

**BLANK ROME LLP**

Brian S. Paszamant (PA ID # 78410)  
Jason A. Snyderman (PA ID # 80239)  
John P. Wixted (PA ID # 309033)  
130 North 18<sup>th</sup> Street  
Philadelphia, PA 19103-6998  
Phone: 215-569-5500  
Facsimile: 215-569-5555  
*Counsel for Respondent Joseph B.  
Scarnati, III*

**CIPRIANI & WERNER, P.C.**

Kathleen A. Gallagher (PA ID # 37950)  
Carolyn Batz McGee (PA ID # 208815)  
650 Washington Road, Suite 700  
Pittsburgh, PA 15228  
Phone: 412-563-2500  
Facsimile: 412-563-2080  
*Counsel for Respondent Michael C. Turzai*

**HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC**

Jason Torchinsky  
Shawn Sheehy  
45 North Hill Drive, Suite 100  
Warrenton, Virginia 20186  
Phone: 540-341-8808  
Facsimile: 540-341-8809  
*Admitted Pro Hac Vice Counsel for  
Respondents Michael C. Turzai and Joseph B. Scarnati III*

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

League of Women Voters of Pennsylvania,  
*et al.*,

*Petitioners,*

v.

The Commonwealth of Pennsylvania, *et al.*,  
*Respondents.*

---

)  
)  
)  
) Civ. No. 261 MD 2017  
)  
)  
)

**RESPONDENTS MICHAEL C. TURZAI AND JOSEPH B.  
SCARNATI, III'S RESPONSE TO PETITIONERS'  
APPLICATION TO COMPEL PRODUCTION OF  
NON-PRIVILEGED DOCUMENTS**

Respondents Michael C. Turzai and Joseph B. Scarnati III (collectively, “Legislative Respondents”) file this Response to Petitioners’ Application to Compel Production of Non-Privileged Documents (the “Application”).

### **INTRODUCTION**

Petitioners’ Application manifests nothing more than Petitioners’ curious effort to manufacture a dispute where none exists, and to then peddle that “dispute” to the Court in an effort to sully Legislative Respondents. Petitioners’ Application advances two “disputes” that they claim necessitate the Court’s intervention: (1) Legislative Respondents’ failure to produce non-privileged documents in their possession responsive to Petitioners’ First Request for Production of Documents (“1<sup>st</sup> RPDs”); and (2) Legislative Respondents’ failure to respond to Petitioners’ Second Request for Production of Documents (“2<sup>nd</sup> RPDs”).

In fact, there exists no real dispute with regard to either item (as set forth, in part, in **Exhibit A** to Petitioners’ Application). With regard to the latter, Legislative Respondents advised Petitioners in **Exhibit A** (at p. 6), that Legislative Respondents would provide responses early this week. Legislative Respondents served such responses this morning (the

“Responses”).<sup>1</sup> And, with regard to the former, Legislative Respondents advised Petitioners in **Ex. A** (at pp. 3, 4) that while they believe the Court’s November 22, 2017 Memorandum and Order (“November 22 Order”) in its Section 8 eliminates any requirement that Legislative Respondents produce documents in response to Petitioners’ 1<sup>st</sup> RPDs, Legislative Respondents would nevertheless produce non-privileged responsive documents in their possession provided that Petitioners agreed that doing so would not constitute a waiver of any privileges this Court recognized in the November 22 Order.

Petitioners refused Legislative Respondents’ offer, *see Ex. A* at 2, and have instead filed this Application. To be clear, Legislative Respondents are now, and have been, willing to produce non-privileged documents in their possession responsive to Petitioners’ 1<sup>st</sup> RPDs, but they are unable to do so out of concern that Petitioners will attempt to seize upon this production to claim waiver. Put simply, Petitioners have the unilateral ability to address their stated concern, but for reasons known only to them, refuse to take a simple step to remedy their situation. *See Ex. A* at 1.

1. Exhibit A speaks for itself, and Petitioners’ characterizations thereof are therefore denied. By way of further response, it is admitted that

---

<sup>1</sup> A copy of the Responses is attached hereto as **Exhibit 1**.

Legislative Respondents have non-privileged documents in their possession responsive to Petitioners' 1<sup>st</sup> RPDs.

2. Legislative Respondents' "Legislative Privilege brief" speaks for itself, and Petitioners' characterizations thereof are therefore denied.

3. Admitted only that Petitioners' 2<sup>nd</sup> RPDs were served on or about November 14, 2017. Petitioners' 2<sup>nd</sup> RPDs speak for themselves, and Petitioners' characterizations thereof are therefore denied.

4. Denied. Legislative Defendants served their Responses to Petitioners' 2<sup>nd</sup> RPDs this morning. *See Ex. 1*. The Responses speak for themselves. By way of further response, and as set forth in the Responses, Legislative Respondents will identify those exhibits that they plan to introduce at trial by December 8, 2017, as contemplated by the Court's November 17, 2017 Supplemental Scheduling Order. *See Ex. 1* at 2.

5. Exhibit A speaks for itself, and Petitioners' characterizations thereof are therefore denied. By way of further response, Legislative Respondents respectfully direct the Court to the Introduction above.

6. The Court's November 22 Order and the "Pennsylvania Rules" speak for themselves, and Petitioners' characterizations thereof are therefore denied. By way of further response, Legislative Respondents deny that the agreement that they offered (as set forth in *Ex. A* and discussed in the

Introduction above) is at all prejudicial to Petitioners.

7. Denied. Legislative Respondents lack information and knowledge sufficient to form as belief as to the origins of Petitioners' diatribe contained in this paragraph of the Application. By way of further response, Legislative Respondents' offer as set forth in **Ex. A** is simple: Legislative Respondents will produce those non-privileged documents in their possession responsive to Petitioners' 1<sup>st</sup> RPDs, provided that Petitioners agree that doing so will not constitute a waiver of any privileges this Court recognized in the November 22 Order. *See Ex. A.*

8. This paragraph of the Application constitutes a legal conclusion to which no response is required.

WHEREFORE, Legislative Respondents respectfully request that this Honorable Court deny Petitioners' Application.

Dated: November 28, 2017

Respectfully Submitted,

**BLANK ROME LLP**

**CIPRIANI & WERNER PC**

/s/ Brian S. Paszamant

BRIAN S. PASZAMANT  
JASON A. SNYDERMAN  
JOHN P. WIXTED  
One Logan Square  
130 N. 18<sup>th</sup> Street  
Philadelphia, Pennsylvania 19103  
Phone: 215-569-5791  
Facsimile: 215-832-5791  
Email: [Paszamant@blankrome.com](mailto:Paszamant@blankrome.com)  
[Snyderman@blankrome.com](mailto:Snyderman@blankrome.com)  
[JWixed@blankrome.com](mailto:JWixed@blankrome.com)  
*Attorneys for Respondent Senator  
Joseph B. Scarnati, III*

/s/ Kathleen Gallagher

KATHLEEN GALLAGHER  
CAROLYN BATZ MCGEE  
650 Washington Road, Suite 700  
Pittsburgh, Pennsylvania 15228  
Phone: 412-563-4978  
Email: [KGallagher@c-wlaw.com](mailto:KGallagher@c-wlaw.com)  
[CMcgee@c-wlaw.com](mailto:CMcgee@c-wlaw.com)  
*Attorneys for Respondent  
Representative Michael C.  
Turzai*

**HOLTZMAN VOGEL JOSEFIAK  
TORCHINSKY PLLC**

/s/ Jason Torchinsky

JASON TORCHINSKY (admitted *Pro Hac Vice*)  
SHAWN SHEEHY (admitted *Pro Hac Vice*)  
45 North Hill Drive, Suite 100  
Warrenton, Virginia 20186  
Phone: 540-341-8808  
Facsimile: 540-341-8809  
Email: [JTorchinsky@hvjt.law](mailto:JTorchinsky@hvjt.law)  
[ssheehy@hvjt.law](mailto:ssheehy@hvjt.law)  
*Attorneys for Respondents Senator Joseph  
B. Scarnati, III and Representative Michael  
C. Turzai*

# EXHIBIT 1

**Brian S. Paszamant (PA ID # 78410)**  
**Jason A. Snyderman (PA ID # 80239)**  
**John P. Wixted (PA ID # 309033)**  
**130 North 18<sup>th</sup> Street**  
**Philadelphia, PA 19103-6998**  
**Phone: 215-569-5500**  
**Facsimile: 215-569-5555**  
***Counsel for Joseph B. Scarnati III***

**Kathleen A. Gallagher (PA ID # 37950)**  
**Carolyn Batz McGee (PA ID # 208815)**  
**650 Washington Road, Suite 700**  
**Pittsburgh, PA 15228**  
**Phone: 412-563-2500**  
**Facsimile: 412-563-2080**  
***Counsel for Michael C. Turzai***

**Jason Torchinsky**  
**Shawn Sheehy**  
**45 North Hill Drive, Suite 100**  
**Warrenton, Virginia 20186**  
**Phone: 540-341-8808**  
**Facsimile: 540-341-8809**  
***Admitted Pro Hac Vice Counsel for***  
***Michael C. Turzai and Joseph B.***  
***Scarnati III***

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

League of Women Voters of Pennsylvania,

*et al.*,

*Petitioners,*

**v.**

The Commonwealth of Pennsylvania,

*et al.*,

*Respondents.*

) Civ. No. 261 MD 2017



**RESPONDENTS MICHAEL C. TURZAI, AND JOSEPH B. SCARNATI  
III'S RESPONSE TO PETITIONERS' SECOND SET OF REQUESTS FOR  
PRODUCTION**

Respondents Michael C. Turzai, and Joseph B. Scarnati III (collectively, "Opposing Respondents") file this Response to Petitioners' Second Set of Requests for Production.

**DOCUMENTS REQUESTED**

1. All documents that You contend support any claim by You that the 2011 Plan was created without partisan intent.

**RESPONSE:** With respect to document request one, you fail to define partisan intent. Absent such a definition Opposing Respondents are unable to determine whether they have any non-privileged responsive documents.

2. All documents that You intend to rely on at trial.

**RESPONSE:** This information will be supplied in accordance with the Court's scheduling order of November 17, 2017.

Dated: November 28, 2017

Respectfully Submitted,

**BLANK ROME, LLP**

By: /s/  
Brian S. Paszamant, Esquire  
Jason A. Snyderman, Esquire  
John P. Wixted, Esquire  
One Logan Square  
130 North 18<sup>th</sup> Street  
Philadelphia, PA 19103-6998

*Counsel for Joseph B. Scarnati III*

**HOLTZMAN VOGEL  
JOSEFIAK TORCHINSKY PLLC**

By: /s/  
Jason Torchinsky, Esquire  
Shawn Sheehy, Esquire  
45 North Hill Drive, Suite 100  
Warrenton, Virginia 20186

*Admitted Pro Hac Vice Counsel for  
Michael C. Turzai and Joseph B. Scarnati III*

**CIPRIANI & WERNER, P.C.**

By: /s/  
Kathleen A. Gallagher  
Carolyn Batz McGee  
John E. Hall, Esquire  
650 Washington Road, Suite 700  
Pittsburgh, PA 15228

*Counsel for Michael C. Turzai*