



## NARGILAW

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*VIA FACSIMILE TRANSMISSION 202.252.6047*

October 23, 2012

**Mr. John Kornmayer**

**FOIA/ Privacy Staff**

Executive Office for the United States Attorneys  
600 E Street N.W. (BICN Room 7300)  
U.S. Department of Justice  
Washington, DC 20530-0001

Re: Freedom of Information Act Request 12-1433

Greetings:

Pursuant to The Freedom of Information Act, (5 U.S.C.552) and the accompanying rules 28 CFR 16.1 ET SEQ. (Subpart A).

The undersigned counsel for Frank Locascio does hereby request copies of the following transcribed documents and copies of the reels of tapes currently in the possession of the United States Attorney's Office for The Eastern District of New York containing the following information contained therein be provided to the undersigned, to wit:

The six hundred and forty four reels of taped conversations from and near, about and above the Ravinite Social Club located in New York County, New York as docked on January 18, 1991 in the matter of United States v. Gotti case number: 90-cr-01051, the Eastern District of New York. These requested reels were in fact *played in open court* in the referenced matter contained herein. In Cottone v. Reno, 193 F. 3d 550 (D.C. Circa 1999), the District of Columbia Court ruled that wiretapped recording otherwise exempt from disclosure under the Freedom of Information Act ("FOIA"), *must be released* when a requester precisely identifies specific tapes that have been introduced into evidence and is played in open court during a public criminal trial. The precisely requested audio reels are identified by the dates November 30, 1989 and December 12, 1989, as well as the file numbers under which they are classified by the Federal Bureau of Investigation: 183A-3507, SNY 2005. On information and belief these tapes are presently located at 26 Federal Plaza, New York, N.Y., Room 2600.

With regard to the above referenced and as per our telephone conversation of October 15, 2012, in which you stated that the section of the transcripts where the audio reels was played, are sealed. If this is incorrect please specify in writing how so? The undersigned shall in ten (10) business days from this



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communication deem this a *denial of our Foia Request 12-1433 should the record not be corrected.*

Moreover, we will file an Administrative Appeal regarding same. Once again, the audio reels were in fact played in open court and are thus discoverable under Catone v. Reno. Attached to any appeal will be the transcript sections where these audio reels were played. While the undersigned is most confident of the success of our Administrative Appeal, we intend – should we not be successful- to file a lawsuit in Federal Court in The District of Columbia regarding same.

I await your reply. I remain

Respectfully submitted,

Ernest L. Nargi  
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