

[J-69-2008]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

PHILADELPHIA ENTERTAINMENT AND	:	No. 1 EM 2008
DEVELOPMENT PARTNERS, L.P. D/B/A	:	
FOXWOODS CASINO PHILADELPHIA,	:	Verified Petition for Review and
	:	Application for Summary Relief and
Petitioner	:	Expedited Briefing Schedule
	:	
	:	
v.	:	
	:	
	:	
CITY COUNCIL FOR THE CITY OF	:	
PHILADELPHIA AND THE CITY OF	:	
PHILADELPHIA,	:	
	:	
Respondents	:	SUBMITTED: March 17, 2008

CONCURRING OPINION

MR. JUSTICE SAYLOR

I agree with the majority that HSP Gaming L.P. v. City Council, ___ Pa. ___, 939 A.2d 273 (2007), is controlling and, for that reason, Petitioners should receive treatment similar to that afforded to HSP. Absent such controlling precedent, I would favor the appointment of a special master to preside over the development of an evidentiary record and to offer recommended findings and conclusions, as I believe that such a record is conventionally necessary to address core, disputed factual matters, such as those regarding City Council's intentions and conduct. Accord HSP, ___ Pa. at ___, 939 A.2d at 288 (Saylor, J., dissenting).