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 December 4, 2017 – Docket # 134

In conjunction with my prior Response to this said Order, I should not be threatened with "*last chance*" when it comes to being DENIED the inherent **Fifth and Fourteenth Amendment Rights** afforded me under the Constitution of the United States of America. The said Rights Judge Alison J. Nathan swore to uphold for every citizen, rich or poor, when she took her Oath of Office as stated in 28 U.S. CODE § 453.

I. STATEMENT

The only message this lawsuit is sending to Black and other Minority employees who are experiencing Employment Racial Discrimination and Retaliation at the hands of wealthy and powerful corporations such as JPMorgan Chase & Co. is "SHUT THE HELL UP!" Thanks to judges like Judge Alison J. Nathan (APPOINTED TO THE BENCH BY THE FIRST AND ONLY BLACK PRESIDENT OF THE UNITED STATES[1]) who use their robes to protect and shelter these wealthy and powerful lawbreakers.

It is the said "SHUT THE HELL UP!" message that was sent to the victims of the wealthy and powerful Harvey Weinstein, Matt Lauer, etc. who were also protected and sheltered by people and/or corporations who had the power to prevent and stop the alleged abuse but allegedly ignored and shooed it away as in the case of Judge Alison J. Nathan who is currently not "allegedly" but

[1] Making it even worse as this Black president was supposed to have made things better for "us".

BLATANTLY IGNORING my clearly articulated and evidenced arguments of Employment Racial Discrimination and Retaliation, the CRIME of PERJURY committed by six (6) of the eight (8) Defendants/Declarants in their Declarations in Support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice and 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.

II. ARGUMENT

As a pro se Plaintiff with no legal background and/or experience, my duty as it relates to representing myself in a Court of Law, which the U.S. Constitution gives me the right to do, is to bring my PERTINENT arguments and supporting evidence to Court which I have duly executed in my Opposition/Response to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice. With that said, Judge Nathan ordering that I get rid of **NINETY PERCENT (90%)** of my said **sworn**[2] PERTINENT and evidenced arguments by reducing to 25 pages my 198 pages of collective Opposition/Response to the **NINE (9)** Defendants' Memorandum of Law in Support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice is in violation of the Fifth and Fourteenth Amendment Rights afforded me under the Constitution of the United States of America as it relates to civil procedural due process and the Rule of Law pursuant to 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 [**of NINE (9) Defendants**]*" 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***".

[2] Making it evidence which is not subjected to page limits. Plus, pursuant to Judge Nathan's "Special Rules of Practice in **Civil Pro Se Cases**", prior to August 10, 2017, there were **no** page limits for pro se cases and in conjunction, **no** oral arguments for pro se litigants. So, whatever I have to say have been put in writing for her to read. As it relates to knowing every bit of the Court's procedure, I am not an attorney. I have never studied/practiced Law. However, I do have the right to represent myself in Court as a Pro Se Plaintiff.

As I referenced in my "Response to Judge Alison J. Nathan's Order of October 31, 2017" (docket # 129), in her May 11, 2017 Order (docket # 101), Judge Nathan **did not** address the issue of "page limits"[3] as it relates to responding to the **NINE (9)** Defendants Motion for Summary Judgment to dismiss my lawsuit with prejudice (Docket #s 89 – 100) and neither did she provide instructions as to how to submit my Opposition/Response to each of the said **NINE (9) individual** Defendants Motion for Summary Judgment. With that said, I opposed/responded based on the format submitted by the Defendants' attorneys as it relates to putting all the Defendants together in one document.

However, besides the fact that Defendants, JPMorgan Chase & Co., et al are talking in ONE VOICE – a strategic move currently being executed by the said Defendants to INTENTIONALLY OBSTRUCT JUSTICE as articulated in my "Response to Judge Alison J. Nathan's Order of November 20, 2017" (docket # 132) and which Judge Nathan is BLATANTLY IGNORING, the other reason for the substantial difference in the number of pages as it relates to the Defendants' Memorandum of Law in Support of their Motion for Summary Judgment and my Opposition/Response to the said motion, is that when the **favored, multi-billion dollar** Defendants could write a statement such as the one they wrote on page 21 of their Memorandum of Law in Support of their Motion for Summary Judgment claiming that: "*Plaintiff claims that Vega, Dubowy, and Poz "aided and abetted" violations of Title VII and 42 U.S.C. § 1981* ***because they disagreed with her assessment that she was the victim of discrimination***" and without any further argument or evidence needed to back up this said statement, because after all, they are the favored parties in this lawsuit and as is evidenced, the judges take everything they say as if it is the gospel, me, being the poor, Black pro se Plaintiff who has to work twice as hard in the real world to be "as good as a White counterpart" and **TEN (10) TIMES** as hard in the Judicial system to get any form of justice

[3] Prior to Judge Nathan updating 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" (August 10, 2017) so that she could rule in favor of the Defendants by granting their August 1, 2017 Letter Motion on August 11, 2017, her said "Special Rules of Practice in Civil Pro Se Cases" had **no** "page limits" as well as **no** oral arguments for pro se litigants.

afforded me under the Constitution of the United States of America, in opposition/response to that statement, I had to pull out every argument and evidence I have available as articulated in pages 167 - 178 of my Opposition/Response to the Defendants' Memorandum of Law in Support of their Motion for Summary Judgment to **individually** prove that each of the three (3) Defendants, John Vega, Helen Dubowy and Thomas Poz aided and abetted the Employment Racial Discrimination and Retaliation that was perpetrated against me in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. There is no way in my disadvantaged position as a poor, Black, pro se Plaintiff that I could have written a blanketed two-line opposition/response with regards to ALL three (3) Defendants, as the **favored, multi-billion dollar** Defendants did.

In light of the aforesaid scenario, as it relates to the "25 page limit", (the said page limit that is applicable to ONE (1) Defendant/Party in any other lawsuit) for Opposition to Memorandum of Law, that Judge Nathan implemented **TEN DAYS AFTER** I submitted my Opposition/Response to the Defendants' Motion for Summary Judgment (August 10, 2017) 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 # 113 & 120)[4], I have NO problem using that "25 page limit" to oppose/respond **individually** to **each** of the **NINE (9)** Defendants Memorandum of Law in Support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice.

With the collective 198 pages currently in my Opposition/Response to the **NINE (9)** Defendants' said Memorandum of Law in Support of their Motion for Summary Judgment **being less than** the 225 pages (25 x 9) that would have been allowed if each of the said Defendants had a separate attorney who was submitting a separate Memorandum of Law on their behalf and I was

[4] As of today, the Defendants' attorneys have had more than **4 months and one week** to read and reply to my Opposition/Response to their Motion for Summary Judgment. Why they haven't done so and why Judge Nathan is fixated on "page limits" that **NEVER** existed before I submitted my said Opposition/Response? Because my said Opposition/Response has made it as CLEAR AS DAY that 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. And DISGRACEFULLY, with the help of Judge Alison J. Nathan they are trying to deprive me of the Fifth and Fourteenth Amendment Rights afforded me by the Constitution of the United States of America as it relates to civil procedural due process in order to have my lawsuit dismissed with prejudice.

opposing/responding to each of them separately, submitting my said Opposition/Response to the Defendants' Memorandum of Law on **an individual** basis using Judge Nathan's newly implemented "25 page limit" whereby I would **not** be prejudicially getting rid of **NINETY PERCENT (90%)** of my pertinent arguments and evidence against **each** of the **NINE (9)** Defendants would not only be reasonable but it would not be violating the Fifth and Fourteenth Amendment Rights afforded me under the Constitution of the United States of America as it relates to civil procedural due process and the Rule of Law pursuant to 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 [****of NINE (9) Defendants****]*" 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***".

As it relates to Judge Nathan's newly implemented "50 page limit" for pro se litigants to respond to the Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1, with the Defendants' attorneys surreptitiously using DECEPTIVE tactics to manipulate and misrepresent their "undisputed" material facts such as replacing important wordings with "…." and providing only snippets of sentences that work in their favor as in their "Undisputed Material Fact # 16" and blatantly lying "*The Baruch Horowitz Lie*" as in their "Undisputed Material Fact # 18", it was difficult to have less than 80 pages in my Response/Opposition which in addition to the full texts of the Defendants' "undisputed" material facts, for the Court's convenience, include texts I copied and pasted directly from Exhibits I provided as evidence for my said Response/Opposition – Bearing in mind that since prior to me submitting my Opposition/Response to the Defendants' Motion for Summary Judgment there were **no** page limits per Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases" (Exhibit YY attached), I did not need to request permission from the Court to submit my 80 page Response/Opposition to the Defendants' "undisputed" material facts.

In addition, Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases - Revised: August 10, 2017 (Exhibit YY attached) states: "*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***." So, if it is okay/possible, per Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases" which was revised on August 10, 2017, to request "***leave of the Court to file a longer document***" which was not necessary when my submissions were submitted on July 31, 2017 (Docket #s 106-112 and 114-118), then why is there an issue with the 80 pages I filed in Response/Opposition to the **NINE (9)** Defendants "Statement of Undisputed Material Facts under Local Civil Rule 56.1" besides the fact that the contents of the said Response/Opposition 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?

This is why it is **grossly** heartless, unfair and medically and financially burdensome[5] for Judge Alison J. Nathan to continuously rule that I redo my Memorandum of Law in Opposition/Response to the **NINE (9)** Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice by stuffing the 198 pages of PERTINENT and collective arguments which I currently have against each of the said Defendants into 25 pages which would mean getting rid of **NINETY PERCENT (90%)** of my said pertinent and collective arguments.

Pursuant to the Defendants' attorney surreptitiously using DECEPTIVE tactics to manipulate and misrepresent their "undisputed" material facts as I previously articulated and which adds to the inadequacy of 50 pages being ordered by Judge Alison J. Nathan to respond/oppose the **NINE (9)** Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1, just as a scenario, in regards to the Defendants "Undisputed Material Fact # 16" (docket # 90) where the Defendants surreptitiously replaced important wordings with "…." in the description of a duty and

[5] As articulated with evidence in my "Addendum to Response to Judge Alison J. Nathan's Order of August 11, 2017 – Docket # 120" – Docket # 124

tried to misrepresent the said duty that was on **ALL** the other analysts' and associates' job description, in my Response/Opposition, I had to provide the **full text** (docket # 107) of the said duty on the job description to show that the Defendants' attorney was being deceptive which again, having to point out these deceptions, made it difficult to have less than 80 pages in my said Response/Opposition.

In conjunction, as it relates to the said Defendants "Undisputed Material Fact # 16", in his August 1, 2017 barefaced Letter Motion (docket # 113) asking the Court to strike ALL my Oppositions/Responses to the Defendants' Motion for Summary Judgment as well as to strike the Subpoena that was PROPERLY[6] issued by the Clerk of Court to me, the Defendants' attorney stated that: "*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* ***[I did dispute thus the full text]****, but instead engages in a merits-based argument that the job description should not mean what she believes Defendants assert it to mean. SeeResponse 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."* ***[which is 100% different from the demeaning tasks of printing, etc. everyone in the group presentation materials and what the duty meant for all the NON-BLACK analysts and associates in the said group]****). 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* ***[everything I said was factual/under sworn oath with accompanying evidence]****. They should not contain conclusions, and they should be*

[6] 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.

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)."

First off, Seriously? Besides the fact that the Defendants' attorney was being **grossly** deceptive with their "Undisputed Material Fact # 16", as a pro se Plaintiff with no legal experience and/or background, the Defendants' attorney and Judge Alison J. Nathan expected me to be acclimated with "*Rodriguez v. Schneider, No. 95 CIV. 4083 (RPP), 1999 WL 459813, at *1 n.3 (S.D.N.Y. June 29, 1999)*"? And, with that being said, was it fair for Judge Alison J. Nathan to have granted the Defendants' August 1, 2017 Letter Motion? Again, as a pro se Plaintiff with no legal background and/or experience, my duty as it relates to representing myself in a Court of Law, which the U.S. Constitution gives me the right to do, is to bring my PERTINENT arguments and supporting evidence to Court - no one of reasonable mind would expect me to be fluent in "sidebar legalities" which by the way, could have specifics which are totally different from mine[7]**.**

Secondly, even though anyone of reasonable mind (a juror, as this lawsuit demands a jury trial) after reading the **full text** (docket # 107) of the duty on the job description, not the deceptive snippets provided by the Defendants' attorney in the Defendants' "undisputed" material fact # 16 (docket # 90) would better understand the requirements of the duty, it was important for me to clarify the said duty in terms of its caliber and as performed by ALL the analysts and associates in the Counterparty Risk Group including the Credit Reporting Risk Analyst, my then position. And, by doing so, I was able to point out the Defendants' surreptitiousness and stealth. So again, not only would it be difficult to have less than 80 pages in my Response/Opposition to the **NINE (9)** Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1 but this is why the responses in my said **sworn**[8] Response/Opposition are PERTINENT.

---

[7] In other words, was *Rodriguez* or *Schneider* being **DECEPTIVE** as Defendants', JPMorgan Chase & Co., et al attorney was by intentionally obstructing justice?

[8] Making it evidence which is not subjected to page limits. Plus, pursuant to Judge Nathan's "Special Rules of Practice in **Civil Pro Se Cases**", prior to August 10, 2017, there were **no** page limits for pro se cases and in conjunction, **no** oral arguments for pro se litigants. So, whatever I have to say have been put in writing for her to read. As it relates to knowing every bit of the Court's procedures/*Rodriguez v. Schneider, No. 95 CIV. 4083 (RPP), 1999 WL 459813, at *1*

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, pursuant to the inherent Rights afforded me in the Fifth and Fourteenth Amendments 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*", I respectfully demanded that Judge Alison J. Nathan explain to me why my eight (8) **Affidavits in Opposition/Response**[9] to the Defendants'/Declarants' eight (8) Declarations which, by the Rule of Law, are **not** subjected to page limits (and in some cases the Defendants'/Declarants' said Declarations consisted of more pages than my Affidavits) 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 were stricken by her from the Court's docket but in her usual condescending manner towards me, a poor, Black pro se Plaintiff, she has totally ignored me (see Fact # 7 of my **November 16, 2016** "Petition for Issuance of a Writ of Mandamus for Recusal [of Judge Alison J. Nathan] Pursuant to 28 U.S. Code § 144 and/or 28 U.S. Code § 455(a) – Second Circuit - Docket Number: 16 – 3873).

With that said, in light of this grossly condescending behavior towards me, I will be more specific in my said constitutional demand as follows:

In statement # 6 (**Manager "Switch"**) of Defendant Alex Khavin's Declaration "*pursuant to 28 U.S.C § 1746*" (docket # 92), Defendant Alex Khavin stated that: "*I made this decision* [see statement # 5] *based on discussions with Shillingford and my immediate manager, Philippe Quix, a Managing Director, and communicated the decision to Shillingford. At the time, I did not know who would be hired for the Reporting Analyst position. I did not know Plaintiff at the time and was*

---

n.3 (S.D.N.Y. June 29, 1999), I am not an attorney. I have never studied/practiced Law. However, I do have the right to represent myself in Court as a Pro Se Plaintiff.

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

not aware of her candidacy. My decision to make Shillingford the manager was unrelated to the identity of the selected candidate."

My response to this mendacious statement # 6 of Defendant Alex Khavin's Declaration (I respectfully refer the Court to my "Affidavit in Opposition/Response to 'Declaration of Alex Khavin'" - Response to Declaration Statement # 6 – docket # 117) is: "*I am a bit baffled by Khavin's claim that "I made this decision based on discussions with Shillingford and my immediate manager, Philippe Quix, a Managing Director" because, my first day as a member of the Counterparty Risk Group was November 10, 2014 and the first time that I saw Defendant Philippe Quix was in early 2015 because he was spending a lot of time in the London office.*

In or about February of 2015 Philippe Quix's administrative assistant, Eileen Kulda was setting up one on one Meet and Greets with members of the Counterparty Risk Group to meet with Philippe Quix. My one on one Meet and Greet with Philippe Quix was originally set up for early March 2015 but because I had to attend an Asset Management Analyst Training Program from February 23 to March 6, 2015, it was postponed to March 16, 2015. However, as my email dated March 16, 2015 (Exhibit P/Exhibit L) shows, I had to reschedule that meeting because I was not feeling well and would not be in the office. When I finally did my one on one Meet and Greet with Philippe Quix, he told me that just like me, Plaintiff, Candice Lue, he too was new to the group, that he had joined the group in September of 2014, just two months before I did.

So, if Philippe Quix had only joined the group in September of 2014, my first day in the group was November 10, 2014, between September 2014 and February 2015 Philippe Quix was spending most of his time in the London office to the point where he, Philippe Quix, was only able to "Meet and Greet" with each member of the Counterparty Risk Group, including Shillingford, in February/March of 2015 to get acclimated with everyone, how could he have been having discussions with Khavin about "growing Shillingford's managerial skills in the months leading up

to my hire"? Philippe Quix was also from Goldman Sachs. He was not an internal transfer who might have worked with Shillingford in any capacity.

When the Credit Reporting Risk Analyst position was advertised in August 2014 (before Philippe Quix joined the Counterparty Risk Group/JPMorgan Chase), the hiring manager listed was the White manager, Kimberly Dauber (Exhibit O – Excel Spreadsheet), who my three non-Black predecessors reported to. In October 2014 when I saw that the position was still open and I applied for it, as the email correspondence dated October 27, 2014 (Exhibit O) between myself and Kimberly Dauber shows, Kimberly Dauber was still listed as the hiring manager.

During my interview process, all set up by Kimberly Dauber (Exhibit O), Kimberly Dauber spoke with me as if, like all the other analysts and associates who were currently on the team, she expected to be my manager and never once mentioned even the possibility of Shillingford being my manager. When I interviewed with Shillingford on October 30, 2014, she spoke with me as if I would be working with her like my three non-Black predecessors did and in no way, shape or form as if she would be my manager. And, in my interview with Khavin on November 3, 2014, Khavin made no mention of any possible manager change because I was not yet confirmed by the team as the chosen candidate. During all that time, there was no utterance from anyone including Kimberly Dauber, Khavin and/or Shillingford herself of Shillingford being my manager (Exhibit O).

I found out on November 6, 2014, the day the job was offered to me that within two days of meeting with Khavin (November 5, 2014 to be precise - Exhibit O - JPMorgan Chase 000221), Khavin switched my manager from being Kimberly Dauber, the White manager who all the non-Black analysts and associates (including my three non-Black predecessors) reported to, to Shillingford, a servile Black employee, who no one had ever reported to and who Khavin would use as cover and as a conduit to carry out her bigotry against Blacks against me.

Khavin's statement that "I did not know Plaintiff at that time and was not aware of her candidacy" is again, categorically false as Khavin interviewed me on November 3, 2014, two days before she switched my manager from Kimberly Dauber to Shillingford (Exhibit O)."

Now, I must admit that I have pulled out every stop[10] in my Affidavit (which, by the Rule of Law, is **NOT** subjected to page limits) to add clarity and to show that statement # 6 of Defendant Alex Khavin's Declaration "*pursuant to 28 U.S.C § 1746*" is a LIE to its core. But, what is so "*overly burdensome*" in this said Response for the Defendants to read and reply to and for Judge Alison J. Nathan to strike it from the Court's docket for the said reason BESIDES the fact that my said Response has MADE IT AS CLEAR AS DAY that Defendant, Alex Khavin in her Declaration "*pursuant to 28 U.S.C § 1746*" LIED under Penalty of Perjury, **A CRIME** pursuant to 18 USC § 1621?

In statement # 4 (**Manager "Switch"**) of Defendant Fidelia Shillingford's Declaration "*pursuant to 28 U.S.C § 1746*" (docket # 93), Defendant Fidelia Shillingford stated that: "*In the months leading up to Plaintiff's hiring into CRG in November 2014, I expressed to Khavin that I wanted to gain managerial experience. Thus, when the CRG began looking to hire a Credit Reporting Risk Analyst ("Reporting Analyst"), Khavin told me that the person hired to fulfill the role would report to me, and not Dauber*."

My response to this mendacious statement # 4 of Defendant Fidelia Shillingford's Declaration "*pursuant to 28 U.S.C § 1746*" (I respectfully refer the Court to my "Affidavit in Opposition/Response to 'Declaration of Fidelia Shillingford'" - Response to Declaration Statement # 4 – docket # 109) is: "*Statement # 4 by Shillingford epitomizes all that I said in my "Statement" above. The length that Shillingford goes to appease her "masters" is unnerving (Am. Compl. ¶ 20 and Exhibit QQ – "Corporate Careerist Blacks").*

[10] As the **disadvantaged**, poor, Black pro se Plaintiff who has to work twice as hard in the real world to be "as good as a White counterpart" and **TEN (10) TIMES** as hard in the Judicial system to get any form of justice afforded me under the Constitution of the United States of America, I had to pull out every argument and evidence I have available.

This statement by Shillingford is categorically false. First off, "in the months leading up to Plaintiff's hiring into CRG in November 2014", I had three non-Black predecessors who worked in the Credit Reporting Risk Analyst position, Baruch Horowitz, Kenneth Ng (Exhibit L-1) and Thomas Monaco, who all reported to the White manager, Kimberly Dauber. Meaning that, Defendant Alex Khavin ("Khavin") did not have to wait for me to be hired in November 2014 for Shillingford "to gain managerial experience" (Am. Compl. - Eighth and Ninth Causes of Action – "Unlawful Segregation on the Basis of Race and Unwillingness/Failure to Promote to a Managerial Position on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981"). Furthermore, I would not have been hired in the Counterparty Risk Group ("CRG") if Thomas Monaco had not resigned from the said Credit Reporting Risk Analyst position.

Also, why would Shillingford be expressing "to Khavin that [she, Shillingford] wanted to gain managerial experience" when becoming a manager would have been a promotion of sort and according to Exhibit FF, "in the months leading up to Plaintiff's hiring into CRG in November 2014", Shillingford was not only trending a performance rating of "Low Meets Expectation (M-)" which Khavin subsequently gave Shillingford on her 2014 year end performance review along with putting Shillingford on a Development Plan as a "Course of Action" for her low performance but as Exhibit FF also shows, when Khavin became the head of CRG "in or about 2013", Shillingford's performance rating for year end 2012 was "High Meets Expectation (M+)" and for year end 2013, Khavin downgraded her to "Meets Expectation (M)" and then eventually to "Low Meets Expectation (M-)" in 2014 which would mean in Khavin's estimation that Shillingford's performance was on a downward spiral from "High Meets Expectation (M+)" in 2012 to "Low Meets Expectation (M-)" in 2014? With that said, what manager "promotes" an employee whose performance is on a downward trend and/or what employee goes to their manager to express that they want "managerial experience" when their performance, according to the said manager they

are "expressing to", is literally going down the tubes to the point where the manager sees it fit to put the said employee on a development plan as a "Course of Action"?

In light of the aforesaid, Khavin switching the White manager, Kimberly Dauber who I was slated to report to, who all the non-Black analysts and associates (including my three non-Black predecessors) reported to, who, she, Khavin did not need to put on a Development Plan and who as of 2014 year end was not on JPMorgan Chase's list of "low performers", to a servile Black employee, Shillingford, a subpar manager who Khavin had never made any of the non-Black analysts and/or associates (including my three predecessors) report to and in Khavin's estimation, a low performer, was not only unlawful segregation on Khavin's part but it was Khavin's first act of disparate treatment against me, the first and only Black analyst to have joined her group."

Again, I must admit that I have pulled out every stop[11] in my Affidavit (which, by the Rule of Law, is **NOT** subjected to page limits) to add clarity and to show that statement # 4 of Defendant Fidelia Shillingford's Declaration "*pursuant to 28 U.S.C § 1746*" is a LIE to its core. But, what is so "*overly burdensome*" in this said Response for the Defendants to read and reply to and for Judge Alison J. Nathan to strike it from the Court's docket for the said reason BESIDES the fact that my said Response has MADE IT AS CLEAR AS DAY that Defendant, Fidelia Shillingford in her Declaration "*pursuant to 28 U.S.C § 1746*" LIED under Penalty of Perjury, **A CRIME** pursuant to 18 USC § 1621?

As a third and last example, in statement # 2 of Defendant Michelle Sullivan's Declaration "*pursuant to 28 U.S.C § 1746*" (docket # 95), Defendant Michelle Sullivan stated that: "*I supervised Candice Lue ("Plaintiff") in the Commodities Operations Department (the "Department") in 2013 and for the majority of 2014*." In conjunction, "Undisputed Material Fact # 3" of the "Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1" – (docket # 90) states that: "*Except for the first few months of her employment, Plaintiff reported to Sullivan while she was in*

[11] Same as footnote # 10

the Commodities Operations Department. (Am. Compl., ¶¶ 49, 83.) Sullivan, in turn, reported to Liasis. (Am. Compl., ¶ 83.)"

My response to this mendacious statement # 2 of Defendant Michelle Sullivan's Declaration "*pursuant to 28 U.S.C § 1746*" (I respectfully refer the Court to my "Affidavit in Opposition/Response to 'Declaration of Michelle Sullivan'" - Response to Declaration Statement # 2 – docket # 111) is: "*Michelle Sullivan's statement that "I [**only**] supervised Candice Lue ("Plaintiff") in the Commodities Operations Department ("the Department") in 2013 and for the majority of 2014" is categorically false. I was hired in the Confirmations department on August 20, 2012 and from this day through my end date of November 7, 2014 in the said department, Michelle Sullivan had been my manager (Exhibit G – 2012 Performance Review).*

*In my interview for the Energy Confirmations Drafting Analyst position in the said Confirmations department, the skip level manager for the department at the time, Mary Joyce Angioli, made it as clear as day to me, in front of Sullivan and by way of repetition, that Sullivan would be my manager. When I did my interview with Sullivan, Sullivan interviewed me as my future manager. From the time of my hire of August 20, 2012 and up to my end date of November 7, 2014, **all the analysts and associates** in the Confirmations department, including myself, reported to Sullivan.*

The Defendants, JPMorgan Chase & Co., et al are trying to avoid, like the plague, the fact that Sullivan had been my manager from August 20, 2012 through December 2012 because of the comments that Sullivan wrote on my 2012 year end performance review (Exhibit G – 2012 Performance Review) prior to Liasis becoming her manager (the new skip level manager).

The comments Sullivan wrote on my 2012 year end performance review are not consistent with the malicious, mendacious and racially stereotypical comments she started writing about me under the guise of "Manager Opportunities" after she started "butting heads" with Liasis, who is a

racist, in his quest to regress and stagnate my career at JPMorgan Chase (¶ 144 – 148 Am. Compl., Exhibit QQ-1, Ninth Cause of Action – Am. Compl. & Exhibit FF).

In light of the aforesaid, I respectfully ask the Court to note that my 2012 Performance Review has been conspicuously omitted from Exhibit A and Exhibit C attached to "Declaration of Michelle Sullivan".

Once again, I must admit that I have pulled out every stop[12] in my Affidavit (which, by the Rule of Law, is **NOT** subjected to page limits) to add clarity and to show that statement # 2 of Defendant Michelle Sullivan's Declaration "*pursuant to 28 U.S.C § 1746*" is a LIE to its core. But, what is so "*overly burdensome*" in this said Response for the Defendants to read and reply to and for Judge Alison J. Nathan to strike it from the Court's docket for the said reason BESIDES the fact that my said Response has MADE IT AS CLEAR AS DAY that Defendant, Michelle Sullivan in her Declaration "*pursuant to 28 U.S.C § 1746*" LIED under Penalty of Perjury, **A CRIME** pursuant to 18 USC § 1621?

In light of Judge Alison J. Nathan, without rhyme or reason as she has been eluding my aforesaid Constitutional demand, striking my eight (8) Affidavits in Opposition/Response (which, by the Rule of Law, are **NOT** subjected to page limits) to the Defendants'/Declarants' eight (8) Declarations aka LIES under Penalty of Perjury, the contents of which are in **direct response** to the said Defendants'/Declarants' character and the numbered statements in the said Defendants'/Declarants' Declarations which my said Affidavits in Opposition/Response MAKE AS CLEAR AS DAY that six (6) out of the eight (8) Defendants/Declarants LIED under Penalty of Perjury, with all due respect, Judge Nathan, you are aiding and abetting PERJURY which, as you know, is a CRIME pursuant to 18 USC § 1621.

As it relates to Judge Alison J. Nathan granting the Defendants' barefaced August 1, 2017 Letter Motion by striking my almost 500 pages (per the Defendants' said Letter Motion, "*493*

[12] Same as footnote # 10

pages") of evidence in the form of Exhibits, which, by the Rule of Law, is **not** subjected to page limits, from the Court's docket, again as being "*overly burdensome*" for the Defendants to go through, **EVERY** evidence in the form of Exhibits 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[13] attached** (see my perfect example in my responses to the Defendants' Declaration statements above)**.** However, my said Exhibits 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.

In addition, Judge Alison J. Nathan striking (based on the PROVEN LIES articulated in the Defendants' attorney's August 1, 2017 Letter Motion) my requested Subpoena which was PROPERLY[14] issued by the Clerk of Court to me, in order to SHELTER the said Defendants from providing evidence that would be detrimental to their arguments, is not only despicable BIAS in a Court of Law but it is also in contravention of York v. United States 785 A.2d 651 655 (DC 2001)

[13] **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.

[14] See footnote # 6

which states: "*In order to preserve the integrity of the judiciary, and to ensure that justice is carried out in each individual case, judges must adhere to high standards of conduct*".

In light of the aforesaid, 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***".

III. CONCLUSION

In light of the foregoing, I should not be threatened with "*last chance*" when it comes to being DENIED the inherent **Fifth and Fourteenth Amendment Rights** afforded me under the Constitution of the United States of America. The said Rights Judge Alison J. Nathan swore to uphold for every citizen, rich or poor, when she took her Oath of Office as stated in 28 U.S. CODE § 453. With that said, Judge Alison J. Nathan must preserve the INTEGRITY of the Judiciary by **DENYING** the NINE (9) Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice:

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 12, 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

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.