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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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Albert L. Peia, )  
Plaintiff ) CASE NO.  
-vs- )  
Richard M. Coan, Coan, )  
Lewendon ,Gulliver, and Miltenberger, LLC.) VERIFIED COMPLAINT  
John Doe Surety 1, John Doe Insurer 2, ) UNDER THE RACKETEER  
John Does 3 – 10, ) INFLUENCED AND CORRUPT  
Defendants ) ORGANIZATIONS ACT (RICO)  
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JURY TRIAL DEMANDED

Albert L. Peia, of full age, residing at 611 E. 5<sup>th</sup> Street #404, Los Angeles, in the County of Los Angeles, of the State of California, by way of Verified Complaint against defendants sets forth the following averments under penalty of perjury and says:

NATURE OF THE ACTION

1. This action arises out of a scheme to defraud plaintiff of money and assets perpetrated by defendants/co-conspirators herein, injuring plaintiff in his business and property within the meaning of 18 U.S.C. § 1964(c), also damaging plaintiff's bankruptcy estate and creditors thereof. Annexed hereto and incorporated herein by reference thereto is the AFFIDAVIT OF ALBERT L. PEIA dated and sworn 5-31-05, ADDENDUM TO AFFIDAVIT dated and sworn 6-6-05, ADDENDUM 3\_08 setting forth under penalty of perjury the factual predicates of the crimes/wrongful/illegal conduct herein, along with the exhibits thereto incorporated by reference therein and herein.

**2. Through their conduct as detailed below, defendants conducted or participated, directly or indirectly, in the conduct of the affairs of an enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. § 1964(c), and/or conspired to do so within the meaning of 18 U.S.C. § 1964(c), in violation of said provisions of the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1961 *et seq.***

**3. Through their conduct as detailed below, defendants also committed various wrongful acts violative of the common law for which concurrent jurisdiction is apposite, and for which wrongful conduct under state and federal law, insurance and surety coverage exists and of which plaintiff is a third party beneficiary thereof.**

#### **PARTIES**

**4. Plaintiff, Albert L. Peia, Debtor of the Chapter 7 proceeding of which defendant(s) Coan is Trustee, currently resides in the State of California, County of Los Angeles, City of Los Angeles.**

**5. Defendant Richard M. Coan has at all times relevant hereto been the Chapter 7 Trustee in the District of Connecticut, and a principal and/or employee of the firm Coan, Lewendon, Gulliver and Miltenberger, LLC, whose acts appear to be within the scope of his authority and/or employment.**

**6. Whitney Lewendon has at all times relevant hereto resided in or transacted his affairs or business in the state of Connecticut, and a principal and/or employee of the firm Coan, Lewendon, Gulliver and Miltenberger, LLC, whose acts appear to be within the scope of his authority and/or employment.**

**7. Timothy Miltenberger has at all times relevant hereto resided in or transacted his affairs or business in the state of Connecticut, and a principal and/or employee of the firm Coan, Lewendon, Gulliver and Miltenberger, LLC, whose acts appear to be within the scope of his authority and/or employment.**

**8. Defendant Coan, Lewendon, Gulliver and Miltenberger, LLC, upon information and belief is incorporated in and whose principal place of business is the state of Connecticut. Upon information and belief, said firm is a law firm which is engaged in the business of rendering legal services including bankruptcy practice.**

**9. 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.**

**10. 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 insurer which is engaged in the business of providing suretyship coverage.**

#### **JURISDICTION AND VENUE**

**11. This Court has jurisdiction over this action pursuant to 28 U.S.C. Section 1332(a)(2), in that plaintiff is a citizen of a foreign state, defendant Richard M. Coan, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., are citizens of Connecticut, and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. This court also has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1367, in that the RICO claims arise under the laws of the United**

**States, and the state law claims are so related to the RICO claims that they form part of the same case or controversy.**

**12. Venue is proper in this district pursuant to 28 U.S.C. Section 1391(a), since defendants reside in the District of Connecticut and a substantial part of the acts and omissions giving rise to the claims occurred in the District of Connecticut.**

#### **FACTUAL BASIS FOR CLAIMS – WRONGFUL CONDUCT**

**13. Plaintiff has been injured in his business and property by reason of defendants' wrongful/illegal conduct within the meaning of 18 U.S.C. § 1964(c).**

**14. The fraudulent scheme of defendants/co-conspirators includes offenses involving fraud connected with a case under Title 11 U.S.C. within the meaning of 18 U.S.C. § 1961(d) in violation of 18 U.S.C. § 1964(c).**

**15. 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 a federal employee and judge at the United States Bankruptcy Court, District of Connecticut, Bridgeport Division, 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 (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) .**

- 16. 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). 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".**

- 17. 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, said "quid pro quo" in the form of drug money flows constituted a violation of Section 201 relating to bribery (1987-1989).**
- 18. 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.**
- 19. Federal employee (and then U.S. Trustee, District of New Jersey, 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.**
- 20. Facts giving rise to what a trier of fact could reasonably infer from same, particularly when coupled with similar scenarios herein (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/having removed from the Office of the U.S. Attorney documents and/or file concerning drug money laundering (Section 1956) and other federal law violations.**

- 21. 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.**
- 22. Federal employees in Virginia (1989) illegally failed to consummate the Chapter 7 proceeding in Virginia in accordance with law, and for the purpose of defrauding plaintiff (offenses involving fraud in connection with a case under Title 11, in violation of Title 18 U.S.C. Section 1961(1) (D)), 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).**
- 23. Defendant Coan did consistent with the aforesaid perpetrate a fraud (in connection with a case under Title 11, in violation of Title 18 U.S.C. Section 1961(1) (D)), upon the estate of plaintiff and purposefully and with the intent to damage plaintiff did cause the dismissal of proceedings, obstructing justice (in violation of Section 1503) thereby, by reason of which plaintiff**

**sustained injury to his property and business 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 of 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) (in or about 1997). Defendant Coan has neither abandoned nor re-brought same, violating Section 1503 and (defrauding) damaging plaintiff thereby.**

**24. The aforesaid defendants/co-conspirators 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, USA/John Does also have 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.**

## **The Pattern of Racketeering Activity**

**25. Multiple and distinct injuries to multiple parties have been caused by defendants' violation of Title 18 U.S.C. § 1962.**

**26. Plaintiff has been injured in his business and property by reason of defendants' violation of Title 18 U.S.C. § 1962.**

**27. The pattern of racketeering activity includes violations of the following provisions of Title 18 U.S.C. as further detailed immediately thereafter with factual specificity:**

**(illegal drug)money laundering[Title 18 U.S.C. § 1956], bankruptcy fraud [Title 18 U.S.C. § 1961(1)(D)], obstruction of justice, [Title 18 U.S.C. § 1503] , offenses involving fraud connected with a case under Title 11 U.S.C. [Title 18 U.S.C. § 1961(1)(D)], extortion[Title 18 U.S.C. § 1951] , mail fraud [Title 18 U.S.C. § 1341], bribery [Title 18 U.S.C. § 201], retaliation against a witness/victim/informant [Title 18 U.S.C. § 1513], and racketeering [Title 18 U.S.C. § 1952], along with other substantive causes sounding in (continuing) negligence/breach of fiduciary duty and Misprision of Felony [Title 18 U.S.C. § 4], fraudulent concealment thereof and contract.**

**A. Felonious removal of filed federal court documents by federal employees of the bankruptcy court over which Alan Shiff presides, among others; viz., on or about March 4, 1993 a motion to file *nunc pro tunc* pre-trial memoranda was illegally removed from the court file; the courtesy copy delivered by hand said day to defendant Shift's law secretary who identified himself**

as David and who indicated same would be given to defendant Shiff that same day, Exhibit “ B ”;

**B. Fraudulent and otherwise false statements by federal employee, Alan Shiff concerning a dismissal date upon which spurious contempt proceedings were predicated and which caused great damage to plaintiff before said spurious proceedings were dismissed on the government’s own motion owing to mistake of fact and law; specifically, on or about January 18, 1993 defendant Shiff did make a false representation regarding the date he dismissed a prior Ch. 13 proceeding of plaintiff stating said date to have been October 8, 1992, upon which a spurious contempt proceeding against plaintiff was predicated (false representation); defendant Shiff knew that said representation was false since he had presided over the hearing on June 3, 1992 when he had dismissed same (which fact was ultimately confirmed by counsel on my behalf, Robert Sullivan of Westport, Ct.) (scienter); defendant Shiff intended by his materially (relating to the 180 day bar to re-filing a bankruptcy petition but for which there could not have been a contempt charge against plaintiff) false representation to defraud plaintiff by the sums wrongfully and illegally extracted from plaintiff as sanctions imposed by Shiff himself as well as the dismissal of meritorious adversary proceedings for which service**

had been effected, some of which matters were without defense (intent); the department of justice justifiably (it would be a criminal and impeachable offense for Shiff to have made the materially false representation he had made) relied upon the false representation of Shiff in bringing the contempt action against plaintiff (reliance); plaintiff was damaged not only by the sanctions wrongfully and illegally (extracted) imposed, but as well by dismissal of meritorious adversary proceedings, some without defense, regarding property, both real and personal, surplus funds from purported (wrongful) sales of real property, and substantial money damages owed to plaintiff (causing damage);

C. On or about June 4, 1996, relying upon the false representations of defendant Shiff as set forth in part B, supra the California Bankruptcy Court dismissed a prior Chapter 7 proceeding here in California for which the Section 341a hearing had already been consummated causing plaintiff damages.

D. On or about August 17, 1987, I initiated a R.I.C.O. action Dkt. #87-2433(MTB) in the U.S. District Court, District of New Jersey (the action also included E.R.I.S.A. claims in light of the theft by RICO defendant Dilena of funds from a pension fund to which plaintiff had a fiduciary duty - brought to my attention by and confirmed by then bookkeeper Peter Baratta (upon information, they/RICO co-conspirators had Baratta committed to a mental institution)

**- and other illegal acts relative to a 401K plan for the benefit of employees, although said causes are not part of the instant action).**

**Said matter was transferred to Maryanne Trump Barry, a new appointee to said district court, despite hundreds of thousands of dollars (of drug money being laundered) per month flowing from RICO defendants Dilena and companies through the casinos of Maryanne Trump Barry's brother(s) Donald (and Robert). After conflicting improper decisions (dictated by either potential loss of said illicit funds or an increase) said matter was stalled and I was constrained to file a Chapter 11 bankruptcy on 5-14-88 since a substantial sum of money was owed to me and sought in said action. Said matter was stayed by Magistrate Stanley Chesler owing to said bankruptcy filing. In preparing a motion to recuse Maryanne Trump Barry in or around the summer of 1988 I met with and apprised United States Trustee Hugh Leonard of said illegal activity and sought his office to join in my motion to recuse Trump Barry, which he refused despite the obvious and egregious conflict of interest. Hugh Leonard left his position as U.S. Trustee and joined the firm of Cole, Shotz, and Bernstein) in Hackensack, N.J. with his "central" client with whom he was on retainer being RICO defendants Dilena and companies. Said RICO action was dismissed without prejudice in or around early 1989, upon my best recollection.**

**E. In or around the filing of the RICO action in 1987 I contacted the U.S. Attorney's office and was scheduled a meeting with Assistant U.S. Attorney Jonathon Lacey at their offices in the federal building in Newark, N.J., upon best recollection in or around late summer, early fall of 1987. I explained the RICO action, the drug money laundering among other illegal activities, and turned over to him supporting documents (relevant documents corroborating substantial sums owed to me and as well, the various illegal activities of said defendants, coincident to "break-ins" at my offices and theft of various documents) were being illegally held by RICO defendants' lawyers Woodcock, Kingman, and Winkler of Hackensack, N.J.- upon information, they had had a "falling out" with the Dilenas who were contemplating litigation against said firm) . Lacey indicated they (the documents) would be reviewed and I would be contacted. After some time had passed, I inquired as to the status of the investigation and forthcoming action from said office. I was told that Lacey was no longer with said office and that no file or documents could be located. I thereupon in or around late 1988, early 1989 delivered by hand a package to Sam Allito, then U.S. Attorney, containing said inculpatory documents, the recipient at his Newark, N.J. office indicating that said documents would be turned over to Sam Allito. I was also told once again that I would be contacted**

concerning same. After some time had passed my inquiry revealed that Allito had been moved to the Court of Appeals for the Third Circuit and that neither a file nor said documents could be located. I thereupon went to the FBI office in Newark, N.J. where I was “tauntingly greeted” by an agent uninterested in said matter who smurkingly asked me “whether I was going to the disco that night”.

F. In filing the subsequent Ch. 13 in 1989 I sought to preserve the interests of the estate and creditors thereof only to find a corrupt Shiff court, and thereupon sought an orderly liquidation of assets (including three real properties in N.J. with substantial equity (approximately \$290,000 based on actual comp. values & bank appraisals) under a chapter 7 proceeding in Virginia, where I had maintained a residence and office, filed in September, 1989, just prior to the dismissal of said Ch. 13 proceeding in Connecticut in September 1989. Said proceeding was not consummated according to law, and (conflicting) statements that I had been granted a discharge were given to an inquiring creditor who subsequently presented same to the Connecticut bankruptcy court. The RICO action and sums owed to me were listed as assets and were neither abandoned nor was a marshalling of assets and distribution consummated according to law. Said wrongful, negligent, illegal and culpable acts

**of employees of the United States of America('s) bankruptcy/  
federal court (as well as those of New Jersey and Connecticut)  
have caused my estate and creditors thereof substantial damage;**

**G. A Notice of Federal Tort Claim was served upon then  
Attorney General William Barr via Fedex in late 1991. Having  
received no response I filed a R.I.C.O. and damage action  
in the U.S. District Court for the District of Connecticut  
on April 14, 1992 to preserve (for statute of limitations  
purposes) my contractual claims for sums owed to me by RICO  
defendants Dilena and companies and for other causes of action  
consistent therewith. The Docket # of said case was 92cv0166(TGD)  
and was assigned to Judge T. Gilroy Daley who had handled a  
substantial organized crime case in said district. Said case  
was stayed owing to the pending bankruptcy proceeding in the  
District of Connecticut where the adversary proceedings focused  
primarily, though not exclusively, on the RICO defendants in  
light of the substantial amounts involved and the position of  
same as a substantial asset of the estate. Upon Judge Daley's  
passing, said matter was transferred in or around 1995 to Judge  
Alvin Thompson and transferred once again to Judge Janet Bond  
Arterton in early 1996. Within weeks following the dismissal  
with prejudice of those matters (among others) set forth in  
Exhibit "A" annexed hereto, Judge Arterton dismissed the RICO**

**action, Dkt. # 92cv0166, without prejudice indicating in her Order that (it was her understanding) that said matters were being resolved in the bankruptcy proceeding, viz., case # 95-51862 in the District of Connecticut, further compounding the collusive and corrupt, wrongful, negligent and illegal conduct causing plaintiff substantial damage. This is especially so given the fact that many of the subject defendants were in default on the verified complaints, with some small partial settlements effected with some of said defendants;**

**H. The use by the Shiff (Connecticut Bankruptcy) court of false and/or conflicting notices of hearing, ie., as set forth in Exhibit "C" is another way RICO coconspirators acted and conspired to fraudulently conceal the various illegal, wrongful, and tortious acts, including the drug money laundering, theft of surplus funds for distribution to the estate and creditors, as well as theft of property, both real and personal, defrauding plaintiff and creditor's of plaintiff's estate. The San Bernardino Court also similarly used such ploy regarding a hearing noticed for 9-9-95 when in fact same was actually 9-7-95.**

**I. The dismissal with prejudice by Alan Shiff, bankruptcy court judge in the district of Connecticut, of adversary proceedings on 12-5-96, all meritorious including some for which the entry of default/default judgment was appropriate,**

**some without defense, defrauding plaintiff and creditors thereby, in violation of the RICO Act and the commission of a predicate act thereunder; as well as to cover-up said predicate acts and other crimes within the ambit of RICO and under State and Federal law, constituting misprision of felony thereby.**

**J. J. Matz in Los Angeles, California, Central District Court Judge, in 1999 did fraudulently misrepresent the record of proceedings, obstructing justice thereby, and to cover-up predicate acts under RICO among other crimes, committing misprision of felony thereby. [FEDEX Corp. is also in contempt of a subpoena regarding transmissions by plaintiff to Attorneys General (former) Barr and Reno for which plaintiff sought sanctions/enforcement].**

#### **FIRST COUNT – RICO**

**28. Plaintiff repeats and realleges the averments contained in paragraphs 1 through 27 as if set forth at length herein.**

**29. At all times relevant hereto, plaintiff was a “person” within the meaning of RICO, 18 U.S.C. §§ 1961(3) and 1964(c).**

**30. At all times relevant hereto, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, and defendants Coan, Lewendon, Gulliver, and Miltenberger, LLC., John Doe Surety 1 and John Doe Insurer 2, and the United States Bankruptcy**

Court for the District of Connecticut were “persons” within the meaning of RICO, 18 U.S.C. §§ 1961(3) and 1964(c).

31. At all relevant times, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., and the United States Bankruptcy Court for the District of Connecticut formed an association-in-fact for the purpose of defrauding and injuring plaintiff in his business and property. This association-in-fact was an "enterprise" within the meaning of RICO, 18 U.S.C. § 1961(4). In the alternative, the United States Bankruptcy Court for the District of Connecticut was the enterprise within the meaning of RICO, 18 U.S.C. § 1961(4).

32. At all relevant times, this enterprise was engaged in, and its activities affected, interstate and foreign commerce, within the meaning of RICO, 18 U.S.C. § 1962(c).

33. At all relevant times, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., the United States Bankruptcy Court for the District of Connecticut and the other conspirators associated with this enterprise, 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 New Jersey, California, 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.**

**34. At all relevant times, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., the United States Bankruptcy Court for the District of Connecticut and the other conspirators engaged in "racketeering activity" within the meaning of RICO, 18 U.S.C. § 1961(1) by engaging in the acts set forth above. The acts set forth above constitute a violation of one or more of the following statutes:**

bankruptcy fraud [Title 18 U.S.C. § 1961(1)(D)], obstruction of justice, [Title 18 U.S.C. § 1503], offenses involving fraud connected with a case under Title 11 U.S.C. [Title 18 U.S.C. § 1961(1)(D)], extortion [Title 18 U.S.C. § 1951], mail fraud [Title 18 U.S.C. § 1341], bribery [Title 18 U.S.C. § 201], retaliation against a witness /victim/informant [Title 18 U.S.C. § 1513], and racketeering [Title 18 U.S.C. § 1952].

**35. Defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., the United States Bankruptcy Court for the District of Connecticut and the other conspirators each committed and/or aided and abetted the commission of two or more of these acts of racketeering activity.**

**36. The acts of racketeering activity referred to in the preceding paragraph constituted a "pattern of racketeering activity" within the meaning of RICO, 18 U.S.C. § 1961(5). The acts alleged were related to each other by virtue of common participants, a common victim (plaintiff Albert L. Peia), a common method of commission, and the common purpose and common result of damaging/defrauding plaintiff and benefitting/enriching the conspirators to plaintiff's detriment while concealing the conspirators' fraudulent/wrongful activities/conduct. The aforesaid defendants/conspirators and defendant Coan since becoming Chapter 7 trustee in May, 1996, have continued their fraudulent scheme, attempting to evade legal process and accountability for their wrongful and illegal conduct.**

**37. As a result of defendant Coan's and the other Conspirators' violation of 18 U.S.C. § 1962(c), plaintiff has been damaged in his business and property as a direct**

consequence of said offenses involving fraud connected with a case under Title 11, U.S.C..

38. As a result of their misconduct, defendant Richard M. Coan, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., are liable to plaintiff for damages in an amount to be determined at trial.

39. Pursuant to RICO, 18 U.S.C. § 1964(c), plaintiff is entitled to recover threefold his damages plus costs plus reasonable attorneys' fees from the aforesaid defendants.

#### SECOND COUNT – RICO CONSPIRACY

40. Plaintiff repeats and realleges the averments contained in paragraphs 1 through 39 as if set forth at length herein.

41. At all times relevant hereto, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, Coan, Lewendon, Gulliver, and Miltenberger, LLC., John Doe Surety 1 and John Doe Insurer 2, and the United States Bankruptcy Court for the District of Connecticut were “persons” within the meaning of RICO, 18 U.S.C. §§ 1961(3) and 1964(c).

42. At all relevant times, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., and the United States Bankruptcy Court for the District of Connecticut formed an association-in-fact for the purpose of defrauding and injuring plaintiff in his business and property. This association-in-fact was an "enterprise" within the meaning of RICO, 18 U.S.C. §

**1961(4). In the alternative, the United States Bankruptcy Court for the District of Connecticut was the enterprise within the meaning of RICO, 18 U.S.C. § 1961(4).**

**43. At all relevant times, this enterprise was engaged in, and its activities affected, interstate and foreign commerce, within the meaning of RICO, 18 U.S.C. § 1962(c).**

**44. At all relevant times, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., the United States Bankruptcy Court for the District of Connecticut, and the other conspirators associated with this enterprise, 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).**

**45. At all relevant times, defendant Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., the United States Bankruptcy Court for the District of Connecticut, and the other conspirators each were associated with the enterprise and agreed and conspired to violate 18 U.S.C. § 1962(c), that is, conduct and participate, directly or indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, in violation of RICO, 18 U.S.C. § 1962(d).**

**46. Defendants Richard M. Coan, Timothy Miltenberger, Whitney Lewendon, defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., and the other conspirators committed and caused to be committed a series of overt acts in**

**furtherance of the conspiracy and to affect the objects thereof, including but not limited to the acts set forth above. 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 New Jersey, California, 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.**

**47. As a result of defendant Coan and the other Conspirators' violation of 18 U.S.C. § 1962(d), plaintiff has been damaged in his business and property.**

**48. As a result of the conspiracy, defendant Richard M. Coan, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., are liable to plaintiff for damages in an amount to be determined at trial.**

**49. Pursuant to RICO, 18 U.S.C. § 1964(c), plaintiff is entitled to recover threefold his damages plus costs plus reasonable attorneys' fees from the aforesaid defendants.**

### **THIRD COUNT - NEGLIGENCE/BREACH OF FIDUCIARY DUTY**

**50. Plaintiff repeats and realleges the averments contained in paragraphs 1 through 49 as if set forth at length herein.**

**51. On or about May 1, 1996, defendant Richard M. Coan succeeded to the interests of the estate of plaintiff herein in his capacity as Chapter 7 Trustee, said case having originated under Chapter 13 of Title 11, U.S.C., and designated as Case No. 95-51862, United States Bankruptcy Court, in the District of Connecticut.**

**52. At all times relevant hereto, Richard M. Coan had a fiduciary duty to said estate, creditors thereof including the U.S. government, which duty he breached through wrongful and otherwise negligent and culpable conduct.**

**53. To wit, 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.**

**54. All of said matters were meritorious, substantial, some without defense, as well as some for which partial settlements and/or payments had been made.**

**55. Richard M. Coan, in his capacity as Trustee 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.**

**56. As a direct consequence of the aforesaid negligent, wrongful and culpable breaches of fiduciary duty the subject adversary proceedings were dismissed with prejudice as**

set forth in Exhibit “A“, annexed hereto and incorporated herein by reference thereto, causing and resulting in great damage to plaintiff herein.

57. Defendant Richard M. Coan is liable to plaintiff for the damages caused by said negligent, wrongful and culpable breaches of fiduciary duty, in amounts compensatory and punitive, to be determined at trial.

#### **FOURTH COUNT - NEGLIGENCE**

58. Plaintiff repeats and realleges the averments contained in paragraphs 1 through 57 as if set forth at length herein.

59. On or about May 1, 1996, defendant Richard M. Coan succeeded to the interests of the estate of plaintiff herein in his capacity as Chapter 7 Trustee, said case having originated under Chapter 13 of Title 11, U.S.C., and designated as Case No. 95-51862, United States Bankruptcy Court, in the District of Connecticut.

60. At all times relevant hereto, defendant Richard M. Coan, acting within the scope of his employment, and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., thereby

(1) had a duty to act as a reasonable and prudent person in performing his duties in his capacity as Chapter 7 Trustee, consistent with his duties as a fiduciary and the foreseeability of harm/injury/damage to plaintiff in failing to so conform to said standard of care;

(2) defendant Richard M. Coan, acting within the scope of his employment and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., thereby, breached said

**duty of due care in failing to perform his duties in accordance with reasonable prudence by, *inter alia*, failing to timely file documents pursuant to court order and otherwise act in a reasonably prudent manner;**

**(3) as a direct and proximate result of the aforesaid breach of duty by defendant Richard M. Coan, acting within the scope of his employment and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., thereby,**

**(4) plaintiff has sustained substantial harm/injury/damage.**

**61. As a result of the negligence of defendant Richard M. Coan, acting within the scope of his employment and defendant Coan, Lewendon, Gulliver, and Miltenberger, LLC., thereby, said defendants are liable to plaintiff for damages in an amount to be determined at trial.**

#### **FIFTH COUNT -**

##### **JOHN DOE SURETY 1 AND JOHN DOE INSURER 2/CONTRACT**

**62. Plaintiff repeats and realleges the averments contained in paragraphs 1 through 61 as if set forth at length herein.**

**63. 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 herein.**

**64. Plaintiff at all times relevant hereto was a third-party beneficiary of the contracts/policies of surety/insurance insuring defendants herein.**

**65. 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.**

**66. 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.**

**67. As a direct consequence of the aforesaid breaches of contract plaintiff has sustained substantial damages as set forth herein.**

**68. Defendants JOHN DOE SURETY 1 AND JOHN DOE INSURER 2 are liable to plaintiff for the damages caused by said breaches of contract in amounts to be determined at trial.**

**SIXTH COUNT - JOHN DOES 3 - 10**

**69. Plaintiff repeats and realleges the averments contained in paragraphs 1 through 68 as if set forth at length herein.**

**70. At all relevant times, plaintiff has been reasonably diligent but unable to discern other co-conspirators owing to the culpable cover-ups and culpably wrongful conduct as set forth and documented under penalty of perjury herein.**

**71. At all relevant times, defendants JOHN DOES 3 – 10 along with the other conspirators associated with the subject enterprise, conducted or participated, directly or indirectly, in the conduct of the subject 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).**

**72. Defendants JOHN DOES 3 – 10 aided and abetted the aforesaid violations of RICO, 18 U.S.C. § 1962(c), and fraud inasmuch as (1) they were associated with the wrongful conduct (2) participated in it with intent to bring it about and (3) sought by their actions to make it succeed, which efforts continue to this day and are a sham and fraud upon the court causing plaintiff damage thereby.**

**73. As a result of defendants JOHN DOES 3 – 10 and other Conspirators' violation of 18 U.S.C. § 1962(c), plaintiff has been damaged in his business and property as a direct consequence of said offenses involving fraud connected with a case under Title 11, U.S.C..**

**74. As a result of their misconduct, defendants JOHN DOES 3 – 10 are liable to plaintiff for damages in an amount to be determined at trial.**

**75. Pursuant to RICO, 18 U.S.C. § 1964(c), plaintiff is entitled to recover threefold his damages plus costs plus reasonable attorneys' fees from the aforesaid defendants JOHN DOES 3 – 10.**

**WHEREFORE, plaintiff prays for judgment against defendants for:**

- (A) compensatory damages in the amount of \$5 million (\$5,000,000), trebled pursuant to RICO;**
- (B) punitive damages in an amount to be determined at trial;**
- (C) costs, fees, and other expenses, including attorney's fees, pursuant to 18 U.S.C. § 1964(c);**
- (D) such other and further relief as may be just and proper.**

**Dated:** \_\_\_\_\_ **Signed:** \_\_\_\_\_

**Albert L. Peia, Pro Se**

**DEMAND FOR JURY TRIAL**

**I, Albert L. Peia, plaintiff in the within action hereby demand trial by jury.**

**Dated:** \_\_\_\_\_ **Signed:** \_\_\_\_\_

**Albert L. Peia, Pro Se**

**CERTIFICATION AND VERIFICATION**

**I, Albert L. Peia, hereby certify that the averments in the foregoing Complaint are true under penalty of perjury.**

**Dated:** \_\_\_\_\_ **Signed:** \_\_\_\_\_

**Albert L. Peia, Pro Se**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT

In the matter of ) Chapter 7  
ALBERT L. PEIA, )  
Debtor ) Case No. 95-51862  
\_\_\_\_\_)  
ALBERT L. PEIA, )  
Plaintiff )  
VS. ) Adversary Proceeding No. 96-5011  
EXECUTOR OF THE ESTATE OF )  
CARJO DILENA, ET AL., )  
Defendants )

ORDER OF DISMISSAL

On May 31, 1996 this Court ordered that the above-captioned adversary proceeding would be subject to dismissal if Richard M. Coan, Interim Trustee failed to submit a filing in said adversary proceeding on or before June 18, 1996. At a hearing held on June 25, 1996, this Court determined that Richard M. Coan, Interim Trustee had submitted no filing in this adversary proceeding and, after hearing the appearing parties, this Court determined that it is appropriate to dismiss said adversary proceeding as to all defendants. Therefore, it is hereby

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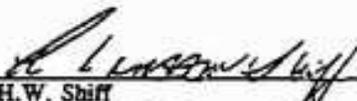
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ORDERED, that the above-captioned adversary proceeding is hereby dismissed as to all defendants. Said dismissal shall be with prejudice.

Dated at Bridgeport, Connecticut this 5 day of December 1996.

December 6, 1996, nf  
cc: Coan (w/order  
dir svc)

  
\_\_\_\_\_  
Alan H.W. Schiff  
Chief United States Bankruptcy Judge

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