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HARRISBURG, PA
MAR 08 2002

MARY E. D'ANDREA, CLERK
Per *[Signature]*

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

RICHARD VIETH, et al,
Plaintiffs,

v.

THE COMMONWEALTH OF
PENNSYLVANIA, et al.
Defendants.

No. 1:CV-01-2439
(Judges Rambo, Nygaard
and Yohn)

**ANSWER WITH AFFIRMATIVE DEFENSES OF DEFENDANTS
GOVERNOR SCHWEIKER, SECRETARY WEAVER AND
COMMISSIONER FILLING**

Defendants Governor Schweiker, Secretary Weaver, and Commissioner Filling ("Executive Officers") answer the Amended Complaint for Declaratory and Injunctive Relief filed in this matter (each numbered paragraph below responds to the paragraph of the amended complaint with the same number) and assert affirmative defenses (numbered paragraphs below following those used in the amended complaint).

1. Denied that an invalid congressional redistricting plan was "imposed on the Commonwealth on January 3, 2002." Executive Officers lack sufficient information to determine the truth of the remaining allegations of this paragraph concerning why Plaintiffs brought this action and what they wish to do, which are

therefore denied. By way of further answer, the General Assembly of Pennsylvania, on January 3, 2002, passed SB 1200, which reapportioned the congressional districts from which the qualified electors of the Commonwealth elect representatives to Congress to reflect the reduction in congressional seats apportioned to Pennsylvania (from 21 to 19) and the shifts in population apparent from the 2000 Census. SB 1200 became effective when, on January 7, 2002, it was signed into law by Governor Schweiker as Act No. 2002-1. This statute is presumed valid until proven otherwise.

PARTIES

2. Admitted that Plaintiff Richard Vieth resides at 632 Laurel Lane, Lancaster, Pennsylvania 17601, that he is a registered democrat, and that under Act 1, he resides in congressional District 16. By way of further answer, Richard Vieth does not consistently vote for democrat candidates for elective office.

3. Admitted that Plaintiff Norma Jean Vieth resides at 632 Laurel Lane, Lancaster, Pennsylvania 17601, that she is a registered democrat, and that under Act 1, she resides in congressional District 16. By way of further answer, Norma Jean Vieth does not consistently vote for democrat candidates for elective office.

4. Admitted that Plaintiff Susan Furey resides at 507 Bryn Mawr Avenue, Bala Cynwyd, Pennsylvania 19004, that she is a registered democrat, and that under Act 1, she resides in congressional District 6. With respect to the allegation that District 6 is "overpopulated and non-compact," that allegation is a conclusion of law to which no answer is required, and to the extent such allegation may be deemed to be factual, it is denied. By way of further answer, Susan Furey does not consistently vote for democrat candidates for elective office.

5. Admitted in part; denied in part. Denied that the Commonwealth of Pennsylvania is a defendant in this action. By way of further answer, pursuant to the Court's order of February 22, 2002, the Commonwealth has been dismissed

from this action. Admitted that Mark S. Schweiker is Governor of Pennsylvania and that Richard Filling is the Commissioner of the Bureau of Commissions, Elections, and Legislation of the Department of State and has administrative functions associated with the conduct of elections in the Commonwealth. Admitted that Robert C. Jubelirer is Lieutenant Governor of Pennsylvania and President of the Senate of Pennsylvania and that Matthew J. Ryan is Speaker of the House of Representatives of Pennsylvania. Admitted that among the duties and responsibility of the General Assembly is the passage of legislation that divides the Commonwealth into districts from which Pennsylvania's representatives to Congress are elected. Admitted that the Governor has a role in the passage of legislation. Denied that Kim Pizzigrilli is the Secretary of the Commonwealth. By way of further answer, C. Michael Weaver is acting Secretary of the Commonwealth and by operation of Fed.R.Civ.P. 25(d)(1) is substituted as a party. Denied that the officials named as defendants "have duties and responsibilities under the laws of the Commonwealth to redraw congressional districts in Pennsylvania following the release of population data from each federal decennial census." By way of further answer, the General Assembly is at liberty to redraw congressional districts at any time and has no legal obligation to redraw lines following the decennial census absent a change in number of districts or a change population dispersion in the Commonwealth such as to create one or more legally-significant differences in the population of the various districts.

6. Admitted that this Court has jurisdiction of this action under 28 U.S.C. §§1331 (federal question); 1343(a)(3) & 1343(a)(4) (civil rights including right to vote); 1357 (injuries under federal law); 2201 & 2202 (declaratory judgment) and 2284 (three-judge court), and that venue in this Court is proper under 28 U.S.C. §1391(b). Denied that this Court has "exclusive" jurisdiction of this matter.

7. Admitted that this paragraph correctly quotes portions of U.S. CONST. art. I, §2 and U.S. CONST. amend. XIV, §2.

8. Admitted that this paragraph correctly quotes a portion of U.S. CONST. art. I, §4. The issues concerning this provision have been resolved by the Court's order of February 22, 2002. Therefore, no further response is required.

9. This paragraph constitutes a conclusion of law to which no response is required.

10. Admitted that this paragraph correctly quotes a portion of U.S. CONST. amend. XIV, §1. The issues concerning this provision have been resolved by the Court's order of February 22, 2002. Therefore, no further response is required.

11. Admitted that this paragraph correctly quotes a portion of U.S. CONST. amend. XIV, §1. The issues concerning this provision have been resolved by the Court's order of February 22, 2002. Therefore, no further response is required.

12. This paragraph contains conclusions of law to which no response is required.

13. Admitted in part; denied in part. Admitted that in 1992 the Pennsylvania Supreme Court established a congressional redistricting plan with 21 congressional districts that was used for the congressional elections that were held from 1992 through 2001. That plan and the Supreme Court decision ordering that it be put in place, as writings, speak for themselves and, therefore, the allegations of this paragraph alleging the details of the 1992 plan and Supreme Court decision are denied. Denied that the 1992 plan establishes the "current congressional districts." By way of further answer, Act 1, as of January 7, 2002, establishes the "current congressional districts" of the Commonwealth.

14. Admitted in part; denied in part. Admitted that the validity of the 1992 plan put in place by the Pennsylvania Supreme Court was the subject of a decision by a three-judge court issued in *Nerch v. Mitchell*, Dkt. No. 92-0095, on August 13, 1992. As a writing, that decision speaks for itself and, therefore, the allegations of this paragraph purporting to quote and characterize portions of the decision are denied.

15. Admitted in part; denied in part. Admitted that the 1992 plan put in place by the Pennsylvania Supreme Court was used for the elections for representatives to Congress held in November 2000 and that 11 Republicans and 10 Democrats were elected. Denied that "an almost identical" number of votes were cast for Democrat candidates and Republican candidates. By way of further answer, the total of the votes cast for Republican candidates for Congress was 2,481,353 and the total of the votes cast for Democrat candidates for Congress was 2,154,862, with non-Democrat and non-Republican candidates receiving 98,696 votes.

16. Admitted that the 2000 election was the last election to be held under the 1992 plan put in place by the Supreme Court of Pennsylvania and that on December 28, 2000, the Secretary of Commerce reported to the President of the United States the population of each state, including Pennsylvania, pursuant to the 2000 Census. Admitted that Pennsylvania lost two congressional seats (from 21 to 19) when congressional seats were reapportioned after the 2000 census and that the 2000 census showed that Pennsylvania's total population on April 1, 2000 was 12,281,054 persons, which makes the "ideal" population for a Pennsylvania congressional district 646,371 or 646,372 persons.

17. Admitted that when the General Assembly recessed on December 13, 2001, no legislation establishing new congressional districts had been finally passed. By way of further answer, redistricting legislation (SB 1200) had been

introduced and initially passed by the Pennsylvania Senate, amended and initially passed by the Pennsylvania House and the House version non-concurred in by the Pennsylvania Senate and SB 1200 was slated for consideration by a Conference Committee composed of three members of each chamber.

18. Admitted in part; denied in part. Admitted that the majority of legislators in both the Senate and House are Republican and that the Governor of Pennsylvania is Republican. Admitted that public statements were made and press accounts reported that national Republican leaders had made statements concerning the reapportionment of congressional seats in Pennsylvania and had asked Republican leaders in Pennsylvania to maximize the districts that might elect a Republican candidate. Admitted that President George W. Bush did not carry Pennsylvania in the 2000 presidential election. Denied that the congressional redistricting process was "wholly controlled by the Republican General Assembly and Republican governor, to achieve national ends, rather than to reach a result in the interests of the people of Pennsylvania." To the extent this paragraph contains allegations concerning the intent of the General Assembly in enacting Act 1 and the validity of Act 1, such allegations are conclusions of law or pertain to others than the parties to this case, and, therefore, no answer is required. To the extent that such allegations may be deemed to be factual, they are denied. By way of further answer, there is no prohibition on any individual or group petitioning the General Assembly to pass legislation that favors their interests.

THE NEW CONGRESSIONAL PLAN

19. Admitted in part; denied in part. Admitted that the Conference Committee voted along party lines (4-2) for the version of SB 1200 that was reported by the Conference Committee to the Senate and House. The remaining allegations do not pertain to the Executive Officers. To the extent that a response is required, they are denied.

20. Admitted in part; denied in part. Admitted that on January 3, 2002, the General Assembly passed SB 1200, which, when Governor Schweiker signed it on January 7, 2002, put in place 19 new congressional districts. Denied that SB 1200 "fails to equalize the population of each congressional district [and] ignores all traditional redistricting criteria, including the preservation of local government boundaries, solely for the sake of partisan advantage."

21. Admitted in part; denied in part. Admitted that under SB 1200, district 7 would contain the most people (646,380) and districts 1, 2 and 17 would contain the fewest people (646,361) for a total population deviation of 19 people, which is not only less than the deviation in the 1992 court-ordered plan but calculates to a 0.00% population deviation. By way of further answer to this allegation, the population statistics for each district created by SB 1200 are:

Congressional District	Population
1	646,361
2	646,361
3	646,364
4	646,375
5	646,371
6	646,375
7	646,380
8	646,371
9	646,379
10	646,374
11	646,372
12	646,369
13	646,375
14	646,378
15	646,376
16	646,368
17	646,361
18	646,369
19	646,375

Admitted that SB 1200 splits county, city, township, borough and ward lines and that Montgomery County is split among 6 congressional districts. To the extent

this paragraph includes allegations concerning the 1992 plan and the Supreme Court decision ordering that it be put in place, those allegations are denied because, as writings, the plan and the decision speak for themselves. To the extent this paragraph suggests that Act 1 is invalid because of the splits, that is a conclusion of law to which no response is required. By way of further answer, the minimal splits made by SB 1200 are detailed on the following chart:

County	Municipality	Ward	Districts
Philadelphia			1, 2, 8, 13
		Ward 15	1, 2
		Ward 23	1, 2
		Ward 26	1, 2
		Ward 33	1, 2
		Ward 35	2, 13
		Ward 49	1, 2
		Ward 53	1, 13
		Ward 58	8, 13
		Ward 62	1, 13
		Ward 66	8, 13
Delaware			1, 7
	Darby Township		1, 7
	Ridley Township		1, 7
		Ward 1	1, 7
	Tinicum Township		1, 7
Montgomery			2, 6, 7, 8, 13, 15
	Abington Township		8, 13
		Ward 5	8, 13
		Ward 8	8, 13
		Ward 15	8, 13
	Plymouth Township		6, 13
		Ward 3	6, 13
	Upper Dublin Township		8, 13
		Ward 5	8, 13
	Upper Moreland Township		8, 13
		Ward 3	8, 13
	Whitemarsh Township		6, 13
		Ward West	6, 13
Butler			3, 4
Armstrong			3, 12
	South Buffalo Township		3, 12

Crawford			3, 5
Venago			3, 5
Mercer			3, 4
	Hermitage City		3, 4
		Ward SW	3, 4
Warren			3, 5
Allegheny			4, 12, 14, 18
	Avalon Borough		4, 14
		Ward 3	4, 14
	Baldwin Borough		14, 18
	Crafton Borough		14, 18
		Ward 3	14, 18
	Etna		4, 14
	Monroeville Borough		14, 18
		Ward 1	4, 14
	Pitcairn Borough		14, 18
	East Deer Township		4, 12
	Elizabeth Township		14, 18
	North Versailles Township		14, 18
		Ward 3	14, 18
	O'Hara Township		4, 14
		Ward 1	4, 14
	Penn Hills Township		14, 18
		Ward 3	14, 18
		Ward 4	14, 18
		Ward 5	14, 18
		Ward 6	14, 18
		Ward 7	14, 18
		Ward 9	14, 18
	Robinson Township		14, 18
	Wilkins Township		14, 18
Westmoreland			4, 12, 18
	East Huntingdon Township		12, 18
	Hempfield Township		12, 18
	Mount Pleasant Township		12, 18
	Salem Township		12, 18
	Sewickley Township		12, 18
	So. Huntingdon Township		12, 18
	Unity Township		12, 18
	Washington Township		12, 18
Clearfield			5, 9
Lycoming			5, 10
Mifflin			5, 9
Berks			6, 16, 17

	Reading City		6, 16
		Ward 3	6, 16
		Ward 9	6, 16
		Ward 12	6, 16
		Ward 13	6, 16
		Ward 15	6, 16
		Ward 18	6, 16
	Bern Township		16, 17
	Earl Township		6, 17
	Muhlenberg Township		6, 17
	So. Heidelberg Township		6, 16
	Spring Township		6, 16
Chester			6, 7, 16
	East Bradford Township		6, 16
Cambria			9, 12
Cumberland			9, 19
	Southampton Township		9, 19
		Ward Upper	9, 19
Fayette			9, 12
	Connellsville City		9, 12
	Dunbar Township		9, 12
	Georges Township		9, 12
	North Union Township		9, 12
	South Union Township		9, 12
	Springhill Township		9, 12
Indiana			9, 12
	Indiana Borough		9, 12
	White Township		9, 12
Perry			9, 17
Somerset			9, 12
Lackawanna			10, 11
	Dickson City Borough		10, 11
		Ward 1	10, 11
	Jessup Borough		10, 11
		Ward 3	10, 11
	Olyphant Borough		10, 11
Luzerne			10, 11
	Swoyersville Borough		10, 11
Washington			12, 18
	Canonsburg Borough		12, 18
		Ward 3	12, 18
	Charleroi Borough		12, 18
	East Washington Borough		12, 18
	Carroll Township		12, 18

	Chartiers Township		12, 18
	Fallowfield Township		12, 18
	North Strabane Township		12, 18
	South Strabane Township		12, 18

Pennsylvania has 67 counties, of which Act 1 only splits 25, and 2,569 municipalities (cities, townships and boroughs), of which Act 1 only splits 60. Moreover, to achieve a 0.00% population deviation, only 41 wards in 19 municipalities were split.

22. The allegations of this paragraph are conclusions of law to which no response is required. To the extent this paragraph contains allegations concerning the shapes of the geographic districts, the geographic representation of the districts as superimposed on a map of Pennsylvania is a writing that speaks for itself and, therefore, these allegations are denied.

23. The allegations of this paragraph are conclusions of law to which no response is required. To the extent the allegations pleads statements of unidentified individual Republican legislators, those statement are not relevant to a determination of the validity of Act 1.

PARTISAN IMPACT OF SB 1200

24. The allegations of this paragraph are conclusions of law to which no response is required. By way of further answer, 42 Democrat state representatives voted in favor of SB 1200 as reported by the Conference Committee and without their support, SB 1200 would not have finally passed.

25. Admitted in part; denied in part. Admitted that voter registration in Pennsylvania shows "nearly equal support" between Democrat and Republicans, with a "slight preference" in Democrat registration. Denied that the registration numbers and percentages alleged in this paragraph are correct. By way of further answer, based on Fall 2000 voter registration numbers, there are 7,781,198

registered voters in Pennsylvania: 794,296 (10.21%) other; 3,250,791 (41.78%) Republican; 3,736,111 (48.01%) Democrat.

26. Admitted in part; denied in part. Admitted that the aggregate vote for Democrat candidates and for Republican candidates in the 2000 congressional elections was nearly equal. Denied that the vote totals and percentages alleged in this paragraph are correct. By way of further answer, of the votes cast, Republican candidates received 2,228,845 (48.94%), Democrat candidates received 2,278,409 (50.03%), and other candidates received 47,117 (1.03%). The remainder of the allegations of this paragraph constitute conclusions of law or expressions of opinion to which no response is required.

27. Admitted that if the votes received by the candidates in the five statewide general elections held in November (President, Senate, Attorney General, Auditor General and State Treasurer) are totaled, Democrat candidates received marginally more votes than Republican candidates. Denied that the vote totals and percentages alleged in this paragraph are correct. By way of further answer, the Republican candidate won three of the five races and the slight margin in favor of Democrat candidates results from the wide margin by which Bob Casey beat his Republican opponent in the election for Auditor General. The following charts shows the results for these five races:

President

Republican	Democrat	Other
2,279,403 (46.41%)	2,486,468 (50.63%)	145,667 (2.97%)

United States Senator

Republican	Democrat	Other
2,481,353 (52.41%)	2,154,862 (45.51%)	98,696 (2.08%)

Attorney General

Republican	Democrat	Other
2,495,346 (54.02%)	1,990,870 (43.10%)	133,155 (2.88%)

Auditor General

Republican	Democrat	Other
1,860,909 (39.93%)	2,649,687 (56.85%)	150,020(3.22%)

State Treasurer

Republican	Democrat	Other
2,308,874 (49.31%)	2,211,029 (47.22%)	162,300 (3.47%)

28. The allegations of this paragraph constitute conclusions of law to which no response is required. To the extent that this paragraph alleges that "[s]ome Republicans have boasted" as to possible results of elections under the districts put in place by Act 1, the opinions of individual legislators are not relevant to a determination of the validity of Act 1. By way of further answer, the fact that the total vote for Democrat candidates for Congress may have exceeded that for Republican candidates is of no relevance to the candidate preference of those individuals registered Democrat in each congressional district. In the 19 new districts, 7 have a Republican voter registration of 50% or greater (districts 5, 7, 9, 10, 16, 17, & 19) and 7 have a Democrat voter registration of 50% or greater (1, 2, 4, 11, 12, 14, & 18). Of the 5 districts with no majority voter registration, Republicans have a plurality in 3 (districts 6, 8, & 13) and Democrats in 2 (districts 3 & 15). The following chart, based on Fall 2000 voter registration data, shows the registration numbers of each of the congressional districts put in place by Act 1:

Congressional District	Republican Registration	Democrat Registration	Other
1	19.69%	73.96%	6.35%
2	13.65%	78.65%	7.70%
3	44.05%	46.89%	9.06%
4	38.55%	51.74%	9.71%
5	50.88%	38.86%	10.26%
6	49.87%	35.92%	14.21%
7	62.03%	26.55%	11.43%
8	48.75%	37.50%	13.75%
9	52.90%	38.28%	8.83%
10	52.06%	38.86%	9.08%
11	34.92%	55.96%	9.12%
12	27.30%	65.74%	6.96%
13	47.79%	42.88%	9.33%

14	17.31%	74.04%	8.65%
15	41.98%	44.43%	13.59%
16	57.52%	28.47%	14.01%
17	52.87%	36.87%	10.27%
18	37.05%	53.55%	9.40%
19	54.11%	33.04%	12.85%

HARM CAUSED BY SB 1200

29. The allegations of this paragraph constitute conclusions of law to which no response is required. By way of further response, the 10 districts that are alleged to be "overpopulated" have a deviation from the ideal district of 0.00%.

30. The allegations of this paragraph constitute of law to which no response is required. By way of further response, Act 1, based on fall 2000 voter registration, creates 7 districts with a majority Republican voter registration, 7 districts with a majority Democrat registration and 5 districts where no party has a majority.

31. The allegations of this paragraph constitute conclusions of law or opinions to which no response is required.

32. The allegations of this paragraph constitute conclusions of law to which no response is required. To the extent this paragraph states that Act 1 "gives Republicans a bias of over 18% -- for less than 50% of the votes, they receive at least 68% of the seats in Congress," this allegation is based on an allegation that Republicans will "win at least 13 of the 19 congressional seats" in 2002. Since the 2002 elections have not been held, these allegations are pure speculation and require no answer. By way of further answer, both parties, Republican and Democrat, have a majority of registered voters in 7 congressional district and in the 5 remaining districts, 3 have a Republican plurality and 2 have a Democrat plurality. Accordingly, if the qualified electors vote as registered, the final result would be 9 Democrat seats and 10 Republican seats.

33. The allegations of this paragraph constitute conclusions of law, opinion and speculation to which no response is required.

34. Denied that "Democrat voters make up a small majority of the voters in Pennsylvania." By way of further answer, Democrats, based on Fall 2000 voter registration data, make up a small plurality of voters in Pennsylvania (48.01%). The remainder of the allegations of this paragraph constitute conclusions of law, opinion and speculation to which no response is required.

35. Admitted in part; denied in part. Admitted that "[p]olitical success depends on a variety of factors, including party organizing, recruitment of viable candidates, fund-raising, and voter turnout efforts." Denied that "[t]hese factors ... depend in large part on the party's potential for success" and that Act 1 creates a "bias" against Democrats. The remainder of the allegations in this paragraph constitute conclusions of law, opinion and speculation to which no response is required.

36. The allegations of this paragraph constitute conclusions of law to which no response is required. To the extent the allegations may be deemed to allege fact, it is denied that Democrats and Democrat voters are "shut out" of the political process in Pennsylvania and that "SB 1200 installs the Republican Party as the dominant party in Pennsylvania – based solely on bias and unfairness, not on votes" and it is admitted that the current Governor of Pennsylvania is a Republican and that the majority of the members of the Senate and House of Pennsylvania are Republican.

37. The allegations in this paragraph constitute conclusions of law, opinion and speculation to which no response is required. To the extent the allegations may be deemed to allege fact, it is denied that Democrat voters "will suffer harm due to the impact of SB 1200 on representation of Pennsylvania voters," that it is a "fact that 13 or 14 districts are now designated as 'Republican

districts," that Democrats "compose a majority of the state," and that "elected officials are more likely to believe that their primary obligation is to represent only the members of that group, rather than the constituency as a whole."

38. The allegations in this paragraph constitute conclusions of law, opinion and speculation to which no response is required. To the extent the allegations may be deemed to allege fact, it is denied that SB 1200 harms petitioners and other Democrat voters, that SB 1200 creates "favored and disfavored groups," and that Petitioners' "ability to associate" with other Democrats to support candidates is harmed.

39. The allegations in this paragraph constitute conclusions of law, opinion and speculation to which no response is required. To the extent the allegations may be deemed to allege fact, it is denied that Act 1 creates classifications based on political affiliation, that Act 1 ignores "traditional redistricting principles," and that Act 1 is "an effort to segregate voters."

40. The allegations in this paragraph constitute conclusions of law, opinion and speculation to which no response is required.

CLAIM I

41. The answers to paragraphs 1 through 40 are adopted by reference.

42. The allegations of this paragraph constitute conclusions of law to which no response is required.

CLAIM II

43. Claim II was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

44. Claim II was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

CLAIM III

45. Claim III was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

46. Claim III was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

CLAIM IV

47. Claim IV was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

48. Claim IV was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

CLAIM V

49. Claim V was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

50. Claim V was dismissed for failure to state a claim by this Court by opinion and order dated February 22, 2002.

AFFIRMATIVE DEFENSES

1. Plaintiffs Richard Veith & Norma Jean Vieth, who live in District 16 which has a population of 646,368 persons, do not have standing to pursue the sole remaining claim of one-person, one-vote.

2. Plaintiffs fail to state a claim for which relief may be granted in Claim I, the sole remaining claim of one-person, one-vote.

3. Act 1 complies with the principle of one-person, one-vote.

4. Act 1 represents a good faith effort by the General Assembly to comply with the one-person, one-vote principle.

5. The population deviations of Act 1 are justified by legitimate state interests.

6. Claims II through V are nonjusticiable or fail to state a claim on which relief can be granted.


7. Plaintiffs lack standing to bring Claims II through V.

WHEREFORE, the Executive Officers respectfully ask this Court to dismiss the one remaining claim of one person/one vote with prejudice.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


J. BART DeLONE
Senior Deputy Attorney General
I.D. No. 42540

JOHN G. KNORR, III
Chief Deputy Attorney General
Chief, Appellate Litigation Section

Counsel for Defendants
Schweiker, Weaver, & Filling
(The Executive Officers)

Office of Attorney General
Appellate Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 783-3226

DATED: March 8, 2002

CERTIFICATE OF SERVICE

I certify that on March 8, 2002, I caused a copy of the foregoing **Answer and Affirmative Defenses of Defendants Governor Schweiker, Secretary Weaver, and Commissioner Filling** to be served on the following in the manner indicated:

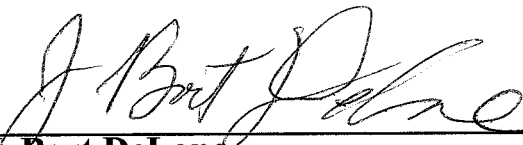
Fax and First class mail:
Paul M. Smith, Esquire
Thomas J. Perrelli, Esquire
Daniel Mach, Esquire
Brian P. Hauck, Esquire
JENNER & BLOCK, L.L.C
601 Thirteenth Street, NW
Washington, D.C. 20005
(202) 639-6000
(202) 639-6066
Counsel for Plaintiffs

Fax and First class mail:
John P. Krill, Jr., Esquire
Linda J. Shorey, Esquire
Julia M. Glencer, Esquire
Jason E. Oyler, Esquire
KIRKPATRICK & LOCKHART LLP
240 North Third Street
Harrisburg, PA 17101
(717) 231-4500
(717) 231-4501
*Counsel for Defendants
Jubelirer and Ryan*

Fax and First class mail:
Robert B. Hoffman, Esquire
REED SMITH LLP
213 Market Street, 9th Floor
P.O. Box 11844
Harrisburg, PA 17108
(717) 257-3042
(717) 236-3777
Counsel for Plaintiffs

First class mail:
The Hon. Richard L. Nygaard
U.S. Circuit Judge
717 State Street, Suite 500
Erie, PA 16501

The Hon. William H. Yohn, Jr.
U.S. District Judge
3809 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1753


J. Bart DeLone
Senior Deputy Attorney General
ID No. 42540