

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,

Plaintiff,

vs.

THE OFFICE OF THE COMMISSIONER
OF BASEBALL, d/b/a MAJOR LEAGUE
BASEBALL; PITTSBURGH
ASSOCIATES, L.P., d/b/a THE
PITTSBURGH PIRATES; SPORTS &
EXHIBITION AUTHORITY OF
PITTSBURGH AND ALLEGHENY
COUNTY,

Defendants,

vs.

PROMATS ATHLETICS, LLC,

Additional Defendant.

CIVIL DIVISION

No: G.D. 16-3545

**PLAINTIFF'S CORRESPONDENCE TO
JUDGE DELLA VECCHIA REGARDING
PROMATS' MOTION FOR TRIAL JUDGE
SELECTION**

Filed on behalf of: PROMATS
ATHLETICS, LLC

COUNSEL OF RECORD:

PAUL R. ROBINSON, ESQUIRE
PA I.D. No. 65581

ANDREW D. LOMBARDO, ESQUIRE
PA I.D. No. 319467

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219
Telephone: (412) 261-6600
Fax: (412) 471-2754
Email: probinson@mdbbe.com
alombardo@mdbbe.com

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,

Plaintiff,

vs.

THE OFFICE OF THE COMMISSIONER
OF BASEBALL, d/b/a MAJOR LEAGUE
BASEBALL; PITTSBURGH
ASSOCIATES, L.P., d/b/a THE
PITTSBURGH PIRATES; SPORTS &
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PROMATS ATHLETICS, LLC,

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**PLAINTIFF'S CORRESPONDENCE TO
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PROMATS' MOTION FOR TRIAL JUDGE
SELECTION**

**PLAINTIFF'S CORRESPONDENCE TO JUDGE DELLA VECCHIA REGARDING
PROMATS' MOTION FOR TRIAL JUDGE SELECTION**

AND NOW, comes the additional defendant, PROMATS ATHLETICS, LLC ("Promats"), by its attorneys, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., filing Plaintiff's Correspondence to Judge Della Vecchia Regarding Promats' Motion for Trial Judge Selection, to make of record that Plaintiff served their correspondence to Judge Della Vecchia.

Sedgwick - 120686

PIETRAGALLO
PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP
ATTORNEYS AT LAW

38TH FLOOR ONE OXFORD CENTRE PITTSBURGH, PA 15219
412.263.2000 FAX: 412.263.2001

DIRECT DIAL NO.: 412.263.1823
FILE NO.: CAMLIN-107151
E-MAIL: PKV@Pietragallo.com

November 7, 2018

The Honorable Christine A. Ward
Administrative Judge
Allegheny County Court of Common Pleas
819 City-County Building
414 Grant Street
Pittsburgh, PA 15219

RE: Wendy Camlin v. Office of the Commissioner of Baseball, et al.

Dear Judge Ward:

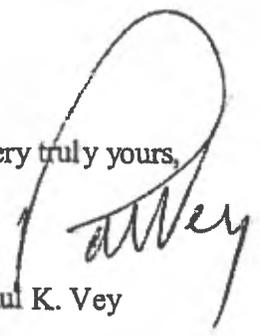
I understand that Additional Defendant's counsel intends to present, among other motions, "Motion for Trial Judge Selection" before Your Honor on Friday morning, November 9, 2018.

I enclose our response to the Additional Defendant's motion and have provided a copy of my response to the Honorable Michael A. Della Vecchia with whom you may choose to consult in disposing of the Plaintiff's motion.

I will look forward to the opportunity to respond to the Additional Defendant's Motion further in oral argument on Friday morning.

Thank you very kindly.

Very truly yours,


Paul K. Vey

PKV/dc
Enclosure

cc: Honorable Michael A. Della Vecchia (via hand delivery)
William D. Kloss, Jr., Esquire (via email)
Paul R. Robinson, Esquire (via email & via hand delivery) ✓

3678576

OHIO

PENNSYLVANIA

NOV - 7 2018
WEST VIRGINIA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,

Plaintiff,

v.

THE OFFICE OF THE COMMISSIONER OF
BASEBALL, d/b/a MAJOR LEAGUE
BASEBALL, PITTSBURGH ASSOCIATES,
LP, d/b/a THE PITTSBURGH PIRATES;
SPORTS & EXHIBITION AUTHORITY OF
PITTSBURGH AND ALLEGHENY
COUNTY,

Defendants,

v.

PROMATS ATHLETICS, LLC,

Additional Defendant.

CIVIL DIVISION

No. GD-16-3545

**RESPONSE TO ADDITIONAL
DEFENDANT'S MOTION FOR TRIAL
JUDGE SELECTION**

Filed on behalf of Plaintiff:
WENDY CAMLIN

Counsel of Record for This Party:

MARK GORDON, ESQUIRE
Pa. I.D. #25561

PAUL K. VEY, ESQUIRE
Pa. I.D. #30824

38TH Floor One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

(412) 263-2000

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,)	CIVIL DIVISION
)	
Plaintiff,)	No. GD-16-3545
)	
v.)	
)	
THE OFFICE OF THE COMMISSIONER OF)	
BASEBALL, d/b/a MAJOR LEAGUE)	
BASEBALL, PITTSBURGH ASSOCIATES,)	
LP, d/b/a THE PITTSBURGH PIRATES;)	
SPORTS & EXHIBITION AUTHORITY OF)	
PITTSBURGH AND ALLEGHENY)	
COUNTY,)	
)	
Defendants,)	
)	
v.)	
)	
PROMATS ATHLETICS, LLC,)	
)	
Additional Defendant.)	

**RESPONSE TO ADDITIONAL DEFENDANT'S
MOTION FOR TRIAL JUDGE SELECTION**

AND NOW, comes the Plaintiff, Wendy Camlin, by and through her attorneys, Pietragallo Gordon Alfano Bosick and Raspanti, LLP, and files the following Response to Additional Defendant's Motion for Trial Judge Selection.

1. The essence of the Additional Defendant's "Motion for Trial Judge Selection" is a claim by Attorney Robinson that The Honorable Michael A. Della Vecchia and Mark Gordon, Esquire as counsel for the Plaintiff both violated applicable ethical standards.
2. In Paragraph 14 of the Additional Defendant's Motion, Mr. Robinson apparently accuses Judge Della Vecchia of participating in a substantive conversation with Attorney Gordon with respect to the merits and/or facts of the instant case in violation

of the Rules of Judicial Conduct. At the same time, Attorney Robinson apparently accuses Mr. Gordon of violating Rules of Professional Conduct.

3. In support thereof, Mr. Robinson points to email communications in which Mr. Gordon confirms that he has inquired of Judge Della Vecchia's interest in conciliating the above case.
4. Indeed, Judge Della Vecchia expressed interest in conciliating this case and did so without any motion from Mr. Robinson seeking Judge Della Vecchia's recusal.
5. In short, Mr. Robinson's claims of alleged impropriety are specious and wholly unsupported.
6. Mr. Robinson can point to no communication which bears upon improper communication and in fact, none occurred. Simply stated, Judge Della Vecchia was approached solely with the question of whether or not he would be willing to conciliate the case and the Judge agreed to do so.
7. If this Honorable Court has any question about the propriety of discussions between the Honorable Michael Della Vecchia and Mr. Gordon, the Court is invited to discuss the matter with Judge Della Vecchia, who is receiving a courtesy copy of the Additional Defendant's Motion, its attachments and this response of the Plaintiff.
8. By the filing of the instant Motion, Mr. Robinson also appears to claim that the assignment of the Motion for Summary Judgment argument in this case, which Motion was filed by Mr. Robinson and denied by Judge Della Vecchia, somehow was arranged by Judge Della Vecchia and/or Mr. Gordon. There is not one wit of evidence or factual support for this claim and it is well known to the Court that

lawyers have absolutely no input into the process by which cases are assigned to various judges for the resolution of summary judgment motions.

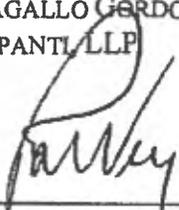
9. In truth, the Additional Defendant's Motion in the instant case is nothing short of "judge shopping." As an attachment to the Additional Defendant's Motion, Mr. Robinson includes an email written by Paul Robinson, as counsel for ProMats to William D. Kloss, Jr., counsel for the Pittsburgh Pirates. Of particular note is the fact that Additional Defendant's counsel offers an opinion about the fact that Judge Della Vecchia, in Mr. Robinson's opinion, may not be the most desirable judge in the eyes of defense lawyers. In Paragraph 2 of Exhibit "A" attached to the Additional Defendant's Motion, Mr. Robinson remarks to Co-Defense counsel, Mr. Kloss, "...I also indicated that most attorneys in Allegheny County consider Judge Della Vecchia to be Allegheny County's most plaintiff-oriented judge and that because of that alone, I could not without committing malpractice (sic) agree to this because I understood the Judge who handles the conciliation conferences often times are selected as the trial judges for the case." Please see Exhibit "A" to Additional Defendant's, ProMats, Motion, email authored by Paul Robinson, dated Monday, September 17, 2018 at 4:32 p.m. ¶2.
10. In short, the instant motion, undoubtedly filed at Mr. Robinson's behest, attempts to sully the reputation not only of one of the most respected members of Allegheny County's Civil Division, but also that of Mr. Gordon; all without any basis in fact.
11. As the above passage from Mr. Robinson's email reveals, Mr. Robinson has his own agenda, specifically, undertaking every conceivable effort to engage in judicial gerrymandering under the guise of righteousness, but entirely without factual support.

Mr. Robinson makes his opinion of Judge Della Vecchia quite clear and by the instant motion is doing nothing more than alleging impropriety where no impropriety exists, presumably for the purpose of avoiding the prospect that a judge who Mr. Robinson clearly believes to be "Allegheny County's most plaintiff oriented judge" might serve as trial judge in the instant case.

WHEREFORE, it is respectfully requested that the Additional Defendant's "Motion for Trial Judge Selection" be summarily rejected and the relief requested therein be denied. For the courts convenience, a copy of the Additional Defendant's "Motion for Trial Judge Selection" and the attachments thereto are marked as Exhibit "A" and included herewith.

Respectfully submitted,

PIETRAGALLO GORDON ALFANO BOSICK
& RASPANTI LLP

By: 

Paul K. Vey, Esquire
PA I.D. No. 30824
Counsel for Plaintiff

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,

Plaintiff,

vs.

THE OFFICE OF THE COMMISSIONER
OF BASEBALL, d/b/a MAJOR LEAGUE
BASEBALL; PITTSBURGH
ASSOCIATES, L.P., d/b/a THE
PITTSBURGH PIRATES; SPORTS &
EXHIBITION AUTHORITY OF
PITTSBURGH AND ALLEGHENY
COUNTY,

Defendants,

vs.

PROMATS ATHLETICS, LLC,

Additional Defendant.

CIVIL DIVISION

No: G.D. 16-3545

**MOTION FOR TRIAL JUDGE
SELECTION**

Filed on behalf of: PROMATS
ATHLETICS, LLC

COUNSEL OF RECORD:

PAUL R. ROBINSON, ESQUIRE
PA I.D. No. 65581

ANDREW D. LOMBARDO, ESQUIRE
PA I.D. No. 319467

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, P.L.L.C.
U.S. Steel Tower, Suite 4850
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Telephone: (412) 261-6600
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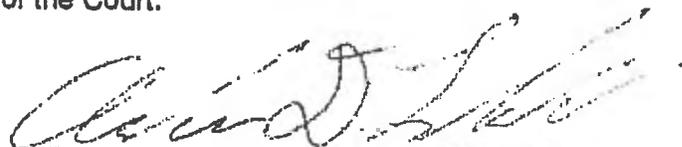
JURY TRIAL DEMANDED

NOTICE OF PRESENTMENT

TO:

<p>Mark Gordon, Esquire (MG@Pietragallo.com) Pietragallo Gordon Alfano Bosick & Raspanti, LLP 38th Floor, One Oxford Centre 301 Grant Street Pittsburgh, PA 15219 (Counsel for plaintiff)</p>	<p>William D. Kloss, Jr., Esquire (wdklossjr@vorys.com) John R. Conley, Esquire (jrconley@vorys.com) Vorys, Sater, Seymour and Pease, LLP 500 Grant Street, Suite 4900 Pittsburgh, PA 15219-2502 (Counsel for The Office of the Commissioner of Baseball, d/b/a Major League Baseball; Pittsburgh Associates, L.P., d/b/a The Pittsburgh Pirates; and Sports & Exhibition Authority of Pittsburgh and Allegheny County)</p>
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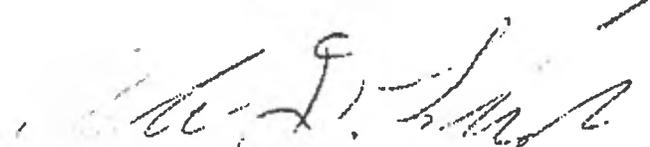
You are hereby notified that this motion to select trial judge will be presented to the Calendar Control Judge on Nov 9th, 2018 at 9:30 o'clock a.m., or as soon thereafter as meets the convenience of the Court.



PAUL R. ROBINSON, ESQUIRE
ANDREW D. LOMBARDO
Counsel for Promats Athletics, LLC

PROOF OF SERVICE

I hereby certify that a true and correct copy of the within motion was served upon the person(s) at the address(es) listed above by email this 07th day of November, 2018.



PAUL R. ROBINSON, ESQUIRE
ANDREW D. LOMBARDO, ESQUIRE

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,

Plaintiff,

vs.

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ASSOCIATES, L.P., d/b/a THE
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EXHIBITION AUTHORITY OF
PITTSBURGH AND ALLEGHENY
COUNTY,

Defendants,

vs.

PROMATS ATHLETICS, LLC,

Additional Defendant.

CIVIL DIVISION

No: G.D. 16-3545

MOTION FOR TRIAL JUDGE SELECTION

AND NOW, comes the additional defendant, PROMATS ATHLETICS, LLC ("Promats"), by its attorneys, MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C., filing its motion to select another trial judge other than the Honorable Michael A. Della Vecchia, averring as follows:

1. This case arises out of an incident which occurred on April 20, 2015 when the plaintiff attended a baseball game at PNC Park between the Pittsburgh Pirates and the Chicago Cubs.

2. The incident was captured on TV during the national broadcast of a Pirates game. In addition to the incident being broadcast on TV, the named defendants being internationally recognized brands such as Major League Baseball and the Pittsburgh Pirates has caused the case to gain substantial notoriety.

3. On or about the first week of September, 2018, it came to the attention of Promats' counsel that counsel for Plaintiff, Mark Gordon, had ex parte communication with Judge Della Vecchia. Plaintiff's counsel advised Promats' counsel that he spoke to Judge Della Vecchia about the case and thought Judge Della Vecchia would be a good fit to conciliate the case because Judge Della Vecchia likes "big cases." (See Email Attachment A).

4. Plaintiff's counsel, Mark Gordon, asked Promats' counsel to agree and consent to having Judge Della Vecchia handle the conciliation conference. This was objected to by Promats' counsel. (See Email Exhibit A).

5. After this discussion, Plaintiff's counsel, Mark Gordon, told Promats' counsel that he had another discussion with Judge Della Vecchia, advising Judge Della Vecchia that Promats' counsel did not consent to Judge Della Vecchia handling the conciliation conference. (See Email Exhibit A).

6. Judge Della Vecchia was thereafter designated to hear Promats' motion for summary judgment and was assigned as the conciliation conference judge. (See Email Attachment A).

7. On September 17, 2018, this information was sent to the counsel for the original Defendants, the Pittsburgh Pirates and Sports & Exhibition Authority of Pittsburgh and Allegheny County. (See Email Exhibit A).

8. Also, on September 17, 2018, Promats' counsel attempted to resolve the issue without the Court's involvement through discussion and agreement between the parties. Promats' counsel reached out to Plaintiff's counsel, Mark Gordon, asking if he would file a motion to recuse Judge Della Vecchia due to his own ex parte communications. (See Email Exhibit B).

9. After no immediate response, Promats' counsel sent a follow up email on September 17, 2018, to Plaintiff's counsel, Mark Gordon, again trying to resolve the matter without the involvement of the court. Promats' counsel offered all parties to write to the court and jointly ask for the case to be re-assigned. (See Email Exhibit C).

10. After the email on September 17, 2018, to Plaintiff's counsel, Mark Gordon, a formal letter was sent to Promats detailing Mark Gordon's recollection of the ex parte communication. (See Letter Exhibit D).

11. Plaintiff's counsel, Mark Gordon, stated that Judge Della Vecchia has reached out to him in the past to inquire as to whether there was a need to conciliate other matters, and that the judge prides himself in resolving disputes. (See Letter Exhibit D).

12. Plaintiff's counsel, Mark Gordon, advised Judge Della Vecchia that the case had not been mediated; that the case was on the November trial list; that he did not believe that the parties would agree to mediation.

13. The Supreme Court of Pennsylvania has laid out the well-settled standard for recusal as:

In considering a recusal request, the jurist must first make a conscientious determination of his or her ability to assess the case in an impartial manner.... The jurist must then consider whether his or her continued involvement in the case creates an appearance of impropriety and/or would tend to undermine public confidence in the judiciary.

Com. v. White, 589 Pa. 642, 657, 910 A.2d 648, 657 (2006)

14. In addition the Supreme Court has adopted the Code of Judicial Conduct, while it does not have the force of substantive law; it imposes standards of conduct upon the judiciary to be referred to by a judge in his self-assessment of whether he should volunteer to recuse from a matter pending before him. See Reilly by Reilly v. Se. Pennsylvania Transp. Auth., 507 Pa. 204, 219, 489 A.2d 1291, 1298 (1985).

15. Code of Judicial Conduct, Canon 3, subdiv. C provides:

(1) A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:

(a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge, or such lawyer has been a material witness concerning it;

(c) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a substantial financial interest in the subject matter in controversy or in a party to the proceedings, or any other interest that could be substantially affected by the outcome of the proceeding;

(d) he, or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

16. Plaintiff's counsel, Mark Gordon, through his communication with the court also violated the Rules of Professional Conduct. Specifically, PA ST RPC Rule 3.5, which states:

A lawyer shall not:

(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;

(c) communicate with a juror or prospective juror after discharge of the jury if:

(1) the communication is prohibited by law or court order;

(2) the juror has made known to the lawyer a desire not to communicate; or

(3) the communication involves misrepresentation, coercion, duress or harassment; or

(d) engage in conduct intended to disrupt a tribunal.

17. Taking into guidance the Rules of Professional Conduct, the Code of Judicial Conduct and the standard laid out by the Supreme Court of Pennsylvania that the mere appearance of impropriety should result in recusal, Promats asks this Court to assign the trial to a different Judge.

18. These ex parte communications have created an appearance of impropriety from the moment Plaintiff's counsel, Mark Gordon, spoke to Judge Della Vecchia about the case.

19. Promats' does not know what was discussed between Plaintiff's counsel and Judge Della Vecchia on multiple occasions. Promats' counsel does not know how Plaintiff's counsel portrayed Promats' counsel when objecting to having Judge Della Vecchia handle the conciliation conference. Promats' counsel does not know why Plaintiff's counsel discussed "big cases" with Judge Della Vecchia and felt this was appropriate or relevant to judgment on the case or finding an appropriate judge. These are appearances of impropriety that were created solely by Plaintiff's Counsel's ex parte communication.

WHEREFORE, it is respectfully requested that this Honorable Court enter an order selecting a trial judge other than the Honorable Michael A. Della Vecchia. A proposed order is attached.

Respectfully submitted,

MEYER, DARRAGH, BUCKLER,
BEBENEK & ECK, PLLC

By: 

PAUL R. ROBINSON, ESQUIRE
ANDREW D. LOMBARDO, ESQUIRE
Attorney for Promats Athletics, LLC

THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,

Plaintiff,

vs.

THE OFFICE OF THE COMMISSIONER
OF BASEBALL, d/b/a MAJOR LEAGUE
BASEBALL; PITTSBURGH
ASSOCIATES, L.P., d/b/a THE
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COUNTY,

Defendants,

vs.

PROMATS ATHLETICS, LLC,

Additional Defendant.

CIVIL DIVISION

No: G.D. 16-3545

**MOTION FOR TRIAL JUDGE
SELECTION**

ORDER OF COURT

AND NOW, to wit, this ____ day of _____, 2018, it is hereby
ORDERED, ADJUDGED, and DECREED that Promats' motion for trial judge selection
is GRANTED. Judge Della Vecchia is precluded from being the trial judge selected for
the trial of this case.

BY THE COURT:

J.

Exhibit A

Andrew Lombardo

From: Paul R. Robinson
Sent: Monday, September 17, 2018 4:32 PM
To: Kloss, William D. Jr.
Cc: Conley, John R.
Subject: RE: [EXTERNAL] RE: (31180219)_(1)_WC_FORENSIC_REPORT_FINAL (2).DOCX

Categories: PRR

Dear Bill,

Thank you, and I just filed our pretrial statement.

There is a side issue I feel I need to bring to your attention. It has been eating at me for two weeks now professionally, and personally because I like Judge Della Vecchia.

Mark Gordon called me two or so weeks ago and said he was talking to Judge Della Vecchia about this case. (That was a surprise in and of itself). Mark Gordon said he thought Judge Della Vecchia would be a good fit to conciliate this case, advising that Judge Della Vecchia likes big cases. He asked that I agree so he could tell Judge Della Vecchia that I consented to him handling the conciliation conference. I told Mark Gordon that I could never agree to something like this, and I also indicated that most attorneys in Allegheny County consider Judge Della Vecchia to be Allegheny County's most plaintiff-oriented judge and that, because of that alone, I could not without committing malpractice agree to this because I understood the judge who handles the conciliation conferences oftentimes are selected as the trial judges for the case.

After that discussion, Mark Gordon called me and told me that he had another discussion with Judge Della Vecchia, this time telling the judge that I would not agree to his suggestion. That is bothersome, as the judge might consider my rejection as some negative position towards the judge. I thought the issue was over and that Judge Della Vecchia would not be assuming the court's responsibilities on the case after my refusal to consent as requested.

Judge Della Vecchia thereafter was designated to hear my client's motion for summary judgment, and just today was assigned as the conciliation conference judge. I cannot say that was a result of Mark Gordon's two ex parte communications with the judge or if it was coincidental, but the appearance and history is just too much for me, as an officer of the court, to remain silent about. It put me in a difficult situation when Judge Della Vecchia was selected to hear my motion for summary judgment, but that was unique to me and my client, but now Judge Della Vecchia was selected as the conciliation conference judge which affects your client as well.

I am professionally in a difficult situation considering I practice in Allegheny County, but those conversations are just not right in my opinion, and I do not know ethically if I, and now you, can even remain silent on this issue. I need to get the PBA or some other entity involved to make sure I know if we have an obligation to raise this issue but, regardless of that outcome, as an attorney for my client I think I may have an obligation to file a motion to recuse Judge Della Vecchia.

I would appreciate your thoughts on this troublesome issue which I truly hoped had gone away after my objection to Mark Gordon advising Judge Della Vecchia that I agreed to have him conduct the conciliation conference. I do not trust Mark Gordon now knowing that he had those conversations, and of course you and I were not part of those conversations and do not know what all, or how, the case was discussed other than what Mark Gordon told me.

Again I welcome your thoughts. I tell you all of this knowing, and accepting, what it means to my practice before Judge Della Vecchia, but I cannot in good conscience keep that information to myself any longer.

Exhibit B

Andrew Lombardo

From: Paul R. Robinson
Sent: Monday, September 17, 2018 4:47 PM
To: Mark Gordon
Subject: Camlin

Categories: PRR

Mark,

Judge Della Vecchia now has been selected to decide our motion for summary judgment, and to conciliate the case. I do not know if those selections occurred as a result of your two conversations with the judge that you told me about. For the same reasons I objected to you advising that judge that I agreed to have him handle the conciliation conference, I cannot let this remain without advising Kloss and asking for a recusal because of the appearance of impropriety alone.

I sent correspondence to Kloss today advising of the conversations, and I ask that you file a motion to recuse Judge Della Vecchia from any further matters on this case. I do not care if you detail it is because of the ex parte conversations or if you keep the motion bland, but this has become a problem that I need to address as an attorney in general, and as an attorney representing a client in this case.

Believe me, I wish you had never called me and told me of those conversations, but I wish more that you would not have had them.

This has placed me in very uncomfortable position both personally and professionally, and I hope you file the motion as I am requesting so that I need not raise the issue any more than I feel I had an obligation to do so already.

Please let me know your position on this so I can try to figure out what all needs to be done.

Meyer Darragh Buckler Bebenek & Eck, PLLC
600 Grant St., Suite 4850, Pittsburgh, PA 15219
www.mdbbe.com

Paul R. Robinson
Attorney at Law

412-261-6600 Main
412-553-7146 Direct
412-760-9754 Mobile
412-471-2754 Fax

probinson@mdbbe.com

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Exhibit C

Andrew Lombardo

From: Paul R. Robinson
Sent: Monday, September 17, 2018 9:21 PM
To: Mark Gordon
Subject: Re: Camlin

Categories: PRR

Mark,

I have been trying to think of ways to avoid a motion being filed by anyone on this issue. I am ok with us writing to the court and jointly asking that the case be re-assigned to another member of the court due to an issue that has arisen.

Please let me know if you are ok with that and, if so, I will draft the letter and send it to you and Bill for approval.

Paul Robinson, Esq.
MEYER DARRAGH BUCKLER BEBENEK & ECK, PLLC
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219

412-553-7146 (o)
412-760-9754 (c)

iPad

On Sep 17, 2018, at 4:47 PM, Paul R. Robinson <probinson@mdbbe.com> wrote:

Mark,

Judge Della Vecchia now has been selected to decide our motion for summary judgment, and to conciliate the case. I do not know if those selections occurred as a result of your two conversations with the judge that you told me about. For the same reasons I objected to you advising that judge that I agreed to have him handle the conciliation conference, I cannot let this remain without advising Kloss and asking for a recusal because of the appearance of impropriety alone.

I sent correspondence to Kloss today advising of the conversations, and I ask that you file a motion to recuse Judge Della Vecchia from any further matters on this case. I do not care if you detail it is because of the ex parte conversations or if you keep the motion bland, but this has become a problem that I need to address as an attorney in general, and as an attorney representing a client in this case.

Believe me, I wish you had never called me and told me of those conversations, but I wish more that you would not have had them.

This has placed me in very uncomfortable position both personally and professionally, and I hope you file the motion as I am requesting so that I need not raise the issue any more than I feel I had an obligation to do so already.

Please let me know your position on this so I can try to figure out what all needs to be done.

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Exhibit D

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1416943

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September 20, 2018

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Paul R. Robinson, Esquire
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U.S. Steel Tower #4850
600 Grant Street
Pittsburgh, PA 15219

**Re: Wendy Camlin v. Office of the Commissioner of Baseball, et al.
v. Promats Athletics, LLC**

Dear Paul:

This letter is written in response to your communication directed to me on September 17 at which time you asked that I stipulate to the recusal of Judge Michael Della Vecchia from any matters on this case. I am not inclined to do so. However, please feel free to present a motion to Judge Della Vecchia if you deem it appropriate.

My recollection is that I have tried only one case before Judge Della Vecchia, although he has conciliated several. In the past, he has reached out to me to inquire as to whether there was a need to conciliate other matters. As you are likely aware, the judge prides himself in resolving disputes, and I believe that he has been successful.

When this case came up, I advised Judge Della Vecchia that we had not mediated the case; that the case was on the November trial list; and that I did not believe that the parties would agree to mediation. I also advised him that if there was any hope to resolve the case, it could not be done with a 15-20 minute court conciliation.

Judge Della Vecchia offered to assist. He asked only that I reach out to you and Bill Kloss to determine if there would be any objection for that purpose. After that conversation, I immediately reached out to you. You returned my phone call shortly thereafter. After some discussion, you had indicated that you did not believe that your client would be overly receptive. It was agreed that I would reach out to Judge Della Vecchia and decline his offer.

I was not able to reach the judge until the following morning. When I advised him that your client may be reluctant to the proposal, he indicated that he had already discussed the opportunity to conciliate the case with Judge Ward. He did not tell me that he would be assigned the conciliation. Nor did I have any discussion with him regarding your motion for summary

Page 2

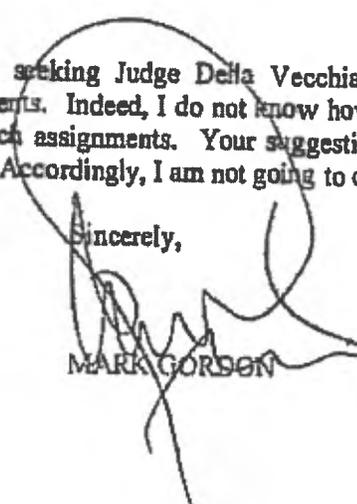
judgment. In truth, I cannot recall whether you and I had discussed Judge Della Vecchia's offer to conciliate prior to receiving your motion.

At no time did I discuss the facts of this case with Judge Della Vecchia. Rather, I simply identified the parties, the fact that the case was on the trial list, and that, to date, there had not been an effort to mediate the claim.

Seeking the assistance of judges to facilitate mediations is not unusual in Allegheny County. Judge Folino and Judge Colville have offered to extend pretrial conciliations in the past to members of our firm and others.

Per the above, I played no role in seeking Judge Della Vecchia's involvement in presiding over the summary judgment arguments. Indeed, I do not know how these matters are assigned, nor whether a judge can solicit such assignments. Your suggestion that there is an appearance of impropriety here is misplaced. Accordingly, I am not going to co-author a motion.

Sincerely,



MARK GORDON

MG/cs

cc: William D. Kloss, Jr.
wdklossjr@vorvys.com

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served
this 7th day of November, 2018 upon all parties in the manner listed below:

<u> </u>	First Class Mail, Postage Prepaid
<u> </u>	Certified Mail - Return Receipt Requested
<u> X </u>	Hand Delivery (to Paul R. Robinson, Esquire)
<u> </u>	Facsimile Transmission
<u> </u>	Overnight Delivery
<u> X </u>	Electronic Mail

at the following address:

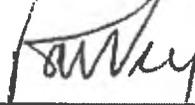
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*(Counsel for Defendants, The Office of the Commissioner of Baseball, d/b/a Major League
Baseball; Pittsburgh Associates, L.P., d/b/a The Pittsburgh Pirates; and Sports & Exhibition
Authority of Pittsburgh and Allegheny County)*

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600 Grant Street
Pittsburgh, PA 15219

(Counsel for Additional Defendants, Promats Athletics, LLC)

Respectfully submitted,



Paul K. Vey, Esquire
Pa ID No. 30824

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

WENDY CAMLIN,)	CIVIL DIVISION
)	
Plaintiff,)	No. GD-16-3545
)	
v.)	
)	
THE OFFICE OF THE COMMISSIONER OF)	
BASEBALL, d/b/a MAJOR LEAGUE)	
BASEBALL, PITTSBURGH ASSOCIATES,)	
LP, d/b/a THE PITTSBURGH PIRATES;)	
SPORTS & EXHIBITION AUTHORITY OF)	
PITTSBURGH AND ALLEGHENY)	
COUNTY,)	
)	
Defendants,)	
)	
v.)	
)	
PROMATS ATHLETICS, LLC,)	
)	
Additional Defendant.)	
)	
)	

ORDER

AND NOW, to-wit, this ____ day of September, 2018, upon consideration of the within Response to Additional Defendant's Motion for Trial Judge Selection it is hereby ORDERED, ADJUDGED, and DECREED that said Motion is GRANTED.

BY THE COURT:

J.