

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

WILLIAM PENN SCHOOL DISTRICT, <i>et al.</i> ,	:	
	:	
Petitioners,	:	
	:	
v.	:	Docket No. 587 M.D. 2014
	:	
PENNSYLVANIA DEPARTMENT OF	:	
EDUCATION, <i>et al.</i> ,	:	
	:	
Respondents.	:	

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**ANSWER TO PETITIONERS’ APPLICATION FOR RELIEF**

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Pursuant to Pennsylvania Rule of Appellate Procedure 123, Respondent Joseph B. Scarnati, III, President *pro tempore* of the Pennsylvania Senate, submits this answer to the Application to Schedule Status Conference and Set Schedule for Discovery and Trial (“Application”) that Petitioners filed in this matter on September 7, 2018.

1. In the Application, Petitioners ask the Court to hold a status conference to set a discovery and trial schedule for this case.
2. Senator Scarnati agrees that the Court should hold a status conference with counsel.<sup>1</sup>

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<sup>1</sup> That said, he denies any implication that the General Assembly caused any “resource deficiencies in school districts across the Commonwealth[.]” *See* Application at ¶ 7.

3. Senator Scarnati believes that the Court should schedule the status conference for October 26, 2018 or afterwards.

4. In this regard, on May 7, 2018, the Court overruled, without prejudice, certain preliminary objections that Respondents had filed. It issued an Order that permitted the parties to conduct discovery regarding the nature of the constitutional rights at issue and the corresponding level of judicial scrutiny to be applied.

5. The Court directed the parties to complete this discovery within 120 days after the date of the Order (*i.e.*, by September 5, 2018) and authorized any party to file a motion for summary relief within 30 days after the end of the discovery period (*i.e.*, by October 5, 2018).

6. In addition, on August 20, 2018, the Court overruled, without prejudice, Senator Scarnati's Application for Relief in the Nature of a Motion to Dismiss for Mootness and ordered Respondents to file answers to the Petition for Review within 30 days.

7. Senator Scarnati filed his answer and new matter on September 19, 2018. Speaker of the House Michael C. Turzai and the Executive Respondents did the same. The State Board of Education filed its answer and new matter on September 20, 2018.

8. Petitioners therefore have 30 days (*i.e.*, until October 19, 2018) to file a reply or preliminary objections to the new matter that Respondents filed.

9. As a result, by October 26, 2018, the parties and Court will know whether there will be a need to schedule briefing on or otherwise address (i) any motion for summary relief that any party files under the May 7, 2018 Order, (ii) any preliminary objections that Petitioners file, and (iii) any application in the nature of a motion for judgment on the pleadings that any party files or intends to file.

10. The parties and Court, moreover, will be positioned to discuss discovery with a full understanding of the claims and defenses in this matter and how those claims and defenses (and therefore discovery) might be narrowed through motions or pleading practice.

11. Despite the fact that the Petition for Review was filed in 2014, this matter is still at a relatively early stage, given its procedural history. Senator Scarnati therefore believes that it is premature to schedule a trial at this time.

12. Senator Scarnati believes that, after the discovery period closes and the Court decides any corresponding motions for summary relief that the parties file, it should hold a pre-trial conference to set a schedule for taking any issues that remain in the case through trial.

### **RELIEF SOUGHT**

WHEREFORE, for the reasons stated above, Senator Scarnati requests that the Court schedule a status conference for October 26, 2018 or afterwards.

September 21, 2018

Respectfully submitted,

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## CERTIFICATE OF SERVICE

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