IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

ELDRED TOWNSHIP, Plaintiff,	:	No. CV 25-00,105
vs.	:	
JONATHAN WYANT and JENNIFER WYANT, Defendants.	:	

OPINION AND ORDER

AND NOW, this 24th day of February, 2025, upon consideration of Plaintiff's Motion for Preliminary Injunction (the "Motion"),[1] the testimony presented,[2] and the arguments made to the Court,[3] it is hereby ORDERED and DIRECTED that the Motion is DENIED, for reasons explained at length below.

I. BACKGROUND.

Plaintiff Eldred Township commenced this Action by complaint filed January 23, 2025 against Defendants Jonathan Wyant and Jennifer Wyant (the "Complaint").[4] The Complaint alleges Defendants violated the Pennsylvania Sewage Facilities Act (the "Act")[5] and, among other things, seeks permanent injunctive relief to abate the alleged violation.[6] Simultaneously, Plaintiff filed its Motion seeking preliminary injunctive relief pending resolution of the issues raised in the Complaint.[7]

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[1] Plaintiff's "Motion for Preliminary Injunction," filed January 23, 2025.
[2] The Court held a hearing on the Motion on February 13, 2025. Application for Continuance and Order dated February 3 and entered February 4, 2025. Plaintiff and Defendants were present and presented witnesses in support of their respective positions.
[3] The Court heard argument on the Motion immediately subsequent to the hearing on February 13, 2025. *See, supra*, n.2. Attorney Marc S. Drier, Esq. argued for the Plaintiff, and Attorney Scott T. Williams, Esq. argued for the Defendants.
[4] Plaintiff's "Injunctive Complaint," filed January 23, 2025.
[5] 35 P.S. §§ 750.1-750.20a.
[6] Complaint, prayer for relief.
[7] Motion, prayer for relief.

Defendants filed preliminary objections to the Complaint (the "Preliminary Objections"),[8] after which Plaintiff filed its Amended Complaint (the "Amended Complaint"),[9] seeking relief similar to that sought in its Complaint. Filing the Amended Complaint rendered the Preliminary Objections moot,[10] and the Amended Complaint is now Plaintiff's operative complaint.

Plaintiff is Eldred Township, a Pennsylvania Township of the Second Class, and Defendants are an adult married couple residing within Eldred Township.[11] The Township[12] and the Commonwealth, Department of Environmental Protection ("DEP"),[13] are responsible for enforcing the Act and the regulations promulgated pursuant to it by the Environmental Quality Board.[14]

On May 19, 2019, Defendants obtained an on-lot sewage disposal permit from the Township's sewage enforcement officer ("SEO"), Jami Nolan, allowing Defendants to build a three-bedroom single family residence on their property, to be served by that system.[15] Thereafter, in or about 2022, Defendants converted their garage, a separate, unattached building, into a "Family Care Unit," which they attached to the previously-permitted on-lot sewage system (the "System").[16] On August 29, 2022, the Eldred Township Zoning Hearing Board granted zoning approval for the Family Care Unit, subject to several conditions, including that "[t]he Applicant shall comply with all septic regulations of Eldred Township at all times as

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[8] Defendants' "Preliminary Objections," filed February 3, 2025.
[9] Plaintiff's "Amended Injunctive Complaint," filed February 12, 2025.
[10] Pa. R. Civ. P. 1028(c)(1) ("A party may file an amended pleading as of course within twenty days after service of a copy of preliminary objections. If a party has filed an amended pleading as of course, the preliminary objections to the original pleading shall be deemed moot").
[11] Amended Complaint, ¶¶ 1-2.
[12] 35 P.S. § 750.8.
[13] 35 P.S. § 750.10.
[14] 35 P.S. § 750.9.
[15] Amended Complaint, ¶ 3.
[16] *Id.*, ¶¶ 4, 6.

those regulations are interpreted by the Eldred Township Sewage Enforcement Officer" (the "ZHB Decision").[17] On January 12, 2023, the Township issued Defendants a Certificate of Occupancy for the Family Care Unit.[18]

On March 20, 2023, the SEO sent a report to the Township, stating his conclusion that the addition of the Family Care Unit to the System violated the Act, since the buildings are not connected, making them two separate dwelling units. The SEO indicated, however, that if the buildings were connected and if there were only a total of three bedrooms, both together would count as one dwelling unit. The System was sized for a capacity of 400 gallons per day, which is the size necessary for three or fewer bedrooms under applicable regulations.[19]

By letter dated August 22, 2023, DEP sent a letter to the Plaintiff, wherein DEP stated that the System was not compliant with the Act; that it was necessary for Defendants to submit a Component 2 Sewage Facilities Planning Module; and that sewage planning approval from the Plaintiff and the DEP was necessary.[20]

Plaintiff contends Defendants continued use of the Family Care Unit is in violation of the Act, the Eldred Township Zoning Ordinance, and the ZHB Decision. Plaintiff contends that it has made numerous attempts to gain Defendants' compliance, which Defendants have failed to offer.[21] Plaintiff contends that pollution is occurring as a consequence of continuing to attach two units to a sewage disposal system designed for one and that maintaining the two connections is a public

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[17] *Id.*, ¶ 7, Exh. 2.
[18] Defendant's Hearing Exh. 1.
[19] Amended Complaint, ¶ 8, Exh. 3. In support of the assertion that there are two separate units, the SEO noted that there are two connections to the on-lot sewage system and that the two buildings have two separate mailboxes. *Id.*, Exh. 3.
[20] *Id.*, ¶ 11, Exh. 4.
[21] *Id.*, ¶¶ 12-13.

nuisance.[22] Nevertheless, it emerged at the hearing on the preliminary injunction that Plaintiff has never issued a notice of violation of the Plaintiff's zoning ordinance[23] nor made any effort to revoke the Defendants' occupancy permit.

The Court held a hearing on the Motion on February 13, 2025, during which the parties presented testimony and evidence and made argument in support of their respective positions.[24] Accordingly, the Motion is now ripe for resolution.

II. LAW AND ANALYSIS.

A. Standard for issuance of a preliminary injunction.

The purpose of a preliminary injunction is to provide interim relief and preserve the status quo until a court can resolve the case on the merits.[25] In order for a preliminary injunction to issue, the movant must satisfy six essential elements:

> The six essential prerequisites that a moving party must demonstrate to obtain a preliminary injunction are as follows: (1) the injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages; (2) greater injury would result from refusing the injunction than from granting it, and, concomitantly, the issuance of an injunction will not substantially harm other interested parties in the proceedings; (3) the preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; (4) the party seeking injunctive relief has a clear right to relief and is likely to prevail on the merits; (5) the injunction is reasonably suited to abate the offending activity; and, (6) the preliminary injunction will not adversely affect the public interest.[26]

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[22] *Id.*, ¶¶ 14-15.

[23] *See* 53 P.S. § 10616.1(a) ("If it appears to the municipality that a violation of any zoning ordinance enacted under this act or prior enabling laws has occurred, **the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section**") (emphasis added).

[24] *See*, *supra*, n.2.

[25] *DiLucente Corp. v. Pa. Roofing Co., Inc.*, 655 A.2d 1035, 1037 (Pa. Super. 1995). A preliminary injunction is not meant to be a final resolution of the underlying claims, particularly where the parties have not had the opportunity to engage in discovery or to prepare their arguments fully. *Gun Owners of Am., Inc. v. City of Phila.*, 308 A.3d 401, 404-05 (Pa. Commw. 2024) (en banc).

[26] *SEIU Healthcare Pennsylvania v. Com.*, 104 A.3d 495, 501–02 (Pa. 2014) (citing *Warehime v. Warehime*, 860 A.2d 41, 46-47 (Pa. 2004)).

Granting a preliminary injunction is a "harsh and extraordinary remedy;" however.[27] Thus, a court will deny a request for a preliminary injunction if it finds that any one of the essential prerequisites has not been met.[28]

> Pennsylvania law places the burden upon the party seeking an injunction to establish his or her own rights as well as the inequitable nature of the defendant's conduct. Nevertheless, the defendant must show that his or her conduct was reasonable or that a defense exists to the plaintiff's claims.[29]

B. Whether an injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages.

In order to meet its burden of showing that an injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages, Plaintiff must present "concrete evidence" demonstrating "actual proof of irreparable harm."[30] The claimed "irreparable harm" cannot be based solely on speculation and hypothesis.[31] Moreover, the claimed harm must be irreversible before it will be deemed irreparable.[32] If there is a violation of an "express" statutory provision, *per se* irreparable harm may exist.[33]

The Court concludes that Plaintiff has not demonstrated that an injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages, (1) because Plaintiff has not demonstrated that Defendants violated the Sewage Facilities Act; (2) because Plaintiff has not demonstrated that Defendants violated the Eldred Township Zoning Ordinance or the ZHB Decision; (3)

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[27] *Cutler v. Chapman*, 289 A.3d 139, 150 (Pa. Commw. 2023) (quoting *Pa. AFL-CIO by George v. Com.*, 683 A.2d 691, 694 (Pa. Commw. 1996)).
[28] *Eckman v. Erie Ins. Exch.*, 21 A.3d 1203, 1207 (Pa. Super. 2011) (*quoting Summit Towne Centre, Inc. v. Shoe Show of Rocky Mount, Inc.*, 828 A.2d 995, 1000-01 (Pa. 2003)).
[29] *Sovereign Bank v. Harper*, 674 A.2d 1085, 1092 (Pa. Super. 1996).
[30] *Kessler v. Broder*, 851 A.2d 944, 951 (Pa. Super. 2004).
[31] *Id.*
[32] *Sovereign Bank*, supra, 674 A.2d at 1093.
[33] *Dep't of Agriculture by Redding v. Miller*, 329 A.3d 145, 153 (Pa. Commw. 2025).

because Plaintiff has not demonstrated that Defendants conduct is causing pollution or even a risk of pollution; and (4) because Plaintiff has not demonstrated that the Defendants' on-lot sewage disposal system is a public nuisance.

1. Plaintiff has not demonstrated that Defendants violated the Sewage Facilities Act.

At the hearing on the injunction, the SEO[34] testified that the System was sized for a single dwelling unit with three or fewer bedrooms; that the Defendants' house and the Family Care Unit would be considered two dwelling units if the buildings were separate and one dwelling unit if they were connected; that the regulations do not specify how the buildings had to be connected; that DEP considers buildings to be connected if they meet the Township's definitions; and that the System would be compliant if the buildings were connected and there were fewer than three bedrooms in total.

Defendant Jonathan Wyant testified that there are a total of three bedrooms in his house and the Family Care Unit together; that, upon being told the System would only be compliant if the buildings were connected, he had numerous contacts with the SEO[35] and constructed improvements to tie the buildings together; that the SEO told him it should be fine and that it was similar to another, similar project that the Plaintiff had previously approved at another property but that the Plaintiff would have the final say as to whether the buildings were, in fact, connected; that the Township had no contact with the Defendants in the immediate or near aftermath of their work; that the Township provided no definition of when two buildings were

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[34] Defendant's current SEO is Paul Rapp. Mr. Rapp testified that he has been the Township's SEO for approximately 1.75 years. Prior to Mr. Rapp's appointment, Jami Nolan was the Township's SEO. Mr. Nolan issued the permit for the System, and many of the Defendants' interactions with the SEO during the times relevant to these proceedings were with Mr. Nolan.

[35] Mr. Nolan was SEO at the time. Defendants introduced as evidence a series of text message exchanges between Mr. Wyant and Mr. Nolan. Defendants' Hearing Exh. 3.

connected; and that the Plaintiff later issued building and occupancy permits for the Defendants.

The Township maintains that, under Township ordinances two buildings are connected together only when connected by a covered breezeway with entrances to both structures. Nevertheless, the Plaintiff has not pointed to any of its ordinances containing such a definition, and Defendants contend they were unable to locate such a definition in the ordinances. Similarly, DEP does not have any definition of when buildings are connected together.

In any event, what was made clear from the testimony and evidence presented at the hearing is that the System is appropriately sized for the flows expected to be generated by the house and the Family Care Unit and that there is a technical violation of the Act only if the house and the Family Care Unit are separate buildings, as opposed to two structures connected together. In support of its contention that the buildings are separate structures, the Plaintiff points to each building having its own lateral and address. Defendants testified that separate addresses exist because the garage was constructed prior to the house and that the County assigned it a separate address when it was built.

It was the Township's burden to demonstrate violation of the Act. The Township failed to carry its burden, among other reasons (i) because of the SEO's statement that Defendants' improvements to tie the buildings together should be fine, subject to Township approval; (ii) because the Township never communicated its disapproval in a timely manner with reference to specific statutory definitions; (iii) because the Township never issued a notice of violation of its zoning and land use

ordinances; (iv) because the Township issued a building occupancy permit,[36] which has never been revoked; (v) because the testimony and evidence unequivocally established that the System is appropriately sized for the expected flows; (vi) because the Plaintiff has never pointed to specific regulations demonstrating that the house and the Family Care Unit are separate structures, notwithstanding Defendants efforts to connect them; and (vii) because, when in doubt, zoning regulations—which should contain a definition of when buildings are attached together in this instance—are to be construed in favor of the landowner "to give the landowner the benefit of the least restrictive use."[37]

Accordingly, Plaintiff has not demonstrated that Defendants violated the Sewage Facilities Act.

2. *Plaintiff has not demonstrated that Defendants violated the Eldred Township Zoning Ordinance or the ZHB Decision.*

A condition of the ZHB Decision is that the Defendants "shall comply with all septic regulations of Eldred Township at all times as those regulations are interpreted by the Eldred Township Sewage Enforcement Officer."[38] Defendants worked with the SEO in attempting to tie the buildings together when told that was a requirement, and the SEO approved Defendants' plans, subject to final approval by

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[36] The Commonwealth Court has recently held (1) that it is the responsibility of the local government to inform a landowner of all required permits and not the responsibility of the landowner to know what permits are required; (2) that all required permits must be obtained before issuance of a building permit; and (3) that it is the responsibility of the government to verify that all required permits have been obtained prior to issuance of a building permit. *McLogie Properties Inc. v. Kidder Twp. Zoning Hearing Bd.*, 298 A.3d 1193, 1200-03 (Pa. Commw. 2023). In *McLogie Properties*, *supra*, the Court found that "the Township's knowledge, and [the Codes Officer's] approval of the revised building plan, along with the multiple inspections and the occupancy permit, all establish acquiescence by the Township," en route to determining that the landowner was entitled to a variance by estoppel from certain zoning requirements. *Id.*, at 1199.

[37] *Riverfront Development Group, LLC v. City of Harrisburg Zoning Hearing Bd.*, 109 A.3d 358, 366 (Pa. Commw. 2015).

[38] Amended Complaint, Exh. 2.

the Township.[39] Plaintiff did not clearly communicate that it disapproved of the Defendants' plans and issued an occupancy permit for the Family Care Unit.[40] Defendants began occupying the Family Care Unit upon issuance of the occupancy permit, and Plaintiff has never revoked the occupancy permit or issued a notice of violation of its zoning ordinance. It was only after receiving correspondence from DEP that the Plaintiff informed Defendants of their alleged violation of the Act and the Township Zoning Ordinance, without reference to a specific zoning regulation of the Township indicating when two buildings are connected together.

Under the circumstances, the Court finds that the Defendants did not violate the ZHB Decision because, in the opinion of the SEO, Defendants complied with the Act, subject to final approval of the Township,[41] which was not timely withheld or even questioned until after issuance of an occupancy permit; and that Defendants did not violate the Eldred Township Zoning Ordinance, because the Plaintiff has never issued a notice of violation and because the Plaintiff has not identified a specific provision of the Ordinance that Defendants allegedly violated.[42]

3. Plaintiff has not demonstrated that Defendants conduct is causing pollution or even a risk of pollution.

At the hearing, there was no testimony indicating that the System had failed or that it is causing any pollution presently. The only testimony or evidence from Plaintiff substantiating any supposed risk of pollution was testimony that Defendants'

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[39] Defendants' Hearing Exh. 3.
[40] Hearing Testimony and Defendants' Hearing Exh. 1.
[41] Defendants' Hearing Exh. 3.
[42] 53 P.S. § 10616.1 (requiring, among other things, that a zoning enforcement notice state "[t]he specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance"); *see also Twp. of Maidencreek v. Stutzman*, 642 A.2d 600, 601-02 (Pa. Commw. 1994) (holding that the word "cite" means "a specific reference to an ordinance section"). Indeed, it is well settled that due process precludes the government from imposing sanctions against a person under a law that fails to give fair notice of the proscribed conduct. *See, e.g., Johnson v. United States*, 135 S. Ct. 2551, 2556 (2015).

alleged failure to comply with the Act alone created a risk of pollution. Plaintiff's failure to prove a violation of the Act, however, renders this purely speculative concern implausible.

Moreover, the testimony of the SEO indicated that the System was sized for a dwelling with three bedrooms and that the house and Family Care Unit together could be considered a single building, if local ordinances so permitted. Thus, if local ordinances permitted the house and Family Care Unit to be a single building, the System would be fully compliant with the Act, provided that both, together, contained three or fewer bedrooms. Uncontradicted testimony of the Defendants indicated that the house and Family Care Unit contained three bedrooms and that the sole occupants of both were Defendants and Mr. Wyant's mother and step-father. There was no suggestion that the System is not appropriately sized for the expected volume of waste from the Defendants' house and Family Care Unit.

Accordingly, Plaintiff has not demonstrated that Defendants' conduct is causing pollution or even a risk of pollution.

4. Plaintiff has not demonstrated that the Defendants' on-lot sewage disposal system is a public nuisance.

As the Commonwealth Court has explained:

> A property owner creates a "public nuisance" by unreasonably interfering with the rights of his neighbors and the local community. "A public nuisance is an inconvenience or troublesome offense that annoys the whole community in general, and not merely some particular person, and produces no greater injury to one person than to another—acts that are against the well-being of the particular community—and is not dependent upon covenants." A nuisance "affects health, safety or morals."[43]

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[43] *SPTR, Inc. v. City of Phila.*, 150 A.3d 160, 166-67 (Pa. Commw. 2016) (citations omitted) (quoting *Blue Mountain Preservation Ass'n v. Eldred*, 867 A.2d 692, 704-05 (Pa. Commw. 2005) (quoting *Groff v. Borough of Sellersville*, 314 A.2d 328, 330 (Pa. Commw. 1974); *Menger v. Pass*, 80 A.2d 702, 703 (Pa. 1951)) (citing *Muehlieb v. City of Philadelphia*, 574 A.2d 1208, 1209 (Pa. Commw. 1990)).

Plaintiff did not demonstrate that Defendants unreasonably interfered with the rights of their neighbors and the local community and did not demonstrate that Defendants' actions affect health, safety or morals.

As indicated above, Plaintiff neither demonstrated a violation of the Act nor a risk of pollution. Rather, after Defendants cooperated fully with the SEO and other Township officials during the construction process, seemingly secured their approval for Defendants' plans and incurred expenses to make improvements to address concerns that were raised, and after Plaintiff issued an occupancy permit that has never been revoked, Plaintiff appears to have changed course and determined that Defendants should undergo a costly and time-consuming planning and approval process to achieve compliance. In other words, it appears to the Court that Plaintiff is adding additional requirements for compliance by Defendants after having already issued the necessary approvals. Indeed, the Township was precluded from issuing a building permit prior to all necessary permits being obtained, and it was the responsibility of the Township to determine that all permits had been issued prior to issuing a building permit. Thus, the Township's issuance of an occupancy permit demonstrates its determination that all required permits had been obtained.[44]

Accordingly, Plaintiff has not demonstrated that the Defendants' on-lot sewage disposal system is a public nuisance.

C. Whether greater injury would result from refusing the injunction than from granting it, and whether issuance of an injunction will substantially harm other interested parties in the proceedings.

Plaintiff did not demonstrate that greater injury would result from refusing the injunction than from granting it. If anything, the testimony and evidence presented at

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[44] *See*, *supra*, Part II.B.2., n. 36.

the hearing demonstrates the reverse—that greater injury will result from *granting* the injunction than from refusing it. The Township did not demonstrate violation of the Act. The Township had a responsibility to inform Defendants in a timely manner of all requirements necessary for completion of their building project. Defendants cooperated with the Township throughout the building process and relied on the advice obtained through consultation with Township officials. Defendants incurred costs in constructing the improvements in a manner that satisfied Township officials. The Township was aware of what the Defendants were doing and, nevertheless, issued an occupancy permit for the Family Housing Unit. Only thereafter, and without revoking the occupancy permit, did the Township inform Defendants that additional planning and permits were required.

Issuance of an injunction under these circumstances will cause harm to the Defendants by making them spend additional time and money after having already obtained an occupancy permit and will reward the Township for its failure to administer Defendants' building project appropriately.

D. Whether a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct.

Here, an injunction will not properly restore the *status quo*, as the Defendants began use of the Family Care Unit after Plaintiff issued a Certificate of Occupancy. Entry of an injunction will deprive Defendants of use of the building for which the Certificate of Occupancy was issued in order to address a matter that it was the responsibility of the Plaintiff to address prior to issuing the Certificate of Occupancy. In other words, if the Township wanted the Defendants to complete Component 2 Sewage Facilities Planning for their property, it was the responsibility of the Township to inform them of this and to ensure that it was completed prior to issuing

a Certificate of Occupancy. Having issued the Certificate of Occupancy, the Township cannot now demand that additional requirements be met before Defendants can occupy the Family Care Unit.

E. Whether Plaintiff has a clear right to relief and is likely to prevail on the merits.

To establish a clear right to relief, the party seeking an injunction need not prove the merits of the underlying claim. Instead, Plaintiff need only demonstrate that substantial legal questions must be resolved to determine the rights of the parties.[45] The Plaintiff has failed to do that here. Indeed, for the reasons explained above, the testimony and evidence presented at the hearing suggests that Plaintiff is unlikely to prevail on the merits, particularly in light of the Commonwealth Court's decision in *McLogie Properties Inc. v. Kidder Township Zoning Hearing Board*.[46]

Based on the *McLogie Properties* decision, the Court can conclude that it was the responsibility of the Township to inform Defendants of all required permits and not the responsibility of the Defendants to know what permits were required. The Township did not do this in a timely manner. Further, building and occupancy permits should not have been issued prior to issuance of all other required permits, and it was the Township's responsibility to verify that all required permits were obtained prior to issuance of building permit and occupancy permits.[47]

In *McLogie Properties*, the Commonwealth Court determined that the landowner was entitled to a variance by estoppel from township zoning requirements because, among other things, "the Township's knowledge, and [the Codes Officer's] approval of the revised building plan, along with the multiple inspections and the

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[45] *Fischer v. Dep't of Public Welfare*, 439 A.2d 1172 (Pa. 1982).
[46] *See*, *supra*, n. 36.
[47] *McLogie Properties*, *supra*, 298 A.3d at 1200-03.

occupancy permit, all establish acquiescence by the Township."[48] Here, similar to *McLogie Properties*, the Defendants communicated and cooperated with Township officials during the process of constructing the Family Care Unit. In so doing, Defendants expended money and time to comply with and in reliance upon the direction given by the Plaintiff. Plaintiff thereafter issued a building permit and, later, a Certificate of Occupancy, after which, Defendants began using the Family Care Unit. Months later, the Plaintiff informed Defendants that an additional permit was required, *without ever issuing a notice of violation or revoking the Certificate of Occupancy*. Under these facts, Plaintiff easily could be estopped from imposing any further requirements, such as Component 2 Sewage Facilities Planning, upon the Defendants.[49]

In any event, the Court finds that Plaintiff has failed to demonstrate a clear right to relief and likelihood of prevailing on the merits.

F. Whether an injunction is reasonably suited to abate the offending activity.

Plaintiff has not demonstrated that an injunction is reasonably suited to abate the offending activity. Any confusion here in the requirements necessary for use and occupancy of the Family Care Unit was created by the Plaintiff, and not by the Defendants. An injunction would merely reward Plaintiff for the confusion that it created.

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[48] *Id.*, at 1199.

[49] Upon an appropriate showing of delay plus prejudice, laches may also be imputed to the Township here, although courts generally are more reluctant to impute laches against governmental units than private entities. *See, e.g., Weinberg v. Com., State Bd. of Examiners of Public Accountants*, 501 A.2d 239, 243 (Pa. 1985).

G. Whether a preliminary injunction will adversely affect the public interest.

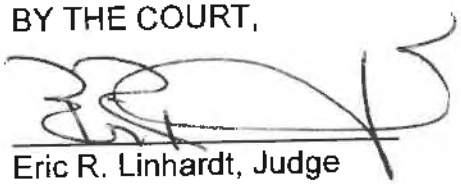
For all of the reasons explained above, the Court finds that issuance of a preliminary injunction here will adversely affect the public interest.

III. CONCLUSION AND ORDER.

Because Plaintiff has failed to establish the six essential prerequisites necessary for issuance of a preliminary injunction, it is hereby ORDERED and DIRECTED that the Plaintiff's Motion for Preliminary Injunction filed January 23, 2025 is DENIED.

IT IS SO ORDERED.

BY THE COURT,



Eric R. Linhardt, Judge

ERL/bel

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