

JEFF BROWN, DAVID MASER, FOR A
BETTER PHILADELPHIA 501(C)(4), AND
FOR A BETTER PHILADELPHIA PAC,

V.

Respondents

: No. 138 EAL 2026
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: Petition for Allowance of Appeal
: from the Order of the
: Commonwealth Court

- (1) In determining whether a particular public official is protected by high public official immunity, how should courts balance the factors provided in relevant case law, namely, the nature of the official's duties, the importance of the official's office, and whether or not the official has policy-making functions? See, e.g., *Durham v. McElynn*, 772 A.2d 68 (Pa. 2001); *Montgomery v. City of Philadelphia*, 140 A.2d 100 (Pa. 1958).
- (2) Is the Executive Director of the Philadelphia Board of Ethics a high public official entitled to absolute immunity?
- (3) Did the Commonwealth Court err when it concluded that Petitioners Brown and Maser did not sufficiently plead a violation of their right to reputation under Article I, Section 1 of the Pennsylvania Constitution?
- (4) Did the Commonwealth Court err when it concluded that Petitioners Brown and Maser are not entitled to a name clearing hearing in a court of common

pleas as a remedy for a violation of their right to reputation under Article I, Section 1 of the Pennsylvania Constitution?

Justice McCaffery did not participate in the consideration or decision of this matter.