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

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

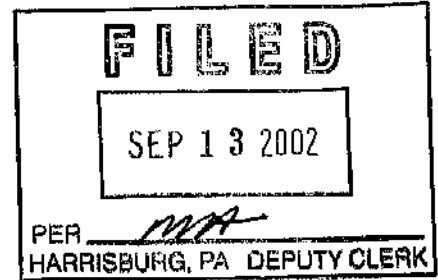
**Plaintiffs**

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 for leave to intervene or in the alternative to participate as *amicus curiae*; and (3) Defendants' motion to add the Armstrong County, Pennsylvania Board of Elections as a necessary party to this action. Having considered the arguments, **IT IS HEREBY ORDERED THAT:**

(1) The parties shall present oral argument regarding the constitutionality of Act 34 before the three-judge panel at **1:30 p.m. on Tuesday, October 15, 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.<sup>1</sup>

(2) Senator Mellow's motion is **GRANTED IN PART AND DENIED IN PART**, as follows:

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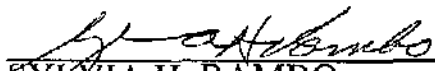
<sup>1</sup>Upon the filing of a proper motion, the court will entertain requests for leave to present evidence at the hearing. The parties shall include, in such requests, a detailed description of the proposed evidence along with a statement of why the party must present such evidence. Any request shall be filed with the court no later than October 5, 2002.

(A) As to Senator Mellow's motion to intervene, the motion is **DENIED**;

(B) As to Senator Mellow's alternative motion to participate as *amicus curiae*, the motion is **GRANTED**;

(C) The Clerk of Court shall **STRIKE** Senator Mellow's complaint in intervention from the record in this case.

(3) Defendants' motion to add the Armstrong County Board of Elections is **DENIED**.

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

Dated: September , 2002.