

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

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OF PENNSYLVANIA
APR 28 2023
RECEIVED AND FILED

IN RE:

Judge Marissa J. Brumbach :
Municipal Court Judge : 2 JD 2022
1st Judicial District :
Philadelphia County :

**JUDICIAL CONDUCT BOARD'S REPLY TO RESPONDENT'S
MOTION TO ISSUE SUBPOENAS DUCES TECUM**

AND NOW, this 26th day of April, 2023, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) by undersigned counsel and files this Reply to Respondent's Omnibus Motion.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Denied. The Board provided discovery pursuant to C.J.D.R.P. No. 401 by correspondence dated December 29, 2022, and February 9, 2023. Furthermore, the Board responded to various email requests for additional

discovery by correspondence dated December 21, 2022, January 4, 2023, February 22, 2023, March 29, 2023, and April 10, 2023.

13. Denied. The Board provided discovery pursuant to C.J.D.R.P. No. 401 by correspondence dated December 29, 2022, and February 9, 2023. Furthermore, the Board responded to various email requests for additional discovery by correspondence dated December 21, 2022, January 4, 2023, February 22, 2023, March 29, 2023, and April 10, 2023.
14. Admitted.
15. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
16. Denied. The Board was not provided with copies of the referenced subpoenas and is therefore, not able to confirm the information contained in this paragraph.
17. Denied. The Board was not provided with copies of the referenced subpoenas and is therefore, not able to confirm the information contained in this paragraph.
18. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
19. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
20. Denied. This paragraph states a legal conclusion to which a response is not required. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
21. No response is required.

22. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
23. Admitted.
24. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
25. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
26. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
27. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
28. No response is required.

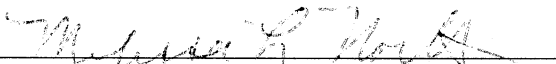
WHEREFORE, the Board, by and through Melissa L. Norton, Chief Counsel, respectfully requests that this Honorable Court deny Respondent's Motion to Issue Subpoenas Duces Tecum for the reasons that the information sought, as described in the subpoenas attached to Respondent's Motion is outside the scope of C.J.D.R.P. 401 et seq. and is not relevant to the case now before this Court. Furthermore, much of the requested information is confidential information in addition to not being relevant to the case now before this Court. Finally, should this Court determine that any of the requests are relevant to the case now before this Court, the requests are overly broad.

Respectfully submitted,

Melissa L. Norton
Chief Counsel

DATE: April 26, 2023

By:


MELISSA L. NORTON
Chief Counsel
Pa. Supreme Court ID No. 46684
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17106
(717) 234-7911

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VERIFICATION

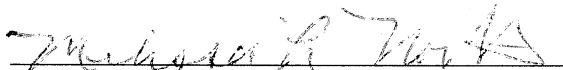
I, Melissa L. Norton, Chief Counsel to the Judicial Conduct Board, verify that the statements made in the Judicial Conduct Board's Reply to Respondent's Motion to Issue Subpoenas Duces Tecum are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Melissa L. Norton
Chief Counsel

Date: April 26, 2023

By:



MELISSA L. NORTON
Chief Counsel
Pa. Supreme Court ID No. 46684
Judicial Conduct Board
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PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on April 26, 2023, a copy of the Judicial Conduct Board's Reply to Respondent's Motion to Issue Subpoenas Duces Tecum was sent by First Class Mail and Email to Matthew H. Haverstick, Esquire as follows:

Matthew H. Haverstick, Esquire
Kleinbard LLC
Three Logan Square
1717 Arch Street, 5th Floor
Philadelphia, PA 19103
Email: mhaverstick@kleinbard.com

Respectfully submitted,

DATE: April 26, 2023

By:



MELISSA L. NORTON
Chief Counsel
Pa. Supreme Court ID No. 46684
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
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2 JD 2022

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
Chief Counsel

Attorney No.:

46684