

Exhibit A

The FOIA contact also reached out to AUSA, Mark S. Bennett and informed him of the FOIA request and the specific records being sought. (ECF 154-2, ¶ 26). AUSA Bennett's legal assistant then conducted a search of the electronic folders and database for responsive records. (ECF 154-2, ¶ 26). AUSA Bennett, his legal assistant and the FOIA contact also conducted a search specifically for emails pertaining to Dawn Pasela and Kathryn Clover by searching the electronic database and AUSA Bennett's Outlook messages. (ECF 154-2, ¶ 27). In this regard, EOUSA staff verified with USAO/OHN that their search located no additional information regarding Kathryn Clover or Dawn Pasela. (ECF 154-2, ¶ 30). The FOIA contact pulled all records from the storage boxes, scanned the records, and uploaded them into EOUSA's previous FOIA review platform, AccessPro. The FOIA contact also uploaded all records located on electronic platforms and provided all identifiable records related to Anthony Viola and Realty Corporation of America on or about June 7, 2016. (ECF 154-2, ¶ 28). On November 10, 2016, the Court ordered "expedited production of tapes and/or transcripts of tapes of Dawn Pasela and emails from and to Kathryn Clover, to the extent they exist and are releasable." (ECF 42). In this regard, EOUSA staff verified with USAO/OHN that the search located no additional information regarding Kathryn Clover or Dawn Pasela. (ECF 154-2, ¶ 30). EOUSA also verified with the district that no such records were located. *Id.* The district indicated that they previously informed the Plaintiff and the Court via multiple filings, that USAO/OHN has no tapes, transcripts, or recordings, regarding the Plaintiff, Dawn Pasela, or Kathryn Clover. *Id.* Moreover, EOUSA does not have, nor does it maintain records that may be held at the state prosecutor's office regarding Mr. Viola's state case or other DOJ components. *Id.*

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

ANTHONY L. VIOLA,

Plaintiff-Appellant,

v.

U.S. DEPARTMENT OF JUSTICE, FEDERAL
BUREAU OF INVESTIGATION; U.S. DEPART-
MENT OF JUSTICE, EXECUTIVE OFFICE FOR
U.S. ATTORNEYS; CUYAHOGA COUNTY
MORTGAGE FRAUD TASK FORCE; and
KATHRYN CLOVER,

Defendants-Appellees.

No. 18-2573

**FEDERAL DEFENDANTS' MOTION TO EXPAND THE SCOPE OF
THE PARTIAL REMAND**

In this Freedom of Information Act (FOIA) action, plaintiff Anthony L. Viola seeks records from the Federal Bureau of Investigation (FBI), the Executive Office for U.S. Attorneys (EOUSA), and the Cuyahoga County Mortgage Fraud Task Force. In October 2019, counsel for the federal defendants discovered that the *Vaughn* index submitted to the district court in support of EOUSA's withholdings contained inaccuracies. The federal defendants therefore requested a partial remand to allow EOUSA to reprocess responsive records and submit a new *Vaughn* index and declaration to the district court. The other parties to this appeal did not oppose the motion, and this Court granted it on October 31, 2019.

When EOUSA reprocessed the responsive records on remand from this Court, it referred to the FBI a number of records for which the FBI was the custodian. When the FBI received those records, it discovered that they had not been processed during the initial phase of district court litigation. The FBI investigated why the records were not initially processed and found that, when it had initially searched for and gathered records, it had inadvertently failed to obtain all portions of the responsive records. The FBI thus determined that, in addition to the records referred from EOUSA, it must now process the previously unprocessed responsive records within its own investigative files. The FBI intends to process the additional records expeditiously and then to provide the district court with a supplemental declaration and *Vaughn* index.

Because the federal defendants' motion for a partial remand asked for a remand only as to EOUSA, not the FBI—and because this Court granted the motion without saying anything further about the scope of the remand—it appears that the district court may currently lack jurisdiction to consider a supplemental declaration and *Vaughn* index, and adjudicate any resulting disputes, as to the FBI. The federal defendants accordingly request that the partial remand be expanded to include the FBI.

The Cuyahoga County Mortgage Fraud Task Force does not oppose this request. Viola intends to file a response.

CONCLUSION

The Court should vacate the district court's judgment with respect to the FBI and remand with instructions that the FBI be permitted to produce a supplemental

declaration and *Vaughn* index after it processes additional records. This appeal should continue to be held in abeyance until the district court has completed proceedings on remand as to the FBI and EOUSA.

Respectfully submitted,

SHARON SWINGLE

/s/ Daniel Winik

DANIEL WINIK

D.C. Bar No. 1015470

Attorneys, Appellate Staff

Civil Division, Room 7245

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, DC 20530

(202) 305-8849

June 29, 2020



U.S. Department of Justice

*United States Attorney
Western District of Pennsylvania*

*Joseph F. Weis Jr. U.S. Courthouse
700 Grant Street
Suite 4000
Pittsburgh, Pennsylvania 15219*

412/644-3500

September 27, 2019

The Honorable Susan Paradise Baxter
United States District Judge
U.S. Courthouse
17 South Park Row, Room A-240
Erie, PA 16501

RE: Anthony L. Viola v. USDOJ FBI, et al.
Civil Action No. 15-242E

Dear Judge Baxter:

In June 2018, the Court granted summary judgment to the federal defendants in this Freedom of Information Act case, the Federal Bureau of Investigation (FBI) and Executive Office for U.S. Attorneys (EOUSA). The plaintiff, Anthony L. Viola, appealed that ruling to the U.S. Court of Appeals for the Third Circuit, where the appeal remains pending.

In the course of preparing the government's brief on appeal, government counsel discovered that the *Vaughn* index that EOUSA prepared and the government filed with this Court incorrectly described some of the documents at issue. The government has now moved in the Third Circuit to vacate this Court's judgment in favor of EOUSA and remand for further proceedings—in which EOUSA will reprocess the documents at issue and submit a new *Vaughn* index and declaration—once the Third Circuit has resolved the remaining issues in the appeal.

September 27, 2019

Page 2

Because the Third Circuit appeal remains pending, this Court presently lacks jurisdiction, and the government does not ask that the Court take any action at this time. The government is filing this letter simply to avoid any delay in notifying the Court of the inaccuracies in EOUSA's prior submission. The government regrets those inaccuracies and the resulting inconvenience to the Court.

Respectfully submitted,

SCOTT W. BRADY
United States Attorney

/s/ Michael C. Colville
MICHAEL C. COLVILLE
Assistant U.S. Attorney
(412) 894-7337

Exhibit B

AFFIDAVIT OF KAREN PASELA

STATE OF OHIO
COUNTY OF CUYAHOGA

I, Karen Pasela, depose and state under oath as follows:

1. I was the mother of Dawn Pasela, who died on April 25, 2012.
2. Dawn worked for the Cuyahoga County Mortgage Fraud Task Force, first as a contract employee and then as a county employee. Dawn was recruited to work at the task force by Arvin Clar. Then Assistant Cuyahoga County Prosecutor Daniel Kasaris was Dawn's boss. While at the task force, she worked with FBI agents. In fact, she was told if she finished two more subjects, and with her background and experience, she could work for the FBI.
3. Dawn served in the capacity of office manager. One of her duties was to maintain the task force's files. After Dawn worked there for a while, she said she was concerned that things were being taken from the files and not returned. She also said some individuals had signed her name when they took the files, and she feared they were hiding them from attorneys representing the people the task force was investigating. She particularly expressed concern about the way the case against Anthony Viola and Susan Alt were being handled. Dawn showed me photos she had taken of files haphazardly stacked in the hallway, which made them easily accessible to almost anyone.
4. Dawn also mentioned that some computers in the office had disappeared, and she couldn't find out why or where they went. Dawn also mentioned that Katheryn Clover was frequently in the Prosecutor's Office, accessing files and evidence.
5. Although Dawn was not trained as an investigator, she was asked to go to a fundraising event for Anthony Viola after he had been indicted and to secretly record what was said. Dan Kasaris gave Dawn money and told her to write a personal check for Viola's defense fund so the prosecutors could determine at which bank the fund was being maintained. Dawn wondered about the propriety of these tactics.
6. Dawn was told that she had to continue to attend events sponsored by Viola's supporters wearing a wire, or her job would be in jeopardy. I was very alarmed and afraid for my daughter's safety and advised her not to wear a wire. However, Dawn felt she had no choice but to comply with her boss's orders.

7. Eventually, Dawn began to sympathize with Viola because she felt that prosecutors were withholding documents that could help in his defense.
8. As her disenchantment over what was going on at the task force grew, Dawn began drinking excessively. This finally led to her termination. The task force later asked her to come in to discuss reinstatement, but she declined.
9. After Dawn was no longer working at the task force, she told me she was meeting with Viola. I was very worried about Dawn and I was concerned that if she tried to help Viola, she could be prosecuted. I urged not to get involved.
10. During Viola's second trial, Dan Kasaris showed up at our house, with another individual, wanting to come in and search for computers and hard drives. He demanded entry into my house but my husband Edward refused, and told him we had no computers from his office and to return with a search warrant.
11. After the task force learned that Dawn had been subpoenaed to testify on Viola's behalf, two investigators came to her apartment to pressure her to reveal what Viola wanted her to testify about. Dawn called me one morning, upset and crying, saying that the two men said that it would be wise for her to leave Ohio for a while and that if she testified for Viola, she could end up in federal prison. As a result, Dawn did not testify.
12. Dawn was so frightened that the investigators might return that she moved into our house for 10 or more days and stopped drinking. She also parked her car in our garage so no one would see it. Dawn eventually began to feel stronger physically and emotionally and moved back to her apartment.
13. During Viola's second trial, when Dawn was staying at our house, I heard Dawn speaking to Viola. She was crying and so upset that she was visibly shaking. She said she was too upset to talk more about what was going on during the trial.
14. When we visited Dawn the day before she died, I could tell that she started drinking again, and we urged her to stop.
15. After Dawn was found dead in her apartment, the police refused to allow my husband Ed to see Dawn's body. When my daughter Christine arrived at Dawn's apartment, police officers told her that she was not allowed to see Dawn's body. No one in my family ever saw Dawn's body and no one in my family was ever asked to identify Dawn's body.
16. Later, Ed called the Cuyahoga County Coroner, requesting to see Dawn's body. When the Coroner called back, they were adamant that I should not come because

you want to remember her the way she was and that she looked bad. I was insistent and wanted to see my daughter but I was again told not to go to the Coroner's Office. I was told to wait to see Dawn at the funeral parlor.


17. At the funeral parlor, when I first saw Dawn's body at a private viewing, I was shocked at the way her face looked. Many other family members told me the same thing, which I thought at the time was the result of a poor makeup job. Because of our complaints, the funeral home redid Dawn's makeup before the public viewing. Even after the second makeup job, family members who did not see Dawn at the private viewing commented that Dawn did not look natural.

18. I agree with my husband Ed's opinion, which is that Kasaris contributed towards my daughter's death because

- The way he treated her was wrong
- The unprofessional tactics that were used in the office made my daughter extremely upset and she did not know how to handle what was going on with the files and computers.
- Dawn was also threatened with prosecution for violating a confidentiality agreement, but we have proof that she never signed any agreement.

19. I believe that there should be a full investigation into the actions of Kasaris as well an entirely new investigation into my daughter's death.

Further I sayeth naught.


Karen Pasela

Sworn and subscribed in my presence this 25 day of May, 2022.


NOTARY PUBLIC



ANDREW SCHMIDT
Notary Public, State of Ohio
My Commission Expires
January 2, 2024

AFFIDAVIT OF EDWARD PASELA

STATE OF OHIO
COUNTY OF CUYAHOGA

I, Edward Pasela, depose and state under oath as follows:

1. I was the Father of Dawn Pasela, who died on April 25, 2012.
2. For the last three years of her life, Dawn worked for the Cuyahoga County Mortgage Fraud Task Force, first as a contract employee and then as a county employee. Dawn was recruited to work at the task force by Arvin Clar. Then Assistant Cuyahoga County Prosecutor Daniel Kasaris was Dawn's boss. While at the task force, she worked with FBI agents. In fact, she was told if she finished two more subjects, and with her background and experience, she could work for the FBI.
3. Dawn served in the capacity of office manager. One of her duties was to maintain the task force's files. After Dawn worked there for a while, she said she was concerned that things were being taken from the files and not returned. She also said some individuals had signed her name when they took the files, and she feared they were hiding them from attorneys representing the people the task force was investigating. She particularly expressed concern about the way the case against Anthony Viola and Susan Alt were being handled. Dawn showed me photos she had taken of files haphazardly stacked in the hallway, which made them easily accessible to almost anyone.
4. Dawn also mentioned that some computers in the office had disappeared, and she couldn't find out why or where they went.
5. Although Dawn was not trained as an investigator, she was asked to go to a fundraising event for Anthony Viola after he had been indicted and to secretly record what was said. Kasaris gave Dawn money and told her to write a check for Viola's defense fund so the prosecutors could determine at which bank the fund was being maintained. Dawn wondered about the propriety of these tactics.
6. Dawn continued to attend events sponsored by Viola's supporters and eventually began to sympathize with him because she felt that prosecutors were withholding documents that could help in his defense.

7. As her disenchantment over what was going on at the task force grew, Dawn began drinking excessively. This finally led to her termination. The task force later asked her to come in to discuss reinstatement, but she declined.
8. During Viola's second trial, Dan Kasaris showed up at our house, with another individual, wanting to come in and search for computers and hard drives. He was very insistent that I let him into my house. I refused, and told him we had no computers from his office and that he was welcome to return with a search warrant.
9. After the task force learned that Dawn had been subpoenaed to testify on Viola's behalf, two investigators came to her apartment to pressure her to reveal what Viola wanted her to testify about. She told me that the two men said that it would be wise for her to leave Ohio for a while and that if she testified for Viola, she could end up in federal prison. As a result, Dawn did not testify.
10. Dawn was so frightened that the investigators might return that she moved into our house for 10 or more days and stopped drinking. She also parked her car in our garage so no one would see it. Dawn eventually began to feel stronger physically and emotionally and moved back to her apartment.
11. When we visited Dawn the day before she died, I could tell that she started drinking again, and we urged her to stop.
12. I was concerned about Dawn and could not reach her on the phone, so I went to her apartment to check on her. When she did not answer the door, I requested a welfare check. During previous welfare checks, one or two officers showed up within 20 – 30 minutes. In this case, six police officers immediately arrived on the scene. They refused to let me into my daughter's apartment, physically held back in the hallway, refusing to allow me access to the apartment. I was never allowed into the apartment to view Dawn's body.
13. After I left Dawn's apartment to tell my wife Karen what happened, my daughter Christine arrived at Dawn's apartment. Police officers told her that she was not allowed to see Dawn's body. No one in my family ever saw Dawn's body and no one in my family was ever asked to identify Dawn's body.
14. In my personal opinion, Kasaris contributed towards my daughter's death because
 - The way he treated her was wrong
 - The unprofessional tactics that were used in the office made my daughter extremely upset and she did not know how to handle what was going on with the files and computers.

- Dawn was also threatened with prosecution for violating a confidentiality agreement, but we have proof that she never signed any such agreement.

15. I believe that there should be a full investigation into the actions of Kasaris as well a new investigation into my daughter's death.

Further I sayeth naught.


Edward Pasela

Sworn and subscribed in my presence this 25 day of May, 2022.


NOTARY PUBLIC



ANDREW SCHMIDT
Notary Public, State of Ohio
My Commission Expires
January 2, 2024

DAWN M. PASELA 06-05
1520 CLEARBROOKE DR., UNIT 103
BRUNSWICK, OH 44212

⑆2071
440
700161631

147

PAY TO THE
ORDER OF

210 HA. Norman Star #11-1209
Toby Wilson Fund \$ 25.00

Twenty Five Dollars

DOLLARS

CHASE

JPMorgan Chase Bank, N.A.
Columbus, OH 43221
www.chase.com

MEMO Viola Dof. Fund

[Signature]

822974

DEFENSE SUBPOENA

(Criminal Rule 17)

RECEIVED FOR FILING
03/15/2012 08:34:26
GERALD E. FUERST, CLERK

THE STATE OF OHIO

PRECIPE

DS 822974

Cuyahoga County

Case Number: CR-10- 543886 -A

To the Sheriff of Cuyahoga County:
You are hereby commanded to summon:
DAWN PASELA
5676 BROADVIEW ROAD APT. 201
CLEVELAND, OH 44134-0000

JUDGE: DANIEL GAUL
ROOM: JC19D

Please Call Defense Attorney: JOHN B GIBBONS at (216) 363-6086 BEFORE Appearing

TO THE WITNESS

YOU ARE HEREBY ordered to appear, under penalty of law, before the COURT OF COMMON PLEAS, held at the Courts Tower - Justice Center, Lakeside and Ontario Streets, in the City of Cleveland, within and for said County, on the 21st day of March, 2012, at 09:00 o'clock A.M., to testify to all and singular such matters and things which you may know in a certain action in court pending, and then and there to be determined, between the STATE OF OHIO, plaintiff, and ANTHONY L VIOLA (defendant 11873387), on the part of the DEFENSE.



WITNESS, GERALD E. FUERST, Clerk Court of Common Pleas, and the seal of said Court, as Cleveland, Ohio, this 15th day of March, A.D. 2012.

GERALD E. FUERST, Clerk

by _____

FOR SHERIFF'S USE ONLY

RETURN OF SUBPOENA:

On 3/19/12, I STEVEN PRINCE PERSONALLY served the within named for him, them, at their usual place of business or residence, a true and certified copy thereof with all endorsements therein.

SHERIFF FEES			
Service and Returns	\$		
Miles Traveled	\$		CUYAHOGA COUNTY SHERIFF DEPT., Sheriff
Total	\$		
			Deputy Sheriff <u>PROCESS SERVER</u>

STATE OF OHIO)
)SS.
CUYAHOGA COUNTY)

Now comes Donald Cleland who first being duly sworn, affirmed and cautioned according to law deposes and says:

1. Affiant has personal knowledge of all facts related in this Affidavit and is competent to testify.

2. Affiant is retired Cuyahoga County Sheriff's deputy having achieved the rank of Sargent prior to my retirement in 2014.

3. I was director of the Cuyahoga County Mortgage Fraud task force from 2009 until the task force was dissolved in 2013. I investigated Dawn Pasela for violations of Ohio's Confidentiality statute.

4. The Task force was located at a secret location, and its location and access to said location was limited to law enforcement personnel only as in Police Officers, Federal Agents, Prosecutor's and support staff.

5. Pursuant to Ohio Law, the Task force director and investigatory staff had the powers of a peace officer throughout the county or counties in which the investigation is to be undertaken. The task force had the authority to conduct investigations through the issuance of subpoenas and subpoenas duces tecum.

6. Pursuant to Ohio Revised Code Section 177.03 the referral of information by a task force to a prosecuting attorney, to the attorney general, to the commission, or to a special prosecutor

under this division, *the content, scope, and subject of any information so referred, and the identity of any person who was investigated by the task force* shall be **kept confidential** by the task force and its director, investigatory staff, and employees, by the commission and its director, employees, and consultants, by the prosecuting attorney and the prosecuting attorney's assistants and employees, by the special prosecutor and the special prosecutor's assistants and employees, and by the attorney general and the attorney general's assistants and employees until an indictment is returned or a criminal action or proceeding is initiated in a court of proper jurisdiction. Dawn Pasela was bound by this requirement to maintain confidentiality as provided above. Dawn Pasela was aware of this statute and the confidentiality requirement.

7. As the Ohio Organized Crime Commission Cuyahoga County Mortgage Fraud task force director I was responsible for and did secure documents, files, computers and evidence. All such documents, files, computers and evidence were secured pursuant to Ohio law and good police practice.

8. In order to gain access to the Ohio Organized Crime Cuyahoga County Mortgage Fraud Task Force office a person had to be provided a key. Only Law Enforcement or law enforcement staff could possess a key. No cooperating witnesses were provided with a key or access to the Task Force office, files in the office or material in the office. The Task Force location was confidential by law and secure.

9. All evidence seized by a search warrant or received pursuant to a subpoena was kept in a locked evidence room. A log was kept of the evidence possessed by the task force of which I was responsible for. No person ever forged any portion of any evidence log or logs. No computers that came into possession of the Cuyahoga County Mortgage Fraud Task force during the time I was its director was lost or destroyed. Lay witness interviews or lay witness trial preparation

involving lay witnesses including Steve Newcomb of Argent or Kathryn Clover never occurred at the Task Force location as such would violate Ohio's Confidentiality statute.

10. Dawn Pasela was an employee of the Cuyahoga County Prosecutor's office when I became the Director of the Task Force. Dawn Pasela was the office manager of the Task Force office. Dawn Pasela ordered supplies, performed support staff services. Dawn Pasela was a student at Cuyahoga County Community College and wanted to be an investigator. I am aware that in 2011 she failed to appear for work, she was AWOL and that at least on one occasion a well check was performed on her by agents of the task force to ascertain if she was ok.

11. After Anthony Viola was indicted he held a public fundraiser at a local restaurant. The fundraiser was advertised and his attorney was present. Without being asked Dawn Pasela VOLUNTEERED to attend the fundraiser and VOLUNTEERED to wear a recording device to obtain information and to donate money from her checking account to the event. She understood that the TASK FORCE would reimburse her for the donation. Dawn Pasela never went to another of Anthony Viola's fundraisers on behalf of the Task Force as part of any investigation as far as affiant knows Dawn Pasela never contacted Anthony Viola while she was an employee of the Cuyahoga County Prosecutor's office.

11. Dawn was permitted by the Ohio Organized Crime Commission to take home with her a backup hard drive of the computer/server holding the files of the task force. The back up hard drives contained confidential information and data on it. Dawn Pasela was required by law to maintain the confidentiality of whatever was on the back up drive consistent with Ohio Law.

12. When Dawn Pasela was fired by Mike O'Malley the then First Assistant of the Cuyahoga County Prosecutor's office for refusing to take a drug test she took with her the backup

hard drive and was out of town for a period of time. The back up hard drive could not be located for that period of time.

13. For a period of time during the late fall/early summer of 2011 Dawn Pasela did not return the backup hard drive to the Ohio Organized Crime Commission Mortgage Fraud Task Force. The drive was the property of the Ohio Organized Crime Commission and contained confidential records and information.

14. I went to her apartment to try and secure the hard drive. I was not successful as she was not home.

15. After a period of time Dawn Pasela returned the hard drive to another member of law enforcement.

16. In January of 2012 I learned that Dawn had communications with Anthony Viola. I informed the Director of the Organized Crime Commission of such communications at which time he asked me to investigate whether or not Dawn Pasela had provided any confidential information to anyone in violation of Ohio law. Dawn Pasela was required Ohio Revised Code Section 177.03 to maintain confidentiality. During the spring of 2012 leading up to her death in April of 2012 I was actively investigating Dawn Pasela for violating the confidentiality of the Ohio Organized Crime Commission Cuyahoga County Mortgage Fraud Task Force pursuant to the above-mentioned statute.

17. During this investigation I subpoenaed her phone records, other records and interviewed witnesses. I learned from her phone records and from a witness that Anthony Viola had contacted her on the phone during 2011 after Dawn Pasela was fired. I learned from her phone records and from a witness that after Viola called her, Dawn Pasela called a former senior staff

member of the Ohio Organized Crime Commission and talked to that person. I interviewed that person and learned that Anthony Viola wanted to meet with Dawn Pasela but the, former senior staff member of the Ohio Organized Crime Commission advised her not to meet with Viola because to do so may violate Ohio law and to provide Viola with any information concerning the Task Force may also violate Ohio law, specifically Ohio's Confidentiality law. I learned from that senior staff member that Dawn Pasela told the former OCIC staff member that she would not meet with Viola. I later learned from reading a pleading that Anthony Viola filed in his Federal Court Criminal case shortly before he was sentenced to prison by Judge Donald Nugent in Federal Court that the two never met.

18. At the time of her death Dawn Pasela was under an active investigation by myself on behalf of the Ohio Organized Crime Commission for violating Ohio Revised Code Section 177.03©(4). When I learned that she died on or about August 25, 2012 I closed the investigation. If any person suggests that she was not under investigation that person is either unaware of the investigation or misleading whomever such person is talking to.

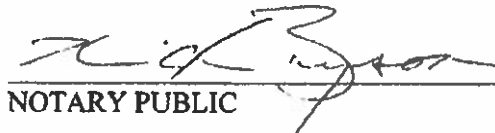
FURTHER AFFIANT SAYETH NAUGHT.

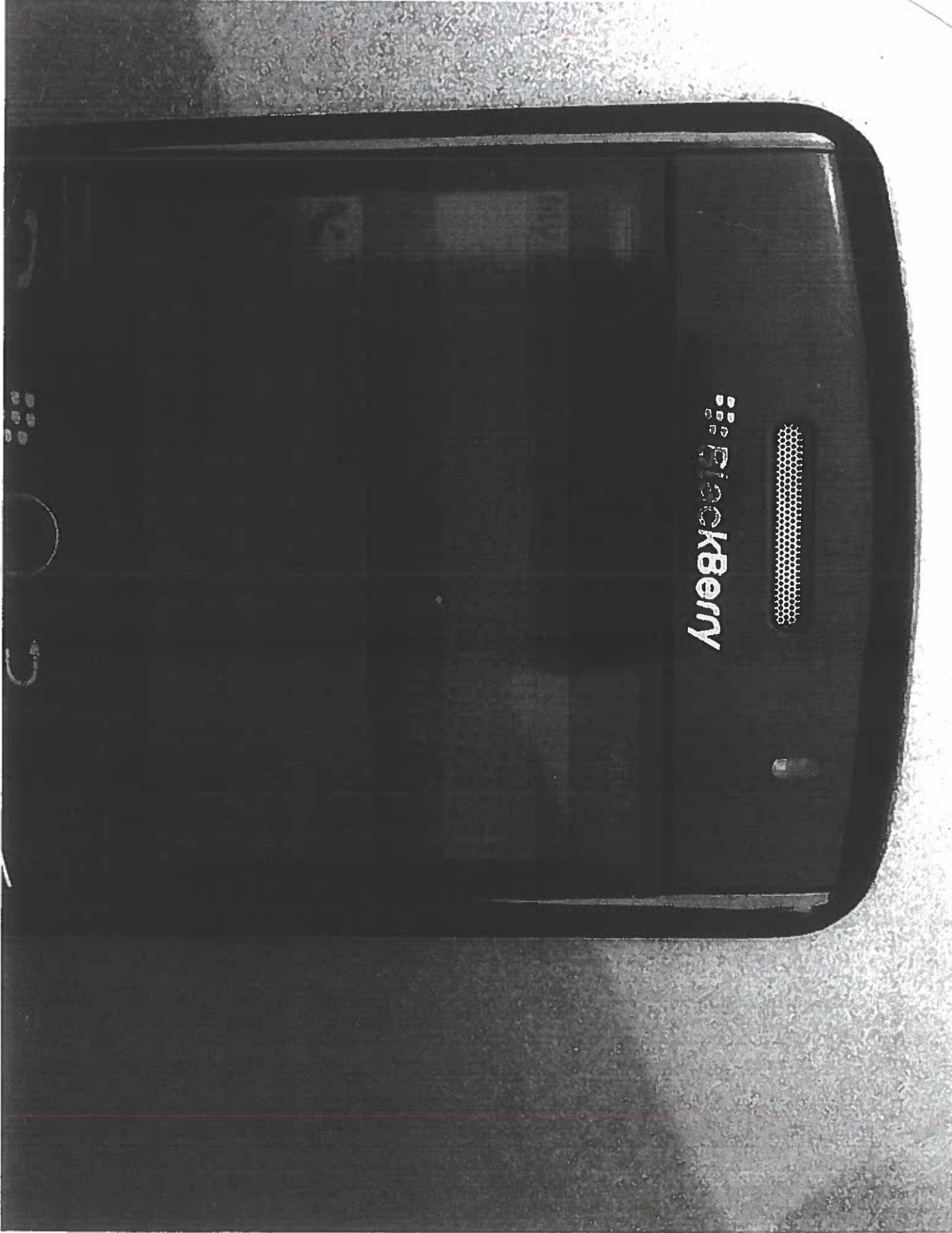

DONALD CLELAND

SWORN to before me and SUBSCRIBED in my presence this 30 day of September
, 2022.



NICHOLAS J. BRYSON
Notary Public, State of Ohio
My Comm. Expires 08/19/2024
Recorded in Cuyahoga County


NOTARY PUBLIC



700 CRANBERRY WOODS DR.
CRANBERRY TWP., PA 18066

Manage Your Account & View Your Usage Details	Account Number	Date Due
2593670963	585527157-00001	07/21/11
	Invoice Number	2593670963

Quick Bill Summary

May 27 – Jun 26



REALTY CORPORATION OF AMERICA
55 ERIEVIEW PLZ STE 370
CLEVELAND, OH 44114-1885

Previous Balance (see back for details)	\$186.73
Payment – Thank You	–\$190.00
Credit Balance	–\$3.27
Monthly Access Charges	\$186.34
Usage Charges	
Voice	\$1.99
Messaging	\$0.00
Data	\$0.00
Verizon Wireless' Surcharges and Other Charges & Credits	\$3.48
Taxes, Governmental Surcharges & Fees	\$12.73
Total Current Charges	\$184.52

Verizon Wireless News

Save Time – Pay Your Bill Online
It's fast, easy and secure! Best of all, you can do it from your home, office or any computer with an Internet connection. Go to www.vzw.com/myverizon.

Total Charges Due by July 21, 2011 \$181.25

Pay from Wireless	Pay on the Web	Questions:
Pay from Wireless	Pay on the Web	Questions

VN



Bill Date June 26, 2011
Account Number 585527157-00001
Invoice Number 2593670963

REALTY CORPORATION OF AMERICA
55 ERIEVIEW PLZ STE 370
CLEVELAND, OH 44114-1885

Total Amount Due by July 21, 2011

Make check payable to Verizon Wireless.
Please return this remittance slip with payment. **\$181.25**

\$.

P.O. BOX 25505
LEHIGH VALLEY, PA 18002-5505



Check here and fill out the back of this slip if your billing address has changed or you are adding or changing your email address.

2593670963010585527157000010000184520000181255



Invoice Number Account Number Date Due Page
 2693670963 585527157-00001 07/21/11 7 of 16

Detail for Sarah Brewer: 216-214-4665

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
6/02	10:55A	216-481-3370	Peak	PlanAllow	Cleveland OH	Incoming CL	1	---	---	---
6/02	11:29A	216-630-5187	Peak	M2MAllow	Cleveland OH	Incoming CL	3	---	---	---
6/02	11:40A	440-487-8055	Peak	M2MAllow	Cleveland OH	Incoming CL	5	---	---	---
6/02	12:13P	216-799-2108	Peak	PlanAllow	Cleveland OH	Cleveland OH	3	---	---	---
6/02	12:17P	330-895-6578	Peak	PlanAllow	Cleveland OH	Aurora OH	27	---	---	---
6/02	12:46P	216-799-2108	Peak	PlanAllow	Cleveland OH	Cleveland OH	5	---	---	---
6/02	12:54P	440-448-1100	Peak	PlanAllow	Cleveland OH	Incoming CL	2	---	---	---
6/02	1:40P	877-772-2253	Peak	PlanAllow	Cleveland OH	Toll-Free CL	21	---	---	---
6/02	2:07P	216-367-7566	Peak	PlanAllow	Cleveland OH	Incoming CL	10	---	---	---
6/02	2:18P	216-299-3687	Peak	M2MAllow	Cleveland OH	Incoming CL	11	---	---	---
6/02	2:38P	216-892-8500	Peak	M2MAllow	Cleveland OH	Cleveland OH	2	---	---	---
6/02	2:51P	216-482-8259	Peak	PlanAllow	University OH	Incoming CL	1	---	---	---
6/02	3:38P	216-482-8259	Peak	PlanAllow	Cleveland OH	Cleveland OH	2	---	---	---
6/02	3:40P	602-363-8551	Peak	PlanAllow	Cleveland OH	Phoenix AZ	19	---	---	---
6/02	4:06P	440-336-7853	Peak	PlanAllow	Cleveland OH	Wiloughby OH	1	---	---	---
6/02	4:23P	216-324-8254	Peak	PlanAllow	Cleveland OH	Incoming CL	1	---	---	---
6/02	4:24P	216-496-0443	Peak	PlanAllow	Cleveland OH	Incoming CL	14	---	---	---
6/02	4:25P	216-324-8254	Peak	PlanAllow,CallWait	Cleveland OH	Incoming CL	1	---	---	---
6/02	4:38P	216-324-8254	Peak	PlanAllow	Cleveland OH	Incoming CL	1	---	---	---
6/02	5:08P	000-800-0086	Peak	PlanAllow,CallVM	Cleveland OH	Voice Mail CL	1	---	---	---
6/02	5:08P	440-448-1100	Peak	PlanAllow	Cleveland OH	Lyndhurst OH	2	---	---	---
6/02	8:10P	330-785-3334	Peak	PlanAllow	Cleveland OH	Atron OH	4	---	---	---
6/02	5:14P	216-391-8080	Peak	PlanAllow	Cleveland OH	Cleveland OH	2	---	---	---
6/02	6:02P	800-365-7800	Peak	PlanAllow	Cleveland OH	Toll-Free CL	8	---	---	---
6/02	7:47P	774-563-8635	Peak	M2MAllow	Cleveland OH	Incoming CL	17	---	---	---
6/02	8:46P	440-331-3059	Peak	PlanAllow	Cleveland OH	Incoming CL	3	---	---	---
6/02	8:48P	440-336-7853	Peak	PlanAllow	Cleveland OH	Incoming CL	4	---	---	---
6/03	10:21A	216-324-8254	Peak	PlanAllow	Cleveland OH	Incoming CL	1	---	---	---
6/03	10:38A	216-673-0344	Peak	PlanAllow	Cleveland OH	Cleveland OH	3	---	---	---
6/03	11:41A	216-895-1637	Peak	PlanAllow	Cleveland OH	Incoming CL	4	---	---	---
6/03	12:31P	216-324-8254	Peak	PlanAllow	Cleveland OH	Cleveland OH	1	---	---	---
6/03	12:37P	440-815-8207	Peak	PlanAllow	Cleveland OH	Incoming CL	7	---	---	---
6/03	12:44P	216-324-8254	Peak	PlanAllow	Cleveland OH	Incoming CL	2	---	---	---
6/03	1:11P	216-799-2108	Peak	PlanAllow	Cleveland OH	Incoming CL	3	---	---	---
6/03	1:34P	216-475-1844	Peak	PlanAllow	Cleveland OH	Maple Hts OH	2	---	---	---
6/03	1:41P	614-387-8370	Peak	PlanAllow	Cleveland OH	Columbus OH	1	---	---	---
6/03	1:41P	800-588-5256	Peak	PlanAllow	Cleveland OH	Toll-Free CL	2	---	---	---
6/03	1:46P	440-384-8409	Peak	M2MAllow	Cleveland OH	Incoming CL	7	---	---	---
6/03	3:21P	440-823-6049	Peak	M2MAllow	Cleveland OH	Incoming CL	2	---	---	---
6/03	4:21P	216-788-0789	Peak	M2MAllow	Cleveland OH	Cleveland OH	2	---	---	---
6/03	4:34P	216-788-0789	Peak	M2MAllow	Cleveland OH	Cleveland OH	5	---	---	---
6/03	5:33P	800-887-5521	Peak	PlanAllow	Cleveland OH	Toll-Free CL	6	---	---	---
6/03	5:42P	330-896-3165	Peak	M2MAllow	Cleveland OH	Incoming CL	23	---	---	---
6/03	7:55P	216-788-1763	Peak	M2MAllow	Cleveland OH	Cleveland OH	1	---	---	---
6/03	7:58P	216-788-1763	Peak	M2MAllow	Cleveland OH	Incoming CL	2	---	---	---



Exhibit C

822974

DEFENSE SUBPOENA

(Criminal Rule 17)

RECEIVED FOR FILING
03/15/2012 08:34:26
GERALD E. FUERST, CLERK

THE STATE OF OHIO

PRECIPE

DS 822974

Cuyahoga County

Case Number: CR-10- 543886 -A

To the Sheriff of Cuyahoga County:
You are hereby commanded to summon:
DAWN PASELA
5676 BROADVIEW ROAD APT. 201
CLEVELAND, OH 44134-0000

JUDGE: DANIEL GAUL
ROOM: JC19D

Please Call Defense Attorney: JOHN B GIBBONS at (216) 363-6086 BEFORE Appearing

TO THE WITNESS

YOU ARE HEREBY ordered to appear, under penalty of law, before the COURT OF COMMON PLEAS, held at the Courts Tower - Justice Center, Lakeside and Ontario Streets, in the City of Cleveland, within and for said County, on the 21st day of March, 2012, at 09:00 o'clock A.M., to testify to all and singular such matters and things which you may know in a certain action in court pending, and then and there to be determined, between the STATE OF OHIO, plaintiff, and ANTHONY L VIOLA (defendant 11873387), on the part of the DEFENSE.



WITNESS, GERALD E. FUERST, Clerk Court of Common Pleas, and the seal of said Court, as Cleveland, Ohio, this 15th day of March, A.D. 2012.

GERALD E. FUERST, Clerk

by _____

FOR SHERIFF'S USE ONLY

RETURN OF SUBPOENA:



On 3/19/12, I STEVEN PRINCE PERSONALLY served the within named for him, them, at their usual place of business or residence, a true and certified copy thereof with all endorsements therein.

SHERIFF FEES			
Service and Returns	\$		
Miles Traveled	\$		CUYAHOGA COUNTY SHERIFF DEPT., Sheriff
Total	\$		
			Deputy Sheriff Process Server

CASE INFORMATION

CR-10-536877-I THE STATE OF OHIO vs. TONY VIOLA

Docket Information

Proceeding Date	Filing Date	Docket Party	Docket Type	Docket Description	View Image
05/28/2014	05/28/2014	D	JE	COURT REPORTER ALLOWED \$403.00. RECEIVED FOR FILING.	
03/25/2014	03/25/2014	D	JE	COURT REPORTER ALLOWED \$72.00. RECEIVED FOR FILING.	
03/20/2014	03/20/2014	D	JE	COURT REPORTER ALLOWED \$221.00. RECEIVED FOR FILING.	
07/30/2012	08/03/2012	N/A	JE	IT IS HEREBY ORDERED THAT JOHN B. GIBBONS, ESQ., HERETOFORE ASSIGNED AS COUNSEL FOR THE DEFENDANT IN THIS CAUSE, BE ALLOWED \$1,500.00 FOR SERVICES SO RENDERED. IT IS ORDERED THAT THE COURT CERTIFY SAID AMOUNT TO THE FISCAL OFFICER AND THE COUNTY EXECUTIVE FOR ALLOWANCE AND PAYMENT. AC 1206249 07/30/2012 CPMKE 07/30/2012 11:26:08	
07/18/2012	07/31/2012	N/A	JE	DEFENSE COUNSEL'S MOTION FOR EXTRAORDINARY FEES ARE HEREBY GRANTED. THE TOTAL AMOUNT OF \$1,500.00 IS HEREBY APPROVED. ADMINISTRATIVE JUDGE NANCY A. FUERST JUDGE 07/18/2012 CPMKE 07/18/2012 09:34:17	
05/07/2012	05/07/2012	D	RE	ATTORNEY FEE BILL SUBMITTED JOHN B. GIBBONS	
05/03/2012	05/03/2012	D1	MO	MOTION FOR EXTRAORDINARY FEES, FILED. (ORAL HEARING REQUESTED)	
05/02/2012	05/02/2012	D	JE	COURT REPORTER ALLOWED \$5,773.25. RECEIVED FOR FILING.	
04/30/2012	05/01/2012	N/A	JE	NUNC PRO TUNC ENTRY AS OF AND FOR 02/27/2012. ATTORNEY JOHN B. GIBBONS APPOINTED DEFENDANT'S STAND BY COUNSEL FOR TRIAL. EFFECTIVE DATE FEBRUARY 27, 2012. 04/30/2012 CPMJS 04/30/2012 14:30:34	
04/27/2012	04/27/2012	N/A	CS	COURT REPORTER FEE	
04/27/2012	04/27/2012	N/A	CS	REPARATION FEE RC 2743.70 ; 2937.22 ; 2949.091	
04/26/2012	04/28/2012	N/A	JE	HOLDER PLACED ON DEFENDANT UNTIL MAY 4, 2012. 04/26/2012 CPMJS 04/26/2012 16:03:17	
04/26/2012	04/27/2012	N/A	JE	DEFENDANT IN COURT WITH COUNSEL PRESENT. PROSECUTING ATTORNEY IS PRESENT. COURT REPORTER PRESENT. COUNT 36 WAS DISMISSED BY PROSECUTOR ON A PRIOR DATE. THE JURY RETURNS A VERDICT OF NOT GUILTY OF ALL COUNTS. DEFENDANT TO BE TRANSPORTED TO BEGIN FEDERAL SENTENCE. DEFENDANT ORDERED RELEASED IN THIS CASE ONLY. 04/26/2012 CPEDB 04/27/2012 09:07:15	
04/25/2012	04/27/2012	N/A	JE	JURY DELIBERATES. 04/25/2012 CPMJS 04/26/2012 15:09:59	
04/25/2012	04/25/2012	N/A	CS	COURT REPORTER FEE	
04/25/2012	04/25/2012	N/A	JE	TRANSCRIPT OF TRIAL ORDERED AT STATE'S EXPENSE. 04/25/2012 CPMJS 04/25/2012 10:46:32	
04/24/2012	04/25/2012	N/A	JE	JURY DELIBERATES. 04/24/2012 CPMJS 04/24/2012 16:02:21	
04/23/2012	04/25/2012	N/A	JE	JURY DELIBERATES. 04/23/2012 CPMJS 04/23/2012 16:00:27	
04/23/2012	04/23/2012	N/A	CS	COURT REPORTER FEE	
04/20/2012	04/23/2012	N/A	JE	JURY DELIBERATES. 04/20/2012 CPMTR 04/20/2012 16:16:32	
04/20/2012	04/23/2012	N/A	JE	BENCH WARRANT ISSUED FOR WITNESS DAWN PASELA IS RECALLED 04/20/2012 CPMTR 04/20/2012 16:16:05	
04/19/2012	04/20/2012	N/A	JE	JURY TRIAL CONTINUES. 04/19/2012 CPMTR 04/19/2012 15:53:04	
04/18/2012	04/18/2012	N/A	JE	***BENCH WARRANT*** DEFENSE WITNESS DAWN PASELA , FAILED TO APPEAR IN COURT AS ORDERED PURSUANT TO SUBPOENAS DULY SERVED. CUYAHOGA COUNTY SHERIFF IS ORDERED TO ARREST DEFENSE WITNESS DAWN PASELA (WHITE, FEMALE, DOB: 06/25/1985, SSN: 291-84-5323, ADDRESS: 5676 BROADVIEW RD. APT. #201; PARENTS ADDRESS: 8502 WESLEY DR., PARMA, OHIO 44129) AND REMAND HER IN CUYAHOGA COUNTY JAIL UNTIL FURTHER ORDER OF THE COURT. THIS ENTRY TAKEN BY JUDGE STUART A FRIEDMAN. 04/18/2012 CPLMG 04/18/2012 15:37:28	
04/18/2012	04/20/2012	N/A	JE	JURY TRIAL CONTINUES. 04/18/2012 CPMTR 04/19/2012 08:41:38	
04/17/2012	04/17/2012	D1	MO	DEFENDANT'S REQUEST FOR SPECIAL JURY INSTRUCTION, FILED.	
04/16/2012	04/17/2012	N/A	JE	JURY TRIAL CONTINUES. 04/16/2012 CPMTR 04/16/2012 12:26:49	
04/13/2012	04/17/2012	N/A	JE	JURY TRIAL CONTINUES. 04/13/2012 CPMTR 04/13/2012 14:12:59	
04/13/2012	04/17/2012	N/A	JE	COURT GRANTS PERMISSION FOR WITNESS MATTHEW FAIRFIELD TO SPEAK WITH HIS ATTORNEY, MICHAEL MALONEY. WITNESS FAIRFIELD SPOKE WITH HIS COUNSEL ON PHONE IN COURTROOM 19B. 04/13/2012 CPMTR 04/13/2012 13:16:07	
04/12/2012	04/17/2012	N/A	JE	STATE RESTS JURY TRIAL CONTINUES. 04/12/2012 CPMTR 04/13/2012 13:27:35	

AFFIDAVIT OF EDWARD PASELA

STATE OF OHIO
COUNTY OF CUYAHOGA

I, Edward Pasela, depose and state under oath as follows:

1. I was the Father of Dawn Pasela, who died on April 25, 2012.
2. For the last three years of her life, Dawn worked for the Cuyahoga County Mortgage Fraud Task Force, first as a contract employee and then as a county employee. Dawn was recruited to work at the task force by Arvin Clar. Then Assistant Cuyahoga County Prosecutor Daniel Kasaris was Dawn's boss. While at the task force, she worked with FBI agents. In fact, she was told if she finished two more subjects, and with her background and experience, she could work for the FBI.
3. Dawn served in the capacity of office manager. One of her duties was to maintain the task force's files. After Dawn worked there for a while, she said she was concerned that things were being taken from the files and not returned. She also said some individuals had signed her name when they took the files, and she feared they were hiding them from attorneys representing the people the task force was investigating. She particularly expressed concern about the way the case against Anthony Viola and Susan Alt were being handled. Dawn showed me photos she had taken of files haphazardly stacked in the hallway, which made them easily accessible to almost anyone.
4. Dawn also mentioned that some computers in the office had disappeared, and she couldn't find out why or where they went.
5. Although Dawn was not trained as an investigator, she was asked to go to a fundraising event for Anthony Viola after he had been indicted and to secretly record what was said. Kasaris gave Dawn money and told her to write a check for Viola's defense fund so the prosecutors could determine at which bank the fund was being maintained. Dawn wondered about the propriety of these tactics.
6. Dawn continued to attend events sponsored by Viola's supporters and eventually began to sympathize with him because she felt that prosecutors were withholding documents that could help in his defense.

7. As her disenchantment over what was going on at the task force grew, Dawn began drinking excessively. This finally led to her termination. The task force later asked her to come in to discuss reinstatement, but she declined.
8. During Viola's second trial, Dan Kasaris showed up at our house, with another individual, wanting to come in and search for computers and hard drives. He was very insistent that I let him into my house. I refused, and told him we had no computers from his office and that he was welcome to return with a search warrant.
9. After the task force learned that Dawn had been subpoenaed to testify on Viola's behalf, two investigators came to her apartment to pressure her to reveal what Viola wanted her to testify about. She told me that the two men said that it would be wise for her to leave Ohio for a while and that if she testified for Viola, she could end up in federal prison. As a result, Dawn did not testify.
10. Dawn was so frightened that the investigators might return that she moved into our house for 10 or more days and stopped drinking. She also parked her car in our garage so no one would see it. Dawn eventually began to feel stronger physically and emotionally and moved back to her apartment.
11. When we visited Dawn the day before she died, I could tell that she started drinking again, and we urged her to stop.
12. I was concerned about Dawn and could not reach her on the phone, so I went to her apartment to check on her. When she did not answer the door, I requested a welfare check. During previous welfare checks, one or two officers showed up within 20 – 30 minutes. In this case, six police officers immediately arrived on the scene. They refused to let me into my daughter's apartment, physically held back in the hallway, refusing to allow me access to the apartment. I was never allowed into the apartment to view Dawn's body.
13. After I left Dawn's apartment to tell my wife Karen what happened, my daughter Christine arrived at Dawn's apartment. Police officers told her that she was not allowed to see Dawn's body. No one in my family ever saw Dawn's body and no one in my family was ever asked to identify Dawn's body.
14. In my personal opinion, Kasaris contributed towards my daughter's death because
 - The way he treated her was wrong
 - The unprofessional tactics that were used in the office made my daughter extremely upset and she did not know how to handle what was going on with the files and computers.

- Dawn was also threatened with prosecution for violating a confidentiality agreement, but we have proof that she never signed any such agreement.

15. I believe that there should be a full investigation into the actions of Kasaris as well a new investigation into my daughter's death.

Further I sayeth naught.



Edward Pasela

Sworn and subscribed in my presence this 25 day of May, 2022.



NOTARY PUBLIC



ANDREW SCHMIDT
Notary Public, State of Ohio
My Commission Expires
January 2, 2024

AFFIDAVIT OF KAREN PASELA

STATE OF OHIO
COUNTY OF CUYAHOGA

I, Karen Pasela, depose and state under oath as follows:

1. I was the mother of Dawn Pasela, who died on April 25, 2012.
2. Dawn worked for the Cuyahoga County Mortgage Fraud Task Force, first as a contract employee and then as a county employee. Dawn was recruited to work at the task force by Arvin Clar. Then Assistant Cuyahoga County Prosecutor Daniel Kasaris was Dawn's boss. While at the task force, she worked with FBI agents. In fact, she was told if she finished two more subjects, and with her background and experience, she could work for the FBI.
3. Dawn served in the capacity of office manager. One of her duties was to maintain the task force's files. After Dawn worked there for a while, she said she was concerned that things were being taken from the files and not returned. She also said some individuals had signed her name when they took the files, and she feared they were hiding them from attorneys representing the people the task force was investigating. She particularly expressed concern about the way the case against Anthony Viola and Susan Alt were being handled. Dawn showed me photos she had taken of files haphazardly stacked in the hallway, which made them easily accessible to almost anyone.
4. Dawn also mentioned that some computers in the office had disappeared, and she couldn't find out why or where they went. Dawn also mentioned that Katheryn Clover was frequently in the Prosecutor's Office, accessing files and evidence.
5. Although Dawn was not trained as an investigator, she was asked to go to a fundraising event for Anthony Viola after he had been indicted and to secretly record what was said. Dan Kasaris gave Dawn money and told her to write a personal check for Viola's defense fund so the prosecutors could determine at which bank the fund was being maintained. Dawn wondered about the propriety of these tactics.
6. Dawn was told that she had to continue to attend events sponsored by Viola's supporters wearing a wire, or her job would be in jeopardy. I was very alarmed and afraid for my daughter's safety and advised her not to wear a wire. However, Dawn felt she had no choice but to comply with her boss's orders.

7. Eventually, Dawn began to sympathize with Viola because she felt that prosecutors were withholding documents that could help in his defense.
8. As her disenchantment over what was going on at the task force grew, Dawn began drinking excessively. This finally led to her termination. The task force later asked her to come in to discuss reinstatement, but she declined.
9. After Dawn was no longer working at the task force, she told me she was meeting with Viola. I was very worried about Dawn and I was concerned that if she tried to help Viola, she could be prosecuted. I urged not to get involved.
10. During Viola's second trial, Dan Kasaris showed up at our house, with another individual, wanting to come in and search for computers and hard drives. He demanded entry into my house but my husband Edward refused, and told him we had no computers from his office and to return with a search warrant.
11. After the task force learned that Dawn had been subpoenaed to testify on Viola's behalf, two investigators came to her apartment to pressure her to reveal what Viola wanted her to testify about. Dawn called me one morning, upset and crying, saying that the two men said that it would be wise for her to leave Ohio for a while and that if she testified for Viola, she could end up in federal prison. As a result, Dawn did not testify.
12. Dawn was so frightened that the investigators might return that she moved into our house for 10 or more days and stopped drinking. She also parked her car in our garage so no one would see it. Dawn eventually began to feel stronger physically and emotionally and moved back to her apartment.
13. During Viola's second trial, when Dawn was staying at our house, I heard Dawn speaking to Viola. She was crying and so upset that she was visibly shaking. She said she was too upset to talk more about what was going on during the trial.
14. When we visited Dawn the day before she died, I could tell that she started drinking again, and we urged her to stop.
15. After Dawn was found dead in her apartment, the police refused to allow my husband Ed to see Dawn's body. When my daughter Christine arrived at Dawn's apartment, police officers told her that she was not allowed to see Dawn's body. No one in my family ever saw Dawn's body and no one in my family was ever asked to identify Dawn's body.
16. Later, Ed called the Cuyahoga County Coroner, requesting to see Dawn's body. When the Coroner called back, they were adamant that I should not come because

you want to remember her the way she was and that she looked bad. I was insistent and wanted to see my daughter but I was again told not to go to the Coroner's Office. I was told to wait to see Dawn at the funeral parlor.


17. At the funeral parlor, when I first saw Dawn's body at a private viewing, I was shocked at the way her face looked. Many other family members told me the same thing, which I thought at the time was the result of a poor makeup job. Because of our complaints, the funeral home redid Dawn's makeup before the public viewing. Even after the second makeup job, family members who did not see Dawn at the private viewing commented that Dawn did not look natural.

18. I agree with my husband Ed's opinion, which is that Kasaris contributed towards my daughter's death because

- The way he treated her was wrong
- The unprofessional tactics that were used in the office made my daughter extremely upset and she did not know how to handle what was going on with the files and computers.
- Dawn was also threatened with prosecution for violating a confidentiality agreement, but we have proof that she never signed any agreement.

19. I believe that there should be a full investigation into the actions of Kasaris as well an entirely new investigation into my daughter's death.

Further I sayeth naught.


Karen Pasela

Sworn and subscribed in my presence this 25 day of May, 2022.


NOTARY PUBLIC



ANDREW SCHMIDT
Notary Public, State of Ohio
My Commission Expires
January 2, 2024

Exhibit D

McGINTY HILOW & SPELLACY CO LPA

Attorneys at Law

March 4, 2016

Anthony L. Viola (#32238-160)
McKean FCI
P.O. Box 8000
Bradford, PA 16701

Re: USA v. Viola
Case Number: 08-cr-506

Dear Tony:

Hope you are well. Sorry for the delay.

I do not recall any voice recording nor do I possess any such recording.

Very truly yours,



Kevin M. Spellacy

KMS/hjs

The Rockefeller Building • Suite 1300 • 614 W. Superior Avenue • Cleveland, OH 44113
phone 216.344.9220 • fax 216.664.6999 • www.mghslaw.com

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Of Counsel:
Mary L. Cibella
micibella@earthlink.net

KOBLENTZ & PENVOSE, LLC

Attorneys and Counselors at Law

Richard S. Koblentz
Bryan L. Penrose
Nicholas E. FroningMarvin A. Koblentz
(1922 - 1995)Of Counsel
Peter A. Russell
Stephen W. Gard

January 25, 2016

Anthony L. Viola, ID# 32238-160
McKean Federal Correctional Institution
P.O. Box 8000
Bradford, PA 16701

Dear Tony:

I am in receipt of your January 20, 2016 correspondence regarding your matter. As you know, my role in your case was to act as an expert relative to whether or not, in my opinion, you received the necessary effectiveness in your representation by your trial counsel, Jay Milano. The only documents which I saw were provided by you and/or Mr. Spellacy and those documents were reviewed in formulating my opinion as contained in our written report and my testimony before Judge Nugent.

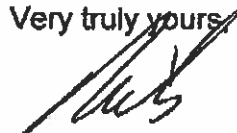
In response to the three questions on page two of your letter, please be advised:

- 1) I did not listen to any recorded conversations including, but not limited to, those made of Uri Gofman. I was not presented with any tape recorded conversations to review as part of our services in the matter.
- 2) Once again, the documents that I was provided did not make me aware of any FBI recorded conversations with either Uri Gofman, you or Dawn Pasela.
- 3) I am not aware of nor was I made privy to any voice recordings of Uri Gofman or you as part of the expert services which I rendered to you.

Since my role in your matter was as an expert, I do not believe it is appropriate for me to correspond with Mark Bennett, Assistant United States Attorney. However, I certainly have no objection to you providing Mr. Bennett with a copy of this correspondence.

Wishing you the best of luck, I am,

Very truly yours,



Richard S. Koblentz

RSK/eg
cc: File

K:\DOCUMENTS\ELIZABETVIOLA-TONYVIOLA LTR.DOC