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November 25, 2011

The Honorable Kristen Brown, Chief Prothonotary
The Honorable Michael Kimmel, Chief Clerk
The Commonwealth Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 2100
P.O. Box 69185
Harrisburg, PA 17106-9185

Re: 569 MD-11

Gentlemen:

As you know I represent City Council for the City of Harrisburg. I did receive a telephone message from your offices on Wednesday but was involved with Federal Bankruptcy Court proceedings and could not return that call until after your business hours. I left a message.

You have before you in these proceedings a petition from a Governor who time and time again has demonstrated preference for his own career and his cronies about the interests of Pennsylvania's citizens. These proceedings are simply the latest manifestation.

Attached is an order of Judge Mary France dismissing the bankruptcy petition. She has promised a final order and/or decision which have not yet been forthcoming. While, like many of the citizens of Harrisburg, I am disappointed in and disagree with her decision, it would seem that her order undercuts my ability to participate in these proceedings as to the Preliminary Objections which I filed in Commonwealth Court. Accordingly I will not be participating in the upcoming telephone conference or future proceedings all of which are supposed to be public according to the Commonwealth Court's own procedures.

The Honorable Kristen Brown, Chief Prothonotary
The Honorable Michael Krimmel, Chief Clerk
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In my thirty years of practice I have never experienced the kind of time frame imposed on these proceedings by Judge Leadbetter. I have previously noted this to no avail. This time frame makes inevitable a failure to fully consider the validity of the receiver statute as well as the qualifications and conflicts attendant to the individual proposed. Moreover the Pennsylvania Supreme Court has never been shy about ignoring or striking provisions of statute attempting to impose deadlines or time frames for court consideration.

At this point I must leave it to the Mayor and her counsel to impress upon this Court the clear invalidity of the receivership statute and the clear conflicts that the proposed receiver has which should invalidate his appointment.

Respectfully submitted,

/s/ Mark D. Schwartz

Cc: Jeffrey G. Weil, Esq. (via email)
Beverly Weiss Mann, Esq.(via email)

Mark D. Schwartz, Esquire