



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 Same Issue(s) Protect PT, Apt. v. Penn Twp ZHB, et al.	Related

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:



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
 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
 Address: Babst Calland Clements and Zomnir PC
 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 Clements and Zomnir PC
 Babst Calland
 603 Stanwix St Fl 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:

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 3 WAP 2021

Page 3 of 6

September 13, 2024

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 A.
 Wojcik, Michael H.
 Leadbetter, Bonnie Brigance
 Intermediate Appellate Court Action: Affirmed
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 3 WAP 2021

Page 4 of 6

September 13, 2024

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 Supervisors Brief	Olympus Energy LLC Brief
Due: March 29, 2021	Filed: March 29, 2021
Filed: March 29, 2021	Filed: March 29, 2021
Appellant	Penn Township Zoning Hearing Board Brief
Protect PT Brief	Due: March 29, 2021
Due: February 22, 2021	Filed: March 29, 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



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	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



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
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
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	Appellant Appellee Appellee	Fitchett, Timothy Michael Lucas, Blaine Allen 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