

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE: :

Michael R. Muth :  
Magisterial District Judge :  
Magisterial District 43-2-02 : 2 JD 2017  
43<sup>rd</sup> Judicial District :  
Monroe County :  
:

---

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2018, upon consideration of Magisterial District Judge Michael R. Muth's Motion in Limine to Preclude the Deposition Transcript of MDJ Muth in its entirety, it is hereby ORDERED and DECREED that the Motion is GRANTED. It is further ORDERED that only those portions of the Deposition Transcript that are relevant to the allegations in the Complaint shall be offered or admitted into evidence at the hearing of this matter.

BY: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

RECEIVED AND FILED  
COURT OF  
JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

2018 FEB 13 A 11:36

IN RE: :  
Michael R. Muth :  
Magisterial District Judge :  
Magisterial District 43-2-02 : 2 JD 2017  
43<sup>rd</sup> Judicial District :  
Monroe County :  
:

---

**MAGISTERIAL DISTRICT JUSTICE  
MICHAEL R. MUTH'S  
MOTION IN LIMINE TO PRECLUDE THE DEPOSITION TRANSCRIPT**

Magisterial District Justice Michael R. Muth, by and through his undersigned counsel, Lamb McErlane PC, hereby files this Motion in Limine in anticipation of the hearing scheduled in the above referenced matter.

1. On or about February 24, 2017, MDJ Muth submitted to a deposition in the course of the discovery phase of this matter.
2. The Judicial Conduct Board (“JCB”) indicated it will seek to introduce the entire transcript (“Transcript”) of MDJ Muth’s deposition at time of the hearing.
3. Portions of the Transcript contain information that is well outside of the parameters of the Complaint the JCB filed.
4. In the Complaint, the JCB alleges 1) MDJ Muth allegedly viewed and displayed pornographic images in court offices during business hours; and 2) MDJ Muth allegedly utilized court staff and equipment for non-court related tasks. *See Complaint dated July 5, 2017.*

5. Any information contained in the Transcript that is outside the parameters of the allegations contained in the Complaint is irrelevant to the proceedings.

6. Pursuant to Pennsylvania Rule of Evidence 402, “[e]vidence that is not relevant is not admissible.” It is well-settled in Pennsylvania that “[e]vidence which tends to establish some fact material to the case, or which tends to make a fact at issue more or less probable, is relevant.” Pa. R.E. 401; *Commonwealth v. Scott*, 389 A.2d 79, 82 (Pa. 1978).

7. Any information contained in the Transcript that does not relate to whether certain court personnel viewed the photographs at issue or whether MDJ Muth used court personnel and equipment for non-court related tasks is irrelevant and contains no probative value.

8. All other topics from the Transcript unrelated to the allegations in the Complaint will not make the allegations in the Complaint more or less probable.

9. Any information contained in the Transcript that does not relate to the allegations in the Complaint must be precluded at the hearing of this matter. As such, the JCB should be precluded from offering the Transcript in its entirety and should be limited to offering only those portions of the Transcript that are relevant to the issues in the Complaint.

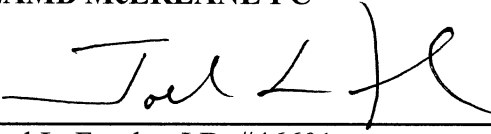
WHEREFORE, for the reasons set forth herein, Magisterial District Judge Michael R. Muth requests that the JCB be precluded from introducing and offering the Deposition Transcript of MDJ Muth in its entirety and request that the JCB be limited to introducing those portions of the Transcript that relate to the allegations in the Complaint.

Respectfully submitted,

**LAMB McERLANE PC**

Date: February 12, 2018

BY:

A handwritten signature in black ink, appearing to read "Joel L. Frank", written over a horizontal line.

Joel L. Frank – I.D. #46601

Lamb McErlane, PC

24 East Market Street – Box 565

West Chester, PA 19381-0565

[jfrank@lambmcerlane.com](mailto:jfrank@lambmcerlane.com)

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE: :  
Michael R. Muth :  
Magisterial District Judge :  
Magisterial District 43-2-02 : 2 JD 2017  
43<sup>rd</sup> Judicial District :  
Monroe County :  
:

---

**CERTIFICATE OF SERVICE**

This is to certify that complete copies of all papers contained in the foregoing *Motion in Limine* has been served upon the following persons, by the following means and on the date stated:

<b><u>Name</u></b>	<b><u>Means of Service</u></b>	<b><u>Date of Service</u></b>
Melissa L. Norton Assistant Counsel Judicial Conduct Board Pennsylvania Judicial Ctr 601 Commonwealth Avenue, Ste 3500 PO Box 62525 Harrisburg, PA 17106	Via Electronic and Regular Mail	February 12, 2018

LAMB McERLANE PC

Date: February 12, 2018

BY: 

Joel L. Frank – I.D. #46601  
Lamb McErlane, PC  
24 East Market Street  
Post Office Box 565  
West Chester, PA 19381-0565  
[jfrank@lambmcerlane.com](mailto:jfrank@lambmcerlane.com)