

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSEPH A. CAMMARATA,
Applicant,

v.

**UNITED STATES OF AMERICA and UNITED STATES
SECURITIES AND EXCHANGE COMMISSION,**
Respondents.

**APPLICATION FOR A STAY PENDING DISPOSITION OF
APPLICANT'S RELATED MATTERS IN THIS COURT**

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE THIRD CIRCUIT

Joseph A. Cammarata
Reg. No. 02555-506

Applicant, pro se

INTRODUCTION AND RELIEF REQUESTED

This application rests not on disputed allegations but on a documented record the Government has never contested. The facts set out below are drawn from the dockets and transcripts of the proceedings themselves. Each is a matter of record, and not one has ever been denied. Together they establish that there was never a crime, and that the proceedings used to convict Applicant and to seize his property were conducted by judges disqualified as a matter of law.

The following facts appear on the record and stand uncontested:

- On October 28, 2021, a grand jury returned a sealed indictment charging Applicant with wire fraud. The entire theory of guilt, set out at paragraph 11 of the indictment, was that a claimant to a securities class-action settlement must personally have executed the trade and personally have suffered the loss. That theory is foreclosed by this Court's unanimous decision in *Sprint Communications Co. v. APCC Services, Inc.*, 554 U.S. 269 (2008).
- On November 3, 2021, the indictment was unsealed and Applicant was arrested in the Southern District of Florida and detained at the Federal Detention Center in Miami.
- The same day the indictment was unsealed, the Securities and Exchange Commission filed a parallel civil action, requested assignment to the same district judge, and applied for a temporary restraining order freezing Applicant's assets. *SEC v. Cammarata*, No. 2:21-cv-04845-CFK (E.D. Pa.).
- On November 4, 2021, the district court granted the temporary restraining order, on an application exceeding nine hundred pages, in less than twenty-four hours.
- The application and order contained no valuation, and no description or showing of the irreparable harm required by Federal Rule of Civil Procedure 65(b)(1)(A), yet froze more than seventy-eight million dollars of Applicant's assets.
- The court set the show-cause hearing for 9:00 a.m. on November 9, 2021, in its Philadelphia courtroom (ECF No. 4, No. 21-cv-04845).
- That was the same date and hour Applicant was ordered to appear, and did appear, for his criminal detention hearing roughly 1,200 miles away in Miami. *United States v. Cammarata*, No. 21-MJ-04176-EGT (S.D. Fla.) (Hon. Jonathan Goodman, Mag. J.) (Detention Hearing Transcript, Doc. 17).
- Applicant was neither noticed for, present at, nor represented at the Philadelphia hearing. The court's own order records that no one appeared on his behalf.
- The district court's own order required the parties to meet and confer at least twenty-four hours before the November 9 hearing. That requirement was not met.

- The temporary restraining order was then extended beyond the fourteen-day limit of Rule 65(b)(2) without a further hearing and without Applicant's consent, and expired by operation of law no later than November 24, 2021.
- It has nonetheless been enforced against assets exceeding seventy-eight million dollars for nearly five years, and those assets are being liquidated and disbursed.
- At the June 6, 2023 sentencing, the district judge stated on the record that he had personally invested in, and filed claims within, the same securities-settlement recovery mechanism at the heart of the case. His financial-disclosure reports confirm the holdings, including purchases of Apple and Boeing stock on December 24, 2018 and of Exxon Mobil stock on February 14, 2019. (Exhibit A.)
- On April 13, 2026, the district court's only response was that no Apple, Boeing, or Exxon Mobil settlement fund existed when Applicant was tried and that those class actions were not part of his prosecution. ECF No. 487 (21-cr-427) at 2-3 (Exhibit B). It did not deny that the judge held the same securities in the same class periods, that he and Applicant were co-class members, or that Applicant's conviction removed him as a competing claimant.
- The same judge denied a legally sufficient 28 U.S.C. Section 144 affidavit of bias himself, rather than referring it to another judge as the statute requires.
- The United States Court of Appeals for the Third Circuit, the only court positioned to review any of this, employs the prosecuting Commission attorney's spouse as an attorney in the office that serves its judges.
- That court has not decided Applicant's appeal in No. 24-1381 in more than thirty-one months, has never compelled the Government to file a merits brief, and has never contested any of the facts above.

Not one of these facts is in dispute. The Government has had years, and multiple forums, in which to contest them, and has not. The full record is set out in the four matters Applicant now has pending before this Court: a petition for a writ of mandamus in *In re Cammarata* (Third Circuit No. 24-1381), and petitions for writs of certiorari arising from Third Circuit Nos. 23-2110, 24-1983, and 25-1188. The full record of these matters is maintained publicly at <https://ExposingJustice.com>. While those matters are pending, the same prosecutors and the same district judge are proceeding with a new criminal indictment, *United States v. Cammarata*, No. 2:26-cr-00238-CFK (E.D. Pa.), and the Government continues to enforce, and to compound, the very judgments and orders under review.

This application presents a question of exceptional public importance. The integrity of a criminal conviction, and of the appellate review that is supposed to test it, are not private matters; they belong to every citizen who depends on the courts to apply the law impartially. A conviction for conduct this Court has held lawful, entered by a judge with a financial interest in the outcome, and left unreviewed by a court of appeals that cannot impartially sit, implicates the structural

guarantees this Court has treated as foundational. See *United States v. Cronin*, 466 U.S. 648 (1984); *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Williams v. Pennsylvania*, 579 U.S. 1 (2016); *United States v. Olano*, 507 U.S. 725 (1993). When those guarantees fail at every level at once, and the failures stand uncontested on the record, this Court is the only forum able to restore the fairness and integrity of the proceeding. As Justice Alito has observed, a case may present “an important constitutional question that urgently calls out for review.” *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021) (Alito, J., concurring in the judgment). This is such a case. That is what this application asks it to do.

Applicant therefore respectfully applies to the Circuit Justice, under 28 U.S.C. Section 1651(a) and this Court's Rules 22 and 23, for a stay, pending this Court's disposition of the four related matters, of:

(a) the execution and enforcement of the Judgment and Commitment orders in *United States v. Cammarata*, No. 2:21-cr-00427-CFK (E.D. Pa.), and *United States v. Cammarata*, No. 2:22-cr-00639-CFK (E.D. Pa.);

(b) all further proceedings in the pending criminal case, *United States v. Cammarata*, No. 2:26-cr-00238-CFK (E.D. Pa.), which is predicated on the same void orders; and

(c) the continued enforcement, liquidation, and disbursement of assets under the asset freeze in *SEC v. Cammarata*, No. 2:21-cv-04845-CFK (E.D. Pa.).

If the Circuit Justice concludes that complete relief is not warranted at this stage, Applicant respectfully requests, at a minimum, a stay of the pending No. 26-cr-238 proceeding and of any further liquidation or disbursement of frozen assets, so that this Court's eventual review is not rendered meaningless by the irreversible and continued loss of Applicant's liberty and property in the interim.

JURISDICTION

This application is addressed to the Honorable Samuel A. Alito, Jr., as Circuit Justice for the Third Circuit, under this Court's Rules 22 and 23. The authority to grant the stay derives from the All Writs Act, 28 U.S.C. Section 1651(a), and from this Court's inherent power to preserve the status quo and the efficacy of its own eventual judgment. A stay pending review is governed by the factors set out in *Hilton v. Braunskill*, 481 U.S. 770 (1987), and *Nken v. Holder*, 556 U.S. 418 (2009).

THE GOVERNING STANDARD

A stay pending review turns on four considerations: (1) whether the applicant has made a strong showing that he is likely to succeed on the merits, or that the matters present a fair prospect that a majority of the Court will grant relief; (2) whether the applicant will be irreparably injured absent a stay; (3) whether a stay will substantially injure other interested parties; and (4) where the public interest lies. *Hilton*, 481 U.S. at 776; *Nken*, 556 U.S. at 426. Where, as here, the harm is the irretrievable loss of liberty and the irreversible liquidation of property, and the underlying legal question is controlled by a unanimous decision of this Court, each factor favors a stay.

ARGUMENT

I. There Is a Fair Prospect This Court Will Grant Relief, Because the Conduct Charged Was Held Lawful by This Court, and the Proceedings Below Were Conducted by Disqualified Courts.

The merits are developed at length in the four pending matters and are summarized here only to show the strength of the showing.

First, there was never a crime. The theory of prosecution at paragraph 11 of the indictment was that a claimant to a securities class-action settlement must personally have traded the security and personally have lost money. This Court held the opposite, unanimously, in *Sprint*: an assignee "has standing to pursue that claim in federal court," and does so "in [its] own name." 554 U.S. at 271, 286. Applicant did exactly what *Sprint* holds lawful, as the trial evidence established and as the prosecutor acknowledged on the record before moving to strike his own words. No court has ever applied *Sprint* to this case, despite its being raised at trial, in post-trial motions, and on appeal.

Second, the judge who entered every order was disqualified. He held a documented financial interest in the very settlement-recovery mechanism at the heart of the case, admitted that interest from the bench at sentencing, is a named defendant in related litigation, and denied a legally sufficient 28 U.S.C. Section 144 affidavit himself, in violation of the statute. His April 13, 2026 Memorandum answers the wrong question: Section 455(b)(4) turns on whether the outcome could affect the judge's interest, not on when a settlement fund pays out. ECF No. 487 (21-cr-427) at 2-3. Under *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), his disqualification renders the orders he entered voidable without any inquiry into actual bias, and because he entered every order across the related proceedings, that single conclusion unwinds all of them.

Third, the only court positioned to correct any of this, the Third Circuit, is itself structurally disqualified under 28 U.S.C. Section 455(a): its Executive Office employs the prosecuting

Commission attorney's spouse. *Williams v. Pennsylvania*, 579 U.S. 1 (2016). That court has refused for more than thirty-one months to decide the appeal, has never compelled the Government to respond, and has never contested any of the operative facts. The same court's dispositions of Applicant's three other appeals follow the same pattern: one-word or summary denials that neither refute nor address the dispositive questions of fact and law Applicant raised, on records the Government never contested. The combination, no crime, a disqualified trial judge, and a disqualified appellate court, is why Applicant has had to seek relief in this Court, and why there is a fair prospect this Court will grant it.

Fourth, Applicant was forced to litigate the dispositive sentencing issues without counsel, a structural error under *United States v. Cronin*, 466 U.S. 648 (1984), and *Gideon v. Wainwright*, 372 U.S. 335 (1963). After conviction, Applicant's trial counsel declined to file the post-trial motions under Federal Rules of Criminal Procedure 29 and 33, or to contest the loss calculation, the restitution order, and the forfeiture order, unless paid additional fees. Applicant asked the district court to release funds so that he could retain replacement counsel, including a letter from Ballard Spahr LLP dated April 6, 2023, requesting the release of \$500,000 so that Applicant could retain counsel. Counsel advised the court that the Commission "cannot and will not be able to prevail on its claim," that "there is no basis for the SEC's asset freeze or its entire lawsuit," and that "due process requires that Mr. Cammarata have the means to fight" the case. The letter was transmitted directly to the district judge's chambers on April 6, 2023, under both the criminal and civil case captions (the transmission referenced the criminal case as 21-cr-424, an apparent clerical error for 21-cr-427), with counsel for the Commission and the United States copied. It does not appear on the docket of either case. After entering its appearance, Ballard Spahr moved for the transfer of funds so that it could represent Applicant (ECF No. 279, 21-cr-427, filed May 8, 2023). The district court denied the motion (ECF No. 284, 21-cr-427, May 10, 2023), and counsel moved to withdraw the same day (ECF No. 285, 21-cr-427). Although more than seventy-eight million dollars of Applicant's assets were frozen against an alleged loss of roughly sixteen million, the court directed that Applicant proceed pro se, or in what it termed a hybrid posture, on the loss, restitution, and forfeiture issues (ECF Nos. 237, 240, 284, 21-cr-427). At sentencing, the court addressed Applicant from the bench as "Mr. Hybrid." Sentencing Tr. at 66. The denial of counsel at a critical stage is not subject to harmless-error review; it requires vacatur.

II. Absent a Stay, Applicant Will Suffer Irreparable Harm That This Court's Later Judgment Cannot Undo.

The irreparable harm here is not speculative; it is occurring now. Applicant has already been imprisoned for nearly five years under judgments that rest on conduct this Court held lawful. The incarceration of the applicant during review is itself the paradigm of irreparable injury. *Hilton*,

481 U.S. at 776. Every additional day of imprisonment under a void judgment is a day that cannot be returned.

The property harm is equally irreversible. The asset freeze, entered without any finding of irreparable harm and expired by operation of law years ago, continues to be enforced, and assets exceeding seventy-eight million dollars are being liquidated and disbursed. Once liquidated and paid out, those assets cannot be restored if this Court later holds, as the record compels, that the freeze was void from the outset. *Cedar Point Nursery v. Hassid*, 594 U.S. 139 (2021).

And the harm is actively compounding. A new criminal prosecution, No. 26-cr-238, is proceeding before the same disqualified judge, predicated on the very orders under review, and threatens Applicant with a new conviction and further imprisonment before this Court can rule. If that prosecution proceeds to judgment, this Court's review of the orders on which it rests will come too late to prevent the harm. Preserving the status quo is the only way to keep this Court's eventual judgment meaningful.

III. A Stay Will Not Substantially Injure the Government, and the Public Interest Strongly Favors One.

The Government cannot be heard to claim urgency. It has never filed a merits response brief in the appeal, has missed every deadline it was granted, obtained a stay of the appeal at its own request, and has left every operative fact uncontested for years. A party that has treated these proceedings with such indifference to time cannot suffer substantial injury from a stay that simply preserves the status quo while this Court reviews the matter. The only assets at issue are Applicant's own, and a stay merely prevents their irreversible dissipation.

The public interest lies entirely with a stay. The fairness, integrity, and public reputation of judicial proceedings, *United States v. Olano*, 507 U.S. 725, 736 (1993), are not served by executing judgments, liquidating a citizen's life savings, and commencing new prosecutions while serious, uncontested, and documented questions about the lawfulness of the entire proceeding, and the disqualification of the judges who conducted it, remain pending before this Court. The public interest is never served by the continued enforcement of a conviction for conduct this Court has held lawful. The public interest is also disserved by expending public funds on a new criminal trial, No. 26-cr-238, whose entire foundation is the set of orders now before this Court, before this Court has had the opportunity to review them. A stay prevents the waste of a trial that this Court's eventual decision may render a nullity.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Circuit Justice enter a stay, pending this Court's disposition of the four related matters identified above, of the execution and enforcement of the Judgment and Commitment orders in Nos. 21-cr-427 and 22-cr-639, of all further proceedings in No. 26-cr-238, and of the continued enforcement, liquidation, and disbursement of assets in No. 21-cv-04845; or, at a minimum, a stay of the pending No. 26-cr-238 proceeding and of any further liquidation or disbursement of frozen assets; and such further relief as justice requires.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Cammarata', with a long, sweeping horizontal stroke extending to the left.

Joseph A. Cammarata
Applicant, pro se
Reg. No. 02555-506

Dated: October 20, 2026

EXHIBITS

Exhibit A. Excerpts of the district judge's Financial Disclosure Reports (Form AO-10): report for calendar year 2018, page 4 of 7 (lines 7 and 11: Apple Inc. and Boeing Co., purchased 12/24/18); report for calendar year 2019, page 5 of 8 (line 32: Exxon Mobil Corp., purchased 02/14/19).

Exhibit B. Memorandum, United States v. Cammarata, No. 2:21-cr-00427-CFK (E.D. Pa. Apr. 13, 2026), ECF No. 487, at 2-3.

EXHIBIT A

Excerpts of the District Judge's Financial Disclosure Reports (Form AO-10)

Report for calendar year 2018 (filed 07/29/2019), page 4 of 7:

line 7, Apple Inc. (AAPL), Buy 12/24/18; line 11, Boeing Co. (BA), Buy 12/24/18

Report for calendar year 2019 (filed 01/29/2020), page 5 of 8:

line 32, Exxon Mobil Corp. (XOM), Buy 02/14/19

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Kenney, Sr., Chad F.

Date of Report

07/29/2019

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

1. Citizen's Bank (cash)	A	Interest	K	T					
2. Fidelity 500 Index Premium (FUSVX)	A	Dividend	J	T					
3. IRA #1 (H)									
4. FIDELITY GOVERNMENT CASH RESERVES (FDRXX) (CASH EQUIV)	A	Dividend	M	T	Open	12/17/18	N		
5. ALPHABET INC CAP STK CL A (GOOGL)		None	J	T	Buy	12/24/18	J		
6. AMGEN INC (AMGN)		None	J	T	Buy	12/24/18	J		
7. APPLE INC (AAPL)		None	J	T	Buy	12/24/18	J		
8. BECTON DICKINSON CO (BDX)		None	J	T	Buy	12/24/18	J		
9. BERKSHIRE HATHAWAY INC DEL CL B NEW (BRKB)		None	J	T	Buy	12/24/18	J		
10. BEST BUY INC (BBY)		None	J	T	Buy	12/24/18	J		
11. BOEING CO (BA)		None	J	T	Buy	12/24/18	J		
12. BROADRIDGE FINANCIAL SOLUTIONS LLC (BR)		None	J	T	Buy	12/24/18	J		
13. CISCO SYS INC COM (CSCO)		None	J	T	Buy	12/24/18	J		
14. CUMMINS INC (CMI)		None	J	T	Buy	12/24/18	J		
15. DANAHER CORP COM (DHR)		None	J	T	Buy	12/24/18	J		
16. DISCOVER FINL SVCS (DFS)		None	J	T	Buy	12/24/18	J		
17. DOLLAR TREE INC COM (DLTR)		None	J	T	Buy	12/24/18	J		

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Kenney, Sr., Chad F.	01/29/2020

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e g , div , rent, or int)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e g , buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18.					Sold (part)	05/16/19	J		
19. BOOKING HLDGS INC COM (BKNG)		None	J	T	Buy	03/04/19	J		
20. BROADRIDGE FINANCIAL SOLUTIONS LLC (BR)	A	Dividend	J	T	Buy (add'l)	02/14/19	J		
21. BUNZL SPON ADR EACH REP 1 ORD (BZLFY)	A	Dividend	J	T	Buy	12/05/19	J		
22. CISCO SYS INC COM (CSCO)	A	Dividend	J	T	Buy (add'l)	02/14/19	J		
23.					Sold (part)	05/16/19	J		
24. CUMMINS INC (CMI)	A	Dividend			Buy (add'l)	02/14/19	J		
25.					Sold (part)	05/16/19	J	A	
26.					Sold	12/05/19	J	B	
27. DANAHER CORP COM (DHR)	A	Dividend	K	T	Buy (add'l)	02/14/19	J		
28. DISCOVER FINL SVCS (DFS)	A	Dividend	K	T	Buy (add'l)	02/14/19	J		
29. DOLLAR TREE INC COM (DLTR)		None	J	T	Buy (add'l)	02/14/19	J		
30. EOG RESOURCES INC (EOG)	A	Dividend	J	T	Buy (add'l)	02/14/19	J		
31. ECOLAB INC (ECL)	A	Dividend	K	T	Buy (add'l)	02/14/19	J		
32. EXXON MOBIL CORP (XOM)		None			Buy (add'l)	02/14/19	J		
33.					Sold	05/08/19	J	A	
34. FEDEX CORP COM (FDX)	A	Dividend	J	T	Buy	01/18/19	J		

1 Income Gain Codes: (See Columns B1 and D4)	A =\$1,000 or less F =\$50,001 - \$100,000	B =\$1,001 - \$2,500 G =\$100,001 - \$1,000,000	C =\$2,501 - \$5,000 H1 =\$1,000,001 - \$5,000,000	D =\$5,001 - \$15,000 H2 =More than \$5,000,000	E =\$15,001 - \$50,000
2 Value Codes (See Columns C1 and D3)	J =\$15,000 or less N =\$250,001 - \$500,000 P3 =\$25,000,001 - \$50,000,000	K =\$15,001 - \$50,000 O =\$500,001 - \$1,000,000	L =\$50,001 - \$100,000 P1 =\$1,000,001 - \$5,000,000 P4 =More than \$50,000,000	M =\$100,001 - \$250,000 P2 =\$5,000,001 - \$25,000,000	
3 Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

EXHIBIT B

Memorandum, United States v. Cammarata,
No. 2:21-cr-00427-CFK (E.D. Pa.), ECF No. 487 (Apr. 13, 2026),
pages 2-3

A. The Apple, Boeing, and Exxon Mobil Class Actions Cited in Defendant's Supplement Filing

Defendant argues there was a conflict of interest in trial management and the trial of his case, citing three class actions as a foundation for his position. *See* ECF No. 486. However, those cases have no connection to, bearing on, or relevance to his prosecution or the class action settlement funds that Defendant defrauded. Defendant identifies the following three class actions (the “Apple, Boeing, and Exxon Mobil Class Actions”) in his Supplement to the Motion for Reconsideration (ECF No. 486):

- *In re Apple Inc. Securities Litigation*, No. 4:19-cv-02033 (N.D. Cal. filed Apr. 16, 2019)
- *In re Boeing Co. Aircraft Securities Litigation*, No. 1:19-cv-02394 (N.D. Ill. filed Apr. 9, 2019)
- *Yoshikawa v. Exxon Mobil Corp.*, No. 3:21-cv-00194-N (N.D. Tex. filed Jan. 28, 2021)

Id. at 3–4. These cases have nothing at all to do with the fraud for which Defendant was convicted. They were not, in whole or in part, a part of his prosecution nor could they have been. The Defendant had nothing to do with the Apple, Boeing, and Exxon Mobil Class Actions.

Indeed, a simple review of the dockets in these three cases reveals the impossibility of Defendant's position that there was somehow a conflict. None of these three Class Actions had any settlement funds established at the time that Defendant was prosecuted for the above-captioned criminal action. Defendant was convicted on October 26, 2022, ECF No. 194, and was sentenced on June 6, 2023, ECF No. 305. The settlement in the Apple Class Action, *In re Apple Inc. Securities Litigation*, was approved by the district court on September 18, 2024. No. 4:19-cv-02033, 2024 WL 4246282, at *1 (N.D. Cal. Sept. 18, 2024). The Boeing and Exxon Mobil Class Actions are still ongoing and have not yet settled. To date, in the Boeing Class Action, expert discovery is stayed while the Parties brief Plaintiffs' Motion for Reconsideration of one finding in the district

court's Class Certification Order. *In re Boeing Co. Aircraft Sec. Litig.*, No. 1:19-cv-02394 (N.D. Ill.), ECF Nos. 492, 493. The Exxon Mobil Class Action is in the class certification stage. *Yoshikawa v. Exxon Mobil Corp.*, No. 3:21-cv-00194-N (N.D. Tex.), ECF No. 220.

Defendant was prosecuted for criminal activity committed during the time period spanning August 2014 through November 3, 2021—predating the establishment of any settlement funds in the Apple, Boeing, and Exxon Mobil Class Actions. *See* ECF No. 108 at 7, 10; *supra* n.1. Therefore, contrary to Defendant's assertion, members of the Apple, Boeing, and Exxon Mobil Class Actions were not members of the class action funds for which Defendant was prosecuted and they did not suffer losses as a result of Defendant's criminal conduct.

B. There Is No Jurisdictional Defect in the Superseding Indictment

Defendant has repeatedly moved to dismiss his indictment, both in this Court and before the Third Circuit, for lack of subject matter jurisdiction. *See* ECF Nos. 299, 477, 481, 485; *U.S. v. Cammarata*, No. 23-2110 (3d Cir.), ECF No. 85. On September 29, 2025, the Third Circuit denied Defendant's Motion to Dismiss Indictment and Vacate Conviction for Lack of Subject-Matter Jurisdiction. No. 23-2110 (3d Cir.), ECF No. 86. Nevertheless, Defendant persists in raising this same issue over and over again, *see* ECF Nos. 477, 481, 485, arguing that the courts' summary denials of his multiple motions to dismiss were "the avoidance of adjudication," ECF No. 481 at 2. Here, the Court lays out clearly why Defendant's position has no merit and is belied by the record.

To begin, no one is disputing that the Supreme Court case, *Sprint Communications Co., L.P. v. APCC Services, Inc.*, provides that "the assignee of a claim has standing to assert the injury in fact suffered by the assignor." 554 U.S. 269, 286 (2008) (citation omitted). Defendant argues