

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
- v -	:	No. S6 09 Cr. 581 (WHP)
	:	
PAUL M. DAUGERDAS,	:	
	:	
Defendant.	:	
-----X	:	

JOINT DECLARATION OF HENRY E. MAZUREK AND BRIAN D. LINDER
IN SUPPORT OF DEFENDANT PAUL M. DAUGERDAS'S
SENTENCING SUBMISSION

HENRY E. MAZUREK and BRIAN D. LINDER, pursuant to 28 U.S.C. § 1746, hereby declare:

1. We are members of the law firm of Clayman & Rosenberg LLP, attorneys for the defendant, Paul M. Daugerdas, in the above-captioned matter. We offer this Declaration in support of Mr. Daugerdas's Sentencing Memorandum, dated June 9, 2014.
2. As counsel for Mr. Daugerdas, we are fully familiar with the facts and procedural history of this case.
3. Following the verdicts returned in Mr. Daugerdas's retrial, we sought and were granted permission by this Court to interview jurors after they were released from service.
4. Two of the jurors agreed to speak with us about the case and their jury service. These jurors spoke to us individually and not in the presence of each other.
5. Both jurors informed us that the jury concluded that the government failed to prove its main case regarding the tax shelter fraud against Mr. Daugerdas, *i.e.*, the government

did not prove that Mr. Daugerdas acted with knowing intent to violate the economic substance doctrine when he advised clients or personally took deductions on his own tax returns.

6. The jurors told us that the jury found that there was too much ambiguity in the tax economic substance doctrine and not enough proof to convict Mr. Daugerdas of crimes based on this doctrine.

7. The jurors told us that the jury agreed with the defense that Mr. Daugerdas acted in good faith when he used the tax shelters to avoid payment of taxes for himself and his clients. They thought that while he should have paid taxes, it was not a crime because of the way the law had developed.

8. The jurors said that on the counts the jury returned guilty verdicts, the jury based their findings on grounds that the government presented sufficient evidence to prove that Mr. Daugerdas's law firm helped to file tax returns on behalf of clients with "backdated" transactions. The jurors said they concluded that Mr. Daugerdas had to know that these returns were being submitted with these dates, and according to the judge's instructions, this was unlawful under the tax code. They further stated that this was the sole basis for all the convictions against Mr. Daugerdas, including the conspiracy counts.

9. Finally, one juror informed us that the jury acquitted Denis Field because there was no evidence that he or his firm engaged in "backdating" transactions on tax returns, and

since the jury believed that there was insufficient evidence to prove economic substance tax fraud, they acquitted Mr. Field on all counts.

Dated: New York, New York
June 9, 2014

We declare under penalty of perjury that the foregoing is true and correct.

/S/
Henry E. Mazurek

/S/
Brian D. Linder