

**IN THE
COMMONWEALTH COURT OF PENNSYLVANIA**

POM OF PENNSYLVANIA, LLC,	:	No. 418 MD 2018
	:	
<i>Petitioner</i>	:	
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT OF	:	
REVENUE and CITY OF	:	
PHILADELPHIA,	:	
	:	
<i>Respondents</i>	:	

NOTICE OF APPEAL

Notice is hereby given that Proposed Intervenors, Greenwood Gaming and Entertainment, Inc., d/b/a Parx Casino, Downs Racing, L.P., d/b/a Mohegan Sun Pocono, Mountainview Thoroughbred Racing Association, LLC, d/b/a Hollywood Casino at Penn National Race Course, Washington Trotting Association, LLC, d/b/a Hollywood Casino at The Meadows, Chester Downs and Marina, LLC, d/b/a Harrah’s Philadelphia Casino & Racetrack, and Wind Creek Bethlehem, LLC, d/b/a Wind Creek Bethlehem, hereby appeal to the Supreme Court of Pennsylvania from the Discontinuance of this action entered on the 7th day of February, 2023. The Discontinuance has been entered in the docket as evidenced by the attached copy of the docket entries. There is no verbatim record of proceedings before the

Commonwealth Court. Accordingly, no request for transcript is included in this notice of appeal.

Respectfully submitted,

LAMB McERLANE PC

Date: March 20, 2023

By: /s/ Joel L. Frank
Joel L. Frank
Attorney I.D. No. 46601
John J. Cunningham, IV
Attorney I.D. No. 70975
Scot R. Withers
Attorney I.D. No. 84309
24 E. Market Street, Box 565
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*Counsel to Proposed Intervenors
Greenwood Gaming and Entertainment,
Inc., d/b/a Parx Casino, Downs Racing,
L.P., d/b/a Mohegan Sun Pocono,
Mountainview Thoroughbred Racing
Association, LLC, d/b/a Hollywood Casino
at Penn National Race Course, Washington
Trotting Association, LLC, d/b/a Hollywood
Casino at The Meadows, Chester Downs
and Marina, LLC, d/b/a Harrah's
Philadelphia Casino & Racetrack, and Wind
Creek Bethlehem, LLC, d/b/a Wind Creek
Bethlehem*

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 418 MD 2018**Page 1 of 35****March 20, 2023****CAPTION**

POM of Pennsylvania, LLC,
Petitioner

v.

Commonwealth of Pennsylvania,
Department of Revenue, and City
of Philadelphia,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Active

Case Processing Status: February 16, 2023 Awaiting Consideration

Journal Number: 35-05-2019

Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES**RELATED CASES**

Docket No / Reason	Type
503 MD 2018 Similar Issue(s)	Related
222 MD 2022 Same Party	Related

COUNSEL INFORMATION**Petitioner POM of Pennsylvania, LLC**

Pro Se: No

IFP Status:

Attorney:	Haverstick, Matthew Hermann	
Law Firm:	Kleinbard LLC	
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Law Firm:	Kleinbard LLC	
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Attorney:	Brier, Daniel Thomas	
Law Firm:	Myers, Brier & Kelly, LLP	
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COUNSEL INFORMATION

Petitioner POM of Pennsylvania, LLC

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Attorney: Vance, Shohin Hadizadeh
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 Phone No: (267) 535-5759

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Miscellaneous Docket Sheet**Docket Number: 418 MD 2018****Page 3 of 35****March 20, 2023****COUNSEL INFORMATION****Possible Intervenor Wind Creek Bethlehem, LLC**

Pro Se: No

IFP Status:

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Attorney: Frank, Joel L.
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 Phone No: (610) 430-8000 Fax No:

Possible Intervenor Washington Trotting Association, LLC

Pro Se: No

IFP Status:

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Miscellaneous Docket Sheet**Docket Number: 418 MD 2018****Page 4 of 35****March 20, 2023****COUNSEL INFORMATION****Possible Intervenor Pennsylvania Gaming Control Board**

Pro Se: No

IFP Status:

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Attorney: Cook, Stephen S.
 Law Firm: Pennsylvania Gaming Control Board
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Possible Intervenor Mountainview Thoroughbred Racing Association, LLC

Pro Se: No

IFP Status:

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COUNSEL INFORMATION

Possible Intervenor Greenwood Gaming and Entertainment et al.

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COUNSEL INFORMATION

Possible Intervenor **Downs Racing, L.P.**
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Possible Intervenor **Chester Downs and Marina, LLC**
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COUNSEL INFORMATION

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Pro Se:

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**FEE INFORMATION**

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
04/01/2019	Petition for Reargument	15.00			0.00
	Reason Waived: Other				
06/08/2018	Miscellaneous Docket Filing Fee	70.25	06/11/2018	2018-CMW-H-001369	70.25
07/24/2018	Copy Work (Per Page)	20.00	07/24/2018	2018-CMW-H-001703	20.00
03/08/2019	Copy Work (Per Page)	174.50	03/08/2019	2019-CMW-H-000490	174.50
03/13/2019	Copy Work (Per Page)	230.50	03/13/2019	2019-CMW-H-000523	230.50
03/22/2019	Copy Work (Per Page)	23.50	03/22/2019	2019-CMW-H-000595	23.50
04/22/2019	Copy Work (Per Page)	361.00	04/22/2019	2019-CMW-H-000850	361.00
12/23/2019	Copy Work (Per Page)	63.00	12/23/2019	2019-CMW-H-002645	63.00
12/31/2019	Copy Work by Clerk (Per Page)	45.00	12/31/2019	2019-CMW-H-002684	45.00
01/06/2020	Copy Work by Clerk (Per Page)	92.00	01/06/2020	2020-CMW-H-000059	92.00
01/23/2020	Copy Work by Clerk (Per Page)	2.00	01/23/2020	2020-CMW-H-000193	2.00
03/10/2020	Subpoena	28.00	03/10/2020	2020-CMW-H-000635	28.00
06/11/2020	Copy Work (Per Page)	33.50	06/11/2020	2020-CMW-H-001215	33.50
02/10/2021	Subpoena	52.00	02/10/2021	2021-CMW-H-000201	52.00
02/21/2023	Copy Work (Per Page)	77.00	03/03/2023	2023-CMW-H-000444	77.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
Order Type:
Documents Received: June 8, 2018

Court Below:
County: Division:
Judge: OTN:
Docket Number: Judicial District:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

Petitioner	Respondent
POM of Pennsylvania, LLC	City of Philadelphia
Brief	Reply Brief
Due: March 4, 2019	Filed: May 11, 2020
	Due: Filed: September 30, 2022
	Department of Revenue
	Brief
	Due: February 18, 2019
	Filed: March 11, 2019

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 8, 2018	Petition for Review Filed			
	POM of Pennsylvania, LLC		Petitioner	
	Document Name: Petition for Review for Declaratory and Injunctive Relief			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 11, 2018	Notice Exited Commonwealth Court Filing Office			06/11/2018
June 15, 2018	Entry of Appearance Auerbach, Daniel Johnson Document Name: On behalf of Respondent	City of Philadelphia	Respondent	
July 6, 2018	Entry of Appearance Romano, Karen Mascio	Department of Revenue	Respondent	
July 6, 2018	Application for Extension of Time to File Romano, Karen Mascio Auerbach, Daniel Johnson Document Name: Resps' Uncontested App. for Relief in the Form of a Motion for an Ext. of Time to file a response	Department of Revenue City of Philadelphia	Respondent Respondent	
July 11, 2018	Order Granting Application for Extension of Time to File Ceisler, Ellen Document Name: Respondents' response to the PFR shall be filed by 8-10-18.			07/12/2018
August 10, 2018	Answer and New Matter Romano, Karen Mascio Document Name: And Counterclaim of Respondent, Commonwealth of Pennsylvania, Department of Revenue	Department of Revenue	Respondent	
August 10, 2018	Answer and New Matter Auerbach, Daniel Johnson Document Name: Respondent City of Philadelphia's Answer to Petition for Review	City of Philadelphia	Respondent	
August 15, 2018	Praecepte for Withdrawal of Appearance Pratt, Marcel S.	City of Philadelphia	Respondent	
September 10, 2018	Answer to New Matter Gagne, Paul Gerard Document Name: Reply of Petitioner to Respondent City of Phila's New Matter	POM of Pennsylvania, LLC	Petitioner	
September 10, 2018	Answer to New Matter Gagne, Paul Gerard Document Name: Response of Petitioner to Dept. of Revenue's New Matter and Counterclaim	POM of Pennsylvania, LLC	Petitioner	
October 5, 2018	Answer to New Matter Romano, Karen Mascio Document Name: Response of Respondent, Commonwealth of Pennsylvania, Department of Revenue to Petitioner's Comment: New Matter to Counterclaim.	Department of Revenue	Respondent	
November 9, 2018	Entry of Appearance Jefferson, Edward P.	City of Philadelphia	Respondent	
January 11, 2019	Application for Summary Relief Romano, Karen Mascio Document Name: Respondent, Com. of Pa., Dept. of Rev.'s App. for Summary Relief in the Nature of a Motion for Comment: Partial Judgment on the Pleadings	Department of Revenue	Respondent	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 25, 2019	Application for Extension of Time to File Haverstick, Matthew Hermann Gagne, Paul Gerard Schreiner, Eric Joseph Romano, Karen Mascio	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC Department of Revenue	Petitioner Petitioner Petitioner Respondent	
	Document Name: Joint App. for Ext. of Time to File Answer and Request for Expedited Consideration			
January 28, 2019	Order Granting Application for Extension of Time to File Simpson, Robert E.			01/29/2019
	Document Name: Upon consideration of the joint application for extension of time to file answer Comment: and request for expedited consideration, the application is granted. The following schedule shall apply to this case: (a) Petitioner shall file and serve its answer to respondent Department of Revenue's application for summary relief in the nature of a motion for partial judgment on the pleadings (Motion) on or before February 11, 2019; (b) Respondent shall file and serve its brief in support of the Motion (4 copies) on or before February 18, 2019; (c) Petitioner shall file and serve its brief in opposition to the Motion (4 copies) on or before March 4, 2019; (d) Respondent may file and serve a reply brief (4 copies), if any, on or before March 11, 2019. Upon the filing of all briefs, the Chief Clerk shall list the Motion for oral argument before a panel of judges on the next available and appropriate argument session, unless otherwise ordered.			
February 11, 2019	Answer to Application for Relief Haverstick, Matthew Hermann Gagne, Paul Gerard	POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner	
	Document Name: Petitioners' Response to the Com. of Pa. Dept. of Rev.'s App. for Summary Relief in the Nature of a Comment: Motion for Partial Judgment on the Pleadings			
February 12, 2019	Entry of Appearance Paul, Inder Deep	Department of Revenue	Respondent	
February 18, 2019	Respondent's Brief Filed Department of Revenue		Respondent	
	Document Name: Respondent Brief in Support of Summary Relief			
February 19, 2019	Praecipe for Withdrawal of Appearance Auerbach, Daniel Johnson	City of Philadelphia	Respondent	
February 21, 2019	Tentative Session Date Krimmel, Michael			
	Document Name: May 2019 (Pittsburgh)			
February 22, 2019	Application to Transfer Haverstick, Matthew Hermann Gagne, Paul Gerard	POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner	
	Document Name: App. of Petitioner POM of Pa, LLC to Coordinate and Transfer of Civil Actions			
February 22, 2019	Application for Stay Haverstick, Matthew Hermann Gagne, Paul Gerard	POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner	
	Document Name: Expedited Application of Petitioner POM of Pennsylvania for Stay of Common Pleas Actions.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 4, 2019	Petitioner's Brief Filed Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
March 6, 2019	Order Filed Fizzano Cannon, Christine			03/06/2019
	Document Name: Respondents shall file a response to the app. for stay by 3-13-19. Respondents shall file a Comment: response to the app. to coordinate by 3-15-19. Argument on petitioner's app. for stay is set for 3-21-19, 1:30 pm. The argument shall be conducted by telephone call to the offices of counsel of record and shall originate from the chambers of a designated judge of the Comm. Ct. sitting in HBG. Cell phones may not be used.			
March 11, 2019	Application for Oral Argument Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Application of Respondent, Commonwealth of Pennsylvania, Department of Revenue for Oral Argument Comment: En Banc			
March 11, 2019	Respondent's Reply Brief Filed Romano, Karen Mascio Department of Revenue	Department of Revenue	Respondent Respondent	
	Document Name: Brief in Further Support of Summary Relief			
March 13, 2019	Application for Intervention (Pa.R.A.P. 1531b) Wilson, Christopher Farrell Wilson, Christopher Farrell	TMC Consulting Incorporated Pong Game Studios Corporation	Possible Intervenor Possible Intervenor	
	Document Name: Petition to Intervene			
March 13, 2019	Answer to Application to Transfer Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Answer of Respondent, Com. of Pa., Dept. of Revenue to App. to Coordinate and Transfer Civil Action			
March 13, 2019	Answer to Application for Stay Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Answer of Respondent, Com. of Pa., Dept. of Revenue to App. for Stay of Common Pleas Action			
March 13, 2019	Filed - Other POM of Pennsylvania, LLC		Petitioner	
	Document Name: Certificate of Word Count Compliance			
March 13, 2019	Order Filed Per Curiam			03/14/2019
	Document Name: Upon consideration of Pong Game Studios Corporation's and TMC Consulting Incorporated's Comment: (together, Proposed Intervenor) petition to intervene, Petitioner POM of Pennsylvania, LLC (Petitioner) and Respondents Commonwealth of Pennsylvania, Department of Revenue, and City of Philadelphia (Respondents) shall file a response to the petition to intervene no later than 12:00 noon on March 20, 2019. Hearing on Proposed Intervenor's petition to intervene is set for March 21, 2019 at 1:30 p.m., in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. Argument on Petitioner's application for stay previously set for a conference call on March 21, 2019 at 1:30 p.m. is hereby cancelled. Argument on Petitioner's application for stay and Petitioner's application to coordinate and transfer civil actions, and Respondents' answers thereto, will immediately follow the hearing on the petition to intervene on March 21, 2019 in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 19, 2019	Order Denying Application for Stay Ceisler, Ellen			03/19/2019
	Document Name: Petitioner's expedited app. for stay and app. to coordinate transfer are denied. In light of the Comment: denial, the petition to intervene filed by Pong Game Studios Corp. and TMC Consulting is dismissed as moot. The hearing and argument set for 3-21-19 is cancelled.			
March 25, 2019	Application for Relief Haverstick, Matthew Hermann Gagne, Paul Gerard Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner	
	Document Name: Petitioner POM of Pennsylvania, LLC's Application for Leave to File Sur-Reply Brief			
March 25, 2019	Petitioner's Brief Filed POM of Pennsylvania, LLC		Petitioner	
	Document Name: Sur-Reply Brief			
April 1, 2019	Application for Reconsideration/Reargument Gagne, Paul Gerard Haverstick, Matthew Hermann Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner	
	Document Name: (PACFILED) Petitioner POM of Pennsylvania, LLC's Application for Reargument En Banc			
April 2, 2019	Order Granting Application for Oral Argument Per Curiam			04/02/2019
	Document Name: upon consideration of Respondents' Applications for Oral Argument En Banc, Comment: the Applications are GRANTED. The Chief Clerk is directed to list Respondents' Applications for Summary Relief seriatly for oral argument before the Court sitting en bane on the May 2019 argument list in Pittsburgh. Thirty minutes total argument time will be set aside for this argument, with counsel for both sides having fifteen minutes in which to argue both matters.			
April 3, 2019	Order Filed Per Curiam			04/03/2019
	Document Name: Respondents shall file a responde to petitioner POM of Pennsylvania, LLC's application for Comment: reargument en banc on or before April 10, 2019.			
April 4, 2019	Argument Scheduled Krimmel, Michael			04/04/2019
	Document Name: Wednesday, 5-8-19, 9:30 am, En Banc, Supreme Ct. Rm., PGH. No. 35 on list. Comment: Please file 4 additional copies of petitioner's sur-reply brief and respondent's brief, and 3 additional copies of respondent's reply brief with the court within 10 days of this notice.			
April 8, 2019	Application to Expedite Haverstick, Matthew Hermann Gagne, Paul Gerard Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner	
	Document Name: Petitioner POM of Pennsylvania LLC's Application for Expedited Consideration and Oral Argument			
April 8, 2019	Order Granting Application for Relief Per Curiam			04/09/2019
	Document Name: Petitioner's application for leave to file sur-reply brief is granted.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 10, 2019	Answer to Application for Reargument Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Response of Respondent, Commonwealth of Pennsylvania, Department of Revenue to Petitioner's Comment: Application for Reargument.			
April 10, 2019	Answer to Application to Expedite Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Response to POM of Pennsylvania's Application for Expedited Consideration and Oral Argument			
April 15, 2019	Application for Intervention (Pa.R.A.P. 1531b) Wilson, Christopher Farrell	TMC Consulting Incorporated	Possible Intervenor	
	Wilson, Christopher Farrell	Pong Game Studios Corporation	Possible Intervenor	
	Document Name: Petition to Intervene			
April 16, 2019	Order Denying Application for Reconsideration/Reargument Ceisler, Ellen			04/17/2019
	Document Name: Petitioner's applications for reargument en banc and for expedited consideration and oral argument Comment: are denied. Petitioner's request to certify the court's 3-19-19 order for immediate review is also denied. In light of the denial of petitioner's applications, the petition to intervene is dismissed as moot.			
May 6, 2019	Letter City of Philadelphia		Respondent	
	Document Name: The City of Philadelphia will not be appearing for argument.			
August 28, 2019	Praecipe for Withdrawal of Appearance Paul, Inder Deep	Department of Revenue	Respondent	
	Document Name: of Inder Deep Paul, Esq.			
November 20, 2019	Opinion McCullough, Patricia A.			11/20/2019
	Document Name: Opinion (32 pages) : The Com. of Pa., Dept. of Revenue's application for summary relief in the Comment: nature of a motion for partial judgment on the pleadings, with respect to the Dept's counterclaim is denied. Judge Cohn Jubelirer dissents. Judge Brobson did not participate in the decision. Judge Covey concurs in the result only. See Opinion Filed.			
December 20, 2019	Application to Amend Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Respondent Department of Revenue's App. to Amend the 11-20-19 Order			
January 3, 2020	Answer Filed Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner's Response in Opposition to Pa. Dept. of Revenue's App. to Amend the 11-20-19 Order			
January 21, 2020	Order Denying Application to Amend Per Curiam			01/22/2020
	Document Name: Depart. of Revenue's application to amend the 11-20-19 order is denied.			
February 14, 2020	Motion to Intervene McKeon, Kevin James	Greenwood Gaming and Entertainment	Possible Intervenor	

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 14, 2020	Filed - Other McKeon, Kevin James King, Adrian Renz, Jr.	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor	
	Document Name: Intervenor's Memorandum in Support of App. For Leave to Intervene			
February 20, 2020	Application for Intervention (Pa.R.A.P. 1531b) Sherman, Richard Douglas Cook, Stephen S.	Pennsylvania Gaming Control Board Pennsylvania Gaming Control Board	Possible Intervenor Possible Intervenor	
	Document Name: The Pennsylvania Gaming Control Board's App. to Intervene Pursuant to Pa.R.C.P. 2327-2330			
February 20, 2020	Memorandum of Law Filed Sherman, Richard Douglas	Pennsylvania Gaming Control Board	Possible Intervenor	
February 24, 2020	Hearing Scheduled Per Curiam			02/25/2020
	Document Name: Hearing with respect to the applications and any responses thereto is set for 4-6-20, 1:30 pm, Comment: CR 3001, PJC, HBG.			
April 6, 2020	Answer to Application for Intervention (Pa.R.A.P. 1531b) Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Respondent Dept. of Rev.'s Response to the Application for Leave to Intervene of Greenwood Gaming Comment: and Entertainment, Inc., Downs Racing, LP, Mountainview Thoroughbred Racing Ass., LLC, Washington Trotting Ass., LLC, Stadium Casino, LLC, Chester Downs and Marina, LLC and Wind Creek Bethlehem, LLC			
April 6, 2020	Answer to Application for Intervention (Pa.R.A.P. 1531b) Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Respondent Dept. of Rev.'s Response to The Application for Leave to Intervene of the PGCB			
May 11, 2020	Petitioner's Brief Filed Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: In opposition to Greenwood Gaming et al application to intervene			
May 11, 2020	Answer to Application to Intervene (Pa.R.C.P. 2328) Haverstick, Matthew Hermann Gagne, Paul Gerard Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner	
	Document Name: Petitioner POM of Pennsylvania, LLC's Response to Greenwood Gaming and Entertainment, Inc., Downs Comment: Racing, L.P., Mountainview Thoroughbred Racing Association, LLC, Washington Trotting Association, LLC, Stadium Casino, LLC, Chester Downs and Marina, LLC, and Wind Creek Bethlehem, LLC's Application for Leave to Intervene			
May 11, 2020	Petitioner's Brief Filed Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: In opposition to Pa Gaming Control Boards application to intervene			
May 11, 2020	Answer to Application to Intervene (Pa.R.C.P. 2328) Haverstick, Matthew Hermann Gagne, Paul Gerard Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner	
	Document Name: Petitioner POM of Pennsylvania, LLC's Response to the Pennsylvania Gaming Control Board's Comment: Application to Intervene Pursuant to PA.R.CIV.P. 2327-2330			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 15, 2020	Letter McKeon, Kevin James McKeon, Kevin James	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor	
	Document Name: Requesting Telephone Status Conference			
August 31, 2020	Order Filed Per Curiam			08/31/2020
	Document Name: NOW, August 31, 2020, upon consideration of the Applications to Intervene filed on behalf of Comment: Greenwood Gaming and Entertainment, Inc., Downs Racing, L.P., Mountainview Thoroughbred Racing Association, LLC, Washington Trotting Association, LLC, Stadium Casino, LLC, Chester Downs and Marina, LLC, and Wind Creek Bethlehem, LLC (collectively, Casinos), as well as the Application to Intervene of the Pennsylvania Gaming Control Board, respectively, and the answers and responses thereto, a Status Conference is scheduled for September 29, 2020, at 10:00 a.m. The Status Conference shall be conducted by telephone call with counsel of record, and shall be heard by a designated judge of the Commonwealth Court. The Court will contact counsel of record to confirm the call and to provide the call-in information.			
September 14, 2020	Entry of Appearance Gorman, James G., III	POM of Pennsylvania, LLC	Petitioner	
September 22, 2020	Application for Relief Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner POM of Pa, LLC's App. for Leave to File Supplemental Brief in Opp. to Greenwood Gaming and Entertainment, Inc., Downs Racing, LP, Mountainview Thoroughbred Racing Ass., LLC, Washington Trotting Ass. LLC, Stadium Casino, LLC, Chester Downs and Marina, LLC, and Wind Creek Bethlehem, LLC's App. for Leave to Intervene			
September 24, 2020	Status Report Filed Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
September 28, 2020	Entry of Appearance Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 2, 2020	Hearing Scheduled Per Curiam			10/02/2020
	<p>Document Name: upon consideration of the Applications to intervene filed on behalf of Greenwood Gaming and Entertainment, Inc., Downs Racing, L.P., Mountainview Thoroughbred Racing Association, LLC, Washington Trotting Association, LLC, Stadium Casino, LLC, Chester Downs and Marina, LLC, and Wind Creek Bethlehem, LLC (collectively, Casinos), as well as the Application to Intervene of the Pennsylvania Gaming Control Board, respectively, and the answers and responses thereto, and following a Status Conference that was held on September 29, 2020, POM of Pennsylvania, LLC (POM) is permitted to conduct limited discovery in this matter related to the Applications to Intervene. Specifically, POM is permitted to conduct discovery of one designated representative on behalf of the Casinos, and shall complete its discovery prior to the hearing on the Applications to Intervene, which is scheduled for Thursday, October 29, 2020 at 10:00 a.m., by WebEx video conferencing. The Court will host this hearing via WebEx.</p> <p>No later than October 22, 2020, all counsel shall provide their email addresses and telephone numbers to the Court via email to this address: CommCourtRemote@pacourts.us. All witnesses will testify via WebEx. A Witness List and an email address for all witnesses shall be both submitted to CommCourtRemote@pacourts.us and filed no later than noon on October 23, 2020. To facilitate participation in the hearing, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video Hearings, attached to this order. The parties are directed to connect to the conference 15 minutes before the starting time.¹</p> <p>Upon receipt of counsels' email addresses, the Court shall provide counsel with a link to upload their respective pre-marked exhibits, if any. Said exhibits shall be uploaded no later than noon on October 28, 2020. The parties shall email the Court at CommCourtRemote@pacourts.us to confirm all exhibits have been uploaded. Failure to comply with this paragraph may result in the exclusion of an exhibit. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. In addition, the parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.</p>			
October 16, 2020	Entry of Appearance Greenspon, Jason Robert Bray, Kristin Kathryn	City of Philadelphia City of Philadelphia	Respondent Respondent	
October 20, 2020	Application for Continuance Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: App. for Relief in the Nature of a Motion to Continue Hearing Set for 10-29-20			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 21, 2020	Order Granting Application for Continuance Per Curiam			10/21/2020
	<p>Document Name: NOW, October 21, 2020, upon review of Respondents' unopposed "Application for Relief in the Nature of a Motion To Continue Hearing Currently Set for October 29, 2020," the Application is GRANTED. The hearing on the Application To Intervene filed on behalf of Greenwood Gaming and Entertainment, Inc., Downs Racing, L.P., Mountainview Thoroughbred Racing Association, LLC, Washington Trotting Association, LLC, Stadium Casino, LLC, Chester Downs and Marina, LLC, and Wind Creek Bethlehem, LLC (collectively, Casinos) and the Application To Intervene filed on behalf of the Pennsylvania Gaming Control Board, currently scheduled for October 29, 2020, at 10:00 a.m., by WebEx videoconferencing, is rescheduled to December 15, 2020, at 10:00 a.m., by WebEx videoconferencing. The Court will host this hearing via WebEx. Casinos and the Pennsylvania Gaming Control Board shall secure the services of a court stenographer that has experience in transcribing WebEx or other video proceedings and shall notify the Court of the identity and email address of the court stenographer by November 24, 2020. No later than November 24, 2020, all counsel shall provide their email addresses and telephone numbers to the Court via email to this address: CommCourtRemote@pacourts.us. All witnesses will testify via WebEx. A Witness List and an email address for all witnesses shall be both submitted to CommCourtRemote@pacourts.us and filed no later than noon on November 24, 2020. To facilitate participation in the hearing, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video Hearings attached to this order. The parties are directed to connect to the conference 15 minutes before the starting time.</p> <p>Upon receipt of counsels' email addresses, the Court shall provide counsel with a link to upload their respective pre-marked exhibits, if any. Said exhibits shall be uploaded no later than noon on December 1, 2020. The parties shall email the Court at CommCourtRemote@pacourts.us to confirm all exhibits have been uploaded. Failure to comply with this paragraph may result in the exclusion of an exhibit. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. In addition, the parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.</p> <p>□</p>			
October 21, 2020	Letter Greenspon, Jason Robert	City of Philadelphia	Respondent	
	<p>Document Name: re: City of Philadelphia joins the Respondents, Dept. of Revenue and Commonwealths' position on perm Comment: both the Pennsylvania Gaming Control Board and Casino Entities to intervene in the above reference matter.</p>			
November 24, 2020	Filed - Other Sherman, Richard Douglas Cook, Stephen S.	Pennsylvania Gaming Control Board Pennsylvania Gaming Control Board	Possible Intervenor Possible Intervenor	
	Document Name: Identification of the Pennsylvania Gaming Control Board's Witness List			
November 24, 2020	Filed - Other McKeon, Kevin James McKeon, Kevin James King, Adrian Renz, Jr.	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor Possible Intervenor	
	Document Name: Casino's Witness List			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 24, 2020	Filed - Other Gagne, Paul Gerard Butkovitz, Edward Thomas Haverstick, Matthew Hermann Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Witness List for December 15, 2020 Hearing			
November 24, 2020	Filed - Other Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Witness List of Respondent, Pennsylvania Department of Revenue for Intervention Hearing			
November 24, 2020	Filed - Other McKeon, Kevin James McKeon, Kevin James	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor	
	Document Name: Amended Casinos' Witness List			
December 2, 2020	Entry of Appearance Walsh, Donna Ann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Limited Entry of Appearance for Donna A. Walsh, Esq.			
December 2, 2020	Entry of Appearance Brier, Daniel Thomas	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Limited Entry of Appearance for Daniel T. Brier, Esq.			
December 2, 2020	Application for Relief Brier, Daniel Thomas	POM of Pennsylvania, LLC	Petitioner	
	Document Name: App. to Disqualify Counsel for Proposed Intervenors			
December 3, 2020	Order Filed Per Curiam			12/03/2020
	Document Name: upon review of Petitioner's Applications to Disqualify Counsel for Proposed Intervenors, Comment: Respondents and Proposed Intervenors shall file and serve answers to the Applications no later than Monday, December 7, 2020, 12:00 noon.			
December 4, 2020	Letter Greenspon, Jason Robert	City of Philadelphia	Respondent	
	Document Name: No Answer Will be Filed			
December 4, 2020	Application for Relief Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner's Motion in Limine to Exclude Expert Testimony of Michael J. Pollock			
December 7, 2020	Entry of Appearance Whitaker, Dennis A.	Greenwood Gaming and Entertainment	Possible Intervenor	
December 7, 2020	Answer to Application for Relief Whitaker, Dennis A.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Document Name: Answer to Petitioner's App. to Disqualify Counsel for Proposed Intervenors			
December 7, 2020	Answer to Application for Relief Sherman, Richard Douglas	Pennsylvania Gaming Control Board	Possible Intervenor	
	Document Name: Letter Stating No Position on the Application to Disqualify			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 7, 2020	Answer to Application for Relief Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Response of Respondent Com. of Pa., Dept. of Revenue, to Petitioner's App. to Disqualify			
December 8, 2020	Order Filed Per Curiam			12/08/2020
	Document Name: upon review of Petitioner's "Motion In Limine To Exclude Expert Testimony of Michael J. Pollock,"			
	Comment: Respondents and Proposed Intervenors shall file and serve answers to the Motion no later than Wednesday, December 9, 2020, 12:00 noon.			
December 8, 2020	Answer to Application for Relief Greenspon, Jason Robert	City of Philadelphia	Respondent	
	Document Name: Letter Stating Respondent, City of Phila, takes no position on Motion in Limine			
December 8, 2020	Application for Continuance Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	
	Gagne, Paul Gerard	POM of Pennsylvania, LLC	Petitioner	
	Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC	Petitioner	
	King, Adrian Renz, Jr.	Greenwood Gaming and Entertainment	Possible Intervenor	
	McKeon, Kevin James	Greenwood Gaming and Entertainment	Possible Intervenor	
	Whitaker, Dennis A.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Document Name: Joint App. for Continuance of Hearing on Motions to Intervene			
December 9, 2020	Answer to Application for Relief Sherman, Richard Douglas	Pennsylvania Gaming Control Board	Possible Intervenor	
	Document Name: Letter Stating No Opposition to Motion			
December 9, 2020	Answer to Application for Relief Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Response of Resp. Dept. of Revenue to Petitioners' Motion in Limine			
December 10, 2020	Application for Relief Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner POM of Pa's App. for Leave to File Reply in Further Support of Motion in Limine			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 10, 2020	Order Granting Application for Continuance Per Curiam			12/10/2020
	Document Name: upon review of the unopposed Joint Application For Continuance of Hearings on Applications Comment: for Leave To Intervene, filed by Petitioner and Proposed Intervenors Greenwood Gaming and Entertainment, Inc., Downs Racing, L.P., Mountainview Thoroughbred Racing Association, LLC, Washington Trotting Association, LLC, Stadium Casino, LLC, Chester Downs and Marina, LLC, and Wind Creek Bethlehem, LLC (collectively, Casinos), the Application is GRANTED. The hearing on the Applications for Leave To Intervene filed on behalf of the Casinos and Proposed Intervenors Pennsylvania Gaming Control Board, scheduled for Tuesday, December 15, 2020, at 10:00 a.m., by WebEx videoconferencing, is continued. A telephone conference call is scheduled for Tuesday, December 15, 2020, at 10:00 a.m. The Court will provide lead counsel for Petitioner, Respondents, Casinos, the City of Philadelphia, and the Pennsylvania Gaming Control Board with the call-in information. The parties shall be prepared to discuss Petitioner's Motion to Disqualify Counsel for Proposed Intervenors - Casinos.			
December 10, 2020	Praecipe to Withdraw Butkovitz, Edward Thomas Gagne, Paul Gerard Haverstick, Matthew Hermann	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner	
	Document Name: Praecipe to Withdraw Motion			
December 14, 2020	Order Filed Per Curiam			12/14/2020
	Document Name: NOW, December 14, 2020, upon review of Petitioner's Praecipe To Withdraw Motion, withdrawing its Comment: "Motion in Limine To Exclude Expert Testimony of Michael J. Pollock," the Prothonotary shall mark said Motion withdrawn. In light of Petitioner's Praecipe to Withdraw Motion, Petitioner's "Application[s] for Leave to File Reply Brief in [Further] Support of Motion in Limine To Exclude Expert Testimony of Michael J. Pollock," is dismissed as moot.			
December 14, 2020	Application for Relief Walsh, Donna Ann Brier, Daniel Thomas	POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner	
	Document Name: Petitioner POM of Pennsylvania, LLC's Application for Leave to File Reply in Further Support of Comment: Application to Disqualify Counsel			
December 16, 2020	Praecipe for Withdrawal of Appearance Jefferson, Edward P.	City of Philadelphia	Respondent	
December 17, 2020	Order Granting Application for Relief Per Curiam			12/17/2020
	Document Name: upon review of Petitioner's December 14, 2020 "Application[s] for Leave To File Reply Comment: In Further Support of Application To Disqualify Counsel" (Applications), the Applications are GRANTED. The Prothonotary is directed to accept and docket "Petitioner's Reply in Further Support of Applications to Disqualify Counsel for Proposed Intervenors," which are attached as Exhibit 1 to each Application.			
December 17, 2020	Answer Filed Brier, Daniel Thomas Walsh, Donna Ann	POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner	
	Document Name: Peitioner's Reply in Further Support of Application to Disqualify Counsel for Proposed Intervenors			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 1, 2021	Application to Compel Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner's Motion to Compel Full and Complete Responses to Petitioner's First and Second Sets of Comment: Requests for Production of Documents and First Set of Interrogatories Addressed to Respondent Com. of Pa. Dept. of Revenue			
January 15, 2021	Answer Filed Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: Respondent's Answer to Petitioner's Motion to Compel			
February 19, 2021	Filed - Other Brier, Daniel Thomas	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Re: App. to Disqualify Counsel (Status of Middle District Action)			
May 5, 2021	Filed - Other Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22			
August 26, 2021	Entry of Appearance Sherman, Richard Douglas Zimmermann, Chad Westcott	Pennsylvania Gaming Control Board Possible Intervenor Pennsylvania Gaming Control Board Possible Intervenor		
	Document Name: Entry/Withdraw Appearance			
November 23, 2021	Status Conference Scheduled McCullough, Patricia A.			11/23/2021
	Document Name: for December 21, 2021 at 10:00 am via telephone call Comment: AND NOW, this 23rd day of November, 2021, a Status Conference is scheduled for December 21, 2021, at 10:00 a.m. The Status Conference shall be conducted by telephone call with counsel of record. The Court will contact counsel of record to confirm the call and to provide the call-in information.			
December 8, 2021	Entry of Appearance Boland, Nicole Jeanne	Department of Revenue	Respondent	
	Document Name: Atty. Nichole Boland for Department of Revenue			
December 13, 2021	Praecipe for Withdrawal of Appearance McKeon, Kevin James McKeon, Kevin James	Greenwood Gaming and Entertainment Possible Intervenor Greenwood Gaming and Entertainment Possible Intervenor		
	Document Name: Kevin McKeon			
December 17, 2021	Entry of Appearance McDonald, Michael R. McDonald, Michael R. Pittinsky, David White, Matthew Adam Pittinsky, David White, Matthew Adam	Greenwood Gaming and Entertainment Possible Intervenor Greenwood Gaming and Entertainment Possible Intervenor Greenwood Gaming and Entertainment Possible Intervenor Greenwood Gaming and Entertainment Possible Intervenor Greenwood Gaming and Entertainment Possible Intervenor Greenwood Gaming and Entertainment Possible Intervenor		
January 4, 2022	Application for Relief Brier, Daniel Thomas	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Pet. POM LLC'S, suppl. request for relief pursuant to pending Appl. to disqualify counsel.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 7, 2022	Answer Filed Pittinsky, David Pittinsky, David King, Adrian Renz, Jr. White, Matthew Adam White, Matthew Adam	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor	
	Document Name: Proposted Intervenor's Reply in Opposition to Petitioner Pom of PA			
January 11, 2022	Order Filed McCullough, Patricia A.			01/11/2022
	Document Name: Re: Counsel and Briefs for Proposed Casino Intervenor's			
	Comment: AND NOW, this 11th day of January, 2022, upon consideration of the following: the amicus brief filed by Kevin McKeon, Esquire of Hawke McKeon & Sniscak, LLP (HMS), and Adrian R. King, Jr., of Ballard Spahr LLP, on behalf of Greenwood Gaming and Entertainment, Inc., d/b/a ParxCasino (Greenwood Gaming), Downs Racing, L.P., d/b/a Mohegan Sun Pocono, Mountainview Thoroughbred Racing Association, LLC d/b/a Hollywood Casino at PennNational Race Course, Washington Trotting Association, LLC, d/b/a Meadows Racetrack and Casino, Stadium Casino, LLC, d/b/a Live! Hotel & Casino Philadelphia, Chester Downs and Marina, LLC d/b/a Harrah's Philadelphia Casino & Racetrack and Wind Creek Bethlehem, LLC d/b/a Wind Creek Bethlehem (Proposed Casino Intervenor's) on December 18, 2019; the Applications to Intervene and supporting briefs filed by the Proposed Casino Intervenor's on February 14, 2020; the Application to Disqualify HMS from representing the Proposed Casino Intervenor's filed by POM of Pennsylvania, LLC (POM) on December 2, 2020; the November 16, 2021 decision of the Honorable Joseph F. Saporito, Jr. issued a decision in the matter captioned Pace-O-Matic, Inc. v. Eckert Seamans Cherin & Mellott, LLC, No. 20-CV-292 (M.D. Pa.), finding that Eckert Seamans Cherin & Mellott, LLC (Eckert) "wholly authored" and/or was the "primary author[]" of the amicus brief and applications for intervention which were filed by HMS on behalf of the Proposed Casino Intervenor's in these consolidated matters; 1 the Praecipe to Withdraw Appearance of Kevin J. McKeon, Esq. on behalf of Proposed Casino Intervenor's filed on December 13, 2021; the statements and arguments of the parties during this Court's December 21, 2021 status conference; the letter directed to this Court by Ballard Spahr, LLP dated December 23, 2021; the Supplemental Request for Relief filed by POM on January 4, 2022; the Answer to POM's Supplemental Request for Relief filed on January 7, 2022, it is hereby ORDERED that: (1) In light of the Praecipe to Withdraw Appearance of Kevin J. McKeon, Esq. as counsel for Proposed Casino Intervenor's, POM's Application to Disqualify Kevin McKeon, Esq. from representing the Proposed Casino Intervenor's in this matter is DENIED as MOOT; (2) Dennis A. Whitaker, Esq. and the law firm of HMS are directed to file a Praecipe to withdraw their appearance as counsel for the Proposed Casino Intervenor's in this matter; (3) the Proposed Casino Intervenor's amicus brief filed on December 18, 2019, in 503 M.D. 2019, is STRICKEN; and (4) the Proposed Casino Intervenor's Applications for Intervention and supporting briefs filed in 418 M.D. 2018 and 503 MD. 2018, on February 14, 2020, are hereby STRICKEN, without prejudice to the Proposed Casino Intervenor's submitting new applications to intervene, prepared by counsel without a conflict of interest as described by Judge Saporito in his November 16, 2021 decision.			
January 17, 2022	Praecipe for Withdrawal of Appearance Whitaker, Dennis A.	Greenwood Gaming and Entertainment	Possible Intervenor	
January 26, 2022	Entry of Appearance Diffily, Kelly Susan	City of Philadelphia	Respondent	

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March 3, 2022	Entry of Appearance Withers, Scot Russel Withers, Scot Russel	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor	
	Document Name: Possible Intervenor, Greenwood Gaming and Entertainment et al.			
March 3, 2022	Entry of Appearance Cunningham, John J., IV Cunningham, John J., IV	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor	
	Document Name: Possibel Intervenor, Greenwood Gaming and Entertainment et al.			
March 3, 2022	Entry of Appearance Frank, Joel L. Frank, Joel L.	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment	Possible Intervenor Possible Intervenor	
	Document Name: Possible Intervenor, Greenwood Gaming and Entertainment et al.			
May 19, 2022	Order Directing Status Report McCullough, Patricia A.			05/19/2022
	Document Name: Joint Status Update Due June 10, 2022			
	Comment: AND NOW, this 19th day of May, 2022, the parties are hereby directed to file in writing a joint status update of the litigation no later than June 10, 2022.			
May 19, 2022	Praecipe for Withdrawal of Appearance Gorman, James G., III	POM of Pennsylvania, LLC	Petitioner	
June 7, 2022	Application for Intervention (Pa.R.A.P. 1531b) Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L.	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment Downs Racing, L.P. Mountainview Thoroughbred Racing Washington Trotting Association, LLC Chester Downs and Marina, LLC Wind Creek Bethlehem, LLC	Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor	
June 7, 2022	Memorandum of Law Filed Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L.	Greenwood Gaming and Entertainment Greenwood Gaming and Entertainment Downs Racing, L.P. Mountainview Thoroughbred Racing Washington Trotting Association, LLC Chester Downs and Marina, LLC Wind Creek Bethlehem, LLC	Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor	
	Document Name: in support of Application for Intervention			
June 9, 2022	Joint Status Report Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 15, 2022	Order Filed McCullough, Patricia A.			06/15/2022
	Document Name: Case Management Order			
	Comment: AND NOW, this 15th day of June, 2022, upon consideration of the parties' joint status report dated June 9, 2022, the parties are hereby directed as follows:			
	1. Petitioner (POM), shall complete discovery related to proposed Intervenor (Casinos'), Application to Intervene by August 9, 2022.			
	2. The parties shall file with the Court a praecipe to schedule a hearing date on the Application to Intervene any time after September 9, 2022.			
	3. The parties shall notify the Court by November 1, 2022 as to whether any disputes raised in the pending discovery motions remain unresolved and require a hearing. The parties shall continue efforts to resolve outstanding discovery disputes without the need of further Court involvement.			
	4. Fact discovery shall be completed no later than January 20, 2023.			
	5. All parties shall exchange expert reports by February 19, 2023.			
	6. Rebuttal expert reports, if any, shall be exchanged by March 21, 2023.			
	7. The parties shall praecipe for a status conference on or after April 1, 2023. The Court will issue an Order regarding any remaining deadlines and direct the parties on how the case will proceed following the status conference.			
June 22, 2022	Answer to Application to Intervene (Pa.R.C.P. 2328) Haverstick, Matthew Hermann Butkovitz, Edward Thomas Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner	
	Document Name: POM Of PA, LLC's Answer to Application for leave to intervene.			
June 23, 2022	Entry of Appearance Dang, Miranda Lu	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Miranda Lu Dang - Petitioner - POM of PA, LLC.			
August 3, 2022	Objections Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L. Frank, Joel L.	Greenwood Gaming and Entertainment Downs Racing, L.P. Mountainview Thoroughbred Racing Washington Trotting Association, LLC Chester Downs and Marina, LLC Wind Creek Bethlehem, LLC	Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor Possible Intervenor	
	Document Name: Intervenor's Answers and Objections to Petitioner's Notice of Deposition and Subpoena			
August 9, 2022	Application for Relief Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner's Application for Extension of Time to Complete Discovery			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 10, 2022	Answer to Application for Relief			
	Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Downs Racing, L.P.	Possible Intervenor	
	Cunningham, John J., IV	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Cunningham, John J., IV	Chester Downs and Marina, LLC	Possible Intervenor	
	Cunningham, John J., IV	Washington Trotting Association, LLC	Possible Intervenor	
	Cunningham, John J., IV	Mountainview Thoroughbred Racing	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Downs Racing, L.P.	Possible Intervenor	
	Frank, Joel L.	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Frank, Joel L.	Chester Downs and Marina, LLC	Possible Intervenor	
	Frank, Joel L.	Washington Trotting Association, LLC	Possible Intervenor	
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Mountainview Thoroughbred Racing	Possible Intervenor	
	Withers, Scot Russel	Downs Racing, L.P.	Possible Intervenor	
	Withers, Scot Russel	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Withers, Scot Russel	Chester Downs and Marina, LLC	Possible Intervenor	
	Withers, Scot Russel	Washington Trotting Association, LLC	Possible Intervenor	
	Withers, Scot Russel	Mountainview Thoroughbred Racing	Possible Intervenor	
	Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor	
	Document Name: Proposed Intervenor's Answer to Petitioner's Application for Extension of time.			
August 12, 2022	Answer to Application for Relief			
	Zimmermann, Chad Westcott	Pennsylvania Gaming Control Board	Possible Intervenor	
	Document Name: PA Gaming Control Board's Answer to POM of PA's Appl for Relief.			

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 418 MD 2018

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March 20, 2023



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 17, 2022	Objections			
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Downs Racing, L.P.	Possible Intervenor	
	Frank, Joel L.	Mountainview Thoroughbred Racing	Possible Intervenor	
	Frank, Joel L.	Washington Trotting Association, LLC	Possible Intervenor	
	Frank, Joel L.	Chester Downs and Marina, LLC	Possible Intervenor	
	Frank, Joel L.	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Cunningham, John J., IV	Downs Racing, L.P.	Possible Intervenor	
	Cunningham, John J., IV	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Cunningham, John J., IV	Chester Downs and Marina, LLC	Possible Intervenor	
	Cunningham, John J., IV	Washington Trotting Association, LLC	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Mountainview Thoroughbred Racing	Possible Intervenor	
	Withers, Scot Russel	Downs Racing, L.P.	Possible Intervenor	
	Withers, Scot Russel	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Withers, Scot Russel	Chester Downs and Marina, LLC	Possible Intervenor	
	Withers, Scot Russel	Washington Trotting Association, LLC	Possible Intervenor	
	Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor	
Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor		
Withers, Scot Russel	Mountainview Thoroughbred Racing	Possible Intervenor		
Document Name: Proposed Intervenor's Objections to Pet. POM of PA, LLC's Subpoena Addressed to Thomas C. Bonner Esq				
August 18, 2022	Order Granting Application for Relief McCullough, Patricia A.			08/18/2022
Document Name: Extension Request to Complete Discovery is Granted				
Comment: AND NOW, this 18th day of August, 2022, upon consideration of Petitioner, POM of Pennsylvania, LLC's, Application for Extension of Time to Complete Discovery, and the responses thereto, the application is hereby GRANTED. Discovery related to the pending Petitions to Intervene shall be completed by September 23, 2022.				
August 19, 2022	Objections			
	Zimmermann, Chad Westcott	Pennsylvania Gaming Control Board	Possible Intervenor	
Document Name: PA Gaming Control Board's Answer & Objections to Pet. POM of PA, LLC's Notice of Dep. & Subpoena.				
August 30, 2022	Application to Strike			
	Greenspon, Jason Robert	City of Philadelphia	Respondent	
Document Name: Respondent City of Phila's Motion to Strike Petitioner POM of Pa.'s Objections to Respondent's				
Comment: Interrogatories and Requests for Production of Documents and Direct Petitioner to Answer				
September 9, 2022	Answer to Application to Strike			
	Dang, Miranda Lu	POM of Pennsylvania, LLC	Petitioner	
	Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	
	Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC	Petitioner	
Document Name: POM Answer in Opposition to Motion to Strike.				

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 14, 2022	Application to Strike Brier, Daniel Thomas	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner Pom of PA, LLC Application to Strike Objections and Compel Discovery			
September 22, 2022	Application for Extension of Time to File Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	
	Dang, Miranda Lu	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Pet. POM of PA, LLC's Unopposed Application for Ext. of Time to Complete Inter. Related Discovery.			
September 26, 2022	Order Granting Application for Extension of Time to File McCullough, Patricia A.			09/26/2022
	Document Name: Discovery Related to Petition to Intervene shall be Completed by October 24, 2022			
	Comment: AND NOW, this 26th day of September, 2022, upon consideration of Petitioner, POM of Pennsylvania, LLC's, Unopposed Application for Extension of Time to Complete Intervention-Related Discovery, the application is hereby GRANTED. Discovery related to the pending Petition to Intervene shall be completed by October 24, 2022.			
September 26, 2022	Entry of Appearance Rullo, Michael Joseph	City of Philadelphia	Respondent	
	Document Name: Michael J. Rullo Esq. - City of Philadelphia - Respondent.			
September 30, 2022	Respondent's Reply Brief Filed City of Philadelphia		Respondent	
	Document Name: Brief in Further Support of Its Motion to Strike Petitioner Objections			
October 3, 2022	Praecipe Rullo, Michael Joseph	City of Philadelphia	Respondent	
	Document Name: To withdraw Respondents' reply brief			

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March 20, 2023



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 4, 2022	Answer to Application to Strike			
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Downs Racing, L.P.	Possible Intervenor	
	Frank, Joel L.	Mountainview Thoroughbred Racing	Possible Intervenor	
	Frank, Joel L.	Washington Trotting Association, LLC	Possible Intervenor	
	Frank, Joel L.	Chester Downs and Marina, LLC	Possible Intervenor	
	Frank, Joel L.	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Cunningham, John J., IV	Downs Racing, L.P.	Possible Intervenor	
	Cunningham, John J., IV	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Cunningham, John J., IV	Chester Downs and Marina, LLC	Possible Intervenor	
	Cunningham, John J., IV	Washington Trotting Association, LLC	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Mountainview Thoroughbred Racing	Possible Intervenor	
	Withers, Scot Russel	Downs Racing, L.P.	Possible Intervenor	
	Withers, Scot Russel	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Withers, Scot Russel	Chester Downs and Marina, LLC	Possible Intervenor	
	Withers, Scot Russel	Washington Trotting Association, LLC	Possible Intervenor	
	Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor	
	Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor	
	Withers, Scot Russel	Mountainview Thoroughbred Racing	Possible Intervenor	
	Document Name: Proposed Intervenor's Response to POM of PA, LLC's Application to Strike Obj. & Compel Discovery.			
October 12, 2022	Application for Relief			
	Brier, Daniel Thomas	POM of Pennsylvania, LLC	Petitioner	
	Walsh, Donna Ann	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Pet. POM of PA, LLC's Appl for leave to file reply in fur. supp. of Appl. to Strike Obj. & Compel Dis			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 13, 2022	Order Filed Per Curiam			10/13/2022
	Document Name: Directing Discovery Related Responses By October 17, 2022, 5:00pm			
	Comment: NOW, October 13, 2022, upon review, it appears that the following discovery motions are pending before the Court:			
	<ol style="list-style-type: none"> At Docket No. 503 M.D. 2018: POM of Pennsylvania, LLC's (POM) December 14, 2020 "Motion to Compel Full and Complete Responses to Petitioner's First and Second Sets of Requests for Production of Documents and First Set of Interrogatories Addressed to [Pennsylvania State Police, Bureau of Liquor Control Enforcement (PSP)]," and PSP's response thereto; At Docket No. 418 M.D. 2018: POMS's January 1, 2021 "Motion to Compel Full and Complete Responses to Petitioner's First and Second Sets of Requests for Production of Documents and First Set of Interrogatories Addressed to Respondent Commonwealth of Pennsylvania, Department of Revenue (Department of Revenue)," and the Department of Revenue's response thereto; At Docket No. 418 M.D. 2018: The City of Philadelphia's August 30, 2022, "Motion to Strike Petitioner [POM's] Objections to [the City of Philadelphia's] Interrogatories and Request for Production of Documents and Direct [POM] to Answer," and POM's response thereto; At Docket Nos. 418 M.D. 2018 and 513 M.D. 2018: POM's September 14, 2022, "Application to Strike Objections and Compel Discovery," and Proposed Intervenors' response thereto. 			
	Accordingly, no later than 5:00 p.m. on Monday, October 17, 2022, counsel for POM, the Department of Revenue, the City of Philadelphia, the PSP, and Proposed Intervenors shall send an email to CommCourtRemote@pacourts.us, responding to the following inquiries:			
	<ol style="list-style-type: none"> Is argument required on any of the four pending discovery motions set forth above? In addition to the four pending discovery motions set forth above, are there any other outstanding discovery-related motions that require disposition? If there are additional pending discovery-related motions that require disposition, please indicate the Docket Number, title, date of filing, and date of responses thereto, if any; and In the event argument is necessary, counsels' availability on the following dates for in-person argument in the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania: <ol style="list-style-type: none"> Thursday, October 27, 2022 at 1:00 p.m.; Wednesday, November 2, 2022 at 1:00 p.m.; or Thursday, November 3, 2022 at 9:30 a.m. 			
	Upon receipt of the aforementioned emails, the Court will issue a further order.			
October 17, 2022	Praecept for Withdrawal of Appearance Diffily, Kelly Susan	City of Philadelphia	Respondent	
	Document Name: W/D of Kelly S. Diffily Esq.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 19, 2022	Order Filed Per Curiam			10/19/2022
	Document Name: Directing Responses and Scheduling Argument			
	Comment: AND NOW, this 19th day of October, 2022, upon consideration of the responses received in accord with the October 13, 2022 Order of Court, it is here ORDERED that:			
	1. Pennsylvania State Police, Bureau of Liquor Control Enforcement (PSP), shall file a written response to POM of Pennsylvania, LLC's (POM) Application to Overrule Respondents' Objections to Subpoena no later than 5:00 p.m. on Monday, October 24, 2022.			
	2. Pennsylvania Gaming Control Board (PGCB), shall file a written response to POM's Application to Overrule the PGCB's Objections to POM's Subpoena and Compel its Enforcement no later than 5:00 p.m. on Monday, October 24, 2022.			
	It is further ORDERED that:			
	1. Argument shall be held on Thursday, November 3, 2022 at 9:30 a.m. in Courtroom 3001 of the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg PA 17106, to address the following discovery-related motions:			
	a. At Docket No. 503 M.D. 2018: POM's December 14, 2020 "Motion to Compel Full and Complete Responses to Petitioner's First and Second Sets of Requests for Production of Documents and First Set of Interrogatories Addressed to [PSP]," and PSP's response thereto;			
	b. At Docket No. 418 M.D. 2018: POMS's January 1, 2021 "Motion to Compel Full and Complete Responses to Petitioner's First and Second Sets of Requests for Production of Documents and First Set of Interrogatories Addressed to Respondent Commonwealth of Pennsylvania, Department of Revenue (Department of Revenue)," and the Department of Revenue's response thereto;			
	c. At Docket No. 503 M.D. 2018: PSP's January 14, 2021 "Motion for Protective Order," and POM's response thereto;			
	d. At Docket No. 418 M.D. 2018: The City of Philadelphia's August 30, 2022, "Motion to Strike Petitioner [POM's] Objections to [the City of Philadelphia's] Interrogatories and Request for Production of Documents and Direct [POM] to Answer," and POM's response thereto;			
	e. At Docket Nos. 418 M.D. 2018 and 503 M.D. 2018: [POM's] September 14, 2022, "Application to Strike Objections and Compel Discovery," and Proposed Intervenor's response thereto;			
	f. At Docket No. 503 M.D. 2018: POM's October 14, 2022 "Motion to Overrule [PGCB's] Objections to Subpoena and Compel Enforcement." and PGCB's timely filed response; and			
	g. At Docket No. 503 M.D. 2018: POM's October 14, 2022 "Motion to Overrule [PSP's] Objections to Subpoena," and PSP's timely filed response.			
October 25, 2022	Entry of Appearance			
	DeSiderato, Jerry Robert	City of Philadelphia	Respondent	
	Ford, Timothy James	City of Philadelphia	Respondent	
	Document Name: Attys. DeSiderato and Ford for City of Philadelphia			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 21, 2022	Order Filed McCullough, Patricia A.			11/21/2022
	Document Name: Following Argument...the Parties are Directed to File Discovery Stipulations within 30 Days			
	Comment: AND NOW, this 21st day of November, 2022, the Court finds, orders and directs as follows:			
	1. On November 3, 2022, the Court heard oral argument in the above captioned (non-consolidated) matters on the following discovery-related motions:			
	i. At Docket No. 503 M.D. 2018: POM's December 14, 2020 "Motion to Compel Full and Complete Responses to Petitioner's First and Second Sets of Requests for Production of Documents and First Set of Interrogatories Addressed to [PSP]," and PSP's response thereto;			
	ii. At Docket No. 418 M.D. 2018: POMS's January 1, 2021 "Motion to Compel Full and Complete Responses to Petitioner's First and Second Sets of Requests for Production of Documents and First Set of Interrogatories Addressed to Respondent Commonwealth of Pennsylvania, Department of Revenue (Department of Revenue)," and the Department of Revenue's response thereto;			
	iii. At Docket No. 503 M.D. 2018: PSP's January 14, 2021 "Motion for Protective Order," and POM's response thereto;			
	iv. At Docket No. 418 M.D. 2018: The City of Philadelphia's August 30, 2022, "Motion to Strike Petitioner [POM's] Objections to [the City of Philadelphia's] Interrogatories and Request for Production of Documents and Direct [POM] to Answer," and POM's response thereto;			
	v. At Docket Nos. 418 M.D. 2018 and 503 M.D. 2018: [POM's] September 14, 2022, "Application to Strike Objections and Compel Discovery," and Proposed Intervenors' response thereto;			
	vi. At Docket No. 503 M.D. 2018: POM's October 14, 2022 "Motion to Overrule [PGCB's] Objections to Subpoena and Compel Enforcement," and PGCB's response thereto; and			
	vii. At Docket No. 503 M.D. 2018: POM's October 14, 2022 "Motion to Overrule [PSP's] Objections to Subpoena," and PSP's response thereto.			
	2. During argument, counsel came to several agreements and stipulations regarding multiple interrogatory responses, responses to requests for the production of documents, motions to compel, and objections to subpoenas, thereby rendering this Court's intervention unnecessary in those matters.			
	3. Counsel further agreed to consult with one another after argument to determine if they could amicably resolve many of the discovery disputes without the need for the Court's further involvement.			
	4. The parties and proposed intervenors are hereby directed, within 30 days of the date of this Order, to file and serve Discovery Stipulations that outline and list any discovery disputes that they were not able to resolve and which remain outstanding. The Discovery Stipulations shall (1) identify the discovery items by name and case docket; (2) briefly explain under each item the issues that have been resolved by the parties; and (3) identify under each item the issues that remain in dispute.			
	5. The parties and proposed intervenors further are directed, as applicable, to each file and serve contemporaneously with the Discovery Stipulations a proposed order on all disputed discovery matters as identified in the Discovery Stipulations. The Court thereafter will dispose of all outstanding discovery motions/applications without further briefing or argument.			

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March 20, 2023



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 21, 2022	Stipulation Filed			
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Greenwood Gaming and Entertainment	Possible Intervenor	
	Frank, Joel L.	Downs Racing, L.P.	Possible Intervenor	
	Frank, Joel L.	Mountainview Thoroughbred Racing	Possible Intervenor	
	Frank, Joel L.	Washington Trotting Association, LLC	Possible Intervenor	
	Frank, Joel L.	Chester Downs and Marina, LLC	Possible Intervenor	
	Frank, Joel L.	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor	
	Withers, Scot Russel	Mountainview Thoroughbred Racing	Possible Intervenor	
	Cunningham, John J., IV	Downs Racing, L.P.	Possible Intervenor	
	Cunningham, John J., IV	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Cunningham, John J., IV	Chester Downs and Marina, LLC	Possible Intervenor	
	Cunningham, John J., IV	Washington Trotting Association, LLC	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Greenwood Gaming and Entertainment	Possible Intervenor	
	Cunningham, John J., IV	Mountainview Thoroughbred Racing	Possible Intervenor	
	Withers, Scot Russel	Downs Racing, L.P.	Possible Intervenor	
	Withers, Scot Russel	Wind Creek Bethlehem, LLC	Possible Intervenor	
	Withers, Scot Russel	Chester Downs and Marina, LLC	Possible Intervenor	
	Withers, Scot Russel	Washington Trotting Association, LLC	Possible Intervenor	
	Withers, Scot Russel	Greenwood Gaming and Entertainment	Possible Intervenor	
	Document Name: Discovery Stipulation of Proposed Intervenor in Compliance with Court's Order dated 11-21-22.			
December 21, 2022	Stipulation Filed			
	Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	
	Dang, Miranda Lu	POM of Pennsylvania, LLC	Petitioner	
	Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Petitioner POM of PA, LLC's Discovery Stipulations as per Court Order dated 11-21-22.			
December 21, 2022	Stipulation Filed			
	Romano, Karen Mascio	Department of Revenue	Respondent	
	Butkovitz, Edward Thomas	POM of Pennsylvania, LLC	Petitioner	
	Dang, Miranda Lu	POM of Pennsylvania, LLC	Petitioner	
	Haverstick, Matthew Hermann	POM of Pennsylvania, LLC	Petitioner	
	Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC	Petitioner	
	Document Name: Counsel for Petitioner & Respondent, Com of PA, Dept. of Revenue.			
December 21, 2022	Stipulation Filed			
	Ford, Timothy James	City of Philadelphia	Respondent	
	Bray, Kristin Kathryn	City of Philadelphia	Respondent	
	DeSiderato, Jerry Robert	City of Philadelphia	Respondent	
	Rullo, Michael Joseph	City of Philadelphia	Respondent	
	Document Name: Resp. The City of Philadelphia's Response to the Court's November 21, 2022 order.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 21, 2022	Stipulation Filed Brier, Daniel Thomas Butkovitz, Edward Thomas Dang, Miranda Lu Haverstick, Matthew Hermann Walsh, Donna Ann	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner Petitioner Petitioner	
	Document Name: Discovery Stipulation Pursuant to November 21, 2022 Order.			
January 9, 2023	Application for Relief Ford, Timothy James	City of Philadelphia	Respondent	
	Document Name: Uncontested Application for Extension of Merits Discovery Deadline			
January 10, 2023	Order Granting Application for Relief McCullough, Patricia A.			01/10/2023
	Document Name: Deadline Extension Granted			
	Comment: AND NOW, this 10th day of January, 2023, upon consideration of Respondents' Uncontested Application for Relief for an Extension of Merits Discovery Deadline, the application is hereby GRANTED. The deadlines provided within the June 15, 2022 Order of Court as they relate to the above captioned matter (418 M.D. 2018) are hereby modified as follows: 1. Fact discovery shall be completed no later than April 20, 2023. 2. All parties shall exchange expert reports by May 22, 2023. 3. Rebuttal expert reports, if any, shall be exchanged by June 19, 2023. 4. The parties shall praecipe for a status conference on or after June 30, 2023. The Court will issue an Order regarding any remaining deadlines and direct the parties on how the case will proceed following the status conference.			
February 2, 2023	Praecipe for Discontinuance Dang, Miranda Lu	POM of Pennsylvania, LLC	Petitioner	
February 7, 2023	Discontinued Dang, Miranda Lu	POM of Pennsylvania, LLC	Petitioner	02/07/2023
February 7, 2023	Notice of Discontinuance Kimmel, Michael			
February 16, 2023	Application for Relief Ford, Timothy James	City of Philadelphia	Respondent	
	Document Name: Application to Strike Discontinuance			
March 2, 2023	Answer to Application for Relief Haverstick, Matthew Hermann Butkovitz, Edward Thomas Dang, Miranda Lu Vance, Shohin Hadizadeh	POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC POM of Pennsylvania, LLC	Petitioner Petitioner Petitioner Petitioner	
	Document Name: POM of PA LLC's Answer to Appl. for Relief in the nature of a Pet. to Strike off Discontinuance.			
March 6, 2023	Notice of Appeal to PA Supreme Court Filed Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: 10 EAP 2023			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 6, 2023	Filed - Other Romano, Karen Mascio	Department of Revenue	Respondent	
	Document Name: 10 EAP 2023-Jurisdictional Statement.			
March 7, 2023	Order Denying Application for Relief McCullough, Patricia A.			03/07/2023
	Document Name: App. to Strike Disco is denied.			
	<p>Comment: AND NOW, this 7th day of March, 2023, upon consideration of Respondent City of Philadelphia's (City) Application for Relief in the Nature of a Petition to Strike Off Discontinuance (Application), and upon further consideration of Petitioner POM of Pennsylvania, LLC's (POM) Answer thereto, Respondent Commonwealth of Pennsylvania, Department of Revenue having neither joined in nor opposed the Application, the Court finds, concludes, and orders as follows.</p> <p>Under Pennsylvania Rule of Civil Procedure 229(c), "[t]he court, upon petition and after notice, may strike off a discontinuance in order to protect the rights of any party from unreasonable inconvenience, vexation, harassment, expense, or prejudice." Pa. R.Civ.P.229(c). "In determining whether to strike a discontinuance, the trial court must consider all facts and weigh equities. Further, the trial court must consider the benefits or injuries which may result to the respective sides if a discontinuance is granted." Pohl v. NGK Metals Corporation, 936 A.2d 43, 47 (Pa. Super. 2007) (quoting Foti v. Askinas, 639 A.2d 807, 808 (1994)), appeal denied, 952 A.2d 678 (2008).</p> <p>Although this case has been pending for over four and one-half years, the Court nevertheless finds that the City's participation has not been so extensive and resource-consuming that it would be unreasonably or unduly prejudicial or inconvenient not to strike POM's discontinuance. Further, to the extent that the City has acted or declined to act in reliance upon the pendency of this case, the Court does not find that such reliance has placed the City in any worse position than it enjoyed when the litigation commenced; rather, it re-establishes the status quo and relieves the City of ongoing discovery and filing obligations. Finally, the vigorously-litigated parallel case at No. 503 M.D. 2018 involves the same material legal and factual issues as those involved in this case. The Court thus finds that the City's interests adequately will be represented in that case and that the likelihood of the re-filing of this case is minute.</p> <p>NOW THEREFORE, based on these findings and conclusions, it hereby is ORDERED that the City's Application is DENIED.</p>			
March 9, 2023	Notice of Appeal to PA Supreme Court Filed Cook, Stephen S.	Pennsylvania Gaming Control Board Possible Intervenor		
	Document Name: 11 EAP 2023			
March 9, 2023	Filed - Other Cook, Stephen S.	Pennsylvania Gaming Control Board Possible Intervenor		
	Document Name: 11 EAP 2023-Jurisdictional Statement.			
March 17, 2023	Praecipe for Withdrawal of Appearance McDonald, Michael R. McDonald, Michael R.	Greenwood Gaming and Entertainment Possible Intervenor Greenwood Gaming and Entertainment Possible Intervenor		
	Document Name: Atty. McDonald for Proposed Intervenor			

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Journal Number: 35-05-2019
 Consideration Type: En Banc Argument
 Listed/Submitted Date: May 8, 2019

Panel Composition:

The Honorable Mary Hannah Leavitt	President Judge
The Honorable Renee Cohn Jubelirer	Judge
The Honorable Robert E. Simpson	Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Anne E. Covey	Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Christine Fizzano Cannon	Judge

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Dang, Miranda Lu
Category:	Disposed Before Decision	Disposition Date:	February 7, 2023
Disposition:	Discontinued	Filing Author:	
Dispositional Filing:			
Filed Date:			

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:	April 1, 2019
Disposition:	
Disposition Date:	
Record Remittal:	
Filed Date:	April 1, 2019
Disposition:	
Disposition Date:	
Record Remittal:	
Filed Date:	April 1, 2019
Disposition:	
Disposition Date:	
Record Remittal:	
Filed Date:	April 1, 2019
Disposition:	
Disposition Date:	
Record Remittal:	
Filed Date:	April 1, 2019
Disposition:	
Disposition Date:	
Record Remittal:	

PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE

It is hereby certified by the undersigned 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.

Respectfully submitted,

LAMB McERLANE PC

Date: March 20, 2023

By: /s/ Joel L. Frank
Joel L. Frank
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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

POM of Pennsylvania, LLC,	:	418 MD 2018
Petitioner	:	
	:	
v.	:	
Commonwealth of Pennsylvania,	:	
Department of Revenue, and City	:	
of Philadelphia,	:	
Respondents	:	

PROOF OF SERVICE

I hereby certify that this 20th day of March, 2023, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service

Served: Daniel Thomas Brier
Service Method: eService
Email: dbrier@mbklaw.com
Service Date: 3/20/2023
Address: 425 Spruce Street
Scranton, PA 18503
Phone: 570--34-2-6100
Representing: Petitioner POM of Pennsylvania, LLC

Served: Donna Ann Walsh
Service Method: eService
Email: dwalsh@mbklaw.com
Service Date: 3/20/2023
Address: 425 Spruce Street, Suite 200
P.O. Box 551
Scranton, PA 18501
Phone: (57-0) -342-6100
Representing: Petitioner POM of Pennsylvania, LLC

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Edward Thomas Butkovitz
Service Method: eService
Email: ebutkovitz@kleinbard.com
Service Date: 3/20/2023
Address: Three Logan Square
1717 Arch Street, 5th Floor
Philadelphia, PA 19103
Phone: 215-568-2000
Representing: Petitioner POM of Pennsylvania, LLC

Served: Eric Joseph Schreiner
Service Method: eService
Email: eschreiner@kleinbard.com
Service Date: 3/20/2023
Address: Three Logan Square
1717 Arch Street, 5th Floor
Philadelphia, PA 19103
Phone: 251--49-6-7217
Representing: Petitioner POM of Pennsylvania, LLC

Served: Jason Robert Greenspon
Service Method: eService
Email: jason.greenspon@phila.gov
Service Date: 3/20/2023
Address: 1515 Arch St
Philadelphia, PA 19102
Phone: 215-260-4001
Representing: Respondent City of Philadelphia

Served: Jerry Robert DeSiderato
Service Method: eService
Email: jdesiderato@dilworthlaw.com
Service Date: 3/20/2023
Address: Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
Phone: 215-575-7000
Representing: Respondent City of Philadelphia

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Karen Mascio Romano
Service Method: eService
Email: kromano@attorneygeneral.gov
Service Date: 3/20/2023
Address: PA Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120
Phone: 717- 78-7-2717
Representing: Respondent Department of Revenue

Served: Kristin Kathryn Bray
Service Method: eService
Email: kristin.bray@phila.gov
Service Date: 3/20/2023
Address: 429 Wellesley Road
Philadelphia, PA 19119
Phone: 215-802-7728
Representing: Respondent City of Philadelphia

Served: Matthew Hermann Haverstick
Service Method: eService
Email: mhaverstick@kleinbard.com
Service Date: 3/20/2023
Address: Three Logan Square, 5th Floor
1717 Arch Street
Philadelphia, PA 19103
Phone: 215-568-2000
Representing: Petitioner POM of Pennsylvania, LLC

Served: Michael Joseph Rullo
Service Method: eService
Email: Michael.Rullo@phila.gov
Service Date: 3/20/2023
Address: 1515 Arch Street
15th Floor
Philadelphia, PA 19102
Phone: 484-883-3309
Representing: Respondent City of Philadelphia

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Miranda Lu Dang
Service Method: eService
Email: mdang@kleinbard.com
Service Date: 3/20/2023
Address: 1717 Arch Street
5th Floor
Philadelphia, PA 19103
Phone: 215-568-2000
Representing: Petitioner POM of Pennsylvania, LLC

Served: Nicole Jeanne Boland
Service Method: eService
Email: nboland@pa.gov
Service Date: 3/20/2023
Address: PA State Police
1800 Elmerton Avenue
Harrisburg, PA 17110
Phone: 717-783-5568
Representing: Respondent Department of Revenue

Served: Paul Gerard Gagne
Service Method: eService
Email: pgagne@kleinbard.com
Service Date: 3/20/2023
Address: Three Logan Square
1717 Arch Street, 5th Floor
Philadelphia, PA 19103
Phone: 215--56-8-2000
Representing: Petitioner POM of Pennsylvania, LLC

Served: Shohin Hadizadeh Vance
Service Method: eService
Email: svance@kleinbard.com
Service Date: 3/20/2023
Address: Three Logan Square
1717 Arch Street, 5th Floor
Philadelphia, PA 19103
Phone: 267-443-4142
Representing: Petitioner POM of Pennsylvania, LLC

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Timothy James Ford
Service Method: eService
Email: tford@dilworthlaw.com
Service Date: 3/20/2023
Address: Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, PA 19102
Phone: 215-575-7017
Representing: Respondent City of Philadelphia

Courtesy Copy

Served: Chad Westcott Zimmermann
Service Method: eService
Email: cwzimmerma@pa.gov
Service Date: 3/20/2023
Address: 303 Walnut Street
5th Floor
Harrisburg, PA 17101
Phone: 717-265-8356
Representing: Possible Intervenor Pennsylvania Gaming Control Board

Served: Stephen S. Cook
Service Method: eService
Email: stcook@pa.gov
Service Date: 3/20/2023
Address: 303 Walnut Street
Harrisburg, PA 17101
Phone: 717-346-8300
Representing: Possible Intervenor Pennsylvania Gaming Control Board

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

/s/ Joel L. Frank

(Signature of Person Serving)

Person Serving: Frank, Joel L.

Attorney Registration No: 046601

Law Firm:

Address: 3405 West Chester Pike
Newtown Square, PA 19073

Representing: Possible Intervenor Chester Downs and Marina, LLC
Possible Intervenor Downs Racing, L.P.
Possible Intervenor Greenwood Gaming and Entertainment et al.
Possible Intervenor Greenwood Gaming and Entertainment et al.
Possible Intervenor Mountainview Thoroughbred Racing Association, LLC
Possible Intervenor Washington Trotting Association, LLC
Possible Intervenor Wind Creek Bethlehem, LLC