

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

TERRI LAUCHLE

Plaintiff,

vs.

MUNCY TOWNSHIP AND MUNCY  
TOWNSHIP BOARD OF SUPERVISORS  
Defendants.

: NO. CV-2025-01576

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: CIVIL ACTION - LAW

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: Petition for Preliminary Injunction

**OPINION AND ORDER**

This matter came before the Court on December 19, 2025, for hearing on the Plaintiff's Petition seeking a preliminary injunction. Plaintiff appeared without counsel and counsel for the Defendant appeared. After a full hearing, the Petition is dismissed without prejudice to re-file, for the reasons more fully set forth below.

**FINDINGS OF FACT:**

1. Plaintiff introduced the testimony of Muncy Township Tax Collector, Ann Smith (hereinafter "Smith"). Smith testified that she believes the draft proposed Township Budget for 2026 ("Proposed Budget"), introduced as Plaintiff's Exhibit 1, contains mathematical errors. She stated that payroll, line item 480 of the Proposed Budget is \$435,000.00, and that current 2025 payroll is \$465,345.97. Thus, the Proposed Budget suggests that payroll will be well below the current expense for 2025 payroll.
2. Plaintiff introduced the testimony of Muncy Township Supervisor, Denise Artley (hereinafter "Artley"). Artley described her frustration with what she characterized as a "flawed draft Budget for 2026", and a litany of other issues, including but not limited to, insufficient notice and late notice of Township Supervisor meetings; and, Township-business conversations between the remaining two (2) Township Supervisors held in her absence which, arguably, violate 65 P.S. Section 704, commonly known as the Sunshine Act.
3. The parties agreed that a budget meeting of the Muncy Township Supervisors has been scheduled for December 23, 2025, at 7:00 p.m.

## THE LEGAL TEST FOR A PRELIMINARY INJUNCTION:

The six (6) part test for issuance of a preliminary injunction is settled Pennsylvania law:

First, a party seeking a preliminary injunction must show that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages. Second, the party must show that greater injury would result from refusing an injunction than from granting it, and, concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings. Third, the party must show that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct. Fourth, the party seeking an injunction must show that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest, or, in other words, must show that it is likely to prevail on the merits. Fifth, the party must show that the injunction it seeks is reasonably suited to abate the offending activity. Sixth, and finally, the party seeking an injunction must show that a preliminary injunction will not adversely affect the public interest. *Summit Towne Centre*, at 646–47, 828 A.2d at 1001. If a petitioner fails to establish \*314 any one of the aforementioned prerequisites, a reviewing court need not address the others. *Id.*, at 646, 828 A.2d at 1001.

As stated above, a plaintiff seeking a preliminary injunction must show that an injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by money damages. *Summit Towne Centre*, at 646, 828 A.2d at 1001. **In order to meet this burden, a plaintiff must present "concrete evidence" demonstrating "actual proof of irreparable harm." Kessler**, 851 A.2d at 951. **The plaintiffs claimed "irreparable harm" cannot be based solely on speculation and hypothesis.** *Id.*, 851 A.2d at 951. Moreover, for purposes of a preliminary injunction the claimed harm must be *irreversible* before it will be deemed irreparable. See *Sovereign Bank v. Harper*, 674 A.2d at 1085, 1093 (Pa.Super.1996).

*Greenmoor, Inc. v. Burchick Const. Co.*, 908 A.2d 310, 314 (Pa. Super. Ct. 2006)(emphasis added).

Further, our Supreme Court has explained that the factors necessary to support the issuance of a preliminary injunction are not considerations, but required elements:

In ruling on a preliminary injunction request, a trial court has “apparently reasonable grounds” for its denial of relief where it properly finds that any one of the following “essential

prerequisites” for a preliminary injunction is not satisfied. See *Maritrans GP*, 602 A.2d at 1282–83 (requirements for preliminary injunction are “essential prerequisites”); *County of Allegheny v. Commonwealth*, 518 Pa. 556, 544 A.2d 1305, 1307 (1988) (“For a preliminary injunction to issue, every one of the prerequisites must be established; if the petitioner fails to establish any one of them, there is no need to address the others.”). First, a party seeking a preliminary injunction must show that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages. *Singzon v. Dep’t of Pub. Welfare*, 496 Pa. 8, 436 A.2d 125, 127–28 (1981); *John G. Bryant Co. v. Sling Testing & Repair, Inc.*, 471 Pa. 1, 369 A.2d 1164, 1167–68 (1977); *Ala. Binder & Chem. Corp. v. Pa. Indus. Chem. Corp.*, 410 Pa. 214, 189 A.2d 180, 184 (1963). Second, the party must show that greater injury would result from refusing an injunction than from granting it, and, concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings. *Maritrans GP*, 602 A.2d at 1283; *Valley Forge Historical Soc’y v. Washington Mem’l Chapel*, 493 Pa. 491, 426 A.2d 1123, 1128–29 (1981); *Ala. Binder & Chem. Corp.*, 189 A.2d at 184. Third, the party must show that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct. *Valley Forge Historical Soc’y*, 426 A.2d at 1128–1129; *Herman*, 141 A.2d at 577–78. Fourth, the party seeking an injunction must show that the activity it seeks to restrain is actionable, that its right to relief is clear, and that the wrong is manifest, or, in other words, must show that it is likely to prevail on the merits. *Anglo–Am. Ins. Co. v. Molin*, 547 Pa. 504, 691 A.2d 929, 933–34 (1997); *Maritrans GP*, 602 A.2d at 1283–84; *Shenango Valley Osteopathic Hosp. v. Dep’t of Health*, 499 Pa. 39, 451 A.2d 434, 440 (1982); *Singzon*, 436 A.2d at 127–28. Fifth, the party must show that the injunction it seeks is reasonably suited to abate the offending activity. *John G. Bryant Co.*, 369 A.2d at 1167–71; *Albee Homes, Inc. v. Caddie Homes, Inc.*, 417 Pa. 177, 207 A.2d 768, 771–73 (1965). Sixth and finally, the party seeking an injunction must show that a preliminary injunction will not adversely affect the public interest. *Maritrans GP*, 602 A.2d at 1283; *Philadelphia v. District Council 33, AFSCME*, 528 Pa. 355, 598 A.2d 256, 260–61 (1991).

*Summit Towne Ctr., Inc. v. Shoe Show of Rocky Mount, Inc.*, 828 A.2d 995, 1001 (Pa. 2003).

**ISSUE PRESENTED:**

WHETHER PLAINTIFF ESTABLISHED SUFFICIENT BASIS FOR THE ISSUANCE OF A PRELIMINARY INJUNCTION ENJOINING THE MUNCY TOWNSHIP SUPERVISORS FROM CONSIDERING THE PROPOSED BUDGET ON DECEMBER 23, 2025.

**RESPONSE TO ISSUES PRESENTED:**

PLAINTIFF HAS NOT ESTABLISHED SUFFICIENT BASIS FOR THE ISSUANCE OF A PRELIMINARY INJUNCTION ENJOINING THE MUNCY TOWNSHIP SUPERVISORS FROM CONSIDERING THE PROPOSED BUDGET ON DECEMBER 23, 2025.

**DISCUSSION:**

There is obviously a lack of trust between Plaintiff and Township Supervisor Artley, and the remaining two (2) Muncy Township Supervisors. It is entirely possible that the draft Proposed Budget is seriously flawed. It is possible that the remaining two (2) Supervisors have failed to treat Supervisor Artley with appropriate respect and have occasionally engaged in deliberations in her absence in violation of 65 P.S. Section 704, which requires that: “Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered)”

The question presented to the Court, however, is not whether the Proposed Budget is flawed, or whether any Muncy Township Supervisor has demonstrated bad judgment, or whether the Supervisors have violated 65 P.S. Section 704. The question presented is whether Plaintiff presented evidence sufficient to support the issuance of a preliminary injunction. Under the test set forth above, she has not.

Section 65607 of Title 53 provides that township supervisors are charged with the general governance of the township and the execution of legislative, executive and administrative powers in order to ensure sound fiscal management and to secure the health, safety and welfare of the citizens of the township. The adoption of a budget is a legislative power while the administration of the budgeted funds is an executive power. Under Section 65607, township supervisors are vested with both.

Section 68202(a) of Title 53 provides that a township board of supervisors “shall annually prepare a proposed budget for all funds for the ensuing fiscal year.” 53 Pa. C.S.

Section 68202(a). The supervisors must follow certain specific procedures in doing this, must “adopt the final budget not later than the thirty-first day of December” under Section 68202(b), and “the total appropriation shall not exceed the revenues estimated as available for the fiscal year under 53 Pa. C.S. Section 68202(c). *A newly elected board of supervisors may amend the budget during the month of January under 53 Pa. C.S. Section 68202(d).*

Our Supreme Court has observed that, where it is established that conduct violates applicable law, the unlawful conduct constitutes irreparable harm. *See Commonwealth v. Coward*, 489 Pa. 327, 414 A.2d 91, 98–99 (1980) (holding that where a statute prescribes certain activity, the court need only make a finding that the illegal activity occurred to conclude that there was irreparable injury for purposes of issuing a preliminary injunction); *Pennsylvania Public Utility Commission v. Israel*, 356 Pa. 400, 52 A.2d 317, 321 (1947) (holding that when the Legislature declares certain conduct to be unlawful, it is tantamount to calling it injurious to the public, and to continue such unlawful conduct constitutes irreparable injury for purposes of seeking injunctive relief); *Commonwealth ex rel. Corbett v. Snyder*, 977 A.2d 28 (Pa. Commwlth 2009) (affirming issuance of a preliminary injunction and finding that irreparable harm was presumed where there was a credible violation of the state consumer protection statute).” *SEIU Healthcare Pennsylvania v. Com.*, 628 Pa. 573, 594–95, 104 A.3d 495, 508 (2014).

In the matter at bar, Plaintiff seeks a preliminary injunction to prevent the Township Supervisors from carrying out their statutory duties. As such, Plaintiff asks this Court to enter an Order which would *result in irreparable harm, rather than stop it*.

In *Pennsylvania Dental Association v. Commonwealth Insurance Department*, 512 Pa. 217, 516 A.2d 647 (1986), our Supreme Court considered the circumstances under which a trial court is permitted to issue a writ of mandamus to compel governmental action. While the Plaintiff in this matter is seeking injunctive relief to *stop, rather than compel, governmental action*, the limitations on judicial power discussed in *Pennsylvania Dental* are instructive in the instant case.

In *Pennsylvania Dental*, the held:

[w]hile this Court has said that mandamus will not lie to compel discretionary acts, *Bronson v. Comm. Board of Probation and Parole*, 491 Pa. 549, 421 A.2d 1021 (1980), cert. denied, sub. nom., *Pennsylvania Board of Probation and Parole v. Bronson*, 450 U.S. 1050, 101 S.Ct. 1771, 68 L.Ed.2d 247 (1980); *Rylke v. Portage Area School District*, 473 Pa. 481, 375 A.2d 692 (1977), this has usually been interpreted to mean that while a court may direct that discretion be exercised, it may not specify *how* that discretion is to be exercised nor require the performance of a particular discretionary act. *Delaware River Port Authority v. Thornburgh*, supra; *Philadelphia Newspapers, Inc. v. Jerome*, 478 Pa. 484, 387 A.2d 425, appeal dismissed 443 U.S. 913, 99 S.Ct. 3104, 61 L.Ed.2d 877 (1978). The writ cannot be used to control the exercise of discretion or judgment by a public official or administrative or judicial tribunal; to review or compel the undoing of an action taken by such an official or tribunal in good faith and in the exercise of legitimate jurisdiction, even though the decision was wrong; to influence or coerce a particular determination of the issue involved; or to perform the function of an appeal or writ of error. *Land Holding Corp. v. Board of Finance and Review*, 388 Pa. 61, 130 A.2d 700 (1957); see also, *Kaufman Constr. Co. v. Holcomb*, 357 Pa. 514, 55 A.2d 534, 174 A.L.R. 189 (1947). We have indicated that the writ should not be granted in doubtful cases, and that it entails the application of equitable principles by the court asked to issue the writ. *Francis v. Corleto*, 418 Pa. 417, 211 A.2d 503 (1965).

*Pennsylvania Dental Association v. Commonwealth Insurance Department*, 512 Pa. 217, 227-28, 516 A.2d 647, 652 (1986).

While the Court is sympathetic to Plaintiff's concerns, Plaintiff has failed to establish a likelihood of immediate and irreparable harm. In fact, the relief Plaintiff seeks in their Petition would prevent the Township Supervisors from doing what the law requires them to do. If the Court granted the requested relief, the Court would be acting as a "super legislature." In the view of this Court, we have no such authority.

### **ORDER**

**AND NOW**, this 22<sup>nd</sup> day of December, 2025, for the reasons more fully set forth above, Plaintiff's Petition seeking a Preliminary Injunction is **DENIED**.

BY THE COURT:

William P. Carlucci, Judge

cc: Court Administrator  
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