

**DECLARATION OF ALAN J. BAVERMAN**

I, Alan J. Baverman, make this Declaration based upon my personal knowledge of facts contained herein.

1. I am a United States Magistrate Judge in the Northern District of Georgia and have been since February 1, 2001.

2. In late 2000, when I still was in the private practice of law, Paul Morochnik, who is married to my wife's niece and who also is a practicing attorney, asked me, through my wife, Elida, for names of criminal defense lawyers who were capable of representing a client of his who was under federal investigation for mortgage fraud. Mr. Morochnik did not represent persons in criminal cases. Although I was a criminal defense attorney at the time, I had been selected as a federal magistrate judge and was awaiting completion of my background check before I could be sworn in. As a result, I was in the process of closing out my law practice and was not accepting new clients in matters which could not be resolved in a relatively short period of time. I gave my wife three names of respected criminal defense attorneys in the Atlanta legal community, Don Samuel, Bruce Maloy, and Bruce Morris, lawyers whose names I frequently gave out whenever I was unable to represent a client.

3. I did not give my wife the name of Mark Kadish, because I did not know