

**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. 7: DENYING RESPONDENT PONTE’S MOTION TO STAY  
ADMINISTRATIVE ENFORCEMENT PROCEEDING**

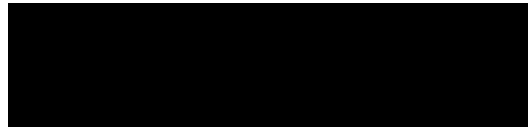
On March 10, 2023, John Ponte (“Respondent Ponte”) filed a “Motion to Stay Administrative Enforcement Proceeding” (“Motion”). On March 23, 2023, Enforcement Counsel for the Federal Deposit Insurance Corporation (“FDIC”) filed an “Opposition to Respondent John C. Ponte’s Motion to Stay Administrative Enforcement Proceedings” (“Response”).

Respondent Ponte moves to stay the portion of the Notice of Charges that relates to him based on a pending matter in the United States District Court for the District of Rhode Island. Motion at 1-2; *see John C. Ponte, et al. v. Federal Deposit Insurance Corporation, et al.*, Case No. 1:23-cv-00018-MSM-LDA. Enforcement Counsel argues that Respondent Ponte’s Motion is moot because the District of Rhode Island court has granted the FDIC’s motion to dismiss that action for lack of subject-matter jurisdiction and denied Respondent Ponte’s motion for a temporary restraining order. Response at 1-2. In addition, Enforcement Counsel asserts that under the FDIC’s Uniform Rules of Practice and Procedure, collateral attacks in other courts cannot be the basis for a stay of these adjudicatory proceedings. *Id.* at 2; *see* 12 C.F.R. § 308.17.

The undersigned agrees with Enforcement Counsel that Respondent's Ponte's Motion has been mooted by the ruling of the district court. See Exhibit A to Response (March 17, 2023 PACER entry noting that "[t]he Court grants the motion to dismiss and denies as moot the motion for temporary restraining order."). Even if the undersigned were inclined to stay this matter with respect to Respondent Ponte based on the matter no longer pending before the District of Rhode Island court, which she is not, 12 C.F.R. § 308.17 unequivocally provides that if a "collateral attack is brought in any court concerning all or any part of an adjudicatory proceeding, the challenged adjudicatory proceeding shall continue without regard to the pendency of that court proceeding." Good cause not having been shown, Respondent Ponte's Motion is hereby DENIED.<sup>1</sup>

**SO ORDERED.**

Issued: March 23, 2023



Jennifer Whang, Administrative Law Judge  
Office of Financial Institution Adjudication

---

<sup>1</sup> Respondent Ponte's arguments that the district court action was filed prior to the institution of these proceedings and that Independence Bank may remain as a defendant in the district court action following the district court's dismissal of Respondent Ponte's complaint against the FDIC are irrelevant to the disposition of this Motion.

## CERTIFICATE OF SERVICE

On March 23, 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

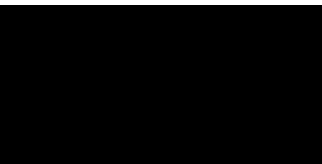
Counsel for Respondent Desrosiers:

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