

**IN THE COURT OF COMMON PLEAS FOR DAUPHIN COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

IN RE: MILTON HERSHEY SCHOOL :
TRUST : No. 712-1963
IN RE: APPLICATION BY NONPROFIT :
CORPORATION MANAGER TO :
COMPEL INSPECTION OF :
CORPORATE INFORMATION :

**COMMONWEALTH'S ANSWER TO MILTON HERSHEY SCHOOL'S
MOTION FOR SUMMARY JUDGMENT AND/OR TO DISMISS THE PETITION OF
ROBERT HEIST TO COMPEL INSPECTION OF CORPORATE INFORMATION**

The Commonwealth of Pennsylvania acting as *parens patriae* through its Attorney General, Josh Shapiro ("Commonwealth"), hereby answers the **Motion for Summary Judgment and/or to Dismiss the Petition of Robert Heist to Compel Inspection of Corporate Information** filed by Milton Hershey School ("MHS"), as follows:

The averments contained in the Introduction incorporate legal arguments and conclusions requiring no response. To the extent a response is deemed required, the averments are Denied, in that, after reasonable investigation, the Commonwealth is without sufficient information to form a belief as to the truth of the averments.¹

1. ADMITTED in part and DENIED in part. The averments are ADMITTED with the exception of the averment that Heist practices law in other jurisdictions while using office space at the Hershey Trust Company. That averment is DENIED, in that, after reasonable investigation, the Commonwealth is without sufficient information to form a belief as to the truth of the averment.

2 – 5. ADMITTED.

¹ The Commonwealth does not dispute the legal arguments set forth in the School's Brief and respectfully elects not to file a Brief in opposition thereto.

6 – 12. DENIED. After reasonable investigation, the Commonwealth is without sufficient information to form a belief as to the truth of the averments. The School's Exhibit 4 is a document which, being in writing, speaks for itself and any attempt to misconstrue or misinterpret same is specifically, Denied.

13. ADMITTED.

14 – 19. DENIED. After reasonable investigation, the Commonwealth is without sufficient information to form a belief as to the truth of the averments. The described written communications between Heist and the School are documents which, being in writing, speak for themselves and any attempt to misconstrue or misinterpret same is specifically, Denied.

20 - 39. DENIED. After reasonable investigation, the Commonwealth is without sufficient information to form a belief as to the truth of the averments. The described written communications between Heist and the School and the Board Resolution are documents which, being in writing, speak for themselves and any attempt to misconstrue or misinterpret same is specifically, Denied.

40. DENIED as this paragraph incorporates legal arguments and conclusions requiring no response. To the extent a response is deemed required, after reasonable investigation, the Commonwealth is without sufficient information to form a belief as to the truth of the averments.

41 - 44. ADMITTED in part and DENIED in part. It is Admitted that Heist is a member of the Education and Student Life Committee. The remaining averments are Denied, in that, after reasonable investigation, the Commonwealth is without sufficient information to form a belief as to the truth of the averments.

WHEREFORE, the Commonwealth respectfully requests that this Honorable Court:

- a. order Heist to pay the School's counsel fees if this Court deems his inquiry frivolous; and
- b. order such other relief as this Court deems necessary and appropriate.

Respectfully Submitted:

COMMONWEALTH OF PENNSYLVANIA
JOSH SHAPIRO
Attorney General

BY: /s/ Heather J. Vance-Rittman

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July 21, 2021

VERIFICATION

I, Mark A. Pacella, counsel for the Commonwealth, hereby state that I am authorized to make this verification on behalf of the Attorney General, and that the facts in this *Commonwealth's Answer to the School's Motion for Summary Judgment and/or to Dismiss the Petition of Robert Heist to Compel Inspection of Corporate Information* are true and correct to the best of my knowledge, information and belief. I understand that the statements therein are made subject to penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

July 21, 2021

/s/ Mark A. Pacella

Mark A. Pacella

Chief Deputy Attorney General

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provision of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

July 21, 2021

/s/ Heather J. Vance-Rittman

Heather J. Vance-Rittman

Senior Deputy Attorney General

CERTIFICATE OF SERVICE

I, Heather J. Vance-Rittman, counsel for the Commonwealth, hereby certify that I served true and correct copies of the *Commonwealth's Answer to the School's Motion for Summary Judgment and/or to Dismiss the Petition of Robert Heist to Compel Inspection of Corporate Information* via electronic mail and United States Mail postage prepaid upon the following:

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/s/ Heather J. Vance-Rittman

Heather J. Vance-Rittman

July 21, 2021