

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**MATTHEW J. BROUILLETTE,
REPRESENTATIVE JAMES
CHRISTIANA, and BENJAMIN
LEWIS,**

Petitioners,

v.

**THOMAS WOLF, GOVERNOR;
RANDY ALBRIGHT; JOSEPH
TORSELLA; EUGENE
DEPASQUALE; MICHAEL
TURZAI; DAVID REED; JOSEPH
B. SCARNATI, III; JAKE
CORMAN,**

Respondents.

Docket No. 410 MD 2017

ORDER

AND NOW THIS, ____ day of December 2017, Respondents' request for a 30-day extension of its deadline for filing its response to Petitioners' Amended Petition for Review is **GRANTED**. Respondents' response shall be due on or before January 8, 2018.

J.

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CORMAN,**

Respondents.

Docket No. 410 MD 2017

**RESPONDENTS' FIRST REQUEST FOR EXTENSION OF TIME TO FILE
RESPONSE TO PETITIONERS' AMENDED PETITION FOR REVIEW**

TO THE CLERK OF COURT:

Pursuant to Pennsylvania Rule of Appellate Procedure 3714(c) and Section 223 of the Internal Operating Procedures of the Commonwealth Court, Respondents Governor Tom Wolf and Randy Albright, Secretary of Budget, respectfully submits this request for a 30-day extension of time to file their response to Petitioners' Amended Petition for Review, and in support thereof states the following:

1. Petitioners filed an Amended Petition for Review with the Court on November 7, 2017, following the enactment of several bills that completed the FY 2017-18 budgetary process.¹

2. On November 14, 2017, Respondents Treasurer Torsella and Auditor General DePasquale filed a Joint Motion to Dismiss for Mootness, based upon the enactment of the three aforementioned bills and the “balancing” of the FY 2017-18 budgetary process.

3. On November 28, 2017, Respondents Scarnati and Corman filed a pleading joining in the pending Motion to Dismiss for Mootness.

4. On November 28, 2017, Petitioners filed their Response in Opposition to the Joint Motion to Dismiss, along with “new matter.”

5. On November 29, 2017, the Court issued an Order scheduling a hearing on the Respondents’ Motion to Dismiss for December 12, 2017, at 10 am.

6. On December 5, 2017, Respondents Governor Wolf and Secretary Albright filed a pleading joining in the pending Joint Motion to Dismiss, as well as a separate request for a stay of the response deadline to Petitioners’ Amended Petition for Review.

¹ The three legislative bills are HB 674, PN 2624 (Fiscal Code Amendments), HB 542, PN 2598 (Tax Reform Code Amendments), and HB 271, PN 2652 (Expanding Gaming).

7. On December 7, 2017, counsel for Respondents Wolf and Albright contacted the Court to inquire about the pending request for a stay, in light of the pending hearing on the Joint Motion to Dismiss scheduled for December 12, 2017.

8. The undersigned counsel also contacted opposing counsel to inquire if they would concur in a request for a 30-day extension of time, in the event that the Court did not rule on the pending request for a stay.

9. At present, counsel for Petitioners has not responded and therefore, it is believed they do not concur in the pending request for a 30-day extension.

10. At present, the Court has not issued an order on the Respondents' request for stay, and the hearing scheduled for December 12, 2017 is still pending. In light of the possible disposition by this Court following the December 12 hearing, there may be no further need for consideration and response of the Amended Petition for Review.

11. This is the first time the Respondents are seeking an extension of time to file their response to the Amended Petition for Review.

12. If the Respondents' request for a 30-day extension of their deadline for filing is granted, the Respondents' response will be due on or before January 8, 2018.

WHEREFORE, the Respondents respectfully request a 30-day extension of its deadline for filing its response to the Petitioners' Amended Petition for Review,

making the new filing deadline for the Respondents' response to be January 8, 2018.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

By: *s/ Keli M. Neary*

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Counsel for Governor Wolf

Date: December 7, 2017

CERTIFICATE OF SERVICE

I, Keli M. Neary, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that I caused to be served a true and correct copy of the foregoing **Respondents' First Request for Extension of Time to File Response to Petitioners' Amended Petition for Review** to the following in the manner described below:

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