IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: FRANKLIN COUNTY CORONER'S OFFICE - DEATH INVESTIGATION OF	:	Orphan's Court
	:	No. 98-OC-2026
Coroner's File No.: [Redacted] (Exhibit A, filed under seal)	:	

OCT 26 2026
ATTEST: A TRUE COPY
Daniella Blue
Clerk of Courts

PETITION TO INTERVENE AND VACATE ORDER OF OCTOBER 19, 2026

AND NOW, comes The Philadelphia Inquirer ("Inquirer"), Proposed Intervenor, by and through its undersigned attorney, and files this "Petition to Intervene and Vacate Order of October 19, 2026" in the above-captioned matter. In support thereof, the Inquirer avers as follows:

I. Parties

1. Proposed Intervenor The Philadelphia Inquirer is the largest news media organization in Pennsylvania. The Inquirer delivers Pulitzer Prize-winning news, sports, food, and lifestyle journalism through multiple platforms, including Inquirer.com, Inquirer newspaper, e-editions, apps, newsletters, social, video, podcasts, and live events. The Inquirer's offices are located at 100 S. Independence Mall West, Suite 600, Philadelphia, PA 19106.
2. Respondent Jordan F. Conner is the elected coroner serving Franklin County. His offices are located at 679 Franklin Farm Lane, Chambersburg, PA 17202.

II. Procedural history

3. In order to provide their readers with timely and important information about news impacting their communities, the Inquirer's reporters routinely rely on public records and judicial records of Pennsylvania civil and criminal proceedings, including records subject to the Right to Know Law ("RTKL"), 65 P.S. § 67.101 *et seq* and the Coroner's Act, 16 P.S.C.A. §13901 *et seq*.
4. The Inquirer's reporters have been covering measles-associated deaths within the state of Pennsylvania, including Franklin County[1].
5. On October 12, 2026 Inquirer reporter Aubrey Whelan submitted a RTKL request to the Franklin County Coroner's office. *See* Request, attached and incorporated herein as **Exhibit A**.
6. The same day, the Franklin County Coroner responded by email to Ms. Whelan's RTKL request with basic information about the decedent's death. A similar message was also posted on the Franklin County Coroner's website. The email and the website posting are attached and incorporated herein as **Exhibit B**.

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[1] *See* Sarah Gantz and Aubrey Whelan, *Measles is thought of as a childhood illness, but more Pa. adults are getting sick*, The Philadelphia Inquirer (October 22, 2026) https://www.inquirer.com/health/pennsylvania-measles-outbreak-adult-infections-20261022.html; Maddie Hanna and Sarah Gantz, *Measles is spreading in Chester County, but many schools aren't talking about their risk*, The Philadelphia Inquirer (October 19, 2026) https://www.inquirer.com/education/measles-outbreak-chester-county-schools-preparation-vaccination-rates-20261019.html; Dugan Arnett, *At the center of the state's growing measles outbreak, it's business as usual*, The Philadelphia Inquirer (October 18, 2026) https://www.inquirer.com/life/a/measles-outbreak-mifflin-county-amish-20261018.html; Aubrey Whelan, *Measles-related death reported in Franklin County amid ongoing Pa. outbreak*, The Philadelphia Inquirer (October 12, 2026), https://www.inquirer.com/health/measles-outbreak-death-franklin-county-pennsylvania-20261012.html.

7. On October 19, 2026 the Franklin County Coroner's office granted in part and denied in part Ms. Whelan's Right to Know Law request. *See* Response, attached and incorporated herein as **Exhibit C**.

8. The Franklin County Coroner's Right to Know Law response cited the October 19, 2026 Order signed by President Judge Shawn D. Meyers in support of its partial denial of Ms. Whelan's request.

III. Intervention

9. The October 19, 2026 order provides that "any interested person may petition to modify or vacate this Order, with notice to the Franklin County Coroner." *See* Order at 2, ¶ 6. As such, the Inquirer moves to intervene and vacate.

10. Intervention is the appropriate means for members of the media to exercise their right of access to judicial records. *Commonwealth v. Fenstermaker*, 530 A.2d 414, 416 n.1 (Pa. 1987); *Commonwealth v. Upshur*, 924 A.2d 642, 645 n.2 (Pa. 2007) (same). In the Court of Common Pleas context, Susquehanna County President Judge Jason J. Legg granted news outlet PennLive's motion to intervene in order to oppose the Susquehanna County Coroner's attempt to seal the autopsy records of three deceased individuals. *See* Orders in *In Re: Carmine Faino, Dennis Seelenbrandt, and Lori Wasko*, Nos. 2026-135-MD, et al. (Pa. Ct. Com. Pl., Susquehanna Cnty., Apr. 9, 2026), attached and incorporated herein as **Exhibit D**.

IV. The October 19, 2026 Order Should Be Vacated

11. After this Court rules on the Inquirer's Petition to Intervene, it should then vacate the October 19, 2026 Order barring release of the name of the decedent.

12. Ms. Whelan sought the name, cause and manner of death through the Right to Know Law ("RTKL"). RTKL Section 708(b)(20) exempts from disclosure "[a]n autopsy record of a coroner" and similar files maintained by coroners and medical examiners, but "[t]his exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death." 65 P.S. § 67.708(b)(20). As such, "the name of the deceased individual" is a presumptively public record, like any other record from a local agency that does not find a home within a Section 708(b) exemption, and is not otherwise made confidential by another state or federal law, or an asserted privilege. *See* 65 P.S. § 67.305(a).

13. Generally, the Coroner's Act makes autopsy and coroner's reports publicly accessible either for free after a set time or immediately upon request and the payment of a fee. *See* 16 P.S. § 1252-B. However, the Pennsylvania Supreme Court has held that Section 720(b)(20) "provides immediate access to cause and manner of death records." *Hearst Television Inc. v. Norris*, 54 A.3d 23, 33 (Pa. 2012).[2] Though *Hearst* specifically addressed access to the "cause of death" information, independent of access to the autopsy report, the Supreme Court's holding makes clear that Section 708(b)(20)'s disclosure provision shall "not limit the reporting of the name of the deceased individual and the cause and manner of death." *Id.* at 33

14. Under the plain language of the RTKL, the name, cause and manner of death pursuant are presumptively public. *See* 65 P.S. § 67.708(b)(20)

---

[2] The Supreme Court in *Hearst* applied a since-repealed version of the Coroner's Act that is substantially similar to the current version of the law, therefore courts have not felt the need to address arguments regarding "the continued viability of *Hearst*," and its analysis remains relevant and binding on the matters before this Court. *See Allegheny County v. Hailer*, 298 A.3d 476, 479 (Pa. Commw. Ct. 2023).

15. This presumption cannot be overcome based on amorphous privacy interests held by a decedent (who no longer has any privacy interest at all), or by a decedent's family (who have not sought relief from this Court). Moreover, to whatever extent any such privacy rights exist, the Coroner is also without standing to assert them. As aptly explained by Judge Jeffery D. Wright of the Lancaster County Court of Common Pleas:

> [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).

Lancaster County Office of the Coroner v. Jack Panyard and LancasterOnline, No. CI-24-00034, at 14 (Pa. Ct. Com. Pl., Lancaster Cnty., Nov. 25, 2024), attached and incorporated herein as **Exhibit E;** *see also County of Lancaster v. Walker*, No. CI-18-09547, at 6, 9 (Pa. Ct. Com. Pl., Lancaster Cnty., Aug. 23, 2019), attached and incorporated herein as **Exhibit F**.

16. Given this authority, the Court's asserted justification for granting the Coroner's motion to seal in this case – that "[p]ublic disclosure of the Decedent's identity would cause a clearly defined and serious injury to the privacy of the Decedent's surviving family, including interference with their religious practice as members of the Amish community" – is not sufficient, and the Order should be vacated.

WHEREFORE, the Inquirer, Proposed Intervenor, respectfully requests that this Court grant its petition to intervene in the above-captioned case and vacate the October 19, 2026 order.

In addition, Intervenor requests a new order directing the Franklin County Coroner to provide the name of the decedent.

Dated: October 26, 2026

Respectfully submitted,

Paula Knudsen Burke
Pa. Bar ID No. 87607
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
4000 Crums Mill Rd. Ste. 101
Harrisburg, PA 17112
(717) 370-6884
pknudsen@rcfp.org

Counsel for The Philadelphia Inquirer

VERIFICATION

I, Aubrey Whelan, hereby state that the facts set forth above in the Petition to Intervene and Vacate Order of October 19, 2026 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).

Signature: Aubrey Whelan
box SIGN 4WRJV5P8-4QP7Z259

Date: Oct 26, 2026

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: FRANKLIN COUNTY	:	Orphan's Court
CORONER'S OFFICE -	:	
DEATH INVESTIGATION OF	:	No. 98-OC-2026
	:	
Coroner's File No.: [Redacted]	:	
(Exhibit A, filed under seal)		

RULE TO SHOW CAUSE

AND NOW, this day _____of _____, 2026, upon consideration of the foregoing petition, it is hereby ordered that:

1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;
2. The respondent shall file a verified Answer to the Petition within _____ days of service upon the respondent;
3. The Petition shall be decided under Pa.R.C.P. No. 206.7;
4. Hearing and/or argument, if any, shall be held on _____ ,_____, 2026, at o'clock ___.m. in the assigned Courtroom of the Franklin/ Fulton County Courthouse, Chambersburg/ McConnellsburg, PA *;
5. Notice of entry of this order shall be provided to all parties by the petitioner.
6. In the case of Preliminary Objections [Local Rule 1028(a)], Motions for Judgment on the Pleadings [Local Rule 1034(a)] and Motions for Summary Judgment [Local Rule 1035(a)], parties shall follow the procedures for disposition set forth in those rules.

By the Court,

_____

J.

**Court Administration please contact Attorneys Barkdoll (Respondent, Office of Coroner) and Burke (Petitioner, Philadelphia Inquirer) to confirm schedule availability*

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: FRANKLIN COUNTY CORONER'S OFFICE - DEATH INVESTIGATION OF	:	Orphan's Court
	:	No. 98-OC-2026
Coroner's File No.: [Redacted] (Exhibit A, filed under seal)	:	

[PROPOSED] ORDER GRANTING PETITION TO INTERVENE AND VACATE

AND NOW, this ____ day of _____, 2026, upon consideration of the Petition of the Philadelphia Inquirer to Intervene in the above-captioned proceedings, IT IS HEREBY ORDERED that said Motion is GRANTED.

Upon consideration of the parties' submissions and oral argument, if any, IT IS HEREBY ORDERED that the previous Order of October 19, 2026 is vacated.

Furthermore, the Franklin County Coroner is directed to provide fulfill the Right to Know Law request submitted by Aubrey Whelan on October 12, 2026.

By the Court

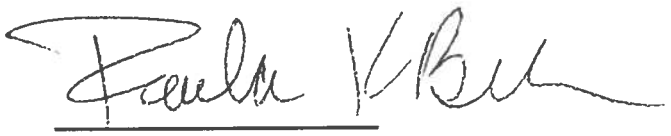
_____

J.

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2026, I served a true and correct copy of the foregoing Petition in the above-captioned matter via email, with permission of counsel:

Clinton Barkdoll
Kulla, Barkdoll, & Stewart, P.C.
9 East Main Street
Waynesboro, PA 17268
(717) 762-3374
clint@kullalaw.com
Counsel for Franklin County Coroner



Paula Knudsen Burke
Counsel for Petitioner

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: October 26, 2026

Submitted by: Paula Knudsen Burke

Signature:

Attorney No.: 87607

EXHIBIT A

Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

*Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at https://www.openrecords.pa.gov. In most cases, a completed RTKL request form is a public record.*

SUBMITTED TO AGENCY NAME: Franklin County Coroner (Attn: AORO)

Date Request Submitted: 10/12/26 Submitted via: ■ Email □ U.S. Mail □ Fax □ In Person

PERSON MAKING REQUEST:

Full Name: Aubrey Whelan

Company (if applicable): Philadelphia Inquirer

Please send response via: ■ Email □ U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: awhelan@inquirer.com

Mailing Address: 100 S. Independence Mall West, Suite 600

City: Philadelphia State: Pa Zip: 19106 Telephone: 215-495-5855

How do you prefer to be contacted if the agency has questions? ■ Telephone ■ Email □ U.S. Mail

□ **By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. *I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.***

RECORDS REQUESTED: *Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.*

Records that list the name, age, cause and manner of death (whatever has been entered on Part I and Part II on a death certificate) and time and date of death for all deaths in Franklin County County where "measles" is listed on the death certificate between Jan. 1, 2026 and the date of receipt of this request.

Form continues on page 2. Retain a copy of both pages.

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? ☐ Yes, printed ■ Yes, electronic ☐ No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than ■ $100 (or) ☐ $_____.

Do you want certified copies? ☐ Yes (*may be subject to additional costs*) ☐ No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? ☐ Yes ☐ No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: ☐ Granted ☐ Partially Granted & Denied ☐ Denied Cost to Requester: $_____

☐ Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.

EXHIBIT B

News Detail

Franklin County Coroner Reports Measles-Related Death

Coroner

October 12, 2026

CHAMBERSBURG, Pa. — On Saturday, October 10, 2026, the Franklin County Coroner's Office investigated the death of a 39-year-old female. She had several underlying conditions, including a past diagnosis of measles with treatment.

This is the first death in Franklin County in many years with a patient with a recent history of a measles diagnosis and meets the definition set forth by the Pennsylvania Department of Health for a measles-associated death.

To protect the privacy of the individual and their family, the Franklin County Coroner's Office will not release any additional details that could personally identify them. Our office is bound by laws that limit what can be shared publicly, and families deserve the dignity to mourn in private.

We strongly encourage our medical community, first responders and the public to follow the precautions set forth by the PA Department of Health and Center for Disease Control. Caution and vigilance are key to our success in the treatment of this disease and its after affects.

Any further questions, please call the Franklin County Coroner's Office at 717-264-5225.

272 North Second Street
Chambersburg, PA 17201

EXHIBIT B

REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS

Paula Knudsen Burke <pknudsen@rcfp.org>

Fwd: [EXTERNAL] RTK request for Franklin County coroner

1 message

Whelan, Aubrey <awhelan@inquirer.com> Fri, Oct 23, 2026 at 10:11 AM
To: Paula Knudsen Burke <pknudsen@rcfp.org>

---------- Forwarded message ---------
From: **Jordan F. Conner** <jfconner@franklincountypa.gov>
Date: Mon, Oct 12, 2026 at 1:47 PM
Subject: Re: [EXTERNAL] RTK request for Franklin County coroner
To: Whelan, Aubrey <awhelan@inquirer.com>, Chad E. Starliper <cestarliper@franklincountypa.gov>

All News Media Outlets,

In hopes of clarification of some questions regarding our release this morning. First and foremost, our office, like the PA Department of Health, kindly asks that the news media respect the privacy of our decedent's family and permit them privacy as they grieve.

To further clarify, the decedent's primary cause of death was a probable acute cardiac event due to possible complications of the measles. Per the direction of the Pennsylvania Department of Health, all deaths are considered measles associated with clinically relevant symptoms within the last 30 days prior to death. The decedent was not vaccinated.

This is the only decedent applicable to this criterion on record with the Franklin County Coroner's Office.

No further information is available at this time.

Regards,

Jordan F. Conner
Coroner
FRANKLIN COUNTY CORONER'S OFFICE
Office: 717-264-5225
Fax: 717-261-0829
Cell: 717-360-1899

From: Whelan, Aubrey <awhelan@inquirer.com>
Sent: Monday, October 12, 2026 10:57 AM
To: Chad E. Starliper <cestarliper@franklincountypa.gov>; Jordan F. Conner <jfconner@franklincountypa.gov>
Subject: [EXTERNAL] RTK request for Franklin County coroner

You don't often get email from awhelan@inquirer.com. Learn why this is important

Hello,

Please find attached a Right-to-Know request for the coroner's office.

Best,

--
Aubrey Whelan
Staff writer
The Philadelphia Inquirer
M: 215-495-5855
E:
awhelan@inquirer.com

Pronouns: she/her

The Philadelphia Inquirer

The Philadelphia Inquirer

EXHIBIT C

---------- Forwarded message ---------
From: **Jordan F. Conner** <jfconner@franklincountypa.gov>
Date: Mon, Oct 19, 2026 at 6:31 PM
Subject: Re: [EXTERNAL] RTK request for Franklin County coroner
To: Whelan, Aubrey <awhelan@inquirer.com>, Chad E. Starliper <cestarliper@franklincountypa.gov>

The Franklin County Coroner's Office received your request under Pennsylvania's Right-to-Know Law (RTKL), 65 P.S. § 67.101 *et seq.*, on October 12, 2026. Your request is GRANTED IN PART and DENIED IN PART, as explained below.

Information Released. The Office is releasing the following information about the Decedent: **(include age, gender, date of death, and manner of death)**.

Information Withheld. The Office is withholding the Decedent's name, residential address, and date of birth, and the name and address of her next of kin (the "Identifying Information"). This information is denied for the following reasons:

1. On October 19, 2026, the Court of Common Pleas of the 39th Judicial District, Franklin County Branch, Orphans' Court Division, entered an Order that seals the Identifying Information. Said Order is attached for your reference.
2. The Order directs the Coroner to redact the Identifying Information from any record released under 16 P.S. § 1252-B, the RTKL, or otherwise. It also expressly provides that the Identifying Information is exempt from disclosure under that judicial order within the meaning of 65 P.S. § 67.102.
3. Under 65 P.S. § 67.102, a record that is exempt from disclosure under a judicial order or decree is not a "public record." Under 65 P.S. § 67.305(a)(3), a record is not presumed public when it is exempt from disclosure under a judicial order or decree. The Office is therefore prohibited from releasing the Identifying Information.
4. Where a record contains both public and non-public information, the Office has redacted the non-public information under 65 P.S. § 67.706. Each redaction is a denial of that portion of the record.

Right to Appeal. If you wish to challenge this denial, you may file an appeal with the Pennsylvania Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234, within fifteen (15) business days of the mailing date of this response, as provided by 65 P.S. § 67.1101(a)(1). Your appeal must state the grounds on which you assert the records are public records and address the reasons given for this denial. It must include a copy of your original request and this response. Information on filing an appeal is available at www.openrecords.pa.gov.

Regards,

Jordan F. Conner
Coroner
FRANKLIN COUNTY CORONER'S OFFICE
Office: 717-264-5225
Fax: 717-261-0829

From: Whelan, Aubrey <awhelan@inquirer.com>
Sent: Monday, October 12, 2026 10:57 AM
To: Chad E. Starliper <cestarliper@franklincountypa.gov>; Jordan F. Conner <jfconner@franklincountypa.gov>
Subject: [EXTERNAL] RTK request for Franklin County coroner

You don't often get email from awhelan@inquirer.com. Learn why this is important

Hello,

Please find attached a Right-to-Know request for the coroner's office.

Best,

--
Aubrey Whelan
Staff writer
The Philadelphia Inquirer
M: 215-495-5855
E: awhelan@inquirer.com

Pronouns: she/her

The Philadelphia Inquirer

--

Samantha Melamed
Staff Writer
The Philadelphia Inquirer
267-858-0127
smelamed@inquirer.com

The Philadelphia Inquirer

EXHIBIT D
PART I

IN RE:	:	IN THE COURT OF COMMON PLEAS OF
LORI WASKO	:	SUSQUEHANNA COUNTY, PA
PETITION TO SEAL	:	
CORONER'S FILE	:	DOCKET NO: 2026-135-MD
	:	
IN RE:	:	
DENNIS SEELENBRANDT	:	
PETITION TO SEAL	:	
CORONER'S FILE	:	DOCKET NO: 2026-136-MD
	:	
	:	
IN RE:	:	
CARMINE FAINO	:	
PETITION TO SEAL	:	
CORONER'S FILE	:	DOCKET NO: 2026-137-MD

FILED
SUSQUEHANNA COUNTY
2026 APR -9 PM 1:39
PROTHONOTARY &
CLERK OF COURTS

[PROPOSED] ORDER GRANTING MOTION OF THE PATRIOT-NEWS/PENNLIVE TO INTERVENE

AND NOW, this 9th day of April, 2026, upon consideration of the Motion of The Patriot-News/PennLive to Intervene in the above-captioned proceedings, IT IS HEREBY ORDERED that said Motion is GRANTED.

By the Court

J.

EXHIBIT D
PART II

IN RE: LORI WASKO	: IN THE COURT OF COMMON PLEA
PETITION TO SEAL	: SUSQUEHANNA COUNTY, PA
CORONER'S FILE	: NO. 2026-135-MD
IN RE: DENNIS SEELENBRANDT	:
PETITION TO SEAL	:
CORONER'S FILE	: NO. 2026-136-MD
IN RE: CARMINE FAINO	:
PETITION TO SEAL	:
CORONER'S FILE	: NO. 2026-137-MD

FILED
SUSQUEHANNA COUNTY
2026 APR -9 PM 1:39
PROTHONOTARY &
CLERK OF COURTS

ORDER

NOW TO WIT this 9th day of April 2026, the matter having come before the Court in all three matters for a Motion seeking the Court to Invoke Its Inherent Authority to Seal certain Coroner Records, and the Court having determined that the record fails to demonstrate that the public knowledge of these records would pose a substantial threat to an ongoing criminal investigation and thereby hinder or jeopardize said investigation, it is hereby ORDERED that the Motions are DENIED.

BY THE COURT:

JASON J. LEGG, P.J.

EXHIBIT E

ENTERED AND FILED
2024 NOV 25 PM 2:21
PROTHONOTARY'S OFFICE
LANCASTER, PA

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

LANCASTER COUNTY OFFICE OF THE CORONER	:	
	:	CI-24-00035 (Lead)
v.	:	*Consolidated with* CI-24-01347
JACK PANYARD and LNP | LancasterOnline	:	

ORDER

AND NOW, this 25th 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**.[1]
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

COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA

[1] Docket CI-24-00035 corresponds with Jack Panyard and LancasterOnline-LNP v. Lancaster Couty, OOR Docket No. AP 2023-2662, Final Determination, Dec. 4, 2023. Docket CI-24-01347 corresponds with Jack Panyard and LancasterOnline-LNP v. Lancaster Couty, OOR Docket No. AP 2024-0181, Final Determination, Feb. 12, 2024.

NOTICE OF ENTRY OF ORDER OR DECREE
PURSUANT TO PA. R.C.P. NO. 236
NOTIFICATION - THE ATTACHED DOCUMENT
HAS BEEN FILED IN THE CASE
PROTHONOTARY OF LANCASTER CO., PA
DATE: 11/26/2024

ATTEST:

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

ENTERED AND FILED
2024 NOV 25 PM 2:22
PROTHONOTARY'S OFFICE
LANCASTER, PA

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

LANCASTER COUNTY OFFICE OF THE CORONER	:	
	:	CI-24-00035 (Lead)
v.	:	*Consolidated with* CI-24-01347
JACK PANYARD and LNP | LancasterOnline	:	

OPINION

BY: WRIGHT, J. November 25th, 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)[1] 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.[2]

---

[1] 65 P.S. §§ 67.101–67.3104, hereinafter "RTKL Sections 101–3104."

[2] 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[3] (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.").

[3] 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.[4]

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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[4] 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.[5] 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 Corner could establish the pertinence of Section 708(b)(17), principles of statutory construction direct

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[5] 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[6] 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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[6] 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.[7] 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.[8]

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 Samual K. Fisher.[9] 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."[10] 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.[11]

Similarly, the Coroner's Office frequently discloses the identities of adults who perish in circumstances where an active criminal or noncriminal investigation is ongoing.[12]

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[7] Olivia M. Miller, Coroner IDs Girl Killed By Horse, LNP, July 3, 2024.
[8] Staff, Boy Who Was Killed in Farm Accident Identified, LNP, June 12, 2024.
[9] Jack Panyard, Amish Boy Dies After Being Struck, LNP, Aug. 29, 2023.
[10] Staff, Coroner Identifies 5-Year-Old Who Died on Farm, LNP, July 27, 2023.
[11] Ashley Stalnecker, Boy, 4, Found Dead in Parked Vehicle, LNP, Aug. 27, 2021.
[12] 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).[13]

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.

Dec. 13, 2023 (as police were still investigating the death, naming 77-year-old Marlin Fauscnacht, 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).

[13] 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.

EXHIBIT F

ENTERED AND FILED
PROTHONOTARY'S OFFICE
LANCASTER, PA
Electronically Filed**
Aug 23 2019 07:44AM
Audrey Conrad

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

COUNTY OF LANCASTER, Petitioner, v. CARTER WALKER and LNP MEDIA GROUP, Respondents.	:	No. CI-18-09547 LEAD CASE PETITION FOR REVIEW PURSUANT TO THE PENNSYLVANIA RIGHT TO KNOW LAW
COUNTY OF LANCASTER, Petitioner, v. BARBARA MILLER and PENNLIVE GROUP, Respondents.	:	Consolidated Case PETITION FOR REVIEW PURSUANT TO THE PENNSYLVANIA RIGHT TO KNOW LAW
PA MEDIA GROUP and LNP MEDIA GROUP, INC., Plaintiffs, v. STEPHEN DIAMANTONI CORONER, Defendant.	:	Consolidated Case CIVIL ACTION—MANDAMUS

OPINION

This case is before the court on the motions for judgment on the pleadings filed in the above-captioned mandamus action, which was consolidated with appeals from the decision of the Pennsylvania Office of Open Records involving requests by plaintiffs PA Media Group and LNP Media Group for autopsy reports and toxicology records. Plaintiffs ask in their mandamus action for this court to order Defendant, Stephen Diamantoni, the Coroner for Lancaster County

("Coroner"), to deposit all of his official records and papers with the Lancaster County Prothonotary for each and every calendar year in which he has occupied the office of Coroner. For the reasons explained below the mandamus will be granted and the right-to-know appeals will be dismissed as moot.

I. PROCEDURAL BACKGROUND

These actions began when Barbara Miller, a reporter with PennLive, and Carter Walker, a reporter with LNP Media Group, sought to gain access to the Coroner's autopsy and toxicology reports. They filed separate requests under the Right to Know Law, 65 P.S. § 67.101 et seq. ("RTKL"), seeking access to these records. The Coroner denied access to these records, relying on exclusions contained in the Coroner's Act, 16 P.S. § 1201-B et seq. The denials were timely appealed to the Office of Open Records ("OOR") which entered an order on March 26, 2018, directing production of the requested records.

The Coroner filed petitions for review of the OOR's decisions, on April 4, 2018, and November 2, 2018. The two OOR petitions were consolidated. At a status conference on November 6, 2018, the parties agreed that the OOR appeals would be stayed and that PennLive and LNP Media would file a mandamus action to address their request for records. Plaintiffs, PA Media Group[1] and LNP Media Group, Inc. filed their mandamus complaint on January 7, 2019, and an amended complaint on April 17, 2019. The pleadings closed on May 24, 2019, after which the parties filed cross-motions for judgment on the pleadings. All parties agree that no factual disputes exist and that the court can decide the mandamus action as a matter of law. The

[1] PA Media Group supports the online presence known as PennLive.

parties are joined in their positions by four amici curiae, two for plaintiffs and two for defendant.[2]

II. FACTS

Defendant, Stephen Diamantoni is the elected coroner of Lancaster County and is a "coroner" as defined by the Coroner's Act. 16 P.S. § 1202-B. Lancaster County is a county of the third class. Part of the duties of the Coroner, as required by the Coroner's Act, is to perform autopsies and related medical and legal investigations concerning the death of persons who die in Lancaster County and whose deaths were sudden, unexplained, and/or suspicious. During the course of performing these duties, the Coroner creates official papers, records, and reports including autopsy reports, toxicology reports, and related records regarding the deaths of persons in Lancaster County. The Coroner acknowledges that during his tenure he has performed these duties and created these reports.

Section 1236-B of the Coroner's Act provides:

> In counties of the third, fourth, fifth, sixth, seventh and eighth classes, every coroner, within 30 days after the end of each year, shall deposit all official records and papers for the preceding year in the Office of the Prothonotary for the inspection of all persons interested therein.[3]

16 P.S. § 1236-B (emphasis added). The Coroner annually deposits Coroner View Reports within 30 days after the end of each year, which state the cause of death, but has never deposited any other records with the Prothonotary.

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[2] Writing in support of plaintiffs are The News Media Alliance and Pennsylvania Newsmedia Association and the Reporters Committee for the Freedom of the Press. Writing in support of defendant are the Pennsylvania District Attorneys Association and the Pennsylvania State Coroner's Association.

[3] The Coroner's Act was amended to add § 1236-B in place of § 1251, effective December 28, 2018. Prior to the December 28, 2018, amendments, § 1251 provided, "Every coroner, within thirty (30) days after the end of each year, shall deposit all of his official records and papers for the preceding year in the office of the prothonotary for the inspection of all persons interested therein."

Plaintiffs, PA Media Group and LNP Media Group are print and digital news organizations and the publishers of the Patriot News and the LNP newspaper respectively. In 2018 and 2019, reporters for both plaintiffs have gone to the Lancaster County Prothonotary's Office and requested to see the official records and papers for the preceding year filed by the Coroner pursuant to Section 1236-B of the Coroner's Act.[4] The only records that have been filed are the view reports mentioned above.

III. DISCUSSION

The parties agree that the issue the court must resolve is whether the provisions of the Coroner's Act set forth a non-discretionary, statutory duty on the part of the Coroner to deposit with the Prothonotary his official records and papers including autopsy reports, toxicology reports, and related reports. Plaintiffs argue it does. The Coroner raises three direct objections in response: (1) the disclosure of "private and confidential medical and psychiatric data in autopsy reports" is in contravention of the recently enacted Case Records Public Access Policy of the Unified Judicial System, 204 Pa. Code § 213.81, Section 1.0(K); (2) plaintiffs, as media entities, are not appropriate recipients of such information; and (3) such disclosure would violate statutory and constitutional privacy guarantees and contravene public policy. The court will review each of the Coroner's objections to disclosure in the order raised.

At the outset, it is important to recognize that the Pennsylvania Supreme Court has spoken clearly on the duties of a coroner under the Coroner's Act prior to its amendment in December 2018. Though the Coroner's Act has been amended, the observations and holdings of the Supreme Court in Penn Jersey Advance, Inc. v. Grim, 962 A.2d 632 (Pa. 2009), remain

[4] Prior to December 28, 2018, plaintiffs would have needed to request to see the records pursuant to Section 1251.

binding on this court. Similar to the present case, in Penn Jersey, newspapers filed a mandamus action seeking to compel the Lehigh County Coroner to deposit all of his official records and papers, including an autopsy report, related to the death of a police officer. The Supreme Court squarely addressed Section 1251, the predecessor of Section 1236-B,[5] to determine whether to grant the mandamus.

The Supreme Court held that autopsy reports are official records and accordingly must be deposited with the Prothonotary as directed by statute. Neither party here argues that the reports are not official, but the Pennsylvania State Coroner's Associations posits that a different statute, 16 P.S. §405, would allow the prothonotary and the coroner to agree that the records be kept at the coroner's office instead. State Coroner Br. 8. But, 16 P.S. §405, deals with the storage of county records, and gives county commissioners (not prothonotaries) the power to contract with other persons for storage/retrieval/transmission of county records. Section 405 does not mention the coroner at all and the court finds this argument unpersuasive. The question has been answered: the duty to deposit the records is not discretionary but is obligatory. The Supreme Court went further in its holding, though, and explained:

> In reaching this holding, we have not ignored the concern . . . that, if autopsy reports are defined as "official records," the public may be able to gain access to material such as potentially privileged information, related to the decedent's medical history and graphic photographs taken during the autopsy. . . . [W]e note that [this] concern, while certainly legitimate, does not justify reclassifying autopsy reports from "official" records to "unofficial" ones. As we noted in *Buchanan,* trial courts are adequately equipped and authorized to protect autopsy reports from disclosure based on "judicial discretion and necessity" under appropriate circumstances. This inherent power provides trial courts with the means to limit public access to autopsy reports (or portions thereof) based on privacy or privilege concerns where warranted. For example, if graphic photographs or items of

[5] Section 1251 and Section 1236-B contain identical language, except that Section 1236-B limits the disclosure to counties of the third, fourth, fifth, sixth, seventh, and eighth classes.

> information subject to a claim of privilege are included as part of an autopsy report, anyone seeking to protect an interest in such material, and having standing to do so, can seek appropriate relief from the trial court.

Penn Jersey, 962 A.2d at 636 (citations and quotations omitted). See also Hearst Television, Inc. v. Norris, 54 A.3d 23, 32 (Pa. 2012) ("Section 1236.1(c) [now Section 1236-B] allows the coroner to charge fees for records, but does not afford the coroner any discretion with regard to releasing such records."). The Coroner argues that since Penn Jersey was decided, various new regulations and case law call into question the mandatory duty of the Coroner.

The Coroner cites to no case law directly supporting his position that he is prohibited from depositing the records identified by Section 1236-B. Instead, the Coroner's real focus is on the phrase "for the inspection of all persons interested therein." The Coroner seeks to control who inspects the records after they are deposited with the Prothonotary. However, what happens after the Coroner fulfils his statutory duty by depositing the records is not within the statutory purview of the Coroner. Moreover, the Coroner has no standing to assert potential rights of parties who are not presently before the court.

A. The Unified Judicial System's Public Access Policy

On January 6, 2018, in an effort to safeguard private information, the Supreme Court of Pennsylvania implemented the Case Records Public Access Policy of the United Judicial System of Pennsylvania, 204 Pa. Code § 213.81 ("Public Access Policy"). This policy is not a creature of the legislative branch but was promulgated by the Supreme Court which also decided Penn Jersey, holding that a coroner's autopsy reports are official records that must be deposited with

the Prothonotary.[6] While the other arguments of the Coroner were directly addressed by Penn Jersey, the Public Access Policy was not in effect when Penn Jersey was decided.

The Public Access Policy, as evidenced by its title, applies to public access to "case records." Case records are defined as:

> (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.

204 Pa. Code § 213.81, Section 1.0(B). The Coroner's records are simply not "case records" according to this definition. Nor are they filed "for any case" as there would be no civil case maintained by the Prothonotary related to any such filing—they instead are deposited in the Prothonotary's office by statutory mandate.

Though the Supreme Court would be well aware of its case law in which it held that the records of a coroner are public and must be deposited each year with the Prothonotary, nowhere in the Public Access Policy does the Supreme Court reference reports of coroners. Perhaps most illuminating on this issue is the absence of any mention of records sought by plaintiffs in the Public Access Policy's list of records where public access is limited, which relies on case law and statutory law and which was compiled by the Administrative Office of the Pennsylvania Courts. The list was updated as recently as August 16, 2019. See 49 Pa.B. 4544.

As explained in Section III.C below, while privacy and public-policy concerns are legitimate and important, the Supreme Court has recognized the ability of the trial courts to

[6] See Pa. Const. Art. V § 10(c) ("The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts . . . ."); 42 Pa.C.S.A. § 1702.

protect such interests "under appropriate circumstances" when a party has standing to assert such a privilege or concern. The Supreme Court, though having had the opportunity to specifically address reports of coroners in the Public Access Policy and its 2018 amendments, has chosen not to do so, nor has it addressed coroner records in recently proposed amendments. See 2019 PA Reg. Text 527046.

B. Coroner's Act's Definition of "All Persons Interested Therein"

The Coroner asserts that the phrase "for the inspection of all persons interested therein," contained in Section 1236-B of the Coroner's Act, excludes news organizations like plaintiffs.

Furthermore, the phrase "for the inspection of all persons interested therein" raised no concerns with the Supreme Court in Penn Jersey and this court sees no reason to prohibit disclosure based upon it. Media parties in Penn Jersey similar to those in the present case were seeking disclosure and a coroner was refusing to provide records. There is certainly a legitimate interest, as asserted by plaintiffs, in reviewing records to determine the effect of opioids on deaths in Lancaster County.

The parties agree that in order to view the Coroner's records deposited with the Prothonotary, a person would need an "interest" in the records, but disagree on what is meant by "interest." While the Supreme Court in Penn Jersey did not specifically address what is meant by "interested," it did state that trial courts are able to restrict "public access" to a coroner's records where warranted. Penn Jersey, 962 A.3d at 637. Clearly, the Supreme Court interpreted "persons interested" to refer to any persons who would like to view the records, rather than the Coroner's more narrow reading as "a specific segment of the population benefitting from the action of the coroner." Coroner br. 6. Plaintiffs agree that there may exist exceptions to the disclosure of certain records, but such exceptions are best dealt with on a case-by-case basis.

The case-by-case approach is one directed by the Pennsylvania Supreme Court. See Penn Jersey, 962 A.3d at 636.

C. Statutory and Constitutional Privacy Guarantees and Public Policy

The Coroner and his amici contend that various constitutional and statutory privacy protections prohibit the Coroner from complying with his statutory duty under the Coroner's Act, and public policy also prohibits him from fulfilling this obligation. For the Coroner's constitutional defense, he relies on Pa. State Educ. Ass'n v. Dep't of Cmty. & Econ. Dev., 148 A.3d 142 (Pa. 2016) (hereinafter "PSEA"). The Coroner then asserts that along with the Public Access Policy discussed above, the Vital Statistics Act prohibits disclosure; and finally argues that it is against public policy to deposit the records.

The PSEA case involved a request for injunctive relief to prevent the release of home addresses of public-school employees, and a declaration that the home addresses of public-school employees are exempt from public access. The Pennsylvania Supreme Court described the case as involving "an examination of the scope of the 'personal security' exception to disclosure under the Right to Know Law" and reiterated that "certain types of information, including home addresses, implicated the right to privacy under Article 1, Section 1 of the Pennsylvania Constitution and thus required a balancing to determine whether the right to privacy outweighs the public's interest in dissemination." PSEA, 148 A.3d at 144. The Court reaffirmed this analysis when considering privacy rights and public disclosure. See id.

However, there 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. Under the Restatement (Second) of Torts § 652I:

> The right protected by the action for invasion of privacy is a personal right, peculiar to the individual whose privacy is invaded. The cause of action is not assignable, and it cannot be maintained by other persons such as members of the individual's family, unless their own privacy is invaded along with his.

Restatement (Second) of Torts § 652I(a). Furthermore, the right to privacy under the Pennsylvania Constitution is a "personal right."[7] PSEA, 148 A.3d at 161 (Wecht, J., concurring) ("We have recognized that the personal right to privacy emanating from Article 1, Section 1 protects one's home address or other personal information from being disclosed by state actors unless the public interest in the dissemination of that information outweighs the potential invasion of any privacy interest."); see also Clayman v. Bernstein, 38 Pa. D. & C. 543, 548 (C.P. Phila. 1955) (quoting 1 Cooley on Torts (4th ed.) 449, § 135) ("It may be conceded that [the right to privacy] is a personal right and 'One has no right of privacy with respect to his relatives, living or dead.'").

Next, the Coroner contends that an example of records not available to the public is information gathered under the Vital Statistics Law, 35 P.S. § 450.101 et seq. Relying on the definition of "vital statistics" as including a "compilation" of data, the Coroner concludes that a coroner's records are vital statistics and thus prohibited from production. However, as explained by the Coroner's amicus curiae, Pennsylvania State Coroner's Association, "the autopsy is the external and internal examination of the deceased . . . ." State Coroner Br. 9. Despite the assertions of the Coroner, an autopsy is not a "compilation" governed by the Vital Statistics Act. Moreover, the Vital Statistics Act's prohibition of the disclosure of records is limited to records

[7] "In the absence of statute, the action for the invasion of privacy cannot be maintained after the death of the individual whose privacy is invaded." Restatement (Second) of Torts § 652I(b).

of the Department of Health and records "created under" the Vital Statistics Act. 35 P.S. § 450.801. The Vital Statistics Act mandates only that when a case has been referred to a coroner, the coroner "shall make an immediate investigation and shall supply the necessary data, including the medical certification of the death." 35 P.S. § 450.503. As the records sought by plaintiffs were not "created under" the Vital Statistics Act or held by the Department of Health, the disclosure of these records is not prohibited under the Vital Statistics Act.

The Coroner also contends that the language in the Vital Statistics Act[8] should inform this court's interpretation of the "persons interested therein" under the Coroner's Act. The court is not persuaded by this argument.[9] The Coroner's Act does not make the Coroner the guardian of distribution of the records he maintains as an elected official. Instead, the legislature, rightly or wrongly, has directed the Coroner to deposit all official records and papers for the preceding year in the Office of the Prothonotary. Once the Coroner deposits such records they are "for the inspection of all persons interested therein." Should any controversy arise as to disclosure once the Coroner deposits the records, the trial courts are the ones equipped and authorized to:

> protect autopsy reports from disclosure based on "judicial discretion and necessity" under appropriate circumstances. This inherent power provides trial courts with the means to limit public access to autopsy reports (or portions thereof) based on privacy or privilege concerns where warranted. For example, if graphic photographs or items of information subject to a claim of privilege are included as part of an autopsy report, anyone seeking to protect an interest in such material, and having standing to do so, can seek appropriate relief from the trial court.

Penn Jersey, 962 A.2d at 636 (emphasis added) (quoting Commonwealth ex rel. Dist. Attorney, 800 A.2d 568, 575 (Pa. 2005)). The standing mentioned by the Supreme Court may also

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[8] The Vital Statistics Act provides that vital statistics records should only be disclosed where it is found that the applicant "has a direct interest in the content of the record and that the information contained therein is necessary for the determination of personal or property rights." 35 P.S. § 450.804.

[9] See Section III.B above for a more in-depth discussion of "persons interested therein."

manifest where information is gathered in criminal investigations and governed by the Criminal History Records Information Act, 18 Pa.C.S.A. § 9101 et seq., but the challenge would need to be asserted by the Office of the District Attorney on a case-by-case basis, not as the blanket prohibition sought by the Coroner here.

The Coroner and his amici also make an overarching public-policy argument, though not specifically articulated, that the legislature is wrong and its mandate on coroners to deposit records is misguided. This argument is one better taken up with the legislature, which amended the Coroner's Act less than one year ago. It is not the role of the court to substitute its judgment for that of the legislature. The legislature is presumed to know about the current body of case law. Furthermore, "it is well-settled that if the legislature in a later statute uses the same language used in a prior statute which has been construed by the courts, there is a presumption that the repeated language is to be interpreted in the same manner as such language had previously interpreted when the court construed the earlier statute." PSEA, 148 A.3d at 157; see also 1 Pa.C.S.A. § 1922(4). This court must construe the December 2018 statutory amendments to the Coroner's Act as consistent with previous court interpretations and with the Pennsylvania Constitution, and must presume that the legislature did not intend to violate the Constitution of this Commonwealth when enacting them. 1 Pa.C.S.A. § 1922(3).

Despite the conclusion of this court that the Coroner is obligated to deposit his records with the Prothonotary as directed by statute, the current statutory scheme does create procedural due process concerns. Section 1236-B of the Coroner's Act provides a 30-day delay between the end of the prior year and when the Coroner must deposit his records. As plaintiffs point out, this is adequate time for an interested party to raise an issue with the court regarding the availability of the records. Left unaddressed by plaintiffs, though, is how a citizen is expected to know that

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

COUNTY OF LANCASTER, Petitioner, v. CARTER WALKER and LNP MEDIA GROUP, Respondents.	:	No. CI-18-09547 LEAD CASE PETITION FOR REVIEW PURSUANT TO THE PENNSYLVANIA RIGHT TO KNOW LAW
COUNTY OF LANCASTER, Petitioner, v. BARBARA MILLER and PENNLIVE GROUP, Respondents.	:	Consolidated Case PETITION FOR REVIEW PURSUANT TO THE PENNSYLVANIA RIGHT TO KNOW LAW
PA MEDIA GROUP and LNP MEDIA GROUP, INC., Plaintiffs, v. STEPHEN DIAMANTONI, CORONER, Defendant.	:	Consolidated Case CIVIL ACTION—MANDAMUS

ORDER

AND NOW, this 23rd day of August 2019, upon consideration of the record and the parties' written submissions, it is hereby ORDERED and DECREED:

1. The request for mandamus filed by PA Media Group and LNP Media Group, Inc. is GRANTED.

2. The Coroner of Lancaster County is ORDERD to:

a. deposit all of his official records and papers for each and every calendar year in which he has occupied the office of coroner with the Lancaster County Prothonotary within sixty (60) days from the date of this order;

b. on or before January 30 of the year following each calendar year he remains in office deposit his official records and papers as required by 16 P.S. § 1236-B; and

c. the records and papers deposited shall include autopsy reports, toxicology reports, inquests and other related documents pertaining to the actions completed by the Coroner's office as set forth under the Coroner's Act.

3. The petitions for review filed on April 25, 2018, and November 2, 2018, are DISMISSED as moot.

BY THE COURT:

LEONARD G. BROWN, III, JUDGE

ATTEST: Audrey L Conrad Deputy

Copies to: Craig J. Staudenmaier, Esquire ESERVED
Christina L. Hausner, Esquire
Susan M Shanaman, Esquire
Heather F. Gallagher, Esquire ESERVED
Kurt Wimmer, Esquire
Melissa Bevan Melewsky, Esquire
Kyle Applegate, Esquire
JOSHUA D. BONN, ESQ.

NOTICE OF ENTRY OF ORDER OR DECREE
PURSUANT TO PA. R.C.P. NO: 236
NOTIFICATION - THE ATTACHED DOCUMENT
HAS BEEN FILED IN THIS CASE
PROTHONOTARY OF LANCASTER CO., PA
DATE: 8-23-19