

Miscellaneous Docket Sheet

Docket Number: 123 MD 2017

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October 17, 2017



CAPTION

Commonwealth of Pennsylvania,
Department of
Environmental Protection,
Petitioner

v.

Highland Township, Elk County,
Pennsylvania and the Highland
Township Board of Supervisors,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed

Case Processing Status: April 17, 2017 Completed

Journal Number:

Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Department of Environmental Protection

Pro Se: No

IFP Status:

Attorney: Moorhead, Douglas Glenn
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Attorney: Braymer, Michael Adam
Law Firm: Pennsylvania Department of Environmental Protection
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Attorney: Ballard, Carl Douglas
Law Firm: Pennsylvania Department of Environmental Protection
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COUNSEL INFORMATION

Respondent Highland Township Board of Supervisors

Pro Se: No

IFP Status:

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Respondent Highland Township

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
03/27/2017	Miscellaneous Docket Filing Fee	65.50	03/27/2017	2017-CMW-H-000689	65.50
05/15/2017	Copy Work by Clerk (Per Page)	111.00	05/15/2017	2017-CMW-H-001018	111.00

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Commonwealth Court of Pennsylvania

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AGENCY/TRIAL COURT INFORMATION

Court Below:
 County: Division:
 Order Appealed From: Judicial District:
 Documents Received: March 27, 2017 Notice of Appeal Filed:
 Order Type:
 OTN(s):
 Lower Ct Docket No(s):
 Lower Ct Judge(s):

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 27, 2017	Petition for Review Filed Department of Environmental Protection		Petitioner	
March 27, 2017	Application for Relief Moorhead, Douglas Glenn Ballard, Carl Douglas Document Name: Application for Expedited Special Relief in the Nature of A Preliminary Injunction	Department of Environmental Protec Department of Environmental Protec	Petitioner Petitioner	
March 27, 2017	Memorandum of Law Filed Moorhead, Douglas Glenn Ballard, Carl Douglas Document Name: in Support of Application for Expedited Special Relief in the Nature of A Preliminary Injunction	Department of Environmental Protec Department of Environmental Protec	Petitioner Petitioner	
March 28, 2017	Notice Exited Commonwealth Court Filing Office			03/28/2017
March 29, 2017	Hearing Scheduled Pellegrini, Dan Document Name: Hearing on petitioner's application for special relief in the nature of a preliminary injunction is Comment: for April 12, 2017 at 1:00 p.m. in Courtroom 3001, Third Floor, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. The hearing is scheduled at the same time as the hearing on petitioner's application for preliminary injunction in Dept. of Environmental Protection v. Grant Twp. of Indiana County, et al., No. 126 M.D. 2017. Any answer to the application for special relief shall be filed and served not later than April 7, 2017.			03/29/2017
April 3, 2017	Entry of Appearance Burroughs, Paul F. Burroughs, Paul F. Martinucci, Arthur Dale Martinucci, Arthur Dale	Highland Township Highland Township Board of Supervi Highland Township Highland Township Board of Supervi	Respondent Respondent Respondent Respondent	

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 3, 2017	Application for Relief			
	Moorhead, Douglas Glenn	Department of Environmental Protec	Petitioner	
	Ballard, Carl Douglas	Department of Environmental Protec	Petitioner	
	Braymer, Michael Adam	Department of Environmental Protec	Petitioner	
	Burroughs, Paul F.	Highland Township	Respondent	
	Burroughs, Paul F.	Highland Township Board of Supervi	Respondent	
	Martinucci, Arthur Dale	Highland Township	Respondent	
	Martinucci, Arthur Dale	Highland Township Board of Supervi	Respondent	
Document Name: Joint App for Expedited Special Relief in the Nature of a Stipulated Order				
April 4, 2017	Order Filed			04/04/2017
	Wojcik, Michael H.			
Document Name: Upon review of the Petitioner's Application for Expedited Special Relief in the Nature				
Comment: of a Preliminary Injunction and the parties' Joint Application for Expedited Special Relief in the Nature of a Stipulated Order, and noting that counsel for all parties to this appeal have stipulated to the entry of this Order, it is hereby ORDERED as follows:				
1. Petitioner's Application for Expedited Special Relief in the Nature of a Preliminary Injunction and the parties' Joint Application for Expedited Special Relief in the Nature of a Stipulated Order are GRANTED. 2. The implementation and/or enforcement of Section 405 of Highland Township's Home Rule Charter against the Commonwealth of Pennsylvania, its agencies, and its employees acting within the scope of their employment, is ENJOINED until such time as a final determination on the merits of the Petition for Review is rendered.				
3. Hearing on Petitioner's Application for Expedited Special Relief in the Nature of a Preliminary Injunction set for April 12, 2017, at 1:00 p.m. is CANCELLED.				
April 7, 2017	Answer to Petition for Review			
	Burroughs, Paul F.	Highland Township	Respondent	
	Burroughs, Paul F.	Highland Township Board of Supervi	Respondent	
	Martinucci, Arthur Dale	Highland Township	Respondent	
	Martinucci, Arthur Dale	Highland Township Board of Supervi	Respondent	
Document Name: in the Nature of Complaint Seeking Declaratory and Injunctive Relief				
April 10, 2017	Application for Relief			
	Moorhead, Douglas Glenn	Department of Environmental Protec	Petitioner	
	Ballard, Carl Douglas	Department of Environmental Protec	Petitioner	
	Braymer, Michael Adam	Department of Environmental Protec	Petitioner	
	Burroughs, Paul F.	Highland Township	Respondent	
	Martinucci, Arthur Dale	Highland Township	Respondent	
	Martinucci, Arthur Dale	Highland Township Board of Supervi	Respondent	
Document Name: Joint Application for Expedited Special Relief in the Nature of A Stipulated Order				

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 11, 2017	Miscellaneous Wojcik, Michael H.			04/12/2017

Document Name: Upon review of the Department's Petition for Review, the Respondents' Answer to the Department's

Comment: Petition for Review, and the parties' Joint Application for Expedited Special Relief in the Nature of a Stipulated Order, and noting that counsel for all parties to this appeal have stipulated to the entry of this Order, it is hereby ORDERED as follows:

1. The parties' request for Declaratory Judgment contained in Counts I-IV of the Petition for Review is GRANTED.
2. Declaratory Judgment is entered in favor of the Department against the Respondents, thereby rendering Sections 401, 404, 405, and 410 of the Home Rule Charter void, unlawful, and unenforceable.
3. The Department's claims in Count V of the Petition for Review regarding permanent injunctive relief are withdrawn without prejudice.

DISPOSITION INFORMATION

Final Disposition:	Yes		
Related Journal No:		Judgment Date:	
Category:	Disposed Before Decision	Disposition Author:	Wojcik, Michael H.
Disposition:	Miscellaneous	Disposition Date:	April 11, 2017
Disposition Comment:	<p>Petition for Review, and the parties' Joint Application for Expedited Special Relief in the Nature of a Stipulated Order, and noting that counsel for all parties to this appeal have stipulated to the entry of this Order, it is hereby ORDERED as follows:</p> <ol style="list-style-type: none"> 1. The parties' request for Declaratory Judgment contained in Counts I-IV of the Petition for Review is GRANTED. 2. Declaratory Judgment is entered in favor of the Department against the Respondents, thereby rendering Sections 401, 404, 405, and 410 of the Home Rule Charter void, unlawful, and unenforceable. 3. The Department's claims in Count V of the Petition for Review regarding permanent injunctive relief are withdrawn without prejudice. 		
Dispositional Filing:		Filing Author:	
Filed Date:			