

# MAIDENCREEK TOWNSHIP

1 QUARRY ROAD, PO BOX 319  
BLANDON, PA

---

February 27, 2023

## Board of Supervisors

### *Press Release*

David K. Franke  
Chairman

Joshua G. Meck  
Vice Chairman

Heidi E. Fiedler  
Supervisor

--Township Staff--

Hunter L. Ahrens  
Township Manager

Christina L. Hafer  
Township Secretary

Keith A. Shuman  
Road Foreman

Andrew E. Letchse  
Tyler R. Nolt  
Michael D. Stern  
Earl B. Weber  
Brian S. Wise

The Board of Supervisors was made aware of litigation that has been filed against Maiden Creek Township by the organization Maiden Creek Associates. This filing is in addition to the previous one filed against the Township in January. This filing objects to the Township process of running the Conditional Use Hearings.

The suit alleges that the Township's pace of meetings and the process of questions by members of the public have not been fair. The Board of Supervisors will review the suit thoroughly with the Township Solicitor and will respond appropriately. As this is a matter of ongoing litigation, the amount of comment that the Township will offer publicly will be limited.

As we go through this process, the Board of Supervisors will continue to follow the guidance of its professionals, its ordinances, state regulations, and statutes as we work toward the best interest of the residents.

### **Board of Township Supervisors**

David Franke  
Josh Meck  
Heidi Fiedler

hla

[hlahrens@maidencreek.net](mailto:hlahrens@maidencreek.net) or [clhafer@maidencreek.net](mailto:clhafer@maidencreek.net)

Office: (610) 926-4920

**FOUNDED 1746**

**KAPLIN, STEWART, MELOFF, REITER & STEIN, P.C.**

By: Marc B. Kaplin, Esquire  
Gregg I. Adelman, Esquire  
Daniel R. Utain, Esquire  
Attorney I.D. Nos. 04465, 84137, 85619  
Union Meeting Corporate Center  
910 Harvest Drive, P.O. Box 3037  
Blue Bell, PA 19422  
(610) 941-2469

Attorneys for Plaintiff  
Maiden Creek Associates, L.P.

---

MAIDEN CREEK ASSOCIATES, L.P.	:	IN THE COURT OF COMMON PLEAS
120 West Germantown Pike, Suite 120	:	BERKS COUNTY, PENNSYLVANIA
Plymouth Meeting, PA 19462,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.
	:	
	:	
BOARD OF SUPERVISORS	:	
OF MAIDENCREEK TOWNSHIP	:	
1 Quarry Road	:	
Reading, PA 19605	:	
	:	
Defendant.	:	

---

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERRAL AND INFORMATION SERVICE**

**Berks County Bar Association  
544 Court Street  
P.O. Box 1058  
Reading, PA 19603  
(610) 375-4591**

**KAPLIN, STEWART, MELOFF, REITER & STEIN, P.C.**

By: Marc B. Kaplin, Esquire  
Gregg I. Adelman, Esquire  
Daniel R. Utain, Esquire  
Attorney I.D. Nos. 04465, 84137, 85619  
Union Meeting Corporate Center  
910 Harvest Drive, P.O. Box 3037  
Blue Bell, PA 19422  
(610) 941-2469

Attorneys for Plaintiff  
Maiden Creek Associates, L.P.

---

MAIDEN CREEK ASSOCIATES, L.P.	:	IN THE COURT OF COMMON PLEAS
120 West Germantown Pike, Suite 120	:	BERKS COUNTY, PENNSYLVANIA
Plymouth Meeting, PA 19462,	:	
Plaintiff,	:	
v.	:	CASE NO.
	:	
BOARD OF SUPERVISORS	:	
OF MAIDENCREEK TOWNSHIP	:	
1 Quarry Road	:	
Reading, PA 19605	:	
Defendant.	:	

---

**COMPLAINT IN MANDAMUS**

Plaintiff, Maiden Creek Associates, L.P. (“**Maiden Creek**”), through its undersigned counsel, files this Complaint in Mandamus pursuant to Pa. R.C.P. 1091 *et seq.* against Defendant, the Board of Supervisors of Maiden Creek Township (“**Board**”), seeking to cause the Board to comply with the provisions of the Pennsylvania Municipalities Planning Code (“**MPC**”) governing hearings held on conditional use applications, and in support thereof alleges as follows:

**Introduction**

Maiden Creek has filed a Conditional Use Application seeking to develop a warehouse as permitted by conditional use on Maiden Creek’s property in Maiden Creek Township (“**Township**”). Pennsylvania Courts have repeatedly stated the existence of a conditional use provision in a zoning ordinance indicates the governing body of the municipality has determined that the uses permitted by conditional use are consistent with the municipality’s zoning plan and

are consistent with the public health, safety, and welfare. *In re Cutler Group, Inc.*, 880 A.2d 39 (Pa. Commw. Ct. 2005); *Borough of Perkasie v. Moulton Builders*, 850 A.2d 778 (Pa. Commw. Ct. 2004); *Bailey v. Upper Southampton Township*, 690 A.2d 1324 (Pa. Commw. Ct. 1997); *Ruddy v. Lower Southampton Township Zoning Hearing Board*, 669 A.2d 1051 (Pa. Commw. Ct. 1995); *Brentwood Borough v. Cooper*, 431 A.2d 1177 (Pa. Commw. Ct. 1981); *Evans v. Zoning Hearing Board of Easttown Township*, 396 A.2d 889 (Pa. Commw. Ct. 1979). Once an applicant for a conditional use shows compliance with the specific requirements of the zoning ordinance, the burden shifts to the opponents to prove that there is a high probability the proposed use will generate adverse impacts not normally generated by the type of use in question and that those atypical impacts pose a substantial threat to the health and safety of the community. *Heck v. Zoning Hearing Board for Harvey's Lake Borough*, 397 A.2d 15 (Pa. Commw. Ct. 1979).

Due process dictates that Maiden Creek be afforded an opportunity to present its case-in-chief demonstrating it has complied with the specific objective applicable requirements contained in Township Zoning Ordinance. The MPC mandates certain procedures for the conduct of conditional use hearings. Specifically, the MPC mandates the municipality provide the applicant with sufficient hearings and time to present its case in chief within 100 days. *See* 53 P.S. §10908(1.2). The MPC further permits the appointment of an independent hearing officer to, *inter alia*, oversee that the hearings comply with the procedural safeguards under the MPC. *See* 53 P.S. §10913.2(a). In addition, the MPC provides that where the governing body fails to “conduct or complete the required hearing as provided in section 908(1.2), the decision shall be deemed to have been rendered in favor of the applicant . . . .” 53 P.S. § 10913.2(b)(2).

These procedures have not been followed in connection with the hearing being held on Maiden Creek's Conditional Use Application. Instead, the Board has failed to control the conduct

and process at the conditional use hearings. As a result, the hearings have become out of control and unproductive. More importantly, the Board has failed to schedule sufficient additional hearings to permit Maiden Creek to complete its case in chief within the mandated timeframes. Maiden Creek has requested, on numerous occasions, that the procedural rules be enforced and additional hearings be scheduled due to the Board permitting improper scope of questioning of each of Maiden Creek's witnesses. However, the Board has refused to enforce the procedural rules or schedule sufficient additional hearings to comply with the mandated procedures contained in the MPC.

This lack of control violates Maiden Creek's due process rights as Maiden Creek will not be afforded its opportunity to present its case-in-chief to the Board within the timeframes set forth under the MPC. As such, Maiden Creek seeks Court intervention to direct the Board to schedule sufficient additional hearings and to appoint an independent hearing officer who will oversee the hearings to enforce the mandated procedures for conduct at these hearings.

**A. The Parties**

1. Maiden Creek is a Pennsylvania limited partnership which maintains a business address located at 120 W. Germantown Pike, Suite 120, Plymouth Meeting, PA 19462.

2. Defendant Board of Supervisors of Maidencreek Township ("**Board**") is the governing body for Maidencreek Township ("**Township**"), which is a Second-Class Township formed under the laws of the Commonwealth of Pennsylvania with its principal office located at 1 Quarry Road, P.O. Box 319, Blandon, PA 19510.

**B. Factual Background**

3. Maiden Creek is the legal owner of an undeveloped tract of land (identified as Berks County Parcel Identification No. 61-5411-16-74-8787) located in the Township, northwest of the

intersection of U.S. Route 222 (a/k/a Allentown Pike) ("**Interstate**") and Schaeffer Road ("**Property**").

4. The Property is approximately 80.77 acres with frontage along the Interstate.

5. Pursuant to the Township's Zoning Ordinance (Chapter 220 of the Township's Code) ("**Zoning Ordinance**") and Township Zoning District Map, the Property is in the C-2 Regional Commercial District ("**C-2 District**").

6. Warehousing is a permitted use by conditional use in the Township's C-2 Regional Commercial District pursuant to section 220-44.B.(1) of the Zoning Ordinance.

7. Plaintiff proposes to develop a warehouse facility on the Property together with access drives, stormwater management areas, employee parking spaces, trailer parking spaces, loading bays, and other development-related improvements (collectively, the "**Proposed Development**").

a. **Maiden Creek's Conditional Use Application**

8. On March 11, 2022, Plaintiff applied to the Township seeking conditional use approval for the Proposed Development ("**Conditional Use Application**"). Copies of the Conditional Use Application and Submission Letter dated March 11, 2022 without enclosures are attached as **Exhibit "A"** and incorporated herein by reference.

9. Maiden Creek provided the Board with an extension of time to commence the first hearing on the Conditional Use Application through November 30, 2022. A copy of the letter dated October 3, 2022 confirming this extension is attached as **Exhibit "B"** and incorporated herein by reference.

10. Prior to the commencement of the first hearing, the Township's Planning Commission recommended approval of the Conditional Use Application subject to a series of

conditions. *See* copies of the November 3, 2022 Planning Commission Meeting Minutes attached as **Exhibit “C”** and incorporated herein by reference.

**b. Relevant MPC Provisions governing Conditional Use Hearings**

11. The MPC contains multiple provisions providing an applicant its due process rights to prosecute its application.

12. Section 908(1.2) of the MPC provides that “[a]n applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.” *See* 53 P.S. §10908(1.2).

13. That section further provides “the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing.”

*Id.*

14. Sections 908(2) and 913.2(a) of the MPC permit the appointment of an independent hearing officer to conduct the hearings. *See* 53 P.S. §§10908(2), 10913.2(a).

15. Section 913.2(b)(2) of the MPC provides that a municipality’s failure to comply with the hearing requirements results in a deemed approval of the application. 53 P.S. § 10913.2(b)(2).

**c. Board Hearings on Maiden Creek’s Conditional Use Application**

16. The Board commenced its first hearing on Maiden Creek’s Conditional Use Application on November 30, 2022 at 7:04 p.m., adjourning at 9:32 p.m. (“**First Hearing**”). A copy of the transcript from the November 30, 2022 hearing is attached as **Exhibit “D”** and incorporated herein by reference.

17. The Board held a continued hearing on Maiden Creek’s Conditional Use Application on December 14, 2022, commencing at 7:07 p.m., and adjourning at 9:47 p.m.

(“**Second Hearing**”). A copy of the transcript from the December 14, 2022 hearing is attached as **Exhibit “E”** and incorporated herein by reference.

18. The Board held another continued hearing on Maiden Creek’s Conditional Use Application on January 25, 2023, commencing at 7:07 p.m., and adjourning at 9:44 p.m. (“**Third Hearing**”). A copy of the transcript from the January 25, 2023 hearing is attached as **Exhibit “F”** and incorporated herein by reference.

19. A total of twenty (20) members<sup>1</sup> of the public have been granted party status by the Board thus far at these hearings. Exhibit “D” at p. 18; Exhibit “E” at 114.

20. At the commencement of each hearing, the Board’s solicitor went over procedural rules for the hearing. Exhibit “D” at p. 8-10; Exhibit “E” at 115-121; Exhibit “F” at 226-227.

21. At the beginning of the First Hearing, the Board’s solicitor acknowledged that they would only be able to “get through part of one witness or one witness from the Applicant tonight.” Exhibit “D” at 9.

22. The Board’s solicitor also explained that it will take multiple hearings to provide the parties and public with the requisite time to present evidence, testimony, question witnesses, and provide comments on Maiden Creek’s Conditional Use Application. Exhibit “D” at 13, 66, and 108-109; Exhibit “E” at 117-119, 220, and 221.

23. Maiden Creek commenced its case-in-chief at the First Hearing in November by submitting thirty-two (32) exhibits to the Board in support of its Conditional Use Application for reference during the hearings including curricula vitae for six (6) witnesses. Exhibit “D” at 23.

24. Maiden Creek was provided with approximately two (2) hours to present its case-in-chief during the First Hearing. Exhibit “D” at 24-27 and 29-108.

---

<sup>1</sup> Edward Newcomb and his wife, Marcia, were collectively granted status as one party by this court. Exhibit “D” at 16 and 18.



25. Maiden Creek utilized approximately one (1) additional hour to present its case-in-chief at the Second Hearing. Exhibit "E" at 122-136 and 142-171.

26. Maiden Creek presented an expert in geology ("Hydrogeologist") and expert in traffic engineering ("Traffic Engineer") at the Second Hearing. *Id.*

27. The direct examination of Maiden Creek's Hydrogeologist took approximately fifteen (15) minutes. Exhibit "E" at 128-136.

28. The direct examination of Maiden Creek's Traffic Engineer took approximately thirty (30) minutes. Exhibit "E" at 145-171.

29. The Board began cross-examination of Maiden Creek's Traffic Engineer at the Second Hearing. Exhibit "E" at 173-200.

30. Four (4) parties were then given the opportunity to question Maiden Creek's Traffic Engineer at the Second Hearing. Exhibit "E" at 200-218.

31. The parties were then afforded the entirety of the Third Hearing to continue questioning of Maiden Creek's Traffic Engineer. Exhibit "F" at 230-333.

32. Although the Board's solicitor explained at the beginning of the hearings that parties would be provided time to present evidence and testimony after Maiden Creek's case-in-chief was completed and directed that cross-examination was to be limited to questioning of the witness, the parties utilized the time scheduled for cross-examination to present evidence and make comments. Exhibit "E" at 115-18, 208; Exhibit "F" at 226-27, 232-36, 243-46, 248-51, 260, 264-66, 269, 303, 306-07, 309-11.

33. Despite numerous objections by Maiden Creek's counsel, the Board did not enforce the procedural rules in place for conduct during these hearings during the time scheduled for cross-examination of Maiden Creek's Traffic Engineer. Exhibit "E" at 177-78, 208; Exhibit "F" at 232,

233, 233-34, 235, 236, 243, 244-45, 246, 248, 249, 251, 258, 260, 264-267, 282-84, 286-88, 309, 310-11.

34. As a result, the cross-examination of Maiden Creek's Traffic Engineer has yet to conclude.

35. Most of the cross-examination was inappropriate, irrelevant, beyond scope, or was used to present the opposition party's case-in-chief, which, according to the MPC, should not be permitted until after Maiden Creek completes its case.

36. The Board refused to limit, or restrict, the opposition's questioning to appropriate cross-examination.

37. The Board has scheduled the next hearing to commence on February 27, 2023 at 6:30 p.m. ("**Fourth Hearing**"), commencing with the continued cross-examination of Maiden Creek's Traffic Engineer. Exhibit "F" at 333.

38. Two (2) of the parties already stated on the record that they will require at least another (1) hour and fifteen (15) minutes to question Maiden Creek's Traffic Engineer at the Fourth Hearing. Exhibit "F" at 331.

39. This will add up to approximately five (5) hours of cross-examination of Maiden Creek's Traffic Engineer, over three (3) months, whose direct testimony only took approximately thirty (30) minutes.

**C. Requests for Additional Hearings and Oversight on Hearing Conduct**

40. On December 1, 2022, Maiden Creek's counsel requested the Township Solicitor schedule "several additional hearing dates" in January, February, and March. A copy of the email from Maiden Creek's counsel, Gregg Adelman, to the Township Solicitor, Eric Frey, dated December 1, 2022 is attached as **Exhibit "G"** and incorporated herein by reference.

41. On December 9, 2022, the Township Solicitor provided Maiden Creek's counsel with a list of five (5) dates in January 2023 but for the scheduling of only one additional hearing. A copy of the email from the Township Solicitor, Eric Frey, to Maiden Creek's counsel, Gregg Adelman and Marc Kaplin, dated December 9, 2022 is attached as **Exhibit "H"** and incorporated herein by reference.

42. At the Second Hearing, Maiden Creek again requested that multiple hearings be scheduled each month and to start hearings earlier due to the pace and improper scope of the questioning of Maiden Creek's witnesses. Exhibit "E" at 220-221.

43. The Board nevertheless scheduled only one additional hearing for January 25, 2023 at 7:00 p.m. Exhibit "E" at 221.

44. On December 16, 2022, Maiden Creek formally requested by letter that multiple additional hearings be scheduled each month to ensure the Conditional Use Application can be expeditiously heard given the number of witnesses remaining to testify, the number of parties, and extended length of cross-examination anticipated. A copy of this letter, from Maiden Creek's counsel, Gregg Adelman to the Township Solicitor, Eric Frey, dated December 16, 2022, is attached as **Exhibit "I"** and incorporated herein by reference.

45. No response was received to this request.

46. On December 30, 2022, Maiden Creek again raised issue with the Township's delay in scheduling additional conditional use hearings. A copy of the email from Maiden Creek's counsel, Gregg Adelman, to the Township Manager, Hunter Ahrens, dated December 30, 2022, is attached as **Exhibit "J"** and incorporated herein by reference.

47. At the end of January, Maiden Creek's counsel requested multiple times for the Board to schedule multiple hearings each month on the Conditional Use Application. Copies of

emails from Maiden Creek's counsel, Gregg Adelman, to the Township Solicitor Eric Frey and Township Manager Hunter Ahrens, dated January 17, 2023, January 19, 2023, and January 20, 2023 are collectively attached as **Exhibit "K"** and incorporated herein by reference.

48. Despite these requests, only one (1) three (3) hour hearing was scheduled in February (a large portion of which will be spent on improper cross-examination of Maiden Creek's witnesses). *Id.*

49. At the third hearing on January 25, 2023, Maiden Creek made a formal request that the procedural rules be enforced and again reiterated its request that additional hearings per month be scheduled, as the improper hearing conduct and scheduling was impeding Maiden Creek's ability to move forward with its case-in-chief. Exhibit "F" at 287-288.

50. Despite this, the Board has refused to schedule more than one hearing per month and has allocated no more than three (3) hours per meeting for each hearing. *See* Exhibits "D", "E", "F", "H", and "K".

51. The Board's failure to control the hearings and its refusal to provide additional hearings prevents Maiden Creek from receiving the minimum hours necessary to present its case-in-chief within the 100 days mandated by section 908(1.2) of the MPC.

**COUNT I – MANDAMUS**

52. Each of the preceding paragraphs is hereby incorporated by reference as though fully set forth at length herein.

53. Maiden Creek is entitled to due process pursuant to the United States and Pennsylvania Constitutions in connection with its Conditional Use Application.

54. "The fundamental components of procedural due process are notice and opportunity to be heard." *In re McGlynn*, 974 A.2d 525, 531 (Pa. Commw. Ct. 2009).

55. The MPC provides procedural rules that govern the conduct at hearings on conditional use applications to ensure that applicants have the opportunity to be heard and to protect against dilatory conduct by a municipality. *See* 53 P.S. § 10908(1.2); *Nextel Partners, Inc. v. Clarks Summit Borough/Clarks Summit Borough Council*, 958 A.2d 587 (Pa. Commw. Ct. 2008).

56. Section 908(1.2) provides that “[a]n applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.” 53 P.S. § 10908(1.2).

57. Maiden Creek has made numerous requests that additional hearings be scheduled to afford it with the opportunity to present its case-in-chief. *See* Exhibit “E” at 220-221, Exhibit “F” at 287-88; and Exhibits “G”, “H”, “I”, “J”, and “K”.

58. The Board has recognized and agreed that multiple hearings need to be scheduled to allow Maiden Creek the requisite time to explain its Conditional Use Application.

59. The Board has governed these hearings in a manner that has prevented the testimony of a single Maiden Creek witness from being completed.

60. The Board has refused to enforce its own rule that cross-examination shall be limited to questioning of the witness’ direct testimony, permitted irrelevant questions and questions beyond the scope of the Conditional Use Application, has permitted parties to submit and use their own alleged testimony and evidence as part of cross-examination, the overwhelming majority of which is hearsay, and allowed parties to make comments in place of questions.

61. On March 10, 2023, one hundred (100) days will have lapsed since hearings on Maiden Creek’s Conditional Use Application commenced.

62. Only one (1) additional hearing on February 27, 2023 has been scheduled to be held before March 10, 2023.

63. The Fourth Hearing in February has been scheduled to commence with further cross-examination of Maiden Creek's Traffic Engineer followed by cross-examination of Maiden Creek's Hydrogeologist.

64. The Board has declined to limit the scope or extent of continued cross-examination of Maiden Creek's Traffic Engineer to relevant matters within the scope of direct and the Conditional Use Application.

65. As such, the cross-examination of Maiden Creek's Traffic Engineer and Hydrogeologist will likely continue beyond the February 2023 hearing.

66. The Board has refused to schedule sufficient additional hearings to provide Maiden Creek with the opportunity to timely present its case-in-chief.

67. Since the First Hearing, Maiden Creek has been afforded less than three (3) hours in total over three (3) months to present its case-in-chief.

68. Due process mandates that Maiden Creek be afforded the opportunity to present its case-in-chief within the statutory timelines set forth in the MPC.

69. Further, permitting the Board to continue scheduling only one (1) three (3) hour hearing per month and to conduct the hearings in the same manner as the prior hearings will irreparably harm Maiden Creek.

70. The Board's continued lack of procedural oversight at these hearings will delay Maiden Creek from being able to obtain the land development approvals required to construct the Proposed Development.

71. The Court should direct the Board to schedule sufficient hearings per month to provide Maiden Creek with the time to complete its case-in-chief by March 10, 2023.

72. If the Board is unable to and/or is refuses to hold the requisite hearings on Maiden

Creek's Conditional Use Application, an independent hearing officer should be appointed to schedule and oversee the necessary additional hearings. *See* 53 P.S. § 10913.2(a) ("hearings shall be conducted by the board or... hearing officer").

73. Should the Board fail to conduct the necessary hearings to permit Maiden Creek to complete its case in chief by March 10, 2023, then Maiden Creek's Application shall be deemed approved under section 908(1.2) of the MPC. 53 P.S. §10908(1.2).

**WHEREFORE**, Maiden Creek Associates, L.P. respectfully requests that this Honorable Court:

- a. Grant judgment in mandamus in its favor against the Board;
- b. Issue an Order directing the Board to either schedule sufficient additional hearings to provide Maiden Creek with the right to complete its case-in-chief by March 10, 2023, or appoint an independent hearing officer to oversee the remaining Conditional Use Hearings and to expeditiously schedule continued hearings on this Application, which shall continue to run from day to day until Maiden Creek is able to complete its case-in-chief subject to the availability of Maiden Creek's witnesses;
- c. Declare that if Maiden Creek is not permitted to complete its case-in-chief by March 10, 2023, Maiden Creek's Conditional Use Application shall be deemed approved as of March 11, 2023; and
- d. Grant such other relief as the Court deems proper and just.

**KAPLIN STEWART MELOFF REITER & STEIN, P.C.**

Dated: February 17, 2023

By: /s/ Gregg I. Adelman, Esquire  
Marc B. Kaplin, Esquire  
Gregg I. Adelman, Esquire  
Daniel R. Utain, Esquire  
Attorneys for Plaintiff Maiden Creek Associates, L.P.

**KAPLIN, STEWART, MELOFF, REITER & STEIN, P.C.**

By: Marc B. Kaplin, Esquire  
Gregg I. Adelman, Esquire  
Daniel R. Utain, Esquire  
Attorney I.D. Nos. 04465, 84137, 85619  
Union Meeting Corporate Center  
910 Harvest Drive, P.O. Box 3037  
Blue Bell, PA 19422  
(610) 941-2469

Attorneys for Plaintiff  
Maiden Creek Associates, L.P.

---

MAIDEN CREEK ASSOCIATES, L.P.	:	IN THE COURT OF COMMON PLEAS
120 West Germantown Pike, Suite 120	:	BERKS COUNTY, PENNSYLVANIA
Plymouth Meeting, PA 19462,	:	
Plaintiff,	:	
v.	:	CASE NO.
	:	
BOARD OF SUPERVISORS	:	
OF MAIDENCREEK TOWNSHIP	:	
1 Quarry Road	:	
Reading, PA 19605	:	
Defendant.	:	

---

**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.

**KAPLIN STEWART MELOFF REITER  
& STEIN, P.C.**

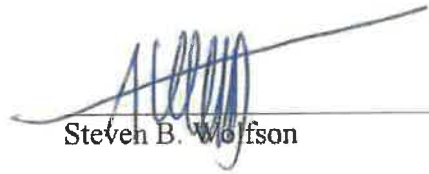
By: /s/ Gregg I. Adelman, Esquire  
Marc B. Kaplin, Esquire  
Gregg I. Adelman, Esquire  
Daniel R. Utain, Esquire

Dated: February 17, 2023



VERIFICATION

I, Steven B. Wolfson, subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, aver that I am an authorized signatory for Plaintiff, Maiden Creek Associates, L.P.; that I am authorized to make this Verification on behalf of Plaintiff, and that the information contained in the foregoing Complaint is true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Steven B. Wolfson

Dated: 2-17-23