

SEP 26 2025

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM

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ATTORNEY FOR RESPONDENT

IN RE:
JUDGE SCOTT DICLAUDIO
FIRST JUDICIAL DISTRICT
PHILADELPHIA COMPLAINT

:
:
: **COMMONWEALTH OF**
: **PENNSYLVANIA COURT OF**
: **JUDICIAL DISCIPLINE**
:
: **NO. 1 JD 2025**
: **NO. 2 JD 2025**
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OMNIBUS MOTION OF THE RESPONDANT, JUDGE SCOTT DICLAUDIO

Judge Scott DiClaudio ("Judge DiClaudio"), by and through his attorney, Michael T. van der Veen, hereby submits this Omnibus Motion. In support thereof, Judge DiClaudio represents the following:

1. On or about September 9, 2025, the Judicial Conduct Board of the Commonwealth of Pennsylvania ("the Board") filed a Complaint charging Respondent with various violations of the Rules of the Code of Judicial Conduct and the Constitution of the Commonwealth of Pennsylvania.
2. On that same day, the Board also filed a Petition for Relief for Interim Suspension Without Pay ("Petition").
3. The factual allegations posed in the Board's Petition center around the aforementioned September 9, 2025 Complaint, which Respondent has not yet received discovery for.

4. A Hearing on the Board's Petition is currently scheduled for October 6, 2025, at 9:00 A.M.

MOTION FOR DISCOVERY

5. Pennsylvania Rule 401 of the Court of Judicial Discipline requires all discovery to be completed within sixty (60) days upon service of the Complaint.

6. Respondent was served with the Complaint on or about September 9, 2025.

7. Respondent has not yet received any discovery pertaining to the factual allegations levied in the Board's Complaint, which are the same as those in the Petition. Discovery is absolutely necessary to respond to the Complaint and to address the allegations at the Hearing currently scheduled for October 6, 2025.

8. Respondent respectfully requests the Board provide all discovery concerning the allegations outlined in the Complaint and Petition. This includes, but is not limited to,

a. All documents, communications, writings, memoranda, emails, text messages, drafts, or notes that relate to the factual allegations made in the Petition or underlying Complaint;

b. All internal investigative reports, findings, and/or transcripts of interviews (whether by the Board, investigators, or other entities) involving witnesses who are expected to testify at the hearing;

c. All documents intended to be used at the hearing, including exhibits, demonstratives, charts, graphs, and/or audio/video recordings;

d. All statements made by any witnesses concerning the allegations;

e. Any exculpatory materials favorable to Respondent;

9. Therefore, Respondent cannot adequately prepare a defense unless all outstanding discovery is served without further delay.

WHEREFORE, for the foregoing reasons, this Honorable Court should enter an Order granting Respondent's motion for discovery and require the Board of Judicial Discipline to provide Respondent with all discovery within ten (10) days from the date of this Order.

MOTION FOR CONTINUANCE

10. On September 10, 2025, a representative from the Commonwealth of Pennsylvania Court of Judicial Discipline, Mr. Joseph Metz, emailed undersigned counsel to schedule a Hearing on the Board's Petition.

11. Mr. Metz proposed October 6, 2025, at 9:30 A.M. for the Hearing on the aforementioned Petition.

12. Unbeknownst to undersigned counsel, and prior to his responding to inform the Court that he was unavailable on that date and time, undersigned counsel's paralegal incorrectly and without authority confirmed the date with Mr. Metz.

13. Within twenty-four (24) hours of the date being set, Counsel notified Mr. Metz that he did not agree to that hearing date.

14. As mentioned above, Respondent has not received any discovery related to the October 6, 2025 Hearing. To have the hearing date without discovery and without an adequate period of time to review materials, conduct an investigation, and prepare the availability of witnesses would be a severe violation of Respondent's due process rights.

15. As such, Respondent and undersigned counsel cannot adequately prepare for the Hearing by October 6, 2025.

16. Respondent needs time to interview potential witnesses, and this cannot reasonably be accomplished by October 6, 2025.

17. Proceeding to a Hearing on such an urgent and consequential matter without the benefit of discovery or any fair opportunity to investigate violates Respondent's rights to Due Process under Article I, Sections 1 and 11 of the Pennsylvania Constitution.

18. For the abovementioned reasons, Respondent respectfully requests a continuance of the October 6, 2025 Hearing regarding The Board's Petition for Relief for Interim Suspension Without Pay.

WHEREFORE, for the foregoing reasons, this Honorable Court should enter an Order continuing the October 6, 2025 in this matter.

MOTION IN LIMINE

19. On or about April 29, 2025, the Board filed a Complaint alleging that Respondent violated the Constitution of the Commonwealth of Pennsylvania and the Code of Judicial Conduct.

20. The Complaint filed on April 29, 2025 ("Shay's Complaint") includes allegations of judicial misconduct arising from Respondent's interactions with, and assistance provided to, his wife's business—a cheesesteak establishment known as Shay's Steaks.

21. Notably, the Board's Petition for Relief seeking Respondent's interim suspension without pay does not cite the Shay's Complaint as a ground for the requested suspension.

22. Under Pa. R.E. 401, evidence is relevant if: "(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action."

23. Moreover, Pa R.E. 402 explicitly states that "evidence that is not relevant is not admissible."

24. Here, because the Board's Petition for Relief seeking Respondent's interim suspension relies solely on the factual allegations in its September 9, 2025 Complaint, any reference to the Shay's Complaint is plainly irrelevant.

25. Therefore, pursuant to Pa.R.E. 401 and 402, any reference to the allegations in the Shay's Complaint should be precluded at the October 6, 2025 Hearing.

WHEREFORE, for the foregoing reasons, this Honorable Court should enter an Order precluding any and all reference to the Shay's Complaint at the October 6, 2025 Petition for Relief of Interim Suspension Hearing.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: September 25, 2025

BY: */s/ Michael T. van der Veen*
Michael T. van der Veen, Esquire
Attorney for Respondent

VERIFICATION

I, Michael T. van der Veen, Esquire, verify that the statements made in the foregoing motion are true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: September 25, 2025

BY: /s/ *Michael T. van der Veen*
Michael T. van der Veen, Esquire
Attorney for Respondent

VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM

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ATTORNEY FOR RESPONDENT

IN RE:
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CERTIFICATE OF COMPLIANCE

I, Michael T. van der Veen, Esquire, 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.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: September 25, 2025

BY: */s/ Michael T. van der Veen*
Michael T. van der Veen, Esquire
Attorney for Respondent

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CERTIFICATE OF SERVICE

I, Michael T. van der Veen, hereby certify a copy of this Omnibus Motion was sent electronically, by email, and/or by USPS first class mail upon the following:

Court of Judicial Discipline
601 Commonwealth Avenue
Suite 1500
Harrisburg, PA 17120
Jennifer.love@pacourts.us

Judicial Conduct Board
601 Commonwealth Avenue
Suite 3500
Harrisburg, PA 17120
Elizabeth.Hoffheins@jcbpa.org

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: September 25, 2025

BY: */s/ Michael T. van der Veen*
Michael T. van der Veen, Esquire
Attorney for Respondent