

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

**WILLIAM PENN SCHOOL DISTRICT,  
et al.,**

**NO. 587 MD 2014**

**Petitioners**

**v.**

**PENNSYLVANIA DEPARTMENT OF  
EDUCATION, et al.,**

**Respondents**

**APPLICATION FOR AUTOMATIC SUBSTITUTION OF PARTIES**

Respondents' Senate President *Pro Tempore* Joseph B. Scarnati, III and Speaker of The House Michael C. Turzai ("Legislative Respondents") by and through their undersigned counsel, respectfully submit the following Application for Automatic substitution of parties pursuant to Pa.R.A.P. 502(c) and in support thereof state as follows:

1. On or about November 10, 2014, Petitioners filed a Petition for Review in the nature of an action for declaratory and injunctive relief against Respondent, Samuel H. Smith, among other parties.

2. The Petition identified Respondent Smith as "the Speaker of the Pennsylvania House of Representatives" and stated that "Speaker Smith is sued in his official capacity." [Petition at ¶ 87].

3. On or about December 1, 2014, Respondent Smith ceased serving as Speaker.

4. On January 6, 2015, the House elected Michael C. Turzai as the new Speaker for the upcoming legislative term.

5. Pennsylvania Rule of Appellate Procedure 502(c) states: “When a public officer is a party to an appeal or other matter in an appellate court in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the matter does not abate, and his successor is automatically substituted as a party...”

WHEREFORE, the Legislative Respondents respectfully request the Court to substitute Speaker of the House Michael C. Turzai as a Respondent in place of former Speaker Samuel H. Smith and to adjust the caption of this case accordingly.

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