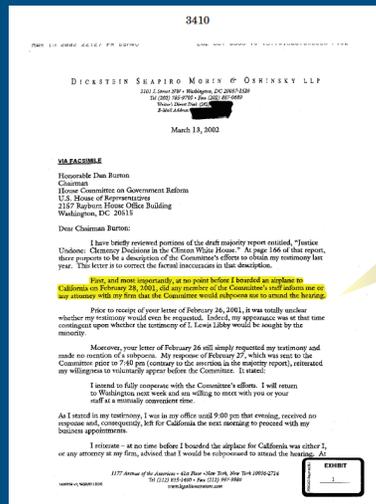


Peter Kadzik – Contacts Regarding Service of Congressional Subpoena

“First and most importantly, at no point before I boarded an airplane to California [scheduled for 11:00AM] on February 28, 2001, did any member of the Committee’s staff inform me or any attorney with my firm that the Committee would subpoena me to attend the hearing.”

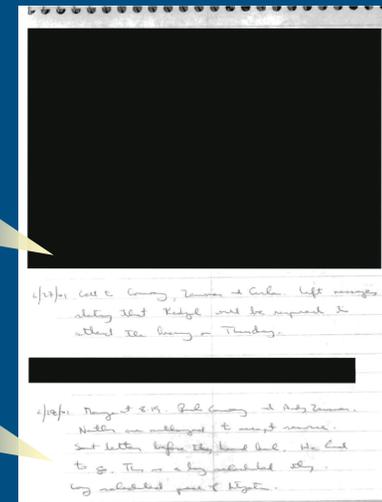
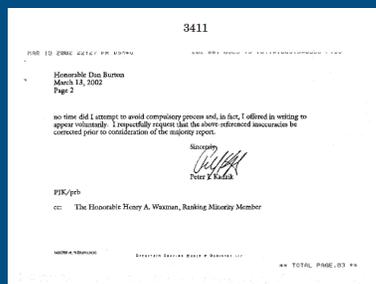
- Letter from Peter Kadzik to the House Committee on Government Reform, March 13, 2002



2/27/01 Call to Conway, Zausner & Cashen. Left messages stating that Kadzik will be required to attend the hearing on Thursday.

2/28/01 Message at 8:19 [AM]. Rich Conway and Andy Zausner. Neither are authorized to accept service [of the subpoena]...

- Contemporaneous handwritten notes of Counsel to the House Committee on Government Reform



3411

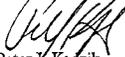
MAR 13 2002 22:27 FR USMBO

202 201 6800 TO 1011100010000 1100

Honorable Dan Burton
March 13, 2002
Page 2

no time did I attempt to avoid compulsory process and, in fact, I offered in writing to appear voluntarily. I respectfully request that the above-referenced inaccuracies be corrected prior to consideration of the majority report.

Sincerely,



Peter J. Kadzik

PJK/prb

cc: The Honorable Henry A. Waxman, Ranking Minority Member

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CHRISTINE A. MOKILLA, MARYLAND
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ONE HUNDRED SEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6074
FACSIMILE (202) 225-3674
MINORITY (202) 225-6091
TTY (202) 225-6652

www.house.gov/reform

March 15, 2002

Peter Kadzik, Esq.
Dickstein, Shapiro, Morin & Oshinsky, L.L.P.
2101 L Street, N.W.
Washington, D.C. 20037

Dear Mr. Kadzik:

I write in response to your letter of March 13, 2002.

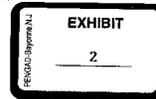
In its recent report regarding the Marc Rich matter, the Committee was critical of your attempt to avoid testifying at the Committee's March 1, 2001, hearing. In your letter, you take issue with the Committee's report, and claim that "at no time before I boarded the airplane for California was either I, or any attorney at my firm, advised that I would be subpoenaed to attend the hearing." Your claim is inaccurate. **Our records indicate that on the evening of February 27, 2001, after the receipt of your letter declining to testify,¹ Committee staff called your attorneys to inform them that you would be required to attend the Committee's hearing. On the morning of February 28, 2001, your attorneys left a message informing Committee staff that they were not able to accept service of the subpoena on your behalf. The fact that your attorneys declined to accept service itself proves that they were aware that the Committee was attempting to subpoena you to appear at the hearing.**

At 9:29 a.m. on February 28, 2001, Committee staff again informed one of your attorneys that the Committee was issuing a subpoena for your attendance at the hearing. Committee staff also asked your attorney to provide your flight number so that you could be subpoenaed upon your arrival in California. The Committee was later informed that you took United Airlines flight 239 from Dulles Airport to San Francisco. According to United Airlines, flight 239 was scheduled to leave Dulles at 11:00 a.m., and was scheduled to land in San Francisco at 1:52 p.m. (you were served at 1:58 p.m.). Therefore, contrary to your assertions, your attorneys were informed at least twice before your departure on the morning of February 28 that you would be subpoenaed to attend the Committee's hearing. Perhaps more important, your attorneys were aware that the Committee wanted your testimony and you decided to leave Washington without having a telephone conversation with me or Committee staff.

¹ I have attached a copy of your letter, which is time-stamped as being faxed at 7:41 p.m. on February 27, 2001, contrary to the assertion in your letter.

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
MAURIE OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. SCHROEDER, PENNSYLVANIA
PATSY T. MINK, HAWAII
DANIEL B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
ELLSIE E. CLAWSON, MARYLAND
DENNIS J. MCCONNICH, OHIO
ROD R. BLAGUEVOIR, ILLINOIS
DARRY K. DAVIS, ILLINOIS
JOHN F. TERRY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MARYLAND
JANICE E. SCHAROWSKY, ILLINOIS
WILLIAM LACY CLAY, MISSOURI
EDDIE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS

BERNARD SANDERS, VERMONT,
INDEPENDENT

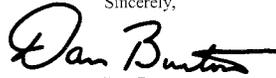


3413

Peter Kadzik, Esq.
March 15, 2002
Page 2 of 2

Given these facts, it is clear that the Committee report accurately reflects your effort to avoid testifying at the Committee's March 1, 2001, hearing, and that your March 13, 2002, letter is without basis. I am disappointed that you have attempted to misrepresent the facts. Nevertheless, I will include your letter and my response in the Appendix to the Committee's report when it is printed.

Sincerely,

A handwritten signature in black ink that reads "Dan Burton". The signature is written in a cursive, flowing style with a prominent initial "D".

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member

**Transcription of Contemporaneous Handwritten Notes
by James C. Wilson, Chief Counsel
House Committee on Government Reform**

(all dates are 2001)

2/16 - Richard Conway. Come w/ Andy Zausner.

2/16 - Conway, Zausner, Pardon info -- Beginning of Nov

2/16, Message at 3:09 - Henry Cashen. Couple of guys are coming up. He will be involved. Two good guys. Straight shooters. He is going to get involved. 828-2213

2/19 Message at 11:56. Rich Conway at Dickstein. Noon on Monday. Clippings file; Production of Piper Marbury and Jack Quinn. Don't wait. Pardon Application w/ attachments. 828-2235

2/19 Message at 12:01, Henry Cashen. 828-2213

2/20 Message at 9:40. Henry Cashen. 828-2213 called him back at 10:30. Michael Green. A tax guy. Good long chat.

2/21 Message at 4:53, Rich Conway and Andy Zausner. Promised they would get back. Can give an update. 828-2235

2/23 Call to Richard Conway re: Kazzik testifying. Called at 5:25. Said that we want Kazzik to testify on Thursday, March 1, 2001. Left message.

2/26 Message at 8:50a Monday. Rich Conway. Picked up voice mail on Saturday. Wants to talk. Came as a surprise. Doesn't know what his availability is. Timing.

2/26 Rich Conway at 3:25pm. Peter Kadzik. He is out today. Missing each other. Did some checking. Peter had 10-12 hours on pardon. Libby is his former partner. He has hearing tomorrow. Deposition on Wednesday. He is involved in long energy cases.

2/27 Richard Conway at 11:47. Tracked down Peter Kadzik. He will be in California. He can't do it. What is the difference between[...] It is unreasonable. He has a very sensitive problem. Do one favor. Date is a problem. Reached out to Peter. He wasn't dilatory. Newly remarried. Got him yesterday.

2/27 Rich Conway at 2:55pm. Told him I put out offer to minority.

2/27 Henry Cashen - [illegible] Thursday at the club.

2/27 Call to Conway, Zausner & Cashen. Left messages stating that Kadzik will be required to attend the hearing on Thursday.

2/28 Message at 8:19. Rich Conway and Andy Zausner. Neither are authorized to accept service [of the subpoena]. Sent letter before they heard back. He had to go. This is a long scheduled thing. Long scheduled piece of litigation.

2/28 Cashen at 9:29am. He wanted to work something out.

[between 9:48 and 11:15]

2/28 Zausner ----> Partially responsible for sending the letter. Kadzik ----> I have to go. All the lawyers involved Cal. power shortages. They represent Duke. Chief antitrust litigator. Meeting w/ [...] Doing something [...] Lobbied law school Do we have a hotel They were playing golf. Port St. Lucie to Orlando. Some of what Conway said was stupid and juvenile. We did call the Dems. Wanted to accept offer and postpone. 12.6 hours. When he calls, I'll ask him what the meeting is. I asked that he ask Kadzik to come back.

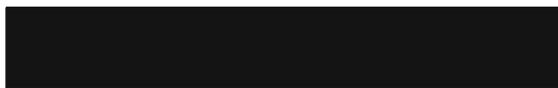
2/28 Call to Andy Zausner. At 11:15. Steve Watson. Lorillard goes back. Said okay things about. [illegible] Trying to get flight info.

2/28 Andy Zausner. Message at 11:31. United Flight 239. Hyatt Regency Monterrey. 1 Old Golf Course Road. 831-372-1234. Not heard from him.

[2]/28 Call to Andy Zausner at 11:36. He talked to Peter. Meeting w/ lawyers for other companies. Meeting w/ client this evening. Meeting w/ client and dep AG to discuss subpoenas. Subpoenas relating to Duke. San Fran to Monterrey. ----> Itinerary being printed as we speak. United 5418 ----> leaves to go to Monterrey. Monterrey at 4:33. Goes to San Fran at 5:20. Back on Sat.

2/28 Message at 7:13. Andy Zausner. 828-2259. Decided to fly back. Will be there.

2/16/01 Paul Conway. One of Andy Zausner.



2/16/01 Conway, ZAUSNER

Under info - Beginning of Nov

2/16/01 Range at 3:08. Henry Carter. Couple
of guys are coming up. He will be
involved. Two good guys. Slight
shooters. He is going to get involved.

828-2213

2/14/01 Project 11.56 Paul Conway at

Dunkin'. Now on Monday.

Clipping file; product of Lynn Tubing
& Ted Dinn. Don't ret.

Books applied w/ attachments

228 2235

2/19/01 Range at 12.01. Hwy 101.

828 2213

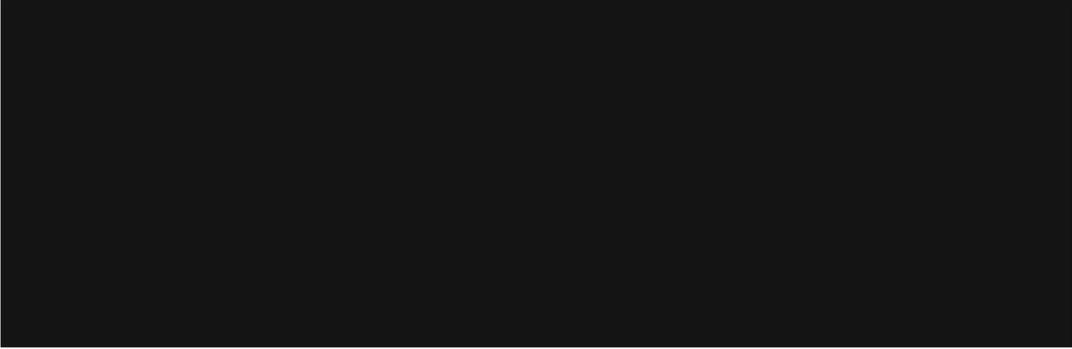


2/20/01 Range at 9:40 - Harry Carlin. 828 2213

called L back at 10:30. Michael Green. ✓

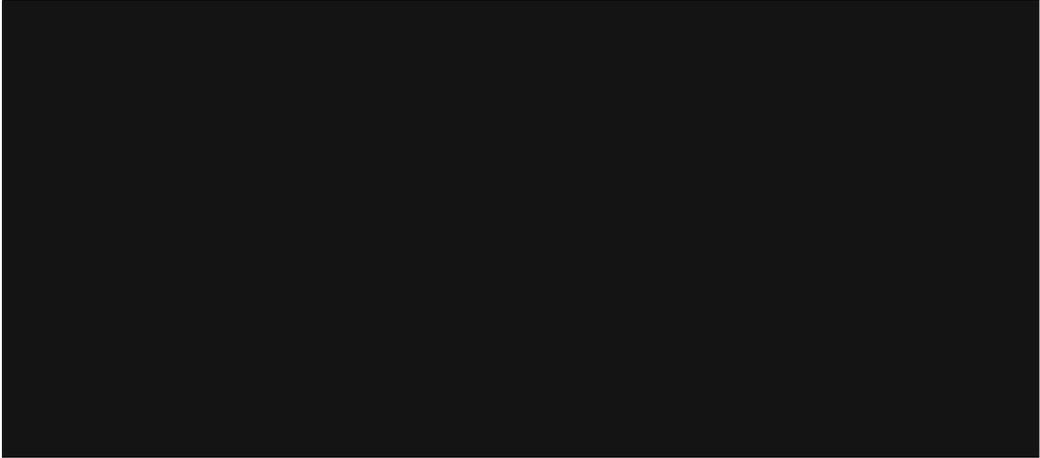
A tax guy. Good lay sheet.





2/21/01 Merge at 4:53. Paul Conway and
Andy Zausner. Promised they would
get back. Can give an update.
828-2235





2/23/01 Call to Richard Conway re. Kordziel
testifying. Called at 5:25. Said that
we want Kordziel to testify on Tuesday,
March 1, 2001. Left message.



2/26/01

Merge at 8:50 - Monday. Real
Conroy. Picked up Van Nul -
Saturday. Wait to tell. Case as a
mystery. Don't know what his capabilities
is. Timmy.

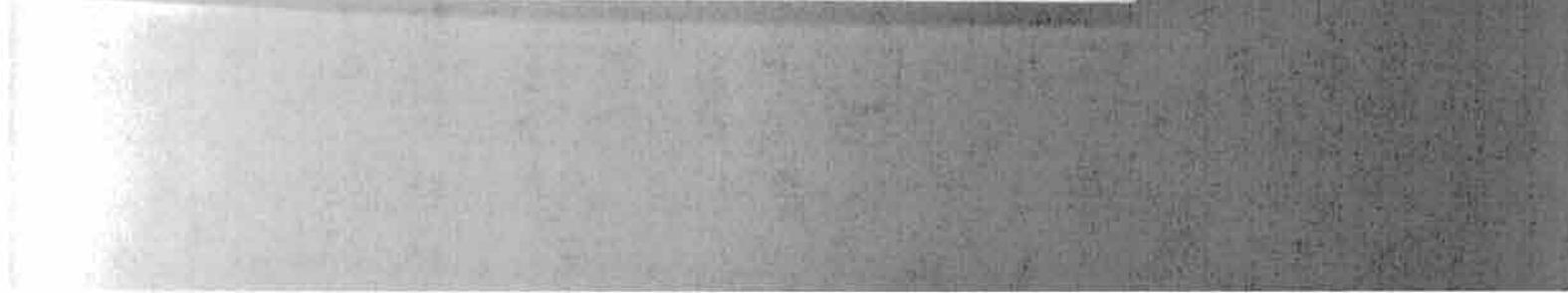
2/26/01 Paul Conway at 3:25 p.m.

Peter Kedzjel. He is out today, Missing and
other. Don't seem likely. Peter had
10-12 hours on parole, likely is his
former partner. He has heavy turnover. Done
on Wednesday. He is involved in long
range cases.

2/27/01 Paul Coney at 11-47. Treated Don Peter
Kedjib. He was he - California.
He can do it.

What is the difference between
It is successful.

He can a very sensitive problem Do one





2/27/01 Paul Conway at 2:55 p.m. Told he I
put out offer to minority.

2/27/01 Henry Arden — Still Thursday
even so at the Club.



2/27/01 Call to Conway, Zinner & Carls. Left messages stating that Kozel will be required to attend the hearing on Thursday.

2/28/01 Merged 8-19. Paul Conway and Andy Zinner. Neither are obligated to accept services. Sent letter before they had had. He had to go. This is a big scheduled thing. Long scheduled piece of litigation.

2/28/01 Carlin at 9:29 --- He went
to work smoothly out.



2/28/01 Zassen →
Partially responsible for reading the letters.
Kedgel → + have to go. All the lawyers
involved in Cal. power shortages. They
opposed Dade. Chief antitrust litigator.
Meeting w/
Ding smoothly

2/28/01 Call to Andy Zinner. At 11:15

Steve Wilson. Looked over book.

Said they stop dust.

Clearly any light.

Try to get flight info.

2/28/01 Andy Zauner.
Range at 11:31

Flight
UNITED 239
Hyatt Regency Hotel
1 Old Golf Course Road
831 372 1234

Not heard from Li.

1/28/01 Call to Andy Zinner at 11:30

He talked to Peter. Rts of lawyers for other companies. Rts of what they want.

Rts of what the AG to discuss subpoenas. Silpaon relates to Duke.

SAN FRAN TO MONTEREY

↳ Itinerary is being put out as we speak.

~~Abstract~~

United 5418 → leaves for Monterey

Monterey at 4:33

Go to San Fran at 5:20.

Bella Study:

2/18/01 Mary at 7:13, Andy runner.

828 2259. Decided to fly back.

Will be there.



3/1/01 Manager at 9:32. Hwy 68. Voted to
get back. No quest in mind. Set
up straight. All conversations were straight.
828-2213



3/1/01 Range at 10.52. Down in Hay Carlin's
office. Thanks for call.

3/1/01 Range at 11.35. Carlin. Thanks for message.
We're on same page. Will → all the way.

3/2/01 Monday at 3:31. Paul Conway. Call, to
them. Wanted to get Peter +. Got
plane. Got his day of meeting.

Carla says that is all that I was
told to you \Rightarrow . They thought they were
big straight up. If told to you,
then they would have bought it
back.

