

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

THE INTERGOVERNMENTAL :
COOPERATION AUTHORITY FOR :
CITIES OF THE SECOND CLASS : No. _____
 :
Petitioner, :
 :
vs. :
 :
THE CITY OF PITTSBURGH, THE ACT :
47 COORDINATOR FOR THE CITY OF :
PITTSBURGH, AND THE :
INTERNATIONAL ASSOCIATION OF :
FIREFIGHTERS LOCAL #1, :
 :
Respondents. :

MOTION FOR EXPEDITED HEARING

NOW COMES Petitioner, the Intergovernmental Cooperation Authority for Cities of the Second Class (“ICA”), by and through its undersigned counsel, and respectfully submits the following Motion for Expedited Hearing:

1. Contemporaneously herewith, the ICA has filed a Petition For Review and a Motion for Preliminary Injunctive Relief, the allegations of which are incorporated as if set forth in full herein.

2. The City of Pittsburgh is facing a serious financial crisis. Upon the City’s request, the Secretary of the Commonwealth’s Department of Community and Economic Development (“DCED”) declared the City to be a “distressed” municipality under the Municipalities Financial Recovery Act, 53 P.S. § 11701.01 *et seq.* (“Act 47”).

3. Respondent the Act 47 Coordinator for the City of Pittsburgh (the “Act 47 Coordinator”) is charged with the duty of preparing and administering a plan designed to relieve the financial distress of the City. A recovery plan prepared by the Act 47 Coordinator was approved and adopted by City Council on June 29, 2004, and approved by the Mayor of the City on June 30, 2004 (the “Act 47 Plan”).

4. The General Assembly also enacted Act 11 on February 12, 2004, as an additional means of addressing and remedying the City's financial problems. See 53 P.S. § 28101 *et seq.* In enacting Act 11, the General Assembly established the Petitioner, the ICA, to assist the City in solving its financial problems. The ICA has broad powers and duties for the purpose of carrying out the intent of Act 11. 53 P.S. § 28203.

5. The ICA approved the City's 2005 Operating and Capital Budgets and Five Year Financial Forecast and Performance Plan (the "Financial Plan") on December 21, 2004. The Financial Plan established operating and capital budgets for fiscal year 2005 and budget forecasts for fiscal years 2006 through 2009.

6. Strict compliance with the Act 47 Plan, the Financial Plan, and the statutes pursuant to which those plans were created is necessary if the City is to recover from the financial crises which Act 11 and Act 47 are intended to remedy.

7. However, as is set forth in greater detail in the accompanying Petition and Motion, Respondents the City of Pittsburgh (the "City"), The Act 47 Coordinator For The City of Pittsburgh (the "Act 47 Coordinator") and The International Association of Firefighters Local #1 (the "IAFF"), are in willful violation of Act 47, the Act 47 Plan, and the Financial Plan.

8. Specifically, on or about March 2, 2005, the City and the IAFF agreed to a collective bargaining agreement (the "2005 CBA") which violates many of the workforce requirements set forth in the Act 47 Plan and, as a result, violates Act 47 and the Financial Plan. Upon information and belief, the Act 47 Coordinator has consented to the 2005 CBA and has failed or refused to require that the 2005 CBA comply with Act 47 and the Act 47 Plan.

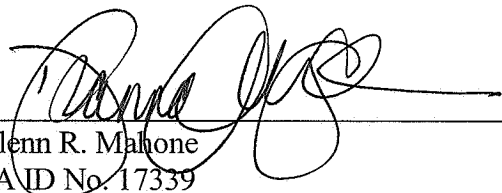
9. The willful violation of Act 47 and the Act 47 Plan undermines the ICA's ability to meaningfully administer Act 11 and impedes the ICA's ability to preserve, protect, and

repair the fiscal condition of the City of Pittsburgh as mandated by the state legislature. The health, safety and welfare of the citizens of the City and the ICA's ability to fulfill its statutory duties will be irreparably harmed if Respondents are not required to abide by state law.

10. Because of the immediate and irreparable harm that is ongoing, as is further described in the accompanying Petition and Motion, Petitioner the ICA respectfully requests expedited scheduling of its Motion for Preliminary Injunctive Relief.

WHEREFORE, Petitioner the Intergovernmental Cooperation Authority for Cities of the Second Class respectfully requests that this Court enter an Order, substantially in the form attached hereto, scheduling a hearing on an expedited basis, and granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: 

Glenn R. Mahone
PA ID No. 17339
Dianna C. Wyrick
PA ID No. 74515
Christopher J. Soller
PA ID No. 76614

REED SMITH LLP
435 Sixth Avenue
Pittsburgh, PA 15219
(412) 288-3131

April 8, 2005

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

THE INTERGOVERNMENTAL :
COOPERATION AUTHORITY FOR :
CITIES OF THE SECOND CLASS : No. _____

Petitioner, :

vs. :

THE CITY OF PITTSBURGH, THE ACT :
47 COORDINATOR FOR THE CITY OF :
PITTSBURGH, AND THE :
INTERNATIONAL ASSOCIATION OF :
FIREFIGHTERS LOCAL #1, :

Respondents.

ORDER OF COURT

AND NOW, this ____ day of _____, 2004, upon consideration of the Motion for Expedited Hearing filed by Petitioner, Intergovernmental Cooperation Authority for Cities of the Second Class, it is hereby ORDERED, ADJUDGED, and DECREED that Petitioner’s Motion for Expedited Hearing is GRANTED.

A hearing on Petitioner’s Motion for Preliminary Injunctive Relief is hereby scheduled before the Honorable _____ on April ____, 2005, at _____.m. at _____ . Expedited consideration of the matters set forth in the Petition For Review will be considered at that time.

BY THE COURT:

CERTIFICATE OF SERVICE

I, Dianna C. Wyrick, hereby certify that a true and correct copy of the foregoing **MOTION FOR EXPEDITED HEARING** was served on the following by hand delivery this 8th day of April, 2005:

To the City of Pittsburgh:

The Honorable Thomas J. Murphy, Mayor
City of Pittsburgh
512 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Jacqueline R. Morrow, City Solicitor
City of Pittsburgh
Law Department
345 City-County Building
Pittsburgh, PA 15219

To the Joint Act 47 coordinators:

James H. Roberts, Esq.
Eckert Seamans Cherin & Mellott
600 Grant Street
44th Floor
Pittsburgh, PA 15219

Dean Kaplan
Public Financial Management
Two Logan Square
18th & Arch Streets
Philadelphia, PA 19103

To the IAFF, Local No. 1

International Association of Fire Fighters,
Pittsburgh Local No. 1
ATTN: James E. King, President
Truck Company 33
1905 Marmaduke Street
Pittsburgh, PA 15212

With a copy to:

Joshua M. Bloom, Esq.
Koerner Colarusso & Bloom, PA
One Gateway Center
13th Floor North
Pittsburgh, PA 15222

Dianna C. Wyrick

