

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

MAY 21 2021

RECEIVED AND FILED

IN RE:

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

JUDICIAL CONDUCT BOARD'S SANCTION MEMORANDUM

I. Procedural History

On December 20, 2019, the Judicial Conduct Board (the Board) filed a complaint in the Court of Judicial Discipline against Judge Scott DiClaudio (Respondent) alleging two distinct areas of misconduct. The first area of misconduct pertained to a civil suit filed against Respondent in Montgomery County in which Respondent ignored five court orders, resulting in findings of contempt on three occasions. The second set of facts pertained to his failure to properly complete four annual statements of financial interest (SOFIs). This Court presided over a pre-trial conference on October 1, 2020. The parties filed Joint Stipulations of Fact in Lieu of Trial and Amended Joint Stipulations of Fact in Lieu of Trial, on October 9 and 15, 2020, respectively.

On December 1, 2020, this Court issued its Opinion and Order concluding that Respondent had violated Rules 1.1 and 1.2 of the Code of Judicial Conduct as well as Article V, § 17(b) and Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania. On December 9, 2020, Respondent filed Objections and Exceptions pertaining to the finding that Respondent had violated the Disrepute Clause, Article V, § 18(d)(1) of the Constitution. By order dated December 21, 2020, this Court

denied Respondent's Objections and Exceptions. A Sanction Hearing is scheduled for June 2, 2021.

II. Discussion

When determining the sanction for misconduct, offending judges can expect that "such factors as the seriousness of the violation, the intent of the judge, whether there is a pattern of improper activity, and the effect of the improper activity on others or on the judicial system" will be analyzed by this court. (Code of Judicial Conduct, Preamble.) In *In re Toczydlowski*, 853 A.2d 24 (Pa.Ct.Jud.Disc. 2004) this Court provided further guidance regarding factors it will review when considering the appropriate sanction for misconduct by referencing and adopting the ten nonexclusive factors utilized in *In re Deming*, 736 P.2d 639 (Wash. 1987). Where relevant to the facts of the case now before this Court, the factors first adopted in *Toczydlowski*, are discussed below.

1. Whether the misconduct is an isolated instance or evidenced a pattern of conduct.

Respondent's misconduct evidenced a pattern of conduct. Over a period in excess of four years, from August 2015 to October of 2019, Respondent repeatedly refused to obey court orders pertaining to a civil suit against him. As a result, he was held in contempt of court on three separate occasions. Respondent's failure to properly complete his annual SOFIs spanned a period of four consecutive years.

2. The nature, extent and frequency of occurrence of the acts of misconduct.

The nature of Respondent's misconduct regarding the civil suit is particularly offensive in that it evidenced complete disrespect for the Court of

Common Pleas of Montgomery County and was so extreme that it brought the judicial office itself into disrepute.

Respondent's failure to list a federal tax lien in the amount of \$287,500 and state tax liens totaling more than \$34,000 may have been the result of his failure to understand the meaning of "creditors" as used in the SOFI form. However, considering who the creditors were, the size of the debts, Respondent's background as an attorney and the fact that completion of the SOFI form is a requirement imposed by the Pennsylvania Supreme Court, Respondent's casual approach to the requirement evidenced disrespect for that court. As such, the nature of this misconduct is also particularly offensive.

3. Whether the conduct occurred in or out of the courtroom.

The majority of Respondent's misconduct in the civil suit remained outside of the courtroom for the simple reason that he refused to comply with court orders requiring him to appear in court. For this reason, the Board suggests that insofar as this Court views in-court misconduct as meriting a more severe sanction than out-of-court misconduct, Respondent's conduct is deserving of the more severe sanction.

4. Whether the misconduct occurred in the judge's official capacity or in his private life.

Respondent's failure to file accurate SOFIs occurred in his official capacity. The misconduct is evidence of his failure to view the requirements of his position seriously.

5. Whether the judge has acknowledged or recognized that the acts occurred.

Respondent eventually acknowledged his misconduct by appearing at the final hearing in his civil case. However, he attempted to place the blame

for his misconduct on others and offered absurd explanations. During the October 24, 2019 hearing, he told the presiding judge that; (1) the plaintiff should not have expected him to pay his dues because he did not use the facility after his daughter fractured her spine, (2) he was never served with the civil complaint, (3) for two years there was "no notice," (4) the plaintiff sent lawsuit documents to his "old law firm," (5) the plaintiff failed to include his suite number in his address, (6) for about 12 months, the plaintiff "just dropped" the matter, (7) for approximately 15 months the plaintiff's attorneys "didn't even contact" him, (8) he did not "think [he] owed anything" to the plaintiff, (9) the judgment was "sent to somewhere else other than me," (10) his judicial secretary "was suppose (sic) to continue the case," and (11) he thought the proceedings had been stayed by bankruptcy.¹ (Joint Exhibit 45, Transcript of October 24, 2019 hearing at 23:24 to 37:4.)

6. Whether the judge has evidenced an effort to change or modify his conduct.

Respondent has not evidenced a genuine effort to change or modify his conduct. Furthermore, his conduct following the filing of the complaint now before this Court reveals that he has not changed or modified his conduct.

On October 19, 2019, Respondent was deposed by Board counsel regarding his conduct in the civil suit and his failure to file accurate SOFIs. (Board Exhibit A.) Thereafter, on October 22, 2019, Respondent filed

¹ After telling the presiding judge that he had filed for bankruptcy, Respondent was asked by the judge when he "got discharged." Respondent allowed the court to believe his debts had been discharged by answering, "A few months later." (Joint Exhibit 45, Transcript of October 24, 2019 hearing at 38:3-10) Only when the plaintiff's counsel told the presiding judge that the bankruptcy had been dismissed without discharge of debts did Respondent clear up the confusion saying, "Judge, it wasn't discharged. We resolved the issue." (Id. at 39:17-40:4)

corrected SOFIs. (Board Exhibits B through E.) On October 24, 2019, for the first time in the civil suit against him, Respondent obeyed a court order by appearing before the Montgomery Court of Common Pleas. Respondent's efforts to change or modify his conduct occurred only after he was deposed about the conduct and less than two months before the Board filed the complaint against him in the Court of Judicial Discipline. Respondent's decision to obey the court order and appear in court on October 24, 2019, as well as his decision to correct his SOFIs does not evidence an effort to change or modify his conduct, rather, his decisions evidence an effort to prevent what ultimately happened: the filing of a complaint before this Court.

When Respondent was unable to prevent the filing of the complaint before this Court, he conducted himself in a manner disturbingly similar to his misconduct in the Montgomery County civil suit.

- By letter to this Court dated January 2, 2020, Respondent requested an extension of 30 days to file a response. (Board Exhibit F.) No response was ever filed.
- On February 11, 2020, Joseph Metz, counsel for this Court, sent a letter to Respondent inquiring if he was going to be represented by counsel. (Board Exhibit G.) Respondent did not reply to the letter.
- On February 20, 2020, Respondent's judicial secretary sent an email to Attorney Metz stating that the facsimile machine in Respondent's office was malfunctioning and that very day, when she "was able to pull a few emails that were stuck in its memory," she found a communication from

Attorney Metz.² Respondent's secretary stated, "the judge will be calling you shortly. He is currently on the bench addressing sentencings." (Board Exhibit H.) Board counsel is unaware if Respondent called Attorney Metz; however, given the following action by Attorney Metz, it is reasonable to conclude that he did not.

- After receiving no written reply to his February 11, 2020 letter from Respondent, Attorney Metz sent an email to Respondent on April 29, 2020, requesting that he have his counsel contact Attorney Metz. (Board Exhibit I.) Respondent did not reply to the email.
- After receiving no response to his April 29, 2020 email, Attorney Metz sent a letter to Respondent dated May 4, 2020, attempting to schedule a pre-trial conference, asking if he had counsel and, if so, requesting that he have the lawyer contact Attorney Metz. (Board Exhibit J.) Respondent did not reply to the letter.
- After receiving no response to his May 4, 2020 letter, Attorney Metz sent another letter to Respondent identical to the letter sent to Respondent on May 4, 2020. (Board Exhibit K.) Respondent did not reply to the letter.
- After receiving no response to his May 18, 2020 letter, Attorney Metz sent a letter to Respondent dated May 28, 2020, regarding availability for a pre-trial conference in July 2020. (Board Exhibit L.)

² Board counsel is uncertain what communication Respondent's secretary was referring to as the February 11, 2020 letter from Attorney Metz to Respondent does not indicate that it was emailed or faxed to Respondent.

- By email dated June 4, 2020, Attorney Metz inquired of the Board and Respondent if a pre-trial conference could be scheduled for July 29. (Board Exhibit M.)
- By email dated June 5, 2020, Respondent told Attorney Metz, that a July pre-trial conference “seems acceptable. I’m back to work on Monday and I will confirm there are no emergent issues that require a different date.” (Board Exhibit M.) Respondent failed to confirm his availability for the pre-trial conference.
- Thereafter, this Court issued an order scheduling the pre-trial conference for September 22, 2020, with pre-trial memos due on September 15, 2020. On September 15, 2020, Attorney Stretton entered his appearance on behalf of Respondent and requested additional time in which to file his pre-trial memorandum. This court granted the request and rescheduled the pre-trial conference for October 1, 2020.
- During the pre-trial conference, Respondent sought to excuse his failure to respond to Attorney Metz’s communications stating, “I’ve spoken to [counsel for the Board] and Mr. Metz over the last six months or so.” (Board Exhibit N, Transcript of October 1, 2020 pre-trial conference at 8:25-9:1-7)

By ignoring and delaying his responses to this Court, Respondent managed to delay the proceedings before this court by over nine months and provided persuasive evidence to this Court that he has made no lasting effort to change or modify his conduct.

7. The length of service on the bench.

Respondent has been on the bench since January 2016. It can be argued that having been a judge for such a limited period of time, he is deserving of leniency in terms of a sanction pertaining to his failure to properly complete his SOFIs. However, his short period of time as a jurist does not support leniency relative to his blatant disrespect for the authority of the Montgomery County Court of Common Pleas. Although Respondent was a judicial candidate and/or new to the bench when much of his misconduct pertaining to the civil suit in Montgomery County was committed, this Court should consider the fact that Respondent has been a licensed, practicing lawyer in Pennsylvania since 1990. As a lawyer in this Commonwealth, Respondent is required to "demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials." Lawyers have a "duty to uphold the legal process." (See Rules of Prof. Conduct, Preamble ¶15.) When his misconduct is viewed in light of his many years as an experienced attorney and now jurist, this factor weighs heavily against a lenient sanction for Respondent.

8. Whether there have been prior complaints about this judge.

In his short tenure on the bench, Respondent has already received private discipline from the Board. By letter dated March 7, 2019, and received by Respondent on March 25, 2019, the Board explained that Respondent had failed to be patient, dignified, and courteous when dealing with his court staff. Furthermore, the Board determined that Respondent had failed to require his staff to act in a manner consistent with his obligations under the Code of

Judicial Conduct. While the conduct which was the subject of the Letter of Counsel is different in many ways from the conduct now before this Court, it is similar in that it involved Respondent's failure to learn and respect the rules which are applicable to him as a jurist.

9. The effect the misconduct has upon the integrity of and respect for the judiciary.

Respondent's misconduct pertaining to the civil suit negatively impacts the integrity of and respect for the judiciary. His pattern of ignoring multiple court orders "is exactly the type of conduct which causes an ordinary citizen to believe that judges - i.e., all judges - consider themselves to be 'above the law' - a privileged class." *In re Harrington*, 877 A.2d 570 (Pa.Ct.J.Disc. 2005) (Judge avoided paying for parking and getting parking tickets by placing parking tickets issued to someone else on her windshield.)

10. The extent to which the judge exploited his position to satisfy his personal desires.

The evidence suggested that Respondent ignored the court orders pertaining to the civil suit because he did not have the means to pay the judgment and additional fees that continued to increase each time he failed to appear in court. (Joint Exhibit 45 at 57:22-58:6.) By ignoring the court orders requiring him to appear and respond to the civil suit, Respondent avoided being ordered to pay the plaintiff.

This Court has imposed a range of sanctions for misconduct similar to Respondent's misconduct in the civil suit. In *In re Nocella*, 79 A.3d 766, (Pa.Ct.Jud.Disc. 2013), this Court held that the judge's conduct was so extreme and outside the reasonable expectations of the public that it violated the Disrepute

Clause. *Id.* at 791. Nocella was found to have violated the Disrepute Clause based on conduct which led to him being found in contempt of court for failure to obey two court orders and his failure to provide accurate responses to questions posed by the Philadelphia Bar Association regarding his judicial candidacy. On August 5, 2013, this Court removed Nocella from office and ordered that he be ineligible to hold judicial office in the future. *Id.* at 794.

In *In re Harrington*, 877 A.2d 570 (Pa.Ct.J.Disc. 2005), a Pittsburgh Municipal Court magistrate was found to have violated the Disrepute Clause for engaging in conduct designed to help her avoid parking tickets in the city of Pittsburgh. By the time *Harrington* stood before this Court for sanctioning, she was no longer on the bench because the Pittsburgh Municipal Court had been dissolved. *Id.* at 572. The sanction imposed on *Harrington* was to bar her from holding judicial office for a period of five years. *Id.* at 579.

This Court has never addressed the issue of an appropriate sanction for misconduct pertaining to the judicial Statement of Financial Interest requirement. In *In re Horgos*, 682 A.2d 447 (Pa.Ct.Jud.Disc. 1996), the only other case in which this Court reviewed conduct related to Statements of Financial Interest, the judge was charged with violations of the constitution and the Code of Judicial Conduct in effect prior to July 1, 2014 for having failed to reveal income he received as an executor for an estate on two SOFIs. In dismissing the complaint against Judge *Horgos* this court adopted a two pronged approach for determining whether the inaccurate responses constituted misconduct. First, the *Horgos* court considered whether the judge had been afforded an opportunity to revise his inaccurate response and second

it considered the degree to which the inaccuracy “impacts the public trust.” Id. at 453.

In the case now before the Court, Respondent has been found to have violated the Code of Judicial Conduct by filing four inaccurate Statements of Financial Interest. Furthermore, the inaccuracies involved significant debts to public taxing entities, – the Internal Revenue Service and the Pennsylvania Department of Revenue. Because the debts were owed to public taxing entities, Respondent has violated the public trust by entirely failing to report his public debts. In fashioning a sanction for Respondent’s misconduct related to his inaccurate SOFIs, this court should seek to restore the public’s trust.

III. CONCLUSION

For the reasons stated above, the Board respectfully requests that this Court sanction Respondent in a manner that is commensurate with the gravity of his misconduct and its effect on the public trust in the judiciary.

Respectfully submitted,

RICHARD W. LONG
Chief Counsel

May 21, 2021

By:



MELISSA L. NORTON
Deputy Counsel
Pa. Supreme Court ID No. 46684

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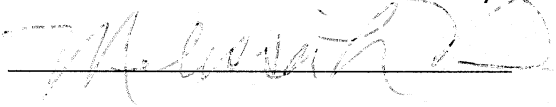
**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

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

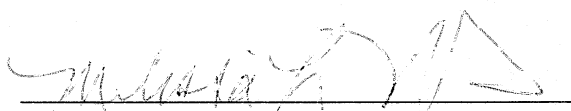
In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on the date below, a copy of the JUDICIAL CONDUCT BOARD'S SANCTION MEMORANDUM was sent by electronic mail and First Class Mail to Samuel C. Stretton, Esquire counsel for Judge Scott DiClaudio, at the following address:

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

Respectfully submitted,

DATE: May 21, 2021

By:



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BOARD EXHIBIT

A

BOARD EXHIBIT

A

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* * * *

HON. SCOTT DiCLAUDIO,
called upon to give testimony, being duly sworn or
affirmed by me, testified as follows:

EXAMINATION

BY MS. NORTON:

Q. We'll just get through these
preliminaries.

Today's Friday, October 18, 2019.

We are here in the Judicial Conduct
Board offices in Harrisburg.

My name is Melissa Norton. I'm deputy
counsel to the Judicial Conduct Board.

Also present in the room is Brandon
Eldredge, he's an extern in our office.

Toni Schreffler, she's is our paralegal.

And yourself, Judge DiClaudio.

You've chosen not to bring an attorney
with you today, Judge?

A. Correct.

Q. Okay. This deposition is part of a
confidential investigation regarding possible
violations of the Code of Judicial Conduct.

Judge, you are the judge named in Board
Complaint Number 2019-096.

1 During this deposition, I'll be asking
2 you a series of questions, which you must answer
3 to the best of your ability.

4 The court reporter has administered to
5 you an oath, so your responses are made under oath
6 and recorded in a stenographic record by the court
7 reporter.

8 When I ask a question, please take time
9 to listen to the question, understand it and
10 answer it directly.

11 If I'm unclear, please let me know. And
12 as you know, answer the questions with words, not
13 gestures or utterances.

14 If you need a break, please ask;
15 however, I'm going to ask you to answer the
16 question that's been posed before we take a break.

17 It is my intention to take a lunch break
18 at about 12:30. We'll take, like, a half-hour
19 lunch break.

20 Certainly, if you need something before
21 that, you let me know.

22 The oath you've taken requires that you
23 tell the whole truth and the complete truth, not
24 just part of it.

25 Do you agree to tell the complete truth

1 without reservation or withholding of information?

2 A. Absolutely.

3 Q. A transcript will be prepared by the
4 court reporter.

5 The transcript and other information
6 gathered as part of this investigation will aid
7 the Board when deliberating on how to resolve this
8 matter.

9 If the Board decides to file formal
10 charges before the Court of Judicial Discipline,
11 the transcript of this deposition may be used for
12 any appropriate evidentiary purpose, including the
13 veracity and consistency of your answers.

14 Okay. You've already stated your name
15 for us.

16 Would you tell us your date of birth?

17 A. July 1st, 1964.

18 Q. And are you presently under the
19 influence of any drugs, alcohol or medication that
20 might impair your ability to understand and
21 participate in what we're doing today?

22 A. No, ma'am.

23 Q. By letter dated August 13, 2019, you
24 were notified that the Board had authorized a full
25 investigation of your conduct, implicating

1 possible violations of several provisions of the
2 Constitution and the Code of Judicial Discipline.

3 I'm going to show you what we've marked
4 as Exhibit 1.

5 (Board's Deposition Exhibit Number 1
6 marked.)

7 BY MS. NORTON:

8 Q. And I'll ask you to take a look at it
9 and determine if you recognize it.

10 A. So this is the document that I
11 received -- or that you sent me.

12 Q. Okay. Great.

13 The Board has not received the original
14 of your response to the Notice of Full
15 Investigation.

16 By e-mail dated September 24 of 2019, a
17 Ms. Labron provided a copy of your signed NOFI, as
18 I said, by e-mail.

19 (Board's Deposition Exhibit Number 2
20 marked.)

21 BY MS. NORTON:

22 Q. Exhibit 2 is that e-mail from Ms. Labron
23 and the attachment, which is your signed NOFI
24 response.

25 A. NOFI is --

1 Q. Yeah, thank you.

2 A NOFI is my shorthand for Notice of
3 Full Investigation, which is the Exhibit 1.

4 A. This appears to be my response with my
5 signature.

6 Q. Okay. Very good.

7 And you would indicate that's an
8 accurate copy of your NOFI response?

9 A. Yes.

10 Q. Okay. So let's begin by talking about
11 the first matter raised in the Notice of Full
12 Investigation. And that's Board Exhibit Number 1.

13 The first matter raised is the Cynwyd
14 Club versus DiClaudio.

15 So let's just go through the Notice of
16 Full Investigation to tackle this.

17 On August 20 of 2015, the Cynwyd Club, a
18 private fitness and social club, filed a civil
19 complaint against you.

20 Is that correct?

21 A. Yes.

22 Q. The civil complaint alleges that you
23 owed the club several thousands dollars in unpaid
24 membership dues.

25 Is it correct that that's what it

1 alleges?

2 A. I don't believe so. I think it's close
3 to, like, \$1,300. I think with either interest or
4 fines or court fees, it may have risen to more
5 than that.

6 But I think it was a little over a
7 thousand dollar -- that's my memory. I believe
8 they sued me in 2015. But I think it was a debt
9 from like 2012 or '13.

10 Q. Okay. All right.

11 A. We had a disagreement.

12 My daughter was a squash player in high
13 school. She got injured. We didn't use the
14 membership for the time they want me to pay.

15 So we had disagreed respectfully on
16 whether the money was actually due and owing.

17 Q. Okay. All right. So I'll just go over
18 some facts here that are -- I believe you admitted
19 in your Notice of Full Investigation response.
20 But typically I see admissions coming in like,
21 number -- paragraph number by paragraph number.

22 Your response was not that way, which is
23 fine. But that means I want to go through these
24 paragraphs one at a time.

25 So on October 15 of 2015, this matter

1 was before Montgomery County Magisterial District
2 Judge Karen Zucker.

3 And at that time she entered a judgment
4 in favor of the club and against you.

5 Is that correct?

6 A. I wasn't there, but I would imagine it's
7 accurate.

8 Q. All right. On November 13 of 2015, you
9 filed an appeal in the Court of Common Pleas of
10 Montgomery County from the judgment of the
11 Magisterial District Judge that I just mentioned.

12 Is that correct?

13 A. I don't have a specific recollection,
14 but I'm sure it's correct.

15 Q. On December 3rd of 2015, the club filed
16 a civil complaint against you in the Montgomery
17 County Court of Common Pleas alleging the same
18 facts as those alleged in the lower court, is that
19 correct?

20 A. That seems to be.

21 Q. We have a copy of that complaint and
22 we're gonna call that -- go ahead.

23 A. I just don't remember the dates. But I
24 remember the -- how it went.

25 Q. Okay.

1 A. I couldn't tell if you if it was in
2 December of '15 or June of '16 or '14.

3 But I'm sure I'll be acquiescing to the
4 dates.

5 Q. Okay.

6 A. I'll accept that the suit was filed
7 December 3rd, 2015, in Montgomery County Court.

8 (Board's Deposition Exhibit Number 3
9 marked.)

10 BY MS. NORTON:

11 Q. Okay. And I handed you what is marked
12 as Exhibit 3, which is a copy of the civil
13 complaint.

14 Do you recognize it?

15 A. I don't recognize it, but I know it to
16 be true.

17 Q. Can you tell me what causes you to say
18 you don't recognize it?

19 A. Only because I don't have an independent
20 recollection of seeing this four years ago.

21 I'm not saying I didn't get it at some
22 point, but specifically I couldn't tell you -- if
23 you want me to be absolutely honest, Ms. Norton,
24 I'm sure it's accurate, but I get thousands of
25 pieces of documents.

1 I'm sure it's absolutely true. I just
2 don't recognize it, so to speak.

3 Q. The docket of the Cynwyd Club -- or
4 Cynwyd Club versus DiClaudio reflects that you
5 were served with a copy of that civil complaint on
6 December 8 of 2015.

7 I have Exhibit 4 that you can take a
8 look at and let's see if it refreshes your memory.

9 (Board's Deposition Exhibit Number 4
10 marked.)

11 THE DEPONENT: What's your question with
12 this, ma'am?

13 BY MS. NORTON:

14 Q. Do you believe that what it states in
15 the Affidavit of Service is true, that, in fact,
16 you were served with a copy of the civil
17 complaint?

18 A. I couldn't say I was served and that was
19 one of the issues why I missed court so many
20 times. There was issues with service.

21 I wasn't -- I don't believe -- this was
22 right about the time where, I believe, I became --
23 2015? Yeah. I think I had left this office and
24 begun right about this time my judgeship.

25 Q. Okay.

1 A. So me and the attorney for the Cynwyd
2 Club often spoke about calling me directly. So I
3 can't say that I physically received this.

4 Q. Okay. If you look at the last page of
5 Exhibit 4 --

6 A. Okay.

7 Q. -- that appears to be some mailing
8 receipts, certified mail receipts.

9 A. Right. I'm not saying it wasn't sent to
10 the address of my former law office.

11 Q. Okay. All right. If you see, there's a
12 signature -- it's in the center of the last page
13 of Exhibit 4. It's got -- it's titled, Complete
14 This Section On Delivery. And it has a signature.

15 Do you recognize that signature?

16 A. Not remotely.

17 Q. Okay. You don't know that person? It
18 looks like Dantonio.

19 A. Never heard of that person in my life.

20 Q. Okay. How about if we look, again, at
21 that same page, on the left-hand side, it's
22 addressed to Scott DiClaudio.

23 That's you, correct?

24 A. Correct. But there's no suite number
25 there.

1 Q. Okay. All right.

2 A. So I don't know this actually made it up
3 to my suite. 1500 is an office building. It's 24
4 floors. This -- we're in suite 900.

5 As I'm looking at this now, none of it
6 says suite 900. It's being delivered to an office
7 building that has 22 floors and 50 offices -- 50
8 to a hundred offices.

9 So I can't say this ever got to my
10 suite. Mr. Dantonio or Ms. Dantonio never worked
11 for us.

12 So I have no idea -- it might have been
13 the person at the front. If you go in the big
14 office building, there's a guard. They might have
15 just dropped it off there.

16 Q. Has it come to your attention that you
17 had some trouble receiving mail back when you
18 worked in that buildings?

19 A. No more or less than anyone else.

20 Q. That's hard for me to judge.

21 A. If they put suite 900, it gets
22 delivered.

23 If they put 1500 JFK, Ms. Norton,
24 there's a very good likelihood it's not going to
25 get delivered to me.

1 I would imagine -- and this is just a
2 guess -- that Mr. or Mrs. Dantonio was the person
3 employed to let people in and out of the building.

4 Q. Uh-huh.

5 A. I'm assuming -- again, I'm not a civil
6 lawyer, but if you're gonna serve someone, you
7 should probably give it to their law firm, not
8 just to the building itself.

9 So that's a truthful and honest answer.
10 I don't remember ever seeing this.

11 I'm not saying they didn't some day
12 deliver it to me, but I know my secretaries and my
13 law clerks and my people who work for me and I've
14 never heard of that person.

15 Q. You did say, though, that you had some
16 discussions with the attorney for the Cynwyd Club?

17 A. I don't know at what point it was. It
18 could have been, again -- I'm not saying this is
19 not a great amount of money. But it was in the
20 thousand dollar range. And I probably didn't pay
21 as much attention to it.

22 So I don't know if it was in '15 or '16
23 that I got in touch with them. I don't know at
24 what point I finally found out. I think -- I
25 think I knew about it -- again, I'm going from

1 memory.

2 I had to find out about the judgment at
3 the DJ level, because I appealed it.

4 Q. Correct.

5 A. So I probably reached out then.
6 Probably.

7 Q. Do you recall who you spoke with?

8 A. If I looked in my phone or if I see
9 other documents, I would definitely be able to
10 tell you. I've spoken to them probably 20 times.
11 It's not Zachary.

12 To be honest, off the top of my head --
13 but at some point, you will refresh my memory or
14 I'll look on my phone, if you wish me to.

15 Q. But you believe this person was an
16 attorney?

17 A. Oh, he's the attorney who was handling
18 this case.

19 Q. Okay.

20 A. And we've spoken at least a dozen, if
21 not two dozen times.

22 Q. Would the last name of Henry sound
23 familiar?

24 A. Yes. It's not Blake, Dillon. It's a
25 fancy name. Dillon Henry?

1 Q. Off the top of my head, I can't think of
2 it.

3 A. Yeah. Definitely Mr. Henry.

4 Q. Britton Henry?

5 A. Britton Henry.

6 So when I spoke to him, what year, what
7 month? But I've spoken to him several different
8 times over the course of three years.

9 Q. And can you recall, not the date, but
10 the event that caused you to speak with him the
11 first time?

12 A. When I -- can I give you my best guess?

13 Q. Yes.

14 A. Someone was in Montgomery County court
15 and said, you had a judgment against you, why
16 didn't you show up. I was like, I didn't know
17 about it.

18 One of the attorneys -- I was, I think,
19 on the bench and they came, like, you had a case
20 and I was, like, I had what?

21 So that was one of the times.

22 Q. Okay. Do you recall, did you speak with
23 Attorney Henry before you filed your appeal in the
24 Court of Common Pleas or after?

25 A. No recollection.

1 Q. Okay.

2 A. I might not have spoken to him back
3 then.

4 Q. All right.

5 A. I think it was all -- I don't know. I
6 think I just found out about it and appealed it.

7 I don't think I spoke to him at that
8 point. I don't think.

9 Again, that's my best recollection.

10 Q. Your recollection is that you spoke with
11 Attorney Henry several times, though, about this
12 suit?

13 A. Several.

14 Q. Several times.

15 When is the most recent time you spoke
16 with him?

17 A. In the last 30 days.

18 But not after -- it might have, like,
19 crossed the complaint and me calling him. Like it
20 might have been that close.

21 But I think I was reluctant to call him
22 until I came up here.

23 We have another hearing next week. I
24 told him we will resolve it before then. But I
25 wanted to come here. I don't want to act -- have

1 any issues.

2 Q. But you are indicating you spoke with
3 Attorney Henry in the last 30 days?

4 A. Correct.

5 Q. So today is October 18th, September 18th
6 and now you spoke with him?

7 A. Yes, correct.

8 My guess would be about 30 days. Could
9 it be 40? Yes. Could it be 20? Yes. But about
10 30.

11 Q. Approximately.

12 A. One of the last times I spoke to him, I
13 think it was the time before, he said, Scott, can
14 you just get us the money. My partner is gonna
15 make me file another -- or my boss is going to
16 make me file another petition in front of the
17 judge.

18 Let's resolve this before my partner or
19 my boss makes me do it. Words to that effect.

20 Maybe that was two conversations or
21 three ago.

22 Q. Okay. But since then something has been
23 filed, is that correct?

24 A. Yes.

25 Q. Do you recall what that is?

1 A. It's another hearing next week in
2 Montgomery County. I think the 28th. 24th.
3 24th.

4 Q. Okay. We're gonna get to that.

5 A. Okay.

6 Q. All right. So back to the Notice of
7 Full Investigation.

8 On April 4th of 2016, a default judgment
9 was entered against you and in favor of the Cynwyd
10 club in the amount of \$3,767.67, in the Montgomery
11 County Court of Common Pleas.

12 And I'm gonna call this Exhibit 5.
13 (Board's Deposition Exhibit Number 5
14 marked.)

15 BY MS. NORTON:

16 Q. And I'll give you a copy. And what I'm
17 giving you is a copy of the default judgment.

18 And I'll ask you if you recognize that.

19 A. Again, I'm not sure if I received this.

20 Again, it was sent to 1500 JFK
21 Boulevard. Doesn't appear any suite in the
22 documents I'm reviewing now.

23 Both in the default notice, it just says
24 1500 JFK and in the cert of service, it doesn't
25 have a suite number. So I'm not sure I received

1 this.

2 Q. So if I look at -- I'm still looking at
3 Exhibit 5, which, I believe, is what you're
4 looking at.

5 A. So if you do -- I don't mean to
6 interrupt you, ma'am.

7 Q. No, that's fine.

8 A. If you go to the third page. It says,
9 Scott DiClaudio, 1500 JFK Boulevard, no suite
10 number.

11 Q. Yep.

12 A. And if you go to the next page, again
13 1500 JFK Boulevard, no suite.

14 And if you go to the praecipe, again, no
15 suite number and the cert of service, again, no
16 suite number.

17 So they may have just been giving it to
18 the cleaning guy, for all I know.

19 Q. If you go to the very last page, though.

20 A. Okay. Does it say it there? I didn't
21 get through all of them.

22 Q. Now, this is something called a
23 certification of Addresses.

24 A. Yes.

25 Q. And this indicates that your address --

1 your last known address at that point is 1300 --
2 the Criminal Justice Center, 1301 Filbert Street,
3 Room 1203, Philadelphia.

4 Is that a correct address?

5 A. Give me a second to review it.

6 Yeah, it is. But they're not saying
7 that they delivered it there.

8 Q. I agree with you.

9 A. Had they delivered it to my law firm, I
10 probably would have -- or, I mean, they're
11 delivering it to a place that I don't work,
12 knowing where I actually am.

13 Q. Okay.

14 A. I don't know that's good lawyering, to
15 be honest.

16 Q. So on -- oh, okay.

17 So you're indicating you don't recall if
18 you were served with that, is that correct?

19 A. I don't recall.

20 (Board's Deposition Exhibit Number 6
21 marked.)

22 BY MS. NORTON:

23 Q. So we're gonna look at Exhibit 6, which
24 is an Affidavit of Service.

25 A. Okay.

1 Q. Now, this document appears to say --
2 well, it says, Zachary Strohm, Esquire, the
3 attorney for the plaintiffs, indicates that on
4 April 4th of 2015, he caused to be transmitted by
5 First Class Mail a copy of the default judgment
6 filed in this action -- that would be Exhibit 5 --
7 to you, Scott DiClaudio, at the Criminal Justice
8 Center, 1301 Filbert Street, Room 1203.

9 Do you recall receiving it?

10 A. On that date, no.

11 But I do remember receiving information
12 in the year 2015 at some point.

13 Q. About the default judgment?

14 A. Correct.

15 Q. Okay. What did you do when you found
16 out that there was a default judgment entered
17 against you?

18 A. Called him immediately.

19 Q. Who did you call?

20 A. Mr. Britton Henry.

21 Q. Okay. So you're thinking as soon as you
22 found out --

23 A. Within a week.

24 Q. Okay. And what was the purpose of that
25 call?

1 A. To dispute the monies being owed. To
2 say that I had no notice of the hearing.

3 To say, really?

4 My daughter didn't actually go to the
5 club for that year. She fractured her vertebrae
6 and stopped playing and they kept billing me my
7 dues.

8 Q. All right. Did you, at any time, file
9 any kind of court documents to see if you could
10 open the default judgment?

11 A. I think Mr. Henry and I were trying to
12 work out a settlement. He had to go through the
13 Board of the Cynwyd Club. I was pretty friendly
14 with the pro, the squash pro.

15 Q. Okay.

16 A. Who I had reached out to, saying, you
17 know, can you straighten this out for me. But it
18 wasn't that simple.

19 I think the Cynwyd Club has, like, a
20 Board of Directors that had to approve any
21 settlement. So we went up and back for a little
22 while.

23 Q. By this time you were a judge, correct?

24 A. I was a judge, definitely.

25 Q. Okay. Who was the squash pro?

1 A. Shane.

2 Q. Any idea of Shane's last name?

3 A. Sorry.

4 Q. That's okay.

5 A. I know he was Australian.

6 Q. That helps.

7 A. He was ranked number three in the world
8 at one time. He was a great teaching pro.

9 Q. Okay. When was it -- I know you're not
10 gonna know the date or I assume you won't know the
11 date.

12 But in terms of how things were
13 happening, so did you reach out to Shane after you
14 learned about the default judgment?

15 A. Yes.

16 Q. Okay. Was it --

17 A. After I talked to Mr. Henry.

18 Q. Okay.

19 A. Because I was trying to get Shane
20 involved, so Mr. Henry would have ammunition to be
21 able to resolve this amicably.

22 Q. All right. Understood.

23 Did you ever hire an attorney to help
24 you with this matter?

25 A. No.

1 Q. All right. When you spoke with Shane,
2 did you speak with him in person or by phone?

3 A. Telephone.

4 Q. Okay. And did you identify yourself as
5 a judge?

6 A. Probably not.

7 Q. All right.

8 A. I try not to do that for the reasons
9 that I don't want to say I'm a judge now, Shane,
10 do something for me that you ordinarily wouldn't
11 do.

12 So at all times -- and one of the
13 reasons I'm probably up here is because I didn't
14 handle this as I was a judge. I was pre-judged.

15 I haven't quite figured out, Ms. Norton,
16 the personal and judge line perfectly.

17 So I was handling this as a civilian, so
18 to speak.

19 Q. Okay. All right.

20 A. And I probably didn't tell Mr. Henry I
21 was a judge. I think he knew. I go out of my way
22 not to tell people.

23 Q. Well, in fact, the default judgment was
24 served on you at your judicial offices.

25 A. Yeah, I'm just saying when I talked to

1 Shane -- as a matter of course, I don't tell
2 people I'm a judge.

3 Q. All right.

4 A. Because I don't want to -- that's one
5 thing I have figured out, I don't want to put
6 myself out there as a judge and get undue favors,
7 so to speak.

8 Q. Okay. Good.

9 A. Or consideration. That I figured out
10 pretty well.

11 Q. On January 31 of 2018, a formal
12 discovery request was sent by the club, the Cynwyd
13 Club, to you seeking production of documents and
14 answers to interrogatories in an effort to enforce
15 the judgment against you.

16 A. Do you have a copy of that?

17 Q. I do not have a copy of that.

18 A. I don't -- so this is why -- we talked.
19 It kind of went away for a year and a half.

20 Q. Uh-huh.

21 A. They didn't call me. I never -- I
22 probably got it and I reached out. We should work
23 it out. We were waiting to hear back from the
24 director.

25 They didn't get back to me. I wasn't

1 reaching back out to them. I probably should have
2 obviously.

3 But as you notice, it goes from April of
4 '16 to January -- the end of January of '18. And
5 there's no communication.

6 So you have almost -- almost two
7 years -- what's that, 21 months? That there's --
8 the case is just -- and at this point I'm not
9 really thinking about it, to be honest with you.

10 I mean, I remember I spoke to him
11 probably after I got it in, say, May or June of
12 '16.

13 When he didn't get back to me or we
14 didn't reach a resolution -- I think that was
15 originally from 2012, it wasn't like fresh in my
16 mind.

17 It wasn't like I was going to the club.
18 I was driving by it.

19 Once I lost contact with Mr. Henry, it
20 was not within my sphere of thought.

21 Q. But you're indicating that's after --
22 sometime after you received the discovery request,
23 you reached out to Attorney Henry to talk about
24 it?

25 A. I believe I did. If I would have

1 received this, I would have called him.

2 So I remember reaching out to him. I
3 said, Juneish, Mayish. Couple weeks after I got
4 it.

5 I think it was -- I would imagine my
6 secretary gave it to me. Again, I don't remember
7 the exacts. The secretary gives me a default,
8 what? Call him within a week. Talk to him more
9 than once. Call Shane. Don't get it resolved.
10 That's the time frame.

11 I could unequivocally say that's how it
12 went.

13 Do you want me to do that again for you?

14 Q. Who's your secretary?

15 A. Annette Labron.

16 Q. Now, your recollection is that Annette
17 Labron gave you the discovery request and that's
18 when you --

19 A. She would have. I mean, she opens my
20 mail and hands me my mail or puts it on my desk.
21 I imagine I read every single piece of mail that I
22 get, especially something personal.

23 Q. And you say that after you received the
24 discovery request, you reached out to Attorney
25 Henry?

1 A. No doubt.

2 Q. Okay. And is it then that you reached
3 out to Mr. -- or to Shane?

4 A. Shane, correct.

5 Q. How many times did you reach out to
6 Shane?

7 A. Once.

8 Q. Okay. All right. So I misunderstood.
9 Because earlier I thought that you indicated you
10 reached out to Shane after you received the
11 complaint, the civil complaint filed in the Court
12 of Common Pleas?

13 A. When was that?

14 Q. You were served with a copy on
15 December 8 of 2015, according to Exhibit 4.

16 A. That was the one that was just given to
17 no one, I believe.

18 Q. All right.

19 A. So I wouldn't have reached out to Shane
20 if I didn't receive it.

21 Q. Okay.

22 A. I think the record will reflect that I
23 stated it in that fashion. If I didn't, I
24 misspoke.

25 Q. How about the default judgment? The

1 record reflects that that was served on you,
2 according to Exhibit 6, default judgment was
3 served at your --

4 A. Right. That's when -- after I got the
5 default judgment at my law -- at my chambers, I
6 called Mr. Henry.

7 Q. Okay.

8 A. And then tried to resolve it. Called
9 Shane to kind of intercede, to help me along.

10 Mr. Henry said he had to talk to the
11 board.

12 Q. Uh-huh.

13 A. And either I -- we didn't connect. And
14 then there was that almost two-year period where
15 we didn't speak.

16 Q. Okay. And then at the end of the
17 two-year period, what in your mind is the marker
18 of the end of the two-year period? What happens?

19 A. Oh, I'm just looking here on January 31,
20 '18, is the next time something happens.

21 So I didn't reach out to them until at
22 least then. I'm not either sure -- if we're doing
23 it seriatim, point 8.

24 I know that I didn't reach out to him
25 until at least year 2018.

1 Q. All right. Okay. On March 28th of
2 2018, the Cynwyd Club filed a Motion to Compel
3 Discovery Responses as a result of your failure to
4 respond to the January 31, 2018, request, to the
5 best of your knowledge, is that correct?

6 A. Do you have a document that would --

7 Q. What we're gonna get to is in the next
8 paragraph.

9 So can I ask you, do you have no
10 independent recollection of that statement?

11 A. I have no independent recollection.

12 Q. All right. On May 22nd of 2018, you
13 were ordered by the Court of Common Pleas of
14 Montgomery County to respond to the Club's
15 discovery request, and that will be Exhibit 7.

16 (Board's Deposition Exhibit Number 7
17 marked.)

18 BY MS. NORTON:

19 Q. Do you recall seeing that document?

20 A. I have no independent recollection.

21 How was this served upon me?

22 Q. The next paragraph, on June 4th, 2018, a
23 copy of the May 22nd order, which is Exhibit 7,
24 was served on you.

25 So we're gonna look at Exhibit 8, which

1 is that June 4th Certificate of Service.

2 (Board's Deposition Exhibit Number 8
3 marked.)

4 BY MS. NORTON:

5 Q. Now, looking at that, that Exhibit 8
6 states, I certify that a true and correct copy of
7 the May 22nd, 2018, order, which is Exhibit 7 --

8 A. Yeah, I don't know that's my suite at
9 that time.

10 Q. Let me just finish.

11 A. We'll get that in the record then -- was
12 forwarded to the below referenced person by
13 prepaid First Class United States mail on the date
14 indicated below.

15 And it says it was served on Scott -- or
16 at this address, Scott DiClaudio, 1301 Filbert
17 Street, Criminal Justice Center, Room 1415 in
18 Philadelphia.

19 And it's signed by Britton Henry.

20 A. Yes, that would have been -- I would
21 have received this.

22 Q. You would have received this?

23 A. I was just playing the dates. I moved
24 from one suite to another.

25 Q. Okay.

1 A. I was just trying to -- I really don't
2 remember when we moved, but --

3 Q. But you recall receiving the --

4 A. Yes.

5 Q. -- Exhibit 7, which is the May
6 22nd order of court?

7 A. Yes.

8 Q. Okay. So let's go back to Exhibit 7 and
9 take a look at that now.

10 So I'll just read that into the record
11 indicates that on -- AND NOW, this 22nd day of
12 May, 2018, upon consideration of Plaintiff's
13 Motion to Compel Post-judgment Discovery
14 Responses, Plaintiff's Motion to Compel
15 Post-judgment Discovery Responses is granted.

16 And defendant, Scott DiClaudio, is
17 directed to serve upon plaintiff full and complete
18 answers to Plaintiff's discovery requests.

19 In parenthesis it says, Plaintiff's
20 First Set of Interrogatories in aid of enforcement
21 upon a judgment directed to defendant and
22 plaintiff's request for production of documents in
23 aid of enforcement of a judgment directed to
24 defendant, close paren.

25 without objections or in the event

1 defendant defies this order, the defendant shall
2 suffer sanctions upon application from the Court.

3 when you read that, did you respond in
4 any way?

5 A. I would have called Britton Henry and
6 said, okay, how do we resolve this. We can figure
7 out a number that I'll pay.

8 Q. Say that again. I didn't understand.

9 A. We'll figure out a resolution.

10 Q. Is what you said, we can figure out a
11 number and then I will pay?

12 A. Yes.

13 Q. Sometimes I have delayed hearing.

14 A. Well, it makes sense now with the second
15 sentence.

16 Q. Maybe that's it.

17 All right. So you reached out to
18 Attorney Henry. And what was his response to you?

19 A. Again -- so as, you know, there's like
20 three or four different times that me and
21 Mr. Henry would talk and I've gotten orders.

22 He had to, again, go back -- they were
23 gonna waive -- I said, what can you do? Can you
24 waive attorney fees or things of that nature?

25 And he said, well, I have to talk to

1 either his boss or the Cynwyd Club themselves. I
2 think it was the Cynwyd Club himself. I think he
3 was willing to waive, like, the sanction part of
4 it, my recollection.

5 Q. All right. But, Judge, sticking with
6 Exhibit 7, do you agree that this is a legitimate
7 court order?

8 A. Yes.

9 Q. Do you agree that the Court order is
10 directing you to do something?

11 A. Yes.

12 Q. And did you do what the Court directed
13 you to do on May 22nd of 2018?

14 A. I did not.

15 Q. All right. Is there a reason? Do you
16 want to tell me the reason why you did not obey
17 the court order?

18 A. The thought process was I would settle
19 the case before I would need to produce it.

20 This was basically -- from my limited
21 information on civil is, we want information. Are
22 you hiding money from us? What are your bank
23 accounts? And we were going to reach an agreement
24 to pay, so it would become a moot point once we
25 reached our resolution.

1 Q. Okay.

2 A. So it wasn't necessarily I was trying to
3 defy the court. I just thought it would be
4 resolved short of any further court intervention.

5 Q. Did you do anything to communicate that
6 to the Montgomery County Court of Common Pleas?

7 A. At some point I did speak to His Honor's
8 secretary.

9 I know there was once I was at a
10 funeral. Once I had the date wrong by a day. And
11 I was on the bench and I remember communicating --
12 I should -- I have to resolve this or something --
13 it was one time to some member of the court staff
14 that, sorry to put the court through this. I'm
15 gonna pay. I'm gonna get it resolved.

16 Q. Did you put anything in writing to
17 confirm that?

18 A. No, I didn't.

19 Q. Can you recall what judge it was whose
20 secretary you spoke to?

21 A. I'm gonna guess Delricci. I may be
22 remembering that wrong.

23 Q. Okay. Was his secretary a man or a
24 woman?

25 A. I spoke to a woman. And, again, court

1 staff. I said secretary. I might have just --
2 somebody in the staff of the judge.

3 Q. Well, how did you get a hold of that
4 person? How did you learn how to contact that
5 person?

6 A. 278, I remember, is Montgomery County.
7 You dial one number to Montgomery County
8 Courthouse and you ask for the Judge. And they
9 just connect you.

10 Q. So it's like a general number for the
11 Montgomery County courts?

12 A. All the county courts basically have the
13 same. Bucks County is 348-4000. I think
14 Montgomery County is 248-6000.

15 Q. I'm gonna take a leap and say that there
16 were -- there were a lot of -- quite a few
17 hearings connected to this case.

18 Do you recall which hearing it was that
19 you spoke with this Court staff member about?

20 A. I do not.

21 Q. All right. But the purpose or the --
22 the purpose of speaking with this Court staff
23 member was what?

24 A. I think I couldn't attend one of the
25 hearings because I was at a funeral.

1 Q. Do you remember whose funeral it was?

2 A. Where?

3 Q. Whose?

4 A. Who passed?

5 Q. Yes.

6 A. Irv Caplan, I believe.

7 Q. Bert Caplan?

8 A. Irv. I think it was. Sadly I go to too
9 many.

10 Q. You think it was Irv, but you're not
11 certain?

12 A. If you would give me time to recollect,
13 I probably can --

14 Q. Would you like time? Because I'm trying
15 to identify a date that you made this call.

16 A. Oh, thank you. I don't recall.

17 It was definitely Irv. I remember it
18 was raining. My girlfriend lost a shoe in the mud
19 and we went to Chickie and Pete's afterwards.

20 Q. Is Caplan spelled with a K?

21 A. C.

22 Q. C-A-P-L-A-N.

23 Is it a short for Irving?

24 A. I think so.

25 Q. And where was the funeral?

1 A. In Northeast Philadelphia.

2 Q. Northeast Philadelphia.

3 A. And I spoke. It was one of my best
4 friends. Me and my brother spoke. We would have
5 been the two people -- and his brother stayed with
6 me for about a week.

7 And his brother came up from Florida,
8 and I put him and his wife up at my house. And
9 his brother didn't want to speak. And he asked me
10 to speak.

11 So I can get you a date, if you want me
12 to look on my phone.

13 Q. Yeah. I was just going to say, would
14 something like that be in your personal calendar?

15 A. No personal calendar.

16 Q. Well, take some time to see, if you can
17 find it.

18 A. I'll look on Google and put in Irv
19 Caplan. His funeral should come up.

20 Q. Okay.

21 A. I have his address, high school.
22 January 27th of '18.

23 Q. Was that --

24 A. No, that's not him. I'm sorry.

25 He was 96. That's not -- got everything

1 about Irv except when he passed.

2 How about I put the little obituary in
3 here. That may help us.

4 The only Irving Caplan they have
5 passing, I know my friend who died, is Irving
6 Caplan, who is 90 something years old.

7 My Irv was 61, I think. It has his
8 address and his home and where he worked.

9 Do you want me to make a phone call? I
10 can find out. He worked for my brother-in-law.
11 He would definitely know.

12 Q. Well, what we could do is I could send
13 you a letter after this.

14 A. That would be good.

15 Q. And asking you to attempt to identify
16 the date of that funeral.

17 A. I should be able to do that. Thank you.

18 Q. Okay. So that was a May 22nd order of
19 court. And you're indicating you attempted to
20 work things out by contacting Attorney Britton?

21 A. Correct.

22 Q. All right. And did you contact Attorney
23 Britton by phone or did you have an appointment
24 with him?

25 A. Phone. We spoke, again, about a dozen

1 times on the phone.

2 Q. Okay. All right. So then we have on
3 July 26th, the Cynwyd Club filed another motion
4 for sanctions -- or excuse me, this would be a
5 motion for sanctions as a result of your failure
6 to obey the May 22nd, 2018, order of court, which
7 was our Exhibit 7.

8 Now we're gonna take a look at Exhibit
9 9, which is the July 26 motion for sanctions that
10 I just referenced.

11 (Board's Deposition Exhibit Number 9
12 marked.)

13 THE DEPONENT: I think in this motion,
14 it says on June 4th, plaintiff was served a copy
15 by letter and attempted to have -- in good faith
16 to resolve the discovery dispute without the
17 necessity of filing this motion.

18 So it appears in paragraph 7, he is
19 confirming our conversations.

20 BY MS. NORTON:

21 Q. Got it. All right.

22 But he proceeds to request sanctions,
23 correct?

24 A. Correct.

25 Q. All right. And did you receive a copy

1 of this motion for sanctions?

2 A. I'm not going to say I didn't. I don't
3 have an independent recollection.

4 A. And Britton Henry signed this one. I
5 don't believe I saw Mr. Henry's signature on the
6 other documents.

7 Q. All right.

8 A. That's why -- prior to about this time,
9 they were serving it to a place I wasn't at. So
10 while it may look like it's about two years old by
11 now --

12 Q. Uh-huh.

13 A. -- to me it's not that old.

14 Q. Okay.

15 A. So I have no doubt that he sent this to
16 my chambers.

17 Q. Okay. All right. what did you do when
18 you got this?

19 A. This is one of the dozen calls that me
20 and Mr. Henry had. I would have called him almost
21 immediately after receiving this.

22 Q. Okay. And what was the discussion at
23 that time?

24 A. Similar to the last ones. what can we
25 do about amicably resolving this? He would say,

1 you know, what can you pay, when can you pay it.
2 And I would say what do you think they would
3 accept.

4 Q. And did you come up with a figure?

5 A. At some point we talked about a figure,
6 but I don't remember ever agreeing to it. Like --
7 no, we weren't -- I don't know if I suggested a
8 number and he said, let me see if I can get it, or
9 we said, that's a reasonable number, let me see if
10 we can get it resolved.

11 Q. Okay.

12 A. I know we talked a number, but I don't
13 remember specifically what it was.

14 Q. So to your knowledge was a hearing
15 scheduled on that motion for sanctions, which is
16 Exhibit Number 9?

17 A. Again, we'll accept the representations
18 of Mr. Henry. If there was one, I don't remember
19 it. But I don't doubt it.

20 Q. Did you appear at a hearing on that
21 motions for sanctions?

22 A. Which date was that, ma'am?

23 Q. Well, we didn't get to that. So let me
24 ask you if you appeared at a hearing --

25 A. I never appeared in Montgomery County

1 Court. We'll go ad seriatim, I imagine. I won't
2 be able to tell you specificity. One, I didn't
3 go, funeral. One I was a day late. I was, like,
4 I'm on my way up. They were, like, it was
5 yesterday.

6 And one I think I didn't know -- like I
7 didn't show, but it wasn't like I was just not
8 going to see one of my colleagues. I was on the
9 bench and in Philadelphia. Not just avoiding
10 going.

11 I might not have the best explanation
12 for not going, but there was always a reason I did
13 not attend.

14 Q. Okay. Can you identify why you didn't
15 attend this first motion for sanctions hearing?

16 A. And what date was that?

17 Q. All right. Let's get to that.

18 So Exhibit Number 10 we're looking at
19 here.

20 (Board's Deposition Exhibit Number 10
21 marked.)

22 BY MS. NORTON:

23 Q. And it starts with a certificate of
24 service --

25 A. Okay. I have my phone in my hand,

1 because I want to see if I can -- so cert of
2 service dated 8/28 --

3 Q. Uh-huh.

4 A. -- to appear in court when?

5 Q. I think if you look at, like, maybe the
6 third --

7 A. September 27th.

8 Q. There you go. Fourth page.

9 A. That's Judge Moore.

10 I don't remember this, ma'am.

11 Q. Okay. You don't remember ever receiving
12 notice of this hearing?

13 A. I'm not saying it wasn't sent. I just
14 don't remember.

15 Q. Okay. All right. We're gonna move on
16 from that one.

17 But as you can see -- I apologize. As
18 you can see from Exhibit 10, it appears as though
19 a hearing was scheduled for September 27th.

20 And do you agree with that?

21 A. Absolutely.

22 Q. Okay. All right. So on
23 September 27th of 2018, the Montgomery County
24 Court of Common Pleas found you in contempt of its
25 May 22nd, 2018, order, directed you to respond to

1 the discovery request within 10 days, and ordered
2 you to pay the club's attorneys' fees in the
3 amount of \$1,000.

4 Do you recall that order?

5 A. Do you have a copy of that for me?

6 Q. I do, indeed.

7 (Board's Deposition Exhibit Number 11
8 marked.)

9 BY MS. NORTON:

10 Q. This is Exhibit 11.

11 A. And where was this at, ma'am?

12 Q. The hearing?

13 A. This -- see, 11, that was mailed to me
14 or --

15 Q. Yep, I can get to that next.

16 So we're going to look at Exhibit 12
17 now.

18 (Board's Deposition Exhibit Number 12
19 marked.)

20 BY MS. NORTON:

21 Q. And this is a certificate of service
22 indicating that the September 27th order was
23 forwarded to you --

24 A. Thank you.

25 Q. -- at 1301 Filbert Street, Criminal

1 Justice Center, Room 1415. And that is dated
2 October 15th, although -- yeah -- go ahead. I'm
3 sorry.

4 A. So -- I'm just examining the documents.

5 Q. That's fine.

6 A. Your Exhibit 11 is incorporated in
7 Exhibit 12. It's the same document.

8 Q. Yes, it is. Yes.

9 A. What was your question, ma'am?

10 Q. Do you recall receiving the copy of the
11 September 27th, 2018, order of court?

12 A. No, ma'am.

13 Q. You don't recall seeing that?

14 A. I don't recall specifically.

15 Q. At any point in time?

16 A. Well, I -- when I would get orders, I
17 would call Mr. Henry.

18 Q. All right.

19 A. Almost every time.

20 Q. Okay. And your statement is that you
21 didn't receive this order?

22 A. No, I'm not saying that. I'm saying I
23 don't remember seeing it.

24 Q. You don't remember seeing it.

25 Okay. So let's go over what the

1 order --

2 A. Again, I'll state that I do not doubt
3 that Mr. Henry sent me this when he asserts that
4 he did.

5 I would imagine I get all my mail.
6 Maybe one of the six or seven. When you're
7 getting dozens of pieces of mail a day, it may not
8 have made it to my desk.

9 But I would imagine I get at least
10 90 percent of what Mr. Henry sent me.

11 Q. Okay.

12 A. And when I would have received it, I
13 would have called him within a week or so.

14 Q. Okay. So taking a look at Exhibit 11,
15 which as you pointed out is incorporated in
16 Exhibit 12.

17 That's the September 27th, 2018, order
18 of court. And in that order of court, it begins
19 by citing that the plaintiff's motion for
20 sanctions due to defendant's failure to comply
21 with discovery order is granted.

22 The defendant is declared in contempt of
23 the May 22nd, 2018, order of court.

24 The defendant is directed to serve upon
25 plaintiff full and complete answers to plaintiff's

1 discovery requests -- I'm not going to read all
2 that -- within 10 days of the date of this order.

3 And the defendant shall pay the
4 plaintiff counsel fees totaling \$1,000 for the
5 preparation and litigation of the instant motion.

6 Whenever it was that you became aware of
7 this September 27th order of court, you've
8 indicated you called Mr. Henry?

9 A. That would generally be what would
10 happen. There would be a time in between. I'd
11 wait for a response. I wouldn't reach out to him.
12 I would get the order. I'd reach out to him and
13 we'd engage to try to resolve.

14 Q. Did it concern you that you were being
15 held in contempt of court?

16 A. I probably didn't read that, to be
17 honest. It would have concerned me. It should
18 have concerned me if it said you're in contempt of
19 court.

20 Q. Okay.

21 A. It could have been poor judgment, where
22 you see the letter from Britton Henry, oh, I have
23 to resolve this without reading it as intently as
24 I should.

25 Q. But this is clearly -- and I'm looking

1 at Exhibit 11, which, as you said, is incorporated
2 into Number 12, this is clearly an order of court.

3 It's not a letter, correct?

4 A. Correct. But Mr. Henry would have sent
5 me a letter with this.

6 Q. All right. So you're indicating perhaps
7 you didn't look at the attachments to the letter?

8 A. No, not as diligently as I should. And
9 not realizing the effect of a judge being held in
10 contempt by another judge obviously.

11 Q. All right. Did you contact the Court
12 when you learned that you had been held in --
13 well, have we established that you ever learned
14 you were held in contempt of court?

15 A. Not yet.

16 Q. Okay. Does there come a point in time
17 when you realize that you are being held in
18 contempt of court in any of this proceeding?

19 A. Yeah, I think when I got your letter.

20 Q. Okay.

21 A. And realized the nature and seriousness
22 of not having resolved this.

23 Q. Okay. And so just so we're clear, the
24 letter from me that you're referring to --

25 A. The NOFI.

1 Q. The Notice of Full Investigation?

2 A. Yeah. That's when I realized the impact
3 and issues that I caused.

4 Q. So you're telling me --

5 A. Or could cause.

6 Q. What you're testifying to today is that
7 when you received the Notice of Full Investigation
8 is the first you realized you had actually been
9 held in contempt of court?

10 A. The first I realized the significance
11 and severity.

12 Q. Okay. So my question is, and with
13 apologies, I don't believe I've clearly asked this
14 before, when did you realize -- when did you first
15 realize that you had been held in contempt of
16 court?

17 A. Probably when I received your letter,
18 sadly.

19 Q. All right.

20 A. See, I may have read it -- as a judge,
21 contempt of court is a hearing that I do. And I
22 use it sparingly.

23 Contempt of an order might not have the
24 same effect in my brain. I guess contempt of an
25 order is the same as contempt of court?

1 I don't know that it is, Ms. Norton, to
2 be honest, now that I think about it.

3 A contempt of court, you have to have a
4 hearing. There's an MC in Philadelphia County, an
5 MC docket.

6 So contempt of court, there may be --
7 I'm not sure. Maybe I should have consulted a
8 lawyer. Contempt of court and contempt of order
9 may be different things.

10 Not that they're not equally --
11 shouldn't have been realized by a judge, the
12 significance of it, but I don't know that the
13 terminology's identical.

14 Q. Well, is it -- let's talk about civil
15 versus criminal contempt.

16 Do you think maybe that's what you're
17 thinking of?

18 A. Well, maybe. I've never done a civil
19 case in my life.

20 Q. Uh-huh.

21 A. Contempt of court -- and I've done it
22 twice, once to someone who cursed me and things of
23 that nature. And we have to have a docket
24 prepared and a hearing with lawyers and it's a
25 contempt proceeding.

1 Q. There's an actual sanction if you find
2 somebody in that type of contempt.

3 A. Right. You have to have a hearing. I
4 could put them in jail up to five months and 29
5 days.

6 Q. And they're entitled to an attorney for
7 that hearing?

8 A. Correct.

9 Q. Notice and an attorney.

10 A. And I don't know there's a distinction
11 for your purposes, but in my mind, I wouldn't have
12 read it the same way.

13 Q. There may very well be a distinction,
14 Judge. Because there is such a thing -- there is
15 a difference between civil and criminal contempt.

16 So, for example, criminal contempt
17 generally has to have been in the presence of the
18 Court.

19 A. So what I was thinking more -- if I did
20 read it and it didn't register, I'm reading it,
21 you're in violation of not paying the guy. Work
22 this out. Like not that you're in contempt.

23 Q. Uh-huh.

24 A. More like you're in violation of what I
25 asked you to do.

1 So it probably should have more
2 significance that word, but I just didn't read it
3 that way.

4 A judge being held in contempt, if I
5 thought it was contempt like I would do? I
6 probably would have driven up there the next
7 morning.

8 Still inexcusable. But didn't have the
9 same effect, if and when I read it. Like I never
10 read it, like, you're in contempt, we're gonna
11 send a sheriff to go get you, kind of thing.

12 Q. Okay.

13 A. I just read it. You know, pay this
14 guy's money. Work this out.

15 In my mind, that's what's registering.

16 Q. Prior to this cynwyd Club case
17 originating, had you personally ever been held in
18 contempt of court? And I'm talking about civil
19 contempt.

20 A. Never.

21 Q. Never civil contempt?

22 A. There were times where I worked with Mr.
23 savino 20 years back where we would be late and
24 the judge would hold you in contempt and make you
25 donate money to the SPCA. Things of that nature.

1 Q. Okay.

2 A. But no, never no civil contempt. I
3 think this is the only time I remember not
4 complying with a judge's order and not resolving
5 it.

6 About this time -- can I digress?

7 Q. Please, go ahead.

8 A. It will give you a clearer picture.

9 I was in financial distress at this
10 point, which we'll get into with the IRS.

11 Q. Right.

12 A. I had owned a business. I had bought
13 and sold ticketing to events.

14 Q. Uh-huh.

15 A. And that's why I owe the money for the
16 IRS that will come later in this issue.

17 And we made a significant amount of
18 money. I made a significant amount of money. And
19 I had to pay taxes on it.

20 After I became a judge, I had to divest
21 myself or dissolved that corporation.

22 Q. What's the name of that corporation?

23 A. Nassau Tickets. And because of that,
24 you can't be a full-time judge, especially what I
25 was doing, as busy as I was, and a run a business.

1 So we sold most of our assets. We gave
2 up our 49ers tickets and lost a couple hundred
3 thousand. Sold my Jets seat licenses for about a
4 \$700,000 loss.

5 Later you'll find that that's why I'm
6 filing a motion to amend -- not a motion. We
7 filed an amended tax return or filing or whatever,
8 because of the losses.

9 I don't believe that that is actually
10 real and owing now, because -- made money at one
11 point and lost money when I had to sell the
12 business, once I became a judge.

13 There became a time where I had a civil
14 action with RCN, and Capital. We were going up
15 and back. I was trying to sell my house. Because
16 of the loan, they were gonna get proceeds from the
17 loan.

18 I actually had -- May of '18 -- probably
19 about this time that this is going on. Now, the
20 dates we're getting into September of '18, I
21 called Mr. Stretton, because there was a chance I
22 might have to file for bankruptcy.

23 Q. Sam Stretton?

24 A. Sam Stretton.

25 And I think he either talked to him or

1 we did a three-way with Mr. Graci, from
2 Disciplinary Counsel.

3 Q. Let me just stop there.

4 Are you confusing Disciplinary Counsel
5 with Judicial Conduct Board?

6 A. Maybe.

7 Q. Okay.

8 A. Mr. Graci, was he --

9 Q. He was with the Judicial Conduct Board.
10 To my knowledge, he never worked for the
11 Disciplinary Board, which is the Board that has
12 control over attorneys.

13 A. We reached out to Mr. Graci when I was a
14 judge.

15 Q. All right. Okay. That makes sense.

16 A. In about the time that we're about to
17 get into, September '18, and because of the
18 possibility of a bankruptcy. And we wanted to
19 know how that would affect my judgeship, because
20 there was money from the sale of the house that
21 was gonna pay the debts and I was trying -- and
22 they were putting pressure with the sheriff sale.

23 So we reached out -- and I wasn't trying
24 to hide either this, that or the IRS. That's why
25 we reached out to Mr. Graci.

1 And he actually explained to
2 Mr. Stretton and myself, again, I don't remember
3 if he told Mr. Stretton and Mr. Stretton told me
4 or the three of us spoke, that a bankruptcy
5 wouldn't necessarily negatively affect me being a
6 judge.

7 You wouldn't necessarily have to be
8 thrown off the bench, so to speak, as long as
9 there's no other improprieties. You can have
10 financial difficulties, especially in light of
11 those financial difficulties happening prior to me
12 becoming a judge.

13 So there was no way I was trying to hide
14 any of this from anyone. We actually reached out
15 to the chief counsel. And Mr. Graci, I'm sure,
16 will confirm that. And Mr. Stretton, also.

17 Q. Were you personally part of the
18 conversation between Bob -- Chief Graci and
19 Mr. Stretton?

20 A. I don't think so. No, now that I'm
21 giving it deep thought.

22 Q. Would you have come here for that
23 conversation?

24 A. No. It was a phone conversation. I
25 remember where I was standing, because I was so

1 relieved I could file for bankruptcy.

2 I wind up filing the paperwork,
3 withdrawing, I think, because we were able to sell
4 the house, pay the debt, and not have to go
5 through that.

6 Q. Okay. And had you hired Sam Stretton at
7 that time to assist you with that question?

8 A. No, I merely asked him. And he said,
9 let me reach out on your behalf to see -- and once
10 it became clear that I could file bankruptcy, if I
11 wanted to go that route, I didn't need an
12 attorney, because --

13 Q. Okay.

14 A. So I didn't retain him. I don't even
15 know if I saw Sam in person.

16 Q. Okay.

17 A. I think I just reached out to him and
18 said, this is my problem. He said, well, let me
19 get the answer. And he called Mr. Graci.

20 Q. All right.

21 A. And part of this -- let me stop you.
22 It's all coming back to me.

23 I think we filed for bankruptcy and then
24 it got dissolved, because we didn't have to go
25 forward.

1 That stayed part of this, I'm pretty
2 sure.

3 Q. Okay. I don't understand what you're
4 saying.

5 A. I think when you file for bankruptcy or
6 you file the documents that you might file for
7 bankruptcy, any person trying to collect a debt is
8 estopped from doing it.

9 And I'm gonna really have to probably
10 supplement the record and find out what those
11 dates were.

12 There was a two- or three-month period
13 there where this would not have been moving
14 forward.

15 Q. So what you're talking about sounds to
16 me like a bankruptcy stay.

17 A. Correct.

18 Q. Wouldn't it be necessary to get a
19 stay -- in order to get a stay in bankruptcy
20 court, isn't it necessary to tell the Court who
21 your creditors are?

22 A. Correct. And we would have told them.

23 I hired an attorney for that, for the
24 bankruptcy portion. And they reached out to
25 everybody and they would have reached out to

1 Cynwyd.

2 Q. All right. And who was that attorney?

3 A. Mr. Stanwood.

4 Q. Do you remember his first name?

5 A. Jonathan.

6 Q. Jonathan Stanwood. I'm gonna spell it

7 S-T-A-N-W-O-O-D.

8 A. Okay.

9 Q. Okay. I do that because I just want to
10 make sure I'm hearing what you're saying, so give
11 it a phonetical spelling.

12 A. So that kind of is -- I know you want
13 specificity on each date. Sadly, I can't give you
14 with specificity of the dates but I can kind of
15 tell you what was going on.

16 Q. All right.

17 A. And it's not a good reason. But it's
18 not me trying to be -- hide things or
19 intentionally behave in a contemptuous way.

20 Q. All right.

21 A. Whether you believe that or not, we'll
22 have to --

23 Q. Well, it's not going to be my --

24 A. Well --

25 Q. So let's just touch on that bankruptcy

1 right now.

2 Do you recall -- did you file a
3 bankruptcy petition?

4 A. I think one was filed but got dismissed,
5 because we -- it was -- it was so close.

6 The IRS debt, so -- I had my house sold.
7 I have a buyer who wound up being so patient. The
8 nicest man in the world.

9 It would have ended up paying off the
10 debts the I needed, RCN and some others, but not
11 the IRS.

12 The IRS lifted its lien at one point and
13 I couldn't sell my house because of the IRS lien,
14 even though RCN was going to get paid, the company
15 I owed money to, was gonna get paid and the
16 homeowner -- there would still be money left over.

17 The dates were so close together, that
18 RCN actually went to a sheriff's sale without
19 telling me or my attorney and got a sheriff's sale
20 for my house that I was living in, that I had
21 about 400,000 in equity. And they got a sheriff's
22 sale without telling us.

23 So we had to file a motion to lift the
24 sheriff's sale. Get the IRS on board to lift
25 their lien so we can put the sale through.

1 It literally was within six hours of
2 sheriff's sale -- sheriff's sale, RCN accepting
3 the deal, and the IRS lifting the lien all came
4 together in one day as I was crying. And it all
5 got resolved in this -- it was like a three-month
6 process to get everybody -- there was one time
7 where we couldn't get a payoff figure from the
8 bank.

9 Like we were -- the closing. We had a
10 payoff figure, but it was two days off. And we
11 couldn't go to settlement, which caused everything
12 to get pushed back like two months, because the
13 bank wouldn't give us the payoff figure.

14 They gave it to us -- I'm just
15 picking -- August 1st, but we were going to go to
16 settlement on August 2nd, and they wouldn't give
17 us an updated payoff figure.

18 But for three weeks they wouldn't give
19 it and we had to delay.

20 So all of it was happening
21 simultaneously, but got resolved without me having
22 to go through bankruptcy. Paying off my creditor
23 RCN, selling the house, having the buyer move in.
24 And this was -- the smaller piece of it I
25 neglected.

1 So, again, just by way of explanation,
2 not excuse, I had a house that was worth a million
3 two. I wound up selling it for 980,000, just
4 because of the pressure.

5 RCN, this company is -- we don't get
6 along so well. And sheriff's sales and -- behind
7 our back. It was not a fun time.

8 Q. Uh-huh.

9 A. And I know for a fact that we would have
10 reached out -- I wouldn't have -- Stanwood would
11 have reached out to the Cynwyd Club at some point
12 in this about the debt.

13 Q. So would the Cynwyd Club have been
14 listed as one of your creditors in the bankruptcy?

15 A. Yes. I remember telling him that.

16 Q. Telling who that?

17 A. Mr. Stanwood. I mean, he contacted
18 credit card companies. And, you know, everybody
19 that would have been touched by potential
20 bankruptcy, he reached out to.

21 I got to imagine he reached out to them,
22 also. Or it would have been my impression that he
23 did.

24 I'm almost positive that he did.

25 Q. Okay.

1 A. So we'll move on.

2 Q. Yeah, let's get back to the Cynwyd Club.
3 Yeah.

4 So on November 7th, 2018, the Cynwyd
5 Club filed a second motion of sanctions as a
6 result of your failure to obey the September 27th,
7 2018, order of court.

8 Now, we're going to call this Exhibit
9 14.

10 (Board's Deposition Exhibit Number 14
11 marked.)

12 BY MS. NORTON:

13 Q. So Exhibit 14 claims to be a copy of the
14 plaintiff's second motion for sanctions.

15 Do you recognize that document?

16 A. It seems like something I would have
17 read.

18 Q. Okay. Do you recall receiving a copy of
19 it?

20 A. Specifically this one? No. But I
21 definitely read something very similar at some
22 point.

23 Q. All right. I will note that at the last
24 page of Exhibit 14 is a certificate of service
25 signed by Britton Henry.

1 It indicates that this was mailed --
2 this exhibit was mailed to you first class mail at
3 1301 Filbert Street, Criminal Justice Center, Room
4 1415, Philadelphia.

5 A. I have no doubt he sent it.

6 Q. Okay. So what did you do when you
7 received that, if you recall?

8 A. This would have been --

9 Q. I believe it's dated November 7 of 2018
10 or that it was filed.

11 A. I'm trying to play back dates and time
12 frames.

13 Q. Sure.

14 A. Sold the house. We finished everything
15 with the sale of the house.

16 This is gonna be my reference in, like,
17 March, maybe early April.

18 Q. Of '18?

19 A. Of '19.

20 Q. Of '19. Okay.

21 A. So I know that we were -- it would
22 certainly help me if I'd look at my phone and see
23 when the bankruptcy --

24 Q. You absolutely may. Yes, please do.

25 A. I think the date -- this is when -- I'm

1 thinking between November and March is the whole
2 mishegoss is over. You know, sheriff's sale,
3 house, buyer, trying to keep him in as the buyer
4 as we're going through this, because he was
5 selling his house. And he really loved my house.
6 And he actually delayed like four different times
7 in hopes for me to be able to resolve the RCN, IRS
8 bankruptcy issues so he could move in.

9 Q. And you're thinking November of '18
10 through March?

11 A. Yeah, that's kind of --

12 Q. Of '19?

13 A. That kind of seems to be the time frame.

14 Q. Okay.

15 A. Because I remember it was like a three
16 or four month. And we were going to court.

17 . Again, not an excuse -- I was going to
18 court once a month to try to -- he had -- RCN --
19 we had to get out of county judges, because it was
20 Philadelphia County.

21 The president judge is involved. He --
22 if you think Mr. Henry sent me a lot of paperwork,
23 the corporate counsel was sending me phone book
24 size documents.

25 Q. RCN corporate counsel?

1 A. RCN.

2 Literally I came home one day, there was
3 a notice on my door that they bought my house.

4 RCN, who I owed like a couple hundred
5 thousand to, even though I had a half million in
6 equity, had my house listed for sheriff sale
7 without me knowing, without telling my counsel
8 during the, quote, unquote, bankruptcy, bought the
9 house themselves at sheriff's sale. Not only did
10 they want the proceeds, they wanted to buy my
11 house, because they knew it was worth 1.2 million.

12 So they bought it for like 300,000. And
13 in court -- the reason I won that part of the
14 case, is they said, yeah, we intentionally did the
15 sheriff's sale and we intended to buy it for
16 ourselves, because they were also in the mortgage
17 business.

18 So at about this time, not only am I
19 dealing with -- again, not an excuse. But we're
20 talking, in my mind, a couple thousand dollars
21 with Cynwyd Club? I know there's orders.

22 But I'm dealing with losing my house
23 that I lived in and raised my daughter, that had a
24 half million dollars of equity. And they're going
25 to sheriff's sale without telling us. Having the

1 sale. And posting notice on my door.

2 So we're trying to undo that, get it
3 out -- and we had an out-of-county judge from
4 Luzerne County. And -- and at this point, I'm
5 proving to the Judge that we have a viable buyer.
6 And RCN says, no, they kept saying they have a
7 viable buyer, but they're never going to buy it.

8 They were doing everything to circumvent
9 the sale of the house so they can buy it
10 themselves.

11 And I know that between November and
12 February would have been the time, because I
13 actually sold the house, I think, by late March.

14 So this would have been right in the
15 time period --

16 Q. All right.

17 A. -- of a lot of goings on beside my work,
18 but also that matter.

19 Q. So March or April of 2019 --

20 A. I can get the exact date now.

21 Q. Okay.

22 A. I just wanted to give you the background
23 from where we are.

24 Q. Okay.

25 A. I should be able to find the exact date.

1 Q. Okay. That's fine.

2 A. It's exactly the same dates. So it's
3 November 14th, I'm right, is the date, like,
4 e-mails, November 14th.

5 Q. Is what? What is November 14th?

6 A. Mr. Stanwood saying, I'm running around
7 today, meet me at City Hall.

8 Internal Revenue Service information.

9 Oooh, I see, he might not have listed
10 them, now that I'm looking at it. I'm looking at
11 e-mails.

12 I'm trying to find -- so it appears to
13 be on or about November 14th we were talking about
14 the bankruptcy.

15 Q. You and Mr. Stanwood?

16 A. Right.

17 Q. Okay.

18 A. So we're discussing it November 14th.
19 This is November 7th.

20 Q. okay.

21 A. So this is literally about the dates --

22 Q. okay.

23 A. -- that we're talking about.

24 We extended the date on December 3rd,
25 the bankruptcy filing. We said, here's the motion

1 to extend.

2 So it was right about November 7th that
3 we're talking to Mr. Graci.

4 Q. All right. Okay.

5 A. And talking about -- and then we get
6 into -- we go to January is when -- so between
7 December 21st and November 14th is when they did
8 the sheriff's sale behind my back.

9 Q. Okay.

10 A. Because he's telling me that he told the
11 other attorney, Meltzer, that's the other
12 attorney, that it would be another 60 days and how
13 dare he go to a sheriff's sale knowing that this
14 was pending.

15 So I can tell you with specificity what
16 I told you earlier about the bankruptcy, talking
17 to Mr. Graci, having Mr. Stretton involved,
18 dealing with judges was between -- basically
19 November 7th and February 7th. Me then selling
20 the house in about March.

21 And there's no doubt -- it kind of made
22 sense, because I knew it was a three- or
23 fourth-month process.

24 And I sold the house late March, early
25 April.

1 Q. Okay.

2 A. So it made sense time-wise, but I
3 confirmed it about November 14th I'm meeting with
4 Mr. Stanwood about something we already talked
5 about, the bankruptcy, knowing the -- I wouldn't
6 have talked to Stanwood until after I talked to
7 Mr. Graci or got information, because I wouldn't
8 have made the call to a bankruptcy attorney until
9 I knew I could go that route if I had to.

10 So on or about this time, that's what's
11 happening.

12 Again, there's not gonna be a good
13 explanation why I'm ignoring things. But I'm
14 calling him. I'm telling him what's going on.
15 Telling him about the financial strife and
16 potential.

17 So I think Britton Henry knew about all
18 this also from my conversation, I think.

19 Again, my head was spinning a little
20 bit.

21 Q. Well, you did indicate that Mr. Stanwood
22 would have been contacting your creditors?

23 A. You would think, yeah.

24 Q. Well --

25 A. You would think, right? Yes.

1 Q. I think you said --

2 A. No. No.

3 Q. -- your creditors were contacted.

4 A. Well, I know they contacted the
5 creditors. I would assume that he contacted
6 Cynwyd.

7 Q. Okay. So you're indicating, though, you
8 don't know if anybody contacted Cynwyd Club?

9 A. Not a hundred percent sure.

10 Q. And can you recall filing a list of
11 creditors with the bankruptcy court?

12 A. I gave information to Mr. Stanwood. You
13 would think I would have told him about the Cynwyd
14 Club, but --

15 Q. But my question is actually, did you
16 file a list of creditors --

17 A. Yes.

18 Q. -- with the bankruptcy court?

19 A. I did.

20 Q. You did?

21 A. I believe so.

22 Q. You believe so?

23 A. Because I know we didn't follow through
24 with it, so I don't know if -- yes. I'm gonna
25 stick with yes, we filed a list of creditors with

1 the bankruptcy court.

2 Q. Okay. November 7, the club filed the
3 second motion for sanctions as a result of your
4 failure to obey the September 27th, 2018, order of
5 court.

6 A. Correct.

7 Q. A hearing was scheduled on the
8 February 7, 2019, motion and you were notified of
9 that hearing.

10 So now we're going to look at Exhibit
11 Number 15.

12 (Board's Deposition Exhibit Number 15
13 marked.)

14 BY MS. NORTON:

15 Q. And this exhibit pertains to the
16 notification of hearing on the November
17 7th motion.

18 A. Okay.

19 Q. Okay. So what this document, which is
20 Exhibit Number 15, indicates -- tell me if you
21 agree -- that a hearing's been scheduled on the
22 motions for sanctions for February 7th of 2019 at
23 9:30 at Montgomery County Courthouse?

24 A. Correct. Before a judge to be
25 announced.

1 Q. Yes. And it appears as though that
2 notice, if you look at the last page, was mailed
3 to you on December 18th of 2018, at 1301 Filbert
4 Street, Criminal Justice Center, Room 1415, in
5 Philadelphia.

6 A. Agreed.

7 Q. Okay. Do you recall receiving that
8 notice?

9 A. Not specifically.

10 Q. Okay. Do you recall if you went to the
11 February 7th --

12 A. Definitely did not.

13 Q. Definitely did not.

14 And why was that?

15 A. I think that was the one -- could I
16 check my calendar again?

17 Q. Yes.

18 A. I think I counted from one day wrong.
19 And we actually called the Court and said, I'm
20 running late. And they were like, it was
21 yesterday. I'm pretty sure.

22 Q. Okay. Take a look.

23 A. Let me see what date that was.

24 You wanted me to testify absolutely
25 accurately, without any hesitation. I know there

1 was one there was a funeral. I believe that's the
2 first one.

3 I believe this day I missed by one day.
4 I miscalendared it.

5 Q. Is it safe to say there was at least one
6 court date that you missed by one day?

7 A. Correct.

8 Q. And you discovered that how?

9 I think you said you called the Court.

10 A. Yeah, I think we called saying we were
11 running late and they said it was yesterday.

12 Q. There's where I'd like some specificity.

13 Did you or did you not call the Court
14 and say, I'm running late?

15 A. Annette did.

16 Q. Annette did?

17 A. A hundred percent.

18 Q. Okay.

19 A. No doubt.

20 Q. Okay. All right. And that was the
21 time -- whatever hearing that was, that was the
22 time that you were told you missed it, it was
23 yesterday?

24 A. Yeah.

25 Q. All right. Okay.

1 A. No doubt about that one.

2 Q. Okay. Were you aware that a hearing was
3 actually conducted on February 7th, 2019, in your
4 absence?

5 A. I eventually learned that there was.

6 Q. Well, let's look at --

7 A. I think I found out that day. She's
8 like, yeah, you -- she was not very happy with me.

9 Q. Who is she?

10 A. My secretary.

11 Q. Annette?

12 A. She tends to remind me of things.

13 Q. Yes.

14 A. And she's very good at her job.

15 Q. Okay. So now I've handed you --

16 A. I definitely got this. My law clerk
17 gave me this in a panic.

18 Q. Who was that law clerk?

19 A. Jason Kleinman.

20 My secretary gave it to Jason. I'm on
21 the bench. Jason comes and gives it to me. I
22 remember -- and then they were both not happy with
23 me.

24 (Board's Deposition Exhibit Number 16
25 marked.)

1 BY MS. NORTON:

2 Q. Okay. So for the record, what you're
3 referring to appears to be Exhibit Number 16,
4 correct?

5 A. It is, ma'am.

6 Q. Okay. And you're saying that that's
7 what Jason Kleinman gave you?

8 A. No doubt.

9 Q. Okay. So let's go over what that is.
10 So this is an order of court from
11 Montgomery County Court of Common Pleas, dated
12 February 7 of 2019.

13 It indicates that after a hearing -- I'm
14 paraphrasing -- the Montgomery County Court of
15 Common Pleas, found you in contempt of its order.

16 A. Where does it say that, ma'am?

17 Q. Okay. Paragraph number one.

18 Defendant is declared in contempt of the
19 September 27, 2018, order. Okay?

20 And you were then, in paragraph number
21 two, directed to serve upon the plaintiff.
22 They're still looking for your full and complete
23 answers to discovery --

24 A. Correct.

25 Q. -- within 10 days.

1 And then paragraph number 3, indicates
2 that you were then, as of February 7th of 2019,
3 ordered to pay counsel fees in the amount of a
4 thousand dollars.

5 And then we have some handwriting here
6 that's --

7 A. Not exactly the most legible, but I got
8 the gist of it.

9 Q. Yeah. You were ordered to pay the
10 Club's attorneys' fees in the amount of \$1,000
11 from the September 27th, 2018, order, and
12 additionally, you were ordered to pay 2,500 for
13 the current hearing and order.

14 A. And this was -- I think this is -- is
15 that Judge Delricci? Do we know?

16 Q. I did not bring the docket, but if it
17 assists you in any way, I will check it.

18 A. It won't. I remember getting this.
19 It's irrelevant what judge signed it.

20 Q. Okay. So whenever it was that you
21 received this from Jason Kleinman --

22 A. Kleinman.

23 Q. -- did you read it?

24 A. Yes.

25 Q. Okay. And -- did you then notice that

1 you were -- that you had been declared in contempt
2 of the Court's September 27, 2018, order?

3 A. No.

4 As a matter of fact, when I just read it
5 just now, I read right over it and I'm like where
6 is that and you're like paragraph one.

7 Q. Okay. All right. Did you notice that
8 you were being ordered to pay attorney fees of
9 \$1,000 and 2,500?

10 A. I did.

11 Q. You did.

12 And you notice that you were given 10
13 days to provide the discovery responses?

14 A. I read this order.

15 Q. And did you comply with this order?

16 A. I did not.

17 Q. All right. What did you do, if
18 anything?

19 A. I would have called Mr. Henry again.
20 This is, again, right -- this is the month that
21 I'm going to court.

22 This is February. We're going to court
23 the following intense motions on the house sale,
24 the sheriff's sale, me trying to undo it, the
25 judge from another county asking for documents,

1 meeting with the IRS, meeting with bankruptcy
2 attorney.

3 I would have called Mr. Britton and tell
4 him, I'll get to you when I can. We don't -- I
5 can't deal with this right now.

6 Q. We can skip over Exhibit 17.

7 Exhibit 17 was the certificate of
8 service for the February 7th order, but you've
9 indicated that you got notice.

10 A. Absolutely got that one.

11 Q. All right.

12 A. Can you excuse me one second?

13 Q. Yep.

14 A. May I just read a text?

15 It's one of my judge colleagues and he
16 usually doesn't text me, unless it's an emergency.

17 Q. Go right ahead.

18 Do you want to take a little break?

19 I'm ready for a break. I'm asking for a
20 5-minute break.

21 THE DEPONENT: I grant it. So ordered.

22 (Recess.)

23 BY MS. NORTON:

24 Q. We're back on the record. Okay. So let
25 me see where I am.

1 A. You were, I think, going to the May
2 30th, 19 -- somewhere near paragraph 19 or 20.

3 I don't want to be presumptuous.

4 Q. All right. We established that you did
5 receive a copy of the --

6 A. Judge's order.

7 Q. From February 7th Court order?

8 A. I did.

9 Q. Okay. All right. So then on
10 February 26th, the Court -- the Club filed a third
11 motion for sanctions as a result of your failure
12 to obey the February 7th order of court.

13 (Board's Deposition Exhibit Number 18
14 marked.)

15 BY MS. NORTON:

16 Q. We're gonna call this Exhibit Number 18.
17 And what I am indicating that 18 is a copy of that
18 third motion for sanctions by the Cynwyd Club.

19 Do you recognize that document?

20 A. It's similar to the others.

21 Q. Well, do you recognize that document?

22 A. No.

23 Q. Okay.

24 A. I'm not saying it wasn't sent. I'm
25 saying on or about this -- like end of February is

1 when everything else is happening. I'm not sure I
2 even opened it. I'm sure it was -- I'm sure I
3 should have read it. I'm sure he sent it to me in
4 a timely fashion.

5 And I should have reviewed it and I
6 should have obeyed it. I'm just being honest. I
7 don't remember if I opened the envelope.

8 Q. A hearing was scheduled on that third
9 motion for sanctions.

10 I will note that I'm -- it was actually
11 scheduled for a date closer to February 7th. That
12 date was continued.

13 Ultimately, it was scheduled for May
14 30th of 2018. And I'm gonna show you what I
15 marked as Exhibit 19.

16 (Board's Deposition Exhibit Number 19
17 marked.)

18 BY MS. NORTON:

19 Q. Which is the notification of the May
20 30th, 2019, date for the third motion for
21 sanctions.

22 Take a look at that.

23 A. Do you know why it was continued? Am I
24 allowed to ask?

25 Q. You can ask. I don't know. But I will

1 be happy to look for you in the docket.

2 A. No, that's okay.

3 I don't know if I reached out and said I
4 was unavailable --

5 Q. I think that's an excellent question.
6 And I will check on that to see if that was one of
7 the occasions.

8 A. Okay. So now we -- you had asked me a
9 question and I threw you off.

10 May 30th was actually scheduled. I did
11 not appear.

12 Q. Okay. You did not appear.

13 Now, what we're looking at is Exhibit
14 19, which is the Certificate of Service. It's
15 several pages long, Exhibit 19.

16 It indicates that you were served with a
17 copy of the attached documented. That document
18 happens to be the scheduling of the May 30th,
19 2019, hearing on the motions for sanctions.

20 Now, the Certificate of Service says
21 that document was served on you by first class
22 mail at 1301 Filbert Street, Criminal Justice
23 Center, Room 1415. The document being the notice
24 of the hearing.

25 Do you recall receiving notice of that

1 hearing?

2 A. I'm thinking. I can't imagine if I knew
3 about it, I would show up -- not show up on
4 May 30th.

5 I'm just trying to think of any rational
6 reason, if I opened this, that I wouldn't show up
7 in court on May 30th.

8 I don't have an explanation.

9 Q. But you did not show up on May 30th, is
10 that correct?

11 A. Obviously not.

12 Q. Can you tell me, did you receive the
13 notice of the hearing?

14 A. I can honestly say there's no doubt
15 Mr. Henry sent it. I can't tell you that I read
16 it, because if I did -- why would I not show up on
17 May 30th?

18 I don't have an explanation.

19 Q. Would your personal calendar be of any
20 assistance to you?

21 A. I don't have a personal calendar. I
22 make sure I'm on the bench at 9 a.m. every day.
23 There's notes on -- I have like the big calendar.
24 I have one of those two foot by two foot that's
25 right in front of me that my secretary writes

1 things on. That might be of some assistance.

2 That's still on my desk.

3 I think we rip off the prior month. I
4 don't know if she saves them. But my secretary is
5 really, really good.

6 Can I go off the record for a second?
7 Is that possible?

8 Q. I would prefer not to, Judge.

9 A. Okay. So my secretary, on the record,
10 opens all my mail.

11 My secretary's been sickly and has
12 foster children who are sickly and a lot of
13 hearings. So I'm sure I got it. I'm sure she
14 opened it. I can't be sure I read it.

15 Q. Okay.

16 A. All right. I have 5,000 people under my
17 supervision. We're getting 10 or 20 pieces of
18 mail a day. Some she brings into the courtroom
19 that she deems to be important. Some she leaves
20 on my desk. Some she puts in my robing room.

21 I'm sure they sent it to me, and I
22 should have gone. But I can't tell you under oath
23 on my daughter that I received it.

24 I would have to guess they sent it and I
25 didn't read it, because I can't imagine I just

1 wouldn't show up after what I've read already.

2 Q. Okay. All right.

3 A. And I would check my calendar to see if
4 I was at work. It wasn't like I was at the beach.

5 I would have to check my calendar and I
6 will follow up. I was probably sitting on the
7 bench doing cases. So I don't have a rational
8 explanation.

9 Q. Okay.

10 A. Other than that I must not have seen it.
11 or if I did, I calendared and missed it and
12 forgot. I don't know.

13 There's no real good reason for it,
14 other than the explanation that it truly wasn't
15 intentional.

16 Q. Well --

17 A. Good or bad, I'm telling you the truth.

18 Q. If we go back to the
19 February 26th motion, which is Exhibit Number 18.

20 A. Uh-huh.

21 Q. When you received that, are you
22 indicating that you didn't read that? I can't
23 recall what your response was.

24 A. I think the paragraph -- at late
25 February, I can honestly say that if I got

1 something from Cynwyd Club, knowing I was going to
2 resolve, but it was a few thousands dollars, I
3 would have put it on the back burner in February
4 because of the sheriff's sale of the house, RCN,
5 the IRS, losing the house, trying to get the sale
6 through.

7 I would not have given it the attention
8 it deserved back in February.

9 Q. All right.

10 A. I probably wouldn't even have opened it.
11 If she didn't open it and hand it to me,
12 I probably would have just threw it in my
13 briefcase.

14 Q. Okay.

15 A. Not the right answer. But what probably
16 happened in or about February of 2019.

17 Q. So it appears as though on May 30th of
18 2019, Montgomery County Court of Common Pleas
19 found you in contempt of its September 27th, 2018,
20 and February 7th, 2019, orders. Directed you to
21 respond to the discovery request within 10 days.

22 We're going to look at this in a minute,
23 Your Honor.

24 Pay the Club's attorney's fees in the
25 amount of \$1,000 from the September 27th order.

1 Pay 2500 from the February --

2 A. Yeah, I think you gave me this already.

3 Q. -- 7th order.

4 A. Is this different than the one --

5 Q. This is different.

6 So you're thinking about the earlier
7 order.

8 A. Yeah. They look identical. I just
9 assumed when I looked at your Exhibit 16 that
10 Mr. Kleinman handed me --

11 Q. Uh-huh.

12 A. -- that there was only one of these.

13 Q. Okay.

14 A. I now have to recant some of my
15 testimony.

16 (Board's Deposition Exhibit Number 20
17 marked.)

18 BY MS. NORTON:

19 Q. Okay. Let's go back and do that.

20 A. He didn't hand me both of these.

21 Mr. Kleinman -- as you can see in 16
22 and -- Board's Exhibit 16 and Board's Exhibit 20,
23 they're almost identical in nature, not word-wise,
24 but there is writing by the Judge in handwriting
25 of his own with several lines.

1 And that stood out to me. And when I
2 looked at your Board's Exhibit 16, I knew I saw
3 one of these.

4 I now have to recant. One of these was
5 given to me by Mr. Kleinman.

6 Q. All right. So either 16 or 20 was given
7 to you by Mr. Kleinman?

8 A. And tell me -- it would probably be 20.

9 Q. All right. But you don't know for sure
10 which one?

11 A. I don't. But I just remember when I saw
12 this kind of writing --

13 Q. Yep.

14 A. -- and my secretary gave it to him, he
15 brought it to me. I just didn't know there were
16 two of them.

17 Q. I completely understand what you're
18 saying. And I will say that they do have a
19 similar appearance to them.

20 I mean, if you read the content, there's
21 notable difference, but I understand what you're
22 saying.

23 And I appreciate you thinking back to
24 that and clearing that up.

25 So we know that you received either 16

1 or 20 from the hands of Mr. Kleinman, you just
2 don't know which one?

3 A. And I can tell you I didn't receive
4 both.

5 Q. Okay.

6 A. Unequivocally.

7 whichever one got my attention, I'm
8 going to say it's the latter, maybe Exhibit 20,
9 because if I would have -- once you see writing
10 from a judge in this nature, you don't forget it.
11 You know it's more important.

12 Q. So when you saw this, whether it was 16
13 or 20, what did you do?

14 A. I would have called Mr. Henry within a
15 day.

16 Q. Okay. So looking at Exhibit 20, which
17 is the May 30th, 2019, order, it grants
18 plaintiff's third motion for sanctions due to your
19 failure to comply with the September 27th order
20 and the February 7th order.

21 And then it goes on, it declared that
22 you were in contempt of the September 27th order,
23 you were in contempt of the February 7, 2019,
24 order.

25 Did you read those parts?

1 A. I would have.

2 Q. All right. And given the fact that you
3 were now -- that a Court was declaring that you
4 were in contempt of its order, did you do anything
5 to contact the Court in writing, through an
6 attorney, anything?

7 A. I did not.

8 Q. All right.

9 A. My thought process was, if I resolved it
10 with Mr. Henry before the next court date, it's
11 more of a contempt of not paying than a contempt
12 of the order, meaning there's no real sanctions,
13 like a judge holding you in contempt, he wants you
14 to pay.

15 Like, that's what's going through my
16 mind.

17 All right. I'm holding you in a
18 contempt. This is real. Go pay the money off.

19 And if the money was paid, then it's off
20 his docket. Mr. Henry would call and say, we
21 solved it. You can withdraw it from your docket.

22 Q. Did you see paragraph 3 of Exhibit 20
23 that says that you've gotten days to respond to
24 the discovery request?

25 A. Well, I think I would have called the

1 plaintiff's attorney within those 10 weeks [sic].

2 Q. All right.

3 A. I didn't provide the documents, but I
4 talked to Mr. Henry, made him a lot of promises,
5 didn't follow through with some of them. Didn't
6 get responses to some of them.

7 Mr. Henry is not going to be at fault
8 for anything that he did. He was always
9 professional.

10 Other than one of his colleagues sending
11 it to an address for the first couple years that I
12 wouldn't have been at.

13 Q. Okay. Kind of for the record and maybe
14 to help you recall things, I've got Exhibit Number
15 21 now, which is a Certificate of Service signed
16 by Britton Henry. And it's just indicating
17 that --

18 (Board's Deposition Exhibit Number 21
19 marked.)

20 BY MS. NORTON:

21 Q. So I'm handing you Exhibit Number 21.

22 And Exhibit 21 is a Certificate of
23 service. It indicates that a true and correct
24 copy of the attached document was --

25 A. Yeah, this is the one I said --

1 Mr. Kleinman handed me.

2 Q. All right. So there's no dispute that
3 you were --

4 A. None.

5 Q. You received the May 22nd, 2019, --

6 A. Correct.

7 Q. Just let me finish. The May 30th, 2019,
8 order of court?

9 A. Correct.

10 Q. Thank you.

11 On August 20th of 2019, a couple months
12 ago, the plaintiffs filed a fourth motion for
13 sanctions.

14 The hearing is scheduled and notice of
15 the hearing has been served on you.

16 I've got Exhibit Number 22.

17 (Board's Deposition Exhibit Number 22
18 marked.)

19 THE DEPONENT: It's the 24th of this
20 month.

21 BY MS. NORTON:

22 Q. It is the 24th of this month.

23 A. I am aware and I shall be there.

24 Q. All right.

25 A. Or have it resolved.

1 Q. So Exhibit Number 22 is the certificate
2 of service indicating that you have been served
3 with the motion, the scheduling of the hearing and
4 you've indicated that it is on the 24th.

5 A. It is. I've committed that one to
6 memory.

7 Q. I think that's next Thursday.

8 A. It is.

9 Q. Do you intend to go?

10 A. A trillion percent.

11 Q. Excuse me?

12 A. Yes.

13 Did it come back to you now?

14 Q. Yes, a trillion percent. That's the
15 weirdest thing.

16 Okay. So now we're going to be looking
17 at Exhibit 2, which was your Response to the
18 Notice of Full Investigation?

19 A. Okay.

20 Q. So you started out saying in paragraphs
21 one through 20, you're referencing the Notice of
22 Full Investigation, is that correct?

23 A. Yes.

24 Q. Are admitted as factually; however, with
25 an explanation.

1 Now, we have kind of gone over a lot of
2 that.

3 A. That's just -- ad seriatim I went
4 over --

5 Q. Right.

6 A. I'm never going to dispute the dates of
7 the court or that Mr. Henry sent them.

8 So they're all factually accurate.

9 Q. The next sentence on your September 12,
10 2019, Notice of Full Investigation Response is,
11 the debt was not mine, as it was owed by another
12 and was approximately \$1,200.

13 Whose debt was it?

14 A. Going through the divorce, my wife was
15 to pay. We were gonna -- I never thought the
16 money was owed. I refused to pay.

17 My wife said, I'll take care of it. She
18 never took care of it. So that's what I meant by
19 that.

20 Q. All right.

21 A. It's my family's debt. It's my
22 daughter, me and my wife.

23 Q. But you do acknowledge that the lawsuit
24 was filed against you and you alone?

25 A. Yes.

1 Q. When you became aware of the fact that
2 you were the only named defendant, did you think
3 maybe you should contact the Court and maybe file
4 something indicating that you're not the correct
5 defendant --

6 A. No --

7 Q. Just let me finish -- indicating that
8 you're not the correct defendant?

9 A. I didn't take this seriously enough,
10 because it was in my mind not a huge amount of
11 money.

12 And by the time -- this debt, I think,
13 is from 2012ish.

14 By that time, my wife and I were
15 separated. She has since re-married. She was
16 going to pay it. They sued me.

17 We actually got very amicable over the
18 last five years.

19 Q. Who?

20 A. My wife -- ex-wife and I.

21 Q. All right.

22 A. And I said, I'll take care of it. So I
23 didn't trouble her. She was very generous and
24 fair as I was going through my financial
25 difficulties and supportive of me, even though we

1 were divorced -- or divorcing.

2 So she originally accepted that she
3 would pay for it. They were suing me. I said, I
4 got it.

5 But explanation stands, Ms. Norton. I
6 didn't believe we owed it, because we weren't
7 physically there. My wife said she would pay for
8 it. They sued me. I was gonna resolve it.

9 There it is. However you understand it
10 to be, that's my thought process.

11 Q. Not to --

12 A. The other was my ex-wife who was going
13 to take responsibility. And then because of how
14 fair she was over the next three years, I took
15 responsibility.

16 I understood they were suing me and I
17 intend to pay it.

18 Q. Okay.

19 A. A different amount than what they were
20 asking for, but to mitigate it or -- there's a
21 civil word for that.

22 Q. Okay.

23 A. We will agree to a certain amount.

24 Q. We already talked about what efforts you
25 made to inform the plaintiffs -- well, we haven't

1 really.

2 What efforts did you make to let the
3 plaintiff know that the debt wasn't yours?

4 A. No, I told them I was going to pay the
5 debt.

6 Q. All right. You never discussed with
7 them the fact that you believed the debt was not
8 yours?

9 A. No, I discussed that I didn't owe the
10 money, but I never said somebody else was going to
11 pay.

12 I assumed responsibility for it with
13 Mr. Henry. And I still do.

14 Q. And, again, when is -- well, going back
15 to your NOFI response dated September -- well,
16 this Exhibit 2.

17 A. 2.

18 Q. You indicate there have been
19 negotiations in the past and some recent
20 conversations to resolve the matter amicably.

21 And, again, when was the last
22 conversation approximately?

23 A. In the last 30 days.

24 Q. Okay. All right. And then your next
25 line is, this matter will be resolved within the

1 next 30 days. That was September 12th.

2 Do you still believe that it will be
3 resolved by -- well, we're past that time.

4 A. We have spoken on that phone and I said,
5 would it help in any way if I paid it before I got
6 there. He said it was of no moment whether it was
7 paid or not and so I figured I would resolve it on
8 the court date, which is next week.

9 Q. So I just want to be clear. It's of no
10 moment to the Judicial Conduct Board?

11 A. Correct. But it will be resolved by the
12 time I get to court on October 24th.

13 Q. Because I'm not providing any advice --

14 A. No, I did not take it as advice or
15 counsel. In that we have a court date next
16 week -- when I said 30 days, I was not being
17 specific.

18 Q. All right. Okay.

19 So you indicated that you had a
20 conversation with your wife about this debt from
21 the Cynwyd Club?

22 A. Many years ago.

23 Q. Many years ago.

24 Were you still married when you had that
25 conversation?

1 A. I was separated for a number of years,
2 so it's difficult for me to really figure out when
3 that conversation was.

4 Q. Okay.

5 A. I couldn't even tell you when my divorce
6 became final. I couldn't even give you the year.

7 Q. All right.

8 A. I had owned two houses that I purchased
9 them and paid for them and did the upkeep.

10 My wife -- they were both very nice
11 houses. Which one would she want? She could have
12 whichever one she wanted. I would take the one
13 she didn't.

14 And you know what her response was? The
15 one on the Main Line or the one on Chestnut Hill?
16 I want both.

17 So we had a two- or three-year period
18 there where we were separated, but not divorced.

19 Q. All right.

20 A. And it was probably within that period,
21 but I can't be sure.

22 Q. It was within that period that you
23 discussed the Cynwyd debt?

24 A. Right. I mean, I couldn't tell you
25 specifically where in that period.

1 Q. Right.

2 A. But that was meant as a joke. She
3 wanted both.

4 One of the reasons I'm a judge is I was
5 living in Montgomery County at the time and she
6 chose to live in the house and we changed deeds to
7 the house in Montgomery County. And I moved back
8 to Philadelphia, in the Chestnut Hill that we
9 talked about.

10 And then I had residency and then I ran
11 for judge.

12 I wouldn't ever have been able to run
13 for judge had she picked the Philadelphia house.
14 And we wouldn't be sitting here. But that's just
15 an aside.

16 Q. When did you tell her that you would pay
17 it? Were you married or not married when you told
18 her you'd pay it?

19 A. Probably going back to '13. '19 I'm
20 divorced. It was right about the time we were
21 getting divorced. About five years ago.

22 Q. This lawsuit was instituted in 2015.

23 A. Right. But they were asking for money
24 well before the lawsuit.

25 Q. All right. Okay.

1 A. They were sending bills.

2 Q. And so -- and to the best of your --

3 A. No, when she told me she was going to
4 pay it, it was pre-lawsuit.

5 Q. Okay. And then when you told her you
6 were gonna pay it?

7 A. That was pre-lawsuit, too, probably.

8 Q. All right. Okay.

9 A. Because they didn't, I don't think, sue
10 me for a couple years.

11 Q. Yeah.

12 After the lawsuit came into existence,
13 did you --

14 A. I didn't even tell her.

15 Q. You didn't even tell her?

16 A. No.

17 Q. All right.

18 A. She doesn't know to this day probably.

19 Q. All right.

20 A. The joke where she wanted both houses
21 was a lot funnier if it wasn't under these
22 circumstances.

23 which one do you want? Both.

24 Q. I know. I'm just reading some of my
25 notes.

1 A. No. Just playing that back in my mind,
2 what she told me.

3 Q. Okay. So we're done with the Cynwyd
4 Club.

5 Is there anything you want to add that
6 you feel you weren't given an opportunity to talk
7 about with the Cynwyd Club?

8 A. No, ma'am.

9 Q. Okay.

10 So it's 10 after 12. We could take a
11 break here for lunch. This seems like the most
12 logical point. A half an hour works for me --

13 A. Do you think we have to?

14 Q. I tell you that I personally need to. I
15 need to recharge.

16 A. Not a problem. Then we will take as
17 long as you need.

18 Q. Okay. So we're going to take about a
19 half an hour. Let's say it's 12:15. So we'll
20 come back at 12:45?

21 A. Absolutely.

22 Q. Thank you very much.

23 (Recess - 12:12 p.m. - 1:06 p.m.)

24 BY MS. NORTON:

25 Q. So before we go into the statement of

1 financial interest issue.

2 A. We're gonna go backwards.

3 Q. We're gonna go backwards for a moment,
4 because I just want to talk about a rule of
5 judicial conduct.

6 In the Notice of Full Investigation,
7 which was Exhibit 1, I did indicate to you what
8 rules we're looking at.

9 A. You did.

10 Q. So you don't -- well, go ahead.

11 So specifically one of the rules I
12 indicated you may be in violation of is Rule 1.1
13 and 1.2 of the Code of Judicial Conduct.

14 And I want to look at 1.1. It falls
15 under Canon 1.

16 Canon 1 says, a judge should uphold and
17 promote the independence, integrity and
18 impartiality of a judiciary and shall avoid
19 impropriety and appearance of impropriety.

20 Rule 1.1, titled Compliance with the
21 Law --

22 A. I was trying --

23 Q. No, I understand. Says, a judge shall
24 comply with the law, including the Code of
25 judicial conduct.

1 . All the stuff we were talking about.
2 You being held in contempt of a Court
3 order on several occasions, do you agree that that
4 is the law, a Court order is a law?

5 A. Can you read the section for me one
6 time, please?

7 Q. The judge shall comply with the law,
8 including the Code of Judicial Conduct.

9 A. I'll -- can I defer on that answer?

10 I would like to read it in its entirety.
11 I don't know if that's referenced there the judge
12 should comply with the law that's before him as
13 he's adjudicating it, or he should comply with the
14 law -- I mean, obviously a judge should comply
15 with the law at all times, everybody should.

16 But I would like to read that and
17 research that before I would respond to your
18 question by admitting that was the intent of that
19 Canon.

20 Q. All right. That's fine. That's fine.

21 A. I mean, I think it could be interpreted
22 as he's adjudicating matters, he should comply
23 with the law as he knows it.

24 I mean, obviously I should not be held
25 in contempt. That goes out saying. But I would

1 just like to read it in its entirety before I
2 admit, if that's okay.

3 Q. It might help you to know that the
4 comment following that rule says, this Rule
5 concerns a judge's duty to comply with the law; or
6 a judge's duty to uphold and apply the law in
7 judicial decision making, Rule 2.2. and comment
8 three apply.

9 Does that help you at all?

10 A. It's always better for me to read. I'm
11 not trying to disagree with you.

12 Q. Understood.

13 A. But my attorney back in -- from my 30
14 years -- 26 years before I became a Judge, I would
15 always tell my clients, don't admit until you're
16 fully aware of it.

17 I'm not saying you're not wrong. [sic] I
18 would just prefer not to admit it until I have a
19 little bit more opportunity to read it again.

20 Q. All right.

21 A. I'm not trying to be -- I admit my
22 conduct was woeful.

23 Q. In what manner?

24 A. I should have taken it way more
25 seriously.

1 The appearance -- if someone knew that
2 Scott DiClaudio, the person that was in that
3 courtroom was Scott DiClaudio the judge in
4 Philadelphia County, I would think that would put
5 the judiciary in a light that's unfavorable, to
6 say the least.

7 I'm trying to minimize my conduct, which
8 is inexcusable.

9 Q. Well, let's talk about the -- what we've
10 established is that there were several occasions
11 where you were held in contempt of the court
12 order.

13 A. Correct.

14 Q. Do you believe that that conduct was
15 inappropriate in any manner?

16 A. Of course.

17 Q. Okay.

18 A. For the ones that I knew of.

19 There was a few in there where I contest
20 notice, especially for the first few years, that
21 they're giving -- sending the notice.

22 But for the ones that I knew about,
23 there's no excuse. There's no explanation.

24 There's just the opportunity to say how
25 I got to that place that I should not have been

1 at.

2 Q. Okay.

3 A. I don't know if that answered your
4 question, but -- believe me, if I had a time
5 machine -- never mind.

6 Q. Okay.

7 A. Sometimes I wonder -- I try to be on
8 point at all times when I'm not bench and I'm
9 proud of what I do there.

10 And my personal life, as we had prior
11 discussion, I wish that I had the foresight that I
12 have after the event. Like what were you
13 thinking, Scott? And I sometimes am troubled by
14 my own decisions.

15 Q. Let's talk for a couple minutes about
16 the bankruptcy that you referenced earlier.

17 A. Yes.

18 Q. Can you -- well, let me back up though.

19 Let me first talk about that sheriff's
20 sale. That's what I wanted to tackle first
21 actually.

22 A. Yes.

23 Q. It was a sheriff's sale of your home and
24 it related to RNC --

25 A. RCN.

1 Q. RCN. And is that a mortgage on your
2 home?

3 A. So it's revolving around the ticket
4 business.

5 If I can give you a little bit of
6 background, Ms. Norton.

7 So when I was in the ticket business,
8 you would buy season tickets. You'd have to pay
9 for all 81 home games for a baseball team.

10 So two months before the season started,
11 they want money for the next six months. I didn't
12 just own two tickets. I might have owned a
13 hundred tickets back when I was in business.

14 And sometimes the bill would be a
15 quarter of a million dollars or half a million
16 dollars.

17 So I had a line of credit. Most ticket
18 brokers do. Most businesses do when you're laying
19 out money. Because you lay out the money before
20 the season starts, and then you sell the tickets
21 as the games go on, you recoupe the investment,
22 pay back the loan and hopefully make a profit.

23 So my house had substantial equity in it
24 and I had a line of credit using my house as
25 collateral.

1 My line of credit was \$400,000. I'm
2 going back some years.

3 And my understanding -- and I had a lien
4 against my property, because if you are borrowing
5 money, they want to make sure you can't sell your
6 house. I don't know if it's a lien as much as a
7 demand note or something of that nature.

8 Q. The money you owe to?

9 A. RCN.

10 Q. Was secured by?

11 A. By my home.

12 Q. By your home.

13 They're a secured creditor?

14 A. Correct.

15 So what happened was, I had a team who I
16 owed money to. I had like 250,000 that I could
17 get from my line of credit.

18 And I said to RCN, I need a hundred
19 thousand to pay the New York Jets. They said,
20 yeah, we're not going to give it to you. We
21 decided not to fund these loans so much. We're
22 gonna go in the mortgage business.

23 I said, well, I have a line of credit
24 and a contract. I need my money to pay or I'm
25 gonna lose. And that's why it's kind of

1 interrelated to the IRS and RCN and my house.

2 They refused to loan me the money to pay
3 for the tickets with no rational explanation.

4 So the ticket business didn't -- I had
5 to lose money, because they wouldn't fund the
6 loan. And I then had to sell the house. But I
7 wanted to sell the house, it was seven bedrooms,
8 and pay back the money.

9 And as we're arguing in court, they had
10 a default judgment and did a sheriff's sale
11 without us knowing. I undid it.

12 I filed a notice. Several judges agreed
13 with my position. And eventually it was settled
14 amicably, where they received their money that was
15 due and owing from the sale of the house.

16 Q. Well, what was your position that got
17 you to overturn the sheriff's sale?

18 A. No notice.

19 Q. Your position was that there was no
20 notice?

21 A. Correct. And we wind up settling before
22 we even got to the seminal issue.

23 The judge set aside the sheriff's sale,
24 but I had already had the house under contract.
25 And their money was going to be paid out of the

1 closing.

2 Q. Okay.

3 A. So it was all interrelated.

4 Q. Yeah.

5 A. So their money was secured by the home
6 and we had a willing and able buyer.

7 But the sheriff's sale kind of stopped
8 the closing from going forward.

9 But eventually they withdrew the
10 sheriff's sale. I went to closing with the buyer,
11 received the money, and gave them a check at the
12 table.

13 Q. Is it fair to say that -- I'm gonna do
14 it again -- RCN, is it fair to say that RCN made
15 multiple -- or scheduled the sheriff's sale
16 multiple times?

17 A. It was -- it was scheduled, but we
18 agreed to postpone, because we had a willing
19 buyer. And it's a court in equity, so we would
20 provide the -- what's it called when you sell the
21 house, the --

22 Q. Closing documents?

23 A. -- closing documents that we were
24 selling the house for a million dollars.

25 And I only owed the mortgage company

1 525,000. So they were going to get their money
2 out of the closing.

3 Q. All right.

4 A. And inevitably multiple -- two judges
5 found that they were kind of playing fast and
6 loose, in my opinion, because they wanted to buy
7 the house for themselves.

8 They literally wanted -- at sheriff's
9 sale, they want -- let me go back a step.

10 Usually at sheriff's sale, someone else
11 buys the house and then they recoupe their money
12 from the sale.

13 They bought it themselves.

14 Q. Uh-huh.

15 A. So they were kind of making an end run
16 to get the home at a very discounted rate.

17 And at least two judges made that point
18 on record.

19 Q. So --

20 A. They were displeased with how RCN was
21 conducting business.

22 Q. I'm not sure that I heard an answer.

23 A. Okay.

24 Q. The question is, is it fair to say that
25 RCN had the sheriff's sale scheduled multiple

1 times?

2 A. It was scheduled and by agreement of the
3 parties postponed.

4 Q. Okay. So those schedulings you had
5 notice of?

6 A. The scheduling of -- yes.

7 Q. All right. But somehow you had the
8 ultimate sale overturned because you didn't have
9 notice?

10 A. When my lawyer, Mr. Stanwood --

11 Q. Uh-huh.

12 A. -- when we had the bankruptcy, notified
13 Mr. Meltzer and they had to withdraw it from the
14 sheriff's sale.

15 They can't proceed with the sheriff's
16 sale while there's potential of bankruptcy.

17 Q. How many times did they actually sell it
18 at a sheriff's sale?

19 A. Just once.

20 Q. And you had that -- it was actually
21 sold, correct?

22 A. To RCN themselves.

23 Q. Okay. And you went to court and had
24 that overturned?

25 A. Filed a petition to stay it. And the

1 judge never got to rule on it, whether it was
2 overturned, because RCN withdrew their bid and
3 agreed to let me sell it to my willing buyer. And
4 they got their money at the table.

5 Q. All right. And your position, your
6 argument for staying the sale, was that you had
7 not received notice of the sheriff's sale?

8 A. Correct. They actually filed a day
9 before the sale without telling my lawyer.

10 Q. Filed what?

11 A. So the sheriff's sale -- in
12 Philadelphia, they do it like every month or two
13 months. It got stayed and withdrawn by them, say
14 January 1st. I'm just picking a day.

15 The next sheriff's sale was March 1st.
16 The day before the sheriff's sale, it's my belief,
17 they went and put it on the list, like with
18 24-hours notice, without telling me.

19 Q. Okay. So let's talk a little bit
20 about -- what I want to put my hands on is the
21 docket for RCN.

22 (Board's Deposition Exhibit Number 34
23 marked.)

24 BY MS. NORTON:

25 Q. Okay. So we're skipping ahead to

1 Exhibit 34.

2 So Exhibit 34 is the Philadelphia Court
3 civil docket for RCN Capital versus DiClaudio.

4 Is this the sheriff's sale action we've
5 been talking about?

6 A. Appears to be.

7 Q. Okay. Is it? Take your time.

8 A. Yes.

9 Q. So if you go to page 15 of that docket.

10 A. I'm there.

11 Q. Okay. And you look down at the date,
12 September 11 of 2018, there's an entry that says,
13 notice continued sale date.

14 Do you see that one?

15 A. I do.

16 Q. Okay. If you read the docket entry, it
17 says the sheriff's sale is scheduled for September
18 11, 2018, has been continued until November 6 of
19 2018.

20 Did you receive notice of that November
21 6, 2018, sale?

22 A. Yes.

23 Q. You did?

24 A. If I can go back a little bit, I might
25 be able to give you some further clarity.

1 Q. Sure.

2 A. One of the issues with RCN is we had the
3 house sold probably three times. Once for 1.2
4 million and we continued the sheriff's sale. And
5 then they had the home inspection and they found a
6 problem with the stucco.

7 So RCN agreed to continue the sheriff's
8 sale, because they were gonna get their money and
9 then the buyer backed out.

10 So we rescheduled it, but the house is
11 pretty valuable, and I was selling it for under
12 what it was worth.

13 So we then had a second time where we
14 had another buyer and it got continued and had
15 stucco issues a second time.

16 Q. Uh-huh.

17 A. And then the third time -- we had three
18 experts come out. One said there was no stucco
19 problem, there was no -- and the third buyer, who
20 actually lives in my house now, found there was no
21 stucco problems and the sale went through.

22 So a lot of these were continued,
23 because we had a willing and able buyer, but after
24 the home inspection, it didn't go through.

25 And RCN kept getting frustrated. I was

1 like, what do you want me to do? The buyer is
2 buying it. I can't stop -- we had experts saying
3 there really was no stucco issue.

4 By the third time, it actually went
5 through. So that's why you'll probably see a
6 bunch of continuances. And they were getting
7 frustrated, they were like, this house will never
8 sell but then they bought it themselves.

9 So I don't know if that answers your
10 question -- all of your questions, but if you want
11 to go ahead seriatim, I'll be happy to.

12 Q. So you've indicated you did get notice
13 about the September 6, 2018, scheduling of the
14 sheriff's sale?

15 A. Correct.

16 Q. So when is it that you filed bankruptcy?

17 A. I think it was Novemberish. Early
18 November.

19 Q. Like what --

20 A. 7 to 14.

21 I had the e-mail from Mr. Stanwood
22 November 14. So between the 1st of November and
23 the --

24 Q. Well, does it help you if you recall
25 that the sheriff's sale for the house is now

1 scheduled for November 6 of 2018?

2 does that help you remember when you
3 filed the bankruptcy?

4 A. On or about that date. Probably prior.

5 Q. Why would it have been prior?

6 A. Why would it have been prior?

7 Q. Why would you file the bankruptcy prior
8 to the November 6th scheduling of the sheriff's
9 sale?

10 A. I don't understand your question.

11 Q. Is there a reason you would file
12 bankruptcy --

13 A. Oh, it would stay the -- it -- all my --
14 as I explained to you earlier, anyone I owed money
15 would be stayed until the bankruptcy was either
16 completed --

17 Q. Okay. So is that the reason that you
18 filed the bankruptcy, because you got this
19 November 6 date coming up where the sheriff's
20 sale's gonna happen?

21 A. That wasn't the sole reason, no.

22 I didn't file a bankruptcy just to stay.
23 I'm sure it was a consideration.

24 But there was several debts, credit
25 card, house sale -- what else? The Jets, 49ers

1 and RCN.

2 RCN was also trying to get their money
3 from me. We were arguing about that and whether
4 they were in default of not loaning me the money,
5 thus causing me -- we had talked about -- and I
6 actually sent them a copy of a lawsuit that I was
7 gonna file, that they caused me to lose about
8 600,000 by not loaning me the money that we had
9 contractually agreed to.

10 I don't know if you understand that. Do
11 you understand --

12 Q. I do understand. Thank you.

13 Now we're gonna look at what's marked as
14 Exhibit Number 33, because I like to go backwards.

15 (Board's Deposition Exhibit Number 33
16 marked.)

17 BY MS. NORTON:

18 Q. This is your bankruptcy docket.

19 A. Yeah, this is Mr. Stanwood.

20 Q. Looking at this docket, can you tell
21 what date your bankruptcy petition was filed?

22 A. It appears to be November 5th.

23 Q. Okay. And what date was the sheriff's
24 sale scheduled for?

25 A. Well, there were several. There was one

1 scheduled for November 6.

2 Q. Correct.

3 Okay. So the effect of filing this
4 bankruptcy petition on November 5th, 2018, did it
5 have an effect on the sheriff's sale scheduled for
6 the very next day?

7 A. I think it caused it to be continued.

8 Q. Or stayed?

9 A. Or stayed.

10 Q. Okay. What other relief were you
11 looking for in your bankruptcy?

12 A. I don't understand your question.

13 Q. Well, I guess I'm a little confused,
14 because if you take time and read through this
15 docket, you will see that you never filed a list
16 of creditors.

17 There were no creditors list filed.

18 A. Well, I think that's inaccurate.

19 Q. Okay.

20 A. Because I looked at Mr. Stanwood's
21 e-mail to me, he had a list of creditors.

22 Q. Okay. Filed?

23 A. He sent me an e-mail and said these are
24 your creditors.

25 Q. Okay.

1 A. So I -- I don't know if it got --

2 Q. Let me ask you this, Judge.

3 A. Yes.

4 Q. Let me ask you a question.

5 A. Okay.

6 Q. This is a Petition 13 bankruptcy or a
7 Chapter 13 bankruptcy petition, correct?

8 A. I'm not sure. But it says that on page
9 1, Chapter 13.

10 Q. Okay. Does that seem like it might be
11 correct if that's what the docket says?

12 A. Absolutely.

13 Q. All right. And to your knowledge, I
14 believe you've already stated that one of the
15 affects of a Chapter 13 bankruptcy petition is to
16 cause an automatic stay of any kind of sheriff's
17 sale -- foreclosure action, excuse me.

18 A. Yes. It's a -- when you file a
19 bankruptcy, it stays all individuals collecting
20 debts.

21 Q. All right.

22 A. But I believe I would have gotten a
23 continuance had I asked for it anyway, because we
24 had a willing and able buyer.

25 So if you're trying to ask me if I did

1 it intentionally.

2 Q. Intentionally what?

3 A. Filed bankruptcy to stay. I went to
4 court five times.

5 Q. On what?

6 A. On -- via the RCN. I won all five.

7 when you have a willing and able buyer
8 in equity, it doesn't make sense to sell a house
9 at a sheriff's sale and cost the seller of the
10 house three or \$400,000. And every judge told
11 Mr. Meltzer that.

12 And I was extremely confident, and I
13 remain confident, that no judge on the planet
14 would force a house to go sheriff's sale when
15 there's a willing and able buyer.

16 And I can provide all of the written
17 offers. One was for 1.2 million. One was for
18 1.170,000. And they're all around this time. And
19 there are several other buyers that were
20 interested, all offering me in excess of \$950,000
21 for the house.

22 Again, if you send me an e-mail, I'll
23 send you each of the signed -- what's it when you
24 make an offer?

25 I forget what it's called.

1 Q. I'm not going to guess.

2 A. They give you a written offer. You have
3 ten days to rescind. They give you the ability to
4 have a home inspection.

5 But it's not like, I'm offering you
6 money. It's brokers, signed documents, contracts.

7 And we had one -- we had a really --
8 because I was selling the house for hundreds of
9 thousands under the value, we had it appraised at
10 1.36 million.

11 Just so I could pay my debts, I was
12 willing to sell it for under a million.

13 And in the area that I live, Ms. Norton,
14 it was a highly desirable home. I never had any
15 doubt that the house would sell and I'd be able to
16 pay the debts.

17 Q. So when did that sheriff's sale happen,
18 before or after the bankruptcy petition?

19 A. So what I think happened was the
20 bankruptcy petition got dismissed or discharged.
21 And they -- without calling the lawyer or me, went
22 the day before the sheriff's sale and listed it
23 without telling us.

24 Q. Why don't I give you a chance to --
25 let's look at the dockets, before we go any

1 further with that.

2 A. Sure. That's my memory.

3 Q. If you look at the bankruptcy document,
4 which is Exhibit 33.

5 A. This one?

6 (Board's Deposition Exhibit Number 33
7 marked.)

8 BY MS. NORTON:

9 Q. The last page of it.

10 A. Okay.

11 Q. And if you look at the last entry,
12 January 23, 2019, you see the final report of the
13 trustee?

14 A. Yes, ma'am.

15 Q. Okay. Your case is dismissed?

16 A. I do.

17 Q. That's January 23ed, correct?

18 A. Absolutely.

19 Q. Okay. And then if we go to Exhibit 34,
20 which is the docket of RCN.

21 A. Uh-huh.

22 Q. Look at page 18.

23 I might have steered you wrong.

24 Page 17, I apologize.

25 Exhibit 34. Do you see right about

1 there in the middle?

2 January 9th of 2019, sheriff's sale
3 property sold to Weber Gallagher, Simpson --

4 A. I believe that's the attorneys who were
5 representing the other -- so the law firm
6 representing RCN bought the home.

7 Q. All right. And that happened on January
8 9th?

9 A. Yes. And I went the next day, January
10 10th, when I found out.

11 Q. You went where?

12 A. To the sheriff and -- or the Judge and
13 filed a petition to set it aside.

14 Q. And what was the basis for that
15 petition?

16 A. Not having notice.

17 Q. Didn't have anything to do with the
18 bankruptcy stay?

19 A. I don't think so.

20 My memory is it had to do with I didn't
21 have notice. And I remember being in the
22 sheriff's office saying, these blankety blanks
23 didn't tell me.

24 So, no, I don't believe it did.

25 Q. So let's move on and talk about the

1 Statements of Financial Interest.

2 A. Okay.

3 Q. So are you familiar with what I mean
4 when I talk about the Statement of Financial
5 Interest?

6 A. I am.

7 Q. I've got a copy of one, just so that we
8 know what it looks like.

9 A. Okay.

10 (Board's Deposition Exhibit Number 23
11 marked.)

12 BY MS. NORTON:

13 Q. This is Exhibit 23. And it's a blank
14 Statement of Financial Interest.

15 Is that what you were talking about?

16 Can we agree that's what it is?

17 A. Absolutely.

18 Q. Have you ever filled these out?

19 A. I have.

20 Q. Okay. We'll get to that then.

21 And to your knowledge, did the
22 Statements of Financial Interests come with
23 instructions?

24 A. They did.

25 Q. And we're gonna look at Exhibit Number

1 24.

2 And I would indicate that I believe
3 that's the instructions for the Statement of
4 Financial Interest.

5 A. I would agree.

6 (Board's Deposition Exhibit Numbers 23
7 and 24 marked.)

8 BY MS. NORTON:

9 Q. Okay. Wonderful.

10 Now, looking at 23 and 24, just keep
11 those in front of you, question number 8 on
12 Exhibit 23, which is the Statement of Financial
13 Interest, requires judicial officers to provide a
14 list of all creditors.

15 Do you see what I'm talking about?

16 A. I do, ma'am.

17 Q. And the instructions that go with the
18 Statement of Financial Interest, Exhibit 24, they
19 limit the list of debts to those debts -- I'm
20 looking at page 2 of Exhibit 24, the very bottom.

21 A. Yes, ma'am.

22 Q. It's limited to those debts which at any
23 time during the prior year were over 6,500.

24 Do you agree?

25 A. I do.

1 Q. Okay. Putting those aside for a moment,
2 on March 4th of 2011, the Pennsylvania Department
3 of Revenue filed a lien against you for some
4 personal income taxes that were due.

5 Do you recall that?

6 A. I do.

7 Q. Okay. The amount was \$7,536.10.

8 And in my Notice of Full Investigation,
9 I indicated that that amount, that Department of
10 Revenue lien, has remained continuously open
11 during the entire period of time that you've been
12 a judicial officer.

13 Do you agree with that?

14 A. I do.

15 Q. Okay. So let's take a look at that.
16 It's Exhibit Number 25.

17 (Board's Deposition Exhibit Number 25
18 marked.)

19 BY MS. NORTON:

20 Q. And this is the March 4th, 2011, lien.
21 We're gonna look at the next exhibit,
22 which is June 12 of 2014, the Pennsylvania
23 Department of Revenue filed the lien against you
24 in the amount of \$10,174.97.

25 And the matters remained continuously

1 open during the entire period of time that you've
2 been a judicial officer.

3 Is that correct?

4 A. Yes, ma'am.

5 Q. And that's Exhibit Number 26 indicating
6 that amount.

7 (Board's Deposition Exhibit Number 26
8 marked.)

9 BY MS. NORTON:

10 Q. On March 11 of 2017, the Pennsylvania
11 Department of Revenue filed a lien against you in
12 the amount of \$16,317.24, and the matter remains
13 open.

14 Is that correct?

15 A. It does.

16 Q. Okay. This is Exhibit 27.

17 (Board's Deposition Exhibit Number 27
18 marked.)

19 BY MS. NORTON:

20 Q. Now, can you say with those -- one more.
21 On July 28 of 2017 -- well, let me just
22 stop there. I'll just stop there.

23 Let's go over the Pennsylvania -- the
24 Department of Revenue liens.

25 Were you aware of those liens at the

1 times that they were filed?

2 A. I became aware of them. When exactly, I
3 don't know.

4 But I know they did exist at the time I
5 filled out my Statement of Financial Interest.

6 Q. Your first Statement of Financial
7 Interest --

8 A. Yes.

9 Q. Okay.

10 A. In 2015, I knew that this money was
11 owing.

12 Q. And you knew that the liens existed?

13 A. Yes.

14 Q. Okay. All right. So now we can go to
15 the next one.

16 on July 28, 2017, the Internal Revenue
17 Service filed a lien against you in the amount of
18 \$287,500.11, and the matter remains open.

19 Is that correct?

20 A. It does.

21 Q. That's Exhibit Number 28.

22 (Board's Deposition Exhibit Number 28
23 marked.)

24 BY MS. NORTON:

25 Q. On April 29th of 2016, you submitted

1 your annual Statement of Financial Interest.

2 on that statement, you did not list the
3 Pennsylvania Department of Revenue as a creditor.

4 Let's take a look at that. And it's
5 Exhibit Number 29.

6 (Board's Deposition Exhibit Number 29
7 marked.)

8 BY MS. NORTON:

9 Q. Does that appear to be your Statement of
10 Financial Interests for the year 2015?

11 A. It does.

12 Q. Okay. Let me catch up here for a
13 second.

14 So looking on Exhibit 29, at question
15 number 8, which is the creditors, you list several
16 creditors, Barclays, Citi Bank, Discover, Bank of
17 America and RCN Capital.

18 I note that you don't list the
19 Pennsylvania Department of Revenue.

20 Is that correct?

21 A. Correct.

22 Q. Is there a reason you didn't list the
23 Pennsylvania Department of Revenue as a creditor
24 on your Statement of Financial Interest?

25 A. My misinterpretation of what a creditor

1 was.

2 Q. And where did you -- what was your
3 interpretation of what a creditor was?

4 A. It says -- well, it deals with interest
5 rates. And do not list home mortgages or equity
6 loans.

7 I just didn't think that taxes were part
8 of that. I explained to you, I talked to
9 Mr. Graci. I wasn't hiding it. I just made a
10 mistake.

11 So if I was to list that, I'm in error.
12 I didn't intentionally not tell or list it on my
13 list of financial interest.

14 I made an error, if, in fact, they are a
15 creditor in terms of the law, then I would be in
16 dereliction of my reporting.

17 Q. Okay. So let's just focus.

18 This is -- Exhibit 29, this is your
19 Statement of Financial Interest for the calendar
20 year 2015, and it's dated -- signed by you, dated
21 April 29 of 2016. You can see that on page 2.

22 A. Yes, ma'am.

23 Q. You indicated that you talked to
24 Mr. Graci.

25 A. At some point when I was contemplating

1 filing -- I didn't talk to Mr. Graci.

2 When I was contemplating filing
3 bankruptcy, I made it known to Mr. Stretton, I
4 don't know if he made it known to Mr. Graci or not
5 that I owed these monies.

6 Q. That you owed what money?

7 A. I owed debts that exceeded my ability at
8 that point.

9 Q. Let's back up.

10 Let's just try to focus.

11 What we're talking about right now are
12 the Pennsylvania Department of Revenue liens.

13 A. Yes. I cannot specifically say that
14 Mr. Stretton told Mr. Graci about the liens.

15 But I wasn't trying to hide that I was
16 in financial straits at that time and I owed
17 money.

18 There was really no reason for a judge
19 to hide that in a Financial Statement, in my
20 opinion. It's not like I would have been thrown
21 off the bench, so to speak. It's just a matter of
22 reporting it.

23 I know of no problem, if you did report
24 it, it wasn't like I had any reason to lie or
25 intentionally mislead anyone.

1 I made an error. But it was absolutely
2 unintentional. It's my reading of what a creditor
3 is.

4 Q. Where did you read that?

5 A. When I filled that out, I read the
6 definitions, which is list the creditors --

7 Q. Wait. Stop. Let me know where you're
8 talking about.

9 A. Board's Exhibit 24.

10 Q. Okay.

11 A. Subparagraph 8, bottom of the page.

12 Q. Okay. Go ahead.

13 A. It says creditors, list the creditor,
14 address and interest rate of those debts, which at
15 any time during the year were over \$6500.

16 Do not list debts that were disclosed in
17 item seven. Do not list home mortgages, equity
18 loans, including those on a secondary home. Do
19 not list debts between judicial officer required
20 to file and a spouse domestic partner or dependent
21 children.

22 I imagine, now that I'm sitting here
23 before you, that the IRS and State of Pennsylvania
24 are creditors under that definition. That's what
25 I imagine I'm answering this question for.

1 But I had no reason, Ms. Norton, to
2 intentionally not put that on there. I didn't
3 think under that definition that it was to be
4 included.

5 Q. When is it that you came to the
6 realization that it should have been included?

7 A. When I received your letter.

8 Q. The Notice of Full Investigation?

9 A. Yes.

10 Q. Well, then why in your response to my
11 Notice of Full Investigation, dated September 12,
12 you know, presumably once you received my letter,
13 you realized, oh, my gosh, the IRS and the
14 Department of Revenue --

15 A. Yeah.

16 Q. -- were creditors, were debtors within
17 the meaning of the Statement of Financial
18 Interest?

19 A. That's what your complaint alleges.

20 Q. So then September 12th you respond to my
21 Notice of the Full Investigation.

22 A. Let me get it out, please.

23 Q. Yeah.

24 A. And -- yes. And the second paragraph,
25 initially I'm reading -- I'm re-reading the

1 definition.

2 The undersigned had a good faith belief
3 that the debt, quote, unquote, owed was not
4 subject to the reporting requirement.

5 It was certainly not an attempt to
6 overtly misstate or hide this information.

7 Additionally, I don't believe that to be
8 owed anyway, that's just my way of explaining that
9 I'm -- because of RCN and losing money, that I'm
10 filing an amended return.

11 And I believe those debts will
12 eventually not be recorded.

13 But clearly, in the first missive, that
14 was my explanation.

15 And I was accepting responsibility.
16 And, additionally, I don't even think I owe the
17 money. It's more, and, oh, by the way.

18 Q. Well, I'm a little confused about your
19 statement that you were accepting
20 responsibility --

21 A. Sure.

22 Q. -- because the line above where you
23 began reading, on Exhibit 2, you say, it is
24 proffered that this does not constitute any
25 violation of Judicial Canons for the following

1 reasons.

2 A. Well, I don't -- in my opinion, to
3 violate a judicial canon, it has to be
4 intentional.

5 I think that there is sometimes when
6 mistakes -- innocent mistakes are made.

7 Not every mistake is a violation of your
8 judicial ethics or canons. And if I'm to be
9 believed that it was unintentional and a
10 misreading, I don't know that every time a judge
11 makes a misstep, it's a violation, if there's no
12 intent. That's my belief.

13 You may have a different position.

14 You have to remember, Ms. Norton, I was
15 a defense attorney for 25 years. And when I'm
16 alleged to have committed an infraction, I'm going
17 to explain why. And if I believe there's an
18 appropriate defense, so to speak, I'm gonna
19 explain it.

20 I truly and honestly didn't think that I
21 was required to do it. There is no reason, if
22 you're looking for motive -- nothing bad would
23 have happened to me had I reported it. There's no
24 reason that I wouldn't have had I thought I was
25 required to.

1 Q. What efforts did you make to understand
2 what the word debt or creditors meant on that
3 form?

4 A. I made no other efforts, to be honest.
5 I just read it.

6 I have 30 years as an attorney and that
7 was my interpretation of what that paragraph
8 meant.

9 Q. And yet after you got my Notice of Full
10 Investigation, that's all it took for you to
11 realize, oh, I misinterpreted that question?

12 A. I would have never thought about it --
13 if I'm lucky enough to be on the bench for 20
14 years, I would have filled it out the same for 20
15 years. That was my belief at the time.

16 When someone that I respect, and I
17 believe that you have way more experience in these
18 forms than I do, I've read them one time, you
19 probably can memorize all them, when you tell me
20 that you believe it's a violation, that's when I'm
21 alerted that, hey, Scott, you better look at this
22 more closely, that can be interpreted that way.

23 When I read it, I didn't think it could
24 be interpreted that way. Should I -- I guess I
25 could have called and asked for an advisory

1 opinion, but it didn't seem to be --

2 Q. Well, you obviously have dealt with
3 bigger income and debt numbers than I've ever
4 dealt with in my personal life.

5 A. But let me ask you this.

6 Q. You agree that the Department of Revenue
7 says -- in 2011, said you owed 7,536; 2014, you
8 owed 10,174; and then 2017, 16,000. So we're at,
9 like, a lot of money.

10 A. 35,000.

11 Q. The IRS wants even more, so --

12 Q. Is that a significant debt to you?

13 A. Yes.

14 Q. And so if you have a significant debt,
15 the Department of Revenue is the creditor for that
16 debt, correct?

17 A. Under your definition, yes.

18 Q. How about your definition?

19 A. May I?

20 I'm gonna -- my definition of a creditor
21 is if you borrowed money, like, that's the way I
22 looked at it. Credit cards. Loans. Not deemed
23 for tax debt.

24 I think most people, laymen, would think
25 of a creditor, credit card. The broader

1 definition would be anyone you owe money to.

2 The more narrow definition of a creditor
3 is someone that you borrowed money from that you
4 owe.

5 I'm obviously mistaken by the definition
6 that you would have espoused to.

7 Q. Well, you were involved in bankruptcy at
8 one point, correct? We've already established
9 that.

10 A. Yeah, for that month.

11 Q. Did you file any bankruptcies for any
12 clients?

13 A. Never.

14 Q. Never went in that direction?

15 A. That's the first time I've ever spoken
16 to an attorney or spoken to anyone about a
17 bankruptcy.

18 Q. In your discussions or investigations
19 into your own personal bankruptcy, would you have
20 considered the IRS -- well, we didn't get to them
21 yet, but the Department of Revenue to be a
22 creditor for bankruptcy purposes?

23 A. I would imagine they would be a creditor
24 on that form, yes.

25 Q. And why is that?

1 what makes them -- what makes the
2 definition of creditor different in your mind
3 under bankruptcy as opposed to the Statement of
4 Financial Interest?

5 A. Timing.

6 At the time I filled out the Statement
7 of Financial Interest, I had never been involved
8 in a bankruptcy.

9 I didn't even know you had to list
10 creditors and I wouldn't have -- my lawyer told
11 me, like, who do you owe money to? what debts are
12 outstanding?

13 So the timing of it, had I filed for
14 bankruptcy prior and I listed them as a creditor,
15 it might have rang a bell when I filled out my
16 forms.

17 A. May have. I don't know why I didn't put
18 that together.

19 But again, I would have no reason to
20 have intentionally not put it on the form. I know
21 of no reason a judge would ever be reprimanded for
22 owing money to the government.

23 (Board's Deposition Exhibit Number 32
24 marked.)

25

1 BY MS. NORTON:

2 Q. Let's look at Exhibit Number 32.

3 Q. Exhibit Number 32, I'm handing to you.
4 That's a Statement of Financial Interest.

5 And is it your Statement of Financial
6 Interest?

7 If you look at the back page, the second
8 page, it's the Statement of Financial Interest for
9 the calendar year 2018.

10 What date did you complete that
11 statement?

12 A. 4/29/19.

13 Q. Look on the first page. Did you list
14 the Department of Revenue on line 8 as a creditor?

15 A. I did not.

16 Q. When did you file your bankruptcy
17 petition?

18 A. Was it November?

19 Q. Of 2018.

20 A. It was prior to me filling out this
21 form.

22 Q. Right.

23 A. Maybe by about five months.

24 Q. Now, you just told me that it was only
25 when you filed bankruptcy that you learned the

1 real definition of creditor and that the
2 Department of Revenue would be a creditor.

3 A. Had I put those two things together, and
4 not dealt with them six months apart, I may have
5 put that together.

6 I wasn't thinking about my bankruptcy
7 that was there for a month. It was discharged
8 when I filled out my statement of matters --
9 financial matters.

10 Q. That's not what I'm asking you.

11 What I'm asking you is, on April 29 of
12 2019, when you filled out your Statement of
13 Financial Interest and you did not list the
14 Department of Revenue as a creditor. I don't
15 understand why.

16 Because several months before you had
17 filed your bankruptcy and that's when you learned
18 the definition of creditor, and that it would
19 include the Department of Revenue.

20 A. I understand what you're saying. I just
21 didn't put the two things together.

22 Q. All right. Okay. Okay.

23 A. I'm filling out this form at my desk, my
24 law firm, I'm not thinking about what the
25 definition of a creditor would be in a bankruptcy

1 form.

2 I didn't even write that. My lawyer
3 would have done that in the bankruptcy, not me.

4 Q. But you told us that as a result of that
5 bankruptcy, you learned the definition of
6 creditor?

7 A. Well, you'd think -- when you're
8 thinking about it, and I'm sitting here in an
9 environment that I'm asked to use my deductive
10 reasoning, it makes sense.

11 You're a fine lawyer. Yes, you should
12 have put those two things together.

13 If they're a creditor when you filled
14 out a bankruptcy six months ago and you fill out
15 this form, is it the same definition? I can see
16 your point.

17 But when I'm filling it out and I read
18 the definition, at that time I didn't think it was
19 required, reading a specific definition.

20 Q. Let me just -- just bear with me.

21 Did we talk about Exhibit 28, which is a
22 July 28, 2017, Internal Revenue Service lien
23 against you in the amount of \$287,500.11.

24 Is that correct?

25 A. There is a lien, yes.

1 Q. And you were aware of that lien?

2 A. At which --

3 Q. Well, that would be my question.

4 when did you become aware of the lien?

5 A. Well, there was a lien. It was

6 withdrawn and then it was reinstated.

7 So I did know that there was a lien at
8 the time I filled out my most recent financial
9 statements. And I probably knew about it -- I
10 don't know the exact timing.

11 It wouldn't have changed my response,
12 but I -- under the definition that they're a
13 creditor, I did know I owe them money at the time
14 I filled it out, at least two or three of my -- I
15 think I filled three or four of them already.

16 There might have been one of them where
17 it was lifted at some point. But two or three of
18 them, under the definition that you adhere to, I
19 should have listed them, also.

20 Q. Okay.

21 A. I did know I owed the money at least two
22 different times when I filled out Statements of
23 Financial Interest. And I neglected to notify the
24 appropriate individuals.

25 Q. Oh.

1 A. Does that answer that question?

2 Q. Yes.

3 So let's look at the rest of your
4 statements of Financial Interest.

5 We already looked at that first one for
6 the year 2015.

7 So now we're going to look at the
8 Statement of Financial Interest. This is more or
9 less for the record for the year 2016. This is
10 Exhibit Number 30.

11 (Board's Deposition Exhibit Number 30
12 marked.)

13 BY MS. NORTON:

14 Q. And if you look at the second page, it
15 says -- it's got your electronic signature on it.
16 It's dated April 26 of 2017, correct?

17 A. Yes, ma'am.

18 Q. And is that your Statement of Financial
19 Interest?

20 A. It is.

21 Q. Okay. And if you look at line 8 on
22 page -- the first page, under creditors, is the
23 IRS or the Department of Revenue listed?

24 A. No, ma'am.

25 Q. Okay.

1 (Board's Deposition Exhibit Number 31
2 marked.)

3 BY MS. NORTON:

4 Q. Now, let's look at Exhibit Number 31.

5 And this is a Statement of Financial
6 Interest for the year 2017. And it's dated May
7 1st -- electronic signature and dated May 1st,
8 2018. It's your electronic signature.

9 Is that your Statement of Financial
10 Interest?

11 A. It is, ma'am.

12 Q. And on there, if you look at page 1 on
13 line 8, did you list the Department of Revenue or
14 the IRS?

15 A. I did not.

16 Q. Okay. Now --

17 A. You just gave me '18. That's 31.

18 Q. Oh, yes, and I did look at 32.

19 So can I -- is it safe for me to assume
20 that your answer for all of your statements of
21 Financial Interest regarding your failure to list
22 the IRS or the Department of Revenue has to do
23 with your definition of creditor?

24 A. Yes.

25 Q. Okay. So each of those years on your

1 Statement of Financial Interest you did not list
2 the IRS or the Department of Revenue because you
3 did not believe those debts met the definition of
4 creditor or debt?

5 A. That was my belief.

6 Q. All right. Okay. Is it a correct
7 statement -- I may have already covered this.

8 But on each of those statements of
9 Financial Interest, when you were completing them,
10 were you aware that you owed the Department of
11 Revenue money?

12 A. Yes.

13 Q. You were aware of the liens by the
14 Department of Revenue?

15 A. Yes.

16 Q. Okay. And for the Internal Revenue
17 Service, whose lien was only filed on July 28 of
18 2017, when you filed your 2017 Statement of
19 Financial Interest, were you aware that there was
20 an IRS lien?

21 A. I don't think I was, because I think I
22 found out when I went to closing on -- one of the
23 closings.

24 Q. All right.

25 A. So I would -- I think that was the

1 holdup, selling the house. I'm like -- because at
2 one point they had -- and this is another
3 reason -- at one point, the IRS garnished my
4 judicial wages for like a week.

5 Q. Okay.

6 A. And then they lifted it.

7 so -- and I called the AOPC or whoever
8 it was and they knew -- and I explained to them, I
9 owe the IRS money, but they're gonna lift it.

10 There was paperwork that went up and
11 back with the payroll service here in Harrisburg
12 and the IRS.

13 I explained to them Nassau Tickets and
14 how I'm going to amend. And they agreed to
15 lift -- what's it called when they want to take
16 money out of your check? whatever.

17 Q. Garnishment?

18 A. Garnishment. Thank you.

19 So it wasn't like, again, I was trying
20 to hide anything. I was -- the IRS actually filed
21 paperwork with Harrisburg of the debt.

22 The garnishment was lifted.

23 Q. Yes. Understood.

24 A. And that was, like, a year and a half.

25 So it was on, then it was off. And I

1 didn't know it was back on until I went to
2 closing.

3 so I was actually unaware of that one
4 probably when I did '17.

5 But when I had '18, I was aware of it, I
6 think, depending on when I signed it.

7 Q. The 2018 Statement of Financial Interest
8 is Exhibit 32 and that was signed April 29th,
9 2019.

10 Did you at that time --

11 A. April, absolutely.

12 Q. -- that there was an IRS lien?

13 A. A hundred percent. Because it was
14 probably January that I found out. December,
15 January. She's still shaking her head.

16 Q. All right.

17 A. So unequivocally, just so the record's
18 clear, I knew about it when I filed the last
19 statement of Financial Interest.

20 Q. Okay. In your response to the Notice of
21 Full Investigation, which is Exhibit 2, you
22 indicated that an amended tax filing will soon be
23 sent to both the state and the IRS alleging the
24 debt is no longer owed.

25 Has that been done?

1 A. No.

2 Q. Do you anticipate doing that?

3 A. Shortly. We're waiting for a document
4 from the San Francisco 49ers.

5 I had seat licenses. A quick version
6 is, to buy tickets to football events, you have to
7 actually buy your seat, and you pay not only for
8 the purchase of the seat, then you pay for the
9 season ticket itself.

10 I defaulted, because RCN wouldn't give
11 me the money. I lost about \$160,000. And we need
12 the documentation from the San Francisco 49ers
13 saying that's \$160,000.

14 And it's not easy getting it from them.
15 And we will provide the documentation with the
16 amended return. So I don't have any other issues,
17 IRS issues.

18 Q. You do understand, though, that merely
19 alleging that the debt is not owed doesn't change
20 the existence of the liens?

21 A. Of course. Just because I do not owe
22 the money, doesn't mean I -- if your definition is
23 correct, my interpretation is flawed.

24 I should have written down that I owed
25 the money, whether or not it's my belief or not it

1 is valid, or it might be amended.

2 Yes, I completely agree with your
3 statement.

4 Q. Okay. Then back to your Notice of Full
5 Investigation response.

6 You stated that the Court divested
7 itself of an investment/business shortly after
8 ascension to the bench.

9 When you say the Court, are you
10 referring just to you or any other individuals?

11 A. Me.

12 Q. All right.

13 A. As I explained, because I talked to
14 people and they're like, not a good idea to own a
15 business.

16 Q. Yeah, right.

17 So you divested yourself of the
18 business.

19 What business was it?

20 A. Nassau Tickets.

21 Q. Okay. And when -- what do you mean by
22 divested?

23 A. Meaning, I got rid of -- I am not
24 actively selling tickets.

25 Anything that I had, I either sold at a

1 loss, let expire -- most of them are season
2 tickets. So I just didn't purchase them or I gave
3 them away.

4 Q. I call that property.

5 A. Okay. Property.

6 Q. What business did you divest yourself
7 of?

8 A. Nassau Tickets.

9 I no longer buy and sell tickets.

10 There was a time where Nassau Tickets
11 did four or \$5 million a year in sales.

12 I had five employees, computers. I had
13 people actively buying and selling tickets on a
14 daily basis.

15 All those people had to move on. That
16 business did not exist any longer.

17 Q. It doesn't exist any longer?

18 A. It does not exist.

19 Q. Okay. Well, then let's just go back to
20 those statements of Financial Interest.

21 So if we just look at Exhibit Number 32,
22 which is dated April 29th of 2019.

23 A. Uh-huh.

24 Q. And it lists -- question 9-B, other
25 direct and indirect sources of income.

1 And you've got Nassau Tickets listed.

2 A. Indirect.

3 So I would -- I gave away tickets. Like
4 if they were worth money, like a first row, I gave
5 them to other ticket brokers. And those brokers
6 gave me money.

7 So that's like an indirect -- I want
8 them to know that I sometimes receive money from
9 the ticket business.

10 Q. Right.

11 That seems appropriate to me.

12 A. I was trying to just put it at like, I'm
13 getting money sometimes. Like my two ex-partners,
14 like my -- from referrals back in the day or civil
15 cases, that's Trimble and Diamondstein, I get paid
16 by you guys and Nassau Tickets, there's some
17 ancillary ticket money that I make -- or made in
18 those years.

19 Q. Thank you.

20 A. So I was just trying -- without being
21 too specific.

22 Q. So if you go to the second page of
23 Exhibit 32.

24 A. Okay.

25 Q. You see question 12?

1 Financial interest in any legal entity
2 in business for profit.

3 And what did you list there?

4 A. Nassau Tickets. We weren't really --

5 Q. Stop, please.

6 Interest how, what did you list?

7 A. Eighty percent owning the company,
8 Nassau Tickets.

9 Q. I thought you told me that the company
10 is closed.

11 A. I still own 80 percent of the company
12 that doesn't do business anymore.

13 Q. Okay. So when you said in your Notice
14 of Financial -- or in your Notice of Full
15 Investigation response that you had divested
16 yourself of the investment or business, you
17 didn't -- you didn't mean you sold the business?

18 A. No, I just -- it doesn't do business
19 anymore. I own 80 percent of the company that
20 doesn't do business.

21 Q. Okay.

22 A. There's no employees. There's no
23 computers. There's no sales.

24 Again, I was trying to be over
25 inclusive.

1 In my mind, I was trying to be over
2 inclusive. I was trying to notify that I owned a
3 ticket business and sometimes I get funds from it.

4 Q. You see -- the term I'm having is the
5 comment that you were being over inclusive and yet
6 you forget about the 200 and some thousand dollars
7 that you owe the IRS and the 30 thousand -- 30
8 more thousand that you owe the Department of
9 Revenue.

10 A. I admit two ways.

11 One way, if you want to look at it, is
12 it's unintentional, or else I would have done it.

13 I mean, over the course of a month, then
14 obviously I just mistakenly had the definition
15 wrong. There's two reasons for that.

16 One, there's no reason, again, to not
17 include it.

18 And, B, I'm -- I put RCN there. And I
19 wrote Nassau Tickets. So I'm not trying to hide
20 anything.

21 I simply made a mistake.

22 You can believe that or not, Ms. Norton,
23 but --

24 Q. Sometimes mistakes are made when we're
25 not careful.

1 Do you agree with that?

2 A. Oh, absolutely.

3 Q. Would you agree that you weren't careful
4 when you filled out your Statements of Financial
5 Interest?

6 A. You make me -- I had trouble the last
7 before I got it.

8 It's a tough definition. I read it
9 three times and I made a mistake. I should have
10 been more diligent. I probably should have asked
11 for advice. So, yes, I'm now agreeing with you.
12 I should have been more careful.

13 I should have read it more -- I should
14 have asked for advice. I mean, I go to Judge
15 Tucker all the time. He is part of the ethics
16 component and he is my boss and we have a great
17 relationship. And I rely on him heavily.

18 In hindsight, I obviously should have
19 asked, is an IRS loan or debt a creditor.

20 For whatever reason, arrogance,
21 carelessness -- I try to be diligent and I missed
22 that one.

23 So, yes, I should have been more
24 careful. I would agree with that.

25 Q. I think you already answered this one.

1 In several of your statements of
2 Financial Interest, you list Michael Diamondstein.

3 A. Uh-huh.

4 Q. And Robert Trimble as individuals who
5 are sources of income.

6 Tell me what that income is.

7 A. They were ex-law partner and
8 ex-associate.

9 Q. Both lawyers?

10 A. Both lawyers.

11 And I had civil cases or cases that I
12 left them to handle, and had written fee
13 agreements prior to my ascension to the bench that
14 they completed. But I had an agreement with my
15 client.

16 Q. So the money that were getting from
17 Michael Diamondstein and Robert Trimble, that are
18 reflected on your 2016, '17 and '18 Statements of
19 Financial Interest --

20 A. Minimal. I'm talking hundreds of
21 dollars. Not anything significant.

22 Again, I wanted to be over inclusive. I
23 made sure they wrote a check, that I recused
24 myself from both those cases.

25 In four years that I've been on the

1 bench, they have not been permitted to do any case
2 whatsoever.

3 Q. Okay.

4 A. Every time they come in, I announce it
5 to the courtroom. Mr. Trimble and
6 Mr. Diamondstein used to be my partners. It's
7 open and obvious.

8 Q. Okay. That's good. You anticipated my
9 next question.

10 And then what I think is my last
11 question. Seth Joseph. He is listed on your 2018
12 Statement of Financial Interest.

13 A. Tickets.

14 Q. Ticket sales.

15 Okay. From Nassau Tickets.

16 A. He was one of my employees. So there
17 are certain tickets that are valuable.

18 And instead of just letting them lapse,
19 I said, do you want them? And you sell them and
20 if you make any good money, I get a percentage.

21 Q. Okay. Let's take a less than a
22 five-minute break so I can have a little
23 conference with everybody.

24 I think I'm done.

25 I always like to give a judge an

1 opportunity to put anything on the record, if you
2 want to.

3 So after we confer, we'll come back.
4 we'll give you that chance. And I'll cover any
5 last minute things.

6 A. How about I step outside and you guys
7 all stay here?

8 Q. That will be fine.

9 (Recess - 2:10 p.m. - 2:18 p.m.)

10 BY MS. NORTON:

11 Q. So I've got no further questions for,
12 you, Judge.

13 A. I really appreciate your patience and
14 efforts today.

15 Q. Did you have anything you want to put on
16 the record?

17 A. Not at all.

18 Q. Do you feel like you're being cut short
19 because of this emergency?

20 A. Not even a little bit.

21 You've been, as any dealings I've had
22 with you, Ms. Norton, even though we may disagree
23 on certain points of view, you are always fair.

24 And I can't ask for anybody who takes
25 their job seriously and has a job to do, and I've

1 always respected that.

2 So you have not cut me short. You have
3 treated me with respect and however it goes, it
4 goes.

5 Q. All right. Okay.

6 A. I thank both of you, also.

7 (Deposition concluded at 2:19 p.m.)

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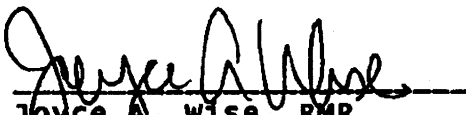
25

1 COUNTY OF LANCASTER :
2 COMMONWEALTH OF PENNSYLVANIA : SS
3

4 I, Joyce A. Wise, RMR, Court Reporter and
5 Notary Public, do hereby certify that HON. SCOTT
6 DICLAUDIO, the witness, personally appeared before
7 me, being first duly sworn or affirmed to testify
8 to the truth, the whole truth, and nothing but the
9 truth, in answer to the oral questions propounded
10 to him by the attorneys for the respective
11 parties, testified as set forth in the foregoing
12 deposition.

13 I further certify that before taking of said
14 deposition, the above witness was duly sworn or
15 affirmed, that the questions and answers were
16 taken down stenographically by the said Joyce A.
17 Wise, RMR, approved and agreed to, and afterwards
18 reduced to print by means of computer-aided
19 transcription under the direction of the aforesaid
20 Reporter.

21 In testimony whereof, I have hereunto
22 subscribed my hand this 31ST day of October 2019.

23
24 
25 Joyce A. Wise, RMR
Notary Public

BOARD EXHIBIT

B

BOARD EXHIBIT

B

SUPREME COURT OF PENNSYLVANIA
STATEMENT OF FINANCIAL INTEREST
Judicial Officers

All Statements of Financial Interest filed shall be made available for public inspection and copying during regular office hours.
 See In Re: Financial Disclosure and Reporting Requirements for Judicial Officers, No. 442 Jud. Admin. Docket (February 6, 2015).

Part A

INSTRUCTIONS: Complete entire form. Please type or print. Attach additional 8 1/2" X 11" sheets if necessary and indicate each item by number.

1	Last Name DiClaudio	First Name Scott	Middle Initial	2	County Name (OFFICE ONLY) Philadelphia
3	Street Address (OFFICE ONLY) Criminal Justice Ctr Ste 1203 1301 Filbert St				
4	City Philadelphia	State PA	Zip Code 19107	Telephone (OFFICE ONLY) 215-683-7026	
5	Judicial Officers				
Supreme	<input type="checkbox"/>	Phila. Municipal Court	<input type="checkbox"/>	Senior Judge	<input type="checkbox"/>
Superior	<input type="checkbox"/>	Phila. Municipal Court, Traffic Division	<input type="checkbox"/>	Senior Magisterial Dist. Judge	<input type="checkbox"/>
Commonwealth	<input type="checkbox"/>	Magisterial District Judge	<input type="checkbox"/>		Magisterial Dist. No.
Common Pleas	<input checked="" type="checkbox"/>				

6 REAL ESTATE INTERESTS: IF NONE, check this box.

7 GIFTS, LOANS, BEQUESTS, BENEFITS, OR OTHER THINGS OF VALUE: IF NONE, check this box.

Source	Date	Description	Value
--------	------	-------------	-------

8 CREDITORS: IF NONE, check this box.

Creditor	Address	Interest Rate
- Barclays Credit Card	PO box 13337 Philadelphia PA 19101	24.99
- Citibank Credit Card	P.O. BOX 90010379 Louisville KY, 40290	24.99
- Discover Card	P.O. Box 6103 Carol Stream, IL 60197-6103	21.99
- Bank of America	PO Box 15019 Wilmington, DE 19886-5019	21.99
- RCN Capital	75 Gerber Rd E Ste 102, South Windsor, CT 0607	10.5
- City of Philadelphia	PO Box 1630 Philadelphia PA 19105-1630	0
- Commonwealth of PA	1500 JFK BLVD Philadelphia PA 19102	0
- IRS	Dept of Treasury Cincinnati, OH 45999-0030	0
- Nate Ross	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10 %
- Melania Poluchuk	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10%

9 (A) EXTRAJUDICIAL COMPENSATION: IF NONE, check this box.

Source	Date	Nature of Activity	Amount
--------	------	--------------------	--------

(B) OTHER DIRECT AND INDIRECT SOURCES OF INCOME: IF NONE, check this box.

Source	Address
Nassau Tickets	500 Ott Road Bala Cynwyd Pa 19004

10 REIMBURSEMENT OF EXPENSES AND WAIVER OF FEES OR CHARGES: IF NONE, check this box.

Source	Date	Description of Reimbursement or Waiver	Amount
--------	------	--	--------

11 OFFICE OR DIRECTORSHIP OR EMPLOYMENT IN ANY BUSINESS ENTITY: IF NONE, check this box.

Business Entity	Position Held
Nassau Tickets	President/Shareholder

12 FINANCIAL INTEREST IN ANY LEGAL ENTITY IN BUSINESS FOR PROFIT: IF NONE, check this box.

Name and Address of Business	Interest Held
Nassau Tickets	80%

13 BUSINESS INTEREST TRANSFERRED TO IMMEDIATE FAMILY MEMBER: IF NONE, check this box.

Business (Name and Address):	Interest Held:
Transferee (Name and Address):	Relationship:
Date Transferred:	

This form must be COMPLETED, SIGNED AND DATED in order to be accepted.

Information represents disclosure for the calendar year 2015.

Signature: Signed Scott DiClaudio

Date: 10/22/2019

By Order of the Supreme Court of Pennsylvania, electronic submission of a financial interest statement signifies the individual's intent to sign the document and certifies that the electronic filing is true and correct. In Re: Financial Disclosure and Reporting Requirements for Judicial Officers, No. 442 Judicial Administration Docket (February 6, 2015).

AOPC-JS(Rev. 01/16)

BOARD EXHIBIT

C

BOARD EXHIBIT

C

SUPREME COURT OF PENNSYLVANIA
STATEMENT OF FINANCIAL INTEREST
Judicial Officers

All Statements of Financial Interest filed shall be made available for public inspection and copying during regular office hours.
 See In Re: Financial Disclosure and Reporting Requirements for Judicial Officers, No. 442 Jud. Admin. Docket (February 6, 2015).

Part A

INSTRUCTIONS: Complete entire form. Please type or print. Attach additional 8 1/2" X 11" sheets if necessary and indicate each item by number.

1 Last Name DiClaudio First Name Scott Middle Initial 2 County Name (OFFICE ONLY) Philadelphia

3 Street Address (OFFICE ONLY)
Criminal Justice Ctr Ste 1203 1301 Filbert St

4 City Philadelphia State PA Zip Code 19107 Telephone (OFFICE ONLY) 215-683-7026

5 Judicial Officers						
Supreme	<input type="checkbox"/>	Phila. Municipal Court	<input type="checkbox"/>	Senior Judge	<input type="checkbox"/>	Judicial Dist. No.
Superior	<input type="checkbox"/>	Phila. Municipal Court, Traffic Division	<input type="checkbox"/>	Senior Magisterial Dist. Judge	<input type="checkbox"/>	01 - Philadelphia
Commonwealth	<input type="checkbox"/>	Magisterial District Judge	<input type="checkbox"/>			Magisterial Dist. No.
Common Pleas	<input checked="" type="checkbox"/>					

6 REAL ESTATE INTERESTS: IF NONE, check this box.

7 GIFTS, LOANS, BEQUESTS, BENEFITS, OR OTHER THINGS OF VALUE: IF NONE, check this box.

Source	Date	Description	Value
Marina District Inc, NJ	Summer 2016	Hotel Accommodations	\$2,500.00

8 CREDITORS: IF NONE, check this box.

Creditor	Address	Interest Rate
- Barclays Credit Card	PO box 13337 Philadelphia PA 19101	24.99
- Citibank Credit Card	P.O. BOX 90010379 Louisville KY, 40290	24.99
- Discover Card	P.O. Box 6103 Carol Stream, IL 60197-6103	21.99
- Bank of America	PO Box 15019 Wilmington, DE 19886-5019	21.99
- RCN Capital	75 Gerber Rd E Ste 102, South Windsor, CT 0607	10.5
- City of Philadelphia	PO Box 1630 Philadelphia, PA 19105-1630	0
- Commonwealth of Pennsylvania	1500 JFK BLVD Philadelphia, PA 19102	0
- IRS	Dept of Treasury Cincinnati, OH 45999-0030	0
- Nate Ross	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10 %
- Melania Poluchuk	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10 %

9 (A) EXTRAJUDICIAL COMPENSATION: IF NONE, check this box.

Source	Date	Nature of Activity	Amount
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(B) OTHER DIRECT AND INDIRECT SOURCES OF INCOME: IF NONE, check this box.

BOARD EXHIBIT

D

BOARD EXHIBIT

D

SUPREME COURT OF PENNSYLVANIA

STATEMENT OF FINANCIAL INTEREST

Judicial Officers

All Statements of Financial Interest filed shall be made available for public inspection and copying during regular office hours.
 See In Re: Financial Disclosure and Reporting Requirements for Judicial Officers, No. 442 Jud. Admin. Docket (February 6, 2015).

Part A

INSTRUCTIONS: Complete entire form. Please type or print. Attach additional 8 1/2" X 11" sheets if necessary and indicate each item by number.

1	Last Name DiClaudio	First Name Scott	Middle Initial	2 County Name (OFFICE ONLY) Philadelphia
----------	------------------------	---------------------	----------------	--

3	Street Address (OFFICE ONLY) Criminal Justice Ctr Ste 1415 1301 Filbert St
----------	---

4	City Philadelphia	State PA	Zip Code 19107	Telephone (OFFICE ONLY) 215-683-7142
----------	----------------------	-------------	-------------------	---

5 Judicial Officers						
Supreme	<input type="checkbox"/>	Phila. Municipal Court	<input type="checkbox"/>	Senior Judge	<input type="checkbox"/>	Judicial Dist. No.
Superior	<input type="checkbox"/>	Phila. Municipal Court, Traffic Division	<input type="checkbox"/>	Senior Magisterial Dist. Judge	<input type="checkbox"/>	01 - Philadelphia
Commonwealth	<input type="checkbox"/>	Magisterial District Judge	<input type="checkbox"/>			Magisterial Dist. No.
Common Pleas	<input checked="" type="checkbox"/>					

6 REAL ESTATE INTERESTS: IF NONE, check this box.

7 GIFTS, LOANS, BEQUESTS, BENEFITS, OR OTHER THINGS OF VALUE: IF NONE, check this box.

Source	Date	Description	Value
Marina District Inc, NJ	Summer 2016	Hotel Accommodations	700.00

8 CREDITORS: IF NONE, check this box.

Creditor	Address	Interest Rate
- Barclays Credit Card	PO box 13337 Philadelphia PA 19101	24.99
- Citibank Credit Card	P.O. BOX 90010379 Louisville KY, 40290	24.99
- Discover Card	P.O. Box 6103 Carol Stream, IL 60197-6103	21.99
- Bank of America	PO Box 15019 Wilmington, DE 19886-5019	21.99
- RCN Capital	75 Gerber Rd E Ste 102, South Windsor, CT 0607	10.5
- City of Philadelphia	PO Box 1630 Philadelphia, PA 19105-1630	0
- Commonwealth of PA	1500 JFK Blvd Philadelphia, PA 19102	0
- IRS	Dept of Treasury Cincinnati, OH 45999-0030	0
- Nate Ross	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10%
- Melania Poluchuk	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10%

9 (A) EXTRAJUDICIAL COMPENSATION: IF NONE, check this box.

Source	Date	Nature of Activity	Amount
--------	------	--------------------	--------

(B) OTHER DIRECT AND INDIRECT SOURCES OF INCOME: IF NONE, check this box.

Source
 - Commonwealth of Pennsylvania
 - Nassau Tickets

 - Michael Diamondstein

 - Robert Trimble

Address
 Harrisburg, PA
 500 Ott Road
 Bala Cynwyd Pa 19004
 1500 Jfk Blvd
 Suite 900
 Phila. PA. 19102
 1500 Jfk Blvd
 Suite 900
 Philadelphia PA 19102

10 REIMBURSEMENT OF EXPENSES AND WAIVER OF FEES OR CHARGES: IF NONE, check this box.
 Source Date Description of Reimbursement or Waiver Amount

11 OFFICE OR DIRECTORSHIP OR EMPLOYMENT IN ANY BUSINESS ENTITY: IF NONE, check this box.
 Business Entity Position Held
 Nassau Tickets President/Shareholder

12 FINANCIAL INTEREST IN ANY LEGAL ENTITY IN BUSINESS FOR PROFIT: IF NONE, check this box.
 Name and Address of Business Interest Held
 Nassau Tickets 80%

13 BUSINESS INTEREST TRANSFERRED TO IMMEDIATE FAMILY MEMBER: IF NONE, check this box.
 Business (Name and Address): Interest Held:
 Transferee (Name and Address): Relationship:
 Date Transferred:

This form must be COMPLETED, SIGNED AND DATED in order to be accepted.

Information represents disclosure for the calendar year 2017.

Signature: Signed Scott DiClaudio

Date: 10/22/2019

By Order of the Supreme Court of Pennsylvania, electronic submission of a financial interest statement signifies the individual's intent to sign the document and certifies that the electronic filing is true and correct. In Re: Financial Disclosure and Reporting Requirements for Judicial Officers, No. 442 Judicial Administration Docket (February 6, 2015).

AOPC-JS(Rev. 01/16)

BOARD EXHIBIT

E

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E

2018

SUPREME COURT OF PENNSYLVANIA

STATEMENT OF FINANCIAL INTEREST

Judicial Officers

All Statements of Financial Interest filed shall be made available for public inspection and copying during regular office hours.
See In Re: Financial Disclosure and Reporting Requirements for Judicial Officers, No. 442 Jud. Admin. Docket (February 6, 2015).

Part A

INSTRUCTIONS: Complete entire form. Please type or print. Attach additional 8 1/2" X 11" sheets if necessary and indicate each item by number.

1	Last Name DiClaudio	First Name Scott	Middle Initial	2	County Name (OFFICE ONLY) Philadelphia
3	Street Address (OFFICE ONLY) Criminal Justice Ctr Ste 1415 1301 Filbert St				
4	City Philadelphia	State PA	Zip Code 19107	Telephone (OFFICE ONLY) 215-683-7142	

5 Judicial Officers						
Supreme	<input type="checkbox"/>	Phila. Municipal Court	<input type="checkbox"/>	Senior Judge	<input type="checkbox"/>	Judicial Dist. No.
Superior	<input type="checkbox"/>	Phila. Municipal Court, Traffic Division	<input type="checkbox"/>	Senior Magisterial Dist. Judge	<input type="checkbox"/>	01 - Philadelphia
Commonwealth	<input type="checkbox"/>	Magisterial District Judge	<input type="checkbox"/>			Magisterial Dist. No.
Common Pleas	<input checked="" type="checkbox"/>					

6 REAL ESTATE INTERESTS: IF NONE, check this box.

7 GIFTS, LOANS, BEQUESTS, BENEFITS, OR OTHER THINGS OF VALUE: IF NONE, check this box. <input checked="" type="checkbox"/>				
Source	Date	Description	Value	

8 CREDITORS: IF NONE, check this box. <input type="checkbox"/>			
Creditor	Address	Interest Rate	
- Barclays Credit Card	PO box 13337 Philadelphia PA 19101	24.99	
- Citibank Credit Card	P.O. BOX 90010379 Louisville KY, 40290	24.99	
- Discover Card	P.O. Box 6103 Carol Stream, IL 60197-6103	21.99	
- Bank of America	PO Box 15019 Wilmington, DE 19886-5019	21.99	
- City of Philadelphia	PO Box 1630 Philadelphia, PA 19105-1630	0	
- Commonwealth of PA	1500 JFK Blvd Philadelphia, PA 19102	0	
- IRS	Dept of Treasury Cincinnati, OH 45999-0030	0	
- Nate Ross	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10%	
- Melania Poluchuk	1900 JFK BLVD, Apt 1301 Philadelphia, PA 19103	10%	

9 (A) EXTRAJUDICIAL COMPENSATION: IF NONE, check this box. <input checked="" type="checkbox"/>			
Source	Date	Nature of Activity	Amount

(B) OTHER DIRECT AND INDIRECT SOURCES OF INCOME: IF NONE, check this box.

AOPC-JS(Rev. 01/16)

- Source
 - Commonwealth of Pennsylvania
 - Nassau Tickets

 - Michael Diamondstein

 - Robert Trimble

 - Seth Joseph

Address
 Harrisburg, PA
 500 Ott Road
 Bala Cynwyd Pa 19004
 1500 Jfk Blvd
 Suite 900
 Phila. PA. 19102
 1500 Jfk Blvd
 Suite 900
 Philadelphia PA 19102
 1500 JFK Blvd
 Suite 900
 Philadelphia, PA 19102

10 REIMBURSEMENT OF EXPENSES AND WAIVER OF FEES OR CHARGES: IF NONE, check this box.

Source	Date	Description of Reimbursement or Waiver	Amount
--------	------	--	--------

11 OFFICE OR DIRECTORSHIP OR EMPLOYMENT IN ANY BUSINESS ENTITY: IF NONE, check this box.

Business Entity	Position Held
Nassau Tickets	President/Shareholder

12 FINANCIAL INTEREST IN ANY LEGAL ENTITY IN BUSINESS FOR PROFIT: IF NONE, check this box.

Name and Address of Business	Interest Held
Nassau Tickets	80%

13 BUSINESS INTEREST TRANSFERRED TO IMMEDIATE FAMILY MEMBER: IF NONE, check this box.

Business (Name and Address):	Transferee (Name and Address):	Date Transferred:	Interest Held:	Relationship:

This form must be COMPLETED, SIGNED AND DATED in order to be accepted.

Information represents disclosure for the calendar year 2018.

Signature: Signed Scott DiClaudio Date: 10/22/2019

By Order of the Supreme Court of Pennsylvania, electronic submission of a financial interest statement signifies the individual's intent to sign the document and certifies that the electronic filing is true and correct. In Re: Financial Disclosure and Reporting Requirements for Judicial Officers, No. 442 Judicial Administration Docket (February 6, 2015).

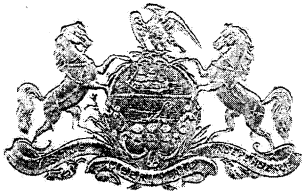
AOPC-JS(Rev. 01/16)

BOARD EXHIBIT

F

BOARD EXHIBIT

F



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS
JUDICIAL CHAMBERS

SCOTT DICLAUDIO
JUDGE

THE JUSTICE JUANITA KIDD STOUT CENTER
FOR CRIMINAL JUSTICE
1301 FILBERT STREET, SUITE 1415
PHILADELPHIA, PA 19107
(215) 683-7142/43
FAX: (215) 683-7144

January 2, 2020

The Court of Judicial Discipline of the Commonwealth of Pennsylvania
Attn: Court Administrator
Pennsylvania Judicial Center
601 Commonwealth Avenue
Suite 5500
Harrisburg, PA 17106-2595
Via Facsimile (717) 772-3774

RE: In Re DiClaudio 3 JD 2019- Request for Extension

To Whom It May Concern,

After receiving the notification of the intent to have a hearing/trial from disciplinary counsel, which contained specific deadlines to respond, I contacted Ms. Melissa Norton, Deputy Counsel of the Judicial Conduct Board. She informed me that she has no objection to a thirty day extension of the deadline to respond. I would respectfully ask for that extension due to the winter holidays, which have made it impossible to secure counsel. Additionally, I was surprised with an impromptu vacation from family, in which I plan to leave the country January 10-19. Thank you very much for your attention and courtesy.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. DiClaudio', written over a horizontal line.

Hon. Scott DiClaudio

CC: Melissa Norton *via Email (melissa.norton@jcbpa.org)*

BOARD EXHIBIT

G

BOARD EXHIBIT

G

COURT OF JUDICIAL DISCIPLINE
COMMONWEALTH OF PENNSYLVANIA



Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5500
P.O. Box 62595
Harrisburg, Pennsylvania 17106-2595

Joseph U. Metz
Counsel

(717) 772-3771
joseph.metz@pacourts.us

February 11, 2020

Hon. Scott DiClaudio
Criminal Justice Center
Suite 1415
1301 Filbert Street
Philadelphia, PA 19107

Re: Judge Scott DiClaudio - No. 3 JD 19

Dear Judge DiClaudio:

I am writing to find out if you are going to have counsel in this case?

I would like to schedule the pretrial conference once the discovery period is over next month and would like to coordinate that with everyone involved.

Thank you,

A handwritten signature in black ink, appearing to read "Joe Metz".

Joe Metz
Counsel to Court of
Judicial Discipline

cc: Melissa Norton, Assistant Counsel
Judicial Conduct Board

BOARD EXHIBIT

H

BOARD EXHIBIT

H

Melissa L. Norton

From: Lebron, Annette <Annette.Lebron@courts.phila.gov>
Sent: Thursday, February 20, 2020 1:56 PM
To: Metz, Joseph
Cc: Norton, Melissa L.; Stump, Stephanie
Subject: Faxed letter dated 2-11-20
Attachments: 2-11-20 Faxed letter.pdf

Importance: High

CAUTION: This is an external email. Please think before you click on an attachment or link!

Good afternoon Mr. Metz,

Please see the attached emails sent to our Procurement department regarding our fax machine. We have been having major issues with it and someone was supposed to come fix it.

After fighting again with the fax today, I was able to pull a few emails that were stuck in its memory. Regretfully, one of the emails was addressed to the Judge regarding information you needed for a pretrial conference next month.

The Judge is now aware of it and will be calling you shortly. He is currently on the bench addressing sentencings.

Thank you for your attention to this matter.

Have a wonderful day.

Annette

Annette Lebron
Judicial Secretary for
Hon. Scott Di Claudio
The Justice Juanita Stout Center
For Criminal Justice
1301 Filbert Street, Suite 1415
Philadelphia, PA 19107
215-683-7142
215-683-7144 fax
Courtroom 905: 215-683-7436

BOARD EXHIBIT

I

BOARD EXHIBIT

I

Melissa L. Norton

From: Metz, Joseph
Sent: Wednesday, April 29, 2020 11:49 AM
To: DiClaudio, Scott, Judge
Cc: Kane, Cathy; Stump, Stephanie; Norton, Melissa L.
Subject: In re DiClaudio, Court of Judicial Discipline

Dear Judge DiClaudio:

I am emailing to see if you are represented by counsel in this matter. If so would you please send me contact information on that lawyer?

Thank you,

Joe Metz, counsel to cod

Sent from my iPhone

BOARD EXHIBIT

J

BOARD EXHIBIT

J

COURT OF JUDICIAL DISCIPLINE
COMMONWEALTH OF PENNSYLVANIA



Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5500
P.O. Box 62595
Harrisburg, Pennsylvania 17106-2595

Joseph U. Metz
Counsel

(717) 772-3771
joseph.metz@pacourts.us

May 4, 2020

Hon. Scott DiClaudio
Criminal Justice Center
Suite 1415
1301 Filbert Street
Philadelphia, PA 19107

Re: Judge Scott DiClaudio - No. 3 JD 19

Dear Judge DiClaudio:

I am writing to schedule a status discussion conference call in this case. Do you have counsel in this case?

Would you please have counsel contact me to discuss scheduling such a phone call? I am available at my email anytime or anytime on my cell at [REDACTED]

Thank you,

A handwritten signature in black ink that reads "Joe Metz". The signature is written in a cursive, flowing style.

Joe Metz
Counsel to Court of
Judicial Discipline

cc: Melissa Norton, Assistant Counsel
Judicial Conduct Board

BOARD EXHIBIT

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BOARD EXHIBIT

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COURT OF JUDICIAL DISCIPLINE
COMMONWEALTH OF PENNSYLVANIA



Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5500
P.O. Box 62595
Harrisburg, Pennsylvania 17106-2595

Joseph U. Metz
Counsel

(717) 772-3771
joseph.metz@pacourts.us

May 18, 2020

Hon. Scott DiClaudio
Criminal Justice Center
Suite 1415
1301 Filbert Street
Philadelphia, PA 19107

Re: Judge Scott DiClaudio - No. 3 JD 19

Dear Judge DiClaudio:

I am writing to schedule a status discussion conference call in this case. Do you have counsel in this case?

Would you please have counsel contact me to discuss scheduling such a phone call? I am available at my email anytime or anytime on my cell at [REDACTED].

Thank you,

A handwritten signature in black ink that reads "Joe Metz".

Joe Metz
Counsel to Court of
Judicial Discipline

cc: Melissa Norton, Assistant Counsel
Judicial Conduct Board

BOARD EXHIBIT

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BOARD EXHIBIT

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COURT OF JUDICIAL DISCIPLINE
COMMONWEALTH OF PENNSYLVANIA



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601 Commonwealth Avenue, Suite 5500
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joseph.metz@pacourts.us

Joseph U. Metz
Counsel

May 28, 2020

Hon. Scott DiClaudio
Criminal Justice Center
Suite 1415
1301 Filbert Street
Philadelphia, PA 19107

Re: Judge Scott DiClaudio - No. 3 JD 19

Dear Judge DiClaudio:

If we set the pretrial conference in this matter for the last week in July in Harrisburg does that present any problems for you?

Thank you,

A handwritten signature in black ink, appearing to read "Joe Metz".

Joe Metz
Counsel to Court of
Judicial Discipline

cc: Melissa Norton, Assistant Counsel
Judicial Conduct Board

BOARD EXHIBIT

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BOARD EXHIBIT

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Melissa L. Norton

From: Metz, Joseph
Sent: Friday, June 5, 2020 10:40 AM
To: DiClaudio, Scott, Judge; Norton, Melissa L.
Subject: RE: CJD Pretrial Conference

Do you have a lawyer representing you?

From: DiClaudio, Scott
Sent: Friday, June 5, 2020 8:44 AM
To: Norton, Melissa L. ; Metz, Joseph
Subject: Re: CJD Pretrial Conference

CAUTION: This is an external email. Please think before you click on an attachment or link!

Hello

I pray everyone is healthy and safe.

That date seems acceptable.

I'm back to work on Monday and I will confirm there are no emergent issues that require a different date. I'm assuming it won't be an issue.

I've been one of a few Judges assigned to work the last six weeks and do anticipate quite the backlog. I'm sure It will be cleared in advance of Late July

I'll email confirmation Monday afternoon.

Thank you

Scott

From: Norton, Melissa L. <Melissa.Norton@jcbpa.org>
Sent: Thursday, June 4, 2020 10:22 AM
To: Metz, Joseph <Joseph.Metz@pacourts.us>; DiClaudio, Scott <Scott.DiClaudio@courts.phila.gov>
Cc: Kane, Cathy <Cathy.Kane@pacourts.us>; Stump, Stephanie <Stephanie.Stump@pacourts.us>
Subject: RE: CJD Pretrial Conference

CAUTION: This email originated from outside the organization. Do not click on links or open any attachments unless you recognize the sender and confirmed the content is safe.

Thank you for your consideration. I have no objection to a pretrial conference on Wednesday, July 29, 2020 at 1 p.m., nor do I have any objection to the pretrial memos being due on July 23, 2020.

Melissa L. Norton, Deputy Counsel
Judicial Conduct Board of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

This e-mail message and any files transmitted with it contain confidential information intended only for the person or persons to whom this e-mail message is addressed and may contain information subject to attorney-client, work product or other lawful privilege. If you have received this e-mail message in error, please notify the sender immediately by telephone or by return e-mail and destroy the original message without making a copy. Thank you.

From: Metz, Joseph <Joseph.Metz@pacourts.us>
Sent: Thursday, June 4, 2020 11:19 AM
To: Norton, Melissa L. <Melissa.Norton@jcbpa.org>; DiClaudio, Scott, Judge <scott.diclaudio@courts.phila.gov>
Cc: Kane, Cathy <Cathy.Kane@pacourts.us>; Stump, Stephanie <Stephanie.Stump@pacourts.us>
Subject: CJD Pretrial Conference

Do either of you have any problem with a pretrial conference by phone to be held on July 29 at 1 pm? Pretrial memos would be due on July 23. Please let me know asap if this presents a problem.

Thanks,

Joe Metz

BOARD EXHIBIT

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BOARD EXHIBIT

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COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

* * * * *

IN RE: SCOTT DICLAUDIO
COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT
(PHILADELPHIA COUNTY)

NO. 3 JD 19

* * * * *

BEFORE: JUDGE JAMES EISENHOWER
JUDGE JAMES SCHWARTZMAN

HEARING: Thursday, October 1, 2020
9:00 a.m.

LOCATION: Pennsylvania Judicial Center
601 Commonwealth Avenue
Harrisburg, PA 17106

WITNESSES: None

Reporter: Bernadette M. Black

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A P P E A R A N C E S

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JOSEPH U. METZ, ESQUIRE
Court of Judicial Discipline
Commonwealth of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue
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PO Box 62595
Harrisburg, PA 17105-2595
Counsel for Court of Judicial Discipline

MELISSA L. NORTON, ESQUIRE
Assistant Counsel
RICHARD W. LONG, ESQUIRE
Chief Counsel
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue
Suite 3500
P.O. Box 62525
Harrisburg, PA 17120
Counsel for Petitioner
(VIA TELEPHONE)

A P P E A R A N C E S (cont.)

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SAMUEL C. STRETTON, ESQUIRE

Law Offices of Samuel C. Stretton

103 South High Street

P.O. Box 3231

West Chester, PA 19382-3231

Counsel for Respondent

(VIA TELEPHONE)

ALSO PRESENT:

Judge Scott DiClaudio - Respondent

Joelle - Judicial Conduct Board

Rick - Judicial Conduct Board

I N D E X

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OPENING REMARKS

By Judge Eisenhower

6 - 8

DISCUSSION AMONG PARTIES

8 - 23

CERTIFICATE

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E X H I B I T S

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	NONE OFFERED	

P R O C E E D I N G S

JUDGE EISENHOWER: So we are just starting here. We're here today in the matter of, In Re: Judge Scott DiClaudio, Court of Common Pleas, First Judicial District, Philadelphia County, in a complaint brought against him by the Judicial Conduct Board.

Just for the record, would Counsel please identify themselves?

ATTORNEY NORTON: Certainly. This is - this is Melissa Norton. I am Deputy Counsel for the Judicial Conduct Board. Also present, Your Honor, is -.

ATTORNEY LONG: Rich Long, Chief Counsel.

JUDGE EISENHOWER: Good morning.

ATTORNEY STRETTON: And Sam Stretton, on behalf of Judge DiClaudio, who's obviously, present also. Nice to talk to you, Judge.

ATTORNEY METZ: Good morning.

JUDGE EISENHOWER: Good morning, everyone. Judge Schwartzman is joining us this morning. We are happy to have him. I will be presiding at this conference.

1 First, before we get into the
2 substance here, I'd just like to note for the
3 record, the complaint in this matter was filed
4 shortly before Christmas, December 20th, '19. It
5 gave Judge DiClaudio 15 days to respond and if he
6 wished, to get counsel to identify.

7 We made - our staff made repeated
8 attempts to contact Judge DiClaudio, both by writing
9 - in writing, excuse me, and by telephone. This is
10 all pre-COVID, for many months, without any
11 response. Judge DiClaudio finally did respond on
12 June 5th. That's about six months after the
13 complaint was filed. And Mr. Stretton entered his
14 appearance on 9 - excuse me, September 15th.

15 I just want to note for the record
16 that this Court looks very dimly upon those kinds of
17 delays. And particularly, for a member of the
18 Judiciary to completely ignore a complaint filed and
19 completely ignore it for months and months. And
20 some of those months were before the pandemic began.
21 His responsibility to respond within 15 days or
22 request an extension or really do anything. And
23 it's very fortunate that this Court didn't move
24 forward and just enter a default judgment, but we
25 didn't do that.

1 We're here today. Glad to have
2 everyone present. And our purpose today is to
3 determine what, if any, outstanding factual issues
4 or legal issues there might be pending the trial in
5 this matter. And hopefully, the parties have been
6 able to work out some agreements. In reviewing the
7 pre-trial memorandum of both sides, it looks as if
8 you have.

9 So I'd ask, I guess, the Board to go
10 first and advise the Court what, if any,
11 stipulations have been agreed to.

12 ATTORNEY STRETTON: Before we - before
13 we do, Judge Eisenhower. On behalf of Judge
14 DiClaudio, and he'll say it too, he sincerely
15 apologizes to the court for the lengthy delay that
16 you mentioned. And he and I agree that it was
17 unacceptable. I think he was suffering from some
18 depression during that time period. And there will
19 be no further delay on our part. But I just wanted
20 his apology to be placed on the record.

21 And Judge DiClaudio, you agree with
22 that? That it was unacceptable and you offer your
23 apology to Judge Eisenhower and Judge Schwartzman
24 today?

25 MR. DICLAUDIO: Absolutely. I do

1 apologize. And I may have to respond, in part, Your
2 Honor, to that. I believe some of it might not be
3 exactly perfectly stated. I am trying to pick my
4 words right. I've spoken to Ms. Norton and Mr. Metz
5 over the last six months or so. But I'll talk to
6 Mr. Stretton. I sincerely apologize for the slight
7 I believe I've made on the Court. And there's -.

8 JUDGE EISENHOWER: I don't want to get
9 into an argument with you, but -

10 MR. DICLAUDIO: Yes, sir.

11 JUDGE EISENHOWER: - there is no
12 dispute that the complaint was filed on the 20th and
13 we have a record of your first response being on
14 June 5th, so -.

15 MR. DICLAUDIO: All right.

16 Okay.

17 ATTORNEY STRETTON: Just note it for
18 the record.

19 JUDGE EISENHOWER: And I am just
20 noting that I am glad to hear that it won't be
21 repeated.

22 MR. DICLAUDIO: Yes.

23 JUDGE EISENHOWER: It will not be
24 tolerated. And - and from here on, we will move
25 forward in a - in a fair and expeditious way. So

1 getting back to my question for Board Counsel.

2 If you could lay out what, if any,
3 stipulations you've been able to enter into with Mr.
4 Stretton?

5 ATTORNEY NORTON: Thank you, Your
6 Honor. Based on Mr. Stretton's pre-trial
7 memorandum, he's indicating and he's indicated to me
8 on - during phone conversations that he - that the
9 two parties can stipulate to all of the facts that
10 are listed in the Board's memorandum to this Court,
11 and also Mr. Stretton's memorandum. We agree
12 completely on the stipulations of facts.

13 JUDGE EISENHOWER: Okay.

14 ATTORNEY NORTON: It appears that the
15 only thing that is not in agreement that we cannot
16 give you proposed stipulations on would be,
17 generally speaking, Your Honor, it's been the
18 Court's position that we cannot stipulate to the
19 violation. And in keeping with that history in the
20 court, I would say we can't stipulate to a
21 violation.

22 I will point out though that in his
23 pre-trial memorandum, Attorney Stretton indicated
24 that he agrees to all the violations, with the
25 exception of the disrepute violation.

1 JUDGE EISENHOWER: Yes.

2 That's the way - that's the way I read
3 it.

4 ATTORNEY NORTON: Yeah.

5 So - so the way I am looking at this,
6 and I understand that Attorney Stretton gets an
7 opportunity to speak too, but the way I look at this
8 is, we are in a position where I would be willing to
9 draft proposed stipulations - joint stipulations,
10 which would include exhibits that we would stipulate
11 to. I would work with Mr. Stretton, he would work
12 with me for us to present a joint stipulation to the
13 Court. And all we would need is a deadline on that.

14 JUDGE EISENHOWER: Okay.

15 Mr. Stretton, what's your - what's
16 your position?

17 ATTORNEY STRETTON: Well, I agree with
18 what Ms. Norton said. She and I have known each
19 other a long time, and have had prior cases
20 together. We work very well in these matters. We
21 have agreed to the facts as set forth. As you know,
22 in my memorandum, although I admitted three of the
23 four rule violations, I had qualified that by saying
24 that's obviously, only the Court can make the final
25 decision.

1 So the way I saw this is we present -
2 we have a hearing or argument a couple weeks hence.
3 You would have our stipulations. And I would focus
4 the argument on the disrepute issue. I, of course,
5 listed a number of character witnesses, most of whom
6 will be saved for the sanctions hearing. But I may
7 want to present, or either by stipulation or live,
8 one or two character witnesses for the purposes of
9 the disrepute argument that is, I would think, the
10 main issue before the Court at this point.

11 JUDGE EISENHOWER: Okay.

12 Just one thing before I respond to the
13 both of you. I forgot to note that, obviously, we
14 are proceeding with today's conference via
15 teleconference, and that is due to the pandemic
16 crisis. And just for the record, I want to note
17 that everyone involved has agreed that we proceed by
18 teleconference.

19 Is that right?

20 ATTORNEY STRETTON: That is correct.

21 But the main issue is, when we - when
22 we do the hearing, are we going to do it by WebEx,
23 or Zoom, or are we going to do it in person?

24 JUDGE EISENHOWER: Well, let's not put
25 the horse before the carriage, Sam, to use an old

1 expression.

2 ATTORNEY STRETTON: Okay.

3 JUDGE EISENHOWER: What - what I am
4 inclined to do is ask both sides to provide briefs
5 to the Court on this violation issue. And since the
6 Board is saying that even though you had stipulated
7 to all the violations with the exception of that
8 constitutional violation, that last one on the
9 reigning disrepute, that they cannot accept that
10 stipulation.

11 So I will set a date at the conclusion
12 of this hearing - or conference, excuse me. That
13 those briefs be submitted. And then the Court will
14 determine whether a hearing on those issues is
15 necessary. We may be able to decide on the briefs.
16 We may not. We'll have to think about that and read
17 what you write. And depending on how we tackle
18 those issues, we will then proceed to ascension
19 here.

20 I did want to note, just for record
21 and make counsel aware, in reviewing the pre-trial
22 memorandums in the case of the ones submitted by Mr.
23 Stretton, there are a number of witnesses that you
24 have listed and I'll - and I'll get to specifically
25 name them, that I have - that I know personally and

1 professionally. They are not in any way best
2 friends of mine, but they are people that I have
3 known professionally over the years, and I've had
4 cases with or in front of. And that would be Judge
5 Lerner, Debra Naish, and Brian McMonagle.

6 I don't believe that my relationship,
7 such as it is with those three individuals, would
8 affect my ability to be fair and impartial in any
9 proceedings in this matter. But I feel that any
10 argument that you may have - and if you don't have
11 any argument, I'd like to put on the record that
12 there is no objection.

13 JUDGE SCHWARTZMAN: And - and - and
14 Judge Eisenhower, may I just add that I am also
15 acquainted with and friendly with Judge Lerner and
16 Brian McMonagle. And like you, I don't think it
17 would cause me to recuse in this matter.

18 JUDGE EISENHOWER: Do you have any
19 objection?

20 ATTORNEY NORTON: I have no objection.
21 This is Melissa for the Board speaking.

22 ATTORNEY STRETTON: And on behalf of
23 Judge DiClaudio, we have no objection. But if there
24 is a problem, we can always withdraw those if - if
25 there is a problem.

1 MR. DICLAUDIO: And if I may? I hope
2 I'm not speaking out of school, Your Honors. I had
3 no idea, obviously. You'll learn that Judge Lerner
4 is one of my best friends and my mentor. And Ms.
5 Naish, I've known for 30 years, and is also one of
6 my best friends. And Mr. McMonagle, I've had a work
7 relationship with for 30 years. So I had no way of
8 knowing that, nor did I reach out to them prior to
9 giving Mr. Stretton those individuals as witnesses.
10 I had no clue.

11 JUDGE EISENHOWER: Yeah, no. I'm not
12 implying that in any way. I just wanted to put on
13 the record that I, and as well as Judge Schwartzman,
14 it appears that we do have, at least, you know, a
15 professional relationship. They're well-known
16 people in the city. And just make sure that it's
17 clear to everybody and that there's no objection.

18 And when we get to a hearing of the
19 full court, we'll then, you know, see if anybody
20 else has a similar issue that they'd like to raise;
21 any of the other judges. I am not aware of that
22 right now, but we can resolve that when we're all
23 together.

24 So it appears that we have a
25 stipulation as to all the facts. So we will put

1 that on the record. There is not a stipulation as
2 to any of the proposed violations. Although I will
3 note that Judge DiClaudio, through Counsel, has
4 attempted to do so with exception of the violation
5 of Article V, Section 18(b)(1) of the Constitution,
6 the Pennsylvania Constitution.

7 So what I am going to do is enter an
8 order today that both sides provide briefs on, and
9 limited to the sanctioned issues, if you will, by
10 close of business. And by that, I mean 5:00 p.m.,
11 on Friday, October 16th. It gives you over two
12 weeks to supply briefs on that. Once we get those
13 briefs, we'll determine whether a hearing is
14 necessary.

15 And - and we will also - well, I'll -
16 I'll stop at that point. If we - if we decide a
17 hearing is necessary, we'll schedule one. If we can
18 decide the issue on the briefs, we will. And then
19 we would then work towards setting up the sanction
20 hearing.

21 JUDGE SCHWARTZMAN: And Judge
22 Eisenhower, again, could I add that I would suggest
23 that there also be written, signed stipulations,
24 factual stipulations, as opposed to the generalized,
25 well, we agree to everything? I'd like to see the

1 specific stipulations set forth and signed off by
2 both sides.

3 JUDGE EISENHOWER: That's a good idea
4 and is so ordered. We'll put that in the order that
5 we enter setting up this briefing schedule on the
6 sanctions issues.

7 Is there anything further from
8 Counsel?

9 ATTORNEY NORTON: I have nothing
10 further. Thank you, Your Honor.

11 ATTORNEY STRETTON: Nothing further,
12 other than I may want one or two character
13 testimonies, either by stipulation or live on the
14 disrepute issue.

15 JUDGE EISENHOWER: You'll put that in
16 your brief, Mr. Stretton, if that's what you plan to
17 do?

18 ATTORNEY STRETTON: Yes.

19 JUDGE EISENHOWER: All right.
20 Mr. Metz, is there anything further?

21 ATTORNEY METZ: No.

22 The briefs would be on the disrepute
23 issue for the 16th. I - I - we'll put that in the
24 order.

25 Am I correct on that?

1 ATTORNEY STRETTON: I don't think so
2 -.

3 JUDGE EISENHOWER: Yeah.

4 I think that the Board had said that
5 they cannot accept a stipulation as to any rule
6 violation. So I assume that since Mr. Stretton has
7 already, in his pleadings, admitted those violations
8 on behalf of his counsel - excuse me, his client.
9 His briefing on those issues will be very short.

10 ATTORNEY METZ: Yeah.

11 JUDGE EISENHOWER: And -.

12 MR. DICLAUDIO: Your Honor, if I may?
13 If I may, Your Honor? This is Judge DiClaudio. I
14 think what the question is, and I think Your Honor
15 may have misspoke. When you said the brief is due
16 on 10/16, you the sanctions issue. And I think you
17 may have meant to mean that it's on the disrepute
18 issue. So I think that's -.

19 JUDGE EISENHOWER: No.

20 What I - what I meant was on the rule
21 violation.

22 ATTORNEY METZ: Sure.

23 MR. DICLAUDIO: I think that's what he
24 was asking, Your Honor.

25 JUDGE EISENHOWER: And all of the -.

1 ATTORNEY NORTON: And Your Honor, this

2 -.

3 JUDGE EISENHOWER: All of the -.

4 ATTORNEY NORTON: This is the -

5 Melissa, -.

6 JUDGE EISENHOWER: All of the alleged
7 rule violations have not been stipulated to as of
8 today.

9 ATTORNEY METZ: Right.

10 JUDGE EISENHOWER: So we would need a
11 brief from each side, addressing each of the rule
12 violations alleged in the complaint by close of
13 business October 16th.

14 ATTORNEY NORTON: Okay.

15 Thank you, your Honor. And if I can
16 just - I just want to make sure that the Court
17 understands the Board's position. As much as I
18 appreciate Mr. Stretton and Judge DiClaudio's
19 agreement with all the violations, but disrepute,
20 the Board would be more than happy to make that a
21 stipulation that those are violations. But
22 historically, this Court has been unwilling to
23 accept stipulations from the parties on the
24 violations themselves.

25 So that's the only reason the Board is

1 indicating that we don't believe we can stipulate to
2 the violations. I mean, if the Court -.

3 JUDGE EISENHOWER: I understand
4 completely.

5 ATTORNEY NORTON: Okay.

6 JUDGE EISENHOWER: Yes.

7 ATTORNEY NORTON: Okay.

8 JUDGE EISENHOWER: Your - you are very
9 clear on that understanding.

10 I did notice one other thing, however.
11 In addition to the rule violations set forth in the
12 complaint, and in Mr. Stretton's pre-trial
13 memorandum, he added the stipulation that he would
14 like. And I am just going to read it for the record
15 and get the Board's position on it. This in on page
16 four of his brief.

17 The Respondent, Judge DiClaudio, would
18 ask for an additional stipulation if he was under
19 the impression, parens, wrongly so, that these
20 liens, referred to in the other parts of the
21 complaint, did not have to be reported. And he had
22 corrected that situation. So Mr. Stretton, that's -
23 that's an additional stipulation you are asking for.

24 Is that correct?

25 ATTORNEY STRETTON: That is correct.

1 We don't have an agreement as to that
2 one yet and maybe we won't, but -.

3 JUDGE EISENHOWER: I'd ask the Board
4 what their position was as to that proposed
5 stipulation?

6 ATTORNEY NORTON: I would not - we can
7 agree to that stipulation, Your Honor. I believe,
8 if my recollection is correct, Judge DiClaudio
9 indicated that at his deposition before he even had
10 Mr. Stretton representing him. So we wouldn't have
11 any objection to that stipulation, and we can put in
12 our joint stipulation.

13 ATTORNEY METZ: Okay.

14 JUDGE EISENHOWER: Okay.

15 Well, that's fine. I'm glad that we -
16 we got to that. That's good.

17 Is there anything else that we need to
18 cover today?

19 ATTORNEY STRETTON: No.

20 Is there any page, word limitation on
21 the brief?

22 JUDGE EISENHOWER: Mr. Metz, what's
23 your view on that?

24 ATTORNEY METZ: No.

25 We traditionally haven't had a page

1 limitation on it. Are you anticipating something
2 huge, Sam, or -?

3 ATTORNEY STRETTON: No.

4 ATTORNEY METZ: Okay.

5 ATTORNEY STRETTON: The disciplinary
6 board has gotten real crazy recently with 6,000
7 words on major trials. And I wasn't sure if - I
8 haven't had a case with your Court for about a year,
9 a year-and-a-half. I wasn't sure if they had
10 changed anything.

11 ATTORNEY METZ: No.

12 We don't have a rule on it, but we,
13 you know, keep in consideration it's -.

14 JUDGE EISENHOWER: For what it's - for
15 what it's worth, my personal view, the best brief I
16 ever encountered opposing something I was trying to
17 do when I was a federal prosecutor, was about a
18 ten-pager on a major constitutional issue before the
19 third circuit. So that's - that's my personal
20 opinion, but I can't say I'm speaking for the -.

21 ATTORNEY METZ: Okay.

22 JUDGE EISENHOWER: So unless there's
23 anything else, I will adjourn this - this conference
24 for today, and I look forward to reading your briefs
25 by October 17th.

1 ATTORNEY NORTON: All right.

2 And if I can just ask? I just want to
3 make sure. You do expect joint stipulations by the
4 parties.

5 Is that correct?

6 JUDGE EISENHOWER: Yes.

7 I think Judge Schwartzman raises a
8 very good point. That that way, we're absolutely
9 certain what's being stipulated to. And - and
10 instead of just having on the record today that you
11 stipulate to everything or they do, let's be
12 specific. Let's get it in writing. And it's a
13 serious matter, and we want to make sure that the
14 record is absolutely clear.

15 ATTORNEY NORTON: Thank you, Your
16 Honor.

17 ATTORNEY STRETTON: Well, have a good
18 day, everyone.

19 JUDGE EISENHOWER: This hearing is -
20 conference is concluded.

21

22 * * * * *

23 HEARING CONCLUDED AT 9:25 A.M.

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CERTIFICATE

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I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

Dated the 8th day of October, 2020

Bernadette M. Black

Bernadette M. Black,

Court Reporter