

1 IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

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3 **IN RE: RESOLUTION IN MEMORY OF : CV-23-00004**  
4 **GARTH D. EVERETT, ESQUIRE :**

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7  
8 **TRANSCRIPT OF MEMORIAL SERVICE**

9 held before the Honorable Court of Lycoming County in Courtroom  
10 No. 1 of the Lycoming County Courthouse, 48 West Third Street,  
11 Williamsport, Pennsylvania, on Friday, May 19, 2023, commencing  
12 at 3:43 p.m. and concluding at 4:09 p.m.

13  
14 **COMMITTEE MEMBERS:**

- 15 **E. Eugene Yaw, Esquire, Chairperson**
- 16 Layne R. Oden, Esquire
- 17 Kyle W. Rude, Esquire
- 18 Joy Reynolds McCoy, Esquire
- 19 J. David Smith, Esquire
- 20 Clifford A. Rieders, Esquire

P R O C E E D I N G S

1  
2           **JUDGE CARLUCCI:** Good afternoon, folks. I am a  
3 very poor substitute for our President Judge, but most of the  
4 folks who are in the room right now know that of the 5 judicial  
5 positions we have in Lycoming County, only 4 are currently  
6 filled, and -- and you know that our calendars are full. Judge  
7 Linhardt has an emergency hearing right now. As soon as he  
8 concludes testimony in that emergency hearing he's going to join  
9 us. Judge Butts has what I believe is a hearing she's trying to  
10 manage, she's going to join us as soon as she can. I, in fact,  
11 had a proceeding at three o'clock which I terminated in order to  
12 be here for this, and Judge Tira, I believe, is out of town. So  
13 we're very grateful that Judge Brown was able to join us, and as  
14 luck would have it we have so many judicial proceedings pending  
15 right now that we're going to have to allow Judge Linhardt and  
16 Judge Butts to join us as soon as they possibly can.

17           We are gathered here this afternoon for a memorial  
18 in -- in memory of our brother lawyer, Garth Everett, and to  
19 receive a resolution from the -- the committee who has prepared  
20 remarks.

21           Attorney Everett died on January 28, 2023, and the  
22 Court promptly appointed a committee to prepare memorial  
23 resolutions. It is my understandings that Senator Yaw chairs  
24 that committee. The Court notes that Senator Yaw is present and  
25 I infer, Senator Yaw, that you are prepared to present that

1 resolution to the Court; is that correct?

2 **E. EUGENE YAW:** Yes, Your Honor.

3 **JUDGE CARLUCCI:** Would you please proceed to do  
4 so?

5 **E. EUGENE YAW:** May it please the Court, here's a  
6 copy of our report. Preliminarily I'd like to state Garth's  
7 wife Sue is not here today, and neither are his children, and  
8 I'll explain. I had contact with Sue a couple hours ago, and  
9 she apparently had -- something happened, she thinks she has a  
10 detached retina in her eye, she was able to get an emergency  
11 appointment with an ophthalmologist, so that was at 2:30, so I'm  
12 assuming that's why she is not here.

13 Garth's one daughter, Megan lives in Chicago, and his  
14 other daughter, Corinne, is on a field trip with Garth's  
15 grandson, so that limits the number of people here. So most of  
16 the people here are obviously attorneys or people associated  
17 with the courts, so if it please the Court, if I may I will read  
18 our report, and I think that it probably, at least in my  
19 opinion, hopefully summarizes what we all feel about Garth, and  
20 knew about Garth. So with that.

21 It's to the Honorable Judges of the above-named Court:  
22 On the 21st day of February, 2023, the Honorable Nancy L. butts,  
23 President judge of the 29th Judicial District of the  
24 Commonwealth of Pennsylvania appointed the undersigned committee  
25 to prepare a report and resolutions memorializing the life of

1 Garth D. Everett for submission to the Court at a public  
2 ceremony on May 19, 2023 at 3:30 p.m.

3 Accordingly, your committee respectfully submits the  
4 following report and resolutions:

5 The Honorable Garth D. Everett, a 12-year member of  
6 the Lycoming Law Association died on January 28, 2023 at the  
7 Gatehouse in Williamsport, Pennsylvania. Born on January 28,  
8 1954, Garth was the son of David and Maxine Everett.

9 Garth was a soldier, a lawyer, a legislator, a  
10 husband, a father, a grandfather, and a friend. He was also an  
11 18-year survivor of cancer. Very few can match or repeat the  
12 accomplishments in the life that Garth had. Garth Everett was a  
13 very unique person.

14 Garth was born and raised in Montoursville,  
15 Pennsylvania. He graduated from the Montoursville High School  
16 in 1972 where he met his best friend and future wife, Sue  
17 Shultz. Garth graduated from Penn State with an ROTC Commission  
18 in the United States Air Force in 1976. At that time of his  
19 graduation, he married his high school sweetheart, Sue.

20 While in the United States Air Force, Garth and Sue  
21 became the parents of Megan and Corinne. During that time on  
22 active duty, Garth rose to the rank of Lieutenant Colonel.

23 Upon his retirement from the Air Force, Garth returned  
24 to Pennsylvania and enrolled in the Dickinson School of Law. He  
25 graduated in 2000 and was a class speaker at the graduation

1 ceremony which was attended by former Governor Tom Ridge and  
2 Penn State Football Legend Joe Paterno.

3 As a lawyer, Garth's specialty became representing  
4 municipal clients. That background led to his interest in the  
5 legislative process, and in 2006 Garth ran for the office of  
6 State Representative for the 84th District following his  
7 classmate, Brett Feese, who held that position previously.  
8 Garth served in the Pennsylvania House of Representatives from  
9 2007 until 2020 when he retired from the legislature.

10 Upon his retirement, Garth and Sue spent more time  
11 with family and friends. They devoted a considerable amount of  
12 time to traveling around the United States, as well as spending  
13 time at his beloved cabin on the Loyalsock Creek in Plunketts  
14 Creek Township. During that time Garth did the grandfatherly  
15 things such as taking his grandson to guitar lessons, and  
16 coaching his granddaughter in soccer.

17 Garth lived life to the fullest. His approach to life  
18 is described by Hunter S. Thompson as follows:

19 I might say, this was part of the hand-out at  
20 Garth's celebration of life.

21 "Life should not be a journey to the grave with  
22 the intention of arriving safely in a pretty and well-preserved  
23 body, but rather to skid in broadside in a cloud of smoke  
24 thoroughly used up, totally worn, and loudly proclaiming 'WOW  
25 What a Ride'."

1           There is no better description of Garth's  
2 philosophy of life and the way he lived it.

3           For all who knew Garth, the words "being  
4 Garthed", that's G-A-R-T-H-E-D, have a special and very profound  
5 meaning bringing back memories of long nights, intense  
6 discussions, and very slow mornings. Closely related and an  
7 very integral part of "being Garthed" was Garth's invitation of  
8 "Let's have one more last beer."

9           As a soldier, a lawyer, a legislator, a husband,  
10 a father, a grandfather, and a friend, our Law Association has  
11 suffered a loss. Our community has suffered a loss, and our  
12 state has suffered a loss in the passing of Garth D. Everett.

13           Garth's moto in his own words was: "Higher,  
14 Faster, Harder."

15           **NOW THEREFORE**, be it resolved, that we, the  
16 undersigned, joined by the Bar of Lycoming County, do recognize  
17 the passing of Garth D. Everett, and recommend adopting the  
18 following resolutions:

19           **BE IT RESOLVED** that in the passing of Garth D.  
20 Everett on January 28, 2023 there, has been a loss to the Law  
21 Association of Lycoming County of an able and conscientious  
22 member that epitomizes the highest tradition of the legal  
23 profession, a loss to the community of a valued participant, a  
24 loss to the family of a devoted, kind, and loving husband,  
25 father, grandfather, and a sincere and caring man.

Paula J. Singer  
Official Court Reporter  
Lycoming County, PA

1                   And, **BE IT FURTHER RESOLVED** that this Court and  
2 this Bar do extend to Garth's wife, Sue, his children and  
3 grandchildren, a deep and heartfelt expression of gratitude,  
4 and.

5                   **BE IT FURTHER RESOLVED** that these resolutions be  
6 spread at length upon minutes of the Court of Common Pleas of  
7 Lycoming County, and that copies be given to Garth's wife, his  
8 children, and grandchildren.

9                   RESPECTFULLY SUBMITTED E. Eugene Yaw, Chairman,  
10 Layne Oden, Esquire, Kyle Rude, Esquire, Joy Reynolds McCoy,  
11 Esquire, and J. David Smith, Esquire. If it please the Court.

12                   **JUDGE CARLUCCI:** Thank you Senator. The Court  
13 approves the report and resolution of the committee, and enters  
14 the following order.

15                   (**WHEREUPON** Court entered order.)

16                   **JUDGE CARLUCCI:** Senator Yaw, did you want to  
17 make any personal observations?

18                   **E. EUGENE YAW:** Yes, thank you, Your Honor, and  
19 if it please the Court. I'd just like to make a couple of  
20 comments about Garth. I -- we tried to give the way he lived  
21 life, and it was interesting. He was a friend of mine, a good  
22 friend. At one point during his legislative career we were both  
23 members of the Pennsylvania College of Technology Board of  
24 Directors, we were both members of the Center for Rural  
25 Pennsylvania Board of Directors, and we were both members of the

1 Chesapeake Bay Commission, and we obviously worked together a  
2 lot. One of the things, and it's not because of us, but --  
3 personally, but it was always interesting that 2 people from  
4 Lycoming County this far north in the whole -- the whole  
5 legislative grouping and everything were recognized, and we were  
6 served on these -- on these organizations together.

7 We spent a lot of time talking about things, and what  
8 was really interesting is we may go for a month or 2 months and  
9 not see or talk to one another, and sit down and we would be on  
10 the same wave length. So that was very -- very special  
11 relationship that we had.

12 And yes, I was Garthed a few times by him, and that  
13 did happen. That was, Layne Oden also told me, he said he ha --  
14 he was -- he's out of town he apologized for not being here, but  
15 he said I -- he was the victim of being Garthed too. So that  
16 was something that was obviously a notable part of his life.

17 But good friend, and I miss him. I miss him in  
18 Harrisburg. Harrisburg misses him, too, and he -- what he did  
19 for Lycoming County, he always had Lycoming County, that was the  
20 key to everything that he did in Harrisburg was Lycoming County.  
21 so with that, thank you.

22 **JUDGE CARLUCCI:** Thank you, Senator. The Court  
23 will recognize members of the committee who wish to be heard,  
24 rather than calling on members of the committee in any  
25 particular order, I will simply entertain any member of the



1 committee who wishes to be heard, if any. Judge McCoy.

2 **JOY REYNOLDS McCOY:** Your Honor, may it please  
3 the Court. So I think many of us have people in our lives who,  
4 without ever knowing it, make a profound impact on you, and for  
5 me Garth was one of those individuals. His office was directly  
6 across from mine at McNerney Page before he moved down to the  
7 Halls Station office, which led to many conversations starting  
8 out about a legal issue, but ultimately turned to life talks,  
9 and some great ones.

10 I will forever be grateful to Garth and Sue for their  
11 tremendous support for me when I ran for judge in 2009. Garth  
12 taught me my first lesson in politics. I called him to tell him  
13 that I was going to be announcing that I was running for judge.  
14 We had a conversation, we hung up, 2 minutes later he called me  
15 back and said, you never asked me to vote for you. So lesson  
16 learned, do not take anything for granted.

17 Garth was also the one who called me the night of the  
18 primary election before all the results were even in and said to  
19 me, you've won, and I said, it's not done yet. He said, well  
20 I've watched enough results come in in Lycoming County to know  
21 that the numbers are not going to change and that you've won.

22 Over the last years I would run into Garth  
23 occasionally, and it's ironic the comment that Gene just made.  
24 Usually I'd see him at Johnson's, but I could have gone for 6  
25 months, 9 months, a year without talking to him, and you pick up

1 a conversation as if you had just talked to him the day before.

2 It was an unusual situation because he came into  
3 McNerney Page as a Lieutenant Colonel, massive life experience,  
4 and I was a very young partner at McNerney Page at the time, but  
5 we developed a very good relationship through all of that, and  
6 I'm forever grateful for everything he's done for me.

7 **JUDGE CARLUCCI:** Thank you. Would any other  
8 member of the committee like to be heard? Very shortly after we  
9 opened this proceeding the President Judge joined us, and I will  
10 allow her to decide whether she would like to be heard first or  
11 last.

12 **PRESIDENT JUDGE BUTTS:** I'm just -- you're  
13 running the -- you're running the ceremony, so I serve at your  
14 wish.

15 **JUDGE CARLUCCI:** Then I'll -- I will allow the  
16 President judge to have the last word. Judge Brown, would you  
17 like to be heard?

18 **SENIOR JUDGE BROWN:** Yeah, would want to make a  
19 few comments. First my condolences to Garth's family. The  
20 Court had utmost respect for Garth as an attorney and as a great  
21 guy. We all knowing him felt what a great guy he was to work  
22 with. When I heard -- when I think about Garth there's certain  
23 words that come to my mind that describe him. Integrity,  
24 honestly, professionalism, and sincerity in whatever he was  
25 doing, and I'm sure those qualities served him well as a state

1 representative, in the military, and as an attorney.

2 As a Judge I was always happy to see Garth. He was  
3 always so pleasant and easygoing. It was good to work with him,  
4 and he was helpful in any case that he appeared before the Court  
5 on, and I'll tell a very short story, but kind of illustrated  
6 how helpful he was.

7 It was a civil case we were doing, and it was one of  
8 those neighbor disputes over some small piece of land, there was  
9 a lot of acrimony, and the kind of case that really called out  
10 for settlement to try to get these people back on better terms,  
11 and Garth represented one of the parties, and he was working  
12 hard with the other attorney to get the case through settlement.  
13 And shortly before lunch he said, I think we -- I think we've  
14 got it together, but now my client is kind of going the other  
15 way. He was worried this is not going to agree to settle, and  
16 he said, but give me the lunch time, I think I can talk to  
17 him -- and and pull this back together. And Garth came back  
18 from lunch and said, yeah I talked to him and we've got this  
19 together and -- and the case settled. I appreciated I think a  
20 lot of attorneys wouldn't have spent the time and effort that  
21 Garth did, but I think he helped reach a good result in the  
22 case. He went the extra mile, and that is kind of what I always  
23 saw Garth doing in the cases before me.

24 We always remember Garth as an extra ordinarily member  
25 of the Lycoming County Bar. Thank you.

Paula J. Singer  
Official Court Reporter  
Lycoming County, PA

1                   **JUDGE CARLUCCI:** Thank you, Judge Brown. I share  
2 all of Judge Brown's observations, I will not repeat them. I  
3 will, however, share my own little story.

4                   I had the pleasure of trying a case against Garth to  
5 Judge Gray, and Judge -- and Garth was exactly what Judge Brown  
6 has suggested, that is he was pleasant and professional. But in  
7 this particular case the -- there was a great deal of acrimony  
8 between the parties, and there was no settlement to be had. It  
9 was a border dispute, and I'm just delighted that this border  
10 dispute did not result in a homicide trial. But we -- we  
11 appeared, and we each had an expert surveyor. Mine was retained  
12 by my clients, but I had spent a lot of time with the surveyor,  
13 and I understood the approach he was going to take in his  
14 testimony.

15                   Garth was a consummate professional and pleasant, and  
16 I presented my case with my surveyor, Garth did the same, and it  
17 was obvious from Garth's presentation of the testimony of his  
18 clients that he had prepared them carefully, he had them well  
19 under control, and in this particular case having your clients  
20 well under control took a Herculean effort. But he did exactly  
21 that. He was pleasant and professional, and I fully expected  
22 that he was going to make a very persuasive presentation to  
23 Judge Gray.

24                   He put his surveyor on the stand, and his surveyor  
25 testified to how he did his survey, which was a different

1 approach than my surveyor used, and this was the only time in my  
2 43 year career as a trial lawyer that I ever did this, but I  
3 pulled out a triotus on surveying and approached the surveyor  
4 and said, are these 2 methods of surveying both discussed in  
5 this triotus, and his surveyor said yes they are. And I said,  
6 in this triotus doesn't it say that the approach that our  
7 surveyor took is preferable to the approach that your surveyor  
8 took? And I was confident that Garth's surveyor was going to  
9 say it's just 2 different ways of approaching it, and one is not  
10 better than the other, and they're just -- there's 2 ways to  
11 accomplish the same objective, and I was certain that was going  
12 to be his answer, but I was wrong. His answer was, yeah you're  
13 right, that book says his way of doing it is better, and in fact  
14 the way he did it is much better than the way I did it. And I  
15 had more cross-examination questions prepared but I decided that  
16 maybe that was the time to stop. So I said, thank you very  
17 much. And then I turned and Garth was, I'll say surprised by  
18 that answer. Certainly I'm sure not one that he got when he  
19 prepared this witness.

20 And the moral -- the morals, 2, of this story are  
21 these. First of all, Garth was, in addition to all the other  
22 wonderful things that Judge Brown an the committee said about  
23 him, he was a very pleasant man, a consummate professional, and  
24 a fine trial lawyer. And the second moral of the story is,  
25 never let your client pick your expert, because that was the

1 only thing that went wrong for Garth in that case.

2 He will be deeply missed, as Senator Yaw suggested.

3 I'll allow the President Judge to have the last word.

4 **PRESIDENT JUDGE BUTTS:** Anybody that knows me  
5 knows that most of my career I've presided over criminal, so I  
6 never would have seen Garth technically at work, so where I  
7 would see Garth would be in the community. But also what I  
8 recall about Garth the most is that, whenever there was an issue  
9 coming before his career in Harrisburg, he would call me. He  
10 would ask me, talk to me about Veteran's Court, should I support  
11 this bill that requires each county to have a Veteran's Court?  
12 Talk to me about this Rule of Criminal Procedure, what do you  
13 think about this? What do you think about this change in the  
14 Statute? And I had never had any legislator contact me about  
15 that, so I was -- I was grateful that he thought enough of me,  
16 and respected my opinion and my work that he would call to ask  
17 for my -- my suggestions or my feedback, and so that's what I  
18 can always recall about him.

19 And seeing him out and about in the community, and  
20 just how squared away he was, which is something that I was  
21 familiar with having worked in law school for a retired  
22 Brigadier General, having spent some time with the JAG Corp,  
23 having a father who was retired from the Army, that he just was,  
24 when you want to look up in the dictionary what a definition of  
25 an attorney, what a professional person was, that was Garth, and

1 he will be missed.

2 And I think about that especially with the new  
3 attorneys that come up, how much we in our own careers learn  
4 from the senior attorneys that went before us, and how we don't  
5 have those attorneys anymore. Or at least it seems like we  
6 don't, at least not the crop that I grew up learning from, and  
7 that's -- that's another important area that we will miss him  
8 on, because of his professionalism, just as you both spoke of.

9 **JUDGE CARLUCCI:** Thank you, Judge Butts. The  
10 Court would be happy to hear any comments from members of the  
11 Bar who would like to make comments about Garth Everett. If  
12 anybody would like to be heard I would be grateful if I would  
13 please come forward so that everyone can hear you.

14 I guess it's all been said. Well ladies and  
15 gentlemen, we are very grateful for your attendance today. We  
16 all join in expressing our condolences to the family of Garth  
17 Everett, and will arrange for the memorial resolutions and  
18 report to be delivered to the family.

19 This special session of court is adjourned, thank you  
20 very much.

21 (**WHEREUPON,** the Special Session of court adjourned at  
22 4:09 p.m.)

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately to the best of my ability on the notes taken by me on the foregoing cause, and that this is a true and correct copy of the same.

Paula J. Singer  
Official Court Reporter

The foregoing record on the proceedings of the above cause is hereby approved and ORDERED AND DIRECTED TO BE file.

\_\_\_\_\_  
**Judge**

Date: \_\_\_\_\_

Paula J. Singer  
Official Court Reporter  
Lycoming County, PA