Commonwealth Docket Sheet **Commonwealth Court of Pennsylvania**

Docket Number: 172 CD 2023

November 5, 2026

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**
IFP/Waiver:
Pro Se: No

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**
IFP/Waiver:
Pro Se: No

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**
IFP/Waiver:
Pro Se: No

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

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

Appellee **Plymouth Meeting KPG III, LLC**
IFP/Waiver:
Pro Se: No

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: July 17, 2025

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			03/07/2023
Document Name:	DEFECT: Service on tc judge and ct. reporter, request for transcript			
March 8, 2023	Response to Defect Correction Notice Tucker, Robert M., Jr.	Pennsylvania Real Estate Investmer	Appellant	
Document Name:	Compliant			
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			

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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	Plymouth Meeting KPG III, LLC	Appellee	
	Kasman, Jenna Nicole	Plymouth Meeting KPG III, LLC	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			08/07/2023
	Per Curiam			
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	

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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			08/25/2023
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.			
August 31, 2023	No Brief to be Filed by Appellee Sander, David Jonathan	Plymouth Township Zoning Hearing	Appellee	
Document Name:	Joins in brief of Appellee Plymouth Twp.			
September 25, 2023	Appellee Precluded Krimmel, Michael			09/25/2023
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.			
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 Investmer	Appellant	
October 28, 2024	Discontinued Per Curiam			10/28/2024
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.			

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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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 17, 2025	Remitted Commonwealth Court Filing Office			
Document Name:	PACFiled RECORD. NO ACKNOWLEDGEMENT NEEDED.			

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:
Judgment Date:
Category: Disposed Before Decision
Disposition Author: Per Curiam
Disposition: Discontinued
Disposition Date: October 28, 2024

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.

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:

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