

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

ANDREW CAIRNS,
Petitioner

v.

PENNSYLVANIA OFFICE OF
OPEN RECORDS,
Respondent

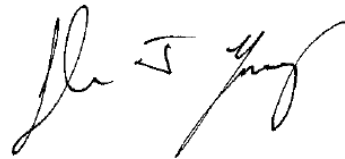
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: **No. 2023-00034**
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PRAECIPE

TO THE PROTHONOTARY:

Kindly accept the attached Notice of Non-Participation for filing to the above-captioned matter.

Respectfully submitted,



Joshua T. Young, Deputy Chief Counsel
Supreme Court No. 311545
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
(717) 346-9903
(717) 425-5343 (facsimile)

Counsel for Office of Open Records

Dated: January 31, 2023

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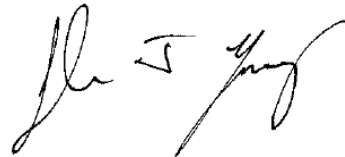
NOTICE OF NON-PARTICIPATION OF THE OFFICE OF OPEN RECORDS

AND NOW, this 31st day of January 2023, the Pennsylvania Office of Open Records, adjudicator of the above-captioned appeal for which judicial review is sought, files this Notice of Non-Participation and states in support thereof as follows:

1. The Office of Open Records (“OOR”) is a quasi-judicial tribunal which adjudicates disputes over requests for public records under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101-.3401. *See Commonwealth v. Ctr. Twp.*, 95 A.3d 354, 363-64 (Pa. Commw. Ct. 2014).
2. The above-captioned action is a statutory appeal from a Final Determination of the OOR.
3. On October 28, 2022, Andrew Cairns, forwarded a copy of a Petition for Review of an OOR Final Determination he was filing in the Bucks County Court of Common Pleas.
4. The OOR has no interest in the underlying records; as a result, “[t]he OOR does not have standing to defend its decision because it is not aggrieved by the release of another agency’s records.” *East Stroudsburg University Foundation v. Office of Open Records*, 995 A.2d 496, 507 (Pa. Commw. Ct. 2010); *see also Padgett v. Pa. State Police*, 73

- A.3d 644 n.5 (Pa. Commw. Ct. 2013) (noting that “the OOR is a disinterested party as to the content of its final determinations, and does not have standing to participate”).
5. As a quasi-judicial tribunal with no interest in the outcome of the appeal, the OOR rests upon its Final Determination and respectfully declines to file a brief or appear for argument in the above listed appeal.

Respectfully submitted,



Joshua T. Young, Esq.
Deputy Chief Counsel
Supreme Court No. 311545
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
(717) 346-9903; (717) 425-5343 (facsimile)
Counsel for Office of Open Records

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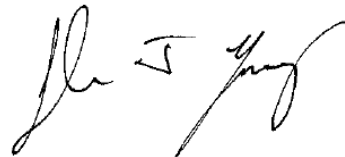
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CERTIFICATE OF COMPLIANCE

I certify that this Notice of Non-Participation complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non - confidential information and documents.

Respectfully submitted,



Joshua T. Young, Esq.
Deputy Chief Counsel
Supreme Court No. 311545
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served in the manner indicated upon the following:

Andrew Cairns, LJ7100
SCI- Coal Township
1 Kelly Drive
Coal Township, PA 17866
(via first class mail only)

Matthew D. Weintraub, Esq.
Office of District Attorney
Bucks County
100 N. Main Street
Doylestown, PA 18901
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Faith Henry, Administrative Officer
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January 31, 2023