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APR - 7 2015
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City of Lancaster

DEPARTMENT OF ADMINISTRATIVE SERVICES

April 6, 2015

Joshua Prince
Prince Law Offices, P.C.
646 Lenape Road
Bechtelsville PA 19505

Dear Mr. Prince,

Thank you for writing to the City of Lancaster with your request for information pursuant to the Pennsylvania Right-To-Know Law.

On February 26, 2015, you requested "This is a request for all records, including, but not limited to, financial records pursuant to Section 102, since January of 2015, relating to the National Rifle Association (NRA) v. City of Lancaster, including, but not limited to, the following: (1) All records, including, but not limited to, City of Lancaster's Legal Defense Fund, information of which can be found at <http://www.commonsenselancaster.com> and <http://www.cityoflancasterpa.com/blog/message-mayor-gray-nra-lawsuit>. As provided for by Section 102, this specifically includes, but is not limited to, the names, addresses, and amounts of any donations to/receipts by the City of Lancaster; (2) All records, including, but not limited to, all financial accounts and financial institutions utilized by the City of Lancaster, in relation to request (1); (3) all records, including, but not limited to, contracts, communications, and billings, from or to Dechert, LLP or any other law firm or attorney hired to review the legal issues relating to request (1); and (4) Any other record in any way relating to the current litigation in NRA v. City of Lancaster."

Payment of \$104.50 has been received and your documents are enclosed. Your request is granted in part and denied in part. Your request is denied in part for the following reasons as permitted by Section 708 of the Act:

1. Denied in part. To the extent you are requesting identifying information regarding donations, records that would disclose the identity of an individual making a lawful donation are exempt under Section 708(b)(13). I also refer you to Schute and Pittsburgh Post-Gazette v. Edinboro University, Office of Open Records Docket AP-2010-0479. Campbell v.

Pocono Mountain School District, Office of Open Records Docket AP-2009-0766 and Campbell v.

Montgomery County Community College, Office of Open Records Docket AP-2009-0540.

2. To the extent you are requesting records regarding contributions made on-line through PayPal, all such records are being redacted because they tend to disclose the identifying information regarding the donors. This denial is based upon the authorities cited in the denial above.

3. Denied in part. Except for billing records, the records of the attorneys hired to review the suit of NRA v. City of Lancaster are privileged, are work product, and are not a “public record” under Section 102. Rittenhouse v. Board of Supervisors, 41 A.3d 975 (Pa. Commonwealth 2012). 42 Pa. C.S.A. §5929. Further, to the extent you have requested records regarding the proposed Amendment to the Emergency Management Ordinance, the request for these records is denied because they are pre-decisional deliberations under sections 708(b)(10), and because they are also privileged communications based upon the other authorities cited in this response.

4. Denied to the extent that it requests matters that are within the attorney-client privilege or are work product. 42 Pa. C.S.A. §5929; see also §102 relating to the definition of privilege. Heavens v. Pennsylvania Department of Environmental Protection, 65 A.3d 1069 (Pa. Commonwealth 2013); Degas v. Carbon County, 44 A.3d 89 (Pa. Commonwealth 2012). Further, to the extent that the records request relates to pre-decisional deliberations of the City of Lancaster, the documents relating to pre-decisional deliberations are being redacted. Section 708(b)(10). Schurdak v. Lower Mount Bethel Township, Office of Open Records Docket AP-

2014-1773; Craig v. Pennsylvania Department of Transportation, Office of Open Records Docket

AP-2014-0675.

Also enclosed please find a Document Production list followed by a list of the redactions and the reason for the redaction.

You have a right to appeal this denial of information in writing to Office of Open Records, Commonwealth Keystone building, 400 North Street, 4th Floor, Harrisburg, PA 17120. They may also be submitted via facsimile to 717-425-5343 or via email to openrecords@pa.gov as a Microsoft Word or PDF attachment.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the City's response, as outlined in Section 1101 of Pennsylvania's Right-To-Know Law. If you have further questions, please call the City of Lancaster's Right-To-Know Officer at 717-291-3556. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,



Patrick Hopkins

Business Administrator / City Open Records Officer