

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

RALPH DUQUETTE,

PETITIONER,

v.

OFFICE OF OPEN RECORDS,
PALMYRA AREA SCHOOL DISTRICT,
GOLDSTEIN LAW PARTNERS, LLC AND:
JOSHUA JONES, MICHAEL KOVAL,
MANDY BRADEN, MARYANN CINI,
KAYLA LEIBERHER,
ALICIA BRENDLE HALDEMAN,
Individually and in Their Roles as
Members of the Palmyra Area School
Board of Directors, and
CHRISTINE FISHER, LARRY GEIB and
SUZANN GILLIGAN in Their Roles as
Members of the Palmyra Area School
Board of Directors.

RESPONDENTS.

No. 84 M.D. 2022

**PETITIONER’S RESPONSES TO THE PRELIMINARY OBJECTIONS OF
RESPONDENT OFFICE OF OPEN RECORDS**

Petitioner submits these Responses to the Preliminary Objections of
Respondent Office of Open Records (“the OOR”) and requests that the Court

overrule those Preliminary Objections. Petitioner's grounds for opposing the Preliminary Objections are specifically set forth below.

The Preliminary Objections gloss over critical facts in Petitioner's Complaint for Writ of Mandamus, Declaratory Judgment and Injunctive Relief ("Complaint") that establishes that the OOR is a proper, intertwined and indispensable party to this lawsuit.

"Necessary parties are those whose presence... is essential if the Court is to resolve completely the controversy before it and render complete relief." *York-Adams County Constables Association by Sponseller v. Court of Common Pleas of York County*, 474 A. 2d 79, 81 (Pa. Commw. Ct 1984).

In addition, the OOR was and is well aware of the concurrent conflicts-of-interest, unclear representation, participation and lack of waiver issues raised during the RTKL Appeal process docketed before the OOR as AP 2022-0254 ("the RTKL Appeal") as set forth in the Complaint but, in an abnegation of its duties to the RTKL process and to the Petitioner, failed to address the issues raised.

Responses To Preliminary Objections

1. Admitted only as to the filing of the Complaint on March 1, 2022.
2. To the extent the OOR intends to refer to an Order by the Court dated April 1, 2022, admitted. Otherwise denied.

3. To the extent the averments of paragraph 3 misstate and modify the Complaint, denied. By way of further response, the contents of the Complaint make clear that the RTKL Appeal was not yet ripe for the issuance of a Final Determination; therefore, what this Court is treating as a petition for review under Chapter 15 of the Pa. R.A.P. is not in itself an appeal of any Final Determination by the OOR. However, Petitioner does not deny this Court's ability to include such an appeal as part of the instant matter.

4. To the extent the averments of paragraph 4 misstate and modify the Complaint, denied. By way of further response, the contents of the Complaint make clear that the RTKL Appeal was not yet ripe for the issuance of a Final Determination; therefore, what this Court is treating as a petition for review under Chapter 15 of the Pa. R.A.P. is not in itself an appeal of any Final Determination by the OOR. However, Petitioner does not deny this Court's ability to include such an appeal as part of the instant matter.

5. To the extent the averments of paragraph 5 misstate, modify and incorrectly summarize the Complaint, denied. By way of further response, during the RTKL Appeals process, Petitioner raised the issues of concurrent conflicts-of-interest, waiver, participation and representation on several occasions. See, Complaint Paragraphs numbered 57, 63, 65, 69, and 75. See, also, Exhibits I, L, N, R and S attached to the Complaint. For reasons known only to itself, and in abnegation of its duties, the OOR refused to address the issues raised, acknowledging just one

part of those issues with a terse “You may make any conflict of interest claim argument you want in your submission but we will not be seeking an outside legal opinion on the matter.” See Complaint Paragraph 64 and Exhibit M attached to the Complaint.

6. To the extent the averments of paragraph 6 intend to reference and incorrectly summarizes Paragraph 85 on page 25 of the Complaint, denied. By way of further response, if the OOR intends to refer to Paragraph 85, Petitioner admits that under Count I, Declaratory Judgment, it is plead that “The Office of Open Records engaged in a failure of justice, due process and in retaliation by failing to adhere to its own so-called Guidelines and obligations as an impartial adjudicative agency in issuing the Final Determination directly upon receiving Duquette’s request for a Stay pending the filing of this action with this Court.”

7. To the extent Respondent intends to refer to an Order by the Court dated April 1, 2022, admitted. Otherwise denied. By way of further response, said Notice to Plead and related documents have most recently been served upon the OOR by Priority Mail, by Certified mail Return Receipt Requested and in person on June 27, 2022, at 333 Market Street, Harrisburg, to a woman identifying herself as an employee of the OOR.

8. To the extent the averments of paragraph 8 contradict the averments of paragraph 10 and the Response to paragraph 7, above, denied.

9. Denied. The OOR was timely served and in accordance with the Rules. But only now files its Preliminary Objections. By comparison, the other parties to the instant action responded to service in March. Both requested, and received, extensions of time in which to respond to the Complaint. Both filed their respective Preliminary Objections and received respective responses thereto weeks ago. Admitted that on May 5, 2022, the OOR, by email, informed Petitioner that no Notice to Plead had been received, as follows: “The OOR has not received service of any filing containing a Notice to Plead. In the absence of such service, the OOR does not have any duty to file an Answer” Despite believing that the Notice to Plead was included in the Priority Mail packet that was previously served upon the OOR - and which the OOR acknowledges receiving on May 9, 2022 - Petitioner on June 27, 2022, again mailed the full packet containing the Complaint, the Exhibits and a Notice to Plead to the OOR (and separately to the PA Attorney General), by Certified Mail #7021-2720-0002-7053-8558, Return Receipt Requested. Petitioner also personally hand delivered said documents at 333 Market Street, Harrisburg, to a woman identifying herself as an employee of the OOR. Petitioner also upon instruction placed said documents into the AG’s Office drop box at the security desk at Strawberry Square.

10. The averments of paragraph 10 are dependent upon Petitioner being personally aware of when the OOR received service of the Complaint mailed May 5, 2022, which awareness is denied.

11. Denied. By the very nature of its Preliminary Objection, and the attachments thereto, the OOR admits that it was served with the Complaint and Notice to Plead in an envelope bearing the USPS cancellation stamp of May 5, 2022. By way of further response, Petitioner states that by letter dated March 28, 2022, and addressed to the Prothonotary of the Commonwealth Court and copied to several of the Respondents - including the OOR - or their known Counsel, the parties were made aware that the OOR had been previously been served with the Complaint as indicated by an update to the OOR docket for AP 2022-0254. The returns for service upon the parties were forwarded to the Prothonotary by letter dated March 10, 2022. Petitioner has received no 10-day notice of any deficiency in service by the Court; however, in an effort to directly address the OOR's concerns, Petitioner under separate cover will forward to the Prothonotary Returns of Service as to the Notice to Plead and Complaint which was served upon the OOR and Attorney General on or about May 5, 2022, and on June 27, 2022.

Petitioner is not aware of any requirement to file a "Certificate of Service," nor does the OOR identify any specific rule which requires the filing of said document with the Prothonotary. However, a Pa. R.A.P. 121 Certificate of Service has been attached to by Petitioner to the pleadings in the instant matter, including to these Responses. Returns of Service will be filed once the green Return Receipts are received from the Post Office.

12. Denied as “delayed” is not defined within the Pa. R.A.P. Petitioner has, by his count, served 4 large packets containing the Complaint, Exhibits and relevant certificates upon the OOR since the Complaint was originally filed utilizing Priority Mail, Certified Mail, even delivering a packet by hand in a constant effort to address “issues” the OOR has raised with respect to effective service upon it.

Further, the OOR is required under Pa.R.C.P. 1026 to serve its initial response to the Complaint within 20 days of service; however, despite admitting that it was served with a Notice to Plead dated May 5, 2022, it did not respond to the Complaint with its Preliminary Objections until June 3, 2022, the OOR’s Preliminary Objections are not timely and should be stricken in their entirety. In addition, the OOR fails to attach the Pa. R.A.P. 127 Certificate of Compliance to its Preliminary Objections.

13. No response is required.

14. To the extent the averments of paragraph 14 misstate the Complaint, which speaks for itself, said averments are denied.

15. The averments of paragraph 15 are conclusions of law to which no response is required and are deemed denied.

16. The averments in paragraph 16 are conclusions of procedure and law to which no response is required, and are deemed denied. By way of further response, Service of Process was made upon the OOR and the Office of the Attorney General as required by Pa. R.A.P. 1514(c) and 42 Pa.C.S. 8523.

17. The averments in paragraph 17 are conclusions of procedure and law to which no response is required, and are deemed denied. By way of further response, to the extent the averments in paragraph 17 suggests that Petitioner did not follow the requirements of Pa. R.A.P. 121, Petitioner states that an attempt was made pursuant to Rule 121(c)(1) to hand deliver the freshly-filed Complaint upon the OOR at 333 Market Street and Attorney General's Office at Strawberry Square on March 1, 2022; however, upon arriving at Strawberry Square, Petitioner was told no entry was possible. Petitioner could not then locate the entrance to the OOR's offices at 333 Market Street (Petitioner has since learned that access is thru the guarded entryway of the PA Department of Education, but even then, access is limited to the lobby of the building). Consequently, Petitioner Priority mailed the Complaint packet pursuant to Rule 121(c)(2) from the Harrisburg Post Office. A Certificate of Service pursuant to Pa.R.A.P 121 was attached to the Complaint. Given we live in the time of Covid, in person service was neither practical nor achievable on offices or persons in closed or locked down buildings or upon the necessary parties when employees work from unknown locations, including personal residences or other offices outside of Harrisburg or in other counties. Given the security set-ups at the two buildings, it is not possible to personally hand items "to the person in charge thereof." In addition, no signage for the OOR was observed on the exterior or at any entryways at 333 Market Street, Harrisburg.

18. The averments in paragraph 18 are conclusions of procedure and law to which no response is required, and are deemed denied. By way of further response, Petitioner states the service requirements of Pa. R.C.P. 121(b) and Pa. R.C.P. 1514(c) have been met.

19. The averments in paragraph 19 are conclusions of law to which no response is required, and are deemed denied. By way of further response, Petitioner refers the OOR to the Responses to the paragraphs, above.

20. The averments in paragraph 20 are conclusions of procedure and law to which no response is required, and are deemed denied. By way of further response, Petitioner states that a Pa. R.A.P. 121 Certificate of Service is included with all documents filed.

21. The averments in paragraph 21 are conclusions of procedure and law to which no response is required, and are deemed denied. By way of further response, Petitioner states that a Pa. R.A.P. 121 Certificate of Service is included with all documents filed. In addition, service was made on or about March 29, 2022, by Certified Mail #7020-2450-0001-7461-5664, Return Receipt Requested, upon the Office of the Attorney General at Strawberry Square as indicated in the “Official Note” under Pa. R.A.P. 1514. The green Return Receipt card, however, has not been received from the Post Office.

22. The averments in paragraph 22 are conclusions of procedure and law to which no response is required, and are deemed denied. By way of further

response, Petitioner states that the OOR misstates the applicability and requirements of 42 Pa. C.S. 8523 and Pa. R.C.P. 422(a). In any case, service has been made via Priority Mail, Certified Mail and in person, and this Objection is therefore moot.

23. The averments in paragraph 23 are conclusions of law to which no response is required and are deemed denied. By way of further response, Petitioner states that the issues raised by the OOR as to service have been addressed and are, therefore, moot.

24. Admitted only to the extent that the OOR is an agency of the Commonwealth. Otherwise denied. By way of additional response, the contents of the Complaint make clear that the RTKL Appeal was not yet ripe for the issuance of a Final Determination; therefore, there is no “Further.”

25. The averments in paragraph 25 are conclusions of law to which no response is required and are deemed denied. By way of further response, Petitioner states that the Objection raised by the OOR in this paragraph, if any, are irrelevant to the instant action as the Complaint makes clear that the RTKL Appeal was not yet ripe for the issuance of a Final Determination. If the OOR intends to reference a requirement that service of the Complaint in the instance action needs served upon the Attorney General, Petitioner states service was made on or about March 29, 2022, by Certified Mail #7020-2450-0001-7461-5664, Return Receipt Requested,

upon the Office of the Attorney General at Strawberry Square. The green Return Receipt card, however, has not been received from the Post Office.

26. The averments in paragraph 26 are conclusions of law to which no response is required and are deemed denied. See, also, the Response to paragraph 25, above.

27. It is unclear to what the OOR is referring in this averment as “the Petition” is undefined and is therefore denied. By way of further response, and to the extent the OOR is referring to the Complaint, see the Responses to paragraphs 7 and 25, above.

28. As it is unclear what the averment in paragraph 28 relates or objects to, said averment is deemed denied. By way of further response, and to the extent the OOR is referring to the Complaint, see the Responses to paragraphs 7 and 25, above.

29. As it is unclear what the averment in paragraph 29 relates or objects to, said averment is deemed denied. By way of further response, and to the extent the OOR is referring to the Complaint, see the Responses to paragraphs 7 and 25, above.

30. As it is unclear what the averment in paragraph 30 relates or objects to, said averment is deemed denied. By way of further response, and to the extent the OOR is referring to the Complaint, see the Responses to paragraphs 7 and 25, above.

31. No response is required.

32. To the extent the averments in paragraph 32 incompletely and incorrectly summarize the Complaint, which speaks for itself, said averments are deemed denied.

By way of further response, the Complaint on page 27 seeks *inter alias* to have this Court “direct the Office of Open Records to withdraw the Final Determination dated February 25, 2022, and issued prematurely in the Appeal docketed as AP 2022-0254.”

By way of further response, the Complaint on page 29 “requests the Honorable Court to issue a Writ in the form of Mandamus, declare the Defendants’ actions unlawful and in bad faith, grant Duquette’s request for injunctive relief and any other relief deemed appropriate by the Court or, in the alternative, remand to the Office of Open Records with instructions to enforce the Rules of Professional Conduct as to Goldstein Law Partners and to issue a Final Determination which is consistent as to the Sunshine Act.”

Additionally, while Petitioner denies that the so-called Final Determination in the RTKL Appeal is legitimate or lawful, he also does not deny this Court’s ability to include an appeal of that document as part of the instant matter.

33. Admitted.

34. Admitted.

35. The averment in paragraph 35 is a conclusion of law to which no response is required and is deemed denied. By way of additional response, no part of the

RTKL references or defines “either party,” therefore, no “mechanism” appears available for the claimed purpose under the RTKL.

By way of further response, as the averments in paragraph 35 appear to suggest that a legitimate final determination was issued in the RTKL Appeal, Petitioner reminds that the contents of the Complaint make clear that the RTKL Appeal was not yet ripe for the issuance of a Final Determination; therefore, Section 1302(a) of the RTKL is not applicable to the instant matter.

36. The averment in paragraph 36 is a conclusion of law to which no response is required and is deemed denied. By way of additional response, as the averment in paragraph 36 appears to suggest that a legitimate final determination was issued in the RTKL Appeal, Petitioner reminds that the contents of the Complaint make clear that AP 2022-0254 was not yet ripe for the issuance of a Final Determination; therefore, Section 1302(a) of the RTKL is not applicable to the instant matter.

37. As the averment in paragraph 37 appears to suggest that a legitimate final determination was issued in the RTKL Appeal, Petitioner reminds that the contents of the Complaint make clear that AP 2022-0254 was not yet ripe for the issuance of a Final Determination; therefore, the filing of an appeal of something which could not issue would be, and is, premature.

38. The averments in paragraph 38 present conclusions of law to which no response is required and are deemed denied. By way of further response, what the OOR avers in paragraph 38 and elsewhere as “the availability of a statutory

remedy” is inapplicable here as the RTKL Appeal was not ripe for a final determination and, therefore, an appeal to any Court of Common Pleas would be premature and improvident. Further, there is no remedy available outside of the instant action to an act of retaliation by an agency of the Commonwealth. Additionally, there is no remedy available outside of the instant action when an agency of the Commonwealth fails to act as it must. This Court has original jurisdiction over matters involving the Commonwealth. See for instance 42 Pa. C.S.A. 761(a)(2). The OOR’s averment as to “Petitioner’s knowledge” is gratuitous and unnecessary.

39. The averments in paragraph 39 is a conclusion of law to which no response is required and is deemed denied. By way of additional response, as the averment in paragraph 39 appears to suggest that a legitimate final determination was issued in the RTKL Appeal, Petitioner reminds that the contents of the Complaint make clear that AP 2022-0254 was not yet ripe for the issuance of a Final Determination; therefore, Section 1302 of the RTKL is not applicable to the instant matter and no statutory remedy exists. Petitioner cannot ignore, willfully or otherwise, something which is not in play.

40. The averments in paragraph 40 present conclusions of law to which no response is required and are deemed denied. By way of further response, what the OOR avers in paragraph 40 and elsewhere as “an adequate remedy at law” is inapplicable here as the RTKL Appeal was not ripe for a final determination and,

therefore, an appeal to any Court of Common Pleas would be improvident. Further, there is no remedy available outside of the instant action to an act of retaliation by an agency of the Commonwealth. Additionally, there is no remedy available outside of the instant action when an agency of the Commonwealth fails to act as it must. The OOR could have taken care of the issues central to the instant action by addressing during the RTKL Appeals process the issues raised by Petitioner as to clear violations of the Rules of Professional Conduct (“RPC”) by an attorney or group of attorneys purportedly practicing before it and by addressing the other issues then raised by Petitioner. Yet, it chose to not even inquire or request clarification as to the issues raised. So here we are.

In addition, “Injunctive relief will lie where there is no adequate remedy at law. *Fox-Morris Associates, Inc. v. Conroy*, 460 Pa. 290 at 294, 333 A.2d 732 at 734 (1975) (Roberts, J. concurring). The purpose of a preliminary injunction is to preserve the status quo as it exists or previously existed before the acts complained of, thereby preventing irreparable injury or gross injustice. *Slott v. Plastic Fabricators, Inc.*, 402 Pa. 433, 167 A.2d 306 (1961). A preliminary injunction should issue only where there is urgent necessity to avoid injury which cannot be compensated for by damages. *Independent State Store Union v. Pa. Liquor Control Bd.*, 495 Pa. 145, 432 A.2d 1375 (1981).

41. The averments in paragraph 41 are conclusions of law to which no response is required and are deemed denied. The averments in paragraph 41 are further

denied as Section 1302(a) does not provide any remedy - statutorily or “at law” - for the type of situation laid out in the Complaint and supported with exhibits.

42. No response is required.

43. To the extent the averments in paragraph 43 incompletely and incorrectly summarize the Complaint, which speaks for itself, said averments are deemed denied. By way of additional response, Petitioner states the Complaint - Paragraph 88 in particular - sets forth the real and concrete controversy, however inconvenient to the OOR, and that the OOR’s acts and failures to act resulted in a denial of a “fair shake” to Petitioner in the RTKL Appeal proceeding before the OOR.

Further, because neither Respondent Palmyra Area School District (the “District”) nor Respondent School Board Directors (the “Directors”) cured the defect in the appointment of Respondent Goldstein Law Partners (“GLP”) as a solicitor on December 2, 2021, GLP’s appearance before the OOR - in whatever capacity GLP intended to appear - was therefore unlawful and not in keeping with the RPC.

In addition, in the RTKL Appeal, GLP represented, or purported to represent, multiple parties, including itself, the District, the named individual School Board members and the named private citizens who were not yet sworn School Board members for the relevant time period. It does not appear the attorneys at issue represented or purported to represent the School Board as an entity; nor was a vote

of the School Board taken by which those attorneys could provide legal representation to them.

The attorneys at issue were not lawfully retained to represent any party to the RTKL Appeal before the OOR, yet they entered an appearance for parties uncertain; however, neither the District (the only party to have legal standing aside from Petitioner to participate in the RTKL Appeal), nor the attorneys themselves, nor the School Board respondents, nor the OOR acted to cure the defect. Indeed, because the OOR failed to so much as inquire as to whom GLP represented, and on whose behalf it was making arguments, Petitioner was denied the opportunity to determine which argument(s) presented by GLP was relevant to the RTKL Appeal and was therefore denied the opportunity to present relevant responses and or defenses thereto.

GLP could not, therefore, lawfully present argument to the OOR. As a consequence of its own acts and failure to act, the OOR lacked the jurisdiction to hear the District's defenses to Petitioner's RTKL Appeal docketed before the OOR as AP 2022-0254 and Petitioner was therefore harmed.

By way of further response, at no point within the Paragraphs numbered 88 or 93 of the Complaint is any form of the word "disqualify" used. Nor, within those specific Paragraphs, does Petitioner seek disqualification of counsel "due to an alleged conflict of interest." However, the prayer for relief under Count II does request this Honorable Court "to direct the Office of Open Records to disqualify

Goldstein Law Partners from representing multiple apparent clients who have concurrent conflicts-of-interest, especially when no waiver has been presented.”

Finally, the unique facts of this case present issues too important to be denied review. An issue is important if the interests that would potentially go unprotected without immediate appellate review are significant relative to the efficiency interest, which is the avoidance of piecemeal litigation of appeals, sought to be advanced by the final judgment rule. Paraphrasing *Hoffman v. Knight*, 823 A.2d 202 (Pa.Super. Ct. 2003) as quoted in *Vertical Resources, Inc. v. Bramlett*, 837 A.2d 1193, 1199 (Pa. Super. Ct. 2003).

44. To the extent the averment in paragraph 44 incompletely quotes the contents of the Paragraph 73 of the Complaint, which speaks for itself, said averment is deemed denied. By way of further response, “The historical and statutory power of courts to regulate the legal profession is one which is inherent in the power to oversee the administration of justice. Surely this power serves the interest of all citizens of the Commonwealth to be secure against the actions of attorneys subservient to clients with competing interests.” *Anthony Pirillo v. Honorable Harry Takiff*, 341 A. 2d 896, 462 Pa. 511, 530.

“The public's trust in the legal profession undoubtedly would be undermined if this Court does not correct the Superior Court's failure to recognize the common law foundation for the principle that an attorney's representation of a subsequent client whose interests are materially adverse to a former client in a matter

substantially related to matters in which he represented the former client constitutes an impermissible conflict of interest actionable at law. The Superior Court's decision is diametrically opposed to law established by the courts of this Commonwealth and throughout the United States which have imposed civil liability on attorneys for breaches of their fiduciary duties by engaging in conflicts of interest, notwithstanding the existence of professional rules under which the attorneys also could be disciplined.” *Maritrans v. Pepper, Hamilton & Scheetz*, 602 A.2d 1277, 529 Pa. 241, 252 (Pa. 1992)

“Courts have also allowed civil actions for damages for an attorney's breach of his fiduciary duties by engaging in conflicts of interest.” *Maritrans* at 258.

“Courts throughout the United States have not hesitated to impose civil sanctions upon attorneys who breach their fiduciary duties to their clients, which sanctions have been imposed separately and apart from professional discipline. What must be decided in this case is whether, under the instant facts, an injunction lies to prohibit a potential conflict of interest from resulting in harm to Appellant Maritrans. Resort to simple equitable principles, as applied to the facts of this case, renders an affirmative answer to this question.” *Maritrans* at 259.

45. The averments in paragraph 45 are conclusions of law to which no response is required and are deemed denied. By way of further response, Petitioner states that it is well-settled that judicial and quasi-judicial bodies have the absolute right - indeed, duty - to police the behavior of the attorneys practicing before them. See,

Albert M. Greenfield & Co. v. Alderman, 52 Pa. D & C 4th 96, 105 (Pa. Com. Pl. 2001) quoting *American Dredging Co. v. City of Philadelphia*, 480 Pa. 177, 183, 389 A. 2d 568, 571 (Pa. 1978). (“The trial court in the first instance has the power to regulate the conduct of attorneys practicing before it, and has the duty to insure that those attorneys act in accordance with the Code of Professional Responsibility.”) Note: the Code of Professional Responsibility was the predecessor to the current Rules of Professional Conduct.

“[C]ourts possess the inherent power to disqualify counsel for a violation of ethical standards. *Pirillo v. Takiff*, 341 A.2d 896, 462 Pa. 511 (Pa. 1975) (trial judge, exercising power to control litigation and duty to supervise attorney's conduct to prevent egregious impropriety, can grant motion to disqualify based on breach of ethics)” as quoted in *Vertical Resources, Inc. v. Bramlett*, 837 A.2d 1193 (Pa. Super. Ct. 2003).

Additionally, because the RPC “set out the minimum ethical standards for the practice of law and constitute a set of rules which all lawyers must follow,” the OOR’s argument that it lacks any authority to regulate the conduct of attorneys who practice before it is patently absurd. Indeed, RPC 8.3(a) and Comment 1: “Self-regulation of the legal profession requires that members of the profession initiate disciplinary investigation when they know of a violation of the Rules of Professional Conduct.” and Comment 4: “While a lawyer may report professional misconduct at any time, the lawyer must report misconduct upon acquiring actual

knowledge of misconduct,” along with RPC 8.4(c): “engage in conduct involving dishonesty, fraud, deceit or misrepresentation” and RPC 8.4 (d): “engage in conduct that is prejudicial to the administration of justice” are applicable here.

Additionally, RPC 8(b)(1) provides “[i]n any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows: for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits shall be applied, unless the rules of the tribunal provide otherwise.” See, also, Comment 4: “Paragraph (b)(1) provides that as to a lawyer’s conduct relating to a proceeding pending before a tribunal, the lawyer shall be subject only to the rules of the jurisdiction in which the tribunal sits unless the rules of the tribunal, including its choice of law rule, provide otherwise.” In the instant action, it appears the OOR has no relevant “rules of the tribunal” which apply to the facts plead in the Complaint outside of the RPC applicable to all attorneys, including its Hearing Officers, in the jurisdiction known as the Commonwealth of Pennsylvania.

It is important to note that the concept of tribunals policing or regulating the behavior of attorneys practicing before them is not new. Nor is the act of tribunals enforcing the RPC as to attorneys, as follows:

“Whenever an allegation is made that an attorney has violated his moral and ethical responsibility, an important question of professional ethics is raised. It is the duty of the district court to examine the charge, since it is that court which is

authorized to supervise the conduct of the members of its bar. The courts, as well as the bar, have a responsibility to maintain public confidence in the legal profession. This means that a court may disqualify an attorney for not only acting improperly but also for failing to avoid the appearance of impropriety.” *Richardson v. Hamilton Int’l Corp.*, 469 F. 2d 1382 (3rd Cir. 1972).

“[A] District Court is obliged to take measures against unethical conduct occurring in connection with any proceeding before it.” *Woods v. Covington Bank*, 537 F.2d 804 (5th Cir 1974).

“Historically and rationally the inherent power of courts to punish contempts in the face of the court without further proof of facts and without aid of jury is not open to question. This attribute of courts is essential to preserve their authority and to prevent the administration of justice from falling into disrepute.” *Fisher v. Pace*, 336 U.S. 155, 159. (1949)

“[T]he power of courts to punish for contempts is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration whose judgments and decrees would be only advisory.” *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 450 (1911).

“This power ‘has been uniformly held to be necessary to the protection of the court from insults and oppressions while in the ordinary exercise of its duties, and to enable it to enforce its judgments and orders necessary to the due

administration of law and the protection of the rights of suitors.’ Quoting *Bessette v. Conkey*, 194 U.S. 324, 333.

“A contempt proceeding for misbehavior in court is designed to vindicate the authority of the court; on the other hand the object of a disciplinary proceeding is to deal with the fitness of the court's officer to continue in that office, to preserve and protect the court and the public from the official ministrations of persons unfit or unworthy to hold such office. *Chernoff's Case*, 344 Pa. 527, 26 A.2d 335 (1942); *Moyerman's Case*, 312 Pa. 555, 167 A. 579 (1933); *Wolfe's Disbarment*, 288 Pa. 331, 135 A. 732, 50 A.L.R. 380 (1927); *Barach's Case*, 279 Pa. 89, 123 A. 727 (1924); *In re Oliensis*, 26 Pa. Dist. 853 (1917); *Ex Parte Wall*, 107 U.S. 265, 2 S. Ct. 569, 27 L. Ed. 552 (1882); 7 C.J.S., Attorney and Client, Section 28.” Quoted from *Schofield Discipline Case*, 362 Pa. 201, 209, 66 A.2d 675 (1949).

“Courts can command public confidence only as those who serve therein are themselves observant of the law which it is the duty of the courts to enforce.” *Gottesfeld's Case*, 245 Pa. 314, 317 (1914).

"A trial judge, in the exercise of his inherent power to control litigation over which he is presiding and his duty to supervise the conduct of lawyers practicing before him so as to prevent gross impropriety, has power to act where the facts warrant it. . . . Where a breach of ethics is made to appear, the relief is usually the granting of a motion to disqualify and remove the offending lawyer, and has been employed in this State as well as other jurisdictions.” *Middleburg v. Middleburg*,

427 Pa. 114, 233 A.2d 889 (1967); *Seifert v. Dumatic Industries, Inc.*, 413 Pa. 395, 197 A.2d 454 (1964).” *Pirello* quoting *Slater v. Rimar Inc.*, 462 Pa. 138, 338 A.2d 584 (J-33 filed Apr. 18, 1975) (footnotes omitted). The test for determining whether there is an impairing conflict is probability, not certainty. *Middleburg*, 427 Pa. at 115, 233 A.2d at 890; *Seifert*, 413 Pa. at 398, 197 A.2d at 455. A court is not bound to sit back and wait for a probability to ripen into a certainty; it may restrain conduct which has the potential for evolving into a breach of ethics before such conduct becomes ripe for disciplinary action. *Slater*, supra; *Middleburg*, supra.

46. The averment in paragraph 46 presents an incomplete and inaccurate conclusion of law to which no response is required, and is deemed denied. By way of further response, see Response to paragraph 45, above.

47. The averments in paragraph 47 represent incomplete and inaccurate conclusions of law to which no response is required, and are deemed denied. See, also, Response to paragraph 45, above.

48. The averments in paragraph 48 represent conclusions of law to which no response is required and are deemed denied. By way of further response, while “complaints of misconduct can be made,” there is no requirement the Petitioner do so or that doing so will cure the defects present in the RTKL Appeal. However, pursuant various provisions of Rule 8 of the RPC, attorneys acting as OOR Hearing Officers have a duty to report violations of the RPC.

49. The averments in paragraph 48 represent unconnected conclusions of law to which no response is required and are deemed denied. By way of further response, see Response to paragraph 45, above.

50. No response is required.

51. To the extent the averments in paragraph 51 incompletely and incorrectly summarize Paragraph 85 of the Complaint, which speaks for itself, said averments are deemed denied. By way of further response, Petitioner admits that in Paragraph 85 of the Complaint, he alleged “The Office of Open Records engaged in a failure of justice, due process and in retaliation by failing to adhere to its own so-called Guidelines and obligations as an impartial adjudicative agency in issuing the Final Determination directly upon receiving Duquette’s request for a Stay pending the filing of this action with this Court.”

Additionally, the sudden issuance of the so-called Final Determination within 24 hours of Petitioner’s email requesting a stay creates the appearance that the Office of Open Records places expediency above fairness or justice, or in disregard of fairness or justice, and that it engaged in retaliation. Furthermore, Petitioner directs the OOR and this Court to the Hearing Officer’s email attached to the Complaint as Exhibit M.

52. The averment in paragraph 52 is a conclusion of law to which no response is required and is deemed denied. Further, see Response to paragraph 45, above.

53. The averment in paragraph 53 is a conclusion of law to which no response is required and is deemed denied. To the extent the averment in paragraph 53 incompletely and incorrectly summarizes the RTKL, which speaks for itself, said averment is also deemed denied. By way of further response, the issues Petitioner raised with respect to the unethical behavior of attorneys practicing before the OOR and unclear representation by one or more of the GLP attorneys involved in the RTKL Appeal was not mere matter of a “procedural matter.” See, also, the Responses to paragraph 51, above, and paragraphs 54 and 55, below.

54. The averment in paragraph 54 is a conclusion of law to which no response is required and is deemed denied. To the extent the averment in paragraph 54 incompletely and incorrectly summarizes avenues available to the OOR for the stated situation said averment is also deemed denied.

By way of further response, Petitioner admits that more than a dozen years after the current iteration of the Right-to-Know Law became effective, the OOR has yet to promulgate a single regulation. Petitioner is not aware of what “policy, or procedure” the OOR utilizes as such are not all published or easily available. Petitioner is aware that this Court has chided the OOR over its failure to promulgate a full body of regulations with respect to the RTKL.

Additionally, Petitioner notes that the RTKL provides no “regulation, policy or procedure” with respect to *in camera* reviews. Nor is *in camera* defined within Section 102 of the RTKL. Yet, in 2012, in the matter captioned as *Office of the*

Governor v. Mark Scolforo, 65 A.3d 1095 (Pa. Commw. Ct. 2013), this Honorable Court “ordered the parties to file supplemental briefs limited to the issue of whether the OOR has the authority to, *sua sponte*, direct an agency to produce for *in camera* review unredacted records that are the object of a RTKL request... [T]his Court [then] granted the OOR’s application to intervene, and the OOR filed a brief and participated in oral argument.” *Scolforo* at footnote 3.

In *Bowling v. Office of Open Records*, 990 A.2d 813, 819 (Pa. Commw. Ct. 2010), *aff’d* 75 A.3d 453 (Pa. 2013).this Honorable Court “recogniz[ed] that the FOIA is the federal counterpart to our RTKL.” If attorneys involved in FOIA requests are subject to ethical regulation by federal courts, why does the OOR believe it has no companion duties or responsibilities as to the attorneys who practice before it? That the OOR has no “regulation, policy or procedure” with respect to applying the RPC in matters before it is a failure on its part. That the OOR has no “regulation, policy or procedure” with respect to applying the RPC in matters before should not create an extra burden upon those who seek to utilize the RTKL to obtain public records. These failures of the OOR violate the very language and spirit of Section 1102 of the RTKL.

In *Bowling*, the OOR and an agency argued that any Chapter 13 Court review was strictly limited to the OOR’s Final Determination. However, the PA Supreme Court noted that the statutory construction of the RTKL indicated otherwise, thereby resulting in the current *de novo* review.

In a more recent matter before the OOR, *Pennlive v. Lebanon County*, Dkt No. AP 2022-1006, the OOR stated that subject matter jurisdiction questions may be raised *sua sponte* despite the RTKL containing no explicit language with respect to same; if the OOR can address issues not contained within the language of the RTKL for some issues, why not as to important issues such as the ethical behavior of the attorneys practicing before it?

55. To the extent the averments in paragraph 55 incompletely and incorrectly summarizes the Complaint, which speaks for itself, said averments are deemed denied. By way of further response, the factual allegations of the Complaint, particularly Paragraph 63 and Exhibit M, as well as Section 1102(b)(3) of the RTKL provide basis as to the OOR's obligations to the Petitioner as a Requester in the RTKL Appeal.

While Hearing Officers may not be specifically subject to the Code of Judicial Conduct or to the Code of Conduct for Employees of the Unified Judicial System, certain portions of said Codes are applicable by inference to Hearing Officers: promoting confidence in the process, being fair, performing one's duties without bias or prejudice, ensuring the right to be heard, and requiring order and decorum in proceedings.

An attorney who represents a client in an adjudicative proceeding is obligated to follow the RPC. In addition, the OOR, whose Hearing Officers are attorneys, are themselves obligated to follow the RPC. In this context, it is absurd

for the OOR to advance an argument which runs contrary, at a minimum to the spirit of RPC Rule 3.3 - a rule which under Comment 2, notes “lawyers as officers of the court are obligated to avoid conduct which undermines the integrity of the adjudicative process.”

In addition, the Model Code of Ethics for Hearing Officers found at www.naho.org/Model-Code-of-Ethics, Section X, states “Hearing officials must comply with all applicable statutes, administrative rules, codes of conduct, policies, and ordinances regarding ethics in their jurisdiction, and work to ensure that persons involved in the proceedings also comply. Hearing officials have a duty to report ethical violations.”

Further, the numerous failures of the OOR to enforce the RPC in the RTKL Appeals process caused an infringement upon Petitioner’s ability to have his statutory rights pursuant to the RTKL observed. The OOR’s failures to ensure GLP was lawfully appointed as Solicitor created unsafe conditions during the RTKL appeals process. Once the Petitioner requested a stay - which constructively was permitted in the OOR’s email attached to the Complaint as Exhibit M - the OOR was ethically and statutorily obligated to grant Petitioner’s request. Instead, it almost immediately issued what it calls a “Final Determination.”

56. To the extent the averments in paragraph 56 incompletely and incorrectly summarize the RTKL, which speaks for itself, said averments are deemed denied. By way of further response, the RTKL “tasks appeals officers” with much more

than simply disposing of appeals quickly. See, also, the Responses to paragraphs 51, 54 and 55, above.

57. The averment in paragraph 57 is a conclusion of law to which no response is required and is deemed denied. By way of further response, the Complaint seeks, *inter alias*, to compel the OOR to do what it must: enforce the RPC as to attorneys practicing before it. To suggest that an adjudicative body such as the OOR need not consider the ethical requirements of the attorneys practicing before it is absurd. See, also, the Responses to paragraphs 51, 54 and 55, above.

58. The averments in paragraph 58 is a conclusion of law to which no response is required and is deemed denied. By way of further response, the instant action does not seek to define what was, or was not, “probative” during the RTKL Appeal. See, also, the Responses to paragraphs 51, 54 and 55, above.

59. To the extent the averments in paragraph 59 incompletely and incorrectly summarize the RTKL, which speaks for itself, said averments are deemed denied.

60. To the extent the averments in paragraph 60 incompletely and incorrectly summarize the Complaint and/or the RTKL, each of which speaks for itself, said averments are deemed denied. By way of further response, without the OOR addressing the ethical and other issues raised before it by Petitioner, the District lacked the authority to make legal arguments before the OOR. Indeed, it might even be said that the District could not legally appear before the OOR. Instead of

addressing the issues raised, the OOR permitted entities and individuals who were not parties to the RTKL Appeal to participate.

61. To the extent the averments in paragraph 61 incompletely and incorrectly summarize the Complaint, which speaks for itself, and the RTKL Appeals process, said averments are deemed denied. Further, “opportunity” as used within the averments in paragraph 61 is undefined.

By way of further response, Petitioner several times raised the issues of GLP’s concurrent conflicts-of-interest, lack of waiver as to concurrent representation, lack of clarity as to which entity or individuals or group of individuals GLP may or may not be representing before the OOR, and participation during the RTKL Appeals process. The OOR, however, refused to address those issues. See, for instance, GLP’s February 8, 2022, email time-stamped 12:28 pm, wherein GLP Attorney Yanoff declares GLP is “solicitor for the Board.” See, also, Petitioner’s February 4, 2022, email time-stamped 3:54 pm. Other emails disclosed by the District make clear that some type of attorney-client relationship existed between GLP, the District and several of the School Board members - in their respective roles as private individuals and/or in their respective roles as individual school board members - but that GLP did not know who it represented during the RTKL process or before the OOR.

Although Petitioner brought the aforementioned issues to the attention of the OOR on several occasions, the OOR refused to address the issues raised. Neither

the GLP nor its imputed or apparent clients ever issued a denial or clarification during the OOR appeals process, nor did the OOR attempt to clarify who was a legitimate party to the RTKL Appeal. Additionally, the OOR did not attempt to clarify who GLP represented in the RTKL Appeal before it.

Indeed, by improperly allowing GLP to submit the OOR form designated for third party use to enter its appearance before it, the OOR further muddled the issues raised. Did GLP represent a party, multiple parties, or was it a party with a direct interest? That lack of clarity made it impossible for Petitioner to press his case before the OOR, or to be able to fairly do so. The interests of justice as set forth under RTKL Section 1002 were not observed.

62. Denied.

63. No response is required.

64. To the extent the OOR intends to repeat the averments of paragraph 51 or other paragraphs, the OOR is referred to the Responses to those paragraphs.

65. Petitioner admits only that Complaint Paragraph 76 states “Less that (sic) 24 hours after Duquette’s good cause request to extend time for issuance of the Final Determination, the Office of Open Records prematurely issued its Final Determination in the appeal docketed as AP 2022-0254 without ruling on Duquette’s requests with respect to the apparent violations of the Sunshine Act, and the concurrent conflicts-of-interest and other issues raised with respect to the Rules of Professional Conduct. See Exhibit “T, attached.”

66. To the extent the averments in paragraph 66 incompletely and incorrectly summarize the Complaint, which speaks for itself, said averments are deemed denied. By way of further response, Petitioner admits only that Complaint Paragraph 85 seeks a declaratory judgment that “The Office of Open Records engaged in a failure of justice, due process and in retaliation by failing to adhere to its own so-called Guidelines and obligations as an impartial adjudicative agency in issuing the Final Determination directly upon receiving Duquette’s request for a Stay pending the filing of this action with this Court.”

67. To the extent the averments in paragraph 67 appear to suggest that a legitimate final determination was issued in the RTKL Appeal, Petitioner reminds that the contents of the Complaint make clear that AP 2022-0254 was not yet ripe for the issuance of a Final Determination; therefore, no lawful Final Determination issued which is applicable or binding as to the instant matter and no statutory remedy exists.

68. To the extent the averments in paragraph 68 appear to suggest that a legitimate final determination was issued in the RTKL Appeal, Petitioner reminds that the contents of the Complaint make clear that AP 2022-0254 was not yet ripe for the issuance of a Final Determination; therefore, no lawful Final Determination issued which is applicable or binding as to the instant matter and no statutory remedy exists.

69. To the extent the averments in paragraph 69 appear to suggest that a legitimate final determination was issued in the RTKL Appeal, Petitioner reminds that the contents of the Complaint make clear that AP 2022-0254 was not yet ripe for the issuance of a Final Determination; therefore, no lawful Final Determination issued which is applicable or binding as to the instant matter and no statutory remedy exists.

WHEREFORE, for the reasons stated in the Complaint and in Petitioner's Responses to the Preliminary Objections of Respondent Office of Open Records, the preliminary objections should be over-ruled in their entirety.

Respectfully submitted,

June 29, 2022

_____/s/_____
Ralph Duquette

Pro se Petitioner

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Palmyra, PA 17078
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email: ralphduquettepa@gmail.com

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

RALPH DUQUETTE,

PETITIONER,

v.

OFFICE OF OPEN RECORDS,
PALMYRA AREA SCHOOL DISTRICT,
GOLDSTEIN LAW PARTNERS, LLC AND:
JOSHUA JONES, MICHAEL KOVAL,
MANDY BRADEN, MARYANN CINI,
KAYLA LEIBERHER,
ALICIA BRENDLE HALDEMAN,
Individually and in Their Roles as
Members of the Palmyra Area School
Board of Directors, and
CHRISTINE FISHER, LARRY GEIB and
SUZANN GILLIGAN in Their Roles as
Members of the Palmyra Area School
Board of Directors.

RESPONDENTS.

No. 84 M.D. 2022

[PROPOSED] ORDER

AND NOW, this ____ day of July, 2022, Respondent Office of Open
Records is hereby directed to file and serve a brief in support of its Preliminary
Objections (4 copies) on or about July ___, 2022. Petitioner shall file and serve a

brief in opposition to the Office of Open Records Preliminary Objections (4 copies) within 30 days of service of Respondent's brief.

, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

RALPH DUQUETTE,

PETITIONER,

v.

OFFICE OF OPEN RECORDS,
PALMYRA AREA SCHOOL DISTRICT,
GOLDSTEIN LAW PARTNERS, LLC AND:
JOSHUA JONES, MICHAEL KOVAL,
MANDY BRADEN, MARYANN CINI,
KAYLA LEIBERHER,
ALICIA BRENDLE HALDEMAN,
Individually and in Their Roles as
Members of the Palmyra Area School
Board of Directors, and
CHRISTINE FISHER, LARRY GEIB and
SUZANN GILLIGAN in Their Roles as
Members of the Palmyra Area School
Board of Directors.

RESPONDENTS.

No. 84 M.D. 2022

CERTIFICATE OF COMPLIANCE

I hereby certify that the filing of foregoing Responses to the Preliminary Objections of Respondent Office of Open Records and Proposed Order comply with the provisions of Pa. R.A.P. 127 with respect to the **Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate**

and Trial Courts, that requires filing confidential information and documents differently than non-confidential information and documents.

Dated: June 29, 2022

_____/s/_____
Ralph Duquette, *pro se*

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

RALPH DUQUETTE,

PETITIONER,

v.

OFFICE OF OPEN RECORDS,
PALMYRA AREA SCHOOL DISTRICT,
GOLDSTEIN LAW PARTNERS, LLC AND:
JOSHUA JONES, MICHAEL KOVAL,
MANDY BRADEN, MARYANN CINI,
KAYLA LEIBERHER,
ALICIA BRENDLE HALDEMAN,
Individually and in Their Roles as
Members of the Palmyra Area School
Board of Directors, and
CHRISTINE FISHER, LARRY GEIB and
SUZANN GILLIGAN in Their Roles as
Members of the Palmyra Area School
Board of Directors.

RESPONDENTS.

No. 84 M.D. 2022

CERTIFICATE OF SERVICE

I hereby certify that I am this day, June 29, 2022, serving the foregoing documents, Responses to the Preliminary Objections of Respondent Office of Open Records, Proposed Order, and Pa. R.A.P. 127 Certificate of Compliance, upon the persons and entities listed below, which service satisfies the requirements of Pa. R.A.P. 121 and/or L.R. 57, as applicable. I further certify that the foregoing documents have been uploaded and filed thru the PACfile system for viewing and downloading by Counsel for the parties of record.

For Respondent Goldstein Law Partners:

Charles E. Haddick, Jr., Esq.
Charlene Akraasi, Esq.
Dickie, McCamey & Chilcote, P.C.
2578 Interstate Drive, Suite 105
Harrisburg, PA 17110
Tel: 717-731-4800

For Palmyra Area School District Respondents:

Christopher J. Conrad, Esq.
Marshall Dennehey
100 Corporate Center Dr. Suite 201
Camp Hill, PA 17011
Tel: 717-651-3707

For Office of Open Records:

Kyle Applegate, Esq.
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Joshua Shapiro, Attorney General
Office of the Attorney General
Strawberry Square
Harrisburg, PA 17120

_____/s/_____
Ralph Duquette
Pro Se Petitioner

904 Weaber Ave.
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Tel: 717-832-2366
email: ralphduquettepa@gmail.com

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Ralph Duquette,	:	84 MD 2022
Petitioner	:	
	:	
v.	:	
Office of Open Records, Palmyra		
Area School District, Goldstein Law		
Partners, LLC, Joshua Jones,		
Michael Koval, Mandy Braden,		
Maryann Cini, Kayla Leiberher,		
Alicia Brendle Haldeman, Individually		
and in their official capacity as		
Members of the Palmyra Area School		
Board of Directors, and Christine Fisher,		
Larry Geib and Suzann Gilligan in		
Their Roles as Members of the		
Palmyra Area School Board of Directors,		
Respondents		

PROOF OF SERVICE

I hereby certify that this 29th day of June, 2022, 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:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Service

Served: Charlene Nana Ama Akrafi
Service Method: First Class Mail
Service Date: 6/29/2022
Address: 2578 Interstate Dr Ste 105
Harrisburg, PA 17110
Phone: 717-598-1072
Pro Se: Respondent Goldstein Law Partners, LLC

Served: Charles E. Haddick Jr.
Service Method: eService
Email: CHADDICK@DMCLAW.COM
Service Date: 6/30/2022
Address: 2578 Interstate Drive
Suite 105
Harrisburg, PA 17110
Phone: 717-731-4800
Pro Se: Respondent Goldstein Law Partners, LLC

Served: Charles E. Haddick Jr.
Service Method: First Class Mail
Service Date: 6/29/2022
Address: Dickie Mccamey & Chilcote
2578 Interstate Dr Ste 105
Harrisburg, PA 17110
Phone: 717-731-4800
Pro Se: Respondent Goldstein Law Partners, LLC

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Christopher John Conrad
Service Method: eService
Email: cjconrad@mdwccg.com
Service Date: 6/30/2022
Address: Marshall Dennehey Warner Coleman & Goggin
100 Corporate Center Drive, Suite 201
Camp Hill, PA 17011
Phone: 717--65-1-3531
Pro Se: Respondent Alicia Brendle Haldeman
Respondent Christine Fisher
Respondent Joshua Jones
Respondent Kayla Leiberher
Respondent Larry Geib
Respondent Mandy Braden
Respondent Maryann Cini
Respondent Michael Koval
Respondent Palmyra Area School District
Respondent Suzann Gilligan

Served: Christopher John Conrad
Service Method: First Class Mail
Service Date: 6/29/2022
Address: Marshall Dennehey Et Al
100 Corporate Center Dr Ste 201
Camp Hill, PA 17011758
Phone: 717-651-3531
Pro Se: Respondent Alicia Brendle Haldeman
Respondent Christine Fisher
Respondent Joshua Jones
Respondent Kayla Leiberher
Respondent Larry Geib
Respondent Mandy Braden
Respondent Maryann Cini
Respondent Michael Koval
Respondent Palmyra Area School District
Respondent Suzann Gilligan

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Kyle E. Applegate
Service Method: eService
Email: kyapplegat@pa.gov
Service Date: 6/30/2022
Address: 621 N. Hanover St.
Carlisle, PA 17013
Phone: 570-225-6275
Pro Se: Respondent Office of Open Records

Served: Kyle E. Applegate
Service Method: First Class Mail
Service Date: 6/29/2022
Address: Pa Ofc Of Open Records
333 Market St 16th Fl
Harrisburg, PA 171012234
Phone: 717-346-9903
Pro Se: Respondent Office of Open Records

/s/ Ralph Duquette

(Signature of Person Serving)

Person Serving: Duquette, Ralph
Attorney Registration No:
Law Firm:
Address: 904 Weaber Ave.
Palmyra, PA 17078
Pro Se: Petitioner Duquette, Ralph