

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Viviette Applewhite; Wilola	:	
Shinholster Lee; Grover	:	
Freeland; Gloria Cuttino;	:	
Nadine Marsh; Dorothy	:	
Barksdale; Bea Bookler;	:	
Joyce Block; Henrietta Kay	:	
Dickerson; Devra Mirel ("Asher")	:	
Schor; the League of Women Voters	:	
of Pennsylvania; National Association	:	
for the Advancement of Colored People,	:	
Pennsylvania State Conference;	:	
Homeless Advocacy Project,	:	
Petitioners	:	
	:	
v.	:	No. 330 M.D. 2012
	:	
The Commonwealth of Pennsylvania;	:	
Thomas W. Corbett, in his capacity	:	
as Governor; Carole Aichele, in her	:	
capacity as Secretary of the	:	
Commonwealth,	:	
Respondents	:	

DISCOVERY ORDER III

AND NOW, this 6th day of June, 2013, upon expedited consideration of Respondents' Application for Protective Order and Petitioners' Opposition to Respondents' Application for Protective Order, it is **ORDERED** and **DECREED** as follows:

Except as provided hereafter, Respondents' request to limit the testimony and duration of re-deposition for four witnesses (Marks, Royer, Ruman, Myers) is **DENIED**; and

Except as provided hereafter, Respondents' request to provide non-duplicative protections for four new-party depositions (Sweeney, O'Donnell, Fauver, Winkler) is **DENIED**; and

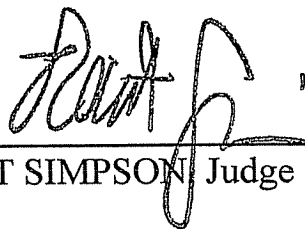
In the absence of a persuasive explanation as to why depositions and re-depositions of numerous employees of the Department of State will be insufficient for Petitioners' discovery needs, Respondents' request to preclude the re-deposition of the Secretary of the Commonwealth is **GRANTED**, and the Secretary is excused from complying with the notice of deposition; and

Respondents' request to preclude the depositions of the Governor, the Governor's Office, and Patrick Geho is **GRANTED in part, and DENIED in part**, as follows. In the absence of a persuasive explanation as to why the depositions and re-depositions of numerous employees of the Departments of State and Transportation will be insufficient for Petitioners' discovery needs, the request is **GRANTED** as to the Governor and the Governor's Office, and the Governor and his designee are excused from complying with the notice of deposition. The request is **DENIED** as to Patrick Geho.

FURTHER, a) in response to Respondents' concerns regarding the burdens associated with the duration and possible duplicative nature of deposition and re-deposition discovery, b) in light of Petitioners' non-binding offers relative to Respondents' concerns, c) in recognition of the extensive discovery and hearing testimony already completed in this litigation, and d) considering the limited availability of the assigned judge for emergency discovery dispute resolution

between June 10, 2013, and the close of deposition discovery on June 15, 2013, it is further **ORDERED** that **RESPONDENTS'** (and their witnesses') **PARTICIPATION** in deposition discovery shall be **LIMITED** to three eight-hour days, excluding breaks, to be completed within the current discovery deadline.

The Court anticipates that the parties will cooperate to ensure the permitted depositions will be completed within the time frame set forth above. Nothing in this order is intended to limit the calling of witnesses at time of trial, subject to rulings by the trial judge.



ROBERT SIMPSON, Judge

Certified from the Record

JUN 06 2013

And Order Exit