



To the extent the October 23, 2019 opinion can be read for the proposition that any case in which injunctive relief is sought against a judicial entity should be recharacterized as a petition for writ of prohibition and then transferred to this Court, the opinion is ABROGATED.

The Commonwealth Court's conclusion that Petitioners' filing is in the nature of a petition for writ of prohibition rests significantly on Petitioners' ostensible assertion that the Judicial District was "without jurisdiction," a phrase akin to a prohibition claim. Yet, that phrase does not appear in Petitioners' filings. Reframing those filings as a request for a writ of prohibition, where such relief is not evidently sought, is without foundation. See *Borough of Akron v. Pub. Util. Comm'n*, 310 A.2d 271, 276 (Pa. 1973) (while acknowledging that some actions seeking injunctions "may in fact be imperfectly framed requests for writs of prohibition," further defining the narrow scope of the writ, specifying that "[p]rohibition is not appropriately used to forestall a merely erroneous exercise of jurisdiction. On the other hand, it exactly fills the bill if the tribunal can in no circumstances whatsoever act validly as to the subject matter involved in the hearings it proposes to conduct") (citation omitted). See also *Glen Mills Sch. v. Court of Common Pleas*, 520 A.2d 1379, 1381 (Pa. 1987) ("In addition to total absence of jurisdiction, our cases have extended the application of the writ of prohibition to encompass situations in which an inferior court, which has jurisdiction, exceeds its authority in adjudicating the case. This latter situation has been termed an 'abuse of jurisdiction.'")

Moreover, the Commonwealth Court's order transferring this matter to this Court would have been proper only if the Commonwealth Court lacked jurisdiction. See 42 Pa.C.S. §5103. The October 23, 2019 opinion does not adequately explain how this action falls outside of that court's original jurisdiction. See 42 Pa.C.S. §761 (establishing the Commonwealth Court's original jurisdiction as extending to civil actions against the

Commonwealth government); see also 42 Pa.C.S. §102 (defining “Commonwealth government” as including the courts of the Unified Judicial System). As such, this Court concludes that the transfer was improper.

That said, this Court elects to exercise King’s Bench jurisdiction over this matter. See *Commonwealth v. Chimenti*, 507 A.2d 79, 81 (Pa. 1986) (noting that King’s Bench jurisdiction may be invoked *sua sponte* as an exercise of this Court’s inherent supervisory powers). This case concerns a challenge to a policy (the Policy) prohibiting the use of medical marijuana by individuals under the supervision of the Lebanon County Probation Services. Petitioners assert that this prohibition violates the Medical Marijuana Act, see 35 P.S. §§10231.101 - 10231-2110, and that they will suffer significant bodily harm through implementation of the Policy. The Court finds that this case implicates substantial legal questions concerning matters of public importance, particularly in light of the allegation that other judicial districts have adopted or are considering adopting similar limitations on the use of medical marijuana. See *Commonwealth v. Williams*, 129 A.3d 1199, 1206 (Pa. 2015) (setting forth that King’s Bench jurisdiction “is generally invoked to review an issue of public importance that requires timely intervention by the court of last resort”).

Consistent with this Court’s exercise of its King’s Bench jurisdiction, any enforcement or implementation of the Policy is STAYED pending further order of this Court.

The Prothonotary is DIRECTED to establish a briefing schedule and list this matter for oral argument.

Justice Baer dissents from the Court’s exercise of King’s Bench jurisdiction over this matter.