

**FEDERAL DEPOSIT INSURANCE CORPORATION
WASHINGTON, D.C.**

In the Matter of:

**ROBERT S. CATANZARO,
DANIELLE M. DESROSIERS, and
JOHN C. PONTE,**
as institution-affiliated parties of

Independence Bank
East Greenwich, Rhode Island

(Insured State Nonmember Bank)

Docket Nos.:

FDIC-22-0112e, FDIC-22-0113k,
FDIC-22-0107e, FDIC-22-0108k,
FDIC-22-0143b, FDIC-22-0109e,
FDIC-22-0110k

**ORDER NO. 10: DENYING RESPONDENT PONTE’S MOTION TO SEVER NOTICE
OF CHARGES**

The Federal Deposit Insurance Corporation (“FDIC”) commenced this action against John C. Ponte (“Respondent Ponte”) and two other individuals on February 10, 2023, filing a Notice of Charges (“Notice”) that seeks, *inter alia*, an order of prohibition, an order of restitution, and the imposition of a \$74,000 civil money penalty against Respondent Ponte pursuant to Section 8 of the Federal Deposit Insurance Act, 12 U.S.C. §§ 1818(b), (e), and (i). On March 15, 2023, Respondent Ponte moved to sever the Notice’s claims against him for an order of restitution and civil money penalty assessment from the remainder of the Notice, including its claim against him for an order of prohibition, on the basis that he is entitled to a jury trial on the charges that he seeks to sever (“Motion”). Enforcement Counsel for the FDIC (“Enforcement Counsel”) opposed the Motion on March 28, 2023 (“Response”).

Respondent Ponte asks this Tribunal to sever the restitution and civil money penalty claims against him from the rest of this action and order that they “be tried by jury before the United States District Court for the District of Rhode Island.” Motion at 2. As Enforcement Counsel explains, Respondent Ponte seeks relief that is doubly beyond the capacity of this Tribunal to grant:

not only is there no mechanism in the rules governing these proceedings for the partial severance of claims against a given respondent, but this Tribunal has no authority to transfer the claims against a respondent, in whole or in part, to another forum for resolution. *See* Response at 2 n.3. Furthermore, the undersigned has already rejected Respondent Ponte's contention that he is entitled to a jury trial on any of the claims set forth in the Notice, whether or not they have been brought separately or in conjunction. *See* Order No. 4: Granting Requests for Hearing and Denying Demands for Jury Trial (March 21, 2023) at 3-6. The Motion is therefore denied.

SO ORDERED.

Issued: April 4, 2023



Jennifer Whang, Administrative Law Judge
Office of Financial Institution Adjudication

CERTIFICATE OF SERVICE

On April 4, 2023, I served a copy of the foregoing **Order** upon the following individuals via email:

Debra A. Decker, Deputy Executive Secretary (dedecker@fdic.gov)
James P. Sheesley, Supervisory Counsel (jsheesley@fdic.gov)
Nicholas S. Kazmerski, Counsel (nkazmerski@fdic.gov)
Angela Dean, Board Support Specialist (adean@fdic.gov)
Federal Deposit Insurance Corporation
550 17th Street, NW
Washington, DC 20429
ESSenforcementactiondocket@fdic.gov

Enforcement Counsel:

Kent Oz (koz@fdic.gov)
350 Fifth Avenue, Suite 1200
New York, NY 10118

Walter Siedentopf (wasiedentopf@fdic.gov)
10 – 10th Street NE
Atlanta, GA 30309

Seth P. Rosebrock (srosebrock@fdic.gov)
Frank Salamone (fsalamone@fdic.gov)
Graham N. Rehrig (grehrig@fdic.gov)
550 17th Street NW
Washington, DC 20429-0002

David A. Schecker (dschecker@fdic.gov)
Matthew H. Doyle (madoyle@fdic.gov)
15 Braintree Hill Office Park
Braintree, MA 02184

Counsel for Respondent Catanzaro:

Charles Tamuleviz
(chuck@mclaughlinquinn.com)
Christine Baglioni
(cbaglioni@mclaughlinquinn.com)
148 West River Street, Suite 1E
Providence, RI 02904

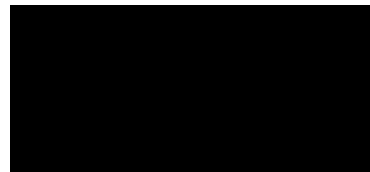
Counsel for Respondent Desrosiers:

Nicholas Callahan
(nick.callahan@bfkn.com)
John Andreasen
(john.andreasen@bfkn.com)
200 West Madison Street, Suite 3900
Chicago, IL 60606

Counsel for Respondent Ponte:

Christopher Mulhearn
(cmulhearn@mulhearnlawri.com)
1300 Division Road, Suite 304
West Warwick, RI 02893

Robert Corrente
(rcorrente@whelancorrente.com)
100 Westminster Street, Suite 710
Providence, RI 02903



Jason Cohen, Esq.
Office of Financial Institution Adjudication
3501 N. Fairfax Drive, Room D-8111
Arlington, VA 22226-3500
jcohen@fdic.gov, (571) 216-5308