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May 19, 2009

**PERSONAL AND CONFIDENTIAL**

Catherine E. Malarkey  
c/o Thomas F. Curnin, Esq.  
40 Ocean Avenue  
Larchmont, NY 10538

Re: Matter of Eleanor J. Piel, Esq. and William Roth, Esq.  
Docket Nos. 2005.2935 and 2005.2936

Dear Ms. Malarkey:

The Departmental Disciplinary Committee has completed its investigation of your complaints against the above-referenced attorneys. As explained below, the Committee has decided to take no further action.

Specifically, you complained that the above attorneys, in the course of the discovery stage of their representation of you in your suit against your employer, Texaco, Inc., advised you to conceal the fact that you had taped fellow employees, misled a federal Magistrate concerning their knowledge of the taping, and caused you to be sanctioned \$500 for failing to produce the tapes during discovery. After an extensive investigation, the Committee determined that your allegations were not substantiated.

The Committee arrived at this determination after conducting an investigation consisting of several steps. First, we obtained answers from the attorneys and sent them to you for a reply. Then, a staff attorney reviewed the submissions for factual and legal issues and engaged in additional fact finding and legal research, including review of tapes, transcripts, and the respondents' files. The case was then submitted to one of the members of the Committee, an independent board of lawyers and non-lawyers appointed by the Appellate Division, First Judicial Department. The Committee member concluded that no further investigation or action was warranted. As a result, your file has been closed.

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**You may seek review of this decision by submitting a written request for reconsideration to this office at the above address within thirty (30) days of the date on this letter.**

Very truly yours,

  
Alan W. Friedberg

D-PR/C  
AWF:MJE/mrh