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FEB 19 2002

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

**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
(Judge Rambo)

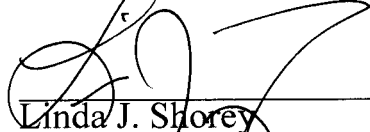
**EXPEDITED MOTION TO QUASH SUBPOENA
OR FOR PROTECTIVE ORDER**

Defendants Lieutenant Governor Jubelirer and Speaker Ryan ("Presiding Officers") hereby file an expedited motion to quash subpoena or for protective order against the subpoena *duces tecum* issued by the Plaintiffs to the Custodian of Records of Carnegie Mellon University on February 7, 2002. Expeditious resolution of this motion is requested as counsel for the recipient of the subpoena *duces tecum* has indicated in writing that he intends to comply with the same on

Thursday, February 20, 2002 unless this Court orders otherwise. A supporting Memorandum of Law and proposed form of order are attached.

February 19, 2002

Respectfully submitted,

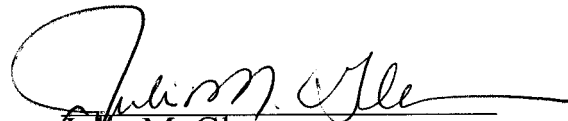


Linda J. Shorey
Pa. ID No. 47477
Julia M. Glencer
Pa. ID No. 80530
Jason E. Oyler
Pa. ID No. 84473
John P. Krill, Jr.
Pa. ID No. 16287
KIRKPATRICK & LOCKHART LLP
240 North Third Street
Harrisburg, PA 17101
(717) 231-4500
(717) 231-4501 (fax)
*Counsel for Defendants
Jubelirer and Ryan*

**CERTIFICATE OF NON-RESOLUTION
AND NON-CONCURRENCE**

I certify, pursuant to Fed.R.Civ.P. 26(c), that I conferred with counsel for the Plaintiffs on February 18, 2002 (Robert Hoffman, Esq. and Bruce Spiva, Esq.) and that the parties were unable to resolve the present discovery dispute.

I also certify, pursuant to Middle District L.R. 7.1, that I sought the concurrence of counsel in the foregoing motion. Counsel for Executive Officers concurs in the motion; counsel for Plaintiffs do not.



Julia M. Glencer
Pa. Id. No. 80530
KIRKPATRICK & LOCKHART LLP
240 North Third Street
Harrisburg, PA 17101
(717) 231-4500
(717) 231-4501 (fax)
*Counsel for Defendants
Jubelirer and Ryan*

CERTIFICATE OF SERVICE

I certify that on February 19, 2002, I caused a copy of the foregoing Motion to Quash Subpoena or for Protective Order to be served on the following in the manner indicated:

Fax and First class mail

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

Hand Delivery

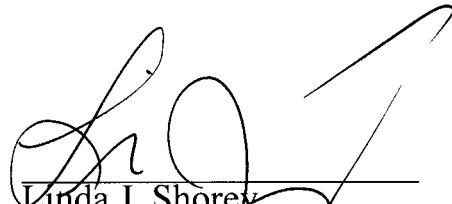
Robert B. Hoffman
REED SMITH LLP
213 Market Street, 9th Floor
P.O. Box 11844
Harrisburg, PA 17108
(717) 257-3042
Counsel for Plaintiffs

Hand Delivery

J. Bart DeLone
Senior Deputy Attorney General
Office of Attorney General
Appellate Litigation Section
15th Floor Strawberry Square
Harrisburg, PA 17120
(717) 783-3226
*Counsel for the Commonwealth,
Governor Schweiker, Secretary
Pizzigrilli, & Commissioner Filling*

First Class Mail and Fax

Walter P. DeForest
DeForest & Koscelnik
3000 Koppers Bldg.
436 Seventh Ave.
Pittsburgh, PA 15219
(412) 227-3101
Counsel for Carnegie Mellon University



Linda J. Shorey
Pa. ID No. 47477
KIRKPATRICK & LOCKHART LLP
240 North Third Street
Harrisburg, PA 17101
(717) 231-4500
(717) 231-4501 (fax)
*Counsel for Defendants
Jubelirer and Ryan*