

IN THE COMMONWEALTH COURT OF PENNSYLVANIA



VIVIETTE APPLEWHITE; WILOLA SHINHOLSTER LEE; GROVER FREELAND; GLORIA CUTTINO; NADINE MARSH; DOROTHY BARKSDALE; BEA BOOKLER; JOYCE BLOCK; HENRIETTA KAY DICKERSON; DEVRA MIREL (“ASHER”) SCHOR; THE LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA; NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, PENNSYLVANIA STATE CONFERENCE; HOMELESS ADVOCACY PROJECT,

Docket No. 330 MD 2012

*Petitioners,*

v.

THE COMMONWEALTH OF PENNSYLVANIA; THOMAS V. CORBETT, in his capacity as Governor; and CAROL AICHELE, in her capacity as Secretary of the Commonwealth,

*Respondents.*

DANA MASON, JOSEPH COSTELLO, MARISE STILLMAN, ROBERT NUSBAUM, LUIS VEGA, PAUL GEIBLER, KATHRYN J. IMLER and THOMAS KILLIAN,

*Intervenor-  
Respondents*

**INTERVENORS’ RESPONSE TO PETITIONERS’ REQUEST  
TO EXPEDITE AND TRUNCATE RESPONSE TIME**

Intervenors respectfully submit this Response to Petitioners’ request for expedited discovery, briefing, and hearing schedule, and to truncate response time.

1. Petitioners are not entitled to expedited treatment of this case. To the contrary, their own delay in bringing suit has directly created the circumstances that they now contend warrant a highly compressed schedule. The statute at issue, Act of March 14, 2012, Pub. L. 195-

18, No. 18, *codified at* 25 P.S. §§ 2602, 2626, 3050 (hereafter, “Voter Identification Law”), was enacted on March 14, 2012, yet Petitioners waited a month and a half, until May 1, 2012, to file this lawsuit.<sup>1</sup> Having chosen to wait so long before bringing this challenge, Petitioners may not seek emergency relief on an expedited basis. *Branham v. Rohn & Haas Co*, 19 A.3d 1094, 1100 (Pa. Super. 2011) (holding that a two-month delay in seeking expedited consideration “obviated the claim” that such relief was necessary).

2. In establishing a schedule, Intervenors respectfully request that this Court:
  - a. provide for early consideration and adjudication of their Preliminary Objections (filed concurrently with this Response), which may either limit the scope of discovery in this case or result in outright dismissal of the Petition;
  - b. allow sufficient time for complete discovery—including adequate time to prepare responses to any discovery requests, as well as briefs concerning any irreconcilable discovery disputes that may arise—rather than limiting it to 20 days as Petitioners propose; and
  - c. grant Respondents and Intervenors an adequate opportunity to prepare all necessary legal memoranda concerning the relief Petitioners seek, rather than imposing three- and six-day deadlines, as Petitioners propose.

3. Because the general election is not until November 6, 2012, and in light of Petitioners’ request for discovery, this Court should not consider entry of a preliminary injunction, but rather seek stipulation from the parties to hold a single, consolidated proceeding

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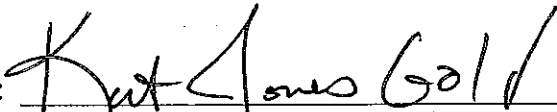
<sup>1</sup> Such delay is especially surprising, as public press reports reveal that at least some of the Petitioner organizations have been planning to file this lawsuit well before the General Assembly even enacted the challenged statute. *See, e.g.,* Kevin Zwick, *Gov. Corbett Signs Voter ID Bill Into Law*, Capitolwire (Mar. 14, 2012) (“*Last week*, Senate Democrats and the American Civil Liberties Union said they were planning to file a lawsuit to seek an injunction to prevent the law from going into effect.”); *cf.* Pet. 1 (Petitioners’ attorney, Witold J. Walczak is the legal director of the ACLU of Pennsylvania). Then on April 10, 2012, the ACLU and Petitioner NAACP again announced plans to file the instant action. *See* Amy Worden, *ACLU, NAACP will sue over Pennsylvania voter ID law*, Inquirer (April 10, 2012). [http://articles.philly.com/2012-04-10/news/31319088\\_1\\_pennsylvania-voter-id-law-voter-id](http://articles.philly.com/2012-04-10/news/31319088_1_pennsylvania-voter-id-law-voter-id).

upon the completion of discovery. *See, e.g., Big Bass Lake Cmty. Ass'n v. Warren*, 23 A.3d 619, 622 (Pa. Commw. Ct. 2011).

Respectfully submitted,

Dated: May 8, 2012

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**CERTIFICATE OF SERVICE**

I certify that I am this day, May 8, 2012, serving the foregoing Intervenors' Response to Petitioners' Request to Expedite and Truncate Response Time, upon the persons and in the manner indicated below, which service satisfies the requirement of Pa. R.A.P. 121:

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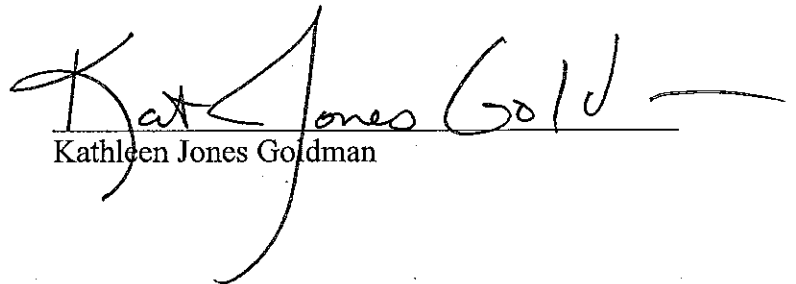
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