

## Candice Lue

April 8, 2017

United States District Court  
of the Southern District of New York  
Pro Se Intake Unit  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 200  
New York, New York 10007

RE: Civil Action No.: 16 CV 3207 (AJN) (GWG) – “Response to Judge Gabriel W. Gorenstein’s Order of April 4, 2017 - I respectfully ask that Judge Gabriel W. Gorenstein does not patronize my “pro se” status as excuse for THE LAW as that is intellectual dishonesty. ...”

CANDICE LUE, an individual,

Plaintiff,

V.

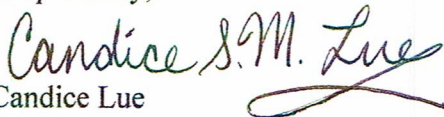
JPMORGAN CHASE & CO., a Delaware Corporation; ALEX KHAVIN, an individual; FIDELIA SHILLINGFORD, an individual; JOHN VEGA, an individual; HELEN DUBOWY, an individual; PHILIPPE QUIX, an individual; THOMAS POZ, an individual; CHRIS LIASIS, an individual; MICHELLE SULLIVAN, an individual; and DOES 1 - 10, inclusive,

Defendants.

To Whom It May Concern:

Please find attached my “Response to Judge Gabriel W. Gorenstein’s Order of April 4, 2017 - I respectfully ask that Judge Gabriel W. Gorenstein does not patronize my “pro se” status as excuse for THE LAW as that is intellectual dishonesty. ...” and the Affirmation of Service form duly completed and signed representing service to Defendants’ attorneys, Robert S. Whitman and Anshel Kaplan.

Respectfully,

  
Candice Lue

Attachments: “Response to Judge Gabriel W. Gorenstein’s Order of April 4, 2017. ...” and Affirmation of Service

Copies: Director of the EEOC - New York District Office, U.S. Equal Employment Opportunity Commission, New Jersey State Senators Senator Robert Menendez and Senator Cory Booker

Certificate of Mailing

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK, COUNTY OF NEW YORK**

CANDICE LUE, an individual,

Plaintiff

V.

JPMORGAN CHASE & CO. a Delaware Corporation; ALEX KHAVIN, an individual; FIDELIA SHILLINGFORD, an individual; JOHN VEGA, an individual; HELEN DUBOWY, an individual; PHILIPPE QUIX, an individual; THOMAS POZ, an individual; CHRIS LIASIS, an individual; MICHELLE SULLIVAN, an individual; and DOES 1 - 10, inclusive,

Defendants

**Civil Action No.: 16 CV 3207 (AJN) (GWG)**

Response to Judge Gabriel W. Gorenstein's Order of April 4, 2017 – I respectfully ask that Judge Gabriel W. Gorenstein does not patronize my “pro se” status as excuse for THE LAW as that is intellectual dishonesty. THE LAW is as clear as day. The alleged Perpetrators/Tortfeasors must pay me for any lost wages and benefits and/or any difference in income from the date of my UNLAWFUL retaliatory termination to the date of settlement of this lawsuit or up to two years after my retaliatory termination, whichever is sooner.

**I. ARGUMENT**

Production of W-2s

With all due respect, I respectfully ask that Judge Gabriel W. Gorenstein does not patronize my “pro se” status as excuse for THE LAW as that is intellectual dishonesty. When it comes to wages, salary, employment benefits and other compensation denied or lost by reason of the alleged Perpetrators/Tortfeasors unlawful act of retaliatory termination THE LAW is as clear as day. The said alleged Perpetrators/Tortfeasors must pay me for any lost wages and benefits and/or any difference in income from the date of my unlawful retaliatory termination to the date of settlement of this lawsuit which could be up to two (2) years after my retaliatory termination date of January 6, 2016.

**THE ONLY REASON** why I was willing to give up lost wages and benefits and/or any difference in income after the period January 7, 2016 through April 25, 2016 and had told the Court



that I was "not seeking any damages for the period after April 25, 2016", which was when I started getting an income after my retaliatory termination, was for the Defendants and the Court to waive "Request No. 40" of the "Defendants' First Request for Production of Documents" dated August 19, 2016 which requested that I provide income documents "*from January 6, 2016 to date*" – Bearing in mind that the March 6, 2017 Conference was **to compel me to produce documents** and that I had stated UNDER SWORN OATH that I did not receive an income for the period January 7, 2016 through April 25, 2016.

There is absolutely **NO** way and for no logical reason that I would be producing income documents for during and after the period January 7, 2016 through April 25, 2016 and only ask to be paid for the period January 7, 2016 through April 25, 2016 when I know that BY LAW, I have a right to lost wages and benefits and/or any difference in income up to the date of settlement of this lawsuit or up to two years after my retaliatory termination date of January 6, 2016, whichever comes sooner. That would have been stupidity at its utmost heights. Frankly, I cannot even fathom such stupidity. And, the obvious foolishness that the court reporter transcribed in the Transcript for the March 6, 2017 Conference cannot justify such stupidity either.

In any event, since the Defendants refused my waiver request and sworn statement and the Court ordered that I produce income documents for 2016 then the Defendants must pay me, as THE LAW allows, for any lost wages and benefits and/or any difference in income from January 7, 2016 through December 31, 2016. **I will, however, take this opportunity to inform the Court that I want to reserve my right to lost wages and benefits and/or any difference in income, as THE LAW allows, up to the date of settlement of this lawsuit or up to two years after my retaliatory termination date of January 6, 2016, whichever comes sooner depending on, in what direction the alleged Perpetrators/Tortfeasors take this case.** And, let me respectfully say that I am quite aware that I would have to produce the required income documents.

I will also take this opportunity to say right here, right now, UNDER OATH, SO HELP ME GOD, I *“did not receive any earned income in 2016 other than the income reflected on the two W-2 forms [I] already produced.”*

Interrogatory Responses - Interrogatory No. 2

The two names of the *“three of my co-workers”* reference in Paragraph 69 of my Amended Complaint that the Defendants are requesting **have absolutely no** real relevance to my Claims. I do not need these two individuals to testify to or against the statement: *“I did the reconciliation report for a month. After that I said, I’m not doing this. You know, the reconciliation report that Candice works on. It’s hard and complicated. After a month (laughs) I said, I’m not doing this anymore”* by Ryan Vroom because I was sitting right next to these two said individuals when Ryan Vroom made this statement so I am FIRST HAND witness to this evidence, the ONLY statement in that conversation that is relevant and proportionate to the Claim in Paragraph 69 of my Amended Complaint where I referenced *“three of my co-workers”*. And, since these two individuals did not initiate or respond to the said statement by Ryan Vroom, I only gave the Defendants Ryan Vroom’s name as one of the *“three of my co-workers”*. So, under Rule 37 of the Federal Rules of Civil Procedure, I see no valid reason why Paragraph 69 should be precluded from being introduced into evidence when I provided the Defendants with the name of the employee who made the statement relevant and proportionate to my claim in Paragraph 69 of my Amended Complaint, I personally bear witness to this statement/evidence and I do not need the two individuals that the Defendants are requesting their names to testify to or against the said statement because not only was I right there when the statement was made but I also bear witness to the fact that these two individuals stayed clear of having anything to do with the said statement by Ryan Vroom.

With that said and based on “Response to Interrogatory No. 2” of my “Further Responses to Defendants’ Second Set of Interrogatories per Judge Gabriel Gorenstein’s Order of March 6, 2017 (Docket # 71)”, if the Defendants want to rephrase their Interrogatory # 2 by asking me, via email



(for a quicker response), for the names of the two individuals whose desk was right next to me and who sat at the cubicle behind me when Ryan Vroom made the statement: *"I did the reconciliation report for a month. After that I said, I'm not doing this. You know, the reconciliation report that Candice works on. It's hard and complicated. After a month (laughs) I said, I'm not doing this anymore"*, I will give them the names. Or, in the alternative and pursuant to Rule 33(d)(1) of the Federal Rules of Civil Procedures, the Defendants can provide the said individuals names because they are the ones who arranged the seating in the department. But, I cannot say UNDER OATH or let it be presumed UNDER OATH that two co-workers of the *"three of my co-workers"* who I referenced in Paragraph 69 of my Amended Complaint were a part of a conversation/statement ("incident") that the said two co-workers **did not initiate or respond to and clearly stayed clear of** as I have to protect myself from legal actions against me.

#### Interrogatory Responses - Interrogatory No. 7

I cannot in my good conscience give this Black employee's name, a potential victim due to her race, to the said alleged Perpetrators/Tortfeasors who committed unlawful acts of Employment Racial Discrimination and Retaliation against me due to me being of the said Black race. As, it is my conviction that I would be exposing the said Black employee to the same unlawful retaliation I experienced at the hands of the said alleged Perpetrators/Tortfeasors. And, the thousands of copies of emails that I received from the said alleged Perpetrators/Tortfeasors' attorney's office on March 21, 2017 which included back and forth communication from JPMorgan Chase & Co.'s Human Resources and Legal Departments and managers about me raising the issues of employment racial discrimination and retaliation, prove that conviction.

In addition, if the Equal Employment Opportunity Commission (EEOC) would not reveal the name of a Black employee to his/her perpetrators/tortfeasors without that Black employee's permission out of fear of retaliation against the said Black employee, neither should I.

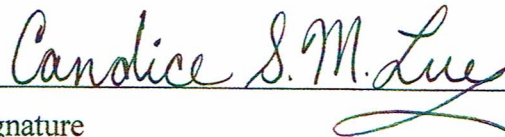
I will, however, petition the Equal Employment Opportunity Commission (EEOC) and my two State Senators to ensure that there is a law that makes it unconstitutional for a judge to force a Plaintiff in an Employment Racial Discrimination and Unlawful Retaliation lawsuit to reveal the name of an employee in a protected race, who is not named as a witness, to the alleged perpetrators/tortfeasors without that employee of the protected race's permission out of fear of retaliation against the said employee of the protected race.

## II. CONCLUSION


In light of the foregoing, I cannot help but think of the nerve of the Defendants' attorney, Anshel Kaplan who has **not provided one substantive answer** to any of my eighteen (18) Interrogatories yet he is demanding that "*Defendants are entitled to direct and straightforward answers to these simple Interrogatories*" and "*Plaintiff should be compelled, again, to respond*". And, Judge Gabriel W. Gorenstein denying my "Motion to Compel" him to answer to those said Interrogatories because I need to "confer by telephone not via letter" yet granting every one of the said attorney's motions to compel me to respond – Bearing in mind that pursuant to Rule 33 of the Federal Rules of Civil Procedures, Interrogatories must be answered under oath and in writing, not via a telephone conversation. Would a text message have been okay?


DATED: April 8, 2017

CANDICE LUE



Signature

  
Address

  
City, State, Zip Code