

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

5 EAP 2023

LARRY KRASNER, in his official capacity as the District Attorney of
Philadelphia,

v.

SENATOR KIM WARD, in her official capacity as President Pro Tempore of
the Senate; REPRESENTATIVE TIMOTHY R. BONNER, in his official
capacity as an impeachment manager, REPRESENTATIVE CRAIG
WILLIAMS, in his official capacity as an impeachment manager;
REPRESENTATIVE JARED SOLOMON, in his official capacity as an
impeachment manager; and JOHN DOES, in their official capacities as
members of the Senate Impeachment Committee

APPEAL OF: VAMSIDHAR VURIMINDI, Possible Intervenor

BRIEF FOR INTERVENOR SENATOR JAY COSTA

Appeal from the January 5, 2023 Order of the Commonwealth Court (*Per
Curiam*) Denying Appellant's Nunc Pro Tunc Petition to Intervene

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TABLE OF CITATIONS

SUMMARY OF ARGUMENT

On January 5, 2023, the Commonwealth Court entered an order denying Appellant's Nunc Pro Tunc Petition to Intervene ("Petition") on the grounds that it had previously directed that Applications to Intervene be filed by December 12, 2022, at 3:00 p.m., and that Appellant's Petition was filed after that date and time with no allegations that would warrant *nunc pro tunc* relief, and, in any event, that it failed to establish a basis for intervention. Appellant timely appealed, raising several challenges to the January 5, 2023 order. Intervenor Senator Jay Costa takes no position with respect to Appellant's issues, and, accordingly, requests that this Honorable Court enter an order as it deems just and proper.

ARGUMENT

This matter arises initially from District Attorney Larry Krasner's December 2, 2022 Petition for Review in the Commonwealth Court, which sought a declaration that extant impeachment proceedings against him were unconstitutional. On December 6, 2022, the court entered a case management order directing, *inter alia*, that:

Applications for Leave to Intervene, complete with proposed filings and a memorandum of law in support thereof (3 copies), shall be filed and served **no later than December 12, 2022, 3:03 p.m.**

Order, 12/6/22, at 1-2. The petition for review was litigated, and, on December 30, 2022, the Commonwealth Court entered an order declaring that the proceedings were unconstitutional. *See generally* Order, 12/30/22.

On January 3, 2023, Appellant filed a Nunc Pro Tunc Petition to Intervene ("Petition"), seeking intervention. *See generally* Petition, 1/3/23. On January 5, 2023, the Commonwealth Court entered an order denying the Petition on the grounds that it had previously directed that applications to intervene be filed by December 12, 2022, at 3:00 p.m., and that Appellant's Petition was filed after that date and time with no allegations that would warrant *nunc pro tunc* relief, and in any event, that the Petition failed to establish a basis for intervention. *See* Order, 1/5/23, at 1-2.

Appellant appealed to this Honorable Court, and now raises several issues related to the Commonwealth Court's denial of his Petition.

Intervenor Senator Jay Costa takes no position with respect to Appellant's issues.

CONCLUSION

Accordingly, in light of the foregoing, Senator Costa respectfully requests that this Honorable Court enter an order as it deems just and proper.

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the word-count limits of Pa.R.A.P. 2135 in that its relevant portions contain 377 words, which is fewer than 14,000 words, and complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,



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