Sealed Documents

Supreme Court of Pennsylvania

Miscellaneous Docket Sheet

Docket Number: 20 MM 2023

November 2, 2026

CAPTION

Stadium Casino RE, LLC, Petitioner
v.
Pennsylvania Gaming Control Board, Respondent

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed
Journal Number: J-3-2024 January 22, 2024

Case Category: Administrative Agency
Case Type(s): Gaming Control Board

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
43 MM 2023 Same Record Below Stadium Casino RE,LLC v PGCB etal Petof: SC Gaming	Related
44 MM 2023 Same Record Below Stadium Casino RE,LLC v PGCB etal Petof: SC Gaming	Related
49 MM 2023 Same Record Below Stadium Casino RE, LLC v. PGCB et al, Pet of: PGCB	Related
50 MM 2023 Same Record Below Stadium Casino RE, LLC v. PGCB et al Pet of: PGCB	Related
148 MT 2023 Similar Issues Stadium Casino RE,LLC v PGCB etal Petof: SC Gaming	Related

COUNSEL INFORMATION

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Representing: Stadium Casino RE, LLC, Petitioner
Pro Se: No
IFP/Waiver:

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COUNSEL INFORMATION

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Representing:	Stadium Casino RE, LLC, Petitioner	
Pro Se:	No	
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Representing:	Stadium Casino RE, LLC, Petitioner	
Pro Se:	No	
IFP/Waiver:		

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Pro Se:	No	
IFP/Waiver:		

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Receive EMail:	Yes	Email:
Representing:	Lubert, Ira, Intervenor - Respondent	
Pro Se:	No	
IFP/Waiver:		
Representing:	SC Gaming OpCo, LLC, Intervenor - Respondent	
Pro Se:	No	
IFP/Waiver:		

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COUNSEL INFORMATION

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Pro Se:	No	
IFP/Waiver:		
Representing:	SC Gaming OpCo, LLC, Intervenor - Respondent	
Pro Se:	No	
IFP/Waiver:		

Attorney:	Hazlett, Thomas W.	
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Receive EMail:	Yes	Email:
Representing:	Lubert, Ira, Intervenor - Respondent	
Pro Se:	No	
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Representing:	SC Gaming OpCo, LLC, Intervenor - Respondent	
Pro Se:	No	
IFP/Waiver:		

Attorney:	Kearney, Brian Nolan	
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Representing:	Lubert, Ira, Intervenor - Respondent	
Pro Se:	No	
IFP/Waiver:		
Representing:	SC Gaming OpCo, LLC, Intervenor - Respondent	
Pro Se:	No	
IFP/Waiver:		

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COUNSEL INFORMATION

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Pro Se:	No
IFP/Waiver:	
Representing:	SC Gaming OpCo, LLC, Intervenor - Respondent
Pro Se:	No
IFP/Waiver:	

Attorney:	Cook, Stephen S.
	Pennsylvania Gaming Control Board
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Receive EMail:	Yes Email:
Representing:	Pennsylvania Gaming Control Board, Respondent
Pro Se:	No
IFP/Waiver:	

Attorney:	Flessner, Maximilian Frederick
	Pennsylvania Gaming Control Board
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Receive Mail:	Yes
Receive EMail:	Yes Email:
Representing:	Pennsylvania Gaming Control Board, Respondent
Pro Se:	No
IFP/Waiver:	

Attorney:	Straszynski, Daniel Martin
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Receive Mail:	Yes
Receive EMail:	Yes Email:
Representing:	Pennsylvania Gaming Control Board, Respondent
Pro Se:	No
IFP/Waiver:	

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COUNSEL INFORMATION

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Receive EMail: Yes Email:
Representing: Pennsylvania Gaming Control Board, Respondent
Pro Se: No
IFP/Waiver:

SUPREME COURT INFORMATION

Appeal From: the PA Gaming Control Board's February 7, 2023 Adjudication at No. 9923-2021.
Appeal Filed Below:

Probable Jurisdiction Noted: Docketed Date: February 24, 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
02/23/2023	Petition for Review	90.25	02/24/2023	2023-SUP-M-000530	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: Pennsylvania Gaming Control Board
County: Division: Pennsylvania Gaming Control Board
Date of Agency/Trial Court Order: February 7, 2023
Docket Number: 9923-2021
Judge(s): OTN:
Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Part(s)	April 04, 2023	3
Part(s)	April 04, 2023	2 (in camera)
Part(s)	August 08, 2023	17 (in camera)
Part(s)	September 28, 2023	2 (in camera)

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Sealed Documents

Supreme Court of Pennsylvania

Miscellaneous Docket Sheet

Docket Number: 20 MM 2023

November 2, 2026

Record Remittal: **August 19, 2024**

BRIEFING SCHEDULE

Petitioner

Stadium Casino RE, LLC

Brief

Due: November 15, 2023 Filed: November 15, 2023

Reply Brief

Due: January 19, 2024 Filed: January 19, 2024

Reproduced Record

Due: November 15, 2023 Filed: November 15, 2023

Intervenor - Respondent

Lubert, Ira

Brief

Due: January 2, 2024 Filed: January 2, 2024

SC Gaming OpCo, LLC

Brief

Due: January 2, 2024 Filed: January 2, 2024

Respondent

Pennsylvania Gaming Control Board

Brief

Due: January 2, 2024 Filed: January 2, 2024

Supplemental Reproduced Record

Due: October 27, 2023 Filed:

SESSION INFORMATION

Journal Number: J-3-2024
Listed/Submitted Date: January 22, 2024
Consideration Type: Submit on Briefs Supreme

DISPOSITION INFORMATION

Related Journal No:	J-3-2024	Judgment Date:	July 17, 2024
Category:	Decided	Disposition Author:	Donohue, Christine
Disposition:	Affirmed	Disposition Date:	July 17, 2024
Dispositional Filing:	**Majority Opinion**	Author:	Donohue, Christine
Filed Date:	July 17, 2024		

Justice:	Todd, Debra	Vote:	Joins
Justice:	Dougherty, Kevin M.	Vote:	Joins
Justice:	Wecht, David N.	Vote:	Joins
Justice:	Mundy, Sallie U.	Vote:	Joins
Justice:	Brobson, P. Kevin	Vote:	Joins
Justice:	McCaffery, Daniel D.	Vote:	Joins

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 23, 2023	**Petition for Review**	Petitioner	Stadium Casino RE, LLC

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 1, 2023	**Praecipe for Appearance**		
	Pennsylvania Gaming Control Board	Respondent	Zimmermann, Chad Westcott
	Pennsylvania Gaming Control Board	Respondent	Straszynski, Daniel Martin
March 9, 2023	**Application for Relief in the Form of a Stay of Proceedings Pending Disposition of a Related Action**		
		Petitioner	Stadium Casino RE, LLC
March 23, 2023	**Notice of Intervention**		
	Lubert, Ira	Intervenor - Respondent	Hazlett, Thomas W.
	SC Gaming OpCo, LLC	Intervenor - Respondent	Hazlett, Thomas W.
March 23, 2023	**Answer to Application for Stay**		
		Respondent	Pennsylvania Gaming Control Board
March 27, 2023	**Answer to Application for Stay**		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
April 4, 2023	**Motion to Maintain Portions of the Certified Record as Confidential for In Camera Review Only**		
	Pennsylvania Gaming Control Board	Respondent	Cook, Stephen S.
April 4, 2023	**Sealed Confidential Agency Record Received**		
			Pennsylvania Gaming Control Board
April 18, 2023	**Answer to Application for Relief**		
		Petitioner	Stadium Casino RE, LLC
April 18, 2023	**Answer to Application for Relief**		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
July 13, 2023	**Praecipe for Appearance**		
	SC Gaming OpCo, LLC	Intervenor - Respondent	Kearney, Brian Nolan
	Lubert, Ira	Intervenor - Respondent	Kearney, Brian Nolan
August 8, 2023	**Supple. Motion to Maintain Additional Portions of the Certified Record for In Camera Review Only**		
		Respondent	Pennsylvania Gaming Control Board
August 8, 2023	**Sealed Supplemental Confidential Agency Record Received**		
			Pennsylvania Gaming Control Board
August 21, 2023	**Answer to Supplemental Motion**		
		Petitioner	Stadium Casino RE, LLC

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 23, 2023	**Answer to Supplemental Motion**		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
September 5, 2023	**Confidentiality Stipulation**		
		Petitioner	Stadium Casino RE, LLC
		Respondent	Pennsylvania Gaming Control Board
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
September 6, 2023	**Order Issuing a Briefing Schedule and Denying Application for Stay**		
			Per Curiam

Comments:
AND NOW, this 6th day of September, 2023, in consideration of the Petition for Review, the Prothonotary is DIRECTED to establish a briefing schedule, with the matter submitted on the briefs.

The Application for Stay is DENIED.

The "Application in the Nature of a Motion to Maintain Portions of the Certified Record as Confidential" and the "Application in the Nature of a Supplemental Motion to Maintain Additional Portions of the Certified Record as Confidential" are GRANTED, WITHOUT PREJUDICE to Petitioner to advance arguments on merits briefing seeking disclosure of the subject documents.

September 6, 2023	**Order Exited**		
			Office of the Prothonotary
September 14, 2023	**Application for Extension of Time to File Brief - First Request**		
		Petitioner	Stadium Casino RE, LLC
September 15, 2023	**Answer to Application for Extension of Time to File Brief**		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
September 15, 2023	**Answer to Application for Extension of Time to File Brief**		
		Respondent	Pennsylvania Gaming Control Board
September 15, 2023	**Order Granting Application for Extension of Time to File Petitioner Brief**		
			Dreibelbis, Amy

Comments:
AND NOW, this 15th day of September, 2023, the Expedited Application for Extension to Briefing Schedule is hereby granted only to the extent that Petitioner's Brief and Reproduced Record shall be filed on or before November 15, 2023.

September 15, 2023	**Order Exited**		
			Office of the Prothonotary
September 27, 2023	**2nd Supple. Motion to Maintain Additional Portions of the Certified Record for In Camera Review Only**		
		Respondent	Pennsylvania Gaming Control Board

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 28, 2023	**Sealed Supplemental Confidential Agency Record Received**		
			Pennsylvania Gaming Control Board
October 4, 2023	**Answer to Application for Relief**		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
October 4, 2023	**No Answer Letter to Application**		
		Petitioner	Stadium Casino RE, LLC
October 16, 2023	**Designation of Contents of Reproduced Record**		
		Petitioner	Stadium Casino RE, LLC
October 26, 2023	**Counter Designation of Contents of Reproduced Record**		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
October 26, 2023	**Counter Designation of Contents of Reproduced Record**		
		Respondent	Pennsylvania Gaming Control Board
October 31, 2023	**Order Granting Second Supplemental Motion to Maintain Portions of Record as Confidential**		
			Per Curiam
Comments: AND NOW, this 31st day of October, 2023, the "Application in the Nature of a Second Supplemental Motion to Maintain Additional Portions of the Certified Record as Confidential" is GRANTED.			
October 31, 2023	**Order Exited**		
			Office of the Prothonotary
November 15, 2023	**Sealed Petitioner's Brief (Confidential)**		
		Petitioner	Stadium Casino RE, LLC
November 15, 2023	**Petitioner's Reproduced Record (3 volumes)**		
		Petitioner	Stadium Casino RE, LLC
November 15, 2023	**Petitioner's Brief (Redacted)**		
		Petitioner	Stadium Casino RE, LLC
November 21, 2023	**Praecipe for Appearance**		
	Pennsylvania Gaming Control Board	Respondent	Flessner, Maximilian Frederick
November 30, 2023	**Application for Extension of Time to File Brief - First Request**		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
December 1, 2023	**Application for Extension of Time to File Brief - First Request**		
		Respondent	Pennsylvania Gaming Control Board

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 5, 2023	**Order Granting Application for Extension of Time to File Brief**		Dreibelbis, Amy

Comments:
AND NOW, this 5th day of December, 2023, Intervenors SC Gaming OpCo, LLC and Ira Lubert's application for extension of time is granted. Intervenors SC Gaming OpCo, LLC and Ira Lubert's Brief shall be filed on or before January 2, 2024, at 12:00 p.m., EST.

December 5, 2023	**Order Granting Application for Extension of Time to File Respondent Brief**		Dreibelbis, Amy

Comments:
AND NOW, this 5th day of December, 2023, Respondent's application for extension of time is granted. Respondent's Brief shall be filed on or before January 2, 2024, at 12:00 p.m., EST.

December 5, 2023	**Orders Exited**		Office of the Prothonotary
January 2, 2024	**Sealed Respondent's Brief (Confidential)**	Respondent	Pennsylvania Gaming Control Board
January 2, 2024	**Respondent's Brief (Redacted)**	Respondent	Pennsylvania Gaming Control Board
January 2, 2024	**Intervenor - Respondent's Brief**	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
January 19, 2024	**Sealed Petitioner's Reply Brief (Confidential)**	Petitioner	Stadium Casino RE, LLC
January 19, 2024	**Petitioner's Reply Brief (Redacted)**	Petitioner	Stadium Casino RE, LLC
January 22, 2024	**Submitted on Brief**		Office of the Prothonotary
January 22, 2024	**Application for Expedited Oral Argument and Reconsideration of the Court's September 6, 2023 Order**	Petitioner	Stadium Casino RE, LLC
January 25, 2024	**Answer to Application for Oral Argument**	Respondent	Pennsylvania Gaming Control Board
January 29, 2024	**Answer to Application for Oral Argument**	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
February 14, 2024	**Order Denying Application for Expedited Oral Argument**		Per Curiam

Comments:
AND NOW, this 14th day of February, 2024, Petitioner's Application for Expedited Oral Argument and Reconsideration of the Court's September 6, 2023 Order is hereby DENIED.

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Sealed Documents

Supreme Court of Pennsylvania

Miscellaneous Docket Sheet

Docket Number: 20 MM 2023

November 2, 2026

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 14, 2024	**Order Exited**		Office of the Prothonotary
July 17, 2024	**Affirmed**		Donohue, Christine

Comments:
We therefore affirm the Board's determination and dismiss the action pending in the Commonwealth Court, 249 MD 2021, as moot.

Chief Justice Todd and Justices Dougherty, Wecht, Mundy, Brobson and McCaffery join the opinion.

July 17, 2024	**Judgment Entered**		Office of the Prothonotary
August 19, 2024	**Remitted**		Supreme Court of Pennsylvania
August 21, 2024	**Acknowledgment of Opinion**		Commonwealth Court of Pennsylvania

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