

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LEAGUE OF WOMEN VOTERS OF	:	CIVIL DIVISION
PENNSYLVANIA, CARMEN FEBO SAN	:	
MIGUEL, JAMES SOLOMON, JOHN	:	
GREINER, JOHN CAPOWSKI, GRETCHEN	:	CASE NO. 261 MD 2017
BRANDT, THOMAS RENTSCHLER, MARY	:	
ELIZABETH LAWN, LISA ISAACS, DON	:	
LANCASTER, JORDI COMAS, ROBERT	:	
SMITH, WILLIAM MARX, RICHARD	:	
MANTELL, PRISCILLA MCNULTY,	:	RESPONSE TO PETITION TO
THOMAS ULRICH, ROBERT MCKINSTRY,	:	REVIEW
MARK LICHTY, LORRAINE PETROSKY,	:	

Petitioners,

vs.

THE COMMONWEALTH OF	:	Filed on Behalf of:
PENNSYLVANIA; THE PENNSYLVANIA	:	Michael J. Stack III, in his Capacity as
GENERAL ASSEMBLY; THOMAS W.	:	Lieutenant Governor of Pennsylvania and
WOLF, IN HIS CAPACITY AS GOVERNOR	:	President of the Pennsylvania Senate,
OF PENNSYLVANIA; MICHAEL J. STACK	:	Respondent
III, IN HIS CAPACITY AS LIEUTENANT	:	
GOVERNOR OF PENNSYLVANIA AND	:	Counsel of Record for
PRESIDENT OF THE PENNSYLVANIA	:	This Party:
SENATE; MICHAEL C. TURZAI, IN HIS	:	
CAPACITY AS SPEAKER OF THE	:	Clifford B. Levine
PENNSYLVANIA HOUSE OF	:	Pa. Id. No. 33507
REPRESENTATIVES; JOSEPH B.	:	Alice B. Mitinger
SCARNATI III, IN HIS CAPACITY AS	:	Pa. Id. No. 56781
PENNSYLVANIA SENATE PRESIDENT	:	Alex M. Lacey
PRO TEMPORE; PEDRO A. CORTÉS, IN HIS	:	Pa. Id. No. 313538
CAPACITY AS SECRETARY OF THE	:	COHEN & GRIGSBY, P.C.
COMMONWEALTH OF PENNSYLVANIA;	:	Firm No. 621
JONATHAN M. MARKS, IN HIS CAPACITY	:	625 Liberty Avenue
AS COMMISSIONER OF THE BUREAU OF	:	Pittsburgh, PA 15222-3152
COMMISSIONS, ELECTIONS, AND	:	(412) 297-4900
LEGISLATION OF THE PENNSYLVANIA	:	
DEPARTMENT OF STATE,	:	Lazar M. Palnick
	:	Pa. Id. No. 52762

Respondents.

:	1216 Heberton Street
:	Pittsburgh, PA 15206
:	(412) 661-3633

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, ET AL.,	:	CIVIL DIVISION
	:	
	:	
Petitioners,	:	
	:	
vs.	:	CASE NO. 261 MD 2017
	:	
THE COMMONWEALTH OF PENNSYLVANIA, ET AL.,	:	
	:	
	:	
Respondents.	:	

RESPONSE TO PETITION TO REVIEW

AND NOW COMES, Michael J. Stack III, in his Capacity as Lieutenant Governor of Pennsylvania and President of the Pennsylvania Senate, Respondent, by and through his attorneys, and states the following:

INTRODUCTION

1. This paragraph generally characterizes the rest of the Petition for Review, to which no response is required.
2. This paragraph constitutes conclusions of law to which no response is required.
3. The allegations of this paragraph are not directed towards the Lt. Gov.
4. The allegations of this paragraph are not directed towards the Lt. Gov.
5. The allegations of this paragraph are not directed towards the Lt. Gov.
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10. This paragraph constitutes conclusions of law to which no response is required.

11. The allegations of this paragraph are not directed towards the Lt. Gov.
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PARTIES

A. Petitioners

13. The allegations of this paragraph are not directed towards the Lt. Gov.
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31. The allegations of this paragraph are not directed towards the Lt. Gov.

B. Respondents

32. Admitted.

33. Admitted.

34. Admitted.

35. The allegations of this paragraph are not directed towards the Lt. Gov.

36. The allegations of this paragraph are not directed towards the Lt. Gov.

37. The allegations of this paragraph are not directed towards the Lt. Gov.

38. Admitted.

39. The allegations of this paragraph are not directed towards the Lt. Gov.

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JURISDICTION

41. This paragraph constitutes conclusions of law to which no response is required.

FACTUAL ALLEGATIONS

42. The allegations of this paragraph are not directed towards the Lt. Gov.

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45. The allegations of this paragraph are not directed towards the Lt. Gov.

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47. The allegations of this paragraph are not directed towards the Lt. Gov.

48. The allegations of this paragraph are not directed towards the Lt. Gov.

49. Admitted. By way of further response, Lt. Gov. Stack was a Democratic member of the Pennsylvania State Senate at the time of the development and promulgation of the 2011 Plan. He did not participate in its creation, was prevented from doing so by Republican members of the chamber, and voted against the 2011 plan.

50. Admitted. By way of further response, Lt. Gov. Stack was a Democratic member of the Pennsylvania State Senate at the time of the development and promulgation of the 2011 Plan. He did not participate in its creation, was prevented from doing so by Republican members of the chamber, and voted against the 2011 plan.

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58. The allegations of this paragraph are not directed towards the Lt. Gov.

59. This paragraph constitutes conclusions of law to which no response is required.

60. The allegations of this paragraph refer to documents attached to the Petition which speak for themselves.

61. This paragraph constitutes conclusions of law to which no response is required.

62. The allegations of this paragraph are not directed towards the Lt. Gov.

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COUNT I

99. Paragraph 99 is an incorporation paragraph to which no response is required.

100. This paragraph constitutes conclusions of law to which no response is required.

101. This paragraph constitutes conclusions of law to which no response is required.

102. This paragraph constitutes conclusions of law to which no response is required.

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104. This paragraph constitutes conclusions of law to which no response is required.

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111. The allegations of this paragraph are not directed towards the Lt. Gov.

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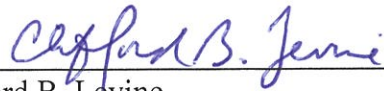
COUNT II

114. Paragraph 114 is an incorporation paragraph to which no response is required.
115. This paragraph constitutes conclusions of law to which no response is required.
116. This paragraph constitutes conclusions of law to which no response is required.
117. This paragraph constitutes conclusions of law to which no response is required.
118. The allegations of this paragraph are not directed towards the Lt. Gov.
119. The allegations of this paragraph are not directed towards the Lt. Gov.
120. The allegations of this paragraph are not directed towards the Lt. Gov.

PRAYER FOR RELIEF

Wherefore, Lt. Gov. Michael J. Stack, III, in his official capacity as Lieutenant Governor of Pennsylvania and President of the Pennsylvania Senate, respectfully requests that this Honorable Court fully consider the Petitioners' claims and grant appropriate relief to address the constitutional infirmities the Petitioners identify.

Respectfully submitted,



Clifford B. Levine
Pa. Id. No. 33507
Alice B. Mitinger
Pa. Id. No. 56781
Alex M. Lacey
Pa. Id. No. 313538
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1216 Heberton Street
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(412) 661-3633

On behalf of Respondent Michael J. Stack III,
in his Capacity as Lieutenant Governor of
Pennsylvania and President of the
Pennsylvania Senate

Dated: August 18, 2017

VERIFICATION

I, Michael J. Stack, III, in my capacity as Lieutenant Governor of Pennsylvania and President of the Pennsylvania Senate, hereby verify that I have read the foregoing Response to Petition to Review and that the averments of fact made therein are true and correct to the best of my knowledge, based upon the information presently available to me following a reasonable investigation. I make this verification subject to the penalties of 18 Pa. Cons. Stat. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Mike Stack", is written over a horizontal line.

Dated: August 18th, 2017

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 18th day of August 2017, a true and correct copy of the foregoing RESPONSE TO PETITION TO REVIEW was served via U.S.

First Class mail, postage-paid upon the following:

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Kenneth Lawson Joel
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Holtzman Vogel Josefiak Torchinsky, PLLC
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Counsel for Michael C. Turzai, in his Capacity as Speaker of the Pennsylvania House of Representatives

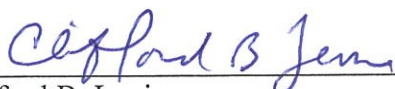
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Clifford B. Levine

August 18, 2017