

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

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OF PENNSYLVANIA

APR 26 2023

RECEIVED AND FILED

IN RE:

Judge Marissa J. Brumbach :  
Municipal Court Judge : 2 JD 2022  
1<sup>st</sup> Judicial District :  
Philadelphia County :

**JUDICIAL CONDUCT BOARD'S REPLY TO RESPONDENT'S  
MOTION TO COMPEL DISCOVERY**

AND NOW, this 26<sup>th</sup> day of April, 2023, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) by undersigned counsel and files this Reply to Respondent's Omnibus Motion.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
12. Admitted.

13. Denied. The Board provided discovery pursuant to C.J.D.R.P. No. 401 by correspondence dated December 29, 2022, and February 9, 2023. Furthermore, the Board responded to various email requests for additional discovery by correspondence dated December 21, 2022, January 4, 2023, February 22, 2023, March 29, 2023, and April 10, 2023.
14. Denied. The Board provided discovery pursuant to C.J.D.R.P. No. 401 by correspondence dated December 29, 2022, and February 9, 2023. Furthermore, the Board responded to various email requests for additional discovery by correspondence dated December 21, 2022, January 4, 2023, February 22, 2023, March 29, 2023, and April 10, 2023.
15. Admitted. The Board provided the entirety of the information that it possessed pertaining to the referenced text message.
16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted. Consistent with its obligation pursuant to C.J.D.R.P. No. 401, the Board provided the additional portion of the referenced text message one day after it was received by the Board.
21. Admitted.
22. Admitted.
23. Admitted.
24. Admitted.
25. Admitted.

26. Admitted.
27. Admitted.
28. Admitted. Consistent with its obligation pursuant to C.J.D.R.P. No. 401, the Board provided the additional referenced text messages the day after they were received by the Board.
29. Denied.
30. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
31. Admitted.
32. Admitted.
33. Admitted in part and denied in part. It is admitted that the Board responded on April 5, 2023, stating that it had provided discovery in compliance with C.J.D.R.P. No. 401; however, the Board agreed to provide a response to each request individually if it would "assist" Respondent. It is denied that the Board ignored Respondent's request for additional texts as the Board indicated that it had provided discovery in compliance with C.J.D.R.P. No. 401.
34. Admitted.
35. Denied.
36. Denied.
37. Denied.
38. Admitted.
39. Denied. This paragraph states a legal conclusion to which a response is not required. To the extent that the Court seeks a response, a fair reading of *In*

*re Hasay*, 686 A.2d 809 (Pa. 1996) does not entitle Respondent to the information sought.

40. Denied. This paragraph states a legal conclusion to which a response is not required.
41. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
42. Admitted.
43. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
44. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
45. Admitted.
46. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
47. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
48. Admitted.
49. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
50. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
51. Admitted.
52. Denied.
53. Denied.

54. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
55. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
56. Admitted.
57. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
58. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
59. Admitted.
60. Admitted.
61. Admitted.
62. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
63. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
64. Admitted.
65. Denied. This paragraph states a legal conclusion to which a response is not required.
66. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
67. Admitted.
68. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.

69. Admitted.
70. Denied. This paragraph states a legal conclusion to which a response is not required.
71. The Board has complied with the requirements of C.J.D.R.P. No. 401.
72. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
73. Denied. See Respondent's Motion to Compel Discovery and attached exhibits.
74. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
75. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
76. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
77. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.
78. Denied.
79. Denied. To the extent that this paragraph is construed to allege facts, they are denied and strict proof of same is demanded.

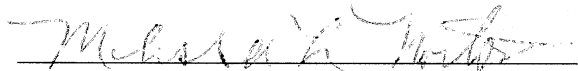
WHEREFORE, the Board, by and through Melissa L. Norton, Chief Counsel, respectfully requests that this Honorable Court deny Respondent's Motion to Compel Discovery in its entirety.

Respectfully submitted,

Melissa L. Norton  
Chief Counsel

DATE: April 26, 2023

By:



MELISSA L. NORTON  
Chief Counsel  
Pa. Supreme Court ID No. 46684  
Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
Harrisburg, PA 17106  
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA  
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IN RE:

Judge Marissa J. Brumbach  
Municipal Court Judge  
1<sup>st</sup> Judicial District  
Philadelphia County

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2 JD 2022

**VERIFICATION**

I, Melissa L. Norton, Chief Counsel to the Judicial Conduct Board, verify that the statements made in the Judicial Conduct Board's Reply to Respondent's Motion to Compel Discovery are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Melissa L. Norton  
Chief Counsel

Date: April 26, 2023

By:



MELISSA L. NORTON  
Chief Counsel  
Pa. Supreme Court ID No. 46684  
Judicial Conduct Board  
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**PROOF OF SERVICE**

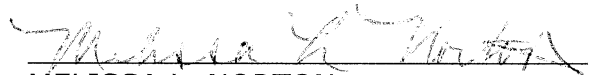
In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on April 26, 2023, a copy of the Judicial Conduct Board’s Reply to Respondent’s Motion to Compel Discovery was sent by First Class Mail and Email to Matthew H. Haverstick, Esquire as follows:

Matthew H. Haverstick, Esquire  
Kleinbard LLC  
Three Logan Square  
1717 Arch Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19103  
Email: [mhaverstick@kleinbard.com](mailto:mhaverstick@kleinbard.com)

Respectfully submitted,

DATE: April 26, 2023

By:



MELISSA L. NORTON  
Chief Counsel  
Pa. Supreme Court ID No. 46684  
Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
Harrisburg, PA 17106  
(717) 234-7911

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**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  
Chief Counsel  
Attorney No.: 46684