

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COUNTY OF ALLEGHENY, a political )  
subdivision of the Commonwealth of )  
Pennsylvania, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
THE CRACKED EGG, LLC, )  
 )  
Defendant. )

CIVIL DIVISION - EQUITY

No.: GD-20-9809

DEPT OF COURT RECORDS  
CIVIL/FAMILY DIVISION  
ALLEGHENY COUNTY PA

2021 FEB - 3 PM 3:38

FILED

**ORDER OF COURT**

AND NOW, this 3rd day of February 2021, after a full and complete evidentiary hearing held remotely on January 27-29 2021, pursuant to PA. R.C.P 1531, it is ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court finds that the orders of Governor Wolf, Secretary Levine and the ACHD are constitutional as rationally related to the legitimate government interest of protecting the citizens of Allegheny County from the spread of COVID-19.
2. The order of Governor Wolf, Secretary Levine, and the ACHD are not null *ab initio* as the regulatory statutes were suspended in Governor Wolf's emergency proclamation dated March 6, 2020 and amended on August 31, 2020 and November 24, 2020.
3. The Court finds that the burden of proof has been met by the County of Allegheny and thus, makes the following findings:
  - a. An injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages.
  - b. Greater harm would result from refusing the injunction than from granting it, and the issuance of an injunction will not substantially harm other interested parties.
  - c. The activity the County of Allegheny seeks to restrain is actionable, its right to relief is clear, and that the wrong is manifest, or, in other words, that the County of Allegheny is likely to prevail on the merits.
  - d. A Preliminary injunction will properly restore the parties to their status quo as it existed immediately prior to the Crack'd Egg's wrongful conduct.
  - e. The requested injunction is reasonably suited to abate the Crack'd Egg's offending conduct.
  - f. The injunction will not adversely affect the public interest.
4. A Memorandum Opinion shall be separately filed in support of this Order of Court.

5. Plaintiffs Emergency Motion for Preliminary Injunction is GRANTED and a Preliminary Injunction is entered, as follows;

The above-captioned Defendant, as further identified in the Complaint, is ORDERED to:

1. Submit to the ACHD a COVID-19 compliance plan for the operation of The Crack'd Egg at 4131 Brownsville Road, Pittsburgh, PA, 15227 (lot and block number 0188-N-00133).
2. Cease and desist from violating the August 11, 2020 enforcement order by willfully opening and operating The Crack'd Egg at 4131 Brownsville Road, Pittsburgh, PA, 15227 (lot and block number 0188-N-00133).
3. Cease and desist from ignoring its obligations under the August 11, 2020 enforcement order,
4. This ORDER shall become effective IMMEDIATELY.

BY THE COURT

*Judge John T. McVay Jr.*