

Candice Lue



April 1, 2017

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

RE: Civil Action No.: 16 CV 3207 (AJN) (GWG) – Response to United States Court of Appeals
(USCA) Docket # 82 - March 31, 2017 In Re: Candice Lue, Petitioner – Docket Number: 16 – 3873...

CANDICE LUE, an individual,

Plaintiff,

V.

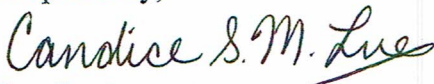
JPMORGAN CHASE & CO., a Delaware Corporation; ALEX KHAVIN, an individual; FIDELIA SHILLINGFORD, an individual; JOHN VEGA, an individual; HELEN DUBOWY, an individual; PHILIPPE QUIX, an individual; THOMAS POZ, an individual; CHRIS LIASIS, an individual; MICHELLE SULLIVAN, an individual; and DOES 1 - 10,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

Defendants.

To Whom It May Concern:

Please find attached my “Response to United States Court of Appeals (USCA) Docket # 82 - March 31, 2017 In Re: Candice Lue, Petitioner – Docket Number: 16 – 3873...”, copy of my “Response to the USCA Order of March 10, 2017- (Docket # 76)”, March 20, 2017 Order for my “Motion for an Emergency Stay” and the Affirmation of Service form duly completed and signed representing service of this Response to Defendants’ attorneys, Robert S. Whitman and Anshel Kaplan.

Respectfully,


Candice Lue

Attachments: “Response to United States Court of Appeals (USCA) Docket # 82 - March 31, 2017 In Re: Candice Lue, Petitioner – Docket Number: 16 – 3873...”, copy of my “Response to the USCA Order of March 10, 2017 - (Docket # 76)”, March 20, 2017 Order for my “Motion for an Emergency Stay” and the 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 United States Court of Appeals
(USCA) Docket # 82 - March 31, 2017

In Re: Candice Lue, Petitioner – Docket
Number: 16 – 3873

- The USCA Mandate/“due consideration” is a farce as proven in my Letter Response to the said Court (Docket # 76). This said Mandate is also lacking in adequacy and eloquence as what should be expected from a Circuit Court and has absolutely nothing in common with the case - re von Bulow, 828 F.2d 94, 98 (2d Cir. 1987) that is cited in the Mandate.

I. ARGUMENT

The USCA Mandate/“due consideration” is a farce as proven in my Letter Response to the said Court (Docket # 76). This said mandate is also lacking in adequacy and eloquence as what should be expected from a Circuit Court and has absolutely nothing in common with the case - re von Bulow, 828 F.2d 94, 98 (2d Cir. 1987) that is cited in the Mandate.

With regards to “*Petitioner has not demonstrated that she lacks an adequate, alternative means of obtaining relief*”, what other “*alternative means of obtaining relief*” would I have but to file a Petition for Issuance of a Writ of Mandamus after Judge Alison J. Nathan denied both my motion for her recusal and my reconsideration for her recusal due to bias and incompetence which along with the more than one hundred pages of argument and proof in the said Petition for Issuance of a Writ of Mandamus that I filed in the U.S. Court of Appeals for the Second Circuit clearly demonstrated her favoritism for the multi-billion dollar Defendants, JPMorgan Chase & Co., et al

and her antagonism against me? By Law, and 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...”*, I am entitled to a FAIR judge. And, pardon my respect for the U.S. Constitution but it was for this reason that I sought the intervention of the U.S. Court of Appeals for the Second Circuit.

One of the ways that the USCA Mandate/“due consideration” has been proven to be a FARCE which is in cahoots with the inner workings of the multi-billion dollar Defendants’, JPMorgan Chase & Co., et al attorney, the lower Court and the U.S. Court of Appeals for the Second Circuit is the “Notice of Case Manager Change” attached to their March 10, 2017 Order.

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 Stay¹ and at NO time in that said 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 wasn’t such “case manager’s” name listed in the Order of March 10, 2017? The first time I was advised of a case manager’s assignment was in the U.S. Court of Appeals for the Second Circuit’s **March 20, 2017** “Case Status Update Notice”.

It is also way too coincidental that the quickie “Order” of March 10, 2017 for my Petition for Issuance of a Writ of Mandamus for Judge Alison J. Nathan’s Recusal due to bias and incompetence, **which was still in “Case Initiation”** on March 7, 2017 as per my advisor’s call to

¹ This Motion for an Emergency Stay has since been denied by the USCA with the reason being *“the motion is moot in light of the denial of the petition for writ of mandamus”*.

the Second Circuit Court, 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."

II. CONCLUSION

In light of the foregoing, I will leave with you York v. United States, 785 A.2d 651, 655 (D.C. 2001) which 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."*

DATED: April 1, 2017


CANDICE LUE

Candice S.M. Lue

Signature


Address

City, State, Zip Code


PlaintiffCandice Lue


Docket last updated: 6 hours ago


Friday, March 31, 2017

- 82  [appeal](#) [USCA Mandate](#) [Fri 4:24 PM](#)
- MANDATE of USCA (Certified Copy) USCA Case Number 16-3873 Petitioner, pro se, has filed a petition for a writ of mandamus. Upon due consideration, 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. See In re von Bulow, 828 F.2d 94, 98 (2d Cir. 1987).. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 03/31/2017. (nd)

Thursday, March 30, 2017

- 81  [misc](#) [Letter](#) [Thu 5:39 PM](#)
- LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Anshel Joel Kaplan dated March 30, 2017 re: Defendants' Motion to Compel. Document filed by Helen Dubowy, JPMorgan Chase & Co., Alex Khavin, Chris Liasis, Thomas Poz, Philippe Quix, Fidelia Shillingford, Michelle Sullivan, John Vega.(Kaplan, Anshel)

Wednesday, March 29, 2017

- 80  [respoth](#) [Response \(non-motion\)](#) [Wed 4:54 PM](#)
- RESPONSE TO DEFENDANTS' ATTORNEY ANSHEL KAPLAN'S LETTER MOTION PER MAGISTRATE JUDGE GABRIEL W. GORENSTEIN'S ORDER OF 3/20/17 - THE ALLEGED PERPETRATORS/TORTFEASORS, JPMORGAN CHASE & CO., ET AL. SHOULD NOT BE AWARDED WITH ANOTHER POTENTIAL VICTIM(BLACK EMPLOYEE) FOR THEM TO RETALIATE AGAINST AS THEY RETALIATED AGAINST ME. re:75 LETTER MOTION to Compel Candice Lue to Respond addressed to Magistrate Judge Gabriel W. Gorenstein from Anshel Joel Kaplan dated March 20, 2017. Document filed by Candice Lue. (sc)

[Continue to Create Account](#)

[Privacy](#) • [Terms](#) • [About](#)
PacerMonitor, LLC © 2016. Made in NYC

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

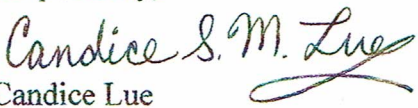
phone record attached) and there was NEVER a case manager assigned to the case. As a result, my advisor was transferred to “Case Initiation” where she provided the agent with the docket number of the case and requested information about filing a motion for an emergency stay (which I mailed to the Court 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.

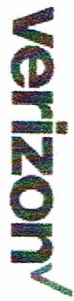
Respectfully,


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

Certificate of Mailing



Shop My Verizon Support Watch Fios

I am looking for

Fios® DIGITAL VOICE

Accessibility | Help | User Guide | Terms of Service

Phone Book

Home

Calls and Messages (973)

Place a Call Refresh

Calls and Messages >

Call Logs

Voice Mails

Page 1 of 10

Phone Book

Calling Features

Voice Mail Settings

Status

Call From

Call To

Date & Time

View Status | Outgoing Only

Outgoing Call

(973)

(712) 857-8585

03/07/2017 12:51 PM

Outgoing Call

(973)

(712) 857-8585

03/07/2017 12:51 PM

Subj: Re: Court Order Regarding Today's Hearing
Date: 3/6/2017 6:11:36 P.M. Eastern Standard Time
From: Candice Lue
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

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

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

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20th day of March, two thousand and seventeen.

In Re: Candice Lue,
Petitioner.

ORDER

Docket No. 16-3873

Candice Lue,

Petitioner,

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,

Respondents.

Appellant, *pro se*, filed a motion to stay the district court action pending a ruling on the petition for writ of mandamus.

IT IS HEREBY ORDERED that the motion is DENIED as moot in light of the denial of the petition for writ of mandamus.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe

