

THE CITY OF COATESVILLE : IN THE COURT OF COMMON PLEAS  
V. : CHESTER COUNTY, PENNSYLVANIA  
WEST CALN TOWNSHIP : NO. 00-07571

John S. Carnes, Jr., Esquire, Attorney for Plaintiff City of Coatesville  
Gary N. Moskovitz, Esquire, Attorney for Defendant West Caln Township  
Robert W. Lentz, Esquire, Attorney for Defendants Richard and Nancy Saha

ORDER

AND NOW, this 10<sup>th</sup> day of May, 2002, the unopposed Petition of Richard and Nancy Saha to Intervene in this matter is hereby GRANTED.<sup>1</sup>

It is further ORDERED and DIRECTED that the instant local agency appeal filed by the City of Coatesville is DISMISSED.<sup>2</sup>

BY THE COURT:

  
William P. Mahon, J.

FILED  
02 MAY 10 PM 12:23  
OFFICE OF THE  
PROthonary  
CHESTER CO., PA.

<sup>1</sup> See the answers to the Petition filed by the City of Coatesville and West Caln Township.

<sup>2</sup> This local agency appeal was, by agreement, to be consolidated for disposition with an eminent domain action involving the property of Richard and Nancy Saha filed in Chester County at Civil Action No. 00-06048. See Administrative Conference Order dated January 5, 2001 in Chester County No. 00-06048. On October 27, 2000, the Court entered an Order in this matter at the request of the City of Coatesville, without opposition, requiring that the City of Coatesville file an initial brief herein within thirty (30) days of the entry of an order resolving the preliminary objections in case No. 00-06048 or upon application of any party, whichever occurred earlier. There has been no request by a party that briefing go forward. However, this Court entered an order resolving the preliminary objections in case No. 00-06048 on January 11, 2002, some 119 days ago. West Caln Township filed the return of record in this matter on September 28, 2000 and served the same on counsel of record on September 29, 2000. The City of Coatesville has not filed its initial brief during the time period it requested and which was Ordered and has otherwise failed to prosecute this matter.

Judge Ott, who was originally assigned this matter, entered an Order dated October 20, 2000 which was substantially similar to the October 27, 2000 Order of the undersigned. In any event, the City of Coatesville has failed to comply with the relevant provisions of the Orders of this Court dated October 20, 2000 and October 27, 2000.