From: Davidrpaton [mailto:davidrpaton@aol.com]
Sent: Tuesday, January 2, 2018 4:18 PM
To: sellers.john@dol.gov; cook.april@dol.gov; cleveland.cv@ic.fbi.gov; Trepanier.William@dol.gov; Keller.Denise@dol.gov; abernathy.richard@dol.gov; vinescommunications@gmail.com; dshepardson@detroitnews.com; jrobinson@autosafety.org; adam@penenberg.com; gcontreras@express-news.net; kcorcoran@nridgeville.org; gwestover@nridgeville.org; fcarlson@omdplaw.com; ahatmaker@medina-esc.org; Dennis_Flores@cityoflorain.org; kstumphauzer@walterhav.com; tamihorton@centurytel.net; zdolyk@dzlpa.com; Michael.Tobin@usdoj.gov; lcp@lcprosecutor.org; dmraz@nridgeville.org; csabo@nridgeville.org; alee@nridgeville.org; iwlkshire@nridgeville.org; ftrampush@nridgeville.org; mfreeman@nridgeville.org; gpetek@nridgeville.org; kingcast955@icloud.com; info@whistleblower.org; gwphill50@gmail.com; kimbates@theblade.com; jeffschmucker@theblade.com; rproudfoot@theblade.com; gbraknis@theblade.com
Cc: ssz@szlaw.com; sc@zrlaw.com; ckeim@frantzward.com; bkelly@frantzward.com; jgasior@ssgavonlaw.com; aaz@zrlaw.com; ljr@zrlaw.com; dsnyder@callos.com; messages@tiresafetygroup.com; power_surgin@roadrunner.com; dennisforlorain@gmail.com; alevitt@dlcfirm.com; publicsafety4america@gmail.com; alevitt@dlcfirm.com; messages@tiresafetygroup.com; palankfoundation@bellsouth.net; makedacrane1@gmail.com; dennisforlorain@gmail.com; lvpsf@igc.org; hehrman@uic.edu; dvdwiliams51@tds.net; camille.cole@yale.edu; robin.canavan@yale.edu; aaron.greenberg@yale.edu; tcluderayphoto@gmail.com; jdjackson@atleehall.com; brett@lelaw.com; jrobinson@dennbarr.com; info@suddenacceleration.com; lbarrett@dennbarr.com; rbowlan@dennbarr.com; rdenney@dennbarr.com; kdarch@barrington-il.gov; Tom.Poynton@LakeZurich.org; kwallace@vbartlett.org; e.phipps@villageofwayne.org; rpineda@westchicago.org; mayorsoffice@aurora-il.org; kriegerd@naperville.il.us; mcollins@goplainfield.com; rstockstell@richtonpark.org; david.dayen@gmail.com; cameronstationcivic@gmail.com; jb900@yahoo.com; mchill9@aol.com; kimcanter@comcast.net; dakhardwick@yahoo.com; mgolai@yahoo.com; dnbuch@hotmail.com; delpepper@aol.com; drjaeger@earthlink.net; danixt@yahoo.com; aimpastato@earthlink.net; allison.silberberg@alexandria.gov; district39@senate.virginia.gov; district30@senate.virginia.gov; district35@senate.virginia.gov
Subject: Re: Criminal Violation of 18 USC 1001 by Attorney Scott Coghlan of Zashin & Rich, Attorney Brian J Kelly of FrantzWard, Comprehensive Logistics Quality Personnel, Randal Carr & Adele Mortaro as well as Dave Snyder of Callos Personell

To the City of Green Mayor and City Council
No need to shell out big bucks to high-priced attorneys to prevent the NEXUS pipeline

A crooked attorney named Scott Coghlan is currently arranging for Mary Howe of OSHA Whistleblower Region 5 in Chicago to explain to the pipeline workers that the workers don't need to worry about blowing the whistle even though there is a 98.2% denial rate of claims.

Before I'm done with these corrupt crooks in the US Government they'll be SCREAMING at NEXUS/Spectra to re-route the pipeline.

"Never fear; Smith is here"

To all the City Officials and Cameron Station Civic Association

I'm going to lawfully show you how to beat Federal Preemption and how to obviate US District Court consideration of the ICC and US Constitution's mandate that the regulation of Interstate Commerce is the domain of the US Congress

Actually, Stilwater, NY Town Supervisor, Paul "Butch" Lilac already did it successfully... I will expand on what he did

Stopping a pipeline, intermodal terminal or ethanol transloading terminal is like you grabbing someone by the carotid artery; it pinches off blood flow to the rest of the body

Now, we'll take a look at God's gift to you....misconduct by creatures/agents of the US Congress...and at 98.2% denial rate... the OSHA Whistleblower Program is the weak link in the chain for you to attack

To April Cook and ALJ Sellers
The April 22, 2017 email admonishing the managing partners and offending attorneys is at the end of this document.

They have not done their duty to report themselves to the Disciplinary Counsel

I'll provide April Cook with my phone number BUT THIS COURT has my permission to communicate "ex parte" with the MANAGING PARTNERS of the firms and the attorneys, Kelly & Coghlan to see if they wish to ELIMINATE ALL HOPE of avoiding disbarment by PERJURING THEMSELVES and their clients a THIRD TIME before a THIRD FEDERAL OFFICIAL

Honestly, they've cooked their own gooses already.

The ALJ or his designate can get in touch with these folks and set a revised date for phone scheduling or terminate the proceedings in my favor with lifetime earnings being awarded

Ohio Rules of Professional Conduct Rule 3.3 Candor before the Tribunal Comment #11

[11] The disclosure of a client's false testimony can result in grave consequences to the client, including not only a sense of betrayal but also loss of the case and perhaps a prosecution for perjury.
But the alternative is that the lawyer cooperate in deceiving the court, thereby subverting the truth-finding process which the adversary (which Kelly & Coghlan are now showing before the THIRD FEDERAL OFFICIAL that they are not bothered by this type of misconduct in the least) (Keller, Trepanier & perhaps Sellers)

Ohio Rules of Professional Conduct Rule 3.3

Withdrawal

15] Normally, a lawyer's compliance with the duty of candor imposed by this rule does not require that the lawyer withdraw from the representation of a client whose interests will be or have been adversely affected by the lawyer's disclosure.

The lawyer may, however, be required by Rule 1.16(c) to seek permission of the tribunal to withdraw if the lawyer's compliance with this rule's duty of candor results in such an extreme deterioration of the clientlawyer relationship that the lawyer can no longer competently represent the client.

...or the Court can IMPOSE WITHDRAWAL when the attorneys are DUMB ENOUGH TO GET CAUGHT by CONSPIRING with their clients to offer phony exhibits and perjured testimony

Also see Rule 1.16(b) for the circumstances in which a lawyer will be permitted to seek a tribunal's permission to withdraw. In connection with a request for permission to withdraw that is premised on a client's misconduct, a lawyer may reveal information relating to the representation only to the extent reasonably necessary to comply with this rule or as otherwise permitted by Rule 1.6
system is designed to implement.

The two attorneys are conflicted as are their firms and since they conspired with the employees of their clients in these crimes then no attorney-client privilege can be attached...

If the court wishes, I will provide April Cook with my phone number...

....but I'd suggest that the ALJ push back the phone conferencing TO A LATER DATE and first...

...initiate contact with the managing partner of the two law firms to see how much longer (they've had since late April of 2017) they

need to obey the reporting requirements of the Ohio Rules of Professional Conduct to get their attorneys disbarred?

What about it Andy & Steve Zashin and Chris Keim... we've got to get this ALJ phone conference going... how much MORE TIME do you need to report Kelly & Coghlan???

We can't keep the ALJ waiting forever, guys!!!😜

....which conflicts them even further

Ohio Rules of Professional Conduct at:

RULE 1.7: CONFLICT OF INTEREST: CURRENT CLIENTS

(a) A lawyer's acceptance or continuation of representation of a client creates a conflict of interest if either of the following applies:
.....

(2) **there is a *substantial* risk** that the lawyer's ability to consider, recommend, or **carry out an appropriate course of action for that client will be materially limited b**y the lawyer's responsibilities to another client, a former client, or a third person or by the **lawyer's own personal interests**.

RULE 3.4: FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not do any of the following:

(a) unlawfully obstruct another party's access to evidence; unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value; or counsel or assist another person to do any such act;

(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
Coghlan Exhibit "B". Coghlan Exhibit "C", Dave Snyder testimony regarding conversation of 8/24/2016

(c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on a good faith assertion that no valid obligation exists

Legal Argument [4] Legal argument based on **a knowingly false representation** of law constitutes dishonesty toward the tribunal. (Attorney Coghlan intentionally misstating that "prima facie" means "preponderance of the evidence" by Attorney Coghlan)

Remedial Measures
[10] Having offered material evidence in the belief that it was true, a lawyer may subsequently come to know that the evidence is false. Or, a lawyer may be surprised when the lawyer's client, or another witness called by the lawyer, offers testimony the lawyer knows to be false, either during the lawyer's direct examination or in response to cross-examination by the opposing lawyer. In such situations or if the lawyer knows of the falsity of testimony elicited from the client during a deposition, the lawyer must take reasonable remedial measures. In such situations, the advocate's proper course is to **remonstrate with the client confidentially, advise the client of the lawyer's duty of candor to the tribunal,** and seek the client's cooperation with respect to **the withdrawal or correction of the false statements or evidence**. If that fails, the advocate must take further remedial action including making **such disclosure to the tribunal** as is reasonably necessary to remedy the situation, even if doing so requires the lawyer to reveal information that otherwise would be protected by Rule 1.6. It is for the tribunal then to determine what should be done.

[11] The disclosure of a client's false testimony can result in grave consequences to the client, including not only a sense of betrayal but also loss of the case and perhaps a prosecution for perjury. But the alternative is that the lawyer cooperate in deceiving the court, thereby subverting the truth-finding process which the adversary system is designed to implement. See Rule 1.2(d). Furthermore, unless it is clearly understood that the lawyer will act upon the duty to disclose the existence of false evidence, the client can simply reject the lawyer's advice to reveal the false evidence and insist that the lawyer keep silent. Thus the client could in effect coerce the lawyer into being a party to fraud on the court.

Duration of Obligation

[13] A practical time limit on **the obligation to rectify false evidence or false statements of law or fact** must be established. A final determination of the issue to which the duty relates by the highest tribunal that may consider the issue, or the expiration of the time for such consideration, is a reasonably definite point for the termination of the obligation. Division (c) modifies the rule set forth in Disciplinary Counsel v. Heffernan (1991), 58 Ohio St.3d 260 to the extent that Heffernan imposed an obligation to disclose false evidence or statements that is unlimited in time

Attorneys Coghlan and Kelly must adhere to all of these DEMANDS by the Ohio Supreme Court including:

RULE 8.3: REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer who possesses unprivileged knowledge of a violation of the Ohio Rules of Professional Conduct that raises a question as to any lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, shall inform a disciplinary authority empowered to investigate or act upon such a violation.

Comparison to former Ohio Code of Professional Responsibility

Rule 8.3 is comparable to DR 1-103 but differs in two respects. First, Rule 8.3 does not contain the strict reporting requirement of DR 1-103. DR 1-103 requires a lawyer to report all misconduct of which the lawyer has unprivileged knowledge. Rule 8.3 requires a lawyer to report misconduct only when the lawyer possesses unprivileged knowledge that raises a question as to any lawyer's honesty, trustworthiness, or fitness in other respects. Second, Rule 8.3 requires a lawyer to self-report [to the Disciplinary Counsel of the Ohio Supreme Court]

Attorney Coghlan COACHED Adele Mortaro and Randal Carr into offering FALSE EVIDENCE therefore no privilege is attached to their communications under Attorney Client privilege. Attorney Coghlan must provide a detailed transcript of what was said.

It was Attorney Coghlan himself who unethically invoked FRE 408's privacy attributes to cover up his criminal misconduct which has failed miserably (Athey v. Farmers Insurance Exchange 234 F.3d 357, 359 (8th Cir. 2000).)

Coghlan & Kelly have shown themselves to be "untrustworthy" and "unfit" per the Federal equivalent to the Ohio Code of Judicial Conduct at Rule 2.15

They can't be trusted with preserving the privacy of something as simple as my phone number to initiate a three-way call that you ordered.

They've had since late-April 2017 to address their misconduct before the Disciplinary Counsel of the Ohio Supreme Court.

1. The LATEST IMPLEMENTATION of the Ohio Rules of Professional Conduct require them to "self-report" their own misconduct...they have not done so

2. The LATEST IMPLEMENTATION of the Ohio Rules of Professional Conduct required Kelly to inform the tribunal that he had involved Callos or its employees in an explanation so ridiculously pretextual that the attorney knew it was a lie and therefore was perjury.

Kelly also attempted to create a FALSE IMPRESSION UPON THE TRIBUNAL surrounding the circumstances of me being hired in.

Kelly did not do so with OSHA and Kelly was obligated to inform Judge Sellers upon Judge Sellers being assigned to this case...and he did not do so.

Kelly allowed his client's employee to perjure himself and Kelly was a participant himself.
Kelly represents Callos and not the employee that Kelly coached/allowed into perjuring himself/herself.
...and now is criminally conflicted from further representation **as is his firm** since I notified Frantz Ward Attorney Chris Keim (managing partner) in April 2017

3. The LATEST IMPLEMENTATION of the Ohio Rules of Professional Conduct required Attorney Scott Coghlan to do the same as Kelly in involving Comprehensive Logistics, Randal Carr and Adele Montaro in multiple criminal violations of 18 USC 1001 and offering phony exhibits in Coghlan Exhibit "B" and Coghlan Exhibit "C" to OSHA....
...Coghlan did not self-report to the Disciplinary Counsel per Rule 8.3 nor did his firm nor did he inform YOU Judge Sellers as he was obligated to do per

Hello Judge Sellers,

The Ohio Code of Judicial Conduct obligates Judges to report attorney misconduct to the Disciplinary Counsel of the Ohio Supreme Court.

Their has to be an analogous rule in the Code of Conduct that controls the action of federal judges... by the concept of "imputation". it would also mean that you are aware of that analogous rule.

I don't BEG the court
I don't ASK the court
I don't PLEAD with the court
I don't PRAY that the court

I MOVE the court... you yourself DO what OSHA Investigators Trepanier and Abernathy were required to do themselves and failed to do.

Report Coghlan & Kelly to the Ohio Supreme Court Disciplinary counsel as well as the FBI and Ohio Attorney General through the Lorain County Prosecutor's Office through the Avon, OH Law Director (criminal referrals to the County Prosecutor must be made through the local law director)

Ohio Code of Judicial Conduct Rule 2.15
(A)....

(B) A judge having knowledge that **a lawyer has committed a violation of the Ohio Rules of Professional Conduct that raises a question regarding the lawyer's** honesty, trustworthiness, or **fitness** as a lawyer in other respects shall inform the appropriate authority.

(C) [RESERVED]
(D) [RESERVED]

Comment

Taking action to address known misconduct is **a judge's obligation.**

Divisions (A) and (B) **impose an obligation on the judge to report to the appropriate disciplinary authority** the known misconduct of another judge or a lawyer **that raises a question regarding the** honesty, **trustworthiness, or fitness** of that judge or lawyer.

Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system.

This rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

Comparison to Ohio Code of Judicial Conduct
Rule 2.15 corresponds to Ohio Canon 3(D)(1) and (2), although the latter imposes a strict reporting requirement once a judge has knowledge of a violation by a lawyer or judge.

Rule 2.15 follows the standard created in Rule 8.3 of the Ohio Rules of Professional Conduct for reporting attorney misconduct: reporting is required when the conduct raises a question about the honesty, trustworthiness, or fitness of a lawyer or judge.

Comparison to ABA Model Code of Judicial Conduct
Rules 2.15(A) and (B) are altered to require a judge to report misconduct when the judge possesses knowledge that raises a "question" about a lawyer or judge's honesty, trustworthiness, or fitness.

Model Rule 2.15(A) and (B) imposes a reporting requirement when the judge possesses knowledge that raises a "substantial question."

With these changes, Rules 2.15(A) and (B) conform to the reporting requirement in Rule 8.3 of the Ohio Rules of Professional Conduct.

Model Rules 2.15(C) and (D), which are stricken from Rule 2.15, address a judge's responsibility when the judge receives information indicating a disciplinary violation may have occurred but does not possess actual knowledge regarding the alleged violation.

RULE 2.16 Cooperation with Disciplinary Authorities
(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

(B) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

Comment

[1] Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in division (A), instills confidence in the commitment of judges to the integrity of the judicial system and the protection of the public.

Comparison to Ohio Code of Judicial Conduct

There is no Ohio Canon comparable to Rule 2.16, although Canon 3(D)(3) addresses a judge's duty to respond to requests from disciplinary authorities.

C**omparison to ABA Model Code of Judicial Conduct**

Rule 2.16 is substantially the same as Model Rule 2.16.

I realize that your order to confer with these parties must be done before January 8th.

Your order though was to deal with the APPROPRIATE LEGAL REPRESENTATIVES of Callos and Comprehensive Logistics

These attorneys engaged in criminal misconduct with employees of their clients and therefore have disabled themselves from representing Callos and Comprehensive Logistics any further.

Like them, the managing partners of their firms have also been informed and have known since the last half of April 2017 that they must report their misconduct to their clients, federal authorities (federal misprision of felony statute...click HERE), the Ohio Attorney General (Ohio's Failure to Report a Crime law ..click HERE)

Not only can they no longer represent them, their interests actually CONFLICT since they have all by now engaged in.

So, it would be a PRIVACY VIOLATION to involve them even further... their former clients and themselves may be testifying against each other.

YOU CAN RULE SUMMARILY per US Supreme Court's "Chambers v. Nasco" and the companies can then sue the two law firms for conspiring with the companies employees to commit criminal violations of 18 USC 1001 (click HERE)

You'd actually be doing Attorney Scott Coghlan a favor since this now puts him FOR THE THIRD TIME of having to tell the same lie and involving his client's employee (Randal Carr) in perjuring himself.

Coghlan's law license is already fried and ...

.....so is Kelly's law license for offering a PRETEXTUAL ("not worthy of credence" by the US Supreme Court's *Burdine* standard) RESPONSE regarding the termination of my employment which is SO RIDICULOUS that it amounts to "perjury" and involving his client in "perjury"

OSHA Investigator Trepanier himself stated that Attorney Kelly's explanation of the ending of my employment was not believable.... actually, when I asked him if he himself thought that their explanation was believable, Trepanier said "no"

OSHA and Bill Trepanier are as corrupt as these attorneys with OSHA's 98.2% denial rate and Mike Madry's financial award by the ALJ was pathetic in that he ruined his career... no one hires a whistleblower

I'm part of Darrell Whitman's OSHA Whistleblower Network and I've told my fellow whistleblowers **that I know where to figuratively "throw the monkey wrench intot he gearing (David v. Goliath) in a** lawfully, non-seditiously, non-violently and in a constitutionally-compliant fashion.

It's a mutually-exclusive scenario.... you and the other ALJ's in the Cincinnati office are part of this corruption or you are not a part of this corruption.

If you're all one of the good guys (saints amongst the sinners) then you hope for my success and I'll buck up the spirits of all you ALJs with the YouTube recorded RALLYING CRY which comforted the Space Family Robinson themselves each week when things looked their darkest (click HERE for the YouTube recording of those words of comfort)

If however, you Cincinnati ALJs are a corrupt bunch like OSHA is in denying 98.2% of the cases then I'd ADMONISH YOU to be a bit brighter than the dim bulbs of Coghlan, Kelly, Trepanier, Abernathy and **...**

.....TELEKINETICALLY obliterate from existence the Coghlan Exhibit "B" and Coghlan Exhibit "C" as well as the initial responses of BOTH Kelly & Coghlan to OSHA Supervisory Investigator, Denise Keller ...

..... by "wishing Coghlan Exhibit "B" into the cornfield" not unlike the omnipotent Anthony Fremont from what was voted as the Twilight Zone's scariest episode starring **Cloris Leachman & Billy Mumy** titled, "It's a Good Life" (click HERE)

THE INSTANT THAT Kelly & Coghlan received confirmation with you being assigned as the ALJ, they violated the Ohio Code of Judicial Conduct at ...

RULE 3.3: CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly do any of the following:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; (2).....

(3) **offer evidence that the lawyer knows to be false**. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable measures to remedy the situation, including, if necessary, disclosure to the tribunal.

A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person, including the client, intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable measures to remedy the situation, including, if necessary, disclosure to the tribunal.

..especially when the lawyer conspires with them and TOTALLY fries attorney-client privilege

(c) The duties stated in divisions (a) and (b) of this rule continue until the issue to which the duty relates is determined by the highest tribunal that may consider the issue, or the time has expired for such determination, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Comment [1] This rule governs the conduct of a lawyer who is representing a client in the proceedings of a tribunal. See Rule 1.0(o) for the definition of "tribunal."
It also applies when the lawyer is representing a client in an ancillary proceeding conducted pursuant to the tribunal's adjudicative authority, such as a deposition.
Thus, for example, division (a)(3) requires a lawyer to take reasonable remedial measures if the lawyer comes to know that a client who is testifying in a deposition has offered evidence that is false. [

2**] This rule sets forth the special duties of lawyers as officers of the court to avoid conduct that undermines the integrity of the adjudicative process**
. A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client's case with 114 persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate's duty of candor to the tribunal.

Consequently, although a lawyer in an adversary proceeding is not required to present an impartial exposition of the law or to vouch for the evidence submitted in a cause, **the lawyer must not allow the tribunal to be misled by false statements of law or fact or evidence that the lawyer knows to be false.**

Representations by a Lawyer
[3] An advocate is responsible for pleadings and other documents prepared for litigation, but is usually not required to have personal knowledge of matters asserted therein, for litigation documents ordinarily present assertions by the client, or by someone on the client's behalf, and not assertions by the lawyer. Compare Rule 3.1.

However, an assertion purporting to be on the lawyer's own knowledge, as in an affidavit by the lawyer or in a statement in open court, may properly be made only when the lawyer knows the assertion is true or believes it to be true on the basis of a reasonably diligent inquiry. **There are circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation.**

The obligation prescribed in Rule 1.2(d) not to counsel a client to commit or assist the client in committing a fraud applies in litigation.

Regarding compliance with Rule 1.2(d), see the Comment to that rule. See also the Comment to Rule 8.4(b).

Legal Argument

[4] Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities.

Furthermore, as stated in division (a)(2), an advocate has a duty to disclose directly adverse authority in the controlling jurisdiction that has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case.

Offering Evidence

[5] Division (a)(3) requires that the lawyer refuse to offer evidence that the lawyer knows to be false, regardless of the client's wishes. This duty is premised on the lawyer's obligation as an officer of the court to prevent the trier of fact from being misled by false evidence.

A lawyer does not violate this rule if the lawyer offers the evidence for the purpose of establishing its falsity.

[6] If a lawyer knows that the client intends to testify falsely or wants the lawyer to introduce false evidence, the lawyer should seek to persuade the client that the evidence should not be offered. If the persuasion is ineffective and the lawyer continues to represent the client, the lawyer must refuse to offer the false evidence. If only a portion of a witness's testimony will be false, the lawyer may call the witness to testify but may not elicit or otherwise permit the witness to present the testimony that the lawyer knows is false.

[7] [RESERVED]

[8] The prohibition against offering false evidence only applies if the lawyer knows that the evidence is false. A lawyer's reasonable belief that evidence is false does not preclude its presentation to the trier of fact. **A lawyer's knowledge that evidence is false, however, can be inferred from the circumstances.** See Rule 1.0(g).

Thus, although a lawyer should resolve doubts about the veracity of testimony or other evidence in favor of the client, **the lawyer cannot ignore an obvious falsehood**.

[9] [RESERVED]

Remedial Measures

[10] Having offered material evidence in the belief that it was true, a lawyer may subsequently come to know that the evidence is false. Or, a lawyer may be surprised when the lawyer's client, or another

witness called by the lawyer, offers testimony the lawyer knows to be false, either during the lawyer's direct examination or in response to cross-examination by the opposing lawyer.

In such situations or if the lawyer knows of the falsity of testimony elicited from the client during a deposition, the lawyer must take reasonable remedial measures. In such situations, the advocate's proper course is to remonstrate with the client confidentially, advise the client of the lawyer's duty of candor to the tribunal, and seek the client's cooperation with respect to the withdrawal or correction of the false statements or evidence. If that fails, the advocate must take further remedial action including making such disclosure to the tribunal as is reasonably necessary to remedy the situation, even if doing so requires the lawyer to reveal information that otherwise would be protected by Rule 1.6. **It is for the tribunal then to determine what should be done.**

[11] The disclosure of a client's false testimony can result in grave consequences to the client, including not only a sense of betrayal but **also loss of the case and perhaps a prosecution for perjury.** But the alternative is that the lawyer cooperate in **deceiving the court,** thereby subverting the truth-finding process which the adversary system is designed to implement. See Rule 1.2(d).

Furthermore, unless it is clearly understood that the lawyer will act upon the duty to disclose the existence of false evidence, the client can simply reject the lawyer's advice to reveal the false evidence and insist that the lawyer keep silent. **Thus the client could in effect coerce the lawyer into being a party to fraud on the court.**

(Not in this case before the ALJ..... it was the attorneys themselves who COACHED the willing employees of their clients into perjury and offering phony evidence)

Preserving Integrity of Adjudicative Process

[12] Lawyers have a special obligation to protect a tribunal against criminal or fraudulent conduct that undermines the integrity of the adjudicative process, such as bribing, intimidating or otherwise unlawfully communicating with a witness, juror, court official, or other participant in the proceeding, unlawfully destroying or concealing documents or other evidence, or failing to disclose information to the tribunal when required by law to do so. Thus, division (b) requires a lawyer to take reasonable remedial measures, including disclosure if necessary, whenever the lawyer knows that a person, including the lawyer's client, intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding.

Duration of Obligation

[13] A practical time limit on the obligation to rectify false evidence or false statements of law or fact must be established. A final determination of the issue to which the duty relates by the highest tribunal that may consider the issue, or the expiration of the time for such consideration, is a reasonably definite point for the termination of the obligation.

Division (c) modifies the rule set forth in Disciplinary Counsel v. Heffernan (1991), 58 Ohio St.3d 260 to the extent that Heffernan imposed an obligation to disclose false evidence or statements that is unlimited in time. Ex Parte Proceedings

[14] Ordinarily, an advocate has the limited responsibility of presenting one side of the matters that a tribunal should consider in reaching a decision; the conflicting position is expected to be presented by the opposing party. However, in any ex parte proceeding, such as an application for a temporary restraining order, there is no balance of presentation by opposing advocates.
The object of an ex parte proceeding is nevertheless to yield a substantially just result. The judge has an affirmative responsibility to accord the absent party just consideration. The lawyer for the represented

party has the correlative duty to make disclosures of material facts known to the lawyer and that the lawyer reasonably believes are necessary to an informed decision.

Withdrawal
[15] Normally, a lawyer's compliance with the duty of candor imposed by this rule does not require that the lawyer withdraw from the representation of a client whose interests will be or have been adversely affected by the lawyer's disclosure. The lawyer may, however, be required by Rule 1.16(c) to seek permission of the tribunal to withdraw if the lawyer's compliance with this rule's duty of candor results in such an extreme deterioration of the clientlawyer relationship that the lawyer can no longer competently represent the client.
Also see Rule 1.16(b) for the circumstances in which a lawyer will be permitted to seek a tribunal's permission to withdraw. In connection with a request for permission to withdraw that is premised on a client's misconduct, a lawyer may reveal information relating to the representation only to the extent reasonably necessary to comply with this rule or as otherwise permitted by Rule 1.6.

-----Original Message-----
From: Davidrpaton <davidrpaton@aol.com>
To: cleveland.cv <cleveland.cv@ic.fbi.gov>; Trepanier.William <Trepanier.William@dol.gov>; Keller.Denise <Keller.Denise@dol.gov>; abernathy.richard <abernathy.richard@dol.gov>
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Sent: Sat, Apr 22, 2017 4:43 pm
Subject: Criminal Violation of 18 USC 1001 by Attorney Scott Coghlan of Zashin & Rich, Attorney Brian J Kelly of FrantzWard, Comprehensive Logistics Quality Personnel, Randal Carr & Adele Mortaro as well as Dave Snyder of Callos Personell

The first thing Lorain County Ex-Chief Criminal Prosecutor Jonathan Rosenbaum ... a former Ohio Prosecutor of the Year in the 1980s... would have stated to OSHA Supervisory Investigator, Denise Keller is that Attorneys Coghlan & Kelly would have first been required to get a waiver of malpractice claim from CLI & Callos on behalf of their law firms before engaging in this criminal misconduct.

This therefore establishes the presence of what the courts call "scienter (click here)" as it pertains to Comprehensive Logistics' & Callos' 18 USC 1001 misconduct toward a Federal Investigator.

Rosenbaum would have explained this to non-attorney lay individuals by analogizing to a criminal proceeding where a defendant has a right to be present in the court room at all critical stages of the trial. Only a voluntary waiver from a competent defendant can allow the trial to continue without the presence of the defendant in the court room.

Similarly, on behalf of their respective law firms, Attorneys Coghlan & Kelly would have had to obtained "malpractice waivers" for the 18 USC 1001 crimes these two attorneys were about to engage in with Comprehensive Logistics ("CLI") & Callos Personnel ("Callos")

Pursuant to Rule 1.4 of the Ohio Rules of Professional Conduct, attorneys are required to carry malpractice insurance of at least $100,000 per occurrence and $300,000 in the aggregate

Since **the crime-fraud exception to attorney-client privilege** now is in effect, Coghlan & CLI enjoy **no privileged communications**.
Coghlan's communications with Kelly are not protected either.

The FBI & OSHA can both **question Attorneys Kelly & Coghlan** without **privilege** being attached.

Also, Kelly & Coghlan must now BOTH withdraw their representation of Callos & CLI per the Ohio Rules of Professional Conduct at:

RULE 1.7: CONFLICT OF INTEREST: CURRENT CLIENTS

(a) A lawyer's acceptance or continuation of representation of a client creates a conflict of interest if either of the following applies:
.....

(2) there is a *substantial* risk that the lawyer's ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by the lawyer's own personal interests.

It's a TECHNICAL POINT but it is damning... which is why Prosecutor Rosenbaum employs it (or "similar tactics") more often than some people change their socks...

It's also why Judges love it so much (it's dispositive and it usually touches upon the Rules of Professional Conduct or the Rules of Evidence).
The ALJ and US District Court Judge will therefore BOTH be tickled pink in sheer delight.

It's a mutually-exclusive proposition:

a. Callos & CLI knew AT THAT DISCRETE POINT IN TIME, when the waiver was actually presented, that they would be lying to a federal official and that Zashin & Rich as well as Frantz Ward could not be subsequently sued by CLI/Callos.

..... **or, in the alternative** .....

b. The waiver WAS NEVER PRESENTED TO either/both businesses by the two law firms MEANING THAT the monetary amount awarded by OSHA can be absorbed by Zashin & Rich as well as Frantz Ward when the snakes at CLI & Callos sue the pants off the both of them.

Thus establish-eth the "scienter" of 18 USC 1001by Randal Carr, Adele Mortaro & Dave Snyder.(unless Zashin & Rich as well as Frantz Ward want to leave themselves vulnerable to a lawsuit from these sociopathic snakes at CLI & Callos).

The partners at those two law firms will be angryyyyyyyyy.

Zashin & Rich can no longer represent CLI
Frantz Ward can no longer represent Callos

I'd like to say that,..... for this auspicious moment of successfully dusting -- not just one, but two law firms from further representation.... **that I myself cleverly coined a new pithy phrase** ("Back to the old drawing board") but then I'd be in violation of 18 US 1001 myself for lying to a federal official since the aforementioned phrase obviously predates all of our births.

Anyway Callos
Anyway CLI

"Back to the old drawing board".... you don't have a snowball's chance of prevailing in this OSHA Retaliation so you do INDEED need "crooked, corrupt attorneys" ... just **a little bit brighter bunch** than **the dim bulbs** which populate the offices of these two law firms.

Ooops!
I forgot... these two knuckleheads..... ..... employed FRE 408 in bad faith (*Athey v. Farmers Insurance Exchange* 234 F.3d 357, 359 (8th Cir. 2000).) so the letters of 2/27/2017 and 3/2/2017 to OSHA Supervisory Investigator constitute not just your firms' "initial response" BUT ALSO your "final response" (Attorney Kelly CONSTRUCTIVELY employed FRE 408 in his 2/27/2017 embarrassment).

So, I guess "back to the old drawing board" never applied in the first place.

1. TO EVERYONE ADDRESSED:
2. FEDERAL
3. OHIO
4. 18 USC 1001 - Attorney Scott Coghlan's criminal textual lead-in to presenting falsified evidence (Coghlan Exhibit "B") to OSHA Supervisory Investigator, Denise Keller in letter of 3/2/2017

5. 18 USC 1001 - Scott Coghlan & Randal Carr presenting falsified evidence (Coghlan Exhibit "B") to OSHA Supervisory Investigator, Denise Keller in letter of 3/2/2017
6. 18 USC 1001 - Scott Coghlan, Adele Mortaro & Randal Carr presenting falsified evidence (Coghlan Exhibit "C") to OSHA Supervisory Investigator, Denise Keller in letter of 3/2/2017
7. 18 USC 1001 - Attorney Kelly's lie to Denise Keller

1. TO EVERYONE ADDRESSED:
Per 18 USC 1001 (Click Here), Lying to ANY Federal Official is a crime.

That includes OSHA Investigator Trepanier.

It also included OSHA Supervisory Investigator, Denise Keller on 2/27/2107 by Attorney Brian J Kelly of the Cleveland-based, Franz Ward Law Firm.
It also included OSHA Supervisory Investigator, Denise Keller on 3/2/2107 by Attorney Scott Coghlan of the Cleveland-based, Zashin & Rich Law Firm

The following actions I engage in reporting this to the FBI & Ohio Attorney General (via Lorain County Prosecutor via mandated-first contact with Avon, OH Law Director) are controlled by:

2. FEDERAL

Federal Misprision of Felony Statute
18 U.S. Code § 4 - Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and **does not as soon as possible make known the same** to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 103–322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

3. OHIO

Failure to Report a Crime
Lorain County Prosecutor accepts referrals only from local law directors within Lorain County.. in this case, the Avon, OH Law Director, John Gasior

http://criminal.findlaw.com/criminal-charges/failure-to-report-a-crime.html

Failure to Report Laws

While in the majority of states failure to report isn't illegal, a small minority of states have enacted laws punishing individuals who fail to report certain types of crimes to the authorities. Under Texas law, for example, you can be charged with a Class A misdemeanor for failing to report an offense that resulted in serious bodily injury or death. In Ohio, on the other hand, it's illegal to knowingly fail to report a felony.
Take a look at your state's penal code or consult with an attorney to determine whether your state has a failure to report law.

Accessory After the Fact

While merely failing to report a crime is one thing, helping to conceal a crime is another. A person can generally be charged with accessory after the fact, or aiding and abetting, if he or she wasn't actually present during the commission of a crime, but took actions to conceal the crime or help the perpetrators avoid capture.

For example, hiding a weapon that was used in a robbery will probably make you an accessory after the fact under the laws of most states, even if you took no part in the actual robbery. Depending on the severity of the underlying crime, aiding and abetting can be either a misdemeanor or a felony in most states.

4. 18 USC 1001 - Attorney Scott Coghlan's criminal textual lead-in to presenting falsified evidence (Coghlan Exhibit "B") to OSHA Supervisory Investigator, Denise Keller in letter of 3/2/2017

It is the textual lead-in that ends your law career, Attorney. Coghlan.
From "beginning-to-end" as in "alpha-to-omega" the letters of both of you were exercises in deceit.

You can't **write a lengthy letter full of lies** without **at least once** getting your foot/ankle stuck hopelessly in the figurative bear trap that has clamped around it and **here comes that scary Disciplinary Counsel** from the Ohio Supreme Court to take away your law license.

[Paton] claims to have reported two safety concerns to CLI, to wit: tire beads were being torn during rim mounting **resulting in the tire not retaining correct air pressure** and a star washer used in the assembly of a truck axle was not bent according to specifications.

I never said that anytime or anywhere and it was nowhere in any of the documentation submitted to you by OSHA. The reason that I never said it is because the issue is "adhesion" or the the tire adhering to the rim under road conditions.

The Quality Standard we adhered to and which control our actions was to scrap these tires out.
Asking the question, "Is the tire holding [pressure]?" is an excuse for someone intent on letting scrap get by.

Regardless, this phrase.... which Coghlan --to his everlasting chagrin , will never be able to produce from any of the documentation was used BY Coghlan to introduce PHONY DOCUMENTATION from the "Compressor Malfunction" where REGULATION OF **CORRECCCCCCCTTTTTT** AIR PRESSURE was the problem.

The Quality Alert in Coghlan Exhibit "B" was from April 2016 and succeeded the expired Compressor Malfunction "Quality Alert" from the prior months and was succeeded by identical Compressor Malfunction Quality Alerts in subsequent months.

Adele... I am the last CLI Quality Person not in violation of Ohio & Federal Law... therefore, I am a "torque tech in absentia" and in this firm of racketeers (Federal as well as Ohio being one of the 33 US States having a Baby RICO Statute), **I am instructing you to scan and forward all Compressor Malfunction Quality Alerts for all months to OSHA**... in the land of the blind. the one-eyed man is king, Adele... I'm the only employee at CLI not involved in violation of Ohio & Federal Law (that includes Jeff Peters, Constantini & Hume). Follow my instructions

Get yourself a criminal attorney on Coghlan Exhibit "C", Adele --- you're going to need to cut a quick deal
Also, get in contact with Christina & Jermaine to pull a representative sample of air pressure readings from the tire racks taken from the very first month till today.

Scott Coghlan and Randal Carr used the magnetic rack tag and April 2016 Quality Alert to lie to a Federal Official 18 USC 1001to dishonestly attempt to foist Compressor Malfunction Quality Alerts as a April 2016 TIRE MOUNTING STATION Quality Alert of only 1 month in duration.

Attorney Scott Coghlan...read this and weep. ...the latest implementation of the rules mandate that you self-report yourself to the Ohio Supreme Court Disciplinary counsel

Offering Evidence
[5] Division (a)(3) requires that the lawyer refuse to offer evidence that the lawyer knows to be false, regardless of the client's wishes. This duty is premised on the lawyer's obligation as an officer of the court to prevent the trier of fact from being misled by false evidence.

RULE 8.4: MISCONDUCT

It is **professional misconduct** for a lawyer to do any of the following:

(a) violate or attempt to violate the Ohio Rules of Professional Conduct, ***knowingly assist or induce*** **another to do so**, or do so through the acts of another;
(b) **commit an *illegal* act** that reflects adversely on the lawyer's honesty or trustworthiness;
(c) engage in conduct involving **dishonesty**, *fraud*, **deceit, or misrepresentation**;

(d) engage in conduct that is **prejudicial to the administration** of justice;

RULE 8.3: REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer who possesses unprivileged knowledge of a violation of the Ohio Rules of Professional Conduct that **raises a question as to any lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects,** shall inform a disciplinary authority empowered to investigate or act upon such a violation.

Comparison to former Ohio Code of Professional Responsibility

Rule 8.3 is comparable to DR 1-103 **but differs in two respects**. First, Rule 8.3 does not contain the strict reporting requirement of DR 1-103. DR 1-103 requires a lawyer to report all misconduct of which the lawyer has unprivileged knowledge. Rule 8.3 requires a lawyer to report misconduct only when the lawyer possesses unprivileged knowledge that raises a question as to any lawyer's honesty, trustworthiness, or fitness in other respects. Second, Rule 8.3 requires a lawyer to self-report.

Steve Zashin... you report this guy of yours because I don't think he'll do it himself
Better YOU reporting him than OSHA or me.

You criminally attempted to PULL THE WOOL over the eyes of OSHA Supervisory Inspector, Denise Keller in an attempt to get her to REVIST & REVERSE her prior decision where you initially could not meet your required "clear & **convincing** evidence" burden

So in the criminal attempt you MORPHED the burden into "Unclear & **Convincing Counterfeit** Evidence" and basically said, "even if **the glove DOES FIT**; you must acquit"

That was a desperation move.

6. 18 USC 1001 - Scott Coghlan, Adele Mortaro & Randal Carr presenting falsified evidence (Coghlan Exhibit "C") to OSHA Supervisory Investigator, Denise Keller in letter of 3/2/2017

In this falsification, the attempt is to explain why no one talked to Tyler Paterchak
The production of a SAFE LAUNCH AUDIT SHEET as evidence in Coghlan Exhibit "C" was the fraud committed in 18 USC 1001

"The reference to torn tire beads was addressed by Carr several months earlier as noted above. CLI determined that Paton was also alleging a failure to bend the star washer6 during assembly of a truck axle. On or about August 2, 2016, Carr and CLI Corporate Quality Manager, Adele Mortano ("Mortano") undertook a review of several hundred pages of End-of-Line Audit sheets ("audit sheets") related to the axle assembly. The audit sheets contain numerous items that are reviewed by an axle line auditor during the assembly of an axle. See, Exhibit C (Item 15) for a representative example of an audit sheet. The star-washer at issue is one of items reviewed during assembly and is corrected on the spot if it has not been bent to specifications. Three tabs of the star washer are required to be bent at a 90-degree angle, two in one direction and one in the opposition direction. Carr and Mortano found no irregularities related to the

bending of the star washers in the audit sheets and concluded that Paton's unwitnessed complaint was unfounded."

Every time one of our junk axles gets yanked by Ford THE VERY FIRST THING WE DO is "pull the safe launch audit sheet"

Every time we've pulled that "audit sheet" it showed all the boxes had been checked and that it had been RELEASED as a "good axle" ("pencil whipping" of the boxes to be checked on the audit sheet)
Instead of "on the spot" with the required 100% efficacy...one has "ON THE SPOT" 0% efficacy (pencil whipping)

I knew this stuff would continue to GO ON once they got rid of me.... so did management.

Hey, Adele.... get Christina to produce the SAFE LAUNCH sheet for that axle that MOST RECENTLY went out with 10-studs on one side of the axle and 8-studs on the opposite side.
Zeus overrode the safety protocol again...got fired/terminated ...then hired 3 weeks later again

The SAFE LAUNCHER was required to use a PAINT PEN to mark the number of studs on EACH SIDE of the axle pumpkin (because of prior junk we sent out...not just for the heck of it).
The numbers (either an "8" or a "10") should match
Ford OHAP would have sent a PHOTO back by smartphone with the INCORRECT number (either an }8" or a "10") on one of the two axles.
The SAFE LAUNCH SHEET will also show MATCHING NUMBERS on both sides.

Yet, that's not what we sent to Ford... we sent out an axle with 10 studs on one side and 8 studs on the opposite side.... "on the spottttt"

Again, phony "on the spot" evidence to lie to OSHA Supervisory Investigator, Denise Keller

The SAFE LAUNCH SHEET production was "meaningless" and Adele & Randy would have both known that from the get-go THEREFORE there was likely NO REVIEW of HUNDREDS OF AXLE SHEETS and just-as-likely NO MEETING EVER EVEN TOOK PLACE

That axle with the unbent fins is going to have the inner bearing migrate outward.
The Wheel will extend away from the truck.
The axle will snap underneath the weight of the truck while traveling at 60 MPH

You're going to kill a kid or make him a quadriplegic for life.

You're sociopaths and I just EASILY caught you red-handed in TWO GREAT BIG LIES.

You get yourself a criminal attorney, Adele

7. These were not "perceived issues" as Attorney Kelly maintained din his 2/27/2017
These were "reported issues" and Attorney Kelly knew that and lied to Investigator Keller anyway 18 USC 1001

The "mercurial nutjob" motif has failed
The very reason that both of you FAILED TO EVEN ONCE mention Tyler or Chino was because you wanted to create that appearance about me.

You needed to attack Chino's credibility but you didn't because Chino is very credible and is telling the truth (you never even mentioned the "sabotage")
You needed to attack Tyler's credibility but you didn't because Tyler is very credible and is telling the truth.

I only reported to you what was reported to me and you HAD TO TURN / MORPH this into an attack on the messenger who was capably discharging his duty as an ASQ Certified Quality Professional, a citizen of Ohio (Failure to Report a Crime) and US National (Misprision of Felony)

The FRE 408 bad faith employment has ended your response to OSHA...

.....and I can ensure that you're both going to lose your law licenses over this or my name isn't Orville Reddenbacher.