

AFFIDAVIT OF ALBERT B. PEPPER JR.

STATE OF MISSOURI

COUNTY OF

I, Albert B. Pepper Jr., of lawful age, being first duly sworn upon my oath, depose and state as follows:

1. I am over the age of eighteen (18) years, competent to make this affidavit, and make this affidavit based upon my own personal knowledge.
2. This affidavit is made with regard to statements made to Albert B. Pepper Jr. by successor counsel concerning Anthony R. Friedman Missouri Bar # 65531 after his withdrawal of representation as lead counsel in the matter of Pepper v Gelfand m.d. Case #19SL-CC04680 that was tried in the 21st. Judicial Circuit of St. Louis County Missouri Division 12.

Background

Anthony R. Friedman represented Albert B. Pepper Jr. as lead counsel while under the employ of The Simon Law Firm P.C. which was formerly located at 800 Market St. St. Louis, Mo. 63101

Anthony R. Friedman represented Plaintiff litigant Albert B. Pepper Jr. between the dates of January 1, 2019 / February 15, 2019 through June 30, 2023 upon which date Anthony R. Friedman withdrew his representation and ended his employment with The Simon Law Firm Upon that date.

The Simon Law Firm P.C. continued their representation of Albert B. Pepper Jr. as plaintiff counsel appointing Elizabeth C. McNulty Missouri Bar # 71957 as lead counsel with associate counselor(s) Elizabeth S. Lenivy Missouri Bar # 67924 and Timothy M. Cronin Missouri Bar # 63255. Principal of the Simon Law Firm is John G. Simon Missouri Bar # 35231.

3. The following statement(s) made directly to Albert B. Pepper Jr. by successor counsel with regard to Anthony R. Friedman, former colleagues who were yet employed with The Simon Law Firm P.C. are as follows.

Timothy M. Cronin - "He tried like eight of these. Since Koon, he lost seven of eight."
This testimony of Timothy M. Cronin with regard to Anthony R. Friedman was captured in a telephone audio recording made by Albert B. Pepper Jr.

The telephone audio recording was a discussion between Albert B. Pepper Jr. and Timothy M. Cronin primarily, while Elizabeth C. McNulty was also a party to the conversation. The telephone conversation was conducted upon December 15, 2023. The telephone conversation lasted 27 minutes and 54 seconds. The statement made by Cronin being cited is time stamped beginning at 11 minutes and 27 seconds. The telephone conversation was captured digitally using Talker

ACR software for Android. The file number of the digital audio recording is:
"phone_20231215-140019_13147838880" File Type Amr .amr , 2.55 m.b.

Elizabeth S. Lenivy - "He lost seven out of eight cases he took to trial and that is why he is no longer with the firm."

This statement was made directly to me by Elizabeth S. Lenivy during a trial prep. meeting being conducted at the Simon Law Firm P.C. on the morning of January 21, 2024. Both Elizabeth S. Lenivy and Elizabeth C. McNulty were present at the time the statement was made. The statement was made by Lenivy in the context of my criticism of Friedmans handling of the case and how it was compromised without remedy while we were yet proceeding to trail on January 23, 2024.

4. I have made public statements to the effect that these statements were made directly to me and is not a matter of hearsay that those statements were made.
5. Therefore, I now execute this sworn affidavit to the fact that these statement(s) were made to me by former colleagues acting as successor counsel with regard to Anthony R. Friedman after his withdrawal of representation and departure from The Simon Law Firm P.C.

The foregoing statements are true and correct to the best of my knowledge and belief.

Further affiant sayeth not.

Albert B. Pepper Jr., Affiant

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 2026 (or other year).

Notary Public Signature

Notary Public Name (Typed or Printed)

My Commission Expires: _____

[Notary Seal]