

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED

OCT 1 - 2025

IN RE:

**COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA**

Judge Scott DiClaudio	:	
Court of Common Pleas	:	1 JD 2025
First Judicial District	:	2 JD 2025
Philadelphia County	:	

**JUDICIAL CONDUCT BOARD'S RESPONSE TO OMNIBUS MOTION OF THE
RESPONDENT**

AND NOW, this 1st day of October, 2025, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through undersigned counsel, and files this Response to Respondent's Omnibus Motion:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

RESPONSE TO MOTION FOR DISCOVERY

5. Admitted.
6. Admitted.
7. Admitted in part. Discovery will be provided within the time frame set forth in Court of Judicial Rule of Procedure 401, which requires that discovery be completed within sixty (60) days of the date of service of the Board's Complaint. By way of further answer, this Rule, especially when read in conjunction with Rules 411 and 413, necessarily contemplates that some litigation may occur prior to the receipt of discovery.
8. This paragraph and its descriptive subparagraphs constitute a prayer for relief

for which no response is necessary. To the extent that a response is necessary, counsel would refer to responsive Paragraph 7, above. As to Respondent's request for exculpatory materials, upon filing the Board Complaint counsel informed Respondent's attorney that, in her judgment, no such material is within the Board's possession to provide to him.

9. This paragraph presents legal argument or states conclusions of law, for which no response is required. Counsel would again point to the explicit terms of Rule 401, to the extent that a response is necessary.

WHEREFORE, counsel submits that this request is premature under the plain language of Rule 401 and respectfully requests that this Court deny Respondent's request that discovery be completed prior to the expiration of sixty (60) days from the date of service of the Board Complaint.

RESPONSE TO MOTION FOR CONTINUANCE

Given this Court's Order of September 30, 2025, denying Respondent's request for a continuance of the October 6, 2025, hearing on the Board's Petition for Relief, no response to paragraphs 10 – 18 is necessary.

RESPONSE TO MOTION IN LIMINE

19. Admitted.
20. Admitted.
21. Admitted. The Board's Petition for Relief for Interim Suspension without Pay was filed concurrently with the Board's Complaint on 2 JD 2025 and refers only to the allegations raised in that Complaint.
22. Admitted.
23. Admitted.

24. This paragraph states a conclusion of law for which no response is required. To the extent that a response is necessary, the Board first notes that, in a suspension hearing, this Court is empowered to consider the matter in light of the "totality of the circumstances," which includes, among other things, a consideration of "any other *circumstances* relevant to the conduct in question." *Orie Melvin*, 57 A.3d at 239 (Pa.Ct.Jud.Disc. 2012) (emphasis added). Thus, the fact that Respondent elected to engage in grave misconduct as alleged in the petition for interim suspension (and in the complaint at 2 JD 2025), *while charged publicly in this Court with other misconduct* at 1 JD 2025 (the Shay's Complaint), and while under this Court's supervision, is clearly a circumstance relevant for this Court's consideration in its calculus to suspend or not to suspend Respondent without pay. (Emphasis added). By way of further answer, Board counsel does not intend to present further evidence in this matter regarding the allegations contained in the Shay's Complaint beyond the mere fact of the filing of the Shay's Complaint, which is subject to judicial notice, in presently requesting Respondent's interim suspension. Here, the only testimony to be elicited regarding Shay's in the present litigation pertains to the stated purpose of the meeting which took place between Judge DiClaudio and Judge Shaffer on June 12, 2025, which is relevant as it constitutes part of the *res gestae* of the allegations pleaded in the petition for suspension without pay and in the Board Complaint at 2 JD 2025.
25. This paragraph states a conclusion of law to which no response is required. To the extent that a response is necessary, Board counsel opposes the Motion in Limine upon the grounds set forth in paragraph 24 above.


WHEREFORE, the Board objects to the grant of Respondent's Motion in Limine for the reasons stated above.

Respectfully submitted,

MELISSA L. NORTON
Chief Counsel

DATE: October 1, 2025

By:


Elizabeth A. Hoffheins
Deputy Counsel
Pa. Supreme Court ID No. 209623
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17106
(717) 234-7911

VERIFICATION


I, Elizabeth A. Hoffheins, Deputy Counsel to the Judicial Conduct Board, verify that the statements herein are true and correct and 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: October 1, 2025

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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: 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, on the below date a copy of this Response to Omnibus Motion of the Respondent was served by First-Class Mail and email upon Michael T. van der Veen, Esquire, counsel for Judge DiClaudio at the following address:

Michael T. van der Veen, Esquire
Van Der Veen, Hartshorn, Levine & Lindheim
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Philadelphia, PA 19107

Via Email: mtv@mtvlaw.com; aleasure@mtvlaw.com; AGustafson@mtvlaw.com;
klogan@mtvlaw.com; jmorace@mtvlaw.com

Respectfully submitted,

DATE: October 1, 2025

By:



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