

HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC  
*Attorneys at Law*

45 North Hill Drive • Suite 100 • Warrenton, VA 20186

January 29, 2018

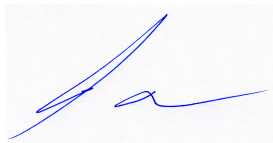
Justice Samuel A. Alito, Jr.  
The Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543

Dear Justice Alito,

I write in reference to *Turzai v. League of Women Voters*, 17A795 (docketed January 26, 2018). *Cf.* Supreme Court Rule 25(6).

On Friday January 25, 2018, the Pennsylvania Supreme Court issued the enclosed additional order (4-3) and accompanying Dissenting and Concurring Statement in the case.

Sincerely,



Jason Torchinsky  
Counsel of Record

Cc: All Counsel

## PROOF OF SERVICE

I hereby certify on this 29<sup>th</sup> day of January, 2018, that a copy of the foregoing Correspondence to Justice Alito has been served via email and USPS First Class Mail on the following:

Served: Alex Michael Lacey  
Service Method: eService  
Email: alacey@cohenlaw.com  
Service Date: 1/29/2018  
Address: Cohen & Grigsby, P.C.  
P.C. 625 Liberty Avenue  
Pittsburgh, PA 15222  
Phone: 412-297-4642  
Representing: Respondent Michael J. Stack III

Served: Alice Birmingham Mitinger  
Service Method: eService  
Email: amitinger@cohenlaw.com  
Service Date: 1/29/2018  
Address: Cohen & Grigsby, P.C.  
625 Liberty Avenue  
Pittsburgh, PA 15236  
Phone: 412-297-4900  
Representing: Respondent Michael J. Stack III

Served: Benjamin David Geffen  
Service Method: eService  
Email: bgeffen@pilcop.org  
Service Date: 1/29/2018  
Address: 1709 Benjamin Franklin Parkway, 2nd Floor  
Philadelphia, PA 19103  
Phone: 215-627-7100  
Representing: Petitioner League of Women Voters of Pennsylvania, et al

Served: Carolyn Batz McGee  
Service Method: eService  
Email: cmcgee@c-wlaw.com  
Service Date: 1/29/2018  
Address: 650 Washington Road, Suite 700  
Pittsburgh, PA 15228  
Phone: 412-563-2500  
Representing: Respondent Michael C. Turzai  
Respondent Pennsylvania General Assembly

Served: Claudia De Palma  
Service Method: eService  
Email: cdp@hangle.com  
Service Date: 1/29/2018  
Address: One Logan Square, 27th Floor  
Philadelphia, PA 19103  
Phone: 215-568-6200  
Representing: Respondent Jonathan M. Marks  
Respondent Robert Torres  
Respondent Thomas W. Wolf

Served: John Cella  
Service Method: Email  
Email: John.Cella@apks.com  
Service Date: 1/29/2018  
Address: 202 Massachusetts Avenue, NW  
Washington, DC 20001  
Phone: 202-942-5000  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: Elisabeth Theodore  
Service Method: Email  
Email: Elisabeth.Theodore@apks.com  
Service Date: 1/29/2018  
Address: 202 Massachusetts Avenue, NW  
Washington, DC 20001  
Phone: 202-942-5000  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: John Robinson  
Service Method: Email  
Email: John.Robinson@apks.com  
Service Date: 1/29/2018  
Address: 202 Massachusetts Avenue, NW  
Washington, DC 20001  
Phone: 202-942-5000  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: Daniel Jacobson  
Service Method: Email  
Email: Daniel.Jacobson@apks.com  
Service Date: 1/29/2018  
Address: 202 Massachusetts Avenue, NW  
Washington, DC 20001  
Phone: 202-942-5000  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: R. Stanton Jones  
Service Method: Email  
Email: Stanton.Jones@apks.com  
Service Date: 1/29/2018  
Address: 202 Massachusetts Avenue, NW  
Washington, DC 20001  
Phone: 202-942-5000  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: John A. Freedman  
Service Method: Email  
Email: John.Freedman@apks.com  
Service Date: 1/29/2018  
Address: 202 Massachusetts Avenue, NW  
Washington, DC 20001  
Phone: 202-942-5000  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: David P. Gersch  
Service Method: Email  
Email: David.Gersch@apks.com  
Service Date: 1/29/2018  
Address: 202 Massachusetts Avenue, NW  
Washington, DC 20001  
Phone: 202-942-5000  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: Andrew D. Bergman  
Service Method: Email  
Email: Andrew.Bergman@apks.com  
Service Date: 1/29/2018  
Address: 700 Louisiana Street, Suite 4000  
Houston, TX 77002-2755  
Phone: 713-576-2400  
Representing: Respondent League of Women Voters of Pennsylvania, et al

Served: Clifford B. Levine  
Service Method: eService  
Email: clevine@cohenlaw.com  
Service Date: 1/29/2018  
Address: Cohen & Grigsby, P.C.  
625 Liberty Avenue  
Pittsburgh, PA 15222-3152  
Phone: 412-297-4998  
Representing: Respondent Michael J. Stack III

Served: Ian Blythe Everhart  
Service Method: eService  
Email: ieverhart@pa.gov  
Service Date: 1/29/2018  
Address: 306 North Office Building  
Harrisburg, PA 17120  
Phone: 717-346-0462  
Representing: Respondent Jonathan M. Marks  
Respondent Robert Torres

Served: Jason Raymond McLean  
Service Method: eService  
Email: jrmclean@c-wlaw.com  
Service Date: 1/29/2018  
Address: 650 Washington Rd. #700  
Pittsburgh, PA 15228  
Phone: 412-563-4974  
Representing: Respondent Michael C. Turzai

Served: Karl Stewart Myers  
Service Method: eService  
Email: kmyers@stradley.com  
Service Date: 1/29/2018  
Address: Stradley Ronon Stevens and Young, LLP  
2005 Market Street, Suite 2600  
Philadelphia, PA 19103  
Phone: 215-564-8193  
Representing: Respondent Pennsylvania General Assembly

Served: Kathleen A. Gallagher  
Service Method: eService  
Email: kgallagher@c-wlaw.com  
Service Date: 1/29/2018  
Address: 650 Washington Road, Suite 700  
Pittsburgh, PA 15219  
Phone: 412-563-2500  
Representing: Respondent Michael C. Turzai

Served: Kathleen Marie Kotula  
Service Method: eService  
Email: kkotula@pa.gov  
Service Date: 1/29/2018  
Address: Room 306 North Office Building  
401 North Street  
Harrisburg, PA 17120-0500  
Phone: 717-783-0736  
Representing: Respondent Jonathan M. Marks  
Respondent Robert Torres

Served: Lawrence J. Tabas  
Service Method: eService  
Email: lawrence.tabas@obermayer.com  
Service Date: 1/29/2018  
Address: Obermayer Rebmann Maxwell & Hippel LLP  
Centre Square West  
1500 Market Street, Suite 3400  
Philadelphia, PA 19102  
Phone: 215-665-3158  
Facsimile: 215-665-3165  
Representing: Respondent Intervenors Brian McCann, et al

Served: Rebecca Lee Warren  
Service Method: eService  
Email: rebecca.warren@obermayer.com  
Service Date: 1/29/2018  
Address: Obermayer Rebmann Maxwell & Hippel LLP  
Centre Square West  
1500 Market Street, Suite 3400  
Philadelphia, PA 19102  
Phone: 215-665-3026  
Facsimile: 215-665-3165  
Representing: Respondent Intervenors Brian McCann, et al

Served: Mark Alan Aronchick  
Service Method: eService  
Email: maronchick@hangle.com  
Service Date: 1/29/2018  
Address: One Logan Square, 27th Floor  
Philadelphia, PA 19103  
Phone: 215-496-7002  
Representing: Respondent Jonathan M. Marks  
Respondent Robert Torres  
Respondent Thomas W. Wolf

Served: Mary M. McKenzie  
Service Method: eService  
Email: mmckenzie@pubintl.org  
Service Date: 1/29/2018  
Address: 1709 Benjamin Franklin Parkway  
Philadelphia, PA 19103  
Phone: 267-546-1319  
Representing: Petitioner League of Women Voters of Pennsylvania, et al

Served: Michael Churchill  
Service Method: eService  
Email: mchurchill@pilcop.org  
Service Date: 1/29/2018  
Address: 1709 Ben Franklin Pkwy. 2fl  
Philadelphia, PA 19103  
Phone: 215-627-7100  
Representing: Petitioner League of Women Voters of Pennsylvania, et al

Served: Michele D. Hangle  
Service Method: eService  
Email: mhangle@hangle.com  
Service Date: 1/29/2018  
Address: Hangle Aronchick Segal Pudlin & Schiller  
One Logan Square, 27th Floor  
Philadelphia, PA 19103  
Phone: 215-496-7061  
Representing: Respondent Jonathan M. Marks  
Respondent Robert Torres  
Respondent Thomas W. Wolf

Served: Russell David Giancola  
Service Method: eService  
Email: rgiancola@c-wlaw.com  
Service Date: 1/29/2018  
Address: Cipriani & Werner, PC  
650 Washington Road, Suite 700  
Pittsburgh, PA 15228  
Phone: 412-563-2500  
Representing: Respondent Michael C. Turzai

Served: Thomas Paul Howell  
Service Method: eService  
Email: thowell@pa.gov  
Service Date: 1/29/2018  
Address: 333 Market Street, 17th Floor  
Harrisburg, PA 17101  
Phone: 717-772-4252  
Representing: Respondent Thomas W. Wolf

Served: Timothy Eugene Gates  
Service Method: eService  
Email: tgates@pa.gov  
Service Date: 1/29/2018  
Address: Department of State, Office of Chief Counsel  
306 North Office Building  
Harrisburg, PA 17120  
Phone: 717-783-0736  
Representing: Respondent Jonathan M. Marks  
Respondent Robert Torres

### **Courtesy Copy**

Served: Alison Melissa Kilmartin  
Service Method: eService  
Email: akilmartin@orrick.com  
Service Date: 1/29/2018  
Address: 406 Crimson Drive  
Pittsburgh, PA 15237  
Phone: 412-931-0489  
Representing: Amicus Curiae Bernard Grofman  
Amicus Curiae Ronald Keith Gaddie



Served: Amy Louise Rosenberger  
Service Method: eService  
Email: arosenberger@wwdlaw.com  
Service Date: 1/29/2018  
Address: Willig, Williams & Davidson  
1845 Walnut Street, 24th Floor  
Philadelphia, PA 19103  
Phone: 215-656-3622  
Representing: Amicus Curiae AFSCME Council 13, et al

Served: Colin Emmet Wrabley  
Service Method: eService  
Email: cwrabley@reedsmith.com  
Service Date: 1/29/2018  
Address: 14 Winthrop Road  
Carnegie, PA 15106  
Phone: 412-498-2302  
Representing: Amicus Curiae The Pittsburgh Foundation

Served: James Christopher Martin  
Service Method: eService  
Email: jcmartin@reedsmith.com  
Service Date: 1/29/2018  
Address: 808 West Waldheim Road  
Pittsburgh, PA 15215  
Phone: 412-288-3546  
Representing: Amicus Curiae The Pittsburgh Foundation

Served: John R. Bielski  
Service Method: eService  
Email: jbielski@wwdlaw.com  
Service Date: 1/29/2018  
Address: Willig, Williams & Davidson  
1845 Walnut Street, 24th Floor  
Philadelphia, PA 19103  
Phone: 215-656-3652  
Representing: Amicus Curiae AFSCME Council 13, et al

Served: Jordan Berson Yeager  
Service Method: eService  
Email: jby@curtinheefner.com  
Service Date: 1/29/2018  
Address: 2005 South Easton Road, Suite 100  
Doylestown, PA 18901  
Phone: 267-898-0570  
Representing: Petitioner Amicus Curiae Political Science Professors

Served: Lauren Miller Hoye  
Service Method: eService  
Email: lhoye@wwdlaw.com  
Service Date: 1/29/2018  
Address: 1845 Walnut Street, 24th Floor  
Philadelphia, PA 19103  
Phone: 215-656-3687  
Representing: Amicus Curiae AFSCME Council 13, et al

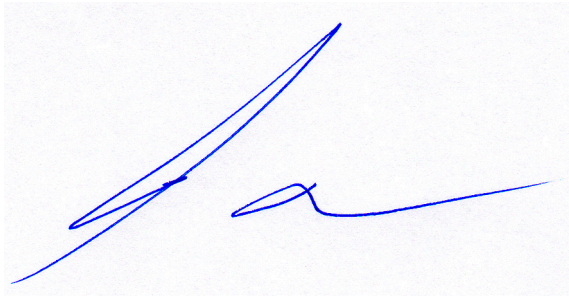
Served: Martin Jay Black  
Service Method: eService  
Email: martin.black@dechert.com  
Service Date: 1/29/2018  
Address: 2929 Arch Street  
Philadelphia, PA 19104  
Phone: 215-994-2664  
Representing: Amicus Curiae Common Cause

Served: Peter E. Leckman  
Service Method: eService  
Email: pleckman@langergrogan.com  
Service Date: 1/29/2018  
Address: Langer Grogan & Diver  
1717 Arch Street  
Philadelphia, PA 19103  
Phone: 215-320-5660  
Representing: Amicus Curiae Campaign Legal Center

Served: Ralph J. Teti  
Service Method: eService  
Email: rteti@wwdlaw.com  
Service Date: 1/29/2018  
Address: Willig, Williams & Davidson  
1845 Walnut St., 24th Floor  
Philadelphia, PA 19103  
Phone: 215-656-3620  
Representing: Amicus Curiae AFSCME Council 13, et al

Served: Richard L. Bazelon  
Service Method: eService  
Email: rbazelon@bazless.com  
Service Date: 1/29/2018  
Address: Bazelon Less & Feldman, P.C.  
One South Broad Street, Suite 1500  
Philadelphia, PA 19107  
Phone: 215-568-1155  
Representing: Amicus Curiae The Brennan Center for Justice at New York  
University School of Law

Served: Witold J. Walczak  
Service Method: eService  
Email: vwalczak@aclupa.org  
Service Date: 1/29/2018  
Address: ACLU of Pennsylvania  
313 Atwood Street  
Pittsburgh, PA 15213  
Phone: 412-681-7864  
Representing: Amicus Curiae American Civil Liberties Union of Pennsylvania  
Amicus Curiae American Civil Liberties Union, National

A handwritten signature in blue ink, consisting of a large, sweeping initial 'J' followed by a smaller, more complex set of strokes.

---

Person Serving: Jason Torchinsky  
jtorchinsky@hvjt.law  
Holtzman Vogel Josefiak Torchinsky PLLC  
45 North Hill Drive, Suite 100  
Warrenton, Virginia 20186  
Phone: 540-341-8808  
Facsimile: 540-341-8809

**[J-1-2018]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

LEAGUE OF WOMEN VOTERS OF : No. 159 MM 2017  
PENNSYLVANIA, CARMEN FEBO SAN :  
MIGUEL, JAMES SOLOMON, JOHN :  
GREINER, JOHN CAPOWSKI, :  
GRETCHEN BRANDT, THOMAS :  
RENTSCHLER, MARY ELIZABETH :  
LAWN, LISA ISAACS, DON LANCASTER, :  
JORDI COMAS, ROBERT SMITH, :  
WILLIAM MARX, RICHARD MANTELL, :  
PRISCILLA MCNULTY, THOMAS :  
ULRICH, ROBERT MCKINSTRY, MARK :  
LICHTY, LORRAINE PETROSKY, :

Petitioners

v.

THE COMMONWEALTH OF :  
PENNSYLVANIA; THE PENNSYLVANIA :  
GENERAL ASSEMBLY; THOMAS W. :  
WOLF, IN HIS CAPACITY AS :  
GOVERNOR OF PENNSYLVANIA; :  
MICHAEL J. STACK III, IN HIS CAPACITY :  
AS LIEUTENANT GOVERNOR OF :  
PENNSYLVANIA AND PRESIDENT OF :  
THE PENNSYLVANIA SENATE; :  
MICHAEL C. TURZAI, IN HIS CAPACITY :  
AS SPEAKER OF THE PENNSYLVANIA :  
HOUSE OF REPRESENTATIVES; :  
JOSEPH B. SCARNATI III, IN HIS :  
CAPACITY AS PENNSYLVANIA SENATE :  
PRESIDENT PRO TEMPORE; ROBERT :  
TORRES, IN HIS CAPACITY AS ACTING :  
SECRETARY OF THE :  
COMMONWEALTH OF PENNSYLVANIA; :  
JONATHAN M. MARKS, IN HIS :  
CAPACITY AS COMMISSIONER OF THE :  
BUREAU OF COMMISSIONS, :  
ELECTIONS, AND LEGISLATION OF :

THE PENNSYLVANIA DEPARTMENT OF :  
STATE, :  
 :  
 :  
 Respondents :

**ORDER**

**PER CURIAM**

**AND NOW**, this 26<sup>th</sup> day of January, 2018, in furtherance of this Court’s Order of January 22, 2018, and in anticipation of the possible eventuality that the General Assembly and the Governor do not enact a remedial congressional districting plan by the time periods specified in that Order, the Court orders as follows.

Pursuant to Paragraph “Third” of our Order of January 22, 2018:

First, this Court appoints Professor Nathaniel Persily as an advisor to assist the Court in adopting, if necessary, a remedial congressional redistricting plan.

Second, the Pennsylvania General Assembly shall submit to the Court, or direct the Legislative Data Processing Center to submit to the Court, no later than **January 31, 2018 at noon**, ESRI shape files that contain the current boundaries of all Pennsylvania municipalities and precincts.

Third, any redistricting plan the parties or intervenors choose to submit to the Court for its consideration shall include the following:

a. A 2010 Census block equivalency and ESRI shape file expressing the plan.

b. A report detailing the compactness of the districts according to each of the following measures: Reock; Schwartzberg; Polsby-Popper; Population Polygon; and Minimum Convex Polygon.

c. A report detailing the number of counties split by each district and split in the plan as a whole.

d. A report detailing the number of municipalities split by each district and the plan as a whole.

e. A report detailing the number of precincts split by each district and the plan as a whole.

f. A statement explaining the proposed plan's compliance with this Court's Order of January 22, 2018.

Fourth, the parties and intervenors shall submit to the Court, no later than **January 31, 2018 at noon**, a 2010 Census block equivalency and ESRI shape file for the maps which formed the basis for the expert testimony and reports offered into evidence in the proceedings before the Commonwealth Court. All such maps shall be labeled consistently with the parties' or intervenors' exhibits and descriptions therein.

Justice Baer files a Concurring and Dissenting Statement.

Chief Justice Saylor and Justice Mundy dissent.

**[J-1-2018]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

LEAGUE OF WOMEN VOTERS OF : No. 159 MM 2017  
PENNSYLVANIA, CARMEN FEBO SAN :  
MIGUEL, JAMES SOLOMON, JOHN :  
GREINER, JOHN CAPOWSKI, :  
GRETCHEN BRANDT, THOMAS :  
RENTSCHLER, MARY ELIZABETH :  
LAWN, LISA ISAACS, DON LANCASTER, :  
JORDI COMAS, ROBERT SMITH, :  
WILLIAM MARX, RICHARD MANTELL, :  
PRISCILLA MCNULTY, THOMAS :  
ULRICH, ROBERT MCKINSTRY, MARK :  
LICHTY, LORRAINE PETROSKY, :

Petitioners

v.

THE COMMONWEALTH OF :  
PENNSYLVANIA; THE PENNSYLVANIA :  
GENERAL ASSEMBLY; THOMAS W. :  
WOLF, IN HIS CAPACITY AS :  
GOVERNOR OF PENNSYLVANIA; :  
MICHAEL J. STACK III, IN HIS CAPACITY :  
AS LIEUTENANT GOVERNOR OF :  
PENNSYLVANIA AND PRESIDENT OF :  
THE PENNSYLVANIA SENATE; :  
MICHAEL C. TURZAI, IN HIS CAPACITY :  
AS SPEAKER OF THE PENNSYLVANIA :  
HOUSE OF REPRESENTATIVES; :  
JOSEPH B. SCARNATI III, IN HIS :  
CAPACITY AS PENNSYLVANIA SENATE :  
PRESIDENT PRO TEMPORE; ROBERT :  
TORRES, IN HIS CAPACITY AS ACTING :  
SECRETARY OF THE :  
COMMONWEALTH OF PENNSYLVANIA; :  
JONATHAN M. MARKS, IN HIS :  
CAPACITY AS COMMISSIONER OF THE :  
BUREAU OF COMMISSIONS, :  
ELECTIONS, AND LEGISLATION OF :



THE PENNSYLVANIA DEPARTMENT OF :  
STATE, :  
Respondents :

**CONCURRING AND DISSENTING STATEMENT**

**JUSTICE BAER**

**FILED: January 26, 2018**

In my concurring and dissenting statement to the *per curiam* order dated January 22, 2018, I stated that I would cooperate with the Court's implementation of its order notwithstanding my disagreement so long as due process to all parties was protected. I remain concerned that the procedure detailed by the Court may not provide the parties with due process going forward. To the extent that a deprivation would occur, I dissent to the proceedings sanctioned by the Court.