

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Mark Banfield, Sarah Beck, Joan :
 Bergquist, Alan Brau, Lucia Dailey, :
 Peter Deutsch, Constance Fewlass, :
 Barbara Glassman, Marijo Highland, :
 Janis Hobbs-Pellechio, Deborah :
 Johnson, Robert Maxwell McCord, :
 Andrew McDowell, James Michaels, :
 J. Whyatt Mondesire, Mary Montresor, :
 Rev. James Moore, Cathy Reed, Regina :
 Schlitz, Alexander Sickert, Daniel :
 Sleator, Susanna Staas, Stephen J. :
 Strahs, Mary Vollero, Jeanne Zang, :
 Petitioners :

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v.

No. 442 M.D. 2006

Pedro Cortes, Secretary of the :
 Commonwealth, :
 Respondent :

PER CURIAM

ORDER

AND NOW, this 30th day of April, 2007, it is hereby ordered as follows:

1. Upon consideration of the "Application of Pedro A. Cortes, Secretary of the Commonwealth, for Relief to Amend the April 12, 2007 Order Overruling Preliminary Objections to Allow Interlocutory Appeal" (Application) and Petitioners' response thereto, the Application is GRANTED.

2. This court's April 12, 2007, order in the above-captioned matter is amended to read: "AND NOW, this 12th day of April 2007, the preliminary

objections filed by Pedro A. Cortes, Secretary of the Commonwealth, are hereby overruled. This order involves a controlling question of law as to which there is substantial ground for difference of opinion. An immediate appeal from this order may materially advance the ultimate termination of the matter.”

3. Upon consideration of the “Emergency Application of Respondent Pedro A. Cortes, Secretary of the Commonwealth, for Stay and Supersedeas of Proceedings” (Emergency Application) and Petitioners’ response thereto, the Emergency Application is DENIED.

4. Upon consideration of Petitioners’ “Cross-Motion to Compel Production of Documents and Answers to Interrogatories” (Cross-Motion), Respondent shall file an answer to the Cross-Motion within ten (10) days of the date of this order.

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Commonwealth Court of PA

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Pages: 4

● **Comments:**