



UNITED STATES COURT OF APPEALS for the Second Circuit

Chief Judge Robert A. Katzmann

[Home](#)[About The Court](#)[Judges](#)[Attorneys](#)[Decisions](#)[Calendars](#)[Case-Filing](#)[Dockets](#)[Calendar](#) | [Argument calendar](#)

Argument calendar, Courtroom 1703

Venue

Courtroom 1703
Thurgood Marshall US Courthouse
40 Foley Square
New York, NY 10007

Thursday, April 18, 2019 10:00am

Panel: Wesley, Chin, C.J.J., Kaplan, D.J.

Docket number	Case name	Time allotted
18-869-cv	Congregation Rabbinical College of Tartikov	(10)
18-1062-cv	v. Village of Pomona, NY, et al	(10)
18-1103-cv	Luis Hernandez	(10)
	v. United States of America, et al }	
	City of New York }	(10)
18-329-cr	United States of America	(10)
	v. Amis Recardo Lloyd	(10)
17-3247-cv	Brenda Estrella	(10)
	v. Nancy A. Berryhill	(10)
18-1248-cv	Candice Lue	(5)
	v. JPMorgan Chase & Co.	(5)
18-1367-cr	United States of America	On Submission
	v. Bayron Heriberto Martinez-Perez	On Submission

NO. 18 - 1248

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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.

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

ORAL ARGUMENT STATEMENT OF APPELLANT CANDICE LUE

April 18, 2019

Candice Lue, Pro Se

[REDACTED]

[REDACTED]

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