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COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4 JD 2020

**RESPONDENT'S MOTION IN LIMINE TO EXCLUDE
INVESTIGATORY DEPOSITION TRANSCRIPT OF RESPONDENT**

AND NOW comes the above-captioned Respondent, through his undersigned counsel of record, pursuant to the Court of Judicial Discipline Rules of Procedure and this Honorable Court's Order of September 21, 2020, to respectfully submit this motion in limine to exclude the investigatory deposition transcript of Respondent, whereof the following is a statement:

1. The Judicial Conduct Board's ("JCB" or "Board") authorized its lawyers to conduct a full investigation of Respondent pursuant to Judicial Conduct Board Rule of Procedure 30(B).
2. During the above investigation, the Board issued a subpoena to Respondent pursuant to Judicial Conduct Board Rule of Procedure 24 directing Respondent to testify before Deputy Counsel James P. Kleman on June 25, 2020.
3. The overwhelming majority of the questioning of Respondent during the above June 25, 2020 investigatory deposition regarded matters that were well outside of the Board's related notice and supplemental notice of full investigation and which are well

outside of the factual allegations in the current complaint (which mirror the Board's notice and supplemental notice of full investigation).

4. Any information contained in the subject transcript, which is outside of the specific, factual allegations contained in the Board Complaint filed on August 12, 2020, is wholly irrelevant.

5. Pennsylvania Rule of Evidence 402 provides that "[e]vidence that is not relevant is not admissible."

6. Any testimony contained in the subject transcript that does not directly relate to the factual allegations contained in the Board Complaint filed on August 12, 2020 should therefore be excluded during the trial of this matter and as such, the JCB should be precluded from offering the subject transcript in its entirety as evidence.

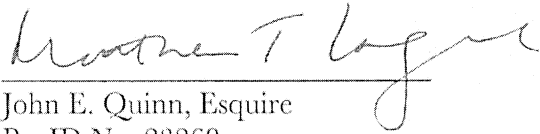
7. Respondent respectfully asserts that the Board should be limited, therefore, to offering only those portions of the same that are directly relevant to the factual allegations contained in the Board Complaint filed on August 12, 2020.

WHEREFORE, for the reasons set forth herein, Respondent respectfully requests that this Honorable Court prohibit the JCB from introducing and offering the June 25, 2020 transcript of the investigatory deposition of Respondent in its entirety and that the JCB be limited to introducing only those portions of said transcript that directly relate to the factual allegations contained in the Board Complaint filed on August 12, 2020.

Respectfully submitted,

QUINN LOGUE LLC

By:



John E. Quinn, Esquire
Pa. ID No. 23268

Matthew T. Logue, Esquire
Pa. ID No. 87416

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Counsel for Respondent

Date: September 28, 2020

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4 JD 2020

[PROPOSED] ORDER

AND NOW, on this _____ day of October, 2020, upon consideration of Respondent's Motion in Limine to Exclude Investigatory Deposition of Respondent, responses thereto and argument thereon, it is hereby ORDERED, ADJUDGED and DECREED that said motion is GRANTED in that only those portions of the June 25, 2020 transcript of the investigatory deposition of Respondent that are relevant to the factual allegations contained in the August 12, 2020 Board Complaint may be offered or admitted into evidence in this matter.

BY THE COURT:

_____, J.
Conference Judge

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

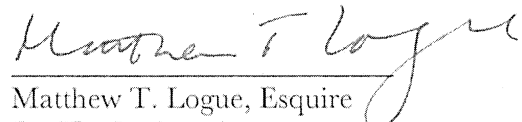
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CERTIFICATE OF COMPLIANCE

The undersigned certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:


Matthew T. Logue, Esquire
Pa. ID No. 87416

IN THE COURT OF JUDICIAL DISCIPLINE
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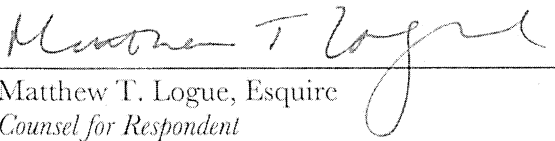
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PROOF OF SERVICE

Pursuant to Rule 122 of the Court of Judicial Discipline Rules of Procedure, the undersigned certifies that on the below date a true and correct copy of the foregoing pleading in the above-captioned matter was served upon the following attorneys of record to the parties in this proceeding by USPS First-Class Mail and electronic mail.

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Date: September 28, 2020


Matthew T. Logue, Esquire
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