

Supreme Court of Pennsylvania



Miscellaneous Docket Sheet

Docket Number: 20 MM 2023

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November 21, 2024

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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Pro Se: No
IFP Status:



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 IFP Status:

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 Pro Se: No
 IFP Status:
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 IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:
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 Pro Se: No
 IFP Status:

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

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 Receive EMail: Yes Email:
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 Pro Se: No
 IFP Status:
 Representing: SC Gaming OpCo, LLC, Intervenor - Respondent
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:
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 IFP Status:

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 Pro Se: No
 IFP Status:

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 IFP Status:

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

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COUNSEL INFORMATION

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 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 Status:

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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Record Remittal: August 19, 2024

BRIEFING SCHEDULE

Petitioner		Intervenor - Respondent	
Stadium Casino RE, LLC		Lubert, Ira	
Brief		Brief	
Due: November 15, 2023	Filed: November 15, 2023	Due: January 2, 2024	Filed: January 2, 2024
Reply Brief		SC Gaming OpCo, LLC	
Due: January 19, 2024	Filed: January 19, 2024	Brief	
		Due: January 2, 2024	Filed: January 2, 2024
Reproduced Record		Respondent	
Due: November 15, 2023	Filed: November 15, 2023	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	Praecepte 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 SC Gaming OpCo, LLC	Intervenor - Respondent Intervenor - Respondent	Hazlett, Thomas W. 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	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	Praecepte for Appearance		
	SC Gaming OpCo, LLC Lubert, Ira	Intervenor - Respondent Intervenor - Respondent	Kearney, Brian Nolan 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 Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
September 5, 2023	Confidentiality Stipulation	Petitioner Respondent Intervenor - Respondent Intervenor - Respondent	Stadium Casino RE, LLC Pennsylvania Gaming Control Board SC Gaming OpCo, LLC 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 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



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 Intervenor - Respondent	SC Gaming OpCo, LLC 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 Intervenor - Respondent	SC Gaming OpCo, LLC 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	Praeceptum 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 Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
December 1, 2023	Application for Extension of Time to File Brief - First Request	Respondent	Pennsylvania Gaming Control Board



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.



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