

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF FLORIDA

DONALD D. STONE \*

Plaintiff \*

v. \* Case No. 98-14069-CIV-RYSKAMP

WARFIELD, LONGO, \*

SAPPERSTEIN, et al \*

Defendant \*

\* \* \* \* \*

01 JAN 24 AM 10:31  
CLERK U.S. DISTRICT COURT  
S.D. OF FLA.  
[Handwritten signature]

PETITION FOR ORDER TO SHOW CAUSE WHY DEFENDANT

MARK C. SAPPERSTEIN SHOULD NOT BE HELD IN  
CRIMINAL CONTEMPT OF COURT

Donald D. Stone Plaintiff, pro se (Petitioner), hereby respectfully petitions the Court to invoke its authority to initiate criminal contempt and perjury proceedings, and issue an order requiring Mark C. Sapperstein, (Sapperstein) to show cause why he should not be held in criminal contempt of this Court pursuant to 18 U.S.C. § 401. Petitioner also requests that the Court determine whether Sapperstein's counsel participated in and/or facilitated his contemptuous conduct in this case, and the appropriate sanctions, if necessary. Finally, Petitioner asks that sanctions be imposed upon Sapperstein, including striking from the record all his false statements and evidence, and awarding Petitioner attorneys' fees and costs for the preparation, filing, and advocacy of this petition, as well as all other relief the Court deems appropriate. As grounds therefor, Petitioner states as follows:

**MEMORANDUM OF LAW**

**Introduction**

On Feb. 17, 1998 Plaintiff filed a Civil RICO complaint, Case No. 98-14069 CIV-Ryskamp/Lynch (FL/RICO) with this court as part of a privately financed five (5) year investigation into his former business associates that mushroomed into a corruption investigation into alleged organized crime and political corruption in the State of Maryland and Florida against approx. 100 defendants.

Sapperstein was one of the group of defendants (twenty-two individuals and entities) known as the Certain Defendants (DE # 31) represented by the law firm of Richman, Greer, Weil,

FILE

Brumbaugh, Mirabito & Christensen (RGWBMC) and two of their attorneys, a Brumbaugh and Lawrence Kunin (Brumbaugh/Kunin).

On or about April 2, 1998 DE #31 filed a motion with this court, CERTAIN DEFENDANTS MOTION TO DISMISS COMPLAINT (Motion) (Court Docket entry #31) and MEMORANDUM OF CERTAIN DEFENDANTS' MOTION TO DISMISS COMPLAINT (Memorandum) (Court Docket entry # 38) in the FL/RICO in a motion to dismiss for lack of personal jurisdiction .

Attached to this motion/memorandum to dismiss were affidavits signed by each of the DE #31 Defendants including Mark Sapperstein's affidavit.

Sapperstein's affidavit marked Exhibit 13, was dated March 31, 1998 and signed under penalty of perjury by Mark Sapperstein and filed with this court on or about April 2, 1998. **(EXHIBIT 1)**.

On Sapperstein's affidavit at number seven (7) and number ten (10) which corresponds to Fla. Stat. § 48.193 (1997) (2): **(EXHIBIT 1, excerpt, pg. 2)**

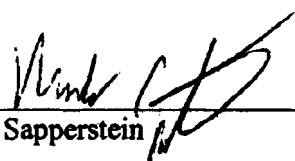
Sapperstein declares that :

7. I have never engaged in solicitation or service activities in the state of Florida as contemplated by Fla. Stat. Ann., Title IV, §48.193(f)(1).

10. I have never engaged in substantial and not isolated activity in the state of Florida.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: 3-31-98

  
Mark Sapperstein

Of special attention, cited in the Memorandum **(EXHIBIT 2 pg 6-7)** is the Florida Long-arm Statute § 48.193 (1997) (the statute is cited verbatim except for subsections (1) (e) and (h) in the

Memorandum, but not on the affidavits) that were signed by DE #31 which were signed under penalty of perjury by each of the DE #31.

Assigned to this case, Federal Judge Kenneth Ryskamp and Magistrate Judge, Frank Lynch Jr. (Ryskamp/Lynch) at this stage of the FL/RICO litigation were simply trying to determine if this court had personal jurisdiction over the DE # 31 and their alleged co-conspirators and the other defendants.

On or about May 8, 1998 Federal Magistrate Judge , Frank Lynch Jr. (Lynch) issued a court recommendation REPORT AND RECOMMENDATION ON DEFENDANT'S MOTIONS TO DISMISS (DE #14 ), (DE #22) AND (DE #31) AND RECOMMEND-ING TRANSFER OF CASE TO THE DISTRICT OF MARYLAND , dismissing plain-tiff's FL/RICO case " with prejudice " for lack of personal jurisdiction and refusing to transfer plaintiff's case to Maryland. **(EXHIBIT 3)**.

Magistrate Judge Lynch Jr. based his recommendation to dismiss, "with prejudice" and for "lack of personal jurisdiction" on the court filings of three (3) groups of defendants designated DE #14, DE # 22 , and DE # 31.

Acting on Lynch's recommendations, obtained in part by reviewing the DE # 31 affidavits, Federal Judge, Ryskamp issued a court order dismissing Plaintiff's FL/RICO "without prejudice" for lack of personal jurisdiction, prohibiting plaintiff from directly transferring the existing FL/RICO to a Maryland federal court, but allowing plaintiff to re-file the FL/RICO in a Maryland federal court.

On or about Oct. 30,1998 plaintiff did re-file a similar complaint Civil No. L-98-3652 MD/RICO in the Baltimore, Maryland federal court,

Plaintiff also re-served the same original defendants, plus additional defendants.

One of the original DE # 31 defendants, a Bruff J. Procter, also a defendant in the MD/RICO , repeatedly evaded the process server, until plaintiff obtained the services

of a private investigator who staked out Procter and eventually served Procter.

Beginning early 1999 thru late 2000, Plaintiff discovered additional substantial and continuous activities in Florida between Sapperstein , individually, and/or through business entities closely owned/controlled and/or alter egos of Sapperstein and a Pinnacle Towers Inc. (a Delaware corp.) headquartered in Sarasota Florida, involving extensive transactions in late 1997 and early 1998 immediately prior to Sapperstein's signing of his affidavit, March 31, 1998 that were not disclosed to this court.

Plaintiff located an \$8, 273, 300.00 (eight million two hundred seventy three thousand three hundred dollar) (the "Principal Sum" ) transaction between Sapperstein (individually) and Pinnacle Towers Inc. dated Dec. 3 ,1997. **(EXHIBIT 4)** **(EXHIBIT 5, excerpts)**

Plaintiff also obtained an affidavit signed by Sapperstein from a Maryland State court, Anne Arundel County proceeding Link Telecommunications v. Mark Sapperstein , Case No. C-1999-56827 OT, ANSWER OF DEFENDANTS MARK SAPPERSTEIN TO INTERROGATORIES OF LINK TELECOMMUNICATIONS ,INC. in which Sapperstein discloses the names of the individuals that he dealt with at Pinnacle Towers, Inc. headquarters in Sarasota, FL. **(EXHIBIT 6 excerpts pg 1,4,8)**

This and other exhibits included with this Petition are evidence that the affidavit filed by Sapperstein with this court contained materially false and misleading information at lines seven (7) and ten (10) of the affidavit.

This materially false and misleading information was a scheme to deny this court personal jurisdiction over Sapperstein, the DE #31 defendants and other alleged co-conspirators that had been named in the FL/RICO and to induce this Court to issue an order dismissing the FL/RICO for lack of personal jurisdiction.

**PLAINTIFF'S DISCOVERY OF THE SAPPERSTEIN / PINNACLE TOWERS**  
**SARASOTA, FLORIDA TRANSACTIONS**

**BACKGROUND**

Early 1999, Plaintiff was contacted by other alleged victims of Mark Sapperstein , Mary-land resident, Jane Chamberlain (Chamberlain). Chamberlain explained to Plaintiff an alleged fraudulent scheme by Sapperstein that had been perpetrated on her, and husband, George Chamberlain and their business entity Link Telecommunications. **(EXHIBIT 7)**

The Sapperstein scheme targeting the Chamberlain's alleged intellectual property, (an innovative business model pertaining to cellular tower sites), was a mere continuation and refinement of the schemes Sapperstein, DE#31, and certain of their co-conspirators had used to wrest from plaintiff his potentially valuable intellectual property.

In fact, Sapperstein initiated the scheme against the Chamberlains on or about June/July 1996 which coincides with the approximate time that Sapperstein, the other DE #31 defendants and certain co-conspirators had successfully wrested from plaintiff, his intellectual property, by forcing plaintiff to capitulate into assigning his patent and intellectual property to the non-existent Donald Stone Industries Inc. and the DE #31 exclusive control.

August 1999 the Chamberlains filed a lawsuit, Link Telecommunications v. Mark Sapperstein et al., in Maryland State Court, Anne Arundel County Case No. C-1999-56827 for alleged Debt, Breach of Contract, Fraud and Deceit, Conversion, Breach of Fiduciary Duty, Theft, Gross Fraud, Unjust Enrichment, Accounting, seeking damages of \$10,000,000.00 (ten million). This lawsuit is still pending.

Chamberlain indicated that Sapperstein had been involved in other dealings in Florida, other than Sapperstein and his co-conspirators scheme to wrest from Plaintiff his intellectual property.

Plaintiff, aware of the March 31, 1998 affidavit that Sapperstein signed under oath in the FL/RICO began to investigate Sapperstein's other alleged contacts with Florida.

Chamberlain directed Plaintiff to a Pinnacle Towers Inc. (a Delaware corp.) with headquarters /principal office at 1549 Ringling Blvd., Third Floor, Sarasota, FL. 34236, Tel. (941) 364-8886.

**(EXHIBIT 8 excerpt pg 5)**

Plaintiff then obtained a Pinnacle Prospectus (Prospectus) dated Feb. 19, 1999 concerning a \$325 million IPO being made by Pinnacle. **(EXHIBIT 8 excerpts)**

A James Dell'Apa, at Pinnacle who Sapperstein admits to dealing with at EXHIBIT 6 , NO. 10 is listed in the Prospectus under Management on page 52. **(EXHIBIT 8 excerpt pg 52)**

Listed in the Prospectus on pages F-36 thru F-44 pertain to a SHORE COMMUNICATIONS (A carve-out entity of Shore Communications, Inc., West Shore Communications, Inc., and 28 Walker Associates, LLC) (Sapperstein/SHORE ) (**EXHIBIT 8 excerpts pg F-36 thru F-44**)

Plaintiff recognized the Sapperstein/SHORE entities as being associated with Mark Sapperstein but was unable to determine the exact relationship between Sapperstein /SHORE.

By the mid to late year 2000, Plaintiff, by collaborating with Chamberlain would obtain additional documentary evidence that would help clarify the Sapperstein/SHORE activities with Pinnacle in Sarasota, FL. including certain documents that were excepted from certain of the transactions between Mark Sapperstein and Pinnacle Towers, Inc. in Sarasota, FL. dated on or about Dec. 3,1997, **Exhibits 9 thru 15**

**EXHIBIT 9** Cover Sheet and Document Index titled :

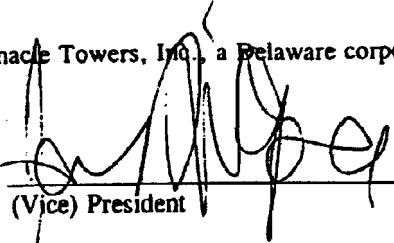
MARK SAPPERSTEIN  
SALE OF COMMON STOCK SHORE COMMUNICATIONS, INC.  
AND WEST SHORE COMMUNICATIONS, INC.  
AND ASSETS OF 28 WALKER ASSOCIATES, INC.  
TO  
PINNACLE TOWERS, INC.  
Closing Date : Dec. 3, 1997

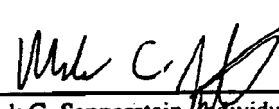
**EXHIBIT 10** Signed by Mark C. Sapperstein individually and as a member of 28 Walker Associates, LLC. (excerpt pg 29).

STOCK AND ASSET PURCHASE AGREEMENT  
Between  
PINNACLE TOWERS INC.  
And  
MARK SAPPERSTEIN  
As of November 7, 1997

EXECUTED as of the date first written above.

Pinnacle Towers, Inc., a Delaware corporation

By:   
(Vice) President

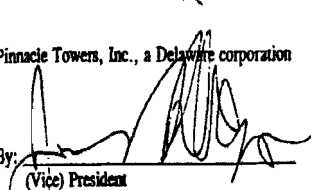
  
Mark C. Sapperstein, individually and as  
a member of 28 Walker Associates, LLC

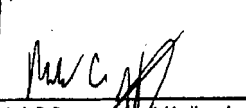
**EXHIBIT 11** Documentary evidence of an ongoing and continuous relationship between Mark Sapperstein and Pinnacle in Sarasota, FL. signed by Mark Sapperstein, individually and as a member of 28 Walker Associates, LLC. (pg. 3)

EXHIBIT 7.06

NONCOMPETITION, COOPERATION AND OPTION AGREEMENT

Pinnacle Towers, Inc., a Delaware corporation

By:   
(Vice) President

  
Mark C. Sapperstein, individually and as  
a member of 28 Walker Associates, LLC

**EXHIBIT 12** (pg. 8)

PINNACLE / SAPPERSTEIN  
ESCROW AND DISBURSEMENT AGREEMENT

IN WITNESS WHEREOF, Purchaser, Seller and Escrow Agent have each executed this Agreement to be effective as of the day and year first written above.

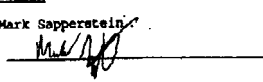
Purchaser:

Pinnacle Towers, Inc.

BY: 

SELLER:

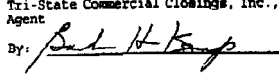
Mark Sapperstein



ESCROW AGENT:

Lawyers Title Insurance Company

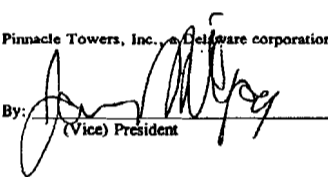
BY: Tri-State Commercial Closings, Inc.,  
Agent


By: 

**EXHIBIT 13** (excerpt pg 11) Additional evidence of ongoing and continuous activities between Sapperstein/28 Walker Associates and Pinnacle in Florida, Land Lease Agreement dated on or about Dec. 3, 1997.

EXHIBIT 2.09  
GROUND LEASE

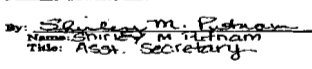
to cause such lien to be discharged within thirty (30) days after the filing thereof, then, in addition to any other right or remedy of Landlord, Landlord may, but shall not be obligated to, discharge the same by paying the amount claimed to be due; and the amount so paid by Landlord, and all costs and expenses, including reasonable attorneys' fees incurred by Landlord in procuring the discharge of such lien, shall be due and payable by Tenant to Landlord, as additional rent, on the first day of the next succeeding month. Notice is hereby given that Landlord shall not be liable for any labor or materials furnished to Tenant upon credit and that no mechanics', materialmen's or other liens for any such labor or materials shall attach to or affect the estate or interest of Landlord in and to the land and improvements of which the Premises are a part.

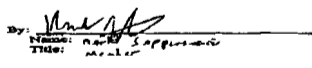
Pinnacle Towers, Inc., a Delaware corporation  
By:   
(Vice) President

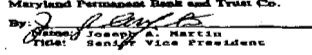
28 Walker Associates LLC, a Maryland limited liability company  
By:   
Mark Sapperstein, Manager

**EXHIBIT 14** (pg. 7) SUBORNATION, NONDISTURBANCE AND ATTORNMENT AGREEMENT

IN WITNESS WHEREOF, as of the day and year first above written the parties have caused these presents to be executed by their duly authorized officers, managers or appointees.

TENANT:  
Pinnacle Towers, Inc.  
By:   
Name: Sarah M. Robinson  
Title: Asst. Secretary

LANDLORD:  
28 Walker Associates LLC  
By:   
Name: Mark Sapperstein  
Title: Manager

BANK:  
Maryland Permanent Bank and Trust Co.  
By:   
Name: Joseph A. Martin  
Title: Senior Vice President

Of special interest to this court is that Mark Sapperstein's alleged close personal acquaintance/political crony and co-conspirator, Joseph Curran Jr., (Curran) MD. Attorney General, who was a defendant in both the FL/RICO and MD/RICO was making loans and/or loan guarantees through the Office of Attorney General, Dept. of Business and Economic Development to Shore



Communications for which Mark Sapperstein and his wife Stacy were making personal guarantees. **EXHIBIT 15**

Contrary to Mark Sapperstein's affidavit, his father Gilbert Sapperstein and co-conspirator filed an affidavit with the DE #31 defendants and did disclose at No. 5.

"Although I do own a vacation home in Hillsborough Beach, Florida, I do not hold a mortgage or other lien on any real property within the state of Florida." **EXHIBIT 16**

Curran's activities on behalf of Sapperstein/Shore were taking place prior to and/or during and after Curran and his agents filed an affidavit containing materially false information with a MD. state court on or about June 1995 on behalf of Mark and Gilbert Sapperstein, CharlesR. Longo, Robert E Warfield Sr. et al of the DE #31 to discredit the Plaintiff.

The Sapperstein/Shore carve out entities were closely held and/or controlled by Mark Sapperstein as the agent and/or alter egos of Sapperstein that were purchased by Pinnacle with the payment of the approximately Eight Million dollars made directly by Pinnacle to Mark Sapperstein.

Sapperstein obstructed the FL/RICO case by submitting a false affidavit into the record.

The affidavit, which was marked in the court filings as Sapperstein affidavit Exhibit 13, contains numerous false statements by Sapperstein.

Sapperstein's willful and intentional misconduct before this Court severely obstructed the administration of justice in the FL/RICO case, Plaintiff seeks relief from and petitions this Court for swift action.

Sapperstein's false affidavit was a means to and a step in, accomplishment of a larger and ongoing conspiracy. Having unlawfully wrested from Plaintiff his intellectual property in mid-1996 Sapperstein and his certain co-conspirators acting in concert have engaged in numerous and ongoing schemes as alleged in the FL/RICO. Sapperstein's false affidavit was a mere continuation.

Plaintiff asks this court to promptly institute criminal contempt proceedings, issue to Sapperstein

an order to show cause, hold a trial, and make findings on these matters.

Plaintiff also asks the Court to determine whether Sapperstein's counsel participated in and/or facilitated the contemptuous conduct at issue, and the appropriate sanctions, if necessary.

Plaintiff asks this court to refer this matter to the U.S. Attorney .

Plaintiff also asks the court to wait until the new U. S. Attorney General takes office and removes the Clinton appointed U.S. Attorneys prior to referring this matter.

Plaintiff asks this court to reinstate Plaintiff's original FL/RICO in this jurisdiction.

Finally, Plaintiff ask that Sapperstein's false affidavit and evidence concerning Plaintiff be stricken from the record, and the Court award Plaintiff attorneys' fees and costs for the preparation, filing, and advocacy of this petition, as well as all other relief the Court deems appropriate.

## **II. Discussion.**

This is the appropriate time to file this Petition, again this very court in *Stone v. Curran et al.* Case No. 00-14204 Graham/Lynch filed July 5, 2000 is being burdened with the task of determining whether it has personal jurisdiction over one of Sapperstein's alleged co-conspirators, defendant Curran from the FL/RICO and MD/RICO case and his co-counsel Margaret Tindall (Officer of the Court, who had been admitted Pro Hac Vice to this court).

Sapperstein and certain of his alleged co-conspirators have engaged in numerous schemes to defraud not only the plaintiff, but also to commit fraud upon the court and judges they have appeared before, this very court in Florida, and at both the State and federal level in Maryland.

Plaintiff is returning to this court approximately two and one-half years later with this

Petition, Plaintiff's FL/RICO was dismissed in June of 1998. *In re E.I. DuPONT DE NEMOURS & COMPANY-BENLATE LITIGATION*. 99 F3d 363 (1996 – 11<sup>th</sup> Cir.) a motion to show cause was filed more than a year and a half after the settlement was reached. As a result of the

production of the Alta data in the Hawaii Benlate case, the Appellees returned to the district court-more than a year and a half after the settlement of the Bush Ranch litigation-with a petition seeking sanctions against DuPont.

**1. This Court Has Authority to Institute Criminal Contempt Proceedings,  
Find Sapperstein In Contempt, and Punish Him for His Obstruction of the  
FL/RICO Case.**

A proceeding for criminal contempt can be commenced by the government — on its own initiative or on the relation of an individual who need not have an interest in the enforcement of a violated order — or by the court on its own motion. See Fed. R. Crim. P. 42(b). Criminal contempt is applicable here because the wrongs have already been committed, and Petitioner seeks a contempt order that would be punitive, as opposed to remedial or coercive. See, e.g., *International Union, UMWA v. Bagwell*, 512 U.S. 821, 827 (1994); *United States v. Nunez*, 801 F.2d 1260, 1263 n.2 (11<sup>th</sup> Cir. 1986). The court's authority to render punishment for the contumacious conduct in this case is beyond dispute:

That the power to punish for contempts is in all courts, has been many times decided and may be regarded as settled law. It is essential to the administration of justice. The courts of the United States, when called into existence and vested with jurisdiction over any subject, at once became possessed of the power. *Michaelson v. United States ex rel. Chicago, St. P., & O Ry. Co.*, 266 U.S. 42, 65-66 (1924).

The United States Supreme Court has ruled that federal courts have authority under 18 U.S.C. § 401 to punish criminal contempt of their authority. See, e.g., *In re Michael*, 326 U.S. 224, 227 (1945). Indeed, most federal courts recognize this authority as an inherent attribute of judicial office. See, e.g., *Michaelson*, 266 U.S. at 65-66 (1924); accord *International Union, UMWA v. Bagwell*, 512 U.S. at 831 (courts have embraced inherent contempt authority as power "necessary to the exercise of all others") (quoting *United States v. Hudson*, 7 Cranch 32, 34 (1812)); *Young v. United States ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 793 (1987).

It is hornbook law that state and federal courts have "the inherent power to regulate litigation and to sanction litigants for abusive practices." *Vargas v. Peltz*, 901 F. Supp. 1572, 1579 (S.D. Fla. 1995). See also *Malautea v. Suzuki Motor Co.*, 987 F.2d 1536, 1545 (11th Cir.), cert. denied, 510

U.S. 863 (1993) (recognizing that federal courts have the inherent power to impose reasonable and appropriate sanctions on those appearing before them); *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989) ("[A] federal district court possesses the inherent power to deny the court's processes to one who defiles the judicial system by committing a fraud on the court"); *Pope v. Federal Express Corp.*, 138 F.R.D. 675, 683 (W.D. Mo. 1990), *aff'd in part, vacated in part* on other grounds, 974 F.2d 982, 984 (8th Cir. 1992) (court has inherent power to sanction litigants for improper conduct); *Telectron, Inc. v. Overhead Door Corp.*, 116 F.R.D. 107, 126 (S.D. Fla. 1987) (stating the general rule).

It is equally well-established that those inherent powers include the authority to dismiss the claims or defenses of or enter a default judgment against a litigant who engages in dishonest conduct, obstructs the discovery process, abuses the judicial process, or otherwise seeks to perpetrate a fraud on the court. See, e.g., *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-632 (1962). See also *Aoude*, 892 F.2d at 1118; *McDowell v. Seaboard Farms of Athens, Inc.*, 1996 WL 684140, 2-3 (M.D.Fla. 1996) (cases cited therein);

As a general rule, a litigant is deemed to have perpetrated a fraud on the court when "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." *Cox*, 706 So. 2d at 46 (quoting *Aoude*, 892 F. 2d at 1118).

**A. Sapperstein Obstructed the FL/RICO Proceeding By:**

Submitting an Affidavit containing false and misleading statements relating to his personal and business contacts with the State of Florida.

Sapperstein submitted in the FL/RICO case an affidavit signed under oath containing false and misleading statements, which he knowingly and willfully used as a scheme to induce this court and both the federal and magistrate judge of this court to issue court orders dismissing Plaintiff's FL/RICO for lack of personal jurisdiction.

The affidavit falsely states that Mr. Sapperstein does not have the necessary contacts with the State of Florida for this court to obtain personal jurisdiction over him.

Sapperstein falsely stated in his affidavit that:

Line No. 7 - I have never engaged in solicitations or service activities in the state of Florida as contemplated by Fla. Stat. Ann., Title IV, §48.193(f)(1).

Line No. 10 – I have never engaged in substantial activity and not isolated activity in the state of Florida.

These false statements in Sapperstein's affidavit March 31, 1998 are contradicted by Sapperstein's interrogatory (EXHIBIT 6) on or about April 25, 2000 in which Sapperstein identifies certain of the individuals that he dealt with at Pinnacle Towers, headquartered in Sarasota, FL.

Sapperstein has told so many lies even he cannot keep them straight.

**B. The Court Should Also Determine Whether Sapperstein's Legal Counsel Participated In And/Or Facilitated His Contemptuous Conduct.**

Sapperstein's attorney Brumbaugh/Kunin had a duty and obligation to conduct "due diligence" prior to filing any affidavits with the court concerning the lack of personal jurisdiction.

If in fact Sapperstein's business dealings with Pinnacle were immaterial to the personal jurisdiction issues before Ryskamp/Lynch, Brumbaugh/Kunin were required to make full disclosure and allow the court to determine if it was material to the personal jurisdiction question.

This scheme to conceal from disclosure the Sapperstein/Pinnacle activities which took place in late 1997 and early 1998 immediately prior to and/or during the filing of Sapperstein's affidavit May 31, 1998 indicates that Brumbaugh/Kunin knew or should have known this disclosure would be damaging to their lack of personal jurisdiction argument.

In fact, a review of the Memorandum of law that accompanied Sapperstein's affidavit

demonstrates that Brumbaugh/Kunin repeatedly argued that this court had no personal jurisdiction over the DE # 31 contrary to what the Sapperstein/Pinnacle documents indicate.

Sapperstein's affidavit contained materially false evidence to induce this court and Ryskamp/Lynch to enter an order to dismiss for lack of personal jurisdiction.

These facts confirm that Sapperstein's lawyers — Brumbaugh/Kunin—knew or had reason to know that Sapperstein filed an affidavit containing false and misleading statements with this court. Thus, Brumbaugh/Kunin also had to know, and should have known, that their client had lied in the FL/RICO case.

Sapperstein's lawyers Brumbaugh/Kunin knew or should have known that Sapperstein's affidavit was false on these points. Thus, the Court must also determine whether Sapperstein's legal counsel participated in and/or facilitated his contemptuous conduct in the FL/RICO case. If the Court finds, as Plaintiff believes it will, that Sapperstein's lawyers knew or should have known that their client made numerous false statements and submitted false evidence before this Court in the FL/RICO case, it should take all appropriate actions to preserve the integrity of the Court's authority and powers.

## **II. Conclusion.**

Sapperstein's conduct in the FL/RICO case relating to Plaintiff was only part of a larger pattern of conduct to completely obstruct that judicial proceeding. Sapperstein's false affidavit testimony and submission of false evidence are inconsistent with the truth-seeking process that provides the foundation of our judicial system. Indeed, the natural and probable effect of his conduct, and the intended effect no doubt, was to obstruct the due administration of justice as this Court searched for the truth in the FL/RICO case.

Sapperstein not only allowed Federal Judge Ryskamp and Magistrate Judge Lynch's courtroom to be perverted, he perverted it himself. The Court must call Sapperstein to account for his wrongdoing and, if his legal counsel participated in and/or facilitated this obstruction, they must be held accountable as well. It is the only way to ensure that others who come into Ryskamp and Lynch's courtroom, and courtrooms like this around the country, will not engage in similar

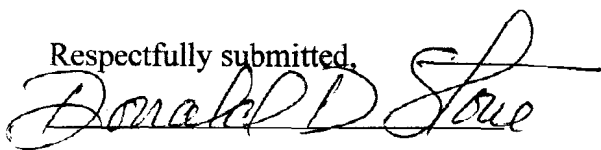
conduct. To do nothing would be a greater perversion. It would also be contrary to the duty of this court to uphold and maintain the integrity of the judicial process.

Plaintiff asks this Court to institute criminal contempt and perjury proceedings to preserve its integrity, protect truthful witnesses, and punish Sapperstein and, if necessary, his counsel, for this gross misconduct. Sapperstein should be called before this Court to answer its inquiry into these matters, and pertinent witnesses, including, all those that signed affidavits submitted by attorney Brumbaugh/Kunin and also Joseph Curran Jr. , Margaret Tindall, Scott Masel, and Robert Butterworth should be called to provide relevant testimony. If the Court finds Sapperstein in criminal contempt, Plaintiff asks that it impose sanctions on him, including striking from the record all his false statements and evidence, and awarding Plaintiff attorneys' fees and costs for the preparation, filing, and advocacy of this petition, as well as all other relief the Court deems appropriate. Plaintiff also requests that the Court determine whether Mr. Sapperstein's counsel participated in and/or facilitated his contemptuous conduct in this case, and the appropriate sanctions, if necessary.

WHEREFORE, Plaintiff prays that this Court enter an Order to Show Cause ordering Mark C. Sapperstein to appear before this Court to show cause, if he has any, why he should not be adjudged in contempt of this honorable Court for false testimony, perjury, and obstruction of justice and refer this matter to the U.S. Attorney.

The Court must take swift and firm action — otherwise it abdicates its solemn and sworn duty to protect and uphold our cherished system of justice.

Respectfully submitted,



Donald D. Stone, Pro Se  
2725 N.E. Indian River Dr.  
Unit #2  
Jensen Beach, FL. 34957  
(561) 334-7182

## EXHIBITS

- EXHIBIT 1** Affidavit of Mark Sapperstein signed on or about March 31, 1998.
- EXHIBIT 2** Memorandum in Support of Certain Defendants Motion to Dismiss Complaint
- EXHIBIT 3** REPORT AND RECOMMENDATION ON DEFENDANT'S MOTIONS TO DISMISS (DE # 14), (DE # 22), AND (DE # 31) AND RECOMMENDING TRANSFER OF THE CASE TO THE DISTRICT OF MARYLAND, Magistrate Judge Frank Lynch Jr., May 8, 1998.
- EXHIBIT 4** Dec. 3, 1997 PROMISSORY NOTE for \$8,341,300.00 describing payment from: Pinnacle Towers Inc. to Mark Sapperstein , signed by R.J. Wolsey and witnessed by Jennifer Goodrich.

Pinnacle Towers Inc. (Maker)  
1549 Ringling Boulevard  
3<sup>rd</sup> Floor  
Sarasota, FL. 34236

Mark Sapperstein (Holder)  
28 Walker Avenue  
Baltimore, Maryland 21208

- EXHIBIT 5** Excerpt of certain documents from Nations Bank detailing the \$8,341,300.00 (Eight million, Three Hundred and no/100 United States dollars) of the payment made by (Applicant) Pinnacle Towers Inc., 1549 Ringling Blvd. 3<sup>rd</sup> FL., Sarasota, FL. 34326 to (Beneficiary) Mark Sapperstein, (personally) 28 Walker Ave., Baltimore, MD. 21208 on or about Dec. 3, 1997.

- EXHIBIT 6** Excerpt from ANSWERS OF DEFENDANT MARK SAPPERSTEIN TO INTERROGATORIES OF LINK TELECOMMUNICATIONS, INC. signed under penalty of perjury by Mark Sapperstein on or about April, 2000 in the Link Telecommunications Inc. (plaintiff) v. Mark Sapperstein, et al. (defendants) in the Circuit Court for Anne Arundel County (Maryland) Case NO. C-1999-56827 pertaining to the individuals Sapperstein dealt with At Pinnacle Towers Inc.

- EXHIBIT 7** Baltimore Sun newspaper article March 9, 1997 concerning the Mark Sapperstein scheme to defraud the Chamberlains of their alleged intellectual property.

- EXHIBIT 8** Excerpt from Pinnacle Holdings Inc. Feb. 19, 1999 stating , The Company's headquarters are located at 1549 Ringling Boulevard, Third Floor, Sarasota, Florida 34326 and its telephone number is (941) 364-8886 ( pg. 5, 3<sup>rd</sup> parag.) lists the Executive Officers, Directors and Key Employees , listing James Dell' Apa ---- Director, Executive Vice President and Chief Operating Officer, (Page 52) and the transactions between Sapperstein and Pinnacle pg F-36 thru F-44.

- EXHIBIT 9** Cover Sheet and Document Index (Excerpt) from documents known as Mark Sapperstein Sale of Common Stock of Shore Communications Inc. and West Shore Communications Inc. and assets of 28 Walker Associates, LLC to Pinnacle Towers, Inc. closing date : Dec. 3, 1997.



- EXHIBIT 10.** STOCK AND ASSET PURCHASE AGREEMENT  
Pinnacle Towers Inc. (purchaser) Mark Sapperstein (the Stock Seller) (pg.1)  
Signed by Mark Sapperstein, individually and as a member of 28 Walker  
Associates, LLC.
- EXHIBIT 11** NONCOMPETITION, COOPERATION AND OPTION AGREEMENT  
Dated Dec. 3, 1997. Signed by Mark Sapperstein individually and as a member  
of 28 Walker Associates, LLC.
- EXHIBIT 12** PINNACLE / SAPPERSTEIN ESCROW AND DISBURSMENT  
AGREEMENT Signed by Mark Sapperstein on or about Dec. 3, 1997
- EXHIBIT 13** GROUND LEASE EXHIBIT 2.09
- EXHIBIT 14** SUBORNATION, NONDISTURBANCE , AND ATTORNMENT  
AGREEMENT
- EXHIBIT 15** OFFICE OF THE ATTORNEY GENERAL , Dept. of Business and Economic  
Development , document pertaining to loans made to Shore Communications  
Inc. owned and/or controlled by Mark Sapperstein by MD. State agencies  
controlled by defendant Curran and his agents, in which Mark Sapperstein and  
his wife were personally guaranteeing certain loans.
- EXHIBIT 16** Gilbert Sapperstein affidavit dated March 31, 1998