

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 130 MM 2012

Page 1 of 8

September 25, 2018

CAPTION

Council President Holly Brown, Mayor Carolyn Comitta, John Hellman, Mayor Leo Scoda, Council President Rich Kirkner, Councilperson Jennifer Mayo, Petitioners

v.

2011 Legislative Reapportionment Commission, Respondent

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed

Journal Number: J-108-2012 September 13, 2012

Case Category: Administrative Agency Case Type(s): Redistricting

CONSOLIDATED CASES

RELATED CASES

| Docket No / Reason | Type |
|----------------------------|--------------|
| 126 MM 2012 Court Order | Consolidated |
| 127 MM 2012 Court Order | Consolidated |
| 128 MM 2012 Court Order | Consolidated |
| 129 MM 2012 Court Order | Consolidated |
| 131 MM 2012 Court Order | Consolidated |
| 132 MM 2012 Court Order | Consolidated |
| 133 MM 2012 Court Order | Consolidated |
| 134 MM 2012 Court Order | Consolidated |
| 39 WM 2012 Court Order | Consolidated |
| 40 WM 2012 Court Order | Consolidated |
| 41 WM 2012 Court Order | Consolidated |
| 42 WM 2012 Court Order | Consolidated |

COUNSEL INFORMATION

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 IFP Status:

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 Pro Se: No
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 Pro Se: No
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 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

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 Representing: Attorney General's Office, Participant
 Pro Se: No
 IFP Status:

Attorney: Granahan, Kathleen M.
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 Pro Se: No
 IFP Status:

FEE INFORMATION

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|------------|---------------------|---------|------------|-------------------|-------------|
| 07/09/2012 | Petition for Review | 73.50 | 07/10/2012 | 2012-SUP-M-000886 | 73.50 |

AGENCY/TRIAL COURT INFORMATION

Court Below:
 County: Division:
 Date of Agency/Trial Court Order: June 8, 2012
 Docket Number: 156th Legislative District
 Judge(s): OTN:
 Order Type: Order

Court Below:
 County: Division:
 Date of Agency/Trial Court Order: June 8, 2012
 Docket Number: 157th Legislative District
 Judge(s): OTN:

Supreme Court of Pennsylvania



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Docket Number: 130 MM 2012

Page 5 of 8

September 25, 2018

Order Type: Order

ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content/Description |
|----------------------|------------|---------------------|
|----------------------|------------|---------------------|

Record Remittal:

BRIEFING SCHEDULE

Petitioner

Holly Brown, Carolyn Comitta, John Hellman, Leo Scoda, Rich Kirkner, Jennifer Mayo
Brief

Due: August 6, 2012 Filed: August 2, 2012

Reproduced Record

Due: August 6, 2012 Filed: August 2, 2012

Respondent

2011 Legislative Reapportionment Commission
Brief

Due: August 20, 2012 Filed: August 20, 2012

Respondent Amicus Curiae

Michael Turzai, as a Member of the 2011 PA
Legislative Reapportionment Commission
Brief

Due: August 20, 2012 Filed: August 20, 2012

Senator Dominic Pileggi

Brief

Due: August 20, 2012 Filed: August 20, 2012

SESSION INFORMATION

Journal Number: J-108-2012
Listed/Submitted Date: September 13, 2012
Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No: J-108-2012 Judgment Date: May 8, 2013
Category: Decided Disposition Author: Castille, Ronald D.
Disposition: Appeal Dismissed Disposition Date: May 8, 2013
Dispositional Filing: Author:
Filed Date:

DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|--------------|-----------------------------|------------------|------------------------------------------------------------------------------------|
| July 9, 2012 | Petition for Review | Petitioner | Holly Brown, Carolyn Comitta, John Hellman, Leo Scoda, Rich Kirkner, Jennifer Mayo |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------|
| July 10, 2012 | Order Regarding Answer/No Answer Letter, Petitioner's Briefs, Consolidation and Argument | | Bizzoso, Irene M. |
| Comments: | | | |
| AND NOW, this 10th day of July, 2012, the above referenced matters are hereby consolidated for purposes of pleading, briefing and argument. | | | |
| A consolidated answer or no answer letter to the petitions for review is due by 1 P.M. Monday, July 23, 2012. Any prior directives regarding time frame for filing an answer is/are hereby rescinded. | | | |
| Petitioners' briefs are to be received by the Supreme Court of Pennsylvania Prothonotary's Office by 1:00 p.m. on Monday, August 6, 2012. If hand delivered, briefs may be filed at the nearest Supreme Court Prothonotary's Office. Service of said briefs shall be made via personal service or e-mail as agreed to by the parties. | | | |
| Respondent's consolidate brief is due on or before 1:00 p.m. Monday, August 20, 2012, under the same filing and service constraints as aforementioned. Due to the nature of these appeals and the constricted time frame, no applications for extensions of time will be entertained. | | | |
| Oral argument will be scheduled during the September argument session in Philadelphia, by separate order. | | | |
| July 10, 2012 | Order Exited | | Office of the Prothonotary |
| July 19, 2012 | Agency Record Received | | Legislative Reapportionment Commission |
| July 23, 2012 | Answer to Petition for Review | Respondent | 2011 Legislative Reapportionment Commission |
| August 2, 2012 | Petitioner's Brief | Petitioner | Holly Brown, Carolyn Comitta, John Hellman, Leo Scoda, Rich Kirkner, Jennifer Mayo |
| August 2, 2012 | Petitioner's Reproduced Record Filed | Petitioner | Holly Brown, Carolyn Comitta, John Hellman, Leo Scoda, Rich Kirkner, Jennifer Mayo |
| August 6, 2012 | Order Regarding Oral Argument | | Bizzoso, Irene M. |
| Comments: | | | |
| AND NOW, this 6th day of August, 2012, this matter is hereby listed as case #10 for argument session commencing at 9:30 a.m., Thursday, September 13, 2012, in Philadelphia, PA. Petition and Respondent will be allotted up to five (5) minutes per side to present their argument. | | | |
| August 6, 2012 | Order Exited | | Office of the Prothonotary |
| August 6, 2012 | Motion for Leave to File a Brief in Excess of the Page Limit Set Forth by Pa.R.A.P. 2135 | Respondent | 2011 Legislative Reapportionment Commission |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------------------------|
| August 6, 2012 | Order Granting Motion for Leave to File Brief in Excess of Page Limitation | | Vaskov, John A. |
| Comments: AND NOW, this 6th day of August, 2012, the Motion for Leave to File Brief in Excess of Page Limitation is granted, the Respondent's Brief not to exceed 110 pages. | | | |
| August 6, 2012 | Order Exited | | Office of the Prothonotary |
| August 13, 2012 | Acknowledgement of Argument Notice | | |
| | 2011 Legislative Reapportionment Commission | Respondent | Del Sole, Joseph A. |
| | 2011 Legislative Reapportionment Commission | Respondent | Stickman, William Shaw, IV |
| August 13, 2012 | Acknowledgement of Argument Notice | | |
| | Bureau of Elections, Department of State | Participant | Clemmer, Shauna Christine |
| August 20, 2012 | Respondent's Brief | | |
| | | Respondent | 2011 Legislative Reapportionment Commission |
| August 20, 2012 | Respondent Amicus Curiae's Brief | | |
| | | Respondent Amicus Curiae | Michael Turzai, as a Member of the 2011 PA Legislative Reapportionment Commission |
| August 20, 2012 | Petition of Amicus Curiae Turzai for Leave to Participate in Oral Argument | | |
| | | Respondent Amicus Curiae | Michael Turzai, as a Member of the 2011 PA Legislative Reapportionment Commission |
| August 20, 2012 | Respondent Amicus Curiae's Brief | | |
| | | Respondent Amicus Curiae | Senator Dominic Pileggi |
| August 22, 2012 | No Answer Letter to Petition of Amicus Curiae Turzai for Leave to Participate in Oral Argument | | |
| | | Respondent | 2011 Legislative Reapportionment Commission |
| August 28, 2012 | Order Denying Petition of Amicus Curiae Turzai for Leave to Participate in Oral Argument | | |
| | | | Per Curiam |
| Comments: AND NOW, this 28th day of August, 2012, the Petition of Amicus Curiae Michael Turzai as a Member of the 2011 Pennsylvania Legislative Reapportionment Commission for Leave to Participate in Oral Argument is DENIED. See Pa.R.A.P. 531(b). | | | |
| August 28, 2012 | Order Exited | | Office of the Prothonotary |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---------------------------|----------------------------------------------------------------------------------|------------------|-------------------------------|
| September 11, 2012 | Praecipe for Appearance 2011 Legislative Reapportionment Commission | Respondent | Cavanaugh, Patrick Kennedy |
| September 13, 2012 | Argued | | Supreme Court of Pennsylvania |
| May 8, 2013 | Appeal Dismissed | | Castille, Ronald D. |

Comments:

The matter has been ably briefed, both by concerned citizens and the LRC. For the reasons we have articulated above, we reaffirm Holt I as against the various challenges made to the decision; and we further determine that, as against the specific challenges presented in these various appeals, the LRC, in crafting the 2012 Final Plan, sufficiently heeded this Court's admonition that it "could have easily achieved a substantially greater fidelity to all of the mandates in Article II, Section 16" than it did in its unconstitutional 2011 Final Plan. See Holt I, 38 A.3d at 718. Moreover, we hold that the appellants have not demonstrated that the 2012 Final Plan is contrary to law. We therefore conclude that the LRC has utilized the population data of the 2010 census to create a redistricting map that complies with the Pennsylvania Constitution, which shall hereby have the force of law, beginning with the 2014 election cycle. The appeals are dismissed.

Jurisdiction relinquished.

Former Justice Orié Melvin did not participate in the consideration or decision of these appeals.

Messrs. Justice Eakin and Baer, Madame Justice Todd and Mr. Justice McCaffery join the opinion.

Mr. Justice Saylor files a concurring opinion.

| | | | |
|---------------------|-------------------------------------------------|--|----------------------------|
| May 8, 2013 | Judgment Entered | | Office of the Prothonotary |
| May 30, 2013 | Reconsideration Time Expired/Case Closed | | Office of the Prothonotary |

Comments:

Notification sent to the Legislative Reapportionment Commission

6-4-13 - Received receipt acknowledgment from the Reapportionment Commission.