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NO. \_\_\_\_\_

IN THE  
**Supreme Court of the United States**

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**LOUIS B. ANTONACCI,**

*Petitioner,*  
v.

**RAHM ISRAEL EMANUEL, *et. al.*,**

*Respondents.*

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

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**APPENDIX TO  
PETITION FOR A WRIT OF CERTIORARI  
VOLUME II OF II**

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*Petitioner and Counsel of Record*

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IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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LOUIS B. ANTONACCI, an individual,

*Plaintiff,*

v.

CITY OF CHICAGO, a municipal corporation,

Serve: Mr. Stephen R. Patton  
City of Chicago Department of Law  
121 N. LaSalle Street, Suite 600  
Chicago, IL 60602

and

SEYFARTH SHAW LLP,  
a limited liability partnership,

Serve: J. Stephen Poor  
131 S. Dearborn Street, Suite 2400  
Chicago, IL 60603

and

ANITA J. PONDER, an individual,

Serve: Anita J. Ponder  
131 S. Dearborn Street, Suite 2400  
Chicago, IL 60603

and

THE LAW OFFICES OF RUTH I. MAJOR, P.C., a  
professional corporation,

Serve: Ruth I. Major  
30 West Monroe, Suite 1650  
Chicago, Illinois 60603

and

RUTH I. MAJOR, an individual,

Serve: Ruth I. Major  
30 West Monroe, Suite 1650  
Chicago, Illinois 60603

and

MATTHEW J. GEHRINGER, an individual,

Serve: Matthew J. Gehringer  
131 S. Dearborn Street, Suite 1700  
Chicago, IL 60603

and

PERKINS COIE LLC, a limited liability company,

Serve: CT Corporation System  
208 South LaSalle Street, Suite 814  
Chicago, Illinois 60604

and

KRUSE & ASSOCIATES, LTD., a corporation,

Serve: Margaret Kruse  
180 N LaSalle Street, Suite 3700  
Chicago, Illinois 60601

and

MARGARET KRUSE, an individual,

Serve: Margaret Kruse  
180 N. LaSalle Street, Suite 3700  
Chicago, Illinois 60601

and

TOOMEY REPORTING, INC. a corporation,

Serve: Ms. Sandy Toomey  
205 W. Randolph Street, Suite 1230  
Chicago, Illinois 60606

and

SOSIN & ARNOLD, LTD., a corporation,

Serve: David Sosin  
9501 W. 144th Place, Suite 205  
Orland Park, Illinois 60462

and

GEORGE A. ARNOLD, an individual,

Serve: George A. Arnold  
9501 W. 144th Place, Suite 205  
Orland Park, Illinois 60462

and

NEAL & LEROY LLC, a limited liability company,

Serve: Langdon Neal 203 N. LaSalle Street,  
Suite 2300 Chicago, IL 60601

*Defendants.*

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Case No. 1:15-cv-03750

Before: Milton I. SHADUR, Judge, Sheila M.  
FINNEGAN, Magistrate Judge.

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## **COMPLAINT**

Plaintiff Louis B. Antonacci (“Mr. Antonacci”) hereby files this Complaint against the above-named Defendants, and states as follows:

## **PARTIES**

1. Mr. Antonacci is an individual and a resident of the District of Columbia.
2. The City of Chicago (“City”, “Chicago”, or “City of Chicago”) is a municipal corporation organized under the laws of the State of Illinois.
3. Seyfarth Shaw LLP (“Seyfarth”) is a limited liability company organized under the law of the State of Illinois, with its principal place of business located in the State of Illinois.
4. Anita I. Ponder (“Ponder”) is an individual and a resident of Cook County, Illinois. All of Ponder’s acts

alleged herein were on behalf of herself and on behalf of Seyfarth.

5. The Law Offices of Ruth I. Major, P.C. (“Major Law”) is a professional corporation organized under the laws of the State of Illinois, with its principal place of business located in the State of Illinois.

6. Ruth I. Major (“Major”) is an individual, an attorney licensed in the State of Illinois, and a resident of Cook County, Illinois. All of Major’s acts alleged herein were on behalf of herself and on behalf of Major Law.

7. Perkins Coie LLC (“Perkins Coie”) is a limited liability company organized under the laws of the State of Delaware, with a place of business in Cook County, Illinois.

8. Matthew J. Gehringer (“Gehringer”) is an individual, an attorney licensed in the State of Illinois, a partner at Perkins Coie, and a resident of Cook County, Illinois. All of Gehringer’s acts alleged herein were on behalf of himself, Perkins Coie, Seyfarth, and Ponder.

9. Kruse & Associates, LTD. (“Kruse International”) is a corporation organized under the laws of the State of Illinois, with its principal place of business located in the State of Illinois.

10. Margaret Kruse (“Kruse”) is an individual, a principal officer of Kruse International, and a resident of Cook County, Illinois. All of Kruse’s acts alleged herein were on behalf of herself and on behalf of Kruse International.

11. Toomey Reporting, Inc. (“Toomey”) is a corporation organized under the laws of the State of

Illinois, with its principal place of business located in the State of Illinois.

12. Sosin & Arnold, Ltd. (“Sosin & Arnold”) is a corporation organized under the laws of the State of Illinois, with its principal place of business located in the State of Illinois.

13. George A. Arnold (“Arnold”) is an individual, an attorney licensed in the State of Illinois, a principal officer of Sosin & Arnold, and a resident of Cook County, Illinois. All of Arnold’s acts alleged herein were on behalf of himself and on behalf of Sosin & Arnold.

14. Neal & Leroy LLC (“Neal & Leroy”) is a limited liability company organized under the laws of the State of Illinois, with its principal place of business located in the State of Illinois.

## **JURISDICTION**

15. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because some of the claims asserted herein arise under the laws of the United States.

16. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Mr. Antonacci and the Defendants, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

17. This Court has personal jurisdiction over all the Defendants pursuant to 735 ILCS 5/2-209 because the Defendants are 1) corporations organized under the laws of this State; 2) persons who resided in this

State when the causes of action arose, the action was commenced, or when process was served; 3) persons who transacted business within this State, from which these causes of action arise; and/or 4) persons who committed tortious acts, or caused tortious injury, within this State, from which these causes of action arise.

18. This Court also has personal jurisdiction over the Defendants pursuant to 18 U.S.C. 1965(d) because all the Defendants reside in this judicial district, have an agent here, and/or transact their affairs in this State.

19. Venue in this district is appropriate pursuant to 28 U.S.C. § 1391(b) and 18 U.S.C. 1965 because a substantial part of the events giving rise to the claims occurred here, and Defendants reside and transact their business in this State, either directly or through their agents.

## **FACTS COMMON TO ALL COUNTS**

20. Mr. Antonacci is an attorney who has been licensed to practice law since 2004. Mr. Antonacci is licensed to practice in the State of Wisconsin, the Commonwealth of Virginia, and the District of Columbia. Mr. Antonacci has never been disciplined for his conduct as an attorney nor has a bar complaint ever been filed against him.

21. While in law school, Mr. Antonacci served as an Honors Intern for both the Criminal Division of the U.S. Department of Justice and the General Counsel of the U.S. Air Force. Immediately upon graduating with honors from the University of Wisconsin Law School in 2004, Mr. Antonacci began work as a Civilian

Honors Attorney for the U.S. Army Corps of Engineers in Huntsville, Alabama. In 2006, Mr. Antonacci, relocated to Washington, D.C. to work in private practice for international law firms, where he represented clients in construction, federal government contracts, and fraud disputes in federal and state courts.

22. In August of 2011, Mr. Antonacci relocated to his hometown of Chicago, Illinois to accept a job offer from Seyfarth to work as an attorney in its commercial litigation practice group.

23. Also in August of 2011, the City of Chicago retained Ponder and Seyfarth to advise the City on certain aspects of its Minority and Women Owned Business Enterprise Program (“DPS Matter”). The City retained Seyfarth and Ponder for a fixed fee of \$235,000.

24. The City of Chicago retained Ponder at the direction of City of Chicago Mayor Rahm Emanuel, longtime friend and political ally of Ponder.

25. Prior to being retained on the DPS Matter, Ponder had lobbied the City for over a decade.

26. Prior to working for Seyfarth, Ponder had been fired from multiple law firms because she is impossible to work with and regularly harasses those assigned to work for her.

27. At the time the City retained Ponder, Ponder had hundreds of thousands of dollars of federal tax liens outstanding with the Cook County Recorder of Deeds.

28. Upon information and belief, the City of Chicago retained Ponder in order to divert Chicago

taxpayer money to Ponder so that she could satisfy her federal debts.

29. Earlier in 2011, Seyfarth and Ponder had falsely certified to the City of Chicago that, in the five (5) years prior to the City's retention of Seyfarth on February 7, 2011, no one "engaged in the performance of [Seyfarth's work for the City] . . . had been found liable in a civil proceeding, or in any criminal or civil action . . . instituted by the City or by the federal government . . .".

30. Mr. Antonacci was initially tasked to work with Ponder on the DPS Matter.

31. Mr. Antonacci applied for admission to the Illinois Bar in April 2012.

32. Despite successfully working with numerous attorneys at Seyfarth, and being retained by a prestigious non-profit organization, Mr. Antonacci was summarily terminated on May 22, 2012, being told that his work with Ponder months earlier was the issue.

33. Seyfarth indicated to Mr. Antonacci that the reason for his termination was a layoff.

34. Seyfarth offered Mr. Antonacci eight weeks of severance pay in exchange for a release of claims against Seyfarth. Mr. Antonacci never signed any release of claims against Seyfarth.

35. Because Ponder frequently harassed and lied to Mr. Antonacci while he was working with her at Seyfarth, consistent with her reputation for incompetence and professional misconduct, Mr. Antonacci requested all evaluations of his performance while at Seyfarth.

36. Seyfarth provided Mr. Antonacci his performance evaluations the following day, May 23, 2012, which provided overwhelmingly positive reviews of his performance at Seyfarth.

37. In June 2012, Mr. Antonacci retained Major and Major Law as his attorney to advise him on legal matters pertaining to the separation of his employment with Seyfarth.

38. Mr. Antonacci retained Major and Major Law at an hourly rate. Mr. Antonacci offered to make Major's fees entirely contingent on the result obtained, but Major refused.

39. Ms. Major requested Mr. Antonacci's personnel file from Seyfarth. In June of 2012, Seyfarth produced Mr. Antonacci's personnel file to Ms. Major.

40. Mr. Antonacci's personnel file revealed an email from Seyfarth Professional Development Consultant, Ms. Kelly Gofron, memorializing numerous lies perpetrated by Ms. Ponder concerning Mr. Antonacci and his work ("Ponder Slander Email").

41. Seyfarth did not include the Ponder Slander Email in its response to Mr. Antonacci's request for all evaluations of his performance while at Seyfarth.

42. Utilizing interstate communications, Seyfarth knowingly withheld the Ponder Slander Email and falsely indicated to Mr. Antonacci, via electronic mail, that it did not exist.

43. Major advised Mr. Antonacci that he had colorable causes of action for promissory estoppel and fraudulent inducement, and thus she should write a demand letter to Seyfarth setting forth those causes of action.

44. Mr. Antonacci suggested that Major include a cause of action for intentional interference with prospective economic advantage.

45. Mr. Antonacci asked Major whether she was comfortable suing a large firm in Chicago. Major stated to Mr. Antonacci that she sued law firms in Chicago frequently and had no problem doing so. Upon information and belief, this representation was false because Major had not sued large law firms previously.

46. Mr. Antonacci indicated to Major that he would likely wish to draft much of the pleadings and briefs, and perform much of the discovery work, in order to save money on legal fees.

47. Major indicated that she would not object to Mr. Antonacci performing as much or as little of the legal work as he deemed appropriate.

48. Major never suggested that Mr. Antonacci include a cause of action for defamation or defamation *per se*.

49. Major's website indicates that Ms. Major has professional expertise in the law of defamation pertaining to professionals and executives.

50. Major never intended to file a complaint on behalf of Mr. Antonacci. Major intended to bill Mr. Antonacci an unreasonable amount of money for a demand letter so that she could take as much of his severance package as possible.

51. Major's associate drafted the demand letter to Seyfarth over approximately two months, billing Mr. Antonacci approximately \$5,000 for that letter.

52. After Seyfarth rejected the initial demand, Mr. Antonacci indicated to Ms. Major that he would draft a verified complaint.

53. Mr. Antonacci drafted the Verified Complaint, including a cause of action for defamation *per se*, and sent it to me Major and her associate on September 28, 2012.

54. Major's associate left Major Law almost immediately after Mr. Antonacci transmitted the draft complaint.

55. Major did not review the Verified Complaint for over a month. She regularly ignored Mr. Antonacci's emails seeking status updates during this time.

56. After Mr. Antonacci appeared at Major's offices seeking to determine the status of the Verified Complaint, Major finally began reviewing the Verified Complaint.

57. Ms. Major indicated that defamation *per se* was his strongest cause of action and she did not know how the defendants could not be found liable for defamation based on the facts alleged in the Verified Complaint.

58. Ms. Major transmitted the Verified Complaint to Corporation Counsel for the City of Chicago, Mr. Stephen Patton, to ensure that the Verified Complaint did not disclose any confidential or attorney-client privileged information pertaining to the DPS Matter.

59. Major and Mr. Antonacci edited the Verified Complaint multiple times to address the City's concerns regarding potential disclosure of confidential or attorney-client privileged information.

60. The Verified Complaint contained over 300 concise allegations and contained several probative exhibits substantiating many of those allegations.

61. On November 5, 2012, Mr. Antonacci's Illinois Bar application was assigned to Ms. Ellen S. Mulaney ("Mulaney"), Illinois Bar Character and Fitness Committee, for review.

62. On November 19, 2012, Mulaney scheduled an Illinois Supreme Court Rule 708 interview with Mr. Antonacci for November 27, 2012.

63. Major filed the Verified Complaint in Cook County Circuit Court on November 21, 2012, captioned *Antonacci v. Seyfarth Shaw LLP* and Anita J. Ponder, Civil Case No. 2012 L 13240 ("Circuit Court Case").

64. On November 25, 2012, Mulaney rescheduled her interview with Mr. Antonacci indefinitely.

65. On November 29, 2012 Mr. Joel Kaplan ("Kaplan"), Seyfarth General Counsel, spoke with Ms. Major and made a settlement offer of \$100,000 on behalf of the Defendants. Kaplan further indicated that it was a "final offer" and threatened that no further offer would be forthcoming if Mr. Antonacci rejected it.

66. On November 29, 2012, Mr. Antonacci requested that Major to make a counteroffer to the defendants in the Circuit Court Case. Major never responded to Mr. Antonacci's request.

67. On December 3, 2012, Mulaney indicated to Mr. Antonacci, via electronic mail, that "[b]ecause of the complexity of your file, the Chairman of our committee has decided that the initial interview should be

bypassed and we will go directly to a three person panel to conduct your interview.”

68. Because Major never responded to Mr. Antonacci’s November 29, 2012, request, Mr. Antonacci followed up with Major on December 6, 2012. Major indicated, via electronic mail message, that Kaplan was “not very happy” and that settlement communications were over for the “near future.”

69. Upon information and belief, during their telephone conversation, utilizing interstate communications, Major agreed with Kaplan to work with Seyfarth, Ponder and their counsel, Mr. Matthew J. Gehringer of Perkins Coie, to sabotage Mr. Antonacci’s case.

70. From December 2012 through the present, Major has had many further telephone conversations and email communications with Gehringer, Seyfarth, Ponder, Kaplan, and others working on behalf of Gehringer, to sabotage Mr. Antonacci’s case in the Circuit Court.

71. Major conspired with Gehringer, Seyfarth, Kaplan, and Ponder to

- a. keep Mr. Antonacci’s Verified Complaint under seal so that the allegations exposing the corruption and incompetence pervading Seyfarth would not remain public, breaching Major’s fiduciary duty to Mr. Antonacci;
- b. file an Amended Complaint that would be far weaker than the Verified Complaint because it would contain less relevant, factual allegations, and omit the exhibits substantiating

- those allegations, breaching Major's fiduciary duty to Mr. Antonacci;
- c. include the Ponder Slander Email as an exhibit to the Amended Verified Complaint, breaching Major's fiduciary duty to Mr. Antonacci, so that Seyfarth and Ponder could argue (incorrectly) that the Ponder Slander Email solely embodied Ponder's defamatory statements concerning Mr. Antonacci and therefore controlled over Mr. Antonacci's allegations;
  - d. unnecessarily delay the proceedings as long as possible, breaching Major's fiduciary duty to Mr. Antonacci, while Gehringer utilized U.S. mail and interstate communications to conspire with members of the Illinois Board of Bar Examiners, and the Illinois Committee on Character and Fitness, to prevent Mr. Antonacci from becoming licensed to practice law in the State of Illinois, which would damage his professional reputation and prevent him from earning a living, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952.
  - e. deliberately incur unnecessary legal fees such that financial pressure would force Mr. Antonacci to accept a low settlement, breaching Major's fiduciary duty to Mr. Antonacci;
  - f. if Mr. Antonacci refused to settle his case, then Major would withdraw her representation of Mr. Antonacci, in order to further pressure Mr. Antonacci into dropping his case,

breaching Major's fiduciary duty to Mr. Antonacci;

- g. Gehringer agreed to coordinate with Judge Eileen M. Brewer Brewer ("Judge Brewer"), Judge Brewer's law clerk, Mr. Matthew Gran ("Gran"), and any other Cook County Circuit Court judges, as necessary, to pass instructions to Judge Brewer concerning the Defendants' case strategy, how to rule on particular issues, and how to harass and intimidate Mr. Antonacci when he appeared in court, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952;
- h. Major agreed to write a letter to City of Chicago Deputy Corporation Counsel, Mardell Nereim ("Nereim"), and Ponder and Gehringer agreed to conspire with Neriem to coordinate her response such that it could be used to harass and intimidate Mr. Antonacci, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952; and
- i. Gehringer agreed to conspire with others as needed moving forward.

72. Mr. Antonacci's Inquiry Panel originally consisted of Mulaney, Mr. John Storino ("Storino"), and Mr. Matthew Walsh ("Walsh").

73. Gehringer conspired to have Storino removed from the Inquiry Panel.

74. Via email dated December 18, 2013, Mulaney falsely indicated to Antonacci that Mr. Storino "asked to be excused from the Panel because his time constraints made it impracticable."

75. Storino asked to be removed from the Inquiry Panel, at the direction of Gehringer or those working on his behalf, so that the First District Chairman of the Character and Fitness Committee, Mr. Philip Bronstein (“Bronstein”), could replace Storino with Ms. Jeanette Sublett (“Sublett”), Member of Neal & Leroy. All of Sublett’s acts alleged herein were on behalf of Neal & Leroy and her personal interests.

76. Neal & Leroy received approximately \$801,070 in legal fees from the City of Chicago in 2011.

77. Neal & Leroy received approximately \$796,330 in legal fees from the City of Chicago in 2012.

78. Mulaney scheduled Mr. Antonacci’s Inquiry Panel meeting date for Friday, January 25, 2013 at the offices of Neal & Leroy.

79. Judge Brewer was assigned to the Circuit Court Case. Brewer is a longtime friend and political ally of Defendant Ponder. Judge Brewer was also an attorney for the City of Chicago earlier in her career.

80. Major emailed Mr. Antonacci to ask his opinion of Judge Brewer. Mr. Antonacci indicated that he knew nothing of Judge Brewer so he would watch his friend’s oral argument before her.

81. Major disclosed to Gehringer when Mr. Antonacci would watch Brewer preside over his friend’s oral argument. Major disclosed this information so that Gehringer would transmit the information to Judge Brewer, who would deliberately appear calm and reasonable during the hearing, and thus Mr. Antonacci would not ask Major to Petition to Substitute

Brewer as of Right. Major disclosed this information utilizing interstate communications.

82. Gehringer disclosed to Brewer when Mr. Antonacci would watch Brewer preside over his friend's oral argument. Gehringer disclosed this information so that Judge Brewer would deliberately appear calm and reasonable during the hearing, and thus Mr. Antonacci would not ask Major to Petition to Substitute Brewer as of Right. Gehringer disclosed this information utilizing interstate communications.

83. Defendants thereafter moved to seal the Verified Complaint, on the basis that it disclosed confidential or attorney-client privileged information. On January 7, 2013, Judge Brewer sealed the Verified Complaint pending resolution of the Motion to Seal.

84. Immediately after the hearing of January 7, 2013, Major sent Mr. Antonacci, via electronic mail, a draft letter to Patton, whereby Major sought the City's express assurance that the City did not object to the allegations in the Verified Complaint.

85. Mr. Antonacci advised Major that it was imprudent to send such a letter, but Major insisted and consequently sent the letter via U.S. and electronic mail.

86. Nereim responded on behalf of the City of Chicago on January 18, 2013, where she stated that the City had not expressly waived the attorney-client privilege and that the Verified Complaint "went further than the City would have liked."

87. The Inquiry Panel later declined Mr. Antonacci's certification to the Illinois Bar. The Inquiry Panel relied heavily upon Nereim's letter in its report

declining Mr. Antonacci's certification to the Illinois Bar.

88. Major sent the January 8, 2013 letter to Patton at the direction of Gehringer. Gehringer directed Nereim and/or Patton to allow Nereim to respond to Major's January 8, 2013 letter. Gehringer instructed Nereim and/or Patton as to the language to include in Nereim's January 18, 2013 response.

89. Gehringer notified the Inquiry Panel that Nereim's letter would be forthcoming and further instructed them how to use the letter to intimidate Mr. Antonacci.

90. Upon information and belief, Gehringer transmitted the City's January 18, 2013 letter to the Inquiry Panel via electronic mail.

91. Gehringer orchestrated the City's response in order to intimidate Mr. Antonacci so that he would withdraw and/or settle the Circuit Court Case on defendants' terms.

92. Gehringer and Perkins Coie subsequently filed an appearance on behalf of the Defendants.

93. Gehringer conspired with the Inquiry Panel and instructed them on how to harass and intimidate Mr. Antonacci such that he would withdraw and/or settle the Circuit Court Case.

94. Judge Brewer placed Mr. Antonacci on a list of attorneys disfavored by Cook County Circuit Court judges (the "Blacklist"). The Blacklist is circulated to certain attorneys, law firms, and City and County organizations via U.S. and electronic mail, utilizing interstate communications. Those who receive the Blacklist are instructed by the Enterprise to injure

the attorneys on the Blacklist in any way possible. Cook County Circuit Court judges consistently rule against and harass attorneys who appear on the Blacklist.

95. After the January 7, 2013 hearing, Mr. Antonacci indicated that he would draft his response in opposition to Seyfarth and Ponder's 2-619.1 motion to dismiss the Verified Complaint. In addition, Mr. Antonacci had drafted the Verified Complaint.

96. Major responded erratically, scheduling numerous phone calls and assigning research to her new associate related to her brief. Major tried to insist that she would write the brief and her associate would at least perform extensive research for Mr. Antonacci. Major's associate followed up with a research memorandum that Mr. Antonacci specifically asked that she not prepare.

97. Mr. Antonacci had to insist repeatedly that he would write the response before Major and his associate would leave him alone, despite the fact that, when Mr. Antonacci retained Major, she had indicated that Mr. Antonacci could preform as much or as little of the legal work as he liked.

98. Major's newfound enthusiasm for Mr. Antonacci's case was false. Major took six months to get Mr. Antonacci's Verified Complaint on file, despite the fact that Mr. Antonacci drafted the Verified Complaint.

99. Major sought to perform work on the Circuit Court Case so that she could sabotage the case and fraudulently bill Mr. Antonacci, in furtherance of the agreed-upon scheme.

100. Mr. Antonacci met with the Inquiry Panel at the offices of Neal & Leroy on January 25, 2013. The Inquiry Panel was openly hostile towards Mr. Antonacci throughout the proceedings, unjustifiably questioning his prior practice of law as an Honors Attorney for the Government of the United States and law firms in Washington, D.C. and Northern Virginia. The Inquiry Panel unjustifiably questioned his intentions in filing the Circuit Court Case, and inexplicably determined that his application could not be resolved until defendants' motion to dismiss was ruled upon. The Inquiry Panel inexplicably reasoned that the Circuit Court had jurisdiction to determine whether Mr. Antonacci had violated the Illinois Rules of Professional Conduct by filing the Verified Complaint.

101. The Inquiry Panel sought to harass and intimidate Mr. Antonacci such that he would withdraw and/or settle the Circuit Court Case.

102. Mr. Antonacci refused to withdraw the Circuit Court Case, and merely indicated that he would forward the hearing transcript of the April 2, 2013 hearing on the defendants' motion to dismiss as soon as he received it.

103. A few hours after Mr. Antonacci left the offices of Neal & Leroy, Mulaney emailed Mr. Antonacci and falsely indicated that she had forgotten to mention that morning that her son, Mr. Charles Mulaney, was an attorney at Perkins Coie. Mulaney further indicated that Gehringer had recently filed an appearance in the Circuit Court Case, and that while her son was not involved in the case, she would ask the Chairman about reconstituting the Inquiry Panel if Mr. Antonacci objected to her involvement.

104. Due to inclement weather, Walsh was over 90 minutes late to the Inquiry Panel meeting of January 25, 2013. Mr. Antonacci, Mulaney, and Sublett were all present at Neal & Leroy waiting for Walsh for 90 minutes before the meeting commenced.

105. Mulaney had not forgotten that morning to ask Mr. Antonacci whether he objected to Mulaney's participation as a result of her son working for Perkins Coie. Mulaney sought to harass and intimidate Mr. Antonacci into withdrawing the Circuit Court Case. When Mr. Antonacci refused to do so, she sought to distance herself from the conspiracy because she knew that the ongoing pattern of defrauding, harassing, and intimidating Mr. Antonacci violated state and federal criminal law.

106. On April 2, 2013, Judge Brewer dismissed the Verified Complaint and granted Mr. Antonacci leave to file an amended complaint. Judge Brewer baselessly criticized the Verified Complaint as "incoherent", yet failed to identify even one allegation that was unclear. Judge Brewer further ordered that Mr. Antonacci not include relevant facts in his Amended Complaint. Judge Brewer acknowledged that she could not find that Mr. Antonacci violated the Illinois Rules of Professional Conduct by filing the Verified Complaint.

107. Mr. Antonacci immediately asked Major to request dismissal with prejudice so that he could stand on his Verified Complaint. Major insisted that she file an Amended Complaint.

108. On April 11, 2013, Mr. Antonacci transmitted the transcript from the April 2, 2013 hearing to the Inquiry Panel, per its request. Because Judge Brewer

acknowledged on the record that she could not find that Mr. Antonacci violated the Illinois Rules of Professional Conduct, Mr. Antonacci expected a favorable resolution of his application.

109. Mulaney responded on April 11, 2013, via electronic mail, by asking Mr. Antonacci to keep the Inquiry Panel apprised of developments in the Circuit Court Case.

110. On April 23, 2013, Mr. Antonacci requested that “each member of [the] Inquiry Panel, as well as [Illinois Board of Bar Examiners member] Ms. [Vanessa] Williams, disclose to [Mr. Antonacci] any personal relationships or professional affiliations that they have with Ms. Anita Ponder. [Mr. Antonacci] further request[s] that each member of the Inquiry Panel, as well as Ms. Williams, disclose any communications, oral or written, with Ms. Ponder or Seyfarth Shaw, or anyone on behalf of Anita Ponder or Seyfarth Shaw, concerning [Mr. Antonacci].”

111. On April 24, 2013, the Inquiry Panel issued its report declining to certify Mr. Antonacci’s Illinois Bar application.

112. The Inquiry Panel never responded to Mr. Antonacci’s request that it disclose inappropriate affiliations or communications with Seyfarth or Ponder, or anyone on their behalf. The Inquiry Panel failed to disclose this information because it would have revealed that they were committing felonies under Illinois and U.S. law.

113. Major filed the Amended Verified Complaint on April 28, 2013. The Amended Verified Complaint was a far weaker version of the Verified Complaint.

114. Major also insisted that she file a series of motions that she knew would be denied.

115. Major filed these motions in a calculated effort to delay the circuit court proceedings.

116. Major filed these motions in a fraudulent effort to increase her legal bills.

117. For the months of April, May, June, July, and August 2013, Major Law billed Mr. Antonacci over \$50,000 in legal fees in the Circuit Court Case. Major Law billed Mr. Antonacci over \$50,000 in legal fees for filing motions during the pleading stage of a four-count complaint against two defendants.

118. Major sought to fraudulently increase her legal bills to put financial pressure on Mr. Antonacci so that he would be more likely to settle his case for the low amount offered by Seyfarth. Major also sought to fraudulently increase her legal bills so that she would retain more of the settlement for herself.

119. Mr. Antonacci requested a Hearing Panel to review his application to the Illinois Bar.

120. On May 6, 2013, Mr. Antonacci indicated to Ms. Regina Kwan Peterson, Director of Administration for the Illinois Board of Admission to the Bar, that the conduct of the Inquiry Panel seemed dubious for the reasons discussed above. Peterson initially agreed, stating “[a]fter reading your email, I understand your concerns.” Peterson further advised Mr. Antonacci “the hearing panel is not bound in any way by the Inquiry Panel Report and you may marshal facts or evidence to impeach the credibility of the report.”

121. Mr. Antonacci’s Hearing Panel was scheduled for August 14, 2013.

122. Bronstein acted as Chairman of the Hearing Panel.

123. Pursuant to Rule 9.3(c) of the Rules of the Illinois Committee on Character and Fitness, Mr. Antonacci requested that the Committee issue subpoenas (“Rule 9.3 Subpoenas”), for testimony and documents, to the following: Patton, Nereim, Sublett, Ponder, Mulaney, Seyfarth, Neal & Leroy, Drinker Biddle LLP, and Quarles & Brady LLP.

124. The Rule 9.3 Subpoenas sought documents and testimony demonstrating that Gehringer, Nereim, Chicago, Seyfarth, Ponder, Mulaney, Sublett, Walsh, Neal & Leroy, had conspired to harass and intimidate Mr. Antonacci, cause him financial duress by indefinitely postponing his admission to the Illinois Bar, and coerce him into withdrawing the Circuit Court Case.

125. Except for Quarles & Brady, all recipients of the Rule 9.3 Subpoenas moved to quash those subpoenas.

126. Quarles & Brady complied with the subpoenas by producing Ponder’s personnel file from her time as a contract partner there. Ponder’s personnel file indicated that she had been fired from both Altheimer & Gray and Quarles & Brady. Ponder’s personnel file revealed that she had billed less than 700 hours in the year leading up to her termination. Ponder’s personnel file further indicated that no associate at Quarles & Brady would work for Ponder for even 50 hours in a billable year. Ponder’s personnel file further revealed that Ponder was expressly deemed “difficult to work with.”

127. After the Illinois Board of Admissions to the Bar served Mr. Antonacci's Rule 9.3 Subpoenas, Chairman Bronstein postponed the Hearing Panel indefinitely.

128. Bronstein nonetheless convened the Hearing Panel on August 14, 2013, and styled it as a "prehearing conference."

129. The Hearing Panel did not have jurisdiction to quash the Rule 9.3 Subpoenas.

130. Bronstein convened the prehearing conference so that the Hearing Panel could harass and intimidate Mr. Antonacci in order to coerce him into withdrawing the Rule 9.3 Subpoenas.

131. Counsel for the Character & Fitness Committee, Mr. Stephen Fedo ("Fedo"), was present at the prehearing conference.

132. Gerhinger, on behalf of Ponder and Seyfarth, and Lenny D. Asaro ("Asaro"), on behalf of Neal & Leroy, were also present.

133. Fedo unlawfully disclosed Mr. Antonacci's private Character and Fitness files to Asaro and Gehringer, at the request of Gehringer, Asaro, and Sublett, prior to the prehearing conference.

134. The "prehearing conference" of August 14, 2013, lasted approximately three hours, during which time the members of the Hearing Panel attempted to harass and intimidate Mr. Antonacci such that he would withdraw the Rule 9.3 Subpoenas.

135. Mr. Antonacci refused to withdraw the Rule 9.3 Subpoenas.

136. Bronstein and the Hearing Panel unlawfully quashed Mr. Antonacci's Rule 9.3 Subpoenas.

137. Also in August 2013, Major Law's two associates – both of whom who had been working on Antonacci's case – quit working for Major and Major Law.

138. The unlawful conduct of Defendants and their co-conspirators had prevented Mr. Antonacci from obtaining professional opportunities in Illinois and had further damaged Mr. Antonacci's professional reputation. As a direct result of these injuries, in August 2013, Mr. Antonacci relocated to Washington, D.C., because he is still actively licensed in both the District of Columbia and the Commonwealth of Virginia, and thus he could earn a living there.

139. On August 1, 2013, Judge William Maddux, former Chief of the Law Division at Cook County Circuit Court, denied Seyfarth's Motion to Seal the Verified Complaint.

140. While Mr. Antonacci was in Washington, D.C., Major indicated to Mr. Antonacci, via electronic mail utilizing interstate communications, that she would not execute Judge Maddux's order and have the seal removed from the Verified Complaint.

141. Via letter dated August 28, 2013, Mr. Antonacci insisted that Major remove the seal from the Verified Major Complaint, and further set forth numerous undisputed facts demonstrating that Major's position was unfounded and suggested that she was not genuinely advocating on Mr. Antonacci's behalf.

142. Major responded, via email, that she could no longer represent Mr. Antonacci, and thus she would

withdraw her representation after she filed Mr. Antonacci's Response in Opposition to Seyfarth/Ponder's Motion to Dismiss the Amended Verified Complaint and that Motion was ruled upon.

143. Realizing that Major was trying to sabotage his case, Mr. Antonacci terminated Major's representation immediately so that she could not damage his case further with a faulty Response in Opposition to Seyfarth/Ponder's Motion to Dismiss the Amended Verified Complaint. Mr. Antonacci proceeded *pro se* in the Circuit Court.

144. On September 6, 2013, Major sent Mr. Antonacci a letter, to his address in Washington, D.C., via U.S. first class and certified mail, as well as electronic mail, where she falsely claimed that Mr. Antonacci had accused her former associates of fraudulently billing Mr. Antonacci, which he had never done. Major also falsely claimed that Mr. Antonacci had not identified any actual charges that were incorrect, when Mr. Antonacci had specifically identified that Major Law's charges for "legal services" were unreasonable on their face in light of the work performed.

145. On September 20, 2013, Mr. Antonacci requested that Major produce of all of Major's and Major Law's communications with Gehringer and Seyfarth pertaining to his case. Major refused to provide those communications, stating, via electronic mail, "under Illinois law you are not entitled to these materials if you owe your attorney money, which you do."

146. Major refused to disclose her email communications with Gehringer and Seyfarth because those

communications demonstrate that she was assisting the Defendants by sabotaging Mr. Antonacci's case and fraudulently billing him.

147. From December 2013 through the present, Major sent Major Law's bills to Mr. Antonacci via U.S. Mail and electronic mail, utilizing interstate communications.

148. Major sent Mr. Antonacci her legal bills in order to coerce him into accepting Seyfarth's \$100,000 settlement offer to pay her legal bills.

149. On December 5, 2013, Mr. Antonacci presented his Motion for Leave to File Surreply *Instanter* to Judge Brewer. Judge Brewer screamed at Mr. Antonacci erratically throughout the presentation of that motion.

150. Ms. Peggy Anderson ("Anderson"), on behalf of Toomey, acted as court reporter throughout the proceeding. Anderson took notes on a laptop computer and further made a digital audio recording of the proceeding.

151. Anderson, Gehringer, and Ms. Sandy Toomey ("Sandy Toomey"), president and principal of Toomey Reporting, agreed and conspired to unlawfully delete portions of the hearing transcript when Judge Brewer screamed erratically and stated to Mr. Antonacci that she would not review certain affidavits that he filed and submitted pursuant to Illinois law.

152. In furtherance of the conspiracy, Anderson agreed to provide a false certification that the December 5, 2013 hearing transcript was true and accurate.

153. In furtherance of the conspiracy, upon information and belief, Anderson, Gehringer, and Sandy

Toomey agreed to utilize the U.S. Mail and interstate wires to transmit falsified documents across state lines, and to make material factual misrepresentations regarding the veracity of the transcript and their conspiracy to falsify the same.

154. At the direction of Gehringer, Anderson deleted portions of the hearing transcript when Judge Brewer screamed erratically and stated to Mr. Antonacci that she would not review certain affidavits that he filed and submitted pursuant to Illinois law.

155. Anderson further deleted those portions of the audio recording at the direction of Gehringer.

156. On December 6, 2013, Judge Brewer denied Seyfarth and Ponder's motion to dismiss the Amended Verified Complaint, ruling that the defamation *per se* claim may proceed based solely on Mr. Antonacci's allegation that Ponder had falsely accused him of engaging in the unauthorized practice of law. Judge Brewer further invited Seyfarth and Ponder to file a motion to strike every other allegation from the Amended Verified Complaint. Judge Brewer instructed Mr. Antonacci not to object to defendants' motion to strike allegations from the Amended Verified Complaint.

157. Judge Brewer and Gehringer had conspired to weaken Mr. Antonacci's Amended Verified Complaint by allowing defendants to strike allegations from the Amended Verified Complaint, contrary to well settled Illinois law. Judge Brewer instructed Mr. Antonacci to not object to defendants' motion to strike allegations from the Amended Verified Complaint so that Mr. Antonacci would waive his right to appeal the striking of those allegations.

158. On or around December 16, 2013 Mr. Antonacci caused subpoenas *duces tecum*, for documents and deposition testimony, to be served upon the City of Chicago, Patton, and Ms. Jamie Rhee (“Rhee”), Chief of Procurement Services for the City of Chicago (the “Chicago Subpoenas”). The Chicago Subpoenas sought documents and testimony demonstrating the Ponder had defamed Mr. Antonacci to City personnel relating to the DPS Matter.

159. Realizing that Mr. Antonacci would not allow the defendants to weaken his Amended Complaint further, and that he would seek discovery from the City proving Ponder fraudulent misconduct, on December 20, 2013, Seyfarth and Ponder moved to reconsider Judge Brewer’s December 6, 2013 ruling, and to stay execution of the Chicago Subpoenas. Gehringer noticed the motion to reconsider for January 6, 2014.

160. Gehringer conspired with Patton, Nereim, and City attorney Mr. Michael Dolesh (“Dolesh”), to delay execution of the Chicago Subpoenas to ensure that evidence of Ponder’s fraudulent misconduct would never be discovered. These individuals further conspired to make material, factual misrepresentations, utilizing the U.S. Mails and interstate wires, on numerous occasions in order to accomplish this goal.

161. On December 31, 2013 the City of Chicago moved to stay the Chicago Subpoenas. The City also noticed the motion for January 6, 2014.

162. Judge Brewer was not present at Cook County Circuit Court on January 6, 2014. Concerned that the substitute judge would not stay the Chicago Subpoenas, Gehringer and Dolesh approached Mr.

Antonacci and offered an agreed order whereby Mr. Antonacci would narrow the scope of the Chicago Subpoenas, and the City would produce documents voluntarily within approximately two weeks, at which time Mr. Antonacci would determine whether the depositions of Patton and Rhee needed to go forward. Seeking to deal with the City amicably, Mr. Antonacci entered into the agreed order.

163. Upon information and belief, from December 2013 through March 2014, Dolesh, Gehringer, and Brewer conspired, via electronic mail and telephone, utilizing interstate communications, to knowingly conceal the City's evidence of Ponder's fraudulent misconduct.

164. During January and February 2013, Dolesh sent Mr. Antonacci numerous emails falsely claiming that Ponder had not defamed Mr. Antonacci, orally or in writing, to City employees.

165. The City never produced documents to Mr. Antonacci or allowed deposition testimony. After Mr. Antonacci had filed amended Chicago Subpoenas, on February 3, 2014, Brewer quashed the Chicago Subpoenas for testimony of Rhee and Patton, and falsely ordered the City to produce documents responsive to the amended Chicago Subpoenas directly to her chambers.

166. On February 6, 2013, Dolesh sent a letter to Judge Brewer's Chambers, via U.S. Mail, falsely claiming that Ponder had not defamed Mr. Antonacci, orally or in writing, to City employees. Dolesh's February 6, 2013 letter also falsely stated that the City was transmitting therewith documents for the court's *in camera* review.

167. Dolesh transmitted the February 6, 2013 letter to Mr. Antonacci in Washington, D.C. via electronic mail utilizing interstate communications.

168. The City never transmitted responsive documents to the court for review. Dolesh sent the February 6, 2013 letter solely in furtherance of the conspiracy to conceal evidence of Ponder's fraudulent misconduct.

169. On or about December 19, 2013, Toomey transmitted the falsified transcript of the December 5, 2013 hearing to Mr. Antonacci, at his residence in the District of Columbia, via U.S. and electronic mail, utilizing interstate communications.

170. That same day, Mr. Antonacci pointed out the discrepancies in the transcript to Sandy Toomey.

171. On December 19, 2013, Sandy Toomey falsely stated to Mr. Antonacci, via electronic mail utilizing interstate communications, that no changes had been made to the transcript.

172. On December 20, 2013, Anderson, while in Cook County, Illinois, called Mr. Antonacci on his mobile phone in Washington, D.C. During this phone conversation, Anderson falsely stated that she did not alter the transcript at the behest of Gehringer and Toomey. Anderson falsely stated that the transcript matched her recollection of the December 5, 2013 proceeding.

173. When Mr. Antonacci asked Anderson if he could listen to the audio recording, Anderson stated that she would have to check with Toomey regarding their company policy.

174. On December 20, 2013, Sandy Toomey, while in Cook County, Illinois, called Mr. Antonacci on his mobile phone in Washington, D.C., and left him a voice message. In her voice message, Sandy Toomey falsely claimed, multiple times, that Anderson's audio recording of the December 5, 2013 hearing transcript had been deleted and could not be retrieved.

175. The audio recording had not been deleted and was still in the possession of Toomey and Anderson.

176. In December 2013, Mr. Antonacci served subpoenas ("Toomey Subpoenas") on Toomey and its court reporter seeking documents and testimony demonstrating that Toomey, at the direction of Gehringer, had falsified the December 5, 2013 hearing transcript.

177. Arnold represented Toomey in the Circuit Court Case.

178. Arnold conspired with Gehringer to conceal evidence that Toomey had falsified the December 5, 2013 hearing transcript to delete Brewer's erratic, hostile outbursts and her refusal to review affidavits that Mr. Antonacci submitted to the Court. These individuals further conspired to make material, factual misrepresentations, utilizing the U.S. Mails and interstate wires, on numerous occasions in order to accomplish this goal.

179. From January 2014 through April 2014, Arnold sent numerous emails to Gehringer, Toomey, and Mr. Antonacci in furtherance of this conspiracy, and further sent Mr. Antonacci numerous documents, via U.S. Mail, to his address in Washington, D.C., also in furtherance of this conspiracy.

180. Brewer quashed the Toomey Subpoenas on February 3, 2014. During the February 3, 2014 hearing, Brewer invited Arnold and Toomey to impose sanctions on Mr. Antonacci for moving to compel the Toomey Subpoenas. Brewer invited Toomey to impose sanctions on Mr. Antonacci in order to intimidate Mr. Antonacci and coerce him into withdrawing the Circuit Court Case.

181. Mr. Antonacci moved for reconsideration of the February 3, 2014 order quashing the Toomey Subpoenas.

182. On February 28, 2014, Arnold moved for sanctions against Mr. Antonacci (“Toomey’s Motion for Sanctions”). Toomey’s Motion for Sanctions misrepresented numerous material facts. Arnold transmitted Toomey’s Motion for Sanctions to Mr. Antonacci in Washington, D.C. via U.S. Mail. In furtherance of the conspiracy, and at the direction of Gehringer, Ms. Janet Greenfield transmitted Toomey’s Motion for Sanctions to Mr. Antonacci, via electronic mail.

183. On March 31, 2014, Judge Brewer ruled during a hearing that she would dismiss the Amended Verified Complaint with prejudice.

184. On April 23, 2014 a hearing was held on Mr. Antonacci’s motion for reconsideration of the February 3, 2014 order quashing the Toomey Subpoenas, as well as Toomey’s Motion for Sanctions.

185. Kruse and Kruse International acted as court reporter for the April 23, 2014 hearing.

186. Judge Brewer blatantly harassed Mr. Antonacci throughout the April 23, 2014 proceeding, such

that her actual prejudice was unmistakable. Judge Brewer also made numerous false statements during the hearing in an attempt to conceal Toomey's falsification of the December 5, 2013 hearing transcript. The falsity of Judge Brewer's statements is clear in the Record on Appeal. Judge Brewer's bias is an issue on appeal because Mr. Antonacci had petitioned to substitute Judge Brewer for Cause as a result of her actual prejudice.

187. On July 23, 2014, Judge Brewer issued her Final Order ("Final Order") in the Circuit Court Case.

188. The Final Order misrepresented numerous material facts.

189. Gran, on behalf of Judge Brewer, transmitted the Final Order to Mr. Antonacci, at his address in Washington, D.C., via U.S. Mail.

190. Mr. Antonacci perfected an Appeal of the Circuit Court Case (the "Appeal").

191. On July 29, 2014, Mr. Antonacci requested that Ms. Kruse provide a Rule 323(b) letter so that Mr. Antonacci could use the transcript of the April 23, 2014 hearing in the Appeal.

192. On August 21, 2014, Kruse and Kruse International sent a letter, via U.S. and electronic mail, to Mr. Antonacci, Gehringer, and Arnold, which falsely stated that Kruse and Kruse International had filed the April 23, 2014 hearing transcript with the Circuit Court of Cook County on August 21, 2014.

193. On September 2, 2014, the Cook County Civil Appeals Clerk preparing the record on appeal indicated to Mr. Antonacci that no one had filed a copy

of the April 23, 2014 hearing transcript except for Mr. Antonacci.

194. Neither Kruse nor Kruse International filed the April 23, 2014 hearing transcript with the Circuit Court.

195. Kruse and Kruse International conspired with Gehringer and Arnold to falsely indicate to Mr. Antonacci that Kruse had filed the April 23, 2014 hearing transcript with the Circuit Court so that Mr. Antonacci would not file that transcript, and thus the transcript would not be in the Record on Appeal. These individuals further conspired to make material, factual misrepresentations, utilizing the U.S. Mails and interstate wires, on numerous occasions in order to accomplish this goal.

196. After talking with the Civil Appeals Clerk, Mr. Antonacci asked Kruse, via electronic mail, whether she had filed the April 23, 2014 hearing transcript with Cook County Circuit Court, as she had indicated in her letter of August 21, 2014.

197. Kruse falsely stated, via electronic mail utilizing interstate communications, that she had filed the April 23, 2014 hearing transcript with Cook County Circuit Court.

**COUNT I: Common Law Fraud  
(Major, Major Law)**

198. All of the preceding paragraphs are hereby incorporated as if fully set forth herein.

199. Major falsely represented to Mr. Antonacci that she frequently sued large law firms, and thus she had no problem suing Seyfarth.

200.Upon information and belief, Major has never sued a law firm.

201.Major had no intention of suing Seyfarth or Ponder.

202.Major falsely represented that she would pursue Seyfarth aggressively and advocate on his behalf.

203.Major made these representations in order to induce Mr. Antonacci into retaining her so that she could overcharge him for a demand letter that she knew would have no impact.

204.Mr. Antonacci relied on Major's false representations in choosing to retain her.

205.When Mr. Antonacci insisted that Major file the Verified Complaint, Major delayed review of the Verified Complaint for a month because she did not wish to file it.

206.After Mr. Antonacci refused to accept Seyfarth's initial settlement offer, Major agreed with Seyfarth, Kaplan, Gehringer, Ponder, and Perkins Coie to sabotage Mr. Antonacci's case.

207.Major agreed with Seyfarth, Kaplan, Gehringer, Ponder, and Perkins Coie to sabotage Mr. Antonacci's case because she believes that she can get more money from referrals from large law firms than she could from Mr. Antonacci's case.

208.Major agreed with Seyfarth, Kaplan, Gehringer, Ponder, and Perkins Coie to sabotage Mr. Antonacci's case because they devised a plan whereby they would seal the Verified Complaint, file an Amended Verified Complaint that was far weaker

than Verified Complaint, and allow Major to needlessly charge Mr. Antonacci exorbitant legal fees and keep more of the settlement for herself.

209. Despite agreeing to sabotage Mr. Antonacci's case, Major falsely represented to Mr. Antonacci that she would continue advocating on his behalf.

210. Major also fraudulently failed to represent the fact that she had agreed to sabotage Mr. Antonacci's case.

211. Major falsely represented to Mr. Antonacci that he should not appeal dismissal of the Verified Complaint, but should instead file the Amended Verified Complaint.

212. Mr. Antonacci relied on these false representations and material omissions when he retained Major and Major Law to represent him in the Circuit Court Case.

213. Mr. Antonacci was injured by these false representations in the following ways, *inter alia*:

- a. Seyfarth and Ponder were aware that their defenses to the Verified Complaint were meritless, and thus their entire defense strategy was predicated on Major agreeing to sabotage Mr. Antonaci's case. As such, if Mr. Antonacci had been aware that Major preferred to defraud her client rather than genuinely fight a major law firm, then Mr. Antonacci would not have retained Major and Major Law and Seyfarth and Ponder would have been forced to address the Circuit Court Case on the merits;

- b. Mr. Antonacci paid Major and Major Law over \$12,000 in legal fees for legal services designed to sabotage the Circuit Court Case;
- c. Major and Major Law billed Mr. Antonacci for over \$50,000 in legal fees for legal services designed to sabotage the Circuit Court Case and increase his legal bills to force him to settle his case for \$100,000;
- d. The Amended Verified Complaint is a weakened version of the Verified Complaint, and thus Mr. Antonacci's interest in the Circuit Court Case was put at risk by Major's fraudulent misconduct;
- e. The Amended Verified Complaint is a weakened version of the Verified Complaint, and thus Mr. Antonacci's position in the Circuit Court Case was weakened by Major's fraudulent misconduct; and
- f. Mr. Antonacci's case was unnecessarily delayed for over year by Major's fraudulent misconduct because Mr. Antonacci could have perfected his Appeal in April of 2013, rather than July of 2014, and thus he lost interest for the amounts due and owing to him pursuant to the Circuit Court Case.

214. Mr. Antonacci was injured by his reliance on Major and Major Law's false representations in an amount in excess of \$75,000, exclusive of interest and costs.

WHEREFORE, for the reasons stated herein, Mr. Antonacci hereby prays that this Court enter judgment in favor of Mr. Antonacci, and against the above-

named Defendants, in the amount of liability owed to Mr. Antonacci, the exact amount to be proven at trial, plus Mr. Antonacci's reasonable attorneys' fees and costs, the exact amount to be proven at trial.

**COUNT II: Breach Of Fiduciary Duty  
(Major, Major Law)**

215. All of the preceding paragraphs are hereby incorporated as if fully set forth herein.

216. Major and Major Law had a fiduciary relationship with Mr. Antonacci arising out of their attorney-client relationship.

217. Major and Major Law breached that duty by conspiring with Gehringer, Seyfarth, and Ponder to sabotage Mr. Antonacci's case.

218. Specifically, Major breached her fiduciary duty to Mr. Antonacci by:

- a. refusing to appeal Judge Brewer's April 2, 2013 ruling dismissing two counts of the Verified Complaint with prejudice, and two counts without prejudice;
- b. instead filing numerous motions in the Circuit Court, knowing those motions would be denied, solely in an effort to increase her legal bills;
- c. ordering her associates to perform duplicative and unnecessary work solely in an effort to increase her legal bills;
- d. filing an Amended Verified Complaint that was far weaker than the Verified Complaint;

- e. baselessly refusing to remove the temporary seal from the Verified Complaint after Judge Maddux ruled that it could not be sealed; and
- f. threatening to withdraw her representation.

219. All of these actions benefitted Major and Major Law to the detriment to Mr. Antonacci.

220. Mr. Antonacci was injured by Major's and Major Law's breaches of fiduciary duty to Mr. Antonacci in the following ways:

- a. Seyfarth and Ponder were aware that their defenses to the Verified Complaint were meritless, and thus their entire defense strategy was predicated on Major agreeing to sabotage Mr. Antonaci's case. As such, if Mr. Antonacci had been aware that Major preferred to defraud her client rather than genuinely fight a major law firm, then Mr. Antonacci would not have retained Major and Major Law and Seyfarth and Ponder would have been forced to address the Circuit Court Case on the merits;
- b. Mr. Antonacci paid Major and Major Law over \$12,000 in legal fees for legal services designed to sabotage the Circuit Court Case;
- c. Major and Major Law billed Mr. Antonacci for over \$50,000 in legal fees for legal services designed to sabotage the Circuit Court Case and increase his legal bills to force him to settle his case for \$100,000;
- d. The Amended Verified Complaint is a weakened version of the Verified Complaint, and thus Mr. Antonacci's interest in the

Circuit Court Case was put at risk by Major's fraudulent misconduct;

- e. The Amended Verified Complaint is a weakened version of the Verified Complaint, and thus Mr. Antonacci's position in the Circuit Court Case was weakened by Major's fraudulent misconduct; and
- f. Mr. Antonacci's case was unnecessarily delayed for over year by Major's fraudulent misconduct because Mr. Antonacci could have perfected his Appeal in April of 2013, rather than July of 2014, and thus he lost interest for the amounts due and owing to him pursuant to the Circuit Court Case.

221. Mr. Antonacci was injured by Major's and Major Law's breaches of fiduciary duty to Mr. Antonacci in an amount in excess of \$75,000, exclusive of interest and costs.

WHEREFORE, for the reasons stated herein, Mr. Antonacci hereby prays that this Court enter judgment in favor of Mr. Antonacci, and against the above-named Defendants, in the amount of liability owed to Mr. Antonacci, the exact amount to be proven at trial, plus Mr. Antonacci's reasonable attorneys' fees and costs, the exact amount to be proven at trial.

### **COUNT III: Common Law Civil Conspiracy (All Defendants)**

222. All of the preceding paragraphs are hereby incorporated as if fully set forth herein.

223. Defendants combined, agreed, mutually undertook, and concerted together to effect preconceived plan and unity of design and purpose.

224. The purpose of this plan was unlawfully to

- a. prevent Mr. Antonacci from prosecuting the Circuit Court Case, which is a breach of Major and Major Law's fiduciary duty to Mr. Antonacci;
- b. coerce and intimidate Mr. Antonacci into withdrawing the Circuit Court Case or accepting Seyfarth's initial settlement offer, by delaying his Illinois Bar Application and putting him on the Blacklist of attorneys disfavored by Cook County Circuit Court judges such that Mr. Antonacci could not earn a living practicing law in Chicago, in violation of 720 ILCS 5/12-6 and 18 USC § 1951; and
- c. coerce and intimidate Mr. Antonacci into withdrawing subpoenas lawfully served in Cook County, such that the Defendants would not have to quash those subpoenas without authority, in violation of 720 ILCS 5/12-6 and 18 USC § 1951.

225. Gehringer was and is the architect of this conspiracy. Shortly after Mr. Antonacci rejected Seyfarth's initial settlement offer, Gerhinger, Seyfarth, Ponder, and Kaplan conspired with Major to

- a. keep Mr. Antonacci's Verified Complaint under seal so that the allegations exposing the corruption and incompetence pervading

- Seyfarth would not remain public, breaching Major's fiduciary duty to Mr. Antonacci;
- b. file an Amended Complaint that would be far weaker than the Verified Complaint because it would contain less relevant, factual allegations, and omit the exhibits substantiating those allegations, breaching Major's fiduciary duty to Mr. Antonacci;
  - c. include the Ponder Slander Email as an exhibit to the Amended Verified Complaint, breaching Major's fiduciary duty to Mr. Antonacci, so that Seyfarth and Ponder could argue (incorrectly) that the Ponder Slander Email solely embodied Ponder's defamatory statements concerning Mr. Antonacci and therefore controlled over Mr. Antonacci's allegations;
  - d. unnecessarily delay the proceedings as long as possible, breaching Major's fiduciary duty to Mr. Antonacci, while Gehring utilized U.S. mail and interstate communications to conspire with members of the Illinois Board of Bar Examiners, and the Illinois Committee on Character and Fitness, to prevent Mr. Antonacci from becoming licensed to practice law in the State of Illinois, which would damage his professional reputation and prevent him from earning a living, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952.
  - e. deliberately incur unnecessary legal fees such that financial pressure would force Mr.

- Antonacci to accept a low settlement, breaching Major's fiduciary duty to Mr. Antonacci;
- f. if Mr. Antonacci refused to settle his case, then Major would withdraw her representation of Mr. Antonacci, in order to further pressure Mr. Antonacci into dropping his case, breaching Major's fiduciary duty to Mr. Antonacci;
  - g. Gehringer agreed to coordinate with Gran, Brewer, and any other Cook County Circuit Court judges, as necessary, to pass instructions concerning the Defendants' case strategy, how to rule on particular issues, and how to harass and intimidate Mr. Antonacci when he appeared in court, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952;
  - h. Major agreed to write a letter to Neriem, and Ponder and Gehringer agreed to conspire with Neriem to coordinate her response such that it could be used to harass and intimidate Mr. Antonacci, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952; and
  - i. Gehringer agreed to conspire with others as needed moving forward.

226. Gehringer conspired with Bronstein and Mulaney to have Storino removed from the Inquiry Panel and substituted with Sublett.

227. Gehringer conspired with Mulaney, Sublett, and Walsh and instructed them on how to harass and intimidate Mr. Antonacci such that he would withdraw and/or settle the Circuit Court Case, in violation

of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952.

228. When, on April 23, 2013, Mr. Antonacci requested that the Inquiry Panel disclose any communications with Seyfarth or Ponder relating to Mr. Antonacci, Ponder, Seyfarth, and Gehringer conspired with Mulaney, Walsh, and Sublett and instructed them, utilizing interstate communications and U.S. Mail, to deny Mr. Antonacci's certification to the Illinois Bar on April 24, 2013, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952.

229. Gehringer conspired with Bronstein, Fedo, and Asaro to unlawfully quash Mr. Antonacci's Rule 9.3 Subpoenas.

230. Gehringer conspired with Patton, Nereim, and Dolesh to delay execution of the Chicago Subpoenas to ensure that evidence of Ponder's fraudulent misconduct would never be discovered. These individuals further conspired to make material, factual misrepresentations, utilizing the U.S. Mails and interstate wires, on numerous occasions in order to accomplish this goal, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952.

231. From December 2013 through March 2014, Dolesh, Gehringer, and Brewer conspired, via electronic mail and telephone, utilizing interstate communications, to knowingly conceal the City's evidence of Ponder's fraudulent misconduct, in violation of 720 ILCS 5/12-6, and 18 USC §§ 1341, 1343, 1951, 1952.

232. Arnold conspired with Gehringer to conceal evidence that Toomey had falsified the December 5, 2013 hearing transcript to delete Brewer's erratic, hostile outbursts and her refusal to review affidavits

that Mr. Antonacci submitted to the Court. These individuals further conspired to make material, factual misrepresentations, utilizing the U.S. Mails and interstate wires, on numerous occasions in order to accomplish this goal, in violation of 18 USC §§ 1341, 1343, 1952.

233. From January 2014 through April 2014, Arnold sent numerous emails to Gehringer, Toomey, and Mr. Antonacci in furtherance of this conspiracy, and further sent Mr. Antonacci numerous documents, via U.S. Mail, to his address in Washington, D.C., also in furtherance of this conspiracy, in violation of 18 USC §§ 1341, 1343, 1952.

234. Kruse and Kruse International conspired with Gehringer and Arnold to falsely indicate to Mr. Antonacci that Kruse had filed the April 23, 2014 hearing transcript with the Circuit Court so that Mr. Antonacci would not file that transcript, and thus the transcript would not be in the Record on Appeal. On September 2, 2014, Kruse falsely stated, via electronic mail utilizing interstate communications, that she had filed the April 23, 2014 hearing transcript with Cook County Circuit Court, in violation of 18 USC §§ 1341, 1343, 1952.

235. Defendants, Kaplan, Mulaney, Sublett, Walsh, Nereim, Brewer, and Dolesh all made this agreement intentionally, purposefully, and without lawful justification.

236. Defendants, Kaplan, Mulaney, Sublett, Walsh, Nereim, Brewer, and Dolesh each undertook acts in furtherance of this conspiracy.

237. Major conspired on behalf of herself and on behalf of Major Law.

238. Dolesh, Nereim, and Patton conspired on behalf of the City of Chicago.

239. Sublett and Asaro conspired on behalf of Neal & Leroy.

240. Gehringer conspired on behalf of himself, Perkins Coie, Seyfarth, and Ponder.

241. Kaplan conspired on behalf of himself, Seyfarth, and Ponder.

242. Ponder conspired on behalf of herself and on behalf of Seyfarth.

243. Arnold conspired on behalf of himself, Sosin & Arnold, and Toomey.

244. Kruse conspired on behalf of herself and on behalf of Kruse International.

245. Sandy Toomey and Anderson conspired on behalf of Toomey.

246. Mr. Antonacci was injured by Defendants' conspiratorial acts in an amount in excess of \$75,000, exclusive of interest and costs.

WHEREFORE, for the reasons stated herein, Mr. Antonacci hereby prays that this Court enter judgment in favor of Mr. Antonacci, and against the above-named Defendants, in the amount of liability owed to Mr. Antonacci, the exact amount to be proven at trial, plus Mr. Antonacci's reasonable attorneys' fees and costs, the exact amount to be proven at trial.

**COUNT IV: Violation of Racketeer Influenced  
and Corrupt Organizations Act  
(18 U.S.C. §§ 1962 et seq.)  
(All Defendants)**

247. All of the preceding paragraphs as if fully set forth herein.

248. The association-in-fact of all Defendants named in this Complaint, together with Mulaney, Sublett, Walsh, Nereim, Bronstein, and Dolesh, as described more particularly above, constitutes an “enterprise,” as that term is defined in 18 U.S.C. § 1961(4).

249. Specifically, the enterprise is an association-in-fact among individuals, business entities, and a municipal corporation, designed to divert Chicago taxpayer money to members of the enterprise; protect the members of the enterprise from civil liability in Illinois 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; punishing attorneys who sue members of the enterprise by preventing them from becoming admitted in Illinois; punishing attorneys who sue members of the enterprise by putting them on the Blacklist of disfavored attorneys; and protecting the enterprise by unlawfully preventing them from obtaining evidence of the enterprise’s fraudulent misconduct.

250. The enterprise has been engaged in activities which affect interstate and foreign commerce.

251. Each Defendant is distinct from the enterprise itself but each Defendant has acted independently

and in concert to commit a variety of illegal acts in furtherance of the same goal.

252. Defendants engaged in “racketeering activity,” as that term is defined in 18 U.S.C. § 1961(1).

253. Violations of 18 U.S.C. § 1343 (Wire Fraud) and 18 U.S.C. § 1341 (Mail Fraud) are specifically enumerated as “racketeering activity” in Section 1961(1) of the Racketeer Influenced and Corrupt Organizations Act (“RICO”).

254. Defendants violated 18 U.S.C. § 1343 (Wire Fraud) as follows:

- a. Defendants knowingly, and with specific intent, participated in a scheme or artifice designed to defraud Mr. Antonacci.
- b. In furtherance of this scheme, as more particularly described above, Defendants sought to sabotage the Circuit Court Case so that Seyfarth and Ponder would avoid paying any potential judgment, or larger settlement, against them and in favor of Mr. Antonacci, thereby allowing the enterprise to keep the money.
- c. In furtherance of this scheme, as more particularly described above, Defendants unnecessarily delayed the Circuit Court Case as long as possible and deliberately imposed unnecessary legal fees on Mr. Antonacci.
- d. In furtherance of this scheme, as more particularly described above, Defendants conspired with members of the Illinois Board of Bar Examiners, and the Illinois Committee on Character and Fitness, to prevent Mr.

Antonacci from becoming licensed to practice law in the State of Illinois, which damaged his professional reputation and prevented him from earning a living.

- e. In furtherance of this scheme, as more particularly described above, Defendants falsified official documents and took official action without legal authority.
- f. As more particularly described above, Defendants transmitted, and caused others to transmit, wire communications in interstate commerce for the purpose of executing this scheme.

255. Defendants violated 18 U.S.C. § 1341 (Mail Fraud) as follows:

- a. Defendants knowingly, and with specific intent, participated in a scheme or artifice designed to defraud Mr. Antonacci.
- b. In furtherance of this scheme, as more particularly described above, Defendants sought to sabotage the Circuit Court Case so that Seyfarth and Ponder would avoid paying any potential judgment, or larger settlement, against them and in favor of Mr. Antonacci, thereby allowing the enterprise to keep the money.
- c. In furtherance of this scheme, as more particularly described above, Defendants unnecessarily delayed the Circuit Court Case as long as possible and deliberately imposed unnecessary legal fees on Mr. Antonacci.

- d. In furtherance of this scheme, as more particularly described above, Defendants conspired with members of the Illinois Board of Bar Examiners, and the Illinois Committee on Character and Fitness, to prevent Mr. Antonacci from becoming licensed to practice law in the State of Illinois, which damaged his professional reputation and prevented him from earning a living.
- e. In furtherance of this scheme, as more particularly described above, Defendants falsified official documents and took official action without legal authority.
- f. As more particularly described above, Defendants used, and caused others to use, the U.S. mail for the purpose of executing this scheme.

256. Defendants' multiple violations of 18 USC § 1341 and 18 USC § 1343 constitute a "pattern" of racketeering activity.

257. In light of the pattern of racketeering activity more particularly described above, Defendants' enterprise presents a clear threat of continued racketeering activity.

258. Defendants maintained their interest in this enterprise by means of this pattern of racketeering activity, in violation of 18 U.S.C. § 1962(b).

259. Defendants have been directly participating in and conducting the affairs of the enterprise through a pattern of racketeering activity, in violation of 18 U.S.C. § 1962(c).

260. The enterprise is separate and distinct from the pattern of racketeering activity.

261. As a proximate result of these RICO violations, Mr. Antonacci has been injured in an amount that exceeds \$75,000, exclusive of interest and costs.

262. Mr. Antonacci is entitled to recover treble damages, and the costs of bringing this action and the Circuit Court Case.

WHEREFORE, for the reasons stated herein, Mr. Antonacci hereby prays that this Court enter judgment in favor of Mr. Antonacci, and against the above-named Defendants, in the treble amount of liability owed to Mr. Antonacci by each Defendant, the exact amount to be proven at trial, plus Mr. Antonacci's reasonable attorneys' fees and costs.

**COUNT V: Violation of Racketeer Influenced  
and Corrupt Organizations Act  
(18 U.S.C. §§ 1962 (d) - RICO Conspiracy)  
(All Defendants)**

263. All of the preceding paragraphs are hereby incorporated as if fully set forth herein.

264. The association-in-fact of all Defendants named in this Complaint, together with Mulaney, Sublett, Walsh, Nereim, Bronstein, Brewer, and Dolesh, as described more particularly above, constitutes an "enterprise," as that term is defined in 18 U.S.C. § 1961(4).

265. Specifically, the enterprise is an association-in-fact among individuals, business entities, and a municipal corporation, designed to divert Chicago taxpayer money to members of the enterprise; protect

the members of the enterprise from civil liability in Illinois 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; punishing attorneys who sue members of the enterprise by preventing them from becoming admitted in Illinois; punishing attorneys who sue members of the enterprise by putting them on the Blacklist of disfavored attorneys; and protecting the enterprise by unlawfully preventing them from obtaining evidence of the enterprise's fraudulent misconduct.

266. The enterprise has been engaged in activities which affect interstate and foreign commerce.

267. Each Defendant is distinct from the enterprise itself but each Defendant, together with Kaplan, Mulaney, Sublett, Walsh, Nereim, Brewer, and Dolesh, has acted independently and in concert to commit a variety of illegal acts in furtherance of the same goal.

268. Violations of 18 U.S.C. § 1343 (Wire Fraud), 18 U.S.C. § 1341 (Mail Fraud), 18 U.S.C. § 1951 (Hobbs Act Extortion), 18 U.S.C. § 1951 (Interstate and Foreign Travel or Transportation in Aid of Racketeering Activity), and 720 ILCS 5/12-6 (Illinois Intimidation, “extortion” under Illinois law and punishable by imprisonment for more than one year), are specifically enumerated as “racketeering activity” in Section 1961(1) of RICO.

269. The agreed-upon scheme involves knowing and intentional violations of 18 U.S.C. § 1951 (Hobbs Act Extortion) as follows:

- a. Defendants knowingly, and with specific intent, conspired with Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel to interfere with interstate commerce by extortion.
- b. Specifically, Defendants knowingly, and with specific intent, conspired with Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel to prevent Mr. Antonacci from becoming licensed to practice law in Illinois until he resolved the Circuit Court Case.
- c. In furtherance of this scheme, as more particularly described above, Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel utilized wrongful means to achieve wrongful objectives.
- d. In furtherance of this scheme, as more particularly described above, Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel harassed and intimidated Mr. Antonacci in an attempt to force him to resolve the Circuit Court Case.
- e. In furtherance of this scheme, as more particularly described above, when Mr. Antonacci asked for communications demonstrating that Mulaney, Walsh, and Sublett had conspired with Defendants to use wrongful means to achieve a wrongful objective, Mulaney, Walsh, and Sublett declined to certify Mr. Antonacci for admission to the Illinois Bar without lawful justification.
- f. In furtherance of this scheme, as more particularly described above, Bronstein and the

Hearing Panel harassed and intimidated Mr. Antonacci in an attempt to force him to withdraw the Rule 9.3 Subpoenas.

- g. When Mr. Antonacci refused to withdraw the Rule 9.3 Subpoenas, Bronstein and the Hearing Panel quashed the Rule 9.3 Subpoenas without lawful justification.
- h. Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel are public officials.
- i. Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel wrongfully utilized their official power, as set forth above, for private personal gain.

270. The agreed-upon scheme involves knowing and intentional violations of 720 ILCS 5/12-6 (Illinois Intimidation/Extortion) as follows:

- a. Defendants knowingly, and with specific intent, conspired with Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel, to communicate to Mr. Antonacci, threats to take action as public officials, or withhold official action, without lawful authority, with intent to cause Mr. Antonacci to resolve the Circuit Court Case.
- b. Specifically, Mulaney, Walsh, and Sublett, threatened to prevent, without lawful authority, Mr. Antonacci from becoming licensed to practice law in Illinois until he resolved the Circuit Court Case.
- c. In furtherance of this scheme, as more particularly described above, when Mr. Antonacci asked for communications demon-

strating that Mulaney, Walsh, and Sublett had conspired with Defendants to threaten delaying Mr. Antonacci's bar application until the Circuit Court Case was resolved, without lawful authority, Mulaney, Walsh, and Sublett declined to certify Mr. Antonacci for admission to the Illinois Bar without lawful authority.

- d. In furtherance of this scheme, as more particularly described above, Bronstein and the Hearing Panel threatened to deny his application to the Illinois Bar, without lawful authority, if he did not withdraw the Rule 9.3 Subpoenas.
- e. When Mr. Antonacci refused to withdraw the Rule 9.3 Subpoenas, Bronstein and the Hearing Panel quashed the Rule 9.3 Subpoenas without lawful authority.
- f. Mt. Antonacci subsequently withdrew his Illinois Bar Application before the Hearing Panel could deny it.
- g. Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel are public officials.
- h. Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel wrongfully utilized their official power, as set forth above, for private personal gain.

271. The agreed-upon scheme involves knowing and intentional violations of 18 U.S.C. § 1951 (Interstate and Foreign Travel or Transportation in Aid of Racketeering Activity) as follows:

- a. Defendants knowingly, and with specific intent, participated in a scheme or artifice designed to defraud, extort, and intimidate Mr. Antonacci.
- b. In furtherance of this scheme, as more particularly described above, Defendants conspired with members of the Illinois Board of Bar Examiners, and the Illinois Committee on Character and Fitness, to prevent Mr. Antonacci from becoming licensed to practice law in the State of Illinois, which damaged his professional reputation and prevented him from earning a living.
- c. In furtherance of this scheme, as more particularly described above, Defendants knowingly, and with specific intent, conspired with Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel to interfere with interstate commerce by extortion.
- d. In furtherance of this scheme, as more particularly described above, Defendants knowingly, and with specific intent, conspired with Mulaney, Walsh, Sublett, Bronstein, and the Hearing Panel, to communicate to Mr. Antonacci, threats to take action as public officials, or withhold official action, without lawful authority, with intent to cause Mr. Antonacci to resolve the Circuit Court Case.
- e. In furtherance of this scheme, as more particularly described above, Defendants knowingly, and with specific intent, used, or caused to be used, the mail and other

facilities, including interstate wires, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of the scheme to defraud, extort, and intimidate Mr. Antonacci.

272. The agreed-upon scheme specifically involves knowing and intentional violations of 18 U.S.C. § 1341 (mail fraud), as more particularly described above.

273. The agreed-upon scheme specifically involves knowing and intentional violations of 18 U.S.C. § 1343 (wire fraud), as more particularly described above.

274. Defendants thus conspired to engage in a “racketeering activity,” as that term is defined in 18 U.S.C. § 1961(1).

275. Defendants thus conspired to engage in a pattern of racketeering activity.

276. Defendants thus conspired to violate 18 U.S.C. §§ 1962(b) and (c) in violation of 18 U.S.C. § 1962 (d).

277. Major conspired on behalf of herself and on behalf of Major Law.

278. Dolesh, Nereim, and Patton conspired on behalf of the City of Chicago.

279. Sublett and Asaro conspired on behalf of Neal & Leroy.

280. Gehringer conspired on behalf of himself, Perkins Coie, Seyfarth, and Ponder.

281. Kaplan conspired on behalf of himself, Seyfarth, and Ponder.

282. Ponder conspired on behalf of herself and on behalf of Seyfarth.

283. Arnold conspired on behalf of himself, Sosin & Arnold, and Toomey.

284. Kruse conspired on behalf of herself and on behalf of Kruse International.

285. Sandy Toomey and Anderson conspired on behalf of Toomey.

286. As a proximate result of these RICO violations, Mr. Antonacci has been injured in an amount in excess of \$75,000, exclusive of interest and costs.

287. Mr. Antonacci is entitled to recover treble damages, and the costs of bringing this action and the Circuit Court Case.

WHEREFORE, for the reasons stated herein, Mr. Antonacci hereby prays that this Court enter judgment in favor of Mr. Antonacci, and against the above-named Defendants, in the treble amount of liability owed to Mr. Antonacci by each Defendant, the exact amount to be proven at trial, plus Mr. Antonacci's reasonable attorneys' fees and costs.

**COUNT VI: Legal Malpractice  
(Major, Major Law)**

288. All of the preceding paragraphs are hereby incorporated as if fully set forth herein.

289. Mr. Antonacci had an attorney-client relationship with Major and Major Law. Major and Major Law represented Mr. Antonacci in the Circuit Court Case.

290. The attorney-client relationship gave rise to a duty of care on the part of Major and Major Law.

291. Major and Major Law breached that duty by, *inter alia*, the following negligent acts and omissions:

- a. refusing to appeal Judge Brewer's April 2, 2013 ruling dismissing two counts of the Verified Complaint with prejudice, and two counts without prejudice;
- b. instead filing numerous motions in the Circuit Court, knowing those motions would be denied, solely in an effort to increase her legal bills;
- c. ordering her associates to perform duplicative and unnecessary work solely in an effort to increase her legal bills;
- d. filing an Amended Verified Complaint that was far weaker than the Verified Complaint;
- e. baselessly refusing to remove the temporary seal from the Verified Complaint after Judge Maddux ruled that it could not be sealed; and
- f. threatening to withdraw her representation.

292. But for these negligent acts and omissions, Mr. Antonacci would have prevailed in the Circuit Court Case.

293. But for these negligent acts and omissions, Mr. Antonacci would have prevailed in the Circuit Court Case one year earlier.

294. Mr. Antonacci was injured by Major's and Major Law's negligent acts and omissions in the following ways:

- a. Seyfarth and Ponder were aware that their defenses to the Verified Complaint were meritless, and thus their entire defense strategy was predicated on Major agreeing to sabotage Mr. Antonaci's case. As such, if Mr. Antonacci had been aware that Major preferred to defraud her client rather than genuinely fight a major law firm, then Mr. Antonacci would not have retained Major and Major Law and Seyfarth and Ponder would have been forced to address the Circuit Court Case on the merits;
- b. Mr. Antonacci paid Major and Major Law over \$12,000 in legal fees for legal services designed to sabotage the Circuit Court Case;
- c. Major and Major Law billed Mr. Antonacci for over \$50,000 in legal fees for legal services designed to sabotage the Circuit Court Case and increase his legal bills;
- d. The Amended Verified Complaint is a weakened version of the Verified Complaint, and thus Mr. Antonacci's interest in the Circuit Court Case was put at risk by Major's fraudulent misconduct;
- e. The Amended Verified Complaint is a weakened version of the Verified Complaint, and thus Mr. Antonacci's position in the Circuit Court Case was weakened by Major's fraudulent misconduct; and
- f. Mr. Antonacci's case was unnecessarily delayed for over year by Major's fraudulent misconduct because Mr. Antonacci could have perfected his Appeal in April of 2013,

rather than July of 2014, and thus he lost interest for the amounts due and owing to him pursuant to the Circuit Court Case.

295. Mr. Antonacci was injured by Major's and Major Law's negligent acts and omissions in an amount in excess of \$75,000, exclusive of interest and costs.

WHEREFORE, for the reasons stated herein, Mr. Antonacci hereby prays that this Court enter judgment in favor of Mr. Antonacci, and against the above-named Defendants, in the amount of liability owed to Mr. Antonacci, the exact amount to be proven at trial, plus Mr. Antonacci's reasonable attorneys' fees and costs, the exact amount to be proven at trial.

A JURY TRIAL IS DEMANDED.

Dated: April 29, 2015

Respectfully submitted,

/s/ Louis B. Antonacci

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T 703-300-4635

**PETITION FOR LEAVE TO APPEAL IN THE  
SUPREME COURT OF ILLINOIS  
(SEPTEMBER 21, 2015)**

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[ENTERED SEPTEMBER 21, 2015]

No. 119848

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IN THE SUPREME COURT OF  
THE STATE OF ILLINOIS

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LOUIS B. ANTONACCI, an individual,

*Petitioner,*

v.

SEYFARTH SHAW, LLP, a partnership,  
ANITA J. PONDER, an individual,

*Respondents.*

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From the Circuit Court of Cook County,  
First Municipal District

Circuit Court No. 2012 L 013240

Hon. Eileen M. Brewer and Thomas Hogan,  
Presiding

Appeal No. 142372 Appellate Court of Illinois  
First District, First Division

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**PETITION FOR LEAVE TO APPEAL**

Louis B. Antonacci  
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Washington, DC 20002  
Tel: (703) 300-4635  
lbacookcounty@gmail.com

*Pro Se Petitioner*

### **PRAYER FOR LEAVE TO APPEAL**

Pursuant to Illinois Supreme Court Rule 315, Plaintiff-Appellant Louis B. Antonacci respectfully requests that this Court grant him leave to appeal from the August 17, 2015 decision of the Illinois Appellate Court, First District, affirming the circuit court's order granting dismissal of Antonacci's amended verified complaint, denying his second petition to substitute circuit judge Eileen M. Brewer for cause, quashing numerous subpoenas lawfully served in Cook County, Illinois, and denying him leave to file a surreply *instanter*.

### **STATEMENT OF JURISDICTION**

Illinois Supreme Court Rule 315 confers jurisdiction on this Court. The Appellate Court issued its decision on August 17, 2011, and no petition for rehearing was filed because no oral argument was even allowed in the Appellate Court. (A50.)<sup>3</sup> The filing of this petition is therefore timely.

### **POINTS RELIED UPON FOR REVERSAL**

The Appellate Court's decision eviscerated defamation *per se* as a cause of action in the State of Illinois by ruling that employers may lie about their

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<sup>3</sup> No abstract was filed in this case, but citations to Appelate Court documents are denoted "A###" for where they appear in the Appendix.

employee's conduct and character – with impunity – because Illinois law somehow requires the courts to accept the employer's lies as true. Make no mistake – the Appellate Court unequivocally ruled that a complainant's verified allegations that an employer's prejudicial statements are false have no bearing on whether the complaint may proceed in the circuit court. The court may only analyze the defamatory statements in the false "context" in which they were made, regardless of whether complainant alleges that the "context" was fabricated by the defendant. If the Appellate Court's ruling is allowed to stand, then defamation no longer exists in the employment context in Illinois. The Appellate Court's decision should be reversed for the following reasons.

*First*, there is no question that Antonacci alleged that Ponder lied about him and his work at Seyfarth. Ponder made these defamatory statements orally to at least four different people at Seyfarth. One of Seyfarth's professional development consultants memorialized some of those lies in an email (the "Ponder Slander Email"). Judge Brewer ordered Antonacci to attach that email to his amended verified complaint. The Appellate Court ruled that the lies memorialized in the Ponder Slander Email control over Antonacci's verified allegations that those lies are false. The Appellate Court's ruling is plainly absurd.

*Second*, the Appellate Court erroneously ruled that Antonacci cannot allege, upon information and belief, that Ponder lied about him to City of Chicago personnel – with whom they were working on a Minority and Women-Owned Business Enterprise reform project ("M/WBE Matter") – even though those lies were made outside of his presence and Antonacci,

unfortunately, is not clairvoyant. Again, if this ruling stands it essentially eviscerates the law of defamation because employers will simply conceal the lies perpetrated by its agents, like Seyfarth and the City of Chicago did here, and those defamed will have no recourse. Antonacci even subpoenaed the City to obtain proof of Ponder's lies, but Brewer immediately quashed the deposition subpoenas, and falsely claimed that an *in camera* review of some documents would occur, pursuant to the subpoenas *duces tecum*, but that never even happened. These proceedings have made a mockery of the Illinois justice system.

*Third*, if the Appellate Court's ruling were to stand, then Illinois law would allow judges to lie on the bench about their affiliations with the parties in cases before them, as Judge Brewer did here. Incredibly, the Appellate Court even falsely states that Brewer attended the hearing on Antonacci's Second Petition to Substitute her, which she did not. Indeed, Antonacci set forth dozens of bald lies perpetrated by Brewer throughout these proceedings, which the Appellate Court decidedly ignored. Brewer even denied Antonacci the right to submit affidavits in opposition to Defendants' 2-619.1 Motion to Dismiss, as expressly provided by Section 2-619(c). The Fifth and Fourteenth Amendments of the United States Constitution guarantee U.S. citizens the right to a fair and impartial judge in any judicial proceeding within our borders. Antonacci has been denied that right throughout these proceedings.

*Fourth*, the Appellate Court's opinion is rife with deliberate, factual inaccuracies, as will be further

discussed below.<sup>4</sup> The impunity with which the Appellate Court acts – and allowed the Circuit Court to act – speaks volumes about the need for judicial reform in Illinois. There must be some level of accountability for judges in the State of Illinois – they cannot be allowed to abuse their role as jurists to rewrite history.

Indeed, this Court should note that the Appellate Court’s flawed opinion does not adopt the plainly erroneous reasoning of Judge Brewer. The Appellate Court’s opinion distorts facts and law to say one thing only: junior attorneys cannot sue senior attorneys in Illinois, because that is stepping out of line. Antonacci asks this Court to look around the failed state of Illinois—and the crumbling City of Chicago—and ask yourself how the status quo is working out for the overwhelming majority of Illinois citizens who do not have the requisite political connections to curry judicial favor. The Appellate Court should be reversed and this Petition should be granted.

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<sup>4</sup> Some of these falsehoods are just bizarre. For example, the Appellate Court reported Antonacci as being represented by The Law Offices of Louis B. Antonacci, for which he is allegedly “of counsel.” (A71.) First, Antonacci is thankfully not licensed to practice in the state of Illinois. Second, Antonacci never waived into this case *pro hac vice*. After Antonacci terminated his previous counsel in this matter, Ruth Major, he proceeded – and continues to proceed – pro se in this matter. Third, Antonacci owns the law firm Antonacci Law PLLC, located at 1875 Connecticut Ave. NW, Washington, DC 20009, organized under the laws of the District of Columbia, and registered and licensed in the Commonwealth of Virginia. Antonacci is licensed and in good standing with the bars of the State of Wisconsin, the Commonwealth of Virginia, and the District of Columbia.

## **STATEMENT OF FACTS**

At the outset Antonacci must highlight the undisputed fact that not even one evidentiary hearing was held in the circuit court. This point bears repeating – Antonacci submitted all the evidence in the record.

And because the Appellate Court's Opinion is rife with so many glaring, factual inaccuracies, Antonacci sets forth below a timeline of events relevant to this Petition. All of the facts set forth below are either alleged in Antonacci's verified pleadings, supported by affidavits in the record on appeal, taken from transcripts properly certified and filed in accordance with Rule 323(b), or taken from the circuit court's orders. Moreover, all of the facts set forth below are uncontested by any evidence – only the hollow conjecture of the Defendants, the City of Chicago, and Toomey Reporting, Inc.

<b>No.</b>	<b>Date</b>	<b>Uncontested Fact or Verified Allegation that Must Be Accepted as True on Motion to Dismiss (with Record Citation)</b>
1	8/2011	Antonacci moves from Washington, D.C. to Chicago to accept job offer in Seyfarth's Commercial Litigation Group (R. C0574.)
2	9/12/2011	Client meetings with City of Chicago. Ponder insists on incorrect legal position at client meeting where Antonacci is present; embarrasses herself. (R. C0578.)

3	9/13/2011	Ponder falsely criticizes Antonacci to conceal her misconduct. (R. C0579.)
4	10/2011	Ponder makes verifiably false statements about Antonacci to Dave Rowland, Kevin Connelly, Kate Pirelli, Kelly Gofron and City of Chicago personnel. (R. C0580-85.)
6	10/4-5/2011	Ponder tries to falsely criticize Antonacci by setting arbitrary, internal deadline three (3) weeks ahead of client's schedule. Antonacci tries to discuss with Ponder reasonably, but Ponder just screams at Antonacci for 90 minutes. (R. C0579– 80.)
6	10/6/2011	Pursuant to Seyfarth management guidance, Antonacci proposes reasonable schedule to Ponder. Antonacci's proposed schedule has him working every day, including weekends, until project is complete. Ponder never discusses schedule with Antonacci. (R. C0579, 1122-27.)
7	10/10/ 2011	Ponder tells Antonacci he is no longer responsible for the Project. (R. C0579, 1122-27.)
8	10/12/ 2011	Gofron sends Ponder Slander Email, memorializing Ponder's earlier false statements Kevin Connelly, Kate Pirelli, and Kelly Gofron. (R. C0597.)

9	11/ 2011	Ponder unable to finish Project on time. Blames Antonacci for her failures to Seyfarth personnel and client representatives. (R. C0584- 85.)
10	Oct 2011 – May 2012	Seyfarth assures Antonacci job is secure. Antonacci successfully works for numerous partners at Seyfarth and is retained by prestigious non-profit. (R. C0579, 0585-88, 1113- 21.)
11	5/22/2012	Seyfarth terminates Antonacci with 7 hours notices. (R. C0588.)
	5/23/2012	Antonacci requests all performance (R. C0588)
12		evaluations. Seyfarth does not provide Ponder Slander Email. Seyfarth only produces Antonacci's official Seyfarth performance evaluations, which are overwhelmingly positive. (R. C0588-89, 1113- 21.)
13	June – July 2012	Antonacci retains Ruth Major, attorney. Major requests Antonacci's personnel file. On July 2, 2012, Seyfarth produces Ponder Slander Email in Antonacci's personnel file.
14	11/21/2012	Verified Complaint Filed. (R. C0851-0974.)
15	4/2/2013	Brewer dismisses Verified Complaint. (R. C3686.)

16	4/30/2013	Amended Verified Complaint Filed. (R. C0978- 79.)
17	9/5/2013	Antonacci terminates Major's representation as counsel. (R. C0978- 79, 1024.)
18	4/16/2013	Antonacci files Response in Opposition to Defendants' Section 2-619.1 Motion to Dismiss. (R. C0980- 1052.)
19	9/30/2013	Antonacci proceeds <i>pro se</i> . (R. 53- 55.)
20	10/22/2013	Hearing on Defendants' 2-619.1 Motion to Dismiss set for December 6, 2013. (R. C1063.)
21	11/12/2013	Antonacci files and serves Motion for Leave to File Surreply <i>Instanter</i> . (R. C1069- 84)
22	11/19/2013	Antonacci delivers courtesy copy of Surreply to chambers. (R. C1156, 1161- 63.)
23	12/3/2013	Antonacci files four (4) Affidavits pursuant to Section 2-619(c).
24	12/3/2013	Defendants file response to Surreply. (R. C1113- 1142.)

25	12/5/2013	Brewer denies Surreply and prohibits Antonacci from presenting Affidavits pursuant to Section 2-619(c). Screams at Antonacci throughout hearing. (R C1155- 67, C3198.)
26	12/6/2013	Hearing on Defendants' 2-619.1 Motion to Dismiss. Brewer dismisses Tortious Interference with prejudice. Allows Defamation to proceed based solely on allegation of unauthorized practice of law. Invites Defendants to strike all other allegations from the Amended Verified Complaint. Admonishes Antonacci from objecting to Defendants' Motion to Strike. Further rules Antonacci cannot make allegations "upon information and belief" until discovery reveals defamatory statements to City of Chicago. Brewer expressly states: "I do not know Anita Ponder." (R. C1168, C3085- 88, C3154- 63, C3697.)
27	12/16/2013	Antonacci serves City of Chicago with subpoenas for testimony and documents.

28	12/20/2013	Toomey refuses to send Antonacci its stenographic notes of the Dec. 5, 2013 hearing, and further states, via email, “with a court order in front of a judge we can read the notes to you.” Toomey falsely states that the digital audio recording of the Dec. 5 hearing had been deleted. (R. C3200- 01, C3173.)
29	12/20/ 2013	Defendants file Motion for Reconsideration. (R. C1216.)
30	12/27/ 2013	Antonacci files Motion for Reconsideration. (R. C1258- 1314.)
31	12/31/ 2013	City files Motion to Stay Chicago Subpoenas. (R. C1340- 44.)
32	1/2/2014	Antonacci serves Toomey with subpoenas for testimony, documents, and forensic examination of equipment. (R. C1363- 89, C3201.)
33	1/9- 10/2014	George Arnold, Toomey lawyer, indicates that Toomey will not comply with subpoenas: “Why not make a motion before the Court and let the Court decide how to determine the accuracy of the transcript? My clients will be happy to appear in Court and answer any questions.” (R. C3201- 02, C3174- 79.)

34	1/14/2014	Antonacci files Motion to Compel Toomey Subpoenas. (R. C3202, C3174-79.)
35	1/27/2014	City of Chicago files Motion to Quash Chicago Subpoenas. (R. C1557- 65.)
36	2/3/2014	Brewer quashes subpoenas for testimony. of City personnel. Orders City's documents produced directly to her chambers on Feb. 6, 2014 for <i>in camera</i> review. (R. C1743.)
37	2/3/2014	Brewer quashes Toomey Subpoenas. Toomey plays digital audio recording of Dec. 5, 2013 hearing in court's anteroom, despite Toomey's representation that recording had been deleted. Brewer invites Defendants and Toomey to sanction Antonacci. Screams at Antonacci throughout proceeding. (R. C3202- 03.)
38	2/6/2014	City Attorney Mike Dolesh purports to transmit responsive documents to Chambers for <i>in camera</i> review. (R. C3258- 62.)
39	2/10/2014	Antonacci files Second Petition to Substitute Judge for Cause. (R. C1925- 2106.)

40	2/18/2013	Court sets hearing on Motions for Reconsideration for March 31, 2014. Court sets <i>in camera</i> review of City's documents to take place immediately after hearing on Motions for Reconsideration. (R. C3690.)
41	3/11/2014	Antonacci delivers affidavit to Brewer, whereby she could attest to the fact that she does not know Anita Ponder. ((R. C3154- 63.)
42	3/19/2014	Antonacci and Heithaus go to Brewer's clerk's office to pick up affidavit. Brewer's clerk indicates that Brewer refuses to attest, pursuant to 735 ILCS 5/2-1001(a)(3)(iii), to in- court statement of Dec. 5, 2013. (R. C3154- 63.)
43	3/19/2014	Hearing on Second Petition to Substitute Brewer. Judge Hogan denies Antonacci's Second Petition. Brewer not present. (R. C3691.)
44	3/21/2014	Mayor Rahm Emanuel speaks at Seyfarth on behalf of Ponder. (R. C3426, C3343- 45.)

45	3/31/2014	Hearing on Motions for Reconsideration. Brewer grants Defendants' Motion and denies Antonacci's Motion. Brewer purports to read her opinion into the record. Refuses to issue appealable order. (R. 1-115.)
46	3/31/2014 and 4/23/2014	The <i>in camera</i> review never takes place. Antonacci was never allowed to see the documents that the City allegedly produced. Antonacci's Motion to Reconsider Feb. 3, 2014 Order Quashing City Subpoenas deemed moot. (R.114- 15, 180-81.)
47	4/23/2014	Hearing on Antonacci's Motion to Reconsider Feb. 3, 2014 Quashing Toomey Subpoenas, and Cross Motions for Sanctions. All motions denied. (R. 124-181; C3449.)
48	5/21/2014	Case released into Black Line Pool. (R. C3651-55.)
49	6/10/2014	Antonacci removes case from Black Line Pool to be placed back onto Brewer's docket. (R. C3658.)
50	7/29/2014	Brewer issues Final Order. (R. C3694- 3714.)

Above is an accurate listing of the events relevant to the instant Appeal and this Petition. Below is a

listing of the factual misrepresentations set forth in the Appellate Court's Opinion:

1. The Appellate Court twice falsely states that Brewer attended the hearing on Antonacci's Second Petition to Substitute Brewer for Cause, and further falsely states that it was there Brewer falsely stated, "I do not know Anita Ponder." (Op. ¶¶ 18, 38; A59, A69.) Brewer made her false statement from the bench at the hearing of December 6, 2013, as even she admits in her Final Order. (R. 3697.) The hearing on Antonacci's Second Petition took place on March 19, 2014. It bears repeating that absolutely no evidentiary hearings took place in the Circuit Court. No witness was ever sworn to give testimony.

2. Throughout the Argument section of its Opinion, the Appellate Court falsely reasons that Antonacci's defamation claim is somehow based upon an email sent by Ponder. (Op. ¶¶ 25, 26, 28, 30; A62-65.) Rather, Kelly Gofron, Seyfarth professional development consultant, sent the Ponder Slander Email, which summarized some of the defamatory statements made by Ponder to her. (R. C0581-85, C0597.) Ponder indicated to Gofron that she made those and other defamatory statements to Rowland, Connelly, and Perelli, all senior Seyfarth attorneys. (R. C0597.) Incredibly, the Appellate Court expressly recognized this fact in the Background section of its Opinion. (Op. ¶¶ 6-7; A53-55.) There is absolutely no dispute that – four years later – neither Antonacci nor this Court can know what Ponder actually said to Rowland, Connelly, or Perelli, because the Defendants were never required to file an answer, and absolutely no discovery was allowed in this case.

3. Similarly, the Appellate Court falsely states that the audience for Ponder's defamatory statements was limited to "several human resources personnel." (Op. ¶ 30; A64-65.) It is true that the audience for Gofron's email was several human resources personnel, but the audience for Ponder's defamatory statements – the precise content of which cannot be ascertained – was Rowland, Connelly, and Perelli, all senior attorneys at Seyfarth. (R. C0581-85, C0597.)

4. The Appellate Court falsely states that there is "no evidence in the record that Judge Brewer acted in a hostile manner or was biased against Mr. Antonacci." (Op. ¶ 39; A69.) On the contrary, there are numerous uncontroverted affidavits in the record attesting to Brewer's blatant hostility toward, and bias against, Antonacci. (R. C3085-88, 3154-63, 3198, 3202-03.) Antonacci further points this court to Brewer's nonsensical and untoward harassment of Antonacci during the hearings of March 31, 2014 (R. 1-115), and April 23, 2014 (R. 124-181.) Moreover, the record is rife with Brewer's deliberate, factual misrepresentations. (Reply Br. Appellant pp. 1-6; A1357-62.)

5. The Appellate Court falsely states that Antonacci did not cite any authority in support of his contention that Brewer erred in quashing the subpoenas he served upon Toomey. (Op. ¶ 40; 69-70.) That is wrong. (Br. Appellant pp. 32-33, 38-40; A1416-17, 1422-24.)

Antonacci has a record of professional excellence and his credibility and integrity as an attorney had never been questioned prior to working for Seyfarth and Ponder. (R. C2938-39, C2971-3062.)

## ARGUMENT

### **I. Antonacci Has Been Denied Due Process of Law and Judge Hogan Erred in Denying Antonacci's Second Petition to Substitute Brewer for Cause**

“The fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Mathews v. Eldridge*, 424 U.S. 319, 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.” *Id.* 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)).

As set forth above, and throughout Antonacci’s Briefs in the Appellate Court and numerous motions and pleadings in the Circuit Court, Judge Brewer, *inter alia*, (1) deliberately harassed and screamed at Antonacci when he appeared in court; (2) knowingly lied about her association with Defendant Ponder; (3) unjustifiably quashed subpoenas he lawfully served in Cook County; (4) denied him the right to evidentiary hearings; (5) made numerous false statements in order to conceal the lies perpetrated by Toomey Reporting and their fraudulent alteration of the

December 5, 2013 hearing transcript and the digital audio recording; (6) invited the Defendants to strike allegations from the Amended Verified Complaint and directed Antonacci not to object; (7) invited the Defendants and Toomey to sanction Antonacci; (8) ordered the City of Chicago to produce documents directly to her chambers in order to prevent additional evidence of Ponder's tortious misconduct from being discovered; (9) deliberately delayed issuance of her final order so that Antonacci's case would be put into the Black Line Pool; (10) and her dismissal of the Verified Complaint was so obviously an attempt to weaken Antonacci's allegations and direct his previous counsel, Ruth Major, to attach the Ponder Slander Email to Amended Verified Complaint, so that the Appellate Court could make the ridiculous arguments set forth in its Opinion.

Simply put, these proceedings were a complete sham. Antonacci was not heard in a meaningful manner and was therefore denied due process of law. *Matthews*, 424 U.S. at 333; *Concrete Pipe*, 508 U.S. at 617-18. Judge Brewer displayed such a deep-seated antagonism that would make fair judgment impossible, and Judge Hogan erred in denying Antonacci's Second Petition to Substitute Brewer for Cause. *In re Estate of Wilson*, 238 Ill.2d 519, 554, (2010); *Marshall*, 446 U.S. at 243.

## **II. Antonacci Stated a Claim for Defamation *per se***

This Court's review of a Section 2-615 or 2-619 motion to dismiss is *de novo*. *R-Five, Inc. v. Shadeco, Inc.*, 305 Ill.App.3d 635, 639 (1999). "The standard of review on appeal from a motion to dismiss a complaint under section 2-615 is whether the complaint alleges sufficient facts which, if proved, would entitle the plaintiff to relief." *Charles v. Seigfried*, 165 Ill.2d 482, 485-86 (1995). The court "accept[s] as true the well-pleaded facts and reasonable inferences in the complaint and construe[s] the allegations in the light most favorable to the plaintiff." *Horwitz v. Sonnenschein Nath and Rosenthal LLP*, 399 Ill.App.3d 965, 973 (1st Dist. 2010).

Under Illinois law, a statement is defamatory if it tends to harm the reputation of another person such that it lowers that person in the eyes of the community or deters other from associating with him or her. *Solaia Technology, LLC v. Specialty Publishing Co.*, 221 Ill.2d 558, 579 (2006). Statements that are defamatory *per se* "are thought to be so obviously and materially harmful to the plaintiff that injury to [his] reputation may be presumed." *Bryson v. News America Publications, Inc.*, 174 Ill.2d 77, 87 (1996). There are five categories of defamation *per se*, two of which have been alleged here: 1) "statements imputing an inability to perform or want of integrity in performing employment duties"; and 2) "statements imputing a lack of ability or that otherwise prejudice a person in his or her profession or business." *Tuitte v. Corbitt*, 224 Ill.2d 490, 501-02 (2006).

The test to determine whether a statement is non-defamatory because it expresses an opinion is restrictive: "only those statements that cannot reasonably be interpreted as stating actual facts are pro-

tected under the first amendment.” *Kolegas v. Heftel Broadcasting Corp.*, 154 Ill.2d 1, 14-15 (1992). “Statements of fact usually concern the defamation of plaintiff’s character or conduct.” *Barakat v. Matz*, 271 Ill.App.3d 662, 672 (1st Dist. 1995). “Statements of mixed opinion are actionable.” *Baier v. Rohr-Mont Motors, Inc.*, 2013 WL 2384269 \*8 (N.D.Ill.).

“A mixed expression of opinion and fact ‘is an opinion in form or context that is apparently based upon facts which have not been stated by the defendant or assumed to exist by the parties to the communication.’” *Bakarat*, 271 Ill. pp.3d at 672 (quoting *Mittelman v. Witous*, 135 Ill.2d 220, 242 (1989)). “The focus is on verifiability.” *Baier*, 2013 WL 2384269 \*8; *see also Seitz-Partridge v. Loyola University of Chicago*, 409 Ill.App.3d 76, 90 (1st Dist. 2011). “Oral or written words which impute to [an attorney] a want of the requisite qualifications to practice law or which charge him with dishonest or improper practices in the performance of his duties as an attorney are actionable per se.” *Colmar v. Greater Niles Tp. Pub. Corp.*, 13 Ill.App.2d 267, 270-71 (1st Dist. 1957); *see also Mittelman*, 135 Ill.2d at 242.

On numerous occasions on and around October 12, 2011, Ms. Ponder deliberately lied about Antonacci to Gofron, Rowland, Connelly, and Perrelli. (R. C0580-85.) Ponder told these lies in order to deflect blame from the inexcusable ignorance that she demonstrated during client meetings on September 6, 2011. (R. C0578-79.) Moreover, when her negligent mishandling of her client project prevented the project from being completed on time, she falsely blamed Antonacci for her failings. (R. C0584-85.) Each of these lies is verifiably untrue, was made outside the performance

evaluation process, and was made with malice. The Respondents are therefore liable for defamation *per se*. *Mittelman*, 135 Ill.2d at 242, *Colmar*, 13 Ill.App.2d at 270-71.

The Appellate Court erroneously accepted Ponder's lies memorialized in Gofron's email as true. (Op. ¶¶ 26-31; A61-64.) It based this absurd analysis on the erroneous premise that any exhibit attached to a complaint controls over the factual allegations in the complaint. (Op. ¶ 21; A59) citing *Charles Hester Enterprises, Inc. v. Illinois Founders Insurance Co.*, 114 Ill 2d 278, 287 (1986)). But “[w]hen the exhibit is not an instrument upon which the claim or defense is founded but, rather, is merely evidence supporting the pleader's allegations, the rule that the exhibit controls over conflicting averments in the pleading is inapplicable.” *Garrison v. Choh*, 241 Ill.Dec. 376, 379 (1st Dist. 1999). There can be no dispute that Gofron's email summarizing some of Ponder's false statements is not any sort of written instrument, but is simply evidence supporting Antonacci's claim that Ponder lied about him and his work. Antonacci's allegations therefore control. *Id.*

Finally, the Appellate Court erroneously reasoned that Antonacci cannot allege Ponder made additional defamatory statements “upon information and belief” because Antonacci did not specify “what was said to these parties, how the statements were made, or when they were made.” (Op. ¶ 32; A65-66.) That is absurd, because if Antonacci knew those facts, then he would not have pleaded those statements upon information and belief. Antonacci did quite plainly set forth his factual bases for believing those statements were made, however, so under Illinois law the Amended

Verified Complaint should stand. *Green v. Rogers*, 234 Ill.2d 478, 495 (2009).

### **III. Antonacci Stated a Claim for Tortious Interference<sup>5</sup>**

Because Antonacci stated a claim for defamation, he has also stated a claim for tortious interference with prospective economic advantage with his employment at Seyfarth against Ponder. *Dowd and Dowd, Ltd. v. Gleason*, 352 Ill.App.3d 365, 381 (1st Dist. 2004); *Larry Karchmar, Ltd. v. Nevoral*, 302 Ill.App.3d 951, 958 (1999).

### **IV. Antonacci Stated a Claim for Fraudulent Misrepresentation**

The Appellate Court erroneously reasons that Seyfarth is not liable for fraudulent misrepresentation because Antonacci's Amended Verified Complaint alleges that Seyfarth only lied to Antonacci about matters of "pure opinion." (Op. ¶ 35; A67.) That is incorrect. Ponder has a known history of damaging the careers of her subordinates in order to conceal her incompetence – as was subsequently confirmed by numerous Seyfarth partners to whom Antonacci reported her fraudulent and unprofessional behavior.

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<sup>5</sup> It is notable that the Appellate Court did not adopt Brewer's reasoning in dismissing Antonacci's tortious interference count. (*Compare* C3708 with Op. ¶ 33; A66.) Brewer falsely stated that Antonacci could not state this claim because he did not have an employment contract with Seyfarth, despite the fact that the record is replete with evidence of Antonacci's employment contract. (R. 14, C0043, C0574, C0578, C905-07, C1006-08, C1056.) As discussed above, Antonacci was not heard in a meaningful manner and was therefore denied due process of law. *Matthews*, 424 U.S. at 333; *Concrete Pipe*, 508 U.S. at 617-18.

(R. C853-56; 863-65; 876-78; 893-94.) Seyfarth affirmatively misrepresented Ponder's character and competence to Antonacci, and further fraudulently omitted the fact that her last associate was so appalled by her unprofessional behavior that he left without notice and was never heard from again. (R. C853-56; 863-65; 876-78; 893-94.) Working for Anita Ponder is a professional death trap – that is a fact that Seyfarth had a duty to disclose. Seyfarth is liable for fraudulent misrepresentation. *W.W. Vincent and Co. v. First Colony Life Ins. Co.*, 351 Ill.App.3d 752, 814 (1st Dist. 2004). And the Appellate Court's discussion of Antonacci's at-will employment is simply irrelevant to his claim for fraudulent misrepresentation. (Op. ¶ 36; A67.)

## **V. The Trial Court Erred in Quashing Antonacci's Subpoenas<sup>6</sup>**

Illinois Supreme Court Rule 204 requires the Clerks of the Circuit Courts to issue subpoenas upon request, which "may command the person to whom it is directed to produce documents or tangible things which constitute or contain evidence relating to any of the matters within the scope of the examination permitted under these rules." Rule 204(a)(1). The scope of

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<sup>6</sup> The Appellate Court erroneously reasoned Antonacci "waived" his argument that Brewer abused her discretion denying Antonacci's motion for leave to file surreply instanter. That is incorrect because Antonacci set forth the most relevant authority and a thorough analysis of the facts in support of this argument. (Brief of Appellant. 30-32; A1414-16.) The Appellate Court's mindless "analysis" of this issue does not merit discussion, as it does not even set forth any competing authority. (Op. ¶ 41; A70.) Its conclusion that Antonacci somehow "waived" this issue should be reversed.

examination under the Supreme Court Rules is broad. Rule 201(a).

The deponent in a discovery deposition may be examined regarding any matter subject to discovery under these rules.” Rule 206(c)(1). Evidence is relevant “if it proves a fact in controversy or renders a matter at issue more or less probable.” *Petraski v. Thedos*, 2011 IL App (1st) 103218 ¶ 140. “A plaintiff’s complaint frames the case’s issues.” *Id.*

Regarding the subpoenas served upon the City of Chicago, paragraph 34 of the Amended Verified Complaint alleges “Ms. Ponder made numerous false statements concerning Antonacci to the client for whom the interviews were conducted. Namely, Ponder blamed Mr. Antonacci for her failure to complete her project in a timely and effective manner.”<sup>7</sup> Antonacci’s Subpoenas request documents and communications pertaining to Ponder’s failure to complete the DPS Matter in a timely manner, as well as her false statements seeking to blame Antonacci for her failures. The discovery sought is therefore clearly relevant to the issues framed by the Amended Verified Complaint and Brewer abused her discretion quashing them. *Petraski*, 2011 IL App (1st) 103218 ¶ 140.

Antonacci subpoenaed documents and testimony from Toomey, pursuant to Rules 204 and 206, that tend to prove that Toomey fraudulently altered the December 5, 2013 hearing transcript to delete Judge Brewer’s hostile outbursts toward Antonacci, as well

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<sup>7</sup> Antonacci further maintains that the documents produced by the City could not be deemed privileged and thus the Circuit Court erred in ordering them produced directly to her chambers for *in camera* review.

as her refusal to consider the affidavits that Mr. Antonacci presented pursuant to Section 2-619(c), thus further demonstrating Judge Brewer's actual bias and bolstering his petition to substitute her. Antonacci's Subpoenas are therefore relevant to the instant case and Judge Brewer abused her discretion in quashing them. *Petraski*, 2011 IL App (1st) 103218 ¶ 140.

## CONCLUSION

These proceedings tragically represent the disintegration of the rule of law in Cook County. The shameless manner in which Brewer, the Defendants, the City of Chicago, and Toomey Reporting repeatedly lied and fabricated court documents – with impunity – is a glaring and undeniable example of Chicago's harsh reality: there is no justice here. The courts are stacked with judges whose only qualification is loyalty to the political class and their donors. And while the Cook County judiciary has secured its place on the wrong side of history, most of those judges do not even appreciate the significance of their criminal legacy. And that is why you are just the tiny pawns of those who do.

Dated: September 18, 2015

Respectfully submitted,

/s/ Louis B. Antonacci

Louis B. Antonacci

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App.475a

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Court Information

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT  
NO. 15-2194

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LOUIS B. ANTONACCI, an individual,

*Plaintiff-Appellant,*

v.

CITY OF CHICAGO, a municipal corporation, et al.,

*Defendants-Appellees.*

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Appeal From Civil Case No. 1:15-CV-3750

Hon. Milton I. Shadur

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**RULE 26.1 STATEMENT**

The undersigned appellant hereby certifies that he is not a corporate entity. The undersigned appellant hereby certifies that he is not representing anyone in this proceeding in his capacity as an attorney. The undersigned is proceeding *pro se* in this matter.

[ENTERED JULY 14, 2015]

LOUIS B. ANTONACCI  
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July 10, 2015

U.S. Court of Appeals for the Seventh Circuit Clerk  
Room 2722  
219 S. Dearborn Street Chicago, IL 60604

Re: Antonacci v. City of Chicago Appeal No. 15-2194

Dear Clerk,

Enclosed herewith please find the Brief of Appellant in the above-referenced appeal. You called me last Friday, July 10, 2015, and told me that the Brief of Appellant that I filed in paper form on Thursday, July 9, 2015 was nonconforming for two reasons: 1) I did not file the brief electronically, and 2) I did not file the Rule 26.1 corporate disclosure statement. I tried to discuss these matters with you, but you interrupted me, stated that you would be sending the Briefs of Appellant back to me, and promptly hung up the phone. I was at dinner in Turin with Ms. Livya Heithaus at the time, and she can attest to those facts.

As I tried to explain to you during our phone conversation, I do not have ECF filing privileges, despite your insistence to the contrary. I have enclosed herewith a screen shot of my Seventh Circuit CM/ECF screen. As you will see, while my profile screen indicates that I am an attorney and my filing status is “active,” I

simply do not have the required action tab that would allow me to file any documents.

This is particularly troubling because, as I am sure you recall, when I first encountered this problem, I called you for assistance. At that time, you indicated that I could not file electronically, despite the fact that I am an attorney, because I was proceeding *pro se* in this appeal. You informed me that I would need to file a motion requesting filing privileges, which I did. The court denied that motion on July 8, 2015. As such, I am filing the Brief of Appellant the only way possible for me at this time – in paper form.

I am still confused as to your continued insistence that I must file a Rule 26.1 disclosure form. I am neither a corporate entity nor am I proceeding in my capacity as an attorney. I am not licensed to practice in Illinois, nor am I admitted to practice before the Northern District or the Seventh Circuit. Nonetheless, I am submitting a disclosure that conforms to the requirements of FRAP and Circuit Rule 26.1.

I object to your rejection of my filing of the Brief of Appellant as a denial of due process of law. Please file this letter with the record of these proceedings.

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

No. 15-2194

---

LOUIS B. ANTONACCI, an individual,

*Plaintiff-Appellant,*

v.

CITY OF CHICAGO, Hon. Milton I. Shadur a  
municipal corporation, ET AL.,

*Defendants-Appellees.*

---

Appeal From Civil Case No. vs. 1:15-CV-3750  
Hon. Milton I. Shadur

---

**RULE 26.1 STATEMENT**

The undersigned appellant hereby certifies that he is not a corporate entity. The undersigned appellant hereby certifies that he is not representing anyone in this proceeding in his capacity as an attorney. The undersigned is proceeding *pro se* in this matter.

**ORDER RE: RECORDING DEVICES,  
STATE OF ILLINOIS SUPREME COURT  
(MARCH 15, 2005)**

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**STATE OF ILLINOIS  
SUPREME COURT**

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At a Term of the Supreme Court, begun and held in Springfield, on Monday, the 14th day of March, 2005.

Present:

Mary Ann McMorrow, Chief Justice  
Justice Charles E. Freeman  
Justice Thomas R. Fitzgerald Justice Robert R.  
Thomas  
Justice Thomas L. Kilbride  
Justice Rita B. Garman  
Justice Lloyd A. Karmeier

M.R.20112

In re: Supplemental Recording Devices Utilized by  
Privately Employed Court Reporters

**ORDER**

Personal audio recording devices utilized by privately employed court reporters to supplement the stenographic record may be used during court proceedings to assist in the preparation of the record. Any recordings of court proceedings made pursuant to this order shall be for personal use only and held in strictest of confidence by the court reporter. Audio recordings of any court proceeding shall be deemed

and remain under the control of the circuit court and shall be surrendered to the court upon request. Any request by a party or entity, other than the court, to obtain or review the recordings shall not be permitted under any circumstances. Any violation of this order may subject the violator to contempt of court proceedings.

Order entered by the Court.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 15th day of March, 2005.

*/s/*  
Clerk,  
Supreme Court of the State of Illinois

**EXHIBIT B**  
**PERKINS COIE LETTER**  
**REGARDING RELATION WITH**  
**FUSION GPS**  
**(OCTOBER 24, 2017)**

---

**PERKINS COIE**

131 South Dearborn Street  
Suite 1700  
Chicago, IL 60603-5559  
+1 312.324.9400  
+1.312.324.8400  
PerkinsCoie.com

Matthew J. Gehringer  
MGehringer@perkinscoie.com  
D. +1 312.324 8655  
F +1.312 324.9655

**VIA EMAIL**

William W. Taylor, III  
Zuckerman Spaeder LLP  
1800 M Street, NW  
Suite 1000  
Washington, DC 20036

*RE: FUSION GPS*

Dear Mr. Taylor:

I write on behalf of Perkins Coie LLP as its General Counsel. We understand that your client, Fusion GPS, has received a number of requests for information regarding the identity of clients who engaged Fusion GPS to conduct research during the 2016 Presidential campaign. We further are aware that Fusion GPS is currently engaged in litigation in the

United States District Court for the District of Columbia in an effort to prevent the compelled disclosure of its bank records which would reveal confidential client information.

We recognize the important principle of client confidentiality, and we appreciate your efforts to fulfill your obligation to maintain client confidentiality. In the circumstances, however, we believe it is appropriate to release Fusion GPS from this obligation as it relates to the identity of Perkins Coie. Further, given the interest in this issue, we believe it would be appropriate for all parties who hired Fusion GPS in connection with the 2016 presidential campaign to release Fusion GPS from this obligation as well. Finally, now that the appropriate client representatives have been informed of the specifics of our engagement with Fusion GPS, and with their consent, Perkins Coie therefore authorizes you to disclose the following:

—Fusion GPS approached Perkins Coie in early March of 2016 and, aware that Perkins Coie represented the Democratic National Committee (“DNC”) and HFACC, Inc. (“Hillary for America”) with respect to the 2016 elections, expressed interest in an engagement with the Firm in connection with the 2016 presidential election to continue research regarding then-Presidential candidate Donald Trump, research that Fusion GPS had conducted for one or more other clients during the Republican primary contest.

—To assist in its representation of the DNC and Hillary for America, Perkins Coie engaged Fusion GPS in April of 2016, to perform a

variety of research services during the 2016 election cycle. By its terms, the engagement concluded prior to the November 2016 Presidential election.

Nothing in this consent to the disclosure above authorizes Fusion GPS to disclose or waive any privilege with respect to communications or other information otherwise protected by this Firm's or its clients' attorney-client privilege and work product protections, nor does this authorization constitute a waiver of any applicable privilege of this Firm or its clients.

Very truly yours,

/s/ Matthew J. Gehringer

General Counsel

Perkins Coie LLP

MJG:jmg

**EXHIBIT C TO COMPLAINT  
PATERNITY DNA TEST RESULT  
(NOVEMBER 30, 2022)**

DDC is accredited/certified by AABB CAP ISO/JEC 17025 by ANAB, CLIA & NYSDOH

Case 3784045	CHILD	Alleged FATHER
Name	SXXXXXXXP ANTONACCI	LOUIS B ANTONACCI
Race		Caucasian
Sample Type	Buccal	Buccal
Date Collected	11/19/2022	11/19/2022
Test No.	3784045-21	3784045-30

Interpretation:

RN: 10703615

Combined Paternity Index: 25,815,006

Probability of Paternity: 99.999996%

The alleged father is not excluded as the biological father of the tested child. Based on testing results obtained from analyses of the DNA loci listed, the probability of paternity is 99.999996%. This probability of paternity is calculated by comparing to an untested, unrelated, random individual of the Caucasian population (assumes prior probability equals 0.50).

I, the undersigned Laboratory Director, verify that the interpretation of the results is correct as reported on 11/30/2022.

/s/ Deepti L. Kumar, Ph.D.

The foregoing instrument was acknowledged before me by the signed Laboratory Director on November 30, 2022.

/s/ Allen Elswick

State of Ohio, County of Butler

[SEAL]

My Commission Expires January 4, 2027

Case 3784045	CHILD	Alleged
Name	AXXXXXXXG ANTONACCI	FATHER
Race		LOUIS B ANTONACCI
Sample Type	Buccal	Caucasian
Date Collected	11/19/2022	11/19/2022
Test No.	3784045-20	3784045-30

Interpretation:

RN: 10703612

Combined Paternity Index: 4,482

Probability of Paternity: 99.97%

The alleged father is not excluded as the biological father of the tested child. Based on testing results obtained from analyses of the DNA loci listed, the probability of paternity is 99.97%. This probability of paternity is calculated by comparing to an untested, unrelated, random individual of the Caucasian population (assumes prior probability equals 0.50). Note: One possible mutation was observed. The mutation frequency was included in the calculation of the probability of paternity. This paternity calculation does not take into consideration any biological relatives of the alleged father.

I, the undersigned Laboratory Director, verify that the interpretation of the results is correct as reported on 11/30/2022.

/s/ Deepti L. Kumar, Ph.D.

The foregoing instrument was acknowledged before me by the signed Laboratory Director on November 30, 2022.

/s/ Allen Elswick

State of Ohio, County of Butler

My Commission Expires January 4, 2027

**EXHIBIT D TO COMPLAINT  
ANTONACCI APPLICATION LETTER TO  
DOJ NATIONAL SECURITY DIVISION  
(SEPTEMBER 12, 2019)**

---

LOUIS B. ANTONACCI  
3338 7th Street NE  
Washington, DC 20017  
(o) 202.291.2327  
(m) 703.300.4635  
[lou@antonaccilaw.com](mailto:lou@antonaccilaw.com)

---

U.S. Department of Justice  
National Security Division  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
ATTN: Aprel Thompson/Oversight Vacancy

RE: Oversight Vacancy

Dear Ms. Thompson,

My name is Lou Antonacci and I am applying for the Attorney-Advisor position in the Oversight Section of the Department's Office of Intelligence. I believe that my professional and personal experiences handling fraud and corruption claims, together with my significant litigation and investigative experience, domestically and abroad, would make me a valuable member of your team.

I matriculated at the University of Wisconsin Law School in 2001. I was a managing editor for the Wisconsin International Law Journal and a member of its Moot Court Board. I participated in the Jessup International Law Moot Court competition and won honors for top brief. I was an honors intern for both

the Criminal Division of the U.S. Department of Justice and the General Counsel of the U.S. Air Force. In the latter capacity, I spent much of the summer analyzing high-profile allegations of procurement fraud. I graduated with honors in May of 2004.

Immediately after graduation, I began work in the U.S. Army Corps of Engineers's Civilian Honors Program, where I served as the lead attorney for the Corps's Chemical Demilitarization Program. I advised the U.S. Army on legal issues related to the United States's obligations under the Chemical Weapons Convention and other international agreements. I was part of a U.S. delegation to Moscow to work with the Russian Ministry of Defense completing a demilitarization facility outside of Chelyabinsk. I also supported the Iraqi Reconstruction Program during a temporary assignment in Baghdad. While in Iraq, I worked with our Contracting Directorate to establish contracting policies throughout the Gulf Region Division.

I subsequently moved into private practice at law firms in the Washington area, practicing federal contracts and construction law. I was an extremely successful associate, but my supervising partner at Holland & Knight was terminated for embezzling money from the firm. He did this while I was building a large fraud and racketeering case against a property developer, and their Dutch lender, for defrauding our client out of monies owed pursuant to a consent judgment. The case settled favorably for our client, and another of the terminated partner's clients stayed with the firm as my client. The latter client was an Iraqi construction company, who I soon discovered had fabricated an email intended to defraud a federal agency.

I raised the matter to firm leadership, the client was terminated, and I was asked to resign shortly after.

This was early 2010, so there were virtually no legal jobs available. I performed work as a contract attorney, doing document review, for about 16 months, when I received a job offer from Seyfarth Shaw as a staff attorney in Chicago. I received only positive performance evaluations from that firm, and I was retained by a prestigious non-profit for government contracting work. Nonetheless, in May of 2012, I was terminated with no explanation and eight hours of notice. I hired a lawyer and discovered that a Seyfarth partner, for whom I had done work early on at Seyfarth, had been defaming me to firm leadership. We filed suit, and the criminal enterprise that is the Chicago Machine sprang into action. They blocked my admission to the Illinois bar and made it impossible for me to work in Chicago.

The panel reviewing my character and fitness to practice law in Illinois made it clear that I would not be licensed until I dropped my lawsuit against Seyfarth. In my view, that is textbook extortion. I refused to capitulate, but because I could not make a living in Chicago, I moved back to Washington, DC, where I was already licensed to practice. Notably, I was also licensed in Wisconsin and Virginia at that time, and subsequently have been licensed in Maryland as well.

I fought the Chicago Machine all the way up to the U.S. Supreme Court. The details of the case are set forth in my SCOTUS petition, which I have included as my writing sample. I would not let the case go because it represents an unacceptable abuse of public power. As set forth in the petition, after years in state and federal courts, the defendants were never

required to answer any allegation against them or respond to any discovery. Fraudulent court documents were filed, and judicial opinions were issued that contained demonstrably false statements material to the proceedings at bar. The defendants and their co-conspirators perpetrated this fraud with absolute impunity.

This scheme was contrived and premeditated. It has been done before and it will happen again. It represents the erosion of the rule of law not only in Chicago, but throughout this country, as people lose faith in the institutions that allow our society to flourish. I want to help restore that faith in America's institutions.

I started a successful law practice here in Washington. I represent government contractors and private property owners in litigation and transactional matters. In 2016, my client won an appeal, before the Supreme Court of Virginia, reinstating a jury verdict that we had won in Arlington. I have a young daughter and another on the way. My wife is an SVP in the legal group at JBG Smith. We were associates together at Holland & Knight.

It would be my honor to assist the Department in ensuring that foreign intelligence information is collected, retained and disseminated in accordance with U.S. law and Department policy. America's intelligence apparatus is the most powerful and pervasive in the world. If Americans are to remain confident that their government is by and for them, then they must believe that our intelligence agencies are using their powers responsibly.

Enclosed please find my resume, SCOTUS petition, and my last federal performance evaluation for your consideration. Thank you for the opportunity to present this application.

Sincerely,

/s/ Louis B. Antonacci

Enclosures

**SENIOR SYSTEM CIVILIAN  
EVALUATION REPORT**

**For use of this form, see AR 690-400; the  
proponent agency is ASA(M&RA)**

**Part I – Administrative Data**

a. NAME

Antonacci, Louis B.

b. XXXXXXXXXX

c. Position Title, Pay Plan, Series and Grade

General Attorney, GS-0905-12

d. Organization/Installation

CEHNC-OC

e. Reason For Submission

Annual

f. Period Covered

From 2004/06/01

Thru 2005/10/31

g. Rated Mos. 17

h. Ratee Copy Given to Ratee

**Part II – Authentication**

a. NAME OF RATER

Simmons, Margret P.

SIGNATURE

/s/ Margaret P. Simmons

DATE

18 Jan 06

Grade/Rank, Organization, Duty Assignment

GS15, US Army Engineering & Support Center,  
Huntsville, Counsel

b. Name Of Intermediate Rater

Diehl, LTC David

SIGNATURE

/s/ Diehl David

DATE

19 Jan 06

Grade/Rank, Organization, Duty Assignment

LTC, US Army Engineering & Support Center,  
Huntsville, Deputy Commander

c. Name Of Senior Rater

Allen, Ronald & Pike, Lloyd

Grade/Rank, Organization, Duty Assignment

GS15 & SES, USACE, Acting Deputy Chief  
Counsel & Deputy Chief Counsel

Part IV Duty Description (Rater)

DAILY DUTIES AND SCOPE (To include as appropriate: people, equipment, facilities, and dollars). Position Description (DA Form 374) is correct:

Yes

Serves as General Attorney in Office of Counsel. Under general supervision and review of the Counsel to whom assigned, provides legal advice, interpretations and determinations on matters involved in Corps of Engineers programs and missions. Performs legal research in final form on a variety of the most complex and difficult legal problems in all areas of responsibility of the Office of Counsel. These areas include, but are not limited to, procurement law, environmental law, litigation and legislation, including agency authorities, and administrative law. Responds to inquiries concerning the work of the office and prepares in final form and for signature of proper official, replies to inquiries and correspondence from Congress, the Army and other groups pertaining to legal matters within the area of responsibility of the Counsel to whom assigned, including the Comptroller General and from various elements within the Army Corps of Engineers. Serves as primary Counsel for the Chemical Demilitarization Program which includes the work in Russia. Works international issues with customer, Defense Threat Reduction Agency (DTRA) and Chemical Munitions Agency (CMA).

Part V Values (Rater)

Period Covered 2004/06/01 - 2005/10/31

Ratee's Name Antonacci, Louis B.

SSN [REDACTED]

Part VI - Performance Evaluation (Rater)

a. PERFORMANCE DURING THIS RATING PERIOD

Comparison of individual objectives against accomplishments and DA-established performance standards resulted in the following objectives ratings:

Excellence 75% or More Obj

Includes Excellence in Org Mgt/Ldshp OR EEO/AA  
Obj for superv/mgr

No

b. BULLET EXAMPLES

Concur with 360 rating for Objectives A, B, C & D. On a scale of 1-10, Louis received a 9.07 on A-Communication Skills/ Customer Service; a 9.23 on B-Team Behavior; a 9.66 on C-Values; and a 9.26 on D-Continuous Improvements. He exceeded all four of those objectives.

Completed all legal reviews in a timely and thorough manner.

Provided outstanding legal support to the Chemical Demilitarization Directorate on several complex issues involving treaties and other international law matters, resulting in successful mission objectives within legal boundaries.

Traveled to Russia with team to participate in contract negotiations and assisted in analyzing cost issues for completion of the destruction facility currently under construction.

Presented a paper on international government contracting at the Chemical Weapons Destruction Conference in Edinburgh, Scotland.

Kept all CEALS-MTS data current and accurate.

Participated in an ADR with an ASBCA Judge, resulting in a favorable settlement of a contractor claim.

Wrote legal alerts, white papers and procurement /fiscal bulletins in support of OC preventive law practice.

Had comment published in the Santa Clara Journal of International Law.

#### Part VII - Intermediate Rater (Optional)

##### BULLET COMMENTS

A competitive lawyer who will tackle any mission.

An integral part of the legal team, because of his efforts the team is extremely successful.

Outstanding support to the Center's Chemical Demilitarization program.

Unlimited potential in service to the Nation.

#### Part VIII - Senior Rater (if used) or RATER (no senior rater used)

##### OVERALL PERFORMANCE RATING

X
2
3
4
5

} **Successful**

Part IX - Senior Rater (if used)

BULLET COMMENTS (Performance/Potential)

Tenacious in defense of government interests.

Willing to accept more responsibility and challenges.

Provides quality, well documented legal opinions.

Self-motivated. Can handle extensive workload.

A completed DA Form 7222-1 was received with this report and considered in my evaluation and review:

Yes

**SENIOR SYSTEM CIVILIAN EVALUATION  
REPORT SUPPORT FORM**

**For use of this form, see AR 690-400; the  
proponent agency is ASA(M&RA)**

Part I-Ratee Identification

- a. Name Of Ratee                    Antonacci, Louis B.
- b. Pay Plan, Series/Grade    GS-0904-11
- c. Organization/Installation

US Army Corps of Engineers, Office of Counsel

Part II - Rating Chain - YOUR RATING CHAIN FOR  
THE EVALUATION PERIOD IS:

Rater	Name Margaret P. Simmons	Position Counsel, Huntsville Center
Intermediate Rater	Name David A. Diehl	Position LTC, Deputy Commander, Huntsville Center
Senior Rater	Name Craig R. Schmauder	Position Acting Chief Counsel

Part III - Verification Of Face-To-Face Discussion

The following face-to-face discussions of duties, responsibilities, performance objectives, standards, and accomplishments for the rating period 01 Jun 04 to 31 Oct 04 took place:

RATER INITIALS

/s/

RATEE INITIALS

/s/

Dates  
13 Aug 04

Part IV - Ratee

a. State your Significant Duties and Responsibilities.  
Duty Title is:

**General Attorney**

Serves as General Attorney in the Office of Counsel. Under general supervision and review of the Counsel to whom assigned, provides legal advice, interpretations and determinations on matters involved in Corps of Engineers programs and missions. Performs legal research in final form, on a variety of the most complex and difficult legal problems in all areas of responsibility of the Office of Counsel. These areas include, but are not limited to, procurement law, environmental law, litigation, and legislation, including agency authorities, and administrative law. Responds to inquiries concerning the work of the office and prepares in final form and for signature of proper official, replies to inquiries and correspondence from Congress, the Army and other groups pertaining to legal matters within the area of responsibility of the Counsel to whom assigned including the Comptroller General, and from various elements within the Army Corps of Engrs.

b. Indicate Your Major Performance Objectives/Individual Performance Standards

**A. COMMUNICATION SKILLS/  
CUSTOMER SERVICE**

- Listens actively to internal and external customers.
- Keeps others informed.
- Presents ideas simply, clearly, and effectively.
- Identifies, understands, and responds to the needs of the customer.

- Solicits and provides constructive and honest feedback.

**B. TEAM BEHAVIOR**

- Is a team contributor.
- Treats you as an important member of the team.
- Puts interest of team ahead of self.
- Is considerate and cooperative.
- Builds consensus and shares relevant information.

**C. VALUES**

- Is ethical and committed to doing what is right.
- Accepts personal responsibility for assigned activities.
- Supports organizations efforts to establish a work environment free of discrimination.

**SENIOR SYSTEM CIVILIAN EVALUATION  
REPORT SUPPORT FORM**

**For use of this form, see AR 690-400; the  
proponent agency is ASA(M&RA)**

**Part I - Ratee Identification**

- a. Name Of Ratee                    Antonacci, Louis B.
- b. Pay Plan, Series/Grade    GS-0905-11
- c. Organization/Installation        CEHNC-OC

**Part II - Rating Chain - Your Rating Chain for the  
Evaluation Period is:**

Rater	Name Margaret P. Simmons	Position Counsel
Intermediate Rater	Name David A. Diehl	
Senior Rater	Name Allen, Ronald & Pike, Lloyd	

Part III - Verification Of Face-To-Face Discussion

The following face-to-face discussions of duties, responsibilities, performance objectives, standards, and accomplishments for the rating period 01 Oct 04 to 30 Sep 05 took place:

RATEE INITIALS

/s/

RATER INITIALS

/s/

Dates  
22 Jul 2005

Part IV - Ratee

a. STATE YOUR SIGNIFICANT DUTIES AND RESPONSIBILITIES. DUTY TITLE IS:

General Attorney

Assistant Counsel responsible for providing procurement counsel to senior leadership and various con-

tracting officers. Reviews formation and administrative contract actions for legal sufficiency. Prepares government position in bid protests to the Agency, and recommends Agency position in protests before the GAO. Also serves as Freedom of Information Act Officer and Ethics Counselor, as assigned. Recommends government position in contract disputes, drafts final contracting officer's decisions IAW the Contract Dispute Act, and represents the government position before the ASBCA.

**b. INDICATE YOUR MAJOR PERFORMANCE OBJECTIVES/INDIVIDUAL PERFORMANCE STANDARDS**

**A. COMMUNICATIONS SKILLS/CUSTOMER SERVICE**

1. Listens actively to internal and external customers.
2. Keeps others informed.
3. Presents ideas simply, clearly, and effectively.
4. Identifies, understands, and responds to the needs of the customer.
5. Solicits and provides constructive and honest feedback.

**B. TEAM BEHAVIOR**

1. Is a team contributor.
2. Treats you as an important member of the team.
3. Puts interest of team ahead of self.
4. Is considerate and cooperative.

5. Builds consensus and shares relevant information.

### C. VALUES

1. Is ethical and committed to doing what is right.
2. Accepts personal responsibility for assigned activities.
3. Supports organization's efforts to establish a work environment free of discrimination.
4. Can be counted on to do what he or she says will be done.
5. Is trustworthy, open and honest.

### D. CONTINUOUS IMPROVEMENTS

1. Delivers excellence in customer service.
2. Improves existing processes and/or introduces new methods.
3. Is creative and innovative.
4. Anticipates and prepares for change.
5. Actively increases personal skill, knowledge, and technology base.

### E. TECHNICAL OBJECTIVES

1. Conduct thorough and expeditious legal review of assigned contracts.
2. Provide comprehensive legal support to assignee of programs.
3. Provide timely and accurate legal counsel to the HNC chemical Demilitarization.

4. Manage workload using CEALS-MTS. Keep all CEALS-MTS data accurate and current.
5. Participate in preventive law practice by publishing at least two (2) CEHNC-OC bulletins on fiscal/contract issues.
6. Exercise independent judgment. Maintain responsiveness to client.
7. Engage in knowledge sharing.
8. Support PMBP- develop an understanding of the USACE Project Management Business Process (PMBP) and educate team members about PMBP concepts. Use client-focused teamwork in accomplishing day-to-day work.

c. List Your Significant Contributions

As Lead Attorney for Chemical Demilitarization Directorate, provided timely and thorough legal review for all contract actions. Settled claim at CAMDS through Alternative Dispute Resolution (ADR) at ASBCA in Falls Church, VA. Settlement was favorable to the government. Handled all aspects of the claim.

Traveled with Chemical Demilitarization team to Moscow, Russia, to assist with analyzing cost estimate to complete the Russian Chemical Weapons Destruction Facility currently under construction in Schuch'ye, Russia.

Presented paper on international government contracting at the Chemical Weapons Destruction Conference held in Edinburgh, Scotland. Had comment published in Santa Clara Journal of International Law.

Assisted setting up a Qualified Recycling Program (QRP) at the Deseret Chemical Depot in Tooele, UT.

Analyzed the legal sufficiency of all Cooperative Agreements funded under the DOD Legacy Program that is managed at CEHNC. Updated the Cooperative Agreements to comply with new DOD template.

Participated with IM to provide briefing to Commander on changes under AR 25-2, Information Assurance, regarding roles and responsibilities, and assisted with subsequent training for system administrators.

Prepared articles on procurement and fiscal law in support of OC's preventive law practice.

/s/  
SIGNATURE

DATE

18 Jan 2006

## LOUIS ANTONACCI

## 360 REPORT FOR 2005 BY SECTION

Sections	Data Filter	Count	Mean	Mean									
				0	1	2	3	4	5	6	7	8	9
A. COMMUNICATION SKILLS / CUSTOMER SERVICE	Self	0.0	-										
	All but Self	9.0	9.07	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
B. TEAM BEHAVIOR	Self	0.0	-										
	All but Self	9.0	9.23	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
C. VALUES	Self	0.0	-										
	All but Self	9.0	9.66	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
D. CONTINUOUS IMPROVEMENTS	Self	0.0	-										
	All but Self	9.0	9.26	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
Overall Averages		Self	0.00										
		Team	9.31	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████

Sections	Data Filter	Count	Mean
A. COMMUNICATION SKILLS/ CUSTOMER SERVICE	Self	0.0	-
	All but Self	9.0	9.07
B. TEAM BEHAVIOR	Self	0.0	-
	All but Self	9.0	9.23
C. VALUES	Self	0.0	-
	All but Self	9.0	9.66
D. CONTINUOUS IMPROVEMENTS	Self	0.0	-
	All but Self	9.0	9.26
Overall Averages		Self	0.00
		Team	9.31

## LOUIS ANTONACCI

## 360 REPORT FOR 2005

Louis Antonacci

## 360 REPORT FOR 2005

Questions	Data Filter	Count	Mean	Mean									
				0	1	2	3	4	5	6	7	8	9
1. Listens actively to internal and external customers.	Self	-	-										
	All but Self	9	9.11	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
2. Keeps others informed.	Self	-	-										
	All but Self	9	9.13	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
3. Presents ideas simply, clearly, and effectively.	Self	-	-										
	All but Self	9	9.00	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
4. Identifies, understands, and responds to the needs of the customer.	Self	-	-										
	All but Self	9	9.00	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
5. Solicits and provides constructive and honest feedback.	Self	-	-										
	All but Self	9	9.11	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
1. Is a team contributor.	Self	-	-										
	All but Self	9	9.25	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
2. Treats you as an important member of the team.	Self	-	-										
	All but Self	9	9.44	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
3. Puts interest of team ahead of self.	Self	-	-										
	All but Self	9	9.13	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
4. Is considerate and cooperative.	Self	-	-										
	All but Self	9	9.22	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
5. Builds consensus and shares relevant information.	Self	-	-										
	All but Self	9	9.13	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
1. Is ethical and committed to doing what is right.	Self	-	-										
	All but Self	9	10.00	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
2. Accepts personal responsibility for assigned activities.	Self	-	-										
	All but Self	9	9.67	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
3. Supports organizations efforts to establish a work environment free of discrimination.	Self	-	-										
	All but Self	9	9.88	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
4. Can be counted on to do what he or she says will be done.	Self	-	-										
	All but Self	9	9.11	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
5. Is trustworthy, open, and honest.	Self	-	-										
	All but Self	9	9.67	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
1. Delivers excellence in customer service.	Self	-	-										
	All but Self	9	9.50	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
2. Improves existing processes and/or introduces new methods.	Self	-	-										
	All but Self	9	9.25	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
3. Is creative and innovative.	Self	-	-										
	All but Self	9	9.22	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
4. Anticipates and prepares for change.	Self	-	-										
	All but Self	9	9.13	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
5. Actively increases personal skills, knowledge, and technology base.	Self	-	-										
	All but Self	9	9.22	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████
Overall Averages	Self	0.6	0.00										
	Team	9.0	9.31	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████	██████████

Questions	Data Filter	Count	Mean
1. Listens actively to internal and external customers.	Self	-	-
	All but Self	9	9.11
2. Keeps others informed.	Self	-	-
	All but Self	9	9.13
3. Presents ideas simply, clearly, and effectively.	Self	-	-
	All but Self	9	9.00

## App.511a

4. Identifies, understands, and responds to the needs of the customer.	Self All but Self	- 9	- 9.00
5. Solicits and provides constructive and honest feedback.	Self All but Self	- 9	- 9.11
1. Is a team contributor.	Self All but Self	- 9	- 9.25
2. Treats you as an important member of the team.	Self All but Self	- 9	- 9.44
3. Puts interest of team ahead of self.	Self All but Self	- 9	- 9.13
4. Is considerate and cooperative.	Self All but Self	- 9	- 9.22
5. Builds consensus and shares relevant information.	Self All but Self	- 9	- 9.13
1. Is ethical and committed to doing what is right.	Self All but Self	- 9	- 10.00
2. Accepts personal responsibility for assigned activities.	Self All but Self	- 9	- 9.67
3. Supports organizations efforts	Self All but Self	- 9	- 9.88

## App.512a

to establish a work environment free of discrimination.			
4. Can be counted on to do what he or she says will be done.	Self All but Self	- 9	- 9.11
5. Is trustworthy, open, and honest.	Self All but Self	- 9	- 9.67
1. Delivers excellence in customer service.	Self All but Self	- 9	- 9.50
2. Improves existing processes and/or introduces new methods.	Self All but Self	- 9	- 9.25
3. Is creative and innovative.	Self All but Self	- 9	- 9.22
4. Anticipates and prepares for change.	Self All but Self	- 9	- 9.13
5. Actively increases personal skills, knowledge, and technology base.	Self All but Self	- 9	- 9.22
Overall Averages	Self Team	0.0 9.0	0.00 9.31

**EXHIBIT E TO COMPLAINT**  
**ANTONACCI PLLC LETTER TO CLERK OF**  
**FAIRFAX COUNTY CIRCUIT COURT CLERK**  
**(FEBRUARY 10, 2021)**

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ANTONACCI LAW PLLC  
3338 7th Street NE  
Washington, DC  
202.291.2327  
lou@antonaccilaw.com

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**VIA PERSONAL DELIVERY**

Mr. John T. Frey  
Clerk of the Court  
Fairfax County Circuit Court  
4110 Chain Bridge Road  
Fairfax, VA 22030

RE: AECOM Technical Services, Inc. v. The Lane  
Construction Corp.  
Case No. CL2020-18128  
Defendant's Memorandum in Support of  
Crave Oyer and Motion to Strike

Dear Mr. Frey,

On January 29, 2021, this firm attempted to file the subject document, together with supporting exhibits and four (4) binders and a thumb drive it seeks to enter into evidence in this case. The Binders and their contents are again listed below:

<b>Binder 1</b>	Subcontract (March 16, 2017)
-----------------	------------------------------

	<p>Exhibit A — List of Prime Contract Documents incorporated by reference</p> <p>Exhibit “B” — 395 Express Lanes Project Contract Documents Index</p> <p>Exhibit B — Proposal incorporated by reference</p> <p>Exhibit C — Scope of Services</p> <p>Exhibit C-1 — Detailed Scope of Services</p> <p>Exhibit D — Design Schedule</p> <p>Exhibit D-1 — Detailed Design Schedule</p> <p>Exhibit E — Payment</p> <p>Exhibit F — Design Risk Contingency</p> <p>Exhibit F-1 — Design Risk Assessment</p>
Binder 2	Prime Contract
Binder 3	Lane Proposal
Binder 4	Lane Proposal continued
Thumbdrive “iNSERViO”	Preliminary Design Documents Issued By the Owner Pursuant to Part 2 of the Prime Contract (3,496 pages)

This firm hired a private process server (Capitol Process) to complete this task, but the clerk's office refused to accept the filing and instead directed the process server to Judges Chambers, who accepted the memorandum, the binders, and the thumb drive. Please see the attached affidavit of George Illidge, private process server for Capitol Process.

The memorandum, binders, and thumb drive were served upon counsel for the Plaintiff, via personal service, later that day. Please see the attached affidavit of Darin Freeman, private process server for Capitol Process.

I spoke with chambers and the clerk's office on Monday, February 1, 2021, to ensure the subject memorandum, together with supporting exhibits, including the affidavits of Brian Basnight and Richard McDonough, which attest to the authenticity of the contract documents contained in the binders, was filed with this court. The clerk's office assured me it was being filed.

Please file the affidavits of George Illidge and Darin Freeman, together with this letter, with the court records in this matter.

Please do not hesitate to contact the undersigned with any questions or concerns.

Sincerely,  
ANTONACCI LAW PLLC  
/s/ Louis B. Antonacci  
Managing Principal

cc: Mr. Allen T. Wiggins  
Mr. David Mancini

CIRCUIT COURT FOR  
FAIRFAX COUNTY, VIRGINIA

---

AECOM TECHNICAL SERVICES, INC.,

*Plaintiff,*

vs.

THE LANE CONSTRUCTION CORPORATION,

*Defendant.*

---

Civil Action No.: CL 2020-18128

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**AFFIDAVIT  
(FEBRUARY 10, 2021)**

That I, George Illidge, a Private Process Server, being duly sworn, depose and say:

That I am over the age of eighteen years and not a party to or otherwise interested in this action.

That on January 29, 2021, I arrived at the Clerk's office at Fairfax County Circuit Court, 4110 Chain Bridge Road, Fairfax, Virginia 22030 and presented the Clerk with three complete sets of the following documents: Letter dated January 29, 2021 directed to Mr. John T. Frey, Friday Motions Day - Praecepice/Notice, Defendant's Memorandum of Law in Support of its Crave Oyer and Motion to Strike with Exhibits, and Attachments including four binders and a thumb drive.

I asked the Clerk to file stamp the original set of pleadings and supporting binders, as well as two identical sets. The Clerk reviewed the cover letter and the documents and said that these were not supposed to be provided to the Clerk's office. He said these would instead need to go to Judge's Chambers and he then directed me to the Judicial Chambers office on the 5th Floor.

When I arrived at the Judicial Chambers office, the administrator reviewed the documents and confirmed that this office was the correct recipient. The administrator stated that they only needed to keep one complete set of the three I'd provided, but agreed to file stamp the remaining two sets as well.

The administrator file stamped all three document sets but informed me that they did not file-stamp the accompanying binders. The administrator kept one complete package and returned the remaining two file stamped packages to me. The packages which were returned to me were file stamped at 12:53 PM.

When I spoke to Louis Antonacci soon after on January 29, 2021 at 12:59 PM. I did not relay to him that the filing was redirected to the Judicial Chambers, nor did I relay to him that the Clerk did not handle the filing. I did not state or suggest to Louis Antonacci that the documents were not filed with the Clerk's office.

I declare under penalty of perjury that this information is true.

App.519a

Sworn to before me on 02/05/2021

/s/ George Illidge

Sworn to before me on 02/05/2021

/s/ Angela H. Croson  
Notary Public  
[SEAL]

My Commission Expires: 3-31-24

Client Ref Number: N/A

Job#: 1586037

Capitol Process Services, Inc. | 1827 18th Street, NW,  
Washington, DC 20009 | (202) 667-0050

CIRCUIT COURT FOR  
FAIRFAX COUNTY, VIRGINIA

---

AECOM TECHNICAL SERVICES, INC.,

*Plaintiff,*

v.

THE LANE CONSTRUCTION CORPORATION,

*Defendant.*

---

Civil Action No.: CL 2020-18128

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**AFFIDAVIT OF SERVICE  
(FEBRUARY 10, 2021)**

I, Darin Freeman, Jr., a Private Process Server, being duly sworn, depose and say:

That I have been duly authorized to make service of the Letter dated January 29, 2021 directed to Mr. John T. Frey, Friday Motions Day - Praecipe/Notice, Defendant's Memorandum of Law in Support of its Crave Oyer and Motion to Strike with Exhibits, and Attachments in the above entitled case.

That I am over the age of eighteen years and not a party to or otherwise interested in this action.

That on 1/29/2021 at 3:40 PM, I served Dave Mancini, Esquire (VSB No. 24017) at Troutman Pepper Hamilton Sanders, LLP, 401 9th Street, NW, Suite 1000, Washington, DC 20004 with the Letter dated January 29, 2021 directed to Mr. John T. Frey,

Friday Motions Day - Praeclipe/Notice, Defendant's Memorandum of Law in Support of its Crave Oyer and Motion to Strike with Exhibits, and Attachments by serving K. Smith, Front Desk Administrator, authorized to accept service.

K. Smith is described herein as:

Gender: Female

Race/Skin: White

Age: 40

Weight: 135

Height: 5'5"

Hair: Black Glasses: Yes

I declare under penalty of perjury that this information is true and correct.

/s/ Darin Freeman, Jr.

Sworn to before me on 01/29/2021

/s/ Angela H. Croson

Notary Public

District of Columbia

[SEAL]

My Commission Expires:

March 31, 2024

Capitol Process Services, Inc. | 1827 18th Street, NW,  
Washington, DC 20009 | (202) 667-0050

**EXHIBIT F TO COMPLAINT  
LANE CONSTRUCTION  
CORPORATION EMAILS AND  
CORRESPONDENCE REGARDING  
FORENSIC COMPUTER DATA  
COLLECTION**

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Privileged and Confidential - RE: Project Lane:  
Forensic Collections for Laptop, Email and OneDrive  
Luzier, Dennis A. <DALuzier@laneconstruct.com>

Tue, Jun 1, 2021 at 4:15 PM

To: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>  
Cc: "Basnight, Brian A."  
<BABA@laneconstruct.com>, "Wren,  
Tim" <TWren@laneconstruct.com>,  
"lou@antonaccilaw.com"  
<lou@antonaccilaw.com>

All,

See notes below for all custodians that AECOM requested

1. Brian Basnight – active
2. Dennis Luzier – active, computer replaced in April 2021
3. William Potempa – Last date worked (LDW) 10/02/2020
4. Jason Tracy – LDW 12/31/2018
5. Jennifer Dreyer – LDW 06/12/2020
6. Jesse Edwards – LDW 7/31/2018
7. Wallace Alphin – consultant but had a Lane computer

8. Kia Najad – LDW 5/25/2018
9. Phil Sullivan – still active
10. James Huie – LDW 4/1/2021
11. Martin Hoover – Still active
12. Bill Hameza – LDW 12/31/2020

The ligation hold was 2/6/2020 per Allen's email below. Jason Tracy, Jesse Edwards, and Kia Nejad all left prior to 2/2/2020, therefore nothing needs to be completed.

Active employees Basnight, Luzier, Sullivan, Hoover.

Jim Huie's computer is available in Chantilly  
Potempa, Hameza, Dreyer – computers have  
been wiped clean.

Need to check with Wallace on when he turned  
his computer in. Tim, do you know anything on this?

Conclusion – may need computers from Basnight,  
Luzier, Sullivan, Hoover, Huie and maybe Alphin.  
**Has it been ruled out that the information  
needed can't be obtained from One Drive?**

Denny

---

From: Wiggins, Allen T.  
<atwiggins@laneconstruct.com>  
Sent: Thursday, May 27, 2021 5:56 PM  
To: Luzier, Dennis A.  
<DALuzier@laneconstruct.com>  
Cc: Basnight, Brian A.  
<BABAbsnight@laneconstruct.com>; Wren,  
Tim <TWren@laneconstruct.com>;  
lou@antonaccilaw.com  
Subject: FW: Project Lane: Forensic Collections for  
Laptop, Email and OneDrive

Denny,

I spoke to Lou about collecting the laptops and explained to him that we likely can only provide access to those machines from current employees. Based on what you and I discussed, this list includes you, Brian, Phil Sullivan, and Martin Hoover. For the current employees we also need to determine if each still has the same laptop they had while on 395 or if they have changed laptops during the relevant time period. For example, if Phil Sullivan who is in Florida on another project, no longer has the same laptop that he had on 395, there is no need to make a copy of his current laptop.

For the former employees, we need to determine the date each left Lane. If an employee left before the litigation hold (2/6/2020), we shouldn't need to do anything further other than documenting that fact. If they left after the litigation hold, we will need to address what happened to their laptop assuming we can no longer have it. For example, we should probably run down whether we still have Bill Potempa's laptop. If not, we should document that it was decommissioned pursuant to our normal practice.

App.525a

I will follow up with you next week to set this in motion.

Allen

Allen Wiggins

Assistant General Counsel, Claims & Litigation

The Lane Construction Corporation

M 919-451-1308

---

From: Crouse, Andrew <acrouse@epiqglobal.com>  
Sent: Thursday, May 27, 2021 2:17 PM  
To: Wren, Tim <TWren@laneconstruct.com>;  
Griggs, Amy <amy.griggs@epiqglobal.com>;  
lou@antonaccilaw.com; Ciancanelli,  
Christopher G.  
<CGCiancanelli@laneconstruct.com>  
Cc: DL-ATL0001 <ATL0001@epiqglobal.com>;  
Marlowe, Lisette  
<Lisette.Marlowe@epiqglobal.com>; Tao,  
Terry <terry.tao@epiqglobal.com>; Basnight,  
Brian A. <BABasnight@laneconstruct.com>;  
Tobi Athanas <tobi@antonaccilaw.com>;  
Wiggins, Allen T.  
<atwiggins@laneconstruct.com>; Luzier,  
Dennis A. <DALuzier@laneconstruct.com>;  
Frioni, David <DFrioni@laneconstruct.com>  
Subject: RE: Project Lane: Forensic Collections for  
Laptop, Email and OneDrive

Thank you Tim!

Best,

AC

Andrew N. Crouse  
Epiq  
Director, Forensics Phone: +1 202.471.2865  
Mobile: +1 202.779.1857  
Email: acrouse@epiqglobal.com

---

From: Wren, Tim <TWren@laneconstruct.com>  
Sent: Thursday, May 27, 2021 2:13 PM  
To: Crouse, Andrew <acrouse@epiqglobal.com>;  
Griggs, Amy <amy.griggs@epiqglobal.com>;  
lou@antonaccilaw.com; Ciancanelli,  
Christopher G.  
<CGCiancanelli@laneconstruct.com>  
Cc: DL-ATL0001 <ATL0001@epiqglobal.com>;  
Marlowe, Lisette  
<Lisette.Marlowe@epiqglobal.com>;  
Tao, Terry  
<terry.tao@epiqglobal.com>; Basnight, Brian  
A. <BABasnight@laneconstruct.com>; Tobi  
Athanas  
<tobi@antonaccilaw.com>; Wiggins, Allen T.  
<atwiggins@laneconstruct.com>; Luzier,  
Dennis A.  
<DALuzier@laneconstruct.com>; Frioni,  
David <DFrioni@laneconstruct.com>  
Subject:

RE: Project Lane: Forensic Collections for  
Laptop, Email and OneDrive

Andrew,

No existing restrictions on the Dell's. We are  
trialing this on Lenovo's but not currently in  
production.

Thanks,

Tim

Tim Wren

Enterprise Solutions Architect

The Lane Construction Corporation

T 203-718-4226

M 503-793-1856

---

From: Crouse, Andrew <acrouse@epiqglobal.com>  
Sent: Thursday, May 27, 2021 11:12 AM  
To: Wren, Tim <TWren@laneconstruct.com>;  
Griggs, Amy <amy.griggs@epiqglobal.com>;  
lou@antonaccilaw.com; Ciancanelli,  
Christopher G.  
<CGCiancanelli@laneconstruct.com>  
Cc: DL-ATL0001 <ATL0001@epiqglobal.com>;  
Marlowe, Lisette  
<Lisette.Marlowe@epiqglobal.com>; Tao,  
Terry <terry.tao@epiqglobal.com>; Basnight,  
Brian A. <BABasnight@laneconstruct.com>;  
Tobi Athanas <tobi@antonaccilaw.com>;  
Wiggins, Allen T.  
<atwiggins@laneconstruct.com>; Luzier,  
Dennis A. <DALuzier@laneconstruct.com>;  
Frioni, David <DFrioni@laneconstruct.com>  
Subject:RE: Project Lane: Forensic Collections for  
Laptop, Email and OneDrive

Hi Tim,

Thank you for the laptop information. One follow-up question: if we imaged the laptops using a bootable USB Ubuntu Linux forensic tool, are there any BIOS/UEFI restrictions in place where this would not be possible (e.g. SecureBoot that cannot be disabled, BIOS password restrictions, internal security policies, etc.)? This would be the quickest way to image, and would allow us to image many of them at once without having to remove hard drives.

Best,

AC

Andrew N. Crouse

Epiq

Director, Forensics Phone: +1 202.471.2865

Mobile: +1 202.779.1857

Email: [acrouse@epiqglobal.com](mailto:acrouse@epiqglobal.com)

---

From: Wren, Tim <TWren@laneconstruct.com>  
Sent: Thursday, May 27, 2021 12:34 PM  
To: Griggs, Amy <amy.griggs@epiqglobal.com>;  
lou@antonaccilaw.com; Ciancanelli,  
Christopher G.  
<CGCiancanelli@laneconstruct.com>  
Cc: DL-ATL0001 <ATL0001@epiqglobal.com>;  
Marlowe, Lisette  
<Lisette.Marlowe@epiqglobal.com>; Crouse,  
Andrew <acrouse@epiqglobal.com>; Tao,  
Terry <terry.tao@epiqglobal.com>; Basnight,  
Brian A. <BABasnight@laneconstruct.com>;  
Tobi Athanas <tobi@antonaccilaw.com>;  
Wiggins, Allen T.  
<atwiggins@laneconstruct.com>; Luzier,  
Dennis A. <DALuzier@laneconstruct.com>;  
Frioni, David <DFrioni@laneconstruct.com>  
Subject:RE: Project Lane: Forensic Collections for  
Laptop, Email and OneDrive

Amy,

I've added my comments inline below.

Thanks,

Tim

Tim Wren  
Enterprise Solutions Architect  
The Lane Construction Corporation  
T 203-718-4226  
M 503-793-1856

---

From: Griggs, Amy <amy.griggs@epiqglobal.com>  
Sent: Thursday, May 27, 2021 9:03 AM  
To: lou@antonaccilaw.com; Ciancanelli, Christopher G.  
<CGCiancanelli@laneconstruct.com>; Wren, Tim <TWren@laneconstruct.com>  
Cc: DL-ATL0001 <ATL0001@epiqglobal.com>; Marlowe, Lisette  
<Lisette.Marlowe@epiqglobal.com>; Crouse, Andrew <acrouse@epiqglobal.com>; Tao, Terry <terry.tao@epiqglobal.com>; Basnight, Brian A. <BABasnight@laneconstruct.com>; Tobi Athanas <tobi@antonaccilaw.com>; Wiggins, Allen T.  
<atwiggins@laneconstruct.com>; Luzier, Dennis A. <DALuzier@laneconstruct.com>  
Subject: Project Lane: Forensic Collections for  
Laptop, Email and OneDrive

Lane Construction and Lou:

Thank you for joining the scoping call. Below are the action items and outstanding questions specific for the forensic collection:

Lane Custodians Requested by AECOM:

1. Brian Basnight
2. Dennis Luzier
3. William Potempa
4. Jason Tracy
5. Jennifer Dreyer
6. Jesse Edwards
7. Wallace Alphin

8. Kia Najad
9. Phil Sullivan
10. James Huie
11. Martin Hoover
12. Bill Hameza

Mimecast and OneDrive Collections:

- Terry Tao collected Mimecast and OneDrive data from Basnight, Luzier, Potempa, Tracy, Dreyer, Edwards, Alphin, Najad and Sullivan
- We received permission to proceed with the Mimecast and OneDrive data collection for Huie, Hoover and Hamza

Laptop Collection:

- This will occur onsite at the following address: 14500 Avion Parkway, Chantilly, VA 20151
- We will need to have all 12 custodians' laptops onsite for the collection. Lane will need to coordinate and let Amy know what date all laptops will be there. We will also need the contact information for the person onsite to meet our forensic consultant onsite.
- Epiq consultants will adhere to CDC guidelines on COVID-19 precautions. This does include the proper use of a mask at all times while indoors as well as social distancing. Should Lane Construction have any additional requirements, please

let me know prior to the collection and Epiq will adhere to these.

@Wren, Tim: Epiq spoke with you last August regarding the Purple Line matter. We would like to confirm the following as soon as you can:

PC Endpoints (User Laptops and Desktops)

- 1.1. Lane Construction provisions Dell machines to its employees. All systems run Windows 10. We are transitioning to Lenovo so we are now provisioning both manufacturers.
- 1.2. Lane Construction does not use Full Disk Encryption (FDE) or file-level encryption. That is correct for a client PC.
- 1.3. Lane Construction does not lock down USB ports via AD group policy, and no third party software is used for USB data security. USB lockdown is being phased into our environment via Intune policy; USB data is monitored via Crowdstrike for security.
- 1.4. If a machine has not been connected to the Lane network in 90 days, the accounts are deactivated from AD. The machine account is deactivated. We have this process for both traditional Active Directory Joined PCs and Azure Active Directory Joined PCs

LANE ACTION ITEMS:

- Let us know (provide minimum 48 business hours in advance) when all 12 laptops are at the Chantilly Office

- Provide the contact information for the Lane employee who will be onsite to meet our forensic consultant.
- @Wren, Tim to confirm the information above

Let me know if you have any questions Thank you!.

Amy Griggs

Epiq

Account Director Washington, DC

Office: +1 (202) 843-2404

Mobile: +1 (952) 454-1707

Email: [amy.griggs@epiqglobal.com](mailto:amy.griggs@epiqglobal.com)

People. Partnership. Performance.

[www.epiqglobal.com](http://www.epiqglobal.com)

---

Louis Antonacci <lou@antonaccilaw.com>

Privileged and Confidential-RE: Project Lane:  
Forensic Collections for Laptop, Email and OneDrive

Louis Antonacci <lou@antonaccilaw.com>

Wed, Jun 2, 2021 at 12:23 PM

To: "Wren, Tim" <TWren@laneconstruct.com>

Cc: "Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Wiggins,  
Allen T." <atwiggins@laneconstruct.com>,  
"Basnight, Brian A."

<BABA Basnight@laneconstruct.com>

Tim/Denny,

I addressed the OneDrive syncing with opposing counsel. Because OneDrive does not sync all the local folders, they want the data on the physical PC. Under VA rules, they are entitled to it, so we need to provide it to the extent possible.

What happened to Potempa, Hameza, and Dreyer's laptops? Was the data copied before they were wiped? Is it Lane's standard practice to wipe the laptops after an employee's LDW? Do we have a written policy we could provide?

Can Lane coordinate with Epiq directly for their visit to Chantilly to copy the data?

Thanks,

Lou

Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

---

Wren, Tim <TWren@laneconstruct.com>

Wed, Jun 2, 2021 at 12:42 PM

To: "lou@antonaccilaw.com"  
<lou@antonaccilaw.com>

Cc: "Luzier, Dennis A."  
<DALuzier@laneconstruct.com>, "Wiggins,  
Allen T." <atwiggins@laneconstruct.com>,  
"Basnight, Brian A."  
<BABasnight@laneconstruct.com>, "Frioni,  
David" <DFrioni@laneconstruct.com>

Lou,

Allen will have more context but the hold / initial discovery was performed by Jennifer Dryer, outside of IT, and I assume it was comprehensive to all local folders. IT doesn't copy data prior to wiping as it is assumed that all files are stored in the synced locations. Our Document Control policy attached and excerpted below highlights that these are the approved locations but I'm not aware of any written policy regarding computer wiping procedure but I have added our IT Director as he may be aware of a better reference.

Thanks,

Tim

Chapter 28 Document Control.pdf 739K

Louis Antonacci <lou@antonaccilaw.com>

Wed, Jun 2, 2021 at 3:35 PM

To: "Frioni, David" <DFrioni@laneconstruct.com>

Cc: "Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

"Basnight, Brian A."

<BABA Basnight@laneconstruct.com>, "Wren,

Tim" <TWren@laneconstruct.com>

Thanks, Tim.

Hi David: Can you please elaborate on Lane's computer wiping procedure? Thanks.

Lou

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Frioni, David <DFrioni@laneconstruct.com>

Wed, Jun 2, 2021 at 4:00 PM

To: "lou@antonaccilaw.com"

<lou@antonaccilaw.com>

Cc: "Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

"Basnight, Brian A."

<BABasnight@laneconstruct.com>, "Wren,

Tim" <TWren@laneconstruct.com>

Hello Louis,

Lane's standard best practice when repurposing end-user computing is to reimage the drives. There is no additional formal policy that speaks to this directly.

Regards,

David Frioni

Director of Information Technology

The Lane Construction Corporation

T 203-439-2984

M 203-376-7049

---

Louis Antonacci <lou@antonaccilaw.com>

Wed, Jun 2, 2021 at 4:07 PM

To: "Frioni, David" <DFrioni@laneconstruct.com>

Cc: "Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

"Basnight, Brian A."

<BABasnight@laneconstruct.com>, "Wren,

Tim" <TWren@laneconstruct.com>

Thanks. Is there any policy with litigation holds as it relates to IT?

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Frioni, David <DFrioni@laneconstruct.com>

Thu, Jun 3, 2021 at 2:05 PM

To: "lou@antonaccilaw.com"

<lou@antonaccilaw.com>

Cc: "Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

"Basnight, Brian A."

<BABasnight@laneconstruct.com>, "Wren,

Tim" <TWren@laneconstruct.com>,

"Firebaugh, Tiffany S."

<TSFirebaugh@laneconstruct.com>

Louis-

There is no formal policy related directly to litigation holds as it relates to IT.

---

Louis Antonacci <lou@antonaccilaw.com>

Thu, Jun 3, 2021 at 2:19 PM

To: "Frioni, David" <DFrioni@laneconstruct.com>

Cc: "Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

"Basnight, Brian A."

<BABA Basnight@laneconstruct.com>, "Wren,

Tim" <TWren@laneconstruct.com>,

"Firebaugh, Tiffany S."

<TSFirebaugh@laneconstruct.com>

David,

Thanks for your response.

Let me ask this another way: How does Lane's IT Dept. preserve data that Lane is legally obligated to preserve? And why did that not happen with respect to Dreyer's, Potempa's, and Hameza's laptops?

Thanks again.

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Louis Antonacci <lou@antonaccilaw.com>

Wed, Jun 16, 2021 at 9:50 AM

To: "Frioni, David"

<DFrioni@laneconstruct.com>, "Wiggins,  
Allen T." <atwiggins@laneconstruct.com>

Cc: "Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Basnight,  
Brian A." <BABasnight@laneconstruct.com>,  
"Wren, Tim" <TWren@laneconstruct.com>,  
"Firebaugh, Tiffany S."

<TSFirebaugh@laneconstruct.com>

All,

Following up on this. If the answer is that no one knows how or why Jen Dreyer wiped these laptops, then someone needs to get a statement from her. We will need an explanation. Lou

Managing Principal  
Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Firebaugh, Tiffany S.  
<TSFirebaugh@laneconstruct.com>  
Wed, Jun 16, 2021 at 11:03 AM  
To: "lou@antonaccilaw.com"  
<lou@antonaccilaw.com>, "Frioni, David"  
<DFrioni@laneconstruct.com>, "Wiggins,  
Allen T." <atwiggins@laneconstruct.com>  
Cc: "Luzier, Dennis A."  
<DALuzier@laneconstruct.com>, "Basnight,  
Brian A." <BABasnight@laneconstruct.com>,  
"Wren, Tim" <TWren@laneconstruct.com>,  
"Firmender, Seth T."  
<STFirmender@laneconstruct.com>

Please allow me to intervene on behalf of my IT Team and offer the following explanation/timeline:

First in response to last email, Jen Dreyer would not have the administrative rights to wipe data off of any Lane computer, this has to be done by IT.

Timeline from IT perspective:

October 5, 2020 Allen Wiggins sends an email and asks about legal holds (IT is on email)

Lou Antonacci sends information about USB (2 Drives) with data from Jen Dreyer

Jen Dreyer – assigned to collect data for dispute.

At this point IT is provided no information on legal holds and no custodian list provided.

Tim Wren (IT) calls Allen Wiggin and still has no list provided

March 15, 2021 Incident #53791 logged on IT Help desk -Another Data Request – and IT again explains to

Legal that no hold information has been passed along to IT

March 23, 2021 Tim Wren (IT) calls Allen Wiggins and receives a verbal list of custodians and legal hold is setup by IT

At a later date 3 additional names are added

April 12, 2021 Full access given to EPIQ to setup future holds – can now mine data for Mimecast (all Lane emails) and One Drive data (all office 365 data/documents)

Standard Lane process – employee terminates, wipe device, reimagine and assign to new employee

Standard Operating Procedure / Policy – all users windows setup is to save all documents to OneDrive

All of the custodian list employees were terminated and an AD Term sent (standard process) via Lane email and help desk system prior to the March 23rd date. Therefore a soft delete of users was done.

Despite this all instances of the employee data has been retrieved. You simply do not have the devices. If there was data on the computer outside of what can be retrieved via Mimecast and OneDrive, which is highly unlikely, it would have been picked up by Jennifer Dreyer and on the USB drives, which has been placed on EPIQ.

Tiffany S. Firebaugh  
Chief Information Officer  
The Lane Construction Corporation  
T 203-439-2923  
M 203-379-6889

Be Green, Leave it on the Screen

---

Firmender, Seth T.

<STFirmender@laneconstruct.com>

Wed, Jun 16, 2021 at 12:04 PM

To:

“Firebaugh, Tiffany S.”

<TSFirebaugh@laneconstruct.com>,

“lou@antonaccilaw.com”

<lou@antonaccilaw.com>, “Frioni, David”

<DFrioni@laneconstruct.com>, “Wiggins,  
Allen T.” <atwiggins@laneconstruct.com>

Cc: “Luzier, Dennis A.”

<DALuzier@laneconstruct.com>, “Basnight,

Brian A.” <BABasnight@laneconstruct.com>,  
“Wren, Tim” <TWren@laneconstruct.com>

I just talked to Tiffany and I will talk to legal and we will revert to this group. This case is about to be settled and this IT effort is about to end. We will discuss best practices and lessons learned on a go forward and sharpen our game on our side – all good here – we are one team and we will figure this out!

Seth

Seth T. Firmender

General Counsel

The Lane Construction Corporation

T 203-439-2182

M 203-232-7641

---

Louis Antonacci <lou@antonaccilaw.com>

Wed, Jun 16, 2021 at 2:05 PM

To: "Firmender, Seth T."

<STFirmender@laneconstruct.com>,

"Firebaugh, Tiffany S."

<TSFirebaugh@laneconstruct.com>

Cc: "Frioni, David"

<DFrioni@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

"Luzier, Dennis A."

<DALuzier@laneconstruct.com>, "Basnight,

Brian A." <BABasnight@laneconstruct.com>,

"Wren, Tim" <TWren@laneconstruct.com>,

Tobi Athanas <tobi@antonaccilaw.com>

Seth/Tiffany:

Thanks for the explanation/follow-up. Assuming the case settles very soon then there is no need for me to better understand what exactly occurred here and why.

That said, I need to clarify two errors in Tiffany's timeline:

1. I did not send any information to Lane about data from Jen Dreyer. On October 6, 2020, I mailed, to Ed Arruda, two thumb drives that Bill Potempa gave me on my way to Culpeper the weekend prior. Bill had indicated to me that those thumb drives contained his electronic files related to the project. Please see the attached correspondence in this regard.

2. Per Denny's initial email in this chain, dated June 1, 2021, Jen Dreyer's last day with Lane was June 12, 2020. So she could not have been assigned to collect data for this dispute four months later.

I apologize for all the emails, but this inquiry is/was necessary. And I do not want to be incorrectly associated with Jen's data collection efforts.

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

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3 attachments

Antonacci Law PLLC Mail-395 Express  
Lanes-AECOM Document Preservation  
Notice.pdf

211K

Antonacci Law PLLC Mail-LBA Address  
Info.pdf

118K

AL PLLC Ltr. to E. Arruda trx W. Potempa  
thumb drives.pdf

---

395 Express Lanes-AECOM Document Preservation  
Notice

Louis Antonacci <lou@antonaccilaw.com>

Mon, Oct 5, 2020 at 3:53 PM

To: "Wiggins, Allen T."

<atwiggins@laneconstruct.com>

Cc: "Wren, Tim" <TWren@laneconstruct.com>,

"Arruda, Ed S."

<ESArruda@laneconstruct.com>, "Basnight,

Brian A." <BABasnight@laneconstruct.com>,

"Luzier, Dennis A."

<DALuzier@laneconstruct.com>

All,

Bill gave me two thumb drives when I stopped by the Chantilly office last week. I haven't looked at them, but they are supposed to contain his files related to this project.

It probably makes sense for me to send those thumb drives to your corporate office in CT so that your IT department can ensure everything on them also exists in his custodian file.

Should I send them to the attention of Tim Wren at the 90 Fieldstone Court address? Thanks,

Lou

Managing Principal  
Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

LBA Address Info

Potempa, William M.  
<WMPotempa@laneconstruct.com>  
Thu, Oct 1, 2020 at 9:21 AM  
To: Louis Antonacci <lou@antonaccilaw.com>  
Lou,

I'll ask our office manager to ship a flash drive to you with my files.

OR if you available to stop by Chantilly on way out to Culpepper I can hand it off to you.

Due to COVID, we are limiting visitors to office but I am able to have you stop by for quick visit in afternoon.

Either way works.

Bill

---

ANTONACCI LAW PLLC  
3338 7th Street NE Washington, DC 20017  
202.291.2327 • lou@antonaccilaw.com

October 6, 2020

VIA FEDERAL EXPRESS

Mr. Ed Arruda  
IT Manager  
The Lane Construction Corporation  
90 Fieldstone Court  
Cheshire, CT 06410

RE: 395 Express Lanes – William Potempa’s  
Thumb Drives

Dear Ed,

As I mentioned in my email correspondence of October 5, 2020, last Friday, October 2, 2020, Mr. William Potempa, former Lane Project Engineer, gave me two thumb drives that he indicated contain files associated with the subject project. We have not accessed either of those thumb drives or copied any of their contents. Those thumb drives are enclosed for your use.

Thank you for your assistance with this matter.

Sincerely,

/s/ Louis B. Antonacci  
Managing Principal

Enclosures

cc:

Mr. Allen T. Wiggins (via electronic mail)  
Mr. Dennis Luzier (via electronic mail)  
Mr. Brian Basnight (via electronic mail)  
Mr. Tim Wren (via electronic mail)

[www.antonaccilaw.com](http://www.antonaccilaw.com)



ORIGIN ID:BZSA (703) 300-4635  
LOUIS ANTONACCI  
3338 7TH ST NE  
WASHINGTON, DC 20017  
UNITED STATES US  
SHIP DATE: 060CT20  
ACT1-1GT: 0.40 LB  
CAD: 6996925ISSF02121  
BILL CREDIT CARD  
To

ED ARRUDA IT MANAG ER  
THE LANE CONTRRUCTION CORP  
90 FIELDSTONE CT  
CHESHIRE CT 06410  
(208) 446-7026  
3975 6466 2250  
EB HVNA  
WED-07 OCT 4:30P STANDARD OVERNIGHT  
06410  
CT-US BDL

---

Louis Antonacci <lou@antonaccilaw.com>  
395 Express Lanes-AECOM Document Preservation  
Notice  
11 messages

Wiggins, Allen T. <atwiggins@laneconstruct.com>

Thu, Feb 6, 2020 at 11:28 AM

To: "Dreyer, Jennifer L."  
<JLDreyer@laneconstruct.com>, "Basnight,  
Brian A." <BABasnight@laneconstruct.com>,  
"Potempa, William M."  
<WMPotempa@laneconstruct.com>, "Luzier,  
Dennis A." <DALuzier@laneconstruct.com>  
Cc: "Firmender, Seth T."  
<STFirmender@laneconstruct.com>, Louis  
Antonacci <lou@antonaccilaw.com>

All,

Please find attached a Document Preservation  
Notice for the AECOM dispute.

Jennifer, please forward this memo to anyone  
else on the project team that may have documents  
relevant to the AECOM matter.

Thanks,

Allen

Allen Wiggins  
Assistant General Counsel, Claims & Litigation  
M 919-451-1308  
ATWiggins@laneconstruct.com  
The Lane Construction Corporation  
621 Hutton Street  
Raleigh, NC 27606  
www.laneconstruct.com

Lane-AECOM-Document Preservation Notice.pdf  
128K

---

Wiggins, Allen T. <atwiggins@laneconstruct.com>

Mon, Oct 5, 2020 at 3:40 PM

To: "Wren, Tim" <TWren@laneconstruct.com>

Cc: "Arruda, Ed S."

<ESArruda@laneconstruct.com>, "Basnight,

Brian A." <BABasnight@laneconstruct.com>,

"Luzier, Dennis A."

<DALuzier@laneconstruct.com>, Louis

Antonacci <lou@antonaccilaw.com>

Hi Tim,

Can you confirm that the project files (Sharepoint, OneDrives, etc.) related to 395 are still on litigation hold? With this job winding down and employees leaving for other opportunities I just want to make sure we are preserving all of our documents as an extended dispute with AECOM may be likely. Two key employees that have left us recently are Bill Potempa and Jennifer Dreyer (see highlights below).

If you have any questions, please let me know.

Thanks,

Allen

Allen Wiggins

Assistant General Counsel, Claims & Litigation

M 919-451-1308

---

From: Potempa, William M.  
Sent: Monday, September 28, 2020 5:22 PM  
To: Wiggins, Allen T.  
<atwiggins@laneconstruct.com>  
Cc: Basnight, Brian A.  
<BABA Basnight@laneconstruct.com>  
Subject: RE: 395 Express Lanes-AECOM Document  
Preservation Notice

Allen,

Is there anything we need to coordinate on with IT in regards to Jennifer's old electronic files she had on OneDrive? Or anything I need to specifically do to back up my files?

My thought is IT might need to disable any auto deletion of emails or OneDrive files after a period of time when an employee leaves.

Note I do have some hard files including Jesse Edwards from 2017 when he was the design manager in my office in Chantilly.

I will add labels so the banker boxes are clearly distinguishable.

Bill

Lane-AECOM - Document Preservation Notice.pdf  
128K

---

From: Potempa, William M.  
Sent: Monday, September 28, 2020 5:22 PM  
To: Wiggins, Allen T.  
<atwiggins@laneconstruct.com>  
Cc: Basnight, Brian A.  
<BABA Basnight@laneconstruct.com>  
Subject: RE: 395 Express Lanes-AECOM Document  
Preservation Notice

Allen,

Is there anything we need to coordinate on with IT in regards to Jennifer's old electronic files she had on OneDrive? Or anything I need to specifically do to back up my files?

My thought is IT might need to disable any auto deletion of emails or OneDrive files after a period of time when an employee leaves.

Note I do have some hard files including Jesse Edwards from 2017 when he was the design manager in my office in Chantilly.

I will add labels so the banker boxes are clearly distinguishable.

Bill

---

From: Wiggins, Allen T.  
<atwiggins@laneconstruct.com>  
Sent: Thursday, February 6, 2020 11:28 AM  
To: Dreyer, Jennifer L.  
<JLDreyer@laneconstruct.com>; Basnight,  
Brian A. <BABasnight@laneconstruct.com>;  
Potempa, William M.  
<WMPotempa@laneconstruct.com>; Luzier,  
Dennis A. <DALuzier@laneconstruct.com>  
Cc: Firmender, Seth T.  
<STFirmender@laneconstruct.com>; Louis  
Antonacci <lou@antonaccilaw.com>  
Subject:395 Express Lanes-AECOM Document  
Preservation Notice

All,

Lane-AECOM-Document Preservation Notice.pdf  
128K

---

Louis Antonacci <lou@antonaccilaw.com>

Mon, Oct 5, 2020 at 3:53 PM

To: "Wiggins, Allen T."

<atwiggins@laneconstruct.com>

Cc: "Wren, Tim" <TWren@laneconstruct.com>,

"Arruda, Ed S."

<ESArruda@laneconstruct.com>, "Basnight,

Brian A." <BABasnight@laneconstruct.com>,

"Luzier, Dennis A."

<DALuzier@laneconstruct.com>

All,

Bill gave me two thumb drives when I stopped by the Chantilly office last week. I haven't looked at them, but they are supposed to contain his files related to this project.

It probably makes sense for me to send those thumb drives to your corporate office in CT so that your IT department can ensure everything on them also exists in his custodian file.

Should I send them to the attention of Tim Wren at the 90 Fieldstone Court address? Thanks,

Lou

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

---

Arruda, Ed S. <ESArruda@laneconstruct.com>

Mon, Oct 5, 2020 at 3:56 PM

To: Louis Antonacci <lou@antonaccilaw.com>,

“Wiggins, Allen T.”

<atwiggins@laneconstruct.com>

Cc: “Wren, Tim” <TWren@laneconstruct.com>,

“Basnight, Brian A.”

<BABAbsnight@laneconstruct.com>, “Luzier,  
Dennis A.” <DALuzier@laneconstruct.com>

Hi Allen, please send them to me Ed Arruda, the address is correct.

Thanks,

Ed Arruda

IT Manager

T 203-439-2917 Ext. 12917

M 203-446-7025

ESArruda@laneconstruct.com

The Lane Construction Corporation

90 Fieldstone Court

Cheshire, CT 06410

[www.laneconstruct.com](http://www.laneconstruct.com)

---

Louis Antonacci <lou@antonaccilaw.com>  
Mon, Oct 5, 2020 at 4:05 PM  
To: "Arruda, Ed S."  
<ESArruda@laneconstruct.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>, "Wren, Tim"  
<TWren@laneconstruct.com>, "Basnight,  
Brian A." <BABasnight@laneconstruct.com>,  
"Luzier, Dennis A."  
<DALuzier@laneconstruct.com>

Thanks, Ed. I will send those thumb drives to  
your attention.

Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Basnight, Brian A.

<BABasnight@laneconstruct.com>

Mon, Oct 5, 2020 at 4:17 PM

To: "Wiggins, Allen T."

<atwiggins@laneconstruct.com>, "Luzier,  
Dennis A." <DALuzier@laneconstruct.com>

Cc: Louis Antonacci <lou@antonaccilaw.com>

Allen,

I have these documents (labeled 6 boxes) secured in my engineers office at this point. If we win more work and my team and I relocate to a field office, I will get with Cheryl to find a secure accessible location here at the Chantilly office unless you want them sent to the CT office?

Thanks,

Brian

---

Wiggins, Allen T. <atwiggins@laneconstruct.com>

Mon, Oct 5, 2020 at 4:46 PM

To: "Basnight, Brian A."

<BABasnight@laneconstruct.com>, "Luzier,  
Dennis A." <DALuzier@laneconstruct.com>

Cc: Louis Antonacci <lou@antonaccilaw.com>

Thanks Brian. Hold on to them for now and let me see  
if we have a process for securing hard copy files like  
this.

---

Louis Antonacci <lou@antonaccilaw.com>  
Tue, Oct 6, 2020 at 5:38 PM  
To: "Arruda, Ed S."  
<ESArruda@laneconstruct.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>, "Wren, Tim"  
<TWren@laneconstruct.com>, "Basnight,  
Brian A." <BABasnight@laneconstruct.com>,  
"Luzier, Dennis A."  
<DALuzier@laneconstruct.com>

Ed,

Please see the attached letter sent out today. You should be receiving Bill's thumb drives tomorrow afternoon. Tracking info included in the pdf.

Let me know if you have any questions or concerns. Thanks,

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

AL PLLC Ltr. to E. Arruda trx W. Potempa thumb drives.pdf 2249K

---

Wiggins, Allen T. <atwiggins@laneconstruct.com>

Wed, Dec 9, 2020 at 11:57 AM

To: "Basnight, Brian A."

<BABasnight@laneconstruct.com>, "Luzier,  
Dennis A." <DALuzier@laneconstruct.com>

Cc: Louis Antonacci <lou@antonaccilaw.com>

Brian,

I don't think I ever responded to you on this, but  
please hold onto these documents for now.

---

Louis Antonacci <lou@antonaccilaw.com>  
Mon, Apr 19, 2021 at 3:40 PM  
To: "Arruda, Ed S."  
<ESArruda@laneconstruct.com>, "Wren, Tim"  
<TWren@laneconstruct.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>, "Basnight,  
Brian A." <BABasnight@laneconstruct.com>,  
"Luzier, Dennis A."  
<DALuzier@laneconstruct.com>, "Le, Thanh"  
<Thanh.Le@epiqglobal.com>, "Griggs, Amy"  
<amy.griggs@epiqglobal.com> Ed/Tim,

Can you please provide the data on Bill's thumb drives to Than Le of Epiq (copied) at your earliest convenience? Thank you. Lou

Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

**PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT PRIVILEGE ATTORNEY  
WORK PRODUCT  
MEMORANDUM**

TO:

Jennifer Dreyer  
Brian Basnight  
William Potempa  
Dennis Luzier

CC:

Seth Firmender  
Louis Antonacci

FROM: Allen Wiggins

DATE: February 6, 2020

SUBJECT: Directive Regarding Preservation of Documents and Electronic Data – *The Lane Construction Corporation / AECOM Technical Services, Inc. Dispute*

The Lane Construction Corporation and AECOM Technical Services, Inc. have initiated the dispute resolution process required by the Contract Documents to resolve claims arising out of or relating to the Parties' obligations under the Subcontract for Design dated March 16, 2017, on the 395 Express Lanes Project in Northern Virginia. If the Parties are unable to resolve their claims through the initial stages of the dispute resolution process, litigation in a court of competent jurisdiction in Fairfax County, VA may be necessary ("Litigation").

Electronic data contained in our computer systems and hard copy documents may be an important source

of discovery and evidence in the Litigation. As such, we are required to take steps to ensure that all electronic data potentially relevant to this Litigation is preserved. Similarly, we are required to preserve potentially relevant hard copy documents, including drafts of such documents.

The purpose of this memorandum is to inform you of our legal obligations and request your assistance in preserving our electronic data and hard-copy documents as described in the following directive.

## **DIRECTIVE REGARDING PRESERVATION OF DOCUMENTS AND ELECTRONIC DATA**

Effective immediately, everyone receiving this directive must preserve and retain (or continue to preserve and retain), *i.e.*, do not alter, delete or otherwise modify, any documents and electronic data that may relate to the Litigation.

This directive supersedes and suspends any existing records retention program and guidelines with respect to the materials described below, and any other automatic deletions or overwrites of data pertaining to the systems with which you are involved.

Relevant documents and data include, but are not limited to, e-mails, memoranda, correspondence (including text messages or iMessages), minutes and notes of all meetings, communications, and agreements, whether such information is in handwritten, typewritten, or electronic form.

Any questions you may have as to the relevance of a particular document, file, e-mail, or other

electronic data compilation should be resolved in favor of preservation and retention.

Please retain both hard copies and electronic copies of any document and information that may relate to the foregoing. You need not print any electronic documents at this time.

### **Hard Copy Materials**

In identifying and preserving potentially responsive hard-copy materials, please keep in mind that this directive is not limited to the “final version” of hard-copy documents. Instead, this directive covers potentially responsive drafts and includes all types of documents (letters, typed or handwritten notes, memoranda, reports, studies, printed spreadsheets, post-its, etc.). This directive also covers hard-copy materials that are kept in departmental or central files or in off-site storage. Regularly scheduled destruction of potentially relevant materials kept in such places must be suspended until you receive further notice.

### **Electronic Discovery Materials**

In identifying and preserving electronic data, please keep in mind that “electronic data” includes, but is not limited to, all text files (including word processing documents and presentations), spread sheets, electronic mail, databases, calendars, computer system activity logs, internet usage files, and network access information. Our computer systems include, but are not limited to, all workstations, laptops, network servers, removable media, handheld devices, and backup tapes. You should also preserve any potentially relevant documents or data saved in your iPhone, iPad, smart phone, BlackBerry or other

similar device or on your home computer. Again, any questions as to the scope of this directive should be resolved in favor of preservation and retention. Please keep all potentially relevant electronic materials in their current electronic form.

At individual workstations, this directive requires you to preserve and retain all potentially relevant files stored on your hard drive and all potentially relevant e-mails contained in your e-mailbox and archive folders. Any e-mail “janitorial” functions, such as automatic deletion of e-mail after a certain number of days, must be disabled.

At the network and systems administration level, this directive requires you to preserve and retain all potentially relevant files stored on servers and to refrain from doing any administrative work that has any potential to destroy potentially relevant files. Any “janitorial” functions must be disabled. All back up tapes must be preserved and pulled from recycling rotation.

At the appropriate time, we will notify you regarding collection of your files. We greatly appreciate your efforts in helping us meet our legal obligations. If you have any questions, please contact me.

**EXHIBIT H TO COMPLAINT  
LANE CONSTRUCTION AND  
ANTONACCI LAW CORRESPONDENCE  
REGARDING KPMG AUDIT**

---

KPMG auditors' letter - Webuild/Lane Construction -  
Financial statements as at and for the year ended 31st  
December 2021

Louis Antonacci <lou@antonaccilaw.com>

Mon, Jan 31, 2022 at 8:29 AM

To: enita@kpmg.it

Cc: Abbo Barbara <b.abbo@webuildgroup.com>

Dear Miss Elena Luiza Nita,

Per the request of Avv. Vinicio Fasciani, please  
see the attached.

Regards,

Louis B. Antonacci

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

Response to KPMG Milan Jan. 31 2022.pdf 208K

Abbo Barbara <b.abbo@webuildgroup.com>

Thu, Jan 20, 2022 at 10:02 AM

To: lou@antonaccilaw.com  
<lou@antonaccilaw.com>

Dear All,

I hope this email finds you well.

I am contacting you because our auditors of KPMG would need your reply to the attached letter (which your firm should have received by post) if possible by the end of January 2022.

Apologies for the short notice of this follow up, and thank you very much in advance for your kind understanding.

Best regards,

Barbara Abbo

Legal International

T +39 06 41766381

b.abbo@webuildgroup.com

Webuild S.p.A.

Sede Legale

Centro Direzionale Milanofiori

Strada 6 Palazzo L – 20089 Rozzano (MI)

Via della Dataria, 22 - 00187 Roma

[www.webuildgroup.com](http://www.webuildgroup.com)

Antonacci\_Law.pdf 505K

Louis Antonacci <lou@antonaccilaw.com>

Thu, Jan 20, 2022 at 11:35 AM

To: "Wiggins, Allen T."

<atwiggins@laneconstruct.com>, "Firmender,  
Seth T." <STFirmender@laneconstruct.com>

I'm happy to do this, but I will bill for it. Please  
confirm that is acceptable. Thanks.

13 attachments

image001.png 13K

image002.png 3K

image003.png 2K

image004.png 2K

image005.png 3K

image006.png 8K

image005.png 3K

image001.png 13K

image002.png 3K

image006.png 8K

image004.png 2K

image003.png 2K

Antonacci\_Law.pdf 505K

Firmender, Seth T.  
<STFirmender@laneconstruct.com>  
Fri, Jan 21, 2022 at 8:10 AM  
To: "lou@antonaccilaw.com"  
<lou@antonaccilaw.com>, "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>

Lou – please hold for now and we will revert ASAP –  
thanks.

Seth T. Firmender  
General Counsel  
The Lane Construction Corporation  
T 203-439-2182  
M 203-232-7641

Louis Antonacci <lou@antonaccilaw.com>  
Fri, Jan 21, 2022 at 10:44 AM  
To: "Firmender, Seth T."  
<STFirmender@laneconstruct.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>,  
b.abbo@webuildgroup.com

Seth:

Your auditors requested this by the end of January. I will comply with their request. I just do not want any unnecessary drama over the bill.

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

Abbo Barbara <b.abbo@webuildgroup.com>  
Fri, Jan 21, 2022 at 10:48 AM  
To: Louis Antonacci <lou@antonaccilaw.com>

Dear Mr. Antonacci,

Thank you for your prompt reply and cooperation.

Kind regards,

Barbara Abbo  
Legal International  
T +39 06 41766381  
b.abbo@webuildgroup.com  
Webuild S.p.A.  
Sede Legale  
Centro Direzionale Milanofiori  
Strada 6 Palazzo L – 20089 Rozzano (MI)

Via della Dataria, 22 - 00187 Roma  
Via Giulio Vincenzo Bona 65 - 00156 Roma  
[www.webuildgroup.com](http://www.webuildgroup.com)

Firmender, Seth T.  
<STFirmender@laneconstruct.com>  
Fri, Jan 21, 2022 at 12:18 PM  
To: "lou@antonaccilaw.com"  
<lou@antonaccilaw.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>,  
b.abbo@webuildgroup.com  
<b.abbo@webuildgroup.com>

Please do not respond Lou as we are working this out with Webuild and will be in touch Monday. Thank you very much.

Seth T. Firmender  
General Counsel  
The Lane Construction Corporation  
T 203-439-2182  
M 203-232-7641

From: Louis Antonacci <lou@antonaccilaw.com>  
Sent: Friday, January 21, 2022 10:45 AM  
To: Firmender, Seth T.  
<STFirmender@laneconstruct.com>  
Cc: Wiggins, Allen T.  
<atwiggins@laneconstruct.com>;  
b.abbo@webuildgroup.com  
Subject: Re: KPMG auditors' letters- Financial  
statements as at and for the year ended  
31st December 2021

Seth:

Your auditors requested this by the end of January. I will comply with their request. I just do not want any unnecessary drama over the bill.

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

On Fri, Jan 21, 2022 at 8:10 AM Firmender, Seth T. <[STFirmender@laneconstruct.com](mailto:STFirmender@laneconstruct.com)> wrote:

Lou – please hold for now and we will revert ASAP – thanks.

Seth T. Firmender  
General Counsel  
The Lane Construction Corporation  
T 203-439-2182  
M 203-232-7641

From: Louis Antonacci <[lou@antonaccilaw.com](mailto:lou@antonaccilaw.com)>  
Sent: Thursday, January 20, 2022 11:35 AM  
To: Wiggins, Allen T. <[atwiggins@laneconstruct.com](mailto:atwiggins@laneconstruct.com)>; Firmender, Seth T. <[STFirmender@laneconstruct.com](mailto:STFirmender@laneconstruct.com)>  
Subject: Fwd: KPMG auditors' letters- Financial statements as at and for the year ended 31st December 2021

I'm happy to do this, but I will bill for it. Please confirm that is acceptable. Thanks.

----- Forwarded message -----

From: Abbo Barbara <b.abbo@webuildgroup.com>  
Date: Thu, Jan 20, 2022, 10:02  
Subject: KPMG auditors' letters- Financial  
statements as at and for the year ended  
31st December 2021  
To: lou@antonaccilaw.com  
<lou@antonaccilaw.com>

Dear All,

I hope this email finds you well.

I am contacting you because our auditors of KPMG would need your reply to the attached letter (which your firm should have received by post) if possible by the end of January 2022.

Apologies for the short notice of this follow up, and thank you very much in advance for your kind understanding.

Best regards,

Error! Filename not specified.

Barbara Abbo  
Legal International  
T +39 06 41766381  
b.abbo@webuildgroup.com  
Webuild S.p.A.  
Sede Legale  
Centro Direzionale Milanofiori  
Strada 6 Palazzo L – 20089 Rozzano (MI)  
Via della Dataria, 22 - 00187 Roma  
Via Giulio Vincenzo Bona 65 - 00156 Roma  
[www.webuildgroup.com](http://www.webuildgroup.com)

Louis Antonacci <lou@antonaccilaw.com>

Fri, Jan 21, 2022 at 1:42 PM

To: "Firmender, Seth T."

<STFirmender@laneconstruct.com>

Cc: "Wiggins, Allen T."

<atwiggins@laneconstruct.com>,

"b.abbo@webuildgroup.com"

<b.abbo@webuildgroup.com>

I will wait to hear from you on Monday, Seth. For your reference, here is a copy of this firm's last audit response letter to KPMG.

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

AL PLLC Response to KPMG Audit July 2021 - Lane Construction FINAL.pdf 205K

---

Firmender, Seth T.  
<STFirmender@laneconstruct.com>  
Fri, Jan 21, 2022 at 2:50 PM  
To: "lou@antonaccilaw.com"  
<lou@antonaccilaw.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>  
b.abbo@webuildgroup.com  
<b.abbo@webuildgroup.com>

10-4 – thanks Lou.

Seth T. Firmender  
General Counsel  
The Lane Construction Corporation  
T 203-439-2182  
M 203-232-7641

---

Louis Antonacci <lou@antonaccilaw.com>

Fri, Jan 21, 2022 at 1:42 PM

To: "Firmender, Seth T."  
<STFirmender@laneconstruct.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>,  
b.abbo@webuildgroup.com

Subject:Re: KPMG auditors' letters- Financial  
statements as at and for the year ended  
31st December 2021Seth:

I will wait to hear from you on Monday, Seth. For  
your reference, here is a copy of this firm's last audit  
response letter to KPMG.

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

To: "b.abbo@webuildgroup.com"  
<b.abbo@webuildgroup.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>, "Firmender,  
Seth T." <STFirmender@laneconstruct.com>

Ms. Abbo,

To clarify, this firm has represented Lane Construction, which is a subsidiary of Lane Industries, but we have not represented Lane Industries itself. We are putting together our response, but I want to ensure that KPMG wants responses for the subsidiaries of the companies listed in Annex A to Avvo. Fasciani's letter. It is not entirely clear. Please advise.

Grazie mille,

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Firmender, Seth T.  
<STFirmender@laneconstruct.com>  
Fri, Jan 28, 2022 at 11:57 AM  
To: "lou@antonaccilaw.com"  
<lou@antonaccilaw.com>,  
"b.abbo@webuildgroup.com"  
<b.abbo@webuildgroup.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>,  
"bcalafiore@kpmg.com" <bcalafiore@kpmg.com>

I just spoke to Bri from KPMG who is copied here and Lane will not need a letter from Lou as the matters he worked on a settled. Happy to discuss further

Seth T. Firmender  
General Counsel  
The Lane Construction Corporation  
T 203-439-2182  
M 203-232-7641

---

From: Louis Antonacci <lou@antonaccilaw.com>  
Sent: Friday, January 28, 2022 11:55 AM  
To: b.abbo@webuildgroup.com  
Cc: Wiggins, Allen T.  
<atwiggins@laneconstruct.com>; Firmender,  
Seth T. <STFirmender@laneconstruct.com>  
Subject:Re: KPMG auditors' letters- Financial  
statements as at and for the year ended  
31st December 2021

Ms. Abbo,

To clarify, this firm has represented Lane Construction, which is a subsidiary of Lane Industries, but we have not represented Lane Industries itself. We are putting together our response, but I want to ensure that KPMG wants responses for the subsidiaries of the companies listed in Annex A to Avvo. Fasciani's letter. It is not entirely clear. Please advise.

Grazie mille,

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Abbo Barbara <b.abbo@webuildgroup.com>

Fri, Jan 28, 2022 at 12:08 PM

To: "Firmender, Seth T."  
<stfirmender@laneconstruct.com>,  
"lou@antonaccilaw.com"  
<lou@antonaccilaw.com>  
Cc: "Wiggins, Allen T."  
<atwiggins@laneconstruct.com>,  
"bcalafiore@kpmg.com"  
<bcalafiore@kpmg.com>

Thank you for the clarification. I forwarded your message to Maria Irene.

Best regards,

Barbara

---

Louis Antonacci <lou@antonaccilaw.com>

Fri, Jan 28, 2022 at 12:28 PM

To: Abbo Barbara <b.abbo@webuildgroup.com>

Cc: "Firmender, Seth T."

<stfirmender@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

bcalafiore@kpmg.com

<bcalafiore@kpmg.com>

I believe that the information I was provided in connection with those engagements is nonetheless relevant to the auditor's request, but I will only respond if requested.

Managing Principal  
Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Louis Antonacci <lou@antonaccilaw.com>

Sat, Jan 29, 2022 at 10:46 AM

To: Abbo Barbara <b.abbo@webuildgroup.com>

Cc: "Firmender, Seth T."

<stfirmender@laneconstruct.com>, "Wiggins,

Allen T." <atwiggins@laneconstruct.com>,

"bcalafiore@kpmg.com"

<bcalafiore@kpmg.com>

Ciao Barbara:

Is there any update here? I will respond to Avv. Fasciani's request on Monday unless I hear otherwise from your office.

Thanks,

Lou

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

---

Abbo Barbara <b.abbo@webuildgroup.com>

Sat, Jan 29, 2022 at 11:01 AM

To: Louis Antonacci <lou@antonaccilaw.com>

Hi Louis,

I will discuss the matter with Maria Irene and we will try to answer your question by Monday.

Regards,

Barbara

---

Louis Antonacci <lou@antonaccilaw.com>

Fri, Feb 25, 2022 at 2:09 PM

To: Abbo Barbara <b.abbo@webuildgroup.com>

Barbara,

For your information, this week we received Webuild's December 12, 2021 letter by post.

Regards,

Lou

Managing Principal

Antonacci Law PLLC

(o) 202-291-2327

(m) 703-300-4635

(e) lou@antonaccilaw.com

Visit us on the web: [www.antonaccilaw.com](http://www.antonaccilaw.com)

Abbo Barbara <b.abbo@webuildgroup.com>

Mon, Feb 28, 2022 at 2:19 AM

To: Louis Antonacci <lou@antonaccilaw.com>

Hi Lou,

thank you for notifying me.

---

**EXHIBIT G TO COMPLAINT  
ANTONACCI PLLC EMAIL TO SETH  
FIRMENDER RE: FAIRFAX COUNTY CIRCUIT  
COURT CL2020-18128 KPMG  
AUDIT IRREGULARITIES (JULY 20, 2021)**

---

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.

Lou  
Managing Principal  
Antonacci Law PLLC  
(o) 202-291-2327  
(m) 703-300-4635  
(e) lou@antonaccilaw.com

**EXHIBIT I TO COMPLAINT  
ANTONACCI EMAIL RE: LIVYA  
HEITHAUS KIDNEY STONE  
(JANUARY 31, 2021)**

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AXXXXX absent Monday 1/31

Lou Antonacci <louantonacci@gmail.com>

Mon, Jan 31, 2022 at 5:20 AM

To: odaly@lambpcs.org

Cc: Livya Heithaus <livya.heithaus@gmail.com>

She's fine we had a late night at hospital with  
Livya, who passed a kidney stone but is also fine now.  
:)

**EXHIBIT J TO COMPLAINT  
ANTONACCI PLLC RESPONSE TO  
KPMG AUDIT REQUEST RE:  
LANE CONSTRUCTION  
(JANUARY 31, 2022)**

---

ANTONACCI LAW PLLC  
Washington, DC  
202.291.2327  
[www.antonaccilaw.com](http://www.antonaccilaw.com)

---

VIA ELECTRONIC MAIL

KPMG S.p.A.  
Via Vittor Pisani 25  
20214 Milano  
[enita@kpmg.it](mailto:enita@kpmg.it)

ATTN: Miss Elena Luiza Nita

RE: The Lane Construction Corporation

Ladies and Gentlemen,

By letter dated December 20, 2021, Avv. Vinicio Fasciani, General Counsel of Webuild S.P.A. (“Webuild”), has asked this Firm to furnish you with certain information in connection with your examination of the combined and consolidated financial statements of Lane Industries Incorporated or any of its subsidiaries, such as the Lane Construction Corporation (the “Company” or “Lane”), at December 31, 2021 and for the year then ended and for the period from that date to the date of this letter.

We call your attention to the fact that, since our engagement by the Company on November 4, 2019,

the Company is the only subsidiary of Lane Industries Incorporated that this Firm has represented, and our engagement has been limited to specific matters as to which we were consulted by the Company.

We have assumed that Webuild, in making the request set forth in its letter, did not intend to waive the attorney-client privilege with respect to any information which the Company had furnished to us. Moreover, our response to you should not be construed in any way to constitute a waiver of the protection of the attorney work product doctrine with respect to any of our files involving the Company.

Subject to the foregoing and to the last paragraph of this letter, we advise you that as of June 30, 2021, and up to the date hereof, we have not been engaged to give substantive attention to, or represent the Company in connection with, loss contingencies coming within the scope of clause (a) of Paragraph 5 of the ABA Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information (December 1975) (the "ABA Statement of Policy"), except as follows:

On November 4, 2019, this Firm was engaged to represent the Company with respect to two (2) contract disputes, with two (2) of its subcontractors, arising out of the Company's Prime Contract (the "Prime Contract") with 95 Express Lanes, LLC (the "Owner") for the I-395 Express Lane Design-Build Construction Project, which involved an 8-mile extension and widening of the I-395 express lanes from Fairfax County through Alexandria and Arlington, Virginia to the Washington, D.C. line (the "Project"). The Prime Contract allows the Owner to assess \$17,500 for each day that Final Completion Date

extends beyond the Scheduled Final Completion Date. Those disputes are addressed separately below:

1. 395 Express Lanes Construction Project – Contract Dispute with Rampart Hydro Services, LP (“Rampart”). On or about April 19, 2018, the Company issued a subcontract to Rampart to perform certain hydrodemolition work on the Project. On June 21, 2019, Rampart submitted a claim for additional costs related to its work on the Project. The Company subsequently sent a response to Rampart rejecting its claims. On January 14, 2020, Rampart filed its Demand for Arbitration, Case Number 02-20-0000-1313 (the “Arbitration”) against the Company with the American Arbitration Association (“AAA”). Rampart ultimately demanded \$905,000 in additional costs in the Arbitration. The Company denied liability to Rampart and submitted a counterclaim in the amount of \$50,000. On June 10, 2020, the parties executed a settlement agreement whereby the Company agreed to pay Rampart \$153,000 in exchange for a mutual release of claims. Per mutual agreement of the parties, the AAA closed the matter on July 17, 2020.

2. 395 Express Lanes Construction Project – Contract Dispute with AECOM Technical Services, Inc. (“AECOM”). As indicated above, the Company agreed to a design-build prime contract with the Owner on the Project (the “Prime Contract”). On March 16, 2017, the Company awarded a lump-sum design subcontract (the “Subcontract”) to AECOM for \$19,139,427, with engineering services during construction carved out on a time-and materials basis with a budget of \$2,204,907. The Company and AECOM disagree as to the scope of AECOM’s responsibilities and the allocation of design risk under

the Subcontract. AECOM has thus submitted numerous claims for time and money under the Subcontract. As of June 24, 2020, AECOM's final confidential claim amount was \$19,323,861.38. Approximately \$3.1MM of that claim amount is undisputed monies owed for completed work, which the Company has been withholding, pursuant to the Subcontract, for damages the Company has incurred as a result of AECOM's breaches of the Subcontract. To that end, the Company has asserted, through confidential settlement and mediation communications, a backcharge ("Lane's Backcharge") against AECOM, in the amount of \$20,480,552, comprising delay, impact, acceleration and direct damages resulting from AECOM's failure to perform its design work in accordance with the terms of the Subcontract. The Company settled all of its commercial disputes with the Owner pursuant to the settlement agreement effective July 30, 2019 (the "Owner Settlement"). At the request of the Company, this Firm provided its legal analysis of Lane's Backcharge, and its relation to the Owner Settlement, to the Company in this Firm's memorandum dated June 3, 2020. As mandated by the Subcontract, the Company and AECOM engaged in confidential mediation in an attempt to resolve this Subcontract dispute on mutually agreeable terms. During May of 2020, the Company and AECOM exchanged confidential mediation statements and rebuttals thereto, and, on June 25 and 26, 2020, the parties engaged in mediation at the Washington, DC offices of Troutman Sanders LLP (now Troutman Pepper LLP), who is representing AECOM in this matter. The parties did not resolve the dispute during the mediation. Article 11 of the Subcontract establishes venue for resolution of contract disputes to a court of competent jurisdiction in Fairfax County,

Virginia. Article 17.f of the Subcontract provides that the prevailing party in a dispute shall be entitled to recover its reasonable attorneys' fees and costs. On November 17, 2020, AECOM filed, in the Circuit Court of Fairfax County, Virginia, a four-count complaint (the "Complaint") seeking \$19,936,705.35 in damages from Lane for breach of contract, plus pre and post-judgment interest, as well as its attorneys' fees and costs. This firm will not further characterize AECOM's allegations, which can be found in the Complaint itself: *AECOM Technical Services, Inc. v. The Lane Construction Corporation*, civil action no. 2020-18128. The Complaint was served on December 8, 2020. On December 29, 2020, this Firm filed four (4) pre-answer motions on behalf of Lane. On February 12, 2021, the first of those motions was to be heard by Chief Judge Bruce White, who instead removed the motion from the hearing docket and assigned the entire case to Judge Thomas Mann. Judge Mann has denied three of Lane's pre-answer motions. On April 20, 2021, AECOM made a claim on Lane's payment bonds (Payment Bond Nos.: 012026097 (Liberty Mutual); 47-SU-300016-01-0003 (Berkshire Hathaway); and 346-107 (National Union)) (collectively hereinafter the "Bonds" and the "Sureties," respectively).

On May 13, 2021, this Firm filed Lane's Answer to Counts II, III, and IV of the Complaint, where it denied liability and sought Lane's attorneys' fees and costs in defending the action. The Company further asserted several affirmative defenses in support of its Answer, including the defense of offset. This Firm and the Company retained Deloitte LLP to analyze and audit the Company's Backcharge, which would form

the basis of its Counterclaim(s) and/or offset. Deloitte's audit, which did not include analysis of legal entitlement, concluded that approximately \$12MM of Lane's alleged damages are reasonable, allowable, and properly allocable. The Company, on the Firm's recommendation, retained Epiq Legal Services to assist with the collection and review of its documents for discovery in this matter. Via emails dated June 2, 3, and 16, 2021, this Firm sought clarification as to the Company's data preservation and collection efforts in this matter. The Firm followed up on July 16, 2021, in advance of its response to another audit letter. The relevant facts were never clarified to this Firm's satisfaction.

On July 12, 2021, this Firm withdrew Lane's fourth pre-answer motion (plea in bar) as to Count I. On July 20, 2021, this Firm provided an update of facts relevant to Lane's Backcharge, the Owner Settlement, and this Firm's aforementioned memorandum dated June 3, 2020. This office confirms that all information brought to its attention indicating the occurrence of a possible non-compliance with laws and regulations, including illegal acts committed by the Company, or any of its agents or employees, has been reported to those charged with governance at the Company.

At the request of this Firm, Lane sought new counsel in this matter. AECOM sought its costs in preparing for the plea in bar hearing as to Count I of the Complaint, from both the Company and this Firm, by motion ultimately scheduled to be heard on August 27, 2021. Lane settled that matter, with this Firm's consent, in advance of the hearing.

On August 2, 2021, AECOM filed an Amended Complaint, whereby it added its Bond claims against the Sureties. On August 3, 2021, Shapiro, Lifschitz & Schram, P.C. (the “SLS Firm”) entered an appearance on behalf of the Company. On August 25, 2021, the SLS Firm filed Answers to AECOM’s Amended Complaint, on behalf of the Company and the Sureties, and further filed a Counterclaim against AECOM, seeking damages in the amount of \$12,000,000, plus attorneys’ fees, interest, and costs.

This Firm withdrew as counsel of record for Lane via this Firm’s motion heard October 1, 2022. Lane has represented that it settled the matter with AECOM around the same time.

The information set forth herein is as of the date of this letter, except as otherwise noted, and we disclaim any undertaking to advise you of changes which thereafter may be brought to our attention.

This response is limited by, and in accordance with, the ABA Statement of Policy. Without limiting the generality of the foregoing, the limitations set forth in the ABA Statement of Policy on the scope and use of this response (Paragraphs 2 and 7) are specifically incorporated herein by reference, and any description herein of any loss contingencies or contingent liabilities is qualified in its entirety by Paragraph 5 of the ABA Statement of Policy and the accompanying Commentary (which is an integral part of the ABA Statement of Policy). Consistent with the last sentence of Paragraph 6 of the ABA Statement of Policy and pursuant to Webuild’s request, this will confirm as correct the Company’s understanding as set forth in its audit inquiry letter to us that whenever, in the course of performing legal services

for the Company with respect to a matter recognized to involve an unasserted possible claim or assessment that may call for financial statement disclosure, we have formed a professional conclusion that the Company must disclose or consider disclosure concerning such possible claim or assessment, we, as a matter of professional responsibility to the Company, will so advise the Company and will consult with the Company concerning such disclosure and the legal requirement that financial statement reporting should be in conformity with generally accepted accounting principles. Our failure to comment on any “contingent liabilities” described in Webuild’s letter should not be interpreted as indicating that we either agree or disagree therewith. In our opinion, any request for information concerning unasserted claims, contingent liabilities, loss contingencies, or assessments which are not specifically identified by the Company is outside the scope of Paragraph 5 of the ABA Statement of Policy. Moreover, the Company has not been forthcoming with credible facts responsive to some of this Firm’s inquiries relevant to the second matter set forth above. Similarly, personnel changes at all levels of the Company have made resolution of some facts material to the second matter described above either impracticable or impossible for this Firm.

Very truly yours,  
Antonacci Law PLLC

cc: Avv. Barbara Abbo (Webuild S.p.A.)

**EXHIBIT K TO COMPLAINT  
LOUIS B. ANTONACCI'S LITIGATION  
HOLD NOTICE TO PERKINS COIE LLP  
(FEBRUARY 8, 2024)**

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ANTONACCI LAW PLLC  
501 Holland Ln, Unit 501  
Alexandria, VA 22314  
703.300.4635  
lou@antonaccilaw.com

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Ms. Bates McIntyre Larson  
General Counsel  
Perkins Coie LLP  
131 S. Dearborn Street  
Chicago, IL 60631

RE: Antonacci v. Emanuel et. al. – Litigation Hold Notice  
Dear Bates,

Perkins Coie LLP has been named by Louis B. Antonacci (“Plaintiff”) as a defendant in the following litigation (the “Litigation”) claiming damages incurred by Plaintiff arising from widespread fraud and racketeering related to Plaintiff, his case against Seyfarth Shaw and Anita Ponder in Cook County Circuit Court, filed in 2012, Plaintiff’s subsequent federal action in the Northern District of Illinois, and subsequent acts by Perkins Coie against the Plaintiff, including, but not limited to, Perkins Coie’s retention /use of BEAN LLC d/b/a Fusion GPS, FTI Consulting LLC, Rokk Solutions LLC, Storij, Inc., Derran Eaddy, and others:

- *Louis B. Antonacci v Rahm Israel Emanuel et. al., - E.D.Va. No 1:2024cv00172*

Electronic data contained in your computer systems and hard copy documents are an important source of discovery and evidence in the Litigation. As such, you are required to take steps to ensure that all electronic data potentially relevant to this Litigation are preserved. Similarly, you are required to preserve potentially relevant hard copy documents, including drafts of such documents.

The purpose of this letter is to inform you of your legal obligations to preserve your electronic data and hard-copy documents as described in the following directive.

**In particular, Plaintiff is aware that, since he opened his case in the Eastern District of Virginia, your partner, and former General Counsel of Perkins Coie, Mr. Matthew J. Gehringer, has left Perkins Coie. As you are aware, Mr. Genhringer was lead counsel in Antonacci's case against Seyfarth and Ponder, and a defendant in Antonacci's federal action in the NDIL. Please ensure that all of Geheringer's files related to Antonacci are preserved in accordance with the following directive.**

#### **DIRECTIVE REGARDING PRESERVATION OF DOCUMENTS AND ELECTRONIC DATA**

Effective immediately, you must preserve and retain (or continue to preserve and retain), i.e., do not alter, delete or otherwise modify, any documents and electronic data that may relate to the Litigation.

This directive supersedes and suspends any existing records retention program and guidelines with respect to the materials described below, and any other automatic deletions or overwrites of data pertaining to the systems with which you are involved.

Relevant documents and data include, but are not limited to, e-mails, memoranda, correspondence (including text messages or iMessages), minutes and notes of all meetings, communications, and agreements, whether such information is in handwritten, typewritten, or electronic form.

Any question you may have as to the relevance of a particular document, file, e-mail, or other electronic data compilation should be resolved in favor of preservation and retention.

Please retain both hard copies and electronic copies of any document and information that may relate to the foregoing. You need not print any electronic documents at this time.

### **Hard Copy Materials**

In identifying and preserving potentially responsive hard-copy materials, please keep in mind that this directive is not limited to the “final version” of hard-copy documents. Instead, this directive covers potentially responsive drafts and includes all types of documents (letters, typed or handwritten notes, memoranda, reports, studies, printed spreadsheets, post-its, etc.). This directive also covers hard-copy materials that are kept in departmental or central files or in off-site storage. Regularly scheduled destruction of potentially relevant materials kept in

such places must be suspended until you receive further notice.

### **Electronic Discovery Materials**

In identifying and preserving electronic data, please keep in mind that “electronic data” includes, but is not limited to, all text files (including word processing documents and presentations), spread sheets, electronic mail, databases, calendars, computer system activity logs, internet usage files, and network access information. Your computer systems include, but are not limited to, all workstations, laptops, network servers, removable media, handheld devices, and backup tapes. You should also preserve any potentially relevant documents or data saved in your iPhone, iPad, smart phone, BlackBerry or other similar device or on your home computer. Again, any questions as to the scope of this directive should be resolved in favor of preservation and retention. Please keep all potentially relevant electronic materials in their current electronic form.

At individual workstations, this directive requires you to preserve and retain all potentially relevant files stored on your hard drive and all potentially relevant e-mails contained in your e-mailbox and archive folders. Any e-mail “janitorial” functions, such as automatic deletion of e-mail after a certain number of days, must be disabled.

At the network and systems administration level, this directive requires you to preserve and retain all potentially relevant files stored on servers and to refrain from doing any administrative work that has any potential to destroy potentially relevant files. Any “janitorial” functions must be disabled. All back up

tapes must be preserved and pulled from recycling rotation.

Very truly yours,  
ANTONACCI PLLC

By:

/s/ Louis B. Antonacci  
Managing Principal

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Thu, Feb 8, 2024 at 4:16 PM  
Louis Antonacci <lou@antonaccilaw.com>  
To: blarson@perkinscoie.com

Bates,

Congratulations on your elevation to General Counsel. Attached please find a litigation hold notice.

Thanks,  
Lou

Managing Principal  
Antonacci PLLC  
703-300-4635  
lou@antonaccilaw.com

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Tue, Feb 13, 2024 at 10:56 AM  
Louis Antonacci <lou@antonaccilaw.com>  
To: blarson@perkinscoie.com  
Cc: llombardo@perkinscoie.com

Hi Bates,

Can you please confirm that you received the litigation hold notice I sent last Thursday, Feb. 8? I'm attaching it here again. Thank you.

Lou

Managing Principal  
Antonacci PLLC  
703-300-4635  
lou@antonaccilaw.com

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**PROOF OF SERVICE ON RAHM  
EMANUEL (FEBRUARY 21, 2025)**

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Civil Action No. 1:24-cv-00172-MSN-LRV

This summons for Rahm Israel Emanuel, received by me on 2/17/2025.

I personally served the summons on the individual at Public easement, 4220 N. Hermitage Ave, Chicago, IL 60613 on 2/21/2025; or

I declare under penalty of perjury that this information is true.

/s/ Robin Valenzuela

Server's signature

Robin Valenzuela Private Detective  
Printed name and title

7225 W. Higgins Ave, Unit 504  
Chicago, IL 60656  
Server's Address

Date: 2/21/25

Additional information regarding attempted service, etc:

In addition, served Mr. Emanuel with two notices of appeal dated June 11, 2024, No.s 24-1544 and 24-1545

**SHAUN SO COMPLAINT FORM FILED  
WITH THE VIRGINIA STATE BAR  
(MAY 9, 2024)**

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Your Name: Shaun So

Your Address: 134 North 4th Street, Brooklyn NY  
11249, shaun@thesocompany.com

Lawyer's Name: Louis Antonacci

Lawyer's Address: 501 Holland Lane,  
Unit 107, Alexandria VA 22314

Lawyer's Actions Complained of:

Mr. Antonacci previously represented Storij Inc. dba The So Company. He has now taken an adverse position against the So Company by filing a frivolous RICO claim against the So Company that arises out of his earlier representation of the company. Specifically, Antonacci alleges that the earlier legal representation was just a ruse so that the So Company could hack into Antonacci's computer at the direction of former Chicago Mayor Rahm Emmanuel and on behalf of a criminal enterprise that aims to derail Antonacci's legal career. The case is Antonacci v. Emanuel et al, 1:24-cv-00172 (EDVA). The So Company is a service-disabled veteran owned small business, as the chief executive officer, is a honorably discharged US military veteran that actively contracts with the US Department of Affairs and other US federal agencies. As a very small business, we are now incurring significant expense to defend itself against far-fetched allegations that raise significant questions about Mr. Antonacci's

current fitness to practice law. Any communication with your office would be greatly appreciated.

Your Signature: /s/ Shaun So

Date: May 9, 2024

List the names, addresses, and phone numbers of persons who might be able to give additional information about your complaint:

Jason M. Crawford???? Crowell & Moring LLP  
jcrawford@crowell.com +1.202.624.2768 direct  
Charles W. Galbraith Partner cgalbraith  
@jenner.com Office Washington, DC Phone +1  
202 639 6089

Please answer the following questions:

1. Have you or a member of your family contacted us about this lawyer before? If yes, please state when you made the complaint and the outcome of that complaint.

Yes

I'm not sure - I filled out a form March 2024 and did not receive receipt of submission, so I'm unsure if communication went through.

3. Describe your relationship to the lawyer who is the subject of your complaint by choosing from the following:

I am the lawyer's former client

4. What is the nature of your legal case? When was the lawyer employed or appointed to represent you? How much money, if any, was the lawyer paid to represent you?

Mr. Louis Antonacci was our company's legal counsel from 2015 until 2022.

5. Is your concern only that you think the lawyer charged you too much? If yes, you should contact the VSB at (804) 775-9423 for information on fee dispute resolution.

✓ No

**ANTONACCI NOTICE OF APPEAL  
(EMANUEL) TO THE U.S. COURT OF  
APPEALS FOR THE FOURTH  
CIRCUIT (JUNE 11, 2024)**

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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

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LOUIS B. ANTONACCI,

*Plaintiff,*

v.

RAHM ISRAEL EMANUEL, ET. AL.,

*Defendants.*

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Docket Number 1:24-cv-00127

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**NOTICE OF APPEAL TO THE  
U.S. COURT OF APPEALS FOR THE FOURTH  
CIRCUIT OF AN APPEALABLE ORDER  
OF THE U.S. DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA**

Plaintiff Louis B. Antonacci appeals to the United States Court of Appeals for the Fourth Circuit from District Judge Michael S. Nachmanoff's order GRANTING Defendants' Motion to Dismiss the Complaint, DENYING Plaintiff's Motion for Leave to Amend the Complaint, and DENYING Plaintiff's Objections to the Magistrate Judge's April 8, 2024

order GRANTING Defendants' Motions for Protective Order, entered on May 23, 2024.

/s/ Louis B. Antonacci

Attorney for Plaintiff

Address: 501 Holland Lane, Suite 107  
Alexandria, Virginia 22314

**ANTONACCI NOTICE OF APPEAL  
(FUSION GPS) TO THE U.S. COURT OF  
APPEALS FOR THE FOURTH  
CIRCUIT (JUNE 11, 2024)**

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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

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LOUIS B. ANTONACCI,

*Plaintiff,*

v.

RAHM ISRAEL EMANUEL, ET. AL.,

*Defendants.*

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Docket Number 1:24-cv-00127

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Plaintiff Louis B. Antonacci appeals to the United States Court of Appeals for the Fourth Circuit from Magistrate Judge Lindsay R. Vaala's order DENYING Plaintiff's Second Request for Entry of Default against Defendant BEAN LLC d/b/a Fusion GPS, entered on June 7, 2024

/s/ Louis B. Antonacci

Attorney for Plaintiff

Address: 501 Holland Lane, Suite 107  
Alexandria, Virginia 22314

**VIRGINIA STATE BAR  
SUBCOMMITTEE DETERMINATION  
(DECEMBER 18, 2024)**

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**Virginia State Bar  
Fourth District, Section I Committee  
January 17, 2025**

Louis Bernardo Antonacci  
Antonacci PLLC . Certified Article Number  
501 Holland Ln, Unit 107  
Alexandria, VA 22314-3539

Re: In the Matter of Louis Bernardo Antonacci  
VSB Docket No. 24-041-132040

Dear Mr. Antonacci:

Enclosed is a copy of the Subcommittee Determination (Certification) ("Certification") in the referenced matter.

Pursuant to Part Six, Section IV, Paragraph 13-18.A of the Rules of the Supreme Court of Virginia, you have 21 days from the date of the Certificate of Service on the enclosed Certification to:

- a. file an Answer to the Certification with the Clerk of the Disciplinary System, or
- b. file an Answer to the Certification and a demand with the Clerk of the Disciplinary System, that further proceedings be conducted pursuant to Virginia Code Section 54.1-3935 and simultaneously provide available dates for the hearing to be scheduled not less

than 30 nor more than 120 days from your demand.

Failure to file an Answer, or an Answer and a demand with available dates, within 21 days, constitutes consent to the Disciplinary Board's jurisdiction. In that event, the Board will set a date, time and place for the hearing and serve a Notice of Hearing upon you at least 21 days before the hearing date.

Sincerely,

/s/ Allison Helen Carpenter

Subcommittee Chair

Enclosure

Cc:

Joanne Fronfelter, Clerk of the Disciplinary System

Richard Johnson, Assistant Bar Counsel

Robert Graves, Investigator

Shaun So, Complainant

VIRGINIA:

BEFORE THE FOURTH DISTRICT, SECTION I  
SUBCOMMITTEE OF THE VIRGINIA STATE BAR

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IN THE MATTER OF  
LOUIS BERNARDO ANTONACCI

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VSB Docket No. 24-041-132040

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**SUBCOMMITTEE DETERMINATION  
(CERTIFICATION)**

On December 18, 2024, a meeting in this matter was held before a duly convened Fourth District, Section I Subcommittee consisting of Allison Helen Carpenter, Chair Presiding; Colleen M. Haddow, Member; and Roxana L. Ordal, Lay Member. Pursuant to Part 6, § IV, ¶ 13-15.B.3 of the Rules of Supreme Court of Virginia, the Fourth District, Section I Subcommittee of the Virginia State Bar hereby serves upon Louis Bernardo Antonacci (“Respondent”) the following Certification:

**I. Allegations of Fact**

1. Respondent was admitted to the Virginia State Bar (“VSB”) in 2008. At all relevant times, Respondent was a member of the VSB.

2. From 2015 to 2023, Respondent represented SS (“Complainant”) in the review and negotiation of contracts, Respondent learned sensitive information about Complainant, including his intelligence background, interrogation skills, and computer exper-

tise developed while Complainant served in the military. Respondent learned that Complainant's business partner was also involved in sensitive activities while serving in the military.

3. In December 2023, Respondent terminated his representation of Complainant.

4. On February 14, 2024, Respondent filed a civil action in the United States District Court for the Eastern District of Virginia ("EDVA") against a host of individuals and organizations alleging violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"). Respondent alleged that Rahm Emmanuel, Joe Biden, his former employers, and Complainant engaged in a criminal enterprise to derail Respondent's career.

5. In his complaint, Respondent asserted:

245. Antonacci was introduced to So and Wheeler under the false pretense that Storij needed legal assistance with its government contracts work.

246. So and Wheeler had served in the Army together doing intelligence work.

247. Specifically, Wheeler worked in signals intelligence and has expertise hacking, infiltrating, and exploiting computer systems and mobile devices.

248. So's expertise is human intelligence and interrogation.

249. So and Wheeler are part of this enterprise.

6. Respondent's allegations against Complainant include:

488. So, Wheeler, Storij, and other Defendants conspired to knowingly, and with intent to defraud, access Antonacci's computer systems and mobile phone without authorization or exceeding authorized access, in violation of 18 U.S.C. § 1830(b).

489. Alternatively, So, Wheeler, Storij, and other Defendants conspired to provide false, incomplete, and/or misleading information to U.S. government officials in order to obtain illegally a warrant allowing them to do so.

7. Respondent's complaint further references Complainant's "dubious pandemic loan."

8. Complainant did not give permission to Respondent to divulge any information that Respondent gained during Respondent's representation of Complainant for eight years. Complainant wanted this sensitive information to remain confidential and disclosure of such information would likely be detrimental to Complainant's career. Complainant has not initiated any legal action against Respondent, nor placed himself in an adversarial position to Respondent until filing the instant bar complaint.

9. Thus far, Complainant has expended \$150,000. 00 in legal fees to defend himself against Respondent's lawsuit.

10. Respondent previously filed a similar complaint in the United States District Court for Northern Illinois ("Illinois Court") in 2015. The Illinois Court dismissed the matter before defendants were served,

stating that the allegations that Respondent “had assertedly been the victim of a massive global conspiracy on the part of what seems to be the entire world with which he comes into contact plainly appear to fail-flat out-the ‘plausibility’ requirement established by the *Twombly-lqbal* canon.” On May 5, 2015, the Illinois Court ruled that it lacked subject matter jurisdiction because Respondent’s claims were too implausible to engage federal jurisdiction. On March 18, 2016, the Seventh Circuit affirmed, holding that the RICO *claims* were “legally frivolous.”

11. On May 24, 2024, the EDVA dismissed the matter for identical reasons, stating, in part:

Although Antonacci has added new defendants and allegations, the alleged conspiracy—and the fundamental implausibility of it—has not changed. This Court agrees with the Seventh Circuit’s assessment that Antonacci’s previous, and now renewed, allegations are legally frivolous” because they are “so unsupported by any plausible detail as to be preposterous.” 640 F. App’x at 557. And the new allegations do not move the needle towards plausibility—if anything, they reinforce the implausibility of the alleged conspiracy. XXXXXXXX

12. When asked by a VSB investigator what evidence he had to support his claim, Respondent stated that the “circumstantial evidence is overwhelming” but that he had no “hard proof.”

## **II. Nature of Misconduct**

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct<sup>1</sup>:

**RULE 1.9**

**Conflict of Interest: Former Client**

\*\*\*

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to or gained in the course of the representation to the disadvantage of the former client except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client.

**RULE 1.6**

**Confidentiality of Information**

(a) A lawyer shall not reveal information protected by the attorney-client privilege under applicable law or other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client unless the client consents after consultation,

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<sup>1</sup> Italicized language is explanatory and is not intended to limit the findings of the tribunal.

except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).

(b) To the extent a lawyer reasonably believes necessary, the lawyer may reveal:

- (1) such information to comply with law or a court order;
- (2) such information to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;

By filing a civil complaint which disclosed confidential information obtained during the course of representing Complainant, including Complainant's intelligence background, computer expertise, interrogation skills, and application for a pandemic loan, Respondent violated Rules of Professional Conduct 1.9(c)(1) and 1.9(c)(2). Respondent's disclosures did not implicate any exceptions found in Rule 1.6(b)(1) or Rule 1.6(b)(2).

## **RULE 3.1**

### **Meritorious Claims and Contentions**

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which

includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

By filing a civil complaint that two courts found to be legally frivolous and is unsupported by evidence, which asserts that he is a “victim of a massive global conspiracy on the part of what seems the entire world,” and by alleging that Complainant accessed his computer system and provided “misleading information to U.S. government officials in order to obtain illegally a warrant” without any evidence or basis, Respondent violated Rule of Professional Conduct 3.1.

### **III. Certification**

Accordingly, it is the decision of the Subcommittee to certify the above matter to the Virginia State Bar Disciplinary Board.

FOURTH DISTRICT, SECTION I  
SUBCOMMITTEE OF THE  
VIRGINIA STATE BAR

By /s/ Allison Helen Carpenter  
Subcommittee Chair

**VERIFIED PETITION FOR WRITS OF  
PROHIBITION AND MANDAMUS, IN  
*ANTONACCI v. BRENNAN*, FILED IN THE  
SUPREME COURT OF VIRGINIA  
(FEBRUARY 7, 2025)**

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IN THE SUPREME COURT OF VIRGINIA

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LOUIS B. ANTONACCI,

*Petitioner,*

v.

RENU BRENNAN, and  
THE VIRGINIA STATE BAR,

*Respondents.*

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Record No. 250106

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Louis B. Antonacci  
VSB No. 75840  
ANTONACCI PLLC  
501 Holland Lane #107  
Alexandria, VA 22314  
703-300-4635  
lou@antonaccilaw.com

**VERIFIED PETITION FOR WRITS OF  
PROHIBITION AND MANDAMUS**

Petitioner, Louis B. Antonacci, pursuant to U.S. Const. Amends. I, V, and XIV, Va. Const. Art. I, Sections 11 and 12, and Va. Code Sections 8.01-233.1 and 8.01-644, hereby files this Petition for Writs of Prohibition and Mandamus directed to Ms. Renu Brennan, Bar Counsel, and the Virginia State Bar, Respondents (collectively “Bar Counsel”), and states as follows:

1. Petitioner Louis B. Antonacci has been practicing law for over twenty years. Antonacci is an active member of the Virginia State Bar and a citizen of the Commonwealth of Virginia. Antonacci is also licensed to practice law in Wisconsin (2004), the District of Columbia (2010), and Maryland (2017).
2. Respondent Renu Brennan is Bar Counsel for the Virginia State Bar. Ms. Brennan agreed to accept service by email. Proof of Ms. Brennan’s acceptance of service will be filed.
3. The Virginia State Bar is a public governmental entity created by the laws of the Commonwealth (Va. Code Section 54.1-3910) and subject to suit as an entity separate from the Commonwealth. Antonacci is effecting service on the Virginia State Bar pursuant to Va. Code Section 8.01-300(3), proof of which will be filed.
4. Antonacci is admitted to practice before the U.S. District Courts for the Eastern District of Virginia (2009) and the Western District of Wisconsin (2004), the U.S Courts of Appeals for the Fourth (2024) and Seventh (2015) Circuits, and the U.S. Supreme Court (2016).

5. Antonacci has been lead counsel in commercial disputes ranging from \$50,000 to \$30,000,000 at issue.

6. Antonacci has obtained and maintained security clearances with both the U.S. Departments of Defense and Justice.

7. Antonacci has never been subject to any disciplinary action by any court or bar, nor had a bar complaint ever been filed against him before the complaint that is the subject of this Petition.

8. Antonacci is a private citizen and has never been a public figure.

9. In 2009, when Antonacci was an associate in the Washington, DC office of Defendant Holland & Knight LLP, he successfully prosecuted a civil RICO action in the U.S. District Court for the Eastern District of Virginia, where a Virginia lawyer, Gerald I. Katz, was the architect of the enterprise and its racketeering activity. *Bovis Lend Lease, Inc. v. Waterford McLean LLC et al*, 1:09-cv-00927 LMB-TRJ (E.D.Va. 2009)

10. Katz has since been disbarred.

11. Antonacci organized his law firm, Antonacci PLLC f/k/a Antonacci Law PLLC in 2014. He is, and always has been, the sole member of his member-managed PLLC.

12. On February 14, 2024, Antonacci filed a complaint, in the Eastern District of Virginia, alleging against thirteen defendants, civil violations of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1962 “RICO”), Virginia Statutory Business Conspiracy Va. Code § 18.2-499, Common Law

Civil Conspiracy, and the Computer Fraud and Abuse Act (18 U.S.C. § 1030): EDVA civil no. 1:24-cv-127. A true and correct copy of that complaint is attached hereto as Exhibit 1.

13. One of the thirteen defendants in that action is a former client of Antonacci PLLC: Storij, Inc. d/b/a STOR Technologies d/b/a The So Company d/b/a Driggs Research International, a for-profit Delaware C-corp (“Storij” or the “Company”).

14. As of March 2019, Storij had issued 9,979,717 shares.

15. As alleged in his complaint, Antonacci was introduced to the Complainant, Shaun So, on April 29, 2015, when he returned to Washington, DC after filing a RICO complaint against, among others, the City of Chicago, when Defendant-Appellee Rahm Emanuel<sup>1</sup> was Mayor, and Perkins Coie LLP, which was legal counsel for the Democratic National Committee and Hilary for America.

16. Neither Antonacci nor Antonacci PLLC has ever represented Shaun So or Richard Wheeler in any legal or other fiduciary capacity.

17. The April 29, 2015 meeting took place at Churchkey Tavern in Washington, DC. As alleged in the complaint, Charles Galbraith, a DC political lawyer who worked with Rahm Emanuel in the Obama White House, introduced Antonacci to the Complainant,

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<sup>1</sup> Emanuel refused to accept service while serving as Ambassador to Japan. Since his return to private life, a new summons has been issued and is currently out for service.

Shaun So, “CEO” of Storij, and Richard Wheeler, another employee of Storij.

18. As alleged in the complaint, Galbraith sat with them while So and Wheeler discussed the one tour they both did in the Army, where So reportedly did work in human intelligence and interrogation, and Wheeler in signals intelligence, exploiting cellular and mobile networks and computer systems. As also alleged in the complaint, So, Wheeler and Galbraith (who was not representing So, Wheeler or Storij, nor was he acting in any fiduciary capacity), represented to Antonacci that Storij was building its government contracts practice, doing primarily digital content work.

19. Storij later retained Antonacci PLLC for legal services related to its government contracts work. A true and correct copy of their engagement letter is attached hereto in Exhibit 2.

20. Antonacci provided legal services to Storij from 2015 to approximately October of 2021, which included representing Storij with respect to the review, negotiation and compliance with its prime contracts and subcontracts with the Department of Veteran Affairs, the Centers for Medicare and Medicaid Services, the U.S. Department of the Navy, the U.S. Department of the Air Force, the Department of Defense, Ad Hoc LLC, Oddball, Inc., Touch Lab Events, LLC d/b/a Touchlab, TISTA Science and Technology Corporation, *inter alia*. Antonacci further advised the Company on employment matters, drafted the Company’s employee handbook, registered the Company in numerous States where its remote employees resided, and advised on bid protests and litigation risk. Antonacci further advised the

Company on corporate financing and corporate governance, drafting their bylaws, corporate resolutions, and promissory notes and stock purchase agreements, through which the Company raised capital and issued equity.

21. Over those six years of legal services, Storij paid Antonacci PLLC approximately \$273,000 in legal fees, yet never issued Antonacci PLLC a U.S. tax form 1099, as alleged in the complaint.

22. Based on the facts alleged in his EDVA complaint, together with the additional information Antonacci later provided to Bar Counsel, Antonacci has reasonably inferred that Storij is a front company for illegally spying on U.S. citizens, at the behest and for the benefit of the criminal enterprise alleged in the EDVA complaint.

23. The facts alleged in the complaint are sufficient for a reasonable jury to conclude, absent contradictory evidence, that Storij and its codefendants are liable to Antonacci for the conduct alleged, although Antonacci need only have a reasonable basis for bringing his claims.

24. This point bears repeating: The verifiable facts alleged in the complaint are sufficient, absent contradictory evidence, for a reasonable jury to infer, as Antonacci did, by a preponderance of the evidence, that Storij and its codefendants are liable to Antonacci for the conduct alleged.

25. In particular, in 2019, Antonacci PLLC was retained by Lane Construction Corp., for, among other matters, its commercial dispute with AECOM Technical Services, Inc., related to Lane's design-build

contract with Transurban LLC for the 395 Express Lanes in Arlington, Alexandria, and Fairfax counties.

26. On November 19, 2020, when Biden's victory in the 2020 presidential election seemed assured, AECOM filed a complaint against Lane, in Fairfax County Circuit Court, for \$20,000,000 in damages related to its design work on the that Project.

27. As alleged in the complaint, shortly after Biden took office on January 20, 2021, So and Wheeler asked Antonacci to have a Zoom videoconference, whereby Wheeler hacked Antonacci's computer systems and mobile phone, so he could monitor Antonacci's conduct, planning, and strategy throughout the case.

28. Relatedly, as alleged in the complaint, Seth T. Firmender, former General Counsel of Lane, hired Antonacci PLLC in order to try to set up Antonacci for a criminal fraud investigation related to false claims orchestrated by Firmender.

29. After Antonacci's representation of Lane ended in October 2021, Antonacci did not hear from Storij for additional government contracts work, except for two incidents in 2022, which Antonacci relayed to Bar Counsel, where the timing of the requests coincided with other acts perpetrated by this criminal enterprise.

30. On May 13, 2024, Bar Counsel served Antonacci with Shaun So's Bar Complaint against Antonacci: VSB Docket No. 24-041-132040. A true and correct copy of the bar complaint is attached hereto as Exhibit 3.

31. Because the complaint alleges only that Antonacci disclosed information arising out of Antonacci PLLC's representation of Storij in relation to Antonacci's civil case in the EDVA, Antonacci inquired to Bar Counsel as to what misconduct the complaint alleged against Antonacci.

32. Bar Counsel did not then, nor has it ever, identified any misconduct alleged by the Complainant.

33. Virginia Sup. Ct. R. 13-10 requires Bar Counsel to dismiss any complaint that does not present an issue under the Disciplinary Rules.

34. Antonacci stated that the bar complaint should be dismissed because it does not allege misconduct, but Bar Counsel demanded a response.

35. Neither Storij, nor any of the other defendants in the EDVA, filed a Rule 11 motion against Antonacci.

36. The district court in the EDVA did not impose any sanction on Antonacci.

37. No court has ever sanctioned or even reprimanded Antonacci.

38. Storij and the other defendants in the EDVA case did not file Rule 11 motions because that would allow Antonacci discovery, and they could not withstand any factual investigation.

39. Shaun So's bar complaint therefore demonstrates a lack of character that is consistent with Antonacci's allegations in his complaint.

40. Antonacci provided two formal responses to the bar complaint. True and correct copies of those responses are attached hereto as Exhibits 2 and 4.

41. On May 23, 2024, EDVA District Judge Michael Nachmanoff, a Biden appointee, dismissed Antonacci's complaint for want of subject matter jurisdiction. Judge Nachmanoff's opinion totals four pages. Antonacci's complaint includes 574 discrete allegations and 11 substantiating exhibits comprising 546 pages. A true and correct copy of the Judge Nachmanoff's dismissal order is attached hereto as Exhibit 5.

42. Antonacci perfected his appeal of the dismissal on June 11, 2024 (the "Appeal"). True and correct copies of Antonacci's appellate briefs, and the correspondence transmitting them to Bar Counsel, are attached hereto as Exhibit 6.

43. Exactly one week later, on June 18, 2024, Antonacci was involved in a collision with a motor vehicle that ran a red light while Antonacci was cycling on his triathlon bike going over 20 miles per hour, on the same route that he rides two or three times per week.

44. The vehicle fled the scene of the crime. Arlington County police refused to prosecute the driver, despite there being a witness willing to testify that she was clearly at fault.

45. Antonacci broke his collarbone and had two reconstructive surgeries to repair it.

46. Antonacci filed his reply brief in the Appeal on April 9, 2024, which was three days earlier than

required, in order to accommodate his surgery schedule.

47. On April 10, 2024, the day of his second reconstructive surgery, as Antonacci had indicated in his reply brief, VSB investigator Robert Graves demanded that Antonacci attend an interview related to his investigation.

48. Antonacci refused to attend the interview until Bar Counsel issued a subpoena commanding Antonacci's presence. Bar Counsel issued such a subpoena. A true and correct copy of the subpoena is attached hereto as Exhibit 7.

49. Antonacci attended the interview on October 8, 2024.

50. On December 19, 2024, Bar Counsel served Antonacci with the Fourth District's Certification of the matter.

51. On January 19, 2024, Bar Counsel served Antonacci with its Certification and Subcommittee Determination. A true and correct copy of the Certification is attached hereto as Exhibit 8.

52. The language quoted by Bar Counsel in paragraphs ten and eleven of its certification are all from unpublished opinions. *Antonacci v. City of Chicago*, 2015 WL 13039605 (N.D. Ill. May 5, 2015); *Antonacci v. City of Chicago*, 640 F. App'x 553 (7th Cir. 2016) (both complaints are reproduced in Antonacci's petition for writ of certiorari, which he filed with the complaint at Exhibit 1).

53. The reasoning of those opinions is both unsound and invalid, as set forth in Antonacci's appellate briefs.

54. Rule 1.6 states, in part:

1.6 Confidentiality of Information

- (a) A lawyer shall not reveal information protected by the attorney-client privilege under applicable law or other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).
- (b) To the extent a lawyer reasonably believes necessary, the lawyer may reveal:
  - (1) such information to comply with law or a court order;
  - (2) such information to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;

55. Bar Counsel's only allegations of misconduct in its complaint, besides alleging that Antonacci filed a frivolous complaint that is still on appeal, are Antonacci's statements in his EDVA complaint, all of which

involve claims against Storij, and its codefendants, made by and on behalf of Antonacci.

56. Antonacci is therefore allowed to make those statements pursuant to Rule 1.6(b)(2).

57. Bar Counsel's prosecution of this bar complaint is unconstitutionally vague.

58. Bar Counsel's prosecution of this bar complaint does not give Antonacci, or other Virginia lawyers, fair notice of conduct that could subject them to disciplinary action.

59. Bar Counsel's misapplication of Rule 1.6 will allow clients to defraud Virginia lawyers with impunity.

60. If Rule 1.6 may be construed in this manner, then it is unconstitutionally vague, and must be struck down.

61. Bar Counsel's misapplication of Rule 1.6 (which provides the exceptions to Rule 1.9 as well), is a violation of Antonacci's due process rights under Amendments V and XIV of the U.S. Constitution.

62. Bar Counsel's misapplication of Rule 1.6 (which provides the exceptions to Rule 1.9 as well), is a violation of Antonacci's due process rights under Article I, Sec. 11 of the Virginia Constitution.

63. Bar Counsel's certification expressly criticizes Antonacci's allegations, in his EDVA complaint, that the Complainant and other defendants engaged in racketeering activity against Antonacci at the behest of Joe Biden and Rahm Emanuel, the latter of whom is a defendant in the EDVA complaint, and Anton-

acci's former employers, who also have deep connections to the DNC. *See para. 65 infra.*

64. As alleged in the EDVA complaint, Antonacci worked at a law firm in Chicago, while Emanuel was Mayor, doing work with the City of Chicago's Department of Procurement Services. Antonacci questioned the constitutionality of some programs proposed by Seyfarth Shaw and Anita Ponder, and was later critical of Mayor Emanuel in general.

65. In addition, Antonacci makes the following statement in his reply brief in the Appeal (Ex. 6):

Antonacci has plainly alleged how each of these Appellees conducted the affairs of this enterprise, invested and maintained their interests therein, and conspired to commit the predicate acts alleged in the complaint. Rahm Emanuel, the H&K Defendants, and the Perkins Defendants are the central leadership of this criminal enterprise, as all of them have deep ties to the DNC, as alleged in the complaint.<sup>2</sup>

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<sup>2</sup> Stephen Shapiro is actually not connected specifically to the DNC except through Kiernan, the grifter trading on his wife's hard-earned influence there. Shapiro pushed Antonacci, the only successful attorney to ever work in Holland & Knight's Washington, DC, Construction & Design Group, out of the firm because Antonacci's success in the Katz Fraud Case scared Kiernan, who is well aware that the DNC has been operating as a bona fide criminal enterprise ever since it nominated Barack Obama (and The Chicago Way) with his campaign adviser and Defendant-Appellee Rahm Emanuel. Shapiro was elevated to Practice Group Leader of H&K's Construction & Design Group shortly after Antonacci was forced to resign (and Shapiro stabbed his partner of 20 years, the late Andrew W. Stephenson, in the back) despite that Sheppard Mullin LLP wanted to hire Antonacci as a

66. Bar Counsel's and the District Committee's prosecution of this matter is retaliation for Antonacci's protected political, ideological speech.

67. The Commonwealth of Virginia has a compelling state interest in protecting political, ideological speech.

68. Bar Counsel's prosecution of this bar complaint will have a chilling effect on protected speech and cause Virginia lawyers to self-censor.

69. Antonacci's statements are protected speech under the First Amendment of the U.S. Constitution.

70. Antonacci's statements are protected speech under Article 1, Section 12, of the Virginia Constitution.

71. Antonacci's statements are further protected by Virginia's absolute litigation privilege.

72. Bar Counsel's certification further claims that Antonacci violated Rule 3.1 by filing a civil complaint "found to be legally frivolous and is unsupported by evidence."

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senior associate in its Government Contracts Group at that time. Like Roland Burris being appointed by Rod Blagojevich to the Senate seat vacated by Barack Obama, Shapiro got his job in a manner consistent with his desire for it: In the worst way possible. And the group's subsequent failure is revealing. This criminal enterprise does not promote ethical and successful lawyers. In order to avoid liability for their criminal activity and control the outcome of as much civil litigation as possible, they want to promote the most unscrupulous and politically compromised lawyers possible, just like in Cook County. They have created a race to the bottom that is robbing this profession of both its dignity and its purpose.

73. Antonacci's claims are not frivolous and they are supported by evidence.

74. Antonacci perfected the Appeal of Judge Nachmanoff's baseless ruling that Antonacci's claims are frivolous. Briefing was completed on September 9, 2024. The Appeal is still pending, despite Antonacci moving the Fourth Circuit to expedite its decision. A true and correct copy of the docket report in the Appeal is attached hereto as Exhibit 9.

75. Bar Counsel's claim that Antonacci violated Rule 3.1, when his appeal is still pending, violates Antonacci's right to due process of law.

76. Bar Counsel's claim that Antonacci violated Rule 3.1, when his appeal is still pending, is retaliation for his protected political speech.

77. If the Fourth Circuit affirms the EDVA, then Antonacci will petition SCOTUS for writ of certiorari.

78. Antonacci has a right to adjudicate his case in federal court without interference by another trial where he has no right to discovery and none of the parties are present.

79. The Complainant, Shaun So, is not a party to the EDVA complaint.

80. Bar Counsel's prosecution of this case, besides having no basis under the Virginia Rules of Professional Conduct, denies Antonacci due process of law by forcing the adjudication of factual issues in dispute in the EDVA case, while denying Antonacci his right to adjudicate his case, and get discovery from Storij and the other twelve defendants and other relevant third parties, such as Lane Construction Corp.

81. Antonacci has no adequate remedy or recourse at law.

82. Notably, Defendant Seth T. Firmender, who was General Counsel of Lane and orchestrated the AEDOM Fraud identified in the EDVA complaint, fled Lane when Antonacci first attempted to have Firmender served.

83. The CEO of Lane, Mark Shiller, also instrumental to the AECOM Fraud, also fled Lane when Firmender was served with the complaint.

84. Defendant Matthew J. Gehringer, former General Counsel of Perkins Coie LLP, who orchestrated this enterprise's criminal campaign against Antonacci in Chicago, and its continuing campaign against Antonacci in this Commonwealth, fled Perkins Coie after Antonacci opened the EDVA action in PACER, but before Antonacci filed the complaint. Antonacci had not named Gehringer in his original draft of the complaint, but when Antonacci saw that he tried to run, Antonacci was able to name Gehringer as a defendant and have him served.

85. On February 7, 2025, Antonacci filed his Answer to Bar Counsel's complaint. A true and correct copy of Antonacci's Answer is attached hereto as Exhibit 10 (without exhibits).

86. Antonacci objects to the jurisdiction of Bar Counsel and the District Committee and elected to terminate the proceedings before the District Committee, pursuant to Va. Code Section 54.1-3935, to the extent this Court does not grant this Petition. A true and correct copy of Antonacci's demand letter is attached hereto as Exhibit 11.

87. On January 29, 2025 Antonacci notified Bar Counsel of his intent to file this Petition. As early as September 26, 2024, Antonacci notified Bar Counsel that its prosecution of VSB Docket No. 24-041-132040 denied Antonacci due process of law. Antonacci notified Bar Counsel that Mr. So's complaint has no basis under the Virginia Rules of Professional Conduct on May 13, 2024, the day he received it.

88. Pursuant to Rule 5:7(b)(1), Petitioner states that the taking of evidence is not necessary for the granting of this petition. As a matter of law, Bar Counsel's prosecution of this matter denies Antonacci his rights under the U.S. and Virginia Constitutions, as established in the public record of Antonacci's case currently before the Fourth Circuit and on the face of Bar Counsel's certification.

89. Antonacci will conclude this Petition by referring the Court to the records of his admission to the Virginia State Bar in 2008. Antonacci passed the Virginia Bar Exam in 2007, it being the first bar exam he took after being licensed through Wisconsin's diploma privilege in 2004, and then practicing law for the United States Government until he went to work for a law firm in Tysons Corner in 2006.

90. Antonacci was not admitted until 2008 because the Virginia State Bar's Committee on Character and Fitness had an issue with the number of speeding tickets Antonacci disclosed to the Committee. Apparently the driving record of Antonacci, who grew up in the Midwest where he also went to college and law school, evidenced an apparent disregard for the law, a presumption Antonacci had to rebut.

91. Antonacci now refers this Court back to the Certification filed by Bar Counsel in this matter.

92. It is not Antonacci who disregards the law.

WHEREFORE, Petitioner requests this Court issue a writ of mandamus:

COMMANDING that Bar Counsel dismiss the complaint that is the subject of VSB Docket No. 24-041-132040; and

Petitioner requests this Court issue a writ of prohibition:

COMMANDING A PERMANENT INJUNCTION preventing Bar Counsel from bringing or filing any complaint under Va. R. Prof. Cond. 1.6 and 1.9 because they are unconstitutionally vague; and

COMMANDING A PERMANENT INJUNCTION preventing Bar Counsel from bringing or filing a complaint against Antonacci related to VSB Docket No. 24-041-132040; or

COMMANDING A PRELIMINARY INJUNCTION preventing Bar Counsel from bringing or filing a complaint against Antonacci, related to VSB Docket No. 24-041-132040, until Antonacci's civil action, EDVA civil no. 1:24-cv-127, is adjudicated and all appeals are exhausted.

Pursuant to Va. Code Section 8.01-4.3, I verify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted

/s/ Louis B. Antonacci

(VSB # 75840)

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Dated: February 7, 2025

**Memorandum of Law in Support of Verified  
Petition for Writs of Mandamus and  
Prohibition**

**I. Statement of Relevant Law**

An attorney's lawsuit against his or her former client, alleging the client's tortious misconduct directed at that attorney, cannot be deemed misconduct by the attorney. Va. Rule Prof. Cond. Rule 1.6(b)(2). If a bar complaint against an attorney "does not present an issue under the Disciplinary Rules, Bar Counsel must not open an Investigation, and the Complaint must be dismissed." Va. R. Sup. Ct. 13-10.

The constitutions of both the United States and Virginia guarantee due process of law for each of its citizens, which is intertwined with the right to free expression. U.S. Const. Amends. I, V and XIV; Va. Const. Art. I, Sections 11 and 12. Although the requirements of procedural due process are fluid and fact dependent, the point of procedural due process is to require procedural fairness and to prohibit the state from conducting unfair or arbitrary proceedings. *Johnson v. Morales*, 946 F.3d 911 (6th Cir. 2020); U.S. Const. Amend. XIV; *see also* 16C C.J.S. Constitutional Law § 1884. "[D]ue process is flexible and calls for such procedural protections as the particular situation demands." *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972)).

"On several levels, Article I, Section 11 parallels the procedural due-process protections in the Fifth and Fourteenth Amendments to the United States Constitution . . . . In this respect, we hold that the protections of Article I, Section 11 are at least as

strong as the existing understanding of procedural due-process rights secured by the United States Constitution.” *Vlaming v. W. Point Sch. Bd.*, 302 Va. 504, 573–76, 895 S.E.2d 705, 743 (2023). “Under settled procedural due-process principles, a government requirement “is unconstitutionally vague if persons of ‘common intelligence must necessarily guess at [the] meaning [of the language] and differ as to its application.” *Id.* at 743-44. (quoting *Tanner v. City of Va. Beach*, 277 Va. 432, 439, 674 S.E.2d 848 (2009).

If a provision of law does not have “ascertainable standards,” then it does not give its citizens the “fair notice” required by the due process clause. *Id.* at 744. “This principle is particularly important when “vague language” implicates free-speech concerns because of the risk that individuals will self-censor “based on a fear that they may be violating an unclear law.” *Id.* (quoting *Tanner*, 277 Va. at 439); *see also FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253-54 (2012) (recognizing that the “requirement of clarity in regulation is essential to the protections provided by the Due Process Clause” and that “[w]hen speech is involved, rigorous adherence to [due-process] requirements is necessary to ensure that ambiguity does not chill protected speech”).

“The constitutional prohibition against vagueness also protects citizens from the arbitrary and discriminatory enforcement of laws. A vague law invites such disparate treatment by impermissibly delegating policy considerations ‘to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application.” *Tanner*, 277 Va. at 439 (quoting *Grayned v. City of Rockford*, 408 U.S. 104, 108-9 (1972).

Under Virginia law, the absolute litigation privilege applies to any and all in-court statements, written or oral. *Titan Am., LLC v. Riverton Inv. Corp.*, 264 Va. 292, 308–09 (2002) (finding statement in filed complaint privileged “because of the safeguards in those proceedings, including rules of evidence and penalties for perjury”); *Darnell v. Davis*, 190 Va. 701, 701 (1950) (“[g]enerally the privilege of judicial proceedings is not restricted to trials of civil actions or indictments, but it includes every proceeding before a competent court or magistrate in the due course of law or the administration of justice which is to result in any determination or action of such court or officer”); *Fletcher v. Maupin*, 138 F.2d 742, 742 (4th Cir. 1943) (“[t]he statements contained in the answers filed by the attorneys were true beyond any doubt; in addition to this they were privileged”).

“A writ of prohibition is an extraordinary remedy employed ‘to redress the grievance growing out of an encroachment of jurisdiction.’” *Elliott v. Great Atlantic Management Co., Inc.*, 236 Va. 334, 338 (1988) (quoting *James v. Stokes*, 77 Va. 225, 229 (1883)). “Mandamus is an extraordinary remedy that may be used ‘to compel performance of a purely ministerial duty, but it does not lie to compel the performance of a discretionary duty.’” *Ancient Art Tattoo Studio, Ltd. v. City of Virginia Beach*, 263 Va. 593, 597, 561 S.E.2d 690, 692 (2002) (quoting *Board of County Supervisors v. Hylton Enters., Inc.*, 216 Va. 582, 584, 221 S.E.2d 534, 536 (1976)).

A petition for mandamus or prohibition should be sustained when the petitioner has no adequate remedy at law. *King v. Hening*, 203 Va. 582, 586, 125 S.E.2d 827, 830 (1962).

“[T]he failure to state a proper cause of action calls for a judgment on the merits and not for a dismissal for want of jurisdiction.” *Amazon.com, Inc. v. WDC Holdings LLC*, No. 20-1743, 2021 WL 3878403 at \*5 (4th Cir. Aug. 31, 2021) (quoting *Bell v. Hood*, 327 U.S. 678, 682 (1946), to reverse and remand dismissal of Amazon’s RICO claims). A plaintiff may prove a RICO conspiracy, like the one alleged in Antonacci’s EDVA complaint, “solely by circumstantial evidence.” *Borg v. Warren*, 545 F. Supp. 3d 291, 319 (E.D. Va. 2021); (citing *United States v. Cornell*, 780 F.3d 616, 623 (4th Cir. 2015)).

In both the Fourth and Seventh Circuits, unpublished opinions have no precedential value whatsoever. *Hall v. United States*, 44 F.4th 218, n.11 (4th Cir. 2022); *see also Bankers Tr. Co. v. Old Republic Ins. Co.*, 7 F.3d 93, 94–95 (7th Cir. 1993).

## II. Argument

These proceedings reflect poorly on the Virginia State Bar. This action is clearly a political prosecution aimed at baselessly attacking Antonacci for exercising his protected speech and asserting claims for racketeering activity perpetrated against him by deep state tools of, and a criminal enterprise associated with, the Democratic National Committee. The object of this prosecution seems to be to get advance discovery from Antonacci and, realizing that his case against the insidious criminal enterprise alleged in his complaint is meritorious, taking away his law license so that he is unable to prosecute it effectively.

These proceedings are a caricature of a real problem in American politics: the weaponization of justice systems. Pursuant to Rule 1.6(b)(2), Anton-

acci's allegations against Storij and its criminal co-conspirators, in his federal lawsuit, simply cannot constitute misconduct under the Virginia Rules of Professional Conduct. And Bar Counsel's claim that Antonacci violated Rule 3.1 is simply premature until all of Antonacci's appeals are exhausted. Antonacci has more than a reasonable basis to bring his claims, which are supported by overwhelming circumstantial evidence and therefore sufficient to prove his case in civil court. Va. R. Sup. Ct. 13-10; Va. R. Prof. Cond. 1.6. Moreover, Antonacci's in-court statements are protected by Virginia's litigation privilege. *Titan*, 264 Va. at 308–09; *Darnell*, 190 Va. at 701, *Fletcher*, 138 F.2d at 701.

Antonacci understands that Bar Counsel has discretion, but that discretion cannot be used to bring baseless political prosecutions against members of the Virginia Bar for asserting meritorious claims against fraudulent tortfeasors and exercising their constitutional rights. U.S. Const. Amends. V and XIV; Va. Const. Art. I, Section 11; *Matthews*, 424 U.S. at 334; *Vlaming*, 302 Va. at 573–76; *Tanner*, 277 Va. at 439; *Fox Television Stations*, 567 U.S. at 253-54; *Grayned*, 408 U.S. at 108-9. No reasonable lawyer or layperson could read Rule 1.6 and conclude they could be subject to disciplinary action for filing a civil suit against a former client, absent a Rule 11 violation. *Vlaming*, 302 Va. at 573–76; *Tanner*, 277 Va. at 439.

Neither Storij nor any other defendant even sought a Rule 11 motion in the EDVA, nor were any sanctions imposed on Antonacci, nor has any sanction ever been imposed on him by any court or tribunal. This abuse of bureaucratic power is the hallmark of totalitarian governments, not democratic republics

like the United States of America, and would clearly have a chilling effect on lawyers seeking to assert their rights against clients who defrauded them.

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). Bar Counsel has flipped the legal order on its head in a blatant abuse of bureaucratic power for political purposes. 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 this Commonwealth and these United States. U.S. Const. Amends. V and XIV; Va. Const. Art. I, Section 11; *Matthews*, 424 U.S. at 334; *Vlaming*, 302 Va. at 573–76; *Tanner*, 277 Va. at 439; *Fox Television Stations*, 567 U.S. at 253–54; *Grayned*, 408 U.S. at 108–9.

When citizens lose faith in their government, and in particular the equitable functioning of legal processes, civil society breaks down.<sup>3</sup> And while

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3 “New data from Gallup, a pollster, show that American trust in several national institutions is on the decline. That may not be surprising, given the fraught state of the country’s politics, but the cumulative fall over the twenty years is startling. Twenty years ago Americans had the highest confidence in their national government of people in any G7 country. Today they have the lowest. Americans are tied with Italians in having the lowest trust in their judicial system, and come last in faith in honest elections.” THE ECONOMIST, *America’s trust in its institutions has collapsed* (April 17, 2024), available at <https://www.economist.com/united-states/2024/04/17/americas-trust-in-its-institutions-has-collapsed>.

Antonacci is starting to believe that is what these people want, the foundational principles of this republic preclude such wanton self-destruction by state actors. That is. a feature of this great nation, not a bug.

Antonacci would also like to address Bar Counsel's not-so-subtle message to him throughout these proceedings. In email correspondence with Bar Counsel's office and Mr. Graves (all the "Little Eichmanns," from Antonacci's perspective), they have separately sent Antonacci follow-up emails with Virginia's seal enlarged to fill the entire screen: "Sic semper tyrannis" (thus always to tyrants).

But Antonacci is no tyrant – this faceless bureaucracy is the despot. Antonacci is a lawyer who has been advocating for truth and justice against a would-be totalitarian regime for some time now. And as Hannah Arendt pointed out in her far-reaching work of political philosophy, *Between Past and Future*, the truth can be a bit tyrannical. But the duty of our courts of law, of which the Virginia State Bar is a body, is to administer justice by finding the truth not tainted by politics. Bar Counsel is flipping our legal order on its head to ensure the truth is not revealed, and that Antonacci is unjustly persecuted for advocating for his rights as citizen of these United States and this Commonwealth. That is how, as Arendt predicted, the perfect bureaucracy disgraces jurists and with them our entire legal system, without which there is no civil society.

Antonacci has no recourse at law. *Hening*, 203 Va. at 586. Antonacci cannot seek discovery in a disciplinary matter, so any adjudication of matters relevant to his case in the Eastern District of Virginia,

which is the only matter to which the instant bar complaint pertains, will necessarily be prejudicial to him. And while anyone with a middle-school reading level can ascertain that Antonacci's claims are not frivolous (*see, e.g. Amazon.com*, 2021 WL 3878403 at \*5), that issue cannot be addressed, for the purposes of a bar complaint, until Antonacci's case is resolved.

Bar Counsel's certification is a premature and arbitrary application of the Virginia Rules of Professional Conduct to prosecute Antonacci for conduct he could not have been on fair notice would violate those Rules. U.S. Const. Amends. V and XIV; Va. Const. Art. I, Section 11; *Matthews*, 424 U.S. at 334; *Vlaming*, 302 Va. at 573–76; *Tanner*, 277 Va. at 439; *Fox Television Stations*, 567 U.S. at 253-54; *Grayned*, 408 U.S. at 108-9. Bar Counsel's certification is also retaliation for his protected political speech and availing himself of the laws of these United States, and therefore fundamentally a denial of due process of law and Antonacci's freedom of speech. U.S. Const. Amends. V and XIV; Va. Const. Art. I, Section 11; *Matthews*, 424 U.S. at 334; *Vlaming*, 302 Va. at 573–76; *Tanner*, 277 Va. at 439; *Fox Television Stations*, 567 U.S. at 253-54; *Grayned*, 408 U.S. at 108-9. This petition should be granted. *Id.*

WHEREFORE, for the reasons stated herein, Plaintiff-Appellant Louis B. Antonacci respectfully requests that this Honorable Court issue a Writ of Mandamus COMMANDING that Bar Counsel dismiss the complaint that is the subject of VSB Docket No. 24-041-132040; and issue a Writ of Prohibition 1) COMMANDING A PERMANENT INJUNCTION preventing Bar Counsel from bringing or filing any complaint under Va. R. Prof. Cond. 1.6 as

unconstitutionally vague; and 2) COMMANDING A PERMANENT INJUNCTION preventing Bar Counsel from bringing or filing a complaint against Antonacci related to VSB Docket No. 24-041-132040; or 3) COMMANDING A PRELIMINARY INJUNCTION preventing Bar Counsel from bringing or filing a complaint against Antonacci, related to VSB Docket No. 24-041-132040, until Antonacci's civil action, EDVA civil no. 1:24-cv-127, is adjudicated and all appeals are exhausted.

Respectfully submitted

/s/ Louis B. Antonacci

(VSB # 75840)

ANTONACCI PLLC

501 Holland Lane #107

Alexandria, VA 22314

703-300-4635

[lou@antonaccilaw.com](mailto:lou@antonaccilaw.com)

Dated: February 7, 2025

**VIRGINIA STATE BAR  
LETTER FILING BAR COMPLAINT IN  
ALEXANDRIA CIRCUIT COURT  
(FEBRUARY 28, 2025)**

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Virginia State Bar  
1111 East Main Street, Suite 700  
Richmond, Virginia 23219-0026  
Telephone: (804) 775-0500

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VIA First-Class Mail  
Hon. J. Greg Parks, Clerk  
Alexandria Circuit Court  
520 King Street, Room 307  
Alexandria, VA 22314

Re: *Virginia State Bar ex rel. Fourth District, Section I Committee v. Louis B. Antonacci*  
City of Alexandria Case No. \_\_\_\_  
VSB Docket No. 24-041-132040

Dear Mr. Parks:

Enclosed please find the original and one copy of a Complaint regarding the above-referenced matter, which is being referred to you for docketing pursuant to Va. Code § 54.1-3935 of the Code of Virginia (enclosed).<sup>1</sup> Please return the enclosed copy of the Complaint to the undersigned bearing the Court's filing stamp.

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<sup>1</sup> <https://law.lis.virginia.gov/vacode/title54.1/chapter39/section54.1-3935/>

Also enclosed is a draft of a Rule to Show Cause. In accordance with Va. Code § 54.1-3935(A), please present it to the Chief Judge of your Court for entry.

This matter is scheduled for hearing on June 11 and June 12, 2025, in your Court before a three-judge panel to be appointed by the Supreme Court of Virginia.

The Virginia State Bar is an agency of the Commonwealth of Virginia, and therefore, under Va. Code § 17.1-266, no fee is chargeable for the filing of this pleading.

Thank you for your assistance.

Sincerely,

/s/ Richard W. Johnson Jr.  
Assistant Bar Counsel

RWJ/mm  
Enclosure

cc: Louis Bernardo Antonacci, Respondent, by first-class mail and email  
Edward M. Macon, Asst. Executive Secretary and Counsel of the Supreme Court of Virginia, by first-class mail  
Hon. Joanne Fronfelter, Clerk of the Disciplinary System, by email only  
Robert Graves, VSB Investigator, by email only

**AFFIDAVIT OF LOUIS B. ANTONACCI  
IN SUPPORT OF REPLY BRIEF OF  
PLAINTIFF-APPELLANT  
(SEPTEMBER 9, 2024)**

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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LOUIS B. ANTONACCI,

*Plaintiff-Appellant,*

v.

RAHM ISRAEL EMANUEL ET. AL.,

*Defendants-Appellees.*

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Appeal Nos. 24-1544(L); 24-1545

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**AFFIDAVIT OF LOUIS B. ANTONACCI  
IN SUPPORT OF REPLY BRIEF OF  
PLAINTIFF-APPELLANT**

I, Louis B. Antonacci, under penalty of perjury, declare the following:

1. I am over 18 years old and I am competent to testify to the facts and matters set forth in this Affidavit. I have personal knowledge of the facts set forth in this Affidavit and, if called to testify, could competently testify to those facts.

2. On May 13, 2024, I received a notice of a complaint made against me by the Virginia State Bar, VSB Docket No. 24-041-132040. A true and correct copy of that notice is attached hereto as Exhibit A.

3. The VSB forwarded the complaint, which was filed by Shaun So, the “CEO” of Defendant-Appellee Storij, Inc d/b/a STOR Technologies d/b/a The So Company d/b/a Driggs Research International with the VSB on May 9, 2024. A true and correct copy of that complaint is attached as Exhibit B.

4. I responded to the Complaint on June 3, 2024. A true and correct copy of that response is attached hereto as Exhibit C.

5. On June 11, 2024, the VSB referred the matter to a District Committee for investigation. A true and correct copy of the referral letter is attached hereto as Exhibit D.

6. Neither the VSB, nor anyone from any committee of the VSB, has asked me for any further information concerning VSB Docket No. 24-041-132040, or any other matter.

7. On June 18, 2024, I was cycling westbound on the Washington and Old Dominion Trail in Arlington, Virginia. When I entered the trail’s intersection with Walter Reed Drive, a motor vehicle, who had a red light, abruptly pulled into the crosswalk, blocking my egress back onto the trail. I was traveling a little over 20mph on my triathlon bike at that time.

8. I served to avoid the motor vehicle and struck the curb. I flew headlong over the handlebars, landing directly on my head and shoulders. I was wearing a helmet, but I broke my left clavicle in two places. The

driver sped off immediately, but I saw and recorded the license plate on my mobile phone. The car is registered to a Mr. Sergio Palma, who resides in Arlington County.

9. I visited Fairfax Innova Emergency Room, where they took an x-ray showing the left clavicle broken in two places. A true and correct copy of my discharge papers, together with a photo of the initial x-ray, is attached as Exhibit E.

10. The break got much worse over time, and thus I had surgery on the broken clavicle on August 27, 2024, where a titanium plate was drilled onto the clavicle. I am scheduled for follow-up surgery on September 10, 2024. True and correct copies of post-surgical x-rays are attached hereto as Exhibit F.

11. In the past four years alone, I have cycled approximately 5,000 miles on the streets and trails of Washington, DC and Northern Virginia. I have never had an accident in the that time or on the Cervelo P3 I was riding that day. On June 18, 2024, I was cycling on a route that I ride two or three times per week.

12. Arlington County's Police Department, and the Commonwealth's Attorney, refuse to investigate or prosecute the matter.

13. On June 25, 2024, I received a letter, a true and correct copy of which is attached hereto as Exhibit G, from Mifuyu Yoshida, Second Secretary and Counsel at the Japanese Embassy in Washington, DC, stating that Defendant-Appellee Emanuel refuses to accept service of the complaint in the above-captioned matter.

Dated: September 9, 2024

FURTHER AFFIANT SAYETH NOT.

/s/ Louis Bernardo Antonacci  
Signature

Louis Bernardo Antonacci  
Full Name

**VIRGINIA ATTORNEY GENERAL'S  
DEMURRER AND MOTION TO DISMISS  
PETITION FOR MANDAMUS/PROHIBITION,  
FILED IN SUPREME COURT OF VIRGINIA  
(FEBRUARY 28, 2024)**

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IN THE SUPREME COURT OF VIRGINIA

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LOUIS B. ANTONACCI,

*Petitioner,*

v.

RENU BRENNAN and THE VIRGINIA STATE  
BAR,

*Respondents.*

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Record No. 250106

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Jason S. Miyares  
Attorney General

Steven G. Popps (#80817)  
Chief Deputy Attorney General

Erin R. McNeill (#78816)  
Assistant Attorney General

Bridget E. Ambrosio (#88616)  
Assistant Attorney General

Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219

Counsel for Respondents

## **DEMURRER AND MOTION TO DISMISS**

The Petitioner, Louis B. Antonacci, petitions this Court for extraordinary writs to compel the Virginia State Bar (“VSB”) and bar counsel to the VSB, Renu Brennan (“Bar Counsel”), to dismiss the disciplinary procedure that the VSB has initiated against Antonacci and prohibit the VSB and Bar Counsel from bringing any additional disciplinary complaints against him in the future. The petition fails to state a basis for a writ of mandamus or a writ of prohibition and therefore should be dismissed.

The VSB and Bar Counsel state the following basis for their demurrer and motion to dismiss.

1. Antonacci concedes that a writ of mandamus applies only to compel a ministerial act that does not involve the exercise of discretion. Petition, 27-28.
2. He also concedes that bringing disciplinary action is discretionary, not ministerial. Petition, 30.
3. Antonacci disagrees about the basis for his disciplinary action, but at best that disagreement creates an argument that the disciplinary action is an abuse of discretion, not that it is a ministerial act. Petition, 30.
4. Therefore, Antonacci has failed to state a basis for a writ of mandamus to dismiss the disciplinary action already instituted against him. *Moreau v.*

*Fuller*, 276 Va. 127, 135 (2008) (quoting *Ancient Art Tattoo Studio, Ltd. v. City of Va. Beach*, 263 Va. 593, 597 (2002)).

5. Antonacci also fails to state a basis for a writ of prohibition.

6. A writ of prohibition is only appropriate to “restrain an inferior court from acting in a matter of which it has no jurisdiction.” *County Sch. Bd. of Tazewell Cnty. v. Snead*, 198 Va. 100, 107 (1956) (quoting *Grigg v. Dalshelmer*, 88 Va. 508 (1891)).

7. The VSB and Bar Counsel were clearly acting within their jurisdiction to investigate a Bar Complaint filed by Antonacci’s former client. Code § 54.1-3910.

8. The VSB’s disciplinary process also includes a right of appeal, which is an additional basis to find that a writ of prohibition is inapplicable. *See Shell v. Cousins*, 77 Va. 328, 333 (1883).

9. Therefore, the petition for a writ of prohibition must also fail.

For the reasons stated above and in the Memorandum of Law filed concurrently below, the VSB and Bar Counsel respectfully request that this Court dismiss the petition for writs of mandamus and prohibition.

Respectfully submitted,  
Virginia State Bar  
Renu Brennan, in her official capacity.  
Jason S. Miyares

Attorney General

Steven G. Popps (#80817)  
Chief Deputy Attorney General

Bridget E. Ambrosio (#88616)  
Assistant Attorney General

/s/ Erin R. McNeill (#78816)  
Assistant Attorney General

Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219

Counsel for Respondents

February 28, 2024

## INTRODUCTION

Petitioner Louis B. Antonacci has filed the instant Petition for Writs of Mandamus and Prohibition in yet another attempt to litigate what he alleges is a far-reaching conspiracy between his former client and a vast array of public figures and former colleagues. The Petition seeks a writ of mandamus to compel the Virginia State Bar (“VSB”) and the VSB’s Counsel, Renu Brennan (“Bar Counsel”), to dismiss the pending disciplinary action against him, despite the fact that a VSB Disciplinary Subcommittee has already determined that Antonacci engaged in misconduct in violation of the Rules of Professional Conduct. Memo. in Supp. of Petition, Exhibit 8, 4-5. This court should deny the petition.

Antonacci is also petitioning for a writ of prohibition that would result in injunctive relief. First, Antonacci seeks a permanent injunction preventing the VSB and Bar Counsel from “bringing or filing any complaint under Va. R. Prof. Cond. 1.6 and 1.9,” without limitation that this prohibition would apply only to him. Petition, 22. Second, Antonacci seeks an injunction “preventing Bar Counsel from bringing or filing a complaint against Antonacci related to VSB Docket No. 24-041-132040.” Pet. 23. Alternatively, Antonacci seeks a preliminary injunction preventing Bar Counsel from pursuing the Bar Complaint (*See* Complaint Form, *Antonacci v. Emanuel*, Appeal Nos. 24-1544(L); 24 1545, Docket No. 56, 8, (Fourth Cir. Sept. 9m 2024) *attached to* Petition as Exhibit 6(B)) until Antonacci’s civil lawsuit has been “adjudicated and all appeals are exhausted.” *Id.*

Neither writ that Antonacci seeks is appropriate here. A writ of mandamus cannot compel the discre-

tionary acts of investigating a bar complaint or prosecuting a lawyer for violating the Rules of Professional Conduct. *Moreau v. Fuller*, 276 Va. 127, 135 (2008) (quoting *Ancient Art Tattoo Studio, Ltd. v. City of Va. Beach*, 263 Va. 593, 597 (2002)). A writ of prohibition cannot constrain the acts of any entity other than a court inferior to the one receiving the petition. *Howell v. McAuliffe*, 292 Va. 320, 353 n.19 (2016) (citing *Burch v. Hardwicke*, 64 Va. (23 Gratt.) 51, 58 (1873)). Thus, the Petition is not the appropriate vehicle for the relief Antonacci is seeking, and this Court should deny it.

## **STATEMENT**

Antonacci was admitted to the Virginia State Bar in 2008. Memo. in Supp. of Petition, Exhibit 8 (“Subcommittee Certification”), 1. At all relevant times, he was a member of the Virginia Bar and subject to the Virginia Rules of Professional Conduct. *Id.* From 2015 to 2023, Antonacci represented a client (“Client”) in the review and negotiation of contracts. *Id.*; *see also* Memo. in Supp. of Petition, Exhibit 10 (“Antonacci’s Obj. to Determination”), 5. In the course of the representation, Antonacci learned confidential information about the nature of Client’s business and skills, including Client’s intelligence background, interrogation skills, and computer expertise gained through Client’s military service. Subcommittee Certification, 1.

In December 2023, Antonacci terminated his representation of Client. *Id.* Just two months later,

Antonacci filed a Complaint<sup>1</sup> (the “Case”) in the Eastern District of Virginia against Client and a number of other individuals, alleging they were all engaged in a decade-long criminal conspiracy to derail Antonacci’s legal career. *Id.* at 2. In the Case, Antonacci expressly set forth Client’s expertise in intelligence work and computer systems and alleged that Client had used this expertise in furtherance of the criminal conspiracy against Antonacci. *Id.* Antonacci also alleged that Client illegally accessed Antonacci’s cell phone and computer systems using Client’s expertise. *Id.*

Client filed a generalized complaint with the VSB (the “Bar Complaint”) questioning Antonacci’s fitness to practice law on May 9, 2024. See Complaint Form, *Antonacci v. Emanuel*, Appeal Nos. 24-1544(L); 24-1545, Docket No. 56, 8, (Fourth Cir. Sept. 9m 2024) attached to Petition as Exhibit 6(B). In the course of investigating the complaint, the VSB determined that Antonacci’s disclosure in the Case was unauthorized and that the information about Client’s specific expertise in intelligence and accessing computer and cell phone systems without authorization was confidential. *Id.* at 3. Client alleged during the investigation that Antonacci’s disclosure would likely harm the Client’s career. In addition, the Case was clearly adversarial to the Client and cost the Client \$150,000 in attorneys’ fees. *Id.*

Notably, the Case was the second federal complaint that Antonacci had filed related to the purported criminal conspiracy against him. *Id.* The first, filed in Illinois, was dismissed because the allegations were

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<sup>1</sup> A complete copy of the complaint is attached as Exhibit 1 to the Memorandum in Support of the Petition.

clearly frivolous and implausible, failing the *Twombly-Iqbal* pleading standard. *Antonacci v. City of Chicago*, 640 F. App'x 553, 556 (7th Cir. 2016) [*Antonacci I*]. The dismissal was affirmed by the Seventh Circuit on appeal. *Id.* at 557.

The Eastern District of Virginia dismissed the Case against the Client on a similar basis on May 23, 2024, expressly agreeing with the conclusion of the Seventh Circuit that the allegations in both complaints were “legally frivolous” because they are “so unsupported by any plausible detail as to be preposterous.”<sup>2</sup> *Antonacci v. Emanuel*, 2024 U.S. Dist. LEXIS 107279, \*7 n.2, 2024 WL 2988943 (E.D. Va., May 23, 2024) [*Antonacci II*] (quoting *Antonacci I*, 640 F. App'x at 557) The court expressly held that the allegations that Client “hacked into [Antonacci’s] computer’s cameras and audio during a Zoom videoconference” was “conclusory speculation” that was “not plausible enough to engage jurisdiction,” just as it had not been plausible when Antonacci made the allegations in the Seventh Circuit. *Antonacci II*, 2024 U.S. Dist. LEXIS 107279, \*7 n.2, 2024 WL 2988943. The court stated that “Antonacci continues to fling wild accusations at large” against unconnected people in an implausible criminal conspiracy claim. *Id.* The court held that he failed to state a credible claim to relief sufficient to trigger federal jurisdiction. *Id.*

Meanwhile the VSB continued to investigate Client’s Bar Complaint. The VSB asked Antonacci to disclose the basis for his claim that Client had hacked

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<sup>2</sup> A copy of Judge Nachmanoff’s memorandum opinion and order dismissing the case is attached as Exhibit 5 to the Memorandum in Support of the Petition.

Antonacci's cell phone and computer. Subcommittee Certification, 4. Antonacci had no actual proof but only a bare allegation that Client had hacked Antonacci's devices because his Client had the skill set and opportunity to do so. *Id.*; Antonacci's Obj. to Determination, 13-14 (admitting there is no actual evidence his devices were hacked other than that the Client did not deny doing so when served with requests for admissions.<sup>3</sup>); Complaint, *Antonacci II*, ¶¶ 356-59 (attached as Exhibit 1 to the Memo. in Supp. of Petition)

The VSB's Disciplinary Subcommittee concluded that Antonacci violated Rules 1.9 and 3.1 of the Rules of Professional Conduct by creating a conflict of interest with his client by using and disclosing confidential information—gained during Antonacci's representation of Client—against Client's interests, in two implausible federal lawsuits. Subcommittee Certification, 4. Following this determination, Antonacci both filed a demand to terminate the VSB's Disciplinary Subcommittee's proceedings and continue the remainder of the proceedings before a three-judge panel and filed the Petition for Writs of Mandamus and Prohibition at bar.

Antonacci included the confidential information contained in both federal complaints, unredacted and in its entirety, as exhibits in support of his Petition.

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<sup>3</sup> Client opted instead to object to the requests as untimely under the applicable Federal Rules of Civil Procedure. *See Memo. in Supp. of Petition, Exhibit K(2)(2), Defendant The So's Company's Objections to Plaintiff's First Requests for Admission.*

## STANDARD OF REVIEW

In an extraordinary writ action, “the contention that a pleading does not state a cause of action or that such pleading fails to state facts upon which the relief demanded can be granted may be made by demurrer.” Code § 8.01-273; *see* Code § 8.01-647 (“The defendant may file a demurrer . . . to the [prohibition] petition.”). A demurrer “tests the legal sufficiency” of a pleading. *Harris v. Kreutzer*, 271 Va. 188, 195 (2006). It “admits the truth of the facts contained in the pleading to which it is addressed, as well as any facts that may be reasonably and fairly implied and inferred from those allegations,” but “does not, however, admit the correctness of the pleader’s conclusions of law.” *C. Porter Vaughan, Inc. v. DiLorenzo*, 279 Va. 449, 455 (2010) (internal quotation omitted). “To survive a challenge by demurrer, a pleading must be made with sufficient definiteness to enable the court to find the existence of a legal basis for its judgment.” *Rafalko v. Georgiadis*, 290 Va. 384, 396 (2015) (internal quotation omitted). The burden is on the petitioner to demonstrate “a proper case in its petition for the exercise of the extraordinary remedy prayed for.” *Cnty. Sch. Bd. of Tazewell Cnty. v. Snead*, 198 Va. 100, 104, 92 S.E.2d 497, 501 (1956).

## ARGUMENT

### I. A Writ of Mandamus Cannot Compel a Discretionary Act

This Court should dismiss the Petition because the relief requested, a writ of mandamus compelling Bar Counsel to dismiss the Bar Complaint and proceedings against Antonacci, would improperly compel discretionary acts. Petition, 30. The Supreme Court

has held that petitioners seeking a writ of mandamus must assert that a respondent has a “legal duty . . . to perform the act which [they] seek[] to compel” and that petitioners must have a “clear right . . . to the relief sought.” *Board of Cnty. Supr’s v. Hylton Enters.*, 216 Va. 582, 584 (1976) (citing *Richmond-Greyhound Lines, Inc. v. Davis*, 200 Va. 147, 152 (1958)). The act which Antonacci seeks to compel—dismissal of the investigation and subsequent proceedings related to the Bar Complaint against him by Client—is a discretionary one, not a ministerial act. Va. Sup. Ct. R. pt. 6, § IV, ¶ 13-8(A)(l)). The Supreme Court Rules governing the prosecution of bar complaints expressly state that “Bar counsel is to “act independently and exercise prosecutorial autonomy and discretion” when initiating, investigating, presenting or prosecuting bar complaints or other proceedings. *Id.* Bar Counsel’s discretion is not a proper subject for the extraordinary remedy of mandamus, which “does not lie to compel the performance of a discretionary duty.” *Moreau v. Fuller*, 276 Va. 127, 135 (2008) (quoting *Ancient Art Tattoo Studio, Ltd. v. City of Va. Beach*, 263 Va. 593, 597 (2002)).

In fact, ironically, on the same day Antonacci filed the Petition, he also notified the VSB that he was exercising his statutory right to terminate the proceedings in front of the VSB Disciplinary Board and proceed in front of a three-judge panel pursuant to Virginia Code § 54.1-3935. Code § 54.1-3935 triggers a ministerial duty for the VSB to “file a complaint in a circuit court where venue is proper.” Then, the chief judge of the circuit court has a ministerial duty to issue a show cause why the attorney should not be disciplined. *Id.* The rule to show cause and scheduling

the hearing on the rule to show cause will trigger a ministerial duty for the Chief Justice of the Supreme Court to designate the three judges for the panel “to hear and decide the case.” *Id.*

Therefore, Antonacci has triggered a ministerial duty for the VSB and Bar Counsel to file a complaint against him in circuit court. The only ministerial duty this Court can compel the VSB to perform in the Antonacci case is to file the complaint in circuit court, not dismissal of the case entirely. The VSB could not dismiss the case even if it wanted to; the discretion to do is now vested solely with the three-judge panel that will be appointed by the Supreme Court.<sup>4</sup>

This Court should sustain the demurrer and dismiss Antonacci’s petition for a writ of mandamus because the only relevant ministerial duty at this stage would be for the VSB to file the Bar Complaint in a circuit court and have the case decided by a three-judge panel. That is not the act that Antonacci seeks to compel. Instead, the act Antonacci seeks to compel—the dismissal of his bar case—is a discretionary one that lies solely within the authority of the judges who will hear that case. Code § 54.1-3935. It thus is entirely inappropriate for mandamus here. *Moreau*, 276 Va. at 135 (quoting *Ancient Art Tattoo Studio, Ltd. v. City of Va. Beach*, 263 Va. 593, 597 (2002)).

## **II. Antonacci Has Failed to State a Basis for a Writ of Prohibition**

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<sup>4</sup> The VSB acknowledges, however, that it has discretion in the precise language of the complaint it files in the circuit court as well as in its presentation of the case against Antonacci before the panel judges.

Antonacci also failed to state a basis for a writ of prohibition that would restrain the VSB and Bar Counsel from investigating and prosecuting Antonacci for violations of the Rules of Professional Conduct here. That failure further compels this Court to dismiss his petition.

A writ of prohibition is a form of “extraordinary” relief. It is inappropriate when there is a right of appeal, *see Shell v. Cousins*, 77 Va. 328, 333 (1883), or when there is no lower court that is acting in excess of its jurisdiction. *Howell v. McAuliffe*, 292 Va. 320, 353 n.19 (2016) (citing *Burch v. Hardwicke*, 64 Va. (23 Gratt.) 51, 58 (1873)).

Antonacci’s Petition violates these fundamental principles applying to a writ of prohibition. The VSB clearly has jurisdiction to investigate Client’s Bar Complaint and prosecute any violations of the Virginia Rules of Professional Conduct, and so is acting properly within its authority. Va. Sup. Ct. R. pt. 6, § IV, ¶ 13-8(A)(l)). Besides, that VSB disciplinary procedure has a robust process for appeal and judicial review. And moreover, the VSB and Bar Counsel are also not an inferior court in the first place, so it would not properly be the subject of a writ of prohibition. Therefore, Antonacci has failed to state a claim for a writ of prohibition.

#### **A. A Writ of Prohibition Exists to Prevent a Court from Acting Without Jurisdiction**

Antonacci seeks to restrain the VSB and Bar Counsel from “bringing or filing any complaint” pursuant to Virginia Rules of Professional Conduct 1.6 or 1.9 or related to VSB Docket No. 24-041-132040. Petition, 22-23. Yet injunctive relief against the VSB

and Bar Counsel cannot be obtained through a writ of prohibition. Writs of prohibition are properly and historically only used to constrain an inferior court, not to govern an administrative agency of the Supreme Court. *Howell*, 292 Va. at 353 n.19.

In *Howell*, members of the General Assembly petitioned the Supreme Court for writs of mandamus and prohibition to prevent the Governor and various state elections officials from processing the Governor's executive order that exceeded his constitutional authority. *Id.* at 328.

This Court engaged in a lengthy analysis of whether to grant the writ of mandamus but dispensed with the petition for a writ of prohibition in a single footnote at the end of the opinion. *Id.* at 353 n. 19. In the footnote, the Court simply stated that it was declining the request for a writ of prohibition because a writ of prohibition was from a superior court to an inferior court. *Id.* Although the Supreme Court held that the Governor had acted in excess of his constitutional authority in issuing the executive order, this Court held that a writ of prohibition did not apply. *Id.* at 350.

The VSB is an administrative agency of the Supreme Court. Code § 54.1-3910. As such, unlike a circuit court, the VSB is not an inferior court to the Supreme Court. Renu Brennan, as counsel for the VSB, is not a court but an attorney, and thus is even further removed from being "an inferior court," as required for a writ of prohibition to issue. *Howell*, 292 Va. at 353 n.19. A writ of prohibition will not lie against an entity other than an inferior court, even if the VSB or Bar Counsel had acted outside of their jurisdiction or contrary to the constitution. *Id.*

But even if the VSB could be constrained by a writ of prohibition when performing a judicial function, *see Wright v. Va. State Bar*, 233 Va. 491, 497 (1987), here the VSB was acting entirely within its jurisdiction. The Code of Virginia grants the VSB authority as an administrative agency to investigate and report “violations of the rules and regulations adopted by the [Supreme] Court under this article.” Code § 54.1-3910. The VSB’s actions here were fully within that authority.

Indeed, Antonacci does not argue that the VSB or Bar Counsel are acting outside their jurisdiction. His arguments are an attempt to litigate the Bar Complaint on its merits. Yet Antonacci has already demanded a hearing in front of a three-judge panel pursuant to Code § 54.1-3935, which will permit him to raise these arguments. *See Memo. in Supp. of Petition*, Exhibit 11. Because Antonacci does not challenge jurisdiction, however, he has not stated a claim for a writ of prohibit.

#### **B. Antonacci Has a Remedy at Law: an Appeal or, in the Alternative, a Hearing Before a Three-Judge Panel**

Antonacci seeks to use his Petition as a vehicle to raise challenges to the Disciplinary Committee’s findings of fact and conclusions of law by raising constitutional challenges, substantive arguments, and even public policy arguments against the Disciplinary Committee’s certification of his bar complaint. Those arguments are inappropriate here; instead, the arguments Antonacci makes to set aside the VSB’s certification are appropriate to make on appeal rather than at this stage. *See* Va. Sup. Ct. R. 5:21(b); Va. Sup. Ct.

R. pt. 6, § IV, ¶ 13-26(A) (“As a matter of right any Respondent may appeal to this Court from an order of Admonition, Public Reprimand, Suspension, or Disbarment imposed by the Board, except for any sanction to which Respondent has agreed, using the procedures outlined in Rule 5:21(b) of the Rules of this Court.”).

Antonacci has already availed himself of the alternative remedy that the law provides for his situation: a hearing before a three-judge panel pursuant to Code § 54.1-3935. Should Antonacci’s arguments before the panel be unpersuasive, the law also provides him an additional right to appeal the merits directly to this Court. Code § 54.1-3935(D). The three-judge panel has not yet reached a decision to spark that appeal, and thus, his merits argument at this stage are premature.

As with all the extraordinary writs, a writ of prohibition is only appropriate when there is “no remedy in the inferior tribunals” and there is no other “remedy at law.” *In re Vauter*, 292 Va. 761, 797 (2016) (quoting *Supervisors of Bedford v. Wingfield*, 68 Va. (27 Gratt.) 329, 333-34 (1876)). But Antonacci has a remedy at law here, and his assertion otherwise is simply mistaken: indeed, he is in the process of pursuing that very remedy. *See Memo. in Supp. of Petition*, Exhibit 11. This fact alone provides sufficient reason to deny Antonacci’s Petition for a writ of prohibition. *In re Vauter*, 292 Va. at 768 (“[I]t is always sufficient reason for withholding the writ, that the party aggrieved has another and complete remedy at law.”).

This Court should deny the petition, and thereby not permit Antonacci to litigate his arguments in two courts simultaneously. His efforts to do exactly that

are contrary to the function of any extraordinary writ that should be pursued only when a litigant has exhausted all other remedies at law. He has not exhausted those remedies, and indeed is actively pursuing them; the writ he seeks is therefore inappropriate. *Id.*

## **CONCLUSION**

For the foregoing reasons, this Court should sustain this demurrer and dismiss Antonacci's Petition.

Respectfully submitted,

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Counsel for Respondents

February 28, 2024

PLAINTIFF'S FIRST REQUESTS FOR  
ADMISSION ON STORIJ, INC., SERVED ON  
MARCH 12, 2024, AND FILED ON APRIL 1, 2024,  
WITH PLAINTIFF'S RESPONSE IN OPPOSITION  
TO STORIJ'S MOTION FOR PROTECTIVE ORDER

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APRIL 1, 2024

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

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LOUIS B. ANTONACCI,

Plaintiff,  
v.

RAHM ISRAEL EMANUEL, et. at.,

Defendants.

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1:24-cv-172-MSN-LRV  
Before: Michael S. Nachmanoff  
United States District Judge

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**PLAINTIFF'S FIRST REQUESTS FOR ADMISSION  
TO DEFENDANT STORIJ, INC.**

Plaintiff, Louis B. Antonacci (“Antonacci”), pursuant to FRCP 36, propounds the following First Requests for Admission, to be answered by Defendant Storij, Inc. (“Storij”), under oath, within 30 days of service hereof.

**DEFINITIONS AND INSTRUCTIONS**

A. As used herein, the term “you”, “your”, “yours”, or “Storij” shall mean the Defendant Storij, Inc. d/b/a The So Company, d/b/a Driggs Research International, d/b/a STOR Technologies, as well as its directors, shareholders, officers, employees and agents.

B. As used herein, the term “Plaintiff” or “Antonacci” shall mean the Plaintiff, Louis B. Antonacci, as well as Antonacci PLLC f/k/a Antonacci Law PLLC.

C. As used herein, the term the “Complaint” shall mean the Complaint filed by the Plaintiff in the above-captioned matter.

D. As used herein, the term “protected computer” has the meaning ascribed to it in 18 U.S.C. § 1030(e)(2)(B).

**PLAINTIFF'S FIRST REQUESTS FOR ADMISSION**

1. Admit that Storij is a front company whose primary purpose is to collect human intelligence and/or cyberespionage.
2. Admit that Storij has represented legitimate business interests to other vendors and/or business partners as a means of collecting and disseminating information about them to third parties.
3. Admit that Antonacci first met Shaun So and Richard Wheeler in Washington, DC, on April 29, 2015.
4. Admit that you retained Antonacci in 2015.
5. Admit that you retained Antonacci in order to gather intelligence on Antonacci.
6. Admit that you were referred to Antonacci by Mr. Charles Galbraith.
7. Admit that you retained Antonacci at the request of Defendant Rahm Emanuel.

8. Admit that you transmitted information about Antonacci to third parties who wished to keep apprised of Antonacci and his business.

9. Admit that you utilized interstate wires to transmit information about Antonacci to third parties.

10. Admit that you utilized interstate travel to convey information about Antonacci to third parties.

11. Admit that you utilized U.S. Mails to transmit information about Antonacci to third parties.

12. Admit that you never sent Antonacci a U.S. tax form 1099.

13. Admit that Antonacci never authorized Storij to access his protected computers.

14. Admit that Storij accessed Antonacci's protected computer(s) without authorization or exceeding authorized access.

15. Admit that Storij accessed Antonacci's protected computer(s) in order to spy on him and transmit the information to third parties.

16. Admit that Richard Wheeler, and/or others at Storij, accessed Antonacci's protected computer(s) in order to steal data from Antonacci and transmit it to third parties.

17. Admit that Storij was formerly known as Cubby, Inc.

18. Admit that Antonacci has not performed any legal services for Storij since 2021.

19. Admit that Storij emailed Antonacci, requesting legal services, in May of 2022.

**Dated: March 12, 2024**

Respectfully submitted,

/s/ Louis B. Antonacci  
Louis B. Antonacci (VSB #  
75840)  
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