

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

ALEX WEIDENHOF AND THE
BUTLER EAGLE,
Plaintiffs,

CIVIL ACTION

No. 21-10207

v.

LANCASTER TOWNSHIP,
Defendant,

**ANSWER TO COMPLAINT
IN MANDAMUS**

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
DEFENDANT:

Christopher J. Reese, Esq.
Lope, Casker & Casker
207 E. Grandview Avenue
Zelienople, PA 16063
Phone: (724) 452-5020

PA State ID# 56814

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

ALEX WEIDENHOF AND THE)
BUTLER EAGLE,)
Plaintiffs,) No. 21-10207
)
v.)
)
LANCASTER TOWNSHIP,)
Defendant,)
)

ANSWER TO COMPLAINT IN MANDAMUS

AND NOW, comes the Defendant, Lancaster Township, by and through its attorneys Christopher J. Reese, Esq. and the law office of Lope, Casker & Casker and files the Answer to Complaint in Mandamus filed by Plaintiffs, Alex Weidenhof and the Butler Eagle, and avers as follows:

1. Paragraph 1 is admitted based on information and belief.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted.
4. Paragraph 4 is admitted insofar as the initial response to the Right to Know request is attached as Exhibit "B" and the response speaks for itself.
5. Paragraph 5 is admitted upon information and belief that the appeal attached as Exhibit "C" also included the documents that are listed as also being submitted.
6. Paragraph 6 is admitted in part and denied in part. It is admitted that the Final Determination was issued on December 8, 2020, that the appeal was granted, and also admitted that the Final Determination stated that the Township was required to provide all responsive documents within thirty days. However, it is denied insofar as what constitutes a responsive document involves a legal conclusion and to the extent that a response is required in that regard, the allegation set for in Paragraph 6 is denied.

7. Paragraph 7 is denied. As can be seen in Exhibit "E" as attached to the Complaint in Mandamus, the Township provided additional information in compliance with the Final Determination to confirm that it had already provided the responsive documents. That is – it confirmed under oath that it had provided the separation agreement to the requester in response to the first item(s) requested and it confirmed that, in response to the second item(s) requested that the document involving correspondence with Benjamin Kramer regarding his role as a real estate agent had been examined as required by the Final Determination and was not a public record of Lancaster Township, because "The substance of the e-mail involved a property that was not in Lancaster and did not require or request any action or activity involving Lancaster Township."

8. Paragraph 8 is a legal conclusion, therefore, no response is required.

9. Paragraph 9 is a legal conclusion, therefore no response is required. Nevertheless, to the extent that a response is required, the allegations set forth in Paragraph 9 are hereby denied.

10. Paragraph 10 is a legal conclusion, therefore, no response is required.

WHEREFORE, Defendant, Lancaster Township, respectfully requests that this Honorable Court conduct an *in camera* review of the documents involved in this dispute and then dismiss the Plaintiffs Complaint in Mandamus.



Christopher D. Reese, Esq.
Attorney for Petitioner
207 E. Grandview Avenue
Zelienople, PA 16063
(724) 452-5020

Dated: 4-26-21

VERIFICATION

The undersigned represents that to the best of his knowledge, information and belief the Petitioner's Reply to New Matter and Answer to Counterclaim provided herewith is true and correct.

This statement and verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities which provides that if I make knowingly false averments, I may be subject to criminal penalties.



Joseph Plesniak
Chairman, Board of Supervisors
Lancaster Township

Dated: April 25 2021

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the within Answer to Complaint in Mandamus to be emailed and also mailed from Zelienople, Pennsylvania by first class mail, postage prepaid, this 23rd day of April, 2021 to:

Paula Knudsen Burke
Reporters Committee for Freedom
Of the Press
P.O. Box 1328
Lancaster, PA 17608
E-mail: pknudsen@rcfp.org

Magdalene C. Zeppos-Brown
Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
E-mail: mazepposbr@pa.gov



Christopher J. Reese, Esq.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Lope, Casker & Casker

Signature: 

Name: Christopher J. Reese

Attorney No. (if applicable): 56814