

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LEAGUE OF WOMEN VOTERS OF
PENNSYLVANIA, et al.,
Petitioners,

Docket No. 261 MD 2017

v.

COMMONWEALTH OF
PENNSYLVANIA, et al.,
Respondents.

LT. GOV. STACK'S PRE-TRIAL MEMORANDUM

Respondent Michael J. Stack III, in his Capacity as Lieutenant Governor of Pennsylvania and President of The Pennsylvania Senate, ("Respondent Stack") hereby presents this Pre-Trial Memorandum:

**I. A LIST OF WITNESSES TO CALL AT TRIAL AND A BRIEF
DESCRIPTION OF THE PROFERRED TESTIMONY**

Respondent Stack intends to testify at trial to discuss the passage of the 2011 Plan and the inability of the General Assembly to draw a curative map if required to do so without guidance from the Court.

Respondent Stack reserves the right to call any of the expert witnesses who have submitted reports in this action if the Court deems any questions to those expert witnesses to be more appropriate for direct testimony rather than cross-examination.

II. A LIST OF ALL EXHIBITS TO BE OFFERED AT TRIAL

Respondent Stack reserves the right to present the following exhibits in either direct testimony or cross-examination:

Potential Exhibit	Brief Description
Respondent Stack 1	Existing Pa. Congressional Map
Respondent Stack 2	Figure 1 from Chen Expert Report
Respondent Stack 3	Chen Report Projected Performance Data
Respondent Stack 4	Renumbered Figure 1 from Chen Expert Report
Respondent Stack 5	Printed Renumber of Figure 1 from Chen Expert Report
Respondent Stack 6	Chart Showing Renumbering of Districts and Chen Projected Performance
Respondent Stack 7	Chart Showing Results of 2012-2016 Congressional Election
Respondent Stack 8	Chart Comparing Actual 2012-2016 Election Results to Chen Projected Performance Data (as Renumbered in Stack 5)
Respondent Stack 9	Chen Figure 1 Map (detailed) with Residences of Incumbent Congressmen Marked
Respondent Stack 10	Chen Figure 1 Map (detailed) with Residences of Incumbent Congressmen Marked and Districts Shown with Stack Renumbering

III. SPECIAL COMMENTS REGARDING LEGAL ISSUES OR OTHER MATTERS

Respondent Stack participated in and joins with all Parties in submitting the Joint Stipulations of Fact. Respondent Stack agrees with Petitioners regarding the elements of their claims and the burdens of proof associated with those claims.

Respondent Stack reserves the right to address any legal or factual issues in his post-trial brief.

Respectfully submitted,

/s/ Clifford B. Levine

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On behalf of Respondent Michael J.
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Dated: December 8, 2017

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 8th day of December 2017, a true and correct copy of the foregoing LT. GOV. STACK'S PRE-TRIAL MEMORANDUM was served via Electronic Mail upon the following:

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