

Q: *"Are you familiar with any attorneys from Ulmer & Berne? Let me be specific.*

A: *Sure.*

Q: *Do you know Tom Anastos?*

A: *I just met Mr. Anastos the day we were talking about settlement issues, I think the day Commissioner Traficanti was deposed.*

Q: *Is that the only time you've met him?*

A: *Yes.*

Q: *Okay. How about Isaac Eddington?*

A: *I think the first time I met him was the same day." (See STATE 016182).*

But, Defendant McNally did become acquainted with both attorneys before the deposition of Anthony Traficanti on February 26, 2007. The statement made by Defendant McNally in his deposition concealed his involvement and acquaintance with both of the above-referenced attorneys. Defendant McNally's statements appear designed to conceal the coordination he had with the Ohio Valley Mall in the filing of the taxpayer lawsuit. Ulmer & Berne attorney Isaac Eddington documented in an e-mail on August 5, 2006 to another Ulmer & Berne attorney that Eddington had a conversation with Defendant McNally and "McNally would also like to take a look at a draft of the complaint some time tomorrow night" (See STATE 002304). On the next day, August 6, 2006, attorney Eddington e-mails a revised draft copy of the Ohio Valley Mall taxpayer lawsuit complaint to McNally (See STATE 002305-002320), which occurred prior to the actual filing of the taxpayer lawsuit on August 7, 2006 with the Court.

McNally also tried to conceal the coordination--with attorney Eddington's assistance--with Enterprise Defendants McNally, Reardon, and Sciortino in their Pro Se

opposition of the sale of Oak Hill in the Bankruptcy Court. There are a number of e-mails during a period from August 11 to 14, 2006, with attorney Eddington documenting conversations with McNally and the sending of documents to McNally related of bankruptcy appeal (See STATE 002322-002330).

Regular communication continues to occur between McNally and attorney Eddington; for example: a fax from McNally to Eddington on September 15, 2006 (See STATE 002396-002397), a letter from Eddington to McNally on October 11, 2006 (See STATE 002416), e-mail from Eddington to McNally on October 12, 2006 (See STATE 002419), e-mail from Eddington to McNally on November 8, 2006 (See STATE 002430-002432).

Moreover, Defendant McNally also denies knowing that Ulmer & Berne attorneys assisted in preparing objections (See STATE 32232-32253) at page 123 of his deposition (See STATE 16280) and professed no knowledge of any involvement of the Ulmer & Berne attorneys or Mr. Cafaro in preparing objections. An e-mail from one Ulmer & Berne attorney to another Ulmer & Berne attorney documents that they meet with attorneys from Taft, Stettinius & Hollister on July 20, 2006; the Ulmer & Berne attorneys wrote that they believed their visit was helpful to the Taft, Stettinius & Hollister attorneys (See STATE 002264). Records from Taft, Stettinius & Hollister reveal the topic of the July 20, 2006 meeting with Ulmer & Berne to have been: "background facts and legal theories for Objection to Trustee sale" and that a subsequent telephone conversation occurred with Defendant McNally on the same day. (See STATE 003168). The sharing of Objections to the Trustee's Motion between the law firms of Taft, Stettinius & Hollister and Ulmer & Berne was also documented in an e-mail on July 24, 2006 (See STATE003401-003415). Defendant's false statements