

# Candice Lue

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May 10, 2019

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

DOCKET NO. 18 - 1248

Candice Lue, Pro Se Plaintiff - Appellant v. JPMorgan Chase & Co. et al Defendants - Appellees  
Motion for Stay of Mandate

To Whom It May Concern:

Pursuant to Federal Rules of Appellate Procedure 41(d)(1) and 27(d)(3), I, Pro Se Plaintiff - Appellant, Candice Lue hereby submit an original and three (3) copies of my Motion for Stay of Mandate pending the timely filing of a Petition for a Writ of Certiorari with the United States Supreme Court.

Also, please see attached Certificate of Service representing service of a true and correct copy of my said Motion to the Appellees' attorneys, Robert S. Whitman and Anshel Kaplan of Seyfarth Shaw LLP via the United States Postal Service.

Respectfully,

Candice Lue

Attachments: Motion for Stay of Mandate and Certificate of Service to Appellees' Attorneys

Certificate of Mailing

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

**Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500**

**MOTION INFORMATION STATEMENT**

**Docket Number(s):** 18 - 1248

Caption [use short title]

**Motion for:** Motion to stay Mandate pending the filing of a Petition for a Writ of Certiorari

with the U. S. Supreme Court to permit consideration of my Employment Racial Discrimination  
and Retaliation lawsuit under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981

Set forth below precise, complete statement of relief sought:

Pursuant to Rule 41(d)(1) of the Federal Rules of Appellate Procedure, I Pro Se Appellant,  
Candice Lue hereby respectfully request a stay of Mandate pending the filing of a Petition for Writ  
of Certiorari with the U.S. Supreme Court. ISSUE: Whether the District Court abused its discretion  
in granting Defendants' Letter Motion to arbitrarily strike my Subpoena & ALL my Oppositions/  
Responses to their CRIMINAL & PERJURIOUS Motion for Summary Judgment to dismiss my  
Employment Racial Discrimination and Retaliation lawsuit with prejudice. Also, see attached.

**Candice Lue v. JPMorgan Chase & Co., et al**

**MOVING PARTY:** Candice Lue

**OPPOSING PARTY:** JPMorgan Chase & Co., et al

☒ Plaintiff

☐ Defendant

☒ Appellant/Petitioner

☐ Appellee/Respondent

**MOVING ATTORNEY:** \_\_\_\_\_

**OPPOSING ATTORNEY:** Robert S. Whitman and Anshel Joel Kaplan

[name of attorney, with firm, address, phone number and e-mail]

Candice Lue

Seyfarth Shaw LLP

620 Eighth Avenue, New York, New York 10018

(212) 218-5629 - Robert Whitman (212) 218-5271 - Anshel Kaplan

Court- Judge/ Agency appealed from: Second Circuit Court of Appeals - Richard C. Wesley, Denny Chin, Lewis A. Kaplan

**Please check appropriate boxes:**

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes ☐ No (explain): \_\_\_\_\_

Opposing counsel's position on motion:

☐ Unopposed ☐ Opposed ☒ Don't Know

Does opposing counsel intend to file a response:

☐ Yes ☐ No ☒ Don't Know

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:**

Has this request for relief been made below? ☒ Yes ☐ No

Has this relief been previously sought in this court? ☐ Yes ☒ No

Requested return date and explanation of emergency: May 15, 2019

The deadline for filing a petition to stay the Mandate for Second Circuit Court of Appeals' ruling  
in this civil action - docket # 18-1248 (on Appeal from 16-CV-3207) is May 15, 2019 (21 days). I,  
Pro Se Appellant, Candice Lue will be filing a Petition for a Writ of Certiorari with the U.S. Supreme  
Court by July 23, 2019 (within the 90 days allowed). A motion for stay is hereby requested.

Is oral argument on motion requested? ☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No If yes, enter date: \_\_\_\_\_

**Signature of Moving Attorney:** \_\_\_\_\_

**Date:** May 10, 2019

Service by: ☐ CM/ECF ☒ Other [Attach proof of service]

NO. 18 - 1248

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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CANDICE LUE,  
Pro Se Plaintiff - Appellant,

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 - Appellees.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
Civil Action No.: 16 CV 3207  
Judge Alison J. Nathan

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**MOTION TO STAY MANDATE PENDING THE FILING OF A PETITION  
FOR A WRIT OF CERTIORARI WITH THE U. S. SUPREME COURT**

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Candice Lue, Pro Se

[REDACTED]

[REDACTED]

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Pursuant to Federal Rules of Appellate Procedure 41(d)(1), 41(d)(2)(A) and 41(d)(2)(B), *Times-Picayune Pub. Corp. v. Schulingkamp*, 419 U.S. 1301, 1305 (1974) and Supreme Court Rule 10(c), I, Pro Se Appellant, Candice Lue, respectfully move this Court to stay the issuance of its Mandate pending the timely filing of a Petition for a Writ of Certiorari with the United States Supreme Court. This Court affirmed the judgment of the district court on April 24, 2019 (docket # 95) thus, the Mandate is scheduled to be issued on May 15, 2019. A stay is warranted because my Certiorari Petition will present substantial questions and there is good cause for stay.

The questions to be raised in the Certiorari Petition raise basic and important issues concerning Employment Racial Discrimination and Retaliation under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981, my Fifth and Fourteenth Amendment Rights to procedural due process and the crimes of Perjury and Obstruction of Justice (18 U.S.C. §§ 1621 and 1505). Specifically, the petition will raise questions regarding whether the district court abused its discretion in granting Defendants' JPMorgan Chase & Co., et al's August 1, 2017 Letter Motion to arbitrarily strike my issued Subpoena and ALL my Oppositions/Responses to their CRIMINAL and PERJURIOUS Motion for Summary Judgment to dismiss my Employment Racial Discrimination and Retaliation lawsuit against them with prejudice and whether my civil and constitutional rights under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 were violated by JPMorgan Chase & Co. et al. A stay is further warranted because I, Pro Se Appellant, Candice Lue, will be

irreparably harmed absent a stay as demonstrated in the subsequent “Statement” and “Argument”.

### **STATEMENT**

It is amazing that NONE of the three presiding judges, Judge Richard C. Wesley, Judge Denny Chin and Judge Lewis A. Kaplan asked me any questions about the arguments in my Appellant Brief or about the regurgitated LIES in the Defendants’ Appellees’ Brief during the April 18, 2019 hearing even though Judge Denny Chin “assured me” that they had read my “papers already” when I was only allowed to read less than two of my four and less than a quarter page, double-spaced prepared statement (see attached/docket # 92). Yet, in the said judges’ Summary Order of April 24, 2019 (docket # 95, received on May 4, 2019<sup>1</sup>), they referenced the said Defendants’/Declarants’ LIES under Penalty of Perjury including the wholly unsupported and fully debunked “THE BARUCH HOROWITZ LIE” and the LIE (without requesting proof of service) that I was served with a copy of the Defendants’ August 1, 2017 Letter Motion<sup>2</sup> (page 4 of Summary Order) – Meaning that if my

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<sup>1</sup> Received TEN (10) days after the Ruling.

<sup>2</sup>I respectfully refer the Court to an email trail with a copy of the Defendants’ August 1, 2017 Letter Motion (App.TOC. #13). In contravention of Judge Alison J. Nathan’s “Special Rules of Practice in Civil Pro Se Cases - Filing of Papers # 3” which states: “*Counsel in pro se cases shall serve a pro se party with a paper copy of any document that is filed electronically and file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the pro se party was served with a paper copy **will not be considered***”, to date, May 10, 2019, I have not received a paper copy of the Defendants’ said August 1, 2017 Letter Motion and, the **false** Affidavit of Service the attorney filed, was filed with the Court on **August 15, 2017** which was after my first report to Judge Alison J. Nathan of not receiving a paper copy of the Letter Motion, two weeks after the said Letter Motion was filed and **AFTER** Judge Nathan’s August 11, 2017 Ruling.

documents were read LIBERALLY pursuant to *Burgos v. Hopkins*, 14 F.3d 787, 790 (2d Cir, 1994), the three judges could not have come up with the arguments in their Summary Order of April 24, 2019.

Notably missing from the said Summary Order is any mention of my Subpoena that was stricken from the district court's docket at the behest of the Defendants via their said August 1, 2017 Letter Motion which, without addressing me or allowing me to argue against it, Judge Alison J. Nathan granted in her August 11, 2017 Ruling. See *Jose Figueroa-Coello v. United States of America*, (5th Cir, 2019). In conjunction, the said presiding judges refused to acknowledge the documents I submitted to the Appeals Court (App.TOC. #5) which are most relevant to my Appeal pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure which states: **“Unsupported Finding or Conclusion.** *“If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion”* but chose instead to use the Defendants' argument (Summary Order - page 2, footnote # 1) stated as: *“Lue does not reference her state tort claims, hostile work environment claim, or her “aiding and abetting” claim and “failure to take steps to prevent” claim, except to the extent that she refers this Court to arguments in documents outside her appellant brief. Hence we deem these claims abandoned.”*

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The documents I submitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (docket #s 10 and 11) are not “*documents outside her appellant brief*”, they are the documents I need “*to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence*”. In conjunction, Second Circuit Local Rules – The Appendix states: “*The omission of part of the record from the appendix will not preclude the parties or the Court from relying on such parts since the record is available to the Court if needed*” and Federal Rules of Appellate Procedure 30(a)(2) – Excluded Material states: “*Parts of the record may be relied on by the court or the parties even though not included in the appendix.*” Furthermore, my Appeal is based on the fact that Judge Alison J. Nathan prejudicially, nefariously and arbitrarily struck these said documents from the district court’s docket - “A district court would necessarily abuse its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence [including the evidence of the crimes of Perjury and Obstruction of Justice].” *Highmark Inc. v. All-care Health Mgmt. Sys., Inc.*, 134 S. Ct. 1744, 1748 n.2 (2014).

## **ARGUMENT**

The Summary Order (page 3) states that: “*Lue argues that the district court abused its discretion in striking her opposition to summary judgment, imposing page limits on any new submission, and ultimately deeming defendants’ summary judgment*

*motion unopposed.*” With all due respect, this statement constitutes circumvention of my argument.

My said argument has consistently been that in gross violation of my Fifth and Fourteenth Amendment Rights to Procedural Due Process and at the risk of the integrity of the U.S. Judicial System, Judge Alison J. Nathan, without addressing me regarding any of the Defendants’ issues (*Jose Figueroa-Coello v. United States of America*, (5th Cir, 2019)), granted the Defendants’ August 1, 2017 Letter Motion (citing noncompliance of **non-existent** page limits) to strike my issued Subpoena and ALL of my Oppositions/Responses including my eight (8) Affidavits and my nearly 500 pages of evidence to the said Defendants’ CRIMINAL and PERJURIOUS (proof provided in the said almost 500 pages of evidence – docket #s 10 and 11) Motion for Summary Judgment - Bearing in mind that per the Rule of Law, Affidavits and Evidence are **not** subjected to page limits. Judge Nathan also completely ignored my reports, pursuant to 18 U.S.C. § 4, of the overwhelming evidence that six (6) out of the eight (8) Defendants/Declarants LIED under Penalty of Perjury, a CRIME pursuant to 18 U.S.C. § 1621 and that JPMorgan Chase OBSTRUCTED JUSTICE by using my Black manager, Defendant Fidelia Shillingford (see JPMorgan Chase HR’s audit trail of my personnel information from Exhibit O attached)<sup>3</sup>, one of my White

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<sup>3</sup> Contrary to **one of** the LIES in Fidelia Shillingford’s Declaration, as JPMorgan Chase HR’s audit trail of my personnel information shows, it was the evening of November 5, 2014 (the day before the confirmation letter dated November 6, 2014 of my hire in the Counterparty Risk Group was sent) that my manager was switched from the White manager, Kimberly Dauber whom my three non-Black predecessors reported to, to Fidelia Shillingford who is a Black and sub-par employee as



predecessors, Declarant Baruch Horowitz (“The Baruch Horowitz Lie”) and a White manager, Declarant Kimberly Dauber (whose email dated February 4, 2015 – from Exhibit B<sup>4</sup> – see attached - was the smoking gun/the proof that as the only Black analyst/associate to have joined the Counterparty Risk Group, I was the ONLY analyst to have ever been solely assigned the racially discriminatory tasks that Defendant Alex Khavin solely assigned to me) to LIE on their behalf under Penalty of Perjury, a CRIME pursuant to 18 U.S.C. § 1505.

In addition, to uphold her Ruling granting the Defendants’ August 1, 2017 Letter Motion to strike my Subpoena and ALL of my said Oppositions/Responses, when I provided evidence of her erroneous Ruling in my August 12, 2017 Motion (DCD # 121), instead of Judge Nathan mooted her Ruling granting the Defendants’ August 1, 2017 Letter Motion to strike my said submissions from the district court’s docket, Judge Alison J. Nathan **ignored** my argument with regards to my Subpoena, prejudicially updated her “Special Rules of Practice in Civil Pro Se Cases” to add “page limits” and nefariously **backdated** the “Revised” date of her said Individual Practices to August 10, 2017, which is TEN (10) days AFTER I submitted my said

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shown in Exhibit FF attached (Exhibit FF along with the JPMorgan Chase HR’s audit trail - Exhibit O are among the almost 500 pages of evidence stricken from the district court’s docket when Judge Alison J. Nathan granted the Defendants’ August 1, 2017 Letter Motion but was resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (docket #s 10 and 11). Also see Amended Complaint – Eighth and Ninth Causes of Action.

<sup>4</sup> Exhibit B is among the almost 500 pages of evidence that Judge Alison J. Nathan struck from the district court’s docket when she granted the Defendants’ August 1, 2017 Letter Motion but was resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (docket #s 10 and 11).

Oppositions/Responses and one day prior to her August 11, 2017 Ruling whereby she granted the Defendants' Letter Motion – Bearing in mind that no court ruling is decided on a “future Rule of Law”. The Rule of Law would have to be in effect for a court ruling to be made based on it.

The Summary Order (page 3) states that: *“Lue submitted a lengthy opposition that was out of proportion to the defendants' motion including a 198-page memorandum of law in response to the defendants' 25 pages”*. However, what this statement fails to state is that 1) my *“198-page memorandum of law in response”* was in response to **nine (9) individual Defendants**, 2) that Judge Nathan did not provide instructions in her May 11, 2017 Ruling (DCD # 101) and 3) that as a pro se plaintiff, per Judge Nathan's “Special Rules of Practice in Civil Pro Se Cases”, I was **not** allowed oral argument.

Also, as in the examples provided (Appellant Appendix TOC # 20 – Examples of Other Judges' Instructions in Their Orders that Involve Multiple Parties), any learned judge would know that it cannot be reasonable and/or logical that the same page limit allowed to respond to one (1) defendant would be adequate to respond to **nine (9)** individual Defendants each of whom has specific and different Causes of Action against them and each of whom is requesting that the said specific and different Causes of Action against them be dismissed with prejudice.

Furthermore, as the Plaintiff and as is customary in a Memorandum of Law in Opposition, it is incumbent upon me to provide a summary of argument as to why

each of the nine (9) individual Defendants I named in my lawsuit is a proper defendant. As my said Memorandum of Law in Opposition shows, my nine (9) “Summary of Arguments” consisted of 31 pages – meaning that there is no way that 25 pages (especially without the allowance of oral argument) would be near adequate to respond to nine (9) individual Defendants each of whom has specific and different Causes of Action against them and each of whom is requesting that the said specific and different Causes of Action against them be dismissed with prejudice.

In conjunction, as I stated in my Appellant Brief, *“unlike the multi-billion dollar, counseled Defendants who could write a statement such as the one they wrote on page 21 of their Memorandum of Law in Support of their Motion for Summary Judgment (DCD # 91) which states: “Plaintiff claims that Vega, Dubowy, and Poz “aided and abetted” violations of Title VII and 42 U.S.C. § 1981 **because they disagreed with her assessment that she was the victim of discrimination**” without any further argument or evidence (because everything the Defendants say is **Gospel** for Judge Alison J. Nathan), there is no way in my disadvantaged position as a poor, Black, pro se Plaintiff that I could have written such a blanketed two-line opposition/response with regards to ALL three (3) Defendants.*

*As articulated in pages 167-178 of my Opposition to the Defendants’ Memorandum of Law in Support of their Motion for Summary Judgment [docket #s 10 and 11], I had to **individually** prove that each of the three (3) Defendants, John Vega, Helen Dubowy and Thomas Poz aided and abetted the Employment Racial*

*Discrimination and Retaliation that was perpetrated against me in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 ..... Bearing in mind that the specifics of the “Aiding and Abetting” charge I have against Defendant John Vega is different from that of Defendant Helen Dubowy and different from that of Defendant Thomas Poz and vice versa.”*

The Summary Order (page 4) states that: *“Although Lue argues that the court’s page limits would have prevented her from presenting “ninety percent” of her arguments, she made no attempt to comply with the district court’s instructions and has not shown that she could not adequately oppose summary judgment within the courts limit.”* However, page 35 of my Appellant Brief clearly states: *“it is important to note that via my “Response to Judge Alison J. Nathan’s Order of December 4, 2017” – (DCD # 136), I requested to redo my 198-page single-document Memorandum of Law in Opposition to all **nine (9)** Defendants’ Memorandum of Law in Support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice by **individually** resubmitting my said Opposition to each of the **nine (9)** Defendants’ arguments in accordance with the “25-page limit” Judge Alison J. Nathan implemented **after** I submitted my said 198-page single-document Opposition to all **nine (9)** Defendants’ Memorandum of Law in support of their Motion for Summary Judgment and **after** I submitted my Response to her August 11, 2017 Order. However, my Request was ignored by Judge Alison J. Nathan (see pages 4 - 6 of my “Response to Judge Alison J. Nathan’s Order of December 4, 2017” - DCD # 136)”.*

And, as it relates to “*and has not shown that she could not adequately oppose summary judgment within the courts limit*”, no one of reasonable mind including a learned, honest or fair judge would think that it would be reasonable and/or logical that the same page limit allowed to respond to one (1) defendant would be adequate to respond to **nine (9)** individual Defendants each of whom has specific and different Causes of Action against them and each of whom is requesting that the said specific and different Causes of Action against them be dismissed with prejudice.

As from the Defendants’ Appellees’ Brief playbook, the Summary Order (page 4) states that: “*the district court struck her filings as “overly burdensome” and not for failure to comply with these rules*” (such intellectual dishonesty). However, this is contrary to the Defendants’ August 1, 2017 Letter Motion (DCD #113) which Judge Alison J. Nathan granted on August 11, 2017 which clearly states the following: 1) “*We have received Plaintiff’s papers in opposition to Defendants’ motion for summary judgment (“Motion”), and write to respectfully request that the Court direct Plaintiff to revise and re-submit those papers, since **they are in violation of Your Honor’s Individual Practices in Civil Cases (“Practices”) and the Local Civil Rules of this Court***” 2) “*Plaintiff’s memorandum of law is also **non-compliant. Section 3(B) of the Practices provides....***” 3) “*With respect to Plaintiff’s response to the 56.1 statement, **section 3(G)(iv) of the Practices provides...***” 4) *Defendants and this Court should not be **burdened** with reviewing and responding to these excessive*

and **non-compliant filings**<sup>5</sup> [*“non-compliant filings”* as in *“failure to comply with* [Judge Alison J. Nathan’s **non-existent** pro se litigants page limits] *rules”* and 5) *Defendants respectfully request that the Court strike Plaintiff’s responsive papers to and direct her to re-file papers in accordance with Your Honor’s Practices and the Local Civil Rules”*. Judge Alison J. Nathan’s August 11, 2017 Ruling states: **“ORDER granting 113 Letter Motion for Conference** [obviously “conference” was just window dressing as nothing in the Defendants’ Letter Motion is about “conference”].... *The Court hereby strikes Plaintiff’s submissions in opposition to summary judgment at Dkt. Nos. 106-112, 114-118 as overly burdensome. Plaintiff shall revise and resubmit her papers in opposition to Defendants’ motion for summary judgment by August 25, 2017. Plaintiff’s revised submissions shall comport with the Court’s Individual Practices in Civil Cases Rule 3.B. and 3.G.”* - “Imposition of an “overbroad remedy” is also “an abuse of discretion.” *United States v. Texas*, 457 F.3d at 481 (5th Cir. 2006).

The TRUTH is, the only thing “overly burdensome” about my “filings” (Oppositions/Responses) to the Defendants’ CRIMINAL and PERJURIOUS Motion for Summary Judgment is the arguments and corroborating evidence wholly stacked

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<sup>5</sup> [A pro se plaintiff’s] pleadings must be read LIBERALLY and interpreted to “raise the strongest arguments that they suggest” *Burgos v. Hopkins*, 14 F.3d 787, 790 (2d Cir, 1994). In addition, it is as clear as day that per Judge Alison J. Nathan’s “Special Rules of Practice in Civil **Pro Se Cases**” (App.TOC. #11), these rules were **non-existent** prior to me submitting my Oppositions/Responses to the district court and at the time the Defendants submitted their Letter Motion.

against them. This lawsuit could have been over and done with if the Defendants had honored the Subpoena I duly served upon their attorneys on August 7, 2017 and/or if the said Defendants would provide the documents/proofs of their arguments that I requested in my Affidavits via my Federal Rules of Civil Procedure 56(d) Requests. If they are able to produce the said documents/proofs of their arguments, merely by writing “see attached” and attaching the said documents, that would be a clear exoneration of the Employment Racial Discrimination, Retaliation and additional Perjury and Obstruction of Justice charges I brought against them.

I cannot help but note the irony as both Courts have no problem granting a major, international law firm (with possibly hundreds of support staff) Motion to arbitrarily strike my Subpoena and ALL of my Oppositions/Responses to the **nine (9)** Defendants’ they represent, CRIMINAL and PERJURIOUS Motion for Summary Judgment (ignoring the “criminal” and “perjurious” of course) as being “*overly burdensome*” for them to read and reply to (even though it is obvious that they have read, reviewed and possess FULL knowledge of the Arguments and Evidence that I presented in my said Oppositions/Responses) but the said Courts **denied** my Motion asking for leniency due to inhumane and financial burden (“*Addendum to Response to Judge Alison J. Nathan's Order of August 11, 2017*” - App.TOC. #15).

This is not about “*overly burdensome*” to read and reply to. It is because, **when read**, my arguments and corroborating evidence MAKE IT AS CLEAR AS DAY that my Civil and Constitutional Rights under Title VII of the Civil Rights Act



of 1964 and 42 U.S.C. § 1981 were violated by Defendants, JPMorgan Chase & Co., et al, that my Claims of Employment Racial Discrimination and Retaliation against the said Defendants are valid and that six (6) of the eight (8) Defendants/Declarants and their attorneys LIED under Penalty of Perjury, CRIMES pursuant to 18 U.S.C. §§ 1621 and 1622 and that JPMorgan Chase OBSTRUCTED JUSTICE by using Defendant/Declarant Fidelia Shillingford, Declarant Baruch Horowitz and Declarant Kimberly Dauber to LIE on their behalf under Penalty of Perjury, a CRIME pursuant to 18 U.S.C. § 1505.

The Summary Order (page 4) states that: *“and the record reflects that Lue was served with defendants’ motion to strike”* which I was **not** (see footnote # 2). With that said, I have compiled (see attached) what I will describe as a pattern of not being served/properly served with the Defendants’ pleadings. In addition, as recently as April 22, 2019 in a telephone conversation with the case manager, J.W (see proof attached), when my advisor questioned J.W as to why it is that I was charged with *“defective filing”* for not submitting a certificate of service for what I thought was a mere administrative issue (docket #s 43 and 44) yet the Defendants were not treated the same way for not providing a certificate of service/serving me with a completed copy of their “Notice of Hearing Date” acknowledgement form in accordance with Local Rule 25.1(h)(4) which states: **Service: Paper Copies:** *“Service of a paper copy of a document is not required unless the recipient is not a Filing User and has not consented to other service”*, J.W’s response was (and I paraphrase), “because it was

not necessary for them to serve you with the said document”. In other words, Local Rule 25.1(h)(4) does not apply to the Defendants.

The Summary Order (page 4) states that: “*Lue failed to file an opposition in compliance with the court’s orders despite eight extensions of time to comply and five warnings of the consequence of continued noncompliance*”. However, there is no mention of the fact that between those said “*extensions and warnings*”, I continued to ask Judge Alison J. Nathan, pursuant to my Fifth and Fourteenth Amendment Rights to Procedural Due Process, which states: “*the judge must protect the [Party’s] due-process rights by ensuring the [Party] understands every phase of the proceedings*”, that she provide me with a valid and/or legal explanation as to why she arbitrarily struck from the district court’s docket my issued Subpoena, my eight (8) Affidavits in Opposition/Response to the Defendants’/Declarants’ eight (8) Declarations, six (6) of which were CRIMINAL and PERJURIOUS, and my almost 500 pages of evidence when as per the Rule of Law, Affidavits and Evidence are **not** subjected to page limits and in some cases the Defendants’ Declarations that I was responding to had more pages than my Affidavits<sup>6</sup>. With that said, I could not have heeded Judge

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<sup>6</sup> See my Responses to Judge Alison J. Nathan’s Orders of August 21, 2017 (DCD #126), October 31, 2017 (APP. #16 / DCD #129), November 20, 2017 (APP. #17 / DCD #132) and December 4, 2017 (APP. #19 / DCD #136). Also, my argument was never that “*the district court [imposed] page limits on affidavits or other evidence*” (pg. 4 of Summary Order), it was as I stated over and over, that I needed a valid and/or legal explanation (outside of page limits) as to why Judge Nathan arbitrarily struck my Affidavits and Evidence from the district court’s docket when (because) Affidavits and Evidence are **not** subjected to page limits.

Nathan's "warnings" without her providing me with such explanation as doing so could have caused me additional inhumane, financial and irreparable harm/burden as striking my previous submissions from the district court's docket did (*"Addendum to Response to Judge Alison J. Nathan's Order of August 11, 2017"* - App.TOC. #15).

In conjunction, between those said "*extensions and warnings*", as I did in my Affidavits, I repeatedly informed Judge Nathan, pursuant to 18 U.S.C. § 4 that the Defendants' said Declarations are CRIMINAL and PERJURIOUS so pursuant to 18 U.S.C. §§ 1621 and 1505 and the "*Clean Hands Doctrine Rule of Law*" a ruling should not have been made in this case until the charges of criminality were addressed as a **fair** Court Ruling cannot be based on CRIMINAL and PERJURIOUS documents.

The Summary Order (page 4, footnote # 3) states that: "*Lue claims judicial bias because the district court struck her opposition, referred the case to mediation, and declined to enter default judgment in her favor. She also asserts, incorrectly, that the district court misquoted her in an order.*" However, as pages 50 - 51 of my Appellant Brief and APP.TOC # 21 show, this statement is mere circumvention of my arguments in order to cover Judge Alison J. Nathan's unethical, egregious and unbecoming behavior in her capacity as the presiding district court judge.

The Summary Order (page 6) states that: "*the district court afforded "additional care"* [how ironic is it that this is in quotations] *to Lue's position because*

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*of her status as a pro se litigant*". However, "additional care" would be responding to my requests for clarity pursuant to my Fifth and Fourteenth Amendment Rights to Procedural Due Process, which states: "*the judge must protect the [Party's] due-process rights by ensuring the [Party] understands every phase of the proceedings*" as articulated in my Responses to Judge Alison J. Nathan's Orders of August 21, 2017 (DCD #126), October 31, 2017 (APP. #16 / DCD #129), November 20, 2017 (APP. #17 / DCD #132) and December 4, 2017 (APP. #19 / DCD #136).

The Summary Order (page 6) states that: "*the district court relied only on defendants' factual assertions that were independently supported by evidence in the record*". If this is so, what "*evidence in the record*" was presented to support, for example, "THE BARUCH HOROWITZ LIE" and to debunk my argument and overwhelming corroborating evidence that my manager was switched to a Black, sub-par employee – Defendant Fidelia Shillingford who my three non-Black predecessors NEVER reported to, after it was determined that I, the Black candidate was chosen for the reporting analyst position (Amended Complaint - Eighth and Ninth Causes of Action, attachment from Exhibit O and Exhibit FF also attached) besides the CRIMINAL and PERJURIOUS Declarations submitted by Defendants/Declarants Baruch Horowitz, Alex Khavin and Fidelia Shillingford in support of the Defendants' Motion for Summary Judgment?

The Summary Order (page 6) states that: "*the district court did not, as Lue contends, improperly rely on her supervisor's race to conclude that Lue had not*

*experienced discrimination*". Where in my Appeal did I "*CONTEND*" that??? It was the Defendants' and Judge Nathan's contention that there was no discrimination because my supervisor who is Black is the one who "*hired and fired*" me, which is a LIE to its core. See proofs from Exhibits CC-1, CC-2 and O attached which are among the almost 500 pages of evidence that Judge Alison J. Nathan struck from the district court's docket when she granted the Defendants' August 1, 2017 Letter Motion but was resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (docket #s 10 and 11).

The Summary Order (pages 6-7) states that: "*Indeed, the district court also considered that Lue's White predecessor* [who must be charged with perjury pursuant to 18 U.S.C. § 1621] *received the same assignments as Lue and was subjected to the same requirements to work from home....*" It was these said LIES ("The Baruch Horowitz Lie[s]")<sup>7</sup> that prompted me to subpoena JPMorgan Chase & Co. for Baruch Horowitz's personnel and performance records and to make the following Federal Rules of Civil Procedure 56(d) Requests as it relates to "*Lue's White predecessor received the same assignments as Lue*":

- Provide at least one (1) year of consecutive emails showing Baruch Horowitz sending out the minutes for the Counterparty Risk Group's monthly meetings to all the members of the said group. And;

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<sup>7</sup> I respectfully refer the Court to my Response to the Defendants' Undisputed Material Fact # 18 and my Affidavit in Opposition/Response to Baruch Horowitz's Declaration (docket #s 10 and 11).

- Produce any email correspondence such as the ones I have provided in Exhibit K<sup>8</sup> to prove that, just like me, Plaintiff, Candice Lue, who is Black, the first of my three predecessors, Baruch Horowitz, who is White, was exclusively assigned and/or performed the task of the taking of the minutes for the Counterparty Risk Group's monthly team meetings and the tasks of the printing, organizing, sorting, collating, stapling, emailing of presentation materials of each of the team members of the said Counterparty Risk Group (when I had up to three presentations of my own to prepare)<sup>9</sup> and the lugging of copies of the said presentation materials to the group's monthly meetings where the non-Black members of the team<sup>10</sup> would be, reminiscent of the days of slavery/back in "the day", waiting to "be served".

The Summary Order (page 7) states that: "*Lue failed to show that a genuine issue of material fact existed with respect to her retaliation claim*". However, as I noted in my Appellant Brief, such "*material fact*"/evidence as it relates to "retaliation" was a part of my almost 500 pages of evidence in the form of Exhibits which were arbitrarily stricken from the district court's docket by Judge Alison J. Nathan when she granted the Defendants' August 1, 2017 Letter Motion but was resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of

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<sup>8</sup> Exhibit K is among the almost 500 pages of evidence that Judge Alison J. Nathan struck from the district court's docket when she granted the Defendants' August 1, 2017 Letter Motion but was resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (docket #s 10 and 11).

<sup>9</sup> And there is a White Administrative Assistant on the team who is not assigned those tasks.

<sup>10</sup> Including the ones on my job level.

Appellate Procedure (docket #s 10 and 11). With that said, please see attached three emails from Exhibits CC-1 and CC-2 from the collection of “Proof of Retaliation” (Exhibits CC - CC-3) representing “*a genuine issue of material fact existed with respect to her [Lue’s] retaliation claim*”. Please note that Exhibits CC – CC-3 consist of 89 pages of back and forth emails among JPMorgan Chase’s HR legal representatives **orchestrating and pre-planning** my retaliatory termination.

The Summary Order (page 8) states that: “*We consider all of Lue’s remaining arguments and find them to be without merit.*” Would that include my “arguments” of Perjury and Obstruction of Justice? If so, on April 18, 2019, why when the Defendants’ attorney had more than two minutes of his allotted five minute oral argument left didn’t Judge Richard C. Wesley, Judge Denny Chin and/or Judge Lewis A. Kaplan question him about my repetitious and emphasized criminal charges of Perjury and Obstruction of Justice against Defendants JPMorgan Chase & Co., et al?

### **CONCLUSION**

The basis of the arguments in my Appellant Brief rested upon three (3) factors:

Factor (1): District Court Judge Alison J. Nathan’s abuse of discretion violated the Fifth and Fourteenth Amendment Rights to Procedural Due Process afforded me under the Constitution of the United States of America. And, her obvious unethical judicial behavior which is tantamount to aiding and abetting perjury and obstruction of justice is not only proof that her handling of this lawsuit (16-cv-3207) in her



capacity as the presiding district court judge was egregious and unbecoming but it has incriminated her pursuant to the crime of “Accessory After The Fact” (App.TOC. #21).

Factor (2): Defendants JPMorgan Chase & Co., et al<sup>11</sup> should not be allowed to get away with their blatant and proven unlawful acts of Employment Racial Discrimination and Retaliation which are in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. And;

Factor (3): In order for the public to have confidence in the integrity and impartiality of the judiciary, the Defendants’ blatant crimes of Perjury and Obstruction of Justice should not and cannot be ignored by the Courts.

Contrary to the wholly erroneous Rulings of the District and Appeals Courts, “a pro se complaint **should only be dismissed** if it appears “beyond a doubt that the plaintiff can prove no set of facts in support of [their] claim.” *Olaniyi v. Alex Cab Co.*, 239 Fed. Appx. 698, 699 (3d Cir. 2007) (citing *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3d Cir. 1996)). In conjunction, a Court Ruling cannot be based on **PROVEN CRIMINAL** and **PERJURIOUS** documents.

In light of the foregoing, I, Pro Se Appellant, Candice Lue respectfully request that this Court stay the issuance of its Mandate pending the filing and disposition of a timely Petition for Writ of Certiorari with the United States Supreme Court.

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<sup>11</sup> Defendants are JPMorgan Chase & Co., et al (see cover page) **not** JPMorgan Chase and its employees as stated on page 2 of the April 24, 2019 Summary Order. They are all individual Defendants.

Respectfully Submitted,


DATED: May 10, 2019

CANDICE LUE

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Signature

  
Address

  
City, State, Zip Code

### **CERTIFICATION OF COMPLIANCE**

I certify that this Motion complies with the page limitation of Federal Rules of Appellate Procedure 27(d)(2)(B) and that this Motion complies with the typeface requirements of Federal Rules of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rules of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman style.

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion to stay Mandate pending the filing of a Petition for a Writ of Certiorari with the U.S. Supreme Court was served on the Defendants' (Appellees') attorney on record on May 10, 2019 in the manner indicated below:

Messrs. Robert Whitman and Anshel Kaplan

Seyfarth Shaw LLP

620 Eighth Avenue

New York, New York 10018

(Service via United States Postal Service Priority Mail with Certificate of Mailing – see proof attached)

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Candice Lue

Appellant

# **ATTACHMENTS**

**MOTION TO STAY MANDATE PENDING THE  
FILING OF A PETITION FOR A WRIT OF  
CERTIORARI WITH THE U. S. SUPREME COURT**

NO. 18 - 1248

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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CANDICE LUE,  
Pro Se Plaintiff - Appellant,

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 - Appellees.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
Civil Action No.: 16 CV 3207  
Judge Alison J. Nathan

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**ORAL ARGUMENT STATEMENT OF APPELLANT CANDICE LUE**

**April 18, 2019**

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Candice Lue, Pro Se

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May I please the Court?

In his August 1, 2017 Letter Motion to District Court judge, Judge Alison J. Nathan requesting that the Court strikes ALL of my Oppositions/Responses including my eight (8) Affidavits and my nearly 500 pages of pertinent evidence to the Defendants' CRIMINAL and PERJURIOUS Motion for Summary Judgment from the District Court's docket, Defendants JPMorgan Chase & Co., et al's attorney, Anshel Kaplan stated, "*Defendants and this Court should not be burdened with reviewing and responding to these excessive and non-compliant filings*". First off, this request is by all means in contravention of *Graham v. Lewinski* [848 F. 2d 342, 344 (2d Cir. 1988)], *Haines v. Kerner* [404 U.S. 519, 520 (1971)] and *Burgos v. Hopkins* [14 F.3d 787, 790 (2d Cir, 1994)]. Even though he made this transgressive request, in his said Letter Motion to Judge Nathan, he provided solid references from my said Oppositions/Responses to support why his motion should be granted. As is also obvious, in the Defendants' Appellees' Brief submitted to this Court by Mr. Kaplan, he critiqued, without merit, the style of the Arguments in my said Oppositions/Responses to JPMorgan Chase & Co., et al's CRIMINAL and PERJURIOUS Motion for Summary Judgment. This would mean, to anyone of reasonable mind, that JPMorgan Chase & Co., et al's defense attorney has read, reviewed and possesses FULL knowledge of the Arguments and Evidence that I presented in my Oppositions/Responses to the said Defendants' CRIMINAL and PERJURIOUS Motion for Summary Judgment to dismiss my lawsuit with prejudice.

With that said, seeing that the Arguments and accompanying Evidence are wholly stacked against his clients, to save them from their obvious and overwhelming state of GUILT, Mr. Kaplan had to come up with a FRIVOLOUS technicality as in "the Plaintiff, Candice Lue is not in compliance with Judge Alison J. Nathan's page limit rules" WHICH, for a pro se litigant was NON-EXISTENT in Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases" prior to me



submitting my said Oppositions/Responses to the Court and/or at the time Mr. Kaplan submitted his said Letter Motion.

However and sadly, in gross violation of my Fifth and Fourteenth Amendment Rights to Procedural Due Process and at the RISK OF THE INTEGRITY of the U.S. Judicial System, Judge Nathan, WITHOUT ADDRESSING ME REGARDING ANY OF MR. KAPLAN'S ISSUES, granted Mr. Kaplan's Letter Motion to strike ALL of my Oppositions/Responses including my eight (8) Affidavits and my nearly 500 pages of pertinent evidence to his clients' CRIMINAL and PERJURIOUS Motion for Summary Judgment, bearing in mind that per the Rule of Law, Affidavits and Evidence are not subjected to page limits. Judge Nathan then completely ignored my reports, pursuant to 18 U.S.C. § 4, of the overwhelming evidence that six (6) out of the eight (8) Defendants/Declarants LIED under Penalty of Perjury, a CRIME pursuant to 18 U.S.C. § 1621 and that JPMorgan Chase OBSTRUCTED JUSTICE by using a Black employee to LIE on their behalf under Penalty of Perjury, a CRIME pursuant to 18 U.S.C. § 1505. In addition, to solidify her Ruling granting the Defendants' Letter Motion to strike ALL of my said Oppositions/Responses to their CRIMINAL and PERJURIOUS Motion for Summary Judgment, when I provided evidence of her erroneous Ruling in my August 12, 2017 Motion to the Court, instead of Judge Nathan mooting her Ruling granting the Defendants' Letter Motion to strike my said submissions from the District Court's docket, Judge Alison J. Nathan prejudicially updated her "Special Rules of Practice in Civil Pro Se Cases" to add "page limits" and nefariously **backdated** the "Revised" date of her said Individual Practices to August 10, 2017, which is TEN (10) days AFTER I submitted my said Oppositions/Responses and one day prior to her August 11, 2017 Ruling whereby she granted the Defendants' Letter Motion.

Your Honors, my lawsuit consists of **nine (9) individual Defendants** each of whom has specific and different Causes of Action against them and each of whom is motioning the Court to

dismiss with prejudice, the said specific and different Causes of Action against them. With that said, as is strongly articulated in my Appellant Brief, Judge Alison J. Nathan's newly implemented and nefariously **backdated** to August 10, 2017 "25-page limit" for a Memorandum of Law in Opposition which she would allow for a case in opposition to **one (1) Defendant**, cannot reasonably and/or logically be imposed upon a case in opposition to **nine (9) individual Defendants** where each of the said **nine (9)** Defendants has specific and different Causes of Action against them and each of them is motioning the Court to dismiss with prejudice, the said specific and different Causes of Action against them. I respectfully refer the Court to my Appellant Appendix TOC # 20 – Examples of Other Judges' Instructions in Their Orders that Involve Multiple Parties. Your Honors, as in Judge Alison J. Nathan's newly updated and nefariously **backdated** "Special Rules of Practice in Civil Pro Se Cases", no court ruling is decided on a "future Rule of Law". The Rule of Law would have to be in effect, in this case prior to me submitting my Oppositions/Responses, for a court ruling to be decided based on it.

Your Honors, this lawsuit could have been over and done with if the Defendants would stop fighting against the Subpoena I duly served upon their attorneys on August 7, 2017 and if the said Defendants would stop dodging my Federal Rules of Civil Procedure 56(d) Requests that, if they are able to produce, would exonerate them of the Employment Racial Discrimination, Retaliation and additional Perjury and Obstruction of Justice charges I brought against them. However, because there is an undisputed CULTURE of Racial Discrimination and Retaliation at JPMorgan Chase as evidenced in my lawsuit and in the lawsuits: *United States of America v. JPMorgan Chase Bank, NA* (17-cv-00347), *Alfredo B Payares v. Chase Bank USA, NA., & J.P. Morgan Chase & Co et al* (2:07-cv-05540), *Senegal, et al. v. JPMorgan Chase Bank, N.A.* (18-cv-6006) and *Abanga v. JPMorgan Chase & Co., et al* (18-cv-04060), the Defendants have chosen to come up with a FRIVOLOUS and NON-EXISTING technicality which with the help of District Court judge, Judge

Alison J. Nathan, they are banking on getting away with. For the integrity of the U.S. Judicial System, the Second Circuit Court of Appeals should not allow that to happen.

Defendants JPMorgan Chase & Co., et al must not be allowed to get away with blatantly violating Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 when my duly, timely and lawfully submitted and filed Oppositions/Responses to their CRIMINAL and PERJURIOUS Motion for Summary Judgment that Judge Alison J. Nathan PREJUDICIALLY and NEFARIOUSLY struck from the District Court's docket MADE IT AS CLEAR AS DAY that my Civil and Constitutional Rights under the said Statutes were violated by the said Defendants, that my Claims of Employment Racial Discrimination and Retaliation against the said Defendants are valid and that six (6) of the eight (8) said Defendants/Declarants and their attorneys LIED under Penalty of Perjury, CRIMES pursuant to 18 U.S.C. §§ 1621 and 1622 and that JPMorgan Chase OBSTRUCTED JUSTICE by using a Black employee to LIE on their behalf under Penalty of Perjury, a CRIME pursuant 18 U.S.C. § 1505.

In light of the foregoing, I am here today to respectfully ask that this Court vacate Judge Alison J. Nathan's wholly unsupported and profoundly erroneous March 27, 2018 Memorandum Opinion & Order pursuant to *Olaniyi v. Alex Cab Co.*, (239 Fed. Appx. 698, 699 (3d Cir. 2007) (citing *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3d Cir. 1996)) and pursuant to the fact that a Court Ruling CANNOT BE BASED ON CRIMINAL AND PERJURIOUS DOCUMENTS. I am also here today to respectfully ask that this Court direct Defendant JPMorgan Chase to honor the Subpoena I duly served upon their attorneys and direct the Defendants to read and review AGAIN and respond to my duly, timely and lawfully submitted Oppositions/Responses to their CRIMINAL and PERJURIOUS Motion for Summary Judgment.

In the alternative, I respectfully ask that this Court deny the Defendants' said CRIMINAL and PERJURIOUS Motion for Summary Judgment to dismiss my lawsuit with prejudice pursuant to

18 U.S.C. §§ 1621 and 1505, the legal principle “*Falsus in uno, falsus in omnibus*” and the “*Clean Hands Doctrine Rule of Law*” which clearly states that “JPMorgan Chase & Co., et al bringing a motion and asking the Court for equitable relief must be INNOCENT of wrongdoing, THE CRIMES OF PERJURY AND OBSTRUCTION OF JUSTICE”.

Thank you, Your Honors!

Respectfully Submitted,

DATED: April 18, 2019

CANDICE LUE

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

# EXHIBIT B

## Lue, Candice

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**From:** Dauber, Kimberly S  
**Sent:** Wednesday, February 04, 2015 2:03 PM  
**To:** Lue, Candice; Shillingford, Fidelia X  
**Subject:** RE: Minutes and Documents for Extended Team Meeting

Candice -

Every analyst and/or associate on this team has been the minute taker of our Extended meetings at some time during the last 2 years. I don't think this is a function that is specifically written out in job duties because it's an ad-hoc function. However, Alex would pick a different person each time during our meetings. Most recently, it was understood that the reporting analyst would handle it. I'm fine with including additional analysts to assist you with this.

Best regards,

Kimberly Dauber | Vice President | J.P. Morgan Asset Management | 270 Park Ave, 9th Floor, New York, NY 10017 | T: 212-270-1655 | [kimberly.s.dauber@jpmorgan.com](mailto:kimberly.s.dauber@jpmorgan.com)

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**From:** Lue, Candice  
**Sent:** Wednesday, February 04, 2015 1:55 PM  
**To:** Shillingford, Fidelia X; Dauber, Kimberly S  
**Subject:** RE: Minutes and Documents for Extended Team Meeting

Hi Fidelia,

Just to reiterate, as previously discussed, I have never considered these tasks to be my responsibility as I had confirmed such in the interview and on the job.

Best regards,  
Candice

Candice Lue | Asset Management | Counterparty Risk Group | J.P. Morgan | 270 Park Avenue, 9th Floor, New York, NY 10017 | ☎ (212) 648 - 0936 | ✉ [Candice.Lue@jpmorgan.com](mailto:Candice.Lue@jpmorgan.com)

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**From:** Shillingford, Fidelia X  
**Sent:** Wednesday, February 04, 2015 1:38 PM  
**To:** Dauber, Kimberly S  
**Cc:** Lue, Candice  
**Subject:** Minutes and Documents for Extended Team Meeting

Hi Kim

I have discussed with Alex and she is ok with the proposal that we continue to rotate the responsibility of document collection and minutes taking for our monthly governance meeting.

I suggest that we have a schedule so that each analyst is aware of who is responsible for which month. Can you please select at least two analysts who could assist Candice with this responsibility? Once confirmed, I will fill in the appropriate names for Analyst 1 and 2 and circulate.

Thank you.

Analyst	Month
Feb	Candice

# EXHIBIT CC-1

(Evidence in Support of Plaintiff's, Candice Lue's Affidavit in Opposition/Response to Declaration of Helen Dubowy and John Vega - Docket #s 96 and 98)



From: Knepper, Kathy  
To: Dubowy, Helen  
Sent: 12/10/2015 9:33:26 PM  
Subject: RE: summary

This email shows that Defendant Helen Dubowy was not only instrumental in aiding and abetting the fallacious, pretextual and retaliatory performance improvement plan (PIP) that I was placed on on July 30, 2015 but she was VERY instrumental in my unlawful, retaliatory termination. Here Dubowy is seeking additional legal advice from Kathy Knepper of JPM C HR Legal for my said retaliatory termination.  
CL

I think we talked about you discussing the term recommendation with the head of AM Risk.

Please keep me posted. Thanks. Kathy

From: Dubowy, Helen  
Sent: Thursday, December 10, 2015 4:30 PM  
To: Knepper, Kathy  
Subject: RE: summary

I am just sending this to Nelli Childs (Head of HR for Firmwide risk). I want to get her support for term.

Unless you had a concern I likely would share it with the head of AM risk also (but would not go below that level).

Thank you for the updates. They look good.

Also proof that Defendant Shillingford's Statement #35 of her Declaration is untrue because as my manager, this information was not even shared with her. (Helen Dubowy's email time stamped 4:30PM).  
CL

From: Knepper, Kathy  
Sent: Thursday, December 10, 2015 4:27 PM  
To: Dubowy, Helen  
Subject: RE: summary

Who is this summary being sent to? Please see my corrections/comments in red below.

Note that although there is no 2014 performance rating in Profile, the 2014 performance review had a rating of "Low Meets Expectations" (see attached). My understanding is because the performance review was never finalized (Candice did not sign the review), the rating did not get uploaded into our systems. I think you can say she received a M- for performance year 2014.

From: Dubowy, Helen  
Sent: Thursday, December 10, 2015 3:44 PM  
To: Knepper, Kathy  
Subject: summary

Anything you would add to this summary? Feel free to modify if I don't have it correct. Thanks.

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DOH – 8/20/2012  
Transferred from CIB to AM 11/16/2014  
2012 YE rating – "Too New to Rate"  
2013 YE rating – M  
No rating entered for 2014 – interview notes state previous manager Michelle Sullivan said "trending towards a M-" (see my comments above)  
2015 – Midyear M- (trending)  
2015 – M-

PIP issued – July 30<sup>th</sup>, 2015



# EXHIBIT CC-2

(The ultimate decision for my retaliatory termination or the recommendation of my said retaliatory termination by JPMorgan Chase was **not** made by Fidelia Shillingford)

From: Vernon, Terri  
Sent: 10/6/2015 6:45:33 PM  
To: Vernon, Terri ; Knepper, Kathy ; Padilla, Linda ; Dubowy, Helen  
Subject: Candice Lue  
Location: (888) 575-5762 PC: 67948733#  
Start: Fri 10/9/2015 9:00:00 PM  
End: Fri 10/9/2015 10:00:00 PM  
Show Time As: Tentative  
  
Recurrence: (none)  
Meeting Status: Not yet responded  
  
Required Attendees: Knepper, Kathy; Padilla, Linda; Dubowy, Helen

All,  
We might not need the full hour, but I was lucky to find it just in case!  
This meeting is to discuss next steps with Candice Lue and pre-planning for a possible termination.

Terri Vernon  
Vice President, Human Resources Advice Direct  
(888) 703-5555 / [HR.Advice.Direct@jpmchase.com](mailto:HR.Advice.Direct@jpmchase.com)  
Direct: [Terri.Vernon@jpmchase.com](mailto:Terri.Vernon@jpmchase.com) / (714) 997-1377

These meetings were solely attended by JPMorgan Chase's HR LEGAL Representatives to "pre-plan" my termination (notably absent is my Black manager, Defendant Fidelia Shillingford).

After the EEOC served JPMorgan Chase with the Charge of my Employment Racial Discrimination and Retaliation, HR LEGAL Representatives were setting up meetings **"to discuss next steps with Candice Lue and pre-planning for a possible termination"**. In other words, lawyers discussing the feasibility of how to unlawfully RETALIATE against me with the use of malicious, fallacious and pretextual performance reviews (Exhibits CC - CC-3) and how to game the judicial system, for example, by using Kimberly Dauber, Baruch Horowitz ("THE BARUCH HOROWITZ LIE") and Fidelia Shillingford to LIE.

After the Perfected Charge was served, I was viewed as a "FIRMWIDE RISK" by Defendant Helen DuBowoy who needed support for my termination from the Head of HR for Firmwide Risk, Nelli Childs and would not go below the Head of AM Risk (the department in which I worked) meaning that my Black manager, Defendant Fidelia Shillingford would not have been informed, to discuss my said termination – Bearing in mind that the EEOC served the Charge via JPMorgan Chase's HR Department not via Fidelia Shillingford.

Also, if my Black manager, Defendant Fidelia Shillingford was the one who "hired and fired" me according to the LIES under penalty of perjury in the Defendants' Motion for Summary Judgment, why was she never invited to any of the aforesaid "pre-planning" meetings **"to discuss next steps with Candice Lue and pre-planning for a possible termination"**? Shouldn't she have been an integral part of these meetings?

The three emails from Exhibits CC-1 and CC-2 that I have provided are proof enough that my termination was an orchestrated and pre-planned retaliatory move by JPMorgan Chase for me "having the gall" to raise the Claim of Employment Racial Discrimination with their HR Department and for me reporting the Claims of Employment Racial Discrimination and Retaliation to the EEOC.



May 10, 2019

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**From:** Vernon, Terri  
**Sent:** 10/7/2015 3:44:32 AM  
**To:** Knepper, Kathy ; Padilla, Linda ; Dubowy, Helen  
**Subject:** Candice Lue  
**Show Time As:** Free

**Recurrence:** (none)  
**Required Attendees:** Knepper, Kathy; Padilla, Linda; Dubowy, Helen

**When:** Friday, October 09, 2015 8:00 AM-8:30 AM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** (888) 575-5762 PC: 67948733#

**Note:** The GMT offset above does not reflect daylight saving time adjustments.

\*~\*~\*~\*~\*~\*~\*~\*~\*

All,  
Linda wasn't able to make the last appointment I scheduled. Hopefully this will be good for all.  
This meeting is to discuss next steps with Candice Lue and pre-planning for a possible termination.

Terri Vernon  
Vice President, Human Resources Advice Direct  
(888) 703-5555 / [HR.Advice.Direct@jpmchase.com](mailto:HR.Advice.Direct@jpmchase.com)  
Direct: [Terri.Vernon@jpmchase.com](mailto:Terri.Vernon@jpmchase.com) / (714) 997-4377

# EXHIBIT FF

(Fidelia Shillingford's 2012 – 2014 year end performance ratings)



Name	AMOC Member	Bottom Multiple Years?	2014 Rating	2013 Rating	2012 Rating	Officer Title	Action	Action Date	Current Direct Supervisor	2014 TC
[REDACTED]	Di Iorio, Felice	No	M-	M	M	Other	Corrective Action-PIP	3/31/2015	Messick, Bryan Keith	56,000
[REDACTED]	Di Iorio, Felice	No	N	M	O	Other	Corrective Action-PIP	3/31/2015	Adkins, Justin	56,000
[REDACTED]	Di Iorio, Felice	No	M-	O	O	Other	Corrective Action-PIP	12/11/2014	Liu, Patricia S	55,000
[REDACTED]	Di Iorio, Felice	No	M-	M	O	Other	Development Plan	3/31/2015	Handy, Shelia R	55,000
[REDACTED]	Di Iorio, Felice	No	M-	T	O	Other	Development Plan	3/31/2015	Francis, Ashley Rice	55,000
[REDACTED]	Di Iorio, Felice	No	N	T	O	Other	Leave of Absence	3/31/2015	Moum, Francesca Sharkey	55,000
[REDACTED]	Di Iorio, Felice	No	M-	O	O	Other	Role change within AM		Gunn, Megan Anna	55,000
[REDACTED]	Di Iorio, Felice	No	M-	O	O	Other	Development Plan		Venkatadri, Vasuda	51,948
[REDACTED]	Di Iorio, Felice	No	M-	M	M+	Other	Development Plan		Zaborowski, Robert J	51,000
[REDACTED]	Di Iorio, Felice	No	M-	M	M	Other	Talent Reassignment	3/31/2015	Bush, William Prescott	51,000
[REDACTED]	Di Iorio, Felice	No	M-	M+	M	Other	Development Plan	3/31/2015	Trappnell, Judson W.	50,750
[REDACTED]	Di Iorio, Felice	No	M-	M	M	Other	Corrective Action-PIP	3/31/2015	O'Brien, Robert F	50,000
[REDACTED]	Di Iorio, Felice	No	M-	O	O	Other	Development Plan		Venkatadri, Vasuda	49,384
[REDACTED]	Di Iorio, Felice	No	M-	M+	O	Other	Development Plan	3/31/2015	Minter Jr, John Claer	49,000
[REDACTED]	Di Iorio, Felice	No	M-	M	M+	Other	empty		Ebeid, Meghan	47,900
[REDACTED]	Gunselman, Gregg	2 Years	M-	M-	M	VP	Role change within AM	10/26/2015	Chodos, Jason	210,000
[REDACTED]	Gunselman, Gregg	No	M-	M	M	MD	Role change within AM	10/26/2015	Mushell, Christopher	539,000
[REDACTED]	Gunselman, Gregg	No	M-	M	M	MD	Development Plan	10/26/2015	Malinowski, Kenneth	270,000
[REDACTED]	Gunselman, Gregg	No	M-	M+	M+	VP	Development Plan	10/27/2015	O'Malley, Joseph B	255,736
Shillingford, Fidelia	Gunselman, Gregg	No	M-	M	M+	VP	Development Plan	10/26/2015	Khavin, Alexandra	130,000
[REDACTED]	Gunselman, Gregg	No	M-	O	O	ASSC	Development Plan	10/26/2015	De Lisi, Brian W.	95,000
[REDACTED]	Gunselman, Gregg	No	M-	M	O	ASSC	Corrective Action-PIP	10/26/2015	Herrold, Lyndsay Dianne	89,000
Lue, Candice S. m.	Gunselman, Gregg	No	M-	O	O	Other	Corrective Action-Written	10/26/2015	Shillingford, Fidelia	75,000

# EXHIBIT O

(Proof Kimberly Dauber was the hiring manager for the Credit Reporting Risk Analyst position in the Counterparty Risk Group)

# AM - Credit Reporting Risk Analyst (140084006)

Status  
Filled

Recruiter  
Rivera, Francisco

Department  
AM COUNTER PARTY

Status Details  
Filled

Hiring Manager  
Shillingford , Fidelia

Primary Location  
United States > New York > New York >  
270 Park Avenue / 02317

Requisition Type  
Professional

Hired Candidates  
1 out of 1

## Alerts

### ACE Candidate Alert

No alert has been set.

### Request More Information

The alert will be triggered when a candidate meets the following condition:

A candidate meeting all the required criteria achieves a result of at least 0%.

## History

Date	Event	Detail	By
Nov 6, 2014, 10:43:41 PM	Requisition Filled	Filled	Rivera, Francisco (E453821)
Nov 6, 2014, 10:43:20 PM	Employee Hired	Hired "Candice S. M. Lue (5148489)"	Rivera, Francisco (E453821)
Nov 6, 2014, 10:43:06 PM	Last Position Accepted	Last Position Accepted	Rivera, Francisco (E453821)
* Nov 5, 2014, 6:07:08 PM	Hiring Manager Modified	* Hiring Manager changed to "Fidelia Shillingford "	Rivera, Francisco (E453821)
Oct 15, 2014, 11:29:52 PM	Candidates Matched From this Requisition	Candidates from this requisition were matched to 140094654.	Rivera, Francisco (E453821)
Aug 15, 2014, 9:26:57 PM	Requisition Posted	The requisition has been posted on the following Career sections: Corporate, Syracuse University Veterans Technology Program, Internal.	Rivera, Francisco (E453821)
Aug 15, 2014, 9:26:12 PM	Requisition Saved as Open	Saved as Open	Rivera, Francisco (E453821)
Aug 15, 2014, 9:25:42 PM	Requisition Duplicated	Created from Duplication of "140029763"	Rivera, Francisco (E453821)

## Reports

This requisition will not be included in the daily recruiting report.

**Pattern of Not Being Served/Properly  
Served with the Defendants' Pleadings**



**From:** CandiceLue [REDACTED]

**To:** akaplan <akaplan@seyfarth.com>

**Cc:** rwhitman <rwhitman@seyfarth.com>

**Subject:** Lue v JPMorgan Chase & Co. et al - Three Issues for Your Immediate Attention

**Date:** Sat, Jan 28, 2017 1:55 pm

---

Mr. Kaplan:

I respectfully ask that you give the following three issues your immediate attention.

*Issue # 1:*

I am in receipt of a copy of the "Letter Motion" dated January 24, 2017 that you sent to Judge Gabriel W. Gorenstein which was never sent to me via email (with emphasis) as you stated at the end of the said letter.

This was also the case with your letter to the said judge dated November 25, 2016 which contrary to me receiving this letter in my inbox immediately via email, this said letter was postmarked November 28, 2016 (three days after you stated that it was sent to me via email) and I received it via USPS first class mail on/or around November 30, 2016, five days after it was sent to me.

I think this practice of yours whereby you claim that you send me copies of these letters, etc. via email is misleading to the Court and to whomever you send a copy of these letters, etc. and I respectfully ask that you stop it. As, as you are well aware, push comes to shove, I will be asking that you "prove it".

With that being said, please be advised that my preferred mode for letters, motions, etc. being sent to me is via USPS first class mail, FedEx, etc. and **not** via email.

*Issue #2:*

By way of the pre-filled authorizations/releases that you had sent to me, I became aware of the fact that you are in possession of my social security number. Please be advised that I did not give this information to you and I do not expect you to be using my social security number in any way without my permission.

*Issue #3:*

Finally, I'd respectfully ask that you redact the last portion of my email address when you send copies of my email correspondence with you to third parties (like how you see me redact this information).

Respectfully,

Candice Lue

[REDACTED]



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**From:** CandiceLue@[REDACTED]  
**Sent:** Monday, March 06, 2017 6:12 PM  
**To:** Kaplan, AJ <AKaplan@seyfarth.com>  
**Cc:** Whitman, Robert S. <RWhitman@seyfarth.com>  
**Subject:** Re: Court Order Regarding Today's Hearing

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](mailto: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.

[REDACTED]



**From:** CandiceLue@[REDACTED]  
**Sent:** Wednesday, March 15, 2017 6:51 PM  
**To:** Kaplan, AJ <AKaplan@seyfarth.com>  
**Cc:** Whitman, Robert S. <RWhitman@seyfarth.com>  
**Subject:** Re: Court Order Regarding Today's Hearing

Mr. Kaplan:

Please be advised that to date, Wednesday, March 15, 2017, I have not received a copy of the Letter Motion you filed on March 7, 2017 via U.S. Mail (see emails dated January 28, February 27 and March 6, 2017).

With that said, I am not aware of the contents of this said Letter Motion.

Respectfully,

Candice Lue

In a message dated 3/7/2017 1:51:29 P.M. Eastern Standard Time, [AKaplan@seyfarth.com](mailto:AKaplan@seyfarth.com) writes:

Dear Ms. Lue --

Please see attached for a copy of the letter we filed with the Court today regarding the extension. A hard copy will follow.

Sincerely yours,

AJ

**Anshel Joel "AJ" Kaplan** | Associate | Seyfarth Shaw LLP  
620 Eighth Avenue | New York, New York 10018-1405  
Direct: +1-212-218-5271 | Fax: +1-917-344-1231  
[akaplan@seyfarth.com](mailto:akaplan@seyfarth.com) | [www.seyfarth.com](http://www.seyfarth.com)

**From:** CandiceLue [REDACTED]  
**To:** AKaplan <AKaplan@seyfarth.com>  
**Cc:** RWhitman <RWhitman@seyfarth.com>  
**Subject:** Re: Court Order Regarding Today's Hearing  
**Date:** Mon, Mar 20, 2017 6:17 pm

---

Dear Mr. Kaplan:

Pursuant to your email below, please provide proof of mailing via U.S. mail.

Respectfully,

Candice Lue

In a message dated 3/15/2017 7:32:51 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

Ms. Lue:

I can assure you a copy was mailed to you on that same day, March 7, 2017. Would you like us to mail another copy, or would prefer I copy the contents of the letter into the body of an email? Alternatively, I can assure it is safe to open the email attachment I previously sent.

Separately, today we received your request, dated March 11, 2017, for a stay from the Second Circuit. However, in case you are not aware, the Second Circuit denied your writ of mandamus a day earlier, on March 10, 2017.

Sincerely yours,

AJ

**Anshel Joel "AJ" Kaplan** | Associate | Seyfarth Shaw LLP  
620 Eighth Avenue | New York, New York 10018-1405  
Direct: +1-212-218-5271 | Fax: +1-917-344-1231  
akaplan@seyfarth.com | www.seyfarth.com

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SHAW**

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**From:** CandiceLue [REDACTED]  
**To:** AKaplan <AKaplan@seyfarth.com>  
**Cc:** RWhitman <RWhitman@seyfarth.com>  
**Subject:** Re: Letter to the Court (Lue v. JPMorgan Chase)  
**Date:** Mon, Mar 20, 2017 6:58 pm

---

Dear Mr. Kaplan:

Pursuant to Federal Rules of Civil Procedure Rules 5(b)(2)(E) & 5(b)(2)(F), please be advised that since I have not given you permission to serve me with any Court filings via electronic means and have explicitly stated multiple times under separate covers that I will not be opening attachments from you and have requested per my January 28, 2017 email to you that your Court Filings be sent to me via U.S. Mail - USPS first class mail, FedEx, etc and **not** via email, timely receipt of your March 20, 2017 filing via U.S. Mail is imperative.

Respectfully,

Candice Lue

In a message dated 3/20/2017 5:24:30 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

Dear Ms. Lue --

Please see attached for a copy of the letter motion Defendants filed today in the above-referenced case. A hard copy will follow.

Sincerely,

AJ

**Anshel Joel "AJ" Kaplan** | Associate | Seyfarth Shaw LLP  
620 Eighth Avenue | New York, New York 10018-1405  
Direct: +1-212-218-5271 | Fax: +1-917-344-1231  
[akaplan@seyfarth.com](mailto:akaplan@seyfarth.com) | [www.seyfarth.com](http://www.seyfarth.com)

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**From:** CandiceLue [REDACTED]  
**To:** AKaplan <AKaplan@seyfarth.com>  
**Cc:** RWhitman <RWhitman@seyfarth.com>  
**Subject:** Re: Court Order Re: Defendants' Filing on March 20, 2017  
**Date:** Tue, Mar 21, 2017 7:13 pm

---

Mr. Kaplan:

First, I have not seen a copy of your Letter Motion of March 20, 2017. With that said, please be advised that any response to whatever Letter Motion you filed or the "Order" below will be seven (7) days after the receipt of the said Letter Motion and Order via US Mail not seven (7) days after March 20, 2017. Nothing in the Constitution gives you or "the Court" the right to abuse my personal email for the appeasement of the favored party or to infringe upon my Fourth Amendment rights.

As should have been understood in my email of January 28, 2017, the use of my personal email in this matter is for regular correspondence **not** for the service of Court filings and/or Orders.

In light of the foregoing, I will have no other alternative but to block your access if I continue to contend that my personal email is being abused.

Respectfully,

Candice Lue

In a message dated 3/21/2017 12:27:28 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

Dear Ms. Lue --

Below, please find the text of an Order from Judge Gorenstein regarding Defendants' filing on March 20, 2017:

**ORDER: Plaintiff shall respond to defendants' letter of March 20, 2017, by filing a letter or memorandum on or before March 27, 2017, fully setting forth her position. Any reply may be filed by March 30, 2017. Counsel for defendants is directed to email to plaintiff a copy of this Order (or its text) to ensure its timely receipt. SO ORDERED. (Signed by Magistrate Judge Gabriel W. Gorenstein on 3/20/2017) Copies Sent By Chambers. (ama)**

Sincerely,

AJ

**Anshel Joel "AJ" Kaplan** | Associate | Seyfarth Shaw LLP  
620 Eighth Avenue | New York, New York 10018-1405  
Direct: +1-212-218-5271 | Fax: +1-917-344-1231  
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**From:** CandiceLue [REDACTED]  
**To:** AKaplan <AKaplan@seyfarth.com>  
**Cc:** RWhitman <RWhitman@seyfarth.com>  
**Subject:** Re: Extension for Reply  
**Date:** Fri, Aug 4, 2017 7:27 am

---

Dear Mr. Kaplan,

I acknowledge that you need an extension up to and including September 20, 2017 for your Reply to my Opposition to the Defendants' Motion for Summary Judgment. However, I am a bit confused as I see that on August 1, 2017 you filed a Letter Motion for a Conference which is awaiting a Response from the Judge and for which I have not to date even received a copy.

Prior to my consent, I would need to at least receive a copy of the said Letter Motion in the mail.

Respectfully,

Candice Lue

In a message dated 8/3/2017 2:46:38 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

Ms. Lue,

We are in receipt of your opposition to Defendants summary judgment motion. Please advise if you consent to an extension of the Reply deadline up to and including September 20, 2017. I have plans to be out of the office during mid to late August.

Thanks,

**Anshel Joel "AJ" Kaplan** | Associate | Seyfarth Shaw LLP  
620 Eighth Avenue | New York, New York 10018-1405  
Direct: +1-212-218-5271 | Fax: +1-917-344-1231  
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**From:** CandiceLue [REDACTED]  
**To:** AKaplan <AKaplan@seyfarth.com>  
**Cc:** RWhitman <RWhitman@seyfarth.com>  
**Subject:** Re: Extension for Reply and August 1, 2017 Letter Motion  
**Date:** Tue, Aug 8, 2017 6:07 pm

---

Dear Mr. Kaplan:

Please be advised that to date and time I have not received in the mail a copy of the Letter Motion you filed with the Court on August 1, 2017 and which is referenced in this email trail. With that said, I am respectfully demanding pursuant to THE LAW that you properly serve me with a copy of the said Letter Motion.

I would also like to add that despite your "assurance", to date I have also not received in the mail a copy of the Letter Motion you filed with the Court on March 7, 2017 and which is referenced in email correspondence dated March 15, 2017.

Respectfully,

Candice Lue

In a message dated 8/5/2017 6:54:15 A.M. Eastern Daylight Time, [REDACTED] writes:

Mr. Kaplan:

Based on your Letter Motion herein to Judge Nathan and under the current circumstances, at this time, I cannot consent to an extension of time for your Reply until Judge Nathan has made her Ruling on your said Letter Motion.

Respectfully,

Candice Lue

In a message dated 8/4/2017 3:10:44 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

Ms. Lue,

A copy of the letter you reference was mailed to you the same day it was filed with the Court. I imagine you will receive it soon, if you have not already. However, for these purposes (and because I believe you still have blocked us from sending you any attachments), I have copied and pasted a copy of the letter further below.

Please note, our extension request is only in the event that the Judge does not grant the relief contained in our letter and set new deadlines. If the Judge grants our request, the extension is moot, without prejudice to any further request we may make at a later date.

With respect to your e-mail regarding service of the subpoena, please see the letter which was sent to you (and which is copied below), which should answer your question.



**From:** CandiceLue [REDACTED]  
**To:** AKaplan <AKaplan@seyfarth.com>  
**Cc:** RWhitman <RWhitman@seyfarth.com>  
**Subject:** Re: Extension for Reply and August 1, 2017 Letter Motion  
**Date:** Tue, Aug 8, 2017 8:26 pm

---

Mr. Kaplan:

And I'm supposed to believe that after your Summary Judgment filing? Please provide true and correct copies of the said Letter Motions pursuant to THE LAW via MAIL (USPS, UPS, FedEx, etc.).

Also, please be advised that I have USPS confirmations for every document I've served you. Therefore, you wouldn't have to just take my word for it.

Respectfully,

Candice Lue

In a message dated 8/8/2017 7:30:53 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

I've confirmed both letters were properly served via first class mail. If you want another copy, I'd be happy to email or fax you.

**Anshel Joel "AJ" Kaplan** | Associate | Seyfarth Shaw LLP  
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**From:** CandiceLue [REDACTED]  
**Sent:** Tuesday, August 08, 2017 6:07 PM  
**To:** Kaplan, AJ <AKaplan@seyfarth.com>  
**Cc:** Whitman, Robert S. <RWhitman@seyfarth.com>  
**Subject:** Re: Extension for Reply and August 1, 2017 Letter Motion

[REDACTED]



Deals My Verizon Support Watch Fios

I am looking for 

Home Services  Billing  My Plan Profile

 Back

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Manage your voicemail and calling features, view your call history and monitor your international calling plan usage.

### Filter Status

Outgoing Calls



 Outgoing Call  (973) 3  (212) 857-8612 04/22/2019 03:10 PM 

## Call Detail



(212) 857-8612

Outgoing Call

04/22/2019 03:10 PM

Delete



Call Back



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Call Notification



Call Block

