

Miscellaneous Docket Sheet

Docket Number: 476 MD 2007

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May 24, 2017



CAPTION

Commonwealth of Pennsylvania,
Office of Attorney General, By
Thomas W. Corbett, Jr.,
Attorney General,
Petitioner
v.
East Brunswick Township, and
East Brunswick Township Board
of Supervisors,
Respondents

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Closed
Case Processing Status: November 19, 2009 Completed
Journal Number: 57-06-09
Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner 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

Attorney: Forney, Susan Jane
Address: Ofc Of Attorney General Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120
Phone No: (717) 705-2331 Fax No:

Respondent East Brunswick Township
Pro Se: No
IFP Status:
Attorney: Crossen, James Eugene
Law Firm: Williamson, Friedberg & Jones, L.L.C.
Address: 10 Westwood Rd PO Box 1190
Pottsville, PA 17901
Phone No: (570) 622-5933 Fax No: (570) 622-5033

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 476 MD 2007****Page 2 of 9****May 24, 2017****FEE INFORMATION**

| Fee Dt | Fee Name | Fee Amt | Receipt Dt | Receipt No | Receipt Amt |
|------------|----------------------------------|---------|------------|-------------------|-------------|
| 10/03/2007 | Miscellaneous Docket Filing Fee | 40.00 | 10/03/2007 | 2007-CMW-H-002576 | 40.00 |
| 12/05/2007 | 2nd Motion for Extension of Time | 10.00 | 12/05/2007 | 2007-CMW-H-003160 | 10.00 |
| 08/15/2008 | Copy Work by Clerk (Per Page) | 28.00 | 08/15/2008 | 2008-CMW-H-002282 | 28.00 |
| 03/23/2012 | Copy Work (Per Page) | 35.00 | 03/23/2012 | 2012-CMW-H-000849 | 35.00 |

AGENCY/TRIAL COURT INFORMATION

Court Below:

County:

Division:

Order Appealed From:

Judicial District:

Documents Received: October 3, 2007

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 |
|----------------------|------------|---------------------|
|----------------------|------------|---------------------|

Date of Remand of Record: November 19, 2009**BRIEFING SCHEDULE****Petitioner****Commonwealth of Pennsylvania****Ancillary Brief**

Due: March 17, 2008

Filed: March 17, 2008

Due: May 1, 2009

Filed: May 1, 2009

Brief

Due: October 16, 2007

Filed: October 12, 2007

Reply Brief

Due: January 31, 2008

Filed: January 31, 2008

Respondent**East Brunswick Township****Ancillary Brief**

Due: March 26, 2009

Filed: March 26, 2009

East Brunswick Township Board of Supervisors**Ancillary Brief**

Due: November 15, 2007

Filed: November 15, 2007

Due: March 26, 2009

Filed: March 26, 2009

Brief

Due: June 1, 2009

Filed: February 22, 2008

DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|------------------------|---|--------------|------------------|-----------|
| October 3, 2007 | Application for Summary Relief Commonwealth of Pennsylvania | | Petitioner | |
| October 3, 2007 | Petitioner's Brief Filed Commonwealth of Pennsylvania | | Petitioner | |
| | Document Name: Supporting application for summary relief. Additional copies received 10/12/2007 | | | |
| October 3, 2007 | Petition for Review Filed Commonwealth of Pennsylvania | | Petitioner | |

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| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|--------------------------|--|-------------------------|--------------------------|------------|
| October 5, 2007 | Affidavit Filed Commonwealth of Pennsylvania | | Petitioner | |
| | Document Name: Affidavit of service. | | | |
| October 9, 2007 | Argument Scheduled McCloskey, Joseph F. | | | 10/10/2007 |
| | Document Name: The Chief Clerk is directed to list petitioner's motion for summary relief for oral argument on the Comment: March 2008 argument list in Phila. Resp.'s brief (15) in opposition is due 11/15/07. Petitioner is directed to file 14 additional copies of the brief in support of the application by 10/16/07. | | | |
| October 9, 2007 | Tentative Argument Krimmel, Michael | | | |
| | Document Name: March 2008 | | | |
| November 15, 2007 | Respondent's Brief Filed East Brunswick Township East Brunswick Township Board of Supervisors | | Respondent Respondent | |
| | Document Name: In opposition to application for summary relief | | | |
| November 15, 2007 | Preliminary Objections East Brunswick Township East Brunswick Township Board of Supervisors | | Respondent Respondent | |
| | Document Name: POs | | | |
| November 15, 2007 | Praecipe for Appearance Linzey, Thomas Alan | East Brunswick Township | Respondent | |
| | Document Name: Praecipe for Appearance Linzey, Thomas Alan | | | |
| November 19, 2007 | Application for Extension of Time to File Brief - First Request Commonwealth of Pennsylvania | | Petitioner | |
| | Document Name: Reply Brief. | | | |
| November 20, 2007 | Order Granting Application for Extension to File Brief Krimmel, Michael | | | 11/21/2007 |
| | Document Name: Petitioner's reply brief (15) is due 12/17/07. | | | |
| December 5, 2007 | Application for Extension of Time to File Brief - Second Request Commonwealth of Pennsylvania | | Petitioner | |
| December 11, 2007 | Order Granting Application for Extension of Time to File McCloskey, Joseph F. | | | 12/12/2007 |
| | Document Name: Petitioner's response to resps.' p.o.'s & petitioner's reply brief in opposition to the applic. for Comment: summary relief shal be filed by 1/31/08. Resp.'s brief (15) in support of p.o.'s is due 2/25/08. Petitioner's brief (15) opposing p.o.'s is due 3/17/08. The Chief Clerk is directed to list petitioner's mot. for summary relief & resps.' p.o.'s for oral arg. on the April 2008 arg. list in Harrisburg. | | | |
| December 14, 2007 | Tentative Argument Krimmel, Michael | | | |
| | Document Name: April 2008 | | | |

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| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|-------------------|--|--------------|--|------------|
| January 31, 2008 | Answer to Preliminary Objections Commonwealth of Pennsylvania | | Petitioner | |
| January 31, 2008 | Petitioner's Reply Brief Filed Commonwealth of Pennsylvania | | Petitioner | |
| February 21, 2008 | Argument Scheduled Krimmel, Michael Document Name: Tuesday, 4/8/08 @ 1:00p.m. in Crtrm 2, 5th Fl., Irvis Office Bldg., Harrisburg, Pa. #44 | | | |
| February 22, 2008 | Respondent's Brief Filed East Brunswick Township East Brunswick Township Board of Supervisors Document Name: In support of P.O.'s | | Respondent Respondent | |
| March 4, 2008 | Application for Continuance East Brunswick Township East Brunswick Township Board of Supervisors Document Name: Of argument scheduled 4/8/08 @ 1:00p.m. | | Respondent Respondent | |
| March 6, 2008 | Order Granting Application for Continuance Per Curiam Document Name: Argument previously scheduled for 4/8/08 is continued to the June 2008 Arg. List in Phila. | | | 03/07/2008 |
| March 17, 2008 | Petitioner's Brief Filed Commonwealth of Pennsylvania Document Name: In opposition to P.O.'s | | Petitioner | |
| March 20, 2008 | Tentative Argument Krimmel, Michael Document Name: June 2008 | | | |
| April 18, 2008 | Argument Scheduled Krimmel, Michael Document Name: Monday, 6/9/08 @ 1:00p.m. (Panel) in Crtrm 2, 9th Fl., Widner Bldg., 1339 Chestnut St., Comment: Phila., Pa. #19 | | | 04/18/2008 |
| May 30, 2008 | Amicus Curiae Brief Borough of Tamaqua Township of Blaine Pennsylvania farmers union & PA family farm coalition Township of Donegal Pennsylvania Family Farm Coalition Democracy Unlimited of Humboldt County | | Amicus Curiae Amicus Curiae Amicus Curiae Amicus Curiae Amicus Curiae Amicus Curiae | |

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| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|---------------------------|--|------------------------------------|--|------------|
| May 30, 2008 | Application for Extension of Time to File Borough of Tamaqua Township of Blaine Pennsylvania farmers union & PA family farm coalition Township of Donegal Pennsylvania Family Farm Coalition Democracy Unlimited of Humboldt County | | Amicus Curiae Amicus Curiae Amicus Curiae Amicus Curiae Amicus Curiae Amicus Curiae | |
| | Document Name: Brief of amici curiae in opposition to applic. for summary relief. | | | |
| June 4, 2008 | Order Granting Application for Extension to File Brief Per Curiam | | | 06/05/2008 |
| | Document Name: Brief of amici curiae, Boro of Tamaqua, et al in opposition to petitioner's applic. for summary relief filed 5/3/0/08 shall be accepted as timely filed. | | | |
| June 4, 2008 | Order Directing Submission on Brief Per Curiam | | | 06/04/2008 |
| | Document Name: This matter, scheduled for oral arg. 6/9/08 shall be submitted on briefs without oral arg. | | | |
| September 23, 2008 | Opinion Leavitt, Mary Hannah | | | 09/23/2008 |
| | Document Name: Opinion (28 pages) The application for summary relief filed in this Court's original jurisdiction Comment: by the Commonwealth of Pennsylvania, Office of Attorney General by Thomas W. Corbett, Jr., is DENIED. The Preliminary Objections filed by East Brunswick Township and the East Brunswick Township Board of Supervisors are overruled and the Respondents are directed to file an answer in 30 days. | | | |
| October 6, 2008 | Application to Withdraw As Counsel Linzey, Thomas Alan | East Brunswick Township Board of S | Respondent | |
| | Document Name: Application to Withdraw As Counsel filed by Thomas Alan Linzey, Esq. | | | |
| October 14, 2008 | Praecepte for Appearance Crossen, James Eugene | East Brunswick Township | Respondent | |
| | Document Name: Praecepte for Appearance of James E. Crossen, III, Esq. | | | |
| October 14, 2008 | Application for Relief East Brunswick Township East Brunswick Township Board of Supervisors | | Respondent Respondent | |
| | Document Name: Uncontested application for an extension of time to file answer to PFR. | | | |
| October 15, 2008 | Order Granting Application for Relief McCloskey, Joseph F. | | | 10/16/2008 |
| | Document Name: Resps.' answer to the PFR is due 12/22/08. | | | |
| October 24, 2008 | Order Regarding Application to Withdraw as Counsel - Other Disposition Feudale, Barry F. | | | 10/27/2008 |
| | Comment: Upon consideration of petition of Thomas Linzey, Esq. to withdraw as counsel for respondents East Brunswick Township and East Brunswick Township Board of Supervisors, and substitute counsel having entered an appearance for respondents, the petition to withdraw as counsel is granted. | | | |

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|--------------------------|--|--------------|--------------------------|------------|
| December 17, 2008 | Answer Filed East Brunswick Township East Brunswick Township Board of Supervisors Document Name: To Petition for Review | | Respondent Respondent | |
| December 23, 2008 | Application to Dismiss East Brunswick Township East Brunswick Township Board of Supervisors | | Respondent Respondent | |
| January 7, 2009 | Answer to Application to Dismiss Commonwealth of Pennsylvania | | Petitioner | |
| January 7, 2009 | Answer to New Matter Commonwealth of Pennsylvania | | Petitioner | |
| January 13, 2009 | Order Filed Pellegrini, Dan Document Name: It appearing that the Twp. has repealed the ordinance at issue, the Court Comment: agrees that the matter is technically moot. Petitioner avers that it intends to file an amended PFR challenging ordinance No 2 of 2008, which replaced the repealed ordinance. It is order ed that petitioner is granted leave to file an amended PFR w/i 30 days. In the event an amended PFR is not filed, the motion to dismiss as moot shall be granted. If an amended PFR is filed, the motion to dismiss shall be denied. | | | 01/14/2009 |
| February 12, 2009 | Amended Commonwealth of Pennsylvania Document Name: Petition for Review Filed | | Petitioner | |
| March 12, 2009 | Preliminary Objections East Brunswick Township East Brunswick Township Board of Supervisors Document Name: To amended PFR. | | Respondent Respondent | |
| March 12, 2009 | Respondent's Brief Filed East Brunswick Township East Brunswick Township Board of Supervisors Document Name: In Support of P.O.'s to Amended PFR | | Respondent Respondent | |
| March 16, 2009 | Order Filed Butler, Johnny J. Document Name: Petitioner shall file a brief in opposition to resps'. p.o.'s by 4/7/09. The Chief Clerk is Comment: directed to list this matter before a panel of judges sitting in Phila. during the week of 6/8/09. Resps' shall file 12 additional copies of their brief w/i 10 days of this order. | | | 03/16/2009 |
| March 17, 2009 | Compliance with Order East Brunswick Township East Brunswick Township Board of Supervisors Document Name: dated 3/16/09. 12 additional copies of brief | | Respondent Respondent | |

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| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|-----------------------|--|--------------------|--------------------------|------------|
| March 17, 2009 | Tentative Argument Krimmel, Michael Document Name: June 2009 (Philadelphia) | | | |
| March 23, 2009 | Application for Extension of Time to File Brief - First Request Commonwealth of Pennsylvania Document Name: Unopposed Motion for an Extension of Time to File Brief in Opposition to Preliminary Objections | | Petitioner | |
| March 25, 2009 | Order Granting Application for Extension to File Brief Feudale, Barry F. Document Name: Petitioner's brief in opposition to resps.' p.o.'s is due 5/1/09. | | | 03/26/2009 |
| March 31, 2009 | Send Back for Correction Commonwealth Court Filing Office Document Name: Amicus atty sent in letter to remove him from service list. Needs motion with service | | | |
| April 27, 2009 | Argument Scheduled Krimmel, Michael Document Name: Thur., 6/11/09 @ 9:30a.m. (Panel) in Crtrm 2, 9th Fl., Widener Bldg., #57 Comment: 1339 Chestnut St., One. S. Penn Sq., Phila., Pa 19107 | | | |
| May 1, 2009 | Petitioner's Brief Filed Commonwealth of Pennsylvania Document Name: in Opposition to POs to the Amended PFR | | Petitioner | |
| May 1, 2009 | Answer to Preliminary Objections Commonwealth of Pennsylvania Document Name: Response in Opposition to P.O.'s | | Petitioner | |
| May 8, 2009 | Application to Withdraw As Counsel Brannen, Daniel Eugene, Jr. Document Name: Application to Withdraw As Counsel filed by Daniel E. Brannen Jr., Esq. | Borough of Tamaqua | Amicus Curiae | |
| May 14, 2009 | Order Granting Application to Withdraw as Counsel Per Curiam Document Name: Order Granting Application to Withdraw Daniel E. Brannen Jr., Esq. as Counsel. Comment: The Chief Clerk is directed to remove the name of Daniel E. Brannen Jr., Esq. from the Court's service list. The brief filed by Daniel E. Brannen Jr. on behalf of various amici curiae shall be considered by the Court. | | | 05/15/2009 |
| May 15, 2009 | Application to Strike Commonwealth of Pennsylvania Document Name: Motion to Strike Exhibits "1", "A", "B", "C" & "2" of petitioner's brief opposing p.o.'s. | | Petitioner | |
| May 21, 2009 | Answer to Application to Strike Commonwealth of Pennsylvania Document Name: In opposition | | Petitioner | |
| May 21, 2009 | Respondent's Brief Filed East Brunswick Township East Brunswick Township Board of Supervisors Document Name: Reply Brief In support of P.O.'s to amended petition. | | Respondent Respondent | |

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DOCKET ENTRY

| Filed Date | Docket Entry / Filer | Representing | Participant Type | Exit Date |
|--------------------------|---|------------------------------|--------------------------|------------|
| May 28, 2009 | Application to Strike Commonwealth of Pennsylvania | | Petitioner | |
| | Document Name: Motion to Strike Resp.'s Untimely Reply Brief. | | | |
| June 1, 2009 | Answer to Application to Strike East Brunswick Township East Brunswick Township Board of Supervisors | | Respondent Respondent | |
| | Document Name: Answer to Motion to Strike Reply Brief | | | |
| August 21, 2009 | Opinion Leavitt, Mary Hannah | | | 08/21/2009 |
| | Document Name: Opinion (29 pages) The preliminary objections filed by East Brunswick Township and the East Brunswick Township Board of Supervisors to Count IV of the amended PFR filed by the Office of Attorney General is SUSTAINED. The remainder of the preliminary objections are OVERRULED. The Township's motion to strike exhibits is DENIED. The Attorney General's motion to strike the Township's reply brief as untimely is GRANTED. An answer to the amended PFR is due within 30 days. | | | |
| September 4, 2009 | Application for Extension of Time to File East Brunswick Township East Brunswick Township Board of Supervisors | | Respondent Respondent | |
| | Document Name: Uncontested Application for Relief in the Nature of an Extension of Time to File Answer to Petition Comment: for Review | | | |
| September 8, 2009 | Order Granting Application for Relief Feudale, Barry F. | | | 09/09/2009 |
| | Document Name: Respondents shall file their answer to the petition for review by 10/20/2009. | | | |
| October 19, 2009 | Application for Extension of Time to File East Brunswick Township East Brunswick Township Board of Supervisors | | Respondent Respondent | |
| | Document Name: Uncontested Application for Relief in the Nature of an Extension of Time to File Answer to Petition Comment: for Review. | | | |
| October 22, 2009 | Order Granting Application for Extension of Time to File Friedman, Rochelle S. | | | 10/23/2009 |
| | Document Name: Respondent's uncontested application for relief in the nature of an extension of time to file answer to the amended petition for review is due by 11/20/09. Comment: | | | |
| November 19, 2009 | Praecipe for Discontinuance Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |
| | Document Name: Petitioner's Praecipe to Voluntarily Discontinue Action | | | |
| November 19, 2009 | Notice of Discontinuance Krimmel, Michael | | | |
| November 19, 2009 | Discontinued Bucknum, Susan L. | Commonwealth of Pennsylvania | Petitioner | |

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SESSION INFORMATION

Journal Number: 57-06-09
Consideration Type: Oral Argument - Panel
Listed/Submitted Date: June 11, 2009

Panel Composition:

| | |
|-----------------------------------|--------------|
| The Honorable Robert E. Simpson | Judge |
| The Honorable Mary Hannah Leavitt | Judge |
| The Honorable Jim Flaherty | Senior Judge |

DISPOSITION INFORMATION

| | | | |
|-----------------------|--------------------------|---------------------|-------------------|
| Final Disposition: | Yes | Judgment Date: | |
| Related Journal No: | | Disposition Author: | Bucknum, Susan L. |
| Category: | Disposed Before Decision | Disposition Date: | November 19, 2009 |
| Disposition: | Discontinued | Filing Author: | |
| Dispositional Filing: | | | |
| Filed Date: | | | |