#### **Commonwealth Docket Sheet**

Docket Number: 497 CD 2020

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### November 5, 2025



**CAPTION** 

Kay Lehigh, LLC, Appellant

٧.

Upper Saucon Township and Upper Saucon Township Board

of Supervisors

Journal Number:

**CASE INFORMATION** 

**Initiating Document:** Notice of Appeal

Case Status: Closed

Case Processing Status: December 20, 2022 Completed

36-05-2021

Case Category: Civil Case Type(s): Zoning

> **CONSOLIDATED CASES RELATED CASES**

> > Docket No / Reason Type 1083 CD 2024 Related

Same Party

#### **COUNSEL INFORMATION**

**Appellant** Kay Lehigh, LLC

Pro Se: No

IFP Status:

Attorney: Preston, James F. Broughal & DeVito L.L.P. Law Firm: Broughal & Devito Llp Address:

38 W Market St Bethlehem, PA 18018

Phone No: (610) 865-3664 Fax No:

**Appellee Upper Saucon Township Board of Supervisors** 

Pro Se: No

IFP Status:

Dinkelacker, Thomas H. Attorney: Dimmich & Dinkelacker, P.C. Law Firm: Dimmich & Dinkelacker P.c. Address:

2987 Corporate Ct Ste 210 Orefield, PA 18069-3163

(610) 398-1800 Phone No: Fax No:

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#### November 5, 2025



#### **COUNSEL INFORMATION**

Appellee Upper Saucon Township

Pro Se: No

IFP Status:

Attorney: Gundlach, Robert W.
Law Firm: Fox Rothschild, LLP
Address: Fox Rothschild Llp
2700 Kelly Rd Ste 300

Warrington, PA 18976

Phone No: (215) 918-3636 Fax No:

Attorney: Stoll, Andrew Richard
Law Firm: Fox Rothschild, LLP
Address: Fox Rothschild Llp
2700 Kelly Rd Ste 300

2700 Kelly Rd Ste 300 Warrington, PA 18976

Phone No: (215) 345-7500 Fax No:

**FEE INFORMATION** 

 Fee Dt
 Fee Name
 Fee Amt Receipt Dt
 Receipt No
 Receipt Amt

 05/15/2020
 Notice of Appeal
 90.25 06/03/2020
 2020-CMW-H-001154
 90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: May 4, 2020 Notice of Appeal Filed: May 15, 2020

Order Type: Order Dated
Documents Received: May 26, 2020

Court Below: Lehigh County Court of Common Pleas

County: Lehigh Division: Lehigh County Civil Division

Judge: Johnson, J. Brian OTN:

Docket Number: 2020-C-0036 Judicial District: 31

ORIGINAL RECORD CONTENT

Original Record Item Filed Date Content Description

Trial Court Record September 16, 2020

Date of Remand of Record: November 9, 2022

**BRIEFING SCHEDULE** 

Appellant Appellee

Kay Lehigh, LLC Upper Saucon Township

Brief Brief

Due: December 2, 2020 Filed: December 2, 2020 Due: January 6, 2021 Filed: January 4, 2021

Reproduced Record Supplemental Reproduced Record

Due: December 2, 2020 Filed: December 2, 2020 Due: Filed: January 4, 2021

**Upper Saucon Township Board of Supervisors** 

Brief

Due: January 6, 2021 Filed: December 31, 2020

**DOCKET ENTRY** 

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 15, 2020	Notice of Appeal Filed Kay Lehigh, LLC		Appellant	
September 9, 2020	Notice of Docketing Appeal Exit Commonwealth Court Filing Office	ted		09/09/2020
September 16, 2020	Trial Court Record Received Lehigh County Court of Common Pleas	on		
September 18, 2020	Docketing Statement Filed Preston, James F.	Kay Lehigh, LLC	Appellant	
September 22, 2020	Briefing Schedule Issued Commonwealth Court Filing Office			
October 26, 2020	Application for Extension of Tim Preston, James F. Kay Lehigh, LLC	ne to File Brief - First Request Kay Lehigh, LLC	Appellant Appellant	
October 29, 2020	Per Curiam	Extension of Time to File Brief and grant	•	10/30/2020
Comment:	of Time to File Brief and			
	Reproduced Record (Application Saucon Township Board of Sup Application is GRANTED.  It appears that Appellant's brief	in), to which Upper Saucon Town dervisors (collectively, Appellees) is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.	consent, the 2020.	
	Reproduced Record (Application Saucon Township Board of Suptemplication is GRANTED.  It appears that Appellant's brief Accordingly, Appellant shall file	is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.	consent, the 2020.	
December 2, 2020	Reproduced Record (Application Saucon Township Board of Supperson Application is GRANTED.  It appears that Appellant's brief Accordingly, Appellant shall file reproduced record (4 copies) of Appellant's Reproduced Record	is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.	consent, the 2020. opies) and	
December 2, 2020  December 2, 2020  December 31, 2020	Reproduced Record (Application Saucon Township Board of Sup Application is GRANTED.  It appears that Appellant's brief Accordingly, Appellant shall file reproduced record (4 copies) of Appellant's Reproduced Record Preston, James F.  Appellant's Brief Filed Preston, James F.  Kay Lehigh, LLC  Appellee's Brief Filed Dinkelacker, Thomas H.	is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.  Filed  Kay Lehigh, LLC	consent, the 2020. opies) and  Appellant  Appellant Appellant	
December 2, 2020 December 2, 2020	Reproduced Record (Application Saucon Township Board of Sup Application is GRANTED.  It appears that Appellant's brief Accordingly, Appellant shall file reproduced record (4 copies) of Appellant's Reproduced Record Preston, James F.  Appellant's Brief Filed Preston, James F.  Kay Lehigh, LLC  Appellee's Brief Filed Dinkelacker, Thomas H.	is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.  If Filed Kay Lehigh, LLC Kay Lehigh, LLC	consent, the 2020. opies) and  Appellant  Appellant Appellant	
December 2, 2020  December 2, 2020  December 31, 2020  Document Name:	Reproduced Record (Application Saucon Township Board of Sup Application is GRANTED.  It appears that Appellant's brief Accordingly, Appellant shall file reproduced record (4 copies) of Appellant's Reproduced Record Preston, James F.  Appellant's Brief Filed Preston, James F.  Kay Lehigh, LLC  Appellee's Brief Filed Dinkelacker, Thomas H.	is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.  If Filed Kay Lehigh, LLC Kay Lehigh, LLC	consent, the 2020. opies) and  Appellant  Appellant Appellant	
December 2, 2020  December 2, 2020  December 31, 2020  Document Name:  January 4, 2021	Reproduced Record (Application Saucon Township Board of Sup Application is GRANTED.  It appears that Appellant's brief Accordingly, Appellant shall file reproduced record (4 copies) of Appellant's Reproduced Record Preston, James F.  Appellant's Brief Filed Preston, James F.  Kay Lehigh, LLC  Appellee's Brief Filed Dinkelacker, Thomas H. PACFiled  Appellee's Brief Filed	is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.  If Filed Kay Lehigh, LLC  Kay Lehigh, LLC  Upper Saucon Township Be	Appellant Appellant Appellant Appellant Appellant	
December 2, 2020  December 2, 2020  December 31, 2020	Reproduced Record (Application Saucon Township Board of Sup Application is GRANTED.  It appears that Appellant's brief Accordingly, Appellant shall file reproduced record (4 copies) or Appellant's Reproduced Record Preston, James F.  Appellant's Brief Filed Preston, James F.  Kay Lehigh, LLC  Appellee's Brief Filed Dinkelacker, Thomas H.  PACFiled  Appellee's Brief Filed Upper Saucon Township  Supplemental Reproduced Record Upper Saucon Township  Tentative Session Date Krimmel, Michael	is currently due on November 2, and serve its appellate brief (4 cm or before December 2, 2020.  If Filed Kay Lehigh, LLC  Kay Lehigh, LLC  Upper Saucon Township Be	Appellant Appellant Appellant Appellant Appellant Appellant Appellee	

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 8, 2021	Argument Scheduled Krimmel, Michael			
Document Name:	THURSDAY, May 13, 2021 (P	anel 1) @9:30 a.m. via WebEx Vide	eo Conference (No. 36 on the	ne list)
April 21, 2021	Application for Continuance Preston, James F.	Kay Lehigh, LLC	Appellant	
Document Name:	Unopposed App. for Continual	nce of Argument		
April 22, 2021	Order Granting Application for Per Curiam	Continuance		04/22/2021
	Continue Argument (Applica May 13, 2021, at 9:30 a.n	of April, 2021, upon consideration), the Application is hereby note that May 2021 Argument port with this Court within sixty ntinue is filed in the interim.	granted. Argument pre- List in Harrisburg is cor	viously scheduled for atinued. Appellant is
June 24, 2021	Status Report Filed			
·	Preston, James F.	Kay Lehigh, LLC	Appellant	
June 28, 2021	Order Directing Further Statu Per Curiam	s Report		06/28/2021
	Granting Continuance and Dir AND NOW, this 28th day 60-day extension of their (Request), the Request is	ecting Status Report of June, 2021, upon considera continuance for the Parties to hereby GRANTED. The Parties date of this Order unless an App	be certain as to the vare directed to file a s	riability of settlement tatus report with this
Comment: September 2, 2021	Granting Continuance and Dir AND NOW, this 28th day 60-day extension of their (Request), the Request is Court within 60 days of the that date. Status Report Filed Preston, James F.	of June, 2021, upon considera continuance for the Parties to hereby GRANTED. The Parties	be certain as to the vare directed to file a s	riability of settlement tatus report with this
Comment: September 2, 2021	Granting Continuance and Dir AND NOW, this 28th day 60-day extension of their (Request), the Request is Court within 60 days of the that date. Status Report Filed Preston, James F. Appellant's Status Report	of June, 2021, upon considera continuance for the Parties to hereby GRANTED. The Parties date of this Order unless an App Kay Lehigh, LLC	be certain as to the variety are directed to file a solication for Leave to Disc	viability of settlement tatus report with this ontinue is filed before
Comment: September 2, 2021	Granting Continuance and Dir AND NOW, this 28th day 60-day extension of their (Request), the Request is Court within 60 days of the that date. Status Report Filed Preston, James F.	of June, 2021, upon considera continuance for the Parties to hereby GRANTED. The Parties date of this Order unless an App Kay Lehigh, LLC	be certain as to the variety are directed to file a solication for Leave to Disc	riability of settlement tatus report with this
September 2, 2021  Document Name: September 7, 2021  Document Name:	Granting Continuance and Dir AND NOW, this 28th day 60-day extension of their (Request), the Request is Court within 60 days of the that date.  Status Report Filed Preston, James F. Appellant's Status Report  Order Directing Further Status Per Curiam Order granting extension.  AND NOW, this 7th day of 60-day extension of their (Request), the Request is	of June, 2021, upon considera continuance for the Parties to hereby GRANTED. The Parties date of this Order unless an App Kay Lehigh, LLC	be certain as to the vare directed to file a solication for Leave to Disconnection for Leave to Discon	viability of settlement tatus report with this continue is filed before  09/08/2021  uest for an additional viability of settlement tatus report with this
September 2, 2021  Document Name: September 7, 2021  Document Name:	Granting Continuance and Dir AND NOW, this 28th day 60-day extension of their (Request), the Request is Court within 60 days of the that date.  Status Report Filed Preston, James F. Appellant's Status Report  Order Directing Further Status Per Curiam  Order granting extension.  AND NOW, this 7th day of 60-day extension of their (Request), the Request is Court within 60 days of the	of June, 2021, upon consideral continuance for the Parties to hereby GRANTED. The Parties date of this Order unless an Appel Kay Lehigh, LLC seeps Report September, 2021, upon consider continuance for the Parties to hereby GRANTED. The Parties	be certain as to the vare directed to file a solication for Leave to Disconnection for Leave to Discon	viability of settlement tatus report with this continue is filed before  09/08/2021  uest for an additional viability of settlement tatus report with this
September 2, 2021  Document Name: September 7, 2021  Document Name: Comment:	Granting Continuance and Dir AND NOW, this 28th day 60-day extension of their (Request), the Request is Court within 60 days of the that date.  Status Report Filed Preston, James F. Appellant's Status Report  Order Directing Further Status Per Curiam  Order granting extension.  AND NOW, this 7th day of 60-day extension of their (Request), the Request is Court within 60 days of the that date.  Status Report Filed	of June, 2021, upon consideral continuance for the Parties to hereby GRANTED. The Parties date of this Order unless an Appear Kay Lehigh, LLC september, 2021, upon consider continuance for the Parties to hereby GRANTED. The Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of this Order unless an Appear of the Parties date of the Parties date of this Order unless and Parties date of the Parties date of t	be certain as to the vare directed to file a solication for Leave to Disconnection of the Parties' require be certain as to the vare directed to file a solication for Leave to Disconnection	viability of settlement tatus report with this continue is filed before  09/08/2021  uest for an additional viability of settlement tatus report with this

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 19, 2021	Order Filed Per Curiam			11/22/2021
	AND NOW, November 19 (Appellant), this Court iss parties have negotiated a	er is extended for an additional 60 days 9, 2021, upon consideration of the ues the following Order: In the Si Zoning Amendment that obviates the Board of Supervisors approved the	e Status Report filed tatus Report, Appellan le need for continued	t represents that the litigation and that the
		t that the Zoning Amendment is no conditional use permit, the approval		
	Accordingly, the continuance	e in this matter is extended for an addition	onal 60 days.	
	-	o file a status report with this Cou ave to Discontinue is filed before that da		ne date of this Orde
January 18, 2022	Status Report Filed Stoll, Andrew Richard Gundlach, Robert W.	Upper Saucon Township Upper Saucon Township	Appellee Appellee	
Document Name:	Appellee, Upper Saucon Tov	vnship's Status Report		
January 20, 2022	Hearing Scheduled Per Curiam			01/20/2022
	Feb. 22, 2022 on Conditional Use Application / Stay Continued/ Status Reportd Due Within 60 Days AND NOW, this 20th day of January, 2022, upon consideration of the Status Report filed by Uppe Saucon Township (Township/Appellee), this Court issues the following Order: In the Status Report Appellee represents that Kay Lehigh, LLC (Appellant) recently submitted a Conditional Use Application (Application) to the Township. A hearing on the Application is scheduled for February 22, 2022. Should the Application be granted, the parties have agreed that, after the decision on the Application becomes fine and unappealable, the above-captioned appeal will be discontinued. Accordingly, the continuance in the matter is extended for an additional sixty (60) days. The parties are directed to file a status report with this Court within sixty (60) days of the date of this Order unless an Application for Leave to Discontinue in filed before that date.			
January 24, 2022	Status Report Filed			
5	Stoll, Andrew Richard Gundlach, Robert W.	Upper Saucon Township Upper Saucon Township	Appellee Appellee	
	Appellee Upper Saucon Twp	s Amended Status Report		
March 21, 2022	Status Report Filed Gundlach, Robert W. Stoll, Andrew Richard	Upper Saucon Township Upper Saucon Township	Appellee	

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 28, 2022	Order Filed Per Curiam			03/28/2022
	AND NOW, this 28th day Township (Township/Appel represents that Kay Lehig Township. A hearing on the and presumably final heat parties have agreed that above-captioned appeal wan additional sixty (60) days.	nother 60 Days/Status Report Due in 60 of March, 2022, upon consideration lee), this Court issues the following th, LLC (Appellant) submitted a Corpe Application was held on February ring is scheduled for March 28, 20 after the decision on the Application be discontinued. Accordingly, the lays. The parties are directed to file Order, unless an Application for Leave to	of the Status Report fing Order: In the Standitional Use Application 22, 2022, but was not 22. Should the Application becomes final attacontinuance in this natus report with the status report with the statu	tus Report, Appelled n (Application) to the completed. A second ation be granted, the nd unappealable, the natter is extended for this Court within sixty
May 27, 2022	Status Report Filed Stoll, Andrew Richard Gundlach, Robert W.	Upper Saucon Township Upper Saucon Township	Appellee Appellee	
June 3, 2022	Order Filed Per Curiam			06/03/2022
	issues the following Order: In the Statu reached a settlement agreer The Settlement Agreement i of the subject property. How development plan which ma The parties are awaiting feet the case continue to be stay parties' Settlement Agreeme extended for an additional si report with this Court within a	status Report filed by Upper Sauce Report, Appellee represents that the present (Settlement Agreement) with respense based in part on an agreed-upon planever, PennDOT may require additionally, in tum, require revisions to the Settler dback from PennDOT. As such, the particle of the south of the settler dback from PennDOT and be resolved with the Accordingly, the continuance in this sixty (60) days. The parties are directed sixty (60) days of the date of this Order, continue is filed before that date.	parties have ect to this case. for development revisions to the ment Agreement. ties request that with respect to the matter is to file a status	o/Appellee), this Cour
August 2, 2022	Status Report Filed Stoll, Andrew Richard Gundlach, Robert W.	Upper Saucon Township Upper Saucon Township	Appellee Appellee	
Document Name:	Appellee Upper Saucon Tow	• • • • • • • • • • • • • • • • • • • •	, ippolioo	

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		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 9, 2022	Order Filed Per Curiam			08/09/2022
	AND NOW, this 9th (Township/Appellee) Statu following: This is an approupper Saucon Township has conditionally approved Agreement). The Settleme subject property and recommodifications). The Intersect Modifications). The Intersect Kay; therefore, the process of the Township with the design for the Intersect of the Township Mana Township Solicitor that there agreement between Kay such meeting has not Township/Appellee request substantive update to the Common Based on the foregoing thirty (30) days to provide	representations, the Court GRANTS e the Court a more substantive stace ourt within thirty (30) days of the	Court considers Upper est, wherein Township/Apers, wherein Township/Apers, wherein Township/Apers, wherein Township/substantive value of Kay's appeal to this eween Kay and the an agreed-upon plan for ons for Kay's underlying the confliction of the Interest of the Settlement Agreement acations of the parties at the Settlement Agreement acations of the parties at the Itional thirty (30) days.  Township/Appellee's requatus report. The parties	opellee represents the lidity challenge of the Court, the Township Township (Settlement or development of the g project (Intersection third-party, Pitt Ohio, resection Modifications. Kay to finalize issues nent Agreement which at upon advice of the and their consultants, coming weeks. The to provide a more uest for an additional are directed to file a
September 8, 2022	Status Report Filed Stoll, Andrew Richard	Upper Saucon Township	Appellee	
Document Name:	Gundlach, Robert W. Appellee Upper Saucon To	Upper Saucon Township wnship's Status Report.	Appellee	

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#### November 5 2025



November 5, 2025				t - 47 - 2
		DOCKET ENTRY		
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 16, 2022	Order Filed Per Curiam			09/16/2022
	AND NOW, September 16, 20 Report, Appellee represents the substantive validity challenge to appeal to this Court, Appellee (Settlement Agreement). The	ted. Parties directed to file status repo D22, upon consideration of Upper e following: This is an appeal fro the Upper Saucon Township Zoni has conditionally approved a sett Settlement Agreement is based in perty that requires certain intersect	Saucon Townshipom Appellant Kay ng Ordinance. Sinc lement agreement in part on an ag	Lehigh, LLC's (Kay) be the filing of Kay's between it and Kay greed-upon plan for
		re to take place on land owned by a design for the Intersection Modifica		t Ohio; therefore, the
	Ohio is in the process of cor	y have agreed to general terms for mpleting a draft of their agreement ests the Court to provide it an additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it and additional contents of the court to provide it an additional contents of the court to provide it and additional contents of the court to provide it and additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it and additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it and additional contents of the court to provide it an additional contents of the court to provide it and additional contents of the court to provide it an additional contents of the court to provide it an additional contents of the court to provide it and additional contents of the court to provide it and additional contents of the court to the co	nt, which should b	pe completed in the

Based on the foregoing representations, the Court GRANTS Appellee's request for an additional thirty (30) days to provide the Court an additional update on the status of the case.

The parties are directed to file a status report with this Court within thirty (30) days of the date of this Order, unless an Application for Leave to Discontinue is filed before that date.

September 20, 2022

Order Directing Status Report

09/20/2022

Per Curiam

Document Name: Within 30 days

Comment: AND NOW, this 20th day of September, 2022, this Court considers Upper Saucon Township's (Township/Appellee) Status Report and time extension request, wherein Township/Appellee represents the following: This is an appeal from Appellant Kay Lehigh, LLC's (Kay) substantive validity challenge of the Upper Saucon Township Zoning Ordinance. Since the filing of Kay's appeal to this Court, the Township has conditionally approved a settlement agreement between Kay and the Township (Settlement The Settlement Agreement required certain intersection modifications for Kay's underlying project (the Intersection Modifications). The Intersection Modifications are to take place on land owned by a third-party, Pitt Ohio, not Kay. Thus, there is a condition in the Settlement Agreement which gives the Township Manager authority to ultimately execute the Settlement Agreement upon advice of the Township Solicitor that there "exists or will exist a satisfactory agreement between Kay and Pitt Ohio." Ultimately, this means that the parties, including Pitt Ohio, must agree to a design for the Intersection Modifications. Pitt Ohio and Kay have agreed to general terms for the Intersection Modifications. As of the filing of this Status Report, Counsel for Pitt Ohio is in the process of completing a draft of the agreement between Kay and Pitt Ohio which will permit the Intersection Modifications. According to counsel for Pitt Ohio, that agreement should be completed in the upcoming weeks. The Township requests that the Court provide an additional thirty (30) days to provide further updates to the Court.

Based on the foregoing representations, the Court GRANTS Township/Appellee's request for an additional thirty (30) days to provide the Court with an updated status report. The parties are directed to file a status report with this Court within thirty (30) days of the date of this Order, unless an Application for Leave to Discontinue is filed before that date.

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## **November 5, 2025**



November 5, 2025		DOCKET ENTRY		40 By 55
Filed Date	Docket Entry / Filer		Dartisinant Type	Cvit Data
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 17, 2022	Status Report Filed Stoll, Andrew Richard	Upper Saucon Township	Appellee	
	Gundlach, Robert W.	Upper Saucon Township	Appellee	
Document Name:	Appellee Upper Saucon Township's	• • • • • • • • • • • • • • • • • • • •	11	
October 21, 2022	Order Directing Further Status Reper Curiam	port		10/21/2022
	Request for Status Report in 30 Da AND NOW, this 21st day (Township/Appellee) Status Report following: This is an appeal from Upper Saucon Township Zoning has conditionally approved a Agreement). The Settlement Agroject (the Intersection Modifica a third-party, Pitt Ohio, not Kay Township Manager authority to a Solicitor that there "exists or withis means that the parties, inclined Pitt Ohio and Kay have agreed Ohio is in the process of completing the agreement between Kay and time, Kay has requested the of The next hearing on Kay's conditional the October 24, 2022 conditional use application, and resolution of Township/Appellee requests that status report to the Court.  Based on the foregoing represes thirty (30) days to provide the Coreport with this Court within third Discontinue is filed before that date	of October, 2022, this Control and time extension requesting appellant Kay Lehigh, LLC Ordinance. Since the filing of settlement agreement between the settlement agreement of tions. The Intersection Modifications. The Intersection Modifications. Thus, there is a condition in cultimately execute the Settlement agreement of the Intersection of Intersection o	ourt considers Upper of, wherein Township/Ap 's (Kay) substantive value of Kay's appeal to this veen Kay and the Tersection modifications cations are to take place on the Settlement Agreement Agreement upon addent between Kay and to a design for the Interesection Modifications, which is the Intersection Modification of Kay's conditional thirty (30) days to Township/Appellee's requestor. The parties are disposed to the control of the Interport. The parties are disposed to the control of the Interport.	Saucon Township's pellee represents the idity challenge of the Court, the Township Township (Settlement for Kay's underlying e on land owned by ment which gives the vice of the Township Pitt Ohio." Ultimately, resction Modifications and Counsel for Pitt iffications. During that ional use application. D22. By completion of on Kay's conditional resction Modifications provide an updated usest for an additional rected to file a status
November 2, 2022	Joint Status Report Preston, James F.	Kay Lehigh, LLC	Appellant	
Document Name:	Status Report - Appellant.			
November 9, 2022	Remand Jurisdiction Retained Per Curiam			11/09/2022
Document Name:	The parties May file Motion for Enti	ry of Consent Decree within 30 D	Days/ Status Report Due J	an. 9, 23
Comment:	AND NOW, this 9th day of Now filed on behalf of the parties, the (trial court), where the parties may date of this Order.  No later than January 9, 2023, their Motion in the trial court if a pray	nis matter is remanded to the ay file a Motion for Entry of Conhe parties shall file a joint sta	e Court of Common Ple onsent Decree (Motion) tus report advising the	eas of Lehigh County within 30 days of the Court of the status of

Jurisdiction retained.

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		DOCKET ENTRY			
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date	
November 9, 2022	Remitted				
D (1)	Commonwealth Court Filing Office				
Document Name:	Per Order of 11/9/22. Jurisdi				
November 21, 2022	Acknowledgement of Record Remittal				
	Lehigh County Court of Com	nmon			
	Pleas				
December 16, 2022	Application for Discontinuan	се			
	Preston, James F.	Kay Lehigh, LLC	Appellant		
Document Name:	Application for Leave to Disc	continue Appeal			
December 20, 2022	Discontinued			12/20/2022	
	Per Curiam				

Document Name: App. to Discontinue is granted.

Comment: AND NOW, this 20th day of December, 2022, upon consideration of Appellant Kay Lehigh, LLC's

Application for Leave to Discontinue Appeal (Application), the Application is GRANTED, and the

Prothonotary shall mark the docket in this case as closed.

#### **SESSION INFORMATION**

Journal Number: 36-05-2021

Consideration Type: Oral Argument - Panel

Listed/Submitted Date: May 13, 2021

#### **DISPOSITION INFORMATION**

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Disposed Before Decision Disposition Author: Per Curiam

Disposition: Discontinued Disposition Date: December 20, 2022

Disposition Comment: AND NOW, this 20th day of December, 2022, upon consideration of Appellant Kay Lehigh, LLC's

Application for Leave to Discontinue Appeal (Application), the Application is GRANTED, and the

Prothonotary shall mark the docket in this case as closed.

Dispositional Filing:

Filing Author:

Filed Date: