



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
:
: Type of Case: Civil Action
:
: Type of Pleading: Motion For
: Assignment of an Out of County
: Judge
:
: Filed on Behalf of: Defendants
:
: Counsel of Record for These
: Parties:
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**MOTION OF DEFENDANTS LOUIS J. FREEH AND
FREEH SPORKIN & SULLIVAN, LLP
FOR ASSIGNMENT OF AN OUT OF COUNTY JUDGE**

To President Judge Thomas K. Kistler and Judge Jonathan D. Grine:

Defendants Louis J. Freeh and Freeh Sporkin & Sullivan, LLP (“FSS”) respectfully move for assignment of an out-of-county judge to preside over the above-captioned action, which arises out of the Sandusky/Pennsylvania State University (“Penn State” or “PSU”) matter. Louis Freeh and FSS state in support thereof:

1. Plaintiff Graham B. Spanier (“Spanier”) commenced this case by filing a Praecipe for a Writ of Summons on July 11, 2013.

2. On October 18, 2013, in response to a Rule to File a Complaint, Spanier filed a Motion to Stay pending the resolution of criminal proceedings against him, which was granted on February 25, 2014. This case has been stayed since that date.

3. On March 18, 2015, Spanier filed a Motion for Leave to Join Additional Parties as well as a Motion to Modify the Stay. Spanier attached as Exhibit 1 to the Motion for Leave to Join Additional Parties a Proposed Complaint asserting claims for Defamation against Defendants Freeh and FSS, adding a claim for Tortious Interference with Prospective Contractual/Business Relations against Louis Freeh, and seeking leave to add additional parties, including Penn State and Freeh Group International Solutions LLC (“FGIS”), and additional claims.

4. Spanier bases his claims against Freeh and FSS on the report (the “Freeh Report”) that Freeh and FSS prepared at the request of the Penn State Board of Trustees. The Freeh Report contains numerous findings resulting from a thorough and independent investigation regarding the actions of Penn State, Penn State officials, and the Penn State Board of Trustees, surrounding the child sexual abuse committed by former Penn State coach Gerald A. “Jerry” Sandusky. The Freeh Report also contains statements and findings regarding The Second Mile, a charity founded by Sandusky ostensibly to serve underprivileged youths.

5. The Pennsylvania Rules of Judicial Administration permit the President Judge to make a request to the Administrative Office whenever he or she “deems additional judicial assistance necessary for the prompt and proper disposition of court business.” Pa. R. Jud. Admin. 701(C)(1). In response to that request, and upon recommendation of the Court Administrator, “the Chief Justice may, by order, assign any retired, former, or active district justice, judge or justice to temporary judicial service on any court to fulfill a request by a president judge . . . or to serve the interest of justice.” Pa. R. Jud. Admin. 701(C)(2).

6. In all of the actively-litigated prior cases involving the Sandusky/PSU matter of which Defendants are aware, an out-of-county judge has been assigned to hear the case. *See Commonwealth v. Gerald Sandusky*, No. 11-2421, 11-2422 (Centre County CCP); *In re The Second Mile*, No. 14-12-0255 (Centre County CCP, Orphans’ Court Div.); *McQueary v. The Pennsylvania State University*, No. 12-1804 (Centre County CCP); *Paterno et al. v. National Collegiate Athletic Association, et al.*, No. 13-2082 (Centre County CCP).

7. This case—as reflected in the proposed Complaint—plainly will involve numerous parties, issues, and/or allegations that are similar to those raised in each of the prior cases in which appointment of an out-of-county judge was ordered.

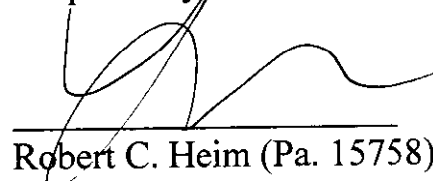
8. Assignment of an out-of-county judge would “serve the interest of justice,” Pa. R. Jud. Admin. 701(C)(2), and would be consistent with the practice followed in prior cases involving issues and allegations relating to the Sandusky/PSU matter.

9. Accordingly, Defendants Freeh and FSS respectfully request that an out-of-county judge be appointed in this proceeding, and that the Court consider, for the reasons stated in the accompanying Memorandum of Law, assignment to President Judge Todd A. Hoover of the Dauphin County Court of Common Pleas. President Judge Hoover is presiding over the criminal proceedings that are pending against Plaintiff Spanier, and those proceedings are substantially related to the allegations that Plaintiff proposes to assert herein.

WHEREFORE, Defendants Louis J. Freeh and FSS requests that the Court grant their Motion for Assignment of an Out-of-County Judge and request that an out-of-county judge be assigned to this proceeding.

Dated: April 10, 2015

Respectfully submitted,



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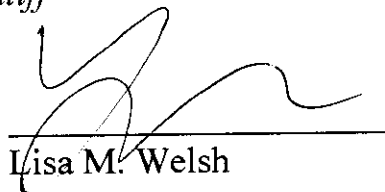
CERTIFICATE OF SERVICE

I, Lisa M. Welsh, hereby certify that I caused to be served on April 10, 2015,
a true and correct copy of the foregoing Motion for Assignment of an Out-of-
County Judge by first-class mail upon the following:

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