

**UNITED STATES DISTRICT COURT**

**DISTRICT OF CONNECTICUT**

GARY R. WALL  
Plaintiff

**CIVIL NO. 3:09cv344(JCH)**

v.

EXECUTIVE OFFICE FOR THE UNITED  
STATES ATTORNEYS WASHINGTON  
D.C.; U. S. ATTORNEY'S OFFICE NORTHERN  
DISTRICT OF ILLINOIS  
Defendants

**PLAINTIFFS RESPONSE TO DEFENDANTS RULE 56 MOTION TO DISMISS**

SUBMITTED BY:

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GARY R. WALL, Plaintiff  
60 Carriage Hill Drive  
Wethersfield, CT. 06109  
860 529-2651

DATED: June 14, 2010

## **PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS**

### **Relevant Background**

In or about 1995, the Laborer's International Union of North America signed a self-policing agreement with the Department of Justice.<sup>1</sup> Said agreement was known as the "Operating Agreement". Thirteen (13) years of facts have exposed in the LMRDA Complaint and the RICO Complaint the true intentions of the "Operating Agreement" i.e. a criminal buy-out of a drafted 212 page RICO Complaint drafted against Arthur Coia and his "associates in fact" members of his 18 U.S.C. 1964(1) Enterprise. Proximate harm from this conspiracy against the Lawful Functions of the United States started for this plaintiff in 1997 when District Chief Nevas (at the time) transferred the LMRDA Complaint from the Judge Arington to Janet C. Hall. Time and facts have revealed that Judge Nevas and the D.O.J. corruptly influenced your Court Room causing you to aid and abet trial perjury; facilitate the assaults and threats of assault against two of our affiants (18 U.S.C. 1951 Hobbs Act), (29 U.S.C. 530 assault).

Also, the flagrant embezzlement of this plaintiffs entire pension 18 U.S.C. 664 and the massive embezzlement of membership money 29 U.S.C. 501(c), you were Sub Rosa involved in Second Circuit D.O.J. Set Up Panels. Your Honor has usurped every Right I had as a Citizen of the United States from LMRDA Rights to ERISA Pension Rights to fundamental (Due Process Rights 5<sup>th</sup> Amendment.) Your Court Room is supposed to protect Citizen Rights not usurp Citizen Rights See: Marbury V. Madison 1 Cranch 137, 163:

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<sup>1</sup> "Quote relevant excerpts from "Summary of LIUNA Government Agreement" – "This agreement is a first – of – its – kind in the history of union – government partnering" --- "it is completely different from the International Brotherhood of Teamsters situation, which was an example of government take-over and control of a union"." (End of Quote). A government Consent Decree functions with Court Oversight the "Operating Agreement" was intentionally worded and drafted to avoid Court Oversight.

*“The very essence of Civil Liberty certainly consist in the right of every individual to claim the protection of the laws whenever he receives an injury”*

You should be ashamed and embarrassed for what you did to blue collar worker Rights. And now you expect me to stay silent and trust you. Public exposure of you and Judge Nevas (inter alio) schemes to protect the Department of Justice’s “Operating Agreement” is the only protection I have. That is why the Press Shield is so important to you and your cabal. I try to expose a conspiracy against the Lawful Functions of the United States i.e. “Operating Agreement” (18 U.S.C. 371(a)(b) and the cabal hides it though judicial acts of obstruction and fraud. I don’t expect justice from you concerning the F.O.I.A. Fee Waiver. I don’t expect you to allow the material requested in the F.O.I.A. request to be publicly known given the fact it will show the bifurcation of the LMRDA case 3:97CV9402(JCH) citing it as a “Personal Vendetta” (after remand Wall v. Local 230 224 Fed 3d 168) was an act of intentional judicial fraud meant to stop discovery that factually exposes serious labor and pension crimes committed and protected by the D.O.J.’s “Operating Agreement” against the two plaintiffs and the membership.

Contemplate what you have done, you have allowed a RICO Enterprise (18 U.S.C. 1961(4)) to police itself (“Operating Agreement”) using your Court Room to do so.

**28 C.F.R. 16.11(K)**

The core of the defendants denial of the Fee Waiver is at page 4 paragraph 9 of Defendant Local Rule 56(a)(1) Statement. Relevant part quoted for convenience:

*“OIP determined that plaintiff had failed to show that release of records would show that the release of records would contribute to the public’s understanding as the only reason for obtaining the records was to benefit the plaintiff”*

Contemplate the dilemma you have now created because you did not recuse yourself. I understand you don’t want another judge who is not part of the D.O.J. corruption influenced cabal to see what High Crimes you have committed against the Constitution and Justice System of the United States. How can I expect Justice concerning the Fee Waiver expecting you to rule in favor of the Fee Waiver and satisfy relevant criteria by ordering the dissemination of the information when you are a Sub Rosa Actor in the D.O.J. Press Shield<sup>2</sup>. The following website’s purpose is to try to overcome the Press Shield [www.unitedstatesproselaw.com](http://www.unitedstatesproselaw.com). Also, in the Due Process 5<sup>th</sup> Amendment case pending against you 3:09cv1066(DJS). This instant act of Ruling on evidence that exposes serious Separation of Power Corruption that you are involved in will be amended as another act of Due Process obstruction (5<sup>th</sup> Amendment). This has become ridiculous. Please allow the Fee Waiver and then take the consequences of public knowledge of your criminal acts (28 C.F.R. 16.11(K)).

SUBMITTED BY:

GARY R. WALL, Plaintiff  
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<sup>2</sup> Newspaper reporters that cover Federal Court Rooms are well aware not to print anything that makes the U. S. Attorney’s Office look bad in the slightest way. If they do they will not be given a heads up on breaking news matters and therefore lose their information steam; a flaw in the Justice System creating a Hobbs Act type Press Shield.

**CERTIFICATION**

This is to certify that a copy of Plaintiffs Response to Defendants Rule 56 Motion to Dismiss has been sent this 14<sup>th</sup> day of June postage pre-paid to

United States Attorneys Office  
c/o Lauren Nash  
District of Connecticut  
157 Church Street  
New Haven, CT. 06510

Executive Office for United States Attorneys  
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Department of Justice Office of the Solicitor General  
c/o of Acting Solicitor General, Mr. Edwin Kneedler  
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Washington, D. C. 20530-0001

SUBMITTED BY:

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**GARY R. WALL**