

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 137 MAP 2006

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May 24, 2017

## CAPTION

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

v.

Lower Oxford Township and Lower Oxford Township Board of Supervisors, 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
136 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, 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, Appellant

Pro Se: No

IFP Status:

Attorney: Killion, Michael Thomas

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

Phone No: (717) 705-2331

Representing: Commonwealth of Pennsylvania, Appellant

Pro Se: No

IFP Status:



#### COUNSEL INFORMATION

Attorney: Bellwoar, Andrew J.  
 Address: Siana, Bellwoar & McAndrew, LLP  
 Ludwigs Corner Professional Center  
 941 Pottstown Pike Ste 200  
 Chester Springs, PA 19425  
 Phone No: (610) 321-5500  
 Representing: Lower Oxford Township and the Board of Supervisors, 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: Lower Oxford Township and the Board of Supervisors, Appellee  
 Pro Se: No  
 IFP Status:

#### SUPREME COURT INFORMATION

Appeal From: the ord of Comm Ct dated or entered 12-12-2006 at No359MD2006  
 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-001480	60.00

#### 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): 359 MD 2006      359 MD 2006

## Supreme Court of Pennsylvania



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Lower Ct Judge(s): 359 MD 2006  
 Colins, James Gardner  
 Judge  
 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
<b>Record Remittal:</b>	<b>December 8, 2009</b>	

## BRIEFING SCHEDULE

Appellant	Appellee
<b>Commonwealth of Pennsylvania</b>	<b>Lower Oxford Township and the Board of</b>
<b>Brief</b>	<b>Supervisors</b>
Due: April 23, 2007	Due: May 23, 2007
Filed: April 23, 2007	Filed: May 23, 2007
<b>Reply Brief</b>	
Due: June 11, 2007	
Filed:	
<b>Reproduced Record</b>	
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:	Disposition Author:	Per Curiam
Disposition:	Disposition Date:	November 10, 2009
Dispositional Filing:	Author:	Per Curiam
Filed Date:		November 10, 2009

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 27, 2006	Notice of Appeal	Appellant	Commonwealth of Pennsylvania
December 27, 2006	Jurisdictional Statement	Appellant	Commonwealth of Pennsylvania
Comments: Proof of Service - 12-27-2006 1st Class Mail			
January 5, 2007	No Brief in Opposition Letter Filed	Appellee	Lower Oxford Township and the Board of Supervisors
February 9, 2007	Probable Jurisdiction Noted		Johns, Charles W.
Comments: "AND NOW, this 8th day of February, 2007, probable jurisdiction is noted."			
February 9, 2007	Order Exited		Office of the Prothonotary
February 13, 2007	Praecept for Appearance Knorr, John G. Commonwealth of Pennsylvania	Appellant	Knorr, John G.
February 13, 2007	Application to Consolidate Appeals	Appellant	Commonwealth of Pennsylvania
Comments: Proof of Service - 02-13-2007 1st Class Mail			
March 7, 2007	Praecept for Withdrawal of Appearance Forney, Susan Jane Commonwealth of Pennsylvania	Appellant	Forney, Susan Jane
March 7, 2007	Praecept for Withdrawal of Appearance Neuhauser, Gregory R. Commonwealth of Pennsylvania	Appellant	Neuhauser, Gregory R.
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			
March 20, 2007	Petitioner/Appellant Designation of Contents of Reproduced Record Filed		
March 20, 2007	Petitioner/Appellant Designation of Contents of Reproduced Record Filed	Appellant	Commonwealth of Pennsylvania



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>April 23, 2007</b>	<b>Appellant's Brief</b>	Appellant	Commonwealth of Pennsylvania
Comments: Proof of Service - 04-23-2007 1st Class Mail			
<b>April 23, 2007</b>	<b>Reproduced Record Filed</b>		
<b>May 23, 2007</b>	<b>Appellee's Brief</b>		
Comments: Proof of Service - 05-23-2007 Priority Mail			
<b>June 11, 2007</b>	<b>Appellant's Reply Brief</b>		
Comments: Proof of Service - 06-11-2007 1st Class Mail			
<b>November 21, 2007</b>	<b>Affirmed</b>		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.			
<b>November 21, 2007</b>	<b>Judgment Entered</b>		Office of the Prothonotary
<b>December 5, 2007</b>	<b>Application for Reconsideration</b>		
Comments: Proof of Service - 12-05-2007 1st Class Mail			
<b>December 13, 2007</b>	<b>Answer to Petition for Reconsideration</b>		
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			
<b>May 30, 2008</b>	<b>Order Regarding Application for Reconsideration/Reargument - Other Disposition</b>		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.			
<b>May 30, 2008</b>	<b>Order Exited</b>		Office of the Prothonotary



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>November 10, 2009</b>	<b>Reversed</b>		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).			
<b>November 10, 2009</b>	<b>Judgment Entered</b>		Office of the Prothonotary
<b>December 8, 2009</b>	<b>Remitted</b>		Office of the Prothonotary
Comments: O.R. remitted to Commonwealth Court			
<b>December 9, 2009</b>	<b>Acknowledgement of Record Remittal</b>		Commonwealth Court of Pennsylvania