IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY

IN RE: MIFFLIN COUNTY CORONER'S OFFICE - DEATH INVESTIGATION OF SEPTEMBER 11, 2026	:	Orphan's Court
	:	No. 2026-254
Coroner's File No.: [Redacted] (Exhibit A, filed under seal)	:	

PETITION TO INTERVENE AND VACATE ORDER OF OCTOBER 30, 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 30, 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 Andrea L. Alcalde is the elected coroner serving Mifflin County. Her offices are located at 20 North Wayne Street, Lewistown, PA 17044.

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 Mifflin County.[1]
5. On September 15, 2026, Inquirer reporter Sarah Gantz submitted a RTKL request to the Mifflin County Coroner's Office. *See* Request, attached and incorporated herein as **Exhibit A**.
6. After receiving no response to her request within the five days required under Pennsylvania law, Ms. Gantz followed up via email multiple times throughout the month of September. On October 2, 2026, Right to Know Law Officer Michael R. Baker requested a 30-day extension to respond to the request for "legal review and conferring with the Mifflin County Coroner." Ms. Gantz followed up via email again on November 17, 2026, after the thirty

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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.

days had elapsed, to check on the status of her request. These emails are attached and incorporated herein as **Exhibit B**.

7. Despite these efforts by Ms. Gantz to obtain an answer to her Right to Know Law request, the only response received was an erroneously-addressed email sent on November 17, 2026, to Ms. Gantz's colleague at the Inquirer, reporter Aubrey Whelan, instead of Ms. Gantz. This email denied Ms. Gantz's request, stating that the requested information of the decedent (including her name, residential address, date of birth, and the name and address of her next of kin) is sealed and exempt from disclosure. This email, with attorney-client privileged information redacted, is attached and incorporated herein as **Exhibit C**.
8. The email cited and attached the October 30, 2026 Order entered in this matter in support of the Coroner's denial of Ms. Gantz's request. *See* Ex. C.

III. Intervention

9. The October 30, 2026 Order provides that "[a]ny interested person may petition to modify or vacate this Order, with notice to the Mifflin 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**.

11. More recently, Franklin County Judge Shawn D. Meyers granted the Inquirer's motion to intervene and vacate a nearly identical order sealing information related to a decedent who had died of measles. *See* Order of Court in *In Re: Franklin County Coroner's Office – Death Investigation of October 10, 2026*, No. 98-OC-2026 (Pa. Ct. Com. Pl., Franklin Cnty., Nov. 6, 2026), attached and incorporated herein as **Exhibit E**. Just as in this case, the sealing order had been entered at the Franklin County Coroner's request, and the court ultimately agreed with the Inquirer that the order was improper and should be rescinded. *See* Ex. E at 2-3 (finding that "the Decedent's identifying information previously sealed by this Court is subject to disclosure under the [Right to Know Law]" and rescinding the prior sealing order).

IV. The October 30, 2026 Order Should Be Vacated

12. After this Court rules on the Inquirer's Petition to Intervene, it should then vacate the October 30, 2026 Order barring release of the name of the decedent.

13. Ms. Gantz 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).

14. 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
15. 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)
16. 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

[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).

> 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 F;** *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 G**; Ex. E (reversing prior order to seal decedent's identifying information).

17. 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.

V. The Court Should Award Attorney Fees, Costs, and a Civil Penalty for the Mifflin County Coroner's Arguments That Are Not Based Upon a Reasonable Interpretation of Law.

18. This Court may award Petitioner the fees and costs of this litigation "if the court finds that the legal challenge under this chapter was frivolous," 65 P.S. § 67.1304(b), or if the court "grants access to a record after a request for access was deemed denied . . . if the court finds either" (1) the agency responding to the request "willfully or with wanton disregard deprived the requester of access to a public record subject to access or otherwise acted in bad faith," or (2) if the legal arguments denying production "were not

based on a reasonable interpretation of law," *id*. § 67.1304(a)(1)–(2); *see Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 243 A.3d 19, 34 (Pa. 2020) (*Uniontown II*).

19. This Court should award Ms. Gantz fees due to the Coroner's arguments in pursuit of the October 30, 2026 Order that were not based on a reasonable interpretation of law. In *Uniontown I*, the Court found bad faith based on the agency's denial without conducting a good faith search, its decision to contest the requester's appeal to the OOR and claim that records were exempt without having reviewed them, and its failure to comply with the OOR's disclosure order. *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr*., 185 A.3d 1161, 1172–73 (Pa. Commw. Ct. 2018) ("*Uniontown I*"). It is difficult to construe the Coroner acting in "good faith" when the arguments she apparently made in order to obtain the October 30, 2026 order and withhold the responsive records have been repeatedly rejected by the Pennsylvania Commonwealth and Supreme Courts as explained herein. The Coroner's act of obtaining a sealing order from this Court, based on previously rejected arguments, "forced [Ms. Gantz] to expend time and resources" to continue to assert her rightful access to the records requested; therefore, the Coroner's "persistent denial of access constitutes bad faith." *Uniontown I*, 185 A.3d at 1174. That the Coroner sought to block disclosure despite settled case law and the plain language of the law supports a finding of bad faith. *See* 65 P.S. § 67.1304(a)(2).

WHEREFORE, the Inquirer, Proposed Intervenor, respectfully requests that this Court grant its petition to intervene in the above-captioned case, vacate the October 30, 2026 Order, and award attorney fees, costs, and a civil penalty. In addition, Intervenor requests a new order directing the Mifflin County Coroner to provide the name of the decedent.

/ /

Dated: November 23, 2026

Respectfully submitted,

Paula Knudsen Burke
Pa. Bar ID No. 87607
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
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Counsel for The Philadelphia Inquirer

VERIFICATION

I, Sarah Gantz, hereby state that the facts set forth above in the Petition to Intervene and Vacate Order of October 30, 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:

Date:

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY

IN RE: MIFFLIN COUNTY CORONER'S OFFICE - DEATH INVESTIGATION OF SEPTEMBER 11, 2026	:	Orphan's Court
	:	No. 2026-254
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 Mifflin County Courthouse, Lewistown, 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*

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	:	No. 2026-254
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 30, 2026 is vacated.

Furthermore, the Mifflin County Coroner is directed to provide fulfill the Right to Know Law request submitted by Sarah Gantz on September 15, 2026.

By the Court

_____

J.

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2026, I served a true and correct copy of the foregoing Petition in the above-captioned matter via U.S. mail addressed as follows:

Clinton Barkdoll
Kulla, Barkdoll, & Stewart, P.C.
9 East Main Street
Waynesboro, PA 17268
(717) 762-3374
clint@kullalaw.com
Counsel for Mifflin 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: November 23, 2026

Submitted by: Paula Knudsen Burke

Signature:

Attorney No.: 87607