Office of Open Records Docket Sheet

OOR Dkt. AP 2023-1598: Michael Long v. Bath Borough

Appeals Officer:	Kelly Isenberg
Case Information:	
Insufficiency Notice:	No
Mediation Requested:	No
30-day Extendion Granted:	Yes
Record Closing Date:	07/24/2023
Final Determination Due Date:	11/06/2023
Case Status:	Affirmed by Common Pleas

Final Determination Outcome: Issued: 11/03/2023

The 2 Item Request sought all communications, including emails, memos, notes, and text messages, between identified Borough officials, employees and the solicitor for a specific timeframe for a list of 12 topics and a list of all employees hired by the Borough outside of the Public Works Department since January 1, 2022, that contains a list of categories of information for each employee. The Request may not be modified on appeal. The Borough's interpretation of Item 1, was unreasonably narrow. The Borough has not proven that no additional records responsive to Item 1 exist. The Borough proved that certain records are protected by the attorney-client privilege. The Borough proved that no responsive exist for Item 2, but the Borough exercised its discretion to provide responsive information in another format. Borough failed to certify the responsive records. The record does not support a finding of bad faith. Granted in part, denied in part, dismissed as moot in part.

Final Determination on Reconsideration: Issued: 01/12/2024

FD partially overturned on two points of alleged error.

Final Determination on Remand Outcome:

Appealed to a Higher Court:

Issued	Docket	Court	Opinion	Enforce
08/28/2024	C-48-CV-2023-10559	Court of Common Pleas	Dismissed	No

Issued	Docket	Court	Opinion	Enforce
04/14/2025	C-48-CV-2024-01039	Court of Common Pleas	Affirmed	No
08/28/2024	C-48-CV-2023-9734	Court of Common Pleas	Dismissed	No

Petition for Review filed before OOR granted Reconsideration. Borough counsel refused to withdraw appeal. Certified Record filed with Recon and FD on Recon.

Consolidated Cases:

Parties:

Requester: Michael Long

Company:

Address:

Bath, PA 18014

Requester Counsel:

Agency:

Bath Borough
121 South Walnut Street
Bath, PA 18014

Agency Counsel:

James F. Kratz
840 W. Hamilton Street
Suite 521
Allentown, PA 18101

Direct Interest Participant(s):

Docket Entries

Date	Description	Party
04/14/2025	Court Order Denying Motions and Sanctions	Court
12/09/2024	Court Order Imposing Sanctions	Court
10/23/2024	Court Order Denying Requester Motions	Court
08/28/2024	Court Order Dismissing Cross-Appeal as Untimely	Court
08/28/2024	Court Order Dismissing Appeal as Moot	Court
08/28/2024	Court Order Dismissing Appeal as Moot	Court
04/10/2024	Requester Motion to Dismiss Appeal as Moot	Requester
04/08/2024	Requester Motion To Supplemental Record	Requester
04/08/2024	Requester Motion To File Appeal Nunc Pro Tunc	Requester
04/08/2024	Requester Response To Motion To Quash Cross Appeal	Requester
04/04/2024	Requester Motion to Strike Answer	Requester
04/04/2024	Requester Response to Motion to Strike Motion to Quash	Requester
04/04/2024	Requester Response to Agency Answer	Requester
04/04/2024	Requester Motion to Strike Praecipe	Requester
04/04/2024	Requester Respone to Motion to Strike Answer	Requester
03/01/2024	Requester Cross Appeal	Requester
02/28/2024	OOR Certified Record	OOR
02/22/2024	OOR Certified Record	OOR
02/09/2024	Court Writ of Certiorari	Court
02/09/2024	Agency Petition for Review	Agency Attorney
01/22/2024	OOR Certified Record	OOR
01/12/2024	OOR Final Determination upon Reconsideration	OOR
12/27/2023	Court Writ of Certiorari	OOR
12/27/2023	Agency Petition for Review	Agency Attorney
12/01/2023	OOR Grant of Petition for Reconsideration	OOR
11/17/2023	Agency Petition for Reconsideration	Agency Attorney
11/03/2023	OOR Final Determination	OOR