

**Miscellaneous Docket Sheet**

Commonwealth Court of Pennsylvania

**Docket Number: 389 MD 2006****Page 1 of 10****May 24, 2017****CAPTION**

James and Paula Boswell, h/w,  
 Petitioners  
 v.  
 Skippack Township and Skippack  
 Township Board of Supervisors,  
 Respondents

**CASE INFORMATION**

Initiating Document: Complaint  
 Case Status: Closed  
 Case Processing Status: June 27, 2012 Completed  
 Journal Number: 29-05-2012  
 Case Category: Miscellaneous Case Type(s): Equity

**CONSOLIDATED CASES****RELATED CASES****COUNSEL INFORMATION****Petitioner Boswell, James**

Pro Se: No

IFP Status:

Attorney: Keenan, Rowan Clark  
 Law Firm: Keenan, Ciccitto & Associates  
 Address: 376 E Main St  
 Collegeville, PA 19426  
 Phone No: (610) 489-6170 Fax No: (610) 489-3679

**Respondent Skippack Township**

Pro Se: No

IFP Status:

Attorney: Zimmerman, Jill Robin  
 Law Firm: Law Office of Edward A. Skypala  
 Address: 224 King St  
 Pottstown, PA 19464  
 Phone No: (610) 323-3306 Fax No:

**FEE INFORMATION**

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
07/14/2006	Miscellaneous Docket Filing Fee	40.00	07/20/2006	2006-CMW-H-002216	40.00
			07/26/2006	2006-CMW-H-002278	40.00
02/20/2007	Subpoena	10.00	02/20/2007	2007-CMW-H-000471	10.00
06/01/2011	Subpoena	2.00	06/01/2011	2011-CMW-H-001198	2.00
06/10/2011	Subpoena	2.00	06/10/2011	2011-CMW-H-001276	2.00
07/08/2011	Subpoena	20.00	07/08/2011	2011-CMW-H-001493	20.00

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## AGENCY/TRIAL COURT INFORMATION

Court Below:  
 County: Division:  
 Order Appealed From: Judicial District:  
 Documents Received: July 14, 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
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## Date of Remand of Record:

## BRIEFING SCHEDULE

Petitioner	Respondent
<b>Boswell, James</b> <b>Ancillary Brief</b>	<b>Skippack Township</b> <b>Ancillary Brief</b>
Due: February 21, 2012      Filed: February 21, 2012	Due: April 2, 2012      Filed: April 2, 2012
<b>Boswell, Paula</b> <b>Ancillary Brief</b>	<b>Brief</b>
Due: February 21, 2012      Filed: February 21, 2012	Due: January 20, 2011      Filed: January 14, 2011
	<b>Skippack Township Board of Supervisors</b> <b>Ancillary Brief</b>
	Due: April 2, 2012      Filed: April 2, 2012
	<b>Brief</b>
	Due: January 20, 2012      Filed: January 14, 2011

## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>July 14, 2006</b>	Complaint Filed Boswell, James Boswell, Paula		Petitioner Petitioner	
<b>July 20, 2006</b>	Send Back for Correction Commonwealth Court Filing Office Document Name: \$5.00 due			
<b>July 26, 2006</b>	Complied with Sendback Boswell, James Boswell, Paula Document Name: Remainder of filing fee paid.		Petitioner Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>August 7, 2006</b>	Amended Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: Certificate of service of complaint.			
<b>August 21, 2006</b>	Praecepte for Appearance Zimmerman, Jill Robin	Skippack Township	Respondent	
	Document Name: Praecepte for Appearance Zimmerman, Jill Robin			
<b>August 21, 2006</b>	Answer to Complaint Skippack Township Skippack Township Board of Supervisors		Respondent Respondent	
<b>August 7, 2007</b>	Rule to Show Cause Why Action Should Not Be Dismissed For Failure to Prosecute McGinley, Bernard L.			08/08/2007
	Document Name: Said Rule is returnable within 30 days of the date of this order. Petitioner shall serve a copy on			
	Comment: Respondent and shall so certify in response. Failure to respond to said rule, the Chief Clerk is directed to dismiss the case.			
<b>September 7, 2007</b>	Application for Relief Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: Plaintiff's Motion for Order Compelling Testimony for the Witness Failure to Obey a Subpoena and			
	Comment: Provide Testimony Under Order of Court			
<b>September 27, 2007</b>	Order Granting Application for Relief Flaherty, Jim			09/28/2007
	Document Name: The PA Dept. of Agriculture shall comply with all subpoenas issued properly according to the			
	Comment: rules of civil procedure reasonably calculated to lead to the discovery of admissible evidence; and the Dept. of Agriculture shall, within 30 days of entry of this order, supply the petitioners with copies of all documentation in its possession regarding the use of propane cannons and/or sound devices used in farming authored by the Dept. of Agriculture or a related entity. This court's prior Rule to Show Cause is discharged.			
<b>November 20, 2007</b>	Certificate of Service Filed Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: of Court Subpeona on Dr. Julian			
<b>February 12, 2008</b>	Application for Relief Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: Plaintiff's Motion to Compel Testimony From a Non-Party Witness			
<b>February 12, 2008</b>	Memorandum of Law Filed Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: in Support of Plaintiff's Motion to Compel Testimony From a Non-Party Witness			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>February 26, 2008</b>	Answer and New Matter Pennsylvania University San Julian, Gary		Intervenor Intervenor	
	Document Name: to Plaintiffs' Motion to Compel Testimony from a Non-Party Witness			
<b>February 26, 2008</b>	Petition to Intervene (Pa.R.C.P. 2328) Pennsylvania University San Julian, Gary		Intervenor Intervenor	
	Document Name: The Pennsylvania University and Dr. Gary San Julian's Petition to Intervene			
<b>February 27, 2008</b>	Order Granting Application for Intervention Quigley, Keith B.			02/28/2008
	Document Name: The unopposed motion to intervene for the limited purpose of opposing petitioners' motion to Comment: compel, filed by Pennsylvania State University and Dr. Gary San Julian is granted. The answer and new matter to petitioners' motion to compel filed as an attachment A to intervenors' motion to intervene is accepted as a timely response to petitioners' motion to compel. Petitioners may file an answer to the new matter contained in the answer to the motion to compel by March 12, 2008. Intervenor and respondents may file memoranda of law (3 copies) in support of their respective positions by March 26, 2008. Argument on the motion to compel is scheduled for Apr. 2, 2008, at 1:30 p.m., via telephone call.			
<b>February 27, 2008</b>	Answer to Application for Relief Skiptack Township Skiptack Township Board of Supervisors		Respondent Respondent	
	Document Name: Answer to Plaintiff's Motion to Compel Testimony from a Non-Party Witness			
<b>March 3, 2008</b>	Praecipe Pennsylvania University San Julian, Gary		Intervenor Intervenor	
	Document Name: for substitution of verification			
<b>March 17, 2008</b>	Answer to New Matter Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: & to Motion to Compel Testimony from a Non-Party Witness			
<b>March 24, 2008</b>	Praecipe for Appearance Mowery, Christopher Thomas	Skiptack Township	Respondent	
	Document Name: Praecipe for Appearance of Christopher T. Mowery, Esq.			
<b>March 26, 2008</b>	Intervenor's Brief Pennsylvania University San Julian, Gary		Intervenor Intervenor	
	Document Name: In opposition to motion to compel testimony			
<b>March 31, 2008</b>	Praecipe Skiptack Township Skiptack Township Board of Supervisors		Respondent Respondent	
	Document Name: Praecipe of Defendants, Skiptack Township and Skiptack Township Board of Supervisors to Join in Comment: Brief of Intervenor/Defendants			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>March 31, 2008</b>	Memorandum of Law Filed Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: Memorandum Of Law in Opposition to Intervenor's Answer and New Matter to Petitioner's Motion Comment: to Compel Testimony From a Non-Party Witness			
<b>April 2, 2008</b>	Order Denying Application for Relief Feudale, Barry F.			04/03/2008
	Document Name: After hearing on Petitioners' motion to compel testimony from a non-party witness and the Comment: answer thereto, said motion is hereby denied.			
<b>December 17, 2010</b>	Motion for Summary Judgment Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: Petitioners' James and Paula Boswells' Motion for Summary Judgment as to Count I, II, III			
<b>December 17, 2010</b>	Memorandum of Law Filed Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment			
<b>December 20, 2010</b>	Argument Scheduled - Single Judge Quigley, Keith B.			12/21/2010
	Document Name: Briefs in opposition to petitioners' motion for summary judgment as to Counts I, II and III Comment: (3 Copies) shall be filed and served on or before 1-20-2011.			
	Argument on petitioners' motion for summary judgement is set for 1-26-2011 at 10:00 am. The argument shall be conducted y telephone call to the offices of the counsel of reord, and shall originate fro the chambers of a designated judge of the Cmwith Court, Pa Judicial Center, Harrisburg, Pa.			
	CELL PHONES MAY NOT BE USED.			
<b>January 14, 2011</b>	Respondent's Brief Filed Skippack Township Skippack Township Board of Supervisors		Respondent Respondent	
	Document Name: Memo of Law in Opposition to Motion for Summary Judgment			
<b>January 26, 2011</b>	Order Denying Motion for Summary Judgment Friedman, Rochelle S.			01/27/2011
	Document Name: Having heard argument on Petitioner's motion for summary judgment, it is hereby ordered that Comment: because there exists a genuine issue of material fact as to (1) whether the Critter Blaster Pro falls within the definition of "normal agricultural operation" set forth in section 2 of the act of June 10, 1982, P.L. 454, as amended, when used in close proximity to a residential area and (2) whether the Critter Blaster Pro has a direct adverse effect on the public health and safety, the motion is denied.			
<b>April 25, 2011</b>	Application for Oral Argument Keenan, Rowan Clark	Boswell, James	Petitioner	
	Document Name: Praecept for Trial			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>April 27, 2011</b>	Argument Scheduled - Single Judge Pellegrini, Dan			04/27/2011
	Document Name: Pre-Trial conference is set for May 6, 2011 at 10:00 am by telephone conference call shall originate Comment: from the chambers of a judge designated by the Cmwth Court. CELL PHONES MAY NOT BE USED.			
	The parties shall be prepared to advise the Court as to the status of discovery, estimated length for trial in this matter.			
<b>May 6, 2011</b>	Hearing Scheduled Feudale, Barry F.			05/09/2011
	Document Name: 1. The Court issues this order pursuant to section 313 of the Court's Internal Operating Procedures. Comment: 2. Discovery			
	(a) All discovery in this matter shall be completed by 6-22-2011.			
	3. Evidentiary Hearing/Trial:			
	(a) The parties pre-trial statements shall be filed no later than 7-15-2011.			
	(b) An evidentiary hearing/trial shall commence on August 1, 2011, at 9:00 am, Courtroom 3001, Pa Judicial Center 601 Cmwth Ave. Harrisburg, Pa 17106.			
	(c) One day has been reserved for evidentiary hearing/trial.			
<b>May 13, 2011</b>	Praecipe for Withdrawal of Appearance Mowery, Christopher Thomas	Skippack Township	Respondent	
<b>May 19, 2011</b>	Praecipe for Discontinuance Keenan, Rowan Clark	Boswell, James	Petitioner	
	Document Name: As to intervenors/respondents The Pa University and Dr. Gary San Julian			
<b>July 14, 2011</b>	Pre-trial Statement Zimmerman, Jill Robin	Skippack Township	Respondent	
	Document Name: Respondent's			
<b>July 20, 2011</b>	Pre-trial Statement Keenan, Rowan Clark	Boswell, James	Petitioner	
	Document Name: Petitioner			
<b>August 1, 2011</b>	Entry of Appearance Keenan, Rowan Clark	Boswell, James	Petitioner	
<b>August 1, 2011</b>	Entry of Appearance Zimmerman, Jill Robin	Skippack Township	Respondent	
<b>August 1, 2011</b>	Order Filed Feudale, Barry F.			08/02/2011
	Document Name: After Evidentiary hearing/trial held this date, petitioners shall file and serve their proposed Comment: findings of fact and conclusions of law (3 copies) within (20) days of receipt of the 8-1-2011 hearing transcript. Respondents shall file and serve their proposed findings of fact and conclusions of law (3 copies) within (20) days of service of petitioner's proposed findings of fact and conclusions of law.			

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<b>August 17, 2011</b>	Transcript Lodged Court Reporter Document Name: Envelope plus Large Board Map/ Hearing Held 8-1-2011 Comment: Transcript in file. Large board exhibit in corner by record shelf.			
<b>August 24, 2011</b>	Transcript Filed Court Reporter Document Name: Hearing Held 8-1-2011 Before Judge Feudale			
<b>September 12, 2011</b>	Findings of Fact Boswell, James Boswell, Paula Document Name: Plaintiffs' Proposed Findings of Fact and Conclusions of Law		Petitioner Petitioner	
<b>September 26, 2011</b>	Findings of Fact Skippack Township Skippack Township Board of Supervisors Document Name: Findings of Fact and Conclusions of Law		Respondent Respondent	
<b>December 21, 2011</b>	Opinion Simpson, Robert E. Document Name: Memorandum Opinion (24 pages) : After non-jury trial, a decision is entered in favor of Skippack Comment: Township and the Skippack Township Board of Supervisors on all claims. The chief clerk shall enter judgment accordingly if no post-trial motions are filed within 10 days of the date of this order, as set forth in Pa. R.C.P. No. 227.1. Notices sent pursuant to Rule 236.			12/21/2011
<b>January 5, 2012</b>	Judgment Entered Krimmel, Michael Document Name: Pa R.C.P. 236 Notice Comment: No post-trial motions have been filed in the above-captioned matter, this court's order of 12-21-2011 is hereby entered as a final judgment.			01/05/2012
<b>January 5, 2012</b>	Post Trial Motions Filed Keenan, Rowan Clark Document Name: Plaintiffs' Motion for Post-Trial Relief	Boswell, James	Petitioner	
<b>January 11, 2012</b>	Order Filed Per Curiam Document Name: It appearing that pet.'s post-trial motions which the Court received 1-5-2012, respondents' Comment: response to the post-trial motions if any shall be filed no later than 1-17-2012.			01/11/2012
<b>January 13, 2012</b>	Answer Filed Zimmerman, Jill Robin Document Name: Response to Petitioners' motion for post-trial relief	Skippack Township	Respondent	01/17/2012

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>January 18, 2012</b>	Order Filed Simpson, Robert E.			01/19/2012
	Document Name: Considering Petitioner's Motion for Post-Trial Relief and Respondent's Response thereto, we take the Comment: following actions:			
	(1) Accept Petitioner's post trial motion nunc pro tunc, as Respondents identified no prejudice related to its untimeliness, and this Court finds none; and			
	(2) Strike the judgement entered on the docket on 1-5-2012, pending disposition of post-trial motions on the merits; and			
	(3) Direct the CC to list the matter for argument before a panel including the undersigned on 5-2012 argument list in Philadelphia and to set a briefing schedule.			
<b>January 19, 2012</b>	Tentative Argument Krimmel, Michael			
	Document Name: May 2012 (Philadelphia)			
<b>January 20, 2012</b>	Letter Krimmel, Michael			01/20/2012
	Document Name: Re: Tentive argument/ Briefing schedule			
<b>February 21, 2012</b>	Petitioner's Ancillary Brief Filed Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: Brief in Support of Motion for Post-Trial Relief			
<b>March 8, 2012</b>	Application for Extension of Time to File Brief - First Request Skippack Township Skippack Township Board of Supervisors		Respondent Respondent	
<b>March 9, 2012</b>	Order Granting Application for Extension of Time to File Respondent Brief Moyer, John R.			03/09/2012
	Document Name: The request is granted. Respondent's brief (15 copies) shall be filed on or before 4-2-2012.			
<b>April 2, 2012</b>	Respondent's Ancillary Brief Filed Skippack Township Skippack Township Board of Supervisors		Respondent Respondent	
	Document Name: Brief in Reply to Petitioners' Motion for Post Trial Relief			
<b>April 2, 2012</b>	Argument Scheduled Krimmel, Michael			04/02/2012
	Document Name: Tues, 5-15-2012-1:00pm Before a Panel of Judges sitting in Ct Rm 2, 9th Fl, Widener Bld. Phila. #29			



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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>June 27, 2012</b>	Judgment Entered Simpson, Robert E.			06/27/2012
	Document Name: Memorandum Opinion (22 Pages)			
	Comment: After argument on Pet.'s post-trial motions, it is ORDERED and DECREED as follows:			
	1. Pet.'s post-trial motions are DENIED, except as set forth in Paragraph 2 of this Order; and,			
	2. The motion for recon. as to Finding of Fact No. 14 is GRANTED, and the finding is VACATED as unnecessary; and			
	3. The Court directs the CC to enter JUDGEMNT in favor of Resp. Skippack Township and the Skippack Township Board of Supervisors on all claims.			
<b>July 24, 2012</b>	Notice of Appeal to PA Supreme Court Filed Boswell, James Boswell, Paula		Petitioner Petitioner	
	Document Name: 61 MAP 2012			
	Comment: RECORD FORWARDED TO THE PA SUPREME COURT, MIDDLE DISTRICT, ON 8/24/2012.			
<b>August 24, 2012</b>	Certificate of Service Filed Commonwealth Court Filing Office			
	Document Name: List of documents sent to counsel of record & unrepresented parties pursuant to Pa. R.A.P. 1931(d)			
<b>May 28, 2013</b>	Commonwealth Court Decision Affirmed Supreme Court of Pennsylvania			
	Document Name: 61 MAP 2012			

## SESSION INFORMATION

Journal Number: 29-05-2012  
 Consideration Type: Oral Argument - Panel  
 Listed/Submitted Date: May 15, 2012

## Panel Composition:

The Honorable Robert E. Simpson	Judge
The Honorable P. Kevin Brobson	Judge
The Honorable Rochelle S. Friedman	Senior Judge

## DISPOSITION INFORMATION

Final Disposition: No

Related Journal No:	Judgment Date:	January 5, 2012
Category: Disposed Before Decision	Disposition Author:	Krimmel, Michael
Disposition: Judgment Entered	Disposition Date:	January 5, 2012

Disposition Comment: No post-trial motions have been filed in the above-captioned matter, this court's order of 12-21-2011 is hereby entered as a final judgment.

Dispositional Filing: Filing Author:  
 Filed Date:

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## DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date: June 27, 2012

Category: Disposed Before Decision Disposition Author: Simpson, Robert E.

Disposition: Judgment Entered Disposition Date: June 27, 2012

Disposition Comment: After argument on Pet.'s post-trial motions, it is ORDERED and DECREED as follows:

1. Pet.'s post-trial motions are DENIED, except as set forth in Paragraph 2 of this Order; and,
2. The motion for recon. as to Finding of Fact No. 14 is GRANTED, and the finding is VACATED as unnecessary; and
3. The Court directs the CC to enter JUDGEMNT in favor of Resp. Skippack Township and the Skippack Township Board of Supervisors on all claims.

Dispositional Filing: **Memorandum Opinion** Filing Author: Simpson, Robert E.

Filed Date: 6/27/2012 12:00:00AM