IN THE COMMONWEALTH COURT OF PENNSYLVANIA

East Stroudsburg University

Foundation,

Petitioner

٧.

Office of Open Records,

Respondent: No. 886 C.D. 2009

East Stroudsburg University of

Pennsylvania,

Petitioner

٧.

Office of Open Records,

Respondent: No. 908 C.D. 2009

Ottaway Newspapers, Inc. and Dan

Berrett,

Petitioners

٧.

Office of Open Records,

No. 1007 C.D. 2009

Respondent:

ORDER

After hearing on Respondent East Stroudsburg University of Pennsylvania's Petition for Clarification and Petitioners Dow Jones Local Media Group, Inc. and Dan Barrett's Motion to Strike the Petition for Clarification and for Sanctions, it is Ordered this 6th day of June. 2011, that:

• By July 18, 2011, Respondents must provide Petitioners with all of the Foundation's donor files for the last three years, subject to

the redaction of donor names and identifying information. If they desire additional years, Petitioners must inform the Foundation by June 16, 2011 how many additional years of donor files they are requesting, but only going back to the year 2000. The Foundation then has three additional weeks to produce each additional year of donor files requested.

- The University's redactions to the Minutes of the Foundation's board of directors meetings are proper. However, the Foundation has until June 16, 2011 to determine whether there are any attachments to these Minutes that are similar to the attachments as presented by Petitioners to the Minutes dated May 21, 2009. If so, the Foundation must produce a redacted copy of those attachments to Respondents by July 18, 2011.
- The issue whether or not a corporation or entity other than an individual qualifies as a "donor" is waived because Petitioners failed to raise this argument below or before the Court.

DAN PELLEGRINI, JUDGE