

- 5) Through November 24, 2010 I had received no communication from the MAGO – no reply to my October 7 complaint or reply to my subsequent phone calls.
- 6) On November 26, 2010 I received a letter from Mary A. Phillips of the MAGO – dated November 18, 2010 – instructing me to call the Duty Officer (without identifying the Duty Officer as the Massachusetts State Police).
- 7) On October 26, 2010 the Plymouth County DA office proceeded to reset the trial in a disorderly conduct matter involving the Town of Scituate after a conviction reversal on appeal (on July 8, 2010, months earlier). I understand the Plymouth County DA office to be a division of the MAGO.
- 8) My research before October 26, 2010 had already confirmed that current AUSA David Tobin (who is prosecuting Jeffrey L. Clemens for alleged threats against attorney Stephen C. Pfaff, counsel for the Town of Scituate) is a former Plymouth County Assistant DA.
- 9) On December 2, 2010 I drafted and e-mailed a letter to the MAGO at ago@state.ma.us; On December 3, 2010 I faxed the same letter to the MAGO at (617) 727-3251. Such memo contained 1) observations – the BBO dismissal of the PFAFF matter on November 15, 2010, the dismissal of a civil appeal by a 1st Circuit judge whose husband worked at the MAGO, and the resetting/resummons of Jeffrey L. Clemens in a Disorderly Conduct matter, 2) a claim that “I have already provided a basis for a criminal complaint in my October 7 memo to your office”, 3) a concern over whether or not Mary A. Phillips’ husband is David M. Page, an attorney with a Scituate address, and 4) a concern that David Tobin was associated with Plymouth County Assistant DA Richard Linehan who prosecuted Jeffrey L. Clemens for disorderly conduct, as alleged by the Scituate Police Department.
- 10) On December 25, 2010 I sent an email to the MAGO urging action on the Scituate matter. No reply was ever received.
- 11) On January 4, 2011 I placed a call to the MAGO and left a voice mail message with Mary A. Phillips, leaving my cell number to call. I did not get a return phone call.
- 12) On January 10, 2011 I sent an email to the MAGO as a follow-on, with a summary, questions, and key facts of the Scituate matter. I received no reply. After preparing the email, I received a phone call from a Mike Cashman, the duty officer at the MAGO. I pressed the send button for the email I had prepared and proof-read before the call, upon his initial introduction, as the email was ready to send before getting his call.
- 13) At the beginning of the January 10, 2011 phone call, I asked Mike Cashman if he was related to Boeing Chief Pilot John Cashman and Mike said no, but said that he was related to Brian Cashman of the Yankees. At that time, I did not know Brian Cashman, though I later researched and found that Brian Cashman was an executive VP. The Yankees security manager Jerry Laveroni is a co-defendant in civil litigation by Jeffrey L. Clemens against the Town of Scituate and others. Mike Cashman asked me to confirm my physical mailing address, as there was something to be mailed to me, according to Mr. Cashman. Mike Cashman informed me that if I called any attorney from the Massachusetts Attorney General Office outside normal business hours I could be charged with Criminal Harassment. I considered his statement to be harassment against me, as 1) I never had knowingly called any MAGO attorney outside the MAGO office, 2) I was never told by any MAGO attorney that I was harassing them, and 3) I was

never told by any MAGO attorney to not call them outside of the MAGO office. I found no legal basis for Mike Cashman to threaten me with a criminal charge.

- 14) In the middle of the January 10, 2011 phone call, Mike Cashman asked if I had made any calls to attorneys outside the (Massachusetts) Attorney General's Office. I responded by saying that he had asked an "interesting question". I found the question odd. Mr. Cashman never told me that someone had informed him that I had made such calls. I told Mr. Cashman "no" and added that I had called a "Mary A. Phillips" listed in Scituate, Massachusetts the previous day to see whether or not that "Mary A. Phillips" was the attorney at MAGO. There were more than one "Mary A. Phillips" in public phone listings in Massachusetts. I stated to the woman answering the phone that I was looking for the assistant attorney general Mary A. Phillips, then the woman – who never identified herself – said "you have the wrong number" and hung up. The woman had said nothing else. Upon the conclusion of the Cashman phone call on January 10, I felt very uneasy that perhaps I had really found the attorney general's Mary A. Phillips to be living in Scituate – the town complained to the MAGO months earlier, that delays in handling the complaint had been intentional, and that the Massachusetts State Police had notions that I should be charged with criminal harassment. Because Cashman never disclosed whether or not the woman I called was the assistant attorney general, nor that anyone had complained to him about phone calls I may have made, I was effectively barred from calling the number in Scituate again so I could CONFIRM that she was the person of interest, else face criminal prosecution. I knew at the time that the situation meant, if indeed the woman was the assistant attorney general (assigned to my complaint), the woman had lied to me.
- 15) On January 15, 2011 I received a letter, dated January 10, 2011 (the day Cashman called me), at my Ohio address from Glenn Cunha of the MAGO stating that there would be no further action on the Scituate matter because it was NOT [emphasis added] their jurisdiction. That is, the MAGO and its attorney Glenn Cunha never answered my initial questions as to who has jurisdiction on the [Scituate] matter.
- 16) On January 28, 2011 I sent an 8 page summary of the Scituate matter to the MAGO, which I later submitted to the USDC in early February as an Exhibit to a Petition and Affidavit for release of Jeffrey L. Clemens from detention. I believed that the summary proved the perjury of Scituate Police Officer Michael O'Hara and cover up by Officer John Rooney.
- 17) On February 16, 2011 I received a memo from Mary A. Phillips at the MAGO stating that no further action will be taken, referring to Cunha's earlier letter. I was told that any more correspondence will be placed in the file without action. [I asked a simple question of jurisdiction in October 2010 and, while not receiving a simple answer despite repeated requests over the subsequent months, I am told in February 2011 that basically they were never going to answer my simple question.]
- 18) I personally submitted a complaint to the BBO on October 27, 2010 against the Office of Bar Counsel, as several of its attorneys had refused to investigate complaints by Jeffrey against attorney Stephen C. Pfaff (the victim herein), with one calling the complaint (submitted by Jeffrey L. Clemens) of suborning perjury "frivolous". Indeed, the multitude of written complaints and submitted supporting documents resulted in no investigation of Mr. Pfaff.

- 19) I had reviewed a letter dated October 20, 2010 to Jeffrey from Michael Fredrickson of the Office of Bar Counsel at the BBO, stating that a member (without naming the person) of the BBO reviewed the Pfaff matter – *upon a written appeal from Jeffrey, via an October 6 dated letter signed by me, of a September 24 letter signed by Anne Kaufman (who stated that Judge Young had found there was no misconduct in alleged Ex Parte Communication of Pfaff with the court (an incorrect and unsubstantiated assertion for which the BBO has not provided a citation) - and determined that no further action would be taken.* My October 27 complaint's receipt by the BBO was confirmed by a November 9 dated letter. I later received a November 19 dated letter dismissing the complaint by a vote of the board upon review of a report by Elisabeth Ditomassi.
- 20) Through my research I discovered that Elisabeth Ditomassi is a former MAGO Assistant Attorney General, was recently appointed to the BBO in June 2010, and is a former attorney in a law firm (Kirkpatrick & Lockhart) at the same time US Magistrate Judge Judith Dein was a lawyer at the same firm. MJ Dein was assigned to the case Tobin was prosecuting against Clemens over an email to Pfaff.
- 21) On January 28, 2011 I submitted to the BBO an 8 page summary of misconduct by attorney Pfaff and Scituate officer Ohara – the same one submitted to the MAGO at about the same time – the same one in which I have stated a belief that I have proved suborning of perjury and perjury, with facts obtainable by the BBO, OBC, or MAGO if they had bothered to do their sworn duties to investigate. The January 28, 2011 letter to the BBO constituted an objection to the November 15, 2010 board vote dismissing my complaint against the OBC attorneys. To date I have not received a response from the BBO.
- 22) I am at least 18 years of age. I am the identical twin brother of defendant Jeffrey L. Clemens. I was told on September 17, 2008 by attorney Stephen Pfaff that I could not sit in the deposition of Scituate witness Timothy Goyette, deposed by Jeffrey L. Clemens. I personally saw both Scituate police officers Michael O'Hara and Timothy Goyette leave the said deposition together.
- 23) Robert Greenspan, public defender for Jeffrey L. Clemens in a disorderly conduct matter originating in Scituate, Massachusetts, informed me on the morning of September 18, 2008, before court proceedings began, that DA Linehan was in possession of the deposition transcripts of Scituate Police Officer Michael O'Hara. Such deposition, from my knowledge, was performed months before the trial and deposition of Officer Timothy Goyette. Jeffrey L. Clemens informed me that attorney Stephen Pfaff had offered to pay for the civil depositions that Jeffrey was performing in his case against the Town of Scituate, even using Pfaff's own court reporter (transcriptionist).
- 24) The foregoing is true and correct.

DATED this 21st Day of March 2011

Jonathan A. Clemens
412 Dockway Drive
Huron, OH 44839
(419) 433-4438