



February 3, 2021

Beige Berryman, City Planner, Urban Design Division  
The Philadelphia Art Commission  
One Parkway, 1515 Arch Street  
Philadelphia, PA 19102

Dear Beige:

As required per the Art Commission's approval letter of August 14, 2020, the following represents the Administration's six-month report on the status of the *Christopher Columbus* statue removal.

An attorney for the The Friends of Marconi Plaza has filed multiple complaints and appeals in several judicial and administrative jurisdictions. A Motion for Preliminary Injunction, seeking to prevent the City from relocating the statue, was filed by the Plaintiffs and denied by Judge Patrick in the Court of Common Pleas on September 11, 2021. The Plaintiffs have filed an appeal on the Court's denial of their motion to the Commonwealth Court and Judge Patrick ordered that the City cannot relocate the statue while that appeal is pending. The Commonwealth Court issued a briefing schedule for the appeal – Plaintiffs' brief is due 3/8/21 and the City's brief is due 4/7/21.

The Plaintiffs also filed a Motion to Compel, asking the Court to allow their independent marble expert to examine the statue and on December 11, 2020 Judge Patrick ordered the City to provide access to the statue for the inspection. On January 27, 2021 the statue was partially unboxed to allow for the Plaintiffs' visual inspection. Attached please find an Addendum containing a detailed outline of the litigation to date.

The City intends to move forward with its plan for the relocation of the *Christopher Columbus* statue. The timing of removal remains dependent upon the resolution of the ongoing litigation, including the current Court Order to keep the statue in place while the appeal is pending in the Commonwealth Court, and the scheduling of a qualified conservation team to perform the work. Ultimately, the City will undertake a community engagement process to determine what new artwork should replace the statue.

As stated in our initial presentation to the Commission, the City welcomes inquiries from individuals or organizations interested in working to find an appropriate home for the statue.

Should you require any additional information at this time, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Margot Berg".

Margot Berg  
Public Art Director



Columbus Statue Update to Art Commission: February 10, 2021  
Addendum – Summary of Columbus Statue Litigation to Date

**1) Underlying Complaint in Court of Common Pleas:**

- There is a case pending in the Philadelphia Court of Common Pleas, filed by Friends of Marconi Plaza against the City (Friends of Marconi Plaza, et al. v. City of Philadelphia, et al. Docket No. 200600741) seeking to prevent the City from relocating the Statue
- The City has filed Preliminary Objections to the Complaint, essentially arguing that there is no legal basis for the claims against the City; the Court has yet to rule on these objections which have been pending since
- A Motion for Preliminary Injunction, seeking to prevent the City from relocating the Statue, was filed by the Plaintiffs and denied by the Court on September 11, 2021
  - o Plaintiffs have filed an appeal on the Court's denial of their motion to the Commonwealth Court (Docket No. 929 CD 2020)
  - o On September 17, 2020 J. Patrick in the Court of Common Pleas ordered that the City cannot relocate the Statue while that appeal is pending
  - o The Commonwealth Court just issued a briefing schedule for the appeal – Plaintiffs' brief is due 3/8/21 and the City's brief is due 4/7/21
- Plaintiff's also filed a Motion to Compel, asking the Court to allow their proposed marble expert to examine the Statue; Judge Patrick ordered on December 11, 2020 that the City allow access to the Statue for the inspection
  - o On January 27, 2021 the Statue was partially unboxed to allow for a visual inspection by Plaintiff's counsel and their proposed expert Angelo Tartaglini of Angelo's Marble & Granite, Inc. (2500 Ellsworth St., Phila, PA 19146)
  - o The inspection went smoothly, and the Statue was immediately reboxed that same afternoon

**2) Administrative Appeal in Court of Common Pleas:**

- Plaintiffs had previously appealed the Historical Commission's decision to allow for relocation of the Statue (subject to certain conditions) to the Board of License and Inspection Review (BLIR)
- BLIR upheld the Historical Commission's decision and Plaintiffs are now appealing BLIR's decision to the Court of Common Pleas (Docket No. 201000295)
- Plaintiffs' brief is due 3/1/21 and the City's brief is due 4/5/21; the case is tentatively scheduled for oral arguments on 5/3/21

**3) Appeal of Art Commission decision to Board of License and Inspection Review:**

- Plaintiffs have also filed an appeal of the Art Commission's decision to allow for the relocation of the Statue (subject to certain conditions) to BLIR
- BLIR has yet to schedule the hearing for this appeal