Jel. Wo

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PLAINTIFFS' MOTIO	ON TO EXPEDITE
Defendants.	FEB 2 0 2002
SCHWEIKER, et al) FILED
PENNSYLVANIA; MARK S.	
THE COMMONWEALTH OF) Judge Rambo, Judge) Yohn, Judge Nygaard
v.) No. 1: CV 01-2439
Plaintiffs,)
VIETH, and SUSAN FUREY,	
RICHARD VIETH, NORMA JEAN)

Plaintiffs respectfully request the Court to expedite the hearing in this matter. The state court proceedings for which this Court delayed its initial hearing date of February 11, 2002, are now completed, and the 2002 congressional election schedule imposes its deadline for filing nomination papers on March 12, 2002. Accordingly, it is now appropriate for this Court to resume consideration of this matter.

Plaintiffs respectfully request that this Court reschedule the March 11 hearing for a date closer to the originally scheduled hearing. Plaintiffs note that defendants conducted depositions of their experts last week and that they, in turn, are deposing plaintiffs' experts this week. There is no reason

why the parties cannot be prepared to conduct a hearing at a date substantially earlier than March 11.

Respectfully submitted,

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Attorneys for Plaintiffs Richard Vieth, Norma Jean Vieth, and Susan Furey

Dated: February 20, 2002

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD VIETH, NORMA JEAN)	
VIETH, and SUSAN FUREY,)	
Plaintiffs,)	
,)	
v.)	No. 1: CV 01-2439
)	Judge Rambo, Judge
THE COMMONWEALTH OF)	Yohn, Judge Nygaard
PENNSYLVANIA; MARK S.)	
SCHWEIKER, et al)	
)	
Defendants.)	

CERTIFICATE OF NON-CONCURRENCE

I hereby certify that that I have contacted counsel for the defendants, John Krill and J. Bart DeLone, to determine their positions regarding Plaintiffs' Motion to Expedite, that I have not heard from them as of the filing of this Motion; but that based on their positions throughout this litigation and the analogous state litigation, I reasonably presume they will oppose any Motion to Expedite.

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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD VIETH, NORMA JEAN VIETH et al

Plaintiffs,

v.

THE COMMONWEALTH OF PENNSYLVANIA, et al Defendants.

No. 1: CV 01-2439

Judge Nygaard, Judge Rambo

Judge Yohn

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2002, I caused a true and correct copy of the foregoing document to be served upon the following counsel of record by fax transmission and first class mail, postage prepaid:

J. Bart DeLone Senior Deputy Attorney General Office of Attorney General 15th Floor Strawberry Square Harrisburg, PA 17120

Counsel for Hon. Mark Schweiker, Hon. Kim Pizzingrilli, Richard Filling, and the Commonwealth of Pennsylvania

John P. Krill, Jr. Kirkpatrick and Lockhart LLP 240 N. Third St. Harrisburg PA 17101-1507

Counsel for Hon. Robert Jubelirer and Hon. Matthew Ryan

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