

Miscellaneous Docket Sheet

Docket Number: 432 MD 2009

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May 24, 2017



CAPTION

Commonwealth of Pennsylvania,
Office of Attorney General, by
Linda L. Kelly, Attorney
General,
Petitioner
v.
Packer Township and Packer
Township Board of Supervisors,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Closed
Case Processing Status: December 17, 2012 Completed
Journal Number: SP-235-2012
Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Kelly, Linda L.

Pro Se: No

IFP Status:

Attorney: Bucknum, Susan L.
Law Firm: Office of Attorney General
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Harrisburg, PA 17120
Phone No: (717) 787-2944 Fax No: (717) 772-4526

Attorney: Forney, Susan Jane
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Law Firm: PA Office of Attorney General
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BRIEFING SCHEDULE

Respondent

Packer Township

Brief

Due: December 9, 2009

Filed: December 1, 2009

Packer Township Board of Supervisors

Ancillary Brief

Due: March 1, 2012

Filed: March 2, 2012

Due: March 19, 2012

Filed: March 19, 2012

Brief

Due: October 13, 2009

Filed: October 8, 2009

Due: December 9, 2009

Filed: December 1, 2009

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 18, 2009	Petition for Review Filed Kelly, Linda L.		Petitioner	
August 19, 2009	Notice Exited Commonwealth Court Filing Office			08/19/2009
August 28, 2009	Affidavit Filed Corbett, Thomas W., Jr. Document Name: Affidavit of Service (Petition for Review)		Petitioner	
September 8, 2009	Entry of Appearance Linzey, Thomas Alan Document Name: of Thomas Linzey on behalf of Packer Township & Packer Twp Bd of Supervisors	Packer Township	Respondent	09/08/2009
September 8, 2009	Preliminary Objections Packer Township Packer Township Board of Supervisors		Respondent Respondent	
September 10, 2009	Order Filed Feudale, Barry F. Document Name: Briefs in support of Respondents' POs (15c) shall be filed by 10/13/2009. Briefs in opposition to Comment: POs shall be filed by 11/13/2009. The Chief Clerk is directed to list this matter for argument b/f a panel sitting in Hbg during the Dec. 2009 argument session.			09/11/2009
September 16, 2009	Tentative Argument Krimmel, Michael Document Name: Dec. 2009 (Harrisburg)			
October 8, 2009	Respondent's Brief Filed Packer Township Packer Township Board of Supervisors		Respondent Respondent	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 30, 2009	Argument Scheduled Krimmel, Michael			
	Document Name: 12/8/09 - 1:30pm; (No. 40); panel of judges; Ct Rm 3002, PJC, 601 Commonwealth Avenue, Harrisburg			
November 4, 2009	Application for Summary Relief Corbett, Thomas W., Jr.		Petitioner	
November 4, 2009	Petitioner's Brief Filed Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: in Support of Application for Summary Relief			
November 9, 2009	Order Filed Feudale, Barry F.			11/10/2009
	Document Name: Respondents' shall file their brief in opposition by 12/9/2009. Upon receipt of Respondents' brief Comment: the application for summary relief shall be submitted for disposition.			
November 13, 2009	Petitioner's Brief Filed Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: in Opposition to POs			
November 13, 2009	Answer to Preliminary Objections Corbett, Thomas W., Jr.		Petitioner	
	Document Name: Reply of Petitioner to POs			
November 17, 2009	Application for Relief Packer Township		Respondent	
	Document Name: Motion for Appointment of Master			
November 25, 2009	Order Denying Application for Relief Feudale, Barry F.			11/30/2009
	Document Name: The Motion to Appointment of Master is DENIED w/o prejudice to refile following disposition of Comment: respondent's POs.			
November 25, 2009	Answer to Application for Relief Corbett, Thomas W., Jr.		Petitioner	
	Document Name: Response in Opposition to Respondents' Motion for Appointment of a Master			
December 1, 2009	Respondent's Brief Filed Packer Township Packer Township Board of Supervisors		Respondent Respondent	
	Comment: In opposition to summary relief			
December 14, 2009	Application for Extension of Time to File Corbett, Thomas W., Jr.		Petitioner	
	Document Name: Uncontested motion for an extension of time to file a reply brief.			
December 24, 2009	Order Granting Application for Extension of Time to File Moyer, John R.			12/28/2009
	Document Name: Petitioner's reply brief (15) shall be filed by 01/15/2010.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 6, 2010	Opinion Butler, Johnny J. Document Name: Memorandum Opinion (7 pages) Comment: The preliminary objections filed by Packer Township and Packer Township Board of Supervisors are overruled.			01/06/2010
January 15, 2010	Petitioner's Reply Brief Filed Corbett, Thomas W., Jr. Document Name: in Further Support of Application for Summary Relief		Petitioner	
January 20, 2010	Application for Relief Packer Township Packer Township Board of Supervisors Document Name: Renewed Motion for Appointment of a Master		Respondent Respondent	
January 21, 2010	Order Directing Submission on Brief Per Curiam Document Name: Petitioner's application for relief shall be submitted on briefs, w/o oral argument unless otherwise ordered. Comment: ordered.			01/22/2010
January 26, 2010	Answer to Application for Relief Corbett, Thomas W., Jr. Document Name: Response in Opposition to Respondents' Renewed Motion for Appointment of a Master		Petitioner	
February 9, 2010	Order Denying Application for Relief Per Curiam Document Name: Upon consideration of Respondent Packer Township's renewed motion for appointment of a master and Petitioner's response thereto, the motion is hereby denied. Comment: master and Petitioner's response thereto, the motion is hereby denied.			02/09/2010
March 17, 2010	Opinion Butler, Johnny J. Document Name: Memorandum Opinion (7 pages) The AG's Motion for Summary Relief is granted with respect to the amendment removing the authority of the AG to enforce any state law that removes authority from the people of the Township; the Motion for Summary Relief is denied with respect to all remaining issues. Comment: amendment removing the authority of the AG to enforce any state law that removes authority from the people of the Township; the Motion for Summary Relief is denied with respect to all remaining issues.			03/17/2010
March 23, 2010	Amended Per Curiam Document Name: Amending Order to the Memorandum Opinion filed 3-17-10. Footnote One has been amended.			03/23/2010
April 16, 2010	Answer Filed Packer Township Packer Township Board of Supervisors		Respondent Respondent	
May 5, 2010	Application for Relief Corbett, Thomas W., Jr. Document Name: Motion to Deem Factual Averments in Petition for Review admitted by respondents, or in the alternative, require respondents to file a more specific pleading. Comment: alternative, require respondents to file a more specific pleading.		Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 6, 2010	Argument Scheduled - Single Judge Quigley, Keith B.			05/07/2010
	Document Name: Argument on motion to deem factual averments in PFR admitted by respondents, or in the Comment: alternative, require respondents to file a more specific pleading is set for 6/8/10 @ 10:00a.m. via telephone. CELL PHONES MAY NOT BE USED. Any response is due 5/25/10.			
May 11, 2010	Answer to New Matter Corbett, Thomas W., Jr.		Petitioner	
	Document Name: Response to New Matter			
May 24, 2010	Application to Strike Packer Township Packer Township Board of Supervisors		Respondent Respondent	
	Document Name: Motion to Strike "Petitioner's Motion to Deem factual Averments in Petition for Review admitted by Comment: Respondents, or, in the alternative, require respondent's to file a more specific pleading.			
May 28, 2010	Answer to Application to Strike Corbett, Thomas W., Jr.		Petitioner	
	Document Name: Response in Oppostiion to Resps' Motion to Strike Petitioner's Motion to Deem Factual Averments in Comment: Petition for Review Admitted by repondsents, or, in alternative, require respondents to file a more specific pleading.			
June 8, 2010	Order Filed Friedman, Rochelle S.			06/09/2010
	Document Name: Upon consideration of (1) "Petitioner's Motion to Deem Factrual Averments in Petition for Review Comment: admitted by respondents, or in the alternative, require resondents to file a more specific pleading", (2) "Respondents' Motion to Strike" Petitioner's motion, and (3) Petitioner's response thereto, it is hereby ordered that 1. Respondents' motion is denied. 2. Petitioner's motion is granted in part. Respondents shall file a more specific answer to Paragraphs 27-66 of Petitioner's PFR.			
June 28, 2010	Amended Packer Township Packer Township Board of Supervisors		Respondent Respondent	
	Document Name: 1ST amended answer to PFR			
August 2, 2010	Affidavit Filed Packer Township Packer Township Board of Supervisors		Respondent Respondent	
	Document Name: Verification			
August 31, 2011	Praecipe Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: To Amend Caption to Conform with the Appointment of Attorney General Linda L. Kelly			
November 17, 2011	Application for Relief Bucknum, Susan L. Forney, Susan Jane Bucknum, Susan L.	Kelly, Linda L. Kelly, Linda L. Corbett, Thomas W., Jr.	Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Motion to Impose a Scheduling Order			

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December 8, 2011	Order Granting Application for Relief Quigley, Keith B.			12/09/2011
	Document Name: Upon consideration of Petitioner's Motion to Impose a Scheduling Order, the motion is granted Comment: Discovery in this matter shall be completed no later than 1-31-2012. Dispositive motions and briefs in support (3 copies) shall be filed no later than March 1, 2012. Upon disposition of dispositive motions, if any, the court shall schedule this action for trial.			
January 30, 2012	Application to Compel Linzey, Thomas Alan	Packer Township	Respondent	
	Document Name: Motion to Compel Attorney General's Responses to Packer's Second Set of Interrogatories and Comment: Document Production Requests			
February 6, 2012	Answer and New Matter Bucknum, Susan L. Bucknum, Susan L. Neuhauser, Gregory R. Neuhauser, Gregory R.	Corbett, Thomas W., Jr. Kelly, Linda L. Kelly, Linda L. Corbett, Thomas W., Jr.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Response in Opposition to Respondent's Motion to Compel Attorney General's Responses Comment: to Packer's Second Set of Interrogatories and Document Production Requests.			
February 6, 2012	Answer Filed Bucknum, Susan L. Neuhauser, Gregory R. Bucknum, Susan L. Neuhauser, Gregory R.	Kelly, Linda L. Kelly, Linda L. Corbett, Thomas W., Jr. Corbett, Thomas W., Jr.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioner's brief in further support of her Opposition to Respondent's Motion to Compel AG's Comment: responses to Packer's Second Set of Interrogatories and Document Production Requests.			
February 7, 2012	Order Filed Oler, J. Wesley, Jr.			02/08/2012
	Document Name: Argument on the Motion to Compel is set for 2/22/12 at 1:30pm. The Argument shall be conducted Comment: by telephone call to the offices of counsel of record, and shall originate from the chambers of a designated judge of the Commonwealth Court sitting in Harrisburg. Cell Phones may not be used.			
February 22, 2012	Order Denying Application to Compel Oler, J. Wesley, Jr.			02/23/2012
	Document Name: The motion is denied.			
March 2, 2012	Application for Summary Relief Linzey, Thomas Alan	Packer Township	Respondent	
	Document Name: Motion for Summary Judgment or Partial Summary Judgment			
March 2, 2012	Respondent's Ancillary Brief Filed Packer Township Packer Township Board of Supervisors		Respondent Respondent	
	Document Name: Brief in Support of Summary Judgment			

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March 9, 2012	Order Directing Submission on Brief Oler, J. Wesley, Jr.			03/12/2012
	Document Name: Respondent's motion for summary judgment shall be submitted to a panel of judges of this court for Comment: disposition on the briefs of the parties. Respondent shall file additional copies of its brief in support of summary judgment (15 copies total) by 3-19-12. Petitioner's brief in opposition to summary judgment (15 copies) shall be filed by 4-2-12.			
March 19, 2012	Respondent's Ancillary Brief Filed Packer Township Packer Township Board of Supervisors		Respondent Respondent	
	Document Name: 12 additional copies			
April 2, 2012	Petitioner's Ancillary Brief Filed Forney, Susan Jane Bucknum, Susan L. Neuhauser, Gregory R.	Kelly, Linda L. Kelly, Linda L. Kelly, Linda L.	Petitioner Petitioner Petitioner	
	Document Name: In opposition to motion for summary judgment.			
April 2, 2012	Exhibit Bucknum, Susan L. Forney, Susan Jane Neuhauser, Gregory R. Bucknum, Susan L. Neuhauser, Gregory R. Linzey, Thomas Alan Packer Township Board of Supervisors	Kelly, Linda L. Kelly, Linda L. Kelly, Linda L. Corbett, Thomas W., Jr. Corbett, Thomas W., Jr. Packer Township	Petitioner Petitioner Petitioner Petitioner Petitioner Respondent Respondent	
	Document Name: In support of brief in opposition to motion for summary judgment			
July 12, 2012	Opinion Friedman, Rochelle S.			07/12/2012
	Document Name: Opinion (12 pages) : We deny the motion for summary judgment or partial summary judgment Comment: filed by Packer Twp. and Packer Twp. Bd. of Supervisors.			
July 16, 2012	Hearing Scheduled Cohn Jubelirer, Renee			07/17/2012
	Document Name: A Pre-trial conference is set for 8/1/12 at 10:00am. The argument shall be conducted by telephone Comment: call to the offices of counsel of record and shall originate from the Chambers of a designated judge on the commonwealth court sitting in Harrisburg. The parties shall be prepared to advise teh court as to possible dates for trial. CELL PHONES MAY NOT BE USED.			
July 24, 2012	Application for Reconsideration/Reargument Linzey, Thomas Alan Linzey, Thomas Alan	Packer Township Board of Supervisor Packer Township	Respondent Respondent	
	Document Name: Petition for Reargument and Reconsideration of Panel Decision En Banc			
July 30, 2012	Order Filed Friedman, Rochelle S.			07/30/2012
	Document Name: Petitioner shall file an answer to the petition for reargument and reconsideration by 8/6/12.			

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August 1, 2012	Order Filed Friedman, Rochelle S.			08/01/2012
	Document Name: Following a pretrial conference, the parties are directed to file and serve motions in limine and Comment: such other motions as deemed appropriate on or before 11/16/12; answers in opposition thereto shall be filed within 30 days of service.			
	The parties shall notify the Prothonotary's Office of possible trial dates by 8/08/12.			
August 2, 2012	Compliance with Order Bucknum, Susan L.	Kelly, Linda L.	Petitioner	
	Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: Letter regarding trial dates			
August 6, 2012	Order Filed McGinley, Bernard L.			08/07/2012
	Document Name: Trial is set to begin on 1/28/13 at 10am in crtrm 3001, 3rd floor, PJC, Harrisburg, PA. Comment: Approximately 2 days have been allotted fro trial.			
August 6, 2012	Answer to Application for Reconsideration/Reargument Bucknum, Susan L.	Kelly, Linda L.	Petitioner	
	Neuhauser, Gregory R.	Kelly, Linda L.	Petitioner	
	Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Neuhauser, Gregory R.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: Petitioner's Answer in Opposition to Respondent's Petition for reargument and reconsideration Comment: en banc of the 7/12/12 panel opinion.			
August 10, 2012	Order Denying Application for Reconsideration/Reargument Pellegrini, Dan			08/10/2012
	Document Name: The petition for reargument and reconsideration en banc and pet's answer, is denied.			
September 6, 2012	Application for Relief Bucknum, Susan L.	Kelly, Linda L.	Petitioner	
	Forney, Susan Jane	Kelly, Linda L.	Petitioner	
	Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: Petitioner's Application to Address the Respondents recission of the Packer Twpt. sewage sludge ord.			
September 10, 2012	Application to Dismiss Linzey, Thomas Alan	Packer Township	Respondent	
	Linzey, Thomas Alan	Packer Township Board of Supervisor	Respondent	
	Document Name: for Mootness and for want of Jurisdiction Pursuant to Pa.RAP 1972			
September 14, 2012	Application for Extension of Time to File Forney, Susan Jane	Kelly, Linda L.	Petitioner	
	Neuhauser, Gregory R.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: brief in opposition			

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September 20, 2012	Order Granting Application for Extension of Time to File Oler, J. Wesley, Jr.			09/20/2012
	Document Name: Petitioner shall file a brief in opposition to respondents' application to dismiss for mootness and Comment: want of jurisdiction by 10/5/12.			
	Respondents' answer to petitioner's application to address the respondents' rescission of the ordinance shall also be filed by 10/5/12.			
September 21, 2012	Answer to Application for Extension Linzey, Thomas Alan	Packer Township	Respondent	
	Linzey, Thomas Alan	Packer Township Board of Supervis	Respondent	
	Document Name: of time and respondent's request for concurrent filings			
October 4, 2012	Filed - Other Linzey, Thomas Alan	Packer Township	Respondent	
	Linzey, Thomas Alan	Packer Township Board of Supervis	Respondent	
	Document Name: Respondent's brief in opposition to Attorney General's Application to Maintain this action in Comment: this court.			
October 4, 2012	Petitioner's Brief Filed Bucknum, Susan L.	Kelly, Linda L.	Petitioner	
	Forney, Susan Jane	Kelly, Linda L.	Petitioner	
	Neuhauser, Gregory R.	Kelly, Linda L.	Petitioner	
	Document Name: In opposition to application to dismiss and want of jurisdiction			
October 9, 2012	Hearing Scheduled Quigley, Keith B.			10/10/2012
	Document Name: Argument on "Application to dismiss for mootness and want of jurisdiction" and brief in opposition Comment: and "application to address the respondents' rescission of the Packer Township sewage sludge ordinance" and respondents' brief in opposition thereto is hereby scheduled for 11/20/12 at 10am.			
	The argument shall be conducted by telephone call to the offices of counsel of record and shall originate from the chambers of a designated judge of the Commonwealth Court sitting in Harrisburg. CELL PHONES MAY NOT BE USED.			
October 12, 2012	Application for Stay Bucknum, Susan L.	Kelly, Linda L.	Petitioner	
	Neuhauser, Gregory R.	Kelly, Linda L.	Petitioner	
	Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Neuhauser, Gregory R.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: the current scheduling order for motions in limine			
October 12, 2012	Application for Continuance Bucknum, Susan L.	Kelly, Linda L.	Petitioner	
	Neuhauser, Gregory R.	Kelly, Linda L.	Petitioner	
	Bucknum, Susan L.	Corbett, Thomas W., Jr.	Petitioner	
	Neuhauser, Gregory R.	Corbett, Thomas W., Jr.	Petitioner	
	Document Name: of November 20, 2012 telephonic Argument date			

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October 25, 2012	Order Filed Per Curiam			10/26/2012
	Document Name: Argument previously scheduled for 11/20/12 is continued to 12/10/12 at 10:30am. The argument Comment: shall be conducted by telephone call to the offices of counsel of record and shall originate from the chambers of a designated judge of the Commonwealth Court sitting in Harrisburg. CELL PHONES MAY NOT BE USED.			
	Petitioner's unopposed motion to stay the current scheduling order for motions in limine is granted.			
	Trial previously set for 1/28/13 is continued generally.			
December 17, 2012	Dismissed Friedman, Rochelle S.			12/17/2012
	Document Name: Memorandum Opinion (9 pages) Comment: We deny the app. to address Packer Twp's and Packer Twp Bd of Sups' rescission of the Packer Twp sewage sludge ordinance filed by the Cmwth of Pa., Office of AG, by Linda L. Kelly, AG. We grant the app. to dismiss for mootness and want of jurisdiction filed by Packer Twp. and Packer Twp Bd of Supervisors.			
February 6, 2013	Order Filed Per Curiam			02/06/2013
	Document Name: Mem. Op. filed 12-17-12 shall be designated Opinion and shall be reported.			

SESSION INFORMATION

Journal Number: SP-235-2012
 Consideration Type: Submitted on Briefs
 Listed/Submitted Date: April 13, 2012

Panel Composition:

The Honorable Dan Pellegrini	President Judge
The Honorable Patricia A. McCullough	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: Dismissed Disposition Date: December 17, 2012

Disposition Comment: We deny the app. to address Packer Twp's and Packer Twp Bd of Sups' rescission of the Packer Twp sewage sludge ordinance filed by the Cmwth of Pa., Office of AG, by Linda L. Kelly, AG. We grant the app. to dismiss for mootness and want of jurisdiction filed by Packer Twp. and Packer Twp Bd of Supervisors.

Dispositional Filing: **Memorandum Opinion** Filing Author:

Filed Date: 12/17/2012 12:00:00AM

REARGUMENT / RECONSIDERATION / REMITTAL

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REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: July 24, 2012
Disposition: Order Denying Application for Reconsideration/Reargument
Disposition Date: August 10, 2012
Record Remittal: