

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 549 MD 2024****Page 1 of 10****February 3, 2026****CAPTION**

Pennsylvania Environmental
Defense Foundation,
Petitioner

v.

Commonwealth of Pennsylvania;
Josh Shapiro, in his official capacity
as Governor of Pennsylvania;
Pennsylvania Department of
Conservation and Natural
Resources; and Cindy Adams
Dunn, in her official capacity as its
Secretary,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Active

Case Processing Status: June 25, 2025 Awaiting Consideration

Journal Number:

Case Category: Civil Case Type(s): Equity

CONSOLIDATED CASES**RELATED CASES****COUNSEL INFORMATION**

Petitioner **Pennsylvania Environmental Defense Foundation**

Pro Se: No

IFP Status:

Attorney:	Childe, John E., Jr.
Address:	960 Linden Ln
	Dauphin, PA 17018-9004
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	Fax No:

Attorney:	Childe, Kimberly Hummel
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	Dauphin, PA 17018
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COUNSEL INFORMATION

Amicus Curiae Senate Republican Caucus

Pro Se: No

IFP Status:

Attorney: Kampf, Warren Elliot
Law Firm: Buckley, Brion, McGuire & Morris, LLP
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118 W Market St Ste 300
West Chester, PA 19380
Phone No: (484) 873-2781 Fax

Attorney: Roberts, Alexandra Yoshi
Law Firm: Buckley, Brion, McGuire & Morris, LLP
Address: 118 W Market St Ste 300
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Phone No: (484) 872-0128 Fax No:

Amicus Curiae Pennsylvania House Republican Caucus

Pro Se: No

IFP Status:

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Phone No: (484) 873-2781 Fax No:

Attorney: Roberts, Alexandra Yoshi
Law Firm: Buckley, Brion, McGuire & Morris, LLP
Address: 118 W Market St Ste 300
West Chester, PA 19380
Phone No: (484) 872-0128 Fax No:

Amicus Curiae **Dernbach, John**

Pro Se: No

IFP Status:

Attorney: Otero, Lauren Elyse
Law Firm: Clean Air Council
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COUNSEL INFORMATION

Amicus Curiae Clean Air Council

Pro Se: No

IFP Status:

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Law Firm: Clean Air Council
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Phone No: (215) 567-4004

Attorney: Otero, Lauren Elyse
Law Firm: Clean Air Council
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Respondent **Shapiro, Josh**

Pro Se: No

IFP Status:

Attorney: Ebersole, Joshua Benjamin
Law Firm: Pennsylvania Department of Conservation and Natural Resources
Address: Pa Department Of Conservation And Natural Resources
400 Market St 7th Fl
Harrisburg, PA 17105
Phone No: (717) 783-4543 Fax No:

Respondent **Pennsylvania Department of Conservation and Natural Resources**

Pro Se: _____ No. _____

IEP Status:

Attorney: Ebersole, Joshua Benjamin
Law Firm: Pennsylvania Department of Conservation and Natural Resources
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400 Market St 7th Fl
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Respondent Dunn, Cindy Adams

Pro Se: No

IEP Status:

Attorney: Ebersole, Joshua Benjamin
Law Firm: Pennsylvania Department of Conservation and Natural Resources
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Harrisburg, PA 17105
Phone No: (717) 783-4543 Fax No:

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Pro Se: No

IFP Status:

Attorney: Pryzbylkowski, Francis Harrison
 Law Firm: Pennsylvania Office of Attorney General
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 Harrisburg, PA 17120
 Phone No: (717) 783-6491 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
12/02/2024	Miscellaneous Docket Filing Fee	70.25	12/02/2024	2024-CMW-H-001795	70.25

AGENCY/TRIAL COURT INFORMATION

OrderAppealedFrom: Notice of Appeal Filed:

Order Type:

Documents Received: December 2, 2024

Court Below:

County: Division:

Judge: OTN:

Docket Number: Judicial District:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description

Date of Remand of Record:**BRIEFING SCHEDULE****Amicus Curiae****Pennsylvania House Republican Caucus****Brief**

Due: Filed: April 21, 2025

Respondent**Commonwealth of Pennsylvania****Brief**

Due: Filed: June 13, 2025

Senate Republican Caucus**Brief**

Due: Filed: April 21, 2025

Dunn, Cindy Adams**Brief**

Due: April 21, 2025 Filed: April 21, 2025

Petitioner**Pennsylvania Environmental Defense Foundation****Brief**

Due: May 27, 2025 Filed: May 19, 2025

Reply Brief

Due: June 13, 2025 Filed: June 13, 2025

Pennsylvania Department of Conservation and Natural Resources**Brief**

Due: April 21, 2025 Filed: April 21, 2025

Reply Brief

Due: June 13, 2025 Filed: June 13, 2025

Shapiro, Josh

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BRIEFING SCHEDULE

Respondent

Shapiro, Josh

Brief

Due: April 21, 2025

Filed: April 21, 2025

Reply Brief

Due: June 13, 2025

Filed: June 13, 2025

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 2, 2024	Petition for Review Filed Pennsylvania Environmental Defense Foundation Document Name: Petition for Review Under Ar. I, Sec. 27 of the PA Constitution		Petitioner	
December 12, 2024	Entry of Appearance Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Document Name: Atty. Ebersole for Respondents	Shapiro, Josh Pennsylvania Department of Conservation and Dunn, Cindy Adams	Respondent Respondent Respondent	
December 12, 2024	Entry of Appearance Pryzbylkowski, Francis Harrison Document Name: Atty. Pryzbylkowski for Commonwealth of Pennsylvania	Commonwealth of Pennsylvania	Respondent	
December 12, 2024	Application for Extension of Time to File Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Document Name: Uncontested Application to Extend Time to File Responsive Pleadings to Petition for Review	Shapiro, Josh Pennsylvania Department of Conservation and Dunn, Cindy Adams	Respondent Respondent Respondent	
December 20, 2024	Order Granting Application for Extension of Time to File Per Curiam Document Name: Respondents' responsive pleadings shall be filed on or before January 30, 2025 Comment: Upon consideration of Respondents' December 12, 2024 "Uncontested Application to Extend Time to File Responsive Pleadings to Petitioner's Petition for Review" (Application), the Application is GRANTED. Respondents' responsive pleadings shall be filed on or before January 30, 2025.			12/20/2024
January 30, 2025	Preliminary Objections Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Pryzbylkowski, Francis Harrison Document Name: Respondents' Preliminary Objections	Shapiro, Josh Pennsylvania Department of Conservation and Dunn, Cindy Adams Commonwealth of Pennsylvania	Respondent Respondent Respondent Respondent	
February 25, 2025	Answer to Preliminary Objections Childe, Kimberly Hummel	Pennsylvania Environmental Defense Foundation	Petitioner	
March 18, 2025	Application for Relief Childe, John E., Jr.	Pennsylvania Environmental Defense Foundation	Petitioner	
	Document Name: Application for Briefing Schedule on Preliminary Objections			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 20, 2025	Order Granting Application for Relief Wallace, Stacy			03/20/2025
	Document Name: Respondents brief in support of POs is due 4-21-25 Comment: NOW, March 20, 2025, upon consideration of the Pennsylvania Environmental Defense Foundation's (Petitioner) March 18, 2025 "Application for Briefing Schedule on Preliminary Objections" (Application), the Application is GRANTED, and the following briefing schedule is established. Respondents shall file four copies of a brief in support of their Preliminary Objections, and serve one copy of the brief on Petitioner, no later than April 21, 2025. Petitioner shall thereafter file four copies of a brief in opposition to Respondents' Preliminary Objections, and serve one copy of the brief on Respondents, within 30 days of service of Respondents' brief. Any reply brief shall be filed and served pursuant to Pa.R.A.P. 2185.			
April 21, 2025	Amicus Curiae Brief Senate Republican Caucus Pennsylvania House Republican Caucus		Amicus Curiae Amicus Curiae	
	Document Name: Brief in Support of Respondents' POs			
April 21, 2025	Respondent's Brief Filed Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Shapiro, Josh Pennsylvania Department of Conservation and Natural Resources Dunn, Cindy Adams	Shapiro, Josh Pennsylvania Department of Conservation and Natural Resources Dunn, Cindy Adams	Respondent Respondent Respondent Respondent Respondent	
	Document Name: Brief in Support of POs		Respondent	
April 24, 2025	Entry of Appearance Roberts, Alexandra Yoshi Roberts, Alexandra Yoshi	Pennsylvania House Republican Caucus Senate Republican Caucus	Amicus Curiae Amicus Curiae	
	Document Name: Attorney Alexandra Y. Roberts for Amicus Curiae			
April 24, 2025	Certificate of Service Filed Roberts, Alexandra Yoshi Roberts, Alexandra Yoshi	Pennsylvania House Republican Caucus Senate Republican Caucus	Amicus Curiae Amicus Curiae	
	Document Name: Service of Attorney Roberts' Entry of Appearance on Petitioner & Respondents			
May 6, 2025	Application to Strike Childe, Kimberly Hummel Childe, John E., Jr.	Pennsylvania Environmental Defense Petitioner Pennsylvania Environmental Defense Petitioner		
	Document Name: Petitioner's Motion to Strike Brief Filed by Amicus Curiae Republican Legislative Caucuses			
May 6, 2025	Memorandum of Law Filed Childe, John E., Jr. Childe, Kimberly Hummel	Pennsylvania Environmental Defense Petitioner Pennsylvania Environmental Defense Petitioner		
	Document Name: * PAC-Filed * Petitioner's Memorandum of Law in Support of Motion to Strike			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 19, 2025	Petitioner's Brief Filed Pennsylvania Environmental Defense Foundation Document Name: In opposition to P.O.'s		Petitioner	
May 21, 2025	Application for Leave to File Amicus Brief Breslin, Eleanor M. Breslin, Eleanor M. Otero, Lauren Elyse Otero, Lauren Elyse Document Name: with Amicus Curiae Clean Air Council & John Dernbach's Proposed Brief attached	Dernbach, John Clean Air Council Dernbach, John Clean Air Council	Amicus Curiae Amicus Curiae Amicus Curiae Amicus Curiae	
May 28, 2025	Application for Extension of Time to File Brief - First Request Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Shapiro, Josh Pennsylvania Department of Conservation and Natural Resources Dunn, Cindy Adams	Shapiro, Josh Pennsylvania Department of Conser Dunn, Cindy Adams	Respondent Respondent Respondent Respondent Respondent	
June 2, 2025	Order Granting Application for Extension of Time to File Wolf, Matthew S. Document Name: Respondents reply brief due 6-13-25 Comment: NOW, June 2, 2025, upon consideration of Respondents' May 28, 2025 first Contested Application to Extend Time to File Reply Brief (Application), in which Respondents seek an extension of time to June 13, 2025 to file their reply brief in support of their Preliminary Objections, the Application is GRANTED. In light of Petitioner's opposition, no further extensions will be granted absent extraordinary circumstances. Respondents shall file four copies of their reply brief in support of their Preliminary Objections, and serve on Petitioner, Pennsylvania Environmental Defense Foundation one copy of their reply brief on or before June 13, 2025.			06/02/2025
June 13, 2025	Respondent's Reply Brief Filed Shapiro, Josh Pennsylvania Department of Conservation and Natural Resources Dunn, Cindy Adams		Respondent Respondent Respondent	
June 13, 2025	Respondent's Reply Brief Filed Pryzbylkowski, Francis Harrison Commonwealth of Pennsylvania	Commonwealth of Pennsylvania	Respondent Respondent	
June 26, 2025	Tentative Session Date Krimmel, Michael Document Name: September 2025 (Harrisburg)			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 30, 2025	Amended - Petition for Review Childe, Kimberly Hummel	Pennsylvania Environmental Defens Petitioner		
	Document Name: Petition for Review Addendum Related to Standing			
June 30, 2025	Order Filed Wallace, Stacy			06/30/2025
	Document Name: Motion to Strike & App for leave to file Brief of Amici Curiae shall be listed with the merits			
	Comment: NOW, June 30, 2025, upon consideration of Pennsylvania Environmental Defense Foundation's (Petitioner) May 6, 2025 "[] Motion to Strike Brief Filed by the Republican Legislative Caucuses" (Motion), the May 8, 2025 Answer filed by the Pennsylvania House and Senate Republican Caucuses, and the May 21, 2025 "Application for Leave to File Brief of Amici Curiae Clean Air Council and John Dernbach, Esquire in Support of Petitioner []" (Application), to which no answer has been filed, the Motion and Application shall be listed with the merits.			
July 11, 2025	Application to Strike Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin	Shapiro, Josh Pennsylvania Department of Conser Dunn, Cindy Adams	Respondent Respondent Respondent	
	Document Name: Application to Strike Petition for Review Addendum to Standing			
July 15, 2025	Answer to Application to Strike Childe, Kimberly Hummel	Pennsylvania Environmental Defens Petitioner		
July 15, 2025	Application for Relief Childe, Kimberly Hummel	Pennsylvania Environmental Defens Petitioner		
	Document Name: App. for Leave to File PFR Addendum Related to Standing			
July 28, 2025	Application to Strike Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Pryzbylkowski, Francis Harrison	Shapiro, Josh Pennsylvania Department of Conser Dunn, Cindy Adams Commonwealth of Pennsylvania	Respondent Respondent Respondent Respondent	
	Document Name: Application to Strike Petitioner's Application for Leave to File Addendum to Standing			
July 30, 2025	Answer to Application to Strike Childe, Kimberly Hummel Childe, John E., Jr.	Pennsylvania Environmental Defens Petitioner Pennsylvania Environmental Defens Petitioner		
	Document Name: Answer to Application to Strike Petitioner's Request for Leave to File Addendum Related to Standing			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 25, 2025	Order Granting Application to Strike McCullough, Patricia			08/25/2025
Document Name: Respondents' App. to Strike is granted.				
Comment: AND NOW, this 25th day of August, 2025, upon consideration of: 1) Respondents' Application to Strike Petition For[] Review Addendum to Standing (Addendum), and Petitioner's Answer thereto (Application to Strike Addendum); 2) Petitioner's Application for Leave to File Petition for Review Addendum Related to Standing (Application for Leave); and 3) Respondents' Application to Strike the Application for Leave, and Petitioner's Answer thereto; NOW THEREFORE, it is ORDERED as follows: Respondents' Application to Strike the Application for Leave is GRANTED; Respondents' Application to Strike Addendum is GRANTED; and Petitioner's Addendum is STRICKEN.				
Petitioner may file an application for leave to file an Amended Petition for Review within 60 days of the date of this Order's entry on the docket. See Pa.R.Civ.P. 1033 (a party may file an amended pleading by consent of the adverse party or by leave of court); Wimbish v. School District of Penn Hills, 430 A.2d 710, 713 (Pa. Cmwlth. 1981) (holding it is within the Court's discretion to permit an amended pleading after the time for doing so has expired); see also Pa.R.Civ.P. 1028(c)(1) (providing "[a] party may file an amended pleading as of course within [20] days after service of a copy of preliminary objections"). Otherwise, the Court will address the Preliminary Objections on the pleadings and briefs already submitted.				
From this point forward, within five (5) days of submission of an electronically filed document, the filer shall submit to the Court two (2) bound paper versions of the document. The paper version should be a printed copy of the electronically file-stamped document that was returned to the filer after acceptance by the Court's PACFile® electronic filing system. The Court will not consider an electronically filed document until it is in receipt of the bound paper versions.				
October 24, 2025	Application to Amend Childe, Kimberly Hummel	Pennsylvania Environmental Defens Petitioner		
Document Name: Application for Leave to File an Amended Petition for Review				
November 6, 2025	Praecipe Childe, Kimberly Hummel	Pennsylvania Environmental Defens Petitioner		
Document Name: Praecipe to Attach Original Exhibits to Amended Petition				
November 7, 2025	Answer to Application to Amend Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin Ebersole, Joshua Benjamin	Shapiro, Josh Pennsylvania Department of Conser Dunn, Cindy Adams	Respondent Respondent Respondent	
Document Name: Answer to Application for Leave to File Amended Petition for Review				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 13, 2026	Order Granting Application to Amend McCullough, Patricia			01/13/2026
Document Name: Amended Petition for Review is Accepted/ Responses due within 30 Days of This Order/ See Order				
Comment: AND NOW, this 13th day of January, 2026, upon consideration of Petitioner's Application for Leave to file Amended Petition for Review (Amended PFR) and Respondents' answer thereto, it is hereby ordered as follows:				
<p>1. Petitioner's Application for Leave to file Amended Petition for Review, filed on October 24, 2025, is GRANTED. The Amended PFR attached to the Application, together with the three volumes of exhibits collectively attached to the Application and to Petitioner's praecipe filed November 6, 2025, is ACCEPTED. The Prothonotary shall update the docket accordingly.</p> <p>2. Respondents' Preliminary Objections filed on January 30, 2025, are DISMISSED AS MOOT.</p> <p>3. Petitioner's Motion to Strike Brief Filed by the Republican Legislative Caucuses, filed May 6, 2025, is DISMISSED AS MOOT.</p> <p>4. The Application for Leave to File Brief of Amici Curiae Clean Air Council and John Dernbach, Esq., filed May 21, 2025, is DISMISSED AS MOOT.</p> <p>5. Respondents shall file responsive pleadings to the Amended PFR within thirty (30) days of the date of this Order. Petitioner shall file any answer thereto within thirty (30) days thereafter.</p>				
January 13, 2026	Amended - Petition for Review Childe, John E., Jr. Childe, Kimberly Hummel	Pennsylvania Environmental Defens Petitioner Pennsylvania Environmental Defens Petitioner		