

## 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; Robert Torres,	:
In His Capacity As Acting 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

NOW, this 5th day of December, 2017, upon consideration of the Application of Legislative Respondents to Preclude the Introduction of Privileged

Evidence Otherwise Obtained in the *Agre* Case, requesting this Court to enter an order barring Petitioners from filing, disclosing, introducing, or otherwise using in the above-captioned proceedings before this Court any testimony or documents protected by the legislative or deliberative process privileges that were produced or provided in the matter of *Agre v. Wolf*, E.D. Pa., No. 2:17-CV-04392, and Petitioners' opposition and supplemental opposition thereto, it is hereby ORDERED that the application is DENIED. By Memorandum and Order, dated November 22, 2017, this Court concluded "the Court *lacks the authority to compel* testimony of the production of documents relative to the intentions, motivation, and activities of state legislators and their staff with respect to the consideration and passage of Act 131 of 2011." (Order, dated November 22, 2017, at 7 (emphasis added).) The Court, in so doing, did not conclude that such testimony or documents are categorically barred from consideration in this matter—only that the Court cannot compel the production of such testimony and documents. The Court, at this juncture, makes no determination as to whether specific testimony or documents are admissible. Rather, the Court shall consider objections to evidence as they are raised throughout the course of the proceedings, whether through timely filed motions in limine or objections asserted during trial.



P. KEVIN BROBSON, Judge

Certified from the Record

DEC 05 2017

And Order Exit