

**EGAN & MCCARTHY**

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**IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA**

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**LAMB TAVERN STEAK HOUSE AND  
OYSTER BAR, INC.**

**Plaintiff**

**v.**

**SIDNEY L. GOLD & ASSOCIATES,  
P.C.**

**and**

**SIDNEY L. GOLD, Esquire**

**and**

**JAMIE FORD, Esquire**

**and**

**Louis Del Piano**

**Defendants**

**No. \_\_\_\_\_**

**JURY TRIAL  
DEMANDED**

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**CIVIL COMPLAINT**

COMES NOW Plaintiff, Lamb Tavern Steak House and Oyster Bar, Inc. who, by and through counsel, brings the following civil complaint. In Support thereof, Plaintiff avers as follows:

## **INTRODUCTION**

1. Plaintiff Lamb Tavern Steak House and Oyster Bar, Inc., is a Pennsylvania corporation doing business as a restaurant, located at 865 W. Springfield Road, Springfield, PA 19064, in Delaware County, Pennsylvania.

2. Defendant Sidney L. Gold & Associates, P.C., is a Pennsylvania law firm located at 1835 Market Street, Suite 515, Philadelphia, PA 19103, in Philadelphia County.

3. Defendant Sidney L. Gold, Esquire, is a Pennsylvania-licensed attorney who at all times relevant herein acted on behalf of Defendant Sidney L. Gold & Associates, P.C., at 1835 Market Street, Suite 515, Philadelphia, PA 19103, in Philadelphia County.

4. Defendant Jamie Ford, Esquire, is a Pennsylvania-licensed attorney who at all times relevant herein acted on behalf of Defendant Sidney L. Gold & Associates, P.C., at 1835 Market Street, Suite 515, Philadelphia, PA 19103, in Philadelphia County.

5. Defendant Louis Del Piano is an adult individual who at all times relevant herein resided at 509 Cherry Street, Clifton Heights, PA 19018, in Delaware County.

6. The Delaware County Court of Common Pleas is appropriate for purposes of jurisdiction and venue, as the Plaintiff is located in and based out of Delaware County, and many of the witnesses and much of the evidence in this matter is located in Delaware County.

## **STATEMENT OF FACTS**

6. Kathleen Del Piano was a waitress at The Lamb Tavern in Springfield, Pennsylvania from 2012 through 2017.

7. In April 2017, Ms. Del Piano's employment was terminated due to poor performance.

8. Thereafter, Ms. Del Piano retained a law firm, Defendant Sidney L. Gold and Associates, P.C., to pursue litigation against her former employer in the form of an employment discrimination lawsuit.

9. To that end, Ms. Del Piano, through the Defendant law firm and individual Defendant attorneys Sidney L. Gold and Jamie Ford, Esq., filed a charge of discrimination with the Equal Employment Opportunity Commission.

10. The crux of Ms. Del Piano's charge of discrimination is set forth in a fifteen paragraph statement of particulars. In essence, Ms. Del Piano and the Defendant attorneys asserted that she was discriminated against on the basis of her age and a sexually hostile work environment, as well as retaliation for allegedly informing one of the owners of the unlawful practices.

11. The owners of The Lamb Tavern--Stephen Graham, John Whalin, and Peter Crisanti--were stunned by these allegations, which they believed were totally false, and made in an effort to shake down the owners and The Lamb Tavern for money.

12. The owners thereafter retained the law firm of Egan & McCarthy to conduct an investigation into these allegations. Throughout December 2017 and into January 2018, Plaintiff's firm conducted an extensive and thorough investigation of these allegations. Numerous individuals were interviewed at length concerning the EEOC allegations and documents were reviewed as well.

13. A synopsis of these investigative efforts was contained in a letter dated January 5, 2018, and sent to Sidney L. Gold, Esquire. That letter, a copy of which is attached as "Exhibit A", set forth in detail what various witnesses stated concerning Ms. Del Piano's allegations. Each of the witnesses summarized in the January 5 letter categorically denied each and every allegation from the EEOC complaint.

14. The January 5 letter stated, in essence, that the allegations were so false and fraudulent, that any subsequent litigation premised upon those false allegations would be met with a countersuit for wrongful institution, procurement, and continuation of civil proceedings pursuant to The Dragonetti Act (42 P.S. § 8351).

15. Furthermore, in order for Ms. Del Piano and her law firm to avoid exposure under Pennsylvania law, the January 5 letter offered Ms. Del Piano's attorneys an opportunity to come into The Lamb Tavern to conduct interviews to substantiate or repudiate the synopsis contained in the letter.

16. That offer permitting Ms. Del Piano and her attorneys access to interview people and examine documents was never accepted.

17. Astonishingly, no response to the January 5th letter was forthcoming from Defendant Sidney L. Gold & Associates until over five-and-a-half months later.

18. That letter dated June 21, 2018 and signed by Defendant Jamie Ford, Esquire, of Defendant Sidney L. Gold & Associates, P.C., is fraught with false and fraudulent assertions. A copy of this letter is attached as "Exhibit B."

19. Ms. Ford, in an attempt to extort a quick cash grab, blatantly misrepresented the facts and the law throughout her belated response.

20. For example, Ms. Ford attempted to distort statements in the January 5th letter concerning the investigation into Ms. Del Piano's poor job performance. Ms. Ford contended that the witness interviews asserted that Ms. Del Piano was too old to do the job.

21. In truth and in fact, the statements that Ms. Ford distorted from the January 5th letter were, *inter alia*, attributed to Connie Howatt, a Lamb Tavern employee who was in fact older than Ms. Del Piano.

22. Ms. Howatt and John Whalin--part owner of The Lamb Tavern--provided evidence concerning Ms. Del Piano's poor job performance. Neither they, nor anyone else interviewed at The Lamb Tavern, supported in any way Ms. Ford's allegation that Ms. Del Piano was terminated due to her age.

23. Additionally, in Ms. Ford's June 21 letter, she again distorted the results of the investigation concerning Ms. Del Piano's allegations of a sexually hostile and unwelcome environment.

24. These distortions of law and fact throughout Ms. Ford's letter are wrong in and of themselves. However, they pale in comparison to Ms. Ford's contentions, made in at least four separate points in the letter, that Ms. Del Piano was alive.

25. In the intervening five-and-a-half months between Plaintiff's January 5th letter and Defendant Ford's belated June 21 response, Kathleen Del Piano had passed away on April 23, 2018.

26. Rather than mention this critical fact, Defendant Ford pretended that her client was not only alive and well, but fully prepared to continue the costly litigation against The Lamb Tavern and its owners if they refused the June 21st letter's shameless request for a quick cash grab.

27. In sum, Defendant Jamie Ford's letter was factually wrong, legally wrong, and was replete with shocking misrepresentations of Ms. Del Piano's status, as if she were alive when she had in fact been dead for nearly two months at the time of Defendant Ford's letter, all in an attempt to shake down The Lamb Tavern and its owners prior to the filing of a meritless civil complaint.

28. On or about July 21, 2018, the Equal Employment Opportunity Commission sent a Dismissal and Notice of Rights letter to Kathleen Del Piano, CC'd to John Whalin on behalf of Lamb Tavern and Sidney Gold on behalf of Sidney L. Gold & Associates.

29. By this Dismissal and Notice of Rights Letter, the EEOC was unable to conclude that the information obtained established a violation of law. It also informed Kathleen Del Piano, as the charging party, that she had 90 days to file a lawsuit in federal court.

30. It is clear that the EEOC, by addressing the foregoing letter to Kathleen Del Piano and her attorney, did not know of her death. It is apparent that Defendant Sidney L. Gold & Associates did not inform the EEOC of their former client's passing.

31. On or about October 16, 2018, Defendant Sidney L. Gold & Associates, P.C, filed a civil complaint against The Lamb Tavern in federal court. Rather than name Kathleen Del Piano as the plaintiff, the law firm now represented Defendant Louis Del Piano as the administrator of his wife's estate.

32. This complaint absolutely mirrored the allegations of the EEOC charge, which was filed over one year before the filing of the complaint.

33. This demonstrates that absolutely no investigation or any attempt at an investigation was conducted in that intervening period between the initial EEOC charge filed in June 2017 and the filing of the complaint in October 2018. This failure to conduct a reasonable investigation, or any kind of investigation, resulted in a federal complaint which is rife with false statements.

34. As they had stated in the EEOC charge, Defendants--now representing Louis Del Piano--repeated their assertion that Kathleen Del Piano's hours had been reduced in retaliation for reporting alleged discrimination. In truth and in fact, The Lamb Tavern's employee earnings records--specifically, a one-page earnings report--definitively prove that Ms. Del Piano's hours had increased during the periods in which she claimed they were reduced.

35. At no point in time between January and October of 2018 did the Defendants pick up a phone to request this one-page earnings report--which on its face disproves Kathleen Del

Piano's assertion that her hours had been slashed--despite being provided full access to information in the January 5 letter by The Lamb Tavern's counsel.

36. Thus, the Defendants made a conscious choice not to elicit the truth, as the truth would get in the way of the false story the Defendants wished to propagate for financial gain.

37. Furthermore, such a phone call would have also resulted in discovering that the allegations of age discrimination were belied by the records kept by The Lamb Tavern.

38. Finally, if the Defendants had accepted the offer of pre-litigation investigation extended in the January 5th letter, Defendants would have corroborated the statements of every individual named in said letter, as well as many other staff members of The Lamb Tavern, as completely rebutting Kathleen Del Piano's claims of sexual harassment and age discrimination.

39. Based on the foregoing, Defendants plowed ahead with a baseless lawsuit premised upon nothing more than the inadmissible and easily controvertible hearsay of a deceased woman, to the extreme cost and detriment of Plaintiff.

40. This is further illustrated by the Defendants' initial disclosures submitted on January 30, 2019, which named every witness named by The Lamb Tavern in its disclosures, as well as another Lamb Tavern employee, Maryanne Cromley, the Banquet Manager.

41. After the Defendants named Ms. Cromley as a potential witness, The Lamb Tavern's counsel promptly interviewed her. Ms. Cromley was shocked that she had been named by Louis Del Piano and his attorneys as a potential witness, because she had never been contacted by them. Furthermore, Ms. Cromley's information and observations supported The Lamb Tavern's case in every aspect, and represented that all of the averments in Louis Del Piano's pleadings were false.

42. Additionally, on January 31, 2019, there was pretrial conference which counsel and the parties were ordered to attend. Louis Del Piano, despite being the named plaintiff, was not present, nor was there any reason offered for his absence, as Defendant Ford stated that she had called Mr. Del Piano several times without response. Subsequently, Ms. Ford stated that Mr. Del Piano mixed up his dates.

43. Finally, in discovery, the Defendants objected to nearly every interrogatory propounded by The Lamb Tavern. Further, in Louis Del Piano's responses to The Lamb Tavern's requests for production of documents, Defendants represented that all documents requested were being produced "herewith."

44. No such documents were produced contrary to this representation. Further, counsel for The Lamb Tavern made several follow-up requests for these documents, and were told by Defendant Ford that these documents would be received by the end of the week.

45. The documents were never provided. The Lamb Tavern's counsel also, via phone and e-mail, made several requests for dates on which to depose Louis Del Piano by the case management order deadline.

46. Such dates were never provided by Defendants. Indeed, Defendants made no attempt to schedule or seek any depositions of their own or any of The Lamb Tavern's potential witnesses.

47. Following this resounding silence by Defendants concerning discovery, the Defendants' next communication was not providing the belated documents nor deposition dates. Rather, on March 1, 2019, without prior notice to The Lamb Tavern's counsel, Defendants Sidney L. Gold & Associates, Sidney Gold, and Jamie Ford filed a motion for leave to withdraw their appearance as counsel for Louis Del Piano.



48. The Court ordered that Louis Del Piano file a response to his counsel's motion. Mr. Del Piano never filed any such response.

49. The Court next ordered that Mr. Del Piano and his counsel attend a mandatory conference concerning the motion to withdraw. This conference was held on March 14, 2019. Mr. Del Piano did not bother attending this conference either.

50. As a result of this conference, the Court ultimately granted the Defendant attorneys' motion to withdraw, and, upon no further action by Louis Del Piano, dismissed the case against The Lamb Tavern on Friday, March 22, 2019.

51. Thus, for 21 months, Defendants--Sidney L. Gold & Associates, P.C. and their attorneys, Louis Del Piano, and prior to her death, Kathleen Del Piano--engaged in a relentless and costly attack on the good name and reputation of The Lamb Tavern and its owners.

52. This attack was totally lacking in justification and probable cause to pursue it. The only thing that drove this campaign was a willingness to lie and conceal at every opportunity in order to fraudulently attempt to extort monies from a community icon with a well-known and unblemished reputation.

53. In an attempt to line their own pockets, the Defendants wrongfully initiated a civil proceeding at the EEOC level, wrongfully procured civil proceedings when they filed a meritless federal complaint, after being placed on notice of the lack of merit to the action, and wrongfully continued said proceedings, even after the putative plaintiff, Louis Del Piano, ceased participating.

54. These wrongfully instituted, procured, and continued civil proceedings terminated in the only possible and just outcome that was obvious from the outset--in favor of The Lamb Tavern.

**COUNT I--VIOLATION OF THE DRAGONETTI ACT, 43 P.S. § 8351**

55. Plaintiff incorporates each of the foregoing averments by reference as though fully set forth herein.

56. As set forth *supra*, Defendants were expressly on notice, prior to the initiation of the underlying civil proceedings, that they lacked probable cause to file the federal civil complaint.

57. There was no probable cause for suing The Lamb Tavern when Kathleen Del Piano was still alive. Lack of probable cause was even more obvious and apparent after Kathleen Del Piano died, prior to the filing of the federal complaint.

58. Defendants' malice in instituting the federal civil proceedings is evidenced by Defendant Jamie Ford's June 21st letter, in which Defendant Ford misrepresented the status of Ms. Del Piano as if she were still alive and solicited a settlement, when Ms. Del Piano had in fact passed away nearly two months prior to her letter.

59. Defendants wrongfully and maliciously continued the federal civil proceedings, as evidenced by Defendant Louis Del Piano's repeated and willful non-participation in Court mandated conferences, by Defendants' identification of a potential witness to whom they had not spoken and who in fact rebutted their case, and by Defendants' abject failure to provide requested documents and deposition dates in discovery.

60. The federal civil proceedings terminated in favor of Plaintiff, The Lamb Tavern, when Louis Del Piano's case was dismissed on March 22, 2019.

61. As a result of the completely unjustified and wrongfully instituted federal civil case, Plaintiff, The Lamb Tavern, by and through its owners including Stephen Graham, John Whalin, and Peter Crisanti, suffered compensatory damages in excess of \$50,000, in an exact amount to be determined at trial, including harm to reputation, emotional distress on the part of the owners, loss of wages and earnings in the time spent by Lamb Tavern's staff and owners in being interviewed

and participating in the proceedings, and the attorney's fees incurred in defending the underlying proceedings.

62. Based on Defendants' malice in wrongfully instituting and continuing the federal proceedings, Plaintiff respectfully requests punitive damages in an exact amount to be determined at trial.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff The Lamb Tavern Steak House and Oyster Bar, Inc., prays this Honorable Court for relief against the above-captioned Defendants, jointly and severally, as follows:

- (a) Compensatory damages, in excess of \$50,000, in an exact amount to be determined at trial;
- (b) Punitive damages in an exact amount to be determined at trial;
- (c) Pre-judgment and post-judgment interest, including delay damages; and
- (d) Any other relief this Honorable Court deems necessary, fair, and appropriate.

Respectfully Submitted,

**/s/Gerard P. Egan, Esq. #20744**  
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Date: January 7, 2020