Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 136 MAP 2006

February 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

Docket No / Reason	Type
137 MAP 2006 Similar Issues	Consolidated

RELATED CASES

COUNSEL INFORMATION

Attorney: Knorr, John G.

Address: Ofc Of Attorney General
15th Floor, Strawberry Square
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Phone No: (717) 787-1144

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

Pro Se: No

IFP Status:

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

Pro Se: No

IFP Status:

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

Pro Se: No

IFP Status:

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COUNSEL INFORMATION

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

Attorney:	George, Andrew Stephen
	Mogel, Speidel, Bobb & Kershner, P.C.
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	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 Supervisiors, Appellee
Pro Se:	No
IFP Status:	

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Supreme Court of Pennsylvania

Appeal Docket Sheet

Docket Number: 136 MAP 2006

February 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:
Date of Order:
Docket Number:
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
Judge

McCloskey, Joseph F.
Senior Judge

Friedman, Rochelle S.
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
Commonwealth of Pennsylvania, Office of the Attorney General
Brief
Due: April 23, 2007 Filed: April 23, 2007

Appellee
Heidelberg Township et al.
Brief
Due: May 29, 2007 Filed: May 23, 2007

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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 Disposition	Date:	May 30, 2008
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

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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	**Praecipe 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 Juridictional 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			

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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			

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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** Comments: Proof of Service - 04-23-2007 1st Class Mail	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
April 23, 2007	**Reproduced Record Filed**	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
May 23, 2007	**Appellee's Brief** Comments: Proof of Service - 05-23-2007 Priority Mail	Appellee	Heidelberg Township et al.
June 11, 2007	**Appellant's Reply Brief** Comments: Proof of Service - 06-11-2007 1st Class Mail	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General
August 7, 2007	**Praecipe for Withdrawal of Appearance Neuhauser, Gregory R.** Commonwealth of Pennsylvania, Office of the Attorney General	Appellant	Neuhauser, Gregory R.
August 7, 2007	**Praecipe for Withdrawal of Appearance Forney, Susan Jane** Commonwealth of Pennsylvania, Office of the Attorney General	Appellant	Forney, Susan Jane
November 21, 2007	**Affirmed** 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.		Per Curiam
November 21, 2007	**Judgment Entered**		Office of the Prothonotary
December 5, 2007	**Application for Reconsideration** Comments: Proof of Service - 12-05-2007 1st Class Mail	Appellant	Commonwealth of Pennsylvania, Office of the Attorney General

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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 Robesonia, Borough Council of Robesonia, 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

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