

IN THE COURT OF COMMON PLEAS OF THE 12TH JUDICIAL DISTRICT
DAUPHIN COUNTY, PENNSYLVANIA

U.S. Law Shield of Pennsylvania,	:	2015-cv-255
Ex rel. Todd Hoover; and John Bruno,	:	
Plaintiffs	:	Civil Action – Equity
v.	:	
City of Harrisburg; Mayor Eric Papenfuse;	:	Jury Trial Demanded
Wanda Williams, Sandra Reid,	:	
Brad Koplinski, Ben Alatt, Jeff Baltimore,	:	
Susan Wilson, Shamaine Daniels,	:	
Harrisburg City Council Members; and	:	
Chief of Police Thomas Carter,	:	
Defendants	:	

Order

This Honorable Court grants reconsideration of its prior order granting in part and denying in part Plaintiffs' motion for a preliminary injunction.

By the Court:

Dated: March 2_, 2015

Distribution:

Justin J. McShane, Esquire (justin@themcshanefirm.com)
Michael Antonio Giamrita, Jr., Esquire (mgiamrita@themcshanefirm.com)
The McShane Firm, LLC, 3601 Vartan Way, 2nd Floor, Harrisburg, PA 17110
(717) 657-3900 (phone); (717) 657-2060 (fax)

Frank J. Lavery, Esquire (flavery@laverylaw.com)
Joshua M. Autry, Esquire (jautry@laverylaw.com)
225 Market Street, Suite 304, P.O. Box 1245, Harrisburg, PA 17108-1245
(717) 233-6633 (phone); (717) 233-7003 (fax)

Frank J. Lavery, Esquire
Pennsylvania Bar No. 42370
Joshua M. Autry, Esquire
Pennsylvania Bar No. 208459
225 Market Street, Suite 304
P.O. Box 1245, Harrisburg, PA 17108-1245
(717) 233-6633 (phone)
(717) 233-7003 (fax)
flavery@laverylaw.com
jautry@laverylaw.com
Attorneys for Defendants

2015 MAR 26 PM 3:52
CLERK OF COURT
DAUPHIN COUNTY
PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF THE 12TH JUDICIAL DISTRICT
DAUPHIN COUNTY, PENNSYLVANIA

U.S. Law Shield of Pennsylvania,	: 2015-cv-255
Ex rel. Todd Hoover; and John Bruno,	:
Plaintiffs	: Civil Action – Equity
v.	:
City of Harrisburg; Mayor Eric Papenfuse;	: Jury Trial Demanded
Wanda Williams, Sandra Reid,	:
Brad Koplinski, Ben Alatt, Jeff Baltimore,	:
Susan Wilson, Shamaine Daniels,	:
Harrisburg City Council Members; and	:
Chief of Police Thomas Carter,	:
Defendants	:

Emergency Motion-
Defendants' Motion for Reconsideration

All Defendants ask this Court for reconsideration:

1. First, this Court indicated in Chambers on March 6th that Defendants' post-hearing brief may not have reached Chambers before this Court ruled on the preliminary injunction. Defendants believe that the arguments therein would aid this Court's consideration.

2. Second, the *FOAC* case Plaintiffs indicated in Chambers on March 17th that they intend to intervene in this case. Harrisburg currently must litigate against the *FOAC* Plaintiffs in two forums, and intervention by them in this case would force Defendants to litigate against the *FOAC* Plaintiffs on three separate dockets.

3. This Court can grant reconsideration up to the conclusion of the 30 day deadline to appeal, which is tomorrow, Friday, March 27th. Pa.R.A.P. 1701(b)(3).

4. If this Court grants reconsideration today or tomorrow, then such action will render the notice of appeal (simultaneously filed) “inoperative” and this Court will retain jurisdiction.

5. Defendants file this motion as an emergency motion under the Local Rules due to the impending deadline to file an appeal: tomorrow, Friday, March 27th.

6. Defendants apologize for the delay in bringing this motion. Defendants have been collecting documentation that Harrisburg’s parks receive funding from the Department of Conservation and Natural Resources, which generally bans firearms in parks, 17 Pa.Code §11.215, and the conservation grant funding comes with a perpetual legal duty to comply with DCNR regulations. However, Defendants have been unable to compile all of this information within the 30 day window to appeal. *See* Pa. R.A.P. 311(a)(4); Pa. R.A.P. 903(a); *City of Philadelphia v. Frempong*, 865 A.2d 314, 316 (Pa. Commw. 2005).

7. Defendants do not believe that oral argument or an evidentiary hearing are necessary, but defer to this Court as to whether this Court would like testimony or oral argument on the matter.

8. Discovery is not necessary for the resolution of this motion.

9. Defendants have e-mailed the text of the motions to Plaintiffs' counsel today, and Plaintiffs' counsel indicated that Plaintiffs oppose this motion.

For these reasons, Defendants respectfully request this Honorable Court reconsider the partial grant of a preliminary injunction.

Respectfully submitted,

Lavery Law



Frank J. Lavery, Esquire
Pennsylvania Bar No. 42370
Joshua M. Autry, Esquire
Pennsylvania Bar No. 208459
225 Market Street, Suite 304
P.O. Box 1245, Harrisburg, PA 17108-1245
(717) 233-6633 (phone)
(717) 233-7003 (fax)
flavery@laverylaw.com
jautry@laverylaw.com
Attorneys for Defendants

Dated: March 26, 2015

Certification of Counsel

Defendants have e-mailed the text of the motions to Plaintiffs' counsel today, and Plaintiffs' counsel indicated that Plaintiffs oppose this motion. Defendants file this motion as an emergency motion under the Local Rules due to the impending deadline to file an appeal: tomorrow, Friday, March 27th. Defendants apologize for the delay in bringing this motion. Defendants have been collecting documentation that Harrisburg's parks receive funding from the Department of Conservation and Natural Resources, which generally bans firearms in parks, 17 Pa.Code §11.215, and the conservation grant funding comes with a perpetual legal duty to comply with DCNR regulations. However, Defendants have been unable to compile all of this information within the 30 day window to appeal.

Lavery Law



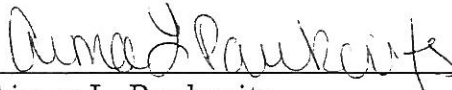
Frank J. Lavery, Esquire
Pennsylvania Bar No. 42370
Joshua M. Autry, Esquire
Pennsylvania Bar No. 208459
225 Market Street, Suite 304
P.O. Box 1245, Harrisburg, PA 17108-1245
(717) 233-6633 (phone)
(717) 233-7003 (fax)
flavery@laverylaw.com
jautry@laverylaw.com
Attorneys for Defendants

Dated: March 26, 2015

Certificate of Service

I certify that on this date, I served a true and correct copy of this filing via
U.S. First Class mail, postage prepaid, and by e-mail addressed as follows:

Justin J. McShane, Esquire
Michael Antonio Giaramita, Jr., Esquire
The McShane Firm, LLC
3601 Vartan Way, 2nd Floor
Harrisburg, PA 17110
justin@themcshanefirm.com
mgiaramita@themcshanefirm.com


Aimee L. Paukovits
Legal Secretary to Frank J. Lavery, Esquire

Dated: March 26, 2015