

**COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

HYK CONSTRUCTION COMPANY, : NO. 4385 CIVIL 2008
INC., :

Plaintiff :

vs. :

SMITHFIELD TOWNSHIP AND THE :
BOARD OF SUPERVISORS OF :
SMITHFIELD TOWNSHIP, and :
SMITHFIELD TOWNSHIP :
ENVIRONMENTAL ADVISORY :
COUNCIL, :

Defendants :

POST-TRIAL RELIEF

OPINION

This case comes before the court on Smithfield Township Board of Supervisors’ (hereinafter “Supervisors”) Motion for Post-Trial Relief and HYK Construction Company Inc.’s (hereinafter “Plaintiff”) Cross-Motion for Post-Trial Relief.

A complete procedural history and the relevant facts of this case appear in our Opinion and Order entered November 24, 2008. Nevertheless, we offer the following brief recap of the procedural history. On May 9, 2008, Plaintiff filed this action seeking declaratory and equitable relief to void ongoing conditional use hearings pending before the Supervisors based on allegations of bias or the appearance or impropriety on the part of the Supervisors. On August 20, 2008, the Supervisors and Defendant Smithfield Township Environmental Advisory Council (hereinafter “EAC”) filed a Joint Motion to Dismiss for Lack of Jurisdiction. Following a hearing on August 21, 2008, as part of the Stipulation

