

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 1 of 9

April 24, 2024

## CAPTION

Jonathan Barris, Appellee  
v.  
Stroud Township, Appellant

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-29-2023 May 24, 2023

Case Category: Civil Case Type(s): Civil Action Law

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

Attorney: Albert, Neil Lawrence

Address: 848 E Main St # 121  
Ephrata, PA 17522

Phone No: (717) 940-0202

Receive Mail: Yes

Receive EMail: Yes

Representing: Stroud Township, Appellant

Pro Se: No

IFP Status:

Email:

Attorney: Kramer, Paul R., Jr.

Address: 103 N 7TH St  
Stroudsburg, PA 18360-2154

Phone No: (570) 476-2950

Receive Mail: Yes

Receive EMail: Yes

Representing: Barris, Jonathan, Appellee

Pro Se: No

IFP Status:

Email:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 2 of 9

April 24, 2024

## COUNSEL INFORMATION

Attorney: Kirkpatrick, Sean Andrew  
 Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA  
 Address: Pa Ofc Of Attorney General  
 Strawberry Sq 15th Fl  
 Harrisburg, PA 17120-0001  
 Phone No: (717) 705-2331  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Commonwealth of Pennsylvania, Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Prince, Joshua Garett  
 Address: Prince Law Ofcs Pc  
 646 Lenape Rd  
 Bechtelsville, PA 19505  
 Phone No: (888) 202-9297 x:81114  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Allegheny County Sportsmen's League, et al., Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Sack, William Aaron  
 Address: 5550 Painted Mirage Road  
 STE 320  
 Las Vegas, NV 89149  
 Phone No: (916) 596-3492  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Firearms Policy Coalition and FPC Action Foundation, Amicus Curiae  
 Pro Se: No  
 IFP Status:

Attorney: Watterson, Kim M.  
 Reed Smith LLP  
 Address: 225 5TH Ave Ste 1200  
 Pittsburgh, PA 15222-2716  
 Phone No: (412) 288-7996  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: CeaseFire PA, Amicus Curiae  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 3 of 9

April 24, 2024

## COUNSEL INFORMATION

Attorney: Delone, John Bartley  
Pennsylvania Office of Attorney General  
Address: Pa Ofc Of Attorney General  
Strawberry Sq Fl 15  
Harrisburg, PA 17120  
Phone No: (717) 783-3226  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: Commonwealth of Pennsylvania, Amicus Curiae  
Pro Se: No  
IFP Status:

Attorney: Henry, Michelle Ann  
Pennsylvania Office of Attorney General  
Address: Pa Office Of Attorney General  
Strawberry Sq Fl 16  
Harrisburg, PA 17120  
Phone No: (717) 580-0195  
Receive Mail: Yes  
Representing: Commonwealth of Pennsylvania, Amicus Curiae  
Pro Se: No  
IFP Status:

Attorney: Misour, Devin Michael  
Address: 225 Fifth Ave  
Suite 1200  
Pittsburgh, PA 15222  
Phone No: (412) 288-3091  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: CeaseFire PA, Amicus Curiae  
Pro Se: No  
IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 4 of 9

April 24, 2024

## SUPREME COURT INFORMATION

Appeal From: the Commonwealth Court Order dated May 28, 2021 at No. 671 CD 2020 Reversing the Order of the Court of Common Pleas of Monroe County, Civil Division, at No. 6773 Civil 2015 dated May 26, 2020.

Probable Jurisdiction Noted: Docketed Date: June 6, 2022  
 Allocatur/Miscellaneous Granted: June 6, 2022 Allocatur/Miscellaneous Docket No.: 363 MAL 2021  
 Allocatur/Miscellaneous Grant Order: AND NOW, this 6th day of June, 2022, the Petition for Allowance of Appeal is GRANTED. The issue, as rephrased, is:

Whether an ordinance that limits target shooting to two non-residential zoning districts, and thus does not provide for shooting ranges at all private residences, is facially unconstitutional under the Second Amendment to the United States Constitution?

In addressing this issue, the parties are directed to discuss in their briefs the following subsidiary matters: (1) whether this Court should adopt the two-step framework for addressing Second Amendment challenges utilized by the lower court; (2) whether the core Second Amendment right to possess firearms for self-defense recognized in *Dist. of Columbia v. Heller*, 554 U.S. 570 (2008), also implies a corresponding right to acquire and maintain proficiency in their use; (3) whether such a corresponding right, if it exists, must extend to one's own home; and (4) the level of scrutiny courts should apply when reviewing enactments that burden individuals' ability to maintain firearms proficiency.

Justice Brobson did not participate in the consideration or decision of this matter.

AND NOW, this 6th day of July, 2022, the briefing directives contained in the Court's June 6, 2022 order are hereby VACATED, and the parties are DIRECTED to address the question presented under the standards announced in *N.Y. Rifle & Pistol Assoc., Inc. v. Bruen*, \_\_\_ S.Ct. \_\_\_, 2022 WL 2251305 (June 23, 2022).

Justice Brobson did not participate in the consideration or decision of this matter.

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/18/2022	2nd Motion for Extension of Time	10.00	08/29/2022	2022-SUP-M-001982	10.00

## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth Docket Number: 671 CD 2020  
 Date of Order: May 28, 2021 Rearg/Recon Disp Date:  
 Rearg/Recon Disposition:  
 Judge(s): Brobson, P. Kevin  
 Leavitt, Mary Hannah  
 Leadbetter, Bonnie Brigrance  
 Intermediate Appellate Court Action: Reversed  
 Referring Court:

## AGENCY/TRIAL COURT INFORMATION

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 5 of 9

April 24, 2024

Court Below: Monroe County Court of Common Pleas

County: Monroe

Division: Monroe County Civil Division

Date of Agency/Trial Court Order: May 26, 2020

Docket Number: No. 6773 Civil 2015

Judge(s): Zulick, Arthur L.

OTN:

Order Type: Order

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Part(s)		6
Trial Court Opinion - e-filed		1
Trial Court Record - e-filed		1

Record Remittal: March 13, 2024

## BRIEFING SCHEDULE

## Amicus Curiae

Allegheny County Sportsmen's League, et al.

Brief

Due: October 24, 2022

Filed: October 21, 2022

## Appellee

Barris, Jonathan

Brief

Due: October 31, 2022

Filed: October 19, 2022

## CeaseFire PA

Brief

Due: September 23, 2022

Filed: September 22, 2022

## Commonwealth of Pennsylvania

Brief

Due: September 23, 2022

Filed: September 22, 2022

## Firearms Policy Coalition and FPC Action Foundation

Brief

Due: October 24, 2022

Filed: October 21, 2022

## Appellant

Stroud Township

Brief

Due: September 22, 2022

Filed: September 22, 2022

## Reply Brief

Due: November 7, 2022

Filed:

## Reproduced Record

Due: September 22, 2022

Filed: September 22, 2022

## SESSION INFORMATION

Journal Number: J-29-2023

Listed/Submitted Date: May 24, 2023

Consideration Type: Oral Argument Supreme Ct.

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 6 of 9

April 24, 2024

## DISPOSITION INFORMATION

Related Journal No:	J-29-2023	Judgment Date:	February 21, 2024
Category:	Decided	Disposition Author:	Dougherty, Kevin M.
Disposition:	Reversed/Remanded	Disposition Date:	February 21, 2024
Dispositional Filing:	<b>Dissenting Opinion</b>	Author:	Mundy, Sallie U.
Filed Date:	February 21, 2024		
Dispositional Filing:	<b>Concurring/Dissenting Opinion</b>	Author:	Donohue, Christine
Filed Date:	February 21, 2024		
Dispositional Filing:	<b>Majority Opinion</b>	Author:	Dougherty, Kevin M.
Filed Date:	February 21, 2024		
Justice:	Todd, Debra	Vote:	Joins
Justice:	Wecht, David N.	Vote:	Joins
Justice:	Brobson, P. Kevin	Vote:	Did Not Participate in Consid/Decision of Case

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>June 6, 2022</b>	<b>Allocatur Granted</b>		Per Curiam

## Comments:

AND NOW, this 6th day of June, 2022, the Petition for Allowance of Appeal is GRANTED. The issue, as rephrased, is:

Whether an ordinance that limits target shooting to two non-residential zoning districts, and thus does not provide for shooting ranges at all private residences, is facially unconstitutional under the Second Amendment to the United States Constitution?

In addressing this issue, the parties are directed to discuss in their briefs the following subsidiary matters: (1) whether this Court should adopt the two-step framework for addressing Second Amendment challenges utilized by the lower court; (2) whether the core Second Amendment right to possess firearms for self-defense recognized in *District of Columbia v. Heller*, 554 U.S. 570 (2008), also implies a corresponding right to acquire and maintain proficiency in their use; (3) whether such a corresponding right, if it exists, must extend to one's own home; and (4) the level of scrutiny courts should apply when reviewing enactments that burden individuals' ability to maintain firearms proficiency.

Justice Brobson did not participate in the consideration or decision of this matter.

<b>June 7, 2022</b>	<b>Commonwealth Court Record Received</b>	Commonwealth Court of Pennsylvania
---------------------	---	---------------------------------------

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 7 of 9

April 24, 2024

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 6, 2022	Order Vacating Briefing Directives in June 6, 2022 Order and Directive to Address Question		Per Curiam
Comments: AND NOW, this 6th day of July, 2022, the briefing directives contained in the Court's June 6, 2022 order are hereby VACATED, and the parties are DIRECTED to address the question presented under the standards announced in N.Y. Rifle & Pistol Assoc., Inc. v. Bruen, ___ S.Ct. ___, 2022 WL 2251305 (June 23, 2022).			
Justice Brobson did not participate in the consideration or decision of this matter.			
July 6, 2022	Order Exited		Office of the Prothonotary
July 7, 2022	Application for Extension of Time to File Brief - First Request	Appellant	Stroud Township
July 11, 2022	Order Granting Application for Extension of Time to File Appellant Brief		Dreibelbis, Amy
Comments: AND NOW, this 11th day of July, 2022, Appellant's application for extension of time is granted. Appellant's Brief and Reproduced Record shall be filed on or before September 1, 2022.			
July 11, 2022	Order Exited		Office of the Prothonotary
August 18, 2022	Application for Extension of Time to File Brief - Second Request	Appellant	Stroud Township
August 22, 2022	Order Granting Application for Extension of Time to File Appellant Brief		Dreibelbis, Amy
Comments: AND NOW, this 22nd day of August, 2022, Appellant's second application for extension of time is granted only to the extent that Appellant's Brief and Reproduced Record shall be filed on or before September 22, 2022. Further extension requests will be denied.			
August 22, 2022	Order Exited		Office of the Prothonotary
September 22, 2022	Appellant's Brief	Appellant	Stroud Township
September 22, 2022	Appellant's Reproduced Record Filed	Appellant	Stroud Township
September 22, 2022	Amicus Curiae Brief	Amicus Curiae	CeaseFire PA
September 22, 2022	Amicus Curiae Brief	Amicus Curiae	Commonwealth of Pennsylvania
September 26, 2022	Praecepte for Appearance	Amicus Curiae	Misour, Devin Michael

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 8 of 9

April 24, 2024

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 19, 2022	<b>Appellee's Brief</b>	Appellee	Barris, Jonathan
October 21, 2022	<b>Amicus Curiae Brief</b>	Amicus Curiae	Allegheny County Sportsmen's League, et al.
Comments: Brief on behalf of: Allegheny County Sportsmen's League, Beaver County Conservation League, Firearms Owners Against Crime - Institute for Legal, Legislative, and Educational Action, Unified Sportsmen of PA, and USCCA Legal Defense Foundation			
October 21, 2022	<b>Amicus Curiae Brief</b>	Amicus Curiae	Firearms Policy Coalition and FPC Action Foundation
April 3, 2023	<b>Acknowledgement of Argument Notice</b> Stroud Township	Appellant	Albert, Neil Lawrence
April 17, 2023	<b>Acknowledgement of Argument Notice</b> Barris, Jonathan	Appellee	Kramer, Paul R., Jr.
April 17, 2023	<b>Commonwealth of Pennsylvania's Unopposed Application to Participate in Oral Argument</b>	Amicus Curiae	Commonwealth of Pennsylvania
April 24, 2023	<b>No Answer Letter to Application for Oral Argument</b>	Appellant	Stroud Township
April 25, 2023	<b>No Answer Letter to Application for Oral Argument</b>	Appellee	Barris, Jonathan
May 16, 2023	<b>Order Granting Commonwealth of Pennsylvania's Unopposed Application to Participate in Oral Argument</b>		Per Curiam
Comments: AND NOW, this 16th day of May, 2023, the Commonwealth's Unopposed Application to Participate in Oral Argument is GRANTED.  Justice Brobson did not participate in the consideration or decision of this matter.			
May 16, 2023	<b>Order Exited</b>		Office of the Prothonotary
May 16, 2023	<b>Acknowledgement of Argument Notice</b> Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Amicus Curiae Amicus Curiae	Kirkpatrick, Sean Andrew Delone, John Bartley
May 22, 2023	<b>Praecipe for Appearance</b> Commonwealth of Pennsylvania	Amicus Curiae	Delone, John Bartley
May 24, 2023	<b>Argued</b> Stroud Township Commonwealth of Pennsylvania Barris, Jonathan	Appellant Amicus Curiae Appellee	Albert, Neil Lawrence Delone, John Bartley Kramer, Paul R., Jr.



## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 68 MAP 2022

Page 9 of 9

April 24, 2024

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 21, 2024	Reversed/Remanded		Dougherty, Kevin M.

## Comments:

We hold the Second Amendment's plain text covers Barris's conduct based on the specific terms of the discharge ordinance before us, which permits the confiscation of lawfully owned arms. Nonetheless, we further hold the government has met its burden to justify the discharge ordinance's shooting range exception by showing it is consistent with the Nation's historical tradition of firearm regulation. As such, Barris's conduct falls outside the Second Amendment's unqualified command, and the Township's discharge ordinance is facially constitutional. We therefore reverse and remand.

\* \* \* \*

We close by adding our voice to the ever-growing chorus of courts across the country that have implored the High Court to answer some of the many questions Bruen both created and left unresolved -- or even to reconsider its path entirely. Our Nation is gripped by a level of deadly gun violence our founders never could have conceived, and, respectfully, some of the Court's actions in recent years have done little to quell the legitimate fears of "the people." Doubtless, the federal Constitution is king, and the heavy burden of interpreting that all-important document falls solely to the head of the federal judiciary. Still, to many, the Bruen Court's word that the Second Amendment is meant "to be adapted to the various crises of human affairs" largely rings hollow since the Court has frozen its meaning in time in the ways that matter most. Bruen, 597 U.S. at 28. Worse yet, the Court seemingly moves the goalposts with each new case it takes, most recently by sua sponte discarding a test that was uniformly embraced by courts across the country and replacing it with a harsh "history-and-tradition" test no one asked for. We cannot help but wonder (and fear, really): What's next?

Chief Justice Todd and Justice Wecht join the opinion.

Justice Donohue files a concurring and dissenting opinion.

Justice Mundy files a dissenting opinion.

Justice Brobson did not participate in the consideration or decision of this matter.

February 21, 2024	Judgment Entered	Office of the Prothonotary
March 13, 2024	Original Record Remitted to Commonwealth Court	Office of the Prothonotary
March 14, 2024	Acknowledgement of Record Remittal	Commonwealth Court of Pennsylvania

## CROSS COURT ACTIONS

Docket Number:	363 MAL 2021
Docket Number:	671 CD 2020