

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 16<sup>th</sup> 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**