



CAPTION

Rick Siger, in his capacity as Acting Secretary of the Department of Community and Economic Development
v.
City of Chester

Appeal of: City of Chester, Mayor Thaddeus Kirkland and City Council of the City of Chester

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Journal Number: J-34A-2023 May 24, 2023

Case Category: Administrative Agency Case Type(s): Community and Economic Development, Department of

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
101 MAP 2022 Same Record Below Siger, R. v. City of Chester Apl of: PFS VII, LLC	Related
15 MAP 2023 Same Record Below Dept of Comm and Econ Dev v. City of Chester, Apl	Related

COUNSEL INFORMATION

Attorney: Pfeiffer, Mark D.
Buchanan, Ingersoll & Rooney, P.C.

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Receive Mail: Yes

Receive EMail: Yes Email:

Representing: City Council of the City of Chester, Appellant

Pro Se: No

IFP Status:

Representing: City of Chester, Appellant

Pro Se: No

IFP Status:

Representing: Kirkland, Thaddeus, Appellant

Pro Se: No

IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:
 Representing: Kirkland, Thaddeus, Appellant
 Pro Se: No
 IFP Status:

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 Receive EMail: Yes Email:
 Representing: Pennsylvania Department of Community and Economic Development, Appellee
 Pro Se: No
 IFP Status:
 Representing: Siger, Rick, Appellee
 Pro Se: No
 IFP Status:

Attorney: Campbell, Sean Christopher
 Pennsylvania Department of Community & Economic Development
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 Representing: Pennsylvania Department of Community and Economic Development, Appellee
 Pro Se: No
 IFP Status:

Pro Se: Chester Economic Development Authority
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 Pro Se: Yes
 IFP Status:



COUNSEL INFORMATION

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 Pro Se: Chester Parking Authority, Appellee
 Pro Se: Yes
 IFP Status:

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 Pro Se: Chester Redevelopment Authority, Appellee
 Pro Se: Yes
 IFP Status:

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 Pro Se: No
 IFP Status:

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 Representing: PFS VII, LLC, Appellee
 Pro Se: No
 IFP Status:

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 Pro Se: Jacobs, William, Appellee
 Pro Se: Yes
 IFP Status:



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 Pro Se: No
 IFP Status:

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 IFP Status:



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 IFP Status:

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 IFP Status:

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 Pro Se: No
 IFP Status:

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 Representing: Pennsylvania Department of Community and Economic Development, Appellee
 Pro Se: No
 IFP Status:
 Representing: Siger, Rick, Appellee
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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Pro Se:	No	
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Pro Se:	No	
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Receive EMail:	Yes	Email:
Representing:	Chester Water Authority, Amicus Curiae	
Pro Se:	No	
IFP Status:		



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of the Commonwealth Court Order dated January 31, 2023 at No. 336 MD 2020.
 Appeal Filed Below: 2/7/2023 12:00:00AM

Probable Jurisdiction Noted: Docketed Date: February 8, 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
02/07/2023	Notice of Appeal	90.25	02/14/2023	2023-SUP-M-000436	90.25

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: January 31, 2023
 Docket Number: 336 MD 2020
 Judge(s): Ceisler, Ellen OTN:
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Transcript(s)		10
Exhibit(s)		6
Part(s)		131

Record Remittal: February 15, 2024



BRIEFING SCHEDULE

Amicus Curiae		Appellee	
Chester Water Authority		Chester Economic Development Authority	
Brief		Brief	
Due: April 13, 2023	Filed: May 4, 2023	Due: April 27, 2023	Filed:
County of Delaware		Chester Parking Authority	
Brief		Brief	
Due: April 27, 2023	Filed: April 27, 2023	Due: April 27, 2023	Filed:
Pennsylvania Lodge Fraternal Order of Police		Chester Redevelopment Authority	
Brief		Brief	
Due: April 27, 2023	Filed: April 26, 2023	Due: April 27, 2023	Filed:
Appellant		Dowearly, Michael	
City Council of the City of Chester		Brief	
Brief		Due: April 27, 2023	Filed: April 27, 2023
Due: April 13, 2023	Filed: April 13, 2023	Jacobs, William	
Reply Brief		Brief	
Due: May 4, 2023	Filed: May 4, 2023	Due: April 27, 2023	Filed:
Reproduced Record		Pennsylvania Department of Community and	
Due: April 13, 2023	Filed: April 13, 2023	Economic Development	
City of Chester		Letter in Lieu of Brief	
Brief		Due: April 27, 2023	Filed: April 26, 2023
Due: April 13, 2023	Filed: April 13, 2023	PFS VII, LLC	
Reply Brief		Brief	
Due: May 4, 2023	Filed: May 4, 2023	Due: April 27, 2023	Filed:
Reproduced Record		Siger, Rick	
Due: April 13, 2023	Filed: April 13, 2023	Brief	
Kirkland, Thaddeus		Due: April 27, 2023	Filed:
Brief		Stormwater Authority of the City of Chester	
Due: April 13, 2023	Filed: April 13, 2023	Brief	
Reply Brief		Due: April 27, 2023	Filed:
Due: May 4, 2023	Filed: May 4, 2023		
Reproduced Record			
Due: April 13, 2023	Filed: April 13, 2023		

SESSION INFORMATION

Journal Number: J-34A-2023
Listed/Submitted Date: May 24, 2023
Consideration Type: Oral Argument Supreme Ct.



DISPOSITION INFORMATION

Related Journal No:	J-34A-2023	Judgment Date:	January 29, 2024
Category:	Decided	Disposition Author:	Per Curiam
Disposition:	Affirmed	Disposition Date:	January 29, 2024
Dispositional Filing:	Order	Author:	Per Curiam
Filed Date:	January 29, 2024		
Dispositional Filing:	Majority Opinion	Author:	Wecht, David N.
Filed Date:	January 29, 2024		
Justice:	Todd, Debra	Vote:	Joins
Justice:	Donohue, Christine	Vote:	Joins
Dispositional Filing:	Concurring Opinion	Author:	Brobson, P. Kevin
Filed Date:	January 29, 2024		
Dispositional Filing:	Dissenting Opinion	Author:	Dougherty, Kevin M.
Filed Date:	January 29, 2024		
Justice:	Mundy, Sallie U.	Vote:	Join Dissenting Opinion

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 7, 2023	Notice of Appeal	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
Comments: PFS VII, LLC were Intevenors in Commonwealth Court			
February 7, 2023	Application to Stay Portions of the 1-31-23 Decision and Request for Expedited Consideration	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 8, 2023	Jurisdictional Statement	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Amicus Curiae	Chester Water Authority
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	Stormwater Authority of the City of Chester
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	Pennsylvania Department of Community and Economic Development
February 10, 2023	Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	Dowery, Michael
February 10, 2023	No Answer Letter to Jurisdictional Statement and Application for Stay	Appellee	PFS VII, LLC
February 10, 2023	Answer to Notice of Appeal & Jurisdictional Statement	Appellee	Dowery, Michael
February 14, 2023	Notice of Non-Participation	Amicus Curiae	Chester Water Authority
February 27, 2023	Order Regarding Application for Stay - Other Disposition		Per Curiam
Comments:			
<p>AND NOW, this 27th day of February, 2023, upon consideration of this Court's jurisdiction to entertain the merits of this appeal and Appellants' Application to Stay Portions of the Commonwealth Court's January 31, 2023 Order Confirming in Part, and Denying in Part, the Receiver's Modification of the Act 47 Recovery Plan for the City of Chester and Request for Expedited Consideration (Application), as well as the answer in opposition thereto filed by Michael Dowery, in his capacity as the statutory receiver for the City of Chester, the Court directs the parties to file supplemental memoranda of law pertaining to the applicability of Pa.R.A.P. 311(a)(2) to the current appeal and the propriety of the Court's exercise of its plenary or King's Bench jurisdiction over the appeal, as well as the impact of Appellants' notice of appeal under Pa.R.A.P. 1736(b). Appellants' memorandum of law is due by March 6, 2023, and Appellee's responsive memorandum of law is due by March 13, 2023.</p> <p>Justice Dougherty would enter a stay pending further review.</p>			
February 27, 2023	Order Exited		Office of the Prothonotary
March 6, 2023	Memorandum of Law	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 8, 2023	No Memorandum of Law to be Filed Letter	Appellee	Pennsylvania Department of Community and Economic Development
March 13, 2023	Responsive Memorandum of Law	Appellee	Dowearly, Michael
March 22, 2023	Application to Amend Responsive Memorandum of Law	Appellee	Dowearly, Michael
March 22, 2023	No Answer letter to Application to Amend Responsive Memorandum of Law	Appellee	PFS VII, LLC
March 23, 2023	No Answer letter to Application to Amend Responsive Memorandum of Law	Appellee	Pennsylvania Department of Community and Economic Development
March 24, 2023	No Answer letter to Application to Amend Responsive Memorandum of Law	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
March 24, 2023	No Answer letter to Application to Amend Responsive Memorandum of Law	Amicus Curiae	Chester Water Authority



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 29, 2023	Order Exercising King's Bench Jurisdiction and Dismissing Application for Stay		Per Curiam
Comments:			
AND NOW, this 29th day of March, 2023, upon consideration of the Notices of Appeals, Jurisdictional Statements and answers thereto, and Supplemental Briefs submitted by the parties, King's Bench jurisdiction is EXERCISED over these matters. The parties are directed to brief the following questions as set forth in the Jurisdictional Statements:			
1. Whether the City's home rule charter may be amended without a voter referendum required by Article IX, Section 2 of the Pennsylvania Constitution[?]			
2. Whether the modification to the Act 47 recovery plan may change the form of local government[?]			
3. Whether the administrative duties of the appointed officials may be suspended by a modification to an Act 47 recovery plan[?]			
4. Whether an Act 47 receiver may be given the right to remove items from the legislative agenda of city council[?]			
5. Whether a city solicitor may be required to disclose privileged information to an Act 47 receiver[?]			
6. Whether the confirmed modifications to the Act 47 recovery plan are necessary to achieve financial stability of the distressed municipality[?]			
7. Whether the separation of powers doctrine permits the Commonwealth Court to empower a receiver to exercise control over a local government[?].			
8. Whether the facts of the case warrant the suspension of the administrative duties of the officials [?]			
9. Whether the Commonwealth Court should have employed a more narrow remedy than suspension of the duties of the officials[?]			
The Prothonotary is directed to establish a briefing schedule so that this matter can be listed for our May 2023 argument in Harrisburg.			
The Application to Stay filed at 12 MAP 2023 is DISMISSED as moot, given the existence of the automatic supersedeas. See Pa.R.A.P. 3309(d) (indicating that, where this Court exercises its extraordinary or King's Bench jurisdiction, Chapter 17 of the Rules of Appellate Procedure applies); see also Pa.R.A.P. 1736(b) (delineating the automatic supersedeas).			
March 29, 2023	Order Exited		Office of the Prothonotary
March 29, 2023	Application to Amend Responsive Memorandum of Law Dismissed as Moot		Per Curiam
March 31, 2023	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania
April 13, 2023	Appellant's Brief	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester
April 13, 2023	Appellant's Reproduced Record Filed	Appellant Appellant Appellant	City of Chester Kirkland, Thaddeus City Council of the City of Chester



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
April 26, 2023	Acknowledgement of Argument Notice		
	Kirkland, Thaddeus	Appellant	Pfeiffer, Mark D.
	City of Chester	Appellant	Pfeiffer, Mark D.
	City Council of the City of Chester	Appellant	Pfeiffer, Mark D.
April 26, 2023	Letter in Lieu of Brief	Appellee	Pennsylvania Department of Community and Economic Development
April 26, 2023	Untimely Amicus Brief Received and Returned	Amicus Curiae	Chester Water Authority
April 26, 2023	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Lodge Fraternal Order of Police
April 27, 2023	Application for Leave to File Amicus Brief Nunc Pro Tunc	Amicus Curiae	Chester Water Authority
April 27, 2023	Appellee's Brief	Appellee	Dowearly, Michael
April 27, 2023	Amicus Curiae Brief	Amicus Curiae	County of Delaware
May 1, 2023	Acknowledgement of Argument Notice		
	Dowearly, Michael	Appellee	Allen, Tiffany R.
	Dowearly, Michael	Appellee	McLaughlin, John Patrick
	Dowearly, Michael	Appellee	Patchen, Benjamin Richard
May 2, 2023	No Answer Letter		
		Appellant	City of Chester
		Appellant	Kirkland, Thaddeus
		Appellant	City Council of the City of Chester
May 3, 2023	No Answer Letter	Appellee	PFS VII, LLC
May 3, 2023	No Answer Letter	Appellee	Dowearly, Michael
May 3, 2023	No Answer Letter	Appellee	Pennsylvania Department of Community and Economic Development
May 4, 2023	Appellant's Reply Brief		
		Appellant	City of Chester
		Appellant	Kirkland, Thaddeus
		Appellant	City Council of the City of Chester



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 4, 2023	Order Granting Application for Leave to File Amicus Brief Nunc Pro Tunc		Dreibelbis, Amy
Comments: AND NOW, this 4th day of May, 2023, Chester Water Authority's Application for Leave to File Amicus Brief Nunc Pro Tunc is granted and the Amicus Curiae Brief received from Chester Water Authority on April 26, 2023 is accepted for filing.			
May 4, 2023	Order Exited		Office of the Prothonotary
May 4, 2023	Amicus Curiae Brief	Amicus Curiae	Chester Water Authority
May 24, 2023	Argued		
	City of Chester	Appellant	Pfeiffer, Mark D.
	Kirkland, Thaddeus	Appellant	Pfeiffer, Mark D.
	City Council of the City of Chester	Appellant	Pfeiffer, Mark D.
	Dowery, Michael	Appellee	Allen, Tiffany R.
May 30, 2023	Praecipe for Withdrawal of Appearance		
	Pennsylvania Department of Community and Economic Development	Appellee	Teplitz, Robert Forman
January 29, 2024	Affirmed		Per Curiam
Comments: AND NOW, this 29th day of January, 2024, because the Justices are unable to reach consensus regarding the disposition of the Commonwealth Court's order, the order of the Commonwealth Court is AFFIRMED by operation of law.			
January 29, 2024	Judgment Entered		Office of the Prothonotary
February 15, 2024	Remitted		Office of the Prothonotary
February 16, 2024	Acknowledgement of Record Remittal		Commonwealth Court of Pennsylvania

CROSS COURT ACTIONS

Docket Number:	101 MAP 2022
Docket Number:	191 MM 2025
Docket Number:	336 MD 2020