

Superior Court  
of the  
State of Delaware

Jan R. Jurden  
Judge

New Castle County Courthouse  
500 North King Street, Suite 10400  
Wilmington, Delaware 19801-3733  
Telephone (302) 255-0665

October 11, 2011

Kevin McCarthy, Esq.  
Mintzer, Sarowitz, Zeris, Ledva  
& Meyers, LLP  
Centre Square, West Tower  
Suite 4100  
Philadelphia, PA 19102

Mason E. Turner, Jr., Esq.  
Prickett, Jones & Elliott, P.A.  
1310 King Street  
P.O. Box 1328  
Wilmington, DE 19899

**RE: Phyllis James, M.D.**  
**v.**  
**Professional Insurance Company**  
**C.A. No. 10C-04-212-JRJ**

Dear Mr. McCarthy and Mr. Turner:

On September 22, 2011 in the above-captioned case the Court received "Plaintiff's Response to Defendant Mintzer, Sarowitz, Zeris, Ledva & Meyers LLP's Motion to Exclude Evidence Regarding Any Alleged Failure to Comply with the Rules of Professional Conduct" (hereinafter "Response").<sup>1</sup>

In the Response, plaintiff alleges that Mr. McCarthy produced medical records "that he knew had been altered" in the case captioned, "*Letoni Wilson, Mother and Next Friend of Tiresa Johnson, a Minor Child v. Dr. Phyllis James and New Castle Family Care.*"<sup>2</sup> Plaintiff alleges that, in a letter to Preferred Professional Insurance Company, Mr. McCarthy "wrote that Mason Turner, Esquire, attorney for the physician's assistant, Montague, informed him that both

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<sup>1</sup> Docket item 39969015. See Response ¶ 4.

<sup>2</sup> C.A. No. 07C-04-025 PLA. (Hereinafter "*Wilson v. James.*")

James and Montague had altered their respective medical records.”<sup>3</sup> Plaintiff further alleges that “McCarthy also wrote that Turner provided copies of the original medical records before they had been altered.”<sup>4</sup>

Please be advised that the Court has referred this matter to the Office of Disciplinary Counsel.

Mr. McCarthy and Mr. Turner and their respective law firms shall preserve all files, letters, memoranda, and any other documents or items relating, pertaining or referring in any way to the defense of James and Montague in *Wilson v. James*, and shall make those documents/items available for review by the Office of Disciplinary Counsel upon request by that agency.

Mr. McCarthy shall advise the Court within five (5) days of any other matters in which he has been admitted, or has requested admission, *pro hac vice* in any court in the State of Delaware.

**IT IS SO ORDERED.**

Very truly yours,



Jan R. Jurden  
Judge

JRJ:mls

cc: Prothonotary  
Frederick W. Iobst, Esq., Chief Disciplinary Counsel  
Kenneth M. Roseman, Esq.  
Randall E. Robbins, Esq.  
William J. Cattie, III, Esq.  
Kevin J. Connors, Esq.  
Michael Weiss, Esq.

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<sup>3</sup> Response ¶ 5.

<sup>4</sup> *Id.*