

**Appeal of FOIA Requester, Donald Stone in the  
DOJ Office of Professional Responsibility FOIA No. F 19 – 00003  
Nov. 10, 2018**

**FOIA requester, Stone seeks an alleged treasure trove of documentary evidence from approximately 1993-2018 that the DOJ/FBI were involved in a criminal conspiracy and pattern and history of criminal activity of not only pulling their punches, but then circling their wagons to protect, promote, and pander to the alleged criminal activities of Gilbert Sapperstein, Charles Richard Longo Sr. and certain of their known associates.**

Donald Stone appeals the DOJ Office of Professional Responsibility (OPR) FOIA No. F 19 – 00003 response dated Oct. 11, 2018.

**Brief Background**

This was a FOIA request concerning an original complaint Donald Stone had filed with the OPR pertaining to the DOJ lawyers, U.S. Attorney for Maryland, Lynne Battaglia, her Chief of White Collar Crimes, Dale Kelberman, and U.S. Attorney for the Southern District of Florida (SDFL), Thomas E. Scott, and other DOJ lawyers that were caught lying in a federal Civil RICO case in 1998, Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP trying to white wash the alleged criminal activities of a Charles Richard Longo Sr. as a “business dispute or civil matter”.

Unknown to the DOJ lawyers in 1998, Stone had earlier (through a FOIA request) obtained internal DOJ documents of a Sept. 1994 meeting between Battaglia's Chief of White Collar Crimes, Dale Kelberman and other Maryland federal and state prosecutors discussing allegations of multiple federal felony offenses by Longo and certain of his associates.

When Stone brought these notes of the Sept. 1994 meeting to the attention of the court, Battaglia and her co-conspirators, the other DOJ lawyers were forced to admit to the court that they had personal knowledge of Longo and certain of his associates criminal activities involving federal felony offenses.

Thank God for FOIA, without these documents obtained through FOIA, Battaglia and her co-conspirators, the other DOJ lawyers would have simply left Stone to twist in the wind.

The Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP was a clear and convincing text book case of Battaglia, Kelberman, Scott, and the other DOJ lawyers perpetrating “Fraud on a Federal Court”.

*Aoude v. Mobil Oil Corp., 892 F.2d 1115, 15 Fed. R. Serv. 3d 482 (1st Cir. 1989) (“Because corrupt intent knows no stylistic boundaries, fraud on the court can take many forms.”)*

*The requisite fraud on the court occurs where "it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1st Cir. 1989)*

In Stone vs. Warfield in 1998 all the DOJ lawyers Battaglia, Scott, Kelberman and the others were all “Officers of the Court”.

The misconduct of the DOJ lawyers in Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP clearly and easily meets the five elements that comprise “Fraud on the Court”.

***And The United States Court 1 of Appeals for the Sixth Circuit has set forth five elements of fraud upon the court which consist of conduct:***

- 1. On the part of an officer of the court;***
- 2. That is directed to the ‘judicial machinery’ itself;***
- 3. That is intentionally false, willfully blind to the truth, or is in reckless disregard for the truth;***
- 4. That is a positive averment or is concealment when one is under a duty to disclose;***
- 5. That deceives the court.***

***Demjanjuk v. Petrovsky, 10 F.3d 338, 348 (6th Cir. 1993).***

### **DOJ OPR Lyn Hardy Numerous Contradictions**

OPR's Lyn Hardy (Hardy), Special Counsel, for Freedom of Information and Privacy Acts seems to contradict herself in the same letter in the same matter several times.

**1.** Hardy states in the second paragraph,

*“Please be advised that searches of OPR's system of records was conducted and 2 documents, totaling 14 pages, responsive to your request were located. I have determined this information is appropriate for release without excision, and copies are enclosed.”*

\* Of SPECIAL NOTE: Hardy claims there were 2 documents, totaling 14 pages (possibly Hardy meant to say 2 files with 14 documents)

The 14 documents Hardy has sent are nothing more than nonsense, they appear to be completely unrelated to the subject matter of Stone's original FOIA request. The documents appear to be cites related to environmental matter and nothing to do with Stone's Office of Professional Responsibility matters.

**2.** Another Hardy contradiction in the third paragraph:

*“ Please also be advised OPR maintains correspondence matters for six years pursuant to OPR's Record Disposition Authority Number DAA-0060-2011-0027-0001 (March 17, 2014),and then such matters are destroyed. Accordingly, paper records associated with your 1999 complaint were destroyed”.*

If the papers were destroyed (as Hardy stated in the 3<sup>rd</sup> paragraph) why would there be 2 files containing 14 documents ?

**3.** And then another Hardy contradiction in the third paragraph by claiming,

*Accordingly, paper records associated with your 1999 complaint were destroyed”.*

Then on the third page of Hardy's final response encloses what appears to be a DOJ summary of Stone's original complaint.

Why would this DOJ summary even exist if the paper records were destroyed ?

Unless of course these files are now are kept in a digital format and the original paper files were destroyed.

Hardy is using a tactic common known by the bar legal associations as “self policing equals self protection”.

Lyn Hardy's counterpart David H. Hardy, Chief of RIDS over at FBI is big on this type of slight of hand dealing with FOIA requester, such as Stone, especially when it involves the alleged cover-up of Battaglia's DOJ/FBI dealings with Gilbert Sapperstein and his known associates, Charles Richard Longo Sr. and their many other associates and their multitude of alleged criminal activities.

<https://www.rcfp.org/browse-media-law-resources/news/foia-trial-offers-rare-look-how-fbi-searches-records-responds-reques>

A sampling of David H. Hardy's combined DOJ/FBI tactics against Stone's FOIA request :

**A.** David H. Hardy has refused to disclose the entire FBI file on Charles Richard Longo Sr. (deceased 2011).

**B.** Stone was recently informed by DOJ that the DOJ file on Gilbert Sapperstein, alleged Maryland/Florida crime lord seems to have gone missing in 2013 on Rod Rosenstein's watch as U.S. Attorney for Maryland.

**C.** The FBI investigative file provided to Stone by FBI David H. Hardy into Anne Arundel Economic Development Corporation pertaining to an alleged associate of Gilbert Sapperstein and Charles R. Longo Sr. appears to have been conducted by two amateur FBI agents as there are no 302 interviews or telephone records with or without redactions and it looks like the two agents sat in their office and cut out newspaper clippings and pasted them into a file and called it an FBI investigation.

Stone is using FOIA exactly what it was designed for, to ferret out and plumb the depths of corruption at DOJ and FBI over an approximate period of time 1993 to 2018.

*The central purpose of FOIA is to "open[ ] up the workings of government to public scrutiny" through the disclosure of government records. McGehee v. CIA, 697 F.2d 1095, 1108 (D.C.Cir.1983). Congress passed this legislation in the belief that "an informed electorate is vital to the proper operation of a democracy." Id. at 1108-09. See FBI v. Abramson, 456 U.S. 615, 621, 102 S.Ct. 2054, 2059, 72 L.Ed.2d 376 (1982); NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242, 98 S.Ct. 2311, 2327, 57 L.Ed.2d 159 (1978).*

*Prosser & Keeton, supra, § 119, at 876. As this authority explains: "The law supports the use of litigation as a social means for resolving disputes, and it encourages honest citizens to bring criminals to justice.*

*There is a compelling public interest in bringing criminals to justice. See Zurcher v. Stanford Daily, 436 U.S. 547, 560-61 (1978) (recognizing "the fundamental public interest in implementing the criminal law"); see also Prosser & Keeton, supra, § 119, at 876.*

EXCERPT from:

<https://www.justice.gov/oip/blog/foia-update-oip-guidance-privacy-glomarization>

***On the other hand, there is a weighty public interest compelling disclosure of records which reflect formal and final agency determinations of official misconduct by senior government employees. See, e.g., Cochran v. United States, 770 F. 2d 949, 957 (11th Cir. 1985) ("information relating to a misappropriation of government funds . . . by a high level government official qualifies as a textbook example of information the FOIA would require to be disclosed"); Stern v. FBI, 737 F.2d 84, 93 (D.C. Cir. 1984) (high-level FBI official censured for deliberate misrepresentation); Sullivan v. Veterans Administration, 617 F. Supp. 258, 260-61 (D.D.C. 1985) (senior official reprimanded for misuse of government vehicle and failure to report accident); see also Bast v. United States Department of Justice, 665 F.2d 1251, 1255-56 (D.C. Cir. 1981) ("public importance of judicial impartiality outweighs the privacy interest" of federal judge in particular case***

Mere allegations of corruption by DOJ lawyers and/or FBI agents are usually insufficient and place a heavy burden on a FOIA requester such as Stone.

Stone has met that burden, and exceeded that burden with more than sufficient, clear and convincing evidence.

In 1998 in Stone vs. Warfield Southern District of FL. Stone caught the U.S Attorney for Maryland, Lynne Battaglia, her Chief of White Collar Crimes, Dale Kelberman, U.S. Attorney for Southern District of Florida, Thomas E. Scott and three other DOJ lawyers trying to perpetrate a "Fraud on the Federal Court" scheme.

Stone is using a series of FOIA request to DOJ/FBI to ferret out the answers to many of the following questions and events that originated beginning in approximately late 1993 continuing through 2018 about the alleged DOJ/FBI cover-up of their alleged criminal activities of conspiring with Gilbert Sapperstein and Charles Richard Longo Sr. and their associates as they moved seamlessly, unrestricted, into extensive racketeering activities.

1. How did Gilbert Sapperstein (Sapperstein) and certain of his associates manage to steal and launder an estimated \$3.5 million from the Baltimore School Board from the early 1990's to 2003 while he and certain of his associates while operating across interstate lines between Maryland and Florida during the time they were alleged targets of DOJ and/or FBI investigations at various time.
2. How did Sapperstein associate Charles Richard Longo fleece the U.S. Dept. of Education and others out of an estimated \$12 million in student loan money, victimize an estimated 2000 individuals in Maryland, Virginia, and/or Virginia and engage in a multitude of alleged federal bankruptcy fraud schemes, while under investigation by the DOJ/FBI at various times.
3. Whether are not the activities of the DOJ/FBI in regards to Gilbert Sapperstein and Charles Richard Longo Sr. were some of the earliest events of the more recent Clintonesque style DOJ/FBI investigations where the DOJ/FBI circle their wagons around the politically well connected criminal actors to protect them and then "white wash" and/or cover-up their criminal activities.
4. The alleged criminal conspiracies of federal prosecutors conspiring with state prosecutors conspiring with actors in the private sector to steal from the public treasury and public trust.

5. The alleged cloaking by the DOJ/FBI of certain politically well connected individuals and/or entities in the private sector with immunity from prosecution for violations of of the federal criminal statutes,including RICO. Thereby allegedly creating certain law firms that would become known to white collar criminals and/organized crime as the go-to law firms that specialized perpetrating fraud on the courts at the federal & state levels, money laundering , securities fraud, etc.

6. The alleged criminal conspiracies of federal and state prosecutors engaging in multiple “fraud on the federal and/or state courts” on behalf of Gilbert Sapperstein and/or Charles R. Longo Sr. and associates with impunity.

7. Why the Maryland DOJ/FBI didn't prosecute Charles Richard Longo Sr. and/or his associates for multiple alleged federal felony offenses.

8.The alleged numerous schemes by the DOJ/FBI to keep exculpatory evidence beyond the reach of victims targeted by white collar criminals and/or organized crime.

And incorporate by reference all DOJ/FBI files/documents on Gilbert Sapperstein, Charles Richard Longo Sr. and all of their known associates.

And incorporate by reference all DOJ/FBI files of all investigative files and/or civil and/or criminal complaints the DOJ/FBI have received about Gilbert Sapperstein, Charles Richard Longo Sr. and/or any of their associates from the public such as Donald Stone, George McDermott, Jane/George Chamberlain and any others members of the public and or victims in Maryland, Florida, Virginia, D.C. etc.

The public interest would be great in knowing whether or not the top level DOJ lawyers such as Battaglia, Kelberman, and Scott in Maryland and Florida were allegedly conspiring with the alleged politically well connected white collar criminals and/or organized crime syndicate figures Gilbert Sapperstein, Charles Richard Longo Sr. and their associates, to engage in multiple federal felony offenses.

For these reasons and others Donald Stone appeals the DOJ Office of Professional Responsibility (OPR) response dated dated Nov. 10, 2018.

Best Regards,

*Donald Stone*

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