

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

No. 104 MM 2020

**THE HONORABLE TOM WOLF, GOVERNOR OF THE
COMMONWEALTH OF PENNSYLVANIA,**

Petitioner

vs.

**SENATOR JOSEPH B. SCARNATI, III, SENATOR JAKE CORMAN,
AND SENATE REPUBLICAN CAUCUS,**

Respondents

**APPLICATION OF SEIU HEALTHCARE PENNSYLVANIA FOR LEAVE
TO PARTICIPATE AS AMICUS CURIAE**

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Date: June 17, 2020

Comes now, SEIU Healthcare Pennsylvania, by and through the undersigned attorneys, and seeks leave from this Court, pursuant to Pa. R.A.P. 531(b)(1)(iii) to participate as Amicus Curiae in the above-captioned matter, and in support thereof sets forth as follows:

1. SEIU Healthcare Pennsylvania is a labor organization that represents nearly 45,000 nurses and other healthcare workers employed in hospitals, skilled nursing facilities, home and community-based programs and state facilities in the Commonwealth of Pennsylvania.

2. As frontline workers staffing hospitals, nursing homes and home and community-based programs, members of SEIU Healthcare Pennsylvania are particularly at risk from COVID-19. They are also concerned about the well-being of patients and residents they treat.

3. SEIU Healthcare Pennsylvania has a vital interest in the efforts of Governor Wolf to address this pandemic in order to minimize its transmission. Specifically, SEIU Healthcare Pennsylvania supports the steps taken by Governor Wolf in his Disaster Declaration of March 6, 2020 and the subsequent Executive Orders pursuant to that Declaration.

4. On or about June 10, 2020, Respondents, Senator Scarnati, III, *et al.*, in the above-captioned matter filed a Petition for Review in the Commonwealth

Court seeking to mandate the Governor to issue an Executive Order proclaiming the end of the COVID-19 disaster emergency in Pennsylvania.

5. On or about June 12, 2020, Petitioner Governor Wolf filed an Application with this Honorable Court to exercise jurisdiction pursuant to its King's Bench Powers and/or Powers to Grant Extraordinary Relief.

6. On June 15, 2020, the Office of the Prothonotary of this Court issued a letter requiring Respondents, Senator Scarnati, *et al.*, to file a response to the Governor's Application by noon on Wednesday, June 17, 2020.

7. SEIU Healthcare Pennsylvania wishes to participate in this matter as amicus curiae in order to inform this Court of the need to maintain the Governor's Proclamation of Emergency Disaster from its unique perspective as an organization representing thousands of healthcare workers in Pennsylvania.

8. SEIU Healthcare Pennsylvania does not intend to duplicate the legal arguments made by Governor Wolf in his Application, although it supports those arguments.

9. The members of SEIU Healthcare Pennsylvania are among the most exposed to COVID-19 infection through their work and are also especially needed to remain healthy during the duration of this pandemic in order to serve the needs of their patients and residents. They are at risk of losing their lives due to COVID-19, not just their livelihoods. They need this public health emergency to be

effectively managed and, based upon their experience, believe that the Governor's Disaster Declaration remains the means to do so.

10. It is important for the Court to hear from SEIU Healthcare Pennsylvania to learn of the harm that will result to its members, and the residents of Pennsylvania whom they serve, if the Disaster Declaration is prematurely terminated.

11. SEIU Healthcare Pennsylvania can provide important arguments how the Disaster Declaration, and the unique executive action that can be taken pursuant to that Declaration, protects the lives of Pennsylvanians and the healthcare workers who provide critical services to them during this pandemic.

12. For the foregoing reasons, the Court should grant SEIU Healthcare Pennsylvania leave to file an amicus brief in support of Governor Wolf's Application.

13. In order to be timely, SEIU Healthcare Pennsylvania has herewith filed the attached Amicus Brief (See Exhibit A).

WHEREFORE, it is respectfully requested that this Court grant SEIU Healthcare Pennsylvania leave to participate as Amicus Curiae on the issues presented by the Governor's Application.

Respectfully submitted,

WILLIG, WILLIAMS & DAVIDSON



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