

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

IN THE MATTER OF: OPENING A : No. 382 WAL 2008  
PRIVATE ROAD FOR THE BENEFIT OF :  
TIMOTHY P. O'REILLY OVER LANDS OF : Petition for Allowance of Appeal from  
(A) HICKORY ON THE GREEN : the Order of the Commonwealth Court  
HOMEOWNERS ASSOCIATION, AND (B) :  
MARY LOU SORBARA; GREGORY E. :  
BURGUNDER; ANN E. CAIN; DON E. :  
COTTRILL & NORMA J. COTTRILL, H/W; :  
JOSEPH K. CUPPLES; BART V. :  
DELCIMMUTO; JAMES D. DRAGOO & :  
LINDA J. DRAGOO, H/W; KIMBERLY M. :  
FONZI; BRIAN J. GALLAGHER & DIANE J. :  
GALLAGHER, H/W; DOLORES M. :  
GEMBAROSKY; MICHAEL J. GRALISH, :  
JR. & VIRGINIA A. GRALISH, H/W; JAMES :  
BATTISTA; JEFFERY W. HUTCHENS; :  
MICHAEL STEINBERG; GEORGE E. :  
WILMOT & LINDA M. WILMOT, H/W; :  
HARRY J. LEE, JR.; JOHN G. BYRNE; S. :  
GREG MALONE; JOSEPH V. MAZUR & :  
KELLY L. POOLE; THOMAS C. SCHAAL & :  
PATTY G. SCHAAL, H/W; REGIS G. :  
NIEDERBERGER & KATHLEEN C. :  
NIEDERBERGER, H/W; GORDON J. ORR; :  
ANNE M. PAUL; THOMAS G. PORTER & :  
MELINDA D. PORTER, H/W; JOSEPH :  
ALAN SHRAGER; ERIC H. RITTENHOUSE :  
& DANIELLE L. RITTENHOUSE, H/W; LISA :  
A. CUSICK; JEROME SCHMIER & CAROL :  
FALO, H/W; NANCY J. HUFF; MARCUS A. :  
SPATAFORE & KRISTIN C. SPATAFORE, :  
H/W; WILLIAM E. SPRECHER & :  
MARCELLENE SPRECHER, H/W, AND :  
FRANK J. SPRECHER & AGNES E. :  
SPRECHER, H/W, LIFE ESTATE; :  
ROXANNE M. SQUILLANTE; SUSAN C. :  
STANKO; SHANAN R. STEWART; :  
GERALD W. DANHIRES & LINDA :  
DANHIRES, H/W; GREGORY TAYLOR; :  
GIANNA M. YECKLEY; DENNIS M. :  
ZAMERSKI & NOREEN ZAMERSKI, H/W; :  
BETTY B. WILLIAMS & LEON I. WILLIAMS :

(CO-TRUSTEES); MICHELINE STABILE; :  
WILLIAM F. PITZER; JANET ZEWE; :  
FRANKI R. COLANGELO; KAREN R. :  
BILLINGHAM; ROMAN M. HLUTKOWSKI; :  
VIRGINIA L. KNAUS, TRUSTEE UNDER :  
QUALIFIED PERSONAL RESIDENCE :  
TRUST AGREEMENT, DATED JULY 27, :  
2000; JOAN L. MASSELLA; DONNA :  
DURKAN; GERALDINE R. ALTENHOF; :  
APRAJITA RATHORE & RAVI :  
RAMAMOORTHY, H/W; JAMES E. :  
SPENCE & KATHY F. SPENCE, H/W; :  
TRACY WEST MALONE; JENNIFER A. :  
CALLERY; THE JUDITH F. KOBLITZ :  
TRUST; ADRIANNA F. VIOLA; DOROTHY :  
D. WAGNER; SPITZIG LIVING TRUST :  
AND WILLIAM A. SPITZIG AND MARILYN :  
J. SPITZIG (TRUSTEES); SANDRA JEAN :  
HANSON; THOMAS C. SKENA; ZARAF :  
MOSHIN; PAUL W. AMIC & CAROLE L. :  
AMIC, H/W; MARGARET M. SHOWALTER; :  
JAMES P. FLANNERY & PATRICIA C. :  
FLANNERY, H/W; DEBORAH A. GERTZ; :  
CAROL L. SCHATNER; JOHN A. :  
UDISCHAS & SUSAN C. UDISCHAS, H/W; :  
DONNA M. BARTKO; KYLI J. MARTIN; :  
FREDERICK RAPONE SR. & ROBERTA :  
RAPONE, H/W; AMY R. SOLOMON; :  
RICHARD M. BUCK & BARBARA L. BUCK, :  
H/W; ARLENE LIPTON; WILLIAM G. :  
EILER; CATHERINE M. SMITH; DAVID J. :  
CARROLL; MILDRED K. FINCKE; :  
MARGARET M. CORNELLIUS; JOSEPH A. :  
TESTA & MARGARET J. TESTA, H/W; :  
CANDACE L. SALVINI; A. WHITNEY :  
LOBDELL & ROBERTA S. LOBDELL, H/W; :  
RONALD G. BAUER & TERESA L. BAUER, :  
H/W; ANNA MARIE CIMAROLLI; JOR R. :  
PALMER & ANN D. PALMER, H/W; RITA :  
V. FRIZLEN; JOSEPH J. ASTORINO & :  
MARILYN J. ASTORINO, H/W; THOMAS S. :  
PHILLIPS; JOHN A. GERCHER; NAOMI H. :  
PATTON; STANLEY A. HACK & :  
CHRISTINE E. HACK, H/W; MELISSA J. :  
SCHILLER & MELANIE M. SCHILLER; :  
JOHN SCHLATER & PAULETTE :  
:

SCHLATER H/W; WILLIAM J. GARRITY, :  
SR. & PATRICIA ANN GARRITY, H/W; :  
ARCHIE L. MCINTYRE; CLARENCE :  
JOSEPH WELTER & MARA WELTER, :  
H/W; LISBETH A. DINEEN; CHARLES W. :  
FETROW & MARGARET A. FETROW, :  
H/W; JOCELYN BREAKWELL, MARK A. :  
PETROZZA & DOROTHY M. PETROZZA, :  
H/W; JAMIE A. BRACE, AS THEIR :  
INTEREST MAY APPEAR :

PETITION OF: HICKORY ON THE GREEN :  
HOMEOWNERS ASSOCIATION, ET AL. :

**ORDER**

**PER CURIAM**

**AND NOW**, this 28th day of April, 2009, the Petition for Allowance of Appeal is  
**GRANTED** on the following issue, as framed by Petitioner:

Whether Pennsylvania's Private Road Act, 36 P.S. §§ 2731 *et seq.*, is unconstitutional under Sections 1 and 10 of Article I of the Pennsylvania Constitution, or the Fifth Amendment to the United States Constitution?