

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

SANDRA COOPER, DAVID COOPER, and :
ANN COOPER, :
Plaintiffs, :
v. : CI-15-08202
ARMSTRONG WORLD INDUSTRIES, INC. :
BRENNTAG NORTHEAST, INC., :
ALAN J. HAY, M.D., and LANCASTER :
GENERAL OCCUPATIONAL MEDICINE, :
Defendants. :

OPINION

AND NOW, this 4th day of September 2018, following the court's entry of a rule upon Attorney George P. Chada to show cause why he should not be removed as counsel for the plaintiffs in the above captioned case, and the motion of Attorney Chada for the undersigned to recuse himself for entering such a rule; now that the time to file responses has expired, these matters are ripe for review.

I. BACKGROUND

Attorney George P. Chada currently represents plaintiffs in thirty-four cases¹ before the court against Defendants, Armstrong World Industries ("AWI") and/or Brenntag Northeast, LLC ("BNE"). Unfortunately, Attorney Chada's representation of these plaintiffs has been rife with numerous instances of incompetent, frivolous, dilatory, and dishonest actions. He has engaged in conduct prejudicial to the administration of justice and to the interests of his clients. The court has found it necessary to impose monetary sanctions upon Attorney Chada individually in the amount of \$126,434.23 and has found his conduct sanctionable in numerous other instances. Attorney Chada has violated the Rules of Professional Conduct on many occasions, including

¹ Previously Attorney Chada represented plaintiffs in thirty-six cases. However, the Office of the Prothonotary closed the cases docketed at CI-15-08408 and CI-17-01329 following plaintiffs' praecipes to withdraw and/or discontinue.

having a client pay the monetary sanctions which the court imposed upon him individually. For these reasons, the court finds it necessary to remove Attorney Chada as counsel for the plaintiffs in these thirty-four cases.

This story began in Philadelphia. Attorney Chada brought five cases there against AWI and BNE which were eventually transferred to Lancaster County.² These cases, with their Lancaster County docket numbers, are as follows:

1. *Sandra Cooper v. Brenntag Northeast, Inc.*, CI-15-08200³
2. *Sandra Cooper et al. v. Armstrong World Industries, et al.*, CI-15-08202
3. *Christopher K. Landis v. Brenntag Northeast, Inc.*, CI-15-08672
4. *United Steel Workers of America v. Armstrong World Industries, et al.*, CI-15-08680
5. *Christopher Landis v. Armstrong World Industries*, CI-17-09152

The Philadelphia cases were followed by twenty-nine more, all originally filed in Lancaster County:

6. *Antonio Mountis v. Armstrong World Industries and Brenntag Northeast*, CI-15-06424
7. *Michael Lynch v. Armstrong World Industries and Brenntag Northeast.*, CI-15-06426
8. *Jose Rivera v. Armstrong World Industries and Brenntag Northeast*, CI-15-06542
9. *Daryl Sensenig v. Armstrong World Industries, et al.*, CI-15-06543
10. *Shawn Patterson v. Armstrong World Industries and Brenntag Northeast*, CI-15-06544
11. *Donald Roberts v. Armstrong World Industries and Brenntag Northeast*, CI-15-06546
12. *Judy Wendler v. Armstrong World Industries and Brenntag Northeast*, CI-15-06547
13. *David Boyd Jr. v. Armstrong World Industries and Brenntag Northeast*, CI-15-06629
14. *Sherry Riley v. Armstrong World Industries and Brenntag Northeast*, CI-15-06630
15. *Bryan Albright, et al. v. Armstrong World Industries, et al.*, CI-15-07891
16. *Sandra Cooper v. Armstrong World Industries, et al.*, CI-15-07954
17. *John Moeller v. Armstrong World Industries, et al.*, CI-15-08405
18. *Idelfonso Sanchez, et al. v. Armstrong World Industries, et al.*, CI-15-08407
19. *Ray Frederick v. Armstrong World Industries and Brenntag Northeast*, CI-16-00788
20. *Jeffery Saxinger v. Armstrong World Industries, et al.*, CI-16-00789
21. *Ronald Hossler v. Armstrong World Industries and Brenntag Northeast*, CI-16-00790
22. *Todd Griffin v. Armstrong World Industries and Brenntag Northeast*, CI-16-00791
23. *United Steel Works of America v. Armstrong World Industries, et al.*, CI-16-03605
24. *Jeffery Saxinger, et al. v. Armstrong World Industries, et al.*, CI-16-05122
25. *Paul Rogers v. Armstrong World Industries, et al.*, CI-16-05583

² Other cases were resolved by or remain pending before the Philadelphia Court of Common Pleas.

³ The remainder of this opinion will use the list number to refer to specific cases. So *Sandra Cooper v. Brenntag Northeast, Inc.*, shall be referred to as Case 1 and so on. Each incident described in this opinion is discussed more fully in orders docketed in each case.

26. *Anthony Arcudi v. Armstrong World Industries, et al.*, CI-16-05584
27. *Jerry Dennis v. Armstrong World Industries, et al.*, CI-16-10110
28. *The Estate of Robert Whetts, et al. v. Armstrong World Industries, et al.*, CI-16-10715
29. *Michael Wallace v. Armstrong World Industries, et al.*, CI-16-10716
30. *Joseph DeMascolo v. Armstrong World Industries, et al.*, CI-16-10717
31. *Richard Bates, et al. v. Armstrong World Industries, et al.*, CI-16-10961
32. *William Fenton v. Armstrong World Industries, et al.*, CI-16-10962
33. *James Roop, et al. v. Armstrong World Industries, et al.*, CI-16-10963.
34. *Sandra Cooper v. Armstrong World Industries, et al.*, CI-17-06946

These cases are similarly situated in that they involve the same set of allegations: plaintiffs, during the course of their employment at AWI, were exposed to a toxic chemical manufactured and distributed by BNE. This exposure caused plaintiffs to suffer from various illnesses. These illnesses occurred more than three hundred weeks after last exposure to BNE's chemical, thus placing plaintiffs' claims outside the gambit of the Workers' Compensation Act.⁴

The court's review of the various pleadings reveals Attorney Chada's incompetent, dilatory, and dishonest behavior predates even the transfer of the cases from Philadelphia. For example, when Cases 3 and 5 were pending before the Philadelphia Court, Attorney Chada filed a motion to consolidate. In this motion he failed to identify the correct judicial team leader, a judge who had denied a motion to consolidate Case 2 with several other cases only two weeks before. Attorney Chada also failed to inform the court regarding the pending discovery deadline in Case 2, which at the time was less than one month away. Finally, Attorney Chada asserted that Cases 2 and 5 involved common questions of law and fact even though they involved entirely disparate legal claims.⁵

⁴ Although this description accurately reflects the majority of these cases, there are several discrepancies. Case 14 involves asbestos. Cases 1, 2, 15, and 33 involve exposure during a single incident. In several cases, the parties dispute when plaintiffs' symptoms manifested.

⁵ See BNE's Motion to Vacate and Reconsider, filed on December 15, 2017. This court later granted BNE's motion for reconsideration and vacated the consolidation by order dated June 4, 2018.

After the transfer of cases from Philadelphia to Lancaster, they began a complex circuit through the Court of Common Pleas, with the number of cases growing ever larger as Attorney Chada filed on behalf of a growing number of plaintiffs. The cases were first assigned to the Honorable Margaret Miller, then reassigned to the Honorable James Cullen, then reassigned again to the Honorable Jeffery Wright.

The different reasons for these reassignments are not relevant to this opinion.⁶ However, Attorney Chada's conduct before these other judges proves consistent with his conduct before the undersigned. For example, in two separate memoranda, the Honorable Margaret Miller noted a number of errors in Attorney Chada's filings, including: documents with incorrect captions, duplicative documents filed in some cases while failing to file documents in other cases, untimely briefs, and incorrect legal citations.⁷ On one occasion, for example, Attorney Chada filed a motion to find a defendant in contempt of a stay—despite the fact that no stay had been entered.⁸ Attorney Chada also violated Pennsylvania Rule of Civil Procedure 1033 on multiple occasions when he added an additional defendant without first obtaining either leave of court or consent of the adverse parties (Cases 4, 6, 9, 20, and 24). The court eventually sanctioned Attorney Chada for this breach of the Rules but held any monetary penalty in abeyance.

On August 15, 2017, these cases were reassigned to the undersigned judge. Counsel for the parties attended a status conference on August 25, 2017. They agreed to proceed using a designated "Model Case" structure. Counsel identified four model cases with outstanding preliminary objections. The court would enter an order disposing of these objections, and the court's opinions would guide Attorney Chada in filing complaints in the remaining cases. The

⁶ For an in-depth recounting of the procedural history, see the court's opinion in *Mountis v. Armstrong World Industries, et al.*, CI-15-06424, Slip Op. (Lanc. Cty. C.C.P., September 14, 2017).

⁷ See Case 9, Memorandum and Order, filed on January 19, 2016.

⁸ See Case 23, Order, filed on October 17, 2017.

court and the parties hoped that, given the similarly situated nature of these cases, this approach would streamline the pleading process and result in a more efficient disposition of the cases.

Unfortunately, this was not to be.

On September 14, 2017, the court entered opinions and orders in the four model cases (Cases 6, 9, 20, 24). These opinions sustained in part and overruled in part the defendants' preliminary objections. This including striking claims for fraudulent misrepresentation, negligent entrustment and breach of confidentiality, intentional spoliation, and references to take-home/secondary exposure. The court then filed orders directing the plaintiffs in the remaining cases to file either initial or amended complaints which conformed to the opinions and orders in the model cases. Attorney Chada completely disregarded this direction, filing complaints raising claims for secondary exposure (Cases 7, 11-13, 18, 33), fraudulent misrepresentation (Cases 7, 8, 18, 19, 25, 29, 30, 32, 33), and—although not listed under a count number—for intentional spoliation (Cases 7, 8, 10, 11-13, 18, 19, 21, 22, 25, 26, 28-33). In one case, Attorney Chada even filed a second complaint containing these claims where the court had sustained objections to them only three days prior (Case 25).

Once the court entered orders disposing of defendants' preliminary objections, Attorney Chada began serially filing amended complaints. The first of these would be at the direction of the court, but later such complaints would be without the court's leave. Other complaints would follow defendants' preliminary objections—yet these complaints failed to respond in any meaningful way to the objections themselves. Indeed, some of these complaints were nearly identical to their predecessors, with only a small number of paragraphs altered. In other cases, Attorney Chada ignored the court's direction to remove certain claims from his amended complaints. The result of this practice was to deny defendants the opportunity to have their objections decided on the merits and forcing defendants to spend additional time and money to

respond to amended complaints containing rearranged information. Attorney Chada's practice also had the effect of prolonging the litigation to the detriment of his clients. It became clear to the court that Attorney Chada held no regard either for the court's orders or for the Pennsylvania Rules of Civil Procedure, specifically Pa.R.C.P. 1023.1, 1033, and 1028(c)(1).

In response to this behavior, BNE filed motions for protective orders in fourteen cases (Cases 1, 4, 6, 7, 9, 11, 12, 20, 24, 29-33) and AWI requested one in a single case (Case 24). The court eventually granted these motions and entered a rule upon Attorney Chada to show why his behavior should not be sanctioned. The court held a hearing on the issue of sanctions on December 28, 2017. At this hearing, Attorney Chada gave no explanation for his conduct. On January 25, 2018, the court entered orders in these thirteen cases granting monetary sanctions and directing BNE and AWI to file petitions for fees and costs.

This type of conduct on the part of Attorney Chada did not stop even after the court imposed monetary sanctions upon him. On at least one occasion he filed a response to a non-existent motion (Case 8). Several times he sought leave to file a response but failed to file anything once the court granted him leave (Cases 8, 9, 12, 23, and 30). In multiple cases where Attorney Chada filed replies to the defendants' new matter, he again included references to secondary exposure and spoliation of evidence despite the court's prior rulings on those issues (Cases 6, 12, 20, 28, and 31).

In addition to his repeated filing of complaints in Case 1, the court also sanctioned Attorney Chada for other conduct in that case. In that case, the court found Attorney Chada did not have a reasonable basis for pursuing the claims advanced against BNE, namely that BNE manufactured and distributed the product which caused the plaintiff's injuries. In making this determination, the court considered not only the briefs submitted by the parties but also testimony offered at the December 28, 2017, sanctions hearing. At that hearing, Attorney Chada

represented himself. He called witnesses and offered oral argument. Following the hearing, the court granted in part his motion to supplement the record. Central to Attorney Chada's argument was a finding by a Worker's Compensation Judge in Cooper v. Armstrong World Industries, Inc., BWC 3249472. Attorney Chada argued that the judge found that BNE's product was present at the time of the plaintiff's injuries. Attorney Chada's arguments misrepresent the WCJ's findings.⁹ On January 12, 2018, the court entered an opinion finding Attorney Chada did not have a reasonable basis for pursuing the claims against BNE, granting BNE's motion for sanctions, and, as in the other thirteen cases, directing BNE to file a petition for fees and costs.

BNE filed fee petitions in all fourteen cases on February 21, 2018, and AWI filed on February 23, 2018. Attorney Chada filed responses to BNE's petitions on March 7, 2018 and to AWI's petition on March 14, 2018. For reasons the court cannot discern, Attorney Chada did not contest the fee petitions themselves; instead, he chose this filing to argue against the imposition of sanctions—despite the fact that the court had entered its sanction orders forty-one days prior and Attorney Chada had neither requested reconsideration nor sought an appeal. On the 20th and 22nd of March 2018, the court entered judgment against Attorney Chada in the fourteen cases in a total amount of \$126,434.23. Appeals of these orders were timely filed by Attorney Todd Mosser. These appeals were ultimately quashed by the Superior Court.

Although Attorney Mosser filed appeals in these cases, no one filed the supersedeas bond as required pursuant to Pa.R.A.P. 1731 to stay the execution of the judgment. In attempting to satisfy the judgment, BNE sent a notice of deposition to Attorney Chada. Attorney Chada failed to respond to BNE's attempts at communication and did not appear for the deposition on the scheduled date. BNE filed a motion to compel Attorney Chada's attendance at a rescheduled

⁹ See Case 1, *Cooper v. Brenntag Northeast, Inc.*, CI-15-08200, Slip Op., p. 12 (Lanc. Cty. C.C.P., January 12, 2018).

date. Following motions and briefing by BNE and Attorney Chada—in the course of which Attorney Chada made several misrepresentations of Pennsylvania case law and Rules of Civil Procedure—the court granted BNE’s motion to compel Attorney Chada’s appearance at a deposition. Attorney Chada ignored the court’s order and failed to appear. BNE’s filed a second motion to compel and the court scheduled a hearing.

At this hearing—held on June 8, 2018—Attorney Chada appeared and assured the court he intended to post the supersedeas bond that very day. He was only waiting for deposits to be credited to one of his “operating accounts.”¹⁰ The court granted Attorney Chada until 12:00 noon that day to post the bond with the Prothonotary. If he failed to do so, he was required to appear for the deposition. Although all the sanctions in these matters had been entered against Attorney Chada individually, and not against his clients, and although the court had directed Attorney Chada to pay the supersedeas bond, and although Attorney Chada told the court the money would come from an “operating account,” the bond was actually posted by Attorney Chada’s client, Sandra Cooper, with a cashier’s check for over \$159,000 bearing her name and covering the sanctions against Attorney Chada in all of the cases in which sanctions were imposed.

The court entered a rule to show cause (“Rule to Show Cause”) why Attorney Chada should not be disqualified and removed as counsel in all thirty-four cases the following week, on June 14, 2018. On July 6, 2018, Attorney Chada, through counsel, filed a motion for this court to recuse itself from further participation in these cases because of the rule to show cause issued on Attorney Chada.

Despite facing potential disqualification following the entry of the court’s Rule to Show Cause, Attorney Chada continues to file new complaints containing claims already rejected by the court. On July 24, 2018, he began two new actions against the defendants, *Torres v. Brenntag*

¹⁰ Case 1, Lanc. Cty. C.C.P., Trial Transcript, June 8, 2018, p. 7, ln. 9.

Northeast, Inc., et al., docketed at CI-18-05892, and *Blitzer v. Brenntag Northeast, Inc., et al.*, docketed at CI-18-05895. These new cases are similarly situated with the previous group, involving the same parties and basic facts. Attorney Chada's complaints in these actions included claims for fraudulent misrepresentation and breach of confidentiality. These claims are based on the same set of factual allegations and legal theories as in the previous cases. Attorney Chada once again stubbornly ignores the fact that these claims had been previously dismissed by the court in the older cases.

II. DISCUSSION

Attorney Chada's conduct has placed the due process rights of the parties in jeopardy, prejudiced all of the parties, and wasted significant resources. When directed by the court to show cause why his conduct should not result in disqualification, Attorney Chada's response is to by and large admit to the conduct and seek the court's recusal. His motion for recusal is meritless and his serial violations of the Rules of Professional Conduct require his disqualification to protect the due process rights of the parties.

A. Recusal of the Court

In response to the entry of the rule to show cause on Attorney Chada as to why he should not be disqualified from representing plaintiffs in these cases, Attorney Chada filed a motion seeking to have this court recuse itself from hearing these claims. Attorney Chada puzzlingly contends that this court must recuse itself for the mere fact that he was directed to show cause why his repeated violations of the Rules of Professional Conduct and the orders of this court are not grounds for his disqualification. His apparent basis for this position is that the court *sua sponte* entered the rule on Attorney Chada.

Fundamental to the role of the judiciary is ensuring due process to the parties involved in disputes before the court. Since presiding over the cases being litigated by Attorney Chada, the

time of the court and the parties has been taken up addressing his disregard of the court's instructions, routine violations of the rules of civil procedure, and flippant adherence to the rules of professional responsibility, rather than addressing the merits of the plaintiffs' claims. Attorney Chada fails to make any attempt to explain how his conduct has not placed the due process rights of his clients in jeopardy. He instead seeks recusal of the fourth judge to be assigned his cases.

The party asserting that a trial judge must recuse himself or herself is required to "produce evidence establishing bias, prejudice, or unfairness which raises a substantial doubt as to the jurist's ability to preside impartially." Arnold v. Arnold, 847 A.2d 674, 680 (Pa. Super. 2004) (citation omitted). A judge confronted with a recusal demand must determine whether he or she can rule "in an impartial manner, free of personal bias or interest in the outcome." Id. If the judge determines he or she can be impartial, "the judge must then decide 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." Id., at 680–681 (citation omitted).

Attorney Chada argues that the court is unable to decide a rule that it issued *sua sponte*. This is simply not the case. Here the bias, prejudice, or unfairness raised by Attorney Chada is the sole fact that the court issued a rule to show cause why he should not be disqualified. Attorney Chada cites to no other examples of bias, prejudice, or unfairness in these thirty-four cases because none exists. Despite Attorney Chada's exasperating conduct, he has always been treated with dignity and respect. As there is no evidence of bias, prejudice, or unfairness and the bases for the court's concern were referenced in detail in the rule to show cause, no "substantial doubt" exists as to this court's ability to fairly and impartially decide whether Attorney Chada has shown cause why he should not be removed.

Despite the failure of Attorney Chada to point to a substantial doubt of this court's ability to be fair and impartial, the court will examine the other elements of recusal. First, this court has no interest in the outcome of these cases and believes it is likely that some parties may have meritorious claims. However, Attorney Chada's conduct has been denying plaintiffs the chance to have their claims addressed. The court has no doubt it can be impartial and free of bias against any of the litigants or their attorneys.

Rather than creating an appearance of impropriety tending to undermine the public confidence in the judiciary, the court's actions do the opposite. Protecting the due process rights of the litigants to have their day in court and not add another chapter to Charles Dicken's novel *Bleak House*, only serves to increase public confidence in the judiciary and legal system. As further explained below, this court's duty is to ensure that attorneys act in accordance with the Rules of Professional Conduct. This duty can be no greater than when an attorney's conduct in derogation of the Rules of Professional Conduct destroys the ability of his clients to have a fair opportunity to have their claims timely litigated.

B. Disqualification of Attorney Chada

The Rules of Professional Conduct "have the force of statutory rules of conduct for lawyers." Slater v. Rimar, Inc., 338 A.2d 584, 587 (Pa. 1975). A trial court "has the power to regulate the conduct of the attorneys practicing before it, and has the duty to insure that those attorneys act in accordance with the Code of Professional Responsibility." American Dredging Co. v. City of Philadelphia, 389 A.2d 568, 571 (Pa. 1978). "Furthermore where a breach of ethics is made to appear, the relief is usually the granting of a motion to disqualify and remove the offending attorney." Id. at 572 citing Slater v. Rimar, Inc., 338 A.2d at 589 (quotation omitted).

This is not a step taken lightly. Removal of counsel “is a serious remedy which must be imposed with an awareness of the important interest of the client in representation by counsel of the client’s choice.” McCarthy v. Southeastern Pennsylvania Transp. Authority, 772 A.2d 987, 991–992 (Pa. Super. 2001) citing Slater v. Rimar, Inc., 338 A.2d 584, 590 (Pa.1975) (quotation omitted). Furthermore, trial courts do not have the authority to use the Rules of Professional Conduct either to alter substantive law or to punish attorney misconduct. McCarthy v. Southeastern Pennsylvania Transp. Authority, 772 A.2d at 992 citing Reilly by Reilly v. SEPTA, 489 A.2d 1291, 1299 (Pa. 1985). Still, disqualification is appropriate where “necessary to insure the parties receive the fair trial which due process requires.” In Re Estate of Pedrick, 482 A.2d 215, 221 (Pa. 1984). See also Sutch v. Roxborough Memorial Hospital, 151 A.3d 241, 254-55 (Pa. Super 2016) (“disqualification is a serious remedy that the court should use only when due process so requires.”) “A court may disqualify an attorney for not only acting improperly but also for failing to avoid the appearance of impropriety.” Richardson v. Hamilton International Corp., 469 F.2d 1382, 1385-86 & n. 12 (3d Cir. 1972), Cert. denied, 411 U.S. 986, (1973).

Pennsylvania has established rules governing the conduct of attorneys in the Commonwealth, the Rules of Professional Conduct, 204 Pa. Code § 81.4. The court finds Attorney Chada has violated a number of these Rules by his incompetent, frivolous, dilatory, and dishonest conduct. Perhaps most egregious is his violation of Rule 1.7. In Paragraph 39 of the Rule to Show Cause, the court noted that Attorney Chada not only had his client pay the sanctions, he had her pay more than required to obtain the supersedeas bond. In his answer, Attorney Chada replied: “It is specifically denied that any client of Mr. Chada paid more money than required.”¹¹ He offered no further explanation.

¹¹ See Case 6, Answer in Opposition to the Rule to Show Cause, filed on July 6, 2018, ¶ 39.

Despite the fact that the sanctions were entered individually against Attorney Chada, and the court directed him to pay the monetary judgment imposed, Attorney Chada *admitted* that he had his client pay the judgment. This creates a conflict of interest under Pa.R.P.C. 1.7(a) (“a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if ... there is a significant risk that the representation of one or more clients will be materially limited by ... a personal interest of the lawyer”). “[A]n attorney who undertakes representation of a client owes that client both a duty of competent representation and the highest duty of honesty, fidelity, and confidentiality.” Kirschner v. K&L Gates LLP, 46 A.3d 737, 757 (Pa. Super. 2012). This duty “demands undivided loyalty” and “prohibits the attorney from engaging in conflicts of interest.” Id. Furthermore, a conflict of this nature cannot be waived (as is otherwise allowed under Pa.R.P.C. 1.7(b)).

Although this court is unaware of any Pennsylvania case law on precisely this topic, it finds persuasive the decision in the Court of Appeals of Washington. In In re Marriage of Wixom and Wixom, the lower court entered a sanction against both the attorney and the client and both appealed. The attorney argued that, should the appellate court uphold the sanctions, the client should pay the sanction amount. The Court of Appeals of Washington held that this created not only a conflict of interest between attorney and client, but a conflict which the client could not waive. The Court disqualified the attorney. In re Marriage of Wixom and Wixom, 332 P.3d 1063 (Wash. App. 2014). Here, Attorney Chada has not argued that his client bears responsibility for the sanctions; he simply had her pay the substantial amount.

Attorney Chada also violated numerous other Rules of Professional Conduct. Pa.R.P.C. 1.1 requires competence of any attorney (“[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation”). Yet, as described in § I, supra and

detailed in the Rule to Show Cause, Attorney Chada has failed to provide competent representation to his clients on numerous occasions either by failing to file appropriate pleadings on their behalf or by filing pleadings, motions, and briefs rife with errors and unnecessary or inappropriate content.

Pa.R.P.C. 3.1 insists that an attorney make only meritorious claims and contentions (“A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law”). Yet, as described in § 1, supra and detailed in the court’s Rule to Show Cause, Attorney Chada has made claims that have no basis in law or fact.

Pa.R.P.C. 3.2 asks that an attorney expedite litigation (“[a] lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client”). Attorney Chada’s pleading practice appears designed to hinder the progress of litigation, not expedite it.

Pa.R.P.C. 3.3 demands of an attorney candor to the court (“[a] lawyer shall not knowingly: make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer”). Yet, as described in § I, supra and detailed in the court’s Rule to Show Cause, Attorney Chada has made false statements to the court regarding both law and facts.

Finally, Pa.R.P.C. 8.4(d) governs attorney misconduct (“[i]t is professional misconduct for a lawyer to: engage in conduct that is prejudicial to the administration of justice”). Yet Attorney Chada has routinely disregarded court orders, as well as the Pennsylvania Rules of Civil Procedure, making it increasingly difficult for the court to administer these cases.

The court directed Attorney Chada to explain himself, to give cause why he should not be disqualified as counsel in these cases. He failed to do so. Instead, Attorney Chada filed a

response to the court's Rule to Show Cause—which it entered in all thirty-four cases—in only a single case, Case 6. This response contained little more than boilerplate denials. The court remains at loss to understand Attorney Chada's repeated violations of the Rules of Professional Conduct.

Attorney Chada's conduct has made it impossible for the parties in these cases—plaintiffs and defendants—to receive the fair trial due process requires. Defendants continue to face claims not viable under Pennsylvania law, as Attorney Chada ignores court orders. They continue to face uncertainty as to the nature of the claims brought against them, given Attorney Chada's confusing pleading practice and inability or unwillingness to abide by the model case agreement. And they are subject to the increased costs brought on by Attorney Chada's dilatory pleading practices. Some of these cases are more than three years old, yet the parties have still not closed pleadings and entered discovery. The plaintiffs, too, whether they realize it or not, are not receiving due process, since Attorney Chada's incompetence and unwillingness to abide by the court's directives significantly hampers his advocacy of their claims. Finally, the court itself is prejudiced by Attorney Chada's conduct, as it cannot function effectively in the face of an attorney who flouts its orders and the Pennsylvania Rules of Civil Procedure. For all these reasons, Attorney Chada is disqualified and removed from representing the plaintiffs in these cases.

An appropriate order follows.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

SANDRA COOPER, DAVID COOPER, and :
ANN COOPER, :
Plaintiffs, :
v. : CI-15-08202
ARMSTRONG WORLD INDUSTRIES, INC. :
BRENNTAG NORTHEAST, INC., :
ALAN J. HAY, M.D., and LANCASTER :
GENERAL OCCUPATIONAL MEDICINE, :
Defendants. :

ORDER

AND NOW this 4th day of September 2018, after review of Attorney George Chada's response to this court's rule to show cause as to why he should not be disqualified as counsel, it is hereby ORDERED that Attorney Chada is disqualified as counsel for his repeated violations of this court's orders, rules of civil procedure, and rules of professional responsibility. Plaintiffs shall have ninety (90) days to retain counsel and for new counsel to enter his or her appearance. These cases shall remain stayed for this ninety (90) day period.

BY THE COURT:



LEONARD G. BROWN, III, JUDGE

ATTEST:



COPIES TO: George P. Chada, Esq. *E*
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James E. McErlane, Esq. *MAIL*
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NOTICE OF ENTRY OF ORDER OR DECREE
PURSUANT TO PA. R.C.P. NO: 236
NOTIFICATION - THE ATTACHED DOCUMENT
HAS BEEN FILED IN THIS CASE
PROTHONOTARY OF LANCASTER CO., PA
DATE: 9-6-18

The Disciplinary Board of the Supreme Court of Pennsylvania MAIL