

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jacob Doyle Corman, III, :
individually and as a parent of two :
minor school children; Jesse :
Wills Topper, individually and :
as a parent of two minor school :
children; Calvary Baptist :
Church; Hillcrest :
Christian Academy; James :
and Michelle Reich, :
individually and as parents of three :
minor school children; Adam and :
Chelsea McClure, individually :
and as parents of one minor :
special needs school child, :
Victoria T. Baptiste, :
individually and as a parent of two :
special needs school children, :
Jennifer D. Baldacci, :
individually and as a parent of one :
school child; Klint Neiman and :
Amanda Palmer, individually :
and as parents of two minor school :
children, :
:

Petitioners :

v. :

Acting Secretary of the :
Pennsylvania Department :
of Health, :
:

Respondent :

No. 294 M.D. 2021

PER CURIAM

ORDER

NOW, September 13, 2021, following a pre-hearing conference, and upon joint stipulation of the parties, the hearing on Petitioners’ “Application for Special Relief in the Form of an Emergency Preliminary Injunction under Pa. R.A.P. 1532” (Application), previously set for September 16, 2021, commencing at 10:00 a.m., in Courtroom 3002, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, is hereby stayed. The remaining provisions of this Court’s September 8, 2021 scheduling order are likewise stayed.

Pursuant to the parties’ stipulation, Petitioners shall file a brief on or before September 16, 2021, addressing the limited legal issues concerning whether the August 31, 2021 “Order of the Acting Secretary of the Pennsylvania Department of Health Directing Face Coverings in School Entities” (Order) constitutes a rule or regulation subject to the provisions of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended*, 71 P.S. §§745.1 - 745.15, and whether said Order violates the principles governing the delegation of administrative authority. Respondent’s responsive brief addressing these issues shall be due on or before September 23, 2021. Following the parties’ submission of their respective briefs, the Court will schedule oral argument as to these issues.

Respondent’s “Application for Relief in the Nature of a Motion to Quash Notice to Attend and Subpoena *Ad Testificandum* Directed to Allison M. Beam, Acting Secretary of Health” will be held in abeyance pending further order of this Court.