UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

BARBARA DIAMOND, STEVEN
DIAMOND, SAMUEL BASHIOUM,
TRACY BATON, NANCY CHISWICK,
WILLIAM COLE, PATRICK COSTELLO,
STEPHEN DUPREE, RONALD FAIRMAN,
JOSEPH FOSTER, COLLEEN GUINEY,
ROBERT KEFAUVER, ELIZABETH
KING, GILLIAN KRATZER, JAMES
LANDIS, MATTHEW MUNSEY,
DEBORAH NOEL, ZACHARY RUBIN,
THOMAS SPANGLER, MARGARET
SWOBODA, SUSAN WOOD, and
PAMELA ZIDIK,

CIVIL ACTION

No. 2:17-cv-5054-MMB

Plaintiffs,

v.

ROBERT TORRES, Acting Secretary of the Commonwealth of Pennsylvania, and JONATHAN MARKS, Commissioner of the Bureau of Elections, in Their Official Capacities,

Defendants.

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR RECONSIDERATION

Defendants, Robert Torres, Acting Secretary of the Commonwealth of Pennsylvania, and Jonathan Marks, Commissioner of the Bureau of Elections, in their official capacities (together, the "Executive Branch Defendants"), do not oppose Plaintiffs' Motion for Reconsideration.

Executive Branch Defendants believe that the issues presented in Plaintiffs' Amended Complaint should be resolved without delay, and are prepared to litigate Plaintiffs' case on an expedited basis. Executive Branch Defendants also agree with Plaintiffs' proposition that the Court should decide whether a Constitutional violation in fact exists before delving into the issue of how, and when, that violation can be remedied. Finally, Plaintiffs are correct in arguing that

the Court, if it deems it necessary to do so, may order that certain election deadlines be altered to some extent. *See, e.g., Holt v. 2011 Legislative Reapportionment Commission*, 614 Pa. 364, 372 (2012) (adjusting primary schedule). (Given the complexity and expense of any change in existing deadlines, however, the Court should only order such relief after close inquiry into its feasibility, and it would be preferable to put a new map in place by January 23, 2018 if one is required.)

Respectfully submitted,

HANGLEY ARONCHICK SEGAL PUDLIN & SCHILLER

Dated: December 4, 2017

By: /s/ Michele D. Hangley

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Attorneys for Defendants Robert Torres, Acting Secretary of the Commonwealth of Pennsylvania, and Jonathan Marks, Commissioner of the Bureau of Elections, in their official capacities

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2017, I caused the foregoing Response to Plaintiffs' Motion for Reconsideration to be filed with the United States District Court for the Eastern District of Pennsylvania via the Court's CM/ECF system, which will provide electronic notice to all counsel and parties of record.

/s/ Michele D. Hangley
Michele D. Hangley