

COPY



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

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

Plaintiffs, )

v. )

No. 3:CV-01-2439  
JUDGE RAMBO

THE COMMONWEALTH OF )  
PENNSYLVANIA; MARK S. )  
SCHWEIKER, in his official capacity as )  
Governor of Pennsylvania; KIM )  
PIZZINGRILLI, in her official capacity as )  
Secretary of the Commonwealth of )  
Pennsylvania; RICHARD FILLING, in his )  
official capacity as Commissioner of the )  
Bureau of Commissions, Elections, and )  
Legislation of the Pennsylvania )  
Department of State; ROBERT C. )  
JUBELIRER, in his official capacity as )  
Lieutenant Governor of Pennsylvania and )  
President of the Pennsylvania Senate; )  
MATTHEW J. RYAN, in his official )  
capacity as Speaker of the Pennsylvania )  
House of Representatives, )

Defendants. )

**FILED  
SCRANTON**

JAN 11 2002

PER MM  
DEPUTY CLERK

**MOTION TO DECLARE DEADLINE**

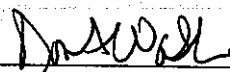
Plaintiffs Richard Vieth, Norma Jean Vieth, and Susan Furey

respectfully submit this motion to declare a deadline of February 18, 2002 for the

courts of the Commonwealth of Pennsylvania to have completed action on the Commonwealth's congressional districting plans. As discussed in the attached memorandum of law, a deadline of February 18, 2002, is consistent with the principles of *Grove v. Emison*, 507 U.S. 25 (1993), because it gives the Commonwealth of Pennsylvania, including its courts, ample time to complete its work on redistricting, while also ensuring that this Court can take appropriate action to hear any remaining federal law claims. That deadline will allow the state courts sufficient time to proceed with litigation currently pending on these matters, but will still ensure that the federal court has time enough to act with minimal disruption to the Commonwealth's election schedule. Plaintiffs also request that the Court direct the parties to file a report on February 1, 2002 concerning the

status of the state court litigation and to advise the Court as to whether any additional action is appropriate.

Respectfully submitted,



\_\_\_\_\_  
Daniel T. Brier, Esquire  
Donna A. Walsh, Esquire

MYERS, BRIER & KELLY, L.L.P.  
Suite 200, 424 Spruce Street  
Scranton, PA 18503  
(570) 342-6100

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

Attorneys for Plaintiffs Richard  
Vieth, Norma Jean Vieth, and Susan  
Furey

Dated: January 11, 2002

**CERTIFICATE OF SERVICE**


I, DONNA A. WALSH, ESQUIRE hereby certify that a true and correct copy of the foregoing Motion to Declare Deadline was served upon all counsel of record by first class mail, postage prepaid on this 11th day of January, 2002 to the following:

Linda J. Shorey, Esquire  
Kirkpatrick & Lockhart, LLP  
Payne Shoemaker Building  
240 North Third Street  
Harrisburg, PA 17101-1507

Commonwealth of Pennsylvania  
c/o Attorney General D. Michael Fisher  
Office of Attorney General  
Strawberry Square  
Harrisburg, PA 17120

Governor Mark S. Schweiker  
c/o General Counsel James M. Sheehan  
Office of General Counsel  
17th Floor, 333 Market Street  
Harrisburg, PA 17101

Secretary Kim Pizzingrilli  
Commissioner Richard Filling  
c/o Chief Counsel John T. Henderson, Jr.  
Pennsylvania Department of State  
North Office Building  
Harrisburg, PA 17120-0029

  
\_\_\_\_\_  
Donna A. Walsh, Esquire

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**ORDER**

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AND NOW, this \_\_ day of January, 2002, upon consideration of

Plaintiffs' Motion to Declare Deadline, IT IS HEREBY ORDERED THAT

Plaintiffs' Motion is GRANTED. The deadline for the courts of the Commonwealth of Pennsylvania to have completed action on the Commonwealth's congressional districting plans is February 18, 2002.

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J.