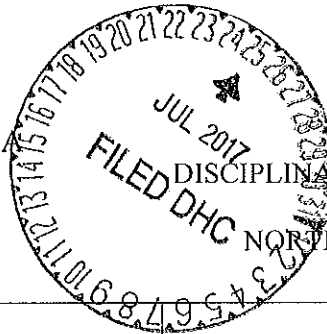


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17 DHC 22

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

ROBERT M. DONLON, Attorney,
Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("Plaintiff" or "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Robert M. Donlon ("Defendant" or "Donlon"), was admitted to the North Carolina State Bar in March 1997 and is an Attorney at Law subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

Upon information and belief:

3. During the relevant period referred to herein, Donlon was engaged in the practice of law in Charlotte, Mecklenburg County, North Carolina.

4. In 2014, Dr. Phillip Greene ("Greene") pursued a professional malpractice claim against Defendant and Donlon Law, PLLC.

5. Greene was represented by Moore and Van Allen, PLLC ("MVA").

6. In January 2015, Greene voluntarily dismissed the action against Defendant without prejudice.

7. Following the dismissal of the lawsuit, Defendant sent several emails to MVA seeking reimbursement for his legal fees in defending the Greene lawsuit.

8. In May 2015, the MVA attorney of record in the Greene lawsuit, Josh Lanning, informed Defendant that Greene would not pay Defendant's legal fees.

9. In June 2015, Defendant requested a meeting with MVA's managing member, Ernie Reigel ("Reigel"), to discuss Greene's lawsuit and the costs thereof to Defendant.

10. Reigel declined to meet with Defendant.
11. On 3 December 2015, Defendant emailed Reigel and another MVA attorney, Tom Myrick, again requesting a meeting to discuss Greene's lawsuit.
12. Defendant indicated his intent to file a lawsuit against MVA and against Reigel personally for intentional infliction of emotional distress and malicious prosecution unless Reigel agreed to meet with Defendant.
13. Defendant further indicated that the lawsuit he filed against MVA and Reigel "would be accompanied by a social media campaign explaining everything going on with the lawsuit including explanations of my sarcastic emails to Josh—interesting stuff about [attorney name omitted], [attorney name omitted], and the Czar."
14. The attorneys whose names are omitted are former MVA members.
15. "The Czar" is a reference to a current MVA equity member.
16. None of these individuals had any connection to the lawsuit Greene filed against Defendant.
17. Later on 3 December 2015, Defendant emailed Reigel again.
18. Defendant stated he would expose the fact that an MVA attorney "forgave his wife for sleeping with a lawyer at his firm as long as the lawyer left the firm" and ensure that the MVA attorney's children learned "how forgiving their father is."
19. Defendant stated that the action he was threatening was "just for starters."
20. The MVA attorney whom Defendant threatened with personal embarrassment, as described in paragraph 16 above, had no connection to the lawsuit Greene filed against Defendant.
21. At 10:27 a.m. on 4 December 2015, Defendant emailed Reigel and continued to threaten to expose alleged wrongdoing of various MVA actors.
22. Defendant stated that his social media campaign against MVA would be operated through the URL "mmm.mvalawless" and that he would mention the firm name at least four times in the disclaimer on his site to ensure his website would appear on the first page of internet searches for Moore & Van Allen.
23. At 10:38 a.m. on 4 December 2015, Defendant indicated in an email to Reigel that he would copy the string of emails he had sent to Reigel and send it to every lawyer at MVA if Reigel did not contact him by 5 p.m.
24. At 11:13 a.m. on 4 December 2015, Defendant sent Reigel a message stating, "Actually, that's way too much work. I'll just send it to 5 associates and they will do the rest."
25. At 5:04 p.m. on 4 December 2015, Defendant forwarded all of his previous emails to five attorneys and members of the staff at MVA with the comment

“Please read the email string below and realize how great a lawyer one of your partners is.”

26. At 5:14 p.m. on 4 December 2015, Defendant sent Reigel an email stating, “5:01 email sent to first 5 in alphabetical order. The first amendment is a wonderful thing. And as you scurry to figure out what to do, remember that (1) truth is an absolute defense, and (2) I haven’t asked you for a dime. Now what?”

27. During the time Defendant was sending these emails, he also had several telephone conversations with attorneys at MVA where he indicated he was seeking reimbursement of the legal fees he incurred in defending Greene’s lawsuit.

28. Defendant intended his threats and harassment to intimidate MVA into reimbursing him for the legal fees he incurred in defending Greene’s lawsuit.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of his actions as follows: By threatening to expose embarrassing or incriminating information about MVA attorneys in order to intimidate them, Defendant engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

WHEREFORE, Plaintiff prays that:

1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. § 84-28(c) and 27 N.C.A.C. 1B § .0114 as the evidence on hearing may warrant;
2. Defendant be taxed with the administrative fees and with actual costs permitted by law in connection with the proceeding; and
3. For such other and further relief as the Hearing Panel deems appropriate.

This the 25th day of July, 2017.



Maria J. Brown, Deputy Counsel
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North Carolina State Bar
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Signed pursuant to 27 N.C. Admin. Code 1B
§ .0113(n) and §.0105(a)(10).



DeWitt F. McCarley, Chair
Grievance Committee