

## Bradford Flynn

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**From:** Michael Long [REDACTED]  
**Sent:** Thursday, July 3, 2025 6:52 PM  
**To:** Bradford Flynn  
**Cc:** J. Chadwick Schnee; Salamone Anthony; Lauren Bullsnake; Jim Lisiecki; Doug Hamadyk; Manny Mirabito; Samantha Angst; Frank Hesch; Michele Ehr Gott; parmstrong@grimlaw.com; Kratz James F.  
**Subject:** Re: Final Response - Borough of Bath v. Michael Long C-48-CV-2024-1039 Court Order

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Subject: Formal Notice – Bad-Faith Litigation & Final Demand for Compliance (Bath Borough v. Long, C-48-CV-2024-1039)

To: Bradford T. Flynn, Borough Manager  
Cc: Members of the Bath Borough Council; J. Chadwick Schnee, Esq.; James F. Kratz, Esq.

Dear Mr. Flynn:

This letter serves as a final demand for the Borough of Bath’s immediate compliance with the Northampton County Court of Common Pleas’ binding Order dated June 24, 2025. Your correspondence of July 3, 2025, which is styled as the Borough’s final response, is a clear act of non-compliance and contains admissions that prove the Borough’s 18-month court appeal was frivolous from its inception.

### I. The Borough’s Admission of Frivolous Litigation

Your letter states, in effect, that no non-exempt factual information exists to be released from the withheld records. Specifically, you have certified that:

“...no purely factual information can be released without revealing the content of privileged communications.”

Under Pennsylvania law, a party must be “aggrieved” to have standing to file an appeal. Because the Borough now concedes the Order never compelled the release of any factual information, it never suffered an injury in fact and therefore lacked standing under Pa. Const. art. V, § 9 and Pa.R.A.P. 501. An appeal filed without standing is per se frivolous under 42 Pa.C.S. § 2503(7). The 18-month proceeding—which cost Bath taxpayers more than \$100,000—therefore meets the statutory definition of frivolous litigation.

### II. The Mandatory Legal Consequences of the Borough’s Conduct

The Borough’s documented pattern of conduct constitutes bad faith and warrants sanctions. This bad faith is evidenced by a clear record of procedural failures. For example, the sworn Attestation of Bradford T. Flynn (July 24, 2023, ¶ 12),

which attributed the failure to address responsive records to a memory lapse, contradicts the claim of a diligent review and supports a finding of bad faith. This conduct compels the following outcomes under Pennsylvania law:

1. **Bad Faith Finding:** The Borough's actions meet the standard for bad faith under the Right-to-Know Law, 65 P.S. § 67.1304, which mandates an award of attorney fees and litigation costs.
2. **Sanctions for Frivolous Litigation:** The pursuit of a baseless appeal warrants sanctions against both the Borough and its responsible counsel under 42 Pa.C.S. § 2503 and Pennsylvania Rules of Civil Procedure 1023.1–1023.4.
3. **Liability for Wrongful Use of Civil Proceedings:** The Borough's pursuit of an appeal without probable cause and for an improper purpose—namely, to delay compliance and obstruct public access—establishes a prima facie case under Pennsylvania's Dragonetti Act (42 Pa.C.S. § 8351 et seq.), creating liability for the Borough (to the extent immunity does not apply) and for the individual officials who authorized the filing.

### III. Final Demand for Immediate Compliance

Therefore, this letter serves as a final demand for immediate and full compliance with the Court's Order. The Borough must provide all records containing non-exempt factual information, in properly redacted form, no later than 12:00 p.m. EDT, Monday, July 7, 2025.

Should the Borough fail to meet this deadline, I will immediately file: (a) a Petition to Enforce Final Determination under Pa.R.A.P. 3761(b); (b) a Petition for Contempt with per-diem sanctions; and (c) a Motion for Fees under 65 P.S. § 67.1304 and 42 Pa.C.S. § 2503.

Accordingly, the Borough must either comply in full or prepare to answer for contempt and sanctions.

Sincerely,

Michael Long

P.S. I'll never forget walking out of the courtroom and Schnee, Kratz and yourself were huddled up and laughing like little school girls, and as I walked away you called out and thanked me for handing this case to you. So, I know this has to be startling, I mean you were spending almost \$500 an hour for your legal team and yet lost to a \$20 a month ChatGTP subscription.

Enclosure A: June 24, 2025 Order of Court

On Thursday, Jul 03, 2025 at 10:08 AM, Bradford Flynn <bradford.flynn@boroughofbath.org <mailto:bradford.flynn@boroughofbath.org> > wrote:

Mike:

In the interests of protecting Bath's taxpayers from your frivolous legal actions, only meant to delay and unnecessarily expend public money, please find attached everything you are entitled to receive, in accordance with the above referenced Court Order issued June 24th.

Best,

Bradford T. Flynn, MPA, CBO

Borough Manager

Borough of Bath

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Bath, PA 18014

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