

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

THE MUNICIPALITY OF MT.
LEBANON,

Petitioner,

v.

ELAINE GILLEN,

Respondent,

And

PENNSYLVANIA OFFICE OF OPEN
RECORDS,

Interested Party.

: CIVIL DIVISION

:
: No. SA 15-000963

:
: **NOTICE OF APPEAL**

:
: Filed on Behalf of: Respondent

: ELAIN GILLEN

:
: Counsel of Record for This Party:

: Ronald D. Barber

: Pa. I.D. No. 52734

: rbarber@smgglaw.com

: Gretchen E. Moore

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: Edward A. Knafelc

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:
: **STRASSBURGER McKENNA GUTNICK
& GEFSKY**

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: 444 Liberty Avenue

: Pittsburgh, PA 15222

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

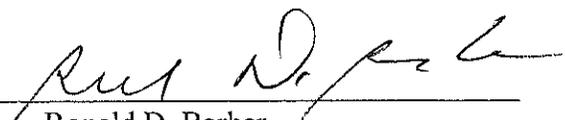
THE MUNICIPALITY OF MT. LEBANON,	:	CIVIL DIVISION
	:	
Petitioner,	:	No. SA 15-000963
	:	
v.	:	
	:	
ELAINE GILLEN,	:	
	:	
Respondent,	:	
	:	
And	:	
	:	
PENNSYLVANIA OFFICE OF OPEN RECORDS,	:	
	:	
Interested Party.	:	

NOTICE OF APPEAL

Notice is hereby given that Respondent, Elaine Gillen, hereby appeals to the Commonwealth Court of Pennsylvania from the Decision dated and entered on May 23, 2016, in this matter. The Decision is attached hereto as Exhibit "A", as evidenced by the attached copy of the Docket Report, marked as Exhibit "B". There is no transcript of the proceedings before the Court.

Respectfully submitted,

STRASSBURGER McKENNA GUTNICK
& GEFSKY

By: 
Ronald D. Barber
Pa. ID No. 52734
Gretchen E. Moore
Pa. ID No. 202103
Edward A. Knaflec

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Counsel for Respondent
Elaine Gillen

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

THE MUNICIPALITY OF MT. LEBANON,

Petitioner,

v.

ELAINE GILLEN,

Respondent,

and

PENNSYLVANIA OFFICE OF OPEN RECORDS,

Interested Party.

DECISION UNDER 65
P.S. § 67.1302(a)

SA 16 - 000236

FILED BY:
JUDGE W. TERRENCE O'BRIEN

Copies sent to:

Ronald D. Barber, Esq.
4 Gateway Center Suite 2200
444 Liberty Avenue
Pittsburgh PA 15222

Daniel C. Garfinkel, Esq.
One Oxford Centre 20th Floor
301 Grant Street
Pittsburgh PA 15219

DEPT OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA

16 MAY 23 AM 11:52

FILED



DECISION UNDER 65 P.S. § 67.1302(a)

O'BRIEN, J.

Before the Court is the Municipality of Mt. Lebanon's Petition for Judicial Review of a Final Determination of the Pennsylvania Office of Open Records. A hearing was held before me on April 11, 2016, on this case and SA 15 – 963. The cases, which were consolidated for hearing in this Court, involve requests under the Right-to-Know Law. The records sought in each case deal with the same subject matter, but cover different time periods.¹

I adopt section III of my Decision at SA 15 – 963 regarding Mt. Lebanon's assertion of the Personal Security exemption. Regarding the Donation exemption, I adopt section IV of said Decision, except that this exemption does not protect the e-mail sent to the Mt. Lebanon Commission on October 12, 2015, at 2:41 p.m.. The sender of this e-mail offers neither her time nor the use of her land, but simply expresses support for the deer culling program.² Mt. Lebanon may redact the sender's e-mail address, telephone numbers, fax number and information related to her place of employment.³

BY THE COURT


_____, J.
5/23/16

¹ Prior to the hearing on April 11, 2016, I conducted an *in camera* review of the records. A brief description of the records is found at pages 11-14 of the hearing transcript.

² This e-mail is discussed on pages 11-12 of the hearing transcript. Mt. Lebanon concedes this is an accurate characterization of the e-mail. See hearing transcript, page 11.

³ The Requester does not object to the redaction of this information.

**Allegheny County - Department of Court Records
Civil/Family Division Docket Report**

SA-16-000236

CONSOLIDATED AT SA-15-000963

Run Date: 06/21/2016
Run Time: 02:15:41 PM

Court Type: Arbitration
Case Type: Office of Open Records Appeal
Judge: O'Brien W. Terrence
Current Status: Reply

Related Cases: SA-15-000963,
Jury Requested: No
Amount In Dispute: \$.00

Parties

- Litigants -

ID	LName	FName	MI	Type	Address	Phone	Attorney
@1315470	Municipality of Mount Lebanon	---	---	Plaintiff	710 Washington Road Pittsburgh PA 15228	--	Weis Philip J.,
@1963611	Pennsylvania Office of Open Records	---	---	Interested Party	Commonwealth Keystone Building 400 North Street, 4th floor Harrisburg PA 17120-0225	--	--
@123419	Gillen	Elaine	--	Defendant	735 Vallevisa Avenue Pittsburgh PA 15234	--	--

- Attorney -

ID	LName	FName	MI	Type	Address	Phone
44846	Weis	Philip	J.	Plaintiff's Attorney	Buchanan Ingersoll P.C. 301 Grant Street, 20th floor One Oxford Centre Pittsburgh PA 15219	--
52734	Barber	Ronald	D.	Attorney	Four Gateway Center Suite 220 444 Liberty Avenue Pittsburgh PA. 15222	(412)2815423

- Non Litigants -

ID	LName	FName	MI	Type	Address	Phone
ACDCR	Allegheny County Department of Court Records	--	---	Department of Court Records	414 Grant Street Pittsburgh PA 15219	--
JOBRIEN	O'Brien	W.	Terrence	Judge	705 City County Building Pittsburgh PA 15219	(412)3505898

Docket Entries

Filing Date	Docket Type	Docket Text	Filing Party
		<div style="border: 2px solid black; padding: 5px; display: inline-block;"> EXHIBIT <u> B </u> </div>	

03/22/2016	Petition Initiating Case		Municipality of Mount Lebanon
04/05/2016	Copy of Order of Court	Dated on 04/05/16. Order that Motion to Consolidate is GRANTED. The action filed at Docket SA-15-000963 is hereby consolidated w/ the action at Docket sa-16-000236. Hearing has been scheduled for 04/11/16 at 10:00 AM. O'Brien, J. Copies sent on 04/06/16 (ORIGINAL ORDER ON SA-15-000963)	O'Brien W. Terrence
04/11/2016	Writ of Certiorari	Issued and sent on 04/11/2016.	Allegheny County Department of Court Records
05/23/2016	Decision	Under 65 PS. 67.1302 (a). Dated 05/23/16 O'Brien J. Copies sent 05/23/2016.	O'Brien W. Terrence
06/13/2016	Motion for Reconsideration		Gillen Elaine
06/17/2016	Reply	To respondents's motion for reconsideration	Municipality of Mount Lebanon

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF APPEAL** was served by E-mail and First Class Mail, U.S. Mail, postage prepaid, this 22nd day of June, 2016, on the following:

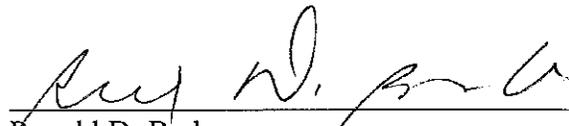
Brendan P. Lucas, Esquire
Buchanan Ingersoll & Rooney, PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410
brendan.lucas@bipc.com
*(Counsel for Appellant
The Municipality of Mt. Lebanon)*

Jill S. Wolfe, Appeals Officer
Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
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jjwolfe@pa.gov
*(Counsel for Interested Party
Pennsylvania Office of Open Records)*

The Honorable W. Terrence O'Brien
Civil Division
705 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Linda L. Kelly
Court Administrator
300 Frick Building
437 Grant Street
Pittsburgh, PA 15219

STRASSBURGER McKENNA GUTNICK
& GEFSKY



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Gretchen E. Moore
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Gutnick & Gefsky**

ATTORNEYS AT LAW | SINCE 1919

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June 22, 2016

Brendan P. Lucas, Esquire
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One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410

RECEIVED

JUN 24 2016

OFFICE OF OPEN RECORDS

**Re: The Municipality of Mt. Lebanon v. Elaine Gillen, et al.
No. SA 15-000963
And
The Municipality of Mt. Lebanon v. Elaine Gillen, et al.
No. SA 16-000236/Consolidated at No. SA 15-000963**

Dear Mr. Lucas:

Please find enclosed the Notices of Appeal that were filed today with the Department of Court Records in the above-referenced matters.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

Ronald D. Barber

RDB/km
Enclosures

cc: ✓ Jill S. Wolfe, Appeals Officer, Office of Open Records (w/encl.)
The Honorable W. Terrence O'Brien (w/encl.)
Linda L. Kelly, Court Administrator (w/encl.)
Edward A Knafelc, Esquire (w/out encl.)
Gretchen E. Moore, Esquire (w/out encl.)
Elaine Gillen (w/encl.)