**Miscellaneous Docket Sheet** **Commonwealth Court of Pennsylvania**

**Docket Number: 358 MD 2006**



**February 19, 2017**

## CAPTION

Commonwealth of Pennsylvania,
Office of Attorney General,
Petitioner
v.
Locust Township and Locust
Township Board of Supervisors,
Respondents

## CASE INFORMATION

| | | | |
|---|---|---|---|
| Initiating Document: | Petition for Review | | |
| Case Status: | Closed | | |
| Case Processing Status: | July 17, 2012 | Completed | |
| Journal Number: | 39-06-2012 | | |
| Case Category: | Miscellaneous | Case Type(s): | Declaratory Judgment |

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

**Petitioner** **Commonwealth of Pennsylvania**
Pro Se: No
IFP Status:

| | | |
|---|---|---|
| Attorney: | Forney, Susan Jane | |
| Law Firm: | PA Office of Attorney General | |
| Address: | Atty. Gen. Litigation Sect.<br>15th Floor Strawberry Square<br>Harrisburg, PA 17120 | |
| Phone No: | (717) 787-9831 | Fax No: (717) 772-4526 |

| | | |
|---|---|---|
| Attorney: | Bucknum, Susan L. | |
| Law Firm: | PA Office of Attorney General | |
| Address: | Ofc Of Attorney General<br>Strawberry Square<br>Harrisburg, PA 17120 | |
| Phone No: | (717) 787-2944 | Fax No: (717) 772-4526 |

| | | |
|---|---|---|
| Attorney: | Neuhauser, Gregory R. | |
| Law Firm: | PA Office of Attorney General | |
| Address: | Ofc Of Attorney General<br>15th Fl Strawberry Sq<br>Harrisburg, PA 17120 | |
| Phone No: | (717) 783-1471 | Fax No: (717) 772-4526 |

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## COUNSEL INFORMATION

**Respondent** **Locust Township Board of Supervisors**
Pro Se: No
IFP Status:

Attorney: Sherr, Anthony Randall
Law Firm: Mayers, Mennies & Sherr, L.L.P.
Address: 3031 Walton Rd Ste 330
PO Box 1547
Blue Bell, PA 19422-0440
Phone No: (610) 825-0300 Fax No: (610) 825-6555

## FEE INFORMATION

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|---|---|---|---|---|---|
| 06/29/2006 | Miscellaneous Docket Filing Fee | 40.00 | 06/29/2006 | 2006-CMW-H-002038 | 40.00 |
| 08/17/2006 | Copy Work by Clerk (Per Page) | 35.00 | 08/17/2006 | 2006-CMW-H-002522 | 35.00 |

## AGENCY/TRIAL COURT INFORMATION

Court Below:
County: Division:
Order Appealed From: Judicial District:
Documents Received: June 29, 2006 Notice of Appeal Filed:
Order Type:
OTN(s):
Lower Ct Docket No(s):
Lower Ct Judge(s):

## ORIGINAL RECORD CONTENT

| Original Record Item | Filed Date | Content Description |
|---|---|---|

**Date of Remand of Record:**

## BRIEFING SCHEDULE

**Petitioner**
**Commonwealth of Pennsylvania**
**Brief**
Due: October 31, 2006 Filed: October 31, 2006
Due: June 15, 2011 Filed: June 7, 2011
Due: May 31, 2012 Filed: May 31, 2012

**Reply Brief**
Due: August 4, 2011 Filed: August 4, 2011

**Respondent**
**Locust Township**
**Brief**
Due: October 2, 2006 Filed: October 2, 2006
Due: July 15, 2011 Filed: July 15, 2011
Due: May 31, 2012 Filed: May 31, 2012

**Locust Township Board of Supervisors**
**Brief**
Due: July 15, 2011 Filed: July 15, 2011
Due: May 31, 2012 Filed: May 31, 2012

## DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **June 29, 2006** | Petition for Review Filed | | | |
| | Commonwealth of Pennsylvania | | Petitioner | |

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**DOCKET ENTRY**

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **September 5, 2006** | Preliminary Objections | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| **September 6, 2006** | Tentative Argument | | | |
| | Hostutler, Charles R. | | | |
| Document Name: | Nov. 2006 | | | |
| **September 6, 2006** | Letter | | | |
| | Hostutler, Charles R. | | | |
| Document Name: | to counsel of record; this matter shall be heard during the week of November 13, 2006 in | | | |
| Comment: | Philadelphia. A specific date for argument will be set at a later time. Brief in support of the prel. objections (15) shall be filed by October 2, 2006. Brief in opposition to the prel. objections (15) shall be filed by October 31, 2006. | | | |
| **September 26, 2006** | Argument Scheduled | | | |
| | Hostutler, Charles R. | | | |
| Document Name: | for Monday, November 13, 2006 at 1:00 p.m., Panel, En Banc Courtroom One, 9th Floor, | | | |
| Comment: | Widener Building, Phila., #7. | | | |
| **October 2, 2006** | Defendant's Brief Filed | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| **October 6, 2006** | Appendix | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | to Respondents, Locust Township and Locust Township Board of Supervisors' Preliminary | | | |
| Comment: | Objections | | | |
| **October 10, 2006** | Application for Continuance | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | of Argument | | | |
| **October 11, 2006** | Order Granting Application for Continuance | | | 10/12/2006 |
| | Quigley, Keith B. | | | |
| Document Name: | Argument currently scheduled for Nov. 13, 2006 is CONTINUED to the December 2006 | | | |
| Comment: | argument list in Harrisburg. | | | |
| **October 13, 2006** | Tentative Argument | | | |
| | Hostutler, Charles R. | | | |
| Document Name: | Dec. 2006 | | | |
| **October 19, 2006** | Argument Scheduled | | | |
| | Hostutler, Charles R. | | | |
| Document Name: | MON, 12-11-06, 1:00 p.m., Panel, CR #1, IOB, HBG, #14 | | | |

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**DOCKET ENTRY**

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **October 31, 2006** | Plaintiff's Brief Filed | | | |
| | Commonwealth of Pennsylvania | | Petitioner | |
| Document Name: | In opposition to respondents P.O.'s | | | |
| **January 25, 2007** | Preliminary Objections Sustained | | | 01/25/2007 |
| | Friedman, Rochelle S. | | | |
| Document Name: | Opinion filed (9 pages) | | | |
| Comment: | The P.O.'s filed by Locust Twp and Locust Twp Bd of Supervisors objecting this coiurt's subject matter jurisdiction are overruled. The P.O.'s filed by Locust Twp and Locust Twp Bd of Supervisors asserting that there is no ripe case or controversy for this court's review is hereby sustained and the Petition for Review filed by the Commonwealth of Pennsylvania, seeking declaratory and injunctive relief is hereby dismissed. | | | |
| **February 9, 2007** | Notice of Appeal to PA Supreme Court Filed | | | |
| | Commonwealth of Pennsylvania | | Petitioner | |
| Document Name: | 14 MAP 2007 | | | |
| Comment: | Record forwarded to Middle District on 3/1/07. | | | |
| **February 26, 2007** | Notice of Appeal to PA Supreme Court Filed | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | 22 MAP 2007 | | | |
| Comment: | Record previously forwarded to Middle District under 14 MAP 2007 on 3/1/07. | | | |
| **February 26, 2007** | Notice of Appeal to PA Supreme Court Filed | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | 109 MT 2007 | | | |
| **April 29, 2009** | Commonwealth Court Decision Reversed/Remanded | | | |
| | Supreme Court | | | |
| Document Name: | 14 and 22 MAP 2007 - Affirmed/Reversed/Remanded | | | |
| Comment: | Commonwealth court filings returned 5/26/09 | | | |
| **July 30, 2009** | Answer Filed | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | Respondents, Locust Township and Locust Township Bd. of Supervisors' Answer to Petitioner | | | |
| Comment: | Cmwlth of Pa., Office of Attorney General, by Thomas W. Corbett, Jr., Attorney General's PFR in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief | | | |
| **August 6, 2009** | Entry of Appearance | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| **August 26, 2009** | Answer to New Matter | | | |
| | Commonwealth of Pennsylvania | | Petitioner | |
| Document Name: | Petitioner's Response to New Matter | | | |

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**DOCKET ENTRY**

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **April 28, 2010** | Application to Compel | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | Respondents' Motion to Compel Discovery | | | |
| **May 5, 2010** | Answer Filed | | | |
| | Commonwealth of Pennsylvania | | Petitioner | |
| Document Name: | Petitioner's Response to Respondents' Motion to Compel Discovery | | | |
| **May 6, 2010** | Argument Scheduled - Single Judge | | | 05/06/2010 |
| | Quigley, Keith B. | | | |
| Document Name: | Argument on defendants' motion to compel discovery and the plaintiff's response thereto is scheduled | | | |
| Comment: | for 5-13-10, 10:00 a.m. The argument shall be conducted by telephone conference call to the offices of counsel of record and shall originate from the chambers of a designated judge of this court. Cell phones may not be used. | | | |
| **May 13, 2010** | Order Granting Application to Compel | | | 05/14/2010 |
| | Quigley, Keith B. | | | |
| Document Name: | Plaintiff shall within 30 days of the date of this order: 1. Serve a privilege log on defendants | | | |
| Comment: | identifying all statements, transcripts and notes pertaining to the matter and the reason for the asserted privilege of non-disclosure. 2. Verify its answer to defendants' request for photos, maps, charts and diagrams. 3. Disclose the identity of all experts known to date expected to testify at trial and the experts' reports. Defendants shall also identify all experts expected to testify at trial and disclose any experts' reports. 4. The parties shall supplement their discovery responses in accord with Pa. R.C.P. No. 4007.4. | | | |
| **November 17, 2010** | Application for Relief | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Motion to Impose a Scheduling Order for discovery and dispositive motions | | | |
| **December 8, 2010** | Order Granting Application for Relief | | | 12/09/2010 |
| | Quigley, Keith B. | | | |
| Document Name: | Discovery in this matter shall be completed by 2-28-11. Dispositive motions and supporting briefs | | | |
| Comment: | shall be filed by 3-31-11. Responsive briefs shall be filed by 4-29-11. In the event dispositive motions are not filed, the parties shall file a joint status report by 4-15-11, informing the court of the readiness of this matter for trial. | | | |
| **February 17, 2011** | Application for Extension of Time to File | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| | Sherr, Anthony Randall | Locust Township Board of Supervisc | Respondent | |
| Document Name: | Joint Motion for Extension of Scheduling Order Deadlines for Discovery and Dispositive Motions | | | |
| **February 18, 2011** | Order Granting Application for Extension of Time to File | | | 02/23/2011 |
| | Quigley, Keith B. | | | |
| Document Name: | Discovery in this matter shall be completed by 4-29-11. Dispositive motions and supporting briefs | | | |
| Comment: | shall be filed by 5-31-11. Responsive briefs shall be filed by 6-30-11. In the event dispositive motions are not filed, the parties shall file a joint status report by 6-15-11, informing the court of the readiness of this matter for trial. | | | |
| **April 11, 2011** | Application to Compel | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Petitioner's Motion to Compel Discovery | | | |

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**DOCKET ENTRY**

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **April 12, 2011** | Argument Scheduled - Single Judge | | | 04/12/2011 |
| | Kelley, James R. | | | |
| Document Name: | Argument on petitioner's motion to compel discovery is set for 4-14-11, 10:00 am, telephone | | | |
| Comment: | conference call orginated from the chambers of a designated judge of this court. Cell phones may not be used. | | | |
| **April 14, 2011** | Order Denying Application to Compel | | | 04/15/2011 |
| | Kelley, James R. | | | |
| Document Name: | Plaintiff's Motion to Compel Discovery is denied. | | | |
| **May 31, 2011** | Motion for Summary Judgment | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Petitioner's Motion for Summary Judgment | | | |
| **May 31, 2011** | Exhibit | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Petitioner's Exhibits in Support of Summary Judgment | | | |
| **May 31, 2011** | Filed - Other | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Petitioner's Brief in Support of Summary Judgment (4 copies) | | | |
| **June 1, 2011** | Amended | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Amended Exhibits | | | |
| **June 2, 2011** | Order Directing Submission on Brief | | | 06/03/2011 |
| | Feudale, Barry F. | | | |
| Document Name: | Plaintiff shall file additional copies of its brief in support of the motion for summary judgment | | | |
| Comment: | (15 copies total) by 6-15-11. Any answer to the motion for summary judgment shall be filed by 6-15-11. Briefs in opposition to the motion for summary judgment (15 copies) shall be filed by 7-15-11. Upon the filing of all briefs, plaintiff's motion for summary judgment shall be submitted to a panel of judges of this court for disposition without oral argument, unless otherwise ordered. | | | |
| **June 7, 2011** | Compliance with Order | | | |
| | Commonwealth of Pennsylvania | | Petitioner | |
| Document Name: | Order of 6/2/11 (11 additional copies filed) | | | |
| **June 7, 2011** | Plaintiff's Brief Filed | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| | Forney, Susan Jane | Commonwealth of Pennsylvania | Petitioner | |
| | Killion, Michael Thomas | Commonwealth of Pennsylvania | Petitioner | |
| | Neuhauser, Gregory R. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | 11 copies | | | |
| **June 15, 2011** | Answer Filed | | | |
| | Locust Township | | Respondent | |
| Document Name: | Respondents Locust Township and Locust Township Board of Supervisor's Response to Motion | | | |
| Comment: | for Summary Judgment. | | | |

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**DOCKET ENTRY**

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **July 15, 2011** | Defendant's Brief Filed | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | Brief in Opposition to Petitioner's Motion for Summary Judgment | | | |
| **July 26, 2011** | Application for Extension of Time to File Brief | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| | Forney, Susan Jane | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Reply Brief | | | |
| **July 28, 2011** | Order Granting Application for Extension of Time to File Reply Brief | | | 07/28/2011 |
| | Per Curiam | | | |
| Document Name: | Petitioner may file a reply brief by 08/04/11. | | | |
| **August 4, 2011** | Plaintiff's Reply Brief | | | |
| | Commonwealth of Pennsylvania | | Petitioner | |
| Document Name: | Reply Brief in Further Support of Summary Judgment | | | |
| **August 31, 2011** | Application to Amend | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| | Forney, Susan Jane | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Praecipe to Amend Caption to Conform with the Appointment of AG Linda L. Kelly | | | |
| **November 2, 2011** | Order Filed | | | 11/03/2011 |
| | Per Curiam | | | |
| Document Name: | The chief clerk is directed to list plaintiff's Motion for Summary Judgment for oral argument on the | | | |
| Comment: | next available list. | | | |
| **November 4, 2011** | Argument Scheduled | | | 11/04/2011 |
| | Krimmel, Michael | | | |
| Document Name: | Monday, 12-12-11, 1:00 pm, Panel, CR 5001, PJC, HBG. No. 3 on list. | | | |
| **November 14, 2011** | Application for Continuance | | | |
| | Sherr, Anthony Randall | Locust Township Board of Supervisc | Respondent | |
| Document Name: | Respondents, Locust Twp. and Locust Twp. Bd. of Sup.'s Motion for Continuance of Argument | | | |
| **November 17, 2011** | Order Granting Application for Continuance | | | 11/18/2011 |
| | Per Curiam | | | |
| Document Name: | The chief clerk is directed to list this matter for oral arugment on the next available list. | | | |
| **November 21, 2011** | Tentative Argument | | | |
| | Krimmel, Michael | | | |
| Document Name: | February 2012 (Philadelphia) | | | |
| **December 30, 2011** | Argument Scheduled | | | 12/30/2011 |
| | Krimmel, Michael | | | |
| Document Name: | Wednesday, 2-15-12, 9:30 am, En Banc, CR 1, Widener Building, Philadelphia. No. 37 on list. | | | |
| **January 6, 2012** | Amended | | | 01/06/2012 |
| | Krimmel, Michael | | | |
| Document Name: | CORRECTED NOTICES FOR ARGUMENT SCHEUDLED : Tuesday, 2-14-12, 1:00 pm, Panel, CR 1, Phila. | | | |
| Comment: | No. 41 on list. | | | |

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**DOCKET ENTRY**

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **January 6, 2012** | Argument Rescheduled<br>Per Curiam | | | 01/09/2012 |
| Document Name: | Argument is rescheduled before Panel One on 2-14-12, 1:00 pm, CR 1, Phila. | | | |
| **January 12, 2012** | Amended<br>Krimmel, Michael | | | |
| Document Name: | CORRECTED NOTICES : Argument is No. 37 on list. | | | |
| **February 6, 2012** | Argument Rescheduled<br>Per Curiam | | | 02/06/2012 |
| Document Name: | Argument currently scheduled for Tuesday 2-14-12, CR 1, Widener Building, Phila. is moved to the | | | |
| Comment: | head of the list of cases, same day and location, and will be first case called. The argument session commences at 1:00 pm. | | | |
| **February 22, 2012** | Application for Relief<br>Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Unopposed Application Pursuant to Pa. R.A.P. 2501(a) to File a Memorandum Directed to the | | | |
| Comment: | Panel to Address a Court Opinion Referenced in Oral Argument | | | |
| **February 22, 2012** | Application for Relief<br>Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Petitioner's Memorandum Directed to the Court Panel to Address the Walck V. Lower Towamensing | | | |
| Comment: | Township Decisioin Referenced During Oral Argument on the Motion for Summary Judgment | | | |
| **February 29, 2012** | Order Granting Application for Relief<br>Per Curiam | | | 03/01/2012 |
| Document Name: | The memorandum attached to the application as Exhibit 1 is accepted, and the chief clerk shall | | | |
| Comment: | deliver copies of the application to the Court. | | | |
| **March 12, 2012** | Application for Relief<br>Sherr, Anthony Randall | Locust Township Board of Supervisc | Respondent | |
| Document Name: | Respondents, Locust Twp. and Locust Twp. Bd. of Supervisors' Unopposed Application Pursuant to | | | |
| Comment: | Pa. R.A.P. 2501(a) to File a Memorandum of Law to Address a Court Opinion Referenced in Oral Argument | | | |
| **March 14, 2012** | Order Granting Application for Relief<br>Per Curiam | | | 03/15/2012 |
| Document Name: | Upon consideration of respondents' unopposed application to file a memorandum to address opinion | | | |
| Comment: | referenced in oral argument, said request is granted. | | | |
| **April 20, 2012** | Order Filed<br>Per Curiam | | | 04/23/2012 |
| Document Name: | The chief clerk is directed to list Petitioner's Motion for Summary Judgment for oral argument | | | |
| Comment: | before the Court sitting en banc on the next available list. | | | |
| **April 23, 2012** | Tentative Argument<br>Krimmel, Michael | | | |
| Document Name: | June 2012 (Harrisburg) | | | |
| **April 30, 2012** | Order Filed<br>Per Curiam | | | 05/01/2012 |
| Document Name: | This matter having been listed for oral argument en banc on 6-6-12, the parties are to be | | | |
| Comment: | prepared to address issues. See order filed. | | | |

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**DOCKET ENTRY**

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **May 1, 2012** | Argument Scheduled | | | 05/01/2012 |
| | Krimmel, Michael | | | |
| Document Name: | Wednesday, 6-6-12, 9:30 am, En Banc, CR 5001, PJC, HBG. No. 39 on list. | | | |
| **May 14, 2012** | Application for Relief | | | |
| | Neuhauser, Gregory R. | Commonwealth of Pennsylvania | Petitioner | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| | Sherr, Anthony Randall | Locust Township Board of Supervisc | Respondent | |
| Document Name: | Joint application to file a short pre-argument brief to address the issues raised | | | |
| **May 17, 2012** | Letter | | | 05/17/2012 |
| | Krimmel, Michael | | | |
| Document Name: | RESENT ARGUMENT NOTICES | | | |
| Comment: | The notice of oral argument was mailed to you on 5-1-12, but I have reason to believe you may not have received the notice. I am resending the notice to you to sign and return immediately to confirm your attendance at argument. If you received the original notice and have already acknowledged receipt by signing and returning it to my office, please disregard this second notice. | | | |
| **May 17, 2012** | Order Filed | | | 05/18/2012 |
| | Per Curiam | | | |
| Document Name: | It is ordered that by 5-31-12, the parties shall file contemporaneously short pre-argument | | | |
| Comment: | briefs addressing the matters set forth in our 4-30-12 Order. | | | |
| **May 31, 2012** | Petitioner's Brief Filed | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| | Neuhauser, Gregory R. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Pre-Argument Brief | | | |
| **May 31, 2012** | Respondent's Brief Filed | | | |
| | Locust Township | | Respondent | |
| | Locust Township Board of Supervisors | | Respondent | |
| Document Name: | Pre-Argument Brief | | | |
| **July 17, 2012** | Opinion | | | 07/17/2012 |
| | Brobson, P. Kevin | | | |
| Document Name: | Opinion (29 Pages) | | | |
| Comment: | The AG's motion for Summary Judgment is GRANTED IN PART. Summary judgement is entered in favor of the AG and against Resp. on Count II of the PFR. Secion 503(f) and (j) and Part 3(b) of the Ordinance are preempted by Section 519 of the action known as the Nutrient Management Act, and are therefore declared invalid. As a result, summary judgment is also entered in favor of the AG and against respondent's on Count IV of the Petition with respect to these Ordinance Provisions. Summary judgment is also entered in favor of the AG and against Resp. on Count III of the Pet. Section 503 (g) of the Ordinance is preempted by section 3136(b) of the Water Resources Planning Act, 27 and is therefore, declared invalid. In all other respects, the moiton for summary judgment is DENIED. | | | |
| **January 18, 2013** | Praecipe | | | |
| | Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Praecipe to Amend Caption | | | |

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## DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---|---|---|---|---|
| **November 2, 2015** | Application to Amend<br>Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| Document Name: | Praecipe to Amend Caption | | | |
| **November 4, 2015** | Order Granting Application to Amend<br>Oler, J. Wesley, Jr. | | | 11/05/2015 |
| Document Name: | Petitioner's praecipe to amend caption is granted and the caption is amended. | | | |

## SESSION INFORMATION

Journal Number: 39-06-2012
Consideration Type: En Banc Argument
Listed/Submitted Date: June 6, 2012

## DISPOSITION INFORMATION

Final Disposition: No

| | | | |
|---|---|---|---|
| Related Journal No: | | Judgment Date: | January 25, 2007 |
| Category: | Decided | Disposition Author: | Friedman, Rochelle S. |
| Disposition: | Preliminary Objections Sustained | Disposition Date: | January 25, 2007 |

Disposition Comment: The P.O.'s filed by Locust Twp and Locust Twp Bd of Supervisors objecting this coiurt's subject matter jurisdiction are overruled. The P.O.'s filed by Locust Twp and Locust Twp Bd of Supervisors asserting that there is no ripe case or controversy for this court's review is hereby sustained and the Petition for Review filed by the Commonwealth of Pennsylvania, seeking declaratory and injunctive relief is hereby dismissed.

| | | | |
|---|---|---|---|
| Dispositional Filing: | **Opinion** | Filing Author: | Friedman, Rochelle S. |
| Filed Date: | 1/25/2007 12:00:00AM | | |

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