

Miscellaneous Docket Sheet

Docket Number: 588 MD 2022

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March 17, 2023



CAPTION

Representative Bryan Cutler,
Leader of the Republican Caucus
of the Pennsylvania House of
Representatives,
Petitioner

v.

Leigh M. Chapman, Acting Secretary
of the Commonwealth, The Pennsylvania
Department of State, and The Board of
Elections of Allegheny County,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Closed
Case Processing Status: March 9, 2023 Completed
Journal Number: SS-1-2023
Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Cutler, Bryan

Pro Se: No

IFP Status:

Attorney: Hull, Kandice Kerwin
Law Firm: McNees Wallace & Nurick LLC
Address: 100 Pine St
Harrisburg, PA 17101
Phone No: (717) 232-8000 Fax No:

Attorney: Crompton, J. Andrew
Law Firm: McNees Wallace & Nurick LLC
Address: 100 Pine St
Harrisburg, PA 17101
Phone No: (717) 237-5293 Fax No:

Attorney: Gonder, Ryan T.
Law Firm: McNees Wallace & Nurick LLC
Address: 100 Pine St
Harrisburg, PA 17101
Phone No: (717) 237-5340 Fax No:

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COUNSEL INFORMATION

**Petitioner**      **Cutler, Bryan**

Pro Se:                      No

IFP Status:

Attorney:                      Hughey, Austin David  
Law Firm:                      McNees Wallace & Nurick LLC  
Address:                        100 Pine St  
   Harrisburg, PA 17101  
Phone No:                      (864) 517-6871

Fax No:

**Intervenor**      **McClinton, Joanna E.**

Pro Se:                      No

IFP Status:

Attorney:                      Brier, Daniel Thomas  
Law Firm:                      Myers, Brier & Kelly, LLP  
Address:                        Myers Brier & Kelly  
   425 Biden St Ste 200  
   Scranton, PA 18503  
Phone No:                      (570) 342-6100

Fax No:

Attorney:                      Walsh, Donna Ann  
Law Firm:                      Myers, Brier & Kelly, LLP  
Address:                        Myers Brier & Kelly Llp  
   425 Biden St Ste 200  
   Scranton, PA 18503  
Phone No:                      (570) 342-6100

Fax No:

Attorney:                      Comber, Michael Anthony  
Law Firm:                      Reisinger Comber & Miller, LLC  
Address:                        Reisinger Comber & Miller LLC  
   436 Seventh Ave Ste 300  
   Pittsburgh, PA 15219  
Phone No:                      (412) 894-1380

Fax No:

Attorney:                      Armezzani, Richard Louis  
Law Firm:                      Myers, Brier & Kelly, LLP  
Address:                        Myers Brier & Kelly Llp  
   425 Biden St Ste 200  
   Scranton, PA 18503  
Phone No:                      (570) 342-6100

Fax No:

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COUNSEL INFORMATION

Possible Intervenor Pennsylvania Democratic Party

Pro Se: No

IFP Status:

Attorney: Greenberg, Kevin Michael

Law Firm: Greenberg Traurig, LLP

Address: Greenberg Traurig Llp  
1717 Arch St Ste 400  
Philadelphia, PA 19103

Phone No: (215) 988-7800 Fax No:

Attorney: Levine, Clifford B.

Law Firm: Dentons Cohen & Grigsby

Address: Dentons Cohen & Grigsby P.c.  
625 Liberty Ave  
Pittsburgh, PA 15222

Phone No: (412) 297-4998 Fax No:

Attorney: Elliot, Peter Poggi

Law Firm: Greenberg Traurig, LLP

Address: 1717 Arch St Ste 400  
Philadelphia, PA 19103

Phone No: (215) 972-5921 Fax No:

Attorney: Daniels, Conor Thomas

Law Firm: Dentons Cohen & Grigsby

Address: 625 Liberty Ave  
Pittsburgh, PA 15222

Phone No: (412) 297-4942 Fax No:

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COUNSEL INFORMATION

Respondent Pennsylvania Department of State

Pro Se: No

IFP Status:

Attorney: Weber, Justin G.
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 100 Market St Ste 200 Harrisburg, PA 17101-2000
Phone No: (717) 255-1170 Fax No:

Attorney: Schweder, John Lawrence
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 3000 Two Logan Sq Philadelphia, PA 19103-2799
Phone No: (215) 981-4000 Fax No:

Attorney: Martin, Adam Ryan
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 100 Market Street, Suite 200 PO Box 1181 Harrisburg, PA 17108-1181
Phone No: (717) 255-1132 Fax No:

Attorney: Harrison, Samuel David
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 3000 Two Logan Sq Philadelphia, PA 19103
Phone No: (215) 981-4267 Fax No:

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COUNSEL INFORMATION

Respondent Chapman, Leigh M.

Pro Se: No

IFP Status:

Attorney: Weber, Justin G.
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 100 Market St Ste 200 Harrisburg, PA 17101-2000
Phone No: (717) 255-1170 Fax No:

Attorney: Schweder, John Lawrence
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 3000 Two Logan Sq Philadelphia, PA 19103-2799
Phone No: (215) 981-4000 Fax No:

Attorney: Martin, Adam Ryan
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 100 Market Street, Suite 200 PO Box 1181 Harrisburg, PA 17108-1181
Phone No: (717) 255-1132 Fax No:

Attorney: Harrison, Samuel David
Law Firm: Troutman Pepper Hamilton Sanders LLP
Address: 3000 Two Logan Sq Philadelphia, PA 19103
Phone No: (215) 981-4267 Fax No:

Respondent Board of Elections of Allegheny County

Pro Se: No

IFP Status:

Attorney: Opsitnick, Allan Joseph
Law Firm: Opsitnick and Associates
Address: 564 Forbes Ave Ste 1201 Pittsburgh, PA 15219-2910
Phone No: (412) 391-3299 Fax No:

Attorney: Michel, Lisa G.
Law Firm: Bacharach & Michel
Address: 564 Forbes Ave PH Pittsburgh, PA 15219-2909
Phone No: (412) 391-8713 Fax No:

Attorney: Janocsko, George M.
Law Firm: Allegheny County Law Department
Address: 300 Fort Pitt Cmns 445 Fort Pitt Blvd Pittsburgh, PA 15219
Phone No: (412) 350-1132 Fax No:

**Miscellaneous Docket Sheet**

Commonwealth Court of Pennsylvania

**Docket Number: 588 MD 2022****Page 6 of 20****March 17, 2023****FEE INFORMATION**

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
12/09/2022	Miscellaneous Docket Filing Fee	70.25	12/09/2022	2022-CMW-H-002314	70.25

**AGENCY/TRIAL COURT INFORMATION**

Order Appealed From: Notice of Appeal Filed:  
 Order Type:  
 Documents Received: December 9, 2022

Court Below:  
 County: Division:  
 Judge: OTN:  
 Docket Number: Judicial District:

**ORIGINAL RECORD CONTENT**

Original Record Item	Filed Date	Content Description
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**Date of Remand of Record:****BRIEFING SCHEDULE**

Petitioner	Intervenor
<b>Cutler, Bryan</b>	<b>McClinton, Joanna E.</b>
<b>Brief</b>	<b>Brief</b>
Due: December 28, 2022	Due: January 4, 2023
Filed: January 4, 2023	Filed: January 4, 2023

**DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>December 9, 2022</b>	Petition for Review Filed Cutler, Bryan		Petitioner	
<b>December 9, 2022</b>	Application for Emergency Relief Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Document Name: In the Nature of a Preliminary Injunction			
<b>December 9, 2022</b>	Notice Exited Commonwealth Court Filing Office			12/12/2022
<b>December 12, 2022</b>	Entry of Appearance Opsitnick, Allan Joseph Janocsko, George M. Michel, Lisa G.	Board of Elections of Allegheny Coui Respondent Board of Elections of Allegheny Coui Respondent Board of Elections of Allegheny Coui Respondent		
	Document Name: Atty's Janocsko, Opsitnick and Michel for Allegheny Co. Bd. of Elections			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>December 12, 2022</b>	Order Filed Per Curiam			12/12/2022
	Document Name: Answers to Emergency Application Due Dec. 16, 2022, NOON/ Additional Filings Directed/Stat Conf Sche			
	Comment: NOW, December 12, 2022, upon consideration of Petitioner's Emergency Application for Special Relief in the Nature of a Preliminary Injunction (Emergency Application), it is hereby ORDERED as follows:			
	1. Respondents shall PACFile and serve an Answer(s) to the Emergency Application no later than 12:00 p.m. on Friday, December 16, 2022. Any party who fails to file a response by 12:00 p.m. on Friday, December 16, 2022, will be considered by the Court to be unopposed to the relief requested in the Emergency Application.			
	2. Applications for Leave to Intervene, complete with proposed filings and a memorandum of law in support thereof (3 copies), shall be PACFiled and served no later than 12:00 p.m. on Friday, December 16, 2022. All Answers to any Applications for Leave to Intervene (3 copies) shall be PACFiled and served no later than 12:00 p.m. on Tuesday, December 20, 2022. If a party opposes any Application for Leave to Intervene, a memorandum of law (3 copies) shall accompany the answer. Any party who fails to file a response will be considered by the Court to be unopposed to the Application for Leave to Intervene .			
	3. A status conference is scheduled for Wednesday, December 21, 2022, at 10:00 a.m., in Courtroom 5001, Pennsylvania Judicial Center, Fifth Floor, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, for the purpose of discussing this matter.			
	4. To the extent any Applications for Leave to Intervene are filed, all proposed intervenors are granted leave to participate in the status conference subject to the Court's future disposition of their respective applications for leave to intervene.			
	5. Petitioner shall promptly serve a copy of this Order on Respondents and thereafter promptly file a proof of service of same.			
	No extensions of these deadlines will be granted absent exigent circumstances.			
<b>December 13, 2022</b>	Certificate of Service Filed			
	Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Crompton, J. Andrew	Cutler, Bryan	Petitioner	
	Gonder, Ryan T.	Cutler, Bryan	Petitioner	
	Hughey, Austin David	Cutler, Bryan	Petitioner	
	Document Name: In Compliance with Court Order dated 12-12-22.			
<b>December 14, 2022</b>	Answer to Application for Emergency Relief			
	Opsitnick, Allan Joseph	Board of Elections of Allegheny Coui	Respondent	
	Janockso, George M.	Board of Elections of Allegheny Coui	Respondent	
	Michel, Lisa G.	Board of Elections of Allegheny Coui	Respondent	
	Document Name: Answer of Resp. Allegheny Co. BOE to Pet. for Emergency Appl. in the nature of a Prel. Inj.			
<b>December 14, 2022</b>	Application for Relief			
	Opsitnick, Allan Joseph	Board of Elections of Allegheny Coui	Respondent	
	Janockso, George M.	Board of Elections of Allegheny Coui	Respondent	
	Michel, Lisa G.	Board of Elections of Allegheny Coui	Respondent	
	Document Name: Motion to Appear at Status Conference by Remote Communication Technology.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>December 14, 2022</b>	Entry of Appearance Weber, Justin G. Weber, Justin G.	Chapman, Leigh M. Pennsylvania Department of State	Respondent Respondent	
	Document Name: Justin G. Weber Esq. - Leigh M. Chapman & PA Dept. of State - Respondents.			
<b>December 14, 2022</b>	Entry of Appearance Martin, Adam Ryan Martin, Adam Ryan	Chapman, Leigh M. Pennsylvania Department of State	Respondent Respondent	
	Document Name: Adam R. Martin Esq. - Respondents - Leigh M. Chapman & PA Dept. of State.			
<b>December 14, 2022</b>	Entry of Appearance Harrison, Samuel David Harrison, Samuel David	Chapman, Leigh M. Pennsylvania Department of State	Respondent Respondent	
	Document Name: Samuel D. Harrison Esq. - Respondents - Leigh M. Chapman & PA Dept. of State.			
<b>December 15, 2022</b>	Order Granting Application for Relief Per Curiam			12/15/2022
	Document Name: Respondent Allegheny Co. Bd. of Elections can appear remotely. Comment: NOW, December 15, 2022, upon consideration of Respondent Allegheny County Board of Elections' (Board) Motion to Appear at Status Conference by Remote Communication Technology (Motion), the Motion is GRANTED. Counsel for the Board is permitted to appear by remote communication technology (WebEx) at the status conference scheduled for Wednesday, December 21, 2022, at 10:00 a.m. Counsel for the Board is directed to provide an email address and telephone number to CommCourtRemote@pacourts.us no later than noon on Monday, December 19, 2022. The Court will provide counsel with the information for connecting to the conference. To facilitate participation in the conference, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video Proceedings, attached to this Order. Counsel for the Board is directed to connect to the status conference 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office.			
<b>December 15, 2022</b>	Application for Intervention (Pa.R.A.P. 1531b) Greenberg, Kevin Michael	Pennsylvania Democratic Party	Possible Intervenor	
	Document Name: Petition for Intervention of The PA Democratic Party			
<b>December 15, 2022</b>	Memorandum of Law Filed Greenberg, Kevin Michael	Pennsylvania Democratic Party	Possible Intervenor	
	Document Name: in support of PA Dems Application to Intervene			
<b>December 16, 2022</b>	Answer to Application for Emergency Relief Weber, Justin G. Weber, Justin G.	Chapman, Leigh M. Pennsylvania Department of State	Respondent Respondent	
	Document Name: Answer of Respondents Leigh M. Chapman, Acting Secretary of the Commonwealth, and the Pa. Department of State to Petitioner's Emergency App. for Special Relief in the Nature of a PI Comment: Department of State to Petitioner's Emergency App. for Special Relief in the Nature of a PI			
<b>December 16, 2022</b>	Application for Intervention (Pa.R.A.P. 1531b) Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Document Name: Joanna E. McClinton.			



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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>December 16, 2022</b>	Entry of Appearance			
	Schweder, John Lawrence	Chapman, Leigh M.	Respondent	
	Schweder, John Lawrence	Pennsylvania Department of State	Respondent	
Document Name: John L. Schweder Esq. - Leigh M. Chapman - Respondent.				
<b>December 16, 2022</b>	Memorandum of Law Filed			
	McClinton, Joanna E.		Intervenor	
	McClinton, Joanna E.		Possible Intervenor	
	McClinton, Joanna		Possible Intervenor	
Document Name: PACFILED Memo of Law in Support of Appl. for leave to Intervene by House Dem. Caucus McClinton.				
<b>December 16, 2022</b>	Entry of Appearance			
	Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Brier, Daniel Thomas	McClinton, Joanna	Possible Intervenor	
	Comber, Michael Anthony	McClinton, Joanna E.	Intervenor	
	Comber, Michael Anthony	McClinton, Joanna	Possible Intervenor	
Document Name: Atty. Comber for McClinton				
<b>December 16, 2022</b>	Answer to Application for Relief			
	Brier, Daniel Thomas	McClinton, Joanna	Possible Intervenor	
	Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Brier, Daniel Thomas	McClinton, Joanna E.	Possible Intervenor	
	Comber, Michael Anthony	McClinton, Joanna	Possible Intervenor	
	Comber, Michael Anthony	McClinton, Joanna E.	Intervenor	
Document Name: PACFILED - Proposed Intervenor Joanna E. McClinton's Answer to Appl. for Special Relief.				
<b>December 16, 2022</b>	Entry of Appearance			
	Walsh, Donna Ann	McClinton, Joanna E.	Intervenor	
	Walsh, Donna Ann	McClinton, Joanna E.	Possible Intervenor	
	Walsh, Donna Ann	McClinton, Joanna	Possible Intervenor	
	Armezzani, Richard Louis	McClinton, Joanna	Possible Intervenor	
	Armezzani, Richard Louis	McClinton, Joanna E.	Intervenor	
	Armezzani, Richard Louis	McClinton, Joanna E.	Possible Intervenor	
	Brier, Daniel Thomas	McClinton, Joanna	Possible Intervenor	
	Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Brier, Daniel Thomas	McClinton, Joanna E.	Possible Intervenor	
Document Name: Attys. Daniel T. Brier, Donna A. Walsh, and Richard L. Armezzani for Possible Intervenor				
<b>December 16, 2022</b>	Entry of Appearance			
	Armezzani, Richard Louis	McClinton, Joanna E.	Intervenor	
	Armezzani, Richard Louis	McClinton, Joanna E.	Possible Intervenor	
	Armezzani, Richard Louis	McClinton, Joanna	Possible Intervenor	
Document Name: Richard L. Armezzani Esq. - Joanna McClinton.				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>December 16, 2022</b>	Order Filed Per Curiam			12/16/2022
	Document Name: Directives Regarding Dec. 21, 2022 Status Conference			
	Comment: NOW, December 16, 2022, upon consideration of this matter, and in light of the Status Conference scheduled for Wednesday, December 21, 2022, at 10:00 a.m. in Harrisburg, Pennsylvania, it is hereby ORDERED as follows:			
	1. Prior to the Status Conference, counsel for all participants herein shall meet and confer in a good-faith effort to resolve all matters in this case by agreement and be prepared to discuss such efforts at the status conference.			
	2. Counsel for all participants shall attend the Status Conference, along with their respective principals having authority to resolve this matter by agreement, unless those principals are available throughout by telephone or are specifically excused by the Court.			
	3. Upon arrival, counsel shall identify themselves to the court crier and a court stenographer.			
<b>December 20, 2022</b>	Notice Pennsylvania Democratic Party		Possible Intervenor	
	Document Name: Notice of Supplemental Information			
<b>December 20, 2022</b>	Answer to Application for Intervention (Pa.R.A.P. 1531b) Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Document Name: Petitioner's Consent to the Intervention Application for the Leader of the House Democratic Caucus			
<b>December 20, 2022</b>	Answer to Application for Intervention (Pa.R.A.P. 1531b) Hull, Kandice Kerwin Crompton, J. Andrew Gonder, Ryan T. Hughey, Austin David	Cutler, Bryan Cutler, Bryan Cutler, Bryan Cutler, Bryan	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Answer in Opposition to the Intervention Appl. of the PA Democratic Party.			
<b>December 20, 2022</b>	Memorandum of Law Filed Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Document Name: Petitioner's Memorandum of Law In Opposition to the Intervention of the PA Democratic Party.			
<b>December 20, 2022</b>	Answer to Application for Intervention (Pa.R.A.P. 1531b) Weber, Justin G. Weber, Justin G.	Chapman, Leigh M. Pennsylvania Department of State	Respondent Respondent	
	Document Name: Letter - No Answer will be filed.			

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Commonwealth Court of Pennsylvania

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>December 22, 2022</b>	Order Granting Application for Intervention Per Curiam			12/22/2022
	Document Name: App. for leave to intervene filed by Joanne E. McClinton is granted.			
	Comment: NOW, December 22, 2022, upon consideration of the unopposed Application for Leave to Intervene (Application), and Memorandum of Law in Support thereof, filed by House Democratic Caucus Leader Joanna E. McClinton (House Democratic Caucus Leader Intervenor), and following a Status Conference in this matter during which the Court GRANTED the Application on the record, the Prothonotary is directed to docket House Democratic Caucus Leader Intervenor's Preliminary Objections to the Petition for Review, which are attached to her Application to Intervene as Exhibit D. As discussed during the Status Conference, the Court takes under advisement the Petition for Intervention, and Memorandum of Law in Support thereof, filed by Proposed Intervenor Pennsylvania Democratic Party (Proposed Intervenor PDP), which Petitioner Representative Bryan Cutler, Leader of the Republican Caucus of the Pennsylvania House of Representatives, opposes. The Court will issue an expedited briefing schedule in this matter, as agreed to by the Parties, House Democratic Caucus Leader Intervenor, and Proposed Intervenor PDP at the Status Conference, by separate order.			
<b>December 22, 2022</b>	Order Filed Per Curiam			12/22/2022
	Document Name: Expedited Briefing Schedule Issued			
	Comment: NOW, December 22, 2022, given the exigency of this matter, and following a Status Conference during which the Parties, House Democratic Caucus Leader Intervenor Joanna E. McClinton (House Democratic Caucus Leader Intervenor), and Proposed Intervenor Pennsylvania Democratic Party (Proposed Intervenor PDP) agreed to an expedited briefing schedule, it is hereby ORDERED as follows: 1. Respondents, House Democratic Caucus Leader Intervenor, and Proposed Intervenor PDP shall PACFile and serve responsive pleadings or Preliminary Objections to the Petition for Review in the Nature of a Complaint for Declaratory Judgment, with respective Briefs in Support thereof (4 copies), no later than Wednesday, December 28, 2022. 2. Petitioner shall PACFile and serve a Brief in Support of his Emergency Application for Special Relief in the Nature of a Preliminary Injunction (Emergency Application) (4 copies) no later than Wednesday, December 28, 2022. 3. Respondents, House Democratic Caucus Leader Intervenor, and Proposed Intervenor PDP shall PACFile and serve any Briefs in Opposition to the Emergency Application (4 copies) no later than Wednesday, January 4, 2023. 4. Petitioner shall PACFile and serve a Brief in Opposition to all Preliminary Objections (4 copies) that have or may be filed no later than Wednesday, January 4, 2023. 5. The Parties, House Democratic Caucus Leader McClinton, and Proposed Intervenor PDP shall continue to use their best efforts to reach a Stipulation or Proposed Stipulation regarding the special election currently scheduled for Tuesday, February 7, 2023, for the 32nd Legislative District, which shall be PACFiled and served no later than 12:00 p.m. Friday, December 23, 2022. 6. The Parties, House Democratic Caucus Leader McClinton, and Proposed Intervenor PDP shall PACFile and serve a joint stipulation of facts no later than Wednesday, December 28, 2022. 7. Notwithstanding the above briefing deadlines, the Parties and Proposed Intervenor PDP are strongly encouraged to continue their good faith efforts to resolve this dispute. 8. The Court will schedule expedited argument/hearing in this matter for a date and time after January 4, 2023, by separate order, if necessary. No extensions of these agreed-to deadlines will be granted absent exigent circumstances.			

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<b>December 22, 2022</b>	Preliminary Objections Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Document Name: Proposed Intervenor Joanna E. McClinton's POs to PFR			
<b>December 23, 2022</b>	Stipulation Filed Opsitnick, Allan Joseph	Board of Elections of Allegheny Cou	Respondent	
	Schweder, John Lawrence	Chapman, Leigh M.	Respondent	
	Schweder, John Lawrence	Pennsylvania Department of State	Respondent	
	Crompton, J. Andrew	Cutler, Bryan	Petitioner	
	Gonder, Ryan T.	Cutler, Bryan	Petitioner	
	Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Martin, Adam Ryan	Chapman, Leigh M.	Respondent	
	Martin, Adam Ryan	Pennsylvania Department of State	Respondent	
	Weber, Justin G.	Chapman, Leigh M.	Respondent	
	Weber, Justin G.	Pennsylvania Department of State	Respondent	
	Harrison, Samuel David	Chapman, Leigh M.	Respondent	
	Harrison, Samuel David	Pennsylvania Department of State	Respondent	
	Janockso, George M.	Board of Elections of Allegheny Cou	Respondent	
	Michel, Lisa G.	Board of Elections of Allegheny Cou	Respondent	
	Hughey, Austin David	Cutler, Bryan	Petitioner	
	Armezzani, Richard Louis	McClinton, Joanna E.	Intervenor	
	Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Comber, Michael Anthony	McClinton, Joanna E.	Intervenor	
	Greenberg, Kevin Michael	Pennsylvania Democratic Party	Possible Intervenor	
	Levine, Clifford B.	Pennsylvania Democratic Party	Possible Intervenor	
	Walsh, Donna Ann	McClinton, Joanna E.	Intervenor	
	Document Name: on behalf of Cutler, Chapman, The Board of Elections of Allegheny Co, McClinton & PDP.			
<b>December 28, 2022</b>	Preliminary Objections Greenberg, Kevin Michael	Pennsylvania Democratic Party	Possible Intervenor	
	Document Name: of Pennsylvania Democratic Party			
<b>December 28, 2022</b>	Memorandum of Law Filed Greenberg, Kevin Michael	Pennsylvania Democratic Party	Possible Intervenor	
	Document Name: In Support of PDP's Preliminary Objections			
<b>December 28, 2022</b>	Answer and New Matter Weber, Justin G.	Chapman, Leigh M.	Respondent	
	Weber, Justin G.	Pennsylvania Department of State	Respondent	
	Document Name: Respondents Chapman and Dpt. of St. Answer With New Matter			
<b>December 28, 2022</b>	Praecipe Greenberg, Kevin Michael	Pennsylvania Democratic Party	Possible Intervenor	
	Document Name: to Attach Exhibits to Preliminary Objections			
<b>December 28, 2022</b>	Memorandum of Law Filed Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Document Name: McClinton's Memorandum Of Law in Support of Preliminary Objections			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>December 28, 2022</b>	Petitioner's Brief Filed Cutler, Bryan		Petitioner	
	Document Name: Brief in Support of Emergency Application for Special Relief			
<b>December 30, 2022</b>	Stipulation Filed Brier, Daniel Thomas Hull, Kandice Kerwin Janocsko, George M. Levine, Clifford B. Weber, Justin G. Weber, Justin G.	McClinton, Joanna E. Cutler, Bryan Board of Elections of Allegheny Cou Pennsylvania Democratic Party Chapman, Leigh M. Pennsylvania Department of State	Intervenor Petitioner Respondent Possible Intervenor Respondent Respondent	
	Document Name: Stipulated Fact			
<b>January 3, 2023</b>	Order Filed Per Curiam			01/03/2023
	Document Name: Stipulation Approved			
	Comment: NOW, January 3, 2023, upon consideration of the Stipulation filed on December 23, 2022, by the Parties and Proposed Intervenor Pennsylvania Democratic Party (Proposed Intervenor PDP), in which the Parties and Proposed Intervenor PDP have stipulated and agreed that the special election for the 32nd Legislative District of the Pennsylvania House of Representatives shall be held on February 7, 2023, it is hereby ORDERED that the Stipulation is adopted as an Order of this Court.			
<b>January 3, 2023</b>	Order Filed Per Curiam			01/03/2023
	Document Name: Argument Scheduled for Jan. 11, 2023, 2:00pm, PJC, Harrisburg			
	Comment: NOW, January 3, 2023, argument on Petitioner's Emergency Application for Special Relief in the Nature of a Preliminary Injunction, along with any answers thereto; the Preliminary Objections to the Petition for Review in the Nature of a Complaint for Declaratory Judgment, and any responses filed thereto; and Proposed Intervenor Pennsylvania Democratic Party's Petition for Intervention, which Petitioner Representative Bryan Cutler, Leader of the Republican Caucus of the Pennsylvania House of Representatives, opposes, is scheduled for January 11, 2023, at 2:00 p.m. before a panel of judges sitting in Courtroom 3002, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania			
<b>January 4, 2023</b>	Memorandum of Law Filed Pennsylvania Democratic Party		Possible Intervenor	
	Document Name: (Pacfiled) Brief in Opposition to Injunctive Relief			
<b>January 4, 2023</b>	Memorandum of Law Filed Chapman, Leigh M. Pennsylvania Department of State		Respondent Respondent	
	Document Name: Memo of Law in Opposition to Petitioner's Application for Special Relief			
<b>January 4, 2023</b>	Memorandum of Law Filed Board of Elections of Allegheny County		Respondent	
	Document Name: Memo of Law in Opposition to Emergency Application for Special Relief in Nature of a PI			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 4, 2023	Answer Filed Cutler, Bryan		Petitioner	
	Document Name: Answer in Opposition to POs of PA Democratic Party			
January 4, 2023	Answer Filed Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Document Name: Answer in Opposition to POs of McClinton			
January 4, 2023	Petitioner's Brief Filed Cutler, Bryan		Petitioner	
	Document Name: Omnibus Brief in Oppositon to POs of McClinton and PA Democratic Party			
January 4, 2023	Intervenor's Brief McClinton, Joanna E.		Intervenor	
	Document Name: Memo of Law in Opposition to Application for Special Relief in Nature of PI			
January 4, 2023	Application for Relief McClinton, Joanna E.		Intervenor	
	Document Name: Emergency Application for Disposition on Motion Pursuant to PA RAP 1972			
January 5, 2023	Order Filed Per Curiam			01/05/2023
	Document Name: Answers to Emergency Application Due Jan. 6, 2023. NOON			
	Comment: NOW, January 5, 2023, upon consideration of Intervenor Joanna E. McClinton's Emergency Application for Disposition on Motion Pursuant to Pa.R.A.P. 1972 (Emergency Application), it is hereby ORDERED that the parties and Proposed Intervenor Pennsylvania Democratic Party (Proposed Intervenor PDP) shall PACFile and serve answers to the Emergency Application no later than 12:00 p.m. on Friday, January 6, 2023. If any party or Proposed Intervenor PDP fails to file a response by 12:00 p.m. on Friday, January 6, 2023, they will be considered by the Court to be unopposed to the relief requested in the Emergency Application.			
January 6, 2023	Answer Filed Cutler, Bryan		Petitioner	
	Document Name: Answer in Opposition to Emergency Application for Disposition			
January 6, 2023	Letter Board of Elections of Allegheny County		Respondent	
	Document Name: The Allegheny County Bd of Elections does not oppose McClinton's Emergency Application for Disposition.			
	Comment: Application for Disposition.			
January 6, 2023	Letter Chapman, Leigh M. Pennsylvania Department of State		Respondent Respondent	
	Document Name: Leigh Chapman and the Dept. of State will not be filing an answer to the Emergency Application for Disposition.			
	Comment: Application for Disposition.			
January 6, 2023	Filed - Other Pennsylvania Democratic Party		Possible Intervenor	
	Document Name: PA Democratic Party's Concurrence to Emergency Application for Dismissal			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 6, 2023	Order Filed Per Curiam			01/06/2023
	Document Name: Emergency Application and Answers will be argued before the Panel along with App for PI			
	Comment: NOW, January 6, 2023, upon consideration of Intervenor Joanna E. McClinton's Emergency Application for Disposition on Motion Pursuant to Pa.R.A.P. 1972 (Emergency Application), and the answers and letters filed in response thereto, it is hereby ORDERED that the Emergency Application and answers/letters thereto shall be argued before the panel at the same time as Petitioner's Emergency Application for Special Relief in the Nature of a Preliminary Injunction, the Preliminary Objections, and Proposed Intervenor Pennsylvania Democratic Party's Petition for Intervention, as set forth in this Court's January 3, 2023 Order.			
January 6, 2023	Application for Relief Michel, Lisa G.	Board of Elections of Allegheny County Respondent		
	Document Name: Motion to Appear at Argument by Remote Communication			
January 9, 2023	Order Granting Application for Relief Per Curiam			01/09/2023
	Document Name: Counsel for the Board may appear Jan. 11, 2023 via WebEx			
	Comment: NOW, January 9, 2023, upon consideration of the Motion to Appear at Argument by Remote Communication Technology (Motion) filed by Respondent The Board of Elections of Allegheny County (Board), the Motion is GRANTED, and the Court ORDERS as follows:			
	1. The oral argument in this matter shall be heard on Wednesday, January 11, 2023, at 2:00 p.m., in Courtroom 3002, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania.			
	2. Counsel for Petitioner and Respondents Secretary Chapman and the Department of State shall appear IN-PERSON for January 11, 2023 argument.			
	3. Counsel for the Board may appear at the January 11, 2023 argument via WebEx video conferencing. To facilitate participation in the January 11, 2023 argument, counsel for the Board shall provide their email and telephone number to CommCourtRemote@pacourts.us within 24 hours of receiving this Order.			
	5. To facilitate participation in the argument, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video, attached to this Order. Counsel for the Board is directed to connect to the hearing 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 10, 2023	Order Filed Per Curiam			01/10/2023

Document Name: Jan. 11, 2023 Argument will now be heard via WebEx

Comment: NOW, January 10, 2023, the oral argument scheduled to be heard on Wednesday, January 11, 2023, at 2:00 p.m., in Courtroom 3002, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania will now be heard via WebEx video conferencing on the same date and time. The Court ORDERS as follows:

1. All Counsel shall appear at the January 11, 2023 argument via WebEx video conferencing. To facilitate participation in the January 11, 2023 argument, counsel shall provide their email and telephone number to CommCourtRemote@pacourts.us as soon as possible and no later than 1:00 p.m. on January 10, 2023.
2. To facilitate participation in the argument, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video, attached to this Order. Counsel for the Board is directed to connect to the hearing 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office.

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Commonwealth Court of Pennsylvania

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 13, 2023	Preliminary Objections Sustained Wojcik, Michael H.			01/13/2023

Document Name: Emergency Application Denied / McClintons's PO to Nonjusticiability Sustained / Opinion to Follow

Comment: AND NOW, January 13, 2023, upon consideration of the Emergency Application for Special Relief in the Nature of a Preliminary Injunction (Emergency Application for Special Relief), filed by Petitioner Representative Bryan Cutler, Leader of the Republican Caucus of the Pennsylvania House of Representatives; the Preliminary Objections filed by Intervenor Joanna E. McClinton, Leader of the Democratic Caucus of the Pennsylvania House of Representatives (Intervenor McClinton), and Proposed Intervenor Pennsylvania Democratic Party (PDP), respectively; the Petition for Intervention filed by Proposed Intervenor PDP, which Petitioner opposes; and Intervenor McClinton's Emergency Application for Disposition on Motion Pursuant to Pa.R.A.P. 1972 (Emergency Application for Disposition), and the answers and Briefs in Support of and/or in Opposition thereto, and following argument before a panel of this Court on January 11, 2023, it is hereby ORDERED as follows:

1. Petitioner's Emergency Application for Special Relief is DENIED, as Petitioner has failed to establish that he is entitled to the emergency preliminary injunctive relief he seeks. Specifically, Petitioner has failed to prove, inter alia, that he has a clear right to the relief he seeks, that he will suffer immediate and irreparable harm without the preliminary injunction, and that the preliminary injunction will not adversely affect the public interest. It is thus hereby ORDERED that the special elections to fill the vacancies in the 34th and 35th Legislative Districts of the Pennsylvania House of Representatives, currently scheduled for February 7, 2023, shall be held on that date.
2. Intervenor McClinton's Preliminary Objection as to the nonjusticiability of the claims made by Petitioner in his Petition for Review in the Nature of a Complaint for Declaratory Judgment is SUSTAINED, as Petitioner raises nonjusticiable political questions regarding which party in the House of Representatives has the majority and, concomitantly, who in the House of Representatives has authority to act as Majority Leader and issue writs of election for special elections to fill the enumerated vacancies following the adjournment sine die of the House on November 30, 2022, but prior to the House convening for the 2023-2024 session. See *Perzel v. Cortes*, 870 A.2d 759, 764 (Pa. 2005); *Sweeney v. Tucker*, 375 A.2d 698, 704-12 (Pa. 1977).<sup>1</sup>
3. Proposed Intervenor PDP's Petition for Intervention and Preliminary Objections, and Intervenor McClinton's Emergency Application for Disposition are DISMISSED AS MOOT.  
Opinion to follow.

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<sup>1</sup> Because this Preliminary Objection is dispositive, the Court declines to rule on Intervenor McClinton's other Preliminary Objections.

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 25, 2023	Opinion Wojcik, Michael H.			01/25/2023
	Document Name: This Court's 1/13/23 Order is Vacated in Part and Confirmed in Part			
	Comment: AND NOW, January 25, 2023, upon consideration of the Emergency Application for Special Relief in the Nature of a Preliminary Injunction (Emergency Application for Special Relief), filed by Petitioner Representative Bryan Cutler, Leader of the Republican Caucus of the Pennsylvania House of Representatives; the Preliminary Objections filed by Intervenor Joanna E. McClinton, Leader of the Democratic Caucus of the Pennsylvania House of Representatives (Intervenor McClinton), and Proposed Intervenor Pennsylvania Democratic Party (Proposed Intervenor PDP), respectively; the Petition for Intervention filed by Proposed Intervenor PDP, which Petitioner opposes; and Intervenor McClinton's Emergency Application for Disposition on Motion Pursuant to Pa.R.A.P. 1972 (Emergency Application for Disposition), and the answers and Briefs in Support of and/or in Opposition thereto, and upon further reflection of this matter following argument before a panel of this Court on January 11, 2023, it is hereby ORDERED as follows:			
	<p>1. This Court's January 13, 2023 Order is VACATED, in part, to the extent that Order sustained Intervenor McClinton's Preliminary Objection as to nonjusticiability of the claims made by Petitioner in his Petition for Review in the Nature of a Complaint for Declaratory Judgment, and dismissed as moot Proposed Intervenor PDP's Petition for Intervention and Preliminary Objections, and Intervenor McClinton's Emergency Application for Disposition. Intervenor McClinton's Preliminary Objections, Proposed Intervenor PDP's Petition for Intervention and Preliminary Objections, and Intervenor McClinton's Emergency Application for Disposition shall now be considered by the Court in due course.</p> <p>2. The Court's January 13, 2023 Order is otherwise CONFIRMED to the extent that Order denied Petitioner's Emergency Application for Special Relief on the basis he failed to establish that he is entitled to an emergency preliminary injunction, and directed that the special elections to fill the vacancies in the 34th and 35th Legislative Districts of the Pennsylvania House of Representatives shall be held on February 7, 2023. The Court notes that the appeal period triggered by the January 13, 2023 Order with respect to the Court's denial of the requested preliminary injunction shall begin anew from the date of this Order.</p> <p>3. Nothing in this Order is to be read as affecting the Court's January 13, 2023 ruling that the enumerated special elections shall be held on February 7, 2023.</p>			
	Judge McCullough did not participate in the decision of this case.			
	Judge Covey did not participate in the decision of this case.			
	Judge Wallace did not participate in the decision of this case.			
January 27, 2023	Answer to New Matter			
	Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Crompton, J. Andrew	Cutler, Bryan	Petitioner	
	Gonder, Ryan T.	Cutler, Bryan	Petitioner	
	Hughey, Austin David	Cutler, Bryan	Petitioner	
	Document Name: Pet. Reply to New Matter.			
February 3, 2023	Application for Relief			
	Hull, Kandice Kerwin	Cutler, Bryan	Petitioner	
	Document Name: Application for Disposition of Petition to Intervene			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>February 6, 2023</b>	Order Filed Per Curiam			02/06/2023
	Document Name: Directing Answers to Petitioner's Application			
	Comment: NOW, February 6, 2023, upon consideration of Petitioner's Application for Disposition of Proposed Intervenor Pennsylvania Democratic Party's (Proposed Intervenor PDP) Petition for Intervention (Application for Disposition), it is hereby ORDERED that the parties and Proposed Intervenor PDP shall PACFile and serve answers to the Application for Disposition no later than 12:00 p.m. on Friday, February 10, 2023. If any party or Proposed Intervenor PDP fails to file a response by 12:00 p.m. on Friday, February 10, 2023, they will be considered by the Court to be unopposed to the relief requested in the Application for Disposition.			
<b>February 9, 2023</b>	Answer to Application for Relief Weber, Justin G. Weber, Justin G.	Chapman, Leigh M. Pennsylvania Department of State	Respondent Respondent	
	Document Name: No Answer to be filed.			
<b>February 10, 2023</b>	Answer to Application for Relief Greenberg, Kevin Michael Daniels, Conor Thomas Elliot, Peter Poggi Levine, Clifford B.	Pennsylvania Democratic Party Pennsylvania Democratic Party Pennsylvania Democratic Party Pennsylvania Democratic Party	Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor	
	Document Name: PA Dem. Party Response to Appl. for Disp.			
<b>February 10, 2023</b>	Answer to Application for Relief Brier, Daniel Thomas	McClinton, Joanna E.	Intervenor	
	Document Name: Intervenor's (Joanna E. McClinton) Answer to Appl. for Relief.			
<b>March 9, 2023</b>	Memorandum/Order Wojcik, Michael H.			03/09/2023
	Document Name: Intervenor McClinton's Emerg. App. is GRANTED / PFR is DISMISSED AS MOOT.			
	Comment: NOW, March 9, 2023, upon consideration of Intervenor Joanna E. McClinton's Emergency Application for Disposition on Motion Pursuant to Pa.R.A.P. 1972 (Emergency Application), filed on January 4, 2023, and the answers and letters filed in response thereto, the Emergency Application is GRANTED, and Representative Bryan Cutler, Leader of the Republican Caucus of the Pennsylvania House of Representatives' (Petitioner) Petition for Review in the Nature of a Complaint for Declaratory Judgment (Petition for Review) is DISMISSED AS MOOT.			
	Judge McCullough did not participate in this decision. Judge Covey did not participate in this decision. Judge Wallace did not participate in this decision.			

## SESSION INFORMATION

Journal Number: SS-1-2023  
 Consideration Type: Oral Argument - Panel  
 Listed/Submitted Date: January 11, 2023

## Panel Composition:

The Honorable Renee Cohn Jubelirer	President Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Lori A. Dumas	Judge

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## DISPOSITION INFORMATION

Final Disposition: No

Related Journal No: Judgment Date:

Category: Decided Disposition Author: Wojcik, Michael H.

Disposition: Preliminary Objections Sustained Disposition Date: January 13, 2023

Disposition Comment: AND NOW, January 13, 2023, upon consideration of the Emergency Application for Special Relief in the Nature of a Preliminary Injunction (Emergency Application for Special Relief), filed by Petitioner Representative Bryan Cutler, Leader of the Republican Caucus of the Pennsylvania House of Representatives; the Preliminary Objections filed by Intervenor Joanna E. McClinton, Leader of the Democratic Caucus of the Pennsylvania House of Representatives (Intervenor McClinton), and Proposed Intervenor Pennsylvania Democratic Party (PDP), respectively; the Petition for Intervention filed by Proposed Intervenor PDP, which Petitioner opposes; and Intervenor McClinton's Emergency Application for Disposition on Motion Pursuant to Pa.R.A.P. 1972 (Emergency Application for Disposition), and the answers and Briefs in Support of and/or in Opposition thereto, and following argument before a panel of this Court on January 11, 2023, it is hereby ORDERED as follows:

1. Petitioner's Emergency Application for Special Relief is DENIED, as Petitioner has failed to establish that he is entitled to the emergency preliminary injunctive relief he seeks. Specifically, Petitioner has failed to prove, inter alia, that he has a clear right to the relief he seeks, that he will suffer immediate and irreparable harm without the preliminary injunction, and that the preliminary injunction will not adversely affect the public interest. It is thus hereby ORDERED that the special elections to fill the vacancies in the 34th and 35th Legislative Districts of the Pennsylvania House of Representatives, currently scheduled for February 7, 2023, shall be held on that date.
2. Intervenor McClinton's Preliminary Objection as to the nonjusticiability of the claims made by Petitioner in his Petition for Review in the Nature of a Complaint for Declaratory Judgment is SUSTAINED, as Petitioner raises nonjusticiable political questions regarding which party in the House of Representatives has the majority and, concom

Dispositional Filing: Filing Author:

Filed Date:

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Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Disposed Before Decision Disposition Author: Wojcik, Michael H.

Disposition: Memorandum/Order Disposition Date: March 9, 2023

Disposition Comment: NOW, March 9, 2023, upon consideration of Intervenor Joanna E. McClinton's Emergency Application for Disposition on Motion Pursuant to Pa.R.A.P. 1972 (Emergency Application), filed on January 4, 2023, and the answers and letters filed in response thereto, the Emergency Application is GRANTED, and Representative Bryan Cutler, Leader of the Republican Caucus of the Pennsylvania House of Representatives' (Petitioner) Petition for Review in the Nature of a Complaint for Declaratory Judgment (Petition for Review) is DISMISSED AS MOOT.

Judge McCullough did not participate in this decision.  
 Judge Covey did not participate in this decision.  
 Judge Wallace did not participate in this decision.

Dispositional Filing: Filing Author:

Filed Date: