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Defendants "**CitiStreet**" & Copeland Associates, Inc, though both duly served with process, do not appear in the action, and thereby default.

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3/12/03 CAL requests Clerk of the Court Robert Heinemann to note the defaults of "**CitiStreet**" and Copeland on the docket, per FRCP 55(a). [see *item # 4 'Part 1...' page 3*]

12

WG&M sends a letter dated 3/17/03 to James Giokas, Chief Deputy Clerk, stating that WG&M opposes the notation of the defaults of "**CitiStreet**" and Copeland on the docket, WG&M informs the court that neither "**CitiStreet**" nor Copeland Associates, Inc. are legal entities of any sort, therefore a default should not be noted on the docket. [see *item # 4 'Part 1...' page 1*] WG&M did not appear on behalf of these "non-existent entities". (docketed on 7/9/04)

13

4/21/03 CAL moves for default judgments against "**CitiStreet**" and Copeland. [see *item # 4*]

14

WG&M is permitted to advocate on behalf of "**CitiStreet**" and Copeland Associates, Inc throughout the litigation without appearing on their behalf.

15

WG&M, although they do not represent "**Citistreet**" or Copeland, oppose CAL's motion for default judgments and submit an affidavit by a Mr. Robert C. Dughi dated 5/1/03 supporting their statement to the court that "**CitiStreet**" and Copeland Associates, Inc. do not exist." [see *item # 24*]

16

4/28/03 Buck Consultants and the LMC defendants move under FRCP 12 (b)(6) to dismiss the action in its entirety.

17

7/7/03 MJ Pohoresleky holds a proceeding. He ridicules CAL's request for default judgments stating that CAL is only playing games and makes other disparaging comments about CAL's case. He also states there is no company named "**CitiStreet**". [see transcript at item # 5]

18

8/18/03 Citigroup and State Street defendants move under FRCP 12(b)(6) to dismiss the action in its entirety.

19

5/4/04 Letter from court clerk Mr. Heinemann, stating that he refuses to note the defaults of "**CitiStreet**" & Copeland on the court's docket. [see item # 6b]

20

6/14/04 CAL moves to disqualify M.J. Pohorelsky for the biased and prejudicial statements he made to CAL and his counsel on 7/7/03. [see item 6]

21

6/30/04 CAL petitions the 2<sup>nd</sup> Circuit Court of Appeals for a writ of prohibition to prevent M.J. Pohorelsky from presiding & sitting in judgment of himself at the hearing he called on the motion to disqualify him as the M.J., and for mandamus to compel the clerk of the court to note the defaults of "**CitiStreet**" & Copeland on the court's docket. [see item # 15] Both applications were denied 3 months later.

22

Besides his stated personal bias and prejudice against CAL, CAL also objected to the M.J.'s prior relationships with: Ping Moy (GC for LMC) with whom he worked in the U.S. Attorneys Office, Otto Obermaier a partner of WG&M who was his former boss when Mr. Obermaier was the U.S. Attorney for the Southern District of NY, and Viktor Pohorelsky was Chief of the Organized Crime Bureau of the U.S. Attorney's office under him, in the SDNY, and Ms. Arrechio, a legal intern of the M.J. who was then employed by attorneys for Buck. [see item # 6]

23

7/16/04 M.J. Pohorelsky presides at hearing, sits in judgment of himself, and denies CAL's motion that he disqualify himself. [see item # 14]

24

7/8/04 CAL moves for Rule 11 sanctions against WG&M for denying the existence of "**CitiStreet**" and Copeland to the court. [see items # 9-14]

25

11/30/04 M.J. Pohorelsky orders what amounts to a kangaroo court on Rule 11 motion, denying CAL his right to present proof, and limiting the inquiry to the credibility of Robert Dughi and his affidavit. The hearing is ordered for 1/5/05. M.J. Pohorelsky indicates that he can award counter sanctions equal to the 5 figure legal fees submitted by WG&M in opposing CAL motion for sanctions against WG&M. [see item # 41 page A-405]

26

12/27/04 CAL objects to the hearing limitations and ground rules ordered by M.J. Pohorelsky on 11/30/04 to Judge Johnson, to no avail. [see item # 22]

27

1/4/05 Judge Johnson denies motion by CAL to withdraw his Rule 11 motion for sanctions and to rescind the kangaroo court ordered by MJ Pohorelsky on 11/20/04. [see item #41 pages A34-A39]

28

CAL finds that according to the records in the Kings County Clerk's Office, that M.J. Pohorelsky has his mortgage with Citibank. He advises Judge Johnson and the M.J. thereof, by letter dated 1/3/05. [see item # 23]

29

On 1/5/05 the kangaroo court is convened. Testimony is limited to Robert Dughi who testifies to the court that "CitiStreet" is a 50/50 Joint Venture between Citigroup and State Street. [see item # 25 e]

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1/5/05 M.J. Pohorelsky denies ever having had any mortgage with Citibank. [see item # 25 a]

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1/5/05 M.J. Pohorelsky volunteers that he banks at Citibank and has a retirement fund with Citibank. [see item # 25 b]

32

Travelers paid "CitiStreet" commissions but "CitiStreet" is not licensed by the NYS Department of Ins. to receive such commissions.

33

Dughi is shown the LMC Federal Form 5500 indicating that Travelers paid "CitiStreet" >\$20k in commissions for its sales at LMC.

34

1/5/05 Mr. Dughi, when shown a few 6 figure checks drawn by Copeland, years after they allegedly went out of business, testifies that they were just using up left-over checks from Copeland Associates, Inc. [see item #'s 25 page 21 and items 2d & 2e]

35

Within 30 days of 1/5/05 Mr. Dughi resigns his position with CitiStreet and 30 days thereafter his boss the Chairman of CitiStreet is also out of his job.

36

After 1/5/05 Judge Johnson denies every motion made by CAL and he grants the FRCP 12 (b)(6) motions to dismiss CAL's case in its entirety, without having allowed CAL to present to the court any proof whatsoever, or any discovery being had regarding the question of material fact that he was a fiduciary under ERISA, nor does the Judge permit CAL to amend his complaint or present any other proof whatsoever in support of the various counts in the complaint. Judge Johnson granted the motions to dismiss after having considered them for close to 18 months and not taking any proof on the issues presented by CAL in his complaint. [see items # 35 & 36]

37

1/24/05 Judge Johnson issues an order admonishing counsel for CAL for having written letters to him, M.J. Pohorelsky, and WG&M. He also admonishes counsel for making voluminous filings on behalf of CAL's assertions that "CitiStreet." and Copeland defaulted in appearing. [see item # 41 pages A-60-A-65]

38

CAL appeals the dismissal of his case and the motions that were denied to the U.S. 2<sup>nd</sup> Circuit Court of Appeals. [see items # 39-49]

39

2/7/06 Motion made by CAL to add 5 pages to his record on appeal, which was undecided and still pending at the time of the decision on his appeal was rendered. [see items # 51-53]

40

2/13/06 CAL moves for a 3 week adjournment of oral argument of his appeal to sometime after 4/15/06 due to the heart attack and the triple bypass that his attorney underwent on 1/30/06. [see item # 54]

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2/28/06 The 2<sup>nd</sup> Circuit Ct of Appeals denies the CAL request for a 3 week adjournment. The adjournment would likely have had the appeal heard by a different panel of judges. The court ruled that the appeal would be submitted without oral argument by any party. [see item # 55]

42

3/20/06 Appeal submitted without oral argument to the Court of Appeals

43

3/23/06 3 days after the appeal is submitted Judges Pierre Leval, Barrington Parker and William Sessions issue a decision affirming the orders of Judge Johnson and the dismissal of CAL's case. [see item # 56]

44

4/6/06 CAL moves for re-hearing of his appeal by a different panel of judges because:

Judge Parker may have been a shareholder in Citigroup;

Judge Leval had received fees for presenting the Manges lecture endowed by WG&M in memory of Mr. Manges. Mrs. Leval may have been receiving pension benefits from State Street;

Judge Sessions had ties to Judge Johnson in serving on a U.S. Commission with him. [see items # 57-59]

45

After the application for the re-hearing was submitted, CAL learned that 2 of the judges may have had mortgages with Citibank.

46

The CAL petition for re-hearing made in mid April 06 is still pending as of 6/27/06, according the docket entries of this case in the 2<sup>nd</sup> Circuit.

All the above item # references refer to pages on the [Carminelopresti.com](http://Carminelopresti.com) website.

For more information about “CitiStreet” please go to the CitiStreet website at [www.citistreetonline.com](http://www.citistreetonline.com) and tab to their press releases.

To view most of the documents referred to in this worksheet please go to [www.carminelopresti.com](http://www.carminelopresti.com).

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