the subject matter of each declarant's statement(s).

125. It is the Petitioner's belief that on May 9, 2013, Attorney Weaver sent a letter (Exhibit E) to Attorney Ross requesting a copy of the communication from the Petitioner that Attorney Ross felt was threatening.

126. On May 17, 2013, Attorney Weaver sent the Petitioner a letter (Exhibit F) informing the Petitioner what had occurred during a status conference held on May 13, 2013, which was attended by Attorney Weaver, Attorney Bierly, and Judge Ruest, to discuss the alleged threatening email. Attorney Weaver related in his letter that he advised Judge Ruest and Attorney Bierly that local FBI Agent Ross (Cooper) "had told us that our client 'had nothing to worry about'." The "client" in the previous sentence refers to the Petitioner. Attorney Weaver related in his letter that he informed Judge Ruest and Attorney Bierly that Attorney Ross had refused to provide a copy of the threatening communication to Attorney Weaver. Attorney Weaver related in his letter that both Judge Ruest and Attorney Bierly were very interested in seeing the email which Attorney Ross stated she had received from the Petitioner. Attorney Weaver related in his letter that discovery was authorized by the Court in this matter.

127. As discovery, according to a written statement from Attorney Weaver (Exhibit F), was authorized by the Court in this matter, a subpoena (Exhibit ZZF) was prepared by Attorney Weaver demanding that Attorney Ross turn over any and all threatening email correspondence between Attorney Ross and the Petitioner.

128. On May 13, 2013, the Petitioner received an email from Attorney Weaver (Exhibit G). Attorney Weaver states, "I wanted to summarize the conference for you. First, no visitation at this point. I'm sorry but there is still a strong

impression left with the recent scare Attorney Ross created by your "communication" ". The Petitioner, in Attorney Weaver's written opinion of May 13, 2013 (Exhibit G), was denied visitation by Judge Ruest due to Attorney Ross' false criminal allegations against the Petitioner.

129. In the Federal Bureau of Investigation Report of April 17, 2013 (Exhibit ZU), it is reported that Chief Tyrone Parham (to the best of the Petitioner's knowledge, formerly of Pennsylvania State University Police Department) "stated that he was unaware of any basis for his department's initiating a criminal investigation against FELDMAN". In the Federal Bureau of Investigation Report of April 17, 2013 it is reported that Chief Parham "advised that his department would share their latest findings with the Sheriff's department." It is reported in the Federal Bureau of Investigation Report of April 17, 2013 that "SCOLRA" (which the Petitioner believes is an acronym for State College's Federal Bureau of Investigation's local office) "will not be initiating any active investigation into this matter".

130. It is the Petitioner's belief that based on the Federal Bureau of Investigation Report of April 17, 2013, it is exceptionally unlikely that all four Law Enforcement agencies aware of this matter did not notify Judge Ruest of their collective failure to find even the grounds or basis to begin an investigation into Attorney Ross' false criminal allegation that the Petitioner had made threats, much less find any proof that the Petitioner had threatened anyone at any time. Yet, Judge Ruest failed to allow the Petitioner visitation with the Parties' Daughter after the conference of May 13, 2013 (Exhibit G), due to there being "still a strong impression left with the recent scare Attorney Ross created by your "communication" (as detailed in Paragraph 128). It is the Petitioner's belief, now, that Judge Ruest's documented bias (which will be covered later in this petition) against the Petitioner was the primary factor in Judge Ruest's failure to allow the

Petitioner the aforementioned visitation, with Attorney Ross' false criminal allegations against the Petitioner further reinforcing Judge Ruest's bias against the Petitioner. It should be noted that in the FBI Report of April 17, 2013, the four separate Law Enforcement Agencies that had been made aware of this matter included the Federal Bureau of Investigation, the Pennsylvania State University Police Department (Chief Tyrone Parham), the State College Police Department, and the Centre County Sheriff's Office (Sheriff Denny Nau).

131. On May 31, 2013, Attorney Ross sent to Attorney Weaver copies of email correspondence (Exhibit H) that she had received from the Petitioner on the dates of March 5, 2013, March 6, 2013, March 7, 2013 and March 27, 2013. On May 31, 2013, Attorney Ross sent a letter to Attorney Weaver (Exhibit H) which stated, "The transmittal of this correspondence satisfies the Subpoena Duces Tecum dated May 24, 2013 from your office".

132. No email, supplied by Attorney Ross which she had received from the Petitioner, contained any threat against anyone (Exhibit H).

133. On June 2, 2013, Attorney Weaver sent an email (Exhibit I) to the Petitioner. In Attorney Weaver's email of June 2, 2013 (Exhibit I) he writes, "There have been developments, the most significant of which I am attaching – a letter with email correspondence which Attorney Ross provided on Friday. As you can see, there is nothing "threatening" in these emails (at least that I can see)." Attorney Weaver further writes in the email of June 2, 2013 (Exhibit I), "The emails are the most helpful to your custody case in that they clearly show you did not threaten or intend to threaten anyone yet alone the people who Attorney Ross felt were threatened. My plan is to turn these emails over to Ms. Bierly and the Judge (Judge Ruest) so that the cloud created by the 4/19/2013 "incident" is removed." It

should be noted that Attorney Trialonas was listed as having been sent a copy of Attorney Weaver's email of June 2, 2013, as his name is listed as having been sent a copy in the cc: column.

134. On June 5, 2013, a conference call was conducted between Judge Ruest, Attorney Bierly, Attorney Ross, and Attorney Steve Trialonas. Attorney Steve Trialonas, a member of the Mazza Law Group who did represent the Petitioner in regards to the matters before this Court, sent Attorney Weaver an email summary of what was stated during the conference call of June 5, 2013 (Exhibit J). Attorney Weaver forwarded to the Petitioner a copy of Attorney Steve Trialonas's summary (Exhibit J) on June 5, 2013. Attorney Steve Trialonas related in his email that Attorney Ross stated that she (Attorney Ross) already gave us the emails and there was nothing else. Attorney Trialonas related in his email that Attorney Bierly stated that she (Attorney Bierly) didn't find anything threatening in the emails.

135. In the transcript of the hearing of April 15, 2015 (Exhibit K), which was presided over by Judge Ruest, on page 4, lines 13 – 20 (Exhibit K), Attorney Douglas Hearn stated, "There were two or three emails sent to Ms. Ross which gave her alarm. And she called Ms. Bierly. And that eventually came to the Court's attention. I don't know if the Court ever became actually aware of what the content of those was. They were filed as an attachment to one of the petitions for disqualification. So, I'm assuming the Court has read those emails now." To which Judge Ruest responded on Page 4, Lines 21-22 (Exhibit K), "I did eventually see them, but it was only recently, I believe." Attorney Douglas Hearn further stated on Page 5, Lines 22-24 (Exhibit K), "There was nothing in the emails that could reasonably be read as threatening to the Court."

136. In the Transcript of the Hearing of November 14, 2018 (Exhibit C) on Page

88, Line 13-14, Attorney Bierly was asked, "you do not recall a threatening email from the defendant (Petitioner)?" To which Attorney Bierly responded on Page 88, Line 15-16 (Exhibit C), "There is no threatening email that specifically sticks out in my mind." Attorney Bierly was asked on Page 89, Line 3-6 (Exhibit C), "I'm asking you today as we sit here right now. Is there any instance where the Defendant (Petitioner) has sent any kind of threat in any manner to anyone that you are aware of and you have seen, Attorney Bierly?" To which Attorney Bierly responded on Page 89, Line 7-8 (Exhibit C), "I cannot recall a specific instance of that."

137. Attorney Ross knew the exact content of the emails she claimed to be threatening. Based on the overwhelming consensus of the reviewers of the emails that they were in no way threatening, a reasonable person must conclude that she (Attorney Ross) also knew they were not threatening and, as such, Attorney Ross knowingly made false criminal allegations against the Petitioner. The Petitioner terminated Attorney Ross from representing him on April 14, 2013 at 1:42 a.m. by email (Exhibit D). It is the Petitioner's belief that Detective Fishel's (Houck) Police Report (Exhibit B) is dated as being written on April 15, 2013, with Detective Fishel (Houck) stating in her report, "I was contacted this date by Brush's Attorney" (the lower right of Detective Fishel's (Houck) Police Report stating the date of 4/15/2013 and the date of 4/16/2013 being the date Police Lieutenant Keith Robb reviewed and approved Detective Fishel's (Houck) Police Report). It is the Petitioner's belief that the Federal Bureau of Investigation (Exhibit ZU) commenced their involvement in this matter because an unspecified individual (believed by the Petitioner to be Attorney Bierly) "advised that shortly before coming to the FBI Office on April 15, 2013, she received a telephone call". **It is the Petitioner's belief that Attorney Ross intentionally made false**

criminal allegations against the Petitioner to Opposition Counsel, Attorney Bierly, on April 15, 2013 in direct retaliation for the Petitioner having terminated Attorney Ross from representing him on April 14, 2013. It should be noted that the "so called" threatening emails that Attorney Ross transmitted to Attorney Mark Weaver's (Exhibit H) in satisfaction of Attorney Weaver's Subpoena of May 24, 2013 (Exhibit ZZF) were dated March 5, 2013, March 6, 2013, March 7, 2013 and March 27, 2013, which was weeks before Detective Fishel's (Houck) and the Federal Bureau of Investigation's involvement in this matter. Why would an attorney who thinks a judge has been threatened via email by her client wait over two weeks to bring this matter to the opposition's counsel, bypassing local authorities, rather than immediately reporting this to the appropriate law enforcement agency?

138. In summary, it is the Petitioner's belief that Attorney Ross' false criminal allegations against the Petitioner were damaging to the Petitioner's efforts to have visitation with his daughter. As was previously expressed by Attorney Weaver's email to the Petitioner of May 13, 2013 (Exhibit G) which stated, "I wanted to summarize the conference for you. First, no visitation at this point. I'm sorry but there is still a strong impression left with the recent scare Attorney Ross created by your "communication" ". It is possible that Judge Ruest denied the Petitioner visitation with his daughter based on nothing more than rumor and hearsay (documented in Paragraph 128), and that Judge Ruest did not even read the allegedly threatening emails for another two and one-half years (documented in Paragraph 126, Paragraph 134 and Paragraph 135). It is the Petitioner's belief, now, that Attorney Ross' false criminal allegations likely further reinforced Judge Ruest's biased view against the Petitioner.

139. A Child Custody Mediation Conference was scheduled for October 15, 2009 in Fayette County, Pennsylvania (Exhibit R). As the parties came to a custody agreement, the Child Custody Mediation Conference of October 15, 2009 was canceled and Judge Gerald Solomon of the Court of Common Pleas of Fayette County Pennsylvania issued a Consent Custody Order on October 15, 2009. The original Custody Order (Exhibit R) in this matter was, "with the consent of the parties and their counsel, ordered, adjudged and decreed that shared legal custody of the parties' child be awarded to the Petitioner and the Respondent, with primary physical custody of the parties' child being given to the Respondent and partial physical custody of the parties' child as the Petitioner and Respondent may agree."

140. On April 3, 2012 the Petitioner's attorney, Attorney Mark Gubinsky, filed a Petition for the Modification of the Custody Order with the Court of Common Pleas of Fayette County, Pennsylvania (Exhibit U) which requested that the Order should be modified to provide the Petitioner with a specific partial custody schedule. With respect to the April 3, 2012 Petition, it is the Petitioner's belief that a Child Custody Mediation Conference was scheduled for May 9, 2012 in Fayette County, Pennsylvania.

141. On May 18, 2012, Attorney Mark Gubinski sent an email to Attorney Bierly (Exhibit ZQ and email attachment Exhibit ZP) that had been signed by both Attorney Gubinski and the Petitioner which, to the best of the Petitioner's knowledge, reflected the agreement which had been reached by the parties that this matter was to be transferred to the Centre County Court of Common Pleas, with all costs and fees associated with the transfer of the matter and removal of the record shall be paid by the Respondent. Further, as the matter was to be moved to the Centre County Court of Common Pleas, the child custody mediation conference

scheduled to occur on May 9, 2012, at 9:00am in Fayette County was cancelled by the Court (Exhibit ZP).

142. It is the Petitioner's belief that after a Conference, which was held on October 17, 2012, and at which the Petitioner and Respondent came to an agreement, Judge Ruest ordered that the visitation matter be referred to Children and Youth Services for the Parties' participation in the Custody Monitoring Program through the Family Intervention Crisis Services (Exhibit V). The October 17, 2012 conference, to the best of the Petitioner's knowledge, was reportedly attended by the Petitioner's Attorney, Attorney Ross, the Respondent's Attorney, Attorney Bierly, and Judge Ruest.

143. As of December 12, 2012, in spite of Judge Ruest's order for the Parties' participation in the Custody Monitoring Program through the Family Intervention Crisis Services on October 17, 2012, the Respondent had not allowed the Petitioner to have any visitation with the Parties' Daughter since May of 2012.

144. It is the Petitioner's belief that on December 12, 2012, after a Conference which was reportedly attended by Petitioner's Attorney, Attorney Ross, Respondent's Attorney, Attorney Bierly and Judge Ruest, upon agreement of the parties, the Order of the Court dated October 17, 2012 was Amended such that the parties shall share legal custody of the parties' child, the Respondent shall have primary physical custody of the parties' child, the Petitioner shall have visitation with the parties' child as supervised and recommended by the Custody Monitoring Program through Family Intervention Crisis Services or through the Child Access Center (Exhibit W).

145. On December 13, 2012, Judge Pamela A. Ruest took the non-judicial action of filing a Police Report with the State College Police Department against the Petitioner. (Exhibit B).

146. The Petitioner had never met, interacted with, nor had any direct dealings with Judge Ruest, in any capacity, prior to her taking the non-judicial action of filing a police report against the Petitioner, on December 13, 2012 (Exhibit B). It should be noted that the Petitioner has never been arrested or even questioned by any Law Enforcement Officer in regards to any alleged criminal action or alleged criminal statement the Petitioner made against Judge Ruest.

147. In the Police Report of December 13, 2012 (Exhibit B), Detective Fishel (Houck) wrote that Judge Ruest related "concerns over her safety", and further wrote that she (Judge Ruest) related that she "has concerns regarding Feldman coming into the area based on prior knowledge of his volatile nature". Detective Fishel (Houck) wrote that Ruest "advised she (Judge Ruest) and both attorneys do not know what Feldman looks like as they have never seen him in person. She (Judge Ruest) is also concerned because she does not know what Feldman drives since the prior times he has come to the area he has rented a car and driven from out of state." State College Police Department Detective Fishel (Houck) wrote in her Police Report of December 13, 2012 (Exhibit B) that Judge Ruest related to Detective Fishel (Houck) that Judge Ruest requested the State College Police Department be made aware of her concerns and make extra checks of her home.

148. Exhibit B is a document written by Detective Fishel (Houck) of the State College Police Department, which she wrote in her official capacity as a State College Police Department Detective. Detective Fishel (Houck), of the State College Police Department, testified, under oath, during the Hearing of November

14, 2018, in regards to the authenticity of Exhibit B that it is she (Detective Fishel (Houck)) who wrote it. Detective Fishel (Houck) testified, under oath, that Police Lieutenant Bradley Smail of the State College Police Department signed off on Exhibit B after Detective Fishel (Houck) had completed writing Exhibit B.

149. During of the Hearing of November14, 2018, Detecive Fishel (Houck) was handed a copy of Petitioner's Exhibit 2, which to the best of the Petitioner's knowledge is a copy of the Detective Fishel's (Houck) Police Report (Exhibit B) and was asked during sworn testimony in the Transcript of the Hearing of November 14, 2018 (Exhibit C) on Page 91, Line 10, "Is that a report you filed, Detective?" To which Detective Fishel (Houck) responded on Page 91, Line 11, "It is."

150. Detective Fishel (Houck) was asked on Page 92, Lines 8-10 (Exhibit C), "It seems to say on Page (sic) there's a time signed as 4:32pm; is that correct, right below reviewed by 3278?" To which Detective Fishel (Houck) responded on Page 92, Line 11, "That would have been when they signed it." Detective Fishel's (Houck) Police Report of 12-13-2012, by her sworn testimony, was signed off / Reviewed / Approved by Lieutenant Bradley Smail on 12-13-2012 at 1635 (Exhibit B). As such, any and all investigation and or interviews conducted by Detective Fishel (Houck) in regards to the Police Report Judge Ruest filed against the Petitioner regarding Judge Ruest's "Concerns over her (Judge Ruest's) safety" and Judge Ruest's "Concerns regarding Feldman coming into the area based on prior knowledge of his volatile nature" had been completed prior to 12-13-2012 at 1635.

151. On December 14, 2012, Judge Ruest ordered that the Petitioner's periods of supervised visitation were suspended until further Order of Court (Exhibit ZV). It

should be noted that Judge Ruest's Order of December 14, 2012 was made **one day after Judge Ruest took the non-judicial action of filing the Police Report of December 13, 2012 against the Petitioner.**

152. It is the Petitioner's belief that despite the fact that Judge Ruest's impartiality might be reasonably questioned at least as early as December 13, 2012 due to her having taken the non-judicial action of filing a Police Report against the Petitioner, and she, therefore, had an obligation to disqualify herself from this matter, Judge Ruest did not disqualify herself, or inform the Petitioner of her non-judicial action of filing a Police Report against the Petitioner during a hearing in open court, but instead conducted herself unethically by presiding over multiple conferences and hearings, and by issuing multiple orders in cases in which the Petitioner was a named party. It is the Petitioner's belief that Judge Ruest's intentional and knowing failure to recuse herself from Case Number 2012-3103 and / or Case Number 2012-4656 resulted in Judge Ruest having violated the Pennsylvania Code of Judicial Conduct and / or having violated the Petitioner's United States Constitutional Right to an unbiased Judge as protected by the 5th and 14th Amendments to the Constitution. It is the Petitioner's belief that Judge Ruest's above stated misconduct is evidenced, in part, by the following:

a. Order of December 14, 2012 (Exhibit ZV)

b. Temporary Protection from Abuse Order of December 17, 2012 (Exhibit O)

c. Temporary Protection from Abuse Order of January 11, 2013 (Exhibit ZZM)

d. Presiding over the Status Conference of May 13, 2013 (Exhibit G)

e. Presiding over the Conference Call of June 5, 2013 (Exhibit J)

f. Presiding over the Custody Conference of December 27, 2013 and issuing the Custody Order of December 27, 2013 (Exhibit ZF).

g. Temporary Protection from Abuse Order of December 27, 2013 (Exhibit ZZH)

h. Presiding over the Hearing of April 11, 2014 (Exhibit Q)

i. Custody Order of May 20, 2014 (Exhibit A)

j. Placing the Petitioner's requests of January 31, 2014 for Contempt and Special Relief in Abeyance on May 20, 2014(Exhibit A)

k. Denying the Petitioner's request Motion for Reimbursement on May 20, 2014 (Exhibit A)

l. Temporary Protection from Abuse Order of July 8, 2014 (Exhibit ZZI)

m. Temporary Protection from Abuse Order of August 18, 2014 (Exhibit ZZJ)

n. Order of September 3, 2014 (Exhibit ZZO)

o. Temporary Protection from Abuse Order of September 23, 2014 (Exhibit ZZK)

p. Scheduling Request March 4, 2015 (Exhibit ZZP)

q. Presiding over the Hearing of April 15, 2015 (Exhibit K)

r. Quashing the Subpoena for Attorney Raquel Ross just prior to Judge

Ruest recusing herself on April 15, 2015 (Exhibit K, Page 2, Line 8)

153. As has been previously stated, it is the Petitioner's understanding that at the Respondent's request, the full day custody hearing was not held as scheduled on December 27, 2013 and a Custody Agreement was agreed upon between the parties on December 27, 2013. (Exhibit ZF).

154. It is the Petitioner's belief that he was, and has been, in compliance with all aspects of the December 27, 2013 Custody Order. Therefore, to the best of the Petitioner's knowledge, no one has ever filed any contempt charge against the Petitioner. In spite of the fact that the Respondent, as the Petitioner believes, admitted to at least two counts of contempt during her testimony on April 11, 2014 (Paragraph 91 thru Paragraph 93) in contempt of the December 27, 2013 Custody Order, it is the Petitioner's belief that Judge Ruest's Order of May 20, 2014 resulted in the Petitioner losing the following rights:

a. The Petitioner lost the right of shared legal custody of the Parties' Child.

b. The Petitioner lost the right to the Respondent being ordered to provide the Petitioner on a weekly basis all school papers, projects, or other products of the child's development, so as to allow a sharing of those items a fully as possible.

c. The Petitioner lost the right to limited emailing concerning the child.

d. The Petitioner lost the right to execute any and all legal authorizations so that the other parent may obtain information from their child's school, physicians, psychologists, or other individuals concerning her progress and welfare.

e. The Petitioner lost the right to discuss and consult in regards to major parental decisions concerning their child, including, but not limited to, their child's health, medical, dental and orthodontic treatment, mental health treatment, education, religious training and upbringing shall be made jointly by the parents, after discussion and consultation with each other, with a view toward obtaining and following a harmonious policy, in their child's best interest.

f. The Petitioner lost the right of each parent having the duty to obtain and being entitled to complete and full information from their child's doctor, dentist, teacher, professional or other authority and is entitled to have copies of any reports or information given to either parent, in accordance with 23 Pa. C.S.A. 5309.

155. It is the Petitioner's belief that the Custody Order of May 20, 2014, which was the first written order issued by Judge Ruest in regards to the Custody Matter to which the parties did not both agree, that Judge Ruest seemed to justify her evisceration of the Petitioner's Custody Rights, as stated in the previous paragraph, by writing in the Custody Order of May 20, 2014, that "the minor child has not started in therapy which was ordered in December, 2013". The Petitioner believes Judge Ruest's demonstrated bias against the Petitioner was the true reason he lost the Custody Rights as stated in Paragraph 154 of this Petition as evidenced by the following:

a. Judge Ruest's Custody Order of December 27, 2013 was agreed to by the Parties.

b. Paragraph 3 of Judge Ruest's Custody Order of December 27, 2013 (Exhibit ZF) states "The parties shall agree on a Maryland therapist for the

child. The therapist may have contact with both parties and collateral sources." Paragraph 8 of Judge Ruest's Custody Order of December 27, 2013 (Exhibit ZF) states "A custody conference is scheduled for April 11, 2014 at 1:00 p.m. in Room 206 of the Centre County Courthouse, Bellefonte, Pennsylvania."

c. Judge Ruest's Custody Order of December 27, 2013 (Exhibit ZF) did **not** order that the Parties' Daughter begin therapy.

d. Therapy for the Parties' Daughter, which Judge Ruest had **not** ordered in the Custody Order of December 27, 2013, had, nonetheless, seemingly been started and seemed to be ongoing, as the Respondent stated during sworn testimony in the transcript of April 11, 2014 (Exhibit Q) on Page 74, Lines 13-14, "Well, one thing is she's seeing a school psychologist…".

e. The Respondent's sworn statement in the transcript of April 11, 2014 on Page 74, Lines 13-14 (Exhibit Q) of "Well, one thing is she's seeing a school psychologist…" was known to Judge Ruest as she presided over the Hearing of April 11, 2014.

f. The Petitioner has never taken action of any sort to discourage or prevent the Respondent from providing the Parties' Daughter with any Therapy in which the Respondent believed was appropriate and / or in the Parties' Daughter's best interest.

g. To the best of the Petitioner's knowledge, the Respondent took the Parties' Daughter to see Dr. Neal Hammelstein on two occasions and the Petitioner made no objection at any time, and the Petitioner had never made

any complaint or objection to the Parties' Daughter seeing Dr. Hammelstein. In the Transcript of the Deposition of the Respondent on September 16, 2013 (Exhibit ZZN) the Respondent was asked on Page 120, Lines 18-19, "When did you take AAB to see Dr. (Neal) Hammelstein?" To which the Respondent replied on Page 120, Line 20 (Exhibit ZZN), "It was, I think, in January 2013." The Respondent was asked on Page 77, Lines 16-17 (Exhibit ZZN), "How many times did you take her to see Dr. Hammelstein?" To which the Respondent replied on Page 77, Line 18 (Exhibit ZZN) "Two." The Respondent was asked on Page 77, Line 19 (Exhibit ZZN) "Two Visits?" To which the Respondent replied on Page 77, Line 20 (Exhibit ZZN) "Yes." The Respondent was asked on Page 120, Lines 4-5 (Exhibit ZZN) "And Hammelstein said she's a perfectly well-adjusted happy-go-lucky girl, correct?" To which the Respondent stated on Page 120, Line 6 (Exhibit ZZN) "Uh-huh." Attorney Jennifer Bierly stated on Page 120, Line 7-8 (Exhibit ZZN) "You have to say yes or no for the record." The Responded stated on Page 120, Line 9 (Exhibit ZZN) "Yes. Yes."

156. It is the Petitioner's belief that Judge Ruest's documented bias against the Petitioner is relevant in this matter as Judge Ruest's bias resulted in multiple decisions and / or actions which have negatively impacted the Petitioner's ability to perform a great many of Pennsylvania's Child Custody Statute 5328(a) Factors to consider when awarding custody.

157. In the Transcript of the Hearing of April 15, 2015 (Exhibit K) it is the Petitioner's belief that Judge Ruest finally did the right thing, albeit in response to a Petition. Over two years and four months after Judge Ruest took the non-judicial action against the Petitioner, on December 13, 2012, of filing a Police Report

against the Petitioner, in spite of the fact that the Petitioner had never appeared in front of her prior to her filing the Police Report, and had never had any direct interaction with her, on Page 7, Lines 14 – 17 (Exhibit K), Judge Ruest stated in open Court, "So, I'm recusing from the PFA case. And I'm also going to grant the motion to recuse in the custody case." It should be noted that, as of the writing of this document, Judge Ruest has never informed the Petitioner, to the best of his knowledge, in open court nor through any other method of communication of the fact that she did, indeed, file a Police Report against the Petitioner on December 13, 2012.

158. It is, however, the Petitioner's belief that prior to recusing herself, Judge Ruest took an action which was unethical and again demonstrated her bias against the Petitioner, and is relevant to the Petitioner's Petition for Modification of the Custody Order. In the Transcript of April 15, 2015 (Exhibit K), on Page 2, Lines 2-3, Judge Ruest stated, "We'll do the motion for reconsideration first." Attorney Douglas Hearn then stated on Page 2, Lines 4-5 (Exhibit K) "Did you want to deal with the motion to quash the subpoena?" Judge Ruest on Page 2, Lines 6-8 (Exhibit K) then stated, "Yes. We will do that. Okay. Ms. Ross has filed a motion to quash a subpoena that she received. And I am going to quash that."

159. As is stated in Paragraphs 118 thru Paragraph 138, Judge Ruest had reportedly presided over at least two conferences in which she was apprised of Attorney Ross' misconduct involving her having made false criminal allegations against the Petitioner, who, at one time was a client of Attorney Ross. The Petitioner restates here that it is the Petitioner's belief that it is exceptionally unlikely that no one from any of the four Law Enforcement Agencies (Federal Bureau of Investigation, State College Police Department, Pennsylvania State University Police Department and the Centre County Sheriff's Office) informed

Judge Ruest that Attorney Ross' criminal allegations contained nothing that would merit an investigation.

160. Judge Ruest was even reminded of Attorney Ross' misconduct during the hearing of April 15, 2015 (Exhibit K) on page 4, lines 13 – 20, when Attorney Douglas Hearn stated, "There were two or three emails sent to Ms. Ross which gave her alarm. And she called Ms. Bierly. And that eventually came to the Court's attention. I don't know if the Court ever became actually aware of what the content of those was. They were filed as an attachment to one of the petitions for disqualification. So, I'm assuming the Court has read those emails now." To which Judge Ruest responded on Page 4, Lines 21-22 (Exhibit K), "I did eventually see them, but it was only recently, I believe." Attorney Douglas Hearn further stated on Page 5, Lines 22-24 (Exhibit K), "There was nothing in the emails that could reasonably be read as threatening to the Court." It should be noted that the emails that Attorney Ross falsely claimed were threatening are included as Exhibit H.

161. It is the Petitioner's belief that Judge Ruest's act of quashing the Petitioner's motion to subpoena Attorney Ross, just prior to recusing herself, has harmed and may continue to harm the Petitioner's efforts at securing a timely and fair custody order. As recently as the hearing of November 14, 2018 (Exhibit C) the Respondent stated, under oath, on Page 32, Lines 6-10 (Exhibit C) "He has still obsession with Judge Ruest. He still has an obsession with his former attorney, Raquel Ross. These are women who didn't listen to him. These are women who told him what to do and he can't handle that." It is the Petitioner's belief that bringing to light what he considers to be the professional misconduct of Attorney Ross and the judicial misconduct of Judge Ruest is not an "obsession"; rather, it is the Petitioner's duty as an American Citizen and a father.

162. It is the Petitioner's belief that Judge Ruest's act of placing a number of the Petitioner's January 31, 2014 requests for contempt in abeyance (Exhibit A, Paragraph 7), where they remain, to the best of the Petitioner's knowledge, to this day, may be a violation of the Petitioner's rights as stated in the Pennsylvania Constitution Article One, Section Eleven where it states "All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay." The Petitioner believes that Chief Justice John Marshall wrote in Marbury v. Madison that "it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law, whenever that right is invaded" – a rule the Petitioner believes is derived from the ancient Roman legal maxim ubi jus, ibi remedium ("where there is a legal right, there is also a legal remedy"). The Petitioner believes that Chief Justice John Marshall wrote in Marbury v. Madison, "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury." - Marbury, 5 U.S. at 162.

163. It is the Petitioner's belief that Judge Ruest's clear and undeniable bias against the Petitioner, as documented in Detective Fishel's (Houck) Police Report of December 13, 2012, resulted in the Petitioner being repeatedly subjected to hearings in front a Judge who was not fair and impartial, and therefore violated the Petitioner's right to due process. It is the Petitioner's belief that the right to due process in front of a fair and impartial Judge is guaranteed by the fifth and fourteenth amendments to the Constitution of the United States and is a right so fundamental to Western Jurisprudence that it dates back to Clause 39 and Clause 40 of the Magna Carta (Clause 39 "No freeman shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded

against except by the lawful judgment of his peers and by the law of the land." And Clause 40 "To no one will we sell, to no one will we deny or delay right or justice."). It is the Petitioner's belief that Judge Ruest's clear and undeniable bias against the Petitioner resulted in the denial of the Petitioner's and the Parties' Daughter's Inherent and Indefeasible Right "of pursuing their own happiness" as stated in Article One, Section One of the Pennsylvania Constitution.

164. Trust in the judiciary is premised upon judges acting impartially, adjudicating cases according to what is presented, discerning fact from fiction, and refraining from prejudging, or even appearing to predetermine, the outcome of cases. Indeed, the first Canon in the Pennsylvania Code of Judicial Conduct mandates that judges "uphold and promote the independence, integrity, and impartiality of the judiciary" and requires the Commonwealth's judges to "avoid impropriety and the appearance of impropriety."

165. Under Pennsylvania law, "[a] fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness." In re Schlesinger, 172 A. 2d 835, 840-41 (Pa. 1961) (quoting In re Murchison, 349 U.S. 133, 136 (1955)). The act of judge bias is so serious that the U.S. Supreme Court has made clear that a state court's decision may be overturned as a federal due process violation if the impartiality of judges can be legitimately questioned. See, e.g., Withrow v. Larkin, 421 U.S. 35, 47; Mayberry v. Pennsylvania, 400 U.S. 455, 466.

166. Governing tribunals of this Commonwealth "must not only be unbiased, but must avoid even the appearance of bias." In the Interest of McFall, 617 A.2d 707, 713 (Pa. 1992) (quoting Horn v. Twp. of Hilltown, 337 A.2d 858, 859-60 (Pa.

1975)). The rule on determining bias is plain and clear: "disqualification of a judge is mandated whenever a 'significant minority of the lay community could reasonably question the court's impartiality.'" Commonwealth v. Bryant, 476 A.2d 422, 425 (Pa. Super. 1984) (quoting Commonwealth v. Darush, 459 A.2d 727,732 (Pa. 1983)). When a judge files a police report against a Defendant whom she has never met, of whom she has no direct knowledge, and fails to inform the Defendant in open court, then allows herself to be the judge in that Defendant's cases, a clear bias and lack of due process exists. It is the Petitioner's position that a significant majority of the lay community would gasp and stand slack-jawed at such behavior by a judge. To be sufficient for disqualification, a bias must be a personal one arising outside the four corners of the courtroom. Commonwealth v. Druce, 796 A.2d 321, 327 (Pa. Super. 2002). Druce and Bryant make clear that disqualification is necessary where there is evidence of bias or prejudice, or where there is evidence tending to show an appearance of bias or prejudice. See Druce, 796 A.2d at 327; Bryant, 476 A.2d at 426; see also Rizzo v. Haines, 555 A.2d 58, 72 (Pa. 1989); Reilly v. Southeastern Pennsylvania Transp. Auth., 489 A.2d 1291, 1299 (Pa. 1985); see generally In the Interest of McFall, 617 A.2d at 707, 712-713 (finding that even where actual prejudice was not found, an appellant was "entitled to sentencing by a judge whose impartiality could not reasonably be questioned"). Indeed, it is axiomatic that "[t]he appearance of bias or prejudice can be as damaging to public confidence in the administration of justice as would be the actual presence of either of these elements." McFall, 617 A.2d at 713; see also Joseph v. Scranton Times L.P., 987 A.2d 633, 636 (Pa. 2009) (per curiam) (holding that where appearance of judicial impropriety has been established, no showing of actual prejudice is required).

167. Where a jurist has improperly failed to disqualify himself or herself, that

jurist's rulings and votes in that matter are invalid dating back to the time that disqualification should have occurred. See, e.g., Rohm & Haas Co. v. Continental Cas. Co., 732 A.2d 1236, 1260 (Pa. Super. 1999) (holding that where the judge should have recused himself, subsequent consideration of matters in the case "would necessarily be invalidated."); Joseph v. N. Whitehall Twp. Bd. Of Supervisors, 16 A. 3d 1209, 1220 (Pa. Commw. 2011) (noting that invalidation is a proper remedy where recusal was required): Kuszyk v. Zoning Hearing Bd. Of Amity Twp, 834 A. 2d 661, 662 (Pa. Commw. 2003) (holding that if a tribunal member should have recused himself, his vote would be invalid); see also Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813, 827-828 (1986) (vacating final order by Alabama Supreme Court on impartiality grounds because movant did not discover impartiality of justice who made decisive vote until after the order was entered).

168. Due to the bias and / or appearance of bias that Judge Ruest has shown against the Petitioner, as is documented in the Police Report filed by Judge Ruest against the Petitioner on December 13, 2012 (Exhibit B), it is the Petitioner's position that Judge Ruest's bias against the Petitioner had an exceptionally negative impact on the Petitioner's ability to form and maintain a relationship with his daughter; an innocent, little girl has grown up for many years without the presence of her loving father in her life.

169. It should be noted that all allegations regarding Judge Ruest's misconduct detailed by the Petitioner in this petition are supported by documentation generated by Local Law Enforcement, documentation generated by members of the Pennsylvania Bar, supported by sworn testimony given by a member of the Pennsylvania Bar, supported by documentation generated by the Centre County Court of Common Pleas, supported by Court Transcripts generated by Centre County Court Reporters and / or testimony given under oath by a sworn State

College Police Department Law Enforcement Officer.

170. It is not solely for the Petitioner's nor his daughter's potential benefit that the Petitioner documents these biased actions, actions in violation of The Code of Judicial Conduct, by Judge Ruest against the Petitioner. The Petitioner sincerely wonders how many other Petitioners, Respondents, Defendants, Plaintiffs and / or Children have been denied their right to appear before an unbiased judge when they appeared before Judge Ruest.

171. On October 14, 2014 the Petitioner, exercising his legal right to do so, went to the Bellefonte Police Department and reported to Officer Michael Todd Walter (henceforth to be referred to as "Officer Walter") a violation of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities by the Respondent.

172. The Petitioner arrived at the Bellefonte Police Department with supporting documentation that was freely available for Officer Walter to inspect, read, and take into inventory as evidence if he (Officer Walter) so desired. The Petitioner answered all of Officer Walter's questions to the best of the Petitioner's ability, none of which was "What is your current address?" or "May I see your Driver's License?"

173. Officer Walter's Police Report of October 14, 2014 (Exhibit ZY) states the Petitioner's address as being 7125 West Southridge Drive, Apartment 119, Milwaukee, WI 53220.

174. At the time of the conversation between the Petitioner and Officer Walter on October 14, 2014, the Petitioner was a Pennsylvania resident whose address of occupancy was 28 South Water Street, Apartment D2, Womelsdorf, PA 19567. The Petitioner's Wisconsin Division of Motor Vehicles Certified Record (Exhibit

ZW) and Pennsylvania Department of Transportation Bureau of Driver Licensing Certified Driving History (Exhibit ZX) verify the fact of the Petitioner's residency at that time. The Petitioner had moved from Wisconsin, months prior, to be within a reasonable driving range for visitation with his daughter. Visitation was ordered by the Court to take place in Maryland. A copy of the Petitioner's Bank Statements from September 2014 – December 2014 further demonstrates the Petitioner's residency in Womelsdorf, Pennsylvania (Exhibit ZZ).

175. It is unknown to the Petitioner how Officer Walter came to document an incorrect address on his (Officer Walter's) filed Police Report which falsely stated the Petitioner's address by approximately 787 miles when, as previously demonstrated, the Petitioner's correct address was a matter of the record (Exhibit ZW and Exhibit ZX).

176. Officer Walter stated in his Police Report that the Petitioner gave him (Officer Walter) the "run around"; yet, the Police Report offers no specifics to substantiate the claim of a "run around" perpetrated by the Petitioner.

177. In the Transcript from the Hearing on June 8, 2015 (Exhibit ZZA) testimony from Officer Walter and the Respondent demonstrates the unnecessary consequences of Officer Walter assuming and filing a police report with an incorrect address for the Petitioner. Officer Walter testified on Page 18, Lines 14 – 17 (Exhibit ZZA), that at some point after he spoke to the Petitioner on October 14, 2014 he, "contacted Ms. Brush's attorney or her attorney's office, which I was told that it was – I have it listed in my report here – Jen Bierly's office who represented Ms. Brush." On Page 18, Line 18 (Exhibit ZZA), Attorney Douglas Hearn asked Officer Walter, "Why did you call Jen Bierly's Office?" Officer Walter responded on Page 18, Lines 22 – 25 (Exhibit ZZA), "Why? I was concerned. I was

concerned why somebody would drive the whole way from Wisconsin to Centre County, Pennsylvania to try to have their ex arrested." On Page 19, Line 25 and Page 20, Line 1 (Exhibit ZZA), Attorney Douglas Hearn asked Officer Walter, "Were you concerned about Ms. Brush's safety after –" On Page 20, Lines 2-7 (Exhibit ZZA), Officer Walter responded, "Absolutely. Absolutely. To the point where I had to contact her attorney's office and then I did make contact with Ms. Brush and just wanted to get her side of everything and find out what her feelings were on everything and why he may be in the area." At some point following Officer Walter's interview of the Petitioner, Officer Walter, according to Page 20, Line 3 (Exhibit ZZA), contacted "her (the Respondent's) attorney's office". The Respondent , according to her sworn testimony on Page 36 – Page 37, Lines 25, 1-3 (Exhibit ZZA), received a "panicked phone call from my attorney's office and they are telling me to check in with my local police station, the officer in Bellefonte is concerned about my safety". The Respondent's sworn testimony on Page 37 Lines 5-7 (Exhibit ZZA) demonstrates the unnecessarily negative impact of Officer Walter not obtaining the Petitioner's correct address and making false assumptions using incorrect information, where the Respondent stated, "I talked to my attorney and asked where is he, is he coming to look for us in Maryland". On Page 37, Lines 11 – 13 (Exhibit ZZA) the Respondent stated ,under oath, "we were basically panicked and in hiding for about two and a half days before we finally found that, okay, he is back in Wisconsin now, like everybody take a breath." Had Officer Walter taken the time to conduct a simple investigation into the Petitioner's actual place of residence, the "panic and hiding", to which the Respondent and the Parties' Daughter were subject, could have been completely avoided.

178. The simple fact of this matter is that the Petitioner did not drive from Milwaukee, Wisconsin to Bellefonte, Pennsylvania. The Petitioner drove from