

Appeal of FOIA Requester, Donald Stone
Request Number: EOUSA-2019-001548
Subject of Request: Charles Longo & Gilbert Sapperstein – District of Maryland
March 9, 2019

FOIA requester, Stone seeks an alleged treasure trove of documentary evidence from approximately 1990-2018 that alleges 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, pander, and/or cover-up the known and/or alleged criminal activities of Gilbert Sapperstein, Charles Richard Longo Sr. and certain of their known associates.

Donald Stone appeals the DOJ decision in **EOUSA-2019-001548 of January 9, 2019**

1. The DOJ/FBI forfeited any rights to the protection of any FOIA exemptions when they were caught lying and/or perpetrating “Fraud on the Court” in Stone vs. Warfield Sr. in the 1998 CIVIL RICO Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP. (Irrefutable evidence that the top tier DOJ lawyers engaged in illegal misconduct creates a heightened “Public Interest”)
2. Stone seeks documents between top level DOJ/FBI executives, where there is little or no expectation of privacy.
3. Additionally, Charles Richard Longo SR., the alleged primary target of these DOJ/FBI documents is deceased as of 2011, his alleged associate in many of Longo's alleged federal felony offenses, Gilbert Sapperstein died in 2016.
4. Furthermore, the requester, Donald Stone was a “party of interest” in Longo's Shippers Choice bankruptcy which poses the interesting question of whether the past and/or recent conduct of the DOJ/FBI would constitute a “pattern & history” of ongoing violations of the 18 U.S. Code § 3771. Crime Victims’ Rights of Stone and the alleged 2000 victims of Longo in Maryland, and/or Virginia, and/or D.C. and/or his associate, Gilbert Sapperstein's indirect victims, the Baltimore school children.
5. These FOIA requested documents would help confirm or deny the allegations that the DOJ/FBI were engaged in misconduct, not only pulling their punches, they were circling their wagons and covering up the alleged federal felony offenses of Charles Richard Longo Sr. , Gilbert Sapperstein and certain of their associates over a time frame of early 1990's to 2019.

Brief Background

The requester seeks all DOJ/FBI documents pertaining to a Charles Richard Longo Sr. (deceased 2011) and/or his known associate Gilbert Sapperstein (deceased 2016) and certain of their associates.

A brief summary/overview of the alleged federal felony offenses and/or criminal activities of Longo and certain of his associates can be found in the US DOJ Maryland, Chief of White Collar Crimes, Dale Kelberman files and/or US Attorney for Maryland, Lynne Battaglia's files of the Sept. 26, 1994

meeting between Kelberman, Lori Simpson, William F. Howard, and Lori Simpson.

Also of special note these earlier Maryland DOJ documents of 9/26/94 (which the requester had obtained through a FOIA request in late 1995) would later, in 1998 be used to expose an alleged text book case of “Fraud on the Court” scheme by Battaglia, Kelberman, and other DOJ lawyers from Maryland and Florida in the 1998 federal Civil RICO case, Stone vs. Warfield Sr. 98-14069-CIV-RYSKAMP in which the federal prosecutors from Maryland and Florida were lying, trying to white wash the alleged criminal activities, multiple federal felony offenses of a Charles Richard Longo Sr. as a “business dispute or civil matter”.

Without the FOIA documents of the Sept. 9, 1994 meeting, Stone would have been left twisting in the wind by the Maryland/Florida federal prosecutors.

This FOIA Appeal pertains to two Maryland FBI documents between the FBI Baltimore SAC and a Maryland FBI SA dated 2/1/95 and 3/24/95.

The 2/1/95 FBI documents are of a FBI memo of communications with an individual from the Maryland Attorney General's Office, Dept. of Higher Education.

And the 3/24/95 FBI documents allegedly are of an FBI memo of communications and or interview of possibly a Trustee for the bankruptcy of Shippers Choice Inc. (An entity that was owned and/or controlled by a Charles Richard Longo Sr.)

In paragraph 2 of the 3/24/95 Memo there is mention that the “ AUSA requested SA (redacted) investigate allegations of (redacted)”

The documents appear to be of two FBI interviews pertaining to allegations of the alleged criminal activities of a Charles Richard Longo Sr.

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.

As stated earlier in this Appeal, the DOJ/FBI forfeited any and all rights to any protection the FOIA exemptions would have provided.

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.

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).

Also of special attention to the court, Gilbert Sapperstein (Longo's (known associate) and certain of his associates managed to steal and launder and estimated \$3.5 million from the Baltimore School Board from early 1990's to 2003 while allegedly under DOJ/FBI investigation at various times.

Below is an additional sampling of questionable activities by the DOJ/FBI pertaining to Stone's numerous FOIA request to DOJ/FBI designed to ferret out the questionable conduct of the DOJ/FBI and their relationship with Charles Richard Longo Sr., Gilbert Sapperstein, and/or their associates.

A. FBI 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 David H. Hardy, FBI Chief Executive RFIDS Div. 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.

D. David H. Hardy, FBI Chief Executive RFIDS Div. has also taken an unusual interest in Stone's FOIA request to DOJ/FBI pertaining to any investigations into Pinnacle Towers (Sarasota, FL.) which made an estimated \$9 million payment to a known associate of Charles Richard Longo Sr. and Gilbert Sapperstein in late 1997. Hardy at FBI has earlier claimed that there are no FBI documents on Pinnacle Towers and in a recent FOIA request the DOJ claimed they had no documents Pinnacle Towers.

Stone is using FOIA exactly what it was designed for, to ferret out and plumb the depths of alleged corruption at DOJ/FBI over an approximate period of time early 1990's 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

Additionally 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 the early 1990's continuing through 2019 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 general 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 certain of their associates, to engage in multiple federal felony offenses.

For these reasons and others Donald Stone appeals the DOJ decision in **EOUSA-2019-001548**
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Best Regards,

Donald Stone

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