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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Albert L. Peia,)
Plaintiff) CASE NO.
-vs-)
)
Richard M. Coan,)
Coan, Lewendon, Gulliver,)
and Miltenberger, LLC.,)
John Doe Surety 1, John Doe Insurer 2,)
John Does 3 – 10,)
Defendants)
)

PLAINTIFF'S RICO STATEMENT

With ADDENDUM and EXHIBITS Annexed Hereto and Incorporated Herein.

THE UNLAWFUL CONDUCT IN VIOLATION OF 18 U.S.C. 1962

1. Employees of and/or the U.S. Bankruptcy Court for the District of Connecticut (hereinafter 'USBC'), and defendant Richard M. Coan (hereinafter 'Coan') and Timothy Miltenberger (hereinafter 'Miltenberger'), Whitney Lewendon (hereinafter 'Lewendon'- who filed a document on behalf of defendant Coan with the U.S. Supreme Court), and defendant Coan, Lewendon, Gulliver, and Miltenberger , LLC., (hereinafter 'CLGM'), did in violation of Section 1962(c) conduct or participate in the conduct of the affairs of an enterprise

that affects interstate commerce through a pattern of racketeering activity

(by reason of which) causing injury to plaintiff's property and business. Defendants Richard M. Coan, , and Coan, Lewendon, Gulliver, and Miltenberger, LLC., the United States Bankruptcy Court for the District of Connecticut and the other conspirators associated with an enterprise, engaged in or affecting interstate commerce, conducted or participated, directly or indirectly, in the conduct of this enterprise's affairs through a "pattern of racketeering activity" within the meaning of RICO, 18 U.S.C. § 1961(5), in violation of RICO, 18 U.S.C. § 1962(c). Specifically, Defendant Richard M. Coan, in his capacity as successor plaintiff was ordered by the court to file papers consistent with his capacity and duty as successor plaintiff and Trustee, in a number of adversary proceedings brought by debtor/plaintiff herein for which the entry of default had been requested and the entry of default judgment appropriate inasmuch as proper service had been made with some matters being without defense, ie., properties (outside the state of Connecticut, ie., New Jersey) sold during the pendency of the automatic stay pursuant to §362 of Title 11, U.S.C., unaccounted for substantial funds (in New Jersey) generated from said wrongful acts, theft of personalty/business assets (in California, New Jersey, and Connecticut), loss of rents (in New Jersey, California, and Connecticut), among other causes and damages, including a substantial fraud on debtor/plaintiff herein perpetrated by R.I.C.O. defendants/co-conspirators involved in laundering drug money through the Trump (of New York) casinos (in New Jersey) along with other criminal activities covered by and violative of federal law. All of said matters were meritorious, substantial, some without defense, as well as some for which partial settlements and/or payments had been made. Defendant Richard M. Coan, in his capacity as Trustee, and Coan, Lewendon, Gulliver, and Miltenberger, LLC., thereby, and to cover-up various criminal activities including, *inter alia*,

illegal drug money laundering, bribery, fraud, theft, other violations of federal law including §362 of Title 11, U.S.C., and the illegal, wrongful and culpable failure to conclude the 1989 Virginia Chapter 7 proceeding under Title 11 in accordance with federal law, among others, wrongfully, negligently, and culpably failed to file any document whatsoever. Defendant Richard M. Coan, in his capacity as Trustee, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., thereby, has at all times attempted to evade process and avoid culpability and accountability for his wrongful and illegal conduct.

The aforesaid wrongful conduct is consistent with and related to the wrongful conduct as follows:

Alan Shiff purported Chief Judge at USBC fraudulently misrepresented the date of dismissal of a proceeding over which he himself had presided in bringing a (retaliatory against a witness/informant, obstructing justice thereby) spurious contempt against plaintiff (and additionally was without jurisdiction to legitimately do so). Quite simply, he lied (materially false fraudulent representation); knew he lied (scienter); lied with the intention of deceiving (intent); the lies were relied upon (ie., government, courts, etc.); said fraud in connection with a case under Title 11 directly causing damage to plaintiff's property and business (and as well to plaintiff's estate and creditors thereof) . USBC did utilize the mails to perpetrate said fraud (on courts, creditors, plaintiff, etc.) constituting the RICO predicate violation of mail fraud thereby .USBC utilized false hearing dates to wrongfully dismiss adversary

proceedings, defrauding plaintiff and creditors thereby.

Exhibit “C” thereto. USBC, its agents employees did feloniously remove filed federal court documents for the purpose of defrauding plaintiff, covering up various crimes connected thereto, obstructing justice thereby, causing damages to plaintiff’s property and business.

Exhibit “B” thereto. Federal employee Maryanne Trump (Barry) did corrupt the federal judicial process obstructing justice thereby, even as substantial sums of (drug) money were being laundered through her brothers’ casinos by RICO defendants before her.

Federal employee (and then U.S. Trustee) Hugh Leonard was placed on (bribe) retainer by RICO defendants Dilena and companies, violative of the predicate act of bribery, as well as obstructing justice consistent therewith. Facts giving rise to what a trier of fact could reasonably infer from same, particularly when coupled with the similar scenario (a more direct USA bribe deal) vis-a-vis federal employee (and then U.S. Attorney) Sam Allito ,federal employee (and then Assistant U.S. Attorney, and defendant USA thereby) Jonathon Lacey did “cut a bribe deal” and as well, did obstruct justice by removing from the Office of the U.S. Attorney documents and/or file concerning drug money laundering and other federal law violations. Id. Federal employees in Virginia (and defendant USA thereby) illegally failed to consummate the Chapter 7 proceeding in Virginia in accordance with law, and

for the purpose of defrauding plaintiff, and as well, obstructing justice thereby, by reason of which plaintiff sustained damage to his property and business (also damaging creditors, and committing bankruptcy fraud thereby).

Defendant Coan did consistent with the aforesaid perpetrate a fraud (connected with a case under Title 11) upon the estate of plaintiff and purposefully and with the intent to damage plaintiff did cause the dismissal of proceedings, obstructing justice thereby, by reason of which plaintiff sustained injury to his property and business. Exhibit "A".

The aforesaid defendants also did violate Section 1962(d) by conspiring to violate Section 1962(c) by and during during the course of the conspiracy*, consistent with the object of the conspiracy in relation to the overt acts in furtherance thereof, did conspire to commit a fraud in connection with a case under Title 11 and obstruct justice thereby, with knowledge of the commission predicate acts as set forth in #2, *infra*, were a part of the racketeering activity activity by which plaintiff sustained injury to his property by reason of said overt predicate acts. It should be noted that in conspiring to violate section 1962 (c) by reason of which violations plaintiff sustained injury to his business and property, evinced intent to injure plaintiff and benefit (former) RICO/adversary

proceeding defendants, and as well did obstruct justice (and criminal investigations thereof) .

It should also be noted that in conspiring to violate section 1962 (c) by reason of which violations plaintiff sustained injury to his business and property, with intent to injure plaintiff and benefit (former) RICO/adversary proceeding defendants, the aforesaid defendants did violate (federal) substantive law in addition to the RICO violations; ie., in prima facie tort, negligence, and (purposeful) breach of fiduciary duty for which punitive damages are appropriate owing to the malice, hatred, and ill will toward plaintiff as exhibited by said defendants' outrageous and illegal conduct.

THE DEFENDANTS, THE MISCONDUCT, AND THE BASIS OF LIABILITY FOR EACH DEFENDANT

2. Defendants/co-conspirators, at times relevant hereto, said conducted and/or participated in the affairs of an enterprise through a pattern of racketeering activity, affecting and having a nexus to interstate commerce thereby, with the intent to damage and defraud plaintiff and obstruct justice thereby, by reason of which violations of 18 U.S.C. Sections 1961 et seq., plaintiff sustained injury to his property and business. Specifically, Alan Shiff purported Chief Judge at USBC fraudulently misrepresented the date of dismissal

of a proceeding over which he himself had presided perpetrating a fraud connected with a case under Title 11 as proscribed in Title 18 U.S.C. Section 1961(1) (D); and further, brought a (retaliatory against a witness/victim/informant violative of Section 1513)spurious contempt proceeding against plaintiff, obstructing justice thereby in violation of Section 1503 (and additionally was without jurisdiction to legitimately do so). Quite simply, he lied (materially false fraudulent representation); knew he lied (scienter); lied with the intention of deceiving; that the lies were relied upon (ie.,government, courts, etc.); said fraud in connection with a case under Title 11 directly causing damage to plaintiff's property and business (and as well to plaintiff's estate and creditors thereof) . Defendants did utilize the mails in perpetrating said fraud (on courts, creditors, plaintiff, etc.) constituting the RICO predicate violation of mail fraud thereby, violative of Section 1341 (discussed infra at paragraph #). Defendants/co-conspirators utilized false hearing dates to wrongfully dismiss adversary proceedings, defrauding plaintiff and creditors thereby, Exhibit "C", and violative of Section 1503, utilizing the mails in perpetuating said scheme in violation of Section 1341 did feloniously remove filed federal court documents for the purpose of defrauding plaintiff, covering up various crimes connected thereto, obstructing

justice in violation of Section 1503 thereby, causing damages to plaintiff's property and business. Exhibit "B".

In addition to the foregoing, federal employee Maryanne Trump (Barry) (and USA thereby) did corrupt the federal judicial process obstructing justice in violation of Section 1503 thereby, and Section 1510 as a consequence thereof, even as substantial sums of (drug) money were being laundered, in violation of Section 1956, through her family's/brothers' casinos by RICO defendants before her, which if not for the obstruction of justice therein, through discovery likely would have yielded "quid pro quo" in the form of increased drug money flows from which a trier of fact could have reasonably concluded to have constituted a violation of Section 201 relating to bribery. (It should also be noted that at or around the time of the retaliatory and spurious contempt proceeding, late 1992/early1993 , Trump had "retained" the brother of then U.S. Attorney Christopher Droney, which further discovery may have yielded a similar conclusion consistent with said Trump modus operandi. Federal employee (and then U.S. Trustee, and USA thereby) Hugh Leonard was placed on (bribe) retainer by RICO defendants Dilena and companies, violative of the predicate act of bribery, Section 201, as well as obstructing justice, Section 1503, consistent therewith.

Facts giving rise to what a trier of fact could reasonably infer from same, particularly when coupled with the similar scenario (a more direct “USA bribe deal”, Section 201) vis-a-vis federal employee (and then U.S. Attorney) Sam Allito, federal employee (and then Assistant U.S. Attorney, and USA thereby) who did “cut a bribe deal” (Section 201) and as well, did obstruct justice (Section 1503) by removing from the Office of the U.S. Attorney documents and/or file concerning drug money laundering (Section 1956) and other federal law violations.

Jonathon Lacey did “cut a bribe deal” (Section 201) and as well, did obstruct justice (Section 1503) by removing from the Office of the U.S. Attorney documents and/or file concerning drug money laundering (Section 1956) and other federal law violations. Federal employees in Virginia (and USA thereby) illegally failed to consummate the Chapter 7 proceeding in Virginia in accordance with law, and for the purpose of defrauding plaintiff (fraud in connection with a case under Title 11), and as well, obstructing justice (Section 1503) thereby, by reason of which plaintiff sustained damage to his property and business (also damaging creditors, and committing bankruptcy fraud thereby).

Defendant Coan did consistent with the aforesaid perpetrate a fraud (connected with a case under Title 11) upon the estate

of plaintiff and purposefully and with the intent to damage plaintiff did cause the dismissal of proceedings, obstructing justice (Section 1503) thereby, by reason of which plaintiff sustained injury to his property and business. Exhibit "A".

The same violations apply to the adversary proceeding concerning junkie and thief, David George Swann (DOB 4-6-60; three guilty pleas to theft in less than 5 years residence in California) who stole (bankruptcy) estate among other assets of plaintiff and against whom default (judgment) was ripe for entry (violations of Sections 1513, 102 and that concerning extortion would also have been appropriate) . Defendant Coan and defendant CLGM thereby, has neither abandoned nor re-brought same, violating Section 1503 and (defrauding) damaging plaintiff thereby. The aforesaid defendants, along with co-conspirators/federal employees also did violate Section 1962(d) by conspiring to violate Section 1962(c) by and during during the course of the conspiracy, consistent with the object of the conspiracy in relation to the overt acts in furtherance thereof, did conspire to commit a fraud in connection with a case under Title 11 and obstruct justice thereby, with knowledge of the commission of predicate acts as set forth herein, were a part of the pattern of racketeering activity by which plaintiff sustained injury to his property by reason of said overt predicate acts. It should be noted that in conspiring to violate section 1962 (c) by reason of which violations plaintiff

sustained injury to his business and property, defendants evinced intent to injure plaintiff and benefit (former) RICO/adversary proceeding defendants, and as well did obstruct justice (and criminal investigations thereof). It should be noted as documented therein that co-conspirator USA has continuously and consistently engaged in innumerable enumerated acts of racketeering activity as set forth in 18 U.S.C. Section(l), most notably subpart (A), viz., dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under state law and punishable by imprisonment for more than one year, and the concomitants of said racketeering activity set forth in said subpart, namely, murder, bribery, and extortion. In furtherance thereof, as is relevant herein, defendant USA also has been engaged in and violated the predicate acts of obstruction of justice (Section 1503), obstruction of criminal investigations (Section 1510), laundering of monetary instruments (Section 1956) , use of interstate commerce facilities in the commission of murder-for-hire (Section 1958), obstruction of state or local law enforcement (Section 1511), retaliation against a witness, victim, or informant (Section 1513), subpart (D) as regards the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the

Controlled Substances Act), punishable under any law of the United States, and subpart (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act. As set forth and as pertains to paragraph #3 infra USA has violated Section 1962 vis-a-vis receipt of income through a pattern of racketeering, the investment of same in an enterprise, affecting interstate commerce thereby, causing damage to property and business by reason of said racketeering activity; and, Section 1962 , through a pattern of racketeering activity, acquired an interest in and/or maintained control of an enterprise, affecting interstate commerce thereby, causing damage to property and business by reason of said acquisition of interest in, maintenance of, and/or control of said enterprise.

Defendant John Doe Insurer1, upon information and belief is licensed to do business in and transacts its affairs in the state of Connecticut. Upon information and belief, based upon reasonable inquiry, said corporation is a insurer which is engaged in the business of providing liability and/or professional liability coverage. Defendant John Doe Surety2, upon information and belief is licensed to do business in and transacts its affairs in the state of Connecticut. Upon information and belief, based upon reasonable inquiry, said corporation is a surety and/or which is engaged in the business of providing suretyship coverage. At all times relevant hereto defendants JOHN DOE SURETY 1 AND JOHN DOE INSURER 2 provided contracts/policies of

surety/insurance insuring defendants herein for the types of culpably wrongful conduct as set forth and documented under penalty of perjury in Plaintiff's Verified Complaint. Plaintiff at all times relevant hereto was a third-party beneficiary of the contracts/policies of surety/insurance insuring defendants herein. Despite reasonable diligence and inquiry, plaintiff has been able to discern only the existence of said applicable coverages, but not the names of the subject companies providing same. At all times relevant hereto, defendants JOHN DOE SURETY 1 AND JOHN DOE INSURER 2 are in technical though not, upon information and belief, willful breach of said contracts/policies of surety/insurance insuring defendants herein for the types of culpably wrongful conduct as set forth and documented under penalty of perjury herein. As a direct consequence of the aforesaid breaches of contract plaintiff has sustained substantial damages as set forth herein. Defendants JOHN DOE SURETY 1 AND JOHN DOE INSURER 2 are liable to plaintiff for the damages caused by said breaches of contract.

[It Should Be Noted That the Insurer and the Surety Would Be Subrogated To Any and All Rights/Claims/Causes of Action Upon Payment. It Should Also Be Noted That Rico Claims are Assignable. *Holmes v. Security Investor Protection Corp.*, 530 U.S. 258 (1992)(Plaintiff governmental agency subrogated to the claims of defunct brokerage); *Federal Ins. Co. v. Ayers*, 760 F.Supp. 1118(E.D. Pa. 1990)(Subrogated surety's monetary loss flowing from RICO predicate acts "constitutes an injury to plaintiff" (surety) " 's business sufficient to satisfy the requirements for standing under the Federal RICO statute"; accord *General Accident Ins. Co. v. Fidelity and Deposit Co.*, 598 F.Supp. 1223 (D. Md. 1984) and *Levey v. E. Stewart Mitchell, Inc.*, 585 F.Supp. 1030

(E.D. Pa. 1984), aff'd mem., 762 F.Supp. 998 (4th Cir. 1985). *In re National Mortgage Equity Corp. Mortgage Pool Certificate Secs. Litig.*, 636 F.Supp. 1138 (C.D. Cal. 1986) (RICO claims are assignable)]. See ADDENDUM dated 6-6-05 appended hereto.

**THE WRONGDOERS OTHER THAN THOSE SET FORTH IN #2
ABOVE AND THEIR MISCONDUCT**

3. The defendants as set forth in that matter designated as Docket #92cv0166, U.S. District Court for the District of Connecticut, originally assigned to Judge Daley who had stayed same owing to the bankruptcy (and “parallel” adversary) proceedings (and upon whose passing, then transferred to Judge Thompson, and then to Judge Arterton). PVC at pages 16 and 17. Notably, RICO defendants Dilena and companies, engaged in unlawful conduct violative of 18 U.S.C. 1962 Sections (c) and (d), and as well, Section 1962(a). *Id.* There came a point in time when said defendants/entities became a controlled operation and source (laundered drug money) to USA/employees/contractors which accorded “protection” to same. *Id.* First Fidelity Bancorporation, with close ties to Dilena and companies, among other defendants set forth in said action, engaged in unlawful conduct violative of RICO, sections 1962 (c) and (d), and which unlawful conduct included racketeering (section 1952), extortion, retaliation against a witness/victim/ informant (section 1513), obstruction of justice (section 1503), fraud, fraud in connection with a case under Title 11 (section 1961(1)(D), as set forth

in more plenary fashion therein, and PVC along with Exhibits A thru C thereto, which are incorporated herein by reference thereto. The bribes paid to federal employees including but not limited to, ie., U.S. Trustee Hugh Leonard, etc. as set forth supra, were among the the Section 1962(a) violations in addition to violations of the apposite 1962 Sections (c)and(d).

THE VICTIM AND INJURIES

4. The victim is plaintiff herein. In addition to the personal injuries within the province of the (federal) substantive law claims (ie., prima facie tort, negligence, breach of fiduciary duty, etc.), plaintiff's injury to his property and business by reason of the RICO violations include the seizure! theft of assets both real and personal(business), loss of use and/or access to same, particularly impacting extent legal proceedings, ie., software, legal documents including "proof s", legal books, etc.), and importantly, fraud connected with a case(s) under Title 11.

The RICO proscribed acts of defendants have damaged plaintiff to the extent of \$5,000,000 (trebled under RICO, \$15,000,000), substantial legal fees (time/in excess of a decade of my life), and costs. The same is set forth in greater detail in #17, infra. Plaintiff has sought punitive damages as to defendant Coan and defendant Coan, Lewendon , Gulliver and Miltenberg, LLC.,

thereby in the (federal) substantive law (and RICO) claims, and as to said defendant(s) for the malice, willful, hateful toward plaintiff, and egregiously unlawful conduct. The law supports the award of punitive damages in a civil RICO action (RICO being remedial legislation to effectuate Congressional intent), see, e.g., *Corn-Tech Assocs. v. Computer Assocs. Int'l, Inc.*, 753 F.Supp. 1078 (S.D.N.Y.1990), aff'd on other grounds, 938 F.2d 1574 (2d Cir.1991) ("this Court is of the view that at least at the pleading stage, a claim for punitive damages should be allowed to stand...") *Ross v. Jackie Fine Arts, Inc.*, No. 2:85-2425-1, 1991 u.s. Dist. LEXIS 13585 (D.5.C. Sept.4,1991) (awarding actual damages of \$440,000, trebled to \$1.32 million, plus punitive damages totaling \$13.625 million); and *Al-Kazemia v. General Acceptance & mv. Corp.*, 633 F.Supp. 540 (D.D.C.1986) (awarding both punitive and treble damages). It should also be noted that plaintiff was defrauded out of \$800 by the fraud connected to a case under Title 11 perpetrated by defendant USBC in addition to that set forth hereinabove and as set forth infra in #17.

A partial good faith payment toward settlement was made (\$300) by one of the RICO defendants (in default) in the subject parallel adversary proceedings) as set forth in greater detail in #17. Such (amount towards, or) settlement would merely be deducted from the total award won from the remaining defendants. Importantly,

the deduction is to be made from the total trebled award, and is not to be taken before trebling. See, e.g., *Morley v. Cohen*, 888 F.2d 1006 (4th Cir. 1989); *Singer v. Olympia Brewing Co.*, 878 F.2d 589 (2d Cir. 1989), cert.denied, 493 U.S. 1024 (1990); *In re National Mortgage Equity Corp. Mortgage Pool*, 636 F.Supp. 1138 (C.D.Cal. 1986); *Pennsylvania v. Ciafrani*, 600 F.Supp. 1364 (E.D.Pa. 1985) . The same rule is applicable to setoffs (ie., the value of returned goods) and which should be deducted after trebling. *Liquid Air Corp. v. Rogers*, 834 F.2d 1297,1310, (7th Cir. 1987) , cert. denied, 492 U.S. 917 (1989)].

There is no general claim-of-right defense to extortion with regard to the illegal taking of plaintiff's property, *U.S. v. Agnes*,753 F.2d 293 (3rd Cir. 1985), defendants were further aware of other defendants' illegal activities,ie., fraud, taking of property, etc., vis-a-vis the subject proceedings including adversary proceedings (PVC, Exhibit A, and plaintiff reasonably anticipates in accordance with Rule 11(b) (3) and *Rotella* other such similar illegal and fraudulent acts to obstruct justice as well as aid and abet said predicate acts), and defendants Coan, and defendant CLGM thereby, did by their unlawful conduct aid and abet the predicate acts applicable herein; including, for example, Sections 1503 (obstruction of justice); 1513 (relating to retaliation against a witness,

victim, or informant). Such aiding and abetting civil liability is not inconsistent with liability for operation or management of a RICO enterprise, *Fidelity Federal Sav. and Loan Ass'n v. Felicetti*, 830 F.Supp. 257 (E.D.Pa.1993), where as in this case, there is an independent wrong, knowledge of said wrong, and substantial assistance on the part of the aider or abettor (defendants thereby) to effectuate that wrong. *Wiley v. Hughes Capital Corp.*, 746 F.Supp. 1264 (D.N.J.1990).

THE PATTERN OF RACKETEERING ACTIVITY

5. The predicate acts and statutes violated including the following (as set forth, PVC, COUNTS 1 and 2, pages 10-18 and 19-24):

Exhibits a thru c

As to defendant Coan, (Miltenberger, Lewendon,) and defendant CLGM, at times relevant hereto, said defendant conducted and/or participated in the affairs of an enterprise through a pattern of racketeering activity, affecting and having a nexus to interstate commerce thereby, with the intent to damage and defraud plaintiff and obstruct justice thereby, by reason of which violations of 18 U.S.C. Sections 1961 et seq., plaintiff sustained injury to his property and business. Specifically, Alan Shiff purported Chief Judge at USBC fraudulently misrepresented the date of dismissal of a proceeding

over which he himself had presided perpetrating a fraud connected with a case under Title 11 as proscribed in Title 18 U.S.C. Section 1961(1) (D); and further, brought a (retaliatory against a witness/victim/informant violative of Section 1513) spurious contempt proceeding against plaintiff, obstructing justice thereby in violation of Section 1503 (and additionally was without jurisdiction to legitimately do so). Quite simply, he lied (materially false fraudulent representation); knew he lied (scienter); lied with the intention of deceiving; that the lies were relied upon (ie.,government, courts, etc.); said fraud in connection with a case under Title 11 directly causing damage to plaintiff's property and business (and as well to plaintiff's estate and creditors thereof).PVC at page(s) 11,12,20-24. USBC employees and Coan, Miltenberger, Lewendon, and CLGM thereby, did utilize the mails in the course of perpetrating said fraud (on courts, creditors, plaintiff, etc.) constituting the RICO predicate violation of mail fraud thereby, violative of Section 1341 on or about June 4, 1996. PVC at 12, 19-23. USBC employees utilized false hearing dates to wrongfully dismiss adversary proceedings, defrauding plaintiff and creditors thereby, PVC at page(s) 17-18 and Exhibit "C" thereto, and violative of Section 1503, utilizing the mails to perpetuate same in violation of Section 1341, USBC employees did feloniously remove filed federal

court documents for the purpose of defrauding plaintiff, covering up various crimes connected thereto, obstructing justice in violation of Section 1503 thereby, causing damages to plaintiff's property and business. PVC at page(s) 17-23 and Exhibit "B" thereto.

In addition to the foregoing, federal employee Maryanne Trump (Barry) did corrupt the federal judicial process obstructing justice in violation of Section 1503 thereby, and Section 1510 as a consequence thereof, even as substantial sums of (drug) money were being laundered, in violation of Section 1956, through her family's/brothers' casinos by RICO defendants before her in or around 1987 to 1989 and upon information beyond said dates, which if not for the obstruction of justice therein, through discovery likely would have yielded "quid pro quo" in the form of increased drug money flows from which a trier of fact could have reasonably concluded to have constituted a violation of Section 201 relating to bribery. PVC at page(s) 12-15. (It should also be noted that at or around the time of the retaliatory and spurious contempt proceeding, Trump had "retained" the brother of then U.S. Attorney Christopher Droney, which further discovery may have yielded a similar conclusion consistent with said Trump modus operandi. *Id.* Federal employee (and then U.S. Trustee) Hugh Leonard was placed

on (bribe) retainer by RICO defendants Dilena and companies, violative of the predicate act of bribery, Section 201, as well as obstructing justice, Section 1503, consistent therewith. PVC at page(s) 13. Facts giving rise to what a trier of fact could reasonably infer from same, particularly when coupled with the similar scenario (a more direct “USA bribe deal”, Section 201) *vis-a-vis* federal employee (and then U.S. Attorney) Sam Allito, PVC at page(s) 14, federal employee (and then Assistant U.S. Attorney) Jonathon Lacey did “cut a bribe deal” (Section 201) and as well, did obstruct justice (Section 1503) by removing from the Office of the U.S. Attorney documents and/or file concerning drug money laundering (Section 1956) and other federal law violations. *Id.* Federal employees in Virginia illegally failed to consummate the Chapter 7 proceeding in Virginia in accordance with law, and for the purpose of defrauding plaintiff (fraud in connection with a case under Title 11), and as well, obstructing justice (Section 1503) thereby, by reason of which plaintiff sustained damage to his property and business (also damaging creditors, and committing bankruptcy fraud thereby). PVC at page(s) 14.

Defendant Coan and CLGM did consistent with the aforesaid perpetrate a fraud (connected with a case under Title 11) upon the estate of plaintiff and purposefully and with the intent to damage plaintiff did cause the dismissal of proceedings, obstructing

justice (Section 1503) thereby, by reason of which plaintiff sustained injury to his property and business. PVC at page(s) 17-23 and Exhibit "A". The same Violations apply to the adversary proceeding concerning junkie and thief, David George Swann (DOB 4-6-60; three guilty pleas to theft in less than 5 years residence in California) who stole (bankruptcy) estate among other assets of plaintiff and against whom default (judgment) was ripe for entry (violations of Sections 1513, 102 and that concerning extortion would also have been appropriate). Defendant Coan has neither abandoned nor rebrought same, violating Section 1503 and (defrauding) damaging plaintiff thereby.

[Defendant Coan has neither executed on nor abandoned a substantial (non-RICO related) judgment entered for plaintiff by the U.S. District Court for the District of Connecticut 3:93cv02065(AWT)]

The aforesaid defendants also did violate Section 1962(d) by conspiring to violate Section 1962(c) by and during during the course of the conspiracy, consistent with the object of the conspiracy in relation to the overt acts in futherance thereof, did conspire to commit a fraud in connection with a case under Title 11 and obstruct justice thereby, with knowledge of the commission of predicate acts as set forth above, were a part of the racketeering activity activity by which plaintiff

sustained injury to his property by reason of said overt predicate acts. It should be noted that in conspiring to violate section 1962 (c) by reason of which violations plaintiff sustained injury to his business and property, evinced intent to injure plaintiff and benefit (former) RICO/adversary proceeding defendants, and as well did obstruct justice (and criminal investigations thereof). PVC at page(s) 10-18,18-23.

d) There have been no criminal convictions as to any predicate acts inasmuch as criminal proceedings, not surprisingly, given USA's control of and concurrent involvement in same and criminal proceedings are warranted and should be brought against defendant Coan and federal employee Shiff among others for their criminal acts as set forth herein. It should be noted that there is no prior-conviction requirement for the commencement of a civil RICO action for the underlying predicate acts. See, *Sedima, S.P.R.I v. Imrex Co., Inc.*, 473 U.S. 479, 493 (1985)

e) N/A

f) The predicate acts form a "pattern of racketeering activity" in accordance with the case law construing same in terms of "relatedness"; viz., in terms of time, space, proximity, nature of crimes, victims-plaintiff, and repetition. Indeed, while somewhat nebulous in terms of the parameters set forth

in the seminal decisions construing same by the United States Supreme Court, see, e.g., *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479 (1985); *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229 (1989), continuity (threat of continuing activity) plus relationship (acts “that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events”), the pattern requirement is readily satisfied in the instant case. Specifically, various predicate acts (pattern of racketeering activity) including those of the associated-in-fact enterprise (including USBC and employees/contractors of same, ie., and defendants Coan and CLGM) occurred over a period of approximately 16 years beginning in or around 1988, and accruing on December 5, 1996, when plaintiff sustained substantial injury and damage to his property and business by reason of the RICO predicate violations of defendants herein. (The matter concerning junkie/thief David George Swann as discussed *supra* did accrue at a later point in time). Said predicate acts as set forth above were committed by defendants herein, agents/”contractors”/employees on behalf of the associated-in-fact enterprise(s) and RICO predicate act violators/co-conspirators as set forth *supra*.

The subject predicate acts were said enterprise's regular way of "conducting business" and constituting an open-ended pattern of racketeering activity thereby, constituting the threat of continued misconduct. Indeed, said fraud in connection with a case under Title 11 would also, in light of the serious predicate acts involved (in proceedings) therein, be sufficiently serious crimes to project a threat of continuing misconduct. See generally, *Olive Can Co., Inc. v. Martin*, 906 F.2d 1147 (7th Cir. 1990); *United States v. Indelicato*, 865 F.2d 1370 (2d Cir.), cert. denied, 498 U.S. 907 (1989). Moreover, Defendant Richard M. Coan, in his capacity as Trustee, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., thereby, along Miltenberger and Lewendon have at all times attempted to evade process and avoid culpability and accountability for defendants' wrongful and illegal conduct.

Similarly, the fraud in connection with a case under Title 11 U.S.C. as perpetrated USBC employee Alan Shiff and defendants' complicity and cover-up thereof, is consistent with a pattern (of racketeering activity) as set forth herein [and documented in the record and by way of numerous transmissions to the FBI (including the office of Director Freeh as per instruction and as well to the office of former Attorney General Reno] defendants/co-conspirators had knowledge/constructive knowledge and/or was aware of said defendants' illegal activities and RICO predicate violations.

Plaintiff reasonably anticipates in accordance with Rule 11(b) (3)

and *Rotella* other such similarly unlawful attempts to obstruct justice as well as aid and abet said predicate acts, and did as set forth aid and abet the predicate acts applicable thereto, as well as aid and abet the commission thereof, and by the retaliatory and spurious contempt proceeding predicated upon fraud, did violate Title 18, Sections 1503 (obstruction of justice) ; 1513 (relating to retaliation against a witness, victim, or informant), by reason of which plaintiff sustained injury to his property and business.

The aforesaid USBC, and defendants Coan and CLGM did constitute an associated-in-fact RICO enterprise for the purpose of injuring/damaging plaintiff as set forth *supra* and benefiting the RICO defendants, co-conspirators, and to cover-up significant illegal, including RICO predicate acts, and other unlawful (racketeering) activity, which structure of said associated-in-fact RICO enterprise comports with the law concerning same. See, e.g. and generally, *United States v. London*, 66 F.3rd 1227(1st Cir.1995) (“two or more legal entities can form or be a part of an association-in-fact RICO enterprise”); *United States v. Blinder*, 10 F.3rd 1468 (9th Cir.1993) (“a group or union consisting solely of corporations or other legal entities can constitute an ‘associated in fact’ enterprise”); *United States v. Huber*, 603 F.2d 387(2d Cir. 1979) (to exclude a group of corporations [or analogously other entities as involved in this

case] from the definition of “enterprise” would “perversely insulate the most sophisticated racketeering combinations from RICO’s sanctions, the precise opposite of Congress’ intentions”). In the alternative, said USBC is the enterprise and defendants Coan and CLGM, federal/court employees were RICO persons within the meaning of 18 U.S.C. Section 1961(3) who were part of an association in fact RICO enterprise by reason of which associated-in-fact enterprise’s RICO violations, plaintiff sustained injury and damage to his property and business.

g) The aforesaid acts at all times were designed to damage plaintiff and to obstruct justice (including theft of evidence, ie., legal documents, etc.), to preclude accountability for same, utilizing similar modus operandi, by reason of which predicate acts, plaintiff sustained substantial injury to his property and business.

THE RICO ENTERPRISE(S)

6. a) The USBC, and defendants Coan and CLGM constitute an associated-in-fact enterprise engaged in a pattern of racketeering. The USBC and defendants Coan and CLGM are an associated-in-fact enterprise for the purpose of conspiring to violate Section 1962 (c) in violation of 1962 (d) . In the alternative, USBC is the enterprise within the meaning of Section 1961 and Section 1964(c). Defendants Coan and CLGM, along with federal employees did violate the proscription of 1962 (C). Indeed, it is a well settled principle

of RICO law that governmental entities including courts may be enterprises within the meaning of the RICO Act. In the widely cited and authoritative case, *Averbach v. Rival Mfg. Co.*, 809 F.2d 1016,1018(3rd Cir.1987)certiorari denied 107 S.Ct.3187, 482 U.S. 915, 96 L.Ed.2d 675, certiorari denied 108 S.Ct. 83, 484 U.S. 822, 98 L.Ed.2d 45, the Court enunciated the well settled principles of law as are apposite in the instant case as follows:

“We agree that a court may be an enterprise within the meaning of RICO”, citing a plethora of cases so holding, the Court continues, “In those cases in which courts have been recognized as RICO enterprises, however, the participants engaged in patterns of activities designed to corrupt the operation of the courts’ own processes.”Id.

The aforesaid defendants are also RICO persons as defined by RICO. The aforesaid enterprise(s) constituted associations-in-fact within the meaning of RICO and in violation of Sections 1962 (c) and 1962 (d)

b) USBC is, upon belief, an agency/department/branch/ court of USA, the function of which is to adjudicate/ administer (bankruptcy) cases under Title 11, U.S.C.. The office of the U.S. Trustee (ie., Leonard, Beary, etc.) is, upon belief, an office/agency/department of USA. Defendants Coan, Miltenberger, Lewendon,

are upon information and belief principals in the law firm, defendant CLGM, and as well, defendant Coan the Chapter 7 trustee, as is relevant herein.

c) Set forth in part b) *supra*.

d) The defendants herein at times relevant hereto were associated with the RICO enterprise as set forth hereinabove. See also subpart a) *supra*.

e) Defendants Coan and CLGM and USBC constitute an association-in-fact enterprise within the meaning and ambit of and in violation of Section 1962 (c) and (d) of RICO. At times relevant hereto, USBC is a RICO person comprising an associated-in-fact enterprise with the aforesaid defendants. Alternatively, USBC is an enterprise conducted through a pattern of racketeering activity in violation of Section 1962 C) by defendant Coan, Miltenberger, Lewendon, defendant CLGM and USBC employees.

(f) The aforesaid defendants are perpetrators owing to the level of culpability properly attributable to same as a matter of law for the subject illegal (predicate) acts.

THE PATTERN OF RACKETEERING VIS-A-VIS THE RICO ENTERPRISE(S)

7. As set forth hereinabove, the enterprise though distinct, are yet deemed as a matter of (RICO) law to be at times relevant hereto, an associated-in-fact enterprise in violation of Sections 1962 (c) and (d) and hence, construed as one enter-

prise. In the alternative, USBC is the enterprise conducted through a pattern of racketeering activity proscribed by RICO. Defendant Coan, Miltenberger, Lewendon, defendant CLGM and USBC employees did violate and conspire [in violation of 18 U.S.C. Section 1962(d)] to violate 18 U.S.C. Section 1962(c) and injure plaintiff's property and business [obstructing justice and consequently and concomitantly benefiting the (racketeering) enterprises/persons/activities including those in which defendant USA was also engaged(discussed *supra*) .The aforesaid (racketeering/illegal)activity consistent with said illegal object and purpose, accorded "defacto protection" thereby, thus facilitating and/or aiding or abetting the commission of RICO predicate acts as a consequence thereof. While the pattern of racketeering activity in this case is indeed distinct and separate from the enterprise, *see generally, United States v. Turkette, 452 U.s. 576 (1981),* it should be noted that as in this case, "a group of individuals" (RICO enterprises, persons) "may join together and therefore be 'associated in fact'...although not a legally cognizable entity in one of the traditional forms.. .solely for the purpose of conducting their activities. That is, it is logical to characterize any associative group in terms of what it does, rather than by abstract analysis of its structure", *United States v. Bagaric, 706 F.2d 42 (2d Cir.),cert. denied, 464 U.S. 840 (1983).*

Accordingly, consistent with that set forth supra, “the concepts of relatedness and continuity are attributes of activity [ie., of a RICO pattern], not of a RICO enterprise”. *United States v. Indelicato*, 865 F.2d 1370 (2d Cir.), cert. denied, 491 U.S. 907 (1989). Similarly, there is no requirement that “a RICO enterprise must possess an ‘ascertainable structure’ distinct from the associations necessary to conduct the pattern of racketeering activity”. *United States v. Weinstein*, 762 F.2d 1522 (11th Cir. 1985) , cert. denied, 475 U.S. 1110 (1986)

THE ACTIVITIES OF THE ENTERPRISE AND THE PATTERN OF RACKETEERING

8. Sadly, (and I do have the highest personal regard for the Law and law enforcement in general), though purportedly attributed a mission and purpose consonant with the Law, I have discerned as set forth herein that such (although with distinct and substantial exceptions) is not so as indicated hereinabove, in plaintiff’s Verified Complaint, exhibits thereto, and plaintiff’s affidavit, and incorporated herein by reference thereto. The RICO enterprise(s)/persons involved herein and as associated-in-fact, I believe to have been at all times relevant hereto organized crime influenced and corrupt organization(s)properly within the ambit of RICO. Defendant Coan, Miltenberger, Lewendon, defendant CLGM and USBC employees and associates thereof, I believe succumbed to the “pressures”

exerted and is ordinarily concomitant with predicates acts violative of RICO to avoid detection, accountability, and obstruct justice thereby, consistent with the documented predicate act violations herein.

THE BENEFITS DERIVED FROM THE PATTERN OF RACKETEERING

9. It should be noted at the outset the substantial monies involved in the (RICO/parallel adversary proceeding) matters involving drug money laundering.* The damage to me by reason of the predicate acts involved herein, including (offenses involving and) fraud in connection with a case under Title 11, concomitantly benefited others (ie., money and property, real and personal, out of which I was defrauded. At this stage of the proceedings, I only infer that based upon experience with such matters as herein, money changes hands by way of bribes (ie., federal employees Leonard, Lacey, Trump, etc., discussed supra) retainers, business, etc., and which in accordance with Rotella, supra, plaintiff reasonably anticipates discovery will confirm.

* Parenthetically, it should be emphasized as most recently given some attention, among the innumerable Clinton scandals involves the pardon of a substantial drug dealer with Bush Sr. a documented (CIA Agent's Affidavit) Clinton Partner in the illegal drug trade. The money flows are not always easily detectible, ie., "fund-raisers", off-shore/foreign bank accounts/cash, other *quid pro quo*, ie., votes, etc.. The people involved in same

are not “closet-respecters” of the law. Indeed, the “blood, sweat, and tears” that go into convicting such criminals is beyond what most people surmise, from investigation to prosecution to judicial toil and cost. In the context of my proceedings, there was NO ONE that “they” were not able to get to (with the exception of my mother whom “they” “eliminated” in their own but effective way. The Trumps appear to have gotten a “free ride” regarding same, but as documented *supra*, are very much a part of that which occurred herein, though not germane to the actionable RICO claims herein at this juncture. The affidavits as previously referenced, of FBI agent Taus and CIA agent Tatum which are annexed hereto as Exhibits “D” and “E”, respectively, corroborate the integral involvement of the U.S. government by way of employees/contractors in the corrupt illegal scheme violative of RICO involved herein and causing substantial damages to my business and property. The direct involvement by Bush and Clinton, among many other U.S. government operatives/employees/contractors in the illegal drug trade as well as private persons/interests as set forth therein, is indicative of the magnitude and pervasiveness of the corrupt and illegal scenarios as are involved in in the instant case and help explain america’s rapid decline under their (and familial) tenures of office.

THE NEXUS TO INTERSTATE OR FOREIGN COMMERCE

10. The aforesaid associated-in-fact enterprise, ie., USBC and defendants Coan and CLGM purchase substantial “goods” in and through interstate commerce; also using the mails and wire across state lines to perpetrate the (bankruptcy) fraud herein; also impacting creditors and property interstate.

18 U.S.C. SECTION 1962(a) VIOLATIONS

11. a) & b) N/A except as set forth in #1 thru #3 hereof as background hereto; and to the extent that bribes/graft were paid from income derived from a pattern of racketeering, involved herein.

18 U.S.C. SECTION 1962(b) VIOLATIONS

12. N/A

18 U.S.C. SECTION 1962(c) VIOLATIONS

13. a) USBC and defendants herein, Coan and CLGM, are part of the associated-in-fact enterprise involved herein.

b) None of the above are both “person” and “enterprise” within the meaning of RICO. Rather as set forth supra, the defendants herein constituted an associated-in-fact enterprise by reason of which enterprise’s predicate RICO violations plaintiff sustained substantial injury/damage to his property and business. It should be noted that at times relevant hereto USBC is a RICO enterprise and/or part of the associated-in-fact enterprise, along with USA employees and defendants Coan

and CLGM who are RICO persons under the statute.

18 U.S.C. SECTION 1962(d) VIOLATIONS

14. Conspiracy to violate Section 1962 (c) set forth in detail in #2,5,6, supra.

INJURY TO PLAINTIFF'S BUSINESS AND PROPERTY

15. The following are approximations derived from the notice of claim as a guideline as filed with defendant USA. Plaintiff will respectfully supplement the within prior to time of trial by way of expert report (and testimony) as to lost profits as a consequence of the predicate acts involved herein, *see, e.g. Sound Video Unlimited, Inc. v. Video Shack, Inc., 700 F.Supp. 127 (S.D.N.Y. 1988); Advanced Business Sys., Inc. v. Phillips Information Sys. Co., 750 F.Supp. 774 (E.D.La.1990)*, and as well, future damages in accordance with *Bankers Trust Co. v. Rhoades, 859 F.2d 1096 (2d Cir.1988), cert. denied, 490 U.S. 1007 (1989)* . As such, plaintiff stands behind the \$5,000,000 damage demand, trebled to \$15,000,000, plus reasonable attorneys fee and costs of suit.

Adversary Proceeding/Matter	Estimated Value
96-5011 - Dilena	\$1,000,000
Nissan/First Fidelity	100,000
Breiner/Brick	150,000

Hess/West Orange	450,000
Crestmont/Seaside Heights	350,000
McDonald/Montclair	150,000
96-5008/Robert Beck Trust	100,000
96-5018/Mascott- settled as to Riverside(-\$1,500)	50,000
Crassus Group/O 'Gorman	120,000
Donohue	20,000
Swann	10,000
Approx Sub Total	2,500,000
*Est.Lost Profits	1,650,000
*Est.Future Damages	850,000
	\$5,000,000
Trebled pursuant to RICO	\$15,000,000
Approx.Reasonable Attorneys Fee	1,500,000
Approx.Costs of Suit	160
Punitive Damages	10,000,000
Estimated Grand Total	\$26,500,160

***an expert will be secured**

**THE DIRECT CAUSAL RELATIONSHIP BETWEEN THE RICO VIOLATIONS
AND PLAINTIFF'S INJURY/DAMAGE**

**16. The RICO pattern as set forth hereinabove is and has been
the substantial factor in causing plaintiff' injury/damage,**

said injury being reasonably foreseeable as a natural consequence of said acts. *See, Cox v. Administrator, 17 F.3rd 1386 (11th Cir.1994), cert. denied, 513 U.S. 1110 (1995); Hecht v. Commerce Clearing House, Inc., 879 F.2d 21 (2d Cir.1990).*

LIABILITY OF DEFENDANTS FOR DAMAGES

**17. Joint and several liability as to all defendants/
co-conspirators herein.**

OTHER FEDERAL STATUTORY CAUSES OF ACTION

18. fraud, aiding and abetting, misprision of felony.

PENDANT STATE CLAIMS

19. N/A – fraud/negligence/breach of fiduciary duty/contract

I, Albert L. Peia, hereby certify to the foregoing upon reasonable inquiry in accordance with the Court’s Standing Order concerning such certification pursuant to Fed.R.Civ.P. 11.

Dated:

Signed: _____

Albert L. Peia

***The decision of the U.S. Supreme in *Rotella v. Wood*, 120 S.Ct. 1075(2000) suggests that the rigors of Rule 9(b), Fed.R.Civ.P., could be relaxed in racketeering litigation based on “the flexibility provided by Rule 11(b) (3), allowing pleadings based on evidence reasonably anticipated after further investigation or discovery.” 120 S.Ct. at 1083. Similarly, in the instant case, plaintiff reasonably anticipates that discovery will reveal additional and similar fraud, corruption (bribes, etc.) underlying, motivating, and facilitating the predicate acts of defendants as set forth in # 1,2,3 , *supra*, including obstruction of justice. In that same decision, Justice Sutter talks about the notion of “private attorneys general” in the context of the RICO Statute. That is a “cruel joke” and laughable given the ubiquitous crime and corruption in america today and the pervasiveness of the schemes/crimes as herein to cover same up and to preclude detection thereof and accountability therefore.**

