

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2124 Disciplinary Docket No. 3
Petitioner :
 :
v. : No. 215 DB 2014
 :
EDWARD T. FEIERSTEIN, : Attorney Registration No. 2570
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 7th day of April, 2015, there having been filed with this Court by Edward T. Feierstein his verified Statement of Resignation dated March 19, 2015, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Pa.R.D.E. 215, it is

ORDERED that the resignation of Edward T. Feierstein is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 4/7/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2124 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 215 DB 2014
v.	:	
	:	Attorney Registration No. 2570
EDWARD T. FEIERSTEIN	:	
Respondent	:	(Philadelphia)

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, : No. 2124 Disciplinary
Petitioner : Docket No. 3
:
v. : No. 215 DB 2014
:
: Atty. Reg. No. 2570
EDWARD T. FEIERSTEIN, :
Respondent : (Philadelphia)

RESIGNATION
UNDER Pa.R.D.E. 215

EDWARD T. FEIERSTEIN, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania having been admitted to the bar on October 26, 1966. His attorney registration number is 2570.

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 is presently pending an investigation 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 with the Disciplinary Board on March 16, 2015, a true and correct copy of which is attached hereto, made a part hereof and marked "Exhibit A."

5. Furthermore, on November 6, 2014, he was convicted in the Montgomery County Court of Common Pleas under caption of *Commonwealth v. Edward T. Feierstein*, docket no. CP-46-CR-000124102912, of the charges of insurance fraud, a felony of the third degree, and perjury, a felony of the third degree.

6. He acknowledges that by Order dated February 19, 2015, the Pennsylvania Supreme Court placed him on temporary suspension pursuant to Pa.R.D.E. 214 (relating to attorneys convicted of crimes).

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

8. He submits the within resignation because he knows that he could not successfully defend himself against the professional misconduct set forth in the attached exhibit.

9. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only

apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

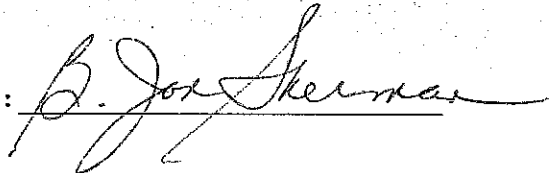
10. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has not retained, consulted with or acted upon the advice of counsel in connection with his decision to execute the within resignation.

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

Signed this 19th day of March, 2015.


Edward T. Feierstein

WITNESS:



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2124 Disciplinary
Petitioner : Docket No. 3
:
v. : No. 215 DB 2014
:
: Atty. Reg. No. 2570
EDWARD T. FEIERSTEIN, :
Respondent : (Philadelphia)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD

To EDWARD T. FEIERSTEIN:

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

* * * * *

A copy of your answer should be served upon Disciplinary Counsel at the District I Office of Disciplinary Counsel, Seven Penn Center, 16th Floor, 1635 Market Street, Philadelphia, PA 19103, and the original and three (3) conformed copies filed with the Office of the Secretary, the Disciplinary Board of the Supreme Court of Pennsylvania, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 5600, P.O. Box 62625, Harrisburg, PA 17106-2625. [Disciplinary Board Rule §89.3(a)(1)]

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL, : No. 2124 Disciplinary
Petitioner : Docket No. 3
:
v. : No. 215 DB 2014
:
: Atty. Reg. No. 2570
EDWARD T. FEIERSTEIN, :
Respondent : (Philadelphia)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Robert P. Fulton, Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Edward T. Feierstein, with professional misconduct in violation of the Rules of Professional Conduct ("RPC") and the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of

We hereby certify the within
to be a true and correct copy.



FILED

MAR 16 2015

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

Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Edward T. Feierstein, was born in 1938 and was admitted to practice law in the Commonwealth on October 26, 1966. Respondent's mailing address is 511 Club Drive, Palm Beach Gardens, Florida 33418-7004. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. By Order dated February 19, 2015, the Supreme Court of Pennsylvania placed Respondent on temporary suspension pursuant to subdivision (d)(2) of Pa.R.D.E. 214 (Attorneys convicted of crimes). A true and correct copy of the Order is attached as "Exhibit A."

CHARGE

4. From in or about May 2006 through in or about November 2009, Respondent made false claims to an insurance carrier involving the nature and severity of injuries Respondent purportedly sustained in a motor vehicle accident that occurred on or about May 13, 2006. During the course of Respondent's deposition, Respondent testified falsely regarding the nature and extent of Respondent's purported injuries.

5. On or about December 14, 2011, Respondent was charged in a Criminal Complaint and supporting Affidavit of Probable Cause with the crimes of Insurance Fraud (18 Pa.C.S. §4117(a)(2)) (felony third degree), Criminal Attempt - Theft by Deception (18 Pa.C.S. §§901(a) & 3922(a)(1)) (felony third degree), Perjury (18 Pa.C.S. §4902) (felony third degree), and False Swearing (18 Pa.C.S. §4903) (misdemeanor second degree). A true and correct copy of the Criminal Complaint and Affidavit of Probable Cause is attached hereto, made a part hereof, and marked "Exhibit B."

6. On or about March 28, 2012, Respondent was formally arraigned on the foregoing criminal charges in a single Bill of Information and the matter docketed at *Commonwealth v. Edward T. Feierstein*, CP-46-000124102912. A true and correct copy of the Bill of Information is attached hereto, made a part hereof, and marked "Exhibit C."

7. On November 6, 2014, the Honorable Garrett D. Page of the Montgomery County Court of Common Pleas entered guilty verdicts, following a non-jury trial, against Respondent as to Counts 1 (Insurance Fraud) and 3 (Perjury) and entered a not guilty verdict as to Count 2 of the Information. A *nol pros* was entered by the Montgomery County District Attorney's Office on Count 4. A true and correct copy of the disposition sheet, dated November 6, 2014 and certified from the record on

November 19, 2014, is attached hereto, made a part hereof, and marked "Exhibit D."

8. Insurance Fraud and Perjury are felonies of the third degree and are each punishable by imprisonment of up to seven years. Therefore, each of these offenses is a "crime," as defined by Pa.R.D.E. 214(h).

9. Respondent's convictions constitute a *per se* ground for discipline under Pa.R.D.E. 203(b)(1).

10. Respondent has not been sentenced.

11. Respondent failed to report his conviction to either the Office of Disciplinary Counsel or the Disciplinary Board.

12. By his conduct as alleged in Paragraphs 4 through 11 above, Respondent violated the following:

- a. RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- b. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

- c. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime shall be grounds for discipline; and
- d. Pa.R.D.E. 203(b)(3), which states that wilful violation of any other provision of the Enforcement Rules, shall be grounds for discipline, via Pa.R.D.E. 214(a)[effective 4-18-12], which states that an attorney convicted of a crime shall report the fact of such conviction within 20 days to the Office of Disciplinary Counsel. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b) [of Rule 214].

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 accordance with Rule 214(f)(1) on the sole issue of the extent of final discipline to be imposed, and at the conclusion of said hearing, to make such

findings of fact, conclusions of law, and recommendations for discipline as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

By 

Robert P. Fulton
Disciplinary Counsel
Attorney Regis. No. 37935

Seven Penn Center, 16th Floor
1635 Market Street
Philadelphia, PA 19103
(215) 560-6296

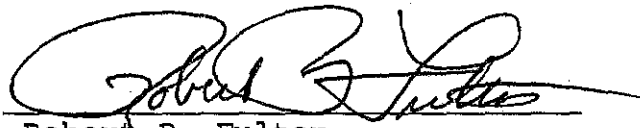
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2124 Disciplinary
Petitioner : Docket No. 3
:
v. : No. 215 DB 2014
:
: Atty. Reg. No. 2570
EDWARD T. FEIERSTEIN, :
Respondent : (Philadelphia)

VERIFICATION

I verify that the statements made in the foregoing
Petition for Discipline are true and correct to the best of
my knowledge, information and belief. This statement is
made subject to the penalties of 18 Pa.C.S. §4904 relating
to unsworn falsification to authorities.

13 MARCH 2015
Date


Robert P. Fulton
Disciplinary Counsel

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2124 Disciplinary Docket No. 3
EDWARD T. FEIERSTEIN : Board File No. C1-12-49
: (Court of Common Pleas of Montgomery
: County, No. CP-46-CR-0001241-2012)
: Attorney Registration No. 2570
: (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 19th day of February, 2015, a Rule having been entered by this Court on January 14, 2015, pursuant to Pa.R.D.E. 214(d)(1), directing Edward T. Feierstein to show cause why he should not be placed on temporary suspension, and no response having been filed, it is

ORDERED that the Rule is made absolute and Edward T. Feierstein is placed on temporary suspension pursuant to Pa.R.D.E. 214(d)(2) and he shall comply with all the provisions of Pa.R.D.E. 217.

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF MONTGOMERY
 Magisterial District Number 38-1-16
 MD: Hon. MARGARET HUNSICKER
 Address: 754 E. JOHNSON HIGHWAY
 NORRISTOWN, PA 19401
 Telephone: (610)279-6226



POLICE CRIMINAL COMPLAINT
 COMMONWEALTH OF PENNSYLVANIA
 VS.

DEFENDANT: (NAME and ADDRESS)
EDWARD T. FEIERSTEIN
 First Name Middle Name Last Name Gen.
 19 ROCK HILL ROAD, APT. 1-F, BALA CYNWYD, PA. 19004

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 4-Felony No Ext.	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> E-Misdemeanor Pending
<input type="checkbox"/> 2-Felony Ltd.	<input type="checkbox"/> 6-Felony Pend.	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> D-Misdemeanor No Extradition	

Docket Number: **CO-60-11** Date Filed: **12/15/11** CTN/Live Scan Number: **124097-1** Complaint/Incident Number: **54100864** Request Lab Services? YES NO

GENDER: Male Female DOB: **2/17/1938** POB: _____ Add'l DOB: / / Co-Defendant(s)

RACE: White Asian Black Native American Unknown

ETHNICITY: Hispanic Non-Hispanic Unknown

HAIR COLOR: GRN (Grey) RED (Red/Auburn) BRY (Bandy) BLU (Blue) PUR (Purple) BRO (Brown) BLK (Black) ORG (Orange) WHT (White) XXX (Unk./Bald) GRN (Green) PNK (Pink) BLN (Blonde/Strawberry)

EYE COLOR: BLK (Black) BLU (Blue) BRO (Brown) GRN (Green) GRY (Grey) HAZ (Hazel) MAR (Maroon) PNK (Pink) MUL (Multicolored) XXX (Unknown)

State: **PA** License Number: **09679520** Express: / /

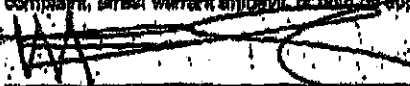
YES NO DNA Location: _____

YES NO

Plate #	State	Hazmat	Registration Sticker (MMYY)	Comm'l Veh. (Ind.)	School Veh.	Dir. NCIC Veh. Code	Reg. as Def.
VIN	Year	Make	Model	Style	Color		<input type="checkbox"/>

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 for the Commonwealth prior to filing. See Pa.R.Crim.P. 507.)

SDAG M. ERIC SCHOENBERG (Name of the attorney for the Commonwealth)  (Signature of the attorney for the Commonwealth) **12/19/11** (Date)

SPECIAL AGENT MARK G. SABO (Name of the Affiant) **AT00482037, BADGE #91** (PSP/MPD/ETC - Assigned Affiant ID Number & Badge #)

of **PENNSYLVANIA OFFICE OF ATTORNEY GENERAL** (Identify Department or Agency Represented and Political Subdivision) **PA0222400** (Police Agency ORI Number)

do hereby state: (check appropriate box)

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 nicknames are 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 at **(413)** **1 MONTGOMERY PLAZA #103** (Subdivision Code) (Police/Political Subdivision)

in **MONTGOMERY** (County) **(46)** on or about **1-28-09**

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	DTN/LiveScan Number:	Complaint/Incident Number:
	1/1		54100864
First:	Middle:	Last:	
EDWARD	T.	FEIERSTEIN	

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have 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 issuing authority, and attached.)

DECEMBER 14, 2011
 (Date)

Att. Mark H. Korb #91
 (Signature of Affiant)

AND NOW, on this date 12/14/11 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)

Margaret Adhemic
 (Issuing Authority)



CP 001241-2012-02 05 2012-05-09 9

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number: 54100864
	First: EDWARD	Middle: T	Last: FEJERSTEIN

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (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) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) 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 account must be established, list only the last four digits. 204 PA Code §§ 213.1 - 213.7.)

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

<input checked="" type="checkbox"/> 1	4117	A2	18	1	F3			
Lead?	Offense	Section	Subsection	PA Statute (Title)	Courts	Grade	NSIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance): 18 Pa. C.S.A. 4117 (k)(2) Insurance Fraud

Acts of the accused associated with this Offense: Subject reported false and misleading information to the insurance company in furtherance of an insurance claim.

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

<input type="checkbox"/> 2	4902	A	18	1	F3			
Lead?	Offense	Section	Subsection	PA Statute (Title)	Courts	Grade	NSIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance): 18 Pa. C.S.A. 4902 Perjury

Acts of the accused associated with this Offense: Subject made a false statement under oath in an official proceeding.

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

<input type="checkbox"/> 3	4903	A1	18	1	M2			
Lead?	Offense	Section	Subsection	PA Statute (Title)	Courts	Grade	NSIC Offense Code	UCR/NIBRS Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance): 18 Pa. C.S.A. 4903 False Swearing

Acts of the accused associated with this Offense: Subject made a false statement under oath in an official proceeding.

POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number 54100864
	First: EDWARD	Middle: T.	Last: FEIERSTEIN

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (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) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) 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 account must be established, list only the last four digits. 204 PA. Code §§ 213.1 - 213.7.)

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

<input type="checkbox"/> 4	3922	(A)(1)	18	1	F3		
Lead?	Offense	Section	Subsection	PA Statute Title	Counts	Grade	NCIC Offense Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance): 18 Pa. C.S.A. 901 (a)/3922 (a)(1) Theft by Deception

Acts of the accused associated with this Offense: Subject submitted false and misleading information in furtherance of a vehicle theft claim in order to obtain monies to which he was not entitled.

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

<input type="checkbox"/>							
Lead?	Offense	Section	Subsection	PA Statute Title	Counts	Grade	NCIC Offense Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:

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

<input type="checkbox"/>							
Lead?	Offense	Section	Subsection	PA Statute Title	Counts	Grade	NCIC Offense Code

<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
--------------------------------------	------------------------------------

Statute Description (include the name of statute or ordinance):

Acts of the accused associated with this Offense:

CRIMINAL JUSTICE TRAINING CENTER

**AFFIDAVIT OF PROBABLE CAUSE
MONTGOMERY COUNTY**

Your Affiant, Mark G. Sabo, Special Agent with the Pennsylvania Office of Attorney General, Insurance Fraud Section, duly sworn according to law deposes and says:

1. Your Affiant was assigned to investigate an allegation of insurance fraud in which Edward Feierstein made false statements in connection with injuries he supposedly suffered in an auto accident on 5-13-06 in support of a claim submitted to Chubb Insurance Company, 1600 JFK Boulevard, Philadelphia, PA.
2. Your Affiant reviewed the Commonwealth of Pennsylvania Police Accident Report dated 5-13-06 produced by Lower Merion Police Department Officer Keith Watkinson. This report detailed that a vehicle owned by Richard Kimbrough was being driven by Alexander Kimbrough on 5-13-06 northbound on Rockhill Road when it struck the rear of a vehicle owned and being driven by Edward Feierstein. The report details that Mr. Kimbrough stated that he tried to stop but slid on the wet pavement and was unable to avoid colliding with Mr. Feierstein's vehicle.
3. The accident report detailed that Mr. Feierstein's vehicle and Mr. Kimbrough's vehicle both sustained moderate damage, and that neither vehicle had to be

CA 00012347-2012-00251/2012-Scanned

removed from the scene of the accident. The report also notes that Susan Ward, Malvern, PA, was in the vehicle being driven by Mr. Feierstein. The report lists that there were no injuries in this accident.

4. On 10-19-11, Your Affiant spoke with Sean Scanlan, SIU, Chubb & Son Insurance Company, 1600 JFK Boulevard, Philadelphia, PA. Mr. Scanlan stated that Edward Feierstein filed a bodily injury (BI) claim on 5-15-06, and Chubb had received a letter of representation for Mr. Feierstein on 6-21-07 from attorney Joseph Messa, Jr., 123 S. 22nd Street, Philadelphia, PA. Mr. Feierstein, according to Mr. Scanlan, claimed during a deposition on January 28, 2009, that because of his injuries he has not played tennis, belonged to any gym, or worked out at any gym since the date of the accident. Mr. Scanlan also advised that Mr. Feierstein was seeking \$150,00.00 for settlement. Mr. Scanlan stated that the case was handled by Paul Cusumano of Chubb Insurance Company. Mr. Scanlan also stated that Chubb Insurance Company had contracted Stumar Investigations, Norristown, PA, to do surveillance work regarding Mr. Feierstein's claim. Mr. Scanlan stated that surveillance observations were made on the following six days in August and September 2008: 8-14-08, 8-16-08, 8-20-08, 8-23-08, 9-9-08, and 9-11-08. Mr. Scanlan stated that the surveillance footage shows Mr. Feierstein working out and playing tennis. Mr. Scanlan provided this agent with the contact

information of the attorney representing Chubb Insurance Company in Mr. Feierstein's suit, and the surveillance investigators.

5. Mr. Feierstein, in his deposition taken on 1-28-09 claimed that before the accident he played tennis or squash "four, five, six times a week", but as a result of the accident he has not played at all since the day of the accident because of injuries he received at that time. On 1-18-11, Your Affiant went to the The Aquatic & Fitness Club, 601 Righters Ferry Road, Bala Cynwyd, PA; and spoke with Mathew Littman, owner and operator. Mr. Littman stated that Mr. Feierstein was a member of The Aquatic & Fitness Club, and had played tennis there in the past. Valerie Batsford, Front Desk Supervisor, provided this agent with a print out of the dates and times that Mr. Feierstein checked into the club to use the facilities from 1-1-08 to 2-8-11. According to the Member Visit List provided to Your Affiant, it indicates Mr. Feierstein actively checking into and using the center on dates after 5-13-06.

6. On 11-10-11, Your Affiant spoke with Carol Comeau, Esq., Comeau & Bunker, 1600 JFK Blvd., Suite 500, Phila., PA. Ms. Comeau stated that she was the counsel for Chubb Insurance Company in the case of Mr. Feierstein's suit filed in the court of Common Pleas, Montgomery County. Ms. Comeau provided Your Affiant with Mr. Feierstein's Answers to Defendant's Interrogatories. Your

CP 1001243-2012-02-15-1112-1000

Affiant reviewed this document which described Mr. Feierstein's identifiers, describes the type of vehicle involved in the accident, and the description of the accident. The interrogatories also detail that Mr. Feierstein claims that his daily activities before the accident included tennis, golf, various social activities, various forms of exercise, cleaning his apartment and playing with his grandchildren. Mr. Feierstein then goes on to answer that after the date of occurrence he is unable to perform these activities. Mr. Feierstein wrote that "My injury has affected all of my daily activities as I have shoulder pain on a daily basis. My pain interferes with my: sleep, physical activities, social activities, physical relationships, ability to play with my grandchildren; golfing; tennis; squash; exercise. I have also gained weight due to my injury."

- Ms. Comeau also provided Your Affiant with a Civil Action and Complaint against Alexandra [sic] Kimbrough and Richard Kimbrough dated 2-4-08 and 5-12-08 filed by the attorney on behalf of Edward Feierstein. Along with this document, Ms. Comeau provided this agent with Plaintiff's Pre-Trial Statement dated 6-21-11, in which the attorney for Mr. Feierstein stated that before the accident he had surgery on his right shoulder but he had recovered without issue and resumed his prior physical activities, but as a result of the accident Mr. Feierstein stated that he experienced persistent pain and weakness in his right

02/28/2012 10:28:00 AM Scan 9

shoulder. After the accident, this document states, Mr. Feierstein suffered a new complete tear of the supra and infraspinatus with retraction and atrophy, and after a completed course of physical therapy and medication, his shoulder pain and weakness has persisted and is permanent. The plaintiff's demand, according to this document, is \$125,000.00. Attached was a letter written by Gerald R. Williams, M.D. of the Rothman Institute dated 11-9-09, in which he examined Mr. Feierstein. In this letter, Dr. Williams states that Mr. Feierstein was rear ended by a vehicle in May 2006, and "Since that time, he has not been able to play tennis and was having increasing pain. He was able to do most of his daily activities but he could not play tennis or perform more vigorous activities of overhead requirements."

8. Ms. Comeau stated that even after the surveillance taken of Mr. Feierstein playing tennis and working out was disclosed and provided to plaintiff's counsel, Mr. Feierstein never retracted his statements of not being able to work out or be able to play tennis after the accident. Mr. Feierstein's case was still listed for pre-trial conference in front of Thomas M. Del Ricci, Montgomery County Court of Common Pleas Judge. At this pre-trial conference, Ms. Comeau again referred to the surveillance of Mr. Feierstein performing the activities that he testified that he could not do. At this time, Mr. Feierstein's attorney's withdrew their claim on behalf of Mr. Feierstein. Ms. Comeau also stated that the legal expenses of the suits against Alexander Kimbrough and Richard Kimbrough totaled \$12,711.50 for her office.

9. On 11-10-11, Your Affiant met with Brian Foster, Investigator for Stumar Investigations, P.O. Box 1180, Norristown, PA. Mr. Foster stated that he took all surveillance footage of Mr. Feierstein when hired by Chubb Insurance Company. Mr. Foster stated that he personally observed Mr. Feierstein working out and playing tennis at The Aquatic & Fitness Club, 601 Righters Ferry Road, Bala Cynwyd, PA; and also playing tennis at The Germantown Cricket Club, 411 Manheim Street, Philadelphia, PA. Mr. Foster stated that during his surveillance, Mr. Feierstein never appeared to be in any pain or have any problems either playing tennis or working out at the club.
10. On 11-10-11, Your Affiant reviewed the deposition of Edward Feierstein on 1-28-09. In it, Mr. Feierstein stated that he was involved in a motor vehicle accident in May 2006 when he was traveling back to his residence with a companion, Ms. Susan Ward, and that while he was driving his vehicle was struck in the rear. Mr. Feierstein stated that fifteen minutes after the accident the police arrived, and if he was asked he would have told them that he was injured with pain in his right shoulder, neck and back both upper and lower. Mr. Feierstein stated that those injuries lasted for a relatively short period of time, and that the principal injury that he sustained was a re-tearing of the supraspinatus and infraspinatus, which is the rotator cuff on the right shoulder. Mr. Feierstein continued that he sought physical therapy at In Motion Physical Therapy but according to the physical therapy records, did not complain of shoulder pain until June 14, 2006, and that

CA: 001221-2012, 02/23/2012, Page 9

the last time he sought treatment for his shoulder relating to this accident was September 2006.

11. Further in the questioning Mr. Feierstein states that because of the right shoulder problem that he attributes to the accident, he has been unable to return to tennis, or squash which he was doing, "four, five, six times a week before the accident." When asked, "Have you played at all?", Mr. Feierstein replied "No". When asked, "You haven't played at all since the accident in May of 2006?", Mr. Feierstein replied, "No". Mr. Feierstein was then asked, "I guess that was a double negative. Have you played any tennis since the accident in May of 2006?", to which Mr. Feierstein answered, "No." Mr. Feierstein was then questioned, "And why have you not played tennis since May of 2006?", to which he responded, "Well, I can't serve overhanded. I can't raise my shoulder to do lobs. And other shots are painful as well."

12. Mr. Feierstein was questioned further, "Any other activities or hobbies that you have difficulty doing due to your right shoulder?" Mr. Feierstein answered, "Well I used to maintain my weight by power walking. And power walking requires very aggressive thrusting of the arms. So I can't do power walking. I can walk but just normally. But the power walking had to stop." Mr. Feierstein was asked, "Do you work out in a gym anywhere?" Mr. Feierstein answered, "No, I don't." He was questioned again, "Since the incident in May of 2006 to the current time,

Case 2:11-cv-00272-UB Document 1-1 Filed 12/14/11 Page 12 of 15

have you been working out in any gyms?", to which Mr. Feierstein responded, "No." Mr. Feierstein was then asked, "Since May of 2006, the day of the accident, until the present time, have you done any weightlifting or using those machines for your upper body at any place?", to which Mr. Feierstein responded, "No, I can't use the upper body machines because of the tear of my rotor cuff." Mr. Feierstein was further questioned, "You indicated that you don't go to a gym and haven't since May of 2006, right?", and Mr. Feierstein stated, "Yes, because I can't get the full benefit out of going to a place like that." And Mr. Feierstein was then asked, "And so you haven't been a member of a gym or gone to a gym since May of 2006?", to which he responded, "No". Finally Mr. Feierstein was asked, "So is it fair to say the only exercise equipment you've used since May of 2006 is your treadmill inside your home?" To which Mr. Feierstein stated, "Right".

13. On 11-15-11, Your Affiant reviewed the DVD's and report compiled from Brian Foster, Investigator for Stumar Investigations, P.O. Box 1180, Norristown, PA. In the DVD's and reports of the surveillance conducted on 8-14, 16, 20, 23-08 and 9-9 & 11-08. On these dates, Mr. Feierstein can clearly be seen conducting his daily activities (driving, walking, etc.) unencumbered and using the gym facilities with no restrictions seen. On 8-14-08 at The Aquatic & Fitness Club, 601 Righters Ferry Road, Bala Cynwyd, PA, Mr. Feierstein can be seen using the elliptical machine and doing stretches. On 8-16-08, at the same gym, Mr. Feierstein can be seen stretching again, and overheard telling another individual

CP. 000001-2011-02-25-1011-Scan

that he played tennis the past week with a friend and that they played three sets on a clay court and that he won two out of the three sets. On 8-20-08, Mr. Feierstein can be seen in the same gym doing over an hour of cardio work (using a standard elliptical machine and then, and elliptical/cross trainer machine involving the use of his arms) before he stretches and uses a "Hammer Strength" incline press machine and pushes weights (90lbs) up and down fifteen times. On 8-23-08, Mr. Feierstein can be seen arriving at the The Germantown Cricket Club, 411 Manheim Street, Philadelphia, PA, and playing tennis for approximately an hour and a half. On 9-9-08, Mr. Feierstein can be seen at the gym on the elliptical machine for approximately one hour. On 9-11-08, Mr. Feierstein was seen at the gym playing tennis for over an hour.

14. On 11-18-11, Your Affiant obtained additional documentation from The Aquatic & Fitness Club, 601 Righters Ferry Road, Bala Cynwyd, PA. Upon reviewing this additional documentation, along with the documentation obtained on 11-8-11, it is documented that Mr. Feierstein used The Aquatic & Fitness Center throughout every month in 2006; in April, May, June, July, August, September, October, November, and December of 2007; in April, June, July, August, September, October, November, December of 2008; January, March, April, May, June, July, August, September, October, and November 2009; and March, April, May, June, July, August, September, October 2010, and once in February 2011.

CR 001758-2012 02/19/2012 03:08:53

Based on the foregoing, Your Affiant has probable cause to believe that Edward Feierstein knowingly made materially false statements to Chubb Insurance Company, including in sworn deposition testimony, in support of a personal injury claim. Your Affiant believes that probable cause exists showing Edward Feierstein has violated the following laws of the Commonwealth of Pennsylvania:

18 Pa. C.S.A. 4117 (a)(2) Insurance Fraud F-3

18 Pa. C.S.A. 4902 (a) Perjury F-3

18 Pa. C.S.A. 4903 (a)(1) False Swearing M-2

18 Pa. C.S.A. 901(a)/3922(a)(1) Criminal Attempt Theft by Deception F-3

I assert and verify that the facts contained in this affidavit are true and correct to the best of my knowledge, information, and belief and that based upon these acts, I believe that there is sufficient probable cause to believe the defendant committed the acts described.

Mark G. Sabo
 MARK G. SABO, Special Agent
 Pennsylvania Office of Attorney General

SWORN TO AND SUBSCRIBED BEFORE ME THIS 14 DAY OF Dec, 2011.
 ISSUING AUTHORITY Margaret A. [Signature] MY COMMISSION EXPIRES 1st Monday of 2012

5. u.s.s. 2512/10/20 2312 1431001 143

IN THE COURT OF COMMON PLEAS OF THE
COUNTY OF MONTGOMERY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : CP-46-CR-0001241-2012

V. : OTN: T1240971

EDWARD FEIERSTEIN :

CLERK OF COURTS
JUDGE
MONTGOMERY COUNTY
PENNA.
2012 MAR 23 PM 1:01

BILL OF INFORMATION

The Attorney General of Pennsylvania, Linda L. Kelly, by this Information charges that on, about, and after May 13, 2006, through July 12, 2011, in Norristown, Montgomery County, and other locations within Pennsylvania:

Count 1 - Insurance Fraud, 18 PA C.S.A. §4117(a)(2) [R-3]

The defendant did, knowingly and with the intent to defraud an insurer, present or cause to be presented to an insurer a statement forming a part of, or in support of, a claim which contained false, incomplete or misleading information concerning a fact or thing material to the claim, to wit: the defendant, in support of a claim to Chubb Insurance Company and with fraudulent intent, did present or cause to be presented to Chubb or its attorneys false statements about the effect of supposed injuries on his ability to engage in certain activities.

Count 2 - Criminal Attempt / Theft by Deception, 18 PA C.S.A. §901/§3922(a) [R-3]

The defendant did, with the intent to commit Theft by Deception, 18 Pa. C.S.A. §3922(a), commit an act which constituted a substantial step toward the commission of said crime, to wit: the defendant, with fraudulent intent, did present or cause to be presented to Chubb Insurance Company or its attorneys false statements about the effect of supposed injuries on his ability to engage in certain activities, all in an attempt to obtain in excess of \$2000.00 to which the defendant was not entitled.

Count 3 - Perjury, 18 PA C.S.A. §4902 [R-3]

The defendant did, in an official proceeding, make a false statement under oath or equivalent affirmation, or did swear or affirm the truth of a statement previously made, when the statement was material and he did not believe it to be true, to wit: the defendant, in connection with a lawsuit filed in Montgomery County on his behalf seeking damages for injuries that he supposedly suffered in an auto accident, did falsely testify about the effect of those supposed injuries on his ability to engage in certain activities.

Count 4 - False Swearing, 18 PA C.S.A. §4903 [M-2]

The defendant did make a false statement under oath or equivalent affirmation, or did swear or affirm the truth of a statement previously made, when he did not believe it to be true, and did so

in an official proceeding, or with the intent to mislead a public servant in performing his official function, or under circumstances where his statement was required to be sworn or affirmed by a person authorized to administer oaths; to wit, the defendant did falsely testify in a deposition and did provide other false statements regarding the effect of supposed injuries on his ability to engage in certain activities.

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.



Iva Dougherty
Chief Deputy Attorney General
Attorney for the Commonwealth

Date: March 20, 2012

2012 MAR 23 PM 11:01

CLERK OF COURTS
OFFICE
MONTGOMERY COUNTY
PENNA.

TRIAL/PLEA/SENTENCE

1 of _____

Commonwealth of Pennsylvania

Charge(s) and Bill(s) of Information

VS

CR 1241-12 (1) Insur. Fraud, (2) Cr. Att/TBD, (3) Perjury, (4) False

Swearing

EDWARD FEIERSTEIN

00
11/06/2014

	Bench TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE	November 3rd, 2014		
JUDGE	Samuel D. Page		
COURTROOM	E		
COMMONWEALTH'S ATTY	Eric Shoenberg, Esq and Kenneth McDowell (Att. General)		
DEFENDANT'S ATTY	Unrepresented		
COURT REPORTER	Debra Hamel		
COURT CLERK	Loraine Johnson		

AND NOW, this 6th day of November, 2014

The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bills of Information and the Court accepts the guilty plea:

The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.

The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: Court 4 Costs on: Defendant County

The Court sustains a motion for judgment of acquittal as to Bill(s) of Information:

The Court overrules a motion for judgment of acquittal as to Bill(s) of Information:

After trial, the ~~jury~~/Court finds the defendant:

Guilty of the following Bill(s) of Information: CT 1 (F3) and CT 3 (F3)

Not guilty of the following Bill(s) of Information: CT 2 (F3)

Jury sworn: _____ Jury Returns: _____ Trial Days: _____

The Court directs that the defendant forthwith register with the Adult Probation Department for:

PPI Evaluation House Arrest Suitability Assessment SIP/RIP Assessment

Pre-Sentence Investigation and Report Commencing Supervision Sexually Violent Predator Assessment

Sentence deferred: Defendant remanded without bail/released on same bail/remanded pending posting of bail in the increased amount of \$ 50,000.00 increased, pending sentencing.

90 Day Rule is waived on the record.

Special Conditions: _____

Defendant's PA driver's license attached affidavit submitted to be surrendered by _____

Blood Alcohol Content: _____ _____ Offense Refusal

Certified from the record

This.. (9) Day of... Nov... A.D. 2014..

REVISED 9-12 WRC

BY THE COURT:

Ann Thunberg
Clerk of Courts

Samuel D. Page

AND NOW, _____

- Defendant is sentenced to undergo Imprisonment for not less than _____ years nor more than _____ years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at Graterford/Muncy for this purpose. Commitment to date from _____
 - R.R.R.I. Minimum _____ months Not R.R.R.I. Eligible
 - DA Waives R.R.R.I. Objection DA waives objection to any duplicate time credit issues
 - Consecutive/concurrent to all previously imposed sentences Costs on the County
 - Eligible for boot camp Credit for time served from _____
- Defendant is sentenced to undergo Imprisonment for not less than _____ months nor more than _____ months in the Montgomery County Correctional Facility. Commitment to date from _____ Credit for time served from _____
 - Consecutive/concurrent to all previously imposed sentences Costs on the County
 - Eligible for Work Release Is not eligible for good-time credit
- Defendant is sentenced to Intermediate Punishment for a period of _____ months; the first _____ months of which is to be served in the following Restrictive Intermediate Punishment Program from: _____ House Arrest
- Defendant is sentenced to Restrictive Intermediate Punishment (RIP) Program for a period of _____ months. All treatment and supervision pursuant to 42 P.S. §9763, §9804, et seq.
- Defendant is sentenced to State Intermediate Punishment (SIP) Program for a period of twenty-four (24) months pursuant to 61 P.S. §4104, et seq.
- Defendant is sentenced to Restorative Sanctions - Probation and/or _____ for a period of _____ months/years in the custody of:
 - Montgomery County Adult Probation/Parole Department PA Board of Probation and Parole
 - Consecutive/concurrent to _____ To date from: _____
- Defendant is sentenced to pay the costs of prosecution, and a fine of \$ _____ and restitution of \$ _____ to _____ within the first _____ months of supervision/release from custody in monthly installments as directed, and as authorized by law.
- Determination of guilt without further penalty _____ Bills merge for sentencing purposes

CONCURRENT/CONSECUTIVE SENTENCE	CONCURRENT/CONSECUTIVE SENTENCE
Information No. _____ sentence is _____	Information No. _____ sentence is _____
<input type="checkbox"/> R.R.R.I. Min. _____ <input type="checkbox"/> Not R.R.R.I. Eligible and is to run concurrently/consecutively with/to sentence imposed on Info. # _____	<input type="checkbox"/> R.R.R.I. Min. _____ <input type="checkbox"/> Not R.R.R.I. Eligible and is to run concurrently/consecutively with/to sentence imposed on Info. # _____

SPECIAL CONDITION(S) OF SENTENCE(S)

- Outpatient Treatment Inpatient Treatment PPI Evaluation and recommended treatment
- CRN Evaluation and Treatment Alcohol Highway Safety School or Safe Driving School
- Community Service: _____ hours at site to be determined, within _____ months/years. Comply with Megan's Law 42 PA C.S. 9793 registration requirements
- Defendant shall comply with any special conditions of probation/parole/state intermediate punishment imposed by the Montgomery County Adult Probation/Parole Dept, or the PA Board of Probation and Parole.
- Defendant shall pay the monthly offender supervision fee. Offender supervision fee is waived
- Eligible to Participate in a Reentry Plan Do not send to collection agency
- To be evaluated for Sex Offender, Addiction, Mental Health, Supervision
- Anger Management D/V Counseling Parenting Classes No contact with _____
- Parole authority retained pursuant to 75 P.S. 3804D and 3815
- Other: _____