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J. Chadwick Schnee (PA 306907)
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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 - 16476
EXETER EXAMINER, an unincorporated	:	
business, THE EXETER	:	
UNDERGROUND, an unincorporated	:	
business, and JERRY GELEFF MEDIA,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

MOTION FOR CONTEMPT

AND NOW COMES Exeter Township (“Township”), by and through its undersigned legal counsel, the Law Office of Tucker R. Hull, LLC, and files this Petition for Contempt against Jerry Geleff (“Geleff”), The Exeter Examiner, an unincorporated business, The Exeter Underground, an unincorporated business, and Jerry Geleff Media, an unincorporated business, averring as follows:

PARTIES

1. The Township is a Pennsylvania political subdivision of the Second Class with offices located at 4975 Demoss Road, Reading, Berks County, Pennsylvania 19606.
2. 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. The Exeter Examiner, The Exeter Underground and Jerry Geleff Media are collectively referred to as the “Businesses.”

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.

9. This case was initiated on December 15, 2022, when the Township filed a Complaint in the above-captioned matter concerning the unauthorized access to and dissemination of Township property: an investigation report (“Report”) protected by the attorney-client privilege and found by the Office of Open Records to not be a “public record” under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* A true and correct copy of the Complaint is attached hereto as Exhibit A.

10. As set forth in more detail in the Complaint, Geleff verbally disseminated the contents of the Report and posted images of the Report through a podcast, Facebook pages and websites run by Geleff and the Businesses.

11. On December 15, 2022, the Township filed an Emergency Motion seeking a Preliminary Injunction (“Motion”). A true and correct copy of the Motion is attached hereto as Exhibit B.

12. The Township provided notice to Geleff of the filing of the Motion by way of an email sent on December 15, 2022 at 10:45 a.m., a true and correct copy of which is attached hereto as Exhibit C.

13. Geleff acknowledged receipt of the email by way of a response email, a true and correct copy of which is attached hereto as Exhibit D, and stated that he would attend the emergency preliminary injunction hearing later that day.

14. The Township filed the Motion following Geleff's response.

15. On December 15, 2022, Geleff posted the following message on The Exeter Examiner: "[S]ave the pictures. Have them ready to share. It might come in handy." A true and correct copy of this post is attached hereto as Exhibit E.

16. At approximately 12:28 p.m., Geleff posted a message encouraging people to "Download the podcast [in which Geleff divulged the Township's privileged information] NOW. Go to [The Exeter Examiner website] and get the pictures. Save them." A true and correct copy of this posting is attached hereto as Exhibit F.

17. At approximately 1:30 p.m. on December 15, 2022, a hearing on the Motion was held before the Honorable Theresa Johnson.

18. Geleff attended the hearing on the Motion.

19. During the hearing, Geleff acknowledged that the Report bore the words "ATTORNEY-CLIENT PRIVILEGED" on its face.

20. During the hearing, Geleff acknowledged that the Office of Open Records had determined that the Report was not a "public record" under the Right-to-Know Law. *See Geleff v. Exeter Township*, OOR Dkt. AP OOR Dkt. AP 2022-2244.

21. At the end of the hearing, Judge Johnson issued an Order enjoining Defendants “from publishing or otherwise disseminating any information in the investigative report commissioned by the Township ... which Defendants have improperly obtained” and ordering Defendants to return and destroy all physical or electronic copies of the Report. A true and correct copy of Judge Johnson’s Order is attached hereto as Exhibit G.

22. Geleff was physically handed a copy of the Order at the conclusion of the hearing, which ended at approximately 2 p.m. on December 15, 2022.

23. At approximately 5:30 p.m. on December 15, 2022, Geleff posted the following on The Exeter Examiner Facebook page: “Oh, the other thing to report..... Somebody bought gardellagate.com and has put up a single page site!! Hilarious.” A true and correct copy of Geleff’s posting is attached hereto as Exhibit H.

24. On the website referenced in Exhibit H, the same images of the Report posted by Geleff through his Businesses appear.

25. At 5:46 p.m. on December 15, 2022, Attorney J. Chadwick Schnee notified Geleff, in an email with the subject line of “Contempt,” that his posting “has resulted in the further dissemination of the investigation report, despite” the Order and asked Geleff to “remove any links to any websites containing the investigation report.” A true and correct copy of this correspondence email is attached hereto as Exhibit I.

26. Attorney Schnee also included a copy of the Order that Geleff had previously received earlier that day. *See* Exhibit I.

27. During an “emergency” edition of The Exeter Underground podcast starting at approximately 8 p.m. on December 15, 2022, Geleff, by information belief, mentioned the

“gardellagate.com” website. *See* December 15 posting by The Exeter Examiner, attached hereto as Exhibit J (“MARY, I HAVE TO BLEEP OUT THE NAME OF A WEBSITE.”).

28. Geleff had notice of the Order that he disobeyed.

29. The actions constituting Geleff’s violation were volitional.

30. Geleff acted with wrongful intent.

31. Therefore, Geleff is in contempt.

32. “It is axiomatic that courts have always possessed the inherent power to enforce their orders and decrees by imposing sanctions for failure to comply with said orders.” *Rouse Philadelphia Inc. v. Ad Hoc '78*, 417 A.2d 1248, 1257 (Pa. Super. 1979).

33. The Township seeks to force Defendants to comply with this Court’s Order.

34. “Judicial sanctions in civil contempt proceedings may, in a proper case, be employed for either or both of two purposes: to coerce the defendant into compliance with the court’s order, and to compensate the complainant for losses sustained.” *Brocker v. Brocker*, 241 A.2d 336, 339 (Pa. 1968), *cert. denied*, 393 U.S. 1081 (1969).

35. “The court may impose an unconditional fine upon a contemnor in order to encourage future compliance for the benefit of the injured private party.” *Schnabel Assocs., Inc. v. Bldg. & Const. Trades Council of Philadelphia & Vicinity, AFL-CIO*, 487 A.2d 1327, 1338 (Pa. Super. 1985).

36. Attorneys’ fees and other disbursements necessitated by the civil contemnor’s noncompliance may be recovered by the aggrieved party. *Thompson v. Johnson*, 410 F.Supp. 633 (E.D.Pa. 1976), *aff’d mem.*, 556 F.2d 568 (3d Cir. 1977).

37. The Township seeks its reasonable attorneys’ fees and court costs associated with this Motion for Contempt.

38. The Township also asks this Court to impose a reasonable fine against Defendants for the purpose of coercing compliance with the Order.

WHEREFORE, the Township respectfully asks this Honorable Court to find Defendants in contempt; impose the maximum lawful civil penalty; and award attorneys' fees, court costs, other compensatory damages, and any other relief this Court deems just.

LAW OFFICE OF TUCKER R. HULL, LLC

/s/ Tucker R. Hull
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Counsel for Plaintiffs

Date: December 23, 2022

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/ Tucker R. Hull
Tucker R. Hull, Esquire

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	:	
Defendants.	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Tucker R. Hull, Esquire, hereby certify that on the 23rd day of December, 2022, a true and correct copy of the foregoing document was served by email and First Class United States mail postage prepaid, addressed as follows:

Paula Knudson Burke, Esquire
 Reporters Committee for Freedom of the Press
 PO Box 1328
 Lancaster, PA 17608
 pknudsen@rcfp.org

/s/ Tucker R. Hull

 Tucker R. Hull, Esquire