

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Ramez Ziadeh, Acting Secretary :
of the Department of Environmental :
Protection and Acting Chairperson of :
the Environmental Quality Board, :
Petitioner :
 :
 :
v. :
 :
 :
Pennsylvania Legislative Reference :
Bureau, Vincent C. DeLiberato, Jr., :
Director of the Legislative Reference :
Bureau, and Amy J. Mendelsohn, :
Director of the Pennsylvania Code :
and Bulletin, :
Respondents : No. 41 M.D. 2022

ORDER

NOW, July 25, 2022, upon consideration of Senate Intervenor Respondents’¹ Application To Vacate Automatic Supersedeas, and the Answers thereto filed by Petitioner² and Respondents,³ and having weighed the criteria for vacating the automatic supersedeas, the Court is satisfied that Senate Intervenor Respondents have satisfied their burden of proof to establish the requirements for

¹ The Senate Intervenor Respondents are President Pro Tempore of the Pennsylvania Senate Jake Corman; Senate Majority Leader Kim Ward; Chair of the Environmental Resources and Energy Committee Gene Yaw; and Chair of the Senate Appropriations Committee Pat Browne. The Senate’s Application To Vacate is joined by Speaker of the House of Representatives Bryan D. Cutler, Majority Leader Kerry Benninghoff, and Chairman of the House Environmental Resources and Energy Committee Daryl D. Metcalfe (collectively, House Intervenor Respondents).

² The Court also reviewed Petitioner’s brief in support of Answer in Opposition to the Application To Vacate.

³ Respondents take no position on the Application To Vacate.

vacatur of the automatic supersedeas. *See Department of Environmental Resources v. Jubelirer*, 614 A.2d 199 (Pa. 1989) (setting forth standard for vacating an automatic supersedeas); *Solano v. Pennsylvania Board of Probation and Parole*, 884 A.2d 943 (Pa. Cmwlth. 2005) (Leadbetter, J., single-judge op.) (same).

Accordingly, the Application To Vacate is **GRANTED**, and the Court's July 8, 2022 Order is **CONFIRMED** and the preliminary injunction remains in effect.



MICHAEL H. WOJCIK, Judge