

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

KAREN ROEBUCK,

Plaintiff,

v.

TRIB TOTAL MEDIA, INC., t/a  
PITTSBURGH TRIBUNE REVIEW, also  
t/a TRIBUNE-REVIEW PUBLISHING  
COMPANY, JAMES CUDDY, JR.,  
FRANK CRAIG, and JOHN DOE, a/k/a  
"NONE",

Defendants.

CIVIL DIVISION

G.D. No. 10-000727

**MOTION FOR PROTECTIVE ORDER  
AND TO QUASH SUBPOENA**

Filed on Behalf of: Defendants  
Trib Total Media, Inc., t/a Pittsburgh  
Tribune Review, also t/a Tribune-  
Review Publishing Company, James  
Cuddy, Jr., Frank Craig, and John Doe,  
a/k/a "None"

Counsel of Record for This  
Party:

H. Yale Gutnick, Esquire  
Pa. I.D. No. 01226

Ronald D. Barber, Esquire  
Pa. I.D. No. 52734

Jean E. Novak, Esquire  
Pa. I.D. No. 69490

STRASSBURGER McKENNA  
GUTNICK & GEFSKY  
Firm No. 278

Four Gateway Center  
Suite 2200  
444 Liberty Avenue  
Pittsburgh, PA 15222

Telephone: (412) 281-5423  
Facsimile: (412) 281-8264

DEPT OF COURT RECORDS  
CIVIL/FAMILY DIVISION  
ALLEGHENY COUNTY PA

10 MAR 31 AM 10:24

FILED

*Order of Court*  
*With respect to*  
*motion to quash*  
*subpoena to Voyages,*  
*def will file a*  
*brief within 10 days &*  
*plf has 10 days to*  
*reply.*

*3/26/10*

*Copies mailed. (A) 3/30/10*

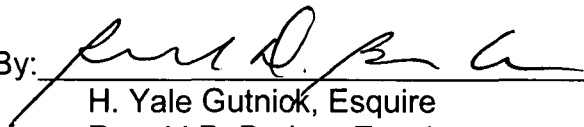
IN THE COURT OF COMMON PLEAS OF ALLEGHENY,  
PENNSYLVANIA

KAREN ROEBUCK,	)	CIVIL DIVISION
	)	
Plaintiff,	)	G.D. 10-727
	)	
v.	)	
	)	
TRIB TOTAL MEDIA, INC., t/a	)	
PITTSBURGH TRIBUNE REVIEW,	)	
also t/a TRIBUNE-REVIEW	)	
PUBLISHING COMPANY, JAMES	)	
CUDDY, JR., FRANK CRAIG, and	)	
JOHN DOE, a/k/a "NONE",	)	
	)	
Defendants.	)	

**NOTICE OF PRESENTATION**

PLEASE TAKE NOTICE that the within Motion for Protective Order and to Quash Subpoena will be presented to the Honorable R. Stanton Wettick, Jr. on Friday, March 26, 2010 at 2:00 p.m., or as soon thereafter as counsel may be heard.

STRASSBURGER McKENNA GUTNICK  
& GEFSKY

By:   
H. Yale Gutnick, Esquire  
Ronald D. Barber, Esquire  
Jean E. Novak, Esquire

IN THE COURT OF COMMON PLEAS OF ALLEGHENY,  
PENNSYLVANIA

KAREN ROEBUCK,	)	CIVIL DIVISION
	)	
Plaintiff,	)	G.D. 10-727
	)	
v.	)	
	)	
TRIB TOTAL MEDIA, INC., t/a	)	
PITTSBURGH TRIBUNE REVIEW,	)	
also t/a TRIBUNE-REVIEW	)	
PUBLISHING COMPANY, JAMES	)	
CUDDY, JR., FRANK CRAIG, and	)	
JOHN DOE, a/k/a "NONE",	)	
	)	
Defendants.	)	

**MOTION FOR PROTECTIVE ORDER  
AND TO QUASH SUBPOENA**

Defendants Trib Total Media, Inc., Frank Craig and James Cuddy, Jr., by their undersigned counsel, file the following Motion for Protective Order and to Quash Subpoena:

1. This action was commenced by Writ of Summons; no Complaint has yet been filed. Plaintiff's counsel has indicated that the action arises out of two messages posted by an unknown author on a third-party Internet discussion board known as "voy.com."

2. On or about January 14, 2010, the above-named Defendants obtained a Rule to file a Complaint.

3. On January 15, 2010, Plaintiff served an Interrogatory in Aid of Preparing a Complaint, asking Defendants for the identity of the pseudonymous author of the allegedly defamatory Internet posting that is at issue.

4. On February 16, 2010, the above-named Defendants answered that after reasonable investigation, they did not know the author's identity. The Interrogatory Answer was verified separately by each of the three Defendants.

5. On Friday, February 26, 2010, this Court granted Plaintiff an additional sixty (60) days to file her Complaint.

6. On March 9, 2010, Plaintiff served Notices of Depositions for Defendants Frank Craig and James Cuddy, Jr., and also for Robert Fryer, another employee of Trib Total Media, Inc. Copies of the Notices of Deposition are attached hereto as Exhibit "A."

7. The Notices call upon the witnesses to produce several categories of documents relating to Plaintiff.

8. These Defendants believe and therefore aver that such broad discovery is inappropriate prior to the filing of the Complaint, particularly where all three named Defendants have answered under oath that they do not know the author's identity, and Plaintiff has not shown a compelling need for such extraordinary discovery.

WHEREFORE, Defendants Trib Total Media, Inc., Frank Craig and James Cuddy, Jr. respectfully request a Protective Order to the effect that Plaintiff shall not take depositions in aid of preparing a Complaint absent further Order of Court upon cause shown.

### Motion to Quash Subpoena

9. On or about February 23, 2010, Plaintiff delivered a "Rule 4009.22 Subpoena" to Voyager Info Systems, the operator of voy.com, presumably in California. A copy of the subpoena is attached hereto as Exhibit "B."


10. The subpoena was served without providing 20 days advance notice to Defendants as required by the Rules of Civil Procedure, and upon information and belief was done without any contact with a Court in California, as required by law.

11. The subpoena is therefore void.

WHEREFORE, Defendants Trib Total Media, Inc., Frank Craig and James Cuddy, Jr. respectfully request that the subpoena to Voyager Info Systems be quashed.

Respectfully submitted,

STRASSBURGER McKENNA GUTNICK  
& GEFSKY

By: 

H. Yale Gutnick, Esquire  
Ronald D. Barber, Esquire  
Jean E. Novak, Esquire

Four Gateway Center, Suite 2200  
444 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 281-5423  
(412) 281-8264 (Fax)

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KAREN ROEBUCK,  
Plaintiff,

v.

GD No. 10-000727

FRANK CRAIG, JAMES CUDDY, JR.,  
JOHN DOE, and TRIB TOTAL MEDIA,  
INC.,

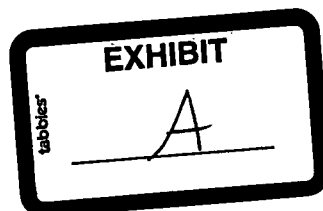
Defendant,

**NOTICE OF DEPOSITION**

Please Take Notice that the deposition of FRANK CRAIG will be taken pursuant to Pennsylvania Rules of Civil Procedure on Monday, March 22, 2010 commencing at 9:00 a.m. at Suite 1600 Lawyers Building, 428 Forbes Avenue, Pittsburgh, PA 15219.

The Deponent is directed to bring with him to the deposition the following:

1. Any and all memoranda, e-mails, correspondence, notes or documents of any kind **directed to the Deponent** in which any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper discusses or mentions any of the following: a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.



2. Any and all memoranda, e-mails, correspondence, or documents of any kind **from the Deponent** to any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper that discusses or mentions a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy of or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.

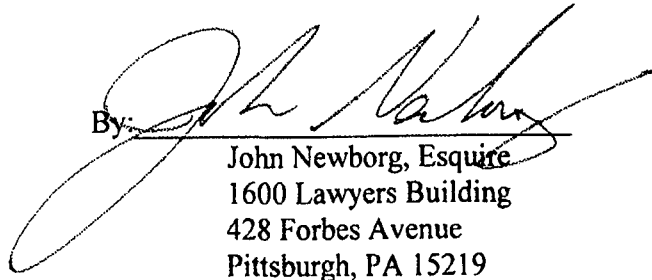
3. Any and all memoranda, e-mails, correspondence, or documents of any kind **copied to the Deponent** between any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper that discusses or mentions a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy of or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.

4. Any and all memoranda, e-mails, correspondence, or documents of any in kind in which the topic is the reading and/or monitoring and/or of any internet forum and/or bulletin board and/or chat room by employees of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper, and/or the posting of opinions or information on any internet forum and/or bulletin board and/or chat room by employees of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper.

5. Any and all memoranda, e-mails, correspondence, or documents of any kind which relates to the attempt by Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper to learn the real name of "none" as requested in Plaintiff's Interrogatory in Aid of Filing a Complaint in this case.

Date:3-9-10

By:



John Newborg, Esquire  
1600 Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219  
PA ID No. 22276  
(412) 281-1106  
Counsel for Plaintiff



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KAREN ROEBUCK,  
Plaintiff,

v.

GD No. 10-000727

FRANK CRAIG, JAMES CUDDY, JR.,  
JOHN DOE, and TRIB TOTAL MEDIA,  
INC.,

Defendant,

**NOTICE OF DEPOSITION**

Please Take Notice that the deposition of ROBERT FRYER will be taken pursuant to Pennsylvania Rules of Civil Procedure on Monday, March 22, 2010 commencing at 1:00 p.m. at Suite 1600 Lawyers Building, 428 Forbes Avenue, Pittsburgh, PA 15219.

The Deponent is directed to bring with him to the deposition the following:

1. Any and all memoranda, e-mails, correspondence, notes or documents of any kind **directed to the Deponent** in which any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper discusses or mentions any of the following: a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.

2. Any and all memoranda, e-mails, correspondence, or documents of any kind **from the Deponent** to any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper that discusses or mentions a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy of or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.

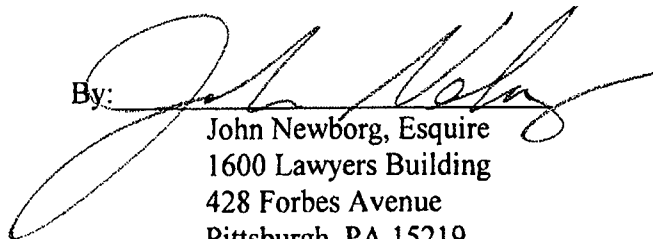
3. Any and all memoranda, e-mails, correspondence, or documents of any kind **copied to the Deponent** between any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper that discusses or mentions a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy of or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.

4. Any and all memoranda, e-mails, correspondence, or documents of any in kind in which the topic is the reading and/or monitoring and/or of any internet forum and/or bulletin board and/or chat room by employees of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper, and/or the posting of opinions or information on any internet forum and/or bulletin board and/or chat room by employees of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper.

5. Any and all memoranda, e-mails, correspondence, or documents of any kind which relates to the attempt by Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper to learn the real name of "none" as requested in Plaintiff's Interrogatory in Aid of Filing a Complaint in this case.

Date:3-9-10

By:



John Newborg, Esquire  
1600 Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219  
PA ID No. 22276  
(412) 281-1106  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

KAREN ROEBUCK,  
Plaintiff,

v.

GD No. 10-000727

FRANK CRAIG, JAMES CUDDY, JR.,  
JOHN DOE, and TRIB TOTAL MEDIA,  
INC.,

Defendant,

**NOTICE OF DEPOSITION**

Please Take Notice that the deposition of ROBERT FRYER will be taken pursuant to Pennsylvania Rules of Civil Procedure on Monday, March 22, 2010 commencing at 2:00 p.m. at Suite 1600 Lawyers Building, 428 Forbes Avenue, Pittsburgh, PA 15219.

The Deponent is directed to bring with him to the deposition the following:

1. Any and all memoranda, e-mails, correspondence, notes or documents of any kind **directed to the Deponent** in which any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper discusses or mentions any of the following: a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.

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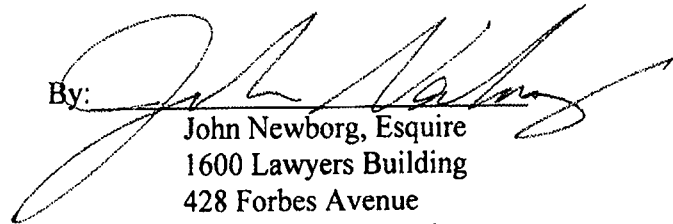
3. Any and all memoranda, e-mails, correspondence, or documents of any kind **copied to the Deponent** between any former or current employee of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper that discusses or mentions a) the Plaintiff's application for disability benefits; b) the Plaintiff's illness or disability; c) the legitimacy of or lack thereof of the Plaintiff's claim of disability and/or illness; d) and/or makes mention of the appearance of the Plaintiff's name on any internet forum and/or bulletin board and/or chat room; e) and/or makes mention of any discussion of Plaintiff's termination of her employment with Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper on any internet forum and/or bulletin board and/or chat room f) and/or makes mention of any discussion of Plaintiff's illness or disability claim on any internet forum and/or bulletin board and/or chat room.

4. Any and all memoranda, e-mails, correspondence, or documents of any in kind in which the topic is the reading and/or monitoring and/or of any internet forum and/or bulletin board and/or chat room by employees of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper, and/or the posting of opinions or information on any internet forum and/or bulletin board and/or chat room by employees of Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper.

5. Any and all memoranda, e-mails, correspondence, or documents of any kind which relates to the attempt by Trib Total Media, Inc or the Pittsburgh Tribune Review Newspaper to learn the real name of "none" as requested in Plaintiff's Interrogatory in Aid of Filing a Complaint in this case.

Date:3-9-10

By:



John Newborg, Esquire  
1600 Lawyers Building  
428 Forbes Avenue  
Pittsburgh, PA 15219  
PA ID No. 22276  
(412) 281-1106  
Counsel for Plaintiff

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUN**

THE COMMONWEALTH OF PENNSYLVANIA )ss:  
COUNTY OF ALLEGHENY )

Karen Roebuck

vs.

No. GD-

Trib Total Media, et al

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS  
FOR DISCOVERY PURSUANT TO RULE 400**

To: Voyager Info-Systems  
Name of Person or Entity

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things:

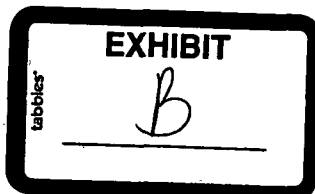
Document showing IP Address for poster u  
"None" on "Pittsburgh Media Scoops + Gossip" or  
at 1600 Lawyer's Bldg., 428 Forbes Ave., Pittsburgh  
Address

You may deliver or mail legible copies of the documents or produce things in compliance with this subpoena, together with the certificate of compliance, to the party making this subpoena listed above. You have the right to seek in advance the reasonable cost of producing the things sought.

If you fail to produce the documents or things required by this subpoena within the time specified in its service, the party serving this subpoena may seek a court order compelling compliance.

**THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PARTY:**

Attorney's Name: John Newborg, Esq.



IN THE COURT OF COMMON PLEAS OF ALLEGHENY,  
PENNSYLVANIA

KAREN ROEBUCK, ) CIVIL DIVISION  
 )  
Plaintiff, ) G.D. 10-727  
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v. )  
 )  
TRIB TOTAL MEDIA, INC., t/a )  
PITTSBURGH TRIBUNE REVIEW, )  
also t/a TRIBUNE-REVIEW )  
PUBLISHING COMPANY, JAMES )  
CUDDY, JR., FRANK CRAIG, and )  
JOHN DOE, a/k/a "NONE", )  
 )  
Defendants. )

**ORDER**

AND NOW, this \_\_\_ day of March, 2010, Defendants' Motion for Protective Order and to Quash Subpoena is granted as follows:

1. Plaintiff shall not take depositions in aid of preparing a Complaint absent further Order of Court upon cause shown.
2. The subpoena issued by Plaintiff to Voyager Info Systems is hereby quashed.

By the Court:

\_\_\_\_\_, J.




**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **Motion for Protective Order and to Quash Subpoena** was served by First Class Mail, U.S. Mail, postage prepaid, this 19<sup>th</sup> day of March, 2010, on the following:

John Newborg, Esquire  
428 Forbes Avenue  
Suite 1600  
Pittsburgh, PA 15219

STRASSBURGER McKENNA GUTNICK  
& GEFSKY

By:   
\_\_\_\_\_  
H. Yale Gutnick, Esquire  
Ronald D. Barber, Esquire  
Jean E. Novak, Esquire

Four Gateway Center, Suite 2200  
444 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 281-5423  
(412) 281-8264 (Fax)

Counsel for Defendants