IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 464 MD 2021

Carol Ann Carter; Monica Parrilla; Rebecca Poyourow; William Tung; Roseanne Milazzo; Burt Siegel; Susan Cassanelli; Lee Cassanelli; Lynn Wachman; Michael Guttman; Maya Fonkeu; Brady Hill; Mary Ellen Bachunis; Tom DeWall; Stephanie McNulty; and Janet Temin,

Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

No. 465 MD 2021

Philip T. Gressman; Ron Y. Donagi; Kristopher R. Tapp; Pamela A. Gorkin; David P. Marsh; James L. Rosenberger; Amy Myers; Eugene Boman; Gary Gordon; Liz McMahon; Timothy G. Feeman; and Garth Isaak,

Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

APPLICATION FOR LEAVE TO INTERVENE BY VOTERS OF THE COMMONWEALTH OF PENNSYLVANIA

I. PRELIMINARY STATEMENT

1. Less than 3 months ago, this Court held that the Carter Petitioners[1] lacked standing to pursue an action to impose a deadline for the General Assembly to draw a congressional map and to have this Court draw a new map if that deadline was not met. *See Carter, et al. v. DeGraffenreid*, No. 132 MD 2021 ("*Carter I*").

2. Also in *Carter I*, this Court held that the Proposed Voter Intervenors[2] lacked standing, holding in part that the Proposed Voter Intervenors lacked "an interest that surpasses the interest of all qualified and registered voters in the Commonwealth," and that, because "the current congressional district map is malapportioned across the state," "[*e*]*very elector*, therefore, has an interest in redrawing a congressional map that meets constitutional standards."

3. Nevertheless, the Carter Petitioners now return to this Court, seeking the same relief they sought in *Carter I*.

4. Likewise, the Gressman Petitioners—based solely on an allegation that they "reside and intend to vote in … congressional district[s] that the 2020 Census

[1] The Proposed Voter Intervenors will refer to the petitioners in *Carter, et al. v. Degraffenreid,* No. 464 MD 2021 as the "Carter Petitioners" and the petitioners in *Gressman, et al. v. Degraffenreid*, No. 465 MD 2021 as the "Gressman Petitioners." They will collectively be referred to as "Petitioners."

[2] To distinguish from other individuals who may seek to intervene, the proposed intervenors herein identify themselves as the "Proposed Voter Intervenors."

Data identifies as significantly malapportioned"—seek similar relief in their Petition for Review.

5. To the same extent the Petitioners have standing to pursue this action—and insofar as the Court's order of December 20, 2021 notes that "[if] the General Assembly and the Governor fail to enact a congressional reapportionment plan by January 30, 2022, the Court will select a plan from those plans timely filed by the parties,"—the Proposed Voter Intervenors seek to intervene for the purpose of submitting a congressional reapportionment plan of their own.

6. If the Proposed Voter Intervenors are not permitted to intervene, the Carter Petitioners—who previously pleaded that they "intend to advocate and vote for Democratic candidates in the upcoming 2022 primary and general elections"[3]—will be permitted to submit a proposed congressional map, but registered voters in those same districts who intend to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections will be shut out.

II. BACKGROUND

A. Proposed Voter Intervenors

7. Proposed Voter Intervenor Haroon Bashir resides in Philadelphia County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Mr. Bashir intends to advocate and vote for Republican candidates

[3] *See* Petition for Review filed in *Carter I*, attached as Ex. A.

in the upcoming 2022 primary and general elections. Mr. Bashir resides in the 2nd Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

8. Proposed Voter Intervenor Valerie Biancaniello resides in Delaware County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Ms. Biancaniello intends to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections. Ms. Biancaniello resides in the 5th Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

9. Proposed Voter Intervenor Tegwyn Hughes resides in Northampton County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Ms. Hughes intends to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections. Ms. Hughes resides in the 7th Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

10. Proposed Voter Intervenor Jeffrey Wenk resides in Allegheny County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Mr. Wenk intends to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections. Mr. Wenk resides in the 18th

Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

B. Procedural History

11. Both the Carter Petitioners and the Gressman Petitioners commenced actions on December 17, 2021, by filing the Petitions for Review addressed to the Court's original jurisdiction.

12. On December 20, 2021, this Court entered an order consolidating the two actions.

13. Also on December 20, 2021, this Court entered an order:

a. setting a deadline of December 31, 2021 for applications to intervene to be filed;

b. setting a deadline of January 28, 2022 for any party "to submit to the Court for its consideration a proposed 17-district congressional reapportionment plan consistent with the result of the 2020 Census";

c. noting that "[i]f the General Assembly and the Governor fail to enact a congressional reapportionment plan by January 30, 2022, the Court will select a plan from those plans timely filed by the parties"; and

d. scheduling a final hearing to take place on January 31, 2022.

14. On December 21, 2021, the Petitioners filed with the Pennsylvania Supreme Court separate Applications for the Exercise of Extraordinary Jurisdiction or King's Bench Power (the "King's Bench Applications"). *See* 141 MM 2021; 142 MM 2021.

15. On December 27, 2021, the Respondents filed Answers to the King's Bench Applications.

16. On December 27, 2021, the leadership of both houses of the General Assembly filed Applications to Intervene with the Pennsylvania Supreme Court.

17. Between December 27, 2021 and the time of this filing, several other individuals have sought leave to intervene.

18. To date, the Respondents have not filed a response to either Petition for Review.

III. STANDARD FOR INTERVENTION

19. In an original jurisdiction petition for review, a nonparty may file an application for leave to intervene. Pa. R.A.P. 1531(b).

20. "The right to intervention should be accorded to anyone having an interest of his own which no other party on the record is interested in protecting." *Keener v. Zoning Hearing Bd. of Millcreek Twp.*, 714 A.2d 1120, 1123 (Pa. Commw. Ct. 1998) (citing *Bily v. Bd. of Property Assessment, Appeals and Review of Allegheny Cty.*, 44 A.2d 250 (Pa. 1945)).

21. Pennsylvania law affords a party an absolute right to intervene in an action if the party can satisfy any one of the categories specified in Pa. R. Civ. P. 2327. Pa. R. Civ. P. 2329; *see also Larock v. Sugarloaf Township Zoning Hearing Bd.*, 740 A.2d 308, 313 (Pa. Commw. 1999).

22. The standards for intervention under Pennsylvania Rules of Civil Procedure 2326 through 2329 apply to an original jurisdiction petition for review because Pennsylvania Rule of Appellate Procedure 106 applies the "general rules" for practice in the courts of common pleas—namely, the Rules of Civil Procedure—"so far as they may be applied."

23. Voter Intervenors seek to intervene under Pennsylvania Rule of Civil Procedure 2327(3) and (4), which provide in pertinent part:

> At any time during the pendency of an action, a person not a party thereto *shall be permitted to intervene therein*, subject to these rules *if*
>
> (3) such person could have joined as an original party in the action or could have been joined therein; or
>
> (4) *the determination of such action may affect any legally enforceable interest of such person* whether or not such person may be bound by a judgment in the action.

Pa. R.C.P. No. 2327(3), (4) (emphasis added); *see also Allegheny Reprod. Health Ctr. v. Pa. Dep't of Human Servs*., No. 26 M.D. 2019, 2020 Pa. Commw. LEXIS 104, 2020 WL 424866, at *5 (Pa. Commw. Ct. Jan. 28, 2020) ("Pennsylvania Rule of Civil Procedure No. 2327(4) . . . permits intervention where the determination

'*may affect* any legally enforceable interest' of a proposed intervenor." (quoting Pa. R.C.P. No. 2327(4) and emphasis in original)).

24. If the determination may affect the intervenor's legally enforceable interest, and no exception applies, approving intervention is mandatory, not discretionary. *Larock v. Sugarloaf Twp. Zoning Hearing Bd.*, 740 A.2d 308, 313 (Pa. Commw. Ct. 1999).

25. Moreover, the Court may, in its discretion, allow intervention even if it determines that one of the Rule 2329 exceptions applies. *See* Pa. R.C.P. 2329 (instructing that "an application for intervention *may* be refused" if an exception applies (emphasis added)); *see also* 7 Goodrich Amram 2d § 2329:7 ("Even though the petitioner's interest is adequately represented in the pending action, this fact does not mandate the refusal of intervention since the refusal of intervention on the ground of the adequacy of the representation is permissive in nature.").

26. The Court should grant the Proposed Voter Intervenors' application to intervene because the Court's determination of this action may affect the Voter Intervenors' legally enforceable interests, no exception applies under Pennsylvania Rule of Civil Procedure 2329, and the Voter Intervenors' participation will aid the Court. Further, the Voter Intervenors could have joined as original parties in this action.

IV. BASIS FOR PROPOSED INTERVENTION

A. The Proposed Voter Intervenors Could Have Joined as Original Parties in This Consolidated Action

27. The Proposed Voter Intervenors, like the Carter Petitioners and the Gressman Petitioners, could have been joined as original parties in this consolidated action.

28. The Proposed Voter Intervenors, like the Carter Petitioners and the Gressman Petitioners, reside in malapportioned congressional districts.

29. Indeed, as noted by this Court, "the current congressional district map is malapportioned across the state" and "*[e]very elector*, therefore, has an interest in redrawing a congressional district map that meets constitutional standards."

30. Given the Court's prior ruling, it is not clear whether *any* elector has standing in this action. But to the extent the Carter Petitioners and Gressman Petitioners have standing, so do the Proposed Voter Intervenors.

31. Indeed, as reflected in the proposed Petition for Review, attached hereto as Exhibit B, the Proposed Voter Intervenors could have commenced a separate action; Proposed Voter Intervenors seek to intervene here because the Court has already scheduled a hearing and procedure for selecting a new map; and a separate action would almost certainly be consolidated with the existing actions.

B. The Proposed Voter Intervenors Have Substantial Interests in This Action

32. The Proposed Voter Intervenors have a substantial and particularized interest in preserving the existing framework under which the General Assembly and Governor have until the first day to circulate nominating petitions for Congress to implement a redistricting plan.

33. Courts in Pennsylvania have permitted Republican voters to intervene in challenges to the laws governing Pennsylvania's elections. *See League of Women Voters of Pa. v. Commonwealth*, 178 A.3d 737, 741 n.5 (Pa. 2018).

34. Courts have recognized that intervention is "uniquely" appropriate where the proposed intervenor represents the "'mirror-image' interests of the plaintiffs" who brought the lawsuit. *Democratic Nat'l Comm. v. Bostelmann*, No. 20-cv-249-wmc, 2020 U.S. Dist. LEXIS 76765, 2020 WL 1505640, at *5 (W.D. Wis. Mar. 28, 2020) (quoting *Builders Ass'n of Greater Chicago v. Chicago*, 170 F.R.D. 435, 441 (N.D. Ill. 1996)); *NAACP Minnesota-Dakotas Area State Conf. v. Minn. Secretary of State*, No. 62-cv-20-3625, 2020 Minn. Dist. LEXIS 457, at *14 (Minn. 2d D. Aug. 3, 2020).

35. Proposed Voter Intervenors represent the "mirror-image" of the Carter Petitioners insofar as the Carter Petitioners have previously averred that they are Pennsylvania registered voters who "intend to advocate and vote for Democratic candidates in the upcoming 2022 primary and general elections," Ex. A ¶ 11, while

the Proposed Voter Intervenors intend to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections.

36. The Court has already put into motion a procedure by which parties may submit proposed congressional reapportionment plans, one of which this Court will select if the General Assembly and Governor fail to enact a congressional reapportionment plan.

37. To the extent the Carter Petitioners and Gressman Petitioners have established a "substantial, direct, and immediate" interest in this litigation, so too do the Proposed Voter Intervenors. But the Carter Petitioners intend to advocate and vote for Democratic candidates in the upcoming 2022 primary and general elections—the exact opposite of what the Proposed Voter Intervenors intend to do. And the Gressman Petitioners merely state they are college professors, evincing no intent to represent the same interests as the Proposed Voter Intervenors.

38. As held by this Court in *Sunoco Pipeline L.P. v. Dinniman*, 217 A.3d 1283 (Pa. Commw. 2019), "the inquiry to determine whether a party has standing to initiate litigation is different than the inquiry to determine whether a party can intervene in existing litigation." An individual seeking to intervene in an action need only establish "an interest of such nature that participation … may be in the public interest." *Id*. at 1288–89.

39. As the interests of Proposed Voter Intervenors are of such nature that their participation in this matter may be in the public interest, their intervention is mandatory pursuant to Pa. R.C.P. 2327(4). *See Larock v. Sugarloaf Township Zoning Hearing Bd.*, 740 A.2d 308, 313 (Pa. Commw. 1999).

C. There Is No Basis to Refuse the Voter Intervenors' Application for Leave to Intervene

40. Pennsylvania Rule of Civil Procedure 2329 provides that an application for intervention may be refused if: (1) the petitioner's claim or defense "is not in subordination to and in recognition of the propriety of the action"; (2) the petitioner's interest is already adequately represented; or (3) "the petitioner has unduly delayed in making application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties."

41. None of these factors applies to the Proposed Voter Intervenors.

42. First, the Proposed Voter Intervenors' defense in this action is in subordination to and in recognition of the action's propriety.

43. Second, no existing party adequately represents the Proposed Voter Intervenors' particularized interests. *See* Pa. R.C.P. No. 2329(2). The Carter Petitioners have expressly asserted that they "intend to advocate and vote for Democratic candidates in the upcoming 2022 primary and general elections." The Gressman Petitioners have identified themselves as college professors. The Respondents, the Acting Secretary of the Commonwealth of Pennsylvania and the

Director of the Pennsylvania Bureau of Election Services and Notaries, are political appointees who do not represent the Proposed Voter Intervenors' interests in this case. The Respondents are participating in this action in their official capacity, and thus do not represent the unique interests of the Proposed Voter Intervenors. In short, none of the existing parties represent the interest of the Proposed Voter Intervenors, who intend to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections.

44. Third, the Proposed Voter Intervenors have not unduly delayed the submission of their application to intervene in this action, which remains in its infancy. The Petitions for Review were filed on December 17, 2021. This Court set a deadline of December 31, 2021 for applications to intervene to be filed. The Respondents have not yet filed a responsive pleading to the Petitions for Review. Thus, the Proposed Voter Intervenors' intervention will not cause any undue delay, embarrassment, or prejudice to any party, but their intervention will aid the court in resolving the important legal and factual questions before it.

V. CONCLUSION

45. For the reasons set forth above, the Proposed Voter Intervenors have a clear right to intervene in this case challenging important state laws governing the redistricting of Pennsylvania's congressional seats.

46. The Proposed Voter Intervenors seek to intervene as Petitioners in this action.

47. If granted leave to intervene, the Proposed Voter Intervenors intend to file the Petition for Review attached as Exhibit B.

WHEREFORE, the Proposed Voter Intervenors respectfully request that this Honorable Court enter an Order granting the Proposed Application to Intervene in this matter together with any other relief the Court deems to be appropriate or necessary.

Respectfully submitted,

GALLAGHER GIANCOLA LLC

Dated: December 31, 2021

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Exhibit A

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER; MONICA PARRILLA; REBECCA POYOUROW; WILLIAM TUNG; ROSEANNE MILAZZO; BURT SIEGEL; SUSAN CASSANELLI; LEE CASSANELLI; LYNN WACHMAN; MICHAEL GUTTMAN; MAYA FONKEU; BRADY HILL; MARY ELLEN BALCHUNIS; TOM DEWALL; STEPHANIE MCNULTY; and JANET TEMIN,

Petitioners,

v.

VERONICA DEGRAFFENREID, in her official capacity as the Acting Secretary of the Commonwealth of Pennsylvania; JESSICA MATHIS, in her official capacity as Director for

No. _____

the Pennsylvania Bureau of Election Services and Notaries,

Respondents.

PETITION FOR REVIEW
ADDRESSED TO THE COURT'S ORIGINAL JURISDICTION

INTRODUCTION

1. This is an action challenging Pennsylvania's current congressional district map, which has been rendered unconstitutionally malapportioned by a decade of population shifts. Petitioners ask this Court to declare Pennsylvania's current congressional district plan unconstitutional; enjoin Respondents from using the current plan in any future elections; and implement a new congressional district plan that adheres to the constitutional requirement of one-person, one-vote should the General Assembly and Governor fail to do so.

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2. On April 26, 2021, the U.S. Secretary of Commerce delivered the apportionment data obtained by the 2020 Census to the President. Those data confirm the inevitable reality that population shifts that occurred during the last decade have rendered Pennsylvania's congressional plan unconstitutionally malapportioned. *See Arrington v. Elections Bd.*, 173 F. Supp. 2d 856, 860 (E.D. Wis. 2001) (three-judge court) (explaining that "existing apportionment schemes become instantly unconstitutional upon the release of new decennial census data" (internal quotation marks omitted)).

3. Specifically, the current configuration of Pennsylvania's congressional

districts violates (1) the Free and Equal Elections Clause of the Pennsylvania Constitution; (2) Article I, Section 2 of the U.S. Constitution; (3) 2 U.S.C. § 2c; and (4) the Petition Clause of the Pennsylvania Constitution. The Pennsylvania Constitution's Free and Equal Elections Clause guarantees its citizens the right to "make their votes equally potent in the election; so that some shall not have more votes than others, and that all shall have an equal share." *Patterson v. Barlow*, 60 Pa. 54, 75 (1869). Article 1, Section 2 of the U.S. Constitution requires states to "achieve population equality 'as nearly as is practicable'" when drawing congressional districts. *Karcher v. Daggett*, 462 U.S. 725, 730 (1983) (quoting *Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964)). 2 U.S.C. § 2c provides that a state should have "a number of [congressional] districts equal to the number of Representatives to which such State is so entitled." And the Petition Clause of the Pennsylvania Constitution secures voters' right to associate with other voters to elect their preferred candidates, "not simply as [a] restriction[] on the powers of government, as found in the Federal Constitution, but as [an] inherent and 'invaluable' right[] of man." *Commonwealth v. Tate*, 432 A.2d 1382, 1388 (Pa. 1981).

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4. Petitioners will be forced to cast unequal votes if the current congressional map is not brought into compliance with constitutional requirements. Because the current congressional plan is unconstitutionally malapportioned, it cannot be used in any future election. Moreover, if a new congressional plan is not

in place in a timely manner, Petitioners' right to associate with other voters in support of their preferred candidates will be infringed.

5. While "the primary responsibility and authority for drawing federal congressional legislative districts rests squarely with the state legislature," when "the legislature is unable or chooses not to act, it becomes the judiciary's role to determine the appropriate redistricting plan." *League of Women Voters v. Commonwealth*, 178 A.3d 737, 821-22 (Pa. 2018) (*League of Women Voters I*).

6. In Pennsylvania, congressional district plans must be enacted through legislation, which requires the consent of both legislative chambers and the Governor (unless both legislative chambers override the Governor's veto by a two-thirds vote). *League of Women Voters I*, 178 A.3d at 742; Pa. Const., Art. III, § 4; Pa. Const., Art. IV, § 15.

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7. There is no reasonable prospect that Pennsylvania's political branches will reach consensus to enact a lawful congressional district plan in time to be used in the upcoming 2022 election. Currently, Republicans hold majorities (though not veto-proof majorities) in both chambers of the General Assembly, and Governor Wolf, who has veto power, is a Democrat. The last time Pennsylvania began a redistricting cycle in which its political branches were politically split as they are now, those branches failed to enact a congressional redistricting plan, forcing Pennsylvania's judiciary to take responsibility for enacting a new plan. *See Mellow*

v. Mitchell, 607 A.2d 204 (Pa. 1992).

8. Given the long and acrimonious history of partisan gerrymandering litigation challenging Pennsylvania's previous congressional district map, it is clear that Pennsylvania's political branches are extremely unlikely to agree to a new congressional district plan prior to the 2022 election. Just three years ago, the Republican-controlled General Assembly and Governor Wolf failed to agree on a new congressional plan following the Pennsylvania Supreme Court's invalidation of the plan enacted in 2011, forcing the Court to draw its own. *See League of Women Voters of Pa. v. Commonwealth*, 181 A.3d 1083, 1086 (Pa. 2018) (*League of Women Voters II*). Because there is no reason to believe that the General Assembly and the Governor will be able to reach agreement this time around, this Court should intervene to protect the constitutional rights of Petitioners and voters across the Commonwealth.

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9. While there is still time for the General Assembly and the Governor to enact a new congressional plan, this Court should assume jurisdiction now and establish a schedule that will enable the Court to adopt its own plan in the near-certain event that the political branches fail to timely do so.

JURISDICTION AND VENUE

10. This Court has original jurisdiction over this Verified Petition for Review under 42 Pa. C.S. § 761(a)(1) because this matter is asserted against

Commonwealth officials in their official capacities.

PARTIES

11. Petitioners are citizens of the United States and are registered to vote in Pennsylvania. Petitioners intend to advocate and vote for Democratic candidates in the upcoming 2022 primary and general elections. Petitioners reside in the following congressional districts.

Petitioner's Name	County of Residence	Congressional District
Carol Ann Carter	Bucks	1
Monica Parrilla	Philadelphia	2
Rebecca Poyourow	Philadelphia	3
William Tung	Philadelphia	3
Roseanne Milazzo	Montgomery	4
Burt Siegel	Montgomery	4
Susan Cassanelli	Delaware	5
Lee Cassanelli	Delaware	5
Lynn Wachman	Chester	6
Michael Guttman	Chester	6
Maya Fonkeu	Northampton	7
Brady Hill	Northampton	7
Mary Ellen Balchunis	Dauphin	10
Tom DeWall	Cumberland	10
Stephanie McNulty	Lancaster	11
Janet Temin	Lancaster	11

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12. As shown below, Petitioners reside in districts that are likely overpopulated relative to other districts in the state. Thus, they are deprived of the right to cast an equal vote, as guaranteed to them by the U.S. Constitution and the Pennsylvania Constitution.

13. Respondent Veronica Degraffenreid is the Acting Secretary of the

Commonwealth and is sued in her official capacity only. In that capacity, Acting Secretary Degraffenreid is charged with general supervision and administration of Pennsylvania's elections and election laws. Acting Secretary Degraffenreid is Pennsylvania's Chief Election Official and a member of the Governor's Executive Board. Among her numerous responsibilities in administering elections, Acting Secretary Degraffenreid is responsible for receiving election results from counties for each congressional district in the Commonwealth, and tabulating, computing, canvassing, certifying, and filing those results. 25 P.S. § 3159.

14. Respondent Jessica Mathis is the Director for the Bureau of Election Services and Notaries, a branch of the Pennsylvania Department of State, and she is sued in her official capacity only. In this capacity, Director Mathis is charged with supervising and administering the Commonwealth's elections and electoral process. The Bureau of Election Services and Notaries is responsible for planning, developing, and coordinating the statewide implementation of the Election Code.

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FACTUAL ALLEGATIONS

I. Pennsylvania's current congressional districts were drawn using 2010 Census data.

15. Pennsylvania's congressional district map was most recently redrawn in 2018. On January 22, 2018, the Pennsylvania Supreme Court held that the then-controlling congressional district map enacted in 2011 by a Republican-controlled General Assembly and Republican Governor "plainly and palpably" violated the

Pennsylvania Constitution's Free and Equal Elections Clause because it was "corrupted by extensive, sophisticated gerrymandering and partisan dilution." *See League of Women Voters I*, 178 A.3d at 741, 821. The Court provided the General Assembly and the Governor an opportunity to enact a lawful map, but they failed to do so. Thus, the Court adopted its own map on February 19, 2018. *League of Women Voters II*, 181 A.3d 1083.

16. Because the results of the 2010 Census were the most accurate population data to date, the Court relied exclusively on those data when drawing the new map. According to the 2010 Census, Pennsylvania had a population at that time of 12,702,379. Therefore, a decade ago, the ideal population for each of Pennsylvania's congressional districts (i.e., the state's total population divided by the number of districts) was 705,688 persons.

17. While the districts crafted by the Court in 2018 had perfectly equal populations (with each district's population deviating from all others by no more than one person), those populations were determined using 2010 data.

II. The 2020 Census is complete.

18. In 2020, the U.S. Census Bureau conducted the decennial census required by Article I, Section 2 of the U.S. Constitution. On April 26, 2021, the U.S. Secretary of Commerce delivered the results of the 2020 Census to the President.

19. The results of the 2020 Census report that Pennsylvania's resident

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population, as of April 2020, is 13,002,700. This is a significant increase from a decade ago, when the 2010 Census reported a total population of 12,702,379.

20. However, because Pennsylvania's population growth over the last decade has been slower compared to many other states, Pennsylvania has lost a congressional district. Pennsylvania has been apportioned 17 congressional seats for the 2020 cycle, one fewer than the 18 seats Pennsylvania was apportioned following the 2010 Census. Thus, beginning with the upcoming 2022 election, Pennsylvania voters will elect only 17 members to the U.S. House of Representatives.

21. According to the 2020 Census results, the ideal population for each of Pennsylvania's congressional districts is 764,865.

III. As a result of significant population shifts in the past decade, Pennsylvania's congressional districts are unconstitutionally malapportioned.

22. In the past decade, Pennsylvania's population has shifted significantly. Because the 2020 Census has now been completed, the 2010 population data used to draw Pennsylvania's congressional districts are obsolete, and any prior justifications for the existing maps' deviations from population equality are no longer applicable.

23. By mid-to-late August 2021, the U.S. Secretary of Commerce will deliver to Pennsylvania its redistricting data file in a legacy format, which the Commonwealth may use to tabulate the new population of each political

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subdivision.[1] On or around September 30, 2021, the U.S. Secretary of Commerce will deliver to Pennsylvania that same detailed population data showing the new population of each political subdivision in a tabulated format.[2] These data are commonly referred to as "P.L. 94-171 data," a reference to the 1975 legislation that first required this process, and are typically delivered no later than April of the year following the Census. *See* Pub. L. No. 94-171, 89 Stat. 1023 (1975).

24. 2019 Census Bureau data make clear that significant population shifts have occurred in Pennsylvania's congressional districts since 2010, skewing the current districts far from population equality.

25. The table below estimates how the populations of each of Pennsylvania's congressional districts shifted between 2010 and 2019. For each district, the "2010 Population" column represents the district's 2010 population according to the 2010 Census, and the "2019 Population" column indicates the estimated 2019 population according to the U.S. Census Bureau's 2019 American Community Survey (ACS) 1-Year Survey. The "Shift" column represents the difference in district population between 2010 and 2019. The "Deviation from Ideal 2019 Population" column shows how far the estimated 2019 population of each

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[1] *See U.S. Census Bureau Statement on Release of Legacy Format Summary Redistricting Data File*, U.S. Census Bureau (Mar. 15, 2021), https://www.census.gov/newsroom/press-releases/2021/statement-legacy-format-redistricting.html.

[2] *See Census Bureau Statement on Redistricting Data Timeline*, U.S. Census Bureau (Feb. 12, 2021), https://www.census.gov/newsroom/press-releases/2021/statement-redistricting-data-timeline.html.

district strays from the estimated ideal 2019 congressional district population. And the "Percent Deviation" column shows that deviation as a percentage of the ideal district population as of 2019.

District	2010 Population	2019 Population	Shift	Deviation from Ideal 2019 Population	Percent Deviation
1	705,687	713,411	+7,724	+2,189	+0.31%
2	705,688	722,722	+17,034	+11,500	+1.62%
3	705,688	741,654	+35,966	+30,432	+4.28%
4	705,687	730,701	+25,014	+19,479	+2.74%
5	705,688	719,973	+14,285	+8,751	+1.23%
6	705,688	735,283	+29,595	+24,061	+3.38%
7	705,688	731,467	+25,779	+20,245	+2.85%
8	705,687	698,973	-6,714	-12,249	-1.72%
9	705,687	699,832	-5,855	-11,390	-1.60%
10	705,688	744,681	+38,993	+33,459	+4.70%
11	705,688	734,038	+28,350	+22,816	+3.21%
12	705,688	701,387	-4,301	-9,835	-1.38%
13	705,688	697,051	-8,637	-14,171	-1.99%
14	705,688	678,915	-26,773	-32,307	-4.54%
15	705,688	672,749	-32,939	-38,473	-5.41%
16	705,687	678,333	-27,354	-32,889	-4.62%
17	705,688	706,961	+1,273	-4,261	-0.60%
18	705,688	693,858	-11,830	-17,364	-2.44%

26. The table above indicates population shifts since 2010 have rendered Congressional Districts 8, 9, 12, 13, 14, 15, 16, 17, and 18 significantly underpopulated, and Congressional Districts 1, 2, 3, 4, 5, 6, 7, 10, and 11 significantly overpopulated. Indeed, the figures in the table above indicate that, between 2010 and 2019, the maximum deviation among Pennsylvania's 18

congressional districts (*i.e.*, the difference between the most and least populated districts divided by the ideal district population) increased from 0 to more than 10 percent. Notably, this table does not account for the severe malapportionment that will result from the fact that Pennsylvania has lost a congressional district.

27. Due to these population shifts, Pennsylvania's existing congressional district configuration is unconstitutionally malapportioned. It also contains more districts than the number of representatives that Pennsylvanians may send to the U.S. House in 2022.

28. If used in any future election, the current congressional district configuration will unconstitutionally dilute the strength of Petitioners' votes because they live in districts with populations that are significantly larger than those in which other voters live.

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IV. Pennsylvania's political branches will likely fail to enact lawful congressional district maps in time for the next election.

29. In Pennsylvania, congressional district plans are enacted via legislation, which must pass both chambers of the General Assembly and be signed by the Governor (unless the General Assembly overrides the Governor's veto by a two-thirds vote in both chambers). *League of Women Voters I*, 178 A.3d at 742; Pa. Const., Art. III, § 4; Pa. Const., Art. IV, § 15. Currently, both chambers of Pennsylvania's General Assembly are controlled by the Republican Party, and the Governor is a Democrat. Republican control of the General Assembly is not large

enough to override a gubernatorial veto. This partisan division among Pennsylvania's political branches makes it extremely unlikely they will enact a lawful congressional districting plan in time to be used during the upcoming 2022 election.

30. Pennsylvania law does not set a deadline by which congressional redistricting plans must be in place prior to the first congressional election following release of the Census. Nonetheless, it is in the interests of voters, candidates, and Pennsylvania's entire electoral apparatus that finalized congressional districts be put in place as soon as possible, well before candidates in those districts must begin to collect signatures on their nomination papers. Potential congressional candidates cannot make strategic decisions—including, most importantly, whether to run at all—without knowing their district boundaries. And voters have a variety of interests in knowing as soon as possible the districts in which they reside and will vote, and the precise contours of those districts. These interests include deciding which candidates to support and whether to encourage others to run; holding elected representatives accountable for their conduct in office; and advocating for and organizing around candidates who will share their views, including by working together with other district voters in support of favored candidates.

31. Nomination papers for candidates seeking to appear on the ballot for the 2022 partisan primary election can be circulated as early as February 15, 2022,

less than a year away. 25 P.S. § 2868. And the deadline for filing those papers falls just a few weeks later. *Id.* It is in everyone's interest—candidates and voters alike—that district boundaries are set well before this date. Delaying the adoption of the new plan even until the ballot petition deadline will substantially interfere with Petitioners' abilities to associate with like-minded citizens, educate themselves on the positions of their would-be representatives, and advocate for the candidates they prefer. *Cf. Anderson v. Celebrezze*, 460 U.S. 780, 787-88 (1983) ("The [absence] of candidates also burdens voters' freedom of association, because an election campaign is an effective platform for the expression of views on the issues of the day, and a candidate serves as a rallying point for like-minded citizens.").

32. While the General Assembly was able to enact redistricting plans after the 2010 Census without court intervention, Republicans had trifecta control over the state government at that time. The last time Pennsylvania began a redistricting cycle with political branches divided along partisan lines, as they are now, they failed to enact a new congressional redistricting plan. This failure required intervention by Pennsylvania's judiciary, which drew and adopted a congressional district map. *Mellow*, 607 A.2d 204. Similarly, after the Pennsylvania Supreme Court invalidated Pennsylvania's congressional plan three years ago, the Republican-controlled General Assembly was unable to come to agreement with Governor Wolf on a new plan, forcing the Court to draw a remedial map. *League of Women Voters II*, 181

A.3d at 1086.

33. Pennsylvania is once again entering a redistricting cycle with political branches divided between the two major parties. If anything, the partisan differences among the major parties have only grown starker since their last attempt to reach consensus on redistricting plans in 1991. In just the last two years, Governor Wolf and the Republican-controlled General Assembly have repeatedly conflicted over a broad range of policies such as the state's response to the COVID-19 pandemic, emergency executive powers, environmental issues, and gun regulations, with the Governor using his veto power on numerous occasions. Additionally, the Census delays have compressed the amount of time during which the legislative process would normally take place. As a result, the political branches are highly likely to be at an impasse this cycle and to fail to enact a new congressional district plan. This would deprive Petitioners of equal representation in Congress and their freedom of association. To avoid such an unconstitutional outcome, this Court must intervene to ensure Petitioners and other Pennsylvanians' voting strength is not diluted.

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CLAIMS FOR RELIEF

COUNT I

Violation of Free and Equal Elections Clause
Pa. Const., Art. I, § 5
Congressional Malapportionment

34. Petitioners reallege and reincorporate by reference all prior paragraphs

of this Petition and the paragraphs in the count below as though fully set forth herein.

35. The Pennsylvania Constitution's Free and Equal Elections Clause provides: "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Pa. Const., Art. I, § 5. This clause "should be given the broadest interpretation, one which governs all aspects of the electoral process, and which provides the people of this Commonwealth an equally effective power to select the representative of his or her choice, and bars the dilution of the people's power to do so." *League of Women Voters I*, 178 A.3d at 814.

36. The Free and Equal Elections Clause "establishe[s] a critical 'leveling' protection in an effort to establish the uniform right of the people of this Commonwealth to select their representatives in government." *Id.* at 807.

37. The "equality" prong of the Free and Equal Elections Clause requires that voting districts be drawn "by laws which shall arrange all the qualified electors into suitable districts, and make their votes equally potent in the election; so that some shall not have more votes than others, and that all shall have an equal share." *Id.* at 809 (quoting *Patterson*, 60 Pa. at 75). Thus, any scheme that "has the effect of impermissibly diluting the potency of an individual's vote for candidates for elective office relative to that of other voters will violate the guarantee of 'free and equal' elections afforded by Article I, Section 5." *Id.*

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38. Pennsylvania's current congressional district plan places voters into districts with significantly disparate populations, causing voters in underpopulated districts to have more "potent" votes compared to voters, like Petitioners, who live in districts with comparatively larger populations.

39. Any future use of Pennsylvania's current congressional district plan would violate Petitioners' right to an undiluted vote under the Free and Equal Elections Clause.

COUNT II

Violation of Article I, Section 2 of the United States Constitution Congressional Malapportionment

40. Petitioners reallege and reincorporate by reference all prior paragraphs of this Petition and the paragraphs in the count below as though fully set forth herein.

41. Article 1, Section 2 of the U.S. Constitution provides that members of the U.S. House of Representatives "shall be apportioned among the several States . . . according to their respective Numbers." This provision "intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote," *Wesberry*, 376 U.S. at 7, meaning that state congressional districts must "achieve population equality 'as nearly as is practicable,'" *Karcher*, 462 U.S. at 730 (quoting *Wesberry*, 376 U.S. at 7-8).

42. Article I, Section 2 "permits only the limited population variances which are unavoidable despite a good-faith effort to achieve absolute equality, or for

which justification is shown." *Karcher*, 462 U.S. at 730 (quoting *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969)). And "the State must justify each variance, no matter how small." *Id.* (quoting *Kirkpatrick*, 394 U.S. at 530-31). Given this requirement, when the Pennsylvania Supreme Court adopted its own congressional plan in 2018, it crafted a plan in which the population deviation among districts was no more than *one person*. Now, as indicated in the table above, the population deviation among Pennsylvania's congressional districts may be as high as 71,932 people.

43. In light of the significant population shifts that have occurred since the 2010 Census, and the recent publication of the results of the 2020 Census, the current configuration of Pennsylvania's congressional districts—which was drawn based on 2010 Census data—is now unconstitutionally malapportioned. No justification can be offered for the deviation among the congressional districts because any justification would be based on outdated population data.

44. Any future use of Pennsylvania's current congressional district plan would violate Petitioners' constitutional right to cast an equal, undiluted vote.

COUNT III

Violation of 2 U.S.C. § 2c
Congressional Malapportionment

45. Petitioners reallege and reincorporate by reference all prior paragraphs of this Petition and the paragraphs in the count below as though fully set forth herein.

46. 2 U.S.C. § 2c provides that, in a state containing "more than one Representative," "there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled."

47. Pennsylvania's current congressional district plan contains 18 districts. But Pennsylvania is currently allotted only 17 seats in the U.S. House. As a result, the current congressional district plan violates Section 2c's requirement that the number of congressional districts be "equal to the number of Representatives to which [Pennsylvania] is so entitled."

48. Any future use of Pennsylvania's current congressional district plan would violate 2 U.S.C. § 2c and would unlawfully dilute Petitioners' votes.

COUNT IV

Violation of Petition Clause
Pa. Const., Art. I, § 20
Freedom of Association

49. Petitioners reallege and reincorporate by reference all prior paragraphs of this Petition and the paragraphs in the count below as though fully set forth herein.

50. The Pennsylvania Constitution's Petition Clause provides: "The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance." Pa. Const., Art. I, § 20. "The Pennsylvania Constitution affords greater protection of

speech and associational rights than does our Federal Constitution." *Working Families Party v. Commonwealth*, 169 A.3d 1247, 1260 (Pa. Commw. Ct. 2017) (citing *DePaul v. Commonwealth*, 969 A.2d 536, 546 (Pa. 2009)); *see also Commonwealth v. Tate*, 432 A.2d 1382, 1388 (Pa. 1981) ("It is small wonder, then, that the rights of freedom of speech, assembly, and petition have been guaranteed since the first Pennsylvania Constitution, not simply as restrictions on the powers of government, as found in the Federal Constitution, but as inherent and 'invaluable' rights of man.").

51. Impeding candidates' abilities to run for political office—and consequently Petitioners' abilities to assess candidate qualifications and positions, organize and advocate for preferred candidates, and associate with like-minded voters—infringes on Petitioners' right to association.

52. Given the delay in publication of the 2020 Census data and the near-certain deadlock among the political branches in adopting a new congressional district plan, it is significantly unlikely that the legislative process will timely yield a new plan. This would deprive Petitioners of the ability to associate with others from the same lawfully apportioned congressional district, and, therefore, is likely to significantly, if not severely, burden Petitioners' right to association.

53. There is no legitimate or compelling interest that can justify this burden.

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PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

a. Declare that the current configuration of Pennsylvania's congressional districts violates Article I, Section 5 of the Pennsylvania Constitution; Article I, Section 2 of the U.S. Constitution; 2 U.S.C. § 2c; and Article I, Section 20 of the Pennsylvania Constitution;

b. Enjoin Respondents, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing, enforcing, or giving any effect to Pennsylvania's current congressional district plan;

c. Establish a schedule that will enable the Court to adopt and implement a new congressional district plan by a date certain should the political branches fail to enact such plan by that time;

d. Implement a new congressional district plan that complies with Article I, Section 5 of the Pennsylvania Constitution; Article I, Section 2 of the U.S. Constitution; 2 U.S.C. § 2; and Article I, Section 20 of the Pennsylvania Constitution, if the political branches fail to enact a plan by a date certain set by this Court;

e. Award Petitioners their costs, disbursements, and reasonable attorneys' fees; and

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f. Grant such other and further relief as the Court deems just and proper.

Dated: April 26, 2021

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

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

Submitted by: Edward D. Rogers

Signature: */s/ Edward D. Rogers*

Name: Edward D. Rogers

Attorney No.: 69337

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VERIFICATION

I, Carol Ann Carter, hereby state:

1. I am a petitioner in this action;

2. I verify that the statements made in the foregoing Petition for Review are true and correct to the best of my knowledge, information, and belief; and

3. I understand that the statements in said Petition for Review are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Signed: Carol Ann Carter

Dated: April 26, 2021

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NOTICE TO PLEAD

TO: Acting Secretary Veronica Degraffenreid
Pennsylvania Department of State
Office of the Secretary
302 North Office Building, 401 North Street
Harrisburg, PA 17120

Director Jessica Mathis
Pennsylvania Bureau of Election Services and Notaries
210 North Office Building, 401 North Street
Harrisburg, PA 17120

You are hereby notified to file a written response to the enclosed Petition for Review within thirty (30) days from service hereof or a judgment may be entered against you.

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Dated: April 26, 2010

/s/ Robert J. Clark
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CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused the foregoing Petition for Review to be served upon the following parties and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 1514 and 121:

By Certified Mail:

Acting Secretary Veronica Degraffenreid
Pennsylvania Department of State
Office of the Secretary
302 North Office Building, 401 North Street
Harrisburg, PA 17120

Director Jessica Mathis
Pennsylvania Bureau of Election Services and Notaries
210 North Office Building, 401 North Street
Harrisburg, PA 17120

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Dated: April 26, 2021

/s/ Robert J. Clark
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Exhibit B

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 464 MD 2021

Carol Ann Carter; Monica Parrilla; Rebecca Poyourow; William Tung; Roseanne Milazzo; Burt Siegel; Susan Cassanelli; Lee Cassanelli; Lynn Wachman; Michael Guttman; Maya Fonkeu; Brady Hill; Mary Ellen Bachunis; Tom DeWall; Stephanie McNulty; and Janet Temin,

Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

No. 465 MD 2021

Philip T. Gressman; Ron Y. Donagi; Kristopher R. Tapp; Pamela A. Gorkin; David P. Marsh; James L. Rosenberger; Amy Myers; Eugene Boman; Gary Gordon; Liz McMahon; Timothy G. Feeman; and Garth Isaak,

Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

Haroon Bashir, Valerie Biancaniello, Tegwyn Hughes, and Jeffrey Wenk,

Intervenor-Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

PETITION FOR REVIEW
ADDRESSED TO THE COURT'S ORIGINAL JURISDICTION

INTRODUCTION

1. At present, Pennsylvania does not have a constitutional congressional map for the 2022 election cycle. In this action, the Voter Intervenors request that to the extent the General Assembly and Governor are unable to timely enact a congressional reapportionment plan via the legislative process, this Court: (1) declare Pennsylvania's current congressional district plan unconstitutional for use in the 2022 election cycle; (2) enjoin the use of the current congressional district plan in elections starting in 2022; and (3) adopt a new congressional district plan with the correct number of congressional districts that adheres to the one-person, one-vote standard and all other applicable constitutional and legal requirements.

JURISDICTION AND VENUE

2. This Court has original jurisdiction over this Verified Petition for Review under 42 Pa.C.S. § 761(a)(1) because this matter is asserted against Commonwealth officials in their official capacities.

PARTIES

3. Haroon Bashir resides in Philadelphia County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Mr. Bashir intends to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections. Mr. Bashir resides in the 2nd Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

4. Valerie Biancaniello resides in Delaware County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Ms. Biancaniello intends to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections. Ms. Biancaniello resides in the 5th Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

5. Tegwyn Hughes resides in Northampton County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Ms. Hughes intends to advocate and vote for Republican candidates in the upcoming

2022 primary and general elections. Ms. Hughes resides in the 7th Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

6. Jeffrey Wenk resides in Allegheny County, Pennsylvania, is registered to vote in Pennsylvania, and consistently votes in each election. Mr. Wenk intends to advocate and vote for Republican candidates in the upcoming 2022 primary and general elections. Mr. Wenk resides in the 18th Congressional District, which the 2020 Census Redistricting Data demonstrates will be malapportioned beginning with the 118th United States Congress.

7. The Voter Intervenors reside in districts that are overpopulated relative to other districts in the state and/or reside in districts that are malapportioned. Further, at present, the Voter Intervenors each reside in one of 18 congressional districts, when Pennsylvania has only been apportioned 17 congressional districts beginning with the 2022 election. Thus, each of the Voter Intervenors are deprived of the right to cast an equal vote, as guaranteed to them by the U.S. Constitution and the Pennsylvania Constitution.

8. Respondent Veronica Degraffenreid is the Acting Secretary of the Commonwealth and is sued in her official capacity only. In that capacity, Acting Secretary Degraffenreid is charged with general supervision and administration of Pennsylvania's elections and election laws. Acting Secretary Degraffenreid is

Pennsylvania's Chief Election Official and a member of the Governor's Executive Board. Among her responsibilities is administering elections, Acting Secretary Degraffenreid is responsible for receiving election results from counties for each congressional district in the Commonwealth, and tabulating, computing, canvassing, certifying, and filing those results. 25 P.S. § 3159.

9. Respondent Jessica Matthis is the Director for the Bureau of Election Services and Notaries, a branch of the Pennsylvania Department of State, and she is sued in her official capacity only. In this capacity, Director Mathis is charged with supervising and administering the Commonwealth's elections and electoral process. The Bureau of Election Services and Notaries is responsible for planning, developing, and coordinating the statewide implementation of the Election Code.

FACTUAL ALLEGATIONS

I. Pennsylvania's population changes from 2010 to 2020

10. Pennsylvania's current congressional map is based upon the 2010 Census data, when Pennsylvania had a population of 12,702,379. Dividing the population by the 18 congressional districts apportioned to Pennsylvania, the ideal population for each of Pennsylvania's congressional districts was 705,688.

11. Based on the results of the 2020 Census, Pennsylvania has a population of 13,002,700. Beginning in 2022, Pennsylvania will have only 17 congressional

districts. Thus, the ideal population for each of Pennsylvania congressional districts beginning in 2022 will be 764,865.

12. Due to population shifts and the apportionment of one fewer congressional district following the 2020 Census, each congressional district in Pennsylvania will be malapportioned for the 2022 election.

13. Accordingly, each of the Voter Intervenors reside and intend to vote in a congressional district that will be malapportioned for the 2022 election.

II. Deadline to adopt a new congressional district plan

14. Pennsylvania's political branches have not yet enacted a lawful congressional map for the 2022 election.

15. The Pennsylvania Election Code does not provide a deadline for the enactment of a congressional map. As a practical matter, a new congressional map must be enacted by February 15, 2022, the first date candidates may circulate nomination papers to appear on the ballot for the 2022 primary election. 25 P.S. § 2868.

16. On December 17, 2021, the petitioners in *Carter v. Degraffenreid* and *Gressman v. Degraffenreid* filed Petitions for Review with this Court, requesting the Court to declare the current congressional district plan unconstitutional and to adopt a new congressional district plan.

17. On December 20, 2021, this Court entered an order:

a. setting a deadline of December 31, 2021 for applications to intervene to be filed;

b. setting a deadline of January 28, 2022 for any party "to submit to the Court for its consideration a proposed 17-district congressional reapportionment plan consistent with the result of the 2020 Census";

c. noting that "[i]f the General Assembly and the Governor fail to enact a congressional reapportionment plan by January 30, 2022, the Court will select a plan from those plans timely filed by the parties"; and

d. scheduling a final hearing to take place on January 31, 2022.

18. Pursuant to the Court's order, the Voter Intervenors intend to submit for consideration a proposed congressional reapportionment plan that complies with the federal and state constitutional requirements.

19. Accordingly, although there is still time for a new congressional map to be enacted by the General Assembly and Governor, the deadline imposed by the Court necessitates the filing of this action now to preserve the Voter Intervenors' rights to reside and vote in constitutionally apportioned congressional districts.

COUNT I

Violation of Free and Equal Elections Clause
Pa. Const. Art. I, § 5
Congressional Malapportionment

20. Voter Intervenors incorporate by reference all prior paragraphs of this pleading as if set forth at length herein.

21. Under the Pennsylvania Constitution's Free and Equal Elections Clause: "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." PA. CONST. art. I, § 5.

22. The Pennsylvania Supreme Court has interpreted the Free and Equal Elections Clause to apply to the setting of the boundaries for congressional districts. *See League of Women Voters*, 178 A.3d 737 (Pa. 2018). Specifically, the Supreme Court has held that under the Free and Equal Elections Clause, congressional districts must be drawn "by laws which shall arrange all the qualified electors into suitable districts, and make their votes equally potent in the election; so that some shall not have more votes than others, and that all shall have an equal share." *Id.* at 809.

23. Pennsylvania's current congressional district plan places voters, including the Voter Intervenors, in congressional districts with disparate

populations, causing voters in less populous districts to have more influence than voters in more populous districts.

24. Any future use of Pennsylvania's current congressional district plan would violate the Voter Intervenors' right to an undiluted vote under the Free and Equal Elections Clause.

COUNT II

Violation of U.S. Const. art. I, § 2
Congressional Malapportionment

25. Voter Intervenors incorporate by reference all prior paragraphs of this pleading as if set forth at length herein.

26. The Constitution of the United States provides in relevant part that the U.S. House of Representatives "shall be apportioned among the States … according to their respective Numbers." This requires that congressional districts be drawn to "achieve population equality 'as nearly as is practicable.'" *Karcher v. Daggett*, 462 U.S. 725, 730 (1983) (quoting *Wesberry v. Sanders*, 376 U.S. 1, 7–8 (1964)).

27. The current congressional district plan created 18 districts with a deviation of just one person based on the 2010 Census.

28. As reflected in the 2020 Census, Pennsylvania's population has shifted dramatically.

29. The variance in population between the 2010 and 2020 Censuses has resulted in the current congressional districts deviating in population by tens of thousands of people.

30. The use of Pennsylvania's current congressional district plan in the 2022 election would violate the Voter Intervenors' right to an equal, undiluted vote.

COUNT III

Violation of 2 U.S.C. § 2c
Congressional Malapportionment

31. Voter Intervenors incorporate by reference all prior paragraphs of this pleading as if set forth at length herein.

32. Under 2 U.S.C. § 2c, "there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established."

33. Pennsylvania's current congressional district plan contains 18 districts.

34. Following the 2020 Census, Pennsylvania is currently apportioned only 17 congressional seats.

35. Effective with the 2022 election, Pennsylvania's current congressional district plan will not comply with the requirement of Section 2c that Pennsylvania's congressional districts be equal to the number of representatives to which it is entitled.

36. Use of the current congressional district plan in the 2022 election would violate 2 U.S.C. § 2c and would thereby dilute Voter Intervenors' votes.

PRAYER FOR RELIEF

WHEREFORE, the Voter Intervenors respectfully request that this Court:

a. Declare that the use of the current congressional district plan would violate Article I, Section 5 of the Pennsylvania Constitution; Article I, Section 2 of the U.S. Constitution; and 2 U.S.C. § 2c if used in the 2022 election;

b. Enjoin Respondents, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing, enforcing, or giving any effect to Pennsylvania's current congressional district plan in the 2022 election;

c. To the extent the General Assembly and Governor fail to timely adopt a new congressional district plan, adopt a new congressional district plan that complies with Article I, Section 5 of the Pennsylvania Constitution; Article I, Section 2 of the U.S. Constitution; and 2 U.S.C. § 2c; and

d. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

GALLAGHER GIANCOLA LLC

Dated: December 31, 2021

/s/ Kathleen A. Gallagher

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kag@glawfirm.com
Russell D. Giancola
PA #200058
rdg@glawfirm.com

3100 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
412.717.1900 (Phone)
412.717.1901 x)

Counsel for Intervenors-Petitioners Haroon Bashir, Valerie Biancaniello, Tegwyn Hughes, and Jeffrey Wenk

NOTICE TO PLEAD

To: Respondents

You are hereby notified to file a written response to the enclosed Petition for Review within thirty (30) days from service hereof or a judgment may be entered against you.

GALLAGHER GIANCOLA LLC

Dated: December 31, 2021

/s/ Kathleen A. Gallagher
Kathleen A. Gallagher
Russell D. Giancola

VERIFICATION

I hereby verify that I have read the foregoing ***Petition for Review*** and that the averments of fact stated therein are true and correct to the best of my knowledge, information, and belief. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 12/30/2021

Signed: Jeffrey R. Work

Name: Jeffrey R. Work

VERIFICATION

I hereby verify that I have read the foregoing ***Petition for Review*** and that the averments of fact stated therein are true and correct to the best of my knowledge, information, and belief. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 12/30/2021 Signed: _____

Name: Aaron Bashis

VERIFICATION

I hereby verify that I have read the foregoing ***Petition for Review*** and that the averments of fact stated therein are true and correct to the best of my knowledge, information, and belief. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 30 December 2021 Signed: Tegwyn E Hughes

Name: Tegwyn E. Hughes

VERIFICATION

I hereby verify that the averments of fact contained in the foregoing ***Petition for Review*** are true and correct to the best of my knowledge, information, and belief, based upon information provided to me by Valerie Biancaniello, who is outside the jurisdiction and whose verification cannot be obtained within the time allowed for filing. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: December 31, 2021 Signed: */s/ Kathleen A. Gallagher*

Attorney for Valerie Biancaniello

VERIFICATION

I hereby verify that I have read the foregoing ***Application for Leave to Intervene*** and that the averments of fact stated therein are true and correct to the best of my knowledge, information, and belief. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 12/30/2021

Signed: Jeffrey R Wenk

Name: Jeffrey R. Wenk

VERIFICATION

I hereby verify that I have read the foregoing ***Application for Leave to Intervene*** and that the averments of fact stated therein are true and correct to the best of my knowledge, information, and belief. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 12/30/2021 Signed: _____

Name: Aaron Bashis

VERIFICATION

I hereby verify that I have read the foregoing ***Application for Leave to Intervene*** and that the averments of fact stated therein are true and correct to the best of my knowledge, information, and belief. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 30 December 2021 Signed: Tegwyn E. Hughes

Name: Tegwyn E. Hughes

VERIFICATION

I hereby verify that the averments of fact contained in the foregoing ***Application for Leave to Intervene*** are true and correct to the best of my knowledge, information, and belief, based upon information provided to me by Valerie Biancaniello, who is outside the jurisdiction and whose verification cannot be obtained within the time allowed for filing. I understand that these averments of fact are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: December 31, 2021 Signed: */s/ Kathleen A. Gallagher*

Attorney for Valerie Biancaniello

CERTIFICATE OF COMPLIANCE
WITH PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the *Public Access Policy of the United 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.

GALLAGHER GIANCOLA LLC

Dated: December 31, 2021

/s/ Kathleen A. Gallagher
Kathleen A. Gallagher
Russell D. Giancola

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2021, I caused a true and correct copy of the foregoing **Application for Leave to Intervene by Voters of the Commonwealth of Pennsylvania**, to be filed via the Court's PAC File System and email, on the following :

Lalitha D. Madduri Christina A. Ford Jyoti Jasrasaria Elias Law Group LLP 10 G St. NE, Suite 600 Washington, D.C. 20002 lmadduri@elias.law cford@elias.law jjasrasaria@elias.law *Counsel for Carter Petitioners*	Edward D. Rogers Marcel S. Pratt Robert J. Clark Michael R. McDonald Paul K. Ort Ballard Spahr LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103 RogersE@ballardspahr.com PrattM@ballardspahr.com ClarkR@ballardspahr.com McDonaldM@ballardspahr.com OrtP@ballardspahr.com *Counsel for Carter Petitioners*
Abha Khanna Elias Law Group LLP 1700 Seventh Ave, Suite 2100 Seattle, WA 98101 akhanna@elias.law *Counsel for Carter Petitioners*	Matthew Gordon Perkins Coie LLP 1201 Third Avenue Suite 4900 Seattle, WA 98101 MGordon@perkinscoie.com *Counsel for Carter Petitioners*

Sam Hirsch Jessica Ring Amunson Lindsay C. Harrison Tassity S. Johnson Claire M. Lally Jenner & Block LLP 1099 New York Avenue, NW, Suite 900 Washington, DC 20001 SHirsch@jenner.com JAmunson@jenner.com TJohnson@jenner.com LHarrison@jenner.com CLally@jenner.com *Counsel for Gressman Petitioners*	Kim M. Watterson Devin M. Misour Reed Smith LLP 225 Fifth Avenue, Suite 1200 Pittsburgh, PA 15222 kwatterson@reedsmith.com dmisour@reedsmith.com *Counsel for Gressman Petitioners*
April A. Otterberg Jenner & Block LLP 353 North Clark Street Chicago, IL 60654-3456 AOtterberg@jenner.com *Counsel for Gressman Petitioners*	Shannon McClure Reed Smith LLP Three Logan Square 117 Arch Street, Suite 3100 Philadelphia, PA 19103 smcclure@reedsmith.com *Counsel for Gressman Petitioners*
Robert A. Wiygul John B. Hill Hangley Aronchick Segal Pudlin & Schiller One Logan Square, 27th Floor Philadelphia, PA 19103 raw@hangley.com jbh@hangley.com *Counsel for Respondents*	

GALLAGHER GIANCOLA LLC

Dated: December 31, 2021

/s/ Kathleen A. Gallagher
Kathleen A. Gallagher

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 464 MD 2021

Carol Ann Carter; Monica Parrilla; Rebecca Poyourow; William Tung; Roseanne Milazzo; Burt Siegel; Susan Cassanelli; Lee Cassanelli; Lynn Wachman; Michael Guttman; Maya Fonkeu; Brady Hill; Mary Ellen Bachunis; Tom DeWall; Stephanie McNulty; and Janet Temin,

Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

No. 465 MD 2021

Philip T. Gressman; Ron Y. Donagi; Kristopher R. Tapp; Pamela A. Gorkin; David P. Marsh; James L. Rosenberger; Amy Myers; Eugene Boman; Gary Gordon; Liz McMahon; Timothy G. Feeman; and Garth Isaak,

Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

Haroon Bashir, Valerie Biancaniello, Tegwyn Hughes, and Jeffrey Wenk,

Intervenor-Petitioners,

v.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Matthis, in Her Acting Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2021, upon consideration of the Application for Leave to Intervene filed by the Proposed Voter Intervenors, and any opposition thereto, it is hereby ORDERED that said application is GRANTED. The Proposed Voter Intervenors are granted leave to intervene as Respondents. The Preliminary Objections attached as Exhibit B to the application are deemed filed effective the date of this Order.

BY THE COURT:

_____, J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Carol Ann Carter, Monica Parrilla, Rebecca Poyourow, William Tung, Roseanne Milazzo, Burt Siegel, Susan Cassanelli, Lee Cassanelli, Lynn Wachman, Michael Guttman, Maya Fonkeu, Brady Hill, Mary Ellen Balchunis, Tom DeWall, Stephanie McNulty and Janet Temin, Petitioners	:	464 MD 2021
	:	465 MD 2021
v.	:	
Veronica Degraffenreid, in her official capacity as the Acting Secretary of the Commonwealth of Pennsylvania; Jessica Mathis, in her official capacity as Director for the Pennsylvania Bureau of Election Services and Notaries, Respondents		

PROOF OF SERVICE

I hereby certify that this 31st day of December, 2021, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Service

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	April Otterberg
Service Method:	Email
Email:	aotterberg@jenner.com
Service Date:	12/31/2021
Address:	
Phone:	312-840-8646

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Representing:	Petitioner	Amy Myers
	Petitioner	Amy Myers
	Petitioner	Brady Hill
	Petitioner	Burt Siegel
	Petitioner	Carol Ann Carter
	Petitioner	David P. Marsh
	Petitioner	David P. Marsh
	Petitioner	Eugene Boman
	Petitioner	Eugene Boman
	Petitioner	Garth Isaak
	Petitioner	Garth Isaak
	Petitioner	Gary Gordon
	Petitioner	Gary Gordon
	Petitioner	James L. Rosenberger
	Petitioner	James L. Rosenberger
	Petitioner	Janet Temin
	Petitioner	Kristopher R. Tapp
	Petitioner	Kristopher R. Tapp
	Petitioner	Lee Cassanelli
	Petitioner	Liz McMahon
	Petitioner	Liz McMahon
	Petitioner	Lynn Wachman
	Petitioner	Mary Ellen Balchunis
	Petitioner	Maya Fonkeu
	Petitioner	Michael Guttman
	Petitioner	Monica Parrilla
	Petitioner	Pamela Gorkin
	Petitioner	Pamela Gorkin
	Petitioner	Philip T. Gressman
	Petitioner	Philip T. Gressman
	Petitioner	Rebecca Poyourow
	Petitioner	Ron Y. Donagi
	Petitioner	Ron Y. Donagi
	Petitioner	Roseanne Milazzo
	Petitioner	Stephanie McNulty
	Petitioner	Susan Cassanelli
	Petitioner	Timothy G. Feeman
	Petitioner	Timothy G. Feeman
	Petitioner	Tom DeWall
	Petitioner	William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Claire Lally
Service Method:	Email
Email:	clally@jenner.com
Service Date:	12/31/2021
Address:	
Phone:	202-637-6349

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Representing:	Petitioner	Amy Myers
	Petitioner	Amy Myers
	Petitioner	Brady Hill
	Petitioner	Burt Siegel
	Petitioner	Carol Ann Carter
	Petitioner	David P. Marsh
	Petitioner	David P. Marsh
	Petitioner	Eugene Boman
	Petitioner	Eugene Boman
	Petitioner	Garth Isaak
	Petitioner	Garth Isaak
	Petitioner	Gary Gordon
	Petitioner	Gary Gordon
	Petitioner	James L. Rosenberger
	Petitioner	James L. Rosenberger
	Petitioner	Janet Temin
	Petitioner	Kristopher R. Tapp
	Petitioner	Kristopher R. Tapp
	Petitioner	Lee Cassanelli
	Petitioner	Liz McMahon
	Petitioner	Liz McMahon
	Petitioner	Lynn Wachman
	Petitioner	Mary Ellen Balchunis
	Petitioner	Maya Fonkeu
	Petitioner	Michael Guttman
	Petitioner	Monica Parrilla
	Petitioner	Pamela Gorkin
	Petitioner	Pamela Gorkin
	Petitioner	Philip T. Gressman
	Petitioner	Philip T. Gressman
	Petitioner	Rebecca Poyourow
	Petitioner	Ron Y. Donagi
	Petitioner	Ron Y. Donagi
	Petitioner	Roseanne Milazzo
	Petitioner	Stephanie McNulty
	Petitioner	Susan Cassanelli
	Petitioner	Timothy G. Feeman
	Petitioner	Timothy G. Feeman
	Petitioner	Tom DeWall
	Petitioner	William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Devin Michael Misour
Service Method:	Email
Email:	dmisour@reedsmith.com
Service Date:	12/31/2021
Address:	
Phone:	412-288-3091
Representing:	Petitioner Amy Myers
	Petitioner Amy Myers
	Petitioner David P. Marsh
	Petitioner David P. Marsh
	Petitioner Eugene Boman
	Petitioner Eugene Boman
	Petitioner Garth Isaak
	Petitioner Garth Isaak
	Petitioner Gary Gordon
	Petitioner Gary Gordon
	Petitioner James L. Rosenberger
	Petitioner James L. Rosenberger
	Petitioner Kristopher R. Tapp
	Petitioner Kristopher R. Tapp
	Petitioner Liz McMahon
	Petitioner Liz McMahon
	Petitioner Pamela Gorkin
	Petitioner Pamela Gorkin
	Petitioner Philip T. Gressman
	Petitioner Philip T. Gressman
	Petitioner Ron Y. Donagi
	Petitioner Ron Y. Donagi
	Petitioner Timothy G. Feeman
	Petitioner Timothy G. Feeman

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Devin Michael Misour
Service Method:	eService
Email:	dmisour@reedsmith.com
Service Date:	12/31/2021
Address:	Reed Smith LLP 225 Fifth Avenue Pittsburgh, PA 15222
Phone:	412--28-8-3091
Representing:	Petitioner Amy Myers Petitioner Amy Myers Petitioner David P. Marsh Petitioner David P. Marsh Petitioner Eugene Boman Petitioner Eugene Boman Petitioner Garth Isaak Petitioner Garth Isaak Petitioner Gary Gordon Petitioner Gary Gordon Petitioner James L. Rosenberger Petitioner James L. Rosenberger Petitioner Kristopher R. Tapp Petitioner Kristopher R. Tapp Petitioner Liz McMahon Petitioner Liz McMahon Petitioner Pamela Gorkin Petitioner Pamela Gorkin Petitioner Philip T. Gressman Petitioner Philip T. Gressman Petitioner Ron Y. Donagi Petitioner Ron Y. Donagi Petitioner Timothy G. Feeman Petitioner Timothy G. Feeman

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Edward David Rogers
Service Method:	Email
Email:	rogerse@ballardspahr.com
Service Date:	12/31/2021
Address:	
Phone:	610-246-4701
Representing:	Petitioner Amy Myers
	Petitioner Brady Hill
	Petitioner Burt Siegel
	Petitioner Carol Ann Carter
	Petitioner David P. Marsh
	Petitioner Eugene Boman
	Petitioner Garth Isaak
	Petitioner Gary Gordon
	Petitioner James L. Rosenberger
	Petitioner Janet Temin
	Petitioner Kristopher R. Tapp
	Petitioner Lee Cassanelli
	Petitioner Liz McMahon
	Petitioner Lynn Wachman
	Petitioner Mary Ellen Balchunis
	Petitioner Maya Fonkeu
	Petitioner Michael Guttman
	Petitioner Monica Parrilla
	Petitioner Pamela Gorkin
	Petitioner Philip T. Gressman
	Petitioner Rebecca Poyourow
	Petitioner Ron Y. Donagi
	Petitioner Roseanne Milazzo
	Petitioner Stephanie McNulty
	Petitioner Susan Cassanelli
	Petitioner Timothy G. Feeman
	Petitioner Tom DeWall
	Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Edward David Rogers
Service Method:	eService
Email:	rogerse@ballardspahr.com
Service Date:	12/31/2021
Address:	1735 Market Street 51st Floor Philadelphia, PA 19103
Phone:	215-864-8144
Representing:	Petitioner Amy Myers Petitioner Brady Hill Petitioner Burt Siegel Petitioner Carol Ann Carter Petitioner David P. Marsh Petitioner Eugene Boman Petitioner Garth Isaak Petitioner Gary Gordon Petitioner James L. Rosenberger Petitioner Janet Temin Petitioner Kristopher R. Tapp Petitioner Lee Cassanelli Petitioner Liz McMahon Petitioner Lynn Wachman Petitioner Mary Ellen Balchunis Petitioner Maya Fonkeu Petitioner Michael Guttman Petitioner Monica Parrilla Petitioner Pamela Gorkin Petitioner Philip T. Gressman Petitioner Rebecca Poyourow Petitioner Ron Y. Donagi Petitioner Roseanne Milazzo Petitioner Stephanie McNulty Petitioner Susan Cassanelli Petitioner Timothy G. Feeman Petitioner Tom DeWall Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Executive Administrator Sam Hirsch
Service Method:	Email
Email:	mlabella@jenner.com
Service Date:	12/31/2021
Address:	
Phone:	--

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Representing:	Petitioner	Amy Myers
	Petitioner	Amy Myers
	Petitioner	Brady Hill
	Petitioner	Burt Siegel
	Petitioner	Carol Ann Carter
	Petitioner	David P. Marsh
	Petitioner	David P. Marsh
	Petitioner	Eugene Boman
	Petitioner	Eugene Boman
	Petitioner	Garth Isaak
	Petitioner	Garth Isaak
	Petitioner	Gary Gordon
	Petitioner	Gary Gordon
	Petitioner	James L. Rosenberger
	Petitioner	James L. Rosenberger
	Petitioner	Janet Temin
	Petitioner	Kristopher R. Tapp
	Petitioner	Kristopher R. Tapp
	Petitioner	Lee Cassanelli
	Petitioner	Liz McMahon
	Petitioner	Liz McMahon
	Petitioner	Lynn Wachman
	Petitioner	Mary Ellen Balchunis
	Petitioner	Maya Fonkeu
	Petitioner	Michael Guttman
	Petitioner	Monica Parrilla
	Petitioner	Pamela Gorkin
	Petitioner	Pamela Gorkin
	Petitioner	Philip T. Gressman
	Petitioner	Philip T. Gressman
	Petitioner	Rebecca Poyourow
	Petitioner	Ron Y. Donagi
	Petitioner	Ron Y. Donagi
	Petitioner	Roseanne Milazzo
	Petitioner	Stephanie McNulty
	Petitioner	Susan Cassanelli
	Petitioner	Timothy G. Feeman
	Petitioner	Timothy G. Feeman
	Petitioner	Tom DeWall
	Petitioner	William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Jessica Amunson
Service Method:	Email
Email:	jamunson@jenner.com
Service Date:	12/31/2021
Address:	
Phone:	202-639-6023

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Representing:	Petitioner	Amy Myers
	Petitioner	Amy Myers
	Petitioner	Brady Hill
	Petitioner	Burt Siegel
	Petitioner	Carol Ann Carter
	Petitioner	David P. Marsh
	Petitioner	David P. Marsh
	Petitioner	Eugene Boman
	Petitioner	Eugene Boman
	Petitioner	Garth Isaak
	Petitioner	Garth Isaak
	Petitioner	Gary Gordon
	Petitioner	Gary Gordon
	Petitioner	James L. Rosenberger
	Petitioner	James L. Rosenberger
	Petitioner	Janet Temin
	Petitioner	Kristopher R. Tapp
	Petitioner	Kristopher R. Tapp
	Petitioner	Lee Cassanelli
	Petitioner	Liz McMahon
	Petitioner	Liz McMahon
	Petitioner	Lynn Wachman
	Petitioner	Mary Ellen Balchunis
	Petitioner	Maya Fonkeu
	Petitioner	Michael Guttman
	Petitioner	Monica Parrilla
	Petitioner	Pamela Gorkin
	Petitioner	Pamela Gorkin
	Petitioner	Philip T. Gressman
	Petitioner	Philip T. Gressman
	Petitioner	Rebecca Poyourow
	Petitioner	Ron Y. Donagi
	Petitioner	Ron Y. Donagi
	Petitioner	Roseanne Milazzo
	Petitioner	Stephanie McNulty
	Petitioner	Susan Cassanelli
	Petitioner	Timothy G. Feeman
	Petitioner	Timothy G. Feeman
	Petitioner	Tom DeWall
	Petitioner	William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	John Brent Hill
Service Method:	Email
Email:	jhill@hangley.com
Service Date:	12/31/2021
Address:	
Phone:	215-496-7049
Representing:	Respondent Degraffenreid, Veronica Respondent Jessica Mathis Respondent Jessica Mathis Respondent Veronica Degraffenreid

Served:	John Brent Hill
Service Method:	eService
Email:	jbh@hangley.com
Service Date:	12/31/2021
Address:	One Logan Square 27th Floor Philadelphia, PA 19103
Phone:	215--56-8-6200
Representing:	Respondent Degraffenreid, Veronica Respondent Jessica Mathis Respondent Jessica Mathis Respondent Veronica Degraffenreid

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Kim M. Watterson
Service Method:	Email
Email:	kwatterson@reedsmith.com
Service Date:	12/31/2021
Address:	
Phone:	412-288-7996
Representing:	Petitioner Amy Myers
	Petitioner Amy Myers
	Petitioner David P. Marsh
	Petitioner David P. Marsh
	Petitioner Eugene Boman
	Petitioner Eugene Boman
	Petitioner Garth Isaak
	Petitioner Garth Isaak
	Petitioner Gary Gordon
	Petitioner Gary Gordon
	Petitioner James L. Rosenberger
	Petitioner James L. Rosenberger
	Petitioner Kristopher R. Tapp
	Petitioner Kristopher R. Tapp
	Petitioner Liz McMahon
	Petitioner Liz McMahon
	Petitioner Pamela Gorkin
	Petitioner Pamela Gorkin
	Petitioner Philip T. Gressman
	Petitioner Philip T. Gressman
	Petitioner Ron Y. Donagi
	Petitioner Ron Y. Donagi
	Petitioner Timothy G. Feeman
	Petitioner Timothy G. Feeman

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Kim M. Watterson
Service Method:	eService
Email:	kwatterson@reedsmith.com
Service Date:	12/31/2021
Address:	225 Fifth Avenue Pittsburgh, PA 15222
Phone:	412--28-8-7996
Representing:	Petitioner Amy Myers Petitioner Amy Myers Petitioner David P. Marsh Petitioner David P. Marsh Petitioner Eugene Boman Petitioner Eugene Boman Petitioner Garth Isaak Petitioner Garth Isaak Petitioner Gary Gordon Petitioner Gary Gordon Petitioner James L. Rosenberger Petitioner James L. Rosenberger Petitioner Kristopher R. Tapp Petitioner Kristopher R. Tapp Petitioner Liz McMahon Petitioner Liz McMahon Petitioner Pamela Gorkin Petitioner Pamela Gorkin Petitioner Philip T. Gressman Petitioner Philip T. Gressman Petitioner Ron Y. Donagi Petitioner Ron Y. Donagi Petitioner Timothy G. Feeman Petitioner Timothy G. Feeman

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Lindsay Harrison
Service Method:	Email
Email:	lharrison@jenner.com
Service Date:	12/31/2021
Address:	
Phone:	202-639-6865

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Representing:	Petitioner	Amy Myers
	Petitioner	Amy Myers
	Petitioner	Brady Hill
	Petitioner	Burt Siegel
	Petitioner	Carol Ann Carter
	Petitioner	David P. Marsh
	Petitioner	David P. Marsh
	Petitioner	Eugene Boman
	Petitioner	Eugene Boman
	Petitioner	Garth Isaak
	Petitioner	Garth Isaak
	Petitioner	Gary Gordon
	Petitioner	Gary Gordon
	Petitioner	James L. Rosenberger
	Petitioner	James L. Rosenberger
	Petitioner	Janet Temin
	Petitioner	Kristopher R. Tapp
	Petitioner	Kristopher R. Tapp
	Petitioner	Lee Cassanelli
	Petitioner	Liz McMahon
	Petitioner	Liz McMahon
	Petitioner	Lynn Wachman
	Petitioner	Mary Ellen Balchunis
	Petitioner	Maya Fonkeu
	Petitioner	Michael Guttman
	Petitioner	Monica Parrilla
	Petitioner	Pamela Gorkin
	Petitioner	Pamela Gorkin
	Petitioner	Philip T. Gressman
	Petitioner	Philip T. Gressman
	Petitioner	Rebecca Poyourow
	Petitioner	Ron Y. Donagi
	Petitioner	Ron Y. Donagi
	Petitioner	Roseanne Milazzo
	Petitioner	Stephanie McNulty
	Petitioner	Susan Cassanelli
	Petitioner	Timothy G. Feeman
	Petitioner	Timothy G. Feeman
	Petitioner	Tom DeWall
	Petitioner	William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Marcel S. Pratt
Service Method:	Email
Email:	prattm@ballardspahr.com
Service Date:	12/31/2021
Address:	
Phone:	215-864-8506
Representing:	Petitioner Brady Hill
	Petitioner Burt Siegel
	Petitioner Carol Ann Carter
	Petitioner Janet Temin
	Petitioner Lee Cassanelli
	Petitioner Lynn Wachman
	Petitioner Mary Ellen Balchunis
	Petitioner Maya Fonkeu
	Petitioner Michael Guttman
	Petitioner Monica Parrilla
	Petitioner Rebecca Poyourow
	Petitioner Roseanne Milazzo
	Petitioner Stephanie McNulty
	Petitioner Susan Cassanelli
	Petitioner Tom DeWall
	Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Marcel S. Pratt
Service Method:	eService
Email:	prattm@ballardspahr.com
Service Date:	12/31/2021
Address:	Ballard Spahr LLP 1735 Market Street, 51st Floor PHILADELPHIA, PA 19103
Phone:	215-864-8506
Representing:	Petitioner Brady Hill Petitioner Burt Siegel Petitioner Carol Ann Carter Petitioner Janet Temin Petitioner Lee Cassanelli Petitioner Lynn Wachman Petitioner Mary Ellen Balchunis Petitioner Maya Fonkeu Petitioner Michael Guttman Petitioner Monica Parrilla Petitioner Rebecca Poyourow Petitioner Roseanne Milazzo Petitioner Stephanie McNulty Petitioner Susan Cassanelli Petitioner Tom DeWall Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Michael R. McDonald
Service Method:	Email
Email:	mcdonaldm@ballardspahr.com
Service Date:	12/31/2021
Address:	
Phone:	215-864-8425
Representing:	Petitioner Brady Hill
	Petitioner Burt Siegel
	Petitioner Carol Ann Carter
	Petitioner Janet Temin
	Petitioner Lee Cassanelli
	Petitioner Lynn Wachman
	Petitioner Mary Ellen Balchunis
	Petitioner Maya Fonkeu
	Petitioner Michael Guttman
	Petitioner Monica Parrilla
	Petitioner Rebecca Poyourow
	Petitioner Roseanne Milazzo
	Petitioner Stephanie McNulty
	Petitioner Susan Cassanelli
	Petitioner Tom DeWall
	Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Michael R. McDonald
Service Method:	eService
Email:	mcdonaldm@ballardspahr.com
Service Date:	12/31/2021
Address:	1735 Market Street 51st Floor Philadelphia, PA 19103
Phone:	215-864-8425
Representing:	Petitioner Brady Hill Petitioner Burt Siegel Petitioner Carol Ann Carter Petitioner Janet Temin Petitioner Lee Cassanelli Petitioner Lynn Wachman Petitioner Mary Ellen Balchunis Petitioner Maya Fonkeu Petitioner Michael Guttman Petitioner Monica Parrilla Petitioner Rebecca Poyourow Petitioner Roseanne Milazzo Petitioner Stephanie McNulty Petitioner Susan Cassanelli Petitioner Tom DeWall Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Paul Keller Ort
Service Method:	Email
Email:	paulkellerort@gmail.com
Service Date:	12/31/2021
Address:	
Phone:	215-864-8287
Representing:	Petitioner Brady Hill
	Petitioner Burt Siegel
	Petitioner Carol Ann Carter
	Petitioner Janet Temin
	Petitioner Lee Cassanelli
	Petitioner Lynn Wachman
	Petitioner Mary Ellen Balchunis
	Petitioner Maya Fonkeu
	Petitioner Michael Guttman
	Petitioner Monica Parrilla
	Petitioner Rebecca Poyourow
	Petitioner Roseanne Milazzo
	Petitioner Stephanie McNulty
	Petitioner Susan Cassanelli
	Petitioner Tom DeWall
	Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Paul Keller Ort
Service Method:	eService
Email:	ortp@ballardspahr.com
Service Date:	12/31/2021
Address:	1735 Market Street 51st Floor Philadelphia, PA 19103
Phone:	215-864-8287
Representing:	Petitioner Brady Hill Petitioner Burt Siegel Petitioner Carol Ann Carter Petitioner Janet Temin Petitioner Lee Cassanelli Petitioner Lynn Wachman Petitioner Mary Ellen Balchunis Petitioner Maya Fonkeu Petitioner Michael Guttman Petitioner Monica Parrilla Petitioner Rebecca Poyourow Petitioner Roseanne Milazzo Petitioner Stephanie McNulty Petitioner Susan Cassanelli Petitioner Tom DeWall Petitioner William Tung

Served:	Robert Andrew Wiygul
Service Method:	Email
Email:	rwiygul@hangley.com
Service Date:	12/31/2021
Address:	
Phone:	215-496-7042
Representing:	Respondent Degraffenreid, Veronica Respondent Jessica Mathis Respondent Jessica Mathis Respondent Veronica Degraffenreid

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Robert Andrew Wiygul
Service Method:	eService
Email:	rwiygul@hangley.com
Service Date:	12/31/2021
Address:	Hangley Aronchick Segal Pudlin & Schiller One Logan Square, 27th Floor Philadelphia, PA 19103
Phone:	215--49-6-7042
Representing:	Respondent Degraffenreid, Veronica Respondent Jessica Mathis Respondent Jessica Mathis Respondent Veronica Degraffenreid

Served:	Robert Joseph Clark
Service Method:	Email
Email:	clarkr@ballardspahr.com
Service Date:	12/31/2021
Address:	
Phone:	215-864-8659
Representing:	Petitioner Brady Hill Petitioner Burt Siegel Petitioner Carol Ann Carter Petitioner Janet Temin Petitioner Lee Cassanelli Petitioner Lynn Wachman Petitioner Mary Ellen Balchunis Petitioner Maya Fonkeu Petitioner Michael Guttman Petitioner Monica Parrilla Petitioner Rebecca Poyourow Petitioner Roseanne Milazzo Petitioner Stephanie McNulty Petitioner Susan Cassanelli Petitioner Tom DeWall Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Robert Joseph Clark
Service Method:	eService
Email:	clarkr@ballardspahr.com
Service Date:	12/31/2021
Address:	Ballard Spahr 1735 Market Street, 51st Floor Philadelphia, PA 19103
Phone:	215--86-4-8659
Representing:	Petitioner Brady Hill Petitioner Burt Siegel Petitioner Carol Ann Carter Petitioner Janet Temin Petitioner Lee Cassanelli Petitioner Lynn Wachman Petitioner Mary Ellen Balchunis Petitioner Maya Fonkeu Petitioner Michael Guttman Petitioner Monica Parrilla Petitioner Rebecca Poyourow Petitioner Roseanne Milazzo Petitioner Stephanie McNulty Petitioner Susan Cassanelli Petitioner Tom DeWall Petitioner William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Shannon Elise McClure
Service Method:	Email
Email:	smcclure@reedsmith.com
Service Date:	12/31/2021
Address:	
Phone:	215-851-8226
Representing:	Petitioner Amy Myers
	Petitioner Amy Myers
	Petitioner David P. Marsh
	Petitioner David P. Marsh
	Petitioner Eugene Boman
	Petitioner Eugene Boman
	Petitioner Garth Isaak
	Petitioner Garth Isaak
	Petitioner Gary Gordon
	Petitioner Gary Gordon
	Petitioner James L. Rosenberger
	Petitioner James L. Rosenberger
	Petitioner Kristopher R. Tapp
	Petitioner Kristopher R. Tapp
	Petitioner Liz McMahon
	Petitioner Liz McMahon
	Petitioner Pamela Gorkin
	Petitioner Pamela Gorkin
	Petitioner Philip T. Gressman
	Petitioner Philip T. Gressman
	Petitioner Ron Y. Donagi
	Petitioner Ron Y. Donagi
	Petitioner Timothy G. Feeman
	Petitioner Timothy G. Feeman

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Shannon Elise McClure
Service Method:	eService
Email:	smcclure@reedsmith.com
Service Date:	12/31/2021
Address:	1717 Arch Street Suite 3100 Philadelphia, PA 19103
Phone:	215-241-7977
Representing:	Petitioner Amy Myers Petitioner Amy Myers Petitioner David P. Marsh Petitioner David P. Marsh Petitioner Eugene Boman Petitioner Eugene Boman Petitioner Garth Isaak Petitioner Garth Isaak Petitioner Gary Gordon Petitioner Gary Gordon Petitioner James L. Rosenberger Petitioner James L. Rosenberger Petitioner Kristopher R. Tapp Petitioner Kristopher R. Tapp Petitioner Liz McMahon Petitioner Liz McMahon Petitioner Pamela Gorkin Petitioner Pamela Gorkin Petitioner Philip T. Gressman Petitioner Philip T. Gressman Petitioner Ron Y. Donagi Petitioner Ron Y. Donagi Petitioner Timothy G. Feeman Petitioner Timothy G. Feeman

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Tassity Johnson
Service Method:	Email
Email:	tjohnson@jenner.com
Service Date:	12/31/2021
Address:	
Phone:	202-637-6303

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Representing:	Petitioner	Amy Myers
	Petitioner	Amy Myers
	Petitioner	Brady Hill
	Petitioner	Burt Siegel
	Petitioner	Carol Ann Carter
	Petitioner	David P. Marsh
	Petitioner	David P. Marsh
	Petitioner	Eugene Boman
	Petitioner	Eugene Boman
	Petitioner	Garth Isaak
	Petitioner	Garth Isaak
	Petitioner	Gary Gordon
	Petitioner	Gary Gordon
	Petitioner	James L. Rosenberger
	Petitioner	James L. Rosenberger
	Petitioner	Janet Temin
	Petitioner	Kristopher R. Tapp
	Petitioner	Kristopher R. Tapp
	Petitioner	Lee Cassanelli
	Petitioner	Liz McMahon
	Petitioner	Liz McMahon
	Petitioner	Lynn Wachman
	Petitioner	Mary Ellen Balchunis
	Petitioner	Maya Fonkeu
	Petitioner	Michael Guttman
	Petitioner	Monica Parrilla
	Petitioner	Pamela Gorkin
	Petitioner	Pamela Gorkin
	Petitioner	Philip T. Gressman
	Petitioner	Philip T. Gressman
	Petitioner	Rebecca Poyourow
	Petitioner	Ron Y. Donagi
	Petitioner	Ron Y. Donagi
	Petitioner	Roseanne Milazzo
	Petitioner	Stephanie McNulty
	Petitioner	Susan Cassanelli
	Petitioner	Timothy G. Feeman
	Petitioner	Timothy G. Feeman
	Petitioner	Tom DeWall
	Petitioner	William Tung

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Courtesy Copy

Served:	Anthony Richard Holtzman
Service Method:	Email
Email:	anthony.holtzman@klgates.com
Service Date:	12/31/2021
Address:	
Phone:	717-231-4500
Representing:	Possible Intervenor Jake Corman Possible Intervenor Jake Corman Possible Intervenor Kim Ward Possible Intervenor Kim Ward

Served:	Anthony Richard Holtzman
Service Method:	eService
Email:	anthony.holtzman@klgates.com
Service Date:	12/31/2021
Address:	K&L Gates LLP 17 N. Second Street, 18th Floor Harrisburg, PA 17101
Phone:	717--23-1-4500
Representing:	Possible Intervenor Jake Corman Possible Intervenor Jake Corman Possible Intervenor Kim Ward Possible Intervenor Kim Ward

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Corrie Allen Woods
Service Method:	Email
Email:	cwoods@woodslawoffices.com
Service Date:	12/31/2021
Address:	
Phone:	412-329-7751
Representing:	Possible Intervenor Amanda Cappelletti
	Possible Intervenor Amanda Cappelletti
	Possible Intervenor Art Haywood
	Possible Intervenor Art Haywood
	Possible Intervenor Carolyn Comitta
	Possible Intervenor Carolyn Comitta
	Possible Intervenor Christine Tartaglione
	Possible Intervenor Christine Tartaglione
	Possible Intervenor James Brewster
	Possible Intervenor James Brewster
	Possible Intervenor Jay Costa
	Possible Intervenor Jay Costa
	Possible Intervenor John Kane
	Possible Intervenor John Kane
	Possible Intervenor Judy Schwank
	Possible Intervenor Judy Schwank
	Possible Intervenor Lindsey Williams
	Possible Intervenor Lindsey Williams
	Possible Intervenor Lisa Boscola
	Possible Intervenor Lisa Boscola
	Possible Intervenor Marty Flynn
	Possible Intervenor Marty Flynn
	Possible Intervenor Nikil Saval
	Possible Intervenor Nikil Saval
	Possible Intervenor Steve Santarsiero
	Possible Intervenor Steve Santarsiero
	Possible Intervenor Tim Kearney
	Possible Intervenor Tim Kearney
	Possible Intervenor Vincent Hughes
	Possible Intervenor Vincent Hughes
	Possible Intervenor Wayne Fontana
	Possible Intervenor Wayne Fontana

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Corrie Allen Woods
Service Method:	eService
Email:	cwoods@woodslawoffices.com
Service Date:	12/31/2021
Address:	One Oxford Centre, Suite 4300 301 Grant Street Coraopolis, PA 15219
Phone:	412-345-3198
Representing:	Possible Intervenor Amanda Cappelletti Possible Intervenor Amanda Cappelletti Possible Intervenor Art Haywood Possible Intervenor Art Haywood Possible Intervenor Carolyn Comitta Possible Intervenor Carolyn Comitta Possible Intervenor Christine Tartaglione Possible Intervenor Christine Tartaglione Possible Intervenor James Brewster Possible Intervenor James Brewster Possible Intervenor Jay Costa Possible Intervenor Jay Costa Possible Intervenor John Kane Possible Intervenor John Kane Possible Intervenor Judy Schwank Possible Intervenor Judy Schwank Possible Intervenor Lindsey Williams Possible Intervenor Lindsey Williams Possible Intervenor Lisa Boscola Possible Intervenor Lisa Boscola Possible Intervenor Marty Flynn Possible Intervenor Marty Flynn Possible Intervenor Nikil Saval Possible Intervenor Nikil Saval Possible Intervenor Steve Santarsiero Possible Intervenor Steve Santarsiero Possible Intervenor Tim Kearney Possible Intervenor Tim Kearney Possible Intervenor Vincent Hughes Possible Intervenor Vincent Hughes Possible Intervenor Wayne Fontana Possible Intervenor Wayne Fontana

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Jeffry William Duffy
Service Method:	Email
Email:	jduffy@bakerlaw.com
Service Date:	12/31/2021
Address:	
Phone:	215-564-2916
Representing:	Possible Intervenor Bryan Cutler
	Possible Intervenor Bryan Cutler
	Possible Intervenor Kerry Benninghoff
	Possible Intervenor Kerry Benninghoff

Served:	Jeffry William Duffy
Service Method:	eService
Email:	jduffy@bakerlaw.com
Service Date:	12/31/2021
Address:	Baker & Hostetler LLP
	2929 Arch St., 12th Floor
	Philadelphia, PA 19104
Phone:	215--56-4-2916
Representing:	Possible Intervenor Bryan Cutler
	Possible Intervenor Bryan Cutler
	Possible Intervenor Kerry Benninghoff
	Possible Intervenor Kerry Benninghoff

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	John P. Lavelle Jr.
Service Method:	Email
Email:	john.lavelle@morganlewis.com
Service Date:	12/31/2021
Address:	
Phone:	215-963-5000
Representing:	Possible Intervenor Adam Dusen
	Possible Intervenor Adam Dusen
	Possible Intervenor Athan Biss
	Possible Intervenor Athan Biss
	Possible Intervenor Daniel Mallinson
	Possible Intervenor Daniel Mallinson
	Possible Intervenor Jean Handley
	Possible Intervenor Jean Handley
	Possible Intervenor Jeffrey Cooper
	Possible Intervenor Jeffrey Cooper
	Possible Intervenor Jesse Stowell
	Possible Intervenor Jesse Stowell
	Possible Intervenor Joseph Amodei
	Possible Intervenor Joseph Amodei
	Possible Intervenor Kyle Hynes
	Possible Intervenor Kyle Hynes
	Possible Intervenor Michael Skros
	Possible Intervenor Michael Skros
	Possible Intervenor Mike Walsh
	Possible Intervenor Mike Walsh
	Possible Intervenor Myra Forrest
	Possible Intervenor Myra Forrest
	Possible Intervenor Priscilla McNulty
	Possible Intervenor Priscilla McNulty
	Possible Intervenor Rick Bryant
	Possible Intervenor Rick Bryant
	Possible Intervenor Sandra Strauss
	Possible Intervenor Sandra Strauss
	Possible Intervenor Sara Stroman
	Possible Intervenor Sara Stroman
	Possible Intervenor Susan Wood
	Possible Intervenor Susan Wood

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	John P. Lavelle Jr.
Service Method:	eService
Email:	john.lavelle@morganlewis.com
Service Date:	12/31/2021
Address:	Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103
Phone:	215-963-4824
Representing:	Possible Intervenor Adam Dusen Possible Intervenor Adam Dusen Possible Intervenor Athan Biss Possible Intervenor Athan Biss Possible Intervenor Daniel Mallinson Possible Intervenor Daniel Mallinson Possible Intervenor Jean Handley Possible Intervenor Jean Handley Possible Intervenor Jeffrey Cooper Possible Intervenor Jeffrey Cooper Possible Intervenor Jesse Stowell Possible Intervenor Jesse Stowell Possible Intervenor Joseph Amodei Possible Intervenor Joseph Amodei Possible Intervenor Kyle Hynes Possible Intervenor Kyle Hynes Possible Intervenor Michael Skros Possible Intervenor Michael Skros Possible Intervenor Mike Walsh Possible Intervenor Mike Walsh Possible Intervenor Myra Forrest Possible Intervenor Myra Forrest Possible Intervenor Priscilla McNulty Possible Intervenor Priscilla McNulty Possible Intervenor Rick Bryant Possible Intervenor Rick Bryant Possible Intervenor Sandra Strauss Possible Intervenor Sandra Strauss Possible Intervenor Sara Stroman Possible Intervenor Sara Stroman Possible Intervenor Susan Wood Possible Intervenor Susan Wood

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Kathleen Kotula
Service Method:	Email
Email:	kkotula@pa.gov
Service Date:	12/31/2021
Address:	
Phone:	717-783-1657
Pro Se:	Other Kathleen Kotula
	Other Kathleen Kotula

Served:	Kevin Michael Greenberg
Service Method:	Email
Email:	greenbergk@gtlaw.com
Service Date:	12/31/2021
Address:	
Phone:	215-988-7800
Representing:	Possible Intervenor Anthony H. Williams
	Possible Intervenor Anthony H. Williams
	Possible Intervenor Katie J. Muth
	Possible Intervenor Katie J. Muth
	Possible Intervenor Maria Collett
	Possible Intervenor Maria Collett
	Possible Intervenor Sharif Street
	Possible Intervenor Sharif Street

Served:	Kevin Michael Greenberg
Service Method:	eService
Email:	greenbergk@gtlaw.com
Service Date:	12/31/2021
Address:	1717 Arch Street Suite 400 Philadelphia, PA 19103
Phone:	215--98-8-7800
Representing:	Possible Intervenor Anthony H. Williams
	Possible Intervenor Anthony H. Williams
	Possible Intervenor Katie J. Muth
	Possible Intervenor Katie J. Muth
	Possible Intervenor Maria Collett
	Possible Intervenor Maria Collett
	Possible Intervenor Sharif Street
	Possible Intervenor Sharif Street

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Marco Santino Attisano
Service Method:	Email
Email:	marco@arlawpitt.com
Service Date:	12/31/2021
Address:	
Phone:	412-336-8622
Representing:	Possible Intervenor Amanda Cappelletti
	Possible Intervenor Amanda Cappelletti
	Possible Intervenor Art Haywood
	Possible Intervenor Art Haywood
	Possible Intervenor Carolyn Comitta
	Possible Intervenor Carolyn Comitta
	Possible Intervenor Christine Tartaglione
	Possible Intervenor Christine Tartaglione
	Possible Intervenor James Brewster
	Possible Intervenor James Brewster
	Possible Intervenor Jay Costa
	Possible Intervenor Jay Costa
	Possible Intervenor John Kane
	Possible Intervenor John Kane
	Possible Intervenor Judy Schwank
	Possible Intervenor Judy Schwank
	Possible Intervenor Lindsey Williams
	Possible Intervenor Lindsey Williams
	Possible Intervenor Lisa Boscola
	Possible Intervenor Lisa Boscola
	Possible Intervenor Marty Flynn
	Possible Intervenor Marty Flynn
	Possible Intervenor Nikil Saval
	Possible Intervenor Nikil Saval
	Possible Intervenor Steve Santarsiero
	Possible Intervenor Steve Santarsiero
	Possible Intervenor Tim Kearney
	Possible Intervenor Tim Kearney
	Possible Intervenor Vincent Hughes
	Possible Intervenor Vincent Hughes
	Possible Intervenor Wayne Fontana
	Possible Intervenor Wayne Fontana

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Marco Santino Attisano
Service Method:	eService
Email:	marco@arlawpitt.com
Service Date:	12/31/2021
Address:	707 Grant Street Suite 2750 Pittsburgh, PA 15219
Phone:	412-438-8209
Representing:	Possible Intervenor Amanda Cappelletti Possible Intervenor Amanda Cappelletti Possible Intervenor Art Haywood Possible Intervenor Art Haywood Possible Intervenor Carolyn Comitta Possible Intervenor Carolyn Comitta Possible Intervenor Christine Tartaglione Possible Intervenor Christine Tartaglione Possible Intervenor James Brewster Possible Intervenor James Brewster Possible Intervenor Jay Costa Possible Intervenor Jay Costa Possible Intervenor John Kane Possible Intervenor John Kane Possible Intervenor Judy Schwank Possible Intervenor Judy Schwank Possible Intervenor Lindsey Williams Possible Intervenor Lindsey Williams Possible Intervenor Lisa Boscola Possible Intervenor Lisa Boscola Possible Intervenor Marty Flynn Possible Intervenor Marty Flynn Possible Intervenor Nikil Saval Possible Intervenor Nikil Saval Possible Intervenor Steve Santarsiero Possible Intervenor Steve Santarsiero Possible Intervenor Tim Kearney Possible Intervenor Tim Kearney Possible Intervenor Vincent Hughes Possible Intervenor Vincent Hughes Possible Intervenor Wayne Fontana Possible Intervenor Wayne Fontana

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Thomas W. King III
Service Method:	Email
Email:	tking@dmkcg.com
Service Date:	12/31/2021
Address:	
Phone:	724-283-2200
Representing:	Possible Intervenor Anthony Luther
	Possible Intervenor Brandy Reep
	Possible Intervenor Candee Barnes
	Possible Intervenor David Ball
	Possible Intervenor Evan Smith
	Possible Intervenor James Foreman
	Possible Intervenor James Thompson
	Possible Intervenor James Vasilko
	Possible Intervenor Jay Hagerman
	Possible Intervenor Jeffrey Piccola
	Possible Intervenor Joseph Renwick
	Possible Intervenor Justin Behrens
	Possible Intervenor Kenneth Lunsford
	Possible Intervenor Kim Geyer
	Possible Intervenor Kristine Eng
	Possible Intervenor Leslie Oshe
	Possible Intervenor Linda Daniels
	Possible Intervenor Louis Capozzi
	Possible Intervenor Mary Owlett
	Possible Intervenor Matthew Stuckey
	Possible Intervenor Michael Slupe
	Possible Intervenor Pamela Thompson
	Possible Intervenor Stephanie Renwick
	Possible Intervenor Tammy Lunsford
	Possible Intervenor Thomas Reep

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served:	Thomas W. King III
Service Method:	eService
Email:	tking@dmkcg.com
Service Date:	12/31/2021
Address:	128 West Cunningham Street Butler, PA 16001
Phone:	(72-4) -283-2200
Representing:	Possible Intervenor Anthony Luther Possible Intervenor Brandy Reep Possible Intervenor Candee Barnes Possible Intervenor David Ball Possible Intervenor Evan Smith Possible Intervenor James Foreman Possible Intervenor James Thompson Possible Intervenor James Vasilko Possible Intervenor Jay Hagerman Possible Intervenor Jeffrey Piccola Possible Intervenor Joseph Renwick Possible Intervenor Justin Behrens Possible Intervenor Kenneth Lunsford Possible Intervenor Kim Geyer Possible Intervenor Kristine Eng Possible Intervenor Leslie Oshe Possible Intervenor Linda Daniels Possible Intervenor Louis Capozzi Possible Intervenor Mary Owlett Possible Intervenor Matthew Stuckey Possible Intervenor Michael Slupe Possible Intervenor Pamela Thompson Possible Intervenor Stephanie Renwick Possible Intervenor Tammy Lunsford Possible Intervenor Thomas Reep

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

/s/ Kathleen A. Gallagher

(Signature of Person Serving)

Person Serving:	Gallagher, Kathleen A.
Attorney Registration No:	037950
Law Firm:	Gallagher Giancola LLC
Address:	436 Seventh Ave 31st Fl Pittsburgh, PA 15219
Representing:	Possible Intervenor Bashir, Haroon Possible Intervenor Bashir, Haroon Possible Intervenor Biancaniello, Valerie Possible Intervenor Biancaniello, Valerie Possible Intervenor Hughes, Tegwyn Possible Intervenor Hughes, Tegwyn Possible Intervenor Wenk, Jeffrey Possible Intervenor Wenk, Jeffrey