

Paul D. Horger
Robert P. Browning
Dorrance R. Belin
Joseph A. O'Brien
Alfred J. Weinschenk
James W. Reid
John R. O'Brien
James J. Gillotti
William E. Dunstone
Jane M. Carlonas
Karoline Mehalchick
Kimberly Kost Scanlon
Erin A. Brennan
Michael J. O'Brien

May 24, 2011

Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Schwartz vs. Canadian Pacific Railroad
No.: C-2011-2237486

RECEIVED
2011 MAY 25 AM 10:22
P.A.P.U.C.
SECRETARY'S BUREAU

Ms. Chiavetta:

Enclosed herewith for filing is the Answer of LaPlume Township to the Complaint and the Answer of LaPlume Township to Petition for Interim Relief and my Withdrawal of Appearance in duplicate. Would you please time stamp one of the copies and return them to me in the enclosed envelope.

Very truly yours,

OLIVER, PRICE & RHODES


Robert P. Browning, Esq.

RPB/jw

RECEIVED

2011 MAY 25 AM 10:26

PA. P.U.C.
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

A. EDWARD SCHWARTZ,

Complainant

vs.

Complaint Docket
No.: C-2011-2237486

CANADIAN PACIFIC RAILROAD
LACKAWANNA COUNTY, LAPLUME
TOWNSHIP, COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
TRANSPORTATION,

Electronically filed

Respondent

ANSWER TO PETITION FOR EMERGENCY
ORDER AND REQUEST FOR EXPEDITED HEARING

NOW, comes the Township of LaPlume, Lackawanna County, Pennsylvania, by and through its Solicitor, Robert P. Browning, Esquire, and respectfully represents:

1. Admitted
2. Admitted
3. Admitted in part. No notice was issued to the Township of LaPlume, to file an Answer to the Petition.
4. Admitted in part. The Township of LaPlume does not have sufficient information to admit or deny the allegations that further damage occurred on the North side of the bridge, or where the debris, if any, fell. Wherefore, the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.
5. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 5, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.
6. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 6, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.
7. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 7, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.

8. The allegations of paragraph 8 constitute conclusions of law to which no answer is required. In further answer the same are denied.

9. The allegations of paragraph 9 constitute conclusions of law to which no answer is required. In further answer the same are denied.

10. The allegations of paragraph 10 constitute conclusions of law to which no answer is required. In further answer the same are denied.

11. The allegations of paragraph 11 constitute conclusions of law to which no answer is required. In further answer the same are denied.

12. The allegations of paragraph 12 constitute conclusions of law to which no answer is required. In further answer the same are denied.

13. The allegations of paragraph 13 constitute conclusions of law to which no answer is required. In further answer the same are denied.

14. The deed attached to the Complaint speaks for itself and no answer is required.

14a. The allegations of the second paragraph 14 constitute conclusions of law to which no answer is required. In further answer the same are denied.

15. The allegations of paragraph 15 constitute conclusions of law to which no answer is required. In further answer the same are denied.

16. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 16, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.

17. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 17, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.

18. The allegations of paragraph 18 constitute conclusions of law to which no answer is required. In further answer the same are denied.

19. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 19, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.

20. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 20, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.

21. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 21, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.

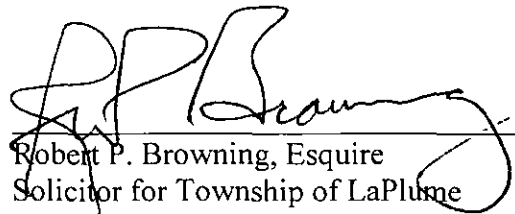
22. The allegations of paragraph 22 contain conclusions of fact to which no answer is required. In further answer the same are denied.

23. The Township of LaPlume is without sufficient information to admit or deny the allegations of paragraph 23, wherefore the same are denied and, if relevant, proof thereof is demanded at the Hearing on the cause.

24. Admitted.

WHEREFORE the Township of LaPlume avers that no expedited hearing is required and that the relief requested is not necessary.

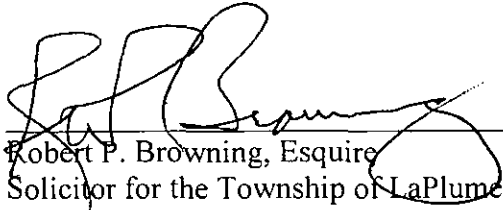
Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. P. Browning", is written over a horizontal line. The signature is stylized and cursive.

Robert P. Browning, Esquire
Solicitor for Township of LaPlume
Attorney No. 08305
1212 South Abington Road
Clarks Summit, PA 18411
Phone: 570-585-1200
Fax: 570-585-5100

Verification

I, Robert P. Browning, Esquire, Solicitor for the Township of LaPlume, hereby certify that the facts set forth in the foregoing Answer are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).


Robert P. Browning, Esquire
Solicitor for the Township of LaPlume

RECEIVED
2011 MAY 25 AM 10:26
PA.P.U.C.
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

NOW, this 23rd day of May, 2011, I Robert P. Browning, Esquire, hereby certify that I caused a copy of the foregoing document to be served by having the same deposited in the United States Mail, First Class Postage Prepaid, at Clarks Summit, Pennsylvania, addressed to the attorneys or parties of record as follows, except for Erin Brennan, Esquire, to whom hand delivery was effected:

W. Karl Hansen, Esquire
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

Gina M. D'Alfonso, Esquire
Assistant Counsel in Charge
Commonwealth of PA, Dept. of Trans.
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105-8212

Erin A. Brennan, Esquire
1212 South Abington Road
Clarks Summit, PA 18411

Lawrence J. Moran, Esquire
P.O. Box 234
Scranton, PA 18501

Charles E. Rainey, Jr., Esquire
Chief Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17102-3265

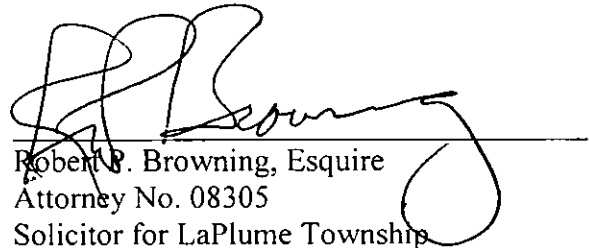
Jill M. Spott, Esquire
108 North Abington Road
Clarks Summit, PA 18411

David Salpa, Esquire
Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17102-3265

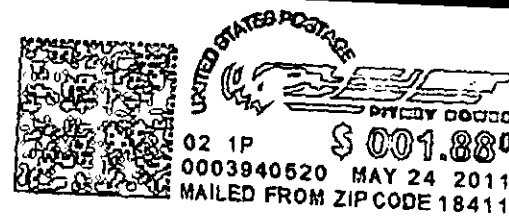
Adam Young, Esquire
Public Utility Commission
Rail Safety Division
P.O. Box 3265
Harrisburg, PA 17102-3265

Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
2011 MAY 25 AM 10:26
PA.P.U.C.
SECRETARY'S BUREAU



Robert P. Browning, Esquire
Attorney No. 08305
Solicitor for LaPlume Township
1212 South Abington Road
Clarks Summit, PA 18411
Phone: 570-585-1200
Fax: 570-585-5100



First Class Mail

OLIVER, PRICE & RHODES
ATTORNEYS AT LAW
1212 SOUTH ABINGTON ROAD
P.O. BOX 240
CLARKS SUMMIT, PENNSYLVANIA 18411

TO:

Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265