



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

2015 MAR 19 PM 2:10
CENTRE COUNTY, PENNSYLVANIA

GRAHAM B. SPANIER

Plaintiff,

v.

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

Defendants.

) Docket No. 2013-2707
)
) Type of Case: Defamation
)
) Type of Pleading: Motion to Modify
) the Stay
)
) Filed on behalf of: Plaintiff
)
) Counsel of record for this party:

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the following reasons and those stated in Dr. Spanier's accompanying Memorandum of Law:

1. Dr. Spanier commenced this defamation action against Defendants Louis J. Freeh ("Freeh") and Freeh Sporkin & Sullivan, LLP ("FSS") by filing a Praecipe for a Writ of Summons on July 11, 2013.

2. This action has been stayed on Dr. Spanier's motion and by Order of the Court since February 25, 2014.

3. Contemporaneously with the filing of this Motion, Dr. Spanier is also filing a motion requesting that the Court grant Dr. Spanier leave to join Freeh Group International Solutions, LLC ("FGIS") and the Pennsylvania State University ("Penn State") as defendants in this action.

4. Dr. Spanier requests that the Court modify the current stay in this action so as to permit Dr. Spanier to file a complaint against Freeh, FSS, FGIS, and Penn State.

5. Defendants Freeh and FSS have argued that the concerns regarding potential invocation of the Fifth Amendment to the United States Constitution by witnesses in this matter should not prevent Dr. Spanier from filing a complaint. Dr. Spanier does not intend to invoke the Fifth Amendment with respect to a verified complaint or his testimony in this matter.

6. When he sought the stay in this action in February 2014, Dr. Spanier believed that related criminal proceedings against Dr. Spanier and potential witnesses in this action would be resolved by the end of 2014. Likewise, in granting the stay, the Court assumed that those criminal cases would proceed to trial by the end of 2014.

7. As of March 18, 2015, those criminal cases have not been resolved and no trial dates have been set.

8. Dr. Spanier now requests that the Court modify its stay order so as to permit Dr. Spanier to file a complaint, join additional claims and parties, and to permit discovery to the greatest extent possible in light of the pending criminal cases, while leaving the stay partially in place to require that: (1) discovery be sequenced to respect and accommodate the related criminal cases; and (2) that discovery remain open until the related criminal proceedings are resolved such that all necessary witnesses with Fifth Amendment concerns may testify in this action

9. A copy of Dr. Spanier's Proposed Complaint is attached to Dr. Spanier's Memorandum of Law in Support of his Motion for Leave to Join Additional Defendants, as Exhibit 1.

WHEREFORE, for the foregoing reasons, and for the reasons stated in his accompanying Memorandum of Law, Dr. Spanier respectfully requests that the

Court modify the stay in this action, and permit Dr. Spanier to file his Proposed Complaint against Freeh, FSS, FGIS, and Penn State.

Respectfully submitted,

Dated: March 18, 2015

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CERTIFICATE OF SERVICE

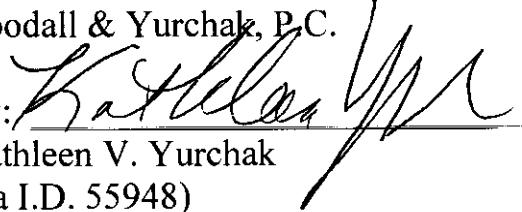
I hereby certify that a true and correct copy of the foregoing was served on the below counsel of record on March 18, 2015.

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