

EXHIBIT A

Statement of Petitioner
Blueberry Hill Public Golf Course & Lounge

1. Petitioner owns and operates a seasonal public golf facility which includes a golf course, restaurant and lounge.
2. Petitioner is located in northwest Pennsylvania and due to weather constraints Petitioner's facility operates in spring, summer and fall, for a total of approximately thirty (30) weeks per year. The Petitioner opened its facility March 15, 2020.
3. Petitioner is on the non-life-sustaining list and was ordered by Governor Wolf to close its facility.
4. Petitioner closed its facility on March 19, 2020, the closure date ordered by Governor Wolf.
5. Following the issuance of the closure order by Governor Wolf, Petitioner has been unable to generate revenue from its facility including the inability to do the following:
 - a. Charge fees (greens fees) for the use of its golf course.
 - b. Charge fees for the use of its golf carts and golf range.
 - c. Sell beverages and food (either eat-in or take-out).
 - d. Sell golf equipment.
6. In addition to the general harm caused by the Petitioner's inability to generate revenue, the Petitioner has been harmed in the following additional ways:
 - a. Petitioner cannot simply close its facility; instead it must still expend significant sums to maintain its golf course, including mowing fairways and greens so that the grass thereon remains under control and is not ruined for future golf activities. However, Petitioner has been denied the opportunity to make use of its golf course to derive the income necessary to pay for the maintenance operations.
 - b. Spring is the time of year when certain season-dependent maintenance, such as fertilization and pest control, should be performed. Such work is dependent upon the season, and when the season passes, the opportunity for the useful performance of the work is lost. However, without the ability to host customers at the golf course the Petitioner is without funds to purchase the maintenance supplies and to perform the season-dependent maintenance.
 - c. Spring is the time of year when winter storm damage, such as fallen trees, eroded pathway and roads, and eroded sand traps are repaired in order to make the golf course ready for

play. At the time the Governor's closure order went into effect Blueberry had already incurred expenses for such repairs.

d. Prior to learning of the Governor's closure order Petitioner made contracts to purchase new or replacement equipment for the 2020 golf season and requires the equipment in order to perform some of the maintenance cited above. However, without revenue from customers, the Petitioner does not have sufficient funds to honor the purchase agreements and Petitioner is left without the equipment required to perform necessary operations.

e. On January 1, 2020 Petitioner began accepting golf course membership fees for the 2020 season, which fees apply to various memberships, including course memberships (entitling members to golf course access), range memberships (entitling members to golf range access) and cart memberships (entitling members to golf cart usage). Petitioner utilized the membership fees to pay for operating expenses for the 2020 golf season. As a result of the closure ordered by Governor Wolf, the Petitioner is unable to offer the course, range and cart services for which Petitioner's members paid, thereby putting Petitioner in breach of the duties it owes its members. Petitioner is without ability to refund all or a portion of the membership fees.

7. The harm suffered by the Petitioner is irreparable for the following reasons:

- a. The time of closure cannot be recaptured and the revenues that Petitioner would have generated during the time of closure cannot be duplicated or replaced by any action within the power of Petitioner. Based upon the past five years' data the Petitioner would have reasonably expected to generate gross revenues of approximately sixty-six thousand dollars (\$66,000.00) between the date of closure (March 19, 2020) and the date of the preparation of this document April 22, 2019). Petitioners' revenues increase significantly with the improvement of weather and the Petitioner would reasonably expect to generate significantly greater revenues in the succeeding months of its 2020 season, but for the closure ordered by Governor Wolf.
- b. A significant portion of the Petitioner's golf course, restaurant and lounge revenue is generated in association with golf tournaments conducted at Petitioner's facility. The golf tournaments occur on weekends beginning in the month of May, they are booked far in advance, and rescheduling tournaments is generally impossible, especially if the tournament is a "large" tournament requiring the "blocking-out" of Petitioner's entire facility for the majority of the day. Tournaments are generally organized by non-profit entities for the purpose of fund-raising; a significant component of nearly all tournaments is the securing of tournament sponsors. Given the existence of the closure order by Governor Wolf tournament organizers have reported to Blueberry their unwillingness to attempt, or their inability to obtain, tournament sponsors. Consequently, tournament organizers have begun to cancel tournaments scheduled at Petitioner's facility including a "large" tournament scheduled for May 2020 that will not be rescheduled.

- c. A significant number of the annual golf course, golf cart and golf range memberships sold by Petitioner are purchased by customers, who primarily (or exclusively), play in the weekly golf-league events conducted at Petitioner's facility. Many of those golf-league players purchase the annual memberships as a result of the fact that, when all of the weekly league events are accounted for, the annual membership fees are less expensive than payment of weekly fees. League play at Petitioner's facility was scheduled to begin in mid-April 2020. As a result of the closure ordered by Governor Wolf the number of weekly league events in 2020 will necessarily be reduced thereby reducing the value of annual memberships to those weekly golf-league players who normally purchase annual memberships. As a result of those dynamics Petitioner's sale of annual memberships is significantly reduced in comparison with previous years.
- d. The Petitioner is licensed to purchase and serve liquor at its facility pursuant to a license issued by the Commonwealth of Pennsylvania. The Commonwealth of Pennsylvania requires that the license be renewed annually at a cost of one-thousand two hundred eighty dollars (\$1,280.00). Petitioner duly renewed its liquor license for the 2020 season by submitting the required documents and paying the required fee. However, the Petitioner will be unable to enjoy the benefits of the usage of such license due to the closure ordered by Governor Wolf.
- e. Petitioner is indebted pursuant to several promissory notes, including a mortgage obligation to Northwest Savings Bank, an obligation related to golf cart purchases, and other obligations related to other purchases and debts incurred during the course of business. Without revenue generated by various components of Petitioner's facility the Petitioner is unable to continue the payments required under said promissory notes.
- f. Blueberry's short operating season of thirty weeks requires Blueberry to accumulate funds for the coming twenty-two week off season. The Governor's closure order prevents Blueberry from accumulating those necessary funds and Blueberry is without the ability to borrow more funds or to obtain the funds necessary to sustain the off season.

EXHIBIT B

IN THE SUPREME COURT OF PENNSYLVANIA

FRIENDS OF DANNY DEVITO	:
GREGORY, B&J LAUNDRY, LLC	: No. 68 MM 2020
BLUEBERRY HILL PUBLIC GOLF	:
COURSE & LOUNGE, and	: APPLICATION TO STAY
CALEDONIA LAND COMPANY,	:
Petitioners	:
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	:
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	:
v.	:
	:
	:
TOM WOLF, GOVERNOR	:
AND RACHEL LEVINE,	:
SECRETARY OF PA.	:
DEPARTMENT OF	:
HEALTH,	:
	:
	:
Respondents	:

APPLICATION TO STAY THE ENFORCEMENT OF
GOVERNOR WOLF’S EXECUTIVE ORDER DATED MARCH 19, 2020
PENDING THE FILING AND DISPOSITION
BY THE UNITED STATES SUPREME COURT OF
PETITIONERS’ PETITION FOR WRIT OF CERTIORARI

COME NOW Petitioners, pursuant to Rule 3309 of the Pennsylvania Rules of Appellate Procedure, and respectfully represent:

1. Petitioners are Friends of Danny DeVito, Kathy Gregory, B&J LAUNDRY, LLC, Blueberry Hill Public Golf Course & Lounge, and Caledonia Land Company.

2. Respondents are The Honorable Tom Wolf, Governor of the Commonwealth of Pennsylvania, and Dr. Rachel Levine, Secretary of the Department of Health of the Commonwealth of Pennsylvania.

3. On Thursday, March 19, 2020, in response to the viral illness, COVID-19, Pennsylvania Governor Thomas W. Wolf issued an order compelling the closure of the physical operations of all businesses and entities that he deemed to be non-life-sustaining (hereinafter the “Executive Order”).

4. On March 24, 2020, Petitioners filed an Emergency Application for Extraordinary Relief in this Court asking it to vacate the Executive Order.

5. On April 13, 2020, this Court entered an Order denying all claims brought by the Petitioners.

6. Petitioners intend to file a Petition for Writ of Certiorari in the United States Supreme Court asking that court to review this Court’s April 13, 2020 Order.

7. The Executive Order has and is continuing to cause irreparable harm to the Petitioners and all those businesses and entities in the same non-life-sustaining classification of the Executive Order.

8. Petitioners request this Court issue an order to stay the enforcement of the Executive Order pending the filing and disposition by the United States Supreme Court of Petitioners’ Petition for Writ of Certiorari.

9. Petitioners shared this Application with counsel for the Respondents.

10. Respondents do not concur in the request.

WHEREFORE, Petitioners pray this Honorable Court issue an order staying the enforcement of the Executive Order pending the filing and disposition by the United States Supreme Court of Petitioners' Petition for Writ of Certiorari for review of this Court's Order dated April 13, 2020.

Respectfully submitted,


April 22, 2020

/s/ Marc A. Scaringi
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VERIFICATION

I, Danny DeVito, of Friends of Danny DeVito, hereby swear or affirm that the facts contained in the foregoing document are true and correct to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

4/22/2020
Date

A handwritten signature in black ink, appearing to read "Danny DeVito", written over a horizontal line.

Danny DeVito
Candidate,
Friends of Danny DeVito

IN THE SUPREME COURT OF PENNSYLVANIA

FRIENDS OF DANNY DEVITO, :
KATHY GREGORY, :
B&J LAUNDRY, LLC : No. 68 MM 2020
BLUEBERRY HILL PUBLIC GOLF :
COURSE & LOUNGE, and :
CALEDONIA LAND COMPANY, :
Petitioners : APPLICATION TO STAY
:
:
:
v. :
:
:
TOM WOLF, GOVERNOR :
AND RACHEL LEVINE, :
SECRETARY OF PA. :
DEPARTMENT OF :
HEALTH, :
Respondents :

CERTIFICATE OF SERVICE

I, Deborah A. Black, Paralegal for Scaringi Law, do hereby certify that I served a true and correct copy of the *Application to Stay The Enforcement of Governor Wolf's Executive Order dated March 19, 2020 Pending the Filing and Disposition by the United States Supreme Court of Petitioners' Petition for Writ of Certiorari*, in the above-captioned action, upon the following via PACfile System, to:

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Date: April 22, 2020

/s/ Deborah A. Black _____
Deborah A. Black, Paralegal
For Marc A. Scaringi, Esquire and
Brian C. Caffrey, Esquire

IN THE SUPREME COURT OF PENNSYLVANIA

FRIENDS OF DANNY DEVITO, :
KATHY GREGORY, :
B&J LAUNDRY, LLC : No. 68 MM 2020
BLUEBERRY HILL PUBLIC GOLF :
COURSE & LOUNGE, and :
CALEDONIA LAND COMPANY, :
Petitioners : APPLICATION TO STAY
:
:
v. :
:
TOM WOLF, GOVERNOR :
AND RACHEL LEVINE, :
SECRETARY OF PA. :
DEPARTMENT OF :
HEALTH, :
Respondents :

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Petitioners' Counsel

Signature: /s/ Marc A. Scaringi

Name: Marc A. Scaringi, Esquire

Attorney No. (if applicable): 88346

Date: April 22, 2020

EXHIBIT C

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

FRIENDS OF DANNY DEVITO, KATHY	:	No. 68 MM 2020
GREGORY, B&J LAUNDRY, LLC,	:	
BLUEBERRY HILL PUBLIC GOLF COURSE	:	
& LOUNGE, AND CALEDONIA LAND	:	
COMPANY,	:	
	:	
Petitioners	:	
	:	
v.	:	
	:	
TOM WOLF, GOVERNOR, AND RACHEL	:	
LEVINE, SECRETARY OF PA	:	
DEPARTMENT OF HEALTH,	:	
	:	
Respondents	:	

ORDER

PER CURIAM

AND NOW, this 24th day of April 2020, upon review and consideration of the “Application to Stay the Enforcement of Governor Wolf’s Executive Order Dated March 19, 2020 Pending the Filing and Disposition by the United States Supreme Court of Petitioners’ Petition for Writ of Certiorari,” said Application is hereby **DENIED**.