

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:96-cv-01363-JR**

LEPELLETIER v. FDIC, et al  
Assigned to: Judge James Robertson  
Demand: \$570,000  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/14/1996  
Date Terminated: 10/01/1997  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ROBERT LEPELLETIER, JR.**

represented by **ROBERT LEPELLETIER, JR.**

Apartment 321  
107 Southwest Street  
Alexandria, VA 22314  
(703) 912-1695  
Fax: AREA CODE (703)  
PRO SE

V.

**Defendant**

**FEDERAL DEPOSIT INSURANCE  
CORPORATION**

represented by **Melissa Satterwhite**

FEDERAL DEPOSIT INSURANCE  
CORPORATION  
3501 Fairfax Drive  
Arlington, VA 22226  
(615) 891-7417  
*TERMINATED: 01/11/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Philip Jackson Lindenmuth**  
FEDERAL DEPOSIT INSURANCE  
CORPORATION  
Litigation Division  
801 17th Street, NW  
Room H-2148  
Washington, DC 20434-0001  
(202) 736-0516  
Fax: 202-736-0584  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas A. Schulz**  
FEDERAL DEPOSIT INSURANCE  
CORPORATION  
Legal Division  
801 17th Street, NW  
Washington, DC 20434  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**DAVID BUFTON**  
*Acting Regional Director Federal Deposit  
Insurance Corp.*

**Defendant**

**JOHN O'DONNELL**

*Regional Manager Director Federal  
Deposit Insurance Corp.*

**Defendant****BART FEDERICI**

*Regional Director Federal Deposit  
Insurance Corp.*

Date Filed	#	Docket Text
06/14/1996	1	COMPLAINT filed by plaintiff ROBERT LEPELLETIER JR.; jury demand (JMF) (Entered: 06/20/1996)
06/14/1996		SUMMONS (6) issued to federal party(s) federal defendant FDIC, federal defendant DAVID BUFTON, federal defendant JOHN O'DONNELL, federal defendant BART FEDERICI , and non-parties: U.S. Attorney and U.S. Attorney General. (JMF) (Entered: 06/20/1996)
06/14/1996		MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff ROBERT LEPELLETIER JR.. (JMF) (Entered: 06/20/1996)
09/17/1996	2	MOTION (AGREED) filed by federal defendant FDIC, federal defendant DAVID BUFTON, federal defendant JOHN O'DONNELL, federal defendant BART FEDERICI to extend time to answer or otherwise respond to the complaint [1-1] (JMF) Modified on 09/18/1996 (Entered: 09/18/1996)
09/25/1996	3	MOTION filed by federal defendant DAVID BUFTON, federal defendant JOHN O'DONNELL, federal defendant BART FEDERICI to dismiss count one of the complaint. (bjl) (Entered: 09/26/1996)
09/25/1996	4	MOTION filed by federal defendant FDIC to dismiss count three of the complaint. (bjl) (Entered: 09/26/1996)
09/27/1996	5	ORDER by Judge James Robertson : granting motion to extend time to answer or otherwise respond to the complaint [1-1] [2-1] by federal defendantsss ; Answer extended to 9/24/96 for BART FEDERICI, for JOHN O'DONNELL, for DAVID BUFTON, for FDIC (signed nunc pro tunc to 9/24/96) (N) (jeb) Modified on 09/27/1996 (Entered: 09/27/1996)
10/02/1996	6	RESPONSE by plaintiff ROBERT LEPELLETIER JR. to motion to dismiss count one of the complaint. [3-1] by BART FEDERICI, JOHN O'DONNELL, DAVID BUFTON (JMF) (Entered: 10/03/1996)
10/02/1996	7	RESPONSE by plaintiff ROBERT LEPELLETIER JR. to motion to dismiss count three of the complaint. [4-1] by FDIC (JMF) (Entered: 10/03/1996)
10/03/1996	8	MOTION filed by plaintiff ROBERT LEPELLETIER JR. for vaughn index (JMF) (Entered: 10/04/1996)
10/04/1996	9	ORDER by Judge James Robertson : motions to dismiss of defendants FDIC and of defendants Bufton, O'Donnell and Federici be filed ; plaintiff's response to such motions due 10/24/96 (N) (dbw) (Entered: 10/04/1996)
10/08/1996	10	RESPONSE by plaintiff ROBERT LEPELLETIER JR. in opposition to defendants' motion to dismiss regional directors from FOIA action. (JMF) (Entered: 10/09/1996)
10/18/1996	11	RESPONSE by plaintiff ROBERT LEPELLETIER JR. in opposition to motion to dismiss count three of the complaint. [4-1] by FDIC . (JMF) (Entered: 10/21/1996)
10/22/1996	12	MOTION filed by plaintiff ROBERT LEPELLETIER JR. to vacate agreed order extending time, to strike answer and, for default judgment against FDIC, DAVID BUFTON, JOHN O'DONNELL, BART FEDERICI due to FDIC attorneys John A. Davidovich's & J. Scott Pickerel's Fraudulent misrepresentations (JMF) (Entered: 10/23/1996)

10/28/1996	13	SUBSTITUTION OF COUNSEL for federal defendant FDIC Melissa A. Satterwhite, substituting for John A. Davidovich (JMF) (Entered: 11/07/1996)
01/21/1997	14	MOTION (EMERGENCY) filed by plaintiff ROBERT LEPELLETIER JR. for temporary restraining order , and permanent injunction. ; exhibits (2) (tw) Modified on 01/21/1997 (Entered: 01/21/1997)
01/23/1997	15	ORDER by Judge James Robertson : granting motion to dismiss count one of the complaint. [3-1] by BART FEDERICI, JOHN O'DONNELL, DAVID BUFTON; granting motion to dismiss count three of the complaint [4-1] by FDIC; denying motion to vacate agreed order extending time, to strike answer [12-1] and for default judgment against FDIC, DAVID BUFTON, JOHN O'DONNELL, BART FEDERICI due to FDIC attorneys John A. Davidovich's & J. Scott Pickerel's Fraudulent misrepresentations [12-2] by ROBERT LEPELLETIER JR.; status hearing set for 9:00 2/4/97 at that time, the Court will hear oral argument on plaintiff's motion for temporary restraining order and permanent injunction (N) (dbw) (Entered: 01/23/1997)
01/30/1997	16	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by federal defendant FDIC . (JMF) (Entered: 01/31/1997)
02/04/1997		MOTION HEARING before Judge James Robertson denied motion for temporary restraining order [14-1] by ROBERT LEPELLETIER JR. defendant to file Vaughn Index and summary judgment motion due by 3/4/97 Reporter: Vicky Stallsworth (jeb) (Entered: 02/07/1997)
02/04/1997	17	ATTORNEY APPEARANCE for federal defendant by Melissa Satterwhite (JMF) (Entered: 02/13/1997)
02/28/1997	19	NOTICE OF FILING by federal defendant FDIC of affidavit of Harold R. Sorensen. (JMF) (Entered: 03/06/1997)
03/04/1997	18	MOTION filed by federal defendant FDIC for summary judgment ; exhibits (6) (JMF) (Entered: 03/05/1997)
03/12/1997	20	ERRATA by federal defendant FDIC of amended certificate of service to the defendant's motion for summary judgment. memorandum in support of motion for summary judgment, statement of material facts and vaughn index with exhibits originally mailed on 03/04/97 (JMF) (Entered: 03/13/1997)
03/27/1997	21	ORDER by Judge James Robertson : plaintiff's response to motion for summary judgment due 4/18/97 ; defendant shall notify plaintiff and Court if it anticipates taking action prior to 4/25/97, to finalize termination of receivership of Madison National Bank of VA or any other bank that is subject of this dispute (N) (dbw) (Entered: 03/27/1997)
04/18/1997	22	OPPOSTION by plaintiff ROBERT LEPELLETIER JR. in opposition to motion for summary judgment [18-1] by FDIC; Exhibits (4) (dbw) (Entered: 04/18/1997)
04/18/1997	23	CROSS MOTION by plaintiff ROBERT LEPELLETIER JR. for summary judgment ; Exhibits (4) (dbw) (Entered: 04/18/1997)
04/24/1997	24	REPLY by federal defendant FDIC in support of their motion for summary judgment [18-1] (JMF) (Entered: 04/25/1997)
04/24/1997	25	RESPONSE by federal defendant FDIC in opposition to cross motion for summary judgment [23-1] by ROBERT LEPELLETIER JR. . (JMF) (Entered: 04/25/1997)
05/02/1997	26	SUPPLEMENTAL MEMORANDUM by plaintiff ROBERT LEPELLETIER JR. in support of cross motion for summary judgment [23-1] (JMF) (Entered: 05/05/1997)
05/09/1997	27	REPLY by plaintiff ROBERT LEPELLETIER JR. to defendants' opposition to cross motion for summary judgment [23-1] (JMF) (Entered: 05/12/1997)
06/23/1997		SCHEDULING NOTICE: motion hearing set for 10:00 6/27/97 ; before Judge James Robertson . (jeb) (Entered: 06/23/1997)
06/26/1997	28	ATTORNEY APPEARANCE for federal defendant FDIC by Thomas A. Schulz (JMF) (Entered: 07/01/1997)

06/27/1997		MOTION HEARING before Judge James Robertson on plaintiff's cross-motion for summary judgment. Reporter: Dennis Dinkel (lkn) (Entered: 06/27/1997)
07/23/1997	29	ORDER by Judge James Robertson: directing that the plaintiff's letter dated 7/9/97 be returned to the plaintiff attachment (copy of letter). (N) (jeb) Modified on 07/25/1997 (Entered: 07/23/1997)
09/08/1997	30	MEMORANDUM OPINION by Judge James Robertson (N) (jeb) (Entered: 09/08/1997)
09/08/1997	31	ORDER by Judge James Robertson : granting in part, denying in part cross motion for summary judgment as it applies to FOIA claim [23-1] and denying as it applies to the Constitutional Claim by defendant FDIC; granting in part, denying in part motion for summary judgment [18-1] as it applies to the FOIA claim and granting it as it applies to the Constitutional claim by defendant FDIC; directing defendant FDIC to provide to plaintiff, within 30 days, a list of the businesses that have unclaimed deposits at the National Bank of Washington, Madison National Bank of Washington, D.C. and Madison National Bank of Virginia.(N) (jeb) (Entered: 09/08/1997)
10/07/1997	32	NOTICE OF APPEAL by plaintiff ROBERT LEPELLETIER JR. from order [31-1], entered on 09/08/97, and order [15-2] , entered on: 01/23/97;\$5.00 filing fee and \$100.00 docketing fee paid. Copies mailed to counsel. (lkn) (Entered: 10/08/1997)
10/08/1997		TRANSMITTED PRELIMINARY RECORD on appeal [32-1] by ROBERT LEPELLETIER JR. to U.S. Court of Appeals (lkn) (Entered: 10/08/1997)
10/23/1997		USCA # 97-5287 assigned for appeal [32-1] by ROBERT LEPELLETIER JR. (lkn) (Entered: 10/24/1997)
03/08/1999	33	CERTIFIED COPY of judgment filed in USCA dated 1/5/99, on appeal [32-1] , affirming the judgment of USDC in part , and reversing the judgment of USDC in part , and remanding for further proceedings. OPINION USCA # 97-5287 (cjp) (Entered: 03/08/1999)
03/16/1999		SCHEDULING NOTICE: status hearing set for 9:00 3/26/99 ; before Judge James Robertson Courtroom 16, 6th Floor. (jeb) (Entered: 03/16/1999)
03/23/1999	34	ATTORNEY APPEARANCE for federal defendant FDIC by Melissa Satterwhite (jf) (Entered: 03/24/1999)
03/23/1999	35	STATEMENT filed by federal defendant FDIC , regarding: letter dated 03/23/99. (jf) (Entered: 03/24/1999)
03/26/1999		STATUS HEARING before Judge James Robertson: Court directs defendant FDIC to provide names to the plaintiff; defendant to file a motion within three weeks; plaintiff has two weeks to respond; defendant to reply one week thereafter; Court to determine whether a hearing is needed. Reporter: Dennis Dinkel (jeb) (Entered: 03/26/1999)
04/14/1999	36	NOTICE OF FILING RE: response to plaintiff's request at the status conference of 03/2/399 by federal defendant FDIC; attachment (tb) Modified on 04/15/1999 (Entered: 04/15/1999)
04/14/1999	37	MOTION filed by federal defendant FDIC to dismiss complaint [1-1] , or for summary judgment (tb) (Entered: 04/15/1999)
05/21/1999	38	MOTION filed by plaintiff ROBERT LEPELLETIER JR. to enjoin production of complete names (jf) (Entered: 05/23/1999)
05/21/1999	39	MOTION filed by plaintiff ROBERT LEPELLETIER JR. for leave to amend complaint (jf) (Entered: 05/23/1999)
05/24/1999	40	RESPONSE by plaintiff ROBERT LEPELLETIER JR. in opposition to motion for summary judgment [37-2] by FDIC . (jf) (Entered: 06/02/1999)
05/24/1999	41	CROSS MOTIONS (SECOND) by plaintiff ROBERT LEPELLETIER JR. for summary judgment (jf) (Entered: 06/02/1999)
06/03/1999	42	REPLY by federal defendant FDIC to plaintiff's opposition to motion for summary judgment [37-2] by FDIC; Exhibits (4). (lkn) (Entered: 06/04/1999)

06/03/1999	43	RESPONSE by federal defendant FDIC in opposition to cross motion for summary judgment [41-1] by ROBERT LEPELLETIER JR.; Exhibits (4) . (lkn) (Entered: 06/04/1999)
06/03/1999	44	RESPONSE by federal defendant FDIC in opposition to motion for leave to amend complaint [39-1] by ROBERT LEPELLETIER JR., motion to enjoin production of complete names [38-1] by ROBERT LEPELLETIER JR.; Exhibits (4) . (lkn) (Entered: 06/04/1999)
10/25/1999	<u>45</u>	ORDER by Judge James Robertson : Accounting Report due: 12/1/99 for FDIC (N) (jeb) (Entered: 10/25/1999)
12/01/1999	46	NOTICE OF FILING by federal defendant of exhibit A is the declaration of Bob Riley (jf) (Entered: 12/02/1999)
12/28/1999	47	RESPONSE by plaintiff ROBERT LEPELLETIER JR. to notice of filing on 12/1/99 [46-1] by FDIC; Exhibits (3) (tth) (Entered: 01/06/2000)
01/11/2000	48	NOTICE OF WITHDRAWAL of attorney Melissa Satterwhite for FDIC. (tb) (Entered: 01/12/2000)
01/11/2000	49	REPLY by federal defendant FDIC to to file notice [46-1] by FDIC (tb) (Entered: 01/12/2000)
01/19/2000	50	MOTION filed by plaintiff ROBERT LEPELLETIER JR. to order production of notice documentation and PAA , or in the alternative for appointment of special master (tth) (Entered: 01/20/2000)
03/01/2000		SCHEDULING NOTICE: motion hearing set for 2:00 3/3/00 before Judge James Robertson in Courtroom 16. (mlp) (Entered: 03/03/2000)
03/03/2000	<u>51</u>	ORDER by Judge James Robertson: as stated in open court on 3/3/00: denying motion to order production of notice documentation and PAA [50-1] by ROBERT LEPELLETIER JR.; denying motion for appointment of special master [50-2] by ROBERT LEPELLETIER JR.; denying cross motion for summary judgment [41-1] by ROBERT LEPELLETIER JR.; denying motion for leave to amend complaint [39-1] by ROBERT LEPELLETIER JR.; denying motion to enjoin production of complete names [38-1] by ROBERT LEPELLETIER JR.; granting motion to dismiss complaint [1-1] [37-1] or for summary judgment [37-2] by FDIC, provided, that the FDIC turn over to pltf. within 30 days the "printed reports of unclaimed accounts containing some partial address" for First Madison National Bank of Washington and the National Bank of Washington, subject to any FOIA exemptions the FDIC may assert at the time of production. (N) (mlp) (Entered: 03/04/2000)
03/03/2000		MOTION HEARING before Judge James Robertson Reporter: D. Dinkel (lin) (Entered: 03/06/2000)
03/24/2000	52	TRANSCRIPT filed for motions hearing held on date(s) of March 03, 2000. Reporter: Dennis A. Dinkel (jf) (Entered: 03/27/2000)
03/31/2000	53	NOTICE OF APPEAL (SECOND) by plaintiff ROBERT LEPELLETIER JR. from order [51-1] , entered on: 3/4/00. Docketing fee paid \$100.00. Copying fee \$5.00. Copies sent to all parties. (bjsp) Modified on 04/03/2000 (Entered: 04/03/2000)
04/03/2000		TRANSMITTED PRELIMINARY RECORD on appeal [53-1] by ROBERT LEPELLETIER JR. to U.S. Court of Appeals (bjsp) (Entered: 04/03/2000)
04/07/2000		USCA # 00-5135 assigned for appeal [53-1] by ROBERT LEPELLETIER JR. (jf) (Entered: 04/12/2000)
04/07/2000	54	RESPONSE by federal defendant FDIC to order [51-1] submitting as Exhibit A, FDIC's Letter to plaintiff dated March 27, 2000; Exhibit (1) (tth) (Entered: 04/14/2000)
08/28/2000	55	MOTION filed by plaintiff ROBERT LEPELLETIER JR. for costs incurred in any case under this section in which the complainant has substantially prevailed (tth) (Entered: 08/29/2000)

09/11/2000	56	MEMORANDUM by federal defendant FDIC in opposition to motion for costs incurred in any case under this section in which the complainant has substantially prevailed [55-1] by ROBERT LEPELLETIER JR.; Exhibit (1) (tth) (Entered: 09/12/2000)
10/06/2000	57	REPLY by plaintiff ROBERT LEPELLETIER JR. to response to motion for costs incurred in any case under this section in which the complainant has substantially prevailed [55-1] by ROBERT LEPELLETIER JR. (tth) (Entered: 10/11/2000)
10/09/2000	58	NOTICE OF CHANGE OF ADDRESS by ROBERT LEPELLETIER JR. representing plaintiff ROBERT LEPELLETIER JR.. New address: ROBERT LEPELLETIER JR, 107 S. WEST STREET, #321, ALEXANDRIA VA 22314 (703) 912-1695. (bjsp) (Entered: 10/11/2000)
11/08/2000	59	ORDER by Judge James Robertson : denying motion for costs incurred in any case under this section in which the complainant has substantially prevailed [55-1] by ROBERT LEPELLETIER JR.; directing pltf. to file a bill of costs. (N) (mlp) (Entered: 11/08/2000)
11/15/2000	60	MOTION filed by plaintiff ROBERT LEPELLETIER JR. to reinstate his contract cause of action(s) to include promissory estoppel and common law fraud because of fdic's fraud upon the plaintiff, and fraud upon the court; exhibits (3) (cas) (Entered: 11/17/2000)
11/29/2000	61	RESPONSE by federal defendant FDIC in opposition to motion to reinstate his contract cause of action(s) to include promissory estoppel and common law fraud because of fdic's fraud upon the plaintiff, and fraud upon the court; exhibits (3) [60-1] by ROBERT LEPELLETIER JR. . (tth) (Entered: 12/05/2000)
12/07/2000	<u>62</u>	ORDER by Judge James Robertson : denying motion to reinstate his contract cause of action(s) to include promissory estoppel and common law fraud because of fdic's fraud upon the plaintiff, and fraud upon the court; exhibits (3) [60-1] by ROBERT LEPELLETIER JR. (N) (mlp) (Entered: 12/07/2000)
12/08/2000	63	MOTION filed by plaintiff ROBERT LEPELLETIER JR. for reconsideration of December 6th order with omnibus motion for Rule 11 sanctions [62-1] (cas) (Entered: 12/11/2000)
12/13/2000	64	MEMORANDUM by federal defendant FDIC in opposition to motion to reinstate his contract cause of action(s) to include promissory estoppel and common law fraud because of fdic's fraud upon the plaintiff, and fraud upon the court; exhibits (3) [60-1] by ROBERT LEPELLETIER JR. (bjsp) (Entered: 12/15/2000)
12/15/2000	65	MOTION filed by plaintiff ROBERT LEPELLETIER JR. for ruling on FDIC'S requested ex curia costs with extortion threat ; attachments (cas) (Entered: 12/18/2000)
12/19/2000	<u>66</u>	ORDER by Judge James Robertson: denying motion for reconsideration of December 6th order with omnibus motion for Rule 11 sanctions [62-1] [63-1] by ROBERT LEPELLETIER JR. (N) (mlp) (Entered: 12/19/2000)
12/19/2000	<u>67</u>	ORDER by Judge James Robertson: denying motion for ruling on FDIC'S requested ex curia costs with extortion threat [65-1] by ROBERT LEPELLETIER JR. (N) (mlp) (Entered: 12/19/2000)
12/21/2000	68	MEMORANDUM by federal defendant FDIC in opposition to motion for ruling on FDIC'S requested ex curia costs with extortion threat [65-1] by ROBERT LEPELLETIER JR. (tth) (Entered: 12/26/2000)
11/26/2001	69	CERTIFIED COPY of judgment filed in USCA dated 10/9/01, on appeal [53-1] , affirming the judgment of USDC . USCA # 00-5135 (bcs) (Entered: 11/26/2001)