
ALEX WEIDENHOF and the BUTLER
EAGLE

v.

LANCASTER TOWNSHIP

:
:
:
:
:
:

IN THE COURT OF COMMON PLEAS
OF BUTLER COUNTY

CIVIL ACTION – MANDAMUS

NO. _____

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Office of Prothonotary
Butler County
300 South Main Street
Butler, PA 16001
(724) 284-5214

Butler County Bar Association
240 S. Main Street
Butler, PA 16001
(724) 841-0130

ALEX WEIDENHOF and the BUTLER EAGLE	:	IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY
v.	:	
LANCASTER TOWNSHIP	:	CIVIL ACTION – MANDAMUS
	:	NO. _____

COMPLAINT IN MANDAMUS

AND NOW, come the Plaintiffs, Alex Weidenhof and the Butler Eagle, by and through their counsel, Paula Knudsen Burke, and file this complaint in Mandamus against the Defendant pursuant to the Pennsylvania Rules of Civil Procedure § 1091 et. seq., and aver in support thereof as follows:

1. Plaintiff Alex Weidenhof (“Requester”) is a reporter for Plaintiff the Butler Eagle, a newspaper of general circulation with its principal places of business located at 514 West Wayne Street, Butler, PA 16001
2. Defendant Lancaster Township (“Township”) is a township of the Second Class of the County of Butler and the Commonwealth of Pennsylvania with a municipal office located at 113 Kings Alley, Harmony, PA 16037.
3. On October 8, 2020 Requester submitted a Right to Know Law Request to the Township. The request sought information about a Township employee. The Right to Know Law Request is attached hereto and incorporated herein as Exhibit A
4. On October 13, 2020, the Township responded, granting access to a separation agreement that would be ratified at the next monthly meeting on October 19, 2020. The Township denied Item 2, stating that the request sought records of the employee’s work as a real estate agent and not records that document a transaction or activity of the Township. The Township’s response is attached hereto and incorporated herein as Exhibit B.
5. Requester timely filed an appeal to the Pennsylvania Office of Open Records (“OOR”) on October 13, 2020. The OOR appeal is attached hereto and incorporated herein as Exhibit C.

6. On December 8, 2020, the OOR issued a final determination granting Requester's appeal and requiring the Township to provide all responsive records to the Requester within thirty days. The OOR's final determination is attached hereto and incorporated herein as Exhibit D.
7. The Township did not file an appeal from the OOR Final Determination to the Court of Common Pleas pursuant to 65 P.S. § 67.1302(a) and has failed to produce the responsive records to the Requester as of the present date. Instead, on January 7, 2021 an attorney for the Township provided an attestation, not the responsive records. The attestation and cover email from the solicitor are attached hereto and incorporated herein as Exhibit E.
8. The proper method of enforcing a final order under the Right to Know Law is through a mandamus action. *Capinski v. Upper Pottsgrove Twp.*, 164 A.3d 601 (Pa. Cmwith. 2017).
9. Requester has a clear legal right to the documents and the Township has a mandatory statutory obligation to produce them as the OOR issued a final determination and there has been no appeal filed.
10. The Plaintiffs have no other remedy at law other than the present action in mandamus.

WHEREFORE, Plaintiffs respectfully request this Honorable Court:

- a) Issue a Writ of Mandamus ordering the Defendant provide the Plaintiffs the documents as granted by the Office of Open Records; and
- b) Award attorney fees and costs; and
- c) Grant such other relief as is just and appropriate under the circumstances

Date: March 23, 2021

Respectfully submitted,

/s/ Paula Knudsen Burke
Paula Knudsen Burke
REPORTERS COMMITTEE FOR FREEDOM
OF THE PRESS
PA ID: 87607
PO Box 1328
Lancaster, PA 17608
pknudsen@rcfp.org
Counsel Alex Weidenhof and the Butler Eagle