

IN THE SUPREME COURT OF PENNSYLVANIA

MICHAEL MILLER
Petitioner,

v.

COUNTY OF LANCASTER,
Respondent.

Case No: _____

PETITION FOR ALLOWANCE OF APPEAL

This petition seeks review of the Commonwealth Court’s April 11, 2025 order in *Miller v. County of Lancaster*, No. 595 C.D. 2023 (App. 2). It presents a preserved procedural failure that raises a structural question of statewide importance: May a verified statutory enforcement petition under the Right-to-Know Law (RTKL) be dismissed without hearing, record, or application of the rules that give such dismissals legal effect?

A trial judge dismissed the petition on facial objections after sua sponte reclassifying it, resolving disputed statutory meaning without notice, factual development, or findings, and denying leave to amend. These actions exceeded the authority conferred by Pa.R.C.P. 1028 and rendered the dismissal legally invalid.

A three-judge panel of the Commonwealth Court affirmed without addressing any preserved procedural objection or applying the controlling standard. If allowed to stand, these rulings collapse RTKL enforcement into a

discretionary process—removing judicial accountability and allowing public access rights to be denied through improvised procedure rather than lawful process.

This petition seeks review under Pa.R.A.P. 1114(b)(2), (3), (4), and (6) to confirm that courts remain bound by procedural rules, statutory duties, and the obligation to decide verified claims through process—not preference.

I. CITATION TO OPINIONS DELIVERED IN THE CASE

A three-judge panel of the Commonwealth Court issued an unpublished memorandum opinion on April 11, 2025, in *Miller v. County of Lancaster*, No. 595 C.D. 2023. As required by Pa.R.A.P. 1115(a)(7), this petition appends:

- The trial court’s May 12, 2023 order dismissing the petition with prejudice (App. 3);
- The Commonwealth Court’s April 11, 2025 memorandum opinion (App. 2);
and
- The per curiam order denying reargument, entered June 16, 2025 (App. 4).

These opinions and orders are appended in full, consistent with Rule 1115(a)(7) and 2117(c).

II. TEXT OF THE ORDERS IN QUESTION

The following orders are appended in full, with operative language quoted here:

1. *Trial Court Order (entered May 12, 2023):*

“AND NOW, this 12th day of May, 2023, upon consideration of the Petition to Enforce an Order by the Office of Open Records, Respondent’s Preliminary Objections to the Petition, the briefs filed by the parties, and for the reasons stated in the accompanying Opinion, it is hereby ORDERED that Respondent’s first preliminary objection is OVERRULED, and the second and third preliminary objections are SUSTAINED. It is further ORDERED that the Petition shall be DISMISSED with prejudice without need for a hearing.”

2. *Commonwealth Court Order (entered April 11, 2025):*

“NOW, April 11, 2025, the Order of the Court of Common Pleas of Lancaster County, entered in the above-captioned matter, is hereby AFFIRMED. The Motion for Partial Summary Judgment filed by Appellant Michael Miller is hereby STRICKEN as unauthorized, and the Application to Compel is DISMISSED as moot.”

3. *Per Curiam Order (entered June 16, 2025):*

“NOW, June 16, 2025, the Application for Reargument filed by Petitioner is DENIED.”

III. QUESTIONS PRESENTED FOR REVIEW

(Pa.R.A.P. 1115(a)(3); see also Pa.R.A.P. 1114(b)(2)–(4), (6))

1. May a trial judge dismiss a verified RTKL enforcement petition under Pa.R.C.P. 1028(a)(2) or (a)(4) by resolving disputed legal meaning on the pleadings—without hearing, findings, or record—contrary to Rule 1028(c)(2)?
2. May a trial judge reclassify a § 1302 petition sua sponte and impose mandamus burdens not authorized by statute, rule, or procedure?
3. May an appellate panel affirm such a dismissal without addressing preserved Rule 1028 objections or applying the Rule 1028(c)(2) standard?
4. Does due process permit judicial officers to extinguish a verified statutory claim by inventing procedural rules, denying notice, and issuing judgment without hearing or explanation?

IV. STATEMENT OF PLACE OF RAISING OR PRESERVATION OF ISSUES

Preservation Exception Applies Under Rules 1115(a)(4) and 2117(c)

Rule 1115(a)(4) provides that a petition for allowance of appeal may be granted if “the petitioner has preserved the issue below, or if preservation was not required or was denied by judicial action.” Similarly, Rule 2117(c) allows a party to omit a preservation statement if “the questions presented were not required to be or could not be preserved below due to the manner in which the case was decided.”

These rules apply here because judicial procedure denied Petitioner a fair opportunity to preserve objections to the method of dismissal. Petitioner filed a verified RTKL enforcement petition that, although not required to do so, included the elements typically associated with mandamus. The petition was facially sufficient to state a claim for relief. Petitioner could not have anticipated that the trial judge would later unilaterally reclassify the case, interpret contested statutes without briefing or hearing, and sustain facial objections by resolving disputed matters.

Petitioner did not raise a Rule 1028(c)(2) objection in the petition itself because no misuse of that rule had occurred at that stage. Nor was he required to file any brief or affidavit in response to the County’s preliminary objections:

because the objections were facial, Rule 1028(c)(1) required the court to treat the pleadings as true. No further response was necessary to preserve the protections afforded by 1028(c)(2).

Nonetheless, Petitioner objected to the preliminary objections as procedurally deficient, and as soon as the trial court entered its ruling—without hearing, record, or findings—Petitioner raised appropriate objections to that disposition. The May 12 order effectively applied summary judgment logic to dismiss a verified petition at the pleading stage without providing advance notice or legal basis for his approach. No rule required Petitioner to anticipate or object in advance to a ruling that had not yet occurred—and contradicted Rule 1028’s procedural framework.

Petitioner preserved every issue he reasonably could, at the earliest available opportunity. He filed a timely Rule 1925(b) statement preserving all procedural objections. He renewed those objections on appeal and again in a timely application for re-argument.

Because the trial judge conducted the entire proceeding from chambers—without hearing, oral argument, or participation by any other court officer—Petitioner had no fair opportunity to preserve objections before judgment. The judge issued his May 12, 2023 dismissal nearly five months after the petition was

filed and based it entirely on his acceptance of counsel's assertions in briefs, supplemented by his own legal conclusions. No record was developed, no facts were adjudicated, and no process occurred. Rules 1115(a)(4) and 2117(c) authorize review where judicial procedure forecloses preservation. The record reflects that Petitioner acted with diligence, raised every viable procedural objection, and documented how the court's method of dismissal denied any opportunity to preserve them in advance.

A. In the Trial Court

- Verified Petition (App. 7): Filed December 29, 2022, to enforce a final OOR determination under 65 P.S. § 67.1302.
- County's Preliminary Objections (App. 8): Filed January 23, 2023, invoking Pa.R.C.P. 1028(a)(2), (a)(4), and (a)(8); did not attach record evidence.
- Petitioner's Brief (App. 9): Filed February 14, 2023; objected that:
 - Rule 1028 forbids resolving statutory meaning without a record;
 - The judge improperly reclassified the action as mandamus;
 - The proper procedure, if needed, was amendment under 210 Pa. Code § 1504;
 - County could not assert new justifications outside the OOR record;

- RTKL enforcement belongs in the court's appellate jurisdiction.
- Supplemental Reply Brief (App. 9): Filed March 29, 2023; reiterated objections to dismissal with prejudice; cited due process violations under *Haines* and *Trinsey*.

B. In the Rule 1925(b) Statement and 1925(a) Opinion

- Rule 1925(b) Statement (App. 6): Filed July 10, 2023; preserved all objections to Rule 1028 violations, procedural reclassification, and post hoc rationales.
- Rule 1925(a) Opinion (App. 5): Filed August 7, 2023; introduced new legal theories and reasserted sua sponte reclassification.

C. In Appellate Briefing

- Appellate Initial Brief: Filed November 7, 2023; challenged dismissal as procedurally invalid and raised all issues now presented.
- Appellate Reply Brief: Filed December 20, 2023; addressed new arguments and preserved procedural objections.

D. In the Application for Reargument

- Application for Reargument (App. 1): Filed April 21, 2025; renewed all preserved objections and cited multiple precedents.

- Per Curiam Denial (App. 4): Entered June 16, 2025; issued without explanation.

V. STATEMENT OF THE CASE

On October 5, 2022, the Office of Open Records (OOR) issued a Final Determination finding requested records “non-exempt” under the Right-to-Know Law (RTKL) (App. 11). County of Lancaster did not appeal. Instead, on that same day, its Solicitor sent a letter imposing unilateral “parameters” that withheld records the OOR had found non-exempt.

On December 29, 2022, Petitioner filed a verified enforcement petition under 65 P.S. § 67.1302 in the Lancaster County Court of Common Pleas (App. 7). The petition alleged that County’s new terms materially contradicted the OOR’s Final Determination and imposed unlawful access restrictions. County did not deny those allegations. It filed no answer, no affidavits, and no supporting evidence. Instead, County’s counsel raised preliminary objections under Pa.R.C.P. 1028(a)(2), (a)(4), and (a)(8), asserting facial defects in subject matter jurisdiction, legal sufficiency, and form (App. 8).

On May 12, 2023, without hearing or participation from any party or judicial officer, the trial court sustained County’s preliminary objections under Pa.R.C.P.

1028(a)(2) and (a)(4) and dismissed the petition with prejudice (App. 3). It simultaneously overruled the (a)(8) objection—thereby holding that the petition stated a cognizable claim for mandamus relief (*id.*). In doing so, the court *sua sponte* reclassified the RTKL enforcement petition as a mandamus action and dismissed it based on legal conclusions and assumptions that County had complied with the OOR’s Final Determination, that its added restrictions were authorized by the Election Code, that its conduct was discretionary, and that Petitioner’s requested relief exceeded legal authority (*id.*). The court provided no hearing and denied leave to amend (*id.*).

On August 7, 2023, the trial judge issued a Rule 1925(a) opinion elaborating his judgment (App. 5). He defended the *sua sponte* reclassification of the petition as mandamus, asserting that courts routinely treat RTKL enforcement actions that way (App. 5 at 3–4). He further concluded that mandamus relief was unavailable because County had discretion under 25 Pa.C.S. § 2648 to impose access conditions and had complied with the OOR’s order (App. 5 at 4–6). He held that County’s denial was not unlawful, that the RTKL imposed no duty to provide copy equipment, and that Petitioner’s legal theory failed even if pleaded correctly (App. 5 at 6–8). These rulings resolved contested statutory meaning and discretionary authority without any evidentiary development, in violation of Rule 1028(c)(2).

On April 11, 2025, a three-judge panel of the Commonwealth Court issued an unpublished memorandum opinion affirming dismissal. President Judge Renée Cohn Jubelirer authored the opinion (App. 2, Mem. Op. at 1). The panel adopted the trial court’s framing in full, concluding that County had complied with the Final Determination and that it possessed discretion under the Election Code to impose additional access restrictions (*id.* at 10–12). The opinion held that mandamus could not lie where discretion existed but did not explain how such findings could be drawn from the pleadings alone. The panel did not cite or apply Rule 1028(c)(2), did not address the contradiction between sustaining and overruling preliminary objections, and did not engage any of Petitioner’s preserved procedural objections (*id.* at 9–13). The opinion treated disputed legal conclusions as settled and treated agency discretion as a fact established on the face of the pleadings.

Petitioner filed a timely Application for Reargument on April 21, 2025, asserting structural violations of Rule 1028 and due process. On June 16, 2025, the court denied reargument by anonymous per curiam order, with no explanation, no vote disclosure, and no attribution to any panel member (App. 4, Order Denying Reargument).

At no point since December 2022 has any judge identified a rule, statute, or precedent authorizing the dismissal of a verified statutory petition—pleading all

required elements—on facial grounds that simultaneously sustain and deny legal sufficiency.

These events give rise to the four questions presented: whether judges may reclassify statutory claims, disregard controlling rules, affirm contradictory rulings, and deny process while issuing binding judgment.

VI. REASONS FOR GRANTING ALLOWANCE OF APPEAL

Consistent with Pa.R.A.P. 1115(a)(6), Petitioner presents the following reasons for review under Rule 1114(b). The rulings below: (1) conflict with controlling precedent; (2) raise an unresolved and recurring procedural question; (3) implicate enforceable public access rights under the RTKL; and (4) expose a pattern of judicial officers bypassing the rules that define lawful process—notice, hearing, record, reasoned decision.

Review is necessary to confirm that courts may not extinguish statutory enforcement rights through improvised procedure—and that judicial officers remain bound by the rules that give their decisions legal effect.

1. Review is warranted to clarify that judges may not resolve merits questions on facial objections under Rule 1028.

The trial court simultaneously sustained preliminary objections under Pa.R.C.P. 1028(a)(2) and (a)(4) while overruling the County’s objection under 1028(a)(8). That contradiction confirms the petition stated a legally cognizable claim—yet was dismissed as facially insufficient. Rule 1028(c)(2) does not permit this outcome.

Under Rule 1028(c)(2), dismissal under (a)(2) or (a)(4) is proper only when the defect appears on the face of the pleading and requires no factual development. But here, the trial judge dismissed a verified statutory petition by interpreting disputed statutory meaning, evaluating agency discretion, and deciding the legal availability of relief—all without hearing, record, findings, or leave to amend. He also credited legal interpretations made by the OOR appeals officer—including her construction of the Election Code—even though appeals officers lack authority to interpret statutes outside the RTKL (see App. 11, OOR FD at 7–9). In doing so, the judge allowed County to smuggle into its Rule 1028 objections arguments never raised in the OOR appeal, then adopted conclusions never tested through record development or subject to judicial review—further violating the *de novo* standard required under *Bowling*. These are merits questions. The court had no authority to resolve them at the Rule 1028 stage.

The trial judge framed the case as one of mandamus, then used that reclassification to justify a merits-based dismissal. But the threshold question is not

whether mandamus lies. It is whether the court had power to decide that question on a facial objection at all. It did not. The court assumed authority it did not have, then ruled on the merits of its own assumption.

This method of dismissal bypassed Rule 1028's structural safeguards and mirrored the error reversed in *Pelzer v. Wetzel*, 101 A.3d 142 (Pa. Cmwlth. 2014), which held that facial objections under Rule 1028 cannot be sustained where the petition presents legal or factual disputes requiring adjudication. The ruling here was not an application of law; it was a circumvention of process and an ultra vires act. That breakdown independently warrants review under Pa.R.A.P. 1114(b)(4).

2. Review is warranted because the appellate panel failed to address preserved Rule 1028 violations or apply controlling precedent.

Petitioner preserved every procedural defect that occurred below—contradictory rulings, sua sponte reclassification, denial of amendment, and noncompliance with Rule 1028(c)(2). He raised each in his Rule 1925(b) statement, appellate briefing, and timely application for reargument.

The Commonwealth Court addressed none of them. Its memorandum opinion affirmed dismissal without acknowledging the trial court's procedural violations, without engaging the 1028(c)(2) standard, and without applying—or

distinguishing—*Pelzer v. Wetzel, Hudock, or Baravordeh*. That was not judicial restraint; it was refusal to confront structural error.

The panel accepted the trial court’s conclusions as if the only issue were whether mandamus relief was appropriate. But by doing so, it silently ratified the court’s assumption of adjudicative power that Rule 1028 expressly withholds. The panel never explained how a trial judge—reviewing *facial* objections—could find County’s conduct discretionary, declare the statutory order fulfilled, and reject relief based on the supposed adequacy of agency action. Notably, both courts affirmed a judgment that gave controlling weight to nonjudicial legal interpretations—never tested by adversarial process, never grounded in briefing, and never reviewed on the merits. The trial court treated the OOR’s Final Determination as fulfilled based on legal conclusions drawn from the face of the pleadings, including its interpretation of the Election Code, even though that order had never been enforced or subjected to judicial review. *Bowling* confirms that courts must conduct de novo review of agency decisions, but the panel affirmed a judgment that gave legal effect to interpretations never litigated, never briefed, and never reviewed. Those are questions for adjudication, not demurrer.

Faced with a verified petition dismissed through facial objections and post hoc rationales, the panel had three lawful options: reverse under established

precedent, distinguish those cases and explain why Rule 1028 did not control, or clarify a new pleading framework. It did none. Instead, it affirmed without analysis.

That silence licenses trial courts to discard RTKL enforcement petitions through invented procedure, confident that appellate review will not intervene. Worse still, the memorandum designation ensures the decision is shielded from scrutiny while its effect operates as binding precedent in practice. This is not judicial economy—it is institutional evasion.

This Court’s review is necessary to reaffirm that facial objections may not substitute for legal process, and that courts remain bound by the rules that authorize their power to dismiss. This warrants review under Pa.R.A.P. 1114(b)(4) and (b)(6).

3. Review is warranted to decide whether courts may impose a common-law enforcement model not authorized by statute.

The trial judge reclassified Petitioner’s statutory enforcement petition sua sponte as a mandamus action and dismissed it under Pa.R.C.P. 1028(a)(2) and (a)(4), applying common-law pleading burdens never authorized by § 1302. That procedural framework appears nowhere in statute, rule, or statewide judicial practice. The judge imposed heightened standards—including a “clear right to

relief” and heightened specificity—borrowed from mandamus doctrine, not the RTKL. Petitioner had no notice that § 1302 imposed those burdens, or that a judge could unilaterally recharacterize the petition under a doctrine neither raised by the parties nor grounded in law.

Section 1302 authorizes enforcement of final determinations by “petition for review or other document as required by rule of court.” That language invokes structured, rule-based procedure—not discretionary improvisation. This Court has confirmed that such enforcement occurs under appellate jurisdiction and governed rules, not common-law pleading, in cases like *PHRC v. School District of Philadelphia*, 732 A.2d 578 (Pa. 1999), and *DEP v. Cromwell Township*, 32 A.3d 639 (Pa. 2012).

The trial court ignored that line of authority and instead adopted *Capinski v. Upper Pottsgrove Township*, a non-precedential Commonwealth Court opinion that treats RTKL enforcement as de facto mandamus. *Capinski* did not reconcile its approach with § 1302 or controlling precedent. It did not explain how a statutory enforcement mechanism became a license for judges to impose a judge-made common-law remedy.

This Court should decide whether judicial officers may impose a common-law enforcement regime that the General Assembly did not authorize. If the answer

is no, then neither the trial judge nor the appellate panel had power to reclassify Petitioner’s claim or apply burdens the statute does not contain.

That structural conflict with precedent and statutory design independently warrants review under Pa.R.A.P. 1114(b)(3), (b)(4), and (b)(6).

4. Review is warranted to decide whether the *Capinski* model disables the RTKL’s right of access.

Assuming courts may fill the procedural gap in § 1302, this petition challenges the model they have chosen—and the consequences it imposes on public rights.

The RTKL guarantees access to public records and channels enforcement through § 1302, which authorizes relief by “petition for review or other document as required by rule of court.” It does not prescribe mandamus. It does not grant discretion. Although the RTKL grants appeals officers procedural discretion, it does not grant discretion over whether records must be released. As this Court held in *Bowling v. Office of Open Records*, 75 A.3d 453 (Pa. 2013): “Either the document falls under one of the specific exemptions, or it is a document that must be released.” The statute’s structure is binary—not open-ended.

Yet the Commonwealth Court now enforces § 1302 through a mandamus model created by judges, not the General Assembly. That model accepts appeals

officers' interpretations of laws beyond the RTKL, treats agency's justifications through briefs of counsel as fact at the pleading stage, and offers no consistent standard. It originated in *Ledcke*—a trial judge's improvisation—and was elevated in *Capinski*, where the Commonwealth Court adopted mandamus as a default RTKL remedy. As Judge Brobson warned in dissent, *Capinski* created a “wholly judicially-fashioned vehicle” that “muddles the jurisdictional and procedural path for enforcing an agency's final determination.”

Bowling also confirmed that Chapter 13 courts must conduct “full de novo review.” But here, the trial court resolved legal meaning and factual disputes on the pleadings, from chambers, without hearing or record. The appellate panel affirmed without addressing how that result aligns with *Bowling*, § 1302, or Rule 1028.

This scheme does not enforce the *right to know*—it undermines it. Access now depends not on whether records are exempt, but on whether the requester can navigate a shifting, judge-made process. Litigants must anticipate procedural landmines, master mandamus doctrine, and litigate against assumptions made outside the record. The result is not access—it is obstruction.

If courts may invent a remedy, this Court must decide whether that remedy fulfills the statute's promise—or defeats it. When judicial discretion overtakes legislative purpose, the right to know becomes a privilege contingent on process,

not law. The judiciary appears to have chosen insulation over enforcement. That choice demands review.

This question independently warrants review under Pa.R.A.P. 1114(b)(4) and (b)(6).

5. Review is warranted because multiple courts applied the same improper procedures across dockets, revealing a systemic pattern.

The procedural failures in this case are not isolated. They have appeared repeatedly across multiple dockets involving the same Petitioner. In *Miller v. County of Lancaster*, No. 596 C.D. 2023, and *In re Michael Miller*, No. 59 MM 2025, courts followed the same pattern: dismissal without record development, silent affirmance without reasoning, and anonymous denial of reargument. In one instance, a verified motion was struck from the docket within minutes—without explanation, order, or review.

These are not stray anomalies. They reflect a recurring judicial practice: using procedural opacity to extinguish statutory claims without adjudication. That pattern bypasses the RTKL’s enforcement structure and erodes the rules that give judicial review legal meaning.

This Court’s intervention is necessary to prevent normalization of silent dismissal practices that insulate judges from accountability and displace reasoned

decision-making. The systemic nature of this evasion, repeated across multiple dockets and procedural stages, independently warrants review under Pa.R.A.P. 1114(b)(6).

6. Review is warranted to confirm that due process protections bind judges as well as litigants.

The judges here denied Petitioner every safeguard that due process requires: notice of the governing standard, an opportunity to respond, a reasoned ruling grounded in law, and a tribunal that applies rules equally to both parties. These were not aberrations—they defined the litigation from start to finish.

This was not adjudication under law. It was a system in which outcomes dictated procedure, and judges imposed a framework on a requester that they refused to follow themselves. The judiciary created a process with heightened burdens, reclassified Petitioner's claims without notice, and then disregarded the procedural rules—like Rule 1028(c)(2)—that limit their own authority. At every stage, judicial officers expanded discretion for themselves and the government while narrowing rights for the public.

A reasonable litigant cannot conclude he appeared before a neutral tribunal. He sees a structure where constraint binds only the governed, not the governors—where legal rights survive only if judicial actors choose to honor them.

That perception is not only reasonable; it is deeply damaging. It signals that procedural protections apply to the parties, but not to the judges. That breakdown in process and appearance independently warrants review under Pa.R.A.P. 1114(b)(4), (b)(6), and 1115(a)(6). This Court should reaffirm that due process binds the judiciary no less than those who appear before it.

Reservation of Merits Objections

Petitioner does not seek review of factual findings or statutory interpretation because the proceedings below never lawfully reached that stage. No hearing occurred, no record was developed, and no ruling grounded in procedural rules ever issued. All items remain preserved unless and until they receive proper adjudication.

This case does not ask the Court to weigh in on the merits. It asks only what the RTKL guarantees: access to a neutral court, application of the governing rules, and a reasoned judgment issued through lawful process. Instead, judicial officers short-circuited that process—substituting procedural form and discretionary assertion for adjudication. That failure transcends this dispute. It implicates the structural integrity of judicial review across Pennsylvania.

Conclusion

This petition presents a fundamental question: May judges extinguish statutory enforcement claims without notice, hearing, findings, or process—by recharacterizing pleadings, inventing procedures, and withholding adjudication?

Here, they did. The trial judge dismissed a verified RTKL petition by resolving disputed legal meaning on the pleadings alone—without hearing, without a record, and without identifying any incurable defect. The Commonwealth Court affirmed without addressing preserved objections or explaining how Rule 1028(c)(2) was satisfied. At no stage did any judicial officer examine how the petition failed under law—or whether the law constrained them at all.

The questions presented go to the foundation of judicial authority in Pennsylvania: Are public rights enforceable in court, and are judges bound by the rules that give their rulings legal effect? If not, the RTKL ceases to be a guarantee of access. It becomes a grant of discretion—unmoored from standards, hearing, or review.

This Court's intervention is necessary to confirm that judicial officers remain bound by procedural rules, constitutional safeguards, and the duty to decide verified claims through law, not discretion. This case does not merely challenge legal error. It challenges the authority to act without law.

VII. APPENDIX

In accordance with Pa.R.A.P. 1115(a)(7) and 2117(c), the appendix submitted with this petition includes all relevant orders, opinions, pleadings, and supporting materials necessary to resolve the questions presented and to trace the procedural posture. The following documents are appended:

1. *Petitioner's Application for Reargument and Motion for Reconsideration* (April 21, 2025) – Challenges the appellate court's failure to address preserved procedural objections.
2. *Commonwealth Court Memorandum Opinion* (April 11, 2025) – Unpublished opinion affirming the trial court. Core opinion under review.
3. *Trial Court Order Dismissing Petition* (May 12, 2023) – Sustains Rule 1028(a)(2) and (a)(4) objections and dismisses the enforcement petition with prejudice.
4. *Commonwealth Court Per Curiam Order Denying Reargument* (June 16, 2025) – Denies reargument without explanation.
5. *Trial Court Rule 1925(a) Opinion* (August 7, 2023) – Justifies sua sponte reclassification and dismissal on statutory interpretation grounds.

6. *Petitioner's Rule 1925(b) Statement of Errors* (July 10, 2023) – Preserves objections to Rule 1028 misuse, procedural due process violations, and statutory misinterpretation.
7. *Verified Petition to Enforce OOR Final Determination* (December 29, 2022) – Initiates the enforcement action; attaches unappealed OOR determination.
8. *Respondent's Preliminary Objections and Supporting Brief* (January 2023) – Invokes Pa.R.C.P. 1028(a)(2), (a)(4), and (a)(8); does not contest facts.
9. *Petitioner's Responses to Preliminary Objections and Motion to Dismiss* (February–March 2023) – Argues Rule 1028 limits, procedural due process violations, and improper reclassification.
10. *Statutory and Rule Texts* – Verbatim texts of Pa.R.C.P. 1028, Pa.R.A.P. 1115, and 65 P.S. § 67.1302, as required by Pa.R.A.P. 1115(a)(8).
11. *OOO Final Determination*, Dkt. AP 2022-1749 (Oct. 5, 2022) -- Determined requested election records were not exempt under the RTKL.

VIII. STATUTORY AND RULE TEXTS

The following provisions are appended in full, as each directly governs the issues raised and supports the questions presented:

1. *Pa.R.C.P. 1028* – Defines grounds for preliminary objections and limits how courts may resolve them at the pleading stage. Included to show procedural overreach.
2. *Pa.R.A.P. 1115* – Sets the requirements for content and structure of petitions for allowance of appeal.
3. *65 P.S. § 67.1302* – Provides for judicial enforcement of OOR final determinations by local agencies; central to the statutory posture of the case.

IX. CERTIFICATE OF COMPLIANCE

Pursuant to Pa.R.A.P. 1115(a)(9) and 2135(d), the undersigned certifies that:

1. This petition contains approximately 4,255 words, excluding the parts of the petition exempted by Pa.R.A.P. 2135(b). This complies with the 9,000-word limit.
2. The text is presented in a proportionally spaced typeface using 14-point font.
3. This filing complies with the requirements of the Public Access Policy of the Unified Judicial System of Pennsylvania. It contains no confidential information or information otherwise protected from public access under that policy.

Respectfully submitted

Pro se,

Date: July 1, 2025

/s/ Michael Miller

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CERTIFICATE OF SERVICE

I, the undersigned Petitioner, hereby certify that on this date I served a true and correct copy of the foregoing Petition for Allowance of Appeal via the PACFile electronic filing system, in accordance with Pa.R.A.P. 121 and 122, upon the following counsel of record:

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Dated: July 1, 2025