

# LEGAL CASE SPINE

United States v. Joseph Cammarata

Comprehensive Timeline of Eight Related Federal Proceedings

Prepared January 2026

## CASE OVERVIEW

### DISTRICT COURT:

21-cr-427 (E.D. Pa.) - Criminal Fraud - Convicted 10/2022

21-cv-4845 (E.D. Pa.) - SEC Civil Action - SJ on collateral estoppel 4/2024

22-cr-639 (D.N.J.) - Criminal Tax - Convicted 11/2023

### THIRD CIRCUIT:

23-2110 - Fraud Appeal - Affirmed; rehearing denied

### **24-1381 - SEC Appeal - 21+ MONTHS, NO GOVT RESPONSE**

24-1983 - Tax Appeal - Calendared 12/2/25, awaiting decision

### **25-1188 - Mandamus - 11+ MONTHS UNOPPOSED, NO RULING**

### SUPREME COURT:

### **25-6128 - Mandamus - Govt WAIVED response; conference 1/16/26**

Supporting documentation, docket citations, transcripts, and a chronological evidentiary index are publicly available at [ExposeJustice.com](http://ExposeJustice.com), which serves as a continuously updated public record of the matters summarized herein.

# I. DISTRICT COURT PROCEEDINGS

## A. Criminal Fraud Case: E.D. Pa. 21-cr-427-CFK

### Key Information

- Judge: Hon. Chad F. Kenney
- Filed: October 28, 2021 (indictment)
- Arrest: November 3, 2021 (Miami International Airport)
- Charge: Conspiracy to commit wire and mail fraud (18 U.S.C. 1349)
- Trial: October 2022
- Verdict: Guilty
- Sentencing: June 6, 2023
- Sentence: 132 months (11 years, 10 years for fraud; 6 years for tax, with 5 years concurrent and 1 year consecutive)

### The Government's Defective Theory

The indictment (Paragraph 11) stated that claimants "were required to show two essential facts in order to qualify for an award of settlement funds" - that they purchased shares and suffered damages. This premise was presented to the grand jury as settled law.

This theory is foreclosed by *Sprint Communications Co. v. APCC Services, Inc.*, 554 U.S. 269 (2009), which holds that assigned claims are lawful and assignees may recover without having suffered the original loss. The Court held that "an assignee of a legal claim for money owed has standing to pursue that claim in federal court, even when the assignee has promised to remit the proceeds of the litigation to the assignor." *Id.* at 271.

### Trial Evidence (Undisputed)

- Cammarata owned SpeedRoute, a FINRA/SEC-approved broker-dealer executing 2-3% of all U.S. exchange volume daily
- SpeedRoute executed approximately 11 million trades/day; approximately 10 million were trades owned by Cammarata
- Trades were lawfully assigned to Quartis, Nimello, and Invergasa - legitimate entities in good standing
- Claims were filed only on assigned trades; no claims on client-owned trades
- Claim forms identified assignee entities as "beneficial owner" as required
- Claims administrator Tina Chiango and cooperator Erik Cohen testified assignment is "common" and "not atypical"

- In 7 years and millions of trades, not a single claim was found to be fake or duplicate

## **Constructive Amendment**

On the final day of trial, Cammarata testified and introduced Sprint Communications and Pennsylvania assignment law. The government then abandoned its original theory in closing argument, conceding assignment was legal, and introduced an entirely new theory: that Cammarata had "stolen" trades from clients.

This uncharged theory was never presented to the grand jury, never introduced during trial, unsupported by any evidence, and gave Cammarata no opportunity to defend.

## **Sentencing Issues**

- 22-point "loss" enhancement applied despite NO identified victims
- Government had 5 years to identify victims - produced NONE at sentencing
- Court ordered "joint and several" liability of \$35M+ on Cammarata alone
- Two cooperators (who received \$27M) paying virtually nothing
- Court denied securities fraud enhancement, stating it is "better litigated in the SEC case"

## **B. SEC Civil Action: E.D. Pa. 21-cv-4845-CFK**

### **Key Information**

- Judge: Hon. Chad F. Kenney (same as criminal case)
- Filed: November 3, 2021 (same day as arrest)
- Charge: Securities fraud under Section 10(b) and Rule 10b-5
- TRO: Granted ex parte November 4, 2021 - froze \$78+ million
- Summary Judgment: Granted to SEC based on collateral estoppel (August 2023)

### **Coordinated Same-Day Action**

The DOJ deliberately did not charge securities fraud because it requires an "in connection with" nexus to a securities transaction. On the same day as arrest, the SEC filed a civil complaint.

Purpose: DOJ criminal forfeiture exposure was approximately \$16M. SEC civil asset freeze reached \$78M initially, peaking at \$150M+ - encompassing all assets without tainted analysis.

### **Invalid TRO and Due Process Violations**

- November 4, 2021 (9am): Ex parte TRO granted in Philadelphia and scheduled the show cause hearing on November 9, 2021, without notice
- November 9, 2021: Show cause hearing scheduled SAME DAY AND TIME as Miami bail hearing
- Cammarata never received notice of Philadelphia hearing only after the hearing had already occurred
- TRO expired by operation of Rule 65(b)(2) no later than November 24, 2021
- Court continued enforcing freeze as if TRO remained valid for 2+ years

### **Judge Kenney's Prejudgment**

At the November 9, 2021 hearing, Judge Kenney's first on-the-record statement was: "I consider this a crime against the courts!"

This statement was later changed to "inaudible" in official transcripts. Additional transcript sections from sentencing were deleted.

### **Motion for Summary Judgment - NEVER RULED ON**

ECF #183: Filed December 12, 2022, demonstrating SEC failed to state a claim and court lacked subject matter jurisdiction. NEVER RULED ON - still pending after 2+ years with no appealable order.

### **Collateral Estoppel Error**

Court granted SEC summary judgment based on collateral estoppel from wire fraud conviction. This was legally erroneous:

- Wire fraud requires: (1) scheme to defraud, (2) specific intent, (3) use of interstate wires
- Securities fraud ADDITIONALLY requires: scienter, "in connection with" purchase/sale, reliance, economic loss, loss causation
- Securities fraud requires Rule 9(b) heightened pleading specificity
- Court itself denied securities fraud enhancement at criminal sentencing hours before the summary judgment motion was filed

## **C. Criminal Tax Case: D.N.J. 22-cr-639-PGS**

### **Key Information**

- Judge: Hon. Peter G. Sheridan
- Filed: September 22, 2022
- Charge: Tax evasion
- Judgment: May 14, 2024
- NOA Filed: May 25, 2024

### **Grand Jury Contamination**

The tax case grand jury was convened approximately three weeks BEFORE the fraud trial began. The government represented as fact that the income was "proceeds of fraud" - even though no fraud conviction yet existed.

### **Brady Violations - Deleted Exculpatory Evidence**

- Alleged income: approximately \$16 million
- Documented business expenses: OVER \$19 million
- These expenses were produced in EDPA fraud discovery
- Same records were PHYSICALLY DELETED from tax case discovery
- IRS agent admitted at trial that business expenses were material to tax-due calculations

### **Suppressed 1042-S Forms**

- Cammarata repeatedly requested his business expenses, settlement records, and IRS Form 1042-S records
- Government stated IN WRITING that no such forms existed
- In fact, approximately 50 forms existed showing taxes withheld and paid
- These forms were in prior discovery - government knew they existed

## II. THIRD CIRCUIT APPEALS

### A. Fraud Appeal: No. 23-2110

#### Key Information

- Docketed: June 20, 2023
- Panel: CHAGARES, PHIPPS, CHUNG
- Government Counsel: AUSA David J. Ignall
- Opinion: Affirmed (2025)
- Rehearing En Banc: Denied October 14, 2025
- Mandate: Issued August 2025

#### Critical Defect in Panel Opinion

The panel opinion mentions “assignment” only to dismiss it as an implausible factual defense - but NEVER cites or addresses Sprint Communications v. APCC Services, the binding Supreme Court precedent establishing that assigned claims are lawful. The opinion:

- Never once addresses the Pennsylvania Law of Assignments
- Never cites, distinguishes, or even acknowledges Sprint Communications Co. v. APCC Services - treating assignment as a factual question rather than settled law
- Contains factually incorrect and legally flawed statements on page 19

#### Key Filings

- ECF #69 (April 29, 2025): Pro se Addendum - cited Sprint at 554 U.S. 271 and 286
- Motion to Dismiss for Lack of Subject Matter Jurisdiction: DENIED in 4 days
- Petition for Rehearing En Banc: DENIED (October 14, 2025)

## B. SEC Appeal: No. 24-1381

### Key Information

- Docketed: March 5, 2024
- Government Counsel: David D. Lisitza, John V. Donnelly III (SEC)
- **Status: PENDING - Government has NEVER filed a response brief (21+ months)**

### Timeline of Obstruction

- March 5, 2024: Appeal docketed
- June 21, 2024: Pro se brief filed (ECF #22) - 43 pages detailing violations
- July 8, 2024: Supplemental brief filed (ECF #29)
- July-October 2024: SEC obtains MULTIPLE extensions
- September 3, 2024: Jack McMahon enters appearance
- October 9-November 4, 2024: Cammarata placed in SHU at FCI Fairton
- January 27, 2025: Counseled brief filed (ECF #44)
- January 30, 2025: SEC moves to STAY appeal
- February 5, 2025: Stay granted

### Motions DENIED

- May 19, 2025: Motion to lift stay - DENIED
- May 19, 2025: Emergency motion for release of frozen assets - DENIED
- August 20, 2025: Motion to change venue to Supreme Court - DENIED
- August 27, 2025: Motion to disqualify ENTIRE Third Circuit - DENIED by all 12 judges

### Current Status

- August 26, 2025: Stay lifted
- September 3, 2025: SEC requests 60 MORE days
- **January 2026: SEC STILL HAS NOT FILED A RESPONSE BRIEF**

## C. Tax Appeal: No. 24-1983

### **Key Information**

- Docketed: May 31, 2024
- Appeal From: D.N.J. 22-cr-639 (Judge Sheridan)
- Panel: CHAGARES, FREEMAN, MASCOTT
- Government Counsel: Paul G. Shapiro

### **Timeline**

- September 5, 2025: Reply brief filed (ECF #67)
- October 27, 2025: Calendared for December 2, 2025
- December 2, 2025: SUBMITTED to panel (ECF #75)
- **January 2026: NO DECISION ISSUED - over 6 weeks since submission**

## **D. Mandamus Petition: No. 25-1188**

### **Key Information**

- Filed: January 31, 2025
- Fee Paid: February 7, 2025
- Purpose: Compel action on stalled appeals
- **Status: UNOPPOSED for 11+ months - NO RULING**

### **Government Appearances**

- March 6, 2025: David J. Ignall enters appearance
- March 6, 2025: Paul Shapiro enters appearance
- March 7, 2025: David Lisitza enters appearance

### **Critical Motion NEVER RULED ON**

- March 24, 2025: Motion to Transfer to Second Circuit filed
- Basis: Conflict of interest - SEC Attorney John V. Donnelly III's spouse employed in Third Circuit executive office
- **Status: NEVER RULED UPON**

### **Timeline**

- April 14, 2025: Notice filed that petition is UNOPPOSED
- September 8, 2025: Motion for clarification filed - NO RESPONSE
- January 2026: 11+ months pending, completely unopposed, no ruling

### **III. SUPREME COURT**

#### **Mandamus Petition: No. 25-6128**

##### **Key Information**

- Filed: October 21, 2025
- Purpose: Compel Third Circuit action on stalled proceedings
- Government Response: WAIVED (December 3, 2025)
- Conference: January 16, 2026
- Decision Expected: By January 21, 2026

##### **Significance of Government Waiver**

The government's waiver of response is highly significant. A complete waiver suggests the government found the Third Circuit's delays indefensible.

## **IV. CONFLICTS OF INTEREST**

### **A. SEC Attorney Donnelly's Spouse at Third Circuit**

SEC Attorney John V. Donnelly III has entered appearances in multiple Cammarata proceedings. His spouse is employed as an attorney in the Third Circuit's executive office - the same court where all four appeals are pending.

This conflict was never disclosed. It may explain:

- Why mandamus petition sat 11 months unopposed with no ruling
- Why SEC appeal has no government response for 21 months
- Why motion to transfer to Second Circuit was never ruled upon
- Why all 12 Third Circuit judges denied disqualification without explanation

### **B. Judge Kenney's Undisclosed Conflict**

Judge Kenney's spouse practiced as a class-action attorney in the same ecosystem implicated by the SEC's theory. This relationship was not disclosed.

## **V. SUMMARY OF DELAYS**

**24-1381 (SEC Appeal): 21+ MONTHS - No government response brief**

**25-1188 (Mandamus): 11+ MONTHS - Unopposed, no ruling**

**24-1983 (Tax Appeal): 6+ WEEKS - Calendared 12/2/25, no decision**

**Transfer Motion: 9+ MONTHS - Never ruled upon**

**ECF #183 (SJ Motion): 3+ YEARS - Filed 12/12/22, never ruled on**

## **Core Legal Issue**

Sprint Communications Co. v. APCC Services, Inc., 554 U.S. 269 (2009) holds that assigned claims are lawful and assignees may recover without having suffered the original loss. This binding Supreme Court precedent forecloses the government's entire prosecution theory, yet has been ignored by every court that has reviewed this case.