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Counsel for Petitioners;
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IN THE SUPREME COURT OF PENNSYLVANIA

League of Women Voters of Pennsylvania, *et al.*,

Petitioners,

v.

The Commonwealth of Pennsylvania, *et al.*,

Respondents.

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) **No. 159 MM 2017**
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PRAECIPE TO PROVIDE SUPPLEMENTAL AUTHORITY IN SUPPORT OF PETITIONERS' APPLICATION FOR EXTRAORDINARY RELIEF

treated as an Application for Leave to Supplement Application for Extraordinary Relief

Attached as Exhibit A is the order of the Commonwealth Court issued earlier today in *League of Women Voters of Pennsylvania et al., v. The Commonwealth of Pennsylvania et al.*, No. 261 MD 2017, granting, over the objection of Petitioners, the request of Respondents the Pennsylvania General Assembly, Michael C. Turzai, and Joseph B. Scarnati III for a stay of all

proceedings with the sole exception of allowing the parties to brief certain privilege issues.

Dated: October 16, 2017

Respectfully submitted,

/s/ Benjamin D. Geffen

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Counsel for Petitioners*

* Attorneys from Arnold & Porter Kaye

Scholer LLP were admitted to represent

Petitioners *pro hac vice* at the

Commonwealth Court, and their applications

for *pro hac vice* admission in this Court are

forthcoming

Exhibit A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

League of Women Voters :
of Pennsylvania, :
Carmen Febo San Miguel, :
James Solomon, John Greiner, :
John Capowski, Gretchen Brandt, :
Thomas Rentschler, :
Mary Elizabeth Lawn, Lisa Isaacs, :
Don Lancaster, Jordi Comas, :
Robert Smith, William Marx, :
Richard Mantell, Priscilla McNulty, :
Thomas Ulrich, Robert McKinstry, :
Mark Lichty, Lorraine Petrosky, :
Petitioners :

v. :

NO. 261 M.D. 2017

The Commonwealth of Pennsylvania; :
The Pennsylvania General Assembly; :
Thomas W. Wolf, In His Capacity As :
Governor of Pennsylvania; :
Michael J. Stack III, In His Capacity :
As Lieutenant Governor of :
Pennsylvania And President of the :
Pennsylvania Senate; :
Michael C. Turzai, In His Capacity :
As Speaker of the Pennsylvania :
House of Representatives; :
Joseph B. Scarnati III, In His :
Capacity As Pennsylvania Senate :
President Pro Tempore; :
Pedro A. Cortes, In His Capacity :
As Secretary of the Commonwealth :
of Pennsylvania; Jonathan M. Marks, :
In His Capacity As Commissioner :
of the Bureau of Commissions, :
Elections, and Legislation of the :
Pennsylvania Department of State, :
Respondents :

ORDER

AND NOW, this 16th day of October, 2017, having heard oral argument on October 4, 2017 from the parties regarding the Application for Stay filed by Respondents Joseph B. Scarnati, President Pro Tempore of the Pennsylvania Senate, Michael C. Turzai, Speaker of the Pennsylvania House of Representatives, and the General Assembly of Pennsylvania (“Moving Respondents”), it is hereby ordered as follows:

1. The Moving Respondents’ Application for Stay is GRANTED. With the exceptions of those matters listed in Paragraph 2 of this Order, all aspects of this case are stayed pending the decision of the Supreme Court of the United States’ final decision in *Gill v. Whitford*, No. 16-1161, 2017 U.S. LEXIS 4040 (argued October 3, 2017).

2. Within thirty (30) days of the entry of this Order, the Moving Respondents shall file a brief in support of all claims of privilege which the Moving Respondents have asserted and/or intend to assert with respect to the discovery propounded by the Petitioners in this matter. With respect to the Moving Respondents’ objections based on legislative privilege to service of the proposed third-party subpoenas, the factual statement shall identify with specificity the connection between the proposed third-party recipient and the legislature, if any, during the relevant period, and whether the General Assembly paid for those recipient services. Moving Respondents shall also identify facts on which they intend to rely in support of their “First Amendment” privilege claim.

3. Petitioners shall file a responsive brief within thirty (30) days of service of the Moving Respondents' brief. The Moving Respondents shall have fifteen (15) days after service of the Petitioners' brief in which to file a reply brief. Upon review of the briefs, the Court will determine if oral argument is appropriate and, if so, schedule the same in accordance with the Court's calendar.


DAN PELLEGRINI, Senior Judge

Certified from the Record

OCT 16 2017

And Order Extt