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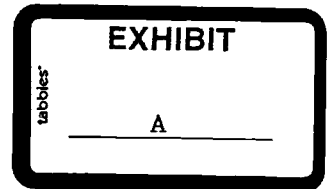
March 7, 2007

VIA FACSIMILE AND U.S. MAIL

Robert J. Rotatori
J. Scott Broome
Rotatori, Bender, Gragel, Stoper
& Alexander Co., L.P.A.
800 Leader Building
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Philip S. Kushner
Carol S. Rendon
Schwartz Kushner & Rendon Co., L.P.A.
BP Tower
200 Public Square, Suite 2860
Cleveland, OH 44114

Re: United States v. Joseph H. Smith and Anton Zgoznik
Case No. 1:06-CR-00394



Dear Counsel:

Before the status conference at Judge Aldrich's chambers yesterday, I asked Mr. Kushner to identify from whom or from where he obtained the information in and/or exhibits C, D, E and F, that were attached to Defendant Smith's Motion to Order Production of Documents, that was filed on February 16, 2007 in the above referenced case. Those documents are, or are derived from, internal, confidential records of the Diocese of Cleveland and were not subpoenaed or produced in the investigation of this case. Mr. Kushner refused to provide me with any information regarding his source for those documents and stated that he would only do so if ordered by the Court. I have been informed by AUSA John Seigel that he did not produce those documents to the defendants and that he had not seen the documents before they were attached to the motion.

Mr. Smith and Mr. Zgoznik, as well as Mr. Zgoznik's employees who formerly provided services to the Diocese of Cleveland, had no authority or right to remove, retain or otherwise possess any documents in any form of the Diocese of Cleveland, the Catholic Cemeteries Association or any other entity associated with Diocese, after their services to the Diocese were terminated.

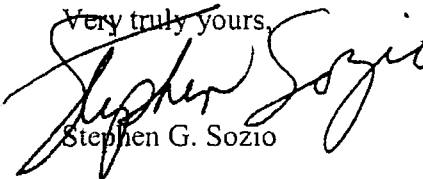
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The purpose of this letter is to request that you, on behalf of your clients: 1) identify all internal Diocesan records, documents or other items ("internal materials") in your or your clients' possession or control, in any form, that were not provided to you in discovery in the above referenced case; 2) explain how you and/or your clients came to possess the internal materials; 3) return all internal materials to me on behalf of the Diocese; and 4) retain no copies of the internal materials.

Considering that, to the best of our knowledge, the Diocese and the government did not provide you or your clients with the internal materials attached to Defendant Smith's motion, or authorize such, and the internal materials are not available in the public domain, we have a strong suspicion that the confidential materials were obtained inappropriately. If our suspicion is wrong, please help us understand how you came to be in possession of the internal materials.

Please do not hesitate to call with any questions.

Very truly yours,

Stephen G. Sozio

cc: John M. Siegel, Esq
Assistant United States Attorney

Sandra E. Gammie, Esq.