



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 | |



April 24, 2026

RELATED CASES

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

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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 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 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 |



BRIEFING SCHEDULE

Amicus Curiae**Damascus Citizens for Sustainability****Keystone Energy Efficiency Alliance, et al.****Brief**

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

McKinstry., Robert B.**Brief**

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

Natural Resources Defense Council**Brief**

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

Pennsylvania Independent Oil & Gas Association**Brief**

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

Pennsylvania Manufacturers' Association, et al.**Brief**

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

Pennsylvania Utility Law Project**Brief**

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

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**Corman, Jake****Cutler, Bryan D.****Brief**

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

Martin, Scott**Brief**

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

Supplemental Reproduced Record**Metcalfe, Daryl D.****Brief**

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

Pennsylvania Legislative Reference Bureau, et al**Brief**

Due: August 26, 2024 Filed:

Pittman, Joseph**Brief**

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

Supplemental Reproduced Record**Ward, Kim****Brief**

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

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 |
| November 30, 2023 | Praecipe for Appearance Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection | Appellant | Boyer, Jacob Biehl |
| November 30, 2023 | Praecipe for Appearance Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection | Appellant | Burruss, John Chesley |
| November 30, 2023 | Praecipe 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 |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---|--|--|---|
| 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 |
| 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 |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|----------------|---|--|---|
| 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. |
| 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 |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---|--|--|---|
| 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. | | | |
| 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 | Praeceptum for Appearance Calpine Corporation, et al. | Amicus Curiae | Dixon, John Rolland |
| September 9, 2024 | Praeceptum for Appearance Calpine Corporation, et al. | Amicus Curiae | Nugent, Patrick Francis |
| September 9, 2024 | Praeceptum 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 |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---|---|--|---|
| 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. |
| 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 |



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|--------------------------|---|------------------|---|
| 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 |
| March 20, 2025 | Acknowledgement of Argument Notice | | |
| | Metcalfe, Daryl D. | Appellee | Kutz, James John |
| March 20, 2025 | Acknowledgement of Argument Notice | | |
| | Causer, Martin T. | Appellee | Kawa, Erin Renee |
| March 20, 2025 | Acknowledgement of Argument Notice | | |
| | 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 |
| March 28, 2025 | Acknowledgement of Argument Notice | | |
| | Pittman, Joseph | Appellee | Khuri, Brigid Landy |
| May 13, 2025 | Argued | | |
| | Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection | Appellant | Hazlett, Thomas W. |
| | Ward, Kim | 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 | Corman, Jake |
| | | Appellee | Martin, Scott |
| | | Appellee | Pittman, Joseph |
| | | Appellee | 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



DOCKET ENTRY

| Filed Date | Docket Entry / Representing | Participant Type | Filed By |
|---|-----------------------------|------------------|----------------------------|
| 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 |