

IN THE SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

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NO. 68 MM 2020

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FRIENDS OF DANNY DEVITO, KATHY GREGORY,  
B&J LAUNDRY, LLC, BLUEBERRY HILL PUBLIC GOLF  
COURSE & LOUNGE, and CALEDONIA LAND COMPANY,

Petitioners

V.

TOM WOLF, GOVERNOR AND RACHEL LEVINE,  
SECRETARY OF PA. DEPARTMENT OF HEALTH,

Respondents

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**REPRODUCED RECORD**

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Marc A. Scaringi, Esquire  
Supreme Court ID No. 88346  
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Supreme Court ID No. 42667  
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## Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 231 MD 2020

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March 30, 2020



Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>March 20, 2020</b>	Petition for Review Filed			
	Sean Logue, PLLC		Petitioner	
	B & J Laundry, LLC		Petitioner	
	Blueberry Hill Public Golf Course & Lounge		Petitioner	
	Caledonia Land Company		Petitioner	
<b>March 23, 2020</b>	Amended - Petition for Review			
	Caffrey, Brian C.	Sean Logue, PLLC	Petitioner	
	Caffrey, Brian C.	B & J Laundry, LLC	Petitioner	
	Caffrey, Brian C.	Blueberry Hill Public Golf Course & L	Petitioner	
	Caffrey, Brian C.	Caledonia Land Company	Petitioner	
<b>March 26, 2020</b>	Application for Relief			
	Caffrey, Brian C.	Sean Logue, PLLC	Petitioner	
	Caffrey, Brian C.	B & J Laundry, LLC	Petitioner	
	Caffrey, Brian C.	Blueberry Hill Public Golf Course & L	Petitioner	
	Caffrey, Brian C.	Caledonia Land Company	Petitioner	
	Scaringi, Marc Anthony	Sean Logue, PLLC	Petitioner	
	Scaringi, Marc Anthony	B & J Laundry, LLC	Petitioner	
	Scaringi, Marc Anthony	Caledonia Land Company	Petitioner	
	Scaringi, Marc Anthony	Blueberry Hill Public Golf Course & L	Petitioner	
Schwab, Gregory George	Wolf, Thomas W.	Respondent		
Document Name:	Joint Application for Relief			

<b>March 27, 2020</b>	Order Granting Application for Relief Per Curiam			03/27/2020
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Document Name: Now, March 27, 2020, upon consideration of the parties' Joint Application for Relief, the

Comment: Application is GRANTED. The instant matter is hereby STAYED pending resolution of the Emergency Application for Extraordinary Relief (Emergency Application) pending in the Pennsylvania Supreme Court at No. 68 MM 2020. Petitioners shall file a Status Report with this Court within 3 days of disposition of the Emergency Application or no later than April 6, 2020, whichever is earlier, unless a Praecipe to Discontinue has been filed before that time.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC	:
B&J LAUNDRY, LLC,	:
BLUEBERRY HILL PUBLIC GOLF	: PETITION FOR REVIEW
COURSE & LOUNGE,	:
CALEDONIA LAND COMPANY,	: ORIGINAL JURISDICTION
Petitioners	:
	: NO.
v.	:
	:
THE HONORABLE THOMAS W. WOLF	:
IN HIS OFFICIAL CAPACITY AS	:
GOVERNOR,	:
COMMONWEALTH OF	:
PENNSYLVANIA	:
&	:
DR. RACHEL LEVINE IN HER OFFICIAL:	:
CAPACITY OF SECRETARY OF THE	:
PENNSYLVANIA DEPARTMENT OF	:
HEALTH,	:
Respondents	:

NOTICE TO PLEAD

TO: TOM WOLF, GOVERNOR OF PENNSYLVANIA

RACHEL LEVINE, SECRETARY OF HEALTH  
COMMONWEALTH OF PENNSYLVANIA

You are hereby notified to plead in response to the attached Petition for  
Review or a judgment may be entered against you.



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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC	:	
B&J LAUNDRY, LLC,	:	
BLUEBERRY HILL PUBLIC GOLF	:	PETITION FOR REVIEW
COURSE & LOUNGE,	:	
CALEDONIA LAND COMPANY,	:	ORIGINAL JURISDICTION
Petitioners	:	
	:	NO.
v.	:	
	:	
THE HONORABLE THOMAS W. WOLF	:	
IN HIS OFFICIAL CAPACITY AS	:	
GOVERNOR,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA	:	
&	:	
DR. RACHEL LEVINE IN HER OFFICIAL:	:	
CAPACITY OF SECRETARY OF THE	:	
PENNSYLVANIA DEPARTMENT OF	:	
HEALTH,	:	
Respondents	:	

Petition for Emergency Review of The Order of the Governor of the  
 Commonwealth of Pennsylvania Regarding the Closure of All Businesses That Are  
 Not Life Sustaining Dated of March 19, 2020

AND NOW, come the Petitioners, by and through their attorneys, Scaringi  
 Law, and respectfully aver the following in support of the within Petition.

### Jurisdictional statement

This Court has jurisdiction of the instant matter under 42 Pa.C.S. § 761(a).

### The Parties

1. Petitioner, Sean Logue PLLC, is a Pennsylvania professional limited liability company, with a principal place of business at 27 W. Main St., Carnegie, PA 15106.
2. Petitioner, B&J LAUNDRY, LLC, is a Pennsylvania limited liability company, with a principal place of business at 1563 West 26th Street, Erie, PA 16508.
3. Petitioner, Blueberry Hill Public Golf Course & Lounge, is an unincorporated association, with a principal place of business at 6528 Cable Hollow Road, Russell, Pennsylvania 16345.
4. Caledonia Land Company is a Pennsylvania limited liability company, with a principal place of business at 507 Cherry Grove Road, Clarendon, Pennsylvania 16365.
5. Respondent, the Honorable Thomas W. Wolf, is the Governor of the Commonwealth of Pennsylvania with a principal office address at Office of the Governor, 508 Main Capitol Building, Harrisburg, PA 17120.
6. Respondent, Defendant, Dr. Rachel Levin, is the Secretary of Health of the Commonwealth of Pennsylvania with a principal office address at Pennsylvania

Department of Health, Health and Welfare Building, 8th Floor West, 625 Forster Street, Harrisburg, PA 17120.

### The Facts

7. On Thursday, March 19, 2020, Pennsylvania Governor Thomas W. Wolf issued an order compelling the closure of the physical operations of all businesses that are not life-sustaining (hereinafter “Order”). The Order is incorporated herein by reference, made a part hereto, marked and attached as Exhibit A.
8. The Governor determined which Pennsylvania businesses are “life-sustaining,” and which are “non-life sustaining.” The Life-Sustaining and Non-Life Sustaining List is incorporated herein by reference, made a part hereto, marked and attached as Exhibit B.
9. The press release announcing the Order threatened the following sanctions for failure to comply:
  - a. enforcement actions against businesses that do not close physical locations will begin at 12:01AM Saturday, March 21
  - b. enforcement action that could include citations, fines, or license suspensions;
  - c. forfeiture of the ability to receive any application disaster relief;
  - d. other appropriate administrative action;
  - e. suspension or revocation of licensure;

- f. prosecutions by the Department of Health, including quarantine, isolation, or other disease control measure with violators subject to fines or imprisonment;
- g. any other criminal charges that might be applicable .

The press release is incorporated herein by reference, made a part hereto, marked and attached as Exhibit C.

10. The media has reported that a “waiver” process exists whereby non-life sustaining businesses may request a wavier and request a reclassification to a life-sustaining business.

11. Petitioners have not been provided any notice or information about this waiver process, including how it works, what rights they have or do not have, what standard of review is being employed and by whom in reviewing the waivers, and whether there is an appeals process if the waiver is not granted, and if so how to appeal, to whom to appeal and what rights and procedures are employed in the appeal process.

12. The undersigned counsel attempted to access the “waiver” via the link provided by the Respondents and was unable to connect.

### The Governor's Purported Legal Basis for His Order

13. The Governor bases his legal authority for the Order on his proclamation of the existence of a disaster emergency throughout the Commonwealth of Pennsylvania pursuant to 35 Pa.C.S. 7301 (c).

14. The Governor further bases his legal authority for the Order pursuant to his, “responsibility to address dangers, facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa.C.S. 7301 (a).”

15. The Governor has asserted that, “in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein...35 Pa. C.S. 7301 (f).”

16. The Governor further asserted that the “Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. 532 (a), 71 P.S. 1403 (a) and these means include isolation, quarantine, and any other control measure needed. 35 P.S. 521.5.”

### Governor's Order Violates The Constitutional Rights of the Petitioners

17. The Governor's Order violates the following fundamental, constitutional rights of the Petitioners':

a. right against unreasonable seizures of their property under the Fourth Amendment to the US Constitution and Article I, Section 8 of the Pennsylvania Constitution.

b. right to the protection of their private property under the Fifth Amendment to the U.S. Constitution.

c. right to free association under the First Amendment to the US Constitution.

d. right to be equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness pursuant to the Pennsylvania Constitution Inherent Rights of Mankind Section 1.

e. the right to due process of law under the 14<sup>th</sup> Amendment to the United States Constitution and the Law of the Land in Pennsylvania.

18. The Governor's Order is not narrowly tailored to effectuate a compelling state interest and as such violates the Pennsylvania and United States Constitutions.

19. The Governor's Order is overbroad, arbitrary, capricious or vague and as such violates the Pennsylvania and United States Constitutions.

35 Pa. C.S. 7301 (f) Does not Provide the Governor with  
the Legal Authority for his Order

20. 35 Pa.C.S. § 7301 is the Emergency Management Services Code (hereinafter the “Code”).

21. The Code states, “The Governor is responsible for meeting the dangers to this Commonwealth and people presented by disasters.” 35 Pa.C.S. § 7301 (a) (emphasis added).

22. The Code defines disasters as, “A man-made disaster, natural disaster or war-caused disaster.” 35 Pa.C.S. § 7102.

23. The Code further defines a man-made disaster as:

Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, such as oil spills and other injurious environmental contamination, which threatens or causes substantial damage to property, human suffering, hardship or loss of life.

Id.

24. COVID-19, a viral illness, does not fit within the definition of man-made disasters.

25. The Code further defines a natural disasters as:

Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe which results in substantial damage to property, hardship, suffering or possible loss of life.

Id.

26. COVID-19, a viral illness, does not fit within the definition of natural disasters.
27. The word “disease” does not appear in the definition of disaster in the Code. And, disease is not like any of the man-made or natural disasters listed in the Code.
28. Thus, the Code does not apply to COVID-19.
29. Furthermore, even if the Code applies to COVID-19, the Code empowers the Governor to act within a disaster area.
30. The Governor specifically references in his Order his power under the Code to, “Control ingress and egress to and from a *disaster area*, the movement of persons within the area and the occupancy of premises therein.” 35 Pa.C.S. § 7301 (f)(7).
31. However, the Governor has no reasonable basis to conclude that the Petitioners’ principal places of business are located within a disaster area.

Neither 71 P.S. 532 (a) nor 71 P.S. 1403 (a)  
Provide the Governor with the Legal Authority for his Order

32. The Governor also cites 71 P.S. 532 (a) and 71 P.S. 1403 (a) for the power of the Secretary of Health, “to determine and employ the most efficient and practical means for the prevention and suppression of disease.”
33. However, neither the Secretary nor the Governor have shown how the closure of all non-life-sustaining business in Pennsylvania is the “most efficient and practical means for the prevention and suppression of disease.”



34. The most efficient and practical means for the prevention and suppression of the COVID-19 disease is to determine which Pennsylvanians have the disease and then quarantine those Pennsylvanians, not close down the Petitioners' businesses that have had no involvement with COVID-19.

35 P.S. 521.1 et seq.

The "Disease Prevention and Control Law of 1955" (or the "Disease Act").  
Does Not Provide the Governor with the Legal Authority for his Order

35. The Governor states in his Order that the means include isolation, quarantine, and any other control measure needed, 35 P.S. 521.5."

Upon the receipt by a local board or department of health or by the department, as the case may be, of a report of a disease which is subject to isolation, quarantine, or any other control measure, the local board or department of health or the department shall carry out the appropriate control measures in such manner and in such place as is provided by rule or regulation.

Id.

36. The Disease Act, and its quarantine, isolation and "control measures," apply to infected persons or animals.

(e) Isolation. The separation for the period of communicability of ***infected persons or animals*** from other persons or animals in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent from infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others.

35 P.S. 521.2 (emphasis added).

37. Petitioners are not persons, let alone infected persons.

38. The Disease Act, and its quarantine, isolation and “control measures,” apply to persons or animals who have been exposed to a communicable disease.

(i) Quarantine. The limitation of freedom of movement ***of persons or animals who have been exposed to a communicable disease*** for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent effective contact with those not so exposed. Quarantine may be complete, or, as defined below, it may be modified, or it may consist merely of surveillance or segregation.

Id. (emphasis added).

39. Petitioners are not persons or animals, let alone persons or animals who have been exposed to communicable diseases.

40. The Disease Act applies to persons or animals and empowers the Governor and/or health officials in certain circumstance to quarantine or isolate infected or exposed persons or animals. It does not empower the Governor to shut down the Petitioners’ businesses.

#### Claims of Sean Logue, PLLC

41. Sean Logue PLLC is law firm owned and operated by Sean Logue, Esq. It employs two hourly legal clerks, two of-counsel attorneys, a receptionist, and a chief paralegal.

42. As a result of the Order, Attorney Logue has been harmed in the following ways:

- a. Had to send staff home early without warning;

- b. No longer receives assistance from his legal staff because they are prohibited from accessing their offices;
- c. Was forced to leave his office with very little warning and was unable to take work home with him;
- d. Has hearings coming up next week and is not able to access his files, which are at his principal office;
- e. Is now prohibited from meeting with clients or prospective clients in his office;
- f. Does not know where he can meet with clients or prospective clients as any public meetings where the conversation could be overheard by third parties would violate Pa. R. Prof. Conduct 1.6 and the its duty of confidentiality and/or the attorney-client privilege;
- g. No longer has access to his office equipment such as his copier, scan and facsimile, law library – all of which are critical in the practice of law; without access to his principal place of business Petitioner is unable to sign a verification to the instant petition;
- h. Will no longer have access to any papers or things, including pleadings, court orders, client communications that are mailed to his principal place of business;

i. No longer has a staff member answering his telephone at his principal place of business including telephone calls from clients, opposing counsel and court administrators among others.

43. Furthermore, the Supreme Court of Pennsylvania has the exclusive authority to govern the practice of law in Pennsylvania. Courts across Pennsylvania remain open for business. The Governor's Order impermissible encroaches on the Supreme Court's exclusive authority.

44. Attorney Logue is significantly hindered in his right and ability to practice law and this could result in the detriment to his clients.

45. Attorney Logue's clients have the right to counsel protected by the Sixth Amendment to the United States Constitution; that right is infringed by this Order because Attorney Logue is hindered in his ability to practice law and communicate with his clients.

46. Prior to the Order, Attorney Logue had already sent non-essential personnel home, had established a COVID-19 prevention protocol including limiting the waiting area in his office to one client at a time and the cancellation of all non-essential meetings, social distancing and increased cleanliness and sanitization procedures.

47. Attorney Logue is ready, willing and able to continue these COVID-19 prevention protocol if permitted to reopen his office.

Claims of B&J Laundry, LLC

48. Petitioner operates a self-serve coin laundromat and wash-n-fold laundry service for the public.

49. As a result of the Order, Petitioner has been harmed in that he is unable to operate his business in any fashion.

50. Petitioner offers “drop off services.”

51. Petitioner’s drop-off services can be operated with the doors to the business location locked to the public with the public dropping off and retrieving their laundry from the business parking lot. This is much like how restaurants offer their drive thru service.

52. Petitioner provides a much needed service in regards to the prevention of COVID-19 in terms of cleaning clothing and other articles upon which COVID-19 can spread.

53. Many Pennsylvanians live without in home or apartment laundry facilities and must use public laundry facilities like Petitioners. These Pennsylvanians, who now do not have access to public laundry facilities, are at greater risk than Pennsylvanians who have such facilities.

Claims of Blueberry Hill Public Golf Course & Lounge

54. Petitioner owns and operates a public golf course.

55. As a result of the Order, Petitioner has been harmed in the following ways:

a. Petitioner must still expend significant sums to maintain fairways and greens so that the grass thereon does not grow out of control such that the greens and fairways are ruined for future golf activities. However, Petitioner has been denied the opportunity to make use of such greens and fairways to derive the income necessary to pay for the maintenance operations.

b. Spring is the time of year when certain other golf course work such as fertilization and pest control should be performed. However, without the ability to host customers at the golf course the Petitioner is without funds to purchase the necessary maintenance supplies. Such work is dependent upon the season and when the season passes the opportunity is lost. Blueberry also had to lay off wait staff, cooks, and professional staff.

c. Petitioner made contracts to purchase new or replacement equipment for the 2020 golf season and requires the equipment in order to perform the maintenance cited above. However, without revenue from customers the Petitioner does not have sufficient funds to honor the purchase agreements and Petitioner is left without the equipment required to perform necessary operations.

56. Petitioner has a 30-week golf season.

57. The golf course business is competitive.

58. For over a decade Blueberry has operated on a slim budget that barely balances.

59. The loss of any week of operation will have a devastating impact on business.

60. Blueberry is obligated on a significant promissory note to a local bank. If Blueberry cannot continue business next week Blueberry will be unable to make its April 2020 payment to the bank.

61. Spring is the critical time of year for any golf course because golf courses survive the winter on their savings. The spring cash flow must cover not only the spring's operating expenses but the revenue must also be saved for the upcoming winter.

62. Petitioner is ready, willing and able to put into place COVID-19 prevention protocol if permitted to reopen, including but not limited requiring golfers to walk, or if golfers wish to ride in carts, require golfers to use individual carts for each golfer. The restaurant would provide takeout only.

#### Claim of Caledonia Land Company

63. Petitioner Caledonia Land Company owns 4000 acres of primarily timber land in northwestern PA.

64. As a result of the Order, Petitioner has been harmed in the following ways:

a. Petitioner has had to summarily terminate timber harvesting projects that were planned for the immediate future. The termination of the projects interferes

with the Petitioner's ability to enjoy its property and interrupts the flow of revenue to Petitioner.

b. Certain of the trees slated to be harvested were selected particularly because they are the white ash species which species has been attacked by the emerald ash borer. Mortality in the ash species is 100% and if the trees are not immediately harvested their value will be forever lost in that the trees are dying, the trees are subject to windthrow, and the further infestation by the borer renders the wood without value.

c. The Petitioner has established relationships with the contractors who harvest and haul the timber. These relationships are based in part upon the Petitioner's ability to provide reliable work. The cessation of work harms the relationships and threatens the ability of Petitioner to secure services necessary to Petitioner's operations.

65. Petitioner employs independent contractors to manage and cut its timber.

66. The management is conducted by Generations Forestry of Kane, PA.

67. The timber harvesting is performed by various independent contractors.

68. Petitioner manages its timber via selective cutting and via various timber stand improvement projects.

69. Petitioner had several such projects currently underway until the issuance of the Order.



70. The timber work occurs in the woods and is usually performed by a one man crews and a single truck driver. It is not necessary for these contractors to come into contact with other persons in order for them to perform their work.

71. The timber work produces timber to mills that turn it into paper products such as toilet paper and tissues that are critical in mitigating the spread of COVID-19.

72. The Governor's Order caused a cessation of income to Caledonia, the stoppage of payments to the independent contractors, and the interruption of the supply of wood to mills and the stoppage of the production of paper products such as toilet paper and tissues.

#### Governor's Order Violates Separation of Powers

73. Executive orders can be classified into three permissible types: (1) proclamations for ceremonial purposes; (2) directives to subordinate officials for the execution of executive branch duties; and (3) interpretation of statutory or other law. *Markham v. Wolf*, 647 Pa. 642, 651, 190 A.3d 1175 (2018). Type 3 is implicated in this matter.

74. “[A]ny executive order that, in essence, creates law, is unconstitutional.” *Id.*, 647 Pa. at 656.

75. The governor's comprehensive, detailed determination of which types of businesses “may continue physical operations” constitutes an attempt at legislation,

which is the exclusive province of the legislative branch of government. *Id.*, 647 Pa. at 656 (“Foundationally, the legislature creates the laws. Pa. Const. art. II, § 1”).

76. The governor, in attempting to legislate which businesses may operate from their physical locations and which cannot, has violated the principles of separation of powers articulated and applied by the Pennsylvania Supreme Court in *Markham*.

WHEREFORE, Petitioners’ request that the Court order that the Governor’s Order be vacated.

Respectfully submitted,

/s/ Marc A. Scaringi

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March 20, 2020

# EXHIBIT A



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR

### **ORDER OF**

#### **THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA REGARDING THE CLOSURE OF ALL BUSINESSES THAT ARE NOT LIFE SUSTAINING**

*WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared a novel coronavirus (“COVID-19”) a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency; and*

*WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and*

*WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa. C.S. § 7301(a); and*

*WHEREAS, in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein; and suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, and combustibles. 35 Pa. C.S. § 7301(f); and*

*WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and*

*WHEREAS, in addition to my authority, my Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. § 532(a), 71 P.S. 1403(a); and*

*WHEREAS, these means include isolation, quarantine, and any other control measure needed. 35 P.S. § 521.5.*

*NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:*

#### **Section 1: Prohibition on Operation of Businesses that are not Life Sustaining**

*All prior orders and guidance regarding business closures are hereby superseded.*022a

*Enforcement actions will be taken against non-life sustaining businesses that are out of compliance effective March 21, 2020, at 12:01 a.m.*

***Section 2: Prohibition on Dine-In Facilities including Restaurants and Bars***

*All restaurants and bars previously have been ordered to close their dine-in facilities to help stop the spread of COVID-19.*

*Businesses that offer carry-out, delivery, and drive-through food and beverage service may continue, so long as social distancing and other mitigation measures are employed to protect workers and patrons. Enforcement actions will be taken against businesses that are out of compliance effective March 19, 2020, at 8 p.m.*

***Section 3: Effective Date and Duration***

*This order is effective immediately and will remain in effect until further notice.*



*GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this nineteenth day of March two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.*

*Tom Wolf*  
TOM WOLF  
Governor

# EXHIBIT B

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes	
In extenuating circumstances, special exemptions will be granted to businesses that are supplying or servicing health care providers.						
Natural Resources and Mining	Agriculture, Forestry, Fishing, and Hunting	Crop Production	Oilseed and Grain Farming	Yes		
			Vegetable and Melon Farming	Yes		
			Fruit and Tree Nut Farming	Yes		
			Greenhouse, Nursery, and Floriculture Production	Yes		
			Other Crop Farming	Yes		
		Animal Production	Cattle Ranching and Farming	Yes		
			Hog and Pig Farming	Yes		
			Poultry and Egg Production	Yes		
			Sheep and Goat Farming	Yes		
			Animal Aquaculture	Yes		
		Forestry and Logging	Other Animal Production	Yes		
			Timber Tract Operations	No		
			Forest Nurseries and Local Gathering of Forest Products	No		
		Fishing, Hunting, and Trapping	Logging	No		
			Fishing	Yes		
	Support Activities for Agriculture & Forestry	Hunting and Trapping	Yes			
		Support Activities for Crop Production	Yes			
		Support Activities for Animal Production	Yes			
	Mining, Quarrying, and Oil and Gas Extraction	Support Activities for Forestry	No			
		Oil and Gas Extraction	Yes			
Mining		Coal Mining	No			
		Metal Ore Mining	No			
		Nonmetallic Mineral Mining and Quarrying	No			
Support Activities for Mining	No					
Construction	Construction	Construction of Buildings	Residential Building Construction	No		
			Nonresidential Building Construction	No		
			Utility Subsystem Construction	No		
		Heavy and Civil Engineering Construction	Land Subdivision	No		
			Highway, Street, and Bridge Construction	No		
			Other Heavy and Civil Engineering Construction	No		
	Specialty Trade Contractors	Foundation, Structure, and Building Exterior Contractors	No			
		Building Equipment Contractors	No			
		Building Finishing Contractors	No			
	Other Specialty Trade Contractors	No				
	Manufacturing	Manufacturing	Food Manufacturing	Animal Food Manufacturing	Yes	
				Grain and Oilseed Milling	Yes	
Sugar and Confectionery Product Manufacturing				Yes		
Fruit and Vegetable Preserving and Specialty Food Manufacturing				Yes		
Dairy Product Manufacturing				Yes		
Animal Slaughtering and Processing				Yes		
Seafood Product Preparation and Packaging				Yes		
Bakeries and Tortilla Manufacturing				Yes		
Other Food Manufacturing				Yes		
Beverage and Tobacco Product Manufacturing				Beverage Manufacturing	Yes	
Tobacco Manufacturing			No			
Textile Mills			Fiber, Yarn, and Thread Mills	No		
			Fabric Mills	No		
Textile Product Mills			Textile and Fabric Finishing and Fabric Coating Mills	No		
			Textile Furnishing Mills	No		
Apparel Manufacturing			Other Textile Product Mills	No		
			Apparel Knitting Mills	No		
			Cut and Sew Apparel Manufacturing	No		
Leather & Allied Product Manufacturing			Apparel Accessories and Other Apparel Manufacturing	No		
			Leather and Hide Tanning and Finishing	No		
			Footwear Manufacturing	No		
Wood Product Manufacturing			Other Leather and Allied Product Manufacturing	No		
			Sawmills and Wood Preservation	No		
			Veneer, Plywood, and Engineered Wood Product Manufacturing	No		
Paper Manufacturing			Other Wood Product Manufacturing	No		
			Pulp, Paper, and Paperboard Mills	Yes		
Printing & Related Support Activities			Converted Paper Product Manufacturing	Yes		
Petroleum & Coal Products Manufacturing				No		
Chemical Manufacturing				Yes		
			Basic Chemical Manufacturing	Yes		
			Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	Yes		
			Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	Yes		
			Pharmaceutical and Medicine Manufacturing	Yes		
			Paint, Coating, and Adhesive Manufacturing	No		
			Soap, Cleaning Compounds, and Toilet Preparation Manufacturing	Yes		
			Other Chemical Product and Preparation Manufacturing	Yes		



Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes	
Manufacturing (continued)	Manufacturing (Continued)	Plastics & Rubber Products Manufacturing	Plastics Product Manufacturing	Yes		
			Rubber Product Manufacturing	Yes		
		Nonmetallic Mineral Product Manufacturing	Clay Product and Refractory Manufacturing	No		
			Glass and Glass Product Manufacturing	No		
			Cement and Concrete Product Manufacturing	Yes		
			Lime and Gypsum Product Manufacturing	No		
			Other Nonmetallic Mineral Product Manufacturing	No		
		Primary Metal Manufacturing	Iron and Steel Mills and Ferroalloy Manufacturing	Yes		
			Steel Product Manufacturing from Purchased Steel	Yes		
			Alumina and Aluminum Production and Processing	Yes		
			Nonferrous Metal (except Aluminum) Production and Processing	No		
			Foundries	No		
		Fabricated Metal Product Manufacturing	Forging and Stamping	No		
			Cutlery and Handtool Manufacturing	No		
			Boiler, Tank, and Shipping Container Manufacturing	No		
			Hardware Manufacturing	No		
			Spring and Wire Product Manufacturing	No		
			Machine Shops, Turned Product, and Screw, Nut, and Bolt Manufacturing	No		
			Coating, Engraving, Heat Treating, and Allied Activities	No		
			Other Fabricated Metal Product Manufacturing	No		
			Machine Manufacturing	Agriculture, Construction, and Mining Machinery Manufacturing	Yes	
				Industrial Machinery Manufacturing	No	
		Commercial and Service Industry Machinery Manufacturing		Yes		
		Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing		Yes		
		Metalworking Machinery Manufacturing		No		
		Engine, Turbine, and Power Transmission Equipment Manufacturing		Yes		
		Other General Purpose Machinery Manufacturing		No		
		Computer and Peripheral Equipment Manufacturing		No		
		Computer & Electronic Product Manufacturing		Communications Equipment Manufacturing	No	
				Audio and Video Equipment Manufacturing	No	
			Semiconductor and Other Electrical Component Manufacturing	Yes		
			Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	Yes		
		Electrical Equipment, Appliance, & Component Manufacturing	Manufacturing and Reproducing Magnetic and Optical Media	No		
			Electric Lighting Equipment Manufacturing	No		
			Household Appliance Manufacturing	No		
			Electrical Equipment Manufacturing	No		
		Transportation Equipment Manufacturing	Other Electrical Equipment and Component Manufacturing	No		
			Motor Vehicle Manufacturing	No		
			Motor Vehicle Body and Trailer Manufacturing	No		
			Motor Vehicle Parts Manufacturing	No		
			Aerospace Product and Parts Manufacturing	No		
			Railroad Rolling Stock Manufacturing	No		
			Ship and Boat Building	No		
		Furniture & Related Product Manufacturing	Other Transportation Equipment Manufacturing	No		
			Household and Institutional Furniture and Kitchen Cabinet Manufacturing	No		
			Office Furniture (including Fixtures) Manufacturing	No		
		Miscellaneous Manufacturing	Other Furniture Related Product Manufacturing	No		
			Medical Equipment and Supplies Manufacturing	Yes		
			Other Miscellaneous Manufacturing	No		



Trade, Transportation, & Utilities

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes		
	Wholesale Trade	Merchant Wholesalers, Durable Goods	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	Yes			
			Furniture and Home Furnishing Merchant Wholesalers	No			
			Lumber and Other Construction Materials Merchant Wholesalers	No			
			Professional and Commercial Equipment and Supplies Merchant Wholesalers	Yes			
			Metal and Mineral (except Petroleum) Merchant Wholesalers	Yes			
			Electrical and Electronic Goods Merchant Wholesalers	Yes			
			Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	Yes			
			Machinery, Equipment, and Supplies Merchant Wholesalers	Yes			
		Merchant Wholesalers, Nondurable Goods	Miscellaneous Durable Goods Merchant Wholesalers	Yes			
			Paper and Product Merchant Wholesalers	Yes			
			Drugs and Druggists' Sundries Merchant Wholesalers	Yes			
			Apparel, Piece Goods, and Notions Merchant Wholesalers	No			
			Grocery and Related Product Wholesalers	Yes			
			Farm Product Raw Material Merchant Wholesalers	Yes			
			Chemical and Allied Products Merchant Wholesalers	Yes			
			Petroleum and Petroleum Products Merchant Wholesalers	Yes			
			Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	Yes			
			Miscellaneous Nondurable Goods Merchant Wholesalers	No			
		Wholesale Electronic Markets and Agents & Brokers	No				
		Retail Trade	Motor Vehicle & Parts Dealers	Automobile Dealers	No		
				Other Motor Vehicle Dealers	No		
				Automotive Parts, Accessories, and Tire Stores	Yes		
			Furniture & Home Furnishing Stores	Furniture Stores	No		
				Home Furnishings Stores	No		
			Electronics & Appliance Stores			No	
			Building Material, Garden Equipment, & Supplies Dealers	Building Material and Supplies Dealers	Yes		
				Lawn and Garden Equipment and Supplies Stores	No		
			Food & Beverage Stores	Grocery Stores	Yes		
				Specialty Food Stores	No		
			Beer, Wine, and Liquor Stores (Beer Distributors to Remain Open)			Yes	
			Health & Personal Care Stores			No	
			Gasoline Stations			Yes	
	Clothing & Clothing Accessories Stores		Clothing Stores	No			
			Shoe Stores	No			
			Jewelry, Luggage, and Leather Goods Stores	No			
	Sporting Goods, Hobby, Book, & Music Stores		Sporting Goods, Hobby, and Musical Instrument Stores	No			
			Book, Periodical, and Music Stores	No			
	General Merchandise Stores		Department Stores	No			
			Other General Merchandise Stores	Yes			
	Miscellaneous Store Retailers		Florists	No			
			Office Supplies, Stationery, and Gift Stores	No			
			Used Merchandise Stores	No			
	Nonstore Retailers		Other Miscellaneous Store Retailers	No			
			Electronic Shopping and Mail-Order Houses	Yes			
			Vending Machine Operators	No			
	Direct Selling Establishments			No			
	Transportation and Warehousing		Air Transportation	Scheduled Air Transportation	Yes		
				Nonscheduled Air Transportation	Yes		
			Rail Transportation			Yes	
			Water Transportation	Deep Sea, Coastal, and Great Lakes Water Transportation	Yes		
				Inland Water Transportation	Yes		
		Truck Transportation	General Freight Trucking	Yes			
			Specialized Freight Trucking	Yes			
		Transit and Ground Passenger Transportation	Urban Transit Systems	Yes			
			Interurban and Rural Bus Transportation	Yes			
			Taxi and Limousine Service	Yes			
			School and Employee Bus Transportation	Yes			
			Charter Bus Industry	No			
		Other Transit and Ground Passenger Transportation			Yes		
		Pipeline Transportation	Pipeline Transportation of Crude Oil	Yes			
			Pipeline Transportation of Natural Gas	Yes			
			Other Pipeline Transportation	Yes			
		Scenic and Sightseeing Transportation	Scenic and Sightseeing Transportation, Land	No			
			Scenic and Sightseeing Transportation, Water	No			
			Scenic and Sightseeing Transportation, Other	No			
		Support Activities for Transportation	Support Activities for Air Transportation	Yes			
			Support Activities for Rail Transportation	Yes			
			Support Activities for Water Transportation	Yes			
			Support Activities for Road Transportation	Yes			
			Freight Transportation Arrangement	Yes			
		Other Support Activities for Transportation			Yes		
		Postal Service			Yes		
		Couriers and Messengers	Couriers	Yes			
			Local Messengers and Local Delivery	Yes			
		Warehousing and Storage			Yes		
		Utilities	Utilities	Electric Power Generation, Transmission, and Distribution	Yes		
				Natural Gas Distribution	Yes		
				Water, Sewage and Other Systems	Yes		



Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes	
Information	Information	Publishing Industries (except Internet)	Newspaper, Periodical, Book, and Directory Publishers	Yes		
			Software Publishers	No		
		Motion Picture and Sound Recording Industries	Motion Picture and Video Industries	No		
			Sound Recording Industries	No		
		Broadcasting (except Internet)	Radio and Television Broadcasting	Yes		
			Cable and Other Subscription Programming	Yes		
			Wired Telecommunications Carriers	Yes		
		Telecommunications	Wireless Telecommunications Carriers (except Satellite)	Wireless Telecommunications Carriers (except Satellite)	Yes	
				Telecommunications Resellers	No	
			Satellite Telecommunications	Yes		
			Cable and Other Program Distribution	Yes		
			Other Telecommunications	Yes		
			Data Processing, Hosting, and Related Services	Yes		
		Other Information Services	Yes			
Financial Activities	Finance and Insurance	Monetary Authorities - Central Bank	Monetary Authorities - Central Bank	Yes		
			Depository Credit Intermediation	Yes		
		Credit Intermediation and Related Activities	Nondepository Credit Intermediation	Yes		
			Activities Related to Credit Intermediation	Yes		
			Securities, Commodity Contracts, and Other Financial Investments and Related Activities	No		
		Securities, Commodity Contracts, and Other Financial Investments and Related Activities	Securities and Commodity Exchanges	No		
			Other Financial Investment Activities	No		
			Insurance Carriers	No		
		Insurance Carriers and Related Activities	Agencies, Brokerages, and Other Insurance Related Activities	No		
			Funds, Trusts, and Other Financial Activities	No		
		Real Estate and Rental and Leasing	Real Estate	Insurance and Employee Benefit Funds	No	
	Other Investment Pools and Funds			No		
	Lessors of Real Estate		Lessors of Real Estate	No		
			Offices of Real Estate Agents and Brokers	No		
			Activities Related to Real Estate	No		
	Rental and Leasing Services		Automotive Equipment Rental and Leasing	Yes		
			Consumer Goods Rental	Yes		
			General Rental Centers	Yes		
			Commercial and Industrial Machinery and Equipment Rental and Leasing	Yes		
			Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	No		
			Legal Services	No		
	Professional, Scientific, and Technical Services	Professional, Scientific, and Technical Services	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	No		
Architectural, Engineering, and Related Services			No			
Specialized Design Services			No			
Computer Systems Design and Related Services			No			
Management, Scientific, and Technical Consulting Services			No			
Scientific Research and Development Services			Yes			
Advertising and Related Services			No			
Other Professional, Scientific, and Technical Services			Yes			
Management of Companies and Enterprises			No			
Administration and Support and Waste Management and Remediation Services			Administrative and Support Services	Office Administrative Services	No	
		Facilities Support Services		Yes		
		Employment Services		No		
		Business Support Services		No		
		Travel Arrangement and Reservation Services		No		
		Investigation and Security Services		Yes		
		Services to Building and Dwellings		Yes		
Other Support Services		No				
Waste Management and Remediation Services	Waste Collection	Yes				
	Waste Treatment and Disposal	Yes				
	Remediation and Other Waste Management Services	Yes				
Education and Health Services	Educational Services	Elementary and Secondary Schools	No			
		Junior Colleges	No			
		Colleges, Universities, and Professional Schools	No			
		Business Schools and Computer and Management Training	No			
		Technical and Trade Schools	No			
		Other Schools and Instruction	No			
		Education Support Services	No			
	Health Care and Social Assistance	Ambulatory Health Care Services	Offices of Physicians	Yes	Elective procedures prohibited	
			Offices of Dentists	Yes	Elective procedures prohibited	
			Offices of Other Health Practitioners	Yes	Elective procedures prohibited	
			Outpatient Care Centers	Yes	Elective procedures prohibited	
			Medical and Diagnostic Laboratories	Yes	Elective procedures prohibited	
			Home Health Care Services	Yes	Elective procedures prohibited	
		Hospitals	Other Ambulatory Health Care Services	Yes	Elective procedures prohibited	
			General Medical and Surgical Hospitals	Yes	Elective procedures prohibited	
			Psychiatric and Substance Abuse Hospitals	Yes	Elective procedures prohibited	
			Specialty (except Psychiatric and Substance Abuse) Hospitals	Yes	Elective procedures prohibited	
		Nursing and Residential Care Facilities	Nursing Care Facilities	Yes		
			Residential Mental Retardation, Mental Health and Substance Abuse Facilities	Yes		
			Community Care Facilities for the Elderly	Yes		
	Social Assistance	Other Residential Care Facilities	Yes			
		Individual and Family Services	Yes			
		Community Food and Housing, and Emergency and Other Relief Services	Yes			
		Vocational Rehabilitation Services	Yes			
	Child Day Care Services	No				

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes
Leisure and Hospitality	Arts, Entertainment, and Recreation	Performing Arts, Spectator Sports, and Related Industries	Performing Arts Companies	No	
			Spectator Sports	No	
			Promoters of Performing Arts, Sports, and Similar Events	No	
			Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	No	
			Independent Artists, Writers, and Performers	No	
		Museums, Historical Sites, and Similar Institutions	No		
		Amusement, Gambling, and Recreation Industries	Amusement Parks and Arcades	No	
			Gambling Industries	No	
	Other Amusement and Recreation Industries		No		
	Accommodation and Food Services	Accommodation	Traveler Accommodation	No	
			RV (Recreational Vehicle) Parks and Recreational Camps	Yes	Residential only
			Rooming and Boarding Houses	Yes	Residential only
		Food Services and Drinking Places	Full-Service Restaurants	Yes	Takeout only
			Limited-Service Eating Places	Yes	Takeout only
			Special Food Services	No	
			Drinking Places (Alcoholic Beverages)	No	
Other Services (Except Public Administration)	Other Services (except Public Administration)	Repair and Maintenance	Automotive Repair and Maintenance	Yes	
			Electronic and Precision Equipment Repair and Maintenance	Yes	
			Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	Yes	
			Personal and Household Goods Repair and Maintenance	Yes	
		Personal and Laundry Services	Personal Care Services	No	This category includes barbershops, nail salons, beauty salons, gyms (including yoga, barre and spin facilities).
	Death Care Services		Yes		
	Drycleaning and Laundry Services		No		
	Other Personal Services		No		
	Religious, Grantmaking, Civic, Professional, and Similar Organizations	Religious Organizations	Yes		
		Grantmaking and Giving Services	Yes		
		Social Advocacy Organizations	Yes		
		Civic and Social Organizations	Yes		
		Business, Professional, Labor, Political, and Similar Organizations	No		
	Private Households	No			

# EXHIBIT C



# ALL NON-LIFE-SUSTAINING BUSINESSES IN PENNSYLVANIA TO CLOSE PHYSICAL LOCATIONS AS OF 8 PM TODAY TO SLOW SPREAD OF COVID-19

March 19, 2020

## Press Release, Public Health

Wolf Administration Orders Closure of Non-Life-Sustaining Businesses at 8 p.m. Today, March 19  
Enforcement Actions for Restaurant, Bar Dine-In Closure Began at 8 p.m., March 18  
Enforcement Actions for Non-Compliance will Begin at 12:01 a.m. Saturday, March 21

Governor Tom Wolf today ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations as of 8 p.m. today, March 19, to slow the spread of COVID-19. Enforcement actions against businesses that do not close physical locations will begin at 12:01 a.m. Saturday, March 21.

Gov. Wolf's order is here.

A video statement from Gov. Wolf is here.

Sec. of Health's order is here.

A list of life-sustaining businesses is here.

In extenuating circumstances, special exemptions will be granted to businesses that are supplying or servicing health care providers.

"To protect the health and safety of all Pennsylvanians, we need to take more aggressive mitigation actions," said Gov. Wolf. "This virus is an invisible danger that could be present everywhere. We need to act with the strength we use against any other severe threat. And, we need to act now before the illness spreads more widely."

The governor had previously encouraged non-life-sustaining businesses to close to mitigate the spread of COVID-19. Restaurants and bars were already required to stop all dine-in services. Enforcement for establishments with a liquor license began at 8 p.m. March 18, and enforcement for all other food establishments will begin at 8 p.m. tonight. Food establishments can offer carry-out, delivery, and drive-through food and beverage service, including alcohol.

Pursuant to the Emergency Management Services Code, the governor is granted extraordinary powers upon his declaration of a disaster emergency, such as COVID-19. Among these powers, the governor may control the ingress and egress into the disaster area, the movement of persons, and the occupancy of premises within the disaster area, which has been established to be the entire commonwealth for the COVID-19 disaster emergency. The secretary of health separately is authorized under the law to employ measures necessary for the prevention and suppression of disease.

Separately, and taken together, the administration is exercising these powers to temporarily close all non-life-sustaining businesses and dine-in facilities at all restaurants and bars across the commonwealth. Persons must be removed from these premises to cope with the COVID-19 disaster emergency.

## Failure to Comply and Enforcement

Failure to comply with these requirements will result in enforcement action that could include citations, fines, or license suspensions.

The governor has directed the following state agencies and local officials to enforce the closure orders to the full extent of the law:

- Pennsylvania Liquor Control Board
- Department of Health

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- Department of Agriculture
- Pennsylvania State Police
- Local officials, using their resources to enforce closure orders within their jurisdictions

Private businesses, local organizations and other noncompliant entities that fail or refuse to comply with the governor's orders that protect the lives and health of Pennsylvanians will forfeit their ability to receive any applicable disaster relief and/or may be subject to other appropriate administrative action. Such action may include termination of state loan or grant funding, including Redevelopment Assistance Capital Project (RACP) grant funding and/or suspension or revocation of licensure for violation of the law.

Finally, in addition to any other criminal charges that might be applicable, the Department of Health is authorized to prosecute noncompliant entities for the failure to comply with health laws, including quarantine, isolation or other disease control measures. Violators are subject to fines or imprisonment.

### **Business Loans and Support**

The Department of Community and Economic Development (DCED) offers working capital loans that could be of assistance to businesses impacted by COVID-19. Resources and information will be posted to <http://dced.pa.gov/resources> as they become available. The U.S. Small Business Administration, in addition to local funding partners, may also be a source of assistance for affected businesses.

The Wolf Administration today announced the availability of low-interest loans for small businesses and eligible non-profits in all 67 counties in Pennsylvania through the U.S. Small Business Administration (SBA).

Businesses seeking guidance from DCED can also contact its customer service resource account at [ra-dcedcs@pa.gov](mailto:ra-dcedcs@pa.gov) or by calling 1-877-PA-HEALTH and selecting option 1.

For the most up-to-date information on COVID-19, Pennsylvanians should visit: <https://www.pa.gov/guides/responding-to-covid-19/>.


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**VERIFICATION**

I, Tyler Martin, vice president of Caledonia Land Company, hereby swear or affirm that the above-written statements of fact are true and correct to the best of my knowledge, information and belief and that I make said statements of fact subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification of authorities.

Date: 3-20-2020

  
\_\_\_\_\_  
Tyler Martin, Vice President  
Caledonia Land Company

VERIFICATION

I, Jim Roth, manager of Blueberry Hill Public Golf Course & Lounge, hereby swear or affirm that the above-written statements of fact are true and correct to the best of my knowledge.

information and belief and that I make said statements of fact subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification of authorities.

Date: 3.20.20

  
Jim Roth, manager  
Blueberry Hill Public Golf Course & Lounge



**VERIFICATION**

I, John Patrick Damore, president of B&J LAUNDRY, LLC, hereby swear or affirm that the above-written statements of fact are true and correct to the best of my knowledge, information and belief and that I make said statements of fact subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification of authorities.

Date: 3-20-20



\_\_\_\_\_  
John Patrick Damore, President  
B & J Laundry, LLC

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC :  
B&J LAUNDRY, LLC, :  
BLUEBERRY HILL PUBLIC GOLF : PETITION FOR REVIEW  
COURSE & LOUNGE, :  
CALEDONIA LAND COMPANY, : ORIGINAL JURISDICTION  
Petitioners :  
 : NO.  
v. :  
 :  
THE HONORABLE THOMAS W. WOLF :  
IN HIS OFFICIAL CAPACITY AS :  
GOVERNOR, :  
COMMONWEALTH OF :  
PENNSYLVANIA :  
& :  
DR. RACHEL LEVINE IN HER OFFICIAL :  
CAPACITY OF SECRETARY OF THE :  
PENNSYLVANIA DEPARTMENT OF :  
HEALTH, :  
Respondents :

CERTIFICATE OF SERVICE

I, Deborah A. Black, Paralegal for Scaringi Law, do hereby certify that I served a true and correct copy of *Petitioner's Petition for Review of The Order of the Governor of the Commonwealth of Pennsylvania Regarding the Closure of All Businesses That Are Not Life Sustaining Dated of March 19, 2020*, in the above-captioned action, upon the following via PACfile System, to:

The Honorable Thomas W. Wolf  
Office of the Governor  
508 Main Capitol Building  
Harrisburg, PA 17120

Dr. Rachel Levine  
Pennsylvania Department of Health  
Health and Welfare Building  
8th Floor West  
625 Forster Street  
Harrisburg, PA 17120

Gregory George Schwab, Esq.  
Pennsylvania Office of General Counsel  
Governor's Office of General Counsel  
333 Market St 17th Fl.  
Harrisburg, PA 17126-0333

The Honorable Joshua D. Shapiro, Esq.  
Pennsylvania Office of Attorney General  
Pa Office of Attorney General  
Strawberry Sq. Fl. 14  
Harrisburg, PA 17120

Date: March 20, 2020

/s/ Deborah A. Black  
Deborah A. Black, Paralegal  
For Marc A. Scaringi, Esquire and  
Brian C. Caffrey, Esquire

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC	:	
B&J LAUNDRY, LLC,	:	
BLUEBERRY HILL PUBLIC GOLF	:	PETITION FOR REVIEW
COURSE & LOUNGE,	:	
CALEDONIA LAND COMPANY,	:	ORIGINAL JURISDICTION
Petitioners	:	
	:	NO.
v.	:	
	:	
THE HONORABLE THOMAS W. WOLF	:	
IN HIS OFFICIAL CAPACITY AS	:	
GOVERNOR,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA	:	
&	:	
DR. RACHEL LEVINE IN HER OFFICIAL:	:	
CAPACITY OF SECRETARY OF THE	:	
PENNSYLVANIA DEPARTMENT OF	:	
HEALTH,	:	
Respondents	:	

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Petitioners' Counsel

Signature: /s/ Marc A. Scaringi

Name: Marc A. Scaringi, Esquire

Attorney No. (if applicable): 88346

Date: March 20, 2020

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC	:
B&J LAUNDRY, LLC,	:
BLUEBERRY HILL PUBLIC GOLF	: AMENDED
COURSE & LOUNGE,	: PETITION FOR REVIEW
CALEDONIA LAND COMPANY,	:
Petitioners,	: ORIGINAL JURISDICTION
	:
	: NO. 231 MD 2020
	:
v.	:
	:
THE HONORABLE THOMAS W. WOLF	:
IN HIS OFFICIAL CAPACITY AS	:
GOVERNOR,	:
COMMONWEALTH OF	:
PENNSYLVANIA	:
&	:
DR. RACHEL LEVINE IN HER OFFICIAL:	:
CAPACITY OF SECRETARY OF THE	:
PENNSYLVANIA DEPARTMENT OF	:
HEALTH,	:
Respondents	:

ORDER

And now, upon review of the Amended Petition for Review of The Order of the Governor of the Commonwealth of Pennsylvania Regarding the Closure of All Businesses That Are Not Life Sustaining Dated of March 19, 2020, it is hereby Ordered and Decreed, that Respondents shall file an Answer to said Amended Petition on or before \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 2020 at \_\_\_\_\_ and argument on said Amended Petition shall be held on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 2020

at \_\_\_\_\_ o'clock in Courtroom #\_\_\_\_ of the Pennsylvania Judicial Center,  
601 Commonwealth Ave, Harrisburg, PA 17106.

BT THE COURT,

---

J.

Marc A. Scaringi, Esq.  
 Supreme Court ID No. 88346  
 Brian C. Caffrey, Esq.  
 Supreme Court ID No. 42667  
 Scaringi Law  
 2000 Linglestown Road, Suite 106  
 Harrisburg, PA 17110  
 marc@scaringilaw.com  
 brian@scaringilaw.com  
 717-657-7770 (o)  
 717-657-7797 (f)

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC	:
B&J LAUNDRY, LLC,	:
BLUEBERRY HILL PUBLIC GOLF	: AMENDED
COURSE & LOUNGE,	: PETITION FOR REVIEW
CALEDONIA LAND COMPANY,	:
Petitioners,	: ORIGINAL JURISDICTION
	:
	: NO. 231 MD 2020
	:
v.	:
	:
THE HONORABLE THOMAS W. WOLF	:
IN HIS OFFICIAL CAPACITY AS	:
GOVERNOR,	:
COMMONWEALTH OF	:
PENNSYLVANIA	:
&	:
DR. RACHEL LEVINE IN HER OFFICIAL:	:
CAPACITY OF SECRETARY OF THE	:
PENNSYLVANIA DEPARTMENT OF	:
HEALTH,	:
Respondents	:

Amended Petition for Review of The Order of the Governor of the Commonwealth  
 of Pennsylvania Regarding the Closure of All Businesses That Are Not Life  
 Sustaining Dated of March 19, 2020



AND NOW, come the Petitioners, by and through their attorneys, Scaringi Law, and respectfully aver the following in support of the within Petition.

Jurisdictional statement

This Court has jurisdiction of the instant matter under 42 Pa.C.S. § 761(a).

The Parties

1. Petitioner, Sean Logue PLLC, is a Pennsylvania professional limited liability company, with a principal place of business at 27 W. Main St., Carnegie, PA 15106.
2. Petitioner, B&J LAUNDRY, LLC, is a Pennsylvania limited liability company, with a principal place of business at 1563 West 26th Street, Erie, PA 16508.
3. Petitioner, Blueberry Hill Public Golf Course & Lounge, is an unincorporated association, with a principal place of business at 6528 Cable Hollow Road, Russell, Pennsylvania 16345.
4. Caledonia Land Company is a Pennsylvania limited liability company, with a principal place of business at 507 Cherry Grove Road, Clarendon, Pennsylvania 16365.
5. Respondent, the Honorable Thomas W. Wolf, is the Governor of the Commonwealth of Pennsylvania with a principal office address at Office of the Governor, 508 Main Capitol Building, Harrisburg, PA 17120.

6. Respondent, Defendant, Dr. Rachel Levin, is the Secretary of Health of the Commonwealth of Pennsylvania with a principal office address at Pennsylvania Department of Health, Health and Welfare Building, 8th Floor West, 625 Forster Street, Harrisburg, PA 17120.

### The Facts

7. On Thursday, March 19, 2020, Pennsylvania Governor Thomas W. Wolf issued an order compelling the closure of the physical operations of all businesses that are not life-sustaining (hereinafter “Order”). The Order is incorporated herein by reference, made a part hereto, marked and attached as Exhibit A.

8. The Governor determined which Pennsylvania businesses are “life-sustaining,” and which are “non-life sustaining.” The Life-Sustaining and Non-Life Sustaining List is incorporated herein by reference, made a part hereto, marked and attached as Exhibit B.

9. The press release announcing the Order threatened the following sanctions for failure to comply:

- a. enforcement actions against businesses that do not close physical locations will begin at 12:01AM Saturday, March 21
- b. enforcement action that could include citations, fines, or license suspensions;
- c. forfeiture of the ability to receive any application disaster relief;

- d. other appropriate administrative action;
- e. suspension or revocation of licensure;
- f. prosecutions by the Department of Health, including quarantine, isolation, or other disease control measure with violators subject to fines or imprisonment;
- g. any other criminal charges that might be applicable .

The press release is incorporated herein by reference, made a part hereto, marked and attached as Exhibit C.

10. The Petitioners' businesses were on the original list of non-life sustaining businesses and were put on that list without notice and hearing and as such the Order violates their due process rights.<sup>1</sup>

11. The media has reported that a "waiver" process exists whereby non-life sustaining businesses may request a wavier and request a reclassification to a life-sustaining business.

12. Although the Governor now has a link to the "wavier" process on his website, the Governor has not provided the Petitioners directly with any notice or information about this waiver process.

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<sup>1</sup> During the drafting and filing of the Petition for Review on Friday, March 20, 2020, the Governor apparently modified the list of life-sustaining and non-life sustaining businesses. As a result, the Petitioners file this Amended Petition to address those revisions.

13. Petitioners do not know what rights they have or do not have, what standard of review is being employed and by whom in reviewing the waivers, and whether there is an appeals process if the waiver is not granted, and if so how to appeal, to whom to appeal and what rights and procedures are employed in the appeal process.

14. The Governor's waiver process violates the Petitioners' due process rights of the notice and a hearing and the right to appeal any adverse decision.

The Governor's Purported Legal Basis for His Order

15. The Governor bases his legal authority for the Order on his proclamation of the existence of a disaster emergency throughout the Commonwealth of Pennsylvania pursuant to 35 Pa.C.S. 7301 (c).

16. The Governor further bases his legal authority for the Order pursuant to his, "responsibility to address dangers, facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa.C.S. 7301 (a)."

17. The Governor has asserted that, "in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein...35 Pa. C.S. 7301 (f)."

18. The Governor further asserted that the "Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention

and suppression of disease. 71 P.S. 532 (a), 71 P.S. 1403 (a) and these means include isolation, quarantine, and any other control measure needed. 35 P.S. 521.5.”

Governor’s Order Violates The Constitutional Rights of the Petitioners

19. The Governor’s Order violates the following fundamental, constitutional rights of the Petitioners’:

a. right against unreasonable seizures of their property under the Fourth Amendment to the U.S. Constitution and Article I, Section 8 of the Pennsylvania Constitution.

b. right to the protection of their private property under the Fifth Amendment to the U.S. Constitution.

c. right to free association under the First Amendment to the US Constitution.

d. right to be equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness pursuant to the Pennsylvania Constitution Inherent Rights of Mankind Section 1.

e. the right to due process of law under the 14<sup>th</sup> Amendment to the United States Constitution and the Law of the Land in Pennsylvania.

20. As a result of the Governor's Order, Petitioners are prohibited from physically accessing their principal places of business and are significantly harmed in their right and ability to conduct business, engage in commerce and earn a living, and as such the Order constitutes a deprivation of the Petitioners' constitutional rights set forth above.<sup>2</sup>

21. Assuming for the sake of argument that the Governor has the legal authority to issue the Order under the statutes he cites, which the Petitioners deny, and assuming the Governor's Order effectuates a compelling state interest, the Order is not narrowly tailored and as such violates the Pennsylvania and United States Constitutions.

22. The Governor's Order, the decision making process employed in determining which businesses are life-sustaining and which businesses are not life-sustaining, is arbitrary, capricious and unfair and as such violates the Pennsylvania and United States Constitutions.

23. Further, the Petitioners' businesses are life-sustaining and the placement on the non-life sustaining list violates their rights under the Pennsylvania and United States Constitutions.

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<sup>2</sup> See FN 1. Since about the time of the drafting of the original Petition for Review, it appears the Governor has moved two of the Petitioners' businesses from the non-life sustaining list to life-sustaining list and is apparently involving the Administrative Office of Pennsylvania Courts in the determination involving a third Petitioner.

24. Further, the Petitioners' businesses can be conducted in such a way that does not conflict with the Governor's stated purpose for his Order.

35 Pa. C.S. 7301 (f) Does not Provide the Governor with  
the Legal Authority for his Order

25. 35 Pa.C.S. § 7301 is the Emergency Management Services Code (hereinafter the "Code").

26. The Code states, "The Governor is responsible for meeting the dangers to this Commonwealth and people presented by disasters." 35 Pa.C.S. § 7301 (a) (emphasis added).

27. The Code defines disasters as, "A man-made disaster, natural disaster or war-caused disaster." 35 Pa.C.S. § 7102.

28. The Code further defines a man-made disaster as:

Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, such as oil spills and other injurious environmental contamination, which threatens or causes substantial damage to property, human suffering, hardship or loss of life.

Id.

29. COVID-19, a viral illness, does not fit within the definition of man-made disasters.

30. The Code further defines a natural disasters as:

Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion

or other catastrophe which results in substantial damage to property, hardship, suffering or possible loss of life.

Id.

31. COVID-19, a viral illness, does not fit within the definition of natural disasters.

32. The word “disease” does not appear in the definition of disaster in the Code. And, disease is not like any of the man-made or natural disasters listed in the Code. Under the contextual canon of *ejusdem generis* (Latin for “of the same kind”) the general words following an enumeration of particular are to be limited by reference to the preceding particular enumeration. Thus the general words in the statutory definition above, *other conditions* and *other catastrophe*, are limited to the particular words that appear prior thereto. Thus, by way of further example, the Code defines natural causes as, “Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion...” The addition of the words, “or other catastrophe,” may not expand the list of catastrophes to any diseases, let alone COVID-19, because disease is not like any of the listed catastrophes that precede the words “or other catastrophe.”

33. Thus, the Code does not apply to COVID-19.

34. Furthermore, even if the Code applies to COVID-19, the Code empowers the Governor to act within a disaster area.



35. The Governor specifically references in his Order his power under the Code to, “Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.” 35 Pa.C.S. § 7301 (f)(7).

36. However, the Petitioners’ principal places of business are not located within a disaster area in a literal sense in that no disasters have afflicted the Petitioners’ place of business, other than perhaps the Governor’s Order. And, assuming for the sake of argument that a disease can constitute a disaster as defined in the Code, which the Petitioners deny, there is no outbreak of COVID-19 in the place of the Petitioners’ businesses.

Neither 71 P.S. 532 (a) nor 71 P.S. 1403 (a)  
Provide the Governor with the Legal Authority for his Order

37. The Governor also cites 71 P.S. 532 (a) and 71 P.S. 1403 (a) for the power of the Secretary of Health, “to determine and employ the most efficient and practical means for the prevention and suppression of disease.”

38. However, neither the Secretary nor the Governor have shown how the closure of all non-life-sustaining business in Pennsylvania is the “most efficient and practical means for the prevention and suppression of disease.”

39. The most efficient and practical means for the prevention and suppression of the COVID-19 disease is to determine which Pennsylvanians have the disease and

then quarantine those Pennsylvanians, not close down the Petitioners' businesses that have had no involvement with COVID-19.

40. Furthermore, 71 P.S. 532 (a) set forth a broad and general power, but does not specifically empower the Secretary to close physical businesses or prohibit private property owners from accessing their physical premises.

41. The more particular and relevant power is set forth in 71 P.S. § 532 (d):

If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, **fails to comply with any order of the department for the abatement or removal thereof**, to enter upon the premises, to which such order relates, and abate or remove such nuisance, as may now or hereafter be provided by law.

Id. (emphasis added).

42. This statutory section only gives the Secretary the power to enter upon the Petitioners' premises, and thus control the Petitioners' property, if the Petitioners' have failed to abate a nuisance detrimental to the public health. The Secretary has not identified any public health nuisance existing on the Petitioners' property and has not afforded the Petitioners the opportunity to abate and remove the public health nuisance. Thus, the Secretary has no statutory power to control the Petitioners' property.

43. Furthermore, under the *generalia specialibus non derogant* canon (Latin for "the general does not detract from the specific"), if there is a conflict between a general and a specific statutory provision, the specific provision prevails. The

specific provision is 71 P.S. § 532 (d) and thus it prevails over 71 P.S. 532 (a) and because the elements of 71 P.S. § 532 (d) does not exist in this case, it does not apply and does not give the Secretary the power she or the Governor claims.

44. The Governor's Order also cites 71 P.S. §1403 (a) for his and the Secretary's power to order the closure of all non-life sustaining businesses. 71 P.S. §1403 (a) is a near verbatim copy of 71 P.S. § 532 (a).

45. The Governor fails to cite 71 PS § 1403 (b). This is the more specific power:

The Secretary of Health shall cause **examination to be made of nuisances or questions affecting the security of life and health** in any locality, and for that purpose the secretary, and any person authorized by him so to do, may, without fee or hindrance, **enter, examine and survey all grounds, vehicles, apartments, buildings, and places within the State**, and all persons so authorized by him shall have the powers and authority conferred by law upon constables.

Id. (emphasis added).

46. This provision confers upon the Secretary the power to enter and survey property within the Commonwealth but only for the examination to be made of nuisances or questions affecting the security of life or health at that place.

47. None of those elements necessary to establish the Secretary's power under 71 PS § 1403 (b).

48. In any event, under the *generalia specialibus non derogant* canon (Latin for "the general does not detract from the specific"), the same result occurs with regard to these two statutory provisions. 71 PS § 1403 (b) is more specific than 71

P.S. §1403 (a). The elements for 71 P.S. §1403 (b) do not exist in this case. Thus, 71 P.S. §1403 (a) does not apply and does not give the Secretary the power she or the Governor claims.

35 P.S. 521.1 et seq.

The “Disease Prevention and Control Law of 1955” (or the “Disease Act”).  
Does Not Provide the Governor with the Legal Authority for his Order

49. The Governor states in his Order that the means include isolation, quarantine, and any other control measure needed, 35 P.S. 521.5.”

Upon the receipt by a local board or department of health or by the department, as the case may be, of a report of a disease which is subject to isolation, quarantine, or any other control measure, the local board or department of health or the department shall carry out the appropriate control measures in such manner and in such place as is provided by rule or regulation.

Id.

50. The Disease Act, and its quarantine, isolation and “control measures,” apply to infected persons or animals.

(e) Isolation. The separation for the period of communicability of ***infected persons or animals*** from other persons or animals in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent from infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others.

35 P.S. 521.2 (emphasis added).

51. Petitioners are all legal entities and not persons, let alone infected persons.

Legal entities cannot become infected with COVID-19. Further, this provision empowers the Secretary to separate the infected persons, not un-infected persons.

Neither the Secretary nor the Governor has any evidence that the Petitioners, even if they are considered to be persons, are infected with COVID-19 and as such should be separated from their principal place of business.

52. The Disease Act, and its quarantine, isolation and “control measures,” apply to persons or animals who have been exposed to a communicable disease.

(i) Quarantine. The limitation of freedom of movement ***of persons or animals who have been exposed to a communicable disease*** for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent effective contact with those not so exposed. Quarantine may be complete, or, as defined below, it may be modified, or it may consist merely of surveillance or segregation.

Id. (emphasis added).

53. Petitioners are not persons or animals, let alone persons or animals who have been exposed to communicable diseases. The same argument in ¶51 applies here.

54. The Disease Act applies to persons or animals and empowers the Governor and/or health officials in certain circumstance to quarantine or isolate infected or exposed persons or animals. It does not empower the Governor to shut down the Petitioners’ businesses.

#### Claims of Sean Logue, PLLC

55. Sean Logue PLLC is law firm owned and operated by Sean Logue, Esq. It employs two hourly legal clerks, two of-counsel attorneys, a receptionist, and a chief paralegal.

56. As a result of the Order, Attorney Logue has been harmed in the following ways:

- a. Had to send staff home early without warning;
- b. No longer receives assistance from his legal staff because they are prohibited from accessing their offices;
- c. Was forced to leave his office with very little warning and was unable to take work home with him;
- d. Has hearings coming up next week and is not able to access his files, which are at his principal office;
- e. Is now prohibited from meeting with clients or prospective clients in his office;
- f. Does not know where he can meet with clients or prospective clients as any public meetings where the conversation could be overheard by third parties would violate Pa. R. Prof. Conduct 1.6 and the its duty of confidentiality and/or the attorney-client privilege;
- g. No longer has access to his office equipment such as his copier, scan and facsimile, law library – all of which are critical in the practice of law; without access to his principal place of business Petitioner is unable to sign a verification to the instant petition;



h. Will no longer have access to any papers or things, including pleadings, court orders, client communications that are mailed to his principal place of business;

i. No longer has a staff member answering his telephone at his principal place of business including telephone calls from clients, opposing counsel and court administrators among others.

57. Furthermore, the Supreme Court of Pennsylvania has the exclusive authority to govern the practice of law in Pennsylvania. Courts across Pennsylvania remain open for business. The Governor's Order impermissible encroaches on the Supreme Court's exclusive authority.<sup>3</sup>

58. Attorney Logue is significantly hindered in his right and ability to practice law and this could result in the detriment to his clients.

59. Attorney Logue's clients have the right to counsel protected by the Sixth Amendment to the United States Constitution; that right is infringed by this Order because Attorney Logue is hindered in his ability to practice law and communicate with his clients.

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<sup>3</sup> Sometime on Friday, March 20, 2020 the Governor apparently revised the list of life sustaining and non-life sustaining businesses. On the original list, the Governor declared that legal services were non-life sustaining and as such the Governor ordered the closure of the physical offices of legal service providers, including Petitioner Sean Logue, PLLC. The revised list states legal service providers are still on the list of those who "May Not Continue Physical Operation" but there is a note stating, "Except as permitted expressly by the Administrative Office of Pennsylvania Courts."

60. Prior to the Order, Attorney Logue had already sent non-essential personnel home, had established a COVID-19 prevention protocol including limiting the waiting area in his office to one client at a time and the cancellation of all non-essential meetings, social distancing and increased cleanliness and sanitization procedures.

61. Attorney Logue is ready, willing and able to continue these COVID-19 prevention protocol if permitted to reopen his office.

Claims of B&J Laundry, LLC<sup>4</sup>

62. Petitioner operates a self-serve coin laundromat and wash-n-fold laundry service for the public.

63. As a result of the Order, Petitioner has been harmed in that he is unable to operate his business in any fashion.

64. Petitioner offers “drop off services.”

65. Petitioner’s drop-off services can be operated with the doors to the business location locked to the public with the public dropping off and retrieving their laundry from the business parking lot. This is much like how restaurants offer their drive thru service.

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<sup>4</sup> In his original list, the Governor determined laundromats to be non-life sustaining. In his revised list, the Governor has determined that laundromats are life-sustaining. However, Petitioner B&J Laundry, LLC’s claim is not moot because the constitutionality of the entire process by which the Governor has determined that some businesses are life-sustaining and others are not, and that apparently the Governor can change his mind and return Petitioner to the non-life sustaining category is an issue of great public importance and/or is one that is capable of repetition yet evading review.

66. Petitioner provides a much needed service in regards to the prevention of COVID-19 in terms of cleaning clothing and other articles upon which COVID-19 can spread.

67. Many Pennsylvanians live without in home or apartment laundry facilities and must use public laundry facilities like Petitioners. These Pennsylvanians, who now do not have access to public laundry facilities, are at greater risk than Pennsylvanians who have such facilities.

Claims of Blueberry Hill Public Golf Course & Lounge

68. Petitioner owns and operates a public golf course.

69. As a result of the Order, Petitioner has been harmed in the following ways:

a. Petitioner must still expend significant sums to maintain fairways and greens so that the grass thereon does not grow out of control such that the greens and fairways are ruined for future golf activities. However, Petitioner has been denied the opportunity to make use of such greens and fairways to derive the income necessary to pay for the maintenance operations.

b. Spring is the time of year when certain other golf course work such as fertilization and pest control should be performed. However, without the ability to host customers at the golf course the Petitioner is without funds to purchase the necessary maintenance supplies. Such work is dependent upon the season and

when the season passes the opportunity is lost. Blueberry also had to lay off wait staff, cooks, and professional staff.

c. Petitioner made contracts to purchase new or replacement equipment for the 2020 golf season and requires the equipment in order to perform the maintenance cited above. However, without revenue from customers the Petitioner does not have sufficient funds to honor the purchase agreements and Petitioner is left without the equipment required to perform necessary operations.

70. Petitioner has a 30-week golf season.

71. The golf course business is competitive.

72. For over a decade Blueberry has operated on a slim budget that barely balances.

73. The loss of any week of operation will have a devastating impact on business.

74. Blueberry is obligated on a significant promissory note to a local bank. If Blueberry cannot continue business next week Blueberry will be unable to make its April 2020 payment to the bank.

75. Spring is the critical time of year for any golf course because golf courses survive the winter on their savings. The spring cash flow must cover not only the spring's operating expenses but the revenue must also be saved for the upcoming winter.

76. Petitioner is ready, willing and able to put into place COVID-19 prevention protocol if permitted to reopen, including but not limited requiring golfers to walk, or if golfers wish to ride in carts, require golfers to use individual carts for each golfer. The restaurant would provide takeout only.

77. Petitioner believes and therefor avers that it appeared on the Governor's original list as a non-life sustaining businesses; it is not entirely clear, though. The original list does not include a category for golf course. It does include a category entitled, "Other Amusement and Recreation Activities."

78. Petitioner still appears on the now revised list as a non-life sustaining business, assuming it falls within the category, "Other Amusement and Recreation Activities."

#### Claim of Caledonia Land Company

79. Petitioner Caledonia Land Company owns 4000 acres of primarily timber land in northwestern PA.

80. As a result of the Order, Petitioner has been harmed in the following ways:

a. Petitioner has had to summarily terminate timber harvesting projects that were planned for the immediate future. The termination of the projects interferes with the Petitioner's ability to enjoy its property and interrupts the flow of revenue to Petitioner.

b. Certain of the trees slated to be harvested were selected particularly because they are the white ash species which species has been attacked by the emerald ash borer. Mortality in the ash species is 100% and if the trees are not immediately harvested their value will be forever lost in that the trees are dying, the trees are subject to windthrow, and the further infestation by the borer renders the wood without value.

c. The Petitioner has established relationships with the contractors who harvest and haul the timber. These relationships are based in part upon the Petitioner's ability to provide reliable work. The cessation of work harms the relationships and threatens the ability of Petitioner to secure services necessary to Petitioner's operations.

81. Petitioner employs independent contractors to manage and cut its timber.

82. The management is conducted by Generations Forestry of Kane, PA.

83. The timber harvesting is performed by various independent contractors.

84. Petitioner manages its timber via selective cutting and via various timber stand improvement projects.

85. Petitioner had several such projects currently underway until the issuance of the Order.

86. The timber work occurs in the woods and is usually performed by a one man crews and a single truck driver. It is not necessary for these contractors to come into contact with other persons in order for them to perform their work.

87. The timber work produces timber to mills that turn it into paper products such as toilet paper and tissues that are critical in mitigating the spread of COVID-19.

88. The Governor's Order caused a cessation of income to Caledonia, the stoppage of payments to the independent contractors, and the interruption of the supply of wood to mills and the stoppage of the production of paper products such as toilet paper and tissues.

89. Petitioner believes and therefor avers that he appeared on the Governor's original list as a non-life sustaining businesses because Petitioner is in the Forestry and Logging business.

90. Petitioner believes and therefor avers that as a result of the Governor's revisions that occurred sometime on Friday, March 20, 2020 he is now on the list as a life-sustaining business. See FN 4 on mootness.

#### Governor's Order Violates Separation of Powers

91. Executive orders can be classified into three permissible types: (1) proclamations for ceremonial purposes; (2) directives to subordinate officials for the execution of executive branch duties; and (3) interpretation of statutory or other

law. *Markham v. Wolf*, 647 Pa. 642, 651, 190 A.3d 1175 (2018). Type 3 is implicated in this matter.

92. “[A]ny executive order that, in essence, creates law, is unconstitutional.” *Id.*, 647 Pa. at 656.

93. The governor’s comprehensive, detailed determination of which types of businesses “may continue physical operations” constitutes an attempt at legislation, which is the exclusive province of the legislative branch of government. *Id.*, 647 Pa. at 656 (“Foundationally, the legislature creates the laws. Pa. Const. art. II, § 1”).

94. The governor, in attempting to legislate which businesses may operate from their physical locations and which cannot, has violated the principles of separation of powers articulated and applied by the Pennsylvania Supreme Court in *Markham*.

Governor’s Order is Arbitrary, Capricious and Vague and  
Thus Violates the Pennsylvania and U.S. Constitutions

95. Before the Governor ordered the closure of all non-life-sustaining businesses, the Governor strongly urged certain businesses he determined to be non-essential to close. Those the Governor decided were essential, the Governor did not strongly urge their closure.

96. Shortly thereafter and in the Governor’s Order in question the Governor ordered the closure of all non-life-sustaining businesses and permitted all life-sustaining businesses to “continue physical operations.”



97. The Governor, then within a few hours, revised his list of life-sustaining and non-life sustaining businesses. A copy of the revised List of Life-Sustaining and Non-Life Sustaining Businesses is incorporated herein by reference, made a part hereto, marked and attached as Exhibit D.

98. This categories – life-sustaining and non-life-sustaining – have no basis in the law. No statute cited by the Governor in support of his Order uses these terms or categories. The Governor quite simply made up these categories and their terminology out of whole cloth.

99. Assuming for the sake of argument that the Governor has the power to issue the Order and to categorize businesses, the Governor’s act of determining the categories may not be arbitrary and capricious.

100. “Arbitrary” has been defined as, “Not supported by fair, solid, and substantial cause, and without reason given.” *Treloar v. Bigge*, L. R. 9 Exch. 155 as cited in Black’s Law Dictionary.<sup>5</sup>

101. The Governor’s categories are not supported by fair, solid and substantial cause and there was no reason given for them. For example, why are, “beer, wine, and liquor stores,” determined to be non-life-sustaining, but “beer distributors” are determined to be “life-sustaining?” Why are “department stores” non-life-sustaining, but “other general merchandise stores” life-sustaining?

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<sup>5</sup> <https://thelawdictionary.org/arbitrary/>

102. “Capricious” has been defined as, “Given to sudden and unaccountable changes of mood or behavior.”<sup>6</sup> The Governor issued his first list on Friday, March 20, 2020 and then revised it later in the day. What caused the Governor to change his mind apparently within a span of hours and move Forestry and Logging and Laundromats and Drycleaning from non-life-sustaining to life-sustaining? Will the Governor change his mind again and put Petitioners timber and laundromat businesses back on the non-life-sustaining list and order, again, their immediate closure? Petitioners do not know and apparently have no way of knowing. Petitioners cannot read the Governor’s mind.

103. “Vagueness” has been defined as, “A law that can be voided as it is unclear or is lacking a thing that makes it precise.”<sup>7</sup> Does “Other Amusement and Recreation Industries” include public golf courses? Petitioner Blueberry Hill cannot be sure. Blueberry Hill operates a restaurant on premises. Does Blueberry Hill’s restaurant qualify as a “Full-service Restaurant” or a “Limited-Service Eating Place.” In either case take-out is permitted. But the restaurant is located on the golf course premises, which must be closed, because it is apparently a non-life-sustaining business. So can Blueberry Hill operate the restaurant or not?

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<sup>6</sup> <https://thelawdictionary.org/capricious/>

<sup>7</sup> <https://thelawdictionary.org/void-for-vagueness/>

104. Lastly, the Governor's first list determined Forestry and Logging to be non-life-sustaining. On the Governor's revised list, he changed his mind and determined Forestry and Logging to be life-sustaining. However, under "Manufacturing" the Governor's revised list allows paper manufacturing but disallows wood products manufacturing, including "Sawmills." Pulp trees used for paper manufacturing grow side by side with the higher quality wood used for wood product manufacturing. In virtually every Pennsylvania timber harvesting project the pulp trees (used for paper) and the sawtimber (used in products manufacturing) are harvested and sold together. There are probably hundreds if not thousands of sales now under contract in Pennsylvania that are combined pulp/sawtimber sales. So what happens to those contracts?

105. Government actions that are deemed to be arbitrary, capricious and/or vague have been determined to violate the Pennsylvania and U.S. Constitutions. The Governor's actions in devising the list, devising the categories, deciding which business is in which category, and then changing his mind with regard to some businesses and moving them from one category to the other not only has caused mass confusion and disturbance throughout Pennsylvania, but it is also arbitrary, capricious and vague and as such the list of life-sustaining and non-life-sustaining businesses should be struck as unconstitutional.

WHEREFORE, Petitioners' request that the Court order that the Governor's Order be vacated.

Respectfully submitted,

/s/ Marc A. Scaringi

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# EXHIBIT A



**ORDER OF**

**THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA REGARDING THE  
CLOSURE OF ALL BUSINESSES THAT ARE NOT LIFE SUSTAINING**

*WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared a novel coronavirus (“COVID-19”) a “public health emergency of international concern,” and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared that COVID-19 creates a public health emergency; and*

*WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and*

*WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa. C.S. § 7301(a); and*

*WHEREAS, in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein; and suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, and combustibles. 35 Pa. C.S. § 7301(f); and*

*WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and*

*WHEREAS, in addition to my authority, my Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. § 532(a), 71 P.S. 1403(a); and*

*WHEREAS, these means include isolation, quarantine, and any other control measure needed. 35 P.S. § 521.5.*

*NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:*

**Section 1: Prohibition on Operation of Businesses that are not Life Sustaining**

*All prior orders and guidance regarding business closures are hereby superseded.*

*Enforcement actions will be taken against non-life sustaining businesses that are out of compliance effective March 21, 2020, at 12:01 a.m.*

***Section 2: Prohibition on Dine-In Facilities including Restaurants and Bars***

*All restaurants and bars previously have been ordered to close their dine-in facilities to help stop the spread of COVID-19.*

*Businesses that offer carry-out, delivery, and drive-through food and beverage service may continue, so long as social distancing and other mitigation measures are employed to protect workers and patrons. Enforcement actions will be taken against businesses that are out of compliance effective March 19, 2020, at 8 p.m.*

***Section 3: Effective Date and Duration***

*This order is effective immediately and will remain in effect until further notice.*



*GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this nineteenth day of March two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.*

*Tom Wolf*  
**TOM WOLF**  
Governor

# EXHIBIT B



Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes	
In extenuating circumstances, special exemptions will be granted to businesses that are supplying or servicing health care providers.						
Natural Resources and Mining	Agriculture, Forestry, Fishing, and Hunting	Crop Production	Oilseed and Grain Farming	Yes		
			Vegetable and Melon Farming	Yes		
			Fruit and Tree Nut Farming	Yes		
			Greenhouse, Nursery, and Floriculture Production	Yes		
			Other Crop Farming	Yes		
		Animal Production	Cattle Ranching and Farming	Yes		
			Hog and Pig Farming	Yes		
			Poultry and Egg Production	Yes		
			Sheep and Goat Farming	Yes		
			Animal Aquaculture	Yes		
		Forestry and Logging	Other Animal Production	Yes		
			Timber Tract Operations	No		
			Forest Nurseries and Local Gathering of Forest Products	No		
		Fishing, Hunting, and Trapping	Logging	No		
	Fishing		Yes			
	Support Activities for Agriculture & Forestry	Hunting and Trapping	Yes			
		Support Activities for Crop Production	Yes			
		Support Activities for Animal Production	Yes			
	Mining, Quarrying, and Oil and Gas Extraction	Oil and Gas Extraction	Support Activities for Forestry	No		
				Yes		
Mining		Coal Mining	No			
		Metal Ore Mining	No			
		Nonmetallic Mineral Mining and Quarrying	No			
Support Activities for Mining		No				
Construction	Construction	Construction of Buildings	Residential Building Construction	No		
			Nonresidential Building Construction	No		
		Heavy and Civil Engineering Construction	Utility Subsystem Construction	No		
			Land Subdivision	No		
			Highway, Street, and Bridge Construction	No		
			Other Heavy and Civil Engineering Construction	No		
	Specialty Trade Contractors	Foundation, Structure, and Building Exterior Contractors	No			
		Building Equipment Contractors	No			
		Building Finishing Contractors	No			
		Other Specialty Trade Contractors	No			
Manufacturing	Manufacturing	Food Manufacturing	Animal Food Manufacturing	Yes		
			Grain and Oilseed Milling	Yes		
			Sugar and Confectionery Product Manufacturing	Yes		
			Fruit and Vegetable Preserving and Specialty Food Manufacturing	Yes		
			Dairy Product Manufacturing	Yes		
			Animal Slaughtering and Processing	Yes		
			Seafood Product Preparation and Packaging	Yes		
			Bakeries and Tortilla Manufacturing	Yes		
			Other Food Manufacturing	Yes		
			Beverage and Tobacco Product Manufacturing	Beverage Manufacturing	Yes	
		Tobacco Manufacturing		No		
		Textile Mills	Fiber, Yarn, and Thread Mills	No		
			Fabric Mills	No		
			Textile and Fabric Finishing and Fabric Coating Mills	No		
		Textile Product Mills	Textile Furnishing Mills	No		
			Other Textile Product Mills	No		
			Apparel Knitting Mills	No		
		Apparel Manufacturing	Cut and Sew Apparel Manufacturing	No		
			Apparel Accessories and Other Apparel Manufacturing	No		
			Leather and Hide Tanning and Finishing	No		
		Leather & Allied Product Manufacturing	Footwear Manufacturing	No		
			Other Leather and Allied Product Manufacturing	No		
		Wood Product Manufacturing	Sawmills and Wood Preservation	No		
			Veneer, Plywood, and Engineered Wood Product Manufacturing	No		
			Other Wood Product Manufacturing	No		
		Paper Manufacturing	Pulp, Paper, and Paperboard Mills	Yes		
			Converted Paper Product Manufacturing	Yes		
		Printing & Related Support Activities		No		
		Petroleum & Coal Products Manufacturing		Yes		
		Chemical Manufacturing	Basic Chemical Manufacturing	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	Yes	
				Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	Yes	
				Pharmaceutical and Medicine Manufacturing	Yes	
				Paint, Coating, and Adhesive Manufacturing	No	
				S Soap, Cleaning Compounds, and Toilet Preparation Manufacturing	Yes	
				Other Chemical Product and Preparation Manufacturing	Yes	

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes
Manufacturing (continued)	Manufacturing (Continued)	Plastics & Rubber Products Manufacturing	Plastics Product Manufacturing	Yes	
			Rubber Product Manufacturing	Yes	
		Nonmetallic Mineral Product Manufacturing	Clay Product and Refractory Manufacturing	No	
			Glass and Glass Product Manufacturing	No	
			Cement and Concrete Product Manufacturing	Yes	
			Lime and Gypsum Product Manufacturing	No	
			Other Nonmetallic Mineral Product Manufacturing	No	
		Primary Metal Manufacturing	Iron and Steel Mills and Ferroalloy Manufacturing	Yes	
			Steel Product Manufacturing from Purchased Steel	Yes	
			Alumina and Aluminum Production and Processing	Yes	
			Nonferrous Metal (except Aluminum) Production and Processing	No	
		Fabricated Metal Product Manufacturing	Foundries	No	
			Forging and Stamping	No	
			Cutlery and Handtool Manufacturing	No	
			Boiler, Tank, and Shipping Container Manufacturing	No	
			Hardware Manufacturing	No	
			Spring and Wire Product Manufacturing	No	
			Machine Shops, Turned Product, and Screw, Nut, and Bolt Manufacturing	No	
			Coating, Engraving, Heat Treating, and Allied Activities	No	
			Other Fabricated Metal Product Manufacturing	No	
			Machine Manufacturing	Agriculture, Construction, and Mining Machinery Manufacturing	Yes
		Industrial Machinery Manufacturing		No	
		Commercial and Service Industry Machinery Manufacturing		Yes	
		Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing		Yes	
		Metalworking Machinery Manufacturing		No	
		Engine, Turbine, and Power Transmission Equipment Manufacturing		Yes	
		Other General Purpose Machinery Manufacturing		No	
		Computer and Peripheral Equipment Manufacturing		No	
		Communications Equipment Manufacturing		No	
		Audio and Video Equipment Manufacturing		No	
		Computer & Electronic Product Manufacturing	Semiconductor and Other Electrical Component Manufacturing	Yes	
			Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	Yes	
			Manufacturing and Reproducing Magnetic and Optical Media	No	
		Electrical Equipment, Appliance, & Component Manufacturing	Electric Lighting Equipment Manufacturing	No	
			Household Appliance Manufacturing	No	
			Electrical Equipment Manufacturing	No	
			Other Electrical Equipment and Component Manufacturing	No	
		Transportation Equipment Manufacturing	Motor Vehicle Manufacturing	No	
			Motor Vehicle Body and Trailer Manufacturing	No	
			Motor Vehicle Parts Manufacturing	No	
			Aerospace Product and Parts Manufacturing	No	
			Railroad Rolling Stock Manufacturing	No	
			Ship and Boat Building	No	
			Other Transportation Equipment Manufacturing	No	
		Furniture & Related Product Manufacturing	Household and Institutional Furniture and Kitchen Cabinet Manufacturing	No	
			Office Furniture (including Fixtures) Manufacturing	No	
			Other Furniture Related Product Manufacturing	No	
		Miscellaneous Manufacturing	Medical Equipment and Supplies Manufacturing	Yes	
			Other Miscellaneous Manufacturing	No	

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes	
Trade, Transportation, & Utilities	Wholesale Trade	Merchant Wholesalers, Durable Goods	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	Yes		
			Furniture and Home Furnishing Merchant Wholesalers	No		
			Lumber and Other Construction Materials Merchant Wholesalers	No		
			Professional and Commercial Equipment and Supplies Merchant Wholesalers	Yes		
			Metal and Mineral (except Petroleum) Merchant Wholesalers	Yes		
			Electrical and Electronic Goods Merchant Wholesalers	Yes		
			Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	Yes		
			Machinery, Equipment, and Supplies Merchant Wholesalers	Yes		
			Miscellaneous Durable Goods Merchant Wholesalers	Yes		
			Miscellaneous Nondurable Goods Merchant Wholesalers	No		
		Merchant Wholesalers, Nondurable Goods	Paper and Product Merchant Wholesalers	Yes		
			Drugs and Druggists' Sundries Merchant Wholesalers	Yes		
			Apparel, Piece Goods, and Notions Merchant Wholesalers	No		
			Grocery and Related Product Wholesalers	Yes		
			Farm Product Raw Material Merchant Wholesalers	Yes		
			Chemical and Allied Products Merchant Wholesalers	Yes		
			Petroleum and Petroleum Products Merchant Wholesalers	Yes		
			Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	Yes		
			Miscellaneous Nondurable Goods Merchant Wholesalers	No		
			Wholesale Electronic Markets and Agents & Brokers	No		
		Retail Trade	Motor Vehicle & Parts Dealers	Automobile Dealers	No	
				Other Motor Vehicle Dealers	No	
				Automotive Parts, Accessories, and Tire Stores	Yes	
			Furniture & Home Furnishing Stores	Furniture Stores	No	
				Home Furnishings Stores	No	
			Electronics & Appliance Stores	Building Material and Supplies Dealers	Yes	
				Lawn and Garden Equipment and Supplies Stores	No	
			Food & Beverage Stores	Grocery Stores	Yes	
				Specialty Food Stores	No	
			Health & Personal Care Stores	Beer, Wine, and Liquor Stores (Beer Distributors to Remain Open)	Yes	
	Health & Personal Care Stores			No		
	Gasoline Stations		Gasoline Stations	Yes		
			Clothing Stores	No		
	Clothing & Clothing Accessories Stores		Shoe Stores	No		
			Jewelry, Luggage, and Leather Goods Stores	No		
	Sporting Goods, Hobby, Book, & Music Stores		Sporting Goods, Hobby, and Musical Instrument Stores	No		
			Book, Periodical, and Music Stores	No		
	General Merchandise Stores		Department Stores	No		
			Other General Merchandise Stores	Yes		
	Miscellaneous Store Retailers		Florists	No		
			Office Supplies, Stationery, and Gift Stores	No		
			Used Merchandise Stores	No		
	Nonstore Retailers		Other Miscellaneous Store Retailers	No		
			Electronic Shopping and Mail-Order Houses	Yes		
			Vending Machine Operators	No		
	Transportation and Warehousing		Air Transportation	Scheduled Air Transportation	Yes	
				Nonscheduled Air Transportation	Yes	
			Rail Transportation	Rail Transportation	Yes	
				Water Transportation	Deep Sea, Coastal, and Great Lakes Water Transportation	Yes
			Truck Transportation	Inland Water Transportation	Yes	
				General Freight Trucking	Yes	
			Transit and Ground Passenger Transportation	Specialized Freight Trucking	Yes	
				Urban Transit Systems	Yes	
			Pipeline Transportation	Interurban and Rural Bus Transportation	Yes	
				Taxi and Limousine Service	Yes	
			Scenic and Sightseeing Transportation	School and Employee Bus Transportation	Yes	
				Charter Bus Industry	No	
			Support Activities for Transportation	Other Transit and Ground Passenger Transportation	Yes	
				Pipeline Transportation of Crude Oil	Yes	
			Postal Service	Pipeline Transportation of Natural Gas	Yes	
		Other Pipeline Transportation		Yes		
		Couriers and Messengers	Scenic and Sightseeing Transportation, Land	No		
			Scenic and Sightseeing Transportation, Water	No		
		Warehousing and Storage	Scenic and Sightseeing Transportation, Other	No		
			Support Activities for Air Transportation	Yes		
		Utilities	Support Activities for Rail Transportation	Yes		
			Support Activities for Water Transportation	Yes		
		Electric Power Generation, Transmission, and Distribution	Support Activities for Road Transportation	Yes		
			Freight Transportation Arrangement	Yes		
		Natural Gas Distribution	Other Support Activities for Transportation	Yes		
			Water, Sewage and Other Systems	Yes		

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes
Information	Information	Publishing Industries (except Internet)	Newspaper, Periodical, Book, and Directory Publishers	Yes	
			Software Publishers	No	
		Motion Picture and Sound Recording Industries	Motion Picture and Video Industries	No	
			Sound Recording Industries	No	
		Broadcasting (except Internet)	Radio and Television Broadcasting	Yes	
			Cable and Other Subscription Programming	Yes	
		Telecommunications	Wired Telecommunications Carriers	Yes	
			Wireless Telecommunications Carriers (except Satellite)	Yes	
			Telecommunications Resellers	No	
			Satellite Telecommunications	Yes	
			Cable and Other Program Distribution	Yes	
			Other Telecommunications	Yes	
		Data Processing, Hosting, and Related Services	Yes		
Other Information Services	Yes				
Financial Activities	Finance and Insurance	Monetary Authorities - Central Bank		Yes	
		Credit Intermediation and Related Activities	Depository Credit Intermediation	Yes	
			Nondepository Credit Intermediation	Yes	
			Activities Related to Credit Intermediation	Yes	
		Securities, Commodity Contracts, and Other Financial Investments and Related Activities	Securities and Commodity Contracts Intermediation and Brokerage	No	
			Securities and Commodity Exchanges	No	
			Other Financial Investment Activities	No	
		Insurance Carriers and Related Activities	Insurance Carriers	No	
			Agencies, Brokerages, and Other Insurance Related Activities	No	
		Funds, Trusts, and Other Financial Activities	Insurance and Employee Benefit Funds	No	
	Other Investment Pools and Funds		No		
	Real Estate and Rental and Leasing	Real Estate	Lessors of Real Estate	No	
			Offices of Real Estate Agents and Brokers	No	
			Activities Related to Real Estate	No	
		Rental and Leasing Services	Automotive Equipment Rental and Leasing	Yes	
			Consumer Goods Rental	Yes	
			General Rental Centers	Yes	
			Commercial and Industrial Machinery and Equipment Rental and Leasing	Yes	
			Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	No	
	Professional and Business Services	Professional, Scientific, and Technical Services	Legal Services	No	
Accounting, Tax Preparation, Bookkeeping, and Payroll Services			No		
Architectural, Engineering, and Related Services			No		
Specialized Design Services			No		
Computer Systems Design and Related Services			No		
Management, Scientific, and Technical Consulting Services			No		
Scientific Research and Development Services			Yes		
Advertising and Related Services			No		
Other Professional, Scientific, and Technical Services			Yes		
Management of Companies and Enterprises			No		
Administration and Support and Waste Management and Remediation Services		Administrative and Support Services	Office Administrative Services	No	
			Facilities Support Services	Yes	
			Employment Services	No	
			Business Support Services	No	
			Travel Arrangement and Reservation Services	No	
			Investigation and Security Services	Yes	
			Services to Building and Dwellings	Yes	
			Other Support Services	No	
		Waste Management and Remediation Services	Waste Collection	Yes	
			Waste Treatment and Disposal	Yes	
Remediation and Other Waste Management Services	Yes				
Education and Health Services	Educational Services	Elementary and Secondary Schools	No		
		Junior Colleges	No		
		Colleges, Universities, and Professional Schools	No		
		Business Schools and Computer and Management Training	No		
		Technical and Trade Schools	No		
		Other Schools and Instruction	No		
		Education Support Services	No		
	Health Care and Social Assistance	Ambulatory Health Care Services	Offices of Physicians	Yes	Elective procedures prohibited
			Offices of Dentists	Yes	Elective procedures prohibited
			Offices of Other Health Practitioners	Yes	Elective procedures prohibited
			Outpatient Care Centers	Yes	Elective procedures prohibited
			Medical and Diagnostic Laboratories	Yes	Elective procedures prohibited
			Home Health Care Services	Yes	Elective procedures prohibited
		Hospitals	Other Ambulatory Health Care Services	Yes	Elective procedures prohibited
			General Medical and Surgical Hospitals	Yes	Elective procedures prohibited
			Psychiatric and Substance Abuse Hospitals	Yes	Elective procedures prohibited
			Specialty (except Psychiatric and Substance Abuse) Hospitals	Yes	Elective procedures prohibited
		Nursing and Residential Care Facilities	Nursing Care Facilities	Yes	
			Residential Mental Retardation, Mental Health and Substance Abuse Facilities	Yes	
			Community Care Facilities for the Elderly	Yes	
Other Residential Care Facilities	Yes				
Social Assistance	Individual and Family Services	Yes			
	Community Food and Housing, and Emergency and Other Relief Services	Yes			
	Vocational Rehabilitation Services	Yes			
Child Day Care Services	No				



Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes
Leisure and Hospitality	Arts, Entertainment, and Recreation	Performing Arts, Spectator Sports, and Related Industries	Performing Arts Companies	No	
			Spectator Sports	No	
			Promoters of Performing Arts, Sports, and Similar Events	No	
			Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	No	
			Independent Artists, Writers, and Performers	No	
		Museums, Historical Sites, and Similar Institutions	No		
		Amusement, Gambling, and Recreation Industries	Amusement Parks and Arcades	No	
	Gambling Industries		No		
	Other Amusement and Recreation Industries		No		
	Accommodation and Food Services	Accommodation	Traveler Accommodation	No	
			RV (Recreational Vehicle) Parks and Recreational Camps	Yes	Residential only
			Rooming and Boarding Houses	Yes	Residential only
		Food Services and Drinking Places	Full-Service Restaurants	Yes	Takeout only
			Limited-Service Eating Places	Yes	Takeout only
			Special Food Services	No	
			Drinking Places (Alcoholic Beverages)	No	
	Other Services (Except Public Administration)	Other Services (except Public Administration)	Repair and Maintenance	Automotive Repair and Maintenance	Yes
Electronic and Precision Equipment Repair and Maintenance				Yes	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance				Yes	
Personal and Household Goods Repair and Maintenance				Yes	
Personal and Laundry Services			Personal Care Services	No	This category includes barbershops, nail salons, beauty salons, gyms (including yoga, barre and spin facilities).
			Death Care Services	Yes	
			Drycleaning and Laundry Services	No	
			Other Personal Services	No	
Religious, Grantmaking, Civic, Professional, and Similar Organizations			Religious Organizations	Yes	
			Grantmaking and Giving Services	Yes	
			Social Advocacy Organizations	Yes	
			Civic and Social Organizations	Yes	
Private Households			Business, Professional, Labor, Political, and Similar Organizations	No	
			Organizations	No	

# EXHIBIT C

## ALL NON-LIFE-SUSTAINING BUSINESSES IN PENNSYLVANIA TO CLOSE PHYSICAL LOCATIONS AS OF 8 PM TODAY TO SLOW SPREAD OF COVID-19

March 19, 2020

### Press Release, Public Health

Wolf Administration Orders Closure of Non-Life-Sustaining Businesses at 8 p.m. Today, March 19

Enforcement Actions for Restaurant, Bar Dine-In Closure Began at 8 p.m., March 18

Enforcement Actions for Non-Compliance will Begin at 12:01 a.m. Saturday, March 21

Governor Tom Wolf today ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations as of 8 p.m. today, March 19, to slow the spread of COVID-19. Enforcement actions against businesses that do not close physical locations will begin at 12:01 a.m. Saturday, March 21.

Gov. Wolf's order is here.

A video statement from Gov. Wolf is here.

Sec. of Health's order is here.

A list of life-sustaining businesses is here.

In extenuating circumstances, special exemptions will be granted to businesses that are supplying or servicing health care providers.

"To protect the health and safety of all Pennsylvanians, we need to take more aggressive mitigation actions," said Gov. Wolf. "This virus is an invisible danger that could be present everywhere. We need to act with the strength we use against any other severe threat. And, we need to act now before the illness spreads more widely."

The governor had previously encouraged non-life-sustaining businesses to close to mitigate the spread of COVID-19. Restaurants and bars were already required to stop all dine-in services. Enforcement for establishments with a liquor license began at 8 p.m. March 18, and enforcement for all other food establishments will begin at 8 p.m. tonight. Food establishments can offer carry-out, delivery, and drive-through food and beverage service, including alcohol.

Pursuant to the Emergency Management Services Code, the governor is granted extraordinary powers upon his declaration of a disaster emergency, such as COVID-19. Among these powers, the governor may control the ingress and egress into the disaster area, the movement of persons, and the occupancy of premises within the disaster area, which has been established to be the entire commonwealth for the COVID-19 disaster emergency. The secretary of health separately is authorized under the law to employ measures necessary for the prevention and suppression of disease.

Separately, and taken together, the administration is exercising these powers to temporarily close all non-life-sustaining businesses and dine-in facilities at all restaurants and bars across the commonwealth. Persons must be removed from these premises to cope with the COVID-19 disaster emergency.

### Failure to Comply and Enforcement

Failure to comply with these requirements will result in enforcement action that could include citations, fines, or license suspensions.

The governor has directed the following state agencies and local officials to enforce the closure orders to the full extent of the law:

- Pennsylvania Liquor Control Board
- Department of Health

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- Department of Agriculture
- Pennsylvania State Police
- Local officials, using their resources to enforce closure orders within their jurisdictions

Private businesses, local organizations and other noncompliant entities that fail or refuse to comply with the governor's orders that protect the lives and health of Pennsylvanians will forfeit their ability to receive any applicable disaster relief and/or may be subject to other appropriate administrative action. Such action may include termination of state loan or grant funding, including Redevelopment Assistance Capital Project (RACP) grant funding and/or suspension or revocation of licensure for violation of the law.

Finally, in addition to any other criminal charges that might be applicable, the Department of Health is authorized to prosecute noncompliant entities for the failure to comply with health laws, including quarantine, isolation or other disease control measures. Violators are subject to fines or imprisonment.

#### **Business Loans and Support**

The Department of Community and Economic Development (DCED) offers working capital loans that could be of assistance to businesses impacted by COVID-19. Resources and information will be posted to <http://dced.pa.gov/resources> as they become available. The U.S. Small Business Administration, in addition to local funding partners, may also be a source of assistance for affected businesses.

The Wolf Administration today announced the availability of low-interest loans for small businesses and eligible non-profits in all 67 counties in Pennsylvania through the U.S. Small Business Administration (SBA).

Businesses seeking guidance from DCED can also contact its customer service resource account at [ra-dcedcs@pa.gov](mailto:ra-dcedcs@pa.gov) or by calling 1-877-PA-HEALTH and selecting option 1.

For the most up-to-date information on COVID-19, Pennsylvanians should visit: <https://www.pa.gov/guides/responding-to-covid-19/>.

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# EXHIBIT D

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes
Natural Resources and Mining	Agriculture, Forestry, Fishing, and Hunting	Crop Production	Oilseed and Grain Farming	Yes	
			Vegetable and Melon Farming	Yes	
			Fruit and Tree Nut Farming	Yes	
			Greenhouse, Nursery, and Floriculture Production	Yes	
			Other Crop Farming	Yes	
		Animal Production	Cattle Ranching and Farming	Yes	
			Hog and Pig Farming	Yes	
			Poultry and Egg Production	Yes	
			Sheep and Goat Farming	Yes	
			Animal Aquaculture	Yes	
		Forestry and Logging	Timber Tract Operations	Yes	
			Forest Nurseries and Local Gathering of Forest Products	Yes	
			Logging	Yes	
		Fishing, Hunting, and Trapping	Fishing	Yes	
	Hunting and Trapping		Yes		
	Support Activities for Agriculture & Forestry	Support Activities for Crop Production	Yes		
		Support Activities for Animal Production	Yes		
		Support Activities for Forestry	Yes		
	Mining, Quarrying, and Oil and Gas Extraction	Oil and Gas Extraction	Yes		
		Mining	Coal Mining	Yes	
Metal Ore Mining			Yes		
Nonmetallic Mineral Mining and Quarrying			Yes		
Support Activities for Mining		Yes			
Construction	Construction	Construction of Buildings	Residential Building Construction	No	Except emergency repairs permitted
			Nonresidential Building Construction	No	Except emergency repairs and construction of health care facilities permitted
		Heavy and Civil Engineering Construction	Utility Subsystem Construction	No	Except emergency repairs permitted
			Land Subdivision	No	
			Highway, Street, and Bridge Construction	No	Except emergency repairs permitted
	Specialty Trade Contractors	Other Heavy and Civil Engineering Construction	No	Except emergency repairs permitted	
		Foundation, Structure, and Building Exterior Contractors	No	Except emergency repairs permitted	
		Building Equipment Contractors	No	Except emergency repairs permitted	
		Building Finishing Contractors	No	Except emergency repairs permitted	
		Other Specialty Trade Contractors	No	Except emergency repairs permitted	
Manufacturing	Manufacturing	Food Manufacturing	Animal Food Manufacturing	Yes	
			Grain and Oilseed Milling	Yes	
			Sugar and Confectionery Product Manufacturing	Yes	
			Fruit and Vegetable Preserving and Specialty Food Manufacturing	Yes	
			Dairy Product Manufacturing	Yes	
			Animal Slaughtering and Processing	Yes	
			Seafood Product Preparation and Packaging	Yes	
			Bakeries and Tortilla Manufacturing	Yes	
		Other Food Manufacturing	Yes		
		Beverage and Tobacco Product Manufacturing	Beverage Manufacturing	Yes	
			Tobacco Manufacturing	No	
		Textile Mills	Fiber, Yarn, and Thread Mills	No	
			Fabric Mills	No	
			Textile and Fabric Finishing and Fabric Coating Mills	No	
		Textile Product Mills	Textile Furnishing Mills	No	
			Other Textile Product Mills	No	
		Apparel Manufacturing	Apparel Knitting Mills	No	
			Cut and Sew Apparel Manufacturing	No	
			Apparel Accessories and Other Apparel Manufacturing	No	
		Leather & Allied Product Manufacturing	Leather and Hide Tanning and Finishing	No	
			Footwear Manufacturing	No	
			Other Leather and Allied Product Manufacturing	No	
		Wood Product Manufacturing	Sawmills and Wood Preservation	No	
			Veneer, Plywood, and Engineered Wood Product Manufacturing	No	
			Other Wood Product Manufacturing	No	
		Paper Manufacturing	Pulp, Paper, and Paperboard Mills	Yes	
			Converted Paper Product Manufacturing	Yes	
		Printing & Related Support Activities		Yes	
		Petroleum & Coal Products Manufacturing		Yes	
		Chemical Manufacturing	Basic Chemical Manufacturing	Yes	
Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	Yes				
Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	Yes				
Pharmaceutical and Medicine Manufacturing	Yes				
Paint, Coating, and Adhesive Manufacturing	No				
Soap, Cleaning Compound, and Toilet Preparation Manufacturing	Yes				
Other Chemical Product and Preparation Manufacturing	Yes				

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes
Manufacturing (continued)	Manufacturing (Continued)	Plastics & Rubber Products Manufacturing	Plastics Product Manufacturing	Yes	
			Rubber Product Manufacturing	Yes	
		Nonmetallic Mineral Product Manufacturing	Clay Product and Refractory Manufacturing	No	
			Glass and Glass Product Manufacturing	No	
			Cement and Concrete Product Manufacturing	Yes	
			Lime and Gypsum Product Manufacturing	No	
			Other Nonmetallic Mineral Product Manufacturing	No	
		Primary Metal Manufacturing	Iron and Steel Mills and Ferroalloy Manufacturing	Yes	
			Steel Product Manufacturing from Purchased Steel	Yes	
			Alumina and Aluminum Production and Processing	Yes	
			Nonferrous Metal (except Aluminum) Production and Processing	No	
		Fabricated Metal Product Manufacturing	Foundries	No	
			Forging and Stamping	No	
			Cutlery and Handtool Manufacturing	No	
			Boiler, Tank, and Shipping Container Manufacturing	No	
			Hardware Manufacturing	No	
			Spring and Wire Product Manufacturing	No	
			Machine Shops, Turned Product, and Screw, Nut, and Bolt Manufacturing	No	
			Coating, Engraving, Heat Treating, and Allied Activities	No	
			Other Fabricated Metal Product Manufacturing	No	
			Machine Manufacturing	Agriculture, Construction, and Mining Machinery Manufacturing	Yes
		Industrial Machinery Manufacturing		No	
		Commercial and Service Industry Machinery Manufacturing		Yes	
		Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing		Yes	
		Metalworking Machinery Manufacturing		No	
		Engine, Turbine, and Power Transmission Equipment Manufacturing		Yes	
		Other General Purpose Machinery Manufacturing		No	
		Computer and Peripheral Equipment Manufacturing		No	
		Communications Equipment Manufacturing		No	
		Audio and Video Equipment Manufacturing		No	
		Computer & Electronic Product Manufacturing	Semiconductor and Other Electrical Component Manufacturing	Yes	
			Navigation, Measuring, Electromedical, and Control Instruments Manufacturing	Yes	
			Manufacturing and Reproducing Magnetic and Optical Media	No	
			Electric Lighting Equipment Manufacturing	No	
		Electrical Equipment, Appliance, & Component Manufacturing	Household Appliance Manufacturing	No	
			Electrical Equipment Manufacturing	No	
			Other Electrical Equipment and Component Manufacturing	No	
			Transportation Equipment Manufacturing	Motor Vehicle Manufacturing	No
		Motor Vehicle Body and Trailer Manufacturing		No	
		Motor Vehicle Parts Manufacturing		No	
		Aerospace Product and Parts Manufacturing		No	Except defense industrial base manufacturing under CISA advisory is permitted
		Railroad Rolling Stock Manufacturing		No	
		Ship and Boat Building		No	
		Furniture & Related Product Manufacturing	Other Transportation Equipment Manufacturing	No	
			Household and Institutional Furniture and Kitchen Cabinet Manufacturing	No	
			Office Furniture (including Fixtures) Manufacturing	No	
			Other Furniture Related Product Manufacturing	No	
		Miscellaneous Manufacturing	Medical Equipment and Supplies Manufacturing	Yes	
			Other Miscellaneous Manufacturing	No	Except defense industrial base manufacturing under CISA advisory is permitted

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes	
Trade, Transportation, & Utilities	Wholesale Trade	Merchant Wholesalers, Durable Goods	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	Yes		
			Furniture and Home Furnishing Merchant Wholesalers	No		
			Lumber and Other Construction Materials Merchant Wholesalers	No		
			Professional and Commercial Equipment and Supplies Merchant Wholesalers	Yes		
			Metal and Mineral (except Petroleum) Merchant Wholesalers	Yes		
			Electrical and Electronic Goods Merchant Wholesalers	Yes		
			Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	Yes		
			Machinery, Equipment, and Supplies Merchant Wholesalers	Yes		
			Miscellaneous Durable Goods Merchant Wholesalers	Yes		
			Paper and Product Merchant Wholesalers	Yes		
		Merchant Wholesalers, Nondurable Goods	Drugs and Druggists' Sundries Merchant Wholesalers	Yes		
			Apparel, Piece Goods, and Notions Merchant Wholesalers	No		
			Grocery and Related Product Wholesalers	Yes		
			Farm Product Raw Material Merchant Wholesalers	Yes		
			Chemical and Allied Products Merchant Wholesalers	Yes		
			Petroleum and Petroleum Products Merchant Wholesalers	Yes		
			Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	Yes		
			Miscellaneous Nondurable Goods Merchant Wholesalers	No		
			Wholesale Electronic Markets and Agents & Brokers	No		
			Retail Trade	Motor Vehicle & Parts Dealers	Automobile Dealers	No
		Other Motor Vehicle Dealers			No	
		Automotive Parts, Accessories, and Tire Stores			Yes	
		Furniture Stores			No	
		Furniture & Home Furnishing Stores		Home Furnishings Stores	No	
				Electronics & Appliance Stores	No	
		Building Material, Garden Equipment, & Supplies Dealers		Building Material and Supplies Dealers	Yes	
				Lawn and Garden Equipment and Supplies Stores	No	
		Food & Beverage Stores		Grocery Stores	Yes	
				Specialty Food Stores	Yes	
				Beer, Wine, and Liquor Stores	No	Except beer distributors permitted
	Health & Personal Care Stores			No		
	Gasoline Stations			Yes		
	Clothing & Clothing Accessories Stores	Clothing Stores		No		
		Shoe Stores		No		
		Jewelry, Luggage, and Leather Goods Stores		No		
		Sporting Goods, Hobby, Book, & Music Stores		No		
	Sporting Goods, Hobby, Book, & Music Stores	Sporting Goods, Hobby, and Musical Instrument Stores		No		
		Book, Periodical, and Music Stores		No		
	General Merchandise Stores	Department Stores		No		
		Other General Merchandise Stores		Yes		
	Miscellaneous Store Retailers	Florists		No		
		Office Supplies, Stationery, and Gift Stores		No		
		Used Merchandise Stores		No		
		Other Miscellaneous Store Retailers		No		
	Nonstore Retailers	Electronic Shopping and Mail-Order Houses		Yes		
		Vending Machine Operators		No		
		Direct Selling Establishments		No		
	Transportation and Warehousing	Air Transportation		Scheduled Air Transportation	Yes	
				Nonscheduled Air Transportation	Yes	
		Rail Transportation			Yes	
		Water Transportation		Deep Sea, Coastal, and Great Lakes Water Transportation	Yes	
				Inland Water Transportation	Yes	
		Truck Transportation		General Freight Trucking	Yes	
				Specialized Freight Trucking	Yes	
		Transit and Ground Passenger Transportation		Urban Transit Systems	Yes	
				Interurban and Rural Bus Transportation	Yes	
				Taxi and Limousine Service	Yes	
				School and Employee Bus Transportation	Yes	
				Charter Bus Industry	No	
			Other Transit and Ground Passenger Transportation	Yes		
		Pipeline Transportation	Pipeline Transportation of Crude Oil	Yes		
			Pipeline Transportation of Natural Gas	Yes		
		Scenic and Sightseeing Transportation	Other Pipeline Transportation	Yes		
			Scenic and Sightseeing Transportation, Land	No		
			Scenic and Sightseeing Transportation, Water	No		
		Support Activities for Transportation	Scenic and Sightseeing Transportation, Other	No		
			Support Activities for Air Transportation	Yes		
			Support Activities for Rail Transportation	Yes		
			Support Activities for Water Transportation	Yes		
			Support Activities for Road Transportation	Yes		
		Postal Service	Freight Transportation Arrangement	Yes		
			Other Support Activities for Transportation	Yes		
			Postal Service	Yes		
		Couriers and Messengers	Couriers	Yes		
			Local Messengers and Local Delivery	Yes		
		Warehousing and Storage		Yes		
		Utilities	Utilities	Electric Power Generation, Transmission, and Distribution	Yes	
	Natural Gas Distribution			Yes		
	Water, Sewage and Other Systems			Yes		

Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes
Information	Information	Publishing Industries (except Internet)	Newspaper, Periodical, Book, and Directory Publishers	Yes	
			Software Publishers	No	
		Motion Picture and Sound Recording Industries	Motion Picture and Video Industries	No	
			Sound Recording Industries	No	
		Broadcasting (except Internet)	Radio and Television Broadcasting	Yes	
			Cable and Other Subscription Programming	Yes	
		Telecommunications	Wired Telecommunications Carriers	Yes	
			Wireless Telecommunications Carriers (except Satellite)	Yes	
			Telecommunications Resellers	No	
			Satellite Telecommunications	Yes	
			Cable and Other Program Distribution	Yes	
			Other Telecommunications	Yes	
		Data Processing, Hosting, and Related Services	Yes		
		Other Information Services	Yes		
Financial Activities	Finance and Insurance	Monetary Authorities - Central Bank		Yes	
		Credit Intermediation and Related Activities	Depository Credit Intermediation	Yes	
			Nondepository Credit Intermediation	Yes	
			Activities Related to Credit Intermediation	Yes	
		Securities, Commodity Contracts, and Other Financial Investments and Related Activities	Securities and Commodity Contracts Intermediation and Brokerage	No	
			Securities and Commodity Exchanges	No	
			Other Financial Investment Activities	No	
		Insurance Carriers and Related Activities	Insurance Carriers	Yes	
			Agencies, Brokerages, and Other Insurance Related Activities	Yes	In-person sales/brokerage are prohibited
		Funds, Trusts, and Other Financial Activities	Insurance and Employee Benefit Funds	Yes	
	Other Investment Pools and Funds		No		
	Real Estate and Rental and Leasing	Real Estate	Lessors of Real Estate	No	
			Offices of Real Estate Agents and Brokers	No	
			Activities Related to Real Estate	No	
		Rental and Leasing Services	Automotive Equipment Rental and Leasing	Yes	
			Consumer Goods Rental	Yes	
			General Rental Centers	Yes	
			Commercial and Industrial Machinery and Equipment Rental and Leasing	Yes	
			Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	No	
	Professional and Business Services	Professional, Scientific, and Technical Services	Legal Services	No	Except as permitted expressly by the Administrative Office of Pennsylvania Courts
Accounting, Tax Preparation, Bookkeeping, and Payroll Services			Yes		
Architectural, Engineering, and Related Services			No		
Specialized Design Services			No		
Computer Systems Design and Related Services			No		
Management, Scientific, and Technical Consulting Services			No		
Scientific Research and Development Services			Yes		
Advertising and Related Services			No		
Other Professional, Scientific, and Technical Services			Yes		
Management of Companies and Enterprises			No		
Administration and Support and Waste Management and Remediation Services		Administrative and Support Services	Office Administrative Services	No	
			Facilities Support Services	Yes	
			Employment Services	No	
			Business Support Services	No	
			Travel Arrangement and Reservation Services	No	
			Investigation and Security Services	Yes	
			Services to Building and Dwellings	Yes	
			Other Support Services	No	
		Waste Management and Remediation Services	Waste Collection	Yes	
			Waste Treatment and Disposal	Yes	
			Remediation and Other Waste Management Services	Yes	
Education and Health Services	Educational Services	Elementary and Secondary Schools	No	Except for essential employees in the preparation and distribution of meals for children	
		Junior Colleges	No		
		Colleges, Universities, and Professional Schools	No	Except for staff to support residence halls where students must remain	
		Business Schools and Computer and Management Training	No		
		Technical and Trade Schools	No		
		Other Schools and Instruction	No		
		Education Support Services	No		
	Health Care and Social Assistance	Ambulatory Health Care Services	Offices of Physicians	Yes	Elective procedures prohibited
			Offices of Dentists	Yes	Elective procedures prohibited
			Offices of Other Health Practitioners	Yes	Elective procedures prohibited
			Outpatient Care Centers	Yes	Elective procedures prohibited
			Medical and Diagnostic Laboratories	Yes	Elective procedures prohibited
			Home Health Care Services	Yes	Elective procedures prohibited
		Hospitals	Other Ambulatory Health Care Services	Yes	Elective procedures prohibited
			General Medical and Surgical Hospitals	Yes	Elective procedures prohibited
			Psychiatric and Substance Abuse Hospitals	Yes	Elective procedures prohibited
		Nursing and Residential Care Facilities	Specialty (except Psychiatric and Substance Abuse) Hospitals	Yes	Elective procedures prohibited
			Nursing Care Facilities	Yes	
			Residential Mental Retardation, Mental Health and Substance Abuse Facilities	Yes	
			Community Care Facilities for the Elderly	Yes	
Social Assistance	Other Residential Care Facilities	Yes			
	Individual and Family Services	Yes			
	Community Food and Housing, and Emergency and Other Relief Services	Yes			
	Vocational Rehabilitation Services	Yes			
Child Day Care Services	No				

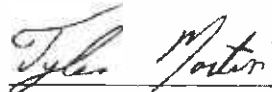


Industry	Sector	Subsector	Industry Group	May Continue Physical Operations	Notes	
Leisure and Hospitality	Arts, Entertainment, and Recreation	Performing Arts, Spectator Sports, and Related Industries	Performing Arts Companies	No		
			Spectator Sports	No		
			Promoters of Performing Arts, Sports, and Similar Events	No		
			Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	No		
			Independent Artists, Writers, and Performers	No		
			Museums, Historical Sites, and Similar Institutions	No		
			Amusement, Gambling, and Recreation Industries	Amusement Parks and Arcades	No	
				Gambling Industries	No	
				Other Amusement and Recreation Industries	No	
				Traveler Accommodation	Yes	
	Accommodation and Food Services	Accommodation	RV (Recreational Vehicle) Parks and Recreational Camps	Yes	Residential only permitted	
			Rooming and Boarding Houses	Yes	Including Hotels	
			Full-Service Restaurants	Yes	Takeout only permitted	
		Food Services and Drinking Places	Limited-Service Eating Places	Yes	Takeout only permitted	
			Special Food Services	No		
Drinking Places (Alcoholic Beverages)			No			
Other Services (Except Public Administration)	Other Services (except Public Administration)	Repair and Maintenance	Automotive Repair and Maintenance	Yes		
			Electronic and Precision Equipment Repair and Maintenance	Yes		
			Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	Yes		
			Personal and Household Goods Repair and Maintenance	Yes		
			Personal Care Services	No	This category includes barbershops, nail salons, beauty salons, gyms (including yoga, barre and spin facilities)	
		Personal and Laundry Services	Death Care Services	Yes		
			Drycleaning and Laundry Services	Yes		
			Other Personal Services	No		
		Religious, Grantmaking, Civic, Professional, and Similar Organizations	Religious Organizations	Yes		
			Grantmaking and Giving Services	Yes		
	Social Advocacy Organizations		Yes			
	Civic and Social Organizations		No			
	Business, Professional, Labor, Political, and Similar Organizations		No			
	Private Households		No			

**VERIFICATION**

I, Tyler Martin, vice president of Caledonia Land Company, hereby swear or affirm that the above-written statements of fact are true and correct to the best of my knowledge, information and belief and that I make said statements of fact subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification of authorities.

Date: 3-20-2020

  
\_\_\_\_\_  
Tyler Martin, Vice President  
Caledonia Land Company

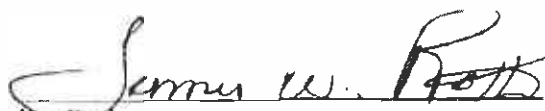
VERIFICATION

I, Jim Roth, manager of Blueberry Hill Public Golf Course & Lounge, hereby swear or affirm that the above-written statements of fact are true and correct to the best of my knowledge,

information and belief and that I make said statements of fact subject to the penalties of 18 Pa.C.S.

§4904 relating to unsworn falsification of authorities.

Date: 3.20.20

  
Jim Roth, manager  
Blueberry Hill Public Golf Course & Lounge



VERIFICATION

I, John Patrick Damore, president of B&J LAUNDRY, LLC, hereby swear or affirm that the above-written statements of fact are true and correct to the best of my knowledge, information and belief and that I make said statements of fact subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification of authorities.

Date: 3-20-20



John Patrick Damore, President  
B & J Laundry, LLC

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC :  
B&J LAUNDRY, LLC, :  
BLUEBERRY HILL PUBLIC GOLF : AMENDED  
COURSE & LOUNGE, : PETITION FOR REVIEW  
CALEDONIA LAND COMPANY, :  
Petitioners, : ORIGINAL JURISDICTION  
: :  
: NO. 231 MD 2020  
v. :  
: :  
THE HONORABLE THOMAS W. WOLF :  
IN HIS OFFICIAL CAPACITY AS :  
GOVERNOR, :  
COMMONWEALTH OF :  
PENNSYLVANIA :  
& :  
DR. RACHEL LEVINE IN HER OFFICIAL :  
CAPACITY OF SECRETARY OF THE :  
PENNSYLVANIA DEPARTMENT OF :  
HEALTH, :  
Respondents :

CERTIFICATE OF SERVICE

I, Deborah A. Black, Paralegal for Scaringi Law, do hereby certify that I served a true and correct copy of *Petitioners' Amended Petition for Review of The Order of the Governor of the Commonwealth of Pennsylvania Regarding the Closure of All Businesses That Are Not Life Sustaining Dated of March 19, 2020*, in the above-captioned action, upon the following via PACfile System, to:

Gregory George Schwab, Esq.  
Pennsylvania Office of General Counsel  
Governor's Office of General Counsel  
333 Market St 17th Fl.  
Harrisburg, PA 17126-0333

Keli Neary  
Executive Deputy Attorney General  
Civil Law Division  
Pennsylvania Office of Attorney General  
Pa Attorney General Civil Law  
Strawberry Sq 15th Fl  
Harrisburg, PA, 17120-0001

Date: March 23, 2020

*/s/ Deborah A. Black*  
\_\_\_\_\_  
Deborah A. Black, Paralegal  
For Marc A. Scaringi, Esquire and  
Brian C. Caffrey, Esquire

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC	:
B&J LAUNDRY, LLC,	:
BLUEBERRY HILL PUBLIC GOLF	: AMENDED
COURSE & LOUNGE,	: PETITION FOR REVIEW
CALEDONIA LAND COMPANY,	:
Petitioners,	: ORIGINAL JURISDICTION
	:
	: NO. 231 MD 2020
	:
v.	:
	:
THE HONORABLE THOMAS W. WOLF	:
IN HIS OFFICIAL CAPACITY AS	:
GOVERNOR,	:
COMMONWEALTH OF	:
PENNSYLVANIA	:
&	:
DR. RACHEL LEVINE IN HER OFFICIAL:	:
CAPACITY OF SECRETARY OF THE	:
PENNSYLVANIA DEPARTMENT OF	:
HEALTH,	:
Respondents	:

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Petitioners' Counsel

Signature: /s/ Marc A. Scaringi

Name: Marc A. Scaringi, Esquire

Attorney No. (if applicable): 88346

Date: March 23, 2020

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC	:	
B&J LAUNDRY, LLC,	:	
BLUEBERRY HILL PUBLIC GOLF	:	
COURSE & LOUNGE,	:	
CALEDONIA LAND COMPANY,	:	
Petitioners,	:	
	:	
	:	
	:	NO. 231 MD 2020
	:	
v.	:	
	:	
	:	
THE HONORABLE THOMAS W. WOLF	:	
IN HIS OFFICIAL CAPACITY AS	:	
GOVERNOR,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA	:	
&	:	
DR. RACHEL LEVINE IN HER OFFICIAL:	:	
CAPACITY OF SECRETARY OF THE	:	
PENNSYLVANIA DEPARTMENT OF	:	
HEALTH,	:	
Respondents	:	

ORDER

AND NOW, this \_\_\_ day of \_\_\_\_\_, 2020, upon consideration of the parties' Joint Application for Relief, the Application is hereby GRANTED. The instant matter is hereby STAYED pending resolution of the Emergency Application for Extraordinary Relief pending in the Pennsylvania Supreme Court at No. 68 MM 2020.

BY THE COURT

\_\_\_\_\_

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC :  
B&J LAUNDRY, LLC, :  
BLUEBERRY HILL PUBLIC GOLF :  
COURSE & LOUNGE, :  
CALEDONIA LAND COMPANY, :  
Petitioners, :  
 :  
 :  
 : NO. 231 MD 2020  
v. :  
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THE HONORABLE THOMAS W. WOLF :  
IN HIS OFFICIAL CAPACITY AS :  
GOVERNOR, :  
COMMONWEALTH OF :  
PENNSYLVANIA :  
& :  
DR. RACHEL LEVINE IN HER OFFICIAL :  
CAPACITY OF SECRETARY OF THE :  
PENNSYLVANIA DEPARTMENT OF :  
HEALTH, :  
Respondents :

JOINT APPLICATION FOR RELIEF

COME NOW Petitioners, by their attorneys, Marc A. Scaringi, Esq. and Brian C. Caffrey, Esq. of Scaringi Law, and Respondents, by their attorney, Karen M. Romano, Esq., Chief Deputy Attorney General, pursuant to Rule 123 of the Pennsylvania Rules of Appellate Procedure, and respectfully represent:

1. Petitioners filed their Petition for Review on March 20, 2020, challenging the Governor's Order of March 19, 2020.
2. On March 23, 2020 Petitioners filed their Amended Petition for Review.
3. On March 24, 2020 Petitioners, B&J Laundry, LLC, Blueberry Hill Public Golf Course & Lounge, and Caledonia Land Company filed an Emergency Application for Extraordinary Relief in the Pennsylvania Supreme Court, to No. 68 MM 2020<sup>1</sup>.
4. The parties now wish to stay the instant proceeding pending resolution of the Application now pending in the Supreme Court.
5. The parties have executed a Stipulation for a stay of the proceedings in this Court, which accompanies the instant Application.

WHEREFORE, the parties respectfully request that the Court order a stay of the instant matter pending resolution of the Emergency Application for Extraordinary Relief now pending in the Supreme Court.

---

<sup>1</sup> Sean Logue, LLC did not join in the Application filed in the Supreme Court. The Supreme Court filing also included two additional petitioners, Friends of Danny DeVito and Kathy Gregory.



Respectfully submitted,

/s/ Marc A. Scaringi

Marc A. Scaringi, Esq.  
Supreme Court ID No. 88346  
Brian C. Caffrey, Esq.  
Supreme Court ID No. 42667  
Scaringi Law  
2000 Linglestown Road, Suite 106  
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[brian@scaringilaw.com](mailto:brian@scaringilaw.com)  
717-657-7770 (o)  
717-657-7797 (f)

**JOSH SHAPIRO**  
**Attorney General**

By: s/ Karen M. Romano

**KAREN M. ROMANO**  
**Office of Attorney General Chief Deputy**  
**Attorney General**  
**15th Floor, Strawberry Square**  
**Attorney ID 88848**  
**Harrisburg, PA 17120**  
**Phone: (717) 787-2717**  
*Counsel for Respondents,*  
*Wolf & Levine*  
[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)

March 26, 2020

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC :  
B&J LAUNDRY, LLC, :  
BLUEBERRY HILL PUBLIC GOLF :  
COURSE & LOUNGE, :  
CALEDONIA LAND COMPANY, :  
Petitioners, :  
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 : NO. 231 MD 2020  
v. :  
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THE HONORABLE THOMAS W. WOLF :  
IN HIS OFFICIAL CAPACITY AS :  
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COMMONWEALTH OF :  
PENNSYLVANIA :  
& :  
DR. RACHEL LEVINE IN HER OFFICIAL :  
CAPACITY OF SECRETARY OF THE :  
PENNSYLVANIA DEPARTMENT OF :  
HEALTH, :  
Respondents :

STIPULATION

The parties hereby stipulate and agree that the instant matter should be stayed pending resolution of the Emergency Application for Extraordinary Relief now pending in the Pennsylvania Supreme Court, at No. 68 MM 2020. The parties further stipulate and agree to the entry by this Court of an Order in the form which accompanies the parties' Joint Application for Relief.

Respectfully submitted,

/s/ Marc A. Scaringi

Marc A. Scaringi, Esq.  
Supreme Court ID No. 88346  
Brian C. Caffrey, Esq.  
Supreme Court ID No. 42667  
Scaringi Law  
2000 Linglestown Road, Suite 106  
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**JOSH SHAPIRO**  
**Attorney General**

By: s/ Karen M. Romano

**KAREN M. ROMANO**  
**Office of Attorney General Chief Deputy**  
**Attorney General**  
**15th Floor, Strawberry Square**  
**Attorney ID 88848**  
**Harrisburg, PA 17120**  
**Phone: (717) 787-2717**  
*Counsel for Respondents,*  
*Wolf & Levine*  
[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)

March 26, 2020

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC :  
B&J LAUNDRY, LLC, :  
BLUEBERRY HILL PUBLIC GOLF :  
COURSE & LOUNGE, :  
CALEDONIA LAND COMPANY, :  
Petitioners, :  
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 : NO. 231 MD 2020  
v. :  
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THE HONORABLE THOMAS W. WOLF :  
IN HIS OFFICIAL CAPACITY AS :  
GOVERNOR, :  
COMMONWEALTH OF :  
PENNSYLVANIA :  
& :  
DR. RACHEL LEVINE IN HER OFFICIAL :  
CAPACITY OF SECRETARY OF THE :  
PENNSYLVANIA DEPARTMENT OF :  
HEALTH, :  
Respondents :

CERTIFICATE OF SERVICE

I, Deborah A. Black, Paralegal for Scaringi Law, do hereby certify that I served a true and correct copy of *Petitioners' Joint Application for Relief and Stipulation*, in the above-captioned action, upon the following via PACfile System and via email, to:

Gregory George Schwab, Esq.  
Pennsylvania Office of General Counsel  
Governor's Office of General Counsel  
333 Market St 17th Fl.  
Harrisburg, PA 17126-0333

Keli Neary  
Executive Deputy Attorney General  
Civil Law Division  
Pennsylvania Office of Attorney General  
Pa Attorney General Civil Law  
Strawberry Sq 15th Fl  
Harrisburg, PA, 17120-0001

Karen Romano  
Chief Deputy Attorney General  
Pennsylvania Office of Attorney General  
Strawberry Square, 15<sup>th</sup> Floor  
Harrisburg, PA 17120

J. Bart DeLone  
Chief Deputy Attorney General  
Pennsylvania Office of Attorney General  
Strawberry Square, 15<sup>th</sup> Floor  
Harrisburg, PA 17120

Date: March 26, 2020

*/s/ Deborah A. Black*  
\_\_\_\_\_  
Deborah A. Black, Paralegal  
For Marc A. Scaringi, Esquire and  
Brian C. Caffrey, Esquire

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SEAN LOGUE, PLLC :  
B&J LAUNDRY, LLC, :  
BLUEBERRY HILL PUBLIC GOLF :  
COURSE & LOUNGE, :  
CALEDONIA LAND COMPANY, :  
Petitioners, :  
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 : NO. 231 MD 2020  
v. :  
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THE HONORABLE THOMAS W. WOLF :  
IN HIS OFFICIAL CAPACITY AS :  
GOVERNOR, :  
COMMONWEALTH OF :  
PENNSYLVANIA :  
& :  
DR. RACHEL LEVINE IN HER OFFICIAL :  
CAPACITY OF SECRETARY OF THE :  
PENNSYLVANIA DEPARTMENT OF :  
HEALTH, :  
Respondents :

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Petitioners' Counsel

Signature: /s/ Marc A. Scaringi

Name: Marc A. Scaringi, Esquire

Attorney No. (if applicable): 88346

Date: March 26, 2020

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Sean Logue, PLLC, B & J Laundry, :  
LLC, Blueberry Hill Public Golf Course :  
& Lounge, Caledonia Land Company, :  
Petitioners :

v. :

No. 231 M.D. 2020

The Honorable Thomas W. Wolf in his :  
official capacity as Governor, :  
Commonwealth of Pennsylvania and :  
Dr. Rachel Levine in her official :  
Capacity of Secretary of the :  
Pennsylvania Department of Health, :  
Respondents :

**PER CURIAM**

**ORDER**

Now, March 27, 2020, upon consideration of the parties' Joint Application for Relief, the Application is GRANTED. The instant matter is hereby STAYED pending resolution of the Emergency Application for Extraordinary Relief (Emergency Application) pending in the Pennsylvania Supreme Court at No. 68 MM 2020. Petitioners shall file a Status Report with this Court within 3 days of disposition of the Emergency Application or no later than April 6, 2020, whichever is earlier, unless a Praecipe to Discontinue has been filed before that time.

Order Exit  
03/27/2020





Keli Marie Neary, Esquire  
Executive Deputy Attorney General  
PA Attorney Civil Law Division  
Pennsylvania Office of Attorney General  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
[kneary@attorneygeneral.gov](mailto:kneary@attorneygeneral.gov)

Karen Masico Romano, Esquire  
Chief Deputy Attorney General  
Pennsylvania Office of Attorney General  
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Date: March 31, 2020

*/s/ Deborah A. Black*  
\_\_\_\_\_  
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For Marc A. Scaringi, Esquire and  
Brian C. Caffrey, Esquire

IN THE SUPREME COURT OF PENNSYLVANIA

FRIENDS OF DANNY DEVITO, :  
KATHY GREGORY, :  
B&J LAUNDRY, LLC : No. 68 MM 2020  
BLUEBERRY HILL PUBLIC GOLF :  
COURSE & LOUNGE, and :  
CALEDONIA LAND COMPANY, :  
Petitioners :  
 :  
 :  
 :  
v. :  
 :  
 :  
TOM WOLF, GOVERNOR :  
AND RACHEL LEVINE, :  
SECRETARY OF PA. :  
DEPARTMENT OF :  
HEALTH, :  
Respondents :

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Petitioners' Counsel

Signature: /s/ Marc A. Scaringi

Name: Marc A. Scaringi, Esquire

Attorney No. (if applicable): 88346

Date: March 31, 2020