

**Miscellaneous Docket Sheet****Docket Number: 6 MD 2023****Page 1 of 6****November 21, 2024****CAPTION**

Lower Saucon Township,  
Petitioner

v.

Pennsylvania Department of  
Education; Pennsylvania  
Department of Education, Office  
of Commonwealth Libraries; Eric  
Hagarty, Acting Secretary of the  
Pennsylvania Department of  
Education, in his Official Capacity;  
Susan Banks, State Librarian and  
Acting Deputy Secretary of the  
Office of Commonwealth Libraries,  
in her Official Capacity; Hellertown  
Area Library Association,  
Respondents

**CASE INFORMATION**

Initiating Document: Petition for Review

Case Status: Closed

Case Processing Status: February 7, 2023 Completed

Journal Number:

Case Category: Miscellaneous Case Type(s): Equity

**CONSOLIDATED CASES****RELATED CASES****COUNSEL INFORMATION**

**Petitioner Lower Saucon Township**

Pro Se: No

IFP Status:

Attorney: Miller, Michael McAuliffe  
Law Firm: Eckert Seamans Cherin & Mellott, LLC  
Address: Eckert Seamans Et Al  
213 Market St 8th Fl  
Harrisburg, PA 17101  
Phone No: (717) 237-7174 Fax No:

Attorney: Skjoldal, Kevin M.  
Law Firm: Eckert Seamans Cherin & Mellott, LLC  
Address: Eckert Seamans Et Al  
213 Market St 8th Fl  
Harrisburg, PA 17101  
Phone No: (717) 237-6039 Fax No:

**Miscellaneous Docket Sheet****Docket Number: 6 MD 2023****Page 2 of 6****November 21, 2024****COUNSEL INFORMATION****Petitioner Lower Saucon Township**

Pro Se: No

IFP Status:

Attorney: Allen, Matthew James  
 Law Firm: Eckert Seamans Cherin & Mellot, LLC  
 Address: Eckert Seamans Et Al  
 600 Grant St 44th Fl  
 Pittsburgh, PA 15219  
 Phone No: (724) 355-3541 Fax No:

**Respondent Pennsylvania Department of Education**

Pro Se: No

IFP Status:

Attorney: Maguschak, Elizabeth A.  
 Law Firm: Pennsylvania Department of Education  
 Address: Pa Dept Of Education  
 333 Market St  
 Harrisburg, PA 17126  
 Phone No: (717) 787-5500 Fax No:

Attorney: Kaplan, Sarina  
 Law Firm: Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA  
 Address: Pennsylvania Office Of The Attorney General  
 1600 Arch St 3rd Fl  
 Philadelphia, PA 19103  
 Phone No: (267) 768-3964 Fax No:

**Respondent Office of Commonwealth Libraries**

Pro Se: No

IFP Status:

Attorney: Maguschak, Elizabeth A.  
 Law Firm: Pennsylvania Department of Education  
 Address: Pa Dept Of Education  
 333 Market St  
 Harrisburg, PA 17126  
 Phone No: (717) 787-5500 Fax No:

Attorney: Kaplan, Sarina  
 Law Firm: Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA  
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## COUNSEL INFORMATION

**Respondent**      **Hellertown Area Library Association**

Pro Se:              No

IFP Status:

Attorney:              Aurand, Mark D.  
 Law Firm:              Davison & McCarthy, P.C.  
 Address:                Davison & Mccarthy PC  
                               645 Hamilton St Ste 510  
                               Allentown, PA 18101  
 Phone No:              (610) 435-0450              Fax No:

Attorney:              Bates, Jason Gerard  
 Law Firm:              Connor, Weber & Oberlies  
 Address:                Connor Weber & Oberlies  
                               171 W Lancaster Ave  
                               Paoli, PA 19301-1772  
 Phone No:              (610) 640-2800              Fax No:

**Respondent**      **Hagarty, Eric**

Pro Se:              No

IFP Status:

Attorney:              Maguschak, Elizabeth A.  
 Law Firm:              Pennsylvania Department of Education  
 Address:                Pa Dept Of Education  
                               333 Market St  
                               Harrisburg, PA 17126  
 Phone No:              (717) 787-5500              Fax No:

Attorney:              Kaplan, Sarina  
 Law Firm:              Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA  
 Address:                Pennsylvania Office Of The Attorney General  
                               1600 Arch St 3rd Fl  
                               Philadelphia, PA 19103  
 Phone No:              (267) 768-3964              Fax No:

**Respondent**      **Banks, Susan**

Pro Se:              No

IFP Status:

Attorney:              Maguschak, Elizabeth A.  
 Law Firm:              Pennsylvania Department of Education  
 Address:                Pa Dept Of Education  
                               333 Market St  
                               Harrisburg, PA 17126  
 Phone No:              (717) 787-5500              Fax No:

Attorney:              Kaplan, Sarina  
 Law Firm:              Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA  
 Address:                Pennsylvania Office Of The Attorney General  
                               1600 Arch St 3rd Fl  
                               Philadelphia, PA 19103  
 Phone No:              (267) 768-3964              Fax No:

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Commonwealth Court of Pennsylvania

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## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
01/04/2023	Miscellaneous Docket Filing Fee	70.25	01/11/2023	2023-CMW-H-000049	70.25

## AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:  
 Order Type:  
 Documents Received: January 4, 2023

Court Below:  
 County: Division:  
 Judge: OTN:  
 Docket Number: Judicial District:

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

## BRIEFING SCHEDULE

None

None

## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>January 4, 2023</b>	Petition for Review Filed Lower Saucon Township		Petitioner	
	Document Name: In the Nature of Complaint for Declaratory and Injunctive Relief			
<b>January 4, 2023</b>	Application for Relief Miller, Michael McAuliffe	Lower Saucon Township	Petitioner	
	Document Name: Application for Preliminary Injunction			
<b>January 4, 2023</b>	Memorandum of Law Filed Miller, Michael McAuliffe	Lower Saucon Township	Petitioner	
	Document Name: In Support of Application for Preliminary Injunction			
<b>January 18, 2023</b>	Notice Exited Commonwealth Court Filing Office			01/18/2023

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 19, 2023	Order Filed Per Curiam			01/19/2023
	Document Name: Respondents shall file and serve an answer to the Application no later than February 2, 2023			
	Comment: Upon consideration of Petitioner Lower Saucon Township's Application for Relief in the Nature of Petition for Preliminary Injunction (Application), the Court hereby ORDERS as follows:			
	1. Respondents shall file and serve an answer to the Application no later than February 2, 2023.			
	2. Hearing on the Application is hereby SCHEDULED for Thursday, February 16, 2023, at 1:30 p.m., in Courtroom Number 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania.			
	3. The parties shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, and a list of exhibits no later than February 8, 2023.			
	4. The parties shall exchange their pre-marked exhibits no later than February 9, 2023.			
	5. The parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.			
	6. The parties shall consult in good faith prior to the filing of their list of witnesses and exhibits and, if possible, enter into evidentiary and/or factual stipulations and/or agreed-upon protocols in order to streamline the proceedings. The parties may PAC-file any joint stipulations or protocols prior to the hearing.			
	7. Petitioner shall promptly serve a copy of this Order on Respondents and thereafter promptly file a proof of service of same.			
January 19, 2023	Entry of Appearance Kaplan, Sarina	Pennsylvania Department of Educati	Respondent	
	Kaplan, Sarina	Office of Commonwealth Libraries	Respondent	
	Kaplan, Sarina	Hagarty, Eric	Respondent	
	Kaplan, Sarina	Banks, Susan	Respondent	
January 20, 2023	Entry of Appearance Skjoldal, Kevin M.	Lower Saucon Township	Petitioner	
	Document Name: of Kevin Skjoldal, Esq.			
January 23, 2023	Entry of Appearance Allen, Matthew James	Lower Saucon Township	Petitioner	
	Document Name: of Matthew Allen, Esq. on behalf of Petitioner			
January 23, 2023	Application for Extension of Time to File Kaplan, Sarina	Pennsylvania Department of Educati	Respondent	
	Kaplan, Sarina	Office of Commonwealth Libraries	Respondent	
	Kaplan, Sarina	Hagarty, Eric	Respondent	
	Kaplan, Sarina	Banks, Susan	Respondent	
	Document Name: Application for Extension of Time to Respond to Petition for Review			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>January 26, 2023</b>	Order Granting Application for Extension of Time to File Per Curiam			01/26/2023
	Document Name: Response to the Petition for Review" (Application), the Application is GRANTED until 02/02/23 Comment: Upon consideration of Commonwealth Respondents' unopposed "Application for Relief - Extension of Time to Respond to Petition for Review" (Application), the Application is GRANTED. Commonwealth Respondents shall file and serve their response to the Petition for Review no later than February 2, 2023.			
<b>January 27, 2023</b>	Certificate of Service Filed Allen, Matthew James	Lower Saucon Township	Petitioner	
	Document Name: Return of Service of PFR and Memo of Law			
<b>January 27, 2023</b>	Certificate of Service Filed Allen, Matthew James	Lower Saucon Township	Petitioner	
	Document Name: Return of Service of the January 19, 2023 order			
<b>February 3, 2023</b>	Entry of Appearance Bates, Jason Gerard	Hellertown Area Library Association	Respondent	
	Document Name: of Jason Bates, Esq. on behalf of Respondent			
<b>February 3, 2023</b>	Application for Extension of Time to File Bates, Jason Gerard	Hellertown Area Library Association	Respondent	
	Document Name: App of Respondent, Hellertown Area Library Assoc. for an Ext of Time to File Answer to Comment: Preliminary Injunction and App of Petitioner			
<b>February 6, 2023</b>	Removed to Federal Court Commonwealth Court of Pennsylvania			02/06/2023
<b>February 7, 2023</b>	Hearing Cancelled Per Curiam			02/07/2023
	Document Name: Hearing on Preliminary Injunction Cancelled / Application for Extension of Time Dismissed as Moot Comment: NOW, February 7, 2023, upon review of Respondents' Notice of Removal, this action has been removed to the United States District Court for the Eastern District of Pennsylvania. Accordingly, the hearing on Petitioner's Application for Relief in the Nature of a Preliminary Injunction scheduled for Thursday, February 16, 2023, at 1:30 p.m. is hereby CANCELLED. Respondent Hellertown Area Library Association's Application for Extension of Time to File Answer to Preliminary Injunction Application of Petitioner is DISMISSED as MOOT.			

## DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Commonwealth Court of Pennsylvania
Category:	Disposed Before Decision	Disposition Date:	February 6, 2023
Disposition:	Removed to Federal Court	Filing Author:	
Dispositional Filing:			
Filed Date:			