

COPY

TODD BARTLEY and MICHELLE BARTLEY, husband and wife, JOHN DOE AND JANE DOE, AND COLONIAL RADIO GROUP OF WILLIAMSPORT, LLC
Plaintiffs,

DOCKET NO. CV 23-01364
CIVIL ACTION – LAW
JURY TRIAL DEMAND

v.

JAMES A. WEBB, JR., MORGAN AIR, INC., WEBB WEEKLY, AND DARRICK DIXON,
Defendants.

PROthonotary
SEP - 5 PM 2:16
WILMINGTON COUNTY

MOTION TO RECUSE

AND NOW, comes Plaintiffs, Todd Bartley, Michelle Bartley, John Doe, Jane Doe, and Colonial Radio Group of Williamsport, LLC by and through their counsel, Gregory A. Stapp, Esquire and moves this Honorable Court to recuse itself as follows:

1. The Plaintiffs, Todd Bartley, Michelle Bartley, John Doe and Jane Doe filed an Amended Complaint on July 29, 2024. Defendants James A. Webb, Jr., Webb, Webb Weekly and Morgan Air, Inc. filed Preliminary Objections on August 12, 2024. Defendant Darrick Dixon filed Preliminary Objections on August 19, 2024. Judge Eric Linhardt issued a Scheduling Order requiring Plaintiffs to respond to Defendants James A. Webb, Jr., Webb and Morgan Air Inc., d/b/a Webb Weekly’s Preliminary Objections not later than September 1, 2024 (20 days from the issuing of August 20, 2024), and to respond to Defendant Dixon’s Preliminary Objections not later than September 9, 2024 (20 days from the issuing of August 20, 2024). Judge Eric Linhardt ordered arguments on all Defendants’ Preliminary Objections for September 20, 2024.

2. Plaintiff Todd Bartley is a journalist who wrote a series of articles related to a sexual assault of a minor during a trip to Myrtle Beach by the Williamsport Area High School baseball

team in March 2018. As part of those articles, allegations of impropriety were made related to Lycoming County and its agents, servants, or employees.

3. A lawsuit was filed in federal court related to the incident and subsequent cover-up of the Williamsport Area High School baseball trip to Myrtle Beach in which Lycoming County, William Weber, in his individual and official capacity, Williamsport Area School District, Dr. Brandon Pardoe, Roger Freed, Sean McCann, Ryan Miller, Fred A. Holland, Esq., and John and Jane Does were named as Defendants. (See Middle District of Pennsylvania Docket No. 4:22-cv-1387).

4. Although Lycoming County and the individual Defendants were eventually dismissed, it is possible that the Plaintiffs will be refiling against Lycoming County as a result of information obtained as part of the discovery process in the federal lawsuit. However, even without refiling against Lycoming County, the Plaintiffs believe and so aver, that Judge Eric Linhardt will be a witness in the federal case because the Office of Attorney General Agent David Scicchitano testified that the reason that William Weber was not charged with crimes was because the Lycoming County Office of District Attorney did not have policies and procedures in place as to how to handle sexual abuse cases involving minors.

5. Prior to Judge Eric Linhardt's tenure as Lycoming County District Attorney, the Lycoming County Office of District Attorney did have policies and procedures in place as to how to investigate sexual assault cases involving minors.

6. Judge Lindhart hired William Weber as a Lycoming County Detective and was his direct supervisor during a part of the time Weber was employed by Lycoming County. Plaintiffs believe and therefore aver that during Judge Linhardt's tenure as Lycoming County District Attorney the policies and procedures that were in place as to how to investigate sexual assault

cases involving minors were removed. As Chief County Detective, William Weber, was in a position to interfere and to bury the investigation of the sexual assault of a minor during the Williamsport Area High School baseball trip to Myrtle Beach in 2018 which came to light as a direct result of the reporting done by Plaintiff Todd Bartley.

7. William Weber is a key witness in the case currently before the federal court. As such, it is clear that Judge Linhardt will most likely be listed as a fact witness for the trial of this case.

8. Since Judge Linhardt will be listed as a fact witness by the Plaintiff in the federal case, he may not preside over the above-captioned case as the underlying reason that the Defendants tortiously interfered with contracts were the facts involved in the case currently pending before the federal court.

9. The party seeking to have a judge recused or disqualified is required to raise the objection at the earliest possible moment or the party will suffer the consequences of being time barred. *Lomas v. Kravitz*, 130 A.3d 107, 120 (Pa. Super. 2015), quoting *In re Lokuta*, 608 Pa. 223, 11 A.3d 437 (2011).

10. The Preliminary Objections filed by all Defendants is the earliest possible moment in this case.

11. The party that asserts that a trial judge must be disqualified must produce evidence that bias, prejudice or unfairness which raises a substantial doubt as to the judge's ability to preside impartially. *Arnold v. Arnold*, 847 A.2d 674, 680 (Pa. Super. 2004). Even if the judge decides that he can be impartial, he must then decide whether his continued involvement in a case creates an appearance of impropriety and/or would tend to undermine the public confidence in the judiciary. *Lomas v. Kravitz*, 130 A.3d 107, 120 (Pa. Super. 2015).

12. It is clear that Judge Linhardt must not preside over this case as he is a witness in a case which came to light as a result of reporting done by Plaintiff Todd Bartley. The subsequent investigation and filing of the lawsuit in which Judge Linhardt will be a witness involves decisions made by Judge Linhardt and an individual under his direct supervision while he was Lycoming County District Attorney.

13. Further, Judge Linhardt's role as a witness in the underlying federal lawsuit and the fact that his actions during his tenure as Lycoming County District Attorney may result in the refiling of a federal lawsuit against Lycoming County puts the entire Lycoming County Court of Common Pleas in a situation in which, at the very least, appear to undermine the integrity of a fair and impartial handling of this matter by the Lycoming County judiciary.

WHEREFORE, Plaintiffs request this Honorable Court to recuse itself from this matter and that the Honorable President Judge Nancy L. Butts request that AOPC assign a judge from outside of Lycoming County to preside over this matter.

Respectfully submitted,
STAPP LAW, LLC




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	:	
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DARRICK DIXON,	:	
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CERTIFICATE OF COMPLIANCE

I certify 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.

Signature:  _____
 Gregory Stapp, Esquire
 Attorney No.: 78247

VERIFICATION

I, Jane Doe, hereby state and aver that I have read the foregoing document which has been drafted by my counsel. The factual statements contained therein are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Jane Doe

Jane Doe

VERIFICATION


I, John Doe, hereby state and aver that I have read the foregoing document which has been drafted by my counsel. The factual statements contained therein are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

John Doe

John Doe

VERIFICATION

I, Todd Bartley, hereby state and aver that I have read the foregoing document which has been drafted by my counsel. The factual statements contained therein are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



Todd Bartley

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DARRICK DIXON,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

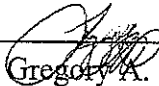
I, Gregory A. Stapp, Esquire, hereby certify that a true and correct copy of the foregoing Plaintiffs’ Motion to Recuse was served upon the following parties via email and Lycoming County Courthouse Mail:

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Dated: 9-5-24



 Gregory A. Stapp, Esquire
 Attorney for Plaintiffs