

Miscellaneous Docket Sheet

Docket Number: 358 MD 2006

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May 24, 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.
15th Floor Strawberry Square
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
Strawberry Square
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
15th Fl Strawberry Sq
Harrisburg, PA 17120
Phone No: (717) 783-1471 Fax No: (717) 772-4526

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 5, 2006	Preliminary Objections Locust Township Locust Township Board of Supervisors		Respondent 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 Locust Township Board of Supervisors		Respondent Respondent	
October 6, 2006	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	
October 10, 2006	Application for Continuance Locust Township Locust Township Board of Supervisors Document Name: of Argument		Respondent Respondent	
October 11, 2006	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
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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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 Friedman, Rochelle S.			01/25/2007
	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.			
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 Locust Township Board of Supervisors		Respondent 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 Locust Township Board of Supervisors		Respondent 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 Locust Township Board of Supervisors		Respondent 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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April 28, 2010	Application to Compel Locust Township Locust Township Board of Supervisors		Respondent 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 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.			
May 13, 2010	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.			
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 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.			
February 17, 2011	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			
February 18, 2011	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.			
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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April 12, 2011	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.			
April 14, 2011	Order Denying Application to Compel Kelley, James R.			04/15/2011
	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 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.			
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. 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			
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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July 15, 2011	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			
July 26, 2011	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			
July 28, 2011	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.			
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. 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			
November 2, 2011	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.			
November 4, 2011	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.			
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 Per Curiam			11/18/2011
	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 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.			
January 6, 2012	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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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 6, 2012	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.			
January 12, 2012	Amended Krimmel, Michael			
	Document Name: CORRECTED NOTICES : Argument is No. 37 on list.			
February 6, 2012	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.			
February 22, 2012	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			
February 22, 2012	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			
February 29, 2012	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.			
March 12, 2012	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			
March 14, 2012	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.			
April 20, 2012	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.			
April 23, 2012	Tentative Argument Krimmel, Michael			
	Document Name: June 2012 (Harrisburg)			
April 30, 2012	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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May 1, 2012	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.			
May 14, 2012	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			
May 17, 2012	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.			
May 17, 2012	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.			
May 31, 2012	Petitioner's Brief Filed Bucknum, Susan L. Neuhauser, Gregory R.	Commonwealth of Pennsylvania Commonwealth of Pennsylvania	Petitioner Petitioner	
	Document Name: Pre-Argument Brief			
May 31, 2012	Respondent's Brief Filed Locust Township Locust Township Board of Supervisors		Respondent Respondent	
	Document Name: Pre-Argument Brief			
July 17, 2012	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.			
January 18, 2013	Praecipe Bucknum, Susan L.	Commonwealth of Pennsylvania	Petitioner	
	Document Name: Praecipe to Amend Caption			

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November 2, 2015	Application to Amend Bucknum, Susan L. Document Name: Praecepto to Amend Caption	Commonwealth of Pennsylvania	Petitioner	
November 4, 2015	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