

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JEFFREY J. DEL FUOCO,

Plaintiff

vs.

ROBERT E. O'NEILL,  
in his personal and individual capacity;

CASE No. 8:09 CV 1262-TJ MAP

PAUL I. PEREZ,  
in his personal and individual capacity;

[Page 1 and paragraph 152 only]

and,

JAMES R. KLINDT,  
in his personal and individual capacity;

Defendants

2009 JUL -6 AM 11:44  
CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

FILED

**COMPLAINT AND DEMAND FOR JURY TRIAL**

JEFFREY J. DEL FUOCO , Plaintiff, a former Assistant United States Attorney in and for the Middle District of Florida, hereby sues ROBERT E. O'NEILL, presently an Assistant United States Attorney in and for the Middle District of Florida, in the said ROBERT E. O'NEILL's personal and individual capacity; PAUL I. PEREZ, formerly a United States Attorney in and for the Middle District of Florida, in the said PAUL I. PEREZ's personal and individual capacity; and JAMES R. KLINDT, in the said JAMES R. KLINDT's personal and individual capacity, and alleges:

**JURISDICTION AND VENUE**

1. This action is brought pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971); Pursuant to Title 42, United States

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152. On or about July 12, 2005, Defendant ROBERT E. O'NEILL further materially perjured himself while testifying under oath in the case of *Del Fuoco v. Wells*, No. 8:03-cv-161-T-23TGW and in connection with threats of bodily injury the Said Defendant ROBERT E. O'NEILL uttered to Plaintiff through AUSAs Jeffrey S. Downing, Ernest F. Peluso and Robert Mosakowski in the Federal workplace and during the Federal work day, all as **underscored in bold type**. The purpose for the said Defendant ROBERT E. O'NEILL's perjury was to conceal and hide the fact that he had uttered terroristic threats

of bodily injury to Plaintiff, then an attorney in the Office of the U.S. Attorney, all through subordinates of his, and all during the Federal work day, in violation of Federal criminal law, DOJ regulations and U.S. Government rules providing for a safe and secure Federal workplace:

Page 40 (Lines 5, 6, 7, 8, 9, 10, 11):

Defendant O'NEILL: "... (Del Fuoco) filed allegations against me with the Department of Justice."

Q. The OPR Complaint? (Emphasis supplied).

Defendant O'NEILL: "Yes."

Q. The OPR complaint against you, in your mind, that causes you no animosity?

Defendant O'NEILL: "*It causes me tremendous animosity.*" (Emphasis supplied).

\* \* \*

Page 42 (Line 25), Page 43 (Lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10):

Q. Did you recently ever make any statements that you would meet Jeff Del Fuoco?

Defendant O'NEILL: "Absolutely. Anywhere, any time."

Q. Give me the context of those statements that you made to people in the office about Jeff.

Defendant O'NEILL: "I didn't make it to people in the office."

Q. You didn't?

Defendant O'NEILL: "Not in the office, no."

Q. Who did you make it to?

Defendant O'NEILL: "To Jeff Downing. When we were outside the hearing for Judge Holder. . ."

\* \* \*

Page 43 (Line 25), Page 44 (Line 1, 2, 3, 4, 5, 6, 7):

Q. Did you actually say that you would meet him anywhere and kick his fucking ass or something along those lines?

Defendant O'NEILL: "**Probably not like that, but those words could have come up.**"

Q. What words did you use?

Defendant O'NEILL: "**I don't remember. I said I would meet him anywhere.**"

\* \* \*

Page 44 (Line 24, 25), Page 45 (Line 1, 2, 3, 4):

Defendant O'NEILL: "If he would like to put on boxing gloves, that would be great with me. I would be more than happy. . . Del Fuoco tried to derail my entire professional career. . . . He made allegations that were just absurd. . . ."