

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 22 MAP 2007

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September 19, 2017

## CAPTION

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

v.

Locust Township and Locust Township Board of Supervisors, Cross Appellants

## CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Journal Number: J-158B-2008 December 2, 2008

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

## CONSOLIDATED CASES

## RELATED CASES

Docket No / Reason	Type
14 MAP 2007 Cross Appeal	Consolidated - Cross Appeal

## COUNSEL INFORMATION

Attorney: Sherr, Anthony Randall  
Mayers, Mennies & Sherr, L.L.P.

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Representing: Locust Township Board of Supervisors, Appellant

Pro Se: No

IFP Status:

Attorney: Knorr, John G.

Address: Ofc Of Attorney General  
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Harrisburg, PA 17120

Phone No: (717) 787-1144

Representing: Commonwealth of Pennsylvania, Appellee

Pro Se: No

IFP Status:

Attorney: Killion, Michael Thomas

Address: Ofc Of Attorney General  
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Harrisburg, PA 17120

Representing: Commonwealth of Pennsylvania, Appellee

Pro Se: No

IFP Status:

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## SUPREME COURT INFORMATION

Appeal From: the ord of Comm Ct entered 01-25-2007 at No358MD2006 sustaining in part and denying in part the Petition for Review.  
 Appeal Filed Below: 1/26/2007 12:00:00AM

Probable Jurisdiction Noted: March 14, 2007 Docketed Date: March 12, 2007  
 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
02/26/2007	Notice of Appeal	60.00	03/12/2007	2007-SUP-M-000322	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: January 25, 2007  
 Order Type: Order  
 OTN(s):  
 Lower Ct Docket No(s): 358 MD 2006 358 MD 2006  
 358 MD 2006  
 Lower Ct Judge(s): Friedman, Rochelle S. Pellegrini, Dan  
 Judge  
 Smith-Ribner, Doris A.  
 Judge

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	March 14, 2007	
<b>Record Remittal:</b>	<b>May 22, 2009</b>	

## BRIEFING SCHEDULE

Appellant	Appellee
<b>Locust Township and Locust Township Board of Supervisors</b>	<b>Commonwealth of Pennsylvania</b>
<b>Brief</b>	<b>Brief</b>
Due: May 29, 2007	Due: April 23, 2007
Filed: May 29, 2007	Filed: April 23, 2007
<b>Reply Brief</b>	<b>Reply Brief</b>



## BRIEFING SCHEDULE

## Appellant

Locust Township and Locust Township Board of Supervisors  
Reply Brief

Due: July 16, 2007

Filed: July 27, 2007

## Appellee

Commonwealth of Pennsylvania  
Reply Brief

Due: July 2, 2007

Filed: June 29, 2007

## Reproduced Record

Due: April 23, 2007

Filed: April 23, 2007

## REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date:

Disposition:

Reargument Order:

Date:

Record Remittal: May 22, 2009

## SESSION INFORMATION

Journal Number: J-158B-2008  
Listed/Submitted Date: December 2, 2008  
Consideration Type: Oral Argument Supreme Ct.

## DISPOSITION INFORMATION

Related Journal No: J-158B-2008 Judgment Date: April 29, 2009

Category: Decided Disposition Author: Baer, Max

Disposition: Affirmed/Reversed/Remanded Disposition Date: April 29, 2009

Dispositional Filing: **Majority Opinion** Author: Baer, Max

Filed Date: April 29, 2009

Justice: Saylor, Thomas G. Vote: Joins

Justice: Eakin, J. Michael Vote: Joins

Justice: Todd, Debra Vote: Joins

Justice: McCaffery, Seamus P. Vote: Joins

Dispositional Filing: **Concurring/Dissenting Statement** Author:

Filed Date: April 29, 2009

Justice: Castille, Ronald D. Vote: Join Concurring and Dissenting Opinion

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 26, 2007	Notice of Appeal	Appellant	Locust Township and Locust Township Board of Supervisors



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>February 26, 2007</b>	<b>Jurisdictional Statement</b>	Appellant	Locust Township and Locust Township Board of Supervisors
Comments: Proof of Service - 02-23-2007 1st Class Mail			
<b>March 6, 2007</b>	<b>Brief in Opposition Filed</b>	Appellee	Commonwealth of Pennsylvania
Comments: Proof of Service - 03-06-2007 1st Class Mail			
<b>March 14, 2007</b>	<b>Probable Jurisdiction Noted</b>		Johns, Charles W.
Comments: AND NOW, this 14th day of March, 2007, probable jurisdiction is noted.			
<b>March 14, 2007</b>	<b>Order Exited</b>		Office of the Prothonotary
<b>March 14, 2007</b>	<b>Commonwealth Court Record Received</b>		Commonwealth Court
<b>March 22, 2007</b>	<b>Application to Treat as Cross-Appeals</b>	Appellee	Commonwealth of Pennsylvania
<b>March 23, 2007</b>	<b>Order Exited</b>		Office of the Prothonotary
<b>March 23, 2007</b>	<b>Order Granting Application for Relief</b>		Johns, Charles W.
Comments: AND NOW, this 23rd day of March 2007, the Application To Treat Appeals as Cross-Appeals is granted; it is further ordered that the Attorney General is designated the Appellant for briefing purposes, that Appellant's brief and reproduced record are due to be filed on or before April 23, 2007, and briefing thereafter is to proceed in accordance with Pa. R.A.P. 2136(b) and 2185(a).			
<b>April 23, 2007</b>	<b>Appellant's Brief</b>	Appellee	Commonwealth of Pennsylvania
Comments: Filed at 14 MAP 2007 Proof of Service - 04-23-2007 1st Class Mail			
<b>April 23, 2007</b>	<b>Reproduced Record Filed</b>	Appellee	Commonwealth of Pennsylvania
<b>May 29, 2007</b>	<b>Appellee's Brief</b>	Appellant	Locust Township and Locust Township Board of Supervisors
<b>June 22, 2007</b>	<b>Transferred Case from No. 109 MT 2007</b>		Office of the Prothonotary
Comments: Pleadings perfected			



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
June 29, 2007	Cross-Appellee Reply Brief	Appellee	Commonwealth of Pennsylvania
July 17, 2007	Reply of Appellees/Cross-Appellants (Late)	Appellant	Locust Township and Locust Township Board of Supervisors
Comments: Proof of Service - 07-16-2007 1st Class Mail			
07/19/07 - Requested Petition for Leave to File Nunc Pro Tunc			
July 23, 2007	Application to File Cross-Appellants Reply Brief Nunc Pro Tunc	Appellant	Locust Township and Locust Township Board of Supervisors
July 27, 2007	Order Granting Cross-Appellant's Application to File Reply Brief Nunc Pro Tunc		Johns, Charles W.
Comments: AND NOW, this 27th day of July, 2007, the Application to File Reply Brief Nunc Pro Tunc is granted. relief brief is deemed timely filed.			
July 27, 2007	Order Exited		Office of the Prothonotary
July 27, 2007	Appellant's Reply Brief	Appellant	Locust Township and Locust Township Board of Supervisors
April 30, 2008	Dispositional Memo Order Granting Argument		Per Curiam
Comments: AND NOW, this 30th day of April, 2008, oral argument is GRANTED.			
September 19, 2008	Acknowledgement of Argument Notice	Appellee	Commonwealth of Pennsylvania
Comments: Atty. John Knorr, III			
October 6, 2008	Acknowledgement of Argument Notice	Appellant	Locust Township and Locust Township Board of Supervisors
Comments: Atty. Anthony R. Sherr			
December 2, 2008	Argued		Supreme Court



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>April 29, 2009</b>	<b>Affirmed/Reversed/Remanded</b>		Baer, Max
Comments: We affirm the Commonwealth Court order inasmuch as it overruled the Township's preliminary objection to the Commonwealth Court's subject matter jurisdiction. We reverse the order of the Commonwealth Court to the extent that it dismissed the Attorney General's petition for review and granted the Township's preliminary objection that there is no ripe case or controversy, and remand for further proceedings.			
Messrs. Justice Saylor and Eakin, Madame Justice Todd and Mr. Justice McCaffery join the opinion. Madame Justice Greenspan files a concurring and dissenting opinion in which Mr. Chief Justice Castille joins.			
<b>April 29, 2009</b>	<b>Judgment Entered</b>		Office of the Prothonotary
<b>May 22, 2009</b>	<b>Remitted</b>		Office of the Prothonotary
Comments: Original record remitted to Commonwealth Court			
<b>May 27, 2009</b>	<b>Acknowledgement of Record Remittal</b>		Commonwealth Court