

**Appeal Docket Sheet** 

Docket Number: 3 WAP 2021

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November 20, 2025

#### **CAPTION**

Protect PT, Appellant

٧.

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, Aplt. v. Penn Twp ZHB, et al.

**COUNSEL INFORMATION** 

Attorney: Fitchett, Timothy Michael

Address: Fair Shake Environmental Legal Svcs

5614 Elgin St

Pittsburgh, PA 15206

Phone No: (412) 904-1746

Receive Mail: Yes Receive EMail: Yes

Representing: Protect PT, Appellant

Pro Se: No

IFP Status:

Attorney: Lucas, Blaine Allen

Babst Calland Clements and Zomnir PC

Address: 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:

Email:



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## **COUNSEL INFORMATION**

Attorney: Sweeney, John K.

Address: 116 N Main St

Greensburg, PA 15601

Phone No: (724) 836-2540

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Penn Township Zoning Hearing Board, Appellee

Pro Se: No

IFP Status:

Attorney: Condo, Kathy Kay

Address: Babst Calland Et Al

2 Gateway Ctr 6th FI Pittsburgh, PA 15222

Phone No: (412) 394-5453

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Olympus Energy LLC, Appellee

Pro Se: No

IFP Status:

Attorney: Junker, Robert Maxwell

Babst Calland Clements and Zomnir PC

Address: 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

Babst Calland Clements and Zomnir PC

Address: Babst Calland

603 Stanwix St FI 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

# 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** 

Amicus Curiae Appellee

Pennsylvania State Association of Township Olympus Energy LLC

Supervisors Brief

Brief Duo: M

Brief Due: March 29, 2021 Filed: March 29, 2021

Due: March 29, 2021 Filed: March 29, 2021

**Penn Township Zoning Hearing Board** 

Appellant Brief

Protect PT Due: March 29, 2021 Filed: March 29, 2021

**Brief** 

Due: February 22, 2021 Filed: February 22, 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				
January 5, 2021	Allocatur Granted		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?

January 13, 2021	Commonwealth Court Record Received				
-			Commonwealth Court of Pennsylvania		
January 26, 2021	Designation of Contents of Reproduced Record				
		Appellant	Protect PT		
January 29, 2021	Corrected PACFiling				
		Appellant	Protect PT		
February 5, 2021	Praecipe for Appearance				
	Olympus Energy LLC	Appellee	Condo, Kathy Kay		
February 5, 2021	Counter Designation of Contents of Reproduced Record				
		Appellee	Olympus Energy LLC		
February 22, 2021	Appellant's Brief				
		Appellant	Protect PT		
February 22, 2021	Appellant's Reproduced Record Filed				
		Appellant	Protect PT		
March 3, 2021	Appellant's Supplemental Reproduced Record Filed				
		Appellant	Protect PT		
March 29, 2021	Appellee's Brief				
		Appellee	Penn Township Zoning Hearing Board		

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# **Supreme Court of Pennsylvania**



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	140 Veriliber 20, 2025				
	DC	CKET 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		
		A 11	Board		
Comments:		Appellee	Olympus Energy LLC		
-	t day of April, 2021, Appellees' Joint Mot	ion to Divide Oral Argument	is hereby GRANTED.		
			•		
April 12, 2021	Appellant's Reply Brief	Appellant	Protect PT		
April 21, 2021	Order Granting Appellees' Joint N	lotion to Divide Oral Argun			
Commonto			Bizzoso, Irene M.		
Comments: AND NOW. this 21s	t day of April, 2021, Appellees' Joint Mot	ion to Divide Oral Argument	is hereby GRANTED.		
			•		
April 21, 2021	Order Exited		Office of the Prothonotary		
			- Cine of the Fredheim tary		
May 19, 2021	Argued	A II 4	Citale att Time attendadish and		
	Protect PT Olympus Energy LLC	Appellant Appellee	Fitchett, Timothy Michael Lucas, Blaine Allen		
	Penn Township Zoning Hearing	Appellee	Sweeney, John K.		
	Board	Дрренее	Owechey, John K.		
June 22, 2021	DISMISSED as having been IMPR	OVIDENTI Y GRANTED			
Julie 22, 202 i	Didmiddeb ad naving been imprix	Per Curiam			
Comments:					
AND NOW, this 22n	d day of June, 2021, the appeals are DI	SMISSED as having been I	MPROVIDENTLY GRANTED.		
June 22, 2021	Judgment Entered				
	•		Office of the Prothonotary		
 July 13, 2021	Remitted				
July 13, 2021	Remitted		Office of the Prothonotary		
Lulu 40, 0004	A altra avula din averanti af Danasiri Dan	-:#al	•		
July 19, 2021	Acknowledgement of Record Ren	nittai	Westmaroland County Civil		
			Westmoreland County Civil Division		
			2		
	CROSS	COURT ACTIONS			
	CRUSS	COURT ACTIONS			

248 WAL 2020

576 CD 2019