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PROTHONOTARY'S OFFICE  
LANCASTER, PA

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CIVIL ACTION

LANCASTER COUNTY OFFICE  
OF THE CORONER

v.

JACK PANYARD and  
LNP | LancasterOnline

CI-24-00035 (Lead)  
Consolidated with CI-24-01347

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of November, 2024, upon consideration of the record, the Parties' written submissions, and following oral argument, **IT IS HEREBY ORDERED** as follows:

1. The Petitions for Review / Statutory Appeals are **DENIED** and the Final Decisions of the Office of Open Records are **AFFIRMED**.<sup>1</sup>
2. Lancaster County is required to provide the requested information within thirty (30) days of the date of this Order.

BY THE COURT:

JEFFERY D. WRIGHT  
JUDGE



<sup>1</sup> Docket CI-24-00035 corresponds with Jack Panyard and LancasterOnline-LNP v. Lancaster County, OOR Docket No. AP 2023-2662, Final Determination, Dec. 4, 2023. Docket CI-24-01347 corresponds with Jack Panyard and LancasterOnline-LNP v. Lancaster County, OOR Docket No. AP 2024-0181, Final Determination, Feb. 12, 2024.

ATTEST: 

Copies to: Paula Knudsen Burke, Esquire<sup>1</sup>  
Kevin J. McKeon, Esquire / Melissa A. Chapaska, Esquire<sup>1</sup>

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**OPINION**

BY: WRIGHT, J.

November 25<sup>th</sup>, 2024

The matters before this Court are consolidated Petitions for Review from two Office of Open Records (OOR) Final Determinations regarding Right to Know Law (RTKL)<sup>1</sup> requests for the names of two minor decedents. This Court exercises appellate jurisdiction pursuant to 42 Pa.C.S. 933(a)(3) and Section 1302(a) of the RTKL. For the reasons that follow, I affirm the OOR's Determinations requiring release of the decedents' names.<sup>2</sup>

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<sup>1</sup> 65 P.S. §§ 67.101–67.3104, hereinafter "RTKL Sections 101–3104."

<sup>2</sup> This Opinion largely adopts the Findings of Fact and Conclusions of Law of Respondents LNP | LancasterOnline and Jack Panyard, which embodies the reasoning of the appeals officers who authored the relevant OOR Final Determinations. See *Bowling v. Off. Of Open Recs.*, 75 A.3d 453, 477 (Pa. 2013) ("[W]e perceive nothing in the RTKL that would prevent a [reviewing] Court from simply adopting the findings of fact and conclusions of law of an appeals officer when appropriate, thus, in the proper case, effectively achieving

## **BACKGROUND**

The parties to this consolidated action are Petitioner Lancaster County Office of the Coroner ("the Coroner") and Respondents LNP | LancasterOnline and Jack Panyard<sup>3</sup> (collectively "LNP"). Docket number CI-24-00035 concerns an October 23, 2023, RTKL request that LNP submitted to Lancaster County ("the County") seeking the name of a 3-year-old boy who died by gunshot wound and whose death had been reported by the Coroner ("Request I"). (Office of Open Records Record at 36a [hereinafter "OOR Record at \_\_\_\_"]). Docket number CI-24-01347 concerns a December 27, 2023, RTKL request that LNP submitted to the County seeking the name of an 11-year-old girl who died in a car accident and whose death had been reported by the Coroner ("Request II"). (OOR Record at 2a). At the time of both Requests, LNP already knew: (1) each child's age; (2) the cause of death in each incident; and (3) the location of the incident resulting in each decedent's respective passing. (OOR Record at 2a, 36a). Neither Request sought information regarding the cause and manner of death, nor did the Requests seek autopsy records or other files in the Coroner's possession. (OOR Record at 2a–3a, 36a–37a).

The County denied both Requests. In denying Request I, the County asserted that the request was insufficiently specific, citing RTKL Section 703. The County also concluded that the "request is not seeking records, but rather is only seeking a name." (OOR Record 38a). To the extent the County

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the result sought by the OOR.").

<sup>3</sup> Panyard is a breaking news reporter at LNP.



understood that the request sought records in the Coroner's possession, the County concluded that disclosure was exempt under RTKL Section 708(b)(17), governing noncriminal investigatory records, and RTKL Section 708(b)(30), governing records that include the names of a minor. (OOR Record at 38a–39a).

In denying Request II, the Coroner, after what he claimed to be a thorough search, determined eight potential records that may contain the name but concluded that all fell under the noncriminal investigatory records exemption set forth in RTKL Section 708(b)(17) and/or the minor information exemption set forth in RTKL Section 708(b)(30). (OOR Record at 5a). To the extent the Coroner understood that “the [second] request seeks disclosure of information,” he determined the request moot, asserting the information sought was already publicly available. (OOR Record at 5a).

LNP appealed both denials to the Office of Open Records (OOR), ultimately prevailing in both appeals. (Request I: Jack Panyard and LancasterOnline-LNP v. Lancaster Couty, OOR Docket No. AP 2023-2662, Final Determination, Dec. 4, 2023 [hereinafter “Request I OOR Final Determination at \_\_\_\_”]; Request II: Jack Panyard and LancasterOnline-LNP v. Lancaster Couty, OOR Docket No. AP 2024-0181, Final Determination, Feb. 12, 2024 [hereinafter “Request II OOR Final Determination at \_\_\_\_”]). In each appeal, the Coroner provided sworn Affidavits which: (1) restated the duties of the Office under the Coroner's Act; (2) noted that the Office commenced investigations into each death that were not yet complete at the time of each request; (3) stated that at

the time of each request, there were no records responsive to the request; (4) concluded that the information requested did not implicate autopsy reports or other coroner's records but existed in investigatory records and were thus exempt from disclosure under RTKL Section 708(b)(17); and (5) concluded that such records were also exempt under RTKL Section 708(b)(30) as their release would disclose the name of a minor. (OOR Record at 30a-31a, 57a-58a, 60a-61a).

In its Final Determinations, the OOR granted the appeals and directed the County to provide the respective decedent's name. (Request I OOR Final Determination at 7; Request II OOR Final Determination at 5). The OOR concluded that a request for the name of a decedent is a request for specific information, and thus, a request for a record under the RTKL. (Request I OOR Final Determination at 3-4; Request II OOR Final Determination 2-4). The OOR noted that "[i]t strains credulity to believe that the Coroner's Office did not possess the name of the decedent, under these circumstances, prior to the submission of the Request." (Request I OOR Final Determination at 6). Additionally, the OOR ruled that the Requests did not seek noncriminal investigative records under Section 708(b)(17) and that RTKL Section 708(b)(30)'s protection of a minor's personal information did not preclude disclosure. (Request I OOR Final Determination at 7 n.2; Request II OOR Final Determination at 2-4). The OOR reasoned that because the RTKL is clear that the name of a deceased individual is public, without consideration to the type of record the information may be contained within, the Coroner must provide the

requested names. (Request I OOR Final Determination at 8; Request II OOR Final Determination at 4–5).

On January 3, 2024, Lancaster County appealed Request I to the Lancaster County Court of Common Pleas. On January 9, 2024, the County filed an Amended Petition for Review, substituting the Coroner's Office for the County of Lancaster. On February 26, 2024, the Coroner appealed Request II to the Lancaster County Court of Common Pleas. On March 11, 2024, upon application of the Parties, I issued an Order consolidating the Petitions for Review for Requests I and II. Both parties filed a Memorandum of Law and, following oral argument, Proposed Findings of Fact and Conclusions of Law. The matter is now ripe for review.

### **DISCUSSION**

This court applies a de novo standard to its plenary review of the OOR's determinations. Bowling v. Off. of Open Recs., 75 A.3d 453, 475–477 (Pa. 2013). The RTKL replaced Pennsylvania's prior open records law, the Right to Know Act, "and significantly expanded public access to governmental records . . . with the goal of promoting government transparency." Levy v. Senate of Pa., 65 A.3d 361, 368 (Pa. 2013). In so doing, the RTKL "is 'designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions.'" McKelvey v. Pa. Dep't of Health, 255 A.3d 385, 400 (Pa. 2021) (quoting Pa. State Educ. Ass'n v. Commw., Dep't of Cmty. & Econ. Dev., 148 A.3d 142, 155 (Pa. 2016)). The RTKL is "remedial legislation" that must be



interpreted “liberally to effect its object and promote justice.” Levy, 65 A.3d at 380. “[T]he burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency receiving a request by a preponderance of the evidence.” RTKL Section 708(a); Borough of Pottstown v. SuberAponte, 202 A.3d 173, 180 (Pa. Commw. Ct. 2019) (same).

By the very text of the RTKL statute, the Pennsylvania General Assembly stated that “[a] record in the possession of a Commonwealth agency or local agency shall be presumed to be a public record,” unless “the record is exempt under [RTKL] section 708,” privileged, or exempt from disclosure under another law, regulation, or judicial order. RTKL Section 305(a); see also ACLU of Pa. v. Pa. State Police, 232 A.3d 654, 656–57 (Pa. 2020) (“[C]ourts reviewing OOR[] decisions[] must construe” exceptions to disclosure “strictly, lest they subvert the RTKL’s purpose.”). Though agencies responding to a records request “shall consider and apply each exemption separately,” see RTKL Section 708(e), they must do so within the RTKL’s statutory scheme, effectuating its remedial intent and resolving conflicts between disclosure mandates and exemptions in favor of access to presumptively public records. Levy, 65 A.3d at 368; see RTKL § 305. For the reasons that follow, unambiguous Pennsylvania law, tenants of statutory construction, and the Coroner’s own past practice dictate that the at-issue decedents’ names must be disclosed.



**I. A request for “information” in an agency’s possession is a request for a “record,” regardless of how the agency retains that information and, therefore, a decedent’s name is a presumptively public record the Coroner must produce**

A decedent’s name is information that a coroner acquires in connection with the coroner’s duties of reviewing a death occurring within the coroner’s respective county. See 16 Pa. C.S.A. § 13918. Because a coroner’s records include the “identity of the deceased” or name of a decedent, any record with the name is a “record” under the RTKL. See RTKL Section 102 (defining “record” as including any “[i]nformation, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency”). A request for “information” is a request for a “record,” regardless of how such information may be maintained or used by the agency. See Commw., Dep’t of Env’t Prot. v. Cole, 52 A.3d 541, 547 (Pa. Commw. Ct. 2012) (holding that a request for data, collected on forms and saved in database, was a request for a record that the agency must produce). Thus, the name of a decedent is a “public record” that may be produced upon request, as it is a record—in the form of information, however documented—in possession of the Coroner, so long as it is not otherwise precluded from disclosure under another federal or state law, judicial decree, privilege, or RTKL Section 708(b) exemption. See RTKL Section 305(a); RTKL Section 708(b)(20).

**II. The tenets of statutory construction dictate that RTKL Section 708(b)(20) requires disclosure of a decedent's name and that this provision applies to the exclusion of others**

The RTKL provides a dichotomy: public records are either accessible, or— if a privilege, statutory conflict, or RTKL Section 708(b) exemption applies— barred from disclosure. See RTKL Section 305; see Uniontown Newspapers Inc. v. Pa. Dep't of Corr. (Uniontown II), 243 A.3d 19, 31–32 (Pa. 2020) (applying plain language of statute, in context of scheme) (citing 1 Pa.C.S.A. § 1921(a)). The instant consolidated Appeals implicate three RTKL Section 708(b) exemptions: (1) RTKL Section 708(b)(20), which addresses the public's access to autopsy records; (2) RTKL Section 408(b)(17), which addresses the public's access to records relating to noncriminal investigations; and (3) RTKL Section 708(b)(30), which addresses the public's access to records that identify the name, home address or date of birth of a child 17 years of age or younger. I will address each of these exemptions to explain why Section 708(b)(20)'s unambiguous "exception to the exemption" applies to the exclusion of the others.

**a. Section 708(b)(20)**

RTKL Section 708(b)(20) provides that the following shall be exempt from disclosure under the RTKL:

An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical

examiner.

Section 708(b)(20). Critically, however, the final sentence in Section 708(b)(20) states: This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.” RTKL Section 708(b)(20) (emphasis supplied). Section 708(b)(20) explicitly states that RTKL disclosure exemptions related to autopsy records shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

The Coroner asks this court to accept that Section 708(b)(20)’s proviso applies (1) only where the request seeks an autopsy report or specified evidence gathered during an autopsy or postmortem examination, and (2) only to the extent that the names of the deceased individual is contained in the requested autopsy report. Such an interpretation defies law and logic. The RTKL and interpretive case law establish that the name of a deceased individual is a piece of reportable information entirely separate and apart from a coroner’s autopsy or related records. See Allegheny Cnty. v. Hailer, 298 A.3d 476, 478 (Pa. Commw. Ct. 2023) (stating that “[t]he name of the decedent and cause and manner of his or her death may be reported,” and distinguishing such information from “autopsy and toxicology records,” which the Court acknowledges may be exempt from disclosure under the RTKL). Further, permitting the Coroner to withhold a decedent’s name until the completion and release of an autopsy report, at which time a requester could pay money to access the autopsy, traps this presumptively public record in disclosure purgatory as an autopsy is not a foregone conclusion. See 16 Pa.C.S.A. §



13952 (setting forth a payment schedule for coroner records); see 16 Pa.C.S.A § 13918(a) (instructing coroner to determine if an autopsy is need). Such an interpretation would be antithetical to the legislative purpose of the RTKL. See Levy, 65 A.3d at 368.<sup>4</sup>

Thus, the plain language of RTKL Section 708(b)(20) dictates that a decedent's name is not exempt under the RTKL and, therefore, must be disclosed as a public record. See Uniontown II, 243 A.3d at 31–33. Further, the Coroner's assertion that, at best, RTKL Section 708(b)(20) is a permissive instruction to the Coroner is contrary to established law. See Hearst Television, Inc. v. Norris, 54 A.3d 23, 33 (Pa. 2012) (holding RTKL Section 708(b)(20) "provide[s] immediate access to cause and manner of death records," which also applies to a decedent's name); Hailer, 298 A.3d at 481; see also RTKL Section 305(a).

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<sup>4</sup> Of note, the Coroner's Act sets forth annual disclosure requirements, stating that "within 30 days after the end of each year," every coroner "shall deposit all official records and papers for the preceding year in the office of the prothonotary for the inspection of interested members of the public." 16 Pa.C.S. § 13935 (formerly Section 1252-B of the coroner's Act). This provision may work to make public the at-issue names, at least within 30 days after the end of the applicable calendar year. However, this reporting requirement applies only to third, fourth, fifth, sixth, seventh, and eighth class counties. Lancaster County is classified as a second-class county. As stated in Hailer, supra, accepting the Coroner's conclusion that it need not produce the decedents' names "would lead to the absurd result that a requester could receive autopsy records" or information like a decedent's name, "located anywhere in the Commonwealth, unless those records are located in" a second class county like Lancaster. Hailer, 298 A.3d at 482. The Hailer court goes on to explain that "there is no language in the RTKL or the Coroner's Act to suggest that access to certain public records depends on the county class in which the records are located." Id.

**b. Section 708(b)(17)**

The Coroner invokes RTKL Section 708(b)(17), an exemption providing that certain records pertaining to noncriminal investigations need not be disclosed under the RTKL. The noncriminal investigation exemption protects the following records: complaints submitted to an agency, investigative materials, notes, correspondence, and reports; records that identify confidential sources; records made confidential by law; audit-related work papers; and any record that would reveal the institution, progress or result of an agency investigation, deprive a person of the right to an impartial adjudication, constitute an unwarranted invasion of privacy, hinder an agency's ability to secure an administrative or civil sanction, or endanger the life or physical safety of an individual. RTKL Section 708(b)(17)(i)–(vi). The Coroner's invocation of this exemption fails for two reasons.

First, the affidavits submitted by the Coroner's Office are insufficient to show that RTKL Section 708(b)(17) applies. The Coroner acknowledges that Section 708(b)(17) is triggered only if the Coroner demonstrates by a preponderance of the evidence that "a systematic or searching inquiry, a detailed examination, or official probe was conducted regarding a noncriminal matter." Johnson v. Pennsylvania Convention Ctr. Auth., 49 A.3d 920, 925 (Pa. Commw. Ct. 2012) (citing Dept. of Health v. Office of Open Records, 4 A.3d 803 (Pa. Commw. Ct. 2010)). Regarding Requests I and II, the Coroner's Affidavits state, simply, that the Coroner is "aware of the various types of investigations and reports completed by the Lancaster county Coroner's Office" and that the

Office “is tasked with providing medical examinations and other investigations into the cause of death of an individual and then preparing reports on those examinations and investigations.” (OOR Record at 30a, 60a).

The Affidavits lack a comprehensive description of how the Coroner’s specific “investigations” varied in any way from the everyday official duties of the Office. See Pa. Dep’t. of Lab. & Indus. v. Darlington, 234 A.3d 865, 875–77 (Pa. Commw. Ct. 2020) (“[M]erely stating that an investigation occurred is not sufficient[.]”). Instead, the Coroner’s Affidavits state merely the occurrence of investigations and regurgitate the Office’s duties under the Coroner’s Act. Id. This is far from proof that “a systematic or searching inquiry, a detailed examination, or an official probe” was conducted under the Coroner’s official duties. Johnson, 49 A.3d at 925 (quoting Pa. Dep’t of Health, 4 A.3d at 811).

The Coroner’s assertions that records responsive to LNP’s request (i.e. the decedent’s name) exist in various “investigative files,” (OOR Record at 31a), or the records related to such an investigation, “track[]the language of the exception [the Coroner’s Office] presupposes [and are therefore] insufficient to demonstrate that the responsive records are exempt from disclosure.” Pa. State Police v. Muller, 124 A.3d 761, 765 (Pa. Commw. Ct. 2015); see also Pa. Dep’t of Educ. v. Bagwell, 131 A.3d 638, 659 (Pa. Commw. Ct. 2016) (refusing to apply RTKL disclosure exemption because “the affidavit contains general statements parroting the elements of the exception”).

Moreover, neither of the Coroner’s Affidavits attest to how the release of just the decedent’s name—and not an associated document specifically provided



for in Section 708(b)(17)—implicates, undermines, or relates to the confidentiality that the noncriminal investigatory records exemption presumably protects. The RTKL contemplates that a coroner will report the name of the deceased individual only, which can be easily extracted from—thereby preserving the privacy of—a record that may remain exempt from disclosure.<sup>5</sup> See RTKL Sections 706, 708(b)(20). Therefore, the Coroner’s asserted evidence does not establish that Section 708(b)(17) exempts disclosure. As a practical matter, permitting nondisclosure in this case—where the Coroner appears to have simply performed his job of examining the decedent’s bodies—would “craft a gaping exemption, under which any . . . information-gathering could be shielded from disclosure.” Pa. Dep’t of Pub. Welfare v. Chawaga, 91 A.3d 257, 259 (Pa. Commw. Ct. 2014).

Second, even assuming, *arguendo*, that the Coroner could establish the pertinence of Section 708(b)(17), principles of statutory construction direct

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<sup>5</sup> Section 706 of the RTKL states:

If an agency determines that a public record, legislative record or financial record contains information which is subject to access as well as information which is not subject to access, the agency's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record, legislative record or financial record and cannot be separated, the agency shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The agency may not deny access to the record if the information which is not subject to access is able to be redacted. Information which an agency redacts in accordance with this subsection shall be deemed a denial under Chapter 9.

against its application. RTKL Section 708(b)(20) precisely applies to the release of a decedent's name, as requested here. Because RTKL Section 708(b)(20) more specifically applies to the facts at issue, this provision controls to the exclusion of other exemptions the Coroner asserts. See 1 Pa.C.S.A. § 1933 ("If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision."); Commw., Dep't of Pub. Welfare v. Eiseman, 125 A.3d 19, 32 (Pa. 2015) (same).

**c. Section 708(b)(30)**

Finally, the Coroner invokes RTKL Section 708(b)(30), which provides that a record identifying the name, home address, or date of birth of a child 17 years or age or younger need not be disclosed under the RTKL. Section 708(b)(30). RTKL § 708(b)(30) is also inapplicable because a decedent minor no longer possesses a strong privacy interest that the exemption seeks to protect. See County of Lancaster v. Walker, No. CI-18-09547 (consolidated cases), at 9 (Pa. Ct. Com. Pls., Lancaster Cnty., Aug. 23, 2019) (Brown, J.) ("[T]here is no case law to support the proposition that any constitutional or common-law rights to privacy apply to the dead, or even if they did, that a party presently before the court has standing to assert such rights."). Further, even if such a privacy interest existed, the Coroner is not the proper party to assert it. See id.; Pa. State Educ. Ass'n, 148 A.3d at 161 (Wecht. J, concurring) (holding that Pennsylvania courts recognize privacy is a personal right, as protected by Article 1, Section 1 of the State's constitution). Last, as stated above, RTKL Section 708(b)(20) more specifically applies to the at-issue facts

and, thus, controls.

### **III. The Coroner's past practice demonstrates that Section 708(b)(20) requires disclosure of the Decedents' names**

Perhaps most tellingly, while the Coroner grounds its denials of LNP's requests in a meandering explanation of how the information sought is not a disclosable "record" and in Sections 708(b)(17)' and (30)'s exemptions, the Coroner has not taken this position in many similar cases. On numerous occasions, the Coroner has publicly disclosed the names of minors who perished in Lancaster County, often within days of the death and frequently in instances that may warrant further investigation. Of note to the matters before me, the Coroner's Office at least twice disclosed the identifies of minors whose deaths occurred since the OOR adjudications regarding Requests I and II. This practice wholly discredits the argument that the unfinished status of such an investigation precludes disclosing a decedent's name, cause and manner of death, as required by Section 708(b)(20). Further, such disclosures directly contradict the Coroner's arguments that RTKL Sections 708(b)(17) and 708(b)(30) exempt the names from disclosure.

In its Brief in Opposition to the Coroner's Petition for Review, LNP writes:

A review of the LNP's archives<sup>6</sup> yields numerous examples: While continuing to argue in favor of nondisclosure in this appeal, on July 2, 2024, the Coroner's Office identified Anna King as the "nine-year-old Amish girl [who] died after a horse pulled her down a road in Salisbury Township," roughly one

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<sup>6</sup> Pa.R.E. 902(6) ("The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted: . . . Newspapers and Periodicals. Material purporting to be a newspaper or periodical.").



week earlier.<sup>7</sup> By June 12, 2024, the Coroner identified Benjamin Blank as “[t]he 3-year-old Christiana boy killed in a farming accident” on June 4, 2024 in Colerain Township.<sup>8</sup>

Predating Panyard’s records requests at issue in these cases, three days after an 11-yearold Amish boy was struck and killed by a passing car while riding a scooter in Drumore Township on August 25, 2023, the Coroner identified the decedent as Samuel K. Fisher.<sup>9</sup> By July 27, 2023, the Coroner identified Samuel K. Yoder as the “5-year-old boy [who] died Monday in a farm-related accident in Little Britain Township.”<sup>10</sup> The decedents in all of these unfortunate incidents were minors, therefore the disclosure of their names implicated Section 708(b)(30). Additionally, these deaths all resulted from circumstances likely prompting investigations into at least potential negligence, if not criminal conduct, likely implicating Sections 708(b)(16) or 708(b)(17)’s exemption provisions. The coroner’s office of neighboring York County also appears to recognize Section 708(b)(20)’s disclosure requirement and provides the names and causes of death of recently deceased children.<sup>11</sup>

Similarly, the Coroner’s Office frequently discloses the identities of adults who perish in circumstances where an active criminal or noncriminal investigation is ongoing.<sup>12</sup>

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<sup>7</sup> Olivia M. Miller, Coroner IDs Girl Killed By Horse, LNP, July 3, 2024.

<sup>8</sup> Staff, Boy Who Was Killed in Farm Accident Identified, LNP, June 12, 2024.

<sup>9</sup> Jack Panyard, Amish Boy Dies After Being Struck, LNP, Aug. 29, 2023.

<sup>10</sup> Staff, Coroner Identifies 5-Year-Old Who Died on Farm, LNP, July 27, 2023.

<sup>11</sup> Ashley Stalneck, Boy, 4, Found Dead in Parked Vehicle, LNP, Aug. 27, 2021.

<sup>12</sup> Staff, Sunday’s Fiery Fatal Tanker Truck Crash Ruled Accidental, LNP, May 8, 2024, (identifying Josue Vazquez, 31, as a man who died from smoke inhalation and thermal burns despite “State police continu[ing] to investigate the crash”); Staff, Driver Who Died in Crash Friday Named, LNP, Feb. 26, 2024, (disclosing Michael Halupa, 68, who died of “multiple traumatic injuries” from a single-car crash that was “under investigation” at the time); Jack Panyard, Single-Vehicle Crash Claims County Man, LNP, Feb. 22, 2024, (identifying Matthew Caraballo, 29, who “died of multiple traumatic injuries” from a single-vehicle crash that was “still under investigation” at the time of publication); Staff, Smoke, Burns Killed Bainbridge Victim, LNP, Jan. 23, 2024 (identifying George Schabelnik, 74, who died of burns and smoke inhalation from a fire the State Police fire marshal was investigating); Staff, Coroner IDs Teen Killed in City Saturday, LNP, Jan. 8, 2024 (identifying Elliot Corbin, 19, killed in a shooting that was under investigation); Jack Panyard, Man Found Dead in Car in Cocalico Creek, LNP,

(Coroner's Mem of Law in Opp'n to Coroner's Pet. For Review, July 15, 2024, at 25–27). As LNP aptly states, [w]hile these disclosures are laudable and essential to fulfilling both the purpose of the RTKL and LNP's obligation to inform its readers, this pattern degrades the consistency and sincerity of the arguments the Coroner's Office brings before this Court." (Coroner's Mem of Law in Opp'n to Coroner's Pet. For Review, July 15, 2024, at 25–26).<sup>13</sup>

### **CONCLUSION**

For the foregoing reasons, the names of decedents in Requests I and II are not exempt from disclosure under the RTKL. The Coroner must, therefore, produce records responsive to LNP's requests, which simply requires the Coroner to provide the decedents' names. I decline to make a finding that the Coroner's refusals were made in bad faith. An appropriate Order follows.

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Dec. 13, 2023 (as police were still investigating the death, naming 77-year-old Marlin Fausnacht, who died when he drove his car into a creek); Staff, 2 Found Dead Are ID'd, LNP, Nov. 14, 2023 (despite police continuing to investigate the grisly crime, identifying Angelica Morales Damarts, 34 as the victim of Ramon Eusebio-Diaz, 47, who then shot himself); Staff, Death of Man Found on Street Ruled Homicide, LNP, Apr. 9, 2021 (naming Hipolito Gonzalez, 61, who died of severe head injuries being investigated as a homicide at the time of the disclosure of his name and cause of death).

<sup>13</sup> It is, of course, well beyond the powers of this Court to order journalistic integrity. However, my decision that the RTKL does not protect the minor decedents' names from disclosure does not suggest that the Court is numb to the deeply personal nature of the information that LNP seeks. I trust that reporters like Mr. Panyard will not forget that legal entitlement to information does not diminish the moral responsibility to allow families grieving the incomparable loss of a child to do so without being unwillingly thrust into public view.