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**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

IN RE:

Judge Scott DiClaudio	:	
Court of Common Pleas	:	
First Judicial District	:	3 JD 2019
Philadelphia County	:	

**JOINT STIPULATIONS OF FACT IN LIEU OF TRIAL AND
WAIVER OF TRIAL PURSUANT TO C.J.D.R.P. NO. 502(D)(1)**

AND NOW, this ^{9th} day of October, 2020, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), and Judge Scott DiClaudio (Respondent), by and through their undersigned counsel, and file these Joint Stipulations Of Fact In Lieu Of Trial And Waiver Of Trial Pursuant To C.J.D.R.P. No. 502(D)(1), as follows:

JOINT STIPULATIONS OF FACT IN LIEU OF TRIAL

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.
2. From January 2016, until the present time, Judge DiClaudio has served as a Judge of the Court of Common Pleas of Philadelphia County.
3. As a judicial officer, Judge DiClaudio 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.

4. Based on a Confidential Request for Investigation at JCB File No. 2019-096, the Board investigated the instant matter.
5. As a result of its investigation, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there was probable cause to file formal charges against Judge DiClaudio in this Court.
6. All of the above listed exhibits, which have been provided to Judge DiClaudio pursuant to C.J.D.R.P. No. 401(D)(1) and (E) are admissible and authentic.
7. On March 7, 2019, the Board issued a Letter of Counsel to Judge DiClaudio in JCB File No. 2017-693.
8. On March 25, 2019, Judge DiClaudio signed a Statement of Consent agreeing that the above referenced Letter of Counsel and any supporting facts for the Letter of Counsel could be used against him during any future proceedings in the Court of Judicial Discipline.
9. On August 20, 2015, when Judge DiClaudio was a judicial candidate, the Cynwyd Club (the Club), a private fitness and social club, filed a civil complaint against him in magisterial district court 38-2-04.
10. The civil complaint, filed to MJ-38204-CV-117-2015, alleged that then-judicial candidate DiClaudio owed the Club several thousand dollars in unpaid membership dues, purchases and services.
11. A hearing on the civil complaint was scheduled for September 18, 2015, in magisterial district court 38-2-04.
12. Then-judicial candidate DiClaudio failed to appear on September 18, 2015, at the hearing on the civil complaint.

13. On September 21, 2015, then-judicial candidate DiClaudio contacted magisterial district court office 38-2-04 to notify it of his intent to defend against the civil complaint.
14. A hearing on the civil complaint was re-scheduled for October 15, 2015.
15. On October 15, 2015, when then-judicial candidate DiClaudio failed to appear in magisterial district court office 38-2-04, judgment was entered in favor of the Club and against then-candidate DiClaudio in the amount of \$2,659.38.
16. On November 13, 2015, then-judicial candidate DiClaudio filed a Notice of Appeal in the Court of Common Pleas of Montgomery County from the October 15, 2015 judgment.
17. On his Notice of Appeal, then-judicial candidate DiClaudio indicated that his address was 1500 J.F.K. Blvd, Suite 900, Philadelphia, PA, 19102.
18. On December 3, 2015, the Club filed a civil complaint, Cynwd Club v. Scott DiClaudio, Civil Action No. 2015-29887, in the Montgomery County Court of Common Pleas alleging the same facts as those alleged in the magisterial district court.
19. On December 4, 2015, a copy of the civil complaint was sent via United States mail to then-judicial candidate DiClaudio at 1500 John F. Kennedy Boulevard, Philadelphia, PA, 19102 by counsel for the Club.
20. On April 4, 2016, after Judge DiClaudio failed to file an answer to the civil complaint, a default judgment was entered against Judge DiClaudio and in favor of the Club in the amount of \$3,767.67.

21. On April 4, 2016, a copy of the default judgment was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1203, Philadelphia, PA, 19107 by counsel for the Club.
22. On January 31, 2018, a formal discovery request was sent by the Club to Judge DiClaudio seeking production of documents and answers to interrogatories to aid in collection of the judgment.
23. On March 28, 2018, after Judge DiClaudio failed to respond to the Club's discovery request, the Club filed a Motion to Compel responses to its discovery request.
24. On March 29, 2018, a copy of the Motion to Compel was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
25. On April 19, 2018, a Rule to Show Cause was issued by the Court of Common Pleas of Montgomery County requiring Judge DiClaudio to show cause on or before May 21, 2018, why the Club's Motion to Compel should not be granted.
26. On May 9, 2018, a copy of the Rule to Show Cause was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
27. On May 22, 2018, after Judge DiClaudio failed to respond to the Rule to Show Cause, Senior Judge Arthur Tilson ordered Judge DiClaudio to respond to the Club's discovery request.
28. On June 4, 2018, a copy of the May 22, 2018 order of court was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center,

1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.

29. Judge DiClaudio personally received a copy of the May 22, 2018 order of court.
30. Judge DiClaudio did not comply with the May 22, 2018 order of court.
31. On July 26, 2018, after Judge DiClaudio failed to obey the May 22, 2018 order of court, the Club filed a Motion for Sanctions.
32. On July 26, 2018, a copy of the Motion for Sanctions was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
33. Judge DiClaudio personally received a copy of the July 26, 2018 Motion for Sanctions.
34. A hearing on the Club's Motion for Sanctions was scheduled for September 27, 2018, in the Court of Common Pleas of Montgomery County.
35. On August 28, 2018, notice of the September 27, 2018 hearing was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
36. On September 27, 2018, Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County.
37. On September 27, 2018, when Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County, Senior Judge Bernard Moore found Judge DiClaudio in contempt of the May 22, 2018 order, directed him to respond to the discovery request within ten days, and ordered him to pay the Club's attorney fees in the amount of \$1,000.

38. On October 15, 2018, a copy of the September 27, 2018 order of court was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
39. On October 15, 2018, counsel for the Club filed a Praecipe to Amend Address, requesting that the Prothonotary of Montgomery County change the address of the defendant, Judge DiClaudio, to 1301 Filbert Street, Criminal Justice Center, Room 1415, Philadelphia, PA, 19107.
40. On November 7, 2018, after Judge DiClaudio failed to obey the September 27, 2018 order of court, the Club filed a second Motion for Sanctions.
41. On November 8, 2018, a copy of the Club's second Motion for Sanctions was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
42. A hearing on the Club's second Motion for Sanctions was scheduled for February 7, 2019, in the Court of Common Pleas of Montgomery County.
43. On December 18, 2018, notice of the February 7, 2019 hearing was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.
44. On December 18, 2018, notice of the February 7, 2019 hearing was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.

45. On February 7, 2019, Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County.
46. On February 7, 2019, when Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County, Senior Judge Emanuel Bertin found Judge DiClaudio in contempt of the September 27, 2018 order, directed him to respond to the discovery request within ten days, pay the Club's attorney fees in the amount of \$1,000 per the September 27, 2018 order and \$2,500 for the February 7, 2019 matter.
47. On February 7, 2019, a copy of the February 7, 2019 order of court was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.
48. On February 8, 2019, a copy of the February 7, 2019 order of court was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
49. Judge DiClaudio failed to obey the February 7, 2019 order of court.
50. On February 26, 2019, after Judge DiClaudio failed to obey the February 7, 2019 order of court, the Club filed a third Motion for Sanctions.
51. A hearing on the Club's third Motion for Sanctions was scheduled for April 11, 2019, in the Court of Common Pleas of Montgomery County.
52. On March 21, 2019, notice of the April 11, 2019 hearing was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center,

1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.

53. On March 29, 2019, notice of the April 11, 2019 hearing was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
54. On April 10, 2019, the hearing on the Club's third Motion for Sanctions was continued to a date to be determined.
55. On April 10, 2019, notice that the April 11, 2019 hearing on the Club's third Motion for Sanctions had been continued to a date to be determined was sent to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.
56. On April 26, 2019, notice that the April 11, 2019 hearing on the Club's third Motion for Sanctions was rescheduled for May 30, 2019, was sent to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.
57. On April 26, 2019, notice that the April 11, 2019 hearing on the Club's third Motion for Sanctions was rescheduled for May 30, 2019, was sent to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
58. On May 30, 2019, Judge DiClaudio failed to appear for the hearing on the Club's third Motion for Sanctions.

59. On May 30, 2019, when Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County, Senior Judge Emanuel Bertin found Judge DiClaudio in contempt of the September 27, 2018 and February 7, 2019 orders, directed him to respond to the discovery request within ten days, pay the Club's attorney fees in the amount of \$1,000 per the September 27, 2018 order, \$2,500 per the February 7, 2019 order and \$1,780 for the May 30, 2019 matter.
60. On May 31, 2019, a copy of the May 30, 2019 order of court was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.
61. On June 3, 2019, a copy of the May 30, 2019 order of court was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
62. Judge DiClaudio personally received the May 30, 2019 order of court.
63. On August 20, 2019, after Judge DiClaudio failed to obey the May 30, 2019 order of court, the Club filed a fourth Motion for Sanctions.
64. A hearing on the Club's fourth Motion for Sanctions was scheduled for October 24, 2019, in the Court of Common Pleas of Montgomery County.
65. On September 13, 2019, notice of the October 24, 2019 hearing on the Club's fourth Motion for Sanctions was sent to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.
66. Judge DiClaudio personally received notice of the October 24, 2019 hearing.

67. On October 24, 2019, Judge DiClaudio and counsel for the Club appeared in the Court of Common Pleas of Montgomery County before Senior Judge Emanuel Bertin.
68. During the October 24, 2019 hearing, Judge DiClaudio agreed to pay the sum of \$9,500 to the Club in two payments.
69. Pursuant to the agreement of the parties, on October 24, 2019, Judge Bertin issued an order that the case against Judge DiClaudio be discontinued upon payment of the sum of \$9,500 by Judge DiClaudio, on or before December 5, 2019.
70. On March 4, 2011, the Pennsylvania Department of Revenue filed a lien against Scott DiClaudio in the amount of \$7,536.10 and the lien remains unsatisfied.
71. On June 12, 2014, the Pennsylvania Department of Revenue filed a lien against Scott DiClaudio in the amount of \$10,174.97 and the lien remains unsatisfied.
72. On March 11, 2017, the Pennsylvania Department of Revenue filed a lien against Judge DiClaudio in the amount of \$16,317.24 and the lien remains unsatisfied.
73. On July 28, 2017, the Internal Revenue Service filed a lien against Judge DiClaudio in the amount of \$287,500.11 and the lien remains unsatisfied.
74. By order of the Supreme Court of Pennsylvania dated February 6, 2015, all Pennsylvania judicial officers are required to file an annual Statement of Financial Interest (SOFI) no later than May 1 of each year.
75. Question eight on the SOFI form requires judicial officers to provide a list of all creditors.

76. The instructions which accompany the SOFI form pertaining to question eight direct judicial officers to "list the creditor, address and interest rate of those debts which at any time during the prior year were over \$6,500."
77. On April 29, 2016, Judge DiClaudio submitted his annual SOFI pertaining to his 2015 financial interests.
78. Judge DiClaudio's April 29, 2016 SOFI did not list the Pennsylvania Department of Revenue as a creditor.
79. On April 26, 2017, Judge DiClaudio submitted his annual SOFI pertaining to his 2016 financial interest.
80. Judge DiClaudio's April 26, 2017 SOFI did not list the Pennsylvania Department of Revenue as a creditor.
81. On May 1, 2018, Judge DiClaudio submitted his annual SOFI pertaining to his 2017 financial interests.
82. Judge DiClaudio's May 1, 2018 SOFI did not list the Pennsylvania Department of Revenue or the Internal Revenue Service as a creditor.
83. On April 29, 2019, Judge DiClaudio submitted his annual SOFI pertaining to his 2018 financial interests.
84. Judge DiClaudio's April 29, 2019 SOFI did not list the Pennsylvania Department of Revenue or the Internal Revenue Service as a creditor.
85. Judge DiClaudio was aware of the existence of the Pennsylvania Department of Revenue liens filed on March 4, 2011, June 12, 2014, and March 11, 2017, when he submitted his annual SOFIs on April 29, 2016, April 26, 2017, May 1, 2018, and April 29, 2019.

86. Judge DiClaudio was aware of the existence of the Internal Revenue Service lien filed on June 28, 2017, when he submitted his annual SOFI on April 29, 2019.
87. Judge DiClaudio was under the impression (wrongly so) that the Pennsylvania Department of Revenue liens and the Internal Revenue Service lien did not have to be reported, and he has corrected that situation.
88. Retired Judge Benjamin Lerner would state he has known Judge DiClaudio for many years both as a friend, a lawyer who appeared before him, and as a judge. He knows people in the community who know Judge DiClaudio. Among those people, his reputation as a truthful and honest person, as a peaceful and law-abiding person and as a knowledgeable, fair and hard-working judge is excellent. He would also testify Judge DiClaudio, as a judge, works extremely hard and has handled a massive case load since his election to the bench in a fair and just manner without any back logs.
89. Retired Judge Chris Wogan would state he has known Judge DiClaudio for many years both as a friend, a lawyer who appeared before him, and as a judge. He knows people in the community who know Judge DiClaudio. Among those people, his reputation as a truthful and honest person, as a peaceful and law-abiding person and as a knowledgeable, fair and hard-working judge is excellent. He would also testify Judge DiClaudio, as a judge, works extremely hard and has handled a massive case load since his election to the bench in a fair and just manner without any back logs.
90. Attorney Brian McMonagle of the Philadelphia law firm of McMonagle, Perri, McHugh and Mischak would state he has known Judge DiClaudio for many years both as lawyer and a judge. He would testify as to Judge DiClaudio's

fairness and strong work ethic as a judge. He would note Judge DiClaudio's excellent knowledge in the law and his courtesy to litigants and attorneys. He would testify he knows people in the community who know Judge DiClaudio and that among those people, Judge DiClaudio has an excellent reputation as a truthful and honest person, as a peaceful and law-abiding person, and as a knowledgeable, fair and hardworking judge.

91. The custodian of records for the First Judicial District would present Exhibit 57, which is the Disposition Tracking Record for Judge Scott DiClaudio showing dispositions of 5,675 Common Pleas criminal cases from January 1, 2016 to August 24, 2020.

92. The parties stipulate to the authenticity and admissibility of all trial exhibits, attached to these Joint Stipulations of Fact in Lieu of Trial, as set forth below:

Trial Exhibits:

1. March 7, 2019 Letter of Counsel in JCB File No. 2017-693.
2. March 25, 2017 Statement of Consent in JCB File No. 2017-693.
3. Civil Complaint in the matter of Cynwyd Club v. Scott DiClaudio, filed to MJ-38204-CV-117-2015.
4. Civil Action Hearing Notice in the matter of Cynwyd Club v. Scott DiClaudio, filed to MJ-38204-CV-117-2015.
5. Civil: Intent to Defend notes of telephone call in the matter of Cynwyd Club v. Scott DiClaudio, filed to MJ-38204-CV-117-2015.
6. Rescheduling Notice in the matter of Cynwyd Club v. Scott DiClaudio, filed to MJ-38204-CV-117-2015.
7. Notice of Judgment/Transcript Civil in the matter of Cynwyd Club v. Scott DiClaudio, filed to MJ-38204-CV-117-2015.
8. Notice of Appeal and Civil Cover Sheet in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.

9. Civil Complaint in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
10. Affidavit of Service of Civil Complainant in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
11. Default Judgment in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
12. Affidavit of Service of Default Judgment in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
13. Motion to Compel in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
14. Certification of Service of Motion to Compel in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
15. Rule to Show Cause in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
16. Certification of Service of Rule to Show Cause in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
17. May 22, 2018 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
18. Certification of Service of May 22, 2018 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
19. Motion for Sanctions dated July 26, 2018 in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
20. Certification of Service of Motion for Sanctions in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
21. Notice of September 27, 2018 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
22. Certification of Service of Notice of September 27, 2018 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.

23. Transcript of the September 27, 2018 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
24. September 27, 2018 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
25. Certification of Service of September 27, 2018 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
26. Praecipe to Amend Address in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
27. Second Motion for Sanctions in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
28. Certification of Service of Second Motion for Sanctions in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
29. Notice of February 7, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
30. Certification of Service of Notice of February 7, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
31. Transcript of the February 7, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
32. February 7, 2019 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
33. Certification of Service of February 7, 2019 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
34. Third Motion for Sanctions in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
35. Notice of April 11, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
36. Certification of Service of Notice of April 11, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.

37. Notice of Continuance of April 11, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
38. Notice of May 30, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
39. Certification of Service of Notice of May 30, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
40. Transcript of the May 30, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
41. May 30, 2019 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
42. Certification of Service of May 30, 2019 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
43. Fourth Motion for Sanctions in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
44. Notice of October 24, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
45. Transcript of the October 24, 2019 hearing in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
46. October 24, 2019 order of court in the matter of Cynwyd Club v. Scott DiClaudio, filed to Montgomery County Docket Number 2015-29887.
47. March 4, 2011 Pennsylvania Department of Revenue Lien against Scott DiClaudio.
48. June 12, 2014 Pennsylvania Department of Revenue Lien against Scott DiClaudio.
49. March 11, 2017 Pennsylvania Department of Revenue Lien against Scott DiClaudio.
50. July 28, 2017 Internal Revenue Service Lien against Scott DiClaudio.
51. February 6, 2015 order of Supreme Court of Pennsylvania.
52. Statement of Financial Interest form.

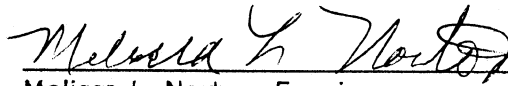
53. April 29, 2016 SOFI of Judge Scott DiClaudio.
54. April 26, 2017 SOFI of Judge Scott DiClaudio.
55. May 1, 2018 SOFI of Judge Scott DiClaudio.
56. April 29, 2019 SOFI of Judge Scott DiClaudio.
57. The Disposition Tracking Record for Judge Scott DiClaudio from January 1, 2016 to August 24, 2020 showing dispositions of 5,675 Common Pleas cases.

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).

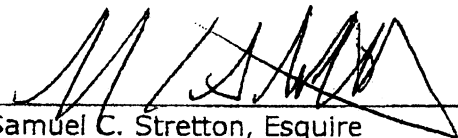
WHEREFORE, the parties, through their respective counsel, intending to be legally bound by this document, do hereby set their hand and seal.

DATE: 10-9-20



Melissa L. Norton, Esquire
Deputy Counsel
Judicial Conduct Board

DATE: 10/8/20



Samuel C. Stretton, Esquire
Counsel for Respondent

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

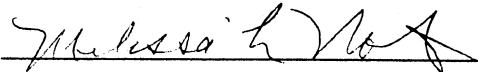
IN RE:

Judge Scott DiClaudio :
Court of Common Pleas :
First Judicial District : 3 JD 2019
Philadelphia 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:

Judge Scott DiClaudio	:	
Court of Common Pleas	:	
First Judicial District	:	3 JD 2019
Philadelphia County	:	

PROOF OF SERVICE

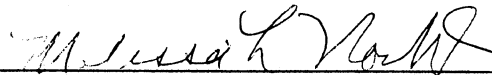
In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, the date below, a copy of the Joint Stipulations of Fact in Lieu of Trial and Waiver of Trial Pursuant to C.J.D.R.P. No. 502(D)(1) was sent by UPS Overnight Mail to counsel for Judge Scott DiClaudio, Attorney Samuel C. Stretton, at the following address:

Samuel C. Stretton, Esquire
103 South High Street
P.O. Box 3231
West Chester, PA 19381

Respectfully submitted,

DATE: October 9, 2020

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 1

EXHIBIT 1



**COMMONWEALTH OF PENNSYLVANIA
JUDICIAL CONDUCT BOARD**

PENNSYLVANIA JUDICIAL CENTER
601 COMMONWEALTH AVENUE, SUITE 3500
P.O. Box 62525
HARRISBURG, PA 17106-2525
WWW.JCBPA.ORG

RICHARD W. LONG
CHIEF COUNSEL

717-234-7911

March 7, 2019

The Honorable Scott DiClaudio
Suite 1415
1301 Filbert Street
Philadelphia, PA 19107

Re: Judicial Conduct Board Complaint No. 2017-693

Dear Judge DiClaudio:

At its most recent meeting, the Board reviewed and considered the above captioned matter and voted on a final disposition.

The Board has available to it a private procedure by which it may dismiss a complaint filed against a judicial officer with the issuance of what is termed a "Letter of Counsel." The Board offers a Letter of Counsel dismissal to a judicial officer when the Board decides that although a judge has breached the Code of Judicial Conduct or the Pennsylvania Constitution, the judge's actions, though serious, do not necessarily warrant the Board's filing of formal charges in the Court of Judicial Discipline.

In order to receive a Letter of Counsel, a judicial officer must consent in writing and stipulate that the Letter of Counsel, which includes all incorporated documents, may be used during future Board proceedings if future complaint(s) are lodged against that same judicial officer. As part of this consent, the judicial officer acknowledges that the Board may also utilize a Letter of Counsel in public proceedings before the Court of Judicial Discipline or the Supreme Court of Pennsylvania if the Board directs that action is to be taken on any future complaint(s) against the judicial officer before either Court. However, if the Board does not authorize court proceedings for a subsequent complaint, the Letter of Counsel remains a non-public, confidential document within the closed complaint file to which it pertains. The Board does not provide a copy of the actual Letter of Counsel to the complainant, and the Board does not provide the Letter of Counsel to the public. The Board will, however, advise the complainant that a Letter of Counsel resolution has been made.

**PAGE 2 of 4 – The Honorable Scott DiClaudio
March 7, 2019**

As you were made aware by the Board's Notices of Full Investigation dated June 18, 2018, which is incorporated by reference as part of this Letter of Counsel, the above referenced complaint and the Board's investigation concerned your interactions with and supervision of your court staff. The Board has authorized dismissal of the complaint through its Letter of Counsel procedure.

In resolving these matters, the Board considered all investigatory information, including your response dated July 26, 2018, to the Board's Notices of Full Investigation, and the transcript of your September 11, 2018 deposition testimony, both of which are also incorporated as part of the Letter of Counsel.

The Board determined that you permitted and participated in the use of profanity and inappropriate jokes with your court staff, engaged in gossip about another judge with a staff member, and used undignified nicknames for your court staff. The Board also determined that you uttered an offensive comment about African-Americans to an African-American staff member that was overheard by others, albeit with the belief that it was understood to be a joke by the person to whom the comment was directed. Such conduct would constitute violations of Canon 2, Rule 2.8 (B) of the Code of Judicial Conduct which provides:

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

The conduct would also constitute violations of Canon 2, Rule 2.12 (A) of the Code of Judicial Conduct which provides:

(A) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.

The Board considered that you were cooperative and forthright in responding to its inquiry, that you admitted to the conduct and accepted full responsibility. The Board noted that your conduct was not intentionally malicious; rather, much of your conduct was motivated by a desire to establish an enjoyable and positive working environment for your staff. However, the comments you made which formed the basis of the complaint, whether made in jest or not, are simply unacceptable workplace conduct for any judicial officer in the Commonwealth. Nevertheless, the Board was pleased that you recognized your misconduct, apologized for it, and made

PAGE 3 of 4 – The Honorable Scott DiClaudio
March 7, 2019

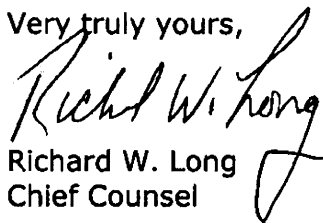
efforts to correct the misconduct, including but not limited to seeking further education through an online sexual harassment training course.

While the Board found your conduct could support the filing of formal charges in the Court of Judicial Discipline, in light of mitigating considerations, the Board agreed to resolve the matter privately through the Letter of Counsel procedure. However, you should be aware that further complaints against you alleging similar conduct will be aggressively investigated by the Board.

As you have already agreed to accept this Letter of Counsel to resolve Complaint 2017-693, you are directed to appear before me at the Board's Office at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3500, Harrisburg, Pennsylvania 17120, and personally sign an original Statement of Consent, such as you will find at the end of this letter. Upon your signature of the Statement of Consent, this Letter of Counsel, with all incorporated documents and the accompanying original Statement of Consent, will be retained by the Board in its confidential file. Complaint No. 2017-693 will then be dismissed and the file closed.

Therefore, please contact this Office **within ten (10) days of the date of this letter** to schedule a time for your meeting with Chief Counsel to officially sign and receive your Letter of Counsel.

Very truly yours,



Richard W. Long
Chief Counsel

RWL/MLN/tis

UPS Overnight Delivery
Tracking No. 1Z Y4X 745 01 9707 6080

STATEMENT OF CONSENT

I, Judge Scott DiClaudio, consent to the dismissal of Complaint No. 2017-693 with the issuance of this Letter of Counsel.

I understand and agree that the contents of this Letter of Counsel and any supporting facts for this Letter of Counsel derived from the Board's investigation and documents incorporated by reference may, if warranted, be used during any future proceedings involving new complaint(s) against me before the Board, or in any future public proceedings against me before the Court of Judicial Discipline or the Supreme Court of Pennsylvania.

Further, I acknowledge understanding that if no future public proceedings are authorized against me by the Board on new complaint(s), the Letter of Counsel in this matter shall remain a non-public, confidential document within the closed complaint file to which it pertains.

Date

Scott DiClaudio
Judge

EXHIBIT 2

EXHIBIT 2

STATEMENT OF CONSENT

I, Judge Scott DiClaudio, consent to the dismissal of Complaint No. 2017-693 with the issuance of this Letter of Counsel.

I understand and agree that the contents of this Letter of Counsel and any supporting facts for this Letter of Counsel derived from the Board's investigation and documents incorporated by reference may, if warranted, be used during any future proceedings involving new complaint(s) against me before the Board, or in any future public proceedings against me before the Court of Judicial Discipline or the Supreme Court of Pennsylvania.

Further, I acknowledge understanding that if no future public proceedings are authorized against me by the Board on new complaint(s), the Letter of Counsel in this matter shall remain a non-public, confidential document within the closed complaint file to which it pertains.

3-25-19
Date



Scott DiClaudio
Judge

EXHIBIT 3

EXHIBIT 3

CIVIL COMPLAINT

Magisterial District Number: 38-2-04
 MDJ Name: Hon. Honorable Karen Eisner Zucker
 Address: 11 Union Ave. Suite 100
 Bala Cynwyd, PA 19004
 Telephone: (610) 668-1204

PLAINTIFF: NAME and ADDRESS
 The Cynwyd Club
 332 Trevor Lane,
 Bala Cynwyd, PA 19004

VS.

DEFENDANT: NAME and ADDRESS
 Scott DiClaudio
 1500 John F. Kennedy Boulevard
 Philadelphia, PA 19102

Docket No.: CV-117-15
 Date Filed: 8/20/2015



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>84.50</u>	<u>8/20/2015</u>
POSTAGE	\$ <u>3.50</u>	
SERVICE COSTS /JCP	\$ <u>88.25</u>	
CONSTABLE ED.	\$ <u>5.00</u>	
TOTAL	\$ <u>181.25</u>	<u>8/20/2015</u>

Social security numbers and financial information (e.g. PINS) should not be listed. If the identity of an account number must be established, list only the last four digits. 204 Pa.Code §§ 213.1 - 213.7.

Pa.R.C.P.M.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$2,478.13 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Defendant has failed to pay to Plaintiff monies owed for various club purchases, services, and annual dues to the tuen of \$2,478.13. Plaintiff has made multiple attempts to reconcile this debt with Defendant to no avail. Defendant therefore respectfully requests that this debt be paid by Defendant and all filing costs be repaid to Defendant by Plaintiff.

I, Zachary J. Strohm, Esq. verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

[Handwritten Signature]
 Signature of Plaintiff or Authorized Agent)

The plaintiff's attorney shall file an entry of appearance with the magisterial district court pursuant to Pa.R.C.P.M.D.J. 207.1.

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD SO NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

EXHIBIT 4

EXHIBIT 4



Civil Action Hearing Notice

Mag. Dist. No: MDJ-38-2-04
MDJ Name: Honorable Karen Eisner Zucker
Address: 11 Union Avenue
Suite 100
Bala Cynwyd, PA 19004
Telephone: 610-668-1201

The Cynwyd Club
v.
Scott DiClaudio

File Copy

Docket No: MJ-38204-CV-0000117-2015
Case Filed: 8/20/2015

A civil complaint has been filed against you in the above captioned case.

A Civil Action Hearing has been scheduled to be held on/at:

Date: Friday, September 18, 2015	Place: Magisterial District Court 38-2-04, Bala Cynwyd 11 Union Avenue Suite 100 Bala Cynwyd, PA 19004 610-668-1201
Time: 8:30 AM	

Comments: DEFAULT DATE ONLY- Please do not appear in Court on this date.
*Defendant: Contact this Court immediately if you intend to defend yourself in this matter. If you do not reply by this date, a default judgment may be entered against you.

Notice To Defendant

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

You must appear at the hearing and present your defense. Unless you do, judgment may be entered against you by default.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to Pa.R.C.P.M.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

Notice To Plaintiff

Pursuant to Pa.R.C.P.M.D.J. No. 318, you or your attorney will be notified if the defendant gives notice of his/her intention to defend.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

EXHIBIT 5

EXHIBIT 5



Magisterial District Judge
KAREN EISNER ZUCKER
 11 UNION AVENUE, SUITE 100
 BALA CYNWYD, PA 19004
 Phone: 610-668-1201
 Fax : 610-668-1204

COMMONWEALTH OF PENNSYLVANIA
 MONTGOMERY COUNTY
 DISTRICT COURT 38-2-04

CIVIL: INTENT TO DEFEND

DATE/TIME OF HEARING: 9/18/2015 @ 8:30 (DEFAULT)

DOCKET NUMBER: CV-117-15

NAME OF CALLER: Scott DiClaudio, Esq.

PHONE NUMBER: (215) 940-2700

DEFENDANT: SAA.

DO YOU PLAN TO DEFEND:

YES: NO:

MESSAGE:

* Def. says that he never received the complaint.

CLERK INITIALS: M.d'

TODAY'S DATE & TIME: 9/21/2015 @ 3:37 PM

Sched.
 10/14 @ 2:30
 or
 10/15 @ 12
 DICLAUDIO 0027

EXHIBIT 6

EXHIBIT 6



Rescheduling Notice

Mag. Dist. No:	MDJ-38-2-04
MDJ Name:	Honorable Karen Elsner Zucker
Address:	11 Union Avenue Suite 100 Bala Cynwyd, PA 19004
Telephone:	610-668-1201

The Cynwyd Club
v.
Scott DiClaudio

File Copy

Docket No: MJ-38204-CV-0000117-2015
Case Filed: 8/20/2015

A civil complaint has been filed against you in the above captioned case.

A Civil Action Hearing was previously scheduled on September 18, 2015 / 8:30 AM. It has been rescheduled to be held on/at:

Date: Thursday, October 15, 2015	Place: Magisterial District Court 38-2-04, Bala Cynwyd 11 Union Avenue Suite 100 Bala Cynwyd, PA 19004 610-668-1201
Time: 12:00 PM	

Continuance requested by Scott DiClaudio

Reason: Intent to Defend Filed

Comments: Please bring three copies of any paperwork that you intend to present during the hearing. If you do not bring your own copies, the Court will charge \$0.25 per page copied in order to proceed with the hearing. All continuance requests must be submitted in writing NO LESS THAN 48 hours in advance of the scheduled hearing date.

Notice To Defendant

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

You must appear at the hearing and present your defense. Unless you do, judgment may be entered against you by default.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to Pa.R.C.P.M.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

Notice To Plaintiff

Pursuant to Pa.R.C.P.M.D.J. No. 318, you or your attorney will be notified if the defendant gives notice of his/her intention to defend.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

File Copy Recipient List

Addressed To: Scott DiClaudio (Defendant)
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102

Zachary James Strohm, Esq. (Private)
McNelly and Goldstein, LLC
11 Church Rd.
Hatfield, PA 19440

The Cynwyd Club (Plaintiff)
332 Trevor Lane
Bala Cynwyd, PA 19004

EXHIBIT 7

EXHIBIT 7



**Notice of Judgment/Transcript Civil
Case**

The Cynwyd Club
v.
Scott DiClaudio

Mag. Dist. No: MDJ-38-2-04
MDJ Name: Honorable Karen Eisner Zucker
Address: 11 Union Avenue
Suite 100
Bala Cynwyd, PA 19004
Telephone: 610-668-1201

File Copy

Docket No: MJ-38204-CV-0000117-2015
Case Filed: 8/20/2015

Disposition Summary (cc - Cross Complaint)

<u>Docket No</u>	<u>Plaintiff</u>	<u>Defendant</u>	<u>Disposition</u>	<u>Disposition Date</u>
MJ-38204-CV-0000117-2015	The Cynwyd Club	Scott DiClaudio	Judgment for Plaintiff	10/15/2015

Judgment Summary

<u>Participant</u>	<u>Joint/Several Liability</u>	<u>Individual Liability</u>	<u>Amount</u>
Scott DiClaudio	\$0.00	\$2,659.38	\$2,659.38
The Cynwyd Club	\$0.00	\$0.00	\$0.00

Judgment Finding (*Post Judgment)

In the matter of The Cynwyd Club vs. Scott DiClaudio on MJ-38204-CV-0000117-2015, on 10/15/2015 the judgment was awarded as follows:

<u>Judgment Component</u>	<u>Joint/Several Liability</u>	<u>Individual Liability</u>	<u>Deposit Applied</u>	<u>Amount</u>
Civil Judgment	0.00	\$2,478.13		\$2,478.13
Costs	0.00	\$181.25		\$181.25
			Grand Total:	\$2,659.38

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

10/15/2015
Date Karen Eisner Zucker
Magisterial District Judge Karen Eisner Zucker



I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date Magisterial District Judge

The Cynwyd Club
v.
Scott DiClaudio

Docket No.: MJ-38204-CV-0000117-2015

Participant List

Private(s)

Zachary James Strohm, Esq.
McNelly and Goldstein, LLC
11 Church Rd.
Hatfield, PA 19440

Plaintiff(s)

The Cynwyd Club
332 Trevor Lane
Bala Cynwyd, PA 19004

Defendant(s)

Scott DiClaudio
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102



Civil Worksheet

The Cynwyd Club v. DiClaudio, Scott

Defendant's Name: DiClaudio, Scott	Docket No: MJ-38204-CV-0000117-2015
------------------------------------	-------------------------------------

Hearing (Date): 10/15/2015 Hearing (Time): 12:00 pm

Cross Complaint Docket No: _____ Filed (Date): _____ Claim Amount: \$: _____

- | | |
|--|--|
| <input checked="" type="checkbox"/> Defendant intends to defend (Date) <u>09/21/2015</u> | <input type="checkbox"/> Plaintiff appeared at hearing: |
| <input checked="" type="checkbox"/> Plaintiff so notified (Date): <u>09/21/2015</u> | <input type="checkbox"/> Plaintiff not represented |
| <input type="checkbox"/> Plaintiff did not appear | <input checked="" type="checkbox"/> Plaintiff represented by: <u>Zachary Strohm, Esq</u> |
| <input checked="" type="checkbox"/> Defendant did not appear | <input type="checkbox"/> Defendant appeared at hearing: |
| <input type="checkbox"/> Transferred (Date): _____ | <input type="checkbox"/> Defendant not represented |
| <input checked="" type="checkbox"/> Hearing was held on (Date): <u>10/15/15</u> | <input type="checkbox"/> Defendant represented by: _____ |
| <input type="checkbox"/> Notice of continuance given on (Date): _____ | <input type="checkbox"/> Continued to (Date): _____ (Time): _____ |
- At the request of: Plaintiff Defendant Court

- Judgment entered on (Date): 10/15/15 **DISPOSITION** Notice of judgment given on (Date): _____
- Judgment for Plaintiff (Name): AS STATED
- Judgment for Defendant (Name): _____

Civil Judgment:	\$ <u>2,478.13</u>
Interest:	\$ _____
Costs:	\$ <u>181.25</u>
Attorney Fees:	\$ _____
Less Amount Due from Cross Complaint:	\$ _____
Total Judgment:	\$ <u>2,659.38</u>

- | | |
|--|---|
| <input type="checkbox"/> Joint/Severally Liable | <input type="checkbox"/> Satisfaction of Judgment requested (Date): _____ |
| <input checked="" type="checkbox"/> Individually Liable | <input type="checkbox"/> Satisfaction of Judgment entered (Date): _____ |
| <input type="checkbox"/> Levy is stayed for _____ days | <input type="checkbox"/> Satisfaction of Judgment not entered (Date): _____ |
| <input type="checkbox"/> Levy generally stayed (Reason): _____ | <input type="checkbox"/> Supplementary Hearing (Date): _____ |
| <input type="checkbox"/> Objection to Levy filed and a hearing will be held on (Date): _____ (Time): _____ | <input type="checkbox"/> Settled (Date): _____ |
| <input type="checkbox"/> Objection to Levy denied; sale to be rescheduled | <input type="checkbox"/> Withdrawn (Date): _____ |
| <input type="checkbox"/> Objection to Levy sustained | <input type="checkbox"/> Default Judgment (Date): _____ |
| <input type="checkbox"/> Levy modified | <input type="checkbox"/> Dismissed without prejudice (Date): _____ |
| <input type="checkbox"/> Judgment and costs satisfied (Date): _____ (By whom notified): _____ | <input checked="" type="checkbox"/> Appeal Filed (Date): <u>11/16/2015</u> |
| | <input type="checkbox"/> Supersedeas Attached (Date): _____ |
| | <input type="checkbox"/> Supersedeas Terminated (Date): _____ |
| | <input type="checkbox"/> Appeal result: _____ |

FINAL DISPOSITION MADE BY: [Signature]
(Magisterial District Judge)

EXHIBIT 8

EXHIBIT 8


COMMONWEALTH OF PENNSYLVANIA
COURT OF COMMON PLEAS
JUDICIAL DISTRICT

NOTICE OF APPEAL
FROM
MAGISTERIAL DISTRICT COURT JUDGMENT

COMMON PLEAS NO. 0015-0987

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District Judge on the date and in the case mentioned below.

NAME OF APPELLANT <u>Scott DiClaudio</u>		MAGISTERIAL JUDGE OR JUDGE OF PLEAS <u>Honorable Karen Eisner Zucker</u>	
ADDRESS OF APPELLANT <u>1500 J.F.K. Blvd. Suite 900 Philadelphia, PA 19102</u>		CITY <u>Philadelphia, PA</u>	
DATE OF JUDGMENT <u>10-15-15</u>		IN THE CASE OF <u>The Cynwyd Club v. Scott DiClaudio</u>	
CASE NO. CV 20 <u>000117-2015</u> LT 20		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	

MBJ382
09

<p>This block will be signed ONLY when this notation is required under PA. R.C.P.J.P. No. 1008B This notice of Appeal, when received by the Magisterial District Judge, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>	<p>If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before the Magisterial District Judge, he/she MUST FILE A COMPLAINT within twenty (20) days after filing his/hers NOTICE of APPEAL.</p> <p>2015 NOV 11 A 10:08 DEPARTMENT OF THE PROTHONOTARY & CLERK OF THE MONTGOMERY COUNTY P.</p>
---	--

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before the Magisterial District Judge. If NOT USED, Detach from copy of notice of appeal to be served upon appellee.)

PRAECIPE: To Prothonotary
Enter rule upon The Cynwyd Club, appellee(s), to file a complaint in this appeal
(Common Pleas No. 15-0987) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To The Cynwyd Club, appellee(s)

Signature of appellant or his attorney or agent

- (1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified registered mail.
- (2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.
- (3) The date of service of this rule if service was by mail is the date of mailing.

Date: November 13, 2015

Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL

Original

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Montgomery County

For Prothonotary Use Only:	
Docket No: <u>2015-29887</u>	<u>4</u>

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition <input type="checkbox"/> Transfer from Another Jurisdiction <input type="checkbox"/> Declaration of Taking	
Lead Plaintiff's Name: <u>The Cynwyd Club</u>	Lead Defendant's Name: <u>Scott DiClaudio</u>
Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dollar Amount Requested: <input checked="" type="checkbox"/> within arbitration limits (check one) <input type="checkbox"/> outside arbitration limits
Is this a Class Action Suit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an MDJ Appeal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: _____ <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented (Pro Se) Litigant)	

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort) <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	CONTRACT (do not include Judgments) <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input checked="" type="checkbox"/> Debt Collection: Other <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other <input type="checkbox"/> Other: _____	CIVIL APPEALS Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
MASS TORT <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	REAL PROPERTY <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title	MISCELLANEOUS <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other: _____
PROFESSIONAL LIABILITY <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		



2015-29887-0000 11/13/2015 10:52 AM # 10536237
 Defendants Appeal from District Justice
 Rcpt#2015-8-03259 Fee:\$273.25
 Mark Levy - MontCo Prothonotary

Updated 1/1/2011
 DICLAUDIO 0837

EXHIBIT 9

EXHIBIT 9

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

NOTICE TO DEFEND - CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19404-0268

(610) 279-9660, EXTENSION 201

PRIF0034
R 10/11

DICLAUDIO 0045

Case# 2015-29887-3 Docketed at Montgomery County Prothonotary on 12/03/2015 2:01 PM, Fee = \$0.00

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
322 Trevor Lane,
Bala Cynwyd, PA 19004
Plaintiff

v.

SCOTT DICLAUDIO
1500 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19102
Defendant

CIVIL ACTION NO.: 15-29887

Complaint

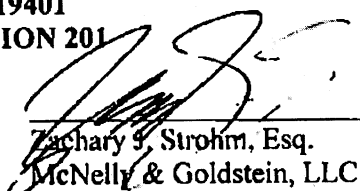
NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERENCE SERVICE
MONTGOMERY COUNTY BAR ASSOCIATION
100 WEST AIRY STREET (REAR)
NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201**


Zachary S. Strohm, Esq.
McNelly & Goldstein, LLC
Attorneys for Plaintiff,
The Cynwyd Club

Case# 2015-29887-3 Docketed at Montgomery County Prothonotary on 12/03/2015 2:01 PM, Fee = \$0.00

DICLAUDIO 0046

Zachary J. Strohm, Esquire
Attorney ID #314853
McNelly & Goldstein, LLC.
11 Church Rd., Suite 1A
Hatfield, PA 19440
(610) 727-4191
zstrohm@mcnellygoldstein.com

Attorney for Taxpayer/Appellant

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

THE CYNWYD CLUB
322 Trevor Lane,
Bala Cynwyd, PA 19004
Plaintiff
v.

SCOTT DICLAUDIO
1500 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19102
Defendant
Complaint

CIVIL ACTION NO.: 15-29887

COMPLAINT
CONTRACTS FOR GOODS, SERVICES, AND ENFORCEMENT OF ACCOUNTS

1. Plaintiff, The Cynwyd Club (hereinafter “the Club”), is a non-profit organization, with its current address located at 322 Trevor Lane, Bala Cynwyd, Pennsylvania 19004.
2. Defendant, Scott DiClaudio, is an individual, and a member of the Club, with an address on record with the Club at 1500 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19102.
3. Jurisdiction is properly invoked in the Court of Common Pleas of Montgomery County pursuant to 42 Pa.C.S.A. §5301, et seq. and the authorities contained therein.
4. Venue is properly situated in this Honorable Court pursuant to Pennsylvania Rule of Civil Procedure 1006(a) and the authorities contained therein.
5. At Defendant’s specific request, Plaintiff provided goods and services to Defendant, as more fully described in the House Receivable Statements which are attached hereto, made part hereof, and marked Exhibit “A”. Copies of these invoices were delivered to Defendant.

6. The goods and services were provided on the dates and for the prices and in the quantities set forth in Exhibit "A".

7. The prices charged in Exhibit "A", are correct, just, and reasonable, and the usual and market prices for the goods and services rendered to Defendant, and further are the prices which the Defendant agreed to pay.

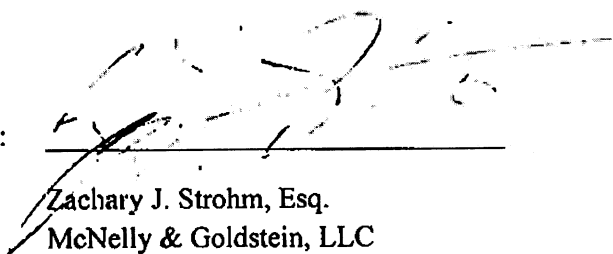
8. Defendant has received all credits to which Defendant is entitled.

9. Defendant is indebted to Plaintiff in the amount of \$2,478.13.

10. Although Plaintiff has often demanded payment of the sum in question, Defendant has refused to pay.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of \$2,478.13, plus costs and interest.

BY: _____

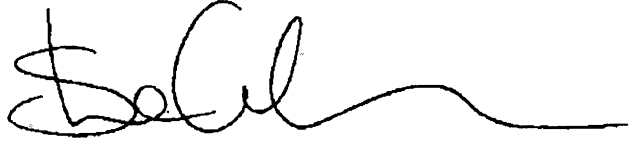

Zachary J. Strohm, Esq.
McNelly & Goldstein, LLC
Attorneys for Plaintiff,
The Cynwyd Club

VERIFICATION

I, Shane Coleman, do hereby certify/verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief.

I understand that statements made herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to falsification to authorities.

Date: 12/2/2015.



Shane Coleman,
General Manager,
The Cynwyd Club

EXHIBIT 10

EXHIBIT 10

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
322 Trevor Lane,
Bala Cynwyd, PA 19004
Plaintiff
v.

CIVIL ACTION NO.:15-29887

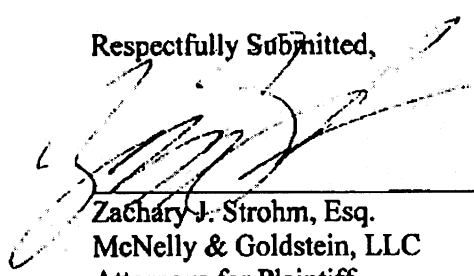
SCOTT DICLAUDIO
1500 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19102
Defendant

AFFIDAVIT OF SERVICE

I, Zachary J. Strohm, Esquire, being duly sworn upon oath deposes and says as follows:

1. I am an attorney for the Cynwyd Club in the above-titled case. On December 4, 2015, I caused to be transmitted, by form of mail requiring a signed receipt, a copy of the Complaint filed in this action to the following: Scott DiClaudio, 1500 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19102.
2. I further depose and say that I thereafter received from the U.S. Postal Service, a return-receipt bearing the notations "Date of Deliver: December 8, 2015." A copy of the official return receipt is attached hereto as Exhibit "A."

Respectfully Submitted,



Zachary J. Strohm, Esq.
McNelly & Goldstein, LLC
Attorneys for Plaintiff,
The Cynwyd Club

EXHIBIT 11

EXHIBIT 11

Zachary J. Strohm, Esquire
Attorney I.D # 314853
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
322 Trevor Lane,
Bala Cynwyd, PA 19004
Plaintiff
v.

CIVIL ACTION NO.: 15-29887

SCOTT DICLAUDIO
1500 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19102
Defendant

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter default judgment in favor of plaintiff and against defendant, Scott DiClaudio, by default for defendants' failure to file an answer to plaintiff's complaint against the defendant.

Assess damages as set forth below:

1. Principal amount due - \$2,478.13;
2. Interest (per diem) - \$93.29;
3. Fees (anticipated and actual) \$196.25;
4. Other permissible costs: Attorney's fees - \$1,000.00

Total: \$3,767.67

The Cynwyd Club


Zachary J. Strohm, Esquire

Case# 2015-29887-5 Docketed at Montgomery County Prothonotary on 04/05/2016 9:58 AM, Fee = \$20.25

DICLAUDIO 0069

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

To the Prothonotary:

Enter judgment in favor of CYNWYD CLUB and against SCOTT DICLAUDIO for want of an answer.

Amount claimed in complaint (less credit, if any)	\$ 2478.13
Interest	\$ 93.29
Misc	\$ 1196.25
Total	\$3,767.67

Possession

I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered and to his/her attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this praecipe. A copy of the notice is attached. R.C.P. 237.1

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY

Signature

ZACHARY STROHM

Filing Party

314853

ID Number

MCNELLY AND GOLDSTEIN, LLC

Firm Name

11 CHURCH ROAD

Address

HATFIELD, PA 19440

610-727-4191

Phone

Judgment is entered in favor of CYNWYD CLUB and against SCOTT DICLAUDIO by default for want of an answer.


Prothonotary, Montgomery County

DICLAUDIO 0065

Case# 2015-29887-5 Docketed at Montgomery County Prothonotary on 04/05/2016 9:58 AM, Fee = \$20.25

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

NOTICE IS GIVEN THAT THE ATTACHED DOCUMENT IN THE ABOVE CAPTIONED MATTER HAS BEEN ENTERED.


PROTHONOTARY

IF YOU HAVE ANY QUESTIONS CONCERNING THE ABOVE, PLEASE CONTACT:

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY

Signature

ZACHARY STROHM

Filing Party

314853

ID Number

MCNELLY AND GOLDSTEIN, LLC

Firm Name

11 CHURCH ROAD

Address

HATFIELD, PA 19440

610-727-4191

Phone

DICLAUDIO 0066

EXHIBIT 12

EXHIBIT 12

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
322 Trevor Lane,
Bala Cynwyd, PA 19004

Plaintiff

v.

SCOTT DICLAUDIO
1500 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19102

Defendant

CIVIL ACTION NO.: 15-29887

AFFIDAVIT OF SERVICE

I, Zachary J. Strohm, Esquire, being duly sworn upon oath deposes and says as follows:

1. I am an attorney for the Cynwyd Club in the above-titled case. On April 4, 2015, I caused to be transmitted, by form of first class mail, a copy of the Default Judgment filed in this action to the following: Scott DiClaudio, Criminal Justice Center, 1301 Filbert Street, Room 1203, Philadelphia, PA 19107.

Respectfully Submitted,

Zachary J. Strohm, Esq.
McNelly & Goldstein, LLC
Attorneys for Plaintiff,
The Cynwyd Club

EXHIBIT 13

EXHIBIT 13

Case# 2015-29887-9 Docketed at Montgomery County Prothonotary on 03/28/2018 5:17 PM. Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

COVER SHEET OF MOVING PARTY

Date of Filing March 28 2018

Moving Party CYNWYD CLUB

Counsel for Moving Party _____

Document Filed (Specify) MOTION TO COMPEL POST-JUDGMENT DISCOVERY

Matter is (Check One) (Appealable) (Interlocutory)

Discovery Needed (Yes) (No)

CERTIFICATIONS - Check ONLY if appropriate:

Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute.
(Required by Local Rule 208.2(e) on motions relating to discovery.)

(Yes) (No) (Not a Discovery Motion)

Counsel for moving party certifies that the subject **civil motion** is uncontested by all parties involved in the case.
(If checked, skip Rule to Show Cause section below.)

By: BRITAIN HENRY
Counsel for Moving Party

RULE TO SHOW CAUSE - Check ONE of the Choice Listed Below:

_____ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an answer in the form of a written response at the Office of the Prothonotary on or before the _____ day of _____, 20 ____

_____ Respondent is directed to show cause, in the form of a written response, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20 ____ at 1:00 p.m. at 321 Swede Street, Norristown, Pa.

_____ Respondent is directed to file a written response in conformity with the Pennsylvania Rules of Civil Procedure

_____ Rule Returnable at time of trial.

By: _____
Court Administrator

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

CYNWYD CLUB	:	
Plaintiff	:	NO. 2015-29887
	:	
V.	:	
	:	
SCOTT DICLAUDIO	:	
Defendant	:	

RULE TO SHOW CAUSE

AND, NOW, this _____ day of _____, 20____, upon consideration of Plaintiff's Motion to Compel Post-Judgment Discovery Responses, it is hereby ordered that:

- (1) a Rule is issued upon the Respondent to show cause why the Movant is not entitled to the relief requested;
- (2) the Respondent shall file an Answer to the Motion within Twenty (20) days of this date;
- (3) the Motion shall be decided under Pa.R.C.P. No. 206.7; and
- (4) notice of the entry of this order shall be provided to all parties by the Movant.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

CYNWYD CLUB

Plaintiff

NO. 2015-29887

V.

SCOTT DICLAUDIO

Defendant

ORDER FOR HEARING

AND NOW, this _____ day of _____, 20____, in consideration of Plaintiff's Motion to Compel Post-Judgment Discovery Responses, it is hereby **ORDERED** that a hearing is scheduled for the _____ day of _____, 20____, in Courtroom No. _____, Montgomery County Courthouse, Norristown, PA.

J.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

CYNWYD CLUB

Plaintiff

NO. 2015-29887

V.

SCOTT DICLAUDIO

Defendant

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of Plaintiff’s Motion to Compel Post-Judgment Discovery Responses, Plaintiff’s Motion to Compel Post-Judgment Discovery Responses is **GRANTED** and Defendant Scott Di Claudio is directed to serve upon Plaintiff full and complete answers to Plaintiff’s discovery requests (Plaintiff’s First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff’s Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections or in the event Defendant defies this Order Defendant shall suffer sanctions upon application with the Court.

J.

Shawn M. Rodgers, Esquire
Attorney I.D. #307598
Britain R. Henry, Esquire
Attorney I.D. #314279
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19440
Phone (610) 727-4191

Attorneys for Plaintiff
Cynwyd Club

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

CYNWYD CLUB :
Plaintiff : NO. 2015-29887
V. :
SCOTT DICLAUDIO :
Defendant :

**PLAINTIFF’S MOTION TO COMPEL POST-JUDGMENT DISCOVERY RESPONSES
PURSUANT TO PA. R.C.P NOS. 4001 ET. SEQ., 3117 AND 4019**

AND NOW comes Plaintiff Cynwyd Club, by and through its counsel McNelly & Goldstein, LLC, hereby files Plaintiff’s Motion to Compel Post-Judgment Discovery Responses and avers as follows:

1. Plaintiff/Movant is a Pennsylvania non-profit organization, with its current address located at 322 Trevor Lane, Bala Cynwyd, Pennsylvania 19004.
2. Defendant/Respondent, Scott DiClaudio, is an individual with a business address at 1301 Filbert St. Criminal Justice Center, Room 1415 Philadelphia, PA 19107.
3. On April 5, 2016 a \$3,767.67 default judgment was entered in favor of Plaintiff against Defendant.
4. On January 31, 2018, Plaintiff served Plaintiff’s First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff’s Request for Production

of Documents in Aid of Enforcement of a Judgment Directed to Defendant (hereinafter “Discovery Requests”) upon Defendant. *See Exhibit “A”*.

5. Over thirty (30) days have passed and as of the date of the filing of this motion, Defendant has failed to answer Plaintiff’s Discovery Requests.

6. As of today’s date, Defendant has failed to file a motion for protective order and has failed to file objections to Plaintiff’s Discovery Requests.

7. Plaintiff requires full and complete answers to Plaintiff’s Discovery Requests to enforce Plaintiff’s judgment in aid of execution.

8. Plaintiff files this motion pursuant to Pa.R.C.P. Nos. 4001 et.seq., and 4019 and 3117.

9. On March 14, 2018, Plaintiff made a good faith effort to resolve this discovery dispute. *See Exhibit “B”*.

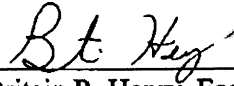
10. Despite Plaintiff’s good faith efforts to resolve this discovery dispute without the necessity of filing this motion, this discovery dispute remains unresolved and the Plaintiff requires the assistance of this Honorable Court to resolve this discovery dispute.

11. Plaintiff requests that the Court order Defendant to serve upon Plaintiff full and complete answers to Plaintiff’s Discovery Requests without objections within twenty (20) days.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff’s Motion to Compel Post-Judgment Discovery Responses and that Defendant be ordered to serve upon Plaintiff full and complete answers to Plaintiff Discovery Requests without objection within twenty (20) days or Defendant shall suffer sanctions as directed by the Court in the event Defendant fails to comply with the Court’s Order.

Dated: 3/28/2018

Respectfully submitted:



Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
Attorney for Plaintiff
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19040

Shawn M. Rodgers, Esquire
Attorney I.D. #307598
Britain R. Henry, Esquire
Attorney I.D. #314279
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19440
Phone (610) 727-4191

Attorneys for Plaintiff
Cynwyd Club

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

CYNWYD CLUB

Plaintiff

NO. 2015-29887

V.

SCOTT DICLAUDIO

Defendant

VERIFICATION

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge information and belief. Since this document constitutes issues of law, Counsel may sign this verification. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A 4904 (relating to unsworn falsification to authorities).

Dated: 3/28/2018

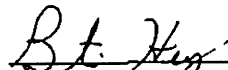

Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
Attorney for Plaintiff
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19040

EXHIBIT 14

EXHIBIT 14

Shawn M. Rodgers, Esquire
Attorney I.D. #307598
Britain R. Henry, Esquire
Attorney I.D. #314279
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19440
Phone (610) 727-4191

Attorneys for Plaintiff
Cynwyd Club

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

CYNWYD CLUB

Plaintiff

NO. 2015-29887

V.

SCOTT DICLAUDIO

Defendant

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below
referenced person by pre-paid first class U.S. Mail on the date indicated below:

Hon. Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 3/29/2018

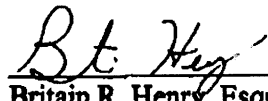

Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
Attorney for Plaintiff
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19040

EXHIBIT 15

EXHIBIT 15

Case# 2015-29887-9 Docketed at Montgomery County Prothonotary on 03/28/2018 5:17 PM. Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

SPECIAL NO. - Counsel for moving party is responsible to serve counsel for all other parties and all unrepresented parties with a copy of the completed cover sheet and shall file a certificate of service with the Prothonotary.

COVER SHEET OF MOVING PARTY

Date of Filing March 28 2018

Moving Party CYNWYD CLUB

Counsel for Moving Party _____

Document Filed (Specify) MOTION TO COMPEL POST-JUDGMENT DISCOVERY

Matter is (Check One) (Appealable) (Interlocutory)

Discovery Needed (Yes) (No)

CERTIFICATIONS - Check ONLY if appropriate:

Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)

(Yes) (No) (Not a Discovery Motion)

Counsel for moving party certifies that the subject civil motion is uncontested by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

By: BRITAIN HENRY
Counsel for Moving Party

RULE TO SHOW CAUSE - Check ONE of the Choice Listed Below:

Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an answer in the form of a written response at the Office of the Prothonotary on or before the 21st day of May, 2018

Respondent is directed to show cause, in the form of a written response, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20____ at 1:00 p.m. at 321 Swede Street, Norristown, Pa.

Respondent is directed to file a written response in conformity with the Pennsylvania Rules of Civil Procedure

Rule Returnable at time of trial.

By: Michael R. Kehs
Court Administrator



2015-29887-0010 4/19/2018 8:10 AM # 11742377
Rcpt#Z3375753 Fee:\$0.00 Rule
Main (Public)
MontCo Prothonotary

DICLAUDIO 0086

C

EXHIBIT 16

EXHIBIT 16

Britain R. Henry, Esquire
Attorney I.D # 314279
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the April 19, 2018 Rule to Show Cause was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

SCOTT DICLAUDIO
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: May 9, 2018

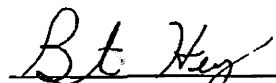

Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19040

EXHIBIT 17

EXHIBIT 17

Case# 15-000007-2 Docketed at Montgomery County Prothonotary on 05/29/2018 Fee= \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

CYNWYD CLUB :
Plaintiff : NO. 2015-29887
V. :
SCOTT DICLAUDIO :
Defendant :

ORDER

AND NOW, this 22nd day of May, 2018, upon consideration of Plaintiff's Motion to Compel Post-Judgment Discovery Responses, Plaintiff's Motion to Compel Post-Judgment Discovery Responses is **GRANTED** and Defendant Scott DiClaudio is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections or in the event Defendant defies this Order Defendant shall suffer sanctions upon application with the Court.



_____ J.

EXHIBIT 18

EXHIBIT 18

Britain R. Henry, Esquire
Attorney I.D # 314279
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the May 22, 2018 Order was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

SCOTT DICLAUDIO
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: June 4, 2018

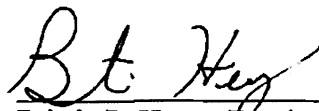

Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
McNelly & Goldstein, LLC
11 Church Road
Hatfield, PA 19040

EXHIBIT 19

EXHIBIT 19

5. As a result of Defendant's failure to provide discovery responses or objections within the required thirty (30) day period, on March 28, 2018, Plaintiff filed a motion to compel discovery responses.

6. On May 22, 2018, the Court issued an order upon Defendant to serve full and complete responses to Plaintiff's Discovery Requests. See Exhibit "B."

7. On June 4, 2018, Plaintiff served a copy of the May 22, 2018 Order upon Defendant by letter and attempted in good faith to resolve this discovery dispute without the necessity of filing a motion for sanctions. See Exhibit "C."

8. Plaintiff requires full and complete answers to Plaintiff's Discovery Requests to enforce Plaintiff's judgment in aid of execution.

9. Plaintiff files this motion pursuant to 42 Pa C.S.A. No. 2503, and Pa.R.C.P. Nos. 4001 et.seq., 4019 and 3117.

10. Defendant knowingly and intentionally violated the May 22, 2018 Order.

11. Plaintiff's Counsel, as a result of Defendants intentional and dilatory conduct, has expended time and effort to enforce compliance with the May 22, 2018 Order.

12. To date, Defendant has failed to provide answers to the Discovery Requests and has failed to comply with the May 22, 2018 Discovery Order.

13. Plaintiff respectfully requests that the Court direct Defendant to fully respond to Plaintiff's Discovery Requests and pay Plaintiff for attorney's fees and costs related to the enforcement of the May 22, 2018 Order.

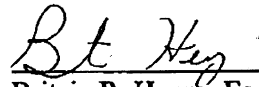
WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order as follows:

A. Defendant is declared in contempt of the May 22, 2018 Order;

- B. Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within Ten (10) days of the date of this Order; and
- C. Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of the instant Motion for Sanctions.
- D. Such other relief this Court deems appropriate

Dated: 7/26/2018

Respectfully submitted:



Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

Britain R. Henry, Esquire
Attorney I.D # 314279
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

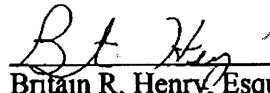
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CIVIL ACTION NO.: 15-29887

VERIFICATION

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge information and belief. Since this document constitutes issues of law, Counsel may sign this verification. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A 4904 (relating to unsworn falsification to authorities).

Dated: 7/26/2018



Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC

EXHIBIT 20

EXHIBIT 20

Britain R. Henry, Esquire
Attorney I.D # 314279
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

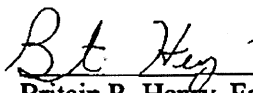
CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 7/26/2018



Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 21

EXHIBIT 21

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

CYNWYD CLUB vs. DICLAUDIO, SCOTT

CASE #: 2015-29887

HAS BEEN SCHEDULED FOR A HEARING ON *Civil Hearing*

ON September 27, 2018 9:30 AM

BEFORE JUDGE MOORE

IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
BRITAIN HENRY, Esq.

PLAINTIFF'S MOTION FOR SANCTIONS. 1/2 DAY LIST - SEQ # 15

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

EXHIBIT 22

EXHIBIT 22

Britain R. Henry, Esquire
Attorney I.D # 314279
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

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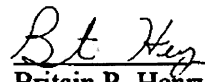
CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 8/28/2018


Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

Case# 2015-29887-17 Docketed at Montgomery County Prothonotary on 08/28/2018 1:31 PM, Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

CYNWYD CLUB vs. DICLAUDIO, SCOTT

CASE #: 2015-29887

HAS BEEN SCHEDULED FOR A HEARING ON *Civil Hearing*

ON September 27, 2018 9:30 AM

BEFORE JUDGE MOORE

IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPONENT(S) OF THE ABOVE DATE.

Attorneys:
BRITAIN HENRY, Esq.

PLAINTIFF'S MOTION FOR SANCTIONS. 1/2 DAY LIST - SEQ # 15

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

DICLAUDIO 0106

EXHIBIT 23

EXHIBIT 23

IN THE COURT OF COMMON PLEAS IN AND FOR
THE COUNTY OF MONTGOMERY, PENNSYLVANIA
CIVIL DIVISION

- - -

CYNWYD CLUB : NO. 2015-29887
: :
vs. : :
: :
SCOTT DI CLAUDIO :

- - -

Plaintiff's Motion for Sanctions

- - -

Courtroom 13
Thursday, September 27, 2018
Commencing at 9:57 a.m.

- - -

Norma Gerrity
Official Court Reporter
Montgomery County Courthouse
Norristown, Pennsylvania

- - -

BEFORE: THE HONORABLE BERNARD A. MOORE, SENIOR JUDGE

- - -

COUNSEL APPEARED AS FOLLOWS:

HENRY R. BRITAIN, ESQUIRE
for the Plaintiff

- - -

1 Cynwyd Club vs. DiClaudio

2 (The following proceedings occurred in
3 open court in the presence and hearing of counsel:)

4 THE COURT: Counsel, this is the matter
5 of the Cynwyd Club versus DiClaudio.

6 What is the status of the matter?

7 MR. BRITAIN: Well, we have a default
8 judgment history, a prior history. It was actually an
9 MDJ judgment that he appealed and then never filed an
10 answer.

11 THE COURT: Well, what is the underlying
12 claim?

13 MR. BRITAIN: It's a claim for \$3,700
14 outstanding club fees for the Cynwyd Club, which is a
15 private tennis racquet club.

16 He owes dues for at least two years, and
17 he refuses to pay them, and he admitted to me several
18 times that he owed them and would be making payments,
19 but it never came through. So that's why it goes back
20 to 2015.

21 THE COURT: Oh, okay. Is there anyone
22 on the other side?

23 Is Mr. DiClaudio a member of the bar or
24 the judiciary at this point?

25 MR. BRITAIN: He's a judge in

1 Cynwyd Club vs. DiClaudio

2 Philadelphia.

3 THE COURT: What, a Municipal Court

4 judge or --

5 MR. BRITAIN: I believe so.

6 THE COURT: Has he ever gotten an

7 attorney to represent him on this matter?

8 MR. BRITAIN: Not that I know of. I
9 mean, I've spoken to him recently probably a month
10 and a half ago, and he called me and said he would be
11 making arrangements for this, and then he never called
12 me back.

13 I called his office three or four times
14 out of courtesy, and he continuously sort of ignores
15 this.

16 THE COURT: And he's not here today and
17 has not filed an answer.

18 MR. BRITAIN: That is correct, Your
19 Honor.

20 THE COURT: And what type of sanction
21 are you looking for at this point?

22 MR. BRITAIN: Well, to compel discovery,
23 which would be helpful, which was ignored, and sort of
24 a way to collect this thing, but also monetary for the
25 fact that we've continued to press this --

1 Cynwyd Club vs. DiClaudio

2 THE COURT: You're recommending a
3 thousand dollars.

4 Have you expended that kind of cost
5 so far to try and get the discovery?

6 MR. BRITAIN: Certainly between the
7 Motion to Compel, now being here, I mean, I factored
8 that cost into my appearance here, because I had a
9 feeling he would not appear.

10 And so I believe that's an accurate
11 estimate of the amount of costs and time.

12 THE COURT: Very well. The record
13 should note it's almost 10:00 o'clock, and the
14 defendant is not here.

15 No answer has been filed to the Motion
16 for Sanctions, and there's been no compliance with
17 the previous order entered by the Honorable Arthur --
18 I believe it's Judge Arthur Tilson entered the order,
19 the previous?

20 MR. BRITAIN: I believe it's actually
21 Tilson who did the Motion to Compel.

22 THE COURT: He entered the previous
23 order?

24 MR. BRITAIN: Yes, sir. Yes, Your
25 Honor.

1 Cynwyd Club vs. DiClaudio

2 THE COURT: Very well. Well,
3 accordingly, considering all the circumstances, the
4 Court is going to grant the motion, and I'll sign the
5 proposed order.

6 And, counsel, if you can wait for a few
7 moments, we could have a copy of the order available
8 for you.

9 And court will recess until the call of
10 the crier.

11 MR. BRITAIN: Thank you, Your Honor.

12 - - -

13 (Proceedings concluded at 10:01 a.m.)

14 - - -

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C E R T I F I C A T E

I hereby certify that the proceedings
and evidence are contained fully and accurately in the
notes taken by me in the above cause and that this is a
correct transcript of the same.

Norma Gerrity, RPR
Official Court Reporter

- - -

EXHIBIT 24

EXHIBIT 24

Filed at Montgomery County Prothonotary on 07/26/2018 11:24 PM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Pennsylvania Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 27th day of SEPT 2018, upon consideration of Plaintiff's Motion for Sanctions Due to Defendant's Failure to Comply With Discovery Order and after a hearing, Plaintiff's Motion for Sanctions Due to Defendant's Failure to Comply With Discovery Order is **GRANTED** and:

- 1) Defendant is declared in contempt of the May 22, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within Ten (10) days of the date of this Order; and
- 3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of the instant Motion for Sanctions.



2015-29887-0019 9/27/2018 1:48 PM # 11978355
Rcpt#Z3491972 Fee:\$0.00 Order
Main (Public)
MontCo Prothonotary

Bernard A. Moore
J.

Copy of the above Order
Plaintiff Attorney: Britain Henry, Esq
Defense Attorney: Pro Se
Court Administration - Civil Division: Christine Julian
Court Reporter: Norma Gerrity
Clerk: Dee Hemerka
Date: 9/27/18

AM

EXHIBIT 25

EXHIBIT 25

Case# 2015-29887-22 Docketed at Montgomery County Prothonotary on 10/15/2018 2:13 PM. Fee = \$0.00. The filer certifies 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.

Britain R. Henry, Esquire
Attorney I.D # 314279
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

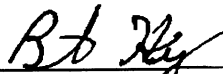
CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the September 27, 2018 Order was forwarded to the below referenced person by pre-paid first class U.S. Mail on October 5, 2018:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: October 15, 2018



Britain R. Henry, Esquire
MCNELLY & GOLDSTEIN, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 26

EXHIBIT 26

Case# 2015-29887-23 Docketed at Montgomery County Prothonotary on 10/15/2018 2:26 PM, Fee = \$0.00. The filer certifies 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.

Britain R. Henry, Esquire
Attorney I.D # 314279
McNelly & Goldstein, LLC.
11 Church Road
Hatfield, PA 19440
(610) 727-4191

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB :
Plaintiff :
v. : CIVIL ACTION NO.: 15-29887
SCOTT DICLAUDIO :
Defendant :

PRAECIPE TO AMEND ADDRESS

TO THE PROTHONOTARY:

Please amend the address for Defendant SCOTT DICLAUDIO to 1301 Filbert St., Criminal Justice Center, Room 1415, Philadelphia, PA 19107, the current and correct address for the defendant.


Respectfully,

Britain R. Henry, Esq.
Attorney for Plaintiff

EXHIBIT 27

EXHIBIT 27

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

COVER SHEET OF MOVING PARTY

Date of Filing November 07 2018

Moving Party CYNWYD CLUB

Counsel for Moving Party _____

Document Filed (Specify) MOTION FOR SANCTIONS

Matter is (Check One) (Appealable) (Interlocutory)

Discovery Needed (Yes) (No)

CERTIFICATIONS - Check ONLY if appropriate:

Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute.
(Required by Local Rule 208.2(e) on motions relating to discovery.)

(Yes) (No) (Not a Discovery Motion)

Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case.
(If checked, skip Rule to Show Cause section below.)

By: BRITAIN HENRY
Counsel for Moving Party

RULE TO SHOW CAUSE - Check ONE of the Choice Listed Below:

_____ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing
an answer in the form of a written response at the Office of the Prothonotary on or before the
_____ day of _____, 20 ____

_____ Respondent is directed to show cause, in the form of a written response, why the attached Family
Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of
_____, 20 ____ at 1:00 p.m. at 321 Swede Street, Norristown, Pa.

_____ Respondent is directed to file a written response in conformity with the Pennsylvania Rules of Civil Procedure
_____ Rule Returnable at time of trial.

By: _____
Court Administrator

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this _____ day of _____, 2018, upon consideration of Plaintiff's Second Motion for Sanctions Due to Defendant's Failure to Comply with the September 27, 2018 Order and after a hearing, Plaintiff's Second Motion for Sanctions is **GRANTED** and:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;
- 3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of Plaintiff's Motion for Sanctions within ten (10) days of the date of this Order;
- 4) Defendant shall pay Plaintiff counsel fees totaling \$2,500.00 for the preparation and litigation of Plaintiff's Second Motion for Sanctions within ten (10) days of the date of this Order; and
- 5) Such other relief this Court deems appropriate

J.

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

PLAINTIFF’S SECOND MOTION FOR SANCTIONS

AND NOW comes Plaintiff, The Cynwyd Club by and through its counsel Goldstein Law Partners, LLC and files Plaintiff’s Second Motion for Sanctions and avers as follows:

1. Plaintiff, The Cynwyd Club is the Movant with an address located at 332 Trevor Ave, Bala Cynwyd, PA 19004.
2. Defendant/Debtor Scott DiClaudio is the Respondent with an address located at 1301 Filbert St., Criminal Justice Center, Room 1415, Philadelphia, PA 19107.
3. Upon information and belief, Defendant is a licensed member of the Pennsylvania Bar and a sitting judge in Philadelphia.
4. On July 26, 2018 Plaintiff filed a motion for sanctions due to Defendant’s failure to answer Plaintiff’s First Set of Interrogatories and Request for Production of Documents in Aid of Enforcement Upon a Judgment Directed to Defendant (hereinafter “Discovery Requests”) as required pursuant to the May 22, 2018 Order of this Court.

5. On September 27, 2018 this Court entered an Order setting forth the following relief:

- 1) Defendant is declared in contempt of the May 22, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within Ten (10) days of the date of this Order; and
- 3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of the instant Motion for Sanctions.

Sept. 27, 2018 Order. See Exhibit "A."

6. On October 5, 2018, Plaintiff deliver a copy of the September 27, 2018 Order to the Defendant via USPS first-class mail. A true and accurate copy of the correspondence is attached hereto as Exhibit "B."

7. As of the date of this filing, Defendant has failed to deliver responses to the Discovery Request, make payment of the Court ordered attorney's fees, contact the Plaintiff regarding the matter or comply in any way with the September 27, 2018 Order.

8. Plaintiff files this motion pursuant to 42 Pa C.S.A. No. 2503, and Pa.R.C.P. Nos. 4001 et.seq., 4019 and 3117.

9. Defendant knowingly and intentionally violated the September 27, 2018 Order.

10. Plaintiff's Counsel, as a result of Defendants intentional and dilatory conduct, has expended time and effort to enforce compliance with the September 27, 2018 Order.

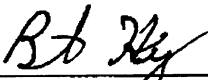
11. Plaintiff respectfully requests that the Court direct Defendant to fully respond to Plaintiff's Discovery Requests and pay Plaintiff for attorney's fees and costs related to the enforcement of the September 27, 2018 Order.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order as follows:

- A. Defendant is declared in contempt of the September 27, 2018 Order;
- B. Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;
- C. Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of Plaintiff's Motion for Sanctions within ten (10) days of the date of this Order; and
- D. Defendant shall pay Plaintiff counsel fees totaling \$2,500.00 for the preparation and litigation of Plaintiff's Second Motion for Sanctions within ten (10) days of the date of this Order.
- E. Such other relief this Court deems appropriate

Dated: 11/7/2018

Respectfully submitted:



Britain R. Henry, Esquire
Goldstein Law Partners, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

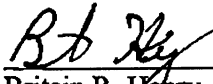
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CIVIL ACTION NO.: 15-29887

VERIFICATION

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge information and belief. Since this document constitutes issues of law, Counsel may sign this verification. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A 4904 (relating to unsworn falsification to authorities).

Dated: 11/7/2018



Britain R. Henry, Esquire

EXHIBIT 28

EXHIBIT 28

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 11/8/2018

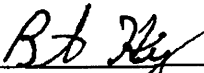

Britain R. Henry, Esquire
Goldstein Law Partners, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 29

EXHIBIT 29

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

CYNWYD CLUB vs. DICLAUDIO, SCOTT

CASE #: 2015-29887

HAS BEEN SCHEDULED FOR A HEARING ON *Civil Hearing*

ON February 7, 2019 9:30 AM

BEFORE JUDGE TBA

IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
BRITAIN HENRY, Esq.

PLAINTIFF'S SECOND MOTION FOR SANCTIONS. 1/2 DAY LIST - SEQ # 24

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

Notices Mailed on 12/18/2018

Parties Notified:

SCOTT DICLAUDIO
1301 FILBERT ST
CRIMINAL JUSTICE CENTER, ROOM 1415
PHILADELPHIA, PA 19107

BRITAIN HENRY, Esq.
GOLDSTEIN LAW PARTNERS. LLC
11 CHURCH ROAD
HATFIELD, PA 19440

EXHIBIT 30

EXHIBIT 30

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 12/18/2018



Britain R. Henry, Esquire
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 31

EXHIBIT 31

IN THE COURT OF COMMON PLEAS IN AND FOR
THE COUNTY OF MONTGOMERY, PENNSYLVANIA
CIVIL DIVISION

THE CYNWYD CLUB,	- - -	:	NO. 2015-29887
Plaintiff,		:	
		:	
vs.		:	
		:	
		:	
SCOTT DiCLAUDIO,		:	
Defendant.		:	

Plaintiff's Second Motion for Sanctions Seq. #24

BEFORE: THE HONORABLE EMANUEL A. BERTIN, SJ.

- - -

Courtroom 13
Thursday, February 7, 2019
Commencing at 10:04 a.m.

- - -

Lisa Claud Neal, RPR, Official Reporter
Montgomery County Courthouse
Norristown, Pennsylvania

- - -

COUNSEL APPEARED AS FOLLOWS:

JONATHAN S. GOLDSTEIN, ESQUIRE
BRITAIN HENRY, ESQUIRE

-- For the Plaintiff

I N D E X

QUALIFYING EVIDENCE

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P R O C E E D I N G S

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4 MR. GOLDSTEIN: Good morning,
5 Your Honor. Jonathan Goldstein, representing Cynwyd
6 Club. I am here today with my associate, Mr. Henry,
7 Britain Henry.

8 THE COURT: Henry?

9 MR. HENRY: Last name. Britain first
10 name --

11 MR. GOLDSTEIN: We are here today,
12 Your Honor, on a somewhat sad and perplexing matter.
13 It is a second motion for sanctions against a sitting
14 Common Pleas Judge in Philadelphia County.

15 THE COURT: Scott --

16 MR. GOLDSTEIN: DiClaudio.

17 THE COURT: -- DiClaudio. I don't know
18 him. I usually know -- I know most of the lawyers that
19 come here.

20 MR. GOLDSTEIN: He's in Philly --

21 THE COURT: Because I attend all of the
22 conferences and there's a nice group. But he's a
23 Common Pleas Judge in Philly?

24 MR. GOLDSTEIN: He's a relatively new
25 judge, Your Honor.

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THE COURT: Okay.

MR. GOLDSTEIN: And we obtained a judgment against him prior to his taking the bench.

MR. HENRY: It was a MDJ award, which he appealed and defaulted on.

THE COURT: Magisterial District Judge?

MR. HENRY: Yes.

THE COURT: Do you know where?

MR. HENRY: Yeah, it would have been Judge Zucker, down in Bala Cynwyd.

THE COURT: Lower Merion.

MR. GOLDSTEIN: Yeah. And then he appealed it.

THE COURT: He did?

MR. HENRY: He appealed it.

MR. GOLDSTEIN: Effectively abandoned his appeal, and we took a default against him in the appeal. This is a couple years ago, at this point.

THE COURT: All right. Let me take a look at the docket.

MR. GOLDSTEIN: And then there was a motion compel.

THE COURT: Hold it. Hold it.

Do you know when he became a judge?

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2 MR. GOLDSTEIN: We do. We were present
3 in the courtroom when he received discipline from the
4 Supreme Court of Pennsylvania, in person, having been
5 elected a judge. He's twice been disciplined by the
6 Supreme Court.

7 MR. HENRY: 2017.

8 MR. GOLDSTEIN: Yes.

9 We were there on another matter.

10 THE COURT: Well, you're going to -- you
11 won't believe this. When I scanned -- I just looked at
12 the docket before. And when I saw the Criminal Justice
13 Center room such and such, I misinterpreted it, and I
14 thought it was prison.

15 MR. GOLDSTEIN: No.

16 THE COURT: And I said to myself: I bet
17 they won't have the defendant here, and how do I
18 proceed. It's always an interesting issue if a
19 defendant is incarcerated, how do we serve them and
20 stuff, but I misread it quickly.

21 So he's at the Criminal -- that's the
22 address you have?

23 MR. GOLDSTEIN: We served him in
24 chambers, which is quite embarrassing for us and I'm
25 confident for him, but we have no other way to --

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THE COURT: Right.

MR. GOLDSTEIN: I mean it's five after 10:00, the record should reflect that he's not present in the courtroom.

THE COURT: All right, so let me take a look.

So you started -- so the appeal -- how much was it?

MR. HENRY: The original underlying was thirty-seven-sixty-five?

Thirty-seven-sixty-seven-sixty-seven.

THE COURT: Say it out.

MR. HENRY: \$3,767.67.

THE COURT: Three thousand seven what?

MR. HENRY: Seven hundred sixty-seven dollars.

THE COURT: What was it for? The debt --

MR. GOLDSTEIN: He didn't pay dues and fees that were due to the club itself.

THE COURT: Oh, what kind of a club is it?

MR. GOLDSTEIN: It's a little social club in Bala Cynwyd. We have tennis, we just built a

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pool, eating, squash.

THE COURT: Sounds nice.

MR. GOLDSTEIN: It's lovely.

THE COURT: Oh, that's why it's called
Cynwyd.

MR. GOLDSTEIN: Cynwyd.

THE COURT: Okay.

MR. GOLDSTEIN: And he didn't pay his
dues, and he was contacted informally, as we do when --
I mean who wants to sue a member of a social club? And
he just didn't respond, and didn't respond, and didn't
respond. And finally, ultimately, we took him to
court -- prevailed.

MR. HENRY: And I spoke to him
personally about this, and he made assurances that he
would pay it, and he just never -- he never followed
up. Never contacted --

MR. GOLDSTEIN: So we filed a motion to
compel.

THE COURT: Do you know when he became a
judge?

MR. GOLDSTEIN: Seventeen-ish.

MR. HENRY: It was probably the '16
election.

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MR. GOLDSTEIN: Right.

MR. HENRY: He sat in '17.

MR. GOLDSTEIN: It was early '17.

THE COURT: He's only been on the bench about two years?

MR. GOLDSTEIN: Yes.

MR. HENRY: Yes.

MR. GOLDSTEIN: So we take the judgment at MDJ, he appeals.

THE COURT: Okay, let me take a look.

MR. GOLDSTEIN: Sure.

THE COURT: November 13, 2015 he appealed and then he files a precipe on you to file a complaint. You file complaint December 3, 2015. You take a default judgment April 5, 2016, because he never answered your complaint. I take it he has not had counsel.

MR. GOLDSTEIN: We've never heard from a lawyer.

THE COURT: Okay.

MR. GOLDSTEIN: Although he has been advised in multiple pleadings, of course, that he should and could obtain a lawyer.

THE COURT: Okay.

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2 Then on March 28, 2018 -- so it remained
3 dormant -- no -- yes, so it remained dormant for about
4 two years.

5 MR. GOLDSTEIN: We had a former member
6 of our firm working on this case and they had promises
7 from him --

8 THE COURT: So you held it off.

9 MR. GOLDSTEIN: And we held it off.

10 MR. HENRY: And then Zach left our firm,
11 it came to me and I pushed it on.

12 THE COURT: How many members are in your
13 firm?

14 MR. GOLDSTEIN: So we are recently a new
15 firm. I was in a partnership and we split, we're 10
16 now.

17 THE COURT: Oh, you have 10 in your
18 firm?

19 MR. GOLDSTEIN: So we are recently in a
20 new firm.

21 I was in a partnership, we split.
22 There's 10. There's 10 now. There's 10 of --

23 THE COURT: So you have 10 in your firm?

24 MR. GOLDSTEIN: We do.

25 THE COURT: What type of work do you do?

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MR. GOLDSTEIN: We do civil litigation
and land use.

Michael Yanoff from up in Jenkintown
just joined us. Young Mr. Henry --

THE COURT: Oh, he left Rudolph.

MR. GOLDSTEIN: He did.

THE COURT: But before that he was with
Bartle.

MR. GOLDSTEIN: Bartle, yes, he was.

THE COURT: So he just joined you?

MR. GOLDSTEIN: Yes.

THE COURT: What firm were you with
prior?

MR. GOLDSTEIN: The firm used to be
called McNelly and Goldstein. And McNelly and I went
our separate ways in October.

THE COURT: Okay. Well 10 lawyers,
that's a decent firm. In Bucks County?

MR. GOLDSTEIN: We have Bucks,
Montgomery, and Philadelphia practice. We do some
other stuff statewide.

THE COURT: You have other offices?

MR. GOLDSTEIN: We have an office in
Jenkintown. I have a small office in Narberth.

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THE COURT: Where does Yanoff work out of?

MR. GOLDSTEIN: Jenkintown.

THE COURT: So you actually have -- very interesting. How long did you -- was your firm established?

MR. GOLDSTEIN: Well, McNelly and I practiced together for about seven years. And we are now in this configuration since October. Nine other people from my old firm came with me.

THE COURT: Oh, I see. So it's a brand-new firm?

MR. GOLDSTEIN: Yeah.

THE COURT: Good luck to you.

MR. GOLDSTEIN: Thank you so much.

THE COURT: Okay. So then a motion to compel was filed.

MR. GOLDSTEIN: Yeah.

THE COURT: Motion to compel post judgment discovery with a memorandum of law; right? Like depositions, interrogatories, things like that?

MR. HENRY: Bank account.

THE COURT: What?

MR. HENRY: Making confirmation,

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Your Honor.

THE COURT: Interrogatories to see where the assets are.

MR. GOLDSTEIN: Yeah.

THE COURT: And then there was a motion to compel -- because he didn't answer your interrogatory?

MR. GOLDSTEIN: Nothing. No answer at all.

He did call Mr. Henry one time and assure him that he was in the process of selling his home and that money would be forthcoming, so we held off again. And we approached this matter with great reluctance.

THE COURT: Well, the home would have to be in Philadelphia.

MR. GOLDSTEIN: Well, I think he was in the process of that transition because there was now an election --

THE COURT: Right.

MR. GOLDSTEIN: -- he was required to live in the county.

THE COURT: I mean prior he was a Montgomery County resident?

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MR. GOLDSTEIN: I'm not clear.

THE COURT: You're not sure.

MR. GOLDSTEIN: No. But we held off again. And we have approached this with great reluctance at every stage and yet we find ourselves here with a judgment and --

THE COURT: Okay. Can you print out Sequence 12 for me.

THE CLERK: Yes, Judge.

THE COURT: And then you get an order.

MR. GOLDSTEIN: We do.

THE COURT: And then -- May 29, post-judgment, I assume he did nothing.

MR. GOLDSTEIN: Nothing at all unfortunately.

THE COURT: And then you filed the present motion for sanctions it looks like July 26th.

MR. GOLDSTEIN: No, we had our first motion for sanctions which was granted by Judge Moore.

THE COURT: Oh. Oh.

MR. GOLDSTEIN: That was in --

THE COURT: Can you print out 15, please.

THE CLERK: Fifteen or the order, 19?

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THE COURT: The order that was in
September.

MR. GOLDSTEIN: That was -- no response,
no contact, no payment. So regrettably we stand but --

THE COURT: You're right, this is a sad
situation.

MR. GOLDSTEIN: And an open question for
us so that we can address --

THE COURT: Wait, wait, wait.

Okay, so, there's that order. And now
you filed this motion which is the second motion for
sanctions in front of me November 7, 2018.

All right just give me a moment please.

MR. GOLDSTEIN: Of course.

(Pause.)

THE COURT: All right the motion to
compel on 8/22 was signed by Judge Tilson. You have
your -- it gave him 10 days. I take it judge Moore
signed your order.

MR. HENRY: That's correct, Your Honor.

THE COURT: He didn't craft it, the
Judge. This is what you proposed.

And then he was supposed to pay legal
fees but he didn't say within what period of time.

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MR. HENRY: That was a mistake on my part.

MR. GOLDSTEIN: Which we corrected on the order.

THE COURT: Did he forgive you? The -- your senior partner?

MR. GOLDSTEIN: He's forgiven. Henry is a good man.

THE COURT: Let me see what your proposed order is now.

MR. GOLDSTEIN: We set a time frame today. With no daily fee attached.

THE COURT: Let me see -- oh, you heard the prior...

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(Whereupon, there was an interruption in the proceedings, at the request of the court reporter.)

- - -

THE COURT: We're back on the record. I find everything -- I am a little confused. In Paragraph 3 of your proposed order that thousand dollars, isn't that -- is that the thousand dollars that was ordered before.

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2 MR. HENRY: Correct, Your Honor. Just
3 re-memorialized it.

4 THE COURT: Okay. And you say for
5 preparation and litigation for Plaintiff's sanction
6 motion -- which motion? But that was the one in the
7 prior order.

8 MR. HENRY: So perhaps we should put a
9 date there for you.

10 THE COURT: Yes, so -- yes, within 10
11 days but what I'd rather say about that is for
12 nonpayment of the --

13 MR. HENRY: Whatever the date was.

14 THE COURT: Yes.

15 MR. GOLDSTEIN: 9/27.

16 THE COURT: Yes, so what you want to say
17 ... again, it's a contempt order. Shall pay Plaintiff
18 counsel fees of -- not totally of \$1,000 as ordered in
19 Judge Moore's September 27, '18 order which defendant
20 disobeyed and failed to pay. Said will be paid within
21 10 days of this order.

22 Now, you're requesting another \$2,500
23 and I believe -- tell me what that is for. For the
24 preparation of this present motion because he disobeyed
25 the prior order which would be the time prepping that.

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Is that what it is?

MR. GOLDSTEIN: And also my renewed involvement in the matter since he ignored the prior -- Mr. Henry was handling this.

THE COURT: Oh, you did this.

MR. GOLDSTEIN: Well, I started to get more involved. Mr. Henry brought to me this very perplexing set of circumstances.

THE COURT: Right.

MR. GOLDSTEIN: So more time was invested in --

THE COURT: Well, here's what I'll do. If you take the stand and just explain what your hourly rate is and how much time you expended --

MR. GOLDSTEIN: Uh-huh.

THE COURT: -- to prepare this motion and come here today, because it's now 10:30.

MR. GOLDSTEIN: Yes, Your Honor.

THE COURT: And I don't know where your home is, I don't know how long it took you, how long it's going to take you to get back to your office. You know, just give me your time and your hourly rate and I absolutely will award it.

MR. GOLDSTEIN: I appreciate that.

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JONATHAN SHAE GOLDSTEIN, ESQUIRE, having been duly , was examined and testified as follows:

QUALIFYING EVIDENCE

BY THE COURT:

Q. All right, Counsel, so the Defendant has totally disregarded everything, and he was ordered to pay by Judge Moore, on September 27th, which is five months ago within 10 days a thousand dollars which he didn't pay. So I will have him pay that in Paragraph 3.

Now, because he didn't do that, you have to file a second motion, and I take it that you incurred fees in that regard for today's proceedings. So you just tell me very shortly, a little bit of your background, and what your hourly rate is. If I find it to be reasonable, and I find the time you put in on this to be reasonable I will certainly award that as well.

A. Thank you, Your Honor.

If I may, I have access to my firm's timekeeping system on my phone. May I access it?

Q. Absolutely. Modern technology.

A. Modern technology.

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2 So, in terms of my background you asked
3 me to put that on the record.

4 Q. I don't know, you may be telling me your hourly
5 rate is a thousand dollars, I just want to see if it is
6 reasonable.

7 A. So, in terms of my background I have an
8 undergraduate degree from the University of
9 Pennsylvania, which I obtained in 1993. I have a
10 history of entrepreneurship that spans about 25 years,
11 including time helping companies go public; I have been
12 involved in venture capital deals; I've been involved
13 in the sale and purchase of companies. My law
14 practice --

15 Q. You graduated what law school?

16 A. University of Pennsylvania Law School.

17 Q. Right.

18 A. In 2005.

19 I have spent time practicing in the
20 state and federal courts of Pennsylvania. I'm admitted
21 in the Ninth Circuit, the Third Circuit, the courts of
22 D.C., District of Columbia, the District of New Jersey.
23 I'm admitted to practice before the United States
24 Supreme Court. I practice regularly for clients that
25 have both national and international interests, as well

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2 as local. My hourly rate for that work is \$425 an
3 hour.

4 My office is located on the border of
5 Bucks and Montgomery County, in Hatfield Township. I
6 find that our rates, generally speaking, are quite
7 competitive for federal court and state court work.

8 Q. What is your age?

9 A. I'm am 47 Your Honor. Married with three
10 children, my wife is my law partner.

11 Q. Oh.

12 (Laughter.)

13 THE COURT: So, the Court finds \$425 is
14 reasonable.

15 BY THE COURT:

16 Q. Now, tell me what time did you leave today.

17 A. So I left my house this morning at about quarter
18 of 8:00, made my way over to the high speed line, took
19 the high speed line up here, was present in the
20 courthouse at approximately quarter of 9:00, met my
21 associate here. The case was called for 9:30, it is
22 now 10:30. I estimate we will conclude somewhere
23 before 11:00, which my travel home will take
24 approximately 45 minutes or so.

25 Q. You're going home, not to the office?

1 A. I will go back to my office in Narberth.

2 Q. Okay. But you're going to be going another
3 45 minutes -- back home?

4 A. Back home, yes.

5 Q. Okay. So I compute that to be just for today,
6 because we are going to be ending very shortly. So
7 that is from 7:45 to 10:30 is what?

8 A. It's almost three hours.

9 Q. Three hours.

10 MR. HENRY: Three hours.

11 THE WITNESS: 7:45 to 10:45 would be
12 three hours.

13 BY THE COURT:

14 Q. All right. Okay. So that would be for that
15 alone.

16 A. The travel would be another 45 minutes --

17 Q. I'm adding that. Is that in there?

18 A. Actually the 45 wouldn't -- wouldn't be in there.
19 So it would be 7:45 to 11:30 to get me home.

20 Q. How many hours is that?

21 A. Three and three quarters hours.

22 Q. Three and three quarters. So let's say three and
23 a half hours; is that fair?

24 A. Sure.

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Q. So that's 3.5 times \$425. That's \$1,487.

How much time did you put in on the motion?

A. Over the course of supervising Mr. Henry, as he prepared it, I probably put in between a half hour and an hour. Let's call it 45 minutes.

Q. Yeah, I would say an hour. Okay. So that's another four-twenty-five.

A. And then my time system tells me Mr. Henry put in approximately an hour or two arranging service.

THE COURT: Is that correct?

MR. HENRY: Yes, Your Honor. The drafting of the motion I would say probably three hours total between drafting and service.

BY THE COURT:

Q. Oh, I thought you had drafted it. He drafted it.

A. He drafted it.

Q. Okay, so arranging for service and so forth about three hours?

MR. HENRY: Yes, Your Honor.

BY THE COURT:

Q. So that's another four-twenty-five.

A. Mr. Henry's rate \$250 an hour.

Q. Two-fifty. That's reasonable certainly for an

1
2 associate.

3 THE COURT: How old you?

4 MR. HENRY: Thirty-three.

5 THE COURT: Practicing how long?

6 MR. HENRY: Since 2012.

7 THE COURT: Where before this?

8 MR. HENRY: Straight out of law school
9 with McNelly Goldstein at the time.

10 THE COURT: Oh, you went straight in.

11 MR. GOLDSTEIN: Plucked him from the
12 cradle of Villanova Law School.

13 THE COURT: So that's another \$875;
14 right?

15 MR. HENRY: Yes.

16 MR. GOLDSTEIN: Yes.

17 THE COURT: Added to nineteen-twelve is
18 \$2787. That's a little higher than your \$2,500. You
19 want your \$2,500?

20 MR. GOLDSTEIN: I would prefer 28. But
21 if your math is higher we will take your math but we
22 would be satisfied with 25.

23 THE COURT: Okay. We'll round it down.
24 Give him a break.

25 MR. GOLDSTEIN: Thank you.

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We tried to be very reasonable with our fees. We've not been excessive.

THE COURT: Yes, you were pretty accurate.

MR. GOLDSTEIN: You still want me on the witness stand, Your Honor?

THE COURT: No; that's fine.

MR. GOLDSTEIN: Thank you.

(Witness excused.)

- - -

THE COURT: Can we swear in the associate right where you are.

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BRITAIN RICHARD HENRY, ESQUIRE, having been duly sworn, was examined and testified as follows:

QUALIFYING EVIDENCE

BY THE COURT:

Q. You made some representations to me when you weren't sworn about your hourly rate, the work you did; is all that true and correct?

A. It is, Your Honor.

THE COURT: Thank you.

Here's my order. I kind of marked it

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2 up.

3 ORDER OF COURT

4 BERTIN, SJ.

5 And now this 7th day of February,
6 2017 -- 2019, correcting that. That shows how old this
7 is. After hearing and upon consideration of
8 Plaintiff's second motion for sanctions due to
9 Defendant's failure to comply with the September 27,
10 2018 order, and after hearing, Plaintiff's second
11 motion for sanction is granted and...

12 1. Defendant is declared in contempt of
13 September 27, 2018 Order.

14 2. Defendant is directed to serve upon
15 Plaintiff full complete answers to Plaintiff's
16 discovery requests (Plaintiff's first set of
17 interrogatories in aid of enforcement upon judgment
18 directed to defendant, and Plaintiff's request for
19 production of documents in aid of enforcement of a
20 judgment directed to Defendant) without objection
21 within 10 days from the date of this order.

22 3. Defendant shall pay Plaintiff
23 counsel fees of \$1,000 as ordered in Judge Moore's
24 September 27, 2018 order, which defendant disobeyed and
25 failed to pay. Said \$1,000 will be paid within 10 days

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of this order.

4. Defendant shall pay the Plaintiff's counsel fees totaling \$2500 for the preparation and litigation of Plaintiff's second motion for sanctions within 10 days to the date of this order (it is to be noted that counsel for Plaintiff testified as to hourly rate and time, which the court found reasonable, and totaled \$2,787, which the court rounded down to \$2,500).

5. The court anticipates there will be strict compliance with this order from defendant.

Okay thank you, we're adjourned.

MR. GOLDSTEIN: Your Honor -- off the record.

THE COURT: If it pertains to the case we have to be on the record.

MR. GOLDSTEIN: It pertains to the case.

THE COURT: Back on the record.

MR. GOLDSTEIN: I'm so sorry.

THE COURT: That's all right.

MR. GOLDSTEIN: We are confused as to our obligations at this point with regard to possible disciplinary action against this sitting judge who is now in contempt of at least two, arguably three orders

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of other judges of the Courts of Common Pleas. Do we have an obligation to report any of this to the Disciplinary Board at this point?

THE COURT: I can't advise you on that.

MR. GOLDSTEIN: I understand.

THE COURT: Okay.

Now the proceeding is closed.

MR. GOLDSTEIN: Right.

THE COURT: Thank you.

(At 10:43 a.m., proceedings were concluded.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcription of the same.

Lisa Claud Neal, RPR

- - -

EXHIBIT 32

EXHIBIT 32

Case# 2015-29887-24 Docketed at Montgomery County Prothonotary on 11/07/2018 5:57 PM, Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 7 day of Feb., 2018, ⁹ after hearing, upon consideration of Plaintiff's Second Motion for Sanctions Due to Defendant's Failure to Comply with the September 27, 2018 Order and after a hearing, Plaintiff's Second Motion for Sanctions is **GRANTED** and:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;

3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of Plaintiff's Motion for Sanctions within ten (10) days of the date of this Order;

4) Defendant shall pay Plaintiff counsel fees totaling \$2,500.00 for the preparation and litigation of Plaintiff's Second Motion for Sanctions within ten (10) days of the date of this Order; ^{as ordered in Judge's order 9/27/18 which defendant disobeyed and failed to pay the fees within 10 days of this order.}

5) ~~Such other relief this Court deems appropriate~~ ^{It is to be noted that counsel for plaintiff testified as to hourly rate and that which the court found reasonable and, totaling \$2,700, which the court rounded down to 2,500.}
s.) The court anticipates there will be strict compliance with this order from defendant.

[Signature]
J.

Copy of the above Order
Plaintiff Attorney: Jonathan S. Goldstein, Esq, Britain R. Henry, Esq
Defense Attorney: Pro Se
Court Administration - Civil Division: Christine Julian
Court Reporter: Lisa Neal
Clerk: Dec Hemerka
Date: 2/7/19



2015-29887-0028 2/7/2019 12:32 PM # 12175143
Rcpt#Z3580391 Fee:\$0.00 Order
Main (Public)
MontCo Prothonotary

ys

EXHIBIT 33

EXHIBIT 33

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

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CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 2/08/2019



Britain R. Henry, Esquire
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 34

EXHIBIT 34

Case# 2015-29887-30 Docketed at Montgomery County Prothonotary on 02/26/2019 4:48 PM, Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

COVER SHEET OF MOVING PARTY

Date of Filing February 26 2019

Moving Party CYNWYD CLUB

Counsel for Moving Party BRITAIN HENRY, Esq., ID: 314279

Document Filed (Specify) MOTION FOR SANCTIONS

Matter is (Check One) (Appealable) (Interlocutory)

Discovery Needed (Yes) (No)

CERTIFICATIONS - Check ONLY if appropriate:

Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute.
(Required by Local Rule 208.2(e) on motions relating to discovery.)

(Yes) (No) (Not a Discovery Motion)

Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case.
(If checked, skip Rule to Show Cause section below.)

By: _____
Counsel for Moving Party

RULE TO SHOW CAUSE - Check ONE of the Choice Listed Below:

_____ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an answer in the form of a **written response** at the **Office of the Prothonotary** on or before the _____ day of _____, 20 ____

_____ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20 ____ at **1:00 p.m. at 321 Swede Street, Norristown, Pa.**

_____ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure _____ Rule Returnable at time of trial.

By: _____
Court Administrator

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB :
Plaintiff :
v. : CIVIL ACTION NO.: 15-29887
SCOTT DICLAUDIO :
Defendant :

RULE TO SHOW CAUSE

AND, NOW, this _____ day of _____, 2019, upon consideration of Plaintiff’s Third Motion for Sanctions Due to Defendant’s Failure to Comply with the September 27, 2018 Order and the February 7, 2019 Order, it is hereby ordered that:

- (1) a Rule is issued upon the Respondent to show cause why the Movant is not entitled to the relief requested;
- (2) the Respondent shall file an Answer to the Motion within Twenty (20) days of this date;
- (3) the Motion shall be decided under Pa.R.C.P. No. 206.7; and
- (4) notice of the entry of this order shall be provided to all parties by the Movant.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB :
Plaintiff :
v. : CIVIL ACTION NO.: 15-29887
SCOTT DICLAUDIO :
Defendant :

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of Plaintiff’s Third Motion for Sanctions Due to Defendant’s Failure to Comply with the September 27, 2018 Order and the February 7, 2019 Order, and after a hearing, Plaintiff’s Third Motion for Sanctions is **GRANTED** and:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is declared in contempt of the February 7, 2019 Order;
- 3) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff’s discovery requests (Plaintiff’s First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff’s Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;
- 4) Defendant shall pay Plaintiff counsel fees of \$1,000.00 as ordered in Judge Moore’s September 27, 2018 Order which Defendant disobeyed;
- 5) Defendant shall pay Plaintiff counsel fees of \$2,500.00 as ordered in Judge Bertin’s February 7, 2019 Order which Defendant disobeyed;
- 6) Defendant shall pay Plaintiff counsel fees of \$2,500.00 for the preparation and litigation of Plaintiff’s Third Motion for Sanctions;
- 7) All counsel fees herein ordered shall be paid within ten (10) days of the date of this Order;
and
- 8) Such other relief this Court deems appropriate

_____ J.

Case# 2015-29887-30 Docketed at Montgomery County Prothonotary on 02/26/2019 4:48 PM. Fee = \$0.00. The filer certifies 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.

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff
v.

CIVIL ACTION NO.: 15-29887

SCOTT DICLAUDIO
Defendant

PLAINTIFF’S THIRD MOTION FOR SANCTIONS

AND NOW comes Plaintiff, The Cynwyd Club by and through its counsel Goldstein Law Partners, LLC and files Plaintiff’s Second Motion for Sanctions and avers as follows:

1. Plaintiff, The Cynwyd Club is the Movant with an address located at 332 Trevor Ave, Bala Cynwyd, PA 19004.
2. Defendant/Debtor Scott DiClaudio is the Respondent with an address located at 1301 Filbert St., Criminal Justice Center, Room 1415, Philadelphia, PA 19107.
3. Upon information and belief, Defendant is a licensed member of the Pennsylvania Bar and a sitting judge in Philadelphia.
4. On July 26, 2018, Plaintiff filed a motion for sanctions due to Defendant’s failure to answer Plaintiff’s First Set of Interrogatories and Request for Production of Documents in Aid of Enforcement Upon a Judgment Directed to Defendant (hereinafter “Discovery Requests”) as required pursuant to the May 22, 2018 Order of this Court.
5. On September 27, 2018, this Court entered an Order setting forth the following relief:

- 1) Defendant is declared in contempt of the May 22, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within Ten (10) days of the date of this Order; and;
- 3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of the instant Motion for Sanctions.

Sept. 27, 2018 Order. See Exhibit "A."

6. On October 5, 2018, Plaintiff deliver a copy of the September 27, 2018 Order to the Defendant via USPS first-class mail. A true and accurate copy of the correspondence is attached hereto as Exhibit "B."

7. On November 7, 2018, Plaintiff filed a second motion for sanctions due to Defendant's failure to obey the Sept. 27, 2018 Order.

8. On February 7, 2019, this Court entered an Order setting forth the following relief:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;
- 3) Defendant shall pay Plaintiff counsel fees of \$1,000.00 as ordered in Judge Moore's 9/27/18 Order which defendant disobeyed and failed to pay. The \$1000 will be paid within 10 days of the Order;
- 4) Defendant shall pay Plaintiff counsel fees totaling \$2,500.00 for the preparation and litigation of Plaintiff's Second Motion for Sanctions within ten (10) days of the date of this Order; (It is be noted that counsel for Plaintiff testified as to hourly rates and time, which the Court found reasonable and totaled \$2,787, which the Court rounded down to \$2,500);
- 5) The Court anticipates there will be strict compliance with this Order from Defendant.

Feb. 7, 2019 Order. See Exhibit "C."

9. On February 8, 2019, Plaintiff deliver a copy of the Feb. 7, 2019 Order to the Defendant via USPS first-class mail. A true and accurate copy of the correspondence is attached hereto as Exhibit "D."

10. As of the date of this filing, Defendant has failed to deliver responses to the Discovery Request, make payment of the Court ordered attorney's fees, contact the Plaintiff regarding the matter or comply in any way with Feb. 7, 2019 Order.

11. Plaintiff files this motion pursuant to 42 Pa C.S.A. No. 2503, and Pa.R.C.P. Nos. 4001 et.seq., 4019 and 3117.

12. Defendant knowingly and intentionally violated the Feb. 7, 2019 Order.

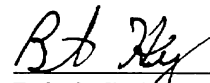
13. Plaintiff's Counsel, as a result of Defendants intentional and dilatory conduct, has expended time and effort to enforce compliance with the Feb. 7, 2019 Order.

14. Plaintiff respectfully requests that the Court direct Defendant to fully respond to Plaintiff's Discovery Requests and pay Plaintiff for attorney's fees and costs related to the enforcement of the Feb. 7, 2019 Order.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order in a form similar to proposed order attached hereto.

Dated: 02/26/2019

Respectfully submitted:



Britain R. Henry, Esquire
Goldstein Law Partners, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

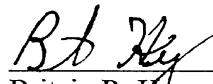
SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

VERIFICATION

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge information and belief. Since this document constitutes issues of law, Counsel may sign this verification. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A 4904 (relating to unsworn falsification to authorities).

Dated: 02/26/2019



Britain R. Henry, Esquire

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

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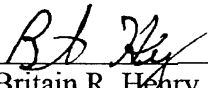
CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 02/27/2019



Britain R. Henry, Esquire
Goldstein Law Partners, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

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CIVIL ACTION NO.: 15-29887

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT PLAINTIFF’S SECOND
MOTION FOR SANCTIONS**

A. MATTER BEFORE THE COURT

As a result of Defendant’s violation of the February 7, 2019 Order, Plaintiff’s Third Motion for Sanctions is now at issue before this Honorable Court.

B. STATEMENT OF QUESTIONS INVOLVED

May the Court sanction Defendant for failure to obey the February 7, 2019 Order?

SUGGESTED ANSWER: YES

C. FACTS

On January 31, 2018, Plaintiff served Plaintiff’s First Set of Interrogatories and Request for Production of Documents in Aid of Enforcement Upon a Judgment Directed to Defendant (hereinafter “Discovery Requests”) upon Defendant to enforce an April 5, 2016 a \$3,767.67 default judgment.

As a result of Defendant’s failure to provide discovery responses or objections within the required thirty (30) day period, on March 28, 2018, Plaintiff filed a motion to compel discovery

responses. On May 22, 2018, the Court issued an order upon Defendant to serve full and complete responses to Plaintiff's Discovery Requests. On June 4, 2018, Plaintiff served a copy of the May 22, 2018 Order upon Defendant by letter and attempted in good faith to resolve this discovery dispute without the necessity of filing a motion for sanctions.

On July 26, 2018 Plaintiff filed a motion for sanctions due to Defendant's failure to answer Plaintiff's Discovery Requests as required pursuant to the May 22, 2018 Order of this Court. On September 27, 2018 this Court entered an Order setting forth the following relief: 1) Defendant is declared in contempt of the May 22, 2018 Order; 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within Ten (10) days of the date of this Order; and 3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of the instant Motion for Sanctions.

On October 5, 2018, Plaintiff deliver a copy of the September 27, 2018 Order to the Defendant via USPS first-class mail. On November 7, 2018, Plaintiff filed a second motion for sanctions due to Defendant's failure to obey the Sept. 27, 2018 Order. On February 7, 2019, this Court entered an Order setting forth the following relief: 1) Defendant is declared in contempt of the September 27, 2018 Order; 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order; 3) Defendant shall pay Plaintiff counsel fees of \$1,000.00

as ordered in Judge Moore's 9/27/18 Order which defendant disobeyed and failed to pay. The \$1000 will be paid within 10 days of the Order; 4) Defendant shall pay Plaintiff counsel fees totaling \$2,500.00 for the preparation and litigation of Plaintiff's Second Motion for Sanctions within ten (10) days of the date of this Order; (It is be noted that counsel for Plaintiff testified as to hourly rates and time, which the Court found reasonable and totaled \$2,787, which the Court rounded down to \$2,500); 5) The Court anticipates there will be strict compliance with this Order from Defendant.

On February 8, 2019, Plaintiff deliver a copy of the Feb. 7, 2019 Order to the Defendant via USPS first-class mail. As of the date of this filing, Defendant has failed to deliver responses to the Discovery Request, make payment of the Court ordered attorney's fees, contact the Plaintiff regarding the matter or comply in any way with the February 7, 2019 Order.

D. ARGUMENTS

Defendant, a member of the Pennsylvania Bar and a sitting judge in Philadelphia, has knowingly and intentionally refused to comply with multiple orders of this Court. "The decision whether to sanction a party for a discovery violation and the severity of such a sanction are matters vested in the sound discretion of the trial court." Luszczynski v. Bradley, 729 A.2d 83, 87 (Pa. Super. Ct. 1999). Pa.R.C.P. No. 4019 and Pa Title 42 Pa.C.S.A. 2503 permit awarding reasonable attorney's fees and costs in favor of Plaintiff against Defendant in the event Defendant is adjudged in contempt. Further, Pa.R.C.P. No. 4019(g)(1) specifically states that if a court, "enters an order compelling compliance and the order is not obeyed, the court on a subsequent motion for sanctions may, if the motion is granted, require the party ... whose conduct necessitated the motions ... to pay to the moving party the reasonable expenses, including attorney's fees, incurred in obtaining the order of compliance and the order for sanctions..."

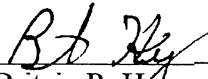
In this case, the Court would be acting well within its discretion if it awarded reasonable attorney's fees in Plaintiff's favor together with the requirement that the Defendant promptly answer Plaintiff's Discovery Requests where the Defendant has exhibited continued contempt of the Court's orders.

E. RELIEF REQUESTED

Plaintiff respectfully request that this Honorable Court enter an Order in the form attached hereto.

Respectfully submitted:

Dated: 02/26/2019



Britain R. Henry, Esquire
Goldstein Law Partners, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 27th day of SEPT, 2018, upon consideration of Plaintiff's Motion for Sanctions Due to Defendant's Failure to Comply With Discovery Order and after a hearing, Plaintiff's Motion for Sanctions Due to Defendant's Failure to Comply With Discovery Order is **GRANTED** and:

- 1) Defendant is declared in contempt of the May 22, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within Ten (10) days of the date of this Order; and
- 3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of the instant Motion for Sanctions.



2015-29887-0019 9/27/2018 1:48 PM # 11978355
Rcpt#Z3491972 Fee:\$0.00 Order
Main (Public)
MontCo Prothonotary

Bernard H. Moore
J.

Copy of the above Order
Plaintiff Attorney: Britain Henry, Esq
Defense Attorney: Pro Se
Court Administration – Civil Division: Christine Julian
Court Reporter: Norma Gerrity
Clerk: Dee Hemerka
Date: 9/27/18

cm

Case# 2015-29887-30 Docketed at Montgomery County Prothonotary on 02/26/2019 4:48 PM, Fee = \$0.00. The filer certifies 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. Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents. Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

EXHIBIT "B"

Case# 2015-29887-30 Docketed at Montgomery County Prothonotary on 02/26/2019 4:48 PM. Fee = \$0.00. The filer certifies 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.



McNELLY | GOLDSTEIN
ATTORNEYS AT LAW

MATTHEW DUPEE
DAVI EDEN
ONATHAN S. GOLDSTEIN**
EMILIA GOLDSTEIN
BRITAIN R. HENRY
ROBERT J. McNELLY***
STEVEN PINSKY
BRADFORD A. RICHMAN
ONATHAN ROTH**

**ADMITTED IN PENNSYLVANIA & NEW JERSEY
***ADMITTED IN PENNSYLVANIA & NEW YORK

PLEASE DIRECT ALL CORRESPONDENCE TO:
McNELLY & GOLDSTEIN, LLC
11 CHURCH ROAD
HATFIELD, PA 19440

1055 WESTLAKES DRIVE
SUITE 300
BERWYN, PA 19312

October 5, 2018

Hon. Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

RE: THE CYNWYD CLUB V. SCOTT DICLAUDIO
MCCC DOCKET NO.:15-29887

Dear Judge DiClaudio:

Please find enclosed the September 27th, 2018 Order granting sanctions in the above matter. Please contact our office upon receipt of this letter to discuss resolution of this matter.

Respectfully,

Britain R. Henry, Esquire

EXHIBIT "C"

Case# 2015-29887-30 Docketed at Montgomery County Prothonotary on 02/26/2019 4:48 PM, Fee = \$0.00. The filer certifies 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. Case# 2015-29887-24 Docketed at Montgomery County Prothonotary on 11/07/2018 5:37 PM, Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff
v.
SCOTT DICLAUDIO
Defendant
CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 7 day of Feb., 2018, ^{9 after hearing,} upon consideration of Plaintiff's Second Motion for Sanctions Due to Defendant's Failure to Comply with the September 27, 2018 Order and after a hearing, Plaintiff's Second Motion for Sanctions is **GRANTED** and:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;

- 3) Defendant shall pay Plaintiff counsel fees ⁵⁰ totaling \$1,000.00 for the preparation and litigation of Plaintiff's Motion for Sanctions within ten (10) days of the date of this Order; *as ordered in Judge Proyer's 9/27/18 order which defendant disobeyed and failed to pay within 10 days of this order.*
- 4) Defendant shall pay Plaintiff counsel fees totaling \$2,500.00 for the preparation and litigation of Plaintiff's Second Motion for Sanctions within ten (10) days of the date of this Order; *(It is to be noted that counsel for plaintiff testified as to hourly rate and total cost which the court found reasonable and total of \$2,787, which the court rounded down to 2,500).*
- 5) Such other relief this Court deems appropriate *5.) The court anticipates there will be strict compliance with this order from defendant.*

[Signature]
J.

Copy of the above Order
Plaintiff Attorney: Jonathan S. Goldstein, Esq, Britain R. Henry, Esq
Defense Attorney: Pro Se
Court Administration – Civil Division: Christine Julian
Court Reporter: Lisa Neal
Clerk: Dee Hemerka
Date: 2/7/19



2015-29887-0028 2/7/2019 12:32 PM # 12175143
Rcpt#Z3580391 Fee:\$0.00 Order
Main (Public)
MontCo Prothonotary

EXHIBIT 35

EXHIBIT 35

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

CYNWYD CLUB vs. DICLAUDIO, SCOTT

CASE #: 2015-29887

HAS BEEN SCHEDULED FOR A HEARING ON *Civil Hearing*

ON April 11, 2019 9:30 AM

BEFORE JUDGE MOORE

IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
BRITAIN HENRY, Esq.

PLAINTIFF'S THIRD MOTION FOR SANCTIONS. 1/2 DAY LIST - SEQ # 30

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

Notices Mailed on 3/21/2019

Parties Notified:

**SCOTT DICLAUDIO
1301 FILBERT ST
CRIMINAL JUSTICE CENTER, ROOM 1415
PHILADELPHIA, PA 19107**

**BRITAIN HENRY, Esq.
GOLDSTEIN LAW PARTNERS. LLC
11 CHURCH ROAD
HATFIELD, PA 19440**

EXHIBIT 36

EXHIBIT 36

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

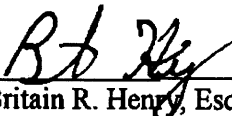
CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 3/29/2019



Britain R. Henry, Esquire
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 37

EXHIBIT 37

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF CONTINUANCE

CYNWYD CLUB vs. DICLAUDIO, SCOTT
CASE #: 2015-29887 PREVIOUSLY SCHEDULED

ON April 11, 2019 9:30 AM

BEFORE JUDGE MOORE

IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

**HAS BEEN CONTINUED. COUNSEL/PARTIES WILL BE NOTIFIED BY MAIL
OF THE RESCHEDULED DATE AND COURTROOM ASSIGNMENT.**

Attorneys:
BRITAIN HENRY, Esq.

COUNSEL: Please notify all Co-Counsel of the
CONTINUANCE in this case.

PLAINTIFF'S THIRD MOTION FOR SANCTIONS. 1/2 DAY LIST - SEQ # 30

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

Notices Mailed on 4/10/2019

Parties Notified:

**SCOTT DICLAUDIO
1301 FILBERT ST
CRIMINAL JUSTICE CENTER, ROOM 1415
PHILADELPHIA, PA 19107**

**BRITAIN HENRY, Esq.
GOLDSTEIN LAW PARTNERS. LLC
11 CHURCH ROAD
HATFIELD, PA 19440**

EXHIBIT 38

EXHIBIT 38

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

CYNWYD CLUB vs. DICLAUDIO, SCOTT

CASE #: 2015-29887

HAS BEEN SCHEDULED FOR A HEARING ON *Civil Hearing*

ON May 30, 2019 9:30 AM

BEFORE JUDGE BERTIN

IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401

If you are disabled and require assistance, please call (610) 278-3224

YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPPONENT(S) OF THE ABOVE DATE.

Attorneys:
BRITAIN HENRY, Esq.

PLAINTIFF'S THIRD MOTION FOR SANCTIONS. 1/2 DAY LIST - SEQ # 30

County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311

DICLAUDIO 0203

Notices Mailed on 4/26/2019

Parties Notified:

SCOTT DICLAUDIO
1301 FILBERT ST
CRIMINAL JUSTICE CENTER, ROOM 1415
PHILADELPHIA, PA 19107

BRITAIN HENRY, Esq.
GOLDSTEIN LAW PARTNERS. LLC
11 CHURCH ROAD
HATFIELD, PA 19440

EXHIBIT 39

EXHIBIT 39

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant


CIVIL ACTION NO.:15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 4/26/2019



Britain R. Henry, Esquire
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 40

EXHIBIT 40

IN THE COURT OF COMMON PLEAS
IN AND FOR THE COUNTY OF MONTGOMERY, PENNSYLVANIA
CIVIL DIVISION

THE CYNWYD CLUB : NO. 2015-29887
vs. :
SCOTT DICLAUDIO :

Plaintiff's Third Motion for Sanctions

Thursday, May 30, 2019
Commencing at 10:45 a.m.

Amanda Proud
Official Court Reporter
Montgomery County Courthouse
Courtroom 13
Norristown, PA 19401

BEFORE: THE HONORABLE EMANUEL A. BERTIN, SENIOR JUDGE

COUNSEL APPEARED AS FOLLOWS:

PATRICIA STARNER, ESQUIRE
for the Plaintiff

INDEX

WITNESS:

DIRECT CROSS REDIRECT RECROSS

Patricia Starner

8

- - -

E X H I B I T S

PLAINTIFF'S

<u>Number</u>	<u>Description</u>	<u>Marked</u>	<u>Rec'd</u>
P-1	Scheduling Hearing Notice	8	11
P-2	Certification of Service	8	11
P-3	September 27, 2018 Order	8	11
P-4	February 7, 2019 Order	8	11
P-5	Certification of Service	11	11
P-6	Scheduling Hearing Notice	11	11
P-7	Continuance Order	11	11

- - -

2 MS. STARNER: Patricia Starner for The
3 Cynwyd Club.

4 THE COURT: Okay. And this is your
5 motion?

6 MS. STARNER: Yes, it is. This is the
7 third motion for sanctions against the defendant, Judge
8 DiClaudio, who is a sitting judge -- a Common Pleas
9 judge in Philadelphia County.

10 THE COURT: Is Scott --

11 MS. STARNER: No.

12 THE COURT: -- DiClaudio represented?

13 MS. STARNER: No, and he is not here.

14 THE COURT: He's pro se?

15 MS. STARNER: Well, he's failed to
16 respond to everything.

17 THE COURT: I'm saying, he's not
18 represented?

19 MS. STARNER: At the present time, it
20 doesn't appear he is.

21 THE COURT: So let's see what notice he
22 has because he's not here.

23 MS. STARNER: He requested a continuance
24 of the hearing on this motion and he was given today.

25 THE COURT: Just hold on.

1
2 So this motion that's in front of me,
3 you filed it February 26, 2019?

4 MS. STARNER: That's correct.

5 THE COURT: Okay. So it looks like she
6 appealed from the district justice -- well, they're
7 called magistrate district judges now -- and that came
8 up. Then, you filed your complaint. You took a
9 default judgment and then the case lay dormant for two
10 years. And then there was a motion to compel
11 post-judgment discovery. Judge Tilson entered an order
12 May 29 regarding that. Then, you filed a motion for
13 sanction with memo. Judge Moore entered an order
14 September 27, 2018. Then, you filed another motion
15 November 7, 2018. And then I entered an order on
16 February 7, 2019.

17 So you filed this motion based on my
18 order?

19 MS. STARNER: Yes.

20 THE COURT: I take it the defendant
21 never appeared at any of these hearings?

22 MS. STARNER: No, he did not, Your
23 Honor.

24 THE COURT: Did you ever -- do you have
25 a liquidated amount of damages?

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MS. STARNER: For today?

THE COURT: The judgment.

MS. STARNER: Yes. It's \$3,767.60.

THE COURT: Okay. I'll read this into
the record.

Now, this 7th day of February, 2019,
after hearing upon consideration of Plaintiff's second
motion for sanctions due to Defendant's failure to
comply with the September 27, 2018 order -- that was
Judge Moore's order -- and after hearing, Plaintiff's
second motion for sanctions is granted.

1. Defendant is declared in contempt of
the September 27, 2018 order.

2. Defendant is directed to serve upon
Plaintiff full and complete answers to Plaintiff's
discovery requests (Plaintiff's first set of
interrogatories to aid enforcement upon a judgment
directed to Defendant and Plaintiff's request for
production of documents in aid of enforcement of a
judgment directed to Defendant) without objections
within ten days from the date of this order.

3. Defendant shall pay counsel fees of
\$1,000 as ordered in Judge Moore's September 27, 2018
order which Defendant disobeyed and failed to pay.

1
2 4. Defendant shall pay Plaintiff's
3 counsel fees totaling \$2,500 for the preparation and
4 litigation of Plaintiff's second motion for sanctions
5 within ten (10) days of the date of this order. (It is
6 to be noted that counsel for Plaintiff testified as to
7 hourly rate and time, which the Court found reasonable,
8 and totaled \$2,787, which the Court rounded down to
9 \$2,500.)

10 5. The Court anticipates there will be
11 strict compliance with this order from Defendant.

12 And, let me guess, the defendant didn't
13 do anything?

14 MS. STARNER: Not a thing, sir.

15 THE COURT: All right. Well, what do
16 you know about the defendant? Where does she (sic)
17 live? Well, before you answer that question, let me
18 make as part of the record, she lives in Philadelphia.

19 MS. STARNER: He, Your Honor.

20 THE COURT: I mean, he lives in
21 Philadelphia. 1301 Filbert Street, Criminal Justice
22 Center.

23 MS. STARNER: Yes, Your Honor. He's a
24 sitting judge in Philadelphia County. He doesn't live
25 there.

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THE COURT: Room 14-15, Philadelphia, PA
19107.

He's a sitting judge?

MS. STARNER: Yes, sir.

THE COURT: Well, I had another case
with a sitting judge in Philadelphia. Same thing.

MS. STARNER: Oh, it could be the same
one.

THE COURT: No, there was a male lawyer
before.

MS. STARNER: Oh, it was. It would have
been an associate in my office.

THE COURT: Oh, what was his name?

MS. STARNER: It could have been
Jonathan Goldstein or Britain Henry.

THE COURT: This is the same person?

MS. STARNER: Yes, Your Honor.

THE COURT: Did he withdraw his
appearance, Mr. Goldstein?

MS. STARNER: No. I am part of the
firm.

THE COURT: Oh, yes.

So nothing was done?

MS. STARNER: Not a thing.

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THE COURT: We're going to mark this as P-1.

(Scheduling Order marked Plaintiff's Exhibit P-1, for identification.)

- - -

(Certification of Service marked Plaintiff's Exhibit P-2, for identification.)

- - -

(September 27, 2018 Court Order marked Plaintiff's Exhibit P-3, for identification.)

- - -

(February 7, 2019 Court Order marked Plaintiff's Exhibit P-4, for identification.)

THE COURT: So is paragraph six of your order where you're requesting \$2,500, is that the work you put in since I signed this order February 7?

MS. STARNER: That's correct.

THE COURT: I'm going to have to put you under oath. Here we go.

- - -

PATRICIA STARNER, after having first

1 been duly sworn, was examined and
2 testified as follows:
3

4 - - -

5 BY THE COURT:

6 Q Were you the one that put in all the work in
7 drafting all of this?

8 A I did not draft the petition. I prepared for this
9 hearing.

10 Q And how long have you been here?

11 A I have been here three hours today.

12 Q What's your hourly rate?

13 A \$410.

14 Q That's \$1,230 for today.

15 And do you know who drafted this?

16 A That would have been Britain Henry.

17 Q Do you know her (sic) hourly rate?

18 A Britain's hourly rate, I believe, is \$275.

19 Q How much time do you think -- I'm looking at it
20 now -- to put this together?

21 A To pull all the documents together, at lease two
22 hours, I would say.

23 Q I would think so for sure.

24 So all these fees are going to weigh
25 out -- outweigh the amount of the judgment?

1
2 A Yes, they are. The problem is, Your Honor, we
3 don't appear to be getting Judge Claudio's attention.

4 Q So that would be \$550. So I'm going to award fees
5 of \$1,780 for this time.

6 A Thank you, Your Honor.

7 Q So you have \$1,000. You have \$2,500. You have
8 \$1,780. So when you say all counsel fees herein
9 ordered shall be paid within 10 days of the date of
10 this order and said sum is \$5,280.

11 A Your Honor, could we require that by cash? Postal
12 money order? Certified bank check?

13 Q Now, did he -- now, under eight, you have such
14 other relief -- I'm going to -- I'm just going to
15 strike that out and put, "Should Defendant not comply
16 with the above, Defendant may suffer further sanctions
17 upon application to the Court and after hearing."

18 Yes, I think your request is reasonable.
19 All counsel fees herein ordered shall be paid within
20 ten days from the date of this order and said sum is
21 \$5,280. And I'm going to show \$1,000 plus \$2,500 plus
22 \$1,780.

23 Said sum shall be paid how?

24 A Postal money order, cash.

25 Q Paid by postal money order or certified check?

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A Sure.

Q I don't want to say cash.

THE COURT: We are going to give you a copy.

(Certification of Service marked Plaintiff's Exhibit P-5, for identification.)

- - -

(Scheduling Notice of Hearing marked Plaintiff's Exhibit P-6, for identification.)

- - -

(Continuance Order marked Plaintiff's Exhibit P-7, for identification.)

- - -

(Plaintiff's Exhibits P-1 through P-7, respectively, received in evidence.)

THE COURT: Thank you very much. We're going to give you a copy.

MS. STARNER: I anticipate we'll be seeing you again if four or five months.

THE COURT: I hope not.

(At 11:15 a.m., proceedings were concluded.)

C E R T I F I C A T E

I hereby certify that the proceedings
and evidence are contained fully and accurately in the
notes taken by me in the above cause and that this is a
correct transcript of the same.

Amanda Proud
Official Court Reporter

- - -

EXHIBIT 41

EXHIBIT 41

Case# 2015-29887-30 Docketed at Montgomery County Prothonotary on 02/26/2019 4:48 PM, Fee = \$0.00. The filer certifies 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.



2015-29887-0036 5/31/2019 8 53 AM # 12330282
Rcpt#Z3657695 Fee:\$0.00 Order
Main (Public)
MontCo Prothonotary

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 30 day of May, 2019, upon consideration of Plaintiff's Third Motion for Sanctions Due to Defendant's Failure to Comply with the September 27, 2018 Order and the February 7, 2019 Order, and after a hearing, Plaintiff's Third Motion for Sanctions is **GRANTED** and:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is declared in contempt of the February 7, 2019 Order;
- 3) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;
- 4) Defendant shall pay Plaintiff counsel fees of \$1,000.00 as ordered in Judge Moore's September 27, 2018 Order which Defendant disobeyed;
- 5) Defendant shall pay Plaintiff counsel fees of \$2,500.00 as ordered in Judge Bertin's February 7, 2019 Order which Defendant disobeyed;

6) Defendant shall pay Plaintiff counsel fees of ~~\$2,500.00~~ ^{\$1,750.00} for the preparation and litigation of Plaintiff's Third Motion for Sanctions; *counsel was sworn and testified to the same.*

7) All counsel fees herein ordered shall be paid within ten (10) days of the date of this Order; and *said sum is \$5,250 (\$1000 + 2450 + 1750). Said sum shall be paid by a social money order or certified check.*

8) Such other relief this Court deems appropriate *should defendant not comply with the above, defendant may suffer further sanctions, upon application to the court and after hearing.*

[Handwritten Signature]
J.

Copy of the above Order
 Hand delivered in open Court to the following:
Plaintiff Attorney: Britain Henry, Esq.
Defense Attorney: Pro Se
Court Administration - Civil Division
Reporter: Amanda Proud
Clerk: Staci Washington

THIS DOCUMENT WAS DOCKETED AND SENT ON 05/31/2019

DICLAUDIO 0211

js

EXHIBIT 42

EXHIBIT 42

Case# 2015-29887-38 Docketed at Montgomery County Prothonotary on 06/03/2019 10:03 AM, Fee = \$0.00. The filer certifies 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.

Britain R. Henry, Esquire
Attorney I.D # 314279
Goldstein Law Partners, LLC.
11 Church Road
Hatfield, PA 19440
(610) 949-0444

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant


CIVIL ACTION NO.: 15-29887

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid first class U.S. Mail on the date indicated below:

Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

Dated: 6/03/2019



Britain R. Henry, Esquire
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

EXHIBIT 43

EXHIBIT 43

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CYNWYD CLUB

vs.

SCOTT DICLAUDIO

NO. 2015-29887

COVER SHEET OF MOVING PARTY

Date of Filing August 20 2019

Moving Party CYNWYD CLUB

Counsel for Moving Party CHRISTIAN P SUPRENUK, Esq., ID: 76946

Document Filed (Specify) PLAINTIFF'S FOURTH MOTION FOR SANCTIONS

Matter is: (Appealable) | (Interlocutory)

Discovery Needed: (Yes) | (No)

If applicable, Civil Case Management Order Discovery Deadline: _____

CERTIFICATIONS - Check ONLY if appropriate:

- Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)
- Counsel for moving party certifies that the subject civil motion is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

By: _____
Counsel for Moving Party

RULE TO SHOW CAUSE - Check ONE of the Choices Listed Below:

- _____ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an answer in the form of a written response at the Office of the Prothonotary on or before the _____ day of _____, 20____.
- _____ Respondent is directed to show cause, in the form of a written response, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20____ at 1:00 p.m. at 321 Swede Street, Norristown, PA.
- _____ Respondent is directed to file a written response in conformity with the Pennsylvania Rules of Civil Procedure.
- _____ Rule Returnable at time of trial.

By: _____
Court Administrator

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

RULE TO SHOW CAUSE

AND, NOW, this _____ day of _____, 2019, upon consideration of Plaintiff's Fourth Motion for Sanctions for Defendant's failure to comply with the Court's Orders of May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019, it is hereby ordered that:

- (1) a Rule is issued upon the Respondent to show cause why the Movant is not entitled to the relief requested;
- (2) the Respondent shall file an Answer to the Motion within Twenty (20) days of service of this order on the Respondent;
- (3) the Motion shall be decided under Pa.R.C.P. No. 206.7; and
- (4) notice of the entry of this order shall be provided to all parties by the Movant.

BY THE COURT:

_____, J.

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this _____ day of _____, 2019, upon consideration of Plaintiff's Fourth Motion for Sanctions for Defendant's failure to comply with the Court's Orders of May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019, and any response(s) thereto, and after a hearing, Plaintiff's Fourth Motion for Sanctions is **GRANTED** and:

- 1) Defendant is declared in contempt of the Court's Orders of May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;
- 3) If Defendant fails to supply full and complete answers to Plaintiff's discovery requests within ten (10) days of the entry of this Order, Defendant shall be assessed as sanctions and shall pay to plaintiff \$100.00 per day from the date ten (10) days after entry of this Order until such time as Defendant provides Plaintiff with full and complete answers to Plaintiff's abovementioned discovery requests;
- 4) Defendant shall pay Plaintiff counsel fees of \$1,000.00 as per the Court's Order of September 27, 2018;
- 5) Defendant shall pay Plaintiff counsel fees of \$2,500.00 as per the Court's Order of February 7, 2019;
- 6) Defendant shall pay Plaintiff counsel fees of \$1,780.00 as per the Court's Order of May 30, 2019;

- 7) Defendant shall pay Plaintiff counsel fees of \$2,500.00 for the preparation and litigation of Plaintiff's Fourth Motion for Sanctions;
- 8) All counsel fees ordered herein shall be paid within ten (10) days of the date of entry of this Order; and
- 9) Such other relief as this Court deems just and proper under the circumstances, including but not limited to the issuance of a bench warrant for Defendant's arrest.

, J.

GOLDSTEIN LAW PARTNERS, LLC

By: **Christian P. Suprenuk, Esq.**

Britain R. Henry, Esquire

Attorney I.D Nos. 76946/314279

11 Church Road

Hatfield, PA 19440

(610) 949-0444

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

CIVIL ACTION NO.: 15-29887

PLAINTIFF'S FOURTH MOTION FOR SANCTIONS

AND NOW comes Plaintiff, The Cynwyd Club, by and through its counsel, Goldstein Law Partners, LLC, and files Plaintiff's Fourth Motion for Sanctions, averring as follows:

1. Plaintiff The Cynwyd Club is the Movant with an address located at 332 Trevor Avenue, Bala Cynwyd, PA 19004.
2. Defendant Scott DiClaudio is the Respondent with an address located at 1301 Filbert Street, Criminal Justice Center, Room 1415, Philadelphia, PA 19107.
3. Defendant is a sitting judge of the Court of Common Pleas of Philadelphia County, Pennsylvania.
4. On May 22, 2018, this Court granted Plaintiff's Motion to Compel responses to post-judgment execution discovery and issued an Order directing Defendant to provide full and complete responses, without objection, to Plaintiff's written Interrogatories and Requests for Production of Documents. A true and correct copy of said Order is attached hereto, marked Exhibit "A" and made part hereof.

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

5. On June 4, 2018, Plaintiff served a copy of the Court's Order of May 22, 2018 on the Defendant by letter and attempted in good faith to resolve the discovery dispute without the necessity of filing a motion for sanctions. A true and correct copy of said letter is attached hereto, marked Exhibit "B" and made part hereof.

6. Defendant failed to comply with the Court's Order.

7. Accordingly, on July 26, 2018, Plaintiff filed with the Court its (first) motion for sanctions against the Defendant.

8. On September 27, 2018, this Court granted plaintiff's Motion and entered an Order declaring Defendant in contempt of the Court's Order of May 22, 2018, ordering, yet again, that Defendant provide full and complete answers to Plaintiff's written discovery within ten days and assessing counsel fees against defendant in the amount of \$1,000.00. A true and correct copy of the Court's Order of Sept. 24, 2018, is attached hereto, marked Exhibit "C" and made part hereof.

9. On October 5, 2018, Plaintiff served a copy of the Court's Order of September 27, 2018 on Defendant via regular mail. A true and correct copy of said letter is attached hereto, marked Exhibit "D" and made part hereof.

10. Defendant failed, yet again, to comply with the Court's Order of September 27, 2018.

11. Accordingly, on November 7, 2018, Plaintiff filed with the Court its (second) motion for sanctions against the Defendant.

12. On February 7, 2019, the Court granted plaintiff's motion and entered an Order declaring Defendant in contempt of the Court's Order of September 27, 2018, ordering, for the third time, that Defendant provide full and complete answers to Plaintiff's written discovery within ten days, ordering, yet again, that defendant pay \$1,000.00 in counsel fees to Plaintiff as set forth

in the Court's Order of September 27, 2018 and assessing additional counsel fees against defendant in the amount of \$2,500.00. A true and correct copy of the Court's Order of February 7, 2019 is attached hereto, marked Exhibit "E" and made part hereof.

13. The Court's Order of September 27, 2018 also included the following language admonishing the Defendant: "The Court anticipates there will be strict compliance with this order from defendant."

14. On February 8, 2019, Plaintiff served a copy of the Court's Order of February 7, 2019 on Defendant via regular mail. A true and correct copy of said letter is attached hereto, marked Exhibit "F" and made part hereof.

15. Defendant failed, yet again, to comply with the Court's Order of February 7, 2019.

16. Accordingly, on February 26, 2019, Plaintiff filed with the Court its (third) motion for sanctions against Defendant.

17. On May 30, 2019, the Court granted plaintiff's motion and entered an Order declaring Defendant in contempt of the Court's Orders of September 27, 2018 and February 7, 2019, ordering, for the fourth time, that Defendant provide full and complete answers to plaintiff's written discovery within ten days, ordering, yet again, that defendant pay \$1,000.00 in counsel fees to Plaintiff as set forth in the Court's Order of September 27, 2018, ordering, yet again, that defendant pay \$2,500.00 in counsel fees to Plaintiff as set forth the Court's Order of February 7, 2019 and assessing additional counsel fees against defendant in the amount of \$1,780.00. A true and correct copy of the Court's Order of May 30, 2019 is attached hereto, marked Exhibit "G" and made part hereof.

18. On June 3, 2019, Plaintiff served a copy of the Court's Order of May 30, 2019 on Defendant via regular mail. A true and correct copy of said letter is attached hereto, marked Exhibit "H" and made part hereof.

19. As of the filing of this Motion, Defendant has failed to provide Plaintiff with any of the discovery responses he was ordered to provide in four (4) separate Orders of this Court.

20. As of the filing of this Motion, Defendant has failed to pay to Plaintiff the \$1,000.00 in counsel fees that Defendant was ordered to pay to Plaintiff in three (3) separate Orders of this Court.

21. As of the filing of this Motion, Defendant has failed to pay to Plaintiff the \$2,500.00 in counsel fees that Defendant was ordered to pay to Plaintiff in two (2) separate Orders of this Court.

22. As of the filing of this Motion, Defendant has failed to pay to Plaintiff the \$1,780.00 in counsel fees that Defendant was ordered to pay to Plaintiff in the most recent Order of this Court.

23. Displaying what appears to be a lack of respect for this Court, Defendant, who is himself a Common Pleas Judge, has failed to comply with the Court's Orders of May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019, despite the Court's declaration that Defendant was, and continues to be, in contempt of the Court's Orders of May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019.

24. Plaintiff files this motion pursuant to 42 Pa C.S.A. No. 2503, and Pa.R.C.P. Nos. 4001 et seq., 4019 and 3117.

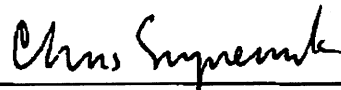
25. Defendant has knowingly, intentionally and flagrantly violated four (4) Orders of this Court.

26. Plaintiff's Counsel, as a result of Defendant's intentional and dilatory conduct, has expended time and effort to enforce compliance with the Court's most recent order of May 30, 2019.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order in the form of the proposed order attached hereto.

Date: 8/20/19

Respectfully submitted:



Christian P. Suprenuk, Esquire
Britain R. Henry, Esquire
Goldstein Law Partners, LLC
11 Church Road
Hatfield, PA 19040

Attorneys for Plaintiff

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

GOLDSTEIN LAW PARTNERS, LLC

By: **Christian P. Suprenuk, Esq.**

Britain R. Henry, Esquire

Attorney I.D Nos. 76946/314279

11 Church Road

Hatfield, PA 19440

(610) 949-0444

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

CIVIL ACTION NO.: 15-29887

VERIFICATION

I, Christian P. Suprenuk, hereby verify that I am counsel for Plaintiff, that this Verification pertains to matters within the exclusive knowledge of counsel, that I am authorized to make this Verification on its behalf, and that the statements made in the foregoing Plaintiffs' Fourth Motion for Sanctions and Memorandum of Law in Support are true and correct to the best of my knowledge, information and belief.

I understand that the statements in this Verification are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 8/20/19

Chris Suprenuk
Christian P. Suprenuk, Esquire

GOLDSTEIN LAW PARTNERS, LLC

By: **Christian P. Suprenuk, Esq.**

Britain R. Henry, Esquire

Attorney I.D Nos. 76946/314279

11 Church Road

Hatfield, PA 19440

(610) 949-0444

Attorneys for Plaintiff

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

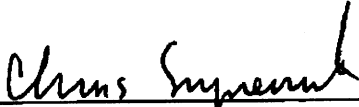
CIVIL ACTION NO.: 15-29887

CERTIFICATE OF SERVICE

I, Christian P. Suprenuk, Esq., certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid First Class U.S. Mail on the date indicated below:

Honorable Scott DiClaudio
Criminal Justice Center
1301 Filbert Street, Room 1415
Philadelphia, PA 19107

Dated: 8/20/19



Christian P. Suprenuk, Esquire
Goldstein Law Partners, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT A

DICLAUDIO 0237

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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. Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

CYNWYD CLUB
Plaintiff

NO. 2015-29887

v.

SCOTT DICLAUDIO
Defendant

ORDER

AND NOW, this 22nd day of May, 2018, upon consideration of Plaintiff's Motion to Compel Post-Judgment Discovery Responses, Plaintiff's Motion to Compel Post-Judgment Discovery Responses is **GRANTED** and Defendant Scott DiClaudio is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections or in the event Defendant defies this Order Defendant shall suffer sanctions upon application with the Court.


I.

THIS DOCUMENT WAS DOCKETED AND SENT ON 06/29/2018

DICLAUDIO 0238

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT B

DICLAUDIO 0239



McNELLY | GOLDSTEIN
ATTORNEYS AT LAW

MATTHEW DUPRE
AVI EDEN
JONATHAN S. GOLDSTEIN**
JULIA GOLDSTEIN
BRITAIN R. HENRY
ROBERT J. McNELLY***
STEVEN PINSKY
BRADFORD A. RICHMAN
JONATHAN ROTH**

PLEASE DIRECT ALL CORRESPONDENCE TO:
MCNELLY & GOLDSTEIN, LLC
11 CHURCH ROAD
HATFIELD, PA 19340

1055 WESTLAKES DRIVE
SUITE 300
BERWYN, PA 19312

**ADMITTED IN PENNSYLVANIA & NEW JERSEY
***ADMITTED IN PENNSYLVANIA & NEW YORK

June 4, 2018

Hon. Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

RE: THE CYNWYD CLUB V. SCOTT DICLAUDIO
MCCC DOCKET NO.: 15-29887

Dear Judge DiClaudio:

Please find enclosed the May 22, 2018 Order granting Plaintiff's Motion to Compel. Please provide full and complete responses to the enclosed Discovery requests within 20 days of date of this correspondence or we will have no choice but to file a motion for sanctions to enforce the Order.

Respectfully,

Britain R. Henry, Esquire

O: +1-610-727-4191
WWW.MCNELLYGOLDSTEIN.COM

DICLAUDIO 0240

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM. Fee = \$0.00. The filer certifies 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.

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT C

DICLAUDIO 0241

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 27th day of SEPT. 2018, upon consideration of Plaintiff's Motion for Sanctions Due to Defendant's Failure to Comply With Discovery Order and after a hearing, Plaintiff's Motion for Sanctions Due to Defendant's Failure to Comply With Discovery Order is **GRANTED** and:

- 1) Defendant is declared in contempt of the May 22, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within Ten (10) days of the date of this Order; and
- 3) Defendant shall pay Plaintiff counsel fees totaling \$1,000.00 for the preparation and litigation of the instant Motion for Sanctions.

Bernard A. Moore
J.



2015-29887-0018 9/27/2018 1:48 PM \$ 11878358
Reg#23481972 Fee:30.00 Order
Main (Public)
MontCo Prothonotary

Copy of the above Order
Plaintiff Attorney: Britain Henry, Esq
Defense Attorney: Pro Se
Court Administration - Civil Division: Christine Julian
Court Reporter: Norma Gerrity
Clerk: Dee Hemarka
Date: 9/27/18

THIS DOCUMENT WAS DOCKETED AND SENT ON 09/27/2018

DICLAUDIO 0242

DM

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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. I filed at Montgomery County Prothonotary on 07/26/2018 11:24 PM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM. Fee = \$0.00. The filer certifies 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.

EXHIBIT D

DICLAUDIO 0243



McNELLY | GOLDSTEIN
ATTORNEYS AT LAW

PLEASE DIRECT ALL CORRESPONDENCE TO:
McNELLY & GOLDSTEIN, L.L.C.
11 CHURCH ROAD
HATFIELD, PA 19340

1055 WESTLAKES DRIVE
SUITE 300
BERWYN, PA 19312

MATTHEW DUPEZ
AVI EDEN
JONATHAN S. GOLDSTEIN**
JULIA GOLDSTEIN
BRITAIN R. HENRY
ROBERT J. McNELLY***
STEVEN PINSKY
BRADFORD A. RICHMAN
JONATHAN ROTIK**

**ADMITTED BY PROthonotARY IN NEW JERSEY

***ADMITTED BY PROthonotARY IN NEW YORK

October 5, 2018

Hon. Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

RE: THE CYNWYD CLUB V. SCOTT DICLAUDIO
MCCC DOCKET NO.: 15-29887

Dear Judge DiClaudio:

Please find enclosed the September 27th, 2018 Order granting sanctions in the above matter. Please contact our office upon receipt of this letter to discuss resolution of this matter.

Respectfully,

Britain R. Henry, Esquire

O: +1-610-727-4191
WWW.MCNELLYGOLDSTEIN.COM

DICLAUDIO 0244

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT E

DICLAUDIO 0245

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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. Case# 2015-29887-24 Docketed at Montgomery County Prothonotary on 11/07/2018 5:37 PM, Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 7 day of Feb., 2018, ⁹ after hearing, upon consideration of Plaintiff's Second Motion for Sanctions Due to Defendant's Failure to Comply with the September 27, 2018 Order and after a hearing, Plaintiff's Second Motion for Sanctions is GRANTED and:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;

3) Defendant shall pay Plaintiff counsel fees totaling ⁵⁰⁰ \$1,000.00 for the preparation and litigation of Plaintiff's Motion for Sanctions within ten (10) days of the date of this Order;

4) Defendant shall pay Plaintiff counsel fees totaling \$2,500.00 for the preparation and litigation of Plaintiff's Second Motion for Sanctions within ten (10) days of the date of this Order; *(it is to be noted that counsel for plaintiff testified as to hourly rate and that which the court found reasonable and factual)*

5) Such other relief this Court deems appropriate *(2,787, which rounded down to 2,500).*

5.) The court anticipates there will be strict compliance with this order from defendant.

[Signature]
J.

Copy of the above Order
Plaintiff Attorney: Jonathan S. Goldstein, Esq, Britaia K. Henry, Esq
Defense Attorney: Pro Se
Court Administration - Civil Division: Christine Julian
Court Reporter: Lisa Neal
Clerk: Dee Henerka
Date: 2/7/19

2015-29887-0028 2/7/2019 12:32 PM # 12175143
Report 23580381 Fee \$0.00 Order
Main (Public)
MontCo Prothonotary

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT F

DICLAUDIO 0247

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.



GOLDSTEIN
LAW
PARTNERS

February 8, 2019

Hon. Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

RE: THE CYNWYD CLUB V. SCOTT DICLAUDIO
MCCC DOCKET NO.:15-29887

Dear Judge DiClaudio:

Please find enclosed a copy of the Court's February 7, 2019 Order pertaining to Plaintiff's Second Motion for Sanctions in the above captioned matter. Please note that sanctions in the amount of \$3,500.00 have been ordered against you to be paid by no later than February 18, 2019. Please contact our office immediately upon receipt of this letter to arrange payment of these fees.

Respectfully,

Britain R. Henry, Esquire

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT G

DICLAUDIO 0249

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM. Fee = \$0.00. The filer certifies 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. Case# 2015-29887-30 Docketed at Montgomery County Prothonotary on 02/28/2019 4:48 PM. Fee = \$0.00. The filer certifies 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

THE CYNWYD CLUB
Plaintiff

v.

SCOTT DICLAUDIO
Defendant

CIVIL ACTION NO.: 15-29887

ORDER

AND NOW, this 30 day of May, 2019, upon consideration of Plaintiff's Third Motion for Sanctions Due to Defendant's Failure to Comply with the September 27, 2018 Order and the February 7, 2019 Order, and after a hearing, Plaintiff's Third Motion for Sanctions is GRANTED and:

- 1) Defendant is declared in contempt of the September 27, 2018 Order;
- 2) Defendant is declared in contempt of the February 7, 2019 Order;
- 3) Defendant is directed to serve upon Plaintiff full and complete answers to Plaintiff's discovery requests (Plaintiff's First Set of Interrogatories in Aid of Enforcement Upon a Judgment Directed to Defendant and Plaintiff's Request for Production of Documents in Aid of Enforcement of a Judgment Directed to Defendant) without objections within ten (10) days of the date of this Order;
- 4) Defendant shall pay Plaintiff counsel fees of \$1,000.00 as ordered in Judge Moore's September 27, 2018 Order which Defendant disobeyed;
- 5) Defendant shall pay Plaintiff counsel fees of \$2,500.00 as ordered in Judge Bertin's February 7, 2019 Order which Defendant disobeyed;

6) Defendant shall pay Plaintiff counsel fees of ~~\$2,500.00~~ \$1,780.00 for the preparation and litigation of Plaintiff's Third Motion for Sanctions; counsel was sworn and testified to the same.

7) All counsel fees herein ordered shall be paid within ten (10) days of the date of this Order; and said sum is \$5,280 (\$1000 + 2500 + 1780). Said sum shall be paid by cash money order or certified check.

8) Should defendant not comply with the above, further sanctions, upon application to the court and after hearing. should defendant not comply, defendant may suffer

Copy of the above Order
 Hand delivered in open Court to the following:
Plaintiff Attorney: Britain Henry, Esq
Defense Attorney: Pro Se
Court Administration - Civil Division
Reporter: Amanda Proud
Clerk: Staci Washington
Date: 5/30/2019

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT H



GOLDSTEIN
LAW
PARTNERS

June 3, 2019

Hon. Scott DiClaudio
1301 Filbert St.
Criminal Justice Center, Room 1415
Philadelphia, PA 19107

RE: THE CYNWYD CLUB V. SCOTT DICLAUDIO
MCCC DOCKET NO.: 15-29887

Dear Judge DiClaudio:

Please find enclosed a copy of the Court's May 30, 2019 Order pertaining to Plaintiff's Third Motion for Sanctions in the above captioned matter. Please note that sanctions in the amount of \$5,280.00 have been ordered against you to be paid by no later than June 10, 2019. Please contact our office immediately upon receipt of this letter to arrange payment of these fees.

Respectfully,

Britain R. Henry, Esquire

Case# 2015-29887-41 Docketed at Montgomery County Prothonotary on 08/20/2019 3:07 PM, Fee = \$0.00. The filer certifies 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.

GOLDSTEIN LAW PARTNERS, LLC

By: **Christian P. Suprenuk, Esq.**

Britain R. Henry, Esquire

Attorney I.D Nos. 76946/314279

11 Church Road

Hatfield, PA 19440

(610) 949-0444

Attorneys for Plaintiff

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

CIVIL ACTION NO.: 15-29887

**PLAINTIFF’S MEMORANDUM OF LAW
IN SUPPORT OF FOURTH MOTION FOR SANCTIONS**

A. MATTER BEFORE THE COURT

As a result of Defendant’s continuing violations of the Court’s Orders, Plaintiff’s Fourth Motion for Sanctions is now at issue before this Honorable Court.

B. STATEMENT OF QUESTIONS INVOLVED

May this Court sanction Defendant for failure to comply with the Court’s Order of May 30, 2019?

SUGGESTED ANSWER: YES

C. FACTS

On January 31, 2018, Plaintiff served Plaintiff’s First Set of Interrogatories and Request for Production of Documents in Aid of Enforcement Upon a Judgment Directed to Defendant (hereinafter “Discovery Requests”) upon Defendant in an effort to enforce a default judgment that Plaintiff obtained against Defendant on April 5, 2016, in the amount of \$3,767.67.

As a result of Defendant's failure to provide discovery responses or objections within the required thirty (30) day period, on March 28, 2018, Plaintiff filed a motion to compel discovery responses. On May 22, 2018, the Court, following a hearing at which Defendant failed to appear, issued an order upon Defendant to serve full and complete responses to Plaintiff's Discovery Requests. *See Exhibit "A"*. On June 4, 2018, Plaintiff served a copy of the May 22, 2018 Order upon Defendant by letter and attempted in good faith to resolve this discovery dispute without the necessity of filing a motion for sanctions. *See Exhibit "B."*

Defendant failed to comply with the Court's Order. Accordingly, on July 26, 2018, Plaintiff filed with the Court its (first) motion for sanctions against the Defendant.

On September 27, 2018, following a hearing at which Defendant once more failed to appear, this Court granted plaintiff's Motion and entered an Order declaring Defendant in contempt of the Court's Order of May 22, 2018, ordering, again, that Defendant provide full and complete answers to Plaintiff's written discovery within ten days and assessing counsel fees against defendant in the amount of \$1,000.00. *See Exhibit "C"*. On October 5, 2018, Plaintiff served a copy of the Court's Order of September 27, 2018 on Defendant via regular mail. *See Exhibit "D."*

Defendant failed, yet again, to comply with the Court's Order of September 27, 2018. Accordingly, on November 7, 2018, Plaintiff filed with the Court its (second) motion for sanctions against the Defendant.

On February 7, 2019, following a hearing at which Defendant once more failed to appear, the Court granted plaintiff's motion and entered an Order declaring Defendant in contempt of the Court's Order of September 27, 2018, ordering, for the third time, that Defendant provide full and complete answers to Plaintiff's written discovery within ten days, ordering, yet again, that defendant pay \$1,000.00 in counsel fees to Plaintiff as set forth in the Court's Order of September

27, 2018 and assessing additional counsel fees against defendant in the amount of \$2,500.00. *See* Exhibit "E".

The Court's Order of September 27, 2018 also included the following language admonishing the Defendant: "The Court anticipates there will be strict compliance with this order from defendant." On February 8, 2019, Plaintiff served a copy of the Court's Order of February 7, 2019 on Defendant via regular mail. *See* Exhibit "F."

Defendant failed, yet again, to comply with the Court's Order of February 7, 2019. Accordingly, on February 26, 2019, Plaintiff filed with the Court its (third) motion for sanctions against Defendant.

On May 30, 2019, following a hearing at which Defendant once more failed to appear, the Court granted plaintiff's motion and entered an Order declaring Defendant in contempt of the Court's Orders of September 27, 2018 and February 7, 2019, ordering, for the fourth time, that Defendant provide full and complete answers to plaintiff's written discovery within ten days, ordering, yet again, that defendant pay \$1,000.00 in counsel fees to Plaintiff as set forth in the Court's Order of September 27, 2018, ordering, yet again, that defendant pay \$2,500.00 in counsel fees to Plaintiff as set forth the Court's Order of February 7, 2019 and assessing additional counsel fees against defendant in the amount of \$1,780.00. *See* Exhibit "G". On June 3, 2019, Plaintiff served a copy of the Court's Order of May 30, 2019 on Defendant via regular mail. *See* Exhibit "H."

As of the filing of this Motion, Defendant has failed to provide Plaintiff with any of the discovery responses he was ordered to provide in four (4) separate Orders of the Court.

As of the filing of this Motion, Defendant has failed to pay to Plaintiff the \$1,000.00 in counsel fees that Defendant was ordered to pay to Plaintiff in three (3) separate Orders of this Court.

As of the filing of this Motion, Defendant has failed to pay to Plaintiff the \$2,500.00 in counsel fees that Defendant was ordered to pay to Plaintiff in two (2) separate Orders of this Court.

As of the filing of this Motion, Defendant has failed to pay to Plaintiff the \$1,780.00 in counsel fees that Defendant was ordered to pay to Plaintiff in the most recent Order of this Court.

D. LEGAL ARGUMENT

In defiance of this Court, Defendant, who is a sitting Common Pleas judge, has knowingly, intentionally and flagrantly refused to comply with the Court's Orders of May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019, despite the Court's declaration that Defendant was, and continues to be, in contempt of the Court's Orders of May 22, 2018, September 27, 2018 and February 7, 2019.

"The decision whether to sanction a party for a discovery violation and the severity of such a sanction are matters vested in the sound discretion of the trial court." *Luszczynski v. Bradley*, 729 A.2d 83, 87 (Pa. Super. Ct. 1999). Pa.R.C.P. No. 4019 and 42 Pa. C.S.A. 2503 authorize a court to award reasonable attorney's fees and costs in favor of Plaintiff against Defendant in the event Defendant is adjudged in contempt. Further, Pa.R.C.P. No. 4019(g)(1) specifically states that if a court, "enters an order compelling compliance and the order is not obeyed, the court on a subsequent motion for sanctions may, if the motion is granted, require the party ... whose conduct necessitated the motions ... to pay to the moving party the reasonable expenses, including attorney's fees, incurred in obtaining the order of compliance and the order for sanctions..."

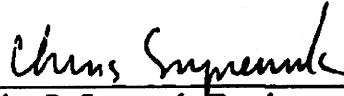
In this case, Defendant has exhibited continued contempt of this Court by failing to appear at hearings for which he has notice and by refusing to comply with this Court's orders. The Court's broad discretion allows an order that, in addition to requiring Defendant to promptly answer Plaintiff's Discovery Requests, assesses daily fines against Defendant for his obdurate behavior, awards reasonable attorney's fees in Plaintiff's favor, and issues a bench warrant for Defendant's arrest.

E. RELIEF REQUESTED

Plaintiff respectfully requests that this Honorable Court enter an order in the form of the proposed order attached hereto.

Respectfully submitted,

Dated: 8/20/19



Christian P. Suprenuk, Esquire
Britain R. Henry, Esquire
Goldstein Law Partners, LLC
Attorney for Plaintiff
11 Church Road
Hatfield, PA 19040

GOLDSTEIN LAW PARTNERS, LLC

By: Christian P. Suprenuk, Esq.

Attorneys for Plaintiff

Attorney LD Nos. 76946

610 Old York Road, Suite 340

Jenkintown, PA 19046

Ph: (610) 947-1153

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

THE CYNWYD CLUB

Plaintiff

v.

SCOTT DICLAUDIO

Defendant

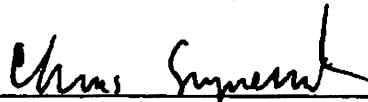
CIVIL ACTION NO.: 15-29887

CERTIFICATE OF SERVICE

I, Christian P. Suprenuk, Esq., certify that a true and correct copy of the attached document was forwarded to the below referenced person by pre-paid First Class U.S. Mail on the date indicated below:

**Honorable Scott DiClaudio
Criminal Justice Center
1301 Filbert Street, Room 1415
Philadelphia, PA 19107**

Dated: 8/20/19



**Christian P. Suprenuk, Esquire
Goldstein Law Partners, LLC**

Case# 2015-29887-40 Docketed at Montgomery County Prothonotary on 08/20/2019 2:16 PM, Fee = \$0.00. The filer certifies 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.

EXHIBIT 44

EXHIBIT 44

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

NOTIFICATION OF LISTING FOR *Civil Hearing*

CYNWYD CLUB vs. DICLAUDIO, SCOTT

CASE #: 2015-29887

HAS BEEN SCHEDULED FOR A HEARING ON *Civil Hearing*

ON October 24, 2019 9:30 AM

BEFORE JUDGE BERTIN

**IN Court Room 13
MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PA 19401**

If you are disabled and require assistance, please call (610) 278-3224

**YOU ARE RESPONSIBLE TO NOTIFY YOUR
OPONENT(S) OF THE ABOVE DATE.**

**Attorneys:
BRITAIN HENRY, Esq. CHRISTIAN P
SUPRENUK, Esq.**

PLAINTIFF'S FOURTH MOTION FOR SANCTIONS. 1/2 DAY LIST - SEQ # 41

**County of Montgomery
Court Administrator – *Civil Hearing*
P.O. Box 311
Norristown, Pa. 19404-0311**

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Arabic/العربية: بحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المتقدمة في الجزء العلوي من هذا الإشعار.

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알려주세요.

Notices Mailed on 9/13/2019

Parties Notified:

SCOTT DICLAUDIO
1301 FILBERT ST
CRIMINAL JUSTICE CENTER, ROOM 1415
PHILADELPHIA, PA 19107

BRITAIN HENRY, Esq.
GOLDSTEIN LAW PARTNERS. LLC
11 CHURCH ROAD
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CHRISTIAN P SUPRENUK, Esq.
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610 OLD YORK ROAD
SUITE 340
JENKINTOWN, PA 19046

EXHIBIT 45

EXHIBIT 45

IN THE COURT OF COMMON PLEAS IN AND FOR
THE COUNTY OF MONTGOMERY, PENNSYLVANIA
CIVIL COURT DIVISION

THE CYNWYD CLUB : NO. 15-29887
vs. :
SCOTT DiCLAUDIO :

Plaintiff's Fourth Motion for Sanctions

Courtroom 13
Thursday, October 24, 2019
Commencing at 11:03 a.m.

Tim Kurek
Official Court Reporter
Montgomery County Courthouse
Norristown, Pennsylvania

BEFORE: THE HONORABLE EMANUEL A. BERTIN, SENIOR JUDGE

COUNSEL APPEARED AS FOLLOWS:

CHRISTIAN P. SUPRENUK, ESQUIRE
JONATHAN GOLDSTEIN, ESQUIRE
for the Plaintiff

ALSO PRESENT:

SCOTT DiCLAUDIO, PRO SE

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THE COURT: Let's do the Cynwyd Club.
I've had this case before.

MR. SUPRENUK: Yes, Your Honor.

MR. DiCLAUDIO: Good morning, Your
Honor. May we conference it for a quick second?

THE COURT: No. Everything is on the
record.

MR. SUPRENUK: Thank you, Your Honor.

THE COURT: I don't conference cases.

MR. DiCLAUDIO: It was going to be a
question, but I'll ask it.

THE COURT: Hold on. Let me take a look
at it. Everybody can be seated. Everybody can relax.

Do you have a printout of the docket?
Here they are.

MR. DiCLAUDIO: That's one of the
issues.

THE COURT: Can you print the exhibits?

THE CLERK: Yes.

MR. SUPRENUK: Your Honor, I do have
another copy of the motion with exhibits, if you would
like.

THE COURT: You do?

MR. SUPRENUK: I do.

1
2 **THE COURT:** Maybe we could print them
3 out. I rather get them right off.

4 **MR. DiCLAUDIO:** Do you have an extra
5 copy?

6 **MR. SUPRENUK:** I think the Judge is
7 going to have them printed out, which may be a better
8 idea.

9 **MR. DiCLAUDIO:** Thank you.

10 **THE COURT:** Counsel, would you state
11 your name and indicate whom you represent?

12 **MR. SUPRENUK:** Christian Suprenuk of
13 Goldstein Law Partners, and I represent the plaintiff,
14 The Cynwyd Club.

15 **THE COURT:** Scott DiClaudio?

16 **MR. DiCLAUDIO:** Yes, Your Honor.

17 **THE COURT:** You're a sitting judge in
18 the Court of Common Pleas of Philadelphia County?

19 **MR. DiCLAUDIO:** I am, Your Honor.

20 **THE COURT:** And you don't have counsel,
21 you're representing yourself?

22 **MR. DiCLAUDIO:** That was going to be my
23 request, why I wanted to see you in conference. I
24 didn't know how to actually put that on the record, but
25 I'm an attorney, obviously, for thirty years before --

2 25 years before being on the bench, so I would like to
3 represent myself pro se.

4 THE COURT: You are pro se.

5 MR. DiCLAUDIO: That's the only thing I
6 wanted to address.

7 THE COURT: Sure.

8 MR. DiCLAUDIO: Thank you, sir.

9 THE COURT: You're welcome.

10 MR. DiCLAUDIO: And your stenographer
11 asked me for -- your court reporter asked me for a
12 card, and I didn't have one that had my legal
13 information. I'm reluctant to give him any other card.

14 THE COURT: Yes, okay. So I'm going to
15 read into the record, this is plaintiff's fourth motion
16 for sanctions.

17 One. Plaintiff, The Cynwyd Club, is the
18 movant with an address located at 332 Trevor Avenue,
19 Bala Cynwyd, PA.

20 Two. Defendant, Scott DiClaudio, is the
21 respondent with an address located 1301 Filbert Street,
22 Criminal Justice Center, Room 1415, Philadelphia, PA.

23 Three. Defendant is a sitting judge of
24 the Court of Common Pleas of Philadelphia County,
25 Pennsylvania.

1
2 Four. On May 22nd, 2018, the Court
3 granted plaintiff's motion to compel responses to
4 post-judgment execution discovery and issue an order
5 directing defendant to provide full and complete
6 responses without objection to plaintiff's written
7 interrogatories and requests for production. A true
8 and correct copy is attached as Exhibit A.

9 So I should note from the docket all we
10 are talking about here, there was a magistrate district
11 judge entered an order. That was appealed. You were
12 ruled to file a complaint, which you did. A default
13 judgment was taken against the defendant
14 three-and-a-half years ago -- approximately,
15 three-and-a-half years ago -- for the ungodly sum of
16 \$3,767.67, which is such a small judgment, that courts
17 not of record, district justice -- they were formally
18 called district justices of the peace -- non-record
19 proceedings, who initially, in the history of
20 Pennsylvania, initially, did perform marriages and
21 finally got to do speeding tickets and things of that
22 nature. I believe their monetary jurisdiction is only
23 up to \$12,000; right? Whereas, compulsory arbitration
24 in the courts is \$50,000. So this judgment is so small
25 that it actually is one-third of the maximum of a

2 non-record district justice.

3 So the order is entered, a default
4 judgment here, and there's no appeal. In other words,
5 if there was a lot of principal involved in this small
6 monetary judgment, one would think the judgment debtor
7 would take an appeal to the Pennsylvania Superior
8 Court. But there was no appeal, and three-and-a-half
9 years have gone by. So that order is dead and buried.

10 **MR. DiCLAUDIO:** Well, Your Honor --

11 **THE COURT:** No. Don't interrupt me.

12 Now, the first order signed in this case
13 was signed by Judge Moore. That's this Exhibit A.

14 And I believe all you're asking for is
15 for him to answer some interrogatories, right, and
16 produce some documents?

17 **MR. SUPRENUK:** Yes, and pay the prior
18 counsel fees.

19 **THE COURT:** Well, other than that, you
20 started this, because you want to execute --

21 **MR. SUPRENUK:** Exactly.

22 **MR. DiCLAUDIO:** -- on a judgment.

23 **MR. SUPRENUK:** Correct.

24 **THE COURT:** And regardless of the
25 defendant is a judge, is a Senator, is whatever, he's a

1 party litigant. And you didn't attach any of his bank
2 accounts, you didn't issue execution on the furniture
3 in his apartment --
4

5 **MR. SUPRENUK:** We did not.

6 **THE COURT:** -- you didn't execute on his
7 car. All you want to know are where the assets are,
8 and he has completely stonewalled you all the way
9 through.

10 **MR. SUPRENUK:** Yes, Your Honor.

11 **THE COURT:** So the order of Judge Moore,
12 which was uncontested, okay, you issued your execution,
13 the defendant didn't comply, you went through the
14 effort and time -- just like the case that I had before
15 here that you may have seen. You went through the
16 effort and time to prepare a motion to compel, which
17 was not contested.

18 The Judge signed your order, which was,
19 one, defendant is declared in contempt of the May 22nd,
20 2018, order.

21 So, excuse me. You filed a motion for
22 sanctions, because there was a compel order before?

23 **MR. SUPRENUK:** Correct. The first order
24 was a compel order.

25 **THE COURT:** Which was not contested?

2 **MR. SUPRENUK:** Correct.

3 **THE COURT:** Right.

4 **MR. SUPRENUK:** And we didn't ask for
5 sanctions. It was a standard compel order. And I
6 don't believe that was Judge Moore.

7 **THE COURT:** There was another judge.

8 **MR. SUPRENUK:** Yes.

9 **THE COURT:** But the motion for sanctions
10 came in front of Judge Moore.

11 **MR. SUPRENUK:** Yes.

12 **THE COURT:** Judge Moore, in his wisdom,
13 found the defendant in contempt on September 24, 2018,
14 a year ago.

15 **MR. SUPRENUK:** Correct.

16 **THE COURT:** One. Defendant is declared
17 in contempt of the May 22nd, 2018, order. So this is
18 old, this case.

19 Two. Defendant is directed -- this is
20 clear. Defendant is Judge DiClaudio, Scott DiClaudio.
21 Defendant is directed to serve upon the plaintiff full
22 and complete answers to plaintiff's discovery requests.
23 The first set of interrogatories in aid of execution
24 upon a judgment directed to defendant and plaintiff's
25 request for production of documents in aid of a

1 judgment to the defendant without objection within ten
2 days from the date of this order.

3
4 So, what that means -- and then the
5 Judge, in Paragraph 3, ordered a monetary fine against
6 Scott DiClaudio.

7 Three. Defendant shall pay plaintiff
8 counsel fees of \$1,000 for the preparation and
9 litigation of the instant motion for sanctions. And
10 Judge Moore signed that.

11 And we all know that when you get a
12 judgment, sometimes you don't know to satisfy your
13 \$3,500 judgment or whatever. You don't know where the
14 bank accounts are, you don't know where the stocks and
15 bonds and whatever it may be or whatever you feel is
16 attachable. So, 401(k)s, IRAs, where there may be some
17 defenses to that. But you want to know what it is that
18 they have. Ordinarily, they just cut the check for
19 \$3,500 if they don't take an appeal. So you have to --
20 it's prudent to issue this. So he directed him to pay
21 the \$1,000. But I noticed it didn't say within what
22 period of time.

23 Okay. Then you allege in your present
24 motion for sanctions, No. 5, on June 4th, 2018,
25 plaintiff served a copy of the Court's order of

2 May 22nd, 2018, on the defendant by letter and
3 attempted in good faith to resolve the discovery
4 dispute without the necessity of filing for sanctions.
5 And you attach, as Exhibit B, a letter. And the letter
6 is sent to the Honorable Scott DiClaudio.

7 Dear Judge DiClaudio,

8 Please find enclosed the May 22nd, 2018,
9 order granting plaintiff's motion to compel. Please
10 provide full and complete responses to the enclosed
11 discovery requests within twenty days of the date of
12 this correspondence or we will have no choice but to
13 file a motion for sanctions.

14 So, all you really wanted were the
15 answers; right?

16 **MR. SUPRENUK:** Correct, Your Honor.

17 **THE COURT:** You didn't even ask for the
18 \$1,000 that was ordered; right?

19 **MR. SUPRENUK:** In the letter, we did
20 not.

21 **THE COURT:** Right.

22 Six. Defendant failed to comply with
23 the Court's order.

24 Seven. Accordingly, on July 26, 2018,
25 plaintiff filed, with the Court, its first motion for

1 sanctions against the defendant.

2
3 Eight. On September 27th, 2018 -- now,
4 that's a year ago -- this Court granted plaintiff's
5 motion and entered an order directing defendant --
6 declaring defendant in contempt of the Court's order of
7 May 22nd, 2018, ordering, yet again, that the defendant
8 provide full and complete answers to defendant's
9 written discovery within ten days and assessing counsel
10 fees against the defendant in the amount of \$1,000, and
11 you copy that.

12 So Judge Moore ordered a thousand, and
13 he ordered a thousand again. You got Judge Moore a
14 second time, and held in contempt for the second time,
15 ordered to pay a thousand.

16 **MR. SUPRENUK:** Actually, Your Honor, I
17 think the second --

18 **THE COURT:** Is that the same thousand?

19 **MR. SUPRENUK:** No. It was definitely
20 additional counsel fee. Which date order are you
21 looking at, Your Honor? I'm sorry.

22 **THE COURT:** The September 27th order.
23 Exhibit C. It's another \$1,000 order?

24 **MR. SUPRENUK:** Yes.

25 **THE COURT:** Okay. And then what

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happened there, Paragraph 9, on October 5th, 2018, plaintiff served a copy of that order via regular mail.

MR. SUPRENUK: Your Honor, could I correct one thing on the record just to be accurate?

THE COURT: What?

MR. SUPRENUK: May 22nd, 2018, was when the initial compel order was issued. The first sanctions order awarding my firm a thousand dollars in counsel fees was issued on September 24, 2018. That wasn't the second sanctions order. That was the first.

THE COURT: Well, the order that I read, yeah, that's not Judge Moore. The first order is Exhibit A. That looks like Judge Tilson's signature.

MR. SUPRENUK: Okay.

THE COURT: And that was May 22. It said the motion to compel post-judgment discovery is granted, and that was a motion to compel.

MR. SUPRENUK: Yes.

THE COURT: Right. And then --

MR. SUPRENUK: Exhibit C is the first sanctions order.

THE COURT: That's Exhibit A. Tilson's order. Exhibit B -- that's A. Exhibit B is your letter. Exhibit C is the September 24th order, which

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is the sanction order.

MR. SUPRENUK: The first sanction order.

THE COURT: For a thousand dollars.

MR. SUPRENUK: Yes.

THE COURT: Okay. Exhibit D is the --
your letter enclosing the September 27th order.

MR. SUPRENUK: Correct.

THE COURT: And then Exhibit E is going
to be my order. So he failed to comply with
September 27th.

Then, on November 7th, 2018, yes, you
filed your second motion for sanctions. That's No. 11.
And that came in front of me this year February 7th,
2019.

MR. SUPRENUK: Correct, Your Honor.

THE COURT: And my order -- because I
remember that I held a hearing.

By the way, defendant doesn't bother to
answer any of these motions and didn't come to my
hearing on February 7th.

I don't think you were there. I think
Mr. Goldstein was there.

MR. SUPRENUK: It was another attorney.
This is my first involvement in this case.

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2 **THE COURT:** Yeah. And now, this 7th day
3 of February, after hearing, upon consideration of the
4 second motion for sanction, one, defendant is declared
5 in contempt of the September 27th, '18 order.

6 Two. I direct him within ten days to
7 just answer and produce. That's all.

8 Three. Defendant shall pay counsel fees
9 of \$1,000 as ordered by Judge Moore's September 27th,
10 2018, order, \$1,000, which defendant disobeyed and
11 failed to pay, and I directed him to pay it within ten
12 days of this order.

13 Then I said, on four, defendant shall
14 pay plaintiff counsel fees totaling \$2,500 for the
15 preparation and litigation of plaintiff's second motion
16 for sanctions within ten days of the date of this
17 order, paren. It is to be noted that counsel for
18 plaintiff testified as to the hourly rate and total of
19 which the Court found reasonable and totaled \$2,707,
20 which the Court rounded down to \$2,500. I remember.

21 Counsel testified, I swore them, and the
22 fee came to 2,787, but I gave a break to the defendant.
23 I rounded it down to 2,500.

24 Five. The Court anticipates there will
25 be strict compliance with the order from the defendant,

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2 because I'm hoping, as a fellow colleague and a member
3 of the bench, that the defendant would give the Court,
4 not me as an individual, the Court, the respect that it
5 is entitled to, the same respect that I would assume
6 the defendant expects other litigants to give him. So
7 that was kind of a message. The Court accepts there
8 will be strict compliance with the order.

9 And then, on February 17th -- that was
10 Paragraph 12 -- Paragraph 13. Right. You point out I
11 admonish the defendant that I anticipate strict
12 compliance. It's like a nudge, because I'm very
13 uncomfortable sitting on this case.

14 No. 14. On February 8th, the next day,
15 plaintiff served a copy of my order on the defendant,
16 and here is the letter.

17 Dear Judge,

18 Please find enclosed a copy of the
19 Court's order of February 7th, 2019, pertaining to
20 plaintiff's second motion for sanctions. Please note
21 that the sanctions is in the amount of 3,500 and has
22 been ordered to be paid no later than February 18th.

23 Now, the sanctions are pretty soon going
24 to exceed the small monetary judgment?

25 **MR. SUPRENUK:** They have already, Your

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Honor.

THE COURT: So you sent the letter,
Paragraph 16 -- fifteen. Defendant doesn't comply.

Sixteen. Accordingly, on February 26th,
2019, plaintiff filed with the Court its third motion
for sanctions, which you did. And then I get it, I get
the case, not Judge Moore, because we do this list.

So, then, on May 30th -- here's the
order I enter -- held a hearing again, held him in
contempt of the September 27th, 2018, order, contempt
of the February 7th, 2019, order. Directed him to
answer and produce within ten days.

No. 4. Defendant will pay \$1,000 as
ordered by Judge Moore. Defendant will pay \$2,500 as
ordered by Judge Bertin. Defendant shall pay counsel
fees of \$1,780 for preparation and litigation of
plaintiff's third motion for sanctions. And I wrote
in, counsel was sworn and testified to the same again.

All counsel fees ordered -- herein
ordered shall be paid within ten days of this order.
Said sum is \$5,280, parentheses, \$1,000 plus \$2,500
plus \$1,780. Said sum shall be paid by money order or
certified check. You know, I couldn't be nicer or more
patient.

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Eight. Should defendant not comply with the above, defendant may suffer further sanctions upon application to the Court and after hearing. And you send that in Paragraph 17, and you have a "G," I guess that's your cover letter.

Dear Judge, enclose the order -- no.

MR. SUPRENUK: Actually, G is the order and H is the service letter.

THE COURT: H is the letter, yeah.

You enclose it. You indicate -- this is June 3 -- that the seven days, \$5,280 is due.

Paragraph 18 of your present motion. On June 3rd, you served it.

As of the -- nineteen. As of the filing of this motion, defendant has failed to provide plaintiff with any discovery. He was ordered in four separate Court Orders.

Twenty. As of the filing of this date, plaintiff has failed to pay the \$1,000 as ordered in three orders, the 2,500 order in two orders, the 1,780 in the present order.

Twenty-three. Displaying what appears to be a lack of respect for the Court, the defendant, who is himself a common please judge, has failed to

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2 comply with the Court's orders of May 22nd, 2018;
3 September 27th, 2018; February 7, 2019; and May 30th,
4 2019, despite the Court's declaration that defendant
5 was, and continues to be, in contempt of the orders of
6 May 22nd, 2018; September 27th, 2018; February 7th,
7 2019; May 30th, 2019.

8 Twenty-four. Plaintiff files this
9 motion pursuant to 24 Purdons CSA No. 2503 -- that's
10 obdurate and vexatious; right? -- and Pennsylvania Rule
11 of Civil Procedures 4001, 4019.

12 Twenty-five. Defendant has knowingly,
13 intentionally, and flagrantly violated four orders of
14 this Court.

15 Twenty-six. Plaintiff's counsel, as a
16 result of defendant's intentional and dilatory conduct,
17 has expended time and effort to enforce compliance with
18 the most recent order.

19 Then you attach a memo. And what's
20 relevant in your memo is you're citing -- you give a
21 history, which I won't repeat.

22 But what I say is, the decision whether
23 to sanction a party for a discovery violation and the
24 severity of such a sanction are amount vested in the
25 trial court, and you cite the Luzinski case. But then

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2 you say, and 42 Purdons 2503 authorizes an award of
3 reasonable counsel fees, costs, in favor of the
4 plaintiff and against defendant in the event defendant
5 is judged and in contempt. That's not true. Well,
6 part of it is under rule. But under 2503, which you've
7 alleged, if I find him obdurate, vexatious, and
8 dilatory, I can enter fees. And I can always enter
9 fees for violation of a Court order. But even if
10 there's no Court order, if there's obdurate, vexatious,
11 or dilatory conduct, I can order fees on that.

12 Okay. In this case, you say he's
13 exhibited continued contempt by failure to appear at
14 hearings. I have broad discretion requiring defendant
15 to promptly answer discovery requests, assess daily
16 fines against defendant for his obdurate behavior.
17 Then you have proposed order, right.

18 Your proposed order is to have him pay
19 what he owes and to produce the documents -- produce
20 the documents and answer within ten days. Well, he
21 certainly can do that.

22 Now you're requesting me, if he doesn't,
23 give a hundred-dollar per day fine from the date the
24 ten days after the order that he doesn't comply.

25 Now, here's what troubles me with that.

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I get that all the time, but I calculate it with
recalcitrant litigants.

MR. DiCLAUDIO: Your Honor, may I?

THE COURT: Not yet. With recalcitrant
litigants. I can understand how plaintiffs can get
very upset and actually are defending the Court's honor
by having a daily fine. Other judges do enter them.
But my concern is that if I order a hundred dollars a
day, which is not an infrequent request, maybe if the
judgment were a million dollars, \$2 million, \$3
million, okay. Maybe. But if I do on an order that is
a \$3,500 judgment, within a week, a hundred dollars a
day is \$700, in a month it's \$2,800, and in two months
it's \$5,200. And if you multiply it out a hundred
dollars a day -- I'm not saying you're out of line.
I'm not saying that. I have to balance in mind, in my
conscious -- what are there, 352 days a year?

MR. DiCLAUDIO: 365.

MR. SUPRENUK: 365.

THE COURT: How many days?

MR. DiCLAUDIO: 365.

THE COURT: What is it?

MR. DiCLAUDIO: 36,500.

THE COURT: How many days?

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MR. SUPRENUK: 365.

THE COURT: 365.

MR. DiCLAUDIO: It would be \$36,500.

THE COURT: Right. Three six five times
52 equals 18,900.

MR. DiCLAUDIO: Actually, Judge, that's
not the right number.

THE COURT: Three sixty-five --

MR. DiCLAUDIO: Times a hundred would be
36,500.

THE COURT: Yeah. Wait.

MR. SUPRENUK: That's correct.

THE COURT: Three six five, 365 days,
times a hundred a day equals \$36,500, okay.

We get some big judgments in Montgomery
County. Is \$36,500 a big deal on a \$10 million verdict
that I know the defendant can pay but doesn't, or that?
I know a defendant just won't answer interrogatories,
I'd probably order it, because I'd be incensed. But
because the dignity of the Court is being -- my orders
are being flaunted.

MR. DiCLAUDIO: Your Honor, you're
assuming --

THE COURT: Not yet. But on a small

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judgment, I just think -- because based on the behavior so far, my guess is he's going to stonewall this Court and not pay it, and then I will be ordering him to pay \$36,500 a year from now. Because a year earlier, I ordered him, you know, I first got familiar with the case about a year ago. And so, regardless of what the defendant says, even if he says you can fine me a hundred dollars a day, I don't think I will.

So, I'm sorry, counsel. No matter what you argue to me, I'm not doing a daily fine. Do you understand that?

MR. SUPRENUK: You've laid it out, Your Honor.

THE COURT: I would like to hear from you, sir, but I'm directing you to have your responses to be relevant.

MR. DiCLAUDIO: I think I can manage.

THE COURT: Okay. Did we swear him in?

THE CRIER: No.

THE COURT: Swear him in, please.

--

SCOTT DiCLAUDIO, having been duly sworn, was examined and testified as follows:

THE COURT: Now, before I allow you to

1
2 express yourself on this, I want to caution you. I
3 don't want to hear a thing about the Cynwyd Club. I
4 don't know anything about the Cynwyd Club. I don't
5 care if the Cynwyd Club was prejudiced or racist or was
6 inappropriate to you, that you never owed them money,
7 that they behaved in a conspiratorial fashion, that it
8 was completely unjust. That order, that judgment was
9 three-and-a-half years ago. I don't want to hear a
10 thing about it.

11 And I don't want to hear a thing about
12 it from you either, counsel.

13 That is not what's in front of me. If
14 all of these things were bad, whatever they may be, you
15 could pro se or hire a lawyer and sue the Cynwyd Club.
16 You could, maybe if the statute hasn't expired and they
17 wronged you, you still could sue the Cynwyd Club. I'm
18 assuming it's Bala Cynwyd?

19 **MR. DiCLAUDIO:** It's actually called The
20 Cynwyd Club.

21 **THE COURT:** Yeah.

22 **MR. DiCLAUDIO:** I understand your order,
23 Judge.

24 **THE COURT:** And let's assume they never
25 served you with the complaint.

2 MR. DiCLAUDIO: That's true.

3 THE COURT: Or let's say there was no
4 service --

5 MR. DiCLAUDIO: There wasn't.

6 THE COURT: -- or the district judge was
7 corrupt and didn't give you a fair hearing or whatever
8 it may be, then what you have to do, you can't file
9 frivolous pleadings. We all know that.

10 But if you feel that after
11 three-and-a-half years because of opening judgments one
12 of the ingredients is you have to act promptly.
13 There's three ingredients. You have to have a defense.
14 But the third one is you have to act promptly.
15 Three-and-a-half years; nobody is going to open that
16 judgment. But I shouldn't say that. Maybe a judge
17 would open the judgment. But I don't need to know
18 that, because there isn't anything there.

19 I want to know why you didn't give this
20 Court the respect when you knew that hearings were
21 here --

22 MR. DiCLAUDIO: Exactly, Judge. We'll
23 have to get there.

24 THE COURT: -- to appear or to file an
25 answer to any of these things. When lawyers don't file

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2 answers to petition, when they represent parties, I
3 view that they run the risk of admissions and things of
4 that nature, but we're beyond that.

5 So, whatever your reason was that you
6 didn't come, I don't know why you're here today. I
7 didn't expect you to be here today. But while you're
8 here or you didn't file an answer, you know, I'll let
9 you maybe talk about that. But quite frankly, I'm
10 going to let you talk, but I don't know what you're
11 really going to say to help your cause. Why don't you
12 present your case?

13 **MR. DiCLAUDIO:** Your Honor, I'm not
14 going to talk about the original judgment, but I would
15 like two sentences and then I'll move on.

16 **THE COURT:** Not if it's about the
17 original judgment.

18 **MR. DiCLAUDIO:** You made a point of how
19 much the amount was. You said 3,500. It was actually
20 1,300 and then became 3,500. That's the only point I'm
21 going to make about that.

22 **THE COURT:** Okay.

23 **MR. DiCLAUDIO:** Actually, making your
24 point even further, it was originally \$1,300.

25 **THE COURT:** Right. There was a time

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when, I think, thirty years ago when the district justices, I think it was \$1,000 limit they could do. Go ahead.

MR. DiCLAUDIO: Point one.

Point two. And, again, I'm going to move right on after.

THE COURT: Okay.

MR. DiCLAUDIO: You said three-and-a-half years. For two years there was no notice. If you look in the documents, they were sent to my old law firm, which I didn't reside at, not even a suite number. So it was Two Penn Center, I was in Suite 900. I became a judge.

THE COURT: I thought I saw it to the justice center.

MR. DiCLAUDIO: No. The first 18 months. You mentioned three-and-a-half years. The first almost two years nothing was sent to me. It was sent to Two Penn Center, no suite number, it's 29 floors, and I wasn't even there anymore. So I just want to make those two points, because they are relevant as to the amount, because Your Honor noted them and as to the length of the suit, which is three-and-a-half years, of which, more than half I

1
2 would have had no knowledge of.

3 THE COURT: Don't interrupt him, please.

4 MR. DiCLAUDIO: Now, I'm going to move
5 on to Your Honor's information.

6 THE COURT: All right.

7 MR. DiCLAUDIO: And it becomes relevant
8 in this fact alone. Because it was such a small
9 amount, I think it was, like, 1,300, and I'm not going
10 to re-litigate it, but we weren't even there.

11 My daughter had fractured her spine in
12 her sophomore year.

13 THE COURT: See, you're doing what I
14 told you not to.

15 MR. DiCLAUDIO: No. But I'm moving on.
16 It becomes relevant as to your inquiries. I talked to
17 Britain Henry alleging that the money wasn't even owed
18 and that I wanted to resolve the matter, not this
19 counsel.

20 MR. SUPRENUK: Another attorney at my
21 firm.

22 THE COURT: In your firm?

23 MR. SUPRENUK: Yes.

24 MR. DiCLAUDIO: For which we spoke
25 dozens of times, and that's why it becomes slightly

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relevant, Judge, please, that it was 1,300, not 3,500.
He had to get approval from Cynwyd to the original
amount.

So there was a time for about twelve
months where he was waiting for an answer and it just
dropped.

If you actually look at the chronology
of the case, for about fifteen months, the Goldstein
law partners didn't even contact me after me and
Mr. Henry had this discussion. I thought they thought
it was such a small amount, and my allegation being we
weren't there. It wasn't that we used the services.
My daughter fractured her spine. We never went to the
club.

THE COURT: So, when the judgment was
entered and you didn't appeal the judgment, you're a
lawyer and a judge, you know if you don't appeal it and
you don't pay it, they're going to come after you.

MR. DiCLAUDIO: Correct.

THE COURT: I know that as a judge you
make \$180,000 year now, right, or something like that?

MR. DiCLAUDIO: I do.

THE COURT: Why didn't you just pay the
3,500?

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2 **MR. DiCLAUDIO:** Because me and Mr. Henry
3 was trying to get approval for the amount -- you got to
4 remember, and I don't want to go back. I didn't think
5 I owed anything, so I was trying to find --

6 **THE COURT:** Then you appeal.

7 **MR. DiCLAUDIO:** We were reasonably
8 talking about a number between --

9 **THE COURT:** Then you appeal.

10 **MR. DiCLAUDIO:** I should have. Believe
11 me. Do you think I want to be here, Judge?

12 **THE COURT:** Apparently, you do.

13 **MR. DiCLAUDIO:** Well, I had to be. But
14 I was hoping to have had this matter resolved up until
15 today when the \$1,300 debt, and was hoping to amicably
16 resolve it, became 12,000 all of a sudden. So that's
17 why I'm now in front of you instead of having resolved
18 it in the hallway. And you asked me, why wouldn't you?
19 Is it an insult to the Court? No disrespect.

20 **THE COURT:** I'm going back
21 three-and-a-half years. When the judgment was
22 entered --

23 **MR. DiCLAUDIO:** Which I don't know
24 about, for one.

25 **THE COURT:** When the judgment was