

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)

Motion for Judge Alison J. Nathan to DENY Defendants' Attorney, Anshel Kaplan's Letter Motion dated January 12, 2018.
- First off, AND PER the CLEAN HANDS Doctrine Rule of Law, "someone bringing a lawsuit or motion and asking the court for equitable relief must be INNOCENT of wrongdoing [PERJURY] or unfair conduct relating to the subject matter of his/her claim".

I. STATEMENT

I am not yet privy to the full content of the Defendants' Attorney, Anshel Kaplan's Letter Motion dated January 12, 2018 as I have not yet received a copy in the mail. I only became aware of the basic content of the said letter via PacerMonitor.com (see attached) at:

https://www.pacermonitor.com/public/case/11334510/Lue_v_JPMorgan_Chase_Co_et_al#.

II. ARGUMENT

However, while I await the receipt of a copy of the said Letter Motion, I pro se Plaintiff, Candice Lue hereby move this Court to **DENY** the Defendants' Attorney, Anshel Kaplan's Letter Motion dated January 12, 2018 requesting that the Court deem the Defendants' **CRIMINAL** Motion for Summary Judgment filed on May 9, 2017 to dismiss my lawsuit with prejudice "*unopposed and fully submitted*" (which could not be **FARTHEST FROM THE TRUTH**):

Pursuant to and in conjunction with my “Responses to Judge Alison J. Nathan’s Order of December 4, 2017” dated December 11 and December 12, 2017 (Docket #s 135 & 136), respectively;

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 the UNCLEAN HANDS LAW which states: “**The clean hands doctrine is a rule of law that someone bringing a lawsuit or motion and asking the court for equitable relief must be INNOCENT of wrongdoing or unfair conduct relating to the subject matter of his/her claim. It is an affirmative defense that the defendant [or plaintiff] may claim the plaintiff [or defendant] has “unclean hands”. However, this defense may not be used to put in issue conduct of the plaintiff [or defendant] unrelated to plaintiff’s [or defendant’s] claim. Therefore, plaintiff’s [or defendant’s] unrelated corrupt actions and general immoral character would be irrelevant. The defendant [or plaintiff] must show that plaintiff [or**

defendant] misled the defendant [or plaintiff] or has done something wrong regarding the matter under consideration. The wrongful conduct may be of a legal [PERJURY] or moral nature, as long as it relates to the matter in issue (legal definition by USLegal.com)”;

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*”.

III. CONCLUSION


In light of the aforesaid and in conjunction with denying the Defendants’ Attorney, Anshel Kaplan’s Letter Motion dated January 12, 2018, I respectfully ask that the Court **RESTORE** to the Court’s Docket my Oppositions/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 and the Subpoena that was properly issued by the Clerk of Court to me (see PacerMonitor.com audit trail attached).

DATED: January 13, 2018

CANDICE LUE

Signature


Address


City, State, Zip Code

PlaintiffCandice Lue
[REDACTED]
[REDACTED]

Docket last updated: 7 hours ago

Friday, January 12, 2018

137

misc

Letter

Fri 2:43 PM

LETTER addressed to Judge Alison J. Nathan from Anshel Joel Kaplan dated January 12, 2018 re: Defendants motion for summary judgment, filed more than eight months ago, be deemed unopposed and fully submitted, in accordance with the Courts Order of December 4, 2017.. Document filed by Helen Dubowy, JPMorgan Chase & Co., Alex Khavin, Chris Liasis, Thomas Poz, Philippe Quix, Fidelia Shillingford, Michelle Sullivan, John Vega.(Kaplan, Anshel)


Att: 1 Affidavit of Service

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PlaintiffCandice Lue
[REDACTED]
[REDACTED]


Docket last updated: 6 hours ago

Wednesday, August 02, 2017 **Subpoena Issued** **Wed 11:12 AM**

SUBPOENA ISSUED for JPMorgan Chase & Co. to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Case. Document filed by Candice Lue.(rro)

 **Request for Subpoena - Mailed** **Wed 11:13 AM**


Request for Subpoena Mailed: Request for 1 Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises, from Candice Lue mailed on 8/2/2017. (rro)

Tuesday, August 01, 2017**118**  **respoth** **Affidavit in Opposition (non-motion)** **Wed 11:22 AM**


AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF BARUCH HOROWITZ IN SUPPORT RE: 89 Motion for Summary Judgment- (Docket #99)", re:99 Declaration in Support of Motion. Document filed by Candice Lue. (sc)

117  **respoth** **Affidavit in Opposition (non-motion)** **Wed 11:19 AM**

AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF ALEX KHAVIN IN SUPPORT RE: 89 MOTION FOR SUMMARY JUDGMENT - (DOCKET#92)", re:92 Declaration in Support of Motion. Document filed by Candice Lue. (sc)

116  **respoth** **Affidavit in Opposition (non-motion)** **Wed 9:22 AM**


AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF JOHN VEGA IN SUPPORT RE: 89 MOTION FOR SUMMARY JUDGMENT - (DOCKET #98)", re:98 Declaration in Support of Motion. Document filed by Candice Lue. (sc)

115  **respoth** **Affidavit in Opposition (non-motion)** **Wed 9:19 AM**


AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF KIMBERLY DAUBER IN SUPPORT RE: 89 MOTION FOR SUMMARY JUDGMENT - (DOCKET #97)", re:97 Declaration in Support of Motion. Document filed by Candice Lue. (sc)

114  **trial** **Exhibit** **Wed 7:57 AM**


EXHIBITS(IN OPPOSITION/RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT DOCKET ##s 89-100. Document filed by Candice Lue. (Attachments: #1 Exhibit, #2 Exhibit, #3 Exhibit, #4 Exhibit, #5 Exhibit, #6 Exhibit, #7 Exhibit, #8 Exhibit)(sc)


113  **motion** **Conference** **Tue 4:43 PM**


FIRST LETTER MOTION for Conference addressed to Judge Alison J. Nathan from Anshel Joel Kaplan dated 8/1/17. Document filed by Does 1-10, Helen Dubowy, JPMorgan Chase & Co., Alex Khavin, Chris Liasis, Thomas Poz, Philippe Quix, Fidelia Shillingford, Michelle Sullivan, John Vega.(Kaplan, Anshel)


112  **respoth** **Affidavit in Opposition (non-motion)** **Tue 4:34 PM**

AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF CHRIS LIASIS IN SUPPORT RE: 89 MOTION FOR SUMMARY JUDGMENT - (DKT #94)", re:94 Declaration in Support of Motion. Document filed by Candice Lue. (sc)

111  **respoth** **Affidavit in Opposition (non-motion)** **Tue 4:32 PM**
 AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF MICHELLE SULLIVAN IN SUPPORT RE: 89 MOTION FOR SUMMARY JUDGMENT - (DKT#95)", re:95 Declaration in Support of Motion. Document filed by Candice Lue. (sc)


110  **respoth** **Affidavit in Opposition (non-motion)** **Tue 4:29 PM**
 AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF HELEN DUBOWY IN SUPPORT RE: 89 MOTION FOR SUMMARY JUDGMENT-(DKT#96)"; re:96 Declaration in Support of Motion. Document filed by Candice Lue. (sc)

109  **respoth** **Affidavit in Opposition (non-motion)** **Tue 4:26 PM**
 AFFIDAVIT of Candice Lue IN OPPOSITION/RESPONSE TO "DECLARATION OF FIDELIA SHILLINGFORD IN SUPPORT RE: 89 MOTION FOR SUMMARY JUDGMENT"; re:93 Declaration in Support of Motion. Document filed by Candice Lue. (sc)


108  **respm** **Memorandum of Law in Opposition to Motion** **Tue 2:45 PM**
 MEMORANDUM OF LAW IN OPPOSITION TO THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; re:89 MOTION for Summary Judgment . Document filed by Candice Lue.(sc)

Att: 1  main document,

Att: 2  main document

107  **respoth** **Affidavit in Opposition (non-motion)** **Tue 2:40 PM**
 AFFIDAVIT of Candice Liu IN RESPONSE/OPPOSITION TO "DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS UNDER LOCAL CIVIL RULE 56.1; re:90 Rule 56.1 Statement. Document filed by Candice Lue.(sc)

Att: 1  main document

106  **notice** **Notice (Other)** **Tue 2:34 PM**
 NOTICE OF OPPOSITION TO THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT(Doc. #89); re:89 MOTION for Summary Judgment . Document filed by Candice Lue. (sc)

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