

2  
DM

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

RICHARD VIETH AND NORMA JEAN  
VIETH,

Plaintiffs,

**31 CV - 01 - 2439**

v.

Civil Action No. \_\_\_\_\_

THE COMMONWEALTH OF  
PENNSYLVANIA; MARK S.  
SCHWEIKER, in his official capacity as  
Governor of Pennsylvania; KIM  
PIZZINGRILLI, in her official capacity as  
Secretary of the Commonwealth of  
Pennsylvania; RICHARD FILLING, in his  
official capacity as Commissioner of the  
Bureau of Commissions,  
Elections, and Legislation of the  
Pennsylvania Department of State;  
ROBERT C. JUBELIRER, in his official  
capacity as Lieutenant Governor of  
Pennsylvania and President of the  
Pennsylvania Senate; MATTHEW J.  
RYAN, in his official capacity  
as Speaker of the Pennsylvania House of  
Representatives

Defendants.

FILED  
SCRANTON

DEC 21 2001

PER                       
DEPUTY CLERK

---

**PLAINTIFFS' MOTION TO CONVENE A THREE-JUDGE COURT**

---

Plaintiffs Richard Vieth and Norma Jean Vieth respectfully submit  
this motion to convene a three-judge court pursuant to 28 U.S.C. § 2284(a).

According to that statute, "A district court of three judges shall be convened . . .

when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.”

The present action challenges the Commonwealth of Pennsylvania’s congressional districts as violating the one-person, one-vote principle of the Equal Protection Clause of Section 1 of the Fourteenth Amendment. As such, it challenges the constitutionality of the apportionment of congressional districts, and a three-judge court is warranted. In support of this motion, Plaintiffs rely on their supporting memorandum of law which will be filed within ten (10) days pursuant to Rules 7.3 and 7.5 of the Local Rules of Court.

Respectfully submitted,



---

Daniel T. Brier, Esquire  
Donna A. Walsh, Esquire

MYERS, BRIER & KELLY, L.L.P.  
Suite 200, 425 Spruce Street  
Scranton, PA 18503  
(570) 342-6100

Paul M. Smith  
Thomas J. Perrelli  
Daniel Mach  
Brian P. Hauck  
JENNER & BLOCK  
601 Thirteenth Street, NW  
Washington, D.C. 20005  
(202) 639-6000

Attorneys for Plaintiffs Richard  
Vieth and Norma Jean Vieth

Dated: December 21, 2001

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

RICHARD VIETH AND NORMA JEAN  
VIETH, :

Plaintiffs, :

v. :

THE COMMONWEALTH OF  
PENNSYLVANIA; MARK S.  
SCHWEIKER, in his official capacity as  
Governor of Pennsylvania; KIM  
PIZZINGRILLI, in her official capacity as  
Secretary of the Commonwealth of  
Pennsylvania; RICHARD FILLING, in his  
official capacity as Commissioner of the  
Bureau of Commissions,  
Elections, and Legislation of the  
Pennsylvania Department of State;  
ROBERT C. JUBELIRER, in his official  
capacity as Lieutenant Governor of  
Pennsylvania and President of the  
Pennsylvania Senate; MATTHEW J.  
RYAN, in his official capacity  
as Speaker of the Pennsylvania House of  
Representatives, :

Defendants. :

**3 : CV - 01 - 2439**

Civil Action No. \_\_\_\_\_

**ORDER**

AND NOW, this \_\_\_ day of \_\_\_\_\_, 200\_, upon  
consideration of Plaintiffs' Motion to Convene a Three-Judge Court, IT IS  
HEREBY ORDERED THAT Plaintiffs' Motion is granted. Accordingly,

pursuant to 28 U.S.C. § 2284(b)(1), the Chief Judge of the United States Court of Appeals for the Third Circuit is hereby requested to designate two other judges, at least one of whom shall be a circuit judge, to serve as a three-judge court in this matter. The clerk of this court shall immediately transmit a copy of this Order to the Chief Judge of the United States Court of Appeals for the Third Circuit.

---

J.