

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 10 CR 196-1
vs.)	
)	Judge Harry D. Leinenweber
RUDOLPH CARMEN FRATTO)	

**GOVERNMENT’S RESPONSE TO DEFENDANT FRATTO’S SENTENCING
MEMORANDUM**

The UNITED STATES OF AMERICA, by GARY S. SHAPIRO, Acting United States Attorney for the Northern District of Illinois, in response to the sentencing memorandum of defendant Rudolph Carmen Fratto (“Fratto”) states as follows:

Fratto’s Role in the Offense

In his sentencing memorandum, Fratto asks this Court to sentence him at the low end of the applicable Guidelines range or less. R.86 at 2. In support of his position Fratto repeatedly asserts that he was recruited into the commission of the offense by co-defendant William Degironemo. *Id.* at 2, 4. Fratto asserts that Degironemo recruited Fratto to convince Individual A to join the scheme because Fratto had known Individual A for more than twenty years and “Fratto could use this relationship to gain the necessary trust and information from [Individual A].” *Id.* at 2. Fratto asserts that “[t]here is no dispute ... that William Degironemo recruited Rudolph Fratto into the conspiracy.” *Id.* at 4.

Fratto's assertions are not correct. Fratto misstates the evidence from the recorded conversations in the case. That evidence, summarized in detail in the government's *Santiago* proffer (R.58 at 15-29), shows that Fratto and Individual A did not even meet with Degironemo until after Fratto devised the scheme with Individual A in meetings in which the conversations were recorded.¹ As detailed below, after Fratto devised the scheme with Individual A, Fratto told Individual A, "We should both have a nice meeting and talk to Billy [Degironemo] and tell him this is the way it's gonna be ..." Tr. 9/1/05 at 35 //7-9.

As previously set forth in the *Santiago* proffer, the meetings were as follows:

Individual A Meets Fratto

On **January 21, 2005**, Individual A met with Individual B and discussed the debt Individual A owed to Cleveland. At this meeting, Individual A met Fratto. Fratto gave Individual A his business card and the two agreed to call each other.

Individual A's Conversations With Fratto and Degironemo to Rig the 2006 IMTS Forklift Bid

On **July 22, 2005**, Individual A and Fratto met at Downer's Delight Restaurant in Downers Grove. Individual A told Fratto about his debt to Cleveland individuals. Tr.7/22/05 at 23 //15-23; 24 // 25-31. Individual A told Fratto that Individual B put Individual A together with Degironemo to assist Degironemo in obtaining a forklift subcontract in support of the 2004 IMTS, the profits of which would have been split and used to pay Individual A's

¹Excerpts from the recorded conversations of meetings on 7/22/05 and 9/1/05, as well as the first meeting of Fratto, Degironemo, and Individual A on 10/7/05 are set out in Exhibits I, J, and K to this response.

debt to Individual B and the Cleveland individuals. Individual A explained to Fratto that he had tried to rig the contract for Degironemo, but was unsuccessful. *Id.* at 20-22,25. Fratto expressed interest in working with Degironemo and Individual A in bidding for the forklift subcontract in 2006. *Id.* at 35. Fratto reassured Individual A that he would not advise Individual B of their plan to re-bid the forklift subcontract in 2006. (Fratto: “This is between me and you, alright? ... We don’t even tell him [Individual B] we sat down.” *Id.* at 20 //12-14. Later, Fratto reiterated, “The only fuckin' thing is gettin' around that kid [Individual B] 'cuz that kid fuckin' wants, you can't tell him nothing. Well with the truckin', you ain't gonna get a piece of me but he's gonna say, oh you know [Individual A]'s uh, you know [Individual A]'s my guy, and [Individual A] owes me money, you know, we'll just do it some other way, you know.” *Id.* at 62 //19-26. As to Degironemo, Fratto stated “I'm tryin' to figure out um, I'm tryin' to figure out what uh, you know, what can be done with Billy D, 'cuz that, I mean all of them forklifts could be really somethin'” *Id.* at 65 //1-5.

Fratto said that if they managed to get the 2006 forklift contract and made money, he (Fratto) would assist Individual A with his problem with “Cleveland.” Fratto further noted that he knew one of the Cleveland individuals personally, and asked “what do you owe the guys in Cleveland?” *Id.* at 23 //19-20.

Turning to the possibility of additional income from handling the transportation of the forklifts, Fratto asked “[h]ow much could we make?” *Id.* at 36 //10. Fratto also asked “. . .do you have enough juice to take over the [IMTS show]? Yeah. Well, let's kick it around,

you know what? We kick it around.... There's gotta be somethin' else in that uh, down there with that machine tool [IMTS].” *Id.* at 53 //32-33; 56 //15-16; 57 //1-3.

On **September 1, 2005**, Fratto and Individual A again met at Downer’s Delight Restaurant to discuss obtaining the subcontract to supply the forklifts for the IMTS show. Individual A told Fratto that the 2004 deal did not work out because Degironemo was slow in completing the paperwork. Tr. 9/1/05 at 31. Fratto questioned whether they needed Degironemo (“Do we need Billy?”) but concluded that Degironemo should be brought in because “he’s got his name in the company.” *Id.* at 35 //17. Fratto told Individual A, “[W]e both should talk to Billy. ... We should both have a nice meeting and talk to Billy and tell him this is the way it’s gonna be, you know. I mean I could talk to him first, initially, to feel him out and say I had a meeting with [Individual A] and if you [Degironemo] want to move forward with this, fine.”

On **October 7, 2005**, at the Itasca Country Club, Individual A met with Fratto and Degironemo together for the first time. Fratto proposed that any money they made on the forklifts be split evenly; Fratto said that nothing could be in his name and that all of his profits could be put in his children’s name. (Fratto: “[W]e could cut it up three ways and put it in uh, in uh, my kid’s name. ...”). Tr. 10/7/05 at 30 //21-30.

Thus, Fratto was to have received a third of the profits from the forklift contracts. But, as Fratto himself concedes, Fratto “did not have to put up money to get involved in this scheme. He did not have to pay off any prior losses. He did not have to worry about

equipment.” R.86 at 3. What Fratto was contributing was the benefit of his association and membership in The Outfit. Fratto assured Individual A that in return for Individual A’s participation in the scheme Fratto would use his influence with Cleveland organized crime figures so that they would be patient in demanding from Individual A the money they claimed he owed them and Individual A would be able to use his share of the profits from the scheme to pay the debt.

Fratto’s Family Circumstances

Fratto also raises a litany of concerns regarding his mother, his wife, and his children and the averse consequences they may face if he is incarcerated. The time for Fratto to have considered his responsibilities to his family and the impact upon them of his illegal conduct was before he committed the offense, not now when it suits his purpose to raise these issues to benefit himself. And, as the letters he has filed with the Court attest, there are numerous family and friends of the defendant able and willing to assist him and his family during a period of incarceration.

CONCLUSION

For the reasons set forth above and in the government's previous submissions, the government asks this Court to sentence defendant Rudolph Carmen Fratto to a term of imprisonment substantially in excess of the Advisory Guidelines range plus two offense levels.

Respectfully submitted,

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EXHIBIT I

DATE: 07/22/2005
TIME: 9:52 AM
ACTIVITY: CONSENSUAL RECORDING

SPEAKERS:
CW: Cooperating Witness
FRATTO: Rudy Fratto

* * * *

1 (Adjustments being made; non-pertinent
2 agent set-up)

3 (Preamble)

4 CW OK, and it's approximately uh 9:55 AM,
5 Friday the 22nd of uh July, um, about to
6 go meet uh Rudy Fratto at uh Downers
7 Delight Restaurant on 75th and uh
8 Fairview in Downers Grove, um, I'm
9 meeting him at 10:15 AM.

10 Agent This one? I always had trouble seeing
11 the light, so...

12 CW Well I've never seen the light on that
13 thing.

14 Agent OK. Well. Do you want me to leave the
15 rubber band on it?

16 CW Yeah.

17 Agent Alright. Uh, this is Special Agent
18 Andrew T. Hickey. I'm with [REDACTED]
19 [REDACTED] He'll be uh going to, what's
20 the location?

21 CW Um, Downers Delight Restaurant on 75th
22 Street and Fairview in Downers Grove.

23 Agent The date is uh July 22nd, the time's
24 approximately 9:56, [REDACTED]

1 FRATTO Oh it is? It has to be gas?

2 CW Has to be gas.

3 FRATTO (yawns) Boy...so...

4 CW Went out front of a source to get the
5 whole show, and not just what Billy was
6 using...all the forklifts.

7 FRATTO Right. So now, where's that, where's
8 that um, well [REDACTED] wants to put his two
9 cents in there.

10 CW Yeah but, they knew I was...here. And
11 again, I was...

12 FRATTO This is between me and you alright.

13 CW OK. I'll, well...

14 FRATTO We don't even tell him we sat down.

15 CW Alright.

16 FRATTO I mean unless you tell him.

17 CW No...I had (UI).

18 FRATTO Right, right.

19 CW 'Cuz...here. [REDACTED] and I had this, we
20 are plotters, we do work together, now,
21 yeah, do I owe [REDACTED]? But everything
22 that was to be our promise, I never see.
23 So it's not like you even get credit for
24 what you're doin'. And I just want to
25 get him whole, and the guys, his friends
26 whole, and be done with it. Now we go
27 to Billy Dean and it's like, Billy, OK
28 show me the forms...

29 FRATTO Right.

1 CW ...and to light the proposal, find the
2 equipment companies, do everything, and
3 then, Billy's like well, I say Bill you
4 gotta, you know, give me some help here,
5 I fit the, handle both sides of this, we
6 ended up gettin' screwed on the deal
7 even though we were lower, it would'a
8 made money, and then [REDACTED]'s mad at me
9 'cuz Billy didn't do anything.

10 FRATTO So you never used Billy's fork?

11 CW No, we got Billy's forks who want'a
12 work...

13 FRATTO No.

14 CW ...but Bill was gonna get the whole show
15 like, Hertz.

16 FRATTO Um-hmm.

17 CW It really could'a been...

18 FRATTO That would've been nice.

19 CW Right. Billy could'a been like the new
20 OG Services.

21 FRATTO Wow, that'll work. Wish I could (UI)
22 [REDACTED] and [REDACTED] told me. See [REDACTED] wants to
23 be, he wants to be, he wants to be one
24 of us so fuckin' bad, I wanna be him, he
25 wants to be me. I'm starvin'...

26 CW You know what?

27 FRATTO ...he's sittin' on all the old man's
28 money...

29 CW Right.

1 FRATTO ...well what do you want to do (UI).
2 (pause) And Billy, you know, Billy
3 asked, you know, Billy came around the
4 back price of the roof. All tied up
5 everything with the workers, just get
6 'em in the building, get 'em work. And
7 then I just, I didn't say no more
8 because I thought they were all broken
9 down and shit, and I figured...

10 CW And they were.

11 FRATTO ...I figured that, I figured that there
12 was no, no bidding because I couldn't
13 talk to you...

14 CW Well, but here...

15 FRATTO ...not that I couldn't talk to you, but
16 I didn't wanna talk to you because I
17 figured, you didn't have no juice, 'bout
18 puttin' in the ordinance over there... I
19 figured it was a lost cause. I didn't
20 know, I don't, tell you the truth I
21 didn't know nothin' about it...

22 CW Well...

23 FRATTO ...anymore.

24 CW ...we put the bid together, everything
25 else, but as usual, you gotta order the
26 forks in March, you can't be puttin' a
27 bid together, for forklifts, for that
28 many forklifts, 300 forklifts, in June
29 and July. They gotta be ordered in
30 March or you stop findin' 'em. And then
31 Billy didn't wanna put any time and
32 effort into that thing.

33 FRATTO Well he, if (UI) would he put any money
34 into it, that's...

1 CW Yeah, well, you already know the answer
2 to that.

3 FRATTO Yeah.

4 CW He's another guy, all he wants to do is
5 get a check and it's, show up and, pat
6 everybody on the back.

7 FRATTO Peter wanted to put an order in. On
8 [REDACTED], [REDACTED] wants to be partners with
9 everybody...

10 CW Well here, [REDACTED] wanted a piece of
11 Billy...

12 FRATTO Right.

13 CW ...he wants a piece of me. Then he
14 wanted a piece of the, piece, then it's
15 still well, you know, you owe my friends
16 in Cleveland and you owe me, well,
17 you're not doin' anything and I gotta
18 keep comin' up with this.

19 FRATTO Wow, what do you owe the guys in
20 Cleveland?

21 CW Well they had part of, the display
22 company.

23 FRATTO Oh.

24 CW So it's...

25 FRATTO I mean it's none of my business...

26 CW No, it's like...

27 FRATTO ...but it's between me and you.

28 CW ...like, it's like two hundred. But
29 even that, (whispers) the guy lost eight

1 hundred G in the thing, right? And,
2 and, it just went under, it was a bad
3 time, it was a bad move, there's nothin'
4 we can do about it. And, all you get
5 outta [REDACTED] is well, we gotta make 'em
6 whole. I'm like well, [REDACTED] I'm livin'
7 in the basement, un-, until I can, put
8 something together, but back in...

9 FRATTO

I thought you owed [REDACTED]. I mean, it,
what I know is that you owe Billy
seventy-five and you owe [REDACTED] seventy-
five.

13 CW

[REDACTED] was the whole thing, I mean the
hundred and fifty. He had a, a, he had
a hundred and fifty in, and I'm like OK
fine, you got a hundred and fifty. I
mean [REDACTED] at some point I'm gonna make
you whole, you know, but you can't get
blood out of a turnip.

21 FRATTO

But [REDACTED]'s the hundred and fifty, he's
sayin' it's sellin' goods from them guys
money.

23 CW

No, two hundred. There was three fifty
total....

25 FRATTO

And you owe...

26 CW

...two hundred's from Cleveland.

27 FRATTO

And that was from that one show?

28 CW

Nah, this is from, when we had the
display company. This went on for two
years...

31 FRATTO

No, I don't know (UI).

1 CW ...and, they made some interest money on
it, they got their interest and some
3 other stuff...

4 FRATTO Yeah.

5 CW ...but, then trade shows fell apart.

6 FRATTO Yeah.

7 CW You know, they wanted, we sent 'em all
8 the books, they went through all the
9 books, there was no, I was supposed to
10 be gettin' a, a hundred thousand a year.
11 I'm paying myself fifty thousand a year.

12 FRATTO Right.

13 CW So it's not like no, and, and they
14 weren't gypped, they didn't find
15 anything wrong, but now it's like, well,
16 OK, well just give us the two hundred.
17 Well where am I gonna' get the two
18 hundred? If Billy would'a, started
19 sooner last time, I could'a had 'em all
20 paid and been done with it.

21 (long pause)

22 FRATTO Um, I know that between (UI) and Nick
23 and, my brother-in-law Billy has a
24 forklift, they make a ton of money.

25 CW I know.

26 FRATTO They ain't showin' it, but then, how
27 much did they make at one show with the
28 forklift?

29 CW They used to, uh, make anywhere,
30 something like three or four hundred
31 thousand.

1 FRATTO Yeah.

2 UF How is everything?

3 CW Very good.

4 FRATTO Good. (UI) two more.

5 UF And we also have um, if you don't want
6 all that next time, we also have the
7 plain bowl of...

8 FRATTO Yeah...

9 UF ...just so, yeah.

10 FRATTO ...that's what I'll get next time, just
11 a little bowl.

12 CW Well here...

13 FRATTO Don't put me...

14 CW ...you think about it and...

15 FRATTO ...what can we do, what do you wanna try
16 and do, conflict, that's all.

17 CW ...I think we need to get, because with
18 Premier gone...

19 FRATTO Yeah.

20 CW ...if we start now, because I've got a
21 lot of meetings with exhibitors coming
22 up...

23 FRATTO Yeah.

24 CW ...that, especially the trucking, 'cuz
25 I, I can't, I can't do the uncrating
26 'cuz I don't have the money for it, and
27 it was (UI) checks, I go where's he

1 uncrate, I said [REDACTED], you gotta go out
2 and rent flatbeds, you gotta pay for
3 those in advance, so I told ya, we
4 needed fifty thousand if you wanted to
5 do it, nobody wanted to come up with it
6 and now you're all mad that we didn't
7 get it.

8 FRATTO Yeah.

9 CW I, I said, I, I can't shit out (UI)...

10 FRATTO How much could we make?

11 CW I don't know.

12 FRATTO How come much, how much do we make on
13 'em.

14 CW Here. And again Rudy, it's between you
15 and I. When I took care of [REDACTED]
16 uh, the um, everything was said and
17 done, on those loads, on the, the twenty
18 thousand dollars, Billy gave [REDACTED] six
19 percent...cash. Now that was supposed
20 to be three for him and three for me...

21 FRATTO Yeah.

22 CW ...it never got to the site OK.

23 FRATTO Right.

24 CW OK.

25 UF More coffee?

26 CW So now that's...

27 FRATTO No.

28 CW ...now that's like eighteen loads, they
29 made six point, not a bad deal, but when

1 FRATTO

Funny. Yeah, you know what, we need to like get a list of how many (UI), how many of this and then we have to try and chart it to see, and I could talk to [REDACTED], you know they might, because that could be, you know them guys are a Cadillac operation, man. And then you know what? They might be able to get an extra, you know, flatbeds, they might be able to rent an extra, you know, so many...

12 CW

And, and you know what? If they're gettin' enough work, you know they're gonna be, back, back-stoppin' themselves so they got plenty of stuff.

16 FRATTO

And then another thing, I should look into the, you know, look in uh, to that area in Cicero where, where we might be able to um...

20 CW

Just park?

21 FRATTO

...just park.

22 CW

A'right well then here, that first week in August, give me a call and we'll get together towards the end of the week. And I'll start putting all my stuff together.

27 FRATTO

Yeah, and what about this silly deal with the port-, is, is, is he, you think it's worth, worth messin' with him...

30 (CW and Fratto talk at same time)

31 CW

Worth, you can look at it but...

32 FRATTO

33 ...you, you, do you have enough juice to take over the (UI).

1 kill myself. I'm losin' seventy-five
for doin' nothing.

3 FRATTO Crazy. Yeah.

4 CW And then when, it, then they fucked
5 around for the last second and then when
6 it falls apart then they're both mad. I
7 kept tellin' the guys, we had to do it,
8 early in the year, no one wanted to
9 listen to me, no one wanted to get
10 involved, I had to do it all by myself,
11 and now you're mad we didn't get it. I
12 said we were the lowest price, we had
13 the lowest price, but it was so late we
14 couldn't get it.

15 FRATTO Yeah. Well, let's kick it around, you
16 know what? We kick it around...

17 CW (whispers) 'Cuz you here, you know what
18 Billy and...

19 FRATTO Wow.

20 CW Whoa...whoa.

21 FRATTO The [REDACTED] one. You and Billy what?

22 CW Well you know what Billy and [REDACTED] used
23 to make on that.

24 FRATTO Oh yeah.

25 CW There was a lot to be made there.
26 Alright boss.

27 FRATTO Yeah. Let's go.

28 CW Time to go to work.

1 FRATTO There's, what else is there? There's
2 gotta be somethin' else in that uh, down
3 there with that machine tool.

4 CW What's that?

5 FRATTO I know Billy Junior and, and uh, [REDACTED]
6 uh...

7 CW Well they did a scrap and they cleaned
8 it.

9 FRATTO Yeah. They do the oil and the scrapping
10 and the...

11 CW Well they do the oil removal, the scrap
12 removal, and then Billy gets all the
13 cleaning and custom cleaning.

14 FRATTO Yeah. He does all the cleaning in the
15 show, that's gotta be a big deal,
16 that's...

17 CW Oh yeah. That's...

18 FRATTO [REDACTED] took credit, [REDACTED] took credit at
19 gettin' him with, my brother-in-law was
20 all mad and he told me (whispers) you
21 give me the cleaning list.

22 CW Rudy, may God strike me dead, you know
23 how Billy got the cleaning? Because
24 [REDACTED] s an idiot. 'kay. [REDACTED]
25 [REDACTED] didn't do the job, he fucked up
26 the show, and then, when [REDACTED]
27 retired, because [REDACTED] loved [REDACTED],
28 'kay?

29 FRATTO Yeah.

30 CW But when [REDACTED] died and [REDACTED] retired,
31 that relationship was over.

1 CW ...him and his bankbook.

2 FRATTO Yeah, he's got everything go-, I'd like
3 to go over there...you can't park the
4 car, he gets a piece of that. You can,
5 you go in the, you go in the um, you,
6 you go in the, you see a fuckin' Barry
7 Manilow, his wife decorated the
8 building, you go in the fuckin' Allstate
9 Arena, uh, they park the car...

10 CW Oh yeah.

11 FRATTO ...he gets a piece of that. You buy
12 popcorn, I'm sure he gets a piece of
13 that. He gets a piece of everything.

14 CW Like to get a piece of that.

15 FRATTO Absolutely stunning. God bless you.

16 CW Made our day.

17 FRATTO Made my day. Can remember my day.

18 CW (chuckles)

19 FRATTO Yeah. The only fuckin' thing is gettin'
20 around that kid 'cuz that kid fuckin'
21 wants, you can't tell him nothing. Well
22 with the truckin', you ain't gonna get a
23 piece of me but he's gonna say, oh you
24 know [REDACTED]'s uh, you know [REDACTED]'s my guy,
25 and [REDACTED] owes me money, you know, we'll
26 just do it some other way, you know.

27 CW So you're not, here, look, I'm doin' it
28 and then pay it. So whatever I make...

29 FRATTO Yeah.

1 FRATTO ...uh, I'm tryin' to figure out um, I'm
2 tryin' to figure out what uh, you know,
3 what can be done with Billy D, 'cuz
4 that, I mean all of them forklifts could
5 be really somethin', but...but you got
6 too many fuckin' obstacles. You got him
7 and then you got the kid fuckin', you
8 got [REDACTED] chomping at the bit there then.

9 CW Well let me, let's think about that. We
10 got a little bit of time.

11 FRATTO Yeah we got some time to think about
12 that, you know.

13 CW Tell your father I said hello.

14 FRATTO Yeah. 'Cuz I could always say, I'm
15 gonna fuckin' run with it this early
16 'cuz he don't have to, he'll never see
17 the bills...

18 (sounds of heavy winds)

19 CW Nope.

20 FRATTO ... [REDACTED]

21 CW Fuck him.

22 FRATTO (UI).

23 CW I'll see you in a couple weeks.

24 FRATTO A'right.

25 (background noises, wind, CW enters
26 vehicle)

27 CW Whew...hot.

28 (car radio volume is cranked up, then
29 lowered)

EXHIBIT J

DATE: 9/1/05
TIME: 9:40
ACTIVITY: Telephone Monitoring

SPEAKERS:

SA HICKEY: SA Andrew Hickey
CW: Cooperating Witness
FRATTO: Rudy Fratto

* * * *

1 CW Hello? Testing 1, 2, 3. Testing 1, 2,
2 3. Nah, I thought I saw something there,
3 but. Let's see. Seems like a little
4 pin prick.

5 SA HICKEY 1, 2, 3. 1, 2, 3. Let's put it
6 together. I mean, we hit it on a few
7 times.

8 CW Right. Oh, that's Jeff. I thought this
9 was (UI).

10 CW (UI). Hello? Hey, Kim. Yeah. Yeah,
11 I'll make sure I (UI). I would hate
12 that, too, Kim. (Laughs). Thanks, Kim.
13 Bye.

14 SA HICKEY That's that and (UI). Let's put this
15 one on. (UI)...

16 CW (UI) That's...

17 SA HICKEY (UI)...we'll do a preamble here. Gees,
18 let me turn this (UI). Okay. See that
19 record. Now when you come back here,
20 I'll turn everything off, okay.

21 CW Testing, 1, 2, 3. Testing 1, 2, 3.
22 Testing 1, 2, 3.

23 SA HICKEY Go ahead.

24 CW Got a light?

1 CW ...if Billy leaves the building and all
2 of a sudden he decides the rigger fucked
3 up the forklift, Billy's not gonna get
4 paid.

5 FRATTO Right.

6 CW That's how they are. It's like you
7 gotta tell us the damages here, not six
8 months later.

9 FRATTO Wait a minute.

10 CW But all the big stuff, all the stuff in
11 here, I had all the guys from Detroit in
12 here, this Detroit forklift company.
13 [REDACTED] tellin' me well those guys can't
14 come in here and get business. I gotta
15 talk to 'em. [REDACTED] you fuckin' nit wit,
16 how am I gonna get the equipment if you
17 want to muscle it, you want to muscle
18 'em on the front side, you want to take
19 a piece of this and then you want to
20 take a piece of Billy's and you want to
21 take a piece of mine, (UI) taking (UI).
22 A forklift instead of costing, \$2,700 is
23 gonna cost us \$10,000. GS is never
24 gonna buy this.

25 FRATTO Mhm.

26 CW He, he drove me nuts and, and Billy's
27 runnin' Alpha Communications and Mr.
28 Cellular and he was like well just get
29 it done. Oh, Bill, we're runnin' out of
30 time you need to give me some, uh, what
31 do you have, what are your contacts.

32 FRATTO So he didn't get it then, Billy (UI).

33 CW No because he fucked around til the last
34 fuckin' minute.

35 FRATTO Yeah, so that's good. So [REDACTED] didn't
36 have nothin' to do with it then.

37 CW Right, he got nothin' out of it. But
38 then he was mad.

1 CW So, that's no bad either.

2 FRATTO Yeah, that's somethin'. Yeah.

3 CW Now, you wanna talk to Billy or do you
4 want me to talk to Billy?

5 FRATTO Well we both should talk to Billy.

6 CW Okay.

7 FRATTO We should have a nice meeting and talk
8 to Billy and tell him this is the way
9 it's gonna be, you know. I mean I could
10 talk to him first, initially, to feel
11 him out and say I had a meeting with Tom
12 and if you want to move forward with
13 this, fine. You know and, if I mean...

14 CW Rudy, I gotta ch-, I gotta go for it one
15 way or another.

16 FRATTO ...yeah with the way it's goin', if not
17 I mean do we need Billy?

18 CW It'd be good cause he's got the company.

19 FRATTO He's got the name, he's got his name in
20 the company.

21 CW Right and he's got the insurance and he
22 does have a little bit.

23 FRATTO Oh he does?

24 CW Yeah, he's got the insurance.

25 FRATTO Yeah.

26 CW Which would save us some expenses.

27 FRATTO Yeah I (UI) doesn't care about Jack.

28 CW Well, you see, but you know what. If I
29 didn't know that one way or another.

30 FRATTO Yeah.

EXHIBIT K

DATE: October 7, 2005
TIME: 11:23 a.m.
ACTIVITY: Body Recording

SPEAKERS:

CW: Cooperating Witness
FRATTO: Rudy Fratto
DEGIRONEMO: Billy DeGironemo
SA HICKEY: Special Agent Andrew T. Hickey
UF: Unknown Female

* * * *

1 PREAMBLE Today is October 7th, Friday, 2005.
2 Time is approximately 11:23 a.m. I'm on
3 my way to a meeting with Rudy Fratto and
4 Billy DeGironemo. I'm with Special
5 Agent Andrew Hickey. Going to the
6 Itasca Country Club.

7 SA HICKEY Uh, we'll meet right here when you're
8 done.

9 CW Yeah, I'll meet you right here.

10 SA HICKEY Okay. Good luck Tom.

11 (CW DRIVES TO ITASCA COUNTRY CLUB -
12 MUSIC PLAYING)

13 CW Yeah, hi, it's about uh, 11:25, I'm
14 getting ready to go into a meeting. Um,
15 I will give you a call as soon as I get
16 done. Alright. A little stressed
17 today.

18 (CW EXITS VEHICLE - ENTERS ITASCA
19 COUNTRY CLUB)

20 UF Hi.

21 CW Hi. Where's your dining room?

22 UF Down the stairs and there's a (UI).

23 CW Thank you.

24 CW Actually, I'm looking for one of your
25 members, Bill DeGironemo.

1 CW Okay.

2 DEGIRONEMO If it's too busy for one of us (UI) fuck
3 around (UI).

4 CW No, neither do I. I don't have the time
5 and I don't have the money to do it.

6 DEGIRONEMO (WHISPERING - IA)

7 FRATTO I can't, I can't get involved in (UI) go
8 fuckin' (UI) my name can't...

9 DEGIRONEMO Blow the deal over somebody's (UI).

10 FRATTO Yeah, because it's (UI).

11 DEGIRONEMO If you handle (UI) two things with deals
12 (UI) legal (UI) we're over everything.

13 CW (UI) I mean (UI).

14 DEGIRONEMO (UI). That's what (UI) the fuckin'
15 deal.

16 FRATTO And there's no problem with that so
17 there's gotta be a (UI), 'cuz you
18 know...and as far as (UI), fuck, I'll,
19 I'll be there and no one have to, I
20 don't have to have a title on, on
21 anything. You know. Just figure out a
22 way of puttin' the stocks (UI) we could
23 cut it up three ways and put it in uh,
24 in uh, my kid's name, my daughter, I
25 don't give a fuck. You know what I
26 mean? Now I gotta (UI), you know, I
27 could, I could participate and I could
28 be down in the building and do as much
29 as, you know, as much as we need to do.
30 No one has to know..

31 CW Rudy.

32 FRATTO ...and rumors will fly.

33 CW My big concern, and he's gonna stick his
34 nose in it because I'm sure it's gonna
35 come up this weekend.