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## News urges judge to lift gag rule in radar case

By NICOLE WEISENSEE EGAN  
[weisenn@phillynews.com](mailto:weisenn@phillynews.com)

Attorneys representing the *Daily News* yesterday filed a motion seeking to lift a wide-ranging gag order aimed at preventing the release of documents that could shed more light on the ever-growing radar gun scandal.

"This case involves matters of significant public concern - the safety of the Commonwealth's roadways and the integrity of the Commonwealth's law enforcement community," a memo supporting the motion said.

Two weeks ago, U.S. Middle District Judge Sylvia Rambo of Harrisburg issued the protective order after a request from the Pennsylvania State Police. The state cops asked for the order after the *Daily News* wrote stories about the agency's cover-up of malfunctions with the Genesis hand-held radar gun troopers use.

The story cited internal state police documents subpoenaed by attorney Don Bailey. Rambo's order says Bailey cannot give the media any future documents he obtains during the discovery process without her permission.

Bailey represents Tim Shingara, the state police's own radar expert, who is suing his employer. Shingara alleges the agency retaliated against him after he testified publicly about the gun giving off "phantom" speed readings.

"A public employee... claims that leaders in the law enforcement community covered up the malfunctioning radar and failed to fix or replace the system," the memo by *Daily News* attorneys said. "If the allegations concerning the radar system's malfunctions are true, a substantial number of Pennsylvania citizens may have been fined for speeding violations they did not commit."

Bailey, who intends to file his own motion to have the gag order lifted, said he is glad the *Daily News* has joined the battle.

"It is gratifying beyond description that the press is beginning to get involved in these dangerous attacks on our right to know," Bailey said.

Jack Lewis, a spokesman for the state police, did not return a phone call requesting comment.