

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 125 EM 2019

In re: Conflict of Interest of the Office of the Philadelphia District Attorney,

**Petition of Maureen Faulkner, Widow of deceased
Police Officer Daniel Faulkner**

ORDER

AND NOW, on this _____ day of April, 2020, upon consideration of Respondents' Motion to Compel, the Petitioner's Response, and the record as a whole, the Parties shall mutually arrange to simultaneously identify all hearing witnesses and exhibits prior to the commencement of any hearing that may occur in these proceedings following the depositions previously Ordered by the Court.

By The Court:

Hon. John M. Cleland

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 125 EM 2019

**In re: Conflict of Interest of the Office of the Philadelphia District Attorney,
Petition of Maureen Faulkner, Widow of deceased
Police Officer Daniel Faulkner**

RESPONSE TO RESPONDENT’S MOTION TO COMPEL

INTRODUCTION

On April 7, 2020, Hon. John M. Cleland, after considering Petitioner’s Motion For Leave To Take Discovery, and after lengthy Oral Argument during which Respondent opposed all requested discovery, entered an Order for very specific discovery of a very few limited individuals on very carefully crafted legal and factual issues. Judge Cleland specifically denied the request for production of any documents.

Thereafter, by email dated April 8, 2020, Counsel for Respondent sent an email to Counsel for Petitioner asking for virtually unlimited discovery, including an identification of all Petitioner’s anticipated witnesses, their availability for

depositions, and for production of documents. Respondents filed NO MOTION with the Court seeking such broad discovery, and knew full well the Court's instructions about the narrowing of issues as expressed in its April 7 Order.

Despite that broad request, Respondents now move the Court only for 1) an identification of hearing witnesses, and 2) production of all exhibits Petitioner intends to use at the hearing. Had Respondents simply requested this relief in the first place in their April 8th email, rather than unlimited discovery, Petitioner's Counsel would have readily agreed to do so, so long as Respondents were willing to do the same.

ANWER TO ALLEGATIONS

1. Admitted.

2-4. Denied as stated, as such description is not what the Court Ordered on April 7, 2020.

5. Admitted.

6. Denied. It was not until April 16, 2020, that Respondents finally, and after repeated earlier requests, acknowledged when they would appear for depositions, thus wasting eight days.

7. Denied, for the reasons stated in the Introduction, above.

8. Admitted.

9. Denied as stated. Petitioner's Counsel immediately responded to Counsel for the Respondent that a response will be provided the minute Respondents confirmed their deposition dates. Nothing in that regard was heard from Respondents for another eight days.

10-13. Denied as stated. Again, Petitioner is willing to exchange a bi-lateral identification of witnesses and documents prior to any hearing. Further, and perhaps most importantly, Petitioner will not be in a position to identify witnesses and hearing exhibits until after the depositions occur, since it is likely that such depositions will narrow the scope of contested matters and thus minimize the need for many of the witnesses or documents.

WHEREFORE, Petitioner respectfully requests the Court to enter an order for bi-lateral disclosure of witness and hearing exhibits following the completion of the depositions previously ordered.

Respectfully submitted,

BOCHETTO & LENTZ, P.C.

Dated: April 17, 2020

By: /s/ George Bochetto
George Bochetto, Esquire
David P. Heim, Esquire
John O'Connell, Esquire

Attorneys for Petitioner

CERTIFICATE OF PUBLIC ACCESS COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: April 17, 2020

/s/ George Bochetto
George Bochetto, Esquire

CERTIFICATE OF SERVICE

I, George Bochetto, Esquire, hereby certify that the foregoing Response to Motion to Compel was served on the following counsel via the Court's Electronic Notice and via email:

David Smith, Esquire
Courtney Devon Taylor, Esquire
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Ste. 3600
Philadelphia, PA 19103
DSmith@Schnader.com
CTaylor@Schnader.com

Grady Gervino, Esquire
Lawrence J. Goode, Esquire
Nancy Winkelman, Esquire
Carolyn Engel Temin, Esquire
Lawrence S. Krasner, Esquire
Three South Penn Square
Philadelphia, PA 19107
Nancy.winkelman@phila.gov
Lawrence.goode!@phila.gov
Lawrence.krasner@phila.gov
Grady.gervino@phila.gov

Dated: April 17, 2020

/s/ George Bochetto
George Bochetto, Esquire