

## Supreme Court of Pennsylvania



## Allocatur Docket Sheet

Docket Number: 7 MAL 2024

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August 27, 2025

## CAPTION

In re: Three Pennsylvania Skill Amusement Devices, One Green Bank Bag Containing \$525.00 in U.S. Currency, and Seven Receipts

Petition of: Commonwealth of Pennsylvania

## CASE INFORMATION

Initiating Document: Petition for Allowance of Appeal

Case Status: Closed

Journal Number:

Case Category: Civil Case Type(s): Return Property

## CONSOLIDATED CASES

## RELATED CASES

Docket No / Reason	Type
10 EAP 2023	Related
Similar Issues	
POM of PA v. Dept. of Rev., et al., Apl. of: DOR	
11 EAP 2023	Related
Similar Issues	
POM of PA v. Dept. of Rev., et al., Apl of: PGCB	
12 EAP 2023	Related
Similar Issues	
POM of PA v. Dept of Rev, Apl of: Greenwood, et al	
29 EAP 2023	Related
Similar Issues	
POM of PA, LLC v. PSP, Apl of: PA Gam. Control Bd.	
607 MAL 2023	Related
Similar Issues	
In re: Four PA Skill Amusement (Commonwealth)	

## COUNSEL INFORMATION

Attorney: Jarbola, Andrew John, IV

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Receive EMail: Yes Email:

Representing: Commonwealth of Pennsylvania, Petitioner

Pro Se: No

IFP Status:

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## COUNSEL INFORMATION

Attorney: Affronti, Susan Elizabeth  
 Pennsylvania Office of Attorney General  
 Address: 1000 Madison Ave Ste 310  
 Norristown, PA 19403  
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 Representing: Commonwealth of Pennsylvania, Petitioner  
 Pro Se: No  
 IFP Status:

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 Pennsylvania Office of Attorney General  
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 Harrisburg, PA 17120  
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 Receive Mail: Yes  
 Representing: Commonwealth of Pennsylvania, Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Schmidt, Christopher Joseph  
 Pennsylvania Office of Attorney General  
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 16TH Floor Strawberry Sq  
 Harrisburg, PA 17120-0001  
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 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Commonwealth of Pennsylvania, Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Bharkhda, Brianne  
 Covington & Burling LLP  
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 Washington, DC 20001  
 Phone No: (202) 662-5617  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: American Gaming Association, Petitioner Amicus Curiae  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney: Rosenthal, Jeffrey N.  
 Blank Rome LLP  
 Address: One Logan Sq 130 N 8th St  
 Philadelphia, PA 19103  
 Phone No: (215) 569-5553  
 Receive Mail: Yes  
 Representing: Greenwood Gaming and Entertainment, Inc., et al., Petitioner Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Zimmermann, Chad Westcott  
 Pennsylvania Gaming Control Board  
 Address: Pa Gaming Control Board  
 303 Walnut St Fl 5  
 Harrisburg, PA 17101  
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 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Pennsylvania Gaming Control Board, Petitioner Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Cook, Stephen S.  
 Pennsylvania Gaming Control Board  
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 Harrisburg, PA 17101  
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 Representing: Pennsylvania Gaming Control Board, Petitioner Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Carusone, Christopher D.  
 Cohen Seglias Pallas Greenhall & Furman, PC  
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 Pittsburgh, PA 15219  
 Phone No: (412) 227-5951  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Champions Sports Bar, Respondent  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney:	Voss, Joshua John	
	Kleinbard LLC	
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	Philadelphia, PA 19103	
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Receive EMail:	Yes	Email:
Representing:	Capital Vending Company, Inc., Respondent	
Pro Se:	No	
IFP Status:		

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Attorney:	Butkovitz, Edward Thomas	
	Kleinbard LLC	
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	Philadelphia, PA 19103	
Phone No:	(215) 568-2000	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Capital Vending Company, Inc., Respondent	
Pro Se:	No	
IFP Status:		

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Attorney:	Haverstick, Matthew Hermann	
	Kleinbard, LLC	
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	1717 Arch St Fl 5	
	Philadelphia, PA 19103	
Phone No:	(215) 568-2000	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Capital Vending Company, Inc., Respondent	
Pro Se:	No	
IFP Status:		

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Attorney:	Anderson, Erik Roberts	
	McNees Wallace & Nurick LLC	
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	P.o. Box 1166	
	Harrisburg, PA 17108-1166	
Phone No:	(717) 237-5420	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	G&B Amusements LLC, Respondent Amicus Curiae	
Pro Se:	No	
IFP Status:		

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## COUNSEL INFORMATION

Attorney:	Cooper, Scott B.	
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Phone No:	(717) 888-8888	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Pennsylvania Taverns and Players Association, Respondent Amicus Curiae	
Pro Se:	No	
IFP Status:		

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Attorney:	Lovecchio, Marc Francis	
Address:	McCormick Law Firm 835 West Fourth Street Williamsport, PA 17701	
Phone No:	(570) 326-5131	
Receive Mail:	Yes	
Representing:	Miele Manufacturing, Inc., c/o Marc F. Lovecchio, Esquire, 835 West Fourth Street, Respondent Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Pace-O-Matic, Inc., Respondent Amicus Curiae	
Pro Se:	No	
IFP Status:		

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Pro Se:	Loyal Order of Moose, Houtzdate Lodge No. 327	
Address:		
Pro Se:	Loyal Order of Moose, Houtzdate Lodge No. 327, Respondent Amicus Curiae	
Pro Se:	Yes	
IFP Status:		

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Attorney:	Senoff, David Samuel	
Address:	First Law Strategy Group LLC 8225 Germantown Ave Box NO 4065 Philadelphia, PA 19118	
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Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Pennsylvania Amusement and Music Machine Association, Respondent Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Shay's Vending Service of Lebanon, Inc., Respondent Amicus Curiae	
Pro Se:	No	
IFP Status:		

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## COUNSEL INFORMATION

Attorney: Woods, Corrie Allen

Address: 200 Commerce Dr Ste 210  
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Receive EMail: Yes Email:

Representing: Republic Amusements and Dillon Amusements, Respondent Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Hughey, Austin David

McNees Wallace & Nurick LLC

Address: 100 Pine St  
Harrisburg, PA 17101

Phone No: (864) 517-6871

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: G&B Amusements LLC, Respondent Amicus Curiae

Pro Se: No

IFP Status:

## SUPREME COURT INFORMATION

Appeal From:

Appeal Filed Below:

Probable Jurisdiction Noted:

Docketed Date:

January 3, 2024

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
01/02/2024	Petition for Allowance of Appeal Filed	90.25	01/03/2024	2024-SUP-M-000021	90.25

## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth

Date of Order: November 30, 2023

Judge(s): Cohn Jubelirer, Renee  
McCullough, Patricia  
Wojcik, Michael H.  
Fizzano Cannon, Christine  
Ceisler, Ellen  
Dumas, Lori A.  
Wallace, Stacy

Docket Number: 707 CD 2023

Rearg/Recon Disp Date:

Rearg/Recon Disposition:

Intermediate Appellate Court Action: Affirmed

Referring Court:

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## AGENCY/TRIAL COURT INFORMATION

Court Below: Dauphin County Court of Common Pleas  
 County: Dauphin Division: Dauphin County Civil Division  
 Date of Agency/Trial Court Order: March 23, 2023  
 Docket Number: 2022-CV-06333-MD  
 Judge(s): Dowling, Andrew H. OTN:  
 Order Type: Order

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
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## Record Remittal:

## DISPOSITION INFORMATION

Related Journal No: Judgment Date:  
 Category: Decided Disposition Author: Per Curiam  
 Disposition: Order Granting Petition for Allowance of Appeal Disposition Date: June 18, 2024  
 Dispositional Filing: Author:  
 Filed Date:

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 2, 2024	Petition for Allowance of Appeal	Petitioner	Commonwealth of Pennsylvania
January 2, 2024	Reproduced Record	Petitioner	Commonwealth of Pennsylvania
January 2, 2024	Amicus Brief In Support of Petition for Allowance of Appeal	Petitioner Amicus Curiae	Pennsylvania Gaming Control Board
January 2, 2024	Amicus Brief In Support of Petition for Allowance of Appeal	Petitioner Amicus Curiae	American Gaming Association

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 2, 2024	<b>Amicus Brief In Support of Petition for Allowance of Appeal</b>	Petitioner Amicus Curiae	Greenwood Gaming and Entertainment, Inc., et al.
Comments: Amicus Brief on behalf of: GREENWOOD GAMING AND ENTERTAINMENT, INC., D/B/A PARX CASINO; GW CUMBERLAND OP CO., D/B/A PARX CASINO SHIPPENSBURG; DOWNS RACING, L.P., D/B/A MOHEGAN SUN POCONO; MOUNTAINVIEW THOROUGHBRED RACING ASSOCIATION, LLC, D/B/A HOLLYWOOD CASINO AT PENN NATIONAL RACE COURSE, HOLLYWOOD CASINO MORGANTOWN AND HOLLYWOOD CASINO YORK; WASHINGTON TROTTING ASSOCIATION, LLC, D/B/A HOLLYWOOD CASINO AT THE MEADOWS; CHESTER DOWNS AND MARINA, LLC, D/B/A HARRAH'S PHILADELPHIA CASINO & RACETRACK; WIND CREEK BETHLEHEM, LLC, D/B/A WIND CREEK BETHLEHEM HOLDINGS ACQUISITION CO. L.P. D/B/A RIVERS CASINO PITTSBURGH; SUGARHOUSE HSP GAMING, LP D/B/A RIVERS CASINO PHILADELPHIA; MOUNT AIRY #1, LLC D/B/A MOUNT AIRY CASINO RESORT; WOODLANDS FAYETTE, LLC D/B/A LADY LUCK CASINO; STADIUM CASINO RE, LLC D/B/A LIVE! CASINO & HOTEL PHILADELPHIA; and STADIUM CASINO WESTMORELAND RE, LLC D/B/A LIVE! CASINO PITTSBURGH,			
January 19, 2024	<b>Answer to Petition for Allowance of Appeal</b>	Respondent	Champions Sports Bar
		Respondent	Capital Vending Company, Inc.
January 19, 2024	<b>Application for Leave to File Amicus Brief in Opposition to PAA</b>	Respondent Amicus Curiae	Shay's Vending Service of Lebanon, Inc.
January 19, 2024	<b>Application for Leave to File Amicus Brief in Opposition to PAA</b>	Respondent Amicus Curiae	Republic Amusements and Dillon Amusements
January 22, 2024	<b>Amicus Brief In Opposition of Petition for Allowance of Appeal</b>	Respondent Amicus Curiae	G&B Amusements LLC
January 24, 2024	<b>No Answer Letter to Application for Leave to File Amicus Brief in Opposition to PAA</b>	Respondent	Champions Sports Bar
January 24, 2024	<b>No Answer Letter to Application for Leave to File Amicus Brief in Opposition to PAA</b>	Respondent	Capital Vending Company, Inc.
January 26, 2024	<b>Petition for Leave to Reply to Answer</b>	Petitioner	Commonwealth of Pennsylvania
January 31, 2024	<b>Answer to Petition for Leave to Reply to Answer</b>	Respondent	Capital Vending Company, Inc.
February 1, 2024	<b>No Answer Letter to the Applications for Leave to File Amicus Brief in Opposition to PAA</b>	Petitioner	Commonwealth of Pennsylvania



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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 18, 2024	Order Granting Petition for Allowance of Appeal		Per Curiam

## Comments:

AND NOW, this 18th day of June, 2024, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioner, are:

(1) Does an electronic slot machine cease to be an illegal "gambling device," governed predominantly by chance, if the machine's manufacturers embed into its programming a so-called "skill" element that is almost entirely hidden from view and is almost impossible to complete?

(2) Should gambling statutes governing "slot machines" be read in pari materia to supply an appropriate definition of the term?

Petitioner's Petition for Leave to Reply to Answer Opposing Allowance of Appeal is DENIED.

The Application of Proposed Amici Curiae Republic Amusements and Dillon Amusements for Leave to Submit Amicus Curiae Brief in Opposition to Petition for Allowance of Appeal is GRANTED.

The Application for Leave of Amicus Curiae Shay's Vending Service of Lebanon, Inc., to File an Answer to Petition for Allowance of Appeal of Commonwealth of Pennsylvania is GRANTED.

June 18, 2024	Order Exited	Office of the Prothonotary
June 18, 2024	Case was transferred to 50 MAP 2024	Office of the Prothonotary

## Comments:

Case was transferred to 50 MAP 2024

## CROSS COURT ACTIONS

Docket Number:	50 MAP 2024
Docket Number:	606 MDA 2023
Docket Number:	707 CD 2023