

## Commonwealth Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 172 CD 2023

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June 28, 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  
Address: Kaplin Stewart Meloff Et Al  
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:

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## 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  
    Trevoise, PA 19053  
 Phone No:                      (215) 633-1890                      Fax No:

Attorney:                      Fonteix, Harrison  
 Law Firm:                      Rudolph Clarke, LLC  
 Address:                      Seven Neshaminy Interplex Ste 200  
    Trevoise, 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  
 Address:                      2800 Kelly Rd Ste 200  
    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

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## 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

<b>Appellant</b>	<b>Appellee</b>
<b>Pennsylvania Real Estate Investment Trust</b>	<b>Plymouth Meeting KPG III, LLC</b>
<b>Brief</b>	<b>Brief</b>
Due: April 19, 2023	Filed: June 21, 2023
<b>Reply Brief</b>	<b>Plymouth Township</b>
	<b>Brief</b>
Due: August 11, 2023	Filed: August 11, 2023
	Due: July 24, 2023
	Filed: July 20, 2023
<b>Reproduced Record</b>	<b>Plymouth Township Zoning Hearing Board</b>
Due: June 21, 2023	<b>Brief</b>
Filed: June 21, 2023	

## DOCKET ENTRY

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

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DOCKET ENTRY				
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>April 10, 2023</b>	Docketing Statement Filed Tucker, Robert M., Jr.	Pennsylvania Real Estate Investmer	Appellant	
<b>May 12, 2023</b>	Briefing Schedule Issued Commonwealth Court Filing Office			
<b>May 22, 2023</b>	Designation of Contents of Reproduced Record Kaplin, Marc B.	Pennsylvania Real Estate Investmer	Appellant	
	Document Name: Appellant's			
<b>June 8, 2023</b>	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			
<b>June 21, 2023</b>	Appellant's Brief Filed Pennsylvania Real Estate Investment Trust		Appellant	
<b>June 21, 2023</b>	Appellant's Reproduced Record Filed Kaplin, Marc B.	Pennsylvania Real Estate Investmer	Appellant	
<b>June 29, 2023</b>	Entry of Appearance Fonteix, Harrison	Plymouth Township	Appellee	
	Document Name: Atty. Harrison E. Fonteix for Appellee Plymouth Township			
<b>July 20, 2023</b>	Appellee's Brief Filed Plymouth Township		Appellee	
<b>August 1, 2023</b>	Application for Extension of Time to File Brief - First Request Kaplin, Marc B.	Pennsylvania Real Estate Investmer	Appellant	
	Pennsylvania Real Estate Investment Trust		Appellant	
<b>August 7, 2023</b>	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.			
<b>August 11, 2023</b>	Appellant's Reply Brief Pennsylvania Real Estate Investment Trust		Appellant	

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>August 25, 2023</b>	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
<b>August 31, 2023</b>	No Brief to be Filed by Appellee Sander, David Jonathan Document Name: Joins in brief of Appellee Plymouth Twp.	Plymouth Township Zoning Hearing   Appellee		
<b>September 25, 2023</b>	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
<b>August 21, 2024</b>	Tentative Session Date Krimmel, Michael Document Name: November, 2024 (Philadelphia)			
<b>September 23, 2024</b>	Tentative Session Date Krimmel, Michael Document Name: November 2024 (Harrisburg)			
<b>October 9, 2024</b>	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.			
<b>October 24, 2024</b>	Application for Discontinuance Kaplin, Marc B.	Pennsylvania Real Estate Investor Appellant		
<b>October 28, 2024</b>	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).

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## 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: Filing Author:  
Filed Date: