

Miscellaneous Docket Sheet

Docket Number: 478 MD 2024

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December 23, 2024



CAPTION

Patrick M. Browne, Secretary, Pennsylvania Department of Revenue, Petitioner

v.

Senate of PA, Joseph Pittman, Majority Leader; Kim Ward, President Pro Tempore of the Senate; Senate Intergovernmental Operations Committee, Jarrett Coleman, Chair; and Max Bartlebaugh, Sergeant of Arms of the Pennsylvania Senate, Respondents

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Closed
Case Processing Status: December 2, 2024 Completed

Journal Number:

Case Category: Miscellaneous Case Type(s): Equity

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason Type
480 MD 2024 Related
Similar Issue(s)

COUNSEL INFORMATION

Petitioner Browne, Patrick M.
Pro Se: No
IFP Status:
Attorney: Howell, Thomas Paul
Law Firm: Pennsylvania Governor's Office of General Counsel
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333 Market St 17th Fl
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COUNSEL INFORMATION

Respondent Ward, Kim

Pro Se: No

IFP Status:

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Attorney: Haverstick, Matthew Hermann
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Attorney: McIntosh, Gregory Burns
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Respondent Senate of Pennsylvania

Pro Se: No

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COUNSEL INFORMATION

Respondent Senate Intergovernmental Operations Committee

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Respondent Pittman, Joseph

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COUNSEL INFORMATION

Respondent Coleman, Jarrett

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Attorney: McIntosh, Gregory Burns
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Respondent Bartlebaugh, Max

Pro Se: No

IFP Status:

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Law Firm: Dauphin County Tax Claim Bureau
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FEE INFORMATION

Table with 6 columns: Fee Dt, Fee Name, Fee Amt, Receipt Dt, Receipt No, Receipt Amt. Row 1: 10/07/2024, Miscellaneous Docket Filing Fee, 70.25, 10/08/2024, 2024-CMW-H-001527, 70.25

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Commonwealth Court of Pennsylvania

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AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
 Order Type:
 Documents Received: October 7, 2024

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

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 7, 2024	Petition for Review Filed Browne, Patrick M.		Petitioner	
October 8, 2024	Notice Exited Commonwealth Court Filing Office			
October 8, 2024	Amended - Petition for Review Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
October 8, 2024	Application for Emergency Relief Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
	Document Name: Petitioner's Application for Emergency Expedited Special and Summary Relief			
October 9, 2024	Entry of Appearance Voss, Joshua John	Senate of Pennsylvania	Respondent	
	Voss, Joshua John	Pittman, Joseph	Respondent	
	Voss, Joshua John	Ward, Kim	Respondent	
	Voss, Joshua John	Coleman, Jarrett	Respondent	
	Voss, Joshua John	Senate Intergovernmental Operation	Respondent	
	Haverstick, Matthew Hermann	Senate of Pennsylvania	Respondent	
	McIntosh, Gregory Burns	Senate of Pennsylvania	Respondent	
	Haverstick, Matthew Hermann	Pittman, Joseph	Respondent	
	McIntosh, Gregory Burns	Pittman, Joseph	Respondent	
	Haverstick, Matthew Hermann	Ward, Kim	Respondent	
	McIntosh, Gregory Burns	Ward, Kim	Respondent	
	Haverstick, Matthew Hermann	Coleman, Jarrett	Respondent	
	McIntosh, Gregory Burns	Coleman, Jarrett	Respondent	
	Haverstick, Matthew Hermann	Senate Intergovernmental Operation	Respondent	
	McIntosh, Gregory Burns	Senate Intergovernmental Operation	Respondent	
	Document Name: Attys. Haverstick, McIntosh and Voss for Respondents			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 9, 2024	Order Filed Per Curiam			10/09/2024
	Document Name: Respondents' Answer to Emergency Expedited Relief is Due Oct. 11, 2024, 12:00pm			
	Comment: NOW, October 9, 2024, the Senate of PA, Joseph Pittman, Majority Leader; Kim Ward, President Pro Tempore of the Senate; Senate Intergovernmental Operations Committee, Jarrett Coleman, Chair; and Max Bartlebaugh, Sergeant of Arms of the Pennsylvania Senate (Respondents) shall file and serve an answer or other response to Petitioner's Application for Emergency Expedited Special and Summary Relief no later than 12:00 p.m. on October 11, 2024. The answer or other response shall be filed by PAC-File (the Pennsylvania appellate court electronic filing system). Petitioner is directed to serve a copy of this Order by electronic mail on Respondents in care of counsel, jvoss@kleinbard.com.			
October 9, 2024	Entry of Appearance Anderson, Erik Roberts	Bartlebaugh, Max	Respondent	
	Document Name: Atty. Anderson for Respondent Bartlebaugh			
October 9, 2024	Entry of Appearance Gonder, Ryan T.	Bartlebaugh, Max	Respondent	
	Document Name: Atty. Gonder for Respondent Bartlebaugh			
October 9, 2024	Entry of Appearance Hoke, Matthew L.	Bartlebaugh, Max	Respondent	
	Document Name: Atty. Hoke for Respondent Bartlebaugh			
October 10, 2024	Status Conference Scheduled Per Curiam			10/10/2024
	Document Name: October 11, 2024, 3:00pm, via Telephone			
	Comment: NOW, October 10, 2024, a joint status conference is hereby scheduled for Friday, October 11, 2024, at 3:00 p.m., in relation to Patrick M. Browne, Secretary, Pennsylvania Department of Revenue's (Petitioner Secretary) "Application for Emergency Expedited Special and Summary Relief" in 478 M.D. 2024, and in relation to Senator Jay Costa, Minority Leader, Senate of Pennsylvania; Senator Tina Tartaglione, Minority Chair, Senate Intergovernmental Operations Committee; Senator Vincent J. Hughes, and Senator Nikil Saval, Members, Senate Intergovernmental Operations Committee's (collectively, Petitioners) "Petition for Special Preliminary Injunctive Relief" and "Emergency Application for Expedited Hearing" in 480 M.D. 2024. The status conference shall be conducted by telephone call with counsel of record and shall be heard by a designated judge of this Court. The Court will contact counsel and parties of record to confirm the call and to provide the call-in information. While jointly scheduled for a status conference, 478 M.D. 2024 and 480 M.D. 2024 remain unconsolidated. Petitioner Secretary shall secure the services of a court stenographer for the Hearing. Petitioner Secretary and Petitioners shall immediately serve a copy of this Order on Respondents in each respective matter and promptly filed proof of service thereof.			
October 10, 2024	Certificate of Service Filed Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
	Document Name: Service of Oct. 10, 2024 Order			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 11, 2024	Answer to Application for Emergency Relief			
	Voss, Joshua John	Senate of Pennsylvania	Respondent	
	Voss, Joshua John	Pittman, Joseph	Respondent	
	Voss, Joshua John	Ward, Kim	Respondent	
	Voss, Joshua John	Coleman, Jarrett	Respondent	
	Voss, Joshua John	Senate Intergovernmental Operation	Respondent	
	Document Name: Senate Respondents' Answer to Application for Emergency Relief and Cross Application for Summary			
October 11, 2024	Answer to Application for Emergency Relief			
	Anderson, Erik Roberts	Bartlebaugh, Max	Respondent	
	Document Name: Respondent Bartlebaugh's Answer to Application for Emergency Relief and Cross Application for			
	Comment: Summary Relief			
October 11, 2024	Order Filed			10/11/2024
	Per Curiam			
	Document Name: Answers to Cross Applications for Summary Relief due Oct. 14, 2024, 12:00pm			
	Comment: NOW, October 11, 2024, Patrick M. Browne (Petitioner) shall file and serve an answer or other response to Senate of PA, Joseph Pittman, Majority Leader; Kim Ward, President Pro Tempore of the Senate; Senate Intergovernmental Operations Committee, Jarrett Coleman, Chair's (collectively, Senate Respondents) Cross-Application for Summary Relief, to which Max Bartlebaugh, Chief Sergeant-at-Arms of the Pennsylvania Senate (CSA Respondent) joins, no later than 12:00 p.m. on Monday, October 14, 2024. In addition, Petitioner shall file and serve an answer or other response to CSA Respondent's separate Cross-Application for Summary Relief no later than 12:00 p.m. on Monday, October 14, 2024. The answers or other responses shall be filed by PAC-File (the Pennsylvania appellate court electronic filing system). Senate Respondents are directed to serve a copy of this Order on Petitioner.			
October 14, 2024	Answer Filed			
	Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
	Document Name: Answer to Senate Resps. Cross-App for Summary Rel.			
October 14, 2024	Answer Filed			
	Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
	Document Name: Answer to Chief Sergeant at Arms Cross-App for Summary Rel.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 15, 2024	Order Denying Application for Emergency Relief Wolf, Matthew S.			10/15/2024
	Document Name: Petitioner's Application for Emergency Expedited Special and Summary Relief is Denied Comment: NOW, this 15th day of October, 2024, upon consideration of Patrick M. Browne's, Secretary, Pennsylvania Department of Revenue (Secretary Browne) "Application for Emergency Expedited Special and Summary Relief" (Emergency Application), 1 and Respondents' answer thereto, Secretary Browne's Emergency Application is DENIED.2			
	<p>1 Through the Emergency Application, Secretary Browne seeks relief in the form of a writ prohibiting the Sergeant at Arms of the Senate from taking custody or otherwise compelling his physical movement and a judgment declaring that the Senate of Pennsylvania is without authority to compel him to disclose certain information requested in a July 10, 2024 Subpoena issued by the Senate Intergovernmental Operations Committee. See Emergency Application at 7.</p> <p>2 Emergency relief is not warranted as the case is not ripe for determination. See <i>Camiel v. Select Committee on State Contract Practices of the House of Representatives</i>, 324 A.2d 862, 870 (Pa. Cmwlth. 1974). In <i>Camiel</i>, a select committee of the Pennsylvania House of Representatives issued a subpoena duces tecum to Peter J. Camiel, who challenged the subpoena on the grounds that it was so broad and indefinite that it violated his constitutional rights. We explained that while Camiel had "raised real issues which may some day have to be decided by the courts. . . this case does not yet present a justiciable issue and therefore is not ripe for a decision on the merits." <i>Id.</i> at 865. The case was not ripe because "there ha[d] been no confrontation." <i>Id.</i> at 866; see also <i>Costa v. Ward</i>, 290 A.3d 335, 349 (Pa. Cmwlth. 2023), vacated on other grounds, 310 A.3d 229 (Pa. 2024) ("[This] Court will not decide issues raised by a legislative subpoena that are capable of being resolved by negotiation and compromise or change of heart."). As in <i>Camiel</i>, there has been no confrontation, and the instant matter is therefore not yet justiciable. Accordingly, we withhold from "ruling on the merits of the case in any manner." <i>Camiel</i>, 324 A.2d at 870. Secretary Browne may "commence an action after definitive issues are struck, if he so desires." <i>Id.</i></p>			
October 16, 2024	Notice of Appeal to PA Supreme Court Filed Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
	Document Name: 83 MAP 2024			
October 16, 2024	Filed - Other Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
	Document Name: 83 MAP 2024-Jurisdictional Statement.			
October 23, 2024	Transcript Filed Court Reporter			
	Document Name: Proceedings of 10/11/24.			
December 2, 2024	Praecepte for Discontinuance Howell, Thomas Paul	Browne, Patrick M.	Petitioner	
December 3, 2024	Discontinued Howell, Thomas Paul	Browne, Patrick M.	Petitioner	12/03/2024
December 3, 2024	Notice of Discontinuance Krimmel, Michael			

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DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Howell, Thomas Paul
Category:	Disposed Before Decision	Disposition Date:	December 3, 2024
Disposition:	Discontinued	Filing Author:	
Dispositional Filing:			
Filed Date:			