

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

President Judge Farley :  
Toothman : No. 1 JD 2020  
Court of Common Pleas :  
13<sup>th</sup> Judicial District :  
Greene County :

**CERTIFIED FROM THE RECORD**

APR 30 2021

*Cathy Kane*  
Clerk of Court

**STIPULATIONS IN LIEU OF TRIAL**

AND NOW, this 30th day of April 2021, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through its undersigned counsel, and President Judge Farley Toothman, by and through his undersigned counsel, and respectfully files Stipulations in Lieu of Trial as follows:

**A. Authority**

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.

**B. Background and Term as Judicial Officer**

2. Retired Judge Toothman (Respondent) is a life-long resident of Greene County.
3. From July 10, 2009, through January 3, 2021, Respondent served as a Judge of the Court of Common Pleas of Greene County.
4. Respondent assumed the duties of a judicial officer, first, by appointment in 2009.
5. At that time, the AOPC "Judge School" was not available to him because he took the bench outside of the election system.
6. Thereafter, Respondent won a general election in November 2011.

7. When he assumed the role as President Judge, Respondent faced many operational and administrative issues.
8. Respondent has not been on the bench since October 2020 due to physical and mental health issues.
9. Effective November 1, 2020, Respondent relinquished his duties as President Judge.
10. Respondent subsequently announced his retirement effective January 3, 2021.
11. As a judicial officer, Respondent was subject to all the duties and responsibilities imposed on him by the Constitution of the Commonwealth of Pennsylvania and the Code of Judicial Conduct adopted by the Supreme Court of Pennsylvania.

**Demographics**

12. The Greene County courthouse is located in the center of Waynesburg, Pennsylvania, a small rural borough.
13. Between January 2016 and December 2017, Greene County had a vacancy in the office of the Magisterial District Judge for Waynesburg Borough and the western half of the County. This vacancy was not filled until December 21, 2017. During this time, the judicial officers of the Court of Common Pleas of Greene County assumed the additional duties of the Magisterial District Judge.
14. Respondent presided over a vast number of cases in different specialty areas, including criminal proceedings, civil cases and family court, as well as Magisterial District matters for approximately 2 years.

**C. Christy McCarty matter**

15. At all times relevant to the Board Complaint, Aleksandra Chamberlain was employed as Respondent's judicial law clerk.

16. At approximately 4 p.m. on September 6, 2017, Ms. Chamberlain was shopping in a Sunoco station convenience store (store) in Waynesburg, Greene County, located in close proximity to the Greene County Courthouse (courthouse).
17. Moments after Ms. Chamberlain exited the store, another customer from the store, Christy McCarty, age 43, called out to her asking her about her activity in the store.
18. Ms. Chamberlain returned to the store and asked the store clerks about Ms. McCarty's question which she interpreted as an accusation of retail theft.
19. Both store clerks explained that they were not accusing Ms. Chamberlain of stealing anything; however, they were suspicious of her behavior in the store and intended to notify the owner of the store about it so he could check the surveillance footage.
20. Ms. Chamberlain returned to the courthouse and told Respondent about the incident, as she believed she was required to report the incident to her employer.
21. Ms. Chamberlain was not yet a licensed lawyer, but because she was scheduled to sit for the bar examination, she was extremely sensitive to her eligibility and, in particular, the character and fitness requirements and the reporting of any allegation against her.
22. Respondent thought there was potentially a misunderstanding at the Sunoco.
23. Ms. Chamberlain immigrated to the United States from Ukraine when she was a minor.
24. Respondent had known the owner of the Sunoco for many years from activities in the community.

25. Accordingly, Respondent offered to go to the Sunoco and determine if there was an actual complaint, or just a misunderstanding.
26. Ms. Chamberlain did not think it unusual as the county is small and the Respondent often made himself available to community members.
27. Shortly thereafter, Respondent, his son, and Ms. Chamberlain appeared at the store.
28. Respondent's son also knew the owner of the Sunoco and happened to be in Respondent's office talking with his father that afternoon, having recently returned home.
29. The owner of the Sunoco was not present at the store at that time.
30. Respondent was not wearing a judicial robe or other indicia of being a Judge. It was "after courthouse hours."
31. Respondent did not know the Sunoco clerks and had no indication that they knew him.
32. Respondent spoke to the two store clerks, asking them if they believed Ms. Chamberlain had committed retail theft during her earlier visit to the store.
33. The store clerks asked Respondent, his son, and Ms. Chamberlain to leave the store.
34. Respondent, then used his cell phone to call the police, identifying himself as Judge Toothman, and asked the police to immediately respond, investigate and document an alleged accusation of theft.
35. The police responded to the scene and interviewed witnesses.
36. Ms. Chamberlain was never charged with a crime.

37. While on location at the Sunoco on September 6, 2017, the police saw and learned of Ms. McCarty's involvement and provided Respondent with her identity.
38. When deposed by the Board, Respondent recollected that Officer Simms said in reference to Ms. McCarty: "she causes trouble everywhere she goes and she had just left the Sunoco, where there was trouble[.]"
39. When interviewed in 2020, Officer Simms stated that he did not recall Respondent soliciting information about McCarty. Due to the passage of time, Officer Simms did not recall exactly what he said to Respondent relating to McCarty, but did recall McCarty being involved in 3 or 4 other incidents close to the time of the Sunoco incident.
40. At the time, Mr. Simms was full-time First Deputy Sheriff and a part-time Borough Police Officer.
41. Immediately after giving a statement to police, Respondent returned to the courthouse.
42. At approximately 4:30 p.m. that same day, Respondent directed the Assistant Court Administrator, who was responsible for MDJ management, to obtain a copy of all Ms. McCarty's court summaries and files and deliver same to him.
43. Respondent's review of the records included a 10 page Secure Court Summary listing both open and closed cases pertaining to Ms. McCarty.
44. Respondent convened the proceeding described below based on his review of the records and Ms. McCarty's failure, since January 25, 2017, to pay a monthly \$10 fine.

45. At this same time period, the Office of District Court Administration and the Respondent had determined that Greene County had millions of dollars in unpaid fines.
46. At approximately 8:40 a.m. on September 7, 2017, Respondent interrupted a staff meeting in the Greene County Probation Office asking, "Who has Christy McCarty?"
47. An individual from the county probation office responded to inform Respondent that Ms. McCarty was not on probation, but was doing community service in connection with a magisterial district court case.
48. Months prior to this, Respondent had directed that Magisterial District Court Community Service was an administrative responsibility of the Probation Department, for enforcement, and mandated County liability insurance coverage issues.
49. Respondent immediately instructed the probation officer in charge of community service to have Ms. McCarty report to his courtroom that day rather than the site of her community service.
50. At approximately 9:30 a.m. on September 7, 2017, Ms. McCarty reported to Respondent's courtroom as directed.
51. Neither Ms. McCarty nor the Commonwealth were represented by an attorney at the September 7, 2017 proceeding.
52. No petitions, motions or other pleadings were filed relevant to the September 7, 2017 proceeding.
53. Ms. McCarty was given no notice prior to the hearing of the nature of the proceeding.

54. Respondent convened a hearing in the matter of the *Commonwealth v. McCarty* at file 72 of 2010.
55. No witnesses were called and no evidence was entered into the record during the September 7, 2017 proceeding.
56. During the September 7, 2017 proceeding, Respondent recited portions of Ms. McCarty's criminal history.
57. Respondent acknowledges that he should have informed Ms. McCarty of her right to counsel prior to beginning the September 7, 2017 proceeding.
58. During the September 7, 2017 proceeding, while on the record and without apprising her of her Constitutional right against self-incrimination, Respondent asked questions of Ms. McCarty:

Respondent: And in 2010, you were found guilty or pled guilty to theft by unlawful taking of movable property, in violation of Title 18 §3921(a), and you were ordered to do various things.

We've come to understand that you're under supervision in several cases at the magistrate's level, but we also have come to understand that you're in violation of a payment plan that you agreed to make with regard to the costs, fines and fees assessed in this matter, and you made a payment plan, agreed to make \$10 a month payment and you haven't been doing that, and your last payment was last year.

Do you have anything to say?

McCarty: Just, it slipped my mind that I had to pay. It's only \$10 a month, so I didn't really consider it that much, and I was awarded \$30,000 in the Court here, and I got nothing, so – and the guy is dead, now.

59. During the September 7, 2017 proceeding, when Ms. McCarty asked Judge Toothman, "What is the matter I'm here for, the Sunoco incident yesterday?" he

told her "No," that she was in court for "violating the order of 72 of 2010" referring to *Commonwealth of Pennsylvania v. Christy L. McCarty*, CP 30-MD-72-2010.

60. *Commonwealth of Pennsylvania v. Christy L. McCarty*, CP 30-MD-72-2010 had been transferred from Fayette County, Pennsylvania, to Greene County on May 24, 2010 for purposes of collection of fines and costs.
61. On August 8, 2016, before the Honorable Louis Dayich, Ms. McCarty agreed to pay \$10 per month toward the balance of her fines and costs in *Commonwealth of Pennsylvania v. Christy L. McCarty*, CP 30-MD-72-2010.
62. Respondent's statement, that Ms. McCarty's last payment in docket number CP 30-MD-72-2010 was "last year" was incorrect in that her last payment as reflected on the docket available to Respondent had been made on January 25, 2017 in the amount of \$10.00.
63. During the September 7, 2017 proceeding, Respondent made no effort to determine if Ms. McCarty had the present ability to meet her obligation under the "order of 72 of 2010."
64. Respondent found Ms. McCarty in "civil contempt" and sentenced her to incarceration in the Greene County Prison until October 2, 2017.
65. Respondent acknowledges that he failed to carefully consider and apply the specific contempt procedures applicable to the September 7, 2017 proceeding.
66. Respondent has further reflected upon the court's contempt powers and believes that indirect criminal contempt was more appropriate for the context.
67. Ms. McCarty was not informed of any rights relevant to an appeal, and did not appeal.



68. Ms. McCarty was given no opportunity to purge herself of Respondent's finding of civil contempt.
69. After sentencing Ms. McCarty to 25 days of incarceration, Respondent placed a telephone call to Frank Pecjak, the owner of the store where the September 6, 2017 incident involving Respondent's law clerk, Ms. Chamberlain, took place.
70. During the telephone call referenced above, Respondent told Mr. Pecjak to come to his chambers at the courthouse, just across the street from Mr. Pecjak's office.
71. When Mr. Pecjak arrived at Respondent's chambers on Friday morning, he found that Respondent's law clerk, Ms. Chamberlain and Respondent's son, were also present.
72. Respondent's son was not employed by Greene County.
73. Respondent asked Mr. Pecjak if he had any objection to the son's presence and he did not.
74. During the meeting with Respondent on September 7, 2017:
  - a. Respondent told Mr. Pecjak that an accusation of theft against Ms. Chamberlain could jeopardize her career.
  - b. Respondent told Mr. Pecjak that he knew Ms. McCarty because she had appeared before him in court.
  - c. Respondent told Mr. Pecjak that Ms. McCarty was "not a stable person."
  - d. Respondent provided Mr. Pecjak with a copy of Ms. McCarty Secure Court Summary although Mr. Pecjak was not a court employee or otherwise authorized to possess a secure court document.
75. At the time of the above events, Respondent was not aware of a difference between a secure court docket summary and a public court docket summary. He

had not specifically requested a secure court summary, but acknowledges, that it is what he received and provided to Mr. Pecjak.

76. Mr. Pecjak subsequently wrote up a disciplinary notice for both store clerks involved in the Sunoco incident for being disrespectful, talking loudly about the incident and for utilizing foul language.
77. Ms. McCarty remained incarcerated until October 2, 2017 on the civil contempt sentence.
78. On October 2, 2017, Ms. McCarty was transported from the Greene County prison to Respondent's courtroom. October 2, 2017 was the standard violations hearing date.
79. Neither Ms. McCarty nor the Commonwealth were represented by an attorney at the October 2, 2017 proceeding.
80. The transcript and audio recording of the October 2, 2017 proceeding reflects that without any preamble such as calling the case or swearing in witnesses, the following occurred:

Respondent:	You've done your time?
Ms. McCarty:	Yes.
Respondent:	You going to be a good girl?
Ms. McCarty:	Yes.
Respondent:	Who is this guy back here?
Ms. McCarty:	My fiancé.
Respondent:	Where do you live?
Ms. McCarty:	At the West Greene Apartments.
Respondent:	You going to comply with all of your court orders because they're stacking up?
Ms. McCarty:	Yes, and I'm in community service and I go to the police station, wash police cars, clean the borough building, work for Chief Toth because he requested me to.
Respondent:	Yeah, well, don't you think I should order you away from the Sunoco?
Ms. McCarty:	For what reason?
Respondent:	You don't know?

Ms. McCarty: Oh, well, I'm the one that they said that she looks suspicious. I didn't steal. All I said was are you okay, did you find what you needed? I didn't cause any problems. All I did was ask her a question and she got upset. I didn't do anything to anyone. I understand that she's a clerk in your court, but that wasn't my fault.

Respondent: No, it's not your fault.

Ms. McCarty: The ladies, the clerks, at that gas station said she looks suspicious and she didn't buy anything so I just asked her if she found what she needed, was she okay. That was it. And to me - -

Respondent: And now, this day in the matter of the Commonwealth of Pennsylvania v. Christy L. McCarty, defendant, at file 72 misc. docket of 2010. We find the defendant to be in compliance and we order her immediate release from incarceration.

Ms. McCarty: Thank you.

Respondent: Defendant's remanded to the care of the deputy sheriff for transport and the affect (sic) of this sentence; okay?

81. Immediately after being released from jail on October 2, 2017, Ms. McCarty received jail time credit that released her from the sentencing in more than nine (9) cases, including One thousand five hundred sixty dollars (\$1,560) in accrued fines and Five hundred forty-six (\$546) in lieu of community service.

**D. Waynette Pellegrini matter**

82. The chambers of a judicial officer have both sensitive and confidential information, both in electronic format and in paper form, including for example, personal information in juvenile, family and criminal cases and personally identifying information in an unredacted format.

83. In the general time frame of 2016 and 2017, the Administrative Office of the Pennsylvania Courts (AOPC) had been actively studying and circulating new policies governing public access to records and identifying confidential information

that was to be shielded from public view. See, e.g., *Explanatory Report: Public Access Policy of the United Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*.

84. The janitorial staff serving the courthouse in Greene County was and still is under the supervision of the Board of County Commissioners.
85. In 2017, Waynette Pellegrini became employed by Greene County as a custodian.
86. Ms. Pellegrini's employment position with the County was a union position.
87. In light of the Respondent's general concerns over confidentiality of records, Respondent asked Ms. Pellegrini and other county maintenance employees to sign a confidentiality statement to the Court Administrator in order to gain unsupervised access to judicial chambers.
88. In January 2018, Ms. Pellegrini was refusing to sign the confidentiality statement.
89. Accordingly, Ms. Pellegrini was limited to cleaning public areas, and areas specifically requested by the Office of Court Administration, during business hours.
90. Thereafter, Respondent requested a personal repairman to stop by to make an adjustment to a personal clock in his chambers.
91. On January 24, 2018, Ms. Pellegrini filed a grievance through her labor union alleging that union work was being done in Respondent's chambers by non-union employees in violation of a union contract.
92. On Sunday evening, January 28, 2018, while working on several cases, Respondent copied Ms. Pelligrini's union grievance onto a piece of bright orange paper and posted it on a public bulletin board just outside the Court Administrator's Office on the second floor of the courthouse. Respondent did not conceal Ms. Pellegrini's name or personal telephone number.

93. On Monday, January 29, 2018, the Greene County Human Resources Director learned that the grievance had been posted as described above and at 8:15 a.m. via email instructed the Court Administrator to remove it as soon as possible.
94. The Court Administrator notified Respondent, via email, of the Human Resources Director's instructions.
95. On Monday, January 29, 2018, Respondent replied to the Court Administrator writing, "Take it down[.]"
96. On Monday, January 29, 2018, prior to the opening of the courthouse to the public, Ms. Pellegrini's grievance was removed from the public bulletin board.
97. Respondent had no direct interactions with Ms. Pellegrini relating to the grievance or the posting.
98. The fact that a grievance had been filed is not confidential and the resulting arbitration decision, and any appeal of that decision, is considered a public record.
99. Subsequent to the posting of Ms. Pellegrini's grievance, a meeting was held with an attorney employed by the Greene County Commissioners, two Greene County Commissioners, the Greene County Human Resources Director and Respondent to discuss his posting of the grievance.
100. At the meeting referenced in the preceding paragraph, Respondent was told that his act of posting the grievance on a public bulletin board may constitute retaliation for the union grievance filed by Ms. Pellegrini.
101. When told that his act may have constituted retaliation, Respondent exclaimed, "You think I'm going to retaliate? You're damned right I'm going to retaliate!"
102. Respondent's comments arose out of frustration by what he considered to be an entirely frivolous grievance filed in direct response to his months long standing

request that Ms. Pellegrini sign a confidentiality statement to protect the operations of the court, and the Commissioners taking no action.

103. By letter dated September 17, 2018, the Pennsylvania State Court Administrator, Tom Darr, notified Ms. Pelligrini that he had determined that, "it was inappropriate for [the] labor grievance to be posted[.]"

104. When deposed by the Board, Responded stated: "[I]t was wrong for me to have put it up."

105. Soon afterwards, Mr. Joseph Mittleman negotiated with the County Solicitor and Union representative, which resulted in all County maintenance employees, including Ms. Pellegrini, signing confidentiality statements.

106. Ms. Pellegrini's grievance was determined to be unfounded.

**E. Kiger v. Depetris matter**

107. As background, in the matter of *Joseph Kiger v. Amber Depetris*, 18 A.D. of 2017, the parties, plaintiff-Husband and defendant-Wife, both signed a typed "Statement" on March 17, 2017 by which Husband was to continue to make the monthly payments on a vehicle and transfer title to Wife when paid off in exchange for Wife signing over certain property. Husband had also signed a separate handwritten statement of the same date.

108. At a time when Wife was unrepresented by counsel, Husband, through his counsel, presented a Motion for Special Relief and proposed Order to Respondent to vacate the above agreement in respect to the vehicle. Respondent entered an Order on May 11, 2017 vacating the Statement as having been obtained by coercion and duress and directing Wife to return the vehicle.

109. Wife was aware of the Motion for Special Relief, but later testified that she was at

fault for not showing up, stating further that her Husband told her it was not a hearing.

110. By Order dated June 2, 2017, Respondent directed, in response to a Pro Se Motion made by Wife, that Husband return two vehicles, vacating the May 11, 2017 Order.
111. By Order dated June 5, 2017, Judge Dayich *sua sponte* set the matter for a hearing before Respondent on June 7, 2017.
112. By separate Order of June 7, 2017 (the handwritten dates indicates it was signed on June 7<sup>th</sup>, although the printed date is June 5, 2017), Judge Dayich recognized that Wife became represented and Husband continued to be represented and the Court acknowledged: "there seems to be potentially an agreement about the distribution of motor vehicles" and although the Court had nothing before it, Judge Dayich directed the parties to work to resolve the matter.
113. Also on June 7, 2017, Respondent conducted a hearing at which both parties were represented by counsel. Respondent stated that he regretted signing the second Order and needed to understand the situation.
114. Wife, through her counsel, argued that she had no vehicle and four children, whereas, plaintiff-husband was in possession of two vehicles.
115. Respondent felt plaintiff-Husband had previously taken advantage of an unrepresented defendant-Wife, and the Court, by presenting the prior motion, and handwritten note, and particularly because Wife did not appear.
116. During the hearing, Respondent told the plaintiff-Husband and his attorney, "I'm here about the spitefulness of taking two vehicles in that situation, and I can't believe that you want to argue about it."

117. When plaintiff's counsel stated that her client was not being spiteful, Respondent said, ". . . when I have a mother of four crying in the Courtroom because a spiteful former concubine took off with all the vehicles and his money, I don't get it really."
118. When plaintiff's counsel pointed out that the vehicles were not both marital property, Respondent said, "I don't care about all the legal title and equitable interest and all of those moons, I just simply wanted to get the mommy a car that I thought was parked in a driveway while [the plaintiff] was earning \$120,000 a year."
119. When, later in the proceeding, defendant's counsel addressed plaintiff's counsel stating, "If it was up to your client, she'd either be riding a bike around town or she'd be feeding a horse right now", Respondent concurred with defendant's counsel stating, "I'm afraid that's true, isn't it? What's - - is this what we have resigned to - - "
120. Respondent was attempting to resolve the limited issue of the vehicle, leaving the larger issues of division of marital property for another day.
121. During the June 7, 2017 proceeding, Respondent stated to plaintiff's counsel: "I don't think that's effective advocacy here."
122. When deposed by the Board on January 9, 2020, Respondent explained his conduct during the June 7, 2017 proceeding stating, "I was trying to protect an unrepresented mother of four children."
123. Respondent did not in any way personally benefit from his ruling in favor of the defendant-Wife.

**F. Webster v. Frank matter**

124. On April 2, 2018, Respondent was presiding over a hearing on a Petition for



Protection from Abuse (PFA) in the matter of *Webster v. Frank*, F.A. No. 15 of 2018.

125. Two children, approximately 8 and 11 years old, were the protected parties, and alleged victims, who were in the courthouse and were going to be called to provide testimony of their being abused.
126. One of the two pre-teen girls had emotional and physical manifestations in response to the domestic turmoil in her life that were potentially embarrassing.
127. Respondent met with the girls prior to the hearing.
128. Respondent was concerned that neither wanted to testify in the manner and that they might be intimidated by those watching.
129. Father had filed the Petition and mother and mother's boyfriend were defending.
130. Respondent closed the hearing to everyone but the participants.
131. The defendant's attorney questioned why Respondent was closing the hearing to the public stating, "Courts are open," but he made no objection.
132. When the defendant's attorney asked Respondent for the authority under which he was closing the proceeding, the following exchange took place:

Respondent: Well, mine right now. Appeal it, they are private matters given the confidentiality of the filing and we treat them that way, they are civil matters and they are confidential.

Defendant's Atty: It's not like a CYS case or juvenile case that certain circumstances are closed to the public by statute. I never saw it, but if there is one, I'll look it up.

Respondent: You want to be a judge, run for it, [defendant's attorney]. Continue.

133. Respondent's comment reflected that Defendant's attorney had previously, but unsuccessfully, sought appointment to the bench.
134. Respondent believed temporarily closing the hearing was necessary to protect the

privacy rights of two minor children, who were the subject of the protection hearing.

135. Upon closure, no one objected. No one appealed. No press sought access. No member of the public sought access. No participant in the proceeding was excluded. The record was not sealed.

136. When queried during the course of the Board's investigation about closing the PFA hearing, Respondent stated, "If this is wrong, please let me know."

137. By way of further response to the Board's query, Respondent provided the following two sources to support the act of closing the PFA hearing:

1.The Pennsylvania Coalition Against Domestic Violence bench card; and

2.The Unified Judicial System Public Access Policy.

138. The Explanatory Report for the AOPC Unified Judicial System Public Access Policy, referenced above, comments (at page 2): "[The courts are constantly considering issues regarding the need for openness and transparency and the concern for personal privacy and security. With regard to the courts, however, the constitutional and common law presumption of openness has to be carefully weighed against relevant practical, administrative considerations when crafting solutions to avert breaches of privacy and security. Striking the right balance is not an easy task."

139. Respondent did not in any way personally benefit from closing the hearing.

#### **G. Modification of Local Court Rules, Llewellyn**

140. Since 2000, Greene County had a Local Court Rule, Gr.Co.R. 1920.51, which required the payment of an additional \$50 upon the filing of a divorce complaint.

141. Although the parties could not find historical authority stating the specific purpose

of the Rule, according to Briefs of both the County of Green as well as the Greene County Bar Association, the funds were designated to be used for costs of transcribing hearings before a master in a divorce hearing.

142. The Rule provided that the master was “responsible for seeking an Order from the Court for payment to the Court Stenographer.”
143. In 2015, it came to Respondent’s attention through the Prothonotary and District Court Administrator that an audit showed a substantial balance in the Stenographer Fund that was not being actively used, and needed to be transferred out of the Prothonotary’s office immediately.
144. On February 23, 2015, Respondent issued an Administrative Order specifying that funds collected pursuant to the Rule were to be held in a bank account at PNC Bank, and the County Controller was immediately notified.
145. Respondent and the District Court Administrator desired to keep the funds separate and protected until it could be determined how to appropriately spend the money.
146. After the District Court Administrator recognized that PNC was deducting a fee, on February 10, 2016, Respondent issued an Administrative Order pertaining to Gr.Co.R. 1920.51 that funds collected pursuant to the Rule were then to be held in a bank account at First Federal Savings and Loan, which had given assurances to the District Court Administrator that it would not charge a fee. When PNC was notified it agreed to waive any fees, and the Chief Clerk and County Controller were notified of the two accounts, which remained untouched.
147. Respondent communicated with the Greene County Bar Association to determine the appropriate resolution, but the matter was not resolved as of January 2018.

148. On January 24, 2018, in the matter of *James Lewellen v. Rhonda Lewellen*, No. 711 A.D. 2014, the court appointed master appeared before Respondent seeking a ruling on a previously filed petition for payment to the stenographer pursuant to Gr.Co.R. 1920.51.

149. The master therein was then President of the Bar Association.

150. During the proceeding on January 24, 2018, the following exchange took place between the master and Respondent:

Master: This is in the matter of Lewellen versus Lewellen. This is a divorce case that I was assigned to be a master on. I had submitted a petition for payment of the court reporter fees at the end of November, and Your Honor hasn't made a ruling on that yet.

Respondent: That's because you didn't give me the money. That money is to only be used in situations where there is no money.

Master: No, Your Honor. The rule actually does not distinguish between indigent and - -

Respondent: Well, then I deny it.

Master: Your Honor, there's no - -

Respondent: I want - -

Master: - - no reason to deny this. The rule doesn't make that distinction.

Respondent: I made it. I'm the ruler then. I interpret it that way. It's not going to be opened up to everybody that has money. You haven't shown me whether they have any money or not. You show me they have no money, I'll consider it.

151. At the conclusion of the January 24, 2018 proceeding, Respondent denied the request for payment to the stenographer and ordered that funds collected pursuant to the Rule were only to be used in cases where the master could establish that the parties did not have sufficient means to pay the stenographer out of their own pockets.

152. If called to testify, Respondent would explain that he did not intend to modify the

local rule, but interpret it consistent with his understanding of the historical application.

153. Subsequently, Respondent sought the assistance of the AOPC to determine the proper disposition of the funds, which determined that the Local Rule was not authorized, and the two accounts were immediately dissolved and escheated to the County. Respondent thereafter never had a request for any such payments.
154. Thereafter, the Court completed a re-write of all Local Rules, in full compliance with Pennsylvania Rule of Judicial Administration 103(c)&(d). Respondent entered an Order dated August 12, 2019 rescinding all prior Local Rules (being twenty or thirty years old) and adopting new Local Rules.
155. Respondent did not in any way personally benefit from his interpretation of the Local Rule.

#### **H. Exhibits**

156. The parties stipulate to the authenticity and admissibility of all of the following exhibits:

##### McCARTY

- a. Transcript of the September 7, 2017 hearing in the matter of Commonwealth v. McCarty, CP-30-MD-72-2010.
- b. Audio recording of the September 7, 2017 hearing in the matter of Commonwealth v. McCarty, CP-30-MD-72-2010.
- c. Transcript of the October 2, 2017 hearing in the matter of Commonwealth v. McCarty, CP-30-MD-72-2010.
- d. Audio recording of the October 2, 2017 hearing in the matter of Commonwealth v. McCarty, CP-30-MD-72-2010.

- e. Disciplinary Notices of the Clerks September 10, 2017.
- f. Commonwealth v. McCarty, CP-30-MD-72-2010, docket.
- g. Court Summary of McCarty's Open and Closed Cases

#### PELLEGRINI

- h. January 24, 2018 union grievance by Ms. Pellegrini.
- i. February 13, 2018 Email Communications between Human Resources Director and Respondent regarding Grievance Response
- j. September 17, 2018 correspondence from Mr. Darr to Ms. Pelligrini.

#### KIGER v DEPRETIS

- k. Kiger v. Depretris, May 11, 2017 Order.
- l. Kiger v. Depretris, June 2, 2017 Order to vacate May 11, 2017 order.
- m. Kiger v. Depretris, June 2, 2017 Order to vacate June 2, 2017 order.
- n. Kiger v. Depretis, June 5, 2017 Order regarding potential agreement.
- o. Kiger v. Deprets, June 5, 2017 Order scheduling June 7, 2017 hearing.
- p. Kiger v. Depretris, June 7, 2017 Order regarding pickup truck.
- q. Kiger v. Depretris, June 7, 2017 Order regarding sale of marital residence.
- r. Transcript of the June 7, 2017 hearing in the matter of Kiger v. Depretris.

#### WEBSTER V. FRANK

- s. April 2, 2018 Transcript of hearing in the matter of Webster v. Frank.
- t. August 8, 2018 correspondence from Respondent to Deputy Counsel Norton.
- u. UJC Public Access Policy.

#### LOCAL RULE:

- v. February 23, 2015 Administrative Order.

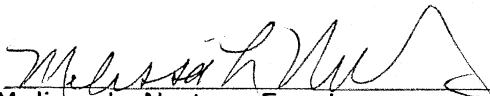
- w. February 10, 2016 Order regarding "court reporter account".
- x. January 24, 2018 Transcript of hearing in the matter of Lewellen v. Lewellen.
- y. Order August 12, 2019 Promulgating Local Rules.

**WAIVER OF RIGHT TO TRIAL**


By submitting these Stipulations of Fact in Lieu of Trial, the Board and the Respondent agree they shall be bound by them and the Court of Judicial Discipline shall adopt them as the facts of the case upon which a decision shall be rendered. The Board and the Respondent expressly waive any right to trial under Article V, §18(b)(5) of the Pennsylvania Constitution and the Rules of the Court of Judicial Discipline as per C.J.D.R.P. No. 502(D)(1).

WHEREFORE, the parties, through their respective counsel, intending to be legally bound by this document, do hereby set their hand and seal.

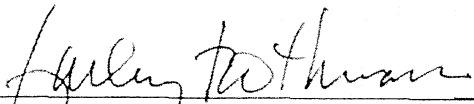
DATE: 4-30-21

  
\_\_\_\_\_  
Melissa L. Norton, Esquire  
Deputy Counsel  
Judicial Conduct Board

DATE: 4/29/2021

  
\_\_\_\_\_  
Bethann R. Lloyd, Esquire  
Counsel for Respondent

DATE: 4/29/21

  
\_\_\_\_\_  
Farley Toothman  
Respondent



**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

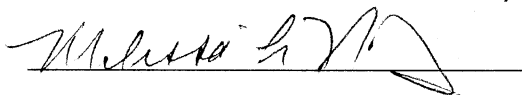
President Judge Farley Toothman :  
Court of Common Pleas : 1 JD 2020  
13<sup>th</sup> Judicial District :  
Greene County :

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature:



Name:

Melissa L. Norton  
*Deputy Counsel*

Attorney No.:

46684

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

President Judge Farley Toothman :  
Court of Common Pleas : 1 JD 2020  
13<sup>th</sup> Judicial District :  
Greene County :

**PROOF OF SERVICE**

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on the date below a copy of the Stipulations in Lieu of Trial was sent by first class mail to Amy J. Coco, Esquire, and Bethann R. Lloyd, Esquire, counsel for Judge Toothman, at the following address:

Law & Finance Building  
4<sup>th</sup> Ave. Suite 200  
Pittsburgh, PA 15219

Respectfully submitted,

DATE: April 30, 2021

By:



MELISSA L. NORTON

*Deputy Counsel*

Pa. Supreme Court ID No. 46684

Judicial Conduct Board

Pennsylvania Judicial Center

601 Commonwealth Avenue, Suite 3500

P.O. Box 62525

Harrisburg, PA 17106

(717) 234-7911

**EXHIBIT A**

**EXHIBIT A**

COMMONWEALTH OF PENNSYLVANIA, COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY  
CRIMINAL DIVISION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMONWEALTH OF PENNSYLVANIA, )  
 )  
 -vs- ) No. 72 MD 2010  
 )  
 CHRISTY L. MCCARTY, )  
 )  
 Defendant. )

HEARING DATE:  
September 7, 2017

BEFORE THE HONORABLE:  
Farley Toothman,  
President Judge

TRANSCRIPT FILED BY:  
Jenna Nicole Freund,  
Court Reporter

COUNSEL OF RECORD:  
On behalf of the  
Commonwealth:  
(No Appearance.)

On behalf of the Defendant:  
(No Appearance.)

Filed in the Office of the Clerk  
of Courts this 19 day of  
April, 2018.

*Sheryl West*  
Clerk of Courts

2018 APR 19 PM 1:57

APR 19 2018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I-N-D-E-X

WITNESS

Christy L. McCarty - Examination by the Court - Pg. 3

COMMONWEALTH EXHIBITS:

(NO EXHIBITS MARKED.)

DEFENDANT'S EXHIBITS:

(NO EXHIBITS MARKED.)

Certificate - Pg. 8

## P-R-O-C-E-E-D-I-N-G-S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: Thank you.

We are convening in the matter of the Commonwealth of Pennsylvania versus Christy McCarty at file 72 of 2010, and I understand Christy McCarty -- where is she?

You're Christy McCarty?

THE DEFENDANT: Yes.

THE COURT: Please be sworn in and take the witness stand.

CHRISTY L. MCCARTY

the Defendant herein, called as a witness on her own behalf, having been first duly sworn, as hereinafter certified, was examined and said as follows:

THE COURT: The Court by its own motion is considering the matter at file 72 of 2010, it is the Commonwealth versus Christy L. McCarty.

You are Christy L. McCarty?

THE WITNESS: Yes, sir.

THE COURT: And what's your address?

THE WITNESS: 52 West Greene Street.

THE COURT: And in 2010, you were found guilty or pled guilty to theft by unlawful taking of movable property, in violation of Title 18 §3921(a), and you were ordered to do various things.

We've come to understand that you're under

1 supervision in several cases at the magistrate's level,  
2 but we also have come to understand that you're in  
3 violation of a payment plan that you agreed to make with  
4 regard to the costs, fines and fees assessed in this  
5 matter, and you made a payment plan, agreed to make \$10 a  
6 month payment and you haven't been doing that, and your  
7 last payment was last year.

8 Do you have anything to say?

9 THE WITNESS: Just, it slipped my mind that I had  
10 to pay.

11 It's only \$10 a month, so I didn't really consider  
12 it that much, and I was awarded \$30,000 in the Court  
13 here, and I got nothing, so -- and the guy is dead, now.

14 THE COURT: We understand you have new charges  
15 against you at the magistrate's level filed by Waynesburg  
16 Borough Police, harassment.

17 Are you aware of the new charges?

18 THE WITNESS: Yes.

19 THE COURT:

20 MR. RUSSO: Your Honor, if we could have a minute?  
21 We are trying to settle.

22 THE COURT: Yeah, well, good. I'm in the middle  
23 of a hearing; right?

24 So, wow, looking at your record, you were found  
25 guilty of failing to abide by the compulsory school

1 attendance, ordered to community service, compulsory  
2 school attendance, obedience to traffic controls,  
3 harassment, criminal mischief, public drunkenness,  
4 compulsory school attendance, disorderly conduct,  
5 hazardous physical offense, operating vehicle without  
6 valid inspection two times, speeding, careless driving,  
7 fraudulent removal of registration plate, operating  
8 vehicle without valid inspection, unregistered vehicle,  
9 financial responsibility, disorderly conduct, hazardous  
10 physical offense, on and on and on.

11 Do you have anything you want to say on your  
12 behalf?

13 THE WITNESS: Yeah, I was abused as a kid and I  
14 got --

15 THE COURT: What?

16 I don't understand you.

17 THE WITNESS: I was abused as a child and I got  
18 beaten, so I --

19 THE COURT: So you're going to abuse society?

20 THE WITNESS: Really, I'm abusing society? How is  
21 that?

22 Everyone can tell you I've changed in the last  
23 five years, so I don't know what to say.

24 THE COURT: You have new charges of beating  
25 somebody up; right?



1 THE WITNESS: Yeah, that came at my house and was  
2 robbing from downstairs, and come down and ran drugs out  
3 the basement, yeah, she left.

4 THE COURT: Anything else you want to say?

5 THE WITNESS: What is the matter I'm here for, the  
6 Sunoco incident yesterday?

7 THE COURT: No, you're actually here for violating  
8 the order of 72 of 2010.

9 THE WITNESS: Okay. Of the blanket I didn't  
10 steal?

11 Okay. I'm good.

12 I did seven months, and my kids got abused in the  
13 system.

14 THE COURT: And now this day --

15 THE WITNESS: My best friend stole --

16 THE COURT: -- in the matter of the  
17 Commonwealth --

18 THE WITNESS: -- that I could have sued --

19 THE COURT: -- versus Christy McCarty --

20 THE WITNESS: -- Fayette --

21 THE COURT: -- at file 72 of 2010, we find the  
22 defendant in violation, and therefore, civil contempt,  
23 and we order her to the care and custody of the deputy  
24 sheriff for transport to the Greene County Jail, where  
25 she shall remain until October 2, 2017, at 1:30 p.m., to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

be transported and returned back to the courtroom.

- - -

(THEREUPON, at 9:30 o'clock a.m., the hearing was  
concluded.)

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

I, Jenna Nicole Freund, do hereby certify that before me, the undersigned, the evidence and proceedings in the above captioned matter were reduced to stenotypy, and afterwards transcribed by means of computer-aided transcription.

I do further certify that this hearing was completed at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

Jenna Nicole Freund  
Jenna Nicole Freund, Court Reporter

The foregoing record is hereby approved and directed to be filed.

July 20 11am  
Judge

Date: 4-18-18

**EXHIBIT B**

***Commonwealth v. McCarty***

**9/7/17 Audio of Hearing**

**(See Flash Drive)**

**EXHIBIT B**

***Commonwealth v. McCarty***

**9/7/17 Audio of Hearing**

**(See Flash Drive)**

**EXHIBIT C**

**EXHIBIT C**

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA,	)
	)
-vs-	) No. 72 MD 2010
	)
CHRISTY MCCARTY,	)
	)
Defendant.	)

- - -

HEARING DATE:  
October 2, 2017

BEFORE THE HONORABLE:  
Farley Toothman,  
President Judge

TRANSCRIPT FILED BY:  
  
Daniel S. Dolney,  
Court Reporter

Filed in the Office of the Clerk  
of Courts this 6 day of  
April, 2018.

*Sherry A. Wise*  
Clerk of Courts

FILED  
CLERK OF COURTS  
GREENE COUNTY, PA  
2018 APR -6 PM 3:30

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I-N-D-E-X

WITNESS DIRECT CROSS REDIRECT RECROSS

(NO WITNESSES.)

COMMONWEALTH EXHIBITS:

(NO EXHIBITS MARKED.)

DEFENDANT'S EXHIBITS:

(NO EXHIBITS MARKED.)

Certificate - Pg. 5

1

## P-R-O-C-E-E-D-I-N-G-S

2

THE COURT: You've done your time?

3

THE DEFENDANT: Yes.

4

THE COURT: You going to be a good girl?

5

THE DEFENDANT: Yes.

6

THE COURT: Who is this guy back here?

7

THE DEFENDANT: My fiance.

8

THE COURT: Where do you live?

9

THE DEFENDANT: At the West Greene Apartments.

10

THE COURT: You going to comply with all of your

11

court orders because they're stacking up?

12

THE DEFENDANT: Yes, and I'm in community service

13

and I go to the police station, wash police cars, clean

14

the borough building, work for Chief Toth because he

15

requested me to.

16

THE COURT: Yeah, well, don't you think I should

17

order you away from the Sunoco?

18

THE DEFENDANT: For what reason?

19

THE COURT: You don't know?

20

THE DEFENDANT: Oh, well, I'm the one that they

21

said that she looks suspicious. I didn't steal. All I

22

said was are you okay, did you find what you needed? I

23

didn't cause any problems. All I did was ask her a

24

question and she got upset. I didn't do anything to

25

anyone. I understand that she's a clerk in your court,



1 but that wasn't my fault.

2 THE COURT: No, it's not your fault.

3 THE DEFENDANT: The ladies, the clerks, at that gas  
4 station said she looks suspicious and she didn't buy  
5 anything so I just asked her if she found what she  
6 needed, was she okay. That was it. And to me --

7 THE COURT: And now, this day in the matter of the  
8 Commonwealth of Pennsylvania v. Christy L. McCarty,  
9 defendant, at file 72 misc. docket of 2010. We find the  
10 defendant to be in compliance and we order her immediate  
11 release from incarceration.

12 THE DEFENDANT: Thank you.

13 THE COURT: Defendant's remanded to the care of the  
14 deputy sheriff for transport and the affect of this  
15 sentence; okay?

16

17

18

19

20

(Thereupon, at 4:27 p.m., the matter was concluded.)

21

22

23

24

25

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

COMMONWEALTH OF PENNSYLVANIA,	)	
	)	
-vs-	)	No. 72 MD 2010
	)	
CHRISTY MCCARTY,	)	
	)	
Defendant.	)	

CERTIFICATE

I, Daniel Dolney, do hereby certify that before me, the undersigned, the evidence and proceedings in the above captioned matter were reduced to stenotypy, and afterwards transcribed by means of computer-aided transcription.

I do further certify that this hearing was completed at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

*Daniel Dolney*  
Daniel Dolney, Court Reporter

The foregoing record is hereby approved and directed to be filed.

*Farley Toothman*  
FARLEY TOOTHMAN, PRESIDENT JUDGE

DATE: 4-5-18

**EXHIBIT D**

***Commonwealth v. McCarty***

**10/2/17 Audio of Hearing**

**(See Flash Drive)**

**EXHIBIT D**

***Commonwealth v. McCarty***

**10/2/17 Audio of Hearing**

**(See Flash Drive)**

**EXHIBIT E**

**EXHIBIT E**

DISCIPLINARY NOTICE

TO (EMPLOYEE'S NAME) <b>BREANNA EVANS</b>		DATE <b>10 SEP 17</b>	CO-OP LOCATION NUMBER
DATE(S) OF INFRACTION(S) <b>6 SEP 17</b>		SOCIAL SECURITY NUMBER	

This is issued as a formal written notice for the following reason:

Shortage

On the above date(s) a shortage occurred for which you were responsible resulting in a loss of approximately \$ \_\_\_\_\_ to Petroleum Marketing Services Corporation. Continued shortages will not be tolerated. It is expected in the future you will exercise proper control of cash, credit cards, and inventory.

Violation of Company Policies/Regulations

On the above date(s) you **YELLED & WERE DISRESPECTFUL TO CUSTOMERS,**  
(STATE INFRACTIONS)

**TALKED ABOUT REVENUE STOLE I-BID OUT LOUDLY WITH ~~FOOT~~ LANGUAGE**

Continued or similar misconduct will not be tolerated. We expect you will improve your behavior. Failure on your part to improve will result in more severe disciplinary action, up to and including discharge.

WARNING LETTER

A

COMMENTS

This is issued as a formal notice of suspension, without pay, effective immediately for the following reason:

Shortage

On the above date(s) a shortage occurred for which you were responsible resulting in a loss to PMSC of:  
 approximately \$ \_\_\_\_\_  undetermined amount.

Violation of PMSC Policies/Regulations

You \_\_\_\_\_  
(STATE INFRACTIONS)

Within the next three to five days from date of suspension you will be notified of your employment status.

NOTICE OF SUSPENSION

B

COMMENTS

ISSUED BY

TITLE

**FRANK W. PETERSON JR**

**OWNER**

I HAVE RECEIVED A COPY OF THE ABOVE NOTIFICATION. -- EMPLOYEE SIGNATURE

DATE

**Breanna Evans**

**9/14/17**

ACTION TAKEN ON SUSPENSION OR FINAL INCIDENT CAUSING TERMINATION WHICH MUST BE ATTACHED TO ARM 5015

DISCIPLINARY NOTICE

DATE 10 SEPT 7

CO-OP LOCATION NUMBER

TO (EMPLOYEE'S NAME) SHARMA HUGO

DATE(S) OF INFRACTION(S) 6 SEPT 7

SOCIAL SECURITY NUMBER

This is issued as a formal written notice for the following reason:

Shortage

On the above date(s) a shortage occurred for which you were responsible resulting in a loss of approximately \$ \_\_\_\_\_ to Petroleum Marketing Services Corporation. Continued shortages will not be tolerated. It is expected in the future you will exercise proper control of cash, credit cards, and inventory.

Violation of Company Policies/Regulations

On the above date(s) you TALKED LOUDLY MALABARING CUSTOMERS

ABOUT 5 TO 6 INCIDENT WITH FOUL LANGUAGE.

Continued or similar misconduct will not be tolerated. We expect you will improve your behavior. Failure on your part to improve will result in more severe disciplinary action, up to and including discharge.

COMMENTS

WARNING LETTER

This is issued as a formal notice of suspension, without pay, effective immediately for the following reason:

Shortage

On the above date(s) a shortage occurred for which you were responsible resulting in a loss to PMSC of:  approximately \$ \_\_\_\_\_  undetermined amount.

Violation of PMSC Policies/Regulations

You \_\_\_\_\_ (STATE INFRACTIONS)

Within the next three to five days from date of suspension you will be notified of your employment status.

COMMENTS

NOTICE OF SUSPENSION

ISSUED BY Frank W. P. J. Jr.

TITLE OWNER

I HAVE RECEIVED A COPY OF THE ABOVE NOTIFICATION. EMPLOYEE SIGNATURE Sharma Hugo

DATE

ACTION TAKEN ON SUSPENSION OR FINAL INCIDENT CAUSING TERMINATION WHICH MUST BE ATTACHED TO ARM 5016

**EXHIBIT F**

**EXHIBIT F**

# COURT OF COMMON PLEAS OF GREENE COUNTY

## DOCKET



Docket Number: CP-30-MD-0000072-2010

## MISCELLANEOUS DOCKET

Supervision Transfers

Commonwealth of Pennsylvania

v.

Christy L. McCarty

Page 1 of 4

### CASE INFORMATION

Judge Assigned: Toothman, Farley      Date Filed: 05/24/2010      Initiation Date: 05/24/2010  
OTN: K 780798-4      LOTN:      Originating Docket No: CP-26-CR-0000282-2009  
Initial Issuing Authority: George, Joseph M. Jr.      Final Issuing Authority: George, Joseph M. Jr.  
Arresting Agency: Uniontown Psp      Arresting Officer: Affiant  
Complaint/Incident #:      Case Local Number(s):  
Case Local Number Type(s):

### STATUS INFORMATION

Case Status: Active      Status Date: 05/24/2010      Processing Status: Transfer Case      Arrest Date: 01/12/2009  
Complaint Date: 12/16/2008

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Hearing	06/24/2016	9:30 am		President Judge Farley Toothman	Scheduled
Hearing	10/02/2017	1:30 pm	Courtroom 1	President Judge Farley Toothman	Scheduled

### DEFENDANT INFORMATION

Date Of Birth: 01/30/1973      City/State/Zip: Waynesburg, PA 15370

#### Alias Name

Connell, Christie Lee  
Connell, Christy  
Connell, Christy L.  
Connell, Christy Lee  
McCartney, Christy  
McCarty, Christy  
McCarty, Christy Lee  
Stevens, Christy L.

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	McCarty, Christy L.

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	M2	18 § 3921 §§A	Theft By Unlaw Taking-Movable Prop	11/25/2008	K 780798-4



# COURT OF COMMON PLEAS OF GREENE COUNTY

## DOCKET



Docket Number: CP-30-MD-0000072-2010

### MISCELLANEOUS DOCKET

Supervision Transfers

Commonwealth of Pennsylvania

Page 2 of 4

v.

Christy L. McCarty

#### COMMONWEALTH INFORMATION

Name: Douglas Scott Sepic  
District Attorney  
Supreme Court No: 065710  
Phone Number(s): 724-626-8882 (Phone)  
Address:  
Watson Mundorff Brooks & Sepic  
720 Vanderbilt Road  
Connellsville, PA 15425-6218

#### ATTORNEY INFORMATION

Name: Jeffrey William Whiteko  
Public Defender  
Supreme Court No: 036776  
Rep. Status: Active  
Phone Number(s): 724-430-1220 (Phone)  
Address:  
61 E Main Street  
Uniontown, PA 15401  
Representing: McCarty, Christy L.

#### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	05/24/2010		Greene County Adult Probation Unit
Supervision Fee Transfer: transferred from Fayette County; Effective date of transfer: 5-24-10; Maximum date: 4-30-11; 11 months; \$550. James Gregan APO			
1	05/11/2016		Toothman, Farley
Order: A Rule to Show Cause is issued upon the Defendant to determine if the Defendant should be held in contempt of Court regarding unpaid costs on Friday, June 24, 2016 at 9:30 am in the 4-H building at the Greene County Fairgrounds, 107 Fairgrounds Road, Waynesburg, PA. This Order shall serve as the Rule. The Defendant is DIRECTED to appear at that time.			
McCarty, Christy L.			
05/11/2016	First Class/Certified		
1	06/22/2016		Greene County Clerk of Courts
Hearing Scheduled 06/24/2016 9:30AM			
1	08/18/2016		Wise, Sherry L.
Payment Plan #413-2016, \$10.00/month			
1	08/24/2016		Dayich, Louis
Order Dissolving Rule; Defendant to abide by pmt plan			
Greene County Adult Probation			
08/25/2016	Interoffice		
McCarty, Christy L.			
08/25/2016	First Class		
1	09/07/2017		Toothman, Farley
Order finding defendant in contempt, remanded to GCJ until hearing on 10-2-17 @ 1:30pm			
Greene County Adult Probation			

# COURT OF COMMON PLEAS OF GREENE COUNTY

## DOCKET



Docket Number: CP-30-MD-0000072-2010

## MISCELLANEOUS DOCKET

Supervision Transfers

Commonwealth of Pennsylvania

v.

Christy L. McCarty

Page 3 of 4

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Greene County Prison	09/07/2017	Interoffice	
McCarty, Christy L.	09/07/2017	Interoffice	
	09/07/2017	Interoffice Jail Mail	
-----			
2	09/07/2017		Greene County Clerk of Courts
Hearing Scheduled 10/02/2017 1:30PM			
-----			
1	10/03/2017		Toothman, Farley
Order finding defendant to be in compliance and orders immediate release			
Greene County Prison	10/03/2017	Fax	
McCarty, Christy L.	10/03/2017	First Class	
-----			
1	04/06/2018		Toothman, Farley
Order Directing Transcripts of proceedings held 9/7/17 and 10/2/17 in the above matter being requested and shall be produced on or before 4/30/18			
McCarty, Christy L.	04/06/2018	First Class	
Other	04/06/2018	Interoffice	
-----			
2	04/06/2018		Dolney, Daniel S.
Transcript of Proceedings Filed for Hearing 10/2/2017			
-----			
3	04/06/2018		Toothman, Farley
Order: Transcript in the proceedings held October 2, 2017 in the above matter is be requested it is ORDERED that the Judicial Conduct Board of Pennsylvania shall pay \$12.50 to the Clerk of Courts			
McCarty, Christy L.	04/10/2018	First Class	
Other	04/10/2018		
-----			
1	04/19/2018		Toothman, Farley
Order Directing the Judicial Conduct Board pay the Clerk of Courts \$20 for the transcript of 9/7/18			

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

# COURT OF COMMON PLEAS OF GREENE COUNTY

## DOCKET



Docket Number: CP-30-MD-0000072-2010

## MISCELLANEOUS DOCKET

Supervision Transfers

Commonwealth of Pennsylvania

v.

Christy L. McCarty

Page 4 of 4

### ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
2	04/19/2018		Freund, Jenna
Transcript of Proceedings Filed Hearing Date 9/7/2017			

### PAYMENT PLAN SUMMARY

Payment Plan No	Payment Plan Freq.	Next Due Date	Active	Overdue Amt
Responsible Participant			Suspended	Next Due Amt
30-2016-P000000413	Monthly	02/28/2018	Yes	\$30.00
McCarty, Christy L.			No	\$10.00
Payment Plan History:				
	Receipt Date	Payor Name	Participant Role	Amount
	11/01/2010	Payment McCarty, Christy L.	Defendant	\$200.00
	10/05/2016	Payment McCarty, Christy	Payor	\$10.00
	01/25/2017	Payment McCarty, Christy L.	Defendant	\$10.00
	12/12/2017	Payment McCarty, Christy L.	Defendant	\$20.00
	02/15/2018	Payment McCarty, Christy L.	Defendant	\$10.00

### CASE FINANCIAL INFORMATION

Last Payment Date: 02/15/2018

Total of Last Payment: -\$10.00

McCarty, Christy L. Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
OSP (Greene/State) (Act 35 of 1991)	\$275.00	-\$125.00	\$0.00	\$0.00	\$150.00
OSP (Greene/State) (Act 35 of 1991)	\$275.00	-\$125.00	\$0.00	\$0.00	\$150.00
Costs/Fees Totals:	\$550.00	-\$250.00	\$0.00	\$0.00	\$300.00
Grand Totals:	\$550.00	-\$250.00	\$0.00	\$0.00	\$300.00

\*\* - Indicates assessment is subrogated

**EXHIBIT G**

**EXHIBIT G**

*History of Everything ever  
Secure Court Summary filed HERE. Open & Closed Cases*

McCarthy, Christy Lee 52 W. Greens St Waynesburg, PA 16370	DOB: 01/30/1973 SID: [REDACTED] Licenses: PA [REDACTED]	Sex: Female Eyes: Blue Hair: Blonde or Strawberry Race: White
--	---	--

Court: MDJ-13-3-01  
Closed

<b>MJ-13301-NT-0000095-2012</b> Processing Status: Completed Arrest Date: Last Action: Payment Determination Hearing Next Action:	OTN: Disp. Event Date: 04/12/2012 Last Action Date: 05/01/2012 Next Action Date:
---	---

<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>
24 § 13-1327 §§ A	S	Compulsory School Attendance	Guilty	1

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	05/01/2012		

<b>MJ-13301-NT-0000038-2013</b> Processing Status: Completed Arrest Date: Last Action: Summary Trial Next Action:	OTN: Disp. Event Date: 03/12/2013 Last Action Date: 03/12/2013 Next Action Date:
---	---

<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>
24 § 13-1327 §§ A	S	Compulsory School Attendance	Dismissed	1

<b>MJ-13301-NT-0000145-2013</b> Processing Status: Completed Arrest Date: Last Action: Payment Determination Hearing Next Action:	OTN: Disp. Event Date: 05/20/2013 Last Action Date: 10/18/2013 Next Action Date:
---	---

<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>
24 § 13-1327 §§ A	S	Compulsory School Attendance	Guilty	1

<b>MJ-13301-TR-0000168-2013</b> Processing Status: Completed Arrest Date: Last Action: Next Action:	OTN: Disp. Event Date: 03/04/2013 Last Action Date: Next Action Date:
---	--

<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>
75 § 3111 §§ A	S	Obedience to Traffic-Control Devices	Guilty Plea	1

<b>MJ-13301-NT-0000205-2013</b> Processing Status: Completed Arrest Date: Last Action: Payment Determination Hearing Next Action:	OTN: Disp. Event Date: 07/18/2013 Last Action Date: 09/03/2014 Next Action Date:
---	---

<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>
24 § 13-1327 §§ A	S	Compulsory School Attendance	Guilty	1

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.



## Magisterial District Court 13-3-01 Secure Court Summary

Name: <b>McCarty, Christy Lee</b> SSN: [REDACTED] DOB: 01/30/1973	SID: [REDACTED] License: [REDACTED]	Sex: Female Eyes: Blue Hair: Blond or Strawberry Race: White
---	--	---

**Aliases:** Christy Lee Connell, Christy L. McCarty, Christy L. Connell, Christy Connell, Christy L. Stevens, Christy McCarty

**Court:** MDJ-13-3-01

**Active**

<b>MJ-13301-NT-0000295-2017</b> Arrest Date: Last Action: Next Action:	<b>Processing Status:</b> Awaiting Plea	<b>OTN:</b> Disp. Event Date: Last Action Date: Next Action Date:
<b>Statute</b> 18 § 2709 §§ A1	<b>Grade</b> S	<b>Description</b> Harassment - Subject Other to Physical Contact
		<b>Disposition</b> Not Guilty
		<b>Counts</b> 1

**Closed**

<b>MJ-13301-NT-0000110-2011</b> Arrest Date: Last Action: Summary Trial Next Action:	<b>Processing Status:</b> Completed	<b>OTN:</b> Disp. Event Date: 04/18/2011 Last Action Date: 04/18/2011 Next Action Date:
<b>Statute</b> 18 § 3304 §§ A5	<b>Grade</b> S	<b>Description</b> Criminal Mischief - Damage Property
		<b>Disposition</b> Not Guilty
		<b>Counts</b> 1

<b>MJ-13301-NT-0000322-2011</b> Arrest Date: Last Action: Payment Determination Hearing Next Action:	<b>Processing Status:</b> Completed	<b>OTN:</b> Disp. Event Date: 08/09/2011 Last Action Date: 08/09/2011 Next Action Date:
<b>Statute</b> 18 § 5503 §§ A4	<b>Grade</b> S	<b>Description</b> Disorder Conduct Hazardous/Physl Off
		<b>Disposition</b> Guilty Plea
		<b>Counts</b> 1

<b>Program Type</b>	<b>Sentence Date</b>	<b>Sentence Length</b>	<b>Program Period</b>
Community Service	08/08/2011		

<b>MJ-13301-NT-0000046-2012</b> Arrest Date: Last Action: Next Action:	<b>Processing Status:</b> Case Disposed/Penalty Imposed	<b>OTN:</b> Disp. Event Date: 02/17/2012 Last Action Date: Next Action Date:
<b>Statute</b> 18 § 5505	<b>Grade</b> S	<b>Description</b> Public Drunkenness And Similar Misconduct
		<b>Disposition</b> Guilty Plea
		<b>Counts</b> 1

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9163.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.

## Secure Court Summary

McCarty, Christy Lee  
 52 W. Oakdale St.  
 Waynesburg, PA 15370

DOB: 01/30/1973

SID: [REDACTED]

EXP: [REDACTED]

Sex: Female  
 Eyes: Blue  
 Hair: Blond or Strawberry  
 Race: White

Court: MDJ-13-3-01

Closed

MJ-13301-NT-0000075-2014 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed	OTN: Disp. Event Date: 04/03/2014 Last Action Date: 09/03/2014 Next Action Date:										
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>24 § 13-1327 §§ A</td> <td>S</td> <td>Compulsory School Attendance</td> <td>Guilty</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	24 § 13-1327 §§ A	S	Compulsory School Attendance	Guilty	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
24 § 13-1327 §§ A	S	Compulsory School Attendance	Guilty	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Jail Time Compensation	09/04/2014		

MJ-13301-NT-0000203-2014 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed	OTN: Disp. Event Date: 06/10/2014 Last Action Date: 09/03/2014 Next Action Date:										
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>24 § 13-1327 §§ A</td> <td>S</td> <td>Compulsory School Attendance</td> <td>Guilty</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	24 § 13-1327 §§ A	S	Compulsory School Attendance	Guilty	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
24 § 13-1327 §§ A	S	Compulsory School Attendance	Guilty	1								

MJ-13301-NT-0000247-2014 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed	OTN: Disp. Event Date: 06/16/2014 Last Action Date: 09/03/2014 Next Action Date:										
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>18 § 5503 §§ A4</td> <td>S</td> <td>Disorder Conduct Hazardous/Physi Off</td> <td>Guilty Plea</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	Guilty Plea	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	Guilty Plea	1								

MJ-13301-TR-0000635-2014 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed	OTN: Disp. Event Date: 05/09/2014 Last Action Date: 09/03/2014 Next Action Date:										
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 4703 §§ A</td> <td>S</td> <td>Operat Veh W/O Valid Inspect</td> <td>Guilty Plea</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 4703 §§ A	S	Operat Veh W/O Valid Inspect	Guilty Plea	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 4703 §§ A	S	Operat Veh W/O Valid Inspect	Guilty Plea	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Jail Time Compensation	09/04/2014		

MJ-13301-TR-0000981-2015 Arrest Date: Last Action: Summary Trial Next Action:	Processing Status: Completed	OTN: Disp. Event Date: 07/30/2015 Last Action Date: 07/30/2015 Next Action Date:										
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 4703 §§ A</td> <td>S</td> <td>Operat Veh W/O Valid Inspect</td> <td>Guilty</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 4703 §§ A	S	Operat Veh W/O Valid Inspect	Guilty	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 4703 §§ A	S	Operat Veh W/O Valid Inspect	Guilty	1								

Printed: 09/07/2017 9:10:33AM

MDJS 1210

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.

### Secure Court Summary

McCarty, Charles Lee 52 W. Erie West Chester, PA 19370	DOB: 01/30/1973 SID: [REDACTED] License: [REDACTED]	Sex: Female Eyes: Blue Hair: Blond or Strawberry Race: White
--	---	---

Court: MDJ-13-3-01  
 Closed

MJ-13301-TR-0000203-2016 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed  OTN: Disp. Event Date: 02/16/2016 Last Action Date: 07/25/2016 Next Action Date:	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: right;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 3362 §§ A1-34</td> <td>S</td> <td>Exceed 35 MPH In Urban Dist 34 MPH</td> <td>Guilty Plea</td> <td style="text-align: right;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 3362 §§ A1-34	S	Exceed 35 MPH In Urban Dist 34 MPH	Guilty Plea	1
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 3362 §§ A1-34	S	Exceed 35 MPH In Urban Dist 34 MPH	Guilty Plea	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	07/25/2016		

MJ-13301-TR-0000204-2016 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed  OTN: Disp. Event Date: 02/16/2016 Last Action Date: 07/25/2016 Next Action Date:	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: right;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 3714 §§ A</td> <td>S</td> <td>Careless Driving</td> <td>Guilty Plea</td> <td style="text-align: right;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 3714 §§ A	S	Careless Driving	Guilty Plea	1
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 3714 §§ A	S	Careless Driving	Guilty Plea	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	07/25/2016		

MJ-13301-TR-0000205-2016 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed  OTN: Disp. Event Date: 02/16/2016 Last Action Date: 07/25/2016 Next Action Date:	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: right;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 7124</td> <td>S</td> <td>Fraudulent Use/Removal Of Reg Plate</td> <td>Guilty Plea</td> <td style="text-align: right;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 7124	S	Fraudulent Use/Removal Of Reg Plate	Guilty Plea	1
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 7124	S	Fraudulent Use/Removal Of Reg Plate	Guilty Plea	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	07/25/2016		

MJ-13301-TR-0000206-2016 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed  OTN: Disp. Event Date: 02/16/2016 Last Action Date: 07/25/2016 Next Action Date:	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: right;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 4703 §§ A</td> <td>S</td> <td>Operat Veh W/O Valid Inspect</td> <td>Guilty Plea</td> <td style="text-align: right;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 4703 §§ A	S	Operat Veh W/O Valid Inspect	Guilty Plea	1
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 4703 §§ A	S	Operat Veh W/O Valid Inspect	Guilty Plea	1								

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9163.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.



### Secure Court Summary

McCarthy, Charles Lee 62 W. Green St. Williamsport, PA 17737	DOB: 01/30/1973 SID: [REDACTED] License: [REDACTED]	Street: [REDACTED] City: [REDACTED] Home: [REDACTED] Race: White
--	---	---

**Court: MDJ-13-3-01**  
**Closed**

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	07/25/2016		

MJ-13301-TR-0000207-2016 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed  OTN: Disp. Event Date: 02/16/2016 Last Action Date: 07/25/2016 Next Action Date:											
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 1301 §§ A</td> <td>S</td> <td>Dr Unregist Veh</td> <td>Guilty Plea</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 1301 §§ A	S	Dr Unregist Veh	Guilty Plea	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 1301 §§ A	S	Dr Unregist Veh	Guilty Plea	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	07/25/2016		

MJ-13301-TR-0000208-2016 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Completed  OTN: Disp. Event Date: 02/16/2016 Last Action Date: 07/25/2016 Next Action Date:											
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>75 § 1788 §§ F</td> <td>S</td> <td>Oper Veh W/O Req'd Financ Resp</td> <td>Guilty Plea</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	75 § 1788 §§ F	S	Oper Veh W/O Req'd Financ Resp	Guilty Plea	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
75 § 1788 §§ F	S	Oper Veh W/O Req'd Financ Resp	Guilty Plea	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	07/25/2016		

MJ-13301-NT-0000030-2017 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Case Disposed/Penalty Imposed  OTN: Disp. Event Date: 01/31/2017 Last Action Date: 08/14/2017 Next Action Date:											
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>18 § 5503 §§ A4</td> <td>S</td> <td>Disorder Conduct Hazardous/Physi Off</td> <td>Guilty Plea</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	Guilty Plea	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	Guilty Plea	1								

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	08/14/2017		
Community Service	04/25/2017		

MJ-13301-NT-0000031-2017 Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Case Balance Due  OTN: Disp. Event Date: 01/31/2017 Last Action Date: 08/14/2017 Next Action Date:											
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> </thead> <tbody> <tr> <td>18 § 5503 §§ A4</td> <td>S</td> <td>Disorder Conduct Hazardous/Physi Off</td> <td>Guilty Plea</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	Guilty Plea	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	Guilty Plea	1								

MDJS 1210

5

Printed: 09/07/2017 9:10:33AM

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.



### Secure Court Summary

McHenry, Christy Lee 52 W Green St Wayne, PA 18370	DOB: 07/20/1973 SSN: [REDACTED] License: [REDACTED]	Sex: Female Eyes: Blue Hair: Blond or Strawberry Race: White
--	---	---

**Court: MDJ-13-3-01**

**Closed:**

<b>MJ-13301-TR-0000101-2017</b> Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Case Disposed/Penalty Imposed Grade: <b>S</b> Description: <b>Oper Veh W/O Req'd Financ Resp</b>	OTN: Disp. Event Date: 01/31/2017 Last Action Date: 08/14/2017 Next Action Date: Disposition: <b>Guilty Plea</b> Counts: <b>1</b>
---	---	--

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	08/14/2017		
Community Service	04/25/2017		

<b>MJ-13301-TR-0000293-2017</b> Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Case Disposed/Penalty Imposed Grade: <b>S</b> Description: <b>Dr Unregist Veh</b>	OTN: Disp. Event Date: 04/13/2017 Last Action Date: 08/14/2017 Next Action Date: Disposition: <b>Guilty Plea</b> Counts: <b>1</b>
---	--	--

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	08/14/2017		
Community Service	04/25/2017		

<b>MJ-13301-TR-0000294-2017</b> Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Case Balance Due Grade: <b>S</b> Description: <b>Oper Veh W/O Req'd Financ Resp</b>	OTN: Disp. Event Date: 04/13/2017 Last Action Date: 08/14/2017 Next Action Date: Disposition: <b>Guilty Plea</b> Counts: <b>1</b>
---	--	--

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Community Service	08/14/2017		
Community Service	04/25/2017		

<b>MJ-13301-TR-0000295-2017</b> Arrest Date: Last Action: Payment Determination Hearing Next Action:	Processing Status: Case Disposed/Penalty Imposed Grade: <b>S</b> Description: <b>Fraudulent Use/Removal Of Reg Plate</b>	OTN: Disp. Event Date: 04/17/2017 Last Action Date: 08/14/2017 Next Action Date: Disposition: <b>Guilty Plea</b> Counts: <b>1</b>
---	--	--

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.

### Secure Court Summary

Magistry: SHIRLEY L  
52 W Greene St  
Weyersburg, PA 15370

DOB: 07/30/1973  
SID: [REDACTED]  
License: [REDACTED]

Sex: Female  
Eyes: Blue  
Hair: Blond or Strawberry  
Race: White

Court: MDJ-13-3-01

Closed

Program Type	Sentence Date	Sentence Length	Program Period
Community Service	08/14/2017		
Community Service	04/25/2017		

County: Greene

Closed

**MJ-13302-TR-0000039-2016** Processing Status: Completed OTN:  
 Arrest Date: Disp. Event Date: 03/02/2016  
 Last Action: Summary Trial Last Action Date: 03/02/2016  
 Next Action: Next Action Date:  
Statute Grade Description Disposition Counts  
 75 § 1372 §§ 3 S Display Plate Card In Improv Veh Not Guilty 1

**MJ-13302-TR-0000040-2016** Processing Status: Completed OTN:  
 Arrest Date: Disp. Event Date: 03/02/2016  
 Last Action: Summary Trial Last Action Date: 03/02/2016  
 Next Action: Next Action Date:  
Statute Grade Description Disposition Counts  
 75 § 1301 §§ A S Dr Unregist Veh Not Guilty 1

**MJ-13302-TR-0000041-2016** Processing Status: Completed OTN:  
 Arrest Date: Disp. Event Date: 03/02/2016  
 Last Action: Summary Trial Last Action Date: 03/02/2016  
 Next Action: Next Action Date:  
Statute Grade Description Disposition Counts  
 75 § 1371 §§ A S Veh Reg Suspended Not Guilty 1

**MJ-13302-TR-0000042-2016** Processing Status: Completed OTN:  
 Arrest Date: Disp. Event Date: 03/02/2016  
 Last Action: Summary Trial Last Action Date: 03/02/2016  
 Next Action: Next Action Date:  
Statute Grade Description Disposition Counts  
 75 § 1786 §§ F S Oper Veh W/O Req'd Financ Resp Not Guilty 1

Statewide

Closed

Fayette

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9163.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.

### Secure Court Summary

McHenry, Christy Lee 63 W. ... Wayne ... PA 15370	DOB: 01/30/1973 SID: ... License: ...	Sex: Female Eyes: Blue Hair: Black or Strawberry Race: White
---	---	---

**Statewide**

**Closed**

**Fayette**

MJ-14201-CR-0000442-2008 Arrest Date: 01/12/2009 Last Action: Preliminary Hearing Next Action: Bail Type: Unsecured	Processing Status: Case Transferred to Court of Common Pleas  Bail Amount: \$0.00	OTN: K 780798-4 Disp. Event Date: 02/18/2009 Last Action Date: 02/18/2009 Next Action Date: Bail Status: Revoked										
<table border="0" style="width: 100%;"> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> <tr> <td>18 § 3921 §§ A</td> <td>M2</td> <td>Theft By Unlaw Taking-Movable Prop</td> <td>Held for Court</td> <td style="text-align: center;">1</td> </tr> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	18 § 3921 §§ A	M2	Theft By Unlaw Taking-Movable Prop	Held for Court	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>								
18 § 3921 §§ A	M2	Theft By Unlaw Taking-Movable Prop	Held for Court	1								

MJ-14101-TR-0000048-2009 Arrest Date: Last Action: Hearing Next Action: Statute 75 § 1543 §§ A	Processing Status: Completed  Grade S	Description Driv While Oper Priv Susp Or Revoked  Disposition Guilty Plea
		OTN: Disp. Event Date: 02/11/2010 Last Action Date: 02/10/2010 Next Action Date: Counts 1

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Confinement	02/11/2010	Other	Other

MJ-14101-TR-0000047-2009 Arrest Date: Last Action: Hearing Next Action: Statute 75 § 4703 §§ A	Processing Status: Completed  Grade S	Description Operat Veh W/O Valid Inspect  Disposition Guilty Plea
		OTN: Disp. Event Date: 02/10/2010 Last Action Date: 02/10/2010 Next Action Date: Counts 1

<u>Program Type</u>	<u>Sentence Date</u>	<u>Sentence Length</u>	<u>Program Period</u>
Confinement	02/10/2010	Other	Other

**Washington**

MJ-27305-CR-0000375-2002 Arrest Date: Last Action: Preliminary Hearing Next Action: Bail Type: ROR	Processing Status: Completed  Bail Amount: \$0.00	OTN: H 636019-6 Disp. Event Date: 01/09/2003 Last Action Date: 01/09/2003 Next Action Date: Bail Status: Posted																									
<table border="0" style="width: 100%;"> <tr> <th style="text-align: left;"><u>Statute</u></th> <th style="text-align: left;"><u>Grade</u></th> <th style="text-align: left;"><u>Description</u></th> <th style="text-align: left;"><u>Disposition</u></th> <th style="text-align: left;"><u>Counts</u></th> </tr> <tr> <td>18 § 2701 §§ A1</td> <td>M2</td> <td>Simple Assault</td> <td>Held for Court</td> <td style="text-align: center;">2</td> </tr> <tr> <td>18 § 2709 §§ A1</td> <td>S</td> <td>Harassment/Strike, Shove, Kick, Etc.</td> <td>Held for Court</td> <td style="text-align: center;">2</td> </tr> <tr> <td>18 § 3503 §§ A1II</td> <td>F2</td> <td>Crim Tres-Break Into Structure</td> <td>Dismissed</td> <td style="text-align: center;">1</td> </tr> <tr> <td>18 § 3503 §§ B1I</td> <td>M3</td> <td>Def Tres Actual Communication To</td> <td>Held for Court</td> <td style="text-align: center;">1</td> </tr> </table>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>	18 § 2701 §§ A1	M2	Simple Assault	Held for Court	2	18 § 2709 §§ A1	S	Harassment/Strike, Shove, Kick, Etc.	Held for Court	2	18 § 3503 §§ A1II	F2	Crim Tres-Break Into Structure	Dismissed	1	18 § 3503 §§ B1I	M3	Def Tres Actual Communication To	Held for Court	1		
<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>	<u>Counts</u>																							
18 § 2701 §§ A1	M2	Simple Assault	Held for Court	2																							
18 § 2709 §§ A1	S	Harassment/Strike, Shove, Kick, Etc.	Held for Court	2																							
18 § 3503 §§ A1II	F2	Crim Tres-Break Into Structure	Dismissed	1																							
18 § 3503 §§ B1I	M3	Def Tres Actual Communication To	Held for Court	1																							

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.

## Secure Court Summary

McCarty, Christy Lee 52 W. Green St. Waynesburg, PA 15370	DOB: 0130/1973 SID: [REDACTED] License: [REDACTED]	Sex: Female Eye: Blue Hair: Brown or Strawberry Race: White
---	--	--

**Statewide**

**Closed**

**Washington**

<b>MJ-27101-NT-0001501-2003</b>	Processing Status: Case Balance Due	OTN:
Arrest Date:		Disp. Event Date: 09/29/2003
Last Action: Summary Trial		Last Action Date: 09/29/2003
Next Action:		Next Action Date:
<b>Statute</b>	<b>Grade</b>	<b>Description</b>
18 § 4105 §§ A1	NONE	Bad Checks
		<b>Disposition</b>
		Guilty
		<b>Counts</b>
		1
<b>MJ-27305-NT-0000070-2009</b>	Processing Status: Completed	OTN:
Arrest Date:		Disp. Event Date: 03/12/2009
Last Action: Payment Determination Hearing		Last Action Date: 05/05/2011
Next Action:		Next Action Date:
<b>Statute</b>	<b>Grade</b>	<b>Description</b>
18 § 3304 §§ A5	S	Criminal Mischief - Damage Property
		<b>Disposition</b>
		Guilty
		<b>Counts</b>
		1

Recent entries made in the court filing offices may not be immediately reflected on the court summary report. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these reports. Court summary report information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9163.

Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Magisterial District Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.

**EXHIBIT H**

**EXHIBIT H**

Waynette

# SEIU 668

Pennsylvania Social Services Union

**GRIEVANCE** (check one)  Discipline  General  Classification

TODAY'S DATE: 1-24-2018

TO: Jeff Novak (Immediate Supervisor)

FROM: Waynette Pellegrini (Your Name or Stewards Name)

NAME OF GRIEVANT(S): Waynette Pellegrini

SHOP: Maintenance / Custodian

DATE OF INCIDENT YOU ARE GRIEVING: 1-17-2018

We grieve a violation of Article(s) Article 1 Section 1 Preamble and any other appropriate Article of the Local 668 contract.

BRIEF STATEMENT OF THE GRIEVANCE (describe contract violation)

WORK WAS <sup>in the courthouse on 2nd floor</sup> given to outside workers which are not union. 2nd floor of Courthouse.

REMEDY REQUESTED Make whole in every way.

We request a hearing on the matter. We demand the employer remedy the contract violation by making the grievant whole and any other appropriate remedy.

Note: For additional information, please contact me at: 724 344 9710  
(Phone Number)

(This copy to Management, make a copy for your files, a copy for BA, a copy for grievant.)



ADPC Grievance/Wayhette

January 29, 2018

On January 24, 2018 I filed a grievance against Judge Farley Toothman about an incident that occurred January 17, 2018. Judge Toothman violated my co-workers and my right to do classified work by hiring outside workers to perform work within the courthouse. As I performed my regular duties on Monday January 29, 2018 I noticed a bright orange paper hanging where I had previously only ever seen the Judge's assignments. Upon examination it was a copy of the grievance that I had filed on January 24, 2018 with my name and personal cell phone number on it. This sheet was hung in a public hall on the second floor, and, again, was bright orange to draw attention. This is a blatant case of harassment by the judge. In today's society we see harassment, and even sexual harassment, on a daily basis. Would the good judge still have done this if a male had alternately filed a complaint? I find it to be unacceptable to be attacked by having my name and personal number published in a public forum in an effort to intimidate me.

  
Wayhette Pellegrini

**EXHIBIT I**

**EXHIBIT I**



Judge Toothman &lt;judgetoothman@gmail.com&gt;

---

**Grievance Response**

4 messages

**Rebecca Harris** <bharris@co.greene.pa.us>

Tue, Feb 13, 2018 at 2:38 PM

To: "Judge Toothman (judgetoothman@gmail.com)" &lt;judgetoothman@gmail.com&gt;

Cc: Sheila Rode &lt;srode@greenepacourts.us&gt;

Judge Toothman,

I just wanted to clarify my response to your question about the grievance. Sally and I met with the union and actually finalized that last week. I was off the last few days and when I answered you, I forgot that we had in fact already sent that response. My apologies. I sent a letter to Waynette and the union denying her grievance regarding work being done by non-union employees in the Courthouse. If the union decides to appeal this, I will know in the next 5 days and then Sally and I will determine what the next step needs to be. I am hoping that they will not appeal this to the next level.

Thanks,

Rebecca Harris

Human Resources Director, MBA BA

County of Greene

93 East High Street

Waynesburg, PA 15370

(724)852-5200

(724)852-5268 fax

bharris@co.greene.pa.us

---

**Greene\_County\_Disclaimer:**

This email or fax is for the use of the intended recipient(s) only. If you have received this email or fax in error, please notify the sender immediately and then delete it. If you are not the intended recipient, you must not keep, use, disclose, copy or distribute this email or fax without the author's prior permission. We have taken precautions to minimize the risk of transmitting software viruses, but we advise you to carry out your own virus checks on any attachment to this message. We cannot accept liability for any loss or damage caused by software viruses. If you are the intended recipient and you do not wish to receive similar electronic messages from us in future then please respond to the sender to this effect.

---

**JudgeToothman** <judgetoothman@gmail.com>

Tue, Feb 13, 2018 at 2:48 PM

To: Rebecca Harris &lt;bharris@co.greene.pa.us&gt;

6/26/2019

Gmail - Grievance Response

• Ok got it:

But what about her not cleaning in Court areas because she refuses to sign a confidentiality agreement with the court ... and is not accountable to ct admin. As i discussed with Jeff, until these items are addressed, she is not welcome in our office/court areas.

Judge Toothman  
[Quoted text hidden]

---

Rebecca Harris <bharris@co.greene.pa.us>  
To: JudgeToothman <judgetoothman@gmail.com>

Tue, Feb 13, 2018 at 3:06 PM

I am going to present this to their union business agent and ask that all of the County maintenance workers sign this. At any point you might need someone to work in the Court house so I think it would be a good idea for them all to sign it. Would you be able to send me an electronic copy of the confidentiality agreement, or ask Sheila to send it to me, so I can send to SEIU to discuss this?

Thanks,

Rebecca Harris  
Human Resources Director, MBA BA

County of Greene  
13 East High Street  
Waynesburg, PA 15370

(724)852-5200  
(724)852-5268 fax  
bharris@co.greene.pa.us

[Quoted text hidden]

---

JudgeToothman <judgetoothman@gmail.com>  
To: Rebecca Harris <bharris@co.greene.pa.us>

Tue, Feb 13, 2018 at 3:17 PM

Sure... thanks. Will have sheila do... tomorrow though.

Judge Toothman  
[Quoted text hidden]

**EXHIBIT J**

**EXHIBIT J**



Supreme Court of Pennsylvania  
ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
Pennsylvania Judicial Center  
Post Office Box 61260  
Harrisburg, PA 17106-1260  
(717) 231-3326

THOMAS B. DARR  
COURT ADMINISTRATOR  
OF PENNSYLVANIA

September 17, 2018

PERSONAL AND CONFIDENTIAL

Ms. Waynette Pelligrini  
218 Woodies Road  
Waynesburg, PA 15370

Dear Ms. Pelligrini:

The Administrative Office of Pennsylvania Courts has concluded our investigation of your Non-Discrimination and Equal Employment Opportunity complaint in Greene County.

A thorough review determined that it was inappropriate for your labor grievance to be posted and distributed as you described. In response, the AOPC has recommended specific remedial and pro-active measures be taken to increase awareness and prevention of potential harassment in the workplace and to ensure all court employees and visitors are treated in a dignified, civil, respectful, and non-discriminatory manner.

This concludes the investigation of your complaint. If you have any questions or witness any behavior you feel is in retaliation for bringing a complaint to our attention, please contact AOPC/Human Resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Darr", written over a horizontal line.

Thomas B. Darr  
Court Administrator of Pennsylvania

**EXHIBIT K**

**EXHIBIT K**

IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOSEPH L. KIGER, )  
Plaintiff, ) A.D. No. 18 of 2017  
vs. )  
AMBER L. DEPETRIS, )  
Defendant. )

ORDER

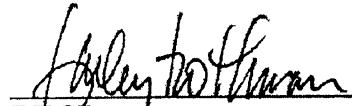
AND NOW, this 11 day of May, 2017, upon consideration of Plaintiff's Motion for Special Relief, it is hereby ordered that the statements signed by Plaintiff related to payment and transfer of the 2013 Ford Explorer are NULL and VOID, having been obtained by coercion and duress. Defendant is directed to return said vehicle to Plaintiff immediately. If Defendant fails to return the vehicle to Plaintiff, Plaintiff is authorized to repossess the vehicle without the need for further Court Order.

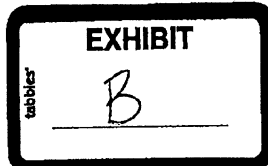
SO ORDERED AND DECREED.

ATTEST:

BY THE COURT:

  
\_\_\_\_\_  
PROTHONOTARY

  
\_\_\_\_\_  
JUDGE



OFFICE OF THE  
PROTHONOTARY  
GREENE COUNTY PA

2017 MAY 11 PM 4: 24

FILED



**EXHIBIT L**

**EXHIBIT L**

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

CIVIL DIVISION

JOSEPH L. KIGER,  
Plaintiff,

-vs-

AMBER L. DEPETRIS,  
Defendant.

No. 18 AD 2017

OFFICE OF THE  
PROthonARY  
GREENE COUNTY, PA

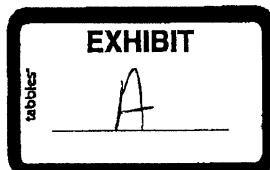
2017 JUN -2 AM 9:56

FILED

ORDER

AND NOW, this 2nd day of June, 2017, in further consideration of the record, and the Pro Se Motion made by the Defendant who does appear, and in consideration of that record, the Court now VACATES our Order dated May 11, 2017, and we DIRECT the Plaintiff to return to the Defendant two (2) vehicles, one (1) being a Dodge Ram 1500 Pickup Truck, 2012, Extended Cab, color Black, VIN No. 1C6RD7FT0CS170607, and one (1) vehicle being a 2013 Blue Ford Explorer 4-Wheel Drive, 4 Door, with VIN No. 1FM5K8D83DGC59203. Set transfer shall happen peacefully, and shall happen within five (5) days, otherwise the Court now issues a Rule to Show Cause why the Plaintiff should not be held in Contempt of this Order, and

This Order shall remain in effect until further Court Order. If the Plaintiff fails to return both



THIRTEENTH JUDICIAL DISTRICT OF PENNSYLVANIA

vehicles to the Defendant, as herein ORDERED, the Defendant is authorized to repossess both vehicles without the need for further Court Order.

SO ORDERED and DECREED.

ATTEST:

BY THE COURT:

THIRTEENTH JUDICIAL DISTRICT OF PENNSYLVANIA

Susan K. White  
PROTHONOTARY

Farley Toothman  
FARLEY TOOTHMAN, PRESIDENT JUDGE

DATE: 6-2-17

**EXHIBIT M**

**EXHIBIT M**

IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JOSEPH L. KIGER,

Plaintiff,

vs.

AMBER L. DEPETRIS,

Defendant.

)  
)  
)  
)  
)

A.D. No. 18 of 2017

ORDER

AND NOW, this 2 day of June, 2017, upon consideration of Plaintiff's Motion to Vacate, Plaintiff having received no notice, or opportunity to respond to Defendant's pro se motion presented on June 2, 2017, the Order dated June 2, 2017 is hereby VACATED.

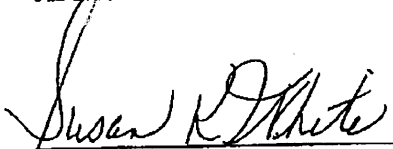
IT IS FURTHER ORDERED THAT a <sup>conference (ft)</sup> hearing in the above-captioned matter is set for the 5 day of JUNE, 2017 at 9 : (a.m.) p.m. in Courtroom # 2 of the Greene County Court house.

2017 JUN -2 PM 1:02  
OFFICE OF THE  
PROTHONOTARY,  
GREENE COUNTY, PENN.

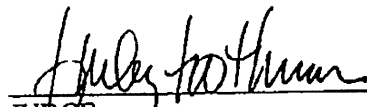
FILED

SO ORDERED AND DECREED.

ATTEST:

  
\_\_\_\_\_  
PROTHONOTARY

BY THE COURT:

  
\_\_\_\_\_  
JUDGE

**EXHIBIT N**

**EXHIBIT N**

2017 JUN -6 AM 10:06

FILED  
FR  
GRE

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

CIVIL DIVISION

JOSEPH L. KIGER,	)	
Plaintiff,	)	
	)	
-vs-	)	No. 18 AD 2017
	)	
AMBER L. DEPETRIS,	)	
Defendant.	)	

O R D E R

THIRTEENTH JUDICIAL DISTRICT OF PENNSYLVANIA

AND NOW, this 5th day of June, 2017, this being the time and place set for a "conference" as a result of a torturous procedural history, it appearing now that the Defendant is represented by Mr. Russo, and the Plaintiff remains represented by Ms. Nash, there appears to be no action before the Court. The Court will acknowledge that there seems to be potentially an agreement about the distribution of motor vehicles, the Court having nothing before it, the Court will simply report that the matter cannot be resolved as a result of a conference, and the parties are encouraged to continue to work to resolve the matter and will address it in any other scheduled hearings.

SO ORDERED and DECREED

ATTEST:

*Suzanne White*  
 \_\_\_\_\_  
 PROTHONOTARY

BY THE COURT:

*Louis Dayich*  
 \_\_\_\_\_  
 LOUIS DAYICH, JUDGE

DATE: *6-6-2017*  
 \_\_\_\_\_  
 7

**EXHIBIT O**

**EXHIBIT O**



IN THE COURT OF COMMON PLEAS COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE  
CIVIL DIVISION

JOSEPH L. KIGER, )  
 )  
 PLAINTIFF )  
 )  
 v. )  
 )  
 AMBER L. DEPETRIS, )  
 )  
 DEFENDANT )

18 A.D. of 2017

UP  
PL  
GRE

2017 JUN -5 PM 2:57

ORDER

AND NOW this 5th day of June, 2017, the Court sua  
sponte sets the above matter for a hearing before President  
Judge Toothman, to be the 7<sup>th</sup> day of June, 2017 at 8:45 a.m.  
in Courtroom 1, Greene County Courthouse.

SO ORDERED AND DECREED

ATTEST:

BY THE COURT:

Susan K White  
PROTHONOTARY

Louis Dayich  
LOUIS DAYICH, JUDGE

DATE: 6-5-2017

THIRTEENTH JUDICIAL DISTRICT OF PENNSYLVANIA

**EXHIBIT P**

**EXHIBIT P**

FILED

017 JUN -7 PM 2:10

OFFICE  
PROTHONOTARY  
GREENE COUNTY

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY  
CIVIL DIVISION

JOSEPH L. KIGER,	)	
Plaintiff,	)	
	)	
-vs-	)	No. 18 AD 2017
	)	
AMBER L. DEPETRIS,	)	
Defendant.	)	

O R D E R

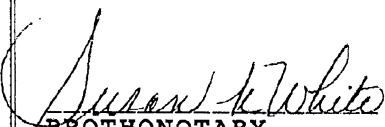
THIRTEENTH JUDICIAL DISTRICT OF PENNSYLVANIA

AND NOW, this 7th day of June, 2017, in considering the record and this Court's various Orders, and having Ordered this as a Conference on the record with regard to marital property and other property, the Court finds that in the interest of fairness and justice to award the Defendant, Amber Depetris, of 2059 Gerrards Fort Road, Waynesbrug, PA 15370, possession of a Dodge Ram 1500 Pickup Truck, 2012, Extended Cab, Black, VIN 1C6RD7FT0CS170607, and the Court DIRECTS the Plaintiff to return this vehicle within 24 hours, and/or we GRANT the Defendant thereafter immediate opportunity to claim the vehicle from wherever it is with the assistance of the Greene County Sheriff.

SO ORDERED and DECREED.

ATTEST:

BY THE COURT:

  
 \_\_\_\_\_  
 PROTHONOTARY

  
 \_\_\_\_\_  
 FARLEY TOOTHMAN, PRESIDENT JUDGE

DATE: 6-7-17

**EXHIBIT Q**

**EXHIBIT Q**

IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

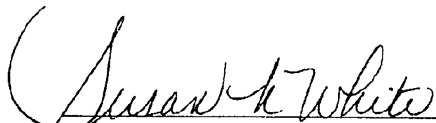
JOSEPH L. KIGER, ) A.D. NO. 18 of 2017  
Plaintiff, )  
vs. )  
AMBER L. DEPETRIS, )  
Defendant. )

FILED  
2017 JUN -7 PM 2:10  
OFFICE OF THE  
PROTHONOTARY  
GREENE COUNTY, PA

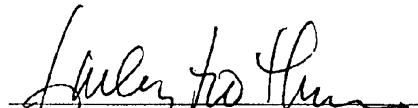
**ORDER**

AND NOW, this 6<sup>th</sup> day of JUNE, 2017, upon statements made by the Parties, the Court hereby orders the proceeds from the sale of the marital residence are to be escrowed into a separate bank account with community bank, said funds are hereby frozen until either a property settlement agreement is entered between the parties, equitable distribution has occurred, or until further order of court. Said documents evidencing the sale of the marital property is to be provided to Defendant by Plaintiff.

ATTEST:

  
PROTHONOTARY

BY THE COURT:

  
JUDGE

**EXHIBIT R**

**EXHIBIT R**

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

CIVIL DIVISION

JOSEPH L. KIGER, )  
Plaintiff, )  
vs. )  
AMBER L. DEPETRIS, )  
Defendant. )

A.D. No. 18 of 2017

HEARING DATE:  
June 7, 2017

BEFORE THE HONORABLE:  
Farley Toothman, President Judge

TRANSCRIPT FILED BY:  
Jennifer R. Withrow, Court Recorder

COUNSEL OF RECORD:

On behalf of the Plaintiff:  
Christine Nash, Esquire

On behalf of the Defendant:  
David Russo, Esquire

Filed in the Office of the Prothonotary.

This 23rd day of April, 2018.

*Susan R. White*  
Prothonotary

FILED  
2018 APR 23 PM 4:18  
OFFICE OF THE  
PROTHONOTARY  
GREENE COUNTY PA

I-N-D-E-X

WITNESS                      DIRECT              CROSS              REDIRECT      RECROSS

(NO WITNESSES CALLED.)

EXHIBITS    MARKED              ADMITTED

(NO EXHIBITS MARKED.)

Certificate Pg. - 21



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P-R-O-C-E-E-D-I-N-G

TIPSTAFF: Mr. Russo's not here.

THE COURT: That's okay, we're going to get started because Ms. Nash needs to go, and we're going to duke this one out.

This mother is going to get a car, and I regret signing that second Order, Ms. Nash. So, I need to understand the situation. Is Mr. Russo coming?

MS. DEPETRIS: He's supposed to be here, yes.

THE COURT: Okay. Well, we'll wait a while. Are there any other motions? No?

MS. NASH: I don't have any, Your Honor.

Your Honor, the bottom line is, both of these vehicles are non-marital property. All I --

THE COURT: It doesn't matter. She has four kids.

MS. NASH: They are not my client's.

THE COURT: Well, have a nice day.

MS. NASH: And, she has a vehicle she's renting.

THE COURT: She's renting a vehicle. He's got the money. He can rent a vehicle. This is torture and unfair.

MS. NASH: How is it torture? I asked for the return of the vehicle that is actually his. It's in his name alone.

THE COURT: She has her name on the debt of one of them, as I recall?

1 MS. NASH: Not the one that I asked to return  
2 for.

3 THE COURT: Well, I don't care which one, really.

4 MS. NASH: Your Honor, the proper procedure to  
5 get her name or his name off of the other vehicle is to do  
6 a -- a complaint and ask for partition.

7 THE COURT: She hasn't -- she hasn't had a lawyer  
8 for the whole deal.

9 MS. NASH: Your Honor, this is the first time  
10 this matter has come before the Court. Everything else has  
11 just been sitting. This divorce wasn't even filed until  
12 January. So, I'm not sure what exactly is unfair about --

13 THE COURT: He took both cars and left her  
14 stranded without any money and --

15 MS. NASH: He's paying her support. She receives,  
16 I think, \$1,400.00 a month in support, and if she's not  
17 receiving child support, then she needs to go file with  
18 the other fathers of her children.

19 THE COURT: I'm here about the spitefulness of  
20 taking two vehicles in that situation, and I can't believe  
21 that you want to argue about it.

22 MS. NASH: Your Honor, I asked -- I gave -- Ms.  
23 DePetris? Okay. -- I gave her four different options in my  
24 motion in May. She didn't even show up.

25 THE COURT: Well, --

1 MS. NASH: One of them was for a hearing, one of  
2 them was to buy him out, one of them was for her to  
3 refinance and he would pay her in alimony. I gave so many  
4 options and she didn't even show up that morning.

5 THE COURT: We're arguing, Mr. Russo.

6 MR. RUSSO: I'm sorry, Your Honor, I was stuck in  
7 construction. I apologize.

8 THE COURT: Stuck in construction? Oh, in  
9 Holbrook?

10 MR. RUSSO: Actually, there were two places in  
11 construction, one on Hargus Creek and one on 21.

12 THE COURT: Okay. So, we'll begin again, and more  
13 formally. This is the matter of Joseph Kiger, plaintiff,  
14 versus Amber DePetris, at 18 A.D. of 2017.

15 The Court was telling Ms. Nash that I, in fact,  
16 regretted signing a second Order on a very busy Friday  
17 afternoon, when in fact I had granted the *pro se* motion of  
18 Ms. DePetris, returning both vehicles back to him. As I  
19 was learning of the facts as they were portrayed, it  
20 seemed to be an exceptionally spiteful situation wherein  
21 mother with four children was left without any vehicles,  
22 no job, and renting a car, while he works in -- a coal  
23 miner and over a hundred-grand, and his smiling on his way  
24 out of collecting two vehicles for some reason.

25 Now, Ms. Nash has just stated, and I think

1 fairly, that Ms. DePetris has been unrepresented and  
2 unresponsive with regard to what she has needed to do. I'm  
3 seeking a resolution, only, of the vehicle situation, if  
4 possible. I just think it's not fair, and if somebody --  
5 if the attorneys can go and do that, please do. If you  
6 can't, and you want me to get mean about it, I'm willing  
7 to today. I was willing to on Friday. I'm sad that I was  
8 away on Monday and I don't like having to listen to what I  
9 heard on the recording.

10 MS. NASH: Well, Your Honor, on Friday, I -- I  
11 appreciate you signing my Order on Friday because I had  
12 absolutely no notice that Ms. DePetris was here.

13 THE COURT: I get that. I get -- I get the  
14 brutality of an *ex parte*, *pro se* motion, but when I have a  
15 mother of four crying in the Courtroom because spiteful  
16 former concubine took off with all the vehicles and his  
17 money, I don't get it really.

18 MS. NASH: Your Honor, he's not being spiteful,  
19 it's just not -- and, if we're talking about fairness, I  
20 mean, she's driving around in a vehicle that my client is  
21 paying for, my client is insuring, my client is  
22 registering and is taking -- she's getting all of the --  
23 all of the benefit and none of the burden.

24 MR. RUSSO: Your Honor, if I could make an  
25 argument for my client? There's a marital residence --

1 this is a piece of personal property that was --

2 THE COURT: Personal property?

3 MR. RUSSO: -- or real property that a house was  
4 put on this land. She took out a loan in this property, in  
5 her name. They built a house -- moved a house on -- but  
6 the parties lived in this marital residence throughout the  
7 marriage, which was purchased during the marriage.

8 Now, at the time of separation, he files a  
9 divorce against my client, and then, she doesn't know, but  
10 he sets up a sale of the house. She becomes aware that the  
11 house is for sale, which she didn't oppose -- it could be  
12 put up for sale. Then a week before the closing on this  
13 house, which my client didn't even know there was a  
14 closing on the house, she -- Rick Kalsey shows up at her  
15 house and says, your house is getting sold. We need you  
16 down there to sign off on it. She's dumbfounded -- has no  
17 idea what's going on. She's got to go to Kirk King's  
18 office.

19 When she gets down there, they say, alright, you  
20 need to sign off the documents because we're closing on  
21 the house today. She says, I don't know what's going on, I  
22 haven't received anything, I don't have -- nobody's given  
23 me anything as far as marital property goes. What's  
24 happening in this situation?

25 Well, we have a buyer for the house, we're

1 selling, everybody's here. You have to sign, and you have  
2 to sign off on the deeds, quick claim, or what have you,  
3 okay?

4 So, she says, I can't go through this --

5 MS. NASH: And, Your Honor, I'm going to object.  
6 If Mr. Russo is going to offer testimony on behalf of his  
7 client, then I would ask that we convene formally as a  
8 hearing, give me an opportunity to get my client here, so  
9 that we can work all of that out.

10 MR. RUSSO: I'm -- I'm making an argument, if I  
11 could finish?

12 MS. NASH: That's not an argument.

13 MR. RUSSO: She got to make an argument, I'm  
14 making an argument. The Court can say, we believe Mr.  
15 Russo, one-hundred percent -- we think Mr. Russo's a liar.  
16 Either or, I'm not giving testimony, I'm giving you our  
17 argument.

18 MS. NASH: I think it is testimony because you're  
19 saying what your client would be saying.

20 THE COURT: Look, we'll have a hearing if we have  
21 to have a hearing, or you could just say, here's a car and  
22 here's the key, and go get it.

23 MS. NASH: Your Honor, we offered on Monday for  
24 her to take the Ford Explorer back.

25 MR. RUSSO: No, they --- no. One, the Ford

1 Explorer is not in her name. The truck -- her name is on  
2 the registration for that. The Ford Explorer -- the truck  
3 was moved out and he told her she wasn't getting the Ford  
4 Explorer.

5 See, what happened at this real estate deal, she  
6 says, I need something from this because, he says, we're  
7 taking the proceeds from the real estate transaction and  
8 we're going to give it to my mother. And, she's like,  
9 what? What's going -- she's like, I'm not walking out of  
10 here without something, and I don't have a vehicle. I need  
11 a vehicle, so you've got to give me one.

12 They agreed -- we'll give you the Ford Explorer,  
13 although her name's not on it, the value is minute. He  
14 gets to keep the truck. My client says, whatever, I've got  
15 to get my kids to school, signs off on everything, he  
16 doesn't give her the Explorer.

17 So, now, they take the proceeds from the real  
18 estate, like one-hundred and some thousand dollars -- I  
19 believe they paid off the secured loan -- the mortgage --  
20 maybe, maybe not.

21 THE COURT: Let's hope so.

22 MR. RUSSO: And, they take their hundred and some  
23 thousand dollars and give it to his mother. His mother  
24 gets all this equity -- this monetary value of the house.  
25 My client sees none of it, and all she wants is something

1 in the divorce. She' supposed to -- she's renting a car  
2 right now because he has both vehicles, so she's incurring  
3 that expense. She can't pay an attorney to come down and  
4 do it because she's -- rental cars, kids -- I mean --

5 THE COURT: She ain't got a car, yeah.

6 MR. RUSSO: Yeah.

7 MS. NASH: Your Honor, I would note for the  
8 record, she's renting a Ford F-150. She could certainly be  
9 renting something --

10 THE COURT: Well, why's the hundred-grand, less  
11 the equity, going to mom-in-law?

12 MS. NASH: Your Honor, I don't have a lot of  
13 knowledge about this real estate transaction. I didn't  
14 even know it was happening.

15 MR. RUSSO: Oh, come on.

16 MS. NASH: Mr. Russo, please stop. There is no  
17 reason to react like that. I had no knowledge of this real  
18 estate transaction until the day before it happened.

19 MR. RUSSO: Your Honor, she even filed a motion  
20 including, or stating, that this undue duress occurred at  
21 this real estate transaction. So, she's going to sit here  
22 and say, boy, we don't know anything about that real  
23 estate. But, she put in there my client is the one putting  
24 them under duress for the actions that occurred at this  
25 real estate closing.



1 THE COURT: When was the closing?

2 MS. NASH: It was in March.

3 MR. RUSSO: March 17<sup>th</sup>.

4 MS. NASH: And, here we are three months later.

5 MR. RUSSO: Because he won't give her any  
6 vehicles. There is a signed agreement that says, we're  
7 going to give you a vehicle. Her name's not even on that  
8 one. She doesn't have any vehicles.

9 MS. NASH: That was the one she wanted. One of  
10 those signed agreements is in her handwriting.

11 THE COURT: Look, there's the larger argument  
12 here that I would save for another day. I've really just  
13 convened to understand why she can't have a car. As you  
14 get into the larger issues of more money and mother-in-  
15 law, I'm happy to set a hearing and shove decisions down  
16 this because as I become more aware of it, there's  
17 something that seems absolutely unfair, and I think that  
18 it is based on her having not any representation for a  
19 while. But, as Russo tigers-in on the situation, I can't  
20 imagine, Ms. Nash, that you can't give her a key to either  
21 vehicle. I'm not even saying which one. I don't get it.  
22 Why -- why not?

23 MS. NASH: Well, like I explained, Your Honor,  
24 the Ford Explorer is the one that was part of the  
25 agreement that Mr. Russo is talking --

1 THE COURT: Okay, which car can she have?

2 MS. NASH: Your Honor, I haven't had an  
3 opportunity to talk to my client. He offered her --

4 THE COURT: Well, I'm going to order it today --

5 MR. RUSSO: Come on.

6 THE COURT: -- and somebody is going to be in  
7 contempt.

8 MS. NASH: Your Honor, he offered her the Ford  
9 Explorer -- to have it back. She should already have a key  
10 --

11 THE COURT: When?

12 MS. NASH: She should already have a key -- she  
13 should already have a key because when he went to pick up  
14 the vehicles, she claimed that she lost the keys.

15 MR. RUSSO: Your Honor, the loan for the G.M.  
16 truck -- she is on that loan.

17 THE COURT: I don't want to talk about a loan. I  
18 just want to know when she gets the car -- possession of a  
19 car. I don't care about all the legal title and equitable  
20 interest and all of those moons, I just simply wanted to  
21 get the mommy a car that I thought was parked in a  
22 driveway while somebody was earning \$120,000.00 a year.

23 MS. NASH: And, Your Honor, that's not based on  
24 their --

25 MR. RUSSO: You're right. But, they moved the

1 vehicle. He --

2 THE COURT: Well, that's --

3 MR. RUSSO: He took the vehicle and it's gone.  
4 Told her it's not in town anymore.

5 MS. DEPETRIS: Isn't in town.

6 MR. RUSSO: It's out of town.

7 MS. DEPETRIS: Last weekend when you pulled the  
8 motion, he said it was out of town. I said, Joe, I need a  
9 vehicle. At this point, my phone's shut off, my water's  
10 about to be shut off -- because I had to get an attorney.

11 Like, I get -- yeah, I do have four kids, I have  
12 responsibilities, but these, you know, expenses -- all I  
13 need is a vehicle. Like, I have a paraplegic man that I  
14 take care of five days a week who Joe, after they motioned  
15 your Court on May 11<sup>th</sup> -- which is totally my fault that I  
16 didn't show up because I read it and I just -- I called  
17 Joe. He goes, it's not a hearing, it's just what they're  
18 considering. Of course, I'm not --

19 THE COURT: You believed it.

20 MS. NASH: Well, Your Honor, is she saying that  
21 she's working? That you're taking care of the paraplegic  
22 man? Because if you are working, then, Your Honor, I would  
23 say that she needs to report that to Domestic Relations  
24 because when they had their initial support conference --

25 MS. DEPETRIS: It's less than what they --

1 MS. NASH: -- then they -- she was -- she claimed  
2 she was unemployed.

3 MR. RUSSO: Oh, my goodness. I don't want to get  
4 into support now. Now, we're bringing in a collateral  
5 issue we don't -- she's working, she's got to get to work.  
6 Your Honor, please, just sign an Order that she can have  
7 the truck right now until we get back in to do another  
8 hearing.

9 MS. NASH: And, I object to her getting the  
10 truck. The truck wasn't even a part of my original motion.

11 MR. RUSSO: You object -- you object to her  
12 getting anything.

13 MS. NASH: My original motion --

14 MS. DEPETRIS: He said it was gone, is it back or  
15 something?

16 MS. NASH: -- was the Explorer.

17 MR. RUSSO: If it was up to your client, she'd  
18 either be riding a bike around town or she'd be feeding a  
19 horse right now.

20 THE COURT: I'm afraid that's true, isn't it?  
21 What's --- is this what we have resigned to --

22 MS. NASH: And, Your Honor, if we're going to  
23 resolve property issues, why are we not in front of a  
24 Master? I mean, isn't that --

25 THE COURT: Well, because you're in front of me

1 and I'm mastering this one. It came through *pro se*  
2 Motion's Court. What do you want me to do? I just can't  
3 believe that this is what our society has come down to  
4 argue? Are you serious? You want to argue that two trucks  
5 -- two vehicles should be in his possession while he goes  
6 to work and leave her with the four children and the house  
7 -- or no house in this situation?

8 MS. NASH: Your Honor, if she wants the truck  
9 that's in joint names, the proper action is to file a  
10 complaint and ask for a partition.

11 THE COURT: Oh, well she --

12 MS. NASH: It is non-marital asset.

13 MR. RUSSO: This Court can issue an Order that  
14 appears to be equitable before we resolve the issues in  
15 the case.

16 THE COURT: Yeah, I mean, somebody -- take me to  
17 the U.S. Supreme Court on this one, Ms. Nash. You're  
18 welcome to because you'll need to.

19 MS. NASH: My client was willing on Monday to  
20 give her the Explorer.

21 MR. RUSSO: Oh, no he wasn't.

22 THE COURT: That's not what I heard --

23 MS. DEPETRIS: I called him last night --

24 MS. NASH: You didn't speak to my client.

25 THE COURT: -- of the people in the Courtroom.

1 MS. NASH: And, --

2 THE COURT: I heard that you were having a good  
3 time recognizing that she wasn't getting nothing and that  
4 I had signed an Order that mooted the issue when in fact -

5

6 MS. NASH: Me?

7 THE COURT: Yeah.

8 MR. RUSSO: Yep.

9 THE COURT: You want to hear the recording as it  
10 plays out? I don't think that's effective advocacy here.

11 So, I'm going right back to my Order of June  
12 2<sup>nd</sup>. You want both vehicles? Let him rent a car.

13 MS. NASH: Your Honor -- Your Honor, my client  
14 needs a vehicle to get to work as well, so at the very  
15 least, he needs one of them.

16 THE COURT: Well, she probably needs the second  
17 vehicle to sell it or park it in her driveway just like  
18 him, right?

19 MS. NASH: At the very least -- at the very  
20 least, he needs one.

21 THE COURT: Turnarounds fair play.

22 MS. NASH: He works in the coal mines and if she  
23 wants to continue receiving her support, he needs to go to  
24 work.

25 MS. DEPETRIS: He lives rent-free in a company

1 house. No bills.

2 THE COURT: Maybe she --

3 MR. RUSSO: He doesn't have any bills.

4 MS. DEPETRIS: He lives in the company house for  
5 Contura with no bills.

6 MS. NASH: And, my client recently went through  
7 bankruptcy and will not --

8 MR. RUSSO: He has a -- I think he has --

9 MS. NASH: -- probably not be able to get  
10 financing if he has to continue on two vehicles --

11 MS. DEPETRIS: The bankruptcy was discharged last  
12 year.

13 MS. NASH: -- plus a third one.

14 MR. RUSSO: There is no --

15 COURT REPORTER: Excuse me, I need you to speak  
16 one at a time, please.

17 MR. RUSSO: There is no bankruptcy, Your Honor.  
18 It was -- this was over a long time ago, and he's making  
19 \$125,000.00 or \$130,000.00 a year. It's ridiculous. This  
20 is punitive. That's all this is. This is --

21 THE COURT: Oh, it's worse than that. It's, you  
22 know, it's spiteful -- it's punitive spiteful.

23 I mean, the bottom line is, I don't care which  
24 vehicle. I'm -- yeah, I think the Sheriff should attend  
25 this one. Where are these vehicles?

1 MR. RUSSO: Go on. Not in the County.

2 MS. DEPETRIS: My Ford's sitting in a barn at  
3 Contura's house. I spoke with Mr. Rafferty and he told me  
4 that I had permission to go on the property and get the  
5 vehicle, but when I drove down, Joe was outside. He told  
6 me his truck was out of town and that the Ford -- he  
7 doesn't have the (inaudible) to go -- because whenever  
8 they come to get it, we were fishing out at the pond with  
9 my kids and I had my keys --

10 THE COURT: Okay, I don't need all of this --

11 MS. DEPETRIS: Okay.

12 THE COURT: -- fishing in the pond --

13 MS. DEPETRIS: Okay.

14 THE COURT: -- it's like, stop. Am I sensing that  
15 there -- the truck is of higher value and newer? One is a  
16 2013 blue Ford Explorer, and one is a black, extended cab,  
17 2012 pick-up truck?

18 MR. RUSSO: Your Honor, this -- although this is  
19 somewhat collateral, we need to preserve the marital  
20 assets. We're just asking that equity in the house be put  
21 into an escrow account until equitable distribution is  
22 resolved.

23 We are asking for the truck -- the Dodge Ram --  
24 and then just the equity of the home to be put in an  
25 account. We're not trying to hurt anybody here today, Your



1 Honor.

2 MS. NASH: And, Your Honor, I don't know what the  
3 status of those funds are from the sale of this residence.  
4 I haven't seen any of the sale documents. I don't know --

5 THE COURT: Weren't you there?

6 MS. NASH: I was not.

7 THE COURT: You represented him in the sale?

8 MS. NASH: I was not.

9 THE COURT: You said you --

10 MS. NASH: I was not involved in the sale. Mr.  
11 King's office did the closing.

12 THE COURT: Yeah, but they do that for the bank,  
13 right?

14 MS. NASH: I have none of the documents for the  
15 sale, I do not know where the monies were placed, I don't  
16 know if his mother still has them. I have no information  
17 on that.

18 THE COURT: Well, it sounds like you need to get  
19 ahold of your client and have a conversation?

20 MS. NASH: I do need to get ahold of my client  
21 and I have not had an opportunity to do that between the  
22 time that we left from Court on Monday and this morning.

23 THE COURT: Okay. So, I know you need to get back  
24 and I don't want to extend any of this agony. I'm  
25 certainly willing to freeze assets in this and, so, you

1 know, your client needs to get ahold of you right away and  
2 deal with this.

3 MS. NASH: Your Honor, I don't think freezing of  
4 assets is necessary. If you freeze --

5 THE COURT: No, it is, and I've signed the Order.  
6 And, also --

7 And now, this day, in the matter of Joseph  
8 Kiger, plaintiff, versus Amber DePetris, defendant, at  
9 file 18 A.D. of 2007, in considering the record and this  
10 Court's various Orders, and having Ordered this as a  
11 conference on the record with regard to marital property  
12 and other property, the Court finds, in the interest of  
13 fairness and justice, to award the defendant, Amber  
14 DePetris, of 2059 Garards Fort Road, Waynesburg, P.A.  
15 15370, a -- possession of a Dodge Ram 1500 pick-up truck,  
16 2012, extended-cab, black, VIN number 1C6RD7FT0CS170607,  
17 and we direct the plaintiff to return this vehicle within  
18 twenty-four hours and/or we grant the defendant thereafter  
19 immediate opportunity with -- immediate opportunity to  
20 claim the vehicle from wherever it is, with the assistance  
21 of the Greene County Sheriff.

22 - - -  
23 (THEREUPON, at 8:53 o'clock A.M., the hearing  
24 was adjourned.)

25

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

CIVIL DIVISION

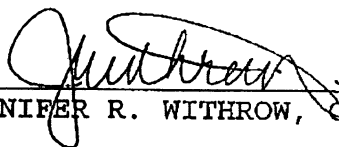
JOSEPH L. KIGER, )  
Plaintiff, )  
vs. )  
AMBER L. DEPETRIS, )  
Defendant. )

A.D. No. 18 of 2017

FILED  
20 APR 23 PM 4:18  
PRICE OF THE  
PROTHONOTARY  
GREENE COUNTY PA

C-E-R-T-I-F-I-C-A-T-E

I, Jennifer R. Withrow, the undersigned, do hereby certify that the foregoing twenty pages are a true and correct transcription of an audio recording captioned "Joseph L. Kiger v. Amber L. DePetris, A.D. No. 18 of 2017."

  
JENNIFER R. WITHROW, COURT RECORDER

The foregoing record is hereby approved and directed to be filed.

  
FARLEY TOOTHMAN, PRESIDENT JUDGE

4-20-18  
DATE

**EXHIBIT S**

**EXHIBIT S**

COMMONWEALTH OF PENNSYLVANIA, COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY  
CIVIL DIVISION

KRYSTOPHER WEBSTER, )  
)  
Plaintiff, )  
-vs- ) F.A. No. 15 of 2018  
)  
LARRY FRANK, )  
)  
Defendant. )

---

PFA HEARING DATE:  
April 2, 2018

BEFORE THE HONORABLE:  
Farley Toothman,  
President Judge

TRANSCRIPT FILED BY:

Jenna Nicole Freund,  
Court Reporter

COUNSEL OF RECORD:

On behalf of the  
Plaintiff:  
Adam Belletti, Esquire

On behalf of the Defendant:  
John Hardisty, Esquire

Filed in the Office of the ~~Clerk~~  
*Prothonotary*  
~~of Courts~~ this 25<sup>th</sup> day of  
September, 2018.

*Susan K White*  
Prothonotary

2018 SEP 25 10:11 AM  
CLERK OF COURTS  
GREENE COUNTY, PENNA.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I-N-D-E-X

WITNESS	DIRECT	CROSS	REDIRECT	RE-CROSS
Krystopher Webster	42			

EXHIBITS:

(NO EXHIBITS MARKED.)

Certificate - Pg. 46

P-R-O-C-E-E-D-I-N-G-S

1  
2 THE COURT: So we are on the record in judge's  
3 chambers in the PFA matter at 15 of 2018, Krystopher  
4 Webster versus Larry Frank, and present is Court Clerk,  
5 as well as Adam Belletti on behalf of mother and --

6 MR. BELLETTI: Father.

7 THE COURT: Oh, I'm sorry, yes, sorry, on behalf  
8 of father, and John Hardisty on behalf of Larry Frank.

9 MR. HARDISTY: Correct.

10 THE COURT: And with us we are pleased to announce  
11 [REDACTED]; do I have that right?

12 [REDACTED] Yep.

13 THE COURT: And what's your birthday?

14 [REDACTED], 2007.

15 THE COURT: How old are you?

16 [REDACTED] I'm 11.

17 THE COURT: What grade are you in?

18 [REDACTED] 5th grade.

19 THE COURT: Can you hear all right?

20 MR. HARDISTY: If she could speak up a little bit  
21 louder.

22 THE COURT: Sorry. And you have a little sister?

23 [REDACTED] Yes.

24 THE COURT: What's her name?

25 [REDACTED] Her name is [REDACTED]

1 THE COURT: You like her?

2 [REDACTED] Yeah, although sometimes she is a pest.

3 THE COURT: Yeah. Okay. So you have attended a  
4 bit of a hearing the other day on this matter, this is  
5 really only with regard now to what was alleged to have  
6 occurred on Friday, March 16, 2018 at 7:00 p.m. in the  
7 parking lot in Rice's Landing with regard to the fish  
8 fry.

9 [REDACTED] Yes.

10 THE COURT: Okay. Do you want to recall for all  
11 of us what happened there at about 7:00 p.m.?

12 [REDACTED] Okay. So we left the fish fry and then  
13 he pulled over in --

14 THE COURT: He is?

15 [REDACTED] Larry.

16 THE COURT: Okay.

17 [REDACTED] Larry pulled over in Giant Eagle, and  
18 then he just started like asking why me and my sister  
19 were fighting. I couldn't remember why, and then he  
20 asked me, "What else did you do today besides upset my  
21 pregnant wife?"

22 MR. HARDISTY: She is going too fast, I can't --  
23 honey, could you slow down and speak louder?

24 [REDACTED] Okay.

25 MR. HARDISTY: Okay. Thank you.



1                   ██████████ And then -- and then he just -- he made  
2 me upset, and then when we went home and I didn't -- I  
3 didn't go in the house for a minute to calm down, and  
4 then when I went in the house, then later, I went  
5 upstairs and I heard him yelling about me downstairs to  
6 mom.

7                   THE COURT: What kinds of things did he say?

8                   ██████████ He said I had a -- he said I had  
9 attitude, and he also -- he was also saying something  
10 about what I say, every word that comes out my mouth. I  
11 didn't hear what he said before or after, but -- and then  
12 mom said, "She can hear you," and he said, "That's the  
13 point."

14                   THE COURT: Did you feel scared at any time?

15                   ██████████ Yes. He also said that -- that I flat  
16 out said I don't want to have a good relationship with  
17 him.

18                   THE COURT: That you don't?

19                   ██████████ He said that's what I said.

20                   THE COURT: Oh, did you say it?

21                   ██████████ No, I didn't.

22                   THE COURT: Do you want a good relationship with  
23 him?

24                   ██████████ I don't really, like, know. I'm just  
25 not so sure right now.

1 THE COURT: Uh-huh. So this was driving home from  
2 the fish fry; right?

3 [REDACTED] Yes.

4 THE COURT: And was he saying things to you about  
5 your mother?

6 [REDACTED] What kind of things do you mean?

7 MR. HARDISTY: She is asking the Court a question.  
8 I don't know if that's quite kosher.

9 THE COURT: I think it's okay out of an 11 year  
10 old. I mean, I will just read what's alleged here. It's  
11 alleged that you and Larry were driving home from the  
12 fish fry and that you -- were you alone with him?

13 [REDACTED] Yes.

14 MR. HARDISTY: Your Honor, I would object. Well,  
15 if that's in there, we are going to object. Mr. Frank  
16 and her mother didn't receive the order until Saturday  
17 and this occurred on a Friday, and there will be  
18 testimony about that I guess at some point in time.

19 MR. BELLETTI: If they want to purger themselves,  
20 that's fine, but they seem to get the orders that require  
21 the girls to have phones a day after they are --

22 THE COURT: Okay. Time --

23 MR. BELLETTI: And suddenly this order they don't  
24 get until Saturday.

25 MR. HARDISTY: Mr. Belletti, we have a child here,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

could you hold it, please?

MR. BELLETTI: Then maybe counsel should stop from making those comments in the first place.

THE COURT: Okay. Time out. I can put them in time out. He is calling -- okay. Did he call your mom anything, any names or anything?

[REDACTED] No.

THE COURT: Is your mom going to have a baby?

[REDACTED] Yes, she is.

THE COURT: And are you a little excited about that?

[REDACTED] Yes.

THE COURT: Do you know if it's a boy or a girl or anything?

[REDACTED] We don't know yet.

THE COURT: Oh, my. And was your mom -- had you been making your mom upset? Were you arguing with your sister and that made her upset?

[REDACTED] Yes.

THE COURT: That's what happened, huh?

[REDACTED] Uh-huh.

THE COURT: Well, when he pulled -- why did he pull over into the parking lot?

[REDACTED] I don't know. He pulled over in Giant Eagle and then he went in the store after we were done

1 talking.

2 THE COURT: Oh, so he was doing some shopping as  
3 well? Did he come out buying things?

4 [REDACTED] I don't know what he got, but he just  
5 went in for a second and then came out with something, I  
6 don't know what it was.

7 THE COURT: Okay. And yet, did he -- were you --  
8 did you feel threatened at all in the truck?

9 [REDACTED] Not really. A little bit, but I just  
10 didn't think he would -- I didn't think he would  
11 actually, like, do -- like, hit me or anything like that,  
12 so I didn't feel too threatened.

13 THE COURT: Uh-huh. Did you cry?

14 [REDACTED] Yes, I did, sir.

15 THE COURT: Why?

16 [REDACTED] It upset me.

17 THE COURT: Uh-huh. And when you got home, what  
18 happened?

19 [REDACTED] Well, when I got home we just like did  
20 our normal routine for bed, and then later when I was  
21 getting outfits for dad's house, then they started --  
22 then he started yelling about me downstairs.

23 THE COURT: Not yelling at you, but yelling at  
24 your mom about you?

25 [REDACTED] Yeah. Yes, sir.

1 THE COURT: Do you remember anything else that he  
2 said during that yelling?

3 [REDACTED] No, sir.

4 THE COURT: But you were upstairs?

5 [REDACTED] Yes.

6 THE COURT: And you could hear it all?

7 [REDACTED] Yes.

8 THE COURT: And did he ever call you any names?

9 [REDACTED] No. No, sir.

10 THE COURT: Have you ever felt intimidated in the  
11 past by him?

12 [REDACTED] I don't know what intimidated means.

13 THE COURT: Scared, threatened, worried, anxious?

14 [REDACTED] I think so, a little bit. Like, maybe  
15 a few months ago I may have felt a little intimidated,  
16 but not when we first --

17 MR. HARDISTY: I can't hear, chimes.

18 THE COURT: Okay. Wait until it stops.

19 MR. HARDISTY: That's what I am going to do.

20 THE COURT: Okay. You said that you felt a little  
21 intimidated a few months ago?

22 [REDACTED] Yes.

23 THE COURT: Do you want to describe that  
24 situation?

25 [REDACTED] I don't know specific situations, but I

1 feel like I have been intimidated in the past.

2 THE COURT: Generally? How long have you lived  
3 with him?

4 [REDACTED] I'm not exactly sure how long. I think  
5 maybe a year or so.

6 THE COURT: Now, you remember when you were here  
7 before with your father, right, and I chatted with you a  
8 little bit?

9 [REDACTED] Yes, sir.

10 THE COURT: You did tell me at that time, and I  
11 believe we were on the record, that you were scared?

12 [REDACTED] Yes.

13 THE COURT: In the truck?

14 [REDACTED] Yes.

15 THE COURT: And I think you also had told me that  
16 you wanted to be away from him?

17 [REDACTED] Uh-huh.

18 THE COURT: Is that still true?

19 [REDACTED] Yes.

20 THE COURT: Do you want to tell me why anymore?

21 [REDACTED] Well, it's because I -- I'm not so sure  
22 I want to deal with him anymore, like -- well, what  
23 happened at the fish fry just proves that I just can't  
24 like -- I just don't want to be around him if he is just  
25 going to act like that with me, why should I put up with

1 it anymore?

2 THE COURT: Uh-huh. Have you talked to your mom  
3 about him?

4 [REDACTED] I've tried in the past, but usually she  
5 thinks that -- usually she is just -- she just thinks  
6 that he like, I don't know, does it for my own good or  
7 something maybe, she will like maybe make an excuse,  
8 maybe he is trying to do this, maybe he was trying to  
9 tell you that. She didn't do that for the fish fry,  
10 though, we didn't really talk about it.

11 THE COURT: Does she ever take your side of  
12 things?

13 [REDACTED] I don't think she does that much.

14 THE COURT: And your father, you ever feel  
15 threatened around him?

16 [REDACTED] No.

17 THE COURT: Do you like being with your father?

18 [REDACTED] Yes.

19 THE COURT: And do you think your little sister  
20 will talk to me today?

21 [REDACTED] If she is not too scared.

22 THE COURT: I tried to make her not scared the  
23 other time.

24 MR. BELLETTI: She was quite insistent that  
25 Kierstyn go first; right?

1 THE COURT: But remember, she was able to tell you  
2 some things that you then brought up; right?

3 [REDACTED] Uh-huh.

4 THE COURT: Okay. So Mr. Belletti represents your  
5 father, and do you have any questions of her?

6 MR. BELLETTI: Yeah, just a few.

7 DIRECT EXAMINATION

8 BY MR. BELLETTI:

9 Q [REDACTED] you remember a little while ago Larry  
10 made --

11 MR. HARDISTY: I am going to object to the basis  
12 of the question. I think he needs to -- I don't know.

13 MR. BELLETTI: I am trying to think of a nice way  
14 to say it. At least I could get the question out maybe  
15 before it's objected to.

16 MR. HARDISTY: Start with --

17 MR. BELLETTI: Okay.

18 Q Do you remember about a year ago, year, year and a  
19 half ago, Larry kind of lashed out at [REDACTED]

20 MR. HARDISTY: Your Honor, I am going to object to  
21 this because even if there are no specifics to paragraph  
22 10, if it just says over the last couple of months, if he  
23 is going to talk a year ago, number one, we object  
24 because there are no specific facts put in this petition,  
25 and number two, that's even by the words used in the --



1 in the paragraph 10, the words used the last couple  
2 months, and I think to go far afield without notice --

3 THE COURT: Yeah. Okay. Granted.

4 MR. BELLETTI: Your Honor, the Court is allowed to  
5 hear about the history of this case that feeds into their  
6 feelings and position on this, and this is something that  
7 feeds into it.

8 MR. HARDISTY: Then it should have been pled.

9 MR. BELLETTI: Your Honor, these are documents  
10 filled out by domestic -- the Domestic Violence Center  
11 across the street over here on Morgan Street. They  
12 don't -- these aren't trained attorneys to do this, they  
13 are not pleading everything, prior instances of --

14 THE COURT: Is this something with regard to her  
15 or her sister?

16 MR. BELLETTI: I think it feeds into the overall  
17 relationship with her and her sister and Mr. Frank.

18 [REDACTED] Actually, what you're saying --

19 MR. HARDISTY: Excuse me, I would object on the  
20 basis that's more of a subject matter for the custody  
21 case rather than this particular PFA action.

22 MR. BELLETTI: Your Honor, Mr. Frank grabbed the  
23 younger child and left bruises on her wrist and yelled at  
24 her, that's something that adds into the spirit of  
25 intimidation, which is what the basis of this PFA is

1 about.

2 [REDACTED] I believe this actually mostly concerns  
3 my little sister.

4 MR. BELLETTI: Yeah, right, that's what I was  
5 asking.

6 Q Do you know about that?

7 A I didn't find out about it until like just awhile  
8 ago. She never even told me, she didn't tell me anything  
9 about this.

10 Q She did?

11 A No, she never tells me about almost anything like  
12 that.

13 Q Okay. Now, you have been telling dad for a long  
14 time now that Larry has been making mean comments to you?

15 A Yes, sir.

16 Q And maybe we need to clarify what name calling can  
17 be. Has he ever said you were a liar?

18 A No, sir, he has actually never called me names  
19 straight.

20 Q He has never called you names straight?

21 A Nope.

22 Q What do you mean by that, by straight?

23 A Straight out to my face called me a name.

24 Q Okay. Now -- okay.

25 MR. HARDISTY: So judge, here comes another --

1 THE COURT: No, I said -- Hi [REDACTED] I said a  
2 Kleenex, and it was right there. We will see you in a  
3 little bit. Okay?

4 MR. BELLETTI: Thank you, [REDACTED].

5 KIERSTYN: I was going to say, I thought we were  
6 doing this separately.

7 THE COURT: Yeah.

8 Q All right. Let's talk a little bit more about the  
9 fish fry. Did you like -- you like going to the fish frys;  
10 right?

11 A Yes.

12 Q Why do you like going to the fish frys?

13 A I kind of like to work there, it's fun.

14 Q Yeah.

15 A I think I missed the last one.

16 Q Okay. Now, why else do you like the fish frys?

17 What benefit do you get from them?

18 A Sometimes I get a tip.

19 Q You get some tips?

20 A Yeah.

21 Q How much money do you usually get?

22 A I don't get it every time, but usually, I can get  
23 a 5, one time I got a 10.

24 Q Nice. Now, are you saving up for something or did  
25 you go buy like candy or something fun?

1 A I didn't spend it.

2 Q Okay.

3 A I'm not sure what I'm saving them for.

4 Q Not sure. Well, sometimes -- so you wanted to go  
5 to the fish fry with Larry that night?

6 A I thought we were all going. Mom and [REDACTED]  
7 weren't feeling well, so they just dropped me off.

8 Q They dropped you off. So you didn't go with  
9 Larry, you met him there?

10 A Yes.

11 Q Okay. Would you have wanted to go if you knew it  
12 was just going to be you and Larry?

13 A Well, I wasn't, like, crazy about the idea, but I  
14 didn't want to miss the fish fry, so I just decided to let it  
15 go.

16 Q Okay. Did you and Larry have any problems while  
17 you were at the fish fry?

18 A Not at the fish fry, no.

19 Q No? When you left the fish fry then, how did this  
20 conversation start?

21 A I don't remember the exact how it started, but I  
22 believe he started it like asking me why me and [REDACTED] were  
23 fighting.

24 Q Okay. So it was about you were fighting earlier  
25 that day?

1           A       Yes, I didn't remember at the time what we were  
2 fighting about, but now I do. It was really stupid.

3           Q       Okay. But he was angry at you when you said you  
4 couldn't remember?

5           A       I don't exactly remember how he felt when I said I  
6 couldn't remember, so we just kept talking.

7           Q       Okay. So you kept talking about that incident or  
8 about things overall?

9           A       I believe after -- after I told him I couldn't  
10 remember, he asked, "What else did you do today besides upset  
11 my pregnant wife?"

12          Q       Okay.

13               MR. HARDISTY: Tells you what? I didn't hear the  
14 last part of that sentence.

15               MR. BELLETTI: She said, "What else did you do" --

16               MR. HARDISTY: I think she can answer that. I  
17 would rather have her than you. Could you just repeat  
18 your answer again?

19               ██████████ "What else did you do today besides  
20 upset my pregnant wife."

21               MR. HARDISTY: Okay. The last few words I could  
22 not hear.

23               THE COURT: Repeat it again?

24               ██████████ "What else did you do today besides  
25 upset my pregnant wife."

1 Q And how did that make you feel?

2 A A little angry, shocked, because it wasn't just  
3 me, we were both doing it, I just felt -- don't know why it  
4 was all my fault.

5 Q Okay. So you felt like you were getting the blame  
6 for it?

7 A Yes.

8 Q Okay. So after he said that, what else was said?

9 A Well, I don't remember exactly all the words  
10 because I -- I was just like crying, I don't know what it  
11 actually involved because it just like -- it made me upset.  
12 He said -- well, after he said, like, what else did I do, when  
13 it was us that did it.

14 Q Okay. So he said some more stuff after that  
15 though?

16 A I think so, but I was just like -- I was like too  
17 angry to listen then, I just started crying.

18 Q Okay. So did you -- you know what shutting down  
19 means, where you just kind of block everything out?

20 A Yes.

21 Q Is that kind of what you were doing at that point,  
22 you were shutting down?

23 A Yeah.

24 Q Did he -- has he ever said anything like that to  
25 you in the past?

1           A        What, "What else did you do today besides upset my  
2 pregnant wife?"

3           Q        Yeah. Yeah, besides upset my pregnant wife,  
4 anything like that?

5           A        No.

6           Q        No?

7           A        No, not in the past.

8           Q        Okay. Now, there was some confusion, and you told  
9 me about this, the raising his voice and flailing his hands  
10 around you guys when he gets upset, that wasn't in this  
11 particular incident; right?

12          A        No, that was before, sir.

13          Q        That was before. Okay. So when before did that  
14 happen?

15                 MR. HARDISTY: I am going to object again, it's  
16 what was put down in the petition, the petition deals  
17 with one situation.

18                 MR. BELLETTI: Your Honor, prior --

19                 MR. HARDISTY: If they wanted to do a lot things  
20 in detail, Your Honor, they could have put it in a  
21 petition.

22                 MR. BELLETTI: Your Honor, prior incidents of  
23 intimidation and misbehavior like this are part of the  
24 Court's review. The Court is mandated to review them.  
25 By case law, it's something the Court has to consider,

1 the prior incidents, in order to get, again, an  
2 understanding of the ongoing intimidation by Mr. Frank.

3 THE COURT: And your question is what?

4 Q I was clarifying in the petition about he was  
5 raising his voice and flailing his hands wasn't in this  
6 particular incident, it was in the past few months; right.

7 A Uh-huh. Sometime in March.

8 Q In March. So it was within the last --

9 THE COURT: Overruled. Go ahead.

10 MR. BELLETTI: Okay.

11 Q Overruled means we can keep talking about it. So  
12 what was he upset and flailing his hands about then?

13 A Well, we were sitting at the table, and mom just  
14 wanted to, I don't know, solve things out between me and  
15 Larry, and I think I said something.

16 MR. HARDISTY: Now, what date is this? You said  
17 it was in March. What date in March, when in March?

18 [REDACTED] I don't know what date, it was the  
19 night before his -- it was his birthday.

20 MR. HARDISTY: Was it the fish fry night?

21 [REDACTED] No.

22 Q It was his birthday dinner night?

23 A Yes, I don't know what night that was.

24 Q Well, that's a good enough memory, I think. So  
25 what, mom wanted to hash things out with all of you?



1 A Yes.

2 Q Okay. So what -- what did he say then?

3 A I don't know. We all just sat down and just  
4 started talking, and then -- and then I think I said something  
5 with attitude, and he just like put his hands up, I just don't  
6 really -- I don't know what I said, but I just think I had  
7 attitude, so it probably made him upset.

8 Q So he started yelling. Was he yelling at you or  
9 at mom or yelling in general?

10 A I don't know who he was yelling at.

11 Q Okay. But he was also doing something with his  
12 hands?

13 MR. HARDISTY: Objection, that's not what -- for  
14 the record, Mr. Belletti is going like that (indicating),  
15 she said he put his hands up like that (indicating), like  
16 just -- and held them there, is what she showed when she  
17 demonstrated.

18 Q Okay. So he just went like this (indicating) with  
19 his hands?

20 MR. HARDISTY: She indicated he went like that  
21 (indicating).

22 A Yes. I don't know exactly what flailing your  
23 hands means.

24 Q Flailing means like waiving them around.

25 A Just a little bit.

1 Q Okay. And so how did that make you feel?

2 A Well, to be honest, that kind of terrified me.

3 Q Okay. How come?

4 A Because I have never actually seen him do it  
5 before.

6 Q Okay. And so that was sometime in March, so that  
7 would have been within a few weeks before the fish fry thing?

8 A Yes.

9 Q Was that in your mind during the -- when he pulled  
10 over the car on the way back from the fish fry?

11 A No, sir, that wasn't in my mind.

12 Q Okay. Okay. Is there anything else that we left  
13 out, just about Larry, you know, any other times that you have  
14 been scared or afraid recently?

15 A No.

16 Q Okay.

17 MR. BELLETTI: That's all that I would have.

18 THE COURT: Mr. Hardisty?

19 MR. HARDISTY: Thank you.

20 CROSS EXAMINATION

21 BY MR. HARDISTY:

22 Q Now, you said when -- that you were -- you wanted  
23 to calm down, you stayed in the vehicle, was that at Giant  
24 Eagle or was that when you got home?

25 A What, when he started talking to me? That was at

1 Giant Eagle.

2 Q No, you said at one time you wanted to just calm  
3 down?

4 A I don't recall that. What did I say?

5 Q At any time, did you need to sit out in the car or  
6 the truck? Does Larry have a truck or a car?

7 A He has a truck.

8 Q Okay. Did you go to the fish fry in the truck?

9 A No, I went to the fish fry with my mother.

10 Q Okay. So -- and you came home with Larry;  
11 correct?

12 A Yes.

13 Q And you help out, it's the fish fry at  
14 St. Marcellus church?

15 A Yes.

16 Q Okay. Did you have dinner there that night?

17 A Yes.

18 Q Okay. So you -- how come you went home with Larry  
19 rather than your mom?

20 A My mom wasn't feeling well and neither was my  
21 sister, so they just dropped me off and went home.

22 Q Okay. So you did not go to the fish fry with  
23 Larry?

24 A No.

25 Q And you knew you would be coming back with Larry

1 in the car; correct?

2 A Yes.

3 Q Okay. And you remember we met earlier this month,  
4 last month, I should say, in my office?

5 A Uh-huh. Yes.

6 Q And your mom came in for awhile and we talked, and  
7 you told me about this and we also talked about some books,  
8 you want to read Stephen King?

9 A Yeah.

10 Q I still think you're a bit too young for that.  
11 Now, he stopped at Giant Eagle; is that correct?

12 A Yes.

13 Q And then before you started talking -- strike  
14 that.

15 When you stopped at Giant Eagle, had you been  
16 talking about what you and your little sister got into earlier  
17 in the day?

18 A We weren't talking until he pulled over.

19 Q Okay. Now, did he go in the store first or did  
20 you talk for awhile first?

21 A Talked for awhile first.

22 Q Okay. And again, you talked about he wanted to  
23 know what was going on between you and your little sister?

24 A Yes.

25 Q Now, you had an argument with her or a fight?

1           A       I would just call it a little argument, it wasn't  
2 that big a deal.

3           Q       Okay. Did this upset your mother?

4           A       Yes.

5           Q       Did your mother say what upset her or was it just  
6 that you two were arguing?

7           A       I think she said what upset her, she didn't like  
8 to see us fight, and it's probably just stressing her out.

9           Q       Okay. So you know your mom is going to have a  
10 baby; right?

11          A       Yes.

12          Q       Do you know when the baby is due?

13          A       I believe it's sometime in August.

14          Q       Okay. Now, at no time did you and Larry get  
15 physical, he never touched you; is that correct?

16          A       Correct, he never touched me.

17          Q       He never threatened to touch you; did he?

18          A       No.

19          Q       And not only on the fish fry night, but other  
20 nights, he didn't threaten you; did he?

21          A       No, he has never threatened me.

22          Q       There was no name calling?

23          A       No.

24          Q       And in any other instance, Larry never called you  
25 a name; has he?

1 A No.

2 Q At my office, you told me there were no flailing  
3 of hands?

4 A Not at the fish fry.

5 Q Not at the fish fry night?

6 A No.

7 Q All right. Even in the -- even in the truck on  
8 the way home?

9 A No flailing hands.

10 Q No flailing. Okay. No movement whatsoever with  
11 his hands, whether he just holds them still or waives or --

12 A He didn't do anything with his hands.

13 Q He didn't do anything with his hands?

14 A Nope.

15 Q And what time -- you said he did do something with  
16 his hands, you guys were sitting down at the table, kitchen  
17 table or dining room table?

18 A We don't -- we have one dining room table.

19 Q Okay. You were sitting down at the table?

20 A Yep.

21 Q And who all was sitting down at the table?

22 A All of us, me, mom, [REDACTED] and Larry.

23 Q All right. And where was Larry seated? Is it a  
24 square table or a round table?

25 A Honestly, I can't remember right now. I think

1 it's round.

2 Q Okay. Means it goes in a circle?

3 A Yes.

4 Q And where was Larry sitting in relation to you?

5 Was he across from you, was he beside you?

6 A He was across from me.

7 Q Across?

8 A Yes.

9 Q Okay. If I were to try to let down and ask you  
10 how -- do you know what a diameter is? Strike that. Okay.

11 Forget that.

12 How far was it from you to Larry?

13 A Maybe just a little bit shorter than this table.

14 Q Okay.

15 A Across.

16 Q Okay. And you guys were talking about what?

17 A I don't -- I don't really remember.

18 Q All right. And so when Larry did whatever he did  
19 with his hands, you don't know what that was about, you can't  
20 remember; is that true?

21 A Yes, that's true.

22 Q Okay. When you got home, did you talk in the  
23 truck on the way home from Giant Eagle?

24 A Nope, not on the way home.

25 Q Not at all?

1 A Nope.

2 Q And you said when Larry got home and you got home,  
3 did you sit in the truck at all for awhile?

4 A No, I got out of the truck and I just walked to  
5 the backyard for a minute.

6 Q Oh, okay. And you said Larry and your mom were  
7 talking upside. Were they talking loud or were they yelling  
8 or just talking loud?

9 A At one point he was yelling, not the whole time  
10 though.

11 Q Well, do you remember what was said?

12 A I don't remember all of the conversation.

13 Q Okay. If you don't, that's okay. Do you remember  
14 telling me whatever they yelled at, it was not about you? Do  
15 you remember you telling me that?

16 A No.

17 Q In my office?

18 A I didn't -- I don't remember saying that what they  
19 were saying wasn't about me.

20 Q Okay. Now, you said you wanted to be away from  
21 Larry; can you tell me why?

22 A Because of -- I'm getting tired of what -- like,  
23 what he is saying, and I don't feel comfortable around him  
24 that much.

25 Q Okay. All right. Now, I am going to ask you, do



1 you ever get attitude?

2 A Sometimes, but I don't mean to.

3 Q You don't mean to or need to?

4 A Mean, I don't mean to.

5 Q Okay. Let me -- explain to me, what do you mean  
6 by attitude?

7 A I don't know, the way I say things, maybe I say  
8 things with attitude.

9 Q Yeah. Do you?

10 A Well, yeah, sometimes, but I don't realize it  
11 until later.

12 Q Has your mom ever told you she doesn't like your  
13 attitude?

14 A Yeah.

15 Q How many times has your mom told you that, that  
16 you know?

17 A I don't know.

18 Q If you don't know, does she say it a lot?

19 A In between, like, maybe sometimes.

20 Q I assume you don't want to hear it; right?

21 A Right.

22 Q Okay. We didn't talk about school. How are your  
23 grades in school?

24 A All As.

25 Q All As. Good girl. Good girl.

1 MR. HARDISTY: Judge, I think that's it.

2 THE COURT: Any follow-up?

3 MR. BELLETTI: I just want to clarify.

4 REDIRECT EXAMINATION

5 BY MR. BELLETTI:

6 Q When you got home after you -- that's when you  
7 took a pause to go inside, right, after Giant Eagle, you just  
8 waited outside to cool off a little bit?

9 A Yes.

10 Q Okay. So that's when you took that time, you said  
11 you went out back in the backyard?

12 A Uh-huh. Yeah.

13 Q You got like a swingset or something out there?

14 A Yes, I do.

15 Q Did you play on that?

16 A I don't think so. I don't know what I did,  
17 actually. I just went to the backyard, took a walk.

18 Q Okay. What were you feeling when you went back  
19 there?

20 A Mostly angry.

21 Q Angry. Were you scared at all?

22 A A little bit, yes.

23 Q A little bit. Then when you went back inside, you  
24 said Larry was yelling?

25 A Not when I went back inside, later.

1 Q Later that night?

2 A Yes.

3 Q Okay. And your mom said something about that;  
4 right?

5 A She -- yeah, she said, I could -- that I could  
6 hear him.

7 Q And what did he say to that?

8 A "That's the point."

9 Q That's the point?

10 A Yeah, that's actually what he said, "That's the  
11 point."

12 Q Okay.

13 MR. BELLETTI: That's all I have.

14 THE COURT: Has he ever created a threat of  
15 physical safety, physical?

16 [REDACTED] No, nothing physical.

17 THE COURT: Do you consider him to be a risk of  
18 harming you?

19 [REDACTED] Sometimes.

20 Sometimes I -- I just, like, wonder if that's ever  
21 going to happen.

22 THE COURT: How often is there hostility between  
23 you and he?

24 [REDACTED] Hostility?

25 THE COURT: Yeah, these arguments that are

1 flailing or not flailing or screaming or not screaming.

2 [REDACTED] Not very often.

3 THE COURT: Once a month?

4 [REDACTED] Well, not -- I'm not really alone with  
5 him that much, so the arguments don't really come up that  
6 much.

7 THE COURT: Are there any good points in your  
8 relationship with him that you can describe?

9 [REDACTED] There used to be.

10 THE COURT: Well, tell me about those.

11 [REDACTED] Well, we used to not fight and things  
12 were fine, and then I became the least favorite.

13 THE COURT: Do you have a moment when you remember  
14 being the least favorite, as you describe it?

15 [REDACTED] Well, the least favorite, what I mean  
16 is like the one -- the one that's not his favorite  
17 anymore, because I feel like the fish fry is an example  
18 of that, because I don't think he would ever do that to  
19 Kylie.

20 MR. HARDISTY: I didn't hear that, I'm sorry.

21 [REDACTED] I don't think he would ever do that to  
22 Kylie.

23 THE COURT: Do you -- are you able to say what you  
24 think the basis of that is, why would he do that to you  
25 or why you are the least favorite?



1 MR. HARDISTY: I have to ask a question.

2 RECROSS EXAMINATION

3 BY MR. HARDISTY:

4 Q What happens?

5 A It doesn't always happen.

6 Q What in particular happens?

7 A When I'm alone with him?

8 Q Well, what happens?

9 A Well, I don't know how to explain it.

10 Q That's fine.

11 MR. HARDISTY: No further questions.

12 THE COURT: Well, when you're alone with him, what  
13 happens that usually or sometimes creates an argument?

14 [REDACTED] I can't -- I can't really, like, give  
15 an example, but sometimes he might --

16 MR. HARDISTY: Then I am going to object, Your  
17 Honor, if she can't give an example.

18 MR. BELLETTI: Your Honor, she was about to try  
19 to. I would ask that counsel at least let her answer.

20 THE COURT: Yeah, go ahead.

21 [REDACTED] Well, sometimes he might say something  
22 to me -- I can't give an example. I just can't.

23 THE COURT: Okay. Will you help me to help your  
24 sister come?

25 [REDACTED] Yeah.

1 THE COURT: Okay.

2 MR. HARDISTY: Your Honor, unless it's about this,  
3 I am going to object to the sister being called. That's  
4 fine for the custody case, but I think here, we -- she is  
5 not a victim, she is not --

6 THE COURT: Isn't she a protected party?

7 MR. BELLETTI: She is a protected party, Your  
8 Honor, there was the incident I alluded to about a year  
9 ago.

10 THE COURT: Okay. [REDACTED] come with me. We can  
11 get you out of here.

12 (Thereupon, [REDACTED] exited the room.)

13 THE COURT: I see this is only with regard to the  
14 fish fry incident.

15 MR. BELLETTI: Primarily, Your Honor --

16 MR. HARDISTY: Yeah.

17 MR. BELLETTI: -- we -- [REDACTED] would, again,  
18 testify to the wrist grabbing incident that left her  
19 bruised when Larry got mad at her about a year ago.

20 MR. HARDISTY: Well, then they should --

21 MR. BELLETTI: That, again, I think is within the  
22 scope. The scope --

23 THE COURT: Over the last couple months? I mean,  
24 I should take in anything that's creating hostility in  
25 the --

1 MR. BELLETTI: Right.

2 THE COURT: -- last couple months.

3 MR. HARDISTY: Did anybody here notice a new  
4 process, the ability to defend your case? They just  
5 throw this crap together, they bring it over here, ex  
6 parte, and wham, my client --

7 THE COURT: Well --

8 MR. BELLETTI: If Mr. Hardisty has a problem with  
9 that, take it to Harrisburg, because that's the way the  
10 law is written.

11 MR. HARDISTY: Well, I am in Waynesburg, I am not  
12 in Harrisburg.

13 MR. BELLETTI: Well, then we got to stick with  
14 what Harrisburg provides us as far as the mechanisms to  
15 bring these things to Court.

16 MR. HARDISTY: I don't think so, and I think  
17 that's why you need to play this close to the vest  
18 because everybody plays fast and loose with these types  
19 of causes of action.

20 MR. BELLETTI: Your Honor, (inaudible) on this  
21 subject provides that if Mr. Hardisty wants to provide  
22 briefs afterwards as to why this should or should not  
23 come in --

24 MR. HARDISTY: Then just plead it, we can do that.  
25 Plead it so that I can prepare.



1 MR. BELLETTI: I have had the same issues when I  
2 have been the defendant Mr. Hardisty is seeing, but every  
3 time, those objections are overruled.

4 MR. HARDISTY: Over my 40 years, I have had the  
5 same types of problems, and every -- and I keep  
6 complaining about it. I mean, the little bit of due  
7 process, I mean, notice for due process purpose is not a  
8 sin and not a harm, but so far, we don't have any  
9 allegations of anything that's abuse under the statute.

10 MR. BELLETTI: We do, she said she is terrified.

11 MR. HARDISTY: Oh, she thinks (inaudible).

12 MR. BELLETTI: It doesn't. That is enough under  
13 the statute.

14 MR. HARDISTY: We don't have any of the  
15 activities, this is --

16 MR. BELLETTI: It's subjective.

17 MR. HARDISTY: -- that claims abuse.

18 MR. BELLETTI: This is subjective under the lines  
19 of an 11 year old girl, not to you.

20 MR. HARDISTY: These were filed --

21 MR. BELLETTI: And your --

22 MR. HARDISTY: -- only because the first time you  
23 were going for a custody case in Washington County,  
24 that's how it was, and this one was right before this  
25 case, and --

1 MR. BELLETTI: There was no custody case in  
2 Washington County.

3 MR. HARDISTY: No, but there was a PFA that was  
4 dismissed that your client didn't even bother showing,  
5 and I mean, while my client got kicked out his house.

6 MR. BELLETTI: The prior one relates to the  
7 grabbing of the wrist incident, that's what was filed in  
8 Washington County.

9 MR. HARDISTY: And it was dismissed.

10 MR. BELLETTI: And he was unable to attend the  
11 hearing when it was scheduled, he didn't have counsel at  
12 that time.

13 THE COURT: So it was dismissed in part because he  
14 didn't show up?

15 MR. BELLETTI: Right.

16 MR. HARDISTY: It was dismissed because the first  
17 time he showed up, he wanted an attorney, and he was  
18 complaining. For the second time, he didn't bother  
19 showing up. In the meantime, my client is out the house  
20 like now, because he is letting the kids live there  
21 rather than disturbing his wife and children, that's why  
22 these are serious and that's why it should be taken  
23 seriously, that specifics be alleged.

24 THE COURT: Okay. Well --

25 MR. HARDISTY: I mean, this should be dismissed

1 and you folks can go on to your -- can go on to your  
2 custody case, because I think those matters that  
3 Mr. Belletti raises are more a matter involving the  
4 custody than they are in this, particularly under the  
5 circumstances asserted and the nature.

6 MR. BELLETTI: I think, again --

7 THE COURT: You want me to rule based on her  
8 testimony?

9 MR. HARDISTY: Her testimony says nothing.

10 MR. BELLETTI: I completely disagree, and it's  
11 echoing exactly what's put in there. He pulled over, he  
12 cornered her in the cabin of a pick-up truck and started  
13 saying, "Why are you upsetting my pregnant wife?"

14 MR. HARDISTY: There is no testimony --

15 MR. BELLETTI: That's exactly what she testified  
16 to.

17 THE COURT: Time out, I am going to make a ruling  
18 that with regard to [REDACTED] given her age and immaturity,  
19 I am not going to interview her. Okay? So let's go on  
20 outside and have the rest of the hearing.

21 MR. BELLETTI: Okay. Are we still going to talk  
22 to [REDACTED] in custody?

23 (Thereupon, the parties adjourned to Courtroom  
24 No. 1.)

25 THE COURT: We continue in the matter of -- at

1 file 15 of 2018, being Krystopher Webster versus Larry  
2 Frank, having interviewed ██████████, we now convene to  
3 consider what other evidence is to be brought before the  
4 Court. Who are all these people?

5 MR. HARDISTY: Well, this is the respondent.

6 (Inaudible.)

7 THE COURT: Mr. Hardisty, do you want to say  
8 something to the representative from --

9 MR. HARDISTY: Yeah, I hope you have malpractice  
10 insurance, because I am conducting an investigation into  
11 what went on here. Enough said?

12 THE COURT: I thought it was something about  
13 changing the law?

14 MR. HARDISTY: No, that's for Harrisburg, as you  
15 said, Your Honor.

16 THE COURT: No, I didn't say it, he said it.

17 MR. BELLETTI: That was me, but you can call me  
18 Your Honor.

19 MR. HARDISTY: Oh, yeah.

20 MR. BELLETTI: Your Honor --

21 THE COURT: Are these witnesses?

22 MR. BELLETTI: Not mine.

23 (Inaudible.)

24 THE COURT: Okay. I need to excuse you then, this  
25 is a different matter, technically. I mean, you're

1 welcome to stay, you filed it.

2 MR. HARDISTY: Well, Your Honor, let's -- courts  
3 are open.

4 THE COURT: PFAs aren't.

5 MR. HARDISTY: Yeah, they are.

6 THE COURT: No, they are not. Sorry.

7 MR. HARDISTY: What's the statute on that?

8 THE COURT: Well, mine right now. Appeal it, they  
9 are private matters given the confidentiality of the  
10 filing and we treat them that way, they are civil matters  
11 and they are confidential.

12 MR. HARDISTY: It's not like a CYS case or  
13 juvenile case that certain circumstances are closed to  
14 the public by statute. I never saw it, but if there is  
15 one, I'll look it up.

16 THE COURT: You want to be a judge, run for it,  
17 Mr. Hardisty.

18 Continue.

19 MR. BELLETTI: Thank you, Your Honor, we would  
20 call very briefly, Mr. Webster.

21 THE COURT: Be sworn in, have a seat.

22 KRYSTOPHER WEBSTER

23 the plaintiff herein, called as a witness on his own behalf,  
24 having been first duly sworn, as hereinafter certified, was  
25 examined and said as follows:

## DIRECT EXAMINATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BY MR. BELLETTI:

Q Could you state your name, please?

A Krystopher Webster.

Q And you are the father of Kylie and Kierstyn Webster?

A Yes, sir.

Q You assisted them with the filing of this PFA petition; correct?

A Correct.

Q Now, without you necessarily recanting everything that [REDACTED] and [REDACTED] have said to you about what they have heard from Mr. Frank, what have you observed in their behavior and demeanor that led you to filing this?

A Every night, depending on when they know they are getting -- who is getting them when they go home, [REDACTED] doesn't wet the bed at my house at all, she does at her mom's house constantly, it's very, very spotty, so

THE COURT: Okay. Time out. I'm not going to listen to a bunch of objections. I understand your objection.

MR. HARDISTY: Thank you.

THE COURT: This is about the PFA only.

MR. BELLETTI: Right, this is about the PFA.

THE COURT: And there is a singular allegation

1 with regard to fish fry night and maybe a few other  
2 things in the last month, but not prior to March and not  
3 generally; right?

4 MR. BELLETTI: Okay. Let's tailer it down then.

5 A She wets the bed every night she is going to go  
6 home and be watched by Mr. Frank, they are scared to be  
7 watched by him constantly.

8 Q Okay. So she wets the bed. How recently has that  
9 happened?

10 A Every time she knows she has to go home and be in  
11 his care, a week ago, not a week ago, it's been longer than  
12 that.

13 THE COURT: I am talking about the fish fry  
14 incident where --

15 MR. BELLETTI: That would have been right after  
16 the fish fry. I am asking most recent time, he said two  
17 weeks ago, that's the fish fry, after she had to go back  
18 after that.

19 THE COURT: She went to --

20 MR. BELLETTI: Okay. Let me phrase this this way,  
21 if I can lead a little bit.

22 Q Did that happen after the fish fry?

23 A Yes.

24 Q Okay.

25 THE COURT: Okay. But --

1 MR. HARDISTY: I guess I can't object to that  
2 fact, I can't object.

3 MR. BELLETTI: Okay.

4 Q She wet the bed knowing she had to go back to  
5 Mr. Frank after this fish fry incident?

6 A His house, go back to his house, she was nervous  
7 about him being there.

8 THE COURT: This is not custody.

9 MR. BELLETTI: No, but this goes to, again, her  
10 fear, the existence of the anxiety and the fear that it's  
11 putting an 11 year old child in.

12 MR. HARDISTY: I think it's speculative at best,  
13 but --

14 THE COURT: Come here.

15 (Thereupon, a sidebar discussion was held off the  
16 record.)

17 THE COURT: We grant the defendant's motion.

18 MR. HARDISTY: Thank you, Your Honor.

19 THE COURT: You may step down.

20 MR. HARDISTY: Thank you, very much. Are you  
21 going to start your custody motion right away, Your  
22 Honor? He is just going to go tell his wife what  
23 happened.

24 THE COURT: Okay.

25 Get the other people back in here if they are here



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

for custody.

MR. HARDISTY: Judge, I promise, I'm out of your  
hair for the rest of the day.

- - -

(THEREUPON, at 10:01 o'clock p.m., the hearing was  
concluded.)

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C-E-R-T-I-F-I-C-A-T-E

I, Jenna Nicole Freund, the undersigned, do hereby certify that the foregoing pages are a true and correct transcript of my stenotypy notes taken of an audio recording in the above matter.

*Jenna Nicole Freund*

Jenna Nicole Freund, Court Reporter

*July 20th*

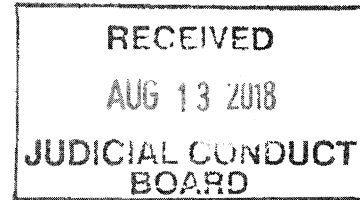
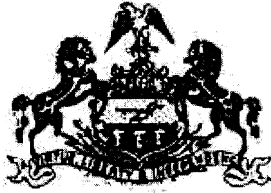
Judge

Date: 9/25/18

FILED  
2018 SEP 25 AM 11:57  
OFFICE OF THE  
PROthonary  
GREENE COUNTY PA

**EXHIBIT T**

**EXHIBIT T**



COURT OF COMMON PLEAS  
GREENE COUNTY  
THIRTEENTH JUDICIAL DISTRICT  
10 EAST HIGH STREET  
WAYNESBURG, PENNSYLVANIA 15870

FARLEY TOOTHMAN  
PRESIDENT JUDGE

(724) 852-5212

August 8, 2018

Ms. Melissa L. Norton, Deputy Counsel  
Judicial Conduct Board  
PA Judicial Center  
601 Commonwealth Avenue, Suite 3500  
PO Box 62525  
Harrisburg, PA 17106-2525

**RE: CONFIDENTIAL: JCB Complaint No. 2018-242**

Dear Ms. Norton:

Attached is my response to your letter date July 23, 2018 regarding Complaint 2018-242.

If I'm able to assist you in other ways, please let me know.

*Very truly yours,*

A handwritten signature in black ink that reads "Farley Toothman".

Farley Toothman, PJ

Cc: Ms. Sheila Rode, DCA

**PREAMBLE TO MY RESPONSE**

**PREAMBLE TO MY RESPONSE**  
**BACKGROUND TO PROFESSIONAL RELATIONSHIPS**  
**JUDICIAL CONDUCT BOARD COMPLAINT: 2018-242**

Dear Ms. Norton,

As your July 23, 2018 letter suggested, on Page 3, that I "*... not to hesitate to provide any additional information that you believe to be relevant, including whether I agree with the facts as recited above*" I provide a brief background of my view as to what may be motivating this and other Complaints against me. I don't know what the specific complaint is, so I'm not able to agree.

I have tried to answer your questions completely. I take this stuff very seriously, and regret such things for everyone.

Know that from this Courthouse, and its administration, it appears that every Complaint filed against me involves a case with an attorney from the same office house, and if you'd like specifics, I'd be happy to give them to you.

**KRYSTOPHER WEBSTER vs LARRY FRANK (15 PFA 2018)**

**QUESTION #1, ALLEGATION #1:**

**THAT on April 2, 2018, I (Judge Toothman) closed the PFA hearing in Webster v. Frank stating that such hearings are to be closed to the public.**

**GENERAL RESPONSE:**

The Transcript will show whether I stated that the proceeding was closed to the public - Otherwise I forget. Is this the Complaint? I sometimes do, because of minor children being involved. If this is wrong, please let me know. The PA Coalition Against Domestic Violence Bench card (attached) notes (which I sometimes use) states that we must consider Confidentiality as a Special Consideration.

Specifically, I have thought "that ... if documents contain information regarding a minor, and alleging a minor as the victim, confidentiality is required, and so then should be the Hearing closed. All hearings are on the record. But, we never know the exact type of evidence (minors, confidential, or not) coming before us in a Hearing, until we hear it. Often they are filed pro se. Never have I seen anyone file a confidential information sheet as a separate filing. I have thought it logical that when the Petition is brought on behalf of minor children, (and as victims) as in this case, it would be wrong for the Court to keep the Hearing open.

Plaintiff father is filing the Petition for Protection against Mother's new husband, but on behalf of his two minor children, Kierstyn Webster and Kylie Webster.

Also, note that the Petition reflects that there is "a weapon on the (Defendant's) property" and Defendant is employed by a public school.

My references are as follows:

Please see the Public Access Policy of the UJS, which requires that with regard to case records of the Appellate and Trial Courts, Section 1.0 Definitions A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or 42 Pa.C.S § 62A01 et seq. And Section "K" that the "Public" is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

Please also see: Pa.R.C.P. No. 1930.1(b).

This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

And Title 231, Part I, General, Chapter 200. Business of the Courts, Rule 205.6. Confidential Information and Confidential Documents. Certification.

Sections 7.0 and 8.0 of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

And Rule 2028: Action By and Against Minors. Averments in Plaintiff's Pleading.

## **CUSTODY: 633 of 2013 Shanda Webster vs. Krystopher Webster**

### **QUESTION #1, ALLEGATION #2:**

**"Later that same day, during a proceeding in the custody case, I referenced evidence produced during the closed PFA hearing.**

### **RESPONSE:**

I may have. As directed at our various Conference classes, this Court works hard to comply with the best practice principles of having "One Judge, for One Family." This is a small County Court, and we become familiar with parties through all the various proceedings of the Court, to include, Criminal, Dependency, Delinquency, Orphans, Civil, PFA's, License Suspensions, and Summary Appeals. Further, Court staff works hard to provide each Judge with the case background of a Plaintiff/Defendant's in each case that comes before us.

Should we not ?

**QUESTION #2:**

**Basis for my belief that a report has been made to the Judicial Conduct Board regarding the Webster v Webster custody case?**

**RESPONSE:**

If there was not a Complaint filed, then why request the Transcript? On Monday, July 16, 2018, the District Court Administrator asked my to sign a Transcript being requested by the JCB. Also, on Monday, July 16, 2018, at 4:52 PM, Dr. Crabtree, the consulting Psychologist in the Webster Case eMailed me (copied to Ms. Phillips and Mr. Belletti) with disturbing information.

On Tuesday, July 17, 2018, I was out of the office at a Superior Court proceeding.

On Wednesday, July 18, 2018, I asked the DCA to organize a meeting with the two attorneys in my Chambers ASAP, regarding Dr. Crabtree's eMail, and also to tell them personally that with a Conduct Complaint having been filed by someone, against me, I needed to recuse myself, until further investigation and resolution of the Complaint.

These lawyers, and these parties are combative, with each other, at every level, and every time.

On July 19, 2018, the DCA received requests from the JCB for three additional proceedings.

(NOTE: The DCA and I do not understand who owns the notion of "confidentiality"? With your letters going to various people, in various Courthouse and adjacent offices, at various times, in various cases, and with various agenda's (and with us in the "blind spot") there is no such thing as CONFIDENTIALITY.)

**QUESTION #3:**

**Describe in detail my recollection of my statements during the July 18, 2018.**

**RESPONSE:**

Attached is the Memo that I had made to my office file, with a copy to DCA, just after the meeting. Not much more to add.

- 1) I wanted to convene to talk about the Dr. Crabtree eMail, however
- 2) Since I had become aware of a Complaint filed in the Custody matter.
- 3) And I had become aware of a Complaint filed in the PFA matter.
- 4) I was going to recuse myself.  
\*\*\*\*
- 5) Later, Attorney for Defendant filed for Reconsideration Recusal.
- 6) Denied reconsideration.
- 7) DCA assigned to Judge Dayich.

**QUESTION #4:**

**Why was the July 18, 2018 proceeding at which you announced your decision to recuse from the custody case, conducted without a record being made?**

**RESPONSE:**

It was a "Conference" not a "Hearing" and with both attorneys present. This is often done, and never without both Counsel. If this is wrong, tell me, and every other Judge in the state. I inquired at a recent Conference, and everyone finds it appropriate.

This Court doesn't have enough Reporter hours to make a record of every "Conference."

At first, the conference was to discuss the Dr. Crabtree eMail, but thinking it all over in context of a JCB Complaint, I was unwilling to carry on.

I had asked the DCA, Sheila Rode, to be present as witness to the discussion. Please confirm with her.

Please see the Defendant's "Motion for Reconsideration of Recusal." (attached)

I thought that I was doing the appropriate thing.

**QUESTION #5:**

- a. Refer to Code of Conduct of 2014?      YES
- b. If yes, explain relevance of Rules 3.13B and 3.15 to Webster v Webster

**ANSWER:**

**Rule 3.13.** *"Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value"* has no relevance and should not have been specifically referenced.

**Rule 3.15.** *"Reporting Requirements"* has no relevance and should not have been specifically reference.

Reading this specific Order of Recusal has taught me a lesson, and the DCA and I are now working to resolve what has become the misuse of a digital Template by the one staff member who does all the recusal orders. I have assumed they were right, and am wrong about that. When a Judge says to recuse, DCA had been printing out an Order and the Judge just signs it.

The references to Rule 3.13 and Rule 3.15 should not have been there, and are "left over" references to a recusal that I did in 2015 in a case that is now before the Superior Court in which I do have a pecuniary interest, being an estate gas lease ownership interest. We are reviewing the Recusal Template, and this won't happen again.

In this case, I recused pursuant to Canon #2.

Is "recusal" ever a form of "retaliation"? It was not meant to be in this matter.



**QUESTION #6:**

**Nature and date of the activity I believe should have been reported regarding attorneys Belletti and Phillips?**

Attorney Belletti and Attorney Phillips are bombastic with each other most every time they oppose each other in a case, in the Court. I have been remiss in not reporting them pursuant to Chapter 81, the Attorney Rules of Professional Conduct, pursuant to the Rules of Civility. (attached)

Also, Ms. Phillips is currently the Treasurer of the Bar Association. Her law partner is the President. At a Bar Association Meeting held June 19, 2018, after they conferred, along with their other associate, Mr. Hardisty (whom I had recently dismissed as a Hearing Officer), I was asked to leave the Bar, as not being a member. I did not get to report to the Bar on five important matters, including the Local Rules.

SEE: [5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[12] The legal profession's relative autonomy carries with it special responsibilities of self government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves. [13] Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.

Rule 8.4 Misconduct It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice;

**a. QUESTION: To whom should the report have been made?**

**ANSWER:** <https://www.padisiplinaryboard.org/for-the-public/file-complaint>

**QUESTION #7:**

**Nature and date of the activity that I plan to start making reports regarding attorneys?**

I'll know it now ... when I see or hear it, as follows:

**CHAPTER 99: RULES OF CIVILITY -**

**As specifically reviewed during Judicial Conference**

**Annual Meeting, July 27, 2018**

The hallmark of an enlightened and effective system of justice is the adherence to standards of professional responsibility and civility. Judges and lawyers must always be mindful of the appearance of justice as well as its dispensation. The following principles are designed to assist judges and lawyers in how to conduct themselves in a manner that preserves the dignity and honor of the judiciary and the legal profession. These principles are intended to encourage lawyers, judges and court personnel to practice civility and decorum and to confirm the legal profession's status as an honorable and respected profession where courtesy and civility are observed as a matter of course.

The conduct of lawyers and judges should be characterized at all times by professional integrity and personal courtesy in the fullest sense of those terms. Integrity and courtesy are indispensable to the practice of law and the orderly administration of justice by our courts. Uncivil or obstructive conduct impedes the fundamental goal of resolving disputes in a rational, peaceful and efficient manner.

The following principles are designed to encourage judges and lawyers to meet their obligations toward each other and the judicial system in general. It is expected that judges and lawyers will make a voluntary and mutual commitment to adhere to these principles. These principles are not intended to supersede or alter existing disciplinary codes or standards of conduct.

**§ 99.3. The Lawyer's Duties to the Court.**

1. A lawyer should act in a manner consistent with the fair, efficient and humane system of justice and treat all participants in the legal process in a civil, professional and courteous manner at all times.
2. A lawyer should speak and write in a civil and respectful manner in all communications with the court and court personnel.
3. A lawyer should not engage in any conduct that diminishes the dignity or decorum of the courtroom.
4. A lawyer should advise clients and witnesses of the proper dress and conduct expected of them when appearing in court and should, to the best of his or her ability, prevent clients and witnesses from creating disorder and disruption in the courtroom.
5. A lawyer should abstain from making disparaging personal remarks or engaging in acrimonious speech or conduct toward opposing counsel or any participants in the legal process and shall treat everyone involved with fair consideration.

6. A lawyer should not bring the profession into disrepute by making unfounded accusations of impropriety or personal attacks upon counsel and, absent good cause, should not attribute improper motive or conduct to other counsel.
7. A lawyer should refrain from acting upon or manifesting racial, gender or other bias or prejudice toward any participant in the legal process.
8. A lawyer should not misrepresent, mischaracterize, misquote or miscite facts or authorities in any oral or written communication to the court.
9. A lawyer should be punctual and prepared for all court appearances.
10. A lawyer should avoid ex parte communications with the court, including the judge's staff, on pending matters in person, by telephone or in letters and other forms of written communication unless authorized. Communication with the judge on any matter pending before the judge, without notice to opposing counsel, is strictly prohibited.
11. A lawyer should be considerate of the time constraints and pressures on the court in the court's effort to administer justice and make every effort to comply with schedules set by the court.
12. A lawyer, when in the courtroom, should make all remarks only to the judge and never to opposing counsel. When in the courtroom a lawyer should refer to opposing counsel by surname preceded by the preferred title (Mr., Mrs., Ms. or Miss) or the professional title of attorney or counselor.
13. A lawyer should show respect for the court by proper demeanor and decorum. In the courtroom a lawyer should address the judge as "Your Honor" or "the Court" or by other formal designation. A lawyer should begin an argument by saying "May it please the court" and identify himself/herself, the firm and the client.
14. A lawyer should deliver to all counsel involved in a proceeding any written communication that a lawyer sends to the court. Said copies should be delivered at substantially the same time and by the same means as the written communication to the court.
15. A lawyer should attempt to verify the availability of necessary participants and witnesses before hearing and trial dates are set or, if that is not feasible, immediately after such dates have been set and promptly notify the court of any anticipated problems.
16. A lawyer should understand that court personnel are an integral part of the justice system and should treat them with courtesy and respect at all times.
17. A lawyer should strive to protect the dignity and independence of the judiciary, particularly from unjust criticism and attack.

EXAMPLE: MS. JESSICA PHILLIPS, ESQ. during a busy open Motions Court on July 25, 2018, responded to a Motion by stating "that she didn't file the Complaint to the Judicial Conduct Board, in this matter."

Should I report her, or might that be considered "retaliation?"

**a. To whom will these reports be made?**

ANSWER: <https://www.padisiplinaryboard.org/for-the-public/file-complaint>

**QUESTION: The recusal does not STATE MY DECISION TO RECUSE.**

**ANSWER:** This is regrettable, it should have.

It was an oversight by this Judge, relying on the DCA, who relied on the "Recusal Secretary" and it won't happen again.

For additional explanation, please see Answer to Question #5.

***If you need additional information, please let me know!***

## **OTHER REFERENCES:**

### **PROTECTION FROM ABUSE (PFA)**

**SECTION 7.0 Confidential Information A.** Unless required by applicable legal authority or as provided in Subsection C, a party shall not set forth the following information in any pleading, document, or other legal paper that is to be filed with a court or custodian, except on a Confidential Information Form to be filed contemporaneously with the pleading, document, or other legal paper: 1. Social Security Numbers; 2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified; 3. Driver License Numbers; 4. State Identification (SID) Numbers; 5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355) ; and 6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name. This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable legal authority.

Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice

The PSVI Act assigns court personnel a critical role in the SVP/PFI process. By providing simplified forms as well as clerical assistance in both English and Spanish for individuals writing and filing petitions, court personnel can ensure completeness of records for the court's review. Court personnel will also provide plaintiffs with written and oral referrals, in English and Spanish, to local sexual assault services, local legal services offices, and to the county bar association so plaintiffs can access supportive community and legal services. Confidentiality The PSVI Act not only provides a civil remedy for victims of sexual assault or intimidation, but also provides those individuals with legal protections during the process. Read the full Act - 42 Pa. C.S. Sections 62A01 - 62A20 at the Pennsylvania General Assembly website

Endnotes 1 42 Pa.C.S. § 62A03. 2 18 Pa. C.S. Ch. 31 except sections 3129 and 3130 (i.e., except offenses under this chapter relating to sexual intercourse with animals and conduct relating to sex offenders) 3 18 Pa. C.S. § 4304. 4 18 Pa. C.S. §6301(a)(1)(ii). 5 18 Pa. C.S. § 6312(b). 6 18 Pa. C.S. § 6318. 7 18 Pa. C.S. § 6320. 8 18 Pa. C.S. § 2709 (A)(4), (5), (6), or (7). 9 18 Pa. C.S. §2709.1.

Safety of the petitioner is the major consideration in protection order cases, regardless of which court hears them. The following best practices for safety in PFA hearings can also enhance safety for plaintiffs, court staff, witnesses and courthouse visitors in other civil protection order hearings:

- Have both parties go through a metal detector or security screening to detect firearms or other weapons.
- Have separate waiting areas for plaintiffs and defendants to reduce the occurrence of threats or intimidation.
- Have staggered times for the plaintiff and the defendant to enter and leave. Hold the defendant in the courtroom to allow the plaintiff enough time to get to her or his vehicle. If the defendant is allowed to leave first, it creates the opportunity for the defendant to lie in

wait for the plaintiff. • Have sheriff's deputies present at all court proceedings to maintain safety and order. • Have separate entrances and exits for plaintiffs and defendants to decrease the occurrence of threats, intimidation and violence. • Never leave the plaintiff and the defendant alone together; a sheriff's deputy should always be in the room during proceedings. • Make sure there are no scheduling conflicts or other high priority cases that would take security measures away from the plaintiff and defendant. • Keep the parties' information confidential if requested. If a victim is at a confidential location unknown to the defendant, that location needs to remain confidential for the victim's safety.

**Address of a Domestic Violence Program** Many victims and their children flee abuse and live temporarily in a domestic violence shelter. The period after a victim separates from an abuser is a dangerous time because the abuser is threatened with loss of absolute control over the victim. Often, abusers will go to great lengths to find the victim. To promote victim safety, the PFA Act protects the address of domestic violence programs and shelters.

**Access to PFA Records** The Prothonotary is the keeper of the courts' civil records— both paper files and electronic databases. Generally, Protection From Abuse (PFA) petitions and orders are available to the public upon request. However, certain information contained in PFA petitions and orders is protected from disclosure under state and federal law. It is crucial to understand what state and federal exceptions apply to the release of PFA records. Pennsylvania Exceptions to Open Access to PFA Information pursuant to the PA Protection From Abuse Act Federal Exceptions to Open Access to PFA Information pursuant to the Violence Against Women Act The following information is not available to the public: Ø Address of a domestic violence program: always protected and may not be disclosed.1 Ø Attachment A of a PFA listing firearms, other weapons or ammunition: confidential unless a court order says otherwise.2 Personally identifying information about a victim, such as their address or telephone number may be confidential upon order of court.3 Any information that could identify a victim of sexual assault, stalking, or domestic violence cannot be posted on the Internet.4 The following court pleadings that reveal the identity of a victim are specifically prohibited from posting on the Internet: • Petition for a protection order • Temporary or final protective order • Registration of foreign order5 **BE SURE TO:** Review every file for protected information. Protected information should be redacted PRIOR to the release of the PFA file. **BE AWARE THAT:** PFA files are available for public inspection unless a court order says otherwise. **BE SURE TO:** Keep PFA petitions & orders OFF prothonotary online databases. **BE AWARE THAT:** Exceptions to the Internet prohibition exist that allow courts to share information in secure registries with law enforcement for enforcement purposes (e.g., PFAD).6

+++++

**Domestic Relations** Information regarding the registration, filing of a petition for, or issuance of a protection from abuse in either the issuing or enforcing State. No Public Access via internet publication, if such publication would be likely to publically reveal the identity or location of the protected party. 18 U.S.C. § 2265(d)(3).

Domestic Relations (a) Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to:... (10) Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including:... (ii) prohibitions against the release of information on the whereabouts of one party or the child to another party against whom a protective order with respect to the former party or the child has been entered; and (iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child. No Public Access. 23 Pa.C.S. § 4305 (a)(10)(ii)-(iii).

Domestic Relations List of weapons ordered to be relinquished by the defendant in an action for protection from abuse. No Public Access, except (A) upon an order of the court granted upon cause shown; (B) as necessary, by law enforcement and court personnel; or (C) after redaction of information listing any firearm, other weapon or ammunition. 23 Pa.C.S. § 6108(a)(7)(v).

Domestic Relations All records pertaining to a confidential address for individuals participating in the Office of Victim Advocate's Address Confidentiality Program. No Public Access, except for the substitute address provided by the Office of Victim Advocates. 23 Pa.C.S. § 6703(d); see also 23 Pa.C.S. § 5336(b)(1).

**EXHIBIT U**

**EXHIBIT U**



**PUBLIC ACCESS POLICY OF THE  
UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA:  
CASE RECORDS OF THE  
APPELLATE AND TRIAL COURTS**

**Section 1.0 Definitions**

- A. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S § 62A01 et seq.
- B. "Case Records" are (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.
- C. "Clerical errors" are errors or omissions appearing in a case record that are patently evident, as a result of court personnel's action or inaction.
- D. "Court" includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court, excluding the Traffic Division of Philadelphia Municipal Court.
- E. "Court Facility" is the location or locations where case records are filed or maintained.
- F. "Custodian" is any person responsible for maintaining case records or for processing public requests for access to case records.
- G. "Docket" is a chronological index of filings, actions, and events in a particular case, which may include identifying information of the parties and counsel, a brief description or summary of the filings, actions, and events, and other case information.
- H. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

- I. “Financial Source Documents” are:
1. Tax returns and schedules;
  2. W-2 forms and schedules including 1099 forms or similar documents;
  3. Wage stubs, earning statements, or other similar documents;
  4. Credit card statements;
  5. Financial institution statements;
  6. Check registers;
  7. Checks or equivalent; and
  8. Loan application documents.
- J. “Medical/psychological records” are records relating to the past, present, or future physical or mental health or condition of an individual.
- K. “Minor” is a person under the age of eighteen.
- L. “Party” is one who commences an action or against whom relief is sought in a matter.
- M. “Public” is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.
- N. “Remote Access” is the ability to electronically search, inspect, print or copy information in a case record without visiting the court facility where the case record is maintained or available, or requesting the case record from the court or custodian pursuant to Section 4.0.

## **COMMENTARY**

Regarding Subsection B, “documents for any case filed with, accepted and maintained by a court or custodian” are those not created by a court or custodian, such as pleadings and motions. Indices are tools for identifying specific cases.

Regarding Subsection C, examples of clerical errors are the docket entry links to the wrong document or court personnel misspells a name in the caption.

Regarding Subsection F, the definition of “custodian” does not include those entities listed in Pa.R.A.P. 3191 who receive copies of briefs filed in an appellate court.

Regarding Subsection J, this definition is derived from the definition of “health information” provided in 45 C.F.R. § 160.103 (HIPAA). Examples of case records that

would fall within this exclusion are: drug and alcohol treatment records, psychological reports in custody matters, and DNA reports.

Regarding Subsection L, *amici curiae* are not parties. See Pa.R.A.P. 531.

Regarding Subsection M, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central staff, prothonotaries, clerks of the courts, clerks of the orphans' court division, sheriffs, prison and correctional officials, and personnel of all the above.

## **Section 2.0 Statement of General Policy**

- A. This policy shall govern access by the public to case records.
- B. Security, possession, custody, and control of case records shall generally be the responsibility of the applicable custodian and designated staff.
- C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.
- D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

### **COMMENTARY**

The Supreme Court of Pennsylvania has adopted other policies governing public access to Unified Judicial System case records: the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* that provides for access to the statewide case management systems' web docket sheets and requests for bulk data and the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* that provides for access to case records of the magisterial district courts maintained in a paper format.

### **Section 3.0 Access to Case Records**

All case records shall be open to the public in accordance with this policy.

## **Section 4.0 Requesting Access to Case Records**

- A. When desiring to inspect or copy case records, a member of the public shall make an oral or written request to the applicable custodian, unless otherwise provided by court order or rule. If the request is oral, the custodian may require a written request.
- B. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

### **COMMENTARY**

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit making these requests in an efficient manner.

This policy provides the courts and custodians latitude to establish appropriate administrative protocols for viewing/obtaining case records remotely. However, the definition of “remote access” in Section 1.0 clarifies that a request under this section is neither necessary nor expected under this policy.

Nonetheless, Subsection A provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System’s *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* and *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*.

Subsection B does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

Written requests should be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

## **Section 5.0 Responding to Requests for Access to Case Records**

- A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.
- B. If a custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.
- C. If a custodian denies a written request for access, the denial shall be in writing.
- D. Relief from a custodian's written denial may be sought by filing a motion or application with the court for which the custodian maintains the records.

### **COMMENTARY**

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, involves retrieval of a large number of case records, or involves information that is stored off-site. Ultimately, the goal is to respond timely to requests for case records.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied, which may include:

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request;
- the requested information is restricted from access pursuant to applicable authority, or any combination of factors listed above.

An aggrieved party may seek relief from a denial of a written request for access consistent with applicable authority (for example, in an appellate court, Pa.R.A.P. 123 sets forth procedures for applications for relief under certain circumstances, or pertinent motion practice at the trial court level).



## **Section 6.0 Fees**

- A. Unless otherwise provided by applicable authority, fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page.
- B. A custodian shall establish a fee schedule that is (1) posted in the court facility in an area accessible to the public, and (2) posted on the custodian's website.

### **COMMENTARY**

Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable authority. This section does not authorize fees for viewing records that are stored at the court facility.

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the Clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. *See also* 42 P.S. § 21032.1 (providing authority for the establishment of fees in orphans' court in certain judicial districts). In addition, the copying fees for appellate court records are provided for in 204 Pa. Code § 155.1. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, [www.pacourts.us](http://www.pacourts.us).

## Section 7.0 Confidential Information

- A. Unless required by applicable authority or as provided in Subsection C, the following information is confidential and shall be not included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:
1. Social Security Numbers;
  2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
  3. Driver License Numbers;
  4. State Identification (SID) Numbers;
  5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
  6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

- B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.
- C. Instead of using the Confidential Information Form, a court may adopt a rule or order permitting the filing of any document in two versions, a "Redacted Version" and "Unredacted Version." The "Redacted Version" shall not include any information set forth in Subsection A, while the "Unredacted Version" shall include the information. Redactions must be made in a manner that is visibly evident to the reader.
- D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "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."
- E. A court or custodian is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply

with this section shall not affect access to case records that are otherwise accessible.

- F. If a filed document fails to comply with the requirements of this section, a court may, upon motion or its own initiative, with or without a hearing order the filed document sealed, redacted, amended or any combination thereof. A court may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.
- G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

### COMMENTARY

There is authority requiring information listed in Subsection A to appear on certain documents. For example, Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff's and defendant's social security number on a complaint for support.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, for example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Whether using a Confidential Information Form or filing a redacted and unredacted version of a document, the drafter shall indicate where in the document confidential information has been omitted. For example, the drafter could insert minors' initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g., child one, child two, etc.).

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, a court or custodian is not required to review or redact documents filed by a party or attorney for compliance with this section. However, such activities are not prohibited.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

## **Section 8.0 Confidential Documents**

- A. Unless required by applicable authority, the following documents are confidential and shall be filed with a court or custodian under a cover sheet designated “Confidential Document Form”:
1. Financial Source Documents;
  2. Minors’ educational records;
  3. Medical/Psychological records;
  4. Children and Youth Services’ records;
  5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33;
  6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c); and
  7. Agreements between the parties as used in 23 Pa.C.S. §3105.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

- B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Document Form.
- C. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by a court. However, the Confidential Document Form or a copy of it shall be accessible to the public.
- D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form “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.”
- E. A court or custodian is not required to review any filed document for compliance with this section. A party’s or attorney’s failure to comply with this section shall not affect access to case records that are otherwise accessible.
- F. If confidential documents are not submitted with the Confidential Document Form, a court may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court may also impose appropriate sanctions for failing to comply with this section.

G. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

### COMMENTARY

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Examples of "agreements between the parties" as used in Subsection (A)(7) include marital settlement agreements, post-nuptial, pre-nuptial, ante-nuptial, marital settlement, and property settlement. See 23 Pa.C.S. §3105 for more information about agreements between parties.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system.

With regard to Subsection E, if the party or party's attorney fails to use a cover sheet designated "Confidential Document Form" when filing a document deemed confidential pursuant to this section, the document may be released to the public.

Any party may make a motion to the court to cure any defect(s) in any filed document that does not comport with this section.

## **Section 9.0 Limits on Public Access to Case Records at a Court Facility**

The following information shall not be accessible by the public at a court facility:

- A. Case records in proceedings under 20 Pa.C.S. § 711(9), including but not limited to case records with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;
- B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501-5555, except for the docket and any final decree adjudicating a person as incapacitated;
- C. Any Confidential Information Form or any Unredacted Version of any document as set forth in Section 7.0;
- D. Any document filed with a Confidential Document Form as set forth in Section 8.0;
- E. Information sealed or protected pursuant to court order;
- F. Information to which access is otherwise restricted by federal law, state law, or state court rule; and
- G. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's website.

### **COMMENTARY**

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in or attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

With respect to Subsection F, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection G, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable authorities referenced above. The same provision appears in existing statewide public access policies adopted by the Supreme Court: *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* and *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*. The provision is intended to be a safety valve to address a future, extraordinary, unknown issue of statewide importance that might escape timely redress otherwise. It cannot be used by parties or courts in an individual case.



## **Section 10.0 Limits on Remote Access to Case Records**

- A. The following information shall not be remotely accessible by the public:
1. The information set forth in Section 9.0;
  2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;
  3. Transcripts lodged of record, excepting portions of transcripts when attached to a document filed with the court;
  4. *In Forma Pauperis* petitions;
  5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;
  6. Case records in actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and
  7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 1921, 1951, 2151, 2152, and 2156.
- B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable authority, dockets available remotely shall contain only the following information:
1. A party's name;
  2. The city, state, and ZIP code of a party's address;
  3. Counsel of record's name and address;
  4. Docket number;
  5. Docket entries indicating generally what actions have been taken or are scheduled in a case;
  6. Court orders and opinions;
  7. Filing date of the case; and
  8. Case type.
- C. Case records remotely accessible by the public prior to the effective date of this policy shall be exempt from this section.

### **COMMENTARY**

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Case Management System (CPCMS) and the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is

governed by the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case, its proceedings and other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a document filed with the court in family court actions is governed by Subsection A(5). While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

## **Section 11.0 Correcting Clerical Errors in Case Records**

- A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.
  - 1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.
  - 2. A request to correct a clerical error in a case record of a court of common pleas or Philadelphia Municipal Court shall be submitted to the applicable custodian.
- B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.
- C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including supporting documentation, that corroborate the requestor's allegation that the information in question is in error.
- D. The requestor shall provide copies of the request to all parties to the case.
- E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:
  - 1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.
  - 2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.
  - 3. A clerical error does exist in the case record and the information in question has been corrected.
  - 4. A clerical error does not exist in the case record.
  - 5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.
- F. A requestor may seek review of the custodian's response under Subsections E(1)-(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.
2. The request shall be reviewed by the judge(s) who presided over the case.

### COMMENTARY

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. E.g., Jackson v. Hendrick, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccuracies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, and clerks of the court.

A log of all corrections made pursuant to this section may be maintained by the custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

## **Section 12.0 Continuous Availability of Policy**

A copy of this policy shall be continuously available for public inspection in every court and custodian's office and posted on the Unified Judicial System's website.

**EXHIBIT V**

**EXHIBIT V**

**COMMONWEALTH OF PENNSYLVANIA, COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY**

IN RE: OFFICE OF PRESIDENT JUDGE ) Court Administration  
ADMINISTRATIVE ORDER ) Docket No. 4 of 2015

**ORDER**

CIVIL COURT DIVISION  
OFFICE OF PROTHONOTARY

"Funds Collected: Greene County Local Rule 1920.51(a)"

OFFICE OF COURT ADMINISTRATION  
"COURT REPORTER ACCOUNT"

FILED  
2015 FEB 23 PM 1:08  
OFFICE OF THE  
PROTHONOTARY  
GREENE COUNTY  
PENNSYLVANIA

THIRTEENTH JUDICIAL DISTRICT OF PENNSYLVANIA

AND NOW THIS 23 day of February, 2015 pursuant to the Rules of Judicial Administration, and the authority granted to the President Judge, pursuant to Pa. R.J.A. 103(a)(3) and Greene County Local Rule G103(c)(1) and prior distribution and publication of this rule being otherwise required, this Court has determined that immediate promulgation of this Administrative Order is required in the interest of justice and efficient administration, and

THAT the District Court Administrator shall establish a new (or re-organize the current account) a bank account with the cooperation of the Greene County Office of the Prothonotary, the Greene County Office of Treasurer, and the Greene County Office of Controller, and

THAT all funds collected pursuant to Greene County Local Rule 1920.51(a) - "Additional \$50 Divorce Filing Fee" having never been used and now estimated to be about Ninety-one Thousand Dollars (\$91,000) and,

THAT the Local Rule reads:

*"RULE 1920.51 Hearing by the Court.Appointment of Master.Notice of Hearing  
a. Filing fees for Divorce cases shall be increased by \$50.00. This fee shall  
be deposited into an account in the Office of the Prothonotary designed  
for the payment of Court Stenographer's fees with the Master to be  
responsible for seeking an Order from the Court for payment to the Court  
Stenographer. Upon receipt of the Order, the Prothonotary shall issued  
the check to the Court Stenographer."*

THAT the total amount of funds being held in an account by the Office of  
Prothonotary shall be transferred to a bank account established (or re-organized) by  
the District Court Administrator, to be at the local branch of PNC Bank, High Street,  
Waynesburg, PA, and

THAT said insured checking account shall be established to require at least two  
signatures, one being the District Court Administrator and the other, the President  
Judge, and

THAT said checking account shall hereafter have the name, and mailing address, as  
follows:

District Court Administrator - "Reporter Fund"  
Office of Court Administration  
Greene County Courthouse  
10 East High Street  
Waynesburg, PA 15370

FURTHER, THAT the PNC Account shall hereafter be managed by the District  
Court Administrator as directed by the President Judge, and

THAT the Office of the Prothonotary shall continue to collect the fee and deposit all  
appropriate proceeds into the new Reporter Account as directed by the District Court  
Administrator, and



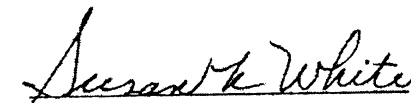
THAT the Reporter Account is a financial account of the 13th Judicial District and shall be audited at least annually, or as otherwise determined to be necessary by the Greene County Controller, and

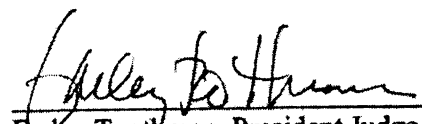
THAT this Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be EFFECTIVELY IMMEDIATELY and remain until otherwise Ordered, and

THAT THE DISTRICT COURT ADMINISTRATOR shall file the original of this Order in the Office of the Prothonotary, Court Administrative Order Docket (CA), and distribute one copy to the following Offices:

1. Office of President Judge
2. Chief Clerk, County Board of Commissioners
3. County Controller
4. County Treasurer
5. County Clerk of Criminal Court
6. County Register of Wills and Recorder of Deeds
7. County Sheriff
8. Greene Reports Legal Journal, for publication
9. On file: Law Library
10. President, Greene County Bar Association

**SO ORDERED AND DECREED**

  
Prothonotary

  
Farley Toothman, President Judge

**EXHIBIT W**

**EXHIBIT W**

COMMONWEALTH OF PENNSYLVANIA, COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

IN RE: OFFICE OF PRESIDENT JUDGE ) Court Administration  
ADMINISTRATIVE ORDER ) Docket No. 4 of 2016

ORDER

CIVIL COURT DIVISION  
OFFICE OF PROTHONOTARY

"Funds Collected: Greene County Local Rule 1920.51(a)"

OFFICE OF COURT ADMINISTRATION  
"COURT REPORTER ACCOUNT"

AND NOW THIS 10 day of February, 2016 pursuant to the Rules of  
Judicial Administration, and the authority granted to the President Judge, pursuant to  
Pa. R.J.A. 103(a)(3) and Greene County Local Rule G103(c)(1) and prior  
distribution and publication of this rule being otherwise required, this Court has  
determined that immediate promulgation of this Administrative Order is required in  
the interest of justice and efficient administration, and

THAT the District Court Administrator shall establish a new (or re-organize the  
current account) a bank account with the cooperation of the Greene County Office of  
the Prothonotary, the Greene County Office of Treasurer, and the Greene County  
Office of Controller, and

THAT all funds collected pursuant to Greene County Local Rule 1920.51(a) -  
"Additional \$50 Divorce Filing Fee," and

FILED  
2016 FEB 10 PM 2:32  
OFFICE OF THE  
PROTHONOTARY

THAT the Local Rule reads:

*"RULE 1920.51 Hearing by the Court. Appointment of Master. Notice of Hearing  
a. Filing fees for Divorce cases shall be increased by \$50.00. This fee shall  
be deposited into an account in the Office of the Prothonotary designed  
for the payment of Court Stenographer's fees with the Master to be  
responsible for seeking an Order from the Court for payment to the Court  
Stenographer. Upon receipt of the Order, the Prothonotary shall issued  
the check to the Court Stenographer."*

THAT the total amount of funds being held in an account by the Office of  
Prothonotary shall be transferred to a bank account established (or re-organized) by  
the District Court Administrator, to be the home office of First Federal Savings and  
Loan, High Street, Waynesburg, PA, and

THAT said insured checking account shall be established to require at least two  
signatures, one being the District Court Administrator and the other, the President  
Judge, and

THAT said checking account shall hereafter have the name, and mailing address, as  
follows:

District Court Administrator - "Reporter Fund"  
Office of Court Administration  
Greene County Courthouse  
10 East High Street  
Waynesburg, PA 15370

FURTHER, THAT this First Federal Savings and Loan shall hereafter be managed  
by the District Court Administrator as directed by the President Judge, and

THAT the Office of the Prothonotary shall continue to collect the fee and deposit all  
appropriate proceeds into the new Reporter Account as directed by the District Court  
Administrator, and

THAT the Reporter Account is a financial account of the 13th Judicial District and shall be audited at least annually, or as otherwise determined to be necessary by the Greene County Controller, and

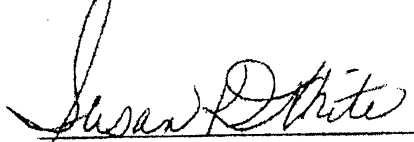
THAT this Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be EFFECTIVELY IMMEDIATELY and remain until otherwise Ordered, and

THAT this Order replaces and Vacates our Order Number 4 CA 2015 which appointed PNC Bank as the depository bank, and

THAT THE DISTRICT COURT ADMINISTRATOR shall file the original of this Order in the Office of the Prothonotary, Court Administrative Order Docket (CA), and distribute one copy to the following Offices:

1. Office of President Judge
2. Chief Clerk, County Board of Commissioners
3. County Controller
4. County Treasurer
5. County Clerk of Criminal Court
6. County Register of Wills and Recorder of Deeds
7. County Sheriff
8. Greene Reports Legal Journal, for publication
9. On file: Law Library
10. President, Greene County Bar Association

**SO ORDERED AND DECREED**

  
Prothonotary

  
Farley Toothman, President Judge

**EXHIBIT X**

**EXHIBIT X**



I-N-D-E-X

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

WITNESS                      DIRECT      CROSS      REDIRECT      RECROSS

PETITIONER EXHIBITS:  
(NO EXHIBITS MARKED.)

RESPONDENT EXHIBITS:  
(NO EXHIBITS MARKED.)

Certificate - Pg. 5



P-R-O-C-E-E-D-I-N-G-S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: Next.

MS. NASH: Good morning, Your Honor.

THE COURT: Hi.

MS. NASH: This is in the matter of *Lewellen versus Lewellen*. This is a divorce case that I was assigned to be a Master on. I had submitted a petition for payment of the court reporter fees at the end of November, and Your Honor hasn't made a ruling on that yet.

THE COURT: That's because you didn't give me the money. That money is to only be used in situations where there is no money.

MS. NASH: No, Your Honor. The rule actually does not distinguish between indigent and --

THE COURT: Well, then I deny it.

MS. NASH: Your Honor, there's no --

THE COURT: I want --

MS. NASH: -- no reason to deny this. The rule doesn't make that distinction.

THE COURT: I made it. I'm the ruler then. I interpret it that way. It's not going to be opened up to everybody that has money. You haven't shown me whether they have any money or not. You show me they have no money, I'll consider it.

1 MS. NASH: Your Honor, it's not my job to  
2 show you they don't have any money.

3 THE COURT: Okay. Denied.

4 MS. NASH: Your Honor, this rule was  
5 established to make sure that court reporters get paid.

6 THE COURT: Yeah. By the parties.

7 MS. NASH: No.

8 THE COURT: Okay. I'll rule then.

9 MS. NASH: Your Honor, I respectfully  
10 disagree.

11 THE COURT: Okay. Thank you. Next.

12 - - -

13 (Thereupon, at 8:57 A.M., the matter in  
14 Motions Court was recessed.)

15 - - -

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COURT OF COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY  
CIVIL DIVISION

RHONDA LEWELLEN, )  
Plaintiff, )  
-vs- ) No. 711 AD 2014  
JAMES LEWELLEN, )  
Defendant. )

- - -

CERTIFICATE

I, Deborah K. Phillips, do hereby certify that before me, the undersigned, the evidence and proceedings in the above captioned matter were reduced to voice reporting, and afterwards transcribed by means of computer-aided transcription.

I do further certify that this hearing was completed at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

*Deborah K. Phillips*  
Deborah K. Phillips, Court Reporter

The foregoing record is hereby approved and directed to be filed.

*Falley Toothman*  
Falley Toothman, President

DATE: 2-20-18

2018 FEB 21 PM 12:34  
OFFICE OF THE  
PROTHONOTARY  
GREENE COUNTY PA

FILED

**EXHIBIT Y**

**EXHIBIT Y**

COMMONWEALTH OF PENNSYLVANIA, COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL DISTRICT - GREENE COUNTY

IN RE: )  
 ) C.A. No. 14 of 2019  
GREENE COUNTY LOCAL RULES )

O R D E R

AND NOW, this 12<sup>th</sup> day of August, 2019, in compliance with Pa. Rule of Judicial Administration 103(c) and (d), it is hereby Ordered, Directed and Decreed that all previous Greene County Local Rules (G.C.L.R.) are hereby rescinded and we adopt the following Civil and Judicial Administration Rules.

Rules of Civil Procedure:

G205.2(b) Cover Page  
G206.4(c) Rule to Show Cause  
G208.3(a) Motions  
G212 Scheduling Conferences  
G212.3 Pretrial Conferences  
G216 Continuances  
G229 Discontinuances  
G300 Status Conferences  
G320 Mortgage Foreclosure  
G1018.1 Notice to Defend - Judicial Administration  
G1028(c) Preliminary Objections  
G1034(a) Judgment on the Pleadings  
G1035.2(a) Motions for Summary Judgment  
G1301 Judicial Arbitration  
G1302 Arbitrators  
G1308 Appeal from Arbitration  
G1309 Parties to Appeal  
G1915.4-2 Custody Hearing  
G1920.51 Master in Divorce  
G1920.55-2 Master's Report, Notice, Exceptions,  
Final Decree  
G4050 Board of View  
G4051 Background Checks for Adoptive Parents  
G4053 Fees and Costs

Rules of Judicial Administration:

G1910 Broadcasting in the Courtroom  
G4008(A)(1) Transcript Costs

FILED  
2019 AUG 12 PM 1:05  
THIRTEENTH JUDICIAL DISTRICT  
GREENE COUNTY PA

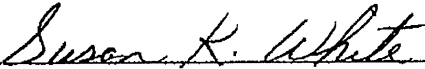
In compliance with Pa. Rule of Judicial Administration 103, we promulgate the attached Greene County Local Rules and the District Court Administrator shall:

- (a) File one copy of the local rules with the Administrative Office of Pennsylvania Courts via email at [adminrules@pacourts.us](mailto:adminrules@pacourts.us);
- (b) File two paper copies and one electronic copy containing the text of the local rules (in Microsoft Word format) with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and mailed to the following address:  
Pa. Code and Bulletin  
Legislative Reference Bureau  
647 Main Capitol Building  
Harrisburg, PA 17120;
- (c) File one electronic copy with the Civil Procedural Rules Committee and Domestic Relations Rules Committee;
- (d) File a copy of the local rules, which shall be continuously available for inspection and copying, in the Office of the Prothonotary of Greene County; and
- (e) Publish the local rules on the Court's website at [www.greenepacourts.us](http://www.greenepacourts.us).

These local rules shall become effective thirty (30) days after the date of publication in the Pennsylvania Bulletin.

ATTEST:

BY THE COURT:

  
\_\_\_\_\_  
PROTHONOTARY

  
\_\_\_\_\_  
FARLEY TOOTHMAN, PRESIDENT JUDGE