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3/1/02

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.

FILED
HARRISBURG

MAR 01 2002

MARY E. D'ANDREA, CLERK
No. 1: CV 01-2439
Judge Rambo, DEPUTY CLERK
Yohn, Judge Nygaard

PLAINTIFFS' MOTION TO DIVIDE THE MARCH 11-12 HEARING

This Court will hold a hearing on March 11-12 to hear evidence relating to Plaintiffs' one-person, one-vote claim. Because of the shifting burdens relevant to such a claim as described in *Karcher v. Daggett*, 462 U.S. 725 (1983), Plaintiffs respectfully move that the Court divide the hearing between the "proof of deviations" phase and the "justification" phase.

Respectfully submitted,

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Dated: March 1, 2002

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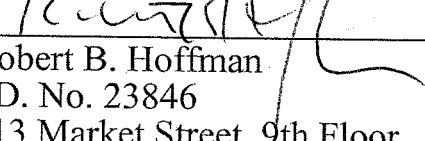
Defendants.)

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

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 Divide Hearing, that I have not had a response from counsel as of the filing of this Motion; but I reasonably presume defendants will oppose this Motion.

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