



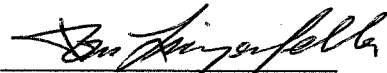
the process, and the on going Legislative attempts to 'fix it', or in the alternative *to utilize a redistricting plan which has already been found to be unconstitutional* in order to hold the Congressional Primary on May 21, 2002, simply fails to meet any reasonable constitutional test for the conduct of a **free and fair and constitutional election**.

5. It is therefore apparent, that the current May 21 election date has been impaired so badly, with further injury already being contemplated, that no free and fair election could possibly be conducted at that time, nor anytime soon after. Realistic dates must be set to construct and conduct a Constitutionally sound and fair Primary election.
6. Based upon my electoral experience and knowledge, any date established prior to September would not under the circumstances meet a reasonable person's expectations of a free and fair election or the demands of our Constitution. I ran as a candidate for State Senate in a special election in 1993. The election was held on July 13, 1993 and there was a voter turnout of approximately 11% of the registered voters in the Senate District.
7. Upon information and belief, about ten (10) states currently conduct their primaries in September. By way of example, the closest state to Pennsylvania, New York, normally conducts its primary in September and in fact was conducting the New York City Mayoral Primary on September 11, 2001 and only an act of war in that very city disturbed the process.
8. As a concerned citizen and Congressional candidate I respectfully request that you allow me to intervene in this matter. The Petition is timely based given all the factors and prior decisions in this case. Petitioner has a direct, immediate and substantial interest in the outcome of this matter and has already been prejudiced by the proceedings in this case.
9. **Petitioner's interest, as an actual and bona fide candidate for Congress, is not adequately represented by any existing parties to this litigation.**
10. More harm than good will result from holding the Congressional Primary Election in conjunction with the General Primary for all other state offices on May 21, 2002, especially since the redistricting plan has already been found **unconstitutional**.
11. If granted intervention, the Petitioner would immediately seek legal counsel to fully participate in any hearing, conference, or oral argument set by this court, and the hearing set for May 8, 2002.
12. Alternatively, Petitioner seeks intervention by permission of this court pursuant to FRCP 24(b).
13. Granting Petitioner's motion to intervene will not delay or prejudice the adjudication

of the rights of the original parties.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant his Motion to Intervene in this action for the purposed of requesting this Court to refrain from crafting an order that would allow an unconstitutional election for Congress to proceed. Alternatively, petitioner respectfully requests that this Court grant Petitioner's intervention by permission.

Respectfully submitted,



Tom Lingenfelter, pro se  
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Doylestown, PA 18901

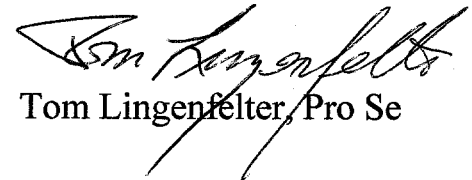
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## VERIFICATION

Tom Lingenfelter hereby states that he is the Intervenor herein and verifies the statements made in the foregoing are true and correct to the best of his knowledge, information and belief, and that he understands that the statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsifications to authorities.

  
Tom Lingenfelter, Pro Se

Date *May 2, 02*

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

**RICHARD VIETH, NORMA JEAN  
VIETH, and SUSAN FUREY,**

**Plaintiffs**

v.

**COMMONWEALTH OF  
PENNSYLVANIA, et al.,**

**Defendants**

**CIVIL NO. 1:CV-01-2439**

**FILED  
HARRISBURG, PA**

**APR 23 2002**


**MARY E. D'ANDREA, CLERK  
Per Deputy Clerk**

**ORDER**

**IT IS HEREBY ORDERED THAT** Defendants' renewed motion for stay pending appeal of order granting declaratory judgment and injunction is **GRANTED**, as follows:

(1) Upon consideration of Defendants' renewed motion for a stay, the stay is **GRANTED**. Defendants will be allowed to conduct only the 2002 Congressional elections using Act 1;

(2) A hearing is scheduled for the purpose of determining whether Act 34 suitably remedies the constitutional violation found by this court in its order of April 8, 2002. Said hearing shall occur at **9:30 a.m. on Wednesday, May 8, 2002**, in Courtroom No. 2, Ninth Floor, Federal Building, Third and Walnut Streets, Harrisburg, Pennsylvania.

  
**SYLVIA H. RAMBO**  
United States District Judge  
on behalf of the panel

Dated: April **23**, 2002.

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

Richard Vieth, et al.,  
Plaintiffs

:

: Civil Action Number 1:CV-01-2439

v.

:

:

Commonwealth of Pennsylvania,  
et al.,  
Defendants

:

:

**ORDER**

**IT IS HEREBY ORDERED THAT** Tom Lingenfelter's motion to intervene  
is **GRANTED**.

\_\_\_\_\_  
United States District Judge  
on behalf of the panel

## CERTIFICATE OF SERVICE

I, Tom Lingenfelter, Candidate for United States Congress and pro se party in this matter, hereby certify that on May 2, 2002, I caused to be served a copy of the foregoing document upon the following in the manner indicated:

### VIA FAX AND FIRST CLASS MAIL

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