

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA
ORPHANS' COURT DIVISION**

IN RE ESTATE OF:	:	NO. 41-15-0298
	:	
JOSEPH E. LOGUE,	:	
Deceased	:	

ORDER

AND NOW, this 26th day of **August, 2021**, before the Court is a Motion for Protective Order Pursuant to Pa.R.C.P. 4012 filed on July 8, 2021, on behalf of Lisa J. Lettiere, Parent and Natural Guardian of Minor Beneficiary, Meggie E. Logue. Accountants, Thomas B. Burkholder and George E. Logue, Jr., filed an Answer on July 27, 2021. Argument on the Motion for Protective Order was held on August 24, 2021. At that time, Veronica Morrison, Esquire, was present on behalf of the Lisa J. Lettiere ("Objector"), and Elizabeth White, Esquire, was present on behalf of the Estate ("Estate").

The Motion for Protective Order was filed following the Estate's indication of an intent to depose Objector, at which time the Estate indicated the deposition of Objector was not contemplated prior to Accountants' depositions. At the time of the argument, counsel for the Objector argued that issues raised by the Estate with regard to their intent to depose the Objector were specifically mentioned in Objector's objections and were the subject of multiple previous requests by Objector. Counsel for the Objector opposed the deposition of her client, arguing that it would potentially subject Objector to harassment and additional financial

burdens. If this Court permits the deposition, Counsel for Objector requested that it be limited to the areas of real estate, personal property, and debt by Logue Industries, and demanded that the deposition take place at her law firm.

Counsel for the Estate countered with the argument that they initially requested to depose Objector in a timely manner and, had their request not been continuously denied, there would be no issues with the discovery deadline passing and, furthermore, that the Estate was not subject to the discovery deadlines. The Estate disputes the Objector's allegation that the purpose of the deposition is solely to harass and annoy the Objector and instead contends that the deposition is necessary to prepare their defense and Objector would not be inconvenienced beyond the normal annoyance of being subject to a deposition.

After hearing argument, it is apparent this Court has two options for resolving this matter. The Court could deny the Motion for Protective Order and allow Objector to be deposed as requested by the Estate. This would cause the upcoming hearings in this matter scheduled on September 7, 2021, and September 25, 2021, to be delayed. Though counsel for the Estate believes the deposition could be completed without causing delay to the pending hearings, the Court finds that is highly unlikely given the nature of this case this far. If the Court permits the deposition of Objector, the principal of equity dictates that the Objector should be permitted to recall Tom Burkholder for an additional day of deposition. The Court previously denied this request primarily due to the concern it would cause delay. Alternatively, this Court could grant Objector's Motion for

Protective Order and prohibit the deposition of Objector, as the discovery deadlines have passed and the matter is scheduled for further proceedings on September 7, 2021, and September 27, 2021.

It is clear to this Court that this is a particularly contentious matter and - without imposing some limitations designed to hold both sides' feet to the fire to proceed towards a final resolution - this could be dragged out indefinitely, at the ultimate expense of the beneficiary. This Court has a duty to ensure that the matter proceeds without unnecessary delay and that the estate is preserved to the extent possible for the beneficiary. Pursuant to **Pa.R.C.P. 4012**, upon good cause shown, the court may make any order which justice requires to protect a party or person from unreasonable annoyance, embarrassment, oppression, burden, or expense. At some point, this Court must stop the bleed which has undoubtedly resulted in the beneficiary's interest being reduced by attorneys fees and litigation costs, and move towards settlement of the Estate. Therefore, Objector's Motion for Protective Order is **GRANTED**. The discovery deadlines and court dates outlined in the November 24, 2020, Order and amended in the January 22, 2021, Order remain in full force and effect. However, this Order is entered without prejudice to the Estate to call Objector to testify at the hearing. In the event Objector's testimony produces information that would significantly affect the Estate's ability to prepare a defense without further investigation, the

Estate my request to allow the record to remain open to present evidence upon further investigation, or any other relief it deems appropriate.

By the Court,

Joy Reynolds McCoy, Judge

JRM/jel

c. Elizabeth White, Esquire
Veronica Morrison, Esquire
Mette, Evans & Woodside, P.C.
3410 North Front Street
P.O. Box 5950
Harrisburg, PA 17110-0950
Gary Weber, Esquire
Jerri Rook