

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

Barbara Diamond, Steven Diamond, Nancy
Chiswick, William Cole, Ronald Fairman,
Colleen Guiney, Gillian Kratzer, Deborah Noel,
Margaret Swoboda, Susan Wood, and Pamela
Zidik,

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.

Civil Action No. 2:17-cv-5054

MOTION FOR EXPEDITED PRETRIAL SCHEDULING ORDER

Plaintiffs request an expedited pretrial scheduling order in this lawsuit challenging the constitutionality of Pennsylvania's 2011 Congressional districting plan as an impermissible partisan gerrymander. Counsel for Plaintiffs are available for a Rule 16 scheduling conference at the Court's convenience.

Plaintiffs seek the most expeditious possible trial schedule in order to enable the Court to order relief in time for the 2018 Congressional elections, should the Court find in favor of Plaintiffs' claims. Given the *Agre v. Wolf* trial taking place during the week of December 5, and in light of the Court's prior indications that it is not available during the week of December 11, Plaintiffs request a trial to be held during the week of December 18, or as soon as possible thereafter.

Plaintiffs propose that Defendants Torres and Marks answer, move, or otherwise respond to the Complaint by November 28. Consistent with the *Agre* matter, Plaintiffs shall reply to any

motion filed by Defendants Torres and Marks by December 5. Any reply brief shall be filed by December 8.

Plaintiffs propose to serve written discovery on November 13. Given the expedited nature of this action and in an effort to streamline discovery proceedings, Plaintiffs plan to serve subpoenas upon Michael Turzai and Joseph Scarnati, III (the Defendant-Intervenors in the *Agre* action before this Court and Respondents in the *League of Women Voters v. Commonwealth* action in state court) and the Pennsylvania General Assembly (Respondents in the *League of Women Voters* action). Those subpoenas will contain substantially the same requests for production served by the *Agre* Plaintiffs as well as by the *League of Women Voters* Plaintiffs.

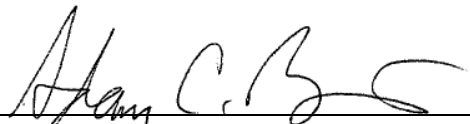
Plaintiffs propose to serve their expert reports on November 17, and consistent with the *Agre* matter, propose that Defendants' expert reports be served two weeks thereafter, on December 1.

Plaintiffs serve written discovery	November 13
Plaintiffs serve expert reports	November 17
Defendants move, answer, or otherwise respond to the Complaint	November 28
Defendants serve expert reports	December 1
Plaintiffs respond to any motion in response to the Complaint filed by Defendants Torres and Marks	December 5
Defendants reply in support of any motion in response to the Complaint	December 8
Trial Begins	December 18

Counsel for Plaintiffs have conferred with counsel for the Defendants. The Defendants have indicated that they are still considering their position concerning Plaintiffs' proposed schedule and will inform Plaintiffs of whether they consent on Monday, November 13.

WHEREFORE, Plaintiffs pray that the Court issue an expedited pretrial scheduling order, and in the alternative, grant a Rule 16 scheduling conference at the Court's earliest convenience.

Dated: November 12, 2017

By: 

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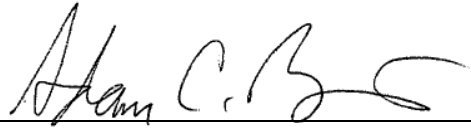
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Bruce V. Spiva (*pro hac vice-to be filed*)
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on November 12, 2017, I filed the foregoing with the Clerk of the Court using the ECF System which will send notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

Date: November 12, 2017

A handwritten signature in black ink, appearing to read "Adam C. Bonin", written over a horizontal line.

Adam C. Bonin