

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

CITY OF PHILADELPHIA LAW
DEPARTMENT,
Appellant,

v.

FAYE ANDERSON,
Appellee.

:
: June Term 2025
:
: No. 03359

(ORDRF-In Re: Appeal Of City Of Philadelphia [TYB]



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ORDER

AND NOW, this 20th day of March, 2026, upon consideration of the Appeal of the City of Philadelphia from the Final Determination of the Office of Open Records on Remand at AP 2023-1840R (consolidated appeal on remand of OOR Dkt. Nos. AP 2023-1840, 2023-1842, 2023-2222) dated May 30, 2025, it is hereby **ORDERED** and **DECREED** that the City’s Appeal is **GRANTED IN PART** and **DENIED IN PART** as follows:

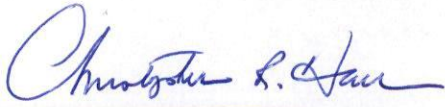
1. The OOR’s decision is **AFFIRMED** to the extent it determined through *in camera* review the status of documents as either exempt or non-exempt.¹
2. The OOR’s decision is **REVERSED** to the extent it determined the City’s log of responsive documents withheld as exempt was conclusory and insufficient to support exemption.²

¹ This appeal concerns the long-ago abandoned proposal to move the 76er’s basketball arena to Center City from the Sports Complex in South Philadelphia. Ms. Anderson had the opportunity to seek *in camera* review of all documents she believed the public should see. She pressed her right with respect to 39 documents and received a fair and reasonable *in camera* review by the OOR.

² The OOR’s determination that the City’s log is conclusory is belied by its *in camera* review. The City’s exemption log listed 621 documents. The parties met, conferred, and agreed 184 were exempt. That left 437

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BY THE COURT:



J.

in dispute. The parties agreed during the first appeal that judicial economy would be best served by remand to the OOR for *in camera* review and participation by third parties. CRTR 570. On remand, the OOR directed Requester to identify the records she wanted the OOR to review *in camera*. CRTR 920. Ms. Anderson identified 39 documents. CRTR 1008. The court presumes based on common sense that Ms. Anderson identified the documents she thought had the weakest basis for a claim of exemption by the City and the highest probability of winning a determination of non-exemption from the OOR. The OOR determined 28 of the 39 documents were exempt from disclosure, or 72%. This means Ms. Anderson's request for disclosure enjoyed only a 28% rate of success. These metrics do not support the OOR's finding that the City's exemption log was conclusory. The court independently reviewed the log. It identifies senders and receivers of documents by email address and includes a brief description of the nature of the document and basis for exemption. It meets professional norms and standards and is not conclusory. Finally, the court invited counsel for Ms. Anderson at oral argument to identify the most obviously non-compliant documents on the City's log. Ms. Anderson proffered two additional, representative documents. It was apparent the two documents Ms. Anderson submitted for this court's review were exempt based on the information provided by the log.