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SEP 27 2019

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE:

LYRIS F. YOUNGE  
Court of Common Pleas  
First Judicial District  
Philadelphia County

2 JD 2019

**PETITION FOR SPECIAL RELIEF**

AND NOW, this 27<sup>th</sup> day of September, 2019, comes the Honorable Lyris Younger (“Judge Younger”) by and through her undersigned counsel and files this Petition for Relief.

1. On or about August 20, 2019, the Judicial Conduct Board (“Board”) filed a Board Complaint (“Complaint”), which are just allegations, against Judge Younger in the above captioned matter. Simultaneously, the Board filed a Petition for Interim Suspension With or Without Pay (“Petition”).

2. On or about August 27, 2019, Counsel for Judge Younger filed an Answer to the Petition.

3. On or about September 4, 2019, this Court issued an Order for a Hearing on the Petition.

4. On September 12, 2019, a five-judge panel of this Court heard testimony from four witnesses. At the close of the hearing, the Court requested that counsel for the Board and Judge Younger submit written argument regarding the Petition.

5. Counsel for the Board inquired whether “in the request for the memo brief, are we limited to the content of the hearing that we put on here today as opposed to the pleading in general.” Notes Testimony from Suspension Hearing 133:24-25, 134:1-2.

6. This Court ruled that “our position is that on your Petition for Interim Relief, you *have to base your factual argument on what was presented today.*” Id. 134:21-24.

7. On September 25, 2019, the Board filed with the Court a Brief in Support of Petition for Relief For Interim Suspension With or Without Pay (“Board’s Brief”).

8. The Board elected to ignore the Court’s Order and repeatedly sites to the Complaint to buttress its factual arguments.

- a. In the “factual background” section of the Board Brief it cites to the Complaint four (4) times to support its factual position. See P. 2-3 of Bd. Brief.
- b. While attempting to summarize Judge Gatman’s testimony, the Board supplements its argument with three (3) impermissible references to the Board’s Complaint. In fact, the Board, assuming that its Complaint was evidence, posits to this Court that “the Board Complaint includes 13 of those emails and demonstrates that the June 24, 2016 and July 8, 2016 emails, initiated by Judge Younge, pertained to a request for an extension of time.” Id. P. 7. There was no testimony to this effect.
- c. While attempting to summarize Brian McLaughlin’s testimony, the Board uses as evidence its Complaint four (4) times and directs this Court to its Complaint in a blatant attempt to have the Court consider the Complaint as evidence.
- d. While attempting to summarize Mr. Aaron Mixon’s testimony, the Board cites to its Complaint four (4) times to supplement its factual assertions and cites to the actual notes of testimony five (5) times.

e. While attempting to summarize Ms. Brandi McLaughlin's testimony, the Board cites to the Complaint eight (8) different times while only citing to the record thirteen (13) times.

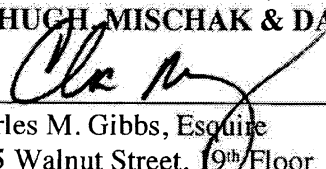
9. The Board clearly did not confine its factual arguments to the testimony presented at the hearing. Nineteen different times, the Board elected to defy this Court's Order.

10. The Board's decision to defy the Court's clear direction prejudices Judge Younge and offends notions of fair play and substantial justice.

WHEREFORE, Judge Younge, by and through Charles M. Gibbs, Esquire, respectfully requests this Honorable Court strike the Brief as it has failed to conform to the Order of this Court.

September 27, 2019

**MCMONAGLE, PERRI,  
MCHUGH, MISCHAK & DAVIS, P.C.**

By:   
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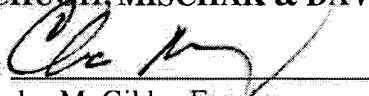
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**PROOF OF SERVICE**

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about September 27, 2019, a copy of the PETITION FOR SPECIAL RELIEF was sent by USPS Overnight Delivery and via email to Elizabeth A. Flaherty, counsel for the Judicial Conduct Board at the following address:

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