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Majority Sub-Committee Chairman, Courts

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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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Minority Sub-Committee Chairman, Courts

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March 28, 1994

William Costopoulos, Esquire  
COSTOPOULOS, FOSTER & FIELDS  
831 Market Street  
Lemoyne, PA 17043

RE: JUSTICE ROLF LARSEN

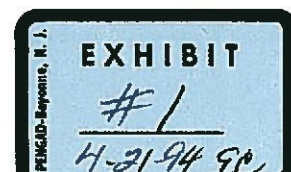
Dear Mr. Costopoulos:

This letter is being written to you in your capacity as counsel for Justice Rolf Larsen.

The purpose of this letter is to confirm our telephone conversations of March 7, 1994 during which we advised you that the Sub-Committee on Courts was inviting Justice Rolf Larsen to appear before it in connect with the Sub-Committee's investigation into Justice Larsen's conduct. During those conversations you were advised that Justice Larsen's statement would be under oath and limited to the areas raised in this letter. Justice Larsen will be given three hours to address these issues before the Sub-Committee on Courts. Thereafter Justice Larsen will respond to the questions presented to him.

This proceeding will be public. Questions will be asked by Representative Frank Dermody, Chairman of the Sub-Committee on Courts (Majority) and Representative Daniel Clark (Minority Chairman) as well as Special Counsel to the Committee. Also, any Sub-Committee Member of Committee Member attending this proceeding will be allowed to question Justice Larsen on the issues raised herein.

Mr. Justice Larsen can be represented by counsel at this proceeding. However, counsel's representation will be limited to advising his client.



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William Costopoulos, Esquire  
March 28, 1994

As you know, we provided you with four alternative dates from which Justice Larsen could select to appear before the Sub-Committee. At that time we advised you that no other dates would be provided to Justice Larsen for his appearance. You responded by selecting April 21, 1994 as the date Justice Larsen would appear. Please be advised that if Justice Larsen fails to appear on that date there will be no alternative date provided to him. Our position is based on the fact that we would like to proceed as expeditiously as possible in this matter.

If, however, the trial scheduled to begin April 4, 1994 is continued, for any reason, we would expect you to contact us immediately in order to arrange an earlier date for the appearance of Justice Larsen before the Sub-Committee.

As part of the investigation being conducted pursuant to House Resolution 205 the Sub-Committee on Courts will allow Justice Larsen an opportunity to speak on the following issues:

1. The allegation that, from at least 1980 and continuing into 1991, Justice Larsen systematically tracked petitions for allowance of appeal involving attorneys who were his friends and political contributors, so that the petitions could be specially handled by Justice Larsen and his staff.

2. The conclusion of the Judiciary Inquiry and Review Board that Justice Larsen created an appearance of impropriety which could undermine public confidence in the judiciary when he provided information from an undisclosed source regarding the Estate of Francis case pending before Judge Eunice Ross in May 1986.

3. The Sub-Committee's concern that Justice Larsen misused his office and his stature as a Supreme Court Justice by inducing Dr. Earl Humpreys and members of Justice Larsen's staff to participate in a scheme to conceal Justice Larsen's prescription drug use from public view--a scheme which exposed them to potential prosecution under Pennsylvania's criminal laws.

4. The Sub-Committee's concern that, in his testimony before the Ninth Statewide Investigating Grand Jury, Justice Larsen, while under oath, made false statements which were intended to mislead the grand jury. Specifically, the Sub-Committee is concerned that Justice Larsen falsely testified that he never discussed the pending allocatur petitions in the Buttermore v. Aliquippa Hospital case, and the Driscoll v. Carpenter's District Council case with an attorney representing a party in each of the cases in early 1988.

5. The Sub-Committee's concern that Justice Larsen deliberately misused the legal process when he accused Justice Zappala and Justice Cappy of criminal and judicial misconduct in his recusal motions filed on November 24, 1992 and December 15, 1992 in No. 155 JIRB Docket 1992. Specifically, the Sub-Committee is concerned that Justice Larsen, in his testimony before the grand jury, was unable to identify a reasonable factual basis for the following allegations he made against Justices Zappala and Cappy in his recusal petitions:

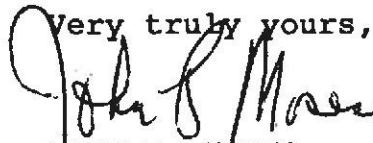
- (a) The allegation that Justice Zappala received kickbacks for directing bond work to his brother's underwriting firm, and was being investigated for his conduct.
- (b) The allegation that Justice Zappala met ex parte with litigants in the Port Authority and PLRB cases and guided those matters through the Supreme Court in a special manner.
- (c) The allegation that Attorney 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.
- (d) The allegation that Justice Cappy deliberately engineered the reconsideration of Zdrale's "out-of-time" petition in the appeal of his conviction for attempted murder to the Supreme Court.
- (e) The allegation that Justice Zappala commandeered a vehicle and attempted to run him down.
- (f) The allegation that Justice Zappala and Justice Cappy "took turns" in delaying the disposition of the Yohn appeal in order to avoid a comparison with conduct by Chief Justice Nix.

Please be advised that the protocol outlined herein will be strictly followed by the Sub-Committee. The exact time and location for Justice Larsen's appearance will be provided to you substantially in advance of April 21, 1994.

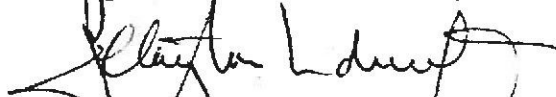
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William Costopoulos, Esquire  
March 28, 1994

We must be advised by April 14, 1994 as to whether or not you are definitely accepting this invitation.

Very truly yours,



JOHN P. MOSES  
Special Counsel (Majority)



J. CLAYTON UNDERCOFLER, III  
Special Counsel (Minority)

JPM:hp/mpt

cc: Representative Frank Dermody  
Representative Daniel Clark

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**COSTOPOULOS, FOSTER & FIELDS**

ATTORNEYS AND COUNSELLORS AT LAW

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WILLIAM C. COSTOPOULOS  
DAVID J. FOSTER  
LESLIE M. FIELDS  
CHARLES RECTOR  
ALLEN C. WELCH  
JEFFREY L. STONER

April 14, 1994

John P. Moses, Esquire, Special Counsel (Majority)  
J. Clayton Undercofler, Esquire, Special Counsel  
(Minority)  
HOUSE OF REPRESENTATIVES  
Commonwealth of Pennsylvania  
Harrisburg, PA 17120

Re: Justice Rolf Larsen

Dear Mr. Moses and Mr. Undercofler:

The purpose of this letter is to advise you in writing that Justice Rolf Larsen respectfully declines your invitation to testify now that the Preliminary Report has been filed and made public.

The second purpose of this letter is to stress, again, that Justice Larsen is innocent of these false allegations.

Respectfully yours,

COSTOPOULOS, FOSTER & FIELDS



William C. Costopoulos

WCC/tsw

Hand Delivered





IN THE  
SUPREME COURT OF PENNSYLVANIA  
Western District

No

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No. 579 W.D. Allocatur Docket 1987

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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.

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PETITION FOR ALLOWANCE OF APPEAL

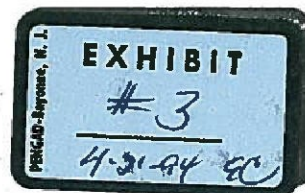
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Petition for Allowance of Appeal from the Order of  
November 10, 1987, of the Superior Court of Pennsylvania  
Affirming the Order of March 27, 1986 of the Court of  
Common Pleas of Beaver County, Pennsylvania, Civil  
Division, at No. 1597 of 1983,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

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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



5/12/83

NO. 79

W.D. ALLOCATUR DOCKET '88

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

