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

Louis Agre, *et al*.,	:	
	:	
Plaintiffs,	:	**Civil Action No. 2:17-cv-4392**
	:	
v.	:	
	:	
Thomas W. Wolf *et al*.,	:	
	:	
Defendants.	:	

MEMORANDUM OF LAW IN OPPOSITION TO THE DIAMOND GROUP'S MOTION TO INTERVENE

Legislative Defendants Michael C. Turzai, in his official capacity as Speaker of the Pennsylvania House of Representatives, and Joseph B. Scarnati III, in his official capacity as Pennsylvania Senate President Pro Tempore (collectively, "Legislative Defendants"), respectfully submit this Memorandum of Law in Opposition to the Diamond Group's Motion to Intervene (the "Motion") filed Friday, November 3, 2017. (ECF No. 54)

I. INTRODUCTION

The Motion is an impermissible attempt to interject an entirely separate lawsuit into this case, especially when this case is scheduled to be trial-ready in 28 (18 business) days. If intervention were to be granted, it would violate Legislative Defendants' due process rights and result in severe prejudice to the existing parties to this litigation, who have for the last month been operating on an extremely expedited litigation schedule. The already-condensed timeline under which the parties have been litigating this case cannot possibly accommodate 11 new plaintiffs with a new Complaint, new claims, new fact and expert discovery, new responsive pleadings and hearings on those pleadings. Indeed, most of these deadlines have already passed and Plaintiffs'

experts' reports are due tomorrow[1], Legislative Defendants' rebuttal reports are due two weeks thereafter, and trial is set to commence in less than a month. If permitted to intervene, the *eleven* individuals in the Diamond Group would all need to be deposed prior to the December 4, 2017 trial date. The Diamond Group would also need to submit its own expert reports – which would necessarily differ from Plaintiffs'– *by tomorrow*, and Legislative Defendants would then have to identify and retain additional rebuttal experts to address the new claims and legal theories advanced by the Diamond Group, and those not-yet-identified experts' rebuttal reports would also be due in just two weeks, in order to comply with the November 22, 2017 deadline for expert reports.[2]

Moreover, if the Court grants the Motion, it would be required to stay this case because the causes of action which the Diamond Group seeks to interject in the case are substantively identical to those that are currently pending in *Gill v. Whitford*, No. 16-1161, 2017 U.S. LEXIS 4040 (U.S. June 19, 2017) ("*Whitford*") and the *League of Women Voters of Pennsylvania, et al. v. Commonwealth*, et al., No. 261 MD 2017 (Pa. Commw. Ct. June 15, 2017) (the "Pennsylvania Action"). When this Court first considered a potential stay of this matter, it specifically stated that the claims asserted herein were *not* those asserted in *Gill*.[3] If intervention is permitted, that would no longer be the case.

On the merits, the Motion should be denied for the following reasons:

---

[1] Plaintiffs have already identified at least four, and up to nineteen, experts they may call. *See* Letter, attached hereto as **Exhibit A**. Plaintiffs made the Court aware of the situation on November 3, 2017. *See* Letter, attached hereto as **Exhibit B**.

[2] The Diamond Group's own Motion makes clear that they intend to introduce additional experts to support the assertion of new claims brought under the First and Fourteenth Amendments as it cites to at least one such expert in its supporting brief. Motion, p. 10.

[3] *See* (ECF No. 35), Oct. 10, 2017 Tr. at 14:23-15:1. ("[T]his is a different claim that is pending in front of the Supreme Court. . . . [A]s far as I can tell, this is a novel claim period on a so-called gerrymandering cause of action.")

First, the Diamond Group fails to satisfy its burden of proof to show that its members are entitled to intervention as a matter of right under Federal Rule of Civil Procedure 24(a)(2) because: (1) the Motion is untimely and allowing intervention would severely prejudice Legislative Defendants and the other parties in this action; (2) the Diamond Group's rights would not be impaired absent intervention because it could bring its new causes of action in a separate lawsuit; and (3) the adequacy of Plaintiffs' representation of the Diamond Group's interests cannot fairly be challenged because the Diamond Group merely asserts that they do not agree with Plaintiffs' legal strategy, and a disagreement in strategy cannot, as a matter of law, be the basis of an inadequacy challenge.

Second, the Court should not exercise its discretion to allow permissive intervention under Federal Rule of Civil Procedure 24(b) because the Diamond Group's late-filed motion would be highly prejudicial, and there is no equitable justification for allowing permissive intervention.

Third, even if the Court finds intervention to be appropriate, it should deny the Motion because a party may not intervene in a lawsuit where the court does not have jurisdiction. Here, as detailed in Legislative Defendants' pending Motion to Dismiss, this Court lacks jurisdiction to consider this case because existing Plaintiffs do not have standing to bring their statewide gerrymandering action and the Diamond Group likewise suffers from the same standing defects.

For these reasons, and the additional reasons set forth below, the Court should deny the Motion and refuse to allow the Diamond Group to intervene in this case.

II. ARGUMENT

A. THE DIAMOND GROUP FAILS TO MEET THE TEST FOR INTERVENTION AS A MATTER OF RIGHT UNDER RULE 24(a)(2)

The Diamond Group is not entitled to intervention as a right. Rule 24(a)(2) of the Federal Rules of Civil Procedure provides that "[o]n timely motion, the court must permit anyone to

intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." FED. R. CIV. P. 24(a)(2). A non-party is permitted to intervene under Rule 24(a)(2) only if each of the following requirements has been satisfied:

> (1) The application for intervention is timely;
>
> (2) The applicant has a sufficient interest in the litigation;
>
> (3) The interest may be affected or impaired, as a practical matter by the disposition of the action; **and**
>
> (4) The interest is not adequately represented by an existing party in the litigation.

Liberty Mut. Ins. Co. v. Treesdale, Inc., 419 F.3d 216, 220 (3d Cir. 2005). *Mt. Top Condo. Ass'n v. Dave Stabbert Master Builder, Inc.,* 72 F.3d 361, 366 (3d Cir. 1995) ("Each of these requirements must be met to intervene as of right."). As detailed below, the Diamond Group fails to satisfy the first, third and fourth requirements of this standard.

1. <u>The Diamond Group's Motion to Intervene is Untimely</u>

The Motion must be denied because it is not timely. The timeliness of a motion to intervene is not merely a temporal assessment. *See e.g.*, *Arkansas Elec. Energy Consumers v. Middle South Energy, Inc*., 772 F.2d 401, 403-04 (8th Cir. 1985) (concluding that motion to intervene was untimely even though it was filed only 12 days after the commencement of lawsuit because of "the expedited nature of the proceedings, [and] substantial amount of the litigation had been completed during these twelve days"). Rather, courts considering whether a motion to intervene is timely must consider the totality of the circumstances, including the events that have occurred in the litigation and the impact that intervention would have on the existing parties. *In re Fine Paper*

Antitrust Litig., 695 F.2d 494, 500 (3d Cir. 1982). In making a determination as to whether a motion to intervene is timely, courts in this Circuit consider three factors: (1) the stage of the proceeding; (2) the prejudice that delay may cause the parties; and (3) the reason for the delay. *Id.* "These three factors are necessarily bound up in one another," and are generally considered collectively as a single inquiry. *Wallach v. Eaton Corp.*, 837 F.3d 356, 371 (3d Cir. 2016). Here, the three factors weigh heavily against a finding that the Diamond Group's Motion was timely under Rule 24(a)(2).

The Diamond Group filed its Motion on November 3, 2017 – a full month after this case was filed and less than a month before it is to be tried. And, since this case was filed, the parties have worked around the clock in order to meet the Court's directive that trial shall commence on December 4, 2017. Allowing the intervention at this stage in the litigation would be extremely prejudicial to the Legislative Defendants' ability to defend their case.

The parties are a mere 28 days (18 business days) from trial; yet, as the Diamond Group admits, its proposed Complaint contains claims that are materially different from those contained in the existing Plaintiffs' Complaint. Motion, at p. 7. Specifically, the Diamond Group alleges that the 2011 Plan directly violates the First and Fourteenth Amendments to the U.S. Constitution, the very same claims currently at issue in *Whitford* and the Pennsylvania Action. The Diamond Group's desire to make this case all about the *Whitford* claims directly contradicts Plaintiffs' consistent assurance to this Court that such claims would not be at issue.[4] The Diamond Group should not be permitted to hijack this case now via intervention to make it about claims this Court likely would not have allowed to proceed if filed separately. This is especially true given that there

[4] Presumably these representations figured into the Court's analysis in denying Legislative Defendants' Motion for a Stay.

is no way these new claims could possibly be accommodated into this case without resulting in severe prejudice to the existing parties.

The prejudice to the existing parties that would result if the Diamond Group is permitted to intervene cannot be understated. The parties have been operating on an extremely accelerated schedule for the past month. Contrary to the Diamond Group's characterization of this matter as being in an "early stage," the parties have engaged in substantial briefing relative to the Legislative Defendants' Motions to Intervene, to Dismiss, and to Stay/Abstain, as well as the parties' Motions to Compel. Briefing on all of these issues has been completed and all outstanding motions are scheduled to be argued at the pretrial hearing tomorrow, on November 7, 2017. Plaintiffs have identified no less than 4, and potentially as many as 19, expert witnesses. The Legislative Defendants are now in the process of trying to identify and retain rebuttal experts who will have to prepare rebuttal reports all within 15 days, as they are due on November 22, 2017. (ECF No. 20). The parties have also been trying to schedule the depositions of the existing Plaintiffs, and their experts, all to occur within the next two weeks. Furthermore, the parties have engaged in hours of "meet and confer" discussions on discovery issues, exchanged discovery objections/responses, and have agreed to begin producing documents on a rolling basis starting this Friday. In short, notwithstanding the Diamond Group's claim that this case is somehow in its infancy, the parties have been working at breakneck speed to be ready for a trial in just 28 days, on December 4, 2107.

The already extraordinarily tight schedule would be made infinitely more burdensome and prejudicial should the Diamond Group be entitled to intervene. Not only would 11 more proposed plaintiffs need to be deposed (especially given that these individuals, too, appear to lack standing to assert their claims), but given that the Diamond Group admits it seeks to inject *Whitford*-type

First and Fourteenth Amendment claims into this case (*see* (Compl. in Intervention ¶¶ 57-60, 61-65), it will necessarily have to produce its own set of experts to support those claims which, yet again, will force the Legislative Defendants to scurry to find rebuttal experts on incredibly short notice, and all such experts will need to exchange reports, be deposed and be subject to *Daubert* challenges, all within 18 business days in order to accommodate a December 4th trial.[5] Especially when layered on top of the already extremely burdensome deadlines the parties are already operating under, permitting these new parties and new claims into this matter at this stage would be virtually impossible.

Finally, the Diamond Group has identified no legitimate reason for its delay in filing. Within days of this matter having been filed on October 2, 2017, there was ample publicity of this action in the media.[6] Thus, the Diamond Group (and its counsel) have or should have known about this lawsuit from its inception. *See Harris v. Pernsley*, 113 F.R.D. 615, 620 (E.D. Pa. 1986), *aff'd*, 820 F.2d 592 (3d Cir. 1987) (denying motion to intervene in part because the proposed intervenor knew or had reason to know of the litigation before filing the motion to intervene).

---

[5] Notably, based on the brief descriptions of topics these experts will purportedly address, and the curriculum vitae's produced, some or all of them will be subject to significant *Daubert* challenges, all of which must be briefed and argued in the coming weeks.

[6] http://pjvoice.org/2017/10/08/update-on-redistricting-cases-with-potential-pennsylvania-impact/#.Wf4jqnKWx_U (last visited November 4, 2017); and https://www.brennancenter.org/analysis/major-events-key-redistricting-cases (last visited November 4, 2017). It is hard to believe that the Diamond Group's counsel, which touts itself as the "creative pioneer of modern political law and as one of the largest practices of its kind in the country [with an] exceptional record of election-related litigation," did not know about this lawsuit from the inception. https://www.perkinscoie.com/en/practices/government-regulatory-law/political-law.html. Indeed, Plaintiffs themselves previously boasted about being contacted by potential plaintiffs from across the Commonwealth that wanted to join the case. (ECF No. 53), Pls.' Resp. in Opp. To Defs.-Intervenors' Mot. to Dismiss at 10 ("Finally, since the filing of this case on October 3, 2017, plaintiffs have received offers from Pennsylvania citizens from Congressional districts all over the State to join as plaintiffs in this action. Plaintiffs currently have agreements or commitments from at least one person in each of the 18 Congressional districts of Pennsylvania—and in most cases more than one person—to join as additional plaintiffs in this case.")

For all of these reasons, the Diamond Group cannot be entitled to intervention as a right because its Motion is untimely and would cause substantial prejudice.

2. The Diamond Group's Interests Will Not Be Impaired If Intervention Is Denied

The Motion should also be denied because the Diamond Group cannot show that it will be impaired if it is not allowed to intervene. In support of its Motion, the Diamond Group argues that if it is not permitted to intervene in this matter, its members' due process rights to assert their claims would somehow be impaired. Motion, p. 6. This argument must be rejected.

To establish that its members' due process rights would be impaired if the Motion is denied, the Diamond Group would need to demonstrate that, absent intervention, its members would be prevented from properly asserting their claims. It cannot do that.

The Diamond Group seeks to assert claims under the Elections Clause, the First Amendment and the Fourteenth Amendment. The Diamond Group acknowledges that the existing Plaintiffs are adequately pursuing their Elections Clause claim. Motion, p. 7. Thus, any argument that the Diamond Group's due process rights will be impaired would necessarily depend upon a showing that, absent intervention, its members would be prevented from sufficiently asserting their First and/or Fourteenth Amendment claims. But, the Diamond Group cannot make such a showing because, as it admits, its First and Fourteenth Amendment claims are of an entirely different nature than existing Plaintiffs' claims. *See* Motion, at 6-7 ("The [Plaintiffs] … assert that the 2011 Plan violates Plaintiffs' equal protection rights and free speech rights, but that such violations are unlawful only because they are beyond the legislature's authority under the Elections Clause…By contrast, [the Diamond Group]…separately assert[s] that [a redistricting plan that violates the] First and Fourteenth Amendment rights is unlawful only because they are beyond the legislature's authority under the Elections Clause.") As such, there is simply no reason why the Diamond Group

could not initiate a new and separate lawsuit to assert those claims. Thus, the Diamond Group's due process rights would not be impaired absent intervention in this lawsuit.[7]

Moreover, to the extent the Diamond Group argues that it will be impaired by a delay from being required to file a new and separate case, that argument should not figure into the Court's analysis because substantial delay is inevitable should the new claims be asserted. As the Court is aware, Legislative Defendants previously filed a Motion to Stay/Abstain in this case, pending decisions in *Whitford* and the Pennsylvania Action. The Court denied the Motion without an opinion, but, at the preliminary conference, the Court suggested that the denial was appropriate because Plaintiffs raised novel legal theories under the Elections Clause that did *not* include the claims asserted in *Whitford* and the Pennsylvania Action, which the Diamond Group now seeks to inject into this matter. *See* (ECF No. 35), Oct. 10, 2017 Tr. at 14:23-15:1 ("[T]his is a different claim that is pending in front of the Supreme Court. . . . [A]s far as I can tell, this is a novel claim period on a so-called gerrymandering cause of action.").

Unlike Plaintiffs' Elections Clause claims, however, there can be no doubt that the Diamond Group's Fourteenth and First Amendment claims are not novel. Indeed, the Diamond Group's claims are substantively identical to those pending in *Whitford* and the Pennsylvania Action. The Diamond Group admits as much when it refers to the Wisconsin District Court's decision in *Whitford* as being "consistent with" its First and Fourteenth Amendment claims. Motion, p. 8.

[7] Similarly, the Diamond Group suggests that an adverse ruling here could, as a result of stare decisis, prevent it from making its claims in another court. But, stare decisis only can impact a claim of the same nature. *See Planned Parenthood of Southeastern Pa. v. Casey*, 947 F.2d 682, 691-92 (3d Cir. 1991) ("Our system of precedent or stare decisis is thus based on adherence to both the reasoning and result of a case, and not simply to the result alone."). Because the Diamond Group's claims are substantively different than existing Plaintiffs' claims, there is no risk that an adverse ruling here would subject those claims to stare decisis.

Accordingly, if the Diamond Group is permitted to intervene, this matter must be stayed because the forthcoming decision in *Whitford* will directly control the issues involved in the Diamond Group's First and Fourteenth Amendment claims. Likewise, a stay or abstention would be warranted regarding those claims because the Pennsylvania appellate courts have already been asked to consider nearly identical claims regarding the same Pennsylvania Congressional District map. *See Growe v. Emison*, 507 U.S. 25, 33 (1993).

3. <u>The Diamond Group Is Adequately Represented</u>

In order to be entitled to intervention as a right, the Diamond Group is also required to demonstrate that its interests are not adequately represented by Plaintiffs. In this regard, the Diamond Group argues that the existing Plaintiffs do not adequately represent it because existing Plaintiffs have not asserted the Diamond Group's First Amendment or Equal Protection Arguments. This argument must be rejected.

"[W]hen the party seeking intervention has the same ultimate objective as a party to the suit, a presumption arises that its interests are adequately represented." *In re Cmty. Bank of N. Va. & Guar. Nat'l Bank of Tallahassee Second Mortg. Loan Litig.*, 418 F.3d 277, 315 (3d Cir. 2005) (internal citations omitted). "To overcome the presumption of adequate representation, the proposed intervenor must ordinarily demonstrate adversity of interest, collusion, or nonfeasance on the part of a party to the suit." *Id*.

Here, the Diamond Group's ultimate goal is identical to that of the existing Plaintiffs: that the 2011 Plan be declared unconstitutional and the map be redrawn. Thus, there is a presumption that the Diamond Group's interests are adequately represented such that intervention should be denied. *See id*. In an attempt to overcome this presumption, the Diamond Group argues only that existing Plaintiffs do not adequately represent its interests because its theory of the case is not

being prosecuted by Plaintiffs. Motion, at 7 ("[W]hile the proposed complaint in intervention raises common issues of law and fact to those raised in the original complaint, the Diamond Group asserts two additional claims…."). But, the mere fact that the Diamond Group asserts a different legal theory is insufficient as a matter of law to overcome the presumption that it is adequately represented. *See Commonwealth of Pa. v. Rizzo*, 530 F.2d 501, 505 (3d Cir. 1976) ("That [intervenors] … would have taken a different view of the applicable law does not mean that the [defendants] did not adequately represent their interests in the litigation."); *Estate of Kelly ex rel. Gafni v. Multiethnic Behavioral Health, Inc.*, No. 08-3700, 2009 WL 2902350, at *8 (E.D. Pa. Sept. 9, 2009) (holding that disagreement over litigation strategy does not constitute inadequacy of representation).

Accordingly, the Diamond Group has failed to meet its burden to show that its interests are not being adequately protected.[8]

B. THE COURT SHOULD NOT ALLOW FOR PERMISSIVE INTERVENTION UNDER 24(b)

Moreover, allowing the Diamond Group argues that if it is not entitled to intervention as a matter of right, the Court should permit intervention pursuant Federal Rule of Civil Procedure 24(b). Rule 24(b) provides that "[o]n timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." FED. R. CIV. P. 24(b)(1)(B). In determining whether a party is entitled to permissive intervention,

[8] The cases cited by the Diamond Group do not compel a different conclusion. In *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964 (3d. Cir. 1998), the court permitted intervention only because the economic and financial interests of the proposed intervenors diverged sufficiently from those of the existing defendant. Likewise, in *Pereira v. Foot Locker, Inc.*, CIV. A. No. 07-cv-2157, 2009 WL 1214240 (E.D. Pa. 2009), the Court permitted intervention only because proposed intervenors sought different relief and a different recovery. Finally, in *Smith v. Cobb Cty. Bd. of Elections & Registrations*, 314 F. Supp. 2d 1274 (N.D. Ga. 2002), the court *denied* an intervention motion where the proposed intervenor, like the Diamond Group here, merely sought to present an alternative theory of the case. *Id*.

courts are guided largely by the same principles that are used to analyze whether a party is entitled to intervention as a right. For example, when considering whether to allow permissive intervention, courts generally consider both the timeliness and adequacy representation of interests. *Hoots v. Commonwealth of Pa.*, 672 F.2d 1133, 1136 (3d Cir. 1982); *In re Wellbutrin XI Antitrust Litig.*, 268 F.R.D. 539, 545 (E.D. Pa. 2010) (citing *Delaware Valley Citizens' Council for Clean Air v. Com. of Pa.*, 674 F.2d 970, 973 (3d Cir. 1982)). Because the factors considered on a motion for permissive intervention are similar to those considered in a motion for intervention as a right, a finding that a party is not entitled to intervene as a right almost always results in a denial of permissive intervention. *Brody v. Spang*, 957 F.2d 1108, 1124 (3d Cir. 1992).

For the reasons explained above, the Diamond Group's Motion is untimely and would severely prejudice Legislative Defendants and all existing parties to this litigation given the accelerated timeline ordered by this Court. Moreover, the Diamond Group offers no equitable reason for the Court to grant its request for intervention by permission. Accordingly, this Court should deny the Diamond Group's request pursuant to Rule 24(b).

C. THE DIAMOND GROUP CANNOT INTERVENE BECAUSE, LIKE THE EXISTING PLAINTIFFS, ITS MEMBERS DO NOT HAVE STANDING

Finally, like the existing Plaintiffs, the Diamond Group also lacks standing and therefore should not be permitted to intervene. It is well-settled that "intervention contemplates an existing suit in a court of competent jurisdiction and…intervention will not be permitted to breathe life into a nonexistent lawsuit." *Fuller v. Volk*, 351 F.2d 323, 328 (3d. Cir. 1965). Thus, "a motion for intervention under Rule 24 is not an appropriate device to cure a situation in which the plaintiffs may have stated causes of action that they have no standing to litigate." *McClune v. Shamah*, 593

F.2d 482, 486 (3d. Cir. 1979); *Hildebrand v. Dentsply Inter., Inc.*, No. 06-5439, 2011 WL 4528343 (E.D. Pa. 2011).

Here, Plaintiffs (and the Diamond Group) seek to challenge Pennsylvania's 2011 Congressional redistricting map (the "2011 Plan") on a state-wide basis. A Plaintiff has standing to bring a partisan gerrymandering challenge only as to the district where that plaintiff resides because a plaintiff who does not live in a particular district does not suffer the individualized harm alleged to have occurred in that district. *Legis. Black Caucus v. Alabama*, No. 2:12-CV-691, 2017 WL 4563868, at *5 (M.D. Ala. Oct. 12, 2017). Thus, a statewide gerrymandering challenge requires at a minimum plaintiffs from each congressional district. *Id.*

As detailed in Legislative Defendants' Motion to dismiss, the five existing Plaintiffs lack standing to maintain their statewide challenges the 2011 Plan because they represent, at most, 5 of the 18 Congressional districts in Pennsylvania. Therefore, there is no existing suit of competent jurisdiction and intervention cannot be permitted even if it would cure the standing defect. *See McClune v. Shamah*, 593 F.2d at 482; *Hildebrand v. Dentsply Inter., Inc.*, WL 4528343, at *3. As a result, the Motion must be denied.

Moreover, allowing the Diamond Group to intervene would not cure Plaintiffs' standing defect. The five existing Plaintiffs and the eleven members of the Diamond Group collectively still could only represent, at most, 16 of Pennsylvania's 18 Congressional districts. And even if permitted to intervene, the Diamond Group would not have standing to assert its First and Fourteenth Amendment claims on a statewide basis because its members, at most, live in 11 of Pennsylvania's 18 Congressional Districts. *Legis. Black Caucus*, 2017 WL 4563868, at *5. For these reasons too, the Motion must be denied.

III. CONCLUSION

Based on the foregoing reasons and authorities, Legislative Defendants respectfully request that this Court deny the Diamond Group's Motion to Intervene (ECF No. 54)

Dated: November 6, 2017

Respectfully submitted,

BLANK ROME LLP

/s/ Brian A. Paszmant
BRIAN S. PASZAMANT
JASON A. SNYDERMAN
JOHN P. WIXTED
One Logan Square
130 N. 18th Street
Philadelphia, Pennsylvania 19103
Phone: 215-569-5791
Facsimile: 215-832-5791
Email: Paszamant@blankrome.com
Snyderman@blankrome.com
JWixted@blankrome.com

Attorneys for Legislative Defendant Senator Joseph Scarnati, III

HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC

/s/ Jason Torchinsky
JASON TORCHINSKY (admitted *Pro Hac Vice*)
SHAWN SHEEHY (admitted *Pro Hac Vice*)
45 North Hill Drive, Suite 100
Warrenton, Virginia 20186
Phone: 540-341-8808
Facsimile: 540-341-8809
Email: JTorchinsky@hvjt.law
ssheehy@hvjt.law

Attorneys for Legislative Defendants Senator Joseph Scarnati, III and Representative Michael Turzai

CIPRIANI & WERNER PC

/s/ Kathleen Gallagher
KATHLEEN GALLAGHER
CAROLYN BATZ MCGEE
JASON R. MCLEAN
650 Washington Road, Suite 700
Pittsburgh, Pennsylvania 15228
Phone: 412-563-4978
Email: KGallagher@c-wlaw.com
CMcgee@c-wlaw.com
JrMclean@c-wlaw.com

Attorneys for Legislative Defendant Representative Michael Turzai