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 October 31, 2017 – Docket # 128

On September 1, 2017, I filed an "Emergency Motion for Stay Pending Petition for a Writ of Mandamus and for a Temporary Administrative Stay Pending Full Consideration of This Motion" in The United States Court of Appeals for the Second Circuit to vacate Judge Alison J. Nathan's PREJUDICIAL Orders of August 11 and August 21, 2017 – Case number 17-2751. Pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the Petition for Issuance of a Writ of Mandamus MUST BE GIVEN PREFERENCE OVER ORDINARY CIVIL CASES.

I. ARGUMENT

On September 1, 2017, I, pro se Plaintiff, Candice Lue, pursuant to 28 U.S.C. §1651 and Rules 21 and 27 of the Federal Rules of Appellate Procedure, duly filed an "Emergency Motion For Stay Pending Petition For A Writ Of Mandamus And For A Temporary Administrative Stay Pending Full Consideration Of This Motion" in The United States Court of Appeals for the Second Circuit to vacate Judge Alison J. Nathan's, with all due respect, PREJUDICIAL Orders of August 11 and August 21, 2017[1]. The case number for this Petition is 17-2751.

Pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the said Petition for Issuance of a Writ of Mandamus "*must be given preference over ordinary civil cases*" - Meaning that Judge Alison J. Nathan must wait on the ruling from the Upper Court, The United States Court

[1] To date, I have not received a copy of Judge Alison J. Nathan's Order of August 21, 2017. I only learned about this Order via https://www.pacermonitor.com/public/case/11334510/Lue_v_JPMorgan_Chase__Co_et_al#

of Appeals for the Second Circuit before moving forward[2] – Bearing in mind that my "Relief Requested" in the said Petition for Issuance of a Writ of Mandamus is to vacate her said Orders of August 11 and August 21, 2017, which her August 31, 2017 Order encompasses, and that she is ordering that I respond to in her October 31, 2017 Order.

In light of the aforesaid, I am confused by Judge Alison J. Nathan's Order of October 31, 2017 (see attached). As, the caption of my Petition filed in the United States Court of Appeals for the Second Circuit on September 1, 2017 clearly states that I was requesting an "Emergency Motion For Stay Pending Petition For A Writ Of Mandamus And For A Temporary Administrative Stay Pending Full Consideration Of This Motion". Furthermore, a copy of this Emergency Motion For Stay and Petition for Issuance of a Writ of Mandamus were sent directly to Judge Alison J. Nathan's Chambers pursuant to Rule 21(a)(1) of the Federal Rules of Appellate Procedure and per the proof of mailing in the said Petition attached.

As clearly articulated in my said Petition for Issuance of a Writ of Mandamus to vacate Judge Alison J. Nathan's Orders of August 11 and August 21, 2017, by Judge Alison J. Nathan seemingly arbitrarily striking EVERY document from the Court's docket that I filed with the Court on July 31, 2017 (Docket #s 106-112 and 114-118) in Opposition/Response to the **NINE (9)** Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice (because according to the Defendants' attorney, my Opposition/Responses are "*overly burdensome [as it relates to number of pages] for them to read and to reply to*"), Judge Alison J. Nathan has violated my Fifth and Fourteenth Amendment Rights to Procedural Due Process – Being mindful that Local Civil Rules 56.2 and 12.1, respectively, as it relates to evidence being submitted in Opposition/Response to a Motion for Summary Judgment (which includes my **sworn**[3]

[2] Unless Judge Nathan is already privy to such ruling and/or is already aware of the expected outcome

[3] Making it evidence which should not be 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.

"Memorandum of Law in Opposition/Response to the Defendants' Motion for Summary Judgment" and my **sworn**[4] "Affidavit in Response/Opposition to Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1") state: "*if you have proof of your claim, **now is the time to submit it***" and Rule 12(d) of Federal Rules of Civil Procedure further states that: "….*All parties must be given a reasonable opportunity to present **all** the material that is pertinent to the motion*".

With that said, as it relates to Judge Alison J. Nathan's Orders of August 11, August 21 and August 31, 2017, I will once again remind the Court that my lawsuit against JPMorgan Chase & Co., et al consists of **NINE (9)** individual Defendants and **TEN (10)** Causes of Action so it is not reasonable or logical for the "page limits" for **NINE (9)** Defendants to be the same as for ONE (1) Defendant if I am to "*be given a reasonable opportunity to present **all** the material that is pertinent to the motion*" – Bearing in mind that it was **10 DAYS AFTER** I submitted my Opposition/Responses to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice that Judge Alison J. Nathan updated her "Special Rules of Practice in Civil Pro Se Cases" to include these page limits and subsequently granted the Defendants their August 1, 2017 Letter Motion[5] request to strike ALL my filings in Opposition/Response to their Motion for Summary Judgment to dismiss my lawsuit with prejudice (docket #s 113 & 120) from the Court's docket including the requested Subpoena which was PROPERLY[6] issued by the Court to me. Judge Alison J. Nathan updating her "Special Rules of Practice in Civil Pro Se Cases" **10 DAYS AFTER** I submitted my said Opposition/Responses in order to rule in favor of the multi-billion

[4] Same as footnote # 3

[5] Judge Alison J. Nathan's "Special Rules of Practice in Civil Pro Se Cases - Filing of Papers # 3" states that: "*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***". Yet, to date, November 7, 2017, I have not received a paper copy of the Defendants' said August 1, 2017 Letter Motion and the false Affidavit of Service was filed with the Court on August 15, 2017 – **two weeks after** their said Letter Motion was filed.

[6] Contrary to what the Defendants' attorney, Anshel Kaplan said in his August 1, 2017 Letter Motion, 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.

dollar Defendants, JPMorgan Chase & Co., et al and against me the poor, Black, pro se Plaintiff is nothing short of BIAS and JUDICIAL MISCONDUCT. As I stated in my aforesaid and attached Petition for Issuance of a Writ of Mandamus: "*No Court case is decided on a "future rule of law". The "rule of law" would have to be in effect for a Court case to be decided based on it*."

In addition, please take note that Judge Nathan **did not** address the issue of "page limits" as it relates to **NINE (9)** Defendants in her Order of May 11, 2017 (docket # 101) so it is GROSSLY unfair and prejudicial that after spending a grueling **2½ months** burning the midnight oil, pulling all nighters, taking time off from work **without pay**[7] and working through my sickness[8] in addition to working a full-time job, to work on my Opposition/Responses to the **NINE (9)** Defendants Motion for Summary Judgment to dismiss my lawsuit with prejudice that Judge Nathan has arbitrarily stricken ALL my said Opposition/Responses from the Court's docket and has ordered I redo **everything** in accordance with her **newly implemented** "page limits", even the filings such as my almost 500 pages of Exhibits and my eight (8) Affidavits in Opposition/Response to the Defendants/Declarants Declarations that are **not** subjected to page limits, which would mean getting rid of arguments and evidence that prove beyond a shadow of a doubt 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 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 their Declarations in Support of their said Motion for Summary Judgment – Judge Alison J. Nathan's Orders of August 11, August 21 and August 31, 2017 (docket #s 120, 125 & 127) are INJUSTICE to the highest power! Also, where in the U.S. Constitution or in the Rule of Law does it mandate that the "page limits" of a judge's Individual Practices take precedence over evidence? If someone commits a

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

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

gruesome crime, will the Court disallow evidence because the said evidence is over the presiding judge's Individual Practices' page limits?

I would also like to note that the Defendants' attorney should not be whining that my Opposition/Responses to the **NINE (9)** Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice is too "*overly burdensome [as it relates to number of pages] for them to read and to reply to*" as it was JPMorgan Chase & Co.'s decision to use the said one attorney to represent all NINE (9) Defendants which is a strategic move used at times to OBSTRUCT JUSTICE as the Defendants speak in ONE voice – No wonder they were able to use the ONE (1) Defendant "page limits" to submit their Memorandum of Law and their "Undisputed" Material Facts. Case in point as it relates to using the said one attorney to obstruct justice, Defendant Fidelia Shillingford also **LYING UNDER PENALTY OF PERJURY**, A CRIME pursuant to 18 USC § 1621, to cover the LIES in the racist, Defendant Alex Khavin's Declaration.

I was extremely cognizant as to what I included in my said Opposition/Responses to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice that is why it is incumbent upon the Defendants and the Court/Judge Alison J. Nathan (pursuant to my Fifth and Fourteenth Amendment Rights as it relates to Procedural Due Process - "*the judge must protect the [Party's] due-process rights by ensuring the [Party] understands every phase of the proceedings*") to make it clear as to which part/what of my said Opposition/Responses can be deemed NOT PERTINENT to my Opposition/Response to the Defendants' said Motion for Summary Judgment to dismiss my lawsuit with prejudice – Meaning that, pursuant to Rule 12(d) of Federal Rules of Civil Procedure which states that: "….*All parties must be given a reasonable opportunity to present* ***all*** *the material that is pertinent to the motion*", Judge Alison J. Nathan must provide such clarity as to why she finds **ALL** of my said Opposition/Responses to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice not pertinent as there is no where in the rule of law that gives her the authority to arbitrarily throw out ALL of my said Opposition/Responses to the

Defendants' said Motion for Summary Judgment to dismiss my lawsuit with prejudice (including my sworn Affidavits and Exhibits for which there is no page limit and which are **100%** pertinent to oppose/respond to the Defendants' Motion for Summary Judgment) for reason being solely that my said Opposition/Responses are too "*overly burdensome [as it relates to number of pages] for [the Defendants] to read and to reply to*" especially when the arguments and evidence presented in my said Opposition/Responses 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 are valid and that the said Defendants and their attorneys LIED under Penalty of Perjury which is a CRIME pursuant to 18 USC § 1621 and 1622.

In light of the aforesaid, it was GROSSLY unfair and prejudicial for Judge Alison J. Nathan to have granted the Defendants' August 1, 2017 barefaced Letter Motion to strike **ALL** my Opposition/Responses to their Motion for Summary Judgment to dismiss my lawsuit with prejudice solely on the basis that my said Opposition/Responses are too "*overly burdensome [as it relates to number of pages] for [the Defendants] to read and to reply to*" without the said Defendants providing to the Court which and what part of my said Opposition/Responses can be deemed NOT PERTINENT to their said Motion for Summary Judgment pursuant to Rule 12(d) of Federal Rules of Civil Procedure which states that: "….*All parties must be given a reasonable opportunity to present* ***all the material that is pertinent to the motion***". And, ordering in her August 11, August 21, and August 31, 2017 Rulings that I resubmit my said Opposition/Responses using page limits that not only did not apply to me, a pro se Plaintiff, until **10 DAYS AFTER** I submitted my said Opposition/Responses but which are not logical to use as it is not reasonable for the "page limits" for ONE (1) Defendant to be the same "page limits" for **NINE (9)** Defendants.

I would like to take this time to draw the Court's attention to the **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**[9] and work through my sickness[10] while working a full-time job, to go through EVERY single one in order to gather and submit evidence against the said Defendants. I respectfully refer the Court to Exhibit XX attached. Yet, in addition to their Memorandum of Law in Support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice, their Statement of "Undisputed" Material Facts under Local Civil Rule 56.1 and their EIGHT (8) Declarations aka LIES UNDER PENALTY OF PERJURY that I had to oppose/respond to, I **never** once complained[11] about my duty to Oppose/Respond to those said documents being "*overly burdensome*".

With that being said, it is not that my Opposition/Responses to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice, etc. is too "*overly burdensome for [the Defendants] to read and to reply to*", it is because my said Opposition/Responses 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, my Claims of Employment Racial Discrimination and Retaliation are valid and that the said Defendants and their attorneys LIED under Penalty of Perjury which is a CRIME pursuant to 18 USC § 1621 and 1622. So, with the help of the Court (**SAD**) they want my abundance of arguments and accompanying evidence to be thrown out and silenced.

As it relates to Lying under Penalty of Perjury, 18 USC § 1621 – PENALTY OF PERJURY states: "*Those who are caught knowingly misleading a court face serious criminal charges of perjury* (felony)" and

18 USC § 4 - MISPRISION OF FELONY 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*

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

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

[11] First off, **EVERY** Motion I have brought against the powerful and favored multi-billion dollar Defendants, JPMorgan Chase & Co. et al, regardless of how strong, has been **DENIED** by the Court.

*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*". So, with all the evidence I have provided to the Court to prove that all but two of the Defendants/Declarants LIED UNDER PENALTY OF PERJURY why isn't Judge Alison J. Nathan addressing that? Or, is it because of that said evidence why my Opposition/Responses to the Defendants' Motion for Summary Judgment were stricken from the Court's docket? – Bearing in mind that it is those said LIES that the said Defendants are not only using to have my lawsuit dismissed with prejudice (Obstruction of Justice) but they are the said LIES that they are using to further tarnish my public reputation (all the filings as it relates to the Defendants' Motion for Summary Judgment are public information) and putting the final nail in not only my financial career's coffin but my future career in any industry for that matter which is extremely detrimental to me especially at my young age.

Judge Alison J. Nathan barring me from presenting my full arguments and accompanying evidence against all NINE (9) Defendants is in violation of my Fifth and Fourteenth Amendment Rights to Procedural Due Process as well as in violation of 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*". This includes Judge Nathan illogically striking my **eight (8)** Affidavits in Opposition/Response to the Declarants'/Defendants' eight (8) Declarations aka LIES under Penalty of Perjury from the Court's docket **when there are no page limits for such Affidavits and when ALL the contents of the said Affidavits are in direct response to the Declarants'/Defendants' character and the numbered statements in the said Declarants'/Defendants' Declarations aka LIES under Penalty of Perjury** – Meaning that the contents of my Opposition/Response to the Declarants'/Defendants' eight (8) Declarations are PERTINENT. With that said, and in accordance with the Rights afforded me in the Fifth and Fourteenth Amendments of the U.S. Constitution:

- I respectfully demand that the Court explain to me why my **40** page Affidavit, which legally should have no page limit, in Opposition/Response to the **78** page "Declaration of Defendant Fidelia Shillingford" was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to Defendant, Fidelia Shillingford's character, the numbered statements made in Defendant, Fidelia Shillingford's Declaration and 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.
- I respectfully demand that the Court explain to me why my **27** page Affidavit, which legally should have no page limit, in Opposition/Response to the **56** plus **33** redacted pages - Total of **89** pages "Declaration of Defendant Michelle Sullivan" was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to Defendant, Michelle Sullivan's character, the numbered statements made in Defendant, Michelle Sullivan's Declaration and 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.

- I respectfully demand that the Court explain to me why my **22** page Affidavit, which legally should have no page limit, in Opposition/Response to the **32** page "Declaration of Defendant Helen Dubowy" was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to Defendant, Helen Dubowy's character, the numbered statements made and/or the attachments provided in Defendant, Helen Dubowy's Declaration and 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.
- I respectfully demand that the Court explain to me why my **22** page Affidavit, which legally should have no page limit, in Opposition/Response to the **31** page "Declaration of Defendant Chris Liasis" was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to Defendant, Chris Liasis' character, the numbered statements made in Defendant, Chris Liasis' Declaration and 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.

- I respectfully demand that the Court explain to me why my **27** page Affidavit, which legally should have no page limit, in Opposition/Response to the **9** page "Declaration of Defendant Alex Khavin", a racist and one of the main perpetrators of the Employment Racial Discrimination that was meted out to me during my employment at JPMorgan Chase & Co., was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to Defendant, Alex Khavin's character, the numbered statements made in Defendant, Alex Khavin's Declaration and 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.
- I respectfully demand that the Court explain to me why my **12** page Affidavit, which legally should have no page limit, in Opposition/Response to the **2** page "Declaration of Defendant John Vega", the JPMorgan Chase & Co. HR legal representative who is an attorney by profession and who purported to have "investigated" my Claim of Employment Racial Discrimination, was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were not only in DIRECT response to Defendant, John Vega's character and the

numbered statements made in Defendant, John Vega's Declaration but clearly showed that John Vega's "investigation" of my Claim of Employment Racial Discrimination was biased, retaliatory and a total farce. In addition, 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.

- I respectfully demand that the Court explain to me why my **9** page Affidavit, which legally should have no page limit, in Opposition/Response to the **5** page "Declaration of Declarant Kimberly Dauber" was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to Declarant, Kimberly Dauber's character, the numbered statements made in Declarant, Kimberly Dauber's Declaration and 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.
- I respectfully demand that the Court explain to me why my **10** page Affidavit, which legally should have no page limit, in Opposition/Response to the **2** page "Declaration of Declarant

Baruch Horowitz", the Defendants' "star witness" from whom the phrase "*The Baruch Horowitz Lie*" was coined and who as articulated in my said Opposition/Response, with all due respect, is not of sound mind, was stricken from the Court's docket as being "*overly burdensome*" for the Defendants to read and to reply to when all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to Declarant, Baruch Horowitz's character, the numbered statements made in Declarant, Baruch Horowitz's Declaration and 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.

Just to reiterate and as stated in the foregoing, **EVERY** Exhibit that I submitted with my Opposition/Responses to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice is referenced individually and/or collectively in my said Opposition/Responses, collectively where there are more than one piece of evidence available – Meaning that every Exhibit that I provided is PERTINENT, so pertinent that I even made initialed and clarifying notes on some of them. With that said, why were ALL of my said Exhibits arbitrarily stricken from the Court's docket as being too "*overly burdensome*" for the Defendants to read and to reply to when I **only** selected and submitted those Exhibits **directly** related to my Opposition/Responses to the Defendants' said Motion for Summary Judgment?

As I said in the Petition for Issuance of a Writ of Mandamus that I filed in the Second Circuit Court on September 1, 2017 - case # 17-2751: "*Judge Alison J. Nathan should not have granted the Defendants' August 1, 2017 Letter Motion to strike my Opposition/Responses to their*

Motion for Summary Judgment because it is "overly burdensome" for them to read and to reply to without the said Defendants providing to the Court excerpts from my said Opposition/Responses which can be deemed NOT PERTINENT to my Opposition/Response to the Defendants' said Motion for Summary Judgment to dismiss my lawsuit with prejudice" – Bearing in mind that the said Defendants' gripe is about "page limits" not PERTINENCE and prior to AUGUST 10, 2017, **TEN (10) DAYS AFTER** I had submitted my Opposition/Responses to the Defendants' Motion for Summary Judgment, there was **NO** such "page limit" for Pro Se Cases and I am a Pro Se Plaintiff.

In addition, as it relates to "page limits" in Opposition/Response to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice and their Statement of "Undisputed" Material Facts under Local Civil Rule 56.1, no one of reasonable mind would find it reasonable for **NINE (9)** Defendants and **TEN (10)** Causes of Action to have the same "page limits" as ONE (1) Defendant. Further, how would Judge Alison J. Nathan's "page limits" apply if each of the said NINE (9) Defendants had NINE (9) separate attorneys instead of the one (1) attorney they all have representing them IN ONE VOICE? Would that mean that for each of my Opposition/Response to each of the NINE (9) Defendants attorneys' Memorandum of Law in Support of their Summary Judgment Motion I would only be able to submit no more than two and three quarter (2¾) pages to conform to Judge Nathan's AUGUST 10, 2017 newly implemented 25 page limit rule for Pro Se Cases[12]? Besides the fact that Judge Alison J. Nathan should be more concerned about OBSTRUCTION OF JUSTICE as it relates to all NINE (9) Defendants being represented by the one (1) attorney, the reasoning for page limits should be no different from the reasoning for Interrogatories whereby, the "25 Interrogatories" limit is "25" per Party, not "25" for all Parties regardless of how many Parties there are.

Also, with all due respect, as it relates to Judge Alison J. Nathan's Order of August 31, 2017 (docket # 127), it is rather nonsensical to rule that because the Defendants and their attorney could

[12] Bearing in mind that in Judge Nathan's "Special Rules of Practice in **Civil Pro Se Cases**", there is no oral arguments for pro se litigants. So, whatever I have to say have been put in writing for her to read.

use the equivalence of the page limit for one (1) Defendant for all nine (9) Defendants, because in addition to having NO evidence to back up their LIES, their strategy was to use the one attorney to represent all NINE (9) Defendants so that all the Defendants would speak in ONE voice which is a strategic move often used to OBSTRUCT JUSTICE, that I, Pro Se Plaintiff, Candice Lue, with relevant opposing arguments and an abundance of accompanying evidence to back up the said arguments, must also be limited to the said page limit for one (1) Defendant for all NINE (9) Defendants - no where in the U. S. Constitution or in the Rule of Law mandates that. Unless, it is the intent of the Court to deny me my Fifth and Fourteenth Amendment Rights to Procedural Due Process as well as my Right 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*."

II. CONCLUSION

In light of the foregoing, Judge Alison J. Nathan's Orders of August 11, 2017 and August 21, 2017 which her August 31, 2017 Order encompasses were GROSSLY BIASED and represent INJUSTICE at the highest level. No wonder the Defendants, JPMorgan Chase & Co., et al had no qualms about unlawfully racially discriminating and retaliating against me because they knew that they would have had the Court to protect them without regard to York v. United States 785 A.2d 651 655 (DC 2001) 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*". Where is the INTEGRITY of the Court?

As it relates to my Opposition/Responses (Docket #s 106-112 and 114-118) to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice which were properly submitted and filed by July 31, 2017 pursuant to the Rights the Fifth and Fourteenth Amendments of the U.S. Constitution afforded me, my full arguments along with my abundance of accompanying evidence to prove 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 and that the crime of PERJURY pursuant to 18 USC § 1621 and 1622 was committed, should not be silenced and/or refused admittance by the Court in order for the said Court to prejudicially rule against me and in favor of the multi-billion dollar Defendants. That is why, pursuant to 28 U.S.C. §1651 and Rules 21 and 27 of the Federal Rules of Appellate Procedure, on September 1, 2017, I duly filed an "Emergency Motion For Stay Pending Petition For A Writ Of Mandamus And For A Temporary Administrative Stay Pending Full Consideration Of This Motion" in The United States Court of Appeals for the Second Circuit to vacate Judge Alison J. Nathan's Orders of August 11 and August 21, 2017. And, pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the said Petition for Issuance of a Writ of Mandamus "*must be given preference over ordinary civil cases*" - Meaning that my filing of the said Emergency Motion for Stay and the Petition for Issuance of a Writ of Mandamus to vacate Judge Alison J. Nathan's said Orders of August 11 and August 21, 2017, of which a copy was sent to Judge Nathan's Chambers pursuant to Rule 21(a)(1) of the Federal Rules of Appellate Procedure and per the proof of mailing in the said Petition attached, take precedence over her Order of August 31, 2017. Thus, in my, a pro se Plaintiff's, with no legal experience and/or background, estimation, it would have been redundant to comply with the said Order.

DATED: November 7, 2017 CANDICE LUE

_____

Signature

[redacted]

Address

[redacted]

City, State, Zip Code

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

Plaintiff
Candice Lue
[redacted]

Docket last updated: 6 hours ago

Tuesday, October 31, 2017

128 1 pgs | order | Order ~Util - Set Deadlines | Wed 7:29 AM

ORDER: On August 31, 2017, the Court ordered Plaintiff Candice Lue to file her opposition to Defendants' motions for summary judgment in accordance with certain page limits by September 22, 2017, "or the Court will consider the motion unopposed and fully submitted." See Dkt. No. 127. As of the date of this Order, Plaintiff has not yet submitted her opposition within the stated limits. By November 13, 2017, Plaintiff is hereby ordered to either file her opposition in compliance with the Court's August 31 Order or submit a letter to the Court explaining why her failure to do so should be excused. Failure to respond may result in the dismissal of the action for failure to prosecute. The Court will mail a copy of this Order to the Plaintiff. (Responses due by 11/13/2017) (Signed by Judge Alison J. Nathan on 10/31/2017) (mro)

Candice Lue
[redacted]

November 7, 2017

Clerk's Office
United States Court of Appeals
for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

IN RE: CANDICE LUE, Petitioner – Docket Number: 17 – 2751
Civil Action No.: 16 CV 3207 (AJN) (GWG)

To Whom It May Concern:

Please find attached a copy of documents related to my "*Response to Judge Alison J. Nathan's Order of October 31, 2017 – Docket # 128…. Pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the Petition for Issuance of a Writ of Mandamus Must Be Given Preference Over Ordinary Civil Cases*."

Please file in the above-referenced Court docket.

Respectfully,

Candice Lue

Attachments: "Response to Judge Alison J. Nathan's Order of October 31, 2017 – Docket # 128….", Judge Alison J. Nathan's Order of October 31, 2017, email trail between Plaintiff and the Defendants' attorney dated April 27, 2017 and Exhibit XX - Pictures of "email dump" from the Defendants' attorney.

Certificate of Mailing

Candice Lue
[redacted]

November 7, 2017

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

RE: Civil Action No.: 16 CV 3207 (AJN) (GWG) – "Response to Judge Alison J. Nathan's Order of October 31, 2017 – Docket # 128…. Pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the Petition for Issuance of a Writ of Mandamus Must Be Given Preference over Ordinary Civil Cases."

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.

To Whom It May Concern:

Please find attached my "*Response to Judge Alison J. Nathan's Order of October 31, 2017 – Docket # 128…. Pursuant to Rule 21(b)(6) of the Federal Rules of Appellate Procedure, the Petition for Issuance of a Writ of Mandamus Must Be Given Preference Over Ordinary Civil Cases*", a copy of my September 1, 2017 Emergency Motion for Stay and Petition for Issuance of a Writ of Mandamus, email trail between Plaintiff and the Defendants' attorney dated April 27, 2017, Exhibit XX - Picture of "email dump" from the Defendants' attorney and the Affirmation of Service representing service of this Response to the said attorneys, Robert S. Whitman and Anshel Kaplan.

Respectfully,

Candice Lue

Copy: Clerk's Office, U.S. Court of Appeals for the Second Circuit

Certificate of Mailing