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Filed in Supreme Court

JAN 7 2015

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FILED UNDER SEAL

IN THE COURT OF COMMON PLEAS MONTGOMERY COUNTY, PA

IN RE:

SUPREME COURT OF PENNSYLVANIA
NO. 176 M.D.D MISC. KT 2012

**THE THIRTY-FIFTH STATEWIDE
INVESTIGATING GRAND JURY**

MONTGOMERY COUNTY COMMON PLEAS
M.D. 2644-2012

**ANSWER OF SPECIAL PROSECUTOR
TO THE MOTION TO FILE UNDER SEAL THE QUO WARRANTO ACTION
OF ATTORNEY GENERAL KATHLEEN G. KANE, INDIV.**

Thomas E. Carluccio, Special Prosecutor to the Investigatory Grand Jury hereby answers the *Motion to File under Seal the Quo Warranto Action* filed by, Attorney General Kathleen G. Kane, Indiv., and states in support thereof as follows:

1. Admitted in part and Denied in part. It is admitted that Attorney General Kane, Indiv., has filed a Quo Warranto Action seeking, among other things, to quash the appointment of a Special Prosecutor to the Thirty-Fifth Statewide Investigating Grand Jury. However, any assertion that the said Action, and legal arguments thereunder, represents law that is dispositive to the underlying claims are denied.

2. Admitted in part and Denied in part. It is admitted that all proceedings associated with the Thirty-Fifth Statewide Investigating Grand Jury together with pleadings presented to both the Court of Common Pleas, Montgomery County, Pennsylvania and this Honorable Court, which all effectively seek to challenge the establishment of the said Investigating Grand Jury and the appointment of the Special Prosecutor - are under seal. It is denied that in the public interest

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all such pleadings should remain under seal, and the Special Prosecutor advocates that such pleadings be made available to the public.

3. The representation in this Paragraph 3 merely references the Attorney Verification annexed to the Motion, and no response is required.

WHEREFORE, the Special Prosecutor advocates that the *Motion to File under Seal the Quo Warranto Action (and its accompanying Memorandum of Law in Support thereof)* be denied, *and that* all pleadings of record challenging the establishment of the said Investigating Grand Jury and the appointment of the Special Prosecutor be made available to the public.

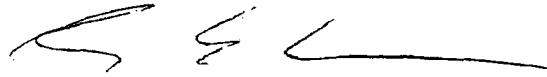


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Special Prosecutor of Investigating Grand Jury No. #35

DATED: 1/2/15

VERIFICATION

I, Thomas E. Carluccio, Esq. as Special Prosecutor to the Investigating Grand Jury No #35 appointed by the Pennsylvania Supreme Court, hereby state that after due diligence and investigation into the operative events underlying the subject matter of the *Motion to File under Seal the Quo Warranto Action (and its accompanying Memorandum of Law in Support thereof)* filed of record with the Court by Attorney General Kathleen G. Kane, Individ., I hereby represent that the averments set forth in the foregoing Answer to the said Motion are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



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