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Legislative Leader Wastes Voters' and Courts' Time, Resources in About-Face
Senator Scarnati Withdraws Notice of Removal in Pa. Redistricting Lawsuit

Philadelphia, Pa. – Late Wednesday Senate President Pro Tempore Joseph B. Scarnati III attempted to halt Pennsylvania's Redistricting lawsuit in state court [by removing the case](#) to federal court and claiming that House Speaker Michael Turzai and the Pennsylvania General Assembly consented to this tactic.

Attorneys for the petitioners filed an [Emergency Motion to Remand](#) to send the case back to state court, but thirty minutes before a federal court hearing was scheduled to rule on the emergency motion, Senator Scarnati [withdrew his attempt to remove the case](#) from state court. An attorney for Senator Scarnati claimed in federal court that House Speaker Turzai changed his litigation strategy early in the afternoon and no longer consented to the removal.

Federal Judge Baylson quickly [ordered the case](#) remanded to the Pennsylvania Supreme Court, which had recently ordered the Commonwealth Court to hold all legal proceedings such that it can issue a decision by the end of the calendar year. After the hearing, Speaker Turzai, asserted in [a court filing](#) that the statement in Senator Scarnati's Notice of Removal was false and that he never consented to the removal.

“This desperate attempt to delay trial on Pennsylvania's gerrymandered maps was baseless, and more importantly, disrespectful to voters across the Commonwealth as well as to the courts,” said Stanton Jones of Arnold & Porter Kay Scholer LLP, one of the firms representing the voters who are bringing this lawsuit. “It shows just how far Pennsylvania's legislative leaders will go not to have to stand trial on their rigged map. This about face in less than twenty-four hours is deeply disturbing, especially in such an important case that speaks to the core values of our democracy.”

“This egregious, nonsensical effort to interrupt important legal proceedings on congressional districts caused unnecessary delay when time is of the essence,” said Mimi McKenzie, Legal Director of the Public Interest Law Center, which is also representing the voters in the lawsuit. “It is a waste of both the courts' time and resources as well as the parties' time and resources, all in a desperate effort to prevent Pennsylvania voters from obtaining a fair congressional map in time for the 2018 election.”

Now that the case is remanded, the Commonwealth Court is holding a scheduling hearing today at 2 p.m. That hearing was originally scheduled for November 16, but was canceled when the case was removed.

Meanwhile, the legislative leaders were under court order to file a brief on Wednesday, November 15 concerning their legislative privilege objections to petitioners' discovery. Last night, petitioners filed [an Application](#) asking the Court to order that the legislative leaders have waived any objections to producing discovery in light of the fact that they failed to comply with this court deadline.

The attorneys from the Public Interest Law Center and Arnold & Porter Kaye Scholer LLP represent the 18 individual petitioners (one from each U.S. Congressional District) in this challenge. Filed in June in the state's Commonwealth Court, the lawsuit alleges the current U.S. Congressional map violates the Pennsylvania Constitution because it was designed to override voter preferences and create a lopsided majority in favor of Republican representatives. In early November, the Pennsylvania Supreme Court granted the petitioners' application for expedited review after the Commonwealth Court issued a decision to stay the case.

All case documents can be found here: <https://www.pubintl.org/cases-and-projects/pennsylvania-redistricting-lawsuit-case-documents/>

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