

# PIAA must pay Aliquippa's legal fees from Commonwealth Court appeal, judge says

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**By:**

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The PIAA must pay the legal fees accrued this summer by Aliquippa School District related to an unsuccessful appeal filed by the athletic association.

The Commonwealth Court in July denied an emergency request by the PIAA, meant to move the Aliquippa football team into a higher classification. Aliquippa attorney Tina Miller argued afterward that the expedited appeal filed by the PIAA was unnecessary, a position

Commonwealth Court Judge Patricia McCullough sided with Tuesday.

"PIAA shall be liable to Aliquippa for reasonable counsel fees related to litigating and responding to PIAA's emergency stay application," McCullough wrote in her decision.

The court can award legal fees if warranted under appellate rules.

The judge's order applied only to legal expenses associated with the appeal and not the overall lawsuit, which remained active in Common Pleas Court. The school district had 30 days to submit a bill to the court.

PIAA executive director Bob Lombardi declined comment Tuesday.

In her decision, McCullough noted that updated football schedules returning Aliquippa to Class 4A were released 24 days prior to the PIAA's emergency request. By issuing new schedules, the PIAA rendered its emergency request "unnecessary," the judge wrote.

"PIAA's compliance with the trial court's injunction order — issuing the New Schedule to place Aliquippa back in the 4A Class — undermined its filing of the Emergency Application," McCullough said. "Simply put, the PIAA asked for relief, which through its own actions, became futile for the Court to award at the time of disposition."

The WPIAL on March 14 released football schedules with Aliquippa playing in Class 5A. Updated schedules issued June 4 returned the Quips to 4A.

The schedule change followed a May 23 ruling by Common Pleas Judge James Ross, who granted Aliquippa an injunction to stay in 4A.

The PIAA appealed Ross' decision to Commonwealth Court on June 4 and later filed an emergency request for stay on July 1. McCullough heard the PIAA's appeal July 16 and denied the request.

In Tuesday's decision, McCullough criticized the PIAA for not making clear to the court before the July 16 hearing that new football schedules were already issued.

"PIAA not only failed to disclose this information to the Court but buried the single most important document of the interim relief case in a sea of unpaginated, unlabeled exhibits attached to the Emergency Application," McCullough wrote. "The Emergency Application was filed as a single PDF of 1,045 pages in total – 1,008 pages of which were attachments to the actual relief application text. ... In effect, the PIAA placed the needle — the New Schedule — in a 1,008-page haystack."

McCullough also criticized the PIAA for taking 39 days to seek emergency relief after the lower court decision. The PIAA "did not litigate this request with great urgency," she wrote.

The eventual outcome of Aliquippa's overall lawsuit remains undecided.

The injunction awarded in May kept the football team in Class 4A only for the 2024 season. The PIAA competitive-balance rule identified Aliquippa for promotion to 5A for the 2024 and '25 seasons, which prompted Aliquippa's lawsuit.

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