

**IN THE COURT OF COMMON PLEAS
CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW**

<i>In Re: Search Warrants Involving Crime Victims Who Are Students of The Pennsylvania State University</i>)	
	)	DOCKET NO.
	)	2022-1264
	)	TYPE OF PLEADING
THE PENNSYLVANIA STATE UNIVERSITY,	)	Motion
Petitioner;	)	FILED ON BEHALF OF
	)	The Centre Daily Times, Spotlight
BERNARD F. CANTORNA, Centre County District Attorney,	)	PA, WJAC-TV (“Media
	)	Intervenors”)
JEREMY S. BREON, Centre County Prothonotary and Clerk of Courts,	)	COUNSEL OF RECORD
	)	Paula Knudsen Burke
Respondents.	)	PA I.D. NUMBER
	)	87607
)	

MOTION TO INTERVENE AND UNSEAL

The Centre Daily Times, Spotlight PA, and WJAC-TV (together, “Media Intervenors”) hereby move for leave to intervene in the above-captioned matter for the limited purpose of seeking public access to judicial records. This Motion is made on the following grounds:

1. The Centre Daily Times is a news media company serving Centre County and surrounding communities in central Pennsylvania through print and digital publications. Its business address is 210 W. Hamilton Ave., #181, State College, PA 16801.

2. The Philadelphia Inquirer d/b/a Spotlight PA (“Spotlight PA”) is an independent, non-partisan collaborative newsroom dedicated to producing investigative journalism for all of Pennsylvania. Spotlight PA is an unincorporated project operating under the 501(c)(3) status of the Lenfest Institute for Journalism, which is the nonprofit owner of The Philadelphia Inquirer. Spotlight PA investigative journalism appears in news outlets in dozens of communities throughout Pennsylvania, including Centre County, as well as on spotlightpa.org. Spotlight PA’s principal place of business is 225 Market Street, Suite 502A, Harrisburg, Dauphin County, Pennsylvania. The business address of its State College bureau is 210 W. Hamilton Ave., #331, State College, PA 16801.

3. WJAC-TV is a television station providing news, weather and sports information for Johnstown, Altoona, State College and DuBois. Its physical address is 49 Old Hickory Lane, Johnstown, PA 15905. WJAC-TV is owned and operated by Sinclair Television of Fresno, LLC, which is a wholly-owned subsidiary of Sinclair Television Group, Inc., which is a wholly-owned subsidiary of Sinclair Broadcast Group, Inc.

4. Media Intervenors routinely cover civil and criminal proceedings in the Centre County Court of Common Pleas. To provide their readers and viewers with timely and important information about news impacting their community, Media Intervenors frequently rely on court filings.

5. Media Intervenors also cover State College Borough and The Pennsylvania State University to inform the public of the University's business dealings, operations, and student activities.

6. The Centre County Prothonotary created a docket for the above-captioned civil matter on June 23, 2022.

7. The Petitioner in this matter is The Pennsylvania State University (the "University"); Respondents are the Centre County District Attorney and Centre County Clerk of Courts/Prothonotary.

8. On June 24, 2022, this Honorable Court issued an order (the "Sealing Order") granting the University's motion to file an emergency *ex parte* petition under seal. The Sealing Order further directed the Prothonotary to seal "the entire docket and all filings" in this matter.

9. The Sealing Order is captioned, in part, "In Re: Search Warrants Involving Crime Victims Who Are Students of The Pennsylvania State University."

10. The First Amendment to the U.S. Constitution grants the public and Media Intervenors a presumptive right of access to records filed in this matter, and said right has not been overcome.

11. Article 1, section 11 of the Pennsylvania Constitution grants the Media Intervenors a presumptive right of access to records filed in this matter, and said right has not been overcome.

12. The common law grants the Media Intervenors a presumptive right of access to judicial records filed in this matter, and said right has not been overcome.

13. To the extent countervailing interests overcome the public's and Media Intervenors' constitutional and common law rights of access to records filed in this matter, any sealing must be no broader than necessary to serve those interests and must be supported by specific, on-the-record factual findings.

STATEMENT OF AUTHORITY

Pennsylvania Rules of Civil Procedure 2326 through 2350 govern intervention in the Commonwealth's trial courts, as discussed in more detail in the brief in support filed with this motion.

RELIEF SOUGHT

The Media Intervenors respectfully request that the Court grant their motion to intervene for the limited purpose of addressing the public's right to access judicial records filed and entered in the above-captioned proceeding, grant their motion to unseal, and enter an order unsealing all sealed records in this matter.

Dated: July 14, 2022

Respectfully submitted,

/s/ Paula Knudsen Burke

Paula Knudsen Burke
PA ID 87607
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
PO Box 1328
Lancaster, PA 17608
(717) 370-6884
pknudsen@rcfp.org

Counsel for Media Intervenors

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that on July 12, 2022 at 9:24 a.m., I emailed counsel for Petitioner and Respondents and requested their clients' positions on the relief sought by the Media Intervenors' Motion to Intervene and Unseal.

I did not receive any response from counsel for Petitioner.

Helen Stolinas, counsel for Centre County Prothonotary/Clerk of Courts, telephoned undersigned counsel on July 13, 2022 to indicate her client took no position on the motion.

Mary Lou Maierhofer, counsel for Centre County District Attorney Bernard Cantorna, telephoned undersigned counsel on July 12, 2022 to indicate that she had filed a motion to dissolve the preliminary injunction and was in communication with counsel for Petitioner about an order that would unseal documents in this case, except for certain identifying information.

Dated: July 14, 2022

/s/ Paula Knudsen Burke

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PA ID 87607
REPORTERS COMMITTEE FOR
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Counsel for Media Intervenors

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Centre County District Attorney,)	
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JEREMY S. BREON,)	
Centre County Prothonotary)	
and Clerk of Courts,)	
)	
Respondents.)	

[PROPOSED] SCHEDULING ORDER

AND NOW, this ____ day of _____, 2022, upon consideration of the Motion to Intervene and Unseal filed by The Centre Daily Times, Spotlight PA, and WJAC-TV, as well as the movants' supporting brief, it is hereby ordered that:

(1) Petitioner and Respondents may each file any answer to the Motion within seven days of this date; (2) argument on the Motion shall be heard during the hearing scheduled in this matter on July 26, 2022; and (3) the Motion shall be decided under Pa. R. Civ. P. 206.7.

BY THE COURT:

J

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[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2022, upon consideration of the Motion to Intervene and Unseal filed by The Centre Daily Times, Spotlight PA, and WJAC-TV, as well as the movants’ supporting brief, it is hereby ordered that:

1. The Motion is GRANTED.
2. The Centre Daily Times, Spotlight PA and WJAC-TV are permitted to intervene.
3. The Court hereby Orders that the docket of the above-captioned matter and all records filed thereon shall be unsealed.

4. The Centre County Prothonotary shall unseal the docket, docket entries, and docketed transcripts on or before July 29, 2022.

BY THE COURT:

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document, Motion to Intervene and Unseal, upon the persons listed on the date and in the manner indicated below:

Via Email:

JOHN A. SNYDER, ESQ.
MCQUAIDE BLASKO, INC.
811 UNIVERSITY DRIVE
STATE COLLEGE, PA 16801
JASnyder@mqlaw.com
For Petitioner Penn State University

MARY LOU MAIERHOFER, ESQ.
MELISSA D. CASTILLO, ESQ.
MARGOLIS EDELSTEIN
PO BOX 628
HOLLIDAYSBURG, PA 16648
mmaierhofer@margolisedelstein.com,
mcastillo@margolisedelstein.com
For Respondent Bernard Cantorna

HELEN A. STOLINAS, ESQ.
THE MAZZA LAW GROUP, P.C.
2790 W. COLLEGE AVENUE SUITE 800
STATE COLLEGE, PA 16801
stolinas@mazzalaw.com
For respondent Jeremy Breon

Date: July 14, 2022

/s/ Paula Knudsen Burke
Paula Knudsen Burke
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
Supreme Court ID No. 87607
PO Box 1328
Lancaster, PA
17608
pknudsen@rcfp.org

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

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

Date: July 14, 2022

Submitted by: Paula Knudsen Burke

Signature: /s/*Paula Knudsen Burke*

Attorney No.: 87607