

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
No. 190 CD 2023

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION and
ANCESTRY.com OPERATIONS INC.,
Petitioners

v.

ALEC FERRETTI,
Respondent.

ORDER

AND NOW this ____ day of _____, 2023, upon
consideration of the foregoing Application of Ancestry.com Operations Inc. for an
extension of time within which to file its Brief, said Application is GRANTED and
Ancestry.com Operations Inc. shall file its Brief on or before September 1, 2023.

J.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA
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PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION and
ANCESTRY.com OPERATIONS INC.,
Petitioners

v.

ALEC FERRETTI,
Respondent.

APPLICATION OF ANCESTRY.com OPERATIONS INC., PETITIONER,
FOR AN EXTENSION OF TIME TO FILE A BRIEF

Ancestry.com Operations Inc. (“Ancestry”), Petitioner, files this Application pursuant to Pa. R.A.P. 123 requesting a thirty-day extension of time until September 1, 2023, to file its Brief in the above-captioned matter, representing in support thereof the following:

1. Ancestry was not a party to the original appeal in this matter.
2. Pursuant to Ancestry’s Application for Leave to Intervene, the Court by Memorandum and Order dated July 26, 2023, granted Ancestry’s Application and indicated in the accompanying Order that Ancestry “shall be aligned with the Pennsylvania Historical and Museum Commission.” Memorandum and Order, July 26, 2023, p. 3.

3. The Pennsylvania Historical and Museum Commission's Brief is currently due on August 2, 2023 or only seven days after Ancestry being granted leave to intervene.

4. In addition, Ancestry intends to seek leave from the Court to supplement the record, or alternatively, for a remand to the Office of Open Records for the purposes of developing relevant and necessary evidence for a full and fair consideration of the issues presented by this appeal.

5. Based upon the current state of the record in this matter and the complex issues involving subject matter jurisdiction and confidential proprietary information among others, Ancestry cannot adequately prepare a brief in the current time required.

6. Counsel for Ancestry has conferred with counsel for the Pennsylvania Historical and Museum Commission and for Respondent, Alec Ferretti. Counsel for the Pennsylvania Historical and Museum Commission concurs with Ancestry's request. Counsel for Mr. Ferretti concurs with Ancestry's request.

WHEREFORE, Ancestry.com Operations Inc. respectfully requests this Court to enter an Order granting it an extension of time within which to file its Brief until September 1, 2023.

NAUMAN, SMITH, SHISSLER & HALL, LLP

By: /s/Craig J. Staudenmaier

Craig J. Staudenmaier, Esquire

Supreme Court ID No. 34996

Joshua D. Bonn, Esquire

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200 North Third Street, 18th Floor

Harrisburg, PA 17101

Telephone: (717) 236-3010

*Counsel for Ancestry.com Operations Inc.,
Petitioner*

Date: July 28, 2023

CERTIFICATE OF COMPLIANCE

I certify that this filing 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.

Submitted by: Craig J. Staudenmaier, Esquire

Signature: /s/Craig J. Staudenmaier
Craig J. Staudenmaier, Esquire
Supreme Court ID No. 34996
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Telephone: (717) 236-3010

CERTIFICATE OF SERVICE

AND NOW, on the date stated below, I, Karen L. Gagne an employee of the firm of Nauman, Smith, Shissler & Hall, LLP, hereby certify that I this day in conformance with Pa.R.A.P. 121, served the foregoing “*Application for an Extension of Time to File a Brief*” as indicated below addressed to the following:

Via First Class U.S. Mail & Electronic Mail:

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Evan Kramer, Esquire
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/s/Karen L. Gagne

Karen L. Gagne, Legal Assistant

Date: July 28, 2023

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Pennsylvania Historical and	:	190 CD 2023
Museum Commission,	:	
Petitioner	:	
v.		
Alec Ferretti		
(Office of Open Records),		
Respondent		

PROOF OF SERVICE

I hereby certify that this 28th day of July, 2023, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service

Served:	Amber Joyce Sizemore
Service Method:	eService
Email:	ambsizemor@pa.gov
Service Date:	7/28/2023
Address:	333 Market Street, 17th Floor Harrisburg, PA 17101
Phone:	717-783-6563
Representing:	Petitioner Pennsylvania Historical and Museum Commission

Served:	Evan Kramer
Service Method:	eService
Email:	ekstylz22@yahoo.com
Service Date:	7/28/2023
Address:	600 Commodore Court 2639 Philadelphia, PA 19146
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Representing:	Respondent Alec Ferretti

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Terry Lee Mutchler
Service Method: eService
Email: terry.mutchler@obermayer.com
Service Date: 7/28/2023
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1500 Market Street, Suite 3400
Philadelphia, PA 19102
Phone: 215--66-5-3067
Representing: Respondent Alec Ferretti

/s/ Craig James Staudenmaier

(Signature of Person Serving)

Person Serving: Staudenmaier, Craig James
Attorney Registration No: 034996
Law Firm: Nauman, Smith, Shissler & Hall, LLP
Address: 200 North 3rd Street
18th Floor
Harrisburg, PA 17101
Representing: Intervenor Ancestry.com Operations, Inc.