
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

No. 126 MM 2012

DENNIS J. BAYLOR,
Petitioner.

vs.

COMMONWEALTH OF PENNSYLVANIA
2011 LEGISLATIVE REAPPORTIONMENT COMMISSION

Respondent.

Petition for Review from the Second Final Legislative Reapportionment Plan
of the 2011 Reapportionment Commission Filed with
the Secretary of the Commonwealth on June 8, 2012

Petitioner's Omnibus Response to the *Amicus Curiae* Briefs of Legislative
Reapportionment Commissioners Senator Pileggi and Rep. Turzai

Dennis J. Baylor,
Petitioner
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**PETITIONERS RESPONSE TO AMICUS CURIAE BRIEFS OF LRC
COMMISSIONERS PILEGGI AND TURZAI**

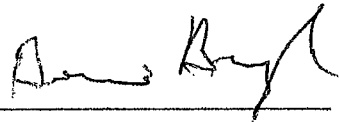
Petitioner, Dennis Baylor , would respectfully show:

1. Pursuant to Article II, section 17(b) on February 18, 2011, Joe Scarnati, President Pro Tempore of the Senate and Sam Smith, the Speaker of the House of Representatives appointed the nominal *amici* to the 2011 Legislative Reapportionment Commission. Neither Dominic Pileggi nor Mike Turzai has resigned, or been otherwise replaced. See attached certification.
2. Due to the remand of the first 2011 Final Plan of the LRC, the LRC reformulated the Reapportionment Plan and submitted it to the Secretary of State June 8, 2012, once that event occurred, under our Constitution “any aggrieved person” may directly appeal to this Court within 30 days.
3. As of July 9, 2012 the nominal *amici* became parties to the instant action by virtue of their membership on the LRC and under well settled Pennsylvania law where a party begins proceedings in a certain capacity, he will be presumed to continue to act in such capacity, even though he may not so appear on the record, Appeal of Haak, 100 Pa 59 (1882).
4. Pa. R.A.P. Rule 531. Participation by Amicus Curiae. Provides that :
 - (a) Briefs.—Anyone interested in the questions involved in any matter pending in an appellate court, excluding Petitions for Allowance of Appeal, although not a party, may, without applying for leave to do so, file a brief amicus curiae in regard to those questions. *Emphasis added*

5. The Official Note accompanying the foregoing rule : Where the amicus cannot comply with the requirements of this rule because of ignorance of the pendency of the question, relief may be sought under Rule 105(b). The last eight words of the rule are new. In *Piccirilli Bros. v. Lewis*, 282 Pa. 328, 336, 127 Atl. 832, 835 (1925) the court noted the applicability of this rule to public officers who are represented by official counsel with an adverse position. *Emphasis added*.
6. The Official Note to Pa. R.A.P. Rule 1531 Intervention, provides further clarification by stating " A nonparty may file a brief as of right under Rule 531 (participation by amicus curiae)"
7. The nominal *Amici*, having adequate notice of the pendency of this matter waived whatever right they might have had to be heard a second time.

WHEREFORE, for the foregoing reasons Petitioner requests the subject Amicus Curiae briefs be stricken, and for such further relief from the Court that may appear just in the premises.

Submitted By;

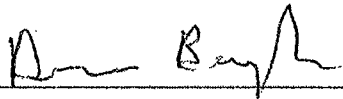


Dennis Baylor,
Petitioner
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Dated: August 21, 2012

VERIFICATION

The foregoing statements are made subject to Pa. C.S. 18 section 4904,
Unsworn Falsification to Authorities.



The General Assembly of Pennsylvania



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HARRISBURG, PENNSYLVANIA 17120

February 18, 2011

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DEPT. OF STATE
OFFICE OF
THE SECRETARY

Mrs. Carol Aichele
Acting Secretary
Secretary of the Commonwealth
Room 302, North Office Building
Harrisburg, PA 17120

Dear Acting Secretary Aichele:

In accordance with Article II, Section 17(b), of the Constitution of Pennsylvania, we, the President Pro Tempore of the Senate and the Speaker of the House of Representatives do hereby certify the following individuals as members of the 2011 Legislative Reapportionment Commission.

Dominic Pileggi
Senate Majority Leader

Mike Turzai
House Majority Leader

Jay Costa
Senate Minority Leader

Frank Dermody
House Minority Leader

Sincerely,

Handwritten signature of Joe Scarnati in black ink.

JOE SCARNATI
President Pro Tempore

Handwritten signature of Sam Smith in black ink.

SAM SMITH
Speaker of the House

