

ORAL ARGUMENT NOT YET SCHEDULED

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ARON DiBACCO, <u>et al.</u>	:	
	:	
APPELLANTS,	:	
	:	
v.	:	D.C. Cir. No. 17-5048
	:	(C. A. No. 87-3349)(CKK)
DEPT. OF ARMY, <u>et al.</u>	:	
	:	
DEFENDANTS	:	

APPELLANTS' CONSENT MOTION TO  
FURTHER REVISE BRIEFING SCHEDULE

Plaintiff-Appellants Aron DiBacco and Barbara Webster (hereafter collectively referred to as "DiBacco") move the Court to revise the briefing schedule as follows:

Appellants' Brief and the Joint Appendix shall be filed on or before January 15, 2018;

Appellees' Brief shall be filed on or before February 15, 2018; and

Appellants' Reply shall be filed on or before March 19, 2018.

As grounds for this motion, appellants state to the Court as follows:

1. Appellants' main brief and the joint appendix are currently due to be filed on or before January 9, 2018.

2. Defendants do not oppose this motion.

Exhibit A

3. This case has not yet been scheduled for oral argument.

4. After the Christmas/New Years holidays, the undersigned counsel recommenced work on appellants' brief and appendix, expecting to complete them by January 9, 2018. However, in mid-afternoon on January 2<sup>nd</sup>, as he was working on appellants' brief, the lights in his office went out and his computer screen became dark. The lights came back on immediately, but he lost his internet connections and his television set went dark; while remaining on, it displayed only a fuzz image and no and no sound. He was unable to restore them himself. He spent close to two hours on the phone with Verizon. Verizon then advised him that it was unable to fix the problem and a member of its technical services staff would come to his office at the Crescent Condominium in Silver Spring, MD between 8:00 AM and noon on Thursday, March 4<sup>th</sup> to fix the problem. At this time counsel learned that his office phone had also been knocked out.

4. Verizon did not show up for the appointment scheduled between 8:00 AM and noon on Thursday, January 4, 2018. Shortly after noon, the Crescent Condominium building manager advised that the entire 4<sup>th</sup> floor of the condominium some other units had, in varying degrees, lost internet connections, TV and phone services, and that Verizon had identified the problem as one which required it to order a new part which was expected to be received by late Thursday afternoon. At 4:30 PM the building manager advised counsel that the needed part

had arrived, but Verizon's technician(s) had not. It was hoped that Verizon would arrive before 7:00 PM and fix the problem. This did not happen. Presumably, the problem will be fixed sometime on Thursday, January 5, 2018.

5. Even before this January 2d power outage occurred, the time available to counsel to work on this case had become limited by other developments. New decisions by this Court required additional study and analysis regarding this and several other cases which counsel has pending in this Court and in District Courts. In addition, counsel had to spend many hours trying protect a client of his, Ms. Angela Clemente, who has become a target of corrupt law enforcement officials and drug traffickers who are retaliating against her efforts to expose them. A couple of examples indicate the nature of the problem. First, on December 21, 2017 Ms. Clemente attended a physical therapy session at a nearby hospital. When she finished the session, she found that her car had three flat tires. Returning home, she discovered that the chairs on her wrap-around porch had been moved to her bedroom window area and been placed upside-down with a table in between the chairs. On December 28, 2018, Ms. Clemente again went in for physical therapy session. When she left around 2:00 PM, she found extensive damage to the passenger-side of her parked truck. A four-foot long area of her eight-foot long flatbed truck had been smashed, with a gouge running all the way down the center. She returned home and found that the cords to the television set and DVD player in

her living room had been disconnected. She also found a key under her front door mat that did not belong to her but that opened the door when she tried it.

6. Recently, law enforcement officials and others acting as whistleblowers have tried to assist Ms. Clemente in her investigations by reporting misconduct involving state, local, and federal officials and drug traffickers. The whistleblowers have have had their homes broken into and their computers hacked. One law enforcement official has written the undersigned counsel that she is in fear of her life and safety. She has been instructed to appear for an interview by one of the Bureau of Criminal Investigation (“BCI”) agents next week. Ms.that Clemente has reports on those she has named as having committed serious misconduct to the Office of Inspector General (“OIG”) of the U.S. Department of Justice. The OIG is has received many complaints from her and is actively investigating them. The OIG has advised her on what actions she should to take

7. Concerned that her home phone and cell phone were tapped, several months ago Ms. Cleemente purchased a new phone intended only for confidential communications with a very few victims and a select group of attorneys and government officials she was working with in connection with her investigations. Two weeks ago she noticed that this phone, which she generally kept in her purse or the trop drawer in her bedroom, was missing.

When the undersigned counsel was unable to reach Ms. Clemente on this line over several days, he called an assistant of hers to find out what was occurring. She texted Ms. Clemente on this confidential line. The assistant then received a call from a male truck driver in Columbus, Ohio who was using Ms. Clemente's confidential number as his own. He told Ms. Clemente's assistant that he had had that phone for a couple of weeks. He tried to find out where the assistant was located. Ms. Clemente has learned from one of her whistleblowers that local police departments in Ohio use back door phone hijacking technique to track vehicles and alleged drug traffickers.

For the reasons set forth above, DiBacco requests that the Court grant this motion.

Respectfully submitted,

/s/  
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Dated: January 4, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of January, 2018 mailed a copy of the foregoing Consent Motion to Revise Briefing Schedule to AUSA Fred Haynes, 555 5<sup>th</sup> Street, Washington, D.C. 20530-00001.

/s/

James H. Lesar

***CERTOFOCATE PF CP,;OAMCE WOTJ FRA/ 32(g)(1)***

I hereby certify that Appellants' Consent Motion to Further Revise Briefing Schedule complies with the limitations set forth in FRAP 32(g)(1). It was prepared using Times New Roman 14-point type and consists of 995 words.

/s/

James H. Lesar