

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

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IN RE: FORTIETH STATEWIDE	:	No. 106 WM 2018
INVESTIGATING GRAND JURY	:	
	:	Supreme Court of Pennsylvania
APPLICATION OF:	:	2 W.D. MISC. DKT. 2016
PHILADELPHIA MEDIA NETWORK,	:	
PBC, ET AL.	:	Allegheny County Court of
	:	Common Pleas
	:	CP-02-MD-571-2016
	:	
	:	Notice Number 1

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**REPLY TO APPLICATION TO  
INTERVENE TO SEEK PUBLIC ACCESS TO GRAND JURY REPORT  
AND ASSOCIATED DOCKET SHEETS AND FILINGS**

Two of the Respondents in the above-captioned case together with the individual listed as [REDACTED] on the Offender list for the Diocese of Pittsburgh, through the Executrix of his estate, reply to the Application to Intervene to Seek Public Access to Grand Jury Report and Associated Docket Sheets and Filings (“Application”) as follows:

1. The individuals filing this response, collectively referred to herein as “Improperly Named Parties,”<sup>1</sup> acknowledge that the Intervenors listed in

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<sup>1</sup> Since filing The Petition for Relief in this matter, and as set forth on page 11 of the Petition, counsel for the parties has conferred with the Executrix of the estate of the person named in [REDACTED] on the Offender list and, should this Court allow the Petitioners to establish that they should not have been named as offenders, a hearing will be sought on behalf of the improperly named deceased person.

paragraphs 1 through 7 of the Application are members of the media who have standing to assert their right to intervene in these proceedings, and to assert their rights to seek access to Report No. 1 of the Fortieth Statewide Investigating Grand Jury and the related materials sought by them.

2. The Improperly Named Parties oppose the attached Application for Public Access to Grand Jury Report and Associated Docket Sheets and Filings, insofar as the Media Intervenors seek full unredacted release of the report and associated docket sheets and filings. The simple reason for this opposition is that the Improperly Named Parties and any others similarly situated have not done anything that warrants naming or branding them as offenders. The Investigating Grand Jury Act requires that the facts set forth in its reports be supported by a preponderance of the evidence. 45 Pa.C.S. §4532 (b). Such evidence does not exist as to these three individuals and they are entitled to an opportunity to demonstrate that before being defamed.<sup>2</sup>

3. Should this Court grant the alternate relief suggested by the Media Intervenors and redact their names, those portions of the report mentioning them,

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<sup>2</sup> The Improperly Named Parties adopt the legal arguments made in the Response in Opposition of Clergy Petitioners to Media Intervenors' Application to Intervene and Application to Obtain Public Access to Grand Jury Report and Associated Docket Sheets and Filings, being filed today.

and any other references to them and do so for any other individuals similarly situated, they would not oppose such relief.

Respectfully submitted,

/s/ Paul H. Titus

Paul H. Titus, Esq.

PA Id. No. 01399

Schnader Harrison Segal & Lewis LLP

Suite 2700, Fifth Avenue Place

120 Fifth Avenue

Pittsburgh, PA 15222

ptitus@schnader.com

(412) 577-5200

*Counsel for Respondents*

Date: July 5, 2018

**CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 127 of the Pennsylvania Rules of Appellate Procedure, 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.

Dated: July 5, 2018

SCHNADER HARRISON SEGAL & LEWIS, LLP

By: /s/ Paul H. Titus  
Paul H. Titus  
Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700  
120 Fifth Avenue  
Pittsburgh, PA 15222-3001  
Telephone: (412) 577-5200  
E-mail: [ptitus@schnader.com](mailto:ptitus@schnader.com)

*Counsel for Respondents*



**CERTIFICATE OF SERVICE**

I, Paul H. Titus, being duly sworn according to law, do hereby state and aver that I caused true and correct copies of the foregoing document, titled **REPLY TO APPLICATION TO INTERVENE TO SEEK PUBLIC ACCESS TO GRAND JURY REPORT AND ASSOCIATED DOCKET SHEETS AND FILINGS**, to be sent to the following, as indicated:

**Via Electronic Mail and U.S. First-Class Mail, Postage Pre-Paid:**

The Hon. Norman A. Krumenacker, III  
[nakadmin@co.cambria.pa.us](mailto:nakadmin@co.cambria.pa.us)  
Supervising Judge, 40<sup>th</sup> Statewide  
Investigating Grand Jury  
Cambria County Court of Common Pleas  
Cambria County Courthouse  
200 South Center Street  
Ebensburg, PA 15931

Daniel Dye  
[ddye@attorneygeneral.gov](mailto:ddye@attorneygeneral.gov)  
Senior Deputy Attorney General  
Criminal Prosecutions Section  
1600 Strawberry Square  
Harrisburg, PA 17120

Julie L. Horst  
[jhorst@attorneygeneral.gov](mailto:jhorst@attorneygeneral.gov)  
Grand Jury Executive Secretary  
Criminal Law Division  
1600 Strawberry Square  
Harrisburg, PA 17120

Eli Segal  
[segale@pepperlaw.com](mailto:segale@pepperlaw.com)  
Michael A. Schwartz  
[schwartzma@pepperlaw.com](mailto:schwartzma@pepperlaw.com)  
Pepper Hamilton LLP  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799  
*Attorneys for Media Intervenors*

Schnader Harrison Segal & Lewis LLP

By:     /s/ Paul H. Titus      
Paul H. Titus  
Attorney I.D. No. 01399  
*Counsel for Respondents*

Dated: July 5, 2018