

LINDSAY WEBER and THE MORNING	:	COURT OF COMMON PLEAS
CALL	:	Lehigh County
PO Box 1260	:	
Allentown, PA 18018	:	
	:	
Petitioners,	:	No. _____
	:	
v.	:	
	:	
CITY OF ALLENTOWN,	:	
435 W. Hamilton Street, Room 519	:	
Allentown, PA 18101	:	
	:	
Respondent.	:	
	:	

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.

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Lawyer Referral Service
1114 West Walnut Street Allentown
Pennsylvania 18102
Telephone No. 610-433-7094

**IN THE COURT OF COMMON PLEAS
LEHIGH COUNTY**

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Attorneys for Lindsay Weber and the Morning Call

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PETITION FOR REVIEW PURSUANT TO 65 P.S. § 67.1302(a).

Petitioners Lindsay Weber and The Morning Call, by and through undersigned counsel, hereby appeal the June 11, 2026 decision of the Right to Know Law appeals officer of the Lehigh County District Attorney’s office (hereinafter “DA Appeals Officer”). A copy of the June 11, 2026 decision of the DA Appeals Officer is attached and incorporated herein as **Exhibit 1**.

STATEMENT OF JURISDICTION

1. This Petition for Review is filed pursuant to Section 1302(a) of the Right to Know Law. 65 P.S. § 67.1302(a).

PARTIES

2. Petitioner Lindsay Weber is an adult individual employed as a news reporter at The Morning Call, with a business address of PO Box 1260, Allentown, PA 18105-1260.
3. The Morning Call, founded in 1883, is a local news organization serving the Lehigh Valley region of eastern Pennsylvania, where it is the only printed daily newspaper in circulation. Its business address is PO Box 1260, Allentown, PA 18105. Part of its core coverage area is the city of Allentown.
4. Respondent is the City of Allentown (“City”), a governmental unit with a business address of 435 Hamilton Street, Allentown, PA 18101.
5. The following persons entered an appearance in the proceedings below:
 - a. Bridget Winter
435 Hamilton Street
Allentown, PA 18101
Right-toknow@allentownpa.gov
 - b. Heather F. Gallagher
Appeals Officer, Lehigh County District Attorney’s Office
455 W. Hamilton Street
Allentown, PA 18101
heathergallagher@lehighcounty.org

FACTUAL AND PROCEDURAL HISTORY

6. On April 20, 2026, Ms. Weber and the Morning Call (together, “Requesters”) submitted a letter requesting records from the City pursuant to the Pennsylvania Right to Know Law (hereinafter “RTKL”), 65 P.S. §§ 67.101 et seq. (the “Request”). A true and correct copy of the Request is attached and incorporated herein as **Exhibit 2**.
7. The Request was sent to the City Solicitor via email at: right-to-know@allentownpa.gov.

8. The Request sought, among other records, “all existing raw aggregated data of the Allentown Police Department’s searches on its Flock Safety License Plate Reader systems, including the dates and reasons logged for the search, not including confidential information like License Plate numbers or personal identities.”

9. “Flock,” as described by the City of Allentown in a press release dated January 24, 2024, employs technology purportedly for public safety purposes:

Flock Safety LPR cameras send a real-time alert to law enforcement when a stolen car or known wanted suspect from a state or national crime database is detected. They also send alerts if a vehicle associated with a missing person in an AMBER or Silver Alert is detected. Additionally, the Flock Safety LPR system helps law enforcement solve crime by providing the objective evidence needed for investigations. According to the International Association of Chiefs of Police, 7 in 10 crimes are committed with a vehicle.

Press Release, City of Allentown, New Public Safety Technology Investments (Jan. 24, 2024). <https://bit.ly/4gHW8S8>.

10. On April 27, 2026 the City’s Right to Know Law officer, Bridget Winter, issued a final determination denying the Request, asserting that the requested information was exempt from disclosure under Section 708 of the RTKL and the Criminal History Records Information Act (“CHRIA”), citing 18 Pa.C.S. § 9102 and 9106. A true and correct copy of the City’s denial is attached and incorporated herein as **Exhibit 3**.

11. On May 7, 2026, Requesters appealed the City’s denial of the Request to the DA Appeals Officer. Under RTKL Section 503(d)(2), appeals involving criminal investigative records are appealed to the county District Attorney’s office, rather than the state Office of Open Records. A true and correct copy of Requesters’ appeal is attached and incorporated herein as **Exhibit 4**.

12. Before the DA Appeals Officer, the City submitted the affidavit of City of Allentown Police Department Captain of Administration, Kyle Pammer. A true and correct copy of the Pammer affidavit is attached and incorporated herein as **Exhibit 5**.
13. On June 11, 2026, the DA Appeals Officer affirmed the City's denial of the requested records. See Ex. 1. The RTKL appeals officer's determination stated that "Respondent has met its burden of proof by a preponderance of the evidence in showing that the requested record is exempt from disclosure." Ex. 1. at 4.
14. Critically, in denying the Instant Request, the DA Appeals Officer failed to address 65 P.S. § 67.708(d) of the RTKL, which sets forth that the enumerated exceptions in 708 (b) "shall not apply to aggregated data maintained or received by an agency, except for data protected under subsection (b)(1), (2), (3), (4) or (5)."
15. The Request seeks aggregated data and may not be withheld under 708(d) or 708(b)(1), (2), (3), (4) or (5).

STANDARD AND SCOPE OF REVIEW

16. In adjudicating this matter, this Court may function as a fact finder and exercise plenary review and apply a de novo standard of review. *Bowling v. Office of Open Records*, 75 A.3d 453, 473 (Pa. 2013).
17. This Court may supplement the record to ensure "the broadest scope of review." *Bowling*, 75 A.3d at 477.
18. The DA Appeals Officer erred in determining that the City met its burden of proving the requested record is exempt. *Posey v. Dep't of Corr.*, 329 A.3d 864, 873 (Pa. Commw. Ct. 2025).

19. The City failed to prove that the requested records contained “investigative information” beyond a bare assertion by the City of Allentown Police Department Captain of Administration, Kyle Pammer.
20. In its final determination, the DA Appeals Officer relied on *Barros v. Martin*, 92 A.3d 1243 (Pa. Commw. Ct. 2014), to justify the exemption, but that reliance is incorrect. The court in *Barros* held that criminal complaints and police reports constituted “investigative material” protected from disclosure under the RTLK and CHRIA. FLOCK data are neither a criminal complaint nor a police report.
21. The requested data would not identify any individual person relating to a “criminal incident” because it is, by nature, de-identified information, meaning it cannot be traced back to any specific individual.
22. Aggregated data is defined under the RTKL as data “which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.” 65 P.S. § 67.102.
23. The City failed to demonstrate that the FLOCK data (consisting of de-identified license plate numbers) was not aggregated and therefore excluded from the listed exemptions to the RTKL—including the exemptions for investigative information—under 65 P.S. § 67.708(d).
24. The City cannot evade its obligation to provide access to audit records of local law enforcement’s usage of a private surveillance company merely because the records have some connection with law enforcement. *See Pa. State Police v. Grove*, 119 A.3d 1102 (Pa. Commw. Ct. 2015) (affirmed in relevant part by 161 A.3d 877 (Pa. 2017)) (“The

mere fact that a record has some connection to a criminal proceeding does not automatically exempt it under ... CHRIA.”)

25. Further, if there is truly investigative information within the FLOCK data, the wholesale denial of the record would still not be permitted, as 65 P.S. § 67.706 requires that agencies not withhold access to records if the sensitive information can be redacted.

26. Appellants reserve the right to supplement the record before the Court by briefing the question more fully in a later phase of this litigation, and, should the Court wish, by appearing before the Court at a hearing on this matter.

RELIEF SOUGHT

WHEREFORE, Lindsay Weber and The Morning Call respectfully requests that the Court reverse the final determination of the RTKL Appeals Officer of the Lehigh County District Attorney’s Office; enter a finding that the City cannot circumvent the RTKL by claiming the records are investigative information; and order the release of the documents requested; as well as award Petitioners reasonable costs and attorney’s fees and grant any other relief the Court deems appropriate, including penalties pursuant to 65 P.S. § 67.1305(a).

Respectfully submitted,

/s/Paula Knudsen Burke

Attorneys for Lindsay Weber and the Morning Call

Date: July 10, 2026

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VERIFICATION

I, Lindsay Weber, hereby state that the facts set forth above in the Petition for Review are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Signature: 
box SIGN 1XJJLLZ-13YRY9QV

Date: Jul 9, 2026

CERTIFICATES OF SERVICE AND COMPLIANCE

I, Paula Knudsen Burke, hereby certify that a true and correct copy of the foregoing Notice of Appeal was served upon the parties below by Certified Mail (Return Receipt Requested):

Bridget Winter
Agency Open Records Officer
435 Hamilton Street
Allentown, PA 18101
Right-know@allentownpa.gov

Heather F. Gallagher
Appeals Officer, Lehigh County District Attorney's Office
455 W. Hamilton Street
Allentown, PA 18101
heathergallagher@lehighcounty.org

Furthermore, 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.

Date: July 10, 2026

Submitted by:

Signature: /s/Paula Knudsen Burke
Name: Paula Knudsen Burke
PA Attorney ID: 87607