

40 Ocean Avenue
Larchmont, NY 10538
May 29, 2009

Alan W. Friedberg, Esq.
First Dept. Disciplinary Committee
61 Broadway
New York, NY 10006

Re Dockets Nos. 2005.2935
and 2005.2936

Dear Mr. Friedberg,

I returned home today and found your letter of May 19th.

You offer an opportunity for me to submit a written request for reconsideration of your office's disappointing and, in my view, unjustified decision to close the above files.

It seems clear to me that it is impossible to submit such a request because I know nothing of the reasoning that led the committee to its astounding conclusion. Therefore, I ask to meet with the Committee members to ascertain the reasoning that led them to dismiss irrefutable evidence of the dissembling of Attorneys Roth and Piel through which they sought to defend their fatal misrepresentation of my client, Catherine E. Malarkey. It is impossible for me to understand their conclusion in light of the evidence I presented to the Committee which demonstrates in Roth's and Piel's own words that they deliberately and knowingly lied to the Court and to Mrs. Malarkey.

As you and the Committee are aware based on the record evidence in this case, a) Piel presented no defense to Mrs. Malarkey's document proof that both Respondents knowingly lied to the Magistrate, and b) Roth lied about the existence of Mrs. Malarkey's taped conversations with Texaco employees that resulted in her being fined \$500 and both lied again when they told Mrs. Malarkey that there was no transcript of the conference with the Magistrate and failed to tell her it was taped. Roth argued that if he told Mrs. Malarkey not to produce the tapes that made no difference in her case because Texaco settled. Of course, that is no defense to Claimant's clear and well documented claims against the Respondents, much of it in Roth's own handwriting, that these two lawyers lied to the to the Court to Claimant's clear detriment.

Having presented clear documentary evidence in support of Mrs. Malarkey's claim, how am I possibly going to address let alone argue against a decision to dismiss her claim, not knowing why the Committee has rejected this evidence which, on the basis of Respondents' answers, has not been refuted in any manner. That being the state of the record in the case to date, I submit there is no reasonable basis on which the Committee can rationally and legally

believe that Mrs. Malarkey can in any way address the dismissal of her documented claim without knowing the basis on which that decision was reached.

Therefore, I respectfully request a meeting with the decision makers to learn the grounds on which they decided not to, at a minimum, schedule a hearing before a panel of lawyers to evaluate these very serious charges.

I believe we are entitled to no less.

Respectfully submitted,



Thomas F. Curnin

cc. Robert L. Haig, Esq.
Kelly, Drye & Warren
101 Park Avenue
New York, NY 10178

Catherine E. Malarkey