

RTF:CSK
F.#2002R00043

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- - - - -X

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. _____

ANDREW CATAPANO and
JOHN MIKUSZEWSKI,

(T. 18, U.S.C., §§ 371,
981(a)(1)(C), 982, 1341,
1346, 1956(h), 2 and 3551
et seq.; T. 21, U.S.C., §
853(p); T. 28, U.S.C., §
2461(c); T. 29, U.S.C.,
§§ 186(a)(2) and
186(d)(2))

Defendants.

- - - - -X

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this indictment, unless
otherwise indicated:

I. The Defendants and Their Companies

1. A.F.C. Enterprises, Inc. ("AFC") was a general contractor whose headquarters were located at 88-43 76th Avenue, Glendale, New York. AFC's primary business involved working with several New York City agencies to build public works, namely, sewers, public schools, pumping stations, highways and bridges. Many of AFC's public works contracts with New York City were subsidized by federal funds. The defendant ANDREW CATAPANO was the 100% shareholder and president of AFC.

2. Rosewood Contracting Corp. ("Rosewood") was a general contractor whose headquarters were also located at 88-43 76th Avenue, Glendale, New York. Rosewood also shared the same telephone number as AFC. Like AFC, Rosewood's primary business involved working with several New York City agencies to build federally funded public works projects. The sister of the defendant ANDREW CATAPANO was the 100% shareholder and president of Rosewood.

3. AFC and Rosewood sometimes performed public works contracts for New York City with other corporations and partnerships to which they were contractually related (collectively "the Related Companies"). AFC and Rosewood sometimes concealed from New York City their contractual relationships with the Related Companies.

4. The defendant JOHN MIKUSZEWSKI was a consultant for AFC and Rosewood, acting as the general manager and superintendent supervising day-to-day construction by AFC and Rosewood.

5. Alpert Contracting, Corp. ("Alpert") was a real estate holding and construction consulting company owned in part and operated by the defendant JOHN MIKUSZEWSKI.

II. The Labor Union and the Collective Bargaining Agreements

6. The International Union of Operating Engineers (the "Union") was a labor organization that represented, sought to represent and would admit to membership the employees of companies who worked as heavy equipment operators, mechanics and surveyors in the construction industry. Locals 14-14B of the Union ("Local 14") and Locals 15, 15A, 15B, 15C and 15D of the Union ("Local 15") represented operating engineers who performed work at various construction sites in the New York City area. Locals 14 and 15, on behalf of their members, entered into labor agreements and collective bargaining agreements with employers who employed members of Locals 14 and 15. These agreements obligated the employers to pay certain salaries and fringe benefits and to provide other conditions of employment to members of Locals 14 and 15. Business agents were employees and officers of Locals 14 and 15 who were elected by the members of those Locals. Their duties included acting on behalf of and in the name of Locals 14 and 15 to represent the members by, among other things, negotiating labor agreements and collective bargaining agreements, ensuring that employers complied with their obligations under those agreements, and initiating grievance and arbitration procedures by members against employers.

7. AFC, Rosewood and the Related Companies had collective bargaining agreements with Locals 14 and 15. AFC, Rosewood and the Related Companies had contractual agreements and business arrangements with various construction subcontractors that had collective bargaining agreements with labor organizations, including Locals 14 and 15, which represented, sought to represent and would admit to membership the employees of such subcontractors.

III. Bribery of Local 14 and Local 15 Business Agents

8. The defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, paid bribes to business agents of Locals 14 and 15 of the Union in order to permit AFC, Rosewood and the Related Companies, in connection with public works contracts they performed for New York City, to circumvent the requirements of the collective bargaining agreements. Between January 1990 and December 2001, CATAPANO and MIKUSZEWSKI paid approximately \$1,000,000.00 in bribes to business agents of Locals 14 and 15. In exchange for these payments, the business agents agreed not to enforce a number of the provisions of the collective bargaining agreements with AFC, Rosewood and the Related Companies. These provisions included, but were not limited to, the provisions mandating the number of members of Locals 14 and 15 that AFC, Rosewood and the Related Companies

were required to hire and pay salaries and benefits to on public works contracts. Thus, in exchange for the bribes, the business agents allowed AFC, Rosewood and the Related Companies to hire and pay fewer members of Locals 14 and 15 than the collective bargaining agreements required these companies to hire and pay ("Savings from Bribing Business Agents of Locals 14 and 15"). The business agents also allowed the defendants to dictate the selection and assignment of members of Locals 14 and 15 on construction projects involving AFC, Rosewood and the Related Companies.

IV. The Public Utility Companies

9. Certain public works contracts performed by AFC, Rosewood and the Related Companies for New York City required the relocation of utility lines owned by various public utility companies (the "Utility Companies"). New York City, in exchange for granting the Utility Companies the right to use public roadways to lay utility lines, required the Utility Companies to compensate AFC, Rosewood and the Related Companies for this work. The Utility Companies employed representatives whose duties included negotiating, on behalf of the Utility Companies and at a price favorable to the Utility Companies, the amounts that the Utility Companies paid to AFC, Rosewood and the Related Companies for relocating these utility lines.

V. Bribery of Representatives of Utility Companies

10. The defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, paid bribes to representatives of the Utility Companies to induce them to approve the payment of invoices presented to the Utility Companies by AFC, Rosewood and the Related Companies in connection with public works contracts they performed for New York City. In exchange for the bribes, the representatives agreed to cause the Utility Companies to pay AFC, Rosewood and the Related Companies more money than they were entitled to receive for moving property of the Utility Companies pursuant to the contracts ("Proceeds from Bribing Representatives of Utility Companies").

VI. The Money Laundering Scheme

11. The Savings from Bribing Business Agents of Locals 14 and 15 and the Proceeds from Bribing Representatives of Utility Companies, which collectively constituted the proceeds of the bribes paid by the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, caused certain bank accounts of AFC, Rosewood and the Related Companies to have higher balances than they would have had in the absence of the bribes.

12. The defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, obtained the money that they

paid as bribes to business agents of Locals 14 and 15 and representatives of the Utility Companies (the "Bribe Money") from the same bank accounts that contained the Savings from Bribing Business Agents of Locals 14 and 15 and the Proceeds from Bribing Representatives of Utility Companies. CATAPANO and MIKUSZEWSKI, together with others, transferred the Bribe Money from these bank accounts to business agents of Locals 14 and 15 and representatives of Utility Companies by engaging in a sequence of financial transactions that were intended to conceal and disguise that the defendants were paying the bribes and that the source of these bribes were the Savings from Bribing Business Agents of Locals 14 and 15 and the Proceeds from Bribing Representatives of Utility Companies.

COUNT ONE

(Conspiracy to Make Unlawful Labor Payments
and Commit Mail Fraud)

13. The allegations contained in paragraphs one through twelve of this indictment are realleged and incorporated as if fully set forth in this paragraph.

14. In or about and between January 1990 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, being employers and persons acting in the interest of employers, to wit: AFC, Rosewood and the

Related Companies, together with others, did knowingly and willfully conspire to: (a) willfully pay, lend and deliver and agree to pay, lend and deliver money and things of value, to wit: United States currency, in an amount in excess of \$1,000, to officers and employees of labor organizations, to wit: business agents of Local 14 and Local 15, which labor organizations represented, sought to represent and would admit to membership employees of such employers who were employed in an industry affecting interstate commerce, to wit: the New York State construction industry, in violation of Title 29, United States Code, Sections 186(a)(2) and 186(d)(2); (b) devise a scheme and artifice to defraud Local 14 and Local 15 members and obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, cause mail matter to be delivered by the United States Postal Service and a private and commercial interstate carrier, to wit: Federal Express, in violation of Title 18, United States Code, Section 1341; and (c) devise a scheme and artifice to defraud Local 14, Local 15, and their members by depriving them of the intangible right to the honest services of their employees, officers and business agents, and for the purpose of executing such scheme and artifice, cause mail matter to be delivered by the United States Postal Service

and a private and commercial interstate carrier, to wit: Federal Express, in violation of Title 18, United States Code, Sections 1341 and 1346.

15. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, committed and caused the commission of, among others, the following:

OVERT ACTS

a. On or about June 15, 1999, in Queens, New York, the defendant JOHN MIKUSZEWSKI and others caused to be issued a check bearing number 103052 drawn on the corporate checking account of a company called JPM Contracting Corp. ("JPM") and made payable to Alpert in the amount of \$8,475.00.

b. On or about July 29, 1999, in Queens, New York, MIKUSZEWSKI and others caused to be issued a check bearing number 103204 drawn on the corporate checking account of JPM and made payable to Alpert in the amount of \$9,300.00.

c. On or about September 16, 1999, in Queens, New York, MIKUSZEWSKI and others caused to be issued a check bearing number 103483 drawn on the corporate checking account of JPM and made payable to Alpert in the amount of \$6,450.00.

d. On or about January 1, 2000, in Queens, New York, a business agent of Local 14 had a conversation with MIKUSZEWSKI about making unlawful labor payments.

e. In or about June 2000, MIKUSZEWSKI and others caused money to be paid to business agents of Locals 14 and 15.

f. In or about December 2000, MIKUSZEWSKI and others caused money to be paid to business agents of Locals 14 and 15.

g. In or about December 2001, MIKUSZEWSKI caused money to be paid to business agents of Locals 14 and 15.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

(Conspiracy to Commit Mail Fraud)

16. The allegations contained in paragraphs one through twelve of this indictment are realleged and incorporated as if fully set forth in this paragraph.

17. In or about and between January 1990 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, did knowingly and willfully conspire to: (a) devise a scheme and artifice to defraud the Utility Companies and obtain money and property from them by means of materially false and fraudulent

pretenses, representations and promises, and for the purpose of executing such scheme and artifice, cause mail matter to be delivered by the United States Postal Service and a private and commercial interstate carrier, to wit: Federal Express, in violation of Title 18, United States Code, Section 1341; and (b) devise a scheme and artifice to defraud the Utility Companies by depriving them of the intangible right to the honest services of their representatives, and for the purpose of executing such scheme and artifice, cause mail matter to be delivered by the United States Postal Service and a private and commercial interstate carrier, to wit: Federal Express, in violation of Title 18, United States Code, Sections 1341 and 1346.

18. In furtherance of the conspiracy and to effect its objectives, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, committed and caused the commission of, among others, the following:

OVERT ACTS

a. On or about June 15, 1999, in Queens, New York, the defendant JOHN MIKUSZEWSKI and others caused to be issued a check bearing number 103052 drawn on the corporate checking account of JPM and made payable to Alpert in the amount of \$8,475.00.

b. On or about July 29, 1999, in Queens, New York, MIKUSZEWSKI and others caused to be issued a check bearing number 103204 drawn on the corporate checking account of JPM and made payable to Alpert in the amount of \$9,300.00.

c. On or about September 16, 1999, in Queens, New York, MIKUSZEWSKI and others caused to be issued a check bearing number 103483 drawn on the corporate checking account of JPM and made payable to Alpert in the amount of \$6,450.00.

d. On or about April 3, 2000, in Queens, New York, the defendant ANDREW CATAPANO and others caused to be issued six invoices from JPM to Con Edison in the amounts of \$43,443.00, \$36,169.00, \$42,371.00, \$20,259.00, \$49,998.00 and \$18,196.00, respectively.

e. On or about May 3, 2000, CATAPANO and others caused to be issued a check drawn on the bank account of Con Edison at The Bank of New York and made payable to JPM in the amount of \$210,439.58.

f. On or about May 24, 2000, in Queens, New York, CATAPANO and others caused to be issued an invoice from JPM to Con Edison in the amount of \$49,950.52.

g. On or about June 23, 2000, CATAPANO and others caused to be issued a check drawn on the bank account of Con

Edison at The Bank of New York and made payable to JPM in the amount of \$49,950.52.

h. On or about July 14, 2000, in Queens, New York, CATAPANO and others caused to be issued three invoices from JPM to Con Edison in the amounts of \$55,789.70, \$57,938.98 and \$45,946.92, respectively.

i. On or about August 11, 2000, CATAPANO and others caused to be issued a check drawn on the bank account of Con Edison at The Bank of New York and made payable to JPM in the amount of \$159,675.60.

j. On or about August 18, 2000, in Queens, New York, CATAPANO and others caused to be issued an invoice from JPM to Con Edison in the amount of \$18,816.02.

k. On or about September 15, 2000, CATAPANO and others caused to be issued a check drawn on the bank account of Con Edison at The Bank of New York and made payable to JPM in the amount of \$18,816.02.

l. On or about August 15, 2001, MIKUSZEWSKI caused to be issued and cashed a check bearing number 5221 drawn on the corporate checking account of Alpert and made payable to MIKUSZEWSKI in the amount of \$5,000.00.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT THREE
(Unlawful Labor Payments)

19. The allegations contained in paragraphs one through twelve of this indictment are realleged and incorporated as if fully set forth in this paragraph.

20. In or about and between January 1990 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, being employers and persons acting in the interest of employers, to wit: AFC, Rosewood and the Related Companies, did knowingly and willfully pay, lend and deliver and agree to pay, lend and deliver money and things of value, to wit: United States currency, in an amount in excess of \$1,000, to officers and employees of labor organizations, to wit: business agents of Local 14 and Local 15, which labor organizations represented, sought to represent and would admit to membership employees of such employers who were employed in an industry affecting interstate commerce, to wit: the New York State construction industry.

(Title 29, United States Code, Sections 186(a)(2) and 186(d)(2); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNTS FOUR THROUGH ELEVEN
(Mail Fraud)

21. The allegations contained in paragraphs one through twelve of this indictment are realleged and incorporated as if fully set forth in this paragraph.

22. In or about and between January 1990 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, did knowingly and intentionally devise a scheme and artifice (a) to defraud the Utility Companies and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and (b) to defraud the Utility Companies by depriving them of the intangible right to the honest services of their representatives.

23. For the purpose of executing the scheme and artifice and attempting to do so, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, placed and caused to be placed in authorized depositories for mail matter, to be delivered by the United States Postal Service according to the directions thereon, and caused to be taken and received from the mails, the following mail matter:

COUNT	APPROXIMATE DATE OF MAILING	DOCUMENT	SENDER	RECIPIENT
Four	April 3, 2000	Invoice	JPM Queens, N.Y.	Con Edison
Five	May 3, 2000	Check	Con Edison	JPM Queens, N.Y.
Six	May 24, 2000	Invoice	JPM Queens, N.Y.	Con Edison
Seven	June 23, 2000	Check	Con Edison	JPM Queens, N.Y.
Eight	July 14, 2000	Invoice	JPM Queens, N.Y.	Con Edison
Nine	August 11, 2000	Check	Con Edison	JPM Queens, N.Y.
Ten	August 18, 2000	Invoice	JPM Queens, N.Y.	Con Edison
Eleven	September 15, 2000	Check	Con Edison	JPM Queens, N.Y.

(Title 18, United States Code, Sections 1341, 1346, 2 and 3551 et seq.)

COUNTS TWELVE THROUGH TWENTY-NINE
(Mail Fraud)

24. The allegations contained in paragraphs one through twelve of this indictment are realleged and incorporated as if fully set forth in this paragraph.

25. In or about and between January 1990 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, did knowingly and intentionally devise a scheme and artifice (a) to defraud Local 14 and Local 15 members and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and (b) to defraud Local 14, Local 15 and their members by depriving them of the intangible right to the honest services of their employees, officers and business agents.

26. For the purpose of executing the scheme and artifice and attempting to do so, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, placed and caused to be placed in authorized depositories for mail matter, to be delivered by the United States Postal Service according to the directions thereon, and caused to be taken and received from the mails, the following mail matter:

COUNT	APPROXIMATE DATE OF MAILING	DOCUMENT	SENDER	RECIPIENT
Twelve	April 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Thirteen	May 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Fourteen	June 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Fifteen	July 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Sixteen	August 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Seventeen	September 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Eighteen	October 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Nineteen	November 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty	December 2000	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-One	January 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-Two	February 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund

COUNT	APPROXIMATE DATE OF MAILING	DOCUMENT	SENDER	RECIPIENT
Twenty-Three	March 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-Four	April 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-Five	May 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-Six	June 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-Seven	July 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-Eight	August 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund
Twenty-Nine	September 2001	Payroll Summary Report	JPM Queens, N.Y.	Local 14 Welfare Fund

(Title 18, United States Code, Sections 1341, 1346, 2 and 3551 et seq.)

COUNT THIRTY
(Conspiracy To Launder Money)

27. The allegations contained in paragraphs one through twelve of this indictment are realleged and incorporated as if fully set forth in this paragraph.

28. In or about and between January 1990 and December 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ANDREW CATAPANO and JOHN MIKUSZEWSKI, together with others, did knowingly and intentionally conspire to conduct financial transactions affecting interstate commerce, to wit: transactions in United States currency and negotiations of checks, which in fact involved the proceeds of unlawful labor payments, in violation of Title 29, United States Code, Sections 186(a)(2) and 186(d)(2), and mail fraud, in violation Title 18, United States Code, Sections 1341 and 1346, knowing that the property involved in the financial transactions represented proceeds of some form of unlawful activity (a) with the intent to promote the carrying on of the specified unlawful activity, to wit: unlawful labor payments, in violation of Title 18, United States Code, Sections 186(a)(2) and 186(d)(2), and mail fraud, in violation of Title 18 United States Code, Sections 1341 and 1346, all in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and (b) knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of such specified

unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
(Counts One through Twenty-Nine)

29. The United States hereby gives notice to the defendants charged in Counts One through Twenty-Nine that, upon their conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offenses, including but not limited to the following:

30. Money Judgment

A sum of money equal to one million dollars in United States currency (\$1,000,000.00) for which the defendants are jointly and severally liable.

31. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION
(Count Thirty)

32. The United States hereby gives notice to the defendants charged in Count Thirty that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982, of all property involved in each offense of conviction in violation of Title 18, United States Code, Section 1956, or conspiracy to commit such

offense, and all property traceable to such property as a result of the defendants' conviction of Count Thirty, including but not limited to, the following:

33. Money Judgment

A sum of money equal to one million dollars in United States currency (\$1,000,000.00) for which the defendants are jointly and severally liable.

34. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982, to seek forfeiture of any other

property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

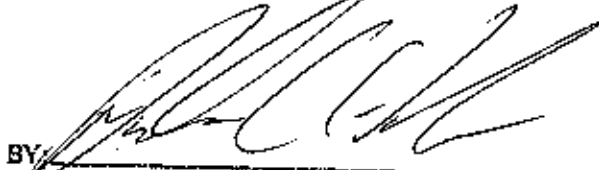
(Title 18, United States Code, Section 982)

A TRUE BILL



FOREPERSON

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK


BY _____
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.135

INFORMATION SHEET

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

1. Title of Case: United States v. Andrew Caporano and John Mikuszewski

2. Related Magistrate Docket Number(s) _____

None (X)

3. Arrest Date: NA

4. Nature of Offense(s): Felony
 Misdemeanor

5. Related Civil or Criminal Cases – Title and Docket No(s). (Pursuant to Rule 50.3 of the Local E.D.N.Y. Division of Business Rules):

None (X)

6. Projected Length of Trial: Less than 6 weeks (X)
More than 6 weeks ()

7. County in which crime was allegedly committed: Queens

(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)

8. Has this indictment been ordered sealed? (X) Yes () No

9. Have arrest warrants been ordered? () Yes (X) No

10. Is a capital count included in the indictment? () Yes (X) No

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY

By: Charles S. Kleinberg
Assistant U.S. Attorney
(718) 254-6012

Rev.
10/01/03

CRIMINAL DIVISION

NOTICE TO GRAND JURY COORDINATOR

The following are the name(s) and address(es) of the defendant(s) and their attorney(s), and the anticipated plea(s):

<u>DEFENDANT(S)</u>	<u>INMATE NO.</u>	<u>ATTORNEY</u>	<u>ANTICIPATED PLEA</u>
Andrew Catapano		FILED UNDER SEAL Michael Rosen, Esq. 61 Broadway, Suite 1105 New York, NY 10006	
John Mikuszewski		Fred Hafetz, Esq. 500 5 th Avenue New York, NY	

LANGUAGE(S) OF INTERPRETER(S), IF REQUIRED: _____

March 18, 2005
Date



CHARLES S. KLEINBERG
Assistant U.S. Attorney
(718) 254-6012

United States District Court

For The

Eastern District of New York
1807114

United States of America

vs.

ANDREW CATAPANO

+

JOHN MIKUSZEWSKI

No. _____ CR.

I, the undersigned foreman of the Grand Jury of this court, at the 1 / 1 Term begun and held at Brooklyn, New York on the 18 Day of ~~NOVEMBER~~ NOVEMBER AD 2005 in pursuance of Rule 6 (c) of the Federal Rules of Criminal Procedures, and herein file with the Clerk of the Court a record of the number of grand jurors concurring in the finding of the indictment in the above case. this record shall not to be made public except on order of the court, to wit:

20 Grand Jurors Concurring



Foreman signature