

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2032 Disciplinary Docket No. 3
Petitioner :
v. :
: No. 140 DB 2013 and File No. C2-13-1065
:
GREGORY ROBERT NOONAN, : Attorney Registration No. 48544
Respondent : (Montgomery County)

ORDER

PER CURIAM:

AND NOW, this 27th day of February, 2014, there having been filed with this Court by Gregory Robert Noonan his verified Statement of Resignation dated January 10, 2014, stating that he 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 Gregory Robert Noonan is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he 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 2/27/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 140 DB 2013 and
Petitioner	:	File No. C2-13-1065
	:	
v.	:	Attorney Registration No. 48544
	:	
GREGORY ROBERT NOONAN	:	
Respondent	:	(Montgomery County)

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. 140 DB 2013
 :
v. : and ODC File No. C2-13-1065
 :
GREGORY ROBERT NOONAN, : Attorney Registration No. 48544
Respondent :
 : (Montgomery County)

RESIGNATION
UNDER RULE 215, Pa.R.D.E.

GREGORY ROBERT NOONAN, Respondent, hereby tenders his resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. and further states as follows:

1. He is an attorney in the Commonwealth of Pennsylvania having been admitted to the bar on or about January 5, 1987 and is on active status.
2. He desires to submit his resignation as a member of said bar.
3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.
4. He is aware that there are presently pending investigations into allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him by a Petition For Discipline filed October 7, 2013, a true and correct copy of which is attached hereto,

made a part hereof and marked Exhibit "A", and a copy of a Criminal Complaint and an Affidavit of Probable Cause dated December 20, 2013, which is attached hereto, made a part hereof and marked Exhibit "B."

5. He acknowledges that the material facts upon which the allegations contained in Exhibit "A" and in Exhibit "B" are based are true.

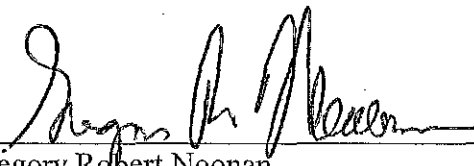
6. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached Exhibit "A" and Exhibit "B."

7. He is fully aware that the within resignation statement is irrevocable and that he can apply for reinstatement to the practice of law only pursuant to the provisions of Rule 218, Pa.R.D.E.

8. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted and acted upon the advice of counsel, Samuel C. Stretton, Esquire, in connection with his decision to execute the within resignation.

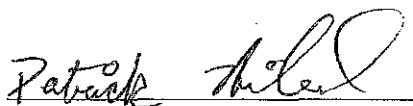
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 10th day of January, 2014.



Gregory Robert Noonan
Respondent

WITNESS:



Patrick Miller

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 140DB 2013
Petitioner :
v. : Attorney Reg. No. 48544
GREGORY ROBERT NOONAN, :
Respondent : (Montgomery County)

PETITION FOR DISCIPLINE

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Harold E. Ciampoli, Jr., Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Gregory Robert Noonan, with professional misconduct in violation of the Rules of Professional Conduct as follows:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106 is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any 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.

2. Respondent, Gregory Robert Noonan, was born on December 15, 1960, was admitted to practice law in the Commonwealth of Pennsylvania on January 5, 1987. Respondent is currently

BE TYPED AND CORRECT COPY.

Exhibit "A"

FILED

OCT - 7 2013

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

on active status and his registered office address is 528 DeKalb Street, Norristown, Montgomery County, Pennsylvania 19401.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

CHARGE

4. On January 3, 2001, Chester Washington filed a Claim Petition for Workers' Compensation Benefits regarding an alleged work injury on October 13, 2000, in the matter captioned *Chester Washington v. Beaver & Casey*, Pennsylvania Bureau of Workers' Compensation, Bureau Claim No. 2243620 (hereinafter, the "Workers' Compensation Action").

5. American Interstate Insurance Company ("AIIC") is in the business of providing workers' compensation insurance in the Commonwealth of Pennsylvania.

6. AIIC was the workers' compensation carrier for Beaver & Casey.

7. Mr. Washington's Workers' Compensation Action was settled by way of a Compromise & Release Agreement approved by the Decision and Order of Workers' Compensation Judge Lloyd Nyce issued November 9, 2001.

8. As a result of the Workers' Compensation Action, AIIC paid \$45,611.34 in medical and indemnity benefits to Mr. Washington.

9. On November 20, 2002, Respondent filed a complaint on behalf of Mr. Washington in the matter captioned: *Chester V. Washington & Maria Washington v. Gambone Brothers Construction Co. and Gambone Brothers Development Company*, Court of Common Pleas, Montgomery County, Civil Action No. 2002-22351 (hereinafter, "The Washington v. Gambone Action").

10. The Washington v. Gambone Action sought to recover damages arising from injuries to Mr. Washington alleged to have occurred on October 13, 2000, while Mr. Washington was working on a jobsite for Beaver & Casey.

11. The Washington v. Gambone Action sought to recover for the same injuries for which Mr. Washington had been compensated in the Workers' Compensation Action.

12. As Mr. Washington received benefits under the Workers' Compensation Act, AIIC was entitled to subrogation with respect to any recovery made by Mr. Washington in the Washington v. Gambone Action pursuant to 77 P.S. §671.

13. By letter dated October 25, 2002, Randy Behl of AIIC advised Respondent that AIIC had paid workers' compensation benefits totaling \$42,673.12 in indemnity benefits and \$1,881.82 in medical benefits to Chester Washington and placed Respondent on notice of its lien and subrogation rights relative to any settlement or verdict in the Washington v. Gambone Action.

14. Respondent received the October 25, 2002 letter.

15. As of late October 2002 or early November 2002, Respondent was on notice of the lien of AIIC and of his duty to protect the subrogation rights of AIIC pursuant to 77 P.S. §671.

16. On July 14, 2004, Denise Dersin of AIIC contacted Respondent and requested an update regarding the status of the Washington v. Gambone Action.

17. By letter dated September 14, 2004, Respondent advised Ms. Dersin that the Washington v. Gambone Action was still in its discovery phase.

18. On January 19, 2005, Chester and Maria Washington executed a General Release and Settlement Agreement in which, for consideration of \$55,000.00, they discharged the Gambone

Brothers from any liability, specifically including claims contained in the Washington v. Gambone Action.

19. The General Release and Settlement Agreement was witnessed by Respondent's law office partner, John Walfish, and notarized by Respondent.

20. Despite the fact that Respondent was on notice of the workers' compensation lien of AIIC, Respondent settled the Washington v. Gambone Action for \$55,000, and distributed all of the settlement funds – without providing any notice or funds to AIIC.

21. By letter to AIIC representative Ken Heffner dated February 7, 2005, Respondent:
- a) advised that he represented Mr. Washington in the Washington v. Gambone Action;
 - b) represented that he was in the process of trying to settle the case;
 - c) represented that he originally thought the case could settle for \$60,000.00 but now believed that would not happen without discovery; and
 - d) proposed a possible agreement that Respondent would pay AIIC \$5,000.00 if the case settled for between \$40,000 and \$55,000; \$12,500 if the case settled for between \$55,000 and \$70,000; and a 50/50 split for any settlement in excess of \$70,000.00.

22. Respondent's February 7, 2005 letter intentionally misrepresented the status of the Washington v. Gambone Action because Respondent was aware at the time that the matter had already been settled for \$55,000.00.

23. A Praecipe To Settle, Discontinue and End the Washington v. Gambone Action, signed and dated by Respondent on January 19, 2005, was entered in the Court of Common Pleas of Montgomery County, Pennsylvania on February 14, 2005.

24. Subsequent to settling the matter in January 2005, Respondent either ignored the inquiries of AIIC as to the status of the protection of their workers' compensation lien or intentionally misrepresented its status.

25. By letter dated June 12, 2006, Carol Blake of AIIC wrote to Respondent seeking an update regarding the status of the Washington v. Gambone Action.

26. Respondent received the June 12, 2006 letter.

27. Prior to Ms. Blake's June 12, 2006 letter, Respondent had misrepresented to her that he was close to resolving the Washington v. Gambone Action when at the time of his misrepresentation he was aware the action had already settled.

28. In or about August 2006, Respondent left a voice mail message for Ms. Blake advising her that the Washington v. Gambone Action "was in the wrap up stages."

29. Respondent's representation to Ms. Blake that the Washington v. Gambone Action was in the wrap up stages was false and Respondent knew it to be false because he was aware that the matter had settled in 2005.

30. By letter dated October 9, 2006, Ms. Blake again inquired of Respondent as to the status of the Washington v. Gambone Action.

31. Respondent received the October 9, 2006 letter.

32. Respondent did not respond in any manner to the October 9, 2006 letter.

33. By letter dated January 5, 2007, Ms. Blake again inquired of Respondent as to the status of the Washington v. Gambone Action.

34. Respondent received the January 5, 2007 letter.

35. Respondent did not respond in any manner to the January 5, 2007 letter.

36. By letter dated February 26, 2007, Attorney Harry Klucher advised Respondent he had been retained by AIIIC in regard to the protection of their subrogation lien and requested that Respondent provide an update concerning the current status of the Washington v. Gambone Action.

37. Respondent received the February 26, 2007 letter.

38. Respondent did not respond in any manner to the February 26, 2007 letter.

39. By letter dated April 3, 2007, Mr. Klucher again requested that Respondent provide an update concerning the status of any settlement of the Washington v. Gambone Action.

40. Respondent received the April 3, 2007 letter.

41. On May 13, 2007, Respondent advised Attorney Klucher in a voicemail that he was "having some troubles with the case" as far as the medicals were concerned.

42. Respondent's representation to Mr. Klucher that he was having troubles with the case was false and Respondent knew it to be false because he was aware that the Washington v. Gambone Action had been settled in 2005.

43. By letter dated May 22, 2007, Attorney Harry Klucher again sought an update concerning the status of the Washington v. Gambone Action.

44. Respondent received the May 22, 2007 letter.

45. Respondent did not respond in any manner to the May 22, 2007 letter.

46. On December 14, 2007, Beaver & Casey filed with the Workers' Compensation Office of Adjudication a Petition to Review Compensation Benefits in connection with Bureau Claim Number 2243620.

47. The Petition to Review Compensation Benefits averred that Mr. Washington had a third party case arising out of his work injury but would not provide updated information to protect the employer's subrogation interests.

48. Neither Respondent, nor Mr. Washington, filed an answer to the Petition.

49. On August 19, 2008, Mr. Walfish appeared on Respondent's behalf at a hearing before Judge Thomas J. Hines of the Commonwealth of Pennsylvania Department of Labor and Industry Workers' Compensation Office and requested 45 days to retrieve the file and provide information relevant to the Washington v. Gambone Action.

50. Mr. Walfish never submitted any information to Judge Hines.

51. Respondent submitted a letter to Judge Hines dated December 1, 2008 which stated the following:

...[e]arly on I negotiated with Healthcare Recoveries to pay \$5,000.00 towards their lien. At this juncture I thought there were no additional subrogation liens. This was my first personal injury case involving a workers' compensation issue. I thought all workers' compensation issues were resolved.

Before I brought suit in this matter, had I known about the workers' compensation subrogation for payments made to Mr. Washington, I would have negotiated to pay them \$5,000.00, the \$5,000.00 paid to Healthcare Recoveries.

52. In his Findings of Fact, Conclusions of Law and Order of May 18, 2011, Judge Hines found, *inter alia*, that:

- “it is abundantly clear that Attorney Noonan intentionally and directly misrepresented the status of a Third Party Action and the fact that a recovery had been made regarding the same to the compensation carrier and its representatives”;
- “These direct, intentional and material misrepresentations of the status of the third-party matter clearly evidence an effort on behalf of Attorney Noonan to defraud the compensation carrier of its third-party subrogation lien”;
- “In light of the intentional, fraudulent and deplorable action of Claimant’s third-party counsel in this matter, this Judge finds the Employer is entitled to reimbursement of the entire amount of its third-party subrogation lien in this matter, in the amount of \$45,611.34”; and
- “This Judge therefore Orders and directs the Claimant and/or his third party counsel to reimburse this amount to the compensation carrier in full.”

53. Respondent never appealed the decision of Judge Hines.

54. Respondent failed to comply with Judge Hines’ Order obligating him to reimburse Beaver and Casey.

55. Because Respondent failed to protect AIIIC’s lien, AIIIC filed suit against Respondent and Respondent’s law firm in the matter captioned: *American Interstate Insurance Company v. Walfish & Noonan and Gregory Noonan, Esquire*, Court of Common Pleas of Montgomery County, #2009-41714.

56. By his conduct as alleged in Paragraphs 4 through 55 above, Respondent violated the following Rules of Professional Conduct:

- A. former RPC 1.15(b), which provided that upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property;
- B. former RPC 1.15(c), which stated that when in the course of representation a lawyer is in possession of property in which both the lawyer and another person claim interest, the property shall be kept separate by the lawyer until there is an accounting and severance of their interests. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved;
- C. 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; and
- 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.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the

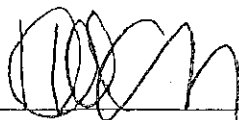
foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

BY:




Harold E. Ciampoli, Jr.
Attorney Registration No. 51159
Disciplinary Counsel
Suite 170
820 Adams Avenue
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition for Discipline are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

10/1/13
Date



Harold E. Ciampoli, Jr.
Disciplinary Counsel

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: MONTGOMERY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT:

(NAME and ADDRESS):

Magisterial District Number: 35-1-15
MDJ: Hon. Margaret Hunsicker
Address: 754 E. Johnson Highway
Norristown, PA 19401-3110
Telephone: (610) 279-8226

Gregory, Robert, Noonan
First Name Middle Name Last Name Gen
156 Obarfin Terrace
Landsdale, PA 19446

1-Felony Full 4-Felony No Ext B-Misdemeanor Limited E-Misdemeanor Pending
2-Felony Ltd. 5-Felony Pend. C-Misdemeanor Surrounding States Distance: 0
3-Felony Surrounding States A-Misdemeanor Full D-Misdemeanor No Extradition

Docket Number 02-46113 Date Filed 12/20/13 OTN (LiveScan Number) L832241-4 Complaint/Incident Number 2013-1659 SID: 41355093 Request Lab Services? Yes No

DOB 12/15/1960 AKA First Name Middle Name Last Name Gen

ETHNICITY Hispanic Non-Hispanic Unknown

HAIR COLOR BRY (Gray) RED (Red) BRY (Black) BLU (Blue) PLE (Purple) BRG (Brown)
BLK (Blk) CNG (Orange) YEL (Yellow) XXX (Unk) GRN (Green) PNK (Pnk)

EYE COLOR BLK (Black) BLU (Blue) BRO (Brown) GRN (Green) GRY (Gray)
HAZ (Hazel) Mar (Maroon) PNK (Pnk) MUL (Multicolored) XXX (Unknown)

State PA License Number 24096333 Expires: DNA Location YES NO

Plate # State Hazmat Registration Sticker (MMYY) Comm'l Veh. Ind. School Veh. Oth. NCIC Veh. Code Reg. name or Def.
VIN Year Make Model Style Color

Office of the attorney for the Commonwealth: Approved Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney Commonwealth prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date)

I, Det. Michael Fedak (Name of the Affiant) of Montgomery County Detective Bureau (Identify Department or Agency Represented and Political Subdivision) do hereby state: (check appropriate box)
1. I accuse the above named defendant who lives at the address set forth above
I accuse the defendant whose name is unknown to me but who is described as
I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania a [413] Norristown, Muni. Of (Subdivision Code) (Place-Political Subdivision)
530 Swada Street, Norristown, PA.
In MONTGOMERY County [46] on or about On-going from November 23, 2013 (County Code)



POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed:	OTN / LiveScan Number	
	First: Gregory	Middle: Robert	Last: Noonan

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903 A
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<input checked="" type="checkbox"/> Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance) MANUFACTURE, DELIVERY, OR POSSESSION OF CONTROLLED SUBSTANCE	

<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903 A
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<input type="checkbox"/> Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance) POSSESSION CONTROLLED SUBSTANCE	

<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903 A
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<input type="checkbox"/> Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (include the name of statute or ordinance) POSSESSION OF DRUG PARAPHERNALIA	

Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more is not sufficient. In a summary case, you must cite the specific section(s) and subsection(a) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an acquit must be established, list only the last four digits. 204 PA. Code § 213.1 - 213.7.

Acts of the accused:
 Defendant did possess oxycodone pills. Defendant did possess oxycodone pills with the intent to deliver. Defendant did possess drug paraphernalia. Defendant did receive US Currency in exchange for the oxycodone pills and utilize a telephone communication device in furtherance of his drug trafficking.

POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed:	OTN / LiveScan Number	
	First: Gregory	Middle: Robert	Last: Noonan

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903 A
--	---	---

<input type="checkbox"/>	Offense	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
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	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (Include the name of statute or ordinance) CRIMINAL USE OF COMMUNICATIONS		

<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903 A
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<input type="checkbox"/>	Offense	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
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	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
Statute Description (Include the name of statute or ordinance) DEAL IN PROC UNL ACT/ INTENT TO PROMOTE		



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	QTN / LiveScan Number	
	First: Gregory	Middle: Robert	Last: Noonan

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I ha made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. §4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered _____ through _____.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
 (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the the issuing authority, and attached.)

19 December 2013
 (Date)

[Signature]
 (Signature of Affiant)

AND NOW, on this date 12/20/13 I certify that the complaint has been properly completed and verified.
 An affidavit of probable cause must be completed before a warrant can be issued.

38-1-16
 (Magisterial District Court Number)

[Signature]
 (Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN / LiveScan Number	Complaint/Incident Number:
Defendant Name:	First: Gregory	Middle: Robert	Last: Noonan

AFFIDAVIT OF PROBABLE CAUSE

Your Affiant, Michael P. Fedak is employed by the Montgomery County District Attorney's Office as a Detective assigned to the Narcotics Enforcement Team (NET). I have been employed in this capacity since January 2007. I have been a police officer for 24 years. During my law enforcement career, I investigated hundreds of individuals involved in violations of the Controlled Substances, Drug, Device and Cosmetic Act.

I am a "investigative or law enforcement officer" within the meaning of section 5702 of Pennsylvania Wiretapping and Electronic Surveillance Act and in such capacity, I have successfully completed wiretapping and electronic surveillance training as mandated in Section 5724 of Title 18 PA. C.S.A. As a result, I have received my class "A" certification (Certification Number A-3424) to monitor, utilize, maintain and possess electronic surveillance equipment. I am familiar with the use of electronic surveillance in drug investigations targeting persons involved in drug trafficking organizations. I participated as a monitor and surveillance officer in numerous wiretap investigations conducted by the Montgomery County District Attorney's Office, Narcotics Enforcement Team. I was the Affiant in wiretap investigations and also utilized one-party consensual interceptions in gathering evidence of criminal activity.

In 2013, the Montgomery County District Attorney's Office, Narcotics Enforcement Team received information that Gregory R. Noonan was involved in the illegal distribution of narcotics. As a result an investigation was launched.

It is noted that Gregory Noonan is a licensed attorney in Pennsylvania who practices criminal defense primarily in Montgomery County, Pennsylvania. Noonan's law office is located at 530 Swede Street, Norristown, Montgomery County, Pennsylvania. Noonan's residence is located at 166 Oberlin Terrace, Lansdale (mailing address), in Towamencin Township, Montgomery County, Pennsylvania.

Relevant Event: Dr. Ruth Trial
(November 18, 2013 through November 22, 2013):

On November 18, 2013, the trial of Dr. Richard Ruth and Michael Ruth commenced in Montgomery County before the Honorable Gary Silow, Judge of the Court of Common Pleas. Attorney Gregory Noonan and his law partner, John Walfish, represented the interests of Dr. Richard Ruth and were present in the court room during the entire proceeding. Dr. Ruth was charged with violating the drug act by prescribing Oxycodone 30 milligram pills to drug addicted persons, as well as Corrupt Organizations, Insurance Fraud, Criminal Conspiracy and related charges.

During the five day trial, the Commonwealth presented testimony of numerous individuals whom were addicted to Oxycodone and their family members. An expert witness was presented by the Commonwealth as well testimony by others that discussed the current trend of prescription pill addiction. All who attended this trial, including defense attorney Gregory Noonan, heard from witnesses about the harmful effect that the drug Oxycodone has in the community.

On Friday, November 22, 2013, the jury returned with a verdict of guilty for every criminal charge filed against Dr. Ruth and his son Michael Ruth. Both defendants were remanded to the Montgomery County Correctional Facility after their bails were revoked by the Court.

Despite the trial and the verdict on Friday evening, November 22, 2013, criminal defense attorney Gregory Noonan made the following unsolicited contacts with an undercover police officer the following morning, November 23, 2013. The Philadelphia Police Department supplied the services of an experienced undercover police officer for this Montgomery County investigation.

Undercover Buy from Gregory R. Noonan - November 23, 2013:


POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN / LiveScan Number	Complaint Incident Number:
Defendant Name:	First: Gregory	Middle: Robert	Last: Noonan

AFFIDAVIT OF PROBABLE CAUSE

On Saturday, November 23, 2013 at approximately 9:42 AM, Gregory Noonan called the undercover police officer's cellular telephone. Noonan left a message for the undercover police officer and said he wanted to meet him at his office.

At approximately 11:45 AM, Noonan again called the undercover police officer's cellular telephone but did not leave a message.

At approximately 11:58 AM, Noonan again called the undercover police officer's cellular telephone and left a message saying that he really needs to meet with him.

At approximately 12:32 PM, the undercover police officer placed a call to Noonan's cellular telephone phone (610) 937-2985. Noonan and the undercover police officer agreed to meet at Noonan's Office, located at 530 Swede Street, Norristown, Pennsylvania on at 6:30 PM (same day.)

Surveillance Officers and I met with the undercover police officer prior to his meeting with Noonan. I furnished him with \$2,000.00 in pre-recorded serialized US Currency. I placed an audio recorder on the undercover police officer to capture his conversation with Noonan.

On November 23, 2013, at approximately 6:45 PM, Detective Erick Echevarria saw Gregory Noonan sitting in his parked Jaguar, bearing Pennsylvania Registration "HGZ-0031" in front of his law office, located at 530 Swede Street, Norristown, Pennsylvania. According to records obtained from the Pennsylvania Bureau of Motor Vehicles, the registration is displayed on a 1997 Jaguar, registered to Gregory R. Noonan, address of 166 Oberlin Terrace, Lansdale, Pennsylvania.

At approximately 6:55 PM, the undercover police officer met with Noonan inside his Jaguar. During the meeting Noonan said he was still trying to make arrangements with his source of marijuana supply (reference to a prior conversation.)

Noonan then handed the undercover police officer a red colored prescription bottle with the label partially torn off. Noonan told the undercover police officer he had approximately 175 "oxy 30's" (Oxycodone 30 milligram pills - a Schedule II controlled substance). Noonan told the undercover police officer he wanted \$15.00 per pill.

Noonan told the undercover police officer that he would front him the pills. The undercover police officer said he would give Noonan \$2,000.00 now (pre-recorded buy money) and pay him the remaining balance (\$625) in a couple of days. Noonan counted the cash money inside his vehicle.

The undercover police officer exited Noonan's vehicle and returned to a pre-arranged meet location. Montgomery County NET Lieutenant Steve Forzato identified Gregory Noonan leave the area operating his Jaguar vehicle.

The recording was terminated at the pre-arranged location and the undercover police officer turned over the Oxycodone pills delivered by Noonan. I counted the pills and found there were a total of 179 suspected Oxycodone pills. The pills were forwarded to National Medical Services (NMS). NMS verified the pills were in fact Oxycodone and weighed 22.65 grams. Oxycodone is a DEA Schedule II narcotic.

This delivery of Oxycodone pills by Noonan is subject to a mandatory minimum prison term of 3 years in a State Correctional Facility, based on the weight of the pills. Additionally, the delivery of these Oxycodone pills at 530 Swede Street, Norristown, Pennsylvania, is within 1000 feet of Gotwals Elementary School, located at 1 E. Oak Street, Norristown, Pennsylvania, which constitutes an additional mandatory minimum sentence of 2 years in a State


POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN / LiveScan Number	Complaint/Warrant Number
Defendant Name:	First: Gregory	Middle: Robert	Last: Noonan

AFFIDAVIT OF PROBABLE CAUSE

Correctional Facility:

December 12, 2013:

On December 12, 2013 at approximately 3:55 PM, the undercover police officer called Noonan on his cellular phone so that he could discuss making a payment for the remaining balance of \$625.00 for the Oxycodone pills purchased from Noonan on November 23, 2013. Noonan told the undercover police officer he would call him back.

On December 12, 2013 at approximately 5:08 PM, Noonan called the undercover police officer back. Noonan told the undercover police officer, "We should probably meet on the 20th." Noonan told the undercover police officer "I'm gonna meet my friend on the 19th and... the last time we met, same thing." I believe Noonan meant that he intended to meet his Oxycodone supplier on December 19, 2013 to replenish his Oxycodone supply for re-sale. I believe Noonan wanted to meet the undercover police officer on December 20, 2013 to sell him the same amount of Oxycodone pills he previously delivered to the undercover police officer on November 23, 2013.

December 19, 2013:

On December 19, 2013 at 2:57 PM, the undercover police officer called Noonan on his cellular phone (610) 937-2985. Noonan told him, "My mother listen, I have a cake, you remember the cake my mother, I gave you last week that my mother, my mother baked?" The undercover police officer said, "OK." Noonan said, "I want to give you the same cake." Noonan said, "Same carrot cake, it's good." Noonan and the undercover police officer agreed to meet that night (December 19, 2013) between 6:00 PM and 7:00 PM.

In analyzing this phone call I believe Noonan told the undercover police officer he already met with his Oxycodone supplier. Noonan wanted to meet with the undercover police officer to sell him approximately 175 Oxycodone pills, just as he did previously on November 23, 2013.

At approximately 5:34 PM, the undercover police officer spoke with Noonan by calling Noonan's cellular phone (610) 937-2985. Noonan wanted the undercover police officer to meet him at Noonan's Law Office, located at 530 Swede Street, Norristown, Pennsylvania.

On December 19, 2013 at approximately 6:15 PM, the undercover police officer arrived at Noonan's Law Office, located at 530 Swede Street, Norristown, Pennsylvania. Surveillance saw Noonan's Jaguar bearing Pennsylvania Registration "HGZ-0031" in front of Noonan's law office. Surveillance observed Noonan walk into his law office just prior to the undercover police officer's arrival.

Noonan exited his law office and met with the undercover police officer. Noonan and the undercover police officer got into Noonan's Jaguar. The undercover police officer gave Noonan \$3,250.00 in pre-recorded serialized U.S. Currency. \$625.00 was for the amount owed to Noonan for the Oxycodone delivery on November 23, 2013. \$2,625.00 was for the Oxycodone pills Noonan was selling him this evening. Noonan in return handed the undercover police officer a pill bottle in the name of Sandra Oneill. Identifiers on the pill bottle showed it contained 180 Oxycodone 30 milligram tablets.

After Noonan sold the undercover police officer the Oxycodone pills he was arrested. Recovered from Noonan was \$3,250.00 in the pre-recorded serialized U.S. Currency that he received from the undercover police officer. Noonan was transported to the Montgomery County Detective Bureau's Main Office. Noonan was advised of his legal warnings which he waived.

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN / LiveScan Number	Complaint/Incident Number
Defendant Name:	First: Gregory	Middle: Robert	Last: Noonan

AFFIDAVIT OF PROBABLE CAUSE

Noonan answered questions asked by detectives in a question and answer statement. Noonan admitted to meeting with the aforementioned undercover police officer (name withheld) on November 23, 2013 and December 19, 2013 and to selling him Oxycodone pills.

Noonan admitted to receiving the pills from the wife of a former law client who owed him money. Noonan said, "I didn't want to represent her husband for free and I got bills to pay, overhead, so I knew where I could unload them." Noonan admitted to making a profit of \$1,500.00 from each of the sales to the undercover officer for a total profit of \$3,000.00.

Noonan said, "I wouldn't change anything I did. I did what I had to do to pay my staff. I (a)cocept responsibility for what I did. Would I change anything I did until this point, no. I would rather be known as a drug dealer than as a thief. If I had to sell drugs to cover money owed to clients I would.

This delivery of Oxycodone pills by Noonan is subject to a mandatory minimum prison term of 3 years in a State Correctional Facility, based on the weight of the pills (approximately 22 grams). Additionally, the delivery of these Oxycodone pills at 530 Swede Street, Norristown, Pennsylvania, is within 1000 feet of Gotwals Elementary School, located at 1 E. Oak Street, Norristown, Pennsylvania, which constitutes an additional mandatory minimum sentence of 2 years in a State Correctional Facility.

Montgomery County Detectives searched Noonan's vehicle (Jaguar), office and home. The following items of significance were located:

Approximately fifty (50) Oxycodone pills; approximately fifty-nine (59) Xanax pills; passport for Gregory Noonan; a marijuana smoking pipe; \$9,356 in cash; loaded Taurus .357 magnum revolver; loaded Smith and Wesson .38 Special revolver; and assorted ammunition.

Notice:

Notice is hereby provided that electronic surveillance was conducted in this investigation of Gregory Noonan. Audio evidence (recordings) obtained may/will be used in future adversarial proceedings.

I, Det. Michael Fedak, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Michael Fedak

Signature of Affiant

Sworn to me and subscribed before me this 20 day of 20th December 2013
12/20/13 Date Magisterial District Judge

My commission expires first Monday of January, 2018



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY



Commitment

Mag. Dist. No: MDJ-38-1-16
MDJ Name: Honorable Margaret A. Hunsicker
Address: 754 East Johnson Highway
Norristown, PA 19401
Telephone: 610-279-6226

Commonwealth of Pennsylvania
v.
Gregory Noonan

Montgomery County Prison
60 Eagleville Road
Norristown, PA 19403-1400

Docket No: MJ-38116-CR-0000461-2013
Case Filed: 12/20/2013

Charge(s)		
35 § 780-113 §§ A30 (Lead)	Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	2 counts
35 § 780-113 §§ A16	Int Poss Contr Subst By Per Not Reg	2 counts
35 § 780-113 §§ A32	Use/Poss Of Drug Paraph	2 counts

To ANY AUTHORIZED PERSON of the named County of this Commonwealth:
You are hereby commanded to convey and deliver into the custody of the Keeper of Montgomery County Prison the following named person. You, the Keeper, are required to receive the person into your custody to be safely kept by you until discharged by due course of law for:

Gregory Noonan
OTN: L 832241-4
DOB: 12/16/1960
SSN: 138-58-3041

A Preliminary Hearing has been scheduled for the above captioned case to be held on/at:

Date: Friday, January 3, 2014	Place: Magisterial District Court 38-1-16, Norristown 754 East Johnson Highway Norristown, PA 19401 610-279-6226
Time: 11:30 AM	

Current Amount of Bail: \$250,000.00
Accept Cash Bail of:
Commitment Reason: Unable to Post Bail
Commitment Start: 12/20/2013

December 20, 2013
Date

Margaret A. Hunsicker
Magisterial District Judge Margaret A. Hunsicker



If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY



Preliminary Hearing Notice

Mag. Dist. No: MDJ-38-1-16
MDJ Name: Honorable Margaret A. Hunsicker
Address: 754 East Johnson Highway
Norristown, PA 19401
Telephone: 610-279-6226

Commonwealth of Pennsylvania
v.
Gregory Noonan

Gregory Noonan
166 Oberlin Terrace
Lansdale, PA 19446

Docket No: MJ-38118-CR-0000461-2013
Case Filed: 12/20/2013
Comp/Clt #: 2013 1659
OTN: L 832241-4

Charge(s)		
35 § 780-113 §§ A30 (Lead)	Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver	2 counts
35 § 780-113 §§ A16	Int Poss Contr Subst By Per Not Reg	2 counts
35 § 780-113 §§ A32	Use/Poss Of Drug Paraph	2 counts

A Preliminary Hearing has been scheduled for the above captioned case to be held on/at:

Date: Friday, January 3, 2014	Place: Magisterial District Court 38-1-16, Norristown 754 East Johnson Highway Norristown, PA 19401 610-279-6226
Time: 11:30 AM	

Notice To Defendant

A complaint has been filed charging you with the offense(s) set forth above and on the attached copy of the complaint. If you fail to appear at the time and place above without cause, you will be deemed to have waived your right to be present at any further proceedings before the Magisterial District Judge and the case will proceed in your absence. If any of the charges against you are held for court, a request for a bench warrant against you will be transmitted to the Court of Common Pleas.

At the preliminary hearing you may:

1. Be represented by counsel;
2. Cross-examine witnesses and inspect physical evidence offered against you;
3. Call witnesses on your behalf other than witnesses to testify to your good reputation only, offer evidence on your behalf and testify;
4. Make written notes of the proceeding, or have your counsel do so, or make a stenographic, mechanical, or electronic record of the proceedings.

If the case is held for court and if you fail to appear without cause at any proceeding for which your presence is required, including trial, your absence may be deemed a waiver of your right to be present, and the proceeding, including the trial, may be conducted in your absence.

If you cannot afford to hire an attorney, one may be appointed to represent you. Please contact the office of the Magisterial District Judge for additional information regarding the appointment of an attorney. If you have any questions, please call the above office immediately.

Should you fail to appear for your preliminary hearing, a warrant will be issued for your arrest.

12/20/13

Magisterial District Judge



If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation. You can make case payments online through Pennsylvania's Unified Judicial System web portal. Visit the portal at <http://ujportal.pacourts.us> to make a payment.