

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
vs. : NO.: CP-22-CR-0005164-2011
:
GARY CHARLES SCHULTZ : CHARGE(S): Perjury; Penalties for Failure
: to Report or to Refer

ORDER OF COURT

AND NOW, this 9 day of August, 2012, upon consideration of the Defendant's
Petition for Subpoena Under the Uniform Act, the petition is hereby **GRANTED** and we will
issue a separate Certificate of the Superior Court of the District of Columbia with the subpoena
attached. **IT IS SO ORDERED.**

BY THE COURT:


Todd A. Hoover, President Judge

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IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA, :
 :
 v. :
 : No. CP-22-CR-5164-2011
 GARY C. SCHULTZ, :
 :
 Defendant. :

**CERTIFICATE TO THE SUPERIOR COURT OF THE DISTRICT OF
COLUMBIA OF MATERIALITY, NECESSITY AND NEED FOR A WITNESS
AND DOCUMENTS IN ITS CUSTODY, FOR THE PURPOSE OF A CRIMINAL
PROCEEDING IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY,
IN THE COMMONWEALTH OF PENNSYLVANIA**

To A Judge of the Superior Court for the District of Columbia:

Pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Cases, adopted in Pennsylvania at 42 Pa. C.S.A. § 5961, *et seq.*, and in the District of Columbia at DC Code § 23-1502, the Dauphin County, Pennsylvania Court of Common Pleas hereby and herein certifies, under seal of this Court, the following:

1. That there is presently pending a criminal prosecution brought by the Office of the Attorney General of Pennsylvania, venued in the Dauphin County, Pennsylvania Court of Common Pleas, Criminal Division, Case No. CP-22-CR-5164-2011, for felony and related charges against Gary C. Schultz. Should Mr. Schultz be convicted, he would be subject to a maximum sentence of incarceration in excess of seven years in length.

2. That Freeh Sporkin and Sullivan, LLP ("FSS"), is an entity located in the District of Columbia, registered with the District of Columbia District of Columbia Department of Consumer & Regulatory Affairs' Corporations Division as a domestic entity, with a registered agent also located in the District of Columbia.
3. That FSS is in physical possession of certain materials, enumerated in the attached (and incorporated hereto) subpoena *duces tecum* issued by this Court, returnable by or before September 1, 2012.
4. That because of its possession of the aforesaid certain materials, FSS is a material and necessary witness to the aforementioned criminal prosecution of Mr. Schultz, for the reasons set forth (and adopted by this Court in their entirety) in the attached (and incorporated hereto) pleading, Defendant Gary C. Schultz's Petition For Subpoena Under The Uniform Act To Secure The Attendance Of Witnesses From Within Or Without A State In Criminal Cases ("Defendant's Petition").
5. That, notwithstanding FSS's believed physical possession of the materials identified in the aforementioned subpoena *duces tecum*, for the reasons set forth in the Defendant's Petition (and adopted by this Court in their entirety), those materials were created for, paid for, and belong to the Board of Trustees of the Pennsylvania State University, a domestic entity located within the Commonwealth Pennsylvania. And to the extent that members or employees of FSS created any of the sought materials, this was accomplished in the courts of FSS

staffing the Special Investigative Counsel to the Special Investigations Task Force of the Board of Trustees of the Pennsylvania State University – rendering the Special Investigative Counsel an entirely Pennsylvania-specific entity, and an agent of the Board of Trustees of the Pennsylvania State University.

6. That FSS's presence, along with the responsive materials referenced in the aforementioned subpoena *duces tecum*, are required before this Court on September 1, 2012, absent prior production of the responsive materials to counsel for Mr. Schultz, along with a sworn statement as to the creation, custody and authentication of the responsive materials.

WHEREFORE, PREMISES CONSIDERED, this Court:

1. Affixes the Seal of the Court of Common Pleas of Dauphin County, Pennsylvania to this certificate;
2. Urges the Superior Court of the District of Columbia, in the interests of comity, adopt the conclusions of this Court and issue a summons – in the form of a subpoena, order, or other notice requiring the appearance (per DC Code § 23-1501(c)) – with a copy of this Certificate attached, directing FSS to attend proceedings before this Court on September 1, 2012, and to produce, sponsor and authenticate the materials responsive to the aforementioned subpoena *duces tecum*, or to provide the same to counsel for Mr.

Schultz prior to that date.

8/9/12
Date

Todd Hoover
Todd A. Hoover, President Judge
Court of Common Pleas of
Dauphin County, Pennsylvania