

January 24, 2020

Re: OOR Docket No. 2020-0081 (*Marritz v. KCSD*)

Declaration of Nicholas Marritz

1. On December 23, 2019, I filed the RTKL request with the Kennett Consolidated School District that is the subject of this appeal. I requested that the District respond to my RTKL request via email.
2. I submitted my request to the District via MuckRock.com, a non-profit, collaborative news site that brings together journalists, researchers, activists, and regular citizens to request, analyze, and share government documents. *See* <https://www.muckrock.com/about/>.
3. When a person submits an open-records request through MuckRock, the request is assigned a unique website and a unique email address. All correspondence sent to the email address is then tracked on the website. The unique email address associated with my RTKL request is 84697-01086925@requests.muckrock.com. The unique website associated with my request is <https://www.muckrock.com/foi/kennett-square-27633/peacock-related-incidents-84697/>. MuckRock also scans and uploads to the unique website all responsive communications that it receives in the mail.
4. According to OOR's Final Determination, the District's attorney attests that on December 26, 2019 he sent me an email responding to my request and invoking a 30-day extension of time for the District to respond. However, no such email appears on MuckRock's unique website that tracks all messages sent to the unique email address associated with my request. Nor does any communication appear there that the District attests that it sent in the mail.
5. OOR's Final Determination also states that the District's attorney submitted position statements on January 16 and January 21 of this year. However, no such communications appear on MuckRock's unique website associated with my request.

6. No communications from the District appear on MuckRock's unique website associated with my request. Therefore, any communications that the District made with ORR appear to have been made *ex parte*.

7. According to OOR's official notice of appeal, "Any information provided to the OOR must be provided to all parties involved in this appeal. Information that is not shared with all parties will not be considered." Therefore I ask that OOR withdraw its Final Determination and sustain this appeal.

I declare under penalty of perjury that the foregoing is true and correct.



Nicholas Marritz

January 24, 2020