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GRAHAM B. SPANIER

Plaintiff,

v.

LOUIS J. FREEH and FREEH SPORKIN
& SULLIVAN, LLP,

Defendants.

COURT OF COMMON PLEAS
OF CENTRE COUNTY

NO. 2013-2707

DEBRA C. HANDEL
PROthonARY
CENTRE COUNTY, PA
2014 MAR 31 PM 4:50
FILED FOR RECORD

**DEFENDANTS' CONCISE STATEMENT
OF MATTERS COMPLAINED OF ON APPEAL**

Defendants-Appellants Louis J. Freeh and Freeh Sporkin & Sullivan, LLP
("Defendants") hereby submit this Concise Statement of Matters Complained of on Appeal
pursuant to Pennsylvania Rule of Appellate Procedure 1925(b) and the Court's Order dated
March 26, 2014. The Court's Order at issue is the February 25, 2014 Order granting Plaintiff's
Motion to Stay Civil Proceedings.

The matters complained of by Defendants on appeal are as follows:

1. The Court erred in finding that Plaintiff's potential invocation of his Fifth Amendment right against self-incrimination may prejudice him. Plaintiff has not invoked his Fifth Amendment right at any point during this proceeding. Therefore, there is no support in the record for this finding.

2. The Court erred in failing to consider the prejudice to Defendants' statutory right of removal to federal court if a stay is entered in light of the one-year statutory limitation on removal from the commencement of an action.

3. The Court erred in failing to consider the extraordinary factual circumstances of this case in which a civil plaintiff seeks to avoid his obligation to file a complaint in an action he commenced on the basis that he is a criminal defendant. Defendants know of no Pennsylvania authority that has permitted a civil plaintiff to avoid his obligation to file a complaint where he is a criminal defendant.

4. The Court erred in finding that the prejudice to Defendants of a stay would be lessened due to the requirements of the Speedy Trial Act. Ongoing developments in the criminal case show that this finding is unlikely to prove correct.

5. The Court erred in finding that Plaintiff's civil case overlaps with his criminal case when Plaintiff has not filed a complaint in this case setting out his allegations and it is therefore not possible to make such a determination

6. The Court erred in finding that the potential prejudice to Plaintiff of third-party witnesses invoking their Fifth Amendment rights during the discovery process or at trial was a reason to stay Plaintiff's obligation to file a complaint.

7. The Court erred in holding that Plaintiff's filing of a verified complaint would risk Plaintiff to exposure from criminal liability.

8. The Court erred in failing to analyze the prejudice to Defendants' reputation resulting from Plaintiff's filing of a writ of summons publicly accusing them of defamation but refusing to file a complaint setting forth the basis of his claims.

9. The Court erred in finding that Defendants' right, under longstanding Pennsylvania law, to promptly investigate their claims within a one-year statute of limitations for defamation claims, would not be prejudiced because witnesses are unlikely to forget important details.

Respectfully submitted:

Dated: March 31, 2014



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CERTIFICATE OF SERVICE

I, William T. McEnroe, hereby certify that I caused to be served on March 31, 2014 a true and correct copy of the Concise Statement of Matters Complained of on Appeal upon the following interested parties in the manner indicated below in satisfaction of Pennsylvania Rule of Appellate Procedure 121:

Service in person by hand delivery as follows:

The Honorable Jonathan D. Grine
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