

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

David W. Tidd :
Former Magisterial District Judge :
Magisterial District 03-2-04 : 3 JD 2016
Third Judicial District :
Northampton County :

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2016 SEP 26 P 4: 49

**REPLY OF THE JUDICIAL CONDUCT BOARD
TO MOTION FOR DISCOVERY**

AND NOW, this 26th day of September, 2016, comes the Judicial Conduct Board of Pennsylvania by the undersigned counsel and files this Reply of the Judicial Conduct Board to the Motion for Discovery of the Respondent, David W. Tidd, by and through his counsel, Samuel C. Stretton.

1. Admitted.
2. Admitted in part and denied in part. It is admitted that the Judicial Conduct Board has been investigating allegations contained in confidential requests for investigation against Judge Tidd since August 2014. To the extent that any response is required, the Board will provide discoverable material within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure.
3. To the extent that any response is required, the Board will provide a list of the names and addresses of witnesses it intends to call at trial in accordance with the direction of the Conference Judge pursuant to Rule 401(C) of the Court of Judicial Discipline Rules of Procedure. The Board will provide statements and transcripts of depositions within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure. The Board does not intend to

provide a list of all witnesses interviewed because the Board is not required to provide such a list which may include information that is not discoverable.

4. To the extent that any response is required, the Board does not possess such information.

5. At this time, the Board does not intend to call any expert witnesses. If the Board determines that expert testimony is required, the name of the expert(s) and anticipated testimony will be provided in accord with this Court's Rules.

6. Admitted. The Board will provide copies of audio/video recordings and transcripts of the four audio/video recordings possessed by the Board within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure. The recordings were obtained by the Board during the ordinary course of its investigation.

a. August 28, 2014 audio/video recording provided by a court clerk;

b. September 2, 2014 audio/video recording provided by a court clerk;

c. May 19, 2015 audio/video recording provided by a court clerk; and

d. February 19, 2016 audio/video recording provided by a court clerk at the request of the Board.

7. To the extent that any response is required, see paragraph 6 above.

The recordings were not obtained in violation of the Pennsylvania Wiretapping and Electronic Surveillance Control Act. Documentation within the possession of the Board related to the manner in which the Board obtained the recordings will be provided by the Board within the sixty-day discovery timeframe as set forth in Rule

401(A) of the Court of Judicial Discipline Rules of Procedure. See Reply to Omnibus Motion.

8. To the extent that any response is required, the contents of the audio/video recordings speak for themselves. To the extent that a response is required, the recordings were obtained lawfully.

9. To the extent that any response is required, the Board will provide discoverable material within its possession within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure. To the extent that any response is required, the Board will provide a list of exhibits in accordance with the direction of the Conference Judge pursuant to Rule 401(C) of the Court of Judicial Discipline Rules of Procedure.

10. Denied as stated. To the extent that any response is required, the Board does not possess information related to the relationship of employees who worked with Judge Tidd and the President Judge, the Court Administrator and the Court of Judicial Discipline. As to the remainder of paragraph 10 in respondent's Motion for Discovery, the Board will provide discoverable material within its possession within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure. See Reply to Omnibus Motion.

11. Denied as stated. This paragraph contains a request for information that is not properly addressed in a Motion for Discovery. By way of further response, a response to this request is contained within the Reply of the Judicial Conduct Board to Respondent's Omnibus Motion.

12. To the extent that any response is required, the Board will provide discoverable material within its possession including documents, exhibits and written

reports within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure. See Reply to Omnibus Motion.

13. To the extent that any response is required, the Board will provide discoverable material within its possession within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure.

14. To the extent that any response is required, the Board will provide discoverable material within its possession including documents, exhibits and written reports within the sixty-day discovery timeframe as set forth in Rule 401(A) of the Court of Judicial Discipline Rules of Procedure. As to the request for a list of Common Pleas hearings related to Brenda Anthony, the board does not possess such information.

15. To the extent that any response is required, the Board does not possess such information.

16. No response required.

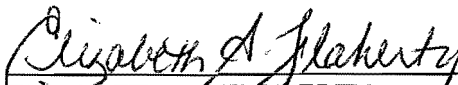
WHEREFORE, the Respondent's Motion for Discovery should be denied, except to the extent that discovery is permissible under the Court's Rules.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: September 26, 2016

By:


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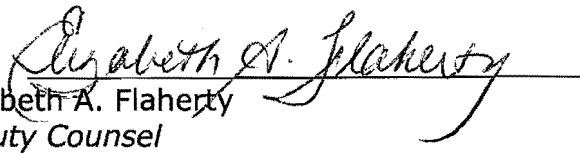
PROOF OF SERVICE

In compliance with Rule 122(F) of the Court of Judicial Discipline Rules of Procedure, on or about September 26, 2016, a copy of this *Reply of the Judicial Conduct Board to Motion for Discovery* was sent by first-class mail and by email to former Magisterial District Judge Tidd's counsel, Samuel C. Stretton, Esquire, at the following address:

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Respectfully submitted,
ROBERT A. GRACI
Chief Counsel

September 26, 2016

BY: 
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