

Additionally, it is ORDERED that Appellants Motion for Stay is denied as to this docket without prejudice to refile.²

It is further ORDERED that the briefing schedule, pursuant to C.C.R.P. 330, shall be as follows:

1. Appellant shall file its brief in support of the appeal on or before November 2, 2026. The brief shall be limited to issues raised in the appeal;
2. Appellee, and any other interested party, shall file their briefs within 30 days after service of Appellant's brief;
3. Appellant may file a reply brief within 10 days after service of Appellee's brief;
4. Oral argument on the appeal shall be held on January 12, 2027 at 10:30 a.m. in Courtroom No. 4 of the Cumberland County Courthouse.

The Cumberland County Prothonotary is DIRECTED to ensure that the entire record is correctly scanned to the docket prior to the date set for oral argument.

By the Court,


Matthew P. Smith, J.

² It does not appear from the record that Appellants have a strong likelihood of prevailing on the merits. A February 2, 2026, letter from Justin Ross, P.E. of Livic Civil Engineering addresses the Appalachian Trail Conservancy letter. Section (8) - Visual Resources - of the Environmental Impact Assessment (EIA), references Section (7) - Historic Resources - of the EIA, which contains a SWCA Environmental Consultants Evaluation-Level Historic Architecture Survey Memo that discusses visual impact of the Appalachian Trail extensively.

The Justin Ross letter also mentions they are in partnership with Pax-1, Pennsylvania Data Center Partners and PowerHouse Centers, thereby disclosing or highlighting Livic's interest in the project. Lastly, as to the requirement for a water feasibility study, regardless of whether the Applicant believes they are exempt, it appears said study and Susquehanna River Basin Commission approval are part of the Zoning Ordinance and not the SALDO. The EIA discusses water consumption extensively and contemplates a second well under control of the Middlesex Township Water Authority.

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Shawn Gallagher, Esquire

Charles Suhr, Esquire

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