

SAMUEL C. STRETTON
ATTORNEY AT LAW
301 SOUTH HIGH STREET
P.O. BOX 3231
WEST CHESTER, PA 19381-3231

(610) 696-4243
FAX (610) 696-2919
January 12, 2012

THE BENJAMIN FRANKLIN HOUSE
834 CHESTNUT STREET, SUITE 206
PHILADELPHIA, PENNSYLVANIA 19107
(215) 627-8653

Irene M. Bizzoso, Esquire
Prothonotary
Supreme Court of Pennsylvania
601 Commonwealth Ave., Suite 4500
P.O. Box 62575
Harrisburg, PA 17106-2575


Re: Comitta, et al. v. Legislative Reapportionment
Commission
Supreme Court Docket No. 2 MM 2012

Dear Ms. Bizzoso:

Please be advised I represent the Petitioners in the captioned matters. Enclosed please find the original and nine (9) copies of the Petitioners' Answer to the Preliminary Objections of the Respondent. I have also enclosed a CD of the Petitioner's Answer and an Averment that the material contained in the CD-Rom is an accurate and complete representation of the paper version submitted to the Court.

I would ask for your assistance in filing this of record, and if you would return a time stamped copy to me in the self-addressed, stamped envelope provided, it would be most appreciated. Thank you.

Very truly yours,


Samuel C. Stretton

SCS:jac

Enc.

cc: Charles O'Conner, Jr., Executive Director
Honorable Linda Kelly
Judge Joseph A. Del Sole
Shauna Christine Clemmer, Esq.

VIA FEDERAL EXPRESS, OVER-NIGHT DELIVERY

BEFORE THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

MAYOR CAROLYN COMITTA, : SUPREME COURT DOCKET
COUNCIL PRESIDENT HOLLY BROWN, : NO. 2 MM 2012
WILLIAM J. SCOTT, JR., HERBERT :
A. SCHWABE, II, JANE HEALD :
CLOSE, FLOYD ROBERT BIELSKI, :
DAVID LALEIKE, E. BRIAN ABBOTT, :
NATHANIEL SMITH and W. DONALD :
BRACELAND, :

PETITIONERS :

VS. :

2011 LEGISLATIVE REAPPORTIONMENT :
COMMISSION, :

RESPONDENTS :


AVERMENT

Samuel C. Stretton, Esquire, counsel for the Petitioners in the captioned matter, hereby avers that the material contained in the CD-Rom is an accurate and complete representation of the paper version submitted to the Court.

Respectfully submitted,

1/12/12

Date



Samuel C. Stretton, Esquire
Attorney for Petitioners
301 S. High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491

BEFORE THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

MAYOR CAROLYN COMITTA, : SUPREME COURT DOCKET
COUNCIL PRESIDENT HOLLY BROWN, : NO. 2 MM 2012
WILLIAM J. SCOTT, JR., HERBERT :
A. SCHWABE, II, JANE HEALD :
CLOSE, FLOYD ROBERT BIELSKI, :
DAVID LALEIKE, E. BRIAN ABBOTT, :
NATHANIEL SMITH and W. DONALD :
BRACELAND, :

PETITIONERS :

VS. :

2011 LEGISLATIVE REAPPORTIONMENT :
COMMISSION, :

RESPONDENTS :

ANSWER OF THE PETITIONERS, MAYOR CAROLYN COMITTA, COUNCIL
PRESIDENT HOLLY BROWN, WILLIAM J. SCOTT, JR., HERBERT A.
SCHWABE, II, JANE HEAL CLOSE, FLOYD ROBERT BIELSKI, DAVID
LALEIKE, E. BRIAN ABBOTT, NATHANIEL SMITH AND W. DONALD
BRACELAND, TO THE PRELIMINARY OBJECTIONS OF THE RESPONDENT

The Petitioners, Mayor Carolyn Comitta, Council President Holly Brown, William J. Scott, Jr., Herbert A. Schwabe, II, Jane Heald Close, Floyd Robert Bielski, David LaLeike, E. Brian Abbott, Nathaniel Smith and W. Donald Braceland, respectfully answer the Preliminary Objections in the Nature of a Motion to Dismiss as follows:

1. Admitted.
2. Admitted. The Petitioners timely filed their Petition for Review.
3. Admitted.
4. Admitted.

5. Denied. It is denied that Rule 1513(e)(5) is the applicable Rule. That is for original jurisdiction for review. This is not an original jurisdiction case since there is no trial, no hearings, etc. This Petition for Review was filed under Pennsylvania Rules of Appellate Procedure, Rule 1513(d), which is the appellate jurisdiction. Briefs have been filed and oral argument is scheduled for January 23, 2012. This is not an original jurisdiction case. This is an appellate jurisdiction case and no Verification is necessary:

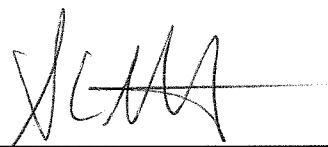
"No notice to plead or verification is necessary."
[Pennsylvania Rules of Appellant Procedure, Rule 1513(d)].

6. Denied. The appropriate Rule is not 1513(e)(5), but 1513(d). There is no requirement for a Verification.

7. Denied. The Petitioners have complied.

WHEREFORE, the Respondent's Preliminary Objections should be dismissed.

Respectfully submitted,



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MIDDLE DISTRICT

MAYOR CAROLYN COMMITTA, : SUPREME COURT DOCKET
COUNCIL PRESIDENT HOLLY BROWN, : NO. 2 MM 2012
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NATHANIEL SMITH and W. DONALD :
BRACELAND, :

PETITIONERS :

VS. :

2011 LEGISLATIVE REAPPORTIONMENT :
COMMISSION, :

RESPONDENTS :

PROOF OF SERVICE

I hereby certify I am this date serving a copy of the
Petitioners' Answer to Preliminary Objections of the Respondent
in the captioned matter upon the following persons by First
Class Mail, which services fulfills the requirements of
Pa.R.A.P. 121:

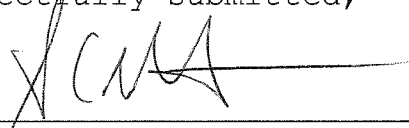
1. Charles O'Conner, Jr., Executive Director
2011 Legislative Reapportionment Commission
104 North Office Building
Harrisburg, PA 17120-3079
2. Honorable Linda Kelly
Attorney General of Pennsylvania
16th Floor, Strawberry Square
Harrisburg, PA 17120
3. Judge Joseph A. Del Sole
Del Sole, Cavanaugh, Stroyd, LLC
200 1st Avenue, Suite 300
Pittsburgh, PA 15222-1512
Attorney for the Legislative
Reapportionment Commission

4. Shauna Christine Clemmer, Esquire
Pennsylvania Department of State
301 N. Office Building
Harrisburg, PA 17120

Service by electronic mail to the following addresses:

4. coconnor@redistricting.state.pa.us
5. ccraykane@redistricting.state.pa.us
6. jdelsole@dscslaw.com
7. wstickman@dscslaw.com

Respectfully submitted,



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Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 4500
Harrisburg, PA 17120

Re: Scoda, et al. v. Legislative Reapportionment
Commission
Supreme Court Docket No. 3 MM 2012

Dear Ms. Bizzoso:

Please be advised I represent the Petitioners in the captioned matters. Enclosed please find the original and nine (9) copies of the Petitioners' Answer to the Preliminary Objections of the Respondent. I have also enclosed a CD of the Petitioner's Answer and an Averment that the material contained in the CD-Rom is an accurate and complete representation of the paper version submitted to the Court.

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VIA FEDERAL EXPRESS, OVER-NIGHT DELIVERY

BEFORE THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

MAYOR LEO SCODA and COUNCIL : SUPREME COURT DOCKET
PERSON JENNIFER MAYO, : NO. 3 MM 2012
PETITIONERS :
 :
 :
 vs. :
 :
 :
 2011 LEGISLATIVE REAPPORTIONMENT :
 COMMISSION, :
 RESPONDENT :

ANSWER OF THE PETITIONERS, MAYOR LEO SCODA AND COUNCIL PERSON
JENNIFER MAYO, TO THE PRELIMINARY OBJECTIONS OF THE RESPONDENT

The Petitioners, Mayor Leo Scoda and Council Person Jennifer Mayo, respectfully answer the Preliminary Objections in the Nature of a Motion to Dismiss as follows:

1. Admitted.
2. Admitted. The Petitioners timely filed their Petition for Review.
3. Admitted.
4. Admitted.
5. Denied. It is denied that Rule 1513(e)(5) is the applicable Rule. That is for original jurisdiction for review. This is not an original jurisdiction case since there is no trial, no hearings, etc. This Petition for Review was filed under Pennsylvania Rules of Appellate Procedure, Rule 1513(d), which is the appellate jurisdiction. Briefs have been filed and oral argument is scheduled for January 23, 2012. This is not an

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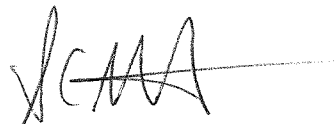
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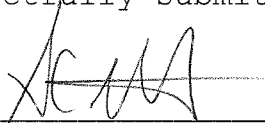
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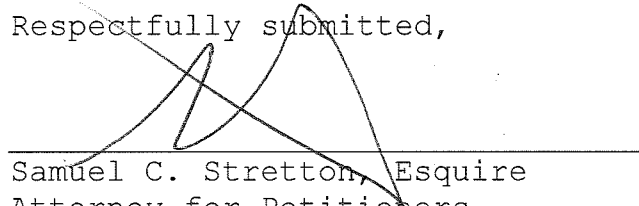
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