

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 74 MAP 2008

Page 1 of 7

September 2, 2010

CAPTION

Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller, Appellants

v.

House of Representatives of the Commonwealth of Pennsylvania and Senate of the Commonwealth of Pennsylvania, Appellees

National Rifle Associations, Vincent K. Gay, Gordon V. Gay, Jon Mirowitz, Eugene Walworth, John Olexa and Charles H. Cox, Intervenor

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Journal Number:

Case Category: Civil

Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
92 MAP 2008 Same Issue(s) Clarke and Miller, Aplt v. Com of PA	Related
203 MM 2008 Same Issue(s) National Rifle Assoc. et al, Pet v. City of Phila.	Related
399 EAL 2009 Similar Issues NRA, et al v. City of Philadelphia, et al, Pets	Related

COUNSEL INFORMATION

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Pro Se: No
IFP Status:

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 IFP Status:

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 Representing: City of Philadelphia, Appellee Amicus Curiae
 Pro Se: No
 IFP Status:

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 Representing: National Rifle Association, Vincent & Jon Gay, Mirowitz, Walworth, Olexa & Cox, Intervenor
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: Ord of Comm Ct entered 09-26-2008 at No493MD2007 which Sustained the Preliminary
 Objections and Dismissed the complaint with prejudice.
 Appeal Filed Below: October 6, 2008


SUPREME COURT INFORMATION

Probable Jurisdiction
 Noted: November 3, 2008 Docketed Date: October 10, 2008
 Allocatur Granted: Allocatur Docket No:
 Allocatur Grant Order:

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Docket Number:
 Date of Order: Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s):
 Intermediate Appellate Court Action:
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Commonwealth Court of Pennsylvania
 County: Division: Commonwealth Court of Pennsylvania
 Date of Agency/Trial Court Order: September 26, 2008
 Order Type: Order
 OTN(s):
 Lower Ct Docket No(s): 493 MD 2007
 Lower Ct Judge(s): Leadbetter, Bonnie Brigance
 President Judge

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Parts	November 06, 2008	3

Record Remittal: October 2, 2009

BRIEFING SCHEDULE

Appellant	Appellee
Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller Brief	House of Representatives Brief
Due: December 16, 2008 Filed: December 16, 2008	Due: January 26, 2009 Filed: January 20, 2009
Reply Brief	Senate of Pennsylvania Brief
Due: February 6, 2009 Filed: February 5, 2009	Due: January 26, 2009 Filed: January 20, 2009
Reproduced Record	Appellee Amicus Curiae City of Philadelphia Brief
Due: December 16, 2008 Filed: December 16, 2008	Due: January 26, 2009 Filed: January 22, 2009
	Intervenor



BRIEFING SCHEDULE

Intervenor

**National Rifle Association, Vincent & Jon Gay,
Mirowitz, Walworth, Olexa & Cox
Brief**

Due: January 26, 2009

Filed: January 21, 2009

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:

Disposition:

Date:

Reargument Order:

Record Remittal: October 2, 2009

DISPOSITION INFORMATION

Related Journal No:

Judgment Date:

Category: Decided

Disposition Author: Per Curiam

Disposition: Affirmed

Disposition Date: August 31, 2009

Dispositional Filing: **Order**

Author: Per Curiam

Filed Date: August 31, 2009

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 6, 2008	Notice of Appeal Filed	Appellant	Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller
October 6, 2008	Jurisdictional Statement Filed	Appellant	Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller
Comments: Proof of Service dated 10/6/2008 (1st class mail)			
October 17, 2008	No Brief in Opposition Letter Filed	Appellee	Senate of Pennsylvania
October 17, 2008	No Brief in Opposition Letter Filed	Appellee	House of Representatives
October 22, 2008	No Brief in Opposition Letter Filed	Intervenor	National Rifle Association, Vincent & Jon Gay, Mirowitz, Walworth, Olexa & Cox



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 3, 2008	Probable Jurisdiction Noted		Johns, Charles W.
Comments: AND NOW, this 3rd day of November, 2008, probable jurisdiction is noted.			
November 3, 2008	Order Exited		Office of the Prothonotary
November 6, 2008	Commonwealth Ct. Record Received		Commonwealth Court
November 25, 2008	Application to Defer Briefing Schedule	Appellant	Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller
Comments: "Application to Defer Briefing Schedule Pending the Commonwealth Court's Ruling in Companion Case Clarke v. Commonwealth of Pennsylvania, No. 284 M.D. 2008"			
December 1, 2008	Brief in Opposition to Application to Defer Briefing Schedule	Appellee	Senate of Pennsylvania
December 2, 2008	Brief in Opposition to Application to Defer the Briefing Schedule Filed	Appellee	House of Representatives
December 2, 2008	Brief in Opposition to Application to Defer Briefing Schedule Filed	Intervenor	National Rifle Association, Vincent & Jon Gay, Mirowitz, Walworth, Olexa & Cox
December 3, 2008	Order Denying Application to Stay Briefing Schedule		Johns, Charles W.
Comments: AND NOW, this 3rd day of December, 2008, the Application to Defer Briefing Schedule is denied.			
December 3, 2008	Order Exited		Office of the Prothonotary
December 16, 2008	Appellant's Brief Filed	Appellant	Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller
Comments: Proof of Service dated 12/15/2008 (via overnight mail) Amended POS dated 12/22/2008 (via overnight mail)			
December 16, 2008	Notice of NO Reproduced Record pursuant Pa.R.A.P. 2151(c) Received	Appellant	Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 20, 2009	Appellee's Brief Filed	Appellee	Senate of Pennsylvania
Comments: Proof of Service dated 1/20/2009 (1st class mail)			
January 20, 2009	Joint Appellee's Supplemental Reproduced Record Filed	Appellee	PA Senate & House of Representatives
January 20, 2009	Amicus Curiae Brief	Appellee Amicus Curiae	City of Philadelphia
Comments: 02-20-09 - Served via by hand delivery			
January 20, 2009	Appellee's Brief Filed	Appellee	House of Representatives
Comments: Proof of Service dated 1/20/2009 (1st class mail)			
January 21, 2009	Intervenor's Brief Filed	Intervenor	National Rifle Association, Vincent & Jon Gay, Mirowitz, Walworth, Olexa & Cox
Comments: Proof of Service dated 1/21/2009 (1st class mail)			
February 5, 2009	Appellant's Reply Brief	Appellant	Councilperson Darrell L. Clarke and Councilperson Donna Reed Miller
August 31, 2009	Affirmed		Per Curiam
Comments: AND NOW, this 31st day of August, 2009, the order of the Commonwealth Court is hereby AFFIRMED. Jurisdiction relinquished.			
August 31, 2009	Judgment Entered		
October 2, 2009	Remitted		Office of the Prothonotary
October 5, 2009	Acknowledgement of Record Remittal		Commonwealth Court of Pennsylvania

CROSS COURT ACTIONS

Docket Number: 493 MD 2007