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

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

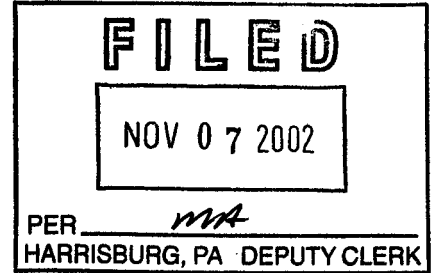
Plaintiffs

v.

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

Defendants

CIVIL NO. 1:CV-01-2439



ORDER

Currently before the court are the following motions: (1) Plaintiffs' motion to impose remedial districts and in the alternative to reject Act 34 and begin remedial hearings; (2) Senator Robert Mellow's motion to stay; and (3) Defendants' motion to present evidence at the remedial hearing. Having considered the arguments, **IT IS HEREBY ORDERED THAT:**

(1) Senator Mellow's motion to stay is **DENIED**;

(2) Defendants' motion to present evidence at the remedial hearing is

GRANTED IN PART and DENIED IN PART, as follows:

(A) Defendants will be allowed to present the following evidence at the hearing:

(i) An affidavit from Kathleen A. Sullivan, Executive Director of the Legislative Data Processing Center, including documentation of the population database upon which Act 34 was based;


(ii) Certified copies of the Armstrong County Court of Common Pleas docket in No. 2002-00081 and the documents reflected in the docket entries;

(iii) Copies of the Legislative Journals for the Senate and House from April 15 and 17, 2002 which contain debate on Act 34; and

(iv) Copies of the biography of Congressmen John Murtha, appearing on his official website, www.house.gov/murtha, on October 4, 2002.

(B) Defendants will not be allowed to present the affidavit of James Scahill, Chairman of the Armstrong County Board of Commissioners.

(3) The parties shall present oral argument regarding the constitutionality of Act 34 before the three-judge panel at **10:00 a.m. on Thursday, January 9, 2002**, in Courtroom No. 1, Ninth Floor, Federal Building, Third and Walnut Streets, Harrisburg, Pennsylvania. The hearing shall conclude no later than 4:30 p.m. that day.



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

Dated: November 7, 2002.