

# INVESTIGATION INTO CONDUCT OF JUSTICE LARSEN - - BACKGROUND

- **MAY 24, 1988**  
**JUSTICE LARSEN IS CHARGED BY THE JUDICIAL  
INQUIRY BOARD ("JIRB") WITH VIOLATING  
ARTICLE V, SECTION 17(B) OF PENNSYLVANIA'S  
CONSTITUTION**
- **JULY 17, 1991**  
**JIRB REPORTS FINDINGS TO THE PENNSYLVANIA  
SUPREME COURT**
  - **JUSTICE LARSEN, ACTING WITHOUT IMPROPER  
MOTIVE, CREATED AN APPEARANCE OF  
IMPROPRIETY BY MEETING EX PARTE WITH  
JUDGE EUNICE ROSS IN MAY 1986 REGARDING A  
PENDING CASE**
  - **JIRB RECOMMENDED THAT JUSTICE LARSEN BE  
PUBLICLY REPRIMANDED**
- **OCTOBER 14, 1992**  
**BY 2-1 VOTE, PENNSYLVANIA SUPREME COURT  
DECIDES TO ADOPT JIRB'S RECOMMENDATION**

- **NOVEMBER 24, 1992  
AND DECEMBER 15, 1992**

**JUSTICE LARSEN SEEKS RECONSIDERATION OF COURT'S DECISION AND FILES PETITIONS FOR RECUSAL OF JUSTICE ZAPPALA AND JUSTICE CAPPY, CHARGING CRIMINAL AND JUDICIAL MISCONDUCT**

- **MARCH 1993**

**NINTH STATEWIDE INVESTIGATING GRAND JURY BEGINS NINE-MONTH INQUIRY INTO JUSTICE LARSEN'S CHARGES**

- **OCTOBER 1993**

**GRAND JURY ISSUES PRESENTATION NO. 5 RECOMMENDING THAT CRIMINAL CHARGES BE BROUGHT AGAINST JUSTICE LARSEN**

- **OCTOBER 29, 1993**

**PENNSYLVANIA ATTORNEY GENERAL'S OFFICE BRINGS 27-COUNT CRIMINAL COMPLAINT AGAINST JUSTICE LARSEN ALLEGING CRIMINAL CONSPIRACY AND MULTIPLE VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT 35 P.R. 780-113(a)(12), (14).**

• **NOVEMBER 5, 1993**

**GRAND JURY ISSUES REPORT NO. 1 FINDING:**

- **FALSE SWEARING**
- **JUSTICE LARSEN SYSTEMATICALLY MAINTAINED LIST OF PETITIONS FOR ALLOWANCE OF APPEAL TO BE AFFORDED SPECIAL HANDLING BY HIS STAFF**
- **JUSTICE LARSEN REGULARLY OBTAINED PSYCHOTROPIC PRESCRIPTION DRUGS FOR HIS OWN USE BY CAUSING A PHYSICIAN TO ISSUE PRESCRIPTIONS FOR THE DRUGS IN THE NAMES OF MEMBERS OF JUSTICE LARSEN'S STAFF**

• **NOVEMBER 23, 1993**

**HOUSE ADOPTS RESOLUTION NO. 205 AUTHORIZING INVESTIGATION INTO CONDUCT OF JUSTICE LARSEN TO DETERMINE WHETHER HE MAY BE LIABLE TO IMPEACHMENT.**

• **DECEMBER 3, 1993**

**ORDER OF JUDGE THOMAS GATES GRANTING SUBCOMMITTEE ON COURTS' PETITION FOR DISCLOSURE OF GRAND JURY MATERIAL**

**DECEMBER, 1993 -  
- APRIL, 1994**

**SUBCOMMITTEE ON COURTS CONDUCTS  
FACTUAL INVESTIGATION OF JUSTICE  
LARSEN'S CONDUCT AND LEGAL ANALYSIS OF  
GROUND FOR IMPEACHMENT UNDER  
PENNSYLVANIA'S CONSTITUTION**

**• APRIL 9, 1994**  
**JUSTICE LARSEN IS FOUND GUILTY BY A JURY  
ON TWO COUNTS OF CONSPIRACY AND  
ACQUITTED ON REMAINING COUNTS**

**• APRIL 11, 1994**  
**SUBCOMMITTEE ON COURTS' PRELIMINARY  
REPORT IS RELEASED PUBLICLY**

**• APRIL 14, 1994**  
**THROUGH COUNSEL, JUSTICE LARSEN  
DECLINES INVITATION TO TESTIFY BEFORE  
SUBCOMMITTEE ON COURTS**

**• APRIL 20, 1994**  
**SUBCOMMITTEE HEARS ADDITIONAL  
WITNESS TESTIMONY.**

**• APRIL 21, 1994**  
**SPECIAL COUNSEL TO REPORT FINAL  
FINDINGS AND RECOMMENDATIONS TO  
SUBCOMMITTEE ON COURTS**

**• APRIL 22, 1994**  
**SUBCOMMITTEE ON COURTS TO RECOMMEND  
TO FULL JUDICIARY COMMITTEE WHETHER  
IMPEACHMENT ACTION SHOULD BE TAKEN  
AGAINST JUSTICE LARSEN**



**ARTICLE VI, SECTION 6 OF  
PENNSYLVANIA'S CONSTITUTION**

**THE GOVERNOR AND ALL OTHER CIVIL OFFICERS SHALL BE LIABLE TO IMPEACHMENT FOR ANY MISBEHAVIOR IN OFFICE, BUT JUDGMENT IN SUCH CASES SHALL NOT EXTEND FURTHER THAN TO REMOVAL FROM OFFICE AND DISQUALIFICATION TO HOLD ANY OFFICE OF TRUST OR PROFIT UNDER THIS COMMONWEALTH. THE PERSON ACCUSED, WHETHER CONVICTED OR ACQUITTED, SHALL NEVERTHELESS BE LIABLE TO INDICTMENT, TRIAL, JUDGMENT AND PUNISHMENT ACCORDING TO LAW.**

# **IMPEACHABLE MISCONDUCT BY A JUDICIAL OFFICER “MISBEHAVIOR IN OFFICE”**

- **MISCONDUCT WHICH BRINGS THE COURTS INTO DISREPUTE, UNDERMINES PUBLIC CONFIDENCE IN THE INTEGRITY OR IMPARTIALITY OF THE COURT SYSTEM, OR BRINGS INTO SERIOUS QUESTION A JUSTICE’S FITNESS TO REMAIN IN OFFICE**
- **IMPEACHABLE MISCONDUCT MUST BE SERIOUS AND SUBSTANTIAL IN NATURE AND REASONABLY RELATED TO THE JUDGE OR JUSTICE**
- **IMPEACHABLE MISCONDUCT IS NOT LIMITED TO CRIMINAL OFFENSES**
- **AN INDIVIDUAL’S MISCONDUCT MAY BE CONSIDERED IN THE AGGREGATE IN DETERMINING HIS OR HER LIABILITY TO IMPEACHMENT**

# IMPEACHABLE MISCONDUCT BY JUSTICE LARSEN

- AFFORDED SPECIAL HANDLING TO SELECTED PETITIONS FOR ALLOWANCE OF APPEAL TO FAVOR FRIENDS AND POLITICAL CONTRIBUTORS
- MADE RECKLESS, UNSUPPORTED ALLEGATIONS OF JUDICIAL AND CRIMINAL MISCONDUCT BY JUSTICE ZAPPALA AND JUSTICE CAPPY IN PETITIONS FOR RECUSAL
- MADE FALSE STATEMENTS UNDER OATH WHICH WERE INTENDED TO MISLEAD THE GRAND JURY REGARDING EX PARTE CONTACT WITH ATTORNEY ON PENDING ALLOCATUR PETITIONS
- PROVIDED INFORMATION REGARDING PENDING CASE IN EX PARTE MEETING WITH JUSTICE EUNICE ROSS CREATING APPEARANCE OF IMPROPRIETY
- USED OFFICE STAFF AND PERSONAL PHYSICIAN IN ARRANGEMENT TO OBTAIN PRESCRIPTION DRUGS BY FRAUDULENT MEANS

# **SCOPE AND NATURE OF EVIDENTIARY MATERIALS**

- **GRAND JURY TRANSCRIPTS AND EXHIBITS**
- **INVESTIGATIVE INTERVIEW REPORTS**
- **SESSIONS WITH GRAND JURY INVESTIGATORS**
- **JIRB RECORD AND EXHIBITS**
- **CRIMINAL TRIAL RECORD**
- **ADDITIONAL WITNESS INTERVIEWS, DOCUMENT  
REQUESTS AND INVESTIGATION REGARDING  
CERTAIN KEY ISSUES**

**AFFORDED SPECIAL HANDLING TO  
SELECTED PETITIONS FOR ALLOWANCE OF  
APPEAL BASED ON ATTORNEY INVOLVED**

- **OVER 10-YEAR PERIOD, JUSTICE LARSEN REQUESTED HIS OFFICE STAFF TO TRACK CERTAIN PETITIONS FOR ALLOWANCE OF APPEAL FOR SPECIAL HANDLING, BASED ON ATTORNEY INVOLVED, NOT ISSUES PRESENTED.**
- **CASES WERE PLACED ON A SPECIAL LIST.**
- **THE ATTORNEYS INVOLVED WERE FRIENDS AND POLITICAL CONTRIBUTORS OF JUSTICE LARSEN.**
- **JUSTICE LARSEN AFFORDED SPECIAL HANDLING TO THE SPECIAL LIST CASES.**

**JUSTICE LARSEN ABUSED HIS JUDICIAL DISCRETION, ACTED ON ACCOUNT OF PRIVATE INTERESTS AND FAILED TO ACT IN A FAIR AND IMPARTIAL MANNER WITH RESPECT TO APPEALS BEFORE THE SUPREME COURT.**

## SPECIAL ALLOCATUR LIST

**Summary of Evidence that Justice Larsen Had His Staff Track Selected Allocatur Petitions Through the Allocatur Process: These Petitions Got Special Attention from Justice Larsen.**

### Barbara Roberts (Secretary)

Justice Larsen gave her small slips of paper or coversheets bearing allocatur docket numbers which were put on a list kept by Roberts, then by Uhler as list grew longer. Roberts was supposed to destroy the slips of paper. Justice Larsen demanded to see any incoming papers regarding listed cases immediately.

### Janice Uhler (Secretary)

Uhler typed up the list. It included case name or number, and assigned justice. She was to alert Justice Larsen when a listed petition was filed, and to whom it was assigned. Vera Freshwater tracked cases after 1989, as Uhler was phased out. Cases on the list were X'ed out after grant/denial. Justice Larsen told her to "throw away" the list in 1989 or so.

### Mickey Lydon (Law Clerk)

Saw the list in about 1986, learned that Justice Larsen was to be alerted as to activity on any listed case, confronted Justice Larsen.

### Dale Walker (Law Clerk)

Uhler kept list of cases where Justice Larsen "wanted allocatur granted."

### Justice Larsen

Admitted to grand jury instructing secretaries to track activity on certain cases, for innocent purposes. Gave them names of particular attorneys and told them to look out for their cases. Gave cases names if interesting issues were reported in newspapers. Never gave allocatur docket numbers to secretaries and asked them to alert him when the case arrived in the office. No knowledge of Uhler list.

### Jamie Lenzi (Law Clerk)

No knowledge of practice of keeping special list of allocatur petitions for any purpose.

**(Continuation of Exhibit)**

**Summary of Evidence that Justice Larsen Had His Staff Track Selected Allocatur Petitions Through the Allocatur Process; These Petitions Got Special Attention from Justice Larsen.**

**Vera Freshwater (Secretary)**

Justice Larsen asked her to keep track of certain allocatur petitions. (He'd identify one or more a month.) She would pay special attention to whether there were enough votes for a grant. No knowledge of any special list or yellow post-its. Rather, she kept the petitions to be tracked on her desk.

**Debbie Shatten (Law Clerk)**

Acknowledges existence of list of allocatur docket numbers, not "absolutely sure" what purpose was.

**Leonard Mendelson (Attorney)**

May have alerted Justice Larsen to his cases coming up to Supreme Court so Justice Larsen could recuse. May have sent docket numbers.

**Andrew Schiffino (Law Clerk)**

No knowledge of list.

## SPECIAL ALLOCATUR LIST

**Summary of Evidence that Justice Larsen's Purpose in Having Selected Cases Tracked was to Give Special Attention to Cases Because of the Attorneys Involved**

- **The Buttermore and Driscoll cases**
- **Relationship with attorney involved in each of 14 cases.**
- **Took affirmative steps to advance position advocated by these attorneys.**
- **Testimony of Barbara Roberts; Mickey Lydon; Dale Walker; Vera Freshwater**
- **Justice Larsen's requests to keep list hidden; to destroy the list.**
- **Justice Larsen's asserted reasons for tracking selected allocatur cases are not credible.**



**JUSTICE LARSEN'S RELATIONSHIP WITH  
LEONARD MENDELSON AND S. MICHAEL STREIB**

<b>DATE</b>	<b>NATURE OF RELATIONSHIP</b>
1977	Mendelson acts as Justice Larsen's campaign treasurer; contributes \$1,500 and loans \$2,500 to the campaign.
1978-1981	Streib is law clerk for Justice Larsen.
Aug. 20, 1980 - June 30, 1981	Streib represents Justice Larsen in lawsuit against Parker Hunter, Inc., a stock brokerage firm. At binding arbitration hearing, panel including Mendelson awards \$56,538 to Justice Larsen.
Sept. 29, 1980 - Sept. 18, 1981	Streib represents Justice Larsen in lawsuit against Marshall Waddell, et al., obtaining \$35,000 settlement.
1981-present	Streib maintains legal office in Mendelson suite in 230 Grant Building; frequently assists Mendelson firm on cases handled by Mendelson firm; frequently is referred cases by Mendelson firm.
Nov. 1983 - Aug. 11, 1986	Mendelson represents Justice Larsen in Highpointe zoning dispute. No fees were paid.
Aug. 11, 1986	Mendelson withdraws his appearance and his niece, Carol Rosenbloom, a personal injury attorney with no real estate experience, enters appearance for Justice Larsen in Highpointe matter. No fees were paid.
1984	According to Judge Emil Narick, Justice Larsen seeks to influence Judge Narick regarding assignment of tax appeal cases in which Mendelson represents parties.
Sept. 9, 1985 - Jan. 31, 1986	Mendelson's daughter, Anne, is secretarial assistant to Justice Larsen.

**JUSTICE LARSEN'S RELATIONSHIP WITH  
LEONARD MENDELSON AND S. MICHAEL STREIB**

<b>DATE</b>	<b>NATURE OF RELATIONSHIP</b>
Nov. 1985 - Jan. 1986	David Nixon of Mendelson firm represents Justice Larsen in connection with purchase of Lakewood Manor Associates, a limited partnership owning a 40-unit apartment building in Mercer County and an 11-unit apartment building in Altoona. Justice Larsen requests Nixon's bill to be sent on personal stationery, even though Mendelson firm ultimately receives \$500 fee.
Feb. 1984 - Aug. 1986	Mendelson represents Justice Larsen in tax assessment appeal relating to his condominium on Grandview Avenue. No fees were paid.
Aug. 1986-1990	Mendelson withdraws his appearance and Carol Rosenbloom picks up representation of Justice Larsen on condominium tax assessment matter. She was paid a \$100 retainer, but it was returned to Justice Larsen.
1990 - present	Michael Streib continues representation of Justice Larsen on condominium tax assessment appeal. He handled a 1990 conciliation and was paid nothing -- Justice Larsen took him out to dinner instead.
Dec. 12, 1985 - Mar. 7, 1988	Streib represents Justice Larsen as intervenor in zoning litigation relating to an application for a variance by Ralph St. Clair.
Oct. 20, 1987	Streib makes \$7,750 campaign contribution to Justice Larsen for 1987 retention election.
Sept. 13, 1988	Mendelson testifies for Justice Larsen before JIRB.
Apr. 21, 1989	Mendelson again testifies for Justice Larsen before JIRB.
Oct. 14, 1991 - Nov. 30, 1993	Anne Mendelson is employed as "research consultant" to Justice Larsen.

**JUSTICE LARSEN'S RELATIONSHIP WITH  
LEONARD MENDELSON AND S. MICHAEL STREIB**

<b>DATE</b>	<b>NATURE OF RELATIONSHIP</b>
Nov. 15, 1991 - July 29, 1992	Mendelson represents Justice Larsen in potential libel action against Rivers Club. The matter is settled.

# Special List Cases

<i>Case Name</i>	<i>Attorney</i>	<i>Attorney for</i>	<i>Docket Number, Petition Date</i>	<i>Recommendation of Assigned Justice</i>	<i>Larsen's Action on Petition</i>	<i>Disposition of Petition</i>	<i>Date</i>	<i>Argument Date</i>	<i>Disposition of Appeal</i>	<i>Date</i>	<i>Justice Larsen's Action on Merits</i>
Pittsburgh North	Mendelson	appellant	W.D. No. 202 4/3/85	Papadiakos - D	Counter-report - G	granted	10/22/85	9/15/86	affirmed denial of delay compensation to appellant	4/6/87	Larsen did not participate after recommending grant
Franklin Interiors v. Wall of Fame Management	Glasser (Mendelson's firm)	appellant	W.D. No. 203 4/4/85	Larsen - G	-	granted	8/20/85	3/6/86	reversed in favor of appellants	6/23/86	Larsen joined court's opinion favoring Mendelson firm's position
Jo Vi Jo	Mendelson & Streib	appellant/ plaintiff	W.D. No. 534 8/16/85	Hutchinson - PC Reversal.  On reconsideration: Hutchinson - D	Joined in PC Reversal.  On reconsideration - D	PC Reversal.  On reconsideration, G, contrary to Mendelson's position.	1/28/86  1/6/87	  3/10/87	  No summary judgment for plaintiff; remanded for trial	  7/28/88	Larsen joined in per curiam opinion against Mendelson's position
Tiffany Gall	Mendelson	appellants	W.D. No. 388 7/11/86	McDermott - D	Counter-report - G	granted	10/15/87	9/26/88	reversed in favor of appellants	3/3/89	Larsen joined in per curiam decision favoring Mendelson's position
Estate of Charles Hall	Mendelson	appellants	W.D. No. 400 7/21/86	Larsen - G	-	granted	12/15/86	9/22/87	reversed in part, denying appellees' claim for management fees	12/23/87	Larsen joined in per curiam opinion

# Special List Cases

<i>Case Name</i>	<i>Attorney</i>	<i>Attorney for</i>	<i>Docket Number, Petition Date</i>	<i>Recommendation of Assigned Justice</i>	<i>Larsen's Action on Petition</i>	<i>Disposition of Petition</i>	<i>Date</i>	<i>Argument Date</i>	<i>Disposition of Appeal</i>	<i>Date</i>	<i>Justice Larsen's Action on Merits</i>
Earl Miller	Mendelson	appellants	W.D. No. 170 3/20/87	Hutchinson - G	Investigation continuing	granted	9/23/87	9/26/88	reversed in favor of appellants	3/3/89	Larsen joined in per curiam decision favoring Mendelson's position.
Zullo	Mendelson	appellant	W.D. No. 62 1/29/88	Nix - D	Counter-report - G	granted	8/9/88	3/6/89	affirmed	6/5/89	Larsen recused himself after recommending grant
Lowy	Streib	appellant	W.D. No. 126 3/6/85	Flaherty - D	Counter-report - G	granted	8/23/85	3/7/86	appeal dismissed per curiam as "imprudently granted"	6/10/88	Larsen dissented, consistent with Streib's position
Buttermore	Gilardi	appellee	W.D. No. 579 12/10/87	Larsen - D	-	granted	6/28/88	3/8/89	reversed in part against appellee: husband-plaintiff's claim	7/6/89	Larsen dissented, consistent with Gilardi's position
Driscoll	Gilardi	appellant	W.D. No. 79 2/8/88	McDermott - G	Voted G	granted	11/2/88	9/25/89	affirmed and remanded	8/24/90	Larsen joined in per curiam opinion against Gilardi's position
Levin	Daniels was party	appellant cross-appellee	E.D. No. 344 7/25/83 E.D. No. 381	Zappala - G	Did not participate in either petition.	granted cross-appeal granted	11/16/83 11/16/83	4/12/84 4/12/84	appellant's defense of lack of personal jurisdiction waived, required to certify accounts	9/4/84 9/4/84	Larsen did not participate

# Special List Cases

<i>Case Name</i>	<i>Attorney</i>	<i>Attorney for</i>	<i>Docket Number; Petition Date</i>	<i>Recommendation of Assigned Justice</i>	<i>Larsen's Action on Petition</i>	<i>Disposition of Petition</i>	<i>Date</i>	<i>Argument Date</i>	<i>Disposition of Appeal</i>	<i>Date</i>	<i>Justice Larsen's Action on Merits</i>
Reilly v. SEPTA	Daniels; Sprague on appeal	appellant	E.D. No. 404 6/84	Larsen - G	--	granted	10/1/84	10/30/84	reversed in favor of appellant - saved Daniels \$7 million verdict	11/8/84	Larsen joined in decision favoring Daniels
District Council 33	Daniels	appellants	E.D. No. 647 7/18/86	Larsen - G	--	granted	3/3/87	11/10/87	reversed and remanded in favor of appellants	2/26/88	Larsen joined in per curiam decision favoring Daniel's position
Spencer v. SEPTA	Daniels	cross-appellees	E.D. No. 730	Larsen - D	--	cross-appeal denied	3/3/87	4/11/89	per curiam affirmance	10/31/90	Larsen dissented -- consistent with Daniels' position
		appellant	E.D. Misc. No. 152 (plenary) 11/17/88	Investigation continuing	Investigation continuing	granted	1/13/89				

**SPECIAL ALLOCATUR LIST**

**JUSTICE LARSEN'S ASSERTED REASONS FOR  
TRACKING SELECTED ALLOCATUR PETITIONS**

- For recusal purposes
- To monitor alleged bias by Justice Flaherty against Leonard Mendelson and William Meehan

**SPECIAL ALLOCATUR LIST**

**RECUSAL PATTERN -- MENDELSON CASES IN SUPREME COURT**

- Participated in 22 cases; Recused in one case (after special list issue was raised in grand jury)
- In 6 cases, participated in allocatur process and recused on merits, after appeal was granted. (Wrote report or counter-report in 4 of these cases.)
- In **Ralph Myers**, recommended grant on petition pending when Mendelson was arbitrator in Justice Larsen's suit against stock brokers.
- Recommended grants in **Pittsburgh North** and **Franklin Interiors**, at time when Mendelson was Justice Larsen's unpaid attorney of record in Highpointe zoning cases, and condominium tax assessment appeal.
- Participated in **Jo Vi Jo, Beil, Duquesne Club, Gall, Estate of Charles Hall, Reno, BAC**. All were filed or pending at time when Mendelson was representing Justice Larsen in his personal legal matters.
- Mendelson testified that Justice Larsen recommended he transfer Highpointe and tax assessment cases to another attorney so that Justice Larsen could participate in Mendelson cases in Supreme Court.
- In each of the 22 cases in which Mendelson or his firm represented a party in the Supreme Court, allocatur was granted or denied in accordance with the position they advocated.



## Mendelson Cases Appealed to Supreme Court After 1976

Case Name	Attorney / Attorney for	Petition Date/ Docket Number	Disposition of Petition	Justice Larsen's Actions on Petition	Justice Larsen's Actions on Merits
Truck Terminal Realty Co. v. PennDot	Mendelson/ appellants	6/19/78 Allocatur WD No. 1638	Granted	Participated per docket	Did not participate -- Justice Larsen's decision favoring Mendelson as trial court judge had been reversed
Ralph Myers Contracting Corp. v. PennDot	Mendelson/ appellant	1/9/81 WD Misc. No. 6	Granted	Report - G	Joined decision in favor of Mendelson's position
Hazelwood Lumber Company v. Smallhoover	Mendelson/ appellant	12/4/81 WD Misc. No. 373	Granted	Participated per docket	Did not participate
Appeals of Chartiers Valley School Dist. from Assessment of Property of Conn. General Life Ins. Co., et al.	Mendelson/ appellants	7/22/82 Allocatur WD No. 179	Granted	Report - G	Did not participate
Pittsburgh North, Inc. v. PennDot	Mendelson/ appellant	4/3/85 Allocatur WD No. 202	Granted	Counter Report: G	Did not participate
Franklin Interiors v. Wall of Fame Management	Glaser (Mendelson's firm)/ appellant	4/4/85 Allocatur WD No. 203	Granted	Report: G	Joined court's opinion reversing in favor of Mendelson's position
Beil (Bell) v. Orbital Eng'g	Mendelson/ appellee	5/30/85 Allocatur WD No. 344	Denied	Participated per docket	-- --

## Mendelson Cases Appealed to Supreme Court After 1976

Case Name	Attorney / Attorney for	Petition Date/ Docket Number	Disposition of Petition	Justice Larsen's Actions on Petition	Justice Larsen's Actions on Merits
Jo Vi Jo	Mendelson; Streib/ appellant	8/16/85 Allocatur WD No. 534	PC reversal	Joined in PC reversal	Joined per curiam decision against Mendelson's position
Appeal of Duquesne Club	Mendelson/ appellee	10/15/85 Allocatur WD No. 673	Denied	Participated per docket	-- --
Tiffany Gall	Mendelson/ appellant	7/11/86 Allocatur WD No. 388	Granted	Counter Report: G	Joined per curiam decision favoring Mendelson's position
Estate of Charles Hall	Mendelson/ appellants	7/21/86 Allocatur WD No. 400	Granted	Report: G	Joined per curiam Decision
Deer Creek Drainage Basin Authority v. Pacoma, Inc.	Mendelson/ appellee	9/4/86 Allocatur WD No. 481	Denied	Participated per docket	-- --
Earl Miller	Mendelson/ appellants	3/20/87 Allocatur WD No. 170	Granted	Participated per docket	Joined per curiam decision favoring Mendelson's position
Appeal of Municipality of Penn Hills and Penn Hills School District	Mendelson/ appellant	4/20/87 Allocatur WD No. 177	Granted	Participated per docket	Participated in decision against Mendelson's position

## Mendelson Cases Appealed to Supreme Court After 1976

Case Name	Attorney / Attorney for	Petition Date/ Docket Number	Disposition of Petition	Justice Larsen's Actions on Petition	Justice Larsen's Actions on Merits
Connecticut General Life Ins. Co., et al. v. Chartiers Valley School Dist.	Mendelson/ appellant	1/20/88 Allocatur WD No. 37 & WD No. 39	Granted	Participated per docket	Did not participate
Zullo	Mendelson/ appellant	1/29/88 Allocatur WD No. 62	Granted	Counter Report: G	Did not participate
Shadyside Action Coalition v. Zoning Bd. of Adjustment of City of Pittsburgh	Mendelson/ appellee	5/25/88 Allocatur WD No. 286	Denied	Participated per docket	-- --
Appeal of City of Pittsburgh (a/k/a Appeal of Damian)	Mendelson/ appellee	6/1/88 Allocatur WD No. 301	Denied	Participated per docket	-- --
Township of Kennedy	Mendelson/ appellee	11/9/88 Allocatur WD No. 598	Denied	Participated per docket	-- --
BAC v. Millcreek Twp.	Delle Donne (Mendelson's firm)/appellant	3/8/91 Allocatur WD No. 127	Granted	Voted G	Did not participate due to suspension
Reno	Mendelson/ appellant	5/17/91 Allocatur WD No. 219	Granted	Report - G	Did not participate
Township of Kennedy	Geraghty (Mendelson's firm)/ appellee	8/10/92 Allocatur WD No. 101	Denied	Participated per docket	-- --
Allegheny West Civic Council	Mendelson/ appellee	8/16/93 Allocatur WD Nos. 463, 464, 465, 466	Pending	Did not participate	-- --



Hollinshead and Mendelson  
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August 11, 1986

E. D. Hollinshead, Jr.  
Leonard M. Mendelson  
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Richard W. Gladstone, II, Esq.  
ECKERT, SEAMANS, CHERIN & MELLOTT  
42nd Floor, 600 Grant Street  
Pittsburgh, PA 15219

Re: Rolf Larsen vs. Zoning Board of  
Adjustment of the City of Pittsburgh, et al.  
No. S.A. 387 of 1984

Dear Mr. Gladstone:

Enclosed please find a copy of the Praecipe to Withdraw Appearance which has been filed in the above-captioned matter on behalf of Rolf Larsen. I am withdrawing my appearance because Carol Rosenbloom's appearance has been entered on Mr. Larsen's behalf.

Very truly yours,

  
Leonard M. Mendelson

/mfg

Enclosure

cc: Joel P. Aaronson, Esq.  
Dante P. Pellegrini, Esq.  
Nicholas P. Cafardi, Esq.  
Ira Weiss, Esq.  
William Fahey, Esq.  
John J. Zagari, Esq.  
Carol S. Rosenbloom, Esq.  
(all w/enc.)

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

IN RE:

APPEAL OF ROLF LARSEN FROM THE ACTION )  
OF THE BOARD OF PROPERTY ASSESSMENT, )  
APPEALS AND REVIEW OF ALLEGHENY COUNTY, )  
PENNSYLVANIA, OF PROPERTY SITUATE IN )  
THE 19TH WARD OF THE CITY OF PITTSBURGH )

CASE NO. GD84-13925

PRAECIPE TO WITHDRAW APPEARANCE

TO: JOHN P. JOYCE, PROTHONOTARY

Please withdraw my appearance as counsel for Rolf Larsen in the  
above-captioned case, an appearance on his behalf having been entered by other  
counsel.

Date: August 11, 1986

  
LEONARD M. MENDELSON, ESQ.

**SPECIAL ALLOCATUR LIST**

**JUSTICE LARSEN'S EXPLANATION THAT HE TRACKED CASES BECAUSE  
OF JUSTICE FLAHERTY'S ALLEGED BIAS AGAINST  
ATTORNEYS MENDELSON AND MEEHAN**

- No pattern of adverse votes by Flaherty in such cases as of 1983, or
- Illogical -- no reason to track allocatur docket actions to monitor adverse action on merits (appeal docket).
- Grand jury testimony or interviews of Mendelson, Meehan, Justice Flaherty, Justice Papadakos.

## Mendelson Cases Appealed to Supreme Court After 1976

Case Name	Attorney / Attorney for	Petition Date/ Docket Number	Disposition of Petition	Justice Larsen's Actions on Petition	Justice Larsen's Actions on Merits	Justice Flaherty's Actions on Merits
Truck Terminal Realty Co. v. PennDot	Mendelson/ appellants	6/19/78 Allocatur WD No. 1638	Granted	Participated per docket	Did not participate -- Justice Larsen's decision favoring Mendelson as trial court judge had been reversed	Not part of the court
Ralph Myers Contracting Corp. v. PennDot	Mendelson/ appellant	1/9/81 WD Misc. No. 6	Granted	Report - G	Joined decision in favor of Mendelson's position	Joined decision in favor of Mendelson's position
Hazelwood Lumber Company v. Smallhoover	Mendelson/ appellant	12/4/81 WD Misc. No. 373	Granted	Participated per docket	Did not participate	Joined decision in favor of Mendelson's position
Appeals of Chartiers Valley School Dist. from Assessment of Property of Conn. General Life Ins. Co., et al.	Mendelson/ appellants	7/22/82 Allocatur WD No. 179	Granted	Report - G	Did not participate	Joined per curiam decision dismissing appeal as improvidently granted
Pittsburgh North, Inc. v. PennDot	Mendelson/ appellant	4/3/85 Allocatur WD No. 202	Granted	Counter Report: G	Did not participate	Participated in decision against Mendelson's position
Franklin Interiors v. Wall of Fame Management	Glasser (Mendelson's firm)/ appellant	4/4/85 Allocatur WD No. 203	Granted	Report: G	Joined court's opinion reversing in favor of Mendelson's position	Joined court's opinion reversing in favor of Mendelson's position
Beil (Bell) v. Orbital Eng'g	Mendelson/ appellee	5/30/85 Allocatur WD No. 344	Denied	Participated per docket	-- --	-- --



## Mendelson Cases Appealed to Supreme Court After 1976

Case Name	Attorney / Attorney for	Petition Date/ Docket Number	Disposition of Petition	Justice Larsen's Actions on Petition	Justice Larsen's Actions on Merits	Justice Flaherty's Actions on Merits
Jo Vi Jo	Mendelson; Streib/ appellant	8/16/85 Allocatur WD No. 534	PC reversal	Joined in PC reversal	Joined per curiam decision against Mendelson's position	Joined per curiam decision against Mendelson's position
Appeal of Duquesne Club	Mendelson/ appellee	10/15/85 Allocatur WD No. 673	Denied	Participated per docket	-- --	-- --
Tiffany Gall	Mendelson/ appellant	7/11/86 Allocatur WD No. 388	Granted	Counter Report: G	Joined per curiam decision favoring Mendelson's position	Joined per curiam decision favoring Mendelson's position
Estate of Charles Hall	Mendelson/ appellants	7/21/86 Allocatur WD No. 400	Granted	Report: G	Joined per curiam Decision	Joined per curiam Decision
Deer Creek Drainage Basin Authority v. Pacoma, Inc.	Mendelson/ appellee	9/4/86 Allocatur WD No. 481	Denied	Participated per docket	-- --	-- --
Earl Miller	Mendelson/ appellants	3/20/87 Allocatur WD No. 170	Granted	Participated per docket	Joined per curiam decision favoring Mendelson's position	Joined per curiam decision favoring Mendelson's position
Appeal of Municipality of Penn Hills and Penn Hills School District	Mendelson/ appellant	4/20/87 Allocatur WD No. 177	Granted	Participated per docket	Participated in decision against Mendelson's position	Participated in decision against Mendelson's position

## Mendelson Cases Appealed to Supreme Court After 1976

Case Name	Attorney / Attorney for	Petition Date/ Docket Number	Disposition of Petition	Justice Larsen's Actions on Petition	Justice Larsen's Actions on Merits	Justice Flaherty's Actions on Merits
Connecticut General Life Ins. Co., et al. v. Chartiers Valley School Dist.	Mendelson/ appellant	1/20/88 Allocatur WD No. 37 & WD No. 39	Granted	Participated per docket	Did not participate	Participated in per curiam decision affirming lower court decision
Zullo	Mendelson/ appellant	1/29/88 Allocatur WD No. 62	Granted	Counter Report: G	Did not participate	Joined decision against Mendelson's position
Shadyside Action Coalition v. Zoning Bd. of Adjustment of City of Pittsburgh	Mendelson/ appellee	5/25/88 Allocatur WD No. 286	Denied	Participated per docket	-- --	-- --
Appeal of City of Pittsburgh (a/k/a Appeal of Damian)	Mendelson/ appellee	6/1/88 Allocatur WD No. 301	Denied	Participated per docket	-- --	-- --
Township of Kennedy	Mendelson/ appellee	11/9/88 Allocatur WD No. 598	Denied	Participated per docket	-- --	-- --
BAC v. Millcreek Twp.	Delle Donne (Mendelson's firm)/appellant	3/8/91 Allocatur WD No. 127	Granted	Voted G	Did not participate due to suspension	Joined decision against Mendelson's position
Reno	Mendelson/ appellant	5/17/91 Allocatur WD No. 219	Granted	Report - G	Did not participate	Joined per curiam decision dismissing appeal as having been improvidently granted
Township of Kennedy	Geraghty (Mendelson's firm)/ appellee	8/10/92 Allocatur WD No. 101	Denied	Participated per docket	-- --	-- --
Allegheny West Civic Council	Mendelson/ appellee	8/16/93 Allocatur WD Nos. 463, 464, 465, 466	Pending	Did not participate	-- --	-- --

## Meehan Cases Appealed to Supreme Court After 1976

Case Name	Attorney / Attorney for	Petition Date/ Docket Number	Disposition of Petition	Larsen's Actions on Petition	Larsen's Actions on Merits	Flaherty's Actions on Merits
In re Reapportionment Plan for Pennsylvania General Assembly	Meehan/ appellant	10/26/81 ED Misc. No. 558	N/A (appeal as of right)	N/A	Dissented consistent with Meehan's position. Also noted he would grant reargument	Voted with majority affirming plan
In re Pinckney	Meehan/ appellee	3/8/87 Allocatur ED No. 369	Denied	Participated as per docket	-- --	-- --
City of Hazleton v. City Council of City of Hazleton	Meehan/ appellant	10/12/90 Allocatur ED No. 903	Granted	Participated as per docket	Voted with majority to affirm contrary to Meehan's position	Dissented -- would have reversed in favor of Meehan's position

\* These cases were found on a WestLaw search and may not include all cases appealed to Supreme Court by Meehan

## **EX PARTE CONTACT WITH ATTORNEY ON PENDING ALLOCATUR PETITIONS**

- IN EARLY 1988, JUSTICE LARSEN ENCOURAGED AND ENGAGED IN IMPROPER EX PARTE CONTACT BY RICHARD GILARDI AT A TIME WHEN HE HAD TWO CASES INVOLVING PETITIONS FOR ALLOWANCE OF APPEAL PENDING BEFORE SUPREME COURT.
- GILARDI REQUESTED JUSTICE LARSEN TO PERSONALLY REVIEW PENDING PETITIONS, CONTRARY TO JUSTICE LARSEN'S ORDINARY PRACTICE.
- THE CASES BUTTERMORE AND DRISCOLL WERE PLACED ON SPECIAL LIST.
- JUSTICE LARSEN TOOK ACTION FAVORABLE TO GILARDI'S TWO PETITIONS FOR ALLOWANCE OF APPEAL.

**JUSTICE LARSEN FAILED TO ACT IN A FAIR AND IMPARTIAL MANNER WITH RESPECT TO ALL LITIGANTS SEEKING TO HAVE APPEALS HEARD BEFORE THE SUPREME COURT OF PENNSYLVANIA**

yes

SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

CECELIA DRISCOLL and )

WILLIAM DAILEY, )

RESPONDENTS )

vs. )

CARPENTERS DISTRICT COUNCIL )  
OF WESTERN PENNSYLVANIA and )  
UNITED BROTHERHOOD OF )  
CARPENTERS )

PETITIONERS )

NO.  
ALLOCATUR DOCKET 1988

PETITION FOR ALLOWANCE OF APPEAL

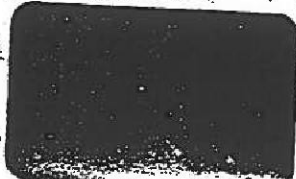
Petition for Allowance of Appeal From the Judgment and Order of the Superior Court of Pennsylvania, No. 1673 Pittsburgh, 1986, dated January 11, 1988, which Reversed the Judgment and Order of the Court of Common Pleas of Allegheny County, Pennsylvania, at No. GD 85-10911, dated October 28, 1986.

Richard D. Gilardi, Esq.  
Ronald L. Gilardi, Esq.

GILARDI & COOPER

808 Grant Building  
Pittsburgh, PA 15219  
(412) 391-9779  
Attorneys for Petitioners

*[Handwritten signature]*  
5/12/93



IN THE  
SUPREME COURT OF PENNSYLVANIA  
Western District

No

No. 579 W.D. Allocatur Docket 1987

JAMES J. BUTTERMORE and  
ANN BUTTERMORE, his wife,

vs.

ALIQUIPPA HOSPITAL; MICHAEL ZERNICH, M.D.;  
BEAVER COUNTY SPORTS MEDICINE, INC.;  
DONALD KERR, R.P.T.; MICHAEL ZERNICH, M.D.  
and DONALD KERR, R.P.T., t/d/b/a PHYSIOTHERAPY  
and SPORTS MEDICINE CLINIC; RODNEY ALTMAN, M.D.  
and WILLIAM DUMEYER, M.D.,

vs.

FRANCES E. MOSER,

Petition of Michael Zernich, M.D., Donald Kerr, R.P.T.  
and William Dumeyer, M.D.

PETITION FOR ALLOWANCE OF APPEAL

Petition for Allowance of Appeal from the Order of  
November 10, 1987, of the Superior Court of Pennsylvania  
Affirming the Order of March 27, 1986 of the Court of  
Common Pleas of Beaver County, Pennsylvania, Civil  
Division, at No. 1597 of 1983, in Trespass

John W. Jordan IV, Esquire  
Pa. I.D. #17308  
Grigsby, Gaca & Davies, P.C.  
Attorneys for Petitioners  
Michael Zernich, M.D.,  
Donald Kerr, R.P.T. and  
William Dumeyer, M.D.

One Gateway Center  
Tenth Floor  
Pittsburgh, PA 15222  
(412) 281-0737



JW  
5/12/83

**FALSE STATEMENTS UNDER OATH INTENDED  
TO MISLEAD GRAND JURY REGARDING EX  
PARTE CONTACT WITH ATTORNEY ON  
PENDING ALLOCATUR PETITIONS**

- JUSTICE LARSEN, WHILE UNDER OATH TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, DID KNOWINGLY AND CONTRARY TO THAT OATH MAKE FALSE STATEMENTS WHICH WERE INTENDED TO MISLEAD THE GRAND JURY
- JUSTICE LARSEN FALSELY STATED THAT HE NEVER DISCUSSED WITH RICHARD GILARDI, ESQUIRE, TWO PENDING PETITIONS FOR ALLOWANCE OF APPEAL IN WHICH GILARDI REPRESENTED A PARTY
- JUSTICE LARSEN FALSELY STATED THAT GILARDI NEVER DELIVERED TO HIS CHAMBERS THE COVER SHEETS FROM THE BUTTERMORE AND DRISCOLL PETITIONS FOR ALLOWANCE OF APPEAL

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Q Has any attorney ever provided an allocatur docket number to you after papers were received in your office and alerted you to the fact that a particular case had been filed?

A Other than in the pleadings that are filed?

Q Other than in the pleadings.

A No.

Q Are you clear in that recollection?

A Yes.

Q In or about early 1988 do you recall that petitions for allowance of appeal were filed in two cases in which Mr. Gilardi represented a party, the cases being the Driscoll case and the Buttermore case?

A Well, I don't recall of my own recollection, but I have the file here.

Q Did Mr. Gilardi alert you in any fashion to the fact that these cases were being filed?

A No.

Q Did he alert you in any fashion to the fact that these cases had been filed?



1           A     No.

2           Q     Did you have any discussions with Mr.  
3 Gilardi relating to these cases and the consideration  
4 of these cases by the Pennsylvania Supreme Court?

5           A     No.

6           Q     Do you recall meeting with Mr. Gilardi in  
7 your chambers in early 1988 and Mr. Gilardi telling  
8 you that he had two interesting matters that were  
9 before the court awaiting a decision on allocatur?

10          A     No, I don't.

11          Q     If such a conversation had occurred,  
12 would you remember it?

13          A     Yes.

14          Q     In or about early 1988 do you recall Mr.  
15 Gilardi asking you to personally read the allocatur  
16 petitions in two matters that were before the court?

17          A     No. He asked me one time to read a -- I  
18 think it was a brief or an allocatur petition, or  
19 something, or an opinion of an allocatur that had  
20 been denied and he thought that it hadn't -- he  
21 hadn't been treated correctly. In other words, he  
22 thought that it should have been granted. And as an  
23 academic matter, I read the matter over.

24          Q     Do you remember the name of that case?

25          A     No.

1 Q Was it Buttermore?

2 A No, no, Buttermore was granted.

3 Q Was it Driscoll?

4 A No, Driscoll was granted. It was a case  
5 that was not granted.

6 Q Was that a case in which Mr. Gilardi was  
7 the counsel?

8 A Yes.

9 Q And what was the issue in that case, if  
10 you recall?

11 A I think it was a causation in workman's  
12 compensation and he represented the employer and he  
13 felt -- and he was wondering why it wasn't granted,  
14 and I said I don't know. And it was -- the time was  
15 over. I mean, there was no -- he couldn't file for  
16 reconsideration, the time had passed. And he says,  
17 would you look it over? And I said, yes. So he gave  
18 me the papers and I looked it over and I told him  
19 why.

20 Q And why was that?

21 A Well, because he had no basis in law.  
22 There was -- his contention -- the lower court was  
23 right, his contention was wrong.

24 Q If an attorney asked you to personally  
25 review an allocatur petition at the time that it was

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filed, that would have been asking you to treat the case in other than the ordinary manner; isn't that correct?

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10 Q Has that been your consistent practice?

11 A To what?

12 Q To refrain from handling cases in a  
13 special manner?

14 A If you mean special manner in that a case  
15 assumes a very interesting light, then I might put  
16 more time in it, that gets special manner. If you're  
17 saying I handled a case in a special manner to favor  
18 somebody or to hurt somebody, that's incorrect.

19 Q No, I'm saying in response to a request  
20 from an attorney.

21 A I haven't.

22 Q Did you personally review an allocatur  
23 petition?

24 A No.

25 Q Do you recall an occasion in early 1988

1 when you requested that Mr. Gilardi provide you with  
2 the allocatur docket numbers for two cases that he  
3 had called to your attention and that were pending  
4 before the court?

5 A That did not happen.

6 Q Do you recall an occasion in early 1988  
7 or at any other time when Mr. Gilardi in fact  
8 delivered to you the cover sheets from two allocatur  
9 petitions so that you would be aware of the allocatur  
10 docket numbers in two cases in which he was counsel?

11 A The only thing he ever delivered to me  
12 was the allocatur that was not granted and he wanted  
13 my opinion as to why it didn't get granted.

14 Q So your answer is no?

15 A That's correct, and I'm also telling you  
16 the only thing he did deliver to me.

17 Q Mr. Gilardi never delivered to you the  
18 cover sheet from an allocatur petition so that you  
19 would be aware of the allocatur docket number in a  
20 case in which he was counsel?

21 A That's correct.

22 Q And he never delivered an allocatur --  
23 the cover sheet to an allocatur petition to you for  
24 any other purpose?

25 A Yes, when he gave me the whole allocatur.

1 Q With the exception of the one case that  
2 you've mentioned.

3 A Correct.

4 Q Which was not the Butternore case?

5 A That's correct.

6 Q And was not the Driscoll case; is that  
7 correct?

8 A Correct. In fact, in the Driscoll case,  
9 the court unanimously voted against Gilardi's  
10 position.

11 Q Have you reviewed the Driscoll case  
12 before coming here today?

13 A Cursorily.

14 Q And it is correct that the court  
15 unanimously voted against his merits position?

16 A That's correct.

17 Q But in the Driscoll case, Mr. Gilardi was  
18 the petitioner; is that correct?

19 A Let me look. What's that number?

20 Q Of the Driscoll case?

21 A Yes.

22 Q The allocatur docket number is Number 79  
23 in 1988.

24 A I'm sorry, what's your question?

25 Q In the Driscoll case, Mr. Gilardi

1 represented the petitioner who was requesting the  
2 court to allow appeal on that particular case; is  
3 that correct?

4 A Yes.

5 Q And the court in fact allowed appeal in  
6 that particular case; is that correct?

7 A Yes.

8 Q And you voted for an allowance of appeal  
9 in that particular case; is that correct? .

10 A Justice McDermott circulated a  
11 recommendation of a grant and I joined that  
12 recommendation. I don't know who the third party was  
13 that joined the recommendation.

14 Q Justice Larsen, let me put before you a  
15 document that has been marked Grand Jury Exhibit  
16 Number 96. If you don't mind, let me stand here as I  
17 ask you questions about this document. This document  
18 appears to be the cover sheet from an allocatur  
19 petition in a case entitled Driscoll vs. Carpenter's  
20 District Council; is that correct?

21 A Yes, that's the same.

22 Q Have you ever seen this document before?

23 A No.

24 Q Did you receive this cover sheet from Mr.  
25 Gilardi in your chambers in early 1988?

1 A No.

2 Q Did you receive this document from Mr.  
3 Gilardi at any other time?

4 A No.

5 Q You've never seen this document before?

6 A No.

7 Q Do you recall asking Mr. Gilardi to write  
8 on this document the word yes to indicate the  
9 position that he was asking the court to take with  
10 respect to the allocatur in this particular case?

11 A No, I have no recollection of this at  
12 all.

13 Q Putting before you a document that has  
14 been marked Grand Jury Exhibit Number 97 for  
15 identification, this appears to be the cover sheet to  
16 a petition for allocatur in a case entitled  
17 *Buttermore vs. Aliquippa Hospital, et al.* Have you  
18 ever seen this document before?

19 A No.

20 Q Did Mr. Gilardi give you this document in  
21 your chambers sometime in 1988?

22 A No.

23 Q Did you receive this document from Mr.  
24 Gilardi at any other time or at any other place?

25 A No.



1 Q A minute ago you said that with respect  
2 to the Driscoll cover sheet that you have no  
3 recollection of it. Sitting here today, can you say  
4 that you did not receive this document from Mr.  
5 Gilardi?

6 A No, I've said that.

7 Q You're clear in that recollection?

8 A Yes.

9 Q With respect to the Buttermore petition,  
10 do you recall asking Mr. Gilardi to write no on this  
11 particular cover sheet in order to indicate the  
12 position that he was asking the court to take with  
13 respect to the allocatur in that particular case?

14 A No, I didn't ask him to write anything.  
15 One would not have to ask somebody to write -- if  
16 someone wanted a petition handled in their favor, all  
17 you have to do is look and see who the appellant and  
18 appellee is and who represents them.

19 Q Other than in connection with these two  
20 cases, has there ever been an occasion where an  
21 attorney has alerted you to a case prior to the case  
22 being filed with the Pennsylvania Supreme Court?

23 A No.

24 Q Has there ever been an occasion when an  
25 attorney has asked you to personally review --

**PROVIDED INFORMATION REGARDING  
PENDING CASE IN EX PARTE MEETING  
CREATING APPEARANCE OF IMPROPRIETY**

- JUSTICE LARSEN INITIATED EX PARTE MEETING WITH JUDGE EUNICE ROSS OF ALLEGHENY COUNTY COURTS COMMON PLEAS IN PENDING MATTER AND PROVIDED INFORMATION FROM UNDISCLOSED SOURCE POTENTIALLY BENEFICIAL TO A LITIGANT IN MATTER REPRESENTED BY FRIEND OF JUSTICE LARSEN.
- JUSTICE LARSEN DISREGARDED ACCEPTED CHANNELS OF COMMUNICATION IN PROVIDING INFORMATION EX PARTE TO JUDGE ROSS, RAISING APPEARANCE OF IMPROPRIETY WHICH COULD UNDERMINE PUBLIC CONFIDENCE IN THE JUDICIARY.

**JUSTICE LARSEN'S CONDUCT RAISED AN APPEARANCE OF IMPROPRIETY DETRIMENTAL TO THE PUBLIC'S CONFIDENCE IN THE JUDICIARY**

**RECKLESS, UNSUPPORTED ALLEGATIONS  
OF JUDICIAL AND CRIMINAL MISCONDUCT OF  
JUSTICE ZAPPALA AND JUSTICE CAPPY IN  
PETITIONS FOR RECUSAL**

- **JUSTICE LARSEN DELIBERATELY MISUSED THE LEGAL PROCESS WHEN HE ACCUSED JUSTICE ZAPPALA AND JUSTICE CAPPY OF CRIMINAL AND JUDICIAL MISCONDUCT, IN AN ATTEMPT TO OBTAIN A REVERSAL OF HIS OWN REPRIMAND IN THE JIRB MATTER.**
- **JUSTICE LARSEN WAS UNABLE TO IDENTIFY REASONABLE FACTUAL BASES FOR MANY OF HIS ALLEGATIONS AGAINST JUSTICES ZAPPALA AND CAPPY IN HIS TESTIMONY BEFORE THE NINTH STATEWIDE INVESTIGATING GRAND JURY**
- **MANY OF JUSTICE LARSEN'S ALLEGATIONS WERE MADE IN BAD FAITH AND WITH RECKLESS DISREGARD FOR THE TRUTH.**

**JUSTICE LARSEN'S CONDUCT UNDERMINES THE PUBLIC'S CONFIDENCE IN THE INTEGRITY OF THE COURT SYSTEM OF THE COMMONWEALTH, AND BRINGS THE COURT INTO DISREPUTE**

# **INADEQUATE SUPPORT FOR ALLEGATIONS IN JUSTICE LARSEN'S PETITIONS**

- **ANONYMOUS SOURCES**
- **OCTOBER 13, 1992 PRIVATE CONVERSATION WITH  
JUSTICE ZAPPALA**
- **PRIVATE INVESTIGATOR , JOSEPH CARDUFF**
- **RUMORS**

**JUSTICE LARSEN PROVIDED GRAND JURY WITH INADEQUATE  
SUPPORT FOR HIS ALLEGATIONS OF CRIMINAL AND JUDICIAL  
MISCONDUCT AGAINST JUSTICE ZAPPALA AND JUSTICE CAPPY**

# **ALLEGATIONS MADE IN BAD FAITH AND WITH INADEQUATE SUPPORT**

- JUSTICE ZAPPALA RECEIVED KICKBACKS FOR DIRECTING BOND WORK TO HIS BROTHER'S UNDERWRITING FIRM, AND WAS BEING INVESTIGATED FOR THIS CONDUCT
- JUSTICE ZAPPALA MET EX PARTE WITH LITIGANTS IN THE PORT AUTHORITY AND PLRB CASES AND GUIDED THOSE MATTERS THROUGH SUPREME COURT IN A SPECIAL MANNER
- ATTORNEY JOHN DOHERTY ATTEMPTED TO SUBORN PERJURY BY NIKOLAI ZDRALE, AND WAS REWARDED BY JUSTICES ZAPPALA AND CAPPY FOR DOING SO BY APPOINTMENT TO THE POSITION OF CHIEF DISCIPLINARY COUNSEL
- JUSTICE CAPPY DELIBERATELY ENGINEERED THE RECONSIDERATION OF NIKOLAI ZDRALE'S "OUT-OF-TIME" PETITION IN THE APPEAL OF HIS CONVICTION FOR ATTEMPTED MURDER TO THE SUPREME COURT
- JUSTICE ZAPPALA COMMANDEERED A VEHICLE AND ATTEMPTED TO RUN HIM DOWN

**JUSTICE LARSEN USED HIS POSITION  
TO ENGAGE COURT EMPLOYEES IN  
ARRANGEMENT TO OBTAIN  
PRESCRIPTION DRUGS BY  
FRAUDULENT MEANS**

- **WHILE A MEMBER OF THE SUPREME COURT, JUSTICE LARSEN REGULARLY OBTAINED PSYCHOTROPIC DRUGS BY CAUSING A PHYSICIAN TO ISSUE PRESCRIPTIONS IN NAMES OF SUPREME COURT STAFF MEMBERS.**
- **JUSTICE LARSEN INDUCED COURT EMPLOYEES TO PARTICIPATE IN AN ARRANGEMENT WHICH EXPOSED THEM TO POTENTIAL PROSECUTION UNDER PENNSYLVANIA'S CRIMINAL LAW.**
- **RESULTED IN JURY VERDICT OF GUILTY ON TWO FELONY CONSPIRACY COUNTS.**

**JUSTICE LARSEN'S CONDUCT BRINGS INTO SERIOUS QUESTION HIS  
FITNESS TO REMAIN IN OFFICE**