

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY
COUNSEL,
Petitioner

v.

NINA E. PERRIS,
Respondent

No. 1228 Disciplinary Docket No. 3

No. 133 DB 2006

Attorney Registration No. 41760
(Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 30th day of May, 2007, there having been filed with this Court by Nina E. Perris her verified Statement of Resignation dated April 3, 2007, stating that she desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Nina E. Perris is accepted; she is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and she shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola

As of: May 30, 2007

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1228 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 133 DB 2006
v.	:	
	:	Attorney Registration No. 41760
NINA E. PERRIS	:	
Respondent	:	(Philadelphia)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

: No. 133 DB 2006 &

v. :

: No. C1-06-629

:

NINA E. PERRIS, :

: Atty. Regis. No. 41760

Respondent : (Philadelphia)

RESIGNATION
UNDER Pa.R.D.E. 215

Nina E. Perris, Esquire, hereby tenders her unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. She is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about October 29, 1984. Her attorney registration number is 41760.

2. She desires to submit her resignation as a member of said bar.

3. Her resignation is freely and voluntarily rendered; she is not being subjected to coercion or duress and she is fully aware of the implications of submitting this resignation.

4. She is aware that there is presently pending an investigation into allegations that she has been guilty of misconduct, the nature of which allegations have been made known to her by service of a letter request for statement of

Respondent's position, Form DB-7, dated November 9, 2006, in the Wilma Jean Millward matter, C1-06-629, a true and correct copy of which is attached hereto, made a part hereof, and marked Exhibit "A."

5. She is aware that there is presently pending a formal disciplinary proceeding, the nature of which charges have been made known to her by service of a Petition for Discipline docketed at No. 133 DB 2006 (Moy matter), a true and correct copy of which is attached hereto, made a part hereof, and marked Exhibit "B."

6. She acknowledges that the material facts upon which the allegations of complaint contained in Exhibit "A" are based are true.

7. She also acknowledges the truthfulness of the factual averments contained in the Joint Stipulations of Fact and Law in the Moy matter, dated November 9, 2006, a true and correct copy of which is attached hereto, made a part hereof, and marked Exhibit "C."

8. She submits the within resignation because she knows that she could not successfully defend herself against the allegations and charges of professional misconduct set forth in the attached exhibits.

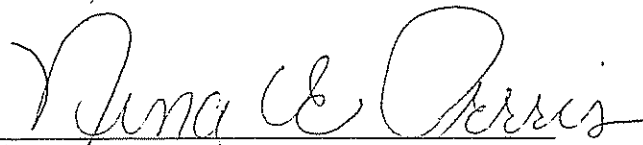
9. She is fully aware that the submission of this Resignation Statement is irrevocable and that she can only

apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b).

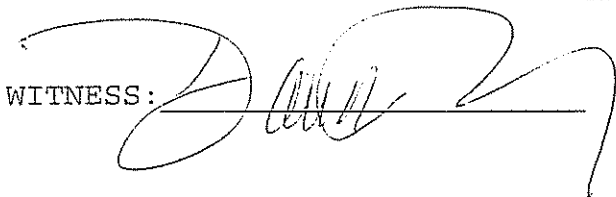
10. She acknowledges that she is fully aware of her right to consult and employ counsel to represent her in the instant proceeding. She has consulted with and acted upon the advice of her counsel, Dana Pirone Garrity, Esquire, in connection with her decision to execute the within resignation.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 3rd day of April, 2007.


Nina E. Perris

WITNESS:



THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA



Paul J. Killion
Chief Disciplinary Counsel

Paul J. Burgoyne
Deputy Chief 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

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

November 9, 2006

PERSONAL AND CONFIDENTIAL

Nina E. Perris, Esquire
c/o Dana Pirone Garrity, Esquire
Stevens & Lee, PC
1818 Market Street
29th Floor
Philadelphia, PA 19103

RE: Complaint of Wilma Jean Millward
File No. C1-06-629
DB-7 Request for Statement of Respondent's Position

Dear Ms. Perris:

Please be advised that this office has received and is currently considering a complaint against you from Wilma Jean Millward, 615 Dorset Avenue, Morrisville, PA 19067. 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 that 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.

EXHIBIT A

The alleged facts presently under consideration are as follows:

1. On August 12, 2000, Ms. Wilma Jean (Whaley) Millward fell off the loading dock at Lancaster Bingo Company, Inc. (hereinafter "Lancaster Bingo") in Lancaster, Ohio.

2. You were retained to represent Ms. Millward in a personal injury matter against Lancaster Bingo.

a. You failed to provide Ms. Millward with a written fee agreement at or near the time of the commencement of the representation.

3. On August 9, 2002, you filed a civil complaint in the United States District Court for the Eastern District of Pennsylvania in a case captioned *Wilma Whaley v. Lancaster Bingo Company, Incorporated*, CV No. 02-6689 (hereinafter "*Whaley v. Lancaster Bingo*").

4. You failed to make service of process on Lancaster Bingo pursuant to Fed.R.Civ.P. 12(b)(5).

5. By letter dated November 12, 2002, from Katherine M. Gallagher, Deputy Clerk to the Honorable Harvey Bartle, III, to you, Ms. Gallagher:

a. advised you that a review of the Court's records showed that you had not made service of the complaint in *Whaley v. Lancaster Bingo*;

b. informed you that service of process must be made in accordance with Fed.R.Civ.P. 4(m) by December 6, 2002; and

c. explained that if proof of service is not filed on or before December 13, 2002, or you have not filed a motion or affidavit showing good cause why such service was not made by December 13, 2002, then the Court may dismiss the complaint without prejudice for lack of prosecution.

6. You received the letter from Ms. Gallagher.

7. On December 13, 2002, you filed with the District Court a pleading captioned "Certification In Response to Court Notice Regarding Service of Complaint," wherein you certified that:

a. you hired a summer associate to help you with your case load, as your former associate *suddenly* died from terminal cancer (emphasis added);

- b. you assigned *Whaley v. Lancaster Bingo* to your summer associate for handling and it was your "understanding that service was made";
- c. upon receipt of the Court's notice that service was not completed, "I reviewed the file and sent the Summons and Complaint out by certified mail, return receipt requested" (emphasis added);
- d. "service was sent out about one week ago and should be completed or will be completed shortly"; and
- e. the statements you made were true and correct to the best of your knowledge, information, and belief, and were made subject to penalties for unsworn falsifications to authorities.

8. Your statement that you had reviewed the file and sent out the Summons and Complaint were false and you knew them to be false when you made them.

9. On March 25, 2003, Lancaster Bingo filed a Motion to Dismiss plaintiff's complaint pursuant to Rule 12(b)(5), a memorandum of law in support thereof, and a certificate of service.

- a. In its Motion to Dismiss, Lancaster Bingo stated that:
 1. you never filed a motion seeking an extension of time allowable for service of process;
 2. on March 6, 2003, you sent a certified letter to Lancaster Bingo enclosing the original Summons and Complaint;
 3. Lancaster Bingo did not receive the Summons or Complaint prior to March 10, 2003;
 4. Lancaster Bingo received the Summons and Complaint over ninety days after the 120 period allowed by Fed.R.Civ.P. 4(m); and
 5. Lancaster Bingo received the Summons and Complaint seven months after the applicable statute of limitations period had expired.

10. On April 4, 2003, you filed a motion requesting an enlargement of time, until April 11, 2003, to file a response to defendant's motion to dismiss.

11. On April 7, 2003, Judge Bartle granted your motion.

12. On April 11, 2003, you filed a motion requesting an enlargement of time, until April 14, 2003, to file a response to defendant's motion to dismiss.

13. On April 14, 2003, Judge Bartle granted your motion and added that no further continuances will be granted.

14. On April 14, 2003, you filed Plaintiff's Response to Defendant's Motion to Dismiss Complaint Pursuant to Rule 12(b)(5); in your Response you stated that:

- a. you had "requested a secretary to send out the Summons and complaint [sic] by certified mail, return receipt requested" (emphasis added);
- b. you had been informed by your secretary that the Summons and Complaint had been mailed out and that the return receipt had not been received; and
- c. upon learning that the Summons and Complaint had not been mailed in December, on March 6, 2003, you personally mailed the Summons and Complaint by certified mail.

15. On April 25, 2003, Judge Bartle granted Lancaster Bingo's motion to dismiss the Complaint without prejudice; in Judge Bartle's Memorandum accompanying the Order, Judge Bartle:

- a. noted that your associate had not suddenly died, but had died prior to December 26, 2001, at least ten months before you were informed by his Deputy Clerk of your failure to make service of process on Lancaster Bingo;
- b. found that you failed to act with reasonable diligence in delegating the service of the complaint to an associate and then to a secretary;
- c. found that your December 13, 2002 certification, in which you certify that you personally had sent the Complaint and Summons by certified mail, was not truthful; and
- d. held that "[a]s a result of the tardiness, lack of effort and dissembling of plaintiff's counsel," plaintiff's case was dismissed without prejudice.

16. As a result of your lack of diligence, the statute of limitations expired on Ms. Millward's personal injury action.

17. On May 23, 2003, you filed an appeal with the United States Court of Appeals for the Third Circuit; the appeal was docketed at No. 03-2568.

18. By Notice dated June 25, 2003, you were notified that the appeal was assigned for mediation before Joseph A. Torregrossa; a mediation session was scheduled for September 15, 2003.

19. On September 15, 2003, you, Ms. Millward, and Ms. Millward's husband attended the mediation session before Mr. Torregrossa, during which time:

- a. Mr. Torregrossa discussed various options to resolve the pending matter, which included Ms. Millward receiving a legal malpractice settlement from you;
- b. you stated that you had legal malpractice insurance to pay the settlement;
- c. you agreed to turn Ms. Millward's legal malpractice claim over to your insurance carrier; and
- d. Mr. Torregrossa gave you ten days to discuss resolution of the legal matter with your client.

20. Your statement to Mr. Torregrossa that you had malpractice insurance was false and you knew it was false when you made it.

21. By letter dated October 14, 2003, from you to Ms. Millward, you wrote:

- a. acknowledging that you had committed malpractice and expressing willingness to resolve the matter;
- b. reiterating that Ms. Millward had the option to pursue her appeal, which could take up to one-and-one-half-years, or to obtain a personal injury settlement from the defendant and a legal malpractice settlement from you;
- c. informing Ms. Millward that the defendant offered \$8,500 and that the Workers' Compensation carrier would take one-third of the settlement amount;
- d. offering to settle your legal malpractice claim for \$20,000, of which you would pay \$5,000 outright and the balance of \$500 per month until it is paid in full; and
- e. suggesting that if Ms. Millward did not find your settlement offer acceptable, then Ms. Millward should consult with another attorney regarding handling her lawsuit.

22. You failed to advise Ms. Millward, in writing, of the desirability of her seeking the advice of independent legal counsel in

connection with the proposed settlement of her legal malpractice claim against you.

23. By letter dated October 15, 2003, from Ms. Millward to you, Ms. Millward:

- a. informed you that your offer of \$20,000 was not acceptable;
- b. explained that at the Mediation Session, she, her husband, and the federal mediator were all led to believe that you had malpractice insurance;
- c. reminded you that the day after the mediation, you admitted that you did not have malpractice insurance;
- d. repeated your statement that if she would sue you, then you would file for bankruptcy; and
- e. requested that you send her \$5,000 in good faith until a final agreement could be reached.

24. You received Ms. Millward's letter.

25. By letter dated October 23, 2003, from you to Ms. Millward, you:

- a. reiterated that your final offer was \$21,650;
- b. rejected Ms. Millward's \$30,000 settlement offer; and
- c. explained that you would not forward \$5,000 until you reached a settlement agreement.

26. You failed to advise Ms. Millward, in writing, of the desirability of her seeking the advice of independent legal counsel in connection with the proposed settlement of her legal malpractice claim against you.

27. Ms. Millward accepted your settlement offer.

28. You failed to protect your unrepresented client's interest by reducing to writing your settlement agreement and advising Ms. Millward to have independent counsel review the agreement.

29. You made an agreement prospectively limiting your liability to Ms. Millward when Ms. Millward was not independently represented by counsel.

30. By Order dated November 10, 2003, the Third Circuit dismissed *Whaley v. Lancaster Bingo* without cost to either party.

31. In January 2004, you began making malpractice settlement payments to Ms. Millward.

32. As of December 2005, you failed to make further payments to Ms. Millward.

33. From time to time thereafter, Ms. Millward contacted you regarding your failure to make further payments.

- a. You threatened to file bankruptcy so that Ms. Millward would receive no additional money.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: 1.1; 1.3; 1.5(b); 1.8(h)(1); 1.8(h)(2); 3.3(a)(1); 4.1(a); 8.4(c); 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.

Even if you decide not to submit your position with respect to this complaint, within twenty days of the date of this letter, you are requested to provide your client file, including pleadings, correspondence, and billing records in the matter of *Whaley v. Lancaster Bingo*.

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 that 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:

Nina E. Perris, Esquire

November 9, 2006

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...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.

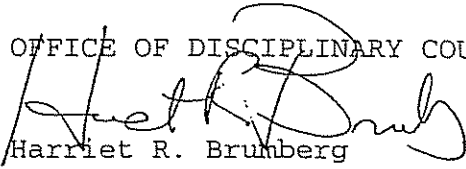
If we do not hear from you within twenty (20) days, we may assume that you do not desire to submit your position with respect to this complaint and can proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file. However, we would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


Harriet R. Brunberg
Disciplinary Counsel

HRB:rbc
CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: :
: No. 133DB 2006
v. :
: Atty. Reg. No. 41760
: :
NINA E. PERRIS, :
Respondent: (Philadelphia)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD

To: NINA E. PERRIS

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

* * * * *

A copy of your answer should be served upon Disciplinary Counsel at the District I Office of Disciplinary Counsel, Seven Penn Center, 16th Floor, 1635 Market Street, Philadelphia, PA 19103, and the original and three (3) conformed copies filed with the Office of the Secretary, the Disciplinary Board of the Supreme Court of Pennsylvania, Two Lemoyne Drive, First Floor, Lemoyne, PA 17043-1226. [Disciplinary Board Rule §89.3(a)(1)]

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

:

: No. 133 DB 2006

v. :

:

: Atty. Reg. No. 41760

NINA E. PERRIS, :

Respondent: (Philadelphia)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Harriet R. Brumberg, Esquire, Disciplinary Counsel, files the within Petition for Discipline, and in support thereof avers the following:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, 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 and to prosecute all disciplinary proceedings brought in accordance with the

Who hereby certify the within
to be a true and correct copy.

FILED

AUG 04 2006

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

various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Nina E. Perris, was admitted to practice law in the Commonwealth on or about October 29, 1984. Respondent maintains an office for the practice of law at 106 W. Upsal Street, Philadelphia, PA 19119.

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

CHARGE

4. On or about December 31, 2001, Mr. Robert Moy was involved in a multi-vehicle automobile accident.

5. Mr. Moy and his wife, Barbara A. Moy, retained Respondent to represent his interests shortly after the accident.

6. On or about December 19, 2002, Mr. and Mrs. Moy received \$100,000 in underinsured motorist benefits from Travelers/Phoenix Insurance Company (hereinafter "Travelers").

7. In or about August 2003, following a damages hearing on the Tortfeasor's Complaint in Equity, Respondent secured a third-party gross settlement of \$178,286.92.

8. At some point during the representation, Respondent came to believe that the Moys should have

received \$300,000 of underinsured motorist benefits because the Moys never waived stacking of their uninsured and underinsured benefits in 1997.

9. Respondent informed the Moys that Respondent would be pursuing an additional \$200,000 worth of underinsured motorist benefits against Travelers.

10. In or around November 2003, Respondent informed the Moys that Respondent had secured an additional \$200,000 settlement of underinsured motorist benefits from Travelers.

a. Respondent's statement that she had secured an additional \$200,000 settlement of underinsured motorist benefits from Travelers was false and Respondent knew it to be false when she made it.

11. On or before November 14, 2003, Respondent drafted a release that provided that Travelers would pay an additional \$200,000 to the Moys in full and final settlement of all underinsured motorist benefits.

a. On November 14, 2003, Respondent signed the release as a witness and had the release notarized.

12. The release was false and Respondent knew it to be false in that Travelers had never agreed to pay an

additional \$200,000 to the Moys for underinsured motorist benefits.

13. Respondent gave a copy of the November 14, 2003 release to the Moys.

a. Respondent intended to deceive the Moys into believing that Travelers had agreed to pay them an additional \$200,000 in underinsured motorist benefits.

14. From time to time thereafter, the Moys contacted Respondent about their receipt of the additional \$200,000 from Travelers.

15. In an effort to continue to deceive the Moys as to the status of their funds, Respondent created two fictitious lawsuits in the Court of Common Pleas of Philadelphia County.

a. To enforce the false underinsured motorist release, Respondent created a fictitious lawsuit captioned *Robert L. Moy, III, and Barbara A. Moy, h/w v. The Travelers Co.*, No. 00822, January Term 2004, Philadelphia County (hereinafter "False Release Action"); and

b. To bring a false bad faith claim against Travelers, Respondent purported to commence

a lawsuit captioned *Robert L. Moy, III, and Barbara A. Moy, h/w v. The Travelers Companies, Citigroup, and John Does*, No. 000969, January Term 2004, Philadelphia County (hereinafter "False Bad Faith Action").

16. With respect to the False Release Action, Respondent created the following bogus documents and sent a copy of these bogus documents to the Moys:

- a. Order, dated February 25, 2004, purportedly signed by the Honorable Bernard J. Goodheart, ordering Travelers to pay the Moys the "agreed upon sum" of \$200,000 and a \$35,000 fine for failure to pay within the prescribed time.
 1. Judge Goodheart never signed such an order.
 2. Respondent affixed what purported to be Judge Goodheart's signature to that Order.
- b. Plaintiff's Motion for Sanctions, dated March 4, 2004, and proposed order.
 1. Respondent never filed the motion.

- c. Memorandum of Law in Support of Motion for Sanctions, dated April 16, 2004, and proposed order.
 - 1. Respondent never filed the memorandum.
- d. Findings of Fact and Order, dated April 30, 2004, purportedly signed by Judge Goodheart, ordering Travelers to pay by May 14, 2004, \$200,000 plus statutory interest of 5%, sanctions of \$350,000, and court costs and fines of \$5,000.
 - 1. Judge Goodheart never signed such an order.
 - 2. Respondent affixed what purported to be Judge Goodheart's signature to that order.
- e. Letter, dated May 14, 2004, from Respondent to Judge Goodheart regarding Travelers' failure to pay the Moys, with a carbon copy to Aaron Pogach, Esquire.
 - 1. Respondent never sent such a letter.
- f. Order, dated May 18, 2004, purportedly signed by Judge Goodheart, imposing \$1,500,000 in sanctions and statutory

interest on Travelers, to be paid by May 24, 2004.

1. Judge Goodheart never signed such an order.

2. Respondent affixed what purported to be Judge Goodheart's signature to that order.

g. Opinion of the Superior Court of Pennsylvania, dated October 12, 2004, purportedly docketed at 1551 EDA 2004, purportedly written by Judges Klein, Popovich, and Johnson, and purportedly docketed by Prothonotary David A. Szewczak, affirming Judge Goodheart's purported imposition of sanctions, fines, and interest.

1. The Superior Court never wrote such an opinion.

h. Order of the Supreme Court of Pennsylvania, dated February 25, 2005, denying Travelers' appeal from the Superior Court's opinion, purportedly docketed by Deputy Prothonotary P. Whittaker.

1. The Supreme Court never entered such an order.

17. Respondent intentionally created the foregoing bogus documents with the intent to mislead and deceive the Moys as to the status of their legal matter.

18. With respect to the False Bad Faith Action, Respondent created the following bogus documents and sent a copy of these bogus documents to the Moys:

- a. Complaint dated January 21, 2004, Amended Complaint dated June 2, 2004, and Amended Complaint dated June 15, 2004.
 1. Respondent never filed these pleadings in the Court of Common Pleas of Philadelphia County.
- b. Plaintiff's First Request for Production of Documents, dated May 24, 2004, addressed to Aaron Pogach, Esquire, from Respondent.
 1. Mr. Pogach did not represent Travelers and was not in any way related to this matter; and
 2. Respondent never sent the Request for Production to Mr. Pogach.
- c. Plaintiff's Motion to Compel Discovery or Sanctions, dated July 9, 2004.

1. Respondent never filed such a motion.
- d. Notice of Intent to Take Default, dated July 23, 2004.
1. Respondent never sent such a notice.
- e. Notice of Trial Date and Courtroom Assignment, dated June 17, 2004, purportedly issued by Allan J. Tereshko, Supervising Judge, Complex Litigation Center.
1. Judge Tereshko did not issue such notice.
- f. Order, dated July 16, 2004, purportedly signed by the Honorable Esther Sylvester, granting plaintiff's motion to compel discovery and awarding Respondent \$500 in counsel fees.
1. Judge Sylvester did not sign such an order.
 2. Respondent affixed what purported to be Judge Ester Sylvester's signature to the order.
- g. Motion to Compel Discovery of Sanctions (Second Request), dated July 28, 2004, purportedly filed by Respondent.
1. Respondent never filed such a motion.

- h. Order dated July 27, 2004, purportedly signed, by Judge Sylvester, granting Plaintiff's motion to compel discovery and awarding Respondent \$500 in counsel fees.
 - 1. Judge Sylvester did not sign such order.
 - 2. Respondent affixed what purported to be Judge Sylvester's signature to the order.
- i. Order dated August 5, 2004, purportedly signed by a Judge "Michael J. Hogan," granting Plaintiff's second motion to compel discovery and awarding Respondent \$750 in attorney's fees.
 - 1. There is no judge by the name of Michael J. Hogan presiding in the Court of Common Pleas of Philadelphia County.
- j. Motion for Sanctions dated August 17, 2004, for failing to provide discovery.
 - 1. Respondent never filed such a motion.
- k. Order dated August 25, 2004, purportedly signed by the Honorable Matthew D. Carrafiello, entering a default judgment

against the Defendants for failure to provide discovery.

1. Judge Carrafiello never signed such an order.
 2. Respondent affixed what purported to be Judge Carrafiello's signature to the order.
1. En banc Opinion and Order of the Superior Court of Pennsylvania, dated February 23, 2005, purportedly docketed at 1637 EDA 2004, affirming entry of default judgment against Defendants, purportedly docketed by the prothonotary.
 1. The Superior Court never entered such an opinion and order.

19. Respondent intentionally created the foregoing bogus documents with the intent to mislead and deceive the Moys as to the status of their legal matter.

20. Respondent deceived the Moys to believe that as a result of Respondent's legal efforts, they would be receiving:

- a. the following amount of monetary sanctions from Travelers: \$1,500,000; \$350,000, and \$35,000;

- b. the underlying \$200,000 underinsured motorist settlement; and
- c. 5% legal interest on the settlement.

21. Respondent prepared a report, dated October 21, 2004, titled Future Assets Derived From Legal Actions, on behalf of Mr. Moy; Respondent's report stated, inter alia, that:

- a. Travelers has been ordered to pay an aggregate \$2,085,000 to Mr. Moy in his signed release lawsuit against Travelers;
- b. Respondent expects that Mr. Moy's bad faith lawsuit against Travelers would settle for more than \$80 million dollars; and
- c. Respondent anticipated that both legal matters would settle within the next 30 to 90 days.

22. Respondent's report was false and misleading in that Mr. Moy was not entitled to receive any funds from nonexistent lawsuits.

- a. Respondent knew her report was false and misleading when she wrote it.

23. Respondent presented this false and misleading report to Mr. Edward Stevenson in order to induce Mr.

Stevenson to lend the Moys the requisite funds to purchase a \$2,800,000 home that Mr. Stevenson was building.

24. By letter dated December 2, 2004, from Respondent to Tracy Colwell, Trimark Capital Funding, with copy to Mr. Moy, Respondent requested financing for the Moys based upon Mr. Moy's anticipated receipt of "money through his various lawsuits."

a. Respondent's letter contained a false statement of material fact in that Mr. Moy was not a party to various lawsuits.

25. By letter dated January 17, 2005, from Respondent to Jen Distance, Rittenhouse Mortgage Brokers, Inc., Respondent wrote:

Mr. Moy has several pending lawsuits and expects to have the major one settled within the next 60 to 90 days. Mr. Moy failed to receive payment from Travelers Insurance Co [sic] and filed several motions to compel payment. Each time Travelers failed to pay, the Court imposed fines and penalties. The last Order awarded Mr. Moy \$1,500,000.00 in addition to \$390,000.00 in fines from two earlier Orders. Interest has been accumulating since June, 2003 which makes the amount due Mr. Moy in excess of Three Million Dollars. This Order is under appeal and we expect the Appellate Courts to continue to uphold the lower Court's decision.

26. Respondent's letter contained false statements of material fact in that the above-described legal matters are fictitious.

27. On or about October 12, 2004, Respondent filed an insurance contract lawsuit in federal court on behalf of the Moys, said case captioned *Robert L. Moy, III, and Barbara A. Moy, husband and wife v. The St. Paul Travelers Company, Inc., and The Phoenix Insurance Company*, No. 04-CV-4783, United States District Court, Eastern District of Pennsylvania.

28. On August 19, 2005, Respondent attended the depositions of Mr. and Mrs. Moy held at her office.

29. At the depositions, Brooks Roderick Foland, Esquire, represented Travelers.

30. During a break in Mr. Moy's deposition, Respondent had a discussion with Mr. Moy and Mr. Foland, during which time Mr. Moy stated that:

- a. Travelers had already agreed to pay him \$200,000;
- b. there was a matter pending against Travelers in the Court of Common Pleas of Philadelphia County seeking payment of the agreed-upon sum; and

- c. the Court of Common Pleas had imposed fines against Travelers, in excess of \$2 million dollars, for failing to pay the \$200,000 or possibly to appear in court or respond to pleadings.

31. At that time, Respondent failed to correct Mr. Moy's false statements to Mr. Foland.

32. When Mr. Moy's deposition resumed, Mr. Foland stated on the record that he:

- a. had "learned during the break that apparently there are parallel proceedings that have been going on unbeknownst to me related to coverage issues in this matter";
- b. would work with Respondent to try to sort out the other proceedings; and
- c. would conclude Mr. Moy's deposition for the time being, but reserved the right to continue Mr. Moy's deposition if he learned anything during his investigation of the other proceedings.

33. After completing Mrs. Moy's deposition, Mr. Foland stated that he reserved the right to recall Mrs. Moy should he obtain information making it necessary to recall her.

34. After Mr. and Mrs. Moy left the deposition room, Respondent informed Mr. Foland that there was:

- a. no agreement for Travelers to pay \$200,000 to the Moys;
- b. no pending state court action against Travelers in Philadelphia County; and
- c. no award or fine levied against Travelers for Travelers' purported failure to pay pursuant to a written agreement or failure to respond to any motion or pleading.

35. Respondent admitted to Mr. Foland, *inter alia*, that she had falsely advised the Moys that:

- a. Travelers had entered into a written settlement agreement for \$200,000;
- b. there was a pending state court action against Travelers; and
- c. the Court of Common Pleas had imposed fines against Travelers in excess of \$2 million dollars.

36. Respondent stated to Mr. Foland that, in order to "take some heat off" of Mr. Moy's continued requests for information about the status of his case, she had made the false statements to the Moys.

37. Respondent intentionally engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation.

38. By her conduct as alleged in Paragraphs 4 through 37 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation;
- b. RPC 4.1(a), which states that in the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person;
- c. RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- d. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and

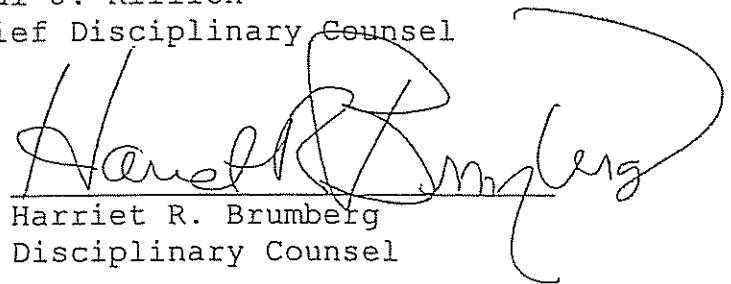
e. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, your Petitioner prays that this Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

By


Harriet R. Brumberg
Disciplinary Counsel

1635 Market Street
16th Floor
Philadelphia, PA 19103
(215) 560-6296

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
:
: No. DB 2006
v. :
: Atty. Reg. No. 41760
NINA E. PERRIS, :
Respondent: (Philadelphia)

VERIFICATION

I verify that the statements made in the foregoing
Petition are true and correct to the best of my knowledge,
information and belief. This statement is made subject to
the penalties of 18 Pa.C.S. §4904 relating to unsworn
falsification to authorities.

7/31/06

Date



Harriet R. Brumberg
Disciplinary Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

:

: No. 133 DB 2006

v. :

: Atty. Reg. No. 41760

NINA E. PERRIS, :

Respondent: (Philadelphia)

JOINT STIPULATIONS OF FACT AND LAW

The following Stipulations are entered into by and between Harriet R. Brumberg, Esquire, Disciplinary Counsel, counsel for Petitioner; Nina E. Perris, Respondent; and James C. Schwartzman, Esquire, counsel for Respondent.

I. GENERAL PROVISIONS

1. Photocopies shall be admissible in lieu of originals.

2. Petitioner and Respondent stipulate to the authenticity and admissibility of Exhibits J-1 through J-31 per accompanying Exhibit List and agree that these Exhibits shall be admitted into evidence without objection.

3. These Joint Stipulations are binding on the parties and shall be admitted into evidence without objection.

4. These Joint Stipulations and referenced Exhibits may be distributed to the Hearing Committee Members in advance of the hearing date.

II. BACKGROUND

5. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, 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 and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

6. Respondent, Nina E. Perris, was admitted to practice law in the Commonwealth on or about October 29, 1984. Respondent maintained an office for the practice of law at 106 W. Upsal Street, Philadelphia, PA 19119.

7. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

CHARGE

8. On or about December 31, 2001, Mr. Robert Moy was involved in a multi-vehicle automobile accident.

9. Mr. Moy and his wife, Barbara A. Moy, retained Respondent to represent their interests shortly after the accident.

10. On or about December 19, 2002, Travelers/Phoenix Insurance Company (hereinafter "Travelers") agreed to pay Mr. and Mrs. Moy \$100,000 in underinsured motorist benefits.

a. A true and correct copy of the Underinsured Motorist Release is marked as Exhibit "J-1."

11. The Moys received their check from Travelers on or after January 2, 2003.

12. In or about August 2003, following a damages hearing on the Tortfeasor's Complaint in Equity, Respondent secured a third-party gross settlement of \$178,286.92.

13. At some point during the representation, Respondent came to believe that the Moys should have received \$300,000 of underinsured motorist benefits because the Moys never waived stacking of their uninsured and underinsured benefits in 1997.

14. Respondent informed the Moys that Respondent would be pursuing an additional \$200,000 worth of underinsured motorist benefits against Travelers.

15. In or around November 2003, Respondent informed the Moys that Respondent had secured an additional \$200,000

settlement of underinsured motorist benefits from Travelers.

- a. Respondent's statement that she had secured an additional \$200,000 settlement of underinsured motorist benefits from Travelers was false and Respondent knew it to be false when she made it.

16. On or before November 14, 2003, Respondent drafted a release that provided that Travelers would pay an additional \$200,000 to the Moys in full and final settlement of all underinsured motorist benefits.

- a. On November 14, 2003, Respondent signed the release as a witness and had the release notarized.
- b. A true and correct copy of the November 14, 2003 Underinsured Motorist Release is marked as Exhibit "J-2."

17. The release was false and Respondent knew it to be false in that Travelers had never agreed to pay an additional \$200,000 to the Moys for underinsured motorist benefits.

18. Respondent gave a copy of the November 14, 2003 release to the Moys.

- a. Respondent intended to deceive the Moys into believing that Travelers had agreed to pay them an additional \$200,000 in underinsured motorist benefits.

19. From time to time thereafter, Mr. Moy contacted Respondent about receipt of the additional \$200,000 from Travelers.

20. In an effort to continue to deceive the Moys as to the status of their funds, Respondent created two fictitious lawsuits in the Court of Common Pleas of Philadelphia County.

- a. To enforce the false underinsured motorist release, Respondent created a fictitious lawsuit captioned *Robert L. Moy, III, and Barbara A. Moy, h/w v. The Travelers Co.*, No. 00822, January Term 2004, Philadelphia County (hereinafter "False Release Action"); and
- b. To bring a false bad faith claim against Travelers, Respondent purported to commence a lawsuit captioned *Robert L. Moy, III, and Barbara A. Moy, h/w v. The Travelers Companies, Citigroup, and John Does*, No. 000969, January Term 2004, Philadelphia

County (hereinafter "False Bad Faith Action").

21. With respect to the False Release Action, Respondent created the following bogus documents and sent a copy of these bogus documents to the Moys:

a. Order, dated February 25, 2004, purportedly signed by the Honorable Bernard J. Goodheart, ordering Travelers to pay the Moys the "agreed upon sum" of \$200,000 and a \$35,000 fine for failure to pay within the prescribed time.

1. Judge Goodheart never signed such an order.

2. Respondent affixed what purported to be Judge Goodheart's signature to that Order.

3. A true and correct copy of Judge Goodheart's purported order of February 25, 2004, is marked as "J-3."

b. Plaintiff's Motion for Sanctions, dated March 4, 2004, and proposed order.

1. Respondent never filed the motion.

2. A true and correct copy of Plaintiff's Motion for Sanctions and proposed order is marked at "J-4."
- c. Memorandum of Law in Support of Motion for Sanctions, dated April 16, 2004, and proposed order.
1. Respondent never filed the memorandum.
 2. A true and correct copy of the April 16, 2004 Memorandum of Law is marked as "J-5."
- d. Findings of Fact and Order, dated April 30, 2004, purportedly signed by Judge Goodheart, ordering Travelers to pay by May 14, 2004, \$200,000 plus statutory interest of 5%, sanctions of \$350,000, and court costs and fines of \$5,000.
1. Judge Goodheart never signed such an order.
 2. Respondent affixed what purported to be Judge Goodheart's signature to that order.
 3. A true and correct copy of Judge Goodheart's purported April 30, 2004

Order and Findings of Fact is marked as "J-6."

e. Letter, dated May 14, 2004, from Respondent to Judge Goodheart regarding Travelers' failure to pay the Moys, with a carbon copy to Aaron Pogach, Esquire.

1. Respondent never sent such a letter.
2. A true and correct copy of Respondent's May 14, 2004 letter to Judge Goodheart is marked as "J-7."

f. Order, dated May 18, 2004, purportedly signed by Judge Goodheart, imposing \$1,500,000 in sanctions and statutory interest on Travelers, to be paid by May 24, 2004.

1. Judge Goodheart never signed such an order.
2. Respondent affixed what purported to be Judge Goodheart's signature to that order.
3. A true and correct copy of Judge Goodheart's purported May 24, 2004 order is marked as "J-8."

g. Opinion of the Superior Court of Pennsylvania, dated October 12, 2004, purportedly docketed at 1551 EDA 2004, purportedly written by Judges Klein, Popovich, and Johnson, and purportedly docketed by Prothonotary David A. Szewczak, affirming Judge Goodheart's purported imposition of sanctions, fines, and interest.

1. The Superior Court never wrote such an opinion.

2. A true and correct copy of the Superior Court's purported October 12, 2004 opinion is marked as "J-9."

h. Order of the Supreme Court of Pennsylvania, dated February 25, 2005, denying Travelers' appeal from the Superior Court's opinion, purportedly docketed by Deputy Prothonotary P. Whittaker.

1. The Supreme Court never entered such an order.

2. A true and correct copy of the Supreme Court's purported February 25, 2005 order is marked as "J-10."

22. Respondent intentionally created the foregoing bogus documents with the intent to mislead and deceive the Moys as to the status of their legal matter.

23. With respect to the False Bad Faith Action, Respondent created the following bogus documents and sent a copy of these bogus documents to the Moys:

a. Complaint dated January 21, 2004, Amended Complaint dated June 2, 2004, and Amended Complaint dated June 15, 2004.

1. Respondent never filed these pleadings in the Court of Common Pleas of Philadelphia County.

2. True and correct copies of the January 21, 2004 Complaint, June 2, 2004 Amended Complaint, and June 15, 2004 Amended Complaint are marked respectively as "J-11(a)," "J-11(b)," and "J-11(c)."

b. Plaintiff's First Request for Production of Documents, dated May 24, 2004, addressed to Aaron Pogach, Esquire, from Respondent.

1. Mr. Pogach did not represent Travelers and was not in any way related to this matter.

2. Respondent never sent the Request for Production to Mr. Pogach.
 3. A true and correct copy of the May 24, 2004 First Request For Production of Documents is marked as "J-12."
- c. Plaintiff's Motion to Compel Discovery or Sanctions, dated July 9, 2004.
1. Respondent never filed such a motion.
 2. A true and correct copy of Plaintiff's July 9, 2004 motion is marked as "J-13."
- d. Notice of Intent to Take Default, dated July 23, 2004.
1. Respondent never sent such a notice.
 2. A true and correct copy of Respondent's July 23, 2004 notice is marked as "J-14."
- e. Notice of Trial Date and Courtroom Assignment, dated June 17, 2004, purportedly issued by Allan J. Tereshko, Supervising Judge, Complex Litigation Center.
1. Judge Tereshko did not issue such notice.

2. A true and correct copy of the purported June 17, 2004 notice is marked as "J-15."

f. Order, dated July 16, 2004, purportedly signed by the Honorable Esther Sylvester, granting plaintiff's motion to compel discovery and awarding Respondent \$500 in counsel fees.

1. Judge Sylvester did not sign such an order.

2. Respondent affixed what purported to be Judge Sylvester's signature to the order.

3. A true and correct copy of the purported July 16, 2004 order of Judge Sylvester is marked as "J-16."

g. Motion to Compel Discovery of Sanctions (Second Request), dated July 28, 2004, purportedly filed by Respondent.

1. Respondent never filed such a motion.

2. A true and correct copy of Respondent's July 28, 2004 Motion to Compel Discovery of Sanctions (Second Request) is marked as "J-17."

h. Order dated July 27, 2004, purportedly signed by Judge Sylvester, granting Plaintiff's motion to compel discovery and awarding Respondent \$500 in counsel fees.

1. Judge Sylvester did not sign such order.

2. Respondent affixed what purported to be Judge Sylvester's signature to the order.

3. A true and correct copy of the purported July 27, 2004 order of Judge Sylvester is marked as "J-18."

i. Order dated August 5, 2004, purportedly signed by a Judge "Michael J. Hogan," granting Plaintiff's second motion to compel discovery and awarding Respondent \$750 in attorney's fees.

1. There is no judge by the name of Michael J. Hogan presiding in the Court of Common Pleas of Philadelphia County.

2. A true and correct copy of the purported August 5, 2004 order is marked as "J-19."

- j. Motion for Sanctions dated August 17, 2004, for failing to provide discovery.
 - 1. Respondent never filed such a motion.
 - 2. A true and correct copy of the August 17, 2004 motion is marked as "J-20."

- k. Order dated August 25, 2004, purportedly signed by the Honorable Matthew D. Carrafiello, entering a default judgment against the Defendants for failure to provide discovery.
 - 1. Judge Carrafiello never signed such an order.
 - 2. Respondent affixed what purported to be Judge Carrafiello's signature to the order.
 - 3. A true and correct copy of Judge Carrafiello's August 25, 2004 order is marked as "J-21."

- l. En banc Opinion and Order of the Superior Court of Pennsylvania, dated February 23, 2005, purportedly docketed at 1637 EDA 2004, affirming entry of default judgment against Defendants, purportedly docketed by the prothonotary.

1. The Superior Court never entered such an opinion and order.

2. A true and correct copy of the purported En banc opinion of the Superior Court is marked as "J-22."

24. Respondent intentionally created the foregoing bogus documents with the intent to mislead and deceive the Moys as to the status of their legal matter.

25. Respondent deceived the Moys to believe that as a result of Respondent's legal efforts, they would be receiving:

- a. the following amount of monetary sanctions from Travelers: \$1,500,000; \$350,000; and \$35,000;
- b. the underlying \$200,000 underinsured motorist settlement; and
- c. 5% legal interest on the settlement.

26. Respondent prepared a report, dated October 21, 2004, titled Future Assets Derived From Legal Actions, on behalf of Mr. Moy; Respondent's report stated, inter alia, that:

- a. Travelers has been ordered to pay an aggregate \$2,085,000 to Mr. Moy in his signed release lawsuit against Travelers;

- b. Respondent expects that Mr. Moy's bad faith lawsuit against Travelers would settle for more than \$80 million dollars; and
- c. Respondent anticipated that both legal matters would settle within the next 30 to 90 days.

27. A true and correct copy of Respondent's October 21, 2004 report is marked as "J-23."

28. Respondent's report was false and misleading in that Mr. Moy was not entitled to receive any funds from these lawsuits at that time.

- a. Respondent knew that her report was false and misleading when she wrote it.

29. Mr. and Mrs. Moy presented Respondent's false and misleading report to Mr. Edward Stevenson, with whom Mr. and Mrs. Moy had an agreement for the purchase of a \$2,800,000 home.

- a. A true and correct copy of the Standard Agreement for the Sale of Real Estate between buyers, Mr. and Mrs. Moy, and seller, Edward Stevenson Builders, Inc., is marked as "J-24";

- b. True and correct copies of the checks to Stevenson Builders, totaling \$210,000, are marked as "J-25."

30. By letter dated December 2, 2004, from Respondent to Tracy Colwell, Trimark Capital Funding, with copy to Mr. Moy, Respondent requested financing for the Moys based upon Mr. Moy's anticipated receipt of "money through his various lawsuits."

- a. Respondent's letter contained a false statement of material fact in that Mr. Moy was not a party to various lawsuits.
- b. A true and correct copy of Respondent's December 2, 2004 letter is marked as "J-26."

31. By letter dated January 17, 2005, from Respondent to Jen Distance, Rittenhouse Mortgage Brokers, Inc., Respondent wrote:

Mr. Moy has several pending lawsuits and expects to have the major one settled within the next 60 to 90 days. Mr. Moy failed to receive payment from Travelers Insurance Co [sic] and filed several motions to compel payment. Each time Travelers failed to pay, the Court imposed fines and penalties. The last Order awarded Mr. Moy \$1,500,000.00 in addition to \$390,000.00 in fines from two earlier Orders. Interest has been accumulating since June, 2003 which makes the amount due Mr. Moy

in excess of Three Million Dollars. This Order is under appeal and we expect the Appellate Courts to continue to uphold the lower Court's decision.

32. A true and correct copy of Respondent's January 17, 2005 letter to Gen Distance, Rittenhouse Mortgage Brokers, Inc. is marked as "J-27."

33. Respondent's letter contained false statements of material fact in that the above-described legal matters are fictitious.

34. On or about October 12, 2004, Respondent filed an insurance contract lawsuit in federal court on behalf of the Moys, said case captioned at *Robert L. Moy, III, and Barbara A. Moy, husband and wife v. The St. Paul Travelers Company, Inc., and The Phoenix Insurance Company*, No. 04-CV-4783, United States District Court, Eastern District of Pennsylvania.

a. A true and correct copy of the docket entries for *Robert L. Moy, III, and Barbara A. Moy, husband and wife v. The St. Paul Travelers Company, Inc., and The Phoenix Insurance Company*, No. 04-CV-4783, United States District Court, Eastern District of Pennsylvania, are marked as "J-28."

35. On August 19, 2005, Respondent attended the depositions of Mr. and Mrs. Moy held at her office.

36. At the depositions, Brooks Roderick Foland, Esquire, represented Travelers.

37. As reported to Respondent by Mr. Moy and Mr. Foland, during a break in Mr. Moy's deposition, Mr. Moy and Mr. Foland had a discussion in which Mr. Moy stated, in Respondent's presence, that there had been a settlement between Travelers and the Moys in a related state court proceeding.

38. At that time, Respondent failed to correct Mr. Moy's false statements to Mr. Foland.

39. When Mr. Moy's deposition resumed, Mr. Foland stated on the record that he:

- a. had "learned during the break that apparently there are parallel proceedings that have been going on unbeknownst to me related to coverage issues in this matter";
- b. would work with Respondent to try to sort out the other proceedings; and
- c. would conclude Mr. Moy's deposition for the time being, but reserved the right to continue Mr. Moy's deposition if he learned

anything during his investigation of the other proceedings.

40. True and correct copies of the portions of depositions of Mr. and Mrs. Moy, wherein Mr. Foland reserves the right to recall the Moys, are marked respectively as "J-29(a)" and "J-29(b)."

41. After completing Mrs. Moy's deposition, Mr. Foland stated that he reserved the right to recall Mrs. Moy should he obtain information making it necessary to recall her.

42. After Mr. and Mrs. Moy left the deposition room, Respondent informed Mr. Foland that there was:

- a. no agreement for Travelers to pay \$200,000 to the Moys;
- b. no pending state court action against Travelers in Philadelphia County; and
- c. no award or fine levied against Travelers for Travelers' purported failure to pay pursuant to a written agreement or failure to respond to any motion or pleading.

43. Respondent admitted to Mr. Foland, *inter alia*, that she had falsely advised the Moys that:

- a. Travelers had entered into a written settlement agreement for \$200,000;

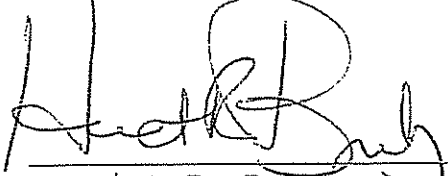
- b. there was a pending state court action against Travelers; and
- c. the Court of Common Pleas had imposed fines against Travelers in excess of \$2 million dollars.

44. According to Mr. Foland, Respondent stated that in order to "take some heat off" of Mr. Moy's continued requests for information about the status of his case, she had made the false statements to the Moys.


45. Respondent engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation.

46.


Signed this 9th day of November, 2006.



Harriet R. Brumberg
Disciplinary Counsel



Nina E. Perris
Respondent



James C. Schwartzman, Esquire
Counsel for Respondent