

COMMONWEALTH COURT OF PENNSYLVANIA

Carlino East Brandywine, L.P. v. East Brandywine Township, et al.;
Appeal of: Brandywine Village Associates, L.P., L&R Partnership,
LLC, Leonard G. Blair, Richard J. Blair, and John R. Cropper

Carlino East Brandywine, L.P. v. East Brandywine Township, No. 752 C.D. 2025 (Pa. Cmwlth. June 11 2026) ·
No. 752 C.D. 2025 · Decided June 11, 2026

SUMMARY

The Commonwealth Court of Pennsylvania vacated a permanent injunction entered by the Chester County Court of Common Pleas against Brandywine Village Associates, L.P. and other appellants. The court held that collateral estoppel did not bar the appellants from presenting evidence concerning differences between Carlino’s development approval and a later land development agreement because the prior declaratory judgment action had been dismissed for lack of standing and did not actually litigate identical issues essential to the judgment. The case was remanded for further proceedings, including an evidentiary hearing if necessary.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Patricia A. McCullough; Michael H. Wojcik; Matthew S. Wolf
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	June 11, 2026
DOCKET	752 C.D. 2025
DISPOSITION	vacated
PROCEDURAL POSTURE	Appellants appealed from the Chester County Court of Common Pleas order granting Carlino permanent injunctive relief and from the denial of post-trial relief. The appeal principally challenged the trial court's grant of Carlino's motion in limine excluding evidence under collateral estoppel.
STANDARD OF REVIEW	Review of a final or permanent injunction is limited to determining whether the trial court committed an error of law. Application of collateral estoppel is a legal question reviewed de novo under a plenary scope of review.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

Brandywine Village Associates, L.P., L&R Partnership, LLC, Leonard G. Blair, Richard J. Blair, John R. Cropper v. Carlino East Brandywine, L.P.

TOPICS

injunctions

equitable relief

evidence

appellate procedure

municipal law

PRACTICE AREAS

Appellate procedure

Civil procedure

Equitable remedies

Municipal law

Real estate development

QUESTIONS PRESENTED

1. Whether the trial court erred in applying collateral estoppel to preclude Appellants from presenting evidence concerning the difference between Condition No. 17 of Carlino's development approval and the later land development agreement.
2. Whether the trial court's erroneous exclusion of that evidence required vacatur and remand of the permanent-injunction order.
3. Whether Appellants' request to remand for disposition of their recusal motion was moot in light of the court's disposition.

HOLDINGS

1. Collateral estoppel did not apply because the prior declaratory judgment action was resolved on standing grounds, the issues were not actually litigated or essential to the prior judgment, and the prior action involved a different legal issue concerning alleged violations of the Prevailing Wage Act.
2. The trial court's order granting permanent injunctive relief had to be vacated and the matter remanded because the exclusion of evidence under collateral estoppel prevented the trial court from determining the evidence's relevance and weight in deciding whether equitable relief was warranted.

KEY QUOTATIONS

“Collateral estoppel, or issue preclusion, is a doctrine which prevents the re-litigation of an issue in a later action, despite the fact that it is based on a cause of action different from the one previously litigated.” (at 10)

“Based on the foregoing, we conclude that the trial court erred by precluding Appellants from presenting the evidence at issue based on the doctrine of collateral estoppel where the requirements for applying the doctrine were not satisfied.” (at 12)

FACTUAL BACKGROUND

Carlino owns a 10-acre tract in East Brandywine Township that it has sought to develop as a shopping center. The Township required construction of a Connector Road and condemned approximately 1.9 acres of L&R Partnership's adjacent property for that purpose. Although Carlino's development approval contained a condition governing traffic-impact-fee credits, Carlino and the Township later entered into a land development agreement

with a different formula. After Township supervisors approved an agreement to return allegedly excess condemned land to Appellants, Carlino sought to enjoin actions allegedly undermining its development approval.

PROCEDURAL HISTORY

Carlino sought injunctive relief after Township supervisors approved a settlement agreement that would have transferred allegedly excess condemned land to Appellants. The trial court initially granted relief that this Court vacated and remanded because the relief was permanent rather than preliminary. On remand, the trial court granted Carlino's motion in limine, conducted a hearing, entered a permanent injunction on January 31, 2025, denied post-trial relief, and entered judgment on October 15, 2025. The Commonwealth Court vacated the order and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including an evidentiary hearing if necessary. The trial court must reconsider the excluded evidence without applying collateral estoppel and determine its relevance and weight in connection with the request for permanent injunctive relief. Jurisdiction was relinquished.

CASES CITED

- Brandywine Village Associates v. East Brandywine Township Board of Supervisors, No. 499 C.D. 2020 (Pa. Cmwlt. July 20, 2021)
- Carlino East Brandywine L.P. v. East Brandywine Township, No. 367 C.D. 2022 (Pa. Cmwlt. July 11, 2023)
- Department of Agriculture by Redding v. Miller, 329 A.3d 145 (Pa. Cmwlt. 2025)
- Grant Schmidt, Shot Tec, LLC v. Paris, 344 A.3d 78 (Pa. Cmwlt. 2025)
- Brandywine Village Associates, L.P. v. East Brandywine Township, 2024 WL 2721533 (Pa. Cmwlt. May 28, 2024)
- Buffalo Township v. Jones, 813 A.2d 659 (Pa. 2002)
- Sheils as Trust for Smith & Morris Holdings, LLC v. Bartles, 295 A.3d 302 (Pa. Cmwlt. 2023)
- Barcia v. Fenlon, 37 A.3d 1 (Pa. Cmwlt. 2012)
- Office of Disciplinary Counsel v. Anonymous Attorney, 331 A.3d 523 (Pa. 2025)
- Office of Disciplinary Counsel v. Kiesewetter, 889 A.2d 47 (Pa. 2005)
- In re Estate of Plance, 175 A.3d 249 (Pa. 2017)
- Griffis v. Workers' Compensation Appeal Board, 327 A.3d 694 (Pa. Cmwlt. 2020)
- Commonwealth ex rel. Corbett v. Desiderio, 698 A.2d 134 (Pa. Cmwlt. 1997)

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