

**IN THE OHIO COURT OF CLAIMS
Franklin County, Ohio**

ANTHONY VIOLA,)	Case No. 2020-00507PQ
)	
Requestor)	
)	SPECIAL MASTER JEFF CLARK
-vs.-)	
)	
OHIO ATTORNEY GENERAL,)	OPPOSITION TO OHIO ATTORNEY
)	GENERAL'S MOTION TO DISMISS
Respondent)	

Requestor Anthony Viola respectfully submits this Opposition to the Ohio Attorney General's Motion to Dismiss, pursuant to the Court's order.

The Ohio Attorney General asks this Court to dismiss this matter, stating the city's search for records was adequate and that no public records exist on Assistant Ohio Attorney General Daniel Kasaris' private Yahoo email account, even though that account identified Mr. Kasaris as a prosecutor. However, the Attorney General's own submission confirms that Mr. Kasaris utilized his private Yahoo email account with his official government signature affixed thereto to communicate official business. Moreover, the Attorney General's filing is an attempt to distance itself from the romantic relationship between government witness Kathryn Clover and Mr. Kasaris by, among other things, claiming that Kasaris had nothing to do with the federal prosecution (Kasaris affidavit, Paragraph 5) or that the Attorney General's Office was not involved in the prosecution of the undersigned. Mr. Kasaris' affidavit is materially false, and is wholly undermined by the following facts:

- The United States District Court for the Northern District of Ohio ruled that the state and federal prosecutions of the undersigned were "coordinated" between state and federal prosecutors through the multi-jurisdictional Mortgage Fraud Task Force, January 11, 2011 ruling.
- Mr. Kasaris routinely appeared in federal court and spoke at hearings, see, for example, Kathryn Clover's federal sentencing hearing in USA v. Clover, 10-cr-75, N.D. Ohio.
- Witness statements, discussed in greater detail below, confirm that Mr. Kasaris, a prosecutor, was emailing Kathryn Clover, a government witness, in late 2015 and early 2016, while he was employed by the Ohio Attorney General's Office.
- Dozens of emails between Mr. Kasaris and federal prosecutors discuss evidence and production of documents before the FEDERAL trial.
- According to press releases, the Ohio Attorney General's Organized Crime Commission established the multi-jurisdictional Task Force that Mr. Kasaris led and

the Task Force consisted of federal, state and local law enforcement agencies, please see **Exhibit A**.

According to the Attorney General and Mr. Kasaris' affidavit, "For the most part" Mr. Kasaris did not utilize his Yahoo email account for official business, Paragraph 11. On some occasions, Kasaris "deleted" certain public records from the Yahoo account (Paragraph 12, Kasaris affidavit). But emails concerning criminal cases concern the Ohio Attorney General's operations and functions – and are public records. Kasaris essentially admit as much because Kasaris subsequently conducted his own search on his Yahoo email account and claims no responsive records were located. However, Ohio Public Records laws contain no provision allowing a governmental official to search his own private account containing official emails, and inform his employer that the search yielded no responsive public records. And what if, inadvertently or otherwise, Mr. Kasaris failed to forward such emails? This scheme would leave public records beyond the reach of the public records laws. If this Court permits an arrangement where public officials can utilize private email accounts to engage in official business, delete emails they consider "duplicate," then conduct their own search to determine if public records exist, any politician or government official who doesn't want official records to be subjected to public records laws can emulate these practices and make self-serving determinations about what constitutes a public record.

As the attached affidavits and sworn statements make clear, there is overwhelming evidence that Mr. Kasaris had a long-term romantic relationship with government witness Kathryn Clover and utilized his private email account to communicate with her. Please see:

- Affidavit from Matt Fairfield, **Exhibit B**.
- Statement from Bryan Butler, who viewed some of these emails, **Exhibit C**.
- Emails and information from Kelly Connors, **Exhibit D**.
- Affidavit from Kelly Patrick, **Exhibit E**.
- Sworn declaration of Requestor, Anthony Viola, **Exhibit F**.

In addition to the foregoing, kindly note that it was Mr. Kasaris who created this situation by: (1) Affixing his official signature on his private email account, perhaps waiving or limiting his own privacy rights; (2) Failing to correct this situation once he began conducting official business related to criminal prosecutions on his Yahoo email account; and (3) Potentially circumventing records laws by failing to forward official emails to his official account. As a licensed attorney since 1989, Mr. Kasaris is presumed to be fully aware of all records laws and is expected to fully comply with all provisions. Moreover, the Ohio Attorney General's Office failed to step in and curtail this questionable practice of forwarding or deleting emails from a private account to the official account. As a result, the Ohio Attorney General's Office would hardly be prejudiced by an order requiring them to search Mr. Kasaris' Yahoo email account, particularly since Ohio Attorney General Dave Yost's introduction to the 2020 Edition of the Ohio Sunshine Manual states that "I fully support government transparency your right to know what goes on behind the scenes."

Finally, the undersigned opposes any request to strike records previously provided to this Court, as they were submitted to (a) Confirm the existence of the records sought; and (b) Support

the Requestor's claim that there was a romantic relationship between Mr. Kasaris and government witness Kathryn Clover. The Ohio Attorney General should be investigating this matter, not asking this court to keep documents and emails produced in public records requests secret.

MEMORANDUM OF LAW

The content of an email – not its location – determines whether it is a public record. If an email is made or received in connection with the transaction of public business, it is a public record regardless of whether it is created or stored on a public or a private computer, mobile device, or email system, State ex rel. Toledo Blade Co. v. Seneca Cty. Bd. of Commrs., 120 Ohio St.3d 372, 2008-Ohio-6253 (holding public office email can constitute public records under R.C. 149.011(G) and 149.43 if it documents the organization, policies, decisions, procedures, operations, or other activities of the public office); State ex rel. Zidonis v. Columbus State Community College, 133 Ohio St.3d 122, 2012-Ohio-4228, ¶¶ 28-32; State ex rel. Bowman v. Jackson City School Dist., 4th Dist. No. 10CA3, 2011-Ohio-2228 (finding personal emails on public system to be “records” when relied upon for discipline).

The Attorney General cites no authority indicating that a court should analyze emails on personal devices differently than any other item. In fact, Ohio courts routinely treat text messages and emails sent by public officials and employees in the same manner as any other records, regardless of whether messages and emails are on publicly-issued or privately-owned devices, State ex rel. Glasgow v. Jones, 119 Ohio St.3d 391, 2008-Ohio-4788, 894 N.E.2d 686, ¶ 20-28 (analyzing request for text messages and emails sent from a private account to determine whether they were “work-related”); Kesterson, Slip Opinion at 2018-Ohio-Case No. 2018-01357PQ -10-DECISION 5110 at ¶ 23 (requests for text messages and emails analyzed without regard to whether sent from personal or public devices); State ex rel. Bowman v. Jackson City Sch. Dist., 4th Dist. Jackson No. 10CA3, 2011-Ohio-2228, ¶ 15 (“Any email which serves to document the organization, functions, policies, procedures, operations, or other activities of the office constitutes a public record under R.C. 149.011(G).”); State ex rel. Parisi v. Dayton Bar Assn. Certified Grievance Comm., 2017-Ohio-9394, 103 N.E.3d 179, (requests for text messages and emails analyzed without regard to whether sent from personal or public devices); Cincinnati Enquirer v. City of Cincinnati, Ct. of Cl. No. 2018-01339PQ, 2019-Ohio-969, ¶ 6-15 (text messages on personal accounts and devices subject to disclosure); Narciso v. Powell Police Dept., Ct. of Cl. No. 2018- 01195PQ, 2018-Ohio-4590. This approach is consistent with the overarching purpose of the Public Records Act, which “reflects the state’s policy that ‘open government serves the public interest and our democratic system.’” Glasgow at ¶ 12, citing State ex rel. Dann v. Taft, 109 Ohio St.3d 364, 2006-Ohio-1825, 848 N.E.2d 472, ¶ 20. “Consistent with this policy, we construe R.C. 149.43 liberally in favor of broad access and resolve any doubt in favor of disclosure of public records.” Glasgow at ¶ 12. Thus, the operative question in this case is not whether messages at issue were sent from or stored on personal or private devices, but whether they document the functions, policies, procedures, operations, or other activities of the City, Sinclair Media III, Inc. v. Cincinnati, 2019-Ohio-2623

The investigative materials the Requestor has gathered confirm that Daniel Kasaris had a long term romantic relationship with government witness Kathryn Clover, who testified in dozens of criminal proceedings. Later, the U.S. Attorney in Cleveland stated that Ms. Clover committed

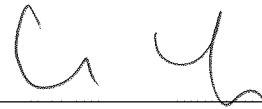
perjury in these proceedings, (Formal Complaint, Exhibit B). If, in fact, Mr. Kasaris had an inappropriate relationship with Ms. Clover, then all records concerning this matter should be produced because of the public's overriding interest in the fair administration of justice.

WHEREFORE, Requestor Anthony Viola respectfully requests that this Court determine that:

- (1) Emails on the Kasaris Yahoo email account MAY constitute official records that the personal Yahoo Email account DanielJKasaris@Yahoo.com must be searched by the Ohio Attorney General;
- (2) Emails between a prosecutor and government witness constitute public records, requiring the production of all Kasaris-Clover emails;
- (3) That this Court refer the potential misconduct described in these proceedings to the proper investigative body for a proper investigation; and
- (4) Any other relief that this Court deems equitable.

Thank you very much for the opportunity to present this submission and its attachments to the Court.

Respectfully Submitted,



Anthony Viola
2820 Mayfield Road # 205
Cleveland Heights, Ohio 44118
(330) 998-3290
MrTonyViola@icloud.com
December 2, 2020

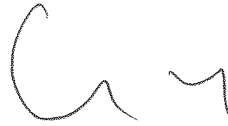
CERTIFICATE OF SERVICE

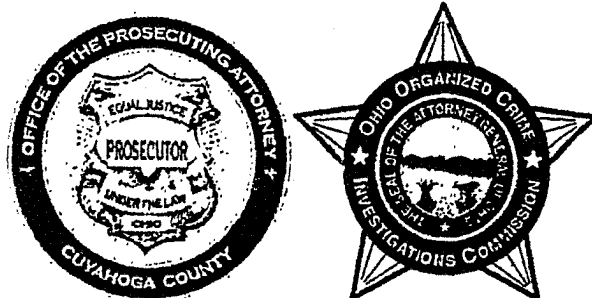
I, Anthony Viola, hereby swear and affirm that I caused a copy of the foregoing Motion to be served upon the following individual, via email and regular U.S. mail, postage prepaid, on this 2nd day of December, 2020:

Ms. Renata Staff, Esq.
Office of the Attorney General
Constitutional Offices
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

Renata.Staff@OhioAttorneyGeneral.gov

Respectfully Submitted,





For Immediate Release
August 26, 2009

**Cuyahoga County Mortgage Fraud Task Force Announces
One of Nation's Largest Mortgage Fraud Cases**

**500 Real Estate Transactions for \$50 Million,
453 Houses Purchased with \$44 Million in Fraudulent Loans,
45 Defendants, and \$31 Million in Profit**

CLEVELAND- County Prosecutor Bill Mason and the Cuyahoga County Mortgage Fraud Task Force operating under authorization of Ohio Attorney General Richard Cordray's Organized Crime Investigations Commission announced a 377-count indictment involving 45 defendants who engaged in over 500 real estate transactions to purchase 453 houses in Cuyahoga County for \$50 million. These houses were purchased with fraudulent loans totaling \$44 million. Gofman and others siphoned off more than \$31 million in profits from their criminal enterprise.

These charges resulted from an 18-month investigation by the Task Force. Task Force members County Prosecutor's Office, FBI, and Ohio Bureau of Criminal Identification and Investigation (BCII) were three of many partners in the investigation. Cuyahoga County Sheriff Bob Reid's deputies also provided assistance. With funding from the Ohio Attorney General's Office and the Organized Crime Investigations Commission, the Task Force was formed in December 2007. 289 defendants have been indicted for approximately \$111 million in fraudulent loans for 812 houses, located in 28 communities in Cuyahoga County, as well as 6 communities located outside Cuyahoga County. 616 of the 812 houses fell into foreclosure.

Uri Gofman orchestrated one of the nation's largest mortgage fraud cases by enlisting family, friends and others to invest in his real estate company, Real Asset Fund, with promise of profit. Gofman's enterprise began with seed money from an investor who transferred funds from an Eastern European bank account in Latvia. Gofman's typical scheme involved setting up straw buyers to purchase homes; falsely claiming home improvements were performed on houses in order to refinance them; and then selling

EXHIBIT A - P.1

houses to unqualified buyers with assistance of real estate agents, mortgage brokers, and title companies. Gofman and others defrauded lenders through loan application fraud, down payment fraud, and loan distribution fraud. 358 of the 453 houses fell into foreclosure.

The following 11 defendants were indicted on mortgage fraud-related offenses including engaging in a pattern of corrupt activity, a first degree felony: Uri Gofman, Tony Viola, Igor Gofman, Kevin Landrum, Dave Pirichy, Dale Adams, Steve Greenwald, George Gardner, James Leoni, along with Real Asset Fund owned by Uri Gofman and Karka Inc., which is owned by Uri Gofman. The other 34 defendants were indicted on mortgage fraud-related offenses.

Five defendants involved in this case were charged in December 2008, with mortgage fraud-related offenses in federal court: Uri Gofman, Paul Lesniak, Grennadiy Simkhovich, David Pirichy, and Howard Siefert, Jr.

The Task Force is continuing to investigate this mortgage fraud case and possible new charges are forthcoming.

The Cuyahoga County Mortgage Fraud Task Force operates under authorization of Ohio Attorney General Richard Cordray's Organized Crime Investigations Commission. The Task Force is comprised of federal, state, and local enforcement agencies.

Task Force members include: Ohio Organized Crime Investigations Commission, Cuyahoga County Prosecutor's Office, Ohio Bureau of Criminal Identification and Investigation, Cuyahoga County Sheriff's Office, Cleveland Heights Police Department, Solon Police Department, Beachwood Police Department, Pepper Pike Police Department, HUD Inspector General's Office, Cuyahoga County Recorder, Cuyahoga County Auditor, Cuyahoga County Treasurer, Department of Commerce-Division of Financial Institutions, F.B.I., U.S. Attorney's Office, and U.S. Postal Inspector.

Contact: Ryan Miday, Public Information Officer, (216) 698-2819, cell (216) 299-9326 or p4rm1@cuyahogacounty.us
<http://prosecutor.cuyahogacounty.us>.

exhibit A-02



From: "Bennett, Mark (USAOHN)" <[REDACTED]>
Date: Sat, 23 Oct 2010 13:47:35 -0400
To: <[REDACTED]>; Daniel Kasaris<dkasaris@cuyahogacounty.us>
Cc: Siegel, John (USAOHN)<[REDACTED]>; Micah R. Ault<Micah.Ault@ohioattorneygeneral.gov>; Bennett, Mark (USAOHN)<[REDACTED]>
Subject: RE: fts files

(B)(6)

(B)(6)

Michael,

I understand your desire to obtain these records, but I also have no reason to believe that Dan is not doing all he can to produce the requested documents. In addition, I understand what you have told me as to why you want these files, but I have not, and will continue not to, agree with you that this is a "major issue". As I have said in the past, as I understand it, you are looking for these files in order to argue that Family Title and [REDACTED] were involved in fraudulent activity before meeting [REDACTED] and after no longer working with [REDACTED]. And I have continuously stated the following in response: (1) it is anticipated [REDACTED] will take the stand and admit to his role in this case, as well as admit to any other alleged fraudulent activity that you are going to cross-examine him on, and (2) you can use the almost 200 files that I understand Dan has already produced to do that. You do not need, nor do I believe Judge Nugent will allow, the defense to cross-exam him on all 400+ files in order to establish the other allegedly fraudulent activity he was involved in with individuals other than [REDACTED]

(B)(6)
(B)(7)(c)

(B)(6)
(B)(7)(c)

So, I do not think this is a "major issue", or a reason that will make us have to "try this case twice" (to reiterate and clarify my reference to not wanting to try this case twice was in relation to the conflict issue created by your previous representation of [REDACTED] and your discussion of the factual allegations of this case with her, including [REDACTED], when you represented [REDACTED] and did not advise her of

Exhibit A - 0.3



that fact -- which I am still not certain we have resolved the conflict issue). With regard to the properties charged in the Superseding Indictment, you have had the pertinent documents relative to these properties for well over a year. We have provided any supplemental information that might be relevant as soon as it was bates stamped and ready to go, and that was months ago after meeting with all defense counsel and showing you everything we have. As we are meeting with various witnesses and being provided with additional documents, we are organizing those, bates stamping and will be producing.

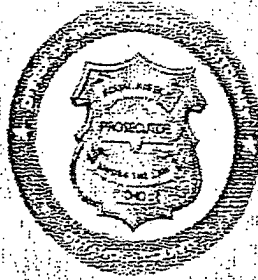
I have lost track of the tens of thousands of pages of documents we have produced and, as I understand it, the hundreds of thousands of pages of documents you have received in electronic format from the County. So, no one is asking you to say "oh well" with regard to this issue or discovery in general in this case, or not doing everything we can to give you these outlying Family Title files for your review.

If Dan is able to attend on Tuesday, we would welcome his attendance. But, our plan on Tuesday is to be able to discuss what documents we can agree to the production of at trial via stipulation, provide you with a draft of our exhibit list, our witness list and an initial 404B notice, as we work towards starting the trial of this case on November 29, 2010. I am happy to discuss the issue of the remaining FT closing files that you would like from the County, but I do not want to get sidetrack completely from the task at hand.

Mark S. Bennett
 Assistant United States Attorney
 801 W. Superior Ave., Suite 400
 Cleveland, Ohio 44113
 216.622.3878 (direct)
 216.522.2403 (fax)
 [REDACTED] (cell)

(B)(6)

EXHIBIT A - P. 4



Bill Mason
CUYAHOGA COUNTY PROSECUTOR

Jaye M. Schlachet, Esq.
The Law Office of Jaye M. Schlachet
55 Public Square, Suite 1600
Cleveland, Ohio 44113

September 16, 2011

Re: U.S. Government v. Kathryn Clover

Dear Attorney Schlachet:

I have been informed that Kathryn Clover's sentencing date in the United States District Court for the Northern District of Ohio has been scheduled by the Honorable Judge Don Nugent for September 28, 2011. I am writing you concerning the sentencing date.

As you know you're at the present time is heavily involved in assisting the State of Ohio in several "Mortgage Fraud" investigations and pending cases. She is scheduled to testify on or about October 17, 2011 in the State of Ohio v. Turner Nash in the Courtroom of Daniel Gaul. In addition at the present time she is assisting the State Government in the investigation of top Argent executives who may have been responsible for committing fraud in the selling of mortgage backed securities to investors, and others who may have participated in the tampering with internal Argent loan documents. Her work as already lead to the indictment of several former Argent employees for tampering with these internal loan documents, thereby allowing at least 100 loans to be approved when the approval was contrary to Argent's stated guidelines. She has already testified before a State Grand Jury in that matter and more Grand jury testimony is expected. Moreover, she is also working with State Government Prosecutors in investigating two mortgage brokers and a title company of dubious repute who it appears was closing deals with two HUDs (and I am not referring to Family Title).

Given the above and on behalf of the State of Ohio and at your request the State Government is requesting that her sentencing be continued until at least the middle of November so that the above matters may be concluded.

OFFICE OF THE PROSECUTING ATTORNEY
The Justice Center • Courts Tower • 1200 Ontario Street • Cleveland, Ohio 44113
(216) 443-7800 • Fax (216) 443-7601 • Email: prosecutor@cuyahogacounty.us
www.prosecutormason.com

Exhibit A - 0.5

Sincerely

A handwritten signature in black ink, appearing to read 'D. Kasaris', written over a large, loopy oval scribble.

Daniel J. Kasaris
Assistant County Prosecutor
Supervisor Mortgage Fraud Unit
Cuyahoga County, Ohio
1200 Ontario ST, 9th Floor
216-443-7863
216-698-2270 (fax)

EXHIBIT A-0.6

SWORN AFFIDAVIT

I, Matthew Fairfield, swear under the penalty of perjury that the following statement is true and correct:

- 1) I was married to Kathryn Clover from 2006-2010. We lived together during this time in Cleveland, Ohio.
- 2) From 2005-2008, Kathryn purchased rental properties with Paul Lesniak using Realty Corporation of America, a real estate brokerage owned by Tony Viola. She later rented office space from Viola where she was affiliated with Transcontinental Lending and Pacific Guarantee Mortgage. However, she presented herself as Tony Viola's Partner.
- 3) I visited her office several times and on one occasion I overheard a phone conversation she was having with a mortgage rep about "altering" loan documents. When I ask her about this, she said "Don't say anything. Tony can never know I am doing this. He'd never let this deal close if he knew what I was doing."
- 4) In 2009, Kathryn was indicted for mortgage fraud. Shortly after the indictment, I entered our home and found Kathryn shredding documents she had brought home from her office and compiling computer hard drives (3 total) to destroy. When I asked her what she was doing, she said she was getting rid of things because she was cooperating with the prosecutor as their "key witness" to get herself out of trouble and set up Viola to take the fall in her case.
- 5) Over the next few months, I became very concerned about the amount of time Kathryn was spending at the prosecutor's office and that she was meeting prosecutor Dan Kasaris outside of the office at all hours of the day and night. I saw that her email account showed numerous email communications between the two of them. I read the text messages between Kathryn and Dan, which included sexual photos of both of them.
- 6) During this time she was not employed but regularly had huge amounts of cash - thousands of dollars in hundred dollar bills - on her person.

EXHIBIT B - P. 1

- 7) December 2009, Kathryn had forgotten that she had asked me to pick her up from school and I saw her exit the building and get into an unknown vehicle. I followed this car to a bar in Lakewood where she jumped out of the car and kissed Kasaris who was waiting for her to arrive.
- 8) In February 2010, I confronted Kathryn about the texts, emails, and the rendezvous with Dan Kasaris at the Lakewood bar. I demanded to know what was going on. It was then she admitted she had been having a sexual affair with Kasaris.
- 9) Later in 2010 Kathryn told me that she was in love with Dan Kasaris and wanted to end our marriage. We were subsequently divorced by 2011.

Around May, 2020, I became aware that Tony Viola had been released from prison. I heard his broadcast on a national radio show shortly afterwards. I reviewed his website to learn that he has a federal case pending that directly pertains to missing evidence in his original criminal case, the same evidence that I witnessed being destroyed by Kathryn Clover.

Under the penalty of perjury, I swear the foregoing is true and correct and comports with any and all previous statements I have made regarding this matter.

OFFICIAL STAMP
RAYNA MARIE HERNANDEZ
NOTARY PUBLIC - OREGON

Date 7/27/20

Matthew Fairfield
Matthew Fairfield

Notary Public Rayna Hernandez
07-27-2020

STATE OF OREGON
COUNTY OF KLAMATH

OFFICIAL STAMP
RAYNA MARIE HERNANDEZ
NOTARY PUBLIC - OREGON
COMMISSION NO. 979570
MY COMMISSION EXPIRES SEPTEMBER 26, 2021

EXHIBIT B-0.2

BB

I **Bryan Butler**, DOB January 3, 1980, was advised of the nature of the investigation by **Investigator Robert Friedrich**, and make the following statement:

I met **Kathryn Clover** (known to me as **Katie**) in grade school. We went to high school through our sophomore year at Talawanda High School in Oxford, Ohio. I never dated **Katie** in school, but we exchanged greetings and made small-talk in the school hallways. The second semester of my sophomore year I moved to Hamilton ^{BB} ~~County~~ ^{City}. I believe this was in 1998. After graduation I worked with my stepdad cleaning carpets for about 20 years.

Katie and I got back together again through Facebook in 2015. We had a mutual friend named **Chris Evans**.

Katie and **Chris** both commented on a post I made and subsequently **Katie** messaged me. I responded and asked **Kathy** where she was living. She replied that she was back in Oxford, but she travels between Miami and New York. She said the reason she was living at home was because her mother had Alzheimer's.

I believe my first date with **Katie** was in November 2015 before Thanksgiving. I picked **Katie** up at her home in Oxford, Ohio where she was living with her parents. Her parents were at home when I arrived, and I met them. Two weeks later in November 2015 I received a call from **Katie** to meet her in Houston Woods State Park. I characterized myself as a "observant guy" and noticed that **Katie** would constantly pick up her phone and then put it down. I asked her why she was so secretive with her phone. **Katie** responded, "I didn't want to tell you, but I have a stalker who was a boyfriend" or words to that effect. I told her that if she had a problem that I could take care of it for her. **Katie** responded that I could not get involved because her ex-boyfriend was named **Dan Kasaris** and very dangerous. She further elaborated that **Dan** was a county prosecutor in Cuyahoga County. She said that **Dan** would not leave her alone and was infatuated with her.

A couple of weeks later in December 2015 I met **Katie** again in Houston Woods. She confided in me about her past. She said she had worked for a modeling agency, stole the clientele, and opened up her own agency. A short time later she turned it into a brothel. **Katie** never told me where the modeling agency was located. She said the brothel was raided which was how she got in trouble.

EXHIBIT C-01

BB

She then talked about her former husband, **Matt Fairfield**. She told me **Matt** was serving a life sentence and further he was abusive. He would have friends over and watch them rape her. **Katie** went to a prosecutor in regards to domestic violence and met **Dan Kasaris**. She said the first time they met it was very professional but by the third time they were sleeping together. **Katie** said that sex with him was great for his age. She said she felt comfortable with him, and it was a way to have him on a string. She said they broke up after the trial, and he was stalking her. **Katie** said she was sexually involved with **Dan Kasaris** from the time she met him until at least the time she began going out with me.

The next time **Dan's** name came up was a few days later. I was at **Katie's** house. She was taking a shower. I was in her bedroom when her phone went off right next to me. I picked up the phone and saw the name **Dan Kasaris**. I recall this was in December 2015. It was then I found out that **Katie** was lying about her ending her relationship with **Dan** and about him being a stalker. There were many messages between the two of them. One of which I recall said, "can we meet?" I also saw a message from **Dan** asking, "does he know?" I think this meant me. Another message said, "how long can we keep this from him" or words to that effect. **Dan** also said they needed to meet, he loved her, missed her and cannot wait to be with her again. The messages on her phone went back and forth.

I saw a personal journal which belonged to **Katie** in her bedroom. I started to read her journal. It did say she had been sleeping with **Dan**. She mentioned how awesome their sex life was and how she hated being away from him. When **Katie** came back into the room, I confronted her. She tried to minimize her relationship with **Dan** telling me that she was trying to get out of the relationship and she had made a big mistake.

I also saw the name **Tony Viola** in her journal and asked her about him. **Katie** admitted they were in real estate in Cleveland. She further admitted that she stole **Tony's** laptop and burned it in a field. She also said that she had stolen paper documents from **Tony** and after shredding them she bagged them up and threw them away in different neighborhoods.


In January I started to back out of my relationship with **Katie**. This was right after I had an accident on January 3, 2016, which is my birthday. We had gone to Dave & Buster's in Springdale, Ohio, and we both had several drinks. When I returned to Oxford, I was stopped by an Oxford Police Officer and cited for DUI. This was the last time I saw **Katie**, although I spoke to her on my cell phone infrequently.

EXHIBIT C- P. 2

BB

In the middle of March 2016 I received a Restraining Order. I was to have no contact with Katie. I was arrested on April 22, 2016 for Aggravated Vehicular Assault. This was regarding the accident I had on January 3, 2016. The so-called accident was no more than a minor scrape on her car, there was no impact. The incident happened in Springdale, Ohio. The only reason I was pulled over when we arrived in Oxford was because Katie had called her brother and told him I had kidnapped her and her car. I could not make bond and was held in jail for approximately seven months. I went on trial and was acquitted in a day and a half.

I have read this page and two others. To the best of my recollection my statement is the truth.

Signed: 
Date: 7-28-2020

Witness: Robert S. Friedrich
Date: 7/28/20

[A large, sweeping handwritten line or scribble that starts on the left side of the page and curves downwards towards the right side.]

EXHIBIT C-03

BB



EXHIBIT D-0.1

Search



Kelly Connors



I will call you.
I am not good at tech stuff.
Don't you need a code for zoom?



Kelly Connors



Yes I have a Zoom code! You are just calling
my old fashioned cell phone, the Zoom stuff
is for my work!!!

MORE ACTIONS



Search in Conversation



Ok

Edit Nicknames



Looking forward to chatting with you!

Change Theme



I will call you at 1

Change Emoji



I am nervous
But you will find my story interesting if I
decide to share it

PRIVACY & SUPPORT



Type a message...



SHARED PHOTOS

EXHIBIT D - 0.2

Search



Tony

Home

Create



Kelly Connors



Dan's gross drunkard cousin.
 He had a bunch of likes and comments on her disgusting pics. I told him it was sick and he removed some.
 Also told him to remove many of his pics that portrayed him looking drunk out of his mind. He just doesn't get it.
 Reckless like you said.

His cousin is in prison for murder. He stabbed his wife in the back after numerous arrests for domestic violence.
 The pics are of his first cousin. She is the sister of the murderer.
 They are thick as thieves.

He thought nothing was wrong with liking his first cousins repugnant photos.
 Shake my head....

Type a message...



Kelly Connors

MORE ACTIONS

Search in Conversation



Edit Nicknames



Change Theme

Change Emoji



PRIVACY & SUPPORT

SHARED PHOTOS



exhibit 3 - 0-3

August 7, 2020 at 2:47 PM

From connorsjazz@gmail.com

To Tony Viola

Who did she burn your computer for?

Dan?

Was it evidence in your case that Dan gave her to destroy? One of the computers that went missing?

How many cases/people are in prison based on these investigations handled by Dan's office?

You do know he thinks he is tight with Yost? And DeWine...

They call him.

I entertained for DeWine and McCain years ago for a private event.

It is what I used to do for a living.

Anyways,

Have a good weekend.

Joyous

Happy and Free

Sent from my iPhone

exhibit 3 - 0.4

Re:

August 7, 2020 at 4:06 PM

From connorsjazz@gmail.com

To Tony Viola

They are going to protect Dan to protect themselves.
Yost will never let that crumble unless he can use Dan as a fall guy.
Dan wants Angie Caneppa's job.
He doesn't want to move to C bus though.
He talked bad behind her back from the day she got the Section Chiefs Job.
Now she got fired.
I have e mails stating he wanted that job as soon as it was open about two years ago.

He wants power.

He loves power.

Sent from my iPhone

On Aug 7, 2020, at 3:50 PM, Tony Viola <mrtonyviola@icloud.com> wrote:

Dan had Clover go through all the files and remove documents that incriminated Clover or helped me ... but Dawn had already scanned in some of those records and gave me items Dan thought he got rid of.

1,200 of these mortgage fraud cases, and our mission is to get each one tossed out!!!

On August 7, 2020 at 12:47 PM, connorsjazz@gmail.com wrote:

Who did she burn your computer for?

Dan?

Was it evidence in your case that Dan gave her to destroy? One of the computers that went missing?

How many cases/people are in prison based on these investigations handled by Dan's office?

You do know he thinks he is tight with Yost? And DeWine...

They call him.

I entertained for DeWine and McCain years ago for a private event.

It is what I used to do for a living.

Anyways,

Have a good weekend.

Joyous

EXHIBIT D - 0-5

Re: Bryan Butler Statement

August 7, 2020 at 2:26 PM

From connorsjazz@gmail.com

To Tony Viola

Oh my.

What a mess.

She must have had lousy sex her whole life because Dan was the worst ever.

An oaf.

Sloppy, incompetent and selfish.

She sounds like a witness that would not receive much sympathy if she got on the stand.

She is a criminal by nature. She sounds pathological.

I have to believe that Dan is attracted to chaos and danger.

His lack of discernment is baffling and has given me pause for three years.

Sent from my iPhone

On Aug 7, 2020, at 3:11 PM, Tony Viola <mrtonyviola@icloud.com> wrote:

Let me know what you think of this when you have time!

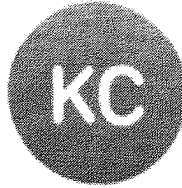
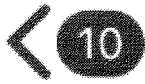
We have other stuff, too, so if there's something I can send you, think about anything that would be helpful and we'll see what we have!

Take care & let's talk again soon!

Tony

<Butler Statement (1) (1).pdf>

exhibit D-06



Kelly >

iMessage
Thu, Aug 13, 10:24 PM

Can you talk?

Fri, Aug 14, 8:16 AM

Hey there, sorry I missed your text! I leave for work around 915 this am... text me s time to call during the day, my boss is cool and I can step away or I'm home after 6 all night! Looking forward to chatting with you soon

Sounds good Terry



iMessage



EXHIBIT
D-0.2

Re: Some documents, just FYI

August 16, 2020 at 6:13 PM

From connorsjazz@gmail.com

To Tony Viola

So basically they made Clover out to be a whack job who was suffering and needed rehabilitation?
With Dan's signature on it?

I will call you later if that is ok?

This appears incredibly evil.

Sent from my iPhone

On Aug 16, 2020, at 4:10 PM, Tony Viola <mrtonyviola@icloud.com> wrote:

Hey there, hope your weekend has been going well.

I thought I'd send you some crazy documents ... Kathryn Clover lied at my first trial and told Dan and the federal prosecutor Mark Bennett but they refused to recall her so she could correct her false statements ... the documents are attached, and it's completely illegal to imprison someone on testimony prosecutors KNOW is false ... Clover said she was bullied into lying and recanted at the second trial, and I believe her, and I'm not mad at her but at the prosecutors for this ...

Talk to you soon,

Tony

<kaplan supporting documents.pdf>

exhibit D - 0.8

Affidavit of Kelly Patrick

State of Ohio
County of Cuyahoga

I, Kelly Patrick, hereby depose and state under oath the following:

- (1) I was married to Attorney John Patrick from May 2001 to July 2011. John is a corporate partner at Reminger, a Cleveland-based law firm. We had two children together.
- (2) John Patrick is biological brothers with Senior Ohio Attorney General Dan Kasaris. I met Dan and his wife Susan Kasaris in 1999. Throughout my marriage, I was close with Dan and Susan. I hosted many family parties at our home. Dan and Susan's children were very close with me and eventually my children, their eldest daughter frequently spending the night at our home.
- (3) Despite divorcing in 2011, I remained close and was in regular communications with Dan. In 2012, Dan sent me an email referencing a picture of him and bragged how he was young when he started drinking alcohol. In that email, Dan also copied Kat Clover. Dan and I would talk frequently because I created and built a family tree for my children, researching not only my family but also John and Dan's family history. And despite being divorced, I still visited John's house when Dan was visiting, often taking pictures of everyone together.
- (4) In 2016, Susan Kasaris discovered that her husband Dan was having an affair and Dan moved out of the family home on Beckingham, sometimes staying at John's home. During this time, Susan reached out to me for support. For over a year, from October 7, 2016 through October 17, 2017, we exchanged messages about Dan seeking counseling for his excessive drinking and his sexual relationships outside of the marriage. In one message, Susan discusses Dan's "affair" and in another, she states "He must not want her because he isn't divorcing me." In addition to this affidavit, I am providing print outs of all of the messages between Susan and me.
- (5) Susan's messages confirm that Dan had left twice during this time after his affair was publicized. Susan and I exchanged messages sharing details of our alcoholic and abusive marriages to John and Dan. She repeatedly told me Dan called her and her daughter "fat." Susan described Dan's "mid-life crisis" with his excessive drinking and out of control behavior.
- (6) During a visit to John's house, John complained to me about Dan's behavior. John claimed that his brother was drinking a lot, taking pills, and obsessed with finding girls to have sex with. Dan complained that he could not get an erection when he was with his wife and sought out sexual relationships with other females to determine whether or not he could sustain an erection.
- (7) During a visit to John's home, I found several bottles of prescription medications prescribed to Dan Kasaris for anxiety and pain.

EXHIBIT e-01

- (8) My communications with Susan abruptly ended in October, 2017 after Dan Kasaris and John Patrick discovered them. Susan wrote that “why are you sending John an e mail Dan is in alcoholic counseling! ... I can’t talk ... I asked you not to talk about our convo” and then she blocked me from Facebook Messenger.
- (9) In addition to written messages between Susan and me, I also have in my possession e mails from Dan Kasaris describing his “hand jobs we got from co-workers,” among other admissions.
- (10) I am coming forward now and providing this information in hopes that it will be helpful to others. I am very concerned that Dan Kasaris committed misconduct during his prosecution of criminal cases and I felt compelled to make the information in my possession available to the public.

Further affiant sayeth naught.

Kelly Patrick
Kelly Patrick

6/27/20
DATE

NOTARY:

[Handwritten Signature]

3/29/24

SWORN DECLARATION OF ANTHONY VIOLA

Now comes Anthony Viola, hereinafter "Requestor" or "the Undersigned," respectfully submitting this declaration, under penalty of perjury. Due to the Coronavirus Pandemic, the undersigned is not able to secure a notary signature but makes this declaration under penalty of perjury pursuant to 28 U.S.C. Section 1746.

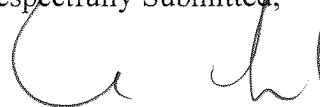
1. I, Anthony L. Viola, was simultaneously prosecuted in both federal and state court, on identical charges, by the same prosecution team, through a multi-jurisdictional Mortgage Fraud Task Force headed by Mr. Daniel Kasaris.
2. Following a federal conviction, substantially different evidence was introduced at a second trial on identical charges, and government witness Kathryn Clover recanted her federal court testimony, establishing the actual innocence of the undersigned, kindly compare USA v. Viola, 08-cr-506, N.D. Ohio, guilty verdict and 150 month prison sentence, with the subsequent acquittal, Ohio v. Viola, 10-cr-543886 and 10-cr-536877.
3. Following the second trial, and Ms. Clover's admission of committing perjury in federal court, presiding Judge Daniel Gaul stated in writing that the undersigned is innocent and that Mr. Kasaris committed "misconduct," a copy of this letter is attached.
4. As a result of the criminal matters, the Requestor retained a private investigator, former FBI Agent Robert Friedrich, to gather information and evidence that could be presented in Court filings.
5. The Requestor's investigative team has obtained documents and sworn statements that confirm that Dan Kasaris (who was an Assistant Cuyahoga County Prosecutor, an elected North Royalton City Councilman and is now Assistant Ohio Attorney General) had a long-term romantic relationship with government witness Kathryn Clover, who testified in dozens of court proceedings for the government as a "fact witness."
6. In the summer of 2020, Kelly Patrick, the former sister in law of Mr. Kasaris, contacted the undersigned and stated she read about the Requestor's criminal prosecutions and possessed information about the affair between Kasaris and Ms. Clover, which she provided to the undersigned. She also was copied on emails between Clover and Kasaris that were sent from the Kasaris Yahoo email account with his official government signature on them and provided that email to the Requestor as well.
7. The Kasaris-Clover Yahoo email discusses "hand jobs from workers" and "banging in the car" and was attached to the complaint in this matter as Exhibit A.
8. Upon receipt of the Yahoo email between Mr. Kasaris (a prosecutor) and government witness Kathryn Clover, the undersigned initiated public records requests to the three government agencies where Kasaris was employed, stating that emails between a prosecutor and a government witness are public records and that the Yahoo email account should be searched pursuant to pending records requests.
9. In the past several months, nearly 600 pages of official emails between Mr. Kasaris and Ms. Clover were produced, and those emails contain racist language about Mr. Kasaris conducting surveillance while dressed as an "African" and further confirm that Ms. Clover and Mr. Kasaris had a deeply personal and romantic relationship. Those emails have been provided to this Court and are on the case docket.

EXHIBIT f-p-1

10. In addition to Ms. Patrick, other individuals have provided sworn statements that confirm the romantic relationship between Kasaris and Clover, as well as the existence of email communications between them.
11. The statement provided by Bryan Butler confirms that Kasaris-Clover communications continued in late 2015 and early 2016, while Kasaris was employed by the Ohio Attorney General's Office.
12. In addition to the romantic relationship with Kathryn Clover, Mr. Kasaris has had affairs with multiple women, including Rose Switka-Kaptura and Kelly Connors.
13. Ms. Connors contacted the undersigned, provided photographs of her with Mr. Kasaris and claimed that Kasaris confirmed his romantic relationship with Clover to her. According to Connors, Kasaris promised to divorce his wife and marry Connors, and she asked him about his prior relationships. Kasaris admitted he and Clover often met for sexual encounters at the Kasaris apartment in North Royalton, 1410 Pinecrest, Apartment # 103.
14. Following the termination of the Connors-Kasaris relationship, Kasaris was fearful of being exposed. Mr. Kasaris and his brother, Attorney John Patrick, then created a "Power of Attorney" and a "Special Needs Trust" to control Ms. Connors' access to funds.
15. According to Ms. Connors:
 - Kasaris threatened to prosecute Connors if she revealed details of the affair;
 - Kasaris stole funds from the trust he established for her;
 - Kasaris utilized taxpayer funds to entertain Connors at hotels while he was pursuing criminal cases; and
 - Kasaris confirmed the use of his Yahoo email account for "side business"
16. I have repeatedly asked both the Ohio Supreme Court Office of Discipline Counsel and the Ohio Attorney General to investigate these matters, because: (a) the undersigned is not the proper individual to conduct such an inquiry and (b) because the actions of Mr. Kasaris affect many Ohioans, including 1,000 individuals prosecuted by the Multi-Jurisdictional Task Force. As of this date, no such inquiry by a proper authority has commenced, compelling the undersigned to continue with his investigative efforts.
17. All of the attachments and documents provided to this Court are authentic and all of the foregoing statements are truthful to the best of my knowledge.

I declare, under penalty of perjury, that the foregoing is true and correct, and that all attachments to this submission are authentic.

Respectfully Submitted,



Anthony Viola

12/01/2020
Date

exhibit f - p. 2



THE COURT OF COMMON PLEAS

COUNTY OF CUYAHOGA

JUSTICE CENTER

1200 ONTARIO STREET

CLEVELAND, OHIO 44113

DANIEL GAUL

Judge

(216) 443-8706

February 17, 2017

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

Dear Tony:

I hope you are as well as a person can be in federal prison.

Just thought I would write to express my feelings of regret on your continued incarceration. I had hoped that your exoneration in my courtroom would have assisted you in overturning your federal conviction.

In any case, I am writing to inform you that there is a newly elected Cuyahoga County Prosecutor. His name is Mike O'Malley. His office may be willing to take a fresh look at Daniel Kasaris' misconduct in your case. If Kasaris participated in your federal case, O'Malley's office may be able to intervene, or at least support a post-release remedy before Judge Nugent.

Anyway, this is just a thought. Please let me know if I may assist you in any way.

I regard you as an extremely decent man and I do hope you will have your conviction overturned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel Gaul".

Daniel Gaul
Judge

DG/mlt

EXHIBIT f- 0-3