

2013 at 1:42 AM

Apr 14

Message opened

**Re: Voluntary PFA**

FROM Leland Feldman TO 1 recipient

Show Details

From

- Leland Feldman

- 

To

- Raquel Ross

The Mazza Law Group will be taking over the case from you.

I was informed by them that they will be contacting you sometime during the week of April 15, 2013 in regards to this matter.

**From:** Leland Feldman [REDACTED]  
**To:** Raquel Ross <raquelrosslaw@gmail.com>  
**Sent:** Sunday, April 14, 2013 1:42 AM  
**Subject:** Re: Voluntary PFA

The Mazza Law Group will be taking over the case from you.

I was informed by them that they will be contacting you sometime during the week of April 15, 2013 in regards to this matter.

Exhibit D

May 9, 2013

VIA U.S. MAIL AND FASCIMILE (814-234-0933)

Raquel A. Ross, Esq.  
Raquel Ross Law  
1315 South Allen Street, Suite 310  
State College, PA 16801

Re: Heidi Brush-Feldman v. Leland Feldman  
No. CP-14-CV-3103-2012 (Custody)  
Heidi Brush v. Leland Feldman  
No. CP-14-CV-4656-2012 (PFA)

Dear Raquel:

On April 19, 2013, I received a call from Judge Ruest. She called to confirm our representation of Mr. Feldman in the above matters. She proceeded to ask if I knew of any reason why she should be concerned for her safety as the result of my interactions with Mr. Feldman. In other words, she wanted to know if Mr. Feldman had threatened to harm her.

Judge Ruest explained that Sheriff Nau received a telephone call from the FBI indicating that a threatening communication from Mr. Feldman had been received by someone and that this person had forwarded the communication to law enforcement. The subjects of the threat included Judge Ruest.

In speaking with Attorney Bierly the following week, she told me that you had called her and expressed concern for her safety, Ms. Brush's safety and Judge Ruest's safety as the result of a communication from Mr. Feldman. You were unspecific about the nature of the threat or communication by Mr. Feldman. In addition, Attorney Bierly indicated that you did not provide her with a copy of the communication.

In reviewing the file which you provided to me on May 1, 2013, I note that there is very little correspondence between you and Mr. Feldman. More specifically, I find no communications (letters, emails or copies of text messages) which might be interpreted as threatening to anyone.

*Exhibit E*

Raquel A. Ross, Esq.  
May 9, 2013  
Page 2 of 2

A threat to opposing counsel, party or the Court is a very serious matter. Obviously, such a threat (or the suggestion of one) would have a profound impact upon the above custody and PFA matters. Therefore, it is imperative that you provide us with a copy of the communication from Mr. Feldman which you felt was threatening and required you to report it to law enforcement. Please provide me with a copy of this communication within five (5) days of the date of this letter.

In the event you do not provide the communication, my plan is to file a Motion to compel you to provide it. The existence of the communication must be verified and its contents examined. If you wish to discuss the above matter, please feel free to contact me or Attorney Trialonas.

Finally, I have not received the Praeceptum to Withdraw/Enter Appearances for the custody matter, a second copy of which I provided to you with my May 1, 2013 correspondence. Please provide the same as soon as possible.

Very truly yours,  
The Mazza Law Group, P.C.

Mark S. Weaver

MSW/cmm

c: Leland Feldman

W:\Clients\F\Feldman, Leland\ross.05-09-13.docx

M  
THE MAZZALAW GROUP, P.C.

3081 ENTERPRISE DRIVE, SUITE 2, STATE COLLEGE, PA 16801  
(814) 237-6255 (814) 237-5752 FAX  
www.mazzalaw.com

May 17, 2013

VIA EMAIL ONLY

Leland Feldman  


Re: Heidi Brush-Feldman v. Leland Feldman  
No. CP-14-CV-3103-2012 (Custody)

Dear Leland:

As promised, I write to review the status conference held on Monday, May 13, 2013 in your custody case.

As I indicated briefly on the above date, the Judge was not inclined to grant supervised visitation. The primary reason was that Attorney Bierly would not agree to it. Therefore, a hearing will be needed for the visitation to begin.

The first thing we discussed at the conference was the "threatening communication" which you allegedly sent to Ms. Ross in April. Ms. Bierly told us that she received a telephone call from Ms. Ross indicating that you had sent her an email which made her concerned for the safety of Ms. Bierly, her client and the Judge. Ms. Ross was not specific with Ms. Bierly about the content of the email but she did describe it as "rambling and incoherent." Ms. Bierly advised Ms. Ross that she could not keep the information confidential, although she was unsure what to do with it.

Ms. Bierly contacted her partners at her firm's Pittsburgh office to discuss the alleged communication. Approximately three days after the phone call from Ms. Ross, it was decided by Ms. Bierly's firm that law enforcement should be made aware of the communication. Consequently, Ms. Bierly contacted the local FBI office in State College which just happens to be down the hall from her offices. Once the FBI was alerted, it is unclear how the information was circulated to other local law enforcement agencies.

I also learned at the conference that Judge Ruest and Ms. Bierly had recently been subjected to death threats in an unrelated domestic case by a party who is now in jail. As a result of this unrelated incident, Ms. Bierly has a security guard at her office and the Judge's office and residence are receiving regular attention from local police. Consequently, it seems that all local law enforcement, the Court and Ms. Bierly were highly sensitive to any perceived threat at this time. This fact makes Ms. Ross' call to Attorney Bierly quite untimely and unfortunate.

Leland Feldman  
May 17, 2013  
Page 2 of 3

I advised the Judge and Ms. Bierly that local FBI agent Ross had told us that our client had "nothing to worry about." This information, that the FBI had apparently investigated the alleged communication, was unknown to both parties and came as quite a surprise. They both commented that this would have been good information for the FBI to have relayed to them. Because we are uncertain of what investigation was performed by the FBI (i.e., did they actually see the email?), Attorney Trialonas is trying to learn the details and extent of their investigation once again.

At the conference, we also discussed Attorney Ross' representation of you in this matter. More specifically, we discussed her refusal to provide a copy of the "threatening communication" to me. The Judge and Ms. Bierly are very interested in seeing the email which Ms. Ross states that she received from you. We discussed the best way to obtain this information. As a result, discovery was authorized by the Court in this matter. My plan at this point is to depose Ms. Ross because a subpoena will not give us an opportunity to understand why she thought any alleged communication was threatening. I contacted her office to schedule the deposition. In the event I do not hear back from her, I will schedule the deposition in approximately three weeks and require her (via a subpoena) to bring any and all communications from you to the deposition which she felt was threatening to anyone. As an alternative to attending the deposition, I will offer her the chance to provide the threatening communication(s) together with a sworn statement explaining she believed the communication was a threat.

With the authorization to proceed with discovery, I am drafting Interrogatories and Requests for Production of Documents to serve upon Ms. Brush. I expect these to be in the mail to her counsel no later than Monday, May 20, 2013. I will provide you with a copy at that time. Please note that Ms. Brush's counsel can serve you with discovery requests as well. Having practiced on a number of occasions with Ms. Bierly, I fully expect her to prepare and serve discovery for you to answer. I will forward it to you if and when I receive the same.

With regard to any ongoing criminal investigations of you, we know that Detective Olson at Penn State University Police Services is interested in ruling you out as a person of interest. Attorney Trialonas will be contacting him once again to advise him that we have subpoenaed Verizon to obtain copies of your phone records for the past year. We will review them and then supply them to Detective Olson upon receipt. In the interim, we are not proceeding to arrange a polygraph for you. We do not see the need at this point. The phone records should show any contact with this area that might support a conspiracy theory related to the December 12, 2012 assault. Conspiracy to commit the assault upon Ms. Brush appears to be the only criminal allegation being made against you at this time.

Finally, Ms. Bierly and I did discuss talking with Dr. Hemmelstein together so that we can try to understand any concerns he may have about contact between you and [REDACTED]. I have no idea, at this point, if he is even opposed to contact between the two of you. AAB

Leland Feldman  
May 17, 2013  
Page 3 of 3

Hopefully I have answered all of your questions which followed Monday's conference. If I have missed any of your questions or if you have additional questions, please contact me.

Very truly yours,  
The Mazza Law Group, P.C.

A handwritten signature in black ink, appearing to read 'Mark S. Weaver', with a long horizontal flourish extending to the right.

Mark S. Weaver

MSW/cmm

W:\Clients\F\Feldman. Leland\feldman.05-17-13.docx

**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: Leland Feldman

Signature: 

Name: Leland Feldman

Attorney No. (if applicable): N/A

12/31/2017

Print

**Subject:** Re: Re: Anything new?

**From:** Mark Weaver (weaver@mazzalaw.com)

**To:** [REDACTED]

**Date:** Monday, May 13, 2013 1:55 PM

Lee, I am done in court. I have a little league game I have to coach so I cannot give you a detailed response. However, 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". I did learn that it was Attorney Bearly who contacted the FBI and not attorney Ross. Second, discovery has been authorized I will issue a subpoena to attorney Ross for the threatening communication. the hearing date is set for July 9th. Finally, attorney bearly and I are going to speak with Dr Himmelstein. Will give you a more detailed response tomorrow. Thank you.

Exhibit 6

**RAQUEL ROSSLAW, LLC.**

1315 South Allen St, Suite 310  
State College, PA 16801  
P: 814.234.0266 • F: 814.234.0933  
RaquelRossLaw@gmail.com  
www.StateCollegeLegal.com

May 31, 2013

VIA U.S. MAIL AND FASCIMILE (814-237-5752)

Mark S. Weaver, Esquire  
The Mazza Law Group, PC  
3081 Enterprise Drive, Suite 2  
State College, PA 16801

RE: Heidi Brush v. Leland Feldman  
Case No. 2012-4656 (PFA)  
Case No. 2012-3103 (Custody)

Dear Mark:

Please find enclosed email correspondence from Mr. Feldman to myself from the dates of March 6, 7, and 27. The transmittal of this correspondence satisfies the Subpoena *Duces Tecum* dated May 24, 2013 from your office which is enclosed for your reference.

Very Truly Yours,  
Raquel Ross Law, L.L.C.



Raquel A. Ross

RAR:ceh  
Enclosures

Exhibit H

**Raquel Ross**

---

**From:** Leland Feldman [REDACTED]  
**Sent:** Wednesday, March 06, 2013 11:41 PM  
**To:** Raquel Ross  
**Subject:** Re: Answer to Counter-Petition

You stated in your email of February 27, 2013 that "Ms. Bierly was not in agreement with any changes to custody until the results of the investigation by the University Park Police as to the incident with Ms. Brush is concluded, to which her honor agreed." You further stated that "her honor wishes to be cautious".

By your statements, it is apparent that the judge will rule against me, or at the very least, is exceptionally prejudiced against me, and will remain exceptionally prejudiced against me until the results of the investigation by the University Park Police is completed.

I do not understand the wisdom of taking unnecessary action at this time in a court that by your statements is exceptionally prejudiced against me and will in all likelihood, but again, rule against my being allowed to spend time with Audrey.

I suggest making a strong response to Ms. Bierly's counter-petition by waiting until the University Park Police issue their report. I HAD NOTHING TO DO WITH THE INCIDENT OF DECEMBER 12, 2012.

I do not understand why are you in such a rush to answer Ms. Bierly's Counter-Petition in such a weak manner? Why not answer Ms. Bierly's Counter-Petition with a copy of the University Park Police Report stapled on to your response? That will be a far stronger response. As I stated above, I had nothing to do with the incident of December 12, 2012. There is nothing in the Universe for the Police to find that could possibly link me to the incident of December 12, 2012.

I do not approve of filing anything in a courtroom which is presided by a Judge who is prejudiced against me before she has even seen the police report.

As I stated before, unless there is a procedural requirement or time limit of some sort that is approaching, do not file anything with the court. You cannot effectively respond to or fight against a Police Report that has not been produced.

If there is a strategy here or something I am missing, please enlighten me.

It is of vital importance that my daughter have a father who is present in her life.

Moving forward, before the police report is released, will almost certainly result in but another significant defeat. The Judge stated as much by her decision in the last Conference.

**From:** Raquel Ross <raquelrosslaw@gmail.com>  
**To:** 'Leland Feldman' <leland\_feldman@yahoo.com>  
**Sent:** Wednesday, March 6, 2013 8:00 AM  
**Subject:** RE: Answer to Counter-Petition

Please provide me with feedback by Thursday so that I can have it filed by Friday.

Thanks

Raquel A. Ross, Esquire  
RAQUEL ROSSLAW LLC.

---

**From:** Leland Feldman [redacted]  
**Sent:** Tuesday, March 05, 2013 6:19 PM  
**To:** Raquel Ross  
**Subject:** Re: Answer to Counter-Petition

Hold off on filing the response until I have had time to review your answer to the Counter-Petition. I have been extremely busy at work.

Let me know if there is any kind of hard deadline or time limit for filing the Counter-Petition that is approaching.

**From:** Raquel Ross [redacted]  
**To:** Leland Feldman [redacted]  
**Sent:** Tuesday, March 5, 2013 8:09 AM  
**Subject:** FW: Answer to Counter-Petition

Let me know if you have any thoughts or questions regarding this answer. I would like to file it as soon as possible.

Thanks

Raquel A. Ross, Esquire  
RAQUEL ROSSLAW LLC.

---

**From:** Raquel Ross [mailto:raquelrosslaw@gmail.com]  
**Sent:** Friday, March 01, 2013 4:16 PM  
**To:** Leland Feldman  
**Subject:** Answer to Counter-Petition

Lee,

Attached is my proposed Answer to the Counter-Petition filed by Attorney Bierly

Thanks

Raquel A. Ross, Esquire  
RAQUEL ROSSLAW LLC.  
1315 S. Allen Street, Suite 310  
State College, PA 16801  
P: (814) 234-0266  
F: (814) 234-0933  
[RaquelRossLaw@gmail.com](mailto:RaquelRossLaw@gmail.com)  
<http://www.statecollegelegal.com/>

**Raquel Ross**

---

**From:** Leland Feldman [REDACTED]  
**Sent:** Thursday, March 07, 2013 7:24 PM  
**To:** Raquel Ross  
**Subject:** Re: Answer to Counter-Petition

When you state in your email "What I failed to mention in my prior email is that when I was arguing about your lack of access to your daughter being unfair, she also agreed", it is evident that even the Judge knows full well that she is prejudiced against me and is not being fair.

I am mystified as to why you do not believe that this Judge is prejudiced against me.

At the very least I can't understand how you do not believe that it is at least possible that the Judge is indeed prejudiced against me when you wrote that the judge verbally agreed that I am being unfairly denied access to my daughter. How much clearer does it get? You seem to be the only of the three of us (the Judge, you and I) who doesn't think the Judge is being unfair. Even the Judge admits she is being unfair.

But whatever.

I have the following instruction:

1. Heidi last allowed me to see Audrey in May of 2012, and the incident in Colorado occurred in late 2008. Please make those changes in your Answer to Ms. Bierly's Counter-Petition, and file the Counter-Petition.

**Raquel Ross**

---

**From:** Leland Feldman [REDACTED]  
**Sent:** Wednesday, March 27, 2013 6:17 PM  
**To:** Raquel Ross  
**Subject:** Voluntary PFA

You clearly and repeatedly stated in our meeting in your office in January 2013 that you had negotiated an agreement with opposition counsel, that Heidi had also agreed to in regards to the PFA issue and visitation with [REDACTED] A A B

The agreement you described consisted of my accepting an 18 month voluntary PFA, in exchange for opposition counsel and Heidi agreeing to accept my being allowed to commence visits with [REDACTED] under the auspices of one of the Centre County's Monitoring Programs. You further stated to me repeatedly in our meeting in January 2013 that should Heidi and/or the opposition decide to renege on the above agreement after I agreed to accept the 18 month voluntary PFA, one of only two results would follow: A A B

1) The Judge would order Heidi to allow me to regularly see [REDACTED] A A B

or

2) If the Judge did not order Heidi to allow me to regularly see [REDACTED] under one of Centre County's Monitoring Programs, the Judge would be overturned on appeal and a higher court would thereby order Heidi to allow me to see [REDACTED] A A B

I had agreed to the voluntary PFA because you had related to me that my agreeing to the voluntary PFA was part of a legitimate, legally enforceable agreement, and that if the opposition reneged on their portion of the agreement, it would result in, as I stated above, either the Judge ordering Heidi to allow me to regularly see [REDACTED] or if the Judge did not order that I be allowed to see [REDACTED] after being presented with the totality of the above described agreement, the judge would be overturned on appeal. A A B

I am still totally shocked at what has instead happened. Nothing close to what you described to me in the meeting at your office in January 2013 has occurred.

After I agreed to the voluntary PFA, you entered a Petition For Modification of Custody Order. Instead of the opposition making good on their side of the legally enforceable agreement which you had related to me, the opposition responded with an Answer to Petition for Modification of Custody Order and Counter-Petition for Modification of the Custody Order. Included in the Counter-Petition for Modification of the Custody Order is the opposition's request for Sole Legal Custody of Audrey.

Not only did the opposition not keep their side of the agreement that you sold me on, but now they have filed for Sole Legal Custody of [REDACTED] A A B

I gave up my right to a hearing based on your advice in regards to the PFA, I get stuck with a baseless voluntary PFA and I do not get in return what was promised me in return for agreeing to the voluntary PFA.

The opposition gave up pretty much of nothing, reneged on the agreement you claim to have made with them and gained a tool, which by my recent reading and understanding of Pennsylvania Law, tells me that the voluntary PFA I agreed to will be able to be used against me by the opposition in the upcoming custody hearing on May 22, 2013. You stated to me that the voluntary PFA I agreed to cannot be brought up or be brought into consideration in any future custody hearing. Is that indeed the case?

You bizarrely stated in your email to me dated February 28, 2013 that "this was an outcome which we discussed". That is not true.

I would NEVER have agreed to become subject to the voluntary PFA, had any possible outcome been broached that resulted in anything but my being allowed to see [REDACTED] on a reasonable, regular and continuing basis. A A B

As the opposition has not made good on their side of the agreement that you negotiated, what are my options? Do I have any options other than going to the hearing on May 22, 2013, having given the opposition one more tool to use against me, at no, or exceptionally close to no cost to them?

Can I now unilaterally renege on my agreeing to the voluntary PFA, as the opposition reneged on their portion of the agreement? Do contracts and consideration mean nothing in Pennsylvania?

Many months ago I put the greatest of faith and trust into you, with the promise that you would fight diligently, effectively, professionally, honestly, competently and hopefully successfully, such that my daughter would have a dad in her very young life.

Leland Feldman

**Subject:** RE: Anything new  
**From:** Mark Weaver (weaver@mazzalaw.com)  
**To:** [REDACTED]  
**Cc:** trialonas@mazzalaw.com; christine@mazzalaw.com;  
**Date:** Sunday, June 2, 2013 7:40 PM

Dear Lee:

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).

I am writing to Attorney Ross tomorrow and requesting answers to the questions which I posed in my letter with the subpoena duces tucem and deposition notice. Attorney Ross is apparently on bed rest due to her pregnancy (as told to us by Ms. Bierly as the result of having a case in a different county with Ms. Ross) so it is unlikely that she will appear at Thursday’s deposition. However, I didn’t expect the attached letter and emails so it is worth a follow-up. 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 so that the cloud created by the 4/19/13 “incident” is removed. I think this will help your credibility which is of primary importance in this case of allegation and innuendo.

Ms. Bierly called me at the end of last week to discuss discovery and “scheduling”. I am not sure what she meant by her message. I will return her call tomorrow as I am in Pittsburgh and will have down time on the road to return calls.

We can follow-up with the unknown phone calls and numbers. I agree they must be identified before turning the information over to anyone. We will have to pay for the information so if you have a more economic way to identify the numbers, please advise asap.

At this point, we need a hearing to get contact/visitation/partial custody with your daughter. The longer we wait the harder it may become. Therefore, my plan at this point is to proceed with the 7/9/13 hearing. Now that the 4/19/13 incident is clarified, I believe we can proceed even if the 12/12/12 incident is not resolved. Quite frankly if you were a primary suspect in that assault, the police would have done something by now. Although this is an assumption, I believe everyone else believes the same with the exception of Ms. Brush.

Lastly, thank you for bringing my attention to your account with us. You must still be listed with Ed as the primary attorney. Yours truly is responsible for reviewing and getting Ed’s bills out or switched to the new attorney. My apologies.

Let me know if you have questions.

Mark

*Exhibit I*

11/25/2017

Print

**Mark S. Weaver, Esq.**  
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**M**

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**Subject:** FW: Conference Call with Judge Ruest, Jen Bierly, and Raquel Ross  
**From:** Mark Weaver (weaver@mazzalaw.com)  
**To:** [REDACTED]  
**Date:** Wednesday, June 5, 2013 8:50 PM

Attorney Trialonis' summary is below.

**Mark S. Weaver, Esq.**  
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 State College, PA 16801-2756  
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**From:** Steve Trialonas  
**Sent:** Wednesday, June 05, 2013 5:34 PM  
**To:** Mark Weaver  
**Subject:** Conference Call with Judge Ruest, Jen Bierly, and Raquel Ross

Mark,

Our conference call began with Raquel arguing her motion to quash our Notice of Deposition. She alleged a deposition was overly burdensome and cumulative as she already gave us the emails and there was nothing else.

*Exhibit J*

I responded we merely want to have a complete record, and if she could state that the e-mails were the only basis for her disclosing an alleged "threat" on the record we would be satisfied. I offered the options of appearing for a deposition, signing an affidavit, or testifying in court. Raquel then argued whether there was anything more than the e-mails is irrelevant.

Raquel stated it was based on the "totality of the circumstances" but then when I jumped in and said that's exactly why we need the deposition she resorted back to "only the e-mails".

Jen Bierly stated that she didn't find anything threatening in the e-mails, but wishes to depose Mr. Feldman based on the contents of those e-mails. Jen said she would need a continuance and I strenuously objected, reasoning she can get any info out of Mr. Feldman on cross-examination at the hearing on July 9.

Judge Ruest did state that the relevancy argument for Raquel's deposition has at least arguable merit as no custody decision has been made since the "threat" was disclosed. Judge Ruest also concluded that the continuance request Jen will submit must be argued on the record, as well as Raquel's motion to quash.

I'm sure I didn't include everything, feel free to e-mail specific questions and I can tell you if the answers were discussed during the conference call.

Steve

**Steven P. Trialonas, Esq.**  
3081 Enterprise Drive, Suite 2  
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THE MAZZA LAW GROUP, P.C.

**"Your Lawyers, Your Neighbors, Your Friends"**  
Visit us on the web at [www.mazzalaw.com](http://www.mazzalaw.com)

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## Attachments

- image001.jpg (14.62KB)
- image003.png (21.01KB)
- image004.png (20.55KB)



1 PROCEEDINGS

2 THE COURT: We'll do the motion for  
3 reconsideration first.

4 MR. HEARN: Did you want to deal with the  
5 motion to quash the subpoena?

6 THE COURT: Yes. We will do that. Okay.  
7 Ms. Ross has filed a motion to quash a subpoena that  
8 she received. And I am going to quash that.

9 MS. ROSS: Thank you very much, Your Honor.

10 THE COURT: You're welcome. Thank you.

11 MS. ROSS: I will leave, unless there's  
12 anything further.

13 THE COURT: Not that I'm aware of.

14 MS. ROSS: Okay. Thank you.

15 THE COURT: Okay.

16 MR. HEARN: Thank you, Your Honor. At the  
17 risk of stating what's painfully obvious, although  
18 that one of the things I do reasonably well, I'm  
19 going to read Rule 2.11 of the Judicial Conduct  
20 Rules. The judge shall disqualify herself in any  
21 proceeding which the judge's impartiality might  
22 reasonably be questioned, including but not limited  
23 to the following circumstances: One, the judge has  
24 a personal bias, prejudice against a party or  
25 party's lawyer, personal knowledge of facts that are

1 in dispute in the proceedings.

2 And there are two things that I want to talk  
3 about in that. One is whether or not the Court's  
4 impartiality can reasonably be questioned and  
5 whether the Court has knowledge of facts that are in  
6 dispute in the proceeding.

7 The real issue I think here is that the  
8 parties, Mr. Feldman in particular, is not happy  
9 with the decisions the Court has made. And he's  
10 listed in his -- in the emails which were attached  
11 to a pleading, he's listed a number of things that  
12 he's unhappy about, that he was not able to see his  
13 child immediately, that -- well, there was a fairly  
14 extensive laundry list of decisions the Court has  
15 made him unhappy.

16 And fortunately or unfortunately, Ms. Brush  
17 has also given me a list of decisions that have made  
18 her unhappy, things that she thinks that are  
19 inappropriate for the safety of her daughter, such  
20 as allowing visits immediately -- or ordering visits  
21 to happen immediately without therapy being provided  
22 for the daughter. And allowing Mr. Feldman to have  
23 shared legal custody, when it was clear to her that  
24 that would not facilitate what the child needed.  
25 So, both parties have been unhappy with the

1 decisions the Court has made.

2 THE COURT: That means I'm going a good job,  
3 as far as I'm concerned.

4 MR. HEARN: Right. And I was going to  
5 paraphrase Judge Brown who said, basically, the same  
6 thing, if both parties are unhappy with my decision,  
7 I know I've made the right decision. So, I don't  
8 think making a decision that is unpopular or is not  
9 what the client wishes is not a basis for  
10 disqualification.

11 The other issue is that what facts does the  
12 Court actually have here that might prejudice the  
13 Court? There were two or three emails sent to Ms.  
14 Ross which gave her alarm. And she called Ms.  
15 Bierly. And that eventually came to the Court's  
16 attention. I don't know if the Court ever became  
17 actually aware of what the content of those was.  
18 They were filed as an attachment to one of the  
19 petitions for disqualification. So, I'm assuming  
20 the Court has read those emails now.

21 THE COURT: I did eventually see them, but it  
22 was only recently, I believe.

23 MR. HEARN: Right. Reading them just says  
24 that Mr. Feldman is very unhappy with the decision.  
25 If the Judge did not order Heidi to regularly see --

1 this is what he said that Ms. Ross had promised him,  
2 if the Judge did not order Heidi to allow me to  
3 regularly see [REDACTED] under -- A A B

4 THE COURT: Slower.

5 MR. HEARN: Sorry.

6 THE COURT: It's okay.

7 MR. HEARN: Reading is rushing. If the Judge  
8 did not order Heidi to allow me to regularly see  
9 A A B [REDACTED] under one of Centre County's monitoring  
10 programs, the Judge would be overturned on appeal  
11 and a higher court would thereby order Heidi to  
12 allow me to see A A B [REDACTED]. I'd agree to a voluntary  
13 PFA because you had related to me that my agreeing  
14 to the PFA was part of a legitimately legal  
15 enforceable art agreement and if the opposition  
16 reneged on their portion of the agreement, it would  
17 result in either the Judge ordering Heidi to allow  
18 me to see A A B [REDACTED] or that that will be overturned on  
19 appeal.

20 So, this is the basis of his belief that the  
21 Court is prejudiced against him, that he did not get  
22 what he wanted. There was nothing in the emails  
23 that could reasonably be read as threatening to the  
24 Court. And I think the Court can read through those  
25 and see there's nothing here that is pertinent to

1 the facts that are in dispute in the proceedings.  
2 There's nothing here that would qualify as meeting  
3 the rules under Rule 2.11 as far as personal  
4 knowledge of facts that are in dispute.

5 Now, I understand that the Court has reasons  
6 for wanting to recuse, and I think I understand the  
7 basis for those reasons. But I believe that there  
8 is not a substantial basis under the rules for the  
9 Judge to require herself to recuse herself.

10 THE COURT: Thank you.

11 MR. SLUZIS: Judge, first of all, I'm very  
12 happy. I know everybody says they're not happy.  
13 But in any event, Mr. Leland is happy with the  
14 initial decision that you made to recuse yourself.  
15 And that was, of course, based upon, again, the  
16 same, I don't want to regurgitate the same language  
17 from the rule that Mr. Hearn has. But again, the  
18 crux was, there was an incident which was called to  
19 the Court's attention and to Attorney Bierly's  
20 attention by which there was a conference in May of  
21 2013. There was a police report that was  
22 probligated as a result of an incident. And  
23 according to the police report, there was, even from  
24 this member of the Court, there was some input with  
25 respect to police involvement or interaction.

1           Therefore, there are -- and the extension of  
2     the PFA, which will be heard whenever, basically has  
3     some indicia of some incidents that would glean upon  
4     the conversations that you had at the conference.  
5     And of course, the interaction with the police. We  
6     believe that you do have personal knowledge of facts  
7     which may come into play here and therefore, 2.11  
8     does come into play. And we ask that you do -- you  
9     did the proper thing by recusing yourself. So,  
10    we're asking that the motion be denied.

11           THE COURT: Anything further?

12           MR. HEARN: No, Your Honor.

13           THE COURT: I am going to deny the motion.  
14    So, I'm recusing from the PFA case. And I'm also  
15    going to grant the motion to recuse in the custody  
16    case.

17           Now, as I said in chambers, I don't know  
18    what's going to happen with that. The PFA is  
19    scheduled right now in front of Judge Kistler, I  
20    believe on May 29th, because I think we had it  
21    doubly scheduled. It may be transferred to Judge  
22    Lunsford and I don't know when he would hear it.  
23    So, that may happen. I don't know whether Judge  
24    Lunsford will hear the custody case or whether he  
25    will transfer it to Maryland. I don't know the

1 answer to that. Because at this point, I don't  
2 believe we have continuing exclusive jurisdiction.  
3 And I haven't actually checked the rules, but no one  
4 lives here, and hasn't for quite some time. So, I  
5 think that kicks jurisdiction away from us. But you  
6 can discuss that with Judge Lunsford, or Judge  
7 Kistler, whomever it may be. Okay. Thank you all.

8 MR. SLUZIS: May we be excused, Your Honor?

9 THE COURT: You may.

10 E N D O F P R O C E E D I N G S

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me upon the hearing of the within matter and that this copy is a correct transcript of the same.

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Date

Jennifer E. Amentler  
Official Reporter

C E R T I F I C A T E

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I hereby certify that a copy of this transcript was furnished counsel of record advising they had until July 9, 2015, in which to file any objections or exceptions to the same. That time period having elapsed without recording of objections or exceptions, the transcript is therefore lodged with the Court for further action.

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Date Jennifer E. Amentler  
Official Reporter

ACCEPTANCE BY COURT

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Upon counsel's opportunity to review and to offer objections to the record, the foregoing record of proceedings is hereby accepted and directed to be filed.

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Date

Pamela A. Ruest

Judge