IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BROADCAST MUSIC, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 11-1300
	)	
HMR COMMUNICATIONS, INC., d/b/a BOOT SCOOT'N SALOON and HENRY M. ROBBINS,	)	
	)	
Defendants.	)	

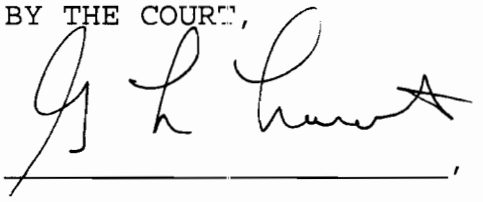
ORDER

AND NOW, this 19th day of September 2012 it is HEREBY ORDERED that defendants' motion in limine [doc. no. 31] is MOOT, due to an agreement of the parties as to the CallerLab License evidence and the attorneys' fees evidence.

Said motion is DENIED as to the evidence obtained by Susan Hamburger. Ms. Hamburger's activities are exempted from application of the Private Detective Act, 22 P.S. § 25. Moreover, even if the Act applied, the Court would not exclude such evidence at trial because: (1) Ms. Hamburger, as a private citizen, could not violate defendants' Fourth Amendment rights; (2) Ms. Hamburger used no deceitful means to gather the evidence being objected to, but rather did no more than observe, and record her observations of information available to any member of the public who was at the Boot Scoot'n Salcon on the night of June 5, 2011 between the hours of 4:40 p.m. and 11:25 p.m.

regarding the appearance of the establishment, the individuals present, and the music played; and (3) defendants have identified no federal case law, statute, or rule of evidence that compels the exclusion of the information obtained by Ms. Hamburger under these circumstances.

BY THE COURT,



_____, C.J.