

## Supreme Court of Pennsylvania



## Miscellaneous Docket Sheet

Docket Number: 20 MM 2023

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May 25, 2025

## 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	Related
Same Record Below	
Stadium Casino RE, LLC v PGCB et al Petof: SC Gaming	
44 MM 2023	Related
Same Record Below	
Stadium Casino RE, LLC v PGCB et al Petof: SC Gaming	
49 MM 2023	Related
Same Record Below	
Stadium Casino RE, LLC v. PGCB et al, Pet of: PGCB	
50 MM 2023	Related
Same Record Below	
Stadium Casino RE, LLC v. PGCB et al Pet of: PGCB	
148 MT 2023	Related
Similar Issues	
Stadium Casino RE, LLC v PGCB et al Petof: SC Gaming	

## COUNSEL INFORMATION

Attorney: Aronchick, Mark Alan  
 Hangle, Aronchick, Segal, Pudlin & Schiller  
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 1 Logan Sq Fl 27  
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 Phone No: (215) 496-7002  
 Receive Mail: Yes  
 Receive EMail: Yes  
 Representing: Stadium Casino RE, LLC, Petitioner  
 Pro Se: No  
 IFP Status:

Email:

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## COUNSEL INFORMATION

Attorney: Levine, Jason A.  
 Hangle, Aronchick, Segal, Pudlin & Schiller  
 Address: Hangle Aronchick  
 1 Logan Sq Fl 27  
 Philadelphia, PA 19103  
 Phone No: (215) 496-7038  
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 Receive EMail: Yes Email:  
 Representing: Stadium Casino RE, LLC, Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Mascioli, Gian Mario  
 Hangle 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:  
 Representing: Stadium Casino RE, LLC, Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Rice, Caroline Layne  
 Hangle, Aronchick, Segal, Pudlin & Schiller  
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 Philadelphia, PA 19103  
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 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Stadium Casino RE, LLC, Petitioner  
 Pro Se: No  
 IFP Status:

Attorney: Kastenberg, Stephen J.  
 Ballard Spahr LLP  
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 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Lubert, Ira, Intervenor - Respondent  
 Pro Se: No  
 IFP Status:  
 Representing: SC Gaming OpCo, LLC, Intervenor - Respondent  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

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

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

Attorney: Kearney, Brian Nolan  
 Ballard Spahr LLP  
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 Philadelphia, PA 19103-7599  
 Phone No: (215) 864-8265  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Lubert, Ira, Intervenor - Respondent  
 Pro Se: No  
 IFP Status:  
 Representing: SC Gaming OpCo, LLC, Intervenor - Respondent  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney: King, Adrian Renz, Jr.  
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 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Lubert, Ira, Intervenor - Respondent  
 Pro Se: No  
 IFP Status:  
 Representing: SC Gaming OpCo, LLC, Intervenor - Respondent  
 Pro Se: No  
 IFP Status:

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:  
 Representing: Pennsylvania Gaming Control Board, Respondent  
 Pro Se: No  
 IFP Status:

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:  
 Representing: Pennsylvania Gaming Control Board, Respondent  
 Pro Se: No  
 IFP Status:

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:  
 Representing: Pennsylvania Gaming Control Board, Respondent  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

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:  
 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

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
<b>March 1, 2023</b>	<b>Praecipe for Appearance</b>		
	Pennsylvania Gaming Control Board	Respondent	Zimmermann, Chad Westcott
	Pennsylvania Gaming Control Board	Respondent	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	Intervenor - Respondent	Hazlett, Thomas W.
	SC Gaming OpCo, LLC	Intervenor - Respondent	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	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
<b>April 4, 2023</b>	<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.
<b>April 4, 2023</b>	<b>Sealed Confidential Agency Record Received</b>		
			Pennsylvania Gaming Control Board
<b>April 18, 2023</b>	<b>Answer to Application for Relief</b>		
		Petitioner	Stadium Casino RE, LLC
<b>April 18, 2023</b>	<b>Answer to Application for Relief</b>		
		Intervenor - Respondent	SC Gaming OpCo, LLC
		Intervenor - Respondent	Lubert, Ira
<b>July 13, 2023</b>	<b>Praecipe for Appearance</b>		
	SC Gaming OpCo, LLC	Intervenor - Respondent	Kearney, Brian Nolan
	Lubert, Ira	Intervenor - Respondent	Kearney, Brian Nolan
<b>August 8, 2023</b>	<b>Supple. Motion to Maintain Additional Portions of the Certified Record for In Camera Review Only</b>		
		Respondent	Pennsylvania Gaming Control Board
<b>August 8, 2023</b>	<b>Sealed Supplemental Confidential Agency Record Received</b>		
			Pennsylvania Gaming Control Board
<b>August 21, 2023</b>	<b>Answer to Supplemental Motion</b>		
		Petitioner	Stadium Casino RE, LLC

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>August 23, 2023</b>	<b>Answer to Supplemental Motion</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
<b>September 5, 2023</b>	<b>Confidentiality Stipulation</b>	Petitioner Respondent Intervenor - Respondent Intervenor - Respondent	Stadium Casino RE, LLC Pennsylvania Gaming Control Board SC Gaming OpCo, LLC Lubert, Ira
<b>September 6, 2023</b>	<b>Order Issuing a Briefing Schedule and Denying Application for Stay</b>		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.			
<b>September 6, 2023</b>	<b>Order Exited</b>		Office of the Prothonotary
<b>September 14, 2023</b>	<b>Application for Extension of Time to File Brief - First Request</b>	Petitioner	Stadium Casino RE, LLC
<b>September 15, 2023</b>	<b>Answer to Application for Extension of Time to File Brief</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
<b>September 15, 2023</b>	<b>Answer to Application for Extension of Time to File Brief</b>	Respondent	Pennsylvania Gaming Control Board
<b>September 15, 2023</b>	<b>Order Granting Application for Extension of Time to File Petitioner Brief</b>		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.			
<b>September 15, 2023</b>	<b>Order Exited</b>		Office of the Prothonotary
<b>September 27, 2023</b>	<b>2nd Supple. Motion to Maintain Additional Portions of the Certified Record for In Camera Review Only</b>	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 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	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 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

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Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>December 5, 2023</b>	<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.			
<b>December 5, 2023</b>	<b>Order Granting Application for Extension of Time to File Respondent Brief</b>		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.			
<b>December 5, 2023</b>	<b>Orders Exited</b>		Office of the Prothonotary
<b>January 2, 2024</b>	<b>Sealed Respondent's Brief (Confidential)</b>	Respondent	Pennsylvania Gaming Control Board
<b>January 2, 2024</b>	<b>Respondent's Brief (Redacted)</b>	Respondent	Pennsylvania Gaming Control Board
<b>January 2, 2024</b>	<b>Intervenor - Respondent's Brief</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
<b>January 19, 2024</b>	<b>Sealed Petitioner's Reply Brief (Confidential)</b>	Petitioner	Stadium Casino RE, LLC
<b>January 19, 2024</b>	<b>Petitioner's Reply Brief (Redacted)</b>	Petitioner	Stadium Casino RE, LLC
<b>January 22, 2024</b>	<b>Submitted on Brief</b>		Office of the Prothonotary
<b>January 22, 2024</b>	<b>Application for Expedited Oral Argument and Reconsideration of the Court's September 6, 2023 Order</b>	Petitioner	Stadium Casino RE, LLC
<b>January 25, 2024</b>	<b>Answer to Application for Oral Argument</b>	Respondent	Pennsylvania Gaming Control Board
<b>January 29, 2024</b>	<b>Answer to Application for Oral Argument</b>	Intervenor - Respondent Intervenor - Respondent	SC Gaming OpCo, LLC Lubert, Ira
<b>February 14, 2024</b>	<b>Order Denying Application for Expedited Oral Argument</b>		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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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