

Court Strikes Down Some of the States COVID-19 Restrictions

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A federal district court in Pittsburgh on Monday ruled that key portions of [Gov. Tom Wolf's COVID-19 mitigation strategies are unconstitutional](#), including restrictions that shut down nonessential businesses, limited the size of gatherings and required people to stay at home during the initial phases of the pandemic.

The business shutdown and stay-at-home orders had previously been lifted by the state, but the restriction that limited the size of indoor gatherings to 25 and outdoor gatherings to 250 have remained in place. The court held that the state's limits on the size of gatherings violated rights under the First Amendment to the U.S. Constitution. The court's action does not affect other COVID-19 mandates in place, such as the requirement to wear masks in public and orders related to worker safety and remote work. It specifically does not include indoor capacity limits for bars and restaurants, which are scheduled to increase from 25% to 50% on September 21.

Despite this ruling, businesses should proceed with caution until the legal ramifications of the court's action are clarified. A spokesperson for Gov. Wolf stated that Pennsylvania will immediately seek a stay of the court's order and will file an appeal to the Third Circuit Court of Appeals, based in Philadelphia. It is possible that the court's order will be stayed and that the restrictions on the size of gatherings will remain in place for some period of time. We expect that there will be greater clarity about the status of the court's action within the next week.

While technically these restrictions are no longer enforceable, this literally could change overnight. Businesses that inform customers that they can now host larger events may need to reverse course if a stay of the court's decision is granted.

Lawyers with the Barley Snyder COVID-19 Response Service Team will continue to monitor developments in this fluid situation. If you have any questions about the status of COVID-19 restrictions, please [contact me](#) or any member of the [Barley Snyder COVID-19 Response Service Team](#).

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