

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-2936

IN RE: GRAND JURY

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

D.C. Misc. 05-mc-00197

District Judge: The Honorable Robert F. Kelly

Argued: March 29, 2006

Before: McKEE, BARRY and VAN ANTWERPEN, Circuit Judges

(Opinion Filed: May 11, 2006)

C. Clark Hodgson, Jr., Esq. (Argued)
Jonathan F. Bloom, Esq.
Thomas W. Dymek, Esq.
Stradley, Ronon, Stevens & Young
2600 One Commerce Square
Philadelphia, PA 19103

-AND-

Sal Cognetti, Jr., Esq.
Foley, Cognetti, Comeford, Cimini & Cummins
507 Linden Street
700 Scranton Electric Building
Scranton, PA 18503

Counsel for Appellant
John J. Pease, III, Esq. (Argued)

Office of the United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Counsel for Appellee

OPINION OF THE COURT

BARRY, Circuit Judge

As initially presented, the principal issue before us on this appeal was whether we should now create the qualified state legislative immunity privilege we have heretofore “refus[ed] to create,” In re Grand Jury (Granite), 821 F.2d 946, 956 (3d Cir. 1987). At oral argument, however, it was made clear by appellant that the “principal” issue was, in fact, the issue on which it seeks to prevail.

We have carefully considered the written submissions of the parties and the oral arguments they so forcefully presented. We see no reason to revisit Granite and conclude, without further discussion, that essentially for the reasons set forth by the District Court, its orders of May 11, 2005 and June 1, 2005 will be affirmed.