

**JOSEPH Q. MIRARCHI LEGAL SERVICES, P.C.,**

**MEMBER OF**

**THE U.S. SUPREME COURT BAR; U.S. COURT OF APPEALS, 3<sup>RD</sup> CIR.; U.S. DISTRICT COURT, E.D., PA BAR; PA BAR ASSOCIATIONS**

**3 LOGAN SQUARE, 36<sup>TH</sup> FLOOR, SUITE 3640, PHILADELPHIA, PENNSYLVANIA 19103**

**TELEPHONE: 267-250-0611**

**EMAIL: [JQMLEGALSERVICES@AOL.COM](mailto:JQMLEGALSERVICES@AOL.COM)**

**FAX: 215-569-3200**

August 29, 2018

**VIA EFILING AND U.S. MAIL, FIRST CLASS:**

Scott S. Harris, Clerk of Court,  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

*Re: Doherty, et al. v. Allstate Indemnity Co.*  
*U.S.S.C., No.: 18-246*

Dear Mr. Harris:

Pursuant to Supreme Court Rule 37.2(a), this Letter serves as the parties' blanket consent to *Amicus Curiae* Briefs and that all parties consent to the filing of these briefs in support of either or neither party. Enclosed is correspondence confirming the parties' Agreement, and we ask that it be noted on the Court's Dockets accordingly.

By way of this letter, Appellants notify Respondent of the forgoing.

Very truly yours,

**MIRARCHI LEGAL SERVICES, P.C.**

**JOSEPH Q. MIRARCHI**

JQM/ss

Enclosure:

cc: Brian Madden, Esquire;  
Mary Lou Doherty, Esquire;  
James Doherty; and  
John Doherty.

**JOSEPH Q. MIRARCHI LEGAL SERVICES, P.C.,**

**MEMBER OF**

**THE U.S. SUPREME COURT BAR; U.S. COURT OF APPEALS, 3<sup>RD</sup> CIR.; U.S. DISTRICT COURT, E.D., PA BAR; PA BAR ASSOCIATIONS**

**3 LOGAN SQUARE, 36<sup>TH</sup> FLOOR, SUITE 3640, PHILADELPHIA, PENNSYLVANIA 19103**

**TELEPHONE: 267-250-0611**

**EMAIL: [JQMLLEGALSERVICES@AOL.COM](mailto:JQMLLEGALSERVICES@AOL.COM)**

**FAX: 215-569-3200**

August 29, 2018

**VIA FACSIMILE AT 610-828-8340,**

**TOTAL PAGES:    6**

**AND EMAIL: [Bmadden@donnellyandassociates.com](mailto:Bmadden@donnellyandassociates.com)**

Brian Madden, Esquire

Donnelly & Associates, P.C.

One West First Avenue, Suite 450

Conshohocken, PA 19428

*Re:   Doherty, et al. v. Allstate Indemnity Co.  
      U.S.S.C., No.: 18-246*

Dear Mr. Madden:

As an update on our clients' matter, kindly be advised that the Clerk's Office docketed Appellants' Petition for Writ of Certiorari on August 27, 2018. Pursuant to the Supreme Court's Rules, Respondent must file a Response within thirty (30) calendar days making the deadline September 26, 2018.

Also, kindly allow this letter to confirm that Respondent does not object to any possible submission of *Amicus* Briefs in support of Appellants' Petition. Enclosed are emails confirming the forgoing. By way of this Agreement, Appellants also agree to extend the same courtesies to Respondent. For these reasons, pursuant to Supreme Court Rule 37.2(a), this Letter serves as a blanket consent to *Amicus Curiae* Briefs and that all parties consent to the filing of these briefs in support of either or neither party.

By way of this letter, Appellants shall notify the Clerk of Court of the forgoing Agreement.

Very truly yours,

**MIRARCHI LEGAL SERVICES, P.C.**

**JOSEPH Q. MIRARCHI**

JQM/ss

Enclosure:

cc:   Mary Lou Doherty, Esquire;  
      James Doherty; and  
      John Doherty.

**From:** Brian Madden <badden@donnellyandassociates.com>  
**To:** Joe <jqmlegalservices@aol.com>  
**Subject:** RE: Amicus, FINRA—Doherty v. Allstate  
**Date:** Thu, Aug 23, 2018 6:08 am

---

No issue with Amicus briefs.

Brian J. Madden, Esq.  
Donnelly & Associates  
One West First Avenue  
Suite 450  
Conshohocken, PA 19428  
(610) 828-1125 - direct  
(610) 828-8340 - fax

**From:** Joe [<mailto:jqmlegalservices@aol.com>]  
**Sent:** Wednesday, August 22, 2018 9:40 AM  
**To:** Brian Madden  
**Subject:** Re: Amicus, FINRA—Doherty v. Allstate

Hi Brian:

I am finishing the Petition and it will be filed by tomorrow.

On this issue of Amicus, can we agree to a blanket consent to amicus briefs?

If so, I can submit the letter with the Petition.

Also, kindly note that as of today, I do not have anyone confirmed to be filing Amicus.

I have spoken to many people.

They require to review the Petition first.

Let me know when you can.

Thanks.

**Joe Mirarchi, Esquire**  
**Mirarchi Legal Services, P.C.**  
3 Logan Square, 36th Floor,  
1717 Arch Street, Suite 3640,  
Philadelphia, PA 19103  
O: 215-545-5090  
C: 267-250-0611  
F: 215-569-3200

\*\*\* *Member of the Following Bar Associations: PA;  
U.S.D.C., E.D.,PA; Third Circuit Court of Appeals; and  
United States Supreme Court.*

**CONFIDENTIALITY NOTICE: THIS ELECTRONIC MAIL TRANSMISSION IS PRIVILEGED AND  
CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS  
ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY  
RETURN IT TO THE SENDER. THE REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS  
MESSAGE IS STRICTLY PROHIBITED. UNINTENDED TRANSMISSION SHALL NOT CONSTITUTE  
WAIVER OF THE ATTORNEY-CLIENT OR ANY OTHER PRIVILEGE.**

-----Original Message-----

From: Brian Madden <[bmadden@donnellyandassociates.com](mailto:bmadden@donnellyandassociates.com)>

To: Joe <[jgmlegalservices@aol.com](mailto:jgmlegalservices@aol.com)>

Sent: Thu, Aug 16, 2018 12:56 pm

Subject: RE: Amicus, FINRA—Doherty v. Allstate

Joe-

Ok, thanks for the update. I look forward to reading your petition and any associated submissions.

Thanks

Brian

Brian J. Madden, Esq.  
Donnelly & Associates  
One West First Avenue  
Suite 450  
Conshohocken, PA 19428  
(610) 828-1125 - direct  
(610) 828-8340 - fax

**From:** Joe [<mailto:jgmlegalservices@aol.com>]

**Sent:** Thursday, August 16, 2018 12:44 PM

**To:** Brian Madden

**Subject:** Re: Amicus, FINRA—Doherty v. Allstate

Hi Brian:

I'm following up on your second question from the other day.

I reached out to FINRA, and other Organizations Governmental and Non-Profit (such as PID and the Pennsylvania



Association for Justice), to see if there was any interest in the matter because of the numerous issues arising in the summary judgment and the appeal. FINRA determined that the matter addresses concerns, or goals of its Organization and the public interest that it is obligated to serve. I was not given a specific reason for the interest but was told that the matter is a case of interest and for reasons are separate from those of my Clients.

And for reasons, FINRA will brief the matter objectively and accordingly within 30 days of the docketed Petition.

I must admit, as I have never dealt with FINRA before, my curiosity has been raised in light of the fact that I am still working my Petition for Review. In doing so, I am taking the Application that I forwarded to PID and FINRA and expanding on it.

I got the forgoing response from FINRA because I followed up with it and posed your question. The representative sounded as if they are waiting to see what is in my Petition for Writ. I also got the impression that I should have not been asking the question since there was no objection to the Amicus.

Needless to say, I now have to learn about some new things and law.

Thanks.

**Joe Mirarchi, Esquire**  
**Mirarchi Legal Services, P.C.**  
3 Logan Square, 36th Floor,  
1717 Arch Street, Suite 3640,  
Philadelphia, PA 19103  
O: 215-545-5090  
C: 267-250-0611  
F: 215-569-3200

**\*\*\* Member of the Following Bar Associations: PA;  
U.S.D.C., E.D., PA; Third Circuit Court of Appeals; and  
United States Supreme Court.**

**CONFIDENTIALITY NOTICE: THIS ELECTRONIC MAIL TRANSMISSION IS PRIVILEGED AND  
CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS  
ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY  
RETURN IT TO THE SENDER. THE REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS  
MESSAGE IS STRICTLY PROHIBITED. UNINTENDED TRANSMISSION SHALL NOT CONSTITUTE  
WAIVER OF THE ATTORNEY-CLIENT OR ANY OTHER PRIVILEGE.**

-----Original Message-----

From: Brian Madden <[bmadden@donnellyandassociates.com](mailto:bmadden@donnellyandassociates.com)>  
To: Joe Mirarchi <[jqmlegalservices@aol.com](mailto:jqmlegalservices@aol.com)>  
Sent: Wed, Aug 15, 2018 9:16 am  
Subject: RE: Amicus, FINRA—Doherty v. Allstate

Joe-

Also, I'm researching what impact FINRA would have on the insurance industry. Can you please let me know of any cases in PA state court or the Eastern District that stand for the proposition that FINRA has regulatory power over a homeowners insurance carrier? My understanding is that FINRA is the successor entity to NASD and is charged with overseeing compliance in the broker/dealer world of securities.

Thanks

Brian

Brian J. Madden, Esq.  
Donnelly & Associates  
One West First Avenue  
Suite 450  
Conshohocken, PA 19428  
(610) 828-1125 - direct  
(610) 828-8340 - fax

---

**From:** Joe Mirarchi [<mailto:jqmlegalservices@aol.com>]

**Sent:** Tuesday, August 14, 2018 10:31 AM

**To:** Brian Madden

**Subject:** Re: Amicus, FINRA—Doherty v. Allstate

Hi Brian:

Sorry to email you initially over the weekend with this Request. I am following up with you now. Can you let me know Allstate's position at your earliest convenience?

The Dohertys requested the amicus assistance of the Financial Industry Regulatory Authority (FINRA) to assist in the resolution of the controversy.

Pursuant to Supreme Court Rule 37.2, kindly advise me of Allstate's Position on such involvement.

Thanks.

Joe

Sent from my iPhone

On Aug 11, 2018, at 10:46 PM, Joe Mirarchi <[jqmlegalservices@aol.com](mailto:jqmlegalservices@aol.com)> wrote:

Hi Brian:

The Dohertys have requested the amicus assistance of the Financial Industry Regulatory Authority (FINRA) to assist in the resolution of the controversy.

Pursuant to Supreme Court Rule 37.2, kindly advise me of Allstate's Position on such involvement.

Thanks.

Joe

Sent from my iPhone

On Aug 6, 2018, at 9:21 PM, Brian Madden <[bmadden@donnellyandassociates.com](mailto:bmadden@donnellyandassociates.com)> wrote:

Joe-

In light of the unsuccessful appeal to the 3d Circuit, please advise when we can expect your check for the bills of costs.

Thanks

Brian

Brian J. Madden, Esq.  
Donnelly & Associates  
One West First Avenue  
Suite 450  
Conshohocken, PA 19428  
(610) 828-1125 - direct  
(610) 828-8340 - fax

# Fax Confirmation Report

Date & Time : AUG-29-2018 03:47PM WED  
Fax Number : 2155693200  
Fax Name :  
Model Name : WorkCentre 4250

No.	Remote Station	StartTime	Duration	Page	Mode	Job Type	Result
001	16108288340	08-29 03:44PM	02' 28	006/006	G3	HS	Success

## Abbreviations:

HS: Host Send    PL: Polled Local    EC: Error Correct    TS: Terminated by System  
HR: Host Receive    PR: Polled Remote    MP: Mailbox Print    RP: Report  
WS: Waiting Send    MS: Mailbox Save    TU: Terminated by User    G3: Group3

## JOSEPH Q. MIRARCHI LEGAL SERVICES, P.C.,

MEMBER OF  
THE U.S. SUPREME COURT BAR; U.S. COURT OF APPEALS, 3<sup>rd</sup> CIR.; U.S. DISTRICT COURT, E.D., PA BAR; PA BAR ASSOCIATIONS  
3 LOGAN SQUARE, 36<sup>th</sup> FLOOR, SUITE 3640, PHILADELPHIA, PENNSYLVANIA 19103  
TELEPHONE: 267-250-0611    EMAIL: [JQMLegalServices@AOL.COM](mailto:JQMLegalServices@AOL.COM)    FAX: 215-569-3200

August 29, 2018

VIA FACSIMILE AT 610-828-8340.  
AND EMAIL: [Bmadden@donnellyandassociates.com](mailto:Bmadden@donnellyandassociates.com)  
Brian Madden, Esquire  
Donnelly & Associates, P.C.  
One West First Avenue, Suite 450  
Conshohocken, PA 19428

TOTAL PAGES: 6

Re: *Doherty, et al v Allstate Indemnity Co.*  
U.S.S.C., No. 18-246

Dear Mr. Madden:

As an update on our clients' matter, kindly be advised that the Clerk's Office docketed Appellants' Petition for Writ of Certiorari on August 27, 2018. Pursuant to the Supreme Court's Rules, Respondent must file a Response within thirty (30) calendar days making the deadline September 26, 2018.

Also, kindly allow this letter to confirm that Respondent does not object to any possible submission of *Amicus* Briefs in support of Appellants' Petition. Enclosed are emails confirming the foregoing. By way of this Agreement, Appellants also agree to extend the same courtesies to Respondent. For these reasons, pursuant to Supreme Court Rule 37.2(a), this Letter serves as a blanket consent to *Amicus Curiae* Briefs and that all parties consent to the filing of these briefs in support of either or neither party.

By way of this letter, Appellants shall notify the Clerk of Court of the foregoing Agreement.

Very truly yours,  
MIRARCHI LEGAL SERVICES, P.C.  
  
JOSEPH Q. MIRARCHI

JQM/ss

Enclosure:

cc: Mary Lou Doherty, Esquire;  
James Doherty; and  
John Doherty.