

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

**MELISSA GASS, ASHLEY
BENNETT, and ANDREW KOCH,
individually and on behalf of all
others similarly situated,**

Petitioners,

v.

**52nd Judicial District, Lebanon
County,**

Respondent.

**No. 574 MD 2019
CLASS ACTION
Original Jurisdiction**

NOTICE TO PLEAD

To the 52nd Judicial District, Lebanon County: You are hereby notified to file a written response to the Petitioners' enclosed Application for Special Relief in the Nature of a Preliminary Injunction and Brief in Support Thereof within twenty (20) days from service hereof, or such other time as the Court prescribes, or judgment may be entered against you.

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days, or within the time set by order of the court, after this petition for review and notice are served, by entering a written appearance personally or by attorney and filling in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint

or for any other claims or relief requested by the plaintiff. You may lose money or property or other rights important to you. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Lebanon County Bar Association
Lawyer Referral Service
547 South Tenth Street
Lebanon, PA 17042
(717) 273-3113

s/ Sara J. Rose

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**PETITIONERS' APPLICATION FOR SPECIAL RELIEF
IN THE NATURE OF A PRELIMINARY INJUNCTION**

Petitioners, by counsel, hereby move pursuant to Rule 1532(a) of the Pennsylvania Rules of Appellate Procedure for special relief in the form of a preliminary injunction enjoining the Respondent, 52nd Judicial District, Lebanon County, from enforcing the Medical Marijuana Policy, No. 5.1-2019 & 7.4-2019 (“the Policy”), which went into effect on October 1, 2019, until resolution of this litigation. In support of their application, Petitioners hereby incorporate the Class Action Petition for Review Addressed to the Court’s Original Jurisdiction filed in this action on October 8, 2019, along with the exhibits filed in support of the Petition for Review. Petitioners further state the following:

BACKGROUND

1. As set forth more fully in the Petition for Review and the Brief in Support of Petitioners' Application for Special Relief in the Nature of a Preliminary Injunction, filed in conjunction with this Application, Petitioners allege that the Policy violates the express terms of 35 Pa. Cons. Stat. § 10231.2103(a) of the Medical Marijuana Act ("MMA").

2. The details of the Policy and its implementation are described in greater detail in the Petition for Review, incorporated herein. The core of the Policy is a blanket prohibition on the use of medical marijuana by individuals subject to court supervision, regardless of whether an individual is certified to do so under the MMA. The Policy was adopted as of September 1, 2019, and gave affected individuals 30 days to discontinue use of medical marijuana. The Policy provides for no exceptions.

3. The individual Petitioners in this case have been directly injured by the adoption of the Policy by the 52nd Judicial District. When the Policy was adopted, medical marijuana patients under court supervision were given an untenable choice: cease using an effective treatment for their serious physical and mental health conditions, or risk a probation violation, revocation, or even incarceration. One of the Petitioners suffered multiple and severe seizures when she was forced to stop using medical marijuana. Another Petitioner, unable to

manage his chronic pain, is considering using prescription opioids again, despite his previous addiction struggles. Their experiences illustrate the immediate, irreparable harms already being caused by the Policy.

4. While medical marijuana use remains illegal under federal law, states are free to enact their own laws governing medical marijuana. In 2016, the Pennsylvania General Assembly enacted the MMA and made the decision to allow individuals with certain serious medical conditions to use medical marijuana. The vote in favor of the bill was 149-46 in the House and 42-7 in the Senate. The General Assembly sought to provide residents of the Commonwealth with access to a “therapy that may mitigate suffering in some patients and also enhance [their] quality of life,” while also protecting patient safety by creating a highly regulated medical marijuana program. 35 P.S. § 10231.102.

5. The MMA contains broad protections for patients from any form of punishment, or the denial of any rights or privileges, stemming from their use of medical marijuana. The MMA protects not only patients, but also doctors, caregivers, and others involved in the medical marijuana program from adverse actions. None of these actors “shall be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege . . . solely for lawful use of medical marijuana.” 35 P.S. § 10231.2103(a). The Policy enacted by the 52nd Judicial District does exactly what this provision prohibits: It allows an individual’s

probation to be revoked for lawfully using medical marijuana under the MMA. The clear terms of the MMA alone justify an injunction of the Policy.

6. Additionally, the 52nd Judicial District has no authority to require that medical marijuana patients comply with the federal Controlled Substances Act while under court supervision. Pennsylvania courts should be loath to “set aside [] existing rights or remedies in deference to uncertain federal law.” *Miller v. SEPTA*, 103 A.3d 1225, 1236 (Pa. 2014). Because federal law does not preempt the MMA, the General Assembly was free to authorize the use of medical marijuana in the MMA.

INJUNCTIVE RELIEF

6. Petitioners move this Court for an Order declaring that the Policy of the 52nd Judicial District is prohibited by 35 P.S. § 10231.2103(a). To effectuate that ruling, Petitioners now seek a preliminary injunction restraining further enforcement and implementation of the Policy pending final determination of the case.

7. Pursuant to Pennsylvania Rule of Appellate Procedure 1532(a), this Court may order special relief, including a preliminary or special injunction “in the interest of justice and consistent with the usages and principles of law.” The standard for obtaining a preliminary injunction under this rule is the same as that

for a grant of a preliminary injunction pursuant to the Pennsylvania Rules of Civil Procedure. *Shenango Valley Osteopathic Hosp. v. Dep't of Health*, 451 A.2d 434, 441 (Pa. 1982); *Commonwealth ex rel. Pappert v. Coy*, 860 A.2d 1201, 1204 (Pa. Commw. Ct. 2004). Preliminary injunctive relief may be granted at any time following the filing of a Petition for Review. *See* Pa. R. App. P. 1532(a).

8. The factors for the Court to consider before issuing a preliminary injunction are as follows: 1) whether the injunction is necessary to prevent immediate and irreparable harm; (2) whether petitioners are likely to prevail on the merits; (3) whether greater injury would result from refusing the injunction than from granting it, and whether granting it will not substantially harm other interested parties; (4) whether the injunction will adversely affect the public interest; (5) whether the injunction will properly restore the parties to their status immediately prior to the issuance of the Order; and (6) whether the injunction is reasonably suited to abate the offending activity. *See Summit Towne Ctr., Inc. v. Shoe Show of Rocky Mt., Inc.*, 828 A.2d 995, 1001 (Pa. 2003).

9. Petitioners meet all of the elements for the entering of a preliminary injunction in this case. *See id.*

10. **First**, an injunction is necessary to prevent immediate and irreparable harm. The Policy has already exacted significant harm, and will continue to do so, by forcing Petitioners to decide whether to continue medical treatment or risk the

revocation of their probation. All of the Petitioners initially complied with the Policy and suffered serious physical and mental health issues due to their cessation of medical marijuana. Petitioner Gass, however, decided to resume use of medical marijuana to control debilitating seizures, thus risking a possible probation violation under the challenged Policy as well as incarceration.

11. **Second**, Petitioners are likely to prevail on the merits of their claim that the 52nd Judicial District exceeded its authority when it barred individuals under its supervision from using medical marijuana because that prohibition violates the MMA. This is an issue of first impression in this Court and affects not just Petitioners and others similarly situated in Lebanon County, but also medical marijuana patients under court supervision in many other counties in Pennsylvania. The MMA directs that no medical marijuana patient “shall be subject to arrest, prosecution or penalty in any manner, or denied any right or privilege, including civil penalty or disciplinary action by a Commonwealth licensing board or commission, solely for lawful use of medical marijuana,” 35 P.S. § 10231.2103(a), thus depriving the 52nd Judicial District of authority to impose a blanket condition of probation requiring medical marijuana patients to abstain from using the drug.

12. **Third**, greater injury would result from refusing the injunction than from granting it, and granting it will not substantially harm any other interested parties. Prior to the adoption of the Policy, the 52nd Judicial District condoned

Petitioners' use of medical marijuana while under court supervision. Probation officers did not discourage this conduct, and in fact made copies of their probationers' medical marijuana cards. On the other hand, Petitioners have already suffered—and will continue to suffer—serious physical and mental health consequences if they cannot use medical marijuana to treat their serious medical conditions.

13. **Fourth**, the requested injunctive relief will not adversely affect the public interest. Petitioners here were lawfully using medical marijuana under the terms of the MMA. Indeed, they did so while on probation without issue or injury to the public interest until the adoption of the Policy. The public interest is best served by “respecting the power conferred by the electorate on the General Assembly.” *Costa v. Cortes*, 143 A.3d 430, 442 (Pa. Commw. Ct. 2016). The public's interest has been harmed by this circumvention of the clear intent of the General Assembly, and will continue to be harmed, if this Policy is allowed to stand in direct contravention of the terms of the Medical Marijuana Act.

14. **Fifth**, the injunction would properly restore the parties to their status immediately prior to the issuance of the Order. As discussed above, the 52nd Judicial District previously tolerated the lawful use of medical marijuana by those subject to its supervision, and the requested injunctive relief would simply restore

the parties to the status quo in place before the Policy's adoption and implementation.

15. *Sixth*, the injunction is reasonably suited to abate the offending activity. Enjoining the Policy will free Petitioners from the impossible dilemma they currently face: forgoing medical marijuana and suffering serious physical and mental health consequences, or violating the Policy and risking the revocation of their probation and possible incarceration. Enjoining the Policy until a final resolution of this case is the only way to allow Petitioners to resume medical treatment without fear of reprisal by the 52nd Judicial District.

WHEREFORE, for all of the foregoing reasons and those alleged in the Petition for Review and Brief in Support of this Application for Special Relief, Petitioners respectfully request that this Honorable Court grant their Application for Special Relief in the Nature of a Preliminary Injunction and enter an order enjoining Respondent, its agents, servants, and officers, and others from implementing, enforcing, or continuing to take any steps toward implementing or enforcing the Policy and provide any ancillary relief necessary to effectuate the Court's order.

Dated: October 9, 2019

Respectfully submitted,

s/ Sara J. Rose

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Andrew Christy (PA ID No. 322053)
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DECLARATIONS OF PETITIONERS

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Declaration of Melissa Gass

I, Melissa Gass, hereby state that the facts set forth below are true and correct to the best of my knowledge, information, and belief. Further, I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

1. I am 41 years old and live in Lebanon, Pennsylvania.
2. I have been married to Michael Gass for 19 years. I have one son and four daughters, two of whom are minors. One of my daughters is expecting, and I will soon be a grandmother.
3. I am currently unable to work because I have seizures. I have managed to work on and off over the years, but I left my last job at a nursing home because I had periodic seizures that were both a danger to me and left the residents frightened.
4. When I was ten, I was in a car accident and my head hit the windshield. Since then, I have suffered from epilepsy and grand mal seizures. When my seizures are not treated with marijuana, I have multiple seizures throughout the week and sometimes even multiple seizures per day. For example, on October 4, 2019—when I stopped using medical marijuana—I had six to seven seizures in one day.
5. The seizures I have are life-threatening for at least two reasons. First, they are “drop” seizures; I black out and collapse, usually face-forward. A fall can easily lead to additional head injuries for me. Second, without intervention I can have multiple seizures in a row. This takes a tremendous toll on my body, and I generally feel like someone has physically assaulted me.
6. In addition to the seizure disorder, I also have post-traumatic stress disorder (“PTSD”), anxiety, and depression from repeated childhood trauma and violence.

7. For many years, I had taken prescription drugs to deal with both my seizure disorder and my mental health disabilities, including Viibryd, Xanax, sleeping pills such as Ambien, benzodiazepines, Keppra, and Gabapentin. These drugs have significant side effects. They made me feel lethargic and depressed. I was an alcoholic. I cut myself and burned myself so that I could feel something. At one point, I attempted suicide before a family member intervened to stop me.
8. Before I was on probation, I self-medicated with marijuana to control my seizures and manage my mental health. The marijuana did not entirely stop the seizures, but it did significantly reduce their frequency and made my life livable.
9. In February 2016, I hit my husband. I blacked out and have no memory of what happened. I was sentenced by the Lebanon County Court of Common Pleas for that crime, simple assault, and began probation on November 29, 2018.
10. I was forced to stop using marijuana when I began probation. A few days later, on December 3, 2018, I began having multiple seizures. I was hospitalized for my seizures on December 3, 2018, December 6, 2018, January 3, 2019, and January 11 through January 15, 2019. Between December and February, my coworkers also called an ambulance to my place of work three times. The treatment at the hospital was unable to stop my seizures, which is why, for example, I was hospitalized for a four-day span starting on January 11. I thus stopped going to the hospital, since the drugs they gave me were ineffective.
11. In February 2019, after my probation officer repeatedly saw me acting confused as a result of the prescription medications that I took, we discussed the possibility of my

getting a medical marijuana card. He encouraged me to get my medical marijuana card so that I could start managing my seizures again. I received it that month.

12. The medical marijuana was transformative. When I felt a seizure coming on, I could rub the medical marijuana oil, called Rick Simpson Oil (“RSO”), on my gums and prevent the seizure almost instantaneously. It was not a perfect solution, as I still had occasional seizures. But I went from having multiple seizures a day to at most a few seizures a month. I was able to start tapering off of my prescription seizure medications such as benzodiazepines and Gabapentin.
13. On September 10, my probation officer told me at our regular meeting that the court had adopted a new policy and I had to stop using medical marijuana. I thought that I needed to stop immediately and have my system clean by the end of September, so I did as he instructed. Over the next two weeks, I had approximately 20 seizures.
14. During this time, I treated my seizures with 10 milligrams of diazepam rectal gel. This requires the insertion of a syringe into my rectum to inject the medication, which takes at least three minutes to take effect. I have to have a family member do this, since it has to be done while I am mid-seizure, and I therefore cannot do it to myself. Without that treatment, I can continue to have one seizure after the next. I also had to stop the tapering of my prescription medications and begin to take more of them.
15. Around September 24, I spoke with one of my lawyers in this case who told me that the court’s policy did not require that I stop using the medical marijuana until the end of September. I started using the RSO again, which quickly helped with my seizures.
16. On October 2, I spoke with my probation officer who said that he was still instructed to charge me with violating the terms of my probation if I continued to use medical

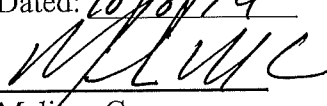
marijuana. I again discontinued use and disposed of my medical marijuana. My probation officer reiterated that on October 3 when I met with him in person: if I used medical marijuana, my probation would be revoked.

17. On October 4, I had six or seven seizures in one day. In the evening, after consulting with my attorneys, I decided to resume using the medical marijuana to manage my seizures. One of my seizures was at the medical marijuana dispensary. Using RSO stopped my seizures.

18. Using medical marijuana is a matter of life or death for me. I have to continue using it or I risk having repeated, frequent seizures that make me incapable of functioning. After the October 4 seizures, I spent the next day in bed because I was so exhausted. Having seizures takes an incredible toll on me. I have no choice but to risk a probation violation so that I can continue to use medication—the medical marijuana—that actually works.

19.

Pursuant to 18 Pa.C.S. § 4904, I, Melissa Gass, declare under penalty of perjury that the foregoing is true and correct.

Dated: 10/8/19

Melissa Gass

Declaration of Michael Gass

I, Michael Gass, hereby state that the facts set forth below are true and correct to the best of my knowledge, information, and belief. Further, I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

1. I am 43 years old and live in Lebanon, Pennsylvania.
2. I have been married to Melissa Gass for 19 years and have known her since 1996.
3. Because of Ms. Gass's health issues, I am the sole financial support for our family.
4. Ms. Gass has had seizures for the entire time that I have known her. She eventually started managing her seizures by using marijuana, and she went long periods of time without having any seizures. She was effectively controlling her seizures until she stopped using marijuana when she went onto probation.
5. I was present when she had seizures on December 3, 2018, which resulted in her hospitalization. That occurred after she had to stop using marijuana in order to comply with the terms of probation. I also witnessed numerous additional seizures that she had until she started using medical marijuana in February 2019. She was hospitalized at least four times. The medical marijuana has not entirely eliminated her seizures. She still has them on occasion, but it has significantly reduced the frequency.
6. When Ms. Gass has seizures and has access to medical marijuana, all it takes to stop them is rubbing some of the marijuana oil on her gums. Otherwise, either one of our children or I must insert an injection into her rectum and wait several minutes for her to stop seizing.

7. Most recently, Ms. Gass had a series of seizures on October 4. After she spoke with her attorneys, I drove her to the dispensary so that she could get medical marijuana and end her seizures. She had a seizure on the way there, in the car, and again on her way out of the dispensary. The security guard held her up for me while I rubbed the medical marijuana on her gums. Her seizure stopped nearly instantaneously.

8. Ms. Gass cannot function or do anything when she is having uncontrolled seizures. I have repeatedly seen with my own eyes that the prescription medications she takes are ineffective. They leave her in a foggy mental state and dampen her personality. The medical marijuana has been more effective not only at controlling her seizures, but also at allowing her to live more of a normal life with our family.

Pursuant to 18 Pa.C.S. § 4904, I, Michael Gass, declare under penalty of perjury that the foregoing is, to the best of my knowledge, information and belief, true and correct.

Dated: 10-8-19

Michael Gass
Michael Gass

Declaration of Ashley Bennett

I, Ashley Bennett, hereby state that the facts set forth below are true and correct to the best of my knowledge, information, and belief. Further, I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

1. I am 33 years old and live in Lebanon, Pennsylvania.
2. I have two sons, a seven-year-old and an eight-year-old.
3. Because of my disabilities, I have struggled to work, but I recently started a new job at a warehouse soon, doing packaging.
4. I have significant mental health and physical disabilities. I have been diagnosed with post-traumatic stress disorder (“PTSD”) stemming from repeated childhood violence that I suffered. In addition, I have been diagnosed with anxiety and bipolar disorder. I also have chronic pain related to gall bladder surgery and have an intestinal blockage.
5. Because of my PTSD, I cannot sleep through the night. I awaken at least twice a night and struggle to fall back asleep. I am also kept awake by restless leg syndrome, which is also a result of my PTSD. This leaves me tired and unable to function, even when I am able to block out and not think about the events for which I have PTSD.
6. After gall bladder surgery, I lost about 100 pounds, which was about half of my body weight. Thanks to self-medicating with marijuana, I later put most of that weight back on. Without marijuana, I have severe nausea and am unable to eat more than a few bites at a time. I have low energy and am frequently cold. All I can do is lay down and try to recover.
7. Conventional treatments for my PTSD have proven ineffective. Re-living my childhood trauma in therapy is too painful to endure, and despite repeated attempts at therapy, it

simply does not work for me. I also was prescribed medications including Seroquel, Depakote, and Zoloft. When I took these drugs, all I could do was eat and sleep; I had no energy or willpower to do anything else. I started cutting myself, so that I could watch the blood flow and know that I was still alive. I considered committing suicide.

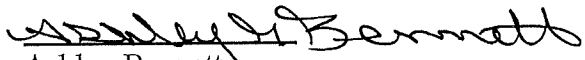
8. Conventional treatments have also failed to treat my nausea. I have received prescription-strength anti-nausea medications, but they did not abate my nausea.
9. I eventually started self-medicating with marijuana to treat these symptoms. It has allowed me to end my use of prescription medications for both my mental health and physical disabilities.
10. In December 2018, I was arrested for possessing marijuana and drug paraphernalia. I was sentenced to probation on September 4, 2019 and will be on probation until June 4, 2020.
11. On May 21, 2019, I received my medical marijuana card after a doctor certified me for its use.
12. I have used both medical marijuana flower and oils to treat my disabilities.
13. I was told at the end of August that I would not be able to use medical marijuana once I was sentenced because of a new policy adopted by the Lebanon County Court of Common Pleas. My probation officer has made it clear to me that medical marijuana is illegal and that he would violate my probation if I used it.
14. After I was sentenced, I stopped using medical marijuana. I spoke to my public defender, who said she was unable to help me with this issue.
15. Without medical marijuana, I have been unable to eat regularly and have lost 15 pounds in the past month. I have been too tired to take my children to things like football practice

and have had to rely on my boyfriend to step in. I have been missing out on being as fully involved in their lives as I was when I was using medical marijuana.

16. Before using marijuana to manage my mental health disabilities, I previously received psychiatric services through TW Ponessa & Associates. Now that I can no longer use medical marijuana, I need to explore resuming psychiatric treatment there. Unfortunately, I will be considered a new patient and have to wait 60 to 90 days for an appointment. I have limited options because my insurance is through Medicaid.
17. Placing me back on the same drugs to treat my PTSD will simply lead to the same results as last time—to the extent they help my PTSD, they will cause me to once again feel dead inside and it will only be a matter of time before I consider harming myself. No drugs other than marijuana have been effective at treating my nausea.
18. Medical marijuana has saved my life and made it bearable for the first time in many years.

Pursuant to 18 Pa.C.S. § 4904, I, Ashley Bennett, declare under penalty of perjury that the foregoing is true and correct.

Dated: 10-8-19


Ashley Bennett

Declaration of Andrew Koch

I, Andrew Koch, hereby state that the facts set forth below are true and correct to the best of my knowledge, information, and belief. Further, I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

1. I am 28 years old and live in Lebanon, Pennsylvania.
2. I currently work as a floor installer in Lebanon. I have two sons, a ten-year-old and an eight-year-old.
3. I have significant physical disabilities resulting from a 2014 car accident in which I was ejected from a car and landed on the side of the road. On impact, the joints in my right hand and several of my vertebrae were crushed. I was hospitalized for several months, and spent one month in a medically-induced coma. I underwent surgery and have titanium plates in my back now to support the crushed vertebrae. I still suffer from constant back and hand pain.
4. When I was hospitalized after the accident, I was given liquid morphine for my injuries and became addicted to it. After being discharged from the hospital, I went into withdrawal but ultimately beat my addiction to opioids.
5. I am determined to avoid using opioids and becoming addicted again. At one point, I was advised by a lawyer that taking opioids could strengthen a case for Social Security disability benefits, but I decided this was not worth risking my health. I never want to be in the position where my body *needs* a drug.
6. As a result of determination to avoid turning to opioids, I instead tried self-medicating with marijuana and found that to be successful at helping to manage my pain. Medical marijuana does not completely cure my pain, but it reduces it to a tolerable level and

allows me to live a more normal life. Whereas my pain had caused me to move very slowly and deliberately, which negatively impacted my ability to work, the medical marijuana allowed me to work at a normal pace. I was no longer constantly dealing with intense pain at every moment. Medical marijuana also helped to alleviate pain that used to interfere with my ability to sleep through the night, which left me exhausted and sleep deprived.

7. On February 14, 2018, I was placed under court supervision following convictions for possession of marijuana and driving on a suspended license. My term of probation is set to end on December 10, 2019.
8. On October 20, 2018, I received my medical marijuana card. After receiving my card, I told my probation officer, who raised no objections to my use of medical marijuana.
9. I was told by my probation officer on September 1, 2019 that I would not be able to use medical marijuana because of a new policy adopted by the Lebanon County Court of Common Pleas. I was told that I would need to stop using medical marijuana promptly, which I did.
10. Without medical marijuana, the severe pain I had been successfully managing with marijuana has returned. The pain has become so bad that I am thinking about seeing a doctor for a prescription for opioids, because I am finding it impossible to live with the pain. I am not dependent on marijuana, and can stop using it at will (and I have during this past month). I know the addictive qualities of opioids because I became addicted to them before, and I experienced withdrawal when I stopped using them for pain management. I am afraid to resume using the opioids because of the potential for addiction, but I feel like I have no choice. The ongoing pain is too much to bear and need

to take something. At this point, my options appear to be some opiate based relief or medical marijuana. The marijuana works and is not nearly as dangerous.

11. I am finding it much harder to move and work effectively without the medical marijuana, and I am also having serious difficulties sleeping at night because of my pain. All of the progress I have made on managing my pain has been undone.

Pursuant to 18 Pa.C.S. § 4904, I, Andrew Koch, declare under penalty of perjury that the foregoing is true and correct.

Dated: 10/7/19

Andrew Koch
Andrew Koch

CERTIFICATE OF COMPLIANCE

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

Dated: October 9, 2019

s/ Sara J. Rose

Sara J. Rose

CERTIFICATE OF SERVICE

I, Sara Rose, certify that I am on this day of October 9, 2019, serving the foregoing Petitioners' Application for Special Relief in the Nature of a Preliminary Injunction and Brief in Support Thereof upon the following counsel for the respondent, who have agreed to accept service by electronic mail, which satisfies the requirements of Pennsylvania Rule of Appellate Procedure 121:

Gerri Romanello St. Joseph
Robert J. Krandel
Legal Counsel
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

s/ Sara J. Rose

Sara J. Rose

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Respondent.

**No. 574 MD 2019
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Original Jurisdiction**

**ORDER GRANTING APPLICATION FOR SPECIAL RELIEF
IN THE NATURE OF A PRELIMINARY INJUNCTION**

AND NOW, this day of , 2019, upon consideration of
Petitioners' Petition for Review and Application for Special Relief in the Nature of
a Preliminary Injunction, it is hereby **ORDERED** that said Application is
GRANTED.

IT IS FURTHER ORDERED that Respondent and its agents, servants, and
officers and others are hereby **ENJOINED** from implementing, enforcing, or
taking any steps to implement or enforce enforcing Policy No. 5.1-2019 & 7.4-
2019, that is the subject of said Petition and Application.

BY THE COURT:
