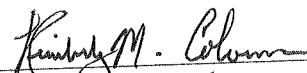


Pursuant to Pa.R.Civ.P. 401(c), I certify this to be a true copy of the document filed with the Court.


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DEBRA C. HINEL
PROTHONOTARY
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA

JONATHAN D. GRINE
Plaintiff

v.

NO. 2015-1080

COUNTY OF CENTRE, THE McSHANE
FIRM, LLC, and THEODORE C. TANSKI,
Defendants

**PLAINTIFF'S PETITION FOR EMERGENCY INJUNCTION
AND PRELIMINARY INJUNCTION**

Pursuant to Pa. R. Civ. P. 1531, Plaintiff Jonathan D. Grine ("Judge Grine") seeks a preliminary injunction requiring Defendants to take certain actions with regard to information that was improperly disclosed by Centre County (the "County") in response to a Right-to-Know Request. **Because the circumstances require urgent action to prevent immediate and irreparable harm from occurring, Judge Grine requests that the Court enter an emergency injunction order, without prior notice and hearing.** In support of this Petition, Judge Grine states as follows:

1. Injunctive relief is proper where the parties seeking such relief can demonstrate that (1) they have a clear right to relief; (2) there is a likelihood of immediate and irreparable harm which cannot be compensated by damages; (3) an injunction would restore the parties to the status quo as it existed prior to a defendant's wrongful conduct; (4) a greater injury may result from denial of the injunction than from its being granted; and (5) the injunction is reasonably suited to abate such activity. John G. Bryant Co., Inc. v. Sling Testing and Repair, Inc., 369 A.2d 1164 (Pa. 1977).

2. Simultaneously with this Motion, Plaintiff has filed a Complaint in this Court asserting claims for declaratory relief and for violation of the constitutional right of privacy. The allegations of the Complaint are incorporated herein by reference.

3. As set forth in the Complaint filed in this action, Defendant Theodore C. Tanski ("Tanski"), in his capacity as an attorney with The McShane Firm, LLC ("McShane Firm"), submitted a Right-to-Know request to Centre County (the "County").

4. The Right-to-Know request sought information about certain telephone communications made by Judge Grine between September 16, 2014 and November 12, 2014.

5. Under the Right-to-Know Law, records "containing all or part of a person's ...cellular or personal telephone number" are completely exempt from disclosure under the Right-to-Know Law. 65 P.S. § 67.708(b)(6)(i)(A).

6. Under the Right-to-Know Law, the records of judicial agencies, except for financial records, are not subject to disclosure. Court of Common Pleas of Lackawanna v. Office of Open Records, 2 A.3d 810, 813 (Pa. Commw. 2010); 65 P.S. § 67.304; 65 P.S. § 67.102.

7. The "Right-to-Know Law defines "financial records" as records that deal with the receipt or disbursement of funds, including funds expended for services, supplies, materials, equipment, property, salaries, expenses; and financial audit reports. 65 P.S. 67.102.

8. The fact that a county may have copies of or access to records of judicial agencies does not make those records subject to disclosure under the Right-to-Know Law. Lackawanna v. OOR, 2 A.3d at 813.

9. The County produced to Tanski and the McShane Firm records regarding Judge Grine's telephone communications including records that showed partial telephone numbers.

10. Upon information and belief, the County sought out information from a third party and created a telephone log that it produced to Tanski and the McShane Firm, purportedly in response to their Right-to-Know request.

11. The records produced by the County to Tanski and the McShane Firm were not financial records of a judicial agency and were not county records subject to the Right-to-Know Law. Lackawanna v. OOR, 2 A.3d at 813.

12. The County produced the records to Tanski and the McShane Firm: (a) despite the fact that the records containing partial telephone numbers are exempt from disclosure under the Right-to-Know Law; (b) despite the fact that the County has no authority to disclose the records of a judicial agency; and, (c) despite the fact that the records requested were not subject to the Right-to-Know Law.

13. The County's actions were in blatant violation of the Right-to-Know Law, precedential decisions issued by Pennsylvania courts, and in blatant disregard of Judge Grine's right to privacy.

14. Judge Grine has a clear right to relief on the claims asserted in the Complaint.

MOTION FOR PRELIMINARY INJUNCTION

15. Paragraphs one (1) through fourteen (14) above are incorporated herein by reference.

16. Unless the Defendants are prevented from disclosing or using the information that the County produced in violation of the Right-to-Know Law, Judge Grine will suffer immediate and irreparable harm which cannot be compensated by damages.

17. Unless the Defendants are required to destroy all copies of the information that the County produced in violation of the Right-to-Know Law, Judge Grine will suffer immediate and irreparable harm which cannot be compensated by damages.

18. An injunction will restore the parties to the status quo ante because it will put the parties back into the positions that they were in prior the time that the County violated the Right-to-Know Law by producing information that is exempt from disclosure under the law – the information will not be available for use or further disclosure by any of the Defendants.

19. A greater injury will result from the denial of the injunction than from its being granted because the injunction will correct the County's improper action of disclosing information that is exempt from the Right-to-Know Law.

20. The injunction requested is reasonably calculated to abate the harmful conduct because it will prevent further disclosure or any use of the information that should not have been produced by the County.

WHEREFORE, Plaintiff Jonathan D. Grine petitions the Court to enter a preliminary injunction: (a) prohibiting the Defendants from disclosing any information related to Judge

Grine's telephone communications; (b) requiring Defendants to deliver to Judge Grine a copy of all records in their possession that were produced in response to any Right-to-Know request and that contain information about Judge Grine's telephone communications; and, (c) requiring Defendants to destroy all other copies of such records, including any paper or electronic copies, that they have in their possession.

MOTION FOR EMERGENCY INJUNCTIVE RELIEF

21. Paragraphs one (1) through twenty (20) above are incorporated herein by reference.

22. Upon information and belief, the County has not disclosed information regarding Judge Grine's telephone communications other than the disclosure made in response to the Right-to-Know Request submitted by Tanski and the McShane Firm.

23. Upon information and belief, the information regarding Judge Grine's telephone communications have not yet been used or disclosed by Tanski or the McShane Firm.

24. Upon information and belief, records of other judge's telephone communications have been the subject of press coverage and court motions practice that have cast certain court officers in an unfavorable light, by suggesting bias, partiality, and other impropriety.

25. Judge Grine has not been the subject of any press coverage or motions practice related to the telephone communications that were identified in the County's response to the Right-to-Know request.

26. Further disclosure of the information regarding Judge Grine's telephone communications will cause irreparable harm to Judge Grine's reputation in the community.

27. Further disclosure of information regarding Judge Grine's telephone communications will also violate Judge Grine's right to privacy guaranteed under the Article I, Sections 1 and 8 of the Pennsylvania Constitution.

28. Any delay in the award of injunctive relief creates a risk that the information will be further disclosed, thereby causing immediate and irreparable harm to Judge Grine.

WHEREFORE, Plaintiff Jonathan D. Grine petitions the Court to enter an emergency injunction, prior to the entry of a preliminary injunction, prohibiting the Defendants from disclosing any information related to Judge Grine's telephone communications.

McNEES WALLACE & NURICK LLC

By

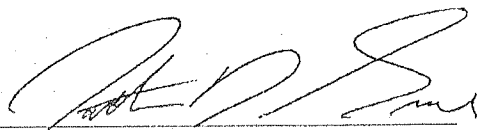


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Dated: March 16, 2015

VERIFICATION

Subject to 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities, I verify that that the facts set forth in the foregoing document are true and correct to the best of my knowledge or information and belief.



Jonathan D. Grine

Dated: March 16, 2015