

testified as both a party and a witness subpoenaed by the Mahoning County Board of Commissioners, a named Defendant in *State of Ohio ex rel Ohio Valley Mall Company v. Mahoning County Commissioners, et al.*, 2006CV3032. During that deposition testimony of Defendant Sciortino, beginning on page 131 and continuing to page 132, the Defendant knowingly made false statements under oath about items material to the lawsuit:

Q: "Okay. All right. Other than your—with the two folks you—you referenced, Mr. Banks and Mr. Trotter, is that right—

A: Yes

Q: --did you meet with anyone else regarding this subject?

A I might have had contact with my personal counsel, John Juhasz.

Q: Other than that?

A: No"

(See STATE016743).

However, the meeting agenda of Calfee, Halter & Griswold for August 30, 2006 shows two agenda items: '*who takes care of preparing the actual debt obligations?*' and '*what is the county Auditor's role?*' (See STATE033096). There is also follow-up email from Defendant Sciortino, the Auditor, to the then Treasurer, Defendant Reardon, Commissioner McNally and Carol McFall *fka* Kaufman showing bullet points addressing the subject of the issuance of county debt through bonds and treasury notes. (See STATE012118).

On December 21, 2006, an email exchanged between an Ulmer & Berne attorney who represented Enterprise co-defendant, Ohio Valley Mall, and attorney John Juhasz, who was retained by Mahoning County to defend Auditor Sciortino in

the taxpayer lawsuit filed by Enterprise co-defendant Ohio Valley Mall against Sciortino. The context of the e-mail was the co-ordination of a meeting between Defendant Sciortino and attorneys with Ulmer & Berne, who were working on behalf of one or more members of the Enterprise. The email wrote that Sciortino "has proposed the afternoon of January 3" (See STATE 002442). The purpose of this meeting was made clear in an email the very next day, on December 22, 2006, when an Ulmer & Berne attorney wrote to attorney John Juhasz with a subject line: "Contemplated County Bond Issue" with the email importance designated as: "High". The Ulmer & Berne attorney wrote: *"Yesterday we talked regarding possible issues relating to your client Michael Sciortino's thoughts about signing the contemplated bonds. I wanted to inform you that facsimile signatures are allowed on the bonds. Therefore, if Mr. Sciortino is still reviewing whether or not he wishes to sign the bonds, he should immediately notify both the County officials (perhaps the Administrator) and Bond Counsel (Tom Trotter at Buckingham Doolittle) and let him know that they do not have his consent to apply his facsimile signature to bonds without his express permission ..."* (See STATE 002444). In a separate email, also on December 22, 2006, an Ulmer & Berne attorney attached a four (4) page letter addressed to attorney Juhasz with the request to share it with Defendant Sciortino. The four (4) page letter expressly stated that it was written on behalf of the Ohio Valley Mall and provided material which Ulmer & Berne wanted Defendant Sciortino to consider prior to signing bonds on behalf of Mahoning County. (See STATE 002446 - 002450).

On December 26, 2006, the law firm of Ulmer & Berne sent two (2) separate letters: one to the bond underwriters, Butler Wick, and one to Mahoning County's