

Commonwealth Docket Sheet

Docket Number: 191 CD 2024

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April 23, 2024



CAPTION

Lebanon Solar I, LLC
v.
North Annville Township
Board of Supervisors and
Grady Summers

Appeal of: Grady Summers

CASE INFORMATION

Initiating Document: Notice of Appeal
Case Status: Active
Case Processing Status: February 23, 2024 Awaiting Original Record
Journal Number:
Case Category: Civil Case Type(s): Zoning/Land Use

CONSOLIDATED CASES

RELATED CASES

Table with 4 columns: Docket No / Reason, Type, Docket No / Reason, Type. Rows include 189 CD 2024 Same Party Consolidated and 255 CD 2024 Same Party Consolidated.

COUNSEL INFORMATION

Designated Appellant: Lebanon Solar I, LLC
Pro Se: No
IFP Status:
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## Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 18, 2024	Docketing Statement Filed Cluck, William J.	Summers, Grady	Designated Appellee	
March 19, 2024	Application for Consolidation Jewart, Anna Skipper	Lebanon Solar I, LLC	Designated Appellant	
March 25, 2024	Answer to Application for Consolidation Cluck, William J.	Summers, Grady	Designated Appellee	
Document Name: Grady Summers' Opposition to Motion to Consolidate				
April 23, 2024	Memorandum and Order Per Curiam			04/23/2024
Document Name: 189, 191, 255 CD 2024 - Application for Consolidation is GRANTED.				
Comment: NOW, April 23, 2024, upon consideration of Lebanon Solar I, LLC's (Lebanon Solar) "Application for Relief in the Nature of a Motion to Consolidate Appeals" (Application), whereas the Court's review confirms that the above matters, docketed at Nos. 189, 191, and 255 C.D. 2024, share the same parties and the same record and involve a single opinion and order from the Court of Common Pleas of Lebanon County (trial court) dated January 26, 2024, the Application is GRANTED. Lebanon Solar is the Designated Appellant under Pa.R.A.P. 2136. All further filings in these consolidated matters shall be captioned as set forth above.				
April 23, 2024	Consolidated - Same Party Commonwealth Court			

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Lebanon Solar I, LLC, Appellant	:	<b>CASES CONSOLIDATED</b>
v.	:	
North Annville Township Board of Supervisors and Grady Summers	:	No. 189 C.D. 2024
Lebanon Solar I, LLC, Appellant	:	
v.	:	
North Annville Township Board of Supervisors and Grady Summers	:	
Appeal of Grady Summers	:	No. 191 C.D. 2024
Lebanon Solar I, LLC, Appellant	:	
v.	:	
North Annville Township Board of Supervisors and Grady Summers	:	
Appeal of: North Annville Township Board of Supervisors	:	No. 255 C.D. 2024

**PER CURIAM**

**MEMORANDUM AND ORDER**

NOW, April 23, 2024, upon consideration of Lebanon Solar I, LLC’s (Lebanon Solar) “Application for Relief in the Nature of a Motion to Consolidate Appeals” (Application), whereas the Court’s review confirms that the above matters, docketed at Nos. 189, 191, and 255 C.D. 2024, share the same parties and the same

record and involve a single opinion and order from the Court of Common Pleas of Lebanon County (trial court) dated January 26, 2024, the Application is GRANTED. Lebanon Solar is the Designated Appellant under Pa.R.A.P. 2136. All further filings in these consolidated matters shall be captioned as set forth above.

The Application notes that North Annville Township Board of Supervisors (Board) consents to consolidation. Although the Application also notes that Grady Summers consents to the consolidation of 189 C.D. 2024 with 255 C.D. 2024, the Court acknowledges “Grady Summers Opposition to Motion to Consolidate” filed at No. 191 C.D. 2024, wherein Grady Summers indicates that the appeal at 191 C.D. 2024 is taken from an interlocutory order of the trial court entered February 14, 2023, denying a motion to quash filed on behalf of the Board challenging the trial court’s jurisdiction, and not from the trial court’s January 26, 2024 opinion and order. However, because both orders relate to Lebanon Solar’s appeal of the Board’s denial of its application for a conditional use permit and the former order only became appealable upon entry of the latter final order, *see Sunoco Partners Marketing and Terminals, L.P. v. Clean Air Council*, 319 A.3d 280, 295 (Pa. Cmwlth. 2019) (reiterating that interlocutory orders can be called into question in an appeal from a final appealable order), as well as for purposes of judicial economy, consolidation here is appropriate.