

THE TRIBUNE-DEMOCRAT,  
Petitioner

v.

CITY OF JOHNSTOWN,  
Respondent

: IN THE COURT OF COMMON PLEAS  
: OF CAMBRIA COUNTY, PA  
:

: CIVIL ACTION – LAW  
: NO. 2025-3800  
:

:  
: TYPE OF PLEADING:  
: ANSWER TO PETITION  
:

: FILED ON BEHALF OF:  
: CITY OF JOHNSTOWN  
:

: COUNSEL OF RECORD:  
: Aimee L. Willett, Esquire  
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THE TRIBUNE-DEMOCRAT,	:	IN THE COURT OF COMMON PLEAS
Petitioner	:	OF CAMBRIA COUNTY, PA
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	:	

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### **ANSWER TO PETITION**

AND NOW COMES, the City of Johnstown, by and through its counsel of record, Aimee L. Willett, Esquire, filing the within Answer to the Petition, and in support thereof avers as follows:

#### **Parties**

1. Admitted based upon information and belief.
2. Admitted.

#### **Jurisdiction**

3. Admitted in part and denied in part. Respondent admits that it is located in Cambria County and that the body camera and dashboard camera footage sought by Petitioner's request occurred in Cambria County. The remaining allegations are denied because they constitute legal conclusions to which no response is required.

#### **Statement Of Facts**

4. Admitted in part. Upon information and belief, it is admitted that several individuals were injured as a result of a shooting outside of a business on June 15, 2025. The media reports cited in paragraph 4 speak for themselves.
5. Admitted in part and denied in part. It is admitted that certain members of City Council participated in a community gathering at Kastle Boxing to hear community concerns

- following the shooting. It is denied to the extent the allegations aver or infer that City Council held a public meeting at Kastle Boxing. A Council meeting did not occur. Further, the media report cited in paragraph 5 speaks for itself.
6. Upon information and belief, it is admitted that concerns were raised at the community gathering about the response time of ambulance and EMS workers.
  7. Admitted.
  8. Admitted.
  9. Admitted in part and denied in part. It is admitted that the City received the request and invoked a 30-day extension for legal review. The remaining allegations are denied.
  10. Admitted in part and denied in part. It is admitted that the City denied the request for camera footage due to the ongoing criminal investigation. The remaining allegations are denied as they constitute conclusions of law to which no response is required.
  11. Admitted. It is admitted that the City has not produced the requested camera footage as a result of the ongoing criminal investigation.

### **Response to Argument**

12. Respondent incorporates its answers to paragraphs 1-11 to Petitioner's Petition as if set forth at length herein.
13. The allegations of paragraph 13 constitute conclusions of law to which no response is required. If a response is deemed necessary, Act 22 speaks for itself.
14. The allegations of paragraph 14 and its subparagraphs constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, the allegations are denied. It is specifically denied that the City's denial was arbitrary and/or capricious. It is further denied that the public interest in disclosure of the camera

footage outweighs the interest of law enforcement or an individual's interest in nondisclosure. To the contrary, the footage sought relates to an active criminal investigation.

15. The allegations of paragraph 15 constitute conclusions of law to which no response is required.

***I.      Respondent's Denial of Access Was Not Arbitrary and Capricious***

16. The allegations of paragraph 16 constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, the allegations are denied to the extent it infers that the City's denial of the Petitioner's request was arbitrary or capricious.

17. The allegations of paragraph 17 constitute conclusions of law to which no response is required. I, however, a response is deemed necessary the *United States Supreme Court decision in Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) speaks for itself.

18. The allegations of paragraph 18 constitute a conclusion of law to which no response is required. If, however, a response is deemed necessary. It is specifically denied that Respondent's denial for the footage was arbitrary and capricious. To the contrary, the matter is still a pending criminal matter subject to an ongoing investigation.

19. The allegations of paragraph 19 constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, the statute speaks for itself.

20. The allegations in paragraph 20 constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, the allegations are denied. By way of further response and not in derogation of the foregoing, the shooting is still part

of an active investigation and contains potential evidence in a criminal matter in which it is believed and therefore averred that reasonable redaction would not safeguard. are denied because they are legal conclusions to which no response is required. Moreover, Section 67A04(a) does not expressly provide that these conditions are the exclusive basis for denying an Act 22 request.

21. Admitted in part and denied in part. It is admitted that no police were present at the *time of the shooting*. It is denied that there was minimal or no police presence at the shooting site immediately following the shooting. It is further denied that a significant amount of time passed between the 9-1-1 dispatch and the arrival of law enforcement. To the contrary, upon information and belief, approximately seven (7) seconds passed between 9-1-1 dispatch and the first officer arriving on scene.
22. The allegations in paragraph 22 constitute conclusions of law to which no response is required.
23. The allegations in paragraph 23 constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, it is denied that Respondent's withholding of the requested footage is arbitrary or capricious. To the contrary, the subject footage involves an incident still under active police investigation. are admitted in part and denied in part as stated. Respondent admits that the remaining persons seen or heard in the requested footage are police officers. The remaining allegations are denied because they are legal conclusions to which no response is required.

***II. The Public Interest in Disclosure Does Not Outweigh the Interests in Nondisclosure***

24. The allegations of paragraph 24 constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, the allegations in paragraph 24 are denied.
25. The allegations of paragraph 25 and its subparagraphs constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, the statute speaks for itself.
26. The allegations of paragraph 26 constitute conclusions of law to which no response is required. If, however, a response is deemed necessary, the allegations are denied and strict proof thereof is demanded.
27. Admitted in part and denied in part. Upon information and belief, Respondent admits that there were news reports on the shooting at Vybe Nightclub. The allegation is denied to the extent that it alleges “numerous news outlets throughout Pennsylvania analyzed and reported on the lack of timely police presence” as Petitioner only cited two, Petitioner and another local news station. By way of further response, media coverage on an event does not establish a significant public interest in all information about that event. *Cf. Weber v. Lancaster Newspapers, Inc.*, 878 A.2d 63, 76 (Pa. Super. 2005).
28. The allegations of paragraph 35 constitute conclusions of law to which no response is required. To the extent a response is deemed necessary, after reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained herein.
29. After reasonable investigation, Respondent lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in paragraph 29.

Therefore, the allegations are denied. By way of further response, Respondent does not dispute the importance of police accountability but believes that information currently available to the public is sufficient to achieve the objective at the present time.

30. After reasonable investigation, Respondent lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 30 and therefore denies the allegations. By way of further response, and not in derogation of the foregoing, Respondent respectfully asserts that this matter is still under active investigation and preserving the integrity of the investigation and erring on the side of safety and privacy outweighs the interest as described by Petitioner.

31. After reasonable investigation, Respondent respectfully asserts that it lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 31. By way of further response, the already available public footage and other coverage pertaining to this incident is, more likely than not, sufficient to inform the public about this matter and that Petitioner is engaging in speculation by averring that the footage will give the public, press and police departments across the country attempting to be more responsive to communities service a better understanding of the City's responsiveness or lack of responsiveness as the video sought is of an incident that remains under active investigation.

32. The allegations of paragraph 32 constitute conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that the release of footage does not have the potential to harm crime victims, law enforcement personnel and others. It is further denied the public's interest in releasing the footage outweighs the safety and privacy interests of those shown on video. By

way of further response, Respondent reiterates that it properly denied access to the requested footage.

33. Admitted in part and denied in part. The allegations are denied to the extent they constitute conclusions of law to which no responsive pleading is required. It is admitted to the extent that City officers do display their identity on their badges.
34. Admitted in part and denied in part. It is admitted that the City of Johnstown has a designated Open Records Officer. It is denied in all other respects. It is denied as the allegation constitutes a conclusion of law to which no responsive pleading is required. It is further denied to the extent that it infers the City has limitless resources. To the contrary, the City spent many years designated as a “distressed” city with limited resources.
35. The allegations of paragraph 35 constitute conclusions of law to which no response is required. To the extent a response is deemed necessary, the City of Johnstown is without sufficient information with regards to the Act 22 requests agreed to or resolved by other agencies in Pennsylvania. Therefore, to the extent the allegation directly avers or indirectly infers that the City of Johnstown should agree to release the footage sought because departments in Philadelphia, Lancaster and Cumberland County agreed to release footage in a “one size fits all” approach, the allegation is denied.
36. The allegations of paragraph 36 constitute conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the answering Respondent is without sufficient information with regards to the Act 22 requests directed at other police departments in Pennsylvania. Therefore, to the extent the allegation directly avers or indirectly infers that the City of Johnstown should release



footage because other police departments have released footage without taking into consideration the unique circumstances of each situation, the allegation is denied.

37. The allegations of paragraph 37 constitute conclusions of law to which no responsive pleading is required. To the extent a response is deemed necessary, the supporting court decisions from Kentucky and New York cited by Petitioner are not controlling in this case.

38. The allegations of paragraph 38 constitute legal conclusions to which no responsive pleading is required. To the extent a response is deemed necessary, the proposed relief contains confidential information and victim information and and thus the requested footage should not be disclosed.

WHEREFORE, Respondent respectfully requests this Honorable Court deny Petitioner the requested relief and dismiss Petitioner's Petition with prejudice.

Respectfully submitted,

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Counsel for Respondent

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AND NOW, this                      day of                      , 2025, after review and consideration of the Tribune-Democrat's Petition for Review and the City of Johnstown's Answer to the Petition, the Petition for Review is **DENIED**.

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J.

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### VERIFICATION

The undersigned verifies that the facts contained in the foregoing Answer are true and correct upon personal knowledge or to the best of their information or belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Arturo Martynuska, City Manager  
 City of Johnstown  
 401 Main Street, Suite 102  
 Johnstown, PA 15901

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Mark Britton, Chief of Police  
City of Johnstown  
401 Washington Street  
Johnstown, PA 15901

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### **CERTIFICATE OF COMPLIANCE**

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.

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### **CERTIFICATE OF SERVICE**

I hereby certify on this date that I served a copy of the City of Johnstown's Answer to Petition for Review on counsel for the Petitioner via Regular US Mail and email to the following address:

Paula Knudsen Burke, Esquire  
Reporters Committee For  
Freedom Of The Press  
P.O. Box 1328  
Lancaster, PA 17608  
[pknudsen@rcfp.org](mailto:pknudsen@rcfp.org)

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