

Click to print or Select 'Print' in your browser menu to print this document.

Page printed from: <https://www.law.com/thelegalintelligencer/2020/09/14/wolfs-business-shutdowns-gathering-restrictions-are-unconstitutional-federal-judge-rules/>

## Wolf's Business Shutdowns, Gathering Restrictions Are Unconstitutional, Federal Judge Rules

Western District of Pennsylvania Judge William Stickman determined the limitations on gatherings were arbitrary and not tailored in a sufficiently narrow manner.

By Max Mitchell | September 14, 2020



**Pennsylvania Gov. Tom Wolf. Photo: George Sheldon/Shutterstock.com**

Several measures Pennsylvania Gov. Tom Wolf imposed earlier this year to help combat the spread of COVID-19 are unconstitutional, a federal judge has ruled.

U.S. District Judge William Stickman of the Western District of Pennsylvania has entered judgment for several counties, businesses and state officials who are challenging Wolf's order that shut down "non-life-sustaining" businesses and placed restrictions on gatherings. According to Stickman, the orders violate the First Amendment, as well as the due process and equal protection clauses of the 14th Amendment.

**Copyright 2020. ALM Media Properties, LLC. All rights reserved.**

"The constitution cannot accept the concept of a 'new normal' where the basic liberties of the people can be subordinated to open-ended emergency mitigation measures," Stickman said. "Rather, the constitution sets certain lines that may not be crossed, even in an emergency. Actions taken by defendants crossed those lines."

Specifically, Stickman determined the limitations on gatherings were arbitrary and not tailored in a sufficiently narrow manner, and that the decisions Wolf's administration made regarding which businesses were "life-sustaining" was also arbitrary and changed several times throughout the pandemic.

"The court recognizes that defendants were facing a pressing situation to formulate a plan to address the nascent COVID-19 pandemic when they took the unprecedented step of sua sponte determining which businesses were 'life-sustaining' and which were 'non-life-sustaining,'" Stickman said. "But in making that choice, they were not merely coming up with a draft of some theoretical white paper, but rather, determining who could work and who could not, who would earn a paycheck and who would be unemployed—and for some—which businesses would live, and which would die."

## READ THE OPINION:

Case 2:20-cv-00677-WSS Document 79 Filed 09/14/20 Page 1 of 66

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

<p>COUNTY OF BUTLER, <i>et al</i>,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>THOMAS W. WOLF, <i>et al</i>,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>Civil Action No. 2:20-cv-677</p> <p>Hon. William S. Stickman IV</p>
---	--

**OPINION**

WILLIAM S. STICKMAN IV, United States District Judge

**I. INTRODUCTION**

The COVID-19 pandemic has impacted every aspect of American life. Since the novel coronavirus emerged in late 2019, governments throughout the world have grappled with how they can intervene in Page 1 / 66 m getting sick and, specifically, how they can protect their healthcare systems from being overwhelmed by an

Thomas King of Dillon, McCandless, King, Coulter & Graham, who represented the plaintiffs, did not immediately returned a message seeking comment. A spokeswoman for the governor said the administration is reviewing the decision.

*This is a developing story.*