

IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA  
CIVIL DIVISION

**Make the Road States, d/b/a Make the Road  
Pennsylvania; Julia Minotto; Tonya Wenger;  
Celine Elizabeth Schrier; Jesse D. Royer; Dean  
Kendall; Eric Gjertsen; and Alex Crawford,**

*Plaintiffs,*

v.

**Christian Leinbach, Kevin Barnhardt, and Michael  
Rivera, in their official capacities; the Board of  
Commissioners of Berks County; and Berks  
County,**

*Defendants.*

No. 21-2696

**PLAINTIFFS' RESPONSE TO DEFENDANTS' PRELIMINARY OBJECTIONS**

Plaintiffs, through counsel, respond as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted. By way of further answer, on May 5, 2021, Assistant County Solicitor Cody Kauffman provided a copy of the letter of support to Plaintiffs' counsel. *See* Exhibit A.
5. Admitted in part and denied in part. Denied as to "without any basis or information to support their claim."
6. Admitted.
7. Admitted.
8. Admitted.

9. Legal argument to which no response is required.
10. No factual allegation to admit or deny.
11. Recital of law to which no response is required.
12. Recital of law to which no response is required.
13. Recital of law to which no response is required.
14. Recital of law to which no response is required.
15. Recital of law to which no response is required.
16. Recital of law to which no response is required.
17. Recital of law to which no response is required.
18. Recital of law to which no response is required.
19. Recital of law to which no response is required.
20. Recital of law to which no response is required.
21. Recital of law to which no response is required.
22. Admitted.
23. Admitted.
24. Legal argument to which no response is required.
25. Admitted.
26. Legal argument to which no response is required.
27. Legal argument to which no response is required.
28. Legal argument to which no response is required.
29. Admitted in part and denied in part. Admitted that Defendants did fail to release or discuss the information contained within the letter of support or white paper proposal to the public prior and after the February 25, 2021. Denied that Berks Defendants were

precluded by the federal government from releasing such documents or that such information was “confidential.” By way of further answer, on May 5, 2021, Assistant County Solicitor Cody Kauffman provided a copy of the letter of support to Plaintiffs’ counsel. *See* Exhibit A.

30. Legal argument to which no response is required.
31. Legal argument to which no response is required.
32. Admitted.
33. Admitted.
34. Admitted.
35. Admitted.
36. Legal argument to which no response is required.
37. Legal argument to which no response is required.
38. Legal argument to which no response is required.
39. Admitted.
40. Admitted.
41. Recital of law to which no response is required.
42. Recital of law to which no response is required.
43. Legal argument to which no response is required.
44. Legal argument to which no response is required.
45. Legal argument to which no response is required.
46. Legal argument to which no response is required.

Plaintiffs have filed a brief accompanying this response in opposition to Defendants’ legal arguments.

**WHEREFORE**, Plaintiffs respectfully request that this Honorable Court overrule Defendants' Preliminary Objections.

Dated: May 19, 2021

/s/ Jennifer J. Lee

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I, Roshonda Scipio, hereby certify that on this May 19, 2021, a copy of the foregoing was served upon the following counsel via electronic notification of the Berks County Electronic Court Filing system:

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/s/ Roshonda Scipio  
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