



Ryan Bagwell <ryan@ryanbagwell.com>

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## Petition for Reconsideration - Bagwell v. Office of the Governor, OOR Dkt. AP 2013-1551

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Ryan Bagwell <ryan@ryanbagwell.com>

Tue, Dec 31, 2013 at 3:54 PM

To: dlefkwitz@pa.gov

Cc: "Lantz-Johnson, Delene (GC)" <dlantz-joh@pa.gov>, "Allen, Katherine" <kma13@psu.edu>

Bcc: Joshua Bonn <jbonn@nssh.com>

Dear Ms. Lefkowitz:

This is a Petition for Reconsideration of the Final Determination in *Bagwell v. Office of the Governor*, OOR Dkt. AP 2013-1551, made pursuant to the OOR's *Interim Guidelines* and the *General Rules of Administrative Practice and Procedure*, 1 Pa. Code Section 35.241

### **I. Specification of Errors**

The OOR erred in finding that:

1. certain records were subject to the Predecisional Deliberation Exception because they reflect a deliberation between employees of a Commonwealth agency or agencies, and;
2. Penn State did not waive the attorney-client privilege and/or attorney work-product privilege.

### **II. Matters that have arisen since the Final Determination**

The Final Determination in this matter was issued on December 16, 2013. On December 17, 2013, documents that directly refute the contention that the attorney-client privilege was not waived were unsealed by the Dauphin County Court of Common Pleas. These documents were not available for the requester to submit prior to the issuance of the Final Determination.

### **III. Conclusion**

WHEREFORE, I respectfully request that the OOR reopen this matter, allow the Petitioner to provide additional evidence for the record, and reconsider the Final Determination.

Respectfully submitted,

Ryan Bagwell  
5219 Shorecrest Drive  
Middleton, WI 53562  
(608) 466-6195 (v)