

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY,  
PENNSYLVANIA – CIVIL DIVISION

JOHN DOE 1, : Civil Action No. 2014-4623  
: :  
JOHN DOE 2, : :  
: :  
JOHN DOE 3, : :  
: :  
JANE DOE 1, : *Judge:*  
: :  
: **Class Action Complaint – Pursuant**  
: **to 18 PA.C.S. § 6111. Breach of**  
: **Confidentiality / Invasion of Privacy,**  
: **Breach of 18 PA.C.S. § 6109(h) and**  
: **Fiduciary Duties, and Conversion**  
  
Plaintiffs, :  
v. :  
FRANKLIN COUNTY, :  
FRANKLIN COUNTY SHERIFF'S :  
OFFICE, :  
FRANKLIN COUNTY SHERIFF :  
DANE ANTHONY, :  
EMPLOYEE JOHN/JANE DOES :  
Defendants :

PROTHONOTARY  
FRANKLIN COUNTY PA  
2014 DEC 19 AM 11:15  
LINDA L. BISHOP  
PROTHONOTARY  
DEPUTY JM

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

1/5/15

AGBA

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TRUE COPY

*Jeanie Mangum*  
LINDA L. BISHOP, PROTHONOTARY

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**FRANKLIN COUNTY BAR ASSOCIATION  
SUITE E  
100 LINCOLN WAY EAST  
CHAMBERSBURG, PA 17201  
1-717-267-2032  
1-717-264-1992 (fax)**

**AVISO**

Le han demandado a usted en el tribunal. Si usted quiere defenderse de las demandas expuestas en las páginas siguientes, usted debe tomar acción en el plazo de veinte (20) días a partir de la fecha en que se le hizo entrega de la demanda y la notificación, al interponer una comparecencia escrita, en persona o por un abogado y registrando por escrito en el tribunal sus defensas o sus objeciones a las demandas en contra de su persona. Se le advierte que si usted no lo hace, el caso puede proceder sin usted y podría dictarse un fallo por el juez en contra suya sin notificación adicional y podría ser por cualquier dinero reclamado en la demanda o por cualquier otro reclamo o agravio en la demanda solicitado por el demandante. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**USTED DEBE LLEVARLE ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O NO PUEDE CORRER CON LOS GASTOS DE UNO, VAYA O LLAME POR TELEFONO A LA OFICINA EXPUESTA ABAJO. ESTA OFICINA PUEDE PROVEERLE INFORMACION RESPECTO A COMO CONTRATAR A UN ABOGADO.**

**SI NO PUEDE CORRER CON LOS GASTOS PARA CONTRATAR A UN ABOGADO, ESTA OFICINA PUDIERA PROVEERLE INFORMACION RESPECTO A INSTITUCIONES QUE PUEDAN OFRECER SERVICIOS LEGALES A PERSONAS QUE CALIFICAN PARA LA REDUCCION DE HONORARIOS O QUE NO TENGAN QUE PAGAR HONORARIOS.**

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Attorney for Plaintiffs

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JANE DOE 1,	:	
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Plaintiffs,	:	<b>Class Action Complaint – Pursuant</b>
v.	:	<b>to 18 PA.C.S. § 6111, Breach of</b>
	:	<b>Confidentiality / Invasion of Privacy,</b>
FRANKLIN COUNTY,	:	<b>Breach of 18 PA.C.S. § 6109(h) and</b>
	:	<b>Fiduciary Duties, and Conversion</b>
FRANKLIN COUNTY SHERIFF’S	:	
OFFICE,	:	
	:	
FRANKLIN COUNTY SHERIFF	:	
DANE ANTHONY,	:	
	:	
EMPLOYEE JOHN/JANE DOES	:	
	:	
	:	
Defendants	:	

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**CLASS ACTION COMPLAINT**

Plaintiffs, John Doe 1, John Doe 2, John Doe 3, and Jane Doe 1, who will disclose their names and information after this matter is sealed due to the confidential nature of this action, as well as on behalf of themselves and all persons similarly situated who have had their confidential license to carry firearms applicant information disclosed by

Defendants, by and through their attorneys, Joshua Prince and Prince Law Offices, P.C., hereby file this complaint against Franklin County, the Franklin County Sheriff's Office, Franklin County Sheriff Dane Anthony and Employee John/Jane Does for violations of 18 PA.C.S. § 6111, breach of confidentiality and invasion of privacy, based upon the following:

#### **JURISDICTION AND VENUE**

1. This action is brought pursuant to 18 Pa.C.S. § 6111(i). Jurisdiction is based upon 2 Pa.C.S. § 752, 18 Pa.C.S. §§ 6109, 6111 and 6114, and 42 Pa.C.S. § 931.

2. Venue is proper pursuant to 42 Pa.C.S. § 931 and Pa.R.C.P. Nos. 1006(a)(1) and 2103(b) because: (1) all currently known Defendants are Franklin County Officials or Franklin County governmental units or departments; (2) the Defendants may be served in Franklin County; (3) the cause of action arose and transactions or occurrences took place out of which the cause of action arose in Franklin County; and (4) the Plaintiffs are or were residents of Franklin County and were harmed there from the disclosure.

#### **PARTIES<sup>1</sup>**

3. Plaintiff John Doe 1 is an adult and resident of Chambersburg, Franklin County, whose confidential information was disclosed by Defendants in violation of 18 Pa.C.S. § 6111(i).

4. Plaintiff John Doe 2 is an adult and resident of Mercersburg, Franklin County, whose confidential information was disclosed by Defendants in violation of 18 Pa.C.S. § 6111(i).

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<sup>1</sup> Plaintiffs will provide their names and further identifying information after this action is sealed so to prevent further disclosure and harm, pursuant to 18 PA.C.S § 6111.

5. Plaintiff John Doe 3 is an adult and resident of Marion, Franklin County, whose confidential information was disclosed by Defendants in violation of 18 Pa.C.S. § 6111(i).

6. Plaintiff Jane Doe 1 is an adult and resident of Chambersburg, Franklin County, whose confidential information was disclosed by Defendants in violation of 18 Pa.C.S. § 6111(i).

7. Defendant Franklin County (hereinafter the "County") is a local government agency of the Commonwealth of Pennsylvania and which owns, operates, manages, directs and controls the Franklin County Sheriff's Office, Franklin County Sheriff Dane Anthony, and the Employee John/Jane Does, all of which are also named as Defendants in this action.

8. Defendant Franklin County Sheriff's Office (hereinafter "Sheriff's Office") is a department of Franklin County, which receives, reviews, processes and makes determination on Pennsylvania License to Carry Firearms ("LTCF") applications and renewals, pursuant to 18 Pa.C.S. § 6109.

9. Defendant Franklin County Sheriff Dane Anthony (hereinafter "Sheriff Anthony") is an adult individual whom is the Sheriff of Franklin County and is thereby employed by and an agent of the County of Franklin and operates, manages, directs and controls the Franklin County Sheriff's Office.

10. Defendants Employee John/Jane Does (hereinafter "Employee Does") are those employees, of any gender, that were employed by or an agent of any or all of the Defendants previously listed and which were involved in, promoted, condoned, provided, or otherwise made accessible confidential LTCF information to the public.

**THE PENNSYLVANIA UNIFORM FIREARMS ACT**

11. The Pennsylvania Uniform Firearms Act (hereinafter "UFA") is set forth at 18 Pa.C.S. §§ 6101, et seq.

12. Pursuant to Section 6109 of the UFA, an individual who is 21 year of age and a resident of the Commonwealth is to make application for his/her LTCF "with the sheriff of the county in which he resides or, if a resident of a city of the first class, with the chief of police of that city."

13. As there is no city of the first class in Franklin County, all residents of Franklin County must apply with the Franklin County Sheriff's Office and Sheriff Anthony.

14. Section 6111(i) of the UFA provides:

**Confidentiality.**--All information provided by the ... applicant, including, but not limited to, the ... applicant's name or identity, furnished by ... any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of \$1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.

15. Pursuant to Section 6109(h)(1), of the \$19.00 fee that an applicant must submit for an LTCF, there is a "renewal notice processing fee of \$1.50" and administrative fee of \$5 for the Sheriff Fee Act.

16. Pursuant to Section 6109(f)(2), "[a]t least 60 days prior to the expiration of each license, the issuing sheriff shall send to the licensee an application for renewal of license."

17. Pursuant to Section 6109(f)(1), an LTCF is valid, unless revoked, for a period of five (5) years.

**FACTS**

18. Since prior to January 1, 2009, Defendants have issued and mailed postcards through the US Postal Service, without utilizing envelopes, stating the LTCF applicant's name, address and "Pistol Permit – Your PERMIT has been approved and may be picked up Monday thru Friday between the Hours of 8:30 AM and 4:00PM. It is not necessary to respond within 5 days." A redacted copy of the postcard utilized by Defendants is attached hereto and incorporated herein as Exhibit A.

19. It is also believed and therefore averred that since prior to January 1, 2009, any denials of LTCF applications or revocations of LTCF licenses, pursuant to Section 6109, were issued and mailed by Defendants utilizing postcards through the US Postal Service, without utilizing envelopes, stating the LTCF applicant's name, address and that the applicant's application was denied or that the license holder's license was being revoked.

20. Since prior to January 1, 2009, although Section 6109(h) provides for \$1.50 for purposes of sending a renewal notice to the LTCF holder, Defendants have failed to issue renewal notices or refund the \$1.50 to some LTCF holders.

21. Since prior to January 1, 2009, if Defendants have issued renewal notices to some LTCF holders, Defendants have issued and mailed renewal postcards through the US Postal Service, without utilizing envelopes, stating the LTCF holder's name, address and "Pistol Permit – Our Records indicate that your Permit to Carry a Firearm will soon expire. You may pick up an application for renewal at our Office – Please allow 30 days

for online processing. Application is available online at [www.co.franklin.pa.us](http://www.co.franklin.pa.us). If already renewed, please disregard.”

22. The postcards issued by Defendants were visible by all individuals processing, mailing and serving the mail, as well as, by any individual receiving the postcard at the address, who may or may not be the applicant or license holder.

23. Although Sheriff Anthony was previously informed about the unlawful disclosure of confidential LTCF applicant information through the use of the postcards by John Doe 2, Defendants have failed to take any corrective action.

24. The LTCF Application form utilized by Defendants is available on the Sheriff's Office website [http://www.franklincountypa.gov/SiteCollectionDocuments/Sheriff/Carry Gun Permit Application.pdf](http://www.franklincountypa.gov/SiteCollectionDocuments/Sheriff/Carry_Gun_Permit_Application.pdf) and declares on page 3 “**PRIVACY ACT NOTICE...All information supplied, including your social security number, is confidential and not subject to public disclosure.**” (Emphasis in original). A copy of the LTCF Application utilized by Defendants it attached hereto and incorporated herein as Exhibit B.

25. The Pennsylvania State Police's 2009 Firearms Annual Report reflects that the Franklin County Sheriff's Office issued 1,817 LTCFs. *See*, [http://www.psp.pa.gov/firearms-information/Firearms%20Annual%20report/Pennsylvania State Police 2009 Firearms Annual Report.pdf](http://www.psp.pa.gov/firearms-information/Firearms%20Annual%20report/Pennsylvania_State_Police_2009_Firearms_Annual_Report.pdf).

26. The Pennsylvania State Police's 2010 Firearms Annual Report reflects that the Franklin County Sheriff's Office issued 1,580 LTCFs. *See*, <http://www.psp.pa.gov/firearms->



[information/Firearms%20Annual%20report/Pennsylvania State Police 2010 Firearms Annual Report.pdf](http://www.psp.pa.gov/firearms-information/Firearms%20Annual%20report/Pennsylvania_State_Police_2010_Firearms_Annual_Report.pdf).

27. The Pennsylvania State Police's 2011 Firearms Annual Report reflects that the Franklin County Sheriff's Office issued 2,237 LTCFs. *See,*

<http://www.psp.pa.gov/firearms->

[information/Firearms%20Annual%20report/Pennsylvania State Police 2011 Firearms Annual Report.pdf](http://www.psp.pa.gov/firearms-information/Firearms%20Annual%20report/Pennsylvania_State_Police_2011_Firearms_Annual_Report.pdf).

28. The Pennsylvania State Police's 2012 Firearms Annual Report reflects that the Franklin County Sheriff's Office issued 3,111 LTCFs. *See,*

<http://www.psp.pa.gov/firearms->

[information/Firearms%20Annual%20report/Pennsylvania State Police 2012 Firearms Annual Report.pdf](http://www.psp.pa.gov/firearms-information/Firearms%20Annual%20report/Pennsylvania_State_Police_2012_Firearms_Annual_Report.pdf).

29. The Pennsylvania State Police's 2013 Firearms Annual Report reflects that the Franklin County Sheriff's Office issued 3,413 LTCFs. *See,*

<http://www.psp.pa.gov/firearms->

[information/Firearms%20Annual%20report/Pennsylvania State Police 2013 Firearms Annual Report.pdf](http://www.psp.pa.gov/firearms-information/Firearms%20Annual%20report/Pennsylvania_State_Police_2013_Firearms_Annual_Report.pdf).

30. The Pennsylvania State Police's 2014 Firearms Annual Report has not yet been released; however, from 2009 through 2013, Franklin County Sheriff's Office issued 12,158 LTCFs.

**Facts Relating to John Doe 1<sup>2</sup>**

31. John Doe 1 was at least twenty-one years of age and a resident of Franklin County at the time he submitted a renewal LTCF application to the Sheriff's Office.

32. John Doe 1 never received a renewal notice from Defendants.

33. John Doe 1 applied for renewal of his LTCF at the Sheriff's Office, using the LTCF Application he was provided by the Sheriff's Office.

34. On or about May 17, 2014, John Doe 1 received a postcard from Defendants announcing that his LTCF renewal had been approved.

35. John Doe 1's confidential LTCF information relating to his LTCF renewal application, including his name, address, and that his renewal application for an LTCF was approved, was disclosed publicly by Defendants in processing, mailing and having served the approval postcard.

36. The fee paid by John Doe 1 in relation to his prior application, included the requisite \$1.50 for the renewal notice; yet, he neither received a renewal notice nor a refund of the \$1.50.

**Facts Relating to John Doe 2<sup>3</sup>**

37. John Doe 2 was at least twenty-one years of age and a resident of Franklin County at the time he submitted an LTCF application to the Sheriff's Office.

38. In or about July of 2013, John Doe 2 applied for an LTCF at the Sheriff's Office, using the most recent version of the LTCF Application.

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<sup>2</sup> Plaintiff will provide his name and further identifying information after this action is sealed so to prevent further disclosure and harm, pursuant to 18 PA.C.S § 6111.

<sup>3</sup> Plaintiff will provide his name and further identifying information after this action is sealed so to prevent further disclosure and harm, pursuant to 18 PA.C.S § 6111.

39. Approximately two weeks later, John Doe 2 received a postcard from Defendants announcing that his LTCF had been approved.

40. John Doe 2's confidential LTCF information relating to his LTCF application, including his name, address, and that his application for an LTCF was approved, was disclosed publicly by Defendants in processing, mailing and having served the approval postcard.

**Facts Relating to John Doe 3<sup>4</sup>**

41. John Doe 3 was at least twenty-one years of age and a resident of Franklin County at the time he submitted a renewal LTCF application to the Sheriff's Office.

42. In 2012, John Doe 3 received a renewal notice from Defendants stating that his LTCF would soon expire and that he had to file for renewal.

43. John Doe 3 applied for renewal of his LTCF at the Sheriff's Office, using the LTCF Application he was provided by the Sheriff's Office.

44. Several weeks later, John Doe 3 received a postcard from Defendants announcing that his LTCF renewal had been approved.

45. John Doe 3's confidential LTCF information relating to his LTCF renewal application, including his name, address, and that his renewal application for an LTCF was approved, was disclosed publicly by Defendants in processing, mailing and having served the renewal notice postcard.

46. John Doe 3's confidential LTCF information relating to his LTCF application, including his name, address, and that his application for an LTCF was

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<sup>4</sup> Plaintiff will provide his name and further identifying information after this action is sealed so to prevent further disclosure and harm, pursuant to 18 PA.C.S § 6111.

approved, was disclosed publicly by Defendants in processing, mailing and having served the approval postcard.

**Facts Relating to Jane Doe 1<sup>5</sup>**

47. Jane Doe 1 was at least twenty-one years of age and a resident of Franklin County at the time she submitted a renewal LTCF application to the Sheriff's Office.

48. Jane Doe 1 never received a renewal notice from Defendants.

49. Jane Doe 1 applied for renewal of her LTCF at Sheriff Offices, using the LTCF Application she was provided by the Sheriff's Office.

50. On or about May 17, 2014, Jane Doe 1 received a postcard from Defendants announcing that her LTCF renewal had been approved.

51. Jane Doe 1's confidential LTCF information relating to her LTCF application, including her name, address, and that her application for an LTCF was approved, was disclosed publicly by Defendants in processing, mailing and having served the approval postcard.

52. The fee paid by Jane Doe 1 in relation to her prior application, included the requisite \$1.50 for the renewal notice; yet, she neither received a renewal notice nor a refund of the \$1.50.

**CLASS ACTION ALLEGATIONS**

53. The foregoing paragraphs are incorporated herein as if set forth in full.

54. Plaintiffs bring this action as a Class Action, pursuant to Pa.R.C.P. 1707 and 1708

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<sup>5</sup> Plaintiff will provide his name and further identifying information after this action is sealed so to prevent further disclosure and harm, pursuant to 18 PA.C.S § 6111.

55. All Plaintiffs are at least 21 years of age and are or were at the time residents of Franklin County.

56. All Plaintiffs have applied for an LTCF through the Sheriff's Office and have either been granted, denied or had their LTCF revoked by Defendants County, Sheriff's Office and Sheriff Anthony.

57. Defendants disclosed all Plaintiffs' information through the use of postcards, which were mailed through the US Postal Service, without utilizing envelopes.

58. This Class Action consists of all similarly situated individuals that have applied for their LTCF in Franklin County and have:

- a. Had their names, addresses or other confidential information disclosed on approval postcards;
- b. Had their names, addresses or other confidential information disclosed on denial postcards;
- c. Had their names, addresses or other confidential information disclosed on revocation postcards;
- d. Had their names, addresses or other confidential information disclosed on renewal postcards; and/or
- e. Neither received a renewal postcard nor a refund of their \$1.50 renewal notice fee.

59. The Class is so numerous, believing to be comprised of more than 12,000 individuals that joinder of all members is impractical.

60. There exist questions of law and fact common to the Class, namely disclosure of confidential LTCF application information by Defendants in violation of 18 Pa.C.S. § 6111(i).

61. To Plaintiffs' knowledge, no other actions have yet been filed relating to Defendants' disclosure.

62. Plaintiffs' claims are typical of the claims of the Class that they represent as Plaintiffs' confidential information was disclosed by Defendants to the public through the issuance of postcards without utilizing envelopes.

63. Plaintiffs possess the same interest and have suffered the same injury as the other class members.

64. Plaintiffs will fairly and adequately protect interests of the proposed Class, as their claims are in alignment with those of other Class members.

65. Each person in this Class has had their confidential LTCF application information disclosed by Defendants.

66. The complexity of this action, including discovery and the need to limit disclosure of the confidential applicant information to the extent possible, in combination with the expense of litigating the separate claims of individual Class members, which could result in a thousand or more complaints, warrant a class being certified.

67. Defendants have violated statutorily protected rights of all Class members and final injunctive and declaratory relief, in addition to statutory damages and an award of attorneys' fees and expenses, are appropriate with regard to the class as a whole.

68. Pursuant to 18 Pa.C.S. § 6111(i), each member of the Class is entitled to statutory damages of \$1,000, per discloser, per disclosure, plus attorneys' fees and expenses.

**COUNT I – VIOLATION OF 18 PA.C.S. § 6111(i)**  
**AGAINST COUNTY**

69. The foregoing paragraphs are incorporated herein as if set forth in full.

70. Defendant County is a local governmental agency.

71. The County disclosed confidential LTCF application information, including names, addresses, and other confidential information as explained herein above and below, in violation of 18 Pa.C.S. § 6111(i).

72. The County hired, employed, contracted with, or otherwise entered into an agency relationship with Defendants Sheriff's Office, Sheriff Anthony and Employee Does to process, mail and serve approval, denial, revocation and renewal postcards, which disclosed confidential LTCF information.

73. The County condoned, ratified, promoted, encouraged, tolerated, instituted and directed the disclosure of confidential LTCF application information to the public, employees of the County and Sheriff's Office not authorized under the UFA, US Postal Service employees and other third parties that reside at the same address and utilize the same mailbox as the LTCF applicant, all in violation of 18 Pa.C.S. § 6111(i).

**COUNT II – VIOLATION OF 18 PA.C.S. § 6111(i)**  
**AGAINST SHERIFF'S OFFICE**

74. The foregoing paragraphs are incorporated herein as if set forth in full.

75. Defendant Sheriff's Office is a department of Defendant County and a local governmental agency.

76. Defendant Sheriff's Office hired, employed, contracted with, or otherwise entered into an agency relationship with some, if not all, of Employee Does to process, mail and serve approval, denial, revocation and renewal postcards, which disclosed confidential LTCF information.

77. The Sheriff's Office condoned, ratified, promoted, encouraged, tolerated, instituted and directed the disclosure of confidential LTCF application information to the public, employees of the County and Sheriff's Office not authorized under the UFA, US Postal Service employees and other third parties that reside at the same address and utilize the same mailbox as the LTCF applicant, all in violation of 18 Pa.C.S. § 6111(i).

**COUNT III – VIOLATION OF 18 PA.C.S. § 6111(i)**  
**AGAINST SHERIFF ANTHONY**

78. The foregoing paragraphs are incorporated herein as if set forth in full.

79. Defendant Sheriff Anthony is both an individual and by way of his position, a local governmental agency.

80. Sheriff Anthony controls, operates, manages and directs Defendant Sheriff's Office and some, if not all, of Employee Does.

81. Sheriff Anthony hired, employed, contracted with, or otherwise entered into an agency relationship with some, if not all, of Employee Does to process, mail and serve approval, denial, revocation and renewal postcards, which disclosed confidential LTCF information.

82. Sheriff Anthony condoned, ratified, promoted, encouraged, tolerated, instituted and directed the disclosure of confidential LTCF application information to the public, employees of the County and Sheriff's Office not authorized under the UFA, US



Postal Service employees and other third parties that reside at the same address and utilize the same mailbox as the LTCF applicant, all in violation of 18 Pa.C.S. § 6111(i).

**COUNT IV – VIOLATION OF 18 PA.C.S. § 6111(i)**  
**AGAINST EMPLOYEE DOES**

83. The foregoing paragraphs are incorporated herein as if set forth in full.

84. Defendants Employee Does are those employees, of any gender, that were employed by or an agent of any or all of the Defendants and which were involved in, promoted, condoned, provided, or otherwise made accessible confidential LTCF application information to the public, employees of the County and Sheriff's Office not authorized under the UFA, US Postal Service employees and other third parties that reside at the same address and utilize the same mailbox as the LTCF applicant, all in violation of 18 Pa.C.S. § 6111(i).

**COUNT V – BREACH OF CONFIDENTIALITY / INVASION OF PRIVACY**  
**AGAINST ALL DEFENDANTS**

85. The foregoing paragraphs are incorporated herein as if set forth in full.

86. All Defendants through their individual actions and through their officers, agents, employees, and representatives acting within the scope of their employment and authority, without any of the Plaintiffs' consent, violated Plaintiffs' right to privacy and invaded their seclusion, solitude, and private affairs by, but not limited to, publicly disclosing confidential information of Plaintiffs by processing, mailing and having served approval, denial, revocation and renewal postcards; thereby, revealing the confidential information to persons, throughout Pennsylvania, who were not privileged to it;

87. While 18 Pa.C.S. § 6111(i) makes it unlawful to disclose confidential LTCF applicant information, there is an additional right of privacy contemplated in this

instance as the substance of the matter involves the Right to Keep and Bear Arms and a need to prevent those with a criminal mindset or tendencies from acquiring information on the names and address of individuals that own and possess firearms and ammunition.

88. The disclosure of confidential information is highly offensive to a reasonable person and is not of legitimate concern to the public.

89. The publication and dissemination of LTCF applicant information has a chilling effect upon the Right to Keep and Bear Arms and individual applications for LTCFs.

90. As a result of all Defendants' conduct and actions, all Plaintiffs' reputations have been adversely affected by the defamatory and unlawful disclosures.

**COUNT VI – BREACH OF 18 PA.C.S. § 6109(h) AND FIDUCIARY DUTIES  
AGAINST DEFENDANTS COUNTY, SHERIFF'S OFFICE AND  
SHERIFF ANTHONY**

91. The foregoing paragraphs are incorporated herein as if set forth in full.

92. Defendants County, Sheriff's Office and Sheriff Anthony failed, pursuant to 18 Pa.C.S. § 6109(h)(1)(i), to issue renewal notices to some, or all, of Plaintiffs.

93. Defendants County, Sheriff's Office and Sheriff Anthony failed to refund to Plaintiffs the sum of \$1.50, when Defendants County, Sheriff's Office and Sheriff Anthony failed to issue renewal notices.

94. Defendants County, Sheriff's Office and Sheriff Anthony owed a fiduciary duty to Plaintiffs to either utilize the \$1.50 in the issuance of renewal notices or to refund the money to Plaintiffs.

**COUNT VII – CONVERSION**  
**AGAINST DEFENDANTS COUNTY, SHERIFF’S OFFICE AND**  
**SHERIFF ANTHONY**

95. The foregoing paragraphs are incorporated herein as if set forth in full.

96. Defendants County, Sheriff’s Office and Sheriff Anthony failed, pursuant to 18 Pa.C.S. § 6109(h)(1)(i), to issue renewal notices to some, or all, of Plaintiffs.

97. Defendants County, Sheriff’s Office and Sheriff Anthony failed to refund to Plaintiffs the sum of \$1.50, when Defendants County, Sheriff’s Office and Sheriff Anthony failed to issue renewal notices.

98. Defendants County, Sheriff’s Office and Sheriff Anthony, without Plaintiffs’ consent, utilized some, or all, of the renewal notice fee of \$1.50 for purposes not permitted by the UFA and not on behalf of or for the benefit of Plaintiffs.

**COUNT VII – DECLARATORY AND INJUNCTIVE RELIEF**  
**AGAINST ALL DEFENDANTS**

99. The foregoing paragraphs are incorporated herein as if set forth in full.

100. As all Defendants conspired or otherwise acted in concert to make the confidential LTCF application information available to those who were not authorized under the UFA and to the public, and they have failed to take corrective action even after being informed of public disclosure, Plaintiffs will be irreparably harmed if such conduct is not enjoined.

101. Plaintiffs, therefore, seek an injunction prohibiting Defendants and their employees from disseminating any confidential LTCF application information in violation of 18 Pa.C.S. § 6111(i).

102. Defendants County, Sheriff’s Office and Sheriff Anthony have failed to train their employees on the confidential nature of LTCF application information, which

has resulted in harm to the Plaintiffs. Therefore, Plaintiffs seek an injunction requiring Defendants to properly train their employees regarding the confidentiality of LTCF application information under 18 Pa.C.S. § 6111(i).

103. Defendants County, Sheriff's Office and Sheriff Anthony have failed to utilize the \$1.50 renewal notification fee for purposes of sending out renewal notices, which has resulted in harm to the Plaintiffs. Therefore, Plaintiffs seek an injunction requiring Defendants to properly utilize the \$1.50 for purposes of issuing renewal notifications pursuant to 18 Pa.C.S. § 6111(f)(2).

104. Defendants County, Sheriff's Office and Sheriff Anthony have also instituted a of policy and practice of requiring LTCF applicants to provide references on the LTCF Application and contacting those references in violation of the UFA. Plaintiffs, therefore, seek a declaration that the policy and practice violates the UFA and seek an injunction prohibiting the Defendants from enforcing the policy and practice.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs, on behalf of themselves and all persons similarly situated, respectfully request that this Honorable Court:

1. Issue an Order certifying the above-stated Class, pursuant to Pa.R.C.P. 1707 and 1708;
2. Enter a declaratory judgment in favor of Plaintiffs and against Defendants that Defendants disclosed confidential LTCF application information to those not who are not authorized under the UFA and to the public in violation of 18 Pa.C.S. § 6111(i);
3. Enter a permanent injunction prohibiting Defendants, their successors, and their employees, from disclosing confidential LTCF application information to those who

do not require access, are not entitled to access, or to the public, through any means, including through postcards;

4. Enter a declaratory judgment in favor of Plaintiffs and against Defendants that Defendants breached their fiduciary duty by not utilizing the \$1.50 renewal notice fee for purposes of sending out renewal notices;

5. Enter a permanent injunction requiring Defendants, their successors, and their employees, to utilize the \$1.50 renewal notice fee for purposes of sending out renewal notices;

6. Enter a declaratory judgment in favor of Plaintiffs that Defendants' policy and practice of requiring references on the LTCF Application and contacting those references violates the UFA;

7. Enter a permanent injunction prohibiting Defendants, their successors, and their employees, from of requiring references on the LTCF Application and contacting those references;

8. Award statutory damages of \$1000.00, per Defendant, per disclosure, per Class Member, pursuant to 18 Pa.C.S. § 6111(i);

9. Award damages of \$1.50, per Plaintiff, for each 5 year period, where the Defendants failed to issue renewal notices;


10. Award attorney fees and expenses pursuant to 18 Pa.C.S. § 6111(i);

11. Award costs and interest; and

12. Grant such other relief as may be just and appropriate.

Date: December 16, 2014


Respectfully Submitted,



Joshua Prince, Esq.  
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610-845-3803 (telephone)  
610-845-3903 (facsimile)  
[Joshua@PrinceLaw.com](mailto:Joshua@PrinceLaw.com)

**VERIFICATION**

I, Joshua Prince, Esq., am counsel for Plaintiffs. As this matter involves confidential information pursuant to 18 Pa.C.S. § 6111, their names and other information cannot be disclosed until this action is sealed. I verified all statements verbally with Plaintiffs. I verify that the statements made in this Complaint are true and correct to the best of their knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Joshua Prince, Esq.

## **Exhibit A**

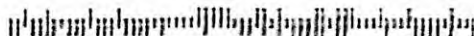


**Franklin County Sheriff**  
157 Lincoln Way East  
Chambersburg, PA 17201-2233

HARRISBURG  
PA 17110  
05 MAY '14  
PM 4 L



U.S. POSTAGE PTNEY BOWEN  
ZIP 17201 \$ 000.34<sup>0</sup>  
02 1W  
000137611 MAY 05 2014



**PISTOL PERMIT**

Your PERMIT has been approved and may be picked up Monday thru Friday between the Hours of 8:30 AM and 4:00 PM. It is not necessary to respond within 5 days.

Our Records indicate that your Permit to Carry a Firearm will soon expire. You may pick up an application for renewal at our Office - Please allow 30 days for online processing. Application is available online at [www.co.franklin.pa.us](http://www.co.franklin.pa.us). If already renewed, please disregard.

**PROCESS**

We currently have a "Process" naming you as a defendant. This document was issued because of outstanding costs owed to a Franklin County Agency or Office. If unpaid you could be picked up and possibly incarcerated. Please call to make arrangements to resolve this issue.

**WARRANT**

Our Office has a Warrant for your arrest. Please call as soon as possible for more information.

**LEGAL DOCUMENT**

Our Office has a Document that lists you as a Defendant or as a Party Of Interest in a Civil matter. It is essential that this paper be served to you. Please call to make arrangements.

**Franklin County Sheriff's Office**  
157 Lincoln Way East  
Chambersburg, PA 17201-2233  
Telephone# (717) 261-3877

Office Hours: 8:30 to 4:30 Mon. to Fri., closed Sat. & Sun.

**Exhibit B**

## Instructions for Application for License to Carry Firearms

<b>Applicants Must</b>	<b>REQUIREMENTS</b> ...be at least 21 years of age ...Pennsylvania residents must apply in the county that they reside ...pass the P.I.C.S. (Pennsylvania Instant Check System administered by the PA State Police)	
<b>Cost</b>	Deposit at time of application:	\$ 5.00
	When the license is approved:	<u>\$ 15.00</u>
	<b>Total Costs:</b>	<b>\$ 20.00</b>

This license is good ONLY in the State of Pennsylvania unless another State has signed an agreement with Pennsylvania and is on record with the Attorney General of Pennsylvania.

**WARNING**

This license can be revoked at any time if you become involved in a Police Incident where the Officer believes that your actions show you to be reckless or careless with a weapon, or if you are charged with a violation of the law which prevented you from originally obtaining a License. The power to revoke this License is vested in the Sheriff who issued it.

Please fill in the form, beginning with your Last Name. Be sure you list your current street address and a post office box, if applicable. Answer all of the questions on the front side of the form and be sure to sign and date your application on the bottom of form. References may not be family members and you must have their complete name, mailing address and phone number.

You must furnish a copy of your entire driver's license. It must be current and match the name and address exactly as you have listed on your application.

Please be specific when requesting the type of license you want, multiple check offs are permitted.

DO NOT check "Employment" unless you have completed the required training under the LETHAL WEAPONS TRAINING ACT, ACT 2, ACT 120 or similar laws dealing with police officers, guards, etc.

You may drop off the application at the office or mail it to the Franklin County Sheriff's Office, 157 Lincoln Way East, Chambersburg, PA 17201. Be sure to include your \$5.00 deposit and a copy of your driver's license. Incomplete applications will be returned.

**Make any checks payable: FRANKLIN COUNTY SHERIFF**

The Sheriff has 45 days to process your application.  
Your information will be checked and you will be notified by mail of the results.

THANK YOU

COUNTY OF FRANKLIN

**APPLICATION FOR A PENNSYLVANIA LICENSE TO CARRY FIREARMS**

**FOR USE BY ISSUING AUTHORITY:** PICS Temp. App. No. \_\_\_\_\_ PICS Perm. App. No. \_\_\_\_\_ Application Date \_\_\_\_\_  
 License No. \_\_\_\_\_ Temporary License Approval Date \_\_\_\_\_ Permanent License Approval Date \_\_\_\_\_  
 Rejection Date \_\_\_\_\_ Reason for Rejection \_\_\_\_\_ Signature \_\_\_\_\_

**APPLICANT INFORMATION - TYPE/PRINT IN BLUE OR BLACK INK**

1. LAST NAME		2. JR., ETC.	3. FIRST NAME		4. MIDDLE NAME		5. PHOTO ID(DRIVER LICENSE NO.)		6. STATE	
7a. DATE OF BIRTH	7b. PLACE OF BIRTH	8. SOCIAL SECURITY NUMBER <i>(Optional)</i>		9. AGE	10. SEX	11. RACE	12. HEIGHT	13. WEIGHT	14. HAIR COLOR	15. EYE COLOR
18. STREET ADDRESS					17. CITY		16. STATE	18. ZIP CODE	20. HOME TELEPHONE NO.	
21. EMPLOYER/BUSINESS NAME					22. WORK TELEPHONE NO.			23. OCCUPATION		
24. ADDRESS					25. CITY		26. STATE	27. ZIP CODE		

28. REASON FOR A LICENSE TO CARRY FIREARMS:  
 SELF-DEFENSE  EMPLOYMENT  HUNTING/FISHING  TARGET SHOOTING  GUN COLLECTING  OTHER \_\_\_\_\_

29. TWO REFERENCES - NOT FAMILY MEMBERS

NAME	ADDRESS	TELEPHONE NO.
NAME	ADDRESS	TELEPHONE NO.

APPLICANTS ARE DETERMINED TO BE ELIGIBLE FOR A LICENSE TO CARRY FIREARMS BASED UPON CRITERIA SET FORTH WITHIN THE PENNSYLVANIA UNIFORM FIREARMS ACT (18 PA.C.S. CHAPTER 61) § 6103, DEALING WITH INDIVIDUALS NOT TO POSSESS FIREARMS AND § 6109, DEALING WITH THE ISSUANCE OF A LICENSE TO CARRY FIREARMS.

30. DO YOU MEET ANY OF THE FOLLOWING PROHIBITING CRITERIA UNDER 18 PA.C.S. § 6109(e)(1)? CHECK YES OR NO IN THE BOX BY EACH QUESTION:

A. IS YOUR CHARACTER AND REPUTATION SUCH THAT YOU WOULD BE LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY?	<input type="checkbox"/> YES <input type="checkbox"/> NO
B. HAVE YOU EVER BEEN CONVICTED OF AN OFFENSE UNDER THE ACT OF APRIL 14, 1972 (P.L. 233, NO. 64) KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT (CSDDCA)? (AS PROVIDED IN 18 PA.C.S. § 6109(e)(1)(i), ANY PENNSYLVANIA DRUG CONVICTION UNDER THE CSDDCA IS PROHIBITING FOR A LICENSE TO CARRY.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
C. HAVE YOU EVER BEEN CONVICTED OF A CRIME ENUMERATED IN § 6105(b), OR DO ANY OF THE CONDITIONS UNDER § 6105(c) APPLY TO YOU? (READ INFORMATION ON BACK PRIOR TO ANSWERING)	<input type="checkbox"/> YES <input type="checkbox"/> NO
D. HAVE YOU EVER BEEN ADJUDICATED DELINQUENT FOR A CRIME ENUMERATED IN § 6105 OR FOR AN OFFENSE UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT?	<input type="checkbox"/> YES <input type="checkbox"/> NO
E. HAVE YOU EVER BEEN INVOLUNTARILY COMMITTED TO A HOSPITAL/HEALTH CARE FACILITY FOR A MENTAL HEALTH CONDITION OR OTHER TREATMENT, OR ADJUDICATED INCOMPETENT/INCAPACITATED?	<input type="checkbox"/> YES <input type="checkbox"/> NO
F. ARE YOU AN INDIVIDUAL WHO IS A HABITUAL DRUNKARD, OR WHO IS ADDICTED TO OR AN UNLAWFUL USER OF MARIJUANA OR A STIMULANT, DEPRESSANT, OR NARCOTIC DRUG?	<input type="checkbox"/> YES <input type="checkbox"/> NO
G. ARE YOU NOW CHARGED WITH, OR HAVE YOU EVER BEEN CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR? THIS IS THE MAXIMUM SENTENCE YOU COULD HAVE RECEIVED, NOT THE ACTUAL SENTENCE YOU DID RECEIVE. (IT DOES NOT INCLUDE FEDERAL OR STATE OFFENSES PERTAINING TO ANTITRUST, UNFAIR TRADE PRACTICES, RESTRAINTS OF TRADE, OR REGULATION OF BUSINESS; OR STATE OFFENSES CLASSIFIED AS MISDEMEANORS AND PUNISHABLE BY A TERM OF IMPRISONMENT NOT EXCEEDING TWO YEARS.)	<input type="checkbox"/> YES <input type="checkbox"/> NO
H. HAVE YOU EVER RECEIVED A DISHONORABLE DISCHARGE FROM THE UNITED STATES ARMED FORCES?	<input type="checkbox"/> YES <input type="checkbox"/> NO
I. ARE YOU A FUGITIVE FROM JUSTICE? THIS DOES NOT APPLY TO MOVING OR NONMOVING SUMMARY OFFENSES UNDER TITLE 75 (RELATING TO MOTOR VEHICLES).	<input type="checkbox"/> YES <input type="checkbox"/> NO
J. ARE YOU PROHIBITED FROM POSSESSING OR ACQUIRING A FIREARM UNDER THE STATUTES OF THE UNITED STATES?	<input type="checkbox"/> YES <input type="checkbox"/> NO

31. ARE YOU A UNITED STATES CITIZEN? IF NO, COUNTRY OF BIRTH \_\_\_\_\_  
 COUNTRY OF CITIZENSHIP \_\_\_\_\_ ALIEN REGISTRATION # OR I-94# \_\_\_\_\_  YES  NO

32. IF YOU ARE A RESIDENT OF ANOTHER STATE, DO YOU POSSESS A CURRENT LICENSE, PERMIT, OR SIMILAR DOCUMENT TO CARRY A FIREARM ISSUED BY THAT STATE? IF YES, ATTACH A PHOTOCOPY OF THE DOCUMENT TO THIS FORM.  YES  NO

33. I have never been convicted of a crime that prohibits me from possessing or acquiring a firearm under Federal or State law. I am of sound mind and have never been committed to a mental institution or mental health care facility. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statements herein, I am subject to penalties prescribed by law. I authorize the sheriff, or his designee, or, in the case of first class cities, the chief or head of the police department, or his designee, to inspect only those records or documents relevant to information required for this application. If I am issued a license and knowingly become ineligible to legally possess or acquire firearms, I will promptly notify the sheriff of the county in which I reside or, if I reside in a city of the first class, the chief of police of that city. This certification is made subject to both the penalties of § 4904 of the Crimes Code, 18 Pa.C.S., relating to unsworn falsifications to authorities and the Uniform Firearms Act.

SIGNATURE - APPLICANT \_\_\_\_\_ DATE OF APPLICATION \_\_\_\_\_

**Section 6105(a):**

Effective November 22, 1995, 18 Pa.C.S. § 6105(a) prohibits persons convicted of any of the following offenses under 18 Pa.C.S. from possessing, using, controlling, transferring, manufacturing, or obtaining a license to possess, use, control, transfer, or manufacture a firearm in the Commonwealth of Pennsylvania. A conviction includes a finding of guilty or the entering of a plea of guilty or nolo contendere, whether or not judgment has been imposed, as determined by the law of the jurisdiction in which the prosecution was held. The term does not include a conviction which has been expunged or overturned or for which an individual has been pardoned unless the pardon expressly provides that the individual may not possess or transport firearms.

**Section 6105(b)**

§ 908 Prohibited offensive weapons  
§ 911 Corrupt organizations  
§ 912 Possession of weapon on school property  
§ 2502 Murder  
§ 2503 Voluntary manslaughter  
§ 2504 Involuntary manslaughter, if the offense is based on the reckless use of a firearm  
§ 2702 Aggravated assault  
§ 2703 Assault by prisoner  
§ 2704 Assault by life prisoner  
§ 2708.1 Stalking  
§ 2716 Weapons of mass destruction  
§ 2901 Kidnapping  
§ 2902 Unlawful restraint  
§ 2910 Luring a child into a motor vehicle or structure  
§ 3121 Rape  
§ 3123 Involuntary deviate sexual intercourse  
§ 3125 Aggravated indecent assault  
§ 3301 Arson and related offenses  
§ 3302 Causing or taking catastrophe  
§ 3502 Burglary  
§ 3503 Criminal trespass, if the offense is graded a felony of the second degree or higher  
§ 3701 Robbery  
§ 3702 Robbery of motor vehicle

§ 3921 Theft by unlawful taking or disposition, upon conviction of the second felony offense  
§ 3923 Theft by extortion, when the offense is accompanied by threats of violence  
§ 3925 Receiving stolen property, upon conviction of the second felony offense  
§ 4908 False reports to law enforcement authorities, if the fictitious report involved the theft of a firearm as provided in 4908(c)(2)  
§ 4912 Impersonating a public servant if the person is impersonating a law enforcement officer  
§ 4952 Intimidation of witnesses or victims  
§ 4953 Retaliation against witness, victim or party  
§ 5121 Escape  
§ 5122 Weapons or implements for escape  
§ 5501(3) Riot  
§ 5515 Prohibiting of paramilitary training  
§ 5516 Facsimile weapons of mass destruction  
§ 6110.1 Possession of firearm by minor  
§ 6301 Corruption of minors  
§ 6302 Sale or lease of weapons and explosives

Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.

**Section 6105(c):**

Effective November 22, 1995, 18 Pa.C.S. § 6105(c) also prohibits the following persons from possessing, using, controlling, transferring, manufacturing, or obtaining a license to possess, use, control, transfer, or manufacture a firearm in the Commonwealth of Pennsylvania.

**ARE YOU A PERSON WHO:**

1. is a fugitive from justice; or
2. has been convicted of an offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years; or
3. has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or the former 75 Pa.C.S. § 3731, on three or more separate occasions within a five-year period. For the purposes of this paragraph only, the prohibition of subsection 6105(a) shall only apply to transfers or purchases of firearms after the third conviction; or
4. has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under section 302, 303, or 304 of the provisions of the act of July 9, 1976 (P.L. 817, No. 143), known as the Mental Health Procedures Act; or
5. being an alien, is illegally or unlawfully in the United States; or
6. is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), which order provided for the relinquishment of firearms during the period of time the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order or portion thereof relating to the relinquishment of firearms; or
7. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense under 18 Pa.C.S. § 2502, 2503, 2702, 2703, 2704, 2901, 3121, 3123, 3301, 3502, 3701, and 3923; or
8. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in 18 Pa.C.S. § 6105(b) with the exception of those crimes set forth in paragraph 7. This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.
9. is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to unlawful acts) who has been convicted in any court of a misdemeanor crime of domestic violence by a person in any of the following relationships: (i) the current or former spouse, parent or guardian of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who cohabits with or has cohabited with the victim as a spouse, parent or guardian; or (iv) a person similarly situated to a spouse, parent, or guardian of the victim; then the relationship need not be an element of the offense to meet the requirements of this paragraph.

**PRIVACY ACT NOTICE**

*Solicitation of this information is authorized under Title 18 Pa.C.S. § 6111. Disclosure of your social security number is voluntary. Your social security number, if provided, may be used to verify your identity and prevent misidentification. All information supplied, including your social security number, is confidential and not subject to public disclosure.*