
BOROUGH OF BATH,	:	IN THE COURT OF COMMON PLEAS
Petitioner,	:	NORTHAMPTON COUNTY,
	:	PENNSYLVANIA
v.	:	CIVIL DIVISION
MICHAEL LONG,	:	
Respondent.	:	NO. C-48-CV-2024-01039

ORDER

AND NOW, this _____ day of _____, 2024, upon consideration of the Respondent's Motion For Appointment Of Court Experts and Petitioner's response thereto, the Motion is hereby DENIED.

BY THE COURT:

, J.

BOROUGH OF BATH, Petitioner,	:	IN THE COURT OF COMMON PLEAS
	:	NORTHAMPTON COUNTY,
	:	PENNSYLVANIA
v.	:	CIVIL DIVISION
MICHAEL LONG, Respondent.	:	
	:	NO. C-48-CV-2024-01039

RESPONSE TO MOTION FOR APPOINTMENT OF COURT EXPERTS

AND NOW COMES Petitioner Borough of Bath (“Petitioner” or “Borough”) and files this Response to Respondent’s Motion for Appointment of Court Experts, averring as follows:

INTRODUCTION

This matter is a statutory appeal arising under the Pennsylvania Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, a statute limited to determining whether specific documents held by government agencies are subject to public access. The instant Motion for Appointment of Court Experts (“Motion”) – much like Respondent Michael Long’s prior Motion for Protective Order, Sanctions, and Injunctive Relief – goes far beyond the limited question at issue in this matter (whether certain requested records are public), and, instead, makes wholly irrelevant and outlandish factual assertions and seeks relief that, quite frankly, is not available under the RTKL. As Respondent provides no legal basis for the relief sought, the instant motion is frivolous and should be denied.

RESPONSE¹

1. It is admitted that Respondent Michael Long (“Respondent”) seeks the appointment of a “qualified digital forensics specialist;” however, it is specifically denied that

¹ For ease of reference, the Borough adopts Respondent’s numbering scheme in response.

such relief is available under the RTKL. By way of further answer, there is absolutely no legal or factual basis for appointing the expert requested in the instant statutory appeal.

2. It is admitted that Respondent seeks the appointment of a “certified forensic accountant;” however, it is specifically denied that such relief is available under the RTKL. By way of further answer, there is absolutely no legal or factual basis for appointing the expert requested in the instant statutory appeal.

STATEMENT OF FACTS

1. Admitted in part and denied in part. It is admitted that Respondent is a resident of the Borough of Bath and has been engaged in litigation with Petitioner concerning access to records under the RTKL in the matter docketed at C-48-C-2024-1039. The remaining averments are specifically denied.

2. Admitted in part and denied in part. It is admitted that Respondent has filed multiple RTKL requests with the Borough and that the Borough “has produced numerous documents” in response to his requests. By way of further answer, the instant matter only involves one (1) of those RTKL requests: a May 17, 2023 RTKL request at issue in *Long v. Bath Borough*, OOR Dkt. AP 2023-1598R. The remaining averments are specifically denied.

a. The averments of this subparagraph are specifically denied. By way of further answer, the instant matter only involves one (1) RTKL request filed by Respondent: a May 17, 2023 RTKL request at issue in *Long v. Bath Borough*, OOR Dkt. AP 2023-1598R. To the extent that Respondent alleges that the Borough “altered or tampered with electronic documents provided in response to his [other] RTKL requests,” none of those other RTKL requests are currently before this Court.

- b. The averments of this subparagraph are specifically denied. By way of further answer, the instant matter only involves one (1) RTKL request filed by Respondent: a May 17, 2023 RTKL request at issue in *Long v. Bath Borough*, OOR Dkt. AP 2023-1598R. To the extent that Respondent alleges that the Borough “altered or tampered with electronic documents provided in response to his [other] RTKL requests,” none of those other RTKL requests are currently before this Court. None of the allegations within this subparagraph have anything to do with the May 17, 2023 RTKL request.
3. Admitted in part and denied in part. It is admitted that Respondent is pro se and that he seeks relief. The remaining averments are specifically denied. By way of further answer, the RTKL does not provide for the appointment of experts in, as here, statutory appeals.

ARGUMENT

A. THE RTKL DOES NOT PROVIDE FOR THE APPOINTMENT OF COURT-APPOINTED EXPERTS, AND THE INSTANT MOTION HAS NOTHING TO DO WITH THE RTKL REQUEST UNDER REVIEW

1. The averments of this paragraph are specifically denied. By way of further answer, the limited question before this Court is whether the information at issue in this matter is subject to the attorney-client privilege. The court appointment of expert(s) is completely outside the scope of the relief provided under the RTKL and in no way impacts the sole question before this Court.
2. The averments of this paragraph and related subparagraphs are specifically denied. By way of further answer, the limited question before this Court is whether the information at issue in this matter is subject to the attorney-client privilege. The court appointment of

expert(s) is completely outside the scope of the relief provided under the RTKL and in no way impacts the sole question before this Court.

3. The averments of this paragraph and related subparagraphs are specifically denied. By way of further answer, the limited question before this Court is whether the information at issue in this matter is subject to the attorney-client privilege. The court appointment of expert(s) is completely outside the scope of the relief provided under the RTKL and in no way impacts the sole question before this Court.

B. REGARDLESS OF REQUESTER'S PRO SE STATUS, THERE IS NO REASON TO APPOINT AN EXPERT IN THIS STATUTORY APPEAL.

1. The averments of this paragraph and related subparagraphs are specifically denied. By way of further answer, the limited question before this Court is whether the information at issue in this matter is subject to the attorney-client privilege. The court appointment of expert(s) is completely outside the scope of the relief provided under the RTKL and in no way impacts the sole question before this Court.

C. REGARDLESS OF REQUESTER'S PRO SE STATUS, THERE IS NO REASON TO APPOINT AN EXPERT IN THIS STATUTORY APPEAL.

1. The averments of this paragraph and related subparagraphs are specifically denied. By way of further answer, the limited question before this Court is whether the information at issue in this matter is subject to the attorney-client privilege. The court appointment of expert(s) is completely outside the scope of the relief provided under the RTKL and in no way impacts the sole question before this Court.

WHEREFORE, because the appointment of experts sought by Respondent lacks any legal basis and is completely irrelevant to the sole legal question of whether the records at issue

are subject to the attorney-client privilege, Petitioner respectfully asks this Honorable Court to enter an order denying Respondent’s Motion for Appointment of Court Experts.

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

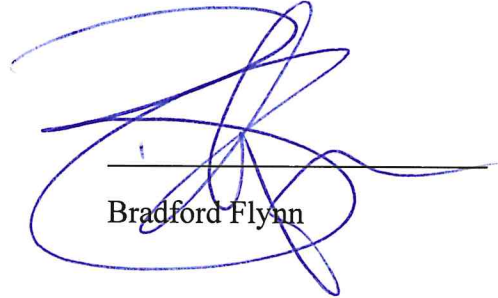
By: 

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Dated: October 3, 2024

VERIFICATION

I, Bradford Flynn, hereby verify that the statements made in the attached document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Bradford Flynn

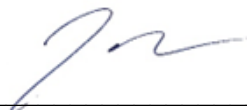
Date: October 2, 2024

BOROUGH OF BATH,	:	IN THE COURT OF COMMON PLEAS
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	:	PENNSYLVANIA
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MICHAEL LONG,	:	
Respondent.	:	NO. C-48-CV-2023-10559

CERTIFICATE OF SERVICE

I, J. Chadwick Schnee, Esq., certify that, on this 3rd day of October, 2024, I have served a true and correct copy of the attached Response To Motion For Appointment Of Court Experts on the person listed below via First Class Mail:

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



J. Chadwick Schnee, Esq.