

BR. Ex. 62

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WESTERN PA CHILD CARE, LLC,
PA CHILD CARE, LLC, MID-ATLANTIC
YOUTH SERVICES CORP., CONSULTING
INNOVATIONS AND SERVICES, INC.,
GLADSTONE PARTNERS, LP and GREGORY R.
ZAPPALA,

Plaintiffs

v.

ROBERT J. POWELL, DEBRA POWELL,
JILL MORAN, THE POWELL LAW GROUP,
P.C., VISION HOLDINGS, LLC, JANE SEBELIN,
SEBELIN LAW OFFICES, P.C., JONATHAN
LANG; MATTHEW SLOCUM, and THE
SLOCUM FIRM, P.C.

Defendants

CA 2:14-cv-968

JUDGE JOY FLOWERS CONTI

ELECTRONICALLY FILED

DECLARATION OF MICHAEL P. MARSICANO

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WESTERN PA CHILD CARE, LLC,
PA CHILD CARE, LLC, MID-ATLANTIC
YOUTH SERVICES CORP., CONSULTING
INNOVATIONS AND SERVICES, INC. and
GREGORY R. ZAPPALA,
Plaintiffs

v.

ROBERT J. POWELL, DEBRA POWELL,
JILL MORAN, THE POWELL LAW GROUP,
P.C., VISION HOLDINGS, LLC, AND FISHIN
FOR A GOOD TIME CHARTERS, LLC,
Defendants

DECLARATION OF MICHAEL P. MARSICANO

1. I have known Robert Powell since 1996 or 1997.
2. I was Mayor of the City of Hazelton, Pennsylvania, and was searching for a city solicitor.
3. Michael Conahan recommended that I interview Robert Powell for the position.
4. At Michael Conahan's request, I went to Robert Powell's law office to meet with and to interview Robert Powell. When I arrived a Robert Powell's law office, the door was locked. I knocked on the door, and Michael Conahan let me into Robert Powell's law office. Michael Conahan introduced me to Robert Powell and then left.
5. I hired Robert Powell as city solicitor.
6. I became a close friend of Robert Powell.
7. I am licensed as a pilot to fly airplanes, jets and helicopters.
8. I had been a Pennsylvania State Trooper and later obtained a license to perform private investigations.

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9. I have some knowledge of the litigation that Powell Law Group, P.C. filed against Kerr-Magee. I performed background investigations for Powell Law Group, P.C. I also flew a helicopter and took aerial photographs of a local Kerr-Magee operation. I sometimes spoke to Robert Powell about the case.

10. Once when we talked about the Kerr-Magee case, Robert Powell said that Robert Powell called William Sharkey (who was Court Administrator for the Luzerne County Court of Common Pleas) and asked Mr. Sharkey to assign the Kerr-Magee case to either Judge Peter Paul Olszewski or Judge Toole. In return, Mr. Powell promised Mr. Sharkey a ghost job for life at the PA Child Care juvenile center; promised to give Mr. Sharkey's son (who owned a commercial cleaning business) a contract to clean the PA Child Care juvenile center; and promised to arrange for a contract for Sharkey's son to clean the Luzerne County Courthouse.

11. In Robert Powell's law building, Robert Powell had a room above his office that was set up as a bar. I was occasionally there. When I was there, Judge Conahan, Judge Olszewski, Mr. Sharkey and Nick Callen (who was Judge Conahan's tipstaff) were also there.

12. I flew Robert Powell and Michael Conahan to Jupiter, Florida. Robert Powell told me that he and Michael Conahan were buying a condominium there.


13. After Michael Conahan was indicted he visited me at my home several times. He was upset. He told me that he knew that the son-of-a-bitch (Robert Powell) was wired but Michael Conahan talked to him anyway. Michael Conahan also told me that there was \$20 million in play here, and asked me if I ever saw the luggage with cash inside that Robert Powell took to Costa Rica when Michael Conahan and I accompanied Robert Powell on a trip there.

14. Angelo Cundro, a friend of mine, works for the Powell Law Group, P.C. A few weeks ago I had breakfast with Mr. Cundro and some other friends at a doughnut shop in Hazelton.

During breakfast Mr. Cundro said that Powell Law Group, P.C. represents thousands of people in the Kerr-Magee case and that hundreds of millions of dollars are coming to Powell Law Group, P.C. soon.

15. Pursuant to 28 U.S.C. § 1746, I declare under perjury that the foregoing is true and correct upon my personal knowledge.

Executed on July 15, 2014.


Michael P. Marsicano