



CAPTION

The Borough of West Chester, Appellant

v.

Pennsylvania State System of Higher Education and West Chester University of Pennsylvania of the State System of Higher Education, Appellees

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Active

Journal Number: J-56-2024 September 11, 2024

Case Category: Administrative Agency

Case Type(s): Higher Education, State System of

CONSOLIDATED CASES

RELATED CASES

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Court Below: Commonwealth Court of Pennsylvania
 County: Division: Commonwealth Court of Pennsylvania
 Date of Agency/Trial Court Order: January 4, 2023
 Docket Number: 260 MD 2018
 Judge(s): McCullough, Patricia OTN:
 Wallace, Stacy
 Wojcik, Michael H.
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Part(s)	May 04, 2023	5

Record Remittal:

BRIEFING SCHEDULE

Amicus Curiae	Appellee
Chesapeake Bay Foundation, Inc.	Pennsylvania State System of Higher Education
Brief	Brief
Due: July 13, 2023 Filed: July 13, 2023	Due: October 20, 2023 Filed: October 20, 2023
Citizens for Pennsylvania's Future	West Chester University of Pennsylvania of the State
Brief	System of Higher Education
Due: July 13, 2023 Filed: July 13, 2023	Brief
	Due: October 20, 2023 Filed: October 20, 2023
Consolidated Scrap Resources, Inc. and Dura Bond Pipe, LLC.	
Brief	
Due: October 16, 2023 Filed: October 16, 2023	
Lehigh-Northampton Airport Authority	
Brief	
Due: October 16, 2023 Filed: October 16, 2023	
Lower Swatara Township and Lower Swatara Township Municipal Authority	
Brief	
Due: July 13, 2023 Filed: July 12, 2023	
PA Municipal Authorities Association, et al.	
Brief	
Due: July 13, 2023 Filed: July 12, 2023	
Pennsylvania Aggregates and Concrete Association and Pennsylvania Chamber of Business and Industry	
Brief	
Due: October 16, 2023 Filed: October 16, 2023	
Radnor Township	



BRIEFING SCHEDULE

Amicus Curiae**Radnor Township****Brief**

Due: July 13, 2023

Filed: July 13, 2023

Susquehanna Area Regional Airport Authority**Brief**

Due: October 16, 2023

Filed: September 13, 2023

The Pittsburgh Water and Sewer Authority**Brief**

Due: July 13, 2023

Filed: July 12, 2023

The Township of Hampton, et al**Brief**

Due: July 13, 2023

Filed: July 13, 2023

Appellant**The Borough of West Chester****Brief**

Due: July 13, 2023

Filed: July 13, 2023

Reply Brief

Due: November 14, 2023

Filed: November 14, 2023

Reproduced Record

Due: July 13, 2023

Filed: July 13, 2023

SESSION INFORMATION

Journal Number: J-56-2024
 Listed/Submitted Date: September 11, 2024
 Consideration Type: Oral Argument Supreme Ct.

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 1, 2023	Notice of Appeal	Appellant	The Borough of West Chester
February 1, 2023	Jurisdictional Statement	Appellant	The Borough of West Chester
February 3, 2023	Praeipce for Withdrawal of Appearance The Borough of West Chester	Appellant	Cameron, Roger Philip
February 16, 2023	Praeipce for Appearance The Borough of West Chester	Appellant	Kampf, Warren Elliot



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 21, 2023	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
March 13, 2023	Praecipe for Appearance The Borough of West Chester	Appellant	Roberts, Alexandra Yoshi
March 13, 2023	Praecipe for Withdrawal of Appearance The Borough of West Chester	Appellant	Christakis, Aristidis William
May 2, 2023	Probable Jurisdiction Noted		Dreibelbis, Amy
Comments: AND NOW, this 2nd day of May, 2023, probable jurisdiction is noted.			
May 2, 2023	Order Exited		Office of the Prothonotary
May 4, 2023	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania
May 15, 2023	Designation of Contents of Reproduced Record	Appellant	The Borough of West Chester
May 18, 2023	Application for Extension of Time to File Brief - First Request	Appellant	The Borough of West Chester
May 18, 2023	No Answer Letter to Application for Extension of Time to File Brief	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
May 18, 2023	Order Granting Application for Extension of Time to File Appellant Brief		Dreibelbis, Amy
Comments: AND NOW, this 18th day of May, 2023, Appellant's application for extension of time is granted. Appellant's Brief and Reproduced Record shall be filed on or before July 13, 2023.			
May 18, 2023	Order Exited		Office of the Prothonotary
July 12, 2023	Amicus Curiae Brief	Amicus Curiae	Lower Swatara Township and Lower Swatara Township Municipal Authority



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 12, 2023	Amicus Curiae Brief	Amicus Curiae	The Pittsburgh Water and Sewer Authority
July 12, 2023	Amicus Curiae Brief	Amicus Curiae	PA Municipal Authorities Association, et al.
Comments: Brief in support o : PENNSYLVANIA MUNICIPAL AUTHORITIES ASSOCIATION, PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES, PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS, PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS, THE PENNSYLVANIA MUNICIPAL LEAGUE, CAPITAL REGION WATER, THE WYOMING VALLEY SANITARY AUTHORITY, THE BOROUGH OF CHAMBERSBURG, EAST HANOVER TOWNSHIP MUNICIPAL AUTHORITY, THE CITY OF PHILADELPHIA, THE CITY OF LANCASTER, THE CITY OF LOCK HAVEN, THE CITY OF FRANKLIN, SUSQUEHANNA TOWNSHIP, MT. LEBANON TOWNSHIP, FERGUSON TOWNSHIP, THE BOROUGH OF STATE COLLEGE, AND EBENSBURG BOROUGH			
July 13, 2023	Amicus Curiae Brief	Amicus Curiae	The Township of Hampton, et al
Comments: Brief in support of: THE TOWNSHIP OF HAMPTON, THE TOWNSHIP OF NORTH FAYETTE and THE CORAOPOLIS WATER & SEWER AUTHORITY			
July 13, 2023	Amicus Curiae Brief	Amicus Curiae	Radnor Township
July 13, 2023	Appellant's Reproduced Record Filed (4 volumes)	Appellant	The Borough of West Chester
July 13, 2023	Amicus Curiae Brief	Amicus Curiae	Chesapeake Bay Foundation, Inc.
July 13, 2023	Appellant's Brief	Appellant	The Borough of West Chester
July 13, 2023	Amicus Curiae Brief	Amicus Curiae	Citizens for Pennsylvania's Future



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 24, 2023	Application for Extension of Time to File Brief - First Request	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
July 25, 2023	Amended Certificate of Service	Amicus Curiae	Chesapeake Bay Foundation, Inc.
July 25, 2023	No Answer Letter to Application for Extension of Time to File Brief	Appellant	The Borough of West Chester
July 26, 2023	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 26th day of July, 2023, Appellees' application for extension of time is granted. Appellees' Brief shall be filed on or before September 14, 2023.			
July 26, 2023	Order Exited		Office of the Prothonotary
August 31, 2023	Application for Extension of Time to File Brief - Second Request	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
September 6, 2023	Order Granting Application for Extension of Time to File Appellee Brief		Dreibelbis, Amy
Comments: AND NOW, this 6th day of September, 2023, Appellees' second application for extension of time is granted. Appellees' Brief shall be filed on or before October 16, 2023. No further extensions shall be granted absent extraordinary circumstances.			
September 6, 2023	Order Exited		Office of the Prothonotary
September 13, 2023	Amicus Curiae Brief	Amicus Curiae	Susquehanna Area Regional Airport Authority
October 13, 2023	Application for Extension of Time to File Brief - Third Request	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
October 13, 2023	Answer to Application for Extension of Time to File Brief	Appellant	The Borough of West Chester



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 16, 2023	Amicus Curiae Brief	Amicus Curiae	Lehigh-Northampton Airport Authority
October 16, 2023	Amicus Curiae Brief	Amicus Curiae	Consolidated Scrap Resources, Inc. and Dura Bond Pipe, LLC.
October 16, 2023	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Aggregates and Concrete Association and Pennsylvania Chamber of Business and Industry
October 20, 2023	Appellee's Brief	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
Comments: Timely filed pursuant to 10-31-23 order.			
October 31, 2023	Order Granting Extraordinary Motion for Limited Further Extension of Time to File Appellees' Brief		Per Curiam
Comments: AND NOW, this 31st day of October, 2023, the "Extraordinary Motion for Limited Further Extension of Time to File Appellees' Brief" is GRANTED. Justice Wecht files a concurring statement in which Justice Donohue joins .			
October 31, 2023	Order Exited		Office of the Prothonotary
November 14, 2023	Appellant's Reply Brief	Appellant	The Borough of West Chester
March 21, 2024	Dispositional Memo Order		Per Curiam
Comments: AND NOW, this 21st day of March, 2024, the Prothonotary is directed to list this case for oral argument. The parties shall present argument on the following issues presented by appellant: a. Did the Commonwealth Court err in granting summary judgment in favor of [appellees] when [appellees] did not (and cannot) establish a clear right to judgment as a matter of law? b. Did the Commonwealth Court err in denying summary judgment in favor of [appellant]?			
The remaining issue will be decided on the previously submitted briefs .			
March 21, 2024	Order Exited		Office of the Prothonotary



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 17, 2024	Acknowledgement of Argument Notice The Borough of West Chester	Appellant	Gill, Michael Steven
July 18, 2024	Acknowledgement of Argument Notice Pennsylvania State System of Higher Education	Appellee	Kovatis, Stephen Ronald
	West Chester University of Pennsylvania of the State System of Higher Education	Appellee	Kovatis, Stephen Ronald
	Pennsylvania State System of Higher Education	Appellee	Tesoro, Claudia M.
	West Chester University of Pennsylvania of the State System of Higher Education	Appellee	Tesoro, Claudia M.
September 11, 2024	Argued The Borough of West Chester	Appellant	Gill, Michael Steven
	Pennsylvania State System of Higher Education	Appellee	Kovatis, Stephen Ronald
October 28, 2024	Praecepte for Withdrawal of Appearance The Borough of West Chester	Appellant	Gill, Michael Steven

CROSS COURT ACTIONS

Docket Number: 260 MD 2018