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

RICHARD VIETH, *et al.*,

Plaintiffs,

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

ROBERT J. MELLOW, Senator, 22nd
District,

Amicus Curiae.

FILED
HARRISBURG, PA

OCT 09 2002

MARY E. D'ANDREA, CLERK
U.S. DISTRICT COURT
HARRISBURG, PA

Civil No. 1:CV-01-2439

Judge Rambo ✓

FILED
HARRISBURG, PA

OCT 09 2002

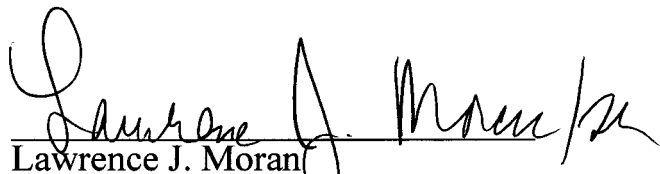
MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

**MOTION TO STAY PENDING RESOLUTION OF
STATE COURT PROCEEDING CONCERNING REDISTRICTING**

Senator Robert J. Mellow respectfully moves this Court for a stay of the present case pending resolution of *Mellow v. Schweiker, et al.*, a parallel proceeding concerning congressional redistricting that Senator Mellow has filed in state court. The reasons for granting this motion are set forth in the accompanying memorandum.

Respectfully submitted,

Dated: October 9, 2002



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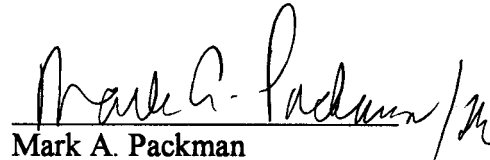
COUNSEL FOR
SENATOR ROBERT J. MELLOW

CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

I certify, pursuant to Middle District L.R. 7.1, that on October 9, 2002, I sought the concurrence of Plaintiffs' counsel and Defendants' counsel in the foregoing motion.

Defendants' counsel do not concur in the motion.

Counsel for Senator Mellow was unable to reach Plaintiffs' counsel. Once counsel for Senator Mellow consults with Plaintiffs' counsel, an amended certificate of concurrence/non-concurrence will be filed.



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CERTIFICATE OF SERVICE

I, MARK A. PACKMAN, co-counsel for Senator Robert J. Mellow, hereby certify that on October 9, 2002, I caused to be served copies of the Motion To Stay Pending Resolution Of State Court Proceeding Concerning Redistricting, the Memorandum in Support thereof, the attached Petition For Review In The Nature Of A Declaratory Judgment And Permanent Injunction, and the proposed order by fax upon the following:

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