



CAPTION

Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection and Interim Acting Chairperson of the Environmental Quality Board, Appellant

v.

Pennsylvania Legislative Reference Bureau, Stephanie Fielder Latimore, Director of the Legislative Reference Bureau, and Amy J. Mendelsohn, Director of the Pennsylvania Code and Bulletin, Appellees

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Journal Number: J-33A-2025 May 13, 2025

Case Category: Civil Case Type(s): Environmental Protection, Department of Environmental Quality Board

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type	Docket No / Reason	Type
107 MAP 2023 Sua Sponte	Consolidated	45 MAP 2022 Same Record Below	Related
110 MAP 2023 Sua Sponte	Consolidated	McDonnell v. PA Legislative Reference Bureau et al	
111 MAP 2023 Sua Sponte	Consolidated	79 MAP 2022 Same Record Below	Related
		DEP et al. Apl't v. PA Legislative Reference Bureau	
		81 MAP 2022 Same Record Below	Related
		Ziadeh, R v. PA Legislative Reference Bureau et al	
		83 MAP 2022 Same Record Below	Related
		Ziadeh, R v. PA Legislative Reference Bureau et al	
		85 MAP 2022 Same Record Below	Related
		DEP, et al. v. PA Legislative Reference Bureau	
		87 MAP 2022 Same Record Below	Related
		DEP, et al. v. PA Legislative Reference Bureau	
		113 MAP 2023 Same Record Below	Related
		DEP et al. Apl't v. PA Legislative Reference Bureau	
		114 MAP 2023 Same Record Below	Related
		Bowfin KeyCon Hldgs. et al. v. DEP et al.	
		115 MAP 2023 Same Record Below	Related
		DEP, et al. v. PA Legislative Reference Bureau	



RELATED CASES

Docket No / Reason	Type
116 MAP 2023	Related
Same Record Below	
Bowfin KeyCon Hldgs. et al. v. DEP et al.	

COUNSEL INFORMATION

Attorney: Hazlett, Thomas W.
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 Appellant
 Pro Se: No
 IFP Status:

Attorney: Boyer, Jacob Biehl
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 Appellant
 Pro Se: No
 IFP Status:

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 Appellant
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Appellant
 Pro Se: No
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 Pro Se: No
 IFP Status:

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 Appellant
 Pro Se: No
 IFP Status:

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 IFP Status:



COUNSEL INFORMATION

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Representing:	Corman, Jake, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Martin, Scott, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Pittman, Joseph, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Ward, Kim, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Yaw, Gene, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Klein, Peter William	
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Receive EMail:	Yes	Email:
Representing:	Pennsylvania Legislative Reference Bureau, et al, Appellee	
Pro Se:	No	
IFP Status:		



COUNSEL INFORMATION

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Receive EMail:	Yes	Email:
Representing:	Benninghoff, Kerry A., Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Causer, Martin T., Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Cutler, Bryan D., Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Metcalf, Daryl D., Appellee	
Pro Se:	No	
IFP Status:		

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Receive EMail:	Yes	Email:
Representing:	Pennsylvania Legislative Reference Bureau, et al, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Butash, Andrew	
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Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Pennsylvania Legislative Reference Bureau, et al, Appellee	
Pro Se:	No	
IFP Status:		



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 Pro Se: No
 IFP Status:
 Representing: Cutler, Bryan D., Appellee
 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:
 Representing: Cutler, Bryan D., Appellee
 Pro Se: No
 IFP Status:



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 IFP Status:
 Representing: Cutler, Bryan D., Appellee
 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:
 Representing: Martin, Scott, Appellee
 Pro Se: No
 IFP Status:
 Representing: Pittman, Joseph, Appellee
 Pro Se: No
 IFP Status:
 Representing: Ward, Kim, Appellee
 Pro Se: No
 IFP Status:
 Representing: Yaw, Gene, Appellee
 Pro Se: No
 IFP Status:

Attorney: Ballenger, Robert Wilson
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 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

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 IFP Status:

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 Pro Se: No
 IFP Status:

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 Amicus Curiae
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Representing: Damascus Citizens for Sustainability, Amicus Curiae
 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:

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 Pro Se: No
 IFP Status:



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 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of the Commonwealth Court at No. 41 MD 2022 dated November 1, 2023
 Appeal Filed Below: 11/21/2023 12:00:00AM
 Probable Jurisdiction Noted: June 7, 2024 Docketed Date: November 27, 2023
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:
 Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/21/2023	Notice of Appeal	90.25	11/27/2023	2023-SUP-M-002912	90.25
06/25/2024	Copy Work (Per Page)	14.00	06/25/2024	2024-SUP-M-001635	14.00
07/08/2024	Copy Work (Per Page)	6.00	07/08/2024	2024-SUP-M-001741	6.00

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: November 1, 2023
 Docket Number: 41 MD 2022
 Judge(s): Ceisler, Ellen OTN:
 Cohn Jubelirer, Renee
 Dumas, Lori A.
 McCullough, Patricia
 Wojcik, Michael H.
 Order Type: Order

ORIGINAL RECORD CONTENT



ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Exhibit(s)	June 11, 2024	4 Binders
Supplemental - 25 Parts	June 11, 2024	
Transcript(s)	June 11, 2024	5
Part(s)	June 11, 2024	4 Boxes

Record Remittal: February 6, 2026

BRIEFING SCHEDULE

Amicus Curiae		Appellee	
Calpine Corporation, et al.		Benninghoff, Kerry A.	
Brief		Brief	
Due: September 9, 2024	Filed: September 9, 2024	Due: September 9, 2024	Filed: September 9, 2024
Community Legal Services, Inc.		Causar, Martin T.	
Brief		Brief	
Due: July 22, 2024	Filed: July 22, 2024	Due: September 9, 2024	Filed: September 9, 2024
Damascus Citizens for Sustainability		Corman, Jake	
Brief		Brief	
Due: July 22, 2024	Filed: July 22, 2024	Due: September 9, 2024	Filed: September 9, 2024
Keystone Energy Efficiency Alliance, et al.		Cutler, Bryan D.	
Brief		Brief	
Due: July 22, 2024	Filed: July 22, 2024	Due: September 9, 2024	Filed: September 9, 2024
McKinstry., Robert B.		Martin, Scott	
Brief		Brief	
Due: July 22, 2024	Filed: July 22, 2024	Due: September 9, 2024	Filed: September 9, 2024
Natural Resources Defense Council		Supplemental Reproduced Record	
Brief		Metcalf, Daryl D.	
Due: July 22, 2024	Filed: July 22, 2024	Brief	
Pennsylvania Independent Oil & Gas Association		Due: September 9, 2024	Filed: September 9, 2024
Brief		Pennsylvania Legislative Reference Bureau, et al	
Due: September 9, 2024	Filed: September 9, 2024	Brief	
Pennsylvania Manufacturers' Association, et al.		Due: August 26, 2024	Filed:
Brief		Pittman, Joseph	
Due: September 9, 2024	Filed: September 9, 2024	Brief	
Pennsylvania Utility Law Project		Due: September 9, 2024	Filed: September 9, 2024
Brief		Supplemental Reproduced Record	
Due: July 22, 2024	Filed: July 22, 2024	Ward, Kim	
Widener University Commonwealth Law School		Brief	
Environmental Law and Sustainability Center		Due: September 9, 2024	Filed: September 9, 2024
Brief			



BRIEFING SCHEDULE

Amicus Curiae

**Widener University Commonwealth Law School
Environmental Law and Sustainability Center
Brief**

Due: July 22, 2024 Filed: July 22, 2024

Appellant

**Jessica Shirley, Interim Acting Secretary of the
Department of Environmental Protection
Brief**

Due: July 22, 2024 Filed: July 22, 2024

Reply Brief

Due: October 9, 2024 Filed: October 9, 2024

Reproduced Record

Due: July 22, 2024 Filed: July 22, 2024

Appellee

**Ward, Kim
Supplemental Reproduced Record**

Yaw, Gene**Brief**

Due: September 9, 2024 Filed: September 9, 2024

Supplemental Reproduced Record

SESSION INFORMATION

Journal Number: J-33A-2025
Listed/Submitted Date: May 13, 2025
Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No:		Judgment Date:	
Category:	Decided	Disposition Author:	Per Curiam
Disposition:	Appeal Dismissed	Disposition Date:	January 6, 2026
Dispositional Filing:	Order	Author:	Per Curiam
Filed Date:	January 6, 2026		

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 21, 2023	Notice of Appeal	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
November 21, 2023	Jurisdictional Statement	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 30, 2023	Praeipice for Appearance Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection	Appellant	Boyer, Jacob Biehl
November 30, 2023	Praeipice for Appearance Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection	Appellant	Burruss, John Chesley
November 30, 2023	Praeipice for Appearance Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection	Appellant	Watson, Travis Wood
December 5, 2023	Answer to Notice of Appeal & Jurisdictional Statement	Appellee Appellee Appellee Appellee	Martin, Scott Pittman, Joseph Ward, Kim Yaw, Gene
December 5, 2023	Answer to Notice of Appeal & Jurisdictional Statement	Appellee Appellee	Causer, Martin T. Cutler, Bryan D.
December 5, 2023	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Pennsylvania Legislative Reference Bureau, et al
June 7, 2024	Probable Jurisdiction Noted		Per Curiam
	Comments: AND NOW, this 7th day of June, 2024, probable jurisdiction is NOTED.		
June 7, 2024	Order Exited		Office of the Prothonotary
June 11, 2024	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania
June 21, 2024	Designation of Contents of Reproduced Record	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
July 1, 2024	Counter Designation of Contents of Reproduced Record	Appellee Appellee Appellee Appellee	Martin, Scott Pittman, Joseph Ward, Kim Yaw, Gene



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 22, 2024	Amicus Curiae Brief	Amicus Curiae Amicus Curiae	Community Legal Services, Inc. Pennsylvania Utility Law Project
July 22, 2024	Amicus Curiae Brief	Amicus Curiae	Damascus Citizens for Sustainability
July 22, 2024	Amicus Curiae Brief	Amicus Curiae Amicus Curiae	Widener University Commonwealth Law School Environmental Law and Sustainability Center McKinstry., Robert B.
July 22, 2024	Amicus Curiae Brief	Amicus Curiae	Keystone Energy Efficiency Alliance, et al.
Comments: Amicus Brief on behalf of Celentano Energy Services, CHP-Funder.com, eco(n)law LLC, Green Building Alliance, Keystone Energy Efficiency Alliance, Krug Architects, Performance Systems Development of New York, LLC, Philadelphia Solar Energy Association, RER Energy Services, Sumintra, and Vote Solar-Mid Atlantic			
July 22, 2024	Amicus Curiae Brief	Amicus Curiae	Natural Resources Defense Council
July 22, 2024	Appellant's Brief	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
July 22, 2024	Appellant's Reproduced Record Filed	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
August 6, 2024	Application for Extension of Time to File Brief - First Request	Appellee Appellee Appellee Appellee Appellee	Corman, Jake Martin, Scott Pittman, Joseph Ward, Kim Yaw, Gene
August 7, 2024	Application for Extension of Time to File Brief - First Request	Appellee Appellee Appellee Appellee	Benninghoff, Kerry A. Causer, Martin T. Cutler, Bryan D. Metcalf, Daryl D.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 8, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellee Appellee Appellee Appellee	Benninghoff, Kerry A. Causer, Martin T. Cutler, Bryan D. Metcalf, Daryl D.
August 9, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellee	Pennsylvania Legislative Reference Bureau, et al
August 9, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellee	Pennsylvania Legislative Reference Bureau, et al
August 9, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellee Appellee Appellee Appellee Appellee	Corman, Jake Martin, Scott Pittman, Joseph Ward, Kim Yaw, Gene
August 9, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
August 9, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
August 15, 2024	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 15th day of August, 2024, Senate Appellees' and House Appellees' applications for extensions of time are hereby GRANTED. Senate Appellees' and House Appellees' briefs are due to be filed in this Court on or before September 9, 2024.			
August 15, 2024	Order Exited		Office of the Prothonotary
September 9, 2024	Amicus Curiae Brief	Amicus Curiae	Calpine Corporation, et al.
Comments: Amicus Brief of Calpine Corporation, Tenaska Westmoreland Management, LLC, Fairness Energy LLC, and J-Power USA Development Co. LTD.			



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 9, 2024	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Manufacturers' Association, et al.
Comments: Amicus Brief of Pennsylvania Manufacturers' Association, Industrial Energy Consumers of Pennsylvania, Pennsylvania Energy Consumer Alliance, Pennsylvania Chamber of Business and Industry, and National Federation of Independent Business, Inc.			
September 9, 2024	Praecepte for Appearance Calpine Corporation, et al.	Amicus Curiae	Dixon, John Rolland
September 9, 2024	Praecepte for Appearance Calpine Corporation, et al.	Amicus Curiae	Nugent, Patrick Francis
September 9, 2024	Praecepte for Appearance Calpine Corporation, et al.	Amicus Curiae	Regan, John Paul
September 9, 2024	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Independent Oil & Gas Association
September 9, 2024	Appellee's Brief	Appellee Appellee Appellee Appellee Appellee	Corman, Jake Martin, Scott Pittman, Joseph Ward, Kim Yaw, Gene
September 9, 2024	Appellee's Brief	Appellee Appellee Appellee Appellee	Benninghoff, Kerry A. Causer, Martin T. Cutler, Bryan D. Metcalf, Daryl D.
September 10, 2024	Application for Extension of Time to File Brief - First Request	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
September 11, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellee Appellee Appellee Appellee	Martin, Scott Pittman, Joseph Ward, Kim Yaw, Gene
September 11, 2024	No Answer Letter to Application for Extension of Time to File Brief	Appellee	Pennsylvania Legislative Reference Bureau, et al
September 11, 2024	Answer to Application for Extension of Time to File Brief	Appellee Appellee	Causer, Martin T. Cutler, Bryan D.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 16, 2024	Order Granting Application for Extension of Time to File Brief		Dreibelbis, Amy
Comments: AND NOW, this 16th day of September, 2024, Appellants' Application for Extension of Time to File Reply Brief is hereby GRANTED. Appellants' reply brief is due to be filed in this Court on or before October 9, 2024.			
September 16, 2024	Order Exited		Office of the Prothonotary
October 9, 2024	Appellant's Reply Brief	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
February 19, 2025	Dispositional Memo Order		Per Curiam
Comments: AND NOW, this 19th day of February, 2025, oral argument is GRANTED in the appeals docketed at 106 MAP 2023, 107 MAP 2023, 110 MAP 2023, and 111 MAP 2023. The appeals docketed at 113 MAP 2023, 114 MAP 2023, 115 MAP 2023, and 116 MAP 2023 are submitted on the briefs, and the Court will not entertain them at oral argument. The Application of the Pennsylvania State Building and Construction Trades Council, AFL-CIO, for Leave to File Amicus Brief Nunc Pro Tunc in the appeal docketed at 111 MAP 2023 is GRANTED.			
February 19, 2025	Order Exited		Office of the Prothonotary
March 20, 2025	Acknowledgement of Argument Notice		
	Causer, Martin T.	Appellee	Kutz, James John
	Cutler, Bryan D.	Appellee	Kutz, James John
	Benninghoff, Kerry A.	Appellee	Kutz, James John
	Metcalfe, Daryl D.	Appellee	Kutz, James John
March 20, 2025	Acknowledgement of Argument Notice		
	Causer, Martin T.	Appellee	Kawa, Erin Renee
	Cutler, Bryan D.	Appellee	Kawa, Erin Renee
March 26, 2025	Acknowledgement of Argument Notice		
	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection	Appellant	Hazlett, Thomas W.
March 28, 2025	Acknowledgement of Argument Notice		
	Martin, Scott	Appellee	Khuri, Brigid Landy
	Corman, Jake	Appellee	Khuri, Brigid Landy
	Ward, Kim	Appellee	Khuri, Brigid Landy
	Yaw, Gene	Appellee	Khuri, Brigid Landy
	Pittman, Joseph	Appellee	Khuri, Brigid Landy



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 13, 2025	Argued Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection Ward, Kim	Appellant	Hazlett, Thomas W.
		Appellee	Khuri, Brigid Landy
November 13, 2025	Application to Discontinue Appeal	Appellant	Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection
November 17, 2025	Answer to Application to Discontinue Appeal	Appellee Appellee Appellee Appellee	Corman, Jake Martin, Scott Pittman, Joseph Ward, Kim
November 19, 2025	No Answer Letter to Application to Discontinue Appeal	Appellee	Pennsylvania Legislative Reference Bureau, et al
January 6, 2026	Appeal Dismissed		Per Curiam
Comments: AND NOW, this 6th day of January, 2026, upon consideration of Appellant's applications to discontinue the above-captioned appeals and the responses thereto, it is hereby ORDERED that the applications are GRANTED and the above-captioned appeals are DISMISSED.			
January 6, 2026	Order Exited		Office of the Prothonotary
February 6, 2026	Remitted		Office of the Prothonotary
Comments: Remitted to Commonwealth Court			
February 12, 2026	Acknowledgement of Record Remittal		Commonwealth Court of Pennsylvania

CROSS COURT ACTIONS

Docket Number:	41 MD 2022
Docket Number:	45 MAP 2022
Docket Number:	79 MAP 2022