

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Robert M. McCord, in his official :
capacity as the Treasurer of the :
Commonwealth of Pennsylvania, :
Petitioner :

v. :

The Pennsylvania Gaming Control :
Board, :
Respondent :

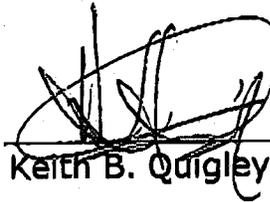
No. 446 M.D. 2010

ORDER

NOW, January 20, 2011, after hearing on petitioner's application for special relief in the nature of a preliminary injunction and respondent Pennsylvania Gaming Board's (Board) answer thereto, the application is granted. The Board is enjoined from taking any action preventing or otherwise inhibiting the petitioner or his designee(s) from attending and participating in *all* sessions of the Board (public and private), beginning no later than the public session on Wednesday, January 26, 2011. In this regard, petitioner and his designee(s) shall execute a non-disclosure agreement and the Code of Ethics Statement and Disclosure Form identical to those executed by voting members of the Board. Upon execution of these documents, the Board shall provide petitioner with all confidential or proprietary information relevant to deliberations of the Board.

In reaching this decision, ~~the~~ Court was persuaded by the clear wording of the Pennsylvania Race Horse Development and Gaming Act,

4 Pa. C.S. § 1201-1213, as well as the *en banc* opinion authored by our President Judge that overruled the Board's preliminary objections. The Board's arguments at hearing did not convince us otherwise and, accordingly, the preliminary injunction shall be entered.



Keith B. Quigley, Senior Judge

Certified from the Record

JAN 20 2011

And Order Exit