

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

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SUPREME COURT
WESTERN DISTRICT

No. 2 MM 2012

Mayor Comitta, et al.

v.

2011 Pennsylvania Legislative Reapportionment Commission

No. 3 MM 2012

Mayor Scoda, et al.

v.

2011 Pennsylvania Legislative Reapportionment Commission

No. 5 MM 2012

Coles, et, et al.

v.

2011 Pennsylvania Legislative Reapportionment Commission

No. 6 MM 2012

Kim,

v.

2011 Pennsylvania Legislative Reapportionment Commission

No. 8 MM 2012

Bradley, Jr., et al.

v.

2011 Pennsylvania Legislative Reapportionment Commission

No. 1 WM 2012

Costa, et al.

v.

2011 Pennsylvania Legislative Reapportionment Commission

No. 4 WM 2012

Kortz, et al.

v.

2011 Pennsylvania Legislative Reapportionment Commission

**PRELIMINARY OBJECTION IN THE NATURE OF A MOTION TO DISMISS
PETITIONERS' APPEAL FOR FAILURE TO COMPLY
WITH THE PENNSYLVANIA RULES OF APPELLATE PROCEDURE**

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Pennsylvania Legislative
Reapportionment Commission**

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

In re Appeals of Comitta, et al.,
Scoda, et al., Coles, et al., Kim,
Bradley, Jr., et al., Costa, et al., and

Nos. 2 MM 2012, 3 MM 2012, 5 MM 2012
6 MM 2012, 8 MM 2012 1 WM 2012,
4 WM 2012.

Kortz, et al.

**PRELIMINARY OBJECTION IN THE NATURE OF A MOTION TO DISMISS
PETITIONERS' APPEALS FOR FAILURE TO COMPLY WITH THE
PENNSYLVANIA RULES OF APPELLATE PROCEDURE**

The 2011 Pennsylvania Legislative Reapportionment Commission, by and through its attorneys, Del Sole Cavanaugh Stroyd LLC, files this Preliminary Objection in the Nature of a Motion to Dismiss Petitioners' Appeals for Failure to Comply with the Pennsylvania Rules of Appellate Procedure, averring as follows:

General Background

1. On December 12, 2011, the 2011 Pennsylvania Legislative Reapportionment Commission ("the Commission") filed its Final Reapportionment Plan ("Final Plan") with the Secretary of the Commonwealth pursuant to Article II, § 17(c) of the Pennsylvania Constitution.
2. Pursuant to Article II, §17(d) of the Pennsylvania Constitution, any aggrieved party had thirty days to file an appeal in this Court. That period expired on January 11, 2012.
3. Pennsylvania Rule of Appellate Procedure 3321 mandates that "appeals under Section 17(d) of Article II of the Constitution of Pennsylvania shall be governed by Chapter 15 (judicial review of governmental determination).
4. Under Chapter 15, the proper procedure for seeking redress from this Court is in the form of a Petition for Review. Pa.R.A.P. 1511.
5. Rule 1513(e)(5) mandates that a Petition for Review in this Court's original jurisdiction "be verified either by oath or affirmation or by verified statement."

6. None of the above captioned Petitions comply with the mandate of Rule 1513(e)(5).

7. As such, each of the Petitioners in the above captioned appeals have failed to comply with the minimum requirements of the Pennsylvania Rules of Appellate Procedure and their respective appeals should be dismissed.

WHEREFORE, the 2011 Pennsylvania Legislative Reapportionment Commission respectfully requests that this Honorable Court grant its Preliminary Objections in the Nature of A Motion to Dismiss and Dismiss the non-compliant appeals captioned above.

Respectfully Submitted,

DEL SOLE CAVANAUGH STROYD LLC



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January 12, 2011

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Preliminary Objection in the Nature of a Motion to Dismiss Petitioners' Appeals for Failure to Comply with the Pennsylvania Rules of Appellate Procedure* was served upon the following persons this 12th day of January, 2012, in the manner described below:

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