





2. The Senators incorporate by reference herein the statement of facts contained in the Petition for Review.

3. Contemporaneous with this Application, the Senators are filing a brief in support of the Application, which is incorporated by reference herein.

4. There are no material facts in dispute.

5. The Senators' right to relief is clear.

6. Governor Tom Wolf has a mandatory duty to act under 35 Pa.C.S. § 7301(c); specifically, he has a mandatory duty to issue an executive order or proclamation ending the state of disaster emergency related to COVID-19.

7. The Senators have no alternative adequate remedy absent mandamus relief.

8. Therefore, the Senators are entitled to peremptory judgment as a matter of law on Count I (mandamus).

WHEREFORE, the Senators pray the Court:

(1) Enter judgment against Governor Wolf commanding him to issue an executive order or proclamation ending the state of disaster emergency related to COVID-19; and

(2) Grant such further relief as may be just under the circumstances.

Respectfully submitted,

Dated: June 10, 2020

/s/ Matthew H. Haverstick  
Matthew H. Haverstick (No. 85072)  
Mark E. Seiberling (No. 91256)  
Joshua J. Voss (No. 306853)  
Shohin Vance (No. 323551)  
KLEINBARD LLC  
Three Logan Square  
1717 Arch Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19103  
Ph: (215) 568-2000  
Fax: (215) 568-0140  
Eml: [mhaverstick@kleinbard.com](mailto:mhaverstick@kleinbard.com)  
[mseiberling@kleinbard.com](mailto:mseiberling@kleinbard.com)  
[jvoss@kleinbard.com](mailto:jvoss@kleinbard.com)  
[svance@kleinbard.com](mailto:svance@kleinbard.com)

*Attorneys for Petitioners*