

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 293 MD 2020**Page 1 of 7****September 22, 2020****CAPTION**

Pennsylvania Senate Veterans Affairs and
Emergency Preparedness Committee,
Petitioner

v.

The Honorable Tom Wolf, Governor
of the Commonwealth of Pennsylvania
and Dennis M. Davin, Secretary of the
Pennsylvania Department of Community
and Economic Development,
Respondents

CASE INFORMATION

Initiating Document: Petition for Enforcement

Case Status: Closed

Case Processing Status: July 7, 2020 Completed

Journal Number:

Case Category: Miscellaneous Case Type(s): Enforcement Proceeding

CONSOLIDATED CASES**RELATED CASES****COUNSEL INFORMATION****Petitioner Pennsylvania Senate Veterans Affairs and Emergency Preparedness Committee**

Pro Se: No

IFP Status:

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Law Firm: Kleinbard, LLC

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Fax No:

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Law Firm: Kleinbard, LLC

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Attorney: Voss, Joshua John

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Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 293 MD 2020****Page 2 of 7****September 22, 2020****COUNSEL INFORMATION****Petitioner** **Pennsylvania Senate Veterans Affairs and Emergency Preparedness Committee**

Pro Se: No

IFP Status:

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Amicus Curiae **PA House Republican Caucus**

Pro Se: No

IFP Status:

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Respondent **Wolf, Tom**

Pro Se: No

IFP Status:

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Harrisburg, PA 17126-0333

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Fax No:

Attorney: Handelman, Jarad Wade

Law Firm: Elliott Greenleaf, P.C.

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Harrisburg, PA 17101

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Attorney: Champion, Vincent L.

Law Firm: Champion Law Office LLC

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Carlisle, PA 17013

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Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 293 MD 2020****Page 3 of 7****September 22, 2020****COUNSEL INFORMATION****Respondent Davin, Dennis M.**

Pro Se: No

IFP Status:

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 Law Firm: Pennsylvania Department of Community & Economic Development
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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
05/11/2020	Miscellaneous Docket Filing Fee	70.25	05/11/2020	2020-CMW-H-000947	70.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
 Order Type:
 Documents Received: May 11, 2020

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**

Amicus Curiae	Respondent
PA House Republican Caucus	Davin, Dennis M.
Brief	Brief
Due: May 22, 2020 Filed: May 22, 2020	Due: June 5, 2020 Filed: June 5, 2020
Petitioner	Reply Brief
	Due: June 16, 2020 Filed: June 16, 2020

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BRIEFING SCHEDULE

Petitioner		Respondent	
Pennsylvania Senate Veterans Affairs and Emergency Preparedness Committee		Davin, Dennis M.	
Brief		Wolf, Tom	
Due: May 22, 2020	Filed: May 22, 2020	Brief	
		Due: June 5, 2020	Filed: June 5, 2020
Reply Brief		Reply Brief	
Due: June 19, 2020	Filed: June 12, 2020	Due: June 16, 2020	Filed: June 16, 2020

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 11, 2020	Petition for Enforcement Pennsylvania Senate Veterans Affairs and Emergency Preparedness Committee		Petitioner	
	Document Name: Petition to Enforce Subpoenas Duces Tecum			
May 12, 2020	Order Filed Per Curiam			05/12/2020
	Document Name: upon review of the Petition to Enforce Subpoenas Duces Tecum (Petition to Enforce Subpoenas), which			
	Comment: seeks a judicial order to enforce subpoenas issued to Respondents, it is hereby ORDERED that the Petition to Enforce Subpoenas lies within this Court's original jurisdiction under 42 Pa. C.S. § 761(a)(1) or (a)(2). See In re: Petition for Enforcement of Subpoenas, 214 A.3d 660, 666-67 (Pa. 2019); Pa. Human Relations Comm'n v. Lansdowne Swim Club, 526 A.2d 758, 760-61 (Pa. 1987). Petitioner's effort to invoke the procedures of Pa. R.A.P. 3761, which involves matters addressed to this Court's appellate jurisdiction, is, therefore, improper. See Pa. Human Relations Comm'n v. Sch. Dist. of Phila., 732 A.2d 578 (1987); Pa. R.A.P. 3761 note. Accordingly, this matter shall proceed in this Court's original jurisdiction under Chapter 15 of the Pennsylvania Rules of Appellate Procedure. Petitioner shall file and serve an amended petition for review in conformance with Pa. R.A.P. 1513 by May 22, 2020. The determination sought to be reviewed shall be Respondents' refusal to comply with subpoenas duces tecum issued by Petitioner.			
May 12, 2020	Amended - Petition for Review Haverstick, Matthew Hermann	Pennsylvania Senate Veterans Affairs	Petitioner	
	Document Name: In compliance with court order of 5/12/20			
May 13, 2020	Application for Summary Relief Haverstick, Matthew Hermann Seiberling, Mark Edward Vance, Shohin Hadizadeh Voss, Joshua John	Pennsylvania Senate Veterans Affairs Pennsylvania Senate Veterans Affairs Pennsylvania Senate Veterans Affairs Pennsylvania Senate Veterans Affairs	Petitioner Petitioner Petitioner Petitioner	
	Document Name: App. for Expedited Summary Relief by Petitioner Pennsylvania Senate Veterans Affairs and Emergency			
	Comment: Preparedness Committee.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 15, 2020	Order Filed Per Curiam			05/15/2020
	Document Name: NOW, this 15th day of May, 2020, upon review of the Application for Expedited Summary Relief by Comment: Petitioner Senate Veterans Affairs & Emergency Preparedness Committee (Application), with respect only to the request to expedite, it is hereby ORDERED: 1. Petitioner shall file a brief in support of the Application on or before May 22, 2020. 2. Respondent shall file an answer and responsive brief on or before June 5, 2020. 3. Petitioner may file a reply brief on or before June 12, 2020.			
May 21, 2020	Entry of Appearance Handelman, Jarad Wade Handelman, Jarad Wade	Davin, Dennis M. Wolf, Tom	Respondent Respondent	
May 22, 2020	Amicus Curiae Brief Holtzman, Anthony Richard	PA House Republican Caucus	Amicus Curiae	
	Document Name: Brief in Support of Petitioner's App for Summary Relief			
May 22, 2020	Petitioner's Brief Filed Haverstick, Matthew Hermann	Pennsylvania Senate Veterans Affairs Petitioner		
	Document Name: Brief in Support of App for Expedited Summary Relief			
June 1, 2020	Application for Clarification Haverstick, Matthew Hermann Seiberling, Mark Edward Vance, Shohin Hadizadeh Voss, Joshua John	Pennsylvania Senate Veterans Affairs Petitioner Pennsylvania Senate Veterans Affairs Petitioner Pennsylvania Senate Veterans Affairs Petitioner Pennsylvania Senate Veterans Affairs Petitioner		
	Document Name: Application for Expedited Clarification of this Court's May 15, 2020 Order by Petitioner Comment: Pennsylvania Senate Veterans Affairs and Emergency Preparedness Committee.			
June 2, 2020	Order Filed Per Curiam			06/02/2020
	Document Name: upon review of Petitioner's Application for Expedited Clarification of this Court's May 15, 2020 Comment: Order (Application for Clarification), it is hereby ORDERED that the Application for Clarification is GRANTED. On May 13, 2020, Petitioner filed an Application for Expedited Summary Relief (Summary Relief Application), seeking two forms of relief--(a) summary relief (i.e., a merits determination) on (b) an "expedited" basis. With respect to expedited consideration, Petitioner proposed an "Interim Order," setting forth a merits briefing schedule and listing the matter for oral argument during the Court's June 2020 argument session. In response, this Court issued the May 15, 2020 Order, responding "only to the request to expedite" portion of the Summary Relief Application, by setting a briefing schedule. The Court did not list the Summary Relief Application on the Court's June 2020 argument session list. The May 15, 2020 Order resolved Petitioner's request for expedited consideration. That portion of Petitioner's Summary Relief Application, therefore, is no longer pending before the Court. In compliance with this Court's May 15, 2020 Order, Petitioner filed its brief on the merits of the Summary Relief Application on May 22, 2020. Respondents' answer(s) to the Summary Relief Application and responsive brief(s), on the merits, are due on or before June 5, 2020. Petitioner may file a reply brief, again on the merits, on or before June 12, 2020			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 5, 2020	Answer to Application for Relief			
	Handelman, Jarad Wade	Davin, Dennis M.	Respondent	
	Handelman, Jarad Wade	Wolf, Tom	Respondent	
Document Name: Resp.'s Answer in Opposition to Pet.'s App. for Summary Relief				
June 5, 2020	Application for Relief			
	Handelman, Jarad Wade	Davin, Dennis M.	Respondent	
	Handelman, Jarad Wade	Wolf, Tom	Respondent	
Document Name: Resp.'s Cross-Application for Summary Relief				
June 5, 2020	Respondent's Brief Filed			
	Handelman, Jarad Wade	Davin, Dennis M.	Respondent	
	Handelman, Jarad Wade	Wolf, Tom	Respondent	
Document Name: In opposition to petitioners application for expedited summary relief and in support of respondents				
Comment: cross-application for summary relief.				
June 8, 2020	Order Filed			06/08/2020
	Per Curiam			
Document Name: pursuant to Pa. R.A.P. 123(b), Petitioner shall file an answer and brief in opposition to the				
Comment: Cross-Application for Summary Relief filed by Respondents (Cross-Application) by June 12, 2020. Respondents may file a reply brief by noon on June 16, 2020.				
The Court will hold a status conference on this matter at 10:00 a.m. on June 17, 2020, in Conference Room A (Judicial Council Room) of the Pennsylvania Judicial Center (PJC), 1st Floor, Harrisburg, PA. By 4:30 p.m. on June 12, 2020, the parties shall advise the Prothonotary of the names of the attorneys and client representatives who will be present for the status conference. All persons in attendance shall adhere to the posted COVID-19 precautions and				
June 8, 2020	Application for Extension of Time to File			
	Handelman, Jarad Wade	Davin, Dennis M.	Respondent	
	Handelman, Jarad Wade	Wolf, Tom	Respondent	
Document Name: Resp.'s Unopposed App. for Ext. of Time to Respond to Pet.'s Amended Petition for Review				
June 10, 2020	Order Granting Application for Extension of Time to File			06/10/2020
	Per Curiam			
Document Name: upon consideration of Respondents' Unopposed Application for Extension of Time to Respond to				
Comment: Petitioner's Amended Petition for Review, the Application is hereby GRANTED.				
Respondents' time to file an answer or preliminary objections to Petitioner's Amended Petition for Review is STAYED pending the Court's disposition of Petitioner's Application for Expedited Summary Relief and Respondents' Cross-Application for Summary Relief.				
June 12, 2020	Petitioner's Reply Brief Filed			
	Haverstick, Matthew Hermann	Pennsylvania Senate Veterans Affairs Petitioner		
Document Name: Reply in Support of App for Expedited Relief and Answer and Brief in Opposition to Cross App				
June 16, 2020	Respondent's Reply Brief Filed			
	Handelman, Jarad Wade	Davin, Dennis M.	Respondent	
	Handelman, Jarad Wade	Wolf, Tom	Respondent	
Document Name: Brief in Reply in Support of Cross Application for Summary Relief				

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 16, 2020	Entry of Appearance Champion, Vincent L. Champion, Vincent L.	Davin, Dennis M. Wolf, Tom	Respondent Respondent	
June 17, 2020	Order Filed Per Curiam			06/17/2020
	Document Name: AND NOW, this 17th day of June, 2020, it is hereby ordered that a status conference on the matter is Comment: scheduled for July 1, 2020, at 10:00 a.m., in Conference Room A (Judicial Council Room) of the Pennsylvania Judicial Center (PJC), 1st Floor, Harrisburg, PA. The parties shall advise the Prothonotary of the names of the attorneys and client representatives who will be present for the status conference by 12:00 noon on June 29, 2020. All persons in attendance shall adhere to the posted COVID-19 precautions and procedures while in the PJC, including, but not limited to, the wearing of face masks, social distancing, and proper hygiene.			
June 30, 2020	Status Conference Rescheduled Per Curiam			06/30/2020
	Document Name: it is hereby ordered that the status conference on the matter originally scheduled for July 1, 2020, Comment: at 10:00 a.m., is hereby rescheduled to July 9, 2020, at 10:00 a.m., in Conference Room A (Judicial Council Room) of the Pennsylvania Judicial Center (PJC), 1st Floor, Harrisburg, Pennsylvania. The parties shall advise the Prothonotary of the names of the attorneys and client representatives who will be present for the status conference by 12:00 noon on July 7, 2020. All persons in attendance shall adhere to the posted COVID-19 precautions and procedures while in the PJC, including, but not limited to, the wearing of face masks, social distancing, and proper hygiene.			
July 7, 2020	Praecepte for Discontinuance Haverstick, Matthew Hermann	Pennsylvania Senate Veterans Affairs Petitioner		
July 7, 2020	Discontinued Per Curiam			07/07/2020
	Document Name: AND NOW, this 7th day of July, 2020, upon consideration of petitioner's praecipe to discontinue, the Comment: Prothonotary is directed to mark this matter as CLOSED and DISCONTINUED with prejudice. The status conference scheduled for July 9, 2020, at 10:00 a.m., in Conference Room A (Judicial Council Room) of the Pennsylvania Judicial Center (PJC), 1st Floor, Harrisburg, Pennsylvania is hereby CANCELLED.			

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Per Curiam
Category:	Disposed Before Decision	Disposition Date:	July 7, 2020
Disposition:	Discontinued		
Disposition Comment:	Prothonotary is directed to mark this matter as CLOSED and DISCONTINUED with prejudice. The status conference scheduled for July 9, 2020, at 10:00 a.m., in Conference Room A (Judicial Council Room) of the Pennsylvania Judicial Center (PJC), 1st Floor, Harrisburg, Pennsylvania is hereby CANCELLED.		
Dispositional Filing:		Filing Author:	
Filed Date:			