



In the Matter of:

MICHAEL MADONIA,

ARB CASE NO. 00-003

COMPLAINANT,

ALJ CASE NO. 98-STA-2

v.

DATE: July 26, 2002

DOMINICK'S FINER FOOD, INC.,

and

MAVO LEASING, INC.,

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Michael Madonia, *pro se*

For Respondent Dominick's Finer Food, Inc.:

Paul F. Gleeson, Esq., James E. Bayles, Jr.,
Vedder, Price, Kaufman & Kammholz, Chicago, Illinois

For Respondent Mavo Leasing, Inc.:

Anthony S. Graefe, Esq., *Anthony S. Graefe & Associates*

ORDER

On April 16, 2002, Complainant Michael Madonia filed a motion with this Board entitled "Complainant's Emergency Motion to Stay the Issuance of Administrative Review Board's Final Decision and Order, Reinstatement of the Administrative Law Judge's Recommended Decision and Order (hereinafter "Madonia's Emergency Motion"). In this motion, Madonia alleged that he had evidence indicating, *inter alia*, that documents submitted in the proceedings had been intentionally falsified, that two of his former attorneys committed fraud in their submissions, that relevant evidence had been suppressed, and that his attorneys conspired with Respondents to cause an adverse outcome to his case.

By Order dated May 15, 2002, and clarified by Order dated May 22, 2002, the Board requested that Dominick's Finer Foods, Inc., Mavo Leasing, Inc. (hereinafter "Respondents") and his former attorneys, Robert Mann and Brian DeCook, submit responses to the Board. Responses were received from each party from whom a response was requested.

The Board has reviewed all the submissions and has determined that the Complainant's allegations of fraud and misconduct are without merit, and that

1. There is no evidence of conspiracy or collusion between Madonia's attorneys and Respondents;

2. Because Brian DeCook, who succeeded Robert Mann as Madonia's attorney, reviewed, adopted, and authorized the execution and filing of documents drafted by Mann, we find there was no detriment to Madonia's interests by such filings; and

3. Madonia's lawyers made certain decisions about the presentation of evidence during the hearing; and we, having found no evidence of fraud or collusion, will neither review those decisions nor reopen the record to admit the evidence now proffered by Madonia.

Accordingly, Madonia's Emergency Motion is **DENIED**.

SO ORDERED.

JUDITH S. BOGGS
Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge