

Tucker R. Hull (PA 306426)
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*Attorneys for Plaintiff
Exeter Township*

EXETER TOWNSHIP : IN THE COURT OF COMMON PLEAS OF
 : BERKS COUNTY, PENNSYLVANIA
 Plaintiff, :
 : CIVIL ACTION – LAW
 vs. :
 :
 JERRY GELEFF, an adult individual, THE : NO. 2022 -
 EXETER EXAMINER, an unincorporated :
 business, THE EXETER :
 UNDERGROUND, an unincorporated :
 business, and JERRY GELEFF MEDIA, :
 :
 Defendants. : JURY TRIAL DEMANDED

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service
Berks County Bar Association
544 Court Street
Reading, Pennsylvania 19601
Telephone: (610) 375-4591

LAW OFFICE OF TUCKER R. HULL, LLC

/s/ J. Chadwick Schnee
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Counsel for Plaintiffs

Date: December 15, 2022

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COMPLAINT

AND NOW COMES Exeter Township (“Township”), by and through its undersigned legal counsel, the Law Office of Tucker R. Hull, LLC, and files this Complaint against Jerry Geleff (“Geleff”), The Exeter Examiner, An Unincorporated Business, The Exeter Underground, An Unincorporated Business, Jerry Geleff Media, An Unincorporated Business, averring as follows:

PARTIES

1. The Township of Exeter is a Pennsylvania political subdivision of the Second Class with offices located at 4975 Demoss Road, Reading, Berks County, Pennsylvania 19606.
2. Jerry Geleff is an adult individual who resides at 106 Michele Drive, Reading, Berks County, Pennsylvania, 19606.

3. Upon information and belief, The Exeter Examiner is an unincorporated business owned and operated by Geleff.

4. Upon information and belief, The Exeter Underground is an unincorporated business owned and operated by Geleff.

5. Upon information and belief, Jerry Geleff Media is an unincorporated business owned and operated by Geleff.

6. Upon information and belief, The Exeter Examiner is an unincorporated business owned and operated by Geleff.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter pursuant to 42 Pa.C.S. § 931(a).

8. Venue is proper in this Court pursuant to 42 Pa.C.S. § 7532; 42 Pa.C.S. § 931(c); Pa. R.Civ.P. 1092 and Pa. R.C.P. 2103.

NATURE OF THE CASE

9. By information and belief, Geleff owns or operated various unincorporated businesses, including The Exeter Examiner, The Exeter Underground, Jerry Geleff Media and Jgmedia.us (collectively, “Businesses”).

10. Through the businesses, Geleff expresses his thoughts and opinions concerning events occurring within the Township.

11. The Exeter Underground is a podcast run or operated by Geleff and Jerry Geleff Media, with a website at <https://jgmedia.us/podcasts>.

12. As a podcast, The Exeter Underground is accessible to listeners worldwide.

13. The Exeter Examiner consists of a Facebook page with an address of <https://www.facebook.com/TheExeterExaminer> and a website with an address of <https://exeterexaminer.us/>.

14. As a Facebook page and website, The Exeter Examiner is accessible to readers worldwide.

BACKGROUND

15. In early 2022, the Township received complaints that one of its Supervisors was allegedly engaged in sexual harassment of female employees.

16. In response to these allegations, the Township, on April 11, 2022, entered into an agreement with the law firm of MacMain, Connell and Leinhauser to serve as special counsel to conduct an investigation into the claims of sexual harassment.

17. Between April 21, 2022 and July 27, 2022, Attorney Matt Connell interviewed 15 current or former public officials concerning the allegations.

18. On July 27, 2022, Attorney Connell submitted a 43-page report (“Report”) to the Township detailing the results of his investigation, including his conclusions and recommendations.

19. The Report is marked “ATTORNEY CLIENT PRIVILEGED.”

20. The Township paid MacMain, Connell and Leinhauser for the Report.

21. Geleff subsequently filed a Right-to-Know Law, 65 P.S. 67.101 et seq., for the Report with the Township, which the Township denied on September 13, 2022 under the attorney-work product doctrine, the attorney-client privilege, a statutory exemption for noncriminal investigative records and the constitutional right to privacy.

22. Geleff appealed the Township's denial of the Report to the Office of Open Records, which docketed the appeal as *Jerry Geleff v. Exeter Township*, OOR Dkt. AP 2022-2244.

23. The OOR subsequently issued a final order on November 22, 2022 that concluded that the Report is not a public record under 65 P.S. § 67.708(b)(17). *See Jerry Geleff v. Exeter Township*, OOR Dkt. AP 2022-2244, attached hereto as Exhibit A.

24. As of this writing, Geleff has not filed an appeal of the OOR's decision in *Jerry Geleff v. Exeter Township*, OOR Dkt. AP 2022-2244.

25. During a broadcast of the Exeter Underground podcast on December 14, 2022, Geleff stated that he was provided with a copy of the Report.

26. Geleff did not identify who provided the Report to him.

27. During the Exeter Underground podcast on December 14, 2022, Geleff stated that he was physically holding three pages of the Report.

28. Geleff then proceeded to read excerpts from the Report during the Exeter Underground podcast.

29. Geleff stated that he would be posting images from the Report on the Exeter Examiner website.

30. At approximately 5 p.m. on December 14, 2022, Geleff posted the following message on The Exeter Examiner Facebook page, "Jerry got ahold of the report and exposed it for Exeter to see. There will be a report in The Exeter Examiner including screenshots of the copies of the report that Jerry read...." This post is attached hereto as Exhibit B.

31. On December 14, 2022, Geleff posted the content and images of portions of the Report on The Exeter Examiner website at <https://exeterexaminer.us/latest-news/f/exeter->

[supervisors-harassment-claims-against-hughes-are-
false?fbclid=IwAR1RVaTtf4xrwq5vCdnSn7MXhfrytu3MkxC4YeE9VRUYzxjztgzlo9ALfRU.](https://www.facebook.com/berkscountyprothonotary)

COUNT I – REPLEVIN

32. The averments of the preceding paragraphs are incorporated herein by reference.

33. “Replevin is an action undertaken to regain possession of goods and chattels and to recover damages for their caption and detention, by the illegal act of the defendant.” *Int’l Elecs. Co. v. N. S. T. Metal Prod. Co.*, 88 A.2d 40, 42–43 (Pa. 1952).

34. “In order to maintain replevin, the plaintiff must have a general or special property right in the thing taken or detained.” *Id.*

35. Additionally, a plaintiff must show that he has “the right of immediate possession.” *Id.*

36. “An action of replevin shall be commenced by filing a complaint with the prothonotary.” Pa.R.Civ.P. 1073.

37. The Township commissioned and is the owner of the Report.

38. The value of the Report is \$16,492.00, based on legal fees paid to MacMain, Connell and Leinhauser approved by the Exeter Township Board of Supervisors on August 22, 2022.

39. By information and belief, copies of the Report are located in email account(s) and the physical residence of Geleff at 106 Michele Drive, Reading, PA 19606.

40. Screenshots of the Report are currently located on The Exeter Examiner website at [https://exeterexaminer.us/latest-news/f/exeter-supervisors-harassment-claims-against-hughes-are-false?fbclid=IwAR1RVaTtf4xrwq5vCdnSn7MXhfrytu3MkxC4YeE9VRUYzxjztgzlo9ALfRU.](https://exeterexaminer.us/latest-news/f/exeter-supervisors-harassment-claims-against-hughes-are-false?fbclid=IwAR1RVaTtf4xrwq5vCdnSn7MXhfrytu3MkxC4YeE9VRUYzxjztgzlo9ALfRU)

41. Geleff is not entitled to and does not have lawful possession of the Report.

42. The Township is the lawful owner of the Report and is entitled to immediate possession of its own personal property.

43. The Township asks that Geleff be ordered to return all physical and electronic copies of the Report.

44. Additionally, the Township asks that this Court provide special equitable relief as permitted under Pa.R.Civ. P. 1079.1 to order Geleff to destroy and all physical or electronic copies of the Report in his possession and descriptions thereof, including but not limited to on The Exeter Examiner Facebook page, The Exeter Examiner website and on The Exeter Underground podcast.

45. Geleff is aware that the OOR ruled that the Report was not a public record. *See* Exhibit A.

46. Geleff is aware that the Report was marked “ATTORNEY-CLIENT PRIVILEGED.”

47. Despite knowing that the Report was adjudicated by the OOR to not be a public record and knowing that the Report was privileged, Geleff willfully chose to publicize the Report and its contents through the businesses.

48. Based on Geleff’s willful publication of the Report, the Township seeks reasonable attorney’s fees and court costs incurred (and continuing) in this action.

WHEREFORE, the Township respectfully asks this Honorable Court to issue an order requiring Geleff to (1) return any and all physical or electronic copies of the Report in his possession; (2) destroy all physical and electronic copies of the Report in his possession and descriptions thereof, including but not limited to on The Exeter Examiner Facebook page, The Exeter Examiner website and on The Exeter Underground podcast.

COUNT II - PERMANENT INJUNCTIVE RELIEF

49. The averments of the preceding paragraphs are incorporated herein by reference.

50. For the foregoing reasons, Plaintiff seeks permanent injunction relief, specifically enjoining Defendant from disseminating, posting, broadcasting or otherwise publicizing any images, descriptions or the content of the Report or portions thereof from all websites, podcasts and social media accounts to which he has access.

WHEREFORE, Plaintiffs respectfully ask this Honorable Court to issue an order permanently enjoining Defendant from disseminating, posting, broadcasting or otherwise publicizing any images, descriptions or the content of the Report or portions thereof from all websites, podcasts and social media accounts to which he has access.

LAW OFFICE OF TUCKER R. HULL, LLC

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Counsel for Plaintiffs

Date: December 15, 2022

VERIFICATION

I, George Bell, verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief. I understand that the statements in said document are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

/s/ George Bell _____
George Bell

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.

/s/ J. Chadwick Schnee
J. Chadwick Schnee, Esquire