

IN THE SUPREME COURT OF OHIO

24-0041

ANTHONY VIOLA

Case No. _____

Plaintiff/Appellee,

v.

Court of Appeals No. 23-112497/113022

SUSAN KASARIS, et. al.

Trial Case No. cv-21-051041

Defendant/Appellant

MEMORANDUM IN SUPPORT OF JURISDICTION

RESPECTFULLY SUBMITTED BY APPELLANT ANTHONY VIOLA

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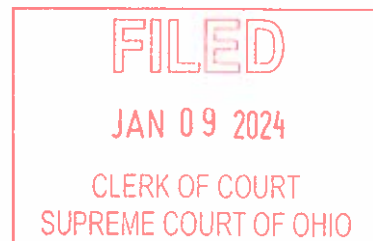
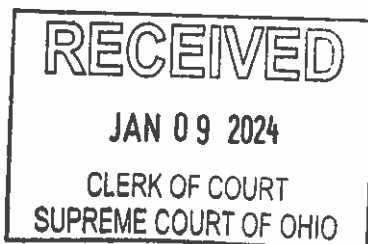


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EXHIBIT A	Media Coverage, confirming great public interest in this matter
EXHIBIT B	Judgment Entry – Court of Appeals dated November 7 and November 27, 2023
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EXHIBIT D	United States Department of Justice Inspector General Summary – former federal prosecutor Mark Bennett’s Misconduct

**OVERVIEW OF SIGNIFICANT PUBLIC INTEREST and SUBSTANTIAL
CONSTITUTIONAL QUESTIONS ARE AT ISSUE IN THIS MATTER**

Both Yale Law School and Cleveland-based Attorney Kim Corral represent the Plaintiff-Appellant in related litigation following an acquittal of the undersigned at a second criminal trial, and

- The production of over 600 pages of emails between Senior Assistant Ohio Attorney General Daniel Kasaris and government witness Kathryn Clover, confirming a lengthy affair;
- The pending disciplinary proceedings against former federal prosecutor Mark Bennett, who prosecuted the undersigned;
- Admissions by the government that prosecutors made materially false statements about evidence in criminal cases; and
- A new investigation by the Cuyahoga County Sheriff into the death of Prosecutor Office Manager Dawn Pasela, who was found dead in her apartment under suspicious circumstances as she was about to testify about the suppression of exculpatory evidence by Bennett and Kasaris, as well as a botched undercover spying operation where Pasela was ordered to pretend to be a paralegal and secretly record defense trial preparation sessions.

Significant public interest in this case is established by extensive media coverage about the death of Dawn Pasela as she was about to testify in court, and great interest in the actions of Mr. Kasaris (including new books by James Renner and Sandy Freese, an upcoming Netflix documentary, advocacy by Uncovered.com, the nation's largest cold case organization, as well as recent news articles by National Public Radio, Cleveland.com and many others, **EXHIBIT A**).

This matter also raises important legal and constitutional questions, with far ranging implications, and involve appellate court rulings that are contrary to the long standing proposition that a court's subject matter jurisdiction can be challenged at any time during a proceeding, along with the duties of individuals or family members who share knowledge of crimes on social media to report that same information to the proper authorities, Ohio Revised Code Section 2921.22.

STATEMENT OF THE CASE AND KEY FACTS

Plaintiff Appellant Anthony Viola was tried twice on mortgage fraud charges and exonerated at a second trial after Dawn Pasela, the Office Manager working directly for Senior Assistant Ohio Attorney General Daniel Kasaris, provided the undersigned evidence not produced by the government prior to the first. Ms. Pasela had previously been ordered by Kasaris and his colleague Mark Bennett to engage in an undercover operation, pose as a paralegal working with defense lawyers, and secretly record defense trial preparations to obtain post-indictment information about defense trial preparation. Ms. Pasela offered to testify at the second trial about wrongdoing by Kasaris and Bennett, currently undergoing disciplinary proceedings in this court, case # 2023-0471, but she was found dead during those proceedings under suspicious circumstances that her family believes in the result of foul play.

In 2022, retired Detective Donald Cleland stated under oath that Ms. Pasela was given hard drives with evidence in over 1,000 criminal cases, and that said evidence later went missing. In 2023, The Cuyahoga County Sheriff, noting that Pasela's computer with the Task Force's evidence on it was missing when she was found dead, reopened an investigation into Ms. Pasela's death.

In 2020, the Cuyahoga County Prosecutor's Office produced 600 pages of emails between Kasaris and Kathryn Clover, a defendant herein and government witness in dozens of criminal cases, confirming a sexual relationship between Kasaris and Clover. In addition, Facebook posts by Kasaris' wife Susan also establish there was a long term sexual relationship between Daniel Kasaris and Clover, while multiple witnesses and Kasaris family members came forward to provide salacious emails between Clover and Kasaris on a private Yahoo email account, along with other evidence of the affair.

Following several unsolicited communications from the defendants maintaining they possessed records of financial impropriety, and voice recordings discussing the “murder” of Dawn Pasela, the undersigned initiated this case with a complaint – packed with attachments proving the Kasaris-Clover affair and serious misconduct concerning Ms. Pasela -- alleging the defendants had an obligation to report criminal activities of Kasaris and that the defendants (especially licensed attorney Jaye Schlachet, who simultaneously represented Susan Kasaris, Daniel Kasaris, Kathryn Clover, and Kelly Connors) were engaged in a civil conspiracy. The complaint sought discovery and a declaratory judgment to clarify the legal obligations or obligation of these defendants to report the criminal activities of Kasaris, and to disclose everything they knew or possessed concerning Ms. Pasela’s death, particularly because defendants were utilizing social media accounts to describe misconduct to law enforcement, Ohio Revised Code Section 2921.22, Failure to report a crime, also known as misprision of a felony, and a civil conspiracy to conceal criminal activities, in violation of section 2923.02 of the Ohio Revised Code, Complicity.

During the litigation, the trial court denied a motion for a process server, and no parties were properly served – but the court continued moving the proceedings along. Meanwhile, the defendants conceded to the accuracy of all allegations, stating at a hearing that “facts don’t matter.” Nevertheless, the trial court sanctioned the undersigned, and a timely appeal followed, **EXHIBIT B**

As this case proceeded in the trial court and in the Court of Appeals, these developments occurred:

- Yale Law School began representing the undersigned in pending litigation in which both The FBI and Justice Department admitted making false statements in court, and blamed Mark Bennett for material misrepresentations about evidence, Viola v. U.S. Department of

Justice, et. al., 15-cv-242, WD Pa, document numbers 99 and 164 and case number 22-2186, U.S. Court of Appeals for the Third Circuit, Yale pleadings and briefings available on the PACER system.

- Attorney Kim Corral initiated representation of the undersigned
- Many of the parties named herein filed a complaint, seeking a declaration that the undersigned was a “vexatious” litigator. Attorney Kim Corral opposed that, stating that all of the claims made in litigation was true – the Bennett disbarment, FBI misconduct, a new investigation into Dawn Pasela’s death and 600 pages of emails between Clover and Kasaris that establish a fraud on the court was perpetrated by the Prosecutor’s Office.
- Following an adverse ruling in the vexatious litigator case, the undersigned immediately alerted appeals court and asked to continue the appeal – especially the jurisdictional claims, since service was not completed. The Court of Appeals was provided with the service portion of the docket that proved trial court had no jurisdiction, yet still dismissed the case,

EXHIBIT C.

PROPOSITION OF LAW NUMBER I: The ruling in this case is contrary to a basic precept of the law: that absent proper service of process, a trial court lacks jurisdiction to enter a judgment against that defendant, or award sanctions, and if the court nevertheless renders a judgment, the judgment is a nullity and is void ab initio. Lincoln Tavern, Inc. v. Snader, 165 Ohio St. 61, 64, 133 N.E.2d 606 (1956); Tuckosh v. Cummings, 7th Dist. No. 07HA9, 2008-Ohio-5819, ¶17. “Failure of proper service is not a minor, hyper technical violation of the rules. Such failure is in direct contravention of the Rules of Civil Procedure.” Cleveland v. Ohio Civil Rights Comm., 43 Ohio App.3d 153, 157, 540 N.E.2d 278 (8th Dist.1989). A judgment rendered without proper jurisdiction over the action or the parties is void. Patton v. Diemer, 35 Ohio St.3d 68, 70, 518 N.E.2d 941 (1988); Rokakis v. Estate of Thomas, 8th Dist. No. 89944, 2008-Ohio-5147, ¶7

Because the appellate brief submitted to the court of appeals contained a copy of the relevant portions of the case docket, that court erred in dismissing the appeal without at least reviewing the jurisdictional argument -- even if it did not entertain other arguments, because doing so would have required a minimal expenditure of time and the trial court’s judgment cannot stand, as that court never had jurisdiction over the parties.

Pursuant to Schlegel v. Sweeney, Slip Opinion No. 2022-Ohio-3841, ¶ 6, “a court having general subject-matter jurisdiction can determine its own jurisdiction, and a party contesting that jurisdiction has an adequate remedy by appeal.” State ex rel. Plant v. Cosgrove, 119 Ohio St.3d 264, 2008-Ohio-3838, 893 N.E.2d 485, ¶ 5. Also see Pratts v. Hurley, 2004-Ohio-1980, subject-matter jurisdiction can be challenged at any time. The ruling by the Court of Appeals is contrary to the foregoing, because it failed to permit a jurisdictional claim to be raised. Jurisdiction is separate from merits arguments on appeal and should be addressed in all circumstances. Pursuant to case law and the Ohio Rules of Civil Procedure, the failure to serve parties in litigation explicitly

divests the court of jurisdiction to hear the relevant claims, Ostaneck v. Ostaneck, Case No. 2021-Ohio-2319, and there is not an exception that a person declared vexatious (in part because of rulings in this case – which are void) cannot raise subject matter jurisdiction in a case already on appeal.

PROPOSITION OF LAW NUMBER II: In an age of social media, this Court can provide guidance on whether or not Section 2921.22 - Ohio Revised Code – Failure to report a crime is triggered by disclosures of wrongdoing on social media. For instance, Susan Kasaris, the wife of prosecutor generated over 150 pages of Facebook messages about an affair between Prosecutor Dan Kasaris and government witness Kathryn Clover -- is there a duty to report that to the proper authorities? Do revelations on social media platforms void any “spousal privilege”? If a paramour of Kasaris, Kelly Connors, possesses documents that Kasaris controls her finances through a power of attorney, but if Kasaris is acting without approval by the Ohio Attorney General to engage in outside activities, should that be reported? Or if Connors social media posts and photos are accurate, she possesses tapes of Kasaris discussing Pasela murder, is there a duty to report that to authorities, or may a civil action be initiated to compel discovery?

Please note that if this Court fails to take action, injustices will continue, because Mr. Kasaris is continuing to perpetrate a fraud on the court by – just months ago -- presenting his new paramour Kelly Connors as a government witness in Ohio v. Keaton, Mahoning County, 2022 CRB 390. But Connors’ role as a romantic partner of Dan Kasaris, who maintains a Power of Attorney over her, has never been disclosed to the defense or the Court. Fortunately for Ms. Keaton, the jury acquitted her in eight minutes, but the reckless conduct of Prosecutor Kasaris continues unabated.

Also, kindly consider the actions of attorneys in this matter:

- Attorney Jaye Schlachet represents Kathryn Clover, Kelly Connors, Susan Kasaris and Dan Kasaris;
- Richard Koblentz represented the undersigned (and continues to do so, as far as it is understood) is aware of the Kasaris-Clover affair but Koblentz ALSO represents Mark Bennett in disbarment proceedings and has refused to report misconduct;

This court may wish to review the application of how the crime fraud exception applies to communications between an attorney and client when social media posts are involved, and which are “intended in some way to facilitate or to actively conceal a crime or fraud.” Sutton v. Stevens Painton Corp., 193 Ohio App.3d 68, 96, 951 N.E.2d 91 (Ohio Ct. App. 2011).

Finally, this submission would not be complete without alerting this Court that the Disciplinary Counsel has failed to bring all of the misconduct committed by former federal prosecutor Mark Bennett to the Court’s attention, and refused to permit counsel for the undersigned to meet with investigators of the Disciplinary Counsel to provide additional information to that office, kindly compare the Justice Department Inspector General’s report itemizing twenty years of wrongdoing and the Yale Law School case, where government attorneys blame Bennett for false statements, with the complaint filed by the Disciplinary Counsel that only includes a single instance of wrongdoing, please see **EXHIBIT D; Disciplinary Counsel v, Bennett**, case number 2022-034; Department of Justice Inspector General Report Number 21-005.

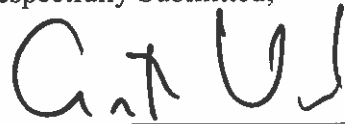
CONCLUSION

The public's confidence in the fair administration of justice is being destroyed by media reports about the Kasaris affairs with multiple government witnesses and claims about the death of whistleblower Dawn Pasela. This Court has an independent interest in proper conduct by powerful government officials and that government witnesses are not actually engaged in long term sexual relationships with witnesses.

For the above stated reasons, and because doing so is in the public interest, this Court should accept jurisdiction in this matter. Kindly note that, should this Court accept jurisdiction, any further proceedings will be presented by legal counsel.

Thank you very much for considering this submission.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A. Viola', written over a horizontal line.

Anthony Viola

CERTIFICATE OF SERVICE

I, Anthony Viola, hereby swear and affirm that I caused a copy of the foregoing Memorandum in Support of Jurisdiction to be served upon the following individual, via email and regular U.S. mail, postage prepaid, on this 27th day of December, 2023:


David Comstock,
3701B Boardman-Canfield Road
Canfield, OH 44406

And

Clifford C. Masch, Esq.
200 Public Sq -- Reminger, LLP # 1200
Cleveland, Ohio 44114

Counsel for Defendants – Appellants

Respectfully Submitted,



Anthony Viola

IN THE SUPREME COURT OF OHIO

ANTHONY VIOLA

Plaintiff/Appellee,

v.

SUSAN KASARIS, et. al.

Defendant/Appellant

Case No. _____

Court of Appeals No. 23-112497/113022

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APPENDIX A

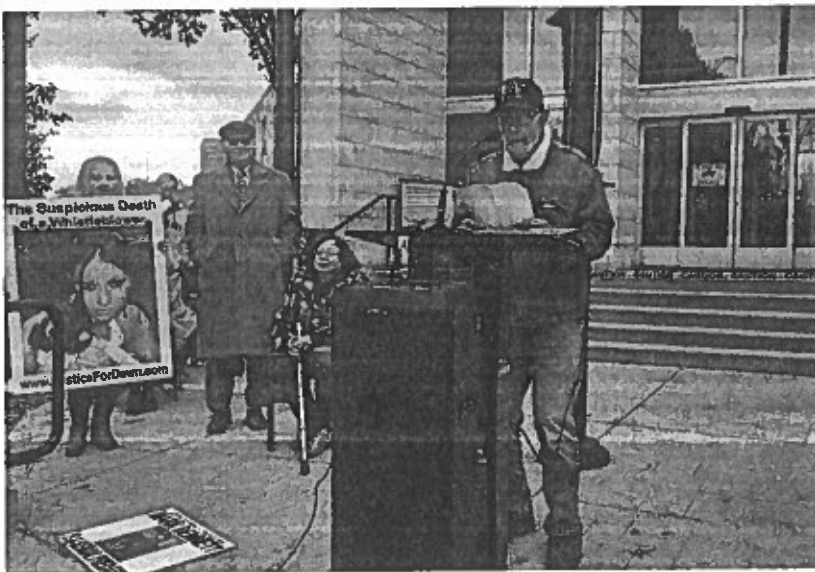
Media Coverage Establishing Public Interest



Family of Parma woman calls for her death investigation to be reopened

Ideastream Public Media | By Matthew Richmond

Published November 2, 2023 at 7:35 PM EDT



Matthew Richmond / Ideastream Public Media

Dawn Pasela's father, Ed Pasela, speaks at a rally outside Parma City Hall on Nov. 1, 2023.

On April 25, 2012, Parma Police were doing a welfare check at the apartment of 26-year-old Dawn Pasela, at the request of her parents, when they found her dead from an apparent alcohol overdose.

In the years since Pasela's death, her parents said they learned, from a Cuyahoga County Sheriff's Department review, of issues including missing items and investigative

WKSU HD1
How I Built This

"After reviewing the Parma Police case file, it was clear that the Parma Police Department did not investigate the death of the decedent," wrote Det. John Morgan, in the sheriff's department report released in February on Parma's investigation.

Among the issues are three cell phones found in the apartment but not mentioned in the original police reports. Parma police were not able to locate those phones when Morgan asked about them, according to the report.

Police also did not interview potential witnesses at the apartment building or check surveillance footage, according to the sheriff's department report, which also listed several investigative steps that were never followed.

The sheriff's report lays out nine steps that investigators should take, including "locate the three (3) missing mobile cellular devices;" "once the devices are located complete a download of those devices;" and "try and identify who the decedent attempted to contact at 0439 hours."

Now Dawn's parents, Ed and Karen Pasela, want the Parma Police Department to turn the investigation over to an outside agency.

"We have so many questions, and we just want answers," Karen Pasela told supporters during a rally outside Parma City Hall Wednesday. "We don't want this to ever happen to another family."

The medical examiner's report lists Pasela's blood alcohol level at 0.595. According to the sheriff's report, a person reaches "unconsciousness, coma and possible death" at 0.40. The medical examiner also listed Pasela's weight at 110 pounds.

Ed Pasela said he met with Parma Police Lt. Dan Ciryak in 2021 and was told the department would turn over the investigation to another agency. Pasela said he received letters from two agencies, the Bureau of Criminal Investigation in the Ohio Attorney General's Office and the Cuyahoga County Sheriff's Department, who said they could take the case at the request of Parma.

Parma Safety Director Bob Coury said in a statement, "There is absolutely no basis to reopen the Medical Examiner's 11-year-old investigation."

WKSU HD1

How I Built This

"She struggled with severe alcohol addiction up through the time of her death," said Coury. "When police arrived, the door was locked from the inside, so the police entered with a landlord key. Dawn was found unresponsive on the apartment floor and subsequently pronounced dead by the fire department."

Karen Pasela objects to Coury's description of Dawn's alcoholism.

"She actually had stopped drinking," Pasela said. Her daughter had been living at home for two to three weeks shortly before she died and had not been drinking during that time, she said.

"We also removed the alcohol from her apartment the night before her death," said Pasela. "She was dealing with her alcohol problem."

Coury did not answer questions about the investigative steps brought up by the sheriff's department report.

Coury said the medical examiner conducted an investigation and attributed her death to acute ethanol intoxication and criticized the organizer of Wednesday's rally, Tony Viola, of attempting to "muddy the plain facts" about Pasela's death.

Prior to her death, Pasela worked as an office manager for Cuyahoga County's Mortgage Fraud Taskforce, formed in the wake of the 2008 subprime mortgage crisis.

Her identification cards from the prosecutor's office and the Ohio Attorney General's Organized Crime Commission were found in her apartment. According to the sheriff's report, Pasela stopped working for the task force in June, 2011.

Viola had called Pasela as a defense witness in his state trial but she never appeared. Viola, who describes Pasela as a whistleblower assisting his defense, was convicted in federal court on charges resulting from the task force's investigation and later acquitted in state court on similar charges.

"We're not standing out here in the cold for no reason at all," said the Pasela family's attorney Kimberly Kendall Corral during Wednesday's rally. "We have asked and asked and asked... Please refer this investigation to a law enforcement agency who can and who will do it."

WKSU HD1

How I Built This

Sandusky Register

December 16, 2023

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NEWS



Prosecutors dodge questions

Matt Westerhold
Dec 11, 2023 2:00 PM

NORWALK — The senior assistant Ohio attorney general overseeing the search for Amanda Dean called an allegation he's obstructed the investigation misinformation, saying it's never been reported to him.



Amanda Dean

"You have bad information," Dan Kasaris wrote in response to questions.

Kasaris was appointed earlier this year to serve as special prosecutor over the Dean investigation, however, which was reclassified as a homicide investigation in April.

The obstruction allegation specifically cites the Dean investigation, so it's not clear why Kasaris suggested it wasn't his case. Kasaris declined to say why he was picked as prosecutor for it, or why the appointment had been kept secret for months.

The Register learned of the appointment after asking the Norwalk Municipal Court for court records related to a search warrant the court granted last month giving state crime lab investigators permission to search a Wells Road property in Collins where Dean lived before she went missing.

It's the same property Dean's family and friends wanted to search just prior to when Sheriff Corbin shut down the initial investigation a day after they reported her missing in July 2017.

Agents spent two days at the property last month, using a backhoe and shovels to dig in several areas. The agents appeared to gather property from the dig sites and set that property aside, but it's unknown what, if anything was removed or taken as evidence.

It's also unknown what agents were searching for at the property because the court sealed the search warrant records. The order to seal the records was not sealed, however, and it showed Kasaris as the special prosecutor assigned to the case.

Don't look, don't see

Kasaris was provided a copy of the email that was sent last week to the Norwalk police and subsequently forwarded to the Bureau of Criminal Investigation, an arm of the attorney general's office.



Kasaris

The anonymous email alleges Huron County Sheriff Todd Corbin, county Prosecutor James Joel Sitterly and Kasaris all engaged "in the falsification of documents and tampering with property, thus obstructing a lawful inquiry into the demise of (Amanda Dean and Dawn Pasela)."

Pasela was a 26-year-old woman who worked for Kasaris when he was an assistant Cuyahoga County prosecutor, according to a website that contends she was the victim of foul play.

She was found dead on April 25, 2012, in her Midtown Towers apartment in Parma. The Cuyahoga County coroner's office ruled that Pasela's death was caused by acute ethanol intoxication and alcoholic steatohepatitis, a liver disease, according to a Cleveland.com news article.

She had a blood alcohol content level of .537%, according to the article.

Pasela's parents, Edward and Karen Pasela, both filed affidavits in May 2022 alleging the investigation of their daughter's death was falsified and accusing Kasaris of wrongdoing.

"I believe that there should be a full investigation of Dan Kasaris as well as an entirely new investigation of our daughter's death," they wrote in the affidavits.

The affidavits also allege that evidence in a mortgage fraud criminal case was withheld from a defendant's attorney and that the office was lax in protecting files and computers with sensitive information.

Although she was not a trained investigator Pasela was used undercover in an investigation of a mortgage banker, the affidavits contend, but she began to sympathize with the banker being targeted by the prosecutor's office.

It's not known if the allegations about Kasaris as it relates to Pasela, or the connection to Amanda Dean, are credible, or who will make a decision about whether the Dean investigation has been compromised.

Kasaris suggested the allegation about obstructing the Dean investigation might be related to a different case, one that he's not handling.

"The procedure in our office is that when we are asked to take a matter as a special prosecutor or a special assisting prosecutor, (the special prosecutions unit's chief prosecutor) Chris Kinsler receives the matter via a written request and assigns the matter to a prosecutor of his choosing if we accept the referral," Kasaris wrote in a reply to questions the Register sent him last week. "We do not accept everything that is referred to our office."

Don't ask, don't tell

Kasaris did not answer the questions, and instead referred them to Kinsler and to Ohio Attorney General Dave Yost's spokesman, Steven Irwin. Neither man responded to requests for comment and they also failed to address the questions.

Yost also failed to respond.

Amanda Dean has been missing since July 2017. There was never any search for her, however, until this year because Corbin insisted she was alive and well even though she's never been seen or heard from since she went missing.

Corbin told a deputy he spoke with the director of a women's shelter the same day Dean was reported missing, or the next day, who informed him Dean was safe but did not want to talk with her family, according to a supplemental report the deputy filed.

The contact information for the shelter director was not documented.

Corbin, who also did not respond to questions about the allegation, was still contending as late as January this year that Dean was alive.

Sitterly also did not comment or respond to written questions about the allegation.



COMMUNITY NEWS

Rally Seeking Justice for Dawn Pasela set for Nov. 1 at Parma City Hall

Updated: Oct. 23, 2023, 12:05 p.m. | Published: Oct. 23, 2023, 7:55 a.m.



The Rally Seeking Justice for Dawn Pasela is scheduled for Nov. 1 at Parma City Hall. (John Benson/cleveland.com)

By John Benson, special to cleveland.com

PARMA, Ohio -- A Rally Seeking Justice for Dawn Pasela is scheduled for Nov. 1 at Parma City Hall.

Pasela, a Parma resident, was found dead on April 25, 2012, in her Midtown Towers apartment.

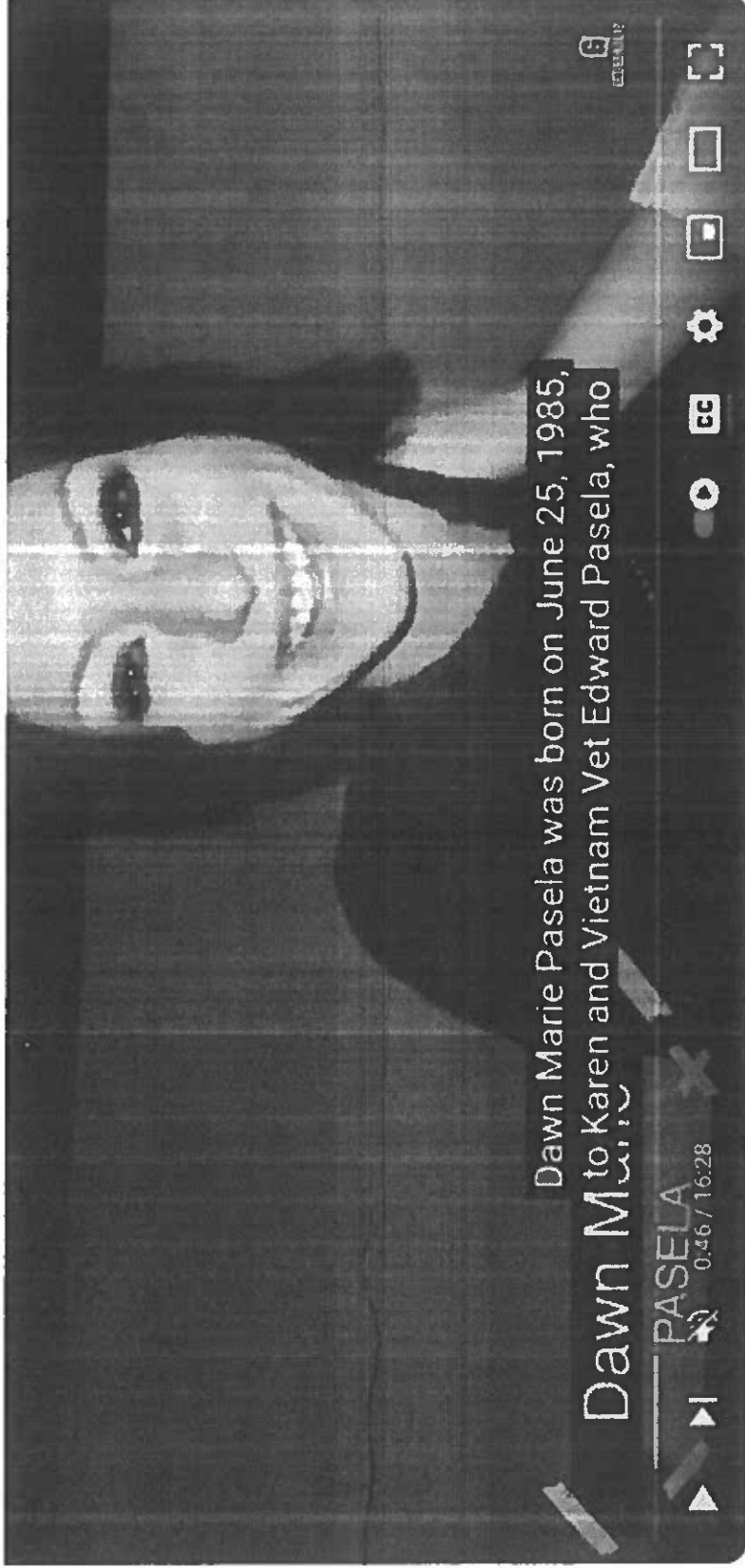
The Cuyahoga County Coroner's Office determined the cause of death to be acute ethanol intoxication and alcoholic steatohepatitis. Her toxicology report



My opening statement:

Hello, my name is Brian "BZ" Douglas, an independent journalist based outside Cleveland, Ohio. I called this press conference today in order to bring attention to allegations of prosecutorial misconduct against Senior Assistant Attorney General





The Craziest Unsolved Mystery: What Happened To Dawn Marie Pasela?

 **Southern Girl Crime Stori...** 82K subscribers Subscribed 1.6K Share Download ...

21,075 views Sep 26, 2023 #crimestories #coldcase #unsolvedmysteries Dawn Marie Pasela was a graduate of Cuyahoga County Community College and Cleveland State who went to work in 2008 for Prosecutors Dan Kasaris and Mark Bennett at the Ohio Attorney General's Office. She would eventually blow the whistle on the

The Courier

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BREAKING NEWS:

NEWS



Attorney General Dave Yost

State fails victims

Editorial board

Nov 25, 2023 9:15 AM

A prosecutor in the Ohio Attorney General's office assigned to serve as special prosecutor overseeing the Amanda Dean homicide investigation referred questions about his appointment to a spokesman, "per office policy."

The problem is AG spokesman Steven Irwin doesn't know anything about the Amanda Dean case or the appointment, and he has nothing to say about it.



Attorney General Dave Yost *AP file*
photo/Jay LaPrete

Dan Kasaris, a former Erie County assistant prosecutor, knows that.

Kasaris was secretly appointed months ago as special prosecutor. The appointment was done in secret because that's how AG prosecutors operate. It's that secrecy — the total lack of transparency — that rightfully creates mistrust.

Amanda Dean went missing more than six years ago. Huron County Sheriff Todd Corbin never searched for her, claiming she was alive and well. She was the victim of domestic abuse numerous times previously, but the sheriff never arrested anyone for causing her bruises and making her bloody.

The secrecy Kasaris and the attorney general cherish help keep the wraps on why a woman can be beaten and bloodied and nobody is held accountable. It helps keep secret the real reasons there was never any search for Amanda Dean for all those years, and why she went from being "alive and well," as the sheriff claimed, to being the suspected victim of a homicide more than six years later.

It's not as if Sheriff Corbin didn't know the man suspected of beating Amanda. He knew of him from prior domestic violence calls. In one of those prior incidents, he told a woman who was in the emergency room being treated for injuries that she should come around on Monday and talk with then city law director about her attacker, the same man suspected of beating Amanda Dean.

He never interviewed the suspect then and charges were never filed. The same thing happened when the same man allegedly assaulted Amanda Dean. No interview, no charges.

And when Dean disappeared, Sheriff Corbin cancelled the search for her the next day, when he first reported that she was alive and well. No interview, no charges.

This shows incredible incompetence, or intentional decisions to protect the guilty and sacrifice victims. Either way, or any way in between, it's obvious there's a problem. Kasaris' "office policy" excuse for avoiding questions is designed so those questions cannot be asked and won't ever be answered.

Having an office policy that only spokespeople can address questions is a total copout, an abdication. The same thing happens every time the Ohio attorney general's office "helps" with difficult cases. Every time.

We suggest that Kasaris start acting like someone who wants to see justice served. We hope Ohio's next attorney general can do that, too, because the one we've got now doesn't seem interested in justice at all.

Editorial board

JAMES RENNER

PHILOSOPHY OF CRIME

New Season of The Philosophy of Crime!

OCTOBER 13, 2023 / ADMIN



Lobbyists for Citizens

A CONSERVATIVE ON-LINE NEWSPAPER UPHOLDING HONESTY,
INTEGRITY, AND TRANSPARENCY IN GOVERNMENT BY EXPOSING
THE LIES, DECEPTIONS AND BETRAYALS

[HOME](#) › [UNCATEGORIZED](#) › [WHAT HAPPENED TO DAWN PASELA?](#)

What Happened to Dawn Pasela?

BY [CONTRIBUTING WRITER](#) on [AUGUST 15, 2023](#).

August 15, 2023

Submitted to LFC by Luciana...

Mayor Tim DeGeeter
City of Parma, Ohio
mayoroffice@cityofparma-oh.gov

August 14, 2023

Dear Mayor:

As members of a large family living and owning businesses in the Cleveland area for many decades, it seems to us that any city in which a young, beautiful, bright woman suddenly ends up dead just before her imminent testimony regarding severe corruption in a major governmental office would want to fully investigate and re-investigate the case.

Indeed, the case of the abrupt death of DAWN PASELA has innumerable open questions left unanswered for the suffering family and the public in Parma/Cleveland and across this country. At best, DAWN PASELA'S death is suspicious.

We call your attention to Transcript testimony of a family member of one of the government officials involved in this case that DAWN PASELA'S "murder" was discussed in her "driveway one day" with her "children as well." Furthermore, she testified that "there should

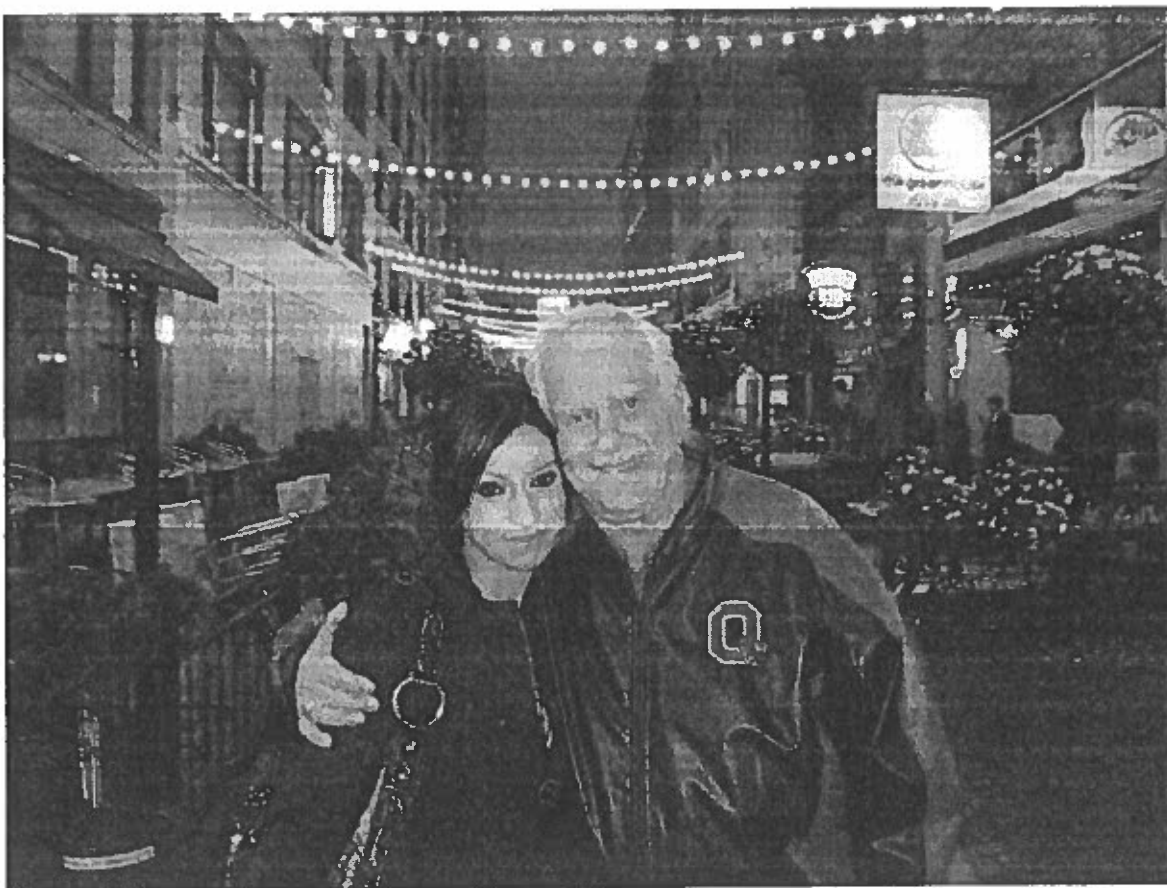
be a renewed investigation into the circumstances surrounding the death of Dawn Pasela
.... Absolutely.” Page 35

It is clearly in the public interest for the unusual death of this young woman who worked for a Parma governmental office to be investigated to the fullest extent with all material evidence collected vigorously and reviewed intensely plus all witnesses scrupulously interviewed.

It is clearly in the public interest for the family of a Viet Nam War veteran commended for his bravery to know that his beloved daughter did not die in vain, without justice due to her.

The Newman Family

helpelders@hotmail.com



Check out the facts in this case. Another person who exposed a corrupt prosecutor, and was trying to save an innocent person, was found dead.

SUSPICIOUS DEATH



Dawn Pasela

Date Found Dead: April 25, 2012
Location: Parma, Ohio
Age at Incident: 26 years-old

In 2009, Dawn was hired by Prosecutors Dan Kasaris and Mark Bennett to serve as the Office Manager of a multi-jurisdictional Mortgage Fraud Task Force.

To see Dawn's full digital case file, scan here:



uncovered

Important People



Tony Viola
Exoneree & Case Advocate



Dan Kasaris
Person with Info



Mark Bennett
Person with Info



Marty Maurer
Ex / Person with Info

Investigative Red Flags

- Six officers responded to Dawn's wellness call.
- Three cell phones are found in the unit (2 with unknown owners).
- Heat set to 80 degrees, despite beautiful weather. Window wide open.
- The police called a private mortuary service and not an ambulance.
- Dan Kasaris disposes of his laptop the same day Dawn's body is found.
- Dawn's laptop is missing.

She was ordered to engage in less-than-ethical business for the pair. When she fought back, she was threatened.

Then, the same week she was scheduled to testify against Kasaris and Bennett, she was found dead.

Timeline of Events

- 2009 - 2011 — Dawn is concerned over files that go missing and that her forged signature is used to access evidence. At the same time, Dawn is ordered to illegally record post indictment conversations so prosecutors could gain information about Tony's trial preparation.
- 2011 — Dawn reaches out to Tony after he's convicted for mortgage fraud to inform him of the prosecutorial misconduct she witnessed. She also gives him exonerating evidence the prosecutors withheld before Tony's first trial.
- June 2011 — Dawn leaves employment with the Prosecutors, and turns down their later request for rehire.
- March 2012 — Dawn is subpoenaed for Tony's second trial. In response, Kasaris intimidates Dawn's parents at their home, looking for computers & hard drives.
- April 23, 2012 — Dawn contacts Judge Gaul and says she's afraid to appear.
- April 25, 2012 — A wellness check is called for Dawn, where she's found dead in her apartment at 6:15pm. Signs of lividity indicate she was deceased 18-24 hours. Her BAC is calculated at 0.595.

IN THE SUPREME COURT OF OHIO

ANTHONY VIOLA

Plaintiff /Appellee,

v.

SUSAN KASARIS, et. al.

Defendant/Appellant

Case No. _____

Court of Appeals No. 23-112497/113022

Trial Case No. cv-21-051041

APPENDIX B

Copy of the Court of Appeals Opinion

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

ANTHONY VIOLA

Appellant

COA NO.
112497
113022

LOWER COURT NO.
CV-21-951041
CV-21-951041

COMMON PLEAS COURT

-vs-

SUSAN KASARIS, ET AL.

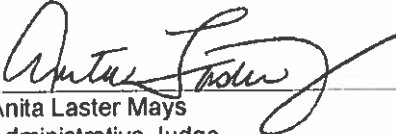
Appellee

MOTION NO. 569676

Date 11/27/23

Journal Entry

Application by appellant, pro se, for en banc consideration pursuant to App.R. 26 is administratively dismissed pursuant to Loc.App.R. 26(C). Appellant's motion fails to set forth an intra-district conflict argument and fails to cite a conflicting Eighth District decision as required by Loc.App.R 26(B)(1) and App.R. 26(A)(2).


Anita Laster Mays
Administrative Judge

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Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Nailah K. Byrd, Clerk of Courts

ANTHONY VIOLA

Appellant

COA NO.
112497
113022

LOWER COURT NO.
CV-21-951041
CV-21-951041

COMMON PLEAS COURT

-vs-

SUSAN KASARIS, ET AL.

Appellee

MOTION NO. 569155

Date 11/07/23

Journal Entry

The appellant, as required by R.C. 2323.52(F)(2), has failed to establish that the appeals filed in CA-112497 and CA-113022, are not an abuse of process of the court and there exists reasonable grounds for the proceedings. Appeals dismissed at appellant's costs.

Judge Kathleen Ann Keough, Concur


Anita Laster Mays
Administrative Judge

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IN THE SUPREME COURT OF OHIO

ANTHONY VIOLA

Plaintiff/Appellee,

v.

SUSAN KASARIS, et. al.

Defendant/Appellant

Case No. _____

Court of Appeals No. 23-112497/113022

Trial Case No. cv-21-051041

EXHIBIT C

Brief with Docket to Support Subject Matter Jurisdiction Argument and additional claims
Presented in the Court of Appeals

**THE OHIO COURT OF APPEALS
Eighth District
Cuyahoga County, Ohio**

ANTHONY VIOLA,)	Lower Court Case No. CV-21-951041
)	
Plaintiff / Appellant)	
)	Court of Appeals No. 23-112497
-Vs.-)	(Consolidated Appeal)
)	
SUSAN KASARIS, et. al.,)	
)	
Defendants / Appellees)	

OPENING BRIEF OF APPELLANT ANTHONY VIOLA

Respectfully Submitted By:

Anthony Viola, Pro Se, Appellant
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Cleveland Heights, Ohio 44118
(330) 998-3290
MrTonyViola@icloud.com
September 5, 2023

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APPELLANT'S ASSIGNMENTS OF ERROR

ERROR # 1: A review of the case docket confirms that several defendants refused service and were never served. The trial court denied a request to name a special process server and proceeded to adjudicate this case despite several of the parties not being served.

ERROR # 2: The trial court abused its discretion by failing to consider all relevant facts, and applying the wrong legal standard, in its decision to dismiss the Plaintiff's claims.

ERROR # 3: The trial court engaged in Ex parte communications with counsel for the defendants after counsel failed to appear at a case management conference.

ERROR # 4: The trial court erred when it scheduled an evidentiary hearing, but disallowed pre-hearing discovery, then converted the hearing to "oral arguments" at the day of the hearing itself to restrict the Plaintiff's introduction of evidence.

ERROR # 5: The trial court awarded sanctions but utilized the wrong legal standard when it awarded sanctions and also failed to consider the recent appointment of Yale Law School to represent the Plaintiff, or that attorney Kim Corral is also assisting the Plaintiff.

ERROR # 6: During the litigation, evidence emerged that Senior Assistant Ohio Attorney General Daniel Kasaris maintains a Power of Attorney and Special Needs Trust over defendant Kelly Connors, and the trial court erred in denying a motion to explore whether or not Connors was an appropriate party and whether or not prosecutors could call Connors as a witness in criminal cases without disclosing the nature of the Kasaris relationship with Connors.

ERROR # 7: The trial court abused its discretion by applying the wrong legal standard when it denied without an evidentiary hearing a 60(B) motion for relief from judgment based on new evidence and a new law enforcement investigation into claims set forth in the complaint.

ISSUES PRESENTED FOR REVIEW

1. Whether a court has jurisdiction to award sanctions or make court rulings concerning parties that have never been served with the complaint, and whether the trial court erred when it denied a motion to appoint a process server to serve the parties in this matter.

2. Whether social media posts on Facebook or YouTube about an affair between Prosecutor Dan Kasaris and government witness Kathryn Clover void any privacy rights and create any obligation to provide information about the affair to authorities.

3. Whether a declaratory judgment action can be utilized to clarify the rights of individuals who possess evidence and information relating to criminal convictions and the death of Dawn Pasela, a former employee of the Cuyahoga County Prosecutors Office.

4. Whether the 'crime fraud' exception to attorney client privilege applies to attorneys who represent the defendants and who have conceded to all of the facts set forth in the complaint, which alleges a civil conspiracy.

STATEMENT OF THE CASE

Plaintiff Appellant Anthony Viola was tried twice on mortgage fraud charges and exonerated at a second trial after Dawn Pasela, the Office Manager working directly for Senior Assistant Ohio Attorney General Daniel Kasaris, provided the undersigned evidence not produced by the government prior to the first. Ms. Pasela had previously been ordered by Kasaris to engage in an undercover operation, pose as a paralegal working with defense lawyers, and secretly record defense trial preparations to obtain post-indictment information about defense trial preparation. Ms. Pasela offered to testify at the second trial about wrongdoing by Kasaris and his colleague, former federal prosecutor Mark Bennett, but she was found dead during those proceedings under suspicious circumstances that her family believes in the result of foul play.

In 2020, the Cuyahoga County Prosecutor's Office produced 600 pages of emails between Kasaris and Kathryn Clover, a defendant herein and an informant and government witness in dozens of criminal cases, confirming a sexual relationship between Kasaris and Clover. In addition, Facebook posts from Kasaris' wife Susan also establish there was a long term sexual relationship between Daniel Kasaris and Clover, while multiple witnesses came forward to provide salacious emails between Clover and Kasaris on a private Yahoo email account, along with other evidence of the affair.

Following several unsolicited communications from the defendants maintaining they possessed proof of misconduct by Kasaris, including a cover up of his affair with government witness Kathryn Clover and possession of voice

recordings discussing the unsolved “murder” of Dawn Pasela, the undersigned initiated this case with a complaint – packed with attachments proving the Kasaris-Clover affair and serious misconduct concerning Ms. Pasela -- alleging the defendants had an obligation to report criminal activities of Kasaris and that the defendants (especially licensed attorney Jaye Schlachet, who simultaneously represented Susan Kasaris, Daniel Kasaris, Kathryn Clover, and Kelly Connors) were engaged in a civil conspiracy. The complaint also sought a declaratory judgment to clarify the legal obligations or obligation of these defendants to report the criminal activities of Kasaris, and to disclose everything they knew or possessed concerning Ms. Pasela’s death, particularly because defendants were utilizing social media accounts to describe misconduct. As a result, Plaintiff asked the Court to issue a ruling as to the obligations of each defendant to provide documents or evidence to the Plaintiff, and clarifying the obligation of each defendant, if any, to report wrongdoing by Daniel Kasaris to law enforcement, Ohio Revised Code Section 2921.22, Failure to report a crime, also known as misprision of a felony, and a civil conspiracy to conceal criminal activities, in violation of section 2923.02 of the Ohio Revised Code, Complicity. The complaint alleged the existence of significant controversy between the parties and cited Ohio Revised Code Chapter 2721, arguing a Court may declare the rights and legal relations of the parties to the subject matter in controversy.

During the litigation, several highly unusual actions occurred, including:

- The trial court refused to allow the appointment of a process server to serve several defendants, who have never been properly served;

- Kelly Connors began publishing emails written Dan Kasaris containing details about the death of Dawn Pasela.
- New evidence was discovered that implicated Kasaris in Ms. Pasela's death, including the fact that he destroyed his computer the day Ms. Pasela died.
- The scheduling of evidentiary hearing that – at the last minute – was converted to an oral argument.
- The concession by all defendants that the allegations in the complaint are true (and that “facts don't matter” according to the June, 2022 hearing transcript.) But the facts allege a conspiracy to cover up a murder and an affair between a prosecutor and government witness.

The trial court promptly dismissed the plaintiff's claims as unsubstantiated allegations by a Pro Se litigant and denied discovery requests, but that determination, and a sanctions award, was overtaken by subsequent events presented in a Motion for Relief from Judgment, including:

- The appointment of Yale Law School to represent the undersigned;
- Detective John Morgan and Captain James Mackey of the Cuyahoga County Sheriff's Office launched a new investigation into the death of death of Dawn Pasela.
- The undersigned is now represented by Attorney Kim Corral, who would litigate this matter if it is remanded to the trial court.

- Following the appointment of Yale Law School and the new investigation into Dawn Pasela's death, the undersigned attempted to settle this matter because the civil litigation was no longer required, and counsel was able to pursue all claims. This Court set up a mediation, which the Plaintiff participated in, but the other parties refused to engage in settlement discussions or settle this case on any terms.

Finally, to add to the irregular fashion in which the trial court acted, this Court previously ruled that the trial court failed to properly provide notice of its judgment and final ruling, see this Court's ruling dated June 12 ("the clerk failed to note on the docket that notice was served as required by Civ. R. 58. Thus, the time for appeal never ran, and the instant appeal is timely") Case Number CA-23-112497.

STATEMENT OF THE FACTS

Plaintiff-Appellant Anthony L. Viola was simultaneously prosecuted in both federal and state court, on identical charges, by the same prosecution team, through a multi-jurisdictional Mortgage Fraud Task Force. Following an initial conviction, Kasaris' Office Manager Dawn Pasela contacted the undersigned and stated that prosecutor Kasaris and federal Prosecutor Mark Bennett were suppressing and destroying exculpatory evidence. Ms. Pasela then provided that evidence to the defense prior to the second trial. When the substantially different evidence was introduced at the subsequent trial, actual innocence was established, kindly compare USA v. Viola, 08-cr-506, N.D. Ohio, guilty verdict and 150 month prison sentence, with the subsequent acquittal on the exact same charges, Ohio v. Viola, 10-cr-543886 and 10-cr-536877, Cuyahoga County Common Pleas Court. Ms. Pasela also offered to testify as a defense witness at the second trial and was served a subpoena to appear, but was found dead under suspicious circumstances and never appeared in court. As documents attached to the 2023 Motion for Relief from Judgment makes clear, Ms. Pasela's computer was missing, her blood alcohol content was .59, three cell phones were found at her apartment but not collected by the police, an outbound call on her cell phone took place long after the time of death, and statements from the Pasela family state that Kasaris was present at their home looking for Ms. Pasela, and at her apartment, shortly before her death, among other irregularities.

In the previous few years, and included on the record here is the following newly discovered evidence:

1. The Justice Department stated that Kathryn Clover committed perjury during her trial testimony, USA v. Clover, 10-cr-75, N.D. Ohio, Docket No 46.
2. A review of the 600 pages of Clover-Kasaris emails provided by the County Prosecutor and Yahoo emails provided by the Kasaris family contain discussions about altering documents, allowing criminal defendant Clover to rummage through “tubs” of evidence, salacious emails about “hand jobs” and “massages.” According to Mr. Kasaris’ statements at the Clover sentencing in federal court, Clover assisted with or testified in three dozen cases (Clover sentencing transcript, USA v. Clover, 10-cr-75, ND Ohio).
3. Both the FBI and Department of Justice each stated they made materially false statements about evidence, and informed courts that prior rulings in their favor should be vacated, Viola v. Department of Justice, Case: 18-2573, Third Circuit, Document: 99 Page: 2, and September 27, 2019 letter, Viola vs. U.S. Department of Justice, case 15-cv-242, WD Pa.
4. Former federal prosecutor Mark Bennett was fired by the Justice Department for serious misconduct and criminal activities and is currently undergoing disbarment proceedings, Disciplinary Counsel v. Bennett, case number 2022-034; Department of Justice Inspector General Report Number 21-005, Ohio Supreme Court Case Number 2023-0471.
5. Multiple courts have found the undersigned is entitled to counsel IN CIVIL CASES and appointed counsel to assist the undersigned, who is currently represented by the Yale Law School Appellate Clinic in related proceedings.

6. Cleveland-based attorney Kim Corral represents the undersigned and is pursuing legal initiatives to vacate an initial federal conviction, which was followed by a subsequent acquittal.
7. Hon. Daniel Gaul presided over the second trial, stated that the undersigned is innocent and that prosecutors committed “misconduct.”

The facts and new evidence described above were attached to the complaint, motion for relief from judgment or other pleadings, key excerpts are attached as **Exhibit A** for the convenience of this Court.

A key question in this litigation concerns the requests for discovery that the trial court denied, but that were designed to elicit additional information from Kelly Connors, (who posts on social media about Dawn Pasela and publishes emails written by Dan Kasaris about Ms. Pasela’s death) and Susan Kasaris (who complains on Facebook about the Dan Kasaris-Kathryn Clover affair) to produce relevant information that can be presented in a petition to vacate the federal conviction.

OVERVIEW OF DEFENDANT KELLY CONNORS AND THE DANIEL KASARIS POWER OF ATTORNEY OVER MS. CONNORS AND SPECIAL NEEDS TRUST

Central to the viability of this litigation is the role of Kasaris paramour Kelly Connors, who contacted the undersigned on an unsolicited basis stating that she, too, was romantically involved with Kasaris, (her communications were attached to the complaint). Connors continues to insert herself in the Plaintiff’s criminal case by making social media posts evidencing knowledge about the prosecution of the undersigned, as well as the romantic relationship between

Clover and Kasaris. For instance, the trial court record contains an email from Mr. Perry L Duff, Owner, Mocap City Productions, indicating that Connors is contacting them about the criminal case and stating she possesses evidence concerning same – and wants to go on a television show to discuss the death of Dawn Pasela.

Connors has assisted Kasaris as a witness or “victim” in multiple criminal matters, but neither Attorney David Comstock nor Ms. Connors nor Mr. Kasaris have ever disclosed that Connors is in a sexual relationship with Kasaris or that Kasaris manages Connors’ finances, **Exhibit B**

In addition, Mr. Kasaris is continuing to perpetrate a fraud on the court by CURRENTLY presenting Ms. Connors as a “victim” and “witness” in a pending criminal case in Mahoning County, 2022 CRB 390, Ohio v. Keaton. But Connors’ role as a romantic partner of Dan Kasaris, who maintains a Power of Attorney over her, has never been disclosed to the defense or the Court.

Attorney Jaye Schlachet was named as a defendant herein because he stated in writing that Clover, while working inside the prosecutor’s office for Kasaris, destroyed records and evidence in criminal cases. According to Mr. Schlachet, Clover’s “attempt to destroy evidence ... was done for the purpose of defending against her own criminal prosecution and not to impede” Viola’s defense, Viola v. Clover, CV-20-936897, Cuyahoga County Common Pleas Court.

ARGUMENT

The trial court committed multiple reversible errors, more fully described below:

ERROR # 1: A review of the case docket confirms that several defendants refused service and were never served. The trial court denied a request to name a special process server and proceeded to adjudicate this case despite several of the parties not being served.

A review of the “Service” portion of the docket confirms that Defendants Susan Kasaris, and Demina O’Shea-Moran were never served and while Defendant Kelly Connors appeared at a hearing but stated that she was **not** waiving service, see, for example, November 16, 2021 journal entry. Defendant Connors even filed a “Defendant’s Notice of Failure of Service” on September 30, 2021, stating that the attorney served was no longer assisting her and could not accept service. The Plaintiff then sought to have a special process server appointed, but the court denied that request, (December 30, 2021 journal entry).

Revised Code 2305.17 and Civ. R. 3(A) govern the commencement of a civil action. R.C. 2305.17 states : “An action is commenced... by filing a petition in the office of the clerk of the proper court together with a praecipe demanding that summons issue or an affidavit for service by publication, if service is obtained within one year.” Civ. R. 3(A) states: “A civil action is commenced by filing a complaint with the court, if service is obtained within one year from such filing upon a named defendant.” Because multiple defendants were never served, and because the court refused to allow the appointment of a process server (see December 30, 2021 journal entry) the court had no jurisdiction to render any

ruling (including any sanctions award) concerning the defendants. Absent proper service of process on a defendant, a trial court lacks jurisdiction to enter a judgment, and if the court nevertheless renders a judgment, the judgment is a nullity and is void ab initio, particularly since the undersigned repeatedly informed the trial court that it was proceeding with the case despite a lack of service of process, see motions in advance of evidentiary hearing seeking discovery and service. The trial court's decision to ignore a basic tenant of any litigation is inexplicable, and adequate grounds alone to vacate its rulings, please see service portion of the case docket at **Exhibit C**.

ERROR # 2: The trial court abused its discretion by failing to consider all relevant facts, and applying the wrong legal standard, in its decision to dismiss the Plaintiff's claims.

The trial court erred in granting summary judgment in favor of the defendants in this case. Pursuant to Civ. R. 56, a trial court may only grant summary judgment if it determines: (1) no genuine issues as to any material fact remain to be litigated; (2) the moving party is entitled to judgment as a matter of law; and (3) it appears from the evidence that reasonable minds can come to but one conclusion and viewing such evidence most strongly in favor of the party against whom the motion for summary judgment is made, that conclusion is adverse to that party. Temple v. Wean United, Inc., 50 Ohio St.2d 317, 327, 364 N.E.2d 267, 274 (1977).

Here, the complaint included dozens of attachments, including communications between Clover and Kasaris that confirm their sexual

relationship and include emails about “massages” and “hand jobs” and the use of Clover’s perjured testimony. The record on summary judgment must be viewed in the light most favorable to the party opposing the motion. Here, Plaintiff supported all claims with documents and emails and social media posts, including proof that Defendant Kathryn Clover

- Attended meetings with other government witnesses, helped write indictments and bills of particulars, conducted surveillance of the Plaintiff’s residence, had access to all government evidence, revealed grand jury information to the public, and committed perjury.
- Sent racist emails to Prosecutor Kasaris, who also engaged in similar banter, as Kasaris and Clover discuss conducting surveillance while dressed up as “Africans” or an “orthodox Jew.”
- Bragged to Kasaris she will “Take him [i.e. Tony Viola] down. Kasaris agrees, writing “Yes you will.”

The existence of a civil conspiracy and the validity of a request to clarify the legal rights amongst the parties was also confirmed by affidavits attached to the compliant from Bryan Butler, Matt Fairfield, and others. None of the defendants ever argued that the emails or documents provided in this litigation were not authentic. Thus, viewing evidence in the most favorable light to the undersigned, as the trial court was obligated to do, the Plaintiff plausibly stated a claim that the defendants possessed information about Dawn Pasela’s death and concealed multiple Kasaris affairs with witnesses in criminal cases, or parties involved in criminal cases, including Kathryn Clover, Kelly Connors, Rose

Kapturasky and others. Concealing these facts from the judiciary was done with the intent of misleading the Plaintiff and others into relying on the Concealment, contrary to Statutes governing fraud, and almost all evidence in the case are the writings, emails and social media posts of the defendants.

This Court should therefore vacate the trial court's grant of summary judgment in this case.

ERROR # 3: The trial court engaged in Ex parte communications with counsel for the defendants after counsel failed to appear at a case management conference.

Pursuant to Local Rule 21 (H)(4) "Case Management", The failure of an attorney to appear within thirty (30) minutes of a scheduled settlement or pretrial conference may subject the attorney to sanctions. Here, the Court not only did not sanction counsel, but engaged in ex parte communications with him.

On November 16, 2021, the trial court held a pre-trial conference, with all parties required to attend, and with a court reporter present. The Plaintiff made arrangements to attend the hearing, arrived an hour early, and waited for the Court to call the undersigned. At that hearing, with a court reporter present, the Court indicated that certain parties sought a continuance, but that the Court had not heard from Attorney David Comstock, who represents several defendants in this matter. The hearing proceeded, and concluded, and the Plaintiff was excused, but a subsequent journal entry indicted that counsel for the defendants Susan Kasaris and Demi Moran, David Comstock, arrived after

the pretrial conference, and discussed the case outside the presence of a court reporter and the undersigned, in an ex parte communication with the Court.

Had the Court called the undersigned and informed him that Attorney Comstock arrived after the hearing concluded, he would have returned and participated in any discussions about the case. However, the Court failed to notify the undersigned that counsel arrived after the hearing concluded.

Black's Law Dictionary defines "ex parte" as "Done or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested." Ex Parte communication is defined in Black's Law Dictionary as "A generally prohibited communication between counsel and the court when opposing counsel is not present."

This issue was raised with the trial court and preserved for appeal. In Disciplinary Counsel v Plough (2010) 126 Ohio St. 3d 167 the judge initiated a contact with the prosecutor by telephoning the prosecutor without defense counsel's presence to discuss a defendant's opposition to a plea agreement reducing a pending 3rd degree felony charge to a misdemeanor. The communication was ruled a violation of Code of Jud. Conduct, Canon 3(B)(7) prohibiting ex parte communications about a pending case. Likewise, in this matter, this Court violated Canon 3(B)(7) when it engaged in Ex Parte Communications after a pretrial concluded, by excluding the undersigned, and discussing this case with counsel for the defendant on an ex parte basis.

ERROR # 4: The trial court erred when it scheduled an evidentiary hearing, but disallowed pre-hearing discovery, then converted the hearing to “oral arguments” at the day of the hearing itself to restrict the Plaintiff’s introduction of evidence.

The trial court scheduled an evidentiary hearing in this case. The Court did not issue any orders limiting the ability of the Plaintiff to conduct discovery in advance of the evidentiary hearing, Ohio Civ. R. 26, and discovery requests were forwarded to the parties. Those parties failed to answer any interrogatories or comply with production or inspection of documents and things. As the hearing transcript makes clear, the undersigned contacted Ms. Laura Creed at the Pro Se help department and she advised that an “evidentiary hearing” means the parties are allowed to collect evidence and that the discovering party may move for an order compelling discovery if discovery requests are ignored, Civ. R. 37 (A)(3)(a)(i). Under OH Civ. R. 37, “a party may move for an order compelling discovery” when the opposing party has failed to respond or otherwise produce discovery requested. The trial court erred in not allowing pre-hearing discovery, which was sought to establish the truthfulness of all claims made and to obtain relevant documents confirming the defendants have covered up an affair between Prosecutor Dan Kasaris and Kathryn Clover and details concerning the death of Dawn Pasela.

Despite the fact that the Court lacked jurisdiction over parties who were not served, the Court proceeded to hold a hearing, at which time the court stated:

I set this as a hearing, I believe as an evidentiary hearing, because I didn't know whether any movant expected to need evidence outside the record or that was not already part the record. We will dispense then with the presentation of evidence, and this will essentially be an oral argument.” Transcript page 6, June 2, 2022

But the undersigned wanted to present evidence and call witnesses, but the court failed to cite any legal basis to only allow one side to present evidence at an “evidentiary hearing,” or deny or restrict the Plaintiff’s ability to present evidence, but this is what occurred here. Counsel for the defendant added that “we’re pursuing motions for sanction pursuant to Rule 11 and R.C. 2323.51. The basis for the motion is predicated solely upon the law and not the facts” page 10 transcript. The trial court adopted this incorrect position and ignored case law stating that the determination to impose sanctions under R.C. 2323.51 involves a mixed question of law and fact. Resources for Healthy Living, Inc. v. Haslinger, 6th Dist. Wood No. WD-10-073, 2011-Ohio-1978, ¶ 26.

ERROR # 5: The trial court awarded sanctions but utilized the wrong legal standard when it awarded sanctions and also failed to consider the recent appointment of Yale Law School to represent the Plaintiff, or that attorney Kim Corral is also assisting the Plaintiff.

The non-frivolous nature of the complaint and the validity of the claims made have been confirmed by a new investigation into allegations outlined in the complaint by law enforcement, as well as the appointment of counsel in multiple cases, as well as Plaintiff’s representation by Attorney Kim Corral, see 2023 Motion for Relief from Judgment.

R.C. 2323.51(A)(2)(a)(ii) defines “frivolous conduct” as conduct that “is not warranted under existing law, cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law.” Frivolous conduct

implicated by R.C. 2323.51(A)(2)(a)(ii) involves proceeding on a legal theory that is wholly unwarranted in law. “In determining whether a claim is frivolous under R.C. 2323.51(A)(2)(a)(ii), the test is objective — whether no reasonable lawyer would have brought the action in light of the existing law.” Internatl. Union of Operating Engineers, Local 18 v. Laborers’ Internatl. Union of N. Am., Local 310, 8th Dist. Cuyahoga No. 104774, 2017-Ohio-1055, ¶ 15, citing Orbit Elecs., Inc. v. Helm Instrument Co., 167 Ohio App.3d 301, 2006-Ohio-2317, 855 N.E.2d 91, ¶ 49 (8th Dist.).

Because Yale Law School and Attorney Corral are pursuing cases with similar claims concerning Dawn Pasela, Kathryn Clover and Kelly Connors, the court erred in awarding sanctions because – during the pendency of this case – multiple attorneys initiated representation of the undersigned. A claim is only frivolous “if it is absolutely clear under the existing law that no reasonable lawyer could argue the claim.” Orbitat id., quoting Hickman v. Murray, 2d Dist. Montgomery No. CA 15030, 1996 Ohio App. LEXIS 1028, 14 (Mar. 22, 1996).

Here, the trial court’s denial of a request to take judicial notice of the appointment of Yale Law School and other attorneys, as well as the fact that Cleveland-based attorney Kimberly Kendall Corral is also assisting the undersigned, was an error – the trial court simply ignored Yale Law School and Ms. Corral’s analysis that the undersigned maintains credible claims.

Later, the filing of the 60 B motion should have caused the Court to reconsider its position, not only because court filings by Yale and Ms. Corral were available to review, but because former federal prosecutor Mark Bennett is

being disbarred, following an Inspector General report about his misconduct, including lying. Furthermore, the trial court should have vacated any sanctions award, as a new law enforcement investigation included the questioning of many of the defendants in this case, especially since law enforcement investigative information and a letter from Attorney Corral are on this record. The trial court issued a series of one sentence rulings but never discussed why the appointment of Yale Law School was not relevant, or why their court filings could not be judicially noticed.

Appointment of counsel in civil matters is rare and confirms legal work has a sound basis and that newly discovered evidence undermines the defendant's res judicata arguments. Pursuant to Ohio R. Evid. 201, a court may take judicial notice of the undisputed facts described above, see also Brown v. Cleveland, 66 Ohio St. 2d 93, 98 (1981).

ERROR # 6: During the litigation, evidence emerged that Senior Assistant Ohio Attorney General Daniel Kasaris maintains a Power of Attorney and Special Needs Trust over defendant Kelly Connors, and the trial court erred in denying a motion to explore whether or not Connors was an appropriate party and whether or not a prosecutor could call Connors as a witness in criminal cases without disclosing the nature of Kasaris' relationship with her.

The record in this case contains proof that Senior Assistant Ohio Attorney General maintains a power of attorney over Kelly Connors and administers a special needs trust (created by Reminger partner and defendant John Patrick) on her behalf. Kasaris is acting on behalf of Ms. Connors and deriving financial benefits without disclosing this arrangement or seeking permission from the Ohio Attorney General to engage in outside activities. Moreover, the Courts are

being defrauded by Ms. Connors appearing as a “victim” or “fact witness” in cases where she is actually a romantic partner of Dan Kasaris, see State v. Kinney (1987), 35 Ohio App. 3d 84 -- Headnote 1: “A trial court has the obligation to determine whether a person of unsound mind is competent as a party, Evid. R. 601(A) and R.C. 2317.01.

ERROR # 7: The trial court abused its discretion by applying the wrong legal standard when refusing to grant an evidentiary hearing concerning the 60(B) motion for relief from judgment.

To prevail on a motion to vacate under Civ. R. 60(B) the movant must demonstrate that: (1) the party has a meritorious defense or claim to present, if relief is granted; (2) the party is entitled to relief under one of the grounds stated in Ohio R. Civ. P. 60(B)(1) through (5); and (3) the motion is made within a reasonable time, and where the grounds of relief are pursuant to Ohio R. Civ. P. 60(B)(1), (2), or (3) not more than one year after the judgment, order or proceeding was entered or taken. GTE Automatic Electric, Inc. v. ARC Ind. Inc., 47 Ohio St.2d 146 (1976). The record here shows that significant newly discovered evidence confirming the truth of the allegations in the complaint was presented to the Court on a timely basis, and that a hearing should have been set in this matter.

**ADDITIONAL CONSIDERATIONS AND SUPPLEMENTAL ARGUMENTS IN
SUPPORT OF THE APPEAL**

Part One: Seeking a Declaratory Judgment was appropriate

After amassing significant evidence of wrongdoing, the undersigned sought to place this information on a public court docket and sought a declaratory judgment matter pursuant to R.C. 2721.02(A), which authorizes the Court to “declare rights, status, and other legal relations whether or not further relief is or could be claimed.” In addition, Civ. R. 57 provides: “The procedure for obtaining a declaratory judgment pursuant to Sections 2721.01 to 2721.15, inclusive, of the Revised Code, shall be in accordance with these rules. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate.”

**Part Two: Attorneys Jaye Schlachet, John Patrick and David Comstock
should no longer be permitted to shield Dan Kasaris from criminal
activities because of the Crime Fraud Exception to Attorney-Client
Privilege**

The crime fraud exception applies to communications between an attorney and client which are “intended in some way to facilitate or to actively conceal a crime or fraud.” Sutton v. Stevens Painton Corp., 193 Ohio App.3d 68, 96, 951 N.E.2d 91 (Ohio Ct. App. 2011). “A party invoking the crime-fraud exception must demonstrate that there is a factual basis for a showing of probable cause to believe that a crime or fraud has been committed and that the communications were in furtherance of the crime or fraud.” State ex rel. Nix v.

Cleveland, 83 Ohio St.3d 379, 384, 700 N.E.2d 12 (Ohio 1998). “The attorney-client privilege may not be asserted to conceal the attorney’s cooperation with the client’s wrongdoing.” Squire, Sanders & Dempsey, L.L.P. v. Givaudan Flavors Corp., 2010-Ohio-4469, ¶ 25, 127 Ohio St. 3d 161, 166, 937 N.E.2d 533, 538 (Ohio 2010).

The record in this case demonstrates that there is a factual basis for a showing of probable cause to believe that a crime or fraud has been committed and that the communications were in furtherance of the crime or fraud. These attorneys are also in violation of Ohio Rule of Professional Conduct 8.3(a), “Reporting Professional Misconduct” which provides that “A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authorities.”

As Attorney John Patrick, the brother of Dan Kasaris, wrote in an email attached to the complaint, the “police are trying to sweep this under the rug ... if they think no one is watching.”

Part Three: Partial Summary of Criminal Actions of Senior Assistant Ohio Attorney General Daniel Kasaris

Prosecutor Kasaris has taken few, if any, steps to hide his misconduct – often making criminal admissions in writing and frequently posing for photos on Facebook with government witnesses he is having affairs with. This reckless

behavior has created a massive record of improper and illegal actions that is now being covered by journalists, see Uncovered.com, www.JusticeForDawn.com and the PRESS Tab of FreeTonyViola.com.

While a complete summary of Kasaris misconduct is beyond the scope of this submission, kindly note the following:

Mr. Kasaris prosecuted former Niles, Ohio Mayor Ralph Infante, Case No. 2017TR00489, Trumbull County while having a sexual relationship with Infante family member Rose Kapturasky, according to her own admission in this case.

Mr. Kasaris prosecuted Ronald Dudas, Ohio v. Dudas, 2006 CR 000560, 2006 CR 000700, Cuyahoga County, while having a sexual relationship with Dudas friend Jen Bost.

Mr. Kasaris prosecuted the undersigned and dozens of other defendants through a multi-jurisdictional Task Force using the perjured trial testimony of his paramour Kathryn Clover.

Mr. Kasaris is serving as a "victim advocate" for Kelly Connors in the pending Tammy Keaton prosecution, where Connors is being portrayed as a crime victim, but Kasaris has not disclosed his Power of Attorney over Ms. Connors.

Kasaris' criminal activities extend far and wide and across many criminal cases, where he has also destroyed evidence, "lost" computers, taken money from the crime victim fund for personal use, presented fabricated testimony known to be false, altered documents, invaded the Sixth Amendment right to Counsel and, of course, he has been implicated in Dawn Pasela's death.

A sexual relationship between Prosecutor Kasaris and government witnesses (including Kathryn Clover, who was presented as a “fact witness” in court) constitutes a fraud on the court and an assault on the fair administration of justice. Kasaris and his enablers are also in violation of Ohio Rule of Professional Conduct Prof. Cond. R. 1.3 (requiring a lawyer to act with reasonable diligence during their duties) and Rule 1.8(j) (prohibiting a lawyer from soliciting or engaging in sexual activity with a client or witness), see Cleveland Metropolitan Bar Association v. Paris, 148 Ohio St.3d 55, ___ N.E.2d ___, 2016-Ohio-5581 (2016), and Disciplinary Counsel v. Sturgeon, 111 Ohio St.3d 285, 855 N.E.2d 1221, 2006-Ohio-5708 (2006) and Disciplinary Counsel v. Detweiler, 135 Ohio St.3d 447, 989 N.E.2d 41, 2013-Ohio-1747 (2013). Also see Section 2921.22, Failure to report a crime or knowledge of a death or burn injury.

As a private citizen, the undersigned respectfully asks this Court to use its authority to prevent further unjust convictions and illegal actions by Mr. Kasaris.

CONCLUSION AND REQUESTED RELIEF

This Court should vacate the ruling by the trial court and remand this matter for further proceedings, and refer the entire case file, factual record and transcript with discussions about the murder of Dawn Pasela and the romantic relationship between Kasaris and government witnesses Kelly Connors and

Kathryn Clover to the Ohio Supreme Court Office of Discipline Counsel for an investigation.

Thank you very much for your consideration.

Respectfully Submitted,

Anthony Viola
2820 Mayfield Road # 205
Cleveland Heights, OH 44118
(330) 998-3290
MrTonyViola@icloud.com
September 5, 2023

CERTIFICATE OF SERVICE

I, Anthony Viola, hereby swear and affirm that I caused a copy of the foregoing pleading to be served upon the following individual, via email and regular U.S. mail, postage prepaid, on this 10th day of November, 2023:

David Comstock, Esq.
Counsel for Susan Kasaris
And Demi O'Shea-Moran
3701B Boardman-Canfield Road
Canfield, OH 44406

LISA LAU
26 Harris Avenue
Norwalk, OH 44857

KATHRYN K CLOVER
206 Springwood Drive
Oxford, Oh 45056

ROSE KAPTURASKY
562 Edward Ln
Campbell, OH 44405

JAYE SCHLACHET
55 Public Sq - # 1600
Cleveland, OH 44113

KELLY CONNORS
3450 Leffingwell Road
Canfield, Ohio 44406

Clifford C. Masch, Esq.
Counsel for JOHN
PATRICK, 101 W Prospect
Reminger, LLP # 1400
Cleveland, Ohio 44115

And

9190 Springfield Rd, Apt 9D
Youngstown, OH, 44514-3113

Respectfully Submitted,

Anthony Viola

Exhibit A

Appellate Litigation Project

Students represent pro se clients before the United States Court of Appeals for the Second Circuit. Under the supervision of Yale faculty and attorneys from the appellate group at Wiggin and Dana, teams of students will work on cases referred through the Pro Bono Counsel Plan for the Second Circuit. This program provides legal representation to pro se appellants with meritorious civil cases pending before the court. The issues raised in these cases may include immigration, employment discrimination, prisoners' civil rights, and other section 1983 claims. The Project will focus on prisoners' civil rights but may also include other types of cases. Students take primary responsibility for drafting the briefs in their assigned case, and one of them will deliver oral argument before the Second Circuit. In the instructional portion of the project, students will learn principles of appellate law and practice, including concepts such as standard of review, preservation of issues, and understanding the appellate record. Students will also receive instruction in brief writing and oral advocacy.

The instructors are [David Roth \(https://law.yale.edu/david-roth\)](https://law.yale.edu/david-roth) and [Tadhg Dooley \(/tadhg-dooley\)](https://law.yale.edu/tadhg-dooley).

Ways to Engage



UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 18-2573 & 22-2186

Viola v. U.S. Dept. of Justice
(W.D.Pa. 1-15-cv-00242)

ORDER

David R. Roth, Esq. and Tadhg Dooley, Esq. are hereby appointed as counsel for Appellant without compensation pursuant to 28 U.S.C. 1915(e)(1). This appointment shall remain in effect until termination of this case unless the Court grants the withdrawal or substitution of counsel earlier. Counsel shall have a period of 60 days from the date of this order to review the record. Prior to the expiration of that 60 day period, counsel shall advise the Clerk whether additional documents are necessary. If counsel does not need additional documents, the Clerk will issue a briefing schedule immediately after the 60 day review period ends. Counsel shall file the entry of appearance form within 14 days of the date of this order.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: December 5, 2022

nmb/cc: Anthony L. Viola
David R. Roth, Esq.
Tadhg Dooley, Esq.
Laura S. Irwin, Esq.
Sharon Swingle, Esq.
Daniel Winik, Esq.



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

INVESTIGATIVE SUMMARY | 21-005

Findings of Misconduct by an Assistant United States Attorney for Sexually Inappropriate Comments to Multiple Individuals, Inappropriate Touching of an Intern's Breast, and Lack of Candor to the OIG

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that an Assistant United States Attorney (AUSA) may have physically and verbally sexually harassed an Intern in the United States Attorney's Office (USAO), including deliberately running his arm across the Intern's breast without her consent.

During the course of the investigation, the OIG found indications that the AUSA also made sexually suggestive comments to three other individuals, including another AUSA, a Federal Bureau of Investigation (FBI) Forensic Analyst, and a U.S. Postal Inspection Service (USPIS) Postal Inspector. In addition, the OIG found indications that the AUSA lacked candor during an OIG interview.

The OIG investigation substantiated the allegations that the AUSA engaged in sexually harassing conduct by making sexually inappropriate comments to the USAO Intern, the AUSA, the FBI Forensic Analyst, and the USPIS Postal Inspector, all in violation of federal regulations regarding sexual harassment and employee conduct, as well as in violation of DOJ policy prohibiting sexual harassment in the workplace. The OIG further concluded that the AUSA inappropriately touched the Intern's breast, in violation of state law. The OIG further found that the AUSA lacked candor in his OIG interview, in violation of DOJ policy.

Federal and state criminal prosecution of the AUSA was declined.

The OIG has completed its investigation and is providing this report to the EOUSA and DOJ's Office of Professional Responsibility for appropriate action.

★ ★ ★

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether Department of Justice personnel have committed misconduct.

Posted to oig.justice.gov on November 16, 2020

State of Ohio,
CUYAHOGA County, ss:

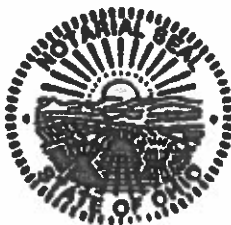
Affidavit of Mark Bennett

I, Mark Bennett, swear or affirm that:

1. I admit that I committed the misconduct listed in the Agreement for Consent to Discipline, that grounds exist for imposition of a sanction against me for the misconduct, and that the agreement sets forth all grounds for discipline currently pending before the Board of Professional Conduct.
2. I admit to the truth of the material facts relevant to the misconduct listed in the agreement.
3. I agree to the sanction recommended in the agreement to the board.
4. My admissions and agreement are freely and voluntarily given, without coercion or duress, and I am fully aware of the implications of the admissions and agreement on my ability to practice law in Ohio.
5. I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct admitted by me.


Mark Bennett, Esq.

Sworn to or affirmed before me and subscribed in my presence this ^{2nd} day December 2022.



KELLY M. ZACHARIAS
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.


Signature of Notary Public

No. 18-2573 (L); 22-2186

**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

ANTHONY L. VIOLA,

Appellant,

v.

**UNITED STATES DEPARTMENT OF JUSTICE, FEDERAL BUREAU
OF INVESTIGATION, Records/Information Dissemination Section;
UNITED STATES DEPARTMENT OF JUSTICE, Executive Offices for
United States Attorneys-Freedom of Information & Privacy Staff;
CUYAHOGA COUNTY MORTGAGE FRAUD TASK FORCE;**

Defendants-Appellees,

KATHRYN CLOVER,

Defendant.

**ON APPEAL FROM UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
No. 1:15-cv-00242-SPB, U.S. District Judge Susan Paradise Baxter**

**BRIEF OF APPELLANT
WITH ATTACHED JOINT APPENDIX VOLUME 1**

Alan Chen, Law Student
Daniel Mejia-Cruz, Law Student
YALE LAW SCHOOL ADVANCED
APPELLATE LITIGATION PROJECT*
127 Wall Street
New Haven, CT 06511
(914) 316-2302

David Roth, Esq.
Tadhg Dooley, Esq.
Pro bono counsel
WIGGIN AND DANA LLP
One Century Tower
265 Church Street
New Haven, CT 06510
(203) 498-4400

Attorneys for Appellant

*This brief has been prepared by the Advanced Appellate Litigation Project, operated by Yale Law School. The brief does not purport to present the school's institutional views, if any. The motions for admission of law students Alan Chen and Daniel Mejia-Cruz were filed on April 3, 2023, and are pending with the Court.

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CIVIL DIVISION

KATHERYN CLOVER, ET AL)	
Plaintiff)	Case No. CV-22-959454
)	
v.)	JUDGE: ANDREW SANTOLI
)	
ANTHONY VIOLA,)	<u>NOTICE OF APPEARANCE</u>
Respondent,)	

Now come Attorney Kimberly Kendall Corral who hereby enters her notice of appearance as counsel of record, on behalf of Respondent Anthony Viola in the above captioned case and request that all notices, dates, motions and so forth be sent to the address below.

Respectfully submitted,

/s/ Kimberly Kendall Corral
Kimberly Kendall Corral (#0089866)
4403 Saint Clair Avenue
Cleveland, Ohio 44103
Office: 216-926-7285
kkc@kimlawcrimlaw.com

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

FILE NO. 2320003908

DATE January 5, 2023

FROM **Detective John Morgan #241**

TO **Lieutenant Jim Mackey**

SUBJECT **Receipt of case**

COPIES TO **File**

On January 5, 2023, while assigned to the Cuyahoga Regional Human Trafficking Task Force writer received an assignment from Lieutenant Jim Mackey to conduct a review of a death investigation completed by the Parma Police Department in April of 2012. The following is a summary of events that occurred surrounding this investigation on that day.

On this day, writer picked up two brown folders containing the case file along with a compact disk containing photographs from Lieutenant Mackey's office to begin the case review. Inside the white envelope containing the compact disk were business cards for Daniel Ciryak, Detective Lieutenant and Public Information Officer for the Parma Police Department, and our police liaison for this case review.

This matter will be further investigated

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 177.03C(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 08/18/2024
Recorded in Cuyahoga County

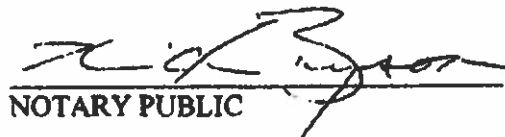

NOTARY PUBLIC

Exhibit B

Anthony Viola
2820 Mayfield Road # 205
Cleveland Heights, Ohio 44118
(330) 998-3290
MrTonyViola@icloud.com

February 15, 2023

Mr. Benjamin Marrison
Chief of Staff
Ohio Attorney General's Office
30 E Broad Street – 16th Floor
Columbus, Ohio 43215

RE: Senior Assistant Ohio A.G. Daniel Kasaris --
Violation of Prohibition on Outside Employment without Approval

Dear Mr. Marrison,

Despite a prohibition on outside income without prior approval of your office, Senior Assistant Ohio Attorney General Daniel Kasaris has managed the financial affairs of Kelly Connors through a Power of Attorney and accepted payments from Ms. Connors, including a new wardrobe and other financial benefits.

Mr. Kasaris has admitted in writing that he possesses said Power of Attorney, and I'm providing just one copy of one of his court pleadings that admit as much. According to an investigation led by former FBI Agent Robert Friedrich and others, Mr. Kasaris assisted Ms. Connors obtain Social Security disability and arranged for a large insurance settlement and serves as the Trustee of a Special Needs Trust for Ms. Connors. This arrangement followed a two-year long relationship between Mr. Kasaris and Ms. Connors.

Finally, the United States Attorney's Office in Cleveland has acknowledged that Mr. Kasaris had a romantic relationship with government witness Kathryn Clover and knowingly utilized her perjured testimony at trial, USA v. Clover, 10-cr-75, ND Ohio, Docket # 46.

Should you require any additional information, please do not hesitate to contact me at any time. Thank you for reviewing this submission.

Very Truly Yours,

A handwritten signature in black ink that reads "Tony Viola". The signature is written in a cursive, slightly slanted style.

Tony Viola

cc: Ms. Molly Bruns - Investigative Attorney
Ohio Ethics Commission
30 West Spring Street L3
Columbus, Ohio 43215-2256

Bridget C. Coontz
Chief Counsel and Ethics Officer
Ohio Attorney General's Office

justice, forgery, tampering with evidence, tampering with records. *See Id.* Knowing the allegations to be false, possessing the evidence to establish the criminal allegations to be false, such as bank records of trust funds, affidavits, a video recording wherein Kelly Patrick assaults John Patrick, and affidavit from Kelly Connors and public records, and believing that the publication of such false allegations violated the following Ohio Revised Code Sections: Intimidation, 2921.03(A), Retaliation, 2921.05(A), Falsification, 2921.13(A) (2), and Telecommunication Harassment, 2917.21 (b) (1), (2), and further believing that plaintiff was threatening economic harm to Daniel Kasaris and his family and in addition to concern for the safety and privacy of his family, Daniel Kasaris secured the service of Youngstown Ohio area attorney Damian Billak to represent him and to advise him as to how to stop Plaintiff's attacks. Within the scope of that representation Attorney Billak drafted and mailed to Plaintiff, and persons at the Bureau of Prisons a letter written on Attorney Billak's letter head, signed by Attorney Billak, on May 20, 2021. *Id.* In the letter, Attorney Billak informed Plaintiff that he believed that the allegations Plaintiff was asserting on the media described above may violate a number of Ohio Revised Code, Criminal Code sections, were actionable in a civil suit and requested that Plaintiff cease publishing the false allegations, remove the false allegations from the website to stop communicating with a list of people. *Id.* The list consists of family, friends, associates of Daniel Kasaris as well as persons and offices that he works with and that his wife, Susan Kasaris work with. *Id.* Daniel Kasaris, who is an assistant attorney general did not sign the letter, the letter is obviously not written on Attorney General Letterhead, there is no mention of Daniel Kasaris' job title in the letter, the phone numbers and email address on the letter belong to Damian Billak who is a private attorney. *Id.* Any evidence of "Color of Law" activity is absent in the letter.

CERTIFICATION

I hereby certify that a copy of this Motion has been mailed and emailed to Plaintiff at his address listed on his complaint this 7th day of September 2022 as well as the other parties in this matter.



DANIEL KASARIS 0042315

Exhibit C

[skip to main content](#)[Print](#)**CASE INFORMATION****CV-21-951041 ANTHONY L VIOLA vs. SUSAN KASARIS ET AL****Service**

Party Role	Name	Service Description	Sent Date	Response	Response Date
P(1)	ANTHONY L VIOLA	N/A			
D(1)	SUSAN KASARIS	SUMS COMPLAINT CERTIFIED MAIL	08/10/2021	UNCLAIMED	09/09/2021
D(1)	SUSAN KASARIS	E-FILING SERVICE EMAIL	09/16/2021		
D(1)	SUSAN KASARIS	SUMS COMPLAINT CERTIFIED MAIL	09/23/2021	NOT DELIVRBL AS ADDR	10/15/2021
D(1)	SUSAN KASARIS	E-FILING SERVICE EMAIL	10/05/2021		
D(1)	SUSAN KASARIS	E-FILING SERVICE EMAIL	10/07/2021		
D(1)	SUSAN KASARIS	E-FILING SERVICE EMAIL	10/25/2021		
D(1)	SUSAN KASARIS	E-FILING SERVICE EMAIL	11/02/2021		
D(2)	DEMINA O'SHEA-MORAN	SUMS COMPLAINT CERTIFIED MAIL	08/10/2021	UNCLAIMED	09/09/2021
D(2)	DEMINA O'SHEA-MORAN	SUMS COMPLAINT CERTIFIED MAIL	09/28/2021	UNABLE TO FORWARD	09/28/2021
D(3)	ROSE KAPTURASKY	SUMS COMPLAINT CERTIFIED MAIL	08/10/2021	COMPLETED	08/11/2021
D(4)	KELLY CONNORS	SUMS COMPLAINT CERTIFIED MAIL	08/10/2021	UNABLE TO FORWARD	08/14/2021
D(4)	KELLY CONNORS	SUMS COMPLAINT CERTIFIED MAIL	08/10/2021	UNCLAIMED	08/27/2021
D(4)	KELLY CONNORS	SUMS COMPLAINT CERTIFIED MAIL	08/31/2021	COMPLETED	09/01/2021
D(4)	KELLY CONNORS	SUMS COMPLAINT CERTIFIED MAIL	10/07/2021	UNABLE TO FORWARD	10/13/2021
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	06/02/2022		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	06/14/2022		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	06/15/2022		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	12/15/2022		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	01/20/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	01/20/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	01/20/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	01/20/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	01/20/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	01/27/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	02/10/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	02/14/2023		
D(4)	KELLY CONNORS	E-FILING SERVICE EMAIL	07/12/2023		
D(5)	LISA LAU	SUMS COMPLAINT CERTIFIED MAIL	08/10/2021	UNCLAIMED	08/26/2021
D(5)	LISA LAU	SUMS COMPLAINT CERTIFIED MAIL	09/16/2021	UNCLAIMED	10/05/2021
D(5)	LISA LAU	SUMS COMPLAINT REGULAR MAIL SERVICE	10/07/2021	RETURN TO SENDER	10/15/2021
D(6)	JOHN PATRICK	SUMS COMPLAINT CERTIFIED MAIL	08/10/2021	COMPLETED	08/10/2021
D(6)	JOHN PATRICK	E-FILING SERVICE EMAIL	09/16/2021		
D(6)	JOHN PATRICK	E-FILING SERVICE EMAIL	09/16/2021		
D(6)	JOHN PATRICK	E-FILING SERVICE EMAIL	09/16/2021		
D(6)	JOHN PATRICK	E-FILING SERVICE EMAIL	10/05/2021		
D(6)	JOHN PATRICK	E-FILING SERVICE EMAIL	10/07/2021		
D(6)	JOHN PATRICK	E-FILING SERVICE EMAIL	10/25/2021		
D(6)	JOHN PATRICK	E-FILING SERVICE EMAIL	11/02/2021		

IN THE SUPREME COURT OF OHIO

ANTHONY VIOLA

Plaintiff /Appellee,

v.

SUSAN KASARIS, et. al.

Defendant/Appellant

Case No. _____

Court of Appeals No. 23-112497/113022

Trial Case No. cv-21-051041

EXHIBIT D

United States Department of Justice Inspector General Summary:
former federal prosecutor Mark Bennett's Misconduct



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

INVESTIGATIVE SUMMARY | 21-005

Findings of Misconduct by an Assistant United States Attorney for Sexually Inappropriate Comments to Multiple Individuals, Inappropriate Touching of an Intern's Breast, and Lack of Candor to the OIG

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that an Assistant United States Attorney (AUSA) may have physically and verbally sexually harassed an intern in the United States Attorney's Office (USAO), including deliberately running his arm across the intern's breast without her consent.

During the course of the investigation, the OIG found indications that the AUSA also made sexually suggestive comments to three other individuals, including another AUSA, a Federal Bureau of Investigation (FBI) Forensic Analyst, and a U.S. Postal Inspection Service (USPIS) Postal Inspector. In addition, the OIG found indications that the AUSA lacked candor during an OIG interview.

The OIG investigation substantiated the allegations that the AUSA engaged in sexually harassing conduct by making sexually inappropriate comments to the USAO intern, the AUSA, the FBI Forensic Analyst, and the USPIS Postal Inspector, all in violation of federal regulations regarding sexual harassment and employee conduct, as well as in violation of DOJ policy prohibiting sexual harassment in the workplace. The OIG further concluded that the AUSA inappropriately touched the intern's breast, in violation of state law. The OIG further found that the AUSA lacked candor in his OIG interview, in violation of DOJ policy.

Federal and state criminal prosecution of the AUSA was declined.

The OIG has completed its investigation and is providing this report to the EOUSA and DOJ's Office of Professional Responsibility for appropriate action.

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Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether Department of Justice personnel have committed misconduct.

Posted to oig.justice.gov on November 16, 2020

State of Ohio,
CUYAHOGA County, ss:

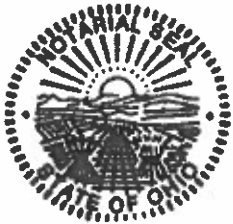
Affidavit of Mark Bennett

I, Mark Bennett, swear or affirm that:

1. I admit that I committed the misconduct listed in the Agreement for Consent to Discipline, that grounds exist for imposition of a sanction against me for the misconduct, and that the agreement sets forth all grounds for discipline currently pending before the Board of Professional Conduct.
2. I admit to the truth of the material facts relevant to the misconduct listed in the agreement.
3. I agree to the sanction recommended in the agreement to the board.
4. My admissions and agreement are freely and voluntarily given, without coercion or duress, and I am fully aware of the implications of the admissions and agreement on my ability to practice law in Ohio.
5. I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct admitted by me.


Mark Bennett, Esq.

Sworn to or affirmed before me and subscribed in my presence this ^{2nd} day December 2022.



KELLY M. ZACHARIAS
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.


Signature of Notary Public