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

RICHARD VIETH and NORMA JEAN  
VIETH,

Plaintiffs,

v.

No. 3:CV-01-2439

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 27 2001

PER *[Signature]*  
DEPUTY CLERK

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF  
MOTION TO CONVENE A THREE-JUDGE COURT**

Plaintiffs Richard Vieth and Norma Jean Vieth respectfully submit  
this Memorandum of Law in support of their Motion to Convene a Three-Judge  
Court pursuant to 28 U.S.C. § 2284(a).

## **ARGUMENT**

In their Complaint, Plaintiffs allege that the current congressional apportionment and districting plan for the Commonwealth of Pennsylvania violates various provisions of the United States Constitution. Specifically, Plaintiffs allege that the congressional districts currently in place violate the one-person, one-vote principle of the Equal Protection Clause of Section 1 of the Fourteenth Amendment, as well as their rights under Section 2 of Article 1, the Privileges or Immunities Clause of Section 1 of the Fourteenth Amendment, and Section 1 of the Fifteenth Amendment. Plaintiffs also allege that the current apportionment violates their rights under Section 1983 of Title 42 of the United States Code and Section 2c of Title 2 of the United States Code.

Accordingly, pursuant to 28 U.S.C. § 2284(a), Plaintiffs have moved to convene a three-judge court to hear these claims. That statute reads as follows:

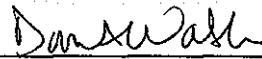
A district court of three judges shall be convened . . .  
when an action is filed challenging the constitutionality  
of the apportionment of congressional districts . . .

28 U.S.C. § 2284(a). Inasmuch as this action directly challenges the constitutionality of the current apportionment of Pennsylvania's congressional districts, it plainly requires the appointment of a three-judge court.

**CONCLUSION**

For the reasons set forth above, Plaintiffs respectfully request that a three-judge court be convened pursuant to 28 U.S.C. § 2284(a).

Respectfully submitted,



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Dated: December 27, 2001