

EXHIBIT A

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

: AP 2023-1156

COUNTY OF YORK :

I, Dr. Peter Aiken, hereby declare under the penalty of perjury, pursuant to 18 Pa.C.S. § 4904, that the following statements are true and correct based upon my personal knowledge, information and belief:

1. I serve as the Superintendent of Schools for the Central York School District ("District").
2. In my capacity as the Superintendent, I am responsible for advising the School Board of Directors on all policy matters.
3. I am familiar with the Right to Know ("RTK") request ("Request") at issue in this appeal.
4. I am familiar with the records at issue in this appeal.
5. Upon receiving the RTK request from Democracy Forward, the District's Open Records Officer ("ORO") conducted a search for responsive records. The ORO instructed the IT department to search all District-owned accounts and advised each named person in the Request, including me, to conduct a search of our personal communication accounts for responsive records. The only responsive records to the Request are those records at issue in this appeal and are accurately described as communication exchanges between Attorney Jeremy Samek and me, and the documents attached to those communications.
6. I sought to become a client of Attorney Jeremy Samek for the purposes of securing legal advice and services related to certain District policies.
7. It is my belief that Attorney Samek is a proper and active licensed attorney in the Commonwealth of Pennsylvania.
8. Via a text communication, I requested Attorney Samek review certain District policies and offer his legal opinion and services on additions and revisions to those policies.
9. The text communication in which I requested the legal advice and services of Attorney Samek no longer exists.
10. In the email communication dated October 3, 2022, at 17:21, Attorney Samek provided his legal opinion to me in response to a request for a legal opinion and services related to numerous District policies. The request was not for the purpose of committing a crime or tort.
11. In the email communication dated January 9, 2023, at 6:16 pm, I communicated with Attorney Samek to request a legal opinion and services on a different District policy and not for the purpose of committing a crime or tort.

12. In the email communication dated January 11, 2023, at 14:33, Attorney Samek responded to my request and provided his legal opinion and services. The request was not for the purpose of committing a crime or tort.
13. As part of Attorney Samek's communications with me, and as part of my request for legal services and opinions, Attorney Samek provided a Confidential Legal Memorandum that discussed and explained different court cases related to constitutional concerns and Title IX.
14. In addition to the Confidential Legal Memorandum, Attorney Samek, at my request, provided me with policies he created that set forth relevant facts and his opinions, mental impressions, legal advice, and legal theories which applied the court cases related to constitutional concerns and Title IX from the Confidential Legal Memorandum.
15. None of the above documents and/or email communications were shared, copied, or provided to any other person outside of this appeal.
16. I have never waived the attorney-client privilege attached to the above documents and/or communications.
17. Upon advice from Attorney Samek, I advised the District's ORO to deny the request for the sole responsive records as attorney-client privileged records.

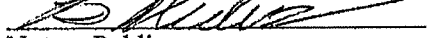
Date: June 9, 2023

Signature: _____

Dr. Peter Aiken

Central York School District Superintendent

Sworn and Subscribed to
Before me this 12th day of June 2023.


Notary Public

My Commission Expires: May 7, 2025

Commonwealth of Pennsylvania - Notary Seal
Brianna Uecker, Notary Public
York County
My commission expires May 7, 2025
Commission number 1289490
Member, Pennsylvania Association of Notaries

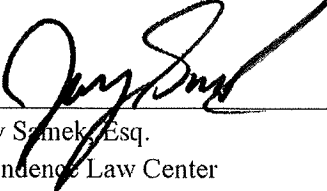
EXHIBIT B

IX from the Confidential Legal Memorandum. The records I created are not public records under the RTKL and include my legal opinion and legal advice. They are covered under the attorney-client privilege and the attorney work product doctrine.

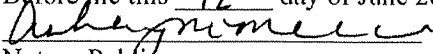
14. I advised Dr. Aiken to deny the request on the basis of attorney-client privilege.

Date: June 12, 2023

Signature: _____


Jeremy Simek, Esq.
Independence Law Center

Sworn and Subscribed to
Before me this 12th day of June 2023.


Notary Public

My Commission Expires: January 28, 2027

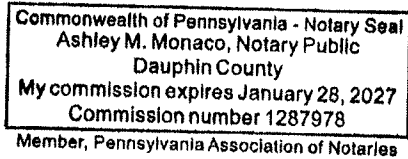


EXHIBIT C

From: Peter Aiken <paiken@cysd.k12.pa.us>
To: Jeremy Samek
Sent: 1/13/2023 1:33:16 PM
Subject: Re: policy amendments requested - central York SD

How about the 24th or 25th?
We could do the 83 diner again...

From: Jeremy Samek <jsamek@indlawcenter.org>
Date: Friday, January 13, 2023 at 13:23
To: Peter Aiken <paiken@cysd.k12.pa.us>
Subject: RE: policy amendments requested - central York SD

CAUTION: This email originated from outside the school district. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Let's grab lunch again soon man. Shoot me some dates that you might be able to grab a bite.

Jeremy Samek
Senior Counsel
INDEPENDENCE LAW CENTER
23 North Front Street, Harrisburg, Pennsylvania 17101
Telephone 717-657-4990 • Facsimile 717-545-8107
www.independencelawcenter.org



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From: Peter Aiken [mailto:paiken@cysd.k12.pa.us]
Sent: Thursday, January 12, 2023 8:20 AM
To: Jeremy Samek <jsamek@indlawcenter.org>
Subject: Re: policy amendments requested - central York SD

Morning!
Perfect. I do appreciate it! (Perfect timing!)

Interesting to see the court cases...

Hope you are doing well - pja

From: Jeremy Samek <jsamek@indlawcenter.org>
Date: Wednesday, January 11, 2023 at 14:33
To: Peter Aiken <paiken@cysd.k12.pa.us>
Subject: RE: policy amendments requested - central York SD

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Jeremy Samek
Senior Counsel
INDEPENDENCE LAW CENTER
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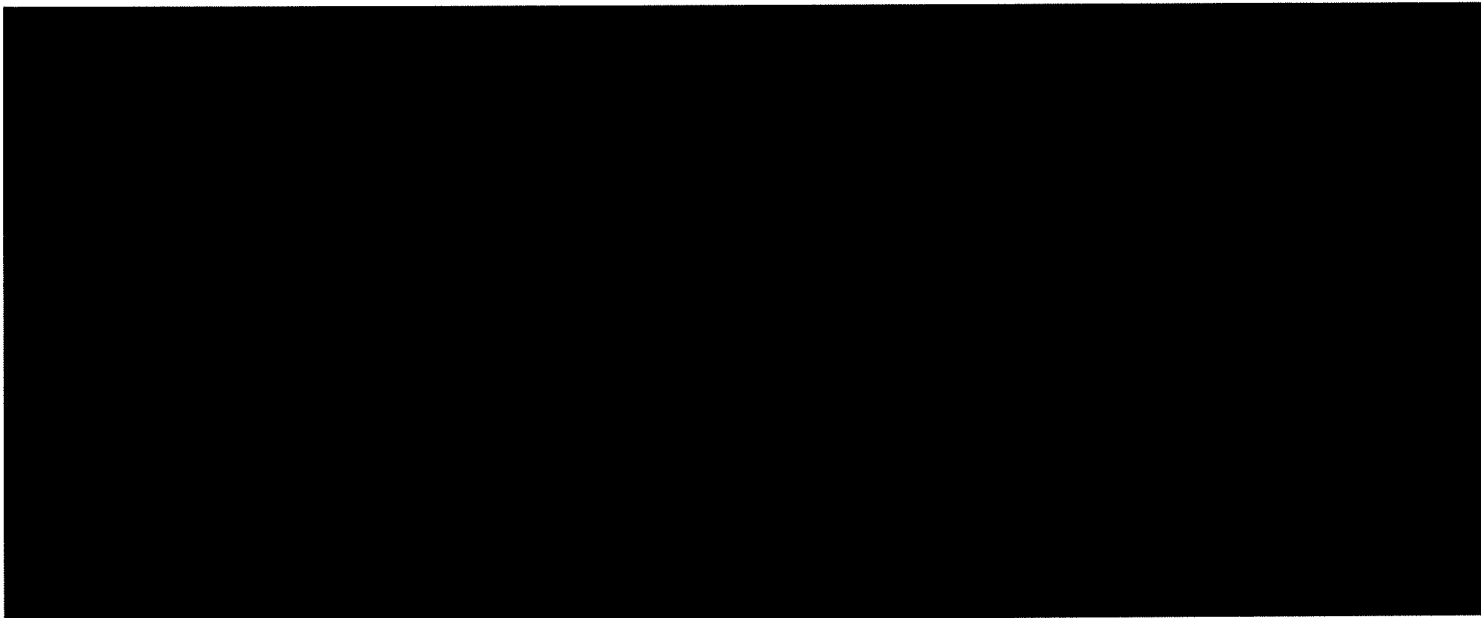
From: Peter Aiken [<mailto:paiken@cysd.k12.pa.us>]
Sent: Monday, January 9, 2023 6:16 PM
To: Jeremy Samek <jsamek@indlawcenter.org>
Subject: Re: policy amendments requested - central York SD

I do appreciate it - pja

From: Jeremy Samek <jsamek@indlawcenter.org>
Date: Monday, October 3, 2022 at 17:21
To: Peter Aiken <paiken@cysd.k12.pa.us>
Subject: policy amendments requested - central York SD

Caution: This email originated from outside the school district. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Superintendent Aiken,



Best regards,

Jeremy Samek
Senior Counsel
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