
BOROUGH OF BATH, Petitioner,	:	IN THE COURT OF COMMON PLEAS
	:	NORTHAMPTON COUNTY,
	:	PENNSYLVANIA
v.	:	CIVIL DIVISION
MICHAEL LONG, Respondent.	:	
	:	NO. C-48-CV-2023-9734

ORDER

AND NOW, this _____ day of _____, 202____, upon
consideration of Respondent Michael Long's Motion to Dismiss for Lack of Jurisdiction, the
Motion is hereby DENIED.

, J.

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Attorney for Petitioner

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RESPONSE TO MOTION TO DISMISS FOR LACK OF JURISDICTION

AND NOW COMES Petitioner Borough of Bath (“Petitioner” or “Borough”), who, by and through its undersigned legal counsel, files this Response to Motion to Dismiss For Lack of Jurisdiction, averring as follows:

1. Admitted.
2. Admitted.
3. Denied as stated. The OOR partially denied reconsideration with respect to the portion of the Final Determination concerning the application of the attorney-client privilege.
4. Admitted in part and denied in part. It is admitted that the OOR issued a Final Determination upon Reconsideration on January 12, 2024. The remaining averments are denied as conclusions of law to which no responsive pleading is required.
5. Admitted. By way of further answer, the last possible day to file an appeal of the underlying final determination was December 1, 2023 as a result of 65 P.S. § 67.1302(a), and, in order to preserve its appellate rights, the Borough timely filed an appeal of the OOR’s final determination.

6. Admitted.

7. Denied. Pursuant to Pa.R.A.P. 103, the Rules of Appellate Procedure do not apply to county courts of common pleas. *See also Chambersburg Area Sch. Dist. v. Dorsey*, No. 2012-849 (C.P. Franklin May 18, 2012) (Walsh, J.) (noting, in the context of a Right-to-Know Law appeal, that neither the Rules of Civil Procedure nor the Rules of Appellate Procedure apply), *aff'd* 97 A.3d 1281 (Pa. Commw. 2014).

8. Denied as a conclusion of law to which no responsive pleading is required. By way of further answer, under Pa.R.A.P. 103, the Rules of Appellate Procedure do not apply to county courts of common pleas. *See also Chambersburg Area Sch. Dist. v. Dorsey*, No. 2012-849 (C.P. Franklin May 18, 2012) (Walsh, J.) (noting, in the context of a Right-to-Know Law appeal, that neither the Rules of Civil Procedure nor the Rules of Appellate Procedure apply), *aff'd* 97 A.3d 1281 (Pa. Commw. 2014).

9. Admitted in part and denied in part. It is admitted that the Borough timely filed a petition for reconsideration that the OOR partially denied on December 1, 2023 and that the Borough timely filed an appeal of the underlying final determination on December 1, 2023. The remaining averments are denied as conclusions of law to which no responsive pleading is required. By way of further answer, the averments of Paragraph 8 are incorporated herein by reference.

10. Denied as a conclusion of law to which no responsive pleading is required. By way of further answer, the averments of Paragraph 8 are incorporated herein by reference.

11. Denied as a conclusion of law to which no responsive pleading is required. By way of further answer, the averments of Paragraph 8 are incorporated herein by reference.

12. Denied as a conclusion of law to which no responsive pleading is required. By way of further answer, the averments of Paragraph 8 are incorporated herein by reference.

WHEREFORE, Petitioner respectfully ask this Honorable Court to deny Respondent's Motion to Dismiss for Lack of Jurisdiction.

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.

Respectfully submitted,

SCHNEE LEGAL SERVICES, LLC

By: 

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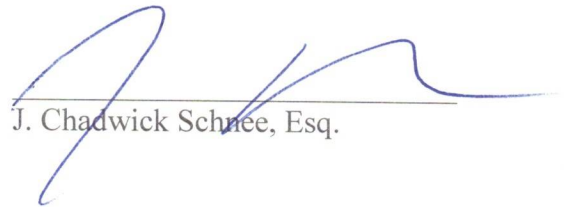
Dated: June 6, 2024

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CERTIFICATE OF SERVICE

I, J. Chadwick Schnee, Esq., certify that, on this 6th day of June, 2024, I have served a true and correct copy of the attached Response to Motion to Dismiss for Lack of Jurisdiction on the person listed below via First Class Mail:

Michael Long
220 Creek Road
Bath, PA 18014
Respondent, pro se



J. Chadwick Schnee, Esq.