**United States Court of Appeals for the Second Circuit**
**Thurgood Marshall U.S. Courthouse**
**40 Foley Square**
**New York, NY 10007**

**ROBERT A. KATZMANN**
**CHIEF JUDGE**

Date: August 06, 2018
Docket #: 18-1248cv
Short Title: Lue v. JPMorgan Chase & Co.

**CATHERINE O'HAGAN WOLFE**
**CLERK OF COURT**

DC Docket #: 16-cv-3207
DC Court: SDNY (NEW YORK CITY)
DC Judge: Gorenstein
DC Judge: Nathan

## NOTICE OF DEFECTIVE FILING

On August 1, 2018 the brief and appendix, on behalf of the Appellant, was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

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__X___ **Other: The brief and appendix must be bound.** ***See FRAP32.*** **The appendix must contain sequential numbering.** ***See LR32.1.***

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than August 27, 2018. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8612.

**Candice Lue**
[redacted]
Info@CandiceLue.com

August 10, 2018

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

Re: Notice of Defective Filing – Candice Lue, Appellant – Docket Number: 18 - 1248

To Whom It May Concern:

I am in receipt of your Notice of Defective Filing which the reason states "*Other: The brief and appendix must be bound. See FRAP 32. The appendix must contain sequential numbering. See LR32.1*."

However, FRAP 32(a)(3) Binding states: "*The brief must be bound in **any** manner that is secure, does not obscure the text, and permits the brief to lie reasonably flat when open*" and, both my Brief and Appendix were submitted to the Court perfectly secured with an appropriate binder clip that does not obscure the text and permits the Brief and the Appendix to lie flat when open. Also, please be advised that this is the same binding mechanism that I previously used to secure the two Writs of Mandamus I submitted to this Court without any issue (Please see Docket Number: 16–3873 and Docket Number: 17–2751).

In addition, as it relates to a Cover for the Brief and Appendix, FRAP 32(a)(2) makes it explicitly clear that "Cover" does not apply to *pro se* appellants: "***Except for filings by unrepresented parties**, the cover of the appellant's brief must be*…."

With regards to "sequential numbering", 32.1(b)(3) Sequential Numbering states: "*The pages of an appendix must contain sequential numbering. A Filing User must adjust the PDF of the appendix to recognize the Filing User's sequential numbering scheme in the PDF's page search field. The pages of an appendix may be printed on both sides*". Please note that as a "paper filer" my Appendix was not submitted in PDF format so sequential numbering as it relates "*to recogniz[ing] the Filing User's sequential numbering scheme in the PDF's page search field*" is not possible for me to do from my end. However, I did number the pages so that **ALL** 242 pages

of the Appendix are accounted for (please see the numbering under "Page" on the right hand side of the Appendix's Table of Contents pages) with all the cover pages for the items listed in the said Table of Contents sequentially numbered (please see the first numbers in the numbering sequence under "Page" on the right hand side of the Appendix's Table of Contents pages).

Please be advised that the pages in between the sequentially numbered cover pages of the Appendix represent photocopies of documents found in the record and printed judicial or agency decision pursuant to 32(b)(2) which states: "*An appendix may include a legible photocopy of any document found in the record or of a printed judicial or agency decision*".

These photocopied documents which in most cases have multiple pages (up to 25 or even more) were pre-numbered so I individually counted each of these pre-numbered pages and sequentially numbered the cover pages for each item in the Appendix ignoring the pre-numbering on the said photocopied documents (please see the numbering under "Page" on the right hand side of the Appendix's Table of Contents. The first number represents the sequential numbering of the item's cover page). With that said, when the Appendix is scanned by your office, the PDF will "*recognize the sequential numbering scheme in the PDF's page search field*" as again, **ALL** 242 pages of the Appendix are accounted for and the numbering of the cover pages of each of the items in the Appendix's Table of Contents is "*adjusted*" accordingly.

In closing, I just want to reiterate that I am a *pro se* "paper filer" and as a paper filer, the afore-stated is the best that I can do to accommodate the Court. In conjunction, under Second Circuit Law, a *pro se* litigant is afforded "special solicitude" - *Graham v. Lewinski, 848 F. 2d 342, 344 (2d Cir. 1988*) and, a *pro se* plaintiff is entitled to have her pleadings held to "less stringent standards than formal pleadings drafted by lawyers" - *Haines v. Kerner, 404 U.S. 519, 520 (1971)*.

I look forward to a prompt response from you.

Respectfully,

Candice Lue

Attachment: Copy of Notice of Defective Filing

Certificate of Mailing

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

# APPENDIX OF APPELLANT CANDICE LUE

Candice Lue, Pro Se
[redacted]

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