

No. _____ MM 2026

In the
Supreme Court of Pennsylvania
Middle District

**PETITION FOR EXERCISE OF KING'S BENCH AUTHORITY
OR EXTRAORDINARY JURISDICTION OVER THE STAY
ENTERED IN *POM OF PENNSYLVANIA, LLC v.*
*COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF
REVENUE*, NO. 2 EAP 2024, AND *IN RE: THREE
PENNSYLVANIA SKILL AMUSEMENT DEVICES*, NO. 50 MAP
2024**

**VERIFIED APPLICATION OF PENNSYLVANIA
LEGISLATORS FOR EXTRAORDINARY RELIEF PURSUANT
TO 42 Pa. C.S. § 502 AND Pa. R. APP. 3309 DIRECTED TO THE
STAY ENTERED IN *POM of Pennsylvania, LLC v.*
Commonwealth of Pennsylvania, Department of Revenue, NO. 2
EAP 2024, AND *In Re: Three Pennsylvania Skill Amusement
Devices*, NO. 50 MAP 2024**

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Pursuant to 42 Pa. C.S. § 502 and Pa. R. App. P. 3309, Petitioners, Senator Gene Yaw representing Pennsylvania’s 23rd State Senatorial District¹, with district offices located at 175 Pine Street, Suite 105 Williamsport, PA 17701, and 5 Main Street, Wellsboro, PA 16901, Senator Anthony H. Williams representing Pennsylvania’s 8th State Senatorial District², with district offices located at 2901 Island Avenue, Suite 100, Philadelphia, PA 19153, and 2103 Snyder Avenue, Philadelphia, PA 19145, and Representative Jonathan Fritz serving Pennsylvania’s 111th State House District³, with district offices located at 32 Commercial Street, Suite 300, Honesdale, PA 18431, 821 Main Street, New Milford, PA 18834, and Preston Township Building, 1515 Crosstown Highway, Lakewood, PA 18439 (collectively, “Petitioners”), members of the General Assembly of Pennsylvania, by and through their counsel, DAVID S. SENOFF, ESQUIRE of FIRST LAW STRATEGY GROUP, LLC,

¹ Pennsylvania’s 23rd State Senatorial District serves Bradford, Lycoming, Sullivan, Tioga, and Union Counties.

² Pennsylvania’s 8th State Senatorial District serves parts of Delaware and Philadelphia Counties.

³ Pennsylvania’s 111th State House District serves Susquehanna County and part of Wayne County.

respectfully apply to this Court for extraordinary relief through the exercise of its King's Bench power and jurisdiction.

Petitioners ask this Court to modify the duration of the stay that accompanies its June 15, 2026 decision in the above dockets, so that the stay remains in effect through February 10, 2027, and to keep the *status quo*, including the stay, in effect while this Application is pending. Petitioners do not ask the Court to revisit its holding. They ask the Court to lengthen, for a defined period, the safe harbor the Court itself created, in light of events that have occurred since June 15, 2026. As this Court is “the highest court of the Commonwealth[,]” and “in this court shall be reposed the supreme judicial power of the Commonwealth[,]” Pa. Const. Art. V, § 2(a), and given that the stay in question is this Court's own order⁴, no other Court, agency, board, or other body can issue full and complete relief in this case. Any other result would be a legal nullity. See Pa. Const. Art. V, § 2; Pa. Const. Art. V, § 10; 42 Pa. C.S. § 502⁵.

⁴ See *Three Pa. Skill Amusement Devices v. Dep't of Revenue*, 358 A.3d 385 (Pa. 2026). The mandate regarding the stay appears at 426. Additionally, the stay and its reasoning are also referred to and explained at 389-90.

⁵ Notably this Court has said: “...our Court possesses broad authority to craft meaningful remedies when required. Pa. Const. Art. V, §§ 1, 2, 10; 42 Pa. C.S. § 726 (granting power to “enter a final order or otherwise cause right and justice to be done”).” *League of Women Voters v. Commonwealth*, 178 A.3d 737, 822 (Pa. 2018).

INTRODUCTION

On June 15, 2026, this Court decided *Three Pa. Skill Amusement Devices v. Dep't of Revenue*, 358 A.3d 385 (Pa. 2026) (the “Opinion”), reversing the Commonwealth Court’s decisions in *POM of Pa., LLC v. Commonwealth*, 221 A.3d 717 (Pa. Cmwlth. 2019), and *In re Three Pa. Skill Amusement Devices*, 306 A.3d 432 (Pa. Cmwlth. 2023). The Court held that, “[u]nder a plain reading of the law, ‘skill game’ devices are subject to both the Gaming Act and the Crimes Code.” Opinion, 358 A.3d at 389 & nn.1–2. The Court then addressed the consequences of its correction. It recognized that “many throughout Pennsylvania have placed reasonable reliance upon the Commonwealth Court’s decisions on the lawfulness of the subject devices[]” and it was “mindful of the potential disturbance that our correction of the prevailing case law may cause to business owners and other good-faith participants in the industry.” Opinion, 358 A.3d at 389–90 (footnote omitted). The Court therefore wrote: “We thus stay our order for a period of 120 days. During this 120-day period of safe harbor, no law enforcement agency is to take adverse action against owners or operators of ‘skill game’ devices in reliance upon this opinion.” *Id.* at 390.

In the same introductory section of the Opinion, the Court identified where any change in policy must come from. The Court wrote that “our General Assembly also remains free at any time to take whatever legislative action it may deem appropriate,” and that, “[i]f interested parties find the application of the General Assembly’s laws to be undesirable, the proper remedy lies with the same legislative body that wrote those laws.” *Id.*

Measured from June 15, 2026 (the date of the Opinion), the 120-day period ends on October 13, 2026. Petitioners are the authors of compromise legislation, drafted since the Opinion issued, that would establish a licensing, taxation, and regulatory framework for skill games. Petitioners need time to have that legislation introduced, and the legislative process will not be complete by October 13, 2026.

Petitioners do not seek the extension because law enforcement agencies are unable to enforce existing law. They seek it because widespread seizure and impoundment of devices in the weeks before enactment would make prompt implementation of the legislation materially more difficult. A device held in evidence, or made the subject

of a forfeiture proceeding under Section 5513(b) of the Crimes Code⁶, is not available for registration, inspection, compliance testing, licensing, and lawful operation. Until such a device is released from custody, qualified, licensed, and returned to service, it generates none of the licensing fees, taxes, or assessments the legislation contemplates. The Commonwealth would begin its new regulatory program by first recovering the very devices that program is designed to license. A defined extension of the existing safe harbor avoids that remove-and-return cycle and preserves an identifiable device base for qualification under the new law if the legislation is enacted.

Petitioners therefore ask the Court to (a) exercise its King's Bench power over the stay; (b) maintain the *status quo*, including the stay, in effect pending disposition of this Application; and (c) extend the stay through February 10, 2027, which is 120 days after October 13, 2026. Interim relief is necessary because the ordinary timetable cannot deliver a decision before the stay ends. An adverse party has fourteen days after service of this Application to answer, and the Application is distributed to the Court only after each answer or no-answer letter is received. Pa.

⁶ 18 Pa. C.S. § 5513(b).

R. App. P. 3309(b), (c). Any answer period that begins with service of this Application will close after October 13, 2026⁷.

FACTUAL AND PROCEDURAL BACKGROUND

A. The Decision and the Stay

The Opinion resolved two appeals. In the first, the Department of Revenue appealed from the Commonwealth Court’s order entered January 16, 2024, at No. 418 M.D. 2018, the final order in the litigation that produced the Commonwealth Court’s 2019 en banc decision in *POM*. Opinion, 358 A.3d at 385, 389 & n.1. That litigation began after law enforcement activity directed at the devices. “Throughout 2017 and 2018, law enforcement officials began seizing POM’s ‘skill game’ devices from various establishments in Philadelphia, arresting employees, and seizing funds connected to the operation of the devices.” *Id.* at 400. POM of Pennsylvania, LLC then petitioned the Commonwealth Court, in its original jurisdiction, for declaratory and injunctive relief. *Id.* The Commonwealth Court concluded that the Gaming Act does not regulate unlicensed slot machines outside licensed facilities. *Id.* at 406.

⁷ 14-days after the filing of the instant Application is October 21, 2026, eight days after the expiration of the stay.

In the second appeal, the Commonwealth appealed from the Commonwealth Court’s order entered November 30, 2023, at No. 707 C.D. 2023, which affirmed an order of the Court of Common Pleas of Dauphin County. *Id.* at 385. That case also began with a seizure. “On December 9, 2019, agents of the Pennsylvania State Police, Bureau of Liquor Control Enforcement seized three POM devices from Champions Sports Bar in Dauphin County, along with a green bag containing \$525.00 in currency and seven receipts.” *Id.* at 406. “No criminal charges were filed as a result of the seizure, but the Commonwealth sought forfeiture of the seized items under Section 5513(b) and issued an administrative citation to the bar for permitting unlawful gambling on its premises.” *Id.* at 407. Champions Sports Bar, LLC, and Capital Vending Company, Inc., filed a petition for return of property in the Dauphin County Court of Common Pleas. *Id.* at 407 & n.113. The Commonwealth Court concluded that unlicensed operation of the devices is not prohibited by Section 5513(a) of the Crimes Code. *Id.* at 389.

On June 15, 2026, this Court reversed both orders. The Court held that the device at issue is a “slot machine” under the Gaming Act, and that “activities involving a ‘slot machine’ that are not lawfully operated

under the Gaming Act remain subject to Section 5513 of the Crimes Code.” *Id.* at 425; *see also id.* at 426. Section 5513(b), the Court noted, “authorizes the confiscation and forfeiture of ‘[a]ny gambling device possessed or used in violation of the provisions of subsection (a).’” *Id.* at 391 (footnote omitted). The Court’s mandate reads: “The orders of the Commonwealth Court are reversed, and the matters are remanded for further proceedings consistent with this opinion.” *Id.* at 426. The next paragraph reads: “This order is stayed for 120 days.” *Id.* at 426. Chief Justice Todd and Justice McCaffery joined the Opinion; Justices Mundy and Brobson joined it as to the appeal at No. 50 MAP 2024; Justice Donohue concurred in the result; Justice Brobson, joined by Justice Mundy, concurred, and dissented; and Justice Dougherty did not participate. *Id.* at 385, 426.

The Court described the setting in which its decision would operate. “. . . [T]he devices now may be found not only in taverns, restaurants, and social clubs, but also in mini-marts, gas stations, grocery stores, laundromats, pizza parlors, and various other establishments throughout Pennsylvania—even some dedicated solely to the purpose.” *Id.* at 389. The Court described the consequence of POM’s reading of the

Gaming Act as “a state of affairs in which something identical to gambling with slot machines pervades all corners of this Commonwealth, but without the heightened tax rate on slot machine revenue, without the funds raised through the hefty licensing fees, and without any of the regulatory controls or consumer protection requirements that attend the operation of slot machines in licensed facilities.” *Id.* at 420–21.

The Court articulated two reasons for the stay: the reasonable reliance of many Pennsylvanians on the Commonwealth Court’s decisions, and the potential disturbance to business owners and other good-faith participants in the industry. *Id.* at 389–90. The stay operates as a “120-day period of safe harbor,” during which “no law enforcement agency is to take adverse action against owners or operators of ‘skill game’ devices in reliance upon this opinion.” *Id.* at 390. The Court also disclaimed any view on policy. “Determining and manifesting the ‘public policy’ of Pennsylvania is the prerogative of the legislative branch of our government, not this judicial branch” *Id.* The General Assembly, the Court wrote, “also remains free at any time to take whatever legislative action it may deem appropriate.” *Id.*

B. The Legislative Response

Petitioners are the authors of compromise legislation, drafted since the Opinion issued, that would establish a comprehensive licensing, taxation, and regulatory framework for skill games.

The compromise legislation would establish a statewide regulatory framework for skill games and would expand video gaming terminals at truck stops. Its regulatory features include statewide licensing, testing, monitoring, and enforcement; a minimum age of 21, age verification, and a self-exclusion program; central monitoring with auditable records; video surveillance and employee visibility requirements; and independent audits and tools for removing illegal machines. It would impose a monthly fee of \$500 per terminal.

The compromise legislation has been drafted as a House bill and presently is under review prior to formal introduction. The legislative process is actively underway and has progressed beyond preliminary discussion, with multiple co-sponsors anticipated. Petitioners, as members of the General Assembly, are positioned to advise the Court that additional time is reasonably necessary to permit completion of that

process before statewide enforcement materially alters the market that the proposed legislation is intended to regulate.

This Court has already taken account of the prospect of a legislative response. On August 4, 2026, in a petition for review that had been stayed since December 11, 2024 “pending this Court’s disposition of” these appeals, the Court lifted the stay and dismissed the petition without prejudice “[i]n light of the decision in *Three Pennsylvania Skill Amusement Devices* and the potential for a legislative and executive response to that decision.” *Stadium Casino RE, LLC v. Pa. Dep’t of Revenue*, No. 81 MM 2024, 2026 Pa. LEXIS 1383, at *1 (Pa. Aug. 4, 2026) (*per curiam*).

C. Present Posture

The stay remains in effect. The appeals at Nos. 50 MAP 2024 and 2 EAP 2024 remain before this Court, and the Court’s order reversing and remanding has not taken effect. As noted above, measured from the June 15, 2026 decision, the stay ends on October 13, 2026. Unless the Court acts, once the stay ends law enforcement agencies throughout the Commonwealth may take adverse action against owners and operators of the devices in reliance on the Opinion.

Related litigation is proceeding in light of the Opinion. On October 1, 2026, the Court vacated an order of the Commonwealth Court in a separate matter involving POM of Pennsylvania, LLC and the Pennsylvania State Police, Bureau of Liquor Control Enforcement, and remanded those matters “for reconsideration in light of” the Opinion. *Pom of Pa., LLC v. Pa. State Police*, Nos. 28 and 29 EAP 2023, 2026 Pa. LEXIS 1778, at *1 (Pa. Oct. 1, 2026) (*per curiam*).

Petitioners are not parties to either appeal. Senator Yaw appeared as *amicus curiae* in No. 50 MAP 2024. Opinion, 358 A.3d at 385. No Petitioner has an ordinary appellate or procedural vehicle in those matters through which to seek a change in the duration of the stay. The legislation described in Part B, above, of which Petitioners are the authors, is not yet law.

THE GRANT OF EXTRAORDINARY RELIEF IS WARRANTED

A. This Court’s King’s Bench Power: Its History and Standard for Its Exercise

The judicial power of the Commonwealth is vested in “a unified judicial system consisting of the Supreme Court, the Superior Court, the Commonwealth Court, courts of common pleas,” and other courts. Pa. Const. Art. V, § 1. At the head of that system, this Court “shall be the

highest court of the Commonwealth and in this court shall be reposed the supreme judicial power of the Commonwealth.” Pa. Const. Art. V, § 2(a); *accord* 42 Pa. C.S. § 501. This Court “shall exercise general supervisory and administrative authority over all the courts and justices of the peace.” Pa. Const. Art. V, § 10(a). The General Assembly has provided for the Court’s original and appellate jurisdiction. 42 Pa. C.S. §§ 721–725. A further source of authority stands apart from those enumerated categories, and this Application invokes it.

1. The King’s Bench Power

That source is the King’s Bench power. The Judicial Code describes it this way:

The Supreme Court shall have and exercise the powers vested in it by the Constitution of Pennsylvania, including the power generally to minister justice to all persons and to exercise the powers of the court, as fully and amply, to all intents and purposes, as the justices of the Court of King’s Bench, Common Pleas and Exchequer, at Westminster, or any of them, could or might do on May 22, 1722. The Supreme Court shall also have and exercise the following powers:

- (1) All powers necessary or appropriate in aid of its original and appellate jurisdiction which are agreeable to the usages and principles of law.

(2) The powers vested in it by statute,
including the provisions of this title.

42 Pa. C.S. § 502. The date in the statute is that of the provincial Act of May 22, 1722, under which “the powers granted were such as ‘the justices of the Court of King’s Bench, Common Pleas, and Exchequer, or any of them, possessed.’” *Chase v. Miller*, 41 Pa. 403, 411 (1862)⁸. As Chief Justice Gibson explained in 1834, that act directed that the justices “shall minister justice to all persons, and exercise the jurisdiction and powers hereby granted, concerning all, and all and singular, the premises according to law, as fully and amply to all intents and purposes whatsoever, as the King’s Bench, Common Pleas, and Exchequer at Westminster, or any of them can do.” *Commonwealth v. Beaumont*, 4 Rawle 366, 366–67 (Pa. 1834). The Court then asked what those powers were, and answered by quoting Blackstone: “‘The jurisdiction of this court,’ says Sir William Blackstone, ‘is very high and transcendent. It keeps all inferior jurisdictions within the bounds of their authority, and may either remove their proceedings to be determined here, or prohibit their progress below. It superintends all civil corporations in the

⁸ This Court in *Chase* also stated, referring to the King’s Bench powers: “This is a large charter.” *Id.* at 411.

kingdom. It commands magistrates and others to do what their duty requires in every case where there is no other specific remedy. It protects the liberty of the subject by speedy and summary interposition.” *Id.* at 367.

In 1862, the Court described the same grant as “a large charter,” and it explained why judges may not narrow it: “But as it is a trust for the people of Pennsylvania, judges have no right, from motives of ease and convenience, to surrender, weaken, or obscure, by judicial refinements, one single one of the powers granted.” *Chase*, 41 Pa. at 411.

The Constitution of 1968 carried the power forward. The Schedule to the Judiciary Article provides that “[t]he Supreme Court shall exercise all the powers and, until otherwise provided by law, jurisdiction now vested in the present Supreme Court.” Pa. Const. Art. V, Schedule, § 1. When litigants argued that the new Judiciary Article had eliminated the King’s Bench powers, three Justices of this Court answered that Article V, Section 2 “can mean no less than that this Court possesses every judicial power that the people of the Commonwealth can bestow under the Constitution of the United States,” and that “[t]he judicial power reposed in this Court will continue as before, unimpaired by any

mistaken notion that the Legislature has the constitutional authority to diminish, curtail or interfere with its functions.” *Stander v. Kelley*, 250 A.2d 474, 487 (Pa. 1969) (Roberts, J., concurring, joined by Jones and Pomeroy, JJ.). The Court later adopted that reading. *In re Bruno*, 101 A.3d 635, 665–66 (Pa. 2014). It explained that in 1968 “the people positioned the Supreme Court ‘in the same relation’ to all inferior tribunals as the justices of the King’s Bench at Westminster had occupied on May 22, 1722.” *Id.* at 665.

Bruno set out the governing principles. “The exercise of King’s Bench authority is not limited by prescribed forms of procedure or to action upon writs of a particular nature; the Court may employ any type of process or procedure necessary for the circumstances.” *Id.* at 669. “The Court necessarily may exercise the powers and jurisdiction of the King’s Bench *sua sponte*.” *Id.* And “to give full effect to its authority, the Court may assume plenary jurisdiction over a matter even where no dispute is pending in a lower court.” *Id.* The Court cautioned against reading the power narrowly: “We would be remiss to interpret the Court’s supervisory authority at King’s Bench in narrow terms, contrary to

precedent and the transcendent nature and purpose of the power.” *Id.* at 679.

Pa. R. App. P. 3309 governs an application invoking the King’s Bench power. It applies to an application for relief “under the powers reserved by the first sentence of Section 1 of the Schedule to the Judiciary Article.” Pa. R. App. P. 3309(a).

2. The Standard

This Court will generally employ the King’s Bench power “when the issue requires timely intervention by the court of last resort of the Commonwealth and is one of public importance.” *Bruno*, 101 A.3d at 670. “King’s Bench authority is generally invoked to review an issue of public importance that requires timely intervention by the court of last resort to avoid the deleterious effects arising from delays incident to the ordinary process of law.” *Commonwealth v. Williams*, 129 A.3d 1199, 1206 (Pa. 2015). “While such authority is exercised with extreme caution, the availability of the power is essential to a well-functioning judicial system.” *Id. citing Bruno*, 101 A.3d at 670. The Court “has generally called upon the powers of the King’s Bench to supplement existing procedural processes that had proven inadequate to carry out the

judicial, administrative, or supervisory obligations of the Court in a manner that is expeditious and determinate.” *Bruno*, 101 A.3d at 670. “In certain instances, the Court cannot suffer the deleterious effect upon the public interest caused by delays incident to ordinary processes of law, or deficiencies in the ordinary processes of law making those avenues inadequate for the exigencies of the moment.” *Id.* at 670–71. The power is not a means of avoiding an available process. Its purpose “is not to permit or encourage parties to bypass an existing constitutional or statutory adjudicative process and have a matter decided by this Court.” *Id.* at 670.

**B. This Application Warrants the Exercise of the King’s
Bench Power**

This Application meets the standard for three reasons.

**1. The duration of the stay presents an issue of
immediate, statewide public importance**

The Opinion changed the legal status of devices that operate “throughout Pennsylvania.” Opinion, 358 A.3d at 389. The Court itself recognized that its decision would disturb the reasonable reliance of “many throughout Pennsylvania” and could affect “business owners and other good-faith participants in the industry.” *Id.* at 389–90. When the

stay ends, every law enforcement agency in the Commonwealth will be free to take adverse action in reliance on the Opinion, including seizure and forfeiture under Section 5513(b). *See id.* at 390–91. At the same time, members of the General Assembly are acting on the invitation the Opinion extended. *Id.* at 390. The Court has already recognized “the potential for a legislative and executive response to that decision.” *Stadium Casino*, 2026 Pa. LEXIS 1383, at *1. Whether the response the Court anticipated can be implemented in an orderly way, or must first contend with a statewide wave of seizures, is a question of immediate public importance to the General Assembly, to the Commonwealth’s revenue, and to the owners, operators, and host establishments the Court sought to protect. This Court has previously found “great public importance” in a question arising under the Gaming Act. *In re Dauphin County Fourth Investigating Grand Jury*, 943 A.2d 929, 936 (Pa. 2007).

**2. The ordinary process cannot answer the question
before it becomes moot**

The stay expires on October 13, 2026. Pursuant to Pa. R. App. P. 3309(b), “[a]n adverse party may file an answer no later than fourteen days after service of the application.” Under Pa. R. App. P. 3309(c), the application is distributed to the Court “[u]pon receipt of the answer, or a

letter stating that no answer will be filed, from each party entitled to file such.” The ordinary sequence therefore runs past the date on which the stay ends. Petitioners have no other avenue. They are not parties to the appeals, and they have no ordinary vehicle in those dockets through which to seek modification of the stay. This is the circumstance *Bruno* described: the “delays incident to ordinary processes of law,” and the “deficiencies in the ordinary processes of law,” leave those processes “inadequate for the exigencies of the moment.” 101 A.3d at 671. Petitioners are not bypassing any adjudicative process. *See id.* at 670. None exists.

3. Only this Court can grant the relief

The stay is part of this Court’s own order. Opinion, 358 A.3d at 426. No lower court has authority to lengthen it. The relief requested is a modification of the duration of an unexpired stay, the kind of order that lies within this Court’s power “to minister justice to all persons.” 42 Pa. C.S. § 502. The Court “may employ any type of process or procedure necessary for the circumstances.” *Bruno*, 101 A.3d at 669; *accord Williams*, 129 A.3d at 1206.

The King’s Bench power requires no pending matter. *Williams*, 129 A.3d at 1206. The Court “necessarily may exercise the powers and jurisdiction of the King’s Bench *sua sponte*,” and it “may employ any type of process or procedure necessary for the circumstances.” *Bruno*, 101 A.3d at 669.

Petitioners are appropriate applicants. They are members of the branch of the Commonwealth’s government the Opinion identified as the proper source of any change in policy. Opinion, 358 A.3d at 390. They are the authors of the compromise legislation responding to the Opinion. Senator Yaw participated in No. 50 MAP 2024 as *amicus curiae*. *Id.* at 385.

WHY THE STAY SHOULD BE EXTENDED

A. The Reasons For The Stay Have Not Changed, And The Legislative Response The Opinion Contemplated Is Underway

The Court entered the stay for two reasons: reasonable reliance on the Commonwealth Court’s decisions, and the potential disturbance to business owners and good-faith participants. Opinion, 358 A.3d at 389–90. Both reasons remain. The devices remain in place in the same establishments. The owners and operators who relied on the

Commonwealth Court's decisions are the same people the Court sought to protect on June 15, 2026. Petitioners conservatively estimate that 40,000 Pennsylvanians will be adversely affected when enforcement begins. Many of them will lose their jobs, adding significantly to the Commonwealth's unemployment rolls. Nothing that has occurred since the decision has reduced the disturbance that enforcement would cause.

What has changed is the legislative posture. The Opinion stated that the General Assembly "remains free at any time to take whatever legislative action it may deem appropriate," and that "the proper remedy lies with the same legislative body that wrote those laws." *Id.* at 390. Members of the General Assembly have taken up that task, as Part B of the Factual and Procedural Background section above describes. The compromise legislation would provide statewide licensing, testing, monitoring, and enforcement; central monitoring with auditable records; age verification and a self-exclusion program; and independent audits and tools for removing illegal machines, together with device, operator, and location licensing, taxes, assessments, and a monthly fee of \$500 per terminal. Those are the elements the Opinion found missing from the state of affairs that POM's reading of the Gaming Act would produce, in

which the devices would operate “without the heightened tax rate on slot machine revenue, without the funds raised through the hefty licensing fees, and without any of the regulatory controls or consumer protection requirements that attend the operation of slot machines in licensed facilities.” Opinion, 358 A.3d at 420–21.

The legislative process is not yet complete, and it will not be complete by October 13, 2026. The stay will end first.

**B. Seizure Before Enactment Would Delay Implementation
And Revenue**

The extension is not sought to suspend enforcement of existing law for its own sake. The proposed legislation would authorize the Commonwealth to collect revenue through a system of device licensing, operator licensing, location licensing, taxes, assessments, and related regulatory fees. By its terms, the bill would direct those revenues expressly to mass-transit funding, infrastructure improvements, and support for volunteer fire companies. The legislation contemplates regulation of an existing market rather than creation of a market from nothing. If devices are seized and placed into evidentiary custody or become subject to forfeiture proceedings before the legislation takes effect, implementation of that framework may be materially delayed.

Devices held in custody cannot be promptly registered, inspected, licensed, and placed into lawful operation. As a result, the Commonwealth's ability to begin collecting the revenues authorized by the legislation, and to direct those revenues to mass transit, infrastructure projects, and volunteer fire companies, may be substantially delayed.

Devices would be distributed among evidence facilities and subject to different criminal, forfeiture, and return procedures across the Commonwealth. After enactment, the Commonwealth and private parties would have to determine which devices remain evidence, which are subject to forfeiture, which may be released, and what procedures govern each determination. Disputes over ownership, custody, condition, return, and eligibility could delay the qualification of devices that would otherwise be licensable. Host locations may have to secure new agreements or replace equipment that cannot be recovered promptly.

The record of these appeals shows how long a single seizure can hold devices out of service. The three devices in *Three Devices* were seized on December 9, 2019. Opinion, 358 A.3d at 406. The Commonwealth sought their forfeiture under Section 5513(b), and Champions Sports

Bar, LLC, and Capital Vending Company, Inc., sought their return. *Id.* at 407 & n.113. On June 15, 2026, this Court decided the appeal and remanded the matter for further proceedings. *Id.* at 426. The seizures that gave rise to *POM* occurred in 2017 and 2018. *Id.* at 400. Each of those proceedings took years. A statewide wave of seizures in the weeks before enactment would place the Commonwealth's new framework behind proceedings of the same kind in many more cases.

Thus, immediate mass seizure risks delaying not only implementation of the regulatory framework the legislation proposes, but also the delivery of funds that the legislation would dedicate to mass transit, infrastructure investment, and volunteer fire companies throughout the Commonwealth. A brief extension of the stay would preserve the practical ability to move directly from the current *status quo* to a licensed, taxed, and regulated market capable of generating those public revenues promptly upon enactment, rather than after months of release, inspection, licensing, and redeployment proceedings.

C. This Court Has Calibrated The Timing Of Its Remedies To Allow The Legislature To Act

This Court has repeatedly shaped the timing of its orders when events required it, including giving the General Assembly a reasonable

opportunity to act within its sphere. The cases arose under different constitutional provisions. Petitioners offer them only as examples of the Court timing its own action. The principle Petitioners draw from them is narrow: where the legislature is the body primarily responsible for the response, the Court has fixed the timing of its own action so that the legislative response can occur in an orderly way.

In *Butcher v. Bloom*, the Court held the legislative apportionment acts unconstitutional but did not disturb the impending election. The Court explained that “[t]he General Assembly of Pennsylvania is entitled to an opportunity to enact reapportionment legislation,” and that “action by that body, taken promptly and in good faith, is more likely to achieve a workable, constitutionally acceptable result.” 203 A.2d 556, 561 (Pa. 1964). It found that “[s]erious disruption of orderly state election processes and basic governmental functions would result from immediate action by any judicial tribunal restraining or interfering with the normal operation of the election machinery at this late date[.]” and that “[t]he Legislature should not be denied a reasonable opportunity to enact new reapportionment legislation.” *Id.* at 568–69. The Court retained jurisdiction and fixed a date certain: “Proper regard for our responsibility

compels us to retain jurisdiction of this matter pending legislative action.” *Id.* at 573. It set September 1, 1965, as the date by which the Legislature was to act. *Id.*

In *League of Women Voters v. Commonwealth*, the Court granted an application asking it to exercise extraordinary jurisdiction, and it “assumed plenary jurisdiction over the matter, but, while retaining jurisdiction, remanded the matter to the Commonwealth Court” on an expedited schedule. 178 A.3d 737, 766–67 (Pa. 2018). On the remedy, the Court followed the same course. It recognized that “the primary responsibility and authority for drawing federal congressional legislative districts rests squarely with the state legislature[,]” and it set a deadline for legislative action before any judicial remedy would issue. *Id.* at 821–22. The Court explained that “if the legislature and executive timely enact a remedial plan and submit it to our Court, our role in this matter concludes, unless and until the constitutionality of the new plan is challenged.” *Id.* at 822. And it stated that “our Court possesses broad authority to craft meaningful remedies when required.” *Id.*

In *Pa. Democratic Party v. Boockvar*, the Court acted under its extraordinary jurisdiction to extend a statutory deadline because events

had overtaken it. It reasoned that voters’ rights “are better protected by addressing the impending crisis at this point in the election cycle on a statewide basis rather than allowing the chaos to brew, creating voter confusion regarding whether extensions will be granted, for how long, and in what counties.” 238 A.3d 345, 371 (Pa. 2020). The Court adopted a three-day extension of the received-by deadline for mail-in ballots and concluded that the extension “protects voters’ rights while being least at variance with Pennsylvania’s permanent election calendar, which we respect and do not alter lightly, even temporarily.” *Id.* at 371–72.

The Court has also acted on an expedited timetable when the timing of governmental action was itself the problem. In *Mellow v. Mitchell*, 607 A.2d 204, 205–06 (Pa. 1992), eight State Senators filed an action in the Commonwealth Court after the General Assembly failed to enact a congressional reapportionment plan, and “Plaintiff-Appellants applied to this Court to take plenary jurisdiction of the matter. By order of February 13, 1992, this Court exercised such plenary jurisdiction.” 607 A.2d at 205–06. The Court then adopted a revised election calendar. *Id.* at 206. In *Carter v. Chapman*, the Court granted an emergency application and exercised extraordinary jurisdiction “given the impasse

between the legislative and executive branches concerning the adoption of congressional districts, and in view of the impact that protracted appeals will have on the election calendar, and time being of the essence.” 273 A.3d 1, 1 (Pa. 2022) (*per curiam*); see also *Carter v. Chapman*, 273 A.3d 499, 501 (Pa. 2022) (*per curiam*) (vacating the February 9, 2022 order suspending the primary election calendar).

The request here is more modest than any of those remedies. The Court is not asked to set aside a statute, to draw a map, or to alter a deadline the General Assembly previously fixed. It is asked to extend, by a defined period, a deadline the Court itself fixed, so that the legislative response the Court invited can be completed and implemented without the disruption the stay was entered to prevent.

D. The Extension Is Limited, Fixed, And Leaves The Holding Intact

Petitioners ask the Court to extend the stay through February 10, 2027, which is 120 days after October 13, 2026 (the date stay is currently scheduled to expire). The extension matches the length of the original safe harbor and ends on a fixed date. It leaves the terms of the safe harbor unchanged.

The extension does not disturb the holding. The device at issue remains a “slot machine” under the Gaming Act. Opinion, 358 A.3d at 425–26. Activities involving such a device that are not lawfully operated under the Gaming Act remain subject to Section 5513 of the Crimes Code. *Id.* at 425. The reversal and remand remain in place. The extension governs only when law enforcement agencies may begin to take adverse action in reliance on the Opinion.

The extension also preserves the Court’s control. If the General Assembly enacts the legislation before February 10, 2027, the new law will govern by its terms. If it does not, the stay will end on a date certain, and the Opinion will operate in full. The Court retains the power to modify the stay again on its own motion should circumstances warrant. In *Butcher*, the Court retained jurisdiction “pending legislative action” and stated that it would act “in light of the then existing situation” if the Legislature did not. 203 A.2d at 573. The extension sought here leaves the Court in the same position.

INTERIM RELIEF PENDING DISPOSITION

Petitioners request that, pending disposition of this Application, the Court enter an interim order keeping the *status quo* in effect,

including the stay of its June 15, 2026 order in Nos. 50 MAP 2024 and 2 EAP 2024 on the terms stated in the Opinion. As noted throughout, measured from June 15, 2026, the stay ends on October 13, 2026.

Pursuant to Pa. R. App. P. 3309(b), “[a]n adverse party may file an answer no later than fourteen days after service of the application.” Under Pa. R. App. P. 3309(c), the application and any answer are distributed to the Court “[u]pon receipt of the answer, or a letter stating that no answer will be filed, from each party entitled to file such,” after which “[t]he Supreme Court may thereafter grant or deny the application or set it down for argument.” Any answer period that begins with service of this Application will close after October 13, 2026. Rule 3309 contains no provision by which the filing of an application suspends or extends a stay entered by the Court. Without interim relief, the stay will end before this Application is distributed to the Court for decision.

If the stay ends before the Court rules, the substance of the relief requested in this Application will be lost. Law enforcement agencies will be free to take adverse action in reliance on the Opinion, and the seizures, forfeiture proceedings and dispersal of devices described above may begin

before the Court considers whether to prevent them. A later order could not return seized devices to service or undo proceedings already begun.

This Court has the power to grant interim relief. It has “[a]ll powers necessary or appropriate in aid of its original and appellate jurisdiction which are agreeable to the usages and principles of law.” 42 Pa. C.S. § 502(1). At King’s Bench, “the Court may employ any type of process or procedure necessary for the circumstances.” *Bruno*, 101 A.3d at 669. The Court stayed a related petition for review on December 11, 2024, “pending this Court’s disposition of” these appeals. *Stadium Casino*, 2026 Pa. LEXIS 1383, at *1.

The interim relief requested preserves the *status quo* the Court itself established on June 15, 2026. It imposes no obligation on any party that does not exist today. It changes nothing about the holding, the reversal, or the remand. Its only effect is to keep the Court’s existing safe harbor in place for the time the Court requires to decide whether to extend it. The interim relief requested is limited in time. It ends upon the Court’s disposition of this Application.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, for all the foregoing reasons, Petitioners, Senator Gene Yaw, Senator Anthony Williams, and Representative Jonathan Fritz, respectfully request that this Honorable Court grant their Verified Application for Extraordinary Relief and enter an order:

(a) exercising its King's Bench power pursuant to 42 Pa. C.S. § 502 and Pa. Const. Art. V, Schedule, § 1, over the stay entered with its June 15, 2026 order in Nos. 50 MAP 2024 and 2 EAP 2024;

(b) maintaining in effect the *status quo* pending disposition of this Application, including the stay of the June 15, 2026 order and the safe harbor under which no law enforcement agency is to take adverse action against owners or operators of “skill game” devices in reliance upon the Opinion; and

(c) extending the stay of the June 15, 2026 order in Nos. 50 MAP 2024 and 2 EAP 2024, on the same terms, through February 10, 2027.

Respectfully submitted,

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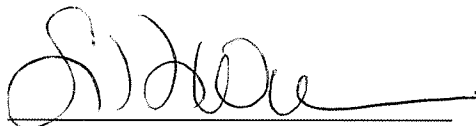
DSENOFF@FIRSTLAWSTRATEGY.COM

PHONE: (215) 258-4700

Dated: October 7, 2026

VERIFICATION

Anthony Williams, Applicant in the within action, verifies that he is acquainted with the facts and information set forth in the foregoing Verified Application for Exercise of King's Bench Authority or Extraordinary Jurisdiction over the Stay Entered in *POM of Pennsylvania, LLC v. Commonwealth of Pennsylvania, Department of Revenue*, No. 2 EAP 2024, and *In Re: Three Pennsylvania Skill Amusement Devices*, No. 50 MAP 2024, and that the same are true and correct to the best of his knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

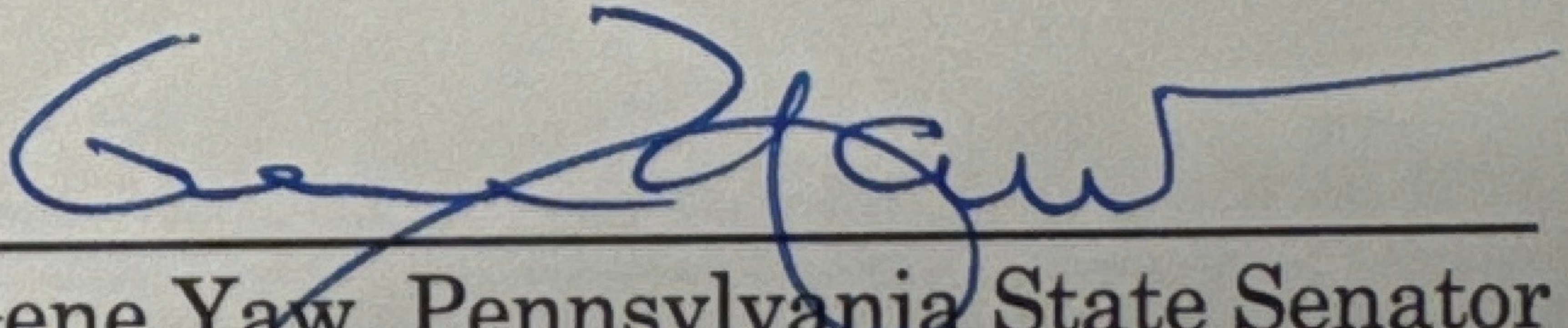
A handwritten signature in black ink, appearing to read 'A. Williams', written over a horizontal line.

Anthony H. Williams,
Pennsylvania State Senator

Date: 10/5/2020

VERIFICATION

Gene Yaw, Applicant in the within action, verifies that he is acquainted with the facts and information set forth in the foregoing Verified Application for Exercise of King's Bench Authority or Extraordinary Jurisdiction over the Stay Entered in *POM of Pennsylvania, LLC v. Commonwealth of Pennsylvania, Department of Revenue*, No. 2 EAP 2024, and *In Re: Three Pennsylvania Skill Amusement Devices*, No. 50 MAP 2024, and that the same are true and correct to the best of his knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

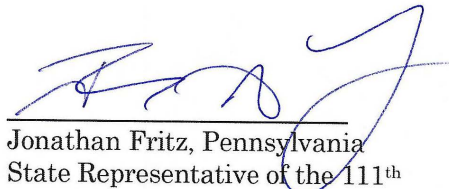


Gene Yaw, Pennsylvania State Senator

Date: 10/5/26

VERIFICATION

Jonathan Fritz, Applicant in the within action, verifies that he is acquainted with the facts and information set forth in the foregoing Verified Application for Exercise of King's Bench Authority or Extraordinary Jurisdiction over the Stay Entered in *POM of Pennsylvania, LLC v. Commonwealth of Pennsylvania, Department of Revenue*, No. 2 EAP 2024, and *In Re: Three Pennsylvania Skill Amusement Devices*, No. 50 MAP 2024, and that the same are true and correct to the best of his knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.


Jonathan Fritz, Pennsylvania
State Representative of the 111th
Legislative District

Date:

CERTIFICATE OF COMPLIANCE

I certify that this Petition complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, which require filing confidential information and documents differently from non-confidential information and documents.

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Dated: October 7, 2026