

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

**GABRIEL INGRAM, RUTH  
MOTON, MARK KIRCHGASSER  
and SUSAN POWELL,**

Petitioners,

v.

**2021 LEGISLATIVE  
REAPPORTIONMENT  
COMMISSION,**

Respondent.

**No.: 18 MM 2022**

**PETITIONERS' APPLICATION TO  
STRIKE THE REPORTS OF DR.  
JONATHAN RODDEN, KOSUKE  
IMAI, AND MATTHEW BARRETO  
FROM RESPONDENT-  
INTERVENOR'S CONSOLIDATED  
ANSWER**

Counsel of Record Petitioners:

**Dillon, McCandless, King,  
Coulter & Graham L.L.P.**

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2. On March 11, 2022, Intervenor-Respondent McClinton filed a Consolidated Answer to Petitions for Review and a Consolidated Brief in Response to Petitions for Review at Docket Numbers 11 MM 2022, 16 MM 2022, 18 MM 2022, 4 WM 2022, 7 WM 2022, 11 WM 2022, and 12 WM 2022.

3. Intervenor-Respondent McClinton's Consolidated Brief in Response to Petitions for Review attached the reports of Dr. Jonathan Rodden, Dr. Kosuke Imai, and Dr. Matthew Barreto, as exhibits. These reports are not part of the record before the 2021 Legislative Reapportionment Commission and should not be considered by this Honorable Court.

4. These reports were drafted after the adoption of the Commission's Final Plan, and, as such, could not have been considered by the Commission or be a part of its record.

5. On March 11, 2022, Majority Leader of the Pennsylvania House of Representatives, Kerry Benninghoff, filed an Application for Order Striking the Newly Submitted Expert Reports at docket number 11 MM 2022. Petitioners join in the requested relief set forth in Representative Benninghoff's Application and incorporate the same by reference as if set forth fully herein.

WHEREFORE, Petitioners respectfully request that this Honorable Court enter an Order striking the reports of Dr. Jonathan Rodden, Dr. Kosuke Imai, and Dr. Matthew Barreto from the briefs and answers of the Commission and Leader McClinton, and request that this Honorable Court not consider these reports. A proposed Order is attached hereto.

Respectfully Submitted,

**Dillon, McCandless, King,  
Coulter & Graham L.L.P.**

Date: March 16, 2022

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**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions 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.

/s/ Thomas E. Breth  
Thomas E. Breth, Esq.

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MIDDLE DISTRICT**

<b>GABRIEL INGRAM, RUTH MOTON, MARK KIRCHGASSER and SUSAN POWELL,</b>	:	<b>No.: 18 MM 2022</b>
	:	
	:	
	:	
Petitioners,	:	
	:	
v.	:	
	:	
<b>2021 LEGISLATIVE REAPPORTIONMENT COMMISSION,</b>	:	
	:	
	:	
Respondent.	:	

**[PROPOSED] ORDER**

AND NOW, on this \_\_\_\_ day of March, 2022, upon consideration of Petitioners' Application to Strike the Reports of Dr. Jonathan Rodden, Kosuke Imai, and Matthew Barreto from Respondent-Intervenor's Consolidated Answer, it is hereby ORDERED that the Application is GRANTED. Such reports are stricken from the briefs and answers of the Respondent Commission and Intervenor-Respondent McClinton and will not be considered by this Court.

\_\_\_\_\_.J.