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Counsel for PA Media Group and LNP Group, Inc.

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IN THE COURT OF COMMON PLEAS  
LANCASTER COUNTY, PENNSYLVANIA

PA MEDIA GROUP :  
and : DOCKET NO. CI-2018-09547  
LNP MEDIA GROUP, INC. :  
Plaintiffs :  
 :  
v. :  
 :  
STEPHEN DIAMANTONI, :  
CORONER :  
Defendant :

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**REPLY OF PA MEDIA GROUP AND LNP MEDIA GROUP, INC, PLAINTIFFS, TO  
DEFENDANT'S NEW MATTER**

NOW come PA Media Group and LNP Media Group, Inc., Plaintiffs, by their attorneys,  
Nauman Smith Shissler & Hall LLP, and make the following Reply to the New Matter of  
Stephen Diamantoni, Defendant:

31. Paragraphs 1 through 30 of Plaintiffs' Amended Complaint are here incorporated  
by reference.

32. Admitted in part and denied in part. It is admitted only that Autopsy Reports contain information gathered by the Coroner's Office in the process of conducting an Autopsy. It is specifically denied that the official records and papers required to be deposited under the provisions of 16 P.S. §1236-B by the Coroner constitute protected health information under the Health Information and Accountability Act, and it is further denied that said official records and papers required to be deposited under the aforesaid section constitute "medical/psychological records" or are "case records" subject to the provisions of the Public Access Policy of the Unified Judicial System, ("Policy"), 204 Pa. Code § 213.81, §1K. The official records and papers required to be deposited under the aforesaid section do not constitute "case records" under the Policy. By way of further denial, the averments in paragraph 32 are legal conclusions.

33. It is specifically denied that the official records and papers required to be deposited by the Coroner pursuant to section 16 P.S. § 1236-B are subject to the Policy as they are not "case records" as defined under the Policy. It is further denied that said records and papers are "filed" with the Prothonotary. To the contrary, pursuant to the aforesaid section they are "deposited" with the Prothonotary and do not constitute documents, records or filings of a "case" under the Policy's definition.

34. The averments of paragraph 34 reference a portion of the Policy, a document which speaks for itself. To the extent the averments of paragraph 34 allege that said provision cited applies to any factual or legal issue in this matter, it is specifically denied that the Policy has any applicability to the official records and papers that the Coroner is required to submit under the provisions of 16 P.S. § 1236-B.

35. The averments of paragraph 35 reference a portion of the Policy, a document which speaks for itself. To the extent of the averments of paragraph 35 allege that said provision cited applies to any factual or legal issue in this matter, it is specifically denied that the Policy has any applicability to the official records and papers that the Coroner is required to submit under the provisions of 16 P.S. § 1236-B. It is further denied that the official records and papers required to be submitted by the Coroner under the aforesaid section are “confidential documents” and or “medical/ psychological records” under the Policy.

36. The averments of paragraph 36 are legal conclusions to which no responsive pleading is required. If it is determined that a responsive pleading is required, they are specifically denied. To the contrary, the provisions of the Coroner’s Act, 16 P.S. § 1236-B are mandatory, and, further, the Policy reference is not applicable to the issue raised by the instant Mandamus Complaint. It is further denied that the Policy cited would not allow Plaintiffs to inspect the official records and papers deposited by the Coroner, as the Coroner’s Act specifically provides for access to said records when deposited with the Prothonotary as required.

37. Admitted

38. It is specifically denied that §1236-B “specifies a specific segment of the population benefiting from the action of the Coroner and not the general public.” To the contrary, the language is unambiguous and clear that once the Coroner’s records are deposited as required, anyone may inspect them who has an interest in knowing their content, including the media and its representatives.

39. It is specifically denied that §1236-B “specifies a specific segment of the population benefiting from the action of the Coroner and not the general public.” It is further

specifically denied that Plaintiffs are not “persons interested therein” under the statute. To the contrary, the language is unambiguous and clear that once the Coroner’s records are deposited as required, anyone may inspect them who has an interest in knowing their content including the media and its representatives.

40. It is specifically denied that the Plaintiffs are not “persons interested therein” with regard to the records required to be deposited by the Coroner under the aforesaid section. Plaintiffs, and their individual reporters, are specifically included within the persons contemplated by the section as being interested in reviewing the Coroner’s official records and papers. By the way of further response, the right of access of the media is co-equal with the right of the access of any and all persons interested in reviewing said records and papers. therefore, the Mandamus requested by Plaintiffs would require the Coroner to deposit the records which the statute requires and allow access to said records and papers by the Plaintiffs.

41. It is specifically denied that requiring the Coroner to comply with the mandatory provisions of the Coroner’s Act, 16 P.S. § 1236-B would contravene the Policy and or violate any constitutional privacy right, if any, and or “the legal and social policies in favor of safe guarding private information”. To the contrary, the legislature obviously considered and balanced the public’s right of access to the official records and papers of a publicly elected and publicly funded officer, i.e. the Coroner, and determined that public access to these records and papers was warranted. It is further specifically denied that any privacy interest blocks total access to the records and papers required to file.

**WHEREFORE**, PA Media Group and LNP Media Group, Inc, Plaintiffs, respectfully request the Court grant the relief requested in their Amended Complaint in Mandamus.

Respectfully submitted:

/s/Craig J. Staudenmaier

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***Attorneys for Plaintiffs PA Media Group  
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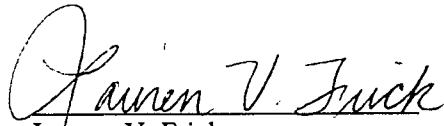
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Date: May 24, 2019

**VERIFICATION**

I, Lauren V. Frick, Corporate Secretary of LNP Media Group, Inc., hereby verify that I am authorized to make this verification on behalf of LNP Media Group, Inc. and that the statements made in the Reply to New Matter are true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Lauren V. Frick  
Corporate Secretary, LNP Media Group, Inc,

Date: 5/24/19

**VERIFICATION**

I, Cate Barron, VP, Content for PA Media Group, hereby verify that I am authorized to make this verification on behalf of PA Media Group and that the statements made in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Cate Barron, VP, Content for  
PA Media Group

Date: May 23, 2019

**CERTIFICATE OF COMPLIANCE**

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

Submitted by: Craig J. Staudenmaier

Signature: s/Craig J. Staudenmaier

Name: Attorney

Attorney No. (if applicable): 34996



**CERTIFICATE OF SERVICE**

I, Sheena Lofton, Paralegal, do hereby certify that I have served a true and correct copy of the foregoing ***Reply of PA Media Group and LNP Media Group, Inc., Plaintiffs, to Defendant's New Matter*** via email transmission and/or U.S. First Class Mail to the following:

Christina L. Hausner  
County Solicitor  
County of Lancaster  
150 N. Queen Street, Suite 714  
Lancaster, PA 17603  
Chauser@co.lancaster.pa.us

/s/Sheena Lofton  
Sheena Lofton, Paralegal

Date: May 24, 2019