

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK, COUNTY OF NEW YORK

CANDICE LUE, an individual,

Plaintiff

V.

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

Defendants

Civil Action No.: 16 CV 3207 (AJN) (GWG)

Response to Judge Alison J. Nathan's Order of August 21, 2017 – Docket # 125
To date I have NOT received a copy of Judge Alison J. Nathan's August 11, 2017 Order in the Mail so I am not privy to all of what is in the said Order.

I will once again remind the Court that I have NINE (9) Defendants so it is not reasonable for the "page limits" for NINE (9) Defendants to be the same for one (1) Defendant. Judge Nathan's Orders of August 11, 2017 and August 21, 2017 are INJUSTICE to the highest power. No wonder the Defendants had no qualms about unlawfully discriminating and retaliating against me.

I. ARGUMENT

To date I have NOT received a copy of Judge Alison J. Nathan's August 11, 2017 Order in the Mail so I am not privy to what is in the said Order. I only became aware of this Order via (https://www.pacermonitor.com/public/case/11334510/Lue_v_JPMorgan_Chase__Co_et_al#).

Judge Alison J. Nathan has stricken the Eight (8) sworn Affidavits I filed in response to the Defendants' Eight (8) Declarations. I am very confused. Is Judge Nathan saying that legally I do not have a right to respond to each of the said Defendants' Declarations individually? Or, unlike the favored Defendants, should my eight (8) Affidavits in Opposition/Response to the Defendants' Declarations form a part of Judge Nathan's newly implemented 25 page limit¹ for Civil Pro Se

¹ Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases" claims that it was updated with the new page limit for Pro Se cases on August 10, 2017. However, I went on the said Individual Practices - "Special Rules of Practice in Civil Pro Se Cases" on August 12, 2017 and it was NOT updated as such. I submitted my Opposition/Response to the Defendants' Motion for Summary Judgment by JULY 31, 2017.

cases for my Memorandum of Law in Opposition to the Defendants' Motion for Summary Judgment? In other words, just for argument sake, say my Affidavits in Opposition/Response to the Defendants' eight (8) Declarations is one (1) page each, would that mean that I would only have seventeen (17) pages left for my Memorandum of Law in Opposition to the NINE (9) Defendants' Motion for Summary Judgment? Do I have to go and find additional funds to pay for new notary service for all the said Affidavits? Or, that would not make sense as the said Affidavits will once again be thrown out by Judge Nathan for whatever reason besides the fact that they show that the Defendants LIED under Penalty of Perjury and that my Claims of Employment Racial Discrimination and Retaliation against the Defendants are valid?

Judge Nathan has also stricken the almost 500 pages of evidence in the form of Exhibits that I provided in my lawsuit against NINE (9) Defendants. Again, I am genuinely very confused. Am I not allowed to submit ALL the evidence I have to prove my case? How can the overwhelming amount of evidence I provided against all NINE (9) Defendants form a part of Judge Alison J. Nathan's newly implemented, August 10, 2017 25 page limit for Memorandum of Law in Opposition of Summary Judgment or her 50 page limit for my Response/Opposition to the Defendants' "Undisputed" Material Facts?

One of the Defendants' Declarations aka LIES under Penalty of Perjury, for example, contains seventy eight (78) pages and my sworn Affidavit in Opposition/Response to the said Declaration has forty (40) pages and while the said Defendant's seventy eight (78) pages were accepted by Judge Alison J. Nathan, my forty (40) page Opposition/Response has been stricken from the Court's docket by her as being "overly burdensome" for the Defendants to read/reply to. What am I supposed to do with regards to presenting evidence against NINE (9) DEFENDANTS? I am genuinely confused. How can I be limited to 25 pages to support my Claims for NINE (9) DEFENDANTS when ALL of the said NINE (9) DEFENDANTS are motioning that my lawsuit against all NINE (9) of them be dismissed with prejudice?

Again, I have NINE (9) individual Defendants and this lawsuit is not a class action lawsuit. It was JPMorgan Chase & Co.'s decision to use the same (one) attorney for all of the NINE (9) Defendants. If each of those said Defendants had a different attorney, would that mean that for each of my Opposition/Response to each of the NINE (9) Defendants attorneys' Memorandum of Law in Support of their Summary Judgment Motion I would only be able to submit no more than two and three quarter ($2\frac{3}{4}$) pages to conform to Judge Nathan's newly implemented 25 page limit for Pro Se Cases? - Bearing in mind that prior to my July 31, 2017 submission, this page limit was not in force. If not, 9 (# of attorneys filing a Memorandum of Law in Support of their Summary Judgment) \times 25 (page limit for my Opposition/Response) = 225 pages and my Memorandum of Law in Opposition to the Defendants' Motion for Summary Judgment for the said NINE (9) Defendants in this lawsuit, compared to 225 , is only 198 pages.

Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases" now claims that it was updated with the new page limit for Pro Se cases on August 10, 2017 (I went on the said Individual Practices - "Special Rules of Practice in Civil Pro Se Cases" on August 12, 2017 and it was NOT updated as such) which is the day before she made her ruling on August 11, 2017 and which would be 10 DAYS AFTER I submitted my more than ten Opposition/Responses which included eight (8) Affidavits to the Defendants' Motion for Summary Judgment. So how could it be fair for all the work that I had done and all the expenses I had incurred (docket #s 121 and 124) to respond to NINE (9) Defendants' Motion for Summary Judgment to Dismiss my case with prejudice just to be thrown out by the Court for reasons that were beyond my control?

Again, was I not allowed by law to respond to those said Declarations aka LIES under Penalty of Perjury which is a CRIME pursuant to 18 USC § 1621? And, what about my report to the Court pursuant to 18 USC § 4 about the Defendants, JPMorgan Chase & Co., et al possibly using their wealth to violate Baruch Horowitz's rights under the Americans with Disabilities Act (ADA)? Shouldn't the Court be more concerned with these CRIMES moreso than the alleged

Defendants who have committed PERJURY – A CRIME finding it “overly burdensome” to read/reply to my Opposition/Response to their Motion for Summary Judgment? If I had committed such perjury – A CRIME, I would have found my said Opposition/Response “overly burdensome” to read/reply to as well. Am I supposed to not resubmit the evidence I previously provided showing that the said Defendants have committed PERJURY? With that said, what about the inhumane and financial burden, I have been caused and which will be repeated by Judge Nathan’s August 11 and August 21, 2017 Orders, that I had to declare to the Court in my Addendum Response (docket #124)?

Also, since to date I have not received a copy of Judge Alison J. Nathan’s August 11, 2017 Order, what about the Subpoena that was served for JPMorgan Chase & Co. to produce documents for Declarant Baruch Horowitz? Was that also stricken by Judge Nathan? Contrary to what the Defendants’ attorney, Anshel Kaplan said in his August 1, 2017 Letter Motion that he copied and pasted in the email correspondence I was having with him (to date I have not been properly served with a paper copy of the said Letter Motion as I reported to the Court in my Response to Judge Alison J. Nathan’s Order of August 11, 2017 dated August 12, 2017), it was less than two weeks prior to Mr. Kaplan filing the Defendants’ Motion for Summary Judgment that I received a copy of Baruch Horowitz’s Declaration, (see email evidence attached).

As a citizen who has a right to FAIR justice in a Court of Law, I respectfully demand that the Court provides me with clarity as to Judge Alison J. Nathan’s Order of August 11, 2017, as best as possible, as requested in my questions above as I am totally confused. I have a right pursuant to the Fifth Amendment to not be prejudicial to my own case by being denied the opportunity to present ALL my evidence to support my Claims in this lawsuit I have brought against the multi-billion dollar Defendants, JPMorgan Chase & Co., et al thus incriminating myself based on the LIES the said Defendants have submitted.

II. CONCLUSION

In light of the foregoing, anyone of reasonable mind can see that Judge Alison J. Nathan only updated her "Special Rules of Practice in Civil Pro Se Cases" TEN DAYS AFTER I submitted my Opposition/Response to the Defendants' Motion for Summary Judgment so that she could prejudicially rule against me and in favor of the multi-billion dollar Defendants, JPMorgan Chase & Co., et al.

It has now reached the point whereby, with all due respect, I feel as if I have not only been grossly prejudiced against by Judge Alison J. Nathan who I have requested twice that she recuse herself from this case due to bias and incompetence and had also filed a Petition for Issuance of a Writ of Mandamus for the said reasons but I also feel as if, as a Black person, I have been prejudiced against by Former President, Barack Obama, the first and only Black president of the United States because he was the one who appointed Judge Nathan to the Bench.

Even the blind can see that there is no way that I will get justice in Judge Alison J. Nathan's Court but I will just respectfully remind the Court that pursuant to 18 USC § 1621, lying under Penalty of Perjury IS A CRIME and BY LAW, my full explanations along with my evidence to prove that such crime occurred should not be silenced/refused admittance by the Court pursuant to 18 USC § 4.

DATED: August 22, 2017

CANDICE LUE

Candice S.M. Lue

Signature

Address

City, State, Zip Code

Subj: **Re: Notice of Subpoena - Lue v. JPMorgan Chase & Co. et al (1:16-CV-03207)**
Date: 4/27/2017 7:00:18 P.M. Eastern Daylight Time
From: [CandiceLue](#)
To: AKaplan@seyfarth.com
CC: RWhitman@seyfarth.com

Dear Mr. Kaplan:

I am in receipt of a copy of the "declaration" from Baruch Horowitz sent by your office. Please make sure to file a copy of this "declaration" with the Court. Also, please be advised that Baruch Horowitz, who was named as a potential witness in this lawsuit will now be a definite witness.

Respectfully,

Candice Lue

In a message dated 4/26/2017 4:21:58 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

Ms. Lue,

The document went in the mail earlier this week.

Thanks,

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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From: CandiceLue [mailto:CandiceLue]
Sent: Monday, April 24, 2017 5:57 PM
To: Kaplan, AJ <AKaplan@seyfarth.com>

Cc: Whitman, Robert S. <RWhitman@seyfarth.com>

Subject: Re: Notice of Subpoena - Lue v. JPMorgan Chase & Co. et al (1:16-CV-03207)

Dear Mr. Kaplan:

Please be advised that to date I have not received a copy of a Deposition Transcript or a copy of the Declaration you spoke about in the email below for/from Baruch Horowitz.

Respectfully,

Candice Lue

In a message dated 4/10/2017 5:35:25 P.M. Eastern Daylight Time, AKaplan@seyfarth.com writes:

Ms. Lue,

The deposition did not occur. However, Defendants will be sending you a copy of a declaration we obtained from Mr. Horowitz via mail.

Sincerely,

AJ

Anshel Joel "AJ" Kaplan | Associate | Seyfarth Shaw LLP
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From: Candice Lue <mailto:CandiceLue>

Sent: Wednesday, April 5, 2017 7:50 PM



To: Kaplan, AJ <AKaplan@seyfarth.com>

Cc: Whitman, Robert S. <RWhitman@seyfarth.com>

Subject: Re: Notice of Subpoena - Lue v. JPMorgan Chase & Co. et al (1:16-CV-03207)

Mr. Kaplan:

Pursuant to the email below, I am hereby once again asking that a copy of the Deposition transcript for Baruch Horowitz be sent to me at the address you have on record for me.

Respectfully,

Candice Lue

In a message dated 3/20/2017 6:24:46 P.M. Eastern Daylight Time, CandiceLue writes:

Dear Mr. Kaplan:

I am in receipt of the Notice of Subpoena you served on Baruch Horowitz to Testify at a Deposition in the above-captioned Civil Action.

I will not be able to attend the said Deposition on March 28, 2017 at 2:00 PM EST but I respectfully ask that a copy of the Deposition transcript be sent to me via U.S. Mail at my address on record.

Respectfully,

Candice Lue