

Miscellaneous Docket Sheet

Docket Number: 249 MD 2022

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November 24, 2024



CAPTION

Pennsylvania Independent Oil & Gas Association, Pennsylvania Grade Crude Oil Coalition, and Pennsylvania Independent Petroleum Producers Association, Petitioners

v.

Commonwealth of Pennsylvania, Department of Environmental Protection, Environmental Quality Board, Independent Regulatory Review Commission, and Legislative Reference Bureau, Respondents

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Closed
Case Processing Status: September 8, 2022 Completed
Journal Number:
Case Category: Miscellaneous Case Type(s): Equity

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Pennsylvania Independent Petroleum Producers Association

Pro Se: No

IFP Status:

Attorney: Steinbauer, Gary Edward
Law Firm: Babst, Calland, Clements and Zomnir, PC
Address: Babst Calland Clements & Zomnir Pc 603 Stanwix St Fl 6 Pittsburgh, PA 15222
Phone No: (412) 394-6590 Fax No:

Attorney: Mosites, Jean M.
Law Firm: Babst, Calland, Clements and Zomnir, PC
Address: Two Gateway Center 603 Stanwix Street, 6th Floor Pittsburgh, PA 15222
Phone No: (412) 394-5400 Fax No:

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COUNSEL INFORMATION

Petitioner Pennsylvania Independent Petroleum Producers Association

Pro Se: No

IFP Status:

Attorney: McKinley, Christina Maria Manfredi
Law Firm: Babst, Calland, Clements and Zomnir, P.C.
Address: Two Gateway Center
603 Stanwix Stree, 6th Floor
Pittsburgh, PA 15222
Phone No: (412) 394-5432 Fax No:

Petitioner Pennsylvania Independent Oil & Gas Association

Pro Se: No

IFP Status:

Attorney: Steinbauer, Gary Edward
Law Firm: Babst, Calland, Clements and Zomnir, PC
Address: Babst Calland Clements & Zomnir Pc
603 Stanwix St Fl 6
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COUNSEL INFORMATION

Petitioner **Pennsylvania Grade Crude Oil Coalition**

Pro Se: No

IFP Status:

Attorney: Steinbauer, Gary Edward
 Law Firm: Babst, Calland, Clements and Zomnir, PC
 Address: Babst Calland Clements & Zomnir Pc
 603 Stanwix St Fl 6
 Pittsburgh, PA 15222
 Phone No: (412) 394-6590 Fax No:

Attorney: Mosites, Jean M.
 Law Firm: Babst, Calland, Clements and Zomnir, PC
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 Pittsburgh, PA 15222
 Phone No: (412) 394-5400 Fax No:

Attorney: McKinley, Christina Maria Manfredi
 Law Firm: Babst, Calland, Clements and Zomnir, P.C.
 Address: Two Gateway Center
 603 Stanwix Stree, 6th Floor
 Pittsburgh, PA 15222
 Phone No: (412) 394-5432 Fax No:

Respondent **Legislative Reference Bureau**

Pro Se: No

IFP Status:

Attorney: Klein, Peter William
 Address: Legislative Reference Bureau
 501 N Third St 641 Main Capitol Bldg
 Harrisburg, PA 17120
 Phone No: (717) 787-4223 Fax No:

Attorney: Butash, Andrew
 Law Firm: Legislative Reference Bureau
 Address: Legislative Reference Bur
 501 N 3RD St 641 Main Capitol Bldg
 Harrisburg, PA 17120
 Phone No: (717) 787-4223 Fax No:

Attorney: Bogush, Mark Andrew
 Law Firm: Legislative Reference Bureau
 Address: 501 N 3RD St 641 Main Capitol Bldg
 Harrisburg, PA 17120
 Phone No: (717) 787-5323 Fax No:

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 249 MD 2022****Page 4 of 10****November 24, 2024****COUNSEL INFORMATION**

Respondent **Independent Regulatory Review Commission**
 Pro Se: No
 IFP Status:
 Attorney: Johnson, Leslie A. Lewis
 Law Firm: Independent Regulatory Review Commission
 Address: Independent Reg Review Comm
 333 Market St 14th Fl
 Harrisburg, PA 17101
 Phone No: (717) 783-5417 Fax No:

Respondent **Environmental Quality Board**
 Pro Se: No
 IFP Status:
 Attorney: Reiley, Robert Anthony
 Law Firm: Pennsylvania Office of General Counsel
 Address: Pa Dep Rcsob
 400 Market St 9th Fl
 Harrisburg, PA 17101-2301
 Phone No: (717) 787-0478 Fax No:

Respondent **Department of Environmental Protection**
 Pro Se: No
 IFP Status:
 Attorney: Stares, Diana
 Law Firm: Department of Environmental Protection
 Address: Dep Harrisburg Office Of Chief Counsel
 400 Market St 16th Fl
 Harrisburg, PA 17101
 Phone No: (717) 787-4449 Fax No:

 Attorney: Demjanick, Jennie Elizabeth
 Address: Bureau Of Regulatory Counsel
 400 Market Street, 9th Floor
 PO Box 8464
 Harrisburg, PA 17105-8464
 Phone No: (717) 787-7196 Fax No: (717) 783-7911

FEE INFORMATION

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|------------|---------------------------------|---------|------------|-------------------|-------------|
| 04/25/2022 | Miscellaneous Docket Filing Fee | 70.25 | 04/26/2022 | 2022-CMW-H-000824 | 70.25 |
| 04/29/2022 | Copy Work (Per Page) | 201.00 | 04/29/2022 | 2022-CMW-H-000849 | 201.00 |

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
 Order Type:
 Documents Received: April 25, 2022

Court Below:
 County: Division:
 Judge: OTN:
 Docket Number: Judicial District:

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Commonwealth Court of Pennsylvania

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ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content Description |
|----------------------|------------|---------------------|
|----------------------|------------|---------------------|

Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|-----------------------|---|------------------------------------|------------------|------------|
| April 25, 2022 | Petition for Review Filed | | | |
| | Pennsylvania Independent Oil & Gas Association | | Petitioner | |
| | Pennsylvania Grade Crude Oil Coalition | | Petitioner | |
| | Pennsylvania Independent Petroleum Producers Association | | Petitioner | |
| April 25, 2022 | Application for Relief | | | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas | Petitioner | |
| | Steinbauer, Gary Edward | Pennsylvania Grade Crude Oil Coali | Petitioner | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Petroleur | Petitioner | |
| | Document Name: Application for Expedited Summary and Special Relief | | | |
| April 27, 2022 | Notice Exited | | | |
| | Commonwealth Court Filing Office | | | |
| April 29, 2022 | Hearing Scheduled | | | 04/29/2022 |
| | Per Curiam | | | |
| | Document Name: On App. for Preliminary Injunction set for May 10, 2022 10:00 am/ Answer to App. for PI Due 5/5/2022 | | | |

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DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|-----------------------|---|---|------------------|-----------|
| | <p>Comment: NOW, April 29, 2022, upon consideration of Petitioners' Application for Expedited Summary and Special Relief (Application), Respondents are directed to file and serve a response to the Application no later than Thursday, May 5, 2022, at 4:00 p.m. The Court hereby further ORDERS as follows:</p> <ol style="list-style-type: none"> Hearing on the Application's request for a Preliminary Injunction is set for Tuesday, May 10, 2022, commencing at 10:00 a.m., in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. Petitioners shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, and a list of exhibits no later than 12:00 noon on Friday, May 6, 2022. Respondents shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, and a list of exhibits no later than 12:00 noon on Friday, May 6, 2022. The parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony. The parties are strongly encouraged to consult prior to the filing of their list of witnesses and exhibits and, if possible, enter into evidentiary and/or factual stipulations and/or agreed-upon protocols in order to streamline the proceedings. The parties may PAC-file any joint stipulations or protocols prior to the hearing. Petitioners shall retain the services of a court stenographer for the hearing. <p>Petitioners shall promptly serve a copy of this Order on Respondents and thereafter promptly file a proof of service of same.</p> | | | |
| April 29, 2022 | Certificate of Service Filed Steinbauer, Gary Edward Steinbauer, Gary Edward Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Grade Crude Oil Coalition Petitioner Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: Of the April 29, 2022 Order as Directed | | | |
| May 4, 2022 | Answer to Application for Relief Klein, Peter William | Legislative Reference Bureau | Respondent | |
| | Document Name: Legislative Ref. Bur.'s Response to App. for Summary and Special Relief | | | |
| May 4, 2022 | Notice Klein, Peter William | Legislative Reference Bureau | Respondent | |
| | Document Name: Re: Service of Response to Petition for Review | | | |
| May 5, 2022 | Entry of Appearance Demjanick, Jennie Elizabeth | Department of Environmental Protection | Respondent | |
| | Document Name: of Jeannie E. Demjanick, Esq. | | | |
| May 5, 2022 | Answer to Application for Relief Demjanick, Jennie Elizabeth | Department of Environmental Protection | Respondent | |
| | Document Name: DEP & Environmental Quality Board Answer in Opposition to Application for Expedited Summary and Special Relief. | | | |

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DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|--------------------|---|--|------------------|------------|
| May 5, 2022 | Preliminary Objections Johnson, Leslie A. Lewis | Independent Regulatory Review Cor Respondent | | |
| | Document Name: Independant Regulatory Review Commission's POs | | | |
| May 5, 2022 | Answer Filed Johnson, Leslie A. Lewis | Independent Regulatory Review Cor Respondent | | |
| | Document Name: Independent Regulatory Review Commission's Answer to Application for Expedited Summary Relief | | | |
| May 6, 2022 | Application for Continuance Steinbauer, Gary Edward Steinbauer, Gary Edward Steinbauer, Gary Edward McKinley, Christina Maria Manfredi Mosites, Jean M. McKinley, Christina Maria Manfredi McKinley, Christina Maria Manfredi Mosites, Jean M. Mosites, Jean M. Demjanick, Jennie Elizabeth Reiley, Robert Anthony | Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Grade Crude Oil Coali Petitioner Pennsylvania Independent Petroleur Petitioner Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Grade Crude Oil Coali Petitioner Pennsylvania Independent Petroleur Petitioner Pennsylvania Grade Crude Oil Coali Petitioner Pennsylvania Independent Petroleur Petitioner Department of Environmental Protec Respondent Environmental Quality Board Respondent | | |
| | Document Name: Jt. Motion for Continuance of Hearing and Related Deadlines in Court's April 29, 2022 Order | | | |
| May 6, 2022 | Answer to Application for Continuance Johnson, Leslie A. Lewis | Independent Regulatory Review Cor Respondent | | |
| May 6, 2022 | Order Granting Application for Continuance Per Curiam | | | 05/06/2022 |
| | Document Name: Preliminary Injunction Hearing is Continued Generally. Status Report Due June 3, 2022 | | | |
| | Comment: NOW, May 6, 2022, upon consideration of the Joint Motion for Continuance of Hearing and Related Deadlines in Court's April 29, 2022 Order (Joint Motion), ¹ this Court issues the following Order: The Joint Motion is hereby GRANTED. The preliminary injunction hearing scheduled for Tuesday, May 10, 2022 at 10:00 a.m. is hereby CONTINUED generally, as are the other deadlines set forth in the April 29, 2022 Order. The parties are directed to file a Joint Status Report with this Court on or before June 3, 2022 advising this Court as to the status of their settlement negotiations and the current status of the VOC rulemaking package that is the subject of this litigation. | | | |
| | <p>1 The Joint Motion was filed by Petitioners and Respondents the Department of Environmental Protection and the Environmental Quality Board. These parties report that "[c]ounsel for Petitioners contacted counsel for the [Independent Regulatory Review Commission (IRRC)] and [Legislative Reference Bureau (LRB)] seeking their concurrence with relief requested in this Joint Motion. In response, counsel for LRB indicated that the [LRB] does not concur with the relief sought in this Joint Motion. At the time of filing, IRRC had not responded to the request for concurrence." (Joint Motion, ¶ 8). Thereafter, IRRC filed an answer stating that it believes that the Petition and Application should either be withdrawn or dismissed but that "[n]onetheless, IRRC will neither challenge nor object to the request made in the Joint Motion."</p> | | | |

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DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|----------------------|---|---|------------------|------------|
| June 3, 2022 | Joint Status Report Steinbauer, Gary Edward Steinbauer, Gary Edward Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Grade Crude Oil Coalition Petitioner Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: Joint Status Report and Request To Extend Continuance | | | |
| June 6, 2022 | Answer Filed Steinbauer, Gary Edward Steinbauer, Gary Edward Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Grade Crude Oil Coalition Petitioner Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: Answer to Preliminary Objections of Independent Regulatory Review Commission | | | |
| June 9, 2022 | Order Filed Per Curiam | | | 06/09/2022 |
| | Document Name: Extension of Continuance is Granted / Status Report Due June 24, 2022 | | | |
| | Comment: NOW, June 9, 2022, upon consideration of the Joint Status Report and Request to Extend Continuance filed on June 3, 2022, the parties are directed to file a Joint Status Report with this Court on or before June 24, 2022 advising this Court of the status of their settlement discussions and whether any settlement has been reached. Accordingly, the request to extend the continuance previously ordered by this Court is GRANTED, and the continuance is hereby EXTENDED. | | | |
| June 13, 2022 | Filed - Other McKinley, Christina Maria Manfredi McKinley, Christina Maria Manfredi McKinley, Christina Maria Manfredi | Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Grade Crude Oil Coalition Petitioner Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: Important Notice | | | |
| June 21, 2022 | Preliminary Objections Demjanick, Jennie Elizabeth | Department of Environmental Protection Respondent | | |
| | Document Name: Of Respondents, To Petition For Review In The Nature of A Complaint For Declaratory & Injunctive | | | |
| June 21, 2022 | Preliminary Objections Klein, Peter William | Legislative Reference Bureau | Respondent | |
| | Document Name: To the petition for review in the nature of a complaint for declaratory and injunctive relief | | | |
| June 24, 2022 | Joint Status Report Steinbauer, Gary Edward Steinbauer, Gary Edward Steinbauer, Gary Edward Demjanick, Jennie Elizabeth Reiley, Robert Anthony | Pennsylvania Independent Oil & Gas Petitioner Pennsylvania Grade Crude Oil Coalition Petitioner Pennsylvania Independent Petroleum Petitioner Department of Environmental Protection Respondent Environmental Quality Board | Respondent | |
| | Document Name: And Request to Extend Continuance | | | |

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DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|------------------------|--|---|------------------|------------|
| June 29, 2022 | Order Directing Status Report Per Curiam | | | 06/29/2022 |
| | Document Name: Continuance Extended / Status Report Due July 22, 2022 | | | |
| | Comment: NOW, June 29, 2022, upon consideration of the Joint Status Report and Request to Extend Continuance filed on June 24, 2022, the parties are directed to file a Joint Status Report with this Court on or before July 22, 2022 advising this Court of the status of their settlement discussions and whether any settlement has been reached. Accordingly, the request to extend the continuance previously ordered by this Court is GRANTED, and the continuance is hereby EXTENDED. | | | |
| July 21, 2022 | Answer to Preliminary Objections Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Grade Crude Oil Coalition Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: Petitioner's Answer to POs of DEP and EQB | | | |
| July 21, 2022 | Answer to Preliminary Objections Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Grade Crude Oil Coalition Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: Petitioner's Answer to POs of Legislative Reference Bureau | | | |
| July 22, 2022 | Joint Status Report Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Grade Crude Oil Coalition Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: and Request to Extend Continuance | | | |
| July 25, 2022 | Order Directing Status Report Per Curiam | | | 07/26/2022 |
| | Document Name: The parties are directed to file a Joint Status Report on 8/25/2022 | | | |
| | Comment: NOW, July 26, 2022, upon consideration of the Joint Status Report and Request to Extend Continuance filed on July 22, 2022, further proceedings in this matter are hereby STAYED while the parties work toward settlement. The Court will issue a briefing schedule on the preliminary objections in the event the parties are unable to reach a settlement. Further, the parties are directed to file a Joint Status Report with this Court on or before August 25, 2022 advising the Court of the status of their settlement discussions and whether any settlement has been reached. | | | |
| August 25, 2022 | Joint Status Report Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Grade Crude Oil Coalition Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Petroleum Petitioner | | |
| | Document Name: and Request to stay | | | |
| August 29, 2022 | Order Directing Status Report Per Curiam | | | 08/29/2022 |
| | Document Name: Stay is Continued/ Status Report Due September 2, 2022 | | | |
| | Comment: NOW, August 29, 2022, upon consideration of the Joint Status Report and Request to Extend Stay filed on August 25, 2022, wherein the parties report that they have reached a settlement agreement and require more time to memorialize that agreement, the stay previously issued in this matter is hereby CONTINUED. Further, the parties are directed to file a Joint Status Report with this Court on or before September 2, 2022 advising the Court as to the status of this matter. | | | |

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DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|--------------------------|--|---|------------------|-----------|
| September 2, 2022 | Stipulation Filed | | | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Oil & Gas Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Grade Crude Oil Coalition Petitioner | | |
| | Steinbauer, Gary Edward | Pennsylvania Independent Petroleum Petitioner | | |
| | McKinley, Christina Maria Manfredi | Pennsylvania Independent Oil & Gas Petitioner | | |
| | Mosites, Jean M. | Pennsylvania Independent Oil & Gas Petitioner | | |
| | McKinley, Christina Maria Manfredi | Pennsylvania Grade Crude Oil Coalition Petitioner | | |
| | McKinley, Christina Maria Manfredi | Pennsylvania Independent Petroleum Petitioner | | |
| | Mosites, Jean M. | Pennsylvania Grade Crude Oil Coalition Petitioner | | |
| | Mosites, Jean M. | Pennsylvania Independent Petroleum Petitioner | | |
| | Reiley, Robert Anthony | Environmental Quality Board | Respondent | |
| | Document Name: Stipulation of Settlement | | | |

September 8, 2022 Dismissal Per Curiam 09/08/2022

Document Name: Case Dismissed

Comment: NOW, September 8, 2022, upon consideration of the Stipulation of Settlement filed by the parties, this matter is hereby DISMISSED WITHOUT PREJUDICE, with the parties agreeing that they may raise any and all factual or legal issues and defenses raised in this matter in a subsequent matter with this Court or before any other federal or state tribunal in any subsequent action. The Court notes that the parties further agree to bear their respective attorneys' fees, expenses, and costs associated with this matter.

DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Disposed Before Decision Disposition Author: Per Curiam

Disposition: Dismissal Disposition Date: September 8, 2022

Disposition Comment: NOW, September 8, 2022, upon consideration of the Stipulation of Settlement filed by the parties, this matter is hereby DISMISSED WITHOUT PREJUDICE, with the parties agreeing that they may raise any and all factual or legal issues and defenses raised in this matter in a subsequent matter with this Court or before any other federal or state tribunal in any subsequent action. The Court notes that the parties further agree to bear their respective attorneys' fees, expenses, and costs associated with this matter.

Dispositional Filing: Filing Author:

Filed Date: