
IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Docket No. 410 MD 2017

MATTHEW J. BROUILLETTE, et al.,

Petitioner,

v.

THOMAS WOLF, et al.,

Respondents.

**PRELIMINARY OBJECTIONS OF RESPONDENTS
HON. MICHAEL TURZAI AND HON. DAVE L. REED**

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Respondents Hon. Michael Turzai, Speaker of the Pennsylvania House of Representatives (“Speaker Turzai”) and Hon. Dave L. Reed, Majority Leader of the Pennsylvania House of Representatives (“Majority Leader Reed,” and together with Speaker Turzai, the “House Respondents”), by and through their attorneys, Buchanan Ingersoll & Rooney, PC, hereby submit the following preliminary objections to the Petition for Review filed by Petitioners Matthew J. Brouillette, Benjamin Lewis and the Hon. James Christiana.

1. In this action, Petitioners challenge the budget process in the Commonwealth of Pennsylvania, an annual effort between the executive and legislative branches which must result in a balanced operating budget.

2. Throughout this process, the General Assembly works with the Governor, engaging in ongoing negotiations to establish a fiscal year budget, appropriate funds, and avoid a deficit.

3. But the ultimate responsibility to ensure a balanced budget rests with the Governor under the Pennsylvania Constitution, which confers upon him the responsibility and authority to veto in whole or in part particular items.

4. Weeks ago, Governor Wolf fulfilled his executive mandate, signing into law several bills that fully fund the state’s fiscal year 2017-2018 budget. Petitioners, however, persist in pursuing their Petition for Review, which fails to state a claim upon which relief may be granted.

Preliminary Objection
Demurrer – Pa.R.C.P. 1028(a)(4)

5. Count Two, for instance, fails under the Speech or Debate immunity afforded to legislators, which insulates the House Respondents from this litigation.

6. Count Two otherwise presents a nonjusticiable political question, requiring dismissal of the sole claim against the House Respondents.

7. In short, several independent grounds exist for this Court to sustain the House Respondents' Preliminary Objections to Count Two and dismiss the Petitioners' sole claim against them. These arguments are fully developed in the House Respondents' Brief in Support of their Preliminary Objections, which is incorporated by reference here.

WHEREFORE, House Respondents respectfully request that this Court sustain their preliminary objections and dismiss Count Two of the Petition for Review as asserted against them by Petitioners.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, PC

Dated: December 7, 2017

By: /s/ David J. Porter

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing document was served upon the following via the Court's PACFile electronic filing system, which service satisfies the requirements of Pa. R.A.P. 121 and 125:

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