

IN THE COURT OF COMMON PLEAS  
LANCASTER COUNTY, PENNSYLVANIA

PA MEDIA GROUP  
and  
LNP MEDIA GROUP, INC.  
Plaintiffs

v.

STEPHEN DIAMANTONI,  
CORONER  
Defendant

DOCKET NO. CI-2018-09547

ENTERED AND FILED  
2019 MAY -7 PM 1:52  
PROT. NOTARY'S OFFICE  
LANCASTER, PA

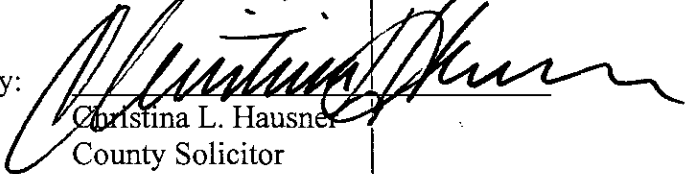
**NOTICE TO PLEAD**

To: PA Media Group and LNP Media Group  
c/o Craig Staudenmaier, Esquire  
Nauman, Smith, Shissler, and Hall  
200 N. 3<sup>rd</sup> St.  
Harrisburg, Pennsylvania 17101

You are hereby notified to file a written response to the enclosed Answer to Amended  
Complaint in Mandamus and New Matter within twenty (20) days from service hereof or a  
judgment may be entered against you.

Lancaster County Solicitor

By:

  
Christina L. Hausner  
County Solicitor  
Counsel for Defendant  
150 N Queen Street, Suite 714  
Lancaster PA 17601  
717 735 1584  
Attorney ID 32373  
[CHausner@co.lancaster.pa.us](mailto:CHausner@co.lancaster.pa.us)

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**ANSWER TO AMENDED COMPLAINT IN MANDAMUS AND NEW MATTER**

Defendant Stephen Diamantoni, duly elected coroner of Lancaster County Pennsylvania, in his official capacity, by and through Lancaster County Solicitor Christina Hausner, responds to Plaintiff's Amended Complaint as follows:

**I. Parties**

1. Admitted
2. Admitted
3. Admitted

**II. Jurisdiction and Venue**

4. Admitted
5. Admitted

**III. Factual Background**

6. Admitted
7. Admitted
8. Admitted

9. Admitted

10. Admitted

11. Denied. Paragraph Eleven (11) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself.

12. Denied. Paragraph Twelve (12) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself.

13. Denied. Paragraph Thirteen (13) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself.

14. Denied. Paragraph Fourteen (14) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself.

15. Denied. Paragraph Fifteen (15) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself.

16. Denied Paragraph Sixteen (16) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself.

17. Admitted in part, denied in part. It is admitted that Plaintiffs submitted Right to Know requests to Lancaster County's Right to Know Officer seeking autopsy reports. After

reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to what requests were made to the Prothonotary, and that averment is therefore denied.

18. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to what Plaintiffs' reporters were told by the Prothonotary's Office personnel. To the extent further response is necessary, it is admitted that Defendant deposits Coroner's View Reports with the Prothonotary for the preceding year on or before January 30<sup>th</sup> of each year and does not deposit autopsy and toxicology reports.

19. Denied. Paragraph Nineteen (19) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself. By way of further answer, Defendant has never filed autopsy reports or toxicology reports with the Prothonotary's Office, only Coroner's View Reports.

20. Denied. Paragraph Twenty (20) constitutes a legal conclusion to which no response is required. To the extent a response is deemed necessary, it is averred that the Coroner's Act speaks for itself.

21. Admitted in part, denied in part. It is admitted that Defendant has never filed, and does not intend to file autopsy and toxicology reports with the Prothonotary for the inspection of the general public. The balance of Paragraph 21 constitutes a legal conclusion to which no response is required.

22. Denied that Plaintiff's constitute the class of individuals constituting "all persons interested therein" within the meaning of the Coroner's Act.

23. Denied. After reasonable investigation, Defendant is without knowledge sufficient to form a belief as to the truth of the averments in Paragraph Twenty-Three (23) as it relates to the internal procedures or priorities of Plaintiffs.

24. Admitted in part, denied in part. It is admitted that Plaintiffs have requested documents under the Right-to-Know Law and that such requests have been denied. After reasonable investigation, Defendant is without sufficient knowledge to form a belief as to the effect such denials have had on Plaintiffs.

25. Admitted in part, denied in part. It is admitted that Plaintiffs are recognized news media organizations in Central Pennsylvania; however, after reasonable investigation Defendant is without knowledge sufficient to form a belief as to the truth of the averments to the Plaintiffs' abilities and alleged obligations, and such averments are therefore denied.

26. Denied as a conclusion of law to which no response is required.

27. Denied as a conclusion of law to which no response is required.

28. Denied as a conclusion of law to which no response is required.

29. Denied as a conclusion of law to which no response is required.

30. Denied as a conclusion of law to which no response is required.

WHEREFORE, for the above stated reasons, Defendant respectfully requests that the Court deny the relief requested by Plaintiffs and dismisses Plaintiffs' Amended Complaint in Mandamus with prejudice.

**NEW MATTER**

31. Paragraphs 1-30 above are incorporated herein by reference.

32. Autopsy reports are very detailed external and internal assessments of a decedent's body, include toxicological and medical test results of blood and other fluids, disclose medical diagnoses, weight, height, the condition of the deceased person's body, and other information constituting Protected Health Information under the Health Information Portability and Accountability Act and "medical/psychological records" defined as records

relating to the past, present or future physical or mental health condition of an individual by the Case Records Public Access Policy of the Unified Judicial System, 204 Pa Code §213.81, Section 1 K (hereinafter “Public Access Policy”).

33. Documents filed with, accepted by and maintained by, the Prothonotary must comply with the Unified Judicial System’s Public Access Policy.

34. A court or a custodian, such as the Prothonotary, may not adopt more restrictive or expansive access protocols than provided in the Public Access Policy, 204 Pa Code § 213.81 Section 2 D.

35. The Public Access Policy requires that confidential documents such as medical/psychological records be filed under a cover sheet designated Confidential Document Form, 204 Pa Code §213.81, Section 8 A 3, and that such documents “shall not be accessible to the public”, 204 Pa Code §213.81, Section 8 C.

36. Any mandamus relief ordered by the Court would not allow Plaintiffs to inspect records identified as confidential documents under the Public Access Policy and it “is a fundamental principle that mandamus will not issue, as a rule, where it is apparent that the writ will be futile or ineffectual...” Com. ex rel. McLaughlin v. Erie Cty., 100 A.2d 601, 604 (Pa. 1953)

37. The Coroner’s Act provides that Coroners “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.” (emphasis supplied) 16 P.S. §1236-B (formerly cited as 16 P.S. §1251)

38. This provision of the Coroner's Act specifies a specific segment of the population benefitting from the action of the coroner, "all persons interested therein", not the general public.

39. Plaintiffs do not constitute members of the specific segment of the population defined in the Coroner's Act as "all persons interested therein."

40. Because Plaintiffs are not "persons interested therein" under the Coroner's Act, they would have no right to examine the reports even if deposited with the Prothonotary, and the issuance of the relief requested by Plaintiffs would be futile and ineffectual.

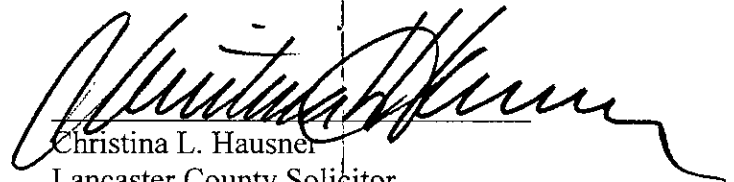
41. The public disclosure of such highly personal, private and confidential information contained in autopsy reports contravenes not only the Public Access Policy but constitutional privacy guarantees and legal and social policies in favor of safe guarding private medical information.

WHEREFORE, for the above stated reasons, Defendant respectfully requests that the Court deny the relief requested by Plaintiffs and dismisses Plaintiffs' Amended Complaint in Mandamus with prejudice.

Date: May 7, 2019

RESPECTFULLY SUBMITTED:

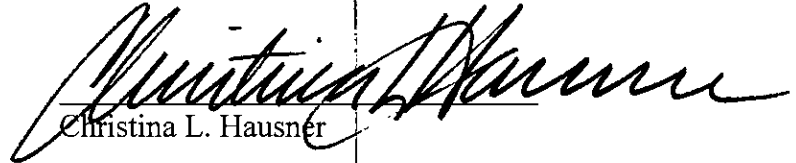
By:



Christina L. Hausner  
Lancaster County Solicitor  
Counsel for Defendant  
150 N Queen Street, Suite 714  
Lancaster PA 17601  
717 735 1584  
Attorney ID 32373  
[CHausner@co.lancaster.pa.us](mailto:CHausner@co.lancaster.pa.us)

**VERIFICATION**

I, Christina L. Hausner, Solicitor for the County of Lancaster, hereby verify that I am authorized to make this verification on behalf of the Lancaster County Coroner and that the statements made in the forgoing ANSWER TO AMENDED COMPLAINT IN MANDAMUS and 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 falsification to authorities.

  
Christina L. Hausner



**CERTIFICATE OF COMPLIANCE**

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.

Submitted by: Chrisina L. Hausner

Signature:

Name:

Attorney No. (if applicable): 32373

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CORONER :  
Defendant :

CERTIFICATE OF SERVICE

I certify that I am this day serving a copy of the foregoing document upon the person(s)  
and in the manner indicated below, which service satisfies the requirements of the Pennsylvania

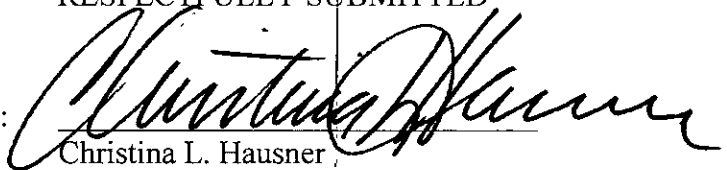
Rules of Civil Procedure:

VIA FIRST CLASS MAIL  
Craig Staudenmaier, Esquire  
Nauman, Smith, Shissler, and Hall  
200 N. 3<sup>rd</sup> St.  
Harrisburg, Pennsylvania 17101

RESPECTFULLY SUBMITTED

Date: May 7, 2019

By:



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Lancaster County Solicitor  
Counsel for Defendant  
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