

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

PENNSYLVANIA HUMAN RELATIONS : 119 E.D. Miscellaneous Docket 1996
COMMISSION, :
: :
: :
: :
: :
: :
v. : Appeal from the order of the
: Commonwealth Court at No. 1056 C.D.
: 1973
SCHOOL DISTRICT OF PHILADELPHIA, :
ET AL., : 667 A.2d 1173 (Pa. Commw. Ct. 1995)
: :
: :
v. :
: :
COMMONWEALTH OF PENNSYLVANIA, : ARGUED: FEBRUARY 3, 1998:
et al. :
: :
: :
PETITION OF: Commonwealth of :
Pennsylvania and Thomas J. Ridge, :
Governor :

CONCURRING OPINION

MR. JUSTICE NIGRO

DECIDED: May 19, 1999

I concur in the result reached by the majority. I write separately, however, because I cannot agree that the Commonwealth Court did not have original jurisdiction in this enforcement proceeding. In an enforcement proceeding the inquiry is limited to whether the order itself was complied with, not whether the order was properly entered on the merits. Due to its unique nature, I would find that an enforcement proceeding falls within the Commonwealth Court's original jurisdiction. Nevertheless, I agree with the majority that, in this case, joinder of the Commonwealth, Governor Ridge, the City of Philadelphia,

and Mayor Rendell was improper, not only because it infused a new claim into the case but, because joinder of these parties was not necessary for the Commonwealth Court to enforce the Commission's order.