

COMMONWEALTH COURT OF PENNSYLVANIA

Susan Noto and Zillow, Inc. v. Luzerne County

No. 194 C.D. 2025 (Pa. Commw. Ct. June 9 2026) · No. No. 194 C.D. 2025 · Decided June 9, 2026

SUMMARY

The Commonwealth Court of Pennsylvania affirmed the denial of Susan Noto and Zillow, Inc.’s appeal concerning Luzerne County’s fee for producing complex property assessment data under the Right-to-Know Law. The court held that the County’s per-parcel fee was based on the reasonable market value of the same or closely related data sets and found no bad faith warranting attorney fees or litigation costs.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Anne E. Covey; Renée Cohn Jubelirer, President Judge; Anne E. Covey, Judge; Michael H. Wojcik, Judge; Lori A. Dumas, Judge; Stacy Wallace, Judge; Matthew S. Wolf, Judge; Stella M. Tsai, Judge
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	June 9, 2026
DOCKET	No. 194 C.D. 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Luzerne County Common Pleas Court's order denying and dismissing Appellants' appeal from an Office of Open Records determination concerning a fee for requested assessment data under Pennsylvania's Right-to-Know Law.
STANDARD OF REVIEW	Review is limited to determining whether the trial court's findings of fact are supported by substantial evidence, whether the trial court committed an error of law, or whether it abused its discretion. Review of a question of law under the Right-to-Know Law is plenary.
PRECEDENTIAL VALUE	Published opinion of the Commonwealth Court of Pennsylvania
PARTIES	Susan Noto, Zillow, Inc. v. Luzerne County

TOPICS

administrative procedure act

judicial review of agency action

statutory interpretation

municipal law

appellate procedure

PRACTICE AREAS

administrative law

municipal law

public records

QUESTIONS PRESENTED

1. Whether Section 1307(b)(2) and (4) of the Pennsylvania Right-to-Know Law permits an agency to charge a fee for complex and extensive public records based on the reasonable market value of the same or closely related data sets, rather than solely on the reasonable market value of duplication services.
2. Whether Luzerne County acted in bad faith by imposing a fee intended to recoup the costs of acquiring and maintaining the requested CAMA data.

HOLDINGS

1. For complex and extensive data sets, including integrated property assessment lists such as CAMA data, an agency may base copying fees on the reasonable market value of the same or closely related data sets. Comparing fees charged by other Pennsylvania counties for comparable CAMA data provided a reasonable basis for determining market value, and Luzerne County's fee was reasonable.
2. Luzerne County did not act in bad faith by imposing the CAMA-data fee, and Appellants were not entitled to attorney fees or litigation costs under Section 1304(a) of the Right-to-Know Law.

KEY QUOTATIONS

“Fees for copying may be based on the reasonable market value of the same or closely related data sets.” (at 5)

“Accordingly, this Court holds that the County’s fees are reasonable and based on the reasonable market value of the same or closely related data sets.” (at 7)

FACTUAL BACKGROUND

Noto requested electronic copies of Luzerne County's 2023 assessment files, including CAMA data for all parcels in the County. The County stated that the information was available on its website and imposed a \$10,100 fee, calculated at \$0.06 per parcel. Evidence showed that other Pennsylvania counties charged varying fees for comparable CAMA data, and the County's fee was below the average and equivalent to the median of the rates introduced into evidence. Appellants argued that the fee exceeded duplication costs and that the County acted in bad faith by seeking to recover data-acquisition and maintenance costs and coordinating with other counties.

PROCEDURAL HISTORY

Susan Noto submitted a Right-to-Know Law request to Luzerne County for electronic copies of the County's 2023 assessment files, including CAMA data. The County advised that the data was available for a \$10,100 fee.

The Office of Open Records denied Appellants' challenge to the fee, and the Luzerne County Common Pleas Court denied and dismissed Appellants' appeal on January 15, 2025. The Commonwealth Court affirmed and denied Appellants' application to supplement the record with later evidence from Lawrence County.

DISPOSITION

affirmed

CASES CITED

- Butler Area School District v. Pennsylvanians for Union Reform, 172 A.3d 1173, 1178 n.7 (Pa. Cmwlth. 2017)
- Kaplin v. Lower Merion Township, 19 A.3d 1209, 1213 n.6 (Pa. Cmwlth. 2011)
- SWB Yankees LLC v. Wintermantel, 999 A.2d 672, 674 n.2 (Pa. Cmwlth. 2010)
- Stein v. Plymouth Township, 994 A.2d 1179, 1181 n.4 (Pa. Cmwlth. 2010), *aff'd*, 45 A.3d 1029 (Pa. 2012)
- In re Melamed, 287 A.3d 491, 497 n.11 (Pa. Cmwlth. 2022)
- Borough of Pottstown v. Suber-Aponte, 202 A.3d 173, 178 n.8 (Pa. Cmwlth. 2019)
- In re Appeal of Property of Cynwyd Investments, 679 A.2d 304, 307 (Pa. Cmwlth. 1996)
- Deitch Co. v. Board of Property Assessment, 209 A.2d 397, 400 (Pa. 1965)
- Weiss v. Williamsport Area School District, 872 A.2d 269 (Pa. Cmwlth. 2005)
- Commonwealth v. Crosby
- Crawford v. Commonwealth, 326 A.3d 850, 885 (Pa. 2024)
- Commonwealth v. Linton, 337 A.3d 467, 474 (Pa. 2025)
- Uniontown Newspapers, Inc. v. Pennsylvania Department of Corrections, 197 A.3d 825, 835 (Pa. Cmwlth. 2018)
- Uniontown Newspapers, Inc. v. Pennsylvania Department of Corrections, 243 A.3d 19, 34 (Pa. 2020)