

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 1 of 11

May 9, 2024

## CAPTION

Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection and Interim Acting Chairperson of the Environmental Quality Board, Appellants

v.

Pennsylvania Legislative Reference Bureau, Vincent C. DeLiberato, Jr., Director of the Legislative Reference Bureau, and Amy J. Mendelsohn, Director of the Pennsylvania Code and Bulletin, Appellees

## CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Journal Number:

Case Category: Civil

Case Type(s): Environmental Protection,  
Department of  
Environmental Quality Board

## CONSOLIDATED CASES

## RELATED CASES

| Docket No / Reason                                 | Type    |
|--|---------|
| 45 MAP 2022  | Related |
| Same Record Below                                  |         |
| McDonnell v. PA Legislative Reference Bureau et al |         |
| 79 MAP 2022  | Related |
| Same Record Below                                  |         |
| DEP et al. Aplt v. PA Legislative Reference Bureau |         |
| 81 MAP 2022  | Related |
| Same Record Below                                  |         |
| Ziadeh, R v. PA Legislative Reference Bureau et al |         |
| 83 MAP 2022  | Related |
| Same Record Below                                  |         |
| Ziadeh, R v. PA Legislative Reference Bureau et al |         |
| 85 MAP 2022  | Related |
| Same Record Below                                  |         |
| DEP, et al. v. PA Legislative Reference Bureau     |         |
| 87 MAP 2022  | Related |
| Same Record Below                                  |         |
| DEP, et al. v. PA Legislative Reference Bureau     |         |
| 107 MAP 2023                                       | Related |
| Similar Issues                                     |         |
| Bowfin KeyCon Hldgs. et al. v. DEP et al., Aplts   |         |
| 110 MAP 2023                                       | Related |
| Same Record Below                                  |         |
| DEP, et al. v. PA Legislative Reference Bureau     |         |
| 111 MAP 2023                                       | Related |
| Similar Issues                                     |         |
| Bowfin KeyCon Hldgs etal v DEP etal Apl of Citizen |         |

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 2 of 11

May 9, 2024

## RELATED CASES

| Docket No / Reason                                 | Type    |
|--|---------|
| 113 MAP 2023                                       | Related |
| Same Record Below                                  |         |
| DEP et al. Aplt v. PA Legislative Reference Bureau |         |
| 114 MAP 2023                                       | Related |
| Similar Issues                                     |         |
| Bowfin KeyCon Hldgs. et al. v. DEP et al.          |         |
| 115 MAP 2023                                       | Related |
| Same Record Below                                  |         |
| DEP, et al. v. PA Legislative Reference Bureau     |         |
| 116 MAP 2023                                       | Related |
| Similar Issues                                     |         |
| Bowfin KeyCon Hldgs. et al. v. DEP et al.          |         |

## COUNSEL INFORMATION

Attorney: Hazlett, Thomas W.  
 Ballard Spahr, LLP  
 Address: Ballard Spahr Llp  
 1735 Market St Fl 51  
 Philadelphia, PA 19103  
 Phone No: (215) 665-8500  
 Receive Mail: Yes  
 Receive EMail: Yes  
 Representing: Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection ,  
 Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Boyer, Jacob Biehl  
 Department of Human Services  
 Address: 333 Market St  
 17th Floor  
 Harrisburg, PA 17101  
 Phone No: (717) 460-6786  
 Receive Mail: Yes  
 Receive EMail: Yes  
 Representing: Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection ,  
 Appellant  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 3 of 11

May 9, 2024

## COUNSEL INFORMATION

Attorney: Burruss, John Chesley  
 Ballard Spahr LLP  
 Address: 1735 Market St Fl 51  
 Philadelphia, PA 19103  
 Phone No: (215) 864-8237  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection,  
 Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Gallagher, Thomas Joseph, IV  
 Ballard Spahr, LLP  
 Address: Ballard Spahr Llp  
 1735 Market St  
 Philadelphia, PA 19103-7599  
 Phone No: (215) 864-8383  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection,  
 Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Kearney, Brian Nolan  
 Ballard Spahr, LLP  
 Address: Ballard Spahr Llp  
 1735 Market St 51st Fl  
 Philadelphia, PA 19103-7599  
 Phone No: (609) 284-2479  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection,  
 Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Watson, Travis Wood  
 Ballard Spahr LLP  
 Address: 1735 Market St  
 51st Floor  
 Philadelphia, PA 19103  
 Phone No: (215) 864-8475  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection,  
 Appellant  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 4 of 11

May 9, 2024

## COUNSEL INFORMATION

Attorney: White, Matthew Adam  
 Ballard Spahr, LLP  
 Address: Ballard Spahr LLP  
 1735 Market St Fl 51  
 Philadelphia, PA 19103-7599  
 Phone No: (215) 864-8849  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection,  
 Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Hull, Kandice Kerwin  
 McNees Wallace & Nurick LLC  
 Address: Po Box 1166  
 Harrisburg, PA 17108-1166  
 Phone No: (717) 232-8000  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Corman, Jake, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Martin, Scott, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Pittman, Joseph, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Ward, Kim, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Yaw, Gene, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Klein, Peter William  
 Legislative Reference Bureau  
 Address: 501 N Third St 641 Main Capitol Bldg  
 Harrisburg, PA 17120  
 Phone No: (717) 787-4223  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Pennsylvania Legislative Reference Bureau, et al, Appellee  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 5 of 11

May 9, 2024

## COUNSEL INFORMATION

|                |                                 |        |
|----------------|---------------------------------|--------|
| Attorney:      | Kutz, James John                |        |
|                | Post & Schell, P.C.             |        |
| Address:       | Post & Schell Pc                |        |
|                | 17 N 2ND St Fl 12               |        |
|                | Harrisburg, PA 17101-1638       |        |
| Phone No:      | (717) 731-1970                  |        |
| Receive Mail:  | Yes                             |        |
| Receive EMail: | Yes                             | Email: |
| Representing:  | Benninghoff, Kerry A., Appellee |        |
| Pro Se:        | No                              |        |
| IFP Status:    |                                 |        |
| Representing:  | Causer, Martin T., Appellee     |        |
| Pro Se:        | No                              |        |
| IFP Status:    |                                 |        |
| Representing:  | Cutler, Bryan D., Appellee      |        |
| Pro Se:        | No                              |        |
| IFP Status:    |                                 |        |
| Representing:  | Metcalf, Daryl D., Appellee     |        |
| Pro Se:        | No                              |        |
| IFP Status:    |                                 |        |

---

|                |  |        |
|----------------|--|--------|
| Attorney:      | Bogush, Mark Andrew  |        |
|                | Legislative Reference Bureau                               |        |
| Address:       | 501 N 3RD St 641 Main Capitol Bldg                         |        |
|                | Harrisburg, PA 17120                                       |        |
| Phone No:      | (717) 787-5323   |        |
| Receive Mail:  | Yes  |        |
| Receive EMail: | Yes  | Email: |
| Representing:  | Pennsylvania Legislative Reference Bureau, et al, Appellee |        |
| Pro Se:        | No   |        |
| IFP Status:    |  |        |

---

|                |  |        |
|----------------|--|--------|
| Attorney:      | Butash, Andrew   |        |
|                | Legislative Reference Bureau                               |        |
| Address:       | Legislative Reference Bur                                  |        |
|                | 501 N 3RD St 641 Main Capitol Bldg                         |        |
|                | Harrisburg, PA 17120                                       |        |
| Phone No:      | (717) 787-4223   |        |
| Receive Mail:  | Yes  |        |
| Receive EMail: | Yes  | Email: |
| Representing:  | Pennsylvania Legislative Reference Bureau, et al, Appellee |        |
| Pro Se:        | No   |        |
| IFP Status:    |  |        |

---

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 6 of 11

May 9, 2024

## COUNSEL INFORMATION

Attorney: Campbell, Sean Christopher  
 Post & Schell, P.C.  
 Address: Post & Schell P.c.  
 17 N 2ND St 12th Fl  
 Harrisburg, PA 17101  
 Phone No: (717) 612-6056  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Causer, Martin T., Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Cutler, Bryan D., Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Corey, Rodney A.  
 Pennsylvania House of Representatives Republican Caucus  
 Address: Pa House Of Representatives  
 Main Capitol Bldg Ste B 6 P.o. Box 202228  
 Harrisburg, PA 17120-2228  
 Phone No: (717) 783-1510  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Causer, Martin T., Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Cutler, Bryan D., Appellee  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 7 of 11

May 9, 2024

## COUNSEL INFORMATION

Attorney: Crompton, J. Andrew  
 McNees Wallace & Nurick LLC  
 Address: 100 Pine Street  
 PO Box 1166  
 Harrisburg, PA 17108-1166  
 Phone No: (717) 237-8000  
 Receive Mail: Yes  
 Representing: Corman, Jake, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Martin, Scott, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Pittman, Joseph, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Ward, Kim, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Yaw, Gene, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Hughey, Austin David  
 McNees Wallace & Nurick  
 Address: 100 Pine St  
 Harrisburg, PA 17101  
 Phone No: (864) 517-6871  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Corman, Jake, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Martin, Scott, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Pittman, Joseph, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Ward, Kim, Appellee  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 8 of 11

May 9, 2024

## COUNSEL INFORMATION

Attorney: Kawa, Erin Renee  
 Post & Schell, P.C.  
 Address: Post & Schell Pc  
 17 N Second St Fl 12  
 Harrisburg, PA 17101  
 Phone No: (717) 612-6057  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Causer, Martin T., Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Cutler, Bryan D., Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Khuri, Brigid Landy  
 McNees Wallace & Nurick  
 Address: 100 Pine St  
 Harrisburg, PA 17101  
 Phone No: (717) 237-5319  
 Receive Mail: Yes  
 Representing: Corman, Jake, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Martin, Scott, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Pittman, Joseph, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Ward, Kim, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Yaw, Gene, Appellee  
 Pro Se: No  
 IFP Status:



## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 9 of 11

May 9, 2024

## COUNSEL INFORMATION

Attorney: Mann, James Guthrie  
 Pennsylvania House of Representatives  
 Address: Ste B 6 Main Capitol  
 Po Box 202228  
 Harrisburg, PA 17120-2228  
 Phone No: (717) 783-1510  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Causer, Martin T., Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Cutler, Bryan D., Appellee  
 Pro Se: No  
 IFP Status:

Attorney: McCaulley, Errin Todd, Jr.  
 McNees Wallace & Nurick LLC  
 Address: McNees Wallace & Nurick  
 100 Pine St Ste 550  
 Harrisburg, PA 17101  
 Phone No: (717) 237-5366  
 Receive Mail: Yes  
 Representing: Corman, Jake, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Martin, Scott, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Pittman, Joseph, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Ward, Kim, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Yaw, Gene, Appellee  
 Pro Se: No  
 IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the Order of the Commonwealth Court at No. 41 MD 2022 dated November 1, 2023  
 Appeal Filed Below: 11/21/2023 12:00:00AM

Probable Jurisdiction Noted: Docketed Date: November 27, 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 |
|------------|------------------|---------|------------|-------------------|-------------|
| 11/21/2023 | Notice of Appeal | 90.25   | 11/27/2023 | 2023-SUP-M-002912 | 90.25       |

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 10 of 11

May 9, 2024

## 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: Commonwealth Court of Pennsylvania  
 County: \_\_\_\_\_ Division: Commonwealth Court of Pennsylvania  
 Date of Agency/Trial Court Order: November 1, 2023  
 Docket Number: 41 MD 2022  
 Judge(s): Ceisler, Ellen OTN:  
 Cohn Jubelirer, Renee  
 Dumas, Lori A.  
 McCullough, Patricia A.  
 Wojcik, Michael H.  
 Order Type: Order

## ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content/Description |
|----------------------|------------|---------------------|
|----------------------|------------|---------------------|

## Record Remittal:

## DOCKET ENTRY

| Filed Date        | Docket Entry / Representing  | Participant Type | Filed By  |
|-------------------|--|------------------|---|
| November 21, 2023 | Notice of Appeal   | Appellant        | Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection |
| November 21, 2023 | Jurisdictional Statement   | Appellant        | Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection |
| November 30, 2023 | Praecept for Appearance<br>Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection | Appellant        | Boyer, Jacob Biehl  |
| November 30, 2023 | Praecept for Appearance<br>Jessica Shirley, Interim Acting Secretary of the Department of Environmental Protection | Appellant        | Burruss, John Chesley   |

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 106 MAP 2023

Page 11 of 11

May 9, 2024

## DOCKET ENTRY

| Filed Date               | Docket Entry / Representing   | Participant Type                             | Filed By   |
|--------------------------|---|--|--|
| <b>November 30, 2023</b> | <b>Praecipe for Appearance</b><br>Jessica Shirley, Interim Acting<br>Secretary of the Department of<br>Environmental Protection | Appellant                                    | Watson, Travis Wood  |
| <b>December 5, 2023</b>  | <b>Answer to Notice of Appeal &amp; Jurisdictional Statement</b>  | Appellee<br>Appellee<br>Appellee<br>Appellee | Martin, Scott<br>Pittman, Joseph<br>Ward, Kim<br>Yaw, Gene |
| <b>December 5, 2023</b>  | <b>Answer to Notice of Appeal &amp; Jurisdictional Statement</b>  | Appellee<br>Appellee                         | Causer, Martin T.<br>Cutler, Bryan D.                      |
| <b>December 5, 2023</b>  | <b>No Answer Letter to Notice of Appeal &amp; Jurisdictional Statement</b>  | Appellee                                     | Pennsylvania Legislative<br>Reference Bureau, et al        |

## CROSS COURT ACTIONS

|                |             |
|----------------|-------------|
| Docket Number: | 41 MD 2022  |
| Docket Number: | 45 MAP 2022 |
| Docket Number: | 79 MAP 2022 |