

IN THE SUPREME COURT OF PENNSYLVANIA

FRIENDS OF DANNY DEVITO,	:	
KATHY GREGORY,	:	
B&J LAUNDRY, LLC	:	No. 68 MM 2020
BLUEBERRY HILL PUBLIC GOLF	:	
COURSE & LOUNGE, and	:	
CALEDONIA LAND COMPANY,	:	
Petitioners	:	
	:	
	:	
v.	:	
	:	
TOM WOLF, GOVERNOR	:	
AND RACHEL LEVINE,	:	
SECRETARY OF PA.	:	
DEPARTMENT OF	:	
HEALTH,	:	
	:	
Respondents	:	

SUPPLEMENTAL APPLICATION FOR RELIEF

COME NOW Petitioners, Friends of Danny DeVito, Kathy Gregory, B&J LAUNDRY, LLC, Blueberry Hill Public Golf Course & Lounge, and Caledonia Land Company, by and through their attorneys, Scaringi Law, pursuant to Rule 123 of the Pennsylvania Rules of Appellate Procedure, and respectfully represent:

1. On March 24, 2020, Petitioners filed their Emergency Application for Extraordinary Relief, challenging Governor Tom Wolf’s order barring most businesses in Pennsylvania from accessing their physical locations.

2. Also on March 24, 2020, the Prothonotary addressed a letter to counsel for the Governor and Secretary of Health, advising that an Answer is due by Thursday, March 26, 2020 at 4:00 p.m.

3. The Governor and Secretary have now filed their Answer. However, while the Applicants filed a paragraph-by-paragraph application with this Court, what the Respondents have filed is not truly an “answer,” but rather, a brief. This is at the same time the Respondents refused to agree to briefing the Applicants’ Emergency Application, necessitating Applicants’ previous Application for Relief.

4. Under these circumstances, it would be inequitable to preclude Applicants from filing a brief.

5. The Court should not permit the Respondents to refuse to agree to briefing, then file a brief, and then seek to preclude Applicants from filing a brief.

6. Additionally, whereas in their Emergency Application Applicants questioned whether there was any right to appeal the denial of a waiver, Respondents have, with their Answer, answered that question by stating categorically that there is no right to appeal. This is an issue which Applicants should be permitted to brief.

7. In fact, contrary to Respondents’ assertion in their Answer-Brief, Applicant Blueberry Hill has applied for a waiver (but has not yet received an answer). In this regard, Blueberry Hill is in company with at least 10,000 other

Pennsylvania businesses, a fact which highlights the need for briefing and argument in this case.

WHEREFORE, Petitioners respectfully renew their request that the Court order an expedited schedule for briefing and oral argument in the instant matter.

Respectfully submitted,

/s/ Marc A. Scaringi

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March 26, 2020

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CERTIFICATE OF SERVICE

I, Deborah A. Black, Paralegal for Scaringi Law, do hereby certify that I served a true and correct copy of *Petitioners' Supplemental Application for Relief*, in the above-captioned action, upon the following via PACfile System, to:

Karen Romano
Chief Deputy Attorney General
Pennsylvania Office of Attorney General
Strawberry Square, 15th Floor
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Date: March 26, 2020

/s/ Deborah A. Black

Deborah A. Black, Paralegal
For Marc A. Scaringi, Esquire and
Brian C. Caffrey, Esquire

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Petitioners' Counsel

Signature: /s/ Marc A. Scaringi

Name: Marc A. Scaringi, Esquire

Attorney No. (if applicable): 88346

Date: March 26, 2020