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

<b>JULIO SUAREZ;</b>	:	Civil Rights Complaint
<b>DANIEL R. BINDERUP;</b>	:	42 U.S.C. § 1983
<b>DANIEL F. MILLER;</b>	:	
<b>FIREARMS POLICY</b>	:	Docket No. 1:21-cv-00710
<b>COALITION, INC.; and,</b>	:	
<b>SECOND AMENDMENT</b>	:	
<b>FOUNDATION,</b>	:	
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
<b>COL. ROBERT EVANCHICK,</b>	:	
Commissioner of Pennsylvania	:	
State Police,	:	
Defendant	:	

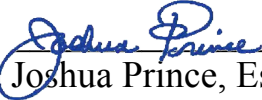
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**SECOND NOTICE OF SUPPLEMENTAL AUTHORITY**

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Plaintiffs respectfully notify the Court of the issuance of a new disaster proclamation by Governor Josh Shapiro on June 12, 2023; thereby, triggering the effects of 18 Pa.C.S. § 6107, as Plaintiffs have previously addressed in their briefing on relative to the cross-motions for summary judgment. A copy of the June 12, 2023 Proclamation of Disaster Emergency is attached.

Respectfully Submitted,

  
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# COMMONWEALTH OF PENNSYLVANIA



## PROCLAMATION BY THE GOVERNOR

### PROCLAMATION OF DISASTER EMERGENCY JUNE 12, 2023

WHEREAS, on June 11, 2023, a tanker truck fire erupted underneath a northbound and southbound bridge on Interstate 95 in Philadelphia City, Philadelphia County; and

WHEREAS, the fire led to the collapse of the northbound bridge and severe compromise of the southbound bridge; and

WHEREAS, the subsequent closing of the northbound and southbound lanes of Interstate 95 has created serious disruption to transportation and commerce; and

WHEREAS, in addition to the economic impacts, there is concern for the public safety and well-being of all individuals in the vicinity of the incident; and

WHEREAS, Philadelphia and surrounding political subdivisions are experiencing adverse impacts, including ongoing traffic disruption in and around the scene of the incident; and

WHEREAS, these adverse impacts are of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

WHEREAS, it is necessary to take immediate steps to provide for the reopening of the northbound and southbound lanes on Interstate 95 and to repair or reconstruct the bridges.

NOW THEREFORE, pursuant to Article IV, Section 20 of the Pennsylvania Constitution, I do hereby proclaim the existence of a general disaster emergency in Philadelphia County and authorize and direct that the Pennsylvania Emergency Management Agency Director, or designee, assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director, or designee, utilize all available powers, resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event pursuant to the provisions of the Emergency Management Services Code, Title 35, Part V of Pennsylvania's Consolidated Statutes. 35 Pa. C.S. § 7101, et seq.

FURTHER, I hereby transfer \$2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency

Management Services Code, 35 Pa. C.S. § 7604(a). In addition, I hereby transfer \$5,000,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929, P.L.343, No. 176 (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

FURTHER, all Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under 62 Pa. C.S. § 516; and

FURTHER, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event as deemed necessary, and to augment it with personnel from other Commonwealth agencies and departments. I also authorize the Pennsylvania Emergency Management Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other Commonwealth agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

FURTHER, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that he deems necessary, to ensure that all property, roads and highways in the areas that may be affected by the emergency event are cleared of debris or any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs, maintenance, reconstruction, construction and clearing and removal of debris or obstructions from non-state-owned property, roads or highways, if necessary. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

FURTHER, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Pennsylvania State Police, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate and other federal and state highways in the Commonwealth to address this emergency event; and

FURTHER, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

FURTHER, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and



**STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency event to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.**



**GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this twelfth day of June two thousand twenty-three, the year of the Commonwealth the two hundred forty-seventh.**

A handwritten signature in blue ink, which appears to read "Josh Shapiro", is written over the printed name.

**Governor Josh Shapiro**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Second Notice of Supplemental Authority was filed electronically through the Eastern District of Pennsylvania Electronic Filing System.

Notice of these filing will be sent by operation of the Court's Electronic Filing System to all registered users in this case.

  
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Joshua Prince, Esq.