

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 6 MD 2023****Page 1 of 6****April 25, 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**Commonwealth Court of Pennsylvania****Docket Number: 6 MD 2023****Page 2 of 6****April 25, 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
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Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 6 MD 2023

Page 3 of 6

April 25, 2024



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
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Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 6 MD 2023

Page 4 of 6

April 25, 2024



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
January 4, 2023	Petition for Review Filed Lower Saucon Township		Petitioner	
	Document Name: In the Nature of Complaint for Declaratory and Injunctive Relief			
January 4, 2023	Application for Relief Miller, Michael McAuliffe	Lower Saucon Township	Petitioner	
	Document Name: Application for Preliminary Injunction			
January 4, 2023	Memorandum of Law Filed Miller, Michael McAuliffe	Lower Saucon Township	Petitioner	
	Document Name: In Support of Application for Preliminary Injunction			
January 18, 2023	Notice Exited Commonwealth Court Filing Office			01/18/2023

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 6 MD 2023

Page 5 of 6

April 25, 2024



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 Education	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 Education	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			

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 6 MD 2023

Page 6 of 6

April 25, 2024



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 26, 2023	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.			
January 27, 2023	Certificate of Service Filed Allen, Matthew James	Lower Saucon Township	Petitioner	
	Document Name: Return of Service of PFR and Memo of Law			
January 27, 2023	Certificate of Service Filed Allen, Matthew James	Lower Saucon Township	Petitioner	
	Document Name: Return of Service of the January 19, 2023 order			
February 3, 2023	Entry of Appearance Bates, Jason Gerard	Hellertown Area Library Association	Respondent	
	Document Name: of Jason Bates, Esq. on behalf of Respondent			
February 3, 2023	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			
February 6, 2023	Removed to Federal Court Commonwealth Court of Pennsylvania			02/06/2023
February 7, 2023	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:			