

KYLE AND ALEXIA GERBER,
ANDREW AND RACHAEL DYMSKI,
ROBERT AND VIOLA BYERLY,
JODY AND STANLEY SHIVELL, and
EARLE AND BONNIE MORTON
Appellants

v.

ZONING HEARING BOARD OF
MIDDLESEX TOWNSHIP,
Appellee

v.

BOARD OF SUPERVISORS OF
MIDDLESEX TOWNSHIP,
Intervenor

v.

CARLISLE DEVELOPMENT
PARTNERS, LLC,
Intervenor

: THE COURT OF COMMON PLEAS
: CUMBERLAND COUNTY, PENNSYLVANIA

: No. 2026-08758 CIVIL TERM

: CIVIL ACTION – LAND USE APPEAL

ORDER OF COURT

IN RE: PETITION TO CONFIRM AND ENFORCE THE STAY OF PROCEEDINGS

AND NOW, this 5th day of October, 2026, upon consideration of Appellant's
Petition to Confirm and Enforce the Stay of Proceedings, it is hereby ORDERED as
follows:

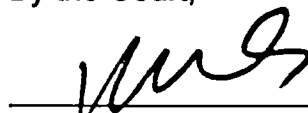
1. This Court finds that mandatory stay as outlined by 53 P.S. § 10915.1(a)
does not apply to the instant proceedings, as a mandatory stay only applies to hearings
pending before the Board;

2. As to a discretionary stay under 53 P.S. § 11003-A(d), the court will
conduct an evidentiary hearing on the merits of the case to determine whether the
appeal is frivolous, as anticipated by 53 P.S. § 11003-A(d). Said hearing shall be held

on November 13, 2026 at 2:00 p.m. in Courtroom No. 1 of the Cumberland County Courthouse.

3. Appellee and Intervenor are directed to file their respective responses to the Petition no later than October 30, 2026.

By the Court,



Matthew P. Smith, J.

Nathan Wolf, Esquire

Gregg I. Adelman, Esquire

Shawn Gallagher, Esquire

Jennifer B. Hipp, Esquire