

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 476 MD 2007**Page 1 of 9****September 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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**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:

Order Appealed From:

Documents Received: October 3, 2007

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: 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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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
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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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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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: 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	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:			