

## Supreme Court of Pennsylvania



## Appeal Docket Sheet

Docket Number: 3 WAP 2021

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August 24, 2025

## CAPTION

Protect PT, Appellant

v.

Penn Township Zoning Hearing Board and Olympus Energy LLC , Appellees

## CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-40B-2021 May 19, 2021

Case Category: Civil

Case Type(s): Zoning Hearing Board

## CONSOLIDATED CASES

## RELATED CASES

Docket No / Reason	Type
2 WAP 2021	Related
Same Issue(s)	
Protect PT, Aptl. v. Penn Twp ZHB, et al.	

## COUNSEL INFORMATION

Attorney: Fitchett, Timothy Michael

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5614 Elgin St  
Pittsburgh, PA 15206

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Receive Mail: Yes

Receive EMail: Yes

Representing: Protect PT, Appellant

Pro Se: No

IFP Status:

Email:

Attorney: Lucas, Blaine Allen

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Two Gateway Center, 6th Floor  
603 Stanwix Street  
Pittsburgh, PA 15222

Phone No: (412) 394-5400

Receive Mail: Yes

Receive EMail: Yes

Representing: Olympus Energy LLC, Appellee

Pro Se: No

IFP Status:

Email:

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## COUNSEL INFORMATION

Attorney: Sweeney, John K.

Address: 116 N Main St  
Greensburg, PA 15601

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Receive Mail: Yes

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Representing: Penn Township Zoning Hearing Board, Appellee

Pro Se: No

IFP Status:

Attorney: Condo, Kathy Kay

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2 Gateway Ctr 6th Fl  
Pittsburgh, PA 15222

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Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Olympus Energy LLC, Appellee

Pro Se: No

IFP Status:

Attorney: Junker, Robert Maxwell

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Babst Calland Clements & Zomnir Pc  
2 Gateway Ctr 6th Fl  
Pittsburgh, PA 15222

Phone No: (412) 394-5400

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Olympus Energy LLC, Appellee

Pro Se: No

IFP Status:

Attorney: Malik, Jennifer Lynn

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603 Stanwix St Fl 6  
Pittsburgh, PA 15202

Phone No: (412) 394-5490

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Olympus Energy LLC, Appellee

Pro Se: No

IFP Status:

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## COUNSEL INFORMATION

Attorney: Coburn, Scott Everett  
 Pennsylvania State Association of Township Supervisors  
 Address: Pa Assn Of Township Supervisor  
 4855 Woodland Dr  
 Enola, PA 17025-1262  
 Phone No: (717) 763-0930  
 Receive Mail: Yes  
 Receive Email: Yes Email:  
 Representing: Pennsylvania State Association of Township Supervisors, Amicus Curiae  
 Pro Se: No  
 IFP Status:

## SUPREME COURT INFORMATION

Appeal From: the order of the Commonwealth Court entered July 6, 2020 at No. 576 C.D. 2019, affirming the Order of the Court of Common Pleas of Westmoreland County entered April 10, 2019 at No. 2393 of 2018.

Probable Jurisdiction Noted: Docketed Date: January 5, 2021  
 Allocatur/Miscellaneous Granted: January 5, 2021 Allocatur/Miscellaneous Docket No.: 248 WAL 2020  
 Allocatur/Miscellaneous Grant Order: AND NOW, this 5th day of January, 2021, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the issues set forth below. Allocatur is DENIED as to all remaining issues. The issues, as stated by petitioner, are:

(1) Whether the Commonwealth Court's opinion conflicts with the Court's previous application of the capricious disregard of evidence standard and creates an issue of such substantial public importance as to require prompt and definitive resolution by this Honorable Court?

(2) Whether the Commonwealth Court's failure to meaningfully evaluate the cumulative impacts of developing multiple unconventional natural gas wells in close proximity to residential neighborhoods creating high probability of adverse, abnormal or detrimental effects on public health, safety and welfare and significantly altering the character of the community was an abuse of discretion which creates a question of first impression of such public importance which requires this Honorable Court's prompt and definitive resolution?

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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## INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth Docket Number: 576 CD 2019  
 Date of Order: July 6, 2020 Rearg/Recon Disp Date:  
 Rearg/Recon Disposition:  
 Judge(s): McCullough, Patricia  
 Wojcik, Michael H.  
 Leadbetter, Bonnie Brigance  
 Intermediate Appellate Court Action: Affirmed  
 Referring Court:

## AGENCY/TRIAL COURT INFORMATION

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Court Below: Westmoreland County Court of Common Pleas  
 County: Westmoreland Division: Westmoreland County Civil Division  
 Date of Agency/Trial Court Order: April 9, 2019  
 Docket Number: 2393 of 2018  
 Judge(s): Smail, Harry F. OTN:  
 Order Type: Order

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	January 13, 2021	5 Parts
Transcript(s)	January 13, 2021	1

Record Remittal: July 13, 2021

## BRIEFING SCHEDULE

<b>Amicus Curiae</b>	<b>Appellee</b>
<b>Pennsylvania State Association of Township Supervisors</b>	<b>Olympus Energy LLC</b>
<b>Brief</b>	<b>Brief</b>
Due: March 29, 2021	Filed: March 29, 2021

<b>Appellant</b>	<b>Penn Township Zoning Hearing Board</b>
<b>Protect PT</b>	<b>Brief</b>
Due: February 22, 2021	Filed: March 29, 2021

**Reply Brief**  
 Due: Filed: April 12, 2021

**Reproduced Record**  
 Due: February 22, 2021 Filed: February 22, 2021

**Supplemental Reproduced Record**  
 Due: March 3, 2021 Filed: March 3, 2021

## SESSION INFORMATION

Journal Number: J-40B-2021  
 Listed/Submitted Date: May 19, 2021  
 Consideration Type: Oral Argument Supreme Ct.

## DISPOSITION INFORMATION

Related Journal No:	Judgment Date:
Category: Decided	Disposition Author: Per Curiam
Disposition: Improvidently Granted	Disposition Date: June 22, 2021

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## DISPOSITION INFORMATION

Dispositional Filing: **Order** Author: Per Curiam

Filed Date: June 22, 2021

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>January 5, 2021</b>	<b>Allocatur Granted</b>		Per Curiam
Comments: AND NOW, this 5th day of January, 2021, the Petition for Allowance of Appeal is GRANTED, LIMITED TO the issues set forth below. Allocatur is DENIED as to all remaining issues. The issues, as stated by petitioner, are:			
(1) Whether the Commonwealth Court's opinion conflicts with the Court's previous application of the capricious disregard of evidence standard and creates an issue of such substantial public importance as to require prompt and definitive resolution by this Honorable Court?			
(2) Whether the Commonwealth Court's failure to meaningfully evaluate the cumulative impacts of developing multiple unconventional natural gas wells in close proximity to residential neighborhoods creating high probability of adverse, abnormal or detrimental effects on public health, safety and welfare and significantly altering the character of the community was an abuse of discretion which creates a question of first impression of such public importance which requires this Honorable Court's prompt and definitive resolution?			
<b>January 13, 2021</b>	<b>Commonwealth Court Record Received</b>		Commonwealth Court of Pennsylvania
<b>January 26, 2021</b>	<b>Designation of Contents of Reproduced Record</b>	Appellant	Protect PT
<b>January 29, 2021</b>	<b>Corrected PACFiling</b>	Appellant	Protect PT
<b>February 5, 2021</b>	<b>Praecipe for Appearance</b> Olympus Energy LLC	Appellee	Condo, Kathy Kay
<b>February 5, 2021</b>	<b>Counter Designation of Contents of Reproduced Record</b>	Appellee	Olympus Energy LLC
<b>February 22, 2021</b>	<b>Appellant's Brief</b>	Appellant	Protect PT
<b>February 22, 2021</b>	<b>Appellant's Reproduced Record Filed</b>	Appellant	Protect PT
<b>March 3, 2021</b>	<b>Appellant's Supplemental Reproduced Record Filed</b>	Appellant	Protect PT
<b>March 29, 2021</b>	<b>Appellee's Brief</b>	Appellee	Penn Township Zoning Hearing Board

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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
March 29, 2021	Appellee's Brief	Appellee	Olympus Energy LLC
March 29, 2021	Amicus Curiae Brief	Amicus Curiae	Pennsylvania State Association of Township Supervisors
April 6, 2021	Joint Application to Divide Oral Argument	Appellee	Penn Township Zoning Hearing Board
		Appellee	Olympus Energy LLC
Comments: AND NOW, this 21st day of April, 2021, Appellees' Joint Motion to Divide Oral Argument is hereby GRANTED.			
April 12, 2021	Appellant's Reply Brief	Appellant	Protect PT
April 21, 2021	Order Granting Appellees' Joint Motion to Divide Oral Argument		Bizzoso, Irene M.
Comments: AND NOW, this 21st day of April, 2021, Appellees' Joint Motion to Divide Oral Argument is hereby GRANTED.			
April 21, 2021	Order Exited		Office of the Prothonotary
May 19, 2021	Argued		
	Protect PT	Appellant	Fitchett, Timothy Michael
	Olympus Energy LLC	Appellee	Lucas, Blaine Allen
	Penn Township Zoning Hearing Board	Appellee	Sweeney, John K.
June 22, 2021	DISMISSED as having been IMPROVIDENTLY GRANTED		Per Curiam
Comments: AND NOW, this 22nd day of June, 2021, the appeals are DISMISSED as having been IMPROVIDENTLY GRANTED.			
June 22, 2021	Judgment Entered		Office of the Prothonotary
July 13, 2021	Remitted		Office of the Prothonotary
July 19, 2021	Acknowledgement of Record Remittal		Westmoreland County Civil Division

## CROSS COURT ACTIONS

Docket Number: 248 WAL 2020  
Docket Number: 576 CD 2019