Miscellaneous Docket Sheet **Commonwealth Court of Pennsylvania**

Docket Number: 476 MD 2007

February 19, 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		
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Docket Number: 476 MD 2007

February 19, 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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DOCKET ENTRY

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			10/10/2007
	McCloskey, Joseph F.			
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		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	In opposition to application for summary relief			
November 15, 2007	Preliminary Objections			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		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			11/21/2007
	Krimmel, Michael			
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			12/12/2007
	McCloskey, Joseph F.			
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 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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DOCKET ENTRY

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		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	In support of P.O.'s			
March 4, 2008	Application for Continuance			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	Of argument scheduled 4/8/08 @ 1:00p.m.			
March 6, 2008	Order Granting Application for Continuance			03/07/2008
	Per Curiam			
Document Name:	Argument previously scheduled for 4/8/08 is continued to the June 2008 Arg. List in Phila.			
March 17, 2008	Petitioner's Brief Filed			
	Commonwealth of Pennsylvania		Petitioner	
Document Name:	In opposition to P.O.'s			
March 20, 2008	Tentative Argument			
	Krimmel, Michael			
Document Name:	June 2008			
April 18, 2008	Argument Scheduled			04/18/2008
	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			
May 30, 2008	Amicus Curiae Brief			
	Borough of Tamaqua		Amicus Curiae	
	Township of Blaine		Amicus Curiae	
	Pennsylvania farmers union & PA family farm coalition		Amicus Curiae	
	Township of Donegal		Amicus Curiae	
	Pennsylvania Family Farm Coalition		Amicus Curiae	
	Democracy Unlimited of Humboldt County		Amicus Curiae	

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 30, 2008	Application for Extension of Time to File			
	Borough of Tamaqua		Amicus Curiae	
	Township of Blaine		Amicus Curiae	
	Pennsylvania farmers union & PA family farm coalition		Amicus Curiae	
	Township of Donegal		Amicus Curiae	
	Pennsylvania Family Farm Coalition		Amicus Curiae	
	Democracy Unlimited of Humboldt County		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			06/05/2008
	Per Curiam			
Document Name:	Brief of amici curiae, Boro of Tamaqua, et al in opposition to petitioner's applic. for summary			
Comment:	relief filed 5/3/0/08 shall be accepted as timely filed.			
June 4, 2008	Order Directing Submission on Brief			06/04/2008
	Per Curiam			
Document Name:	This matter, scheduled for oral arg. 6/9/08 shall be submitted on briefs without oral arg.			
September 23, 2008	Opinion			09/23/2008
	Leavitt, Mary Hannah			
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	Praecipe for Appearance			
	Crossen, James Eugene	East Brunswick Township	Respondent	
Document Name:	Praecipe for Appearance of James E. Crossen, III, Esq.			
October 14, 2008	Application for Relief			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	Uncontested application for an extension of time to file answer to PFR.			
October 15, 2008	Order Granting Application for Relief			10/16/2008
	McCloskey, Joseph F.			
Document Name:	Resps.' answer to the PFR is due 12/22/08.			
October 24, 2008	Order Regarding Application to Withdraw as Counsel - Other Disposition			10/27/2008
	Feudale, Barry F.			
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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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 17, 2008	Answer Filed			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	To Petition for Review			
December 23, 2008	Application to Dismiss			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		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			01/14/2009
	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.			
February 12, 2009	Amended			
	Commonwealth of Pennsylvania		Petitioner	
Document Name:	Petition for Review Filed			
March 12, 2009	Preliminary Objections			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	To amended PFR.			
March 12, 2009	Respondent's Brief Filed			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	In Support of P.O.'s to Amended PFR			
March 16, 2009	Order Filed			03/16/2009
	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.			
March 17, 2009	Compliance with Order			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	dated 3/16/09. 12 additional copies of brief			

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DOCKET ENTRY

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		Petitioner	
Document Name:	Unopposed Motion for an Extension of Time to File Brief in Opposition to Preliminary Objections			
March 25, 2009	Order Granting Application for Extension to File Brief			03/26/2009
	Feudale, Barry F.			
Document Name:	Petitioner's brief in opposition to resps.' p.o.'s is due 5/1/09.			
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		Petitioner	
Document Name:	in Opposition to POs to the Amended PFR			
May 1, 2009	Answer to Preliminary Objections			
	Commonwealth of Pennsylvania		Petitioner	
Document Name:	Response in Opposition to P.O.'s			
May 8, 2009	Application to Withdraw As Counsel			
	Brannen, Daniel Eugene, Jr.	Borough of Tamaqua	Amicus Curiae	
Document Name:	Application to Withdraw As Counsel filed by Daniel E. Brannen Jr., Esq.			
May 14, 2009	Order Granting Application to Withdraw as Counsel			05/15/2009
	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.			
May 15, 2009	Application to Strike			
	Commonwealth of Pennsylvania		Petitioner	
Document Name:	Motion to Strike Exhibits "1", "A", "B", "C" & "2" of petitioner's brief opposing p.o.'s.			
May 21, 2009	Answer to Application to Strike			
	Commonwealth of Pennsylvania		Petitioner	
Document Name:	In opposition			
May 21, 2009	Respondent's Brief Filed			
	East Brunswick Township		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	Reply Brief In support of P.O.'s to amended petition.			

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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		Respondent	
	East Brunswick Township Board of Supervisors		Respondent	
Document Name:	Answer to Motion to Strike Reply Brief			
August 21, 2009	Opinion			08/21/2009
	Leavitt, Mary Hannah			
Document Name:	Opinion (29 pages) The preliminary objections filed by East Brunswick Township and the East			
Comment:	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		Respondent	
	East Brunswick Township Board of Supervisors		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			09/09/2009
	Feudale, Barry F.			
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		Respondent	
	East Brunswick Township Board of Supervisors		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			10/23/2009
	Friedman, Rochelle S.			
Document Name:	Respondent's uncontested application for relief in the nature of an extension			
Comment:	of time to file answer to the amended petition for review is due by 11/20/09.			
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

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

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