

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

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<b>EAST ROCKHILL TOWNSHIP</b>	:	
<b>Plaintiff,</b>	:	
	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	<b>No. 18-2382</b>
	:	
<b>RICHARD E. PIERSON MATERIALS CORP., et al.,</b>	:	
<b>Defendants.</b>	:	

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**ORDER**

This 3<sup>rd</sup> day of May, 2019, having reviewed Plaintiff East Rockhill Township’s Motion for Clarification, it is hereby **ORDERED** as follows:

- 1) To the extent that the motion raises new legal arguments, such as the applicability of the Township’s ordinance adopting the Uniform Construction Code, or seeks to relitigate arguments previously raised, the motion is deemed to be a Motion for Reconsideration, and is **DENIED**. The Township has failed to meet the stringent standard for reconsideration, and furthermore arguments not previously advanced have been waived.<sup>1</sup>
  
- 2) To the extent that the motion genuinely seeks clarification of the Court’s Order of March 6, 2019, the Township is enjoined from asserting its authority in any way that

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<sup>1</sup> Blystone v. Horn, 664 F.3d 397, 415 (3d Cir. 2011) (“The scope of a Motion for Reconsideration, we have held, is extremely limited.”). Third Circuit precedent is clear that “[t]he purpose of a Motion for Reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence.” Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985); Max's Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). Fed.R.Civ.P. 59(e) cannot be employed to re-litigate such already-denied motions.”); Lazaridis v. Wehmer, 591 F.3d 666, 669 (3d Cir. 2010) (“Lazaridis's motion advanced the same arguments that were in his complaint and motions. Because this is not a proper basis for reconsideration, the District Court appropriately denied the motion.”).

would prevent or inhibit ongoing or pre-existing mining-related activities authorized by the Pennsylvania Department of Environmental Protection (DEP). The Township is not enjoined from asserting its authority over any physical expansion of such activities outside the zones authorized by DEP.

/s/ Gerald Austin McHugh  
United States District Judge