

IN THE COURT OF COMMON PLEAS
CRIMINAL DIVISION
SUMMIT COUNTY, OHIO

STATE OF OHIO,)	CASE NO. CR 2024-02-0473-B
)	
Plaintiff,)	JUDGE SUSAN BAKER ROSS
)	
vs.)	DEFENDANT MICHAEL J.
)	DOWLING's RESPONSE TO THE
MICHAEL J. DOWLING,)	STATE OF OHIO'S REQUEST FOR
)	DISCOVERY
Defendant.)	
)	
)	
)	

Pursuant to Ohio Rule of Criminal Procedure 16, Defendant Michael J. Dowling hereby provides his response to the State of Ohio's Demand for Discovery. Mr. Dowling will provide copies or photographs, or permit the prosecuting attorney to copy or photograph, the following items related to the Indictment and which are material to the innocence or alibi of the defendant, or are intended for use by the defense as evidence at the trial, or were obtained from or belong to the victim, within the possession of, or reasonably available to the defendant, except as provided in division (J) of Crim.R. 16:

A. Crim.R. 16(H)(1) – laboratory or hospital reports, books, papers, documents, photographs, tangible objects, buildings or places

Mr. Dowling has no such materials in his possession or reasonably available to him.

B. Crim.R. 16(H)(2) – results of physical or mental examinations, experiments or scientific tests

Mr. Dowling has no such materials in his possession or reasonably available to him.

C. Crim.R. 16(H)(3) – evidence that tends to negate the guilt of Mr. Dowling, is material to punishment, or tends to support an alibi

Mr. Dowling has produced and will produce material responsive to this request. Additionally, Mr. Dowling reserves the right to supplement this discovery response.

D. Crim.R. 16(H)(4) – investigative reports

Mr. Dowling has no such materials in his possession or reasonably available to him.

E. Crim.R. 16(H)(5) – written or recorded statement by a witness in Mr. Dowling’s case-in-chief or any witness that he reasonably anticipates calling as a witness in surrebuttal

Mr. Dowling has in his possession or reasonably available to him several deposition transcripts reflecting the recorded statements of witnesses identified pursuant to Crim.R. 16(I). Mr. Dowling reserves the right to supplement this discovery response.

Mr. Dowling will produce the deposition transcripts of

- Ebony Yeboah-Amankwah, July 21, 2022, *In the matter of The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company’s Compliance with R.C. 4928.17, and the Ohio Administrative Code Chapter 4901:1-37*, Case No. 17-974-EL-UNC
- Brad Bingaman, March 13, 2023, *In the Matter of FirstEnergy Corp.*, SEC File No. C-08716-A

The following transcripts have been designated Confidential and are currently protected from disclosure under the Amended Stipulated Protective Order issued by the United States District Court for the Northern District of Ohio in *In re FirstEnergy Corp. Securities Litigation*, 2:20-cv-03785-ALM-KAJ (ECF 411):

- Asim Haque, September 19, 2023
- John Judge, April 26, 2023 (SEC Deposition)
- Jason Lisowski, August 30 & 31, 2023 & March 22, 2023 (SEC Deposition)
- James Pearson, September 13 & 14, 2023
- Steve Strah, September 21 & 22, 2023
- Paul Addison, May 4 & 5, 2023
- Julia Johnson, May 11 & 12, 2023

- Thomas Mitchell, May 17 & 18, 2023
- Sandra Pianalto, July 19 & 20, 2023
- George Smart, June 21 & 22, 2023
- Jerry Sue Thornton, June 29, 2023

F. Crim.R. 16(I) – written list of any witness Mr. Dowling intends to call in his case-in-chief, or reasonably anticipates calling in rebuttal or surrebuttal

Mr. Dowling reserves the right to call any person identified by the State of Ohio and by any co-defendant as a potential witness, including persons identified after the submission of this Response. Because it is impossible for Mr. Dowling to know who the State or a co-defendant will actually call at trial, and because the subject matter and scope of this case will be impacted by this Court's rulings on pretrial motions, including pending dispositive motions. Mr. Dowling may call any and all individuals included on the State's Witness List and on all co-defendant's witness list, plus the following:

1. Paul Addison
479 14th Street
Brooklyn, New York 11215
2. Nicholas Akins
3. Anthony Alexander
4. Joel Bailey
2127 Pilgrim Way
Akron, OH 44313
5. Justin Biltz
6. Mark Clark
7. Steven Demetriou
8. Governor Michael DeWine
Riffe Center
77 S High Street, 30th Floor
Columbus, Ohio 43215
9. Sonny Fanelli
10. Tom Froehle

11. David Griffing
12. Mark Hayden
13. Lt. Governor Jon Husted
Riffe Center
77 S High Street, 30th Floor
Columbus, Ohio 43215
14. Julia Johnson
15. John Judge
16. John Kiani
17. David Kutik
18. Daniel McCarthy
19. Eileen Mikkelsen
2345 Woodmill Drive
Westlake, OH 44145
20. Donald Misheff
21. Thomas Mitchell
22. James O'Neil
23. Christopher Pappas
24. James Pearson
16936 Fairgrove Way
Naples, Florida 34110
25. Sandra Pianalto
3443 Aegean Drive
Akron, Ohio 44333
26. William Ridmann
27. Luis Reyes
28. John Ryan
29. Tom Schmuhl
30. Donald Schneider

31. John Skory
32. George Smart
1754 Turnberry Circle N.W.
Canton, Ohio 44708
33. Trent Smith
34. Steve Staub
35. Steven Strah
2052 Rock Creek South
Akron, Ohio 44333
36. Frank Strigari
37. Jerry Sue Thornton
40 Fairway Trail
Moreland Hills, Ohio 44022
38. Leslie Turner
39. Leila Vespoli

Mr. Dowling reserves the right to call any and all persons identified in the reports or other documentation provided by the State in discovery. Additionally, Mr. Dowling will supplement this list if additional witnesses are identified by the State or defense.

Respectfully submitted,

/s/ John F. McCaffrey

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PROOF OF SERVICE

I hereby certify that a copy of this *Response to the State of Ohio's Discovery Request* was filed on June 18, 2024, pursuant to Local Rule 7.04(H)(1) and served via email upon the following:

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