



RECEIVED  
COMMONWEALTH COURT  
OF PENNSYLVANIA

17 AUG 2011 08 49

**SPRAGUE & SPRAGUE**

By: RICHARD A. SPRAGUE (I.D. #04266)  
THEODORE J. CHYLACK (I.D. #30608)  
LAWRENCE R. WOHRLE (I.D. #39214)

135 S. 19<sup>th</sup> Street  
Suite 400  
Philadelphia, PA 19103  
Tel. (215) 561-7681

*Attorneys for Appellee*

---

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

**GEOFFREY JOHNSON,**

Petitioner,

v.

**PENNSYLVANIA CONVENTION  
CENTER AUTHORITY,**

Respondent.

No. 379 MD2011

Office of Open Records  
Docket No. AP 2009-0611

**PETITION TO ENFORCE FINAL DETERMINATION  
OF OFFICE OF OPEN RECORDS PURSUANT TO SECTIONS  
1304 AND 1305 OF THE PENNSYLVANIA RIGHT TO KNOW LAW**

Petitioner, Geoffrey Johnson, by and through undersigned counsel, hereby petitions this  
Honorable Court for an Order enforcing the Final Determination of the Office of Open Records,

issued on April 26, 2011, and for the imposition of attorney's fees, costs and civil penalties pursuant to Sections 1304 and 1305 of the Right to Know Law. In support of this Petition the following is averred:

1. Petitioner, Geoffrey R. Johnson (hereafter "Johnson"), sought inspection and copying of documents from the Pennsylvania Convention Center Authority (hereafter "PCCA") under the Pennsylvania Open Records Law, 65 P.S. § 67.101, *et seq.* PCCA refused to provide the requested records and Johnson appealed PCCA's refusal to the Pennsylvania Office of Open Records.

2. Respondent, PCCA, is an instrumentality of the Commonwealth of Pennsylvania created pursuant to statute, 64 Pa.C.S. §6004. PCCA is a Commonwealth Agency under both its enabling legislation, 64 Pa.C.S. § 6004 ("A body corporate and politic named the Pennsylvania Convention Center Authority is created and continued as a public authority and instrumentality of the Commonwealth of Pennsylvania"), and 64 Pa.C.S. § 6006 ("[a]n authority created and continued by this chapter shall exercise the public powers of the Commonwealth as an agency for the purpose . . . of . . . [operating and] owning a convention center . . ."), as well as the definition section of the Open Records Law, 65 P.S. § 67.102 ("Commonwealth Agency" includes "[a]ny of the following: (i) Any office, department, authority, board, multistate agency or commission of the executive branch; *an independent agency*; and a State-affiliated entity . . .") (emphasis added); *See also Berman v. Pennsylvania Convention Center Authority*, 901 A.2d 1085, 1087 n. 1 (Pa. Commw. 2006).

3. This Court has jurisdiction to enforce an Order of the Office of Open Records pursuant to 42 Pa.C.S. §§ 761 and 763.

4. On April 26, 2011, the Office of Open Records issued a Final Determination granting in part and denying in part Johnson's request. A true and correct copy of the Final Determination is appended hereto as Exhibit "A."

5. On or about May 25, 2011, PCCA, through its counsel, filed a document styled as a "Notice of Appeal" with the Court of Common Pleas of Philadelphia County purporting to appeal the April 26, 2011 Final Determination of the Pennsylvania Office of Open Records. A true and correct copy of the Notice of Appeal is appended hereto as Exhibit "B."

6. Johnson moved to quash PCCA's appeal because an appeal from the Final Determination of the Office of Open Records in a matter involving a Commonwealth Agency lies in this Court, and PCCA's appeal was filed in the Court of Common Pleas. In addition, PCCA failed to seek review of the Final Determination by means of a Petition for Review as required by 65 P.S. § 67.1301.

7. On July 14, 2011, the Court of Common Pleas of Philadelphia County issued an Order quashing PCCA's appeal. A copy of the Order of the Court of Common Pleas of Philadelphia County, per the Honorable Paul Panepinto, dated July 14, 2011, is appended hereto as Exhibit "C."

8. Thereafter, Johnson demanded production of the documents that PCCA had been ordered to produce by the Office of Open Records. *See* Exhibit "D," a copy of the letter of Geoffrey R. Johnson to Michael Bowman, Esquire, counsel for PCCA, dated July 26, 2011.

9. On July 28, 2011, Mr. Bowman sent a letter to Johnson falsely stating that "this office has filed the appropriate documents to voluntarily withdraw the appeal of the Final Determination" and further asserting that PCCA considers the Final Determination "moot"

because Johnson had filed a second Right to Know Request. A copy of Mr. Bowman's letter of July 28, 2011 is appended hereto as Exhibit "E."

10. Mr. Bowman's assertion in his letter of July 28, 2011 that "this office has filed the appropriate documents to voluntarily withdraw the appeal of the Final Determination" is a patent falsehood. As is clear from the Docket in the appeal captioned as *Pennsylvania Convention Center Authority v. Johnson*, CCP Phila. Cty., No. 110502877, a copy of which is appended hereto as Exhibit "F," no such "appropriate documents" have ever been filed and, in fact, the appeal was quashed because it was defective.

11. PCCA's unilateral declaration, through Mr. Bowman, that the Final Determination is "moot" is nothing more than contumacious defiance of a legitimate Order. PCCA has willfully or with wanton disregard, deprived the requester of access to a public record which has been determined to be accessible.

12. Mr. Bowman's and PCCA's refusal to comply with the Final Determination is in bad faith.

13. Accordingly, Johnson requests an Order directing PCCA to produce forthwith all of the documents required to be produced under the April 26, 2011 Final Determination of the Office of Open Records.

14. Pursuant to Section 1304 of the Open Records Law, 64 P.S. § 67.1304, this Court may award attorney's fees and costs if "the agency receiving the original request willfully or with wanton disregard deprived the requester of access to a public record subject to access or otherwise acted in bad faith under the provisions of this act[.]"

15. Pursuant to Section 1305 of the Open Records Law, 64 P.S. § 67.1305, "[a] court

may impose a civil penalty of not more than \$1,500 if an agency denied access to a public record in bad faith.”

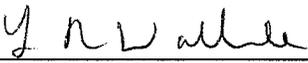
16. Johnson accordingly requests that this Court impose sanctions including attorney’s fees and costs, as authorized by Section 1304 of the Open Records Law, 64 P.S. § 67.1304, in the amount of \$2,500 in seeking the enforcement of the Final Determination, and a civil penalty in the maximum amount of \$1,500 permitted under Section 1305 of the Open Records Law, 64 P.S. § 67.1305.

WHEREFORE, Petitioner, Geoffrey Johnson, requests this Honorable Court to enter an Order (1) directing PCCA to produce forthwith all of the documents required to be produced under the April 26, 2011 Final Determination of the Office of Open Records, (2) finding that PCCA willfully or with wanton disregard deprived Johnson of access to public records subject to access and otherwise acted in bad faith in violation of the provisions of that law, (3) awarding Johnson attorney’s fees and costs in the amount of \$2,500, and (4) imposing a civil penalty in the maximum amount of \$1,500.

Respectfully submitted,

**SPRAGUE & SPRAGUE**

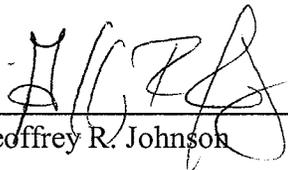
Dated: August 16, 2011

By:   
Richard A. Sprague, Esquire  
Theodore J. Chylack, Esquire  
Lawrence R. Woehrle, Esquire  
The Wellington Building, Suite 400  
135 South 19<sup>th</sup> Street  
Philadelphia, PA 19103  
(215) 561-7681  
Attorneys for Appellee

**VERIFICATION**

I, Geoffrey R. Johnson, am the Appellee in the subject action and verify that the statements in the foregoing Petition to Enforce Final Determination of Office of Open Records Pursuant to Sections 1304 and 1305 of the Pennsylvania Right to Know Law are true and correct to the best of my knowledge, information and belief. I do further understand that these statements are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

8/16/11  
Date

  
\_\_\_\_\_  
Geoffrey R. Johnson

# EXHIBIT A



- 3) Any reports, analyses, memoranda and/or documents relating to the Customer Satisfaction Agreement and/or violations of the customer Satisfaction Agreement.

.....

- 5) Any records of the retention of, billings from, or payment for attorneys or legal services arising out of any subpoenas or information requests directed to the Pennsylvania Convention Center Authority, the Pennsylvania Convention Center and/or any of their Board Members, Officers, Managers, Agents or Employees by a law enforcement agency, including but not limited to, the Department of Justice, the Office of the United States Attorney, the Pennsylvania Office of Attorney General, or the Federal Bureau of Investigation for the period 2006 to present.

("Request"). After extending the deadline to respond, the Authority, on March 24, 2011, denied Part 3 as not sufficiently specific and Part 5 as seeking records protected by attorney-client privilege.

On March 30, 2011, the Requester appealed to the OOR, asserting Part 3 is sufficiently specific because the referenced Agreement has been in effect since 2003 and the Request is therefore limited in duration. He also challenged application of attorney-client privilege, asserting records could be redacted, and noted that no records reflecting retention of counsel, which would not be protected, were provided.

The OOR invited both parties to submit information in support of their respective positions. During the appeal, the Authority provided records it considered responsive to Part 3. The Requester found the response incomplete as it did not include documents or communications with each of the unions that are subject to the agreement. The Authority also advised that it was not aware of any engagement and/or retention letters responsive to Part 5 and that it would, thus, be "very difficult (if not impossible) to identify and produce legal bills similarly responsive to [Part 5]." The Requester challenged this response, asserting the Authority has produced subpoenas and would know which law firms it had hired. The parties were invited to participate

in the OOR's informal mediation program to resolve the appeal. The agency indicated a willingness to do so; however, the Requester declined.

### LEGAL ANALYSIS

The RTKL is "designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials and make public officials accountable for their actions." *Bowling v. OOR*, 990 A.2d 813, 824 (Pa. Commw. Ct. 2010). The OOR is authorized to hear appeals for all Commonwealth and local agencies. *See* 65 P.S. § 67.503(a). An appeals officer is required "to review all information filed relating to the request." 65 P.S. § 67.1102(a)(2). An appeals officer may conduct a hearing to resolve an appeal. The decision to hold a hearing or not hold a hearing is discretionary and non-appealable. *Id.* The law also states that an appeals officer may admit into evidence testimony, evidence and documents that the appeals officer believes to be reasonably probative and relevant to an issue in dispute. *Id.* Here, neither party requested a hearing and the OOR has the necessary, requisite information and evidence before it to properly adjudicate the matter.

The Authority is a Commonwealth agency required to disclose public records. 65 P.S. § 67.102; 65 P.S. § 67.301; *Berman v. Pa. Convention Ctr. Auth.*, 901 A.2d 1085, 1087 (Pa. Commw. Ct. 2006). Records in possession of a local or Commonwealth agency are presumed public unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. An agency bears the burden of proving the applicability of any cited exemptions. *See* 65 P.S. § 67.708(b). Section 708 of the RTKL clearly places the burden of proof on the public body to demonstrate that a record is exempt. In pertinent part, Section 708(a)(1) states: "[t]he burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency

receiving a request by a preponderance of the evidence.” 65 P.S. §67.708(a). Preponderance of the evidence has been defined as “evidence which as a whole shows that the fact sought to be proved is more probable than not.” BLACK’S LAW DICTIONARY 1064 (8th ed.); *see also Commonwealth v. Williams*, 567 Pa. 272, 786 A.2d 961 (2001).

**1. Part 3: Records Related to Agreement**

The Requester argues the Authority’s response is incomplete as it does not include records related to five of the unions subject to the agreement. The Authority did not assert that additional records do not exist. Therefore, the Authority is required to provide any additional correspondence or records that have not been provided.

**2. Part 5: Engagement Letters and Legal Invoices**

A. Existence of Records

The Authority asserts it is not aware of any engagement and/or retainer letters and consequently would find it difficult or impossible to identify and produce legal bills. Under the RTKL, a sworn affidavit may serve as sufficient evidence of the nonexistence of responsive records under the RTKL. *See Sherry v. Radnor Twp. Sch. Dist.*, No. 265 C.D. 2010, 2011 Pa. Commw. LEXIS 156 at \*13-15 (Pa. Commw. Ct. Apr. 4, 2011); *Moore v. OOR*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the present case, however, the Authority’s assertion was neither sworn nor signed under penalty of perjury. As a result, the OOR finds that the Authority failed to provide sufficient evidence demonstrating that no responsive records exist with respect Part 5.

The OOR is mindful that an agency cannot produce records that do not exist within its “possession, custody or control” and, accordingly, is not ordering the creation of any records listed in the Request. Absent an agency’s provision of a sufficient evidentiary basis as to whether any responsive records exist in the first place, however, the OOR will order the

disclosure of responsive public records. *See generally Sindaco v. City of Pittston*, OOR Dkt. AP 2010-0778, 2010 PA O.O.R.D. LEXIS 755; *Schaefer v. Delaware County*, OOR Dkt. AP 2010-0752, 2010 PA O.O.R.D. LEXIS 735.

B. Attorney-Client Privilege

The OOR gives paramount respect to the attorney-client privilege and recognizes the importance of vociferously guarding it. Here, the Authority fails to provide any evidentiary or legal support to demonstrate the applicability of a privilege to protect the entirety of the legal invoices. "Legal invoices are public records, aside from descriptions of services related to litigation." *Boyd v. Phillipsburg Borough*, OOR Dkt. AP 2010-0885, 2010 PA O.O.R.D. LEXIS 951 (citing *Bari v. Phila. Hous. Auth.*, OOR Dkt. AP 2010-0848, 2010 PA O.O.R.D. LEXIS 823 and *Glunk v. West Jefferson Hills Sch. Dist.*, OOR Dkt. AP 2010-0307, 2010 PA O.O.R.D. LEXIS 307); *see also Bd. of Supervisors of Milford Twp. v. McGogney*, No. 2387 C.D. 2009, 2011 Pa. Commw. LEXIS 6 (Pa. Commw. Ct. Jan. 6, 2011). Consequently, the Authority is required to release responsive invoices, subject to permissible redaction of all privileged descriptions of litigation-related services.

**CONCLUSION**

For the foregoing reasons, Requester's appeal is **granted in part** and **denied in part** and the Authority is directed to provide to Requester all responsive records with permissible redaction of the descriptions of litigation-related services only, within thirty (30) days. This Final Determination is binding on all parties. Within thirty (30) days of the mailing date of this Final Determination, any party may appeal or petition for review to the Commonwealth Court. 65 P.S. §67.1301(a). All parties must be served with notice of the appeal. The Office of Open Records

also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL.

This Final Determination shall be placed on the website at: <http://openrecords.state.pa.us>.

**FINAL DETERMINATION ISSUED AND MAILED: April 26, 2011**

A handwritten signature in black ink, appearing to read "Audrey Buglione". The signature is fluid and cursive, with the first name "Audrey" written in a larger, more prominent script than the last name "Buglione".

---

**AUDREY BUGLIONE, ESQUIRE  
APPEALS OFFICER**

Sent to: Michael Bowman; Geoffrey Johnson

# EXHIBIT B

Court of Common Pleas of Philadelphia County  
 Trial Division  
**Civil Cover Sheet**

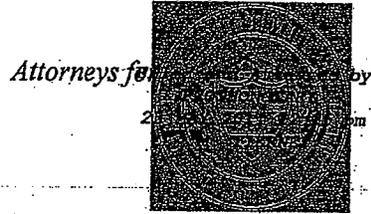
**MAY 2011** **002877**

PLAINTIFF'S NAME PENNSYLVANIA CONVENTION CENTER AUTHORITY		DEFENDANT'S NAME GEOFFREY JOHNSON	
PLAINTIFF'S ADDRESS 1101 ARCH STREET PHILADELPHIA PA 19107		DEFENDANT'S ADDRESS 135 SOUTH 19TH STREET SUITE 400 PHILADELPHIA PA 19103	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input checked="" type="checkbox"/> Notice of Appeal <input type="checkbox"/> Waiver of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input checked="" type="checkbox"/> Other: AGENCY APPEAL	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Small Claims Action <input type="checkbox"/> Petition <input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival	
CASE TYPE AND CODE 51 - MISC ADMINISTRATIVE AGENCY			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED <b>PRO PROTHY</b> MAY 25 2011 M. TIERNEY	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>PENNSYLVANIA CONVENTION CENTER AUTHORITY</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL A. BOWMAN		ADDRESS BOWMAN KAVULICH, LTD 1600 MARKET ST 25TH FLOOR PHILADELPHIA PA 19103	
PHONE NUMBER (215) 391-4300	FAX NUMBER (215) 391-4350		
SUPREME COURT IDENTIFICATION NO. 81762		E-MAIL ADDRESS mbowman@bowmanltd.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL BOWMAN		DATE SUBMITTED Wednesday, May 25, 2011, 12:26 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

*Rec'd 5/27/11 wd*

BOWMAN KAVULICH, LTD.  
BY: Michael A. Bowman  
Attorney I.D. No. 81762  
Crystal M. Lacey  
Attorney I.D. No. 307134  
1600 Market Street, 25<sup>th</sup> Floor  
Philadelphia, PA 19103



PENNSYLVANIA CONVENTION  
CENTER AUTHORITY  
1101 Arch Street  
Philadelphia, PA 19107

Appellant,

v.

GEOFFREY R. JOHNSON, ESQUIRE  
Law Offices of Sprague & Sprague  
135 South 19<sup>th</sup> Street, Suite 400  
Philadelphia, PA 19103

Appellee,

: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY,  
: CIVIL DIVISION  
: MAY TERM, 2011  
: NO. \_\_\_\_\_

NOTICE OF APPEAL

Pursuant to 65 P.S. §67.1302, and on behalf of the Appellant, The Pennsylvania Convention Center Authority, the above hereby appeals the Final Determination and Adjudication of the Pennsylvania Office of Open Records made on April 26, 2011 (Docket No. AP 2011-0377). A copy of said Final Determination is attached hereto and marked as Exhibit "A."

Respectfully submitted,

Dated: May 25, 2011

BOWMAN KAVULICH LTD.

By:



Michael A. Bowman, Esquire  
Crystal M. Lacey, Esquire  
1600 Market Street, 25<sup>th</sup> Floor  
Philadelphia, PA 19103  
215.391.4300

Case ID: 110502877

# **EXHIBIT A**



3) Any reports, analyses, memoranda and/or documents relating to the Customer Satisfaction Agreement and/or violations of the customer Satisfaction Agreement.

.....  
5) Any records of the retention of, billings from, or payment for attorneys or legal services arising out of any subpoenas or information requests directed to the Pennsylvania Convention Center Authority, the Pennsylvania Convention Center and/or any of their Board Members, Officers, Managers, Agents or Employees by a law enforcement agency, including but not limited to, the Department of Justice, the Office of the United States Attorney, the Pennsylvania Office of Attorney General, or the Federal Bureau of Investigation for the period 2006 to present.

("Request"). After extending the deadline to respond, the Authority, on March 24, 2011, denied Part 3 as not sufficiently specific and Part 5 as seeking records protected by attorney-client privilege.

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**1. Part 3: Records Related to Agreement**

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The OOR is mindful that an agency cannot produce records that do not exist within its “possession, custody or control” and, accordingly, is not ordering the creation of any records listed in the Request. Absent an agency’s provision of a sufficient evidentiary basis as to whether any responsive records exist in the first place, however, the OOR will order the

disclosure of responsive public records. *See generally Sindaco v. City of Pittston*, OOR Dkt. AP 2010-0778, 2010 PA O.O.R.D. LEXIS 755; *Schaefer v. Delaware County*, OOR Dkt. AP 2010-0752, 2010 PA O.O.R.D. LEXIS 735.

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CONCLUSION

For the foregoing reasons, Requester's appeal is granted in part and denied in part and the Authority is directed to provide to Requester all responsive records with permissible redaction of the descriptions of litigation-related services only, within thirty (30) days. This Final Determination is binding on all parties. Within thirty (30) days of the mailing date of this Final Determination, any party may appeal or petition for review to the Commonwealth Court. 65 P.S. §67.1301(a). All parties must be served with notice of the appeal. The Office of Open Records

also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL.

This Final Determination shall be placed on the website at: <http://openrecords.state.pa.us>.

**FINAL DETERMINATION ISSUED AND MAILED: April 26, 2011**

A handwritten signature in black ink, appearing to read 'Audrey Buglione', written in a cursive style.

---

**AUDREY BUGLIONE, ESQUIRE  
APPEALS OFFICER**

Sent to: Michael Bowman; Geoffrey Johnson

BOWMAN KAVULICH, LTD.  
BY: Michael A. Bowman  
Attorney I.D. No. 81762  
Crystal M. Lacey  
Attorney I.D. No. 307134  
1600 Market Street, 25<sup>th</sup> Floor  
Philadelphia, PA 19103

*Attorneys for Appellant*

PENNSYLVANIA CONVENTION  
CENTER AUTHORITY  
1101 Arch Street  
Philadelphia, PA 19107

Appellant,

v.

GEORFREY R. JOHNSON, ESQUIRE  
Law Offices of Sprague & Sprague  
135 South 19<sup>th</sup> Street, Suite 400  
Philadelphia, PA 19103

Appellee,

: COURT OF COMMON PLEAS  
: PHILADELPHIA COUNTY,  
: CIVIL DIVISION  
: MAY TERM, 2011  
: NO. \_\_\_\_\_

CERTIFICATE OF SERVICE

I, Michael A. Bowman, Esquire, of Bowman Kavulich, Ltd., and on behalf of the Appellant, The Pennsylvania Convention Center Authority, do hereby certify that I caused a true and correct copy of this Notice of Appeal to be sent *via* first class mail postage prepaid to the below listed individuals on this 25<sup>th</sup> day of May, 2011 as follows:

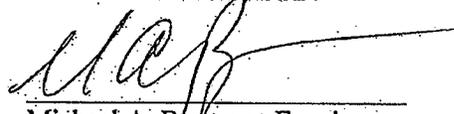
Geoffrey R. Johnson, Esquire  
Law Offices of Sprague & Sprague  
135 South 19<sup>th</sup> Street  
Suite 400  
Philadelphia, PA 19103

Audrey Buglione, Esquire  
Pennsylvania Office of Open Records  
Commonwealth Keystone Building  
400 North Street, 4<sup>th</sup> Floor  
Harrisburg, PA 17120-0225

---

BOWMAN KAVULICH, LTD.

BY:



Michael A. Bowman, Esquire  
Crystal M. Lacey, Esquire

Dated: May 25, 2011

Case ID: 110502877

# EXHIBIT C

**FILED**  
07 JUN 2011 09:43 am  
**Civil Administration**  
S. MACGREGOR

**RECEIVED**  
JUL 12 2011  
**CIVIL ADMINISTRATION**

**SPRAGUE & SPRAGUE**  
By: RICHARD A. SPRAGUE (I.D. #04266)  
THEODORE J. CHYLACK (I.D. #30608)  
LAWRENCE R. WOEHRLE (I.D. #39214)

135 S. 19<sup>th</sup> Street  
Suite 400  
Philadelphia, PA 19103  
Tel. (215) 561-7681

*Attorneys for Appellee*

<b>PENNSYLVANIA CONVENTION CENTER</b>	:	<b>COURT OF COMMON PLEAS</b>
<b>AUTHORITY,</b>	:	<b>PHILADELPHIA COUNTY</b>
	:	
Appellant,	:	
v.	:	May Term 2011
	:	
<b>GEOFFREY R. JOHNSON,</b>	:	No. 002877
	:	
Appellee.	:	

**ORDER**

AND NOW, this 12 day of July, 2011, upon consideration of the Motion to Quash Appeal Of, and for Sanctions Against, Pennsylvania Convention Center Authority, and supporting Memorandum of Law, it is hereby **ORDERED** that the appeal is **QUASHED**.

~~It is further ordered that the cost of this appeal shall be paid by the appellant in the amount of \$\_\_\_\_\_ to appellee.~~

**BY THE COURT:**

*Paul P. Panepinto*

J.

**UNCONTESTED**

Pennsylvania Convention-ORDRF



11050287700008

**DOCKETED**

**JUL 14 2011**

**J. EVERS  
CIVIL ADMINISTRATION**

Case ID: 110502877

Control No.: 11061039

# EXHIBIT D

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†MANAGING ATTORNEY  
FOR NEW JERSEY

RICHARD A. SPRAGUE\*\*  
THOMAS A. SPRAGUE\*\*  
GEOFFREY R. JOHNSON  
CHARLES J. HARDY  
JOSEPH R. PODRAZA, JR.  
THEODORE J. CHYLACK  
THOMAS E. GROSHENS  
LAWRENCE R. WOHRLE\*  
STEPHEN B. LAVNER  
GREGG H. KANTER\*\*

- ALSO MEMBER NJ BAR
- ALSO MEMBER NY BAR

July 26, 2011

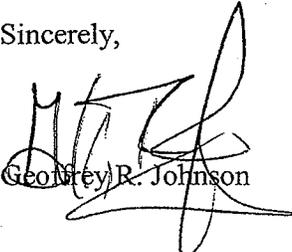
Michael A. Bowman, Esquire  
Bowman & Partners, LLP  
1600 Market Street, 25<sup>th</sup> Floor  
Philadelphia, PA 19103

RE: Right to Know Request of February 16, 2011

Dear Mr. Bowman:

As you are aware, your improper appeal from the Office of Open Records to the Philadelphia Court of Common Pleas has been quashed by Order of July 14, 2011. Accordingly, please provide the records as required by the Opinion of the OOR of April 26, 2011, a copy of which is enclosed.

Sincerely,

  
Geoffrey R. Johnson

GRJ/wd  
Enclosure

# EXHIBIT E



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A certified Minority Business Enterprise

July 28, 2011

Geoffrey R. Johnson, Esquire  
Law Offices of Sprague & Sprague  
The Wellington Building  
135 South 19th Street, Suite 400  
Philadelphia, PA 19103

Re: In the Matter of *Johnson v. Pennsylvania Convention Center Authority*  
– OOR Dkt. AP# 2011-0377

Dear Mr. Johnson,

I am writing to inform you that this office has filed the appropriate documents to voluntarily withdraw the appeal of the Final Determination issued by the Pennsylvania Office of Open Records with respect to the above captioned matter. Because you filed a subsequent request, dated May 12, 2011, for the same or similar information, this office considers any further appeal of this matter moot. For example, documents identified in response to your first request were identified and included in the pending inspection and production of documents identified with respect to your second request given the latter's scope and extent of the second request.

As stated in the agency's response to you, dated June 20, 2011, all documents identified in response to your second request are available for review and inspection at a mutually convenient date and time. After you have an opportunity to inspect the documents, should you wish to receive any copies of documents made available to you, you will be asked to identify them and prepayment of duplication costs will be required prior to any further production.

Thank you for your patience and I look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael Bowman', with a long, sweeping horizontal line extending to the right.

Michael Bowman, Esquire

/mab

cc: Audrey Buglione, Esquire, Appeals Officer, Pennsylvania Office of Open Records

Rec'd 8/1/11 wd



# EXHIBIT F

# Docket Report

## Case Description

**Case ID:** 110502877  
**Case Caption:** PENNSYLVANIA CONVENTION CENTER AUTHORITY VS JOHNSO  
**Filing Date:** Wednesday, May 25th, 2011  
**Location:** CH - City Hall  
**Case Type:** 51 - MISC ADMINISTRATIVE AGENCY  
**Status:** ORDRF - ORDER ENTERED - FINAL DISPOS

## Related Cases

*No related cases were found.*

## Case Event Schedule

*No case events were found.*

## Case Motions

*No case motions were found.*

## Case Parties

Seq #	Assoc	Expn Date	Type	ID	Name
1			ATTORNEY FOR APPELLANT	A81762	BOWMAN, MICHAEL A
<b>Address:</b>		BOWMAN KAVULICH, LTD 1600 MARKET ST 25TH FLOOR PHILADELPHIA PA 19103 (215)391-4300 (215)391-4350 - FAX		<b>Aliases:</b> none	
2	1		APPELLANT	@6966807	PENNSYLVANIA CONVENTION CENTER AUTHORITY
<b>Address:</b>		1101 ARCH		<b>Aliases:</b> none	

			STREET PHILADELPHIA PA 19107		
3	5		APPELLEE	@6966808	JOHNSON, GEOFFREY
<b>Address:</b>	135 SOUTH 19TH STREET SUITE 400 PHILADELPHIA PA 19103		<b>Aliases:</b>	none	
4			TEAM LEADER	J358	PANEPINTO, PAUL P
<b>Address:</b>	ROOM 292 CITY HALL PHILADELPHIA PA 19107 (215)686-7916		<b>Aliases:</b>	none	
5			ATTORNEY FOR APPELLEE	A39214	WOEHRLE, LAWRENCE R
<b>Address:</b>	THE WELLINGTON BLDG STE 400 135 S 19TH ST PHILADELPHIA PA 19103 (215)561-7681 (215)561-6913 - FAX		<b>Aliases:</b>	none	

**Docket Entries**

<input type="checkbox"/> <b>Check for Threaded Docket</b> <small>This feature will reduce the docket to motion related entries only.</small>				
Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
25-MAY-2011 12:26 PM	ACTIV - ACTIVE CASE			25-MAY-2011 01:00 PM

<b>Docket Entry:</b>	E-Filing Number: 1105042170			
25-MAY-2011 12:26 PM	CIVIA - COMMENCEMENT BY APPEAL	BOWMAN, MICHAEL A		25-MAY-2011 01:00 PM
<b>Docket Entry:</b>	<i>none.</i>			
25-MAY-2011 12:26 PM	STAPP - NOTICE OF STATUTORY APPEAL	BOWMAN, MICHAEL A		25-MAY-2011 01:00 PM
<b>Docket Entry:</b>	APPEAL FROM THE ADJUDICATION OF AGENCY/BOARD DECISION RENDERED ON APRIL 26, 2011.			
25-MAY-2011 12:26 PM	CMOIS - CASE MANAGEMENT ORDER ISSUED	BOWMAN, MICHAEL A		25-MAY-2011 01:00 PM
<b>Docket Entry:</b>	<i>none.</i>			
01-JUN-2011 03:52 PM	CLWSO - WAITING/ISSUE SCHEDULING ORDER			01-JUN-2011 03:52 PM
<b>Docket Entry:</b>	<i>none.</i>			
07-JUN-2011 09:43 AM	MTQSH - MOTION TO QUASH	WOEHRLE, LAWRENCE R		08-JUN-2011 09:49 AM
<b>Docket Entry:</b>	39-11061039 RESPONSE DATE 06/28/2011. (FILED ON BEHALF OF GEOFFREY JOHNSON)			
30-JUN-2011 04:55 PM	MTASN - MOTION ASSIGNED			30-JUN-2011 04:55 PM
<b>Docket Entry:</b>	39-11061039 MOTION TO QUASH ASSIGNED TO JUDGE: PANEPINTO, PAUL P. ON DATE: JUNE 30, 2011			
14-JUL-2011	ORDRF - ORDER	PANEPINTO,		14-JUL-2011

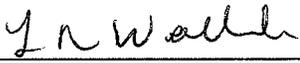
11:25 AM	ENTERED - FINAL DISPOS	PAUL P		11:25 AM
<b>Docket Entry:</b>	39-11061039 IT IS HEREBY ORDERED THAT THE APPEAL IS QUASHED. BY THE COURT: PANEPINTO, J. 7/12/2011			
14-JUL-2011 11:25 AM	ZR236 - NOTICE GIVEN UNDER RULE 236			14-JUL-2011 12:51 PM
<b>Docket Entry:</b>	NOTICE GIVEN ON 14-JUL-2011 OF ORDER ENTERED - FINAL DISPOS ENTERED ON 14-JUL-2011.			

**CERTIFICATION OF SERVICE**

I, Lawrence R. Woehrle, Esquire, on behalf of the Appellee, Geoffrey R. Johnson, do hereby certify that I caused a true and correct copy of this Petition to Enforce Final Determination of Office of Open Records Pursuant to Sections 1304 and 1305 of the Pennsylvania Right to Know Law to be sent via first class mail, postage prepaid to the below listed individuals on this 16<sup>th</sup> day of August, 2011 as follows:

Michael A. Bowman, Esquire  
Crystal M. Lacey, Esquire  
Bowman Kavulich, LTD  
1600 Market Street, 25<sup>th</sup> Floor  
Philadelphia, PA 19103

**SPRAGUE & SPRAGUE**

By:   
Lawrence R. Woehrle (I.D.#39214)

Date: 8-16-11