

IN THE SUPREME COURT OF PENNSYLVANIA

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Docket No. 4 WM 2022

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RYAN COVERT, ERIK HULICK, and DARLENE J. COVERT,

Petitioners,

v.

2021 PENNSYLVANIA LEGISLATIVE REAPPOINTMENT COMMISSION,

Respondent.

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**APPLICATION FOR ORAL ARGUMENT AND OTHER RELIEF  
IN RESPONSE TO FEBRUARY 17, 2022, AND FEBRUARY 23, 2022,  
ORDERS OF COURT**

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IN THE SUPREME COURT OF PENNSYLVANIA

RYAN COVERT, ERIK HULICK,  
and DARLENE J. COVERT,

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**AND NOW** come the Petitioners, Ryan Covert, Erik Hulick, and Darlene J. Covert, by and through their attorneys, Jen GV Gilliland Vanasdale and Gilliland Vanasdale Sinatra Law Office, LLC, and file this Application for Oral Argument and Other Relief in Response to the February 17, 2022, and February 23, 2022, Orders of Court, and aver the following in support thereof:

1. The Petitioners are Butler County registered voters and residents Ryan Covert, Erik Hulick, and Darlene J. Covert, (hereinafter “Petitioners”), who timely filed on February 15, 2022, a Petition for Review to Challenge the 2021 Pennsylvania Legislative Reapportionment Commission Final Reapportionment Plan released on February 4, 2022.

2. The Petitioners intend to file an Amended Petition for Review on or before the March 7, 2022 deadline to finalize their Challenge that the Final Plan of the 2021 Legislative Reapportionment Commission, as a whole, is contrary to law.

3. This Honorable Court has entered two Orders relative to Petitions for Review Challenging the Final 2021 Legislative Reapportionment Plan: the first being on February 17, 2022 (attached as **Exhibit A**) and the second on February 23, 2022 (attached as **Exhibit B**).

4. Both Orders require that any challenges to the Final 2021 Legislative Reapportionment Commission Plan, as well as supporting briefs, be received by the Court on or before March 7, 2022, the same date that the appeal period expires.

5. Both Orders also require that the Legislative Reapportionment Commission file any consolidated answer, as well as a consolidated brief, on or before 2:00 p.m. on March 11, 2022.

6. The February 17, 2022, Order further states that “[n]o reply briefs will be permitted, and no requests for extension of time will be entertained. Absent

further Order of this Court, the Petitions for Review will be decided on submitted briefs.”

7. Petitioners hereby seek reconsideration and/or further Order of Court considering the seriousness and complexity of this matter.

8. This case is of the utmost importance to all the citizens of this Commonwealth as the outcome will determine our legislative districts for the next decade.

9. Respectfully, due process requires fairness and an opportunity to respond to the answer and brief of the Legislative Reapportionment Commission.

10. Further, the opportunity to present oral argument in an open and transparent manner should be afforded to the Petitioners and all other petitioners challenging the Final Plan of the 2021 Legislative Reapportionment Commission.

11. On February 23, 2022, counsel for the Petitioners received the Certified Record from the Legislative Reapportionment Commission that contains Eight Thousand Three Hundred and Fifty-Eight (8,358) pages, and additional time is needed to review this voluminous production and to brief the issues.

12. Petitioners request for an adequate briefing schedule, the ability to respond to the Respondent’s answer and brief, and for oral argument, is not novel and was provided by the Court in Holt v. 2011 Legislative Reapportionment Comm’n (Holt I), according to the Opinion which states:

“The Pennsylvania Constitution makes clear that a reapportionment plan can never have force of law until all appeals are decided, and even then, only if all challenges are dismissed. See Pa. Const. art II, § 17(e).

**In any event, fourteen days after the appeals were filed, seven days after the matters were briefed, and two days after the appeals were argued, this Court issued its mandate in a per curiam order filed January 25, 2012. That order declared that the Final Plan was contrary to law under Article II, Section 17(d) of the Pennsylvania Constitution, and consistently with the directive in that constitutional provision, we remanded the matter to the LRC to reapportion the Commonwealth in a manner consistent with an Opinion to follow. This is that Opinion.”** Holt v. 2011 Legislative Reapportionment Comm’n (Holt I),

614 Pa. 364, 374 (Pa 2012). (emphasis added).

13. This last Legislative Reapportionment Commission final plan challenge in Holt resulted in the Court consolidating cases and ordering accelerated briefing but with an opportunity for oral argument “in an attempt to conduct meaningful appellate review.” Holt v. 2011 Legislative Reapportionment Comm’n (Holt I), 614 Pa. 364, 383 (Pa 2012).

14. Further, in 2017 the League of Women Voters of Pennsylvania filed a Petition for Review challenging the 2011 Plan for congressional maps. Despite being over six (6) years late, the petitioners in that matter had ample opportunity for briefing, hearing, and oral argument that ultimately led to this Court declaring the 2011 congressional maps to be unconstitutional. League of Women Voters of Pa. v. Commonwealth, 644 Pa. 287 (Pa. 2018).

15. Unlike the petitioners in the League of Women Voters, et. al., the Petitioners in this case acted promptly when the February 4, 2022, map contained in the Final Plan of the Legislative Reapportionment Commission was issued. Petitioners should therefore be entitled to appropriate time as afforded to the petitioners in the League of Women Voters, et. al. to prepare and argue to the Court the constitutionality of the Final Plan of the 2021 Legislative Reapportionment Commission.

16. As to the congressional map following the 2020 census, the petitioners in the consolidated case of Carter that originated in December 2021, were provided with hearings, time for briefing, replies, examination of witnesses and more in Commonwealth Court. The conclusion ended in this Court following oral argument with an Order on February 23, 2022, adopting the Carter plan but without formal Opinion of the Court explaining the rationale, noting Opinions to follow that remain outstanding. Carter v. Chapman, 2022 Pa. LEXIS 102, 2022 WL 304580.

17. The Opinions in Carter would likely be instructive as to the law in this case as to the constitutionality of Pennsylvania map criteria and would therefore be essential to the preparation of Petitioners' brief, while Petitioners again seek similar due process as afforded to the Carter petitioners.

18. While the Petitioners understand that there is a pending legislative election calendar on hold, this was also the case in Holt I when this Court ordered the primary election to continue in the existing districts.

19. The Court in Holt I held:

The delay of the LRC in producing a Final Plan has created a situation where, notwithstanding the alacrity with which this Court has acted, **this Court's discharge of its constitutional duty to review citizen appeals has resulted in disruption of the election primary season. But, in these circumstances, ones not of this Court's creation, the rights of the citizenry and fidelity to our constitutional duty made the disruption unavoidable.**

Id at 376. (emphasis added).

20. It would be unfair and unjust to rush Challenges without meaningful opportunity for appellate review. This Court has an opportunity to send a signal to the People of Pennsylvania that the legislative map process is not partisan or predetermined.

**WHEREFORE**, Petitioners respectfully request that this Honorable Court grant the relief sought herein and enter an appropriate Order.

Respectfully submitted,  
**GILLILAND VANASDALE SINATRA  
LAW OFFICE, LLC**

Date: March 3, 2022

By: /s/ Jen GV Gilliland Vanasdale, Esquire

Attorney for Petitioners

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: PETITIONS FOR REVIEW : No. 569 Judicial Administration Docket  
CHALLENGING THE FINAL 2021 :  
LEGISLATIVE REAPPORTIONMENT :  
PLAN :

**ORDER**

**PER CURIAM**

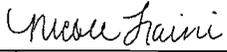
**AND NOW**, this 17<sup>th</sup> day of February, 2022, it is **ORDERED** that all Petitions for Review, as well as supporting briefs, challenging the final plan issued by the Legislative Reapportionment Commission on February 4, 2022, are to be received by this Court on or before March 7, 2022. See PA.CONST. art. II, §17(d) (relating to appeals from final plans of the Legislative Reapportionment Commission). Petitioners shall effectuate service electronically on the Legislative Reapportionment Commission.

Any consolidated answer, as well as a consolidated brief, filed by the Legislative Reapportionment Commission, as Respondent, shall be received by this Court on or before 2:00 p.m. on March 11, 2022.

No reply briefs will be permitted, and no requests for extension of time will be entertained.

Absent further Order of this Court, the Petitions for Review will be decided on submitted briefs.

A True Copy Nicole Traini  
As Of 02/17/2022

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

**EXHIBIT "A"**

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

IN RE: PETITIONS FOR REVIEW : No. 569 Judicial Administration Docket  
CHALLENGING THE FINAL 2021 :  
LEGISLATIVE REAPPORTIONMENT :  
PLAN :

**ORDER**

**PER CURIAM**

**AND NOW**, this 23rd day of February, 2022, given that the appeal period for challenges relative to the Final 2021 Legislative Reapportionment Plan expires on March 7, 2022, see PA. CONST. art. II, §17(d) (relating to appeals from final plans of the Legislative Reapportionment Commission), and that the Legislative Reapportionment Commission's consolidated answer and consolidated brief relative to any such appellate challenges is due on or before 2:00 p.m. on March 11, 2022, the General Primary Election calendar relative to elections for seats in the General Assembly is **TEMPORARILY SUSPENDED** pending further order of this Court.

A True Copy Nicole Traini  
As Of 02/23/2022

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

**EXHIBIT "B"**

VERIFICATION

I, Ryan Covert, hereby verify that the statements of fact contained in the foregoing  
Application for Oral Argument and Other Relief in Response  
to February 17, 2022, and February 23, 2022, Orders of Court  
are true and correct to the best of my knowledge, information, and belief. I understand that false  
statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn  
falsification to authorities.

Date: 3/2/2022

  
\_\_\_\_\_  
Ryan Covert

VERIFICATION

I, Erik Hulick, hereby verify that the statements of fact contained in the foregoing  
Application for Oral Argument and Other Relief in Response  
to February 17, 2022, and February 23, 2022, Orders of Court  
are true and correct to the best of my knowledge, information, and belief. I understand that false  
statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn  
falsification to authorities.

Date: 3/2/22

  
\_\_\_\_\_  
Erik Hulick

VERIFICATION

I, Darlene J. Covert, hereby verify that the statements of fact contained in the foregoing  
Application for Oral Argument and Other Relief in Response  
to February 17, 2022, and February 23, 2022, Orders of Court  
are true and correct to the best of my knowledge, information, and belief. I understand that false  
statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn  
falsification to authorities.

Date: 3/2/2022

  
\_\_\_\_\_  
Darlene J. Covert

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2021 PENNSYLVANIA  
LEGISLATIVE  
REAPPOINTMENT  
COMMISSION,

Respondent.

**ORDER OF COURT**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2022, upon consideration of the Application for Oral Argument and Other Relief in Response to the February 17, 2022, and February 23, 2022, Orders of Court (“Application”), it is hereby ORDERED that the Application is GRANTED as follows:

Respondent’s answer and briefs shall be due as scheduled for March 11, 2022. Thereafter, Petitioners shall have seven (7) days to file any supplemental or responsive brief. Oral argument shall occur within five (5) days thereafter.

Oral argument on all Petitions for Review shall be consolidated and scheduled to occur on the \_\_\_\_ day of \_\_\_\_\_, 2022 at \_\_\_\_\_ a.m./p.m. in \_\_\_\_\_, Pennsylvania.

BY THE COURT:

\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I caused the foregoing **Application for Oral Argument and Other Relief in Response to February 17, 2022, and February 23, 2022, Orders of Court** to be served upon the following party and in the manner indicated below, which service satisfies the requirements of Pa. R.C.P. 121:

By Email and Certified Mail:

Leah A. Mintz, Esquire  
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Strawberry Square, 16<sup>th</sup> Floor  
Harrisburg, PA 17120

/s/ Jen GV Gilliland Vanasdale, Esquire

Dated:            March 3, 2022

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provision of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

Petitioners

By Counsel:

/s/ Jen GV Gilliland Vanasdale, Esquire  
Attorney # 87407

**GILLILAND VANASDALE SINATRA  
LAW OFFICE, LLC**