

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 2545 CD 2005

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September 2, 2010



CAPTION

Township of Exeter
v.
Zoning Hearing Board of
Exeter Township and
Land Displays, Inc.

Appeal of: Board of Supervisors
of Exeter Township

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: August 25, 2009 Completed

Journal Number: 57-06-06
18-09-06
14-06-09

Case Category: Civil Case Type(s): Zoning/Land Use

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Appellant Board of Supervisors of Exeter Township

Pro Se: No

IFP Status:

Attorney: Bellwoar, Andrew J.
Law Firm: Siana, Bellwoar & McAndrew, LLP
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941 Pottstown Pike Ste 200
Chester Springs, PA 19425
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Attorney: Crotty, Michael George
Law Firm: Siana, Bellwoar & McAndrew, L.L.P.
Address: 941 Pottstown Pike Ste 200
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Phone No: (610) 321-5500 Fax No: (610) 321-5531

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**COUNSEL INFORMATION****Appellee Zoning Hearing Board of Exeter Township**

Pro Se: No

IFP Status:

Attorney: Essig, Paul T.

Law Firm: Essig, Valeriano & Fudeman, P.C.

Address: Ste 101

1100 Berkshire Blvd

Wyomissing, PA 19610

Phone No: (610) 376-7252

Fax No: (610) 375-2076

Appellee Land Displays, Inc.

Pro Se: No

IFP Status:

Attorney: Fitzpatrick, Charles F.

Law Firm: Barley Snyder, L.L.C.

Address: 501 Washington St

PO Box 942

Reading, PA 19603--0942

Phone No: (610) 376-6651

Fax No: (610) 376-5243

AGENCY/TRIAL COURT INFORMATION

Court Below: Berks County Court of Common Pleas

County: Berks

Division: Berks County Civil Division

Order Appealed From: November 21, 2005

Judicial District: 23

Documents Received: December 27, 2005

Notice of Appeal Filed: December 21, 2005

Order Type: Order

OTN(s):

Lower Ct Docket No(s): 05-13146

Lower Ct Judge(s): Lieberman, Stephen B.
Judge**ORIGINAL RECORD CONTENT**

Original Record Item	Filed Date	Content Description
trial court record	January 18, 2006	1 box

Date of Remand of Record: August 25, 2009**BRIEFING SCHEDULE****Appellant****Board of Supervisors of Exeter Township****Amended Brief**

Due: May 4, 2009

Filed: May 4, 2009

Appellee**Land Displays, Inc.****Brief**

Due: June 3, 2009

Filed: May 19, 2009

Brief

Due: February 27, 2006

Filed: November 28, 2006

Due: April 3, 2009

Filed: April 3, 2009

Reproduced Record

Due: February 27, 2006

Filed: February 27, 2006

Due: May 4, 2009

Filed: April 22, 2009

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 21, 2005	Notice of Appeal Filed Board of Supervisors of Exeter Township		Appellant	
December 28, 2005	Send Back for Correction Commonwealth Court Filing Office Document Name: Lacks service on lower court judge (name and address)			
January 9, 2006	Certificate of Service Filed Board of Supervisors of Exeter Township Document Name: In compliance with this court's 12/28/05 send back.		Appellant	
January 9, 2006	Notice of Docketing Appeal Exited Commonwealth Court Filing Office			
January 18, 2006	Trial Court Record Received Lower Court or Agency			
January 18, 2006	Order Filed Pellegrini, Dan Document Name: Appellant is directed to file a copy of the applicable Zoning Ordinance with this court by 2/2/06 or Comment: this matter shall be dismissed as of course.			01/19/2006
January 23, 2006	Docketing Statement Filed Board of Supervisors of Exeter Township		Appellant	
January 27, 2006	Designation of Contents of Reproduced Record Board of Supervisors of Exeter Township		Appellant	
January 31, 2006	Supplemental Record Lower Court or Agency Document Name: Zoning Ordinance			
February 27, 2006	Appellant's Brief Filed Board of Supervisors of Exeter Township		Appellant	
February 27, 2006	Reproduced Record Filed Board of Supervisors of Exeter Township Document Name: 2 volumes		Appellant	
March 8, 2006	Tentative Argument Hostutler, Charles R. Document Name: June 2006			
March 23, 2006	Appellee's Brief Filed Zoning Hearing Board of Exeter Township		Appellee	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 28, 2006	Appellee's Brief Filed Land Displays, Inc.		Appellee	
April 7, 2006	Appellant's Reply Brief Board of Supervisors of Exeter Township		Appellant	
April 13, 2006	Argument Scheduled Hostutler, Charles R. Document Name: Friday, 6/9/06 @ 9:30a.m. (Panel) in En Banc Crtrm 1, 9th Fl., Widner Bldg., 1339 Chestnut St., Comment: One S. Penn Sq., Phila., Pa. #57			
May 23, 2006	Remand: Jurisdiction Retained Per Curiam Document Name: This matter is remanded to the trial court for inclusion of a more informative opinion in support of Comment: its 11/21/05 order. The trial court shall recertify the record to this Court by 7/3/06. Argument is continued from the June List to the next available argument list. Jurisdiction is retained.			05/24/2006
May 24, 2006	Remand: Jurisdiction Retained Lower Court or Agency Document Name: See ORDER of 5/23/06.			
May 24, 2006	Tentative Argument Hostutler, Charles R. Document Name: Sept. 2006			
June 5, 2006	Acknowledgement of Record Remittal Lower Court or Agency			
July 5, 2006	Trial Court Record Received Lower Court or Agency Document Name: Record returned			
July 18, 2006	Argument Scheduled Hostutler, Charles R. Document Name: Monday, 9/11/06 @ 1:00p.m. (Panel) in Crtrm 2, 5th Fl., Irvis Office Bldg., Harrisburg. #18			
November 1, 2006	Reversed McCloskey, Joseph F. Document Name: Opinion - 13 pages (including Dissenting Opinion). Comment: Dissenting Opinion filed by J. Friedman.			11/01/2006
November 15, 2006	Application for Reargument Land Displays, Inc.		Appellee	
November 28, 2006	Appellant's Brief Filed Board of Supervisors of Exeter Township Document Name: answer to application for reargument		Appellant	
December 19, 2006	Order Denying Application for Reargument Colins, James Gardner			12/19/2006

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 17, 2007	Petition for Allowance of Appeal to PA Supreme Court Filed Land Displays, Inc.		Appellee	
	Document Name: 56 MAL 2007			
June 21, 2007	Petition for Allowance of Appeal to PA Supreme Court - Limited Grant Supreme Court			
	Document Name: 65 MAP 2007 Comment: Record forwarded to Middle District on 6/22/07.			
January 22, 2009	Commonwealth Court Decision Reversed/Remanded Supreme Court			
	Document Name: 65 MAP 2007			
March 4, 2009	Tentative Argument Krimmel, Michael			
	Document Name: June 2009 (Philadelphia)			
March 4, 2009	Letter Krimmel, Michael			
	Comment: This matter is before this court on remand for consideration of the remaining issue. The following briefing schedule is hereby established: Appellant's brief (15) & rep. record (5) are due 4/3/09; Appellee's brief (15) 30 days thereafter. Argument is tentatively scheduled for the week of 6/8/09 in Phila. A specific date for argument will be set at a later date.			
April 3, 2009	Appellant's Brief Filed Board of Supervisors of Exeter Township		Appellant	
April 20, 2009	Appellant brief not accepted. Appellant directed to file amended brief by [date] Cohn Jubelirer, Renee			04/21/2009
	Comment: Appellant's amended, conforming brief (15) & rep. record (5) are due 5/4/09 or this matter shall be dismissed as of course.			
April 22, 2009	Reproduced Record Filed Board of Supervisors of Exeter Township		Appellant	
	Document Name: 2 volumes			
April 27, 2009	Argument Scheduled Krimmel, Michael			
	Document Name: Mon., 6/8/09 @ 1:00p.m.; (No. 14); (Panel) in Crtrm 2, 9th Fl., Widener Bldg., Comment: 1339 Chestnut St., One. S. Penn Sq., Phila., Pa 19107			
April 30, 2009	Notice of Non-Participation Zoning Hearing Board of Exeter Township		Appellee	
	Document Name: Filed by Paul T. Essig, Esq.			
May 4, 2009	Amended Brief of Appellant Filed Board of Supervisors of Exeter Township		Appellant	

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 6, 2009	Order Filed McCloskey, Joseph F.			05/07/2009
	Document Name: Appellant shall file 15 copies of the trial court's opinions dated 1/11/06 & Comment: 6/30/06 w/i 10 days of this order or this matter shall be dismissed as of course. Appellee's brief shall be filed & served by 6/3/09.			
May 15, 2009	Compliance with Order Board of Supervisors of Exeter Township		Appellant	
	Document Name: copies of trial court opinions filed in compliance with 5/6/09 order			
May 19, 2009	Appellee's Brief Filed Land Displays, Inc.		Appellee	
June 8, 2009	Request to Submit on Brief Board of Supervisors of Exeter Township		Appellant	
June 8, 2009	Order Directing Submission on Brief Per Curiam			06/08/2009
	Comment: Appellant's motion is granted & this matter, currently scheduled for oral arg. on 6/8/09, shall be submitted on briefs, w/o oral arg.			
July 1, 2009	Affirmed McCloskey, Joseph F.			07/01/2009
	Document Name: Memorandum Opinion (7 pages) Comment: The order of the Court of Common Pleas of Berks County is AFFIRMED.			
August 25, 2009	Remitted Commonwealth Court Filing Office			
August 31, 2009	Acknowledgement of Record Remittal Berks County Court of Common Pleas			

SESSION INFORMATION

Journal Number: 14-06-09
 Consideration Type: Oral Argument - Panel
 Listed/Submitted Date: June 8, 2009

Panel Composition:

The Honorable Renee Cohn Jubelirer	Judge
The Honorable Jim Flaherty	Senior Judge
The Honorable Joseph F. McCloskey	Senior Judge

DISPOSITION INFORMATION

Final Disposition:
 Related Journal No:
 Category: Decided
 Disposition: Remand: Jurisdiction Retained

Judgment Date:
 Disposition Author: Per Curiam
 Disposition Date: May 23, 2006

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DISPOSITION INFORMATION

Disposition Comment: its 11/21/05 order. The trial court shall recertify the record to this Court by 7/3/06. Argument is continued from the June List to the next available argument list. Jurisdiction is retained.

Dispositional Filing: Filing Author:
Filed Date:

Final Disposition:

Related Journal No:

Category:

Decided

Disposition:

Remand: Jurisdiction Retained

Dispositional Filing:

Filed Date:

Judgment Date:

Disposition Author:

Lower Court or Agency

Disposition Date:

May 24, 2006

Filing Author:

Final Disposition:

Related Journal No:

Category:

Decided

Disposition:

Reversed

Disposition Comment:

Dissenting Opinion filed by J. Friedman.

Dispositional Filing:

Opinion

Filed Date:

11/1/2006 1:00:00AM

Judgment Date:

November 1, 2006

Disposition Author:

McCloskey, Joseph F.

Disposition Date:

November 1, 2006

Filing Author:

McCloskey, Joseph F.

Dispositional Filing:

Dissenting Opinion

Filed Date:

11/1/2006 1:00:00AM

Filing Author:

Friedman, Rochelle S.

Final Disposition:

Yes

Related Journal No:

Category:

Decided

Disposition:

Affirmed

Disposition Comment:

The order of the Court of Common Pleas of Berks County is AFFIRMED.

Dispositional Filing:

Memorandum Opinion

Filed Date:

7/1/2009 12:00:00AM

Judgment Date:

July 1, 2009

Disposition Author:

McCloskey, Joseph F.

Disposition Date:

July 1, 2009

Filing Author:

McCloskey, Joseph F.

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:

November 15, 2006

Disposition:

Order Denying Application for Reargument

Disposition Date:

December 19, 2006

Record Remittal:

August 25, 2009