



DEC 8 0 5005

MARY E. D'AY

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

RICHARD VIETH, et al,

Plaintiffs,

v.

No. 1:CV-01-2439 (Judge Rambo)

THE COMMONWEALTH OF PENNSYLVANIA, et al.,

Defendants.:

## PRESIDING OFFICERS' MOTION FOR SUMMARY JUDGMENT

Defendants Jubelirer and Ryan ("Presiding Officers") move for summary judgment. Concurrently with this motion, Presiding Officers filed a statement of material facts, an appendix with supporting documents, and a memorandum in support. A proposed form of order is attached.

December 20, 2002

Respectfully submitted,

Julia M. Glencer

Pa. ID No. 80530

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Counsel for Defendants Jubelirer & Ryan

## CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

I certify, pursuant to Middle District L.R. 7.1, that on December 19-20, 2002, I sought the concurrence of Plaintiffs' counsel and Executive Officers' counsel in the foregoing motion.

Plaintiffs' counsel do not concur in the motion.

Executive Officers' counsel do concur in the motion.

nda J. Shore

Pa. ID No. 47477

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(717) 231-4500 (717) 231-4501 (fax) Counsel for Defendants Jubelirer & Ryan

## **CERTIFICATE OF SERVICE**

I certify that on December 20, 2002, I caused a copy of the foregoing Motion for Summary Judgment to be served on the following as indicated:

Overnight delivery & facsimile Paul M. Smith

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Overnight delivery & facsimile Honorable William Yohn **US District Court** 601 Market Street **United States Courthouse** Independence Mall, West Philadelphia, PA 19106—

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