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

FILED
HARRISBURG, PA
OCT 04 2002
MARY E. D'ANDREA, CLE
Per Deputy Clerk

RICHARD VIETH, et al,
Plaintiffs,
v.
THE COMMONWEALTH OF
PENNSYLVANIA, et al.,
Defendants.

No. 1:CV-01-2439
(Judge Rambo)

**PRESIDING OFFICERS' MOTION FOR LEAVE TO PRESENT
EVIDENCE AT HEARING**

In accordance with this Court's direction in its order dated September 13, 2002, Defendants' Jubelirer and Ryan ("Presiding Officers") move for leave to present the following evidence at the hearing scheduled for October 15, 2002:

1. Testimony of or affidavit from (whichever the Court prefers) of Kathleen A. Sullivan, Executive Director of the Legislative Data Processing Center, including documentation of the population database upon which Act 34 was based.
2. Affidavit from James Scahill, Chairman of the Armstrong County Board of Commissioners (the Commissioners also serve as the Board of Elections in Armstrong County).

3. Certified copies of the Armstrong County Court of Common Pleas docket in No. 2002-00081 and the documents reflected in the docket entries.
4. Copies of the Legislative Journals for the Senate and House from April 15 and 17, 2002, which contain debate on HB 2545 (which, when signed by Governor Schweiker, became Act 34). This Court may take judicial notice of the Legislative Journals and they would be presented for the convenience of the Court.
5. Copy of the biography of Congressman John Murtha appearing on his official website – www.house.gov/murtha -- on October 4, 2002. As with the Legislative Journals, the Court may take judicial notice of the material on Congressman Murtha's website, including the biography, and the copy would be presented for the convenience of the Court.

Presiding Officers' memorandum in support of this motion, filed with the motion, includes a description of these documents and how they support Presiding Officers' legal position.

Respectfully submitted,



October 4, 2002

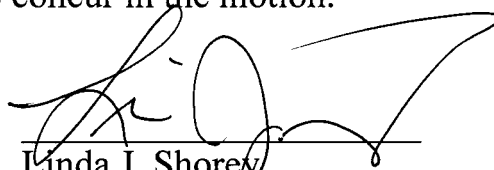
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CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

I certify, pursuant to Middle District L.R. 7.1, that on October 4, 2002, I sought the concurrence of Plaintiffs' counsel and Executive Officers' counsel in the foregoing motion.

Plaintiffs' counsel do not concur in the motion.

Executive Officers' counsel do concur in the motion.



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CERTIFICATE OF SERVICE

I certify that on October 4, 2002, I caused a copy of the foregoing Motion for Leave to Present Evidence to be served on the following as indicated:

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