

IN THE SUPREME COURT OF PENNSYLVANIA

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

**APPLICATION TO STAY THE ENFORCEMENT OF**  
**GOVERNOR WOLF’S EXECUTIVE ORDER DATED MARCH 19, 2020**  
**PENDING THE FILING AND DISPOSITION**  
**BY THE UNITED STATES SUPREME COURT OF**  
**PETITIONERS’ PETITION FOR WRIT OF CERTIORARI**

COME NOW Petitioners, pursuant to Rule 3309 of the Pennsylvania Rules of Appellate Procedure, and respectfully represent:

1. Petitioners are Friends of Danny DeVito, Kathy Gregory, B&J LAUNDRY, LLC, Blueberry Hill Public Golf Course & Lounge, and Caledonia Land Company.

2. Respondents are The Honorable Tom Wolf, Governor of the Commonwealth of Pennsylvania, and Dr. Rachel Levine, Secretary of the Department of Health of the Commonwealth of Pennsylvania.

3. On Thursday, March 19, 2020, in response to the viral illness, COVID-19, Pennsylvania Governor Thomas W. Wolf issued an order compelling the closure of the physical operations of all businesses and entities that he deemed to be non-life-sustaining (hereinafter the “Executive Order”).

4. On March 24, 2020, Petitioners filed an Emergency Application for Extraordinary Relief in this Court asking it to vacate the Executive Order.

5. On April 13, 2020, this Court entered an Order denying all claims brought by the Petitioners.

6. Petitioners intend to file a Petition for Writ of Certiorari in the United States Supreme Court asking that court to review this Court’s April 13, 2020 Order.

7. The Executive Order has and is continuing to cause irreparable harm to the Petitioners and all those businesses and entities in the same non-life-sustaining classification of the Executive Order.

8. Petitioners request this Court issue an order to stay the enforcement of the Executive Order pending the filing and disposition by the United States Supreme Court of Petitioners’ Petition for Writ of Certiorari.

9. Petitioners shared this Application with counsel for the Respondents.

10. Respondents do not concur in the request.

WHEREFORE, Petitioners pray this Honorable Court issue an order staying the enforcement of the Executive Order pending the filing and disposition by the United States Supreme Court of Petitioners' Petition for Writ of Certiorari for review of this Court's Order dated April 13, 2020.

Respectfully submitted,

April 22, 2020

/s/ Marc A. Scaringi  
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Scaringi Law  
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VERIFICATION

I, Danny DeVito, of Friends of Danny DeVito, hereby swear or affirm that the facts contained in the foregoing document are true and correct to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

4/22/2020  
Date



Danny DeVito  
Candidate,  
Friends of Danny DeVito

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AND RACHEL LEVINE, :  
SECRETARY OF PA. :  
DEPARTMENT OF :  
HEALTH, :  
 :  
 :  
Respondents :

**ORDER**

AND NOW, on this \_\_\_\_\_ day of April, 2020, upon review of the  
Petitioners' **APPLICATION TO STAY THE ENFORCEMENT OF**  
**GOVERNOR WOLF'S EXECUTIVE ORDER DATED MARCH 19, 2020**  
**PENDING THE FILING AND DISPOSITION BY THE UNITED STATES**  
**SUPREME COURT OF PETITIONERS' PETITION FOR WRIT OF**  
**CERTIORARI** said Application is denied.

BY THE COURT,

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J.

IN THE SUPREME COURT OF PENNSYLVANIA

FRIENDS OF DANNY DEVITO, :  
KATHY GREGORY, :  
B&J LAUNDRY, LLC : No. 68 MM 2020  
BLUEBERRY HILL PUBLIC GOLF :  
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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 the *Application to Stay The Enforcement of Governor Wolf's Executive Order dated March 19, 2020 Pending the Filing and Disposition by the United States Supreme Court of Petitioners' Petition for Writ of Certiorari*, in the above-captioned action, upon the following via PACfile System, to:

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Date: April 22, 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: April 22, 2020