

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:

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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 brief to be served upon the following individual, via email and regular U.S. mail, postage prepaid, on this 5th day of September, 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 \(/tadhg-dooley\)](/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. Dodszeit
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.

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. 2320003808

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 177.03©(4). When I learned that she died on or about August 25, 2012 I closed the investigation. If any person suggests that she was not under investigation that person is either unaware of the investigation or misleading whomever such person is talking to.

FURTHER AFFIANT SAYETH NAUGHT.


DONALD CLELAND

SWORN to before me and SUBSCRIBED in my presence this 3RD day of September
, 2022.



NICHOLAS J. BRYSON
Notary Public, State of Ohio
My Comm. Expires 08/19/2024
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 style with a large, stylized "V" and "I".

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	01/27/2023		
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		