



Petitioners' experts of the exemplars of voting machines certified in Pennsylvania and their software and source code (the "Relevant Systems") from non-parties Premier Election Solutions, Election Systems & Software, Inc., Hart InterCivic, Inc. and Sequoia Voting Systems (the "Vendors"), as requested in the May 28, 2009 supplemental document requests which Petitioners served upon the Vendors (attached hereto as **Exhibit 1**). Such inspection would be subject to a proposed protective order which will be attached to Petitioners' forthcoming memorandum of law.

Petitioners also cross-move this Court for an Order compelling production of documents requested in the April 9, 2009 subpoena which Petitioners served upon the Vendors (attached hereto as **Exhibit 2**). Such production would be subject to a proposed protective order which will be attached to Petitioners' forthcoming memorandum of law.

In support of its opposition and cross-motions, Petitioners aver as follows:

1. Reasonable access to exemplars of voting machines certified in Pennsylvania and their software and source code (the "Relevant Systems") is both relevant and necessary to the prosecution of the instant case. Petitioners' core contention is that the Commonwealth's certification of the Relevant Systems did not comply with Pennsylvania law because *the machines themselves* do not comply with Pennsylvania law. Failure to allow Petitioners' experts to examine the Relevant Systems as the Commonwealth has allegedly done is tantamount to allowing the Commonwealth to submit direct testimony in this case without the opportunity for cross-examination.

2. Examinations of voting machines has been ordered in multiple other jurisdictions under analogous circumstances, without the horrible consequences that Premier has conjured.

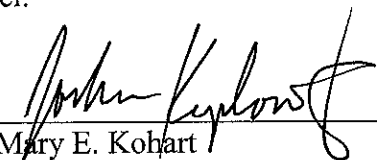
3. The benefit and necessity of production of the Relevant Systems for inspection far outweighs the potential harm to Premier, the Commonwealth or other jurisdictions. *Inter alia*, the integrity of elections is threatened if the Vendors do *not* produce the Relevant Systems for inspection, Premier's claim of trade secret protection is suspect at best, and Petitioners' proposed protective order will address any confidentiality concerns that may exist.

4. Petitioner also requires an order compelling the production of all documents requested in its original subpoenas which it served upon the Vendors on April 9, 2009. Despite the fact that Petitioners have had a running dialogue with several of the Vendors since the issuance of this subpoena, none of the requested documents have been produced. Nevertheless, Petitioners and Vendors continue to negotiate in an effort to narrow or eliminate their document-related disputes in advance of this Court's hearing on the instant motions.

5. The arguments summarized herein will be elaborated upon in Petitioners' forthcoming memorandum of law.

For the foregoing reasons, Petitioners respectfully requests that this Court deny Premier's Motion to Quash and grant its Motion to Compel.

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