

SUPREME COURT OF PENNSYLVANIA

**In re: The Thirty-Five Statewide Investigating Grand Jury Petition
of: Attorney General Kathleen G. Kane**

No. 175 MM 2014, Supreme Court of Pennsylvania (August 26, 2015)

SUMMARY

This document is a compiled Pennsylvania Supreme Court filing concerning Attorney General Kathleen G. Kane's emergency application for extraordinary relief in connection with the Thirty-Five Statewide Investigating Grand Jury. The application sought to quash the grand jury investigation and subpoena issued to Kane and to vacate a related protective order; the packet also includes motions, attorney verifications, proofs of service, a memorandum of law, and an August 26, 2015 order lifting the seal on related matters subject to stated exceptions.

OPINION

In Re: The Thirty-Five Statewide Investigating Grand Jury Pet of: Attorney General Kathleen Kane

PER CURIAM.

IN THE SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

IN RE: THE THIRTY-FIVE STATEWIDE : No. 175 MM 2014

INVESTIGATING GRAND JURY : PETITION OF: ATTORNEY GENERAL : KATHLEEN G. KANE :

ORDER

PER CURIAM

AND NOW, this 26th day of August, 2015, upon the request of the supervising judge for removal of the seal from all matters involving the 35th Statewide Investigating Grand Jury and the investigation of Attorney General Kathleen Kane which have been lodged in this Court, save for grand jury materials such as testimony, exhibits, and in camera proceedings, and based on the supervising judge's assurance that there are no present grand jury secrecy concerns relative to such unsealing, it is hereby ORDERED that the seal is lifted upon such terms. M.D. Misc. Dkt. 175 MM 2014

FILED

11/13/2014 Supreme Court Middle District

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT UNSEALED PER

ORDER OF THE

COURT DATED

IN RE: EMERGENCY APPLICATION FOR AUGUST 26, 2015

EXTRAORDINARY RELIEF

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY

SUPREME COURT OF

PENNSYLVANIA NO.176 M.D.

MISC.DKT.2012

MONTGOMERY COUNTY

COMMON PLEAS

M.D. 2644-2012

ATTORNEY GENERAL KATHLEEN G. KANE'S EMERGENCY APPLICATION FOR
EXTRAORDINARY RELIEF

Minora, Minora, Colbassani, Krowiak, Mattioli & Munley Allah M. Minoru, Esq. Attorney ID:
22703 700 Vine Street Scranton, PA 18510 Attorneyfor Attorney General Kathleen G. Kane
Winston & Strawn, LLP Gerald L. Shargel, Esq. 200 Park Avenue New York, NY 10166 Attorney
Pro Hac Vicefor Attorney General Kathleen G. Kane ReCelved in Supreme Court

NOV 13 2014

Middle

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: NOTICE OF EMERGENCY APPLICATION

FOR EXTRAORDINARY RELIEF

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY

SUPREME COURT OF

PENNSYLVANIA NO.176 M.D.

MISC. DKT.2012

MONTGOMERY COUNTY

COMMON PLEAS

M.D.2644-2012

EMERGENCY APPLICATION FOR EXTRAORDINARY RELIEF

Attorney General Kathleen G. Kane, by and through her counsel, Amil M. Minora, Esq., hereby
submits an Emergency Application for Extraordinary Relief to (I) quash the submission initiating
a grand jury investigation into an alleged "leak" of information from a five-year-old investigation,
and the subpoena issued for her appearance and testimony; and (11) to vacate the related
protective order.

1. This Court has the authority to entertain this application pursuant to the Section 3309 of

the Pennsylvania Rules of Appellate Procedure; Section 726 of Pennsylvania's Judiciary and Judicial Procedure(42 Pa.C.S. § 726); and Kings Bench Power.

2. The annexed Attorney Verification and Memorandum of Law are respectfully submitted in support of this Application.

3. Due to the confidential subject matter of this Application, much of which is subject to a protective order, we respectfully request that this Application be filed under seal. A separate motion to file under seal is appended to this Application. Minora, Minora, Colbassani, Krowiak, Manion & Munley etma /Amt. Amil M. Minora, Esq. Attorney for Attorney General Kathleen G. Kane Attorney ID: 22703 700 Vine Street cranton,PA 18510
(570) 961-1616

Winston & Strawn, LLP 6r.d.a./ Alioa Ar Gerald L. Shargel, Esq. Attorney Pro Hac Vice for Attorney General Kathleen G. Kane 200 Park Avenue New York, NY 10166
(212)294-2637

Dated: November 12, 2014 New York, New York To: Clerk of Court Thomas E. Carluccio Special Prosecutor

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: EMERGENCY APPLICATION FOR

EXTRAORDINARY RELIEF

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY PROOF OF SERVICE

SUPREME COURT OF

PENNSYLVANIA NO. 176 M.D.

MISC.DKT.2012

MONTGOMERY COUNTY

COMMON PLEAS

M.D.2644-2012 I hereby certify that I am this day causing the service of the foregoing Emergency Application for Extraordinary Relief upon the persons and in the manner indicated below, which satisfies the requirements of Pa. R.A.P. 121: Service by Federal Express addressed as follows:
Thomas E. Carluccio Special Prosecutor
(484)674-2899

Law Office of Thomas E. Carluccio 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19462 Date: November 12, 2014 Minora, Minora, Colbassani, Krowiak, Mattioli & Munley a 4A ;If 40.4044 fiA4 Arnil M. Minora, Esq. Attorney for Attorney General Kathleen G. Kane Attorney ID 22703 700 Vine Street Wad in Suprnmo Court Scranton, PA 18510
(570)961-1616 NOV 13 ZOill

Middle

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT
IN RE: MOTION TO FILE EMERGENCY
APPLICATION FOR EXTRAORDINARY
THE THIRTY-FIVE STATEWIDE RELIEF UNDER SEAL
INVESTIGATING GRAND JURY
ATTORNEY VERIFICATION
SUPREME COURT OF
PENNSYLVANIA NO.176 M.D.
MISC. DKT.2012
MONTGOMERY COUNTY
COMMON PLEAS

M.D. 2644-2012 I, Amil M. Minora, Esq., hereby verify the following:

1. I am an attorney duly admitted to practice in Pennsylvania and before this Court.
2. My office, Minora, Minora, Colbassani, Krowiak, Mattioli & Munley is located at 700 Vine Street Scranton, PA 18510.
3. I represent Attorney General Kathleen G. Kane in this matter, and as such, am fully familiar with the facts and circumstances of this case.
4. This Verification is respectfully submitted in support of Attorney General Kane's motion to file the enclosed Emergency Application for Extraordinary Relief under seal.
5. I hereby state that the facts set forth in this motion are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904. Dated: November 12, 2014 New York, New York Minora, Minora, Colbassani, Krowiak, Mattioli & Munley etod Ott Amil M. Minora, Esq. Attorneyfor Attorney General Kathleen G. Kane Attorney ID: 22703 700 Vine Street Scranton, PA 18510 (570)961-1616

Nov. 14. 2014 10:54AM • No. 2875 P. 3 Min• . Minora, Colbassani, Mattia 'r lunley *) frlt .1 . Mino ; q. Attorney for Attorney General Kathleen G. Kane Attorney ID: 22703 700 Vine Street Scranton,PA 18510 (570)961-1616

Winston & Strawn, LLP .S Gerald L. Shargef llf Attorney Pro Ilac Vice for Attorney General Kathleen G.Kane 200 Park Avenue New York,NY 10166 (212)294-2637

Dated: November 12, 2014 New York,New York To: Clerk of Court .Thomas E. Carhiccio Special Prosecutor Nov. 14. 2014. 10:54AM No. 2875 P. 4

CONTAINS CONFIDENTIAL INFORMATION
SUBJECT TO PROTECTIVE ORDER
REQUEST TO BE FILED UNDER SEAL

Dated: November 12, 2014 Mii Minora, Colbassani, uiley Amil M.Minora, Attorney for Attorney General Kathleen G. Kane Attorney ID: 22703- 700 Vine Street Scranton,PA 18510

(570)961-1616

Winston & Strawn, LLP 1, 'A Gerald L. Shargel, q. Attorney Pro Hoc Vice for Attorney General Kathleen G.Kane 200-Park Avenue New York,NY 10166

(212)294-2637

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Mìli i a, Minora, Colbassani, "ak, Mattioli unley M.Mino , sq. Attorneyfor Atto ey General Kathleen G. Kane Attorney 10: 22703 700 Vine Street Scranton, PA 18510

(570)961-1616

Winston & Strawn, LLP 6>e4cif.51 1,•4 Gerald L. Shargel, Esq. (g-A4 Attorney Pro Hoe Vicefor Attorney general Kathleeh G. Kane 200 Park Avenue New York, NY 10166

(212)294-2637

Dated: November 12,2014 New York,New York . To: Clerk of Court Thomas E. Carluccio Special Prosecutor Nov. 14. 2014 10:54AM \10. 2875 P. 6 Dated: November 12, 2014 New York, New York ,Minora, Colbassani, , Mattioli unley mi M. Miner6- Esq. Attorneyfor Attorney General Kathleen G. Kane Attorney ID: 22703 700 Vine Street Scranton, PA 18510

(570)961-1616

N o v 1 4. 2014 10 54AM No. 2875 P. 7 Dated: Novernber 12, 2014 New York, New York Mino Colbassani, Kr Mattioli unl v Ami M. Mino „E q. Attorneyfor Attorney General Kathleen G. Kane Attorney ID: 22703 700 Vine Street Scranton, PA 18510

(570)961-1616

Nov. 14, 2014 10:54AM No, 2875 P. 8 Debra McCloskey Todd Pennsylvania Supreme Court Justice

301 GRANT ST STE 3130

PITTSBURGH ,PA 15219-6401

United States 412-565-2680 Max Baer Pennsylvania Suprerne Court Justice

301 GRANT ST STE 2525

PITTSBURGH ,PA 15219-6415

United States 412-467-2220 J, Michael Eakin Pennsylvania Supreme Court Justice

4720 OLD GETTYSBURG RD STE 405

MECHANICSBURG,PA 17055-8419

United States 717-731-0461 Thomas G. Saylor Pennsylvania Supreme Court Justice

200 N 3RD ST FL 16

HARRISBURG ,PA 17101-1590

United States 717-772-1599 Date: November 13, 2014 Minora, Minora, Colbassani, Kro7ak, Mattioli & Munley mil M.ivlin.ra, sq. Attorney for Attorney General Kathleen G. Kane Attorney ID 22703 700 Vine Street Scranton, PA 18510

(570)961-1616

2 • Nov. 14, 2014 10:54AM No.2875 P. 9 Debra McCloskey Todd Pennsylvania Supreme Court Justice

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(570)961-1616

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IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: MOTION TO FILE EMERGENCY

APPLICATION FOR EXTRAORDINARY

THE THIRTY-FIVE STATEWIDE RELIEF UNDER SEAL

INVESTIGATING GRAND JURY

AMENDED PROOF OF SERVICE

SUPREME COURT OF

PENNSYINANIA NO. 176 M.D.

MISC.DKT.2012

MONTGOMERY COUNTY

COMMON PLEAS

M.D. 2644-2012 hereby certify that, on November 12, 2014, I caused the service ofthe Motion to File Emergency Application for Extraordinary Relief Under Seal upon the persons and in the manner indicated below, which satisfies the requirements of Pa. R.A.P. 121: Service by Federal Express addressed as follows: Thomas E. Carluccio Special Prosecutor

(484)674-2899

Law Office of Thornas E. Carluccio 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19462 Ronald D. Castille Chief Justice Pennsylvania Supreme Court

1818 MARKET ST STE 3730

PHILADELPHIA ,PA 19103-363.9

United States 215-560-5663 Corral F. Stevens Pennsylvania Supreme Court Justice

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United States 717-772-1599 Date: November 13, 2014 Minora, Minora, Colbassani, Krowiak,

Mattioli & Munley o-i_r e v Amil M. Minora, Esq. Attorney for Attorney General Kathleen G.

Kane Attorney ID 22703 700 Vine Street Scranton, PA 18510

(570) 961-1616

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IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: EMERGENCY APPLICATION FOR

EXTRAORDINARY RELIEF

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY AMENDED PROOF OF SERVICE

SUPREME COURT OF

PENNSYLVANIA NO. 176 M.D.

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Law Office of Thomas E. Carluccio 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19462 Ronald D. Castille Chief justice Pennsylvania Supreme Court

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United States 717-731-0461 Thomas G. Saylor Pennsylvania Supreme Court Justice

200 N 3RD ST FL 16

HARRISBURG ,PA 17101-1590

United States 717-772-1599 Date: November 13, 2014 Minora, Minora, Colbassani, Krowiak, Mattioli & Munley • IX{ g,vt Arnil M. Minora, Esq. Attorney for Attorney General Kathleen G. Kane Attorney ID 22703 700 Vine Street Scranton,PA 18510

(570) 961-1616

2 M.D. Misc. Dkt. 175 MM 2014

FILED

11/13/2014 Supreme Court IN THE SUPREME COURT OF PENNSYLVANIA Middle District HARRISBURG DISTRICT UNSEALED PER ORDER

OF THE COURT DATED

IN RE: NOTICE OF MOTION TO FILE AUGUST 26, 2015

EMERGENCY APPLICATION FOR

THE THIRTY-FIVE STATEWIDE EXTRAORDINARY RELIEF UNDER SEAL

INVESTIGATING GRAND JURY
SUPREME COURT OF
PENNSYLVANIA NO. 176 M.D.
MISC. DKT.2012
MONTGOMERY COUNTY
COMMON PLEAS
M.D.2644-2012

MOTION TO FILE UNDER SEAL

Attorney General Kathleen G. Kane, by and through her counsel, Amil M. Minora, Esq., hereby moves to file the enclosed Emergency Application for Extraordinary Relief under seal.

1. Attorney General Kane's Emergency Application for Extraordinary Relief requests that this Court (I)quash the submission initiating a grand jury investigation into an alleged "leak" of information from a five-year-old investigation, and the subpoena issued for her appearance and testimony; and (II) to vacate the related protective order.

2. Most, if not all, of the facts supporting the Application are highly confidential and subject to a protective order. As such, Attorney General Kane respectfully requests that the Application be filed under seal.

3. The annexed Attorney Verification is respectfully submitted in support of this Application. Received In Supreme Court

NOV 13 2014

Middle Minora, Minora, Colbassani, Krowiak, Mattioli & Munley Mmole, Ar Amil M. Minora, Esq. Attorneyfor Attorney General Kathleen G. Kane Attorney ID: 22703 700 Vine Street Scranton,PA 18510

(570)961-1616

Winston & Strawn, LLP •241/ /19Alc Gerald L. Shargi71:eq. Attorney Pro Hac Vicefor Attorney General Kathleen G. Kane 200 Park Avenue New York, NY 10166

(212)294-2637

Dated: November 12, 2014 New York, New York To: Clerk of Court Thomas E. Carluccio Special Prosecutor

IN THE SUPREME COURT OF PENNSYLVANIA
HARRISBURG DISTRICT

IN RE: MOTION TO FILE EMERGENCY
APPLICATION FOR EXTRAORDINARY
THE THIRTY-FIVE STATEWIDE RELIEF UNDER SEAL

INVESTIGATING GRAND JURY
PROOF OF SERVICE
SUPREME COURT OF
PENNSYLVANIA NO. 176 M.D.

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COMMON PLEAS

M.D. 2644-2012 I hereby certify that I am this day causing the service of the foregoing Motion to File Emergency Application for Extraordinary Relief Under Seal upon the persons and in the manner indicated below, which satisfies the requirements of Pa. R.A.P, 121: Service by Federal Express addressed as follows: Thomas E. Carluccio Special Prosecutor

(484)674-2899

Law Office of Thomas E. Carluccio 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19462 Date: November 12, 2014 Minora, Minora, Colbassani, Krowiak, Mattioli & Munley 666j .14'.44 /Atilt Amil M. Minora, Esq. Attorney for Attorney General Kathleen G. Kane Attorney ID 22703 Court BMW in Supreme 700 Vine Street Scranton, PA 1,8510

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IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: EMERGENCY APPLICATION FOR

EXTRAORDINARY RELIEF

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY ATTORNEY VERIFICATION

SUPREME COURT OF

PENNSYLVANIA NO. 176 M.D.

MISC.DKT.2012

MONTGOMERY COUNTY

COMMON PLEAS

M.D.2644-2012 I, Amil M. Minoru, Esq., hereby verify the following:

1. I am an attorney duly admitted to practice in Pennsylvania and before this Court.
2. My office, Minoru, Minoru, Colbassani, Krowiak, Mattioli & Munley is located at 700 Vine Street Scranton, PA 18510.
3. I represent Attorney General Kathleen G. Kane in this matter, and as such, am fully familiar with the facts and circumstances of this case.
4. This Verification is respectfully submitted in support of Attorney General Kane's Emergency Application for Extraordinary Relief,
5. I hereby state that the facts set forth in this motion are true and correct(or are true and correct to the best of my knowledge,information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S, § 4904. Dated: November 12, 2014 New York, New York Minora, Minora, Colbassani, Krowiak, Mattioli & Munley ado, M kir Amil M. Minora, Esq. Attorneyfor

Attorney General Kathleen G, Kane Attorney ID: 22703 700 Vine Street Scranton, PA 18510
(570)961-1616

M.D. Misc. Dkt.

175 MM 2014 FILED

11/13/2014 Supreme Court Middle District

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT UNSEALED PER ORDER

OF THE COURT DATED

AUGUST 26, 2015

IN RE: EMERGENCY APPLICATION FOR

EXTRAORDINARY RELIEF

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY MEMORANDUM OF LAW

SUPREME COURT OF

PENNSYLVANIA NO. 176 M.D.

MISC. DKT.2012

MONTGOMERY COUNTY

COMMON PLEAS

M.D.2644-2012

ATTORNEY GENERAL KATHLEEN G.KANE'S MEMORANDUM OF LAW IN

SUPPORT OF HER EMERGENCY APPLICATION FOR EXTRAORDINARY RELIEF

Minora, Minora, Colbassani, Krowiak, Mattioli & Munley Arnil M. Minora, Esq. Attorney ID:

22703 700 Vine Street Scranton, PA 18510 Attorneyfor Attorney General Kathleen G. Kane

Winston & Strawn, LLP Gerald L. Shargel, Esq, 200 Park Avenue New York, NY 10166 Attorney

Pro Hac Vicefor Attorney General Kathleen G. Kane Waived In Supremo Court

NOV 13 2014

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CONTAINS CONFIDENTIAL INFORMATION

SUBJECT TO PROTECTIVE ORDER

REQUEST TO BE FILED UNDER SEAL

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: EMERGENCY APPLICATION FOR

EXTRAORDINARY RELIEF

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY

SUPREME COURT OF

PENNSYLVANIA NO. 176 M.D.

MISC.DKT.2012

MONTGOMERY COUNTY

COMMON PLEAS

M.D.2644-2012 Emergency Application for Extraordinary Relief Pursuant to Pa.R.A.P. 3309,42 Pa.C.S. § 726 and Kings Bench Power

MEMORANDUM OF LAW

INTRODUCTION

This memorandum is respectfully submitted in support of Attorney General Kathleen G. Kane's Emergency Application for Extraordinary Relief Pursuant to Pa.R.A.P. 3309,42 Pa.C.S. § 726 and Kings Bench Power:(I) to quash the submission initiating a grand jury investigation into an alleged "leak" of information from a five-year-old investigation, and the subpoena issued for her appearance and testimony; and (II) to vacate the related protective order. This is "an issue of immediate public importance," and we respectfully request that this Court "cause right and justice to be done," See 42 Pa.C.S. § 726. Attorney General Kane is being prevented from protecting the people of the Commonwealth of Pennsylvania, carrying out the duties of her Office, and removing criminals from positions of power solely by the machinations of two individuals.

CONTAINS CONFIDENTIAL INFORMATION

SUBJECT TO PROTECTIVE ORDER

REQUEST TO BE FILED UNDER SEAL

Two former employees of the Office of Attorney General — Frank Fina and E. Marc Costanzo — corruptly manufactured this grand jury investigation to protect their own jobs and reputations. For years, Fina and Costanzo had viewed and distributed pornographic, misogynistic, racist, obscene and offensive emails using their state-owned computers. Attorney General Kane had uncovered those emails, and was set to release them to the public. Faced with their imminent personal and professional disgrace and desperate to keep their wrongdoing secret, Fina and Costanzo devised a plot to block their obscene emails from being released to the public. They triggered this grand jury investigation, they made materially misleading statements to the court to obtain a protective order, and through their scheming they avoided public exposure. The grand jury proceeding and the related protective order are now preventing Attorney General Kane from investigating and potentially prosecuting Fina and Costanzo. As a result, these two men — peddlers of pornography and obscenity depositing state paychecks — are allowed to maintain their positions as Assistant District Attorneys in the Philadelphia District Attorney's Office. This is an injustice of the highest order that cannot be allowed to stand.² Frank Fina and E. Marc Costanzo should not be permitted to bury the truth of their own gross misconduct by abusing the powers of the investigating grand jury. We respectfully submit that the submission initiating this investigation and the subpoena to Attorney General Kane should be quashed, and the protective order vacated, in the interest of justice.³ A selection of these emails is attached as Exhibit A. 2 Numerous state employees have rightfully lost their jobs based on the emails collected and produced by the Office of Attorney

General. This includes, but is not limited to, Justice Seamus P. McCaffery of this Court. See In re: Mr. Justice Seamus P. McCaffery of the Supreme Court of Pennsylvania, No. 430, Judicial Administration Docket (Castille, J., Concurring Statement). 2

CONTAINS CONFIDENTIAL INFORMATION

SUBJECT TO PROTECTIVE ORDER

REQUEST TO BE FILED UNDER SEAL

STATEMENT OF FACTS

Fina and Costanzo's Years of Gross Misconduct For years, former Deputy Attorneys General Frank Fina and E. Marc Costanza abused their positions as state prosecutors and the trust placed in them by the people of the Commonwealth of Pennsylvania. They regularly received, viewed, possessed and distributed misogynistic, pornographic, racist, obscene and offense emails on their state-owned computers. A selection of these emails is attached as Exhibit A. The emails include, among other things: An email forwarded by Fina attaching pornographic photographs with the subject "New Office Motivation Policy Posters"(Exhibit A at 001); An email forwarded by Fina to an attorney outside the Office of Attorney General attaching inappropriate images with the inserted comment "My favorite is rainbows," referring to a photograph of a woman in rainbow-patterned underwear (Exhibit A at 007, 026); An email forwarded by Fina attaching altered nude photographs purporting to be of former Alaska Governor Sarah Palin (Exhibit A at 032); Email correspondence involving Fina referencing "a murder case" on which he was apparently working in his official capacity, and attaching sexually suggestive photographs of a female tennis player (Exhibit A at 040); 3 In the event that the Court cannot fully resolve this Application before November 17, 2014, we request that the Court immediately order a stay of the subpoena issued for Attorney General Kane's appearance and testimony on that date. 3

CONTAINS CONFIDENTIAL INFORMATION

SUBJECT TO PROTECTIVE ORDER

REQUEST TO BE FILED UNDER SEAL

- An email forwarded by Fina attaching pornographic photographs showing, among other things, a woman inserting a banana into her vagina, with the subject "Banana Split" (Exhibit A at 069, 083-086); An email received by Fina from "Gregory J Policare, Narcotics Agent, PA Office of Attorney General," attaching a photograph of a topless woman (Exhibit A at 099, 102); - An email received by Costanzo with the subject "Hot Ghetto Mess!" containing race- and class-based discriminatory text and attaching racist photographs, including a photograph of an African American baby holding a rifle (Exhibit A at 103, 145); An email received by Fina and Costanza with the subject "Men in Training" attaching photographs depicting, among other things, a young boy looking into the underwear of a young girl (Exhibit A at 146, 150); - An email forwarded to Fina and Costanzo attaching pornographic photographs showing, among other things, a woman inserting a beer glass into her vagina, with the subject "7 XXX Ways to Serve a Man a Drink" (Exhibit A at 157, 163); An email forwarded to Fina and Costanzo attaching pornographic

photographs showing, among other things, a woman inserting a pacifier into her vagina, with the subject "a New Year's wish for you"(Exhibit A at 166, 178); An email received by Fina and Costanzo attaching an altered nude photograph purporting to be of President Barack Obama and former First Lady Hillary Clinton (Exhibit A at 310); - An email received by Fina with the subject "Great T-Shirts" attaching, among other things, a photograph of a young woman wearing a shirt with the slogan "Admit it: You'd Go To Jail For This"(Exhibit A at 375, 379). 4

CONTAINS CONFIDENTIAL INFORMATION

SUBJECT TO PROTECTIVE ORDER

REQUEST TO BE FILED UNDER SEAL

Exhibit A contains only a small selection of the hundreds of similar emails sent and received by Fina and Costanzo from their state-owned computers. Chief Justice Castille recently described similar emails as "sexually explicit pornographic emails" which are "clearly obscene and may violate the Crimes Code Section on Obscenity[1]" In re: Mr. Justice Seamus P. McCaffery of the Supreme Court of Pennsylvania, No. 430, Judicial Administration Docket (Concurring Statement), at 1. Attorney General Kane Uncovers Fina and Costanzo's Criminal Conduct In February 2014, newly-elected Attorney General Kathleen Kane set in motion a series of events that threatened to expose Fina and Costanza's potentially criminal misconduct. Attorney General Kane had been elected on a platform of public transparency. One of her first acts in office was to review the Jerry Sandusky child sexual-abuse prosecution, to determine why the investigation of Sandusky had suffered through so many delays, Attorney General Kane appointed Professor Geoffrey Moulton on February 4, 2013 to lead that review. As part of the review, Moulton reviewed emails sent and received by the Office of Attorney General. In October 2013, the scope of the information available to Moulton and his team radically expanded. A Special Agent working on the review devised a process to retrieve emails that had been deleted from the system. Suddenly, Moulton had access to a much larger universe of emails sent and received by employees of the Office of Attorney General. That larger universe included emails that Frank Fina and E. Marc Costanzo believed they had deleted and hidden forever. 5

CONTAINS CONFIDENTIAL INFORMATION

SUBJECT TO PROTECTIVE ORDER

REQUEST TO BE FILED UNDER SEAL

Fina Attempts to Conceal His Crimes But Fails When Frank Fina learned that Moulton had obtained access to his previously-deleted emails, he knew that his career was on the verge of collapse. The obscene emails he had sent and received from his state-owned computer were now in the hands of Professor Moulton and Attorney General Kane. In accordance with Kane's policy of public disclosure and transparency, those emails would soon be released to the public. Personally and professionally, Fina would be ruined. Between October 2013 and April 2014, Fina embarked on a campaign to suppress the emails that would rightfully destroy him. He failed. On April 24, 2014, Judge Krumenacker denied Fina's request to block the public release of his emails.

Fina and Costanzo Scheme to Conceal their Crimes by Abusing the Grand Jury Process The next step in Frank Fina's plot took just over a month to complete, On May 29, 2014, he and E. Mare Costanzo secured the appointment of a Special Prosecutor to investigate Attorney General Kane in connection with an alleged •leak of grand jury materials, On September 11, 2014, Attorney General Kane received a subpoena under which she was ordered to appear as a witness before the Pennsylvania Statewide Investigating Grand Jury "to testify and give evidence regarding alleged violations of the laws of the Cornmonwealth of Pennsylvania1.1" The subpoena was signed by Supervising Judge William R. Carpenter. It instructed Attorney General Kane to direct any questions about her appearance to Deputy Attomey General Thomas Carluccio, the Special Prosecutor assigned to the case. Carluccio was charged with investigating whether Attorney General Kane unlawfully disclosed confidential grand jury material. The grand jury material allegedly disclosed was an 6

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internal memorandum about a 2009 grand jury investigation into the finances of J. Whyatt Mondesire, the former head ofthe NAACP Philadelphia chapter. At the time of the Mondesire grand jury proceedings(beginning and ending in 2009), Attorney General Kane was a stay-at-home mother, She was not involved in any capacity in the Mondesire grand jury proceedings. Accordingly, she took no oath of secrecy with regard to those proceedings. Attorney General Kane was not sworn into office until January 15, 2013. Fina and Costanzo, both experienced prosecutors, knew that Attorney General Kane could not have violated the law in connection with the release of any materials related to the five-year-old Mondesire grand jury investigation. Pursuant to 42 Pa.C.S. § 4549(b), only "a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony ... shall be sworn to secrecy" regarding "matters occurring before the grand jury[1" 42 Pa.C.S. § 4549(b). "All such persons," and only those persons, pursuant to the statute, "shall be in contempt of court if they reveal any information which they are sworn to keep secret." See id. Attorney General Kane therefore could not have violated the law in connection with any disclosure related to the 2009 grand jury proceeding because she was not sworn to secrecy with regard to that proceeding. See Castellani v. Scranton Times, L.P., 598 Pa, 283, 307(Pa, 2008)rOnly the grand jury participants are bound by the oath of secrecy" and only they have a duty "to uphold the integrity of the grand jury process. [O]nly the individual swearing the oath can violate grand jury secrecy" and it is only that individual "who has the capacity to commit a crime."). This legal barrier was immaterial to Fina and Costanzo, because they only required the initiation of investigating grand jury proceedings.

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Fina and Costanzo Make Materially Misleading Statements Under Oath Fina's scheme to prevent Attorney General Kane from releasing his obscene emails was nearly complete. He had secured an investigation into the conduct of the Office of Attorney General. But he still needed an Order that would block the release of his obscene emails. On August 25, 2014, Fina and Costanzo appeared before Judge Carpenter.⁴ Both Fina and Costanzo provided the Court with materially misleading descriptions of the emails that they hoped to conceal from the public, in an effort to secure a protective order barring public release of the emails. Instead of appropriately describing the emails that were uncovered as pornography, obscenity and depravity of the highest order, Fina instead told the Court that the issue was "personal emails of mine that had been uncovered during the review of the Sandusky case by Geoffrey Moulton," Costanzo described the mails as "personal and private emails that were received by me and others who are current and former members of the staff, of a personal nature." Costanzo continued: "Just so it's clear, the sending and receipt of personal emails was absolutely authorized by the Attorney General. We were permitted to both send and receive emails of a personal nature with no actual caveats in place in terms of their possible dissemination in the future." Neither Fina nor Costanzo offered any true and complete description of the emails that they were seeking to keep secret. They did not inform the court that their "private" emails were actually collections of pornography received and viewed on state-owned computers. A transcript of the appearance was submitted to this Court by Judge Carpenter, in connection with a separate challenge to the protective order by the Office of Attorney General.

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Fina and Costanza Realize their Corrupt Objective by Obtaining a Protective Order On August 27, 2014, the Court issued a protective order based on Fina and Costanza's materially misleading testimony. (Exhibit B, Order dated August 27, 2014.) That order prevented the Office of Attorney General from releasing the pornographic and obscene emails received by Fina and Costanza on their state-owned computers.⁵ As a result, it also allowed Fina and Costanzo to keep their jobs as state prosecutors despite having themselves engaged in an ongoing course of potentially criminal conduct.

ARGUMENT

POINT ONE

The Submission Initiating the Grand Jury Investigation and the Subpoena Issued for Attorney General Kane's Appearance and Testimony Should be Quashed The submission initiating grand jury investigation and the subpoena issued to Attorney General Kane should be quashed because these grand jury proceedings are irreparably tainted. Frank Fina and E. Marc Costanzo subverted the power of the investigative grand jury to conceal their own crimes and to preserve their own jobs and reputations. This runs contrary to the most essential safeguards underlying the grand jury

process. One of the most basic and important functions of the grand jury "is to stand between the government and the citizen and thus to protect the latter from harassment and unfounded 5 Specifically, the order directed all employees of the Office of Attorney General to refrain from engaging in, or soliciting, any act of obstruction, intimidation or retaliation against any witness summoned by the Grand Jury in the Special Prosecutor's Investigation." (Exhibit B, at 2.) The protective order was subsequently modified on September 17, 2014 and October 30, 2014, but the above-referenced portion of the order remains in effect. 9

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prosecution." *United States v. Dionisio*, 410 U.S. 19, 45(1973)(Marshall, 7., dissenting). The grand jury maintains this "insulating" function even when acting "in its investigative capacity." *Id.* As Chief Justice Warren wrote of the grand jury in *Wood v. Georgia*, 370 U.S. 375, 390 (1962):

Historically, this body has been regarded as a primary security to the innocent against hasty, malicious and oppressive persecution; it serves the invaluable function in our society of standing between the accuser and the accused, whether the latter be an individual, minority group, or other, to determine whether a charge is founded upon reason or was dictated by an intimidating power or by malice and personal ill will. In this case, the power of the investigating grand jury has been corrupted to serve the criminal ends — the "personal ill will" — of Frank Fina and E. Marc Costanza. Faced with personal and professional ruin, they acted in desperation to avoid the public disgrace that they richly deserve. They were the individuals that instigated this investigation. They did so to further their own unlawful agenda. The power of the grand jury, instead of acting as a "shield to the innocent," was in this case misused to protect two peddlers of depravity from public exposure. Fina and Costanza's misuse of the grand jury is exacerbated by the fact that they knew that no unlawful act could have been committed by Attorney General Kane, as a matter of law, as she was never sworn before the 2009 grand jury. She could not have committed any unlawful act of disclosure; she had no "capacity to commit a crime" under 42 Pa.C.S. § 4549(b). See *Castellani*, 598 Pa. at 307. The fact that Fina and Costanza subsequently offered materially misleading testimony in connection with the grand jury proceedings should be sufficient in itself to justify quashing 10

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submission initiating the investigation. Their sworn testimony on August 25, 2015 unquestionably contained material omissions. The emails in question were not "personal" and "private emails that were "authorized" or "permitted" by the Office of Attorney General. They were vehicles for transmitting criminal obscenity from state-owned computers. See *In re: Mr. Justice Seamus P.*

McCaffery of the Supreme Court of Pennsylvania, No, 430, Judicial Administration Docket(Concurring Statement), at 1 (discussing "sexually explicit pornographic emails" which are "clearly obscene and may violate the Crimes Code Section on Obscenity[d]"). Under Pennsylvania law, this constitutes at the least false swearing under 18 Pa.C.S. § 4903. Fina and Costanzo initiated the grand jury investigation in this case. Based on their willingness to mislead the court about their own wrongdoing, there can be no confidence in the truth or completeness of any sworn statement they made in doing so. The machinations of Frank Fina and E. Marc Costanzo must not be rewarded. We respectfully submit that the submission initiating this grand jury and the subpoena to Attorney General Kane must be quashed.

POINT TWO

The Protective Order Should be Vacated Because Attorney General Kane is Being Unlawfully Prevented from Performing Her Duties The protective order issued in connection with this investigation must also be vacated in order to avoid a Constitutional Separation of Powers violation.⁶ Attorney General Kane is the chief law enforcement officer for the Commonwealth of Pennsylvania. She is charged with ⁶ The protective order is also the subject of a Petition for Review filed by the Office of Attorney General on November 10, 2014, See Pennsylvania Office of Attorney General v. Supervising Judge of the Thirty-Fifth Statewide Investigating Grand Jury, No — MM 2014, dated November 10, 2014. ¹¹

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investigating and prosecuting criminal acts that fall within her purview. She was elected to carry out that duty. She has an unconditional obligation to protect the citizens of this state from criminality, particularly when the offenders at issue are public servants abusing their office. The corrupt machinations of Frank Fina and E. Marc Costanzo have wrongfully caused the judiciary to bar her from discharging the duties of her Office. The protective order prevents Attorney General Kane from exposing the truth about Fina and Costanzo to the citizens of Pennsylvania, and seeing them removed from their positions as Assistant District Attorneys. Based on the emails they received, possessed, viewed and distributed on their state-owned computers, they should be investigated and possibly prosecuted. Under the terms of the protective order, it is currently impossible for the Office of Attorney General to carry out this responsibility. The protective order also prevents Attorney General Kane from investigating leaks associated with this grand jury proceeding. There have been multiple news reports containing information about this grand jury proceeding, meaning that someone involved in the investigation is unlawfully providing information to the press. (See Exhibit C.) The Office of Attorney General cannot investigate these leaks — as it is charged with doing — because its investigation may be perceived as running afoul of the overbroad protective order. Finally, the protective order prohibits Attorney General Kane from investigating any crimes that may have occurred in connection with the grand jury

proceedings themselves. This includes, but is not limited to, the materially misleading testimony provided by Fina and Costanzo on August 25, 2014. Under the terms of this protective order, Attorney General Kane and the Office of Attorney General cannot perform their law enforcement duties. The restriction on Attorney 12

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General Kane's power to investigate and prosecute is the product of judicial action. The ultimate result is a violation of the Separation of Powers Doctrine of the federal and state constitutions. The protective order must therefore be vacated. Other Grounds for Relief The submission initiating the grand jury investigation and the subpoena should also be quashed, and the protective order vacated, because this investigation has been tainted throughout by leaks aimed at discrediting Attorney General Kane. On multiple occasions, information relevant to the grand jury proceedings have been leaked in a form designed to slander Attorney General Kane's reputation, and the reputation of the Office of Attorney General. (See Exhibit C, collected news reports.) The failure to maintain the integrity of the grand jury proceedings in this case is sufficiently serious and widespread that quashing the submission and the subpoena and vacating the protective order is warranted

CONCLUSION

For the reasons set forth above, we respectfully submit that: (I) the submission initiating the grand jury investigation and the subpoena to Attorney General Kane should be quashed; and (II) the protective order should be vacated, under Pa.R.A.P. 3309, 42 Pa.C.S. § 726 and Kings Bench Power. This is clearly "an issue of immediate public importance," and we respectfully request that this Court "cause right and justice to be done." See 42 Pa.C.S. § 726. 7 The extensive leaks in this case likely constitute the criminal offense of harassment, intimidation or retaliation against a prosecutor under 18 Pa.C.S. § 4953, as well as obstructing administration of law or other governmental function under 18 Pa. C.S. § 5101. 13

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Dated: November 12, 2014 Minora, Minora, Colbassani, Krowiak, Mattioli & Munley a.14;) A ,A.44.01 bemic Amil M. Minora, Esq. Attorney for Attorney General Kathleen G. Kane Attorney ID: 22703 700 Vine Street cranton, PA 18510

(570)961-1616

Winston & Strawn, LLP 6-A411 SW"/Alt Gerald L. Shargel, Esq. Attorney Pro Hac Vice for Attorney General Kathleen G. Kane 200 Park Avenue New York, NY 10166

(212)294-2637

EXHIBIT NOT REPRODUCED

DIGITALLY Available in Prothonotary's Office

EXHIBIT A

(emails and images 398 pages)

EXHIBIT B

IN THE COURT OF COMMON PLEAS

MONTGOMERY COUNTY,PENNSYLVANIA

IN RE: • : SUPREME COURT OF PENNSYLVANIA

: NO.176 M.D. MISC DICT.2012 •

THE THIRTY-ITVE STATEWIDE

: MONTGOMERY COUNTY COMMON PLEAS

.INVESTIGATING GRAND JURY : M.D. 1424-2014

• : NOTICE NO,123

ORDER

AND NOW,this 27th day of August,2014, it is hereby ORDERED,pursuant to 18 Pa.C.S.§ 4954 (relating to protective orders), that:

1. The Office ofthe Attorney General, except upon specific authorization by this Court or the Special Prosecutor, shall refrain from any involvement in, or access to, the investigative efforts of the Special Prosecutor.
2. Employees ofthe Office ofthe Attorney General shall refrain from
 - engaging in, or soliciting, any act of obstruction, intimidation or retaliation against any witness summoned by the Grand Jury in the Special Prosecutor's investigation,
3. All transcripts of Grand Jury testimony shall be given only from the Stenographer or their employer directly to the Supervising Judge and the Special Prosecutor, no copy shall be given to the Attomey General's Office.
4. Employees.ofthe Office of the Attorney General shall not have access to trans.cripts of proceedings before the Grand Jury or Supervising Judge, exhibits, or other information pertaining to the Special Prosecutor's investigation. All information related to the work ofthe Special Prosecutor shall be kept in the custody of the Special Prosecutor and SuperviSing Judge.
5. Any person, including employees ofthe Office of the Attorney General, who engage in any act of obstruction, intimidation or retaliation against a witness summoned by the,Grand Jury in the Special Prosecutor's investigation may be prosecuted as set forth in 18 Pa.C.S.§ 4955(relating to violation of orders) and any other applicable provisions ofthe Crimes Code ofPennsylvania. 6, The Special Prosecutor shall serve a Copy of this Order upon the Office of the Attorney General.
7. The contents ofthis Order are sealed, and shall not be disclosed (either verbally or in writing) by the Office ofthe Attorney General to any individual outside ofthe Office

of the Attorney General under penalty of contempt of court. BY THE COURT: WILLIAM R. CARPENTE J. Supervising Judge Copies sent on August 27, 2014. By First Class Mail to: Kathleen G. Kane, Pennsylvania Attorney General Thomas E. Carlucci, Esquire
EXHIBIT C

State A.G. probed Philly NAACP leader Mondesire's finances 5 years ago Page 1 of 5
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her daughter from burning ear pleaded guilty in 2010 to steeling Toady \$2213,000 In state grant
money for a job-lraInIng program. Garrett was sentenced to aminirnum of six months in Jail and
ordered to Another teacher pay restitution. Her daughter got 18 months prohaton. assaulted nt
Bart-ram A 2008 mune written by their-Deputy Attorney General William Davis Jr. says
Investigators "uncovered what appeared lo bo questionable spending" of stale money by Kane's
car small Monoestre. Irre.111 .7 again derailed testimony Kane, a Democrat, is now trying la
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001 State A.G. probed Philly NAACP leader Mondesire's fmances 5 years ago Page 2 of 5 Travel
DetrIs fdlondeslre, 54, says he was never quelloned and denies any _ — financial wrongdoing.
eClFSE , The 2009 Davis memo detailed for his bosses what had been uncovered about
Mondeslre and Garrett, who worked at the Phlladelphla Sunday Slin, a weekly newspeper
Mondeslre publishes. & tip — End.lin.: Caribbean Cruise Solo A nonprofit called Next Generation
Community Development Sen dr Is Corp., which Is operated by Mondeslre, held a state-
government grant for a jobs-trainIng program ln 2004 end 1.4mo oeIRAVELZ06 2005, but handed
it off lo Garrett, who ran another nonprofit -norm Z. A/so ea Atillif.cont called Creative Urban
Education Systems, or CUES, SUSIICSS: sewn:ling to the Davis memo, GM ordered switches
nearly 2 months Weekty Ciretehrrs before recall Mondasire was listed as chairmen of the CUES

hoard, the marine noted, while Garrett nerved as the treasurer for the NeY1 Generation's board.

•VIEZECT, MALIN

Davis wrote his memo then. Chief Deputy Attorney General The 5 best exercises his runners Frank Fine and then-Senior Deputy Attorney General E. Marc T. Nitell 115.4 Costanzo. Buy Two, Gel, One Free MI Video Game. 11-m14... Orgy Corbett, as attorney general, named Fine in 2008 to head a SPORTS: new public-corruption unit and Costanza to work on cases for Snitches. It's a chance to the unit in the Philadelphia region. be great

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111(.11). Floe and Costanzo now work in a similar Unit for District IOV, 15, va- I Attorney Seth Whiners,

ENTERTAINMENT

In the Philadelphia Inquirer, Davis wrote: Stephen A. Smith to Make Mere Hupp on F broadcast from Less - Wenn 12.20.ff HOMY " Next Generation's bank-account records, obtained with a • • • • • grand jury subpoena, showed deposits of \$1.2 million. In See More Clever government grants in a one-year period. But another \$521,000 in the account came from political contributions to campaigns, rent payments and the intermingling of money. Cherry Hill-landmark from the , Sunday Sun, +Ala is owned and operated by Mandeslie, the memo said, 'Next Generation paid 52,272 40 to the Philadelphia Club, a bar should I manage my workload while private and exclusive club in Center City. Pin on vacation? Next Generation spent tens of thousands," writing checks to pay Mondesire's American Express bill for "clothes, food, Stan Connected lodging gas and entertainment and a loan from Mellon Bank. Got an Al tea'la Wlyasat cell, lian alortos oar atetier There were also checks written to Mondesire for 40 "cash." chitlittraal your otaad SO. up veal ErtOva,; nt iteltitass ro_spn • Next Generation wrote checks for \$169,900 to Charles and Claudia Tasco and their company, CSC Construction. torndy pity. upon riAnLo? O Vos (Charles Tessa is the son of City Councilwoman Marlon -fiasco, a friend and political ally of Mondesire's for more than three decades.) A DAILY Inquirer Q&A: WATLYNEWS ▪ \$0,451 In CMS money was given to Mondesire for what Garrett called consulting. That type of expense was not FOR THE COMPLETE allowed, according to the rules of the grant. DAI TNEWER EXPERIENCE, "Irr" various correspondence" between Garrett and Mondesire discovered by investigators, she questioned payments of \$60,000; more than \$70,000 he made to Claudia Tasco. 'CUES paid \$1,000 for hoard, Insurance for Mondesire. 'Davis wanted to question Mondesire - and possibly subpoena him for sworn grand-jury testimony - about Garrett, CUES and Next Generation, http://www.philly.com/philly/news/20140606_State_A_G_probed_Philly... 11/10/2014 Exhibit C 002 State A.G. probed Philly NAACP leader Mondesire's finances 5 years ago Page 3 of 5 Never questioned Mondesire, a former Inquirer reporter who served as the top aide to the late U.S. Rep. Bill Gray, said no one from the Office ever questioned him, 'We didn't have any money for personal galri, Mondesire said. He said that he has not seen the A.G. Office's documents and twice declined an offer from the Daily News to review them. Mondesire said C&C Construction worked

on four properties, including the NAACP headquarters and his newspaper office, Wlinfo Next Generation non-profit is also located. "We bought supplies with my American Express card for construction," he said. "They never asked me a single question back in 2009. We rehabbed the buildings. We spent money buying Muffler for buildings, construction and paying off developers." Garrett declined to comment about the investigations. Fier daughter did not respond to requests for comment. The May 20-10 news release about Garrett's arrest featured Corbett laying out the charges. Corbett did not respond this week to two questions: Was he briefed on the Mondesire investigation and did he play a role in deciding what happened with the probe? Mondesire was suspended by the NAACP's national headquarters in April after he testified publicly with board members about the finances of the local chapter and Next Generation. Those board members - Sid Booker, Donald "Ducky" Birts and the Rev. Elisha Merda - also were suspended. Booker and Morris, who say they are still Next Generation board members, are now asking a Common Pleas judge to force Mondesire to show them the nonprofit's financial records. As a judge considers that request, Karre's staff is reviewing what became of the 2009 Mondesire probe. David Pelfer, who heads the A.G.'s Bureau of Special Investigations, on March 21 interviewed Michael Miletto, the special agent who investigated Garrett and Ivion. The Daily News obtained 13 transcript of that taped interview, Miletto told Pelfer that he subpoenaed Next Generation's bank account, the transcript shows. "When I did that, I found that there was a whole bunch of money that appeared to me to be donations to IT113 NAACP, not [Mendesire], and they were going into Next Generation's account and they were being used for [Mendesire's] lifestyle - much of it," Miletto told Pelfer. Miletto said he was taken off the case after Fine and Costanzo were interviewed about the probe, according to the transcript. http://www.philly.com/philly/news/20140606_StateAG_probed_Philly... 11/10/2014 Exhibit C 003 State A.G. probed Philly NAACP leader Mondesire's finances 5 years ago Page 4 of 5 Miletto said "criminal activity was just ignored after that, He added that two accountants who had worked for Mondesire had provided taped statements, with one asking for immunity and the other asking for protection. Fine and Costanzo declined to comment about the Mondesire investigation, citing the grand-jury proceedings. Davis, now in private practice, also declined to comment, citing the same restriction. Miletto, who still works for the A.G.'s office, also declined to comment. Pelfer referred questions to Kane's communications staff. J.J. Abbott, a spokesman for Kane, declined to comment. The Kane-Fine feud [Fine and Costanza have a complicated and controversial relationship with Kane. Kane criticized Corbett's tenure as attorney general when she ran for office in 2012, specifically targeting the Penn State child-abuse scandal (he sent former assistant football coach Jerry Sandusky to prison. Kane's staff is now conducting an extensive review of that investigation. Fine led the Sandusky probe. Kane, on Feb. 5, issued a statement noting that his office's Sandusky review had been underway for one year, adding that delays in the undertaking he described in more detail when the report was made public." A month later, the Inquirer reported that Kane declined to pursue an investigation previously led by Flea and Costanza, stating in 2010, that

used Philadelphia lobbyist Tyron All as a confidential informant to tape conversations with four Philly state representatives and a former Traffic Court judge. On the tapes, the representatives and judge accept cash or gifts from Ali. Kane has said she dropped 2,033 criminal counts against Ali, who had been charged with stealing \$430,000 from the state program, 24 days before she was sworn into office. She said that "extraordinarily lenient" deal "crippled the chance of this case succeeding in prosecution." Etna, in a letter published by the Inquirer a week after the first story ran, called on Kane to explain her decision. The Inquirer also published a letter that day from Fina% hoes, Williams, critical of Kane. Kane eventually turned over the Ali case file to the Aillians, who is now examining whether charges can be brought against the four representatives and the Traffic Court judge, who is currently on trial in an unrelated federal corruption case. http://www.philly.com/philly/news/20140606_State_A_G_probed_Philly... 11/10/2014 Exhibit C 004 State A.G. probed Philly NAACP leader Mondesire's finances 5 years ago Page 5 of 5 On Twill-ton (21au1sOrannan1N ph.ly7PhillyCinuLcnm

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Derni) News Staff WHIP'brennacephWUrtWstun 2,5-44 ,59.7.1V, . ,... Exhibit C 005 Special prosecutor probes Pa. Attorney General's Office Page 1 of 5 • Monday, November 10,2014 " " • • • _ L5551n: 3.1y5ri In I .0.I09050, f h g r, 0John Bolorls' Forecast is 0 Philadelphia, PA philly.com Search Subril it I News l Sports l ,gritertainment l BlloiTICES I Opinion I Food I Lifestyle l Health l More DREAMS NEWS VIDEO vOICESIEILOGS PHILADELPHIA NEWS NEVI LENS ET POLITICS EDUCATION ONITUARITS NATIONAVORLWD WEATHER TTIAFFIC Special prosecutor probes Pa. Advertisement Attorney General's Office Here are 25 of the most notorious cheerleaders on Store II TYNAN ErniF HFL sidelines, Shop larlllent Earth's beyond confillt Cr. 5155500mi sings, • =.74, onlquo fings, and flne 4 lewel.rYl -,1-,ONTOP 10',Scheel Women In Thu World f) . 4.9[pm owe lass than .5025,nno 1r:471-n' primYenlf7eilill? umlefiLSPOr0th7c1 m to i.'saga up in SI,ODDIYPH The 40 MPG Corn of 2014 29 01 The Mont Well Endowed in Hollywood! Pe.Alfons* amoral HaMle on G,Kane faces rerarlform OVOT hnii,hatare.hvedled servelmcolels,4 spellen p/OSOCI400 hes is-sue4subpenno Ita her el'Irce, *Niers M101.IAEL 05iYAIIT AIFII Ploluguglog, rrs Craig H. McCoy and Anpeta CLulnu mbis, km:Miser Cfaff Writers Latest Nei us ViolIS) LAST II PDATETI: Suoday,Aunost rLI, 2014, 1105 A51 A spacial prosecutor is investigating Ztangitrer whether the office of Pennsylvania Attorney General Kathleen G. Kane leaked confidential grand jury material to a newspaper In a bid to strike back at former prosecutors In the office who had been criticaI of hal', according to several people familiar with the matter. The special prosecutor has issued several subpoenas to Kane'S Office and others to explore how secret records became public this year about a 2009 Investigation by the Attorney Genera fa Office irwolving Philadelphia political activist J,Inkiyah Mondeslre, the solaces said, More efdeos: Though there have been periodic inquiries into grand jury leaks in the past this appears to be first time the stale attorney generai or top staffers In the office have come under scrutiny. Mosf Viefuritf Netus SIor[co f

http://www.philly.com/philly/news/politics/20140831J-leadline_here ... 11/10/2014 Exhibit C 006
Special prosecutor probes Pa. Attorney General's Office Page 2 of 5 Reached for comment late Saturday afternoon about reports Bouncers shoot man of the leak probe, J.J. Abbott, a Kane spokesman, referred at Phfia. strip club those questions to Renee Martin, Kane's acting communications director. MarIn did not return phone calls, II is unclear who commissioned the investigation, nor was The Kane's car crash Inquirer able to determine the special prosecutor's name. But derailed testimony again typically, sources said, such a decision would need approval from the Pennsylvania Supreme Court. A person who violates grand jury secrecy rules may be round US bishops struggling guilty of contempt of court and sentenced to up to six months to adapt to pope in prison. The leak Inquiry was prompted by a Philadelphia Daily News article In June that drew heavily upon a 20D9 internal memo Merchants say cigarette tax is prepared as part of a grand jury Investigation that business-killer summarized the status of the Mondesire probe. The newspaper story questioned whether top prosecutors in the office at the time, including then-Chief Deputy Attorney Pa. officers complicated life as a General Frank G. Flea, had pursued the Mondesire probe lesbian aggressively. Over the last year, Kane, a Democrat, has been locked In an increasingly bruising battle with Fine and other former prosecutors and investigators who worked under liar Republican predecessors over how certain high-profile cases Travel Dank were handled. Critics have faulted Kane for her decision to shut down a sting launched by Firm that sources and frinvestigative documents say captured five Philadelphia Democratic officials taking cash payments or gifts. 524o a kivr --Endo/MS: The Daily News article based on the leak seemed to suggest ANO OTI.Phaftf.INIT/1 C.ribboaio Cruise Salo Fine and other former state prosecutors had fallen short in willpgrados BUSINESS: see ail travel deo!. o pursuing a case against Mondestre, GM ordered switch,h nearly 2. months UNTEE.traRAVELZOO Flna did not return telephone calls seeking comment for this before recall Tonin 1.co, mos IBEINIBB, article. In a previous interview, he adamantly denied any suggestlon that he did hot aggressively pursue the Mondesira investigation, as has the lead prosecutor who was assigned to liEALTI I: Circirtars The 5 best exercises that probe. for runners tarib'gi No charges were filed in that casa. Mondesire, a longtime ti7A'1% leader of the NA.ACP in Philadelphia, has denied any wrongdoing. KVVIAITing. • __. _ SPOITŠ: Sanchez has chance to ROY TWO' -"

In a twist, the special prosecutor's leak investigation has be great TARGEX trSta v tro; rn1 e Free ELAy:: Intersected with a separate and seemingly unrelated legal fight involving many of the same combatants In another

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matter: the exchange of sexually explicit e-mails among EllT8NTAGMENT: former and current stale officials Stephen A. Smith to MAKE broadcast from to:0,PM The messages, shared on state computers and sometimes [Wenn r through government e-mail accounts, arc said to have contained pornographic images,Jokes, cartoons, and other STAPLES: FOOD: prihate messages,

according to people familiar with them. NIAIir NIB!. liapper, For Less
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Not all the recipients are known, By some accounts, some of make over a South St. See More Gil-
milers the material was circulated among scores of officials, from bar homicide investigators in
the Attorney General's Office to state prosecutors and caner state officials, Including top
Pennsylvania jurists, JOŠS How should I manage my worlcload while The ingulrer and other news
organizations have filed Right-to- rm on vacation? Know requests with the Attorney General's
Office seeking information about those e-malls, but a Judge has blocked the office from deciding
whether they can be released. al.ry Cowlacted Gel anet5ietl Philly.coon haily Headlines noosiellet
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leak inquiry, with some Kano critics arguing that Karre's office trae exn,10 address la sien te Is
using the threat of their teloase as a way to silence Already o phlaky.cm, roembiri 0 Vas O Ka
criticism, sources told The Inquirer, kr an article published Saturday, the Pittsburgh LTrlbune-
Review reported that the Attorney General's Office, In Ati,INIOLUMBROOLGINA16
Orielloviistr response to that newspaper's Right-to-Know request, had said a judicial stay barred
the office from saying whether it
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could release the e-mails. t4ORE Martin, Kane's chief spokeswoman, told the Pittsburgh
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"uncovered what appeared to be questionable spending of state money by Mendesire." The article
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Daily News article saki Kane wanted to find out what happened with the investigation. Mondesire
said stale proseoutors never Interviewed In an interview with The Inquirer this summer, Davis
said it was false to suggest FMB had impeded the probe. The Daly News article reported that a
Sop Kane aide had in March interviewed an Investigator wlth the Attorney General's Office who
had worked on the Mondesire Case. The Daily hlews obtained a tape of that interview. In il, Lhe
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Costanzo about his work. Davis, in the interview with The Inquirer, sald that the agent in question
irad been replaced and that tha probe had continued. It wasn't dropped," Davis said,
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Special prosecutor probes Pa. Attorney General's Office Page 4 of 5 For Flna and other former prosecutors and Investigators in the Attorney General's Office, and for Kane and her top command, the quarrel over the alleged wand jury leaks, the handling of the Ivlonde's case, and the sexually explicit o-mails Ss the latest skirmish f n a war that dates to Kane's 2012 bid for office. In that race, Kane sharply criticized Finals leadership of the investigation into serial child sex abuser Jerry Sandusky. She suggested political consideration delayed the probe into the former assistant football coach at Pennsylvania State University. She also hired a former federal prosecutor to re-investigate the Sandusky onset. In a recent report, that ex-prosecutor said he found no evidence the probe had been delayed for political reasons but said the investigation might have moved more quickly. In her first months in office, Kane also secretly shut down a probe Fine began that sources and investigative documents say caught five elected officials, all Philadelphia Democrats, on tape taking cash, money orders, or, In one case, a \$2,000 bracelet. After The Inquirer this year revealed Kane's decision to end the sting, she said the investigation had been carried out poorly and was possibly tainted by racial targeting. All have caught on tape are African American, Finn vigorously defended the investigation. His current boss, Philadelphia District Attorney Seth Williams, has taken on the case. In recent years, judges have approved a series of probes to get to the bottom of leaks, such as information that became public in news stories about the separate investigations into former casino operator Louis DeNaples and Sandusky. Judge pony Feudale jailed a former investigator with the Attorney General's Office for leaks related to an investigation into prison conditions in Lackawanna County, Feudale jailed him for the maximum time permitted at the time for that form of contempt of court, 15 days. After Feudale complained vigorously that such a penalty was too mild, the possible maximum was increased to its current six months, arionlounbisuptillnews.com 717-787-5934V @Angelasiik Crslig R. McCuy was ADgela Couloornhis Inquirer Staff Writers http://www.philly.com/philly/news/politics/20140831_Headline_here 1/10/2014 Exhibit C 009 11/12/2014 Special prosecutor probes Pa. Attorney General's Office - Philly.com philly.com -Subscriber Services jarwlinquirer 101111.IIEM Home | News | Sports Entertainment | Business | Food | Lifestyle | Health | Marketplace Collections • Prosecutor Special prosecutor probes Pa. 15 2 0 Attorney General's Office By Craig R. McCoy and Angela Couloumbis, inquirer Staff Writers POSTED September 01, 2014 A special prosecutor is investigating whether the office of Pennsylvania Attorney General Kathleen G. Kane leaked confidential grand jury material to a newspaper in a bid to strike back at former prosecutors in the office who had been critical of her, according to several people familiar with the matter. The special prosecutor has issued several subpoenas to Kane's office and others to explore how secret records became public this year about a 2009 investigation by the Attorney General's Office involving Philadelphia political activist J. Myatt Montezire, the sources said. Though there have been periodic inquiries into grand jury leaks in the past, this appears to be the first time the state attorney general or top staffers in the office have come under scrutiny. Reached for comment late Saturday afternoon about reports of the leak probe, J.J. Abbott, a Kane spokesman,

referred those questions to Renee Marlin, Kane's acting communications director. Martin did not return phone calls. His unclear who commissioned the investigation, nor was The Inquirer able to determine the special prosecutor's name. But typically, sources up to X said, such a decision would need approval from the Pennsylvania Supreme Court. A person who violates grand jury secrecy rules may be found guilty of 70% OFF contempt of court and sentenced to up to six months in prison. COATS The leak inquiry was prompted by a Philadelphia Daily News article in June that drew heavily upon a 2009 internal memo prepared as part of a grand jury investigation that summarized the status of the Mondesire We Recommend probe. Kane to decide whether to release state The newspaper story questioned whether top prosecutors in the office at the time, including then-Chief Deputy Attorney General Frank G. workers rarely e-mails Fine,, had pursued the Mondesire probe aggressively. September 21, 2014 Over the last year, Kane, a Democrat, has been locked in an Montco Lawyer leading inquiry into increasingly bruising battle with Fine and other former prosecutors and whether Kane's office leaked grand jury investigators who worked under her Republican predecessors over how information certain high-profile cases were handled. September 4 2014 Critics have faulted Kane for her decision to shut down a sling launched by Fine that sources and investigative documents say State A.G. probed Play NAACP leader captured live Philadelphia Democratic officials taking cash payments Mondesire's finances 5 years ago or more. Jima a. 2014 The Daily News article based on the leak seemed to suggest Fine and AG Kane reveals X-rated mails other former state prosecutors had fallen short in pursuing a case September 25, 2014 against Mondesire. Fine did not return telephone calls seeking comment for this article. In a previous interview, he adamantly denied any suggestion that he did find more stories about not aggressively pursue the Mondesire investigation, as has the lead prosecutor who was assigned to that probe. Prosecutor No charges were filed in that case. Mondesire, a longtime leader of the special Prosecutor NAACP in Philadelphia, has denied any wrongdoing. Attorney General In a twist, the special prosecutor's leak investigation has intersected with a separate and seemingly unrelated legal fight involving many of the same combatants in another matter: the exchange of sexually explicit e-mails among former and current state officials. The messages, shared on state computers and sometimes through <http://articles.philly.com/2014-09-01/news/53417240:1> special-prosecutor-whyotl-mcndesire-j-j-abbott Exhibit C 010 11/12/2014 Special prosecutor probes Pa, Attorney General's Office - Philly's government e-mail accounts, are said to have contained pornographic images, jokes, cartoons, and other private messages, according to his people familiar with them. Not all the recipients are known. By some accounts, some of the material was circulated among scores of officials, from homicide investigators in the Attorney General's Office to state prosecutors and other state officials, including top Pennsylvania jurists. The inquirer and other news organizations have filed Right-to-Know requests with the Attorney General's Office seeking information about these e-mails, but a judge has blocked the office from deciding whether they can be released. The e-mails have become an issue in connection with the leak inquiry, with some Kane critics arguing that Kane's office is using the threat of their release

as a way to silence criticism, sources told The Inquirer. In an article published Saturday, the Pittsburgh Tribune-Review reported that the Attorney General's Office, in response to that newspaper's Right-to-Know request, had said a judicial stay barred the office from saying whether it could release the e-mails. Martin, Kane's chief spokeswoman, told the Pittsburgh newspaper she could not reveal the name of the judge or the court that issued the stay. That a judge has issued a temporary stay suggests that legal fight is ongoing. The leak investigation by the special prosecutor was launched after a June 6 article in the Daily News that Kane was reviewing a 2009 grand jury investigation into the finances of Mondestre, former head of the NAACP Philadelphia chapter, and of one of his employees. The article cited a 2009 memo written by then-Deputy Attorney General William Davis Jr. to Fine and then-Senior Deputy Attorney General E. Marc Costanza. Among other things, the memo said investigators had "uncovered what appeared to be questionable spending of state money by Mondestre." The article also listed examples of the alleged questionable spending Davis had included in the memo. The Daily News also said Kane wanted to find out what happened with the investigation. Mondestre said state prosecutors never interviewed him. In an interview with The Inquirer this summer, Davis said it was false to suggest Fine had impeded the probe. The Daily News article reported that a top Kane aide had in March interviewed an investigator with the Attorney General's Office who had worked on the Mondestre case. The Daily News obtained a tape of that interview. In it, the paper reported, the investigator said he had been taken off the case after he told Fine and Costanza about his work. Davis, in the interview with The Inquirer, said that the agent in question had been replaced and that the probe had continued. "It wasn't dropped," Davis said. For Fine and other former prosecutors and investigators in the Attorney General's Office, and for Kane and her top command, the quarrel over the alleged grand jury leaks, the handling of the Mondestre case, and the sexually explicit e-mails is the latest skirmish in a war that dates to Kane's 2012 bid for office. In that race, Kane sharply criticized Fine's leadership of the investigation into serial child sex abuser Jerry Sandusky. She suggested political consideration delayed the probe into the former assistant football coach at Pennsylvania State University. She also hired a former federal prosecutor to reinvestigate the Sandusky case. In a recent report, that ex-prosecutor said he found no evidence the probe had been delayed for political reasons but said the investigation might have moved more quickly. In her first months in office, Kane also secretly shut down a probe Fine began that sources and investigative documents say caught five elected officials, all Philadelphia Democrats, on tape taking out money orders, or, in one case, a \$2,000 bracelet. After The Inquirer this year revealed Kane's decision to end the sling, she said the investigation had been carried out poorly and was possibly tainted by racial targeting. All five caught on tape are African American. Fine vigorously defended the investigation. His current boss, Philadelphia District Attorney Seth Williams, has taken on the case. In recent years, judges have approved a series of probes to get to the bottom of leaks, such as information that became public in news stories about the separate investigations into former casino operator Louis DeNaples and Sandusky. Judge Bany Feudale jailed a former investigator with the

Attorney General's Office for leaks related to an investigation into prison conditions in Lackawanna County. Feociale jailed him for the maximum time permitted at the time for that form of contempt of court, 15 days. After Feudale complained vigorously that such a penalty was too mild, the possible maximum was increased to its current six months.

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NAVIGATION

Kane's Office the Target of Leak Probe Was secret info leaked in revenge for criticism?

BY JOEL MATHIS I SEPTEMBER 2, 2014 AT 6:01 AM

AP Photo I Bradley C. Bower <http://www.phillymag.com/news/2014/09/02/kanes-office-leak-probe/> 1/7 Exhibit C 012 11/12/2014 Kane's Office the Target of Leak Probe I News I Philadelphia Magazine Kathleen Kane has more trouble on her hands. It's been a quiet few months for the controversial Pennsylvania attorney general, but an old scandal is coming back to haunt her anew. The Inquirer reports a special prosecutor is investigating whether her office leaked secret grand jury material to a newspaper — and did so to make at least one of Kane's high-profile critics look bad. What was leaked? Secret records involving a 2009 investigation of then Philly NAACP leader Jerry Mondesire, who has been suspended from that post by the national office amid a steady stream of reporting about irregularities in his finances. No charges were brought from the A.G.'s investigation, and Mondesire has denied wrongdoing. Why was it leaked? According to the Inquirer, a June Daily News story using the leak as a source questioned whether former Chief Deputy Attorney General Frank Fina had investigated Mondesire with enough vigor. Fina and Kane, of course, have been at loggerheads over Kane's decision to abandon a sting operation that recorded up to five Philly Democrats taking unreported cash gifts from a confidential informant. Fina now works for Philadelphia D.A. Seth Williams. So what happens if somebody is caught and convicted of leaking? The Inky says, "A person who violates grand jury secrecy rules may be found guilty of contempt of court and sentenced to up to six months in prison." What's next? Unsure. The Inquirer reports the "special prosecutor has issued several subpoenas to hurrytiwww.phillymag.com/news/20-14/09.02/kanes-office-leak-probe-I eak-orobel 2f7 Exhibit C 013 11/12/2014 Kane's Office the Target of Leak Probe I News I Philadelphia Magazine Kane's office and others" but no timeline for the investigation has been given. Read More About: Kathleen Kane « Previous Post Next Post »

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A person who violates grand Jury secrecy rules may be found guilty of Accidental contempt of court and sentenced to up to six months in prison, Caduccio, 57, worked as a state deputy attorney general in Delaware before switching sides to work as a defense attorney in Pennsylvania. His wife, Carolyn Tornetta Caduccio, is a judge. A Republican, she joined Carpenter on the Montgomery County Common Pleas bench in 2019. The leak to the Daily News involved a 2009 investigation by former attorneys.us Chief Deputy Attorney General Frank A. Finn and onetime Senior Deputy Attorney General E. Marc Costanza. Fine, who handled the expert. office's highest-profile criminal cases, left his position shortly after Kane took office, Experienced Heated battle Since 1977 Fine and Kane have been locked in a heated battle over the last two years on how certain cases were handled. Free Consult. Karre, Mr Instance, brought in a former federal prosecutor after she was elected to review Fine's prosecution of former Penn State football coach Jerry Sandusky on child sex-abuse charges. No Recovery- During her campaign for office. Kane's Sandusky probe might have been delayed for political reasons. The independent review found no evidence of that. No Fee And for the last six months, Kane has faced criticism for shutting down a sting operation launched by Firea that sources and investigative documents say captured five Philadelphia Democrats, including four state legislators, on tape accepting money or gifts, As criticism over the sting case mounted, the Philadelphia Daily News reported in early June that Kane was conducting a review of Fine's handling of a 2005 investigation into Mondesire's finances. The newspaper's story discussed, among other things, a secret investigative memo summarizing the status of the Mondesire probe. Mondesire, the former president of the Philadelphia NAACP, has denied any wrongdoing. Explicit e-mails The leak investigation has been complicated by a separate but intense legal fight over the exchange of sexually explicit e-mails among former and current state officials, The e-mails have become an issue because some Kane critics argue that Kane's office is using the threat of their release as a way to silence criticism of itself, sources have told The inquirer. The messages were discovered during Kane's review of the Sandusky investigation, which involved going through thousands of documents. The inquirer has reported that the e-mails were shared on state computers and sometimes through government e-mail accounts. They are said to have contained pornographic images, jokes, cartoons, and other private messages. Though not all of the recipients are known, some of the material circulated among some of officials, from homicide investigators in the Attorney General's Office to state prosecutors and other state officials, including top Pennsylvania jurists, The inquirers reported. While Judge Carpenter in Montgomery County is overseeing the leak probe, a different judge, Norman A. Krumenacher 3d, of Cambria County, has jurisdiction over the e-mail issue. Several news organizations, including The inquirer, have put in right-to-know requests for the e-mails. But Krumenacher has ordered a stay on the release of the e-mails. He oversees the grand jury in Western Pennsylvania as well as the legal issues involving Kane's review of the Sandusky prosecution. The e-mails in question were unearthed by computer

experts as part of that review. acouloumbis@phillynews.com 717-757-5534 r-, Angelasink You May Like Sponsored Links by Taboola Please Don't Retire At 62. kler's Why. The Motley Fool Princess Kate's Latest Appearance is Worrisome Stirring Doily Unbelievable: One-Third Of WrestleMania VI Competitors NoW Dead ThePostCiarne http://articles.philly.com/2014-09-04/news/53527771_1_special-prosecutor-attorney-general-kathleen-g-kane 2/3 Exhibit C 016 Sources: Pam scandal misses Kane's main target Page 1 of 6 • Atithda9, Ittowmoltor 111.21111 Member Login: Oren 1. I Register f t r rf, odohn Coto.10 Forecast Phladelphia. PA philly!com .9eacch sutn,

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Click here to find Out with ottf 7- MI What wine goes with whir Sources: Porn scandal misses Kane's main target !tem ant 25 ol therno9t oofowes oiledoodeis On rsinn.q .egddnj em,11 10000MMERTS eri_ 29 ol the Most ifkil Endowed 14 Hollywood! WEIL§ .Clin10In910.69 or rottrIng? Gel TAItap. a Irae outdo to 9ndorstand your 491(14) optIoan. The 40 Sox lest grid ht061 RENtd ling Colabd ly 51011a, And 'Pater Floo o 71rnol MOE lOrtlllFnl Forth's beyond conEltd free d1ornond lion9J olcIll1onrtnio,occ,tnrL Jawn19,1 EorllloYory ..ror new ellnny 9111— la 11 to o shun,tor stolo -Sholtata?... potoltY19.111aAbluRryG000ral1CoVA.offmaantifOlatt !Moot ondAPP(9/1o/nittellqc Bow) Ceotu R. McCoy and Angela Collot,11115, Irv:mfr.(Stet(Watery. Last- UPI:IA-MA Monda1,OctoInr15.2.14.1:013 AM Latest Nulim Vidor, POSTED: Monday, Ocletbet IL:flflAld HARRISBURG - Attorney General Kathleen G. Kane's unprecedented move to expose the swapping of pornographic e-mails ciÜ 0161e film has so far cost four men their jobs, put another at risk of being stripped of his state post, and left three others deeply embarrassed. All of them may be collateral damage. GALLERY: Sources,Pon GO far, Kane has not landed a nailor blow on the rgn who Loandal ntisnes Icaned mall) largel SOLI rces soy has long beerl bar main target formai'stele prosecutor Frank Fine. Mere In fact, she's been [nuzzled from doing so. matte coy59.55E Porn &Corn]NI Fisk to Corbett campaign? Most Viewed News Winries, http://www.philly.com/philly/news/politics/20141013_Sources_Porn_sca,.. 11/10/2014 Exhibit C 017 Sources: Porn scandal misses Kane's main target Page 2 of 6 The story behind the e-mails is far more tangled than what Teen pulls ?hilly cop has become pallet that eight men, all with ties to Fine, have from burning oar been named by Kenn as sending or receiving X-rated e-mails In a widening scandal that has also touched a state Supreme Court justice. Bouncers shoot man It involves a secret leak investigation, olOsed-door legal at Phila. strip club arguments, a protective ardor, and allegations of threats - all against a backdrop of a two-year battle between Kane and Fins that has become deeply personal, if not ugly. = Kane's ear crash Flna is a career prosecutor known for higrtrpolar putnlicr derailed testimony again corruption cases at the Attorney General's Office. I-le now works for Philadelphia Olstrict Attorney Seth Wiltiams, Kane

is the former assistant district attorney lrrr Lackawanna 1)5 bisitops struggling County whir emerged from political obscurity to bemire the to adapt to pope first wornan and Democrat elected as Permsylvenin's top prosecutor. Both declined to continent for this story. Temple student shol outside fret party Numerous people with knowledge of thalr quarrel - including sources close lo both - have sard Firm participated in the exchange of X-rated e-molls. According to the same SOLIMEs, Kane was intent on makIng het tact public. rm.:NO She wanted to expose what she believed was an entrencliad sviao. up — Enda Misogynistic culture in the Attorney General's Office when CarlIkaan Goalen Sala aallijapataaa Fine was a ranking prosecutor and before she took charge San aLl [royal duals people close to her say. TRAVELZO6 But in late summer, Fina obtained a ruling from a MontgomerY •:Yam County judge barring Kane from ding his name publicly In almost ariy fashion, according lo several sources familiar with Also 011 Philfil•A0/, the ruling, MANESS, Ilmokty Circe/lira The 50 worst ears of Judge Willem R. Carpenter, overseeing a grand jury in tho ail time ff:W :110MM71 . eastern part of the stater, granted the order eller Fine argued is the judge that Kane's office was using the threat of tyIng him to the sexually explicit e-mails to Intimidale end silence HEALTH, Air 7 We,. trim and others, the sources said. The 5 hest exer cises

AVOlAS AUTHORITY,

for runners Take Advaalage 011hn Finn dad eirr nnuounter in which be said a Kane aids had Wade,Ygn Uyeall THInveyEa currr threatened his friend and !owner colleague Christopher Carusone, warning Mal it Firm kept criticizing Keno,"a lot spoRTal people could get hurt," according to two people familiar with Sanchez has chance ts :I the allegation. be great K,VsfriatiEF, Sources dose la Cortisone say the aide, David Tyler, told him:"Tell your boy to stop" - words Corusone took as a threat TARunT Use, e Oy TWO. Gel Oua Frna against Ma ENTOYIANIONiT, All %nano Games Stephen A.Smith to TOO %WYK taAv Carusone and Tyler declined to comment for this article. broadcast from Uyenn sea MOP% P There is no dispute that tho two men encountered each other in August in Harrisburg and discussed what was than Ine still FOOD: publicly undisclosed ceche of porn e-mails. Rockhillt Pizza ais3 stubs return to n But a person close to Tyler rejected any suggestion ha had Cherry Hill landmark Threatened anyone. Instead, the source said, Tyler was trying to defuse tensions between the sides and complained that Firm had been exacerbating it by telling others the elaa4s ,a)11,a, would implicate a Mein circle of people_ Idow should Innanage rruy workloadwhile I'm on vacation? http://www.philly.com/philly/news/politics/20141013_Sources_Porn_sca.,. 11/10/2014 Exhibit C 018 Sources: Porn scandal misses Kane's main target Page 3 of6 Kands utiles have dismissed the allegation involving Tyler as false and an attempt by Fins to sully her es Carpenter, a Republican, presides over a grand jury investigation examining Kane and her aides. Stag Cnrnicel eil The inquirer has reported thet Carpenter this summer Ca! Cr lateal OOidluoavl Owly livocilnes appointed a special prosecutor, Montgomery County lawyer yoriman lo yltur anm.r) 5g•• ap new! Thereon E. Carluecio, also a Republican, in a leak inquiry. &pier einad actd'eass 10 iitn,ric

Clailunski is seeking to determine whether Karte's office tilreraly c phAly.umn marabou 0 Yap 0
ea improperly leaked gran4 jury material critical of Fine to the Philadelphia Daily News for a June
story that raised questions about Fina's role In a case fiVe yews ago. •AipiivointRimi9ity.t.
Otirtorrii The leak inqdry carries high stakes: Any person who violates grand jury secrecy rules
may be found guilty of contempt of court and sentenced lo up to six months in prison, 'VD
Campaign criticism Zr4.-:17e, Kane ignited the wer In 2012, when sha made a central therm of
her campaign criticism of how Flna'n leare in the Attorney General's Office conducted tha
investigation into serial sex abuser Jerry Sandusky. She strongly suggested Mat Gov. Corbett - a
Republican who as attorney general'had been Fina's boss - ordered It slowed for politcai gniru A
review she later commissioned said Fine's team might have arrested Sandusky sooner, but found
no evidence that politics played a role 111 the case. Though the review failed to beak up Kane's
campaign rhetoric, il gave her a now and unexpected source of ammunition In tho feutt Forensic
computer work found that Fine, among dozens of others, had traded explicll photos end videos
between 2008 and 2012 on stale time on state computers, Tho'krated wero among other messages
that included Jokes, eArtoons, and political commentary. II was nol, Illegal, but it was a violation
of Ogee policy. The dispute between Kane and Fins escalated greatly irs Marcli when The inquirer
reported that Kane had secretly ended a sting Investigation begun by Fine that sournes said had
caught five Phi/tar/Wants! Democrats on tape accepting cash or gifts. KanO called the sting "half-
assed." Finn called her "ernbarrassIng to law enforcement." Throughout, Fine was publicly
bac.ked itp in his defense of the Sandusky probe ay old colleagues, including StatoPolice
Cornmissloner Frank Noonan,former top state prosecutor Richard Sheet., end former agent Randy
Feathers, tho case's lend investigator. All three later landed on the list of eight Kane named as
having received pornographic emiaills while working in the Attorney General's Othce under
Corbett or other Republicans. Alao among them was Corusona, a prosecutor who, v.% Fine, was a
kay player in the Attorney General's Office's public corruption cases and who irtter became
Corhaft secretary ot legislative Matra.
http://www.phi11y.com/philly/news/politics/20141013_Sources_Porn_sca.., 11/10/2014 Exhibit C
019 Sources: Pom scandal misses Kane's main target Page 4 of 6 The others she named were E.
Christopher Abruzzo, who become Corbett's erwironmentat secretary; Glenn Parno, a lop lawyer
for Abruzzi:Y., Patrick Blessington, a former member of Fine's anticorruption team who now
works with him as a Philadelphia prosecutor; and Kevin Harley, Corbett's onetime spokesman in
the Attorney General's orrice, and Governor's Office. The fallout since that Sept. 25 bombshell has
been pronounced. Abruzzo arid Porno resigned their government positions the week after the e-
mail release. Shealy stepped down as a prosecutor in Lancaster county. Corbett has asked Feathers
to gi, /e up hls position on the stale patole boord, a demand Feathers has thus far ignored. Last
week, Canusone lost h)s lob with a major Philadelphia law firm, though nellher ho nor the firm
would discuss why. Carusone's attorney, Robert J. Donstont of West Chester, sold Carusone could
not speak to reporters because ha was cooperatIng wine the spode! prosecutor." Donstonl would

not elaborate but did say; In my view and that of others, Chris has the reputation of being a first-rate lawyer and has paid an enormous price for his cooperation. Chris is hopeful that the truth about what happened to him and his family will be revealed through the legal process." Noonan, whom Corbett appointed to head the state police, has kept his job. The governor said there was no evidence Noonan opened the sexually explicit e-mails. And test week, Supreme Court Justice Ronald Castilla urged his colleagues to take action after seeing e-mails that McClellan Justice Seamus McCaffery had sent sexually explicit images to an agent in the Attorney General's Office and to McCaffery's brother, a Philadelphia Common Pleas Court judge. Name is leaked At one point, it appeared she might ignore e-mail scandal might pass without notice. Late in the summer, Kane had asked another judge, Norman A. Krumenacker, to block any release on grounds that the material was covered by the grand jury secrecy of the Sandusky case, sources said. After days of deliberation, the judge rejected Kane's argument. Despite the rulings by Krumenacker and Carpenter Kane's name leaked out anyway in media accounts of these who had viewed the e-mails. Still, Kane's office seemed uncertain whether she would release anything. On Sept 23, in fact, her office gave The Inquirer and other newspapers a legal opinion stating that the retrieved e-mails and the information about them the papers had asked to see were not public records and that Kane was not legally bound to release them.

http://www.philly.com/philly/news/politics/20141013Sources_Porn_sca,... 11/10/2014 Exhibit C 020 Sources: Porn scandal misses Kane's main target Page 5 of 6 Two days later, Kane abruptly changed course and called in reporters to look at roughly 75 pornographic photos and videos. The presentation lasted about 10 minutes. In explaining why she singled out that group of eight for release, her office obliquely referred to constraints that brooked from naming Kane. "There are restrictions upon which we cannot elaborate - which currently prohibit us from revealing the names of some other people who participated in this activity," a statement from her office read. As many as 30 current prosecutors and agents also were in the room for the porn e-mail review, according to Kane's office. Her spokeswoman, Renee Marlin, said that all faced discipline but that union contracts and state law mandated secrecy for those involved in the disciplinary proceedings. Summing up, Multi issued a statement saying the review was guided by certain basic principles of human relations management. One such key, she said, was "respect for the reputations and privacy of current employees." uncsoyagmillynnwa.com 215-054-1821 Exhibit C 021 11/12/2014 Judge blocks grand jury summons for Trib's Harrisburg correspondent 11 TribLIVE Subscribe P17100 Ad Buy Trib Photos Jobs domes Sear & AMU SportsTalk Conics-is TRIB LIVE 1 News KO re LI 6. Search • • News Columnists Allegheny Armstrong Omar Duller Fayette Indiana Somerset YVeshington Westmoreland Health Kews On the Grid Education Pennsylvania Slogs Contact J.i Larger text • fis Smaller text | Order Photo RE: print Judge blocks grand jury summons for Trib's Hungry for SPORTS? Harrisburg correspondent 11 By Andrew Conte.

SPOBTSTAL1(

(4,- Thursday. Oct. 16, 2014, 12:02 pm. '14:KMAALKTRIBLIVE.COR) The judge presiding over

a statewide grand jury blocked an appearance Friday before the panel by Tribune-Review state Capitol correspondent Bred Burnsteri, Me newspapers attorney said. Jecige William R. Carpenter, who is supervising the grand jury and whose signature appears on the subpoena issued Wednesday night, told the Trib ho did not know oboel the subpoena until he talked with a reporter. Carpenter declined in discuss the grand jury arid reformd questions to Chief Deputy Attorney General Laura A. Dittos, who issued the summons, She later informed the Trib's lawyer, [Eon Barber, that Carpenter told her she was nal authorized to subpoena Burnsted. Trib Total Media writer Bred Burnsted Carpenter returned a call to the Trib on Thursday and asked a reporter to read the subpoena to hire Asked how the grand jury could issue a subpoena bearing his signature without his knowledeo, Corpalter said, "Thatts whal irrn going to try to figure out." Ditka declined to comment, citing grand jury restrictions. Oa _affefiew findllsedtaro. Barber sold Pennsylvania's strong shield law protects reporters horn having to tastily about their sources. The Pennaylvania -7-7-; -IliOm Local Doitershlosi In the -- law, In effect since 59713, Is hosed on a law Adopted In 1937. Sputter Pittmigh kap 'The shield leer in Pennsylvania is very bread and very n powerful," Berber said. By issuing the subpoena to Demoted, the grand Jury threatened to pull Mtn ioto an Increasingly ugly feud among prosecutors in the capital and Philadelphia. Garpenter appointed a special prosecutor, Thomas Car/deck], ItYSOfiEtldd HO= le Investigate allegations ol Information leaks Born the offloa uf Attorney General Kathleen Kane, The Philadelphia Inquirer has reported . Caluccia could not be reached for commenL Kariets spokesman declined to comment, citing grand Jury secrecy ViDEO More Vlda os I rules. The grand jury investigation might be linked to reports about a 2009 case involving a Philadelphia political activist, who was not prosecuted, as well as the release of information about pornographic malls that circulated in the Attorney General's Office under Kane's predecessor, Gov. Tem Corbett, Brensted broke the story of the emals existence in late AugusL Former Chief Deputy Attorney General Frank Fins, whn prosecutes' high-profife corruption cases, asked a judge 113 block release of Me racy enalls. Dina heads a public mirruption unit In the Philadelphia District Attorney% Office. Pennsylvania is among ;39 slates with specifrc oliloLd taws protecting journalists. said Gregg Leslie legal defense director of the IRepolers Committee for Freedom ul the Press In Virginia. Thu federal government does not have a specific law protecting journalists. Ponnsyivania% law protects reporters from having lo Identify confidential sources or give up notes and story drafts, said MellSsa, Melewsky. media law counsel far !he Pennsylvania NewoMedia Association. "We have a really strong shield law in Pennsylvania, and it's Daily Photo Galleries boon interpreted robustly by the courts, with regard la Identifying confideetial sources,' IvIerowsky saki "As long as (Burmese) promised confidentiality sod has kept it, tira law says he earnnot be compelled to reveal the Identity of his confidential sources.' <http://triblive.com/newsadminpage/6075511-74/law-pennsylvania-allcriloyl/axzz3IsxNdHZL> 1/3 Exhibit C 022 1111212014 Judgo blocks grand jury summons for Trib's Harrisburg correspondent TribLIVE 611CIS, Lovers- TUT Uei,D5 Prosecutors often see reporters as a 'Shortcut' to discover information, but journalists' ability to protect sources ls key lo

their fob cis goyommenl watchdogs, said Gem Polielnski, chief operating officer of the blewseum institute In Washington and riAiiitsf6y senior vice president of its Fitsi Amendment Canter. kab."4.n. • "The concept ol a shield law is that irs really government's job C... tO police its own house," he said,'and they shouldn't be relying -uesday - Noy 11, 2014 Expires Nov. 26 Expires Nor. 28 on journalists to do that." Andrew Conte is a Trib Total Media staff writer, Reach him at 412-320-7835 uT andrawcorge@tribweb.cent illi Babies 11 Bs Deil Add Amami, Corro10 your Gouglo+ Follow @AndrewConleIrib Follow gTribLiva EZr3 -H4!,001:01V

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Attorney General Kane puts politics first AP Pennsylvania stale attorney general Kathleen Kane,
right, speaks about a inulti slate task force formed la address the Noelheas1 herein crisis during a
news conference accompanied by New York stele attorney general Eno Schneiderman, lefl,
Wednesday, Oct. 11, 2019, in New York. Authorities In four Northeast slates have agreed to
collaborate in InvesIIgatlons of heroin trafficking that often cross slate lines. The coalition so far
includes New York, Pennsylvania, New Jersey and Massachusetts, wlth other stales expected to
foto .(AP PholofJulle Jacobson) errl By Brad Bemsted • Friday., Oct 24,2014, 10:17 p.m. rd_g_
re'l.c.1 551 HARRISBURG — Call it a difficult year for Pennsylvania Attorney Gollelal Kathleen
Kane, tha first Democrat and woman elected to the office. Her selective release of pornographic
mails a little more than a morith before Election Day has critics crying foul that her actions are
politically motivated. "To paraphrase 'Casablanca, Ern shocked, shocked there aro political games
being played in this state so close to an election," said John Kennedy, a political science professor
al West Chester University and author of a book on slide elections. Yet some analysts think We too
soon to judge Komi's rola In what has become a burgeoning scandal in all branches ol slate
gevoiment. "Them is no political motivation involved," said tier spokeswoman Renee Martin.
Nee released the information we could, when we did, while staying within" legal ond contractual
boundaries. Kane has reftisod requests for an interview. The embarrassing disclosure of eraoils
involving former and current staffers In the Attorney General's Office and at least two state
Supreme Court iustices Is one of several matters this yea(tbal may not have gone the way Kane
initially intended. Under pressure from Gov. Tom Corbett arid chi& Justice Ronald Castilte to
share any sexually expllclit awaits sent or received by stale employees er Jurists, Kane did so,
though in a piecemeal fashion that irked her critics. In the aftermath,
<http://triblive.com/eolllicsrpolilicalheadlines/69449-96-74/kane-alloriley-em> al
Isitaxzz3IsxNdllZL 1/4 Exhibit C 024 11/12/2014 Critics claim state Attorney General Kane puts
politics First } TribLIVE Justice Seamus MnCutlery was suspended Monday. PO yoli pion to
Wend O Shay Night presented Previously, three men who had worked for Corbett, including a by
OW 112.7 PlItabotelt 01 tiro Petersen Events Cabinet member, resigned, one retired and a fifth tell
a job In Center? the private sector. Kane has quarreled VIII Democrats end Republicans. The Yes
GOP-rnajorily execullve committee of the Pennsylvania • NO District Attorneys Association in
July rebuked her for "continued public attacks on the successful work af career . NO OM
prosecutors," and implored; -The focus on winning the news Never heard el II cycle must end."
liarieb office is under an apparent investlgallon of whether Submit someone on staff leaked secret
grand jury information this Dbily Photo Galleries year to the Philadelphla newspapers. "She dues
not look like the lair-haired attorney general she did eady on," said Steven Peterson, a polltical
science professor at Penn Slate's Harrisinag campus, Asked whether it's bean a bad year, Martln

replied, "I'd say we are operating on all eight cylinders here. doing the work that Nick Covers for Deals Attomay General Kane was elected to do." Marlin eked several 2014 accomplishments: continued prosecutions of child predators; El coot Ming that recoups \$120 mlllori in contested tobacco lewsult settlement money; Installation of a "mobile sheet crime mill" irt Hazleton for slx Dell, months; 1,172 drug arrests; and gamedng rollions of dollars Tuoedoy - Nov, 11, 201-1 Irvpires Nov. 26 Expires Nov. 28 tlinsugh insurance and Medicald fraud litigation. TILOTIOILtOus rf1011ths On the heels ol positive pInns during her first year in office, Kanas second year has taken twists and turns

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t VAL ° 1 lollies A Us Del since spring. Har Inexplicable year, said political analyst G. Terry Madonna, starred In March when Kane declined to prosecute four Philadelphia Democrats videotaped while accepting cash from an undercover lobbyist. That led MAKE !:010141rsr to a public clash with Philadelphia District Attorney Seth Williams. a Democrat who has a grand jury investigating the case she dismissed as "legally flawed." irdrlLJnr rti. rr •- Willams on Thursday brought charges against an ex-Traffic Court judge In the case, acousing her of bribery, 4 DAYS LEFT 4 DAYS LEFT conspracy and conflict of interest for allegedly accepting a \$2,000 Tiffany & Co. bracdel. In June, Karie's 16-monlh review of the prosecullon el child molester Jerry Sandusky found no evidence that t'.rvo lv T Corbett, as attorney general, slowed the Invesligallon ol the former Penn State assistant football coach to win the governor's race. Her review, led by former federal prosecutor Geoffrey Moulton, noel taxpayers at least Staples frig töltr \$100,000, her office sald. When refeasing that sIgnature report, Keno baffled reporters al a news conference by claiming Sandusky had molested two other children. She backpedaled after trial prosecutors dismissed it as ticcton. In August, the Pennsylvania Turnpike Commission "pay-to-play" case Kane announced In March 2013 with accusations of bribery and bid-dgying appeared to sled falling apart lis prosecutor, Laurel Brendsteller, resigned. Two defendants received probation without yerdict, Then a judge dismissed charges against an ex- Senate Democratic Mader, leaving three of eight. people to be triad. But Kane can "recover, and is recovering, horn the year of nosTood news and questions about her political and legal acumen,'said Anthony May, former top aide to tho tale Democratic Gov. Robert P. Casey. May said news coverage of Ihe entails shared among attorney general staffers horn 2000 to 2012 could be a plus for Kane "because she is not the locus.' BY releasing ernalls involving eight man, live of whom have lost their lobs, Kane ward "on the offensive on a compelling issue, something she really needed to do, considering Me battering she was taking horn political — yes, political — enemies," May said. Naming Republicans? Moulton's Investigators found the racy ROO raiolst ernalls while resonslructing messages that staffers had deleted. Moulton told Corbett that he had Ictind inappropriate ernalls; tha governor has said he did not know employees were sharing them and that he would have stopped IL Kane denied open records requests by the TribunisFievlew and other newspapers to examlne the mails. Days later, she released images from emails received or sent by eight men who

worked for Corbett and his successor, Linda Kelly. Her office blacked out most names from the information made public, and Kane has refused to release names implicating about 30 unionized staffers. "You shouldn't pick and choose who you are going to release, unless you have a valid good reason not to release certain names," said former U.S. Attorney James West of Flurnmelsiown. Kane's office claims Internet disciplinary actions are under way and union contracts prevent the release of embarrassing information about workers. Corbett, facing a fierce re-election challenge by Democrat Tom Wolf on Nov. 4, said in Pittsburgh PA: "I will say, the only names she pulled out so far are people that are Republicans, or people that work for me at this point in time." Kane's actions are hard to evaluate but raise "reasonable questions about the political considerations involved in those choices," said Christopher Borick, a political science professor at Muhlenberg College in Allentown. Grand jury members A special prosecutor and grand jury in Norristown are investigating whether Kane's office leaked grand jury information about a 2010 case, according to The Philadelphia Inquirer. The inquirer reported in September that attorney Thomas Caduccio of Montgomery County heads the inquiry into whether someone leaked records to try to discredit Kane's critics. The newspaper said Montgomery County Judge William Carpenter, the supervising grand jury judge in Eastern Pennsylvania, appointed Caduccio to determine how the Philadelphia Daily News obtained documents from an investigation of Philadelphia politician (Taoist J. Whyall Mondesire, who was not charged with a crime. Newsmax Rend Paul May Limit Dad's Role in 2016 Kane has not commented on the matter. Violating grand jury secrecy crimes can lead to, a contempt of court charge and potential six-month prison Potosi Denies GOP Wave Happened sentence. Alan Keyes, Ben Carson, Click Here, In July 2013, The Inquirer reported that Kane persuaded the state Supreme Court to remove Judge Barry

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Faudale from overseeing statewide grand jury investigations in Harrisburg. The newspaper did not say how it learned of the sealed proceedings. Chaise to Unleash Climate Regulation 11 said Kane moved to oust Faudale, a Democrat, on learning that he criticized her in an email to former Chief Deputy Attorney General Frank Fina. D'Fleil Iv. Megan Kelly Back Obama's AG <http://triblive.com/politics/politicalheadlines/6944g98-74/kane-attorneys-emailsflanz3lsxNdllZL> 2/4 Exhibit C 025 11/12/2014 Critics claim state Attorney General Kane puts politics first 1 TribLIVE Poudalo expressed regret for taking a cheap shot but told The Inquirer: "Kane is a politician first, second, and Ptsis and perhaps an AG ... fourth and fifth." Faudale oversaw grand juries in Maher cases Mel Fine led, including legislative corruption and tire Sandusky Now Probloge Fat Burner Takes GNC by chiki sex abuse case. SiorM Fine, who works for tiro Philadelphia district attorney, in August persuaded Cambria County Judge Norman A. American Homeowners Are in for an Kruniehackor til to freeze the release of the pornographic emails under the open records law, arguing that they Extremely Big Surprise contained grand jury material. Kruneneeker identified Fina when he lifted the hold on his emails. Brad Burrieted is TIM Total Media's state Capitol reporter. Reach him at 717-787-1405 or Make Money Online Following

Sports and hibu@tribweb.com. Staff writer Melissa Daniels contributed to this report.
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Exhibit C 026 ,EA1 Kanes car crash derailed teStimony a second tirn.e Page 1 of4 Po...ember 10.2015 Remind LOkin. Sign In l FlogIS ter f phillyFcorn rnb,,, I News Sports I Entertainment I Business I Opinim I Food I Lifestyle I Health I More BRANSON. TIEING Video RnicusISLDCS . 1;F:liiekl.plilo HEW ,TEI1G;I : POLITICS VILICATrOn 4:50000r7 ONTUACIDS 10.1-101-IiVnliLn WEATHER 'Marna • LOrrreir. • Kane's car crash derailed testimony AdUartisement a second time Wnrrion have been urged la ce en p oblIn these kinda Or r - shore] 1weel Faiddil/ En1nll 703 COkildENTO photos on menial media. WELLS rind 0.11 hew Wens rnrgo /Moo 'Advisory work will, you In yrJ.OrrUrp you roach y001r. , ex Top 10 Fticluesi Women In Ths = World Odd -Irlelt "Mettle" Diabetes Tho 40 Sexinst And Most

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THI19 IKE'S MILT

.. •. . were filed against Morldeslro, Flna has been looked In an increasingly biller and public baJllo wlth Kane ever how oases wore handled. Año or: midrip.,.cern As part of Curlucelde probe, his Investigators have 13USINIVss: subpoenaed Kann and other officials on her stag. The

to worst cars of JCPet in IEVI all time • Eltha 20% 011alh Your JGP Credit Co,d and Cour. Kans's first planned appearance was canceled because she EXPIRES TOMO.StilAT had a scheduling conflict, the sources say. It was rescheduled .net, Moue Circulars n for Oct. 21. The 5 hest exercises for runners Just before 7 that morning,the SUV canying Kane end her security detail hit an empty parked car in Dunmore, a small town near Scranton, accordng te a potica report. The vehicle thal was hit - a 1909 Jeep - had dents on one side when an Sanchez hos chance to Ingulror photographer took, photos of It last week, be great The two agents wlth Kane at the time wore Patrick Reese and Robert Ruddy, Roth had been Dunmore police officers before Kane hlred them last year..Reasehed been the pollee chief, Stephen A. Smith to Ruddy a veteran ofilcer. broadcast from UPonn According tlo the police report, Ruddy was driving and Reese was In tha front passenger sent.

CRAM LABAN

Itardot: The accident report by Duernore pollee, retetised by Marlin Oil Sophistimitcd., if a bit 0d, 31, said the crash occurred when the driver of the StIV faux,French fare lost slghl of the dark, raio-sileked road as his iPed siipped off the seat. .1oRS, Ilow should I manage There was disagreement about whether Kane was wearing a ray wockload while seat belt. Vin nit vacation? The report said Kane and the men were wearing shoulder arid seat belts. Dot Marlin said Kane was eel betted In and struck 00>15,fulekrIPluOy.com Carly PretiFines os,vsfeller her hecd on Impact. The cost of the dannege lo her car wss [fare rni 1.14'0100. Eiryn lrl nowt estimated al \$064, state records show, • Olog addmEs la clgo 141 None of the theca was taken M a hospital by emergency Alroady 1014 lc,Inonlve? OYrfl 0 e. medical personnel, aCording to the police report. Kana did go to the emergency room.and subsequently visited her doctor, Marlin said. Kands ofPce did not release information about the accident until The Inqlurer asked about It 10 claya after the crash. [http://www.philly.com/philly/news/loca1/20141109_1\(ane_s_car_crash_der...](http://www.philly.com/philly/news/loca1/20141109_1(ane_s_car_crash_der...) 11/10/2014 Exhibit C 028 Kane's car crash derailed testimony a second time Page 3 of 4 Malin saki the.office didn't report the crash because it considered 11 e. minor rnetterlhet did not affoci lhe office's AN INQUIRER ORMINAL performance, She said she also expected Dunmore police to issue the DJSCOVRT*E`.1 k• news. That didn't happen. Dunmore Poke Chief Sal AMPROVFD .1 A tiORE'v Marchese didn't return oafs front The hquirer. He told the Scranton Times-Tribune there was "no particular reesort for not issuing the news. Martin said last week ail the participants were recovering. Ma thank everyone for their concerns," she said in a statement. sumIncinhis-aptilyrows.coin 717-707-5931qi ipAnoelasInk Exhibit C 029 MD.Misc. DM.

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11/14/2014 Supreme Court Middle District

UNSEALED PER ORDER OF

THE COURT DATED

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IN THE COURT OF COMMON PLEAS MONTGOMERY COUNTY, PA

IN RE: SUPREME COURT OF PENNSYLVANIA

NO. 176 M.D.D MISC. KT 2012

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY

MONTGOMERY COUNTY COMMON PLEAS

M.D. 2644-2012

RESPONSE OF SPECIAL PROSECUTOR

TO THE MOTION TO FILE UNDER SEAL

THE EMERGENCY APPLICATION FOR EXTRAORDINARY RELIEF

OF ATTORNEY GENERAL KATHLEEN G. KANE

Thomas E. Carluccio, Special Prosecutor to the Investigatory Grand Jury hereby responds to the Motion to File Under Seal the Emergency Application for Extraordinary Relief filed by the Movant, Attorney General Kathleen G. Kane and states in support thereof as follows:

1. The averments set forth in this paragraph succinctly state the import of the relief Attorney General Kathleen G. Kane ("A.G. Kane") seeks under her Emergency Application for Extraordinary Relief and no response is required of the Respondent hereunder.
2. Admitted. By way of further answer, Respondent takes no exception to the Movant's request that the Emergency Application for Extraordinary Relief be filed under seal.
3. Admitted.

Received In Supreme Court

NOV 14 2014

Middle Nov 14 2014 15:37 Allen M Mandelbaum, Esq (610) 279-3005 page 4 WHEREFORE, the Motion to File Under Seal the Emergency Application for Extraordinary Relief filed by Attorney General Kane should be granted. 7 Thomas E. Carluccio, Esquire Attorney I.D. No. # 81858 Plymouth Greene Office Campus 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19464-2484

(484)674-2899

Special Prosecutor of Investigating Grand Jury No. #35

DATED: 11/14/2014

Nov 14 2014 15:37 Allen M Mandelbaum, Esq (610) 279-3005 page 5

VERIFICATION

I, Thomas E. Carluccio, Esq. as Special Prosecutor to the Investigating Grand Jury No #35 appointed by the Pennsylvania Supreme Court, do hereby state that after due diligence and investigation into the operative events underlying the subject matter of the Motion to File Under Seal the Emergency Application for Extraordinary Relief (the "Motion") filed of record with the Court by the Attorney General Kathleen G. Kane, I hereby represent that the averments set forth in the foregoing Response to said Motion are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities. Thomas E. Carluccio, Esquire Attorney I.D. No. # 81858 Plymouth Greene Office Campus 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19464-2484
(484)674-2899

Special Prosecutor of Investigating Grand Jury No. #35 M.D. Mc.Dkt. 175 2014

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11/14/2014 Supreme Court Middle District

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Nov 14 2014 15:37 Allen M Mandelbaum, Esq (610) 279-3005 pa9e 7 MD. Wisc. Dkt. 175.7 Loil.

IN THE COURT OF COMMON PLEAS MONTGOMERY COUNTY, PA

IN RE: SUPREME COURT OF PENNSYLVANIA

NO. 171 M.D.D MISC. KT 2012

THE THIRTY-FIVE STATEWIDE

INVESTIGATING GRAND JURY

MONTGOMERY COUNTY COMMON PLEAS

M.D. 2644-2012

RESPONSE OF SPECIAL PROSECUTOR

TO THE EMERGENCY APPLICATION FOR EXTRAORDINARY RELIEF

OF ATTORNEY GENERAL KATHLEEN G. KANE

Thomas E. Carluccio, Special Prosecutor to the Investigating Grand Jury hereby responds to the Emergency Application for Extraordinary Relief filed by the Movant, Attorney General Kathleen G. Kane, by and through her privately retained legal counsel, and states in support thereof as

follows:

1. Admitted.

2. Admitted. By way of further answer, a comprehensive response to the representations made in support of the Emergency Application for Extraordinary Relief (the "Applicahorn" are provided hereinafter in New Matter below.

3. Admitted. By way of further answer, Respondent takes no exception to the Movant's request that the Application be filed under seal, and has taken such position in its Response to the Motion to File Under Seal the Emergency Application for Extraordinary Relief in pleadings independently docketed with this Honorable Court assigned: Supreme Court No. # 176 M.D.D. Misc. KT 2012. Pleading Under Seal of Court Page #1 of 12 Received in Supreme Court NOV 14 2014

middle Nov 14 2014 15:37 Allen M Mandelbaum, Esq (610) . 76.113005 page 8

NEW MATTER

E. Carluccio, Esq.,

4. The Respondent to the underlying Application, Thomas

its responses to the appointed Special Prosecutor, hereby incorporates herein by reference privately retained Application filed by Attorney General Kathleen G. Kane, by and through her though fully set forth at legal counsel, reflected in the preceding paragraphs, inclusive, above as length herein.

BACKGROUND

35th

5. Under the 5/29/14 Order of the Hon. William R. Carpenter convened the r Investigating Grand Jury and contemporaneously appointed Respondent as its Special Prosecutor in accordance with the authority vested in it by the 1078 Pennsylvania Investigating Grand Jury Act of 1978, 42 Pa. C.S. §4541, et. seq. and the procedural rules that followed (Pa. R.Crim. P 220, et. seq.) as well as relevant case law. A copy of the aforesaid Order is attached hereto made a part hereof and marked Exhibit A.

6. As stated in Supervising Judge Carpenter's 5/29/14 Order, the central focus of the established 35th Investigating Grand Jury is to undertake investigation into allegations that an alleged illegal disclosure of information protected by the law and rules of Grand Jury secrecy pertaining to deliberations of a prior 2009 Statewide Investigating Jury (the "2009 Grand Jury") had been impermissibly compromised.

7. Thereafter, the Philadelphia Daily News on 6/6/14 disclosed grand jury information to the public involving political activist J. Whyatt Mondesire.

8. Following the report, the 35th Grand Jury and its Special Prosecutor received Pleading Under Seal of Court Page #2 of 12 Nov 14 2014 15:37 Allen M Mandelbaum, Esq (610), 279-3005 page 9 information suggesting the alleged information leaks emanated in whole or in part from sources within the Office of the Attorney General.

9. At all times material and relevant to the deliberations of the 35th Investigating Grand Jury, Respondent has principally focused on determining if Attorney General Kane's office played a role in directly or indirectly releasing information/documentation protected under seal pertaining to the 2009 Grand Jury, or had information that might lead to identifying the source(s) of any leak.

10. Notwithstanding, Respondent's disciplined focus in seeking information in any role played by Attorney General Kane's Office in the aforesaid leak(s), Movant has sought by filing her Application to divert attention from Respondent's apolitical effort to investigate leaks of information/documentation under seal pertaining to a Grand Jury to an assessment of the propriety of certain emails which Attorney General Kane has characterized to represent "pornography".

11. It is respectfully submitted that such diversion represents an ongoing strategic effort on the part of Attorney General Kane not to honor a subpoena for her to testify before the 35th Grand Jury, as directly evidenced by the central theme advanced in the Application hereunder.

SUBPOENA No #1

12. Respondent issued its first subpoena to Attorney General Kane on 9/1 1/14, calling for her testimony to be provided before the 35th Investigating Grand Jury on Thursday, 9/18/14, a copy of which is attached hereto, made a part hereof and marked Exhibit B (Subpoena No #1).

13. Respondent agreed to reschedule Attorney General Kane's testimony under Pleading Under Seal of Court Page #3 of 12 Nov 14 2014 15:38 Allen M Mandelbaum, Esq (610) 27973005 page 10 Subpoena No #1 to the following day, 9/19/14 - at her request - so that she could attend the funeral of Cpl. Bryon Dickson who was killed in an ambush undertaken in Pike County at the hands of accused killer Eric Frein.

14. Notwithstanding the accommodation extended to Attorney General Kane, she elected to again reschedule her testimony.

15. Thereafter, Attorney General Kane, by and through her retained private legal counsel, sought to both quash Subpoena No42 and to contest the authority of the Special Prosecutor asserting legal defect(s) to his appointment by Supervising Judge Carpenter under her filing of a Motion to Quash Subpoena filed of record with this Honorable Court on 9/29/14.

16. Quixotically, in her Motion to Quash Subpoena, Attorney General Kane advanced the argument that Subpoena No #1 should be quashed, for among other reasons, she was not one of the limited group of individuals who were sworn to secrecy to the 29th Grand Jury, and as such was not legally obligated to maintain the secrecy of its proceedings.

17. Indeed to quote from her Memorandum of Law in Support of the Motion to Quash Subpoena, Attorney General Kane — through private legal counsel and not from the Office of the Attorney General expressly states: ... Attorney General Kane was not sworn to secrecy with regard to the 2009 grand jury proceedings. By statute, only a limited group of individuals are sworn to secrecy with regard to grand jury proceedings, and only those individuals can subsequently , 'be in contempt of court if they reveal any information which they are sworn to keep secret. 42 Pa. C.S.

§ 4549(b). Because Attorney General Kane had no involvement whatsoever with the 2009 grand jury proceedings, she could It should be noted that Movant's pleading fails to directly within its text to articulate the substantive representations serving as the foundation of her stated position. Rather the draftsman has elected to incorporate by reference a Memorandum of Law in Support of the subject Motion, which articulates the basis for the requested relief. Pleading Under Seal of Court Page #4 of 12 Nov 14 2014 15:38 Allen M Mandelbaum, Esq (610) 279-3005 page 11 not as a matter of law be in contempt of court with regard to any disclosure related to that grand jury proceeding." (see page land 2 of Memorandum of Law in Support of the Motion to Quash, filed 9/29/14)

18. What is alarming regarding such position is that Attorney General Kane entirely ignores her duties and obligations to undertake the Office of Attorney General, and as such must assuredly accede to the obligations and duties of her predecessors in office to maintain the secrecy of prior grand juries and thereby preserve the integrity of the function of the entire grand jury "system." 2

19. Respondent filed a timely response to the Motion to Quash Subpoena, and in concert with such filing presented his "Schofield" Affidavit to the Court wherein Respondent articulated with precision the basis for which he sought the testimony before the 35th Grand Jury of Attorney General Kane. A copy of the "Schofield Affidavit, in didacted form to conform with the confidential nature of the 35th Grand Jury proceedings in view of Movant's right to review pleadings hereunder is attached hereto, made a part hereof and marked Exhibit C (the "Schofield Affidavit").

20. For purposes of convenience to this Honorable Court, Paragraphs 9-12 are provided as follows, to demonstrate the disciplined focus of the Respondent in seeking the testimony of Attorney General Kane:

9. The purpose in seeking the testimony of Attorney General Kane under the subject subpoena, is to determine if Attorney Kane maintains direct or inferential information on matters pertaining to the unauthorized disclosure of the existence and contents of the Confidential Information including without limitation: (a) what persons were present at the subject staff meetings and/or conferences;(b) whether she or others were aware of the presence of the Confidential Information at such 2 Moreover, it is asserted such an argument should be properly advanced by the Office of the Attorney General on behalf of Attorney General Kane in furtherance of her public office, and not by her private legal counsel. Pleading Under Seal of Court Page #5 of 12 Nov 14 2014 15:39 Allen M Mandelbaum, Esq (610) 279-3005 page 12 staff meetings and/or conferences; (c) whether she or others were aware that the Confidential Information was at all times deemed private and confidential due its inclusion into the evidence of the 291h Investigating Grand Jury; (d) to explore whether Attorney General Kane maintains information to assist the Grand Jury in determining if the Confidential Information was reviewed, copied, possessed, discussed and/or distributed among one or more unauthorized third persons; and (e) the identity of

those person(s) who impermissibly disclosed the Confidential Information to members of the press or the general public.

10. Upon reasonable information and belief, the Affiant hereby asserts that Attorney General Kane be compelled to testify and subject herself through the issued subpoena to a reasonable line of questioning on those issues as aforementioned, together with questions on concerns that may arise in the development of her testimony and such testimony is proper and warranted under the circumstances.

11. The Affiant hereby certifies that the testimony of Attorney General Kane is either: directly relevant and material to the investigation undertaken by 35th Investigating Grand Jury; or upon information and reasonable belief will lead to relevant and material information relating to the unauthorized disclosure of the Confidential Information.

12. The Affiant hereby states that the service of a subpoena upon Attorney General Kane for her testimony is warranted under the circumstances, represents a good- faith basis for compelling such testimony, and that Affiant seeks such testimony for no other inappropriate basis.

21. In view of the Motion to Quash Subpoena and response of Respondent thereto, Supervising Judge Carpenter scheduled a Hearing in Camera among all parties.

22. Such Hearing in Camera was conducted on 10/14/14, at which all parties were represented, and resulted in Supervising Judge Carpenter's Order of 10/24/14 wherein he granted Attorney General Kane s motion to review the Order appointing Thomas Carluccio as Special Prosecutor, together with a didacted copy of the Schofield Affidavit, while denying the Motion to quash the Subpoena No #1.

23. A copy of Supervising Judge Carpenter's Order of 10/20/14 is attached hereto, made a part hereof and marked Exhibit D. Pleading Under Seal of Court Page #6 of 12 Nov 14 2014 1539 Allen M Mandelbaum, Esci (610) 279-3005 page 13

SUBPOENA No #2

24. Respondent again issued a second subpoena to Attorney General Kane on 9/25/14, calling for her testimony to be provided before the 35th Investigating Grand Jury on Tuesday, 10/21/14, a copy of which is attached hereto, made a part hereof and marked Exhibit C (Subpoena No #2).

25. The morning of the scheduled subpoenaed testimony, through her retained private legal counsel, Attorney General Kane again requested a rescheduling of her testimony for three (3) days later that week on Friday, 10/24/14.

26. The basis for the rescheduling was due to Attorney General Kane having incurred physical conditions, notably a diagnosed concussion, she sustained in a reported motor vehicle accident.

27. The subject motor vehicle accident was first reported by private counsel to Attorney General Kane, accompanied by no formal notification from the Office of the Attorney General. 28, Upon information and reasonable belief, Respondent asserts that no news

report of the subject motor vehicle accident was issued by any news media until days after the accident and the scheduled subpoenaed testimony.

29. Shortly before the rescheduled subpoenaed testimony on Friday 10/24/14, private counsel again requested an amicable accommodation to reschedule due to Attorney General Kane's continuing to be symptomatic to conditions associated with a diagnosed concussion. Pleading Under Seal of Court Page #7 of 12 Nov 14 2014 15:40 Allen M Mandelbaum, Esq (610) 279-005 page 14

SUBPOENA No #3

General Kane to

30. Upon a lack of communication with private counsel to Attorney subpoena to reschedule her testimony, Respondent found it prudent to again issue a third the 35th Attorney General Kane on 10/29/14, calling for her testimony to be provided before a part Investigating Grand Jury on Monday, 11/17/14, a copy of which is attached hereto, made hereof and marked Exhibit F(Subpoena No #3).

31. Without notice of any issues to the issued subpoena for testimony before the 35th file Grand Jury taken by Attorney General Kane, her private legal counsel elected to strategically the underlying Application only days before her scheduled testimony on 11/12/14 — in what can only be characterized as an ongoing effort to avoid having to testify.

32. Again, the Application effectively seeks three grounds for relief, as follows:

(i) to discharge the 35th Grand Jury, because of the assertions that: (a) that it was established not because of an intent to explore an impermissible leak of information/documentation under seal pertaining to the 39th Grand Jury, but in reliance upon the deceptive statements presented by Frank Fina and E. Marc Constanzo purportedly for the ulterior objective of seeking protections from public disclosures that may well impugn their personal and professional reputations; and (b) effectively prevents the Office of the Attorney General to pursue an investigation into whether Fina and Constanzo engaged in misappropriation of professional time and equipment to disseminate "pornographic" material through email; (ii) to quash Subpoena No# 3 as moot in view of the discharge of the 35th Grand Jury; and (iii) to vacate the protective measures provided under Supervising Judge Carpenter's 9/17/14 Order under seal, a copy of which is attached hereto, Pleading Under Seal of Court Page #8 of 12 Nov 14 2014 15:40 Allen M Mandelbaum, Esq (610) 29-005 page 15 made a part hereof, and marked Exhibit G. (the "Protective Order") 3

33. Notwithstanding, the arguments made in the Application, Movant has elected to raise a red herring, whereunder she misrepresents the principal purpose of empaneling the 35th Grand Jury — to investigate whether there was an impermissible release of information/documentation under seal pertaining to the deliberations of the 29th Grand Jury.

34. Put simply, the concerns raised by Movant pertaining to emails are simply not relevant to the ongoing deliberations of the 35th Grand Jury, and may well represent an ancillary distraction to the proceedings of the 35th Grand Jury.

THE POSITION OF THE SPECIAL PROSECUTOR
ON WHETHER ATTORNEY GENERAL KANE IS SUBJECT TO A SUBP
OENA TO
TESTIFY BEFORE A GRAND JURY

35. The argument of Attorney General Kane that she is not subject to the subpoena because it is outside the purview of the Special Prosecutor is directly refuted by application of 42 Pa. C.S. §4548(a), which in relevant part provides as follows: §4548(a) Powers of investigating grand jury The investigating grand jury shall have the power to inquire into offenses against the criminal laws of the Commonwealth alleged to have been committed within the county or counties in which it is summoned. Such power shall include the investigative resources of the grand jury which shall include but not be limited to the power of subpoena, .

36. The aforesaid statute provides no exemption of persons to whom a subpoena may be directed. 3 what the Movant has referenced as the "Protective Order" Pleading Under Seal of Court Page #9 of 12 Nov 14 2014 15:40 Allen M Mandelbaum, Esq (610) 279-3005 page 16

37. Further, it is inconceivable that the chief prosecuting attorney within the Commonwealth may assert she is immune from the imposed obligation of confidentiality to all participants in a grand jury merely because she was not directly sworn-in as a witness. Indeed, it is asserted that the Attorney General is effectively and implicitly bound to the confidentiality imposed by all Investigating grand juries during their tenure of public service by simple operation of their held position. To suggest otherwise is to threaten the integrity of the judicial system.

38. Moreover, 42 Pa. C.S. §4542 provides authority to the Special Prosecutor to compel the attendance of investigating witnesses, and provides in relevant part as follows: §4542 Investigative resources of the grand jury "The power to compel the attendance of investigating witnesses; the power to compel the testimony of investigating witnesses under oath; the power to take investigating testimony from witnesses who have been granted immunity; the power to require the production of documents, records and other evidence.. ."

39. In addressing the authority to subpoena a witness, Judge Savitt adroitly opined in his seminal publication, Pennsylvania Grand Jury Practice, quoted in IN RE: Special Investigating Grand Jury of April 26, 1984, 37 PA. D &C 3d 516) 1986 at page 520: "It can be seen from a reading of these excerpts from the act that broad subpoena power is vested in the investigating authority. The rationale is apparent. Without such authority, how could a prosecutor effectively investigate and ferret out crime? To follow the narrow construction that appellants desire would have a chilling effect on any and all types of investigation. It would defeat the very purpose of the act." Judge Savitt, Pennsylvania Grand Jury Practice, §21.04(A)(3) at p. 92-93, §21.04(C)(3) at p. 96 (1983).

Pleading Under Seal of Court Page #10 of 12 Nov 14 2014 15:41 Allen M Mandelbaum, Esq

THE SUPREME COURT'S DISPOSITION

ON ATTORNEY GENERAL KANE'S

PETITION FOR SUPREME COURT REVIEW

FOR VACATING THE PROTECTIVE ORDER REMAINS OUTSTANDING

40. Further, it is respectfully submitted that no emergency exist here, that warrants the extraordinary powers of this Honorable Court be assumed.

41. Accordingly it follows that there should be no stay of the Subpoena for Attorney General Kane to testify before the 35th Grand Jury.

42. The record of the proceedings relating to these concerns is clear - Supervising Judge Carpenter has considered the concerns of Attorney General Kane towards her assertions the 35th Grand Jury should be terminated and the subpoena for her testimony should be quashed.

43. As stated, such concerns were addressed in a Hearing in-camera, and were denied under Supervising Judge Carpenter's Order of 10/20/14.

44. Relative to Movant's position that the Protective Order precludes her from investigating and publicly disclosing matters relating to the questionable emails, it is asserted that such claims are best pursued by Attorney General Kane, in the capacity of her public office, through the Office of the Attorney General in accordance with THE INVESTIGATING GRAND JURY ACT, and specifically 42 Pa. C.S. §4549(b).

45. Accordingly, it is respectfully submitted that the Movant does not have proper legal standing to pursue having the Protective Order vacated.

46. Moreover, Attorney General Kane's Petition for Supreme Court Review for Vacating the Protective Order filed on 11/10/14 remains outstanding.

47. Under the applicable Rules of Court, the Special Prosecutor as Respondent thereto Pleading Under Seal of Court Page #11 of 12 Nov 14 2014 15:41 Allen M Mandelbaum, Esq (610) 279-3005 page 18 understands he has until December 1, 2014 to file its response.

48. In view of the strategic timing of the Application, the Special Prosecutor requires the full complement of time to which he is afforded under the Rules of Court to respond.

49. Accordingly, it would be in the interests of all parties to defer the Supreme Court's ruling on the Application until after addressing the Petition to Vacate the Protective Order, or consolidate the two concerns for a single Hearing.

50. For the reasons set forth above, it is respectfully submitted that the Emergency Application for Extraordinary Relief filed by Attorney General Kane should be denied. WHEREFORE, the Emergency Application for Extraordinary Relief filed by Attorney General

Kane should be DENIED, and Attorney General Kane should be held to honor the Subpoena to testify before the 35th Investigating Grand Jury on a date and time mutually agreeable to the parties, but no later than the end of the session for the 35th Grand Jury scheduled for December 2014. Thomas E. Carluccio, Esquire Attorney I.D. No. # 81858 Plymouth Greene Office Campus 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19464-2484

(484)674-2899

Special Prosecutor of Investigating Grand Jury No. #35

DATED: 11/14/2014

Pleading Under Seal of Court Page #12 of 12 Nov 14 2014 15:41 Allen M Mandelbaum, Esq (610) 279-3005 page 19

VERIFICATION

I, Thomas E. Carluccio, Esq. as Special Prosecutor to the Investigating Grand Jury No #35 appointed by the Pennsylvania Supreme Court, do hereby state that after due diligence and investigation into the operative events underlying the subject matter of the Emergency Application for Extraordinary Relief (the "Application") filed of record with the Court by the Attorney General Kathleen G. Kane, I hereby represent that the averments set forth in the foregoing Response to said Application are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities. Thomas E. Carluccio, Esquire Attorney I.D. No. # 81858 Plymouth Greene Office Campus 1000 Germantown Pike, Suite D-3 Plymouth Meeting, PA 19464-2484

(484)674-2899

Special Prosecutor of Investigating Grand Jury No. #35 Pleading Under Seal of Court Nov 14 2014 15:41 Allen M Mandelbaum, Esq (610) 279-3005 page 20 - Exhibit "A" [Order of 5/29/14 of Supervising Judge Carpenter] Nov 14 2014 15:41 Allen M Mandelbaum, Esq (610) 279-3005 - page 21

IN THE COURT OF COMMON PLEAS

MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: mIF STATEWIDE

: MONTGOMERY COUNTY COMMON PLEAS

INVESTIGATING GRAND JURIES

: In Re: Powers and Responsibilities of : Special Prosecutor Exercising : Extraordinary Jurisdiction;
on Allegations that : Secret Grand Jury or Related Information was Unlawfully and/or Negligently
: Accessed/Released/Compromised

ORDER

AND NOW, this 29th day of May, 2014, after "preliminary investigation"; this court in its capacity as Supervising Judge of the 35th State wide Investigating Grand Jury, finds there are reasonable grounds to believe a further more substantive investigation is warranted into

allegations that statewide Grand Jury secrecy may have been compromised: It is therefore ORDERED and DIRECTED by this Court in accordance with the authority vested in it by the 1078 Pennsylvania Investigating Grand Jury Act of 1978, 42 Pa. C.S. § 4541, et seq. and the procedural rules that followed (Pa.R.Crim.P 220, et seq.) as well as relevant case law; that THOMAS E. CARLUCCIO, ESQUIRE, be and is hereby appointed Special Prosecutor with full power, independent authority and jurisdiction to investigate and prosecute to the maximum extent authorized by law any offenses related to any alleged illegal disclosure of information protected by the law and/or intentional and/or. Nov 14 2014 15:42 Allen M Mandelbaum, Esq (610) 279-3005 page 22 negligent violations and rules of Grand Jury secrecy as to a former Statewide Investigating Grand Jury, such as; 42 Pa. C.S. § 4549(b) Disclosure of proceedings by participants other than "Witnesses..."all such persons shall be sworn to secrecy, and shall be in contempt of court if they disclose/reveal any information which they are sworn to keep secret."

2. 18 Pa. C.S. § 5101 Obstructing administration of law or other governmental function — "a person commits a misdemeanor of the second degree if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty.

3. Any other applicable offense.

It is FURTHER ORDERED by the Court that the Special Prosecutor:

1. Shall use any appropriate currently empaneled Grand Jury to investigate any alleged or suspected violations of secrecy or concomitant crimes related to such.

2. Shall have the right to request an application for an immunity order from the Attorney General.

3. Shall have the right to employ all appropriate resources including a minimum of one investigator and if necessary, one support staff Nov 14 2014 15:42 Allen M Mandelbaum, Esq (610) 279-3005 page 23

4. Shall have day-to-day independence and will be free to structure the investigation as he wishes and to exercise independent prosecutorial discretion whether, which and when any potential witness should be brought before the 1 P. Grand Jury and/or whether, which and when charges should be brought, including contempt of court. 5. Shall be permitted, while serving as Special Prosecutor, to consult with past and present members of the Office of Attorney General and take such action as is necessary to ensure that matters he is investigating and/or prosecuting in his role as Special Prosecutor are brought to a successful conclusion, so long as such consultation/action does not present a conflict of interest with his duties as Special Prosecutor and/or violate the secrecy oath.

6. Shall be empowered to respond to interference with his investigation by also having authority to investigate and prosecute crimes committed in the course of, and with the intent to interfere with the Special Prosecution's investigation such as Perjury, Intimidation of witnesses and other applicable and relevant violations of the law.

7. Shall comply with all relevant statutory and case law as well as all applicable canons of ethics.

8. Shall be removed from the position of Special Prosecutor only by the personal action of the Grand Jury Judge and/or the Pa Supreme Court. Nov 14 2014 15:42 Allen M Mandelbaum, Esq (610) 219-- 005 page 24

9. Shall be appointed for a period not to exceed six months from today, unless the Special Prosecutor makes a written request to the Court for an extension setting forth the reasons for the extension. 10. The Special Prosecutor shall be compensated at the rate of \$65.00 an hour to be paid by the Commonwealth of Pennsylvania. The investigator/support staff chosen by the Special Prosecutor shall be compensated at the rate of \$20.00 an hour. All those seeking compensation shall keep detailed records of time and services rendered. All shall provide the Supervising Grand Jury Judge with a monthly accounting of time/services rendered. 11. Shall provide the Supervising Grand Jury Judge with periodic summaries of any progress. 12. Submit a report addressed to the Pennsylvania Supreme Court, and the Supervising Grand Jury Judge, setting forth any findings and recommendations on any proposed statutory, rulemaking or recommended practices that would preserve the critical requirement of secrecy in Grand Jury proceedings as well as insuring the rights of defendants to a fair trial and maintaining the integrity of our Grand Juries. Nov 14 2014 15:43 Allen M Mandelbaum, Esq (61b) page 25 BY THE COURT: 0,92tg WILLIAM R, CARPEN R, J. Supervising Judge Copies sent on May 29, 2014 By First Class Mail to: Chief Justice Ronald D. Castille Pennsylvania Attorney General Kathleen G. Kane Thomas E. Carluccio, Esquire Nov 14 2014 15:43 Allen M Mandelbaum, Esq (610) 279-3005 page 26 Exhibit "B" [Subpoena No#1] NbV 14 2014 15:43 Allen M Mandelbaum (610) 279-3005 page 27 114

STATEWIDE INVESTIGATING GRAND JURY

SUBPOENA

TO: ATTORNEY GENERAL :SUPREME COURT OF PENNSYLVANIA

KATHLEEN KANE :NO. 176 M.D. MISC.DKT.2012

:MONTGOMERY COUNTY COMMON PLEAS

:M.D. 2644-2012

1. YOU are ORDERED to appear as a witness before the PENNSYLVANIA STATEWIDE

INVESTIGATING GRAND JURY, 1000 Madison Avenue (corner of Trooper and Van Buren Roads), Third Floor, Norristown, Pennsylvania, on Thursday, September 18, 2014, at 8:00 O'clock A.M. to testify and give evidence regarding alleged violations of the laws of the Commonwealth of Pennsylvania and to remain until excused.

2. YOU are further ORDERED:

FAILURE to attend may cause a warrant to be issued for your arrest and will make you liable under penalty of law for contempt of Court. DATED: September 11, 2014 fa24,A? C?4,040,e.e.,

Hon. William R. Carpenter Supervising Judge If you have any questions about your appearance, contact Deputy Attorney General Thomas Carluccio, at 484.674.2899. Notice: 123 Subpoena: 1388 Nov 14 2014 15:43 Allen M Mandelbaum, Esq (610) 279-3005 page 28 --(1)Exhibit"C" [Schofield Affidavit of Special Prosecutor] Nov 14 2014 15:43 Allen M Mandelbaum, Esq (610) 279-3005 page 29

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

: SS

COUNTY OF MONTGOMERY

BEFORE ME, the undersigned, personal/y appeared Thomas E. Carluccio, Esq. ("Afflane), who upon first being duly sworn by me,deposed upon her/his oath and stated as follows: 1 I, Thomas E. Carluccio, Esquire, am the Special Prosecutor to the 35'h Statewide Grand Jury ("35'h Investigating Grand Jury"), and the Affiant hereunder.

2. Memorandum prepared by William Davis, Esq. Deputy Attorney General and assigned Prosecutor to the 291h Investigating Grand Jury- I hereby state that the 351h Investigating Grand Jury received testimony from one or more witnesses that a Memorandum prepared by William Davis, Esq. Deputy Attorney General and assigned Prosecutor to the 29th Investigating Grand Jury was made available within an office environment to staff and/or others, where the Memorandum was subsequently reviewed and delivered to unauthorized persons, including members of the press

3. Recorded and Transcribed Statement of Special Agent Michael Miletto - Moreover, I hereby state that 3.5th Investigating Grand Jury received testimony from one or more witnesses that a recorded and transcribed statement of Special Agent Michael Miletto pertaining to his activities and knowledge of particulars associated with the subject rnatter of the 29th Investigating Grand Jury was procured by one or more persons who did not participate in the said the 296' Investigating Grand Jury, and was subsequently reviewed and delivered to unauthorized persons, including members of the press.

4. For purposes of this Affidavit, I define the aforesaid Memorandum, and Recorded and Statement

to be collectively referenced hereinafter as "Confidential Records" and are subject to prohibitions on their singular and collective disclosure to third persons by operation of 42 Pa.C.S. §4549(b).

5. The Confidential Records contain information which clearly identifies facts, witnesses and events

which are part of the 291h Investigating Grand Jury, all of which is deemed part of the sealed record of such Grand Jury, and as such is secret and confidential, subject to disclosure upon application to the appropriate overseeing court.

6. Any disclosure of the Confidential Records or information thereto to unauthorized persons may represent criminal act(s) under 42 Pa.C.S. §4549(b). and/or 18 Pa.C.S. §5101.

7. It was disclosed to the 35'

1 Investi_atin Grand v4b Page # 1 Nov 14 2014 15:44 Allen M Mandelbaum, Esq (610) 279-3005
page 30 9, The purpose in seeking the testimony of Attorney General Kane under the subject subpoena, is to determine if Attorney Kane maintains direct or inferential information on matters pertaining to the unauthorized disclosure of the existence and contents of the confidential Information including without limitation; (a) what persons were present at the subject staff meetings and/or conferences;(b) whether she or others were aware of the presence of the Confidential Information at such staff meetings and/or conferences; (c) whether she or others were aware that the Confidential Information was at all times deemed private and confidential due its inclusion into the evidence of the 29th Investigating Grand Jury;(d)to explore whether Attorney General Kane maintains information to assist the Grand Jury in determining if the Confidential Information was reviewed, copied, possessed, discussed and/or distributed among one or more unauthorized third persons; and (e) the identity of those person(s) who impermissibly disclosed the Confidential Information to members of the press or the general public.

10. Upon reasonable information and belief, the Affiant hereby asserts that Attorney General Kane be compelled to testify and subject herself through the issued subpoena to a reasonable line of questioning on those issues as aforementioned, together with questions on concerns that may arise in the development of her testimony and such testimony is proper and warranted under the circumstances.

11. The Affiant hereby certifies that the testimony of Attorney General Kane is either: directly relevant and material to the investigation undertaken by 35th Investigating Grand Jury; or upon information and reasonable belief will lead to relevant and material information relating to the unauthorized disclosure of the Confidential Information.

12. The Affiant hereby states that the service of a subpoena upon Attorney General Kane for her testimony is warranted under the circumstances, represents a good-faith basis for compelling such testimony, and that Affiant seeks such testimony for no other inappropriate basis.

13. Affiant herein verifies that the statements in this Affidavit are both truthful and correct to the best

of his knowledge, information and belief. Further, Affiant acknowledges that the statements made herein may be subject to the penalties of 18 Pa. C.S.A. 4904 relating to the falsification to authorities. Thomas E. Carluccio, Esquire - Affiant Special Prosecutor for the 35th Statewide Grand Jury

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 1 DAY

OF eXTOC

.10 1 ,2014 The Hon. William R. Carpenter v4b Page # 2 Nov 14 2014 15:44 Allen M Mandelbaum, Esq (610) 279-3005 page 31 2 Exhibit"D" [Order of 10/20/2014 of Supervising Judge Carpenter] Nov 14 2014 15:44 Allen M Mandelbaum, Esq (610) 279-3005 page 32

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,PENNSYLVANIA
IN RE: : SUPREME COURT OF PENNSYLVANIA
: NO. 176 M.D. M1SC OKT. 2012
THE THIRTY-FI VE STATEWIDE
: MONTGOMERY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : M.D. 1424-2014
: NOTICE NO. 123
ORDER

AND NOW, this 20th day of October, 2014, upon. consideration of the Motion to Quash Grand Jury Subpoena containing also a "Motion for the Production of the Order appointing Thomas Carluccio as Special Prosecutor and any documents related to that Appointment" filed by Amil M. Minora, Esquire and Gerald L Shargel, Esquire for Attorney General Kathleen Kane, the following ()rder is entered:

1. IT IS ORDERED that the Motion for the Production of the Order appointing Thomas Carluccio as Special Prosecutor and any documents related to that Appointment is GRANTED.

2. rr Is ORDERED that after an in camera hearing was conducted in which arguments of counsel for Attorney Kathleen Kane and those of the Special Prosecutor were considered and their respective memorandurn were reviewed; and after it was determined that a challenge to empanelment statements and submission notice were without any Nov 14 2014 15:45 Allen M Mandelbaum, Esq (610) 279-3005 page 33 merit, and upon consideration of the "Schofield" affidavit, a redacted copy of which was furnished to Attorney General Kathleen Kane, which showed that the information sought from Attorney General Kane is relevant to the 35'h Statewide Grand Jury investigation, is within the Grand Jury's jurisdiction and that the information is sought in good faith and not for another purpose, therefore, the Motion to Quash Grand Jury Subpoena is DENIED. IT 15 HEREBY ORDERED and DECREED that Attorney General Kane must appear before the 35'" Statewide Investigating Grand Jury to testify on Tuesday, October 21, 2014. BY THE COURT: WILLIAM R. CARPEN ER, J. Supervising Judge
Copies sent on October 20,2014 By Electronic Mail to: Thomas E. Carl uccio, Esquire Amil M. Minora, Esquire Gerald L. Shargel, Esquire Nov 14 2014 15:45 Allen M Mandelbaum, Esq (610) 279-3005 page 34

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY,PENNSYLVANIA
TN RR:
THE STATEWIDE
: MONTGOMERY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURIES

: In Re: Powers and Responsibilities of : Special Prosecutor Exercising : Extraordinary Jurisdiction; on Allegations that Secret Grand Jury or Related Information was : Unlawfully and/or Negligently : Accessed/Released/Compromised

ORDER •

AND NOW, this 29th day of May, 2014, after "preliminary investigation"; this th court in its capacity as Supervising Judge of the 35 Statewide Investigating Grand Jury, finds there are reasonable grounds to believe a further more substantive investigation is warranted into allegations that statewide Grand Jury secrecy may have been compromised: It is therefore ORDERED and DIRECTED by this Court in accordance with the authority vested in it by the 1078 Pennsylvania Investigating Grand Jury Act of 1978, 42 Pa. C.S. § 4541, et seq, and the procedural rules that followed (Pa.R.Crim.P 220, et seq.) as well as relevant case law; that THOMAS E. CARLUCCIO, ESQUIRE, be and is hereby appointed Special Prosecutor with full power, independent authority and jurisdiction to investigate and prosecute to the maximum extent authorized by law any offenses related to • any alleged illegal disclosure of information protected by the law and/or intentional and/or .. Nov 14 2014 15:45 Allen M Mandelbaum, Esq (610) 279-3005 page 35 negligent violations and rules of Grand Jury secrecy as to a former Statewide Investigating Grand Jury, such as;

1. 42 Pa. as. § 4549(b) Disclosure of proceedings by participants other than "Witnesses..."all such persons shall be sworn to secrecy, and shall be in contempt of court if they disclose/reveal any information which they are sworn to keep secret."

2. 18 Pa. C.S. § 5101 Obstructing administration of law or other governmental function — "a person commits a misdemeanor of the second degree if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty.

3. Any other applicable offense.

It is FURTHER ORDERED by the Court that the Special Prosecutor: 1, Shall use any appropriate currently empaneled Grand Jury to investigate any alleged or suspected violations of secrecy or concomitant crimes related to such.

2. Shall have the right to request an application for an immunity order from the Attorney General.

3. Shall have the right to employ all appropriate resources including a minimum of one investigator and if necessary, one support staff. Nov 14 2014 15:46 Allen M Mandelbaum, Esq (610) 279-3005 page 36

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

: SS

COUNTY OF MONTGOMERY

BEFORE ME, the undersigned, personally appeared Thomas E. Carluccio. Esq. ("Affiant, who

upon first being duly sworn by me, deposed upon her/his oath and stated as follows:

1. I, Thomas E. Carluccio, Esquire, am the Special Prosecutor to the 35th Statewide Grand Jury ("35th Investigating Grand jury"), and the Affiant hereunder.

2. Memorandum prepared by William Davis, Esq. Deputy Attorney General and assigned Prosecutor to the 29111 Investigating Grand Jury- I hereby state that the 35th Investigating Grand Jury received testimony from one or more witnesses that a Memorandum prepared by William Davis, Esq. Deputy Attorney General and assigned Prosecutor to the 29th Investigating Grand jury was made available within an office environment to staff and/or others, where the Memorandum was subsequently reviewed and delivered to unauthorized persons, including members of the press

3. Recorded and Transcribed Statement of Special Agent Michael Miletto - Moreover, I hereby state that 35th Investigating Grand Jury received testimony from one or more witnesses that a recorded and transcribed statement of Special Agent Michael Miletto pertaining to his activities and knowledge of particulars associated with the subject matter of the 29th Investigating Grand Jury was procured by one or more persons who did not participate in the said the 291h Investigating Grand Jury, and was subsequently reviewed and delivered to unauthorized persons, including members of the press.

4. For purposes of this Affidavit, I define the aforesaid Memorandum, and Recorded and Statement

to be collectively referenced hereinafter as "Confidential Records" and are subject to prohibitions on their singular and collective disclosure to third persons by operation of 42 Pa.C.S. §4549(b).

5. The Confidential Records contain information which clearly identifies facts, witnesses and events

which are part of the 291h Investigating Grand jury, all of which is deemed part of the sealed record of such Grand Jury, and as such is secret and confidential, subject to disclosure upon application to the appropriate overseeing court.

6. Any disclosure of the Confidential Records or information thereto to unauthorized persons may represent criminal act(s) under 42 Pa.C.S. §4549(b). and/or / 8 Pa.C.S. §5101.

7. It was disclosed to the 35th Investigating

v4b Page 11 Nov 14 2014 15:46 Allen M Mandelbaum, Esq (610) 79-3005 page 37

9. The purpose in seeking the testimony of Attorney General Kane under the subject subpoena, is to

determine if Attorney Kane maintains direct or inferential information on matters pertaining to the unauthorized disclosure of the existence and contents of the Confidential Information including without limitation: (a) what persons were present at the subject staff meetings and/or conferences; (b) whether she or others were aware of the presence of the Confidential Information at such staff meetings and/or conferences; (c) whether she or others were aware that the Confidential Information was at all times deemed private and confidential due its inclusion into the evidence of

the 29th Investigating Grand Jury;(d) to explore whether Attorney General Kane maintains information to assist the Grand Jury in determining if the Confidential Information was reviewed, copied, possessed, discussed and/or distributed among one or more unauthorized third persons; and (e) the identity of those person(s) who impermissibly disclosed the Confidential Information to members of the press or the general public.

10. Upon reasonable information and belief, the Affiant hereby asserts that Attorney General Kane be compelled to testify and subject herself through the issued subpoena to a reasonable line of questioning on those issues as aforementioned, together with questions on concerns that may arise in the development of her testimony and such testimony is proper and warranted under the circumstances.

11. The Affiant hereby certifies that the testimony of Attorney General Kane is either: directly relevant and material to the investigation undertaken by 35th Investigating Grand Jury; or upon information and reasonable belief will lead to relevant and material information relating to the unauthorized disclosure of the Confidential Information.

12. The Affiant hereby states that the service of a subpoena upon Attorney General Kane for her testimony is warranted under the circumstances, represents a good-faith basis for compelling such testimony, and that Affiant seeks such testimony for no other inappropriate basis.

13. Affiant herein verifies that the statements in this Affidavit are both truthful and correct to the best of his knowledge, information and belief. Further, Affiant acknowledges that the statements made herein may be subject to the penalties of 18 Pa. C.S.A. 4904 relating to the falsification to authorities. Thomas E. Carluccio, Esquire - Affiant Special Prosecutor for the 35th Statewide Grand Jury

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 11 DAY

OF CA.TCA3/1/2

, 2014 6"\ UfL9-7 The Hon. William R. Carpenter Page # 2 Nov 14 2014 15:47 Allen M Mandelbaum, Esq (610) 279-3005 page 38 Exhibit"E" [Subpoena No#2] --Nov 14 (1-1!tl. 1§47 Alien M Mandelbaum, Esq (610) 279-3005 page 39

STATEWIDE INVESTIGATING GRAND JURY

SUBPOENA

TO: ATTORNEY GENERAL :SUPREME COURT OF PENNSYLVANIA

KATHLEEN KANE :NO. 176 M.D. MISC. DKT.2012

:MONTGOMERY COUNTY COMMON PLEAS

:M.D. 2644-2012

1. YOU are ORDERED to appear as a witness before the PENNSYLVANIA STATEW
IDE

INVESTIGATING GRAND JURY, 1000 Madison Avenue (corner of Trooper and Van Buren Roads), Third Floor, Norristown, Pennsylvania, on Tuesday, October 21, 2014, at 8:00 O'clock

A.M. to testify and give evidence regarding alleged violations of the laws of the Commonwealth of Pennsylvania and to remain until excused.

2. YOU are further ORDERED:

FAILURE to attend may cause a warrant to be issued for your arrest and will make you liable under penalty of law for contempt of Court. DATED: September 25, 2014 r A? Hon. William R. Carpenter Supervising Judge If you have any questions about your appearance, contact Deputy Attorney General Thomas Carluccio, at 484.674.2899. Notice: 123 Subpoena: 1427 Nov 14 2014 15:47 Allen M Mandelbaum, Esq (610) 279-3005 page 40 [21 Exhibit "F" [Subpoena No#3[Nov 14 2014 15:47 Allen M Mandelbaum, Esq (610) 279-3005 page 41

STATEWIDE INVESTIGATING GRAND JURY

SUBPOENA

TO: ATTORNEY GENERAL :SUPREME COURT OF PENNSYLVANIA

KATHLEEN KANE :NO. 176 M.D. MISC.DKT.2012

:MONTGOMERY COUNTY COMMON PLEAS

:M.D. 2644-2012

1. YOU are ORDERED to appear as a witness before the PENNSYLVANIA STATEWIDE INVESTIGATING GRAND JURY, 1000 Madison Avenue (corner of Trooper and Van Buren Roads), Third Floor, Norristown, Pennsylvania, on Monday, November 17,2014 through Friday, November 21, 2014, at 8:00 O'clock A.M. to testify and give evidence regarding alleged violations of the laws of the Commonwealth of Pennsylvania and to remain until excused.

2. YOU are further ORDERED:

FAILURE to attend may cause a warrant to be issued for your arrest and will make you liable under penalty of law for contempt of Court. DATED: October 29, 2014 ;eel Æ Hon. William R Carpenter Supervising Judge If you have any questions about your appearance, contact Special Prosecutor Thomas Carluccio, at 484.674.2899. Notice: 123 • Subpoena: 1502 Nov 14 2014 15:48 Allen M Mandelbaum, Esq (610) 279-3005 page 42 A- Exhibit"G" [9/17/14 Order of Supervising Judge Carpentel Nov 14 2014 15:48 Alleh M Mandelbaum, Esq (610) 279-3005 page 43 ry,

IN THE COURT OF COMMON PLEAS

MONTGOMERY COUNTY,•PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA.

; NO. 176 M.D. MISC. NCI.20.12

THE TI-HRTY-FIFTH STATEWIDE

: MONTGOMERY COUNTY COMMON-PLEAS

INVESTIGATING GRAND JURY : M.D.2644-2012

: NOTICE NO. 123

ORDER

AND NOW;this' VA'day of September, 2614, it is hereby ORDERED that:the,attactied , 1.ederf.Septe.mber :hereby sealeci. i•; WILLIAM.R,CARPENTER:. .8üptvîšii JODke ThirtyFif-th

Statewide,liWe-stigailig Q;-arid. Airy Nov 14 2014 15:48 Alleri M Mandelbaum, Esq (6.10) 279-3Q05 page 44

IN THE COURT OF COMMON PLEAS

MONTGOMERY COUNTY,PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA *

: NO. 176 M.D. MISCMcr. 2012

THE THIRTY-FIVE STATEWIDE

: MONTGOMERY COUNTY COMMON PLEAS

INVESTIGATING GRAND JURY •: M.D. 1424-2014

: NOTICE NO. 123

ORDER

AND NOW,this 17th day of September, 2014, in the exercise of its discretion after an in camera hearing and a finding of substantial evidence, this Court issued a Protective Order; And upon consideration of the Motion for Reconsideration filed by the Office of Attorney General relating to the Order of Court issued August 27, 2014, IT IS ORDERED that the Motion is GRANTED in part as to Paragraphs 2 and 5 of said Order, and the following persons only shall be subject to Paragraphs 2 and 5 of said Order:

1. Any person who has been sworn to Grand Jury secrecy.

2. Any person who has or had access to any Grand Jury information.

3. Any person associated with the J. Whyatt Mondesire proceedings and investigation. Additionally, Paragraph 7 of said Order is modified to allow communication regarding the Order with counsel for a person subject to the Order, for purposes of appeal, and for any other, similar purpose required by law, Nov 14 2014. 1548 Allen M Mandelbaum, Esq (610) 279-3005 page 45 BY THE COURT: WILLIAM R. CARPENTER, J. Supervising Judge Copies sent on September 17 2014 By First; Oass Mail to: Thonias E. Carluccio, Esquire 3:ames Barker, Esquire

FILED

11/18/2014 Supreme Court Middle District

IN RE: THE THIRTY-FIVE STATEWIDE UNSEALED PER

ORDER OF THE

INVESTIGATING GRAND JURY

COURT DATED

PETITION OF: ATTORNEY GENERAL AUGUST 26, 2015

KATHLEEN G. KANE

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: THE THIRTY-FIVE STATEWIDE Docket No. 175 MM 2014

INVESTIGATING GRAND JURY

SUPREME COURT OF PENNSYLVANIA NO.

176 M.D. MISC. DKT.2012

MONTGOMERY COUNTY COMMON PLEAS

M.D.2644-2012

AFFIDAVIT OF AMU,M.MINORA,ESQUIRE

Pursuant to Pennsylvania Rule of Civil Procedure 1012.1(d)(2), I declare that the following facts are true, to the best of my knowledge, information and belief:

1. After reasonable investigation, I believe Gerald L. Shargel, Esq. is a reputable and competent attorney and I am in a position to recommend Gerald L. Shargel, Esq.'s admission.

2. I aver that the information required by Section 81.504 of the IOLTA regulations has been provided to the IOLTA Board.

3. The fee required by Section 81.505(a) of the IOLTA regulations has been paid and a copy of the fee payment certification from the IOLTA Board is attached.

4. I sponsored Gerald L. Shargel's admission pro hac vice in a related matter before the Montgomery County, Pennsylvania Court of Common Pleas, captioned M.D. 2644-2012.

5. I aver that any proceeds that are received from this representation of Attorney General Kathleen Kane in which Gerald L. Shargel, Esq. is granted admission pro hac vice shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable. Amil M. Minor, Esquire

COMMONWEALTH OF PENNSYLVANIA

: SS

COUNTY OF

On this day of November, 2014, before me, a Notary Public, the undersigned officer, personally appeared, Amil M. Minor, Esquire, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledge the same to be her act and deed for the purposes therein contained. IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal Nancy M. Haggerty, Notary Public City of Scranton, Lackawanna County My Commission Expires May 13, 2015

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Appellate Division of the *Upton)/(fond of the *tate of New York Office of the Appellate Division of the *tate of New York, Aprilame Agostino, Clerk of the Appellate Division of the *tate of New York, et cetera Substantial Department, I do hereby certify that Gaunt Einurence *Iyargel owns and operates to practice as an Attorney at Law in the courts of the *tate, amending to the laws of the *tate and the court mires may or be given on the 1st day of December 1009, I do hereby certify that the subscriber to the office precribed by him, been enrolled in the 1011 of

Attorneys unit Counselors-at-Law on file in my office, I hereby register with the Administrative office of the court, and according to the records of this court is in good standing as an Attorney at Law. Counselor-at-Law. In re: IR hereof, I have heretofore been holding the seat of Appellate Division on November 14, 2014. Mak of the (Court

IN THE SUPREME COURT OF PENNSYLVANIA

HARRISBURG DISTRICT

IN RE: TICE THIRTY-FIVE STATEWIDE Docket No. 175 MM 2014

INVESTIGATING GRAND JURY

SUPREME COURT OF PENNSYLVANIA NO.

176 M.D.MISC.DKT.2012

MONTGOMERY COUNTY COMMON PLEAS

M.D.2644-2012

AFFIRMATION

Gerald L. Shargel, being duly sworn, states under the penalty of perjury that the following is true and correct: I. I am an attorney duly licensed to practice in New York State. I was first admitted to the New York State bar in December, 1969. My New York State Bar Identification Number is 1068915. I submit this affirmation in support of my application for admission pro hac vice in the above captioned matter. I am also authorized to practice in the following jurisdictions: a. Eastern District of New York (January 8, 1971) b. Southern District of New York (January 11, 1971) c. United States Court of Appeals for the Second Circuit (January 12, 1971) d. United States Court of Appeals for the Third Circuit (September 7, 1977) e. United States Court of Appeals for the Fifth Circuit (July 8, 1974) f. United States Court of Appeals for the Ninth Circuit (January 9, 1980) g. Supreme Court of the United States (October 23, 1973) III. I have been admitted to practice pro hac vice in the District of New Jersey, the Northern District of Florida, the Eastern District of Pennsylvania, and the Eastern District of Virginia. IV. I have never been suspended, disbarred, or otherwise disciplined in any jurisdiction. V. I have never been subject to any disciplinary proceedings in any jurisdiction. VI. I am admitted pro hac vice in a related matter before the Montgomery County, Pennsylvania Court of Common Pleas, captioned M.D.244-2012. 1 VII. I will comply with and be bound by all applicable statutes, case law, and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct and will submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during my appearance in this matter. VIII. I consent to the appointment of Amil Minora, Esq., 700 Vine Street, Scranton, PA 18510, as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in this matter. Dated: November 7, 2014 New York, / s/ Gerald L. Shargel 2 From: Isabelle Wozniak Sent: Friday, November 14, 2014 2:43 PM To: Shargel, Gerald L Subject: Pennsylvania Interest on Lawyers Trust Account Board Customer Receipt/Purchase Confirmation PA IOLTA Board P.O. Box 62445 Harrisburg, PA 17106..2445 www.patolta.org Thank you for

your order! a i44

*7 -

Merchant: Pemtsylvania Interest on Lawyers Trust Account Board Description: Pro Hac Vice Application Fee Invoice Number: PHV20141114144148 customer ID: NY1068915 -v. Billing Information Shipping Information Gerald Shargel 132 E. 72nd St. New York,NY 10021 gsharnel@winstoncom 212-294-2637 Fax: 212-294-4700 Total: US \$202.75 7—tt • -, -4,4, -4x, -4:70

MVZ

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SUPREME COURT OF PENNSYLVANIA

PENNSYLVANIA INTEREST ON

LAWYERS TRUST ACCOUNT BOARD

November 17, 2014 GERALD L SHARGEL, Esq.

WINSTON & STRAWN LLP

200 PARK AVE.

NEW YORK, NY 10166

SENT TO GERALD L SHARGEL VIA Email: GSHARGEL@WINSTON.COM

Dear Attorney SHARGEL: This letter serves as the fee payment certification referenced in 204 Pa Code §81.503 and acknowledges receipt of the \$200.00 fee paid by Online Payment on this date related to your pursuit for admission pro hac vice in the case identified as in re: The Thirty-Five Statewide Investigating Grand Jury, no. 175 MD 2014, filed in the Supreme Court of Pennsylvanra. You should refer to Pa Rule of Civil Procedure 1012.1, local court rules, and other regulations of 204 Pa Code §81.501 et. seq. concerning additional requirements related to seeking pro hac vice admission. Sincerely, Aidii,04e714,ivad- Stephanie S. Libhart Executive Director cc: AMIL MICHAEL MINORA, Esq. emit minora@gmail.corn Pennsylvania Judicial Center 601 Commonwealth Ave., Ste.2400 PO Box 62445,Harrisburg,PA17106-2445

717/238-2001 • 888/PA-1OLTA P4-6582)• 717/238-2003 FAX

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UNSEALED PER ORDER OF

THE COURT DATED

AUGUST 26, 2015

IN THE SUPREME COURT OF PENNSYLVANIA

MIDDLE DISTRICT

In Re: The Thirty-Five Statewide ' No. 175 MM 2014 Investigating Grand Jury Petition of: Attorney General Kathleen G.: Motion for Admission Pro Hac Vice Kane
ORDER

AND NOW, this 19th day of November, 2014, the Motion for Admission Pro Hac Vice of Gerald L. Shargel is hereby granted. Prothonotary

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