

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 3 WAP 2021

Page 1 of 6

May 1, 2026

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

COUNSEL INFORMATION

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Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 3 WAP 2021

Page 3 of 6

May 1, 2026

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

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

Pennsylvania State Association of Township Supervisors Brief

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

Appellant

Protect PT 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

Appellee

Olympus Energy LLC Brief

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

Penn Township Zoning Hearing Board Brief

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



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
	(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	Praecepte 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
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 Appellee	Penn Township Zoning Hearing Board 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



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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