

Richard N. Coglianesi

From: arnebeck@aol.com
Sent: Monday, October 25, 2010 2:57 PM
To: Richard N. Coglianesi
Subject: RE: Proposed deposition of Karl Rove

Rich,

My intention was to subpoena Karl Rove to appear on the 29th of October, before the election. Having made the mistake, however, on the subpoena that has been served, I think I am stuck with amending the deposition notice to conform to the date on the subpoena. That is, assuming we obtain your agreement to go forward with it at all.

The gist of the King Lincoln amended complaint was that Blackwell and his cohorts were involved in an ongoing conspiracy to suppress the votes of African-Americans and young voters and to manipulate vote counts in a variety of ways that would be prejudicial to their interests. Creating an avalanche of billionaire/global corporate funding in favor of candidates in favor freedom of special interests from taxation and regulation is just another form of fraudulent manipulation of the election process.

Mike Connell established in his deposition that he would not "take the fall" for the rigging of the 2004 presidential election in Ohio. He also established that when asked the right question that survived the objection from his counsel he would give an honest answer. This made Connell the classic man who knew too much because his knowledge combined with his honesty could have put Karl Rove into jail. While we did not discuss the subject of Rove's e-mails during my Connell's deposition, we surmised from the character of his testimony that Connell, having been forcefully informed by Stephen Spoonamore that the destruction of Rove's White House e-mails would be illegal, Connell would not have destroyed those e-mails and when aggressively pursued for an answer to the question of where the e-mails had been camouflaged, he would have given a truthful answer.

The best example of this is Connell's changing of his answer to my question about what influence he had in bringing SmartTech into the Secretary of State's office. At first he denied having any role at all in suggesting SmartTech. He said he thought that SmartTech had won its position independently and on their own merits without any influence by GovTech. However, when I asked about subcontractors under his contract with the Secretary of State's office, Connell changed his answer to indicate that he probably had brought SmartTech into the Secretary of State's office as a subcontractor under his, that is GovTech's, contract.

-----Original Message-----

From: Richard N. Coglianesi <richard.coglianesi@ohioattorneygeneral.gov>
To: Arnebeck@aol.com <Arnebeck@aol.com>
Sent: Mon, Oct 25, 2010 12:59 pm
Subject: RE: Proposed deposition of Karl Rove

Cliff,

Thank you for sending over both the subpoena and deposition notice. As an initial matter, I need to point out that the subpoena claims that the deposition will occur on 11/29 while the notice claims that the deposition will occur on 10/29. Which date is it?

In addition, the order from the court lifting the stay stated that the stay was lifted "for the sole purpose of permitting the plaintiffs to take the deposition of Michael Connell and any other witnesses whose testimony, in the judgment of these parties, may be warranted based upon the deposition of Michael Connell." I have attached a copy of that

order for your convenience.

In your email, you claim that you need to take the deposition of Karl Rove because of coordinated campaign contributions. The King Lincoln case does not have anything to do with coordinated campaign contributions and the deposition of Michael Connell did not in any way touch upon illegal coordinated campaign contributions.

I am somewhat at a loss as to how two years after the deposition of Michael Connell you have now determined that there was something from that deposition which shows it is necessary to take Karl Rove's deposition.

Can you please let me know what the exact basis of the Rove deposition is and what information in the Connell deposition shows that a deposition of Karl Rove is necessary. I need that information in order to determine whether we will agree that such a deposition is in fact necessary and will be able to go forward.

Thanks
Rich

From: Arnebeck@aol.com [mailto:Arnebeck@aol.com]
Sent: Monday, October 25, 2010 11:39 AM
To: Richard N. Coglianesse
Subject: Proposed deposition of Karl Rove

Rich:

You were not in first thing Friday morning and, because of the urgency of the matter, I also left a voice message for Jennifer as to my request for agreement to depose Karl Rove.

At the joint conference of SOS Brunner and AG Rogers in response to my question as to whom we should address matters of fraudulent conduct in the current election, Jennifer responded that we should approach her directly in such matters. In accordance with that guidance I felt at liberty to contact Jennifer directly in regard to Karl Rove's functioning de facto as the head of the Republican coordinated campaign for the 2010 cycle in both state and federal elections and my desire to take his deposition pursuant to the authority we were given by Judge Marbley to take additional depositions by agreement between the parties to the King Lincoln case.

Jennifer responded in the affirmative to me on Friday and told me she would contact you to confirm her agreement.

I issued a subpoena to Rove and a deposition notice to Luskin Friday afternoon.

Service was accomplished at 10:00 am on Sunday before Rove's appearance on Face the Nation. Attached is the proof of service.

Luskin contacted me this morning to say he was not authorized to accept service on Rove. Apparently Rove had not informed him of the service of the subpoena upon him.

I hope neither you nor anyone upstairs has a problem any of this.

I am working on the question of how to get some official finding of probable cause against the coordinated expenditures which are still illegal under Citizens United---before the election.

I expect that Rove will either ignore the subpoena, as he did in regard the US House Judiciary subpoena in 2008, or have his counsel file a motion to quash.

Cliff

