

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 39 WM 2012

Page 1 of 9

July 27, 2017

CAPTION

Senator Jay Costa, Senator Lawrence M. Farnese, Jr., Senator Christine M. Tartaglione, Senator Shirley M. Kitchen, Senator LeAnna M. Washington, Senator Michael J. Stack, Senator Vincent J. Hughes, Senator Anthony H. Williams, Senator Judith L. Schwank, Senator John T. Yudichak, Senator Daylin Leach, Senator Lisa M. Boscola, Senator Andrew E. Dinniman, Senator John P. Blake, Senator Richard A. Kasunic, Senator John N. Wozniak, Senator Jim Ferlo, Senator Wayne D. Fontana, Senator James Brewster, and Senator Timothy J. Solobay, Petitioners

v.

2011 Legislative Reapportionment Commission, Respondent

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed

Journal Number: J-99-2012 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 |
| 131 MM 2012 Court Order | Consolidated |
| 132 MM 2012 Court Order | Consolidated |
| 133 MM 2012 Court Order | Consolidated |
| 134 MM 2012 Court Order | Consolidated |
| 40 WM 2012 Court Order | Consolidated |
| 41 WM 2012 Court Order | Consolidated |
| 42 WM 2012 Court Order | Consolidated |

COUNSEL INFORMATION



COUNSEL INFORMATION

Attorney: Levine, Clifford B.

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625 Liberty Ave, 5th Floor
Pittsburgh, PA 15222

Phone No: (412) 297-4900

Representing: Senator Jay Costa, et al, Petitioner

Pro Se: No

IFP Status:

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Address: Del Sole Cavanaugh Stroyd, L.L.C.
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Pittsburgh, PA 15222

Phone No: (412) 261-2393

Representing: 2011 Legislative Reapportionment Commission, Respondent

Pro Se: No

IFP Status:

Attorney: Cavanaugh, Patrick Kennedy

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200 First Avenue
PITTSBURGH, PA 15222

Phone No: (412) 261-2393

Representing: 2011 Legislative Reapportionment Commission, Respondent

Pro Se: No

IFP Status:

Attorney: O'Connor, Charles E., Jr.

Address: 2011 Legislative Reapportionment Commission
North Office Building Room 104
Harrisburg, PA 17120

Representing: 2011 Legislative Reapportionment Commission, Respondent

Pro Se: No

IFP Status:

Attorney: Stickman, William Shaw, IV

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Pittsburgh, PA 15222

Phone No: (412) 261-2393

Representing: 2011 Legislative Reapportionment Commission, Respondent

Pro Se: No

IFP Status:



COUNSEL INFORMATION

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 Eckert Seamans Cherin & Mellott, LLC
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 600 Grant St
 Pittsburgh, PA 15219
 Phone No: (412) 566-6034
 Representing: Michael Turzai, as a Member of the 2011 PA Legislative Reapportionment Commission,
 Respondent Amicus Curiae
 Pro Se: No
 IFP Status:

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 Blank Rome LLP
 Address: One Logan Sq 130 N 18th St
 Philadelphia, PA 19103-6933
 Phone No: (215) 569-5791
 Representing: Senator Dominic Pileggi, Respondent Amicus Curiae
 Pro Se: No
 IFP Status:

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 Philadelphia, PA 19103
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 Representing: Senator Dominic Pileggi, Respondent Amicus Curiae
 Pro Se: No
 IFP Status:

Attorney: Mullaney, Mary Ann
 Blank Rome LLP
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 Philadelphia, PA 19103-6933
 Phone No: (215) 569-5598
 Representing: Senator Dominic Pileggi, Respondent Amicus Curiae
 Pro Se: No
 IFP Status:

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 Philadelphia, PA 19103-7301
 Phone No: (215) 656-2445
 Representing: Senator Dominic Pileggi, Respondent Amicus Curiae
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 39 WM 2012

Page 4 of 9

July 27, 2017

COUNSEL INFORMATION

Attorney: Clemmer, Shauna Christine
 Address: PA Department of State
 PA Department of State
 301 N Office Building
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 Representing: Bureau of Elections, Department of State, Participant
 Pro Se: No
 IFP Status:

Attorney: Kelly, Linda L.
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 1600 Strawberry Sq
 Harrisburg, PA 17120-0048
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 Representing: Attorney General's Office, Participant
 Pro Se: No
 IFP Status:

FEE INFORMATION

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|------------|---------------------|---------|------------|-------------------|-------------|
| 07/06/2012 | Petition for Review | 73.50 | 07/06/2012 | 2012-SUP-W-001496 | 73.50 |

AGENCY/TRIAL COURT INFORMATION

Court Below: Legislative Reapportionment Commission
 County: Division: Legislative Reapportionment Commission
 Date of Agency/Trial Court Order:
 Order Type: Order
 OTN(s):
 Lower Ct Docket No(s): Allegheny County - 43rd District Allegheny County - 38th District
 Allegheny County - 42nd District Allegheny County - 45th District
 Washington County - 46th District Cambria County - 35th District
 Fayette County - 32nd District Lackawanna County - 22nd District
 Chester County - 19th District Northampton County - 18th District
 Montgomery County - 17th District Luzerne County - 14th District
 Berks County - 11th District Philadelphia County - 1st District
 Philadelphia County - 2nd District Philadelphia County - 3rd District
 Philadelphia County - 4th District Philadelphia County - 5th District
 Philadelphia County - 7th District Philadelphia County - 8th District
 Lower Ct Judge(s):

ORIGINAL RECORD CONTENT

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

Record Remittal:

BRIEFING SCHEDULE



BRIEFING SCHEDULE

| | | | |
|---------------------------------|-----------------------|--|------------------------|
| Petitioner | | Respondent | |
| Senator Jay Costa, et al | | 2011 Legislative Reapportionment Commission | |
| Brief | | Brief | |
| Due: August 6, 2012 | Filed: August 6, 2012 | Due: | Filed: August 20, 2012 |
| Reply Brief | | Respondent Amicus Curiae | |
| Due: October 5, 2012 | | Michael Turzai, as a Member of the 2011 PA | |
| Filed: October 5, 2012 | | Legislative Reapportionment Commission | |
| Reproduced Record | | Brief | |
| Due: August 6, 2012 | Filed: | 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-99-2012
 Listed/Submitted Date: September 13, 2012
 Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

| | | | |
|-----------------------|---------------------------|---------------------|---|
| Related Journal No: | J-99-2012 | Judgment Date: | May 8, 2013 |
| Category: | Decided | Disposition Author: | Castille, Ronald D. |
| Disposition: | Appeal Dismissed | Disposition Date: | May 8, 2013 |
| Dispositional Filing: | Majority Opinion | Author: | |
| Filed Date: | May 8, 2013 | | |
| Justice: | Eakin, J. Michael | Vote: | Joins |
| Justice: | Baer, Max | Vote: | Joins |
| Justice: | Todd, Debra | Vote: | Joins |
| Justice: | McCaffery, Seamus P. | Vote: | Joins |
| Justice: | Orie Melvin, Joan | Vote: | Did Not Participate in Consid/Decision of Case |
| Dispositional Filing: | Concurring Opinion | Author: | Saylor, Thomas G. |
| Filed Date: | May 8, 2013 | | |

DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---------------------|-----------------------------|------------------|--------------------------|
| July 6, 2012 | Petition for Review | Petitioner | Senator Jay Costa, et al |

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 39 WM 2012

Page 6 of 9

July 27, 2017

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 |
| July 23, 2012 | Praeipce for Appearance 2011 Legislative Reapportionment Commission | Respondent | Stickman, William Shaw, IV |
| 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 #1 for argument session commencing at 9:30 a.m., Thursday, September 13, 2012, in Philadelphia, PA. Petitioners and Respondent will be allotted up to thirty (30) minutes per side to present their argument.

| | | | |
|----------------|---|------------|---|
| August 6, 2012 | Order Exited | | Office of the Prothonotary |
| August 6, 2012 | Petitioner's Brief | Petitioner | Senator Jay Costa, et al |
| 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 |
| 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.



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|--|--|-----------------------------|---|
| August 6, 2012 | Order Exited | | Office of the Prothonotary |
| August 8, 2012 | Acknowledgement of Argument Notice | Petitioner | Costa, Jay |
| Comments: Attorney Clifford B. Levine | | | |
| August 9, 2012 | Acknowledgement of Argument Notice 2011 Legislative Reapportionment Commission | Respondent | Del Sole, Joseph A. |
| August 9, 2012 | Acknowledgement of Argument Notice 2011 Legislative Reapportionment Commission | Respondent | Stickman, William Shaw, IV |
| 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 23, 2012 | Acknowledgement of Argument Notice 2011 Legislative Reapportionment Commission | Respondent | O'Connor, Charles E., Jr. |
| August 27, 2012 | Notice of Non-Participation | Participant | Attorney General's Office |
| 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).



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|--------------------|--|------------------|--|
| August 28, 2012 | Order Exited | | Office of the Prothonotary |
| September 11, 2012 | Praecipe for Appearance 2011 Legislative Reapportionment Commission | Respondent | Cavanaugh, Patrick Kennedy |
| September 13, 2012 | Argued | | Supreme Court of Pennsylvania |
| September 24, 2012 | Application for Relief to File Limited Reply Brief | Petitioner | Senator Jay Costa, et al |
| September 28, 2012 | Answer to Application for Relief to File Limited Reply Brief | Respondent | 2011 Legislative Reapportionment Commission |
| October 5, 2012 | Order Granting Application for Leave to File Limited Reply Brief | | Per Curiam |

Comments:

AND NOW, this 5th day of October, 2012, the Application for Relief to File Limited Reply Brief is GRANTED.

| | | | |
|-----------------|---|------------|--------------------------|
| October 5, 2012 | Petitioner's Limited Reply Brief | Petitioner | Senator Jay Costa, et al |
| 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.

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 39 WM 2012

Page 9 of 9

July 27, 2017