

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CORY A. HOFFMAN, as the	:	
Administrator of the Estate of TRISHA	:	
LYN HOFFMAN, and in his own right	:	TRIAL Ct. NO. 2017-CV-4959-CV
Plaintiff	:	
v.	:	
NORFOLK SOUTHERN RAILWAY	:	NO. 1162 C.D. 2024
COMPANY and PENNSYLVANIA	:	
FISH AND BOAT COMMISSION	:	
Defendants	:	
	:	
	:	
	:	
	:	

BRIEF FOR PLAINTIFF/APPELLEE

On appeal from the Order of the Court of Common Pleas of Dauphin County,
Pennsylvania, entered June 25, 2024

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Appellee disagrees with Appellant's Scope and Standards of Review and Statement of the Questions Involved.

I. COUNTERSTATEMENT OF THE SCOPE AND STANDARDS OF REVIEW

The determination of whether an item is a public judicial record or document subject to the common law right of access is a question of law, for which the scope of review for this Court is plenary. However, a trial court's decision regarding public access to a particular item is reviewed under an abuse of discretion standard. *Commonwealth v. Upshur*, 924 A.2d 642, 647 (Pa. 2007) (citing *Commonwealth v. Fenstermaker*, 530 A.2d 414, 420 (Pa. 1987)). Instantly, there is no question that the few items sealed by the trial court were pleadings filed in a pending civil action constituting judicial records. The issue here is whether the trial court abused its considerable discretion in determining that the public should not have access to these records, and ordered those filings be made under seal. The standard of review therefore is an abuse of discretion standard. A trial court will not be found to have abused its discretion unless the record discloses that the judgment exercised was "manifestly unreasonable or the result of partiality, prejudice, bias, or ill-will." *Stenger v. Lehigh Valley Hospital Center*, 554 A.2d 954, 956 (Pa. Super. Ct. 1989).

II. COUNTERSTATEMENT OF THE QUESTIONS PRESENTED

Question: Was the trial court manifestly unreasonable or did it otherwise abuse its discretion in denying PennLive's Motion to Intervene and Unseal when it determined that the only documents sealed are those that the Rules of Civil Procedure required to be filed to protect the minor beneficiary and contain sensitive financial information, including *inter alia*, the amount of money and bank account information of Plaintiff's minor daughter, did not impact or impair the public's interest; and the sealing of the documents was very narrowly tailored to protect the significant and compelling privacy and security interest of Plaintiff and his minor daughter?

Suggested Answer: No.

III. COUNTERSTATEMENT OF THE CASE

A. Relevant Factual History

As set forth in the Plaintiff's Complaints, this wrongful death and survival action arose from a fatal collision on the afternoon of September 5, 2016, between a Norfolk Southern freight train and the motor vehicle operated by Trisha Hoffman; a 29-year-old wife and mother to a newborn, three-month-old daughter. The collision occurred at a railroad crossing on Susquehanna Trail Drive, an access road connecting a boat launch and parking lot on the Susquehanna River to PA Route 147 in Halifax Township, Pennsylvania. Tragically, Plaintiff, Cory

Hoffman, driving in a separate car, watched helplessly as his wife's car was struck by the Norfolk Southern Train. Cory ran to his wife's car and tried desperately to help her. Tragically, Trisha Hoffman died at the scene. *See* Plaintiff's Complaint at R.001a to R.019a.

Susquehanna Trail Drive was constructed by defendant, Pa. Fish & Boat Commission to connect Rte. 147 to a parking area and boat launch it built on the Susquehanna River. Immediately following Trisha's death, the boat launch was closed by the Fish & Boat Commission. The access road, over which the Norfolk Southern freight line runs, remains open, albeit with presumably little use as the boat launch and parking lot at the bottom of the road remain closed. R.151a.

In the few months immediately following Trisha's death in 2016, Appellant, The Patriot-News/ PennLive ("PennLive"), published some online news stories/articles about the accident and the history of the crossing. Appellant's now claimed interest in the litigation is belied by the fact that PennLive has never published any articles about this litigation, nor published any article regarding this accident or the subject railway crossing since January 2017, more than eight (8) years ago.¹ The last publication by PennLive about the accident was in January 2017, *six months before* this litigation was even commenced. R.321a.

¹ Plaintiff's counsel has found that there was one online story published by PennLive on February 28, 2024, related to PennLive's Motion to Intervene and Unseal.

The online articles PennLive published following this tragedy generated dozens of public comments that were incredibly mean-spirited, and nasty to say the least – calling Mr. & Mrs. Hoffman names and blaming them for this accident and the closing of “their boat launch” (which remains closed). R.153a-155a. When Penn Live petitioned to intervene, close to a year after the case was discontinued and ended, Plaintiff’s counsel re-reviewed the PennLive coverage but could not see the public comments that had been originally posted to the PennLive articles. Counsel requested Penn Live produce those public comments that accompanied the articles it had published years earlier. *See* R.154a, at fn. 1. Penn Live responded that they could not produce any of the comments as they had disabled their comment feature for online stories and claimed no ability to retrieve the comments that had been posted. *Id.* Plaintiff did however still have a vile private message that had been sent through Facebook to Cory Hoffman’s new fiancé on the morning of January 6, 2021 – more than four years after this accident. A copy of the message was produced in Plaintiff’s Response in Opposition to the Motion to Unseal. *See* R.169a. The message to Mr. Hoffman’s new fiancé claimed, among other things, that Cory Hoffman “killed his wife” and placed her unconscious body on the tracks to “stage the accident” and then “got a huge lump sum of money” as well as many other vile comments. *Id.* This was a full four years since the last news coverage of the accident. Cory Hoffman still lives in this small community.

He rightfully has very real concerns about the safety of his family if the public learns of money he has received. He has very grave concerns about his young daughter's sensitive financial information being made available to the public.

B. Relevant Procedural History

The initial Complaint in this action was filed on July 5, 2017. After five (5) years of litigation, which included extensive pleading and motion practice as reflected by the hundreds of docket entries, the case was scheduled for trial to begin on October 31, 2022.² Shortly before the trial was to begin, Plaintiff agreed to a settlement with Pa. Fish & Boat Commission, and shortly thereafter with defendant, Norfolk Southern. Releases were entered with each defendant. As these were claims brought under the Wrongful Death and Survival Acts, Plaintiff was required to file a Petition pursuant to Pennsylvania Rule of Civil Procedure 2206, seeking Court Approval of the settlement and the allocation and distribution of the settlement proceeds.

The Parties filed a Joint Petition to File Under Seal the Plaintiff's Petition for Court Approval of the Wrongful Death and Survival Action Settlement. As set forth in that Joint Petition, "confidentiality is vitally important to Plaintiff Cory Hoffman, as he and his minor child live in the small community where this

² Throughout the litigation additional parties were joined as defendants and ultimately dismissed. At time of trial, the Pa. Fish & Boat Commission and Norfolk Southern Railway Corp. were the only defendants.

accident occurred and many members of that community (at public meetings, and in social media posts and comments to news stories published by PennLive) blame Trisha Hoffman and her husband for “their boat launch” being closed. R.091a

The Honorable Judge John F. Cherry, the trial judge who oversaw this case from inception, took the Joint Petition under consideration and issued an Order on November 15, 2022 granting it. R.101a. Pursuant to Judge Cherry’s Order, *only four documents* were to be filed under seal: 1) the Petition for Court Approval of the Settlement, 2) the Court’s Order approving the Petition for Approval of Settlements, 3) Plaintiff’s counsel’s Affidavit of Compliance as to distribution of the settlement monies and, 4) the Affidavit of Compliance of Plaintiff, Cory A. Hoffman certifying, and specifically identifying the trust account created for his minor daughter and the monies deposited. *Each of the sealed documents contain sensitive financial information detailing not only the consideration paid by the defendants, but the specific distribution of those proceeds, including the amount ultimately received by Cory Hoffman, and the amount and trust account information of his minor daughter.*³ *No other documents in the over five-year*

³ The “Settlement amount” does not equate to the amount received by Mr. Hoffman and his daughter as there were substantial litigation costs incurred in prosecuting this expert intensive, protracted and hotly contested litigation, and attorneys’ fees that were also paid from the settlement before distribution to the Plaintiff(s).

proceeding were filed under seal and all remain available for review by PennLive and the public.

The sealed documents *do not include any information* about any claimed defects with the railway crossing, any discussion of the creation of the crossing, attribution of fault, suggestions for improving the crossing, improvements that could be made to re-open the boat launch for the public, or any information regarding public safety. There were multiple filings and hundreds of pages of documents have been docketed and remain available to Penn Live and the public that provide very detailed information on those public safety issues. Plaintiff incurred great expenses retaining multiple expert engineers who inspected the crossing and issued multiple reports detailing their opinions about the defects with the present crossing and improvements that could be made to make the crossing safe. *See* R.446a., Dauphin County Court of Common Pleas - Docket Report, at R.466-67a. In fact, those documents have been available to PennLive and the public for a number of years, but PennLive has chosen to not provide any publications concerning same. As stated in the Joint Petition to Seal, public knowledge of the financial information of the settlement itself serves no legitimate public interest and would only jeopardize the health, safety, and well-being of the Plaintiff and his now seven-year-old daughter.

On October 23, 2023, nearly a year after Judge Cherry's Order approving the filing of the Settlement Agreement Under Seal, and nearly seven months after Plaintiff filed the Praecipe to Discontinue this action, PennLive filed its Motion to Intervene and Unseal these four settlement documents. R.105a. Appellant's Motion asserted that they seek to unseal these documents "to continue its coverage of this public safety issue, which is a matter of great concern to the Halifax community." R.121a. Appellant has failed to state how any of the four sealed settlement documents would inform its readers about any "public safety issue."

Additionally, Appellant grossly overstates the extent of its coverage and its "involvement" in the underlying litigation. As noted previously, this tragic incident occurred on September 5, 2016, and, as the Trial Court noted, "it does not appear that Patriot News published any articles on this matter or litigation of the same after 2017." R.321a. To Appellee's knowledge, aside from publishing an online article in February 2024 discussing its Petition seeking to unseal the settlement documents, PennLive has not published any coverage of this incident since January 9, 2017. PennLive's "involvement" in this matter lasted a mere four months that ended more than eight (8) years ago. It's "interest" never involved the litigation arising from this tragedy, as they provided no coverage of the litigation that lasted over five years, involving dozens of docketed filings and, multiple arguments in open court. Again, the entirety of the docket, except for the

settlement agreements and its accompanying financial documents, has been publicly accessible throughout this litigation.

Plaintiff / Appellee filed a Response in Opposition to PennLive's Motion (R.148-73a) reiterating to the Trial Court the reasons that the financial details of settlement in this matter need to remain sealed; namely that the documents sought to be unsealed provide no information of legitimate public interest and strictly contain personal and sensitive financial information, all pertinent information that PennLive supposedly seeks is already publicly available, and any public right to access these documents is significantly outweighed by the fact that the unsealing of these documents would jeopardize the health, safety, and well-being of the Plaintiff and his seven-year-old daughter, as real threats to the harm of Plaintiff and his family have been made. Norfolk Southern also filed a Response and Brief in Opposition to PennLive's Motion and the Pennsylvania Fish and Boat Commission took no position on the issue.

Judge Cherry issued an Order on November 28, 2023, scheduling oral argument on PennLive's Motion to Intervene and Unseal for January 24, 2024. Due to a conflict with a trial attachment, Plaintiff requested and received a continuance, and the oral argument was rescheduled for February 26, 2024.

R.468a. Prior to argument, PennLive filed a Motion to Compel Plaintiff's "three-hour deposition" which Plaintiff counsel opposed given that the case was

discontinued and ended, and Plaintiff counsel knew of no requirement to produce his client for a “three-hour deposition” at the request of a non-party after a litigation had ended.⁴ R.238-44a. That Motion to Compel was never ruled upon.

After briefing, on February 26, 2024, the parties presented oral argument on PennLive’s Motion to Intervene and Unseal before The Honorable Judge Andrew Dowling.⁵ R.304a. After four months of consideration, on June 25, 2024, Judge Dowling entered an Order accompanied by an exhaustive and well-reasoned Opinion, denying PennLive’s Motion to Intervene and Unseal. R.319-33a. PennLive now appeals to this Court.

IV. SUMMARY OF THE ARGUMENT

The records sealed here are documents filed of record, and an Order entered by a trial court in a civil litigation pending in the Court of Common Pleas. Plaintiff concedes these are “judicial records.” However, the public’s access to records filed

⁴ Appellant misstates the communications among counsel on this topic. Plaintiff’s counsel *did not inform* PennLive’s counsel that Mr. Hoffman *would testify at the hearing but rather he would be available should the Court wish to question him*. Specifically, counsel advised that he intended to have Mr. Hoffman present at the hearing stating: “I assume, given our Response, the Judge will want to hear from my client. So, I intend to ask him to come. If for some reason he will not be able to come, I will let you know that.” R.261a. The Appellant’s insinuation that Plaintiff had an obligation to call Mr. Hoffman as a witness and failed to do so is misguided. The Plaintiff had no burden to testify, conversely PennLive had the burden and could have called Mr. Hoffman to testify and failed to do so. Appellant admits that Mr. Hoffman was present throughout the oral arguments.

⁵ The Honorable Judge Andrew Dowling was assigned the Petition to Intervene and Unseal. As the record makes clear, Judge Dowling provided appellants with a *de novo* review of Judge Cherry’s November 15, 2022 Order. The issue before this Court therefore is not Judge Cherry’s Order, but rather the June 25, 2024 Order and Opinion of Judge Dowling.

in a civil lawsuit is not absolute. The applicable statutory and longstanding, controlling caselaw of this Commonwealth make clear that privacy concerns of parties may outweigh the public's right to access certain judicial records. Here, the trial judge who oversaw this case for more than five years recognized the need to seal four very sensitive documents of this voluminous docket. That Order was subsequently subject to a de novo review by another judge of the trial court, who reviewed briefing by the parties, heard oral argument, and after careful and considered review, also found that the privacy interest of the plaintiff and his minor daughter outweighed any public interest in these documents and ordered they remain sealed. Judge Dowling's Order, as reflected in his 14-page opinion, was not manifestly unreasonable, nor the product of partiality, prejudice, bias or ill-will. These rulings were not an abuse of discretion. Accordingly, Judge Dowling's Order must not be disturbed.

Not only did they not abuse their discretion, but Judges Cherry and Dowling were correct in their determination that these particular records remain sealed. PennLive, who, like the rest of the public, has access to thousands of pages of documents filed with the Court in this litigation, seeks to access four settlement documents that were only required to be filed in this case to protect the Plaintiff's decedent's minor daughter. These four settlement documents contain the terms of settlement, bank account numbers, and the amount of settlement monies distributed

to Plaintiff and his minor daughter. None of these documents would further PennLive's stated purpose of informing the public about issues of public concern and public safety at this rail crossing. Again, if PennLive wanted to enlighten the public about those issues it can do so now, and has always had the ability to do so, by accessing the voluminous pages of public filings available to them. PennLive has not met its burden of establishing good cause to unseal these documents.

It must also be noted that Plaintiff did not petition the Trial Court to seal these documents out of a concern for "potential embarrassment" as Appellant claims. Rather, as noted above, Plaintiff has serious and compelling privacy and safety concerns, as evidenced by the very real and disturbing comments, indeed threats, communicated to Plaintiff's family by members of the community. As noted previously, each of the online publications of PennLive received numerous comments, the vast majority of which were personal attacks of Trisha (and Cory) Hoffman that were nasty and "mean-spirited" to put it mildly. As Plaintiff's counsel's file had been closed and paper copies of the file shredded by the time Penn Live filed its Petition to Unseal, Plaintiff's counsel requested Penn Live produce the comments that accompany the articles to which they cite. As noted above, PennLive claims they can no longer produce those comments. Plaintiff did however still have a copy of a very scary, threatening, Facebook message sent

more than four years after this accident through direct message to Cory Hoffman's new fiancée. R.169a.

In short, two separate trial court judges determined that there were compelling reasons to seal these few settlement documents. Those reasons are as compelling today as they were in November 2022. Neither Judge Cherry nor Judge Dowling were manifestly unreasonable, their rulings were not the product of partiality, prejudice, bias or ill-will. The trial court exercised its considerable discretion to seal only those few documents necessary to protect the Plaintiff and his minor daughter from further harassment, and potential financial exploitation. Protecting their compelling privacy interests “greatly outweighs any presumption of openness” and any claimed right or interest PennLive has in accessing these documents. The Trial Court properly denied PennLive's request to access the settlement documents and provided a legally sound basis for that decision after a proper review and consideration of all competing interests in full accord with applicable statutory and common law. PennLive has not met its burden of showing that the Trial Court abused its discretion in reaching this decision.

V. ARGUMENT

There is no dispute here that the documents sealed are part of the judicial record. Although “there exists a common-law right of access to judicial proceedings and inspection of judicial records,” such a “right is not absolute, as the

public may, in the trial court's discretion, be excluded from such proceedings or records to protect public or private interests." See *In re: Estate of duPont*, 2 A.2d 516, 519 (Pa. 2010) (citing *R.W. v. Hampe*, 626 A.2d 1218, 1220 (Pa. 1993)); see also *Zdrok v. Zdrok*, 829 A.2d 697, 700 (Pa. Super. Ct. 2003) (noting also that the standard of review for a trial court's decision to grant or deny access to judicial proceedings is an abuse of discretion). The right to open and public judicial proceedings is not absolute, as the public may be excluded from such proceedings to protect public and private interests. *Milton Hershey School v. Pennsylvania Human Relations Commission*, 226 A.3d 117 (Pa. Commw. Ct. 2020).

"Pennsylvania courts have 'recognized in many contexts that our courts have an inherent power to control access to their records and proceedings and may deny access when appropriate – for example to protect privacy rights of individuals.'" *Id.*, at 127 (quoting *In re M.B.*, 819 A.2d 59, 61 (Pa. Super. Ct. 2003)).

I. The Trial Court Has Inherent Power to Control Access to Court Documents Which Cannot Be Disturbed Absent a Showing that the Trial Court Abused Its Considerable Discretion

While there exists a common law right of access to judicial proceedings and records, that right is not absolute, and a trial court's decision regarding public access to a particular item is reviewed under an abuse of discretion standard. *Upshur*, 924 A.2d at 642 (citing *Fenstermaker*, 530 A.2d at 420). The public can be "excluded, temporarily or permanently, from court proceedings or records of

court proceedings to protect private as well as public interests: to protect . . . the privacy and reputations [of innocent parties]. . . . The decision as to public access must rest in the sound discretion of the trial court.” *Katz v. Katz*, 514 A.2d 1374 (Pa. Super. Ct. 1986) (holding that divorce proceedings related to the equitable distribution of marital property may, at the discretion of the court, be closed to the public). A trial court’s determination to exclude the public from judicial proceedings or records will not be reversed, absent an abuse of discretion. *Id.*, at 1381. “A trial court will not be found to have abused its discretion unless the record discloses that the judgment exercised was manifestly unreasonable or the result of partiality, prejudice, bias, or ill-will.” *Stenger*, 554 A.2d at 956.

Here, Judge Cherry properly granted the Parties’ Joint Petition to Seal these four settlement documents in the first instance, after considering the sensitive financial information present in the documents, the need to protect the interests of Plaintiff’s minor daughter, and the lack of any information in these documents that addressed the safety of the crossing or any other issues of legitimate public concern. Upon Appellant’s Motion to Intervene and Unseal, Judge Dowling reviewed the order to seal *de novo* and considered written briefs and then heard oral argument from the Parties on February 26, 2024. After considered review, and four months after oral argument, Judge Dowling issued the Order that Appellant now appeals. This Order is accompanied by a 14-page opinion where Judge

Dowling specifically weighs the Parties' interests on unsealing the settlement documents versus keeping them under seal. Ultimately, Judge Dowling found that PennLive did not show good cause to open the sealed documents. Judge Dowling held that PennLive's stated interests in providing information related to public safety could be accomplished with documents already publicly available, and, regardless of whether PennLive demonstrated good cause, their interests in unsealing were outweighed by Plaintiff's clearly defined privacy interests and desire to avoid additional harm that Plaintiff and his young daughter could incur should the court unseal these documents.

Judge Dowling considered the parties' briefs, held full oral argument, and after months of consideration issued an Opinion with a thorough and in-depth analysis of the parties' positions and the law. Judge Dowling's holding was not manifestly unreasonable nor in any way an abuse of his considerable discretion.

II. After Thorough and Thoughtful Consideration of the Briefs and Arguments of all Parties, the Trial Court properly Exercised its Discretion in finding that under all existing circumstances, the Interest of the Parties in Sealing the Documents in issue Outweighed the Public's Right to Access these Sensitive Documents.

Had Trisha Hoffman survived this accident, this would be a personal injury action and the Court filings in issue would not even exist, yet alone would the terms of the settlement be shared with the public. It is only because Trisha Hoffman died that the terms of the settlement were required to be shared with the

Court in the filing of a Petition for Court Approval. Pennsylvania Rule of Civil Procedure 2206 requires the filing of a Petition for Court Approval of a Settlement in a wrongful death case like this *to protect the interests of the minor beneficiary* who would receive settlement monies. As Judge Dowling recognized, that purpose is completely defeated by unsealing these documents and exposing the minor and her family to (continued) harassment and potentially financial exploitation. R.331-32a. Appellant's argument that Plaintiff cannot cite to any harm that has been suffered is misguided. First, Plaintiff need not have already suffered harm for the court to exercise its considered discretion in the hopes of preventing same. Secondly, it is quite likely that the only reason harm has not already befallen Plaintiff is because the accident has been out of the news for over eight years now and the financial outcome has not been shared with the public. As cited in Plaintiff's Response to the Petition to Unseal, once Plaintiff's subsequent engagement became known – more than four years after the last news article about this accident his fiancée received an anonymous, private message calling Plaintiff a killer who staged his dead wife's murder "for money" and likening him to Charles Manson! R.169a. This person, presumably someone aware of these events and in the local community, went through the trouble of personally seeking out Plaintiff's fiancée's Facebook profile and then privately messaging her to ensure that she would see it. These harassing and threatening messages are not "hypothetical"

harms as Appellant wants this Court to believe. Counsel shutters to think of the harassment (and possibly worse) that Mr. Hoffman and his young daughter would endure following publication of the financial details of this settlement. Two trial court judges agreed and found that Plaintiff's privacy interest in keeping these documents sealed to prevent any continued, or future, harassment or threats, outweighed any stated interest of PennLive.

Conversely, Appellant has failed to produce any compelling evidence that the unsealing of these few, very sensitive documents would benefit the public, or outweigh the privacy interests of Plaintiff. Judge Dowling's opinion succinctly summarized the plethora of publicly available records on the docket that would provide the information that Appellant supposedly seeks:

"Following the close of pleadings, five years of litigation ensued. Numerous Motions and Petitions were filed, and oral arguments were heard. All of these documents were filed on the public docket, and all of the oral arguments were conducted in open court. The documents that were publicly filed include Motions for Summary Judgment and Motions *in limine*, responses to same, and the accompanying briefs. ***Thus, the hundreds of pages of open filings include detailed facts, diagrams, photographs, expert reports, and legal argument, which litigated the issue of the dangerous conditions at the crossing and averments of liability of the Defendants.*** The parties also publicly filed their Pre-Trial Statements in September 2022, which identified lay and expert witnesses and legal and evidentiary matters that were expected to be presented at the trial of this matter." R.321a. (emphasis added).

The public and PennLive's readers have received no information about this accident in eight (8) years and they are not waiting with bated breath for

PennLive's follow up to its last story of January 9, 2017. All the information that the public would conceivably want to know about this railway crossing, and what makes it safe or unsafe, and what caused this tragic incident, is available to PennLive and the public *today*, and it has been available throughout the course of this litigation.

Finally, as Judge Dowling noted, Appellant waited nearly a year before it sought to intervene and unseal these documents. Accordingly, their burden (which they failed to meet in any event) is even greater. As the Pennsylvania Supreme Court recognized, requiring the proponent of closure to bear the burden of proving good cause exists to keep a document sealed from now until the end of time would be a completely unworkable standard that cuts against the Court's supervisory control over public access to judicial documents. "Such an interpretation would mean that, regardless of the nature of the information sought to be kept confidential, the Constitution would require the proponent of closure to demonstrate the need for confidentiality even where, as here, an unchallenged order sealing the record had already issued. Such an approach would be, at best, somewhat inflexible, and therefore at odds with the concept that the constitutional mandate is not absolute..." *In re Estate of duPont*, 2 A.3d at 581-82. As noted above, much of the proof of the potential harm to plaintiff was contained in the public comments posted to the articles that PennLive published. Now

(conveniently for PennLive) it claims those comments cannot be reproduced.

Nevertheless, despite the passage of almost a year, the trial court granted PennLive a *de novo* review of that Order, with a different trial judge after briefing and oral argument. That second trial judge also properly determined that these sensitive documents remain sealed.

VI. CONCLUSION

Appellant has failed to cite any evidence that the trial court abused its considerable discretion in finding that Plaintiff's privacy interest outweighs the public interest in these select few settlement documents. Therefore, the documents should remain sealed. The issue is not whether this Court would find differently, but rather, whether the trial judges abused their considerable discretion in exercising their inherent power to control access to their judicial records. They certainly did not. For all of the reasons set forth herein, the instant appeal must be denied.

Respectfully submitted,

RAYNES & LAWN

/s/ Timothy R. Lawn, Esquire

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Attorneys for Appellee / Plaintiff

Dated: January 29, 2025

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

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

CERTIFICATE OF WORD COUNT COMPLIANCE

I, Timothy R. Lawn, Esq., certify that the foregoing brief complies with the word-count limit of Pennsylvania Rule of Appellate Procedure 2135 and contains 4,844 words. In making this count, I have relied upon the word count feature of Microsoft Word, which was used to prepare this brief

/s/ Timothy R. Lawn, Esquire

Timothy R. Lawn, Esquire

Atty. No. 55674

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