

## Candice Lue



March 14, 2017

Clerk's Office  
United States Court of Appeals  
for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

IN RE: CANDICE LUE, Petitioner – Docket Number: 16 – 3873  
Civil Action No.: 16 CV 3207 (AJN) (GWG)

To Whom It May Concern:

Since my filing of this lawsuit, this judiciary system which should be “blind and balanced”, has not failed to amaze/amuse me. What a fallacy.

I am in receipt of your one paragraph “due consideration” ruling (“March 10, 2017 Order”) on the above-referenced Petition for Writ of Mandamus which states: “*it is hereby ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that she lacks an adequate, alternative means of obtaining relief*” which I must respectfully say, contrary to this statement, demonstrates a lacking in the adequacy and eloquence of what should be expected from a Circuit Court. With all due respect, I have reviewed quite a few Orders on Writ of Mandamus, including the one cited in your ruling - *In re Von Bulow*, 828F. 2d 94, 98 (2d Cir. 1987) and have never seen any as deficient as the ruling on this case.

First off, after Judge Alison J. Nathan denied both my motion for her recusal and my reconsideration for her recusal which along with the petition I filed in this Court clearly demonstrated her favoritism for the multi-billion dollar Defendants, JPMorgan Chase & Co., et al and her antagonism against me, what other alternative means do I have to ensure, that by law, the court provides me with a FAIR judge pursuant to 28 U.S. Code § 144 which states, “*Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding...* ” ?

Secondly, the “Notice of Case Manager Change” attached to your Order is a farce because on March 7, 2017 (three days before this Order) I had my advisor call the Second Circuit Court (see

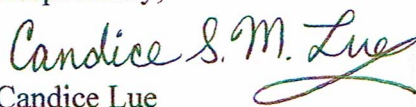
phone record attached) and there was NEVER a case manager assigned to the case. As a result, my advisor was transferred to “Case Initiation” where she provided the agent with the docket number of the case and requested information about filing a motion for an emergency stay (which I mailed to the Court on March 11, 2017) and at NO time in the conversation did the agent mention anything about the case being once assigned, was assigned or is assigned to a case manager.

Also, if there was really a case manager assigned, why wasn’t I ever notified of such and why isn’t such “case manager’s” name listed in the Order of March 10, 2017? It is also a bit too ironic that this quickie “Order” was issued only three (3) business days after my response to the multi-billion dollar Defendants’ attorney via email (see attached) as follows:

*“With regards to summary judgment, as you know, I currently have a case pending in the U.S. Court of Appeals for the Second Circuit for the Recusal of Judge Alison Nathan with a request to bar her from ruling on any dispositive matters which include summary judgments. And, pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the Petition for Issuance of a Writ of Mandamus for her Recusal which I filed on November 16, 2016 in the said court must be given preference over ordinary civil cases. With that said, at this time, I will not be consenting to anything to do with dispositive matters including summary judgments in relation to Lue v. JPMorgan Chase & Co., et al (1:16-CV-03207) before getting a ruling from the U.S. Court of Appeals for the Second Circuit.”*

York v. United States, 785 A.2d 651, 655 (D.C. 2001) states “In order to preserve the integrity of the judiciary, and to ensure that justice is carried out in each individual case, judges must adhere to high standards of conduct.” However, as it relates to “justice [being] carried out”, it seems as if only the now removed U.S. Attorney for the Southern District of New York, Preet Bharara, had enough power vested in him to have brought a flimsy racial discrimination lawsuit against the powerhouse and well leveraged JPMorgan Chase & Co.

Respectfully,

  
Candice Lue

Copy: Hon. Alison J. Nathan, Hon. Gabriel W. Gorenstein, Messrs. Robert Whitman and Anshel Kaplan (attorneys for Defendants)

Attachments: Phone record and email response to Defendants’ attorney dated March 6, 2017

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Page 1 of 10

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Subj: **Re: Court Order Regarding Today's Hearing**  
Date: 3/6/2017 6:11:36 P.M. Eastern Standard Time  
From: CandiceLue [REDACTED]  
To: AKaplan@seyfarth.com  
CC: RWhitman@seyfarth.com

Dear Mr. Kaplan,

As I stated in my February 27, 2017 email response to you, I will not be opening any further attachments from you. By law, the Court must timely mail me a copy of Court Orders, etc.

With regards to summary judgment, as you know, I currently have a case pending in the U.S. Court of Appeals for the Second Circuit for the Recusal of Judge Alison Nathan with a request to bar her from ruling on any dispositive matters which include summary judgments. And, pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the Petition for Issuance of a Writ of Mandamus for her Recusal which I filed on November 16, 2016 in the said court must be given preference over ordinary civil cases.

With that said, at this time, I will not be consenting to anything to do with dispositive matters including summary judgments in relation to Lue v. JPMorgan Chase & Co., et al (1:16-CV-03207) before getting a ruling from the U.S. Court of Appeals for the Second Circuit.

Your Passover observance is of utmost importance.

Respectfully,

Candice Lue

In a message dated 3/6/2017 3:16:53 P.M. Eastern Standard Time, AKaplan@seyfarth.com writes:

Dear Ms. Lue --

Attached, please find a copy of the Judge's Order regarding today's hearing. (To the extent you do not feel comfortable opening the attachment, I may be able to embed directly in the body of an email a screenshot of the Judge's Order. Let me know, and I'd be happy to do so. Otherwise, it appears the Court should be mailing a hard copy to you.)

As can be seen in the Order, the Judge has extended the end of discovery until March 31. However, unlike in the past, instead of the summary judgment deadline being extended by *three* weeks from the close of discovery, the Judge has set the deadline for summary judgment as *two* weeks after the close of discovery, or April 14.

I therefore request your consent to a brief extension of the summary judgment deadline to April 25, 2017, for the following reasons: First, the holiday of Passover begins on Monday evening, April 10, 2017, and concludes on Tuesday evening April 18, 2017. During that time, due to the holiday, I will be out of the office on four or more days. Second, Mr. Whitman will be out of the country for the first week of April. Finally, I note that according to the current schedule, all summary judgment motions are to be filed on Good Friday, and the opposition period would also comprise Easter Sunday. Based on these reasons, I respectfully request that you consent to a brief extension of the deadline allowing us to observe our respective holidays unimpeded by motion papers, if any.

I thank you in advance for your consideration.

Sincerely yours,

AJ

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[REDACTED]



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