

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

REPRESENTATIVE BRYAN CUTLER, :
LEADER OF THE REPUBLICAN :
CAUCUS OF THE PENNSYLVANIA :
HOUSE OF REPRESENTATIVES :

Petitioner, :

v. :

Docket No. 588 M.D. 2022

LEIGH M. CHAPMAN, ACTING :
SECRETARY OF THE :
COMMONWEALTH, THE :
PENNSYLVANIA DEPARTMENT OF :
STATE, and THE BOARD OF :
ELECTIONS OF ALLEGHENY :
COUNTY :

Respondents :

**PETITIONER’S ANSWER IN OPPOSITION TO THE INTERVENTION
APPLICATION OF THE PENNSYLVANIA DEMOCRATIC PARTY**

Petitioner Bryan Cutler, in his capacity as the duly elected member of the Pennsylvania House of Representatives for the 100th Legislative District and as Leader of the Republican Caucus of the House of Representatives (“Representative Cutler”), by and through his counsel, McNeese Wallace & Nurick LLC, hereby files this Answer in Opposition to the Intervention Application of the Pennsylvania Democratic Party.

As explained in further detail in the accompanying Memorandum of Law, the outcome of this action will not affect any legally enforceable interest of the Pennsylvania Democratic Party. As such, the Pennsylvania Democratic Party is not entitled to intervene in this matter. Accordingly, Representative Cutler respectfully requests this Court deny the intervention application of the Pennsylvania Democratic Party.

Representative Cutler answers the intervention application of the Pennsylvania Democratic Party as follows:

1. Denied. The averments in this paragraph are conclusions of law to which no response is required.

2. Admitted upon information and belief.

3. Denied. The averments in this paragraph are conclusions of law to which no response is required.

4. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this paragraph regarding the internal nomination process of the Pennsylvania Democratic Party.

5. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this

paragraph regarding the internal nomination process of the Pennsylvania Democratic Party.

6. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this paragraph regarding the internal nomination process of the Pennsylvania Democratic Party. In this paragraph the Pennsylvania Democratic Party refers to an “incoming-Speaker” without identifying that individual. To the extent that the Pennsylvania Democratic Party is referring to Joanna E. McClinton, the duly elected member of the House of Representatives for the 191st Legislative District and Leader of the Democratic Caucus of the House of Representatives, Representative Cutler specifically denies the characterization of “incoming-Speaker.”

7. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this paragraph regarding the internal nomination process of the Pennsylvania Democratic Party.

8. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this paragraph regarding the internal nomination process of the Pennsylvania Democratic Party.

9. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this paragraph regarding the internal nomination process of the Pennsylvania Democratic Party.

10. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this paragraph regarding the internal nomination process of the Pennsylvania Democratic Party.

Standard for Intervention

11. Denied. The averments in this paragraph are conclusions of law to which no response is required.

12. Denied. The averments in this paragraph are conclusions of law to which no response is required.

13. Denied. The averments in this paragraph are conclusions of law to which no response is required.

14. Denied. The averments in this paragraph are conclusions of law to which no response is required.

Intervention for PA Dems is Appropriate

15. Denied. The averments in this paragraph are conclusions of law to which no response is required.

16. Denied. After reasonable investigation, Representative Cutler is without sufficient information or knowledge to admit or deny the averments in this paragraph regarding the internal nomination process of the Pennsylvania Democratic Party.

17. Admitted upon information and belief.

18. Admitted upon information and belief.

19. Admitted upon information and belief.

20. Denied. The averments in this paragraph are conclusions of law to which no response is required.

21. Denied. The averments in this paragraph are conclusions of law to which no response is required.

22. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

23. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

24. Denied. The averments in this paragraph are conclusions of law to which no responsive pleading is required.

25. It is admitted that the Pennsylvania Democratic Party's proposed filing is attached to their intervention application.

WHEREFORE, Representative Cutler respectfully requests that this Court deny the intervention application of the Pennsylvania Democratic Party.

McNEES WALLACE & NURICK LLC

Date: December 20, 2022

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CERTIFICATE OF COMPLIANCE

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

McNEES WALLACE & NURICK LLC

Date: December 20, 2022

By: 
Kandice K. Hull

PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons below via the Court's PACFile System, which satisfies the requirements of Pennsylvania Rule of Appellate Procedure 121, Pa.R.A.P. 121:

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