

State of Ohio ex rel Ohio Valley Mall Company v. Mahoning County Commissioners, et al., Case No. 06cv3032. During that testimony on pages 46 through 48, Defendant Zachariah was asked a number of questions relating to whether he acted with anyone to delay or impede any move from the Cafaro-controlled Garland Avenue site to Oakhill, including questions relating to the issues of air quality and mold at the then current Garland property that the Mahoning County Department of Job and Family Services had been leasing. When asked, at page 48 of his deposition:

Q: "Did you forward a copy of that letter to Mr. Cafaro?"

A: "No I did not forward it"(See STATE018688 - 018690).

Defendant Zachariah forwarded an email to Defendant Anthony Cafaro, Sr. through an email dated "01/25/2007" stating to the effect:

"Tony: This is a correspondence I received from the county regarding a notification the county received from the National Institute for Occupational Safety & Health regarding a complaint against MCDJFS on the air quality in the building. Please contact me if you have any questions. -john" (See STATE000252 - 000256).

COUNT 36 PERJURY

The State of Ohio incorporates statements made with respect to the other counts contained herein and further submits that in that same April 5, 2007 deposition under oath, Defendant Zachariah testified at length relative to whether he spoke to Anthony Cafaro, Sr. about the move to Oakhill but the character and tone of Defendant Zachariah's responses were to the effect that his efforts were directed mainly at fixing the Cafaro-controlled Garland location. See deposition pages 53 & 54. However, at page 85 the question and response reflect otherwise.

Q: "Were you ever asked by anybody to delay the project or sabotage it?",

A: "No"

(See STATE018695 – 018696; STATE018727)

There were a number of instances where Defendant Zachariah aided Anthony Cafaro, Sr.'s efforts to sabotage or otherwise thwart the contemplated move from Garland to Oakhill. For example, Defendant Zachariah called and met with Anthony Cafaro, Sr. on multiple occasions to discuss how to stop any move of Mahoning County Job and Family Services to Oakhill:

- There is a 2/2/2006 call to "strategize". (See STATE013033);
- There is a 2/13/2006 follow-up meeting with Defendant Zachariah, Commissioner McNally and Anthony Cafaro, Sr. on stopping the move; (See STATE000049);
- On 5/17/2006 Defendant Zachariah met with Anthony Cafaro, Sr. regarding impediments to the county moving, such as the cost of moving a Northwoods computer system; (See STATE000132);
- On 5/25/2006 Defendant Zachariah met with Anthony Cafaro, Sr. to report what had occurred at a Mahoning County Commissioner's meeting where Commissioners Ludt and Traficanti had indicated authority to give the county administrator authority to make an offer relative to Oakhill; (See STATE000149, STATE011737 - 011739);
- On 6/20/2006, Defendant Zachariah called Anthony Cafaro, Sr. to report meeting with Russ Cook and the contents of the county administrator's earlier meeting with Defendant Zachariah; (See STATE000167, STATE000172-000173);
- On 7/6/ 2006 Defendant Zachariah meets with Anthony Cafaro, Sr. to report the results of meeting with the county commissioners relative to the letters of