



Schnee Legal Services, LLC  
74 E Main Street #648  
Lititz, PA 17543  
(717) 400-5955  
chadwick@schneelegal.com  
<http://www.schneelegal.com>

September 23, 2024

Via hand delivery

Michael Long  
220 Creek Road  
Bath, PA 18014

RE: *Borough of Bath v. Michael Long*, No. C-48-CV-2024-01039 – Written demand

Dear Mr. Long,

I am in receipt of your Motion for Protective Order (“Motion”), which was docketed on September 10, 2024. Please consider this correspondence as a written demand to withdraw this filing no later than October 22, 2024.

Under Pa.R.Civ.P. 1023.1(c), the signature of a *pro se* party constitutes a certification that, among other things, a filing (1) is not being presented for any improper purpose and (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law, and, in relevant part,

In the present case, your Motion has been presented in a statutory appeal concerning access to records under the Pennsylvania Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, and the specific and sole issue in this appeal is whether the records at issue are protected from public access by the attorney-client privilege. As you know, the relief sought in your Motion (which largely appears to relate to different RTKL requests that are not at issue in this matter) is completely irrelevant to this limited issue and is, therefore, completely frivolous. Additionally, I am unaware of any court ever ordering a protective order in a RTKL matter. Based on the complete lack of any relevancy to your Motion to the instant matter, I can only assume that your Motion lacks any proper purpose. *See* Pa.R.Civ.P. 1023.1(c)(1).

Your Motion also completely lacks any legal basis. Tellingly, you offer absolutely no legal support for any of the relief sought in the Motion, nor does the RTKL itself permit any of the relief sought in your Motion. From my research, no case law exists with respect to the relief you seek in the context of a statutory appeal under the RTKL. As your Motion is devoid of any legal authority for the claims within it, sanctions are appropriate if your Motion is not timely withdrawn. *See* Pa.R.Civ.P. 1023.1(c)(2).

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I note that your Motion claims that the Borough is “exaggerating costs and falsely blaming” you for such costs. The instant Motion, however, serves as yet another example of a filing that completely lacks any legal basis but forces the Borough to expend funds in order to respond to it.

Rule 1023.2 permits a party to obtain “the reasonable expenses and attorney’s fees incurred in presenting” a motion for sanctions. In the event that you do not withdraw your Motion for Protective Order by October 22, 2024, the Borough fully intends to seek appropriate sanctions against you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Schnee", with a long horizontal flourish extending to the right.

J. Chadwick Schnee, Esq.