

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOHN C. PONTE

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, *et al.*

Defendants.

Case No.: 1:24-cv-02379

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiff John C. Ponte respectfully moves pursuant to Fed. R. Civ. P. 65 and LCvR 65.1 for a temporary restraining order enjoining Defendants FEDERAL DEPOSIT INSURANCE CORPORATION, MARTIN J. GRUENBERG, in his official capacity as Chairman of the Federal Deposit Insurance Corporation, TRAVIS HILL, in his official capacity as Vice Chairman of the Federal Deposit Insurance Corporation, MICHAEL J. HSU, in his official capacity as Director of the Federal Deposit Insurance Corporation, ROHIT CHOPRA, in his official capacity as Director of the Federal Deposit Insurance Corporation, JONATHAN McKERNAN, in his official capacity as a member of the Board of Directors of the FDIC, JENNIFER WHANG, in her official capacity as Administrative Law Judge for the Office of Financial Institution Adjudication from proceeding against him in the administrative matter against him. Plaintiff Ponte moves for a stay of any administrative hearing before the FDIC and for conversion of such stay to a preliminary injunction at the Court’s earliest convenience.

The grounds for this motion are fully set forth in the accompanying Memorandum of Points and Authorities in Support of Plaintiff’s Motion for a Temporary Restraining Order. A proposed

order is attached.

Dated: August 19, 2024

Respectfully submitted,

/s/ John J. Vecchione

John J. Vecchione (DC Bar #431764)

NEW CIVIL LIBERTIES ALLIANCE

1225 19th Street NW, Suite 450

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*Counsel for John C. Ponte*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Memorandum and all other filings in this matter to date have been given to a process server to be served upon the above-captioned Defendants via hand service on the U.S. Attorney for the District of Columbia at:

Civil Process Clerk  
U.S. Attorney's Office for D.C.  
601 D Street, NW  
Washington, DC 20530

on August 19, 2024.

Pursuant to Fed. R. Civ. P. 4(i), a copy of the foregoing and all other filings in this matter to date have also been sent via certified mail, return receipt requested to the Defendants (all of whom are sued only in their official capacities) at the addresses listed on the Complaint caption and to the U.S. Attorney General at 950 Pennsylvania Avenue NW, Washington, DC 20530 on August 19, 2024. It was until Covid possible to serve the U.S. Attorney by hand but to my knowledge that office has refused to resume accepting hand service. I have also provided a copy of the motion for TRO and accompanying brief to Mr. Ponte's counsel in the FDIC administrative matter to serve by email to FDIC counsel there.

Moreover, the Complaint and its exhibits, the proposed summons, and the civil cover sheet, were filed with the Court on August 15, 2024. Upon completion of service of the Motion for TRO, Proposed Order, Declaration, and Memorandum in Support of TRO by the process server, an updated proof of service will also be filed.

John J. Vecchione

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**LCvR 65.1 DECLARATION OF COUNSEL**

The undersigned certifies that pursuant to LCvR 65.1, the foregoing document, the Motion for Temporary Restraining Order, Proposed Order, Certificate of Service, and Memorandum in Support of TRO will be filed on the above-captioned Court's docket on August 19, 2024 by 10 A.M. The foregoing Certificate of Service details the efforts made by Plaintiff to give notice and furnish copies of the TRO and all other documents in this case. *See id.* (a).

Dated: August 19, 2024

Respectfully submitted,

/s/ John J. Vecchione

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**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**

**IT IS HEREBY ORDERED** that Plaintiff's Motion is **GRANTED**.

**IT IS HEREBY ORDERED** that the administrative proceeding against Mr. Ponte is stayed for 14 days, and it is

**FURTHER ORDERED**, that the Defendants will cease all proceedings against Mr. Ponte for 14 days, and it is

**FURTHER ORDERED**, that a hearing to convert this stay to a preliminary injunction shall be heard on \_\_\_\_\_, 2024.

DATED: \_\_\_\_\_, 2024

\_\_\_\_\_  
United States District Judge