

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: JUDGE MARISSA J. BRUMBACH :
MUNICIPAL COURT JUDGE :
1ST JUDICIAL DISTRICT :
PHILADELPHIA COUNTY :

2 JD 2022

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

JAN 24 2023

RECEIVED AND FILED

**RESPONDENT JUDGE MARISSA J. BRUMBACH'S MOTION FOR
EXTENSION OF DISCOVERY DEADLINE**

Respondent Judge Marissa J. Brumbach, by and through the undersigned counsel, requests an extension of the discovery deadline and avers as follows:

1. On December 14, 2022, the Judicial Conduct Board filed a Complaint against Judge Brumbach alleging nine counts of judicial misconduct.
2. On January 6, 2023, this Court held a hearing on the Board's Petition For Relief For Interim Suspension Without Pay.
3. On January 12, 2023, this Court denied the Board's Petition For Relief For Interim Suspension Without Pay.
4. On January 30, 2023—although it was not docketed until the next day—Judge Brumbach filed her Omnibus Motion consistent with this Court's January 11 Order extending the deadline to file an Omnibus Motion.
5. On February 9, 2023, the Board filed its Reply to Judge Brumbach's Omnibus Motion.
6. On February 22, 2023, Judge Brumbach filed a Motion to File a Reply Brief to Board's Reply, with the proposed Reply Brief attached.

7. On February 23, 2023, this Court granted the Motion and allowed the Board ten days to file its own Reply; the Board did not do so.

8. Throughout this time, Judge Brumbach sent the Board two discovery requests: one on December 20, 2022 and a supplemental request on January 24, 2023.

9. The Board has made two discovery productions in response: one on December 31, 2022 and another on February 9, 2023.

10. A number of Judge Brumbach's requests were not responded to, so from February 9 to present, Judge Brumbach and the Board have been working through discovery.

11. In particular, on February 13, 2023, Judge Brumbach sought the remainder of partial text message between Judge Pittman and Judge Dugan on January 6.

12. On February 22, 2023, the Board produced the remaining portion of the text message, but a date stamp following the message indicates that the conversation between Judge Pittman and Judge Dugan continued on January 6. *See Exhibit A.*

13. As such, on March 7, 2023, Judge Brumbach asked the Board to produce the rest of the texts between Judge Pittman and Judge Dugan on January 6 that relate to this matter, as well as texts between the two from any other day that relate to this matter.

14. In that same March 7 email, Judge Brumbach asked the Board whether it intended to respond to Judge Brumbach's remaining discovery requests.

15. On March 13, via email, the Board indicated the Judge Pittman stated that there are no other texts between he and Judge Dugan related to this matter.

16. However, in that same email, the Board did not respond regarding Judge Brumbach's additional discovery requests.

17. As such, on March 13, 2023, Judge Brumbach again asked the Board whether it intended to respond to Judge Brumbach's additional discovery requests.

18. On March 17, 2023, Judge Brumbach received notification from the Board that it has provided all discovery as required by C.J.D.R.P. 401.

19. For her part, Judge Brumbach is reviewing all documents and anticipates producing any documents required by Rule 401 by March 28.

20. Because Judge Brumbach was unable to obtain all of the requested information from the Board, Judge Brumbach respectfully requests an extension of the discovery deadline by 45 days to issue subpoenas and pursue deposition testimony consistent with the Court of Judicial Discipline's Rules of Procedure.

21. This extension of time will not unduly delay these proceedings; indeed, this Court has yet to rule on Judge Brumbach's Omnibus Motion.

22. Moreover, the Board will not be prejudiced by this delay.

23. Importantly, this extension of time is critically necessary for Judge Brumbach to obtain relevant discovery for her defense.

WHEREFORE, it is respectfully requested that this Honorable Court grant Judge Brumbach's Motion for Extension of the Discovery Deadline.

Dated: March 24, 2023

/s/ Matthew H. Haverstick
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CERTIFICATE OF SERVICE

I, Matthew H. Haverstick, hereby certify that on March 24, 2023, I caused a true and correct copy of the attached Motion for Extension of Discovery Deadline to be served on the following via email:

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CERTIFICATE OF 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.

Submitted by: Kleinbard LLC

Signature: /s/ Matthew H. Haverstick

Name: Matthew H. Haverstick

Attorney No.: 85072

EXHIBIT A

1:32

LTE

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Pat

Thu, Jan 6, 10:56 AM

We need to talk about
judge Brumbach and TC -
an issue that Marge is also
having

Ok. I was over there on
Tuesday and I'm going over
there again today.

Check with Marge
Judge Brumbach is off
tomorrow and has taking
care of 95 % of list

Ok

She needs to work with
admin ...
She requested Jan 7 off but
was not responded to (I
think) ... Sharon and I are
looking into it but I do t



Cash



2:01

LTE



Pat

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believe any coordination
with Marge was done ..

Jan 6, 2022 7:00 PM

