

**[Attorney Firm]**

[Attorney Name], Esquire

PA Supreme Court ID No: [    ]

Address

Address

Telephone: [            ]

*Attorneys for Plaintiff*

PENNSYLVANIA LAWYERS FUND FOR	:	IN THE COURT OF COMMON PLEAS OF
CLIENT SECURITY,	:	DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	CIVIL ACTION – LAW
v.	:	
	:	NO.
<b>FORMER ATTORNEY</b>	:	
Defendant	:	JURY TRIAL DEMANDED
	:	

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**NOTICE**

**CONCERNING MEDIATION OF ACTIONS PENDING BEFORE  
THE COURT OF COMMON PLEAS OF [COUNTY]**

The Judges of the Court of Common Pleas of Dauphin County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation. The Court has adopted Dauphin County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Dauphin County Bar Association provides mediation services and can be reached at 717-232-7536. Free mediation sessions for pro bono cases referred by MidPenn Legal Services are available through the DCBA

**A V I S O**

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos veinte (20) días después de la notificación de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO. SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER

INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.

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**AVISO**  
**REFERENCIAS A LA MEDIACIÓN DE LAS ACCIONES PENDIENTES ANTES**  
**LA CORTE DE SOPPLICAS COMUNES DEL CONDADO DE DAUPHIN**

Los jueces de la corte de súplicas comunes del condado de Dauphin creen que la mediación de pleitos es un componente muy importante de la resolución del conflicto. Virtualmente todos los pleitos pueden beneficiar de cierta manera de la mediación.

La code ha adoptado la regla local de condado de Dauphin 1001 para animar el use de la mediación. Esta alarma temprana permite a litigantes determinar la mejor época durante la vida de su pleito para una sesión de la mediación. El intento de esta alarma temprana es actuar sobre la mediación de la buena fe en el tiempo óptimo.

La asociación de la barra del condado de Dauphin proporciona servicios de la mediación y se puede alcanzar en 717-232-7536. La sesión libre de la mediación para los favorables casos del bono se refinio por MidPenn que los servicios juridicos están disponibles con el DCBA.

**[Attorney Firm]**

[Attorney Name], Esquire

PA Supreme Court ID No: [    ]

Address

Address

Telephone: [            ]

*Attorneys for Plaintiff*

PENNSYLVANIA LAWYERS FUND FOR	:	IN THE COURT OF COMMON PLEAS OF
CLIENT SECURITY,	:	DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	CIVIL ACTION – LAW
v.	:	
	:	NO.
<b>MICHAEL E. MCHALE,</b>	:	
Defendant	:	JURY TRIAL DEMANDED
	:	

**COMPLAINT**

AND NOW COMES, Plaintiff, Pennsylvania Lawyers Fund for Client Security (“Fund”), by and through its attorneys, **Cunningham, Chemicoff & Warshawsky, P.C.** and files the within Civil Complaint, and in support thereof, avers as follows:

1. Plaintiff, the Fund, is an entity established by Order of the Supreme Court of Pennsylvania on April 30, 1982, with a principal office located at 601 Commonwealth Avenue, Suite 5400, Harrisburg, PA 17120-0901.
2. Pursuant to Rule 502 of the Pennsylvania Rules of Disciplinary Enforcement, Plaintiff is empowered by the Pennsylvania Supreme Court to establish a Fund to aid in relieving

losses cause to clients and others by defalcating members of the bar acting as attorneys or fiduciaries.

3. Pursuant to Rule 514 of the Pa. R.D.E, the Plaintiff is empowered to reimburse losses to claimants (“Claimants”) caused by dishonest conduct of “Covered Attorneys,” as that term is defined by Rule 512 of the Pa. R.D.E.

4. Pursuant to Rule 503(d)(9) of the Pa. R.D.E., the Plaintiff is empowered to prosecute claims for restitution to which the Plaintiff is entitled.

5. Pursuant to Rule 503(d)(9) and Rule 531 of the Pa. R.D.E., the Plaintiff is entitled to recover from the Defendant the amount paid by the Plaintiff to the Claimants, plus interest at the rate of 10% per annum from the date the Plaintiff paid the amount to the Claimants.

6. Defendant is **Michael E. McHale**, a Covered Attorney, with an address of **142 Elizabeth Street, Millersville**, Pennsylvania, 17551.

7. Defendant represented Claimants, whose names are set forth in paragraph 11 on various matters relevant to the within Complaint.

8. During the time the Defendant represented Claimants, the Defendant engaged in dishonest conduct, and breached his fiduciary and contractual obligations to Claimants, resulting in loss of money or property to them.

9. The Claimants presented the Plaintiff with a claim for reimbursement for losses sustained as a result of Defendant’s representation.

10. Plaintiff investigated the claims and determined the loss to the Claimants was due to the dishonest conduct by the Defendant.

11. Plaintiff reimbursed the following Claimants as set forth below:

<b>Claimant:</b>	<b>Amount awarded:</b>
Deborah R. Gruel	\$3,750.00
Timothy A. Burchett	\$4,250.00
Darlene A. Johnson	\$2,690.00
Williams A. Alvarez-Reyes	\$4,000.00
Arelys Aviles	\$700.00
Ambrioris Peralta-Gonzalez	\$2,550.00
Brian W. Olson	\$7,250.00
Irene Grivas	\$6,375.00
Christopher J. Bowen	\$3,500.00

**TOTAL: \$35,065.00**

12. Plaintiff has demanded that the Defendant reimburse the Plaintiff for the above stated amount.

13. Defendant has failed or refused to reimburse the Plaintiff for the above-stated amounts.

**COUNT I - Subrogation of Rights of the Fund**

14. Paragraphs 1 through 13 are incorporated herein by reference as if set forth in full.

15. In consideration of the reimbursement to each Claimant, each Claimant entered into a Subrogation Agreement and Assignment of Claims (“Agreements”) with Plaintiff. A true and correct copy of the subrogation agreements for each Claimant listed in paragraph 11 is attached hereto as Exhibit “A.”

16. Pursuant to the Agreements, Plaintiff received subrogation and reimbursement rights and was assigned all claims from the Claimants associated therewith.

WHEREFORE, the Plaintiff prays this Honorable Court enter judgment in favor of the Plaintiff and against the Defendant in the aggregate amount of \$35,065.00, plus interest at the rate of ten percent (10%) per annum from the date the Plaintiff paid the amount to each Claimant and costs incurred to collect said amounts from the Defendant.

**COUNT II – Statutory Restitution Reimbursement Rights**

17. Paragraphs 1 through 16 are incorporated herein by reference as if set forth in full.

18. Pursuant to Rule 503(d)(9) of the Pa.R.D.E., Plaintiff is empowered to prosecute claims for restitution to which Plaintiff is entitled.

19. Plaintiff has reimbursed the Claimants the above stated amounts.

WHEREFORE, the Plaintiff prays this Honorable Court enter judgment in favor of the Plaintiff and against the Defendant in the aggregate amount of \$35,065.00, plus interest at the rate of ten percent (10%) per annum from the date the Plaintiff paid the amount to each Claimant, and costs incurred to collect said amounts from the Defendant.

Respectfully Submitted,

**CUNNINGHAM, CHERNICOFF &  
WARSHAWSKY, P.C.**

Date: \_\_\_\_\_

By: \_\_\_\_\_

**Bruce J. Warshawsky, Esquire**  
**PA Supreme Court ID No: 58799**  
**2320 North Second Street**  
**Harrisburg, PA 17110**  
**Telephone: (717) 238-6570**  
*Attorneys for Plaintiff*

**VERIFICATION**

I, Kathryn Peifer Morgan, authorized representative of the Pennsylvania Lawyers Fund for Client Security, hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities

Date: \_\_\_\_\_

\_\_\_\_\_  
Kathryn Peifer Morgan



**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that requires confidential information and documents directly than non-confidential information and documents.

**CUNNINGHAM, CHERNICOFF &  
WARSHAWSKY, P.C.**

Date: \_\_\_\_\_

By: \_\_\_\_\_

**Bruce J. Warshawsky, Esquire**

**PA Supreme Court ID No: 58799**

**2320 North Second Street**

**Harrisburg, PA 17110**

**Telephone: (717) 238-6570**

*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I, **Amy Harkins, Legal Assistant** for the law office of **Cunningham, Chernicoff & Warshawsky, P.C.**, do hereby certify that a true and correct copy of the **COMPLAINT** in the above-captioned matter was sent first class U.S. Mail, postage prepaid on this date, to the following:

**Michael E. McHale  
142 Elizabeth Street  
Millersville, PA 17551**

**CUNNINGHAM, CHERNICOFF &  
WARSHAWSKY, P.C.**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Amy M. Harkins**