

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

JACOB CORMAN, in his official capacity as)
Majority Leader of the Pennsylvania Senate,)
MICHAEL FOLMER, in his official capacity)
as Chairman of the Pennsylvania Senate)
State Government Committee, LOU)
BARLETTA, RYAN COSTELLO, MIKE)
KELLY, TOM MARINO, SCOTT PERRY,)
KEITH ROTHFUS, LLOYD SMUCKER,)
and GLENN THOMPSON,)
Plaintiffs,)

v.)

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,)
Defendants,)

and)

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; and)
LORRAINE PETROSKY,)
Intervenor-Defendants.)

Civil Action No. 1:18-cv-00443

Judge Jordan
Chief Judge Conner
Judge Simandle

ELECTRONICALLY FILED

**INTERVENORS' MOTION FOR JUDGMENT ON THE PLEADINGS
OR ALTERNATIVELY TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(c), or in the alternative Federal Rule of Civil Procedure 12(b), Intervenors 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, and Lorraine Petrosky respectfully submit this Motion for Judgment on the Pleadings or Alternatively to Dismiss.

For the reasons explained in the memorandum in support, filed concurrently herewith, the Court should dismiss this case. **WHEREFORE**, Intervenors respectfully request that this Court grant their Motion for Judgment on the Pleadings or alternatively to dismiss.

Dated: March 2, 2018

Respectfully Submitted,

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* Admitted *pro hac vice* or motion for admission *pro hac vice* forthcoming

Attorneys for Intervenors

CERTIFICATE OF NON-CONCURRENCE

I, Mary M. McKenzie, hereby certify that I have sought the concurrence of Plaintiffs' and Defendants' counsel in the Intervenors' Motion for Judgment on the Pleadings or Alternatively to Dismiss pursuant to Local Rule 7.1. Plaintiffs' counsel has not indicated concurrence with this Motion, and Defendants' counsel has concurred with this Motion.

/s/ Mary M. McKenzie
Mary M. McKenzie (Pa. Bar No. 47434)

Dated: March 2, 2018

CERTIFICATE OF SERVICE

I, Thomas B. Schmidt, III, hereby certify that on March 2, 2018 I caused a true and correct copy of the foregoing Intervenors' Motion for Judgment on the Pleadings or Alternatively to Dismiss and accompanying documents to be served on all counsel of record via the CM/ECF system.

/s/ Thomas B. Schmidt III
Thomas B. Schmidt III

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Judge Jordan
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[PROPOSED] ORDER

Upon consideration of Intervenors 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, and Lorraine Petrosky's Motion for Judgment on the Pleadings or Alternatively to Dismiss, it is hereby **ORDERED** that said motion is **GRANTED** and this case is **DISMISSED**.
