

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Louis Agre, William Ewing,)
Floyd Montgomery, Joy Montgomery,)
and Rayman Solomon,)

Plaintiffs,)

v.)

Thomas W. Wolf, Governor of Pennsylvania,)
Pedro Cortes, Secretary of State of)
Pennsylvania, and Jonathan Marks,)
Commissioner of the Bureau of Elections,)
in their official capacities,)

Defendants.)

and)

Michael Turzai, Speaker of the Pennsylvania)
House, and Joseph Scarnati, President)
Pro Tem of the Pennsylvania Senate, in their)
Official capacities)

Defendant-Intervenors)

Civil Action No. 17-4392

**PLAINTIFFS' STATEMENT IN RESPONSE TO THE COURT'S ORDER OF
DECEMBER 12, 2017 REGARDING DANA KELLERMAN**

In response to the Court's order of December 12, 2017 (ECF Doc. 192), Plaintiffs submit the following statement regarding the testimony of Dana Kellerman.

1. Plaintiffs' failure to include Ms. Kellerman's deposition transcript along with the other non-testifying witnesses' transcripts on December 6, 2017, was inadvertent.

2. As the court notes, Plaintiffs included Ms. Kellerman on their list of witnesses for trial.

3. Defendants did designate the portions of Ms. Kellerman's transcript that they sought to include in the record, as did the Plaintiffs. A copy of the cross-designated transcript is attached hereto.

4. Ms. Kellerman is the only Plaintiff whose testimony concerns Congressional District 12. This District is important to the Plaintiffs' case in that it demonstrates the Legislative Defendants' decision to combine two Districts in such a way as to pit two Democratic incumbents – Representatives Altmire and Crist - against each other in the primary, thereby automatically excluding one from the running in the general election.

5. Should this Court or an appellate Court decide that Plaintiffs need to have a Plaintiff from each of the Congressional Districts for standing purposes, Plaintiffs will be severely prejudiced by the absence of Ms. Kellerman's transcript from the record, albeit as a result of their own inadvertence.

6. Ms. Kellerman's testimony regarding harm – as designated by the Defendants – is as follows:

Ms. Kellerman testified that her vote did not count as much as it should, that her vote was diluted by the addition of barely contiguous communities that do not belong in her district, and that as a result she now has a congressman who is far more extreme than he should be because he does not have to worry about the general election. She testified that districts should not break up municipalities unnecessarily, and should not have bizarre carve outs, and that she should not cross in and out of her district four times in five miles while driving down a major road. (Kellerman Tr. 12: 20 – 14:15)

Ms. Kellerman testified that her goal was not to have a Democrat in the 12th District, but to have the citizens of the 12th decide on representation. She testified that in the past she, her district had both Republican and Democratic members of Congress, and those representatives were responsive to their

constituents because they knew they could be out the next time. (Kellerman Tr. 16:10- 17:1)

She testified that because of the gerrymandered district, it was far more difficult for a moderate from either party to win. (Kellerman Tr. 18:5 -12).

Ms. Kellerman testified about numerous and persistent attempts to communicate with her Congressional representative, Keith Rothkus, and that the response has been a form letter, sometimes making clear that no one read her original communication. (Kellerman Tr. 32:11 – 34:8)

The shape of her district harmed her when she voted in 2012. It hurt her because the weird shape diluted the power of her vote. Her district should be about 50-50 because that is who lives in the area around her. Now her vote counts less and her representative is chosen by people from a community very different than hers. (Kellerman Tr. 39:23 – 42:3)

Wherefore, Plaintiffs pray the Court for permission to reopen the record to add Ms.

Kellerman's testimony as Exhibit P-55 to their submission.

Respectfully submitted,

By: _____ /s/
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Dated: December 13, 2017

