

Appeal Docket Sheet

Docket Number: 2 WAP 2021

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November 20, 2025

CAPTION

Protect PT, Appellant

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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-40A-2021 May 19, 2021

Case Category: Civil Case Type(s): Zoning Hearing Board

CONSOLIDATED CASES RELATED CASES

Docket No / Reason Type
3 WAP 2021 Related

Same Issue(s)

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

COUNSEL INFORMATION

Email:

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:



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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

Address: Babst Calland

603 Stanwix St FI 6 Pittsburgh, PA 15222

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: Bossert, Terry Robert

Address: Marcellus Shale Coalition

300 N Second St Ste 1102 Harrisburg, PA 17101

Phone No: (717) 603-0714

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Marcellus Shale Coalition, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Coburn, Scott Everett

Address: Pa Assn Of Township Supervisor

4855 Woodland Dr Enola, PA 17025-1262

Phone No: (717) 763-0930

Receive Mail: Yes

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. 575

C.D. 2019, affirming the Order of the Court of Common Pleas of Westmoreland County entered April 10, 2019 at No. 2021 of 2018.

Probable Jurisdiction Noted: Docketed Date: January 5, 2021

Allocatur/Miscellaneous Granted: January 5, 2021 Allocatur/Miscellaneous Docket No.: 247 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?

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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: 575 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: 2021 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 3 Parts
Transcript(s) January 13, 2021 1

Record Remittal: July 13, 2021

BRIEFING SCHEDULE

Amicus Curiae Appellee

Marcellus Shale Coalition Olympus Energy LLC

Brief Brief

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

Appellant Penn Township Zoning Hearing Board

Protect PT Brief

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

Due: February 22, 2021 Filed: February 22, 2021

Reply Brief

Due: April 15, 2021 Filed: April 12, 2021

Reproduced Record

Due: February 22, 2021 Filed: February 22, 2021

SESSION INFORMATION

Journal Number: J-40A-2021 Listed/Submitted Date: May 19, 2021

Consideration Type: Oral Argument Supreme Ct.



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DISPOSITION INFORMATION

Related Journal No: J-40A-2021 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?
- (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?

Commonwealth Court Record Received				
		Commonwealth Court of Pennsylvania		
Designation of Contents of Reproduced Record				
	Appellant	Protect PT		
Praecipe for Appearance				
Olympus Energy LLC	Appellee	Condo, Kathy Kay		
Counter Designation of Contents of Reproduced Record				
	Appellee	Olympus Energy LLC		
Appellant's Brief				
	Appellant	Protect PT		
Appellant's Reproduced Record Filed				
	Appellant	Protect PT		
Appellee's Brief				
	Appellee	Penn Township Zoning Hearing Board		
	Praecipe for Appearance Olympus Energy LLC Counter Designation of Conten Appellant's Brief Appellant's Reproduced Record	Designation of Contents of Reproduced Record Appellant Praecipe for Appearance Olympus Energy LLC Appellee Counter Designation of Contents of Reproduced Record Appellee Appellant's Brief Appellant Appellant's Reproduced Record Filed Appellant Appellee's Brief		



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	DO	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			
March 29, 2021	Amicus Curiae Brief					
		Amicus Curiae	Marcellus Shale Coalition			
April 6, 2021	Joint Application to Divide Oral Argument					
		Appellee	Penn Township Zoning Hearing			
		Appellee	Board Olympus Energy LLC			
1 11 40 6004	Annuallanda Da L D L	, ippolico	Oijiiipao Eiloigy LEO			
April 12, 2021	Appellant's Reply Brief	Appellant	Protect PT			
April 21, 2021	Order Granting Appellees' Joint N	lotion to Divide Oral Agrum	nent Bizzoso, Irene M.			
Comments: AND NOW, this 21s	st day of April, 2021, Appellees' Joint Mot	ion 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 IMPR	Des Ouriers				
Comments: AND NOW, this 22r	nd day of June, 2021, the appeals are DIS	SMISSED as having been IM	Per Curiam IPROVIDENTLY GRANTED.			
June 22, 2021	Judgment Entered					
			Office of the Prothonotary			
July 13, 2021	Remitted		Office of the Duration of the			
			Office of the Prothonotary			
July 19, 2021	21 Acknowledgement of Record Remittal		Westmoreland County Civil Division			
	CDOSS	COURT ACTIONS				
	CRUSS	COURT ACTIONS				

Docket Number: 575 CD 2019 Docket Number: