

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

LIZ EVANS SCOLFORO and	:	
THE YORK DISPATCH,	:	
	:	
Appellants,	:	Docket Nos. 359 CD 2021
	:	360 CD 2021
	:	
v.	:	
	:	
THE COUNTY OF YORK,	:	
	:	
Appellee.	:	

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**APPLICATION FOR CONSOLIDATION OF APPEALS PURSUANT TO  
P.A.R.A.P. 513**

AND NOW come the Appellants, Liz Evans Scolforo and The York Dispatch, by and through their undersigned attorneys, and who respectfully move this Honorable Court to consolidate the matters of *Scolforo, et al. v. The County of York*, listed before this Court at Docket Numbers 359 CD 2021 and 360 CD 2021, and in support thereof, set forth the following:

1. On October 30, 2020, Liz Evans Scolforo and The York Dispatch (“Petitioners”) petitioned the York County Court of Common Pleas for judicial review of a decision of the Office of Open Records (“OOR”), entitled *Liz Evans Scolforo and The York Dispatch*, which was docketed at 2020-SU-002162.

2. On January 22, 2021, York County Court of Common Pleas Judge Clyde W. Vedder issued an order denying Petitioners’ OOR appeal, which was

docketed on January 25, 2021. Judge Vedder held that Petitioners' record request concerned "judicial records" not within the County's possession and accordingly directed Petitioners' record request appeal to the Rule 509 manager for the York County Judicial System.

3. On February 23, 2021, Petitioners' filed a Notice of Appeal from Judge Vedder's January 22, 2021 Order. *See* 359 CD 2021 at Dkt. No. 1.

4. On March 17, 2021, York County Court of Common Pleas President Judge Maria Musti Cook denied the Petitioners' appeal of the District Court Administrator and Open Records Manager for the 19th Judicial District's denial of Petitioners' record request, which was directed to the Open Records Manager by Judge Vedder. President Judge Musti Cook's decision was docketed at *Liz Evans Scolforo and The County of York*, 2021-MI-000036.

5. On March 30, 2021, Petitioners filed a Notice of Appeal from President Judge Musti Cook's March 17, 2021 Order. *See* 360 CD 2021 at Dkt. No. 1.

6. Both appeals are now pending in the Commonwealth Court.

7. Both appeals present identical questions of law and fact regarding the question of whether York County Prothonotary employees' names, salaries, and length of employment are public record under the Pennsylvania Right to Know Law.

8. Consolidation of these two appeals—359 CD 2021 and 360 CD 2021—will not prejudice any substantial right of any party to the actions and will be desirable because of common questions of law and fact and because both appeals involve the same subject matter and questions of law.

WHEREFORE, Appellants respectfully request that this Court grant Appellants’ Application and consolidate the appeals docketed at 359 CD 2021 and 360 CD 2021.

Respectfully submitted,

/s/ Terry Mutchler

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Scolforo and The York Dispatch*

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**CERTIFICATE OF COMPLIANCE**

On this 14th day of April, 2021, I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Terry Mutchler \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of April 2021, I caused a true and correct copy of the foregoing Entry of Appearance to be served via email on the following, with consent, as required by Pennsylvania Rule of Appellate Procedure 121(c)(4):

Michelle Pokrifka, Esquire  
York County Solicitor  
York County Administrative Center  
28 E. Market Street  
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/s/ Terry Mutchler  
Terry Mutchler

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Respectfully submitted,

/s/ Terry Mutchler

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