

PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

STAFF

November 12, 2009

**VIA E-MAIL AND REGULAR MAIL**

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**RE: Uncontested Request to Consolidate  
AP 2009-0955 and AP 2009-0938**

Ms. Buglione:

Pursuant to our telephone conversation earlier today, I am writing to formalize this uncontested request that my appeal, Docket # AP 2009-0955, be consolidated with the appeal of requestor Paul Boni, Docket # AP 2009-0938. I have conferred with Mr. Boni and we believe that our appeals are well suited for consolidation. Both appeals arise from open record request denials by the same state agency, the Pennsylvania Gaming Control Board ("PGCB"). Both appeals relate to virtually identical open records requests, virtually identical letters of denial, and virtually identical issues and arguments, which will require virtually identical evidence if the agency is to meet its burden of proof. We believe, therefore, that it is in the interests of all parties and the Office of Open Records to consolidate AP 2009-0955 and AP 2009-0938 for Final Determination.

In addition, Mr. Boni and I have been in contact with Denise Miller-Tshudy, Esquire, who is the Assistant Chief Counsel for the PGCB, regarding this joint consolidation request. Ms. Miller-Tshudy advises that the PGCB does not object to the consolidation of these two appeals. At Ms. Miller-Tshudy's request, Mr. Boni and I have agreed to extend the time for the PGCB to respond to the appeals until Friday, November 20, 2009.

As you suggested, I have advised Mr. Boni to submit a similar written request to the Appeals Officer assigned to his appeal. Mr. Boni's request should be forthcoming on or before Friday, November 13, 2009.

Finally, I acknowledge that you advised that if the appeals are to be consolidated, Mr. Boni and I, as requestors, may be asked to agree to extend the deadline for OOR to issue its Final Determination. In light of the uncontested nature of this request for consolidation and the agreement among counsel to extend the time for PGCB's response until November 20, I am prepared to evaluate any reasonable request from the OOR for an extension of time for the issuance of a Final Determination.

Respectfully,



Adam H. Cutler, Esquire

PA Attorney ID #76605

Attorney for the Chinatown Preservation Alliance

cc: Paul Boni, Esquire (via e-mail)  
Denise Miller-Tshudy, Esquire (via e-mail)