

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

LANCASTER TOWNSHIP

Petitioner,

v.

ALEX WEIDENHOF AND THE
CRANBERRY EAGLE,

Respondent,

CIVIL DIVISION – STATUTORY APPEAL

No. 21-40053

**REPLY TO NEW MATTER AND
ANSWER TO COUNTERCLAIM**

FILED ON BEHALF OF:
PETITIONER

COUNSEL OF RECORD FOR
PETITIONER:

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PA State ID# 56814

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2021 APR 15 AM 11:02



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LANCASTER TOWNSHIP)	CIVIL DIVISION – STATUTORY APPEAL
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CRANBERRY EAGLE,)	
)	
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REPLY TO NEW MATTER AND ANSWER TO COUNTERCLAIM

AND NOW, comes the Petitioner, Lancaster Township, by and through its attorneys Christopher J. Reese, Esq. and the law office of Lope, Casker & Casker and files the Reply to New Matter and Answer to Counterclaim filed by Respondent, Alex Weidenhof, and avers as follows:

1. Paragraph 33 requires no response.
2. Paragraph 34 sets forth a legal conclusion that the Petitioner lacks capacity to sue, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Respondent's New Matter is hereby denied.
3. Paragraph 35 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 35 are hereby denied.
4. Paragraph 36 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 36 are hereby denied.
5. Paragraph 37 sets forth a legal conclusion, therefore, no response is required.
6. Paragraph 38 sets forth a legal conclusion, therefore, no response is required.

7. Paragraph 39 sets forth a legal conclusion, therefore, no response is required.
8. Paragraph 40 sets forth a legal conclusion, therefore, no response is required.
9. Paragraph 41 sets forth a legal conclusion, therefore, no response is required.
10. Paragraph 42 is admitted.
11. Paragraph 43 is admitted.
12. Paragraph 44 sets forth a legal conclusion, therefore, no response is required.
13. Paragraph 45 is ambiguous as to what is meant by "that meeting." However, to the extent that it refers to the February 15 public meeting, it is admitted.
14. Paragraph 46 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 46 are hereby denied.
15. Paragraph 47 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 47 are hereby denied.
16. Paragraph 48 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 48 are hereby denied.
17. Paragraph 49 requires no response.
18. Paragraph 50 sets forth a legal conclusion, therefore, no response is required.
19. Paragraph 51 is admitted.
20. Paragraph 52 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 52 are hereby denied.
21. Paragraph 53 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 53 are hereby denied.

22. Paragraph 54 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 54 are hereby denied.

23. Paragraph 55 requires no response.

24. Paragraph 56 sets forth a legal conclusion, therefore, no response is required.

25. Paragraph 57 sets forth a legal conclusion, therefore, no response is required.

26. Paragraph 58 sets forth a legal conclusion, therefore, no response is required.

27. Paragraph 59 sets forth a legal conclusion, therefore, no response is required.

28. Paragraph 60 sets forth a legal conclusion, therefore, no response is required.

29. Paragraph 61 sets forth a legal conclusion, therefore, no response is required.

30. Paragraph 62 is denied. Petitioner filed its timely Petition for Review on February 25, 2021. At the next public meeting, the Board of Supervisors discussed the Petition for Review, why it was filed, and asked the participants at the meeting if there were any questions or comments. There were no questions or comments. Petitioner contends that this discussion constitutes a public ratification of its previous decision to file a Petition for Review. To the extent that this discussion did not constitute a ratification of its previous action to file the Petition for Review, the Board of Supervisors held a special public meeting on April 7 to once again open up the discussion for comments or questions. After discussion and a time for answering questions -- and there being no objections to the Petition for Review -- the Board of Supervisors voted to ratify its previous decision to file the Petition for Review on February 25, 2021.

31. Paragraph 63 sets forth a legal conclusion, therefore, no response is required.

32. Paragraph 64 sets forth a legal conclusion, therefore, no response is required.

33. Paragraph 65 requires no response.

34. Paragraph 66 sets forth a legal conclusion, therefore, no response is required.

35. Paragraph 67 sets forth a combination of facts and legal conclusion. As to the facts alleged, they are denied as an incomplete recitation of events and, therefore, inaccurate. As to the legal conclusion, no response is required. Nevertheless, to the extent that a response is required, the legal allegation set forth in Paragraph 67 is hereby denied.

36. Paragraph 68 sets forth an allegation which relies on a combination of facts and law. It is denied.

37. Paragraph 69 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 69 are hereby denied.

38. Paragraph 70 sets forth a combination of fact and law. As to the facts alleged, they are denied. As to the legal conclusion, no response is required.

39. Paragraph 71 sets forth a legal conclusion, therefore, no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 71 are hereby denied.

WHEREFORE, Petitioner, Lancaster Township, respectfully requests that this Honorable Court deny Respondent's New Matter and Counterclaim and proceed with an *in camera* review of the documents involved in this dispute as requested in Petitioner's Petition for Review.




Christopher J. Reese, Esq.
Attorney for Petitioner
207 E. Grandview Avenue
Zelienople, PA 16063
(724) 452-5020

Dated: 4-15-21

VERIFICATION

The undersigned represents that to the best of his knowledge, information and belief the Plaintiff's Reply to New Matter and Answer to Counterclaim provided herewith is true and correct.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities which provides that if I make knowingly false averments, I may be subject to criminal penalties.


Joseph Plesniak
Chairman, Board of Supervisors
Lancaster Township

Dated: April 14, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the within
Reply to New Matter and Answer to Counterclaim to be emailed and also mailed from
Zelienople, Pennsylvania by first class mail, postage prepaid, this ¹⁵14th day of April,
2021 to:

Alex Weidenhof
The Butler Eagle
8050 Rowan Rd, Suite 504
Cranberry Township, PA 16066
E-mail: aweidenhof@butlereagle.com

Magdalene C. Zeppos-Brown
Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
E-mail: mazepposbr@pa.gov



Christopher J. Reese, Esq.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Lope, Casker & Casker

Signature: 

Name: Christopher J. Reese

Attorney No. (if applicable): 56814