

More

[Create Blog](#) [Sign In](#)

www.TORTTALK.com

TORT TALK

Updates, Trends, and Thoughts regarding Pennsylvania Civil Litigation Law by Northeastern Pennsylvania Insurance Defense Attorney Daniel E. Cummins.

SUNDAY, JANUARY 22, 2012

FACEBOOK DISCOVERY SCORECARD

by

DANIEL E. CUMMINS, ESQ. of CUMMINS LAW
Scranton, PA

firm website: www.CumminsLaw.net

Email: dancummins@CumminsLaw.net



[UPDATED October 15, 2021]

DANIEL E. CUMMINS, ESQUIRE is an insurance defense attorney with the Clarks Summit, Pennsylvania law firm of CUMMINS LAW. In addition to being a civil litigator, he also writes a regular column for the *Pennsylvania Law Weekly* on important cases and emerging trends under Pennsylvania law. He is also the former author of the annual Supplement for *The Pennsylvania Trial Advocacy Handbook*.

Subscribe to TortTalk via Email

**Subscribe to TortTalk
via Email**

Subscribe

SEARCH THIS BLOG

 Search


Contact Info

Daniel E. Cummins, Esquire
CUMMINS LAW
610 Morgan Highway
Clarks Summit, PA 18411
570-319-5899

dancummins@CumminsLaw.net

In 2014, Attorney Cummins was selected as the "Distinguished Defense Counsel of the Year" by the Pennsylvania Defense Institute.

Every year since 2015, Attorney Cummins has earned an annual inclusion in *The Best Lawyers in America* directory under the category "Personal Injury - Defense." To date, he is the only Northeastern Pennsylvania attorney to earn this distinction in this category.

He has also been selected as a Super Lawyer every year since 2015.

One trending issue in Pennsylvania civil litigation has to do with Social Media Discovery. Here is a [LINK](#) to my ONLINE VIDEO on this topic with Ben Present, a reporter with the *Pennsylvania Law Weekly*.

Here's an updated list of the Facebook or Social Media Discovery cases uncovered to date, broken down by county-to-county decisions. This Scorecard was created in January of 2012 and has been updated ever since.


I have created a link on the right hand column of Tort Talk (<http://www.torttalk.com/>) entitled "Facebook Discovery Scorecard" that will be continually updated. The Scorecard will remain up on the blog for you to click whenever you need this information. Just click on the date below "Facebook Discovery Scorecard."

The below list cases may not be exhaustive and there may be other decisions out there that I am not aware of at present. As such, it is recommended that you conduct your own additional research on the issue.

In the absence of appellate guidance, it is important that these decisions be publicized so that a consistent common law in this novel area can be developed. I would appreciate it if you could please advise me of any new cases that you may come across on this topic so that those decisions can be highlighted here.

I am in possession of a copy of most of the decisions noted below. If you desire a copy of any of the following cases, please contact me at dancummins@CumminsLaw.net. Wherever possible, I have also created a link to certain decisions below that are generally available online.

CLICK ON THE CASE NAMES BELOW TO GO TO A LINK TO THE ACTUAL DECISION.



TORT TALK
 Updates, Trends, and Thoughts regarding Pennsylvania Civil Litigation Law by Northeastern Pennsylvania Insurance Defense Attorney Daniel E. Cummins.
www.TORTTALK.com

DISCOVERY ALLOWED

U.S. Federal Court for Middle District of Pennsylvania

www.CumminsLaw.net

Contact Me

Name

Email *

Message *

PROFILE



[Daniel E. Cummins, Esq.](#)

[View my complete profile](#)

POST-KOKEN SCORECARD

[UPDATED AS OF October 15, 2021](#)

FACEBOOK DISCOVERY SCORECARD

[UPDATED AS OF October 15, 2021](#)

Avvo.com Profile



Super Lawyer

Daniel E. Cummins

Offenback v. L.M. Bowman, Inc., 2011 WL 2491371 (M.D.Pa. June 22, 2011 Carlson, M.J.)(In Opinion by Federal Middle District Magistrate Judge, Court grants requests of Defendant and Plaintiff for *in camera* review of Plaintiff's private Facebook page; court picks and chooses what is to be disclosed).

U.S. Federal Court for Western District of Pennsylvania

Ogden v. All-State Career School, 299 F.R.D. 446 (W.D. Pa. 2014 Cercone, J.) (Limited Facebook discovery on Plaintiff allowed).

Franklin County

Largent v. Reed, 2009 – Civil – 1823, 2011 WL 5622688 (C.P. Franklin Co. Nov. 7, 2011 Walsh, J.)(In thorough Opinion, Court outlines why Facebook discovery should be allowed. Plaintiff's claim of privilege rejected. Court limits defense access to Facebook page for 21 days after which Plaintiff was permitted to change login info.). *But see* Franklin County case below where discovery not allowed.

Indiana County

Simms v. Lewis, 2012 WL 6755098, No. 11961 CD 2011 (C.P. Ind. Co. Oct. 10, 2012 Bianco, J.), Judge Thomas M. Bianco took a middle road and granted in part and denied in part a defendant's motion to compel access to a plaintiff's social networking information in a motor vehicle accident case; discovery granted where predicate showing that private pages of one site may generate relevant information, but denied as to other sites because defendant did not make predicate showing with respect to those sites.)

Jefferson County

McMillen v. Hummingbird Speedway, Inc., 2010 WL 4403285, PICS No. 10-3174 (Jefferson Co. September 9, 2010, Foradora, P.J.)(In what appears to be the first Pennsylvania decision on the issue, court holds, in a detailed decision, that Facebook postings were discoverable and ordered the Plaintiff to provide his username and password to the defense.)

Lancaster County

Perrone v. Lancaster Regional Medical Center, No. CI-11-14933, 2013 WL 4011633 (C.P. Lanc. Co. 2013 Cullen, J.),(Judge James P. Cullen crafted a novel method of handling a Facebook Discovery dispute in a civil litigation personal injury case by ordering the parties to hire a neutral forensic computer expert to determine whether photos and video on Plaintiff's Facebook page were posted

View my profile on 

Tort Talk Awards



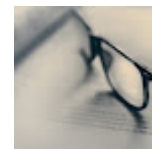
TORT TALK AWARDS



Tort Talk Awards



POPULAR POSTS



[Latest Stacking Case from Pennsylvania Superior Court](#)



[Magistrate Judge Mehalchick of Federal Middle District Court Tackles Inter and Intra-Policy UIM Stacking](#)

Issues

[Magistrate Judge Mehalchick of Federal Middle District Court Tackles Stacking Issues and Validity of Household Exclusion](#)



[Motion For Summary Judgment Entered in Favor of PennDOT in Pothole Case](#)

[UM Bad Faith Claim Regarding Disagreement Over Value of Claim](#)

before or after subject slip and fall incident in order to determine whether or not such information was discoverable.).

Monroe County

[Kelter v. Flanagan](#), No. 286-Civil-2017 (C.P. Monroe Co. Feb. 19, 2018, Williamson, J.), the court granted a Defendant's Motion to Compel a Plaintiff to provide the Defendant's counsel with her Instagram account log-in information. The Order further mandated that the Plaintiff would not remove or delete any content from that account. Judge Williamson also ordered defense counsel not to share this information with any one not related to the case.

[Mazzarella v. Mount Airy Casino Resort](#), No. 1798 Civil 2009, 2012 WL 6000678 (C.P. Monroe Co. Nov. 7, 2012 Williamson, J.)(Judge David J. Williamson of the Monroe County Court of Common Pleas granted a defendant's motion to compel the plaintiff to allow for social media discovery in a premises liability slip and fall case.).

Montgomery County

[Gallagher v. Urbanovich](#), No. 2010 - 33418 (C.P. Mont. Co. Feb. 27, 2012 Carpenter, J.)(Judge William R. Carpenter of the Montgomery County Court of Common Pleas granted a Plaintiff's Motion to Compel a Defendant to produce his user name and password for the Defendant's Facebook page. The Judge's page long Order does not provide the background on the case leading up to this Motion and Order, or why such discovery was pursued by the Plaintiff. While the Court did grant the Plaintiff access to the Defendant's Facebook page and ordered the Defendant not to delete any info from the Facebook profile, the Defendant was granted permission to change his login name and password after seven (7) days following his compliance with the Court's Order.).

Northumberland County

[Zimmerman v. Weis Markets, Inc.](#), No. Civil - 2009 - 1535, 2011 WL 2065410 (C.P. Northumberland Co. May 19, 2011 Saylor, J.)(In an Opinion, court grants defense motion to compel but, in a footnote, cautions that Facebook discovery not automatically allowed--threshold showing must first be made by party seeking discovery that private pages of opposing party's Facebook page may have information relevant to case.).

Washington County

[Prescott v. Willis](#), No. 2012-Civil-2207 (C.P. Wash. Co. Mar. 3, 2013 O'Dell-Seneca, P.J.)(In an Opinion, court granted a Defendant's Motion to Compel a Plaintiff to produce her Facebook username and password in a motor vehicle accident case. Court found that Defendant made the requisite predicate showing from pictures from the public profile of the website. Defendant was granted 7 days access after which Plaintiff was allowed to change her username and/or

[Dismissed](#)

LINKS OF NOTE

[Cummins Law Firm](#)

[Cummins Mediation Services](#)

[My Avvo.com Profile](#)

[My LinkedIn.com Profile](#)

[My Justia.com Profile](#)

[Lackawanna County Bar Association](#)

[Pennsylvania Bar Association](#)

[Pennsylvania Defense Institute](#)

[Philadelphia Association of Defense Counsel](#)

[The Dickinson School of Law](#)

[Villanova University](#)

OTHER GREAT BLOGS

Drug and Device Law (By James Beck, Esq. and others)

Lawffice Space - Employment Law Blog (By Phillip K. Miles, Esq.)

PENNSYLVANIA AND NEW JERSEY INSURANCE BAD FAITH CASE LAW BLOG

Blog Archive

- ▶ 2021 (247)
- ▶ 2020 (445)
- ▶ 2019 (304)
- ▶ 2018 (260)
- ▶ 2017 (196)
- ▶ 2016 (197)
- ▶ 2015 (207)
- ▶ 2014 (238)
- ▶ 2013 (221)
- ▼ 2012 (277)
 - ▶ December (21)
 - ▶ November (27)
 - ▶ October (21)
 - ▶ September (15)
 - ▶ August (21)
 - ▶ July (22)

password.)

DISCOVERY NOT ALLOWED (OR LIMITED)

U.S. Federal Court for the Western District of Pennsylvania

Hanna v. Giant Eagle, Inc., 2016 U.S. Dist. LEXIS 107253 (W.D. Pa. 2016 Mitchell, J.)(Court precludes unfettered access to Plaintiff's social medial account).

In re Milo's Kitchen Dog Treats Consolidated Cases, 307 F.R.D. 177, No. 12-1011 (W.D.Pa April 14, 2015 Kelly, M.J.)(Federal Magistrate Judge denied a Defendant's motion to compel unfettered and complete access of the Plaintiff's profile page along with a disclosure of the Plaintiff's user name and password in a case where plaintiff had already disclosed many of the private pages of her Facebook profile.).

Allegheny County

Trail v. Lesko, No. GD-10-017249, 2012 WL 2864004 (C.P. Alleg. Co. July 3, 2012 Wettick, J)(In a detailed opinion, Judge Wettick denied both a Plaintiff's and a Defendant's motions to compel access to the opposing party's Facebook pages, finding the requests were unreasonably intrusive under Pa.R.C.P. 4011 in that, in this particular case, "the intrusions that such discovery would cause were not offset by any showing that the discovery would assist the requesting party in presenting its case.").

Bucks County

Piccolo v. Paterson, 2009 - Civil - 04979 (C.P. Bucks Co. May 5, 2011 Cepparulo, J.)(In a one line Order, court denies defense motion to compel discovery of Plaintiff's Facebook pages in a facial scarring personal injury case. Defense had requested that the court order the Plaintiff to accept a "friend" request from defense counsel. Defense wanted to secure other photos of Plaintiff via Facebook pages; Plaintiff argued that defense had already secured numerous pre-accident and post-accident photos of Plaintiff and that this motion to compel was essentially overkill on the issue.).

Franklin County

Clapsadle v. Barkman, No. 2015-1896 (C.P. Franklin Co. Sept. 15, 2016) (The court denied a defendant's motion to compel plaintiff to answer interrogatories regarding the content of the plaintiff's private portions of his Facebook profile after finding that the information contained on the public pages did not support an argument that relevant information would be revealed from a review of the private pages. The court did order a hearing to address issues of spoliation after

- ▶ June (14)
- ▶ May (30)
- ▶ April (26)
- ▶ March (30)
- ▶ February (26)
- ▼ January (24)

[Form Facebook Discovery Motion and Brief](#)

[Plaintiff's Act of Permitting Unauthorized Person ...](#)

[Third Circuit Swerves the Other Way in Debris-in-t...](#)

[Westlaw Cite for Xander v. Kiss Cell Phone Case](#)

[TORT TALK SUBSCRIBER NUMBER OVER THE 750 MARK](#)

[TORT TALK EXPO 2012 - Lineup of Presenters Finaliz...](#)

[Judge Geroulo of Lackawanna County Addresses First...](#)

[Summary Judgment for Defendant in Lancaster County...](#)

[Post-Koken Scorecard Updated](#)

FACEBOOK DISCOVERY SCORECARD

[Judge Nealon of Lackawanna County Provides Guidanc...](#)

[Federal Middle District Court Judge Robert D. Mari...](#)

[Northampton County Court of Common Pleas Dismisses...](#)

[\\$2.7 Million Dollar Settlement in Federal Middle D...](#)

[Judge Nealon of Lackawanna County Addresses Admiss...](#)

[Third Circuit Says Producing Only Copies Can Be Sp...](#)

[Recent Eastern District Federal Court Bad Faith Ca...](#)

[Judge Carmen D. Minora of Lackawanna County Court ...](#)

[Auto Law Medical Expenses Case of Note Out of Midd...](#)

[Plaintiff Prevails on Philadelphia County Facebook...](#)

[Judge Nealon of Lackawanna County Addresses Allege...](#)

finding that the plaintiff violated a prior court order that specifically directed the plaintiff not to delete or erase any information on the profile.) But see above Franklin County decision where Facebook Discovery was allowed.

Arcq v. Fields, No. 2008 – Civil – 2430 (C.P. Franklin Co. Dec. 7, 2011 Herman, J.)(In Opinion, court denies motion to compel access to Plaintiff's private Facebook pages where Defendant did not first offer threshold showing that Plaintiff even had a Facebook page or that the Plaintiff's private Facebook pages may reveal evidence that information relevant to the Plaintiff's claims of injury and disability would be discovered on the private pages). *See also* Franklin County case above where discovery is allowed.)

Indiana County

Simms v. Lewis, No. 11961 CD 2011 (C.P. Ind. Co. Oct. 10, 2012 Bianco, J.), Judge Thomas M. Bianco took a middle road and granted in part and denied in part a defendant's motion to compel access to a plaintiff's social networking information in a motor vehicle accident case; discovery granted where predicate showing that private pages of one site may generate relevant information, but denied as to other sites because defendant did not make predicate showing with respect to those sites.)

Lackawanna County

Brogan v. Rosenn, Jenkins & Greenwald, No. 08 - CV - 6048 (C.P. Lackawanna County 2013 Nealon, J.)(In a detailed Opinion, Judge Nealon denies motion to compel disclosure of user name and password as Plaintiff had not established that relevant information would be found on private pages. Judge Nealon also ruled that a demand to produce the user name and password to a person's social media sites was not a discovery request tailored with reasonable particularity but instead represented an effort at an impermissible fishing expedition.).

Commonwealth v. Pal, No. 13-CR-2269, 2014 WL 1042276 (C.P. Lacka. Co. March 14, 2014)(Judge Nealon utilizes civil litigation Facebook Discovery decisions, at pgs. 27-34 of Opinion, to address issues raised with search warrant relative to Facebook information.)

Luzerne County

Kalinowski v. Kirschenheiter and National Indemn. Co., No. 6779 of 2010 (C.P. Luz. Co. 2011 Van Jura, J.)(In an Order, Court denied motion to compel discovery of private pages of Plaintiff's Facebook page where Plaintiff had argued that (1) defense was only seeking to embarrass Plaintiff, (2) that defense had ample access to information on public pages of sites, and (3) where Plaintiff contended that private pages related in part to Plaintiff's business and that no wage loss claim was being presented. Court denied motion "without prejudice," apparently leaving the door open for the issue to be revisited later)(For this one, I have copies of the Court's order and some of the filings by the parties).

[PLEASE SAVE THE DATE: MAY 3, 2012 - TORT TALK EXP...](#)

[Pennsylvania Supreme Court Splits On Extension of ...](#)

[Six New Luzerne County Judges Sworn In](#)

- ▶ 2011 (296)
- ▶ 2010 (305)
- ▶ 2009 (133)

Labels

[Accelerated Rehabilitative Disposition](#) (1)

[ADA](#) (1)

[Adjacent Landowner](#) (3)

[Administrative Assistant](#) (1)

[Admissibility of Insurance Info At Trial](#) (2)

[Admissibility of Motor Vehicle Violations](#) (1)

[Adopted Business Records Doctrine](#) (1)

[ADR](#) (3)

[Adverse Inference](#) (3)

[Affirmative Defenses](#) (1)

[Affordable Care Act](#) (4)

[Against The Weight of the Evidence](#) (9)

[Agency](#) (9)

[Alcohol](#) (2)

[All-Risk Policy](#) (4)

[Allegations of Reckle](#) (1)

[Allegations of Recklessness](#) (59)

[Alteration of Medical Records](#) (1)

[Altercation](#) (1)

[Ambulances](#) (1)

[Amendment of Pleadings](#) (24)

[Americans With Disability Act](#) (1)

[Amicus Curiae](#) (1)

[Animal Law](#) (1)

[Animals](#) (1)

[Answer and New Matter](#) (6)

[Appeal Quashed](#) (4)

Lycoming County

Harkey v. Stojakovich, No. CV-19-1295 (C.P. Lycoming Co. Oct. 26, 2020 Linhardt, J.), Judge Eric R. Linhardt of the Lycoming County Court of Common Pleas denied a Defendant's Motion to Compel Facebook Discovery from a Plaintiff in a tractor trailer accident case. While defense presented a factual predicate was established to allow for access to the private pages of the Plaintiff's Facebook profiles, the court found that the request that the Plaintiff produce all of his social media postings lacked the requisite particularity required of the Rules of Civil Procedure to avoid any embarrassment or undue burden.

Northampton County

Allen v. Sands Bethworks Gaming, LLC, No. C-0048-CV-2017-2279 (C.P. North. Co. Aug. 6, 2018 Dally, J.)(In an Opinion, court denies defense motion to compel access to Plaintiff's private pages of social media sites where defense failed to establish factual predicate to support such inquiry. The court also noted that it would be disinclined to allow carte blanche discovery in this regard in any event as being too intrusive).

Philadelphia County

Martin v. Allstate Fire and Cas. Ins. Co., No. 110402438 (C.P. Phila Dec. 13, 2011 Manfredi, J.)(In a one line Order, court denies motion to compel access to Plaintiff's private Facebook pages where Defendant did not first show that the Plaintiff's deposition testimony and/or public pages of the Plaintiff's Facebook pages revealed evidence that information relevant to the Plaintiff's claims of injury and disability would be discovered on the private pages)(For this one, I have copies of the defense motion, plaintiff's response, and the court's Order).

Schuylkill County

Hoy v. Holmes, No. S-57-12, 107 Sch.L.R. 19 (C.P. Schuylkill Co. 2013 Domalakes, J.)(In an Opinion, Judge John E. Domalakes denied a Defendant's Motion to Compel access to a Plaintiff's social media sites, including Facebook, in a motor vehicle accident case where no factual predicate shown that relevant information may be discovered on private pages.)

York County

Hunter v. PRRC, Inc., No. 2010-SU-3400-71 (C.P. York Linebaugh, P.J.) (President Judge Stephen P. Linebaugh ruled that a defendant must meet a threshold showing of relevant information on a Plaintiff's public social media/Facebook pages before access to the private pages of the site would be allowed. There must be a showing of a reasonable probability that relevant information will be also found on the private pages of the site. The court also noted that a Plaintiff also retained the right to request a protective order if the allowance of the discovery would cause unreasonable annoyance,

[Appeals](#) (12)

[Arbitration](#) (13)

[ARD](#) (1)

[Arson](#) (1)

[Asbestos Litigation Issues](#) (6)

[Assault and Battery](#) (1)

[Assault and Battery Exclusion](#) (3)

[Assumption of Risk](#) (34)

[Assured Clear Distance Ahead Doctrine](#) (6)

[Athletes](#) (1)

[Attorney As Witness](#) (1)

[Attorney Refers Plaintiff to Doctor](#) (2)

[Attorney Registration](#) (1)

[Attorney Work Product Doctrine](#) (24)

[Attorney-Client Privilege](#) (38)

[Attorney's Fees](#) (12)

[Attractive Nuisance](#) (1)

[ATV](#) (1)

[Authentication](#) (10)

[Auto Business Exclusion](#) (3)

[Automobile Insurance](#) (333)

[Automobile Law](#) (71)

[Autonomous Vehicles](#) (2)

[BAC Evidence](#) (3)

[Bad Faith](#) (279)

[Bad Faith - Delay](#) (5)

[Bad Faith - Delays by Plaintiff](#) (3)

[Bad Faith - First Party Claims](#) (5)

[Bad Faith - General Liability Insurance](#) (1)

[Bad Faith - Household Exclusion](#) (2)

[Bad Faith - No Coverage](#) (4)

[Bad Faith - Plaintiff vs. Liability Carrier](#) (2)

[Bad Faith - Third Party Claims](#) (3)

[Bad Faith Discovery](#) (26)

[Bad Faith Expert](#) (4)

[Bad Faith Statute of Limitations](#) (5)

[Bad Faith-Claims](#)

[Handling/Investigation](#) (79)

[Bad Faith-Delay](#) (2)

embarrassment, etc. under Pa.R.C.P. 4012. Court denies motion after finding defense did not make required threshold showing.)

United States v. Browne, 834 F.3d 403 (3d Cir. 2016 Fisher, Krause, Roth, J.J.)(Op. by Krause, J.)(Court addressed the proper authentication and admissibility of social media posts. The case involved an appeal of a criminal case from the U.S. Virgin Islands. Although this decision arises out of a criminal case, the rationale regarding the authentication and admissibility of Facebook chats may prove useful in the context of a civil litigation matter.)

To review blog posts on these cases, as well as other related Social Networking litigation issues, click [here](#).

To review a form Motion, Brief, and proposed Order I created on a Motion to Compel a Plaintiff to Produce his Facebook login information (names have been changed in the documents to protect privacy of parties), click [here](#).

TIMING OF PRODUCTION OF SOCIAL MEDIA DISCOVERY

Dauphin County

Appleby v. Erie Ins. Exchange, No. 2016-CV-2431 (C.P. Dauph. Co. Sept. 9, 2016 Dowling, J.)(Court grants Plaintiff's motion to compel and orders Defendant to produce results of social media discovery on the Plaintiff prior to Plaintiff's deposition. The court did otherwise also rule that the Defendant was not required to produce any surveillance video taken by the Defendant's investigators until after the Plaintiff's deposition.)

Vinson v. Jackson, No. 2015-CV-05150-CV (C.P. Dauph. Co. Aug. 23, 2016 Bratton, J.)(Court grants Plaintiff's motion to compel and orders Defendant to produce results of social media discovery on the Plaintiff prior to Plaintiff's deposition. The court did otherwise also rule that the Defendant was not required to produce any surveillance video taken by the Defendant's investigators until after the Plaintiff's deposition.)

Vogelsong v. Cruz-Ramirez, No. 2015-CV-234 CV (C.P. Dauph. Co. July 29, 2016 Dowling, J.)(Court granted Plaintiff's motion to compel and ordered the defendants to provide all social media research or investigation including Facebook, LinkedIn, Twitter, You Tube, Instagram, Tumblr or any other similar research. The defendants' objection that this investigation is the same as

[Bad Faith-Homeowner's Policy](#) (4)

[Bad Faith-Low Ball Offer](#) (34)

[Bailment](#) (2)

[Bankruptcy](#) (4)

[Bankruptcy Stay](#) (2)

[Bar Fight](#) (2)

[Best Lawyers](#) (2)

[Bicycle Riders](#) (1)

[Bifurcation of Trial](#) (27)

[Bike Race](#) (1)

[Binding Arbitration Agreement](#) (3)

[Black Box](#) (1)

[Black Ice](#) (2)

[Borrowed Servant Doctrine](#) (3)

[Brake Failure](#) (1)

[Breach of Contract](#) (9)

[Breach of Fiduciary Duty](#) (3)

[Breach of Good Faith and Fair Dealing](#) (1)

[Breach of Warranty](#) (4)

[Breach of Warranty of Habitability](#) (1)

[Brief Writing](#) (14)

[Building Codes](#) (2)

[Building Inspectors](#) (1)

[Bus Accident](#) (1)

[Business Interruption Coverage](#) (18)

[Business Records Exception to Hearsay](#) (2)

[Cancellation of Insurance Policy](#) (1)

[Canoe](#) (1)

[Canoeing](#) (1)

[Case Management Orders](#) (1)

[Causal Connection to Maintenance or Use of a Motor Vehicle](#) (1)

[Cause of Slip or Trip and Fall](#) (47)

[Cell Phone Use](#) (66)

[Certificate of Merit](#) (7)

[Chain Reaction Accident](#) (3)

[Child Witness](#) (1)

[Children](#) (3)

[Chiropractors](#) (2)

[Choice of Laws](#) (3)

surveillance and should not be produced until after plaintiff's deposition was overruled. The defense objection that it was work product was also overruled. In its Order the court did also hold that the defense did not need to produce video surveillance completed on the Plaintiff prior to her deposition.)

ADMISSIBILITY OF SOCIAL MEDIA DISCOVERY RESULTS AT TRIAL

Federal Middle District Court

Bryant v. Wilkes-Barre Hosp. Co., LLC, 2016 LEXIS 87103 (M.D. Pa. 2016 Mannion, J)(Court allows admission of Facebook posts to challenge Plaintiff's credibility at trial).

Federal Western District Court

Newill v. Cambpell Transp. Co., No. 2: 2012-CV-1344, 2015 U.S. Dist Lexis 4350 (W.D. Pa. 2015 McVerry, J.)(Court reviewed a Plaintiff's motion in limine to preclude the Defendant from introducing several of the Plaintiff's Facebook posts into evidence in a personal injury matter on the basis they were irrelevant, unfairly prejudicial, and potentially embarrassing. Facebook posts, which showed allegedly injured Plaintiff engaged in a variety of physical activities found relevant and admissible; that the posts may be embarrassing to Plaintiff found not to be grounds to preclude the evidence.)

Posted by Daniel E. Cummins at [8:23 AM](#)

 [Thisishisletterookrest](#)

Labels: [Discovery Issues](#), [Facebook Discovery](#), [Social Networking Sites](#)

No comments:

Post a Comment

[Choice of Ways Doctrine](#) (5)

[Ciavarella](#) (47)

[Cigarette Smoke](#) (1)

[Civil Authority Provision](#) (4)

[Civil Conspiracy](#) (3)

[Civil Contempt](#) (2)

[Civil Litigation](#) (34)

[Civil Litigation Update](#) (4)

[Civil Rights Litigation](#) (12)

[Civility](#) (7)

[Claims File](#) (1)

[Claims Rep Handling Both Third Party and UIM Claim](#) (1)

[Claims Representative Liability](#) (1)

[Class Two Insured](#) (2)

[CLE Seminars](#) (117)

[Clergy Abuse](#) (1)

[Closing Arguments](#) (2)

[Code of Cvility](#) (1)

[Collateral Estoppel](#) (20)

[Collateral Order Doctrine](#) (2)

[Collateral Source Rule](#) (6)

[College Student](#) (2)

[Colonel Henry Thomas](#) (1)

[Commercial Auto Policy](#) (2)

[Commercial General Liability Policy](#) (1)

[Commercial Tort](#) (1)

[Common Areas](#) (3)

[Community Association](#) (2)

[Comparative Negligence Act](#) (6)

[Compelling Opinion Testimony from Non-Party Expert](#) (1)

[Compensable Pain](#) (1)

[Competency of Child Witness](#) (1)

[Complaint](#) (2)

[Complaint Drafting](#) (21)


[Complications of Surgery](#) (1)

[Compromise Verdict](#) (5)

[Conahan](#) (27)

[Condominium Act](#) (1)

Enter your comment...



Comment as:

amanda@curr ▼

Publish

Preview

[Newer Post](#)[Home](#)[Older Post](#)Subscribe to: [Post Comments \(Atom\)](#)[Conflicts of Interest](#) (1)[Connor Objections](#) (1)[Consent to Settle](#) (1)[Consolidation](#) (8)[Construction Litigation](#) (11)[Construction Zone](#) (1)[Constructive Fraud](#) (1)[Consumer Expectation Test](#) (3)[Contact With Potential Witnesses](#) (2)[Contention Interrogatories](#) (1)[Continuing Nuisance](#) (1)[Continuing Trespass](#) (1)[Continuous Representation Rule](#) (1)[Contractors](#) (1)[Contribution Claim](#) (1)[Contributory Negligence](#) (6)[Conversion](#) (1)[Coordination of Actions](#) (1)[Coordination of Benefits Provision](#) (1)[Coronavirus](#) (19)[Corporate Negligence](#) (17)[Corporate Veil](#) (2)[Corporations](#) (4)[Correct Name of a Party In Pleadings](#) (1)[Courtroom Etiquette](#) (1)[Covenant Not to Compete](#) (1)[Coverage Question](#) (7)[Coverage Questions](#) (99)[Covid-19](#) (39)[Crashworthiness](#) (2)[Credentialing File](#) (1)[Criminal](#) (5)[Criminal Act of Third Person](#) (10)[Criminal Acts Exclusions](#) (3)[Criminal Charges](#) (7)[Crimini Falsi Evidence](#) (2)[Cross-Claims](#) (1)[Cross-Examination](#) (1)[Cross-Examination of Experts](#) (19)[Crosswalks](#) (1)

DISCLAIMER

Daniel E. Cummins, Esquire publishes this site for general informational purposes only. The materials in this website do not constitute legal advice, do not necessarily reflect the opinions of the law firm of Foley, Comerford & Cummins or its members, are not an indicator of future results, and are not guaranteed to be current, up-to-date, or applicable to your circumstances. Under no circumstances should you rely upon the information contained in this website without first seeking out and securing your own attorney.

This website and the transmission is not in any way intended, and does not operate, to create an attorney-client relationship with any person or entity. No attorney-client relationship will be created with Daniel E. Cummins, Esquire or the law firm of Foley, Comerford & Cummins unless and until you have purposefully sought to retain us, we have had a chance to clear any conflicts, and you receive a letter from us confirming the creation of an attorney-client relationship and explaining the parameters of the relationship. It is also noted that Attorney Daniel E. Cummins and the law firm of Foley, Comerford & Cummins only practice law in the Commonwealth of Pennsylvania.

With respect to the links on this website, they are not intended as referrals to, or endorsements of, those linked sites.

Neither Daniel E. Cummins nor the law firm of Foley, Cognetti, Comerford, Cimini & Cummins can guarantee that the material accessible from this website will be virus free.

In creating this website, Daniel E. Cummins and the law firm of Foley, Comerford & Cummins have strived to comply with all legal and ethical requirements. Neither Daniel E. Cummins nor the law firm of Foley, Comerford & Cummins or its members intend to practice law in any jurisdiction where they are not licensed to practice. Daniel E. Cummins and Foley, Comerford, & Cummins **DISCLAIM ALL EXPRESS WARRANTIES AND IMPLIED WARRANTIES INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**