

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

: 2015-cv-255

U.S. Law Shield of Pennsylvania,
Ex rel. Todd Hoover; and John Bruno,

Plaintiffs

: Civil Action – Equity

v.

City of Harrisburg; Mayor Eric Papenfuse;

Wanda Williams, Sandra Reid,

Brad Kopinski, Ben Alatt, Jeff Baltimore,

Susan Wilson, Shamaire Daniels,

Harrisburg City Council Members; and

Chief of Police Thomas Carter,

Defendants

Order

IT IS HEREBY ORDERED that Defendants' Preliminary Objections are
Denied. This order involves a controlling question of law as to which there is
substantial ground for difference of opinion, and an immediate appeal from the
order may materially advance the ultimate termination of the matter

By the Court:

Judge Andrew H. Dowling

Dated: June __, 2015

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1. The order denying preliminary objections is a non-final order that can only be immediately appealed by permission.
2. The Court can amend the order to add language that "such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the matter." 42 Pa.C.S. § 702(b).
3. Harrisburg respectfully request that this Court do so.

Motion to Certify Order for Appeal

U.S. Law Shield of Pennsylvania,
 Ex rel. Todd Hoover; and John Bruno,
 Plaintiffs
 v.
 City of Harrisburg; Mayor Eric Papenfuse;
 Wanda Williams, Sandra Reid,
 Brad Kopinski, Ben Alatt, Jeff Baltimore,
 Susan Wilson, Shemaine Daniels,
 Harrisburg City Council Members; and
 Chief of Police Thomas Carter,
 Defendants

: 2015-cv-255

: Civil Action – Equity

: Judge Andrew H. Dowling

: Jury Trial Demanded

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

Attorneys for Defendants

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4. The preliminary objections involves several controlling questions of law:

1) whether Plaintiffs have traditional standing, 2) whether Act 192 violates the

Pennsylvania Constitution, 3) whether the Uniform Firearms Act preempts

Harrisburg's ordinances, and 4) whether the Third Class City Code authorizes those

ordinances.

5. On each question, there is a substantial ground for Harrisburg's position.

6. Resolution of these issues would materially advance this litigation.

7. In addition, an immediate appeal avoids successive appeals as

Harrisburg has already appealed the preliminary injunction, and the Commonwealth

Court's review of that appeal will overlap with the preliminary objections.

8. Defendant respectfully requests that this Court certify the Order for

appeal.

9. This motion is deemed denied if the Court does not rule within 30 days.

Pa.R.A.P. 1311(b).

10. 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.

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

12. Defendants have emailed the text of the motion to Plaintiffs' counsel,

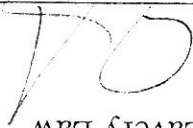
and Plaintiffs' counsel indicated that they oppose this motion.

For these reasons, Harrisburg respectfully requests that this Court certify

the order denying preliminary objections for immediate appeal.

Respectfully submitted,

Lavery Law



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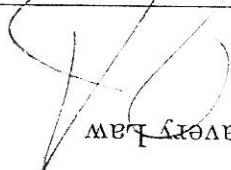
Attorneys for Defendants

Dated: June 5, 2015

Certification of Counsel

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

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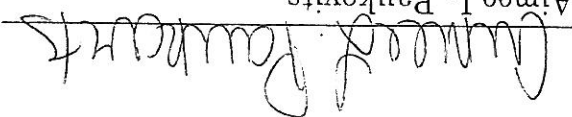
Dated: June 5, 2015

Certificate of Service

I certify that on this date, I served a true and correct copy of this filing by

U.S. First Class mail, postage prepaid, and by e-mail addressed as follows:

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Aimee L. Paukovits
Legal Secretary to Frank J. Lavery, Esquire
Dated: June 5, 2015