



JOSHUA M. GREENBERG, DMD, and
SANDRA GREENBERG, as the
Administrators of the Estate of ELLEN
R. GREENBERG, deceased,

Plaintiffs,

v.

MARLON OSBOURNE, M.D., and
PHILADELPHIA COUNTY MEDICAL
EXAMINER'S OFFICE,

Defendants.

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

October Term 2019
No. 01241

ORDER

AND NOW, this _____ day of _____, 2021, upon consideration of
Plaintiffs' Motion to Compel and Defendants' Response thereto, if any, Defendants are hereby
ORDERED to produce to Plaintiffs within ____ days any and all documents or communications
evidencing or referring to any disciplinary action, reprimand or other internal criticism of the key
pathologists in this case, Drs. Marlon Osbourne, Samuel Gulino and Lyndsey Emery.

BY THE COURT:

_____, J.

Certification Due Date: 06/14/2021
Response Date: 06/21/2021
Case ID: 191001241
Control No.: 21061357

LAMB McERLANE PC

Joseph R. Podraza, Jr., Esquire (ID No. 53612)
William H. Trask, Esquire (ID No. 318229)
One South Broad Street – Suite 1500
Philadelphia, PA 19107
(215) 609-3170
(610) 430-8000

Attorneys for Plaintiffs

JOSHUA M. GREENBERG, DMD, and
SANDRA GREENBERG, as the
Administrators of the Estate of ELLEN
R. GREENBERG, deceased,

Plaintiffs,

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MARLON OSBOURNE, M.D., and
PHILADELPHIA COUNTY MEDICAL
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Defendants.

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

October Term 2019
No. 01241

PLAINTIFFS’ MOTION TO COMPEL

Plaintiffs, Joshua and Sandra Greenberg, Administrators of the Estate of Ellen R. Greenberg, deceased (“Plaintiffs”), file this Motion to Compel Defendants to produce any documentation of disciplinary action, reprimand, of other internal criticism of Drs. Samuel Gulino, Marlon Osbourne and/or Lyndsey Emery in connection with the performance of their employment duties in the Philadelphia Medical Examiner’s Office, and in support thereof, aver as follows:

1. The above action seeks mandamus and declaratory relief against the City of Philadelphia, Office of the Medical Examiner (“MEO”) and Dr. Marlon Osbourne, the forensic pathologist who ultimately concluded, without a sufficient legal or medical basis, that the

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manner of Ellen R. Greenberg's death was suicide, despite having been stabbed twenty times, including ten in the back of her neck and head.

2. Among the key issues in this case concern whether Dr. Osbourne has sufficient support—meaning 70% or greater certainty—for his eventual, revised finding of suicide.

3. Although his initial homicide determination relied heavily on his findings at autopsy, his subsequent decision to revise the manner of death to suicide was made *in spite of* those earlier autopsy findings in reliance on additional information obtained from police investigators.

4. The veracity of Osbourne's findings at autopsy, memorialized solely in the Autopsy Report, is crucial in testing his ultimate determination; thus, the reliability of Osbourne's recorded findings must likewise be tested.

5. During the course of discovery, Plaintiffs have uncovered a number of inconsistencies and inaccuracies in the various reports prepared by the ME's investigators and pathologists that raise material questions as to the reliability of the Defendants' investigation and resultant findings.

6. Constituting one such patent inconsistency, Dr. Osbourne's Report of Ellen's Autopsy includes conflicting references to the condition of Ellen's body and the existence or numerosity of her injuries, which Dr. Osbourne acknowledged during his deposition and attributed to a typographical error.

7. More egregiously, discovery has uncovered at least one key omission in Dr. Osbourne's report having a material effect on his final determination.

8. Specifically, another of Defendants' pathologists was asked to reexamine affected portions of Ellen's spinal column that had been previously examined, collected and preserved by

Dr. Osbourne and concluded at least one of the stab wounds noted in Dr. Osbourne's report was most plausibly inflicted after Ellen was already dead, thereby rendering Osbourne's final determination of suicide categorically impossible.

9. On May 5, 2021, Plaintiff served Defendants with requests to produce any and all documents or communications evidencing or referring to any disciplinary action, reprimand or other internal criticism of the key pathologists in this case, Drs. Osbourne, Gulino and Emery. (See Plaintiffs' Third Set of Document Requests, attached hereto as Exhibit "A.")

10. The rules governing discovery in Pennsylvania provide

...a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party....

Pa. R.C.P. 4003.1 (a).

11. Having omitted facts and recorded inaccurate information in Ellen's autopsy report, the reliability of that report—and of the medical findings and conclusion recorded therein—is in serious doubt, and Plaintiffs are entitled to investigate whether these mistakes are isolated or part of a documented pattern of sloppy or inaccurate recordkeeping in the Medical Examiner's Office.

12. The Defendants responded by asserting that, with respect to Dr. Osbourne at least, no such documents or criticism exists. (See Defendants written responses to Plaintiff Third Set of Document Requests, attached hereto as Exhibit "B.")

13. But this is not the first time the City has claimed materials requested by the Plaintiffs in discovery simply do not exist. In point of fact, and further illustrating the questionable reliability of the City's assurances, Defendants repeatedly claimed a videotape initially requested back in February 2020 did not exist before finally producing it the following

year, but only after Plaintiffs refused, over the course of months, to accept the Defendants' assurances. (See Ex. "C," Email Thread dated Jun. 29, 2020 to Aug. 13, 2020, at email dated July 20, 2020, 9:09 AM ("We are particularly interested in viewing the videotape...") and Ex. "D," Email Thread dated Oct. 13, 2020 to Jan. 25, 2021, specifically emails dated Nov. 5, 2020, 10:04 AM ("There is no videotape."); Nov. 18, 2020, 10:08 AM ("I don't see a videotape from the lobby in the materials I received."), and 2:42 PM ("They checked again and do not have surveillance video from the building.").

14. Plaintiffs have been given reason to believe that, at minimum, Dr. Osbourne was criticized or reprimanded on more than one occasion for substandard work while employed by the Philadelphia Medical Examiner's Office, including during the period he conducted and completed Ellen's death investigation.

15. Given the Defendants' unreliable history of finding and producing material requested in discovery after insisting for months that no such material exists, Plaintiffs are unable to simply take the Defendants at their word.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that this Court order Defendants to produce copies of any and all documents or communications evidencing or referring to any disciplinary action, reprimand or other internal criticism of the key pathologists in this case, Drs. Osbourne, Gulino and Emery.

LAMB McERLANE PC

By: /s/ Joseph R. Podraza, Jr.
Joseph R. Podraza, Jr., Esquire
jpodraza@lambmcerlane.com
William H. Trask, Esquire
wtrask@lambmcerlane.com
One South Broad Street, Suite 1500
Philadelphia, PA 19107

Dated June 7, 2021

(215) 609-3170

*Counsel for Plaintiffs, Joshua Greenberg
and Sandra Greenberg, Administrators of
the Estate of Ellen Greenberg*

EXHIBIT A

Joseph R. Podraza, Jr., Esquire (ID No. 53612)
William H. Trask, Esquire (ID No. 318229)
One South Broad Street – Suite 1500
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(215) 609-3170
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JOSHUA M. GREENBERG, DMD, and
SANDRA GREENBERG, as the
Administrators of the Estate of ELLEN
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V.

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Production of Documents dated February 13 and 14, 2020, respectively, which are incorporated herein by this reference as though fully set forth at length.

Document Requests

Defendant is requested to produce, in accordance with the incorporated Definitions and Instructions, the following documents:

1. Any and all documents or communications containing, evidencing or referring to any disciplinary action, reprimand, and/or other internal criticism of Samuel Gulino, MD, issued in connection with his duties and/or employment with the MEO.
2. Any and all documents or communications containing, evidencing or referring to any disciplinary action, reprimand, and/or other internal criticism of Marlon Osborne, MD, issued in connection with his duties and/or employment with the MEO.
3. Any and all documents or communications containing, evidencing or referring to any disciplinary action, reprimand, and/or other internal criticism of Susan Emery, MD, issued in connection with her duties and/or employment with the MEO.

LAMB McERLANE PC

By: /s/ William H. Trask
Joseph R. Podraza, Jr., Esquire
jpodraza@lambmcerlane.com
William H. Trask, Esquire
wtrask@lambmcerlane.com
One South Broad Street, Suite 1500
Philadelphia, PA 19107
(215) 609-3170

*Counsel for Plaintiffs, Joshua Greenberg
and Sandra Greenberg, Administrators of
the Estate of Ellen Greenberg*

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EXHIBIT B

City of Philadelphia Law Department
DIANA CORTES, CITY SOLICITOR
ELLEN BERKOWITZ
Senior Attorney
Identification No. 80186
1515 Arch Street, 15th Floor
Philadelphia, PA 19102-1595
Tel (215) 683-5253 and Fax (215) 683-5299

*Attorney for Defendants, Marlon Osbourne
and City of Philadelphia Office of the
Medical Examiner*

JOSHUA M. GREENBERG and
SANDRA GREENBERG, administrators
of the

Estate of Ellen R. Greenberg

Plaintiffs

v.

MARLON OSBOURNE, MD, and
CITY OF PHILADELPHIA OFFICE
of the MEDICAL EXAMINER
Defendants

CIVIL TRIAL DIVISION

OCT. TERM 2019
No. 01241

**PLAINTIFF'S THIRD REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO DEFENDANTS**

Defendants Marlon Osbourne and the City of Philadelphia Office of the Medical Examiner hereby responds and object to Plaintiffs' First Request for Production of Documents (the "Requests") in the above captioned case, as set forth below. The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Defendants have objected or responded to any Request shall not be deemed an admission that the Defendants admit or accept the existence of any facts set forth or assumed by such Requests, that

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such objection or response constitutes admissible evidence, or that there are documents or information responsive to the Request. The fact that the Defendants have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by the Defendants of any part of any objection to any Request.

GENERAL OBJECTIONS

1. Defendants object to the Requests to the extent they seek information that is protected from disclosure by the attorney-client privilege, attorney-work product doctrine, and/or any other applicable privilege.
2. Defendants object to the Requests to the extent that they require the Defendants to search for and produce documents or information that are not within its possession, custody, or control.
3. Defendants object to the Requests to the extent they seek information or documents that cannot be located by the Defendants after reasonably diligent inquiry, are readily available from public sources, or are available to Plaintiffs' counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
4. Defendants object to the Requests to the extent they seek legal conclusions and/or would require the Defendants to reach a legal conclusion in order to prepare a response.
5. Defendants object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
6. Defendants object to the Definitions to the extent that certain Definitions imply legal conclusions.
7. Defendants object to the Requests to the extent they exceed the requirements of the Pennsylvania Rules of Civil Procedure.

Document Requests

Defendants are requested to produce, in accordance with the incorporated Definitions and Instructions, the following documents:

1. **Any and all documents or communications containing, evidencing or referring to any disciplinary action, reprimand, and/or other internal criticism of Samuel Gulino, MD, issued in connection with his duties and/or employment with the MEO.**

RESPONSE: Defendants hereby incorporate the foregoing general objections. Subject to and without waiving the foregoing general objections, Defendants object to this request on the grounds of relevance, that it is vague and ambiguous, that it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and that it is overly broad.

Furthermore, Dr. Gulino testified under oath in this matter that he was unaware of any disciplinary actions, reprimands, or internal criticism.

Subject to and without waiving the foregoing general and specific objections, the only potential disciplinary action undersigned counsel is aware of is a matter of public record announced after this Request for Production of Documents was submitted and after Dr. Gulino testified in this matter. The related investigation is confidential, ongoing, unresolved and irrelevant to the instant matter.

2. **Any and all documents or communications containing, evidencing or referring to any disciplinary action, reprimand, and/or other internal criticism of Marlon Osborne, MD, issued in connection with his duties and/or employment with the MEO.**

RESPONSE: Defendants hereby incorporate the foregoing general objections. Subject to and without waiving the foregoing general objections, Defendants object to this

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request on the grounds of relevance, that it is vague and ambiguous, that it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and that it is overly broad.

Furthermore, Dr. Gulino testified under oath in this matter that he was unaware of any complaints of any kind about Dr. Osbourne, and Dr. Osbourne testified under oath that he had not been disciplined or reprimanded at the Philadelphia Office of the Medical Examiner or at any of the other offices he has worked.

3. Any and all documents or communications containing, evidencing or referring to any disciplinary action, reprimand, and/or other internal criticism of Susan Emery, MD, issued in connection with her duties and/or employment with the MEO.

RESPONSE: Defendants hereby incorporate the foregoing general objections. Subject to and without waiving the foregoing general objections, Defendants object to this request on the grounds of relevance, that it is vague and ambiguous, that it calls for the production of documents that are irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence, and that it is overly broad.

Subject to and without waiving the foregoing general objections, Dr. Emery's name is Lyndsey, not Susan.

Subject to and without waiving the foregoing general objections, on March 5, 2021, a Department of Human Services social worker complained that Dr. Emery scheduled a meeting at an inconvenient time.

By: /s/Ellen Berkowitz
Ellen Berkowitz
Senior Attorney

June 4, 2021

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EXHIBIT C

William Trask

From: Joseph Podraza
Sent: Thursday, August 13, 2020 11:05 AM
To: Ellen Berkowitz; William Trask
Cc: Joseph Podraza
Subject: RE: Greenberg

Thanks. We'll take the lead in obtaining a copy of the FBI report for both of us and will keep you posted on our progress. In the interim, anything you can do to expedite our receipt of a copy of the videotape and 911 recording would be greatly appreciated. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Thursday, August 13, 2020 10:22 AM
To: Joseph Podraza <jpodraza@lambmcerlane.com>; William Trask <wtrask@lambmcerlane.com>
Subject: RE: Greenberg

You are welcome to request their file.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Thursday, August 13, 2020 10:07 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>; William Trask <wtrask@lambmcerlane.com>
Cc: Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: Greenberg

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Understand. But I believe they would supply you with their file or, at a minimum, provide a copy of the FBI report if you requested it from them. Alternatively, the FBI Lab will supply a copy of its report to you upon request. Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Thursday, August 13, 2020 10:02 AM
To: Joseph Podraza <jpodraza@lambmcerlane.com>; William Trask <wtrask@lambmcerlane.com>
Subject: RE: Greenberg

The AG's office did not provide their file to me.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department

Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Thursday, August 13, 2020 9:43 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>; William Trask <wtrask@lambmcerlane.com>
Cc: Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: Greenberg

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Ellen:

Thank you for your response. Please do whatever can be done to expedite our receipt of the discrete items identified in my below email. Also, we would appreciate if you would call the AG's office to obtain a copy of the FBI report for them in the event it is no longer in the possession of the PPD, MEO, or other City agency. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Thursday, August 13, 2020 9:38 AM
To: Joseph Podraza <jpodraza@lambmcerlane.com>; William Trask <wtrask@lambmcerlane.com>
Subject: RE: Greenberg

Hi – I am back in Philadelphia and digging out, and as soon as I have access to the files, I will begin sending them over. But I can't give you a date by which I'll be able to give you those particular items, because since they're on my computer it's not a matter of rummaging through folders – it's actually more difficult than if they were physical objects in labeled folders.. I'm not even sure if I have all of those items – the FBI reports may be in the possession of the AG (again, I don't know). While you have been patient, please understand that all of our cases have been pushed back.

Ellen.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
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Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Thursday, August 13, 2020 9:10 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>; William Trask <wtrask@lambmcerlane.com>
Cc: Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: Greenberg

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Ellen:

Hope all is well. I email to request that you provide us with a date by which we may expect receipt of at least the videotape, the 911 call, and a copy of the FBI analysis of/report on the hard-drives of Ellen's personal and work laptops. I believe we have been very patient to date and reasonable in working with you on proceeding with discovery given the pandemic and your personal needs. However, it is very important that we now proceed promptly on receiving at least these very discrete discovery items. Thanks. Joe

From: Joseph Podraza

Sent: Monday, July 20, 2020 9:09 AM

To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>; William Trask <wtrask@lambmcerlane.com>

Cc: Joseph Podraza <jpodraza@lambmcerlane.com>

Subject: RE: Greenberg

Ellen:

Any update on this? We are particularly interested in viewing the videotape, hearing the 911 call, reviewing the forensic lab report from the FBI lab to the PPD, and the PPD's docs. To avoid delay, we will treat these materials as confidential while we complete a protective order agreement. If possible could we pick up some or all of these materials this week? Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Sent: Monday, June 29, 2020 5:53 PM

To: Joseph Podraza <jpodraza@lambmcerlane.com>; William Trask <wtrask@lambmcerlane.com>

Subject: Greenberg

Hi –

I hope you two are weathering this well.

I should in the not-too-distant future be able to send along materials from the ME's office, but I wanted to let you know that I am headed to Pittsburgh for a couple of weeks because my father is having heart surgery. I just wanted to let you know that, and ask for your continued patience.

Thank you.

Ellen.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
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EXHIBIT D

William Trask

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Monday, January 25, 2021 3:21 PM
To: Joseph Podraza
Cc: William Trask
Subject: RE: Additional Material -- MEO

Sure.
Still working on the tech issue, have two filings due today. My secretary is actually in the office tomorrow and I'm hoping (!) she can help with the video file.

Ellen Berkowitz
Senior Attorney
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From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Monday, January 25, 2021 3:17 PM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: Additional Material -- MEO

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Ellen:

Any update on when we may receive the video for the lobby? Also, we would like to proceed with depositions in February 2021. Initially, we would like to schedule the depositions for Drs. Osbourne, Emery, and Gulino. Can you inquire into their availability for a deposition? Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Tuesday, January 19, 2021 10:59 AM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>
Subject: RE: Additional Material -- MEO

Can you call me? What file do you mean?
I have the video for the lobby in the format I received it in, and I'm sorry – converting it fell off my radar. Thank you for the reminder.

Ellen Berkowitz
Senior Attorney

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From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Tuesday, January 19, 2021 10:56 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: Additional Material -- MEO

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Ellen:

Hope all is well. It has been awhile since we last had contact. Has the file for Ellen been sent to you? Do you have the videotape of the lobby? We would like to complete these preliminary tasks before proceeding with depositions. Thanks. Joe

From: Joseph Podraza
Sent: Wednesday, December 23, 2020 1:37 PM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: Additional Material -- MEO

Ellen:

Thank you for the update. We will inquire about whether we will need access to the original slides. Please also identify the name of the neuropathologist mentioned in your below email and provide us with a copy of any document or the like memorializing any aspect of the neuropathologist's examination/evaluation. Also, a draft of the petition requesting extraordinary relief is attached. Please review and advise of any comments. We would like to file the document on Monday, 12-28-20. Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Wednesday, December 23, 2020 10:48 AM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>; Colleen Davis <cdavis@lambmcerlane.com>; Eleanor N Ewing <Eleanor.Ewing@phila.gov>
Subject: Additional Material -- MEO

Hi –

I wanted to let you know that I got a call from the ME.

Prior to your filing the complaint, he'd received a query from the Greenbergs regarding analysis of the spinal cord. The ME's new neuropathologist examined the spinal cord and took slides. When Dr. Gulino sent me the file, he forgot to include these, as they weren't part of the original file. I will be forwarding the digital files to you. If you would like an expert to look at the original slides, that can be arranged – the ME's office has protocols for that.

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Let me know if you intend to file for more time.

Be safe and well, and happy holidays.

Ellen.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
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From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Monday, December 14, 2020 9:29 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Colleen Davis <cdavis@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: RCFL files

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Ellen:

Given your response below, are you agreeable to requesting an extension of the present case activity deadlines? If so, we can prepare the petition for joint submission once acceptable to you. Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Monday, December 7, 2020 11:01 AM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>; Colleen Davis <cdavis@lambmcerlane.com>
Subject: RE: RCFL files

I have five agency appeals due in January and I doubt very much I can schedule Dr. Osborne (in Florida) and Dr. Gulino) this month, but I will reach out to them.

Still working on the tech issue, hoping to resolve today.

Ellen Berkowitz
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From: Joseph Podraza <jpodraza@lambmcerlane.com>

Sent: Monday, December 7, 2020 9:57 AM

To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>; Colleen Davis <cdavis@lambmcerlane.com>

Subject: RE: RCFL files

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Ellen:

Hope all is well. Any update on the below file and/or videotape of lobby? Also, can you obtain dates in December 2020 for Drs. Osbourne and Gulino's depositions? If not possible this month, can you inquire when next year they each would be available for a full-day deposition? We also would like to schedule the depositions of Dr. Rorke-Adams and Sam Goldberg. Could you please provide dates when of your availability so we may plan around them? Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Sent: Monday, November 30, 2020 11:52 PM

To: Joseph Podraza <jpodraza@lambmcerlane.com>

Cc: William Trask <wtrask@lambmcerlane.com>

Subject: RE: RCFL files

Hi—

They have sent a file, but I can't see it – having technical difficulties. I've looped in the IT guy in the Law department and we're trying to get through that hurdle. If it is the right file, I will send it along.

I haven't forgotten about you.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>

Sent: Monday, November 23, 2020 1:26 PM

To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>

Subject: RE: RCFL files

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Thanks Ellen. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Sent: Monday, November 23, 2020 1:24 PM

Certification Due Date: 06/14/2021
Response Date: 06/21/2021
Case ID: 191001241
Control No.: 21061357

To: Joseph Podraza <jpodraza@lambmcerlane.com>

Cc: William Trask <wtrask@lambmcerlane.com>

Subject: RE: RCFL files

Because of your questions I went back to PPD and I am working on it. Give me a little more time.
Thank you.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>

Sent: Monday, November 23, 2020 8:44 AM

To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>

Subject: RE: RCFL files

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Ellen:

May we please receive clarification as requested below on the lobby videotape? Thanks. Joe

From: Joseph Podraza

Sent: Wednesday, November 18, 2020 2:49 PM

To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>

Subject: RE: RCFL files

Ellen:

We know the videotape of the lobby exited and was seized by the PPD. Are they saying the videotape was destroyed, was it sent to AG, or otherwise disposed? Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>

Sent: Wednesday, November 18, 2020 2:42 PM

To: Joseph Podraza <jpodraza@lambmcerlane.com>

Cc: William Trask <wtrask@lambmcerlane.com>

Subject: RE: RCFL files

They checked again and do not have surveillance video from the building.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department

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Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Wednesday, November 18, 2020 12:12 PM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: RCFL files

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Thanks Ellen. It is very important that we promptly obtain a copy of the videotape of the lobby. Our ability to proceed with depositions is directly impeded by our not having a copy of this videotape. Please let us know if there is anything we can do to help in this endeavor. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Wednesday, November 18, 2020 12:09 PM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>
Subject: RE: RCFL files

As far as I know, Joe, I have all the materials gathered by the PPD. I requested their complete file and I believe they sent it. I have repeatedly asked them for various items, e.g., the videotape I thought you were requesting.

I wrote to my contact on November 5th and he has not responded. I will check back with him right now. I would note that PPD would not be able to authenticate lobby video, but if they have it – it is not in my materials – I will send it along.

Ellen.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Wednesday, November 18, 2020 11:12 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: RCFL files

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Certification Due Date: 06/14/2021
Response Date: 06/21/2021
Case ID: 191001241
Control No.: 21061357

Ellen:

I just read your below email. I am sorry but I do not understand what you are saying. Do you possess all the materials gathered by the PPD relating to Ellen Greenberg? Is the videotape somewhere other than in "the materials you received?" What materials have you received and from whom? Are you saying the videotape now does not exist? If it may be somewhere else or in the possession of someone else, then where and in whose possession? Has this person or entity been contacted in order to retrieve the videotape? These are just some of the questions that come immediately to mind after reading your recent email. The videotape is very important evidence which we have been requesting now for a considerable period of time. Please answer these questions and specify what is the present status of the videotape. Thank you. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Wednesday, November 18, 2020 10:08 AM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>
Subject: RE: RCFL files

I don't see a videotape from the lobby in the materials I received.

Ellen Berkowitz
Senior Attorney
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Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Monday, November 16, 2020 2:55 PM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: RCFL files

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Ellen:

Could you please provide an update on the status of the lobby videotape? Thanks. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Thursday, November 5, 2020 2:54 PM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>
Subject: RE: RCFL files

So this is lobby videotape, not crime scene videotape? I'll see what I can find out. (Will also check with D'Andrea, of course.)

Ellen Berkowitz
Senior Attorney

City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Thursday, November 5, 2020 12:54 PM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: RE: RCFL files

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The ADA told the Greenbergs the videotape was reviewed and former ADA D'Andrea actually viewed the videotape of the lobby some time later. Joe

From: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Sent: Thursday, November 5, 2020 12:17 PM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>
Subject: RE: RCFL files

Why do you think this?

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Thursday, November 5, 2020 11:32 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: William Trask <wtrask@lambmcerlane.com>; Joseph Podraza <jpodraza@lambmcerlane.com>
Subject: Re: RCFL files

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Ellen:

Why not? It was taken by the police. Has it been destroyed. Joe

Sent from my iPhone

On Nov 5, 2020, at 10:04 AM, Ellen Berkowitz <Ellen.Berkowitz@phila.gov> wrote:

There is no videotape.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Ellen Berkowitz
Sent: Thursday, October 29, 2020 1:03 PM
To: Joseph Podraza <jpodraza@lambmcerlane.com>
Cc: William Trask <wtrask@lambmcerlane.com>
Subject: RE: RCFL files

Let me check with the PPD guy again (he was supposed to get back to me) and I'll get back to you. He did not believe there was a videotape. However, please note that I would assert CHRIA for such a tape as well – I turned over the 911 call because that is clearly outside the meaning of “investigatory.”

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
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1515 Arch Street, 15th Floor
Philadelphia, PA 19102
215-683-5253
215-683-5069 (fax)

From: Joseph Podraza <jpodraza@lambmcerlane.com>
Sent: Thursday, October 29, 2020 8:09 AM
To: Ellen Berkowitz <Ellen.Berkowitz@phila.gov>
Cc: Joseph Podraza <jpodraza@lambmcerlane.com>; William Trask <wtrask@lambmcerlane.com>
Subject: Re: RCFL files

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Ellen:

Just wanted to follow up if there is any update on the videotape. Recognize you have a lot on your plate, so please let me know where things stand when you have a moment. Thanks. Joe

Sent from my iPhone

On Oct 13, 2020, at 3:53 PM, Ellen Berkowitz <Ellen.Berkowitz@phila.gov> wrote:

P.S. I am driving to Pittsburgh tomorrow and they are putting my mother in hospice, so my availability will be limited. I hope you understand.

Ellen Berkowitz
Senior Attorney
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215-683-5253
215-683-5069 (fax)

From: Ellen Berkowitz
Sent: Tuesday, October 13, 2020 3:52 PM
To: Joseph Podraza <jpodraza@lambmcerlane.com>; William Trask
<wtrask@lambmcerlane.com>
Subject: RCFL files

The Justice Department has approved the release of the attached files from RCFL.

Thank you.

Ellen Berkowitz
Senior Attorney
City of Philadelphia Law Department
Affirmative & General Litigation Group -- Pensions
1515 Arch Street, 15th Floor
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215-683-5253
215-683-5069 (fax)

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LAMB McERLANE PC

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William H. Trask, Esquire (ID No. 318229)
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(215) 609-3170
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Attorneys for Plaintiffs

JOSHUA M. GREENBERG, DMD, and
SANDRA GREENBERG, as the
Administrators of the Estate of ELLEN
R. GREENBERG, deceased,

Plaintiffs,

v.

MARLON OSBOURNE, M.D., and
PHILADELPHIA COUNTY MEDICAL
EXAMINER'S OFFICE,

Defendants.

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

October Term 2019
No. 01241

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL

Plaintiffs, Joshua and Sandra Greenberg, Administrators of the Estate of Ellen R. Greenberg, deceased ("Plaintiffs"), submit this Memorandum of Law in Support of their Motion to Compel Defendants to produce any documentation of disciplinary action, reprimand, of other internal criticism of Drs. Samuel Gulino, Marlon Osbourne and/or Lyndsey Emery in connection with the performance of their employment duties in the Philadelphia Medical Examiner's Office.

I. MATTER BEFORE THE COURT

The above action seeks mandamus and declaratory relief against the City of Philadelphia, Office of the Medical Examiner ("MEO") and Dr. Marlon Osbourne, the forensic pathologist who ultimately concluded, without a sufficient legal or medical basis, that the manner of Ellen R. Greenberg's death was suicide. Ellen was stabbed twenty times, including ten in the back of her

Certification Due Date: 06/14/2021
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neck and head. Osbourne, after initially ruling Ellen's death a homicide on the basis of his autopsy findings, later agreed to amend the manner of death to suicide based on crime scene evidence gleaned from the police investigation and shared with him by investigators. Dr. Osbourne's Autopsy Report contains material errors and omissions as established by the testimony of Dr. Osbourne and another pathologist in the Philadelphia Medical Examiner's Office.

Plaintiffs now seek from the Defendants any communications or memoranda documenting these and other mistakes by the Medical Examiner's Office personnel demonstrating a pattern of sloppy recordkeeping in that office which would materially affect the reliability of its findings. Plaintiffs have reason to believe such documents exist, as well as good reason to believe the Defendants have been less than candid during discovery regarding what responsive materials exist or not. For this reason, Plaintiffs request an Order directing any such documents in the possession of the Defendants be produced.

II. QUESTION PRESENTED

Whether the City of Philadelphia should be compelled to produce any documents or communications documenting or otherwise evidencing any disciplinary action, reprimand, or other internal criticism of the pathologists responsible for issuing findings related to the death of Ellen R. Greenberg, particularly given the admissions related to inaccurate and incomplete recordkeeping in her case.

Suggested answer: **Yes**

III. FACTUAL BACKGROUND

Responding to a 9-1-1 call on the evening of January 26, 2011, authorities discovered Ellen R. Greenberg's body, slumped on the kitchen floor of the apartment she shared with her

fiancé, with a 10-inch knife in her chest. Failing to notice, among other things, the 10 stab-wounds to the back of Ellen's neck and head, and assuming Ellen had been locked in the apartment alone at the time of her death, scene investigators initially treated Ellen's death as a suicide.

The following morning, Dr. Osbourne performed an autopsy of Ellen's body and, upon discovering numerous injuries overlooked by scene investigators—including the knife wounds to Ellen's spine and brain, a deep cut on the side of Ellen's head, and bruising all over her body, including on her head and wrists—he declared the manner of death a homicide. Unfortunately, by the time Dr. Osbourne's findings triggered a formal homicide investigation, the PPD had already authorized the scene of the crime to be cleaned and irreparably compromised, thereby jeopardizing any *bona fide* homicide investigation.

After approximately two months, and after an unprecedented meeting with members of the MEO, PPD and District Attorney's Office, Dr. Osbourne revised his initial manner of death determination from homicide to suicide. Osbourne has since confirmed his decision was based in large part on information presented by police investigators related to the scene of Ellen's death, including evidence that allegedly corroborated initial accounts of Ellen having been locked alone in the apartment at the time. Because this evidence, now largely discredited through discovery, was insufficient as a matter of law to support Osbourne's suicide finding, Plaintiffs filed the instant suit compelling Osbourne to amend, or the MEO to retract and replace, Ellen's death certificate to reflect a manner of death other than suicide.

During the course of discovery, Plaintiffs have uncovered a number of inconsistencies and inaccuracies in and among the various reports prepared by the ME's investigators and pathologists that raise material questions as to the reliability of the Defendants' investigation and

resultant findings. Constituting one such patent inconsistency, Dr. Osbourne's Report of Ellen's Autopsy includes conflicting references to the condition of Ellen's body and the existence or numerosity of her injuries. For example, on the first page of his Autopsy Report, Dr. Osbourne writes, "[t]he atraumatic scalp is covered by brown hair." Later, on page 3 of the same Report, Dr. Osbourne writes that Ellen's scalp was not atraumatic as earlier stated, but that Ellen had sustained a wound through both her skin and scalp approximately 6.5 cm in length. At deposition, Dr. Osbourne acknowledged the inconsistency of the two conflicting descriptions in his autopsy report, explaining his initial description of the scalp as being "atraumatic" was attributable to a typographical error.

Beyond just the foregoing inconsistency, discovery has uncovered at least one key omission in Dr. Osbourne's report having a material effect on his final determination. In 2019, after Dr. Osbourne had left the Philadelphia Medical Examiner's Office, another of Defendants' pathologists, Dr. Lyndsey Emery, was asked to reexamine affected portions of Ellen's spinal column that had been examined, collected and preserved by Dr. Osbourne in 2011. As Dr. Emery would come to testify under oath during discovery, in her learned opinion, at least one of the stab wounds noted in Dr. Osbourne's report was most plausibly inflicted *after Ellen was already dead*, thereby rendering Osbourne's final determination of suicide categorically impossible. This finding was predicated on the lack of hemorrhage at the site of the injury, which should have been readily visible to Osbourne during his examination.

On May 5, 2021, Plaintiff served Defendants with requests to produce any and all documents or communications evidencing or referring to any disciplinary action, reprimand or other internal criticism of the key pathologists in this case, Drs. Osbourne, Gulino and Emery. (See Plaintiffs' Third Set of Document Requests, attached hereto as Exhibit "A.") The

Defendants have responded by asserting that, with respect to Dr. Osbourne at least, no such documents or criticism exists. (See Defendants written responses to Plaintiff Third Set of Document Requests, attached hereto as Exhibit “B.”)

But this is not the first time the City has claimed materials requested by the Plaintiffs in discovery simply do not exist. In point of fact, and further illustrating the questionable reliability of the City’s assurances, Defendants repeatedly claimed a videotape initially requested back in February 2020 did not exist before finally producing it the following year, but only after Plaintiffs refused, over the course of months, to accept the Defendants’ assurances. In that instance, having received nothing in response to their February 2020 document requests, Plaintiffs specifically inquired into the status of a few key items including the videotape of the lobby and other common areas in the building where Ellen died. (See Ex. “C,” Email Thread dated Jun. 29, 2020 to Aug. 13, 2020, at email dated July 20, 2020, 9:09 AM (“We are particularly interested in viewing the videotape...”). By November 2020, Defendants were insisting there was no videotape. (See Ex. “D,” Email Thread dated Oct. 13, 2020 to Jan. 25, 2021, specifically emails dated Nov. 5, 2020, 10:04 AM (“***There is no videotape.***”); Nov. 18, 2020, 10:08 AM (“***I don’t see a videotape from the lobby in the materials I received.***”), and 2:42 PM (“***They checked again and do not have surveillance video from the building.***”). Eventually, after Plaintiffs repeatedly insisted the video must exist, PPD located and provided counsel with a copy, which was ultimately produced, after some difficulty, at the end of January 2021. (Ex. D, emails dated Nov. 30, 2020, 11:52 PM (“They have sent me a file...”); Dec. 7, 2020, 11:01 AM (“Still working on the tech issue...”); Jan. 19, 2021 (“I have the video for the lobby...”); and; Jan. 25, 2021, 3:21 PM (“Still working on the tech issue...”)).

As in this prior instance, the Defendants insist the requested materials do not exist. Also as in the prior instance, the Plaintiffs have reason to believe they do. For this reason, Plaintiffs seek to compel the production of any documents or communications documenting or otherwise evidencing any disciplinary action, reprimand, or other internal criticism of the three pathologists responsible for issuing findings related to the death of Ellen R. Greenberg.

IV. ARGUMENT

Among the key issues in this case concern whether Dr. Osbourne has sufficient support—meaning 70% or greater certainty—for his eventual, revised finding of suicide. Although his initial homicide determination relied heavily on his findings at autopsy, his subsequent decision to revise the manner of death to suicide was made *in spite of* those earlier autopsy findings in reliance on additional information obtained from police investigators.

The rules governing discovery in Pennsylvania provide

...a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party....

Pa. R.C.P. 4003.1 (a). The veracity of Osbourne’s findings at autopsy, memorialized solely in the Autopsy Report, is crucial in testing his ultimate determination. Thus, the reliability of Osbourne’s recorded findings must likewise be tested.

Having admittedly recorded inaccurate information in Ellen’s autopsy report, the reliability of that report—and of the medical findings and conclusion recorded therein—is in doubt, and Plaintiffs are entitled to investigate whether the mistakes admitted by Osbourne are isolated or part of a documented pattern of sloppy or inaccurate recordkeeping in the Medical Examiner’s Office. And even more egregious than the “typographical error” admitted by Osbourne, another of the Medical Examiner’s pathologists—a trained neuropathologist who

conducted a subsequent examination of Ellen's partial remains—has recently testified as to key findings that were either missed by Dr. Osbourne during his autopsy or omitted from his written report. These findings, in the learned opinion of Defendants' pathologist, demonstrate a likelihood that at least one of Ellen's injuries was sustained after she was already dead, thereby fatally undermining the Defendants' prior determination that Ellen committed suicide.

Defendants assure the Plaintiffs, yet again, that materials sought in discovery simply do not exist. In fact, Defendants note that Osbourne himself testified—foregoing errors and omission notwithstanding—that he was never subject to any criticism of any kind in relation to his duties while employed by the Philadelphia Medical Examiner's Office, a claim his supervisor, Dr. Gulino, earlier confirmed during his own deposition.

Nevertheless, Plaintiffs have been given reason to believe that, at minimum, Dr. Osbourne was criticized or reprimanded on more than one occasion for substandard work while employed by the Philadelphia Medical Examiner's Office, including during the period he conducted and completed Ellen's death investigation. Given the Defendants' unreliable history of finding and producing material requested in discovery after insisting for months that no such material exists, Plaintiffs are unable to simply take the Defendants at their word.

V. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court order Defendants to produce copies of any and all documents or communications evidencing or referring to any disciplinary action, reprimand or other internal criticism of the key pathologists in this case, Drs. Osbourne, Gulino and Emery.

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By: /s/ Joseph R. Podraza, Jr.

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Dated June 7, 2021

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Attorneys for Plaintiffs

JOSHUA M. GREENBERG, DMD, and
SANDRA GREENBERG, as the
Administrators of the Estate of ELLEN
R. GREENBERG, deceased,

Plaintiffs,

v.

MARLON OSBOURNE, M.D., and
PHILADELPHIA COUNTY MEDICAL
EXAMINER'S OFFICE,

Defendants.

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

CIVIL ACTION

October Term 2019
No. 01241

ATTORNEY CERTIFICATION OF GOOD FAITH

The undersigned counsel hereby certifies and attests to having made a specific request for documents which the Defendants definitively claim do not exist, ostensibly after conducting a reasonable investigation. The parties disagree with regard to the existence of the documents, but given the diametrically opposed positions of the parties and their counsel, court involvement is necessary to resolve the dispute and any further discussion would not be productive.

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Dated: June 7, 2021

Certification Due Date: 06/14/2021
Response Date: 06/21/2021
Case ID: 191001241
Control No.: 21061357

Philadelphia, PA 19107
(215) 609-3170

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CERTIFICATE OF SERVICE

I, Joseph R. Podraza, Jr., Esquire, hereby certify that I served a true and correct copy of the foregoing pleading on June 7, 2021, by sending this paper to the Court's electronic filing system (EFS) website pursuant to Pa.R.C.P. 205.4(g) and Phila. Civil Rule *205.4(f), and by virtue of automatic electronic service by the Court to all parties who have entered their appearance on the Court's electronic docket:

LAMB McERLANE PC

BY: /s/ Joseph R. Podraza
Joseph R. Podraza, Jr., Esquire
jpodraza@lambmcerlane.com

Date: June 7, 2021

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