

**IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

In Re: Application to Intervene and Unseal	: No. _____
of LehighValleyNews.com, The Morning Call and	:
lehighvalleylive.com	:
	:

**EMERGENCY PETITION TO INTERVENE AND UNSEAL**

LehighValleyNews.com, The Morning Call and lehighvalleylive.com (collectively, “Media Intervenors”) hereby petition for leave to intervene in criminal cases pending in the Lehigh County Court of Common Pleas for the limited purpose of unsealing the dockets in pending criminal prosecutions. This Petition, pursuant to Leh.R.C.P. 208.3(a)(1)(ix), is made on the following grounds:

- 1) LehighValleyNews.com is a nonprofit local digital news platform owned and operated by Lehigh Valley Public Media (LVPM), a community-owned public media organization serving Eastern Pennsylvania and Western New Jersey. LVPM also owns and operates PBS39, the Lehigh Valley’s public television station and 91.3 WLVR, the all-day, every-day NPR member station for the Lehigh Valley. Its business address is 839 Sesame St., Bethlehem, PA 18015.
- 2) The Morning Call is a print and digital news publication covering the Lehigh Valley region of eastern Pennsylvania. Its history dates back to 1883, when The Critic, an Allentown newspaper, was founded. Its business address is The Morning Call, P.O. Box 1260 Allentown, PA 18101-1260. It is a subsidiary of Tribune Publishing.
- 3) lehighvalleylive.com covers local news, high school sports, and culture in eastern Pennsylvania and northwestern New Jersey. Its newsroom is in Easton, Pennsylvania. Its website is part of NJ Advance Media and is affiliated with NJ.com, The Star-Ledger

digital edition, and The Express-Times digital edition. Its business address is 18 Centre Square, Easton, PA, 18042.

- 4) Reporters for Media Intervenors routinely cover criminal proceedings in the Lehigh County Court of Common Pleas. To provide their readers with timely and important information about criminal activity and other news impacting their community, those reporters frequently rely on court dockets and filings, including records filed with Magisterial District Judges and Clerks of Courts.
- 5) On August 29, 2025 the Lehigh County District Attorney issued a press release announcing the arrest of 22 individuals. See attached and incorporated herein as **Exhibit A**.
- 6) Despite noting that some defendants had already had their preliminary hearings scheduled for September 3, 2025 in Lehigh County Central Court, the District Attorney's press release stated that "due to the confidentiality of those proceedings, we are limited in the amount of information that can be provided."
- 7) No docket numbers or party names were provided in the August 29, 2025 press release.
- 8) Reporters for Media Intervenors have not been able to obtain public-facing dockets of any of the individual cases referenced in the District Attorney's press release.
- 9) The only identified individual thus far alleged to be connected to the arrests is Zachary Cole-Borghi; however, no public-facing docket is available upon search of the Unified Judicial System ("UJS") Portal. Information about Mr. Cole-Borghi's involvement in these cases only became available because he was arrested at a public building. See Kurt Bresswein, *Lehigh County commissioner among 22 arrested in multi-state drug probe, DA says*, lehighvalleylive.com (August 29, 2025),

<https://www.lehighvalleylive.com/lehigh-county/2025/08/lehigh-county-commissioner-among-22-arrested-in-multi-state-drug-probe-da-says.html>; Tom Shortell, *Zach Cole-Borghi says he won't resign, calls drug accusations 'clearly political'*, LehighValleyNews.com (September 10, 2025), <https://www.lehighvalleynews.com/lehigh-county/zach-cole-borghi-says-he-wont-resign-calls-drug-accusations-clearly-political>.

10) Upon information and belief, the following miscellaneous docket numbers and defendants are associated with the District Attorney's August 29, 2025 press release. However, no public-facing dockets are available for the underlying criminal charges. Only bail modification miscellaneous dockets are available – and only for eleven out of the twenty-two individuals referenced in the press release.

- a) *Commonwealth v. Asan Cherkezov*, CP-39-MD-0002344-2025
- b) *Commonwealth v. Co Khuu*, CP-39-MD-0002397-2025
- c) *Commonwealth v. Diane K. Noctor*, CP-39-MD-0002598-2025
- d) *Commonwealth v. John Paul Barber*, CP-39-MD-0002331-2025
- e) *Commonwealth v. Kenneth Zak Grossman*, CP-39-MD-0002201-2025
- f) *Commonwealth v. Kyle J. Urban*, CP-39-MD-0002555-2025
- g) *Commonwealth v. Leah Grossman*, CP-39-MD-0002200-2025
- h) *Commonwealth v. Michael Paul Loeb*, CP-39-MD-0002216-2025
- i) *Commonwealth v. Elhadji Sylla*, CP-39-MD-0002334-2025
- j) *Commonwealth v. Zachary Barr*, CP-39-MD-0002596-2025
- k) *Commonwealth v. Shanna Noctor*, CP-39-MD-0002195-2025

10. Media Intervenors and the public have been unable to access the criminal docket sheets or any filings related to the District Attorney's 22 announced arrests from the August 29, 2025 press release. Searches of the online UJS case search portal are unsuccessful.

11. The District Attorney's office has asserted that Zachary Cole-Borghi's charges "are based on a Grand Jury process that was supervised by an elected judge and was sealed after a separate review by a judge." The District Attorney's September 11, 2025 statement is

attached and incorporated herein as **Exhibit B**. The purported sealing order has not been made available to the public, and the District Attorney has not explained why the charges for the remaining twenty-one individuals are also secret.

12. Due to the pervasive secrecy surrounding the arrest of the 22 individuals described in the August 29, 2025 press release, basic information—including the charges filed against these individuals, their names or the docket numbers—remains unavailable to the public, including the Media Intervenors. The date of any court appearances – beyond those few bail appearances in miscellaneous dockets – are likewise unavailable. Similarly, any bail status information about those individuals who do not have bail hearings is unknown, as is any information about which lawyer, if any, is representing those unknown defendants who are not associated with any discernible miscellaneous dockets.
13. Because they cannot access the dockets, Media Intervenors will not know if and when any court appearances are scheduled unless court officials, defense attorneys or the District Attorney’s office decides to share this information with them.
14. Pennsylvania law is clear that “a Motion to Intervene is the proper vehicle for the press to raise a right of access question.” *Commonwealth v. Long*, 922 A.2d 892, 895 n.1 (Pa. 2007) (quoting *Commonwealth v. Fenstermaker*, 530 A.2d 414, 416 n.1 (Pa. 1987)). Accordingly, Media Intervenors should be permitted to intervene for the limited purpose of unsealing the dockets and judicial records of the 22 defendants referenced in the District Attorney’s August 29, 2025 press release.
15. The public, including the Media Intervenors, has a constitutional right to access the dockets and the sealed judicial records under the First Amendment to the U.S. Constitution and article 1, section 11 of the Pennsylvania Constitution. *See*

*Fenstermaker*, 530 A.2d at 417; *Commonwealth v. Curley*, 189 A.3d 467, 473 (Pa. Super. Ct. 2018). “The presumption of openness may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values, and is narrowly tailored to serve that interest.” *Press-Enter. Co. v. Superior Court*, 464 U.S. 501, 510 (1984).

16. The public, including the Media Intervenors, also has a common law right to access the dockets and the sealed judicial records. *See Commonwealth v. Upshur*, 924 A.2d 642, 647 (Pa. 2007) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 591 (1978)).
17. To the extent compelling countervailing interests overcome the public’s constitutional and common law rights of access to the full case file, the docket sheets should be unsealed, at a minimum, and any sealing of specific judicial records must be no broader than necessary to serve those interests. *See Long*, 922 A.2d at 905; *In re M.B.*, 819 A.2d 59, 63 (Pa. Super. Ct. 2003). Any such sealing must also be supported by specific, on-the-record factual findings, including discussion of alternatives to closures. *See Press-Enter. Co.*, 464 U.S. at 510; *United States v. Criden*, 675 F.2d 550, 560 (3d Cir. 1982).
18. The Superior Court has explained that “Constitutionally mandated open courtroom proceedings are of little value if the public has no means of learning where and when they will occur, or if the public is entirely unaware that a prosecution is pending.” *In Re: Sealed Arrest Warrants Pursuant to Pa.R.Crim. 513.1.*, 2024 PA Super 39, 313 A.3d 214, 221 (Pa. Super. Ct. 2024)

### **RELIEF SOUGHT**

Media Intervenors respectfully request that the Court grant their petition to intervene and enter an order in the form attached hereto.

Dated: October 29, 2025

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](mailto:pknudsen@rcfp.org)

*Counsel for Media Intervenors*

# Exhibit A



## OFFICE OF THE DISTRICT ATTORNEY LEHIGH COUNTY COURTHOUSE

455 WEST HAMILTON STREET

ALLENTOWN, PENNSYLVANIA 18101-1614

PHONE (610) 782-3100 | FAX (610) 820-3323

Gavin P. Holihan  
District Attorney

Aug. 29, 2025

District Attorney Gavin P. Holihan is announcing the details of a massive drug investigation that spanned several years and culminated in many arrests yesterday in Lehigh, Northampton and Montgomery counties as well as Philadelphia, New York, Chicago and Wisconsin.

This investigation remains ongoing and is the result of Lehigh County's 12<sup>th</sup> Investigating Grand Jury and due to the confidentiality of those proceedings, we are limited in the amount of information that can be provided.

As of Aug. 28, there have been 22 individuals arrested and we anticipate many more arrests as this investigation proceeds.

The Lehigh County Drug Task Force was assisted by federal, state and local agencies to execute 26 search warrants at businesses and homes as a result of this 3-year grand jury investigation.

Search warrants are still being processed on 283 financial institution accounts and various cryptocurrency accounts.

To date, some of the items seized include:

- Well over \$100,000 in cash;
- Cryptocurrency accounts;
- More than 2,000 pounds of marijuana, large quantities of THC liquid, cocaine and MDMA pills;
- At least 25 firearms that include semi-automatic rifles and ghost guns.

Two clandestine laboratories manufacturing illegal THC products were also discovered and dismantled by members of the Pennsylvania State Police Clandestine Laboratory Team.

The preliminary hearings for those charged yesterday are currently scheduled for 2 p.m. Sept. 3 at Lehigh County Central Court. Some of those charged yesterday have already posted bail.

An investigation of this scale includes the cooperation and efforts of many law enforcement agencies including the Lehigh County Drug Task Force; the Lehigh County Emergency Response Team; the James B. Martin Regional Intelligence and Investigation Center; Allentown Police Department and Bethlehem Police Department's Emergency Response Team and Vice Units as well as patrol officers; Pennsylvania State Police (Troop M), Pennsylvania State Police's Computer Crimes Unit; Special Emergency Response Team, Strike Force and Vice Units; the Pennsylvania Office of the Attorney General's Bureau of Narcotic Investigations in Allentown; the Department of Homeland Security in Allentown, U.S. Marshals in Allentown; South Whitehall Township Police; Upper Macungie Police and detectives in New York and Montgomery County.

Additional law enforcement agencies in Illinois and Wisconsin were instrumental in taking suspects into custody and initiating extradition proceedings.



The investigation was made possible with funding from the Liberty Mid-Atlantic High Intensity Drug Trafficking Area Initiative (HIDTA).

This case will be prosecuted by Chief Deputy District Attorneys Craig W. Scheetz and Kevin P. McCloskey.

**As in every criminal case, the fact that arrests have occurred or complaints have been filed are merely accusations; and the accused are all presumed innocent until and unless proven guilty.**

# Exhibit B



## OFFICE OF THE DISTRICT ATTORNEY LEHIGH COUNTY COURTHOUSE

455 WEST HAMILTON STREET

ALLENTOWN, PENNSYLVANIA 18101-1614

PHONE (610) 782-3100 | FAX (610) 820-3323

**Gavin P. Holihan**  
District Attorney

Sept. 11, 2025

This statement is in response to comments made at last night's commissioners' meeting regarding the recent arrest of Commissioner Zachary Cole-Borghi.

Complaints about a lack of due process in his case are unfounded.

Mr. Cole-Borghi's charges are based on a Grand Jury process that was supervised by an elected judge and was sealed after a separate review by a judge.

That process is controlled by laws passed by the state legislature. He has been released on bail and remains innocent until proven guilty. The protocol followed is the epitome of due process.

Decisions regarding his employment with the City of Bethlehem are made by the City of Bethlehem. Comments made by members of Bethlehem City Council or on social media are well outside the control of the Lehigh County District Attorney's Office.

The criminal complaints are sealed from public inspection by court order as is fairly common in all cases arising out of the Grand Jury. Mr. Cole-Borghi's name was released on a local blog and a news outlet prior to the press conference held by this office.

In response to a question from the media the District Attorney's office clarified that Mr. Cole-Borghi was not charged as a member of a corrupt organization as many others arrested in this investigation were. This fact was released solely to correct false public information that had been reported through other outlets.

### VERIFICATION

I, Paula Knudsen Burke, hereby state that the facts above set forth in the Emergency Petition are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: October 29, 2025

*/s/Paula Knudsen Burke*

---

Paula Knudsen Burke

**CERTIFICATE OF SERVICE AND  
COMPLIANCE WITH PUBLIC ACCESS POLICY**

I certify that on this 29th day of October, 2025, I caused a true and correct copy of the foregoing document to be served by U.S. mail and email, if noted, on the following:

Gavin P. Holihan  
Lehigh County Courthouse  
Room 307  
455 W. Hamilton St.  
Allentown, PA 18101-1614  
*Counsel for the Commonwealth*

David D. Ritter  
1258 Penn Ave  
Wyomissing, PA 19610  
*Representing: Cherkezov, Asan*

Jacob Alexander Gurwitz  
Feeney & Gurwitz LLC  
500 Court St  
Reading, PA 19601  
feeneyandgurwitz@verizon.net  
*Representing: Khuu, Co*

John J. Waldron  
Law Offices Of Waldron & Williams  
535 Hamilton St Ste 102  
Allentown, PA 18101  
*Representing: Barber, John Pau*

Todd R. Fiore  
834 Chestnut St Ste M206  
Philadelphia, PA 19107  
Tfiorelaw@gmail.com  
*Representing: Grossman, Kenneth Zak*

Paul Jared Mallis  
Young Marr & Associates LLC  
3554 Hulmeville Rd Ste 102  
Bensalem, PA 19020  
*Representing: Urban, Kyle J.*

Christopher David Mandracchia  
CDM Law, LLC

815 Fayette Street  
Suite 200  
Conshohocken, PA 19428  
*Representing: Loeb, Michael Paul*

Robert Maxwell Campbell  
Gross McGinley, LLP  
33 S 7TH St PO Box 4060  
Allentown, PA 18105-4060  
rcampbell@grossmcginley.com  
*Representing: Sylla, Elhadji*

Steven Richard Mills  
Asteak Law Offices  
726 Walnut St.  
Easton, PA 18042  
(610) 258-2901  
*Representing: Noctor, Diane and Noctor, Shanna*

Elliot Love  
Liberation Law Institute  
PO Box 823  
Kutztown, PA 19530  
(610) 972-5200  
*Representing: Cole-Borghi, Zachary*

Lehigh County Public Defender's Office  
Lehigh County Courthouse  
455 W. Hamilton St., Room 615  
Allentown, PA 18101  
*Listed as counsel for Leah Grossman and Zachary Barr*

I further 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.

*/s/Paula Knudsen Burke*

---

Paula Knudsen Burke (No. 87607)

**IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

In Re: Application to Intervene and Unseal  
of LehighValleyNews.com, The Morning Call and  
lehighvalleylive.com

: No. \_\_\_\_\_  
:  
:  
:

---

**[PROPOSED] ORDER**

Upon consideration of the Emergency Petition to Intervene and Unseal filed by Media  
Intervenors, it is hereby **ORDERED** that:

1. Media Intervenors' petition to intervene is **GRANTED**;
2. Media Intervenors' petition to unseal is **GRANTED** for the dockets in all cases being  
prosecuted by the Lehigh County District Attorney as a result of the arrests the office  
announced via press released on August 29, 2025;
3. Media Intervenors' petition to unseal judicial records is **GRANTED** for all cases being  
prosecuted by the Lehigh County District Attorney as a result of the arrests the office  
announced via press release on August 29, 2025;
4. The Clerk shall place on the public docket complete, unredacted copies of all heretofore  
sealed judicial records previously filed in the cases being prosecuted by the Lehigh  
County District Attorney's office as a result of the arrests the office announced via press  
release on August 29, 2025;

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2025

BY THE COURT:

\_\_\_\_\_  
J.  
Lehigh County Court of Common Pleas