

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 2 WAP 2021

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May 1, 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-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, Aptl. v. Penn Twp ZHB, et al.	

COUNSEL INFORMATION

Attorney: Fitchett, Timothy Michael

Address: Fair Shake Enviromental 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:

Email:

Attorney: Lucas, Blaine Allen

Address: Babst Calland Clements and Zomnir PC
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 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 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?

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:	575 CD 2019
Date of Order:	July 6, 2020	Rearg/Recon Disp Date:	
		Rearg/Recon Disposition:	
Judge(s):	McCullough, Patricia A. 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
<p>Comments:</p> <p>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:</p> <p>(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?</p> <p>(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?</p>			
January 13, 2021	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania
January 26, 2021	Designation of Contents of Reproduced Record	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 29, 2021	Appellee's Brief	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
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 Board
		Appellee	Olympus Energy LLC
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: 247 WAL 2020
Docket Number: 575 CD 2019