

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1307 Disciplinary Docket No. 3  
Petitioner :  
 :  
v. : No. 182 DB 2006  
 :  
 :  
DORA R. GARCIA, : Attorney Registration No. 65727  
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 25<sup>th</sup> day of October, 2007, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated September 13, 2007, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Dora R. Garcia is suspended on consent from the Bar of this Commonwealth for a period of fifteen months and she shall comply with all the provisions of Rule 217, Pa.R.D.E. It is further ORDERED that Respondent shall adhere to the following conditions for a period of four years from the effective date of this Order:

1. Respondent shall not facilitate or assist Allen L. Feingold in the unauthorized practice of law;
2. In the event that Respondent becomes a sole practitioner, partner or principal in a law firm, Respondent shall not permit Allen L. Feingold to be employed by, associated or connected with that law firm; and
3. Respondent shall not permit Allen L. Feingold to be physically present on the premises of such law firm during business hours.

A True Copy Patricia Nicola

As of: October 25, 2007

Attest:

Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL	:	No. 182 DB 2006
Petitioner	:	
	:	
v.	:	Attorney Registration No. 65727
	:	
DORA R. GARCIA	:	
Respondent	:	(Philadelphia)

RECOMMENDATION OF THREE-MEMBER PANEL  
OF THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Robert C. Saidis, Charlotte S. Jefferies, and Donald E. Wright, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on August 17, 2007.

The Panel approves the Petition consenting to a fifteen month suspension with conditions for a period of four years from the effective date of the suspension as set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.

  
\_\_\_\_\_  
Robert C. Saidis, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: September 13, 2007

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 182 DB 2006  
Petitioner :  
: ODC File Nos. C1-06-613,  
: 637, 742, 818, 848, 1078;  
: C1-07-61, 110, 156, 395  
v. :  
: :  
: Atty. Reg. No. 65727  
DORA R. GARCIA, :  
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE  
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

OFFICE OF DISCIPLINARY COUNSEL  
PAUL J. KILION

CHIEF DISCIPLINARY COUNSEL

Amelia C. Kittredge  
Disciplinary Counsel  
1635 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19103

and

Ellen C. Brotman, Esquire  
Counsel for Respondent  
Montgomery, McCracken, Walker  
& Rhoads, LLP  
123 South Broad Street  
Philadelphia, PA 19109

**FILED**

AUG 17 2007

Office of the Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 182 DB 2006  
Petitioner :  
: ODC File Nos. C1-06-613,  
: 637, 742, 818, 848, 1078;  
: C1-07-61, 110, 156, 395  
v. :  
: :  
: Atty. Reg. No. 65727  
DORA R. GARCIA, :  
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE  
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel (ODC), by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Amelia C. Kittredge, Esquire, Disciplinary Counsel, and Respondent, Dora R. Garcia, by her counsel, Ellen C. Brotman, Esquire, file this Joint Petition In Support Of Discipline On Consent Pursuant to Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement and respectfully represent that:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania.

2. Respondent, Dora R. Garcia, was born on October 8, 1964 and was admitted to practice law in the Commonwealth on

November 24, 1992. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. The Respondent's attorney registration address is 1515 Market Street, Suite 802, Philadelphia, PA 19102.

4. Respondent was served with a DB-7 Request for Statement of Respondent's Position (DB-7) or Supplemental Request for Statement of Respondent's Position (DB-7A) on June 30, 2006, September 6, 2006, September 13, 2006, December 6, 2006, January 16, 2007, February 9, 2007, and July 12, 2007 which are collectively attached hereto as Exhibit "A." Respondent served Answers to the DB-7s by letters dated July 20, 2006, October 25, 2006, December 27, 2006, February 21, 2007, and March 12, 2007.

5. After conferring with Ms. Brotman and reviewing all the evidence, the Respondent, Dora R. Garcia, has agreed to enter into this Joint Petition.

**SPECIFIC FACTUAL ADMISSIONS, RULES OF DISCIPLINARY ENFORCEMENT AND RULES OF PROFESSIONAL CONDUCT VIOLATED**

**I. Pa.R.D.E. 203(b)(3) via Pa.R.D.E. 217**

19. By Order effective April 2, 2006, the Supreme Court of Pennsylvania suspended Allen L. Feingold from the practice of law for a period of three years, and by Order dated August 22, 2006, the Supreme Court imposed an additional two-year suspension, to run consecutive with the prior suspension.

20. By virtue of the suspensions, Allen L. Feingold is a

"Formerly admitted attorney" pursuant to Pa.R.D.E. 102(a), and is subject to the requirements of Pa.R.D.E. 217.

21. On or after the date on which the acts which resulted in Mr. Feingold's suspension occurred, through and including the effective date of his suspension, Respondent and Mr. Feingold were associated in the practice of law in the same law firm, located at the same office addresses.

22. From in or about October 2003, to in or about June 2004, Respondent and Allen L. Feingold were associated with a firm known as "AL Feingold Associates," located at 1700 Ben Franklin Parkway, Philadelphia, PA 19103, and 1515 Market Street, Ste. 801, Philadelphia, PA 19102.

23. From in or about September 2005 to the effective date of Allen L. Feingold's suspension, Respondent and Mr. Feingold were associated in a law firm known as, "Feingold Feingold & Garcia," located at 1515 Market Street, Ste. 801, Philadelphia, PA 19102.

24. During the course of Allen L. Feingold's suspension, Respondent engaged in willful violations of the Pennsylvania Rules of Disciplinary Enforcement by:

- a. failing to disassociate herself from the practice of law with Allen L. Feingold, in that he continued to perform law-related activities for or in connection with Respondent's law firm when he was prohibited

- by Pa.R.D.E. 217(j)(4)(i) from doing so;
- b. facilitating and allowing Allen L. Feingold to communicate directly with clients by telephone and in writing on substantive matters relating to ongoing representations of the law firm, in violation of Pa.R.D.E. 217(j)(4)(v);
  - c. permitting Allen L. Feingold to appear on behalf of Respondent's clients in proceedings before the Court of Common Pleas of Philadelphia County, in violation of Pa.R.D.E. 217(j)(4)(vii); and
  - d. facilitating and allowing Allen L. Feingold to negotiate or transact substantive matters relating to the ongoing representations of the law firm, for or on behalf of a client with third parties, and to have contact with third parties regarding such negotiation or transaction, in violation of Pa.R.D.E. 217(j)(4)(ix).

## **II. RPC 7.1 and RPC 7.5(a)**

25. On June 30, 2006, Respondent signed and certified, and thereafter filed with the Disciplinary Board, her 2006-2007 PA Attorney's Annual Fee Form, which indicated that the name of the law firm through which she practiced was known as, "Feingold Feingold & Garcia."

26. Respondent continued to practice law under the trade name "Feingold Feingold & Garcia," up to and including May 2007.

27. From and after the period June 30, 2006 through May 2007, Respondent used letterhead with the law firm name, "Feingold Feingold & Garcia, P.C."

28. As of April 2, 2006, the effective date of Allen L. Feingold's suspension from the Bar, Respondent is the only principal and/or partner licensed and eligible to practice in the Commonwealth of Pennsylvania in the firm of Feingold Feingold & Garcia.

29. As a result of Allen L. Feingold's suspension, Respondent is prohibited from implying or suggesting to the public and the courts in Pennsylvania that she practices in partnership with Mr. Feingold, who is ineligible to practice law in the Commonwealth of Pennsylvania.

30. Respondent knowingly and intentionally engaged in a false and misleading communication in violation of RPC 7.1 and RPC 7.5(a) by conveying, through the use of the firm name Feingold Feingold & Garcia, that Allen L. Feingold was licensed to practice law in this Commonwealth although, in fact, he had the status of a formerly admitted attorney.

31. On August 7, 2006, in the case of *Mitchell S. Berger, et al. v. Allen L. Feingold, et al.*, No. 05-17274 (C.P. Mont. Co.) ("Berger lawsuit"), the Honorable Rhonda Lee



Daniele issued an Order finding that Respondent's use of the firm name Feingold Feingold & Garcia, P.C., is in violation of RPC 7.1 and RPC 7.5.

### III. RPC 3.3

19. Five weeks after the effective date of Mr. Feingold's first suspension Order, on May 9, 2006, Respondent appeared before the Honorable Susan E. Kelly, Workers' Compensation Judge, in the Claim of *Everett Harding v. SEPTA*, Bureau Claim #2656546, and told Judge Kelly:

- a. that "there are two separate law firms. One is FF&G, which is Feingold, Feingold & Garcia and the other one is A.L. Feingold and Associates, which is Mr. Feingold";
- b. "I operate under a different law firm name which is Feingold, Feingold & Garcia. Mr. Feingold has operated under A.L. Feingold and Associates"; and
- c. "[O]n occasion, I have covered things for him, but [the two law firms] are separate entities...."

20. On June 19, 2006, Respondent appeared in the Montgomery County Court of Common Pleas in a trial listing for the case of *Davis v. McCarthy, et al.*, No. 95-17719 (Mont.Co.C.P.), and told the Honorable Kent H. Albright, *inter alia*, that:

- a. "we've [i.e., Respondent and Mr. Feingold] always had our separate law firms";
- b. "[h]e [i.e., Mr. Feingold] has always been a representative of his firm. I've been a representative of my firm"; and
- c. "[o]n occasion we have worked for one another helping, because we're sole practitioners helping each other out, covering matters."

21. During a hearing in the Berger lawsuit in or about August 2006, Respondent, in open court, told the Honorable Rhonda Lee Daniele that:

- a. Respondent was the "Garcia" and one of the "Feingolds" in the law firm name, "Feingold Feingold & Garcia"; and
- b. that the other Feingold in the firm name refers to Allen L. Feingold's niece.

22. On December 28, 2006, Respondent testified under oath at a disciplinary proceeding pertaining to a subpoena issued in ***In Re: Confidential Investigation No. C1-06-613***, in which she stated, *inter alia*:

- a. that Allen L. Feingold's niece, Bonnie Wittenberg, Esquire, a member of the Pennsylvania Bar whose maiden name had been Bonnie Feingold, had worked for Respondent "on occasion";

- b. that Allen L. Feingold's niece, Ms. Wittenberg, had been neither a partner nor a principal of the law firm of Feingold Feingold & Garcia; and
- c. that Respondent was the only principal of the firm.

23. Respondent's statements set forth in paragraphs 19-22, *supra*, were knowingly false statements to a tribunal in violation of RPC 3.3.

#### IV. RPC 3.1, RPC 8.2(a) and RPC 8.4(d)

##### The Harding Matter

24. On or about September 27, 2004, Allen L. Feingold filed a Claim Petition (Petition) with the Workers' Compensation Office of Adjudication on behalf of Everett Harding, against the Southeastern Pennsylvania Transportation Authority (SEPTA), which was Mr. Harding's employer, and CompServices, Inc., which was SEPTA's insurance carrier, captioned *Harding v. SEPTA*, Bureau Claim No. 2656546 ("Harding Claim").

25. Stephanie R. Coleman, Esquire, was engaged by SEPTA to defend the Harding Claim, and Richard Mandel, M.D., performed an Independent Medical Examination and wrote a report on his findings on behalf of the defendants.

26. On September 19, 2005, the Honorable Susan E. Kelley, Workers' Compensation Judge, dismissed Mr. Harding's

Petition for failure to comply with the time period for presenting medical evidence.

27. Judge Kelley's decision was upheld by the Workers' Compensation Appeal Board, and Mr. Harding's appeal to the Commonwealth Court was dismissed by that Court.

28. Allen L. Feingold refiled the Harding Claim, and upon his suspension from the Bar of the Commonwealth, Respondent assumed the handling of the Claim.

29. On October 5, 2006, Respondent filed an action in the Court of Common Pleas of Philadelphia County on behalf of Everett Harding and Allen L. Feingold against SEPTA, Stephanie Coleman, Esquire, CompServices Inc., Richard J. Mandel, M.D., Professional Medical Evaluations, and Law Offices of Stephanie R. Coleman, captioned *Harding, et al. v. SEPTA, et al.*, Oct. Term 2006, No. 0685 (C.P. Phila.) ("Harding lawsuit").

30. The complaint filed in the Harding lawsuit alleged, *inter alia*, that:

- a. Workers' Compensation Judge Susan E. Kelley had "impersonated an individual who cared and had taken an oath to truly and properly handle Workmen's [sic] Compensation Claims";
- b. Judge Kelley had conspired with the defendants to do "everything in their power" to deny the plaintiffs, Mr. Harding and Allen L. Feingold, a fair and proper hearing; and

- c. Allen L. Feingold had been "denied the payment of his counsel fee" due to the defendants' wanton actions, which were "intolerable in a civilized society."

31. In the refiled workers' compensation matter, Respondent wrote to Stephanie Coleman, Esquire, by letter dated November 16, 2006, with a copy to Judge Kelley, wherein she:

- a. accused Judge Kelley of extreme bias; and
- b. asserted that her (Respondent's) filing of the Harding lawsuit in the Court of Common Pleas had created a conflict of interest, preventing Ms. Coleman from being further involved in the underlying workers' compensation claim, the Harding Claim.

32. By Orders dated January 2, 2007, the Honorable Allan L. Tereshko of the Court of Common Pleas of Philadelphia County sustained the Preliminary Objections of the defendants, and dismissed the complaint filed in the Harding lawsuit, with prejudice.

33. Respondent's filing of the Harding lawsuit violated RPC 3.1, in that:

- A. the suit was based on routine discovery disputes in the underlying workers' compensation claim proceedings;

- B. the suit was filed to establish an alleged conflict of interest that would result in the disqualification of counsel engaged to defend the Harding Claim; and
- C. Respondent was aware that trial and appellate courts in the Commonwealth of Pennsylvania, including the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Feingold*, No. 93 DB 2003, have determined that similar actions filed by Allen L. Feingold violate the Rules of Professional Conduct.

34. By filing this lawsuit, Respondent engaged in conduct that is prejudicial to the administration of justice in that the resources of the Philadelphia Court of Common Pleas were squandered on this matter, to the detriment of the public.

35. The above statements Respondent made concerning the qualifications and integrity of Judge Kelley, which Respondent knew to be false and/or were made with reckless disregard as to their truth or falsity, were in violation of RPC 8.2(a).

36. By letter dated February 23, 2007, Respondent sent to Judge Tereshko a document entitled, "Statement of Matters Complained of on Appeal," which accused Judge Tereshko of extreme bias and impropriety, and which was filed in the Court of Common Pleas of Philadelphia County.

37. By Order dated March 22, 2007, Judge Kelley granted Mr. Harding's Claim Petition, and directed SEPTA, *inter alia*, to pay weekly indemnity benefits from the period June 11, 2004 to January 26, 2006, and determined that workers' compensation benefits be terminated as of January 26, 2006.

38. By letter dated March 30, 2007, with copy to Stephanie Coleman, Esquire, Respondent wrote to Judge Kelley and stated:

- a. that in the above described Order of March 22, 2007, Judge Kelley "actually showed how improper SEPTA's actions were, but then, as expected, You [sic] cut the umbilical cord and let the baby die"; and
- b. that she [i.e., Respondent] "can understand a judge when they cause some grief to a party or a lawyer, whether it is personal or business," but she had never "been able to understand when a judge takes their actions to extremes and intentionally injures a party and/or a lawyer, as it then becomes personal, to the extent that it is beyond the law, beyond their Oath, and shows that the judge has no heart or soul, or if they do, it is totally black."

39. The above statements Respondent made concerning the qualifications and integrity of Judges Tereshko and Kelly,

which Respondent knew to be false and/or were made with reckless disregard as to their truth or falsity, were in violation of RPC 8.2(a).

The Mansaray Matter

40. On March 2, 2006, Allen L. Feingold filed an action in the Court of Common Pleas of Philadelphia County on behalf of himself and Sheku Mansaray captioned *Feingold, et al. v. Gerolamo McNulty Divis & Lewbart, et al.*, Feb. Term, 2006, No. 3640 ("Mansaray lawsuit").

41. By Orders dated December 21, 2006 and January 10, 2007, the Honorable Allan L. Tereshko granted the Preliminary Objections of all defendants and dismissed plaintiffs' complaints with prejudice.

42. On or about January 29, 2007, Respondent entered her appearance on behalf of the plaintiffs.

43. By letter dated February 23, 2007, Respondent sent Judge Tereshko a document entitled, "Statement of Matters Complained of on Appeal," which had been filed in the Mansaray lawsuit, and which accused Judge Tereshko of extreme bias and impropriety in that, *inter alia*:

- a. "the actions of [Judge Tereshko] over the years, have been so prejudiced, lopsided and inappropriate in favor of the defense, as to preclude this plaintiff, the plaintiff's



counsel, this law firm, or any of their clients from receiving a fair, full, proper or unbiased decision"; and

- b. Judge Tereshko "holds a grudge, dislikes those concerned, and abuses his position with those involved."

44. The above statements Respondent made concerning the qualifications and integrity of Judge Tereshko, which Respondent knew to be false and/or to have been made with reckless disregard as to their truth or falsity, were in violation of RPC 8.2(a).

#### The Jordan Matter

45. Following Allen L. Feingold's suspension, on or about May 15, 2006, Respondent assumed the handling of a workers' compensation claim filed by Mr. Feingold on behalf of Deborah Jordan against Ms. Jordan's former employer, said action captioned *Jordan v. SEPTA*, Bureau Claim No. 2473936 ("Jordan Claim").

46. SEPTA engaged Chartwell Law Offices, LLP, Thomas Strohmetz, Esquire, and Abbey Lacheen, Esquire, to defend the Jordan Claim.

47. On October 10, 2006, Respondent filed an action in the Court of Common Pleas of Philadelphia County on behalf of Deborah Jordan against SEPTA, CompServices, Inc., Thomas Strohmetz, Esquire, Abbey Lacheen, Esquire and Chartwell Law

Offices, LLP, said action captioned *Jordan v. SEPTA, et al.*, Oct. Term 2006, No. 001102 (C.P. Phila.) ("Jordan lawsuit").

48. The complaint in the Jordan lawsuit alleged, *inter alia*, that:

- a. in defending the underlying workers' compensation claim, the Jordan Claim, the defendants had acted in "bad faith" to deny Ms. Jordan compensation for her losses;
- b. the defendants conspired to deprive Ms. Jordan of a fair trial;
- c. the defendants had made misrepresentations and engaged in fraudulent conduct; and
- d. defendants' actions were malicious and warranted an award of punitive damages.

49. By Order dated January 18, 2007, the Honorable Gary S. Glazer of the Court of Common Pleas of Philadelphia County sustained the Preliminary Objections of all defendants in the Jordan lawsuit, and dismissed the complaint, with prejudice.

50. In his Order dismissing the complaint, Judge Glazer found that the Respondent had filed a frivolous lawsuit for the sole purpose of harassing the defendants, and that the lawsuit was harmful to the judicial system both in terms of wasted resources and adverse public perception.

51. Respondent's filing of this lawsuit violated RPC 3.1, in that the lawsuit was based on the defense of the

underlying workers' compensation claim proceedings, which are ongoing.

52. By filing this lawsuit, Respondent engaged in conduct that is prejudicial to the administration of justice, in violation of RPC 8.4(d).

53. Respondent filed the lawsuit on behalf of the plaintiff, although Respondent was aware that trial and appellate courts in the Commonwealth of Pennsylvania, including the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Feingold*, No. 93 DB 2003, have determined that similar actions filed by Mr. Feingold are improper and violate the Rules of Professional Conduct.

54. On or about February 2, 2007, Respondent filed "Plaintiff's Motion for Reconsideration [of the dismissal] and Recusal," in the Jordan lawsuit, in which she:

- a. accused Judge Glazer of extreme bias against Ms. Jordan, Respondent, Respondent's law firm, and Allen L. Feingold and "his clients and our clients";
- b. stated that Judge Glazer "has forgotten" that he took an oath of office; and
- c. declared that Judge Glazer's actions as a judge, in the form of orders, decisions, opinions and explanations, "show a

baselessness, vindictiveness, animosity and dislike toward this counsel...."

55. Respondent's statements concerning Judge Glazer's qualifications and integrity were made with the knowledge that they were false and/or were made with reckless disregard as to their truth or falsity, in violation of RPC 8.2(a).

#### The El Matter

56. On October 4, 2005, Respondent filed a complaint in the Court of Common Pleas of Philadelphia County captioned, *El v. SEPTA, Viviana Rivera, Iryna Starovoyt and Vasyl Starovoyt*, Oct. Term 2005, No. 227 (C.P.Phila.) ("El lawsuit"), arising out of a motor vehicle accident in which her client, Rosetta El, was allegedly injured by the defendants.

57. On or about November 16, 2006, Respondent filed a motion captioned, "Plaintiff's Motion for Discovery, Preclusion, Sanctions and Judgment" ("Discovery Motion"), in which Respondent stated, *inter alia*, that the presiding judge, the Honorable Jacqueline F. Allen, had an extreme bias toward plaintiffs and their counsel because Judge Allen was a "friend" of counsel for SEPTA appearing in this and other cases.

58. On November 27, 2006, Respondent appeared in front of Judge Allen in the El lawsuit on a discovery matter and, *inter alia*:

- a. told Judge Allen that, "...in this case, you have bent over backwards to give [Counsel for SEPTA] whatever she wants, because, you know, you were SEPTA counsel before and she's SEPTA counsel now"; and
- b. generally accused Judge Allen of making unfair and biased rulings in favor of SEPTA and against Respondent and Allen L. Feingold.

59. On or about February 2, 2007, Respondent filed a motion in the El lawsuit captioned, "Plaintiff's Motion for Discovery, Preclusion, Sanctions and Judgment," in which she:

- a. repeated the allegations set forth in the Discovery Motion, including those accusing Judge Allen of extreme bias toward the defense and defendants; and
- b. added that the "case is coming up for trial shortly, and to prevent the plaintiff from obtaining proper discovery, or to be able to properly defend the motion for summary judgment is a miscarriage of justice that is evidently being perpetrated upon the plaintiff because of Judge Allen's relationship with defense counsel [for SEPTA], or the Court's animosity toward the plaintiff, plaintiff's

counsel, plaintiffs' [sic] counsel's law firm and/or any past members of that firm."

60. Respondent's statements concerning Judge Allen's qualifications and integrity were made with the knowledge that they were false and/or they were made with reckless disregard as to their truth or falsity, in violation of RPC 8.2(a).

#### The Viola Matter

61. On or about September 29, 1997, Allen L. Feingold filed an action in the Court of Common Pleas of Philadelphia County captioned, *Louis Viola, Jr., et al. v. Mike Krouse, State Farm Insurance, General Accident, et al.*, Sept. Term 1997, No. 3865 (C.P. Phila.) ("Viola lawsuit").

62. Following Allen L. Feingold's suspension, Respondent assumed the handling of the Viola lawsuit.

63. By Order dated February 14, 2007, the Honorable Gary F. Di Vito granted the defendants' motions for summary judgment and dismissed the Viola lawsuit with prejudice.

64. By letter dated March 9, 2007, Respondent wrote to Judge Di Vito and accused him of extreme bias, including that Judge Di Vito had "done everything to injure" Respondent, her husband and her clients; that Judge Di Vito had a "deep seeded" [sic] prejudice against her and her clients; and that if Judge Di Vito were recused from the case, Judge Di Vito would have to enlist another judge to do his "dirty work" in injuring "us" and "our clients."

65. On or about March 12, 2007, Respondent filed a pleading in the Viola lawsuit entitled "Motion for Reconsideration and Recusal," in which Respondent stated:

- a. that Judge Di Vito "has failed and/or refused to be fair";
- b. that Judge Di Vito was "biased, short-sighted, spiteful, vindictive"; and
- c. "that in every way possible" Judge Di Vito had injured Respondent, her firm and her clients.

66. Respondent's statements concerning Judge Di Vito's qualifications and integrity were made with the knowledge that they were false and/or they were made with reckless disregard as to their truth or falsity, in violation of RPC 8.2(a).

**SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE**

67. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the bar of this Commonwealth for a period of fifteen months, and that for a period of four years, she comply with the following conditions:

- 1) Respondent shall not facilitate or assist Allen L. Feingold in the unauthorized practice of law;
- 2) in the event that Respondent becomes a sole practitioner, partner or principal in a law firm, Respondent will not permit Allen L.

Feingold to be employed by, associated or connected with, that law firm; and

- 3) Respondent shall not allow Allen L. Feingold to be physically present on the premises of such law firm during business operating hours.

68. Respondent hereby consents to that discipline being imposed upon her by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that she consents to the recommended discipline and including the mandatory acknowledgments contained in Rule 215(d)(1) through (4), Pa.R.D.E.

69. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that:

- a. The mitigating circumstances are as follows:
  - (i) Respondent has admitted engaging in misconduct and violating the charged Rules of Disciplinary Enforcement and Rules of Professional Conduct;
  - (ii) She is remorseful for and embarrassed by her misconduct and understands she should be disciplined, as is evident by her consent to receiving a suspension of fifteen months, with conditions of four years' duration; and



(iii) she has no prior disciplinary history.

70. The facts and circumstances in this matter are unique, albeit the misconduct is clear. Respondent practiced law with, and is the spouse of, Allen L. Feingold, who was suspended from the Bar of this Court effective April 2, 2006. Respondent admits that she maintained a false and misleading firm name, in violation of RPC 7.1 and RPC 7.5(a), which had the effect of conveying that Allen L. Feingold was duly licensed to practice law in the State Courts of Pennsylvania.

71. Pa.R.D.E. 203(b)(3) provides that willful violation of the Rules of Disciplinary Enforcement shall be grounds for discipline. Pa.R.D.E. 203(j)(4)(i) specifically prohibits a formerly admitted attorney such as Mr. Feingold from performing any law-related activity for a law firm or lawyer if the formerly admitted attorney was associated with that law firm on or after the date on which the acts which resulted in the suspension occurred, through and including the effective date of suspension. Respondent recognizes that she has violated this Rule by her continued association with Mr. Feingold in the same firm, and his involvement in her firm's ongoing representations. Respondent has agreed that she will abide by the condition that Mr. Feingold will not be involved in her practice in any substantive way, as required by Pa.R.D.E. 217(j)(4)(i).

72. Even if Respondent and Mr. Feingold could remain in

the same firm in different roles, Pa.R.D.E. 217(j) permits a formerly admitted attorney such as Mr. Feingold to have direct communication with a client or third party only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. Moreover, the formerly admitted attorney must clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney. Respondent has admitted that by allowing Mr. Feingold to correspond with clients of the firm, and to negotiate with third parties over substantive matters unique to law offices and the practice of law, she has engaged in professional misconduct in violation of Pa.R.D.E. 217(j)(4)(v) (prohibition against "having any contacts with clients...."); and Pa.R.D.E. 217(j)(4)(ix) (prohibition against "negotiating or transacting any matter" for a client or with third parties).

73. Respondent has also violated Pa.R.D.E. 217(j)(4)(vii) in that she has permitted Allen L. Feingold to appear on behalf of Respondent's clients before proceedings in the Court of Common Pleas of Philadelphia County.

74. Respondent filed three civil actions in the Court of Common Pleas of Philadelphia County, which are strikingly similar to the lawsuits for which Allen L. Feingold was, in part, suspended. As the Board opined in imposing a three year

suspension on respondent Feingold for such conduct:

In the Brophy and SEPTA matters, Respondent had no legitimate basis for filing lawsuits against defense counsel on the basis of fraud and conspiracy. He decided to sue his opposing counsel to take out his annoyance with the supposed inadequacies in the court system that he perceived, and his own perceptions regarding the errors of the many judges presiding over his cases. None of these complaints survived preliminary objections. Respondent failed to show any actual fraudulent behavior on the part of the targets of the litigation. All he was able to show were routine discovery disputes, such as late interrogatory answers and document production issues. These routine disputes in no way justify a civil action for fraud against opposing counsel.

***Office of Disciplinary Counsel v. Feingold***, No. 93 DB 2003.

75. Respondent has also engaged in violations of RPC 8.2(a) in that she has falsely and/or with reckless disregard of the truth made statements concerning the qualifications and integrity of judges before whom she has practiced. Disciplinary cases involving accusations against judicial officers have been considered by the Board and the Supreme Court. It is recognized in this Commonwealth that there are "deleterious effects on the legal system of making unfounded accusations against judicial officers." ***Office of Disciplinary Counsel v. Barrish***, No. 130 DB 2004 at 20.

It is recognized that disciplinary matters involving respondents who have made false accusations against judges in court pleadings have resulted in terms of suspension greater

than the term here. *E.g.*, *id.* (five year suspension); ***Office of Disciplinary Counsel v. Surrick***, 561 Pa. 167, 749 A.2d 441 (2000) (five year suspension); ***Office of Disciplinary Counsel v. Price***, 557 Pa. 166, 732 A.2d 599 (1999) (five year suspension). However, the instant matter requires a substantial departure from the term of actual suspension since, in those cases, the respondents showed no remorse, nor had they even conceded that their conduct had been in violation of the Rules of Professional Conduct. ***Office of Disciplinary Counsel v. Barrish***, No. 130 DB 2004 at 20 ("Respondent does not grasp the reason why his conduct was wrong and violated the Rules of Professional Conduct."); ***Office of Disciplinary Counsel v. Surrick***, 561 Pa. at 178, 749 A.2d at 447 ("Respondent uses his self-aggrandized role as crusader for justice as a shield from any liability for his actions while simultaneously arguing that any judicial decision in contravention to his position proves that he is the victim of a judicial conspiracy."); ***Office of Disciplinary Counsel v. Price***, 577 Pa. at 179, 732 A.2d at 606 ("We note that even at this stage of the proceeding, Respondent denies that he engaged in any wrongdoing and submits that he should not be subject to any form of discipline."). Here, the opposite is true, and Respondent admits and fully appreciates the seriousness of her past conduct.

76. The Office of Disciplinary Counsel believes that the

discipline to which Respondent has agreed, is appropriate. The term of suspension will require that Respondent apply for reinstatement. During a reinstatement hearing, Respondent will have the burden to prove her ethical and other qualifications that merit restoring her license, as well as her compliance with the conditions pertaining to Allen L. Feingold.

77. In mitigation, Respondent has no history of discipline. More importantly, however, she understands that her conduct represents a serious departure from what is acceptable and what will be tolerated by the bench and Bar of the Commonwealth.

78. Respondent does state that if the case went to hearing:

- a. she would proffer evidence that according to members in good standing of the Pennsylvania Bar, she is a person of good character;
- b. she would proffer evidence that she has written letters of apology to the judges involved in the violations of RPC 8.2(a), as set forth herein; and
- c. she would proffer testimony from an expert witness that the conduct herein occurred while she was under stress occasioned by the suspension of Allen L. Feingold.

79. For the reasons set forth above, she has agreed to serve a suspension of fifteen months, with an additional period during which she does not associate herself professionally with Mr. Feingold. ODC believes that the length of the suspension, and the conditions precluding professional association with Mr. Feingold, are adequate to protect the public, maintain the integrity of the legal profession, and deter Respondent from future misconduct of the same or similar nature.

WHEREFORE, Petitioner and Respondent respectfully request that:

(a) Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order:

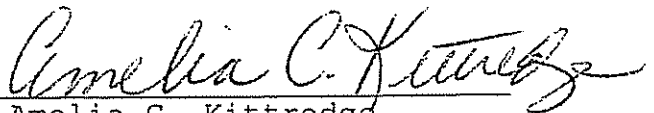
(i) suspending Respondent from the practice of law for fifteen months and that she adhere to the following conditions for a period of four years from the effective date of the Order of suspension:

(1) Respondent shall not facilitate or assist Allen L. Feingold in the unauthorized practice of law;

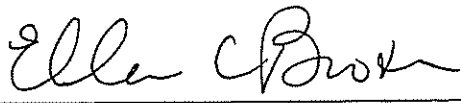
- (2) in the event that Respondent becomes a sole practitioner, partner or principal in a law firm, Respondent will not permit Allen L. Feingold to be employed by, associated or connected with, that law firm; and
- (3) Respondent shall not allow Allen L. Feingold to be physically present on the premises of such law firm during business operating hours;
- (b) Directing Respondent to comply with all the provisions of Rule 217, Pa.R.D.E.;
- (c) Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

Respectfully submitted,  
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION  
CHIEF DISCIPLINARY COUNSEL

By   
Amelia C. Kittredge  
Disciplinary Counsel

and

By   
Ellen C. Brotman, Esquire  
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 182 DB 2006  
Petitioner :  
: ODC File Nos. C1-06-613,  
: 637, 742, 818, 848, 1078;  
: C1-07-61, 110, 156, 395  
v. :  
: :  
: Atty. Reg. No. 65727  
DORA R. GARCIA, :  
Respondent : (Philadelphia)

VERIFICATION

The statements contained in the foregoing Joint Petition  
In Support of Discipline on Consent Under Rule 215(d),  
Pa.R.D.E. are true and correct to the best of our knowledge or  
information and belief and are made subject to the penalties  
of 18 Pa.C.S. §4904, relating to unsworn falsification to  
authorities.

Aug. 15, 07  
Date

Amelia C. Kittredge  
Amelia C. Kittredge  
Disciplinary Counsel

8/15/07  
Date

Ellen C. Brotman  
Ellen C. Brotman, Esquire  
Counsel for Respondent

8/15/07  
Date

Dora R. Garcia  
Dora R. Garcia, Esquire  
Respondent



BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 182 DB 2006  
Petitioner :  
: ODC File Nos. C1-06-613,  
: 637, 742, 818, 848, 1078;  
: C1-07-61, 110, 156, 395  
v. :  
: :  
: Atty. Reg. No. 65727  
DORA R. GARCIA, :  
Respondent : (Philadelphia)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

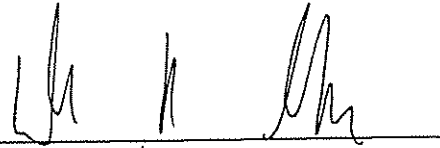
Respondent, Dora R. Garcia, hereby states that she consents to the imposition of a suspension from the practice of law for a period of fifteen months, and conditions, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, for a term of four years from the effective date of the suspension Order, and further states that:

1. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress; she is fully aware of the implications of submitting the consent; and she has consulted with counsel in connection with the decision to consent to discipline;

2. She is aware that there is presently pending an investigation into allegations that she has been guilty of misconduct as set forth in the Joint Petition;

3. She acknowledges that the material facts set forth in the Joint Petition are true; and

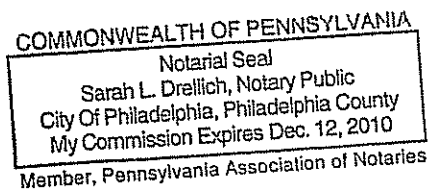
4. She consents because he knows that if charges predicated upon the matter under investigation were filed, she could not successfully defend against them.



Dora R. Garcia  
Respondent

Sworn to and subscribed  
before me this 15th  
day of August, 2007.

  
Notary Public



THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA



Paul J. Killion  
Chief Disciplinary Counsel

Paul J. Burgoyne  
Deputy Chief Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL

DISTRICT I OFFICE

16th Floor  
Seven Penn Center  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296  
Fax (215) 560-4528

[www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)

June 30, 2006

Personal & Confidential

DISTRICT I

Disciplinary Counsel-in-Charge  
Anthony P. Sodroski

Disciplinary Counsel  
Richard Hernandez  
Donna M. Snyder  
Gloria Randall Ammons  
Harriet R. Brumberg  
Cathy Young Thomer  
Robert P. Fulton  
Amelia C. Kitredge

Dora R. Garcia, Esquire  
Feingold Feingold & Garcia  
1515 Market Street, Suite 801  
Philadelphia, PA 19102

Re: Complaint of Francesca M.E. Shelton  
File No. C1-06-613  
DB-7 Request for Statement of Respondent's Position

Dear Ms. Garcia:

Please be advised that this office has received and is currently considering a complaint against you from Francesca M.E. Shelton, P.O. Box 27, Thorndale, PA 19372. It is important for you to understand that issuance of this letter means that the complaint against you has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Rules of Professional Conduct.

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of the respondent-attorney or mitigate the seriousness of any violations that may have occurred. Your statement of position, if you choose to file one, may result in a decision to dismiss this complaint against you. However, since this complaint has survived our initial screening process, you may wish to retain or consult with counsel before submitting a statement of your position.

~~CONFIDENTIAL AND UNCLASSIFIED~~

Ms. Dora R. Garcia, Esq.

June 22, 2006

Page 2

The alleged facts presently under consideration are as follows:

1. From and after February, 2003, you have been a principal in the law firm of Feingold Feingold & Garcia, also known as A.L. Feingold & Associates (Firm).

2. Prior to April 2, 2006, the only other principal in the Firm was Allen L. Feingold.

3. On or about February 18, 2003, Ms. Francesca M.E. Shelton was injured in an automobile accident.

4. Mr. Feingold, you and the Firm represented Ms. Shelton in a claim against the trucking company, whose driver allegedly injured Ms. Shelton, and its insurer.

5. On or about July 14, 2005, the claim was settled for \$125,000.

6. On information and belief, Mr. Feingold deposited the settlement check in Citizen's Bank, Account No. 620940-522-7, which is an Interest On Lawyer Trust Account (IOLTA) in the name of Feingold Feingold & Garcia PC.

7. The check cleared on or about August 2, 2005.

8. On or about August 4, 2005, Ms. Shelton went to the office of Feingold Feingold & Garcia at 1515 Market Street, Suite 801, Philadelphia, PA 19102, at which time:

a. Ms. Shelton spoke with you and Mr. Feingold, demanding receipt of her portion of the settlement proceeds and an accounting of the proposed distribution; and

b. you and Mr. Feingold gave her a check for \$5000.

9. On or about August 11, 2005, Mr. Feingold showed Ms. Shelton what purported to be a schedule of the distribution of the settlement proceeds (distribution sheet), but would not furnish her with a copy of it.

Ms. Dora R. Garcia, Esq.

June 22, 2006

Page 3

10. To date, in addition to the \$5000 check as stated in paragraph 8b, above, Ms. Shelton has received a total of \$54,695 from the proceeds of the settlement, received from Mr. Feingold as follows:

- a. a check for \$1000 on or about August 2, 2005;
- b. a check for \$25,000 on or about August 9, 2005; and
- c. a check for \$23,695 on or about August 11, 2005.

11. To date, Ms. Shelton has not received a distribution sheet reflecting the disposition of the proceeds of the settlement.

12. Effective April 2, 2006, the Supreme Court of Pennsylvania suspended Mr. Feingold from the practice of law for a period of three years.

13. Upon his suspension, you assumed the handling of Mr. Feingold's practice.

14. On information and belief, you are in possession of the office files of Allen L. Feingold and the Firm.

15. On numerous occasions from and after August, 2005, Ms. Shelton requested from personnel at your Firm under your supervision, the entire office file concerning her case.

16. On numerous occasions from and after July, 2005, Ms. Shelton requested from personnel at your Firm under your supervision, the balance of the proceeds of the settlement to which she is entitled.

17. By certified letter dated May 10, 2006, which was received at your office address on May 11, 2005, 1515 Market Street, Philadelphia 19102, Ms. Shelton:

- a. told you that medical bills that were to be paid for by the Firm out of the settlement proceeds, remained unpaid;

Ms. Dora R. Garcia, Esq.  
June 22, 2006  
Page 4

- b. informed you that she wanted all monies from the settlement exclusive of the fee of 40% so that she could pay the medical bills and retain any settlement monies in excess of those payments;
- c. stated that in addition to taking his fee, Mr. Feingold took \$20,305.00 to cover medical bills and "loans" to Ms. Shelton.
- d. indicated that she believed there were funds that were not accounted for;
- e. told you that although she had called your office several times, her request for a distribution of the proceeds and an accounting had not been fulfilled; and
- f. requested a response within ten days of receipt of the letter.

18. To date, you have failed to respond to Ms. Shelton.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 1.3, 1.4(a)(3), RPC 1.4(a)(4), and 1.15(b).

The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within twenty (20) days of the date of this letter. While you are not required to respond to this letter, it is quite possible that your reply may provide this office with information leading to a favorable resolution. Should you need more time during which to submit your position, do not hesitate to request a reasonable extension.

Please be assured that we are not prejudging the alleged facts and charges nor are we an advocate on behalf of the complainant. Rather, we are conducting an impartial and unbiased investigation with regard to this complaint. In that regard, we will attempt to verify the statements in your answer just as we do with the statements made to us by the complainant. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to

Ms. Dora R. Garcia, Esq.  
June 22, 2006  
Page 5

disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual statements. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.

In any reply which you may make, please chronologically and specifically state your account of the events and include copies of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item-by-item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

If we do not hear from you within twenty (20) days, we may assume that you do not desire to submit your position with respect to this complaint and can proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file. We would certainly prefer to have the benefit of your position before making our recommendation.

Even if you choose not to provide a substantive response to the above allegations, please provide, within the twenty-day period, a full accounting of all funds received and/or maintained by you and the Firm on behalf of Francesca M.E. Shelton, including an identification of the bank(s) and account number(s) for all accounts in which you deposited and/or

Ms. Dora R. Garcia, Esq.  
June 22, 2006  
Page 6

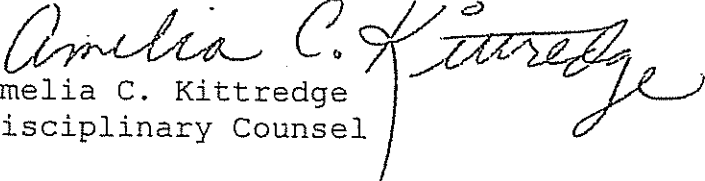
maintained Ms. Shelton's funds from the date of receipt to the present time. For those accounts, please provide the originals of all cancelled checks, check stubs, separately maintained ledgers, general receipts and disbursement ledgers and any other records accounting for funds held in those accounts from the date of receipt of the funds to the present time. In addition, please provide your litigation and correspondence files pertaining to all matters involving the representation of Francesca M.E. Shelton.

Keep in mind that we may provide the complainant with a copy of your statement of position or a summary of it for the express purpose of obtaining a replication, unless you request that the content of your answer, either in total or in part, not be revealed and state reasons therefore which represent good cause. If we do provide the complainant with a copy or summary of your position, we will remind the complainant of the confidentiality of our inquiry.

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,

OFFICE OF DISCIPLINARY COUNSEL

  
Amelia C. Kittredge  
Disciplinary Counsel

ACK:tmw  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED



THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA



Paul J. Killion  
Chief Disciplinary Counsel  
Paul J. Burgoyne  
Deputy Chief Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL

DISTRICT I  
Disciplinary Counsel-in-Charge  
Anthony P. Sodroski

Disciplinary Counsel  
Richard Hernandez  
Donna M. Snyder  
Gloria Randall Ammons  
Harriet R. Brumberg  
Cathy Young Thomer  
Robert P. Fulton  
Amelia C. Kittredge

DISTRICT I OFFICE  
16th Floor  
Seven Penn Center  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296  
Fax (215) 560-4528  
www.padisciplinaryboard.org

December 6, 2006

Personal & Confidential

Dora R. Garcia, Esquire  
Feingold Feingold & Garcia  
1515 Market Street, Suite 801  
Philadelphia, PA 19102

Re: Complaint of Regina Walker and Complaint on Motion of  
Office of Disciplinary Counsel  
File Nos. C1-06-742 and C1-06-637  
DB-7 Request for Statement of Respondent's Position

Dear Ms. Garcia:

Please be advised that this office has received and is currently considering a complaint against you from Regina Walker, 626 South Conestoga Street, Philadelphia, PA 19143, and has opened an additional complaint file against you on our own motion, both of which are referenced above. It is important for you to understand that issuance of this letter means that the complaint against you has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement.

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of the respondent-attorney or mitigate the seriousness of any violations that may have occurred. Your statement of position, if you choose to file one, may result in a decision to dismiss this complaint against you. However, since this complaint has survived our initial

Dora R. Garcia, Esquire  
December 6, 2006  
Page 2

screening process, you may wish to retain or consult with counsel before submitting a statement of your position.

The alleged facts presently under consideration are as follows:

THE WALKER MATTER

1. On or about April 1, 2003, Regina Walker was involved in an automobile accident in which she was injured.

2. On March 16, 2005, Allen L. Feingold filed a personal injury action on behalf of Regina Walker against the Southeastern Pennsylvania Transportation Authority (SEPTA) and John Sikina in the Court of Common Pleas of Philadelphia County captioned, *Walker v. SEPTA et al.*, No. 050301490 ("lawsuit").

3. The lawsuit was subsequently consolidated with several other personal injury actions arising from the same traffic accident.

4. On or about March 27, 2006, Allen L. Feingold withdrew his appearance and you entered your appearance on behalf of the plaintiff, Ms. Walker.

5. On the morning of July 10, 2006, you represented Ms. Walker at a hearing on the motion of another plaintiff to enforce a settlement by all plaintiffs with defendant John Sikina.

6. The presiding judge, the Honorable Milton Younge, granted the motion, including the enforcement of a settlement by Ms. Walker in which she was to receive \$11,000 from Mr. Sikina's insurer.

7. Following the decision on the above motion, Judge Younge announced that jury selection would commence in Ms. Walker's case against SEPTA that afternoon.

8. When you returned to the courtroom that afternoon, you:

- a. told Judge Younge that you could not "proceed at this point"; and
- b. represented to the Court that you could not do so because your client, Ms. Walker, encountered you in the hallway of the courthouse, and attempted to attack you and Mr. Feingold, who had been present for the earlier hearing.

9. At that time, Judge Younge assured you that:

- a. any individual who became violent during the trial would go to jail; and
- b. stated that if you refused to go forward, he would dismiss Ms. Walker's case against SEPTA.

10. Under oath, in the presence of Judge Younge, Ms. Walker acknowledged that she could work with you to conclude her case, without harassment, and that she would allow you to represent her interests.

11. Despite Ms. Walker's assurances in the presence of the court, you told the court that you could not proceed.

12. Following this, you spoke to Ms. Walker in private and then represented to the court that:

- a. Ms. Walker had agreed to non pros the case because the court was forcing her to settle; and
- b. you were not prepared for trial because Ms. Walker "has some problems where she takes medication" and you had not been able to communicate with her in a "real way" to prepare for the trial.

13. After SEPTA's counsel offered to settle with Ms. Walker for \$30,000, Ms. Walker rejected the offer and agreed to the non pros.

Dora R. Garcia, Esquire  
December 6, 2006  
Page 4

14. In or about August, 2006, Ms. Walker wrote a certified letter to you at your office address, informing you that she was discharging you.

15. You received that letter and knew that Ms. Walker had discharged you.

16. You failed to withdraw your appearance or move to have your appearance withdrawn by the court.

17. On or about August 15, 2006, you filed Notices of Appeal to the Superior Court on Ms. Walker's behalf in three cases, all of which are captioned *Regina Walker v. SEPTA, E. Everett and J. Sikina*, 1808 EDA 2006, 2168 EDA 2006 and 2169 EDA 2006.

18. In response to a voicemail from Ms. Walker, by letter dated August 22, 2006, Kelly J. Fox, Esquire, counsel for defendant Sikina and his insurer, wrote to Ms. Walker, with a copy to you, informing Ms. Walker that she could not have her client issue the settlement check for \$11,000 since:

- a. releases had been sent both to Mr. Feingold and to you when you "took over" the case, and those releases had not been signed and returned;
- b. the pending appeals to the Superior Court had not been withdrawn; and
- c. information concerning any lien by Mr. Feingold and/or you would need to be forwarded to Ms. Fox so that the settlement funds could be properly distributed.

19. You received that letter and read it.

20. You failed to take any action to remove yourself from the representation in the appellate cases despite your discharge by the client.

21. On or about October 11, 2006, Ms. Walker went to the Office of the Prothonotary of the Superior Court and attempted to file a letter indicating that she had discharged you and that

Dora R. Garcia, Esquire  
December 6, 2006  
Page 5

she wished to discontinue the appeals filed by you on her behalf.

22. By letter dated October 11, 2006, Karen Reid Bramblett, the Prothonotary of the Superior Court, wrote to Ms. Walker, with a copy to you, and informed her that she could not "proceed *pro se* to file documents with this Court," since Ms. Walker was represented by you.

23. You received that letter and read it.

24. You failed to take any action to remove yourself from Ms. Walker's appellate matters despite your discharge from the client.

25. To date, you have failed to withdraw from the representation as requested by your client.

26. Beginning in or about August, 2006, Ms. Walker has attempted to contact you about the status of the lawsuit in which you represent her, and has left messages with your secretary for you to return the call.

27. On one occasion in or about August, 2006, Mr. Feingold answered the telephone at your office number, and told Ms. Walker that there was no money for her "here," and that she should never call back again.

28. To date, despite numerous telephone messages left at your office, you have failed to return Ms. Walker's calls.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 1.16(a)(3), RPC 1.16(d), and RPC 8.4(d).

The Davis Matter

29. On or about September 14, 1995, Allen L. Feingold filed an action in the Montgomery County Court of Common Pleas on behalf of Leigh Davis and Jerry Davis, Inc. captioned, *Leigh Davis, Jerry Davis, Inc. v. Kimberly McCarthy, James McCarthy, Herbert A. Freed and Sheila Freed*, No. 95-17719 ("Davis case").

Dora R. Garcia, Esquire  
December 6, 2006  
Page 6

30. Effective April 2, 2006, Allen L. Feingold has been suspended from the Bar of this Commonwealth and is a "Formerly admitted attorney" pursuant to Pa.R.D.E. 102.

31. On June 9, 2006, Elizabeth Catalano, second deputy Court Administrator in the Court of Common Pleas of Montgomery County, telephoned your office to inform you that the Davis case would be called for trial during the weeks of June 12 and June 19, 2006.

32. Although Ms. Catalano asked your secretary if she could speak with you, Allen L. Feingold picked up the telephone and stated that you were not in the office.

33. On or about June 14, 2006, Ms. Catalano called your office to inform you that the trial had been set for June 19, 2006 and asked your secretary if she could speak with you.

34. At that time, Mr. Feingold picked up the telephone and said, "Give me the trial information."

35. You received Ms. Catalano's message that the trial had been set for June 19, 2006.

36. By letter dated June 12, 2006, you wrote to Ms. Catalano requesting that a continuance be granted in the Davis case.

37. The Administrative Civil Judge of Montgomery County denied your request for a continuance on or about June 14.

38. On or about June 14, the Administrative Judge's denial of the continuance was:

- a. communicated to your secretary; and
- b. you received that message.

39. On June 18, 2006, Allen L. Feingold telephoned Leigh Davis and told her that there was a trial date of June 19, 2006, but that she should not "bother" going to court.

Dora R. Garcia, Esquire  
December 6, 2006  
Page 7

40. On the morning of June 19, 2006, you appeared before the Honorable Kent H. Albright, who was presiding over the Davis case, and told him:

- a. that when you were informed on June 9, 2006 that the case would be set for trial during a two week period, shortly thereafter you wrote to your "clients'" last known addresses to inform them of the trial date;
- b. that you were requesting a continuance because, *inter alia*, when "[you] attempted to contact the clients," you were unable to reach them; and
- c. that you called your clients "at the last telephone numbers you [had] for them," but they were "disconnected."

41. Your representations to the Court were false statements of material fact to a tribunal, and violated Rule of Professional Conduct 3.3(a), because:

- a. neither you nor your office ever sent Ms. Davis a written communication informing her of the trial date; and
- b. neither you nor your office ever attempted to communicate with Ms. Davis by telephone to inform her of the trial date.

42. On or after the date on which the acts which resulted in Mr. Feingold's suspension occurred, through and including the effective date of his suspension, you and Mr. Feingold were associated in the practice of law and in a firm and/or firms which were known as, "A.L. Feingold & Associates" and/or "Feingold Feingold & Garcia."

43. On and after the effective date of Allen L. Feingold's suspension, you failed to disassociate yourself from the practice of law with Allen L. Feingold, in that he has continued to perform law-related activities for or in connection with your law firm when he is prohibited by Pa.R.D.E. 217(j)(4)(i) from doing so.

Dora R. Garcia, Esquire  
December 6, 2006  
Page 8

44. You have failed to ensure that Mr. Feingold is compliant with the requirements of Pa.R.D.E. 217(j) and have failed to prevent Mr. Feingold from violating Pa.R.D.E. 217(j)(4)(v) as follows:

- a. you have allowed Allen L. Feingold to answer the office telephone and discuss matters unique to law offices, thereby allowing improper contact with clients and third parties; and
- b. you have allowed Allen L. Feingold to communicate directly with clients and third parties.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement: RPC 3.3(a)(1), RPC 8.4(a), RPC 8.4(d), Pa.R.D.E. 203(b)(3) via Pa.R.D.E. 217(j)(4)(i) and Pa.R.D.E. 217(j)(4)(v).

The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within twenty (20) days of the date of this letter. While you are not required to respond to this letter, it is quite possible that your reply may provide this office with information leading to a favorable resolution. Should you need more time during which to submit your position, do not hesitate to request a reasonable extension.

Please be assured that we are not prejudging the alleged facts and charges nor are we an advocate on behalf of the complainant. Rather, we are conducting an impartial and unbiased investigation with regard to this complaint. In that regard, we will attempt to verify the statements in your answer just as we do with the statements made to us by the complainant. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual statements. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.



Dora R. Garcia, Esquire  
December 6, 2006  
Page 9

In any reply which you may make, please chronologically and specifically state your account of the events and include copies of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item-by-item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

If we do not hear from you within twenty (20) days, we may assume that you do not desire to submit your position with respect to this complaint and can proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file. We would certainly prefer to have the benefit of your position before making our recommendation.

Even if you choose not to provide a substantive response to the above allegations, please provide, within the twenty-day period, litigation and correspondence files pertaining to all matters involving the representation of Regina Walker, Leigh Davis, and Jerry Davis, Inc.

Keep in mind that we may provide the complainant with a copy of your statement of position or a summary of it for the express purpose of obtaining a replication, unless you request that the content of your answer, either in total or in part, not be revealed and state reasons therefore which represent good

Dora R. Garcia, Esquire  
December 6, 2006  
Page 10

cause. If we do provide the complainant with a copy or summary of your position, we will remind the complainant of the confidentiality of our inquiry.

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,

OFFICE OF DISCIPLINARY COUNSEL

  
Amelia C. Kittredge  
Disciplinary Counsel

ACK:tmp  
CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED  
HAND DELIVERY

THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA



Paul J. Killion  
Chief Disciplinary Counsel

Paul J. Burgoyne  
Deputy Chief Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL

DISTRICT I OFFICE  
16th Floor  
Seven Penn Center  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296  
Fax (215) 560-4528

[www.padisiplinaryboard.org](http://www.padisiplinaryboard.org)

September 6, 2006

PERSONAL AND CONFIDENTIAL

DISTRICT I  
Disciplinary Counsel-in-Charge  
Anthony P. Sodroski

Disciplinary Counsel  
Richard Hernandez  
Donna M. Snyder  
Gloria Randall Ammons  
Harriet R. Brumberg  
Cathy Young Thomer  
Robert P. Fulton  
Amelia C. Kittredge

Dora R. Garcia, Esquire  
Feingold Feingold & Garcia  
1515 Market Street, Suite 801  
Philadelphia, PA 19102

RE: Complaint of Francesca M.E. Shelton  
File No. C1-06-613  
DB-7A Supplemental Request for Respondent's Position

Dear Ms. Garcia:

This letter will supplement the letter requesting respondent's position (Form DB-7) to you dated June 30, 2006 pertaining to the above-referenced complaint. To the extent that the within letter makes additional allegations of misconduct involving said complaint the letter is and should be considered a letter requesting respondent's position. All notices, advice and admonitions contained in the previous letter dated June 30, 2006 apply hereto and are incorporated herein by reference.

§85.13 of the Disciplinary Board Rules requires that any response to the enclosed document:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified

statement may be based upon personal knowledge as to a part and knowledge as to a part and upon information and belief as to the remainder.

The additional alleged facts presently under investigation are as follows:

The Shelton Matter

1. On or about July 19, 2005, USF Red Star issued check No. 49267467 for \$125,000 made payable to "FEINGOLD FEINGOLD & GARCIA AND FRANCESCA SHELTON" in settlement of Ms. Shelton's claim for personal injury.

2. On or about August 1, 2005, the check was deposited into account no. 6209405227, an IOLTA account, at Citizens Bank.

3. On June 30, 2006, you signed and certified, and thereafter filed with the Disciplinary Board, your 2006-2007 PA Attorney's Annual Fee Form, which indicates that:

a. the "Name of Law Firm ...through which [you] practice," is "Feingold Feingold & Garcia"; and

b. on May 1, 2006 or at any time after May 1, 2005, your only fiduciary account was maintained at Citizens Bank of PA-West, and is numbered 6209405227.

4. As of April 2, 2006, you are the only member/partner of Feingold Feingold & Garcia in good standing and eligible to practice law in the Commonwealth of Pennsylvania.

5. By certified letter dated May 10, 2006, which was received at your office address, 1515 Market Street, Suite 801, Philadelphia 19102 on May 11, 2005, Ms. Shelton told you that she was requesting, and had requested on several prior occasions, a distribution of the proceeds of the settlement and an accounting of the proceeds already disbursed.

6. To date, you have failed to provide the requested distribution and accounting referred to in paragraph 5, *supra*.

False and Misleading Communications

7. On June 30, 2006, you signed and certified your 2006-2007 PA Attorney's Annual Fee Form, which provided that the "Name of Law Firm...through which [you] practice" is "Feingold Feingold & Garcia."

8. As of April 2, 2006, the effective date of Allen L. Feingold's suspension from the Bar, you are the only principal licensed and eligible to practice in the Commonwealth of Pennsylvania in the firm of Feingold Feingold & Garcia.

9. As a result of Allen L. Feingold's suspension, it is unlawful for Allen L. Feingold or any other attorney to advertise, imply or suggest to the public and the courts that Allen L. Feingold is eligible to practice law or to be associated with a law firm as partner or principal.

10. During a hearing in or about August, 2006, in the case of *Mitchell S. Berger, et al. v. Allen L. Feingold, et al.*, No. 05-17274, pending in the Court of Common Pleas of Montgomery County, you told the Honorable Rhonda Lee Daniele that:

- a. you were the "Garcia" and one of the "Feingolds" in the law firm name, "Feingold Feingold & Garcia"; and
- b. that the other Feingold in the firm name refers to Allen L. Feingold's niece.

11. Your representation to Judge Daniele that you are both one of the "Feingolds" and the "Garcia" in the firm name, was false and misleading in that Allen L. Feingold is one of the Feingolds in the firm name of "Feingold Feingold & Garcia."

12. On August 7, 2006, Judge Daniele issued an Order finding that your use of the firm name Feingold Feingold & Garcia, P.C., is in violation of RPC 7.1 and RPC 7.5.

13. On information and belief, Allen L. Feingold's niece is not licensed to practice law in the Commonwealth of Pennsylvania.

14. If you were being truthful about one of the "Feingold[s]" in "Feingold Feingold & Garcia" being Allen L. Feingold's niece, then your conduct violates RPC 5.4(b), which provides that a "lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law," and RPC 5.4(d).

15. Your firm title is misleading in that it conveys that you are practicing law with two other attorneys eligible to practice law when that is not the case.

Ms. Dora R. Garcia, Esquire  
September 6, 2006  
Page 4

16. You are the only principal licensed and eligible to practice in the Commonwealth of Pennsylvania in the firm of Feingold Feingold & Garcia.

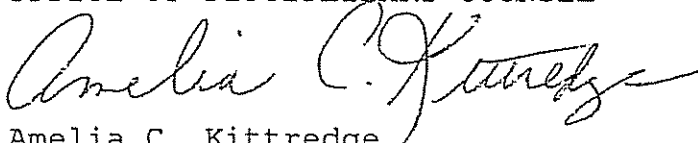
The above allegations, if found true, may represent a violation of the following Rules of Professional Conduct: RPC 1.15(b), RPC 3.3(a)(1), RPC 5.4(b), RPC 5.4(d), RPC 7.1, RPC 7.5(a), RPC 7.5(d), RPC 8.4(a) and RPC 8.4(c).

If you choose to submit an answer to the foregoing kindly do so within ten (10) days of the date of this letter, or September 16, 2006.

Regardless of whether you choose to respond to the allegations in this letter, please supply the Office of Disciplinary Counsel with the following documents within 10 days of the date of this letter, or September 16, 2006: with respect to your fiduciary account at Citizens Bank, No. 6209405227, for the period July 1, 2005 to date, all originals of bank statements, ledgers, checkbook registers, cancelled checks, copies of deposited items and any other records relating to the maintenance and/or distribution of Ms. Shelton's funds from the date of receipt to the present time.

In addition, provide all documents relating or pertaining to the identity of the individuals referred to in the firm name Feingold Feingold & Garcia, their eligibility to practice law in this Commonwealth, the identity of the principals/partners of Feingold Feingold & Garcia, and the identity of all employees of Feingold Feingold & Garcia.

OFFICE OF DISCIPLINARY COUNSEL

  
Amelia C. Kittredge  
Disciplinary Counsel

ACK:tmw  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
and HAND DELIVERY

THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA



Paul J. Killion  
Chief Disciplinary Counsel  
  
Paul J. Burgoyne  
Deputy Chief Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL

DISTRICT I  
Disciplinary Counsel-in-Charge  
Anthony P. Sodroski  
  
Disciplinary Counsel  
Richard Hernandez  
Donna M. Snyder  
Gloria Randall Ammons  
Harriet R. Brumberg  
Cathy Young Thomer  
Robert P. Fulton  
Amelia C. Kittredge

DISTRICT I OFFICE  
16th Floor  
Seven Penn Center  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296  
Fax (215) 560-4528  
[www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)

January 16, 2007

Personal & Confidential

Dora R. Garcia, Esquire  
Feingold Feingold & Garcia  
1515 Market Street, Suite 801  
Philadelphia, PA 19102

Re: Complaint of Gerald J. Dugan, Esquire  
File No. C1-06-1078  
DB-7 Request for Statement of Respondent's Position

Dear Ms. Garcia:

Please be advised that this office has received and is currently considering a complaint against you from Gerald J. Dugan, Esquire, 1800 John F. Kennedy Boulevard, Suite 1400, Philadelphia, PA 19103. It is important for you to understand that issuance of this letter means that the complaint against you has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Rules of Professional Conduct.

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of the respondent-attorney or mitigate the seriousness of any violations that may have occurred. Your statement of position, if you choose to file one, may result in a decision to dismiss this complaint against you. However, since this complaint has survived our initial screening process, you may wish to retain or consult with counsel before submitting a statement of your position.

Ms. Dora R. Garcia, Esq.  
January 11, 2007  
Page 2

The alleged facts presently under consideration are as follows:

1. On or about September 27, 2004, Allen L. Feingold filed a Claim Petition (Petition) with the Workers' Compensation Office of Adjudication on behalf of Everett Harding, against the Southeastern Pennsylvania Transportation Authority (SEPTA), Mr. Harding's employer, and CompServices, Inc., SEPTA's insurance carrier, captioned *Harding v. SEPTA*, Bureau Claim No. 2656546 (claim).

2. The Petition:

- a. alleged that on June 7, 2004, Harding injured his knee and ankle while on duty as a bus operator;
- b. alleged full disability from June 11, 2004; and
- c. requested payment of medical bills and counsel fees.

3. Stephanie R. Coleman, Esquire, was engaged by SEPTA to defend the claim.

4. Defendants filed an Answer denying the allegations of the Petition.

5. Richard Mandel, M.D., is a medical doctor who performed an Independent Medical Examination (IME) of Mr. Harding and wrote a report on his findings on behalf of the defendants in connection with the claim.

6. On September 19, 2005, Workers' Compensation Judge Susan E. Kelley dismissed Harding's Petition for failure to comply with the time period for presenting medical evidence.

7. In an opinion issued on June 15, 2006, in *Everett Harding v. Septa*, 2006 WL 1967586, the Workers' Compensation Appeal Board upheld Judge Kelley's decision, concluding that:

- a. over the period of six scheduled hearing dates, despite two warnings, Harding's counsel (i.e., Allen L. Feingold), failed to abide by the time limits established for submitting medical evidence, as provided in 34 Pa. Code § 131.63(c); and



- b. Mr. Feingold's argument that the scheduling demands placed on claimant's medical expert by the Court of Common Pleas of Philadelphia County prevented Mr. Feingold from deposing that expert in a timely manner, was not supported by the record.

8. The Appeal Board's decision was appealed to the Commonwealth Court, but the case was dismissed for failure to timely file the reproduced record; a motion for reconsideration was denied on December 22, 2006, and no further appeal has been taken. 1323 CD 2006.

9. In or about September, 2005, Allen L. Feingold re-filed the Claim Petition, which was assigned to Judge Kelley on September 23, 2005, and is still ongoing.

10. Effective April 2, 2006, the Supreme Court of Pennsylvania suspended Mr. Feingold from the practice of law for a period of three years, and by Order dated August 22, 2006, the Supreme Court imposed an additional two-year suspension, to run consecutive with the prior suspension.

11. Following Mr. Feingold's suspension, you assumed the handling of Mr. Harding's workers' compensation claim that had been initiated by Mr. Feingold.

12. On October 5, 2006, you filed an action in the Court of Common Pleas of Philadelphia County on behalf of Everett Harding and Allen L. Feingold against SEPTA, Stephanie Coleman, Esquire, CompServices Inc., Richard J. Mandel, M.D., Professional Medical Evaluations, and Law Offices of Stephanie R. Coleman, captioned *Harding, et al. v. SEPTA, et al.*, No. 061000685 (C.P. Phila.) (lawsuit).

13. The complaint, which is attached hereto as Exhibit A, recited, *inter alia*, that:

- a. at all relevant times, the Honorable Susan E. Kelley, Workers' Compensation Judge, "impersonated an individual who cared and had taken an oath to truly and properly handle Workmen's [sic] Compensation claims and to act fairly to all parties, when in fact, she did everything within her power and not within her

power to assist these Defendants and to injure, penalize and hurt these Plaintiffs";

- b. Judge Kelley "should be" a Defendant, because she "aided...all of the other Defendants injure [sic] and damage the Plaintiffs and their claims";
- c. "over the objection of the Plaintiffs," Dr. Mandel examined Mr. Harding in Flourtown, PA, "even though there are at least hundreds and possibly thousands of doctors who could perform the examination in Philadelphia, Pennsylvania where this accident, injury and claim took place";
- d. "as expected," Dr. Mandel had found that Mr. Harding, *inter alia*, could perform sedentary work;
- e. the "Defendants and the Workmens' [sic] Compensation Judge/referee did everything to assist each other, to win the case for the Defendants and to lose the case for the Plaintiffs";
- f. Judge Kelley had ordered you to appear for Dr. Mandel's deposition at a date and time when you could not be present and had prior commitments;
- g. Judge Kelley scheduled the deposition to "bail out" Ms. Coleman from losing the monies she had allegedly paid to Dr. Mandel;
- h. the Defendants and Judge Kelley had "worked by agreement, understanding, conspired or acquiesce [sic] in doing everything in their power" to prevent the Plaintiffs from "obtaining a fair and proper hearing" and "winning their claims" and "having the Defendants comply with the law, the Workmans' [sic] Compensation Law, fairness or propriety"; and
- i. the Defendants had proffered fraudulent medical reports and used obstructionist tactics to deny recovery to injured claimants in "many fair,

proper and reasonable claims" so that they could "save money and cut costs."

14. Exhibit A consisted of two Counts, in which:

- a. Count I ("Harding v. Defendants") alleged, *inter alia*, that due to the Defendants' "wanton" actions, which were "intolerable in a civilized society," Mr. Harding had been denied "the payment of any damages" and was entitled to compensatory and punitive damages; and
- b. Count II ("Feingold v. Defendants") alleged, *inter alia*, that due to the Defendants' "wanton" actions, which were "intolerable in a civilized society," Plaintiff Feingold "has been denied the payment of his counsel fee all to his great detriment and loss."

15. On September 21, 2006, approximately seven minutes before Dr. Mandel's deposition was to be taken in Bureau Claim No. 2656546, you caused a facsimile of the above-described Complaint filed in the lawsuit to be sent to Dr. Mandel's office, where the videotape deposition was to occur.

16. Following the receipt of the Complaint, Dr. Mandel did not proceed with the deposition, and took steps to retain counsel.

17. By letter dated November 8, 2006, Allen L. Feingold wrote to defendants' counsel in the lawsuit enclosing:

- a. "Plaintiffs' Expert/Non Expert Interrogatories" directed to all Defendants;
- b. "Plaintiffs' Requests to Produce" directed to all Defendants; and
- c. Notices of Depositions of the individual defendants, designated officers and record custodians of the organization defendants.

18. The above-mentioned depositions were:

- a. scheduled for November 20, 2006 at 2:00 p.m.; and

Ms. Dora R. Garcia, Esq.  
January 11, 2007  
Page 6

- b. were scheduled to be taken at your registered office address, 1515 Market Street, Suite 801, Philadelphia, PA 19102.

19. On or about November 9, 2006, Allen L. Feingold filed an entry of appearance *pro se*.

20. You have not withdrawn your appearance on behalf of Allen L. Feingold and have continued to represent him and Mr. Harding in the lawsuit.

21. By letter dated November 9, 2006, Allen L. Feingold wrote to Janice L. Kolber, Esquire, requesting that she withdraw her appearance "immediately" in the Common Pleas lawsuit on behalf of SEPTA, Stephanie Coleman, and the Law Offices of Stephanie Coleman, as the pending workers' compensation claims and the lawsuit had created conflicts of interest between her clients.

22. By letter to Judge Kelley dated November 13, 2006, and copied to Ms. Coleman, you:

- a. objected to Dr. Mandel's deposition being rescheduled, as he "had his opportunity to testify [on the day you sent him the Complaint by facsimile], but refused to do so";
- b. stated that since it was "inappropriate" for Stephanie Coleman, Esquire or her law office to represent SEPTA or CompServe, Inc. [because of a conflict with the pending lawsuit in Common Pleas Court], if Ms. Coleman did not withdraw, you would "contact the appropriate organizations and take the appropriate actions"; and
- c. requested that the Judge put in writing her decision on the plaintiffs' motion for recusal, "so that a higher court can correct your mistake," as the Judge "should have done so, months ago."

23. By letter to Stephanie Coleman, Esquire, dated November 16, 2006, and copied to Judge Kelley, you:

- a. told Ms. Coleman you were attached on a medical malpractice jury trial "for months" and therefore

were not able to attend a deposition of her "alleged defense expert" [i.e., Dr. Mandel] "at anytime";

- b. asked why Judge Kelley, *inter alia*, "does everything possible to help" Ms. Coleman and her clients, "while always injuring Mr. Harding," and why Ms. Coleman, "always gets emergency hearings by just asking for same"; and
- c. advised Ms. Coleman that since she had been sued by Mr. Harding, as had her "law firm, SEPTA, Comp Services and the doctor," this lawsuit "create[d] a rather large conflict of interest that preclude[d] [Ms. Coleman] from further representing these Defendants in [the workers' compensation] action."

24. In or about October and November, 2006, the defendants in the lawsuit filed Preliminary Objections to the Complaint filed in the lawsuit.

25. By Orders dated January 2, 2007, the Honorable Allan L. Tereshko of the Court of Common Pleas of Philadelphia County sustained the Preliminary Objections of all Defendants (except Professional Medical Evaluations, which was not served and has not appeared), and dismissed the Complaint filed in the lawsuit, with prejudice.

26. You had no legitimate basis in law or fact for filing the lawsuit, which was based on routine discovery disputes in the underlying workers' compensation claim proceedings.

27. You filed the lawsuit in an attempt, *inter alia*, to establish an alleged conflict of interest that would result in the disqualification of counsel engaged to defend the claim.

28. You are knowingly assisting Allen L. Feingold in engaging in violations of the Supreme Court's Orders of suspension, and violations of the Rules of Professional Conduct, by facilitating Allen L. Feingold in filing a groundless lawsuit.

29. By filing a groundless lawsuit, you are engaging in conduct that is prejudicial to the administration of justice in that:

- a. the resources of the Philadelphia Court of Common Pleas were squandered on this matter, to the public's detriment; and
- b. the resources of defendant lawyers and an agency of the Commonwealth have been diverted from defending legitimate matters.

30. You filed the lawsuit on behalf of the plaintiffs, although you were aware that trial and appellate courts in the Commonwealth of Pennsylvania, including the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Feingold*, No. 93 DB 2003, have determined that similar actions filed by Mr. Feingold are improper and violate the Rules of Professional Conduct.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 3.1, RPC 8.2(a), RPC 8.4(a), and 8.4(d).

The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within twenty (20) days of the date of this letter. While you are not required to respond to this letter, it is quite possible that your reply may provide this office with information leading to a favorable resolution. Should you need more time during which to submit your position, do not hesitate to request a reasonable extension.

Please be assured that we are not prejudging the alleged facts and charges nor are we an advocate on behalf of the complainant. Rather, we are conducting an impartial and unbiased investigation with regard to this complaint. In that regard, we will attempt to verify the statements in your answer just as we do with the statements made to us by the complainant. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual statements. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.

In any reply which you may make, please chronologically and specifically state your account of the events and include copies

Ms. Dora R. Garcia, Esq.  
January 11, 2007  
Page 9

of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item-by-item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

If we do not hear from you within twenty (20) days, we may assume that you do not desire to submit your position with respect to this complaint and can proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file. We would certainly prefer to have the benefit of your position before making our recommendation.

Even if you choose not to provide a substantive response to the above allegations, please provide, within the twenty-day period, your litigation and correspondence files pertaining to all matters involving the above-described litigation involving Everette Harding and Allen L. Feingold, captioned, *Harding v. SEPTA*, Bureau Claim No. 2656546 and *Harding, et al. v. SEPTA, et al.*, No. 061000685 (C.P. Phila.).


Keep in mind that we may provide the complainant with a copy of your statement of position or a summary of it for the express purpose of obtaining a replication, unless you request that the content of your answer, either in total or in part, not be revealed and state reasons therefore which represent good cause. If we do provide the complainant with a copy or summary of your position, we will remind the complainant of the confidentiality of our inquiry.

Ms. Dora R. Garcia, Esq.  
January 11, 2007  
Page 10

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,

OFFICE OF DISCIPLINARY COUNSEL

  
Amelia C. Kittredge  
Disciplinary Counsel

ACK:tmp  
ATTEMPTED HAND DELIVERY  
and CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED



FEINGOLD, FEINGOLD & GARCIA  
BY: DORA R. GARCIA, ESQUIRE  
I.D. No. 65727  
1515 Market Street, Suite 802  
Philadelphia, PA 19102  
215-564-3500

Attorney for: Plaintiff(s)

EVERETTE HARDING  
5238 Kingsessing Avenue  
Philadelphia, PA 19143

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

TERM,

ALLEN L. FEINGOLD  
1515 Market Street  
Suite 801  
Philadelphia, PA 19102

OCTOBER 2006

vs.

NO:

000685

Southeastern Transportation Authority aka  
SEPTA  
1234 Market Street  
Philadelphia, PA 19107

and

Stephanie Coleman  
437 Chestnut Street  
Suite 611  
Philadelphia, PA 19106

ATTEST

OCT 05 2006

and

Please see attached

JOHN SHELLENBERGER

COMPLAINT IN CIVIL ACTION

AVISO

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT, YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW THE FIND OUT WHERE YOU CAN GET LEGAL HELP.

LE HAN DEMANDADO A USTED EN LA COURTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VEIRNTE (20) DIAS DE PLAZA AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA DEN PERSONA O CON UN ABOGADO Y ENTREGAR A LA CORTE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECCIONES A LAS DEMANDAS EN CONTRA DE US PERSONA. SE O AVISADO QUE SI USTED NO DEFENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SPREVIO AVISO O NOTIFICACION. ADEMAS, LA CORTE PUEDE DECIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATEAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Lawyer Reference Service  
One Reading Plaza  
Philadelphia, PA 19107

Asociacion De Licenciados De Filadelfie  
Servicio De referencia E Informacion  
Legal - One Reading Center Noraste Esquina  
11th Y La Calle Market  
Filadelfia, PA 19107  
(215) 238-1701

Defendants continued

CompServices, Inc.  
1880 JFK Boulevard  
8th Floor  
Philadelphia, PA 19103

and

Richard J. Mandel  
1811 Bethlehem Pike  
Suite 214  
Flourtown, PA 19031

and

Professional Medical Evaluations  
555 City Line Avenue  
Suite 920  
Bala Cynwyd, PA 19004

and

Law Offices of Stephanie R. Coleman  
437 Chestnut Street  
Suite 611  
Philadelphia, PA 19106

### COMPLAINT IN CIVIL ACTION

1. The Plaintiff is Everette Harding, an individual with an address at 5238 Kingsessing Avenue, Philadelphia, PA 19143.
2. The Plaintiff is Allen L. Feingold, an individual with an address at Suite 801, 1515 Market Street, Philadelphia, PA 19102.
3. The Defendant is the Southeastern Pennsylvania Transportation Authority, aka SEPTA with an address at 1234 Market Street, Philadelphia, PA 19107.
4. The Defendant is Stephanie Coleman, an individual with an address at Suite 611, Laffayette Building, 437 Chestnut Street, Philadelphia, PA 19106.
5. The Defendant is the Law Offices of Stephanie R. Coleman, an organization with an address at Suite 611, Laffayette Building, 437 Chestnut Street, Philadelphia, PA 19106.
6. The Defendant is CompServices, Inc., an organization with an address at 8th Floor, 1880 JFK Boulevard, Philadelphia, PA 19103.

7. The next Defendant should be Susan E. Kelley, but because she is a Workmens' Compensation referee/Judge, she cannot be sued but her actions aided, assisted and helped all of the other Defendants injure and damage the Plaintiffs and their claims.
8. The Defendant is Richard J. Mandel, an individual with an address at 1811 Bethlehem Pike, Suite 214, Flourtown, PA 19031.
9. The Defendant is Professional Medical Evaluations, an organization with an address at Suite 920, 555 City Line Avenue, Bala Cynwyd, PA 19004.
10. On or about July 7, 2004, the Plaintiff Everette Harding was employed by and working for the Defendant, Southeastern Pennsylvania Transportation Authority aka SEPTA when he was injured while in the course and scope of his employment, carrying out his work assignment and furthering the business of that Defendant.
11. At all time relevant hereto, Southeastern Pennsylvania Transportation Authority, aka SEPTA will be referred to as "SEPTA".
12. The Plaintiff, Everette Harding, followed all appropriate rules and requirements in notifying SEPTA about his work related accident,

injuries and need for medical care and treatment.

13. When the Defendant, SEPTA failed and refused to fulfill it's obligations or the Workers' Compensation Law regarding the Plaintiff, Everette Harding's accident, injuries and need for medical care, the Plaintiff Everette sought the assistance, help and advice of Plaintiff, Allen L. Feingold as his attorney.
14. At all times relevant hereto, the Plaintiff, Allen L. Feingold along with others, represented, assisted and helped the Plaintiff, Everette Harding pursue his Workmens' Compensation Claims and other losses related to his accident, injuries, losses and need for medical care.
15. At all times relevant hereto, the Defendant SEPTA employed the Plaintiff, Everette Harding, directed his employment and owned the vehicle on which, about which, he was injured.
16. The Defendant SEPTA hired, retained and/or paid the Defendants Stephanie Coleman and the Law Offices of Stephanie R. Coleman to defend them in the handling of the Plaintiff, Everette Harding's claims, accident, injuries, losses and need for medical care.
17. The Defendant CompServices, Inc. represents, handles and administers claims, losses, accidents and injuries for the Defendant SEPTA and also hired, retained and/or paid the Defendants Stephanie

Coleman and the Law Offices of Stephanie R. Coleman to defend the Defendant SEPTA in the handling of the Plaintiff, Everette Harding's claims, accident, injuries, losses and need for medical care.

18. The Defendant is Professional Medical Evaluations, an organization that obtains doctors, and/or others to evaluate claims and injuries and to provide rulings, reports, opinions and decisions in favor of their clients, those paying the bills, the Defendants in this action.
19. The Defendant, Richard J. Mandel is one of the many doctors and/or evaluators that the Defendant Professional Medical Evaluations hires, provides, recommends to those trying to defend an accident, claim, workmen's compensation claims or other such similar claims, all knowing that the doctor/evaluator will do all in his power to assist those paying the fees and costs to win and/or defeat the claims being made or to reduce the value of same.
20. All of the Defendants acted individually and as the agents, servants, and employees of the other Defendants.
21. All of the Defendants acted within the course and scope of their agency, servitude and employment for the other Defendants.
22. At all times relevant hereto, the non-defendant, Susan E. Kelley, impersonated an individual who cared and had taken an oath to truly

and properly handle Workmen's Compensation claims and to act fairly to all parties, when in fact, she did everything within her power and not within her power to assist these Defendants and to injure, penalize and hurt these Plaintiffs.

23. During the course of the Plaintiff Everette Hardings Workers' Compensation Claim, the Defendants requested and obtained an Order for the Plaintiff to be examined by the Defendant Richard Mandel in his office in Flourtown, PA.
24. Over the objection of the Plaintiffs, in the examination by the Defendant Richard Mandel, he took a history and examined the Plaintiff, Everette Harding, in Flourtown, PA, even though there at least hundreds and possibly thousands of doctors who could perform the examination in Philadelphia, Pennsylvania where this accident, injury and claim took place.
25. Of course, as was expected, the Defendant, Dr. Richard Mandel reported that the Plaintiff could perform sedentary work and that any, injury, or disability was not from the work related accident and injuries, that there were no objective findings, that there were only subjective findings, that he had fully recovered and/or anything to reduce the substance; severity, continuing problems, disability or

claims of the Plaintiff, Everette Harding.

26. The Defendants and the Workmens' Compensation Judge/referee did everything to assist each other, to win the case for the Defendants and to lose the case for the Plaintiffs.
27. The Plaintiffs first compensation claim was dismissed and is on Appeal causing the Plaintiffs great detrement and loss.
28. The second compensation claim is ongoing but the Judge/referee has Ordered new Claimant's counsel to appear for the deposition of the Defendant, Richard Mandel on a date and at a time when she cannot be present and already had other prior commitments.
29. The Plaintiff, Everette Harding and his new counsel are trying to obtain other counsel to attend said deposition but that will cost substantial monies that the Plaintiff, Everette Harding cannot afford.
30. In addition, it would require an attorney who has little or no knowledge of this case to attend the deposition of the Defendant's alleged, medical expert, Dr. Richard Mandel without the full and fair opportunity to prepare for same.
31. Even though Claimant's counsel notified the Defendant, Stephanie Coleman that the date and time were not good and not acceptable, she refused to change the date and obtained an short notice hearing,



so that the non-defendant Judge/referee Susan Kelley could Order new Plaintiff's counsel to attend, even though the Claimant had complied with the Workmens' Compensation Rules.

32. Appropriate notice was provided by new Claimant's counsel to the Defendant, Stephanie Coleman to reschedule said medical deposition as required by the rules, but she waited so long to comply with the rules that the non-defendant Judge/referee Susan E. Kelley had to bail out the Defendant Stephanie Coleman from losing the monies she had allegedly paid to the Defendants Professional Medical Evaluations and/or Richard Mandel on behalf of the Defendants.
33. What makes this all the more absurd and prejudicial was the fact that the Defendant Stephanie Coleman for weeks and/or months, for one reason or another would not agree to participate in the deposition of Claimant's treating doctor/medical expert.
34. When Claimant and his counsel finally obtained a date and time that the Defendant, Stephanie Coleman would allegedly accept, the non-defendant, Judge/referee Susan E. Kelley scheduled a short notice hearing and even though the Plaintiffs had paid substantial monies to the Claimant's treating doctor/medical expert for his deposition and even though the deposition was scheduled to take place before there

was any hearing, a short notice hearing was then scheduled and the non-defendant, referee/Judge, Susan Kelley dismissed Claimant's first claim and the Plaintiff's lost many thousands of dollars, to their great detriment and loss.

35. All of the Defendants and the non-defendant have worked by agreement, understanding, conspired or acquiesce in doing everything in their power, everything they could do, everything to prevent the Claimant, Everette Harding from obtaining a fair and proper hearing and claim and to prevent the Plaintiffs from winning their claims and having the Defendants comply with the law, the Workmans' Compensation Law, fairness or propriety.
36. The Defendants had agreed, understood and attempted, as a way to increase profits, lower costs and win cases to seek out medical consultants, doctors and experts who would be willing to consistently write reports, give evaluations, and testify against injured persons, claimants, Plaintiffs, despite the fact and evidence that those persons had suffered compensable claims, proper claims, injuries and losses.
37. The Defendants also felt that by denying many fair, proper and reasonable claims that they could also save money and cut costs.
38. Also, by litigating, these claims as much as possible, delaying these

claims, fighting these claims, was all part of the scheme of the Defendants to have the Claimants withdraw their claims, give up their claims, settle their claims for less than they were worth and/or lose the claims because of the Defendants improper actions.

39. At all times related to this action and many other actions the Defendants knew that the examinations, evaluations and reports fraudulently characterized the medical conditions of the injured claimants; however, they were willing to intentionally undertake such fraudulent characterizations in exchange for receiving additional business from Defendants and they understood that such additional business would not be forthcoming unless they provided Defendants with fraudulent reports.
40. To aid in realizing the aims of its scheme, the Defendants employed counsel that was willing to carry out Defendants' obstructionist tactics and insure that any injured claimants would be examined by medical consultants that were part of Defendants' overall scheme to deny recovery to seriously injured claimants.

COUNT I  
HARDING v. DEFENDANTS

41. Plaintiff, Everette Harding incorporates the allegations of paragraphs 1 through 40 above herein by reference as though fully set forth at length.
42. As a consequence of the conduct of the Defendants as aforesaid, Plaintiff, Everette Harding was forced to incur needless litigation costs; expend needless litigation effort; and has been denied the payment of any damages as the consequence of the negligence/improprieties of the Defendants all to Plaintiff's great detriment and loss.
43. As a further consequence of the conduct of the Defendants as aforesaid, Plaintiff sustained a loss of wares/business and business income, as he was required to devote unreasonable amounts of time to the litigation of his claim against the Defendants, all of which prevented him from attending to other business matters and work on other activities.
44. As a further consequence of the conduct of the Defendants as aforesaid, Plaintiff, Everette Harding's first claim against the Defendants had been dismissed all to Plaintiff's great detriment and

---

loss.

45. The conduct of Defendants as aforesaid is wanton, willful, reckless, outrageous and intolerable in a civilized society and warrants an award of punitive damages in favor of Plaintiff, Everette Harding.


WHEREFORE, Plaintiff, Everette Harding demands judgment in his favor, and against Defendants, jointly and/or severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with such further relief as deemed appropriate by the Court.

COUNT II

FEINGOLD v. DEFENDANTS

46. Plaintiff Feingold incorporates the allegations of paragraphs 1 through 45 above herein by reference as though fully set forth at length.
47. As a consequence of the conduct of the Defendants as aforesaid, Plaintiff, Feingold was forced to incur needless litigation costs; expend needless litigation effort; and has been denied the payment of his counsel fee all to his great detriment and loss.
48. As a further consequence of the conduct of the Defendants as aforesaid, Plaintiff sustained a loss of business and business income, as he was required to devote unreasonable amounts of time to the litigation of Plaintiff, Everette's claim against the Defendants, all of which prevented him from attending to other business matters.
49. The conduct of Defendants as aforesaid is wanton, willful, reckless, outrageous and intolerable in a civilized society and warrants an award of punitive damages in favor of Plaintiff Feingold.

WHEREFORE, Plaintiff, Feingold demands judgment in his favor, and against Defendants, jointly and/or severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), together with such further relief as deemed appropriate by the Court.



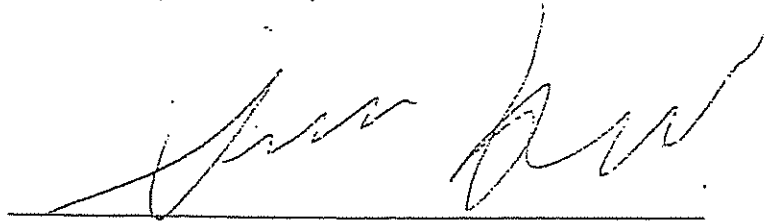
---

DORA R. GARCIA, ESQUIRE  
Attorney for Plaintiffs

VERIFICATION

I do hereby certify that I am the plaintiff in the above-captioned action and as such am authorized to take this Verification and that the facts set forth in the foregoing are true and correct to the best of my knowledge, information and belief.

I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to be "James B. W.", written over a horizontal line.

Date: 10/3/06



THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA

*F.A.S.*  
*Soliver*

Paul J. Killion  
Chief Disciplinary Counsel

Paul J. Burgoyne  
Deputy Chief Disciplinary Counsel



OFFICE OF DISCIPLINARY COUNSEL

DISTRICT I  
Disciplinary Counsel-in-Charge  
Anthony P. Sodroski

Disciplinary Counsel  
Richard Hernandez  
Donna M. Snyder  
Gloria Randall Ammons  
Harriet R. Brumberg  
Cathy Young Thomer  
Robert P. Fulton  
Amelia C. Kittredge

DISTRICT I OFFICE

16th Floor  
Seven Penn Center  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296  
Fax (215) 560-4528  
[www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)

September 13, 2006

Personal & Confidential

Dora R. Garcia, Esquire  
Feingold Feingold & Garcia  
1515 Market Street, Suite 801  
Philadelphia, PA 19102

Re: Complaint of Carole Powers Gordon and James Robinson  
File No. C1-06-848  
DB-7 Request for Statement of Respondent's Position

Dear Ms. Garcia:

Please be advised that this office has received and is currently considering a complaint against you from Carole Powers Gordon and James Robinson, 3502 Scotts Lane, Mailbox B-7, Philadelphia, PA 19129-1417. It is important for you to understand that issuance of this letter means that the complaint against you has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Rules of Professional Conduct.

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of the respondent-attorney or mitigate the seriousness of any violations that may have occurred. Your statement of position, if you choose to file one, may result in a decision to dismiss this complaint against you. However, since this complaint has survived our initial screening process, you may wish to retain or consult with counsel before submitting a statement of your position.

Dora R. Garcia, Esquire  
September 13, 2006  
Page 2

The alleged facts presently under consideration are as follows:

1. On October 10, 2003, Carole Powers Gordon and James Robinson were injured in an automobile accident in Delaware County, PA.

2. Ms. Gordon and Mr. Robinson engaged you to pursue claims in connection with the injuries they sustained in the above-described accident.

3. On October 5, 2005, you filed a civil action on behalf of Ms. Gordon and Mr. Robinson seeking damages for injuries sustained in the accident in the Court of Common Pleas of Philadelphia County, said action captioned *Carole Gordon and James Richardson [sic] v. Frank Brett, Jr. and Catherine Bodkin*, No. 051000460 ("lawsuit").

4. You are the sole counsel of record appearing for the plaintiffs in the lawsuit.

5. By letter dated March 16, 2006, Ms. Gordon wrote to "A.L. Feingold Associates" and directed the letter to "Sir/Madam" at your office address, wherein she:

- a. stated that she was "no longer in need of your legal services" in connection with the accident;
- b. requested that personnel at your office "prepare [her] file and forward it immediately to Michael J. Troiani, Esquire at the Law Offices of Stein & Troiani, 166 East Levering Mill Road, Suite 205, Bala Cynwyd, PA 19004"; and
- c. stated that she did not wish to be contacted directly, and that any future communication should be directed to Michael J. Troiani, Esquire.

6. You received Ms. Gordon's letter.

Dora R. Garcia, Esquire  
September 13, 2006  
Page 3

7. In or about March, 2006, you knew Ms. Gordon had discharged you, did not wish to communicate further with you, and requested that the file be directed to another lawyer.

8. You failed to withdraw from the representation after being discharged by Ms. Gordon.

9. Effective April 2, 2006, Allen L. Feingold has been suspended from the Bar of this Commonwealth and is a "Formerly admitted attorney" pursuant to Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) 217.

10. On or after the date on which the acts which resulted in Mr. Feingold's suspension occurred, through and including the effective date of his suspension, you and Mr. Feingold were associated in the practice of law and in a firm and/or firms which were known as, "A.L. Feingold & Associates" and/or "Feingold Feingold & Garcia."

11. On and after the effective date of Allen L. Feingold's suspension, you failed to disassociate yourself from the practice of law with Allen L. Feingold, in that he has continued to perform law-related activities for or in connection with your law firm when he is prohibited by Pa.R.D.E. 217(j)(4)(i) from doing so.

12. By letter dated May 24, 2006, James Robinson wrote to your office, addressed the letter in the same manner as Ms. Gordon's letter of March 16, 2006 and stated that:

- a. he was "no longer in need of your legal services";
- b. he was requesting that the entire file pertaining to the accident be sent to Mr. Troiani, "immediately"; and
- c. any further communication should be with Mr. Troiani.

13. You received Mr. Robinson's letter.

Dora R. Garcia, Esquire  
September 13, 2006  
Page 4

14. In or about May, 2006, you knew that Mr. Robinson had discharged you, did not wish to communicate further with you, and requested that the file be directed to another lawyer.

15. You failed to withdraw from the representation after being discharged by Mr. Robinson.

16. During the week of May 28, 2006, Mr. Feingold and Mr. Troiani had two telephone calls, during which Mr. Feingold represented that you would be contacting Mr. Troiani by telephone to discuss an immediate transfer of the file to his office.

17. By letter dated May 30, 2006, sent via certified mail to your office address, Michael J. Troiani, Esquire, wrote to your former associate, Allen L. Feingold, and:

- a. stated that Mr. Feingold had indicated "[l]ast week," that you were in the process of hand delivering the file;
- b. that the file pertaining to the lawsuit had not been received; and
- c. insisted that personnel from his office be permitted to pick up the file the next day.

18. You received notice of that letter and its contents.

19. By letter dated June 1, 2006, on letterhead marked "Allen L. Feingold, 1515 Market Street, Suite 801," Allen L. Feingold wrote to Mr. Troiani, sent a copy of the letter to Ms. Gordon and Mr. Robinson, and:

- a. denied that he told Mr. Troiani that you were in the process of "hand delivering the Robinson/Gordon file"; and
- b. represented that "we" would not have the file ready in the time frame requested by Mr. Troiani.

20. You received notice of that letter and its contents.

21. You failed to properly supervise Allen L. Feingold to comply with Ms. Gordon's and Mr. Robinson's request that your office not communicate with the.

22. By letter dated June 2, 2006, directed to your office address, Mr. Troiani wrote to Mr. Feingold and stated that:

- a. Mr. Troiani had had two telephone conversations the previous week in which Mr. Feingold had advised that you would be contacting Mr. Troiani "to discuss an immediate transfer of the file to [his] office";
- b. the file had not yet been received;
- c. you and Mr. Feingold were aware that you could not retain the file once you have been discharged as counsel;
- d. "[i]f there is an issue with respect to service as rendered, we can have a discussion at a later date upon my review of the file or proceed to fee dispute resolution if we cannot make an agreement as to fee compensation, if necessary"; and
- e. again requested that the file be made available.

23. You had notice of that letter and its contents.

24. By letter dated June 6, 2006, Mr. Troiani wrote to Mr. Feingold and stated:

- a. that despite letters and telephone conversations, the "Gordon and Robinson files" had not been turned over to Mr. Troiani; and
- b. that "this matter is in the hands of your wife as counsel."

25. You had notice of that letter and its contents.

26. You have failed to ensure that Mr. Feingold is compliant with the requirements of Pa.R.D.E. 217(j) and have

Dora R. Garcia, Esquire  
September 13, 2006  
Page 6

failed to prevent Mr. Feingold from violating Pa.R.D.E. 217(j), as follows:

- a. you have allowed Allen L. Feingold to answer the office telephone and to send correspondence on matters unique to law offices, thereby allowing improper contact with clients and third parties; and
- b. you have allowed Allen L. Feingold to communicate directly with clients and third parties.

27. By letter dated August 8, 2006, you wrote to Ms. Gordon and Mr. Robinson, and told them:

- a. that "[o]ver the years, you have consulted us on many situations";
- b. that you had expended considerable time on the lawsuit;
- c. that you and Mr. Feingold had a "substantial lien" on the lawsuit consisting of a past debt, work done on the lawsuit, and a "myriad of additional work that [you and Mr. Feingold] performed"; and
- d. that when "suitable and appropriate arrangements have been made to pay those outstanding fees and obligations, we would be more than happy to deliver this entire file."

28. You engaged in an improper communication with Ms. Gordon and Mr. Robinson in that they had indicated that you should direct all future communications to Mr. Troiani at the time that they discharged you.

29. By Order dated April 20, 2006, the Honorable Jacqueline F. Allen sustained Preliminary Objections filed by one of the defendants in the lawsuit, and transferred the case to Delaware County.

Dora R. Garcia, Esquire  
September 13, 2006  
Page 7

30. You failed to take steps to protect the interests of Ms. Gordon and Mr. Robinson, in that you:

- a. have unreasonably and unlawfully refused to surrender the file pertaining to the lawsuit;
- b. have refused to communicate with Mr. Troiani, putative successor counsel, concerning your claim that you have a "lien" on the proceeds of any verdict or settlement in the lawsuit; and
- c. have failed to file a Praecipe and pay the fee to cause the transfer of the lawsuit to Delaware County, as ordered by Judge Allen.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 1.3, RPC 4.2, RPC 5.1(a), RPC 5.1(b), RPC 5.1(c) (1), RPC 5.1(c) (2), RPC 5.3(a), RPC 5.3(b), RPC 5.3(c) (1), RPC 5.3(c) (2), RPC 8.4(a) and RPC 8.4(d); and Pa.R.D.E. 203(b) (3) via Pa.R.D.E. 217(j) (4) (i), Pa.R.D.E. 217(j) (4) (v) and Pa.R.D.E. 217(j) (4) (ix).

The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within twenty (20) days of the date of this letter. While you are not required to respond to this letter, it is quite possible that your reply may provide this office with information leading to a favorable resolution. Should you need more time during which to submit your position, do not hesitate to request a reasonable extension.

Please be assured that we are not prejudging the alleged facts and charges nor are we an advocate on behalf of the complainant. Rather, we are conducting an impartial and unbiased investigation with regard to this complaint. In that regard, we will attempt to verify the statements in your answer just as we do with the statements made to us by the complainant. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual state-

Dora R. Garcia, Esquire  
September 13, 2006  
Page 8

ments. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.

In any reply which you may make, please chronologically and specifically state your account of the events and include copies of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item-by-item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

If we do not hear from you within twenty (20) days, we may assume that you do not desire to submit your position with respect to this complaint and can proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file. We would certainly prefer to have the benefit of your position before making our recommendation.

Even if you choose not to provide a substantive response to the above allegations, please provide, within the twenty-day period, your litigation and correspondence files pertaining to *Carole Gordon and James Richardson [sic] v. Frank Brett, Jr. and Catherine Bodkin*, No. 051000460 (C.P. Phila.).

Keep in mind that we may provide the complainant with a copy of your statement of position or a summary of it for the



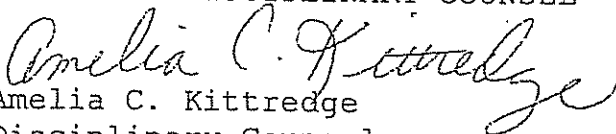
Dora R. Garcia, Esquire  
September 13, 2006  
Page 9

express purpose of obtaining a replication, unless you request that the content of your answer, either in total or in part, not be revealed and state reasons therefore which represent good cause. If we do provide the complainant with a copy or summary of your position, we will remind the complainant of the confidentiality of our inquiry.

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,

OFFICE OF DISCIPLINARY COUNSEL

  
Amelia C. Kittredge  
Disciplinary Counsel

ACK:tmw  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
and HAND DELIVERY

THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA



Paul J. Killion  
Chief Disciplinary Counsel

Paul J. Burgoyne  
Deputy Chief Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL

DISTRICT I

Disciplinary Counsel-in-Charge  
Anthony P. Sodroski

Disciplinary Counsel  
Richard Hernandez  
Donna M. Snyder  
Gloria Randall Ammons  
Harriet R. Brumberg  
Cathy Young Thomer  
Robert P. Fulton  
Amelia C. Kittredge

DISTRICT I OFFICE

16th Floor  
Seven Penn Center  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296  
Fax (215) 560-4528

February 9, 2007

Personal & Confidential

[www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)

Dora R. Garcia, Esquire  
Feingold Feingold & Garcia  
1515 Market Street, Suite 801  
Philadelphia, PA 19102

Re: Complaint of Honorable Gary S. Glazer  
File No. C1-07-110  
Complaint on Motion of Office of Disciplinary Counsel  
DB-7 Request for Statement of Respondent's Position

Dear Ms. Garcia:

Please be advised that this office has received and is currently considering a complaint against you from the Honorable Gary S. Glazer of the Court of Common Pleas of Philadelphia County. During our investigation of the complaint, a further matter involving your representation of Rosetta El, came to our attention. It is important for you to understand that issuance of this letter means that the complaint against you has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Rules of Professional Conduct.

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of the respondent-attorney or mitigate the seriousness of any violations that may have occurred. Your statement of position, if you choose to file one, may result in a decision to dismiss this complaint against you. However, since this complaint has survived our initial screening process, you may wish to retain or consult with counsel before submitting a statement of your position.

Dora R. Garcia, Esquire  
February 7, 2007

The alleged facts presently under consideration are as follows:

THE JORDAN MATTER

1. On or about October 1, 2004, Allen L. Feingold filed a Claim Petition (Petition) with the Workers' Compensation Office of Adjudication on behalf of Deborah Jordan, against the Southeastern Pennsylvania Transportation Authority (SEPTA), Ms. Jordan's former employer, captioned *Jordan v. SEPTA*, Bureau Claim No. 2473936 (claim).

2. The Petition:

- a. alleged that on January 9, 2003, while working as a bus driver for SEPTA, Jordan fell and injured her "neck, shoulders, knees, hands, etc." at the Plymouth Meeting Mall while on duty;
- b. alleged full disability; and
- c. requested payment of medical bills and counsel fees, interest and penalties.

3. Chartwell Law Offices, LLP, Thomas Strohmetz, Esquire, and Abbey Lacheen, Esquire, were engaged by SEPTA to defend the claim.

4. On or about October 20, 2004, Defendant filed an Answer denying the allegations of the Petition.

5. On December 12, 2005, Defendant's counsel moved to dismiss the Petition for failure to prosecute, at which time Allen L. Feingold withdrew the Petition.

6. On or about December 13, 2005, Allen L. Feingold filed another claim Petition (Petition II) on behalf of Ms. Jordan.

7. On December 20, 2005, SEPTA filed an Answer to Petition II, denying the allegations.

8. Effective April 2, 2006, the Supreme Court of Pennsylvania suspended Mr. Feingold from the practice of law for a period of three years, and by Order dated August 22, 2006, the Supreme Court imposed an additional two-year suspension, to run consecutive with the prior suspension.

Dora R. Garcia, Esquire  
February 7, 2007

9. Following Mr. Feingold's suspension, on or about May 15, 2006, you assumed the handling of Ms. Jordan's workers' compensation claim that had been initiated by Mr. Feingold.

10. On October 10, 2006, you filed an action in the Court of Common Pleas of Philadelphia County on behalf of Deborah Jordan against SEPTA, CompServices Inc., Thomas Strohmetz, Esquire, Abbey Lacheen, Esquire and Chartwell Law Offices, LLP, captioned *Jordan v. SEPTA, et al.*, No. 001102 (C.P. Phila. 2006) (Jordan Case).

11. The complaint, which is attached hereto as Exhibit A, recited, *inter alia*, that:

- a. Ms. Jordan had a job-related accident on or about January 9, 2003 during the course of her employment as a SEPTA bus driver;
- b. SEPTA "would not accept" a Workers' Compensation Claim for Ms. Jordan;
- c. SEPTA would not "pay compensation for her time out of work or for the medical care she obtained, after her treatment that the Defendant, SEPTA, sent her for or directed had ended";
- d. the Workers' Compensation case became "a knock down drag out fight";
- e. a settlement of the Workers' Compensation case had been "suggested" by Plaintiff's then-counsel (i.e., Mr. Feingold);
- f. the settlement "was supposed to be confirmed at the next compensation hearing before the Judge"; and
- g. "Evidently, during that time, the defendants were sending out letters and publishing libelous and slanderous material with the sole intention of hurting and injuring the Plaintiff, Deborah Jordan and her reputation."

12. Exhibit A attached a letter dated October 4, 2005 from Abbey R. Lacheen, Esquire, to a health care provider for Ms. Jordan attempting to settle the provider's outstanding bill for Ms. Jordan's medical care.

Dora R. Garcia, Esquire  
February 7, 2007

13. Exhibit A consisted of four Counts, each of them against all defendants, in which:

- a. Count I alleged, *inter alia*, that defendants were liable for "bad faith," as they acted intentionally, willfully, wantonly and recklessly to deny Ms. Jordan compensation for her losses;
- b. Count II alleged, *inter alia*, that defendants had conspired during hearings and discovery, to deprive Ms. Jordan of her "monies, rights, benefits, and a fair trial, and to injure" her "in any way possible";
- c. Count III alleged, *inter alia*, that "the various misrepresentations, actions, inactions" made by defendants were made knowing they were false and incomplete; and
- d. Count IV alleged, *inter alia*, that defendants' actions were malicious and that consequently punitive damages should be awarded.

14. In or about October through December, 2006, the defendants in the lawsuit filed Preliminary Objections to the Complaint filed in the lawsuit.

15. By Order dated January 18, 2007, the Honorable Gary S. Glazer of the Court of Common Pleas of Philadelphia County sustained the Preliminary Objections of all Defendants and dismissed the Complaint filed in the lawsuit, with prejudice.

16. On or about February 2, 2007, you filed "Plaintiff's Motion for Reconsideration and Recusal," attached hereto as Exhibit B, in which you:

- a. accused Judge Glazer of extreme bias against Ms. Jordan, you, your law firm, Allen L. Feingold, "his clients and our clients";
- b. stated that Judge Glazer "has forgotten" that he took an oath of office;
- c. declared that Judge Glazer's actions as a judge, in the form of orders, decisions, opinions and explanations, "show a baselessness, vindictiveness, animosity and dislike toward this counsel...."; and

Dora R. Garcia, Esquire  
February 7, 2007

d. stated that if any of these defendants had written a letter about His Honor, Judge Glazer, as the defendants wrote about the plaintiff, he would have sued them in three seconds flat and Ordered them to jail for the rest of their lives, probably in solitary confinement, without bread and water, hanging from the rack, whether the law allowed it or not.

17. You had no legitimate basis in law or fact for filing the lawsuit, which was based on the defense of the underlying workers' compensation claim proceedings, which are ongoing.

18. By filing a groundless lawsuit, you are engaging in conduct that is prejudicial to the administration of justice in that:

- a. the resources of the Philadelphia Court of Common Pleas were squandered on this matter, to the public's detriment; and
- b. the resources of defendant lawyers and an agency of the Commonwealth have been diverted from defending legitimate matters.

19. You filed the lawsuit on behalf of the plaintiff, although you were aware that trial and appellate courts in the Commonwealth of Pennsylvania, including the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Feingold*, No. 93 DB 2003, have determined that similar actions filed by Mr. Feingold are improper and violate the Rules of Professional Conduct.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 3.1, RPC 8.2(a), and 8.4(d).

#### THE EL MATTER

1. On October 4, 2005, you filed a complaint in the Court of Common Pleas of Philadelphia County captioned, *El v. SEPTA, Viviana Rivera, Iryna Starovoyt and Vasyl Starovoyt*, No. 05100227 (EL Case), arising out of a motor vehicle accident in which your client, Rosetta El, was allegedly injured by the defendants.

2. On or about November 16, 2006, you filed a motion captioned, "Plaintiff's Motion for Discovery, Preclusion, Sanctions and Judgment" in which you, *inter alia*, stated that:

Dora R. Garcia, Esquire  
February 7, 2007

- a. the insurance company and its counsel failed to comply with properly served subpoenas;
  - b. the presiding judge, the Honorable Jacqueline F. Allen, "failed to Order" their depositions;
  - c. if "plaintiff or her counsel had failed to take those actions, there seems little doubt that we would have been sanctioned or at least required to pay attorneys [sic] fees";
  - d. Judge Allen "has given the defendants everything and allowed the defendants to give the plaintiff little or nothing"; and
  - e. Judge Allen was a "friend" of counsel for SEPTA appearing in this and other cases, and Her Honor, "as usual," treats plaintiffs and their counsel, unfairly.
3. On November 27, 2006, you appeared in front of Judge Allen in the El Case on a discovery matter, and, *inter alia*:
- a. told Judge Allen that, "...in this case, you have bent over backwards to give [Counsel for SEPTA] whatever she wants, because, you know, you were SEPTA counsel before and she's SEPTA counsel now"; and
  - b. generally accused Judge Allen of making unfair and biased rulings in favor of SEPTA and against her and another member of her law firm, Allen L. Feingold.
4. On or about February 2, 2007, you filed a motion in the El Case captioned, "Plaintiff's Motion for Discovery, Preclusion, Sanctions and Judgment," in which you:
- a. repeated the allegations, including those against Judge Allen, that were made in paragraphs 1 through 50 of the motion discussed in paragraph 2, *supra*; and
  - b. added that the "case is coming up for trial shortly, and to prevent the plaintiff from obtaining proper discovery, or to be able to properly defend the motion for summary judgment is a miscarriage of justice that is evidently

Dora R. Garcia, Esquire  
February 7, 2007

being perpetrated upon the plaintiff because of Judge Allen's relationship with defense counsel [for SEPTA], or the Court's animosity toward the plaintiff, plaintiff's counsel, plaintiffs' [sic] counsel's law firm and/or any past members of that firm."

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 8.2(a) and 8.4(d).

The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within twenty (20) days of the date of this letter. While you are not required to respond to this letter, it is quite possible that your reply may provide this office with information leading to a favorable resolution. Should you need more time during which to submit your position, do not hesitate to request a reasonable extension.

Please be assured that we are not prejudging the alleged facts and charges nor are we an advocate on behalf of the complainant. Rather, we are conducting an impartial and unbiased investigation with regard to this complaint. In that regard, we will attempt to verify the statements in your answer just as we do with the statements made to us by the complainant. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual statements. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.

In any reply which you may make, please chronologically and specifically state your account of the events and include copies of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item-by-item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or



Dora R. Garcia, Esquire  
February 7, 2007

denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

If we do not hear from you within twenty (20) days, we may assume that you do not desire to submit your position with respect to this complaint and can proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file. We would certainly prefer to have the benefit of your position before making our recommendation.

Keep in mind that we may provide the complainant with a copy of your statement of position or a summary of it for the express purpose of obtaining a replication, unless you request that the content of your answer, either in total or in part, not be revealed and state reasons therefore which represent good cause. If we do provide the complainant with a copy or summary of your position, we will remind the complainant of the confidentiality of our inquiry.

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,  
OFFICE OF DISCIPLINARY COUNSEL

  
Amelia C. Kittredge  
Disciplinary Counsel

ACK:tmp  
ATTEMPTED HAND DELIVERY  
and CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED

Court of Common Pleas of Philadelphia County  
 Trial Division  
 Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

001102 OCTOBER 2006

PLAINTIFF'S NAME DEBORAH JORDAN		DEFENDANT'S NAME SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY aka SEPTA	
PLAINTIFF'S ADDRESS 5115 North 10th Street Philadelphia, PA 19141		DEFENDANT'S ADDRESS 1234 Market Street Philadelphia, PA 19107	
PLAINTIFF'S NAME		DEFENDANT'S NAME CDMP SERVICES, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1880 JFK Boulevard, 8th Floor, Philadelphia, PA 19103	
PLAINTIFF'S NAME		DEFENDANT'S NAME THOMAS STROHMETZ	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1500 JFK Boulevard, Suite 222, Philadelphia, PA 19102	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 5	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non Jury & Equity <input type="checkbox"/> Other: _____ <input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input type="checkbox"/> Compromise <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minor <input checked="" type="checkbox"/> X/W/D/Survival		
CASE TYPE AND CODE (SEE INSTRUCTIONS) 4F			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)			IS CASE SUBJECT TO COORDINATION ORDER? YES NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers must be served at the address set forth below.			
NAME OF PLAINTIFF'S/APPELLANT'S ATTORNEY DORA R. GARCIA, ESQUIRE		ADDRESS (See Instruction J) 1515 Market Street Suite 802 Philadelphia, PA 19102	
PHONE NUMBER (215) 564-3500	FAX NUMBER (215) 564-3735		
SUPREME COURT IDENTIFICATION NO. 65727		E-MAIL ADDRESS	
SIGNATURE <i>Dora R. Garcia</i>		DATE 10/9/06	



FEINGOLD, FEINGOLD & GARCIA  
BY: DORA R. GARCIA, ESQUIRE  
I.D. No. 65727  
1515 Market Street  
Suite 802  
Philadelphia, PA 19102  
215-564-3500

Attorney for: Plaintiff(s)

DEBORAH JORDAN  
5115 North 10th Street  
Philadelphia, PA 19141  
vs.  
SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY aka SEPTA  
1234 Market Street  
Philadelphia, PA 19107  
and  
COMP SERVICES, Inc.  
1880 JFK Boulevard, 8th Floor  
Philadelphia, PA 19103  
and  
THOMAS STROHMETZ  
1500 JFK Boulevard, Suite 222  
Philadelphia, PA 19102  
and  
Abbey Lacheen  
1500 JFK Boulevard, Suite 222  
Philadelphia, PA 19102  
and  
CHARTWELL LAW OFFICES, LLP  
1500 JFK Boulevard, Suite 222  
Philadelphia, PA 19102

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
OCTOBER 2006 TERM.

NO:

001102

ATTEST

OCT 10 2006

D. Savage

COMPLAINT IN CIVIL ACTION

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT, YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Reference Service  
One Reading Plaza  
Philadelphia, PA 19107  
(215) 238-6333

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VEINTI (20) DIAS DE PLAZA AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN PERSONA O CON UN ABOGADO Y ENTREGAR A LA CORTE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SE O AVISADO QUE SI USTED NO DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMÁS, LA CORTE PUEDE DECIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociación De Licenciados De Filadelfia  
Servicio De referencia E Información  
Legal - One Reading Center Noreste Esquina  
11th Y La Calle Market  
Filadelfia, PA 19107  
(215) 238-1701

COMPLAINT IN CIVIL ACTION

1. The Plaintiff is Deborah Jordan, an individual with an address at 5115 North 10th Street, Philadelphia, PA 19141.
  2. The Defendant is Southeastern Pennsylvania Transportation Authority aka SEPTA, an organization with an address at 1234 Market Street, Philadelphia, PA 19107.
  3. The Defendant is Comp Services, Inc., an organization with an address at 1880 JFK Boulevard, 8th Floor, Philadelphia, PA 19103.
  - ~~4. The Defendant is Thomas Strohmets, an individual with an address at Two Penn Center, 1500 JFK Boulevard, Suite 222, Philadelphia, PA 19102.~~
  5. The Defendant is Abbey Lacheen, an individual with an address at Two Penn Center, 1500 JFK Boulevard, Suite 222, Philadelphia, PA 19102.
  6. The Defendant is The Chartwell Law Offices, LLP, an organization with an address at Two Penn Center, 1500 JFK Boulevard, Suite 222, Philadelphia, PA 19102.
-

7. At the time of the below accident and injury to the Plaintiff, Deborah Jordan she was employed by the defendant, SEPTA, and working within the course and scope of her employment as a bus driver.
8. On or about, January 9, 2003, the Plaintiff, Deborah Jordan had driven her bus, which was owned by the Defendant, SEPTA, to the Plymouth Meeting Mall.
9. At that time and place, which was a SEPTA bus stop, Plaintiff, Deborah Jordan, exited her bus to use a bathroom facility, at the mall, when she slipped, stumbled and fell because of ice and snow, causing her severe injuries.
10. Plaintiff Deborah Jordan called the Defendant, SEPTA, to report the accident and her injury while the police were called as was an ambulance to take the Plaintiff, Deborah Jordan to the hospital for care and treatment.
11. At least SEPTA employee or employees, ambulance members, and police were present at the place and time shortly after Plaintiff's fall and injury.
12. Plaintiff, Deborah Jordan reported the accident and injury right after

same and she was referred for additional care and treatment by the Defendant, SEPTA, for a substantial period of time.

13. In spite of same, the Defendant, SEPTA would not accept a Workers Compensation Claim on behalf of the Plaintiff, Deborah Jordan and they would not pay compensation for her time out of work or for the medical care she obtained, after her treatment that the Defendant, SEPTA, sent her for or directed had ended..

14. Plaintiff, Deborah Jordan, returned to work for the defendant, SEPTA, but her injuries and disability became worse.

15. One day, when she was at her treating doctor's office, she received a disability note to provide to her employer, the Defendant, SEPTA.

16. Up to that time, the Defendant, SEPTA, would not pay for the medical care or treatment she was receiving nor would they pay for her lost wages or pay.

17. As a result of the disability note the Defendant, SEPTA, terminated Plaintiff, Deborah Jordan's employment but would not and have not paid for her medical care and treatment or her lost wages or pay.

18. In the meantime, Plaintiff Deborah Jordan, filed for Workers'

Compensation.

19. The Workers' Compensation case became a knock down drag out fight.
20. As a result, Counsel for the Plaintiff, Deborah Jordan, suggested a settlement of the claim where each side would benefit and save substantial time, effort and money.
21. Defendant, SEPTA, would pay those medical bills that were then outstanding for Plaintiff, Deborah Jordan's care and treatment and her time out of work until she was terminated.
22. Upon payment of her disability and for her medical care, Plaintiff, Deborah Jordan, would end her Workers' Compensation Claim and agree to the termination with the defendant, SEPTA.
23. This agreement was supposed to be confirmed at the next compensation hearing before the Judge.
24. Evidently, during that time, the defendants were sending out letters and publishing libelous and slanderous material with the sole intention of hurting and injuring the Plaintiff, Deborah Jordan and her reputation.



- 
25. The Defendant, SEPTA, at all times relevant hereto has its workers' compensation cases handled and administered by the Defendant, Comp Services, Inc.
  26. The Defendants, SEPTA and Comp Services, Inc. hired and employed the Defendants Thomas Strohmetz, Abbey Lacheen and the Chartwell Law Offices, LLP to represent them against their employees on workers' compensation claims.
  27. The Defendants Thomas Strohmetz and Abbey Lacheen are employees, agents and servants of the Defendant, the Chartwell Law Offices, LLP.
  28. Each Defendant acted individually and as the agent, servant and employee of all other Defendants.
  29. Each Defendant acted individually and in the course and scope of its agency, servitude and employment.
  30. On or about October 4, possibly prior thereto and definitely thereafter, the Defendant Abbey Lacheen individually and on behalf of the ~~Defendant Thomas Strohmetz, both individually and on behalf of the~~ Chartwell Law Offices, LLP wrote to one or more of the Plaintiff,

---

Deborah Jordan's health care providers, on behalf of the Defendant, SEPTA and the Defendant, Comp Services, Inc., libeling and slandering the Plaintiff, Deborah Jordan and her reputation, for the sole purpose of injuring the Plaintiff, Deborah Jordan, any claims she might have, and her entire livelihood.

31. Attached hereto and marked Exhibit "A" is a copy of what is believed to be one of numerous such letters, sent to Plaintiff's health care providers and/or others.

32. Eventually, Exhibit "A" wound its way to Plaintiff's then counsel, and then to the Plaintiff.

33. This suit is being started within one year of the date and time when Plaintiff became aware of this slanderous and libelous documentation and information.

34. Defendants, all Defendants acted in consort and their actions were wanton, willful, reckless, intentional and for the sole purpose of injuring the Plaintiff, Deborah Jordan, and her claims.

---

COUNT I

PLAINTIFF v. DEFENDANTS

35. Plaintiff hereby incorporates the allegations made in paragraphs 1 through 34 of this Complaint, as if fully set forth herein at length.
36. Defendants have instituted an improper and illegal course of conduct for the sole purpose of precluding the plaintiff from recovering that which the defendants are obligated to pay because of the plaintiff's injuries and losses.
37. Defendants' course of conduct is wanton, willful, reckless and in total disregard of plaintiff's well-being, for the sole purpose of harassing and further injuring the plaintiff.
38. The defendants' actions and course of conduct are in total violation of the laws, case law and mandated of the legislature and appellate courts, as well as rising to such impropriety as requiring the imposition of damages, sanctions and penalties, including but not limited to, double damages, treble damages, interest, attorney's fees and other damages, along with any other penalties or sanctions which are appropriate.
39. Defendants' conduct is unacceptable in today's society and include intentional and willful acts, as well as wanton and reckless actions, instituted for the sole purpose to injure the plaintiff or to do all in their power not to compensate the plaintiff for her losses.
40. Defendants have at all times acted in bad faith, failed to properly handle or negotiate this claim, violated 42 Pa. C.S.A. Section 8371, the insurance code, their insurance policy and the law, as well as case law, regarding insurance claims and insurance coverage.

41. Defendants have no defense to their actions and no basis for their failure to fulfill their obligations and plaintiff's claims for this extensive period of time.

WHEREFORE, plaintiff demands judgment against the defendants in a sum in excess of \$50,000.00 plus interest, costs, attorney's fees, punitive damages and any other penalties, damages, sanctions that may be imposed, for their actions and/or failure to act.

---

COUNT II

PLAINTIFF v. DEFENDANTS

42. The allegations of paragraphs 1 through 41 of this Complaint are hereby incorporated by reference, as if set forth, herein, at length.
43. The defendants entered into an agreement to injure the plaintiff and to deprive her of her rights, monies, benefits, settlements or a fair trial, or the below action.
44. The defendants, in concert, sought to deprive the plaintiff of her monies, rights, benefits, and a fair trial, by engaging in wrongful, improper conduct during various meetings, hearings, pre-trials, settlement conferences, discovery, negotiations, trial and subsequent, as well as other dealings.
45. Defendants conspired to deprive the plaintiff of her monies, rights, benefits, and a fair trial, and to injure the plaintiff in any way possible.
46. Defendants engaged in a course of conduct in order to damage the reputation of the plaintiff, her representatives and to hold them all in a bad light.
- WHEREFORE, plaintiff requests a verdict and judgment against all of the defendants, including compensatory damages, punitive damages, costs, interests, attorney's fees, and any and all other appropriate recovery, in an amount in excess of Fifty Thousand Dollars, (\$50,000.00).
-

COUNT III

PLAINTIFF v. DEFENDANTS

47. The allegations of paragraphs 1 through 46 of this Complaint are hereby incorporated by reference, as if set forth, herein, at length.
48. Defendants' representation, actions, inactions, as set forth above, were untrue, improper, false and were intended to induce the plaintiff and the Court, as well as others related to this case, to proceed under the misunderstanding of the defendants' actions, as being proper and complete.
49. The plaintiff justifiable relied upon defendants' representations, actions and inactions without knowledge of the false, fraudulent, incomplete and improper nature of same.
50. The defendants, individually, severally and jointly, made various misrepresentations or committed various other improper acts, upon which the plaintiff relied.
51. The various misrepresentations, actions, inactions, made by the defendants were made knowingly that they were false, incomplete, improper and with the intention of injuring the plaintiff and benefitting the various defendants.

WHEREFORE, plaintiff requests a verdict and judgment against all of the defendants, including compensatory damages, punitive damages, costs, interest, attorney's fees and any and all other appropriate recovery, in an amount in excess of Fifty Thousand Dollars, (\$50,000.00).

COUNT IV

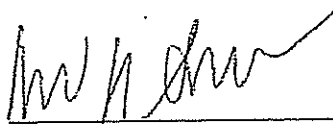
PLAINTIFF VS. DEFENDANT

52. The Allegations of paragraphs 1 through 51 of this Complaint, are hereby incorporated by reference, as if set forth herein, at length.
53. At all times material hereto, defendants' actions and conduct were willful, malicious, intentional, wanton and reckless in nature and were attended by circumstance of malice and fraud.
54. At all times material hereto, defendants acted willfully, maliciously, intentionally, recklessly and wantonly and said actions were designed solely to harass and frustrate the plaintiff and were in utter disregard of the plaintiff's feelings, personal well-being and rights.
55. At all times material hereto, defendants' actions have been attended by circumstances of malice and fraud, as well as the wanton, intentional, malicious and reckless disregard of plaintiff's rights and with the intention of inflicting emotional distress.
56. At all times material hereto, defendants have instituted a course of ~~conduct designed to harass and frustrate the plaintiff.~~
57. At all times material hereto, defendants have willfully and intentionally instituted a course of conduct against the plaintiff designed to harass

and frustrate the plaintiff, hold plaintiff up to ridicule and damage her reputation.

58. The various defendants engaged in a course of conduct which was contrary to acceptable standards for conduct in decent society.

WHEREFORE, plaintiff requests a verdict and judgment against all of the defendants, including compensatory damages, punitive damages, costs, interest, attorney's fees and any and all other appropriate recovery, in an amount in excess of Fifty Thousand Dollars, (\$50,000.00).



---

DORA R. GARCIA, ESQUIRE  
ATTORNEY FOR PLAINTIFF



# The Chartwell Law Offices, LLP

Valley Forge  
Valley Forge Corporate Center  
2621 Van Buren Avenue  
Norristown, PA 19403  
(610) 666-7700  
(610) 666-7704 - Fax

Pittsburgh:  
409 Broad Street, Suite 200  
Sewickley, PA 15143  
(412) 741-0600  
(412) 741-0606 - Fax



Philadelphia:  
1500 JFK Boulevard  
Two Penn Center, Suite 222  
Philadelphia, PA 19102  
(215) 972-7006  
(215) 972-7008 - Fax

Harrisburg:  
1017 Mumma Road, Suite 100  
Wormleysburg, PA 17043  
(717) 909-5170  
(717) 909-5173 - Fax

If there is a problem with transmission or if all pages are not received, please call for retransmission.

DATE: October 04, 2005

TO: Lenord Malin, Nelson Medical Group  
FROM: Abbey R. Lachean, Esquire  
RE: Jordan, Deborah L. v. SEPTA  
0031185

FAX #: (215) 474-8345

Number of pages including this cover page: 1

Lenord,

Please allow this correspondence to confirm our conversation regarding the above-captioned workers' compensation matter. As you know, The Chartwell Law Offices, LLP represents the interests of the defendant in this matter.

You advised that there is an outstanding balance of \$6,910.00, before repricing, for Nelson Medical Group on Ms. Jordan's account and that you have not received payment from anyone to date.

Please be advised that this remains a contested claim and that our client is only considering payment of this bill as part of a possible settlement and nothing will be paid if the bill is not reduced significantly. This is because our client will almost certainly win the workers' compensation case as (1) Ms. Jordan was not injured in the course and scope of her employment, (2) Ms. Jordan has pre-injury medical problems involving the same part of her body, and (3) Ms. Jordan was fired by her employer after her alleged injury for forging a doctor's note which was proven by a renowned handwriting expert hired by my client. If my client is successful on the pending claim (which will almost certainly be the case), then no medical treatment or bills at all will need to be paid.

Therefore, in order to have payment on your bill considered, please confirm in writing whether you will accept \$1,000.00 as full and final payment of the outstanding bill for Ms. Jordan as it pertains to the alleged injury of 1/9/03. Please note that this is not an offer, but if you accept and confirm in writing, we will take the proposal to our client and recommend payment. Settlement is only being considered by my client to avoid the expense of litigation and, if your medical bills are not reduced to the recommended figure, then settlement will not occur and payment of your bill will not be made.

We look forward to hearing from you shortly. Please fax your acceptance of this proposal to (610) 666-7704.

Thank you for your courtesy and cooperation.

  
Abbey

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us by mail without making a copy. Thank you.

FEINGOLD, FEINGOLD & GARCIA, P.C.  
BY: DORA R. GARCIA, ESQUIRE  
I.D. No. 65727  
1515 Market Street, Suite 802  
Philadelphia, PA 19102  
215-564-3500

Attorney for: Plaintiff(s)

---

DEBORAH JORDAN,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
Plaintiff,	:	
	:	
vs.	:	OCTOBER TERM, 2006
	:	
SEPTA, et al.	:	
	:	NO: 1102
Defendants.	:	
	:	

---

PLAINTIFF'S MOTION FOR RECONSIDERATION AND RECUSAL

Plaintiff by and through her attorney hereby files the within Motion for Reconsideration and Recusal, and in support thereof, avers as follows:

1. A review of the history of the plaintiff's workers' compensation claim shows the defendants wrote to plaintiff's healthcare provider, libeling and slandering the plaintiff.
2. The history of this case and the underlying workers' compensation case, shows a course of conduct on behalf of the defendants, working in concert, to injure and damage the plaintiff and her claims.
3. From the first, when his Honor, Judge Glazer, moved into the Civil Trial Program, he has, at every chance, injured plaintiff's counsel, plaintiff's counsel's clients, or the attorneys and clients involved with and/or handling cases for this law firm or associated law firms, as well as Allen L. Feingold, and his clients.

---

4. A review of the cases, Orders, Decision, Opinion, and explanations of His Honor, Judge Glazer, show a baselessness, vindictiveness, animosity, and dislike

---

toward this counsel, this client and all prior counsel and clients affiliated with this law firm, Allen L. Feingold, as well as his clients and law firm.

5. There can be no doubt that His Honor, Judge Glazer, should, should have and should always recuse himself and refuse assignments having anything to do with this counsel, this law firm, this client, any client or counsel involved with this law firm, Allen L. Feingold, his law firm, or any of his clients.

6. If any of these defendants had written a letter about His Honor, Judge Glazer, as the defendants wrote about the plaintiff, he would have sued them in three seconds flat and Ordered them to jail for the rest of their lives, probably in solitary confinement, without bread and water, hanging from the rack, whether the law allowed it or not.

7. This counsel and this plaintiff do not wish special treatment from the Courts, but, for a change, would like to see fair treatment, and/or equal treatment, as other client's lawyers and law firms receive.

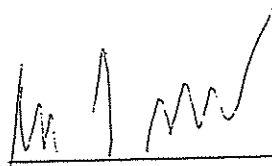
8. However, this plaintiff and this lawyer could never receive fair treatment, proper treatment or equal treatment from this member of the bench, His Honor, Judge

---

Glazer, who evidently, as far as this plaintiff, this lawyer, this law firm, Allen L.

Feingold, his client and our clients, as he has forgotten that he took an Oath of office and promise to treat all that appear before Him, equally, but he will not follow the blindfolded figure of justice and keeps his one eye open for Garcia, Feingold, or their clients, like this plaintiff, Jordan, just so he can injure them and their claims.

WHEREFORE, Plaintiff requests reconsideration and recusal.



---

DORA R. GARCIA, ESQUIRE  
Attorney for Plaintiff

FEINGOLD, FEINGOLD & GARCIA, P.C.  
BY: DORA R. GARCIA, ESQUIRE  
I.D. No. 65727  
1515 Market Street, Suite 802  
Philadelphia, PA 19102  
215-564-3500

Attorney for: Plaintiff(s)

---

DEBORAH JORDAN,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
Plaintiff,	:	
	:	
vs.	:	OCTOBER TERM, 2006
	:	
SEPTA, et al.	:	
	:	NO: 1102
Defendants.	:	
	:	

---

PLAINTIFF'S MEMORANDUM

A review of the history of the plaintiff's workers' compensation claim shows the defendants wrote to plaintiff's healthcare provider, libeling and slandering the plaintiff. The history of this case and the underlying workers' compensation case, shows a course of conduct on behalf of the defendants, working in concert, to injure and damage the plaintiff and her claims.

From the first, when his Honor, Judge Glazer, moved into the Civil Trial Program, he has, at every chance, injured plaintiff's counsel, plaintiff's counsel's clients, or the attorneys and clients involved with and/or handling cases for this law firm or associated law firms, as well as Allen L. Feingold, and his clients.

A review of the cases, Orders, Decision, Opinion, and Explanations of His Honor, Judge Glazer, show a baselessness, vindictiveness, animosity, and dislike toward this counsel, this client and all prior counsel and clients affiliated with this law firm, Allen L.

Feingold, as well as his clients and law firm. There can be no doubt that His Honor, Judge Glazer, should, should have and should always recuse himself and refuse assignments having anything to do with this counsel, this law firm, this client, any client or counsel involved with this law firm, Allen L. Feingold, his law firm, or any of his clients.

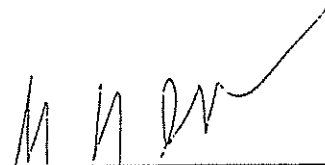
---

If any of these defendants had written a letter about His Honor, Judge Glazer, as the defendants wrote about the plaintiff, he would have sued them in three seconds flat and Ordered them to jail for the rest of their lives, probably in solitary confinement, without bread and water, hanging from the rack, whether the law allowed it or not.

This counsel and this plaintiff do not wish special treatment from the Courts, but, for a change, would like to see fair treatment, and/or equal treatment, as other client's lawyers and law firms receive.

However, this plaintiff and this lawyer could never receive fair treatment, proper treatment or equal treatment from this member of the bench, His Honor, Judge Glazer, who evidently, as far as this plaintiff, this lawyer, this law firm, Allen L. Feingold, his client and our clients, as he has forgotten that the took an Oath of office and promise to treat all that appear before Him, equally, but he will not follow the blindfolded figure of justice and keeps his one eye open for Garcia, Feingold, or their clients, like this plaintiff, Jordan, just so he can injure them and their claims.

WHEREFORE, Plaintiff requests reconsideration and recusal.

  
DORA R. GARCIA, ESQUIRE  
Attorney for Plaintiff

---

Plaintiff is suing her former employer (Septa), the administrator of Septa's workers' compensation benefits (CompServices), the attorneys for Septa in the workers' compensation matter (Chartwell Law Offices) and two employees of Chartwell (Thomas Strohmetz and Abbey Lacheen). Chartwell, Strohmetz and Lacheen are collectively referred to as the "Chartwell Defendants."

The complaint contains four counts; all four are asserted against all defendants. The counts are not designated as individual causes of action. However, it appears that plaintiff is asserting the following: (I) bad faith, (II) civil conspiracy/defamation, (III) misrepresentation, and (IV) punitive damages. All of the defendants have filed preliminary objections and timely motions to have the objections determined.

It is proper to withhold the right to file an amended pleading when the trial court sustains preliminary objections and there is no reasonable possibility that the pleading can be successfully amended. Harley Davidson Motor Co. v. Hartman, 442 A.2d 284, 286 (Pa. Super. Ct. 1982). As set forth below, there is no reasonable possibility that this complaint can be amended successfully.

#### Septa

Septa correctly points out that all of the allegations advanced by plaintiff are based upon intentional conduct. See Callsen v. Temple Univ. Hosp., 652 A.2d 824, 826 n1 (Pa. 1995). More to the point, Septa also correctly states that none of plaintiff's allegations fit within an exception to sovereign immunity. See 42 Pa.Cons.Stat. § 8522(b) (2006). Finally, Septa insightfully explains the true purpose of this case in the text accompanying footnote one to its Memorandum of Law. It is clear from the face of the complaint that Septa is immune from suit; therefore, this court is empowered to dismiss the complaint at the stage of a demurrer. Judicello v. Commonwealth. Dep't of Transp., 383 A.2d 1294, 1295 (Pa. Commw. Ct. 1978). Regardless, all claims against Septa fail because this complaint lacks both merit and factual basis.

#### Count I

The first count of this complaint attempts to assert a claim under the Bad Faith Statute. Compl. ¶40. Because none of the defendants are insurers, it is clear that there exists no right to relief under the facts alleged. The Bad Faith Statute does not define "insurer" and the Supreme Court has not addressed the issue. However, the Commonwealth Court, the Superior Court and the Eastern District have all discussed the definition. The most elucidating discussion of the term "insurer" is found in SEPTA v. Holmes, 835 A.2d 851, 856 (Pa. Commw. Ct. 2003).

The Holmes Court recognized that neither "insurer" nor "insured" was defined by the Bad Faith Statute. The Holmes Court then undertook an analysis of how those terms are defined in related and similar statutes. Id. at 856-57 (collecting statutory definitions). The Holmes Court arrived at a fairly common sense result; namely, in order to be an insurer, an entity must be licensed as an insurer, do business as an insurer, issue insurance policies, collect premiums, or agree to accept the liability of others in exchange for consideration. Id. at 857.

It is absolutely clear that none of the defendants are insurers. Septa is a Commonwealth Agency engaged in providing public transportation. CompServices is a company which administers Septa's workers' compensation benefits. The Chartwell

---

Defendants are engaged in the practice of law. Nowhere does the complaint allege that these defendants performed any function similar to that of an insurance company. Therefore, a plain reading of the statute leads to the inescapable conclusion that Count I is legally insufficient.

### Counts II and III

---

The second count of the complaint attempts to assert a claim for civil conspiracy and a claim for defamation. Compl. ¶¶ 45, 46. The third count of the complaint attempts to set forth a claim for misrepresentation. Id. ¶ 51. Upon the facts alleged, neither of these theories can support a claim for which relief may be granted. To best gain an understanding of these particular counts, as well as their lack of factual basis, it is helpful to begin with the Superior Court's discussion of a similar lawsuit that was filed by Mr. Feingold:

To be sure, the complaint alleges that a variety of intentional torts were committed by [defendants], individually and in concert, against appellant, including fraud, deceit, conspiracy, intentional infliction of emotional distress, interference with a business relationship, and defamation. However, a review of the complaint reveals that the only factual details given by appellant to support his allegations are in the form of a rambling recitation of the background to the [underlying] matters, accompanied by repeated assertions that the unfavorable outcomes appellant suffered in each instance were the result of unfair treatment and malicious intent on the part of the various [defendants].

\* \* \*

Blind suspicions and unsupported accusations simply do not state a cause of action pursuant to any theory of tort recovery. Even our present liberalized system of pleading requires that the material facts upon which a cause of action is premised be pled with sufficient specificity so as to set forth the prima facie elements of the tort or torts alleged.

Feingold v. Hill, 521 A.2d 33, 38 (Pa. Super. Ct. 1987) (internal quotations omitted). The instant complaint is no different. Basically, this lawsuit seeks to recover because defendants did not easily succumb to the prowess of plaintiff's counsel in the underlying workers' compensation claim. See Compl. ¶ 19 ("The Workers' Compensation case became a knock down drag out fight."). This is not a cognizable basis for tort recovery.

### Count IV

The fourth count of this complaint contains no cause of action whatsoever. Instead, it is a summation of catch phrases usually employed when punitive damages are



---

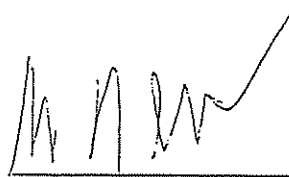
desired. It is apparent that when writing this complaint, plaintiff's counsel was slightly confused about the difference between a "cause of action" and a "demand for relief." See Pa.R.Civ.P. 1020 (2006). Clearly, one must state a cognizable cause of action before asserting a right to relief.

Filing a frivolous lawsuit with the sole purpose of harassment serves no legitimate purpose. Lawsuits such as this cause harm to the judicial system, both in terms of wasted resources and in terms of public perception. This court will not hesitate to dismiss a complaint when it is apparent that it has no factual basis and is intended only to harass and intimidate.

---

VERIFICATION

I, DORA R. GARCIA, ESQUIRE, do hereby certify that I am the attorney for the Plaintiff(s) herein and that as such, I am authorized to take this Verification, and that the facts set forth in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



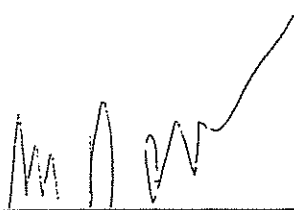
---

DORA R. GARCIA, ESQUIRE  
Attorney for Plaintiff(s)

DATED: 2/2/07

CERTIFICATE OF SERVICE

DORA R. GARCIA, ESQUIRE, hereby certifies that she caused a copy of the foregoing pleadings to be forwarded to all appropriate counsel by First Class Mail, postage pre-paid, as required by the appropriate rules.



---

DORA R. GARCIA, ESQUIRE  
Attorney for Plaintiff

DATED: 2/2/07