

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>SENECA RESOURCES CORPORATION,</b>	)	<b>C.A. No. 16-cv-289 Erie</b>
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>Magistrate Judge Susan Baxter</b>
	)	
<b>HIGHLAND TOWNSHIP, et al.,</b>	)	
<b>Defendants.</b>	)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**I. Procedural History**

On September 29, 2017, this Court issued a Memorandum Opinion and an Order granting Plaintiff's Motion for Judgment on the Pleadings regarding Counts I, II, V, VI, VII, and VIII holding that Sections 103-106, 109-110, 401, 404-411, and 501 of the Home Rule Charter are invalid, unenforceable, and unconstitutional. The Opinion and Order denied judgment as to Counts III and IX, and dismissed Count IV. ECF No. 44; ECF No. 45.

Thereafter, a bench trial was scheduled to determine damages on Counts I, II, V, VI, VII, and VIII, and for Plaintiff to present its case on the remaining Counts III and IX.

At the pre-trial conference, Seneca Resources and Highland Township filed a joint motion to amend the complaint withdrawing Counts III and IX, as well as Seneca Resources' demand for damages, costs and attorney's fees at all counts. ECF No. 49. The motion was granted by this Court at a brief bench trial held on December 7, 2017. ECF No. 50; ECF No. 52.

**II. Findings of Fact**

The findings of fact as set forth in the Memorandum Opinion of September 29, 2017, are

incorporated herein. See ECF No. 44; ECF No. 45.

### **III. Conclusions of Law**

The conclusions of law as set forth in the Memorandum Opinion and Order issued on September 29, 2017, are hereby adopted *in toto*. See ECF No. 44; ECF No. 45.

Given this procedural history and the aforementioned conclusions of law, there is nothing further for this Court to do. As Plaintiff has withdrawn the only counts and demands for relief remaining after that Memorandum Opinion and Order, there is no further relief requested by Plaintiff and this case will be closed. An appropriate Order will follow.

/s/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States Magistrate Judge