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**IN THE SUPREME COURT OF PENNSYLVANIA**

<b>EARL MARKEY</b>	:	
<b>Petitioner</b>	:	
	:	
v.	:	
	:	
<b>GOVERNOR TOM WOLF</b>	:	Docket No. 75 MM 2020
<b>Respondent</b>	:	

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**APPLICATION FOR LEAVE OF COURT TO FILE REPLY**

Petitioner respectfully moves the Court for leave to file the attached reply in support of Petitioner’s Emergency, Ex Parte Application For Extraordinary Relief Pursuant To The Court’s King’s Bench Jurisdiction.

Respondent Counsel’s Answer filed on April 9, 2020, alleges that Petitioner made misrepresentations to the Court. Petitioner request that the Court grant leave to file the attached reply so that Petitioner can answer these serious allegations.

Respectfully submitted,



Dated: April 13, 2020

Earl Markey  
Pro Se  
26 W. College Ave.  
Yardley, PA 19067  
215-740-3243  
earlmarkey@earlmarkey.com

**CERTIFICATE OF SERVICE**

I, Earl Markey, hereby certify that I caused a copy of the foregoing to be filed and served upon the following person by first class United States mail:

Governor Tom Wolf  
Office of the Governor  
508 Main Capitol Building  
Harrisburg, PA 17120

Joshua Shapiro  
Pennsylvania Office of Attorney General  
16th Floor, Strawberry Square  
Harrisburg, PA 17120

Respectfully Submitted,



Date: April 13, 2020

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**CERTIFICATE OF COMPLIANCE**

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



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<b>Petitioner</b>	:	
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<b>GOVERNOR TOM WOLF</b>	:	Docket No. 75 MM 2020
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**PETITIONER’S REPLY TO ANSWER AND NOTICE OF PROBABLE  
MISCONDUCT BY OPPOSING COUNSEL**

The individual rights of the People are “inviolable” even in the name of saving those very people’s lives. See, Article 1, Section 25 of the Pennsylvania Constitution. The Commonwealth certainly has a police interest in reducing COVID-19 transmission, but its mandates must be narrowly tailored to the least restrictive means (i.e. 6-foot social distancing).

Next, with great consternation the Petitioner brings the following probable misconduct by opposing counsel to the Court’s attention. *At Respondent’s Answer*, 25, opposing counsel improperly characterized Petitioner’s argument at 12, “an official state website claims citations will not be issued” as “patently false.

(<https://www.pa.gov/guides/responding-to-covid-19/#StayatHomeOrder>, visited 4/7/2020).”<sup>1</sup> Specifically, the webpage contained the following Frequently Asked

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<sup>1</sup>An achieved copy of the webpage (Exhibit A) on the date cited is available from the Internet Archive WayBack Machine  
<https://web.archive.org/web/20200407223518/https://www.pa.gov/guides/responding-to-covid-19/>

Question: “Are people going to be cited for leaving their homes? No. People will not be cited for leaving their homes.”<sup>2</sup> Petitioner promptly emailed (Exhibit B) each member of opposing counsel with a screenshot of the webpage visited at 1 PM 4/9/2020 and requested counsel amend *Respondent’s Answer* at 25. Instead of amending the *Answer*, counsel did not acknowledge the Petitioner’s email and the webpage in question was changed as to remove “Are people going to be cited for leaving their homes? No. People will not be cited for leaving their homes.” (*Id.*, visited 4 PM, 4/9/2020, Exhibit C). The conduct of opposing counsel not only impugned the character of the Petitioner, but probably also violated Pennsylvania Rules of Professional Conduct (“Pa.R.P.C.”) 3.3 and 3.4. If the Respondent lacks candor before this Court, how does he expect the people to trust him during this crisis.

Now, as much as ever, the rule of law and Constitutions of the United States and this Commonwealth must prevail.

Respectfully submitted,



Earl Markey  
Pro Se  
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Yardley, PA 19067  
215-740-3243  
earlmarkey@earlmarkey.com

Dated: April 9, 2020

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<sup>2</sup> Petitioner copied-and-pasted, verbatim.

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Office of the Governor  
508 Main Capitol Building  
Harrisburg, PA 17120

Joshua Shapiro  
Pennsylvania Office of Attorney General  
16th Floor, Strawberry Square  
Harrisburg, PA 17120

Respectfully Submitted,



Date: April 9, 2020

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# EXHIBIT A

Responding to COVID-19 | PA.GOV x +

web.archive.org/web/20200407223518/https://www.pa.gov/guides/responding-to-covid-19/

INTERNET ARCHIVE Wayback Machine 32 captures 18 Mar 2020 - 10 Apr 2020

Go [ ] MAR APR MAY 07 2019 2020 2021 FEEDBACK TRANSLATE

### *How does this order compare to those made in New Jersey, Ohio, and other states?*

Pennsylvania's order is through at least April 30, whereas the orders in other states may vary in duration.

Pennsylvania has already taken action to close the physical locations of non-life-sustaining businesses, which is part of many of the other state's orders.

### *Does this align with Philadelphia's Stay at Home order?*

The orders are compatible.

### *Are people going to be cited for leaving their homes?*

No. People will not be cited for leaving their homes.

Additionally, people are not required to carry written authorization to travel for the purposes allowed under the order.

### *How will this order be enforced?*

Law enforcement is focused on ensuring residents are aware of the Stay at Home order and informing the public of social distancing practices and while the order is mandatory, voluntary compliance is preferred.

Law enforcement maintains discretion to warn or issue citations, and their decision is specific to the facts and circumstances of each particular encounter.

### *What does this order mean for life-sustaining businesses?*

Life-sustaining business activities must abide by this order, but they are permitted to maintain physical operations in support of providing life-sustaining goods and services, while abiding by social distancing and other mitigation measures to ensure employee health and safety.

# EXHIBIT B

# 75 MM 2020

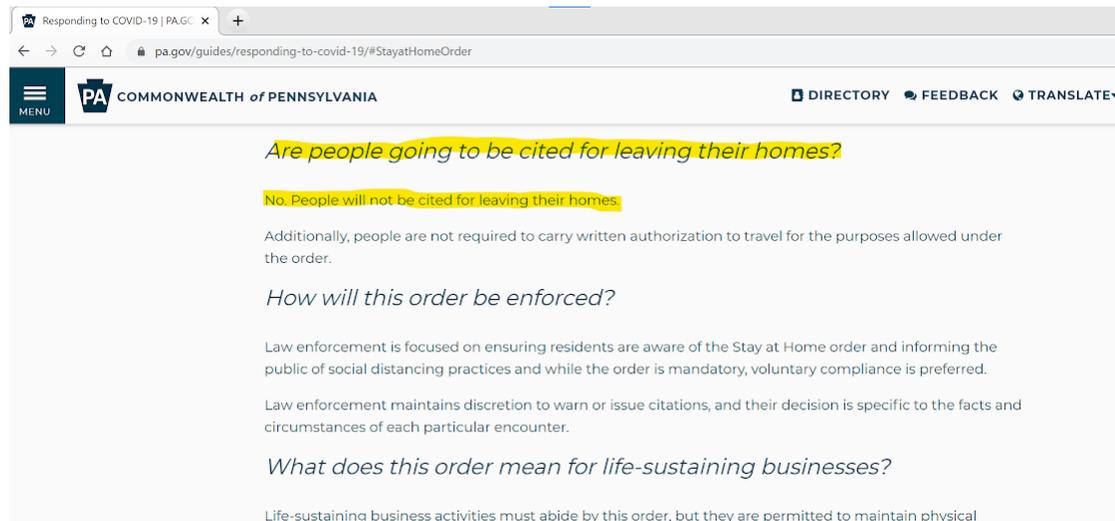
**Earl Markey** <earlmarkey@earlmarkey.com>

Thu, Apr 9, 2020 at 1:39 PM

To: jdelone@attorneygeneral.gov, ykostelac@pa.gov, kneary@attorneygeneral.gov, kromano@attorneygeneral.gov, grschwab@pa.gov, josh@attorneygeneral.gov

Dear Counsel,

I kindly draw your attention to the state website below in regards to your argument at page 25. I trust this was an unintentional oversight and that the filling will be amended to remove "This is patently false."



Respectfully,

Earl Markey  
earlmarkey@earlmarkey.com  
215-740-3243

# EXHIBIT C

services to continue.

### *How does this order compare to those made in New Jersey, Ohio, and other states?*

Pennsylvania's order is through at least April 30, whereas the orders in other states may vary in duration.

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### *What does this order mean for life-sustaining businesses?*

Life-sustaining business activities must abide by this order, but they are permitted to maintain physical operations in support of providing life-sustaining goods and services, while abiding by social distancing and other mitigation measures to ensure employee health and safety.

### *Are people permitted to travel and do they need an official letter or*