

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETROLEUM VALLEY REGIONAL  
WATER AUTHORITY,

Complainant,

vs.

EAST BRADY BOROUGH,

Respondent.

COMPLAINT DOCKET NO.  
C-2024-3051609

ANSWER TO MOTION IN LIMINE TO  
PRECLUDE EVIDENCE REGARDING  
ANY NEW WELL

Filed on behalf of Respondent:

**EAST BRADY BOROUGH**

Counsel of Record for this Party:

Amy R. Schrempf, Esquire  
Pa. I.D. No. 87619

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	:	
vs.	:	
	:	
EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**ANSWER TO MOTION IN LIMINE TO PRECLUDE EVIDENCE REGARDING ANY  
NEW WELL**

NOW COMES Respondent, East Brady Borough, (hereinafter “Borough”), by its undersigned counsel, and files the following ANSWER TO MOTION IN LIMINE TO PRECLUDE EVIDENCE REGARDING ANY NEW WELL, in support thereof averring as follows:

1. On November 7, 2025, by email, Complainant Authority (hereinafter “Authority”) served this Motion in Limine on Respondent. No brief in support was attached.
2. The Motion in Limine states no legal reason as to why to exclude evidence, and with no supporting brief, Respondent is essentially unable to respond in any meaningful way to the Motion.
3. Paragraph 15 of the Motion states, “To allow EBB to present information regarding a new well would be extremely prejudicial to PVRWA, given the failure to present said information in discovery.

4. Motions in limine are made prior to the presentation of evidence to aid the clear presentation of evidence, and to narrow the evidentiary issues for trial. *United States v. Ramsey*, No. 19-628, 2021 U.S. Dist. LEXIS 192115, 2021 WL 4554642, at \*2 (E.D. Pa. Oct. 5, 2021).

5. Evidence should only be excluded on a motion in limine if it is clearly inadmissible on all potential grounds. *Hunt v. Drake*, No. 16-CV-1729, 2020 U.S. Dist. LEXIS 108003, 2020 WL 3402343 (M.D. Pa. June 19, 2020).

6. Authority, as the moving party, bears the burden of demonstrating that the evidence is inadmissible on all potential grounds. *Id.*

7. Authority makes no legal argument as to the admissibility of the evidence it seeks to exclude, and provided no supporting brief to assist in such analysis.

8. Authority merely states that in its opinion, the evidence is prejudicial.

9. A trial court may exclude relevant evidence if its probative value is outweighed by a danger of, among other things, unfair prejudice. Pa.R.E. 403.

10. "Unfair prejudice" is "a tendency to suggest decision on an improper basis or to divert the jury's attention away from its duty of weighing the evidence impartially." Pa.R.E. 403.

11. "Unfair prejudice" does not mean that the evidence is inconvenient to the moving party's theory of the case. It must suggest a decision based upon an improper basis or divert the attention away from its duty of weighing the evidence.

12. Authority alleges none of these things here when asserting prejudice.

13. The Borough has repeatedly explained that due to DEP requirements, a new well must be sourced.

14. The Borough is working on the pre-permit phasing of a new well.

15. In its discovery responses on February 6, 2025, the Borough provided all of the information that it had at that time regarding the new well. It did not have construction estimates or engineering reports, because the Borough is not at that phase of the process yet.

16. There is no mention of a new well because it isn't constructed yet – it is in the initial planning phases.

17. PVRWA are in possession of all documents that are in the Borough's possession.

18. There is no unfair prejudice regarding discussions about the need for a new well, nor does PVRWA allege any.

19. Instead of requesting information that was not produced in discovery be excluded, which would be a reasonable request, Authority requests all evidence, even evidence it possesses be excluded, because the evidence that has been produced is not exactly what they want.

20. This is not the intent behind a Motion in Limine.

21. As such, the Motion in Limine must be denied.

WHEREFORE, Borough respectfully requests that the Motion in Limine be denied.

Respectfully submitted,

**ANDREWS & PRICE LLC**

By: *Amy R. Schrempf*

Amy R. Schrempf

Attorney for Respondent, East Brady Borough

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EAST BRADY BOROUGH,	:	
	:	
Respondent.	:	

**ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the MOTION IN LIMINE filed by Petroleum Valley Regional Water Authority, it is hereby **ORDERED** that PVRWA’s MOTION IN LIMINE TO PRECLUDE EVIDENCE REGARDING ANY NEW WELL is hereby DENIED.

\_\_\_\_\_  
Jeffrey A. Watson  
Administrative Law Judge J.

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby verifies that on November 17, 2025, a true and correct copy of the Response to Motion was served upon the following by U.S. Postal Service, First Class Mail and via email:

Michael D. Gallagher  
Sean Gallagher  
Gallagher Law Group  
110 East Diamond Street, Suite 101  
Butler, PA 16001

**ANDREWS & PRICE LLC**

By: *Amy R. Schrempf*  
Amy R. Schrempf  
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