

  
**Curtin & Heefner** LLP  
ATTORNEYS AT LAW

2005 S. EASTON ROAD • SUITE 100 • DOYLESTOWN, PA 18901

(267) 898.0570 • (800) 773.0680 • FAX (215) 340.3929

WWW.CURTINHEEFNER.COM

CELEBRATING OVER 80 YEARS

MARK L. FREED  
MLF@curtinheefner.com

March 19, 2020

The Honorable Elizabeth Barnes  
Administrative Law Judge  
Office of the Administrative Law Judge  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket Nos. P-2018-3006117 and C-2018-3006116  
Meghan Flynn, et al. v. Sunoco Pipeline, L.P.**

Dear Judge Barnes:

Kindly accept this letter in response to Sunoco Pipeline, L.P.'s Motion to Stay Proceedings and Request for Expedited Response and Ruling. In its Motion, Sunoco erroneously and remarkably claims that Uwchlan Township is a party "that oppose[s] any stay." In fact, Uwchlan Township unequivocally advised Sunoco that "Uwchlan Township *is agreeable* to a 60-day stay of the litigation with a meet-and-confer after 30 days to reassess and develop appropriate steps to move forward, *provided that Sunoco/ETP refrains from work during this period*" (emphasis added). See March 18, 2020 email and attached letter, attached hereto as Exhibit A. As Uwchlan Township explained in the letter attached to the email, it seeks such a refrain from work because:

With the Center for Disease Control encouraging social distancing, many residents in Uwchlan Township will be confined to their homes for an extended period of time. This, combined with the threat of widespread illness due to the COVID-19 pandemic, will make sheltering near pipeline construction activities particularly burdensome for many residents. Additionally, due to the nature of this pandemic, the Township is currently operating with limited administrative and public works staffing.

In addition, Uwchlan Township requests the cessation of activities so that Sunoco does not continue to construct facilities, while the very proceedings aimed at assuring the safety of those facilities are stayed. To allow work to continue would prejudice the parties to these actions and deprive them of their Due Process rights.

While Sunoco purports to recognize the “unprecedented disruption” caused by the “COVID-19 Pandemic,” it fails to accommodate the very people who must shelter in place during the Pandemic. What Sunoco should have written in its Motion is not that Uwchlan Township is a party “that oppose[s] any stay”, but that Sunoco is a company that is unwilling to recognize or take responsibility for the significant impact of its activities, particularly at this difficult time.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Freed', written in a cursive style.

Mark L. Freed  
For CURTIN & HEEFNER LLP

Enclosure

Cc: Counsel and parties of record via email

***EXHIBIT "A"***

**From:** [Freed, Mark L.](#)  
**To:** [Diana Silva](#); [Michael S. Bomstein \(mbomstein@gmail.com\)](#); [Rich Raiders](#); [rotenberg@mcr-attorneys.com](#); [mmorris@regerlaw.com](#); [vpompo@lambmcerlane.com](#); [Waldron, Joanna A.](#); [jflandreau@pflaw.com](#); [patbiswanger@gmail.com](#); [abaumler@mcerlane.com](#); [gdonatelli@lambmcerlane.com](#); [jdalton@utbf.com](#); [akanagy@postschell.com](#); [glent@postschell.com](#); [emcdowell@rangeresources.com](#); [jjbyrne@mbmlawoffice.com](#); [lissdibernardino@gmail.com](#); [vkerslake@gmail.com](#); [ljobenski@gmail.com](#); [rbrittonlegal@gmail.com](#); [jmaxwell@downingtown.org](#); [tcaseylegal@gmail.com](#); [mppierce@piercelandhughes.com](#); [joe\\_minott@cleanair.org](#); [abomstein@cleanair.org](#); [lwelde@cleanair.org](#); [kurbanowicz@cleanair.org](#)  
**Cc:** [Tom Sniscak \(tjsniscak@hmslegal.com\)](#); [Whitney Snyder \(WESnyder@hmslegal.com\)](#); [Bryce Beard](#); [Robert Fox](#); [Neil Witkes](#)  
**Subject:** RE: Flynn et al.- Consolidated Docket No. C-2018-3006 - Stay of Litigation in Light of COVID-19  
**Date:** Wednesday, March 18, 2020 12:51:52 PM  
**Attachments:** [image002.png](#)  
[ET Memo\\_31720.PDF](#)

---

Diana,

Uwchlan Township is agreeable to a 60-day stay of the litigation with a meet-and-confer after 30 days to reassess and develop appropriate steps to move forward, provided that Sunoco/ETP refrains from work during this period. See also letter from Uwchlan Township to ETP requesting a cessation of activities during the pandemic. Thank you.

Mark L. Freed  
(267) 898.0570

---

**From:** Diana Silva <DSilva@mankogold.com>  
**Sent:** Tuesday, March 17, 2020 8:53 PM  
**To:** Michael S. Bomstein (mbomstein@gmail.com) <mbomstein@gmail.com>; Rich Raiders <rich@raiderslaw.com>; rotenberg@mcr-attorneys.com; mmorris@regerlaw.com; vpompo@lambmcerlane.com; Freed, Mark L. <MLF@curtinheefner.com>; Waldron, Joanna A. <JAW@curtinheefner.com>; jflandreau@pflaw.com; patbiswanger@gmail.com; abaumler@mcerlane.com; gdonatelli@lambmcerlane.com; jdalton@utbf.com; akanagy@postschell.com; glent@postschell.com; emcdowell@rangeresources.com; jjbyrne@mbmlawoffice.com; lissdibernardino@gmail.com; vkerslake@gmail.com; ljobenski@gmail.com; rbrittonlegal@gmail.com; jmaxwell@downingtown.org; tcaseylegal@gmail.com; mppierce@piercelandhughes.com; joe\_minott@cleanair.org; abomstein@cleanair.org; lwelde@cleanair.org; kurbanowicz@cleanair.org  
**Cc:** Tom Sniscak (tjsniscak@hmslegal.com) <tjsniscak@hmslegal.com>; Whitney Snyder (WESnyder@hmslegal.com) <WESnyder@hmslegal.com>; Bryce Beard <brbeard@hmslegal.com>; Robert Fox <RFox@mankogold.com>; Neil Witkes <NWitkes@mankogold.com>  
**Subject:** Flynn et al.- Consolidated Docket No. C-2018-3006 - Stay of Litigation in Light of COVID-19

All:

In light Governor Wolf's orders and federal guidance over the last several days regarding COVID-19, after conferring with Michael Bomstein this morning, we are jointly proposing a 60-day stay of this litigation, with a meet-and-confer after 30 days to reassess and develop appropriate steps to move forward.

We attempted to reach most of the parties this afternoon, and believe each of the following has indicated that they do not oppose the proposed stay:

- Andover HOA
- Chester County
- Delaware County
- Downingtown School District
- Edgmont Township
- Middletown Township
- Range Resources
- Rose Tree Media School District
- Thornbury Township
- Twin Valley School District
- West Chester School District
- West Whiteland Township

If you are a party (or counsel for a party) not listed above, please indicate your position on the proposed stay by 2 pm tomorrow.

Thank you, and stay safe.

Diana

**Diana A. Silva, Esquire**  
**MANKO | GOLD | KATCHER | FOX LLP**  
*An environmental, energy, litigation, safety and land use law practice*

401 City Avenue, Suite 901 | Bala Cynwyd, PA 19004  
484.430.2347 | 610.504.0761(cell) | 484.430.5711(f)  
[dsilva@mankogold.com](mailto:dsilva@mankogold.com) | [Bio](#) | [www.mankogold.com](http://www.mankogold.com)



# Uwchlan Township

715 North Ship Road  
Exton, PA 19341-1940  
(610) 363-9450  
FAX (610) 363-0518  
[www.uwchlan.com](http://www.uwchlan.com)

March 17th, 2020

Mr. Joseph Massaro  
Lead Specialist, Public Affairs  
Energy Transfer  
100 Green Street  
Marcus Hook, PA 19061

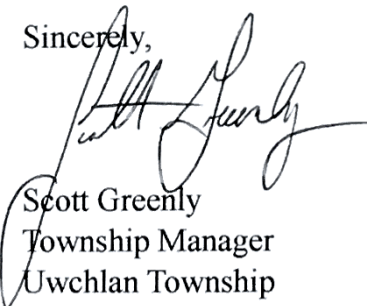
Re. Pipeline Construction During COVID-19 Emergency

Dear Mr. Massaro:

As you are likely already aware, the United States Federal Government, the Commonwealth of Pennsylvania, Chester County and Uwchlan Township have all declared disaster emergencies related to the rapid spread of the COVID-19 virus in the recent days. Last week, the Governor also ordered the closing of all K-12 Pennsylvania schools for a period of two-weeks, with the Governor yesterday announcing the shutdown of all non-essential government offices and business activity throughout the Commonwealth.

I am writing today to request that Energy Transfer postpone construction activities on both the Mariner East II and Icedale pipelines during this difficult time. With the Center for Disease Control encouraging social distancing, many residents in Uwchlan Township will be confined to their homes for an extended period of time. This, combined with the threat of widespread illness due to the COVID-19 pandemic, will make sheltering near pipeline construction activities particularly burdensome for many residents. Additionally, due to the nature of this pandemic, the Township is currently operating with limited administrative and public works staffing. I therefore request that Energy Transfer postpone construction activities on the Mariner East II and Icedale pipelines until the pandemic has passed. Thank you for your consideration on this matter.

Sincerely,



Scott Greenly  
Township Manager  
Uwchlan Township

CC: VIA EMAIL  
Uwchlan Township Board of Supervisors  
Mark Freed, Uwchlan Township Solicitor  
Representative Danielle F. Otten  
Senator Katie Muth