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IN THE COURT OF COMMON PLEAS
CENTRE COUNTY, PENNSYLVANIA
CIVIL COVER SHEET

HEIDI BRUSH,
Plaintiff

v.

LELAND FELDMAN,
Defendant

) Docket No. 2012-3103
)
) Type of Case: Custody
)
) Medical Professional Liability
) Action (check if Applicable)
)
) Type of Pleading: Petition for
Modification of Custody Order
Exhibits A-Z

Filed on Behalf of: Leland Feldman

Counsel for this party: Pro Se

PA I.D. Number: N/A

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DEBRA C. IMHIEL
PROTHONOTARY
CENTRE COUNTY, PA

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

HEIDI BRUSH,)
)
 Plaintiff)
)
 v.)
)
 LELAND FELDMAN,)
)
 Defendant)

No. 2012-3103

Attorney for Plaintiff:
Attorney for Defendant:

Jennifer P. Bierly, Esq.
Mark S. Weaver, Esq.

DEPT. OF PROBATION & PAROLE
CENTRE COUNTY, PA
2014 MAY 20 4:49
FOR RECORD

ORDER

AND NOW, this 20th day of May, 2014, after a hearing on Mother's Petition to Modify Custody Order, Father's Petition for Contempt and Special Relief, and Father's Motion for Reimbursement, the Court has serious concerns that the parents' inability to communicate is negatively affecting the minor child. In particular, the minor child has not started in therapy which was ordered in December, 2013 due to the disagreement of the parents as to a therapist. Accordingly, the Court's December 27, 2013 Order is modified as follows:

1. For the immediate future Mother shall have sole legal custody of the minor child, AAB [REDACTED] All legal decision making authority shall rest with Mother. Mother shall provide Father with updates regarding the child's health, medical issues, dental issues, religious training and education. Mother shall provide Father with a packet of relevant information involving the child's health, medical issues, dental issues, religious training and education with all private and identification information being redacted. Mother shall provide said packet to Father through the Supervised Visitation Center at the commencement of each of

Exhibit A

Father's visits with the child. Father shall provide any questions to Mother through the Supervised Visitation Center, which Mother shall answer at the next visitation. In the event Mother fails to provide said packets of information to Father, the Court will reconsider sole legal custody.

2. Mother shall have primary physical custody of the minor child with Father to have supervised visitation every other Saturday as arranged through the Children's Rights Organization for Prince George's County, Maryland. The parties shall contact the Children's Rights Organization ("CRO") and complete the intake procedure within seven (7) days from the date of this Order. Supervised visitation for Father shall begin as soon as possible after the intake procedure is completed. The cost of using the CRO shall be shared equally by the parties. Mother shall provide Father with no less than 24-hours-notice of cancellation of a visitation for any reason related to the child's health. Mother shall provide supporting documentation from a health care provider to confirm the child's illness.
3. Father shall be permitted to Skype with the minor child as follows:
 - a. Until the time the child begins counseling with a therapist, each Thursday beginning on May 22, 2014 at 7:00 p.m. Eastern DST.
 - b. Once the child begins counseling with a therapist, Father will be permitted to Skype on Thursdays as described above and any additional days as recommended by the therapist.
4. Barring any emergency with the child, there shall be no contact between Mother and Father other than Mother providing updates and answers to Father's questions as outlined in Paragraph No. 1 of this Order.

5. Within ten (10) days of the date of this Order, counsel for Father shall advise counsel for Mother of a therapist he would prefer from the list of therapists previously provided by the child's school counselor. Mother shall then immediately enroll child into counseling with selected therapist.
6. Father's Motion for Reimbursement is DENIED.
7. Father's Petition for Contempt and Special Relief is held in abeyance at this time.
8. The provisions of this Order shall supersede any contrary provisions of the Court's prior Order of December 27, 2013.
9. In the event further hearings are necessary in this matter, the following witnesses may appear by telephone: Laura Johnson; Linda S. Bannier; Aaron Feldman; and Jillian Fraser.

BY THE COURT:

A handwritten signature in cursive script, reading "Pamela A. Ruest", written over a horizontal line.

Pamela A. Ruest, Judge

IN THE COURT OF COMMON PLEAS
CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION - DIVISION

HEIDI BRUSH : NO. 2012-4656

VS :

LELAND FELDMAN :

TRANSCRIPT OF PROCEEDINGS
(PFA Hearing)

BEFORE: Katherine V. Oliver, Judge

DATE: November 14, 2018

PLACE: Centre County Courthouse
Courtroom No. 3
102 South Allegheny Street
Bellefonte, PA 16823

APPEARANCES:

FOR THE PLAINTIFF:
Douglas Hearn, Esquire

FOR THE DEFENDANT:
Pro Se

NOTES BY: Patricia A. Grey, RPR
Official Court Reporter
Room 103, Centre County Courthouse
102 South Allegheny Street
Bellefonte, PA 16823
814-355-6734 OR FAX 814-548-1158

Exhibit C

1 to modify.

2 THE COURT: Filed by Mr. Feldman?

3 MR. HEARN: Filed by Mr. Feldman, Your
4 Honor. Thank you, Your Honor.

5 BY MR. HEARN:

6 Q. Do you recognize this, Ms. Brush?

7 A. Yes. Yes, I do.

8 Q. Can you describe for the Court what it
9 is?

10 A. This map shows the relationship between
11 where I had been teaching in Maryland, which he was not
12 supposed to know. It spells out South River High School
13 which is, in fact, where I was teaching during that time
14 in Maryland a couple of years ago. It shows Park Court
15 Apartments, which I'm assuming that's where he's
16 claiming he was living at the time, even though he has
17 never used that in any kind of filing. He always uses
18 different addresses like his parents' address, an
19 address in Arizona that he doesn't actually live at,
20 which has been another deeply concerning thing to me as
21 nobody actually really knows where he truly lives.

22 This to me is signaling, yep, I knew
23 where you were the whole time. I was watching you.
24 He's probably watching me now. And this is just like a
25 little -- I don't know what to say. -- a snapshot, a

1 He just was intent on controlling me.
2 And I believe to this day he still wants that control.
3 I think he has -- basically he's like -- he's obsessed.
4 He can't get over it. That came out in the manifesto
5 that he filed.

6 He has still obsession with Judge Ruest.
7 He still has an obsession with his former attorney,
8 Raquel Ross. These are women who didn't listen to him.
9 These are women who told him what to do and he can't
10 handle that. And I didn't listen to him during the
11 marriage, and that's one of the probable cause is of his
12 constant abuse of me and why he can't let it go. He's
13 not able to let it go, and he's using the legal system
14 to continue to try to control me and hurt me, and he
15 knows that the best way that he can hurt me is by
16 threatening my daughter, too. He knows it, and that's
17 why this custody battle is like a nightmare that just
18 will not end.

19 MR. HEARN: I don't have any further
20 questions.

21 THE COURT: Okay. Thank you. So,
22 Mr. Feldman, if you have questions on cross-examination,
23 now is the time to ask them.

24 MR. FELDMAN: I do, Your Honor.

25 THE COURT: You may proceed.

1 vendetta against her based on reading that -- those
2 documents that he filed. He just can't let it go. I do
3 know that he threatened Judge Ruest previously. I know
4 that she had been -- when I was told to take AAB and
5 go into hiding on more than one occasion, Judge Ruest
6 was also part of that package. It wasn't just me. It
7 was kind of like you and this and that person. So,
8 unfortunately, he does seem to have some kind of
9 fixation with her.

10 THE COURT: Okay. Do you have another
11 question?

12 MR. FELDMAN: I have quite a few, Your
13 Honor.

14 THE COURT: Okay.

15 MR. FELDMAN: I think it's unfortunate --

16 THE COURT: I don't want to hear
17 arguments or statements. If you have questions on
18 cross-examination, now is the time to ask them.

19 BY MR. FELDMAN:

20 Q. Who told you that there was a threat made
21 by myself against Judge Ruest?

22 A. On multiple occasions I was informed by
23 my previous attorney that there were -- there were at
24 least two major events. I was also told by some police
25 officers that they were patrolling in front of Judge

1 THE WITNESS: One of the --

2 THE COURT: So, what I'm asking is as far
3 as the timeframe of all these things with Judge Ruest we
4 have been talking about, I don't need an exact date.

5 THE WITNESS: Okay.

6 THE COURT: I just want a sense of when
7 these things are happening.

8 THE WITNESS: The case -- the custody
9 case was transferred to Centre County I want to say in
10 2012, early in 2012 right after he was ordered to pay
11 child support, again financial revenge. He was ordered
12 to pay child support in the spring 2012. Almost
13 immediately he had a sudden interest in filing for
14 custody. He had no interest for many years. So 2012,
15 also the year I was attacked, Judge Ruest became the
16 judge in charge of the case. Judge Ruest heard these
17 issues from 2012 until I'm not sure when -- before 2015.
18 So, approximately that timeframe, approximately.

19 THE COURT: Thank you.

20 Any other questions?

21 MR. FELDMAN: I have many questions.

22 THE COURT: Okay. I heard you say it.
23 Just ask them.

24 MR. FELDMAN: Okay.

25 BY MR. FELDMAN:

1 acting in an unstable manner with his attorney, Raquel
2 Ross, and Raquel Ross called my attorney and said I'm
3 worried about the safety of myself, my daughter, Judge
4 Ruest, and Raquel was concerned about her own safety.
5 That was in like 2013 maybe.

6 THE COURT: Okay. Thank you.

7 THE WITNESS: Something like that. That
8 wasn't the only occasion but, yeah. Those were -- the
9 two that stand out in my mind are times that I felt it
10 was directly referenced to me that the judge's safety
11 was in question.

12 THE COURT: Your next question.

13 BY MR. FELDMAN:

14 Q. So you know of no specific threat that
15 was made against Judge Ruest. You were told no specific
16 threat by any specific individual?

17 A. I just explained what I perceived the
18 threat to be.

19 Q. You testified that you knew for a fact
20 that that occurred. That's not true then, is it?

21 A. I am testifying as to what I was told by
22 my attorney.

23 Q. So it's hearsay. Okay.

24 THE COURT: Okay. I am not going to
25 tolerate bickering with the witness. Look at me please,

1 Mr. Feldman. I want to be 100 percent clear. You're
2 not going to bicker with her. You're not going to make
3 derogatory remarks. You're just to ask questions if you
4 have them, okay?

5 MR. FELDMAN: Yes, ma'am.

6 THE COURT: Thank you.

7 BY MR. FELDMAN:

8 Q. Since -- when was the last time outside
9 of any courtroom you have directly interacted with the
10 defendant?

11 A. 2000 -- summer of 2014.

12 Q. And before that? Strike that. Where was
13 that instance in 2014?

14 A. The supervised visit in Maryland.

15 Q. That's correct, July of 2014. Do you
16 remember the Court hearing in which your attorney at the
17 time, Jennifer Bierly, requested that visitation take
18 place at the CRC in Maryland as opposed to the
19 children's center here in Centre County, and it be moved
20 because of your new job at the high school in Maryland
21 and Arundel County?

22 A. Yes.

23 Q. Regarding that letter which you testified
24 caused you concern, are you aware that that was given to
25 the defendant by his attorney, Attorney Steve Trialonas?

1 financial abuse, getting to write to me, getting to have
2 messages to me. It makes me think of before -- between
3 the two, 2008 PFA and the 2012 PFA, during those couple
4 years where he was kind of like off the radar until --
5 he was really off the radar. He only popped up maybe
6 three times in four years, and it was for very brief
7 moments. But he popped up as a result of me filing for
8 child support. When he had to finally pay child
9 support, within a week he had -- he wanted custody. He
10 was suddenly interested in AAB.

11 He's used litigation as a kind of
12 punishment against me as a way of constantly -- he still
13 gets to control me this way. He's getting to control me
14 right now. He gets to make me fear everyday what he's
15 going to do.

16 So, I mean, also it's sort of like his
17 questions didn't really make sense. I feel that they
18 were trying to get me off track of actually talking
19 about my own concerns about safety and my fears about
20 him and what he's capable of. It's not like any of the
21 words or actions that he has committed against me, the
22 violence that he's committed against me physically,
23 verbally, and emotionally has not gone away. It's like
24 he's reminding me he can still do it and I just, again,
25 I am --

1 A. Correct, yes. That in itself was
2 alarming to me as law enforcement officer and I felt
3 that I had an obligation to notify the individuals in
4 which that terminology was used in that document for
5 their own safety. So, I then proceeded to contact
6 everybody that he had listed in that document with those
7 words attached to it.

8 Q. So you called Judge Ruest?

9 A. I did.

10 Q. You called Raquel Ross?

11 A. I did.

12 Q. What did you say to them?

13 A. I explained to them the document that was
14 filed, how it read and how it was perceived by myself,
15 not how it was perceived by Heidi in that the actions --
16 excuse me. The words that were listed in there could
17 potentially cause harm and that that is the trend in
18 what we have been seeing. The raised -- across the
19 board the level of -- I lost my train of thought.

20 The threat -- judges and other public
21 officials have been threatened before and acts have been
22 followed through. That's how I perceived it. I wanted
23 to make sure that they were aware that that level was
24 there.

25 Q. And did you do anything else?

1 A. Additionally what I could do to help
2 combat the signs of fear in which she explained to me
3 that -- I worked with her to ensure that she had a
4 safety plan in place and also did certain steps that we
5 normally do for victims that come through our office.
6 That is to make them feel safe and secure with their
7 information that they give to us.

8 One of the things that we do is we keep a
9 records management system. We discussed in length and
10 with Heidi about how her information is stored in our
11 police department and that information is accessible to
12 other agencies that are involved. We had decided that
13 even though it posed a great risk to her to remove her
14 contact information from that report management system.

15 Q. So you did remove her contact
16 information?

17 A. Correct.

18 MR. HEARN: I don't think I have any
19 other questions.

20 THE COURT: Thank you.

21 Cross-examination.

22 CROSS-EXAMINATION

23 BY MR. FELDMAN:

24 Q. Detective Ripka, you read the petition.
25 Did you read the supporting documents along with the

1 petition?

2 A. I read what was given to me.

3 Q. How many pages was what you were given?

4 A. I would have to refer to my notes for
5 that.

6 Q. Go ahead.

7 A. 30.

8 Q. Thirty pages. Did you notice next, too,
9 multiple statements there --

10 A. Excuse me, 32 pages.

11 Q. Thank you. Detective Ripka, did you
12 notice that of there were exhibits listed to multiple
13 statements there?

14 A. Correct.

15 Q. So you haven't seen any of the exhibits,
16 the supporting documentation, much of it written by both
17 attorneys and law enforcement?

18 A. Correct.

19 Q. Okay. So, you are not aware and you did
20 not investigate the validity of any of those statements?

21 A. Correct.

22 Q. Okay. Were any charges filed against the
23 defendant?

24 A. There's no criminal act, no.

25 Q. There's no criminal act. Okay. Is it a

1 criminal act to threaten a sitting judge?

2 A. Yes.

3 Q. Okay. But the defendant performed no
4 criminal act according to the petition that he filed
5 with the Court?

6 A. Correct.

7 Q. Okay. So, by your statements, no one was
8 criminally threatened, correct?

9 A. Correct.

10 Q. Okay. Did you try to contact the
11 defendant to hear and perhaps put some perspective into
12 the totality of the document, which clearly was not done
13 as you did not look at the exhibits?

14 A. No.

15 Q. Okay. Is there a reason why you wanted
16 to go and escalate without fully investigating this?

17 A. There was no criminal acts. So, there's
18 a lot of people come through my office that would
19 actually perceive that something has occurred, whether a
20 crime has occurred and it hasn't, we don't notify
21 everybody that -- the other half every time somebody
22 comes through the unit.

23 Q. So, you deal with criminal justice,
24 correct?

25 A. Correct.

1 Pennsylvania to threaten a sitting judge?

2 A. I do not know.

3 Q. Do you read where Welch who I believe
4 they mean my counsel at the time, Raquel Ross, states
5 she -- Welch advised Bierly she was notifying her that
6 the email had threatened Welch, Bierly, Brush, and her
7 Honorable Ruest, you do not recall stating that to
8 Detective Houck?

9 A. I do not recall stating that to the
10 detective. Although, if it is written in the
11 detective's narrative, I have confidence that I did do
12 that. I remember -- I have some memory of this
13 incident. I do not specifically recall speaking with
14 the detective.

15 Q. Do you specifically recall when Attorney
16 Ross made criminal allegations against the defendant
17 stating that he sent threatening emails?

18 A. I remember that I was sitting in my
19 vehicle getting ready -- I can't tell you who I was
20 meeting for dinner. But I was scheduled to meet
21 someone, presuming my family, at the American Ale House
22 for dinner. I remember getting a telephone call from
23 Raquel Ross, and I remember her telling me that
24 basically what is written here in this report which I
25 ultimately apparently relayed to Detective Fishel.

1 A. I would not recommend it.

2 Q. Nor would I.

3 THE COURT: Okay.

4 MR. FELDMAN: I guess to wrap this up,
5 Your Honor.

6 BY MR. FELDMAN:

7 Q. Are you aware of any instance in which
8 you have seen a threatening email written by the
9 defendant?

10 A. Specifically at this time I do not recall
11 specific contents of any emails written by the defendant
12 in this matter.

13 Q. So you don't recall any -- you do not
14 recall a threatening email from the defendant?

15 A. There is no threatening email that
16 specifically sticks out in my mind. I cannot tell you
17 whether they exist or not. I have not, unfortunately,
18 not been involved in this case for a while and I did not
19 review all emails in preparation for today.

20 Q. Okay. To your knowledge there is no
21 threats that you're aware of in which the defendant made
22 against anyone. You cannot testify to the fact that
23 such threats exist in reality, email or otherwise?

24 A. Other than testimony that's previously
25 been provided, which would be of record when I

1 represented Ms. Brush, that would be the extent of what
2 I would have.

3 Q. I'm asking you today as we sit here right
4 now. Is there any instance where the defendant has sent
5 any kind of threat in any manner to anyone that you are
6 aware of and you have seen, Attorney Bierly?

7 A. I cannot recall a specific instance of
8 that. I do -- I cannot sit here and say, however, that
9 those don't exist. This file was voluminous, and I
10 cannot say they don't exist. I can't say that I can
11 pull one out and show you right now, Mr. Feldman.

12 Q. You cannot show one?

13 A. I did not bring that. I wasn't requested
14 to bring that.

15 MR. FELDMAN: No further questions.

16 THE COURT: Cross-examination.

17 MR. HEARN: No questions, Your Honor.

18 THE COURT: Thank you. Is there any
19 reason Ms. Bierly can't be excused?

20 MR. FELDMAN: There is none.

21 THE COURT: Mr. Hearn?

22 MR. HEARN: No.

23 THE COURT: Yes, thank you very much.

24 THE WITNESS: Thank you.

25 THE COURT: Thank you for your testimony,

1 document you have right there.

2 THE COURT: Defendant's Exhibit 2?

3 MR. FELDMAN: That is I believe correct.

4 THE COURT: The one that you showed
5 Ms. Bierly?

6 MR. FELDMAN: Yes.

7 THE COURT: Thank you. Then I will hand
8 that to the detective.

9 BY MR. FELDMAN:

10 Q. Is that a report you filed, detective?

11 A. It is.

12 Q. Okay. Did Judge Ruest contact the VCICM
13 unit with concerns over her safety on April 15,
14 approximately 14:56?

15 A. So, because we're trying to be very
16 particular, the date on the top of this report 12/13 or
17 14:56.

18 Q. Sure.

19 A. That would be when I would have generated
20 the report. I can't say definitively that that's when
21 she would have contacted me, but it would have been
22 close to or about that time.

23 Q. Okay.

24 A. Just because the way the system is when I
25 got to the point where I was writing the report, it

1 would generate its own time stamp. I don't know if it
2 was the day before that or the day. It was a new system
3 we were using and as detective I'm not dispatched
4 necessarily by 911. It could be generated from some
5 other source. So the time that she called may not be
6 the exact time on this report just based on the system
7 when we first initiated it. Does that make sense?

8 Q. It does. It seems to say on page 2
9 there's a time signed as 4:32 P.M.; is that correct,
10 right below reviewed by 3278?

11 A. That would have been when they signed it.

12 Q. That's when they assigned it to you?

13 A. No, no. That's when they signed off on
14 it. Yeah, I know it's --

15 Q. I got --

16 (Simultaneous conversation)

17 THE WITNESS: The time stamp -- this is a
18 new system we were using and most of the calls were
19 generated through the 911 center. When they weren't
20 generated through the 911 center, it would have been
21 very close to or around this time of year, this year.

22 BY MR. FELDMAN:

23 Q. Okay. Were you sent by the State College
24 Police dispatcher?

25 A. No, I would not have been dispatched by

1 Q. Did you --

2 A. Whether that's a typo I don't know, but
3 I'm assuming they're referring to Raquel Ross.

4 THE COURT: I can -- let me just do this.
5 I have known Raquel Ross since she was Raquel Welch.
6 So, I mean, is there any dispute about that, Mr. Hearn?

7 MR. HEARN: No, Your Honor.

8 THE COURT: Thank you. I'll take
9 judicial notice of that I guess.

10 MR. FELDMAN: Okay.

11 BY MR. FELDMAN:

12 Q. What did Jennifer Bierly report to you?

13 A. She had received information from what
14 was then your attorney and your attorney had been
15 alarmed and Jen was asking for police to be aware that
16 Raquel had told her there was a threat.

17 Q. Did you she specify what type of threat?

18 A. I believe what she said she didn't have
19 the threat. She just was asking for police to be aware
20 to raise their awareness.

21 Q. You write in the second sentence of the
22 first paragraph Bierly reported that she had received
23 communication from Feldman's attorney, Raquel Welch,
24 advising Feldman had sent a threatening email to her?

25 A. Correct.

1 Q. Okay.

2 A. To Welch, not to Bierly.

3 Q. Yeah. I understand.

4 A. Correct.

5 Q. And -- okay. So, it an email. There
6 was -- was there -- I notice in the report you didn't
7 say that Feldman made a phone call to Welch. Feldman
8 sent a text message. Feldman put up smoke signals. It
9 was specifically an email threat. Was there any other
10 kind of threat mentioned? It's not included in your
11 report if it is.

12 A. What I can say is at that time Jen Bierly
13 verbally told me that she had third-hand information
14 that an email had been sent to Ms. Welch by you. Jen
15 did not have the email.

16 Q. Okay. So, it was just email threat.

17 A. Correct.

18 Q. It was nothing else that she stated.
19 It's not included in your report. That's what why I'm
20 asking.

21 A. Not that I'm recalling and I think I
22 would have written in the report if there was some
23 verbal threat or in-person threat or something. Jen had
24 gotten information from Raquel, just wanted us to be
25 aware based on the prior concerns that the judge had had