

Miscellaneous Docket Sheet

Docket Number: 360 MD 2006

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October 17, 2017



CAPTION

Commonwealth of Pennsylvania,
Office of Attorney General By
Thomas W. Corbett, Jr.,
Attorney General,
Plaintiff
v.
Richmond Township, and
Richmond Township Board
of Supervisors,
Defendants

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Closed
Case Processing Status: May 28, 2010 Completed
Journal Number: 53-3-09
Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Plaintiff Commonwealth of Pennsylvania
Pro Se: No
IFP Status:
Attorney: Bucknum, Susan L.
Law Firm: Office of Attorney General
Address: Litigation Section, 15th Floor
Strawberry Square
Harrisburg, PA 17120
Phone No: (717) 787-2944 Fax No: (717) 772-4526

Defendant Richmond Township
Pro Se: No
IFP Status:
Attorney: Sherr, Anthony Randall
Law Firm: Mayers, Mennies & Sherr, L.L.P.
Address: 3031 Walton Rd Bldg A Ste 330
P.O. Box 1547
Blue Bell, PA 19422-0440
Phone No: (610) 825-0300 Fax No: (610) 825-6555

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**COUNSEL INFORMATION****Defendant** Richmond Township

Pro Se: No

IFP Status:

Attorney: Hatt, Frederick Karl
 Address: Ste 102-A
 200 Spring Ridge Dr
 Wyomissing, PA 19610
 Phone No: (610) 898-0660 Fax No: (610) 898-0663

Attorney: Grim, Robert P.
 Address: 262 W Main St
 Kutztown, PA 19530
 Phone No: (610) 683-3306 Fax No: (610) 683-3390

Other Pennsylvania Farm Bureau

Pro Se: No

IFP Status:

Attorney: Bell, John James
 Law Firm: Pennsylvania Farm Bureau
 Address: 510 S 31st St
 PO Box 8736
 Camp Hill, PA 17001-8736
 Phone No: (717) 761-2740 x:547 Fax No: (717) 731-3575

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-002041	40.00
07/03/2006	Copy Work (Per Page)	6.50	07/03/2006	2006-CMW-H-002072	6.50
08/25/2008	Subpoena	2.00	08/25/2008	2008-CMW-H-002356	2.00
11/18/2008	2nd Motion for Extension of Time	10.00	11/18/2008	2008-CMW-H-003173	10.00
06/11/2010	Copy Work (Per Page)	10.00	06/11/2010	2010-CMW-H-001476	10.00
06/17/2010	Copy Work (Per Page)	5.00	06/17/2010	2010-CMW-H-001545	5.00

AGENCY/TRIAL COURT INFORMATION

Court Below:

County:

Order Appealed From:

Documents Received: June 29, 2006

Order Type:

OTN(s):

Lower Ct Docket No(s):

Lower Ct Judge(s):

Division:

Judicial District:

Notice of Appeal Filed:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:**BRIEFING SCHEDULE**

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 360 MD 2006****Page 3 of 11****October 17, 2017****BRIEFING SCHEDULE****Plaintiff****Commonwealth of Pennsylvania****Ancillary Brief**

Due: December 22, 2008

Filed: December 22, 2008

Brief

Due: September 22, 2006

Filed: September 28, 2006

Due: January 8, 2010

Filed: January 8, 2010

Reply Brief

Due: February 22, 2010

Filed: February 25, 2010

Defendant**Richmond Township****Ancillary Brief**

Due:

Filed: September 22, 2008

Due: October 7, 2008

Filed: October 6, 2008

Due: February 8, 2010

Filed: February 8, 2010

Brief

Due:

Filed: August 22, 2006

Richmond Township Board of Supervisors**Ancillary Brief**

Due:

Filed: September 22, 2008

Due: October 7, 2008

Filed: October 6, 2008

Due: February 8, 2010

Filed: February 8, 2010

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 29, 2006	Petition for Review Filed Commonwealth of Pennsylvania		Plaintiff	
July 19, 2006	Preliminary Objections Richmond Township		Defendant	
July 21, 2006	Tentative Argument Hostutler, Charles R. Document Name: Nov. 2006			
July 21, 2006	Letter Hostutler, Charles R. Document Name: A brief in support of the POs (15 copies) shall be filed by 8-25-06. A brief in opposition to the Comment: POs (15 copies) shall be filed within 30 days of service of the briefs in support thereof.			
August 22, 2006	Respondent's Brief Filed Richmond Township Document Name: In support of P.O.'s		Defendant	
August 22, 2006	Affidavit Filed Richmond Township Document Name: Of Norann L. Warmkessel		Defendant	
September 22, 2006	Praecipe for Appearance Sherr, Anthony Randall Document Name: Praecipe for Appearance Sherr, Anthony Randall	Richmond Township	Defendant	
September 26, 2006	Argument Scheduled Hostutler, Charles R. Document Name: MON, 11-13-06, 1:00 p.m., Panel, En Banc #1, Widener Bldg., 1339 Chestnut St., PHI, #8			
September 28, 2006	Petitioner's Brief Filed Commonwealth of Pennsylvania Document Name: In opposition to pos		Plaintiff	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 10, 2006	Application for Continuance Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Respondents, Richmond Twp. and Richmond Twp. Board of Supervisors' Motion for Continuance Comment: of Argument			
October 11, 2006	Order Granting Application for Continuance Quigley, Keith B.			10/12/2006
	Document Name: Argument currently scheduled for 11-13-06 is CONTINUED to the Dec. 2006 argument list at HBG.			
October 13, 2006	Tentative Argument Hostutler, Charles R.			
	Document Name: Dec. 2006			
October 20, 2006	Argument Scheduled Hostutler, Charles R.			10/20/2006
	Document Name: Thurs. 12/14/2006 @ 9:30 a.m., before a panel in Courtroom No. 1, Hbg. (No. 56)			
December 14, 2006	Praecipe for Appearance Neuhauser, Gregory R.	Commonwealth of Pennsylvania	Plaintiff	
	Document Name: Praecipe for Appearance Neuhauser, Gregory R.			
February 20, 2007	Opinion Friedman, Rochelle S.			02/20/2007
	Document Name: (16 pages) The PO filed by Richmond Twp. and the Richmond Twp. Board of Supervisors Comment: objecting to the specificity of paragraph 22 of the PFR filed by the Commonwealth of Pennsylvania is sustained: however, we grant the Attorney General leave to amend paragraph 22 within 20 days of this order. The remaining POs filed by Richmond Twp. and the Richmond Twp. Board of Supervisors to the Petition filed by the Attorney General are overruled.			
March 2, 2007	Amended Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Amended PFR in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief			
April 2, 2007	Answer Filed Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Respondents Richmond Township and Richmond Township Board of Supervisors' Answer to Petitioner Comment: Commonwealth of Pennsylvania, Office of Attorney General, by Thomas W. Corbett, Jr., Attorney General's Amended Petition for Review in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief			
April 19, 2007	Answer to New Matter Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Reply to New Matter			

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May 4, 2007	Praecipe Richmond Township Richmond Township Board of Supervisors Document Name: to Substitute Verification		Defendant Defendant	
August 16, 2007	Praecipe for Withdrawal of Appearance Neuhauser, Gregory R. Document Name: Praecipe for Withdrawal of Appearance Neuhauser, Gregory R.	Commonwealth of Pennsylvania	Plaintiff	
August 16, 2007	Praecipe for Appearance Bucknum, Susan L. Document Name: Praecipe for Appearance Bucknum, Susan L.	Commonwealth of Pennsylvania	Plaintiff	
August 16, 2007	Praecipe for Withdrawal of Appearance Killion, Michael Thomas Document Name: Praecipe for Withdrawal of Appearance Killion, Michael Thomas	Commonwealth of Pennsylvania	Plaintiff	
January 7, 2008	Application for Relief Commonwealth of Pennsylvania Document Name: Motion to Compel Discovery		Plaintiff	
January 25, 2008	Hearing Scheduled Quigley, Keith B. Document Name: for Feb. 5, 2008, 1:00 p.m., via telephone call, on plaintiff's motion to compel discovery.			01/25/2008
January 31, 2008	Answer to Application for Relief Richmond Township Richmond Township Board of Supervisors Document Name: Respondents, Richmond Twp. and Richmond Twp. Board of Supervisors' Response to Petitioner's Comment: Motion to Compel Discovery		Defendant Defendant	
February 6, 2008	Order Directing Status Report Colins, James Gardner Document Name: The parties shall submit the status report to the Court by 4:00 p.m. Feb. 19, 2008. See order Comment: filed.			02/06/2008
February 19, 2008	Status Report Filed Commonwealth of Pennsylvania Richmond Township Richmond Township Board of Supervisors		Plaintiff Defendant Defendant	
September 22, 2008	Memorandum of Law Filed Richmond Township Richmond Township Board of Supervisors Document Name: Respondent, Richmond Township and Richmond Township Board of Supervisors Memorandum of Comment: Law in Support of Motion for Judgment on the Pleadings		Defendant Defendant	

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September 22, 2008	Application for Relief Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Respondents, Richmond Township and Richmond Township Board of Supervisors Motion for Comment: Judgment on the Pleadings			
September 23, 2008	Order Filed Flaherty, Jim			09/24/2008
	Document Name: Upon consideration of defendants' motion for judgment on the pleadings and memorandum Comment: of law in support, Chief Clerk shall list motion for argument on next appropriate argument list. Plaintiff shall file brief in opposition to motion for judgment on pleadings (15) by 10/22/2008. Defendants shall file 13 additional copies of their memorandum of law in support of said motion by 10/07/2008.			
October 6, 2008	Compliance with Order Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: dated 9/23/2008. 13 additional copies of memo of law.			
October 15, 2008	Application for Extension of Time to File Brief Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Uncontested Motion for an Extension of Time to File a Brief in Opposition to Respondents' Motion Comment: for Judgment on the Pleadings			
October 16, 2008	Order Granting Application for Extension to File Brief McCloskey, Joseph F.			10/17/2008
	Document Name: Plaintiff's brief in opposition to motion for judgment on the pleadings shall be filed by 11/21/2008			
November 18, 2008	Application for Extension of Time to File Brief - Second Request Commonwealth of Pennsylvania		Plaintiff	
November 19, 2008	Order Granting Application for Extension to File Brief Friedman, Rochelle S.			11/20/2008
	Document Name: Plaintiff's brief shall be filed and served by 12/22/2008. Comment: Chief Clerk to list the motion for judgment on the pleadings for oral argument on next Philadelphia argument session during week of February 23, 2009.			
November 20, 2008	Tentative Argument Krimmel, Michael			
	Document Name: Feb. 2009 (Phila.)			
December 22, 2008	Petitioner's Brief Filed Commonwealth of Pennsylvania		Plaintiff	
December 22, 2008	Answer to Application for Relief Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Petitioner's Response to Respondents, Richmond Township and Richmond Township Board of Comment: Supervisors Motion for Judgment on the Pleadings			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 9, 2009	Application for Relief Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Motion to Impose a Discovery Deadline and to Stay Oral Argument on the Motion for Judgment Comment: on the Pleadings			
January 13, 2009	Argument Scheduled Krimmel, Michael			01/13/2009
	Document Name: MONDAY, February 23, 2009 @1:00 PM (Panel) CR#2, 9th Fl., 1339 Chestnut St., Philadelphia Comment: (No. 18)			
January 14, 2009	Application for Stay Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Motion to Stay Discovery Pending Resolution of Motion for Judgment on the Pleadings with Comment: memorandum of law enclosed			
January 16, 2009	Order Granting Application for Stay McCloskey, Joseph F.			01/20/2009
	Document Name: Memorandum and Order. The motion of the AG to stay oral argument and set a discovery Comment: deadline is denied. Richmond Township's motion to stay discovery is granted, and further discovery is stayed pending further order of this Court. Argument on Richmond Township's motion for judgment on the pleadings remains scheduled for 2-23-09, in Philadelphia.			
January 22, 2009	Answer to Application for Relief Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Respondents, Richmond Township and Richmond Township Board of Supervisors' Response to Comment: Petitioner's Motion to Impose a Discovery Deadline and to Stay Oral Argument on the Motion for Judgment on the Pleadings			
February 17, 2009	Application for Continuance Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
February 19, 2009	Order Granting Application for Continuance Per Curiam			02/19/2009
	Document Name: Chief Clerk shall list this matter on the next available list in Philadelphia. Comment: Upon consideration of respondents' unopposed motion for continuance of argument, currently scheduled for 02/23/09, the motion is granted.			
February 25, 2009	Application for Relief Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Motion to List Argument on the Motion for Judgment on the Pleadings on the March List in Comment: Harrisburg, or, in the Alternative, to Lift Stay on Discovery			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 11, 2009	Order Regarding Application for Relief - Other Disposition Per Curiam			03/11/2009
	Document Name: Upon consideration of plaintiff's motion to list argument on the motion for judgment on the pleadings on the March list in Harrisburg, motion is granted in part. Argument RESCHEDULED for 04/02/09 (Panel) CR#1, Northampton Cty. Courthouse, 669 Washington St., Easton, PA (End of List) Argument session commences @9:00 a.m. Plaintiff's alternate request to lift stay of discovery is denied.			
March 11, 2009	Argument Scheduled Krimmel, Michael			03/11/2009
	Document Name: THURSDAY, April 2, 2009 @9:00 A.M. (Panel), CR#1, Northampton Cty. Courthouse, 669 Washington St., Easton, PA (No. 53) Comment: Washington St., Easton, PA (No. 53)			
May 1, 2009	Letter Commonwealth of Pennsylvania		Plaintiff	
	Comment: Letter w/four copies of decision cited in briefs regarding Respondents' Motion for Judgment on pleadings			
May 22, 2009	Opinion Friedman, Rochelle S.			05/22/2009
	Document Name: Opinion (16 pages) The motion for judgment on the pleadings filed by Richmond Township and Comment: Richmond Township Board of Supervisors is denied in its entirety.			
July 30, 2009	Application for Relief Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Motion to Lift Stay on Discovery pending Resolution of Motion for Judgment on the Pleadings.			
July 31, 2009	Application for Relief Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Motion to Impose a Scheduling Order for Discovery and Dispositive Motions			
August 20, 2009	Order Granting Application for Relief Friedman, Rochelle S.			08/21/2009
	Document Name: 1. The motion to lift the stay on discovery is granted. 2. The motion to impose a scheduling Comment: order for discovery is granted as follows. The parties shall complete discovery no later than November 30, 2009, and shall file dispositive motions, if any, no later than twenty (2) days after completion of discovery.			
August 24, 2009	Answer to Application for Relief Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Respondents' Response to Petitioners' Motion to Impose a scheduling order for Discovery and Comment: Dispositive Motions			
November 20, 2009	Application for Extension of Time to File Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Motion to Extend Deadlines			

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November 24, 2009	Answer to Application for Extension Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Petitioner's Opposition to Respondents' Motion to Extend Deadlines			
November 25, 2009	Application to Compel Richmond Township		Defendant	
	Richmond Township Board of Supervisors		Defendant	
	Document Name: Motion to Compel Discovery			
December 3, 2009	Answer Filed Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Answer to Reps' Motion to Compel Discovery			
December 15, 2009	Order Denying Application for Extension of Time to File Friedman, Rochelle S.			12/16/2009
	Document Name: The motion to extend deadlines is DENIED. The motion to compel discover is DENIED.			
December 16, 2009	Application for Extension of Time to File Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Motion for a Brief Extension of time for Petitioner to file a Dispositive Motion and Brief in Comment: Support			
January 8, 2010	Plaintiff's Brief Filed Commonwealth of Pennsylvania		Plaintiff	
January 8, 2010	Exhibit Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Petitioner's Exhibits in Support of Summary Judgment			
January 8, 2010	Motion for Summary Judgment Commonwealth of Pennsylvania		Plaintiff	
January 15, 2010	Application for Extension of Time to File Brief - First Request Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Motion for a Brief Extension of Time for Petitioner to File a Dispositive Motion and Comment: Brief in Support.			
January 15, 2010	Application to Strike Richmond Township		Defendant	
	Richmond Township Board of Supervisors		Defendant	
	Document Name: Motion to Strke Petitioner's Motion for Summary Judgement			
January 26, 2010	Order Granting Application for Extension of Time to File Brief Friedman, Rochelle S.			01/27/2010
	Document Name: The motions for a brief extension is GRANTED. Motion to Stirke Plaintiff's Comment: dispositive motion filed by Defendants' is DENIED.			

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February 8, 2010	Answer Filed Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Response in Opposition to Petitioner's Motion for Summary Judgment			
February 8, 2010	Defendant's Ancillary Brief Filed Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Brief in Opposition to Petitioner's Motion for Summary Judgment			
February 8, 2010	Answer Filed Richmond Township Richmond Township Board of Supervisors		Defendant Defendant	
	Document Name: Response to Statement of Undisputed Material Facts			
February 19, 2010	Application for Extension of Time to File Brief - First Request Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Motion for a Brief Extension of Time for Petitioner to File a Reply Brief in further support of a Comment: Motion for Summary Judgment			
February 23, 2010	Praecipe for Withdrawal of Appearance Brannen, Daniel Eugene, Jr.	Richmond Township	Defendant	
February 23, 2010	Entry of Appearance Hatt, Frederick Karl	Richmond Township	Defendant	
February 25, 2010	Plaintiff's Reply Brief Bucknum, Susan L.	Commonwealth of Pennsylvania	Plaintiff	
May 28, 2010	Summary Judgment Granted Friedman, Rochelle S.			05/28/2010
	Document Name: Opinion (20 pages) Comment: The motion for summary judgment filed by the Cmwlth, Office of Attorney General is granted. Richmond Township and the Richmond Township Board of Supervisors are enjoined from enforcing the provisions of the Township Zoning Ordinance relating to intensive agriculture.			
June 23, 2010	Application to Publish Opinion Pennsylvania Farm Bureau		Other	
June 23, 2010	Application to Publish Opinion Commonwealth of Pennsylvania		Plaintiff	
	Document Name: Joint Motion of Petitioner and PA. Dept. of Agriculture to Report the Unreported Opinion filed Comment: 5-28-10, Granting Summary Judgment in Favor of Petitioner			
June 24, 2010	Order Filed Leavitt, Mary Hannah			06/25/2010
	Document Name: The Pa. Farm Bureau shall file 12 copies of the opinion it seeks to have published.			

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June 29, 2010	Compliance with Order Pennsylvania Farm Bureau		Other	
Document Name: Filed 12 copies of opinion in compliance with 06/24/10 order.				
August 10, 2010	Order Granting Application to Publish Opinion Per Curiam			08/10/2010
Document Name: Mem. Op. Filed 5-28-10 shall be designated Opinion and shall be reported.				

SESSION INFORMATION

Journal Number: 53-3-09
 Consideration Type: Oral Argument - Panel
 Listed/Submitted Date: April 2, 2009

Panel Composition:

The Honorable Renee Cohn Jubelirer	Judge
The Honorable Robert E. Simpson	Judge
The Honorable Rochelle S. Friedman	Senior Judge

DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Decided Disposition Author: Friedman, Rochelle S.

Disposition: Summary Judgment Granted Disposition Date: May 28, 2010

Disposition Comment: The motion for summary judgment filed by the Cmwlth, Office of Attorney General is granted. Richmond Township and the Richmond Township Board of Supervisors are enjoined from enforcing the provisions of the Township Zoning Ordinance relating to intensive agriculture.

Dispositional Filing: **Opinion** Filing Author:

Filed Date: 5/28/2010 12:00:00AM