No. 18-1816

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

JACOB CORMAN, in his official capacity as Majority Leader of the Pennsylvania Senate, *et al.*, Plaintiff,

v.

ROBERT TORRES, in his official capacity as Acting Secretary of the Commonwealth, *et al.*, Defendants-Appellees,

CARMEN FEBO SAN MIGUEL, et al., Intervenor-Defendants,

JEFFREY CUTLER, Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEFENDANTS-APPELLEES' OPPOSITION TO APPELLANT JEFFREY CUTLER'S MOTION TO RECONSIDER

Thomas P. Howell Office of General Counsel 333 Market Street, 17th Floor Harrisburg, PA 17101

Timothy E. Gates Kathleen M. Kotula Pennsylvania Department of State Office of Chief Counsel 306 North Office Building Harrisburg, PA 17120 Mark A. Aronchick Michele D. Hangley Hangley Aronchick Segal Pudlin & Schiller One Logan Square, 27th Floor Philadelphia, PA 19103

Attorneys for Acting Secretary Torres and Commissioner Marks Defendants-Appellees Robert Torres, in his official capacity as Acting Secretary of the Commonwealth, and Jonathan M. Marks, in his official capacity as Commissioner of the Bureau of Commissions, Elections, and Legislation, hereby respectfully request that the Court deny Appellant Jeffrey Cutler's Motion to Reconsider Denial of Injunction Pending Appeal and Motion to Dismiss Defendant's Claims for Failure to Respond to Appellant. Appellant has failed to comply with the Rules of Appellate Procedure or to demonstrate that the Court should grant the relief he seeks.

Respectfully submitted,

Dated: May 21, 2018

Thomas P. Howell Office of General Counsel 333 Market Street, 17th Floor Harrisburg, PA 17101 Tel: (717) 783-6563 Fax: (717) 787-1788 thowell@pa.gov

Timothy E. Gates Kathleen M. Kotula Pennsylvania Department of State Office of Chief Counsel 306 North Office Building Harrisburg, PA 17120 Tel: (717) 783-0736 tgates@pa.gov kkotula@pa.gov

/s/ Mark A. Aronchick Mark A. Aronchick Michele D. Hangley Hangley Aronchick Segal Pudlin & Schiller One Logan Square, 27th Floor Philadelphia, PA 19103 Tel: (215) 568-6200 Fax: (215) 568-0300 maa@hangley.com mdh@hangley.com

Attorneys for Acting Secretary Torres and Commissioner Marks

CERTIFICATE OF SERVICE

I, Mark Aronchick, hereby certify that on May 21, 2018, a true and correct copy of the foregoing Defendants-Appellees' Opposition to Appellant Jeffrey Cutler's Motion to Reconsider Denial of Injunction Pending Appeal and Motion to Dismiss Defendant's Claims for Failure to Respond to Appellant, was filed via the Court's CM/ECF system, which will provide electronic notice to all counsel of record, and sent via first class mail to the following:

> Jeffrey Cutler P.O. Box 2806 York, PA 17405

> > /s/ Mark A. Aronchick Mark A. Aronchick