

From: [Leslie Korte](#)
To: [Morgan, Jeremiah](#)
Subject: RE: Trial Subpoena Duces Tecum
Date: Friday, June 7, 2024 2:03:41 PM

That works for us, how long? 1-3pm? We can go longer if needed.

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

From: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Sent: Friday, June 7, 2024 1:57 PM
To: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Let's say in the afternoon. How about 1 pm?

Jeremiah J. Morgan | Deputy Attorney General - Civil Missouri Attorney General's Office
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(573) 291-1483
Jeremiah.Morgan@ago.mo.gov

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

From: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Sent: Friday, June 7, 2024 1:55 PM
To: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Looks like 17th works best for Todd, and he's the most important part of this, so let me know what time you are thinking, or we can discuss Monday.

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

From: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Sent: Friday, June 7, 2024 12:44 PM
To: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Thank you. I am fairly open June 17th and 18th (other than 11-12:30 on the 18th) for the initial trial prep. meeting. We did go ahead and disclose his name to the other side as you suggested. And if you have a few minutes I would like to visit by phone a bit about it and a few of my suggested thoughts.

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

From: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Sent: Friday, June 7, 2024 10:42 AM
To: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

I have been in and out of the office the last few days so my availability is limited; if you just want to shoot me some

dates and times to set up trial prep with Todd, we can get that on the books sooner rather than later.

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

From: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Sent: Wednesday, June 5, 2024 1:21 PM
To: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Thank you Leslie, do you have time for a quick call?

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

From: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Sent: Wednesday, June 5, 2024 11:56 AM
To: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Jeremiah,

I appreciate your response, thank you.

On Todd, I have checked with him and he will be available all of those dates for trial. The subpoena is fine as is, listed to a generic "person", but it would be civil and courteous to advise opposing counsel that Todd is who the SAO has now designated. The negligible chance of an emergency necessitating a last minute substitution shouldn't bar the disclosure of the name of the SAO witness in a manner that prevents Jackson County from preparing for trial as they deem fit.

We will not be available the rest of this week through Monday, June 10; Wednesday, June 12; and Wednesday June 19.

After doing the prep with Kelly, it seems like it would be most beneficial to do 1.5 hours with Todd, then have a few days to review anything necessary and then regroup for final prep, but we are also willing to do it all at once if you prefer that/think that would be most beneficial.

Give me some times and dates you are available, and we can figure out what works best and get it on the calendar.

Thanks,
Leslie

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

From: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Sent: Wednesday, June 5, 2024 10:25 AM
To: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Thank you Leslie. I am sorry to say I misspoke or was not clear in the moment. I meant to say that I only spoke with the Auditor's corporate representative yesterday (Monday). I apologize if that did not come out that way. In prior discussion the Judge had called it "malpractice" to not have visited with the auditor's witness earlier (which is not true) and I wanted to clear up when we had actually spoken with the witness.

I am perfectly fine with whomever you want to provide as a corporate representative. If we are certain it will be

Todd, then we can identify him by name. The challenge with identifying a specific named person (which is not required in advance of the date of the deposition or trial required by the subpoena, although the Judge seems to believe it is), is that it may change, even last minute (which is perfectly fine). You are only required to produce a person (whoever you want) to testify about the topics or materials in the subpoena.

I am happy to talk about this further. And I would love to get together with Todd to do some prep. Thank you again.

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

From: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Sent: Wednesday, June 5, 2024 10:08 AM
To: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Subject: FW: Trial Subpoena Duces Tecum

Jeremiah,

After being a guest and observing the 4:00pm WebEx hearing for 2316-cv33643 yesterday, I wanted to forward the below message that I sent you on May 30, 2024, indicating that Kelly Davis, the Director of our Public Fraud and Corruption Division (PCFD) would be our designated witness for trial.

At the hearing yesterday, counsel for Jackson County indicated the AGO had still not disclosed who would be testifying on behalf of the SAO.

In response, you advised the Court that in the AGO's defense, you had "only spoken with the Auditor's Office yesterday."

I am confused, because as indicated below, we designated our witness on 5/30. The representation made to the court made it seem like the AGO wasn't aware of who the SAO had designated until 6/3.

Can you please clarify? I know you received the email that designated Kelly, because you responded as evidenced below, and then we also had some back and forth Friday trying to schedule trial prep for Monday, which involved a discussion of Kelly's schedule and availability.

Also, I wanted to let you know that Kelly will be out of the country on 6/27, 6/28, and 7/8. We will therefore need to designate Todd Schuler, Audit Manager for the Jackson County audit, to testify on behalf of the SAO on the rescheduled dates.

Thanks,
LK

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

From: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Sent: Friday, May 31, 2024 10:00 AM
To: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Thank you Leslie, sorry to be slow in responding. We had pretrial conference all yesterday afternoon and then I had meetings on the case this morning. We are still a go for next week for trial. I anticipate Kelly would be called Thursday afternoon. I will be doing the examination and would love to meet with Kelly and you maybe Wednesday?

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

From: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Sent: Thursday, May 30, 2024 2:13 PM
To: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Subject: RE: Trial Subpoena Duces Tecum

Jeremiah,

When you get a chance, can you email me a status update from the hearing this afternoon? Kelly (the Director of PCFD unit who is going to testify next week) was previously scheduled to be off next week, and she will need to make alternate plans unless the trial gets moved/cancelled. I told her I would let her know as soon as I got an update so she can plan accordingly.

Thanks,
Leslie

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

From: Morgan, Jeremiah <jeremiah.morgan@ago.mo.gov>
Sent: Friday, May 24, 2024 4:44 PM
To: Leslie Korte <Leslie.Korte@auditor.mo.gov>
Subject: Trial Subpoena Duces Tecum

Leslie,

Attached is the subpoena for the Jackson County Tax Assessment trial scheduled for June 6-7. We anticipate that the State Auditor's Office witness would be called probably late in the day June 6th or early June 7th, but will definitely be in contact with you about that. Thank you so much and have a great Holiday weekend!

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From: [Morgan, Jeremiah](#)
To: ["Leslie Korte"; "Rob Tillman"](#)
Subject: Deposition Transcript
Date: Friday, June 21, 2024 2:28:28 PM
Attachments: [168543 Todd Schuler 062024 \[Confidential\] Full.pdf](#)
[168543 Todd Schuler 062024 \[Confidential\] Mini.pdf](#)

Attached is the deposition transcript (a mini and a full) I just received for Todd. If you would kindly confirm by email that you received it so I know it went through that would be great. Also, Todd will need to read and sign and return the signature page with any corrections. Thank you.

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STATE OF MISSOURI ex rel.
ATTORNEY GENERAL et al.,

V.

Defendants.

NOTICE OF DEPOSITION

Examination is requested on the following matters:

- Respectfully submitted,

Bryan Covinsky,
Jackson County Counselor

/s/ Joyce Johnson
Joyce Johnson, No. 73778
D. Ryan Taylor, No. 63284
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Attorneys for County Defendants

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing was served to all counsel of record via the court's eFiling system on June 18, 2024.

/s/ Joyce Johnson