

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

CHARLES BAILEY and EARLENE BAILEY, : NO. 09 – 01,300
Plaintiffs :
vs. :
 : CIVIL ACTION - LAW
LOBAR, INC., THE FARFIELD COMPANY, JAY R. :
REYNOLDS, INC. and THE PA GROUP t/d/b/a PA MASONRY, :
Defendants :

OPINION IN SUPPORT OF ORDER OF SEPTEMBER 1, 2010,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Defendant PA Masonry appeals from this Court's Order of September 1, 2010, which granted Plaintiffs' motion for sequestration of certain witnesses to be deposed. On the assumption that the appeal might be entertained by Superior Court, the Court wishes to note that it granted the motion on the same basis as it had granted a prior motion with respect to other witnesses, which basis may be found in the Order of July 19, 2010. The Court believes it has the discretion to grant a sequestration request and routinely does so. Further, that the request pertains to deposition witnesses rather than trial witnesses does not, in the Court's opinion, change the necessity for sequestration. If anything, it makes it more necessary as depositions are often the first statements made by a witness about a matter. That such statements should be free of outside influence, even if unintentional, is, in the Court's opinion, important enough to sequester witnesses when requested.

Respectfully Submitted,

Dated: October 28, 2010

Dudley N. Anderson, Judge

cc: C. Scott Waters, Esq.
Stephen Banko, Jr., Esq., Margolis Edelstein
3510 Trindle Rd., Camp Hill, PA 17011
David Wilk, Esq., P.O. Box 68, Williamsport, PA 17703-0068
Joseph Holko, Esq., Thomas, Thomas & Hafer, LLP
3101 Emrick Blvd., Suite 310, Bethlehem, PA 18020
Chris Carling, Esq., Thomas J. Kelley & Associates
50 Glenmaura National Blvd., Suite 300, Moosic, PA 18507
Gary Weber, Esq.
Hon. Dudley Anderson