

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 1 of 14

January 11, 2026

## 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

## COUNSEL INFORMATION

Attorney: Camp, Kristin S.  
 Buckley, Brion, McGuire & Morris, LLP  
 Address: Buckley Brion McGuire Et Al  
 118 W Market St Ste 300  
 West Chester, PA 19382-2902  
 Phone No: (610) 436-4400  
 Receive Mail: Yes  
 Representing: The Borough of West Chester, Appellant  
 Pro Se: No  
 IFP Status:

Attorney: Kampf, Warren Elliot  
 Buckley Brion McGuire & Morris, LLP  
 Address: 118 W. Market St., Suite 300  
 West Chester, PA 19382  
 Phone No: (610) 436-4400  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: The Borough of West Chester, Appellant  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 2 of 14

January 11, 2026

## COUNSEL INFORMATION

Attorney:	Roberts, Alexandra Yoshi
Address:	Buckley, Brion, McGuire & Morris LLP 118 W Market St Ste 300 West Chester, PA 19382
Phone No:	(484) 872-0128
Receive Mail:	Yes
Receive EMail:	Yes
Representing:	The Borough of West Chester, Appellant
Pro Se:	No
IFP Status:	
Attorney:	Kovatis, Stephen Ronald
Address:	PA Office of Attorney General 1600 Arch Street Philadelphia, PA 19103
Phone No:	(215) 560-2940
Receive Mail:	Yes
Receive EMail:	Yes
Representing:	Pennsylvania State System of Higher Education, Appellee
Pro Se:	No
IFP Status:	
Representing:	West Chester University of Pennsylvania of the State System of Higher Education , Appellee
Pro Se:	No
IFP Status:	
Attorney:	Mozdziack, Jeffrey
Address:	1600 Arch Street Philadelphia, PA 19103
Phone No:	(267) 438-1351
Receive Mail:	Yes
Receive EMail:	Yes
Representing:	Pennsylvania State System of Higher Education, Appellee
Pro Se:	No
IFP Status:	
Representing:	West Chester University of Pennsylvania of the State System of Higher Education , Appellee
Pro Se:	No
IFP Status:	

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 3 of 14

January 11, 2026

## COUNSEL INFORMATION

Attorney:	Romano, Karen Mascio	
	Pennsylvania Office of Attorney General	
Address:	Pa Ofc Of Attorney General Strawberry Sq Fl 15 Harrisburg, PA 17120	
Phone No:	(717) 787-2717	
Receive Mail:	Yes	
Representing:	Pennsylvania State System of Higher Education, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	West Chester University of Pennsylvania of the State System of Higher Education , Appellee	
Pro Se:	No	
IFP Status:		
Attorney:	Tesoro, Claudia M.	
	Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA	
Address:	Pa Ofc Attorney General 1600 Arch St Ste 300 Philadelphia, PA 19103	
Phone No:	(215) 560-2908	
Receive Mail:	Yes	
Representing:	Pennsylvania State System of Higher Education, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	West Chester University of Pennsylvania of the State System of Higher Education , Appellee	
Pro Se:	No	
IFP Status:		
Attorney:	Bast, Emma Hope	
	PennFuture	
Address:	1429 Walnut St Ste 701 Philadelphia, PA 19102	
Phone No:	(267) 838-9154	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Citizens for Pennsylvania's Future, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Attorney:	DePaul, Louis Anthony, Jr.	
	Eckert Seamans Cherin & Mellott, LLC	
Address:	600 Grant St 44th Fl	
	Pittsburgh, PA 15219	
Phone No:	(412) 566-6142	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	The Pittsburgh Water and Sewer Authority, Amicus Curiae	
Pro Se:	No	
IFP Status:		

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 4 of 14

January 11, 2026

## COUNSEL INFORMATION

Attorney: Macfarlan, Tad John  
 K&L Gates LLP  
 Address: K& L Gates Llp  
 17 N 2ND St 18th Fl  
 Harrisburg, PA 17101-1507  
 Phone No: (717) 231-4513  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Pennsylvania Aggregates and Concrete Association and Pennsylvania Chamber of Business and Industry, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
  
 Attorney: Marcon, Elizabeth Howard  
 Florio Perrucci Steinhardt Cappelli & Tipton, LLC  
 Address: 91 Larry Holmes Dr Ste 200  
 Easton, PA 18042  
 Phone No: (610) 691-7900  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Lehigh-Northampton Airport Authority, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
  
 Attorney: Matzura, Stephen J.  
 Saxton & Stump  
 Address: 4250 Crums Mill Rd Ste 201  
 Harrisburg, PA 17112  
 Phone No: (717) 941-1227  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Consolidated Scrap Resources, Inc. and Dura Bond Pipe, LLC., Amicus Curiae  
 Pro Se: No  
 IFP Status:  
  
 Attorney: Nelson, H. Peter  
 Grim, Biehn & Thatcher, P.C.  
 Address: Grim Biehn & Thatcher  
 104 S. 6th Street  
 P.O. Box 215  
 Perkasie, PA 18944  
 Phone No: (215) 257-6811  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Radnor Township, Amicus Curiae  
 Pro Se: No  
 IFP Status:

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 5 of 14

January 11, 2026

## COUNSEL INFORMATION

Attorney:	Salemme, James Andrew		
	Tucker Arensberg, PC		
Address:	1500 One PPG Place Pittsburgh, PA 15222		
Phone No:	(412) 566-1212		
Receive Mail:	Yes		
Receive EMail:	Yes Email:		
Representing:	Lower Swatara Township and Lower Swatara Township Municipal Authority, Amicus Curiae		
Pro Se:	No		
IFP Status:			
Attorney:	Smail, Paul Wideman		
	Chesapeake Bay Foundation, Inc.		
Address:	Chesapeake Bay Foundation Inc 6 Herndon Ave Annapolis, MD 21403		
Phone No:	(443) 482-2153		
Receive Mail:	Yes		
Receive EMail:	Yes Email:		
Representing:	Chesapeake Bay Foundation, Inc., Amicus Curiae		
Pro Se:	No		
IFP Status:			
Attorney:	Stinnett, Edward Lee, II		
	Salzmann Hughes, P.C.		
Address:	Salzmann Hughes Pc 1801 Market St Ste 300 Camp Hill, PA 17011		
Phone No:	(717) 234-6700		
Receive Mail:	Yes		
Receive EMail:	Yes Email:		
Representing:	PA Municipal Authorities Association, et al., Amicus Curiae		
Pro Se:	No		
IFP Status:			
Attorney:	Tucceri, Vincent A.		
	Gaitens, Tucceri & Nicholas, PC		
Address:	Gaitens Tucceri & Nicholas Pc 519 Court Pl Pittsburgh, PA 15219-2002		
Phone No:	(412) 391-6920		
Receive Mail:	Yes		
Receive EMail:	Yes Email:		
Representing:	The Township of Hampton, et al, Amicus Curiae		
Pro Se:	No		
IFP Status:			

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 6 of 14

January 11, 2026

## COUNSEL INFORMATION

Attorney:	Winfield, Michael W.	
	Post & Schell, P.C.	
Address:	Post & Schell Pc 17 N Second St Fl 12 Harrisburg, PA 17101	
Phone No:	(717) 612-6024	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Susquehanna Area Regional Airport Authority, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Attorney:	Donchez, Robert Michael	
	Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC	
Address:	Florio Perrucci Steinhardt Et Al 91 Larry Holmes Dr Ste 200 Easton, PA 18042	
Phone No:	(610) 691-7900	
Receive Mail:	Yes	
Representing:	Lehigh-Northampton Airport Authority, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Attorney:	Hall, Kevin Lawrence	
	Tucker Arensberg, PC	
Address:	Tucker Arensberg Pc 300 Corporate Center Dr Ste 200 Camp Hill, PA 17011	
Phone No:	(717) 221-7951	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Lower Swatara Township and Lower Swatara Township Municipal Authority, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Attorney:	Murren, Brian J.	
	Tucker Arensberg, PC	
Address:	Tucker Arensberg P.c. 300 Corporate Center Dr Ste 200 Camp Hill, PA 17011	
Phone No:	(717) 234-4121	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Lower Swatara Township and Lower Swatara Township Municipal Authority, Amicus Curiae	
Pro Se:	No	
IFP Status:		

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

**Docket Number: 9 MAP 2023**

Page 7 of 14

January 11, 2026

## COUNSEL INFORMATION

Attorney: Vaitl, Jonathan Richard

Address: K& L Gates  
17 N Second St Fl 18  
Harrisburg, PA 17101-1507

Phone No: (717) 231-5830

Receive Mail: Yes

Representing: Pennsylvania Aggregates and Concrete Association and Pennsylvania Chamber of Business and Industry, Amicus Curiae

Pro Se: No

IFP Status:

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Attorney: Weston, Robert T.

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17 N 2ND St 18th Fl  
Harrisburg, PA 17101-1507

Phone No: (717) 231-4500

Receive Mail: Yes

Representing: Pennsylvania Aggregates and Concrete Association and Pennsylvania Chamber of Business and Industry, Amicus Curiae

Pro Se: No

IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the Commonwealth Court decision dated January 4, 2023 at No. 260 MD 2018.  
Appeal Filed Below: 2/1/2023 12:00:00AM

Probable Jurisdiction Noted: May 2, 2023 Docketed Date: February 2, 2023  
Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:  
Allocatur/Miscellaneous Grant Order:

## **FEES INFORMATION**

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
02/06/2023	Notice of Appeal	90.25	02/06/2023	2023-SUP-M-000364	90.25
08/31/2023	2nd Motion for Extension of Time	10.00	09/01/2023	2023-SUP-M-002183	10.00
10/13/2023	3rd Motion for Extension of Time	25.00	10/13/2023	2023-SUP-M-002516	25.00

#### INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Docket Number:  
Date of Order: Rearg/Recon Disp Date:  
Judge(s): Rearg/Recon Disposition:  
Intermediate Appellate Court Action:  
Referring Court:

**AGENCY/TRIBAL COURT INFORMATION**

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 8 of 14

January 11, 2026

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): Ceisler, Ellen  
 Cohn Jubelirer, Renee  
 Covey, Anne E.  
 Fizzano Cannon, Christine  
 McCullough, Patricia  
 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

## Chesapeake Bay Foundation, Inc.

## Brief

Due: July 13, 2023

Filed: July 13, 2023

## Appellee

## Pennsylvania State System of Higher Education

## Brief

Due: October 20, 2023

Filed: October 20, 2023

## Citizens for Pennsylvania's Future

## Brief

Due: July 13, 2023

Filed: July 13, 2023

## West Chester University of Pennsylvania of the State System of Higher Education

## 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

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 9 of 14

January 11, 2026

## BRIEFING SCHEDULE

**Amicus Curiae**

**Pennsylvania Aggregates and Concrete Association  
and Pennsylvania Chamber of Business and Industry**  
**Brief**

Due: October 16, 2023      Filed: October 16, 2023

**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	Praecipe for Withdrawal of Appearance The Borough of West Chester	Appellant	Cameron, Roger Philip

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 10 of 14

January 11, 2026

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 16, 2023	<b>Praecipe for Appearance</b> The Borough of West Chester	Appellant	Kampf, Warren Elliot
February 21, 2023	<b>No Answer Letter to Notice of Appeal &amp; Jurisdictional Statement</b>	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
March 13, 2023	<b>Praecipe for Appearance</b> The Borough of West Chester	Appellant	Roberts, Alexandra Yoshi
March 13, 2023	<b>Praecipe for Withdrawal of Appearance</b> The Borough of West Chester	Appellant	Christakis, Aristidis William
May 2, 2023	<b>Probable Jurisdiction Noted</b>		Dreibelbis, Amy
Comments: AND NOW, this 2nd day of May, 2023, probable jurisdiction is noted.			
May 2, 2023	<b>Order Exited</b>		Office of the Prothonotary
May 4, 2023	<b>Commonwealth Court Record Received</b>		Commonwealth Court of Pennsylvania
May 15, 2023	<b>Designation of Contents of Reproduced Record</b>	Appellant	The Borough of West Chester
May 18, 2023	<b>Application for Extension of Time to File Brief - First Request</b>	Appellant	The Borough of West Chester
May 18, 2023	<b>No Answer Letter to Application for Extension of Time to File Brief</b>	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
May 18, 2023	<b>Order Granting Application for Extension of Time to File Appellant Brief</b>		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	<b>Order Exited</b>		Office of the Prothonotary
July 12, 2023	<b>Amicus Curiae Brief</b>	Amicus Curiae	Lower Swatara Township and Lower Swatara Township Municipal Authority

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 11 of 14

January 11, 2026

## 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.
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## Comments:

Brief in support o :

PENNSYLVANIA MUNICIPAL AUTHORITIES ASSOCIATION, PENNSYLVANIA STATE ASSOCIATION OF BOROUGHS, 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
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## 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
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July 13, 2023	Appellant's Reproduced Record Filed (4 volumes)	Appellant	The Borough of West Chester
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July 13, 2023	Amicus Curiae Brief	Amicus Curiae	Chesapeake Bay Foundation, Inc.
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July 13, 2023	Appellant's Brief	Appellant	The Borough of West Chester
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July 13, 2023	Amicus Curiae Brief	Amicus Curiae	Citizens for Pennsylvania's Future
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## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 12 of 14

January 11, 2026

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
July 24, 2023	<b>Application for Extension of Time to File Brief - First Request</b>	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
July 25, 2023	<b>Amended Certificate of Service</b>	Amicus Curiae	Chesapeake Bay Foundation, Inc.
July 25, 2023	<b>No Answer Letter to Application for Extension of Time to File Brief</b>	Appellant	The Borough of West Chester
July 26, 2023	<b>Order Granting Application for Extension of Time to File Appellee Brief</b>		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	<b>Order Exited</b>		Office of the Prothonotary
August 31, 2023	<b>Application for Extension of Time to File Brief - Second Request</b>	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
September 6, 2023	<b>Order Granting Application for Extension of Time to File Appellee Brief</b>		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	<b>Order Exited</b>		Office of the Prothonotary
September 13, 2023	<b>Amicus Curiae Brief</b>	Amicus Curiae	Susquehanna Area Regional Airport Authority
October 13, 2023	<b>Application for Extension of Time to File Brief - Third Request</b>	Appellee Appellee	Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education
October 13, 2023	<b>Answer to Application for Extension of Time to File Brief</b>	Appellant	The Borough of West Chester

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 13 of 14

January 11, 2026

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 16, 2023	<b>Amicus Curiae Brief</b>	Amicus Curiae	Lehigh-Northampton Airport Authority
October 16, 2023	<b>Amicus Curiae Brief</b>	Amicus Curiae	Consolidated Scrap Resources, Inc. and Dura Bond Pipe, LLC.
October 16, 2023	<b>Amicus Curiae Brief</b>	Amicus Curiae	Pennsylvania Aggregates and Concrete Association and Pennsylvania Chamber of Business and Industry
October 20, 2023	<b>Appellee's Brief</b>	Appellee	Pennsylvania State System of Higher Education
		Appellee	West Chester University of Pennsylvania of the State System of Higher Education

## Comments:

Timely filed pursuant to 10-31-23 order.

October 31, 2023	<b>Order Granting Extraordinary Motion for Limited Further Extension of Time to File Appellees' Brief</b>	Per Curiam
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## 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	<b>Order Exited</b>	Office of the Prothonotary
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November 14, 2023	<b>Appellant's Reply Brief</b>	Appellant	The Borough of West Chester
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March 21, 2024	<b>Dispositional Memo Order</b>	Per Curiam
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## 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	<b>Order Exited</b>	Office of the Prothonotary
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## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 9 MAP 2023

Page 14 of 14

January 11, 2026

## DOCKET ENTRY

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

## CROSS COURT ACTIONS

Docket Number: 260 MD 2018