

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 20 MM 2023

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April 26, 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

Attorney: Aronchick, Mark Alan  
Hangley, Aronchick, Segal, Pudlin & Schiller

Address: Hangley Aronchick Et Al  
1 Logan Sq Fl 27  
Philadelphia, PA 19103-6995

Phone No: (215) 496-7002

Receive Mail: Yes

Receive EMail: Yes Email:

Attorney: Levine, Jason A.  
Hangley, Aronchick, Segal, Pudlin & Schiller

Address: Hangley Aronchick  
1 Logan Sq Fl 27  
Philadelphia, PA 19103

Phone No: (215) 496-7038

Receive Mail: Yes

Receive EMail: Yes Email:

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## COUNSEL INFORMATION

Attorney: Mascioli, Gian Mario  
 Hangley Aronchick Segal Pudlin & Schiller  
 Address: 1 Logan Sq Fl 27  
 Philadelphia, PA 19103  
 Phone No: (215) 496-7059  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Rice, Caroline Layne  
 Hangley, Aronchick, Segal, Pudlin & Schiller  
 Address: Hangley Aronchick Segal  
 1 Logan Sq Fl 27  
 Philadelphia, PA 19103  
 Phone No: (215) 496-7032  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Kastenberg, Stephen J.  
 Ballard Spahr LLP  
 Address: 1735 Market St Fl 51  
 Philadelphia, PA 19103-7599  
 Phone No: (215) 864-8122  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Fabius, Michael David Matthews  
 Ballard Spahr LLP  
 Address: 1735 Market St Fl 51  
 Philadelphia, PA 19103-7599  
 Phone No: (215) 864-8246  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Hazlett, Thomas W.  
 Ballard Spahr LLP  
 Address: 1735 Market St Fl 51  
 Philadelphia, PA 19103  
 Phone No: (215) 665-8500  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Kearney, Brian Nolan  
 Ballard Spahr LLP  
 Address: 1735 Market St 51st Fl  
 Philadelphia, PA 19103-7599  
 Phone No: (215) 864-8265  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

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## COUNSEL INFORMATION

Attorney: King, Adrian Renz, Jr.  
 Ballard Spahr LLP  
 Address: 1735 Market St 51st Fl  
 Philadelphia, PA 19103  
 Phone No: (215) 864-8622  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Cook, Stephen S.  
 Pennsylvania Gaming Control Board  
 Address: 303 Walnut St  
 5th Floor Commonwealth Tower  
 Harrisburg, PA 17101  
 Phone No: (717) 346-8300  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Flessner, Maximilian Frederick  
 Pennsylvania Gaming Control Board  
 Address: 303 Walnut St 5th Fl  
 Harrisburg, PA 17101  
 Phone No: (717) 214-4733  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Straszynski, Daniel Martin  
 PENNSYLVANIA GAMING CONTROL BOARD  
 Address: 303 Walnut St Strawberry Squarecommonwealth Tower 5th Fl  
 Harrisburg, PA 17101  
 Phone No: (717) 214-9285  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

Attorney: Zimmermann, Chad Westcott  
 PENNSYLVANIA GAMING CONTROL BOARD  
 Address: Pa Gaming Control Board  
 303 Walnut St Fl 5  
 Harrisburg, PA 17101  
 Phone No: (717) 265-8356  
 Receive Mail: Yes  
 Receive EMail: Yes Email:

## 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

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## 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)

Record Remittal: August 19, 2024

## BRIEFING SCHEDULE

<b>Petitioner</b>		<b>Intervenor - Respondent</b>	
<b>Stadium Casino RE, LLC</b>		<b>Lubert, Ira</b>	
<b>Brief</b>		<b>Brief</b>	
Due: November 15, 2023	Filed: November 15, 2023	Due: January 2, 2024	Filed: January 2, 2024
<b>Reply Brief</b>		<b>SC Gaming OpCo, LLC</b>	
Due: January 19, 2024	Filed: January 19, 2024	<b>Brief</b>	
		Due: January 2, 2024	Filed: January 2, 2024
<b>Reproduced Record</b>		<b>Respondent</b>	
Due: November 15, 2023	Filed: November 15, 2023	<b>Pennsylvania Gaming Control Board</b>	
		<b>Brief</b>	
		Due: January 2, 2024	Filed: January 2, 2024
		<b>Supplemental Reproduced Record</b>	
		Due: October 27, 2023	Filed:

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## 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:	<b>Majority Opinion</b>	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
<b>February 23, 2023</b>	<b>Petition for Review</b>	Petitioner	Stadium Casino RE, LLC
<b>March 1, 2023</b>	<b>Praecipe for Appearance</b> Pennsylvania Gaming Control Board Pennsylvania Gaming Control Board	Respondent Respondent	Zimmermann, Chad Westcott Straszynski, Daniel Martin
<b>March 9, 2023</b>	<b>Application for Relief in the Form of a Stay of Proceedings Pending Disposition of a Related Action</b>	Petitioner	Stadium Casino RE, LLC
<b>March 23, 2023</b>	<b>Notice of Intervention</b> Lubert, Ira SC Gaming OpCo, LLC	Intervenor - Respondent Intervenor - Respondent	Hazlett, Thomas W. Hazlett, Thomas W.
<b>March 23, 2023</b>	<b>Answer to Application for Stay</b>	Respondent	Pennsylvania Gaming Control Board
<b>March 27, 2023</b>	<b>Answer to Application for Stay</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
April 4, 2023	<b>Motion to Maintain Portions of the Certified Record as Confidential for In Camera Review Only</b> Pennsylvania Gaming Control Board	Respondent	Cook, Stephen S.
April 4, 2023	<b>Sealed Confidential Agency Record Received</b>		Pennsylvania Gaming Control Board
April 18, 2023	<b>Answer to Application for Relief</b>	Petitioner	Stadium Casino RE, LLC
April 18, 2023	<b>Answer to Application for Relief</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
July 13, 2023	<b>Praecepte for Appearance</b> SC Gaming OpCo, LLC Lubert, Ira	Intervenor - Respondent Intervenor - Respondent	Kearney, Brian Nolan Kearney, Brian Nolan
August 8, 2023	<b>Supple. Motion to Maintain Additional Portions of the Certified Record for In Camera Review Only</b>	Respondent	Pennsylvania Gaming Control Board
August 8, 2023	<b>Sealed Supplemental Confidential Agency Record Received</b>		Pennsylvania Gaming Control Board
August 21, 2023	<b>Answer to Supplemental Motion</b>	Petitioner	Stadium Casino RE, LLC
August 23, 2023	<b>Answer to Supplemental Motion</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
September 5, 2023	<b>Confidentiality Stipulation</b>	Petitioner Respondent Intervenor - Respondent Intervenor - Respondent	Stadium Casino RE, LLC Pennsylvania Gaming Control Board SC Gaming OpCo, LLC Lubert, Ira

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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 Intervenor - Respondent	SC Gaming OpCo, LLC 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
September 28, 2023	Sealed Supplemental Confidential Agency Record Received		Pennsylvania Gaming Control Board
October 4, 2023	Answer to Application for Relief	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
October 4, 2023	No Answer Letter to Application	Petitioner	Stadium Casino RE, LLC

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 16, 2023	<b>Designation of Contents of Reproduced Record</b>	Petitioner	Stadium Casino RE, LLC
October 26, 2023	<b>Counter Designation of Contents of Reproduced Record</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
October 26, 2023	<b>Counter Designation of Contents of Reproduced Record</b>	Respondent	Pennsylvania Gaming Control Board
October 31, 2023	<b>Order Granting Second Supplemental Motion to Maintain Portions of Record as Confidential</b>		Per Curiam
October 31, 2023	<b>Order Exited</b>		Office of the Prothonotary
November 15, 2023	<b>Sealed Petitioner's Brief (Confidential)</b>	Petitioner	Stadium Casino RE, LLC
November 15, 2023	<b>Petitioner's Reproduced Record (3 volumes)</b>	Petitioner	Stadium Casino RE, LLC
November 15, 2023	<b>Petitioner's Brief (Redacted)</b>	Petitioner	Stadium Casino RE, LLC
November 21, 2023	<b>Praecipe for Appearance</b> Pennsylvania Gaming Control Board	Respondent	Flessner, Maximilian Frederick
November 30, 2023	<b>Application for Extension of Time to File Brief - First Request</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
December 1, 2023	<b>Application for Extension of Time to File Brief - First Request</b>	Respondent	Pennsylvania Gaming Control Board
December 5, 2023	<b>Order Granting Application for Extension of Time to File Brief</b>		Dreibelbis, Amy

## Comments:

AND NOW, this 5th day of December, 2023, Intervenor SC Gaming OpCo, LLC and Ira Lubert's application for extension of time is granted. Intervenor 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.

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

## 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.

## 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.



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Filed Date	Docket Entry / Representing	Participant Type	Filed By
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