

New York Law School Legal Services, Inc.

Civil Rights Clinic

185 West Broadway, New York, NY 10013-2921

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www.nyls.edu/clinics

Deborah N. Archer

Professor of Law

Deborah.Archer@nyls.edu

August 4, 2016

Candice Lue

Out of the blue, I got this letter from Professor Deborah N. Archer of the New York Law School Civil Rights Clinic saying that ".... You [Candice Lue] were informed [that] the United States District Court for the Southern District of New York has asked the NYLS CRC to represent you at the mediation....". The Court has NEVER informed me of such and NEITHER have I ever made such request to the Court.

CL

Re: Lue v. JP Morgan Chase & Co., Case 1:16-cv-03207-AJN

Dear Ms. Lue:

I hope this letter finds you well. As I understand you were informed, the United States District Court for the Southern District of New York has asked the New York Law School Civil Rights Clinic to represent you at the mediation of the above referenced matter. The Civil Rights Clinic is happy to work with you in this limited capacity. A law student advocate from the Civil Rights Clinic will be in touch with you in early September to schedule a time to meet and discuss your case.

Sincerely,

Deborah Archer

Deborah N. Archer

Candice Lue



August 8, 2016

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

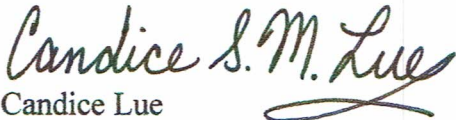
RE: Civil Action No.: 16 CV 3207 (AJN) (GWG) – Lue v. JPMorgan Chase & Co., et al

To Whom It May Concern:

Attached is a copy of my response letter to Professor Deborah N. Archer of New York Law School Civil Rights Clinic regarding the request sent to her by the United States District Court of the Southern District of New York asking for mediation representation on my behalf.

Please file this response in my docket.

Respectfully,


Candice Lue

Attachments

Certificate of Mailing

Candice Lue



August 8, 2016

Deborah N. Archer
Professor of Law
New York Law School Legal Services, Inc.
Civil Rights Clinic
185 West Broadway
New York, NY 10013-2921

RE: Civil Action No.: 16 CV 3207 (AJN) (GWG) – Lue v. JPMorgan Chase & Co., et al

Dear Ms. Archer:

Thank you for your letter of August 4, 2016 (copy attached).

Please be advised that I was **not** informed by The United States District Court of the Southern District of New York or gave the said court permission to ask the New York Law School Civil Rights Clinic to represent me at any mediation for the above referenced matter. This was a sua sponte act on The United States District Court of the Southern District of New York and the judges presiding over this civil action part.

With that said, with a \$75 million plus lawsuit against one of the most powerful companies in the world, I will respectfully decline the offer of a law student to provide me with legal guidance on this case. Furthermore, I have an enormous lack of confidence in the integrity and impartiality of the judiciary as is evidenced in my docket filings.

If I acknowledge the need for additional legal guidance, I will retain private counsel and as I stated in my response to the Defendants' eleventh affirmative defense, at that point, I will seek to amend my Complaint to add the attorney's billable charges to my Prayer for Relief. Also, please see the last sentence of the second paragraph in the "Conclusion" of my "Motion for Objection to Mediation Referral and Appointment of Pro Bono Counsel Orders" dated June 3, 2016 (attached) which states, "*.... with all due respect, I will honestly say that I have little to no interest in a pro bono assignment.*"

Ms. Archer, please understand that I appreciate you reaching out to me and even though at this time I will not accept your offer, I do appreciate the work you do in helping others.

Best regards,


Candice Lue

Copy to: United States District Court of the Southern District of New York Pro Se Intake Unit and
Robert S. Whitman, Attorney for Defendants

Attachments: Copy of page 3 of my "Motion for Objection to Mediation Referral and Appointment of Pro Bono Counsel Orders" and copy of letter from Deborah N. Archer

Certificate of Mailing

Candice Lue

MEMO ENDORSED

August 8, 2016

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

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOCKETED DATE FILED: 8/19/16
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SDNY CLERK'S OFFICE
2016 AUG 12 AM 8:47

RE: Civil Action No.: 16 CV 3207 (AJN) (GWG) – Lue v. JPMorgan Chase & Co., et al

To Whom It May Concern:

Attached is a copy of my response letter to Professor Deborah N. Archer of New York Law School Civil Rights Clinic regarding the request sent to her by the United States District Court of the Southern District of New York asking for mediation representation on my behalf.

Please file this response in my docket.

Respectfully,

Candice S.M. Lue

Candice Lue

Attachments

Certificate of Mailing

Judge Gabriel W. Gorenstein's Response after
being caught flat-footed trying to pawn off my
case to Mediation without my consent. CL

* At the July 19 conference, the Court had understood -- obviously mistakenly -- that Ms. Lue had changed her mind and was in fact interested in obtaining pro bono representation for a mediation. In light of this letter, however, the Court will cancel the mediation process. This case will proceed in accordance with the schedule in the Court's Order of July 19, 2016 (Docket # 32). If there comes a time when Ms. Lue wishes to participate in a mediation, she should let the Court know by letter. *

SO ORDERED: DATE 8/19/16
Gabriel W. Gorenstein
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

Candice Lue



August 23, 2016

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
Memo Endorsement Dated August 19, 2016 – Docket # 39

CANDICE LUE, an individual,

Plaintiff,

V.

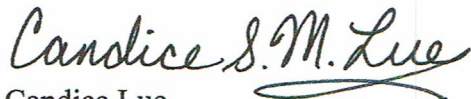
JPMORGAN CHASE & CO., a Delaware Corporation, ALEX KHAVIN, an individual;
FIDELIA SHILLINGFORD, an individual; JOHN VEGA, an individual; HELEN DUBOWY, an
individual; PHILIPPE QUIX, an individual; THOMAS POZ, an individual; CHRIS LIASIS, an
individual; MICHELLE SULLIVAN, an individual; and DOES 1 - 10,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

Defendants.

To Whom It May Concern:

Please find attached my Response to Judge Gabriel W. Gorenstein's Memo Endorsement dated August 19, 2016. Also attached is the Affirmation of Service form duly completed and signed representing service of this Response to the Defendants' attorney Robert S. Whitman.

Respectfully,



Candice Lue

Enclosures: Response to Judge Gabriel W. Gorenstein's Memo Endorsement dated August 19, 2016 and Affirmation of Service

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
MEMO ENDORSEMENT
DATED AUGUST 19, 2016
- DOCKET # 39**

I. ARGUMENT

With all due respect, when Judge Gorenstein brought up the matter of mediation during our initial pre-trial conference of July 19, 2016, I told him that I was OPEN to the said mediation with the understanding that any affirmation of such process, thereafter, would have been a joint agreement between myself and the Defendants' attorneys. When Judge Gorenstein went into discussing pro bono counsel representation especially when he spoke about the fact that this representation would be by law students from the New York Law School, I listened keenly to what he was saying but at NO time told him that I was open to this pro bono counsel representation or that I consent to this said pro bono counsel representation. Frankly, just listening to Judge Gorenstein speak about this pro bono counsel representation, I felt his suggestion and explanation was more of an intrigue in his quest to secure the victory of the Defendants than it was in the best interest of me, pro se Plaintiff to this lawsuit. Since our initial pre-trial conference of July 19, 2016, I have not been a signatory to any joint letter with the

Defendants' attorneys to Judge Gorenstein affirming mediation neither have I given the court any consent to pro bono counsel representation on my behalf.

As I had said in the "Conclusion" of my "Motion for Objection to Mediation Referral and Appointment of Pro Bono Counsel Orders" dated June 3, 2016, *"it was after several failed attempts for legal representation whether based on some cryptic excuse by an attorney to represent my case or not having full confidence in an attorney's ability and/or courage to take on a powerhouse such as JPMorgan Chase & Co., which ratified and condoned the racially discriminatory actions of their managers against me, that I decided to pursue this case pro se. Thus, with all due respect, I will honestly say that I have little to no interest in a pro bono assignment."* So, why on God's green earth would I be interested in or consented to a law student, who by law would have to be supervised by a bar admitted, practicing attorney to represent me at a mediation session?

In the Order dated July 20, 2016 by Judge Gorenstein that was sent to me after the initial pre-trial conference of July 19, 2016 (see copy of page 2 attached), item # 9 states that, *"As discussed at the conference held today, and with Ms. Lue's consent, the Court will attempt to locate a free lawyer for Ms. Lue whose role will be to represent Ms. Lue during settlement discussions with defendants at a mediation."* I, pro se Plaintiff, Candice Lue, at **no** time gave the court this consent.

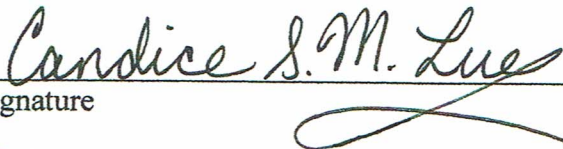
II. CONCLUSION

In light of the foregoing, I will have to respectfully repudiate Judge Gorenstein's Endorsement Memo dated August 19, 2016 as, there is no way that in our initial pre-trial conference of July 19, 2016 that the court could have *"obviously mistaken"* that I *"had changed [my] mind and was in fact interested in obtaining pro bono representation for a mediation"* to the point that the said court took it upon itself to contact Professor Deborah N. Archer of the New York Law School Civil Rights Clinic requesting mediation representation on my behalf. Please also note the second

sentence in Professor Archer's letter dated August 4, 2016 which reads, "*As I understand you were informed, the United States District Court for the Southern District of New York has asked the New York Law School Civil Rights Clinic to represent you at the mediation....*" No, I was NOT informed by the court that "*the United States District Court for the Southern District of New York has asked the New York Law School Civil Rights Clinic to represent [me] at the mediation....*" I only learned about this request for representation on my behalf via the said letter from Professor Deborah N. Archer.

DATED: August 23, 2016

CANDICE LUE


Signature


Address

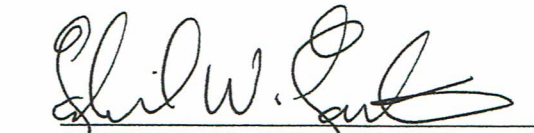

City, State, Zip Code

of all other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of this Order. 'Good cause' as used in this paragraph does not include circumstances within the control of counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions.

7. All applications to the Court must comply with this Court's Individual Practices, which are available through the Clerk's Office or at: www.nysd.uscourts.gov/judges.htm
8. Discovery motions -- that is, any application pursuant to Rules 26 through 37 or 45 -- not only must comply with ¶ 2.A. of the Court's Individual Practices but also must be made promptly after the cause for such a motion arises. In addition, absent extraordinary circumstances no such application will be considered if made later than 30 days prior to the close of discovery. Untimely applications will be denied.
9. As discussed at the conference held today, and with Ms. Lue's consent, the Court will attempt to locate a free lawyer for Ms Lue whose role will be to represent Ms. Lue during settlement discussions with defendants at a mediation.

Dated: New York, New York
July 19, 2016

SO ORDERED:


GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copy sent to:

Candice Lue



Counsel by ECF