

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
SEPTEMBER 2019	004261
E-Filing Number: 1910004001	

PLAINTIFF'S NAME HON. DAYLIN LEACH	DEFENDANT'S NAME THE PHILADELPHIA INQUIRER, PBC
---------------------------------------	--

PLAINTIFF'S ADDRESS 601 SOUTH HENDERSON ROAD KING OF PRUSSIA PA 19406	DEFENDANT'S ADDRESS 801 MARKET STREET STE 300 PHILADELPHIA PA 19107
---	---

PLAINTIFF'S NAME	DEFENDANT'S NAME ANGELA COULOUMBIS
------------------	---------------------------------------

PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 801 MARKET STREET STE 300 PHILADELPHIA PA 19107
---------------------	---

PLAINTIFF'S NAME	DEFENDANT'S NAME
------------------	------------------

PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
---------------------	---------------------

TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
---------------------------------	---------------------------------	---

AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____
--	--

CASE TYPE AND CODE 2L - LIBEL, SLANDER, MISREPRESENT

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	<p style="text-align: center;">FILED PRO PROTHY OCT 02 2019 M. BRYANT</p>	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
--	--	---

TO THE PROTHONOTARY:
Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: HON. DAYLIN LEACH
Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JOSEPH R. PODRAZA	ADDRESS ONE SOUTH BROAD STREET SUITE 1500 PHILADELPHIA PA 19107
PHONE NUMBER (215) 609-3170	FAX NUMBER (610) 692-0877

SUPREME COURT IDENTIFICATION NO. 53612	E-MAIL ADDRESS jpodraza@lambmcerlane.com
---	---

SIGNATURE OF FILING ATTORNEY OR PARTY JOSEPH PODRAZA	DATE SUBMITTED Wednesday, October 02, 2019, 09:33 am
---	---

**Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197**

pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

**Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197**

LAMB MCERLANE PC
Joseph R. Podraza, Jr., Esquire (I.D. # 53612)
William H. Trask, Esquire (I.D. # 318229)
1 South Broad Street, Suite 1500
Philadelphia, PA 19107
(215) 609-3170

Attorneys for Plaintiff

HONORABLE DAYLIN LEACH, 601 South Henderson Road King of Prussia, PA 19406,	:	IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY
	:	
<i>Plaintiff,</i>	:	CIVIL ACTION
	:	
v.	:	Term:
	:	
THE PHILADELPHIA INQUIRER, PBC, 801 Market Street, Suite 300 Philadelphia, PA 19107,	:	No.
	:	
-and-	:	
	:	
ANGELA COULOUMBIS, 801 Market Street, Suite 300 Philadelphia, PA 19107,	:	
<i>Defendants.</i>	:	
	:	

COMPLAINT

Plaintiff, the Honorable Daylin B. Leach, by and through his undersigned counsel, files this complaint sounding in defamation, in the Court of Common Pleas of Philadelphia County, of which the following is a statement:

I. INTRODUCTION

Although it has long been clear that Angela Couloumbis and the Philadelphia Inquirer bore an allegiance to interests opposed to the continued service of Daylin Leach in the Pennsylvania Senate, the dishonest lengths to which these Defendants have gone to influence the Senator's removal from office has only recently come into sharper focus. After Defendants' publication in late 2017 of one of many of their articles critical of the Senator, the substance of

which was later debunked by an independent investigation, Couloumbis was contacted by Cara Taylor, an individual claiming to have been victimized by Senator Leach more than 25 years earlier. Couloumbis and her associates at the Inquirer thereafter embarked on a months-long investigation into Taylor's allegations of sexual misconduct against Senator Leach. During the course of the investigation, Couloumbis and the Inquirer determined that while some of Taylor's accusations merely strained credulity, others were just plain false. As a result of these determinations and other discoveries, including Taylor's prior perjury conviction in 1993, inconsistencies over the years between her various accounts of contact with Senator Leach, and the physical and temporal impossibilities of some of her claims, Couloumbis' editors refused to print Taylor's account, because knowingly or recklessly disregarding the lies and other false facts uncovered in the investigation that established the falsity of Taylor's entire story would rightfully have exposed the paper to liability for defamation. Couloumbis, however, remained undeterred by the truth.

Once notified of her supervisor's decision not to publish Taylor's false claims against Leach, and under false pretenses, Couloumbis conspired with Taylor to stage the circumstances upon which Taylor's false claims against Leach could otherwise be reported. To this end, per Couloumbis' prodding, Taylor prepared to seek a pardon for her 1993 perjury conviction (a pardon she never wanted) and completed a sham private criminal complaint to stage the official setting in which Taylor could publicly make her false charges against Leach and about which Couloumbis could later report. Couloumbis even volunteered to circulate Taylor's "private criminal complaint," which falsely accused Leach of heinous crimes, to each of Leach's Senate colleagues. Eventually, as Couloumbis and Taylor alternatively planned, Taylor distributed copies of her unsigned "Private Criminal Complaint" to members of the Pennsylvania Senate per

Couloumbis' urging in early 2019, and the Inquirer and Couloumbis exploited this staged, false pretense to finally publish Taylor's false accusations against Leach on January 24 and 25, 2019. True and correct copies of the January 24 and 25, 2019 articles are attached hereto as Exhibits "A" and "B," respectively. But nowhere in those or any subsequent articles did the Defendants disclose the false facts, inconsistencies or other concerning material about Taylor and her story, all of which Defendants' possessed pre-publication and had served as the basis for why Defendants earlier refused to report on Taylor's false claims, and which information certainly would have tempered how the public evaluated those claims. Moreover, Defendants deliberately withheld from their readers their direct role in staging the story about which they were then reporting.

Unaware of the Defendants' involvement, Leach sued Taylor and two others for fabricating and embellishing the false accusations the Inquirer eventually published. Nervous at the prospect of turning over documents and other materials implicating the Inquirer in its scheme with Taylor and others, and hoping to persuade the Court to sustain the accusers' pending, groundless preliminary objections to Senator Leach's underlying action against Taylor and her cohort, and to avoid discovery, the Inquirer published on May 24, 2019 an article falsely accusing Senator Leach of terrorizing Taylor and her co-defendants with a frivolous lawsuit, despite that the Defendants knew the accusers' allegations were false and the Senator's suit had merit. Put simply, rather than reporting the news objectively, Couloumbis and the Inquirer helped stage the widespread dissemination of false information against Senator Leach to advance their own subjective biases, to increase the paper's sales and profits and, later, to cover their tracks.

Clouded by the desire to drive Senator Leach from office by any means necessary, Couloumbis and the Inquirer exploited the trust of their readers by staging the release of knowingly false and defamatory stories under the guise of a “fair report” and have gone to extraordinary lengths to conceal their own involvement therein in violation of the central tenants of ethical journalism. It is past time that the Inquirer and Couloumbis are finally held to the standards of their own profession and that their staged smear campaign against Senator Leach comes to an end. For this reason, and to hold the Defendants accountable for the substantial harm they have deliberately inflicted on the Plaintiff’s reputation, Plaintiff Daylin Leach files this action for defamation.

II. PARTIES

1. The Plaintiff, Daylin B. Leach, is an adult individual who maintains an address at 601 South Henderson Road, Suite 208, King of Prussia, Pennsylvania, and is, and at all times relevant has been, a duly elected member of the Pennsylvania Senate, and has served continuously in the Pennsylvania legislature since December of 2002.

2. Defendant, The Philadelphia Inquirer, PBC (“Inquirer”) is a daily newspaper of general circulation, including in the Philadelphia and Southeastern Pennsylvania region, with its principle business address located at 801 Market Street, Philadelphia County, Pennsylvania.

3. Defendant, Angela Couloumbis (“Couloumbis”), is an adult individual residing upon information and belief in Harrisburg, Dauphin County, Pennsylvania, and maintaining a business address at 801 Market Street, Philadelphia County, Pennsylvania.

4. At all times relevant hereto, Defendant Couloumbis was a full-time reporter for the Defendant Inquirer, and was acting within the course and scope of her duties as its agent, servant, and/or employee.

5. The Inquirer is circulated in Philadelphia County, and readers who know or know of Senator Leach read the articles in question and have lower opinions of Leach and his reputation as a result of reading the Defendants' defamatory articles.

III. FACTUAL BACKGROUND

6. Writing in October 2017 for the Inquirer's sister publication, the Pittsburgh Post-Gazette, Couloumbis described her frustration with, and need to reform, a culture of harassment at the Pennsylvania State Capitol that "normalize[ed gender] disparity and promot[ed] a boys-club atmosphere that, consciously or not, relegates women and their concerns to secondary status," giving personal examples of inappropriate sexualized conduct she claimed to have suffered at the hands of unnamed state legislators. A copy of this October 2017 publication is attached as Exhibit "C."

7. With her agenda thus established, and with Senator Leach actively exploring a possible run for the United States Congress as a Democratic candidate, Couloumbis followed her October 2017 column with a salacious, front-page attack on Senator Leach on December 17, 2017, citing claimed instances of sexual misconduct, inappropriate touching and lewd behavior toward his staff and others.

8. These allegations in Couloumbis' December 17, 2017 article would later be debunked in September 2019 by independent investigators appointed by the Senate Democratic Caucus who found, after a lengthy investigation that included interviews with each of Couloumbis' alleged sources, there was "*[n]o evidence of actionable discrimination or harassment in violation of law or caucus policy.*" A true and correct copy of the September 18, 2019 Report of Eckert Seamans Cherin & Mellott, LLC for the Senate Democratic Caucus is attached hereto as Exhibit "D."

9. Notably, the Caucus investigation confirmed that Couloumbis exaggerated and gratuitously sexualized otherwise benign interactions to support her baseless attack on Senator Leach, as one source after another during their interviews with investigators disclaimed ever having any unwanted sexual contact with Senator Leach. *See, id* (concluding that Senator Leach never “touched [a staff member’s] butt” or “grabbed [a staff member’s] thigh...with cruel irony” as Couloumbis described, and that none of the contact Couloumbis characterized as salacious in her article was perceived as sexual in any way by any of Couloumbis’ alleged sources.)

10. Nevertheless, immediately following publication of her December 2017 attack on Senator Leach, and before the contents thereof were discredited by independent investigators, Couloumbis was apparently contacted by Cara Taylor (“Taylor”), who claimed to have been victimized by Senator Leach many years earlier in 1991, well before Senator Leach became a public official and during his legal representation as a private attorney of Taylor’s mother on charges of attempted murder. Taylor also accused Leach of encouraging her to commit perjury when Taylor testified at her mother’s criminal trial in 1992.

11. Thus, in December 2017, Defendants began a months-long relationship with Taylor and intensive investigation into Taylor’s incredible allegations against Senator Leach.

12. Over the course of many conversations with Taylor, occurring in person, over the phone, by text and by email, and after reviewing publicly available court records and other non-public documents provided to Couloumbis by Taylor, serious reservations about the truth of Taylor’s account surfaced that ultimately caused the Inquirer to refuse Couloumbis’ request for the paper to publish Taylor’s claims against Senator Leach out of the paper’s legitimate concerns for defamation liability.

13. Among the issues brought to the attention of Couloumbis and the Inquirer through their contacts with Taylor in early 2018 were that Taylor, a convicted perjurer, gave a shifting and inconsistent account of the alleged sexualized conduct by Senator Leach, which during the course of the Defendants' investigation evolved into a consensual encounter and later back to a more serious allegation that Leach forced Taylor into the performance of oral sex, which latter version Defendants ultimately published.

14. Indeed, during her investigation Couloumbis obtained a copy of an earlier fabricated account, this one submitted by Taylor to the Pennsylvania Disciplinary Board in 1993 in support of a disciplinary complaint filed by her mother against Senator Leach, in which Taylor described having a year-long, romantic affair with Senator Leach. A copy of Taylor's fabricated statement to the Pennsylvania Disciplinary Board is attached as Exhibit "E."

15. In her 1993 statement, Taylor writes of having numerous "lunches and dinners" with Senator Leach and "all kinds of sex" at his apartment and office, after which Taylor, during "pillow talk" with Senator Leach on at least one occasion, shared her idea to take the blame for her mother's crime. Ex. "E."

16. Citing the existence but not the substance of this 1993 complaint, Couloumbis would later write in her January 25, 2019 article that Taylor's mother had "raised the assault claim in a 1993 complaint filed with the state disciplinary board for attorneys," a categorically false statement according to the 1993 complaint Couloumbis cites in support, which describes a romantic affair and makes no mention of anything resembling an assault allegation. Ex. "B."

17. Similarly, Taylor's allegation that Senator Leach was involved with her decision to give false testimony at her mother's criminal trial in 1992 changed over the same time period, and has been described inconsistently by Taylor as her idea alone, her idea in combination with

her mother, and as Senator Leach's nefarious, long-term plan to discredit any claim Taylor might make against him in the future.

18. As Couloumbis and the Inquirer became aware from the public documents they uncovered and shared with Taylor, Taylor never suggested in 1992 or 1993 after being charged with felony perjury for knowingly providing false testimony at her mother's 1992 trial that Senator Leach played any part in her decision to commit perjury or even that he knew at the time of trial that Taylor's testimony was not truthful.

19. Prior to publication of the January 24 and 25, 2019 articles (Exs. "A" and "B," respectively), Couloumbis and the Inquirer were aware that Taylor's mother—whom Taylor has publicly acknowledged was prone to embellishing the truth in service of her own self-interest—included in her 1997 post-conviction appeal a reference to Leach "pressing" Taylor "for sex," but this vague and outrageous allegation was later withdrawn on the basis that Taylor was not worthy of belief and would not risk exposure to a second perjury conviction if she was required to testify under oath to this claim at her mother's post-conviction hearing in 1999.

20. In addition, before publishing their January 2019 articles, Couloumbis and the Inquirer knew the timing of the events alleged by Taylor against Senator Leach was simply impossible.

21. For example, in the most recent version of Taylor's story—the version upon which the Defendants' articles are based—Taylor has accused Senator Leach of demanding that she become pregnant as an excuse to obtain a continuance of her mother's March 1992 trial date, despite that Taylor was already pregnant weeks before Leach even became involved in the case and months before the court set a date for trial.

22. Prior to publishing her January 2019 articles and while “investigating” Taylor’s claims against Senator Leach, Couloumbis contacted Senator Leach in February 2018 and explained that Taylor, in discussions with the Defendants, had most recently described her encounter with Leach as consensual and had admitted that Leach neither encouraged Taylor to lie at her mother’s trial nor knew at the time that Taylor’s confession was untruthful.

23. During this same February 2018 discussion, Defendants shared with Leach, among other things, some of the minor factual embellishments with which Taylor had flavored her story in discussions with the Inquirer, including that the alleged encounter occurred in the Plaintiff’s apartment, which contained a tall piece of exercise equipment in the bedroom and a black leather sofa in the living room where a swimming pool could be seen from the window.

24. Within days of the contact between Couloumbis and Senator Leach in February 2018, Senator Leach provided Couloumbis with conclusive photographic and other evidence that proved Taylor’s various above assertions were false. Couloumbis initially expressed disinterest in receiving Senator Leach’s proof of Taylor’s lies and accepted it only at the Senator’s insistence.

25. With only the porous, discredited and inconsistent statements of a convicted perjurer, replete with numerous provably false—and in some cases impossible—allegations, editors at the Inquirer told Couloumbis in mid-2018 that the Inquirer would not print Taylor’s incredible accusations against Senator Leach.

26. Ignoring the overwhelming evidence in her possession which established that Taylor’s stories against Senator Leach were false—indeed knowing at best all but one of Taylor’s inconsistent accounts *necessarily had to be false*—and determined to publish and widely disseminate Taylor’s false and defamatory accusations against Senator Leach over her

editors' objections, Couloumbis pressed Taylor to present her false claims to a governmental authority. Couloumbis believed she could circumvent the paper's refusal to directly print Taylor's false claims against Senator Leach by indirectly reporting about them when reporting on a governmental proceeding in which these false claims were raised.

27. By indirectly reporting on these false claims under such circumstances, Defendants believed they could escape liability to Senator Leach for their false and defamatory publication by invoking the Fair Report privilege even though the "fair report" arose from a sham proceeding defendants and Taylor conspired to initiate.

28. Although Senator Leach could not appreciate the significance at the time, Defendant Couloumbis actually previewed this strategy during their February 2018 discussion, asking whether the Senator agreed that, even if the accusations were false, if Taylor were to repeat them at a press conference or in a public complaint or proceeding, the Inquirer would be free to report them.

29. Thus, Defendants pressed Taylor to promote her false claims against Senator Leach in several ways for the purpose of triggering some reportable event. For example, beginning in 2018 and continuing into 2019, Couloumbis encouraged Taylor to approach Democratic Senate Leadership with her false accusations against Senator Leach to demand action against him, for in Couloumbis' view, such action would also trigger the Fair Report privilege and allow the Defendants to publish Taylor's false story. *See, e.g.*, Exhibit "F," selected entries from a social media message thread referring, *inter alia*, to the Defendants' staging efforts, p. CK0000717 at 1/14/19, 2:48 PM ("**Angela Couloumbis had the idea to 'go to Democratic Leadership'**").

30. Couloumbis also urged Taylor to apply for a pardon of her 1993 perjury conviction and to use the pardon proceedings to falsely accuse Leach of crimes, which accusations Couloumbis believed she could then publish under the guise of a fair report.

31. The purpose of the collaboration between Taylor and Couloumbis was undeniably to stage a governmental forum the Defendants could exploit in order to publish false accusations against Senator Leach. As Taylor herself has explained:

- a. As soon as I file for a pardon....Angela says it's a legal document that is public record and she can use that to report the story (Ex. "F," CK0000596 at 1/17/19, 2:02 AM);
- b. There is NO way to answer the pardon application questions without involving [Senator] Daylin [Leach]. The who[le] point of me filing that is for Angela's ability to print the story (*Id.*, CK0000596 at 1/17/19, 2:02 AM);
- c. It will be the board of pardons that decides yes or no, but the hearing is public, and I will talk about Daylin [Leach] and Angela will be there, then it will go to the current Governor's desk (*Id.*, CK0000584 at 1/17/19, 3:15 AM);
- d. [Couloumbis] knew about my criminal complaint when I filed it, and despite her saying that a court document would get the story printed, she never even looked into it. (*Id.*, CK0000459 at 1/20/2019, 3:06 PM)
- e. And Angela said a public document would get the story published. She has known about [sic] since I did it and still NOTHING. She kept pushing me, too, for a copy of my pardon application (*Id.*, CK0000422 at 1/21/19, 4:07 PM) (emphasis in original).

32. Additional proof that Defendants were pressing Taylor to make a false report about Senator Leach to the authorities is found in a posting by Taylor in which she flatly states that her filing for a pardon was under false pretenses and for sham purposes: ***"FUCK THE PARDON. I was only doing that so Angela would have a public document to publish her story."*** (*Id.* at 1/25/19, 5:30 PM) (emphasis in original).

33. Meanwhile, the Defendants' pattern of mercilessly targeting Senator Leach continued unabated. Over the fifteen (15) months following publication of the December 2017 article, the Inquirer, often through Couloumbis herself, engaged in a malicious and deliberate targeting of Senator Leach, doing all it could to damage his reputation and stoke public pressure for his resignation from the Senate.

34. Examples of the Defendants' unceasing campaign to disparage Senator Leach include without limitation:

- a. Publishing at least forty-three (43) separate articles repeating, rehashing or alluding to the allegations printed in the December 2017 article, even when these allegations bore no relationship to the subject of the given story and were appropriately excised when published in the Inquirer's sister publication, the Pittsburgh Post-Gazette;
- b. Publishing a story about members of the Pennsylvania House of Representatives who had allegedly engaged in acts of sexual harassment resulting in the payment of monetary settlements by the State of Pennsylvania to the alleged victims and appending the article with a picture of Senator Leach, despite that Senator Leach had never been accused of sexual harassment, was not at the time of publication a member of the Pennsylvania House of Representatives, and the State of Pennsylvania never had to pay any settlement to any alleged victim of Senator Leach;
- c. Publishing a letter to the editor regarding Senator Leach with an accompanying panel of 6 photographs, apropos of nothing, depicting celebrities who are well known to have been accused of serious sexual misconduct, including Harvey Weinstein, Kevin Spacey, Matt Lauer and Charlie Rose, all of whom, unlike Senator Leach, have either admitted to or been convicted of varying degrees of egregious sexual misconduct;
- d. Publishing stories about legislation on a broad range of topics that Senator Leach sponsored or opposed that quoted the Senator, but withheld attribution to deny him any meaningful press coverage of his official acts by, for example, changing the preface to such quotes in a story from "Senator Daylin Leach said..." to "A Democrat said....;"
- e. Defendant Couloumbis repeatedly tweeted and re-tweeted posts of Senator Leach's detractors and political opponents, endorsing the baseless

view that he was somehow misbehaving or had failed to learn his lesson; and

- f. The Inquirer repeatedly referred to Senator Leach as facing allegations of “sexual harassment,” despite that there were no allegations against him that would constitute “sexual harassment.” While other media outlets willingly corrected similar mistakes as necessary, requests of the Inquirer for similar accuracy were routinely rejected.

35. Eventually, in late 2018, Couloumbis, as part of her ongoing scheme to exploit the Fair Report privilege, urged Taylor to prepare and file a private criminal complaint against Senator Leach, despite the fact that for even the fabricated sexual crime of which Taylor had falsely accused him, the statute of limitations had long since expired. A copy of this “complaint” is attached as Exhibit “G.”

36. Aware any potential claims were time-barred, the actual purpose of Taylor’s filing this sham complaint was to obtain an official denial from the Lehigh County District Attorney’s Office that could then be used by the Defendants as an excuse to publish Taylor’s story under the guise of a fair report. As one of the participants at the meeting between Taylor and the DA’s Office later recorded in an email summarizing the discussions:

Cara also explained that someone had told her not to leave without getting in writing whether they were going to proceed or not continue with charges, and [the assistant district attorney] replied that his office does not give anything in writing like that that can be used in the press.

* * *

Discussed type of targeting women, and Cara’s plans – going public, getting published. She needs something submitted so a journalist can’t be sued over an article. This step was supposed to produce the needed documentation, but [the assistant district attorney] said he couldn’t. Cara stated that she would have to probably file the [sic] for a pardon, that way the information is made public.

Exhibit “H,” a true and correct copy of an email dated Nov. 8, 2018 summarizing the meeting between Cara Taylor and representatives of the Lehigh County District Attorney’s Office.

37. Taylor also provided Couloumbis with a copy of the document and attached narrative entitled “Private Criminal Complaint” that Taylor had prepared for the District Attorney at Couloumbis’ urging for her review. A true and correct copy of Taylor’s email correspondence with Couloumbis is attached hereto as Exhibit “I.”

38. On January 14, 2019, after the Lehigh County District Attorney’s Office had taken no action on her 27-year-old, time-barred claim, Taylor stated she was sending her “Private Criminal Complaint” to Couloumbis, explaining,

I am snail mailing a copy of my private criminal complaint to Angela Couloumbis. She had the idea of “going to Democratic Leadership” and see if they know about the private criminal complaint. If she doesn’t, I will.

(Ex. F, CK000717 at 1/14/2019, 2:48 PM)

39. Just four days later, on or about January 18, 2019, Taylor distributed copies of the five-page document entitled “Private Criminal Complaint” at the State Capital in Harrisburg to the offices of most or all of Senator Leach’s colleagues.

40. The “Private Criminal Complaint” document distributed by Taylor contained provably false and defamatory allegations against the Plaintiff arising out of events in 1991 that were at odds with prior versions of Taylor’s story shared with Couloumbis and others and discredited by the evidence reviewed by the Defendants during the preceding months.

41. The distribution of the “Private Criminal Complaint” had the effect of pressuring the Senate Democratic Leadership to initiate an investigation of Taylor’s allegations, and a private law firm was appointed for that purpose.

42. On January 24, 2019, although aware that news staged by the media will not trigger the Fair Report privilege, Couloumbis and another reporter named Liz Navratil authored,

and the Inquirer published, the article describing Taylor's highly salacious and knowingly false allegations that Defendants had long hoped to publish. Ex "A."

43. The following day, January 25, 2019, Defendants published a second article again describing Taylor's false allegations and falsely stating that Taylor's mother had raised the same sexual assault claims in a 1993 disciplinary complaint and a 1997 PCRA proceeding, despite knowing these earlier fabrications are wholly inconsistent and irreconcilable with Taylor's claim for sexual assault. Ex. "B."

44. The Defendants knew and/or recklessly disregarded the falsity of the January 24 and 25, 2019 articles describing Taylor's account, but were careful to cloak their malice behind the pretext that they were fairly reporting on Taylor's distribution of a purported criminal complaint among members of the Pennsylvania Senate, albeit staged at the undisclosed urging of the Defendants themselves.

45. In response to these underlying false and defamatory accusations, and as yet unaware of the behind-the-scenes role the Defendants played in staging the dissemination of those false claims, Senator Leach filed a defamation action on January 28, 2019 in the Court of Common Pleas of Philadelphia County, captioned *Leach v. Cara Taylor, Colleen Kennedy and a Gwen Snyder*, January Term 2019, No. 02559.

46. Aware from his February 2018 discussion with Couloubis that Taylor had provided Couloubis and the Inquirer with impossible details and inconsistent accounts—including that Taylor had confided to Couloubis at one time that her alleged contact with Leach was consensual and, separately, that Taylor had devised to lie at her mother's trial without Leach's knowledge or encouragement—Leach served Couloubis with a preservation letter, advising Couloubis of her continuing obligation to preserve evidence of her contacts with

Taylor and any materials obtained in connection with her investigation of Taylor's false accusations. A true and correct copy of Plaintiff's January 31, 2019 letter is attached hereto as Exhibit "J."

47. Following service of the preservation letter, Senator Leach served the Defendants with a formal subpoena for notes and other documents related to the truth or falsity of Cara Taylor's allegations. A true and correct copy of Plaintiff's February 8, 2019 subpoena is attached hereto as Exhibit "K."

48. Defendants refused to cooperate or produce any documents, and after some preliminary discussions, Senator Leach elected to withdraw the subpoena without prejudice pending further discovery.

49. On or about March 18, 2019, Kennedy and Snyder filed Preliminary Objections to the Plaintiff's defamation complaint, which were ultimately overruled by Order of Court dated July 2, 2019.

50. However, while Kennedy's and Snyder's Preliminary Objections were pending, and, upon information and belief, in an effort to influence the outcome thereof, undermine Senator Leach's ongoing action, and foreclose further discovery revealing Defendants' role in staging the publication of Taylor's false allegations as aforesaid, the Inquirer published an article authored by David Gambacorta on May 24, 2019 headlined "Court Assisted Terrorism? How the Powerful can Muzzle Free Speech for About \$300" (the "Gambacorta Article"). A true and correct copy of the May 24, 2019 Gambacorta Article is attached hereto as Exhibit "L."

51. In the Gambacorta Article, the Inquirer unfairly associates Senator Leach with various "powerful" people whom Defendants contend filed "meritless" litigation known as "Strategic Lawsuits Against Public Participation," or "SLAPP suits," for the purpose of

silencing “dissenting voices” and “retaliating” against “rape survivors, social media provocateurs [and] #MeToo advocates” and mischaracterize the Senator’s meritorious defamation action as a SLAPP suit filed in bad faith for the illegitimate purpose of “terrorizing” his accusers.

52. The Gambacorta Article continues by misleadingly mischaracterizing and/or omitting facts in order to exaggerate the relative financial disparity of the parties—comparing Leach to billionaire accused-rapist Bret Ratner—and citing payments unrelated to the underlying action to falsely inflate readers’ perception of Leach’s legal resources while simultaneously bemoaning his accusers’ dependence on charitable donations without disclosing that one of the largest and most expensive law firms in Philadelphia serves as their defense counsel.

53. As the Court acknowledged by overruling the accusers’ preliminary objections, Senator Leach’s defamation action is a legitimate exercise of his constitutional right to redress injuries to his reputation, not a SLAPP suit, which are, conversely, meritless on their face and commonly filed by corporations against protesters to discourage their advocating for changes in policy.

54. But more than simply an unfair mischaracterization of Senator Leach’s defamation action, the Gambacorta Article intentionally mischaracterized as a meritless SLAPP suit an action Defendants know to be legitimate while preliminary objections were pending in an effort to influence the Court’s decision, win dismissal of Leach’s action and obviate further damning discovery.

55. But journalists are to be observers of news events, not active participants who seek to influence their outcome, and everything presented in a news publication must be exactly what it purports to be; those who stage the events reported upon or who recklessly provide false

or misleading information betray a fundamental pact with the public and a cardinal tenant of journalistic ethics.

56. Moreover, as credibility is essential to every news organization, reporters must conduct themselves in a manner that avoids even the appearance of compromising their journalistic fairness, accuracy and integrity in favor of an ulterior agenda.

57. Neither Couloumbis nor any other Inquirer reporter disclosed to their readers, to the Plaintiff, or to the public at large, that they had been colluding with Taylor about how to publicize her false and defamatory story in a manner that would allow Defendants to then wrongfully publish Taylor's knowingly false and defamatory accusations against Senator Leach.

58. Moreover, Defendants deliberately failed to disclose to their readers—including Plaintiff's constituents—the numerous inconsistencies in Taylor's story or that Taylor had previously admitted that certain facts that formed the basis of her allegations against Senator Leach and the January 2019 articles were false.

59. The Defendants—in staging Taylor's distribution of a purported private criminal complaint in order to publish her false and defamatory accusations against Senator Leach; in concealing from the public the numerous factual inconsistencies and impossibilities that establish the falsity of Taylor's claims against Senator Leach and caused the Inquirer not to publish Taylor's false allegations against Senator Leach at any point during the preceding year, and; in casting further aspersions on Senator Leach's resulting defamation suit in an effort to influence the Court and stage a cover-up of Defendants' insidious role in publicizing Taylor's knowingly false accusations—violated not only key principles of journalistic ethics, but published harmful accusations against the Plaintiff knowingly or in reckless disregard for their falsity for the sole

purpose of harming his reputation, driving him from office, and disenfranchising his constituents.

COUNT I – DEFAMATION

60. The allegations in paragraphs 1-59 of this Complaint are incorporated by this reference as if fully set forth herein at length.

61. The salacious allegations published by Couloumbis and the Inquirer on January 24 and 25, 2019 regarding a nonexistent sexual encounter between Leach and Taylor are utterly false and defamatory.

62. In publishing these false allegations of sexual conduct, the Defendants have, among other things, effectively accused Senator Leach, who testified under oath in 1999 that no such conduct occurred, of committing perjury, which constitutes defamation *per se*.

63. Consistent with a longstanding course of conduct, Defendants published Taylor's false allegations with the intent of causing harm to Senator Leach's reputation and seeing to his removal from office.

64. Moreover, the Defendants, in publishing Taylor's false account, knew and/or recklessly disregarded that it was false, even having been told at one point by Taylor herself that the fabricated encounter was consensual.

65. Indeed, Taylor's story was so contradictory with each telling from 1993 to 1999 to the various versions she shared with the Defendants and others between December 2017 and January 2019—spanning, in chronological order, from nothing, to a year-long affair, to sexual assault, to a single consensual encounter, and eventually back to sexual assault and even rape—she necessarily had to be lying in at least some of the accounts she relayed to the Defendants.

66. Not only were the Defendants aware that Taylor had changed her story during the course of their investigation as they explained to Leach during a February 2018 telephone call, but the Defendants also had copies of Taylor’s 1993 statement to the Disciplinary Board describing a year-long romantic affair with Leach and the notes of testimony from her mother’s 1999 PCRA hearing wherein a vague allegation that Leach “pressed” Taylor for sex was withdrawn as incredible.

67. In fact, rather than disclose these inconsistencies, the Defendants concealed the substance of these conflicting allegations in order to make the false claim in their January 2019 articles that the most recent version of Taylor’s story against Senator Leach had been consistently raised as far back as 1993. *See Ex. “B,”* Jan. 25, 2019 Article (falsely stating that Taylor’s mother “raised the assault claim in a 1993 complaint filed with the state disciplinary board for attorneys” and “raised it again in an appeal of her conviction.”)

68. Also, aware of Taylor’s penchant for embellishing her stories with extraneous details to falsely imbue them with the luster of credibility, when each of the verifiable details was disproven—such as the type of furniture in Plaintiff’s apartment or the timeline of events confirmed in court documents—the potential veracity of Taylor’s entire narrative fell apart.

69. Defendants were aware of Taylor’s long, admitted and well-publicized record of lying, including her 1993 conviction and prison term for perjury, and had copies of Taylor’s guilty plea and the docket reflecting her conviction and sentencing for perjury and obstruction.

70. Defendants also ignored and concealed from their readers that at least some of the details Taylor recounts in her “Private Criminal Complaint” are preposterous on their face and, in some cases, physically and temporally impossible based on public documents reviewed by the Defendants prior to publication of the January 2019 articles.

71. For example, the Defendants reviewed Taylor's mother's 1991-1992 criminal docket, which conclusively disproves Taylor's outrageous and oft-repeated claim that Senator Leach urged Taylor to get pregnant to secure a continuance of her mother's trial date. Taylor's son was born in March 1992 following a full-term pregnancy. Thus, the docket establishes without a doubt that Taylor was already pregnant weeks before Leach even became involved in the case in late July 1991 and months before there was even any trial date to be continued, as none was set by the court until January 1992 with Taylor already in the seventh month of her pregnancy. *See, e.g.,* Ex. D at p. 40 (wherein the Caucus investigators note this and other obvious discrepancies in Taylor's story.)

72. And the Defendants were brazenly reckless to publish Taylor's allegations in the January 2019 articles, having already determined after a months-long investigation that her story was simply not credible and could not be published.

73. In fact, Taylor's discredited allegations were only published in January 2019 under the guise of a qualified privilege—not because the Defendants reversed their prior assessment of Taylor's credibility—which was staged by the Defendants solely to obtain license, in their view, to publish otherwise actionable, defamatory accusations against Senator Leach they knew or recklessly disregarded were false.

74. Finally, after Senator Leach filed a defamation action predicated on these underlying false and defamatory allegations, and having been targeted for discovery in that case and fearful their conduct in staging the attack on Senator Leach would be exposed, Defendants published another false attack deliberately disparaging Leach and his lawsuit—a lawsuit Defendants knew or recklessly disregarded had merit based on Defendants' prior investigation—in an effort to influence the Court's pending determination of the underlying preliminary

objections, provoke an unwarranted dismissal of Leach's action, and perpetuate the cover-up of the Defendants' role in the underlying defamation.

75. The publication by the Defendants of these false and defamatory allegations has caused Senator Leach severe harm, stress, anguish, embarrassment, harm to his personal reputation, harm to his professional reputation, harm to his reputation in the community, the respect and admiration of many of his peers and colleagues, the respect and admiration of many advocates, activists, and members of the public at large, career opportunities, speaking opportunities, and severe emotional distress.

WHEREFORE, Plaintiff Daylin Leach requests Judgment against Defendants, The Philadelphia Inquirer, PBC and Angela Coulombis, in an amount of compensatory damages in excess of Fifty Thousand Dollars (\$50,000.00), together with interest, costs and punitive damages.

LAMB MCERLANE PC

By: /s/ Joseph R. Podraza, Jr.
Joseph R. Podraza, Jr., Esquire
jpodraza@lambmcerlane.com
William H. Trask, Esquire
wtrask@lambmcerlane.com
1 South Broad Street, Suite 1500
Philadelphia, PA 19107
(215) 609-3170

VERIFICATION

I, Daylin Leach, am the plaintiff in the subject action and verify that the statements in the foregoing document are true and correct to the best of my knowledge, information and belief. I do further understand that these statements are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Sep. 25, 2019
Date



Hon. Daylin Leach

LAMB MCERLANE PC
Joseph R. Podraza, Jr., Esquire (I.D. # 53612)
William H. Trask, Esquire (I.D. # 318229)
1 South Broad Street, Suite 1500
Philadelphia, PA 19107
(215) 609-3170

Attorneys for Plaintiff

HONORABLE DAYLIN LEACH, 601 South Henderson Road King of Prussia, PA 19406,	:	
	:	IN THE COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
	:	
<i>Plaintiff,</i>	:	CIVIL ACTION
	:	
v.	:	Term:
	:	
THE PHILADELPHIA INQUIRER, PBC, 801 Market Street, Suite 300 Philadelphia, PA 19107,	:	No.
	:	
-and-	:	
	:	
ANGELA COULOUMBIS, 801 Market Street, Suite 300 Philadelphia, PA 19107,	:	
<i>Defendants.</i>	:	
	:	

PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE

I hereby 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.

LAMB MCERLANE PC

By: /s/ Joseph R. Podraza, Jr.
Joseph R. Podraza, Jr., Esquire
jpodraza@lambmcerlane.com
William H. Trask, Esquire
wtrask@lambmcerlane.com
1 South Broad Street, Suite 1500
Philadelphia, PA 19107
(215) 609-3170

PROTHONOTARY
FILED AND ATTESTED BY THE
OFFICE OF JUDICIAL RECORDS
02 OCT 2019 09:33 am
M. BRYANT
JUDICIAL DISTRICT OF PENNSYLVANIA

Exhibit A

ADVERTISEMENT

Pa. Senate Democrats reviewing complaint about State Sen. Daylin Leach

by Angela Couloubis and Liz Navratil, Updated: January 24, 2019



STEVEN M. FALK / STAFF PHOTOGRAPHER



HARRISBURG — Senate Democrats said they have hired an outside law firm to investigate a complaint by a woman who alleges that State Sen. Daylin Leach sexually assaulted her nearly three decades ago, when she was a teenager and he was a lawyer defending her mother on an attempted homicide charge.

Case ID: 190904261

Senate Democrats said their decision to investigate was triggered when Cara Taylor, an Allentown-area woman, distributed to them this month a private criminal complaint she filled out but has not been formally filed with the Lehigh County district attorney. In the complaint, Taylor alleges that Leach lured her into oral sex in 1991, when she was 17. Taylor said she had spoken with Lehigh County prosecutors about it, but District Attorney Jim Martin said Thursday night that he had not seen a formal complaint.

The Inquirer and Daily News do not identify victims of alleged sexual assault unless they agree to be named, which Taylor did.

Leach, a Democrat who has represented Montgomery County's 17th Senate District since 2009, has denied the allegations. He did not return phone calls Thursday night seeking comment on the inquiry, first reported by PennLive.

ADVERTISEMENT

However, in [a seven-paragraph statement](#) posted on his Twitter account Thursday, the senator promised to file a defamation lawsuit in Philadelphia Common Pleas Court against "some of the leaders of the effort to defame me." He did not name them, but referred to "a small group of about 6-8 people" that he said has harassed him. Earlier this month, for instance, protesters burst into a Pennsylvania Medical Cannabis Society dinner in Harrisburg where Leach was the keynote speaker.

"I have spent my career as a lawyer, an activist and a legislator fighting injustice," he wrote. "This is an injustice."

He said the situation has been "extremely difficult for me, my family my staff, and my friends."

In an interview, Senate Minority Leader Jay Costa (D., Allegheny) said he decided to hire the law firm Eckert Seamans to remove any perception that Leach's colleagues are "directing the outcome of this" investigation.

ADVERTISEMENT

"If we did it internally, there could be some who would say we manufactured the outcome we desired," said Costa. "Listen, whatever happens, there will be findings, and they will be reported back to me."

Costa said Leach has indicated that he will fully cooperate with the investigation. The Democrats say they intend to make the findings public.

Before he joined the Senate, Leach worked as a lawyer, and in the early 1990s represented Taylor's mother, Kathleen Speth. Speth was charged with attempting to kill her then-husband by attaching a hose onto the exhaust pipe of her car and snaking it into his bedroom while he slept.

In her complaint, Taylor, previously known by her maiden name, Kunz, said that she made a decision to falsely take the blame for her mother's crime — a move that later led to a perjury conviction.

Before the trial, Leach picked her up at her home and drove her to his apartment “telling me we had to talk about my mother's case,” she said in the complaint.

Taylor wrote that Leach got a himself a drink, “disappeared into a room and then called my name.” When she went into the room, she said, Leach was naked with an erection and asked her to “come help me out,” according to the complaint.

“I did as I was told” and engaged in oral sex with him, she wrote.

Taylor wrote that she decided to come forward with the allegations after the Inquirer and Daily News [reported in late 2017](#) that Leach had engaged in questionable behavior with young female staffers and volunteers, from highly sexualized jokes and comments to touching they thought inappropriate.

ADVERTISEMENT

At the time, he blamed the accusations on an unnamed political opponent and denied ever inappropriately touching women. He noted that he sometimes does touch people when he is talking to them and that “some people subjectively find such touching unpleasant.”

Taylor wrote that she was renewing her allegations in hope that this type of “behavior can be prevented from happening to someone else.”

This is not the first time these allegations have been leveled against Leach. Taylor's mother, who was convicted, filed a 1993 complaint to the state disciplinary board that oversees attorney conduct. The board said in a letter that there was not enough independent evidence to verify her complaint.

Her mother also raised the issue again in a petition for post-conviction relief. During a 1999 hearing in the matter, Leach took the stand and denied an inappropriate relationship with Taylor.

SPONSORED CONTENT

[The Keto Diet Made All The Difference](#)

by Healthy Proper



He maintained that position in multiple interviews with the Inquirer and Daily News last year.

In the interview Thursday, Costa said that there was no timeline to wrap up the review, and that Leach will remain in his position as the ranking Democrat on the Senate Judiciary Committee and continue to participate in Senate meetings and affairs.

Case ID: 190904261

Posted: January 24, 2019 - 9:29 PM

[Angela Couloumbis](#) | [@AngelasInk](#) | acouloumbis@spotlightpa.org


NEWSLETTERS >

Get the news you need to start your day

Sign Up

Never Miss a Story

[Subscribe](#)

 [View 8 Comments](#)

We Recommend

Lew Klein, Philly TV pioneer and Temple icon behind American Bandstand and Captain Noah, dies at 91

Susan Snyder and Robert Moran

Destination Maternity's new CEO steps down as sales disappoint; stock down 35 percent

Ellie Silverman

House Intelligence panel subpoenas Gates and Flynn, two key witnesses in Mueller's probe

Karoun Demirjian, The Washington Post

BB&T, after junking Susquehanna and National Penn brands, picks a new name

Joseph N. DiStefano

Tankers targeted near Strait of Hormuz amid Iran-U.S. tensions

Jon Gambrell, Associated Press

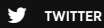
At least 24 officers injured in Memphis unrest after U.S. Marshals fatally shoot black man

Timothy Bella, The Washington Post



ADVERTISEMENT

ADVERTISEMENT



NEWS & INFO

News / Sports / Entertainment / Business / Health / Food / Life / Opinion / Archives

ABOUT US

About The Philadelphia Inquirer / Advertise / Contact Us / Licensing & Permissions / Photo Reprints / Newspapers in Education / Jobs & Internships / Special Reports / Acel Moore Workshops / Newsroom Staff

MARKETPLACE

Inquirer Store / Find a Home / Job Listings / Special Sections / All Classifieds

MOBILE APPS

Philly News / Philly Sports Now



THE INQUIRER

Digital Edition
Subscribe
Subscriber Services

THE DAILY NEWS

Digital Edition
Subscribe
Subscriber Services

The Philadelphia Inquirer

© Copyright 2019, The Philadelphia Inquirer, LLC Terms of Use / Privacy Policy

Exhibit B

ADVERTISEMENT

Top Pa. Senate Democrats knew of allegation against Sen. Daylin Leach months before launching investigation

by [Angela Couloumbis](#) and [Liz Navratil](#), Updated: January 25, 2019



AP PHOTO/CHRIS KNIGHT



HARRISBURG — Top Senate Democrats were notified about a sexual assault allegation against Sen. Daylin Leach nearly a year ago but [launched a formal investigation](#) only after the woman contacted nearly every senator earlier this month, according to emails obtained by the Inquirer and Daily News and the Pittsburgh Post-Gazette.

Cara Taylor, who lives in the Allentown area, wrote in a February 2018 email to Senate Minority Leader Jay Costa (D., Allegheny) that Leach “sexually violated” her nearly 30 years ago, when she was a teenager and Leach was representing her mother in a criminal case. Costa forwarded the information to the chief legal counsel for Senate Democrats, who responded to Taylor that “neither Sen. Costa nor the Senate of Pennsylvania have the authority to review your claims under the Senate’s Workplace Harassment Policy,” according to a copy of the email exchange.

The chief counsel, C.J. Hafner II, noted that the accusations “predate Sen. Leach’s legislative service” and told her she could contact several organizations that offer counseling and referral services.

“I believe they have the experience and resources to assist you,” Hafner wrote.



ADVERTISEMENT

Earlier this month, Taylor traveled to the Capitol and delivered to nearly every state senator copies of her private criminal complaint against Leach. That is when Senate Democrats decided to hire an outside legal firm to investigate the allegations, which Leach, a Montgomery County Democrat, vigorously denies.

On Thursday night, Costa said he was only “vaguely aware” of the allegations last year. Now that Taylor has submitted a complaint to him and other senators, “members are looking into it and asking questions,” Costa said.

“It’s contrary to where we were before,” he said. “It was not elevated to the point where the alleged victim here was filing a private complaint.”

In her complaint, which has not been formally filed in the court system, Taylor alleges that in 1991, when Leach was a lawyer defending her mother in an attempted homicide case, he lured her into oral sex. At the time, she was 17 and trying to help her mother, she wrote. Taylor falsely took the blame for the attempted homicide — a decision that led to a perjury conviction.

ADVERTISEMENT

The Inquirer and Daily News and the Post-Gazette typically do not name victims of alleged sexual assault unless they agree to be identified, which Taylor has done.

In an interview Friday, Lehigh County District Attorney Jim Martin said Taylor spoke about the matter with an attorney and an investigator with his office late last year. He said Taylor was told that the allegations fell outside the statute of limitations.

Although his office has not received a formally filed copy of Taylor’s criminal complaint, he said it would have to reject it because the alleged events are too old to prosecute, which would preclude his office from even opening an investigation.

“There would be no purpose in going further,” Martin said.


Senate Democrats this week said they had asked the law firm of Eckert Seamans to conduct a separate investigation on their behalf. It is unclear whether the firm has a timetable for completing its work, the results of which Senate Democrats have promised to share publicly.

Lawyers for the firm did not return requests for comment Friday, and Senate officials did not respond to requests for documents describing the scope of the firm’s work and its cost to taxpayers.

Leach has not responded to requests for comment about the Senate’s inquiry. A statement posted to his Twitter account Thursday night indicated that he intends to file a defamation lawsuit. A spokesperson for Leach did not provide further details, saying that the legal documents were still being finalized.

Asked about the Senate’s investigation, Leach spokesperson Frank Keel said, “Sen. Leach is grateful for any opportunity for due process, as long as it is a fair proceeding.”

SPONSORED CONTENT
Don't Move To These Cities, There's A Reason Everyone's Leaving [↗](#)
 by MoneyWise



The allegations by Taylor have a lengthy history. Her mother, Kathleen Speth, after being convicted of attempted homicide, raised the assault claim in a 1993 complaint filed with the state disciplinary board for attorneys. The board wrote in a letter that there was not enough independent evidence to proceed.

Speth raised it again in an appeal of her conviction. In a hearing, Leach took the stand and denied an inappropriate relationship with Taylor.

Posted: January 25, 2019 - 4:44 PM

[Angela Coulombis](#) | [@AngelasInk](#) | acoulombis@spotlightpa.org

NEWSLETTERS >

Get the news you need to start your day

Never Miss a Story

[View 13 Comments](#)

We Recommend

House Intelligence panel subpoenas Gates and Flynn, two key witnesses in Mueller's probe

Karoun Demirjian, The Washington Post

Progressives shake things up a bit inside Norcross-led Democratic party in South Jersey

Jan Hefler

Democrats worry as Trump unleashes 2020 digital ads, including some in Pa.

Brian Slodysko, Associated Press

He led a lavish life. But this New Jersey GOP heavyweight and cranberry king died a pauper.

Jan Hefler

Trump says he'd 'want to hear' foreign dirt on 2020 rivals

The Associated Press

Fashion District Philadelphia, former Gallery mall, is part of 'the focus of retail,' PREIT CEO says at event

Ellie Silverman

ADVERTISEMENT

TWITTER

FACEBOOK

INSTAGRAM

NEWS & INFO

News / Sports / Entertainment / Business / Health / Food / Life / Opinion / Archives

ABOUT US

About The Philadelphia Inquirer / Advertise / Contact Us / Licensing & Permissions / Photo Reprints / Newspapers in Education / Jobs & Internships / Special Reports / Acel Moore Workshops / Newsroom Staff

MARKETPLACE

Inquirer Store / Find a Home / Job Listings / Special Sections / All Classifieds

MOBILE APPS

Philly News / Philly Sports Now



THE INQUIRER

Digital Edition
Subscribe
Subscriber Services



THE DAILY NEWS

Digital Edition
Subscribe
Subscriber Services

The Philadelphia Inquirer

© Copyright 2019, The Philadelphia Inquirer, LLC Terms of Use / Privacy Policy

Exhibit C



Analysis: Covering the Pa. Capitol while female

October 27, 2017 3:06 PM

By Angela Couloumbis / Harrisburg Bureau

“It’s like being back in high school.”

It was 2005, and that is how a male colleague described what it was like to work in the state Capitol. After nearly a decade at the Philadelphia Inquirer covering small towns, Philadelphia City Hall and the state Capitol in Trenton, I was boxing up my belongings to move westward to cover state government in the Pennsylvania Capitol.

I didn’t bother asking what he meant. I had worked in political power nerve centers before. Every civics textbook teaches that making laws should be devoid of hubris and ego — but I understood that there is a certain cutthroat culture that lingers like a toxic haze over the process.

But my colleague’s words came back to me last week, as dozens of female legislators, lobbyists and political consultants in California, Illinois and elsewhere began coming forward to talk about pervasive sexism and harassment in their statehouses. They were emboldened to expose their shocking and sometimes terrifying encounters with men who walked their halls of power in response to the sexual harassment scandal involving movie mogul Harvey Weinstein, and the #MeToo movement it spawned on social media.

What they described should be unfathomable: A male legislator suggesting to a female colleague that performing sexual favors might help her push through legislative initiatives. A lobbyist being accosted in the restroom by a male legislator during a social gathering at a bar, only to discover that he had locked the door, exposed himself, and begun masturbating.

Pennsylvania’s Capitol has been largely silent.

The silence belies a culture that, year after year, places men in virtually every position of power in the 253-member Legislature, normalizing disparity and promoting a boys-club atmosphere that, consciously or not, relegates women and their concerns to secondary status.

Well-meaning male leaders — and there are many in Pennsylvania — can only do so much to keep that in check. Despite a bevy of zero-tolerance policies on sexual harassment on the books, there is much room for error: legislators working miles away from family and home, often being wined and dined by lobbyists they often consider friends, socializing after-hours at bars and restaurants.

Today, there are 40 women in the 203-member House. There are seven women in the 50-member Senate. Some of them serve in leadership positions. But when big policy decisions are made, they're rarely sitting around the negotiating table. In my 12 years covering state budgets, I can't recall a single time a female legislator has been in the room when the final deals were being cut. This year was no exception.

As bleak as that sounds, it's better than it was when I started working at the Capitol back in 2005. That year, there were only 34 women serving in the entire Legislature, according to the Pennsylvania Center for Women & Politics at Chatham University, which has traced the ranks of female legislators back to the 1970s.

Walking into the Capitol that first time was like stumbling onto the set of "Mad Men" or, better yet, onto a page out of a deliciously satiric Tom Wolfe novel. Men in monogrammed cuff links and custom-made suits purposfully striding down the halls trailed by women, often young, often in subordinate positions. These were cigar-smoking men. You could cut the testosterone with a knife.

It was still an era where the alpha-male powerbroker was openly glorified — an aggressive, hard-charging environment that valued the art of the deal, even when the deal was riddled with conflicts of interest and special favors.

So the first time a male legislator greeted me with a hug and a sloppy kiss on the cheek, I was speechless but not entirely surprised. I raced to the bathroom right after to wash it off with soap and water.

And when another lawmaker whom I was interviewing in a Capitol hallway began casually stroking my arm as he spoke to me, I removed his hand but shrugged it off as just another example of that high-school culture my colleague had warned me about.

By the time a onetime legislative leader began relentlessly needling me over the phone that the reason my stories were tough was because I wasn't getting enough sex, I had seen and heard enough to just let it roll off my back instead of giving him the satisfaction of a reaction.

Because the truth is, for every skin-crawling example of harassment or assault that you read or hear about, there are nuanced ones that still have the intended effect to mock or degrade. Often, they are cloaked in humor, the tired and old, “You know I’m just joking, right?”

Is that worth speaking out about?

It’s a question I wrestled with a few months ago, while on an all-female panel of journalists speaking to a group of smart and savvy college women. Many of them are considering careers in public policy or politics.

During the Q&A, I raised the issue of sexism in politics. The room became animated. A female legislator who had come to listen gave a live demonstration of how she blocks incoming — and unwanted — hugs from male colleagues: She pre-emptively places one hand on the hugger’s shoulder while using the other to shake his hand.

One of my female colleagues had everyone stand and practice throwing their shoulders back and projecting their voices. It sends a message, she said.

It does. But few things send it as strongly and as effectively as simply growing up.

Angela Couloumbis: acouloumbis@phillynews.com

First Published October 27, 2017 3:04 PM

Filed and Attested by the
Office of Judicial Records
02 OCT 2019 09:33 am
M. BRYANT

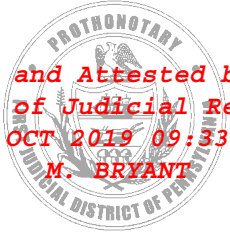
The seal of the Prothonotary, Judicial District of Pennsylvania, is circular. It features an eagle with wings spread, perched on a shield. The shield contains a scale of justice and a sword. The text "PROTHONOTARY" is at the top, and "JUDICIAL DISTRICT OF PENNSYLVANIA" is at the bottom.

Exhibit D

IN THE MATTER OF CERTAIN ALLEGATIONS
RELATING TO
SENATOR DAYLIN LEACH

REPORT
OF
ECKERT SEAMANS CHERIN & MELLOTT, LLC
FOR THE
SENATE DEMOCRATIC CAUCUS

CONTENTS

	Page
I. INTRODUCTION.....	1
II. SCOPE OF INVESTIGATION	2
III. SENATE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT	3
III. BACKGROUND.....	10
IV. FINDINGS	14
Allegation Number 1	14
Allegation Number 2	16
Allegation Number 3	19
Allegation Number 4	20
Allegation Number 5	23
Allegation Number 6	25
Allegation Number 7	27
Allegation Number 8	31
Allegation Number 9	32
Allegation Number 10	38
Allegation Number 11	40
V. CONCLUSION	42

I. INTRODUCTION

On December 17, 2017, a news story was published alleging, *inter alia*, that Senator Daylin Leach engaged in “sex[ualized] talk” and “inappropriate touching” with volunteers and staffers. Subsequent to its publication, a private individual named Cara Taylor made allegations of sexual assault involving then private citizen Leach that allegedly occurred in 1991. In January 2019, Ms. Taylor circulated an un-signed private criminal complaint to members of the Senate detailing her assertions. On January 24, 2019, the Senate Democratic Caucus (“Caucus”) retained Eckert, Seamans, Cherin and Mellott, LLC (the “Firm”) to conduct an independent investigation into the allegations made against Senator Leach.

II. SCOPE OF INVESTIGATION

This Firm was commissioned to perform an independent workplace investigation which, by necessity, is not an examination adjunct to a court case. To that end, the Firm was provided with authority to seek whatever assistance was necessary from those individuals over whom the Senate Democratic Caucus could exercise jurisdiction. The Firm was not directed or overseen by the Minority Leader or Caucus Staff in either its methodology or reaching its conclusions and recommendations.

All members, employees, and staffers of the Senate were required to cooperate and provide documents. As part of its investigation, this Firm reviewed thousands of pages of documents, including news media reporting, social media postings, Senate policies, internal communications, notes of trial testimony, and legal filings, among other documents. The Firm interviewed twenty-one witnesses, including current and former Caucus employees and officials and current and former campaign staffers. In addition, three individuals expressly declined to provide an interview and three did not return calls or were not located.

The primary focus of the investigation was the adherence of Senator Leach to the applicable law and Senate policies regarding workplace harassment (detailed, *infra*) while serving as a member of the Pennsylvania Senate. Neither the Senate nor the Caucus exercises jurisdiction over an individual member's campaign organization nor its interactions with volunteers or members of the public; however, the actions of any member are—to a large degree—inextricably intertwined with their identity as a member such that examination of these non-Senate interactions was also required, where relevant, as part of this investigation.

Finally, as to the complaints of Cara Taylor against then-Mr. Leach, these allegations predated the public career of Senator Leach. Nonetheless, we determined that the allegations made by Ms. Taylor also required examination and all parties, including Senator Leach, concurred in that conclusion. As detailed below, the lapse of time between the alleged incident and the particular posture of the matter require the more searching examination afforded by an adversarial process rather than an employment investigation conducted 28 years after the claims accrued.

III. SENATE RULES, LAWS, REGULATIONS, AND OTHER STANDARDS OF CONDUCT

One must first understand the requirements and limits of employment law in order to understand how the law interacts with those facts which were known to us at the time of publication to the law as it presently exists. As a general proposition, the statutes which provide the boundaries of employment law were enacted by the United States Congress and the case law interpreting same are framed by the federal court system.

Employment law uses terms of art which are defined both in statute and in case law and they have a particular meaning as a matter of law. This is because employment law is designed to protect *employees* from illegal behavior with regard to the *terms of their employment*. As courts have often observed, therefore, employment law does not constitute a general code of civility nor does it protect individuals from incivility, rudeness, or general unpleasantness in the workplace. *Perry v. Harvey*, 332 Fed. Appx. 728, 731 (3d Cir. 2009); *Saidu-Kamara v. Parkway Corp.*, 155 F. Supp. 2d 436, 439 (E.D. Pa. 2001) (“[T]he purview of Title VII does not extend to all workplace difficulties, even where the conduct at issue may be crass and unwarranted.”).

This dividing line is especially acute here where the conduct alleged involves, in part, conduct directed towards other elected officials. When Congress enacted Title VII, 42 U.S.C. §§ 2000e *et seq.*, it specifically exempted elected officials and their personal staff from the definition of employee.¹ This necessarily means that actions which might otherwise be actionable by a similarly situated employee against an employer would not be actionable under Title VII if the individual was excluded by Act of Congress from the definition of employee.

Put another way, Title VII, as it presently stands, does not afford the same protection to individuals who are elected officials as it would as if they were classified as employees. This is a legislative choice that imposes a boundary as to what is ultimately actionable. For there to be a right of recovery for elected officials under these circumstances, the law must be changed by those empowered to do so.

A. General Provisions of Employment Law

All types of workplace harassment, including but not limited to sexual harassment, are prohibited in the Senate by both federal statute and applicable Senate Rule against those individuals who are covered by definitional provisions of the applicable statutes. *See* 42 U.S.C. §§ 2000e *et seq.*; COMO Policy 1997:01 (Effective 3/3/97; Amended 11/20/08); Senate Democratic Caucus Prevention of Workplace Harassment Supplemental Policy (December 18, 2017).

¹ “[T]he term ‘employee’ means an individual employed by an employer except that the term ‘employee’ shall not include any person elected to public office in any State or public subdivision thereof or any person chosen by such officer to be on such officer’s personal staff . . .” *See* 42 U.S.C.A. §2000(e).

B. Sexual Harassment – Federal Law

There are three primary theories of sexual harassment law applied by federal courts: 1) *quid pro quo* harassment; 2) hostile work environment harassment; and 3) retaliation. These theories are not mutually exclusive and a potential plaintiff may endeavor to pursue one, two, or all three of these theories (as well as any related legal theories which may apply under the facts).

1. Title VII – Quid Pro Quo Sexual Harassment

With regard to claims of *quid pro quo* harassment, the Third Circuit has adopted the formulation set out in 29 C.F.R. § 1604.11(a)(1) and (2), which provides:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment [or] (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual...

Under this test, the consequences attached to an employee's response to the sexual advances must be sufficiently severe as to alter the employee's "compensation, terms, conditions, or privileges of employment," 42 U.S.C. § 2000e-2(a)(1), or to "deprive or tend to deprive [him or her] of employment opportunities or otherwise adversely affect his [or her] status as an employee." 42 U.S.C. § 2000e-2(a)(2).

In other words, "*quid pro quo* harassment requires a direct conditioning of job benefits upon an employee's submitting to sexual blackmail, or the consideration of sexual criteria in work evaluations." *Bonenberger v. Plymouth Twp.*, 132 F.3d 20, 28 (3d Cir. 1997). Thus, "*quid pro quo* sexual harassment generally requires that the harasser have authority to carry out the *quid pro quo* offer or threat." *Id.*

Broken down into its most basic parts, a *prima facie* showing of *quid pro quo* harassment requires that:

1. Plaintiff was subjected to sexual advances or other conduct of a sexual nature by his or her supervisor, because of plaintiff's sex or gender;
2. Supervisor's conduct was not welcomed by plaintiff;
3. Plaintiff's submission to supervisor's conduct was an express or implied condition for receiving a job benefit or avoiding a job detriment;
4. Plaintiff was subjected to an adverse "tangible employment action"; and
 - a tangible employment action is defined as a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing significant change in benefits

5. Plaintiff's rejection of, or failure to submit to, supervisor's conduct was a motivating factor in the decision to take the alleged tangible employment action.

See Third Circuit Model Jury Instructions, Instructions for Employment Discrimination Claims Under Title VII, § 5.1.3 Harassment – Quid Pro Quo (March 2017).

2. Title VII – Hostile Work Environment Sexual Harassment

Pursuant to federal law, the Third Circuit has enumerated five elements a plaintiff must prove to state a claim for hostile work environment sexual harassment:

- (1) the plaintiff suffered unwanted intentional discrimination because of her sex/gender;
- (2) the discrimination was pervasive and regular;
- (3) the discrimination detrimentally affected the plaintiff;
- (4) the discrimination would detrimentally affect a reasonable person of the same sex/gender in that position; and
- (5) *respondeat superior* liability existed.

Kunin v. Sears Roebuck & Co., 175 F.3d 289, 293 (3d Cir. 1999) (en banc), *cert. denied*, 528 U.S. 964 (1999) (citing *Andrews v. City of Philadelphia*, 895 F.2d 1469, 1482 (3d Cir. 1990)); *Cardenas v. Massey*, 269 F.3d 251, 260 (3d Cir. 2001); *Fenter v. Mondelez Global, LLC.*, 574 Fed. Appx 213 (3d Cir. 2014).

Title VII is violated “[w]hen the workplace is permeated with ‘*discriminatory intimidation, ridicule and insult*’ that is ‘sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.’” *Waite v. Blair, Inc.*, 937 F. Supp. 460, 468 (W.D. Pa. 1995), *aff’d*, 79 F.3d 1140 (3d Cir. 1996) (citations omitted) (emphasis in original). “In short, what is illegal is a ‘hostile work environment,’ not an ‘annoying work environment.’” *Lynch v. New Deal Delivery Serv. Inc.*, 974 F. Supp. 441, 452 (D.N.J. 1997).

a. *Plaintiff must fit within the definition of “employee.”*

Breaking that standard down, a putative plaintiff must first be an “employee” as that term is defined in the law. If he or she is not an employee, then he or she cannot maintain a hostile work environment claim under Title VII. As noted above, an “employee” is defined by the statute as “an individual employed by an employer except that the term ‘employee’ shall not include any person elected to public office in any State or public subdivision thereof or any person chosen by such officer to be on such officer’s personal staff . . .” See 42 U.S.C.A. §2000(e).

b. *Plaintiff must demonstrate that he or she suffered unwanted intentional discrimination for reasons of sex or gender.*

If the individual is an “employee” then the putative plaintiff must demonstrate that he or she suffered unwanted intentional discrimination for reasons of sex or gender. As courts struggle with differences in workplaces, they struggle to differentiate from unwanted discriminatory

behaviors as opposed to workplaces in which, for instance, uncivil but not discriminatory behavior is present. Moreover, because (as previously observed) Title VII is not a general civility code, the discrimination alleged must be based on one's sex or gender.

c. *Plaintiff must demonstrate that the discrimination was pervasive and regular.*

In analyzing the workplace atmosphere for a hostile environment claim, the totality of the circumstances must be considered. This includes the frequency of the discriminatory conduct, its severity, whether it is physically threatening or humiliating or a mere offensive utterance, and whether it reasonably interferes with an employee's work performance. *Pittman v. Correctional Healthcare Solutions, Inc.*, 868 F. Supp. 105, 108 (E.D. Pa. 1994) (citing *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 22-23 (1993)); *Williams v. Perry*, 907 F. Supp. 838, 846 (M.D. Pa. 1995), *aff'd*, 72 F.3d 125 (3d Cir. 1995); *Caver v. City of Trenton*, 420 F.3d 243, 262 (3d Cir. 2005).

"[O]ffhand comments, and isolated incidents (unless extremely serious) are not sufficient to sustain a hostile work environment claim." *Caver*, 420 F.3d at 262 (quoting *Faragher v. City of Boca Raton*, 524 U.S. 775, 788 (1998)). "Rather, the 'conduct must be extreme to amount to a change in the terms and conditions of employment....'" *Id.*

Based on the foregoing, this determination often requires sifting through differing explanations for a quantum of facts. *See Waite*, 937 F. Supp. at 468. As such, the determination of "severe and pervasive" conduct is highly fact specific.

d. *Plaintiff must demonstrate that the discrimination would have detrimentally affected the Plaintiff as well as a reasonable person of the same sex/gender in that position.*

In order to be actionable under Title VII, the work environment must be both objectively and subjectively offensive. *See Harris*, 510 U.S. at 21-22. The test for hostile work environment sexual harassment requires that the plaintiff's perceptions of discriminatory conduct be reasonable under the circumstances then applicable. As such, claims have been dismissed when an individual's singular perceptions of alleged discrimination are not, in the judgment of a reviewing court, objectively reasonable. In analyzing the workplace atmosphere for a hostile environment claim, the "analysis must concentrate not on individual incidents," but instead, *the totality of the circumstances must be considered*. *Caver*, 420 F.3d at 262-63.

e. *Plaintiff must demonstrate that respondeat superior liability existed.*

Finally, an employee seeking to prove sexual harassment on a hostile work environment claim must demonstrate the existence of *respondeat superior* liability. *Respondeat superior* liability exists when "the defendant [employer] knew or should have known of the harassment and failed to take prompt remedial action." *Andrews*, 895 F.2d at 1486. Therefore, "if a plaintiff proves that management-level employees had actual or constructive knowledge about the existence of a sexually hostile work environment and failed to take prompt and adequate remedial action, the employer will be liable." *Id.*

f. *General observations regarding hostile work environment claims.*

As previously observed, a hostile work environment claim is not a generalized claim of unpleasantness in the workplace but a specific test, the tenants of which one must affirmatively meet in order to make an appropriate legal claim. Here, we are constrained to apply this definition to the facts of which we are presently aware to determine whether sexual harassment on a hostile work environment claim exists.

3. Retaliation Based on a Protected Report of Sexual Harassment

A plaintiff asserting a retaliation claim must establish that: (1) she engaged in protected activity; (2) she suffered an adverse employment action subsequent to or contemporaneously with such activity; and, (3) there is a causal link between the protected activity and the adverse action. *Woodson v. Scott Paper Co.*, 109 F.3d 913, 920 (3d Cir. 1997); *Krouse v. American Sterilizer Co.*, 126 F.3d 494, 500 (3d Cir. 1997).

While courts do not require formal written complaints to an employer or agency as the only acceptable form of “protected activity,” a plaintiff would still have to establish “informal protests of discriminatory employment practices, including complaints to management, writing critical letters to customers, protesting against discrimination by industry or by society in general, [or] expressing support of a co-worker who has filed a formal charge.” *See Sumner vs. United States Postal Serv.*, 899 F.2d 203, 209 (2d Cir. 1990).

If a plaintiff can establish she engaged in protected activity, a plaintiff still must establish a causal connection between the activity and any adverse employment action. *Momah v. Albert Einstein Med. Ctr.*, 978 F.Supp. 621 (E.D.Pa. 1997), *aff’d*, 229 F.3d 1138 (3d Cir. 2000) (“A causal relationship ... requires more than mere coincidence.”).

4. Title VII – Exclusion of Elected Officials

Title VII defines the term “employee” to mean

an individual employed by an employer, *except that the term “employee” shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof*, or any person chosen by such officer to be on such officer’s personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision. With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.

42 U.S.C. § 2000e(f) (emphasis added).

Therefore, elected state officials – including state senators – are not “employees” for purposes of Title VII harassment claims, and are not protected by the statute’s prohibition on discrimination. *See Conley v. City of Erie, Pa.*, 521 F. Supp. 2d 448, 452 (W.D. Pa. 2007) (noting that “Title VII excludes from its protections certain workers,” including “any person elected to public office”).

C. Sexual Harassment – Senate Policy

The Senate Prevention of Workplace Harassment Policy encourages all employees to report instances of workplace harassment. COMO Policy 1997:01. For purposes of the Senate policy, the term “employee” includes “any temporary or permanent employee, applicant for Senate employment, as well as any member or officer of the Senate.” *Id.* The policy further prohibits retaliation against any employee who files a workplace harassment statement in good faith or testifies in good faith on behalf of another employee. *Id.*

Pursuant to Senate Policy, the term “workplace harassment” is defined as follows:

. . . [A]ny repeated, deliberate, unwelcome comments, gesture, conduct or physical contact of any nature:

- A. to which an employee is forced to acquiesce as a condition of the employee’s receipt of any benefit, including, but not limited to, hiring, compensation, continuation of employment, promotion, or advancement, or
- B. that has the purpose or effect of unreasonably interfering with an employee’s work performance or creating and intimidating, hostile, abusive, or offensive work environment.

Id.

The Supplemental Policy, applicable only to the Senate Democratic Caucus, reminds employees and members of the Senate Democratic Caucus that it is “committed to creating and maintaining a professional environment in which all employees and members are treated with respect and are free from sexual harassment in the workplace.” *Supplemental Policy*, 12/18/17. The supplemental policy further advises that “employees and members should feel comfortable in the workplace and empowered to report harassment.” *Id.*

Sanctions for violating this Policy include suspension or termination, and, if applicable, sanctions pursuant to Article II, Section 11, of the Pennsylvania Constitution. *Id.* Article II, Section 11, of the Pennsylvania Constitution provides:

Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to

expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Pa. Const. Art. 2, § 11.

It is important to note that Senate policy differs in coverage from Title VII. Most notably, elected officials are covered by Senate policy while under Title VII they are excluded from the definition of the term “employee.” *See, discussion supra*. This means that the Senate – which is free to interpret its own policies – may look to the actions of its employees and elected officials to determine whether or not those policies were violated.

As to the Senate’s innate ability to determine the scope of its own policies, there is no substantial body of precedent which outlines with specificity either the similarities or differences as between federal law and Senate policy. So, while case law interpreting federal statutes may be persuasive, it is not necessarily determinative. Therefore, it is up to the Senate as a body to determine whether or not the actions set forth herein violate its policies as the Senate is empowered by Article 2, Section 11 of the Pennsylvania Constitution to make that determination.

IV. BACKGROUND

On December 17, 2017, the PHILADELPHIA INQUIRER published a story detailing allegations that Senator Leach engaged in behavior both in and outside of his official offices that included “sexualized jokes and comments” as well as touching that female staff members and volunteers claimed was inappropriate. *See* David Gambacorta and Angela Couloumbis, *Ex-Staffers: Sen. Daylin Leach crossed line with sex talk, inappropriate touching*, PHILADELPHIA INQUIRER, December 17, 2017. According to the article, of the nearly two dozen people interviewed, “eight women and three men recounted instances when Leach either put his hands on women or steered conversations with young, female subordinates into sexual territory, leaving them feeling upset and powerless to stop the behavior.” *Id.*

The following incidents were identified in the December 2017 article:

- A 2008 campaign fundraiser, Aubrey Montgomery, stated that she “was offended by his sexualized tone in the office,” and when she expressed discomfort, the Senator “labeled [her] a prude and characterized [her] to [her] colleagues as the campaign’s wet blanket.”
- A 2008 campaign staffer said that “he would talk about actresses he wanted to sleep with;” “referenced wanting to hire a ‘full set’ of secretaries: a blonde, a brunette, and a redhead – followed by a ‘bald chick;”” and “referenced wanting to have his own ‘Charlie’s Angels.’”
- Two campaign staffers from the Senator’s 2008 campaign indicated that the Senator “repeatedly discussed sex in front of young female staffers, including references to ‘women I’d like to f--.’”
- A campaign fundraiser stated that Senator Leach “was prone to ‘inappropriate’ touching.” “He’d put his arm around [her], and his hand would linger on the small of [her] back, and briefly graze [her] butt.”
- In 2012, the Senator made “inappropriate sexualized comments” to a female intern at the Democratic National Convention.
- In February 2015, a campaign staffer said that she met Senator Leach at the Federal Taphouse during a Senate Democratic Campaign Committee (“SDCC”) event and that he slid his hand down her back and “touched [her] butt.” In response, “[s]he yelled at [Senator] Leach,” and one of his aids advised her that her response was inappropriate. She encountered Senator Leach a month later, now a Caucus employee, when Senator Leach “approached her from behind and tickled her torso while she sat at her desk . . . , leaving her stunned.” The incident was reported to her boss and she was interviewed by a human resources officer. She stated that “she felt as if she had been discouraged from filing a formal complaint.”

- In February 2016, a campaign staffer by the name of Emily reported that during a conversation with Senator Leach he “held on to her upper arm ‘for an uncomfortable amount of time,’ maybe 10 seconds or so.” “It seemed harmless, but later that evening,” she received an email from Senator Leach written in Arabic that stated: “How wonderful it was to talk to you today ... before making reference to some petitions.” The next morning, she encountered Senator Leach at a SDCC breakfast. During a conversation there, he “discussed his history of fighting for women, and suggested he might be able to help her find a job.” “And then ‘he grabbed [her] thigh, almost to punctuate his point with a cruel irony.’”

Regarding the incidents described in the article and those interviewed: “None of the women who described seeing or hearing questionable conduct by Leach told the INQUIRER and DAILY NEWS that they had been assaulted, denied promotions, or had their careers threatened. Each said that he created and promoted a culture in his office that objectified women and that he often framed his comments as harmless jokes.” *Id.*

The same day that this article was published, Senator Leach responded, contending that “people affiliated with [his] political opponent started a ‘whisper campaign’ against [him].” David Gambacorta, *Sen. Daylin Leach responds: Alleged inappropriate touching ‘did not happen’*, PHILADELPHIA INQUIRER, December 17, 2017. In his response, the Senator admitted to engaging in bawdy comedy but denied engaging in inappropriate or sexual touching. *Id.*

The day after the initial story ran, Matt Goldfine, Senator Leach’s field director for the 2008 campaign, gave an interview, stating that the Senator “would sometimes treat female interns differently than male interns, and in ways that made [him] feel uncomfortable, including tickling them or hugging them excessively. This did not happen once; there was a pattern of behavior that [he] believe[d] was totally inappropriate.” Angela Coulombis and David Gambacorta, *Wolfe: Leach should resign in wake of allegations*, PHILADELPHIA INQUIRER, December 18, 2017. Mr. Goldfine recounted that Senator Leach would come to the campaign office and watch an event held at a nearby coffee shop called “Milk and Cookies” for young mothers and toddlers and, in the presence of staffers, call it “MILF and Cookies.” *Id.* Mr. Goldfine also stated that during this time “an intern was referred to as ‘thong girl’ because her underwear had once inadvertently become visible.” *Id.*

On December 18, 2017, the Senator announced via his Facebook page that he was “taking a step back from the congressional campaign,” and subsequently officially ended his congressional bid in Pennsylvania’s 7th congressional district on February 24, 2018. David Gambacorta, *State Sen. Daylin Leach ends congressional bid, cites ‘attacks’ on his family*, PHILADELPHIA INQUIRER, February 25, 2018.

According to her private criminal complaint, on the same day that the December 17, 2017 PHILADELPHIA INQUIRER article was published, Cara Taylor contacted one of the reporters with her allegations of a 1991 sexual assault by then private citizen Leach. *Commonwealth v. Leach*, Private Criminal Complaint Written by Cara Taylor. Thereafter, in February of 2018, Ms. Taylor emailed Senator Costa alleging that Senator Leach “sexually violated” her nearly 30 years ago, to which Caucus legal counsel responded that “neither Senator Costa nor the Senate of

Pennsylvania have the authority to review [her] claims under the Senate’s Workplace Harassment Policy.” Angela Couloumbis and Liz Navratil, Top Pa. Senate Democrats knew of allegation against Sen. Daylin Leach months before launching investigation, PHILADELPHIA INQUIRER, January 25, 2019.

Pursuant to media reporting, Ms. Taylor claimed that she filed a private criminal complaint on November 8, 2018 against Senator Leach with the Lehigh County District Attorney’s office. Wallace McKelvey, Sexual misconduct claim against Sen. Leach being investigated, PATRIOT NEWS, January 26, 2019. The District Attorney, however, denied receiving a formally filed complaint but confirmed that Ms. Taylor met, on two occasions in late 2018, with an Assistant District Attorney. Wallace McKelvey, Sen. Daylin Leach sues woman who alleged 1991 sexual misconduct claiming defamation, PENNLIVE.COM, January 28, 2019. The Assistant District Attorney determined that Ms. Taylor’s case could not be prosecuted because the statute of limitations on the claim had expired. *Id.*

Ms. Taylor then circulated an un-signed private criminal complaint to members of the Senate in early January 2019. *Commonwealth v. Leach*, Private Criminal Complaint Written by Cara Taylor. The private criminal complaint alleged “[s]exual assault of a minor by forcible compulsion.” *Id.*

Ms. Taylor alleged that in 1991 her mother, Kathleen Speth, was arrested and charged with attempted homicide of Ms. Taylor’s step-father. *Id.* Senator Leach—then a lawyer in private practice—was retained to represent Ms. Speth during her criminal trial. *Id.* During that representation, in the summer of 1991, Ms. Taylor alleged that Senator Leach picked her up from her home and drove her to his apartment, advising her that he needed to speak with her about her mother’s case. *Id.* Once at Senator Leach’s apartment, Ms. Taylor alleged that he disappeared into his bedroom and then called her name. *Id.* According to Ms. Taylor’s complaint, she “found him naked, with only his socks on, lying on his bed stroking his erection.” *Id.* She alleged that Senator Leach then stated, “Come help me out.” *Id.* Ms. Taylor stated in her complaint:

I did as I was told, getting on the bed, on my knees between his legs and put his penis in my mouth. When my tears had visibly annoyed him, he took a bottle of red lubricant from his bedside table and poured it onto his genitals. After he ejaculated, I went into the bathroom to clean his body fluid off of myself and when I returned to his bedroom he was dressed holding his keys. I followed him out the door and he drove me home.

After this incident, in late summer 1991, Ms. Taylor contends that Senator Leach requested that she break a leg, get sick, or become pregnant so that he would have a valid reason to request a continuance of her mother’s trial. *Id.* Ms. Taylor alleged that she, therefore, became pregnant and a continuance was received. *Id.* Ms. Taylor stated that she testified at her mother’s trial on June 9-10, 1992, testifying that she was the individual who attempted to murder her step-father. Ms. Speth was ultimately found guilty of the crime. *Id.* Ms. Taylor was subsequently charged with perjury and false swearing and entered a guilty plea on November 12, 1993. *Id.*

In 1993, Ms. Speth raised allegations related to inappropriate contact with the Pennsylvania Disciplinary Board. Angela Coulombis and Liz Navratil, State Senate hires law firm to investigate resurfaced sexual assault allegations against Sen. Daylin Leach, POST-GAZETTE.COM, January 24, 2019. The Disciplinary Board dismissed the complaint against Senator Leach, indicating that there was not enough independent evidence to verify the complaint. *Id.* Certain allegations were also raised during a Post Conviction Relief Act (“PCRA”) appeal proceeding by Ms. Speth. *Id.* Senator Leach testified under oath at the PCRA hearing on April 15, 1999, and denied the allegations. *Id.*; *Commonwealth v. Speth*, Criminal Docket CP-39-CR-0001186-1991 (Court of Common Pleas of Lehigh County); *Leach v. Taylor et al.*, No. 002559, January Term, 2019 (Philadelphia County Court of Common Pleas). Ms. Speth retracted the allegations related to any sexual encounter with Ms. Taylor at that proceeding. Wallace McKelvey, Sen. Daylin Leach sues woman who alleged 1991 misconduct claiming defamation, PENNLIVE, January 28, 2019; *Leach v. Taylor et al.*, No. 002559, January Term, 2019 (Philadelphia County Court of Common Pleas).

On January 25, 2019, Senator Leach filed a defamation lawsuit against Cara Taylor, Colleen Kennedy and Gwen Snyder in the Philadelphia County Court of Common Pleas. *Leach v. Taylor et al.*, No. 002559, January Term, 2019 (Philadelphia County Court of Common Pleas).

V. FINDINGS

This section addresses allegations raised in the December 17, 2017 PHILADELPHIA INQUIRER article, and a subsequent article; additional relevant allegations uncovered during the investigation; and the allegations raised by Cara Taylor.

➤ Allegation Number 1

An unnamed intern/employee was nicknamed “thong girl” because her underwear had once inadvertently become visible.

Evidence:

Multiple witnesses recalled that a 2008 campaign staffer was referred to as “thong girl” by a number of other campaign staffers. According to witness reports, the staffer’s thong was repeatedly visible, causing other staffers to complain about it.

Following the campaign, this staffer, among others, became an employee of the Caucus working in Senator Leach’s District Office. Because the now-employee’s thong continued to be visible in the office, a female co-employee complained as she found it inappropriate. As a result, a dress code was implemented to resolve the situation and District Office management spoke to employees about the use of this nickname. At some point prior to the issue being resolved, multiple employees used the nickname “thong girl” in reference to this individual.

It does not appear that this nickname originated with Senator Leach. Senator Leach admitted that he may have used the nickname on an occasion or two while the issue was being discussed within the office, prior to its resolution.

Conclusion:

Applying federal discrimination law to these facts, this comment, while unquestionably immature and unprofessional, did not rise to level of actionable *quid pro quo* sexual harassment since *quid pro quo* sexual harassment requires unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. There is no evidence that the use of this nickname was connected with any such conduct.

As to an alternate claim of sexual harassment based on a hostile work environment theory, such a claim must demonstrate that, *inter alia*, a plaintiff suffered unwanted intentional discrimination because of her sex/gender; (2) the discrimination was pervasive and regular; and (3) the discrimination detrimentally affected the plaintiff. Here, there was no evidence that the use of the nickname met that standard in this case. The original complaint regarding this individual was raised by a female co-worker with respect to her discomfort with the professionalism of her female co-worker. There is no evidence that the use of this nickname—which was certainly unprofessional and inappropriate in and of itself—detrimentally affected the individual who remained employed.

As to any claim of retaliation, there is no evidence that the employee engaged in any protected conduct nor that she suffered adverse job action which are requirements under Title VII. As such, a claim for retaliation regarding these events would not lie.²

This demonstrates the narrow limits of employment law when applied to this situation. As we have previously observed, if—as he admitted—the Senator was aware of the use of the “thong girl” nickname, he should have acted to end the use of this nickname. But the use of the nickname in and of itself by staffers both male and female 11 years ago cannot form the basis of a sexual harassment claim under a *quid pro quo*, hostile work environment, or retaliation theory.

What is clear is that these types of comments/jokes *could* potentially contribute to a claim of hostile work environment based on other facts or the experiences of other employees. In other words, if a plaintiff claimed sexual harassment based on a hostile work environment claim in the future, it is possible that these comments might later form the basis of a claim of severe and pervasive conduct contained in that separate hostile work environment claim as evidence of gender based discrimination. Thus, as with any kind of unprofessional behavior in any workplace, the failure to correct that behavior may have other consequences as a plaintiff later attempts to base a hostile work environment claim on an alleged pattern of disparate behaviors.

While Senator Leach was not the originator of the nickname, as the superior in the Office, he had an obligation to set the tone and prohibit such behavior, not condone it. District Office management did take appropriate steps to resolve the issue once management became aware of it by instituting a dress code and by reinforcing with staff and the Senator that the use of the nickname was inappropriate.

As for the application of Senate policies, if one views them coextensively with the body of federal employment law, there would seem not to be a claim extant. However, we hasten to observe that these policies are the Senate’s to interpret. The Senate may choose to view these actions in the light of how it believes its policies ought to be applied.

² In so concluding, we do not condone the use of this nickname. Rather, we are compelled to observe the limits of the applicable law as applied to these specific facts.

➤ **Allegation Number 2**

In February 2015, a campaign staffer met Senator Leach at the Federal Taphouse during a SDCC event where he slid his hand down her back and “touched [her] butt.” After she yelled at Senator Leach, one of his aids advised her that her response was inappropriate. About a month later, while employed as a Caucus employee, Senator Leach “approached her from behind and tickled her torso while she sat at her desk.” The incident was reported to her boss and she was interviewed by a human resources officer. She stated that “she felt as if she had been discouraged from filing a formal complaint.”

Evidence:

The campaign staffer/Caucus employee involved with this allegation was personally interviewed and described the two encounters with Senator Leach raised in the article.

February 2015 SDCC Event

The campaign staffer described the encounter at the SDCC event as follows: while engaged as a campaign staffer and while standing near the sign-in table at a SDCC event, she spoke with the Senator about her role at the SDCC. During that conversation, Senator Leach placed his hand on her back between her shoulder blades, his hand slid down to her lower back, and then she stepped away, stating “Woah, don’t do that” to the Senator. The physical contact lasted no more than a few seconds.

During our interview the campaign staffer did not contend that Senator Leach “touched [her] butt,” as alleged in the INQUIRER article; rather, she indicated that she stepped away before that contact could occur. When interviewed, the staffer did not characterize her interaction with the campaign aide as being yelled at or chastised. Instead, she explained that she expressed the fact that she was upset with the Senator’s behavior and that the other campaign aide attempted to explain away the Senator’s behavior by saying that the Senator was “just being friendly.”

She was also told that the Senator had offered to help her find new employment as her job with the SDCC was ending. She later heard from the other campaign staffer that they did assist her in securing a Caucus position.

During his interview, Senator Leach recalled speaking with the campaign staffer at the SDCC event. He remembered that they discussed her concern that she was losing her job with the SDCC, which, he understood, would cause her to lose her health insurance. Senator Leach recalled that the loss of health insurance was of particular concern to the staffer. Senator Leach, therefore, offered to speak with the Caucus on her behalf to see if there were any positions available for her at the Caucus. Senator Leach specifically denied placing his hand on her back, sliding it down to her lower back, and “touching her butt.” Senator Leach further specifically denied that she yelled at him at the event. Following the event, the Senator did speak with Caucus employees on her behalf about finding a position for her with the Caucus.

March 2015 Capitol Building Office

After the SDCC incident, the campaign staffer was hired by the Senate Democratic Caucus and employed in a Senator's Capitol Complex office. During her interview, the staffer explained that in March 2015, while seated at her desk, Senator Leach walked into the office, came up behind her, and tickled her sides. She stated that the contact lasted no more than two seconds, his hands did not linger, nor did they move anywhere other than her sides.

The employee stated that she was shocked by the contact, which was witnessed by the employee seated next to her as the contact occurred in the open area of the office. The contact was reported to her supervisor and she met with a representative of the human resources department as a result. During the meeting with human resources, Senate policies were reviewed, and she was offered the opportunity to file a formal complaint or have the matter handled internally. She declined to file a formal complaint and instead requested that the Caucus handle the matter internally with Senator Leach.

While Senator Leach recalled the interaction with the former employee, he denied touching her in any way inappropriately. Following the SDCC event at the Federal Taphouse, the Senator had reached out to the Caucus to see if there were any positions available for her. He indicated that he did not know whether his efforts had secured her a position with the Caucus until he walked into another Senator's office and saw her sitting at her desk. He recalled that he was excited to see her there because he felt that he had helped her to get this position, which, he believed, she needed in order to secure health insurance.

Senator Leach denied that he tickled the employee on her sides, but admitted that he put his hands on her shoulders while commenting that he was glad to see her there. He stated that this occurred in an open area of the office with several other people around. At some time after this encounter, he recalled that he met with representatives of the Caucus Human Resources department who informed him that an employee had reported unwanted physical contact and he was advised to cease unwanted physical contact.

The facts seem to demonstrate that the Caucus handled the report made by the employee appropriately by taking remedial action. When the instance of unwanted physical contact which occurred in Senate offices was reported to the employee's supervisor, he assisted her in reporting the contact to the Caucus' Human Resources Department. The Human Resources Department met with the employee, listened to her complaint, reviewed applicable policies, and offered her two options to address the situation. The employee opted to have the matter handled internally, and the complaint was addressed with the Senator by the Human Resources Department. The employee had no further complaints about the Senator's behavior during the remainder of her employment with the Caucus.

Thereafter, all agreed that Senator Leach avoided contact with the former employee, and no further issues were reported. After the INQUIRER article was published, Senator Leach made attempts through staff to reach out to the employee and apologize but she did not return contact.

Conclusion:

Despite the allegation included in the INQUIRER article, further interviews with all parties involved seem to confirm that Senator Leach did not touch the former campaign staffer/Caucus employee's rear end. The employee's version of events clarified that she "stepped away" before any such contact could have, or did, occur but, also, that she was upset with the Senator's conduct and expressed her feelings.

Senator Leach denied any physical contact with the employee at the SDCC event. However, if one fully credits the allegation that he did touch her between her shoulder blades and her lower back, that action—while unquestionably viewed as personally intrusive to the employee—was not described (even by the individual involved) as sexual in nature. As such, that action does not fit within the definition of *quid pro quo* sexual harassment as it was neither explicitly or implicitly a request for sexual favors or physical contact that was a term or condition of employment for this individual. In addition, in order to maintain a claim of sexual harassment based on a *quid pro quo* theory, a plaintiff has to demonstrate that she was detrimentally affected. Here, the individual did not suffer any adverse employment.

Similarly, we are unable to conclude that the alleged physical contact that occurred in March 2015 while the same employee was employed by the Caucus would be a basis for a *quid pro quo* claim. While Senator Leach admitted to touching the employee on her shoulders in the context of being excited to see that she had received a position with the Caucus, even if the activity occurred as described by the employee, such contact, while certainly viewed as personally intrusive to the employee, was not described by the employee as sexual in nature, was not described as an explicit or implicit request for sexual favors, and no adverse employment action arose.

Analyzing both occurrences alternatively under a hostile work environment theory of sexual harassment, the facts, as presently constituted, are insufficient to support a claim. A hostile work environment claim must show that the discrimination was pervasive and regular, the discrimination detrimentally affected the plaintiff and that the discrimination would detrimentally affect a reasonable person of the same sex/gender in that position.

Here, the two circumstances described might serve to establish the beginnings of a hostile work environment claim had there been further allegations of wrongdoing by the Senator by this employee. These two incidents—one which occurred outside of work and one which occurred at work—do not, in and of themselves, constitute hostile work environment as the law is presently constituted. The facts, as alleged regarding this employee are, based on our present knowledge, insufficient to support such a claim.

As for the application of Senate policies, if one views them coextensively with the body of federal employment law, there would seem not to be a claim extant. However, we hasten to observe that these policies are the Senate's to interpret. The Senate may choose to view these actions in the light of how it believes its policies ought to be applied.

➤ **Allegation Number 3**

While a former District Office staff employee was walking past the Senator in an open area of the office, his hand may have brushed her butt.

Evidence:

Allegations related to this incident were not featured in the INQUIRER article but were discovered during this investigation. This incident occurred in or about early to mid-2015. The employee in question declined to participate in this investigation so her testimony was unavailable and the facts related here are based on interviews with other employees.

The employee in question informally reported to another employee that as she was walking past the Senator in an open area of the office his hand *may* have brushed her rear end as they passed each other. The employee who received the report brought the issue to the attention of the District Office Manager. Upon questioning by the District Office Manager and the other employee, the employee was unsure whether the contact actually occurred and could not state whether the contact, if it even occurred, was accidental or intentional. The employee was advised that she could file a formal complaint, but she declined to do so.

The employee continued to work for Senator Leach for several months after this incident without any additional complaints. At one point, turnover and reorganization within the office led to certain promotions being available. Upon learning that she would not receive the promotion she wanted, the employee became upset and allegedly told a current employee that she was going to use the incident where the Senator had allegedly touched her to “blackmail” the Senator so that she would get the promotion. The employee was subsequently terminated.

For his part, Senator Leach denied any inappropriate contact with the former employee and was not aware of the allegation that he may have touched her until some point later. He recalled that she was terminated for threatening to blackmail him.

Conclusion:

Without having the opportunity to interview the employee, we are unable to conclude whether the alleged contact, if any, with respect to this employee was either appropriate or inappropriate. As such, without more, we are unable to conclude that the alleged physical contact would be a basis for either a *quid pro quo* or hostile work environment sexual harassment claim. At the time it was reported, the employee could not conclusively determine if she had been touched at all or if the contact was intentional or inadvertent.

➤ Allegation Number 4

In February 2016, a campaign staffer reported that she at a political fundraiser she spoke with Senator Leach and explained to him that she had once lived in Beirut, Lebanon and could speak Arabic. During that conversation, Senator Leach “held on to her upper arm ‘for an uncomfortable amount of time,’ maybe 10 seconds or so.” “It seemed harmless,” but then she received an email from Senator Leach later that evening. The subject line read “Hey there,” and contained a short message in Arabic, “How wonderful it was to talk to you today,” followed by a reference to some petitions. The next morning, Senator Leach approached her at the check-in table, “sat next to her, discussed his history of fighting for women, and suggested he might be able to help her find a job.” And, then, “he grabbed [her] thigh, almost to punctuate his point with cruel irony.”

Evidence:

The campaign staffer involved with this allegation was personally interviewed and described the two encounters with Senator Leach raised in the article.

February 8, 2016 Encounter at Fundraising Event

On February 8, 2016, the campaign staffer was covering a fundraising event for Senator Leach and working at the sign-in table. Throughout the event, Senator Leach would circle back out to her table to speak with her periodically. At one point, he placed his arm around her shoulder for approximately five to ten seconds. This was the same contact referenced in the article. During our interview, she stated that the contact felt uncomfortable to her. During this interaction, Senator Leach and the campaign staffer discussed that she had spent time in Beirut, Lebanon and that she could speak Arabic. She did not recall specifically speaking to Senator Leach about nomination petitions that evening but recalled that it was a topic of discussion around her at the event.

Following the event, the campaign staffer received an email from Senator Leach with the subject line “Hey there” and a message in Arabic that said “How wonderful it was to talk to you today,” and thanked her for information about the petitions.³ The campaign staffer indicated that it was clear to her that he used Google Translate, or something similar, to create the message and noted that the message was written in the more informal tense, but acknowledged that the Senator likely did not understand this distinction. She responded that evening in Arabic, (curtly as she described it), in the formal tense, stating “You’re welcome Senator, I will see you tomorrow.”⁴

³ Using Google Translate, Senator Leach’s message (امدلى الى يوم ال يكم ات حدث رائه اكان كم) (الال تما سات ت عد يمات كافة على لك جزيا لا شكرا .), translates to “How wonderful it was to talk to you today. Thank you very much for all the instructions of the petitions.”

⁴ Using Google Translate, the campaign staffer’s message (غدا اراك . سد يدي يا وسهلاً اهلاً), translates to “Welcome sir. see you tomorrow.”

February 9, 2016 Encounter at SDCC Fundraising Breakfast Event

The same campaign staffer encountered Senator Leach the next day, while she was working at the check-in table for a SDCC breakfast fundraiser at the Hilton Harrisburg. Senator Leach served as then-Chair of the SDCC. At one point, midway through the event, Senator Leach came out and sat down next to the campaign staffer at the check-in table. At the time, the campaign staffer was only a temporary employee for the SDCC, covering events when needed, and Senator Leach started talking about assisting her in finding a more permanent position with the SDCC. After this, the Senator started to speak about his legislative record on women's rights.

As he was telling her about this, Senator Leach allegedly placed his hand on her thigh, a few inches above her knee (closer to her knee than her hip), as they were seated facing each other. The campaign staffer indicated that his hand remained there for five to ten seconds during their conversation and stated that she could not recall if his hand moved at all but that he did not squeeze her thigh during this contact.

Following this interaction, Senator Leach returned to the event, and she did not interact with him again during the event. The campaign staffer stated that the physical contact made her feel uncomfortable and reminded her of her prior experience with sexual assault. She recalled sending a text message about the encounter to only one SDCC employee who responded to the text indicating the encounter sounded "weird" and was "sorry that happened." The campaign staffer did not provide the text messages in question.

The Senator denied any inappropriate contact at either event with the campaign staffer.⁵ He had no specific recollection of any physical contact with this campaign staffer, but acknowledged that it was not uncommon for him to have physical contact with individuals (male or female) with whom he was engaging in conversation. He specifically denied that any such physical contact would have been inappropriate.

At some point after the INQUIRER article was published, Senator Leach also made attempts through staff to reach out to this staffer and apologize but she told the employee not to contact her again.

⁵ Senator Leach claimed that when INQUIRER reporters initially approached him with these allegations prior to the story's publication, they told him that the allegation was that he "patted the knee" of a campaign staffer at an event and did not include reference to any claim that he did so while suggesting he could assist the staffer in finding employment. According to Senator Leach, the allegations as initially described to him by reporters, and the allegations as published in the story differed. Senator Leach claims to have later heard rumors that this individual's allegations were determined to be "not sufficient" enough for a story. He further alleges that a group of individuals, working with this campaign staffer, subsequently suggested increasing the salaciousness of the encounter—presumably in order to make the story more attractive to media. An independent witness later corroborated the Senator's allegation that the story was later changed from a pat on the knee to a thigh grab combined with a suggestion that Senator Leach could assist the staffer with finding employment.

Conclusion:

We are unable to conclude that the physical contact at the February 8, 2016 encounter was a violation of either federal law or Senate policy. In the first instance, neither incident was a Senate event as campaign organizations and the SDCC operate outside of Senate control.

Placing that aside, with respect to the first instance of physical contact on February 8, 2016, the Senator's action in placing his arm around the individual's shoulders is not, in and of itself, evidence of *quid pro quo* sexual harassment. There was no allegation from the witness that the Senator's action—while personally intrusive to her—was intended in a sexual manner or in furtherance of an explicit or implicit request for sexual favors. Further, the Senator's email in Arabic was not a communication that could be described as evidence of *quid pro quo* sexual harassment. We are also unable to conclude that this contact was sufficiently severe or pervasive to rise to the level of sexual harassment under a hostile work environment theory.

As to the second physical contact at the February 9, 2016 event, we are also unable to conclude that this encounter was a violation of federal law. The witness indicated that the Senator placed his hand on her thigh, closer to her knee, but he did not squeeze it. This contact, while personally intrusive to the campaign staffer, was not described as sexual in nature or as an explicit or implicit request for sexual favors during our interview. Because the contact was not described as sexually suggestive or in furtherance of an explicit or implicit request for sexual favors, nor was there any claim that an adverse employment action occurred, there is insufficient evidence of *quid pro quo* sexual harassment.

In addition, we are similarly unable to conclude that this contact was sufficiently severe and pervasive to rise to the level of sexual harassment under a hostile work environment theory. Moreover, we feel compelled to note that based on our interview it does not appear that Senator Leach “groped” the staffer as that term is commonly understood, and as had been subsequently characterized in media reporting. See, Ryan Briggs, *Despite harassment allegations, Leach eyes run in redrawn 4th District*, CITY & STATE PA, February 28, 2018.

Here, again, the two circumstances described might serve to establish the beginnings of a hostile work environment claim had there been further allegations of wrongdoing by the Senator by this campaign staffer. These two incidents—both of which occurred outside of the Senate work environment—do not, in and of themselves, constitute hostile work environment as the law is presently constituted. The facts, as alleged regarding this staffer are, based on our present knowledge, insufficient to support such a claim.

While these events arose outside the Senate, to the extent conduct of this type would be the subject of Senate policies, if one views them coextensively with the body of federal employment law, there would seem not to be a claim extant. However, we hasten to observe that these policies are the Senate's to interpret. The Senate may choose to view these actions in the light of how it believes its policies ought to be applied.

➤ **Allegation Number 5**

A video clip that could be classified as pornographic was shown in Senator Leach's District Office.

Evidence:

Allegations related to a former female employee and video clip were not featured in the INQUIRER article but were discovered during this investigation. The District Office employee in question declined to participate in this investigation.

During the course of the investigation, it was discovered that a video clip, which could be classified as pornographic, was shown in Senator Leach's District Office. This occurred in or about early to mid-2016. While certain witnesses offered recitations of rumors circulating that suggested that Senator Leach showed the video clip to a former employee, none of these witnesses had any firsthand knowledge of what occurred, did not work in the District Office at any time, and were operating based on hearsay and rumor. On the other hand, four witnesses who were all employees of the District Office at the time of occurrence, in addition to the Senator, all credibly recounted that the employee showed the video clip on her own volition to the Senator.

Each witnesses consistently recounted the incident as follows: Senator Leach and other employees were in his office for a meeting when the employee walked in and insisted that they needed to see a video her friend had just sent. The employee was instructed not to show the video and was asked to leave the office so they could conclude their meeting.

At some point later that day, the employee went back into Senator Leach's office because she wanted to show him the video clip. Senator Leach admitted that he permitted the former employee to show him the video and he did not stop her. Senator Leach admitted that viewing the video was inappropriate and he should not have watched it or allowed the employee to show it to him. Senator Leach stated that the video clip lasted no more than ten seconds. After this, the District Office Manager learned that the former employee showed the Senator the video, and she reprimanded both Senator Leach and the employee for viewing the video clip in the office.

Conclusion:

Since the employee declined to participate in any interview and since other witnesses had no first-hand knowledge of what occurred other than rumor, we are constrained to credit the evidence offered by people working in the office who had firsthand knowledge of the incident. Those recollections indicate that it was the former employee that insisted that the Senator view the video in question.

The Office Manager did undertake to address the matter with the employee and with the Senator but did not report the matter to the Caucus' Human Resource Department. This may well suggest that a better understanding may be required that incidents like this ought to be reported

to the Caucus as it is the Caucus and the Senate—not the office of any Senator—that ultimately is required to address issues regarding its employees.

Presuming that the foregoing is true, the actions alleged cannot, at present, constitute *quid pro quo* sexual harassment as it was the employee herself and not the employer who sought to show the video and it was not done in furtherance of some request for sexual favors by a superior.

When analyzed alternatively as a claim of sexual harassment as a hostile work environment claim, the facts available to us presently do not support a claim of hostile work environment as that claim is defined as a matter of law. Based on the facts gathered to date, there seems to be no present evidence that the employee suffered unwanted intentional discrimination because of her sex/gender. Indeed, since she was the individual responsible for showing the video, there is no claim that she was discriminated against on the facts known.

While viewing the clip proffered by the employee did not constitute sexual harassment under either a *quid pro quo* or hostile work environment claim, the Senator's decision to do so was an example of exceptionally poor judgment. And, while no other employee complained, other employees knew that the incident occurred.

As such, it is also clear that actions of this nature could potentially contribute to a claim of hostile work environment based on other facts or the experiences of other employees. In other words, if another plaintiff claimed sexual harassment based on a hostile work environment claim in the future, it is possible that this ill-advised action might later form the basis of a claim of severe and pervasive conduct contained in that separate hostile work environment claim as evidence of gender based discrimination.

Moreover, we continue to observe that, even if the conduct alleged did not meet the definition of sexual harassment under the law, whether the conduct violated applicable Senate rules is a matter for the Senate as a body to decide.

➤ Allegation Number 6

While playing basketball in Senator Leach's office in 2014, a former SDCC employee alleges Senator Leach placed his hands on her back and moved them up and down.

Evidence:

Allegations related to this incident were not featured in the INQUIRER article but were discovered during this investigation and raised in a Philadelphia Magazine article published on August 24, 2019. The former SDCC employee involved with this allegation was personally interviewed prior to the Philadelphia Magazine publication and described her encounter with Senator Leach.

By way of background, this witness worked in varying roles as the SDCC during 2012, then moved to another political organization, before coming back to the SDCC for the 2014 cycle. While Senator Leach was chair of the SDCC, this witness did not have significant interaction with him, but described the interactions they did have as typically professional. She further explained that in her role with the SDCC she would often be sent to places where she would be taken aback by her interactions with individuals at events that she was covering, and that Senator Leach always watched out for her at those events when he was present and made sure that she was in a safe environment.

The former SDCC employee explained that in 2014, she was in Senator Leach's office during budget season. He had a basketball hoop in his office, and while they were waiting for information, they spent some time playing basketball. At one point during the game he was behind her and placed his hands on her back and moved them up and down her back while they were playing. He did not touch her anywhere other than her back, and she explained that his actions were not overtly inappropriate, but that the contact made her feel uneasy. She left the game and sat on the couch, and then he came over and sat closely to her, so she decided to leave the room.

The former SDCC employee explained that she did not believe that Senator Leach meant anything sexual by the contact, and that he was just "pal-ing" around with her. She explained that she did not tell Senator Leach that his actions made her feel uncomfortable because she knew that if she told him she felt uncomfortable, he would have felt terrible and been apologetic about it. She specifically stated that she would have felt comfortable telling him that his actions made her uncomfortable but she choose not to say anything because she did not want to make him feel bad. She further explained that she did not want Senator Leach to feel like he could not "pal" around with her like he "pal-ed" around with others.

Conclusion:

As an initial observation, as an SDCC employee, the ex-employee would be outside the purview of the Senate. In any event, as noted below, we are unable to conclude that the behavior constituted *quid pro quo* or hostile work environment sexual harassment.

The action described herein does not fit within the definition of *quid pro quo* sexual harassment as it was neither explicitly or implicitly a request for sexual favors or physical contact that was a term or condition of employment for this individual. In addition, in order to maintain a claim of sexual harassment based on a *quid pro quo* theory, a plaintiff has to demonstrate that she was detrimentally affected. Here, the individual did not suffer any adverse employment action.

Analyzing the occurrence under a hostile work environment theory of sexual harassment, the facts, as presently constituted, are insufficient to support a claim. A hostile work environment claim must show that the discrimination was pervasive and regular, the discrimination detrimentally affected the plaintiff and that the discrimination would detrimentally affect a reasonable person of the same sex/gender in that position. Here, while the contact made the individual feel uncomfortable, she did not believe that Senator Leach meant for the contact to be sexually suggestive. By her own recounting of the incident, she did not perceive it as harassing or discriminating in nature. Further, she indicated that she would have felt comfortable telling Senator Leach that the contact had made her uncomfortable, but she chose not to do so because she understood he would have felt terrible for making her uncomfortable and she did not want him to feel bad.

Here, the single circumstances described might serve to establish the beginnings of a hostile work environment claim had there been further allegations of wrongdoing by the Senator by this former employee. However, the facts, as alleged regarding this former SDCC employee are, based on our present knowledge, insufficient to support such a claim.

➤ Allegation Number 7

Campaign Working Environment

The remaining allegations from the December 17, 2017 INQUIRER article, and a follow up article, concerned allegations of inappropriate comments/jokes and inappropriate touching that occurred during campaign activities. The allegations related to inappropriate comments/jokes and inappropriate touching are addressed separately below. These allegations do not follow a strict timeline and relate to allegations which generally occurred in 2008 during the Senator's campaign for his present seat and in 2012.

Evidence: *Inappropriate Comments/Jokes*

- *The Senator made "inappropriate sexualized comments" to a female intern at the 2012 Democratic National Convention.*

The general allegation that Senator Leach made "inappropriate sexualized comments" to a female intern at the 2012 Democratic National Convention could not be substantiated. The intern in question does not appear to have reported this allegation to the reporters; rather, it appears that a former campaign employee reported this allegation to the reporters.

On the same day the INQUIRER article was published, the intern in question reached out to Senator Leach through Facebook. She advised Senator Leach that Aubrey Montgomery and reporters were attempting to contact her and that she did not respond to Ms. Montgomery and advised reporters to stop contacting her.

We did separately make contact with this individual and she declined to participate in the investigation.

- *Campaign staffers from the Senator's 2008 campaign indicated that the Senator "repeatedly discussed sex in front of young female staffers, including references to "women I'd like to f--'" and that "he would talk about actresses he wanted to sleep with."*

With respect to these allegations, one witness recalled Senator Leach would reference "women I'd like to f--" in the context of celebrities, not staffers or other women known to the Senator. For example, she recalled that the Senator was looking through a People Magazine and the Senator saw a particular celebrity and said that this celebrity was on such a list.

Multiple witnesses confirmed that Senator Leach did not talk about his personal sex life or make sexually suggestive jokes directed toward or about women in his presence. Witnesses instead recounted that Senator Leach would occasionally make jokes that had a sexual context in regards to current events or politics.

While the investigation substantiated at least one incident where Senator Leach referenced a celebrity with whom he would like to engage in a sexual encounter, as well as occasional jokes

that had a sexual context regarding current or political events, allegations that he “repeatedly discussed sex in front of young female staffers” were not substantiated.

- *A 2008 campaign staffer said that he referenced wanting to hire a “full set” of secretaries: a blonde, a brunette, and a redhead – followed by a “bald chick”; and “wanting to have his own “Charlie’s Angels.”*

Multiple witnesses recounted various versions of the “full set” of secretaries and “Charlie’s Angels” comments by Senator Leach. For his part, Senator Leach admitted that this joke occurred. Senator Leach recalled that an individual came into the office and commented that a blonde, a brunette, and a redheaded female were all working for the Senator, another bystander commented that it looked like “Charlie’s Angels,” and the Senator joined in contending that he could be the “bald chick.”

- *In the campaign office, Senator Leach would watch a nearby event for young mothers and toddlers held at a coffee shop and would call the event “MILF and cookies” instead of its actual name “Milk and Cookies.”*

Multiple witnesses recalled that the Senator referred to the event as “MILF and cookies,” and, for his part, the Senator admitted that he called the event “MILF and cookies.”

- *A 2008 campaign fundraiser stated that she “was offended by his sexualized tone in the office,” and when she expressed discomfort the Senator “labeled me a prude and characterized me to my colleagues as the campaign’s wet blanket.”*

The employee in question was interviewed and described the campaign atmosphere as immature and unprofessional but not sexualized. She confirmed that Senator Leach did not talk about sex “explicitly,” but stated that he did reference the culture of the sexualized environment in Harrisburg, commenting and joking about others’ improprieties. She noted that the Senator was not personally a part of that culture and believed that the Senator felt “virtuous” in that he did not cross the line like others did, but only made jokes about others’ conduct. She did recall, however, an incident where the Senator mentioned attending an adult night club establishment following a fundraising event.

Regarding his conduct, she indicated that the Senator meant for his jokes to be funny, not sexual, but that she did not personally believe his humor was funny. When she made that clear, she was characterized as a “wet blanket” and the Senator seemed to take pleasure in making her uncomfortable.

She emphasized that Senator Leach understood where “the line” was between appropriate and inappropriate behavior and that he would walk right up to the line with respect to his jokes and comments but that he knew not to cross it.

Conclusion: *Inappropriate Comments/Jokes*

Taken *individually*, none of the comments or jokes described above rose to the level of actionable sexual harassment under either a *quid pro quo* or hostile work environment theory. In addition, given the totality of the circumstances, including the frequency, severity, and nature of the conduct, we cannot conclude the behavior, if true, reasonably interfered with an employee's work performance. And, it is also important to note that these comments and jokes, as reported to us, occurred in the Senator's campaign office, not his District or Senate offices.

Taken *together*, conduct such as this which includes jokes/comments of an immature and unprofessional nature, while not directly sexual, but which contain a sexual context, could work together to form the basis of a hostile work environment claim. While no such claim arose as a result of the particular comments/jokes here, such a claim could arise if such conduct would continue unabated.

Evidence: *Inappropriate touching*

- *A campaign fundraiser stated that Senator Leach "was prone to 'inappropriate' touching." "He'd put his arm around me, and his hand would linger on the small of my back, and briefly graze my butt."*
- *Senator Leach would sometimes treat female interns differently than male interns, including tickling them or hugging them excessively.*

Setting aside the allegations of touching noted above in Allegation numbers 2 and 4, none of the other witnesses interviewed made any claims that Senator Leach touched them inappropriately, nor did any of the witnesses have any first-hand knowledge of Senator Leach touching any other females in a sexually inappropriate manner. Moreover, none of the witnesses offered any specific instances of any particular woman who claimed that Senator Leach touched them in a sexually inappropriate way.

Rather, the allegations were all of a more general nature, without specifics, that the Senator had a way about him that could be viewed as sexually suggestive only if that person did not know Senator Leach. Some witnesses implied that Campaign employees tried to limit the Senator's contact with young female interns, but there were no specific instances of misbehavior with young female interns recounted that supported these tactics.

Witnesses acknowledged seeing Senator Leach hug women in the office, but all witnesses recounted that this contact occurred out in the open and did not appear to be sexualized or unwelcome. One witness indicated that it felt like Senator Leach hugged women more often than men, and when viewing the hugs from a distance, they appeared to last longer or be more physical than what the witness personally felt a hug should be.

The witness recalled having conversations that Senator Leach's hugs seemed "awkward" but the witness could not recall that any individual objected to this contact or reported that they felt the Senator had acted inappropriately. Another witness recalled receiving some general complaints

about physical proximity and hugging that felt too invasive but could not give any specific examples and no such complaints appeared to rise to the level of allegations of sexual touching.

For his part, the Senator admitted to being physical and expressive, but respectful. Other members of his staff repeatedly commented that it is the nature of politics to have physical contact with supporters and with campaign staff. Of course, that is neither a license for, nor incitement to, inappropriate behaviors.

Conclusion: *Inappropriate touching*

While one can conclude that there are generalized rumors of alleged inappropriate touching, those rumors could not be substantiated by specific factual accounts. As such, we have focused on those allegations that were documented and not apocryphal. The only specific allegations involving any alleged inappropriate touching which this investigation can corroborate through witnesses available involved individuals who did not work for the Senator directly and had only isolated encounters with the Senator as described in Allegation numbers 2 and 4 above.

➤ Allegation Number 8

Caucus Working Environment

No specific claims regarding Senator Leach's District or Capitol office working environment were identified in the INQUIRER article or subsequent media reporting. As discussed above, two incidents at the District Office were identified during this investigation. Expanding more broadly, the witnesses' general descriptions of the District Office working environment are summarized below.

Evidence:

No witnesses complained about any activity in Senator Leach's District Office. In fact, every witness interviewed that either works or worked in the District Office reported that they enjoy(ed) working for the Senator and did not witness the Senator behave inappropriately.

When asked about the Senator's sense of humor and jokes of a sexual nature, each witness noted that the Senator's office used to hold an activity called "morning scrum" where the employees would sit around and primarily discuss legislation. At times, these sessions would be used to work on joke development for the Gridiron dinner hosted by the Pennsylvania Legislative Correspondents' Association or other appearances of the Senator.

It was during these planning sessions that District Office employees indicated jokes of a sexualized nature would come up. Joke ideas were raised by both Senator Leach and the employees in preparation for the Gridiron or other appearances. Most employees, but not all, participated in these sessions. All witnesses reported that such sessions were voluntary, and employees were not required to participate. None of these witnesses stated that they were offended by any of the jokes nor did any of these witnesses complain about this activity.

Senator Leach stated that due to public allegations that he engaged in inappropriate sexual humor, he no longer participates in the Gridiron event which was the catalyst for the sexual humor, and, as a consequence, morning "scrum" sessions in the District Office no longer include joke preparation sessions.

Conclusion:

When compared to office environments which have resulted in findings of a hostile work environment based on gender as set forth in reported cases, we are, by comparison, unable to conclude that the working environment in the Caucus (and in particular Senator Leach's District Office) is one that is permeated with sex discrimination or sexual harassment.

It is fair to observe, however, that case law does not require a complainant to formally announce the unwelcome nature of the conduct to which one is subjected. Further, the choice to discontinue any "scrum" in which jokes are discussed is wise inasmuch as it avoids the possibility of the claim of compulsion which, unabated, may serve to form the basis of a potential hostile work environment claim.

➤ **Allegation Number 9**

Senator Leach has engaged in inappropriate conduct towards colleagues in the Senate.

Evidence:

A few of Senator Leach’s colleagues reported as part of this investigation that the Senator engaged in behavior viewed as demeaning and/or bullying, such as asserting his seniority over new members in an inappropriate manner as well as engaging in inappropriate/unprofessional jokes. Senator Muth and Senator Collett were personally interviewed as part of this investigation.

1. Senator Muth Allegations

Senator Muth indicated that she believes that Senator Leach has engaged in a repeated pattern of inappropriate behavior. The incidents described by Senator Muth to support this belief are addressed in turn:

Incident 1: Then-private citizen Muth decided to run for Office in 2017. Her friend, who is also a former staffer for Senator Leach, assisted candidate Muth in the campaign process. In or about September 2017, then-candidate Muth and Senator Leach were scheduled to knock on doors together. Prior to this campaign activity, Senator Leach sent candidate Muth a text message stating something along the lines of “Don’t worry, I promise to wear pants.” Candidate Muth thought the text message was “weird” and texted two Senate Democratic Caucus members about it. Candidate Muth’s friend, who worked for Senator Leach at the time, then called Senator Muth to apologize, indicating that “I tell him he can’t say things like that.” Ultimately, it rained, and Senator Muth and Senator Leach did not campaign together as planned. After this, another friend of candidate Muth’s advised her to “stay away” from Senator Leach because something was going to be coming out about him in the media.

Incident 2: During candidate Muth’s campaign she asked Senator Leach to donate to her campaign, as she had done with all of the other Democratic Senators. She reported that all Senators declined to give her a donation. It was suggested to her by her friend (Senator Leach’s former staffer) that she should hold an event at Pennsylvania Society to fundraise. Candidate Muth did not want to hold a Pennsylvania Society affiliated event but did decide to have an event in New York at the time that was not affiliated with Pennsylvania Society. The event occurred on or about December 17, 2017. At the time, Senator Muth had knowledge that an article was coming out involving allegations against Senator Leach. She indicated that Senator Leach attended the event, he was the second person to arrive, and she described him as “eerily gawking around.” She stated that he crashed the event – he did not give money for the event or provide a donation. She did not personally interact with him at the event.

Incident 3: Candidate Muth shared on social media Governor Wolfe’s call for Senator Leach’s resignation and a related Petition on Change.Org following the INQUIRER article. She stated this action was the beginning of her downfall with Senator Leach. After she did this, she was

advised that she needed to communicate with senior Democratic Caucus members before she publicly attacked a member of the Senate. However, candidate Muth felt compelled to voice her support for calls for Senator Leach's resignation because the weird message she received (as set forth under Incident 1) and the weird vibe she felt at the New York event (as set forth under Incident 2) combined with the allegations against the Senator in the article made her believe that the Caucus should also call for his resignation.

As a result of her "speaking out," candidate Muth believes that she was bullied and stated that people would not donate to her campaign. For example, following this, Senator Muth indicated that Senator Leach posted on Facebook about an Alex's Lemonade Stand fundraiser that supported Senator Muth's opponent. Senator Muth was upset that Senator Leach was showing public support for her opponent and so she approached a senior Caucus member about it and was advised they would speak to Senator Leach. Senator Muth indicated that Senator Leach then made another social media posting with her opponent in East Nantmeal Township at an event in support of renewable energy.

Incident 4: In or about September 2018, candidate Muth was invited to speak at an event in West Chester involving high school student activists. The night before the event she learned the line-up of speakers and that she was scheduled to speak immediately before Senator Leach. She stated that she was trying to avoid going to events with Senator Leach because he was a "giant elephant in the room," but she did not want to let the students down. Therefore, she had a staffer ask the student contact if they could separate candidate Muth and Senator Leach in the line-up of speakers. She later learned the students asked Senator Leach not to attend the event as a result of her inquiry. She further only later learned that Senator Leach's daughter was involved with the student organization.

Senator Muth stated there was a backlash against her after this because Senator Leach accused her of bullying his daughter. She recalled that she was contacted by a senior Caucus member the morning of the event asking her what she had done. During the call, she explained that she does not participate in events with Senator Leach in light of recent events and that she did not know Senator Leach's daughter was involved with the event. Senator Muth indicated that she did not intend to harm Senator Leach's daughter and that she felt bad for the students because they witnessed the backlash she faced over the event.

Following this incident, Senator Leach sent an email to the chairman of the Montgomery County's Democratic Party, calling Senator Muth "a dreadful person" and "a toxic hand grenade" over the incident. She explained that there is no human resources department on the campaign-side and that there is no one to whom she could report this kind of behavior.

Incident 5: Senator Muth indicated that there a number of female supporters of Senator Leach who attend her town hall events and tweet about her negatively.

Incident 6: In or about April 2019, a man who runs a Facebook page in Lower Merion told Senator Muth that someone from Senator Leach's staff sent him screenshots of social media postings allegedly by Senator Muth from an Instagram account. A screenshot included Senator Muth's headshot and a picture of a dog along with the heart eye emoji. Senator Muth indicated

that the Instagram account with the posting was not her official account and was a fake account. Senator Muth reported the fake account to the Senate and the Senate worked with Instagram to remove it. Senator Muth believes that Senator Leach created the fake account and believes that the Caucus did not adequately investigate to determine whether he was responsible for the fake account.

Incident 7: Senator Muth also referenced the tweet from Senator Leach’s account to Senator Collett regarding her appointment as the minority chair of the aging and youth committee as an instance where Senator Leach failed to treat his colleagues appropriately. Following this incident, an email was sent to all Senators regarding how the Senators should treat one another. Thereafter, a meeting occurred wherein the Senators were advised that they should not speak out against one another. Senator Muth stated that she, Senator Collett, and others were upset by this meeting and believed that they have a moral obligation to call out people for doing bad things. They believed the Caucus was trying to censor them. Following this meeting, Senator Muth stated that Senator Leach attempted to corner Senator Collett to discuss the tweet, telling Senator Collett that he did not post the tweet.

Incident 8: Senator Muth referenced an issue between Senator Collett and Senator Leach over a bill that will be discussed more fully below under Senator Collett’s allegations.

Cara Taylor: Regarding Cara Taylor’s allegations, Senator Muth noted that she received the complaint in advance and told senior members of the Democratic Caucus that it was coming out. She recalled that she got in a fight with another senator in the cafeteria about it asking him if he wanted “bloody raped women” in front of him before he would take action. She believes that Senator Leach is a predator and knows how to pick women who will be susceptible, and specifically that “he knew how to pick her” (meaning Ms. Taylor).

Summary Comments: Senator Muth stated that the culture of the Capitol building enables individuals like Senator Leach to behave the way that they do. She stated that staffers have told her stories about inappropriate contact with elected officials but none of the stories involved Senator Leach. She stated that “Senator Leach is not our predator, we were never physically harmed by him – but we are trying to protect others.” She further indicated that she has to mentally prepare herself to go into the Caucus room with him and that he is given a platform to give speeches about protecting women’s rights. Finally, she noted that she has not participated in any protests against Senator Leach and has not encouraged them.

2. Senator Collett Allegations

Senator Collett also provided information about Senator Leach’s conduct. The background she provided and the incidents described are discussed below in turn:

Background Comments: Then-private citizen Collett initially encountered Senator Leach in 2017 during municipal elections. Senator Leach reached out to her to coordinate campaigning activities with her. She noted that he was helpful and generous with his time. Thereafter, in October 2017, she approached Senator Leach about her desire to run for Office and he met with

her and offered her advice. Then-candidate Collett indicated that he did not act improperly toward her. He made some “bawdy, off-color” jokes but nothing that she found offensive.

Then, the December 17, 2017 INQUIRER article was published and candidate Collett could not get in contact with Senator Leach. At one point, one of Senator Leach’s employees reached out to her and apologized that he was not available at the time as a result of dealing with other issues. Eventually, Senator Leach reached out to candidate Collett and offered to sit down and talk about campaigning. Senator Collett reached out to an SDCC staffer on how to proceed because she wanted to avoid Senator Leach as he was “persona non grata” since the article was published. Candidate Collett decided to meet with Senator Leach anyway and brought with her a few other individuals. The meeting occurred at Senator Leach’s home and the group discussed campaigning for about two hours. She noted that while he was giving her advice Senator Leach made some “off-color” jokes but did not provide specifics.

Later as the race was progressing, candidate Collett reached out to Senator Leach again to ask for assistance with fundraising. She met with him at a coffee shop and asked him to call donors on her behalf. Senator Leach countered this request with a request to hold a joint fundraiser. Candidate Collett declined to hold a joint fundraiser with Senator Leach because she believed it was “risky” to appear with him publicly. After this, Senator Leach donated \$500 to candidate Collett’s campaign but she returned the money because she did not want his name to appear on her campaign finance report. When she returned the money, one of Senator Leach’s staffers called and was upset that she had done so.

Candidate Collett next encountered Senator Leach at an event in or about September or October of 2018. She approached Senator Leach and told him that returning the money was not personal, it was political, and explained that she did not want his name on her campaign finance report. Candidate Collette indicated that Senator Leach accepted this explanation and seemed fine with the situation. Thereafter, Senator Collett won the election and was sworn in.

Incident 1: On January 4, 2019, Senator Collett posted on Instagram about an event she attended in North Wales to talk about the concerns that are part of the Korean community with Master Yang. Senator Leach responded to the post: “I know Master Yang well. Although, one time he got a little mouthy, so I had to teach him a lesson.”

Incident 2: On or about January 7, 2019, Senator Collett was appointed minority chair of the aging and youth committee. Following this appointment, a tweet from Senator Leach’s account provided as follows: “Well, I’m very old. But I look very young. So you’ll be serving me in everything you do.” Once the tweet generated public attention, Senator Collett indicated that Senator Leach sent her a long message claiming that he did not post the tweet. Senator Collett did not respond to his message. She then indicated that Senator Leach cornered her in the Caucus room, claiming that he was hacked and asking if she understood and if she believed him. In response, Senator Collett advised Senator Leach that he should stay off of social media but did not respond as to whether she believed him. She noted that Senator Leach has contended on social media that he was hacked and claimed that he filed an incident report with the police. She does not believe that Senator Leach filed any such report. Senator Collett states that since this incident, Senator Leach’s behavior has been aggressive.

Following this incident, she stated that another Senator asked whether the Caucus had a policy regarding how members should treat one another on social media. She indicated that a policy was circulated to the Caucus related to social media conduct. During a meeting about the policy and how members should treat one another, Senator Collett indicated that she spoke up and asked whether Senator Leach's tweet rose to the level of offensive or if it was just demeaning. She indicated that Senator Leach responded that she had said that she understood that he was hacked.

Senator Collett spoke with Senator Leach following the meeting and told him that she did not believe that he was hacked and that she felt mistreated by him as a result of the tweet. She advised him that he handled his response poorly by doubling down on the lie and making himself the victim. Senator Leach advised Senator Collett that he paid \$2000 for an investigator to perform a forensic analysis of his account and computer but the investigator could not determine who posted the tweet. Senator Collett said that Senator Leach also claimed that he was not paying attention to her on social media so he would not have tweeted about her anyway. She also explained that Senator Leach questioned her as to why she did not respond to him the first time he approached her about the incident. Senator Collett agreed that she did not respond and advised the investigators here that she had not responded because she was new and felt bullied and pushed around. She did not know how to tell him to back off in that moment. Senator Collett indicated this was the last personal interaction she had with Senator Leach.

Incident 3: Shortly after this interaction, Senator Collett was participating in a press conference about a bill that she was introducing. The bill had been introduced by Senator Leach in a prior session, but Senator Leach gave the bill to Senator Collett so that she could sponsor it in the present session. A member of Senator Leach's staff reached out to Senator Collett's staff and asked why Senator Leach did not receive an invitation to the press conference. Senator Collett stated that Senator Leach would have received the general invitation to the Press Conference but that he thought he should have received a personal invitation since he had given her the bill.

She felt like this was Senator Leach's way of putting her in her place and believed it was ongoing bullying. She further described it as "button pushing," "stay in your lane," and "kissing the ring" kind of behavior. Senator Collett believes that his request for a personal invitation was demeaning and not an appropriate way to interact with colleagues.

Incident 4: Next, Senator Collett posted on social media about wearing teal for sexual assault awareness while holding signs indicating "I believe victims." Senator Leach "liked" the post. Senator Collett believes that this behavior is undermining and described it as "gas lighting," particularly when Senator Leach had told her that he would not have posted the tweet about the chairmanship because he was not paying attention to her on social media.

Incident 5: In or about May 2019 during a Caucus retreat, the members were preparing to take a photograph. Someone realized Senator Muth was not present in the room and asked about her whereabouts. Someone called out that Senator Muth was in the ladies room. In response, another person called out in jest to a male Caucus staffer "don't go in there," to which Senator

Leach jokingly responded to that staffer “remember what happened last time.” Senator Collett said this type of banter is not funny and inappropriate.

Summary Comments: Senator Collett indicated that Senator Leach has an inability to recognize the “cloud over him” and that there are issues with his effectiveness. She stated that she, and others, will not co-sponsor legislation with him. She further believes that the way in which he treats new female members, such as the issue with the Bill described in Incident 3, feels like bullying. She described his behavior as disrespectful toward women and explained that having to sit in a room with him at the Capitol feels like an ongoing assault. She further disagrees with his behavior toward women who have come forward with allegations against him, which she feels is appalling.

Conclusion:

The conduct reported by Senator Muth and Senator Collett qualifies as unprofessional and inappropriate as far as one would expect colleagues to treat one another, but none of the allegations involved claims of sexual harassment under any one of the three theories discussed herein. This is, in part, because the Senators who detailed the issues that they have previously had with Senator Leach are not “employees” under federal anti-discrimination law. This is consistent with the general proposition that employment law requires a change in one’s terms or conditions of employment by virtue of the use of power agency by a superior or co-worker. Here, one Senator cannot fire, cannot demote, and cannot otherwise change the fact that a fellow elected representative has the full power accorded to him or her while serving as a member of the Senate and it is only the Senate as a body—and not a fellow Senator—that can change one’s terms or conditions as an elected representative using the provisions set forth in Senate rules as well as the Pennsylvania Constitution.

This does not excuse Senator Leach’s actions, if they occurred as described. It simply means that they cannot form the basis of sexual harassment under any theory. The separate issue of whether or not those actions would constitute conduct that violates applicable Senate policy is not something on which we can opine as it is the Senate that determines the scope and coverage of its rules and policies.

➤ **Allegation Number 10**

The real issue is the culture at the Capitol building.

Evidence:

Some witnesses throughout this investigation opined that the real issue has been the culture at the Capitol building which, they allege permits male officials and staffers to behave inappropriately toward female officials and staffers alike. This culture, they contend, creates an environment where women may be dissuaded from reporting misconduct out of concern that their careers will be negatively impacted as a result of such reporting.

In receiving this testimony, some witnesses recounted that Senator Leach does not engage in overtly inappropriate conduct, but that others do. They explain that Senator Leach understands where “the line” is and that he does not cross it. Some also observe that others conduct is worse. Some of these witnesses fault Caucus Leadership specifically and the Senate generally for permitting this culture to continue and for failing to take sufficient affirmative actions to correct this imbalance.

Conclusion:

While this investigation’s scope was limited to investigating certain allegations made against Senator Leach, the culture within the Senate is a relevant consideration. If accurate, this type of culture, a culture which the #Me Too Movement has aimed at toppling, indisputably permits gender disparities which should be addressed.

Indeed, Caucus Leadership, along with all elected officials, have a positive obligation under the law to prohibit sexual harassment and sexually hostile work environments in the Caucus and in their respective offices. Each also has a duty to take prompt and adequate remedial action when knowledge of the existence of sexual harassment and/or a sexually hostile work environment arises.

Caucus Leadership should affirmatively takes steps to ensure that all employees work in an environment where (1) employees know and understand that inappropriate conduct will not be tolerated; and (2) employees work in an environment where they are comfortable reporting complaints and concerns without fear of reprisal. We note that since the initial reporting of the allegations subject to this investigation, Caucus Leadership has taken steps to address the cultural issues underlying the allegations.

Preliminarily, the Senate Democratic Caucus issued its Supplemental Workplace Harassment Policy immediately following the INQUIRER article which affirmed that the Caucus “is committed to creating and maintaining a professional environment in which all employees and members are treated with respect and are free from sexual harassment in the workplace” and reminds officials and employees that “any type of harassment shall not be tolerated.” In addition, the Senate Democratic Caucus hired a Director of Human Resources as part of its commitment to reducing any culture at the Capitol (and Senate district offices) that would contribute to sexual harassment

or sexually hostile work environments. It further commissioned this investigation to scrutinize the allegations made against Senator Leach.

While these actions are appropriate first steps to address underlying cultural issues, the Senate must continue to take affirmative actions to demonstrate that improper conduct will not be tolerated and to ensure that employees can report issues without fear of reprisal.

➤ **Allegation Number 11**

Cara Taylor alleged that in 1991, while the private citizen Leach was defending her mother in an attempted murder trial, he sexually assaulted her in his apartment.

Evidence:

During our interview, Ms. Taylor generally recounted the facts set forth in her private criminal complaint and Answer with New Matter filed with respect to the defamation lawsuit. For the most part, her version of events followed that written in the private criminal complaint and Answer with New Matter.

There were, however, certain factual inconsistencies in Ms. Taylor recollection of events. For example, Ms. Taylor's private criminal complaint alleges that in late summer 1991, Senator Leach asked her to get pregnant so that he could receive a trial continuance.

It appears, however, that the case was not listed for trial at this time. A trial attachment order was not filed until January 15, 1992, attaching the case for criminal trial week commencing February 18, 1992. A subsequent trial attachment order was filed on March 3, 1992, attaching the case for trial week commencing March 16, 1992. An application for postponement was first filed on March 13, 1992, attaching the case for criminal trial the week commencing June 1, 1992.

Further, Ms. Taylor's son was born on March 20, 1992, as such, a normal length pregnancy would have placed conception in late June, 1991, or early summer. Moreover, Ms. Taylor testified on June 10, 1992, and confirmed in her interview, that her pregnancy lasted longer than normal at ten and one-half months, placing her conception date in perhaps May 1991 or possibly even in April 1991. It is not clear that Senator Leach had any contact with Ms. Speth or Ms. Taylor at that time. As the facts are alleged by Ms. Taylor, it does not appear that this claim could be factually accurate.

In addition, during Ms. Taylor's interview, she purported to describe Senator Leach's apartment in detail, including descriptions of his furniture. Ms. Taylor's descriptions do not match Senator Leach's descriptions. While Senator Leach provided the investigators photographic evidence to support his descriptions, the investigators are unable to positively confirm that the photos were from the time period or the apartment in question.

Additionally, Ms. Taylor alleges in her private criminal complaint that public defender, Karen Schular, "was made aware of what Daylin did to me and not only did she choose to ignore the information but she then didn't even bother to show up on the day I plead guilty." However, during Ms. Taylor's interview, she was adamant that she did not tell Attorney Schular about the allegations.

Of note, Ms. Taylor failed to sign her private criminal complaint under penalty of perjury. While Ms. Taylor contends that the District Attorney's office would not permit her to sign the private criminal complaint when she provided it to that office, she failed to explain why this would have prevented her from signing it when she distributed it to varying elected officials at the Capitol. If

Ms. Taylor had signed the criminal complaint under penalty of perjury, the investigators may have given the statements contained therein more weight.

Finally, we note that Ms. Taylor's present day allegations vary substantially from allegations put forth by her and/or her mother to the Disciplinary Board in 1993 as well as during the subsequent PCRA proceedings. Ms. Taylor did not acknowledge these inconsistencies during our interview let alone make any attempt to reconcile the varying factual claims.

Nonetheless, Ms. Taylor made clear during her interview that she steadfastly believed her account of what transpired between her and Daylin Leach. Her testimony on this point was detailed and passionate.

For his part, the Senator adamantly denies Ms. Taylor's allegations and insists that he had no sexual or otherwise inappropriate contact with Ms. Taylor at any time.

Conclusion:

Regarding the allegations raised by Cara Taylor, she has raised serious allegations. However, her allegations are also 28 years old, contested charges relying mainly on the resolution of credibility as between two people. There are no or few witnesses and the documentary evidence (such as the PCRA transcript in which Ms. Speth withdraws any allegation of wrongdoing by Mr. Leach) does not directly resolve this credibility dispute. Additionally, none of these allegations occurred while Mr. Leach was a member of the Senate.

While this investigation tried to speak to as many individuals as possible regarding these allegations, we ultimately find that the credibility disputes occasioned by the passage of time, among other things, may only be resolved through a contested hearing held under oath where witnesses are subject to either criminal or civil process, rules and sanctions. As noted above, both Ms. Taylor and Senator Leach were passionate and adamant about their respective recollections of the time period in question. While the investigators made every effort to attempt to corroborate either Ms. Taylor's or Senator Leach's version of events, we were unable to uncover any facts or information to permit us to believe one version of events over the other. Accordingly, without diminishing the beliefs of either party to this dispute, we cannot form any conclusion based on the facts at hand.

VI. CONCLUSION

This is an inquiry bounded and informed by employment law. As such, a primary issue that has become apparent is the balkanization of any senator's existence as an employer. By this we mean that while an individual senator is a member of the Senate and maintains an office, he or she is an employer and covered by employment law and the Senate's policies. At the same time, a senator often interacts with the Senate Democratic Campaign Committee which is an organization separate from the Senate over which the Senate has no direct control. Finally, any senator has a campaign organization staffed mainly with volunteers that is outside of Senate control.

While a senator (or candidate) is known publicly as a senator and acts as a senator, with respect to the Senate, his or her behavior while a member of the Senate and while operating his or her Senate offices are those actions over which the Caucus has jurisdiction. Thus, while there exists a number of forums from which an individual senator's behavior may become publicly relevant, it is his or her behavior as a member of the Senate and while operating his or her Senate offices which ultimately create legal liability for the Senate and the Caucus.

With respect to Senator Leach's behavior while as a member of the Senate, we conclude that there is no evidence of actionable discrimination or harassment in violation of applicable law or Caucus policies to the extent Caucus policies are interpreted as consistent with federal law. The Caucus may, however, interpret its policies to impose a broader standard than federal law but this is a policy decision that the Caucus must decide for itself.

It is important to note that this represents a legal conclusion based on the facts that were available to us through voluntary interviews and not an endorsement of any individual's behavior. It is also important to note that while Senator Leach's public commentary following the allegations against him may be outside the purview of this Title VII-based employment analysis, the same may be relevant to the Caucus' consideration of whether its own policies were violated.

Indeed, while we found no evidence of sexual harassment in regards to any particular individual, we note that Senator Leach engaged in joking and humor that was immature and unprofessional. At times, such jokes and humor were unquestionably sexual in nature. None of the witnesses interviewed described this sexual humor as directed at or toward any particular individual. Rather, such sexual jokes were generally made by the Senator about newsworthy current events and political happenings. Jokes with a sexual context, however, have the potential to create a hostile work environment even if not aimed at any particular individual.

At no time did any such behavior actually create a hostile work environment under the circumstances presented here. However, if such behavior continues unabated, the risk for a future hostile work environment claim is present. Senator Leach has acknowledged a need to increase the level of professionalism within his office and has reported that he has taken steps to address such issues.

Nonetheless, our earlier observation remains. It is fair to suggest that the Senate and the Caucus would be advised to point out to all members that all actions, whether they occur in Senate offices, during a SDCC event off site or in an individual senator's campaign office are events that—one way or another—will become part of the narrative in any legal action.

As such, we make the following recommendations:

First, we recommend that all Senators and all staff undergo annual interactive training in employment law issues related to sexual harassment and hostile work environment claims. We can report that, for 2019, the Senate has already commissioned such training but we suggest that it continue to be held on an annual basis.

Second, we recommend that the Caucus' Human Resources staff be in contact with all Chiefs of Staffs and office managers on a yearly basis to cover any employment law issues that may arise and to reaffirm reporting requirements regarding any claims of improper behavior.

Thirdly, we recommend that the Caucus seek to clarify for all Senators and staff that behaviors that occur during SDCC events and in one's campaign office will be events against which their conduct as an employer will likely be measured. As such, we would recommend that senators voluntarily apply the policies of the Senate and the Caucus to any office whether public or private without regard to whether they technically fall within the Senate's legal supervision.

Finally, we recommend that the Caucus reinforce its commitment to maintaining a workplace environment based on mutual respect. In doing so, it is important that Leadership take an active role in ensuring that all employees work in environment where they are comfortable with reporting complaints and concerns without fear of reprisal.

Exhibit E

Petitioner: Ms. Cara Vassallo
712 Ferry Street
Easton, Penna. 18042

AND

Kathleen Speth, OB6906
P.O. Box 180
Muncy, Pennsylvania 17756

The Disciplinary Board of the Supreme Court of Pennsylvania
Mr. John L. Doherty
One Montgomery Plaza # 411
Norristown, Pennsylvania 19401

The purpose of this document is to establish a chronology of the personal transactions and relationship that transpired between Ms. Cara Vassallo and Mr. Daylin Leach, Esquire; in the context of the criminal defense of Mrs. Kathleen Speth, who is the natural mother of Cara Vassallo.

Submitted to the Disciplinary Board/John L. Doherty
July 29, 1993

Kathleen Speth

I, Cara Kuntz-Vassallo, retained an attorney, Mr. Daylin Leach, in March of 1991 to represent me in a landlord/tenant dispute. At that time I was 16 years old and too young to rent a house on my own. When my natural father, Peter J. Kunz of High Falls New York, realised that I was having a housing problem he came from New York to meet with Daylin Leach and he subsequently paid the legal fees connected with my retention of Mr. Leach.

On February 28, 1991 my Mother, Kathleen Speth, was arrested and charged with attempted homicide and reckless endangerment by the Lehigh County District Attorney. My Mother was originally represented by a Philadelphia Lawyer and at a later time the attorney from Philadelphia decided that he could not travel to Lehigh County to represent my Mother because of limited funds for legal fees and the travelling distance involved.

In April of 1991 my Mother, Kathleen Speth, needed an attorney for a second preliminary hearing and I asked Mr. Leach to represent my Mother. At that time I was 17 years old, my Birthday is 03-25-1974. My Mother did give Mr. Leach the sum of \$1,000.00 to represent her and my Mother did sign a contract with Mr. Leach to pay a full legal fee of \$16,000.00 after the criminal charges had been reconciled.

Although there was a written agreement between my Mother and Mr. Leach that covered the subject of remuneration for his services, in about the early summer of 1991 Mr. Leach started to telephone me at home and ask me for dates. Dates meaning lunch or dinner and then back to Mr. Leaches apartment. On every occasion that I met Mr. Leach, socially, the subject of my Mother and her legal problem did come to the surface. Mr. Leach would always tell me that he was worried about what to do for my Mother as there was no more money forthcoming and he was having difficulty developing a defense for her.

(1)

At no point in time did Mr. Leach directly tell me that if I had sex with him that my Mothers legal fees would be paid nor did he ever, directly, tell me that I should personally come up with ideas for a defense for my Mother. However, Mr. Leach did, on every occasion that we met as social entities, suggest by innuendo and body language and "pillow talk" that our sexual liaison was in support of his remaining in my Mothers corner as her attorney.

It is my statement of fact that I did engage in many forms of sex with Mr. Leach over the period of about a year, the final sexual act being in Mr. Leaches office in mid November 1992 when I had gone to Mr. Leaches office to pick up a check for \$2,000.00 which was my Mothers personal settlement in her divorce from her husband, Mr. Speth. At that time of disbursement pick-up, Mr. Leach told me that I could not have the \$2,000.00 check unless I submitted to sex with him in his business office.

I did, on about 4 or 5 occasions, meet Mr. Leach at an arranged location for dates and these liaisons found their culmination in Mr. Leaches apartment which I believe was located on Brenner Road in Allentown.

It is important to note that at the time of these dates with Mr. Leach, I was already pregnant with my first child, William Robert, who's birthdate is 03-20-92. It is my statement that I was in love with and willing to have a child with another man, William Robert's father, and my interaction with my Mothers attorney, Mr. Leach was strictly for the purpose of enabling my Mothers defense. Again, indirectly and by innuendo, Mr. Leach promised me that our liaison would garner my Mother a better chance in the courts. Right before my Mother went to trial in summer 1992, I was with Mr. Leach for one of our "dates" and the subject of "no defense for my Mom" came up again and I asked Mr. Leach if it would help my Mother if I told the court that I had committed the crime. Mr. Leach then said that my admission would be a good thing as I was a minor and he could get me off and that it would surely help my Mother but that I should tell no one and that especially

included my Mother. As the court records will show, there was a postponement of the trial because Mr. Leach wanted to bring me as a witness and I was busy with the birth of my son. There was a continuance granted of 60 days.

It was my intention to tell the court that I had tried to hurt my step-father so that I could make things easier for my Mother as per my discussion with Mr. Leach. It is vital to note that at no time did Mr. Leach tell me or instruct me to lie to the court about who actually committed the crime, but when I mentioned my "proffer of guilt" as a remedy for the innumerable "no defense for your Mom" discussions that Mr. Leach & I had; my offer to take the blame was immediately agreed to by Mr. Leach and our pact of silence about the plan was sealed:

As the court record will also show, I am now facing a criminal charge of my own for perjury with respect to my Mother's trial.

In late 1992 and early 1993 I, myself, found that I needed legal representation for the charges that I was now facing and at the behest of my Mother I went to a Mr. Lee Conrad, of 141 N. 5th. Street in Allentown and I explained my association with Mr. Leach in all detail to Mr. Conrad. Mr. Conrad took \$1,000.00 from me, which was $\frac{1}{2}$ of the money I had received from my Mother's divorce settlement as previously mentioned in this document, and he wanted me to give him the other 1,000.00 that I had received but I would not do that as I had a new baby and my own living expenses.

I am several years older now and have given birth to my second child just recently. I am represented by a public defender at court for the still existing perjury charge and I feel rather inept and stupid for not knowing enough about propriety and the law to realize that no amount of sex or "eager complicity & agreement" would engender a legal defense for my Mother.

Exhibit F

Jan 25, 2019, 5:35 PM

Cara Taylor

i have to get off of here. i have so much to do. If you need me, text or call. 610-762-0043

Jan 25, 2019, 5:34 PM

Cara Taylor

I had to to not go insane

Jan 25, 2019, 5:31 PM

Cara Taylor

i embrased being a felon decades ago

Jan 25, 2019, 5:31 PM

Cara Taylor

they can shove their pardon, and me groveling for forgiveness, up their fucking corrupt asses

Jan 25, 2019, 5:31 PM

Cara Taylor

I dont want one

Jan 25, 2019, 5:30 PM

Cara Taylor

FUCK THE PARDON. i was only going to do that so Angela would have a public doc to publish her story

Jan 25, 2019, 5:30 PM

Colleen Kennedy

no it was @Gwen Snyder

Jan 25, 2019, 5:27 PM

Catherine Coll

Jan 20, 2019, 4:46 PM

Blessing Osazuwa

I'm sorry Cara 🙏

🙏 Cara Taylor

Jan 20, 2019, 3:27 PM

Cara Taylor

i was so fucking stupid

Jan 20, 2019, 3:08 PM

Cara Taylor

i feel utterly betrayed

Jan 20, 2019, 3:08 PM

Cara Taylor

She knew about my criminal complaint when I filed it, and despite her saying that a court document would get the story printed, she never even looked into it.

Jan 20, 2019, 3:06 PM

Colleen Kennedy

The inquirer is not going to have a spine about this, not ever.

Jan 20, 2019, 3:05 PM

Cara Taylor

she told me i needed to be cautious about contacting Jim Fike. I should have known right then and there, too.

Jan 20, 2019, 3:05 PM

Colleen Kennedy

I agree

Jan 20, 2019, 3:04 PM

Cara Taylor

Jan 17, 2019, 2:04 AM

Cara Taylor

Im totally not interested in begging a bunch of high and mighty old white men for forgiveness. Kind of grosses me out

Jan 17, 2019, 2:03 AM

Catherine Coll

Your comment was really excellent Cara

👍 Cara Taylor

👍 Molly Sheehan

Jan 17, 2019, 2:02 AM

Cara Taylor

there is NO way to answer the pardon application questions without involving Daylin. The who point of me filing that is for Angelas ability to print the story

Jan 17, 2019, 2:02 AM

Cara Taylor

As soon as I file for a pardon..... Angela says its a legal document that is public record and she can use that to report the story

Jan 17, 2019, 2:02 AM

Cara Taylor

Looking back, I dont think Daylin wanted a continuence to work on moms case, he wanted me to be 18

Jan 17, 2019, 2:01 AM

Gwen Snyder

holly's a good friend and not there but will know who to talk to in order to sleuth this out and figure out how we get this inthe press

Jan 17, 2019, 2:01 AM

Cara Taylor

That does NOT help

the board of pardons

Jan 17, 2019, 3:16 AM

Molly Sheehan

Is that Fetterman now?

Jan 17, 2019, 3:16 AM

Cara Taylor

It will be the Board of Pardons that decides yes or no, but that hearing is public and I will talk about Daylin, and Angela will be there.... then it will go to the current Gov desk

Jan 17, 2019, 3:15 AM

Nina Ahmad

Have to connect the dots with all who were colluding. It is a different time now,

Jan 17, 2019, 3:15 AM

Nina Ahmad

Has to be a way around this. Let's investigate some more since the state lost them-correct?

👍 Cara Taylor

Jan 17, 2019, 3:15 AM

Cara Taylor

I have gone to Harrisburg and watched other pardon hearings... I have the app all done except for the missing documents....

Jan 17, 2019, 3:15 AM

Cara Taylor

and they are required for the application to be accepted

Jan 17, 2019, 3:14 AM

Cara Taylor

I havent yet applied for the pardon, Nina. Im missing documents that are just "missing" from the courts

Jan 17, 2019, 3:14 AM

criminal justice reform caucuses are being formed in both chambers. Daylin will undoubtedly be a member. Let's make sure he isn't a fucking co-chair.

Jan 21, 2019, 4:37 PM

Colleen Kennedy

Her editors dictate what ends up in the paper, not her but she needs to stop getting your hopes up.

👍 Cara Taylor

Jan 21, 2019, 4:12 PM

Cara Taylor

And Angela said a public document would get the story published. She has known about it since I did it, and still NOTHING. She kept pushing me, too, for a copy of my pardon Application, but I never gave her one, and i never will. i think she has been lying to me this whole time.

Jan 21, 2019, 4:07 PM

Cara Taylor

the whole point of legal, was to get my criminal complaint out in the public. I did that. The DA cant say i wasnt there, that I didnt file it. He cant. even though he didnt follow the law with regard to my complaint, fuck him, I got it out anyway.

Jan 21, 2019, 3:46 PM

Colleen Kennedy

@Emily Woods and I plan to launch our PAC in the next few weeks. We need to get the ball rolling so people can get involved and we can get him and the others out of office

Jan 21, 2019, 3:45 PM

Cara Taylor

Yes, Nina. You are right. IF they ever do anything, it will be to protect themselves, and the institution. it wont be because they care about us. Thats fine. I was just so confused as to WHY they didnt view him as a fucking liability. Thats the shit that blew my mind

Jan 21, 2019, 3:45 PM

Colleen Kennedy

ok

Jan 21, 2019, 3:44 PM

Jan 14, 2019, 2:49 PM


Cara Taylor


I am snail mailing a copy of my criminal complaint to Angela Coulumbis. she had the idea "go to democratic leadership" and see if they know about the criminal complaint. If she doesn't, I will.

Jan 14, 2019, 2:48 PM

Catherine Coll

I'm a big fan of making the ask whether or not there's a chance of the person doing it

 Cara Taylor

 Molly Sheehan

Jan 14, 2019, 2:48 PM


Emily Woods


Yes

Jan 14, 2019, 2:47 PM

Catherine Coll

I heard that Tim Kearney had been asking what he can do to show he's in our corner. I'm going to try to open up a line of communication with him this week. Maybe we can get some people to speak out on the steps of the capitol?

 Cara Taylor

 Molly Sheehan

Jan 14, 2019, 2:47 PM


Emily Woods

Who does Hafner work for?

Jan 14, 2019, 2:47 PM

Catherine Coll

Very interesting, thank you.

 Cara Taylor

Jan 14, 2019, 2:46 PM

Cara Taylor

*Filed and Attested by the
Office of Judicial Records
02 OCT 2019 09:33 am
M. BRYANT*

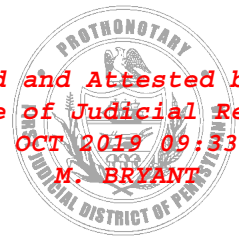


Exhibit G



**PRIVATE
CRIMINAL COMPLAINT**

Magisterial District Number:
 MDJ Name: Hon.
 Address:
 Telephone:

Docket No:
 Date Filed:
 OTN:

(Above to be completed by court personnel)

COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT:
 NAME and ADDRESS
 Daylin Leach
 601 S Henderson Rd Suite 208
 King of Prussia, PA 19406

(Fill in defendant's name and address)

Notice: Under Pa.R.Crim.P. 506, your complaint may require approval by the attorney for the Commonwealth before it can be accepted by the magisterial district court. If the attorney for the Commonwealth disapproves your complaint, you may petition the court of common pleas for review of the decision of the attorney for the Commonwealth.

Fill in as much information as you have.

Defendant's Race/Ethnicity	Defendant's Sex	Defendant's D.O.B.	Defendant's A.K.A. (also known as)
<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown	<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	06/23/61	Dave Leach, Dutch Laroo
Defendant's Vehicle Information			
Plate Number		State	Registration Sticker (MM/YY)
unknown			

I, Cara P. Taylor

(Name of Complainant-Please Print or Type)

do hereby state: (check appropriate box)

- I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____
 I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe.

with violating the penal laws of the Commonwealth of Pennsylvania at Trexler Park Apartments
(Place-Political Subdivision)

in Lehigh County on or about Summer of 1991

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)

Daylin Leach



Defendant's Name: Daylin Leach
Docket Number:



PRIVATE CRIMINAL COMPLAINT

2. The acts committed by the accused were:
(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

Sexual assault of a minor by forcible compulsion. During the Summer of 1991, during which time the private swimming pool for Trexler Park Apartments was open and available for use to the residents, Daylin Leach picked me up from my home located at 215 E Walnut Street in Allentown, PA, telling me we had to talk about my mother's case, as he was her criminal attorney, and drove me to his apartment located in the Trexler Park Apartment Complex where he sexually assaulted me. I was 17 years old, having turned 17 on March 25th of this same year. Upon entering the apartment, after getting himself a drink from the refrigerator, Daylin disappeared into a room and then called my name. I got up and went to where I had heard his voice coming from. I found him naked, with only his socks on, lying on his bed stroking his erection. Daylin then said, "Come help me out". I did as I was told, getting on the bed, on my knees between his legs and put his penis in my mouth. When my tears had visibly annoyed him, he took a bottle of red lubricant from his bedside table and poured it onto his genitals. After he ejaculated, I went into the bathroom to clean his body fluid off of myself and when I returned to his bedroom he was dressed holding his keys. I followed him out the door and he drove me home.

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of _____ and _____
(Section) (Subsection)
 of the _____
(PA Statute)

3. I ask that process be issued and that the defendant be required to answer the charges I have made.
4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
5. 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.

Date

Signature of Complainant

Office of the Attorney for the Commonwealth Approved Disapproved because _____

(Name of Attorney for Commonwealth-Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

AND NOW, on this date _____, I certify that the complaint has been properly completed and verified.

(Magisterial District)

(Issuing Authority)

SEAL



CRIMINAL COMPLAINT FOR USE IN FUTURE CRIMES COMMITTED BY PA SENATOR DAYLIN LEACH

Written by: Cara Taylor
DOB 03/25/1974
2918 E Walker Rd
Bath, PA 18014
il0vescabbygirl@gmail.com
610-762-0043

My name is Cara Taylor and I am a sexual assault victim. My abuser's name is Daylin Leach and he is currently a PA Senator. I was 17 years old when he assaulted me. He was my mother's criminal defense attorney. Daylin didn't just physically abuse me. He also convinced me, through severe and repeated manipulation tactics, to commit perjury by taking the blame for what my mother had done, and because of this, I have been a felon for my entire adult life. Daylin also convinced me to have a child in an attempt to have a medical reason for a requested continuance of my mother's trial. I was a stripper during this period of my life. Currently, I am a 44 year old wife, mother, and grandmother. I am not a career criminal. This is my true story.

1990: My age – 16. I first met Daylin at this time when my boyfriend and I needed a lawyer for a landlord/tenant issue. My father came down from New York to pay Daylin for his help with my legal issue. I was living with my boyfriend in an apartment in PA. I had left home when I was 15.

Feb 1991 – My mother (Kathleen Speth, DOB 12/27/1945) was arrested and charged with attempted homicide. She had tried to kill my stepfather (Delwyn Speth). When my mother was arrested, I took my little sister to live with me. Once my mother was bailed out she came to live with us.

Spring 1991 – Due to my mother's continued crying and pleading regarding her fears surrounding having a public defender, I approached Daylin about helping my mother with her case. Daylin accepted.

Spring and Summer 1991 – My age – 16; I turned 17 on March 25 of this year. Daylin had been talking to me on the phone and in person, although it was mostly in person, for weeks. During this time, Daylin would talk to me about how he did not know how to defend my mother unless someone else had done it. He would ask me questions about where I was that night, about my life, about why I had left home at such a young age. He would ask me questions about what it was like to be a stripper, how much money I made, where I worked. He explained to me how I was only 16 when the crime was committed, how the DA would never switch defendants and how even if they did, with me being a juvenile, minimal time would be served whereas my mother was looking at decades behind bars. Daylin assured me that perjury wasn't an option for the DA either, that no one ever got charged with perjury. Every time I would ask him a question like, "What do you want from me?" or "I don't know what to say, what am I suppose to say?" Daylin would tell me to go home and talk to my mother. After weeks and weeks of this, and weeks and weeks of my mother crying about how she didn't know how she was going to get out of this, after talking to my mother about how Daylin wouldn't answer my questions and having her explain to me that there were certain things a lawyer couldn't be involved in, I knew what I had to do. I remember the day I walked into Daylin's office to give both him and my mother what they wanted from me like it was yesterday, and for decades I have taken more than my share of responsibility for this. It was my idea to agree to this plan, but the plan was never my idea.

My assault - During the Summer of 1991, during which time the private swimming pool for Trexler Park

Case ID: 190904261

Apartments was open and available for use to the residents, Daylin Leach picked me up from my home located at 215 E Walnut Street in Allentown, PA, telling me we had to talk about my mother's case, and drove me to his apartment located in the Trexler Park Apartment Complex where he sexually assaulted me using forcible compulsion. I was 17 years old, having turned 17 on March 25th of this same year. Upon entering the apartment, after getting himself a drink from the refrigerator, Daylin disappeared into a room and then called my name. I got up and went to where I had heard his voice coming from. I found him naked, with only his socks on, lying on his bed stroking his erection. Daylin said, "Come help me out". I did as I was told, getting on the bed on my knees between his legs and put his penis in my mouth. When my tears had visibly annoyed him, he took a bottle of red lubricant from his bedside table and poured it onto his genitals. After he ejaculated, I went into the bathroom to clean his body fluid off of myself and when I returned to his bedroom he was dressed holding his keys. I followed him out the door and he drove me home.

Late Summer 1991 – My age – 17. Daylin told me that he was out of reasons for continuing mom's trial date. He told me that I was a key witness and that if I were to break a leg, get sick, or get pregnant, that he would have a valid reason for asking for a postponement. He said he needed one, that he wasn't prepared at all to defend her. I completely believed this because we never spoke about anything important the way I thought we should have. He told me that if I were to have a baby, that they definitely wouldn't go to hard on me if they decided to come after me for the actual crime. I didn't want to break a bone or get sick, so I got pregnant. I did that. I did that horrible act to two completely innocent lives and have hated myself ever since. My son was born on March 20th, 1992, and five days later I turned 18. Daylin got the continuance he wanted and I was an adult when I committed my crime of perjury.

June 9 and 10, 1992 – My age – 18. I turned 18 on March 25th of this year. I spent 2 days testifying that I had done what my mother was accused of. I was the only defense witness.

June 1992 – My mother was found guilty. On the day of this verdict, I was out in the courthouse hall when Daylin told me I had to meet him at his office right away. I did as I was told and walked over. He came out of his office and told me that there was trouble. He said they were coming after me for conspiracy and that he never saw that coming and that it was a bad thing. He told me that I was smart, that I was a good girl, that he was going to call me into his office in a few minutes and that I had to follow his lead and answer his questions, that he knew I would know how to do that. He told me we had to record it. He told me I had to cry. He left me and went back into his office. When he came back to get me, he took me in his office and held his finger up to his mouth (shhh) and pointed to the tape recorder sitting on his desk. He held his hands on his head and sat in his chair while he said "Cara, please tell me I did not just send an innocent woman to jail." I was instantly petrified. I knew something bad was happening, but I didn't know what, and I was so scared, I instantly started crying. I answered all of his questions the way I knew I was suppose to. I knew I was protecting him and me, but I also knew I was no longer protecting mom and that made me feel sick. It didn't last long, and when it was over, he literally pushed me out the door, telling me to go home, that he would call me.

September 2, 1992 – I was charged with perjury and false swearing.

November 12, 1993 – I entered a guilty plea.

November 15, 1993 @9am– I turned myself in, as ordered, to serve my sentence.

December 17, 2017 – An article in the Philly Inquirer came out about Daylin sexually harassing female staff. This same day, I contacted one of the reporters, Angela Coulombis. She met with me and spent months vetting me, only to have her editors pull the story days before publication due to Daylin's lawyers threatening to sue. I was told, ironically enough, that because of Daylin denying any kind of a "relationship" with me in a PCRA hearing, that the paper would basically be accusing him of perjury and that was a pretty bad thing to do, so they would not be printing my story.

Daylin did what he did to me, but there are many other people who failed me during this time, other than my own crazy mother. None of the adult professionals involved in any of this stepped up to help me or to even try to do the right thing. Corporal State Trooper Arsenio Rosa went to the ADA about his witnessing Daylin feeding me answers while I was on the stand, yet Corporal Rosa was the one to fill out and file the Criminal Complaint for perjury against me. Rosa never filed anything against Daylin. My public defender, Karen Schuler, she was made aware of what Daylin did to me and not only did she choose to ignore the information but she then didn't even bother to show up on the day I plead guilty; a man was there to help me and he asked me if I could read. The Disciplinary Board was notified and dismissed the claim. Charles Seiger, a new attorney for my mother, was told also and not only did this man not report the crime that was reported to him, he also talked my mother out of talking about what Daylin did to me during that same PCRA hearing in 1999, while she was on the stand, because I was a felon for perjury. And last but certainly not least, there is former ADA Michael McIntyre, who has admitted, publicly and privately, to knowing what Daylin was "up to" yet refused to notify the proper authorities and instead called for charges against me.

My intent is neither to absolve myself of blame nor justify my crime, but rather to share responsibility with those who deserve to share it with me in an effort to bring attention to the willful ignorance of mandated reporters in the hopes that this type of self-preserving behavior can be prevented from happening to someone else. Blame can be a harmful, ugly thing. Unless it is deserved.

But now, this is no longer about me. It is all too late for me. Twenty-seven years have passed and I am as broken or as whole as I will ever be, nothing can change that for me and I am partly to blame for all of it. What can change is the ability of all of us to help the next person. Whoever it is who has come to you with a claim against Daylin, please listen to them and please know that they are not alone. Please know that there is much proof, and many other people, who have been immeasurably harmed by this man; this man who is allowed to make and vote on laws that govern over the rest of us. This man who pretends to be a champion of women's rights, literally surrounding himself with a potential victim pool. Please know that you, as a person in a position of power, hold not only the ability to possibly right a wrong to the extent that the law allows, but to also play a large role in saving another victim from all of the crippling effects that come along with feeling powerless against a powerful man and an even more powerful system. Justice can be a harmful, ugly thing, too, and I have rarely been comforted by the meaning of it. What's done is done. Time can't be taken back, hurts can't be undone, lives can't be relived. You can apologize all you want to a broken plate on the floor, but it doesn't change the fact that the plate will never be the same. What can happen, though, what we should strive to have happen, where there might be some small amount of justice, that hopeful reality lies in our ability to prevent the repeated behavior of known predators and real criminals, no matter how powerful they have become.

Please help, however you can, whoever it is who has come to you. Please tell them that they are not alone. Please tell them that I will hate myself forever for what my own inaction has contributed to, in what has happened to them, and while I realize that the utter emptiness of my regret will do nothing to contribute to their wholeness, please tell them that I promise it will never happen again. It will NEVER happen again.

Exhibit H

Message

From: cara taylor [il0vescabbygirl@gmail.com]
Sent: 11/8/2018 10:55:52 PM
To: Colleen Kennedy [ckennedy12489@gmail.com]; Emily Woods [emily.catherine88@gmail.com]
Subject: Fwd: Nov. 8th 2018 Criminal ComplaintSubmission to the DA office

This is from my friend Paulette who was with me today. And keep her email address in case they kill me.

----- Forwarded message -----

From: Paulette Brown <lessaweaver@yahoo.com>
Date: Thu, Nov 8, 2018 at 10:04 PM
Subject: Nov. 8th 2018 Criminal ComplaintSubmission to the DA office
To: Cara Taylor <il0vescabbygirl@gmail.com>

Hey Cara, it's late so I didn't want to call or text, but after hearing Jim talk, and reading your complaint; I think you need to contact Kim and ask her if 1. The Complaint needs your signature, and 2. the originals or copies returned with the written determination of approved or disapproved by the office of the Attorney for the Commonwealth. It states right on the application that you should have a response in **WRITING**.

To review today;

We went to Lehigh County Courthouse today for a 2 pm meet with Assistant District Attorney Mathew Falk, the victim/witness unit coordinator Kim Silvestri and her assistant (who makes good coffee) and the detective. - I didn't catch his name, but he was the same one as the first meeting.

1. Kim asked me for my name, and I gave it; Mathew Falk had heard my last name at the first meeting, but didn't catch my first name.
2. Mathew Falk started by saying he did see the letter you had written for Michael McIntyre; but he was unable to deliver it because McIntyre had retired and moved out of the state to Florida. Mathew Falk stated that he couldn't mail the letter to McIntyre because McIntyre is no longer affiliated with Lehigh county. Falk did state that he will keep the letter, because he knows McIntyre and give it to McIntyre if he ever sees him, because McIntyre is known to visit the court house. Kim Silvestri also stated she had read the letter.
3. Cara took paper out of her back pack and explained; I have the statement typed out like you requested and I also completed a Private Criminal Complaint form. (Falk looked surprised at the second one and put it down on the table after looking at the form, but started to read the statement. Cara explained that the statement was more thorough; the complaint just had the basic details. He then stopped and asked, "you don't mind if I read this now, do you? Cara said no, go ahead. It's yours. Kim Silvestri asked if she should make copies for Cara; Cara stated no, she made copies at home. We waited for him to complete reading the statement.
4. Discussed statute of limitations; Cara can't press charges because the time expired according to M. Falk's estimates. He had a printed out guideline to show Cara what years the statutes were extended. Cara asked to keep a copy; he stated she could keep that one that he brought. Cara also explained that someone had told her not to leave without getting in writing whether they were going to proceed or not continue with charges, and Mathew Falk replied that his office does not give anything in writing like that that can be used by the press.
5. Cara asked if she should sign the papers she had given him; she wasn't sure if she had to sign the Private Criminal Complaint in front of them. He stated she could and handed her back the statement she had typed up; and asked her to date it also. Kim Silvestri had pointed to the remaining paperwork; the Private Criminal Complaint and asked Mathew Falk if Cara needed to sign that too. Mathew Falk responded by taking Cara's now signed statement and the unsigned Private Criminal Complaint and stated that " No, these are going to the detective now." and the papers were passed on.
6. Mathew Falk did recommend counseling again, asked if Cara was surprised over the determination of time expired and stated that he did believe her, and that he would keep her statements to be used in the future if another woman came forward, because he believed predators do repeat, and they think they are smarter than

everyone, but are bound to make mistakes and get caught. Discussed type of targeting women, and Cara's plans - going public, getting published. She needs something submitted so a journalist can't be sued over an article. This step was supposed to produce the needed documentation, but Mathew Falk said he couldn't. Cara stated that she would have to probably file the for a pardon, that way the information is made public. Cara had explained that she came forward after the Dec 17th article last year, and Mathew Falk had agreed that his office usually gets calls from other victims after someone comes public.

7. Cara asked them to investigate the 15 year old that used Daylin Leach as a lawyer after her - the underage minor's name was never released publicly, but Cara stated to them her concern that she could have been a victim too. She had wanted visitation with her siblings. Mathew Falk explained that his office doesn't go looking for victims, they wait for them to come forward because they probably wouldn't like it if a detective showed up at heir door to ask them questions at his time.

OK- Left Michael McIntyres address and cellphone number at your house - same zipcode as you - AND HE HAS BEEN LIVING THERE FOR FORTY YEARS!!!! I was shocked to hear he is CURRENTLY IN PA - IN THE SAME HOUSE HE"S OWNED FOR 40 YEARS and same phone number since at least January, after hearing Michael Falk say he moved out of state to Florida and couldn't reach him. It's a shame his address and phone number are posted public and the DA assistant couldn't locate him. I don't know why, or understand why he couldn't reach him when he was called and talked to today @ 3:45 pm by someone using public information.....I feel you need to pursue getting the denial in writing so you had proof besides my word.

Love you Cara, let me know how I can help!!!!

Exhibit I



cara taylor <il0vescabbygirl@gmail.com>

From Cara

1 message

cara taylor <il0vescabbygirl@gmail.com>

Tue, Nov 6, 2018 at 11:45 PM

To: "Couloumbis, Angela" <acouloumbis@phillynews.com>

Hey Woman! I know it's election day and I'm sure you're busy, I just wanted to touch base with you before Thursday.

The last time we were texting I had been at the Lehigh County DA's Office. This Thursday at 2pm I go back. I will then know if I am able or not to file criminal charges. If I can't, they can keep my statement on file in case anyone is hurt by Daylin in the future, that's how it was explained to me. I wanted to tell you what's going on before they tell me I can't talk to anyone, I don't know that they will, just want to cover my bases in case they say something like that to me. Either way, the form for this kind of thing talks about "public record" and asking for a review if your claim is denied, along with a required signature and a reason for the denial, so maybe that will help you help the world... here's the form, look at the wording...

<http://www.pacourts.us/assets/files/setting-911/file-78.pdf?cb=ecb3dd>

I am including a copy of a letter I gave to the LC Victim Advocate, asking her to read it and to give it to everyone involved. It is to McIntyre. It started out as an "exercise" but it turned out to be much more, and I wanted you to see it, just because I don't think anyone fully understands the effect this man has had on everything, the importance of his role. And there is NO way that the people in this office HAVEN'T talked to him, and I don't appreciate everything that was so wrong with all of this, and McIntyre getting the last disillusional word about it all. I'm sorry it is so long, I had a lot to say.

I know you're busy, especially now, but if you have any questions, just to be safe, call me BEFORE Thursday at 2.

Cara

 **McIntyre.odt**
42K

Exhibit J

April Carter

From: Couloumbis, Angela [acouloumbis@phillynews.com]
To: April Carter
Sent: Thursday, January 31, 2019 2:01 PM
Subject: Read: Daylin Leach v. Cara Taylor, et al.

Your message

To: Couloumbis, Angela
Subject: Daylin Leach v. Cara Taylor, et al.
Sent: Thursday, January 31, 2019 1:37:10 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, January 31, 2019 2:00:37 PM (UTC-05:00) Eastern Time (US & Canada).

LAW OFFICES
SPRAGUE & SPRAGUE

SUITE 400
THE WELLINGTON BUILDING
135 S. 19TH STREET
PHILADELPHIA, PENNSYLVANIA 19103-4919
(215) 561-7681

TELECOPIER: (215) 561-6913
E-MAIL: LAWFIRM@SPRAGUEANDSPRAGUE.COM
OF COUNSEL
DREW KATZ **
LEWIS KATZ (*IN MEMORIAM*)

NEW JERSEY OFFICE
41 GROVE STREET
HADDONFIELD, NJ 08033
(856) 216-1212
FAX (856) 354-2322

RICHARD A. SPRAGUE †
THOMAS A. SPRAGUE **
JOSEPH R. PODRAZA, JR. *
PETER A. GREINER *
BROOKE SPIGLER COHEN †
ALAN STARKER *
JORDANN R. CONABOY †
WILLIAM H. TRASK
SCOTT E. DIAMOND *
DAVID C. FEDERMAN *

† MANAGING ATTORNEY
FOR NEW JERSEY

* ALSO MEMBER NJ BAR
† ALSO MEMBER NY BAR
** INACTIVE MEMBER PA. BAR

January 31, 2019

VIA ELECTRONIC MAIL

Ms. Angela Couloubis
THE PHILADELPHIA INQUIRER
801 Market Street
Philadelphia, PA 19107
acouloubis@phillynews.com

RE: LEACH V. TAYLOR ET AL.

Dear Ms. Couloubis:

This office represents Senator Daylin Leach in connection with defamatory statements Cara Taylor, Gwen Snyder and Colleen Kennedy have published, orally and in writing, at various times over the preceding year, and which have been repeated and republished in articles authored by you during the same time period. As your articles published in *The Philadelphia Inquirer* and elsewhere concerning Mr. Leach may become a subject of litigation, I write to place you on notice of your obligations to preserve any and all documents that are or may be relevant to Mr. Leach's claims in such an action.

You are hereby given notice not to destroy, conceal, or alter any paper or electronic files and other data generated by and/or stored on your computers and/or other storage media (*e.g.*, external drives, smart phone(s)), or any other electronic data, such as voicemail, which relate to, involve, and/or refer to any article written by you regarding Mr. Leach, and any research or investigation conducted prior to, contemporaneously with, or following the publication or decision not to publish such articles, including but not limited to all drafts of the articles, records of publication, distribution, and republication, as well as any notes or other records of communications with, by, between, among, or including you, Cara Taylor, Gwen Snyder, Colleen Kennedy and/or others related to Mr. Leach. In addition, you should preserve, retain, and protect all documents, including but not limited to notes, memoranda, letters/correspondences, drafts, inter-office communications, other internal communications and the like, and electronic files and other data generated by and/or stored on your respective

Ms. Coulombis
January 31, 2019
Page 2

computer(s), phone(s) and/or other storage media, which relate to, involve, and/or refer to Mr. Leach and/or any article(s) you published or declined to publish regarding Mr. Leach, including any research conducted prior to, following, or contemporaneously with publication or the decision not to publish.

Through discovery in litigation, you may be served with a request or subpoena for production of documents and other information. Please be aware that if served with a request or subpoena for production of documents and other information, in order to avoid a separate claim for spoliation, you will need to provide the data or other material requested on the original media. Electronic documents and the storage media on which they reside contain relevant, discoverable information beyond what may be found in printed documents. Therefore, even where a paper copy exists, we seek and will seek all documents in their electronic form along with information about those documents contained on the media. We also seek and will seek paper printouts of only those documents that contain unique information after they were printed out (such as paper documents containing handwriting, signatures, marginalia, drawings, annotations, highlighting and redactions) along with any paper documents for which no corresponding electronic files exist.

Your obligation to preserve documents and other things for discovery arises in law and equity independently from any court order. To assure that your obligation to preserve documents and things will be met, please forward a copy of this letter to all persons and entities with custodial responsibility for any of the items referred to in this letter.

Should you have any questions about this letter, please contact me.

Very truly yours,


Joseph R. Podraza, Jr.

JRP/wht

Filed and Attested by the
Office of Judicial Records
02 OCT 2019 09:33 am
M. BRYANT



Exhibit K



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

In the matter of:

Court of Common Pleas

LEACH VS TAYLOR ETAL

January Term, Yr. 19

No. 02559

Subpoena

To: Custodian of Records of Philadelphia Media Network, LLC
(Name of Witness) (Nombre del Testigo)

1. YOU ARE ORDERED BY THE COURT TO COME TO (El tribunal le ordena que venga a) Sprague & Sprague, 135 S. 19th St., Ste. 400, AT PHILADELPHIA, PENNSYLVANIA ON (En Filadelfia Pensilvania el) February 22, 2019, AT (a las) 10:00 O'CLOCK A.M., TO TESTIFY ON BEHALF OF (para atestiguar a favor de) LEACH HON DAYLIN IN THE ABOVE CASE, AND TO REMAIN UNTIL EXCUSED (en el caso arriba mencionado y permanecer hasta que le autoricen irse).

2. AND BRING WITH YOU THE FOLLOWING (Y traer con usted lo siguiente):

See Attachment "A".

Notice

If you fail to attend or to produce the documents or things required by the subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

Aviso

Si usted falla en comparecer o producir los documentos o cosas requeridas por esta cita, usted estara sujeto a las sanciones autorizadas por la regla 234.5 de las reglas de procedimiento civil de Pensilvania incluyendo pero no limitado a los costos, remuneracion de abogados y encarcelamiento.



INQUIRIES CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO (Las preguntas que tenga acerca de esta Citacion deben ser dirigidas a):

ISSUED BY: Joseph R. Podraza, Jr.

(Attorney)

(Abogado/Abogada)

Address (Direccion):

The Wellington Bldg., Ste. 400
135 S. 19th Street

Philadelphia, PA 19103

Telephone No. (No. de Telefono):

215 561-7681

Attorney ID # (Abogado ID#):

53612

BY THE COURT (Por El Tribunal):

Eric Feder

Deputy Court Administrator (Administrador del Tribunal Adjunto)

Director, Office of Judicial Records (Director de la Oficina de Registros Judiciales)

PRO

(Clerk)

(Escribano)

You may contact the Office of Judicial Records to verify that this subpoena was issued by the Philadelphia County Court of Common Pleas.
Phone: (215) 686-4251 or Email: eCommCertSupport@courts.phila.gov

Case ID: 190904261

Attachment “A”

1. Any and all notes, memoranda and/or other records of communications Angela Couloumbis, David Gambacorta and/or any other *Philadelphia Inquirer* reporter, individually or in combination, had with Cara Taylor, Gwen Snyder, Colleen Kennedy, Daylin Leach, any member of Mr. Leach’s staff and/or others regarding Mr. Leach and/or Cara Taylor, occurring at any time during the period October 2017 to the present.

2. Any and all notes, memoranda and/or other records reflecting, related to and/or describing any research or investigation conducted by Angela Couloumbis, David Gambacorta and/or any other *Philadelphia Inquirer* reporter, or in which any of the foregoing reporters participated, regarding Daylin Leach and/or Cara Taylor at any time during the period October 2017 to the present.



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

In the matter of:

Court of Common Pleas

January Term, Yr. 19

LEACH VS TAYLOR ETAL

No. 02559

Return of Service

On the 8th day of Feb, Yr. 2019,

I, LOUIS A. MANZONI, served with the foregoing subpoena by (described method of service):

HAND DELIVERED to Receptionist 15th Floor
WALTER JENKINS

I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

2-8-2019

Date

Louis Manzoni

Signature

c/o Walter Jenkins

Name of person Served

Name of Witness

Filed and Attested by the
Office of Judicial Records
02 OCT 2019 09:33 am
M. BRYANT

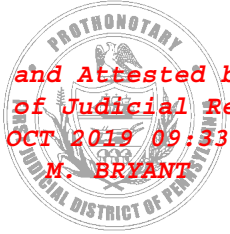
The seal of the Prothonotary, Judicial District of Pennsylvania, is circular. It features an eagle with wings spread, perched on a shield. The shield contains a scale of justice and a sword. The text "PROTHONOTARY" is at the top, and "JUDICIAL DISTRICT OF PENNSYLVANIA" is at the bottom.

Exhibit L

ADVERTISEMENT

'Court-assisted terrorism'? How the powerful can muzzle free speech for about \$300.

by David Gambacorta, Updated: May 24, 2019



ILLUSTRATION BY CYNTHIA GREER / STAFF



On a chilly May afternoon, under a colorless sky, Joe Schiavo parked himself on a bench inside a leafy Old City pocket park that he once helped revive, while a 5,000-gallon fountain gurgled behind him. And then he started talking about terrorism.

Not capital-T, bullets-and-bloodshed terrorism, but something that Schiavo calls “court-assisted terrorism,” meritless lawsuits that powerful entities file to stifle their critics or cripple them financially. The tactic has been around long enough to attract its own acronym — SLAPP, for strategic lawsuits against public participation — and earn the undying enmity of First Amendment advocates across the country.

RELATED STORIES

- **From 2017: Bella Vista civic group survives the night, thanks to high risk insurance carrier**
- **Nunes accuses Twitter, users of defamation and negligence in \$250M lawsuit**
- **Sen. Daylin Leach sues woman accusing him of sexual assault, and two #MeToo activists**

Pennsylvania offers the flimsiest of SLAPP protections, something Schiavo discovered firsthand when he served as the vice chair of the Old City Civic Association’s zoning committee. The volunteers who led the association, which formed in 1973, had the unglamorous task of making sure developers followed the city’s zoning rules as they tried to convert parcels of the historic neighborhood into investment opportunities. And for that, the association sometimes got sued.

One company sued the civic association for more than \$3 million in 2012, blaming the group for a development deal that fizzled. A pub owner sued the association that same year after Old City officials opposed his plans for a new restaurant during a zoning board hearing. Neither lawsuit was successful, but that was almost beside the point.

ADVERTISEMENT

Old City was dropped by its insurance carrier, and its members were left with a Sophie’s choice dilemma: Carry on and risk losing their houses and savings if the association was sued again, or fold. They decided to disband in 2013.



JOSE F. MORENO / STAFF PHOTOGRAPHER

After the Old City Civic Association folded in 2013, Joe Schiavo began working with a smaller organization that rehabbed the Girard Fountain Park at 4th and Arch Streets.

INQUIRER MORNING NEWSLETTER

Get the news you need to start your day

[Sign Up](#)

“For the cost of a filing fee, probably less than \$300, they actually shut down the civic association,” Schiavo said of the organization’s litigious opponents. (The fee for a non-jury trial complaint in Common Pleas Court is \$333.) Now he works with Old City Green, a small group that focuses on inoffensive projects like rehabbing the Girard Fountain Park on Arch Street near Fourth.

But this isn't an issue that concerns only neighborhood do-gooders; a well-executed SLAPP lawsuit can force dissenting voices of all types to go silent. Rape survivors, social-media provocateurs, #MeToo advocates, and the parents of crime victims have all found themselves on the receiving end of what seemed like retaliatory lawsuits. President Donald Trump, meanwhile, has fantasized publicly about weakening libel laws to make it easier to sue journalists who are critical of him.

ADVERTISEMENT

"Often times, you see SLAPP filers who are attempting to use the legal system to bully their critics, to harass them, to force them to retract their statements," said Evan Mascagni, the policy director of the Public Participation Project, a freedom-of-speech coalition pushing for the creation of federal anti-SLAPP laws.

In February, State Sen. Larry Farnese introduced a bill that would give Pennsylvania a meaningful anti-SLAPP law, something that states like California and Texas have long had on their books. This marks the third time Farnese has rolled out such a bill, which tells its own frustrating story.

Location, location, location

Track enough free-speech lawsuits filed by prominent figures, and it becomes clear that the *where* is sometimes more important than the *why*.

Earlier this year, Devin Nunes — the Republican congressman from California who once claimed that Hillary Clinton worked with Russia to get dirt on Trump — leveled a [\\$250 million defamation lawsuit](#) against Twitter and a pair of anonymous Twitter accounts, @DevinNunesMom and @DevinCow, the latter of which poked fun at Nunes' often-touted family farming history with juvenile tweets like, "Mom, Devin is passed out, sobbing, on the manure pile."

Nunes accused Twitter of trying to undermine public confidence in him, and interfere with his investigation into Clinton.

More significant, he requested that a judge compel Twitter to reveal the identities of the people running the Twitter accounts, describing the information as a "matter of great public concern." If Nunes is successful, it could be a watershed moment of sorts: How long would other elected officials wait before they sought to unmask their own anonymous keyboard critics?

Twitter was incorporated in Delaware, and its headquarters are in San Francisco, while Nunes lives in California and represents an area that includes portions of Tulare and Fresno Counties.

His lawsuit, though, was filed in Virginia. And Nunes turned to Virginia courts again recently, this time to file a \$150 million defamation lawsuit against the California-based McClatchy Co. over a story one of its newspapers, the Fresno Bee, published last year about sex and drug-filled parties that took place on a yacht owned by an affiliate of a winery that Nunes partially owns.



J. SCOTT APPLEWHITE / AP FILE

Earlier this year, U.S. Rep. Devin Nunes filed a \$250 million lawsuit against Twitter and the operators of two anonymous accounts that mocked him.

The connection? Virginia has [fairly weak free-speech laws](#). California has some of the nation's strongest. [Defendants in California](#) can file a motion to strike if they believe they have been hit with a SLAPP lawsuit, and promptly get a hearing in front of a judge, who decides whether the case has merit, or if it should be tossed, with defendants getting compensated for reasonable legal costs.

“You don’t want the subject of a story to use their deep pockets to threaten a publication with libel or defamation lawsuits, and use the court system to rack up legal fees, and then have somebody self-censor,” said Rick Blum, the policy director of the [Reporters Committee for Freedom of the Press](#).

ADVERTISEMENT

Public figures have to clear a high bar to win a defamation lawsuit; they must prove that a defendant acted with “actual malice” — knowing something was false but sharing or publishing it anyway, according to the landmark 1964 U.S. Supreme Court case, *New York Times v. Sullivan*.

“I think most public officials understand that they will be criticized, and that a certain amount of feedback from the public is healthy,” Blum said.

Deep pockets vs. empty pockets

Nunes isn’t the only public figure who has resorted to suing his critics.

In January, State Sen. Daylin Leach (D., Montgomery) [filed a defamation lawsuit in Philadelphia Common Pleas Court against Cara Taylor](#), a Lehigh County woman who accused him of coercing her to perform oral sex on him in 1991 — when Taylor was 17 and Leach was a defense attorney, representing her mother in an attempted-murder case.

ADVERTISEMENT

Leach, a liberal who has long been known as a staunch defender of women's rights, vehemently denied Taylor's claim. He also sued Colleen Kennedy and Gwen Snyder, #MeToo advocates who shared Taylor's account on social media and labeled him a rapist in some of their posts. (Senate Democrats have hired a law firm to investigate Taylor's claims.)

In his lawsuit, Leach referred to Taylor as a "serial liar" — Taylor lied on the witness stand during her mother's trial, and was convicted of perjury — and noted that he once testified under oath that he'd never had a physical relationship with her. All three women, he argued, were trying to exploit the #MeToo movement and sabotage his career.

The lawsuit has backfired on Leach so far. Democratic Committees in Montgomery County and Delaware County [have called on him to resign](#), as have multiple elected officials, including Gov. Tom Wolf and Lt. Gov John Fetterman, who described Leach's decision to sue Taylor, Kennedy, and Snyder as "appalling" in a tweet.

Leach has refused to step down, and still has supporters who chide his accusers on Facebook and Twitter.



STEVEN FALK / FILE PHOTOGRAPH

State Sen. Daylin Leach during Democratic Congressional debate in 2014.

“Senator Leach’s lawsuit against Gwen and Colleen is a classic SLAPP suit. His complaint admits he wants to ‘punish the defendants for their conduct’ and ‘deter them and others’ from engaging in ‘like acts in the future,’ ” said Michael Berry, attorney for Snyder and Kennedy.

“But, in the United States, people have the right to speak out on matters of public concern. That is exactly what Gwen and Colleen did — they spoke out against an elected official accused of engaging in past sexual misconduct.”

Joseph Podraza, Leach’s attorney, disputed Berry’s characterization. “Our lawsuit has been brought to vindicate Daylin Leach from a falsehood that has damaged his reputation, and try to reestablish and salvage his reputation. It’s the complete opposite of a SLAPP lawsuit.”

Already, Taylor — who, in court filings, said she’s been able to obtain only dead-end jobs because of her felony conviction — has sought financial donations to help cover her legal bills.

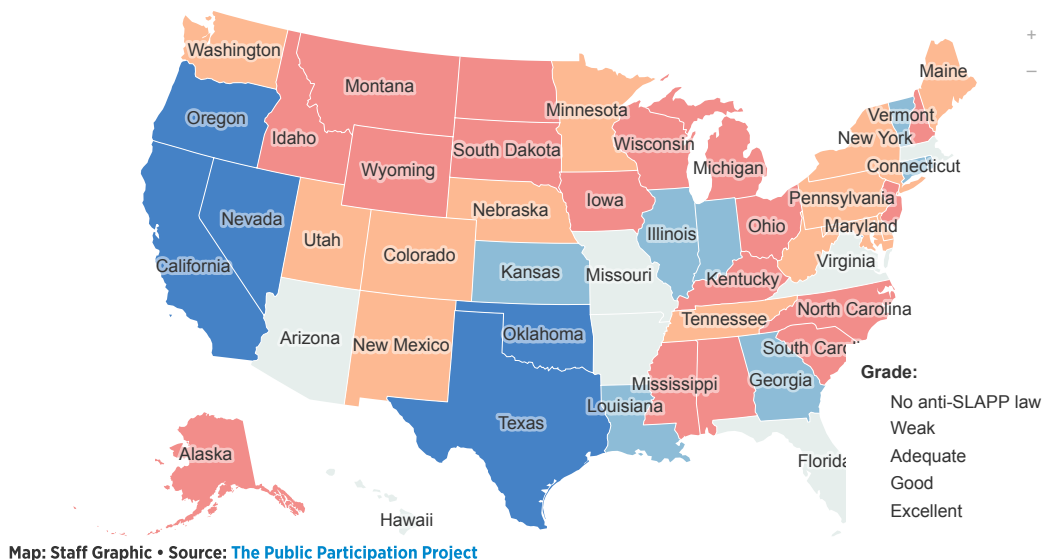
Campaign-finance records show that Leach, meanwhile, used his political action committee to pay \$10,000 to Podraza in 2018, and \$5,695 to attorney George Bochetto, who briefly represented Leach after [The Inquirer reported in 2017 that former staffers had accused the senator](#) of inappropriate dialogue or touching.

That sort of financial imbalance has been a hallmark of other controversial lawsuits. In 2017, [multiple actresses told the Los Angeles Times](#) that they had been sexually assaulted or harassed by Brett Ratner, the director of the films *Rush Hour* and *X-Men: Last Stand*.

After the story published, a former talent agency employee named Melanie Kohler wrote on her Facebook page that she'd been raped more than a decade earlier by Ratner at the home of a Hollywood studio executive.

State-by-State Free Speech Protection Scorecard

There are no federal laws that address strategic lawsuits against public participation (SLAPP), so protection against these often frivolous lawsuits varies from state to state. More than a dozen don't have any anti-SLAPP protection. The laws vary in their effectiveness.



Ratner, whose films have grossed more than \$2 billion, responded to the deluge of allegations by suing just one person: Kohler, a scuba-diving instructor who lives in Hawaii.

Despite the fact that the alleged rape occurred in California, where Ratner lives, he filed the lawsuit in Hawaii, which has weaker anti-SLAPP laws.

“For years and years, no one ever brought these cases, based on the understandable and correct assumption they’d never go anywhere because of the First Amendment,” Roberta Kaplan, Kohler’s attorney, recently told *The Inquirer*. “They really are anti-free speech suits. ... Ultimately, they can’t succeed, but they bring the lawsuits because of the sheer aggravation and harassment value on the women who are sued.”

Kaplan was so disturbed by the financial gap between victims who are sometimes sued by their deep-pocketed abusers that she cofounded the *Time’s Up* legal defense fund, which has raised more than \$22 million, attracting donations from Taylor Swift, Oprah Winfrey, and other celebrities.

Ratner [withdrew his complaint](#) last fall.

‘Hard to understand’

The phone call that changed Bill Villa’s life — and set him on a path that would ultimately lead to him being sued for defamation by his local district attorney — arrived on a March morning 13 years ago, when his Allentown home was still cloaked in predawn darkness. When he answered, he heard the voice of his ex-wife, Barbara Maquera.

Their daughter, Sheena, had been out celebrating her 25th birthday with friends, when the Lexus SUV she was riding in somehow crashed into a tree.

Villa rushed to Lehigh Valley Hospital but wasn't prepared for what he found when he stepped into Sheena's hospital room. "Half her head was gone," he said. "Her face looked good — the little freckles on her nose. Her mouth looked like somebody punched her. Both her arms were broken. She had a stomach wound that would've been fatal on its own."

Athletic and outgoing, Sheena had once attended the University of the Arts in Philadelphia, and was working as a dance instructor while she pondered the next phase of her life. She died from her injuries later that day.

"It was your worst nightmare as a parent," Villa, 65, said softly. Doctors had shared an additional piece of heartbreaking information with him: Sheena had been pregnant.

The driver of the Lexus, Robert LaBarre, had a blood-alcohol level three times the legal limit at the time of the crash, and was charged with homicide by vehicle and driving under the influence.

Villa lobbied Lehigh County District Attorney Jim Martin to charge LaBarre, the son of a prominent Allentown attorney, with third-degree murder, but was unsuccessful. Then Villa learned that a plea hearing had been scheduled without his family being notified, leaving him outraged. (LaBarre was sentenced to [5½ to 12 years in prison in 2007](#), and released on parole in 2012.)

So Villa took his frustration and grief online. He used Facebook and a blog, *Lehigh Valley Somebody*, to catalog his antipathy toward Martin, and a long list of Allentown public officials and members of the media who Villa claimed were aligned against him.



TOM GRALISH / STAFF PHOTOGRAPHER

Since 2015, Bill and Angie Villa have been battling a defamation lawsuit that Lehigh County District Attorney Jim Martin filed against Bill, who criticized the D.A.'s handling of a drunk driving crash that took the life of Bill's daughter, Sheena.

His posts won supporters and detractors, and he was a guest nearly a dozen times on a local talk-radio show. Villa accused Martin of being crooked and incompetent, and alleged that the DA had fixed fatal DUI cases in favor of defendants. “[I]f they’re not fixed, then he certainly ... leaves himself wide open to that allegation by the things he does and doesn’t do,” Villa said during one 2014 appearance, according to a court transcript.

Martin, a Republican who’s been entrenched as DA since 1998, filed a defamation lawsuit in 2015 against Villa, Bobby Gunther Walsh, the talk-show host, and iHeart Communications, the parent company of the station that broadcast the interviews.

The DA’s lawyers also apparently kept a close eye on internet chatter about the case. Harry Shelhamer, a former Allentown resident, said he read Villa’s blog and posted a critical online comment about Martin on a Legal Intelligencer story about the lawsuit — and soon found a business card had been left at his house in Carbon County, more than two hours outside of Philadelphia, from an investigator working for Sprague & Sprague, the Center City law firm Martin hired.

“I think their goal was to intimidate me, to put a little bit of fear in me,” Shelhamer said.

Villa, a longtime advertising creative director, discovered that his homeowner’s insurance policy would defend him against Martin’s lawsuit. More than four years later, the case remains unresolved. “It’s just a little hard to understand why they would go to all this trouble for a guy who’s obviously distraught,” said Temple University law professor David Kairys, a longtime civil rights civil attorney.

Had Villa been paying for an attorney himself this whole time, he and his wife, Angie, likely would have gone broke by now.

Criticism of politicians is practically an American pastime, Kairys added, one rife with hyperbole. For someone like Martin — a powerful prosecutor who looms large over Allentown’s political world — to sue Villa, “it makes it look a little bit like a SLAPP case.”

Martin is again running for reelection, and referred questions about the case to his attorney, David Federman, who insisted the lawsuit has merit. “[Villa] accuses him of illegal conduct, fraud, all of that kind of stuff,” Federman said. “It goes beyond simple opinions about Mr. Martin being a good or bad district attorney.”

Villa admits the stress of the lawsuit has taken a toll. He’s been deposed by Martin’s attorneys for 15 hours, and once was questioned by the state Attorney General’s Office about material on his blog. But he refuses to go quiet.

“To me, it’s like a calling,” Villa said of his continued outspokenness. “I think, maybe, society needs people like me.”



COURTESY VILLA FAMILY

Sheena Villa was killed in a drunk driving crash in Lehigh County in 2006, while she was out celebrating her 25th birthday.

Other parents have faced surprising lawsuits when they tried to get justice for their kids. In 2013, Charlene Burnside sued the Glen Mills Schools after an employee allegedly body-slammed her teenage son, Jamal, leaving him with a shattered elbow that required surgery.

The reform school, in a counterclaim, said she had damaged its reputation, costing it more than \$50,000 in lost revenue. “The only thing they were trying to accomplish, in my experience, is to try to use offense as defense,” said Joseph Guzzardo, Burnside’s attorney.

Glen Mills later settled Burnside’s lawsuit.

It was not the last time that someone would accuse the school of harming its students. Earlier this year, an [Inquirer investigation found that physical abuse](#) was a systemic problem that had long gone unchecked, prompting the state [Department of Human Services to revoke Glen Mills’ license](#). The 193-year-old school was forced to close.

Third time’s a charm?

Larry Farnese’s legislation, Senate Bill 95, could nudge Pennsylvania into the 21st century — legally, anyway — and make it difficult for lawsuits attacking free speech to take root in local courts.

The bill, which was introduced in February and referred to the Senate Judiciary Committee, would allow Pennsylvanians who feel they’re on the receiving end of a SLAPP suit to file a motion to dismiss within 30 days, putting the matter in front of a judge who would decide whether the lawsuit has merit. Currently, the state offers only narrow protections to people who speak out about environmental issues.

A bill similar to Farnese’s was introduced in the House by State Rep. Russ Diamond (R., Lebanon) and has found bipartisan support. “This is a civil liberties issue, so we’ve been able to get a fair amount of Republicans on board,” Diamond said.

Under both bills, defendants who succeed in getting a frivolous defamation or libel lawsuit dismissed would be able to recoup their legal fees from the person who sued them. Plaintiffs could also recoup attorney fees if a ruling was in their favor.



YONG KIM / FILE PHOTOGRAPH

State Sen. Larry Farnese has introduced, for a third time, legislation that would give Pennsylvania formidable anti-SLAPP laws, on par with California, Texas, and other states.

The last two times Farnese introduced his bill, it passed through the Senate by overwhelming margins — 42-8 in 2017, and 48-1 in 2015 — and then sputtered. (Daylin Leach voted in favor both times.) Farnese believes opposition from the Pennsylvania Chamber of Business and Industry has been a deciding factor.

“The chamber doesn’t like the bill,” he said, “because a lot of their members use SLAPP suits.”

Tricia Harris, the chamber’s policy director, wrote in an email: “We remain concerned that broad applications of the bill may not be in the best interests of our members.” When pressed to elaborate, she declined.

But strong anti-SLAPP laws can be beneficial even for powerful figures.

When porn star Stormy Daniels said she was threatened in 2011 not to go public with her story of an alleged sexual encounter with Trump, the president, in a tweet, said her efforts were part of “a total con job.” Daniels sued for defamation, but a judge dismissed her claim and [ordered her to pay nearly \\$300,000](#) in legal fees under Texas’ anti-SLAPP statute.

It’s hard not see the irony in Trump benefiting from an anti-SLAPP law, given his multiple comments about wanting to weaken libel laws to make it easier to punish journalists who write stories he dislikes. But during a postelection interview, he [described an epiphany](#) that he’d had.

Trump explained that someone had warned him that weaker laws could result in more lawsuits being filed against *him*, given his fondness for accusatory and often fact-challenged tweets.

SPONSORED CONTENT

Your Shopping Experience Just Got a Whole Lot Better: Here's Why

by Walmart



"I said, 'You know, you're right, I never thought about that,'" Trump explained. "I said, 'You know, I have to start thinking about that.'"

[If you like in-depth stories like this one, please support us by subscribing.]



Posted: May 24, 2019 - 5:00 AM

[David Gambacorta](#) | [@dgambacorta](#) | dgambacorta@inquirer.com

Never Miss a Story

Subscribe

 View 15 Comments