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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

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PLAINTIFFS' MOTION TO SHORTEN PERIOD WITHIN WHICH TO ANSWER INTERROGATORIES

Plaintiffs respectfully request the Court to require defendants to answer brief interrogatories, served March 1, on or before March 9. In support of this request, Plaintiffs aver as follows:

1. On March 1, plaintiffs served brief interrogatories (exhibit A hereto) by fax on defendants' counsel.
2. The interrogatories sought the identity of fact witnesses and asked defendants to "[i]dentify the specific state policy or objective that necessitated" various population deviations in the congressional districts created by Act 1 from the ideal population size of 646,371 or 646,372 and to "describe the importance of that policy to the State's interests and the facts that would demonstrate that Act 1 as a whole reflects those interests."

3. As is obvious from the description above, answering the interrogatories should be a simple matter, particularly since defendants should have all the information in hand as they prepare for trial.

4. In serving the discovery, undersigned counsel also wrote defendants counsel a letter (Exhibit B hereto) which included the following :

We request that you respond to these interrogatories by March 7 and advise me by noon on March 4 that you will do so; absent agreement, Plaintiffs will file a Motion seeking expedited response time. At the same time, Plaintiffs are fully prepared to advise defendants of their fact witnesses at trial and to answer *tailored* interrogatories analogous. In short, we suggest that all parties proceed in accordance with the basic pretrial rules in the Middle District, e.g., Pretrial Memorandum Format, ¶E (names and addresses of witnesses). Please let me know how you would like to proceed

5. The specific state policies or objectives that defendants will proffer as justifying and/or necessitating the various population deviations in the congressional districts created by Act 1 is clearly a central issue at the March 11-12 hearing.

6. Defendants' counsel have not responded at all to the interrogatories or to the letter.

7. The Court has the inherent authority, as part of its case management authority, to shorten the time period for discovery.

8. Plaintiffs remain willing, as they wrote, to advise defendants of their fact witnesses at trial and to answer *tailored* interrogatories analogous to those sent to defendants.

Wherefore, based on the foregoing, plaintiffs respectfully request that the Court grant their Motion To Shorten Period Within Which To Answer Interrogatories and require defendants to answer plaintiffs' interrogatories on or before March 9.

Respectfully submitted,

REED SMITH LLP

By 

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Attorneys for Plaintiffs Richard
Vieth, Norma Jean Vieth, and
Susan Furey

Dated: March 5, 2002

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)

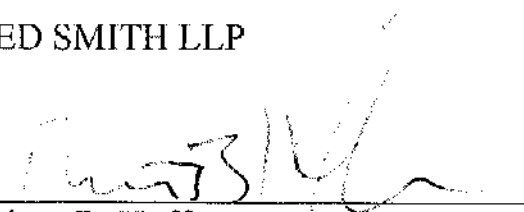
Defendants.)

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

CERTIFICATE OF NON-CONCURRENCE

I hereby certify that that I have contacted counsel for the defendants, John Krill and J. Bart DeLone, in writing and by email to determine their positions regarding Plaintiffs' Motion to Shorten Period Within Which To Answer Interrogatories; that the letter "request[ed] that you respond to these interrogatories by March 7 and advise me by noon on March 4 that you will do so"; that defendants have not responded to that letter; and that therefore I presume they oppose this Motion.

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A

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Plaintiffs,)

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THE COMMONWEALTH OF)
PENNSYLVANIA; MARK S.)
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Defendants.)

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

PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS

Plaintiffs hereby request pursuant to Rule 33, F.R.C.P. that Defendants answer the following Interrogatories separately and fully in writing and under oath. These Interrogatories are continuing in character, so as to require you to file supplementary answers if you obtain further or different information prior to trial. Plaintiff further requests that your answers be sent by facsimile and/or hand delivery to the offices of plaintiffs' local and primary counsel.

INSTRUCTIONS

1. You are required to answer these interrogatories in writing and under oath, after making relevant inquiries of all individuals who may have the knowledge required to fully answer each interrogatory. You must divulge all information that is in your possession or that is in the possession of your attorneys, investigators, agents, employees, boards, supervisors, overseers, consultants, contractors, or other representatives of yourself or your attorneys.

2. If you are unable to answer any part of the following interrogatories in full, please respond to the extent possible and specify your reasons for not responding completely. If you lack information necessary to answer any of the interrogatories, please describe the specific efforts made by you or by anyone on your behalf to ascertain the information and state as definitely as possible when you anticipate obtaining the information sought and supplementing your response.

3. If you contend that you cannot answer an interrogatory because information otherwise discoverable is subject to a claim of privilege or protection as trial preparation material, the claim of privilege should be made expressly and the withheld information should be described in a manner that will enable Plaintiffs to assess the applicability of the privilege or protection.

4. When and if any interrogatory contains separately numbered or lettered paragraphs, each separately numbered or lettered paragraph should be treated separately and a separate response furnished. Where an individual interrogatory calls for an answer that involves more than one part, each part of the answer should be clearly set out so that it is understandable.

5. These interrogatories are continuing in nature and require prompt supplementary responses if you obtain additional or different information after serving the responses required herein.

DEFINITIONS

For the purposes of these Interrogatories, the following definitions apply:

1. "Act 1" refers to the congressional districting plan created by the act of the Pennsylvania General Assembly on January 3, 2002, and by signature of the Governor on January 7, 2002.
2. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside of its scope.
3. "Identify," when used with respect to persons, means to state, to the extent known, the person's full name, present or last known address, business and home telephone number, and present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
4. "Identify," when used with respect to policies or objectives, means to state specifically the policy or objective described, without relying on general assertions.
5. The singular of any word includes the plural and vice versa.

INTERROGATORIES

1. Identify each individual whom defendants intend to call or will call to testify as a fact witness during the trial to be held in U.S. District Court for the Middle District of Pennsylvania on March 11-12.

2. Identify the specific state policy or objective that necessitated the following population deviations in the congressional districts created by Act 1 from the ideal population size of 646,371 or 646,372 and in identifying the specific policy or objective that necessitated the deviation, also describe the importance of that policy to the State's

interests and the facts that would demonstrate that Act 1 as a whole reflects those interests.

- a. The deviation from the ideal population in Act 1's District 1.
- b. The deviation from the ideal population in Act 1's District 2.
- c. The deviation from the ideal population in Act 1's District 3.
- d. The deviation from the ideal population in Act 1's District 4.
- e. The deviation from the ideal population in Act 1's District 6.
- f. The deviation from the ideal population in Act 1's District 7.
- g. The deviation from the ideal population in Act 1's District 9.
- h. The deviation from the ideal population in Act 1's District 10.

p. The deviation from the ideal population in Act 1's District 19.

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Attorneys for Plaintiffs Richard
Vieth, Norma Jean Vieth, and
Susan Furey

Dated: March 1, 2002

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

RICHARD VIETH et al	:	
Plaintiffs,	:	
	:	
v.	:	No. 1: CV 01-2439
	:	Judge Nygaard, Judge Rambo,
THE COMMONWEALTH OF PENNSYLVANIA;	:	and Judge Yohn
MARK S. SCHWEIKER, et al	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 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 the original and two copies to be served by first class mail, postage prepaid:

J. Bart DeLone
Senior Deputy Attorney General
Office of Attorney General
15th Floor
Strawberry Square
Harrisburg, PA 17120

Counsel for Hon. Mark Schweiker, Hon. Kim
Pizzingrilli, Richard Filling, and the
Commonwealth of Pennsylvania

John P. Krill, Jr.
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240 N. Third St.
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Counsel for Hon. Robert Jubelirer and Hon.
Matthew Ryan

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B

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March 1, 2002

By fax transmission

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Office of Attorney General
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Strawberry Square
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John P. Krill, Jr.
Kirkpatrick and Lockhart LLP
240 N. Third St.
Harrisburg PA 17101-1507

Re: Vieth v. Commonwealth of Pennsylvania et al, No. 1:CV 01-2439

Dear Bart and Jack:

Enclosed with this letter is a faxed copy of Interrogatories to both sets of defendants; you will receive the original and two copies by mail (I couldn't see any point in faxing more than one copy to each of you).

We request that you respond to these interrogatories by March 7 and advise me by noon on March 4 that you will do so; absent agreement, Plaintiffs will file a Motion seeking expedited response time. At the same time, Plaintiffs are fully prepared to advise defendants of their fact witnesses at trial and to answer *tailored* interrogatories analogous to those sent to you. In short, we suggest that all parties proceed in accordance with the basic pretrial rules in the Middle District, e.g., Pretrial Memorandum Format, ¶E (names and addresses of witnesses). Please let me know how you would like to proceed.

Reed Smith LLP

By
Robert B. Hoffman

RBH:ngw
cc: Paul Smith (by fax transmission)

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