



Intervenor-Petitioners Leader Joanna E. McClinton (“Leader McClinton”) and the Democratic Caucus of the Pennsylvania House of Representatives (“House Democratic Caucus”) submit this Answer to the Preliminary Objections filed by Intervenor-Respondents Kerry A. Benninghoff and the Pennsylvania House Republican Caucus. A brief in further support of this Answer and Petitioners’ Application for Summary Relief was filed on November 10, 2022.

**ANSWER TO ALLEGATIONS DENOMINATED “INTRODUCTION”**

1. Admitted in part; denied in part. Admitted that the General Assembly passed SB 106 and the yeas and nays of each Representative were recorded with regard to SB 106 in its entirety; Leader McClinton and the House Democratic Caucus deny that the yeas and nays were recorded in the manner that Article XI, § 1 mandates. To the contrary, the House conducted an omnibus vote on all five “separate and distinct” amendments in SB 106 in violation of Article XI, § 1. The remainder of the allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

2. Admitted in part; denied in part. Admitted that Petitioners Governor Tom Wolf and Acting Secretary Leigh M. Chapman filed a Petition for Review (the “Petition”) before this Court on September 23, 2022. The remainder of the allegations in this paragraph concern a written document that speaks for itself and

Leader McClinton and the House Democratic Caucus deny all characterizations of it.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 1”**

3. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

4. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

5. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

6. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

7. Denied. The relief requested by Petitioners is set forth in the Petition, which is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it. The remainder of the allegations in this paragraph are legal conclusions to which no response is required.

To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

8. Denied. The relief requested by Petitioners is set forth in the Petition, which is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it. The remainder of the allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

9. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

10. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

11. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request that this Court overrule this Preliminary Objection.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 2”**

12. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

13. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

14. Admitted in part; denied in part. Admitted that on July 8, 2022, the General Assembly passed SB 106 and the yeas and nays of each Representative were recorded with regard to SB 106 in its entirety; Leader McClinton and the House Democratic Caucus deny that the yeas and nays were recorded in the manner that Article XI, § 1 mandates. To the contrary, the House conducted an omnibus vote on all five “separate and distinct” amendments in SB 106 in violation of Article XI, § 1. Admitted that SB 106 was initially published throughout the Commonwealth by August 8, 2022. Leader McClinton and the House Democratic Caucus further admit that the People elected a new General Assembly during the November 8, 2022 general election. The remainder of the allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

15. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

16. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

17. Denied. The relief requested by Petitioners is set forth in the Petition, which is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it. The remainder of the allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

18. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request that this Court overrule this Preliminary Objection.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 3”**

19. Denied. The Petition is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it.

20. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

21. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

22. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

23. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

24. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request

that this Court overrule this Preliminary Objection.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 4”**

25. Denied. The Petition is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it.

26. Denied. The Petition is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it. The remainder of the allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

27. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

28. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

29. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request

that this Court overrule this Preliminary Objection.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 5”**

30. Denied. The Petition is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it.

31. Denied. The Petition is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it. The remainder of the allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

32. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request that this Court overrule this Preliminary Objection.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 6”**

33. The allegations in this paragraph and the accompanying footnote are denied. The Petition is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it.

34. Denied. The allegations in this paragraph concern a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it.

35. Denied. The allegations in this paragraph concern a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it.

36. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

37. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

38. Denied. The allegations in this paragraph concern written documents that speak for themselves and Leader McClinton and the House Democratic Caucus deny all characterizations of them. The remainder of the allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

39. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

40. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request that this Court overrule this Preliminary Objection.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 7”**

41. Denied. The Petition is a written document that speaks for itself and Leader McClinton and the House Democratic Caucus deny all characterizations of it.

42. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

43. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

44. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

45. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

46. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request that this Court overrule this Preliminary Objection.

**ANSWER TO ALLEGATIONS DENOMINATED “PRELIMINARY  
OBJECTION NO. 8”**

47. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

48. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

49. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

50. Denied. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is required, Leader McClinton and the House Democratic Caucus deny the allegations.

WHEREFORE, Leader McClinton and the House Democratic Caucus request that this Court overrule this Preliminary Objection.

### **CONCLUSION**

For foregoing reasons, and the reasons that were set forth in Leader McClinton and the House Democratic Caucus's November 10 brief in support of Petitioners' Application for Summary Relief and in opposition to the Preliminary Objections of Respondent and Intervenor-Respondents, Intervenor-Respondents Kerry A. Benninghoff and the Pennsylvania House Republican Caucus's Preliminary Objections should be overruled.

Dated: November 18, 2022

Respectfully submitted:

*/s/ Leslie E. John*

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Representative Joanna McClinton and the  
Democratic Caucus of the Pennsylvania  
General Assembly*

**VERIFICATION**

I, Joanna E. McClinton, am the elected state representative for the 191st legislative district and the leader of the Pennsylvania House Democratic Caucus and am authorized to swear and affirm that the factual allegations contained in the attached Democratic House Intervenors' Answer in Opposition to Preliminary Objections Filed by Respondent Representative Kerry A. Benninghoff and the House Republican Caucus on behalf of myself and the Pennsylvania House Democratic Caucus are true and correct to the best of my knowledge, information, and belief. This statement is made pursuant to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

Date: 11/17/2022

  
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**Joanna E. McClinton**

**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.

Date: November 18, 2022

/s/ Elizabeth V. Wingfield

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