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| IN RE: SEALED ARREST WARRANTS | : | IN THE SUPERIOR COURT OF |
| PURSUANT TO PA. R.CRIM.513.1 | : | PENNSYLVANIA |
| | : | |
| | : | Westmoreland County Criminal |
| APPEAL OF: THE HERALD STANDARD- | : | Division |
| UNIONTOWN NEWSPAPERS. INC, | : | No. 801 MD 2022 |
| MON VALLEY INDEPENDENT., AND | : | |
| OBSERVER REPORTER | : | |
| | : | |
| | : | No. 21 WDA 2023 |

ORDER

AND NOW, this 13th day of January 2023, the Application to Expedite Appeal is Granted;

As the preliminary hearing in the underlying matter is scheduled for February 13, 2023, this Court’s Prothonotary is **DIRECTED** to list the above-captioned appeal on a Panel comprised of the Honorable Victor P. Stabile, the Honorable Alice Dubow, and the Honorable Megan King.

The Panel shall enter a separate order regarding the expedited briefing of the above-captioned appeal.

STATEMENT OF REASONS

On January 5, 2023, Appellants filed “Media Intervenors’ Application to Expedite Appeal” in the above-captioned case. The Application lists the Petitioners as the Herald-Standard-Uniontown Newspapers, Inc., the Mon Valley Independent, and the Observer-Reporter.

On January 6, 2023, this Court entered an Order directing the Commonwealth and Defendant in the underlying criminal prosecution to file responses by 4:30 p.m. on January 11, 2023. The Service List for this Order indicates that service was effectuated on District Attorney Nicole Wray Zicarelli, Esquire, by way of U.S. Mail, First Class, and electronically through the PACFile system on David Joel Shrager, Esquire, on behalf of Defendant, Keven Van Lam, and Paula Knudsen Burke, Esquire, on behalf of Reporters Committee for Freedom of the Press.

Moreover, this Court’s internal records indicate that on January 6, 2023, this Court’s Office of the Prothonotary called the District Attorney’s office and

Defendant's Attorney's office to advise them of the docketing of the Order and to read aloud the contents of the Order. This process was in compliance with this Court's docketing of expedited Orders.

On the morning of January 11, 2023, Assistant District Attorneys Anthony S. Iannamorelli, Esquire, and James T. Lazar, Esquire, entered appearances in this Court on behalf of the Commonwealth.

Having received no response from the Defendant in the underlying prosecution, on January 12, 2023, the Office of the Prothonotary of the Superior Court contacted Attorney Shrager, who promptly and courteously informed this Court that Defendant did not intend to file a response.

Having received no response from the Commonwealth, Deputy Prothonotary Bobbi Jo Wagner sent an email to the Assistant District Attorneys who had entered an appearance on behalf of the Commonwealth, advising them that no Answer had been filed by the Commonwealth, and asking if they had an intention to file an Answer. Attorney Lazar then informed this Court that he would appreciate an opportunity to file an answer.

An Answer to the petition to expedite was filed by the District Attorney's Office on January 12, 2023, at 4:00 p.m. In the Answer, ADA James Lazar states that he was unaware of the January 6, 2023, Order, and claims that the Shrager Law Firm was also unaware. The comments by ADA Lazar are not supported in the record and are inconsistent with the records of the Superior Court.

Upon review of the Answer filed by ADA Lazar, we find no legal or justifiable reason to deny the application for expedited review.

By Directive Of: Jack A. Panella, President Judge