

APPENDIX “A”

**IN THE
COMMONWEALTH COURT OF PENNSYLVANIA**

LEAGUE OF WOMEN VOTERS OF : No. 578 M.D. 2019
PENNSYLVANIA and LORRAINE :
HAW, :

Petitioners :

v. :

KATHY BOOCKVAR, THE :
ACTING SECRETARY OF THE :
COMMONWEALTH, :

Respondent :

**ANSWER AND SPEAKING ANSWER IN THE FORM OF NEW MATTER
OF INTERVENORS, SHAMEEKAH MOORE, MARTIN VICKLESS,
KRISTIN JUNE IRWIN AND KELLY WILLIAMS, IN OPPOSITION TO
PETITIONERS' APPLICATION FOR SPECIAL RELIEF
IN THE FORM OF A PRELIMINARY INJUNCTION**

Pursuant to Pa.R.A.P. 106, 123(b) and (c) and Pa.R.C.P. No. 2328,
Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and Kelly
Williams, hereby respond to Petitioners' "Application for Special Relief in the

Form of a Preliminary Injunction under Pa.R.A.P. 1532”, in accordance with the numbered paragraphs thereof, as follows:

1. Denied. The Original Jurisdiction Petition for Review filed in this Court speaks for itself, and Petitioners’ characterizations of same accordingly are denied.

2. Denied. The challenged ballot question speaks for itself, and Petitioners’ characterizations of same accordingly are denied.

3. Denied as conclusions of law to which no responses are required.

4-5. Denied. After reasonable investigation, Intervenors are without knowledge sufficient to form a belief as to the truth of the allegations contained in these paragraphs, which allegations accordingly are denied.

6. Denied as conclusions of law to which no responses are required.

7. Denied. Petitioners’ Application for Special Relief in the Form of a Preliminary Injunction filed in this Court speaks for itself, and Petitioners’ characterizations of same accordingly are denied.

8-17. Denied as conclusions of law to which no responses are required.

Pa.R.A.P. 123(c) Speaking Answer in the form of New Matter

18. Paragraphs 1 through 17, above, are incorporated herein by reference as if set forth in full here at length.

19. Pursuant to Pa.R.A.P. 106 and Pa.R.C.P. No. 2328, Intervenors hereby adopt by reference in whole Respondent's Answer to Petitioners' Application for Special Relief in the Form of a Preliminary Injunction, filed by Respondent in this Court on October 16, 2019.

20. In a press release dated October 10, 2019, Petitioner, the League of Women Voters of Pennsylvania, stated: "The American Civil Liberties Union of Pennsylvania and the law firm Dechert LLP filed a lawsuit today on behalf of the League of Women Voters of Pennsylvania and an individual, Lorraine Haw of Philadelphia." *See Press Release: Pennsylvania Good Government Group and a Voter File Lawsuit to Block "Logrolled" Constitutional Amendment*, <https://www.palwv.org/news/press-release-pennsylvania-good-government-group-and-a-voter-file-lawsuit-to-block-logrolled-constitutional-amendment>.

21. Petitioners and the American Civil Liberties Union of Pennsylvania ("ACLU") have long been aware of the proposed constitutional amendment at issue here, as evidenced by the ACLU's June 12, 2018 Memorandum to the Pennsylvania House of Representatives, in which the ACLU opposed Senate Bill 1011, *see* Memorandum from Elizabeth Randol, Legislative Director of the ACLU, to the Pennsylvania House of Representatives, dated June 12, 2018, https://www.aclupa.org/files/7615/3382/6322/ACLU-PA_Memo_SB_1011_House_of_Representatives_2018-06-12.pdf, and also as evidenced by the ACLU's April 8,

2019 Statement criticizing the passage of Marsy's Law, *see ACLU-PA Statement on State House Passage of Marsy's Law*, dated April 8, 2019, <https://www.aclupa.org/news/2019/04/08/aclu-pa-statement-state-house-passage-marsys-law>.

22. Notwithstanding the ability of Petitioners and the ACLU to have filed an Original Jurisdiction Petition for Review well in advance of October 10, 2019, upon information and belief, Petitioners and the ACLU purposely waited until the eleventh hour on the eve of the scheduled general election to file this action, so as to preclude Respondents and any prospective intervenors from having the normal fourteen days from service thereof to answer Petitioners' Application for Special Relief in the Form of a Preliminary Injunction.

23. Instead, Petitioners and the ACLU have initiated an action in this Court that can only accurately be characterized as a self-created emergency, requiring the unnecessary last-minute expenditure of significant judicial resources by this Court, as well as the resources of Respondents and the prospective intervenors.

WHEREFORE, for the foregoing reasons, and for the reasons set forth in Intervenors' Memorandum of Law in Opposition to Petitioners' Application for Special Relief in the Form of a Preliminary Injunction under Pa.R.A.P. 1532, Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and Kelly Williams, hereby respectfully request that this Honorable Court DENY Petitioners' Application for Special Relief in the Form of a Preliminary Injunction under Pa.R.A.P. 1532.

Respectfully submitted,

LAMB McERLANE PC

Dated: October 17, 2019

By: /s/ Scot R. Withers
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VERIFICATION

I, Shameekah Moore, verify and affirm that the statements made in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: October 17, 2019

Shameekah Moore
Shameekah Moore

PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE

It is hereby certified by the undersigned that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

LAMB McERLANE PC

Dated: October 17, 2019

By: /s/ Scot R. Withers

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