

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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OF PENNSYLVANIA

2016 JAN - 7 P 2:40

IN RE:

J. Michael Eakin :
Justice of the Supreme Court of : No. 13 JD 2015
Pennsylvania :

JUSTICE J. MICHAEL EAKIN'S PRE-TRIAL MEMORANDUM

AND NOW comes Justice J. Michael Eakin, by and through his counsel, William C. Costopoulos, Esquire, and Heidi F. Eakin, Esquire, COSTOPOULOS, FOSTER & FIELDS, and respectfully files the following Pre-Trial Memorandum:

A. Witness List (Subject to supplementation)

1. Jack Harlacker
Judicial Conduct Board
601 Commonwealth Avenue
Ste. 3500
P.O. Box 62525
Harrisburg, PA 17106
(Fact witness regarding Board's Investigation and witness interviews)
2. Janey Thrush
4720 Old Gettysburg Road
Mechanicsburg, PA 17055
(Fact witness related to the Board's complaint at paragraph 78 (I) and J.
and Character witness)
3. Lynn Zembower
4720 Old Gettysburg Road
Mechanicsburg, PA 17055
(Fact witness related to the Board's complaint at paragraph 78 (I) and J and
Character witness).

4. Machell McCoy
4720 Old Gettysburg Road
Mechanicsburg, PA 17055
(Fact witness related to the Board's complaint at paragraph 78 (I) and J.
and Character witness)
5. William C. Vohs, Esquire
4720 Old Gettysburg Road
Mechanicsburg, PA 17055
(Fact witness related to daily operations of Chambers , Opinions issued by Justice
Eakin and Character witness)
6. Catherine L. Shelly, Esquire
4720 Old Gettysburg Road
Mechanicsburg, PA 17055
(Fact witness related to daily operations of Chambers , Opinions issued by Justice
Eakin and Character witness)
7. Jeffrey Baxter, Esquire
Senior Deputy Attorney General
Pennsylvania Office of Attorney General
10950 Route 30
North Huntingdon, PA 15642
(Fact witness related to e-mails contained in Board's Complaint and Character
witness)
8. Terrance McGowan, Esquire
Killian and Gebhart
218 Pine Street
P. O. Box 886
Harrisburg, PA 17108
(Fact witness related to e-mails sent to Justice Eakin itemized in Board's
complaint)
9. Stacy Barker Wolf, Esquire
4720 Old Gettysburg Road
Mechanicsburg, PA 17055
(Fact witness relating to daily operations of Justice Eakin's Chambers)

10. Sam Cooper, Esquire
4078 Rosewall Court
Harrisburg, PA 17108
(Fact witness related to lack of bias racial or otherwise a Character witness,
subject to his confirmation.)
11. Maria P. Cagnetti
Cagnetti & Associates
3304 Market Street
Camp Hill, PA 17011
(Fact witness related to lack of bias)
12. Robert Davis, Esquire
121 Pine Street, First Floor
Harrisburg, PA 17101
(Ethics expert who will confirm testimony of Sam Stretton Esquire provided at
suspension hearing held December 21, 2015; to wit, charges do not violate the
Cannons)
13. John Hare, Esquire
2000 Market Street
Philadelphia, PA 19103
(Expert witness to reiterate his testimony provided at the suspension hearing held
on December 21, 2015, said testimony further corroborated by his review of the
flash drive containing Justice Eakin's Opinions.)
14. Joseph Curcillo III, Esquire
3096 Lexington Street
Harrisburg, PA 17109
(Character Witness)
*Respondent intends to call multiple character witness'.

B. Exhibits

1. Judicial Conduct Board Letter dated December 14, 2014 dismissing 2014 complaint.
2. Report of Special Counsel Robert Byer dated December 19, 2014.
3. Report of Special Counsel Joseph A. Delsole dated October 30, 2015.
4. Transcript of testimony of Attorney Samuel Stretton taken at Suspension Hearing held
on December 21, 2015.

5. Video Deposition of Judge Steven McEwen taken on December 18, 2015.
6. Report of Special Counsel Kathy Speaker MacNett, Esquire dated December 23, 2015.

C. Stipulations

Proposed stipulations are being prepared by the Board, and their review and approval by Respondent is pending, and may be supplemented.


D. Legal Issues to be addressed by The Court of Judicial Discipline at the Pre-Trial Conference or at the Trial.

1. The admissibility or relevance of unsolicited e-mails received where there is no evidence that said e-mails were opened or forwarded.
2. The admissibility or relevance of unsolicited e-mails similar in nature to those attributed to Respondent received by others in the various branches of government.

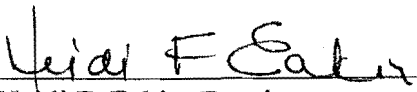
E. Certification

All materials required to be exchanged pursuant to C.J.D.R.P. No. 401 (D)(1) have been furnished.

RESPECTFULLY SUBMITTED:



William C. Costopoulos, Esquire
I.D. No. 22354



Heidi F. Eakin, Esquire
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ATTORNEYS FOR JUSTICE J.

MICHAEL EAKIN

DATED: January 7, 2016

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:

J. Michael Eakin :
Justice of the Supreme Court of : No. 13 JD 2015
Pennsylvania

VERIFICATION

The undersigned verifies that the foregoing matter is true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

RESPECTFULLY SUBMITTED:



Heidi F. Eakin, Esquire

I.D. No. 43893

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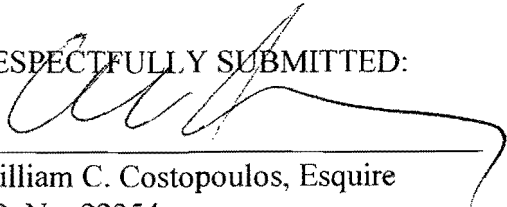
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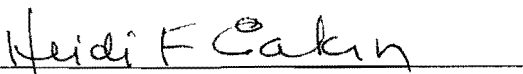
PROOF OF SERVICE

In compliance with Rule 122(d) of the Court of Judicial Discipline Rules of Procedure,
on December 16, 2015, a copy of *Justice J. Michael Eakin's Answer to Complaint with New
Matter* was provided to Francis J. Puskas, II, Sr. Deputy Counsel, by personal service at the
following address:

Francis J. Puskas, II, Sr. Deputy Counsel
Judicial Conduct Board of Pennsylvania
601 Commonwealth Ave.
Suite 3500
P.O. Box 62525
Harrisburg, PA 17120-0901

RESPECTFULLY SUBMITTED:


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