

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 172 CD 2023

Page 1 of 6

May 9, 2025



CAPTION

Pennsylvania Real Estate
Investment Trust,
Appellant
v.
Plymouth Township Zoning
Hearing Board

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: October 28, 2024 Completed

Journal Number: 67-11-2024

Case Category: Civil Case Type(s): Zoning Hearing Board

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Appellant Pennsylvania Real Estate Investment Trust

Pro Se: No

IFP Status:

Attorney: Kaplin, Marc B.
Law Firm: Kaplin Stewart
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910 Harvest Dr PO Box 3037
Blue Bell, PA 19422-0765
Phone No: (610) 941-2666 Fax No:

Attorney: Tucker, Robert M., Jr.
Law Firm: Kaplin Stewart
Address: 910 Harvest Dr Ste 200
Blue Bell, PA 19422
Phone No: (610) 941-2484 Fax No:

Appellee Plymouth Township Zoning Hearing Board

Pro Se: No

IFP Status:

Attorney: Sander, David Jonathan
Law Firm: Kilkenny Law, LLC
Address: 519 Swede St
Norristown, PA 19401
Phone No: (484) 679-8150 Fax No:

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 172 CD 2023

Page 2 of 6

May 9, 2025



COUNSEL INFORMATION

Appellee Plymouth Township

Pro Se: No

IFP Status:

Attorney: Amuso, Peter Charles
 Law Firm: Rudolph Clarke, LLC
 Address: Rudolph Clarke LLC
 350 Sentry Pkwy Ste 110 A
 Blue Bell, PA 19422-2314
 Phone No: (215) 633-1890 Fax No:

Attorney: Heleniak, Gregory R.
 Law Firm: Rudolph Clarke, LLC
 Address: Seven Neshaminy Interplex
 Ste 200
 Trevoose, PA 19053
 Phone No: (215) 633-1890 Fax No:

Attorney: Fonteix, Harrison
 Law Firm: Rudolph Clarke, LLC
 Address: Seven Neshaminy Interplex Ste 200
 Trevoose, PA 19053
 Phone No: (215) 633-1890 Fax No:

Appellee Plymouth Meeting KPG III, LLC

Pro Se: No

IFP Status:

Attorney: Gundlach, Robert W.
 Law Firm: Fox Rothschild LLP
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 Warrington, PA 18976
 Phone No: (215) 918-3636 Fax No:

Attorney: Stoll, Andrew Richard
 Law Firm: Fox Rothschild LLP
 Address: 2800 Kelly Rd Ste 200
 Warrington, PA 18976
 Phone No: (215) 345-7500 Fax No:

Attorney: Kasman, Jenna Nicole
 Law Firm: Fox Rothschild LLP
 Address: 2800 Kelly Rd Ste 200
 Warrington, PA 18976
 Phone No: (215) 694-8564 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
01/17/2023	Notice of Appeal	90.25	02/24/2023	2023-CMW-H-000363	90.25
07/26/2023	Copy Work (Per Page)	27.00	07/26/2023	2023-CMW-H-001275	27.00

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 172 CD 2023

Page 3 of 6

May 9, 2025



AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	December 21, 2022	Notice of Appeal Filed:	January 17, 2023
Order Type:	Lower Court Order		
Documents Received:	February 24, 2023		

Court Below:	Montgomery County Court of Common Pleas		
County:	Montgomery	Division:	Montgomery County Civil Division
Judge:	Tolliver, Steven C.	OTN:	
Docket Number:	2021 - 23520	Judicial District:	38

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Trial Court Record	March 10, 2023	
Trial Court Opinion	March 10, 2023	

Date of Remand of Record:

BRIEFING SCHEDULE

Appellant

Pennsylvania Real Estate Investment Trust
Brief

Due: April 19, 2023 Filed: June 21, 2023

Reply Brief

Due: August 11, 2023 Filed: August 11, 2023

Reproduced Record

Due: June 21, 2023 Filed: June 21, 2023

Appellee

Plymouth Meeting KPG III, LLC
Brief

Plymouth Township

Brief

Due: July 24, 2023 Filed: July 20, 2023

Plymouth Township Zoning Hearing Board
Brief

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 17, 2023	Notice of Appeal Filed Pennsylvania Real Estate Investment Trust		Appellant	
March 7, 2023	Defect Correction Notice Commonwealth Court Filing Office Document Name: DEFECT: Service on tc judge and ct. reporter, request for transcript			03/07/2023
March 8, 2023	Response to Defect Correction Notice Tucker, Robert M., Jr. Document Name: Compliant	Pennsylvania Real Estate Investor Appellant		
March 10, 2023	Trial Court Record Received Montgomery County Civil Division			
March 10, 2023	Trial Court Opinion Received Montgomery County Civil Division			
March 29, 2023	Notice of Docketing Appeal Exited Commonwealth Court Filing Office			

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 172 CD 2023

Page 4 of 6

May 9, 2025



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 10, 2023	Docketing Statement Filed Tucker, Robert M., Jr.	Pennsylvania Real Estate Investmer	Appellant	
May 12, 2023	Briefing Schedule Issued Commonwealth Court Filing Office			
May 22, 2023	Designation of Contents of Reproduced Record Kaplin, Marc B.	Pennsylvania Real Estate Investmer	Appellant	
	Document Name: Appellant's			
June 8, 2023	Entry of Appearance Stoll, Andrew Richard Kasman, Jenna Nicole	Plymouth Meeting KPG III, LLC Plymouth Meeting KPG III, LLC	Appellee Appellee	
	Document Name: Attys. Andrew R. Stoll & Jenna N. Kasman for Appellee Plymouth Meeting KPG III, LLC			
June 21, 2023	Appellant's Brief Filed Pennsylvania Real Estate Investment Trust		Appellant	
June 21, 2023	Appellant's Reproduced Record Filed Kaplin, Marc B.	Pennsylvania Real Estate Investmer	Appellant	
June 29, 2023	Entry of Appearance Fonteix, Harrison	Plymouth Township	Appellee	
	Document Name: Atty. Harrison E. Fonteix for Appellee Plymouth Township			
July 20, 2023	Appellee's Brief Filed Plymouth Township		Appellee	
August 1, 2023	Application for Extension of Time to File Brief - First Request Kaplin, Marc B.	Pennsylvania Real Estate Investmer	Appellant	
	Pennsylvania Real Estate Investment Trust		Appellant	
August 7, 2023	Order Granting Application for Extension of Time to File Appellant Paperbook Per Curiam			08/07/2023
	Document Name: Brief Ext. Granted Comment: NOW, August 7, 2023, upon consideration of Pennsylvania Real Estate Investment Trust's (Appellant) "Application For An Extension Of Time To File Appellant's Reply Brief (First Request)" (Application), the Application is GRANTED. Appellant shall file four copies of the reply brief and serve on Appellees one copy of the reply brief, on or before August 11, 2023.			
August 11, 2023	Appellant's Reply Brief Pennsylvania Real Estate Investment Trust		Appellant	

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 172 CD 2023

Page 5 of 6

May 9, 2025



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 25, 2023	Dormant Order for Failure to File Appellee Brief Issued Per Curiam Document Name: Appellees briefs due within 14 days Comment: NOW, August 25, 2023, the docket in the above-captioned matter reflects that Appellees Plymouth Township Zoning Hearing Board and Plymouth Meeting KPG III, LLC's briefs were due July 24, 2023, and that to date the same have not been filed. Therefore, these Appellees' briefs shall be filed (4 copies) and served (1 copy) within 14 days of the exit date stamped on this Order or these Appellees shall be precluded from oral argument, if oral argument is scheduled, and from filing a brief, unless otherwise ordered.			08/25/2023
August 31, 2023	No Brief to be Filed by Appellee Sander, David Jonathan Document Name: Joins in brief of Appellee Plymouth Twp.	Plymouth Township Zoning Hearing Appellee		
September 25, 2023	Appellee Precluded Krimmel, Michael Document Name: Appellee Plymouth Meeting KPG III is Precluded from filing a brief and Oral Argument Comment: NOW, September 25, 2023, Appellee Plymouth Meeting KPG III, LLC having failed to file a brief pursuant to this Court's order of August 25, 2023, Appellee Plymouth Meeting KPG III, LLC is hereby precluded from filing a brief and participating in oral argument, if oral argument is scheduled.			09/25/2023
August 21, 2024	Tentative Session Date Krimmel, Michael Document Name: November, 2024 (Philadelphia)			
September 23, 2024	Tentative Session Date Krimmel, Michael Document Name: November 2024 (Harrisburg)			
October 9, 2024	Argument Scheduled Krimmel, Michael Document Name: THURSDAY, November 7, 2024, 9:30 AM (Panel), CR 3002, PA Judicial Center, 601 Commonwealth Ave., Comment: Harrisburg, PA No. 67 on the list.			
October 24, 2024	Application for Discontinuance Kaplin, Marc B.	Pennsylvania Real Estate Investor Appellant		
October 28, 2024	Discontinued Per Curiam Document Name: Application for Discontinuance Granted / Argument Cancelled Comment: AND NOW, this 28th day of October, 2024, Appellant's Unopposed Application for Leave to Discontinue Appeal Pursuant to Pennsylvania Rule of Appellate Procedure 1973(a)1 filed in the above-captioned matter is GRANTED, and the Prothonotary is directed to mark this matter CLOSED. Argument scheduled for Thursday, November 7, 2024, is CANCELLED.			10/28/2024

1 Rule 1973(a) provides: "An appellant may discontinue an appeal or other matter as to all appellees as a matter of course until 14 days after the date on which the appellee's principal brief is due, or thereafter by leave of court upon application." Pa.R.A.P. 1973(a) (emphasis added).

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 172 CD 2023

Page 6 of 6

May 9, 2025



SESSION INFORMATION

Journal Number: 67-11-2024
Consideration Type: Oral Argument - Panel
Listed/Submitted Date: November 7, 2024

DISPOSITION INFORMATION

Final Disposition: Yes
Related Journal No:
Category: Disposed Before Decision
Disposition: Discontinued
Disposition Comment: AND NOW, this 28th day of October, 2024, Appellant's Unopposed Application for Leave to Discontinue Appeal Pursuant to Pennsylvania Rule of Appellate Procedure 1973(a)1 filed in the above-captioned matter is GRANTED, and the Prothonotary is directed to mark this matter CLOSED. Argument scheduled for Thursday, November 7, 2024, is CANCELLED.

Judgment Date:
Disposition Author: Per Curiam
Disposition Date: October 28, 2024

1 Rule 1973(a) provides: "An appellant may discontinue an appeal or other matter as to all appellees as a matter of course until 14 days after the date on which the appellee's principal brief is due, or thereafter by leave of court upon application." Pa.R.A.P. 1973(a) (emphasis added).

Dispositional Filing:
Filed Date:

Filing Author: