

IN THE SUPREME COURT OF PENNSYLVANIA

PATRICK J. McDONNELL,
SECRETARY OF THE
DEPARTMENT OF ENVIRONMENTAL
PROTECTION and
CHAIRPERSON OF THE
ENVIRONMENTAL QUALITY BOARD,

Petitioner,

v.

PENNSYLVANIA LEGISLATIVE
REFERENCE BUREAU, VINCENT C.
DeLIBERATO, JR., DIRECTOR OF THE
LEGISLATIVE REFERENCE BUREAU,
and AMY J. MENDELSON,
DIRECTOR OF THE PENNSYLVANIA
CODE and BULLETIN,

Respondents,

SENATE PRESIDENT PRO TEMPORE
JAKE CORMAN, *et al.*,

Senate Intervenor
Respondents,

HOUSE SPEAKER BRYAN CUTLER,
et al.,

House Intervenor
Respondents.

Docket No. 45 MAP 2022

PETITIONER’S APPLICATION TO DISCONTINUE APPEAL

On April 18, 2022, the Commonwealth Court entered the Order attached as Exhibit “A.” This new Order provides that the April 5, 2022 injunction that was the subject of Petitioner’s April 7 appeal “was deemed dissolved as of April 11, 2022.” Accordingly, Petitioner submits that its appeal has been rendered moot, and therefore

wishes to discontinue its appeal of the April 5, 2022 Order, pursuant to Pennsylvania Rule of Appellate Procedure 1973.

Respectfully submitted,

/s/ Matthew A. White

Matthew A. White (Pa. 55812)

Brian N. Kearney (Pa. 326227)

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215.665.8500

Attorneys for Petitioner

Dated: April 18, 2022

CERTIFICATE OF COMPLIANCE

I, Matthew A. White, 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.

Dated: April 18, 2022

/s/ Matthew A. White
Matthew A. White (Pa. 55812)

CERTIFICATE OF SERVICE

I, Matthew A. White, hereby state that I have caused to be served a true and correct copy of the foregoing Suggestion of Mootness via the Court's PACFile, which satisfies the service requirements of Pa.R.A.P. 121 and 122 per this Court's standing Orders regarding electronic filing, upon the following:

Kandice K. Hull, Esq.
J. Andrew Crompton, Esq.
Brigid L. Khuri, Esq.
Errin T. McCaulley, Esq.
James Guthrie Mann, Esq.
Counsel for Senate Intervenor/Appellees

James J. Kutz, Esq.
Erin R. Kawa, Esq.
Rodney A. Corey, Esq.
Counsel for House Intervenor/Appellees

Mark A. Bogush, Esq.
Andrew Butash, Esq.
Peter W. Klein, Esq.
Counsel for LRB Respondent/Appellees

Dated: April 18, 2022

/s/ Matthew A. White
Matthew A. White (Pa. 55812)

EXHIBIT A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

| | | |
|---------------------------------------|---|------------------|
| Patrick J. McDonnell, Secretary | : | |
| of the Department of Environmental | : | |
| Protection and Chairperson of the | : | |
| Environmental Quality Board, | : | |
| Petitioner | : | |
| | : | |
| v. | : | |
| | : | |
| Pennsylvania Legislative Reference | : | |
| Bureau, Vincent C. DeLiberato, Jr., | : | |
| Director of the Legislative Reference | : | |
| Bureau, and Amy J. Mendelsohn, | : | |
| Director of the Pennsylvania Code | : | |
| and Bulletin, | : | |
| Respondents | : | No. 41 M.D. 2022 |

PER CURIAM

ORDER

NOW, April 18, 2022, upon further consideration of the Court’s April 5, 2022, Order that stayed the processing of the Regional Greenhouse Gas Initiative Regulation for publication in the Pennsylvania Bulletin, the Court concludes that the April 5, 2022, Order was deemed dissolved as of April 11, 2022, pursuant to Pa. R.Civ.P. 1531(d) (“An injunction granted without notice to the defendant shall be deemed dissolved unless a hearing on the continuance of the injunction is held within five days after granting the injunction or within such other time as the parties may agree or as the court upon good cause shown shall direct.”). *See also Dep’t of Pub. Welfare v. Mallory*, 414 A.2d 749 (Pa. Cmwlth. 1980) (stating that where no hearings on continuances of preliminary injunctions issued without notice to defendant were conducted within five days, each was deemed dissolved after five

days and that because conference conducted five days after first injunction order was not a hearing, the injunction was not ordered continued).