

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Received 01/26/2023 Supreme Court Eastern District

LARRY KRASNER, in his official capacity
as the District Attorney of Philadelphia,

Petitioner,

v.

SENATOR KIM WARD, in her official
capacity as Interim President Pro Tempore
of the Senate; REPRESENTATIVE
TIMOTHY R. BONNER, in his official
capacity as an impeachment manager;
REPRESENTATIVE CRAIG WILLIAMS,
in his official capacity as an impeachment
manager; REPRESENTATIVE JARED
SOLOMON, in his official capacity as an
impeachment manager; and JOHN DOES,
in their official capacities as members of
the SENATE IMPEACHMENT
COMMITTEE;

Respondents.

Docket No. 563 MD 2022

NOTICE OF APPEAL

Notice is hereby given that Representative Timothy R. Bonner and
Representative Craig Williams, in their official capacities as Impeachment
Managers and Respondents above named, hereby appeal to the Supreme Court of
Pennsylvania from the Order entered in this matter on the 30th day of December,

2022.¹ This Order has been entered in the docket, as evidenced by the copy of the docket entry attached as Exhibit A.

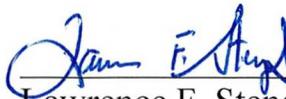
There are no transcribed proceedings in this matter.

Respectfully submitted,

SAXTON & STUMP, LLC

Dated: January 26, 2023

By:



Lawrence F. Stengel (ID No. 32809)

William C. Costopoulos (ID No. 22354)

Carson B. Morris (ID No. 208314)

Emily M. Bell (ID No. 208885)

280 Granite Run Drive, Suite 300

Lancaster, PA 17601

Telephone: (717) 556-1000

Facsimile: (717) 441-3810

lfs@saxtonstump.com

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cbm@saxtonstump.com

emb@saxtonstump.com

Attorneys for Respondents

Representative Timothy R. Bonner and

Representative Craig Williams

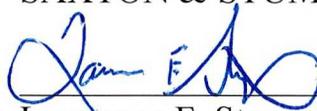
¹ A Memorandum Opinion, Concurring Opinion, and Dissenting Opinion were filed January 12, 2023.

PUBLIC ACCESS POLICY CERTIFICATION

I, Lawrence F. Stengel, hereby certify that the foregoing 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 requires the filing of confidential information and documents to be performed differently than nonconfidential information and documents and Pa. R.A.P. 127.

Dated: January 26, 2023

By:



SAXTON & STUMP, LLC

Lawrence F. Stengel (ID No. 32809)

280 Granite Run Drive, Suite 300

Lancaster, PA 17601

Telephone: (717) 556-1000

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wcc@saxtonstump.com

cbm@saxtonstump.com

emb@saxtonstump.com

Attorneys for Respondents

Representative Timothy R. Bonner and

Representative Craig Williams

CERTIFICATE OF SERVICE

I, Lawrence F. Stengel, certify that, on this date, I filed the foregoing Notice of Appeal electronically and also served a certified true and correct copy upon the following, by depositing the same in the United States mail, postage prepaid, addressed as follows:

The Honorable Ellen Ceisler
Commonwealth Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue
P.O. Box 61260
Suite 1500
Harrisburg, PA 17106

John S. Summers, Esquire
Andrew M. Erdlen, Esquire
HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER
One Logan Square, 27th Floor
Philadelphia, PA 19103
Counsel for Petitioner Krasner

Michael J. Satin, Esquire
Timothy P. O'Toole, Esquire
Andrew T. Wise, Esquire
Dawn E. Murphy-Johnson, Esquire
MILLER & CHEVALIER CHARTERED
900 16th Street, N.W.
Washington, D.C. 20006
Counsel for Petitioner Krasner

Matthew H. Haverstick, Esquire
Joshua J. Voss, Esquire
Shohin H. Vance, Esquire
Samantha G. Zimmer, Esquire
Francis G. Notarianni, Esquire
KLEINBARD, LLC
1717 Arch Street
Philadelphia, PA 19103
Counsel for Respondent Senator Kim Ward

Lam D. Truong, Esquire
Office of Chief Counsel, Democratic Caucus
Pennsylvania House of Representatives
620 Main Capital Building
Harrisburg, PA 17120
Counsel for Respondent Representative Jared G. Solomon

Corrie A. Woods, Esquire
WOODS LAW OFFICES PLLC
200 Commerce Drive, Suite 210
Moon Township, PA 15108
Counsel for Intervenor Senator Jay Costa

Stephen A. Loney, Esquire
ACLU of Pennsylvania
P.O. Box 60173
Philadelphia, PA 19102
Counsel for Amici Curiae ACLU of Pennsylvania and POWER Interfaith

Vamsidhar Vurimindi
821 Gunter Street
Austin, TX 78702
Possible Intervenor (Pro Se)

Dated: January 26, 2023



Lawrence F. Stengel

EXHIBIT A

Miscellaneous Docket Sheet

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CAPTION

Larry Krasner, in his official capacity as the District Attorney of Philadelphia, Petitioner

v.

Senator Kim Ward, in her official capacity as Interim President Pro Tempore of the Senate; Representative Timothy R. Bonner, in his official capacity as an impeachment manager; Representative Craig Williams, in his official capacity as an impeachment manager; Representative Jared Solomon, in his official capacity as an impeachment manager; and John Does, in their official capacities as members of the Senate Impeachment Committee, Respondents

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Active
Case Processing Status: December 21, 2022 Awaiting Respondent Paperbooks
Journal Number: SS-1-2022
Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Krasner, Larry
Pro Se: No
IFP Status:
Attorney: Summers, John S.
Law Firm: Hangley, Aronchick, Segal, Pudlin & Schiller
Address: Hangley Aronchick Et Al, 1 Logan Sq Fl 27, Philadelphia, PA 19103-6995
Phone No: (215) 496-7007 Fax No:

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

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COUNSEL INFORMATION

Petitioner Krasner, Larry

Pro Se: No

IFP Status:

Attorney: O'Toole, Timothy P.
 Law Firm: Miller & Chevalier Chartered
 Address: 900 16th Street, NW
 Washington, DC 20006
 Phone No: (202) 626-5800 Fax No: (202) 626-5801

Attorney: Erdlen, Andrew Martin
 Law Firm: Hangle, Aronchick, Segal, Pudlin & Schiller
 Address: Hangle Aronchick Segal Pudlin & Schiller
 1 Logan Sq 27th Fl
 Philadelphia, PA 19103
 Phone No: (215) 496-7036 Fax No:

Attorney: Satin, Michael J.
 Law Firm: Miller & Chevalier Chartered
 Address: 900 16th Street, NW
 Washington, DC 20006
 Phone No: (202) 626-6009 Fax No:

Attorney: Wise, Andrew T.
 Law Firm: Miller & Chevalier Chartered
 Address: 900 16th Street, NW
 Washington, DC 20006
 Phone No: (202) 626-6009 Fax No:

Attorney: Murphy-Johnson, Dawn E.
 Law Firm: Miller & Chevalier Chartered
 Address: 900 16th Street, NW
 Washington, DC 20006
 Phone No: (202) 626-6009 Fax No:

Amicus Curiae POWER Interfaith

Pro Se: No

IFP Status:

Attorney: Loney, Stephen Allen
 Law Firm: ACLU of Pennsylvania
 Address: P.o. Box 60173
 Philadelphia, PA 19102
 Phone No: (215) 592-1513 Fax No:

Amicus Curiae American Civil Liberties Union of Pennsylvania

Pro Se: No

IFP Status:

Attorney: Loney, Stephen Allen
 Law Firm: ACLU of Pennsylvania
 Address: P.o. Box 60173
 Philadelphia, PA 19102
 Phone No: (215) 592-1513 Fax No:

Miscellaneous Docket Sheet

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COUNSEL INFORMATION

Intervenor **Costa, Jay**

Pro Se: No

IFP Status:

Attorney: Woods, Corrie Allen
 Law Firm: Woods Law Offices PLLC
 Address: 200 Commerce Dr Ste 210
 Moon Township, PA 15108
 Phone No: (412) 329-7751 Fax No:

Possible Intervenor **Vurimindi, Vamsidhar**

Pro Se: Yes

IFP Status:

Pro Se: Vamsidhar Vurimindi
 Address: 821 GUNTER STREET
 AUSTIN, TX 78702
 Phone No: (737) 262-3477 Fax No:

Respondent **Williams, Craig**

Pro Se: No

IFP Status:

Attorney: Stengel, Lawrence F.
 Law Firm: Saxton & Stump, LLC
 Address: 280 Granite Run Dr
 Lancaster, PA 17601
 Phone No: (717) 740-1288 Fax No:

Attorney: Morris, Carson Blythe
 Law Firm: Saxton & Stump
 Address: 280 Granite Run Dr Ste 300
 Lancaster, PA 17601
 Phone No: (267) 978-6992 Fax No:

Attorney: Bell, Emily Maegan
 Law Firm: Saxton & Stump, LLC
 Address: Saxton & Stump LLC
 280 Granite Run Dr Ste 300
 Lancaster, PA 17601
 Phone No: (717) 475-1505 Fax No:

Attorney: Costopoulos, William
 Address: 4250 Crums Mill Rd # 201
 Harrisburg, PA 17112
 Phone No: (717) 884-1298 Fax No:

Attorney: Graci, Robert A.
 Law Firm: Saxton & Stump, LLC
 Address: 4250 Crums Mill Rd
 Ste 201
 Harrisburg, PA 17112
 Phone No: (717) 216-5511 Fax No:

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COUNSEL INFORMATION

Respondent **Ward, Kim**

Pro Se: No

IFP Status:

Attorney: Haverstick, Matthew Hermann
 Law Firm: Kleinbard, LLC
 Address: Three Logan Square
 1717 Arch St Fl 5
 Philadelphia, PA 19103
 Phone No: (215) 568-2000 Fax No: (215) 568-0140

Attorney: Voss, Joshua John
 Law Firm: Kleinbard LLC
 Address: 1717 Arch St Fl 5th
 Philadelphia, PA 19103
 Phone No: (267) 443-4114 Fax No:

Attorney: Vance, Shohin Hadizadeh
 Law Firm: Kleinbard, LLC
 Address: Kleinbard LLC
 1717 Arch St 5th Fl
 Philadelphia, PA 19103
 Phone No: (215) 568-2000 Fax No:

Attorney: Zimmer, Samantha G.
 Law Firm: Kleinbard, LLC
 Address: Kleinbard LLC
 1717 Arch St 5th Fl
 Philadelphia, PA 19103
 Phone No: (570) 352-8367 Fax No:

Attorney: Notarianni, Francis Gerard
 Law Firm: Kleinbard LLC
 Address: Klienbard LLC
 1717 Arch St
 Philadelphia, PA 19103
 Phone No: (570) 780-7838 Fax No:

Respondent **Solomon, Jared G.**

Pro Se: No

IFP Status:

Attorney: Truong, Lam Dang
 Law Firm: Pennsylvania House of Representatives
 Address: Pa House Of Representatives Occ
 620 Main Capital Bldg
 Harrisburg, PA 17120
 Phone No: (717) 787-3002 Fax No:

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

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COUNSEL INFORMATION

Respondent **Bonner, Timothy R.**

Pro Se: No

IFP Status:

Attorney: Stengel, Lawrence F.
 Law Firm: Saxton & Stump, LLC
 Address: 280 Granite Run Dr
 Lancaster, PA 17601
 Phone No: (717) 740-1288 Fax No:

Attorney: Morris, Carson Blythe
 Law Firm: Saxton & Stump
 Address: 280 Granite Run Dr Ste 300
 Lancaster, PA 17601
 Phone No: (267) 978-6992 Fax No:

Attorney: Bell, Emily Maegan
 Law Firm: Saxton & Stump, LLC
 Address: Saxton & Stump LLC
 280 Granite Run Dr Ste 300
 Lancaster, PA 17601
 Phone No: (717) 475-1505 Fax No:

Attorney: Costopoulos, William
 Address: 4250 Crums Mill Rd # 201
 Harrisburg, PA 17112
 Phone No: (717) 884-1298 Fax No:

Attorney: Graci, Robert A.
 Law Firm: Saxton & Stump, LLC
 Address: 4250 Crums Mill Rd
 Ste 201
 Harrisburg, PA 17112
 Phone No: (717) 216-5511 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
01/12/2023	Petition for Reconsideration - Original Jurisdiction	15.00			0.00
12/02/2022	Miscellaneous Docket Filing Fee	70.25	12/02/2022	2022-CMW-H-002266	70.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:

Order Type:

Documents Received: December 2, 2022

Court Below:

County:

Judge:

Docket Number:

Division:

OTN:

Judicial District:

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ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

Amicus Curiae	Respondent
American Civil Liberties Union of Pennsylvania	Bonner, Timothy R.
Brief	Brief
Due: Filed: December 21, 2022	Due: December 12, 2022 Filed: December 12, 2022
POWER Interfaith	Ward, Kim
Brief	Brief
Due: Filed: December 21, 2022	Due: December 16, 2022 Filed: December 16, 2022
Petitioner	Williams, Craig
Krasner, Larry	Brief
Brief	Due: December 12, 2022 Filed: December 12, 2022
Due: December 21, 2022 Filed: December 21, 2022	

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 2, 2022	Petition for Review Filed Krasner, Larry		Petitioner	
December 2, 2022	Application for Summary Relief Summers, John S. Document Name: and Expedited Briefing	Krasner, Larry	Petitioner	
December 2, 2022	Memorandum of Law Filed Erdlen, Andrew Martin Summers, John S. Document Name: in support of the Application for Summary Relief and Expedited Briefing	Krasner, Larry Krasner, Larry	Petitioner Petitioner	
December 5, 2022	Notice Exited Commonwealth Court Filing Office			
December 6, 2022	Order Filed Per Curiam Document Name: Application for Summary Relief and Expedited Briefing is Granted in PART			12/06/2022

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 6, 2022	Order Filed Per Curiam			12/06/2022

Document Name: Amended Order / Argument on Summary Relief will now be heard via Webex

Comment: NOW, December 6, 2022, upon review of the Application for Summary Relief and Expedited Briefing (Application) filed by Petitioner Larry Krasner, in his official capacity as the District Attorney of Philadelphia County, the Application is GRANTED, in part, as set forth below:

1. Applications for Leave to Intervene, complete with proposed filings and a memorandum of law in support thereof (3 copies), shall be

filed and served no later than December 12, 2022, 3:00 p.m. All answers to any Applications for Leave to Intervene (3 copies) shall be filed and served no later than December 16, 2022, 3:00 p.m. If a party opposes any Application for Leave to Intervene, a memorandum of law (3 copies) shall accompany the answer. Any party who fails to file a response will be considered by the Court to be unopposed to the Application for Leave to Intervene.

2. Respondents shall file and serve either an Answer or Preliminary Objections to the Petition for Review in the Nature of a Complaint for Declaratory Relief filed by Petitioner on December 2, 2022 (Petition for Review) and a brief in support of Preliminary Objections (8 copies) no later than December 12, 2022, 3:00 p.m.

3. Petitioner having filed his brief in support of the Application shall file additional copies (8 total) of his brief no later than December 12, 2022, 3:00 p.m.

4. Respondents shall file and serve their brief(s) in opposition to the Application (8 copies) no later than December 16, 2022, 3:00 p.m.

5. Respondents may file and serve any cross-motions for summary relief and memorandum of law (8 copies) in support thereof no later than December 16, 2022, 3:00 p.m.

6. Petitioner's brief in opposition to any Respondents' preliminary objections to the Petition for Review or cross-motion for summary relief (8 copies) shall be filed and served no later than December 21, 2022, 3:00 p.m.

7. Argument on the Application, any responses thereto, and any cross-motions for summary relief filed in accordance with the above timetable is fixed for Thursday December 29, 2022, at 9 a.m. The argument, previously scheduled to be heard in Courtroom 1, Ninth Floor, Widener Building, Philadelphia, Pennsylvania, will now be heard by WebEx videoconferencing.

Counsel of record who wish to participate shall provide the Court with their email addresses and mobile telephone numbers immediately upon receipt of this Order. The contact email address for the Court is: CommCourtRemote@pacourts.us. To facilitate participation in the argument, various WebEx applications are available for download at pacourts.webex.us. The Court will

provide counsel with the information for connecting to the argument. The parties are directed to connect to the conference 15 minutes before the starting time. Please see the Protocol for WebEx Video Proceedings attached to this order.

No extensions of these deadlines will be granted.

Petitioner shall immediately serve a copy of this Order upon Respondents and file proof of service with the Court by the end of business December 7, 2022.

December 7, 2022	Entry of Appearance		
	Haverstick, Matthew Hermann	Ward, Kim	Respondent
	Notarianni, Francis Gerard	Ward, Kim	Respondent
	Vance, Shohin Hadizadeh	Ward, Kim	Respondent
	Voss, Joshua John	Ward, Kim	Respondent
	Zimmer, Samantha G.	Ward, Kim	Respondent

Document Name: Attys. Haverstick, Voss, Vance, Zimmer and Notarianni for Respondent Ward

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 7, 2022	Certificate of Service Filed Summers, John S.	Krasner, Larry	Petitioner	
	Document Name: Certificates of Service for Petition and Court's Order			
December 9, 2022	Application to be Admitted Pro Hac Vice Filed Summers, John S.	Krasner, Larry	Petitioner	
	Document Name: for Atty. Michael J. Satin			
December 9, 2022	Application to be Admitted Pro Hac Vice Filed Summers, John S.	Krasner, Larry	Petitioner	
	Document Name: for Atty. Andrew T. Wise			
December 9, 2022	Application to be Admitted Pro Hac Vice Filed Summers, John S.	Krasner, Larry	Petitioner	
	Document Name: for Atty. Timothy P. O'Toole			
December 9, 2022	Order Granting Application to be Admitted Pro Hac Vice Per Curiam			12/09/2022
	Document Name: Atty. Michael J. Satin			
	Comment: NOW, December 9, 2022, upon consideration of the motion of John S. Summers, Esq., for admission pro hac vice of Michael J. Satin, Esq., on behalf of Petitioner, it is hereby ordered: (1) Michael J. Satin, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Petitioner in this matter; (2) Michael J. Satin, Esq. shall abide by the rules of this Court including all disciplinary rules; (3) Michael J. Satin, Esq. shall immediately notify this Court of any matter affecting his standing at the bar of any other court where he may be admitted to practice; and, (4) John S. Summers, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Petitioner.			
December 9, 2022	Order Granting Application to be Admitted Pro Hac Vice Per Curiam			12/09/2022
	Document Name: Atty. Andrew T. Wise			
	Comment: NOW, December 9, 2022, upon consideration of the motion of John S. Summers, Esq., for admission pro hac vice of Andrew T. Wise, Esq., on behalf of Petitioner, it is hereby ordered: (1) Andrew T. Wise, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Petitioner in this matter; (2) Andrew T. Wise, Esq. shall abide by the rules of this Court including all disciplinary rules; (3) Andrew T. Wise, Esq. shall immediately notify this Court of any matter affecting his standing at the bar of any other court where he may be admitted to practice; and, (4) John S. Summers, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Petitioner.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 9, 2022	Order Granting Application to be Admitted Pro Hac Vice Per Curiam			12/09/2022
	Document Name: Atty. Timothy P. O'Toole			
	Comment: NOW, December 9, 2022, upon consideration of the motion of John S. Summers, Esq., for admission pro hac vice of Timothy P. O'Toole, Esq., on behalf of Petitioner, it is hereby ordered: (1) Timothy P. O'Toole, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Petitioner in this matter; (2) Timothy P. O'Toole, Esq. shall abide by the rules of this Court including all disciplinary rules; (3) Timothy P. O'Toole, Esq. shall immediately notify this Court of any matter affecting his standing at the bar of any other court where he may be admitted to practice; and, (4) John S. Summers, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Petitioner.			
December 12, 2022	Entry of Appearance			
	Stengel, Lawrence F.	Bonner, Timothy R.	Respondent	
	Stengel, Lawrence F.	Williams, Craig	Respondent	
	Bell, Emily Maegan	Bonner, Timothy R.	Respondent	
	Costopoulos, William	Bonner, Timothy R.	Respondent	
	Graci, Robert A.	Bonner, Timothy R.	Respondent	
	Morris, Carson Blythe	Bonner, Timothy R.	Respondent	
	Bell, Emily Maegan	Williams, Craig	Respondent	
	Costopoulos, William	Williams, Craig	Respondent	
	Graci, Robert A.	Williams, Craig	Respondent	
	Morris, Carson Blythe	Williams, Craig	Respondent	
	Document Name: Attys. Stengel, Costopoulos, Graci, Morris and Bell for Bonner and Williams			
December 12, 2022	Answer and New Matter			
	Haverstick, Matthew Hermann	Ward, Kim	Respondent	
	Document Name: of Senator Kim Ward			
December 12, 2022	Petition to Intervene (Pa.R.C.P. 2328)			
	Woods, Corrie Allen	Costa, Jay	Intervenor	
	Document Name: Senator Jay Costa's Applicatio for Leave to Intervene			
December 12, 2022	Preliminary Objections			
	Stengel, Lawrence F.	Bonner, Timothy R.	Respondent	
	Stengel, Lawrence F.	Williams, Craig	Respondent	
	Document Name: Of Representatives Bonner and Williams			
December 12, 2022	Entry of Appearance			
	Truong, Lam Dang	Solomon, Jared G.	Respondent	
	Document Name: Atty. Truong for Representative Solomon			
December 12, 2022	Notice of Non-Participation			
	Truong, Lam Dang	Solomon, Jared G.	Respondent	
	Document Name: Solomon's Notice of Intent not to Defend in Lieu of an Answer			
December 12, 2022	Respondent's Brief Filed			
	Bonner, Timothy R.		Respondent	
	Williams, Craig		Respondent	
	Document Name: Brief in Support of POs			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 13, 2022	Answer to Application for Intervention (Pa.R.A.P. 1531b) Voss, Joshua John	Ward, Kim	Respondent	
	Document Name: Letter Stating No Answer will be filed.			
December 15, 2022	Application for Relief Voss, Joshua John	Ward, Kim	Respondent	
	Document Name: Upposed Application for Leave to File Combined, Over-Length Brief			
December 15, 2022	Order Filed Per Curiam			12/15/2022
	Document Name: Regarding POs Comment: NOW, December 15, 2022, upon review of the Preliminary Objections filed on behalf of Respondents Representative Timothy R. Bonner and Representative Craig Williams, the parties shall also be prepared to address the Preliminary Objections at oral argument in this matter scheduled for Thursday, December 29, 2022, at 9:00 a.m.			
December 15, 2022	Order Granting Application for Relief Per Curiam			12/15/2022
	Document Name: Unopposed Application for Leave to File Combined, Over-Length Brief GRANTED Comment: NOW, December 15, 2022, upon consideration of Respondent Senator Kim Ward's Unopposed Application for Leave to File Combined, Over-Length Brief, the Application is GRANTED. Pursuant to this Court's December 6, 2022, Amended Order, Senator Ward shall file and serve a combined brief (8 copies) addressing her opposition to Petitioner Larry Krasner's Application for Summary Relief and in support of her cross-application for summary relief, not to exceed 18,000 words; Provided, however, that the brief is filed no later than December 16, 2022, 3:00 p.m.			
December 16, 2022	Application for Leave to File Amicus Brief American Civil Liberties Union of Pennsylvania		Amicus Curiae	
	POWER Interfaith		Amicus Curiae	
December 16, 2022	Application for Summary Relief Haverstick, Matthew Hermann	Ward, Kim	Respondent	
	Document Name: Answer and Cross Application of Kim Ward			
December 16, 2022	Respondent's Brief Filed Ward, Kim		Respondent	
	Document Name: In opposition to application for S.R. and in support of cross-application for S.R.			
December 16, 2022	Answer to Application for Intervention (Pa.R.A.P. 1531b) Stengel, Lawrence F.	Bonner, Timothy R.	Respondent	
	Stengel, Lawrence F.	Williams, Craig	Respondent	
	Document Name: Respondents Williams and Bonner's Answer			
December 16, 2022	Memorandum of Law Filed Stengel, Lawrence F.	Bonner, Timothy R.	Respondent	
	Stengel, Lawrence F.	Williams, Craig	Respondent	
	Document Name: In Support of Williams and Bonner's Answer to Costa's Application for Leave to Intervene			

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 16, 2022	Memorandum of Law Filed Stengel, Lawrence F. Stengel, Lawrence F.	Bonner, Timothy R. Williams, Craig	Respondent Respondent	
	Document Name: In opposition to petitioner's application for S.R. and expedited briefing			
December 20, 2022	Application to be Admitted Pro Hac Vice Filed Summers, John S.	Krasner, Larry	Petitioner	
	Document Name: for Atty. Dawn E. Murphy-Johnson			
December 21, 2022	Petitioner's Brief Filed Krasner, Larry		Petitioner	
	Document Name: In opposition to P.O.'s of Bonner & Williams to PFR			
December 21, 2022	Petitioner's Brief Filed Krasner, Larry		Petitioner	
	Document Name: In opposition to Respondents Ward's Cross-Application for S.R. and reply in support of Application Comment: for S.R.			
December 21, 2022	Order Granting Application for Leave to File Amicus Brief Per Curiam			12/21/2022
	Document Name: Prothonotary Accepts Amicus Brief Comment: AND NOW, this 21st day of December, 2022, upon consideration of the Motion for Leave to File Brief of Amicus Curiae American Civil Liberties Union of Pennsylvania and Power Interfaith in Support of Petitioners (Motion), the Motion is GRANTED. The Prothonotary shall file of record the amicus brief appended to the Motion as Exhibit A.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 21, 2022	Order Filed Per Curiam			12/21/2022
	Document Name: Regarding Oral Argument on 12-29-22			
	Comment: AND NOW, this 21st day of December, 2022, it is hereby ORDERED that oral argument in the above-captioned matter, currently scheduled for Thursday, December 29, 2022, shall proceed in the order and manner set forth below:			
	1. Proposed Intervenor Senator Jay Costa (Proposed Intervenor) shall have 5 minutes to present argument in support of his Petition to Intervene, and Respondents Timothy R. Bonner and Craig Williams shall have 5 minutes collectively to argue in opposition thereto.			
	For purposes of argument on the merits, Proposed Intervenor is granted leave to participate in the aforementioned argument subject to the Court's future disposition of his Petition to Intervene. Proposed Intervenor shall share time with Petitioner Larry Krasner (Petitioner).			
	2. Respondents Timothy R. Bonner and Craig Williams shall have 15 minutes to present collectively their arguments in support of their Preliminary Objections to Petitioner's Petition for Review. Petitioner and Proposed Intervenor shall have 15 minutes collectively to present their arguments in opposition to the Preliminary Objections.			
	3. Petitioner and Proposed Intervenor shall have 20 minutes to present their arguments in support of Petitioner's Application for Summary Relief. Respondents Kim Ward, Timothy R. Bonner, and Craig Williams shall have 20 minutes collectively to present their arguments in opposition to Petitioner's Application for Summary Relief.			
	4. Respondent Kim Ward shall have 10 minutes to present her arguments in support of her Cross-Application for Summary Relief. Petitioner and Proposed Intervenor shall have 10 minutes collectively to present their arguments in opposition to Respondent Kim Ward's Cross-Application for Summary Relief.			
	5. Prior to argument, the parties shall advise the Court of how they will share their time, if at all.			
	6. A portion of each segment of allotted argument time may be reserved for rebuttal.			
December 21, 2022	Amicus Curiae Brief American Civil Liberties Union of Pennsylvania POWER Interfaith		Amicus Curiae Amicus Curiae	
December 21, 2022	Memorandum of Law Filed Costa, Jay		Intervenor	
	Document Name: Brief in Opposition to Respondents' Responsive Pleadings and Cross-Motion for Summary Relief			
December 22, 2022	Order Granting Application to be Admitted Pro Hac Vice Per Curiam			12/22/2022
	Document Name: Atty. Dawn E. Murphy-Johnson			
	Comment: NOW, December 22, 2022, upon consideration of the motion of John S. Summers, Esq., for admission pro hac vice of Dawn E. Murphy-Johnson, Esq., on behalf of Petitioner, it is hereby ordered:			
	(1) Dawn E. Murphy-Johnson, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Petitioner in this matter;			
	(2) Dawn E. Murphy-Johnson, Esq. shall abide by the rules of this Court including all disciplinary rules;			
	(3) Dawn E. Murphy-Johnson, Esq. shall immediately notify this Court of any matter affecting her standing at the bar of any other court where she may be admitted to practice; and,			
	(4) John S. Summers, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Petitioner.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 30, 2022	Order Filed Ceisler, Ellen			12/30/2022
Document Name: Regarding Filings: Cross Application, Preliminary Objections, Summary Relief, and Intervention				

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date		
	Comment:					
	<p>AND NOW, this 30th day of December, 2022, upon consideration of the Preliminary Objections of Respondent Representative Timothy R. Bonner, in his official capacity as an impeachment manager, and Respondent Representative Craig Williams, in his official capacity as an impeachment manager (collectively Impeachment Managers), the Application for Summary Relief filed by Petitioner Larry Krasner, in his official capacity as the District Attorney of Philadelphia (District Attorney), the Cross-Application for Summary Relief (Cross-Application) filed by Respondent Senator Kim Ward, in her official capacity as Interim President Pro Tempore of the Senate (Interim President), and the Application for Leave to Intervene (Intervention Application) filed by Proposed Intervenor Senator Jay Costa, in his official capacity (Proposed Intervenor), and the responses thereto, it is hereby ORDERED:</p> <ol style="list-style-type: none"> Interim President's Cross-Application is DENIED regarding the claim that the Pennsylvania Senate and the Senate Impeachment Committee are indispensable parties to this matter, as Interim President's interest in this matter is indistinguishable from that of the Senate as a whole, and of the Committee, and her involvement here has positioned her to adequately defend and protect those parties' interests. See <i>City of Philadelphia v. Com.</i>, 838 A.2d 566, 581-85 (Pa. 2003). Respondents John Does, in their official capacities as members of the Senate Impeachment Committee, are dismissed as parties to this action. See Pa. R.Civ.P. 2005(g). Impeachment Managers' preliminary objection as to the justiciability of the claims made by District Attorney in his Petition for Review (PFR) is OVERRULED, as District Attorney raises constitutional challenges to the impeachment process that are fully justiciable by this Court. See <i>Sweeney v. Tucker</i>, 375 A.2d 698, 711 (Pa. 1977); <i>In re Investigation by Dauphin Cnty. Grand Jury</i>, Sept., 1938, 2 A.2d 802, 803 (Pa. 1938); cf. 42 Pa. C.S. § 7541(a). Impeachment Managers' preliminary objection as to District Attorney's standing is OVERRULED, as District Attorney is an aggrieved party at this stage. See <i>Firearm Owners Against Crime v. Papenfuse</i>, 261 A.3d 467, 488-89 (Pa. 2021); <i>Americans for Fair Treatment, Inc. v. Philadelphia Fed'n of Teachers</i>, 150 A.3d 528, 533 (Pa. Cmwlth. 2016). Impeachment Managers' preliminary objection as to the ripeness of District Attorney's claims is OVERRULED, as District Attorney's claims raise legal and constitutional issues that do not require further development of the factual record. See <i>Robinson Twp., Washington Cnty. v. Com.</i>, 83 A.3d 901, 917 (Pa. 2013). Interim President's Cross-Application is DENIED regarding the ripeness of District Attorney's claims. See <i>id.</i> District Attorney's Application for Summary Relief is DENIED, and Interim President's Cross-Application is GRANTED, regarding Count I of the PFR, as the General Assembly's power to impeach and try a public official is judicial in nature and, thus, is not affected by the adjournment of the General Assembly or the two-year span of each General Assembly iteration's legislative authority. See <i>Ferguson v. Maddox</i>, 263 S.W. 888, 890 (Tex. 1924); <i>Com. ex rel. Att'y Gen. v. Griest</i>, 46 A. 505, 506 (Pa. 1900); <i>In re Opinion of Justs.</i>, 14 Fla. 289, 297-98 (1872); <i>accord Mellow v. Pizzingrilli</i>, 800 A.2d 350, 359 (Pa. Cmwlth. 2002). District Attorney's Application for Summary Relief is DENIED, and Interim President's Cross-Application is GRANTED, regarding Count II of the PFR, as, in keeping with our extant corpus of case law, all public officials throughout the Commonwealth are subject to impeachment and trial by the General Assembly, regardless of whether they are local or state officials. See <i>Burger v. Sch. Bd. of McGuffey Sch. Dist.</i>, 923 A.2d 1155, 1162-64 (Pa. 2007); <i>id.</i> at 1162 n.6; <i>S. Newton Twp. Electors v. S. Newton Twp. Sup'r, Bouch</i>, 838 A.2d 643 (Pa. 2003); <i>Allegheny Inst. Taxpayers Coal. v. Allegheny Reg'l Asset Dist.</i>, 727 A.2d 113 (Pa. 1999); <i>In re Petition to Recall Reese</i>, 665 A.2d 1162 (Pa. 1995); <i>Com. ex rel. Specter v. Martin</i>, 232 A.2d 729, 733-39 (Pa. 1967); (plurality opinion); <i>id.</i> at 743-44 (Eagen, J., concurring in part); <i>id.</i> at 753-55 (Musmanno, J., separate opinion); <i>Houseman v. Com. ex rel. Tener</i>, 100 Pa. 222, 230-31 (1882). District Attorney's Application for Summary Relief is GRANTED, and Interim President's Cross-Application is DENIED, regarding Count III of the PFR, as none of the Amended Articles of Impeachment satisfy the requirement imposed by Article VI, Section 6 of the Pennsylvania Constitution that impeachment charges against a public official must allege conduct that constitutes what would 					

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	<p>amount to the common law crime of "misbehavior in office," i.e., failure to perform a positive ministerial duty or performance of a discretionary duty with an improper or corrupt motive, as well as because Article I and VII improperly challenge District Attorney's discretionary authority, and Articles III, IV, and V unconstitutionally intrude upon the Supreme Court's exclusive authority to govern the conduct of all attorneys in this Commonwealth, including the District Attorney. See Com. v. Clancy, 192 A.3d 44, 53 (Pa. 2018); Com. v. Brown, 708 A.2d 81, 84 (Pa. 1998); Com. v. Stern, 701 A.2d 568, 571 (Pa. 1997); In re Braig, 590 A.2d 284, 286-88 (Pa. 1991); Com. v. Sutley, 378 A.2d 780, 783 (Pa. 1977); Com. ex rel. Specter v. Bauer, 261 A.2d 573, 576 (Pa. 1970); Martin, 232 A.2d at 736; Com. v. Hubbs, 8 A.2d 618, 620-21 (Pa. Super. 1939); 16 P.S. § 1401(o).</p> <p>10. Proposed Intervenor's Intervention Application is GRANTED. See Pa. R.Civ.P. 2327(4); Allegheny Reprod. Health Ctr. v. Pennsylvania Dep't of Hum. Servs., 225 A.3d 902, 911 (Pa. Cmwlth. 2020). Opinion to follow.</p>			
January 3, 2023	Petition to Intervene (Pa.R.C.P. 2328) Vurimindi, Vamsidhar		Possible Intervenor	
	Document Name: Vamsidhar Vurimindi's			
January 5, 2023	Order Filed Per Curiam			01/05/2023
	Document Name: Mr. Vurimindi's Petition to Intervene is Dismissed as Untimely			
	Comment: NOW, January 5, 2023, upon consideration of the "Nunc Pro Tunc Petition to Intervene" (Petition) filed by Vamsidhar Vurimindi, the Court notes the following:			
	1) Pursuant to this Court's Order dated December 6, 2022, Applications for Leave to Intervene, complete with proposed filings and a memorandum of law in support thereof, were to be filed no later than December 12, 2022, at 3:00 p.m.			
	2) Vamsidhar Vurimindi filed his Petition on January 3, 2023, well beyond the Court-ordered deadline for Applications to Intervene.			
	3) Mr. Vurimindi's Petition fails to set forth any grounds that would warrant the grant of nunc pro tunc relief.			
	4) This matter was decided by Order dated December 30, 2022, before Mr. Vurimindi filed his Petition.			
	Accordingly, because Mr. Vurimindi's Petition is untimely and fails to set forth grounds for nunc pro tunc relief, the Petition is DISMISSED.1 See Pa.R.Civ.P. 2329(3).			
January 12, 2023	Memorandum Opinion Filed Ceisler, Ellen			01/12/2023
	Document Name: in support of Order dated 12-30-22			
	Comment: Judges Covey, Fizzano Cannon, Dumas, and Wallace did not participate in the decision of this case.			
January 12, 2023	Application for Reconsideration Vurimindi, Vamsidhar		Possible Intervenor	
January 23, 2023	Order Denying Application for Reconsideration Per Curiam			01/23/2023
	Document Name: Reconsideration is denied.			
	Comment: AND NOW, this 23rd day of January, 2023, it is hereby ORDERED that that Application for Reconsideration filed by Vamsidhar R. Vuriminidi is DENIED.			

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SESSION INFORMATION

Journal Number: SS-1-2022
Consideration Type: En Banc Argument
Listed/Submitted Date: December 29, 2022

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: January 12, 2023
Disposition: Order Denying Application for Reconsideration
Disposition Date: January 23, 2023
Record Remittal: