

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE:

David W. Tidd  
Former Magisterial District Judge  
Magisterial District 03-2-04  
Third Judicial District  
Northampton County

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JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

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**ORDER**

AND NOW, this 26<sup>th</sup> day of October, 2016, upon consideration of Respondent's Omnibus Motion, Motion for Discovery, Brief filed on October 11, 2016, the Board's Response to the Omnibus Motion and Motion for Discovery, the Board's Brief pursuant to the Court's Order of October 7, 2016, and the testimony and argument at the Status Conference held on October 7, 2016; it is hereby ORDERED and DIRECTED that:

1. The Board, having produced three audio-video tapes under C.J.D.R.P. No. 401, is not required to produce the remaining audio-video recording in its possession which it represents is neither relevant nor material to the charges in the Board Complaint;
2. Respondent's trial preparation may include any other audio-video tapes from former Judge Tidd's office, to the extent that they exist, which Respondent may subpoena from the Court Administrator's Office of Northampton County;
3. The Board, having produced all Reports of Interviews (ROIs) required under C.J.D.R.P. No. 401, is not required to produce any other ROIs in its possession that are neither relevant nor material to the charges in the Board Complaint unless the witness will be called at trial;

4. Any remaining discovery issues will be addressed at the Pre-Trial Conference;

5. Respondent's Omnibus Motion, Part II, seeking dismissal of all charges based upon violations of the Pennsylvania Wiretap Statutes is DENIED;

6. Respondent's Omnibus Motion, Part III, seeking dismissal of all charges based on Statue of Limitations and Laches is DENIED;

7. Respondent's Omnibus Motion, Part IV, seeking dismissal "based on setting up all persons who worked for David Tidd against him" is DENIED;

8. Respondent's Omnibus Motion, Part V, for failure to state a cause of action as to certain allegations is DENIED without prejudice, and may be raised at the conclusion of trial;

9. The parties shall file and serve their pre-trial memoranda not later than November 15, 2016, and shall include within such memoranda:

a. The names and addresses of all witnesses expected to testify at trial, and the subject of the testimony of each;

b. A list of all exhibits intended to be introduced at trial;

c. A list of stipulations to which opposing counsel can reasonably be expected to agree, including stipulations as to the authenticity or admissibility of exhibits;

d. A certification by each party that it has furnished the other with the materials required to be exchanged under C.J.D.R.P. No. 401(D)(1);

e. A certification by the Board that it has provided the Respondent with any exculpatory evidence relevant to the charges contained in the Board Complaint in accordance with C.J.D.R.P. No. 401(E);

f. Counsel for Respondent and the Judicial Conduct Board shall confer, in person or by telephone, prior to the Pre-Trial Conference for the purpose of discussing proposed stipulations.

10. A Pre-Trial Conference will be held on Friday, December 9, 2016, in the Commonwealth Court Courtroom, 5<sup>th</sup> Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, at 10 o'clock a.m. If Respondent does not intend to attend the Pre-Trial Conference, counsel for the Respondent must file a waiver of attendance in accordance with C.J.D.R.P. No. 421(C).

BY THE COURT:

A handwritten signature in black ink, appearing to read "D. Barton", written over a horizontal line.

David J. Barton  
Conference Judge