No. _____

In the
Supreme Court of the United States

IN RE LOUIS B. ANTONACCI

Petitioner.

ON PETITION FOR WRIT OF MANDAMUS TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF MANDAMUS

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Petitioner and Counsel of Record

March 2025

QUESTIONS PRESENTED

Whether the Clerk of the Circuit Court for the Fourth Circuit must refer Petitioner Louis B. Antonacci's case, which was fully briefed on September 9, 2024, to a panel of judges for ruling.

Whether the Fourth Circuit must exercise its jurisdiction and timely rule on Petitioner's Appeals from the May 23, 2024 order of District Judge Michael S. Nachmanoff, Eastern District of Virginia, dismissing Antonacci's claims under the Racketeer Influenced and Corrupt Organizations Act of 1970 (18 U.S.C. § 1962 *et. seq*.) for want of subject matter jurisdiction, and Magistrate Judge Vaala's June 7, 2024 order denying Antonacci's request for entry of default against Defendant BEAN LLC d/b/a Fusion GPS, which were perfected on June 11, 2024, and where briefing was completed on September 9, 2024.

Whether Antonacci is being denied due process of law, in retaliation for his protected speech, by the prejudicial, unfounded and plainly-biased rulings of Judge Nachmanoff and Magistrate Judge Vaala, when viewed in conjunction with the acts of the Fourth Circuit Clerk and the Fourth Circuit Court's failure to timely rule on Petitioner's Appeal, the Virginia State Bar's unfounded attack on Antonacci's Bar license, which is clearly meant to prevent him from further prosecuting his causes of action against the criminal enterprise alleged in his complaint, and the litany of unfounded and plainly prejudicial rulings of the Democrat-controlled courts in Chicago, together with the Supreme Court of Illinois's Committee on Character and Fitness declining to admit Antonacci to the Illinois Bar, despite his being licensed in three other jurisdictions and never having any disciplinary issue.

PARTIES TO THE PROCEEDING

Petitioner is Louis B. Antonacci.

Respondents are Judge Albert Diaz, Chief Judge of the United States Court of Appeal for the Fourth Circuit, Nwamaka Anowi, Clerk of the United States Court of Appeals for the Fourth Circuit, Rahm Israel Emanuel, Paul J. Kiernan, Stephen B. Shapiro, Holland & Knight LLP, Seyfarth Shaw LLP, Perkins Coie LLP, Matthew J. Gehringer, Seth T. Firmender, Storij, Inc. d/b/a STOR Technologies d/b/a The So Company d/b/a Driggs Research International, BEAN LLC d/b/a Fusion GPS, ROKK Solutions LLC, FTI Consulting, Inc., and Derran Eaddy.

RELATED PROCEEDINGS

United States Court of Appeals (4th Cir.)

Louis B. Antonacci v. Rahm Israel Emanuel, et. al., No. 24-1544(L) (docketed June 13, 2024; briefing completed September 9, 2024)

Louis B. Antonacci v. BEAN LLC d/b/a Fusion GPS, No. 24-1545 (consolidated with 24-1544)

United States District Court (E.D. Va.)

Louis B. Antonacci v. Rahm Israel Emanuel, et. al., No. 1:24-cv-00127 (appealable orders issued May 23, 2024 and June 7, 2024)

The Supreme Court of Virginia

Louis B. Antonacci v . Renu Brennan, et. al., Record No. 250106 (filed February 7, 2025)

United States Court of Appeals (7th Cir.)

Antonacci v. City of Chicago, 640 F. App'x 553 (March 18, 2016)

United States District Court (N.D. Ill.)

Antonacci v. City of Chicago, 2015 WL 13039605 (May 5, 2015)

Appellate Court of Illinois, First District, First Division (Chicago, Ill.)

Antonacci v. Seyfarth Shaw, et. al., 39 N.E.3d 225 (Aug. 17, 2015)

Cook County Circuit Court, Law Division (Chicago, Ill.)

Antonacci v. Seyfarth Shaw, et. al., No. 12-L-13240 (July 23, 2014 order dismissing first amended complaint)

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PETITION FOR A WRIT OF MANDAMUS

Petitioner Louis B. Antonacci ("Antonacci") respectfully petitions this Court for a writ of mandamus compelling the Clerk of the United States Court of Appeals for the Fourth Circuit ("Clerk") to refer consolidated appeals 24-1544(L) and 24-1545 of the respective May 23. 2024 and June 7, 2024 orders of the United States District Court for the Eastern District of Virginia, both docketed June 13, 2024 (the "Appeal"), to a panel of judges. Petitioner also petitions this Court for a writ of mandamus compelling the Fourth Circuit, through Chief Judge Albert Diaz, immediately to review and rule upon the Appeal. Antonacci has no adequate remedy at law. In the alternative, Antonacci petitions this Court to grant certiorari and reverse the district court on the papers immediately.

OPINIONS BELOW

The November 1, 2024, order entered by the Clerk of the United States Court of Appeals for the Fourth Circuit, denying Antonacci's Motion to Refer Case to a Panel of Judges, is unpublished and reproduced at app. 1.a. Magistrate Judge Vaala's June 7, 2024 order denying Antonacci's request for entry of default against respondent BEAN LLC d/b/a Fusion GPS is also unpublished and reproduced at app. 22a-4a. District Judge Michael Nachmanoff's May 23, 2024 order dismissing Antonacci's complaint for want of subject matter juris- diction, and ruling as moot Antonacci's objections to Magistrate Valaa's April 8, 2024 order granting defendants' motions for

protective order, is unpublished and reproduced at app. 15a-21a.

JURISDICTION

The court of appeals has not entered judgment or scheduled oral argument in the Appeal, despite briefing being completed on September 9, 2024. The jurisdiction of this Court is invoked under 28 U.S.C. § 1651. In the alternative, Antonacci requests this Court issue a writ of certiorari and reverse the district court on the papers, pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the following constitutional and statutory provisions:

U.S Const. Amend V, which states, in relevant part, "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law."

U.S Const. Amend VII, which states, in relevant part, "[i]n suits at common law, where the value of the controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...".

U.S Const. Amend XIV, § 1, which states, in relevant part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of

> life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 1254(1) "Courts of appeals; certiorari," which states, in relevant part, "[c]ases in the courts of appeals may be reviewed by the Supreme Court by the following methods:(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;".

28 U.S.C. § 1291 "Final decisions of district courts," which states, in relevant part, "[t]he courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States . . .".

28 U.S.C. § 1294(1) "Circuits in which decisions reviewable," which states, in relevant part:

> Except as provided in sections 1292(c), 1292(d), and 1295 of this title, appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows:
>
> From a district court of the United States to the court of appeals for the circuit embracing the district;

28 U.S.C. § 1331 "Federal Questions," which states, in its entirety, "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

28 U.S.C. § 1651(a) "Writs," which states, in its entirety, "[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the

usages and principles of law."

Virginia Const., Art. I, sec. 11 "Due process of law; obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases," which states, in relevant part,

> [t]hat no person shall be deprived of his life, liberty, or property without due process of law;…
>
> That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred.

The following statutory provisions are also involved in this case:

INTRODUCTION

This case, like Antonacci's previous cases in Chicago, showcases the breakdown of the rule of law in this

country. Antonacci has plainly alleged civil RICO violations against a band of unscrupulous lawyers and one politician, together with the deep state tools they use to spy on their targets illegally, and the strategic communications firms they use to defame their targets and aggrandize themselves. Like his previous case in Chicago, Antonacci alleged the nature of the enterprise, all elements of the predicate acts, and the open-ended pattern of their racketeering activity, which the defendants continue to demonstrate.

The proceedings in the lower courts deviated far from the usual course of judicial proceedings, as they did in Chicago. Because the case was prematurely assigned to District Judge Nachmanoff, who was appointed by Joe Biden's administration, who is closely affiliated with defendant Rahm Emanuel, Antonacci anticipated a good show. And the district court delivered. Antonacci served discrete requests for admission on several of the key defendants, simply asking them to admit or deny a few key allegations in the complaint. The defendants responded by threatening sanctions and moving for protective orders. Of course, not one of the defendants had the gumption to file a Rule 11 motion, because that would have required discovery.

But the district court came to their rescue, granting a blanket protective order for all the defendants, without even requiring oral argument, and just two days before many of them would have been deemed admitted. The district court waited until all of Antonacci's responses in opposition to the defendants' motions to dismiss were filed to cancel the hearing on those motions. Nachmanoff then issued his magnum opus: a five-page order dismissing a complaint containing 574 discrete allegations and 11 substantiating exhibits, comprising 546 pages, for want of subject-matter jurisdiction.

Before perfecting his appeal, Antonacci requested the

clerk enter default against defendant BEAN LLC d/b/a Fusion GPS, the respondents' primary disinformation machine. Instead, Magistrate Judge Vaala swooped in and denied Antonacci's request for entry of default because the case had already been dismissed for want of subject-matter jurisdiction. It is notable that Fusion GPS, who blatantly evaded service of process, chose to take a default in this case. Their files on Antonacci, a private citizen, would likely send their principals, and many of their co-defendants, to federal prison where they belong. And those files will be subpoenaed.

So Antonacci perfected his appeals. They were fully briefed on September 9, 2024; and on November 11, 2024, Antonacci moved the Court to expedite its decision and the Clerk to refer the case to a panel. The Clerk, by direction of the Court, denied Antonacci's motion within hours. What now seems clear is that the Court is holding up Antonacci's case to give the Virginia State Bar the opportunity to suspend or revoke Antonacci's law license, such that he cannot himself perfect an appeal to this Court should the Fourth Circuit affirm the improvident rulings of the district court. So here we are.

To that end, Shaun So, the CEO of one of the defendants, Storij., Inc. d/b/a STOR Technologies d/b/a The So Company d/b/a Driggs Research International, filed a bar complaint against Antonacci with the Virginia State Bar, alleging that the complaint is causing him unnecessary legal expenses. Storij is represented by Crowell & Moring LLP in these proceedings. Storij was also a client of Petitioner Antonacci's law firm, Antonacci PLLC f/k/a Antonacci Law PLLC. Storij retained Antonacci Law, immediately after Antonacci filed his initial federal suit against this criminal enterprise in Chicago, in order to keep tabs on Antonacci and, ultimately, to hack his protected computers systems and mobile phone to spy on him while another client tried to set him up for a criminal

fraud indictment.

But the punchline is that the Virginia State Bar, rather than dismiss Shaun So's complaint, whose only claim of misconduct is that Antonacci is suing his company for fraud, has certified a complaint against Antonacci. And the Virginia State Bar now seeks to adjudicate Shaun So's meritless bar complaint while the basis of that complaint is still in ongoing litigation. This criminal enterprise has flipped the American legal order on its head, like the Nazi Socialist Party did in Germany throughout the 1930s.

Antonacci has petitioned the Supreme Court of Virginia for writs of mandamus and prohibition barring So's complaint, but that his complaint is being pursued by the Virginia State Bar represents a disregard for due process that has been unknown in this country since the Civil Rights Act. This criminal enterprise is erasing a century of social progress to bring us back to pre-New Deal clientelism. Or worse yet, this criminal enterprise seeks to establish, in this country, the totalitarianism we fought off during two World Wars. Enough is enough.

STATEMENT OF THE CASE

I. Proceedings Below

Antonacci filed the complaint that is the subject of this Petition on February 14, 2024. App. 42a. The complaint asserts five causes of action against thirteen defendants. App. 117a-54a. The claim for damages arising from violations of 18 U.S.C. § 1030 (Computer Fraud and Abuse Act or "CFAA") is against only Storij (Count V). JA164a. The other four causes of action are against all thirteen defendants: Violations of 18 U.S.C. § 1962(a), (b), and (c) (Racketeer Influenced and Corrupt Organizations Act or "RICO") by investing, participating, and

maintaining an interest in a criminal enterprise (Count I); violations of 18 U.S.C. § 1962(d) (RICO Conspiracy) (Count II); violations of Va. Code Ann. § 18.2-499 (1950) (Virginia Business Conspiracy) (Count III); and Common Law Civil Conspiracy (Count IV). App. 117a-54a.

All defendants have been properly served with process. Rahm Emanuel was served last month when he could no longer hide Tokyo. App. 595a. It should be noted, after Antonacci opened this action in PACER, but before filing this complaint, Gehringer left Perkins Coie, where he was General Counsel. App 49a-50a, 116a, 588a-89a. Gehringer was the architect of the enterprise's criminal conspiracy against Antonacci in Chicago. App. 68a-130a. The fact that Gehringer suddenly disappeared from Perkins Coie, once he got word of this action being initiated, betrays his and Perkins Coie's complicity in the ongoing acts of this enterprise, particularly here in this Common- wealth.

Shortly after they entered appearances in the case, Antonacci served discrete requests for admission on six of the respondents: 33 on Matthew J. Gehringer ("Gehringer"); 34 on Perkins Coie LLP ("Perkins Coie"); 29 on Paul J. Kiernan ("Kiernan"); 20 on Holland & Knight LLP ("H&K"), 19 on Storij, Inc. d/b/a The So Company d/b/a STOR Technologies d/b/a Driggs Research International ("Storij") (app. 662a-66a); 30 on FTI Consulting, Inc. ("FTI"); and one request to admit genuineness on ROKK Solutions LLC ("ROKK"). Gehringer, Perkins, Storij, Kiernan, and H&K filed motions for protective orders, which Antonacci opposed and the Magistrate granted before any of those requests would have been deemed admitted, canceling oral argument. App. 22a. Antonacci filed his timely objections to that ruling.

The defendants separately filed seven motions to dismiss the complaint for failure to state a claim. The

district judge set oral argument on the motion to dismiss filed by FTI for May 3, 2024, and all subsequent dispositive motions were noticed for the same day. App. 34a-35a. On April 26, 2024, after Antonacci filed his oppositions, the district court canceled that hearing. App. 31a.

On May 2, 2024 Antonacci filed his Motion for Leave to Amend his Complaint, which he noticed for argument on May 24, 2024. The district court terminated that hearing on May 22, 2024 (app. 33a.), and entered its order dismissing the complaint for want of subject matter jurisdiction on May 23, 2024. App. 15a-21a. On May 13, 2024, the Virginia State Bar served Antonacci with Shaun So's bar complaint. App. 596a-98a, 617a.

On June 3, 2024, Antonacci filed his request for entry of default against respondent BEAN LLC d/b/a Fusion GPS. The magistrate denied that request on June 7, 2024. App. 25a-26a.

On June 11, 2024, Antonacci perfected his appeals of both the May 23, 2024 (23-1544L) and June 7, 2024 (24-1545) orders. App. 599a-601a. The cases were docketed on June 13, 2024. App. 5a-11a.

On June 26, 2024, the clerk consolidated the cases at 24-1544. App. 5a. On July 1, 2024, Antonacci moved the court to reconsider consolidating the appeals, and further cross-moved for summary disposition and deconsolidation of 24-1545. Within hours, the clerk effectively denied that motion by deferring action to the court, to which the clerk will not refer the case. App. 1a.-4a.

Briefing in the Fourth Circuit was completed on September 9, 2024. App. 12a.-14a. On November 1, 2024, Antonacci moved the clerk to refer the case to a panel of judges. The clerk, acting on direction from the Court, denied that motion within hours. App. 1a. There has been no additional communication from the court. No oral argument has been scheduled. The case manager does not

return phone calls.

On January 19, 2025 – the last business day Joe Biden was in office – the Virginia State Bar served Antonacci with its complaint, alleging that Antonacci violated the Virginia Rules of Professional Conduct by suing Storij, his firm's former client.[2] App. 602a-10a. On February 7, 2025, Antonacci filed his Answer and Demand with the Virginia State Bar, and his petition for writs of mandamus and prohibition in the Supreme Court of Virginia (Record No. 250106), arguing that Bar Counsel's prosecution of the bar complaint is a denial of due process, because it finds no basis under the Virginia Rules of Professional Conduct, and because it constitutes unconstitutional retaliation for Antonacci's protected speech against Democratic politics. App. 611a-38a. The Supreme Court of Virginia has not yet acted on the petition, and thus Bar Counsel proceeded with its bar complaint against Antonacci on February 28, 2025. 639a-40a.

II. The Undisputed Allegations in the Complaint

Ever since Antonacci, as an associate of Holland & Knight LLP, filed a RICO complaint in the Eastern District of Virginia in 2009, an insidious criminal enterprise has sought to destroy him. App. 46a-489. Various false narratives are used to justify their actions, depending on the audience at any particular time; and various actors are used to spread those false narratives. Some of those actors are for-profit enterprises operating in the strategic communications and media space. Those firms develop the false narratives that the enterprise spreads through actors who have a personal or professional relationship with Antonacci. They are bribed with jobs, work promotions, lucrative business opportunities, or other incentives. Many of those bribes are through public officials. This enterprise's activities are ongoing and nationwide, and they have committed innumerable predicate acts against

Antonacci in the Commonwealth of Virginia, the District of Columbia, and Illinois.

Antonacci specifically alleges the following association-in-fact enterprise:

> Specifically, the enterprise is an association- in-fact among individuals and business entities designed to divert taxpayer money to members of the enterprise; destroy the professional reputation of anyone who seeks to expose the nature and extent of the enterprise through fraud, widespread defamation, and murder; protect the members of the enterprise from civil liability by unlawfully influencing the outcome of civil cases, thereby keeping more money in the enterprise; defrauding litigants from monies to which they are legally entitled by unlawfully delaying and sabotaging meritorious civil cases; bribing and otherwise incentivizing people associated with those deemed enemies of this enterprise to spread lies about those "enemies;" punishing attorneys who sue members of the enterprise by preventing them from becoming admitted to practice law; punishing attorneys who sue members of the enterprise by putting them on the Blacklist of disfavored attorneys; illegally infiltrating protected computers to spy on the "enemies" of the enterprise, in some cases through fraudulently obtained search warrants; and protecting the enterprise by unlawfully preventing them from obtaining evidence of the enterprise's fraudulent mis-conduct.

App 117a-18a, 156a-27a.

Antonacci alleges that the H&K Defendants, together with Emanuel, who worked with Paul Kiernan's wife,

Leslie Kiernan, in the Obama White House, were the impetus behind this campaign against Antonacci from the outset, because Antonacci, as an associate of Holland & Knight, identified and prosecuted a fraudulent scheme by another member of their criminal enterprise, Gerald I. Katz, so they wanted to prevent him from doing so again by damaging his career, his subsequent business, and discrediting him. App. 52a-65a.

After forcing Antonacci to resign from Holland & Knight and blocking him from receiving another job offer, despite his overwhelming success, this enterprise prevented Antonacci from obtaining employment for sixteen months. App. 56a-61a. Antonacci finally received a job offer from Seyfarth in Chicago, which was a trap set by the H&K Defendants, Seyfarth and Emanuel, who had recently been elected mayor of Chicago. App. 61a-64a.

Antonacci immediately faced comical and nonsensical harassment from Anita Ponder, a long-time city lobbyist and former partner at Seyfarth, and was terminated, with only 8-hours of notice, despite generating his own business and successfully supporting other partners there. App. 64a-66a. Antonacci hired a lawyer, Ruth Major, and discovered in his personnel file blatantly defamatory statements made by Ponder. App. 66a.

When Antonacci filed suit against Seyfarth and Anita Ponder in Chicago, they enlisted the help of defendants Perkins Coie and Gehringer (together with Seyfarth Shaw LLP the "Perkins Defendants"). App. 67a-68. The Perkins Defendants squeezed Antonacci's lawyer, a Cook County Circuit Court judge, and the Illinois Supreme Court Committee on Character and Fitness to sabotage Antonacci's Circuit Court Case and prevent him from being admitted to the Illinois Bar. App. 68a-89a.

Antonacci moved back to Washington, DC in August of 2013 (app. 79a-80a), opened a law practice, and filed a

federal complaint against the Perkins Defendants, and others, in the Northern District of Illinois while his Circuit Court Case was on appeal to Illinois's First Appellate District. App. 88a-89a.

The Perkins Defendants enlisted the strategic communications complex, defendants Fusion GPS, FTI, and ROKK to orchestrate a defamation campaign against Antonacci, further obstructed justice and plotted to have him killed, twice, and indicted via the AECOM Fraud. App. 92a-115a, 641a-44a.

When Antonacci returned to Washington, DC from Chicago, after filing his federal complaint against the Perkins Defendants and others, Antonacci was introduced to Shaun So and Richard Wheeler, principals for Storij, through a political lawyer he has known for years, Charles Galbraith, who worked with Leslie Kiernan and Rahm Emanuel in the Obama White House. App. 89a. As alleged in the complaint, Storij is a front company who retained Antonacci's firm, Antonacci PLLC f/k/a Antonacci Law PLLC, for legal work related to its purported government contracts services. App. 51a, 89a-90a.

In reality, So was tasked to monitor Antonacci and his business and report developments back to the enterprise, so they could thwart any opportunities his business would have for growth. App. 89a-90a.

Wheeler was tasked with exploiting Antonacci's protected computer systems, particularly during the AECOM Fraud, so that the enterprise could monitor Antonacci to determine his plans, strategy, and outlook on the case, in violation of 18 U.S.C. § 1030. App. 104a, 107a-09a, 120a, 131a-33a, 141a-42a, 151a-54a. This information was disseminated to Firmender and David Mancini, counsel for AECOM, possibly through intermediaries in the enterprise. App. 104a, 120a, 123a, 131a-33a, 141a-42a, 150a-51a.

The objective of the AECOM Fraud was to destroy Antonacci's law practice by having him indicted and sued for malpractice. App. 97a-8a. Failing to achieve either of those goals because Antonacci identified Mancini's attempt to file an incomplete contract with AECOM's complaint (app. 107a-10a), and because Antonacci refused to file Lane's fraudulent counterclaim on their behalf (app. 110a-13a, 576a-78a), they settled for surreptitiously defaming Antonacci. App. 120a, 130a-32a. In furtherance of the scheme, Firmender orchestrated the turnover of the key Lane employees with whom Antonacci worked for a year preparing for mediation and subsequent litigation. App. 98a, 107a. Firmender utilized interstate wires to receive and transmit information Storij obtained by illegally hacking into Antonacci's protected computers. App. 104a, 120a, 123a, 131a-33a, 141a-42a, 150a-51a, 153a-54a.

Firmender further collaborated with Mancini, counsel for AECOM, and others, to implement the enterprise's strategy. App. 104a-05a. Firmender ordered the destruction of thousands of documents at Lane with litigation pending, and sought to falsely associate Antonacci with the destruction of those documents, in furtherance of their attempted indictment. App. 97a-8a, 109a-11a.

Firmender not only delayed hiring Deloitte, who was tasked with analyzing Lane's affirmative claims (or "backcharge"), but also ordered Lane personnel to stall getting Antonacci and Deloitte the documents they needed to evaluate Lane's backcharge, to the point where Antonacci simply brought the Deloitte team to Lane's Chantilly office and stayed there for a week until they had the information they needed. App. 98a, 107a. Firmender further ordered document review work to be stopped numerous times, inexplicably, and further ordered all work on the case halted after Antonacci brought to his attention evidence that contradicted Lane's stated position regarding the Owner Settlement:

395 Express-AECOM v LANE-Fairfax Circuit Court CL2020-18128-KPMG Audit/Irregularities

Louis Antonacci <lou@antonaccilaw.com> Tue, Jul 20, 2021 at 4:14 PM
To: "Firmender, Seth T." <STFirmender@laneconstruct.com> Cc: "Wiggins, Allen T." <atwiggins@laneconstruct.com>, " Luzier, Dennis A." <DALuzier@laneconstruct.com>, "Schiller, Mark A." <MASchiller@laneconstruct.com>, Louis Antonacci <lou@antonaccilaw.com>, Accounting Department <accounting@antonaccilaw.com>

Seth,

As General Counsel of Lane, I presume that you are charged with legal compliance and governance at the Company. If that is not the case, then please forward this to the appropriate party/ies.

There are some irregularities with respect to the subject matter that I want to ensure are brought to your attention. The first is the purported data collection efforts of Jen Dreyer last year. This seems to have resulted in some missing data. And there are some factual inconsistencies being asserted by your IT Department. I emailed you about this under separate cover, so please respond at your convenience.

The second relates to Lane's settlement with the Owner of the subject Project, 95 Express Lane LLC, in the summer of 2019. As I have previously discussed with Allen and the Lane Project Team, the draft settlement agreement with the Owner specifically identifies the claims purported to be resolved by the settlement, while the final settlement agreement executed by the parties more generally applies to all commercial claims between the parties. I addressed this issue in my legal analysis of Lane's backcharge for the purposes of mediation last summer. I've attached that analysis for your reference, as well both versions of the confidential settlement with the Owner.

In preparing my analysis, I asked that Lane provide its understanding of the Owner's treatment of AECOM's claims passed through by Lane. Lane maintains, via its email attached to this firm's memorandum, that the settlement amount was mostly for weather delays impacting Lane, and that the Owner deemed AECOM's design performance unsatisfactory in general, and it considered AECOM's claims largely untimely and otherwise meritless. This firm prepared its analysis with that understanding. I should note that, in January of last year, I asked Transurban's assistant general counsel, per the request of AECOM's counsel, if we could disclose the executed settlement to AECOM. She declined to waive the confidentiality provision. I also reached out to her in December of last year to notify her that AECOM had filed suit and to ask about the Owner's official position on the settlement. She indicated that her former superior (she did not exactly say but it seemed

> that she may no longer be with Transurban/95 Express) would get back to me. I never heard back.
>
> As you know, we hired Epiq to assist with document review and production earlier this year. Last month, while doing quality control review of documents tagged as responsive by the review team, I came across some emails from 2018 with Lane's former project manager, Mr. Jason Tracy, and related documents, that required further explanation. We brought Mr. Tracy on as a consultant and I sent him the documents I wanted to discuss and set up a call for June 30, 2021. Just before that call, he sent the documents back to me with a written explanation, which is attached for your review. As you will see, Mr. Tracy indicates that the Owner had represented to him that the Owner did not intend to hold Lane or AECOM responsible for Design Exceptions/ Waivers that arose from defects in the preliminary design. This is contrary to the position taken by Lane in its official responses to AECOM's change order requests. It is unclear to this firm whether the Owner changed that position, but it would also be inconsistent with Lane's position(s) as to the Owner Settlement.
>
> We should discuss how these alleged facts relate to Lane's positions in this case, as well as Lane's ability to properly assert its purported backcharge as a counterclaim and/or offset.

App. 98a, 109a-12a, 576a-78a.

At that point, Lane owed Antonacci over $230,000 in unpaid legal bills, in breach of its contract with Antonacci

PLLC. App. 113a. Firmender left Lane Construction while service was being attempted in this case. App. 626a.

As for Derran Eaddy, Antonacci's federal case in the Northern District of Illinois was dismissed for want of subject matter jurisdiction, *sua sponte*, six days after he filed it. App. 90a. Antonacci appealed to the Seventh Circuit and argued the case before a panel chaired by former Chief Judge Diane Wood. App. 92a-93a. The Seventh Circuit affirmed on different grounds. *Contra*. app. 218a *with* 204a-10a. Antonacci petitioned this Court for certiorari. *Antonacci v. City of Chicago*, Sup. Ct. No. 15-1524. App. 93a, 156a-464a.

A few weeks before Antonacci's SCOTUS petition was denied, and the evening before he had an inter- national flight, Antonacci was dining outside with his pregnant girlfriend and some friends when Defendant Derran Eaddy ran up to their table and started screaming "YOU'RE ALL PRIVILEGED WHITE PIECES OF SHIT!" App. 93a. When Antonacci rose to protect his pregnant girlfriend, Eaddy pulled out his phone and started recording him, clearly race-baiting Antonacci. *Id*. When Antonacci did not take the bait, Eaddy put his phone away and said "IM GOING TO KILL YOU!" and punched Antonacci in the nose. App. 94a.

Antonacci began pummeling Eaddy when several DC Metro cops pulled him off Eaddy and arrested Eaddy, who was not charged with a hate crime, but only simple assault, despite calling Antonacci a "white piece of shit" and expressly telling Antonacci he was attempting to murder him. App. *Id*. Eaddy is a middle-aged, African American man and a strategic communications professional representing VA contractors, like Storij, and was paid or otherwise incentivized to perform these criminal acts. *Id*. Eaddy is (married to a white woman. *Id*.

On June 18, 2024, exactly one week after perfecting

the Appeal, the defendants tried to murder him again, this time with a motor vehicle while he was cycling. App. 642a-44a.

The defendants have therefore used the enterprise unlawfully to engage in a pattern of racketeering activity, and they present a clear threat of continued racketeering activity. App. 46a-9a, 117a-18a, 125a, *inter alia.* The defendants invested, participated in, and conducted the affairs of this criminal enterprise by committing numerous acts of mail fraud, wire fraud, obstruction of justice, and interstate or foreign travel or transportation in aid of racketeering enterprises, in violation 18 U.S.C. §§ 1341, 1343, 1503, 1952, as well as attempting to murder Antonacci twice. App 1127a-26a. The defendants also conspired to commit several other predicate acts of "racketeering activity," as specifically enumerated in Section 1961(1) of RICO, including 18 U.S.C. § 1951 (Hobbs Act Extortion), and 720 ILCS 5/12-6 (Illinois Intimidation, "extortion" under Illinois law and punishable by imprisonment for more than one year). App.126a-35a.

The enterprise has engaged in long-term, habitual criminal activity, and because it unlawfully manipulates legal processes and has targeted Antonacci for approximately 15 years, it necessarily presents a clear threat of continued racketeering activity. Antonacci was injured by the respondents' violations of federal criminal law, vis-à-vis the enterprise, in the amount of $35,000,000, plus treble and punitive damages.

In furtherance of this enterprise's goals, Storij gained unauthorized access to Antonacci's protected computer systems to steal and exploit Antonacci's data, in violation of 18 U.S.C. § 1030.

REASONS FOR GRANTING THE PETITION

This Petition for writ of mandamus should be granted because it will aid this Court's appellate jurisdiction over long-term racketeering activity by promoting the rule of law. This Petition should also be granted because exceptional circumstances, including the Fourth's Circuit's failure to exercise its appellate jurisdiction, as well as the Virginia State Bar's unconstitutional attack on Antonacci's bar license to prevent him from further prosecuting this case, warrant the exercise of this Court's discretionary powers. In addition, adequate relief cannot be obtained in any other form or from any other court, because the Fourth Circuit has refused to exercise its appellate jurisdiction, and the Supreme Court of Virginia has not acted on Antonacci's petition for writs of mandamus and prohibition, thereby allowing the Virginia State Bar to proceed with Shaun So's bar complaint.

I. THE FOURTH CIRCUIT CLERK MUST REFER THE CASE TO A PANEL, AND THE FOURTH CIRCUIT MUST RULE IN A TIMELY MANNER

Mandamus is appropriate where the petitioner shows a clear abuse of discretion or conduct which arbitrarily assumes and exercises authority contrary to that of the judiciary. *Mallard v. United States Dist. Court*, 490 U.S. 296, 309, 109 S.Ct. 1814, 1822 (1989).

And while the petitioner must show that he or she lacks any alternative, a court's express failure to consider the petitioner's papers makes such a showing because it effectively excludes them from federal court. *McNeil v. Guthrie*, 945 F.2d 1163, 1165 (10th Cir. 1991).

Similarly, mandamus will lie where a lower court demonstrates an "unexplained abdication of judicial

power" by refusing to rule and thus preventing appeal. *In re Sharon Steel Corp.*, 918 F.2d 434, 437 (3d Cir. 1990). Refusal to act or undue delay in acting is deemed a refusal to exercise jurisdiction supporting mandamus. § 3933.1 Traditional Views of Discretion—Jurisdiction, 16 Fed. Prac. & Proc. Juris. § 3933.1 (3d ed.).

In the Fourth Circuit, the average time for disposition of appeals, on the merits, is eight months.[1] Antonacci's perfected the Appeal in the Fourth Circuit nine months ago. No extensions were requested by any party for any reason; and thus the Appeal was fully briefed six months ago, on September 9, 2024. Yet no oral argument has been scheduled and the Fourth Circuit Clerk has explicitly ruled, per direction of the Court, that she will not refer the Appeal to a panel of judges.

The Appeal revolves around a total of eight pages of judicial orders: Magistrate Vaala's two-page order granting respondents a blanket protective order; Judge Nachmanoff's five-page order dismissing Antonacci's complaint for want of subject-matter jurisdiction; and Judge Vaala's one-page order denying Antonacci's second request for entry of default against Fusion GPS.

There is nothing complicated about the Appeal except how far the district court deviated from the both the law and the usual course of judicial proceedings, all of which is well established in the record. The Fourth Circuit Clerk's refusal to refer the case to the panel is clearly meant to hold the case up while the Virginia State Bar suspends or revokes Antonacci's Virginia license to prevent him from prosecuting the case effectively.

And yes, Antonacci could get a lawyer, but as this criminal enterprise demonstrated in Chicago, they will

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[1] *See* the Fourth Circuit's website: FAQ's:
https://www.ca4.uscourts. gov/faqs/faqs-opinions#

pay off or squeeze whatever lawyer he might hire. So Antonacci must prosecute this case himself, as is his right.

FRAP 34 provides that "oral argument must be allowed in every case unless a panel of three judges who have examined the briefs and record unanimously that oral argument is unnecessary . . . ". Local Rule 34(a) provides that "[i]n the interest of docket control and to expedite the final disposition of pending cases, the chief judge may designate a panel or panels to review any pending case at any time before argument for disposition under this rule." The Fourth Circuit's Internal Operating Procedures provide, at 34.1: "The Clerk of Court maintains a list of mature cases available for oral argument and on a monthly basis merges those cases with a list of three-judge panels provided by a computer program designed to achieve total random selection."

The Fourth Circuit's Clerk of Court has failed to perform its ministerial duty to merge Antonacci's case with a list of three-judge panels for selection. App. 1a. The Fourth Circuit has refused to and review and rule upon the Appeal, thereby abdicating its judicial power. App. 1a. This Court should grant mandamus because whether her impetus is Antonacci's political persecution or not, this is a ministerial act that must be accomplished so that Antonacci's appeal, which is "mature" by any standard, can be resolved. *Mallard*, 490 U.S. at 309; *McNeil*, 945 F.2d at 1165; *Sharon Steel Corp.*, 918 F.2d at. 437

II. THE WRIT SHOULD BE GRANTED BECAUSE THE DISTRICT COURT DENIED ANTONACCI DUE PROCESS OF LAW

Antonacci is clearly under attack for exercising his protected speech by asserting claims for racketeering activity perpetrated against him by deep state tools of, and a criminal enterprise associated with, the Democratic

National Committee. This violates the due process and free speech protections in both the U.S. and Virginia Constitutions, which are fundamental to the proper functioning of the Commonwealth of Virginia and these United States. U.S. Const. Amends. I, V, and XIV; Va. Const. Art. I, Section 11; Va. Const. Art. I, Section 12; *Matthews*, 424 U.S. at 334; *Vlaming*, 302 Va. at 573-76.

"The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews*, 424 U.S. at 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). To that end, "due process requires a 'neutral and detached judge in the first instance.'" *Concrete Pipe & Products of California, Inc. v. Constr. Laborers Pension Trust for S. California*, 508 U.S. 602, 617 (1993) (quoting *Ward v. Village of Monroeville*, 409 U.S. 57, 61-62 (1993). "Even appeal and a trial *de novo* will not cure a failure to provide a neutral and detached adjudicator." *Concrete Pipe,* 508 U.S. at 618. "'[J]ustice,' indeed, 'must satisfy the appearance of justice, and this stringent rule may sometimes bar trial [even] by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.'" *Id.* (quoting *Marshall v. Jerrico, Inc.,* 446 U.S. 238, 243 (1980)).

The district court denied Antonacci due process of law because it demonstrated that there is simply nothing Antonacci can say or do to prosecute his claims against the Appellees. First, Nachmanoff dismissed Antonacci's well-pleaded allegations summarily as "implausible," when Antonacci had served discrete Requests for Admission that sought to address that very issue. If Judge Nachmanoff was seriously concerned about the plausibility of Antonacci's allegations, or even the appearance of justice, then he would have required the Appellees to answer Antonacci's discrete requests for admission. Antonacci

included his Requests for Admission, and his argument as to why they were germane to the issue of plausibility, in his response to each of the Appellees' Motions to Dismiss. Judge Nachmanoff's denial of Antonacci's objections as "moot" is disingen- uous – he was briefed on the issue and his subsequent denial is therefore irrational and a denial of due process of law.

Second, it canceled the hearing on the respondents' motions to dismiss after Antonacci briefed his oppositions. Third, Nachmanoff denied leave to amend the complaint to cure any alleged deficiencies. Fourth, he issued a facially absurd, five-page opinion, dismissing a well-articulated and substantiated complaint for lack of jurisdiction, despite it plainly alleging all the elements of every cause of action therein. Judge Vaala then denied entry of default against Fusion GPS, despite that there is no dispute they are in default.

The district court effectively ruled that there is nothing Antonacci can say or do to seek justice against these defendants. The district court made no attempt to get at the truth of Antonacci's allegations, but rather went out of its way to ensure these defendants do not have to answer for their crimes. This case is another travesty of justice and a demonstration that Biden's Administration, who appointed Nachmanoff, was not committed to the rule of law. Like Cook County Communists, they are totalitarians committed to rule by law, rather than democratic principles of justice under the common law. Our Constitution commands better. U.S. Const. Amends. I, V, and XIV; Va. Const. Art. I, Section 11; Va. Const. Art. I, Section 12; *Matthews*, 424 U.S. at 334; *Vlaming*, 302 Va. at 573–76.

III. THE VIRGINIA STATE BAR IS DENYING ANTONACCI DUE PROCESS OF LAW SOLELY BASED ON THE DISTRICT COURT ERRONEOUSLY RULED ANTONACCI'S ALLEGATIONS ARE "FRIVOLOUS," WHICH THEY ARE NOT, SO THE BAR'S DUPLICATIVE LITIGATION SHOULD BE AVOIDED

Mandamus is also appropriate where it will prevent the delays and burdens of unnecessary litigation. *In re Sewell*, 690 F.2d 403, 406-407 (4th Cir. 1982. In this case, the Virginia State Bar is pursuing its political persecution of Antonacci based solely on Antonacci's allegations in his complaint, which the district court incorrectly ruled were "frivolous." While that cannot constitute misconduct under the Virginia Rules of Professional Conduct, and the Virginia State Bar's proceedings against Antonacci constitute a denial of due process of law, reversal of the district court should eliminate the need for further proceedings on Mr. So's bar complaint. Va. R. Sup. Ct. 1.6(b)(2). Antonacci will reiterate that neither Storij nor any of the other defendants had the credibility to file a Rule 11 motion in the district court.

Antonacci has no right to discovery in the Virginia State Bar's proceedings, and thus any adjudication on Shaun So's bar complaint, which relates only to the allegations in Antonacci's federal complaint, will necessarily be prejudicial to Antonacci's federal case. Va. R. Sup. Ct. 13-11. Indeed, Richard Wheeler, the Storij employee who hacked Antonacci's computer systems, is not a party to the bar complaint and he resides in California, far outside the subpoena power of those proceedings. Antonacci also has a right to adjudicate those facts before the jury he demanded in the district court. U.S. Const. Amend. VII; Va. Const. Art., sec. 11. Antonacci is being denied his right to a both a jury and due process under the U.S. and Virginia Constitutions. U.S. Const. Amends. V, VII, and XIV; Va. Const. Art. I, Section 11; *Matthews*, 424 U.S. at 334; *Vlaming*, 302 Va. at 573–76.

And while Antonacci's petition for writs of mandamus and prohibition are not on appeal here, this Court may take judicial notice of those proceedings, which are a matter of public record, to see how the Virginia State Bar is flipping the legal order on its head to protect this criminal enterprise, and why this is a case of public importance that requires prompt resolution. The proceedings on Shaun So's bar complaint have not been stayed and are scheduled for hearing in June. App. 639a.

Indeed, the Virginia State Bar argued in its response to Antonacci's mandamus petition that Shaun So's acts of treason against his country and the Petitioner constitute sensitive information that Antonacci does not have the right to disclose in a court proceeding. App. 650a-52a. As Hannah Arendt sagely surmised: "When Hitler said that a day would come in Germany when it would be considered a disgrace to be a jurist, he was speaking with utter consistency of his dream of a perfect bureaucracy." Hannah Arendt, *Eichmann in Jerusalem: a Report on the Banality of Evil*, PENGUIN BOOKS, N.Y., N.Y. (1994). The Virginia State Bar is living that dream.

The district court's ruling is absurd. The Virginia State Bar is relying on that absurdity to persecute Antonacci for his political beliefs, which also represent the political beliefs of the majority of this country. This Court should issue mandamus requiring the Fourth Circuit to rule on the Appeal and prevent unnecessary litigation arising from Shaun So's bar complaint. *In re Sewell*, 690 F.2d at 406-407.

In the alternative, Antonacci requests that this Court issue a writ of certiorari and reverse the district court on the papers immediately, pursuant to 28 U.S.C. § 1254(1). The complete complaint is reproduced in the accompanying appendix (app. 42a-594a) and this case is properly "in" the court of appeals for the purposes of the jurisdictional statute. *United States v. Nixon*, 418 U.S.

683, 690–91 (1974).

CONCLUSION

The record of Antonacci's 15-year dispute with this criminal enterprise demonstrates that it is deliberately obfuscating the significant differences between the "rule of law," under the democratic common law, and "rule by law," which is practiced by totalitarian governments. The United States of America is a democratic, constitutional republic. And we are not changing.

Exercise of this Court's mandamus power is appropriate here because it would be in aid of this Court's appellate jurisdiction over long-term racketeering activity specifically proscribed by 18 U.S.C. § 1962, and promote the rule of law. These are indeed exceptional circumstances because Antonacci is being unconstitutionally denied due process of law in retaliation for expressing his political beliefs. Antonacci has no adequate recourse in any other court or tribunal because the Fourth Circuit has declined to exercise its appellate jurisdiction, and the Supreme Court of Virginia has not acted on his petition, allowing the Virginia State Bar to continue its unconstitutional attack on Antonacci's bar license.

Antonacci respectfully requests that this Court issue a writ of mandamus compelling the Fourth Circuit Clerk to refer the case to a panel of judges, and compelling the Fourth Circuit to rule on the Appeal immediately. In the alternative, Antonacci requests that this Court grant certiorari and reverse the district court on the papers immediately.

Respectfully submitted,

/s/ Louis B. Antonacci

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