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/"Court Docket Summary" of December 4, 2017 – Docket # 134**

I. ARGUMENT

Conspicuously missing in action from Judge Alison J. Nathan's Order/"Court Docket Summary" of December 4, 2017 is the multi-billion dollar, powerful Defendants' August 1, 2017 Letter Motion under the guise of "conference" (docket # 113) in which they requested and Judge Alison J. Nathan prejudicially granted their said request to have my submissions in Opposition/Response to their Motion for Summary Judgment to have my lawsuit dismissed with prejudice stricken from the Court's docket **in its entirety** because my said Opposition/Response MADE 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 the said 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) said Defendants/Declarants LIED under Penalty of Perjury, **A CRIME** pursuant to 18 USC § 1621.

This said August 1, 2017 Letter Motion (docket # 113) which Judge Alison J. Nathan has surreptitiously omitted from her Order/"Court Docket Summary" of December 4, 2017 and of which to date, December 11, 2017 I have **not** received a paper copy pursuant to 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*" (Exhibit YY attached) and for which the Defendants' attorney only filed a **false** Affidavit of Service with the Court on August 15, 2017 – two weeks after their said Letter Motion was filed (docket # 122), is the impetus for Judge Alison J. Nathan's now fixated "prescribed page limits" (please note that I have reported the non-compliance of Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases - Filing of Papers # 3" to the Court on several occasions but in Judge Nathan's usual condescending and prejudicial manner, she has totally ignored me[1]).

As the record clearly shows (Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases" revised August 10, 2017 - Exhibit YY attached), these "*Court prescribed page limits*" were prejudicially implemented on **August 10, 2017** by Judge Alison J. Nathan, **TEN (10) DAYS AFTER** I properly submitted my "Memorandum of Law in Opposition/Response to the **NINE (9)** Defendants' Motion for Summary Judgment", my "Affidavit in Response/Opposition to the **NINE (9)** Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1" and my eight (8) Affidavits in Opposition/Response to the Defendants'/Declarants' **EIGHT (8)** Declarations aka LIES under Penalty of Perjury so that on **August 11, 2017** she could prejudicially rule in favor of the Defendants by granting their August 1, 2017 Letter Motion in its entirety (docket #s 113 & 120).

The record also clearly shows that prior to August 10, 2017, Judge Alison J. Nathan's "Special Rules of Practice in Civil Pro Se Cases" had NO page limits (Judge Nathan's "Special

[1] Judge Alison J. Nathan omitting to mention this Letter Motion filing in her Order/"Court Docket Summary" of December 4, 2017 has now raised my suspicions as to why to date, December 11, 2017, I have not received a paper copy from the Defendants' attorney even after several requests (see August 8, 2017 email trail attached).

Rules of Practice in Civil Pro Se Cases" revised May 23, 2012 - Exhibit YY attached - which was in effect and fine for more than 5 years) meaning that these "page limits" were **only** "*prescribed*" **AFTER** and **IN RESPONSE TO** the multi-billion dollar, powerful Defendants' Letter Motion (docket # 113) that the said Defendants', JPMorgan Chase & Co., et al, attorney filed on August 1, 2017 to have my said Opposition/Response to their Motion for Summary Judgment to dismiss my lawsuit with prejudice stricken from the Court's docket because, per their said Letter Motion: "*Defendants and this Court should not be burdened with reviewing and responding to these excessive and non-compliant filings* **[my filings may have been "excessive and non-compliant" for one (1) Defendant but my lawsuit consists of NINE (9) Defendants each of whom is requesting that my Causes of Action against them be dismissed with prejudice and for each of whom I have to provide PERTINENT arguments and accompanying evidence to show that each of them is a PROPER Defendant]**. *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*"[2] (see August 8, 2017 email trail attached)…. And Voila! **EVERYTHING** was stricken from the Court's docket by Judge Alison J. Nathan – Making it more abundantly clear that Judge Alison J. Nathan was being intentionally disingenuous and prejudicial when she surreptitiously omitted to mention the multi-billion dollar, powerful Defendants' August 1, 2017 Letter Motion (docket # 113) in her Order/"Court Docket Summary" of December 4, 2017.

The documents that were prejudicially stricken by Judge Alison J. Nathan from the Court's docket include the Subpoena that was PROPERLY[3] issued by the Clerk of Court to me, my eight

[2] "Practices" which per page 1 of Judge Nathan's "Individual Practices in Civil Cases" revised **July 25, 2017** – Exhibit YY attached – less than a week prior to me submitting my Opposition/Response to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice, never applied to me, pro se Plaintiff, Candice Lue.

[3] Contrary to the PROVEN LIES the Defendants' attorney, Anshel Kaplan stated in his August 1, 2017 Letter Motion (docket # 113), 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 trail dated April 27, 2017 evidence attached). Plus, I was blown away when I saw the LIES in the said Declaration and that was when the need arose to subpoena Mr. Horowitz's personnel file and performance reviews from his previous employer, Defendant JPMorgan Chase & Co. on whose behalf Mr. Horowitz was making the Declaration.

(8) Affidavits in Opposition/Response[4] to the Defendants'/Declarants' EIGHT (8) Declarations aka LIES under Penalty of Perjury which, by the Rule of Law, Affidavits are **not** subjected to page limits and in some cases the Defendants'/Declarants' said Declarations consisted of more pages than my Affidavits, my almost 500 pages (per the Defendants' Letter Motion of August 1, 2017, "*493 pages*") of shared[5] evidence in the form of Exhibits whereby **EVERY** Exhibit that I presented in support of my Oppositions/Responses was referenced individually and/or collectively, where there was more than one piece of evidence available, **by first providing the name of the Exhibit then identifying the document either by a JPMorgan Chase reference number at the bottom of the email page, the sender's name, date and/or time that the email was sent, providing initialed notes and clarity on some of the said emails, etc. - Meaning that every piece of evidence in the form of Exhibits that I provided is PERTINENT and was not just a dump as shown in Exhibit XX[6] attached** – Bearing in mind that pursuant to the Rule of Law, PERTINENT evidence in the form of Exhibits are **not** subjected to page limits.

In light of the foregoing, anyone of reasonable mind can see that Judge Alison J. Nathan not only updated her "Special Rules of Practice in Civil Pro Se Cases", **TEN (10) DAYS AFTER** I submitted my Opposition/Response to the Defendants' Motion for Summary Judgment so that she could prejudicially grant the multi-billion dollar Defendants', JPMorgan Chase & Co., et al, August 1, 2017 Letter Motion (docket # 113) but ALL my submissions in Opposition/Response to the NINE (9) Defendants' Motion for Summary Judgment to have my lawsuit dismissed with prejudice,

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[4] These Affidavits were NOT initiated by me. They were in **Opposition/Response** to the Defendants' Declarations aka LIES UNDER PENALTY OF PERJURY.

[5] "Shared" meaning that these evidence in the form of Exhibits were shared and/or referenced among/in regards to my Opposition/Response to the NINE (9) Defendants' Memorandum of Law in Support of their Motion for Summary Judgment, my "Affidavit in Response/Opposition to the NINE (9) Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1 and my eight (8) Affidavits in Opposition/Response to the Defendants'/Declarants' EIGHT (8) Declarations.

[6] **DUMP PILES OF THOUSANDS OF EMAILS** that were sent to me by the Defendants' attorney and which I had to burn the midnight oil, pull all nighters, take time off from work **without pay** and work through my sickness (as evidenced in my "Addendum to Response to Judge Alison J. Nathan's Order of August 11, 2017 – Docket # 120" – Docket # 124) while working a full-time job, to go through EVERY single one in order to gather and submit evidence against the said Defendants. Yet, Judge Nathan is ignoring that fact and ruling that my Opposition/Responses to the multi-billion dollar, favored Defendants' Motion for Summary Judgment which is less than one-fifth of the said Defendants' dump piles of thousands of emails is too "*overly burdensome*" for them to read and respond to. How fair.

including the ones which, by the Rule of Law, are **not** subjected to page limits, were prejudicially stricken from the Court's docket by Judge Alison J. Nathan BECAUSE my said Opposition/Response MADE 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) said Defendants/Declarants LIED under Penalty of Perjury, **A CRIME** pursuant to 18 USC § 1621.

The following is my paragraph by paragraph response to Judge Nathan's December 4, 2017 Order/"Court Docket Summary":

Because I work a full-time job and after seeing the **PLETHORA OF LIES** in the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice including the LIES in the Defendants'/Declarants' Declarations "*pursuant to 28 U.S.C § 1746*" (docket #s 92 – 99), on two occasions, I had to request and was granted the consent of the Defendants' attorney for an extension of time to adequately prepare and file my Oppositions/Responses to the said Motion for Summary Judgment which included having to go through the DUMP PILES OF THOUSANDS OF EMAILS that were sent to me by the Defendants' attorney (see Exhibit XX attached) from which up to or more than half of the almost 500 pages (per the Defendants' Letter Motion of August 1, 2017, "*493 pages*") of evidence in the form of Exhibits that I submitted with my said Opposition/Response (almost 500 out of the "*papers totaling roughly 800 pages*") were retrieved.

Having said that, Judge Alison J. Nathan's statement that "*Plaintiff ultimately submitted opposition papers totaling roughly 800 pages*", to rationalize her biased and grossly prejudicial Orders of August 11 and August 21, 2017, is disingenuous.

First off, almost 500 pages (per the Defendants' Letter Motion of August 1, 2017, "*493 pages*") of the "*roughly 800 pages*" of evidence (which, by the Rule of Law, are **NOT** subjected to page limits) in the form of Exhibits as PROOF OF MY CLAIMS should not constitute "*overly*

burdensome" for Judge Nathan to strike them from the Court's docket as, pursuant to Local Civil Rules 56.2 and 12.1, respectively: *if you have proof of your claim,* ***now is the time to submit it***" - Again, bearing in mind that **EVERY** Exhibit in the form of evidence that I presented in support of my said Opposition/Response was referenced individually and/or collectively, where there was more than one piece of evidence available, **by first providing the name of the Exhibit then identifying the document either by a JPMorgan Chase reference number at the bottom of the email page, the sender's name, date and/or time that the email was sent, providing initialed notes and clarity on some of the said emails, etc. – Meaning that every piece of evidence in the form of Exhibits that I provided is PERTINENT and was not just a dump as shown in Exhibit XX attached.**

In addition, my eight (8) Affidavits in Opposition/Response[7] to the Defendants'/Declarants' eight (8) Declarations aka LIES under Penalty of Perjury which constitute part of the "*roughly 800 pages*" and which, by the Rule of Law, are **NOT** subjected to page limits and the contents of which are in **direct response** to the said Defendants'/Declarants' character and the numbered statements in the said Defendants'/Declarants' Declarations, should not be deemed as "*overly burdensome*" for Judge Nathan to strike them from the Court's docket. Unless, Judge Nathan will stop eluding my Constitutional demands as articulated in pages 9 through 13 of my "Response to Judge Alison J. Nathan's Order of October 31, 2017" (docket # 129) and pages 7 through 12 of my "Response to Judge Alison J. Nathan's Order of November 20, 2017" (docket # 132), respectively, and provide an explanation pursuant to the Rights afforded me under the Fifth and Fourteenth Amendments of the U.S. Constitution as it relates 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 it relates to "*198-page Memorandum of Law*", my lawsuit consists of **NINE (9) Defendants**, each of whom in their PLETHORA OF LIES, that I have to oppose/respond to, is

[7] These Affidavits were NOT initiated by me. They were in **Opposition/Response** to the Defendants' Declarations aka LIES UNDER PENALTY OF PERJURY.

requesting that Judge Alison J. Nathan, who is severely biased against me, poor, Black, pro se Plaintiff, Candice Lue, dismiss the Causes of Action I have brought against them with prejudice. So, how on God's green earth can anyone of reasonable mind think that Judge Nathan's newly and prejudicially implemented "25 page limit" (the said page limit that is applicable to ONE (1) Defendant/Party in any other lawsuit and double-spaced at that), could be adequate to oppose/respond to **NINE (9) Defendants**, each of whom I have to oppose/respond to their request to have Judge Nathan, dismiss with prejudice, the Causes of Action I have brought against them? - Bearing in mind that if each of the said Defendants had a separate attorney who was submitting a separate Memorandum of Law on each of them behalf and I was opposing/responding to each of those Memorandum of Laws separately, the total pages could have easily been in the realm of 225 pages ("25 page limit" x 9) which is 27 pages MORE than my current 198 pages.

As is clearly articulated and evidenced in my "Addendum to Response to Judge Alison J. Nathan's Order of August 11, 2017" (Docket # 124), I petitioned the Court/Judge Alison J. Nathan to reconsider her, with all due respect, biased and grossly prejudicial Order of August 11, 2017, which was borne out of the Defendants' barefaced August 1, 2017 Letter Motion (docket # 113), as the said Order was financially[8] and inhumanely[9] burdensome for me to comply with, and of course, Judge Nathan heartlessly denied the said petition.

With regards to Judge Alison J. Nathan's statement that "*The Court subsequently provided clarity on the exact page limits to which Plaintiff's submission must abide*", I certainly did not ask

[8] Because of my Somatisation/Somatoform and Psychosomatic Disorders (Exhibit ZZ attached) condition due to the amount of stress the Defendants' violation of my Civil and Constitutional Rights under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 and this lawsuit has caused me, between June and July of 2017, I incurred up to $1,000 in medical bills (proofs of which were submitted to the Court). In conjunction, I had to take off two sick days, May 8 and May 9, 2017 (proof of which was submitted to the Court) **without pay** for my said ailments causing me loss of income. I also had to take two days off from work **without pay** to complete my Opposition/Response to the Defendants' Motion for Summary Judgment (proofs of which were submitted to the Court). In addition, I had to pay for notary services for ALL TEN (10) of my said Opposition/Responses, purchase a lot of ink and paper for my printer to print off those said Opposition/Responses and to ensure that my filings were received in the Pro Se Intake Unit of the Southern District Court on time, I had to pay for the more expensive priority postage.

[9] I had to burn the midnight oil, pull all nighters and work through my sickness to complete my Oppositions/Responses to the Defendants' PLETHORA OF LIES in their Motion for Summary Judgment to dismiss my lawsuit with prejudice which included going through EVERY single page of the thousands of **dump emails** the Defendants' attorney sent me in order to gather and submit evidence against the said Defendants. I had to do all this while working a full-time job.

for the Court in my August 22, 2017 Response to Judge Alison J. Nathan's Order of August 21, 2017 (docket # 126) to "clarify" that "*Plaintiff's Memorandum of Law shall be limited to 25 pages"* and *"Plaintiff's Rule 56.1 statement response limited to 50 pages*" as per Judge Nathan's "clarification" of August 31, 2017 (docket # 127) as such petty request would be a waste of the Court's time.

The questions I asked in my said Response to Judge Alison J. Nathan's Order of August 21, 2017 (docket # 126), as anyone of reasonable mind can see, had to do with the Fifth and Fourteenth Amendment Rights I am afforded under the Constitution of the United States of America. Case in point, the first question I asked in my said Response (docket # 126) was "*Judge Alison J. Nathan has stricken the Eight (8) sworn Affidavits* [which, by the Rule of Law, are **not** subjected to page limits] *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*?" In other words, if there is no page limit on Affidavits, why were my eight (8) Affidavits in Opposition/Response to the Defendants' eight (8) Declarations aka LIES under Penalty of Perjury STRICKEN from the Court's docket by Judge Nathan and, why to date is Judge Nathan eluding my Constitutional demands as articulated in pages 9 through 13 of my "Response to Judge Alison J. Nathan's Order of October 31, 2017" (docket # 129) and pages 7 through 12 of my "Response to Judge Alison J. Nathan's Order of November 20, 2017" (docket # 132), respectively, with regards to these said Affidavits?

As it relates to Judge Alison J. Nathan's statement: "*Instead, Plaintiff appealed to the Second Circuit, seeking a writ of mandamus and an emergency stay*.....", I sought a Petition for the Issuance of a Writ of Mandamus and an Emergency Stay from the Second Circuit Court of Appeals in an attempt to stop Judge Nathan from violating my Fifth and Fourteenth Amendment Rights to Procedural Due Process. As, Judge Alison J. Nathan's Order of August 21, 2017 clearly stated that: "……*The Court hereby orders that Plaintiff shall submit opposition to Defendants' Motion for*

Summary Judgment in accordance with the Court's Individual Practices in Civil Cases [which per her said "Individual Practices" does **not** apply to pro se litigants] *by* ***September 8, 2017*** *or the Court will consider the motion* ***unopposed and fully submitted***" (docket # 125) which could not have been FARTHEST FROM THE TRUTH. With that said, my said Petition for an "Emergency Motion for Stay Pending Petition for a Writ of Mandamus and for a Temporary Administrative Stay Pending Full Consideration of This Motion" was filed on September 1, 2017.

However, pursuant to the "Mandate" of the United States Court of Appeals for The Second Circuit (docket # 133 of the above-referenced Civil Action), this said Court, in COLLUSION with Judge Alison J. Nathan, denied my Petition for the Issuance of a Writ of Mandamus to vacate Judge Alison J. Nathan's biased and grossly prejudicial Orders of August 11 and August 21, 2017 and to restore to the Court's docket my Opposition/Responses to the Defendants' Motion for Summary Judgment (Docket #s 106-112 and 114-118) which were properly submitted and filed by July 31, 2017 (USCA Case Number 17-2751).

In any event, because I am still trying my hardest to have faith in the INTEGRITY of the U.S. Judiciary, I will give the judges of the United States Court of Appeals for The Second Circuit, who denied my said Petition, the benefit of the doubt that because ALL my submissions in Opposition/Response to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice were stricken from the Court's docket by Judge Alison J. Nathan and because I did NOT attach copies of my said submissions to the said Petition due to time constraint[10], which include me having to work a full-time job and Judge Nathan's August 21, 2017 Order being effective on September 8, 2017 (the week of which included the Labor Day holiday thus I had to request an Emergency Stay - USCA Case Number 17-2751), these judges might not have seen what my actual submissions in Opposition/Response to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice entail.

[10] At the time it was my conviction that even though the submissions were stricken from the docket, they were still in the Court so the judges of the United States Court of Appeals for The Second Circuit could have still had access to them.

With that said, their decision to deny my said Petition for the Issuance of a Writ of Mandamus, in large part, could have very well (which I wholeheartedly believe it was thus the "COLLUSION") been made based on Judge Alison J. Nathan's disingenuous statement in her December 4, 2017 Order of me submitting "*papers totaling roughly 800 pages*" – almost 500 pages (per the Defendants' Letter Motion of August 1, 2017, "*493 pages*") of which were evidence in the form of Exhibits (PROOFS OF MY CLAIMS). That is why the articulation in the United States Court of Appeals for The Second Circuit denial of my Petition for the Issuance of a Writ of Mandamus (docket # 133 of the above-referenced Civil Action) which states: "*Petitioner, pro se, has filed a petition for a writ of mandamus seeking to compel the district court to accept her* ***over-long opposition*** *to the defendants' summary judgment motion*" is so eerily similar to Judge Nathan's said disingenuous statement. Because, the judges of the United States Court of Appeals for The Second Circuit who denied my Petition should have at least known that, for example, the almost 500 pages (per the Defendants' Letter Motion of August 1, 2017, "*493 pages*") of evidence (which, by the Rule of Law, are **not** subjected to page limits) in the form of Exhibits of the "*roughly 800 pages*" should not constitute "*over-long opposition to the defendants' summary judgment motion*".

Another conspicuously "missing in action" as it relates to Judge Alison J. Nathan's Orders, is her Order of November 16, 2017. On page 1 continuing onto page 2 of Judge Nathan's December 4, 2017 Order (docket # 134), she states: "*Following this saga…. Plaintiff responded on November 28, 2017, deeming the Court's November 20 Order a "farce" and the Second Circuit's November 6 Orders as having been issued 'in collusion" with the District Court*".

However, just to correct this statement by Judge Nathan, it was NOT "*the Court's*"/Judge Nathan's "*November 20 Order*" that I deemed "*a* "*farce*" but it was her Order of November 16, 2017 as stated in the caption of my "Response to Judge Alison J. Nathan's Order of November 20, 2017" (Docket # 132) and in the first paragraph of the "**ARGUMENT**" section of my said Response which states: "*First off, since the ruling by the Second Circuit Court of Appeals to deny*

the Petition for Issuance of a Writ of Mandamus to vacate Judge Alison J. Nathan Orders of August 11 and August 21, 2017, which her August 31, 2017 Order encompassed was done on November 6, 2017, as the main party to this Petition, Judge Alison J. Nathan should have been aware of the said ruling when she made her November 16, 2017 Order (docket # 130) which as I said "from the moment I read Judge Alison Nathan's Order of November 16, 2017, I knew it was a ***FARCE***". As it relates to "*in collusion*", I respectfully ask that the Court see my statements above.

Judge Alison J. Nathan ended off her December 4, 2017 Order/"Court Docket Summary" by stating: "*Should Plaintiff submit her opposition, Defendants' replies,* ***if any****, will be due by January 12, 201[8]*."

With all due respect, really? So Judge Alison J. Nathan who, pursuant to her OATH OF OFFICE, 28 U.S. CODE § 453, swore to preserve the INTEGRITY of the Judiciary by upholding the Laws of the U.S. Constitution is saying that the Defendants and their attorneys who LIED under PENALTY OF PERJURY which is a CRIME pursuant to 18 USC §§ 1621 and 1622 do not have to answer to this criminal charge if they don't want to?

No wonder why Judge Nathan is so fixated on prejudicially ordering that I get rid of **NINETY PERCENT (90%)** of my PERTINENT and evidenced arguments against each of the **NINE (9)** Defendants which 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) said Defendants/Declarants LIED under Penalty of Perjury, **A CRIME** pursuant to 18 USC § 1621.

These said PERTINENT and evidenced arguments include my request that five (5) of the eight (8) Defendants/Declarants, pursuant to Rule 56(d) of Federal Rules of Civil Procedure – "When Facts Are Unavailable To The Nonmovant" which states: "*If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its*

opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order" **and** St. Mary's Honor Center v. Hicks, 509 U.S. at 511 which states "*In order to rebut the inference of discrimination, the employer must articulate, through admissible evidence, a legitimate, nondiscriminatory reason for its actions. The employer's burden is one of production, not persuasion; the ultimate burden of persuasion always remains with the plaintiff*", produce evidence to support the LIES in their Declarations "*pursuant to 28 U.S.C § 1746*" (docket #s 92 – 99) which, coincidentally, is the ONLY way that they can prove that statements that they made "*pursuant to 28 U.S.C § 1746*" (docket #s 92 – 99) are "*true and correct*".

Now, anyone of reasonable mind can understand why my evidence in the form of Exhibits (PROOFS OF MY CLAIMS) is almost 500 pages (per the Defendants' Letter Motion of August 1, 2017, "*493 pages*") and the evidence produced by the Defendants, as in the case with the said Defendants' "star witness" Baruch Horowitz's Declaration "*pursuant to 28 U.S.C § 1746*" (docket #s 99) from whom the phrase "*The Baruch Horowitz Lie*" was coined, is **ZERO** – It is because, unlike the Defendants/Declarants, I AM TELLING THE TRUTH and the Defendants have not or cannot produced any evidence, solid or otherwise, to discredit my said truth.

It was because I was so blown away by the UNSUPPORTED LIES "*pursuant to 28 U.S.C § 1746*"[11] in Declarant, Baruch Horowitz's Declaration (docket # 99) that the need arose for me to subpoena Mr. Horowitz's personnel file and performance reviews from his previous employer, Defendant JPMorgan Chase & Co. on whose behalf Mr. Horowitz was making the statements in his Declaration. However, as articulated in my "Response to Judge Alison J. Nathan's Order of November 20, 2017" (docket # 132), this subpoena has been stricken by Judge Alison J. Nathan in her quest to SHELTER the said Defendants from providing evidence that would be detrimental to their arguments/LIES. With that said and based on the preceding arguments with regards to my

[11] That is why lying under Penalty of Perjury is a serious crime because unless called out, as I have done or at least am trying to do, if I can get around the blockade - Judge Alison J. Nathan, making statements "*pursuant to 28 U.S.C § 1746*" is almost as acceptable in a Court of Law as any physical evidence.

Affidavits, etc. which Judge Nathan has also stricken from the Court's docket, with all due respect, Judge Nathan, you are aiding and abetting PERJURY which, as you know, is a CRIME pursuant to 18 USC § 1621.

II. CONCLUSION

In light of the foregoing, any ruling by Judge Alison J. Nathan that states that my Opposition/Response to the Defendants' CRIMINAL Motion for Summary Judgment to dismiss my lawsuit with prejudice is "*unopposed and submitted*", as she has threatened, continues to threaten and which couldn't be **FARTHEST** from **THE TRUTH**, would not only be **INJUSTICE** to the highest level and a DISGRACE to the U.S. Judiciary but it would be aiding and abetting PERJURY and would be in violation of my Fifth and Fourteenth Amendment Rights as it relates to Procedural Due Process which state: "*the judge must protect the [Party's] due-process rights by ensuring the [Party] understands every phase of the proceedings*"), Rule 12(d) of Federal Rules of Civil Procedure which states "….*All parties must be given a reasonable opportunity to present* ***all*** *the material that is* ***pertinent*** *to the motion*" and Local Civil Rules 56.2 and 12.1 which respectively state that: *if you have proof of your claim,* ***now is the time to submit it***".

With that said and pursuant to her OATH OF OFFICE, 28 U.S. CODE § 453, Judge Alison J. Nathan must preserve the INTEGRITY of the Judiciary by **DENYING** the NINE (9) Defendants' CRIMINAL Motion for Summary Judgment to dismiss my lawsuit:

Pursuant to The Equal Employment Opportunity Commission (EEOC) Compliance Manual - Section 15 - Race and Color Discrimination - V(A)(2) – EMPLOYER CREDIBILITY which states: "*The credibility of the employer's explanation is key and must be judged in light of all the evidence obtained during the investigation. If an employer's explanation for the employee's treatment ultimately is not credible, that is powerful evidence that discrimination is the most likely explanation.(59) An employer's credibility will be undermined if its explanation is unsupported by*

or contrary to the balance of the facts. Similarly, the credibility of the explanation can be called into question if it is unduly vague,(60) appears to be an after-the-fact explanation, or appears otherwise fabricated (e.g., the explanation shifts, or inconsistent reasons are given)";

Pursuant to Ante, at 521-522. Under McDonnell Douglas and Burdine which states: "*AN EMPLOYER CAUGHT IN A LIE will lose on the merits, subjecting himself to liability not only for damages, but also for the prevailing plaintiff's attorney's fees, including, presumably, fees for the extra time spent to show pretext. See 42 U. S. C. § 2000e-5(k) (1988 ed., Supp. III) (providing for an award of a "reasonable attorney's fee" to the "prevailing party" in a Title VII action)*";

Pursuant to 18 USC § 1621 – PENALTY OF PERJURY which states: "*Those who are caught knowingly misleading a court face serious criminal charges of perjury* (felony)" and

Pursuant to 18 USC § 4 - MISPRISION OF FELONY which states: "*Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some **JUDGE** or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both*".

DATED: December 11, 2017

CANDICE LUE

_____

Signature

[redacted]

Address

[redacted]

City, State, Zip Code

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Candice Lue,

Plaintiff,

–v–

JPMorgan Chase & Co., *et al.*,

Defendants.

16-CV-3207 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On May 9, 2017, Defendants moved for summary judgment. *See* Dkt. Nos. 89-100. After receiving the Court's approval of two requests for extensions of time to oppose Defendants' motion for summary judgment, *see* Dkt. Nos. 103, 105, Plaintiff ultimately submitted opposition papers totaling roughly 800 pages, including a 198-page Memorandum of Law. The Court struck the submissions as "overly burdensome," and ordered Plaintiff to resubmit revised submissions within certain page limits. *See* Dkt. No. 120. Plaintiff petitioned the Court to reconsider; the Court denied this request, but extended Plaintiff's deadline for her revised submissions. *See* Dkt. No. 125. The Court subsequently provided clarity on the exact page limits to which Plaintiff's submissions must abide, and extended her filing deadline once more. *See* Dkt. No. 127. Instead, Plaintiff appealed to the Second Circuit, seeking a writ of mandamus and an emergency stay. *See* No. 17-2751, Dkt. No. 1 (2d Cir. Sept. 1, 2017). The Court of Appeals denied Plaintiff's motion on November 6, 2017. *See* No. 17-2751, Dkt. No. 22-23 (2d Cir.).

Following this saga, on November 20, 2017, the Court ordered Plaintiff "to submit her opposition to Defendants' motions for summary judgment within the Court's prescribed page limits by December 1, 2017 or the Court will consider the motions unopposed and fully submitted." Dkt. No. 131 (emphasis in original). Plaintiff responded on November 28, 2017,

deeming the Court's November 20 Order a "farce" and the Second Circuit's November 6 Orders as having been issued "in collusion" with the District Court. Dkt. No. 132. Plaintiff has not, however, submitted her revised opposition to Defendants' motion for summary judgment.

Plaintiff has until **December 29, 2017** to submit her opposition with the prescribed page limits. This constitutes Plaintiff's last chance, and the Court will deem the motion unopposed and fully submitted if nothing is received on or before December 15. Should Plaintiff submit her opposition, Defendants' replies, if any, will be due by January 12, 2017.

This Order will be mailed to Plaintiff, who appears *pro se*.

SO ORDERED.

Dated: December 4, 2017
New York, New York

ALISON J. NATHAN
United States District Judge

Subject: **Re: Notice of Subpoena - Lue v. JPMorgan Chase & Co. et al (1:16-CV-03207)**
Date: 4/27/2017 7:00:18 PM Eastern Standard Time
From: CandiceLue[redacted]
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
>
> SEYFARTH SHAW
>
>
>
> **From:** CandiceLue[redacted] [mailto:CandiceLue[redacted]
> **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
> 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
>
> SEYFARTH SHAW
>
>
>
> **From:** CandiceLue[redacted]mailto:CandiceLue[redacted]
> **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[redacted] 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

Subj: **Re: Extension for Reply and August 1, 2017 Letter Motion**
Date: 8/8/2017 8:26:29 P.M. Eastern Daylight Time
From: CandiceLue[redacted]
To: AKaplan@seyfarth.com
CC: RWhitman@seyfarth.com

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
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

SEYFARTH SHAW

From: CandiceLue[redacted] [mailto: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]

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, CandiceLue[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

[redacted]

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.

Please advise as soon as possible whether you consent to the extension.

Thanks,

AJ

August 1, 2017

Via ECF

The Honorable Alison J. Nathan
United States District Court for the
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *Lue v. JPMorgan Chase & Co., et al.*, No. 16 CV 3207 (AJN) (GWG)

Dear Judge Nathan:

[redacted]

This firm is counsel for the Defendants in the above-referenced action. 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.

Plaintiff's opposition papers consist of the following:

- An 80-page "Affidavit in Response/Opposition" to Defendants' 56.1 Statement;

- A 198-page Memorandum of Law in Opposition to the Motion;

- Eight affidavits, ranging from nine to 40 pages each, totaling 169 pages in length, in response to the Declarations submitted with the Motion;

- 493 pages of exhibits, dozens of which contain hand-written, purportedly explanatory, addenda; and

- A subpoena issued to Defendant JPMorgan Chase & Co. to compel production of certain files regarding one of Defendants' summary judgment declarants, a former company employee.

With respect to Plaintiff's response to the 56.1 statement, section 3(G)(iv) of the Practices provides: "An opposing party's response to the moving party's Rule 56.1 statement shall be no longer than 50 pages . . . ." As noted above, Plaintiff's response is *80* pages.

Additionally, Local Civil Rule 56.1(b) provides:

The papers opposing a motion for summary judgment shall include . . . if necessary, additional paragraphs containing a separate, short and concise statement of additional material facts as to which it is contended that there exists a genuine issue to be tried.

Plaintiff's response is neither short nor concise. As just one example, ¶ 16 of Defendants' 56.1 Statement states:

> As a Reporting Analyst, Plaintiff's job description states that "Specific responsibilities will include: . . . Contributing to team-wide efforts such as . . . preparing management presentations . . . ." (Am. Compl., Ex. H.)

Plaintiff's response to that single paragraph is *two-and-a-half pages*. She does not dispute that the job description says what Defendants say it does, but instead engages in a merits-based argument that the job description *should not mean* what she believes Defendants assert it to mean. *See* Response to ¶ 16 ("The true interpretation of and what correlates with "*preparing management presentations*" is the caliber of presentations the candidate sought for the Credit Reporting Risk Analyst position should be able to produce and present."). This is improper. *See Rodriguez v. Schneider*, No. 95 CIV. 4083 (RPP), 1999 WL 459813, at *1 n.3 (S.D.N.Y. June 29, 1999) ("*Rule 56.1 statements are not argument.* They should contain factual assertions, with citation to the record. They should not contain conclusions, and they should be neither the source nor the result of 'cut-and-paste' efforts with the memorandum of law") (emphasis in original), *aff'd*, 56 F. App'x 27 (2d Cir. 2003).

Plaintiff's memorandum of law is also non-compliant. Section 3(B) of the Practices provides: "The Court encourages and appreciates brevity. Unless prior permission has been granted, memoranda of law in support of and in opposition to

motions are limited to 25 pages . . . ." Plaintiff's memorandum of law is *198* pages, nearly eight times the allowed limit.

Finally, Plaintiff's opposition papers include a subpoena on Defendant JPMorgan Chase & Co. seeking (i) a copy of the personnel file of Baruch Horowitz, a former employee who provided a declaration in support of the Motion, and (ii) a copy of Mr. Horowitz's performance reviews.[1] Discovery in this matter has been closed for more than four months. (*See* ECF No. 71.) Plaintiff has not proffered any reason why discovery should be reopened to permit these document requests, especially where Mr. Horowitz's identity was known to Plaintiff during discovery and he was included (albeit not by name) in her Initial Disclosures as a potential witness. Moreover, on or about March 15, 2017, Defendants served a subpoena on Mr. Horowitz to testify at a deposition on March 28. Plaintiff was duly served with a copy of the subpoena, but advised the undersigned that she would not participate in the deposition, asking instead to be sent a copy of the transcript. Ultimately, by agreement with Mr. Horowitz, the deposition did not occur, and he instead provided the declaration, a copy of which was served on Plaintiff in advance of Defendants' summary judgment papers. If Plaintiff had wished to conduct discovery concerning Mr. Horowitz, including questioning him about his job duties or performance, the time to do so was during the discovery period, not now.

Defendants and this Court should not be burdened with reviewing and responding to these excessive and non-compliant filings. 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. Defendants further request that Plaintiff's subpoena be struck for the reasons stated above.[2]

On behalf of Defendants, we thank the Court for its time and attention.

Very truly yours,

SEYFARTH SHAW LLP

/s/ Anshel Joel Kaplan

Anshel Joel Kaplan

cc: Candice Lue (via first-class mail)
Robert S. Whitman, Esq. (by ECF)

[1] JPMorgan Chase & Co. is a named Defendant, not a third party, so the vehicle to request documents would be Rule 34, not a subpoena.

2 Plaintiff's opposition memorandum refers at various points to Fed.R.Civ.P. 56(d). If and when Plaintiff files revised papers, Defendants and the Court will be in a better position to evaluate whether there is a need for additional discovery pursuant to that rule in connection with Plaintiff's opposition.

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

SEYFARTH SHAW

From: CandiceLue[redacted] [mailto:CandiceLue[redacted]]
Sent: Friday, August 4, 2017 7:28 AM
To: Kaplan, AJ <AKaplan@seyfarth.com>
Cc: Whitman, Robert S. <RWhitman@seyfarth.com>
Subject: Re: Extension for Reply

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

[redacted]

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
> akaplan@seyfarth.com | www.seyfarth.com
>
> SEYFARTH SHAW
>
>

[1] JPMorgan Chase & Co. is a named Defendant, not a third party, so the vehicle to request documents would be Rule 34, not a subpoena.

[2] Plaintiff's opposition memorandum refers at various points to Fed.R.Civ.P. 56(d). If and when Plaintiff files revised papers, Defendants and the Court will be in a better position to evaluate whether there is a need for additional discovery pursuant to that rule in connection with Plaintiff's opposition.

[redacted] August 8, 2017 [redacted]

EXHIBIT XX

("Email Dump" I received from the Defendants attorney's office on March 21, 2017)


CANDICE LUE
PRIORITY OVERNIGHT
07644
EWR

EXHIBIT YY

(Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases" and "Individual Practices in Civil Cases")

Revised: July 25, 2017

INDIVIDUAL PRACTICES IN CIVIL CASES
ALISON J. NATHAN, United States District Judge

Chambers
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Courtroom
Quadri Scott, Courtroom Deputy
Courtroom 906
40 Foley Square
(212) 805-0142

Unless otherwise ordered by Judge Nathan, these Individual Practices apply to all civil matters except for civil *pro se* cases (see Rules for *Pro Se* Cases). In cases designated to be part of one of the Court's pilot programs or plans (*e.g.* the Section 1983 Plan or Initial Discovery Protocols for Employment Cases Alleging Adverse Action), those procedures shall govern to the extent that they are inconsistent with these Individual Practices.

1. Communications with Chambers

A. Letters. Except as otherwise provided below, communications with the Court shall be by letter filed on ECF. Letters may not exceed three pages in length (exclusive of exhibits or attachments). Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document). Unless otherwise noted, parties should not submit courtesy copies of letters filed on ECF.

B. Letters Containing Sensitive or Confidential Information. Letters that include requests to be filed under seal or that include sensitive or confidential information shall be emailed to the Court (NathanNYSDChambers@nysd.uscourts.gov) as .pdf attachments. Refer to Rule 4 for further instruction regarding requests for redactions and filing under seal.

C. Letter-Motions. Letter-motions may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. "Electronic Case Filing Rules and Instructions" (the "ECF Rules"). All requests for adjournments, extensions, and pre-motion conferences (including pre-motion conferences with respect to discovery disputes) shall be filed as letter-motions.

D. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time must be made in writing and filed on ECF as letter-motions, or submitted pursuant to Rule 1.B, if appropriate. Such requests must state: (i) the original date(s); (ii) the number of previous requests for adjournment or extension; (iii) whether these previous requests were granted or denied; and (iv) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. If the parties are requesting adjournment of a conference, they must also provide three mutually agreeable alternate conference dates. If the parties are

Revised: May 23, 2012

SPECIAL RULES OF PRACTICE IN CIVIL PRO SE CASES
ALISON J. NATHAN, UNITED STATES DISTRICT JUDGE

Pro Se Office
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007
(212) 805-0175

NOTHING in Judge Alison J. Nathan's "Special Rules of Practice in Civil Pro Se Cases" about "Page Limits". CL

COMMUNICATIONS

1. All communications with the Court by a *pro se* party should be mailed to the Pro Se Office, and must include an Affidavit of Service or other statement affirming that the *pro se* party sent copies to all other parties or to their counsel if they are represented. No document or filing should be sent directly to Chambers.

FILING OF PAPERS

2. All papers to be filed with the Court by a *pro se* party, along with any courtesy copies of those papers, should be sent to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York 10007. All papers must be accompanied by a proof of service affirming that the *pro se* party sent copies to all other parties or to their counsel if they are represented.

3. 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.

4. Counsel in *pro se* cases designated to the ECF system may waive paper service upon themselves and rely on service through the ECF system by electronically filing a Notice of Waiver of Paper Service and delivering a paper copy of such Notice to the *pro se* party (the form is available on the Court's Forms page on the website or at the Pro Se Office). Where such waiver is filed, the *pro se* party will no longer be required to (i) serve paper documents on the counsel who filed the waiver or (ii) file proof of service of such document. Counsel in *pro se* cases designated to the ECF system are strongly encouraged to file a Waiver of Paper Service.

DISCOVERY

5. All requests for discovery should be sent to counsel for the party. Discovery requests should not be sent to the Court.

MOTIONS

6. **Filing and Service**: Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within four weeks of the service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.

7. All motion papers should include one courtesy copy for the Court. All courtesy copies shall be clearly marked as such.

8. **Pro Se Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2

9. **Oral Argument**: Unless otherwise ordered by the Court, argument will not be heard in *pro se* matters.

INITIAL CASE MANAGEMENT CONFERENCE

10. The Court will generally schedule an initial case management conference within two months of the filing of the Complaint. Incarcerated parties may not be able to attend this or other conferences. If incarcerated parties do not have counsel, arrangements will be made for them to appear by telephone.

TRIAL DOCUMENTS

11. Within 30 days of the completion of discovery unless otherwise ordered by the Court, a *pro se* party shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the *pro se* party intends to prove at trial; (2) a list of all documents or other physical objects that the party plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses that the party intends to have testify at trial. The Statement must be sworn by the *pro se* party to be true and accurate based on the facts known by the party. The *pro se* party shall file an original of this Statement with the Pro Se Office and serve a copy on all other parties or their counsel if they are represented. The original Statement must include a certificate stating the date a copy was mailed to the other parties or their attorneys. Two weeks after service of *pro se* party's Statement, the other parties must file and serve a similar Statement of their case containing the same information.

12. Within 30 days of the completion of discovery, if the case is to be tried before only a Judge without a jury, any parties represented by counsel must submit proposed findings of fact and conclusions of law. If the case will be tried before a jury, any parties represented by counsel must submit a proposed jury charge. The *pro se* party may also file either proposed findings of fact and conclusions of law or a proposed jury charge within 30 days of the close of discovery, but is not required to do so.

✳ Revised: August 10, 2017

SPECIAL RULES OF PRACTICE IN CIVIL PRO SE CASES
ALISON J. NATHAN, UNITED STATES DISTRICT JUDGE

NOW in Judge Alison J. Nathan's "Special Rules of Practice in Civil Pro Se Cases" effective AUGUST 10, 2017 (10 DAYS AFTER MY JULY 31, 2017 OPPOSITION/RESPONSE SUBMISSION), Judge Nathan has updated this said document to include "Page Limits" to prejudicially rule against me. CL

Pro Se Intake Unit
United States District Court
of the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 200
New York, New York 10007 (212) 805-0175

COMMUNICATIONS

1. All communications with the Court by a *pro se* party should be mailed to the Pro Se Intake Unit. No document or filing should be sent directly to Chambers.

FILING OF PAPERS

2. All papers to be filed with the Court by a *pro se* party, along with any courtesy copies of those papers, should be sent to the Pro Se Intake Unit, Room 200, United States Courthouse, 500 Pearl Street, New York, New York 10007.

3. Parties 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.

DISCOVERY

4. All requests for discovery should be sent to counsel for the party. Discovery requests should not be sent to the Court. Please refer to the Pro Se Intake Unit's Discovery Guide.

MOTIONS

5. **Filing and Service**: Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within four weeks of the service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.

6. All motion papers should include one courtesy copy for the Court. All courtesy copies shall be clearly marked as such.

7. **Pro Se Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2

8. **Oral Argument**: Unless otherwise ordered by the Court, argument will not be heard in *pro se* matters.

9. **Pages Limits**:

    a. **Memoranda of law:** Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. All memoranda of law shall be in 12-point font or larger and be double-spaced.

    b. **Rule 56.1 statements:** Any Rule 56.1 statement in support of a motion for summary judgment is limited to no more than 25 pages unless leave of the Court to file a longer document is obtained at least one week prior to the due date of such motion for summary judgment. An opposing party's response to the moving party's Rule 56.1 statement shall be no longer than 50 pages, unless leave of the Court to file a longer document is obtained at least one week prior to the due date of such submission. If necessary, the opposing party may provide an additional Local Rule 56.1 statement containing a separate, short and concise statement of additional facts as to which it is contended that there exists a genuine issue to be tried. This submission shall be no longer than 25 pages.

TRIAL DOCUMENTS

10. Within 30 days of the completion of discovery unless otherwise ordered by the Court, a *pro se* party shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the *pro se* party intends to prove at trial; (2) a list of all documents or other physical objects that the party plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses that the party intends to have testify at trial. The Statement must be sworn by the *pro se* party to be true and accurate based on the facts known by the party. The *pro se* party shall file an original of this Statement with the Pro Se Intake Unit and serve a copy on all other parties or their counsel if they are represented. The original Statement must include a certificate stating the date a copy was mailed to the other parties or their attorneys. Two weeks after service of *pro se* party's Statement, the other parties must file and serve a similar Statement of their case containing the same information.

11. Within 30 days of the completion of discovery, if the case is to be tried before only a Judge without a jury, any parties represented by counsel must submit proposed findings of fact and conclusions of law. If the case will be tried before a jury, any parties represented by counsel must submit a proposed jury charge. The *pro se* party may also file either proposed findings of fact and conclusions of law or a proposed jury charge within 30 days of the close of discovery, but is not required to do so.

EXHIBIT ZZ

(Somatisation/Somatoform and Psychosomatic Disorders)

Patient

View this article online at: patient.info/health/somatisationsomatoform-disorders

Somatisation/Somatoform Disorders

When mental factors such as stress cause physical symptoms the condition is known as somatisation. **Somatoform disorders** are a severe form of **somatisation** where physical symptoms can cause great distress, often long-term. However, people with somatoform disorders are usually convinced that their symptoms have a physical cause.

Somatisation

What is somatisation?

When physical symptoms are caused by mental (psychological) or emotional factors it is called somatisation. For example, many people have occasional headaches caused by mental stress. But, stress and other mental health problems can cause many other physical symptoms such as:

- Chest pains
- Tiredness
- Dizziness
- Back pain
- Feeling sick (nauseated)

The term psychosomatic disorder means something similar to somatisation but includes other things. See separate leaflet called Psychosomatic Disorders for more details.

How can the mind cause physical symptoms?

The relationship between the mind and body is complex and not fully understood. When we somatise, somehow the mental or emotional problem is expressed partly, or mainly, as one or more physical symptoms. However, the symptoms are real and are not imagined. You feel the pain, have the diarrhoea, etc.

How common is somatisation?

It is common. Sometimes we can relate the physical symptoms to a recent stress or mental health problem. For example, you may realise that a bout of neck pain or headache is due to stress. Anxiety and depression are also common reasons to develop physical symptoms such as a 'thumping heart' (palpitations), aches and pains, etc. Often the physical symptoms go when emotional and mental factors ease. However, often we do not realise the physical symptom is due to a mental factor. We may think we have a physical disease and see a doctor about it.

Somatisation and functional symptoms

Some doctors prefer to use the term functional when no known physical cause can be found for a physical symptom. A functional symptom means a function of the body is faulty (for example, there may be pain or diarrhoea) but we don't know the cause. The cause may be due to mental factors (somatisation), physical factors not yet discovered, or a combination of both. Another term which is sometimes used for such symptoms is medically unexplained symptoms.

What are the somatoform disorders?

The somatoform disorders are the extreme end of the scale of somatisation. So, the physical symptoms persist long-term, or are severe but no physical disease can fully explain the symptoms. Somatoform disorders include:

- Somatisation disorder
- Hypochondriasis

- Conversion disorder
- Body dysmorphic disorder
- Pain disorder

They are classed as mental health disorders, as the cause of the symptoms is thought to be mental factors. However, they cannot be fully explained by depression, substance abuse, or other recognised mental health disorders. There has recently been a renaming of these mental health disorders and they have all been put under the main heading of 'somatic symptom disorder'. Doctors used to make the diagnosis based on strict patterns of symptoms. However, they now rely much more on how much the symptoms affect the person's life and well-being. It is also recognised that somatic symptom disorder can occur in people who have physical diseases such as arthritis or cancer.

Note: this leaflet has retained the old headings where necessary. They probably still have some use in understanding the different types of symptoms that occur.

People with somatoform disorders usually disagree that their symptoms are due to mental factors. They are convinced that the cause of their symptoms is a physical problem.

Somatisation disorder

People with this disorder have many physical symptoms from different parts of the body - for example:

- Headaches
- Feeling sick (nauseated)
- Tummy (abdominal) pain
- Bowel problems
- Period problems
- Tiredness
- Sexual problems

The main symptoms may vary at different times. Affected people tend to be emotional about their symptoms. So they may describe their symptoms as 'terrible', 'unbearable', etc and symptoms can greatly affect day-to-day life. The disorder persists long-term although the symptoms may wax and wane in severity.

The cause is not known. It may have something to do with an unconscious desire for help, attention or care. It runs in some families. The disorder usually first develops between the ages of 18 years and 30 years. More women than men are affected.

It is difficult for a doctor to diagnose somatisation disorder. This is because it is difficult to be sure that there is no physical cause for the symptoms. So, people with this disorder tend to be referred to various specialists, and have many tests and investigations. However, no physical disease is found to account for the symptoms.

Hypochondriasis

This is a disorder where people fear that minor symptoms may be due to a serious disease. For example, that a minor headache may be caused by a brain tumour, or a mild rash is the start of skin cancer. Even normal bodily sensations such as 'tummy rumbling' may be thought of as a symptom of serious illness. People with this disorder have many such fears and spend a lot of time thinking about their symptoms.

This disorder is similar to somatisation disorder. The difference is that people with hypochondriasis may accept the symptoms are minor but believe or fear they are caused by some serious disease. Reassurance by a doctor does not usually help, as people with hypochondriasis fear that the doctor has just not found the serious disease.

Conversion disorder

Conversion disorder is a condition where a person has symptoms which suggest a serious disease of the brain or nerves (a neurological disease) - for example:

- Total loss of vision (severe sight impairment).
- Deafness.
- Weakness, paralysis or numbness of the arms or legs.

The symptoms usually develop quickly in response to a stressful situation. You unconsciously convert your mental stress into a physical symptom.

Conversion disorder tends to occur between the ages of 18 years and 30 years. Symptoms often last no longer than a few weeks but persist long-term in some people. In many cases there is only ever one episode and no treatment is needed once symptoms have gone. Some people have repeated episodes of conversion disorder from time to time.

Body dysmorphic disorder

Body dysmorphic disorder is a condition where a person spends a lot of time worried and concerned about their appearance. A person with this disorder may focus on an apparent physical defect that other people cannot see. Or, they might have a mild physical defect but the concern about it is out of proportion to the defect.

For example, a person may think that he or she has a skin blemish or an odd-shaped nose. However, no one else can see the defect, or the blemish would be considered trivial by most people. The person becomes preoccupied with the imagined defect, or slight defect. For example, they may spend a lot of time looking in the mirror at the apparent defect. They may wear camouflaging make-up to hide the defect. The thought of the defect is very distressing for people with this condition.

Some people with body dysmorphic disorder consult a cosmetic surgeon to have the imagined or trivial defect corrected. See separate leaflet called Body Dysmorphic Disorder for more details.

Pain disorder

Pain disorder is a condition where a person has a persistent pain that cannot be attributed to a physical disorder.

Who gets somatoform disorders and what causes them?

Somatoform disorders can affect anyone of any age. The exact number of people affected is difficult to determine, as many cases are probably not diagnosed. Somatisation disorder is thought to be quite rare, perhaps affecting about 1 in 1,000 people. Hypochondriasis and body dysmorphic disorder are perhaps more common.

It is not clear why some people develop somatoform disorders. Genetic 'makeup' and environmental factors both probably play a part. Genetic makeup is the material inherited from your parents which controls various aspects of your body. This genetic makeup combined with factors such as how you were brought up, your parental and peer influences, etc, may all contribute.

Somatoform disorders are more common in people who abuse alcohol and drugs. However, drugs and alcohol may be factors in both cause and effect. For example, some people may turn to alcohol or other drugs to ease the distress of their somatic symptoms. On the other hand, excess alcohol or illicit drugs may make the symptoms worse.

What is the treatment for somatoform disorders?

Treatment is often difficult, as people with somatisation disorders commonly do not accept that their symptoms are due to mental (psychological) factors. They may become angry with their doctors who cannot find the cause for their symptoms. Another difficulty is that people with somatisation disorder, like everyone else, will develop physical diseases at some point. So, every new symptom is a challenge to a doctor to know how far to investigate.

Many people who are thought to have a somatoform disorder also have other mental health problems such as depression, anxiety or substance abuse. Treatment of these other mental health problems may improve the situation.

If the person can be convinced that mental factors may contribute to, or cause, the physical symptoms then they may accept a talking treatment. Talking treatments, such as cognitive behavioural therapy, may help people to understand the reasons behind symptoms. Such treatments aim to change any false beliefs the person may have and help them identify and deal with emotional issues.

Medication does not have much of a role except if the disorder is associated with underlying anxiety or depression. Some specific conditions such as body dysmorphic disorder and pain disorder have been helped by medicines called selective serotonin reuptake inhibitors (SSRIs).

Further help & information

FND Action

Web: www.fndaction.org.uk/

FND Hope

Web: fndhope.org/

Further reading & references

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Original Author:	Current Version:	Peer Reviewer:
Dr Tim Kenny	Dr Roger Henderson	Dr Laurence Knott
Document ID:	Last Checked:	Next Review:
4665 (v41)	11/01/2017	11/01/2020

Patient

View this article online at: patient.info/health/psychosomatic-disorders

Psychosomatic Disorders

Psychosomatic means mind (psyche) and body (soma). A **psychosomatic disorder** is a disease which involves both mind and body. Some physical diseases are thought to be particularly prone to be made worse by mental factors such as stress and anxiety. Your current mental state can affect how bad a physical disease is at any given time.

Which diseases are psychosomatic?

To an extent, most diseases are psychosomatic - involving both mind and body.

- There is a mental aspect to every physical disease. How we react to disease and how we cope with disease vary greatly from person to person. For example, the rash of psoriasis may not bother some people very much. However, the rash covering the same parts of the body in someone else may make them feel depressed and more ill.
- There can be physical effects from mental illness. For example, with some mental illnesses you may not eat, or take care of yourself, very well which can cause physical problems.

However, the term psychosomatic disorder is mainly used to mean ... "a physical disease that is thought to be caused, or made worse, by mental factors".

Some physical diseases are thought to be particularly prone to be made worse by mental factors such as stress and anxiety. For example, these include psoriasis, eczema, stomach ulcers, high blood pressure and heart disease. It is thought that the actual physical part of the illness (the extent of a rash, the level of the blood pressure, etc) can be affected by mental factors. This is difficult to prove. However, many people with these and other physical diseases say that their current mental state can affect how bad their physical disease is at any given time.

Some people also use the term psychosomatic disorder when mental factors cause physical symptoms but where there is no physical disease. For example, a chest pain may be caused by stress and no physical disease can be found. See separate leaflet called Somatisation/Somatoform Disorders for more details.

How can the mind affect physical diseases?

It is well known that the mind can cause physical symptoms. For example, when we are afraid or anxious we may develop:

- A fast heart rate.
- A 'thumping heart' (palpitations).
- Feeling sick (nauseated).
- Shaking (tremor).
- Sweating.
- Dry mouth.
- Chest pain.
- Headaches.
- A knot in the stomach.
- Fast breathing.

These physical symptoms are due to increased activity of nervous impulses sent from the brain to various parts of the body and to the release of adrenaline (epinephrine) into the bloodstream when we are anxious.

However, the exact way that the mind can cause certain other symptoms is not clear. Also, how the mind can affect actual physical diseases (rashes, blood pressure, etc) is not clear. It may have something to do with nervous impulses going to the body, which we do not fully understand. There is also some evidence that the brain may be able to affect certain cells of the immune system, which is involved in various physical diseases.

What are the treatments for psychosomatic disorders?

Each disease has its own treatment options. For physical diseases, physical treatments such as medication or operations are usually the most important. However, healthcare workers will usually try to treat a person as a whole and take into account mental and social factors which may be contributing to a disease. Therefore, treatments to ease stress, anxiety, depression, etc, may help if they are thought to be contributing to your physical disease.

Further reading & references

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Original Author:	Current Version:	Peer Reviewer:
Dr Tim Kenny	Dr Roger Henderson	Dr Laurence Knott
Document ID:	Last Checked:	Next Review:
4664 (v41)	30/12/2016	30/12/2019

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