

Commonwealth Docket Sheet

Docket Number: 1469 CD 2021

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February 21, 2024



CAPTION

Allegheny County
v.
Brittany Hailer and Pittsburgh
Current,
Appellants

CASE INFORMATION

Initiating Document: Notice of Appeal
Case Status: Closed
Case Processing Status: September 14, 2023 Completed
Journal Number: 11-05-2023
Case Category: Civil Case Type(s): Right to Know Act

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Appellant Pittsburgh Current

Pro Se: No
IFP Status:
Attorney: Knudsen Burke, Paula
Law Firm: Reporters Committee for Freedom of the Press
Address: Po Box 1328
101 N Queen St
Lancaster, PA 17608
Phone No: (717) 370-6884 Fax No:
Attorney: Dudding, Alexandra
Law Firm: Reporters Committee For Freedom of The Press
Address: 1156 15th Street NW Suite 1020
Washington, DC 20005

Appellant Hailer, Brittany

Pro Se: No
IFP Status:
Attorney: Knudsen Burke, Paula
Law Firm: Reporters Committee for Freedom of the Press
Address: Po Box 1328
101 N Queen St
Lancaster, PA 17608
Phone No: (717) 370-6884 Fax No:
Attorney: Dudding, Alexandra
Law Firm: Reporters Committee For Freedom of The Press
Address: 1156 15th Street NW Suite 1020
Washington, DC 20005



COUNSEL INFORMATION

Amicus Curiae **Pennsylvania State Coroners Association**
 Pro Se: No
 IFP Status:
 Attorney: Shanaman, Susan M.
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 Harrisburg, PA 17101-1529
 Phone No: (717) 412-0002 Fax No:

Amicus Curiae **Pennsylvania NewsMedia Association**
 Pro Se: No
 IFP Status:
 Attorney: Melewsky, Melissa Bevan
 Law Firm: Pennsylvania NewsMedia Association
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 3899 N Front St
 Harrisburg, PA 17110
 Phone No: (717) 703-3048 Fax No:

Amicus Curiae **Pennsylvania Institutional Law Project**
 Pro Se: No
 IFP Status:
 Attorney: Davy, James Patrick
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 Philadelphia, PA 19125
 Phone No: (609) 273-5008 Fax No:

Amicus Curiae **Cornell Law School First Amendment Clinic**
 Pro Se: No
 IFP Status:
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 Law Firm: Pennsylvania NewsMedia Association
 Address: Pa Newsmedia Association
 3899 N Front St
 Harrisburg, PA 17110
 Phone No: (717) 703-3048 Fax No:

Amicus Curiae **Abolitionist Law Center**
 Pro Se: No
 IFP Status:
 Attorney: Davy, James Patrick
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 Philadelphia, PA 19125
 Phone No: (609) 273-5008 Fax No:

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COUNSEL INFORMATION

Appellee Allegheny County

Pro Se: No

IFP Status:

Attorney: Shiels, Margaret Collins
 Law Firm: Allegheny County Law Department
 Address: 445 Fort Pitt Blvd
 3rd Floor
 Pittsburgh, PA 15219
 Phone No: (412) 350-1159 Fax No:

Attorney: Szefi, Andrew Francis
 Law Firm: Allegheny County Law Department
 Address: Allegheny County Law Dept
 445 Fort Pitt Blvd Ste 300
 Pittsburgh, PA 15219-1327
 Phone No: (412) 350-1128 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
12/15/2021	Notice of Appeal	90.25	01/04/2022	2022-CMW-H-000015	90.25
08/16/2022	2nd Motion for Extension of Time	10.00	08/16/2022	2022-CMW-H-001553	10.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: December 1, 2021 Notice of Appeal Filed: December 15, 2021
 Order Type: Lower Court Order
 Documents Received: January 4, 2022

Court Below: Allegheny County Court of Common Pleas
 County: Allegheny Division: Allegheny County Civil Division
 Judge: O'Brien, W. Terrence OTN:
 Docket Number: SA-21-000108 Judicial District: 05

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Trial Court Record	January 11, 2022	
Trial Court Opinion	January 11, 2022	
Agency Opinion	February 15, 2022	
Supplemental Record	April 20, 2022	

Date of Remand of Record: September 14, 2023

BRIEFING SCHEDULE

Amicus Curiae

Abolitionist Law Center

Brief

Due: Filed: July 27, 2022

Appellee

Allegheny County

Brief

Due: September 6, 2022 Filed: September 6, 2022

Cornell Law School First Amendment Clinic

Brief

Due: Filed: July 27, 2022

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BRIEFING SCHEDULE

Amicus Curiae

Pennsylvania Institutional Law Project

Brief

Due: Filed: July 27, 2022

Pennsylvania NewsMedia Association

Brief

Due: Filed: July 27, 2022

Pennsylvania State Coroners Association

Brief

Due: Filed: September 6, 2022

Appellant

Hailer, Brittany

Brief

Due: July 27, 2022 Filed: July 27, 2022

Reply Brief

Due: September 20, 2022 Filed: September 20, 2022

Reproduced Record

Due: Filed: July 27, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 15, 2021	Notice of Appeal Filed Hailer, Brittany Pittsburgh Current		Appellant Appellant	
January 10, 2022	Entry of Appearance Knudsen Burke, Paula Knudsen Burke, Paula	Hailer, Brittany Pittsburgh Current	Appellant Appellant	
January 11, 2022	Trial Court Record Received Allegheny County Civil Division			
January 11, 2022	Trial Court Opinion Received Allegheny County Civil Division			
January 27, 2022	Entry of Appearance Szefi, Andrew Francis	Allegheny County	Appellee	
January 31, 2022	Defect Correction Notice Commonwealth Court of Pennsylvania Document Name: DEFECT: Proof of service, permission for email or fax service, cert. of compliance			01/31/2022

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 1, 2022	Response to Defect Correction Notice Knudsen Burke, Paula Knudsen Burke, Paula	Hailer, Brittany Pittsburgh Current	Appellant Appellant	
	Document Name: compliance			
February 2, 2022	Notice of Docketing Appeal Exited Commonwealth Court of Pennsylvania			02/02/2022
February 15, 2022	Docketing Statement Filed Knudsen Burke, Paula Knudsen Burke, Paula	Hailer, Brittany Pittsburgh Current	Appellant Appellant	
February 15, 2022	Agency Opinion Received Knudsen Burke, Paula Knudsen Burke, Paula	Hailer, Brittany Pittsburgh Current	Appellant Appellant	
February 18, 2022	Notice of Non-Participation (Pa.R.A.P. 908) Fuentes, Monica		Appellee	
April 20, 2022	Supplemental Record Allegheny County Civil Division			
May 17, 2022	Briefing Schedule Issued Commonwealth Court Filing Office			
May 18, 2022	Application for Extension of Time to File Brief - First Request Knudsen Burke, Paula Hailer, Brittany	Hailer, Brittany	Appellant Appellant	
May 20, 2022	Order Granting Application for Extension of Time to File Brief and Reproduced Record Per Curiam			05/23/2022
	Document Name: Brief and Reproduced Record Shall Be Filed On 7/27/2022 Comment: NOW, May 20, 2022, upon consideration of the "Joint Application for Extension of Time to File Parties' Principal Briefs" (Application), in which the parties seek an additional 30 days each to file their respective briefs, the Application is GRANTED. Appellants Brittany Hailer and Pittsburgh Current shall now file and serve their brief (4 copies) and reproduced record (4 copies) on or before July 27, 2022. Appellee Allegheny County's brief (4 copies) shall be filed and served within 30 days after service of Appellants' brief.			
July 27, 2022	Appellant's Brief Filed Hailer, Brittany		Appellant	
July 27, 2022	Appellant's Reproduced Record Filed Knudsen Burke, Paula	Hailer, Brittany	Appellant	
July 27, 2022	Amicus Curiae Brief Abolitionist Law Center Pennsylvania Institutional Law Project		Amicus Curiae Amicus Curiae	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 27, 2022	Amicus Curiae Brief		Amicus Curiae	
	Pennsylvania NewsMedia Association Cornell Law School First Amendment Clinic		Amicus Curiae	
August 16, 2022	Application for Extension of Time to File Brief - Second Request			
	Shiels, Margaret Collins Allegheny County	Allegheny County	Appellee Appellee	
August 19, 2022	Order Granting Application for Extension of Time to File Appellee Brief Per Curiam			08/19/2022
	Document Name: Appellee shall now file and serve its brief (4 copies) on or before September 6, 2022. Comment: NOW, August 19, 2022, upon consideration of Allegheny County's (Appellee) Application for Extension of Time to File Brief (Application), which is Appellee's second such request and wherein Appellee seeks an extension of time until September 6, 2022, which is unopposed by Brittany Hailer and Pittsburgh Current (Appellants), the Application is GRANTED. Appellee shall now file and serve its brief (4 copies) on or before September 6, 2022.			
September 6, 2022	Amicus Curiae Brief Shanaman, Susan M.	Pennsylvania State Coroners Associ	Amicus Curiae	
September 6, 2022	Appellee's Brief Filed			
	Shiels, Margaret Collins Allegheny County	Allegheny County	Appellee Appellee	
September 20, 2022	Appellant's Reply Brief			
	Knudsen Burke, Paula Hailer, Brittany	Hailer, Brittany	Appellant Appellant	
December 8, 2022	Order Directing Submission on Brief Per Curiam			12/08/2022
	Document Name: NOA shall be submitted on briefs, without oral argument, unless otherwise ordered. Comment: AND NOW, this 8th day of December, 2022, the above Notice of Appeal shall be submitted on briefs, without oral argument, unless otherwise ordered.			
January 31, 2023	Order Filed Per Curiam			01/31/2023
	Document Name: Prothonotary is directed to list this matter for Oral Argument En Banc Comment: NOW, January 31, 2022, the Prothonotary is directed to list the abovecaptioned matter for oral argument before the Court sitting en banc on the next available argument list.			
February 2, 2023	Tentative Session Date			
	Krimmel, Michael Document Name: May 2023 (Pittsburgh)			
March 14, 2023	Application to be Admitted Pro Hac Vice Filed			
	Knudsen Burke, Paula Knudsen Burke, Paula	Hailer, Brittany Pittsburgh Current	Appellant Appellant	
	Document Name: for Alexandra Dudding			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 21, 2023	Argument Scheduled Krimmel, Michael			
	Document Name: Wednesday, May 10, 2023, 9:30 a.m. (En Banc), Supreme Court Courtroom, Eighth Floor, Comment: 414 Grant Street, City-County Building, Pittsburgh, PA No. 11 on the list.			
March 22, 2023	Order Granting Application to be Admitted Pro Hac Vice Per Curiam			03/22/2023
	Document Name: Alexandra Dudding, Esq is admitted Pro Hac Vice for Appellants Comment: NOW, March 22, 2023, upon consideration of the Motion of Paula Knudsen Burke, Esq., for Admission Pro Hac Vice of Alexandra Dudding, Esq., on behalf of Appellants, it is hereby ordered: (1) Alexandra Dudding, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Appellants in this matter; (2) Alexandra Dudding, Esq. shall abide by the rules of this Court including all disciplinary rules; (3) Alexandra Dudding, Esq. shall immediately notify this Court of any matter affecting her standing at the bar of any other court where she may be admitted to practice; and, (4) Paula Knudsen Burke, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Appellants.			
July 11, 2023	Reversed Ceisler, Ellen			07/11/2023
	Document Name: Opinion : Order of Allegheny County CCP is REVERSED. Comment: AND NOW, this 11th day of July, 2023, the December 1, 2021 order of the Allegheny County (County) Court of Common Pleas is hereby REVERSED. The County is directed to produce the records responsive to the December 23, 2020 request submitted by Brittany Hailer and Pittsburgh Current pursuant to the Right-to-Know Law.1 1 Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101-67.3104.			
September 14, 2023	Remitted Commonwealth Court Filing Office			
	Document Name: PACFiled Record. No Acknowledgement needed			

SESSION INFORMATION

Journal Number: 11-05-2023
 Consideration Type: En Banc Argument
 Listed/Submitted Date: May 10, 2023

Panel Composition:

The Honorable Renee Cohn Jubelirer	President Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Anne E. Covey	Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Christine Fizzano Cannon	Judge
The Honorable Ellen Ceisler	Judge
The Honorable Stacy Wallace	Judge

DISPOSITION INFORMATION

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DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Ceisler, Ellen
Category:	Decided	Disposition Date:	July 11, 2023
Disposition:	Reversed		
Disposition Comment:	AND NOW, this 11th day of July, 2023, the December 1, 2021 order of the Allegheny County (County) Court of Common Pleas is hereby REVERSED. The County is directed to produce the records responsive to the December 23, 2020 request submitted by Brittany Hailer and Pittsburgh Current pursuant to the Right-to-Know Law.1		
	1 Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101-67.3104.		
Dispositional Filing:	Opinion	Filing Author:	Ceisler, Ellen
Filed Date:	7/11/2023 12:00:00AM		
Dispositional Filing:	Dissenting Opinion	Filing Author:	Wojcik, Michael H.
Filed Date:	7/11/2023 12:00:00AM		