

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

THE BOROUGH OF WEST CHESTER	:	
<i>Petitioner,</i>	:	
	:	
<i>v.</i>	:	
	:	
PENNSYLVANIA STATE SYSTEM OF	:	260 M.D. 2018
HIGHER EDUCATION and WEST	:	
CHESTER UNIVERSITY OF	:	
PENNSYLVANIA OF THE STATE SYSTEM	:	
OF HIGHER EDUCATION	:	
<i>Respondents.</i>	:	

NOTICE OF APPEAL

Notice is hereby given that the Borough of West Chester, Petitioner above named, hereby appeals to the Supreme Court of Pennsylvania from the Order filed in this matter on the 4th day of January, 2023. This Order has been entered in the docket as evidenced by the attached copy of the case docket. There is no verbatim record of the proceedings before the Commonwealth Court.

[Signature Block on Following Page]

**BUCKLEY, BRION,
MCGUIRE & MORRIS LLP**

/s/ Michael S. Gill

By: _____

Michael S. Gill, Esquire
118 West Market Street, Suite 300
West Chester, Pennsylvania 19382
Attorney I.D. No. 86140
484.887.7534
gilm@buckleyllp.com

Date: February 1, 2023

Attorneys for The Borough of West Chester

ATTACHMENT A
COMMONWEALTH COURT DOCKET SHEET

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 260 MD 2018**Page 1 of 11****February 1, 2023****CAPTION**

The Borough of West Chester,
Petitioner

v.

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

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Active

Case Processing Status: November 9, 2021 Awaiting Consideration

Journal Number: 26-09-2022

Case Category: Miscellaneous Case Type(s): Declaratory Judgment

CONSOLIDATED CASES**RELATED CASES****COUNSEL INFORMATION****Petitioner The Borough of West Chester**

Pro Se: No

IFP Status:

Attorney: Gill, Michael Steven
Law Firm: 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 Fax No:

Attorney: Camp, Kristin S.
Law Firm: Buckley, Brion, McGuire & Morris, L.L.P.
Address: Buckley Brion McGuire ET AL
118 W Market St Ste 300
West Chester, PA 19382-2902
Phone No: (610) 436-4400 Fax No:

Attorney: Cameron, Roger Philip
Law Firm: Buckley Brion McGuire & Morris, LLP
Address: 118 W Market St Ste 300
West Chester, PA 19382
Phone No: (610) 436-4400 Fax No:

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 260 MD 2018

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February 1, 2023

**COUNSEL INFORMATION****Petitioner The Borough of West Chester**

Pro Se: No

IFP Status:

Attorney: Christakis, Aristidis William
 Law Firm: Buckley, Brion, McGuire & Morris LLP
 Address: Buckley Brion McGuire & Morris Llp

118 W Market St Ste 300
 West Chester, PA 19382

Phone No: (610) 436-4400 Fax No:

Amicus Curiae Lehigh-Northampton Airport Authority

Pro Se: No

IFP Status:

Attorney: Freedberg, Robert A.
 Address: 60 West Broad Street
 Suite 201

Bethlehem, PA 18018

Phone No: (484) 626-4023 Fax No:

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

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 Fax No:

Attorney: Romano, Karen Mascio
 Law Firm: Pennsylvania Office of Attorney General
 Address: Pa Ofc Of Attorney General

Strawberry Sq Fl 15
 Harrisburg, PA 17120

Phone No: (717) 787-2717 Fax No:

Attorney: Mozdziok, Jeffrey
 Address: 1600 Arch Street
 Philadelphia, PA 19103

Phone No: (267) 438-1351 Fax No:

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 260 MD 2018

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**COUNSEL INFORMATION****Respondent** Pennsylvania State System of Higher Education

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 Fax No:

Attorney: Romano, Karen Mascio
 Law Firm: Pennsylvania Office of Attorney General
 Address: Pa Ofc Of Attorney General
 Strawberry Sq Fl 15
 Harrisburg, PA 17120
 Phone No: (717) 787-2717 Fax No:

Attorney: Mozdziok, Jeffrey
 Address: 1600 Arch Street
 Philadelphia, PA 19103
 Phone No: (267) 438-1351 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
04/13/2018	Miscellaneous Docket Filing Fee	70.25	04/16/2018	2018-CMW-H-000889	70.25
10/11/2019	Copy Work (Per Page)	36.50	10/11/2019	2019-CMW-H-002134	36.50
07/23/2021	Copy Work (Per Page)	85.00	07/23/2021	2021-CMW-H-001321	85.00
08/06/2021	Copy Work (Per Page)	85.00	08/06/2021	2021-CMW-H-001400	85.00
11/10/2021	Copy Work (Per Page)	40.00	11/10/2021	2021-CMW-H-001995	40.00
09/06/2022	Copy Work (Per Page)	146.00	09/06/2022	2022-CMW-H-001700	146.00
01/06/2023	Copy Work (Per Page)	69.00	01/06/2023	2023-CMW-H-000015	69.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:

Order Type:

Documents Received: April 13, 2018

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**Amicus Curiae****Respondent**

Lehigh-Northampton Airport Authority

Pennsylvania State System of Higher Education

Brief

Brief

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 260 MD 2018****Page 4 of 11****February 1, 2023****BRIEFING SCHEDULE****Amicus Curiae**

Lehigh-Northampton Airport Authority
Brief

Due: July 19, 2021 Filed: July 16, 2021

Petitioner

The Borough of West Chester
Brief

Due: August 27, 2018 Filed: August 27, 2018

Due: July 19, 2021 Filed: July 19, 2021

Due: August 23, 2021 Filed: August 23, 2021

Reply Brief

Due: Filed: September 7, 2021

Respondent

Pennsylvania State System of Higher Education
Brief

Due: July 23, 2018 Filed: July 23, 2018

Due: July 19, 2021 Filed: July 16, 2021

Due: August 23, 2021 Filed: July 16, 2021

Reply Brief

Due: September 10, 2018 Filed: September 10, 2018

Due: Filed: September 7, 2021

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

Brief

Due: July 23, 2018 Filed: July 23, 2018

Due: July 19, 2021 Filed: July 16, 2021

Due: August 23, 2021 Filed: July 16, 2021

Reply Brief

Due: September 10, 2018 Filed: September 10, 2018

Due: Filed: September 7, 2021

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 13, 2018	Petition for Review Filed The Borough of West Chester		Petitioner	
April 18, 2018	Order Filed Brobson, P. Kevin			04/19/2018
	Document Name: upon review of the "Action for Declaratory Judgment" filed in this matter, it appearing that Comment: petitioner seeks to challenge government action, the "Action for Declaratory Judgment" shall be docketed as a petition for review invoking this Court's original jurisdiction. Pa. R.A.P. 1501-1504. This matter shall proceed in accordance with Chapter 15 of the Pennsylvania Rules of Appellate Procedure.			
May 7, 2018	Entry of Appearance Kovatis, Stephen Ronald Kovatis, Stephen Ronald	Pennsylvania State System of High Respondent West Chester University of Pennsylv Respondent		
May 9, 2018	Certificate of Service Filed Gill, Michael Steven	The Borough of West Chester	Petitioner	
May 11, 2018	Return of Service Sheriff			
	Document Name: Sheriff's Return			
May 11, 2018	Return of Service Sheriff			
	Document Name: Sheriff's Return			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 22, 2018	Notice Exited Commonwealth Court Filing Office			05/22/2018
May 23, 2018	Entry of Appearance Mozdziok, Jeffrey Mozdziok, Jeffrey	Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent		
May 23, 2018	Preliminary Objections Kovatis, Stephen Ronald Kovatis, Stephen Ronald Mozdziok, Jeffrey Mozdziok, Jeffrey	Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent		
Document Name: Respondent's P.O. to Petitioner's Action for Declaratory Judgment				
June 21, 2018	Answer to Preliminary Objections Gill, Michael Steven Camp, Kristin S.	The Borough of West Chester The Borough of West Chester	Petitioner Petitioner	
Document Name: Petitioner's the Borough of West Chester's Response to Respondents' Preliminary Objection				
June 25, 2018	Order Filed Simpson, Robert E.			06/26/2018
Document Name: Respondents' briefs in support of POs shall be filed by 7-23-18. Subsequent briefs shall be filed Comment: in accordance with Pa.R.A.P. 2185.				
July 23, 2018	Respondent's Brief Filed Kovatis, Stephen Ronald Kovatis, Stephen Ronald	Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent		
Document Name: In support of P.O.'s				
August 27, 2018	Petitioner's Brief Filed Gill, Michael Steven	The Borough of West Chester	Petitioner	
Document Name: In opposition to P.O.'s				
September 10, 2018	Respondent's Reply Brief Filed Kovatis, Stephen Ronald Kovatis, Stephen Ronald	Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent		
Document Name: In support of P.O.'s				
November 1, 2018	Tentative Session Date Krimmel, Michael			
Document Name: March 2019 (Philadelphia)				
February 6, 2019	Argument Scheduled Krimmel, Michael			02/06/2019
Document Name: For Wednesday, March 13, 2019 at 9:30 a.m. Before a panel of Judges sitting in Court Room No. 1 Comment: Ninth Floor, Widener Building, 1339 Chestnut Street, One South Penn Square, Philadelphia, PA 19107. Case No. 32				

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Commonwealth Court of Pennsylvania

Docket Number: 260 MD 2018

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 15, 2019	Memorandum Opinion Filed Fizzano Cannon, Christine			07/15/2019
	Document Name: Memorandum Opinion (13 pages) : The PO of the PSSHE and WCU is overruled. Respondents shall file Comment: an answer to the Borough of West Chester's declaratory judgment action within 30 days of the date of this order. See Memorandum Opinion Filed.			
August 14, 2019	Answer and New Matter Kovatis, Stephen Ronald Kovatis, Stephen Ronald Mozdziock, Jeffrey Mozdziock, Jeffrey	West Chester University of Pennsylv Respondent Pennsylvania State System of Highe Respondent Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent		
	Document Name: Respondent's Answer and New Matter			
September 12, 2019	Application for Extension of Time to File Gill, Michael Steven	The Borough of West Chester	Petitioner	
	Document Name: Extension Letter requesting an Extension of time for filing a Reply to Respondent's New Matter			
September 16, 2019	Order Granting Application for Extension of Time to File Brobson, P. Kevin			09/16/2019
	Document Name: Upon consideration of Petitioner's unopposed request for an extension of time to file Reply to Comment: Respondent's New Matter, the request is granted. Petitioner shall file and serve its Reply to New Matter on or before September 17, 2019.			
September 16, 2019	Answer to New Matter Gill, Michael Steven	The Borough of West Chester	Petitioner	
	Document Name: Petitioner's Reply to Respondent's New Matter			
December 3, 2019	Entry of Appearance Koopman, Ellen Blood	The Borough of West Chester	Petitioner	
July 10, 2020	Application for Relief Gill, Michael Steven	The Borough of West Chester	Petitioner	
	Document Name: Uncontested Motion for Entry of Agreed-Upon Proposed Scheduling Order			
July 16, 2020	Order Granting Application for Relief Per Curiam			07/16/2020
	Document Name: NOW, July 16, 2020, upon consideration of Petitioner's "Uncontested Motion for Entry of Agreed-Upon Comment: Proposed Scheduling Order," the Motion is GRANTED. In accordance with the parties' agreed-upon case management schedule, as modified by the Court, it is ORDERED that: 1. The parties shall complete all fact discovery no later than October 31, 2020; 2. The parties shall deliver any expert reports no later than December 31, 2020; 3. Any responsive or rebuttal expert reports shall be delivered no later than January 31, 2021; 4. The parties shall file and serve any dispositive motions and briefs (4 copies) in support thereof no later than March 31, 2021; 5. The parties shall file and serve any answers and briefs (4 copies) in opposition to the dispositive motions no later than April 30, 2021; 6. Any reply briefs (4 copies) in support of the dispositive motions shall be filed and served no later than May 14, 2021; and 7. The Prothonotary shall list the dispositive motions on the next available argument list upon completion of the briefing schedule. 8. In the event no party files a dispositive motion, Petitioner shall praecipe the Court for a status conference.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 22, 2020	Application for Relief Gill, Michael Steven	The Borough of West Chester	Petitioner	
	Document Name: Second Uncontested Motion for Entry of Agreed Upon Proposed Scheduling Order			
October 26, 2020	Order Granting Application for Relief Per Curiam			10/26/2020
	Document Name: NOW, October 26, 2020, upon consideration of Petitioner's "Second Uncontested Motion for Entry of			
	Comment: Agreed-Upon Proposed Scheduling Order," the Motion is GRANTED. In accordance with the parties' agreed-upon case management schedule, it is ORDERED that the Court's July 16, 2020 case management order is modified as follows:			
	<ol style="list-style-type: none"> 1. The parties shall complete all fact discovery no later than December 11, 2020; 2. The parties shall deliver any expert reports no later than February 15, 2021; 3. Any responsive or rebuttal expert reports shall be delivered no later than March 15, 2021; 4. The parties shall file and serve any dispositive motions and briefs (4 copies) in support thereof no later than May 14, 2021; 5. The parties shall file and serve any answers and briefs (4 copies) in opposition to the dispositive motions no later than June 14, 2021; 6. Any reply briefs (4 copies) in support of the dispositive motions shall be filed and served no later than June 30, 2021; and 7. The Prothonotary shall list the dispositive motions on the next available argument list upon completion of the briefing schedule. 8. In the event no party files dispositive motions, Petitioner shall praecipe the Court for a status conference. 			
March 18, 2021	Application for Relief Gill, Michael Steven	The Borough of West Chester	Petitioner	
	Document Name: Third Uncontested Motion for Entry of Agreed-Upon Proposed Scheduling Order			
March 19, 2021	Order Granting Application for Relief Per Curiam			03/19/2021
	Document Name: Order Granting Relief Regarding Schedule			
	Comment: NOW, March 19, 2021, upon consideration of the "Third Uncontested Motion for Entry of Agreed-Upon Proposed Scheduling Order," which Petitioner The Borough of West Chester filed, the Motion is GRANTED. In accordance with the parties' agreed-upon case management schedule, it is ORDERED that the Court's October 26, 2020 case management order is modified as follows:			
	<ol style="list-style-type: none"> 1. The parties shall complete all fact discovery no later than April 15, 2021; 2. The parties shall deliver any expert reports no later than April 30, 2021; 3. Any responsive or rebuttal expert reports shall be delivered no later than May 31, 2021; 4. The parties shall file and serve any dispositive motions and briefs (4 copies) in support thereof no later than July 1, 2021; 5. The parties shall file and serve any answers and briefs (4 copies) in opposition to the dispositive motions no later than August 2, 2021; 6. Any reply briefs (4 copies) in support of the dispositive motions shall be filed and served no later than September 2, 2021; and 7. The Prothonotary shall list the dispositive motions on the next available argument list upon completion of the briefing schedule. 8. In the event no party files a dispositive motion, Petitioner shall praecipe the Court for a status conference. 			

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Commonwealth Court of Pennsylvania

Docket Number: 260 MD 2018

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 25, 2021	Entry of Appearance Cameron, Roger Philip	The Borough of West Chester	Petitioner	
	Document Name: Atty. Roger Cameron for The Borough of Chester			
June 29, 2021	Application for Relief Gill, Michael Steven	The Borough of West Chester	Petitioner	
	Document Name: Fourth Uncontested Motion for Entry of Agreed-Upon Proposed Scheduling Order			
July 2, 2021	Order Granting Application for Relief Per Curiam			07/02/2021
	Document Name: Scheduling Order			
	Comment: NOW, July 2, 2021, upon consideration of the "Fourth Uncontested Motion for Entry of Agreed-Upon Proposed Scheduling Order," which Petitioner The Borough of West Chester filed, the Motion is GRANTED. In accordance with the parties' agreed-upon case management schedule, it is ORDERED that the Court's March 19, 2021 case management order is modified as follows:			
	1. The parties shall deliver any outstanding responses to fact discovery no later than July 5, 2021;			
	2. The parties shall deliver any responsive or rebuttal expert reports no later than July 5, 2021;			
	3. The parties shall file and serve any dispositive motions and briefs (4 copies) in support thereof no later than July 19, 2021;			
	4. The parties shall file and serve any answers and briefs (4 copies) in opposition to the dispositive motions no later than August 20, 2021;			
	5. Any reply briefs (4 copies) in support of the dispositive motions shall be filed and served no later than September 7, 2021; and			
	6. The Prothonotary shall list the dispositive motions on the next available argument list upon completion of the briefing schedule.			
	7. In the event no party files a dispositive motion, Petitioner shall praecipe the Court for a status conference.			
July 16, 2021	Entry of Appearance Christakis, Aristidis William	The Borough of West Chester	Petitioner	
	Document Name: Atty. Christakis for Petitioner			
July 16, 2021	Amicus Curiae Brief Freedberg, Robert A.	Lehigh-Northampton Airport Authority	Amicus Curiae	
	Document Name: 4			
July 16, 2021	Application for Relief Kovatis, Stephen Ronald	Pennsylvania State System of Higher Education		
	Kovatis, Stephen Ronald	West Chester University of Pennsylvania	Respondent	
	Document Name: Respondent's Motion for Summary Judgment			
July 16, 2021	Respondent's Brief Filed Pennsylvania State System of Higher Education		Respondent	
	West Chester University of Pennsylvania of the State System of Higher Education		Respondent	
	Document Name: In support of motion for summary judgment			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 19, 2021	Application for Summary Relief Cameron, Roger Philip Christakis, Aristidis William Gill, Michael Steven	The Borough of West Chester The Borough of West Chester The Borough of West Chester	Petitioner Petitioner Petitioner	
	Document Name: Petitioner the Borough of West Chester's Application and Motion for Summary Relief			
July 19, 2021	Petitioner's Brief Filed The Borough of West Chester		Petitioner	
	Document Name: Brief in Support of Motion for Summary Relief			
August 19, 2021	Application for Relief Christakis, Aristidis William	The Borough of West Chester	Petitioner	
	Document Name: Fifth Uncontested Motion for Entry of Agreed-Upon Proposed Scheduling Order			
August 20, 2021	Order Granting Application for Relief Per Curiam			08/20/2021
	Document Name: Relief Granted			
	Comment: NOW, August 20, 2021, upon consideration of Petitioner's "Fifth Uncontested Motion for Entry of Agreed-Upon Proposed Scheduling Order" (Motion), the Motion is GRANTED. In accordance with the parties' agreed-upon case management schedule, it is ORDERED that the Court's July 2, 2021 case management order is modified as follows: 1. Petitioner shall file Petitioner's Brief in Opposition to Respondents' Motion for Summary Judgment on or before August 23, 2021.			
August 20, 2021	Answer Filed Kovatis, Stephen Ronald Kovatis, Stephen Ronald	Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent		
	Document Name: Respondent's Answer to Petitioner's Motion for Summary Relief			
August 20, 2021	Respondent's Brief Filed Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education		Respondent Respondent	
	Document Name: Respondent's Brief in Opposition to Motion for Summary Adjudication			
August 23, 2021	Answer Filed Gill, Michael Steven Cameron, Roger Philip Christakis, Aristidis William	The Borough of West Chester The Borough of West Chester The Borough of West Chester	Petitioner Petitioner Petitioner	
	Document Name: Answer of Petitioner the Boro of West Chester in Oppostion to Resp. Mot. for Sum. Judg.			
August 23, 2021	Petitioner's Brief Filed Christakis, Aristidis William The Borough of West Chester	The Borough of West Chester	Petitioner Petitioner	
	Document Name: Brief in Opposition to Summary Judgment			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 7, 2021	Respondent's Brief Filed Kovatis, Stephen Ronald Kovatis, Stephen Ronald Pennsylvania State System of Higher Education West Chester University of Pennsylvania of the State System of Higher Education	Pennsylvania State System of Highe Respondent West Chester University of Pennsylv Respondent	Respondent Respondent	
	Document Name: Reply Brief In futher support of motion for summary judgment			
September 7, 2021	Petitioner's Reply Brief Filed Christakis, Aristidis William The Borough of West Chester	The Borough of West Chester	Petitioner Petitioner	
October 5, 2021	Tentative Session Date Krimmel, Michael			
	Document Name: December 2021			
November 10, 2021	Argument Scheduled Krimmel, Michael			
	Document Name: Wednesday, December 15, 2021, 9:30 a.m. (En Banc) CR 5001, Pennsylvania Judicial Center, Harrisburg Comment: No. 27 on the list.			
November 16, 2021	Letter Krimmel, Michael			
	Document Name: Letter to counsel requesting additional copies of documents previously filed			
November 17, 2021	Argument Continued Per Curiam			11/17/2021
	Document Name: To Next Available En Banc List Comment: Now, November 17, 2021, argument currently scheduled before the Court en banc on December 15, 2021, is CONTINUED and shall be relisted for oral argument before the Court en banc on the next available argument list.			
May 31, 2022	Praecipe for Withdrawal of Appearance Koopman, Ellen Blood	The Borough of West Chester	Petitioner	
	Document Name: For Ellen B. Koopman, Esquire			
July 19, 2022	Tentative Session Date Krimmel, Michael			
	Document Name: September 2022			
August 4, 2022	Argument Scheduled Krimmel, Michael			
	Document Name: Wednesday, September 14, 2022, 9:30 a.m. (En Banc), CR 5001, Pennsylvania Judicial Center, Comment: Harrisburg No. 26 on the list.			
September 8, 2022	Notice Commonwealth Court of Pennsylvania			
	Document Name: Notice - Amended COVID-19 Protocols For In-Person Proceedings and Oral Argument Sessions			

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 260 MD 2018****Page 11 of 11****February 1, 2023****DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 4, 2023	Motion for Summary Judgment Granted Fizzano Cannon, Christine			01/12/2023

Document Name: Memorandum Opinion: PASSHE's Motion for Sum. Judg. is GRANTED / Cross-App. for Sum. Relief is DENIED

Comment: AND NOW, this 4th day of January, 2023, the motion for summary judgment filed by the Pennsylvania State System of Higher Education and West Chester University of Pennsylvania is GRANTED. The cross-application for summary relief filed by the Borough of West Chester (Borough) is DENIED.

Judge Dumas did not participate in the decision of this case.

* This Memorandum Opinion has been re-certified on 1/12/2023 due to an incorrect exit stamp. *

SESSION INFORMATION

Journal Number: 26-09-2022
 Consideration Type: En Banc Argument
 Listed/Submitted Date: September 14, 2022

Panel Composition:

The Honorable Renee Cohn Jubelirer	President Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Anne E. Covey	Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Christine Fizzano Cannon	Judge
The Honorable Ellen Ceisler	Judge
The Honorable Stacy Wallace	Judge

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Fizzano Cannon, Christine
Category:	Decided	Disposition Date:	January 4, 2023
Disposition:	Motion for Summary Judgment Granted		

Disposition Comment: AND NOW, this 4th day of January, 2023, the motion for summary judgment filed by the Pennsylvania State System of Higher Education and West Chester University of Pennsylvania is GRANTED. The cross-application for summary relief filed by the Borough of West Chester (Borough) is DENIED.

Judge Dumas did not participate in the decision of this case.

* This Memorandum Opinion has been re-certified on 1/12/2023 due to an incorrect exit stamp. *

Dispositional Filing:	Memorandum Opinion	Filing Author:	Fizzano Cannon, Christine
Filed Date:	1/4/2023 12:00:00AM		

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

THE BOROUGH OF WEST CHESTER	:	
<i>Petitioner,</i>	:	
	:	
v.	:	
	:	
PENNSYLVANIA STATE SYSTEM OF	:	260 M.D. 2018
HIGHER EDUCATION and WEST	:	
CHESTER UNIVERSITY OF	:	
PENNSYLVANIA OF THE STATE SYSTEM	:	
OF HIGHER EDUCATION	:	
<i>Respondents.</i>	:	

CERTIFICATION OF SERVICE

I hereby certify that I have served this Notice of Appeal on counsel for the above Respondents and the Honorable Christine Fizzano Cannon through the Court's PACFile electronic filing system and/or via first class mail.

**BUCKLEY, BRION,
MCGUIRE & MORRIS LLP**

/s/ Michael S. Gill

By:

Michael S. Gill, Esquire
118 West Market Street, Suite 300
West Chester, Pennsylvania 19382
Attorney I.D. No. 86140
484.887.7534
gillm@buckleyllp.com

Date: February 1, 2023

Attorneys for The Borough of West Chester