

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, et al.,	:	
	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	No. 2:17-cv-5137-MMB
	:	
THE COMMONWEALTH OF PENNSYLVANIA, et al.,	:	
	:	
	:	
Defendants.	:	

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**CERTIFICATE OF CONCURRENCE AND NONCONCURRENCE**

Defendants Thomas Wolf, Governor of the Commonwealth of Pennsylvania, Robert Torres, Acting Secretary of the Commonwealth of Pennsylvania, and Jonathan Marks, Commissioner of the Bureau of Elections, in their official capacities (together, the “Executive Branch Defendants”), state their concurrence and nonconcurrence to the Notice of Removal by Joseph B. Scarnati, III, ECF No. 1; to Plaintiffs’ Emergency Motion to Remand, ECF No. 2 (“Plaintiffs’ Motion to Remand”); and to Defendant Michael J. Stack, III’s Motion for Expedited Remand, ECF No. 5 (“Stack’s Motion to Remand”), as follows.

The Executive Branch Defendants do not concur with the Notice of Removal. They state as follows:

- Defendant Scarnati did not seek consent to removal from the Executive Branch Defendants before removing the case;
- The Executive Branch Defendants did not, and do not, consent to removal of the case;
- Contrary to the statement in Paragraph 9 of the Notice of Removal, Defendant Marks and then-Defendant Secretary of the Commonwealth Pedro Cortés (since succeeded by Defendant Torres) filed an Answer and New Matter to the Petition for Review, as did Defendant Stack.

The Executive Branch Defendants concur that this Court should immediately remand this case. The Executive Branch Defendants further concur with the argument set forth on pages 6-7

of Plaintiffs' Motion to Remand, that the notice of removal is untimely, and the argument set forth on pages 7-11 of Plaintiffs' Motion to Remand, that this Court lacks subject matter jurisdiction.

The Executive Branch Defendants concur with the relief sought in Stack's Motion to Remand.

The Executive Branch Defendants reserve the right to further respond to the Notice of Removal and/or to the Petition for Review should further response be required, and, in the case of Governor Wolf, to answer or otherwise respond to Plaintiffs' Petition for Review under F.R. Civ. P. 81.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL PUDLIN &  
SCHILLER

Dated: November 16, 2017

By: /s/ Michele D. Hangley  
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Michele D. Hangley  
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Governor of the Commonwealth of  
Pennsylvania, Robert Torres, Acting  
Secretary of the Commonwealth of  
Pennsylvania, and Jonathan Marks,  
Commissioner of the Bureau of Elections, in  
their official capacities*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2017, I caused the foregoing Certificate of Concurrence and Nonconcurrence to be filed with the United States District Court for the Eastern District of Pennsylvania via the Court's CM/ECF system, which will provide electronic notice to all counsel and parties of record.

/s/ Michele D. Hangley  
Michele D. Hangley