

## Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 131 MM 2012

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October 23, 2017

## CAPTION

Daniel P. Doherty, Cheryl L. Nicholas, Stacy C. Hannan, Kristine L. Kipphut, Susan Saba, Tara Anthony, Paula Brensinger, and Seth D. McElroy, Petitioners

v.

2011 Legislative Reapportionment Commission, Respondent

## CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed

Journal Number: J-102-2012 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
130 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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**COUNSEL INFORMATION**


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Attorney: Rothermel, Frank A.  
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 McElroy, Petitioner  
 Pro Se: No  
 IFP Status:

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Attorney: Del Sole, Joseph A.  
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 Address: 200 First Ave Ste 300  
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 Phone No: (412) 261-2393  
 Representing: 2011 Legislative Reapportionment Commission, Respondent  
 Pro Se: No  
 IFP Status:

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Attorney: Cavanaugh, Patrick Kennedy  
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 Phone No: (412) 261-2393  
 Representing: 2011 Legislative Reapportionment Commission, Respondent  
 Pro Se: No  
 IFP Status:

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Attorney: Del Sole, Stephen John  
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 Phone No: (412) 261-2393  
 Representing: 2011 Legislative Reapportionment Commission, Respondent  
 Pro Se: No  
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 Phone No: (412) 261-2393  
 Representing: 2011 Legislative Reapportionment Commission, Respondent  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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 Respondent Amicus Curiae  
 Pro Se: No  
 IFP Status:

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 IFP Status:

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 IFP Status:

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 Pro Se: No  
 IFP Status:

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 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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 Representing: Bureau of Elections, Department of State, Participant  
 Pro Se: No  
 IFP Status:

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Attorney: Kelly, Linda L.  
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 Representing: Attorney General's Office, Participant  
 Pro Se: No  
 IFP Status:

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Attorney: Granahan, Kathleen M.  
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 Representing: Attorney General's Office, Participant  
 Pro Se: No  
 IFP Status:

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**FEE INFORMATION**


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Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
07/09/2012	Petition for Review	73.50	07/09/2012	2012-SUP-M-000884	73.50

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**AGENCY/TRIAL COURT INFORMATION**


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Court Below: Legislative Reapportionment Commission  
 County: Division: Legislative Reapportionment Commission  
 Date of Agency/Trial Court Order: June 8, 2012  
 Order Type: Order  
 OTN(s):  
 Lower Ct Docket No(s): Ward 1, Division 3, City of Philadelphia  
 Borough of Trappe, Montgomery Co.  
 District 9, Northampton Twp, Bucks Co.  
 District 2, Borough of Emmaus, Lehigh Co  
 Ward 3, Division 3, Lower Providence Twp  
 Ward 64, Division 2, City of Philadelphia  
 Ward 11, Division 5, City of Allentown  
 District 2, South Union Twp, Fayette Co.  
 Lower Ct Judge(s):

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October 23, 2017

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
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## Record Remittal:

## BRIEFING SCHEDULE

## Petitioner

**D. Doherty, C. Nicholas, St. Hannan, K. Kipphut, S. Saba, T. Anthony, P. Brensinger, S. McElroy**  
Brief

Due: August 6, 2012

Filed: August 6, 2012

## Reproduced Record

Due: August 6, 2012

Filed:

## 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-102-2012  
Listed/Submitted Date: September 13, 2012  
Consideration Type: Oral Argument Supreme Ct.

## DISPOSITION INFORMATION

Related Journal No: J-102-2012 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
<b>July 9, 2012</b>	<b>Petition for Review</b>	Petitioner	D. Doherty, C. Nicholas, St. Hannan, K. Kipphut, S. Saba, T. Anthony, P. Brensinger, S. McElroy



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 10, 2012	<b>Order Regarding Answer/No Answer Letter, Petitioner's Briefs, Consolidation and Argument</b>		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	<b>Order Exited</b>		Office of the Prothonotary
July 19, 2012	<b>Agency Record Received</b>		Legislative Reapportionment Commission
July 23, 2012	<b>Answer to Petition for Review</b>	Respondent	2011 Legislative Reapportionment Commission
August 6, 2012	<b>Order Regarding Oral Argument</b>		Bizzoso, Irene M.
Comments:			
AND NOW, this 6th day of August, 2012, this matter is hereby listed as case #4 for argument session commencing at 9:30 a.m., Thursday, September 13, 2012, in Philadelphia, PA. Petition and Respondent will be allotted up to ten (10) minutes per side to present their argument.			
August 6, 2012	<b>Order Exited</b>		Office of the Prothonotary
August 6, 2012	<b>Petitioner's Brief</b>	Petitioner	D. Doherty, C. Nicholas, St. Hannan, K. Kipphut, S. Saba, T. Anthony, P. Brensinger, S. McElroy
August 6, 2012	<b>Motion for Leave to File a Brief in Excess of the Page Limit Set Forth by Pa.R.A.P. 2135</b>	Respondent	2011 Legislative Reapportionment Commission
August 6, 2012	<b>Order Granting Motion for Leave to File Brief in Excess of Page Limitation</b>		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.			



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 6, 2012	Order Exited		Office of the Prothonotary
August 13, 2012	<b>Acknowledgement of Argument Notice</b> 2011 Legislative Reapportionment Commission	Respondent	Del Sole, Joseph A.
	2011 Legislative Reapportionment Commission	Respondent	Stickman, William Shaw, IV
August 13, 2012	<b>Acknowledgement of Argument Notice</b> D. Doherty, C. Nicholas, St. Hannan, K. Kipphut, S. Saba, T. Anthony, P. Brensinger, S. McElroy	Petitioner	Rothermel, Frank A.
August 20, 2012	<b>Respondent's Brief</b>	Respondent	2011 Legislative Reapportionment Commission
August 20, 2012	<b>Respondent Amicus Curiae's Brief</b>	Respondent Amicus Curiae	Michael Turzai, as a Member of the 2011 PA Legislative Reapportionment Commission
August 20, 2012	<b>Petition of Amicus Curiae Turzai for Leave to Participate in Oral Argument</b>	Respondent Amicus Curiae	Michael Turzai, as a Member of the 2011 PA Legislative Reapportionment Commission
August 20, 2012	<b>Respondent Amicus Curiae's Brief</b>	Respondent Amicus Curiae	Senator Dominic Pileggi
August 22, 2012	<b>No Answer Letter to Petition of Amicus Curiae Turzai for Leave to Participate in Oral Argument</b>	Respondent	2011 Legislative Reapportionment Commission
August 28, 2012	<b>Order Denying Petition of Amicus Curiae Turzai for Leave to Participate in Oral Argument</b>		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
September 11, 2012	<b>Praecepte for Appearance</b> 2011 Legislative Reapportionment Commission	Respondent	Cavanaugh, Patrick Kennedy



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 12, 2012	Limited Reply Brief to Respondent's Brief Received and Returned	Petitioner	D. Doherty, C. Nicholas, St. Hannan, K. Kipphut, S. Saba, T. Anthony, P. Brensinger, S. McElroy
Comments: Returned as untimely filed.			
September 13, 2012	Nunc Pro Tunc Appeal to Permit the Filing of Limited Reply in Opposition to Respondent's Brief	Petitioner	D. Doherty, C. Nicholas, St. Hannan, K. Kipphut, S. Saba, T. Anthony, P. Brensinger, S. McElroy
Comments: 9-13-12 - requested proof of service 9-13-12 - proof of service rec'd			
September 13, 2012	Argued		Supreme Court of Pennsylvania
September 14, 2012	Answer to Nunc Pro Tunc Appeal to Permit the Filing of a Reply in Opposition to Respondent's Brief	Respondent	2011 Legislative Reapportionment Commission
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 Orie 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 8, 2013	Nunc Pro Tunc Appeal to Permit the Filing of Limited Reply Brief Dismissed as Moot		Office of the Prothonotary





**DOCKET ENTRY**

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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.