

**Miscellaneous Docket Sheet**

Commonwealth Court of Pennsylvania

**Docket Number: 358 MD 2006****Page 1 of 10****September 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:

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>September 5, 2006</b>	Preliminary Objections Locust Township Locust Township Board of Supervisors		Respondent Respondent	
<b>September 6, 2006</b>	Tentative Argument Hostutler, Charles R. Document Name: Nov. 2006			
<b>September 6, 2006</b>	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.			
<b>September 26, 2006</b>	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.			
<b>October 2, 2006</b>	Defendant's Brief Filed Locust Township Locust Township Board of Supervisors		Respondent Respondent	
<b>October 6, 2006</b>	Appendix Locust Township Locust Township Board of Supervisors Document Name: to Respondents, Locust Township and Locust Township Board of Supervisors' Preliminary Comment: Objections		Respondent Respondent	
<b>October 10, 2006</b>	Application for Continuance Locust Township Locust Township Board of Supervisors Document Name: of Argument		Respondent Respondent	
<b>October 11, 2006</b>	Order Granting Application for Continuance Quigley, Keith B. Document Name: Argument currently scheduled for Nov. 13, 2006 is CONTINUED to the December 2006 Comment: argument list in Harrisburg.			10/12/2006
<b>October 13, 2006</b>	Tentative Argument Hostutler, Charles R. Document Name: Dec. 2006			
<b>October 19, 2006</b>	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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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>October 31, 2006</b>	Plaintiff's Brief Filed Commonwealth of Pennsylvania Document Name: In opposition to respondents P.O.'s		Petitioner	
<b>January 25, 2007</b>	Preliminary Objections Sustained 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 court'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.			01/25/2007
<b>February 9, 2007</b>	Notice of Appeal to PA Supreme Court Filed Commonwealth of Pennsylvania Document Name: 14 MAP 2007 Comment: Record forwarded to Middle District on 3/1/07.		Petitioner	
<b>February 26, 2007</b>	Notice of Appeal to PA Supreme Court Filed Locust Township Locust Township Board of Supervisors Document Name: 22 MAP 2007 Comment: Record previously forwarded to Middle District under 14 MAP 2007 on 3/1/07.		Respondent Respondent	
<b>February 26, 2007</b>	Notice of Appeal to PA Supreme Court Filed Locust Township Locust Township Board of Supervisors Document Name: 109 MT 2007		Respondent Respondent	
<b>April 29, 2009</b>	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			
<b>July 30, 2009</b>	Answer Filed Locust Township Locust Township Board of Supervisors 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		Respondent Respondent	
<b>August 6, 2009</b>	Entry of Appearance Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
<b>August 26, 2009</b>	Answer to New Matter Commonwealth of Pennsylvania Document Name: Petitioner's Response to New Matter		Petitioner	

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<b>April 28, 2010</b>	Application to Compel Locust Township Locust Township Board of Supervisors		Respondent Respondent	
	Document Name: Respondents' Motion to Compel Discovery			
<b>May 5, 2010</b>	Answer Filed Commonwealth of Pennsylvania		Petitioner	
	Document Name: Petitioner's Response to Respondents' Motion to Compel Discovery			
<b>May 6, 2010</b>	Argument Scheduled - Single Judge Quigley, Keith B.			05/06/2010
	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.			
<b>May 13, 2010</b>	Order Granting Application to Compel Quigley, Keith B.			05/14/2010
	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.			
<b>November 17, 2010</b>	Application for Relief Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Motion to Impose a Scheduling Order for discovery and dispositive motions			
<b>December 8, 2010</b>	Order Granting Application for Relief Quigley, Keith B.			12/09/2010
	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.			
<b>February 17, 2011</b>	Application for Extension of Time to File Bucknum, Susan L. Sherr, Anthony Randall	Commonwealth of Pennsylvania Locust Township Board of Supervisc	Petitioner Respondent	
	Document Name: Joint Motion for Extension of Scheduling Order Deadlines for Discovery and Dispositive Motions			
<b>February 18, 2011</b>	Order Granting Application for Extension of Time to File Quigley, Keith B.			02/23/2011
	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.			
<b>April 11, 2011</b>	Application to Compel Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Petitioner's Motion to Compel Discovery			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>April 12, 2011</b>	Argument Scheduled - Single Judge Kelley, James R.			04/12/2011
	Document Name: Argument on petitioner's motion to compel discovery is set for 4-14-11, 10:00 am, telephone Comment: conference call originated from the chambers of a designated judge of this court. Cell phones may not be used.			
<b>April 14, 2011</b>	Order Denying Application to Compel Kelley, James R.			04/15/2011
	Document Name: Plaintiff's Motion to Compel Discovery is denied.			
<b>May 31, 2011</b>	Motion for Summary Judgment Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Petitioner's Motion for Summary Judgment			
<b>May 31, 2011</b>	Exhibit Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Petitioner's Exhibits in Support of Summary Judgment			
<b>May 31, 2011</b>	Filed - Other Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Petitioner's Brief in Support of Summary Judgment (4 copies)			
<b>June 1, 2011</b>	Amended Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Amended Exhibits			
<b>June 2, 2011</b>	Order Directing Submission on Brief Feudale, Barry F.			06/03/2011
	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.			
<b>June 7, 2011</b>	Compliance with Order Commonwealth of Pennsylvania		Petitioner	
	Document Name: Order of 6/2/11 (11 additional copies filed)			
<b>June 7, 2011</b>	Plaintiff's Brief Filed Bucknum, Susan L. Forney, Susan Jane Killion, Michael Thomas Neuhauser, Gregory R.	Commonwealth of Pennsylvania Commonwealth of Pennsylvania Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Petitioner Petitioner Petitioner Petitioner	
	Document Name: 11 copies			
<b>June 15, 2011</b>	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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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>July 15, 2011</b>	Defendant's Brief Filed Locust Township Locust Township Board of Supervisors		Respondent Respondent	
	Document Name: Brief in Opposition to Petitioner's Motion for Summary Judgment			
<b>July 26, 2011</b>	Application for Extension of Time to File Brief Bucknum, Susan L. Forney, Susan Jane	Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Petitioner Petitioner	
	Document Name: Reply Brief			
<b>July 28, 2011</b>	Order Granting Application for Extension of Time to File Reply Brief Per Curiam			07/28/2011
	Document Name: Petitioner may file a reply brief by 08/04/11.			
<b>August 4, 2011</b>	Plaintiff's Reply Brief Commonwealth of Pennsylvania		Petitioner	
	Document Name: Reply Brief in Further Support of Summary Judgment			
<b>August 31, 2011</b>	Application to Amend Bucknum, Susan L. Forney, Susan Jane	Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Petitioner Petitioner	
	Document Name: Praecepto to Amend Caption to Conform with the Appointment of AG Linda L. Kelly			
<b>November 2, 2011</b>	Order Filed Per Curiam			11/03/2011
	Document Name: The chief clerk is directed to list plaintiff's Motion for Summary Judgment for oral argument on the next available list. Comment: next available list.			
<b>November 4, 2011</b>	Argument Scheduled Krimmel, Michael			11/04/2011
	Document Name: Monday, 12-12-11, 1:00 pm, Panel, CR 5001, PJC, HBG. No. 3 on list.			
<b>November 14, 2011</b>	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			
<b>November 17, 2011</b>	Order Granting Application for Continuance Per Curiam			11/18/2011
	Document Name: The chief clerk is directed to list this matter for oral arugment on the next available list.			
<b>November 21, 2011</b>	Tentative Argument Krimmel, Michael			
	Document Name: February 2012 (Philadelphia)			
<b>December 30, 2011</b>	Argument Scheduled Krimmel, Michael			12/30/2011
	Document Name: Wednesday, 2-15-12, 9:30 am, En Banc, CR 1, Widener Building, Philadelphia. No. 37 on list.			
<b>January 6, 2012</b>	Amended Krimmel, Michael			01/06/2012
	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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<b>January 6, 2012</b>	Argument Rescheduled Per Curiam			01/09/2012
	Document Name: Argument is rescheduled before Panel One on 2-14-12, 1:00 pm, CR 1, Phila.			
<b>January 12, 2012</b>	Amended Krimmel, Michael			
	Document Name: CORRECTED NOTICES : Argument is No. 37 on list.			
<b>February 6, 2012</b>	Argument Rescheduled 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.			
<b>February 22, 2012</b>	Application for Relief 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			
<b>February 22, 2012</b>	Application for Relief 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 Decision Referenced During Oral Argument on the Motion for Summary Judgment			
<b>February 29, 2012</b>	Order Granting Application for Relief 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.			
<b>March 12, 2012</b>	Application for Relief 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			
<b>March 14, 2012</b>	Order Granting Application for Relief 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.			
<b>April 20, 2012</b>	Order Filed 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.			
<b>April 23, 2012</b>	Tentative Argument Krimmel, Michael			
	Document Name: June 2012 (Harrisburg)			
<b>April 30, 2012</b>	Order Filed 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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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>May 1, 2012</b>	Argument Scheduled Krimmel, Michael			05/01/2012
	Document Name: Wednesday, 6-6-12, 9:30 am, En Banc, CR 5001, PJC, HBG. No. 39 on list.			
<b>May 14, 2012</b>	Application for Relief Neuhauser, Gregory R. Bucknum, Susan L. Sherr, Anthony Randall	Commonwealth of Pennsylvania Commonwealth of Pennsylvania Locust Township Board of Supervisc	Petitioner Petitioner Respondent	
	Document Name: Joint application to file a short pre-argument brief to address the issues raised			
<b>May 17, 2012</b>	Letter Krimmel, Michael			05/17/2012
	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.			
<b>May 17, 2012</b>	Order Filed Per Curiam			05/18/2012
	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.			
<b>May 31, 2012</b>	Petitioner's Brief Filed Bucknum, Susan L. Neuhauser, Gregory R.	Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Petitioner Petitioner	
	Document Name: Pre-Argument Brief			
<b>May 31, 2012</b>	Respondent's Brief Filed Locust Township Locust Township Board of Supervisors		Respondent Respondent	
	Document Name: Pre-Argument Brief			
<b>July 17, 2012</b>	Opinion Brobson, P. Kevin			07/17/2012
	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.			
<b>January 18, 2013</b>	Praecipe Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Praecipe to Amend Caption			

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

## 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 court'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:

Filed Date: 1/25/2007 12:00:00AM