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November 19, 2021

***SENT VIA FIRST CLASS MAIL***

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Souderton, PA 18964

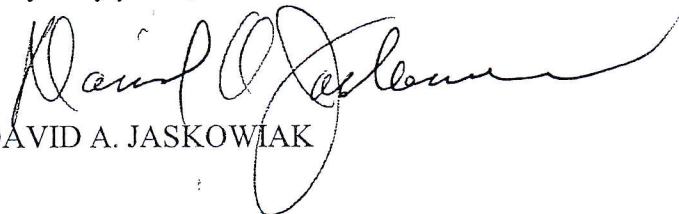
**RE: Estate of Jane T. Herring, an Incapacitated Person**  
**CCP Montgomery County OC NO. 2021-X2110**

Dear Counsel and Mr. Herring,

Enclosed please find a copy of the Emergency Motion for Contempt and for Imposition of Sanctions in the above-captioned matter which has been filed with the Court this date. Please respond in conformity with the Rules of Procedure and be guided accordingly.

Thank you.

Very truly yours,

  
DAVID A. JASKOWIAK

DAJ/oa  
Encl.

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

NO. 2021-X2110

IN RE: JANE T. HERRING  
AN INCAPACITATED PERSON

EMERGENCY MOTION FOR CONTEMPT  
AND FOR IMPOSITION OF SANCTIONS

David A. Jaskowiak, Esquire, court-appointed counsel for Jane T. Herring, an incapacitated person, hereby moves for a finding of contempt against Arthur Herring, III, and for imposition of sanctions against him for his wilful disregard and flagrant violations of multiple Orders of this Court. Movant states the following in support thereof:

1. Movant is David A. Jaskowiak, Esquire, court-appointed counsel for Jane T. Herring, an incapacitated person, by Order of this Court dated May 21, 2021. *See, Exhibit "A."*
2. Jane T. Herring ("*Jane*") was deemed to be an incapacitated person by Final Decree of this Court dated August 6, 2021. *See, Exhibit "B."*
3. Dwayne Logie was appointed Guardian of the Estate and Person for Jane on August 11, 2021. *See, Exhibit "C."*
4. Prior to the hearing of this matter, the Court retained Dr. George Ledakis to perform an independent medical evaluation of Jane.

5. Dr. Ledakis completed his report ("*Ledakis report*") and submitted it to the Court on or about July 6, 2021.
6. Following completion of the Ledakis report, and upon the request of Movant, the Court ruled the report could only be disseminated to all counsel. The Court also directed that counsel could share the report with their clients for their review, but were *not* to give their clients a copy.
7. Arthur Herring, III ("*Arthur*"), Jane's son, had the opportunity to review, and did in fact review, the Ledakis report at the office of his then-counsel, Carol Cornelison, Esquire.
8. Shortly after Arthur's review of the Ledakis report, he fired Ms. Cornelison, apparently in the hopes of obtaining a copy of that report since he was now proceeding *pro se*.
9. The Court denied Arthur's request and ruled that he could make suitable arrangements to review it again in advance of trial at the Court.
10. As noted by the Court at trial on July 29, 2021, Arthur did not avail himself of this opportunity to review the Ledakis report a second time before trial. *See, Exhibit "D," N.T., 7/29/21, p. 7-11.*
11. Dr. Ledakis testified on the subject of whether or not Jane was incapacitated on July 29, 2021 based upon the findings in his report.
12. Arthur was allowed to have a copy of the Ledakis report for his use during the proceedings. However, in the interests of ensuring Jane's privacy, that report remained in the custody of the court until the conclusion of trial.
13. An issue arose at the end of the trial whether Arthur had removed the Ledakis report from the courtroom without authorization and had taken it with him. Arthur was then directed



back to the courtroom by the Sheriffs whereupon the following exchange with the Court took place:

**THE COURT:** At the conclusion of this hearing it was brought to the attention of this Court that there is a concern as to whether or not Arthur Herring has taken a copy of Dr. Ledakis's report with him. That report was admitted into evidence and the Court is not objecting to Mr. Herring having a copy of the report at this time. But this Court is specifically ordering that report is not to be shared in any way with Jane Herring, it is not to be reproduced in whole or in part in any way by any of the parties, and there will be no publishing of that report on the internet, in the newspaper, in any capacity in whole or in part, by scanning, photographing, or even reproducing by typing or writing it out.

Failure to comply with this order by any of the parties will be considered contempt of court and each of the parties will be considered subject to incarceration or a significant fine for violating this order.

Mr. Herring, do you understand my order?

**MR. HERRING:** Yeah.

See, Exhibit "E," N.T., 8/6/21, p. 190-191.

14. The above-referenced Order remains in effect to this date.
15. Thereafter, the court held two conferences in September 2021 regarding the issues, *inter alia*, about: (1) Arthur's repeated efforts to obtain and disseminate protected information about Jane's medical condition and health and (2) visitation with Jane by her two children, Arthur and his sister, Jill.
16. On October 7, 2021, the Court *again* issued a Decree prohibiting the disclosure of Jane's private information. That Decree read in pertinent part:

ARTHUR HERRING and JILL SCOTT HERRING are specifically prohibited from soliciting or sharing any information about JANE HERRING, except to their own attorneys or as otherwise specifically authorized or directed by the Guardian of the Estate and/or Person of JANE HERRING or this Court.

*See, Exhibit "F," a true and correct copy of the Decree entered on October 7, 2021.*

17. The October 7, 2021 Decree also reiterated the serious consequences which would follow if that Decree were disobeyed. It read in pertinent part:

Failure of any party to comply with the terms of this order may result in the imposition of sanctions, including a finding of contempt, monetary sanctions and/or incarceration if appropriate.

*See, Exhibit "F."*

18. That Decree also remains in effect to this date.
19. On November 15, 2021, Movant learned for the first time that Arthur had created a website which published the following:

- (1) A 25 page, single spaced statement written by Arthur entitled "Orphans' Court Slavery" wherein he openly discussed his mother's condition and Dr. Ledakis' neuro-psychological evaluation of her. Arthur challenged Dr. Ledakis report as "bullsh\*t" and incorrectly characterized Dr. Ledakis' findings as declaring his mother a "mindless vegetable. WTF." Arthur also discussed other personal details about his mother's life and her medical condition, including recent blood tests, a prescription medication which she had been taking, and his belief that his mother had recently been prescribed an antidepressant. *See, Exhibit "G."*
- (2) The **entire** transcripts of the guardianship hearing which took place on July 29, 2021 and August 6, 2021, *including the highly detailed, extensive expert testimony of Dr. George Ledakis from his court-*

*ordered independent medical examination.*

The link to the website is: <https://www.protectmyparents.us/>.

20. Movant also learned for the first time on November 15, 2021 that Arthur had spoken at length on a one hour and twenty nine minute podcast on November 13, 2021 about his mother's condition and personal information of her life, about Dr. Ledakis' report and testimony, and, more generally, about the guardianship proceedings which had taken place and the people involved in it, directly and indirectly. That podcast is currently posted at: <https://www.blogtalkradio.com/marti-oakley/2021/11/13/ts-radio-network-more-shenanigans-in-montgomery-cty-pennsylvania>.
21. Movant believes, and therefore avers, that Arthur's actions in disclosing his mother's personal information and the testimony about the guardianship constitute deliberate defiance of this Court's Orders and Decrees and must be sanctioned.
22. Pursuant to 20 Pa. C.S. Section 5511 (a), "The hearing shall be closed . . . if the person alleged to be incapacitated or his counsel so requests."
23. At *no* time did Jane or her counsel request that the proceedings be opened to the public. In fact, as the prior Orders of this Court indicate, all efforts were being made to protect Jane's privacy from the public.
24. Movant believes, and therefore avers, that Arthur has selfishly acted in his own interests and without regard for his mother or her privacy.
25. Movant also believes, and therefore avers, that Arthur has *no* intention of respecting this Court's authority of following its Orders. In fact, as was made abundantly clear at trial, Arthur has little regard for *any* Court's ruling which he deems to be adverse to his own



interests or contrary to what he believes. As the testimony at trial indicates, Arthur was engaged in recent proceedings in Federal Court in an action against him for alleged violations of the Lanham Act. In those proceedings, he filed a Motion to Demand Removal of Judge Brannon (the trial judge) and defiantly stated:

I am stating for the record that I will not obey any of Mr. [sic] Brannon's rulings of what I can and can't do or speak.

*See, Exhibit "H," N.T., 8/6/21, p. 147-148.*

Arthur explained his rationale that he was the sole arbiter of whether a Court's rulings should be followed:

If it violated my constitutional rights, I have a duty not to follow it. That is what cases are all the time. I have a constitutional right of freedom of speech and that judge was denying me that right.

*See, Exhibit "I," N.T., 8/6/21, p. 168-169.*

26. Arthur indicated in the recent podcast that he intends to combine posting materials about his mother and this case to his website, including pictures of his mother, her home, and her room at Manatawny Manor.
27. Arthur has further indicated in the recent podcast that he intends to hand out flyers about his mother and this case in front of the Montgomery County Courthouse and One Montgomery Plaza.
26. Movant believe, and therefore avers, that without the immediate intervention of this Court, Arthur will continue to violate Jane's privacy interests as well as the previous Orders and Decrees of this Court.