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 November 20, 2017 – Docket # 131

From the moment I read Judge Alison Nathan's Order of November 16, 2017, I knew it was a **FARCE**. The Second Circuit Court of Appeals (Justice Thurgood Marshall must be rolling over in his grave) in COLLUSION with the District Court/ Judge Alison J. Nathan should NOT be denying me the **Fifth and Fourteenth Amendment Rights** afforded me under the Constitution of the United States of America.

I. STATEMENT

A FAIR and COMPETENT Judge would know that prejudicially changing the rules of his or her "*Special Rules of Practice in Civil Pro Se Cases*" **10 DAYS AFTER** a pro se litigant has submitted her Opposition/Responses to the Defendants' Motion for Summary Judgment to dismiss her lawsuit with prejudice ONLY so that the said Judge could prejudicially rule in favor of the said Defendants and against the pro se litigant is nothing short of BIAS and JUDICIAL MISCONDUCT. In addition, striking (based on the PROVEN LIES articulated in the Defendants' attorney's August 1, 2017 Letter Motion) my requested Subpoena which was PROPERLY[1] issued by the Clerk of Court to me, in order to SHELTER the said Defendants from providing evidence that would be

[1] Contrary to what the Defendants' attorney, Anshel Kaplan said 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.

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) 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*".

Further, by Judge Alison J. Nathan BLATANTLY IGNORING THE FACT that Defendants, JPMorgan Chase & Co., et al and their attorneys LIED UNDER PENALTY OF PERJURY, A FELONY pursuant to 18 USC §§ 1621 and 1622 while adjudicating that I get rid of the said evidence that argue and prove such fact, that is the lowest standard of conduct as it relates to preserving the integrity of the judiciary.

In addition, anyone of reasonable mind and any FAIR JUDGE would be able to comprehend that it cannot be logical and/or fair for a lawsuit that consists of **NINE (9) individual Defendants** and **TEN (10)** Causes of Action, with each individual Defendant having a different and/or separate Cause of Action filed against him or her, to have the same "25 page limit" as there is for a lawsuit that consists of ONE (1) Defendant[2] in order to fairly oppose/respond to a Memorandum of Law in which all **NINE (9)** Defendants, speaking in one strategic voice, are seeking the dismissal with prejudice of the Cause(s) of Action I have filed against him or her when just to show that **each** of the said **NINE (9)** individual Defendants is a PROPER Defendant for the charge(s) I am accusing him or her of take up a total of 31 pages.

If Judge Nathan was a fair judge, she would have also been cognizant of the fact that by **ALL NINE (9)** Defendants, who ALL work for JPMorgan Chase & Co., the main Defendant in this lawsuit, using the same attorney, PAID FOR BY JPMORGAN CHASE & CO. to represent them, they will be talking in ONE VOICE – a strategic move currently being executed by the said Defendants to OBSTRUCT JUSTICE by concealing JPMorgan Chase & Co's violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. Case in point as it relates to using the said

[2] Unless the intent is to unlawfully OBSTRUCT JUSTICE as is obvious in Defendants, JPMorgan Chase & Co., et al's case

one attorney to obstruct justice - Horizontal racist, Defendant Fidelia Shillingford **LYING UNDER PENALTY OF PERJURY**, A CRIME pursuant to 18 USC § 1621, in her Declaration to cover the LIES in the Declaration of the racist, Defendant Alex Khavin's Declaration which I have MADE AS CLEAR AS DAY via the argument and evidence in my Opposition/Responses to the said two Defendants' Declarations aka **LIES UNDER PENALTY OF PERJURY.**

I also informed the Court/Judge Alison J. Nathan of this matter of Obstruction of Justice (a FELONY in this case) in my "Response to Judge Alison J. Nathan's Order of October 31, 2017" (docket # 129) but again in contravention of 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*", Judge Nathan is BLATANTLY IGNORING my clearly articulated and evidenced arguments and instead is ordering that **in violation of the Fifth and Fourteenth Amendment Rights afforded me under the Constitution of the United States of America,** that I delete these said arguments and evidence.

I respectfully refer the Court to my "Response to Judge Alison J. Nathan's Order of October 31, 2017" (docket # 129) which I respectfully ask to be in conjunction with this "Response to Judge Alison J. Nathan's Order of November 20, 2017"[3], herein.

II. ARGUMENT

First off, since the ruling by the Second Circuit Court of Appeals to deny the Petition for Issuance of a Writ of Mandamus to vacate Judge Alison J. Nathan Orders of August 11 and August 21, 2017, which her August 31, 2017 Order encompassed was done on November 6, 2017, as the main party to this Petition, Judge Alison J. Nathan should have been aware of the said ruling when she made her November 16, 2017 Order (docket # 130) which as I said "*from the moment I read Judge Alison Nathan's Order of November 16, 2017, I knew it was a* ***FARCE***".

[3] I only learned about this Order via https://www.pacermonitor.com/public/case/11334510/Lue_v_JPMorgan_Chase__Co_et_al# (see attached)

Secondly, **NOWHERE** in the "Relief Requested" section of 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 which her August 31, 2017 Order encompassed, did I ask the Second Circuit Court of Appeals (Justice Thurgood Marshall must be rolling over in his grave) to "*compel the District Court/[Judge Nathan] to accept [my] over-long opposition to the Defendants' Summary Judgment Motion*". What "***f***" of the said "Relief Requested" section of my Petition for Issuance of a Writ of Mandamus to vacate Judge Alison J. Nathan's Orders of August 11 and August 21, 2017 which her August 31, 2017 Order encompassed (see Petition as an attachment in docket # 129) clearly states is: "*Such other and further relief as the Court deems just and proper to ensure that my* ***Fifth and Fourteenth Amendment Right to Procedural Due Process in this Civil Proceeding is not violated***." With that said, unless the Second Circuit Court of Appeals judges who denied my said relief request can prove that my, as they incongruously claim, "*over-long opposition*" to the **NINE (9)** Defendants' **CRIMINAL** Summary Judgment Motion is not PERTINENT to the said Defendants' Summary Judgment Motion to dismiss my lawsuit with prejudice, then, they denying my Petition for Issuance of a Writ of Mandamus to vacate Judge Alison J. Nathan's prejudicial Orders of August 11 and August 21, 2017 which her August 31, 2017 Order encompassed is in and of itself a violation of my Fifth and Fourteenth Amendment Rights to Procedural Due Process.

Thirdly, the said Second Circuit Court of Appeals ruling also clearly states that "*petition is DENIED because Petitioner [Candice Lue] has not demonstrated that she lacks an adequate, alternative means of obtaining relief*". However, this "*DENIED because*" does not relieve the District Court/Judge Alison J. Nathan from responding to my Constitutional demands articulated in my "Response to Judge Alison J. Nathan's Order of October 31, 2017" (docket # 129) pursuant to my Fifth and Fourteenth Amendment Rights which state that: "*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***".

In light of these Constitutional Rights afforded me by the U.S. Constitution and the Rule of Law and the confusion that Judge Alison J. Nathan's Orders of August 11, August 21 and August 31, 2017 have caused me, Judge Nathan must provide clarity as to why she finds **EVERY SINGLE DOCUMENT** that I filed in my said Opposition/Responses (Docket #s 106-112 and 114-118) to the **NINE (9)** Defendants' CRIMINAL 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 **obviously prejudicially** throw out ALL of my said Opposition/Responses solely because they do not comply with her "after the fact" and prejudicially implemented page limits[4]. It should also be noted that included in the documents Judge Nathan has stricken from the docket due to "page limit" are my sworn Affidavits and Exhibits in the form of Evidence for which there is no page limit pursuant to the Rule of Law and per Judge Alison J. Nathan's statement in her August 31, 2017 Order (docket # 127).

Judge Nathan's Order of August 31, 2017 further stated that: "*Plaintiff is additionally advised that she should only submit those exhibits necessary to decide the motion and that the Court may still strike documents deemed overly burdensome.*" However, as I clearly articulated in my "Response to Judge Alison J. Nathan's Order of October 31, 2017" (docket # 129) and as anyone of reasonable mind and any FAIR judge would see, "*all the contents of my said Opposition/Response, as clearly shown, were in DIRECT response to [Defendant's/Declarant's] character, the numbered statements made in [Defendant's/Declarant'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***

[4] Bearing in mind that Judge Nathan's "Special Rules of Practice in **Civil Pro Se Cases**" provides **no** oral arguments for pro se litigants so whatever arguments I have to make had to be put in writing for her to read.

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[5] attached."

I also made note of the fact that my "Memorandum of Law in Opposition/Response to the Defendants' Motion for Summary Judgment" and my "Affidavit in Response/Opposition to the Defendants' Statement of Undisputed Material Facts under Local Civil Rule 56.1" are both **sworn** documents making them **evidence** which are not subjected to page limits. That is why, pursuant to my Fifth and Fourteenth Amendment Rights 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*", it is incumbent upon Judge Alison J. Nathan to make it clear to me, a confused Pro Se Plaintiff with no legal background and/or experience but have the Constitutional Right to represent myself in a Court of Law, as to what of my said **sworn** Opposition/Responses can be deemed NOT PERTINENT to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice. This will also give me the chance afforded me under the Constitution of the United States of America to argue my points as to why any such content IS PERTINENT and why such content or contents 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

[5] **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.

(which Judge Nathan is BLATANTLY ignoring while ordering me to get rid of my said arguments and accompanying evidence to prove this CRIME) in their Declarations in Support of their said Motion for Summary Judgment.

In conjunction, the fact that my eight (8) **Affidavits in Opposition/Response**[6] to the Defendants'/Declarants' eight (8) Declarations aka LIES under Penalty of Perjury are not only **not** subjected to page limits but that ALL of the contents of the said Affidavits are in **direct response** to the Defendants'/Declarants' character and the numbered statements in the said Defendants'/Declarants' Declarations, in accordance with the Rights afforded me in the Fifth and Fourteenth Amendments 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***":

- 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

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

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[7] 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[8] 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

[7] **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.

[8] Same as footnote # 7

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[9] 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[10] attached.

[9] **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.

[10] Same as footnote # 9

- 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[11] 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

[11] **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.

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[12] 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

[12] **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.

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.

- 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[14] attached.

As anyone of reasonable mind and any FAIR JUDGE would see, my Opposition/Responses to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice 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

[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] Same as footnote # 13

Claims of Employment Racial Discrimination and Retaliation against the said Defendants 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 addition, any ruling by Judge Alison J. Nathan that states that my Opposition/Response to the Defendants' said CRIMINAL Motion for Summary Judgment is "*unopposed and submitted*", as she has threatened and which couldn't be **FARTHER** from the TRUTH, would not only be INJUSTICE to the highest level and a DISGRACE to the U.S. Judiciary but it 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, the Second Circuit Court of Appeals (Justice Thurgood Marshall must be rolling over in his grave) in COLLUSION with the District Court/Judge Alison J. Nathan should NOT be denying me the **Fifth and Fourteenth Amendment Rights** afforded me under the Constitution of the United States of America.

Furthermore, in conjunction and in accordance with and pursuant to her OATH OF OFFICE, 28 U.S. CODE § 453, Judge Alison J. Nathan must preserve the INTEGRITY of the Judiciary by DENYING the NINE (9) Defendants' 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: November 22, 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.,

Defendants.

16-CV-3207 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On October 31, 2017, the Court ordered Plaintiff Candice Lue to show cause why her failure to submit opposition to Defendants' motions for summary judgment with the Court's prescribed page limits should be excused. Dkt. No. 128. Plaintiff responded that in light of her Emergency Motion for a Stay filed with the Second Circuit Court of Appeals, that this Court "must wait on the ruling" from the Second Circuit. Dkt. No. 129 at 1.

Defendants are hereby ordered to respond to Plaintiff's letter by November 22.

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

SO ORDERED.

Dated: November 16, 2017
New York, New York

ALISON J. NATHAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Candice Lue,

Plaintiff,

–v–

JPMorgan Chase & Co.,

Defendants.

16-CV-3207 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On October 31, 2017, the Court ordered Plaintiff Candice Lue to show cause why her failure to submit opposition to Defendants' motions for summary judgment with the Court's prescribed page limits should be excused. Dkt. No. 128. Plaintiff responded that in light of her Emergency Motion for a Stay filed with the Second Circuit Court of Appeals, that this Court "must wait on the ruling" from the Second Circuit. Dkt. No. 129 at 1.

In light of the orders of the Court of Appeals denying Plaintiff's petition for a writ of mandamus and denying her motion to stay as moot, *see* No. 17-2751, Dkt. Nos. 22, 23 (2d Cir. Nov. 6, 2017), Plaintiff is hereby ordered 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.

The Court withdraws its November 16 Order as moot. *See* Dkt. No. 130.

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

SO ORDERED.

Dated: November 20, 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