

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Senator Jay Costa, Senator	:	
Anthony H. Williams, Senator	:	CASES CONSOLIDATED
Vincent J. Hughes, Senator	:	
Steven J. Santarsiero and Senate	:	
Democratic Caucus,	:	
Petitioners	:	
	:	
v.	:	
	:	
Senator Jacob Corman III, Senate	:	
President Pro Tempore and Senator	:	
Cris Dush	:	
Respondents	:	No. 310 M.D. 2021
	:	
Commonwealth of Pennsylvania,	:	
Pennsylvania Department of State,	:	
and Leigh M. Chapman, Acting	:	
Secretary of the Commonwealth	:	
of Pennsylvania,	:	
Petitioners	:	
	:	
v.	:	
	:	
Senator Cris Dush, Senator Jake	:	
Corman, and The Pennsylvania	:	
State Senate Intergovernmental	:	
Operations Committee,	:	
Respondents	:	No. 322 M.D. 2021
	:	
Arthur Haywood	:	
Julie Haywood,	:	
Petitioners	:	
	:	
v.	:	
	:	
Leigh M. Chapman	:	
Acting Secretary of State	:	
Commonwealth of Pennsylvania,	:	
Respondent	:	No. 323 M.D. 2021

PER CURIAM

ORDER

NOW, January 25, 2022, upon consideration of these consolidated petitions for review in the nature of suits in equity, the parties are hereby **ORDERED** to file briefs to address the Court's jurisdiction. Specifically, the parties shall address:

1. Whether these matters are ripe for review, in light of the holdings in *In re Pennsylvania Crimes Commission*, 309 A.2d 401, 404-05 (Pa. 1973); *Cathcart v. Crumlish*, 189 A.2d 243, 245-46 (Pa. 1963); and *Camiel v. Select Committee on State Contract Practices of the House of Representatives*, 324 A.2d 862, 865-71 (Pa. Cmwlth. 1974). *Cf. Camiel*, 324 A.2d at 866 (citing *Annenberg v. Roberts*, 2 A.2d 612, 618 (Pa. 1938) (commission subpoena duces tecum that on its face attempted an unlawful search and seizure could be restrained in advance of subpoena's enforcement)).
2. Whether the availability of an adequate remedy at law precludes the Court's exercise of equity jurisdiction over a challenge to a legislative subpoena. *See* Pa.R.Civ.P. 234.4 (providing for motion to quash a subpoena, hearing, and protective order); *Cathcart*, 189 A.2d at 245-46; *Lunderstadt v. Pennsylvania House of Representatives Select Committee*, 519 A.2d 408, 410 (Pa. 1986) (motions to quash legislative subpoenas as intrusive and unduly burdensome).

3. Whether the General Assembly's contempt power¹ or the criminal contempt statute² bear on this Court's jurisdiction over the petitions for review.

All parties shall file and serve the briefs directed in this order (4 copies) on or before February 15, 2022. Any reply brief shall be filed and served (4 copies) on or before February 22, 2022.

Petitioners' and Intervenors' Joint Application to Lift Stay of Deadline to File Responsive Pleadings shall be held in abeyance pending the Court's review and decision on jurisdiction. Discovery is stayed pending further order of this Court.

The Department of State and Acting Secretary of the Commonwealth shall maintain and preserve the materials and information sought in the legislative subpoenas pending further order of this Court.

¹ See PA. CONST. art. II, §11 ("Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, [and] to enforce obedience to its process..."); *Commonwealth ex rel. Carcaci v. Brandamore*, 327 A.2d 1, 5 (Pa. 1974).

² See 18 Pa. C.S. §5110 ("A person is guilty of a misdemeanor of the third degree if he ... neglects or refuses to appear in the presence of either [branch of the General Assembly] after having been duly served with a subpoena to so appear.").