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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.

THE COMMONWEALTH OF
PENNSYLVANIA; MARK S.
SCHWEIKER, et al

Defendants.

No. 1: CV 01-2439
Judge Rambo, Judge
Yohn, Judge Nygaard

FILED
HARRISBURG, PA

FEB 25 2002

**PLAINTIFFS' MOTION FOR CLARIFICATION
AND/OR RECONSIDERATION**

MARY E. D'ANDREA, CLERK
Deputy Clerk

Plaintiffs respectfully submit this Motion for Clarification and/or Reconsideration as to the Court's Order of February 22, 2002 that granted in part and denied in part the Defendants' Motion to Dismiss.

Plaintiffs respectfully request that the Court issue an order clarifying and/or confirming that the denial of the Motion to Dismiss as to Count I of the Amended Complaint thereby includes as an issue for hearing whether Act 1 satisfies Article 1's limits on partisan gerrymandering; that partisan gerrymandering issue as well as the one person, one vote issue, is raised in Count I and is distinct from the partisan gerrymandering claim raised elsewhere in the Amended Complaint.

Alternatively, if the Court did intend to dismiss the partisan gerrymandering claim under Count I/Article I, Plaintiffs respectfully submit

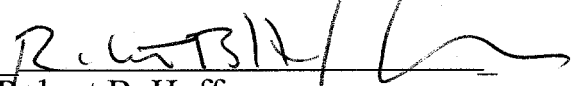
that the Court should appropriately reconsider that aspect of its holding. The Court should do so because the Court never explicitly considered an important Count I/Article 1 argument -- that Article I's delegation of authority to state legislatures to draw congressional districts imposes a more stringent limitation on partisan gerrymandering than does the Equal Protection Clause -- in the context of that Count and claim.

The grounds for these requests are set forth in the Memorandum submitted in support of this Motion.

Respectfully submitted,

REED SMITH LLP

By


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Susan Furey

Dated: February 25, 2002

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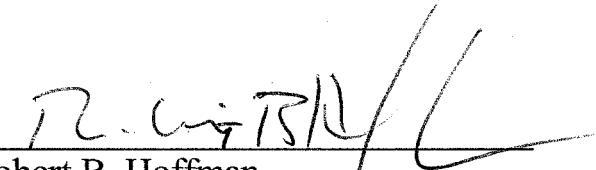
Defendants.)

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CERTIFICATE OF NON-CONCURRENCE

I hereby certify that that I have contacted counsel for the defendants, John Krill and J. Bart DeLone, to determine their positions regarding Plaintiffs' Motion to Clarify/Reconsider, that defendants Ryan and Jubilirer non-concur, that I have not had a response from counsel for the remaining defendants as of the filing of this Motion; but that based on the fact that those defendants joined Ryan and Jubilirer in filling the Motions to Dismiss, I reasonably presume they too will oppose this Motion.

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CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2002, I caused a true and correct copy of the foregoing document to be served upon the following counsel of record by fax transmission and first class mail, postage prepaid:

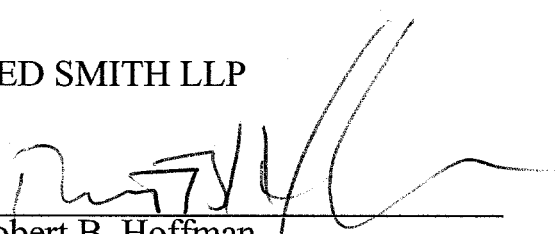
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