

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 136 MAP 2006

Page 1 of 8

September 19, 2017

CAPTION

Commonwealth of Pennsylvania, Office of Attorney General By Thomas W. Corbett, Jr.,
Attorney General, Appellant

v.

Heidelberg Township, Heidelberg Township Board of Supervisors, North Heidelberg Township,
North Heidelberg Township Board of Supervisors, Borough of Robesonia, Robesonia Borough Council, Borough of
Womelsdorf, and Womelsdorf Borough Council, Appellees

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Journal Number:

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

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
137 MAP 2006 Similar Issues	Consolidated

COUNSEL INFORMATION

Attorney: Knorr, John G.

Address: Ofc Of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120

Phone No: (717) 787-1144

Representing: Commonwealth of Pennsylvania, Office of the Attorney General, Appellant

Pro Se: No

IFP Status:

Attorney: Corbett, Thomas W.

Address: Ofc Of The Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

Phone No: (717) 787-3391

Representing: Commonwealth of Pennsylvania, Office of the Attorney General, Appellant

Pro Se: No

IFP Status:

Attorney: Killion, Michael Thomas

Address: Ofc Of Attorney General Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120

Phone No: (717) 705-2331

Representing: Commonwealth of Pennsylvania, Office of the Attorney General, Appellant

Pro Se: No

IFP Status:



COUNSEL INFORMATION

Attorney: Bellwoar, Andrew J.
 Siana, Bellwoar & McAndrew, L.L.P.
 Address: 941 Pottstown Pike Ste 200
 Chester Springs, PA 19425
 Phone No: (610) 321-5500
 Representing: North Heidelberg Township and North Heidelberg Township Board of Supervisors, Appellee
 Pro Se: No
 IFP Status:

Attorney: George, Andrew Stephen
 Mogel, Speidel, Bobb & Kershner, P.C.
 Address: 520 Walnut St
 PO Box 8581
 Reading, PA 19601
 Phone No: (610) 376-1515
 Representing: Borough of Robesonia and Robesonia Borough Council, Appellee
 Pro Se: No
 IFP Status:

Attorney: Ludwig, Steven Keith
 Fox Rothschild, L.L.P.
 Address: 2000 Market St 10th Fl
 Philadelphia, PA 19103-3291
 Phone No: (215) 299-2164
 Representing: Heidelberg Township and Heidelberg Township Board of Supervisors, Appellee
 Pro Se: No
 IFP Status:

Attorney: Shollenberger, Allen Ray
 Leisawitz Heller Abramowitch Phillips, P.C.
 Address: 2755 Century Blvd
 Wyomissing, PA 19610-3346
 Phone No: (610) 372-3500
 Representing: Borough of Womelsdorf and Womelsdorf Borough Council, Appellee
 Pro Se: No
 IFP Status:

Attorney: Crotty, Michael George
 Address: Ludwigs Corner Professional Center
 941 Pottstown Pike Ste 200
 Chester Springs, PA 19425
 Representing: North Heidelberg Township and North Heidelberg Township Board of Supervisors, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 136 MAP 2006

Page 3 of 8

September 19, 2017

SUPREME COURT INFORMATION

Appeal From: the ord of Comm Ct dated or 12-12-2006 at No357MD2006 dismissing the Petition for Review
 Appeal Filed Below: 12/27/2006 12:00:00AM

Probable Jurisdiction Noted: February 9, 2007 Docketed Date: December 29, 2006
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:
 Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
12/27/2006	Notice of Appeal	60.00	12/29/2006	2006-SUP-M-001479	60.00
12/05/2007	Reconsideration	15.00	12/06/2007	2007-SUP-M-001327	15.00

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Docket Number:
 Date of Order: Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s):
 Intermediate Appellate Court Action:
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Commonwealth Court of Pennsylvania
 County: Division: Commonwealth Court of Pennsylvania
 Date of Agency/Trial Court Order: December 12, 2006
 Order Type: Order
 OTN(s):
 Lower Ct Docket No(s): 357 MD 2006 357 MD 2006
 357 MD 2006
 Lower Ct Judge(s): Colins, James Gardner Friedman, Rochelle S.
 Judge
 McCloskey, Joseph F.
 Senior Judge

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	March 12, 2007	1 Part

Record Remittal: December 8, 2009

BRIEFING SCHEDULE

Appellant	Appellee
Commonwealth of Pennsylvania, Office of the Attorney General	Heidelberg Township et al.
Brief	Brief
Due: April 23, 2007	Due: May 29, 2007
Filed: April 23, 2007	Filed: May 23, 2007



BRIEFING SCHEDULE

Appellant**Commonwealth of Pennsylvania, Office of the Attorney****General****Reply Brief**

Due: June 11, 2007

Filed: June 11, 2007

Reproduced Record

Due: April 23, 2007

Filed: April 23, 2007

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: December 5, 2007

Disposition: Order Regarding Application for Reconsideration/Reargument - Other
Date: May 30, 2008
Disposition

Reargument Order: AND NOW, this 30th day of May, 2008, it is hereby ordered that the Petition for Reconsideration/Reargument filed in this matter is placed on hold pending the disposition of Commonwealth v. Locust Township, 14 & 22 MAP 2007.

Record Remittal: December 8, 2009

DISPOSITION INFORMATION

Related Journal No: Judgment Date: November 10, 2009

Category: Decided Disposition Author: Per Curiam

Disposition: Reversed Disposition Date: November 10, 2009

Dispositional Filing: **Order** Author: Per Curiam

Filed Date: November 10, 2009

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 27, 2006	Notice of Appeal	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
December 27, 2006	Jurisdictional Statement	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General

Comments:

Proof of Service - 12-27-2006 1st Class Mail

12/29/06 - Requested revised caption

1/5/07 - Received revised cover page



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 8, 2007	Brief in Opposition Filed	Appellee	Heidelberg Township and Heidelberg Township Board of Supervisors
January 10, 2007	Brief in Opposition Filed	Appellee	Borough of Robesonia and Robesonia Borough Council
Comments: Requested Proof of Service			
Proof of Service - 01/09/2007 1st Class Mail			
January 18, 2007	Praeipice for Appearance Knorr, John G. Commonwealth of Pennsylvania, Office of the Attorney General	Appellant	Knorr, John G.
January 18, 2007	Application for Leave to File Reply to Appellee's Briefs in Opposition to Jurisdictional Statement	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
Comments: Proof of Service - 01/18/2007 1st Class Mail			
Also submitted the Reply to Appellees' BIO to JS.			
January 30, 2007	No BIO to Appellants' Application for Leave to File a Reply to Appellees' BIO to Jurisdictional State	Appellee	Heidelberg Township and Heidelberg Township Board of Supervisors
Comments: 1/30/07 - Requested 8 copies 2/8/07 - Received 8 copies			
February 2, 2007	No BIO Letter to Appellant's Application for Leave to File a Reply to Appellee's BIO to Juris. St.	Appellee	Borough of Robesonia and Robesonia Borough Council
February 6, 2007	Untimely No BIO to Application for Leave to File a Reply Brief Appellees' BIO to Juris. Statement	Appellee	North Heidelberg Township and North Heidelberg Township Board of SUPervisors
Comments: No Proof of Service 2/6/07 - Returned as untimely			



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 8, 2007	Order Granting Application for Leave to File Reply to Appellee's BIO to Jurisdictional Statement		Johns, Charles W.
Comments: "AND NOW, this 8th day of February, 2007, the Application For Leave To File Reply To Appellees' Briefs In Opposition To Jurisdictional Statement is granted. The same shall be docketed."			
February 9, 2007	Order Exited		Office of the Prothonotary
February 9, 2007	Reply Brief filed	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
February 9, 2007	Probable Jurisdiction Noted		Johns, Charles W.
Comments: "AND NOW, this 9th day of February, 2007, probable jurisdiction is noted."			
February 9, 2007	Order Exited		Office of the Prothonotary
February 13, 2007	Application for Consolidation	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
Comments: Proof of Service - 02-13-2007 1st Class Mail			
February 22, 2007	No BIO	Appellee	Heidelberg Township and Heidelberg Township Board of Supervisors
March 6, 2007	Praecipe for Appearance Shollenberger, Allen Ray Borough of Womelsdorf and Womelsdorf Borough Council	Appellee	Shollenberger, Allen Ray
March 6, 2007	Untimely No BIO	Appellee	Borough of Womelsdorf and Womelsdorf Borough Council
Comments: Returned as untimely on 03/06/2007			
March 12, 2007	Order Granting Application for Consolidation		Johns, Charles W.
Comments: AND NOW, this 12th day of March, 2007, the Application To Consolidate the Above Appeals is granted.			
March 12, 2007	Commonwealth Court Record Received		Commonwealth Court
Comments: 357 MD 2006			



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 20, 2007	Petitioner/Appellant Designation of Contents of Reproduced Record Filed	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
April 23, 2007	Appellant's Brief	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
Comments: Proof of Service - 04-23-2007 1st Class Mail			
April 23, 2007	Reproduced Record Filed	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
May 23, 2007	Appellee's Brief	Appellee	Heidelberg Township et al.
Comments: Proof of Service - 05-23-2007 Priority Mail			
June 11, 2007	Appellant's Reply Brief	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
Comments: Proof of Service - 06-11-2007 1st Class Mail			
August 7, 2007	Praecept for Withdrawal of Appearance Neuhauser, Gregory R.	Appellant	Neuhauser, Gregory R.
August 7, 2007	Praecept for Withdrawal of Appearance Forney, Susan Jane	Appellant	Forney, Susan Jane
November 21, 2007	Affirmed		Per Curiam
Comments: AND NOW, this 21st day of November, 2007, the orders of the Commonwealth Court in the instant matters are AFFIRMED. Mr. Justice Saylor files a dissenting statement in which Messrs. Justice Eakin and Baer join.			
November 21, 2007	Judgment Entered		Office of the Prothonotary
December 5, 2007	Application for Reconsideration	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
Comments: Proof of Service - 12-05-2007 1st Class Mail			



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 13, 2007	Answer to Petition for Reconsideration	Appellee	Heidelberg Township et al.
Comments: Submitted by North Heidelberg Twp, North Heidelberg Twp Bd of Supervisors, Lower Oxford Twp, Lower Oxford Twp Bd of Supervisors, Heidelberg Twp, Heidelberg Twp ZHB, Borough of Robeson, Borough Council of Robeson, Borough of Womelsdorf, and Borough Council of Womelsdorf			
May 30, 2008	Order Regarding Application for Reconsideration/Reargument - Other Disposition		Per Curiam
Comments: AND NOW, this 30th day of May, 2008, it is hereby ordered that the Petition for Reconsideration/Reargument filed in this matter is placed on hold pending the disposition of Commonwealth v. Locust Township, 14 & 22 MAP 2007.			
May 30, 2008	Order Exited		Office of the Prothonotary
November 10, 2009	Reversed		Per Curiam
Comments: AND NOW, this 10th day of November, 2009, appellant's petition for reconsideration is GRANTED. This Court's November 21, 2007 order in the instant matters is VACATED. The orders of the Commonwealth Court which sustained the preliminary objections of Heidelberg Township, et al., and Lower Oxford Township, et al., and dismissed without prejudice the Commonwealth of Pennsylvania, Office of Attorney General's petitions for review, are hereby REVERSED. See Commonwealth, Office of the Attorney General v. Locust Twp., 968 A.2d 1263 (Pa. 2009) (holding that Chapter Three of Agricultural Code, 3 Pa.C.S. §§ 311-318, authorizes Attorney General to bring pre-enforcement action to invalidate or enjoin enforcement of local ordinance, even if ordinance existed on Chapter Three's effective date).			
November 10, 2009	Judgment Entered		Office of the Prothonotary
December 8, 2009	Remitted		Office of the Prothonotary
Comments: O.R. remitted to Commonwealth Court			
December 9, 2009	Acknowledgement of Record Remittal		Commonwealth Court of Pennsylvania