

Miscellaneous Docket Sheet

Docket Number: 126 MD 2017

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December 12, 2017



CAPTION

Commonwealth of Pennsylvania,
Department of Environmental Protection,
Petitioner

v.

Grant Township of Indiana County and
The Grant Township Board of Supervisors,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Active

Case Processing Status: October 3, 2017 Awaiting Consideration

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: Watling, Richard Thurston
Law Firm: PA Department of Environmental Protection
Address: DEP Southwest Office of Chief Counsel
400 Waterfront Dr
Pittsburgh, PA 15222-4745
Phone No: (412) 442-4262 Fax No:

Attorney: Heilman, Michael John
Law Firm: Pennsylvania Department of Environmental Protection
Address: Dep SW Office of Chief Counsel
400 Waterfront Dr
Pittsburgh, PA 15222-4745
Phone No: (412) 442-4262 Fax No:

Attorney: Herman, John H.
Law Firm: Pennsylvania Department of Environmental Protection
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Pittsburgh, PA 15222-4745
Phone No: (412) 442-4262 Fax No:

**Miscellaneous Docket Sheet****Commonwealth Court of Pennsylvania****Docket Number: 126 MD 2017****Page 2 of 8****December 12, 2017****COUNSEL INFORMATION****Petitioner Department of Environmental Protection**

Pro Se: No

IFP Status:

Attorney: Salador, Keith Jason  
 Law Firm: Pennsylvania Department of Environmental Protection  
 Address: PA Dep  
 400 Market St  
 Harrisburg, PA 17105  
 Phone No: (717) 783-8075 Fax No:

**Respondent The Grant Township Board of Supervisors**

Pro Se: No

IFP Status:

Attorney: Long, Natalie Anne  
 Address: P.O. Box 360  
 Mercersburg, PA 17236  
 Phone No: (618) 334-0033 Fax No:

Attorney: Dunne, Elizabeth M.  
 Address: Dunne Law  
 P.O. Box 75421  
 Honolulu, HI 96836  
 Phone No: (808) 554-1409 Fax No:

**Respondent Grant Township of Indiana County**

Pro Se: No

IFP Status:

Attorney: Long, Natalie Anne  
 Address: P.O. Box 360  
 Mercersburg, PA 17236  
 Phone No: (618) 334-0033 Fax No:

Attorney: Dunne, Elizabeth M.  
 Address: Dunne Law  
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 Honolulu, HI 96836  
 Phone No: (808) 554-1409 Fax No:

**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-000692	65.50
04/05/2017	Copy Work by Clerk (Per Page)	130.00	04/05/2017	2017-CMW-H-000776	130.00

**AGENCY/TRIAL COURT INFORMATION**

Court Below:

County:

Order Appealed From:

Documents Received: March 27, 2017

Order Type:

OTN(s):

Division:

Judicial District:

Notice of Appeal Filed:

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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**

<b>Petitioner</b>	<b>Respondent</b>
<b>Department of Environmental Protection</b>	<b>Grant Township of Indiana County</b>
<b>Brief</b>	<b>Amended Brief</b>
Due: September 1, 2017	Due: November 1, 2017
Filed: September 1, 2017	Filed: November 1, 2017
	<b>Brief</b>
	Due: October 3, 2017
	Filed: October 3, 2017
	<b>The Grant Township Board of Supervisors</b>
	<b>Amended Brief</b>
	Due: November 1, 2017
	Filed: November 1, 2017
	<b>Brief</b>
	Due: October 3, 2017
	Filed: October 3, 2017

**DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>March 27, 2017</b>	Petition for Review Filed Department of Environmental Protection		Petitioner	
	Document Name: In The Nature of Complaint Seeking Declaratory and Injunctive Relief			
<b>March 27, 2017</b>	Filed - Other Watling, Richard Thurston	Department of Environmental Protec	Petitioner	
	Document Name: Verification			
<b>March 27, 2017</b>	Petition for Preliminary Injunction Watling, Richard Thurston Heilman, Michael John Herman, John H.	Department of Environmental Protec Department of Environmental Protec Department of Environmental Protec	Petitioner Petitioner Petitioner	
	Document Name: Application for Expedited Special Relief in the Nature of a Preliminary Injunction.			
<b>March 27, 2017</b>	Amended Certificate of Service Watling, Richard Thurston Heilman, Michael John Herman, John H.	Department of Environmental Protec Department of Environmental Protec Department of Environmental Protec	Petitioner Petitioner Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>March 29, 2017</b>	Hearing Scheduled Pellegrini, Dan			03/29/2017
	Document Name: hearing on pet.'s application for special relief in the nature of a preliminary injunction is set 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. Highland Township, et al., No. 123 M.D. 2017. Any answer to the application for special relief shall be filed and served not later than April 7, 2017.			
<b>March 30, 2017</b>	Notice Exited Commonwealth Court Filing Office			03/30/2017
<b>April 7, 2017</b>	Entry of Appearance Long, Natalie Anne Long, Natalie Anne	Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent	
<b>April 7, 2017</b>	Certificate of Service Filed Long, Natalie Anne Long, Natalie Anne	Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent	
	Document Name: of Entry of Appearance			
<b>April 7, 2017</b>	Application for Relief Watling, Richard Thurston Heilman, Michael John Long, Natalie Anne Long, Natalie Anne	Department of Environmental Protec Department of Environmental Protec Grant Township of Indiana County The Grant Township Board of Super	Petitioner Petitioner Respondent Respondent	
	Document Name: Joint Application for Expedited Special Relief in the Nature of a Stipulated Order.			
<b>April 10, 2017</b>	Order Filed Wojcik, Michael H.			04/10/2017
	Document Name: upon review of Pet.'s Application for Expedited Special Relief in the Nature of a Preliminary Comment: 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. The implementation and/or enforcement of Section 303 of the 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. 2. 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. 3. Petitioner's Application for Expedited Special Relief in the Nature of a Preliminary Injunction is DISMISSED as moot. 4. Respondents' time to respond to the Petition for Review is hereby EXTENDED to May 8, 2017.			
<b>April 17, 2017</b>	Entry of Appearance Salador, Keith Jason	Department of Environmental Protec	Petitioner	

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>April 26, 2017</b>	Application to be Admitted Pro Hac Vice Filed Long, Natalie Anne Long, Natalie Anne Document Name: of Elizabeth M. Dunne, Esquire.	Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent	
<b>May 8, 2017</b>	Answer and New Matter Long, Natalie Anne Long, Natalie Anne	Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent	
<b>May 11, 2017</b>	Order Granting Application to be Admitted Pro Hac Vice Colins, James G. Document Name: upon consideration of the motion of Comment: Long, Esquire, for admission pro hac vice of Elizabeth M. Dunne, Esquire, on behalf of respondents Grant Township of Indiana County and the Grant Township Board of Supervisors, it is hereby ordered: (1) Elizabeth M. Dum1e, Esquire, is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of respondents in this matter; (2) Elizabeth M. Dunne, Esquire, shall abide by the rules of this Court including all disciplinary rules; (3) Elizabeth M. Dunne, Esquire, shall immediately notify this Court of any matter affecting her standing at the bar of any other court where she can be admitted to practice; and ( 4) Natalie A. Long, Esquire, the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of the respondents.			05/12/2017
<b>May 19, 2017</b>	Answer Filed Long, Natalie Anne Long, Natalie Anne Document Name: in the Nature of a Complaint Seeking Declaratory and Injunctive Relief New Matter and Comment: Counterclaim.	Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent	
<b>June 19, 2017</b>	Preliminary Objections Watling, Richard Thurston Heilman, Michael John Document Name: P.O.'s to New Matter and Counterclaim of Respondents	Department of Environmental Protec Department of Environmental Protec	Petitioner Petitioner	
<b>July 5, 2017</b>	Application for Extension of Time to File Long, Natalie Anne Long, Natalie Anne Document Name: to Respond to Preliminary Objections.	Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent	
<b>July 10, 2017</b>	Application for Relief Watling, Richard Thurston Heilman, Michael John Herman, John H. Document Name: Amended Notice to Plead.	Department of Environmental Protec Department of Environmental Protec Department of Environmental Protec	Petitioner Petitioner Petitioner	

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>July 10, 2017</b>	Praecepte to Withdraw			
	Long, Natalie Anne	Grant Township of Indiana County	Respondent	
	Long, Natalie Anne	The Grant Township Board of Super	Respondent	
	Dunne, Elizabeth M.	Grant Township of Indiana County	Respondent	
	Dunne, Elizabeth M.	The Grant Township Board of Super	Respondent	
Document Name: Praecepte to Withdraw Motion for Extension of Time.				
<b>July 18, 2017</b>	Answer to Preliminary Objections			
	Long, Natalie Anne	Grant Township of Indiana County	Respondent	
	Long, Natalie Anne	The Grant Township Board of Super	Respondent	
	Dunne, Elizabeth M.	Grant Township of Indiana County	Respondent	
	Dunne, Elizabeth M.	The Grant Township Board of Super	Respondent	
<b>July 26, 2017</b>	Order Filed			07/27/2017
	Leadbetter, Bonnie Brigance			
	Document Name: argument on pet.'s preliminary objections to the new matter and counterclaim			
	Comment: of respondents and the answer in opposition thereto, is scheduled for August 21, 2017 at 1:30 p.m. The argument shall be conducted by telephone call to the offices of counsel of record, and shall originate from the chambers of a designated judge of the Commonwealth Court sitting in Harrisburg. CELL PHONES MAY NOT BE USED.			
<b>July 28, 2017</b>	Application for Continuance			
	Watling, Richard Thurston	Department of Environmental Protec	Petitioner	
	Heilman, Michael John	Department of Environmental Protec	Petitioner	
	Dunne, Elizabeth M.	Grant Township of Indiana County	Respondent	
	Dunne, Elizabeth M.	The Grant Township Board of Super	Respondent	
	Long, Natalie Anne	Grant Township of Indiana County	Respondent	
Document Name: Jt. App for Br. Sch and to Continue Oral Arg. regarding P.O.'s set for August 21st				
<b>August 1, 2017</b>	Order Granting Application for Continuance			08/02/2017
	Pellegrini, Dan			
Document Name: Argument on petitioner's preliminary objections to new matter and counterclaim				
Comment: of respondents, previously set for August 21, 2017 at 1:30 p.m., via telephone conference is continued to October 10, 2017 at 1:30 p.m., via telephone conference. Briefs in support of preliminary objections (2 copies) shall be filed and served on or before September 1, 2017. Briefs in opposition to preliminary objections (2 copies) shall be filed and served on or before October 3, 2017. The argument shall be conducted by telephone call to the offices of counsel of record, and shall originate from the chambers of a designated judge of the Commonwealth Court sitting in Harrisburg. CELL PHONES MAY NOT BE USED.				
<b>September 1, 2017</b>	Petitioner's Brief Filed			
	Watling, Richard Thurston	Department of Environmental Protec	Petitioner	
Document Name: Brief in Support of PO				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>September 27, 2017</b>	Application for Oral Argument			
	Long, Natalie Anne	Grant Township of Indiana County	Respondent	
	Long, Natalie Anne	The Grant Township Board of Super	Respondent	
	Dunne, Elizabeth M.	Grant Township of Indiana County	Respondent	
	Dunne, Elizabeth M.	The Grant Township Board of Super	Respondent	
	Document Name: Unopposed Motion for In Person Oral Argument on Pet's P.O.'s			
<b>September 28, 2017</b>	Application for Extension of Time to File Brief - First Request			
	Long, Natalie Anne	Grant Township of Indiana County	Respondent	
	Long, Natalie Anne	The Grant Township Board of Super	Respondent	
<b>September 28, 2017</b>	Order Granting Application for Oral Argument			09/29/2017
	Colins, James G.			
	Document Name: upon consideration of respondents' unopposed motin for in person oral argument, the			
	Comment: motion is granted. Argument			
	previously scheduled for October 10, 2017 at 1:30 p.m., by telephone call shall			
	now be heard on October 10, 2017 at 1:30 p.m. in Courtroom 3001, Third Floor,			
	Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg,			
	Pennsylvania.			
<b>September 29, 2017</b>	Order Denying Application for Extension of Time to File Brief			09/29/2017
	Per Curiam			
	Document Name: Resps' brief in opposition to the pending PO's shall be filed by October 3, 2017.			
<b>October 3, 2017</b>	Respondent's Brief Filed			
	Grant Township of Indiana		Respondent	
	County			
	The Grant Township Board of		Respondent	
	Supervisors			
	Document Name: Brief in Opposition to POs			
<b>October 4, 2017</b>	Filed - Other			
	Watling, Richard Thurston	Department of Environmental Protec	Petitioner	
	Heilman, Michael John	Department of Environmental Protec	Petitioner	
	Herman, John H.	Department of Environmental Protec	Petitioner	
	Document Name: Application to Advise Court of Persuasive Authority Regarding the Dept.'s PO's.			
<b>October 5, 2017</b>	Order Filed			10/05/2017
	Per Curiam			
	Document Name: upon consideration of pet.'s "Application to Advise the Court of			
	Comment: Persuasive Authority Regarding the [Petitioner's] Preliminary Objections," the Application is accepted.			
<b>October 13, 2017</b>	Praecepte for Withdrawal of Appearance			
	Welch, Christopher Shawn	Grant Township of Indiana County	Respondent	
	Welch, Christopher Shawn	The Grant Township Board of Super	Respondent	

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>October 18, 2017</b>	Respondent's Brief Not Accepted - Directed to File Amended Brief Per Curiam			10/19/2017
	Document Name: upon review of respondents' brief, and it appearing that respondents have filed a brief Comment: that does not comply with the Pa Rules of Appellate Procedure because the brief lacks proper binding along left side with staples, if any, covered as required by Pa. R.A.P. 124; and the lettering in the brief is smaller than 14 point in the text. Pa. R.A.P. 124(a)(4). IT IS HEREBY ORDERED: 1. Respondents' brief is not accepted. 2. Respondents shall file an amended brief (4 copies) that conforms to the requirements of Chapters 1 and 21 of the Pennsylvania Rules of Appellate Procedure on or before November 1, 2017, or respondents shall be precluded from filing a brief and from participating in oral argunrnt, if oral argument is scheduled in this matter.			
<b>November 1, 2017</b>	Respondent's Amended Brief Filed Long, Natalie Anne Long, Natalie Anne	Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent	
<b>November 9, 2017</b>	Transcript Lodged Court Reporter Document Name: Octobr 10, 2017; Judge Leadbetter			
<b>November 21, 2017</b>	Transcript Filed Court Reporter Document Name: October 10, 2017; Judge Leadbetter			
<b>December 1, 2017</b>	Application for Relief Long, Natalie Anne Long, Natalie Anne Dunne, Elizabeth M. Dunne, Elizabeth M.	Grant Township of Indiana County The Grant Township Board of Super Grant Township of Indiana County The Grant Township Board of Super	Respondent Respondent Respondent Respondent	
	Document Name: to File Supplemental Brief in Opposition to Pet.'s PO's.			
<b>December 1, 2017</b>	Answer Filed Watling, Richard Thurston Heilman, Michael John	Department of Environmental Protec Department of Environmental Protec	Petitioner Petitioner	
	Document Name: in Opposition to Application for Leave to File Supplemental Brief in Opposition to Pet.'s PO's.			