

 ORIGINAL

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MAY 22 2008

JAMES N. HATTEN, Clerk
By:  Clerk

NO. 1:08-CV-758-CC

(NO. 1:03-CR-131-CC)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SCOTT HINTZ,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

**MOTION FOR RECUSAL AND MOTION FOR STAY OF PROCEEDINGS PENDING
RESOLUTION OF RECUSAL REQUEST**

Respectfully submitted by:

Scott Hintz, Pro Se

1425 Market Blvd #330-177

Roswell, GA 30076

Email: scotthintzlegal@gmail.com



**MOTION FOR RECUSAL AND MOTION FOR STAY OF PROCEEDINGS PENDING
RESOLUTION OF RECUSAL REQUEST**

Petitioner respectfully requests the recusal of any, and all, judge(s) [magistrate judge(s) and/or district court judge(s)] involved in the proceedings of US v. Hintz (#1:03-CR-131-CC and Hintz v. US #1:08-CV-758-CC) that are disqualified under the **SELF-ENFORCING REQUIREMENTS** of 28 U.S.C. §455. Additionally, Petitioner respectfully requests the stay of any, and all, proceedings related to this case until the final resolution to this factually-supported request.

If voluntary recusal(s) are not entered into the record of this case, Petitioner respectfully requests an order allowing evidentiary hearings, complete with discovery, to resolve the numerous issues listed below (including some already factually-supported in the record with **PUBLIC & UNDISPUTED sworn statements, and other items of evidence**).

Discovery should include (but not necessarily be limited to): (1) the subpoena of all materials, records, witnesses & other items of evidence related to Petitioner's allegations against involved judges & attorneys, and (2) all materials included in the **NON-PUBLIC** 11th Circuit investigation(s), the FBI investigation(s) and/or any other investigations into the federal judges and attorneys involved in this case – **it appears the United States is collecting NON-PUBLIC AND/OR FACTUALLY-UNTESTED information from the very individuals alleged of illegal and/or unethical activity by this Petitioner**; see docket #255 paragraph #2 in US v. Hintz #1:03-CR-131-CC.

28 U.S.C. § 455. Disqualification of justice, judge, or magistrate judge (Relevant portions):

- (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
- (b) He shall also disqualify himself in the following circumstances:
- (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - (2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;
 - (3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
 - (4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;
 - (5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
 - (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
 - (ii) Is acting as a lawyer in the proceeding;
 - (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
 - (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.
- (c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.
- (d) For the purposes of this section the following words or phrases shall have the meaning indicated:
- (1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;
 - (2) the degree of relationship is calculated according to the civil law system;
 - (3) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;
 - (4) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party

SUMMARY OF ISSUES

1. **U.S. Magistrate Judge Alan J. Baverman** has prior personal knowledge of disputed evidentiary facts concerning the proceedings [see 28 USC §455(a) and (b)(1)]. **Alan J. Baverman** discussed factually-disputed particulars of this case, non-judicially, starting in 2000 when his relative, attorney Paul J. Morochnik, instructed Petitioner to follow **Baverman's** direction and legal advice [see 28 USC §455(a) and (b)(2)]. The direction and legal advice concerned very

'questionable' and illegal activities by members of the **Baverman** family including, but not limited to, the extortion of approximately one million dollars (\$1,000,000.00) worth of real & personal property from this Petitioner and other demands that caused financial loss included in the proceedings of the underlying case, but personally benefited **Judge Baverman** and his family. [see attached, and herein incorporated, **EXHIBIT 'A'**]

2. On December 18, 2000 - - **Alan J. Baverman**, non-judicially and specifically, directed Petitioner's use of counsel for the proceedings of the case citing **Baverman's** allegedly significant power and influence [see 28 §455(a) and (b)(2)]. [see attached, and herein incorporated, **EXHIBIT 'B'**]. **Alan J. Baverman** personally directed Petitioner to use attorney Mark J. Kadish for the proceedings of the underlying case; Mark J. Kadish is a long-time friend of **Alan J. Baverman**, was a former supervising attorney to **Alan J. Baverman**, and was/is a long-time trusted advisor/ fiduciary over family and/or business interests for the **Baverman** family. **Alan J. Baverman** was executor of Mark Kadish's will until he became a judge and has been a long-time, and close, personal friend of Kadish. [see 28 USC §455(a) and (b)(4) and (b)(5)(III) regarding the **Baverman** family's financial interests and the **Baverman** family's interest in avoiding criminal/ethical scrutiny for their actions; see attached, and herein incorporated, **EXHIBIT 'C'**]
3. In late 2000 and early 2001, **Alan J. Baverman** and his family involved themselves with extortion activities including the acquisition of several real estate properties from Petitioner that were later sold by **Judge Baverman's wife**, Elida; these activities allowed significant personal profit to accrue to **Judge Baverman**

and/or his family (within the 3rd degree, but specifically caused loss included in this case). [see 28 USC §455(a), (b)(4) and (b)(5)(iii) regarding **Baverman** family financial interest and **Baverman** family interest in avoiding criminal/ethical scrutiny of their activities]. [see attached, and herein incorporated, **EXHIBIT 'D'** & **EXHIBIT 'A'**]

4. After **Alan J. Baverman** became a U.S. Magistrate Judge in February 2001, he, his wife and other members of his family utilized personal visits to Petitioner's home to extort personal property for the personal benefit of the **Baverman** family [see 28 USC §455(a), (b)(4) and (b)(5)(iii) regarding the **Baverman** family's financial interests and the **Baverman** family's interest in avoiding criminal scrutiny for their own activities]. [see attached, and herein incorporated, **EXHIBIT 'D'** & **EXHIBIT 'A'**]
5. Attorney Mark J. Kadish very specifically told Petitioner to remain silent about the questionable, and likely illegal, activities of the **Baverman** family. Kadish knew of factually-disputed items and of the financial and personal interests of the **Baverman** family prior to the plea hearing and sentencing of the underlying case. Kadish used threats against the safety of Petitioner's minor children and ties to allegedly violent criminal organizations and allegedly corrupt public servants to intimidate Petitioner. [see attached, and herein incorporated, **EXHIBIT 'E'** & **EXHIBIT 'A'**]
6. Attorney Mark Kadish specifically stated he was a long-time, and close, friend to **U.S. District Court Judge Clarence Cooper**. Kadish specifically told Petitioner that Kadish had personally spoken to **Judge Cooper**, outside of court, about the

disputed facts of this underlying case. Mark Kadish advised Petitioner to allow Kadish and Judge Cooper to handle the case outside the record of the case so as to not "upset" Judge Cooper. Judge Cooper and attorney Mark Kadish spoke in court before the proceedings of the underlying case (but outside the record of the case) about: (1) their personal meetings outside of court, and (2) the transfer of approximately one million dollars (\$1,000,000.00) worth of real & personal property from the Petitioner to the Baverman family. Kadish often reminded Petitioner that Judge Cooper had Petitioner's life in his hands and reminded Petitioner it would not be wise to "upset" Judge Cooper with details of the "questionable" activities of the Baverman family. [see 28 USC §455(a) and (b)(1) and (b)(5)(IV) regarding: (1) personal relationships and conversations with individuals allegedly involved in illegal and/or unethical activities related to the case, (2) personal (non-judicial) knowledge of disputed facts, bias, prejudice, and (3) the possibility and likelihood of judge being called as witness]; see attached, and herein incorporated, EXHIBIT 'F' & EXHIBIT 'A'

7. During the proceedings of the underlying case, Judge Clarence Cooper made various remarks, and in some instances rulings, in favor of attorney Mark Kadish (which also benefitted the Baverman family) to the detriment of this Petitioner (i.e. Judge Cooper stated "This may come back to haunt us" before ignoring Petitioner's Plea Hearing statement about unreviewed factual objections; Judge Cooper told Petitioner that, in Judge Cooper's own opinion, attorney Mark Kadish was one of the very best attorneys he has known--after Petitioner requested attorney Mark Kadish be replaced; Judge Cooper ruled in favor of



attorney Mark Kadish's request to deny Petitioner bail pending appeal in what appears to be a contradiction to a previous Judge Cooper ruling). Petitioner always had to labor over "upsetting" Judge Cooper because of the statements of Mark Kadish (see #6, above) that, at least in appearance, looked like they may be true---especially in light of the fact that Judge Cooper spoke of personal (out of court) meetings with Kadish and invited Kadish to personal meetings outside of court, while Judge Cooper & Mark Kadish were in court before some of the proceedings of the underlying case. Mark Kadish bragged of Judge Cooper's personal invitation to Kadish as a way of intimidating Petitioner into staying silent about the Baverman involvement saying bringing up objections in court would 'upset' Judge Cooper – Mark Kadish specifically stated he would talk to Judge Cooper about the case 'off the record'.

8. In 2004, and well after the activities listed in paragraph #'s 1 through 6 above, U.S. Magistrate Judge Alan J. Baverman judicially appointed Petitioner's attorney on direct appeal. This attorney, attorney Lynn Fant, threatened to file an Anders brief stating there were no issues on direct appeal unless Petitioner: (1) remained silent about the 'questionable' activities of the Baverman family, and (2) agreed not to lodge any complaints against attorney Fant. Attorney Fant very specifically told Petitioner he had meritorious claims ripe for direct appeal, but filed the Anders brief anyways in an attempt to prejudice the Petitioner for: (1) failing to remain silent about the Baverman family's 'questionable' and illegal activities, and (2) for threatening to file complaints against attorney Fant. [see 28 USC §455 (a); (b)(1); (b)(2); (b)(3); and (b)(5)]

regarding the numerous disqualifying factors against Judge Baverman; see attached, and herein incorporated, EXHIBIT 'A' ; see also, and herein incorporate, US v. Hintz #1:03-131-CC docket #253 (esp. Memorandum of Law pgs.7-8 and Appendix 'H').

DISCUSSION

"A judge is under an affirmative, self-enforcing obligation to recuse himself sua sponte whenever the proper grounds exist...The duty of recusal applies equally before, during and after a judicial proceeding." U.S. v. Kelly, 888 F2d@744 (11th Cir. 1989, emphasis added).

In the case at bar, numerous items of evidence from various sources (including sworn affidavits) clearly show U.S. Magistrate Judge Alan J. Baverman is under a "self-enforcing obligation" to recuse himself "before, during or after" the judicial proceeding [under the authority of 28 USC §455 (a), (b)(I), (b)(II), (b)(III) and/or (b)(IV) (that allowed U.S. Magistrate Judge Alan J. Baverman to appoint an attorney to protect his own financial interest and his own interest in avoiding criminal/ethical scrutiny ---- but Judge Baverman has NEVER done so.

In the case at bar, attorney Mark Kadish (who was also selected by Alan Baverman to represent Petitioner with the use of threats) specifically told Petitioner that Kadish and Judge Clarence Cooper had met personally, and outside of court, to discuss the factual objections of this case. Mark Kadish stated he was a close, long-time, friend of Judge Clarence Cooper. Judge Clarence Cooper and Mark Kadish were witnessed, in court, talking about personal meetings outside of court and talking about the approximately one million dollars (\$1,000,000.00) worth of real & personal assets transferred from Petitioner to the Baverman family – these



conversations were outside the record of this case and appear to support Mark Kadish's statements to this Petitioner (see paragraph #'s 6-7, above); [see also attached, and herein incorporated, EXHIBIT "COOPER"]. Judge Clarence Cooper very specifically, and while in court before a proceeding in the underlying case, invited attorney Mark Kadish to a personal, out of court, meeting with Judge Cooper.

To date, U.S. District Court Judge Clarence Cooper has not specifically addressed these reasonable 28 U.S.C. §455 issues under question for recusal [see 28 USC §455(a) and (b)(1) and (b)(5)(IV) regarding: (1) personal relationships and conversations with individuals allegedly involved in illegal and/or unethical activities related to the case, (2) personal (non-judicial) knowledge of disputed facts, bias, prejudice, and (3) the possibility and likelihood of judge being called as witness].

If Mark Kadish's statements to the Petitioner are true (see paragraph #'s 6-7, above), Judge Clarence Cooper is under a "self-enforcing obligation" to recuse himself.

If Mark Kadish is found to have lied to Petitioner regarding the content of his out-of-court conversations with Judge Cooper, Petitioner humbly suggests the Court immediately and publically reprimand/punish attorney Mark Kadish and take action against Mark Kadish's abuse of his allegedly close personal relationship with Judge Cooper. MINIMALLY, the court should hold an evidentiary hearing, with discovery, to resolve the very reasonable 'appearance' of impartiality by Judge Clarence Cooper due to Judge Cooper's own actions & words regarding Mark Kadish, and Judge Cooper's own invitation to meet Mark Kadish personally & outside of court [the invitation

Judge Cooper extended to Mark Kadish occurred in front of Petitioner and others (see paragraph #'s 6-7, above). This humble request appears even more reasonable in light of the undisputed affidavits (and other items of evidence already in the record) proving attorney Mark Kadish very specifically lied about his knowledge of Judge Baverman's involvement and lied about his own knowledge of Petitioner's unresolved factual disputes prior to the Plea Hearing of this case [see attached, and herein incorporated, **EXHIBIT 'E'** & **EXHIBIT 'A'**].

In regards to requirement for the voluntary recusal of any disqualified judge(s) involved in this case, this Court should note:

"As we are required to do, we accept as true the allegations contained in the affidavits." In Re: Corrugated Container, 614 F.2d 958, 967 (former 5th Cir. 1980); see also **"Affidavit must be considered as true"** Christo v. Padgett, 223 F3d 1324, 1333 (11th Cir. 2000); see also Berger v. US, 41 S.Ct. 230, 234 (1921)

As sworn, and to date, undisputed affidavits (and other items of evidence) allege disqualifying factors under 28 U.S.C. §455, Petitioner humbly requests either: (1) the voluntary recusal of the disqualified judge(s), or (2) an evidentiary hearing, with provisions for discovery, to evaluate and factually test items that appear to "more than meet" the mere 'appearance' of impartiality requirement of 28 U.S.C. §455.

CONCLUSION

This Court should require:

- (1) The immediate stay all proceedings related to this case pending final resolution of this recusal request, and either:



(a) The recusal as required by 28 U.S.C. §455; any disqualified judge(s) should voluntarily recuse himself/themselves before allowing any further proceedings to continue, or

(b) The holding of evidentiary hearings, with provisions for discovery, to review this request for recusal.

Respectfully submitted this ^{22nd SH}~~23rd~~ day of May 2008.

Sincerely,



Scott Hintz,
Pro Se Petitioner



CERTIFICATE OF SERVICE

I, Scott Hintz, certify I have served upon opposing counsel one copy of the foregoing:

**MOTION FOR RECUSAL AND MOTION FOR STAY OF PROCEEDINGS PENDING
RESOLUTION OF RECUSAL REQUEST**

(and its attached EXHIBITS 'A' through 'F') - *29 pages follow (total) this page*

by hand-delivering same to:

United States Attorney's Office
Attn: US Attorney David E. Nahmias
75 Spring Street, SW
Atlanta, Georgia 30303

This ^{*22nd*}~~23RD~~ day of May 2008.

Sincerely,


Scott Hintz

EXHIBIT 'A'

FOUR (4) PAGES TO FOLLOW

SL

Exhibit 'A' pg 1 of 4 sh

**AFFIDAVIT IN SUPPORT OF MOTION FOR RECUSAL AND MOTION FOR STAY OF PROCEEDINGS
PENDING RESOLUTION OF RECUSAL REQUEST**

I, Scott Hintz, state the following statements are true under the penalty of perjury
(28 U.S.C. §1746):

1. To best of my knowledge and belief, all statements listed in the **SUMMARY** section (paragraph #'s 1-8) of the preceding **MOTION FOR RECUSAL AND MOTION FOR STAY OF PROCEEDINGS PENDING RESOLUTION OF RECUSAL REQUEST** are true.
2. Paul J. Morochnik (a relative of Judge Baverman) and Alan J. Baverman instructed me to use attorney Mark J. Kadish for the investigation and proceedings of the underlying case so their 'questionable' activities and legal direction would be 'behind the scenes' and less likely scrutinized. Both Paul J. Morochnik and Alan J. Baverman were well aware of the FBI investigation (leading to the proceedings of the underlying case) well before I was instructed to "give" them significant real and personal property at very large discounts to market value (or in some cases – free) and directed to walk away from properties that later went into foreclosure. Losses would either have not occurred or, minimally, would have been significantly limited without their self-serving direction. They told me they had a great amount of power and influence over just about everything in the district and instructed me to follow their specific direction.
3. Between January and March 2001, Paul J. Morochnik, Alan J. Baverman and Elida Baverman (Judge Baverman's wife) visited my home in early 2001 to take real and personal property from my family with the use of their power and influence.
4. Elida Baverman evaluated and rendered direction regarding real property transferred from me to Paul J. Morochnik and his wife in 2001; Elida Baverman later sold the real estate, for the profit of the Baverman-Morochnik family, including at least some property specifically listed in the underlying case.
5. Mark J. Kadish informed me that he and U.S. Magistrate Judge Alan J. Baverman had some very strong power and influence with allegedly-violent criminal organizations, law enforcement,

Exhibit 'A' pg 2 of 4 SL

politicians and judges. I was told to remain silent about the questionable, and likely illegal activities, of the Baverman family or they (Baverman & Kadish) would find out through their connections rendering my minor children unsafe.

6. Attorney Mark J. Kadish very specifically told me he was a close friend of Judge Clarence Cooper; Mark Kadish told me he personally spoke to Judge Clarence Cooper outside of court in regards to factually-incorrect items listed in the charging document of this case and told me that Judge Cooper would become upset if I brought up the Baverman family details in court.
7. In court, and before the Plea Hearing of the case, I witnessed Judge Clarence Cooper invite Mark Kadish to a personal out-of-court meeting; Judge Cooper's personal invitation to meet personally with Mark Kadish outside of court, coupled with Mark Kadish's words about having significant influence over Judge Cooper intimidated me—especially when Mark Kadish told me that Judge Cooper had my life in his hands and would become very upset if I did not remain silent about the Baverman family direction and activity.
8. Attorney Mark Kadish lied to me and threatened me on numerous occasions. When I requested Mark Kadish be replaced with appointed counsel, Judge Alan J. Baverman appointed his replacement with another attorney that demanded I remain silent about the Baverman family involvement and informed me that Judge Baverman had enough power and influence to retaliate against those who opposed his family and friends.

Stating the above are true to the best of my knowledge and belief, I hereby state the above this 22nd day of May 2008.

Sincerely,



Scott Hintz

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

R. MICHAEL THOMPSON
J. PATRICK O'BRIEN
DONNA N. KEMP (GA & OH)
ALBERT F. NASUTI
PAUL J. MOROCHNIK
BRET I. THRASHER
RON C. BINGHAM, II

ATTORNEYS AT LAW
40 TECHNOLOGY PARKWAY SOUTH
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VINCENT E. AUBREY (GA & CT)
WADE A. BUSER
TED W. HIGHT III
LISA A. FRANK
TIMOTHY D. AARON
JENNIFER D. GEADA
PAUL A. ROGERS
OF COUNSEL
BETTY MORRIS NASUTI (GA & WV)
SCOTT DIX
JOHN E. UNDERWOOD

Author's E-Mail: pmorochnik@tokn.com

December 6, 2004

[REDACTED]

Exhibit 'A'
Pg 3 of 4
sl

[REDACTED]

3. I am related by marriage to Alan Bayerman.

[REDACTED]

Very truly yours,

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

[Signature]
Paul J. Morochnik

PJM/wls
Enclosures

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THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

Attorneys At Law
40 Technology Parkway South, Suite 300
Norcross, Georgia 30092
(770) 925-0111
Tax ID No. 58-1455081

SCOTT R. HINTZ

[REDACTED]

Exhibit 'A'
Pg 4 of 4
SL

Page: 1

August 18, 2000

File No:

Statement No:

[REDACTED]

For Professional Services Rendered Through 08/09/2000

			Hours	
<u>07/26/2000</u>	PJM	TELEPHONE CONFERENCE WITH SCOTT; MEETING WITH SCOTT RE: <u>FBI INVESTIGATION</u>	0.60	[REDACTED]
08/04/2000	PJM	TELEPHONE CONFERENCE WITH S. HINTZ	0.20	[REDACTED]
08/07/2000	PJM	TELEPHONE CONFERENCE WITH S. HINTZ RE: MEETING	0.10	[REDACTED]
08/08/2000	PJM	MEETING WITH SCOTT	0.60	[REDACTED]
		For Current Services Rendered	<u>1.50</u>	[REDACTED]
		Total Current Work		[REDACTED]
		Balance Due		[REDACTED]

Your trust account balance is

Opening Balance

Closing Balance

[REDACTED]

5

This invoice reflects payments received as of 08/18/2000
Statements are due and payable in full upon receipt.
Please indicate file number and invoice number on your
check to ensure proper credit.

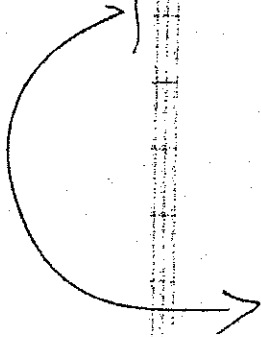
EXHIBIT 'B'
FOUR (4) PAGES TO FOLLOW

sl

6

12/18/00 PAUL MOROCHNIK

PORTION REDACTED



All From Alan Berman

Portion Redacted - Scott Hantz is unrepresented
by counsel [REDACTED]

Handwriting is Paul Morochnik's from 12/18/00 legal consultation on
topic of pedding FBI investigation with client, Scott Hantz, at law
offices of Paul Morochnik's law firm.**

Exhibit 'B'
Pg 1 of 4
SL

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

Attorneys At Law

40 Technology Parkway South, Suite 300

Norcross, Georgia 30092

(770) 925-0111

Tax ID No. 58-1455081

Exhibit 'B'
Pg 2 of 4 SK

SCOTT R. HINTZ

[Redacted]

Page: 1

January 19, 2001

File No:

[Redacted]

Statement No:

For Professional Services Rendered Through 01/10/2001

Date	Time	Description	Hours	Amount
12/18/2000	PJM	MEETING WITH SCOTT AND [Redacted] RE: VARIOUS CONCERNS	0.80	[Redacted]
12/27/2000	PJM	[Redacted]	2.50	[Redacted]
12/28/2000	PJM	[Redacted]	0.10	[Redacted]
12/29/2000	PJM	[Redacted]	0.30	[Redacted]
Total Current Work				[Redacted]
Previous Balance				\$[Redacted]
<u>Payments</u>				
01/02/2001		PAYMENT RECEIVED - THANK YOU!		[Redacted]
Balance Due				[Redacted]

Your trust account balance is

Opening Balance

Closing Balance

8

[Redacted]

This invoice reflects payments received as of 01/19/2001
Statements are due and payable in full upon receipt.
Please indicate file number and invoice number on your

March 25, 2005
Page 2

letter from
Paul J. Marochik

Exhibit 'B'
Pg 3 of 4
SL

Background of Representation of Mr. Hintz

[REDACTED]

[REDACTED]

After inquiry, I provided Mr. Hintz with two (2) names and telephone numbers – Mark Kadish and Bruce Morris.

X

9

March 25, 2005

Page 5

Letter from
Paul J. Morochnik

Exhibit 'B'
Pg 4 of 4 SL

Conclusion

Very truly yours,

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

[Handwritten Signature]
Paul J. Morochnik

PJM/wis

Enclosures

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EXHIBIT 'C'
FOUR (4) PAGES TO FOLLOW

SL

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April 12, 2005
Page 2

Exhibit 'c'
pg 1 of 4 sl

Letter from Mark Kadish

[REDACTED]

[REDACTED]

[REDACTED] Judge
Baverman was employed by me as an associate in my law firm in the 1980's, well before my
representation of Mr. Hintz. Judge Baverman was the executor of my Will, but relinquished that
position when he was named a federal magistrate judge.

[REDACTED]

[REDACTED]

Baverman's wife, was the listing agent for my home. This listing began in April 2004 and
terminated in February 2005.

[REDACTED]

[REDACTED]

[REDACTED]

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sl

April 12, 2005

Page 3

Exhibit 'C'
pg 2 of 4 SL

letter from
Mark J. Kadish

I have no knowledge why Judge Baverman appointed Lynn Fant as counsel to Mr. Hintz after I was relieved as counsel.

[REDACTED]

Mr. Hintz states in his Memorandum that Mr. Morochnik convinced him to use the services of Mark Kadish

[REDACTED]

Lastly, Mr. Hintz complains that attorney Lynn Fant, appointed by Judge Baverman to succeed me,

[REDACTED]

This concludes my response

Respectfully submitted,

Mark J. Kadish

Mark J. Kadish

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MJK/mk

[REDACTED]

SL

MARK J. KADISH

MARK J. KADISH

5525 Cross Gate Court
Atlanta, Georgia 30327

October 04, 2004

(404) 252-7799
fax: (404) 252-3040
mkadish@bellsouth.net

ATTORNEY/CLIENT LEGAL MAIL

Scott Hintz. [REDACTED]

Exhibit 'c'
pg 3 of 4 sh

[REDACTED] I do know Federal Magistrate Judge Alan Baverman. He worked for me in the 1980's as an associate. He is a friend.

Sincerely,

Mark J. Kadish
Mark J. Kadish

MJK/mk

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Judge Baverman's wife

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Mark Kadish Residence

5525 Cross Gate Court, Atlanta
\$1,300,000

APPEAL, CLOSED

U.S. District Court
Northern District of Georgia (Atlanta)
CRIMINAL DOCKET FOR CASE #: 1:03-cr-00131-CC-ALL
Internal Use Only

Case title: USA v. Hintz

Date Filed: 03/06/2003

Assigned to: Judge Clarence Cooper

Defendant

Scott Hintz (1)
TERMINATED: 09/24/2003

represented by **Lynn Gitlin Fant**
Office of Lynn G. Fant
P.O. Box 668
Marietta, GA 30061-0068
404-550-2375
Email: Lynn_Fant@Yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment 15

Exhibit 'C'
pg 4 of 4 sh

Mark J. Kadish
Office of Mark J. Kadish
5525 Cross Gate Court
Atlanta, GA 30327
404-252-7799
Email: mkadish@bellsouth.net
TERMINATED: 09/24/2003

[Handwritten signature]

EXHIBIT 'D'
EIGHT (8) PAGES TO FOLLOW

Sl
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AFFIDAVIT

Exhibit 'D'
pg 1 of 8 SL

I, Andrea J. Zwolak, personally testify the following statements are true and correct to the best of my knowledge and belief:

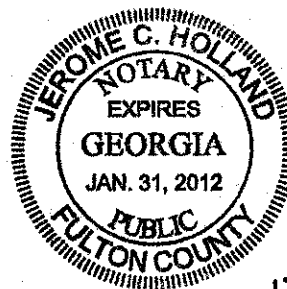
1. Attorney Paul J. Morochnik was giving my ex-husband, Scott R. Hintz, legal advice and direction regarding an FBI investigation well before Paul Morochnik's January 14, 2001 visit to my previous residence.
2. During the January 14, 2001 visit to my residence, attorney Paul J. Morochnik specifically advised me and Scott R. Hintz to enter into a contract to sell seven (7) real estate properties to Paul J. Morochnik and his wife at a very significant discount to market value. Paul J. Morochnik scared me by telling me that it was in my best interest to sell these properties to him and told me not ask any questions about the FBI investigation.
3. I did not want to sell these properties to Paul J. Morochnik and his wife because I had other confirmed, and significantly higher, offers to purchase the properties. I specifically remember crying during the real estate closings on January 18, 2001, in attorney Paul Morochnik's law office, because I knew Paul Morochnik was receiving significant equity I could have used to support myself and my young daughter. Attorney Paul J. Morochnik again stated these transactions were in my best interest and directed me to sign real estate closing paperwork even though some paperwork did not have final numbers.
4. In late February, or early March, 2001 Paul Morochnik brought his relatives, Alan & Elida Baverman, to my previous residence at 1110 Vintage Club Drive, Duluth, GA to receive personal property; to the best of my knowledge they did not pay any money.

Stating the above are true and correct, to the best of my knowledge and belief, and under the penalty of perjury I state the above this 21st day of March 2008.

Andrea J. Zwolak
Andrea J. Zwolak

Sworn to and subscribed before me this 21 day of March 2008.

Jerome C. Hallbyrd
Notary Public



17 SL

REAL ESTATE SALES CONTRACT

Exhibit 'D'
Pg 2 of 8 sl

This Contract is made by and between Paul J. Morochnik and Halley S. Morochnik (hereinafter collectively referred to as "Purchaser"), and Scott Hintz and Andrea Hintz (hereinafter collectively referred to as "Seller").

In consideration of the sum of Ten and no/100 (\$10.00) Dollars, the covenants herein contained and for other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties agree as follows:

1. Purchase and Sale. The undersigned Purchaser agrees to buy, and the undersigned Seller agrees to sell, certain real property located in Fulton County, Georgia, with such improvements as are located thereon,

lying and being in Land Lot 420 and 421 of the 1st District, 2nd section of Fulton County, Georgia, being Unit 228, Building 2, Roswell Springs Condominium, being known as 228 Warm Spring Circle, Roswell, Georgia 30075,

lying and being in Land Lot 420 and 421 of the 1st District, 2nd section of Fulton County, Georgia, being Unit 311, Building 3, Roswell Springs Condominium, being known as 311 Warm Spring Circle, Roswell, Georgia 30075,

lying and being in Land Lot 420 and 421 of the 1st District, 2nd section of Fulton County, Georgia, being Unit 326, Building 3, Roswell Springs Condominium, being known as 326 Warm Spring Circle, Roswell, Georgia 30075,

lying and being in Land Lot 420 and 421 of the 1st District, 2nd section of Fulton County, Georgia, being Unit 505, Building 5, Roswell Springs Condominium, being known as 505 Warm Spring Circle, Roswell, Georgia 30075,

lying and being in Land Lot 1193 of the 2nd District, 2nd Section of Fulton County, Georgia, being Unit 1548 of Building No. 8 of Planters Ridge, being known as 1548 Planters Ridge Drive, Alpharetta, Georgia 30004,

lying and being in Land Lot 1193 of the 2nd District, 2nd Section of Fulton County, Georgia, being Unit 1549 of Building No. 1 of Planters Ridge, being known as 1549 Planters Ridge Drive, Alpharetta, Georgia 30004, and

lying and being in Land Lot 370 of the 1st District, 1st Section of Fulton County, Georgia, being Lot 143, Block B, The Enclave at Foxdale Subdivision, Unit 1, Phase II being known as 10790 Glenbarr Drive, Duluth, Georgia 30097,

according to the present system of numbering houses in Fulton County, Georgia, together with all electrical, mechanical, plumbing, heating and any other systems or fixtures as are attached thereto, and all plants, trees, and shrubbery now on the premises (hereinafter referred to collectively as "the property").

18 sl



Condominium
 #3221314 **Sold**
 228 Warm Springs Circle *
 City: ROSWELL *
 Complex: Roswell Springs

Broker: KWAP01 Area: 13 \$ 84,900 #
 FMLS Neighborhoods Media: 3 Map: 646c9
 State: GEORGIA County: FULTON Zip: 30075-4966
 Yr Built: 1980 Age Desc: Resale

Lvls	Bdrms	Baths	Hlf Bth	Lake Name: NONE	Waterfront:
Upper	0	0	0		
Main	2	2	0	Unit #: 228	Elem: ROSWELL NORTH
Lower	0	0	0		Middle: CRABAPPLE
Total	2	2	0	Style: Garden Condo	High: ROSWELL

Directions: 400N EXIT AT NORTHRIDGE (EXIT 6), WEST ON NORTHRIDGE, RIGHT ROSWELL RD, LEFT WARM SPRINGS CIRCLE AT BATCHELOR CHIROPRACTIC.

Public Remarks

Move-in cond'n in Historic Roswell - Can't beat for price & location! Seller pays 6 mo HOA! *Roommate plan*Vaulted LR*New carpet*Fresh Paint* Fully Equip'd Kit w/Frig,New Micro & Disposal*fp*Balcony*Storage*W/I Closets, More!

Private/Confidential Remarks

Easy Sale!

Features

Bedroom: Bdrm On Main Lev, Roommate FI Plan, Split Bdrm Plan
Kitchen: Breakfast Bar, Cabinets Stain, Counter Top - Laminated, Pantry - Walk-in, View To Fmly Rm
Const: Brick & Frame
Parking: Parking Lot
Rooms: Great Room
Basement: Slab/None
Fees: Ext Lia/Fire Ins, Ext Maintenance, Pest/Term Contrl, Water/Sewer

Master Bath: Tub/Shower Combo
Unit Desc: Top Floor Unit
Arch: Traditional
Unit Levels: 1
Setting: Other
Dining: Liv/Dine Rm Comb
Type: Built As Condominium
FP: 1
Ownership: Condominium
Lot Dimensions: X

Other Descriptive Information

Appl - Dishwasher	Int - Cathedral Ceiling	Hcap - None	Cool - Ceiling Fans
Appl - Elec Ovn/Rng/Ctop	Int - DSL Available	Fpic - Gas Starter	Cool - Central Electric
Appl - Garbage Disposal	Int - Entrance Foyer	Fpic - in Great/Fam Room	Enrgy - Clock Thermostat
Appl - Gas Water Heater	Int - Hardwood Floors	Amen - Homeowners Assoc	Laundry - Laundry Room
Appl - Microwave	Int - Walk-In Closet(s)	Amen - Public Trans.	Dock - None
Appl - Refrig Included	Int - Wall/Wall Carpet	Amen - Swimming Pool	
Appl - Sec System Owned	Ext - Cov/Enclosed Porch	Heat - Central System	
Appl - Self-Clean Oven	Ext - Porch/Balcony	Heat - Forced Air	
Int - Cable Modem	Ext - Prof Landscaping	Heat - Gas	

Legal, Financial & Tax Information

Tax ID: 001-2-203-1-0420-035
 Plat Book/Page: 1/1
 Mgmt Co:
 Special: None, Owner Will Consider Exchange

LandLot: 420
 Tax/Tax Yr: \$983/2005
 Mgmt Phone:
 CPHB:

District: 1
 Section: 2
 Monthly Assoc Fee: \$/ Required
 Swim/Tennis:
 Owner Finance: N

Lot: - Block: 1
 Assumable: No

Office Information

Owner Name: CALL AGENT
 Agent License#: 118256
 List Agent ID: BAVERMAE
 Co-List Agent ID:
 Firm License#: H-44315

Owner Phone: 404-784-1033
 Selling Commission: 3
 *Agent: ELIDA BAVERMAN *
 Co-Agent:
 Phone/Fax: # 678-298-1600 / 678-298-1616

Show Inst: Lockbox, Vacant
 VRC: No
 Phone/Fax: 404-784-1033 / 678-805-5665
 Photo: Photo To Be Supplied By Broker
 Selling Agent/Broker allowed to present offers directly to Property Owner?: N
 Exp Date: 8/14/2006 Exp DOM:

Office: KELLER WILLIAMS REALTY ATL PERIM
 List Date: 2/17/2006 Days to Exp:

Sold Information

Sale Price: \$85010
 Original List Price: \$ 84,900
 SPI/OLP %: 100%
 Sell Agent ID: SANDEJA

Terms: CONV-UNINS
 Prop Closing Date: 4/27/2006
 Costs Paid by Seller: 3000
 Sell Agent: JACKIE SANDERS

Closing Date: 4/27/2006
 DOM: 51

Pending Date: 4/9/2006
 Total DOM: 51
 Sell Office: JDAR01

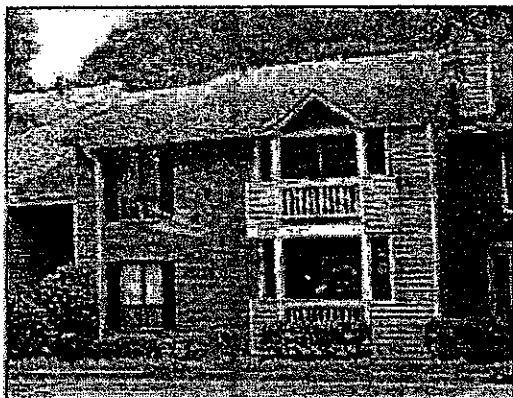
Information herein is provided by Seller and is, therefore, not guaranteed. © FMLS 2002-2008

228 Warm Springs Circle, Roswell, GA
 Listing by Elida Baverman's office

Exhibit 'D'
 pg 3 of 8
 SL

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Condo/Townhouse \$ 84,900
 #:3021398 Pending Broker HNBH03 Area: 13 Map: 646C9



311 WARM SPRINGS CIRCLE

City: ROSWELL State: Georgia
 Complex: ROSWELL SPRINGS Yr Built: 1980 Age Desc:

Media: 8
 Elida Baverman

Lvls	Bdrms	Baths	Hlf Bth	Unit #	Style	Waterfront
Upper	0	0	0	311	Garden	0
Main	2	2	0		Condo	ROSWELL
Lower	0	0	0			NORTH
Total	2	2	0			Middle: CRABAPPLE
						High: ROSWELL

Directions: NORTH ON ROSWELL RD CROSS RIVER ON WARM SPRINGS AT BATCHELOR CHIROPRACTOR, 3RD BLDG, TOP END UNIT FACING WOODS! BEST IN COMPLEX.

Public Remarks

FABULOUS PRICE ON TOP FLR UNIT WINCREDIBLE VIEW OF WOODS IN HISTORICAL ROSWELL! 6 MO HOA FEES INCLUDED! NEW CARPET, PAINT, VAULTED CEILINGS, FULLY EQUIPPED KIT, SEP LAUNDRY RM, CAN'T BEAT THIS OPPORTUNITY.COMPLEX HAS POOL!

Features

Bedroom: Bdrm On Main Lev, Master On Main, Split Bdrm Plan
 Kitchen: Breakfast Area, Cabinets Stain, View To Fmly Rm, Counter Top - Laminated
 Const: Brick & Frame Unit Faces: Unknown Unit Desc: Top Floor Unit Unit Levels: 0
 Parking: Assigned, Parking Lot Arch: Traditional Settling: Mountain View # FP: 1
 Rooms: Separate Lvng Rm
 Basement: Slab/None
 Fees: Ext Lia/Fire Ins, Ext Maintenance, Garbage, Pest/Term Contrl, Reserve Fund, Water/Sewer
 Dining: Dining L Type: Built As Condominium
 Ownership: Condominium Home Warranty: No

Other Descriptive Information

Appl - Dishwasher	Int - Walk-In Closet(s)	Fpic - Masonry	Enrgy - Thermal Pane Wdws
Appl - Garbage Disposal	Int - Wall/Wall Carpet	Amen-Home Owners Assoc	Laundry - Laundry Room
Appl - Gas Ovn/Rng/Ctop	Ext - Cov/Enclosed Porch	Amen-Marta/Cct	Dock - No Dock
Appl - Microwave	Ext - Prof Landscaping	Amen-Swimming Pool	
Appl - Refrig Included	Ext - Porch/Balcony	Heat - Central System	
Int - Cathedral Ceiling	Ext - Private Backyard	Heat - Forced Air	
Int - Entrance Foyer	No Hcap Features	Heat - Gas	
Int - Hardwood Floors	Fpic - Gas Starter	Cool - Central Electric	
Int - Cable Modem	Fpic - In Living Room	Cool - Central System	

Legal, Financial & Tax Information

Tax ID: 001-2-203-0420-050 LandLot: 420 District: 1 Section: 2 Lot: 0 Block: 0
 Plat Book/Page: 0/0 Tax/Tax Yr: \$985/2003 Monthly Assoc Fee: \$250/Required
 Special: None CPHB: Owner Finance: N Assumable: No

Sold Information

Sale Price: \$ Terms: Other Closing Date: Pending Date: 1/15/2005
 Original List Price: \$ 84,900 Prop Closing Date: 2/14/2005
 SP/OP %: 0% Costs Paid by Seller:
 Sell Agent ID: AVINO Sell Agent: ANGELO AVINO Sell Office: BUCK01

INFORMATION IS DEEMED RELIABLE, BUT IS NOT GUARANTEED © FMLS 2002-2004

311 Warm Springs Circle, Roswell, GA
 listing by Elida Baverman's office

Exhibit 'D'
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Condo/Townhouse # 892245 Sold Broker: HNDH03 Area: 15 Map: 645C8
 326 WARM SPRINGS CIRCLE Neighborhoods Media: E1 g
 City: ROSWELL State: Georgia County: ZIP: 30075
 Complex: ROSWELL SPRINGS Yr Built: 1980 Age Desc:
 Lvl(s) Bdrms Baths Hlf Bth Lake Name: NONE Waterfront: 0
 Upper 0 0 0 Unit #: 326 Elem: ROSWELLN
 Main 2 2 0 Style: Garden Middle: CRABAPPLE
 Lower 0 0 0 Condo High: ROSWELL
 Total 2 2 0

Directions: FROM SANDY SPRINGS, NORTH ON ROSWELL RD, CROSS RIVER, LEFT ON WARM SPRINGS CIRCLE (BATCHELOR CHIROPRACTIC) TO # 326.

Public Remarks

326 Warm Springs Circle
 CLEAN & FRESHLY PAINTED W/NEW TILED KIT & BATHS! LOVELY 2BR/2BA W/BAY WINDOW IN MSTR. FULLY EQUIPT W/REFRIG & MICRO & WINE RACK. ALARM, X-STORAGE, FAB LOC IN SWIM COMM. MOVE RIGHT IN! FULL SIZE LAUNDRY, DR, PORCH &

Private/Confidential Remarks

GRT RM W/PLC. TAXES DO NOT REFLECT HOMESTEAD.

Features

Bedroom: Bdrm On Main Lev, Master On Main, Roommate Fl Plan Master Bath: Tub/Shower Combo
 Kitchen: Breakfast Bar, Cabinets Stain, Pantry, View To Fmly Rm Dining: Dining L
 Const: Brick & Frame Unit Faces: Unknown Unit Desc: End Unit, Interior Unit Levels: Type: Built As
 0 Condominium
 Parking: Detached, Parking Lot Arch: Traditional Setting: # FP: 1
 Other: Other
 Rooms: Great Room
 Basement: Slab/None Ownership: Condominium
 Fees: Ext Lia/Fre Ins, Ext Maintenance, Garbage, Pest/Term Contri, Reserve Fund, Water/Sewer Home Warranty: Yes

Other Descriptive Information

Appl - Dishwasher	Int - Priv Front Entry	Fpic - Factory Built	Coal - Central Electric
Appl - Garbage Disposal	Int - Walk-In Closet(s)	Fpic - Gas Starter	Engry - Thermal Pane Wdws
Appl - Elec Ovr/Rng/Ctop	Int - Wall/Wall Carpet	Fpic - In Great/Fam Room	Laundry - Laundry Room
Appl - Microwave	Ext - Central Storage	Amen-Cable TV Available	Dock - No Dock
Appl - Refrig Included	Ext - Cov/Enclosed Porch	Amen-Home Owners Asoc	
Appl - Smoke/Fire Alarm	Ext - Prof Landscaping	Amen-Marta/Cct	
Appl - Sec System Owned	Ext - Porch/Balcony	Heat - Forced Air	
Int - Entrance Foyer	No Heap Features	Heat - Gas	

Legal, Financial & Tax Information

Tax ID: 021-2-203-1-0420-055 Land/Lot: 420/421 District: 1 Section: 2 Lot: 0 Block: 0
 Plat Book/Page: D/O Tax/Tax Yr: \$859/2002 Monthly Assoc Fee: \$230/Required Assumable: No
 Special: Lease Purchase CPHB: Owner Finance: N

Office Information

Owner Name: CALL AGENT Owner Phone: 404-784-1033 Subagency Offered: No
 Show Instruct: Anytime Access, Possession: At Closing Selling Commission: 3 VRC: No
 Lockbox, Vacant Agent: ELIDA BAVERMAN
 List Agent: BAVERMAE Co Agent: Phone/Fax: 404-784-1033/
 Co-List Agent: Phone/Fax: /
 Office: HARRY NORMAN, REALTORS Phone/Fax: # 404-252-7222/ 404-257-1351
 List Date: 2/27/2004 Days to Exp: WD Date: WD DOM: Exp Date: 9/30/2004 Exp DOM:
 Photo Instr: Photo To Be Supplied By Broker Pkgs of 4x6 Photos: 0

Sold Information

Sale Price: \$78000 Terms: CASH Closing Date: 3/31/2004 Pending Date: 3/14/2004
 Original List Price: \$ 80,000 Prop Closing Date: 4/1/2004 DOM: 16 Total DOM: 16
 SP/OP %: 98% Costs Paid by Seller: 0
 Sell Agent ID: STILLEYA Sell Agent: AMANDA STILLEY Sell Office: KWAP01

List Agent: Elida Baverman
 326 Warm Springs Circle, Roswell

Exhibit 'D'
 pg 5 of 8 SL

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Condo/Townhouse \$ 115,000

#:736963

Sold Broker: HNBH03

Area: 13 Map: 602F7

1548 PLANTERS RIDGE LANE

Media: 1 Elida Boverman

City: ALPHARETTA

State: Georgia County: FULTON Zip: 30004

Complex: PLANTERS RIDGE

Yr Built: 1988 Age: Desc:

Lvis	Bdrms	Baths	Hlf Bth	Lake Name:	Waterfront:
Upper	2	1	0	NONE	0
Main	1	1	0	Unit #: 1548	Elem: MANNING OAKS
Lower	0	0	0	Style:	Middle: NORTHWESTERN
Total	3	2	0	Townhouse	High: MILTON

Directions: 400 NORHT TO EXIT 11 WEST (LEFT) TO LEFT ON WESTSIDE PKWY, RIGHT ON CUMMING ST, 2ND ENTRANCE TO S/D ON RIGHT, UNIT ON RIGHT.

Public Remarks

CUTE! CUTE! CUTE! FRESHLY PAINTED SPACIOUS 3BR TNHM IN FAB LOCIBRAND NEW CARPET, WHY RENT? OPEN & BRIGHT W/MSTR ON MAIN, FPLC, SNRM, HUGE LAUNDRY + STORAGE. 2 ASSIGNED PARKING SPACES IN S/T COMM. SELLER WILL PAY 6MO OF HOA! WHAT A DEAL

Features

Bedroom: Bdrm On Main Lev, Split Bdrm Plan Master Bath: Double Vanity, Tub/Shower Combo
 Kitchen: Breakfast Bar, Cabinets Stain, View To Fmly Rm Dining: Dining/Great Rm
 Const: Aluminum, Vinyl Unit Faces: Unknown Unit Desc: Other Unit Levels: 0 Type: Built As Condominium
 Parking: Parking Pad, Storage Room, Street Arch: Contemporary Setting: None # FP: 0
 Rooms: Great Room, Sun Room
 Basement: Slab/None
 Fees: Ext Maintenance, Garbage, Reserve Fund, Water/Sewer
 Ownership: Condominium
 Home Warranty: Yes

Other Descriptive Information

Appl - Dishwasher	Int - Hardwood Floors	Fplc - In Great/Fam Room	Engry - Attic Vent Fans
Appl - Garbage Disposal	Int - Cable Modem	Amen-Cable Tv Available	Engry - High Eff System
Appl - Gas Ovn/Rng/Ctop	Int - Skylights	Amen-Home Owners Assoc	Laundry - Laundry Room
Appl - Refrig Included	Int - Walk-In Closet(s)	Amen-Swimming Pool	Laundry - Upstairs
Appl - Smoke/Fire Alarm	Int - Wall/Wall Carpet	Amen-Tennis Unlighted	Dock - No Dock
Int - Cathedral Ceiling	Ext - Deck	Amen-Underground Utils	
Int - Double Vntry Other	Ext - Prof Landscaping	Heat - Forced Air	
Int - DSL Available	Ext - Patio	Heat - Gas	
Int - Elevator Service	Fplc - Factory Built	Cool - Ceiling Fans	
Int - Entrance Foyer	Fplc - Gas Starter	Cool - Central Electric	

Legal, Financial & Tax Information

Tax ID: 002-2-513-2-7793-049 LandLot: 1193 District: 02 Section: 02 Lot: 0 Block: 0
 Plat Book/Page: 8992/404 Tax/Tax Yr: \$0/2002 Monthly Assoc Fee: \$175/Includes Swim/Tennis
 Special: Other CPHB: Owner Finance: N Assumable: No

Sold Information

Sale Price: \$108053 Terms: CONVARM Closing Date: 3/20/2003 Pending Date: 3/3/2003
 Original List Price: \$ 115,000 Prop Closing Date: 3/20/2003 DOM: 25 Total DOM: 57
 SP/OP %: 94% Costs Paid by Seller: 0 Sell Agent: REYNOLD RI LAWYER Sell Office: BOGG01
 Sell Agent ID: LAWYERR

INFORMATION IS DEEMED RELIABLE, BUT IS NOT GUARANTEED © FMLS 2002-2004

Requested By:

1548 Planters Ridge Lane Alpharetta, GA
Listing by Elida Boverman's office

Exhibit 'D'
pg 6 of 8 Sl

22 Sl



Condo/Townhouse \$ 109,900 *

#:891502 Sold Broker: HNBH03 Area: 13 Map: 602F7

1549 PLANTERS RIDGE LANE

Media: 6 Elida Bawerman

City: ALPHARETTA State: Georgia County: FULTON Zip: 30001

Complex: PLANTERS RIDGE Yr Built: 1985 Age Desc:

Lvs	Bdrms	Baths	Hlf Bth	Lake Name:	Waterfront:
Upper	2	1	0	NONE	0
Main	1	1	0	Unit #: 1549	Elem: MANNING OAKS
Lower	0	0	0	Style:	Middle:
Total	3	2	0	Townhouse	NORTHWESTERN High: MILTON

Directions: 400 N, EXIT 9, LEFT ON ACADEMY, RIGHT ON HWY 9, RIGHT ON CUMMING ST, S/D ON LEFT OR EXT 11, LEFT ON WESTSIDE PKWY, RIGHT ON CUMMING ST. S/D ON RIGHT.

Public Remarks

KIT JUST UPDATED - END UNIT. TILE BACKSPLASH - LARGEST FLOORPLAN - TRUE 3BR! DINING RM, SUNRM, GRT RM, BATH! NEW CARPET FRESH PAINT, NEW GAS STOVE/OVEN, NEW DISHWASHER REFRIG INCLUDED. MOVE-IN READY!

Features

Bedroom: Bdrm On Main Lev, Master On Main, Roommate FI Plan
 Kitchen: Breakfast Bar, Breakfast Room, Cabinets Other, View To Fmly Rm, Counter Top - Laminated Dining: Dining L
 Const: Vinyl Unit Faces: Unknown Unit Desc: End Unit, Stepless Unit Levels: Type: Built As Condominium
 Parking: Assigned, Parking Lot Arch: Contemporary Setting: # FP: 1
 Rooms: Great Room, Sun Room
 Basement: Slab/None
 Fees: Ext Lia/Fire Ins, Ext Maintenance, Garbage, Pest/Term Contri, Reserve Fund, Water/Sewer Ownership: Condominium Home Warranty: No

Other Descriptive Information

Appl - Dishwasher	Int - Priv Front Entry	Amen-Clubhouse	Engry - Storm Windows
Appl - Garbage Disposal	Int - Skylights	Amen-Home Owners Assoc	Engry - Thermal Pane Wdws
Appl - Gas Ovn/Rng/Ctop	Ext - Prof Landscaping	Amen-Swimming Pool	Laundry - Laundry Room
Appl - Refrig Included	Ext - Patio	Amen-Tennis Unlighted	Dock - No Dock
Appl - Smoke/Fire Alarm	No Hcap Features	Amen-Underground Utils	
Appl - Gas Water Heater	Fpic - Factory Built	Heat - Forcad Air	
Int - 2-Story Foyer	Fpic - Gas Starter	Heat - Gas	
Int - Cathedral Ceiling	Fpic - In Great/Fam Room	Cool - Central Electric	
Int - DSL Available	Amen-Cable Tv Available	Engry - Ridge Vents	

Legal, Financial & Tax Information

Tax ID: 002-2-513-2-1193-050 LandLot: 1193 District: 02 Section: 02 Lot: 1549 Block: 0
 Plat Book/Page: 0/0 Tax/Tax Yr: \$1274/2002 Monthly Assoc Fee: \$175/Required
 Special: Lease Purchase CPHB: Owner Finance: N Assumable: No

Sold Information

Sale Price: \$111500 Terms: CASH Closing Date: 5/27/2004 Pending Date: 5/24/2004
 Original List Price: \$ 115,000 Prop Closing Date: 5/31/2004 DOM: 87 Total DOM: 273
 SPO/OP %: 97% Costs Paid by Seller: 3500 Sell Agent: TINAMARIE BALDWIN Sell Office: PRUD14
 Sell Agent ID: BALDWIN

INFORMATION IS DEEMED RELIABLE, BUT IS NOT GUARANTEED © FMLS 2002-2004

1549 Planters Ridge Way, Alpharetta, GA
listing by: Elida Bawerman's office
Exhibit 'D'
pg 7 of 8 SL
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Property Details

For Property Located At
10790 Glenbarr Dr
Duluth, GA 30097-7167
Fulton County

Owner Info:

Owner Name:	Morochnik Paul J	Recording Date:	01/22/2001
Owner Name 2:	Morochnik Halley S	Annual Tax:	\$2,934
Tax Billing Address:	2183 Brooke Farm Ct	County Use Code:	Res 1 Family
Tax Billing City & State:	Atlanta GA	State Use:	Residential Lot
Tax Billing Zip:	30338	Universal Land Use:	SFR
Tax Billing Zip+4:	3146		

Location Info:

Subdivision:	Enclave A Foxdale Ph 02	Flood Zone Panel:	1351600091E
Zoning:	Cupc	Location Influence:	Neighborhood
Census Tract:	116.08	Carrier Route:	R045
Flood Zone Code:	X	Panel Date:	06/22/1998

Tax Info:

Tax ID:	11-1011-0370-122	% Improv:	70%
Alt APN:	11 101103701226	Tax Area:	57
Tax Year:	2007	Tax Appraisal Area:	01
Annual Tax:	\$2,934	Legal Description:	143 B
Assessment Year:	2007	Lot Number:	143
Land Assessment:	\$66,600	Block ID:	B
Improved Assessment:	\$154,100	Parcel ID:	11 10110370122
Total Assessment:	\$220,700		

Characteristics:

Lot Acres:	.3255	Water:	Public
Style:	Colonial	Sewer:	Public Service
Building Sq Ft:	2,096	Cooling Type:	Central
Stories:	2	Heat Type:	Warm Air
Condition:	Average	Patio Type:	Concrete/Masonry Patio
Quality:	Good	Garage Type:	Parking Avail
Total Rooms:	10	Garage Sq Ft:	400
Bedrooms:	4	Exterior:	Frame
Total Baths:	3	Year Built:	1995
Full Baths:	2	Topography:	Flat/Level
Half Baths:	1	Other Rooms:	Family Room
Bath Fixtures:	13		

Exhibit 'D'
pg 8 of 8 SE

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SE

EXHIBIT 'E'

TWO (2) PAGES TO FOLLOW

JE
25

Affidavit

I, Linda West, do hereby state under the penalty of perjury that the following statements are true, and list an accurate account of the events stated. I hereby state that during the period of October 2002 through March 2003:

I was present during several conversations between Mark Kadish and Scott Hintz. I was able to clearly hear these conversations because of the speaker volume of the phone.

During these conversations with Mark Kadish, Scott Hintz presented objections to many of the actions and items alleged by the prosecution. Mark Kadish told Scott Hintz, "the facts do not matter" as long as Scott was going to plead guilty to the one count of bank fraud. In response, Scott Hintz told Mark Kadish it did not seem fair for Scott to have to accept responsibility for the actions of other people in other loans.

Scott Hintz talked to Mark Kadish regarding a letter Scott faxed to Mark Kadish. This letter was to be signed and returned to Scott Hintz acknowledging Scott's desire to have factual errors in the Criminal Information corrected. Mark Kadish refused to sign the letter and said, "I was not paid enough to pursue the truth." Scott Hintz insisted the factual errors were important enough to investigate and correct, but Mark Kadish told him the errors were minor and would not affect Scott's case.

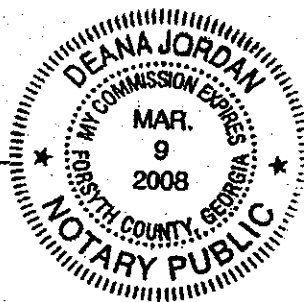
Stating the above are true accounts, I state this on this 26 day of July 2004.

Linda West
LINDA WEST

Exhibit 'E'
page 1 of 2
SL

The above listed person appeared before me this 26 day of July 2004 and signed this affidavit in my presence.

Deana Jordan
Notary



SL
26
SL

AFFIDAVIT

PERSONALLY APPEARED BEFORE THE UNDERSIGNED OFFICER, duly authorized to administer oaths in this State, who, after being duly sworn, testifies as follows:

1.

My name is Stephen G. Weizenecker, I am over eighteen years of age, I am competent to testify, and the facts stated herein are within my personal knowledge.

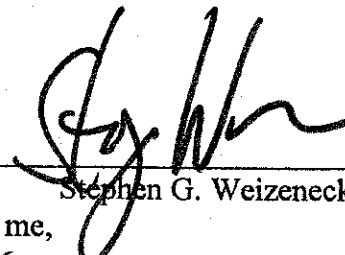
2.

In 2002, Scott Hintz contacted me for help in replacing attorney Mark Kadish as his criminal counsel. I told Scott Hintz to ask attorney Mark Kadish for a refund of funds received by Mark Kadish, but Scott Hintz requested I make the request because Scott stated he was intimidated by Mark Kadish; Scott continued to plea that I make the request, so I did.

3.

In my many personal and professional interactions with Scott Hintz, as both a friend and as general legal counsel, I have never found Scott Hintz to be a danger to anyone and know of no other reason Scott Hintz should not be released on a personal recognizance bond if he otherwise qualifies for one.

Further affiant sayeth not.



Stephen G. Weizenecker

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Sworn to and subscribed before me,
this 4 day of April, 2006.

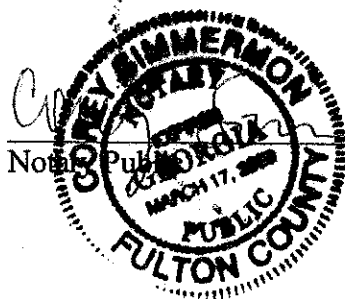


EXHIBIT 'F'
ONE (1) PAGE TO FOLLOW

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AFFIDAVIT

I, Sherman Lee Cottrell, do hereby state under penalty of perjury that the following statements are true. I hereby state:

- 1. I was personally present in court immediately prior to, during, and after various court proceedings in the case of United States v. Scott Hintz in the United States District Court for the Northern District of Georgia (Atlanta Division) Docket No.1:03-CR-131-CC.**
- 2. Immediately before one, or more, of these same court proceedings, I witnessed attorney Mark J. Kadish and United States District Court Judge Clarence Cooper speaking about their personal meetings and/or interactions outside of court; these conversations occurred in court and while Judge Clarence Cooper was sitting at his bench, but the conversations were not reflected in the transcripts of United States v. Scott Hintz, No.1:03-CR-131-CC.**
- 3. Immediately before the September 22, 2003 court proceeding of United States v. Scott Hintz, No.1:03-CR-131-CC, I witnessed attorney Mark J. Kadish speak to various court personnel while in court, but off the record of this same case. Attorney Mark J. Kadish tried to convince the court he was not involved in the receipt of approximately one million dollars (\$1,000,000.00) worth of real and/or personal property from Scott Hintz (as identified in Scott Hintz's Pre-Sentence Report) stating someone else was involved instead; Alan J. Baverman and/or Alan J. Baverman's family, including his wife and others, were involved in the receipt and subsequent sale of one or more of these assets for their own personal profit.**

Stating the above are true, I state the above this 7th day of April 2007.



Sherman Lee Cottrell

Before me appeared the above-named affiant and, after providing sufficient and proper identification, personally affixed his signature to this affidavit this 7th day of April 2007.



Notary Public

Exhibit 'F'
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