



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

GRAHAM B. SPANIER

Plaintiff,

v.

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

Defendants.

Docket No. 2013-2707

Judge Jonathan D. Grine

Type of Motion: Emergency Motion for  
Reconsideration

Filed on behalf of: Defendants

Counsel of Record for Defendants:

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DEBRA C. WELSH  
PROthonary  
CENTRE COUNTY

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**DEFENDANTS’ EMERGENCY MOTION FOR RECONSIDERATION**

Judge Louis J. Freeh and Freeh Sporkin & Sullivan, LLP (collectively “Defendants”), respectfully move for reconsideration of the Court’s Opinion and Order dated February 25, 2014, stating as follows:

1. On February 25, 2014, this Court entered an Opinion and Order (the “February 25 Order”), which granted Plaintiff Graham B. Spanier’s (“Plaintiff”) Motion to Stay this case pending the criminal proceedings against Plaintiff.

2. A court has the inherent power to reconsider its own rulings. *See Moore v. Moore*, 634 A.2d 163, 167 (Pa. 1993). The question of whether or not to exercise that authority is left to the sound discretion of the trial court. *Id.*

3. Defendants respectfully submit that the Court's February 25 Order should be reconsidered for four reasons:

- i. The Court's Order was premised on Plaintiff's potential invocation of the Fifth Amendment, which Plaintiff has specifically disclaimed;
- ii. The Court did not 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;
- iii. Plaintiff's failure to file a complaint threatens to jeopardize Defendants' right to remove this case to a federal forum in light of the one-year statutory limitation on removal from the commencement of an action; and
- iv. Recent developments in this case show that the Court's expectation that the criminal proceedings will be resolved "sometime this year" is unlikely to prove correct.

4. Furthermore, for the reasons set out in Defendants' Memorandum filed contemporaneously herewith, Defendants respectfully request that the Court consider this Motion for Reconsideration on an expedited basis because of the potentially imminent deadline to remove this case to federal court, should Defendants choose to exercise this right.

5. Defendants also incorporate the memorandum of law filed contemporaneously herewith.

**WHEREFORE**, Judge Louis J. Freeh and Freeh Sporkin & Sullivan, LLP request that the Court grant their Motion for Reconsideration of the Court's February 25 Opinion and Order granting Spanier's Motion to Stay Civil Proceeding.

Respectfully submitted,

Dated: March 17, 2014

s/ Robert C. Heim  
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