

# Rule To Show Cause DISCLOSURE

Joseph Pilchesky,

Plaintiff,

v.

Judy Gatelli, as President of Scranton City  
Council; as Councilwoman; and, in her  
Individual capacity,

Defendant,

v.

Joanne Pilchesky, John Doe, a/k/a 1 Musketeer,  
John Doe, a/k/a 3blindrats, John Doe, a/k/a 666,  
John Doe, a/k/a 1935, John Doe, a/k/a A man named  
Jed, Jane Doe, a/k/a abbey, John Doe, a/k/a Adam,  
John Doe, a/k/a Anti oppression, John Doe, a/k/a  
Antisystemicmovements, John Doe, a/k/a aquamg,  
John Doe, a/k/a atty skeletor, John Doe, a/k/a baron,  
John Doe, a/k/a bigdaddy, John Doe, a/k/a Black  
helicopters, John Doe, a/k/a Black Lung, John Doe,  
a/k/a BoobyMcGoof, Jane Doe, a/k/a bo peep,  
John Doe, a/k/a Brainwashed, John Doe, a/k/a Chris,  
John Doe, a/k/a City Haul, John Doe, a/k/a clarks  
summit luv nest, John Doe, a/k/a commoner,  
John Doe, a/k/a Council rat, John Doe, a/k/a Crazy  
Otto, John Doe, a/k/a Crony watcher, John Doe, a/k/a  
cyberlion, John Doe, a/k/a DarthArt, John Doe, a/k/a  
DeerParkerLumber, John Doe, a/k/a Deleware,  
John Doe, a/k/a Dice Rolling 101, John Doe, a/k/a  
Don't fear government, John Doe, a/k/a Eye for an  
Eye, John Doe, a/k/a ezeddie, John Doe, a/k/a flower  
child, John Doe, a/k/a Freedom is not free, John Doe,  
a/k/a FRICKELLMOIE, Jane Doe,, a/k/a Gatellis  
blue dress, John Doe, a/k/a Gimme a break, Jane Doe,  
Granma, John Doe, a/k/a Hammer, John Doe, a/k/a  
Hitlers downfall, John Doe, a/k/a History writer,  
John Doe, a/k/a Intelligent thinker, John Doe, a/k/a  
insider, John Doe, a/k/a Irish Eyes are not Shining,  
John Doe, a/k/a Isnt that lovely, John Doe, a/k/a  
jimbu15, Jane Doe, a/k/a Judy, Jane Doe, a/k/a June  
Cleaver, John Doe, a/k/a JustTheFacts, Jane Doe,  
a/k/a Katie, John Doe, a/k/a Liberty is expensive,

: IN THE COURT OF COMMON  
: PLEAS OF LACKAWANNA  
: COUNTY, PA

:  
:  
:  
: CIVIL ACTION  
: No. 2007-CV-1838

Jane Doe, a/k/a Lipstick and lashes, John Doe, a/k/a :  
 Lobby cyst, John Doe, a/k/a methinks4myself, :  
 John Doe, a/k/a Milo Ferlicker, John Doe, a/k/a :  
 MistyMtTop, John Doe, a/k/a Money stalks, :  
 John Doe, a/k/a Moving Forward, John Doe, a/k/a :  
 Newsroom, Jane Doe, a/k/a newgirl, John Doe, a/k/a :  
 Nobody, John Doe, a/k/a NoRepresentation, :  
 Jane Doe, a/k/a NotADumbBlonde, Jane Doe, a/k/a :  
 Once upon a secretary, John Doe, a/k/a Paul, :  
 John Doe, a/k/a peewee, John Doe, a/k/a phoenix, :  
 John Doe, a/k/a Pilcheskytics, John Doe, a/k/a :  
 Logic, John Doe, a/k/a Political sex, John Doe, a/k/a :  
 powertothepeople, John Doe, a/k/a Sacred Heart of :  
 Elvis, Jane Doe, a/k/a Scranton Girl, Jane Doe, a/k/a :  
 Stacy, John Doe, a/k/a The Judge, John Doe, a/k/a :  
 The Mole, Jane Doe, a/k/a themom, John Doe, a/k/a :  
 The next generation, John Doe, a/k/a Traditional :  
 apathy, John Doe, a/k/a TwistedBrother, John Doe, :  
 a/k/a Unionman, John Doe, a/k/a watch and ward, :  
 John Doe, a/k/a/ Waterfalls, John Doe, a/k/a We are :  
 so screwed, John Doe, a/k/a wildabeast, John Doe, :  
 a/k/a Wolf pack, Jane Doe, a/k/a Working woman, :  
 John Doe, a/k/a XraYspX, John Doe One, John Doe :  
 Two, John Doe Three, John Doe Four, John Doe :  
 Five, John Doe Six, John Doe Seven, John Doe :  
 Eight, John Doe Nine, and John Doe Ten, :

Additional Defendants. :

**RULE TO SHOW CAUSE**

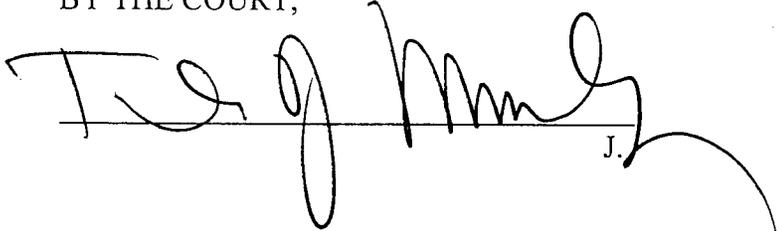
AND NOW this 24<sup>th</sup> day of May, 2007, a Rule is hereby issued upon Respondents, Joseph Pilchesky and Additional Defendant Joanne Pilchesky "Respondents") to show cause, if any they can, why the relief requested in the attached Petition to Compel Disclosure of the Identities of Additional Defendants and Petition to Prevent Respondents from Altering or Destroying Relevant Information should not be granted.

This Rule is returnable the 15<sup>th</sup> day of June, 2007, at 4:00 PM,  
June 14<sup>th</sup> at 11:00 AM.  
 \_\_\_\_m. in Courtroom No. \_\_\_\_ for hearing and/or oral argument. Respondents' answer to the  
w/ Judge Mazzoni

foregoing Petition shall be filed and delivered to all counsel of record on or before 4:00 p.m on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Pending further Order of this Court, Respondents are precluded from deleting, purging or otherwise disposing of any documents, including e-mails and postings on Dohertydeceit.com and any and all other documents or information concerning Judy Gatelli. Further, Respondents are precluded from deleting, purging or otherwise disposing of any information concerning the identities of Respondents or any information, electronic or otherwise that relates to the claims at issue in this civil action.

BY THE COURT,



J.

Joseph Pilchesky,

Plaintiff,

v.

Judy Gatelli, as President of Scranton City Council; as Councilwoman; and, in her Individual capacity,

Defendant,

v.

Joanne Pilchesky, John Doe, a/k/a 1 Musketeer, John Doe, a/k/a 3blindrats, John Doe, a/k/a 666, John Doe, a/k/a 1935, John Doe, a/k/a A man named Jed, Jane Doe, a/k/a abbey, John Doe, a/k/a Adam, John Doe, a/k/a Anti oppression, John Doe, a/k/a Antisystemicmovements, John Doe, a/k/a aquamg, John Doe, a/k/a atty skeletor, John Doe, a/k/a baron, John Doe, a/k/a bigdaddy, John Doe, a/k/a Black helicopters, John Doe, a/k/a Black Lung, John Doe, a/k/a BoobyMcGoof, Jane Doe, a/k/a bo peep, John Doe, a/k/a Brainwashed, John Doe, a/k/a Chris, John Doe, a/k/a City Haul, John Doe, a/k/a clarks summit luv nest, John Doe, a/k/a commoner, John Doe, a/k/a Council rat, John Doe, a/k/a Crazy Otto, John Doe, a/k/a Crony watcher, John Doe, a/k/a cyberlion, John Doe, a/k/a DarthArt, John Doe, a/k/a DeerParkerLumber, John Doe, a/k/a Deleware, John Doe, a/k/a Dice Rolling 101, John Doe, a/k/a Don't fear government, John Doe, a/k/a Eye for an Eye, John Doe, a/k/a ezeddie, John Doe, a/k/a flower child, John Doe, a/k/a Freedom is not free, John Doe, a/k/a FRICKELLMOIE, Jane Doe., a/k/a Gatellis blue dress, John Doe, a/k/a Gimme a break, Jane Doe, Granma, John Doe, a/k/a Hammer, John Doe, a/k/a Hitlers downfall, John Doe, a/k/a History writer, John Doe, a/k/a Intelligent thinker, John Doe, a/k/a insider, John Doe, a/k/a Irish Eyes are not Shining, John Doe, a/k/a Isnt that lovely, John Doe, a/k/a jimbu15, Jane Doe, a/k/a Judy, Jane Doe, a/k/a June Cleaver, John Doe, a/k/a JustTheFacts, Jane Doe, a/k/a Katie, John Doe, a/k/a Liberty is expensive,

: IN THE COURT OF COMMON  
: PLEAS OF LACKAWANNA  
: COUNTY, PA

:  
:  
:  
: CIVIL ACTION  
: No. 2007-CV-1838

Jane Doe, a/k/a Lipstick and lashes, John Doe, a/k/a :  
 Lobby cyst, John Doe, a/k/a methinks4myself, :  
 John Doe, a/k/a Milo Ferlicker, John Doe, a/k/a :  
 MistyMtTop, John Doe, a/k/a Money stalks, :  
 John Doe, a/k/a Moving Forward, John Doe, a/k/a :  
 Newsroom, Jane Doe, a/k/a newgirl, John Doe, a/k/a :  
 Nobody, John Doe, a/k/a NoRepresentation, :  
 Jane Doe, a/k/a NotADumbBlonde, Jane Doe, a/k/a :  
 Once upon a secretary, John Doe, a/k/a Paul, :  
 John Doe, a/k/a peewee, John Doe, a/k/a phoenix, :  
 John Doe, a/k/a Pilcheskytics, John Doe, a/k/a :  
 Logic, John Doe, a/k/a Political sex, John Doe, a/k/a :  
 powertothepeople, John Doe, a/k/a Sacred Heart of :  
 Elvis, Jane Doe, a/k/a Scranton Girl, Jane Doe, a/k/a :  
 Stacy, John Doe, a/k/a The Judge, John Doe, a/k/a :  
 The Mole, Jane Doe, a/k/a themom, John Doe, a/k/a :  
 The next generation, John Doe, a/k/a Traditional :  
 apathy, John Doe, a/k/a TwistedBrother, John Doe, :  
 a/k/a Unionman, John Doe, a/k/a watch and ward, :  
 John Doe, a/k/a/ Waterfalls, John Doe, a/k/a We are :  
 so screwed, John Doe, a/k/a wildabeast, John Doe, :  
 a/k/a Wolf pack, Jane Doe, a/k/a Working woman, :  
 John Doe, a/k/a XraYspX, John Doe One, John Doe :  
 Two, John Doe Three, John Doe Four, John Doe :  
 Five, John Doe Six, John Doe Seven, John Doe :  
 Eight, John Doe Nine, and John Doe Ten, :

Additional Defendants. :

PETITIONER JUDY GATELLI'S PETITION TO COMPEL DISCLOSURE OF THE  
 IDENTITY OF ADDITIONAL DEFENDANTS AND PETITION TO PREVENT PILCHESKY  
 AND ADDITIONAL DEFENDANT JOANNE PILCHESKY FROM DESTROYING  
INFORMATION RELEVANT TO THIS ACTION

Petitioner, Judy Gatelli ("Gatelli"), by her undersigned counsel, respectfully petitions this Court to enter an Order compelling Joseph Pilchesky ("Pilchesky") to disclose the identity of the above-referenced Additional Defendants ("Additional Defendants"), and preventing Pilchesky and Additional Defendant Joanne Pilchesky from altering, manipulating, purging or otherwise destroying information relevant to the above-captioned action. In support of her Petition, Gatelli demonstrates as follows:

## FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Pilchesky operates and maintains a website and message board known as www.Dohertydeceit.com ("Dohertydeceit.com"). Additional Defendant Joanne Pilchesky assists him in the operation of Dohertydeceit.com. Initially, Pilchesky operated Dohertydeceit.com to oppose the Administration of Scranton Mayor Christopher Doherty. Since then, Pilchesky and his followers, including the Additional Defendants herein, have expanded their efforts to attack many other public and private persons, including Gatelli. Pilchesky, a convicted felon, with the assistance of his wife, Additional Defendant Joanne Pilchesky, operates Dohertydeceit.com to promote a political agenda based, in large part, on mean-spirited, reckless and, often, knowingly false personal attacks against public officials. Pilchesky does so in a contrived effort to substitute his will and personal agenda for that of the duly elected officials in the City of Scranton and the County of Lackawanna. In that regard, and for that purpose, Pilchesky and Additional Defendants have used the Dohertydeceit.com website and message board to, inter alia, publish, with malice, scandalous, impertinent and often defamatory allegations against Gatelli, the President of the Scranton City Council.

Additional Defendants regularly post or otherwise publish defamatory statements about Gatelli on Dohertydeceit.com to purposefully malign Gatelli and otherwise disparage her in the eyes of the public. Gatelli has been the target of a campaign of harassment and intimidation coordinated by Pilchesky and the Additional Defendants. This abusive, malicious and contrived misconduct is designed to force Gatelli from office or have her capitulate to Pilchesky's and the Additional Defendants' skewed and misguided political agenda. This campaign of harassment and intimidation against Gatelli has included threatening phone messages and profanity-laced

emails similar to the vicious and contrived rantings published on Dohertydeceit.com. Gatelli has and continues to feel threatened by said harassment and intimidation, and has publicly voiced her concerns over same.

In an effort to quiet Gatelli's opposition to Pilchesky's campaign of harassment and intimidation, Pilchesky filed a complaint against Gatelli at Civil Action No. 2007 CV 1838 alleging defamation, retaliation and harassment ("Complaint"). In response, Gatelli filed an Answer, New Matter and Counterclaims ("Answer, New Matter and Counterclaims") to the Complaint against Pilchesky. Moreover, in an effort to remedy the entire campaign of harassment and intimidation which has been viciously waged against her, Gatelli filed a Joinder Complaint against the Additional Defendants ("Joinder Complaint"). Gatelli has no knowledge or information concerning the identity of the Additional Defendants with the exception of Joanne Pilchesky, and was forced to identify the Additional Defendants in the Joinder Complaint by their screen-names. Consequently, Gatelli cannot identify the culpable parties and ultimately recover under her viable causes of action.

In light of the foregoing, Gatelli has filed the instant Petition compelling this Court to order the disclosure of the identities of Additional Defendants and further prevent Pilchesky and Additional Defendant Joanne Pilchesky from altering, manipulating, purging or otherwise destroying information relevant to the above-captioned action.

PETITION TO COMPEL DISCLOSURE OF THE  
IDENTITY OF ADDITIONAL DEFENDANTS

1. The right to communicate anonymously on the internet is not absolute, and is subject to limitations.
2. Anonymous speech on the internet is not unconditionally protected. In fact, information concerning the identity of an internet poster must be produced where the

complaining party: a) satisfactorily states a cognizable claim under Pennsylvania law entitling her to some form of civil or criminal redress for the actionable speech of the unknown declarants; b) demonstrates the identifying information is directly related to her claim and fundamentally necessary to secure relief; c) is seeking the requested information in good faith and not for some improper purpose; and d) is unable to discover the identity of the anonymous speakers by alternative means. Michelle Polito v. AOL Time Warner, Inc., 2004 Pa. Dist. & Cnty. Dec. LEXIS 340 (2004).

3. Gatelli is entitled to the information concerning the identities of the Additional Defendants.

4. Gatelli has set forth viable claims for defamation, civil conspiracy, intentional infliction of emotional distress and abuse of process against Pilchesky in Civil Action No. 1838. See, the Answer, New Matter and Counterclaims, a true and correct copy of which is attached hereto as Exhibit "A." Additionally, Gatelli has set forth viable claims for defamation, civil conspiracy and intentional infliction of emotional distress against the Additional Defendants. See, the Joinder Complaint, a true and correct copy of which is attached hereto as Exhibit "B."

5. The requested information is relevant to Gatelli's claims and necessary for her to proceed forward with said claims because in order for the civil action to be timely commenced and initial process to be served, Gatelli must determine the identities of the culpable John Doe and Jane Doe Defendants.

6. Gatelli is seeking this information in good faith and not for some improper purpose. In fact, Gatelli's primary motivation is to obtain the relief requested in her Answer, New Matter and Counterclaims, as well as her Joinder Complaint.

7. Gatelli has no readily available means to discover the identity of the Additional

Defendants from other sources.

8. Moreover, there is no compelling reason for Pilchesky to withhold the requested information from Gatelli. In fact, the Additional Defendants have no expectation of privacy or right to anonymity on Dohertydeceit.com. Before the Additional Defendants became subscribers to the website, they were provided with the following: "NOTICE TO ALL POSTERS" ("Notice") "as a poster here, you can be identified through your IP address. You will not be anonymous." (Emphasis Added). A true and correct copy of the Notice from Dohertydeceit.com is attached hereto as Exhibit "C." The Notice further provides that posters can be held responsible for the content of their postings and can be "vulnerable to defamation (libel) and other legal actions if they are not true. See, Exhibit "C."

9. When the Additional Defendants published their offensive posts on Dohertydeceit.com, they knew that they could be identified and further that they could be held legally responsible for their postings.

10. Consequently, Additional Defendants do not have a reasonable expectation of privacy. Therefore, Pilchesky cannot rely upon any privacy rights or anonymity rights of the Additional Defendants as a basis to withhold the requested information.

11. Accordingly, Gatelli has satisfied the criteria entitling her to an order compelling Pilchesky to divulge the identities of the Additional Defendants.

WHEREFORE, Petitioner, Judy Gatelli, respectfully requests that this Court enter an Order compelling Joseph Pilchesky to disclose the identity of the Additional Defendants.

PETITION TO PREVENT PILCHESKY AND ADDITIONAL DEFENDANT JOANNE PILCHESKY FROM DESTROYING INFORMATION RELEVANT TO THIS ACTION

12. A party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or

defense of the party seeking discovery or to the claim or defense of any other party. Pa.R.C.P. 4003.1.

13. Gatelli is entitled to obtain any and all relevant information in defending against Pilchesky the Complaint and pursuing claims against Pilchesky and the Additional Defendants.

14. Gatelli intends to request through the ordinary course of discovery any and all documents or other communications relevant to the claims set forth in Pilchesky's Complaint, Gatelli's Answer, New Matter and Counterclaims, and Gatelli's Joinder Complaint. In fact, on this date, Gatelli will serve Pilchesky with a comprehensive set of interrogatories pursuant to Pa. R.Civ.P. 4005, a request for production of documents pursuant to Pa. R.Civ.P. 4009.11 and a request to enter property for inspection and other activities pursuant to Pa. R.Civ.P 4009.31.

15. Gatelli cannot, however, trust that Pilchesky, a convicted felon who is admittedly in the "business of killing political careers," will not destroy information extremely relevant to the claims and defenses of the parties to these actions. As the "Administrator" of the Dohertydeceit.com website, Pilchesky is in possession of information, both electronic and paper, which is highly relevant to the claims at issue in this action. In fact, Pilchesky has publicly stated on his website that he is in possession of such information.

16. In addition to the offensive and highly relevant posts on Dohertydeceit.com, Pilchesky, upon information and belief based in part on his postings, is in possession of unpublished private messages exchanged with, inter alia, the Additional Defendants and various email exchanges with numerous Additional Defendants and other third persons regarding the matters at issue in this action. Pilchesky is the only known source for such information.

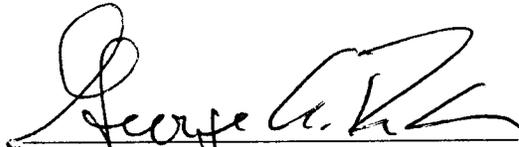
17. In this regard, Additional Defendant Joanne Pilchesky is Pilchesky's wife and assists in the administration of Dohertydeceit.com. Additional Defendant Joanne Pilchesky also

has access to the highly relevant information. Currently, there are no safeguards to protect this information.

18. Consequently, Gatelli requests court intervention in an effort to prevent Pilchesky and Additional Defendant Joanne Pilchesky from removing, altering, manipulating, purging or otherwise destroying information extremely relevant to her claims and defenses.

WHEREFORE, Petitioner, Judy Gatelli, respectfully requests that this Court enter an Order preventing Pilchesky and Additional Defendant Joanne Pilchesky from altering, manipulating, purging or otherwise destroying information or documents relevant to these actions.

Respectfully submitted,



George A. Reihner  
Pa. I.D. No. 48419  
Molly Dempsey Clark  
Pa. I.D. No. 89367  
**WRIGHT & REIHNER, P.C.**  
148 Adams Avenue  
Scranton, Pennsylvania 18503  
(570) 961-1166  
(570) 961-1199 - fax

DATED: May 24, 2007

*No verification*

**CERTIFICATE OF SERVICE**

I, GEORGE A. REIHNER, hereby certify that on this day a true and correct copy of the foregoing Petition was served upon counsel of record by hand delivery, postage prepaid as follows:

Joseph Pilchesky  
819 Sunset Street  
Scranton, PA 18509

Joanne Pilchesky  
819 Sunset Street  
Scranton, PA 18509

  
George A. Reihner

Dated: May 24, 2007