



August 25, 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 second six-month report on the status of the *Christopher Columbus* statue removal.

An attorney for 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, 2020. The Plaintiffs have filed an appeal of 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 appeal has been briefed, and a tentative session date for oral argument has been scheduled for November 15, 2021.

Plaintiffs also previously filed an administrative appeal in the Court of Common Pleas challenging the Board of License and Inspection Review's affirmance of the Historical Commission's decision to allow for relocation of the statue. Oral argument on that appeal was held before Judge Patrick earlier this month, and on August 17, 2021 Judge Patrick issued an order reversing the Historical Commission's decision. The City is appealing Judge Patrick's order to the Commonwealth Court, and accordingly filed a Notice of Appeal on August 19, 2021. Attached please find an Addendum containing a detailed outline of the litigation to date.

The City still intends to move forward with its plan for the relocation of the *Christopher Columbus* statue. The timing of the 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 Commonwealth Court, and resolution of the administrative appeal of the Historical Commission's decision. Additionally, relocation will remain dependent on the scheduling of a qualified rigging team to perform the work. The City still intends to 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 continues to welcome 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, appearing to read "Kelly Lee".

Kelly Lee, Chief Cultural Officer and Director
Office of Arts, Culture and the Creative Economy



Columbus Statue Update to Art Commission: August 25, 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
- A Motion for Preliminary Injunction, seeking to prevent the City from relocating the Statue, was filed by Plaintiffs and denied by the Court on September 11, 2020
 - 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 the appeal is pending
 - o The Commonwealth Court issued a briefing schedule – all briefing has been complete and the case has a tentative session date for oral argument on November 15, 2021
- The City has also filed Preliminary Objections to the Complaint, essentially arguing that there is no legal basis for the claims against the City; J. Patrick dismissed the Preliminary Objections without prejudice pending the outcome of the Commonwealth Court appeal

2) Administrative Appeal of Philadelphia Historical Commission's Decision:

- Plaintiffs had previously appealed the Historical Commission's decision to allow for the 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 appealed BLIR's decision to the Court of Common Pleas (Docket No. 201000295)
- J. Patrick held oral arguments on the appeal on August 10, 2021
- On August 17, 2021 J. Patrick issued an order reversing the Historical Commission's decision to allow for relocation of the Statue
- On August 19, 2021 the City filed a Notice of Appeal, appealing the order to the Commonwealth Court

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 a hearing for this appeal