

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

IN RE: ORDER REGARDING)	
DISTRICT-WIDE CASE)	
ASSIGNMENT OF CERTAIN)	ADMINISTRATIVE ORDER 2024-09
CIVIL ACTIONS WITHIN THE)	
JOHNSTOWN OR ERIE)	Case No. 24-mc-10001
DIVISIONS OF THE UNITED)	
STATES DISTRICT COURT FOR)	
THE WESTERN DISTRICT OF)	
PENNSYLVANIA)	
)	

**ORDER REGARDING DISTRICT-WIDE CASE ASSIGNMENT OF
CERTAIN CIVIL ACTIONS WITHIN THE JOHNSTOWN OR ERIE
DIVISIONS OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

AND NOW, this 17th day of July 2024, after due consideration and in furtherance of the continued sound management of the Court’s dockets and to continue to facilitate the just determination of every proceeding, in accordance with 28 U.S.C. § 137, LCvR 40(F), and in accordance with a recent Judicial Conference of the United States recommendation providing for district-wide random assignment of judges to the following cases:

(1) civil actions seeking to bar or mandate statewide enforcement of a state law, including a rule, regulation, policy or order of the executive branch or a state agency, whether by declaratory judgment and/or any form of injunctive relief; and

(2) civil actions seeking to bar or mandate nationwide enforcement of a federal law, including a rule, regulation, policy, or order of the executive branch or a federal agency, whether by declaratory judgment and/or any form of injunctive relief.

Both (1) and (2) above hereinafter referred to as “Designated Civil Action”; IT SHALL BE AND IS ORDERED AS FOLLOWS:

A. Upon commencing a civil action that is eligible to be placed on the Johnstown or Erie docket pursuant to Local Civil Rule 3 and which is a Designated Civil Action, the following statement must be included in the “Brief description of the cause” in Section VI. (Cause of Action) of the Civil Cover Sheet (Form JS-44): *“This case seeks to bar or mandate governmental policies or state or federal actions of statewide or nationwide impact, by declaratory judgment and/or any form of injunctive relief.”* The inclusion of this statement has no effect on the initial assignment of the case. The case will be randomly assigned to a judge within the Division where the civil case is being filed, in accordance with the same procedures applicable to any other initial civil case assignment in that Division.

B. After a civil action has been commenced and placed on the Johnstown or Erie docket, if any party, whether by motion, amended pleading, or other paper, seeks relief so as to make the civil action a Designated Civil Action, the party requesting such relief must also file a Notice and include the following statement in the docket text: *“This filing includes a request for relief that seeks to bar or mandate governmental policies or actions of statewide or nationwide impact by declaratory judgment and/or any form of injunctive relief.”*

C. Any assigned judge presiding over a civil action in which one of the above italicized statements, or its equivalent, is made, whether on the Civil Cover Sheet, in docket text, or elsewhere, must independently assess the record to ascertain whether the case, in fact, seeks relief such that it is a Designated Civil Action:

1. If the assigned judge determines either that a) the case is not a Designated Civil Action in consideration of the nature of the relief sought, or b) that the case has in good faith progressed to such a degree that reassignment would be contrary to the interests of justice, then the assigned judge shall

enter such finding on the record and the case will remain as initially assigned to said judge.

2. If the assigned judge determines the case is a Designated Civil Action due to the nature of the relief sought, and it would not be contrary to the interests of justice to cause the reassignment of the case, then that judge shall enter such finding on the record and direct the Clerk to reassign the case pursuant to the random district-wide judicial assignment wheel process.

D. In cases where no party has included a statement identifying that such relief is requested in the case, any assigned judge in the Erie or Johnstown Division may independently assess the record to ascertain whether the case, in fact, is a Designated Civil Action by virtue of the relief sought, and then proceed in accordance with Paragraph C of this Order.

This Order shall remain in effect unless and until modified or vacated by further Order.

s/ Mark R. Hornak
Mark R. Hornak
Chief United States District Judge