

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PATRICK J. McDONNELL,  
SECRETARY OF THE  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION and CHAIRPERSON OF  
THE ENVIRONMENTAL QUALITY  
BOARD

Petitioner,

Docket No. 41 MD 2022

v.

PENNSYLVANIA LEGISLATIVE  
REFERENCE BUREAU; VINCENT  
C. DeLIBERATO, JR., DIRECTOR OF  
THE LEGISLATIVE REFERENCE  
BUREAU; and AMY J. MENDELSON,  
DIRECTOR OF THE PENNSYLVANIA  
CODE AND BULLETIN,

Respondents,

SENATE PRESIDENT PRO TEMPORE  
JAKE CORMAN, *et al.*,

Senate Intervenor  
Respondents,

HOUSE SPEAKER BRYAN CUTLER, *et  
al.*,

House Intervenor  
Respondents.

**PRAECIPE TO PROVIDE RELEVANT INFORMATION TO THE COURT**

Respondents Legislative Reference Bureau, Vincent C. DeLiberato and Amy J. Mendelsohn, by and through their counsel, hereby inform the Court that, upon the Court's April 18, 2022, order that the stay of publication of the Regional Greenhouse Gas Imitative Regulation ("Regulation") has been deemed dissolved as of April 11, 2022, Respondents will publish the Regulation in the April 23, 2022, issue of the *Pennsylvania Bulletin*.

The deadline for submission of documents for publication in the April 23, 2022, issue of the *Pennsylvania Bulletin* was the morning of April 18, 2022. The Legislative Reference Bureau timely submitted the Regulation to its contractor for publication of the *Pennsylvania Bulletin* upon receiving the Court's April 18, 2022, order. Due to production schedules of the contractor that are beyond Respondents' control, the Legislative Reference Bureau cannot remove the Regulation from the April 23, 2022, issue of the *Pennsylvania Bulletin* now that the final preparations for publication have concluded.

Respectfully submitted,

/s/ Peter Klein

**Peter Klein** (Pa. Bar 313867)  
**Andrew Butash** (Pa. Bar 313940)  
**Mark Bogush** (Pa. Bar 324871)  
Legislative Reference Bureau  
501 N. 3<sup>rd</sup> Steet

641 Main Capitol Building  
Harrisburg, PA 17120  
Telephone number: (717) 787-4223  
Fax number: (717) 783-2396  
pklein@palrb.us  
abutash@palrb.us  
mbogush@palrb.us

Date: April 18, 2022

## **CERTIFICATE OF COMPLIANCE**

I hereby 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.

/s/ Peter Klein

Peter Klein, Esq.

Date: April 18, 2022

# EXHIBIT A

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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

**PER CURIAM**

**ORDER**

NOW, April 5, 2022, processing of the Regional Greenhouse Gas Initiative Regulation for publication in the Pennsylvania Bulletin is stayed pending further order of the Court.

# **EXHIBIT B**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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

**PER CURIAM**

**ORDER**

NOW, April 18, 2022, upon further consideration of the Court's April 5, 2022, Order that stayed the processing of the Regional Greenhouse Gas Initiative Regulation for publication in the Pennsylvania Bulletin, the Court concludes that the April 5, 2022, Order was deemed dissolved as of April 11, 2022, pursuant to Pa. R.Civ.P. 1531(d) ("An injunction granted without notice to the defendant shall be deemed dissolved unless a hearing on the continuance of the injunction is held within five days after granting the injunction or within such other time as the parties may agree or as the court upon good cause shown shall direct."). *See also Dep't of Pub. Welfare v. Mallory*, 414 A.2d 749 (Pa. Cmwlth. 1980) (stating that where no hearings on continuances of preliminary injunctions issued without notice to defendant were conducted within five days, each was deemed dissolved after five



days and that because conference conducted five days after first injunction order was not a hearing, the injunction was not ordered continued).