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Representing Defendants Relentless, Inc. and Sean Kelly

IN THE COURT OF COMMON PLEAS FOR LANCASTER COUNTY

DONUTNV FRANCHISING, INC.,
Plaintiff

Case No. CI-25-00737

v.

RELENTLESS, INC. AND SEAN KELLY,
Defendants

MOTION FOR PROTECTIVE ORDER

Relentless, Inc. and Sean Kelly, through their legal counsel Lancaster Tech Law PLLC, file this Motion for Protective Order under Pa. R.C.P. 4012 and states:

1. Plaintiff DonutNV Franchising, Inc. (“DonutNV”) alleges that Defendants Relentless, Inc. (“Relentless”) and Sean Kelly harmed DonutNV through published statements on the website Unhappy Franchisee (the “Website”).
2. Defendants have counterclaimed under Pennsylvania’s recently expanded Uniform Public Expression Protection Act (“UPEPA”), 42 Pa. C.S. § 8340.11, et seq.
3. The UPEPA is intended to put an early end to strategic lawsuits against public participation (“SLAPP lawsuits”) before they have a chilling affect on protected speech.
4. For example, the legislature provided a procedure for a quick hearing on UPEPA motions, 42 Pa.C.S.A. § 8340.16(b), and a stay of all proceedings, including discovery, until the UPEPA motion is ruled upon, 42 Pa.C.S.A. § 8340.16(e)(1).

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5. While these procedures are not yet effective without the promulgation of rules by the Pennsylvania Supreme Court, they demonstrate that UPEPA claims should be adjudicated early because lengthy litigation will inflict the harm it seeks to solve. *See* PA LEGIS 2024-72, 2024 Pa. Legis. Serv. Act 2024-72 (H.B. 1466) (PURDON'S) (effective date subject to promulgation of rules).

6. Even without the intended procedure under the UPEPA, the interests of justice are still best served by an early evaluation and ruling on claims of protected public speech.

7. On July 15, 2025, Defendants filed their Motion for Judgment on the Pleadings requesting such an early end to DonutNV's SLAPP lawsuit.

8. Defendants now seek a protective order under Rule 4012 to implement a temporary stay comparable to 42 Pa.C.S.A. § 8340.16(e)(1).

9. Under Rule 4012, the Court may, for good cause shown, "make any order which justice requires to protect a party or person from unreasonable annoyance, embarrassment, oppression, burden or expense...." Pa. R.C.P. 4012.

10. If Defendants are forced to spend significant time and resources responding to burdensome discovery before the UPEPA defense is ruled upon, Defendants will suffer the exact injury intended by a SLAPP lawsuit.

11. DonutNV will not be prejudiced by a stay of discovery pending resolution of the Motion for Judgment on the Pleadings because if the motion is denied, DonutNV can resume discovery without injury.

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WHEREFORE, Defendants request the entry of a protective order staying all discovery pending resolution of their Motion for Judgment on the Pleadings, plus such other relief as the Court deems appropriate.

Date: Jul 15, 2025

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By: Brandon Harter
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*Representing Defendants Relentless, Inc.
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CERTIFICATE OF COMPLIANCE

I certify this filing complies with the provisions of the *Public Access Policy of the United Judicial Systems of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: Jul 15, 2025

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CERTIFICATE OF SERVICE

I certify that I am this day serving the Motion for Protective Order by email sent
to:

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