

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

IN RE: JONATHAN LUNA

No. CI-20-01310

LNP MEDIA GROUP, INC.,  
Proposed Intervenor

ENTERED AND FILED  
20 MAR -2 AM 9:43  
PROthonary's OFFICE  
LANCASTER, PA

ORDER

AND NOW, this 2<sup>nd</sup> day of March, 2020, upon consideration of the Motion of LNP Media Group, Inc., to Intervene, and the Commonwealth's response thereto,<sup>1</sup> it is hereby ORDERED that said Motion is GRANTED IN PART and DENIED IN PART as follows:

1. LNP Media Group, Inc., shall be granted intervenor status<sup>2</sup>;
2. To the extent the Motion to Intervene also constitutes a request to unseal the records of the Coroner's Office for the above-named decedent and grant access to those sealed documents, said request is denied without prejudice to LNP Media Group, Inc., filing a motion to access the sealed documents within 20 days of the date of this Order<sup>3</sup>;

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<sup>1</sup>The Commonwealth offers no argument in opposition to the request of LNP Media Group, Inc., to intervene. The Commonwealth does argue, however, against the challenge of LNP Media Group, Inc., to this court's determination that the records at issue must be sealed to protect the integrity of the ongoing criminal investigation.

<sup>2</sup>"The filing of a motion to intervene in a criminal case by the news media has long been recognized by [our Supreme] Court as an appropriate means of raising assertions of public access to information regarding criminal case proceedings." **In re 2014 Allegheny County Investigating Grand Jury**, 181 A.3d 349, 351 (Pa. Super. 2018) (*quoting Commonwealth v. Fenstermaker*, 515 Pa. 501, 504 n.1, 530 A.2d 414, 416 n.1 (1987)), *aff'd* — Pa. —, — A.3d —, 2019 WL 5682037 (Pa. Oct. 31, 2019). *See also Commonwealth v. Upshur*, 592 Pa. 273, 278 n.2, 924 A.2d 642, 645 n.2 (2007); **Capital Cities Media, Inc. v. Toole**, 506 Pa. 12, 483 A.2d 1339, 1344 (1984); **PA Childcare LLC v. Flood**, 887 A.2d 309, 312 (Pa. Super. 2009); Pa.R.Civ.P. 2327(4).

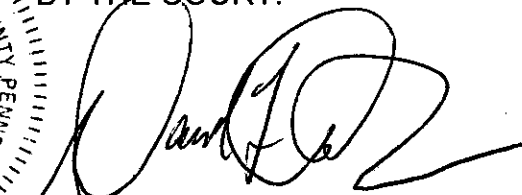
<sup>3</sup>Our Supreme Court has explained: "Intervention of this type may properly be termed *de bene esse*, to wit, action that is provisional in nature and for the limited purpose of permitting the intervenor to file a motion, to be considered separately, requesting that access to

and


3. The request by LNP Media Group, Inc., for a hearing "at which the District Attorney will be directed to present evidence . . . to support sealing [the coroner] records [for Jonathan Luna] in whole or in part" is denied without prejudice to LNP Media Group, Inc., requesting a hearing on any subsequent motion.



BY THE COURT:

  
DAVID L. ASHWORTH  
PRESIDENT JUDGE

ATTEST:

  
Clerk

Copies to: Todd E. Brown, First Assistant District Attorney - *sub-officed*  
Christina L. Hausner, Esquire, Lancaster County Solicitor - *sub-officed*  
Craig J. Staudenmaier, Esquire, Nauman, Smith, Shissler & Hall, LLP, 200 *mailed*  
North Third Street, 18<sup>th</sup> Floor, P.O. Box 840, Harrisburg, PA 17108-0840

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: *3/2/20 LG*

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proceedings or other matters be granted." *In re 2014 Allegheny County Investigating Grand Jury*, 181 A.3d at 351 (quoting *Fenstermaker, supra* at 504 n.1, 530 A.2d at 416 n.1). Thus, after having been granted intervenor status, the intervenor shall thereafter file a separate motion requesting access to proceedings or records. In this case, having had its motion to intervene granted, LNP Media Group, Inc., must now file a separate motion requesting access to the sealed documents in question.