

O. Christenson, and Bryan Leib.¹ All of them are registered Republicans who are active in in the Republican party and involved in the campaigns of Republican candidates for Congress. They seek leave to participate in this case as *amici curiae*.

A district court has discretion to determine whether and to what extent an *amicus curiae* may participate in a pending proceeding. *Wayne Land & Mineral Grp., LLC v. Del. River Basin Comm'n*, No. 3:16-CV-00897, 2016 U.S. Dist. LEXIS 173709, at *3-4 (M.D. Pa. Dec. 15, 2016); *Waste Mgmt., Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995).

If permitted to participate as *amici curiae*, movants will express no opinion on the constitutionality of the Pennsylvania 2011 Congressional districting plan under Pennsylvania's state constitution.

However, movants wish to emphasize that the implementation of those new districts on the very eve of Pennsylvania's primary elections process is having an adverse impact on the Congressional elections in Pennsylvania. Movants wish to inform the court of the general voter confusion and chaos at the grass roots level to show why the General Assembly should have a reasonable opportunity to enact a new

¹ Brief descriptions of the proposed amici curiae are attached as Exhibit 1.

Congressional districting plan. Movants' proposed brief is attached as Exhibit A.

Movants have a strong interest in this matter because they are active in Republican politics and have participated in the campaigns of candidates for Congress in the 2018 election cycle as fundraisers, organizers and workers.

Plaintiffs have indicated their concurrence to this Motion. Defendants have not yet replied.

Respectfully,

/s/ Rebecca L. Warren

Lawrence J. Tabas, Esq.

Rebecca L. Warren, Esq.

Obermayer Rebmann Maxwell
& Hippel LLP

Centre Square West

1500 Market Street, Suite 3400

Philadelphia, PA 19102

Ph: 215-665-3158 (L. Tabas)

lawrence.tabas@obermayer.com

Ph: 215-665-3026 (R. Warren)

rebecca.warren@obermayer.com

Dated: February 22, 2018

EXHIBIT A

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

JACOB CORMAN, et al.,	:	
	:	
Plaintiffs,	:	No. 1:18-cv-00443-CCC
	:	(Judge Christopher C. Conner)
v.	:	(<i>filed electronically</i>)
	:	
ROBERT TORRES, et al.,	:	
	:	
Defendants.	:	
	:	
	:	
	:	
	:	

BRIEF OF AMICI CURIAE, BRIAN MCCANN et al.

Amici Curiae, Brian McCann et al.,¹ by their undersigned counsel, respectfully submit this brief in connection with plaintiff’s complaint for a preliminary injunction.

¹ Brian McCann, Daphne Goggins, Carl Edward Pfeifer, Jr., Michael Baker, Cynthia Ann Robbins, Ginny Steese Richardson, Carol Lynne Ryan, Joel Sears, Kurtes D. Smith, C. Arnold McClure, Karen C. Cahilly, Vicki Lightcap, Wayne Buckwalter, Ann Marshall Pilgreen, Ralph E. Wike, Martin C.D. Morgis, Richard J. Tems, James Taylor, Lisa V. Nancollas, Hugh H. Sides, Mark J. Harris, William P. Eggleston, Jacqueline D. Kulback, Timothy D. Cifelli, Ann M. Dugan, Patricia J. Felix, Scott Uehlinger, Brandon Robert Smith, Glen Beiler, Tegwyn Hughes, Thomas Whitehead, David Moylan, Kathleen Bowman, James R. Means, Jr., Barry O. Christenson, and Bryan Leib. Brief descriptions of the proposed amici curiae are attached as Exhibit 1.

It is the General Assembly's duty under Article I, Section 4 of the United States Constitution to draw congressional districts because it is an inherently political task. Because the Pennsylvania Supreme Court's remedial map (attached to its Order dated February 19, 2018) is not the result of a measured political process, it has caused statewide confusion at the voter and grass roots level due to boundary changes that have not been negotiated by the voters' representatives in the General Assembly.

The run-up to the Pennsylvania Primary Election is imminent. It includes the statutory season for circulating nominating petitions, followed by the challenges to the nominating petitions and the certification of ballots for the Primary Election. By now, all candidates should know where they are running, and the parties should know where to circulate nominating petitions and target campaign literature and requests for donations. Unfortunately, everything that the voters, the candidates, and the political parties thought they knew has been swept away by the Pennsylvania Supreme Court's remedial map of February 19, 2018, leaving candidates and the electorate confused about who is running for what district and where to vote.

Implementing the Pennsylvania Supreme Court's map at this time degrades what is normally a two year campaign cycle for Congress into a

fifty yard dash of less than 3 months to the Primary. To add to the public's confusion, however, the Pennsylvania Supreme Court's remedial map renumbers all of the Districts. Even more troublesome is the fact that the Pennsylvania Supreme Court's remedial map does not show the specific vote tabulation districts in each Congressional District. This is a particular source of confusion for candidates and their active supporters, such as the movants. While the Department of State is supposed to fill that information in, it is only 6 days from the start of circulating nomination petitions and the voters, candidates, and their nomination petition circulators are at a loss as to the precise vote tabulation districts within each congressional district.

By way of example, the incumbent Congressman for the 4th Congressional District, Scott Perry has advised movant's counsel that many of his constituents and many of the candidates are unsure what district they will reside in. With the beginning of the nominating petition process less than a week away, his Congressional and campaign offices are being deluged by citizens who are confused and concerned.³

³ Congressman Perry notes that he has raised significant campaign funds from persons who will no longer be in his district. The Pennsylvania Supreme Court's remedial map also disrupts ongoing projects ranging from community development programs (e.g., firefighter grants, library funding, job training and workforce development funds and agricultural initiatives) to assisting constituents on highly detailed and sensitive issues ranging from Social Security, Medicare, Veteran, IRS and other federal programs. These citizens will be impacted severely if they are forced to start over with a new Member of Congress.

This Court may wish to consider the effect of the Pennsylvania Supreme Court's remedial map in deciding whether the Elections Clause permits a state's Supreme Court to substitute its judgment for that of the state's legislature with respect to redrawing Congressional districts on a claim of partisan gerrymander.

Respectfully,

/s/ Rebecca L. Warren

Lawrence J. Tabas, Esq.

Rebecca L. Warren, Esq.

Obermayer Rebmann Maxwell
& Hippel LLP

Centre Square West

1500 Market Street, Suite 3400

Philadelphia, PA 19102

Ph: 215-665-3158 (L. Tabas)

lawrence.tabas@obermayer.com

Ph: 215-665-3026 (R. Warren)

rebecca.warren@obermayer.com

Dated: February 22, 2018

EXHIBIT 1

Name (District)	Proposed Amici Curiae
Brian McCann (CD-01)	Proposed amicus curiae Brian McCann has been a registered Republican for over a decade and remains an active member in the Republican Party, serving as both the Committeeperson for the 65th Ward and the Ward Leader for the 57th Ward of the 1st Congressional District.
Daphne Goggins (CD-02)	Proposed amicus curiae Daphne Goggins resides in Philadelphia County in the 2nd Congressional District. Since turning 18, Ms. Goggins has been a registered Republican and remains an active member in the Party, serving as the Ward Leader for the 16th Ward of the 2nd Congressional District.
Michael Baker (CD- 03)	Proposed amicus curiae Michael Baker is a registered Republican voter who resides in the 3rd Congressional District in Armstrong County. Mr. Baker serves as the Chairman for the Republican Party of Pennsylvania's Southwest Caucus. Mr. Baker, along with his fellow Caucus Chairmen, has invested significant time and resources developing relationships with congressmen in his district. A sudden redrawing of the Congressional Districts would nullify the past work of Mr. Baker and his colleagues. Furthermore, such rash action would undermine their current and future work in preparing for the rapidly approaching midterm elections.
Cynthia Ann Robbins (CD-03)	Proposed amicus curiae Cynthia Ann Robbins is a registered Republican who resides in the 3rd Congressional District in Mercer County. Ms. Robbins serves as the State Committeewoman for the Mercer County Republican Party.
Ginny Steese Richardson (CD-3)	Proposed amicus curiae Ginny Steese Richardson is a registered Republican voter who resides in the 3rd Congressional District in Mercer County. After 24 years of service, Ms. Richardson recently announced her retirement as the Treasurer of Mercer County. Ms. Richardson also serves as the Republican Party chairman for Mercer County and secretary of the Mercer County Grange Fair.

Lynne Ryan (CD-3)	Proposed amicus curiae Lynne Ryan is a registered Republican voter who resides in the 3rd Congressional District in Lawrence County. Ms. Ryan serves as the State Committeewoman for the Lawrence County Republican Party.
Joel Sears (CD-04)	Proposed amicus curiae Joel Sears is a registered Republican voter who resides in the 4th Congressional District in York County. Mr. Sears is a former School Director in the York Suburban School District. Mr. Sears remains active in local politics.
Kurtes D. Smith (CD-05)	Proposed amicus curiae Kurtes D. Smith is a registered Republican voter who resides in the 5th Congressional District in Clinton County. Mr. Smith serves as the County Chairman for the Republican Party of Clinton County.
C. Arnold McClure (CD-05)	Proposed amicus curiae C. Arnold McClure is a registered Republican voter who resides in the 5th Congressional District in Huntingdon County. Mr. McClure serves as the County Chairman for the Republican Party of Huntingdon County.
Karen C. Cahilly (CD-05)	Proposed amicus curiae Karen C. Cahilly is a registered Republican voter who resides in the 5th Congressional District in Potter County. Ms. Cahilly serves as the County Chairwoman for the Republican Party of Potter County.
Vicki J. Lightcap (CD-06)	Proposed amicus curiae Vicki Lightcap serves as the Mayor of Pennsburg, Pennsylvania. Ms. Lightcap, a registered Republican, resides in the 6th Congressional district.
Ann Marshall Pilgreen (CD-07)	Proposed amicus curiae Ann Marshall Pilgreen is a registered Republican voter who resides in the 7th Congressional District in Montgomery County. Ms. Pilgreen remains active in local politics.
Martin C.D. Morgis (CD-08)	Proposed amicus curiae Martin C.D. Morgis is a registered Republican voter who resides in the 8th Congressional District in Bucks County.
Richard J. Tems (CD-08)	Proposed amicus curiae Richard J. Tems is a registered Republican voter who resides in the 8th Congressional District in Bucks County.

James Taylor (CD-09)	Proposed amicus curiae James Taylor is a registered Republican voter who resides in the 9th Congressional District in Franklin County. Mr. Taylor previously served as Chairman for the Republican Party of Franklin Party.
Lisa V. Nancollas	Proposed amicus curiae Lisa V. Nancollas is a registered Republican voter who resides in the 10th Congressional District in Mifflin County.
Carl Edward Pfeifer, Jr	Proposed amicus curiae Carl Edward Pfeifer, Jr. is a registered Republican voter residing in the 2nd Congressional District in Montgomery County, and an active member of the Republican Party.
Hugh H. Sides	Proposed amicus curiae Hugh H. Sides is a registered Republican voter who resides in the 10th Congressional District in Lycoming County.
Mark J. Harris	Proposed amicus curiae Mark J. Harris is a registered Republican voter who resides in the 10th Congressional District in Snyder County. Mr. Harris is a former chairman of the Snyder County Republican Party. Mr. Harris remains active in local politics.
Wayne Buckwalter	Proposed amicus curiae Wayne Buckwalter is a registered Republican voter residing in the 6th Congressional District in Chester County, and an active member of the Republican Party
William P. Eggleston (CD-11)	Proposed amicus curiae William P. Eggleston is a registered Republican voter who resides in the 11th Congressional District in Wyoming County. Mr. Eggleston served as the Wyoming County Auditor.
Ralph E. Wike	Proposed amicus curiae Ralph E. Wike is a registered Republican voter residing in the 7th Congressional District in Delaware County, and an active member of the Republican Party.
Timothy D. Ciffeli (CD-13)	Proposed amicus curiae Timothy D. Cifelli serves as the President and COO of DDCworks, a public relations firm. Mr. Cifelli, a registered Republican, resides in Philadelphia County in the 13th Congressional District.
Ann M. Dugan (CD-14)	Proposed amicus curiae Ann Dugan is the founder of

	the Institute for Entrepreneurial Excellence University of Pittsburgh. Ms. Dugan, a registered Republican, resides in Allegheny County in the 14th Congressional District.
Patricia J. Felix (CD-15)	Proposed amicus curiae Patricia J. Felix resides in Northampton County in the 15th Congressional District. Prior to her retirement in 2003, Ms. Felix worked as a Senior Sourcing Specialist for Bethlehem Steel Corporation. Initially a registered Democrat, Ms. Felix has been a registered Republican since 1980 and remains an active member in the Party.
Scott Uehlinger (CD-15)	Proposed amicus curiae Scott Uehlinger is a registered Republican voter who resides in the 15th Congressional District in Berks County. Mr. Uehlinger, a US Service Academy graduate, served ten years in both the US Navy and merchant service before beginning a career in the Central Intelligence Agency (CIA).
Tegwyn Hughes (CD-17)	Proposed amicus curiae Tegwyn Hughes is a registered Republican voter who resides in the 17th Congressional District in Northampton County. Mr. Hughes serves as a Member of the Republican County Committee for Washington Township.
James R. Means, Jr.	Proposed amicus curiae James R. Means, Jr. is a registered Republican voter who resides in the 18th Congressional District in Allegheny County.
Barry O. Christenson	Proposed amicus curiae Barry O. Christenson is a registered Republican voter who resides in the 18th Congressional District in Allegheny County. Mr. Christenson serves as a School Director for the Bethel Park School District.
Jacqueline D. Kulback	Proposed amicus curiae Jacqueline D. Kulback is a registered Republican voter residing in the 12th Congressional District in Cambria County, and currently serves as the County Chairwoman for the Cambria County Republican Party.
Brandon Robert Smith	Proposed amicus curiae Brandon Robert Smith is a registered Republican voter residing in the 16th Congressional District in Lancaster County, and an active member of the Republican Party.

Glen Beiler	Proposed amicus curiae Glen Beiler is a registered Republican voter residing in the 16th Congressional District in Lancaster County, and an active member of the Republican Party.
Thomas Whitehead	Proposed amicus curiae Thomas Whitehead is a registered Republican voter residing in the 17th Congressional District in Carbon County, the County Chairman for the Republican Party of Monroe County, and an active member of the Republican Party.
David Moylan	Proposed amicus curiae David Moylan is a registered Republican voter residing in the 17th Congressional District in Schuylkill County, who was a former Congressional candidate for the 17th Congressional District and he is a potential Congressional candidate in future elections.
Kathleen Bowman	Proposed amicus curiae Kathleen Bowman is a registered Republican voter residing in the 4th Congressional District, and an active member of the Republican Party.
Bryan Leib	Proposed amicus curiae Bryan Leib is a registered Republican residing in the 1st Congressional District, an active member of the Republican Party, and a potential candidate for the 1st Congressional District.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Proposed Order, Motion, and Brief was electronically filed with the Clerk of Court on February 22, 2018 using CM/ECF, which will send notification of such filing to counsel of record.

I hereby certify that a true and correct copy of the foregoing Proposed Order, Motion, and Brief will be served by first-class mail, postage prepaid, on February 23, 2018 on all unrepresented parties at the following addresses:

Robert Torres, Acting Secretary of the Commonwealth
Office of the Secretary
302 North Office Building
Harrisburg, PA 17120

Jonathan Marks, Commissioner
Bureau of Commissions, Elections and Legislation
210 North Office Building, 401 North Street
Harrisburg, PA 17120

/s/ Rebecca L. Warren
Lawrence J. Tabas, I.D. No. 27815
Rebecca L. Warren, ID No 63669
OBERMAYER REBMANN MAXWELL & HIPPEL LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102
Phone: 215-665-3158 (Tabas)
Phone: 215-665-3026 (Warren)
Email: lawrence.tabas@obermayer.com
Email: rebecca.warren@obermayer.com

Dated: February 22, 2018