

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED

IN RE:

JUL 18 2025

Judge Scott DiClaudio :  
Court of Common Pleas :  
First Judicial District : 1 JD 2025  
p-Philadelphia County :

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

**JUDICIAL CONDUCT BOARD REPLY TO JUDGE DICLAUDIO'S OMNIBUS  
MOTION**

AND NOW, this 18<sup>th</sup> day of July, 2024, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) by and through undersigned counsel, and files this Reply to Judge DiClaudio's Omnibus Motion:

I. Discovery Requests

1. Admitted.
2. Admitted. By way of further answer, discovery was served on Judge DiClaudio on June 25, 2025, at his office, and on June 26, 2025, at his home. Additionally, on June 27, 2025, several items of discovery were emailed to Judge DiClaudio at his request due to technical issues.
3. This paragraph sets forth legal argument and a prayer for relief for which no response is necessary. To the extent that a response to this paragraph is required, discovery has been provided in full within the timeframe set forth by this Court's Rules of Procedure.
4. Admitted.
5. Denied. This paragraph states a conclusion of law for which no response is necessary. To the extent a response is required, the Chief Counsel of the Board may initiate a complaint against any judge under the auspices of Judicial Conduct Board Rule of Procedure 25(A)(2).
6. Admitted. This is a verbatim copy of the Board's Operating Procedure 3.01.
7. Denied. To the extent that this averment construes facts, the Board is without sufficient knowledge or belief about Judge DiClaudio's schedule to formulate a response about the subjects upon he may elect to conduct research; therefore it is denied. To the extent that this paragraph sets forth legal conclusions and argument, no response is necessary. To the extent that a response to these legal arguments and conclusions are required, discovery, including the initial

Confidential Request for Investigation, was fully provided to Judge DiClaudio within the time frame set forth by this Court.

8. Admitted in part. The quoted text gleaned from the Confidential Request for Investigation is accurately quoted. To the extent that Judge DiClaudio asserts that the allegations are "fraught with theory, speculation, and conjecture," such constitutes a legal argument or conclusion, for which no response is necessary. To the extent a response is necessary, allegations may be speculative in nature, as they by definition require additional investigation.
9. Denied as a conclusion requiring no response. To the extent that a response to this paragraph is required, whether "lighthearted" or not, the article makes use of Judge DiClaudio's judicial position as a point of interest for his wife's restaurant, in violation of the Code of Judicial Conduct (Code) Rule 1.3.
10. Denied. This paragraph states a conclusion of law requiring no response. By way of further answer, as reflected by the discovery provided to Judge DiClaudio the genesis of the Board's Confidential Request for Investigation was the Inquirer article mentioned above and attached as an exhibit to the Board's Complaint. The remainder of this averment invites a response that may violate the Board's confidentiality mandate set forth at Article V, § 18(a)(8).
11. Denied in part. To the extent that a response to this paragraph is required, the Board is entitled to make use of its staff to investigate claims of judicial misconduct. As to Respondent's request for information on past investigations, this information is deemed by the Constitution of Pennsylvania, Article V, §18(a)(8) to be confidential.
12. Denied. This discovery request is patently overbroad and the Board objects to it on that ground, as it requests the production of material that is confidential by constitutional mandate at Article V, § 18(a)(8), as well as privileged by the attorney-client or work product privileges. The Board also objects to this request on the grounds of relevance. Further, to the extent that a response to the legal conclusions and argument paragraph is required, the identity of the Complainant is irrelevant to an investigation, as the Constitution of Pennsylvania provides in Article V, §18(a)(7) that the Board shall investigate allegations of judicial misconduct "filed by individuals or initiated by the Board."

WHEREFORE, the Board has already produced discovery in full within the time frame set forth by this Court, and prior to the filing of Respondent's Omnibus Motion. Additionally, as to Respondent's request for additional time to file an Answer, Board counsel believes that said request is inappropriate at this time. Board counsel must respond to Respondent's Omnibus Motion, after which the Court must decide the issues presented therein, after which Respondent will have an additional twenty (20) days to file his Answer. As such, Board counsel submits that this request is premature.

## II. Evidentiary Principles

13. This paragraph states a conclusion of law for which no response is required.

## III. Burden of Proof

14. This paragraph states a conclusion of law for which no response is required.

## IV. Witnesses

15. Denied. This paragraph sets forth legal argument, for which no response is required. To the extent that this paragraph requires a response, although Respondent deems it “nonsensical” to promote Shay’s Steaks on a podcast, he has done precisely that, as said podcast heavily features Shay’s throughout the two-hour runtime.
16. Denied. To the extent that this paragraph construes facts, the Board is without sufficient knowledge to formulate a response as to their veracity; as such, they are denied, and strict proof of same is demanded. By way of further answer, Board counsel fails to see the relevance of the proposed testimony to the charged violations; the Board has not alleged that Judge DiClaudio has used any celebrity connections to promote Shay’s, only his own position.
17. Denied. Please see the response to Paragraph 16, above. Additionally, the rankings on Yelp and Google cited by the judge are wholly irrelevant to the charged violations; it is of no import that Shay’s is a popular or well-liked restaurant.
18. Denied. Please see the response to Paragraph 16, above. By way of further answer, while it may be true that Judge DiClaudio has passed on certain appearances, there are an equal number of media spots that he has participated in.

## V. Bill of Particulars

19. (A)-(E). Admitted in part. It is admitted that the Board Complaint sets forth a violation of Canon 1, Rule 1.2. By way of further answer, the face of the Board complaint alleges specific facts that constitute violations of the Pennsylvania Constitution and the Code of Judicial Conduct and, therefore, subject Judge DiClaudio to sanction under those rules.
20. This averment sets forth a prayer for relief for which no response is necessary; therefore, it is denied. By way of further answer, the face of the Board complaint alleges specific facts that constitute violations of the Pennsylvania Constitution and the Code of Judicial Conduct and, therefore, subject Judge DiClaudio to sanction under those rules.

21. Admitted. By way of further answer, the face of the Board complaint alleges specific facts that constitute violations of the Pennsylvania Constitution and the Code of Judicial Conduct and, therefore, subject Judge DiClaudio to sanction under those rules.
22. Admitted in part. It is admitted that the Board alleged that Judge DiClaudio abused the prestige of his office by conduct alleged in the Board Complaint. By way of further answer, the face of the Board complaint alleges specific facts that constitute violations of the Pennsylvania Constitution and the Code of Judicial Conduct and, therefore, subject Judge DiClaudio to sanction under those rules. The remaining conclusion set forth in this paragraph requires no response; therefore, it is denied.
23. This paragraph sets forth a prayer for relief for which no response is necessary. To the extent a response is required, the face of the Board complaint alleges specific facts that constitute violations of the Pennsylvania Constitution and the Code of Judicial Conduct and, therefore, subject Judge DiClaudio to sanction under those rules.

#### VI. Request to Perclude (sic) Hearsay Documents

24. This paragraph states a conclusion of law for which no response is required. To the extent that a response is necessary, the reviews included as Exhibits to the Board Complaint are not being used for the truth of the matter asserted, namely that Shay's Steaks is a 4- or 5-star establishment, but to show that customers were aware of Respondent's judicial position.
25. This averment sets forth a conclusion of law for which no response is required. To the extent a response is necessary, Respondent has admitted that all reviews included with the Board Complaint have been reproduced verbatim from Yelp and/or Google Reviews, and the actual ownership of Shay's Steaks is irrelevant to the allegations of judicial misconduct, as Canon 1, Rule 1.3 of the Code of Judicial Conduct provides that a judge shall not abuse the prestige of his or her judicial position for his or her own benefit *or the benefit of others*.
26. This averment sets forth a conclusion of law for which no response is required. To the extent a response is necessary, the Board adopts its response as set forth above at Paragraphs 24 and 25.

#### VII. Request to Dismiss on Hearsay Grounds

27. This averment sets forth a conclusion of law for which no response is required. To the extent a response is necessary, the reviews included as Exhibits to the Board Complaint are but one facet of the evidence against Judge DiClaudio.
28. This paragraph states a conclusion of law for which no response is required. To the extent that a response is necessary, please refer to paragraph 27, above.

#### VIII. Request to Dismiss

- 29. This paragraph states a conclusion of law for which no response is required.
- 30. Assuming that Respondent is referring to ***In re Smith***, 687 A.2d 1229, 1239 (Pa. Ct. Jud. Disc. 1996), this paragraph states a conclusion of law for which no response is required.
- 31. This paragraph states a conclusion of law for which no response is required.
- 32. This paragraph states a conclusion of law for which no response is required.
- 33. This paragraph states a conclusion of law for which no response is required.
- 34. This paragraph states a conclusion of law for which no response is required.
- 35. This paragraph states a conclusion of law for which no response is required.
- 36. This paragraph states a conclusion of law for which no response is required.
- 37. This paragraph states a conclusion of law for which no response is required.

#### IX. Request to Supplement

- 38. To the extent that a response to this paragraph is required:
  - a. This paragraph requests a response that invites the Board to violate its confidentiality mandate set forth at Article V, § 18(a)(8); therefore it is denied.
  - b. This paragraph requests a response that invites the Board to violate its confidentiality mandate set forth at Article V, § 18(a)(8); therefore it is denied.
- 39. This averment requests a response that invites the Board to violate Article V, § 18(a)(8); therefore, it is denied. Moreover, any such information, should it exist, is privileged under the attorney-client privilege, and the work product doctrine.
- 40. This paragraph requests a response that invites the Board to violate its confidentiality mandate set forth at Article V, § 18(a)(8); therefore it is denied.
- 41. This paragraph sets forth a description of the system in Philadelphia County for reviewing second and subsequent PCRA filings, has no relevance to the charged violations, and does not require a response.
- 42. This paragraph requests a response that invites the Board to violate its confidentiality mandate set forth at Article V, § 18(a)(8); therefore it is denied.



43. Again, this paragraph describes the PCRA system in Philadelphia County, which has no relevance to the charged violations. To the extent that a response to this paragraph is required, and as to Respondent's request for information on past investigations, if any, this information is deemed by the Constitution of Pennsylvania, Article V, §18(a)(8) to be confidential. Therefore, this averment is denied.
44. This paragraph is wholly irrelevant to the charged violations and does not require a response.
45. This paragraph requests a response that invites the Board to violate its confidentiality mandate set forth at Article V, § 18(a)(8); therefore it is denied.
46. Admitted. This is a verbatim rendering of the Report of Interview in question.
47. This paragraph states a conclusion of law to which no response is required. To the extent that a response is required, the Board conducted a full and fair investigation of the charged violations. Whether Judge DiClaudio attributes the ownership of Shay's Steaks to his wife is not relevant to the misconduct alleged.
48. The Board did not move forward with a potential violation of Rule 2.1 of the Code of Judicial Conduct and thus this paragraph is irrelevant to the charged violations and requires no response. By way of further answer, the Board is entitled to a measure of prosecutorial discretion in this, or any other, proceeding.
49. Please see the response to Paragraph 48, above.
50. To the extent that a response to this paragraph is required, the Board has never made public Respondent's home address. Respondent is the only individual who has ever disclosed personal details to the public.

X. Matter of Leonard Sosnov

51. To the extent that a response to this paragraph is required, Mr. Sosnov's matter is not before this Court, and, as such, this Court lacks jurisdiction to "join" Judge DiClaudio to that matter.

XI. Request to Dismiss

52. This paragraph states a conclusion of law for which no response is required. To the extent that a response is required, the Board obviously disagrees with Respondent's characterization of his behavior as "diligently and steadfastly" avoiding the abuse of the prestige of his office.

53. To the extent that a response to this paragraph is required, the podcast in question, *People Talking Sitting Down*, does feature discussions of mental health; however, in the present instance, there is a discussion of Shay's Steaks, including numerous mentions of Judge DiClaudio's pivotal role in that venture, that lasts for more than a half hour, with additional vignettes and mentions throughout the remainder of the taping. Additionally, the podcast contains other features, including Judge DiClaudio "air humping" a ping-pong table, that cannot possibly be said to raise the estimation of the judiciary in the eyes of the public.

WHEREFORE, based upon the averments set forth above, incorporated herein by reference as though set forth in full, the Board respectfully requests that this Honorable Court DENY Judge DiClaudio's omnibus motion in full.

Respectfully submitted,  
MELISSA L. NORTON  
*Chief Counsel*

Date: July 18, 2025

By:

  
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*Deputy Counsel*  
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**COMMONWEALTH OF PENNSYLVANIA  
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IN RE:

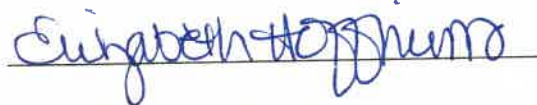
Judge Scott DiClaudio	:	
Court of Common Pleas	:	
First Judicial District	:	1 JD 2025
Philadelphia County	:	

**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:

ELIZABETH A. HOFFHEINS  
Deputy Counsel

Attorney No.:

209623



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**PROOF OF SERVICE**


In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, a copy of the foregoing JUDICIAL CONDUCT BOARD REPLY TO JUDGE DICLAUDIO'S OMNIBUS MOTION was served on Respondent via first-class mail and electronic mail at the following address(es) on the date below:

The Honorable Scott DiClaudio  
Court of Common Pleas  
Criminal Justice Center  
1301 Filbert St., Ste. 1415  
Philadelphia, PA 19107  
and Email:  
[scott.diclaudio@courts.phila.gov](mailto:scott.diclaudio@courts.phila.gov)

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Respectfully submitted,

DATE: July 18, 2025

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