atoct

9/10/02

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

DIGILADO METELLA)	FILED HARRISBURG. PA
RICHARD VIETH, et	: al.,))	SEP 0 9 2002
	Plaintiffs,)	MARY E. D'ANDREA, CLERK
v.)	September 2012
COMMONWEALTH	OF)	
PENNSYLVANIA, et al.,		Civil No. 1:CV-01-2439
	Defendants.)	
ROBERT J. MELLOW, Senator, 22nd District,		
	Proposed) Intervenor.)	

SENATOR ROBERT J. MELLOW'S JOINDER IN PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO ADD NECESSARY PARTY

Senator Robert J. Mellow joins in Plaintiffs' response to Defendants' Motion to Add Necessary Party.¹

¹ On May 6, 2002, Senator Mellow moved, on behalf of the Democrats in the Pennsylvania Senate, for leave to intervene in the remedial phase of this matter or, in the alternative, to participate as *amicus curiae*. In support of his motion, Senator Mellow demonstrated that he has satisfied all four of the criteria for mandatory (Continued ...)

Dated: September 9, 2002

Respectfully submitted,

Lawrence J. Moran

ABRAHAMSEN, MORAN & CONABOY,

P.C.

W.C. Carter Building

205-207 North Washington Ave.

Scranton, PA 18503

(570) 348-0200 (telephone)

(570) 348-0273 (facsimile)

Mark A. Packman GILBERT HEINTZ & RANDOLPH LLP 1100 New York Avenue, NW, Suite 700 Washington, DC 20005 (202) 772-2320 (telephone) (202) 772-2322 (facsimile)

COUNSEL FOR SENATOR ROBERT J. MELLOW

^{(...} Continued)

intervention under Fed. R. Civ. P. 24(a), as well as the criteria for permissive intervention under Fed. R. Civ. P. 24(b) and for participation as *amicus curiae*. Senator Mellow's motion is still pending. Senator Mellow submits this brief as a proposed intervenor or, in the alternative, as *amicus curiae*.



CERTIFICATE OF SERVICE

I, MARK A. PACKMAN, co-counsel for Senator Robert J. Mellow, hereby certify that on September 9, 2002, I caused copies of Senator Robert J. Mellow's Response to Defendants' Second Status Reports and Senator Robert J. Mellow's Joinder in Plaintiffs' Response to Defendants' Motion to Add Necessary Party to be served by fax and first-class mail upon the following:

Paul M. Smith
Thomas J. Perrelli
Daniel Mach
Brian P. Hauck
JENNER & BLOCK, L.L.C.
601 Thirteenth Street, N.W.
Washington, D.C. 20005
(202) 639-6000
(202) 639-6066 (fax)

J. Bart DeLone
Senior Deputy Attorney General
Office of Attorney General
Appellate Litigation Section
15th Floor Strawberry Square
Harrisburg, PA 17120
(717) 783-3226
(717) 772-4526 (fax)

John P. Krill, Jr.

Linda J. Shorey

KIRKPATRICK & LOCKHART LLP

240 North Third Street

Harrisburg, PA 17101

(717) 231-4500

(717) 231-4501 (fax)

SEP 0 9 2002

The Honorable Richard L. Nygaard U.S. Circuit Judge 717 State Street Suite 500 Erie, PA 16501 (814) 456-2947 (fax)

Robert B. Hoffman REED SMITH, LLP 213 Market Street, 9th Floor P.O. Box 11844 Harrisburg, PA 17108 (717) 257-3042 (717) 236-3777 (fax) The Honorable William H. Yohn, Jr. U.S. District Judge 3809 U.S. Courthouse 601 Market Street Philadelphia, PA 19106-1753 (215) 580-2161 (fax)

MARK A. PACKMAN

Co-counsel For Senator Robert J. Mellow