

Candice Lue

Email: Info@CandiceLue.com

December 16, 2021

Committee of the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

**Re: Nomination of Judge Alison J. Nathan to the Second Circuit Court of Appeals -
PN1424-117**

Dear Sirs:

As evidenced in my Employment Racial Discrimination and Retaliation lawsuit - Lue v JPMorgan Chase & Co., et al over which Judge Alison J. Nathan presided, Judge Nathan is a biased, corrupt and nefarious judge who poses a dangerous risk to the INTEGRITY of the U.S Judiciary and as such, has no business being anywhere near the Bench of the Second Circuit Court of Appeals.

Because of the bias, corrupt and nefarious acts Judge Nathan committed as the presiding judge in my aforesaid lawsuit, I had no choice and considered it my civic duty to make an official Judicial Misconduct Complaint against her of which I have attached a copy for your review.

This letter to you is not asking you in any way to "re-litigate" my Employment Racial Discrimination and Retaliation lawsuit against JPMorgan Chase and Co., et al. It is not even about me per se. It is about the INTEGRITY of the U.S. Judicial System. The U.S. Judicial System deserves better and that is why Judge Alison J. Nathan's nomination should not be approved.

I respectfully ask that my Judicial Misconduct Complaint against Judge Alison J. Nathan be entered into the Record at the Hearing of her nomination.

Respectfully,


Candice Lue
Concerned U.S Citizen

Candice Lue

Page 2

Copy:

Chair, Senator Dick Durbin
Senator Patrick Leahy
Senator Dianne Feinstein
Senator Sheldon Whitehouse
Senator Amy Klobuchar
Senator Chris Coons
Senator Richard Blumenthal
Senator Mazie Hirono
Senator Cory Booker
Senator Alex Padilla
Senator Jon Ossoff

Ranking Member, Senator Chuck Grassley
Senator Lindsey Graham
Senator John Cornyn
Senator Mike Lee
Senator Ted Cruz
Senator Ben Sasse
Senator Josh Hawley
Senator Tom Cotton
Senator John Kennedy
Senator Thom Tillis
Senator Marsha Blackburn

Certificate of Mailing

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The Rules for Judicial-Conduct and Judicial-Disability Proceedings, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks' offices, on individual federal courts' websites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: Candice Lue
Contact Address: _____
Daytime telephone: (____) _____

2. Name(s) of Judge(s): Alison J. Nathan
Court: United States District Court for the Southern District of New York

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?



Yes



No

If "yes," give the following information about each lawsuit:

Court: United States District Court for the Southern District of New York

Case Number: 16 CV 3207 (AJN) (GWG) - Lue v. JPMorgan Chase & Co., et al

Docket number of any appeal to the ____ Circuit: _____

Are (were) you a party or lawyer in the lawsuit?



Party



Lawyer



Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

Candice Lue, Pro Se Plaintiff

[REDACTED]

4. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

5. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature)

[REDACTED]

(Date) 04/21/2018

FULL DISCLOSURE

After United States District Judge, Judge Alison J. Nathan's unethical judicial behavior and her March 27, 2018 Disgraceful (as it relates to the integrity of the U.S. Constitution/Judiciary) ruling, I, Pro Se Plaintiff, Candice Lue have been litigating this case in the public sphere. This is due to the fact that I have been meted with injustice after injustice in BOTH the United States District Court for the Southern District of New York and the Second Circuit Court of Appeals.

No, I am not a whiner but I believe that Dr. Martin Luther King's fight for Civil Rights, Dignity and JUSTICE for ALL should not be in vain. So, after my DULY, TIMELY AND LAWFULLY submitted and filed Oppositions/Responses to **NINE (9)** Defendants', JPMorgan Chase & Co., et al, **CRIMINAL** (proven PERJURY is a CRIME pursuant to 18 USC § 1621) Motion for Summary Judgment to dismiss my lawsuit with prejudice were PREJUDICIALLY and NEFARIOUSLY stricken from the Court's docket by Judge Nathan (docket # 120) in accordance with the powerful, multi-billion dollar Defendants' request (docket # 113) and she deemed the **NINE (9)** Defendants' (all represented by the same attorney – strategy to obstruct justice) said **CRIMINAL** Motion for Summary Judgment to dismiss my lawsuit with prejudice “*unopposed and fully submitted*”, again, in accordance with the powerful, multi-billion dollar Defendants' request (docket #s 113 & 137), I had no choice but to litigate this lawsuit in public which includes making my said duly, timely and lawfully submitted and filed Oppositions/Responses (Docket #s 106-112 and 114-118 – see attached) that Judge Alison J. Nathan PREJUDICIALLY and NEFARIOUSLY struck from the Court's docket (docket # 120) and which MADE IT AS CLEAR AS DAY that my Civil and Constitutional Rights under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 were violated by Defendants, JPMorgan Chase & Co., et al, that my Claims of Employment Racial Discrimination and Retaliation against the said Defendants are valid and that six (6) of the eight (8) said Defendants/Declarants and their attorneys LIED under Penalty of Perjury, A CRIME pursuant to 18 USC §§ 1621 and 1622, publicly available.

BRIEF STATEMENT OF FACTS

- On November 16, 2016, I filed a Petition for Issuance of a Writ of Mandamus to compel Judge Alison J. Nathan to recuse herself or be disqualified as presiding judge, pursuant to 28 U.S.C. §144 and/or 28 U.S.C. § 455(a) due to extreme bias (Second Circuit - Docket Number: 16–3873).
- On September 1, 2017, I filed a Petition for Issuance of a Writ of Mandamus and an Emergency Stay (Second Circuit - Docket Number: 17–2751) to stop Judge Alison J. Nathan from blatantly violating my Fifth and Fourteenth Amendment Rights to Procedural Due Process as it relates to her prejudicially and nefariously striking my duly, timely and lawfully submitted and filed Oppositions/Responses to **NINE (9)** Defendants' **CRIMINAL** (proven PERJURY is a CRIME pursuant to 18 USC § 1621) Motion for Summary Judgment to dismiss my lawsuit with prejudice – Bearing in mind that pursuant to the “CLEAN HANDS DOCTRINE RULE OF LAW”: “Someone [JPMorgan Chase & Co., et al] bringing a lawsuit or motion and asking the court for equitable relief must be INNOCENT of wrongdoing [in this case, THE CRIME OF PERJURY] or unfair conduct relating to the subject matter of his/her claim” (docket # 138).

- Judge Alison J. Nathan **OBSTRUCTED JUSTICE** by prejudicially and nefariously¹ updating and **backdating** the “Revised” date of her Individual Practices for pro se litigants (see attached) to add “page limits”², **AFTER I SUBMITTED** (under one document) my Oppositions/Responses to all **NINE (9)** Defendants’ Memorandum of Law in support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice and **AFTER I SUBMITTED** my Response to her August 11, 2017 Order which was placed on the Court’s docket on August 15, 2017 (docket # 121), in order to grant the Defendants’, JPMorgan Chase & Co., et al, August 1, 2017 Letter Motion to strike my duly, timely and lawfully submitted and filed Oppositions/Responses to their said **CRIMINAL** Motion for Summary Judgment to dismiss my lawsuit with prejudice from the Court’s docket (see docket #s 113 & 120) - Bearing in mind that as it relates to “page limits”, I had **NINE (9)** Defendants each of whom was asking Judge Alison J. Nathan to dismiss my lawsuit with prejudice and each of whom had specific and different Causes of Action against them yet Judge Nathan wanted me to use the same “25 page limit” that she allows to respond to **ONE (1)** Defendant’s Memorandum of Law, to respond to **ALL NINE (9)** Defendants – It is also important to note that per Judge Alison J. Nathan’s Individual Practices there is **NO** “oral argument” for pro se litigants so, with Judge Nathan adjudicating that I get rid of what would be **NINETY PERCENT (90%)** of my Arguments which also means getting rid of **NINETY PERCENT (90%)** of my Evidence as they both correlate (docket # 120), if that is not violating my Fifth and Fourteenth Amendment Rights to Procedural Due Process, which states: “...*All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion [of NINE (9) Defendants]*” and Local Civil Rules 56.2 and 12.1 which respectively state that: “*if you have proof of your claim, now is the time to submit it*”, and obstructing justice, no one of reasonable mind could understand what is. In conjunction, Judge Nathan extended this “page limit” to my Sworn Affidavits and my Evidence in the form of Exhibits³, which per the Rule of Law are **not** subjected to page limits, by striking **ALL** of my said submissions from the Court’s docket thus violating my Fifth and Fourteenth Amendment Rights to Procedural Due Process and **OBSTRUCTING JUSTICE**.

➤ In addition, Judge Alison J. Nathan **OBSTRUCTED JUSTICE** when she prejudicially and nefariously updated and **backdated** the “Revised” date of her Individual Practices to add “page limits” **after** I submitted my Oppositions/Responses to the Defendants’ Motion

¹ If nothing was wrong with Judge Alison J. Nathan’s August 11, 2017 Order, there would be **NO** need for her to update and **backdate** her Individual Practices for pro se litigants **after** I submitted my Response to her said Order (see page 1, footnote # 1 and page 3 of my “Response to Judge Alison J. Nathan’s Order of August 21, 2017” – docket # 126).

² Even so, my submission would still be in compliance with Judge Alison J. Nathan’s newly implemented page limits for pro se litigants because I was responding to each of **NINE (9) individual Defendants’ (each of whom had specific and different Causes of Action against them)** request to have my lawsuit against them dismissed with prejudice - (“25 page limit”) x 9 = 225 pages. My submission had 198 pages, 27 pages less than 25 x 9.

³ After several requests, Judge Alison J. Nathan has not been able to provide a valid explanation, pursuant to my Fifth and Fourteenth Amendment Rights to Procedural Due Process which states: “*the judge must protect the [Party’s] due-process rights by ensuring the [Party] understands every phase of the proceedings*”, as to why she struck my **EIGHT (8)** Sworn Affidavits and **ALL** my Evidence in the form of Exhibits from the Court’s docket when Affidavits and Evidence are **NOT** subjected to page limits – See pages 9 through 13 of my “Response to Judge Alison J. Nathan’s Order of October 31, 2017” (docket # 129), pages 7 through 12 of my “Response to Judge Alison J. Nathan’s Order of November 20, 2017” (docket # 132) and pages 9 through 16 of my “Response to Judge Alison J. Nathan’s Order of December 4, 2017” dated December 12, 2017 (Docket # 136). What **FAIR** judge throws out **PERTINENT** Evidence?

for Summary Judgment and **after** my Response to her August 11, 2017 Order by upholding her said August 11, 2017 Order granting the Defendants their August 1, 2017 Letter Motion (docket # 113) to strike ALL my said Oppositions/Responses from the Court's docket which included my requests via my Sworn Affidavits that five (5) of the eight (8) Defendants/Declarants, pursuant to Rule 56(d) of Federal Rules of Civil Procedure – “When Facts Are Unavailable To The Nonmovant” which states: “*If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order*” **and** St. Mary's Honor Center v. Hicks, 509 U.S. at 511 which states “*In order to rebut the inference of discrimination, the employer must articulate, through admissible evidence, a legitimate, nondiscriminatory reason for its actions. The employer's burden is one of production, not persuasion; the ultimate burden of persuasion always remains with the plaintiff*”, produce evidence to support the LIES in their Declarations (docket #s 92 – 99) which they would not be able to produce and which, beyond a shadow of a doubt, would prove that statements made by six (6) of the eight (8) Defendants/Declarants “*pursuant to 28 U.S.C § 1746*” (docket #s 92 – 99) were perjurious, that my Claims of Employment Racial Discrimination and Retaliation are valid and that pursuant to Rule 56 of the Federal Rules of Civil Procedure, as a matter of law, there are genuine issues to material facts. Thus, by Judge Alison J. Nathan prejudicially, arbitrarily and nefariously striking all my said Oppositions/Responses from the Court's docket, she not only willfully violated my Fifth and Fourteenth Amendment Rights to Procedural Due Process and OBSTRUCTED JUSTICE but she also violated my Seventh Amendment Right to a Trial by Jury.

➤ In conjunction, Judge Alison J. Nathan OBSTRUCTED JUSTICE by SHELTERING the powerful, multi-billion dollar Defendants from providing evidence that would be detrimental to their arguments/LIES by striking a Subpoena that was properly⁴ issued to me by the Clerk of Court and which was duly served upon the Defendants' attorney, Seyfarth Shaw LLP to obtain documents from JPMorgan Chase that would have proved, beyond a shadow of a doubt, the Defendants' inability to produce documents to support “THE BARUCH HOROWITZ LIE” which was not only stated several times under Penalty of Perjury but it was the main defense the Defendants used to have my lawsuit dismissed with prejudice.

In light of the aforesaid, it is important to note that my own request to redo and INDIVIDUALLY resubmit my Oppositions/Responses to each of the **NINE (9)** individual Defendants' arguments in their Memorandum of Law in support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice, pursuant to Judge Alison J. Nathan's newly, prejudicially and nefariously

⁴ Contrary to the PROVEN LIES the Defendants' attorney, Anshel Kaplan stated in his August 1, 2017 Letter Motion (docket # 113), it was less than two weeks prior to his May 9, 2017 filing of the Defendants' Motion for Summary Judgment that I received a copy of Baruch Horowitz's Declaration (see email trail dated April 27, 2017 attached). 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. However, and as always, Judge Nathan prejudicially IGNORED the said proof I presented to her on several occasions and **without any explanation** upheld her striking of the Subpoena.

implemented “25 page limit”, as opposed to submitting as one document⁵ as was originally submitted was IGNORED by Judge Alison J. Nathan (see pages 4 - 6 of my “Response to Judge Alison J. Nathan’s Order of December 4, 2017 - docket # 136). This redo and resubmission would have ensured that my Fifth and Fourteenth Amendment Rights to Procedural Due Process, which states: “...*All parties must be given a reasonable opportunity to present **all** the material that is **pertinent** to the motion [of NINE (9) Defendants]*” and Local Civil Rules 56.2 and 12.1 which respectively state that: “*if you have proof of your claim, **now is the time to submit it***”, and in turn, my Seventh Amendment Right to a Trial by Jury would not have been violated. Please also note that Judge Alison J. Nathan did not give any particular instructions as to how to submit my Oppositions/Responses to the **NINE (9)** individual Defendants’ said Motion in her May 11, 2017 Order (docket # 101). **See examples of other judges’ instructions in their Orders attached.**

- Judge Alison J. Nathan has AIDED AND ABETTED PERJURY, A CRIME pursuant to 18 USC § 1621. In my duly, timely and lawfully submitted and filed Oppositions/Responses to the **NINE (9)** Defendants’ **CRIMINAL** Motion for Summary Judgment to dismiss my lawsuit with prejudice, including my Eight (8) Sworn⁶ Affidavits, (Docket #s 106-112 and 114-118) and in just about, if not, ALL subsequent filings with the Court, I have made the evidence of the Defendants lying under Penalty of Perjury as clear as day (pursuant to 18 USC § 4). However, Judge Alison J. Nathan has not only willfully and prejudicially ignored such evidence but she struck the said PERTINENT evidence, **proving that a CRIME was committed**, from the Court’s docket. In her quest to aid and abet perjury, Judge Alison J. Nathan also condescendingly ignored my repetitious demand, pursuant to my Fifth and Fourteenth Amendment Rights 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*”, for an explanation as to her striking of my said pertinent evidence from the Court’s docket⁷ while ignoring my repetitious reminder that by the Rule of Law, pertinent Evidence is **not** subjected to “page limits” – “Pertinent” as in **EVERY** piece of evidence in the form of Exhibits that I presented in support of my said Oppositions/Responses was corroborated and 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, using highlights and asterisks for quick identification, etc. In light of the

⁵ Judge Alison J. Nathan is disingenuously trying to make it appear as if my 198 page Opposition/Response to the Defendants’ Memorandum of Law is not for **all NINE (9) individual Defendants (each of whom had specific and different Causes of Action against them)**. Bearing in mind that if each of the nine (9) Defendants **had their own attorney** and each of those attorneys was submitting a Memorandum of Law on behalf of each of their clients, unless Judge Alison J. Nathan instructed otherwise (as shown in the examples of other judges’ instructions (highlighted yellow) in their Orders attached) then each of those Responses to the Memoranda of Law would be allowed a “25 page limit” which overall would or could amount to 225 pages. So, again, my 198 page submission is well below 225 pages.

⁶ ALL ten (10) documents that I submitted were sworn/notarized.

⁷ As articulated in pages 9 through 13 of my “Response to Judge Alison J. Nathan’s Order of October 31, 2017” (docket # 129), pages 7 through 12 of my “Response to Judge Alison J. Nathan’s Order of November 20, 2017” (docket # 132) and pages 9 through 16 of my “Responses to Judge Alison J. Nathan’s Order of December 4, 2017” dated December 12, 2017 (Docket # 136)

aforsaid, if by Judge Alison J. Nathan, **without a valid explanation**, striking my sworn documents from the Court's docket which overwhelmingly and unequivocally prove that the CRIME of Perjury was committed is not AIDING AND ABETTING PERJURY, then no one of reasonable mind in the public which Judge Nathan serves would know what is.

- I respectfully refer this body to my November 16, 2016 "Petition for Issuance of a Writ of Mandamus for Recusal [of Judge Alison J. Nathan] Pursuant to 28 U.S. Code § 144 and/or 28 U.S. Code § 455(a)" (Second Circuit - Docket Number: 16 – 3873) where it shows Judge Alison J. Nathan being in contravention of Federal and Court Rules in order to prejudicially rule in favor of the powerful, multi-billion dollar Defendants, JPMorgan Chase & Co., et al, and against me, the poor, Black, pro se Plaintiff, without regard to her Oath of Office (28 U.S. CODE § 453) which stated: "*I, [Alison J. Nathan], do solemnly swear (or affirm) that I will administer justice without respect to persons, and **do equal right to the poor and to the rich**, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as [United States District Judge] under the Constitution and laws of the United States. So help me God*".

In conjunction, as other of my filings show, when I reported to the Court that the powerful, multi-billion dollar Defendants are in contravention of Court procedures and even Judge Alison J. Nathan's own Individual Practices, she ignored me. Case in point, I respectfully refer you to one of the several times (docket # 129) I reported to Judge Alison J. Nathan that the Defendants' attorney was in contravention of her "Special Rules of Practice in Civil Pro Se Cases - Filing of Papers # 3" which states: "*Counsel in pro se cases shall serve a pro se party with a paper copy of any document that is filed electronically and file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the pro se party was served with a paper copy **will not be considered***". To date, April 21, 2018, I have not received a paper copy of the Defendants' August 1, 2017 Letter Motion to have all my duly, timely and lawfully submitted and filed Oppositions/Responses stricken from the Court's docket and, the false Affidavit of Service the attorney filed, was filed with the Court on August 15, 2017 – after my first report and two weeks after their said Letter Motion was filed. But again, Judge Alison J. Nathan totally ignored me. Pursuant to 28 U.S.C. §§351- 364, Judge Alison J. Nathan's conduct is "*prejudicial to the effective and expeditious administration of the business of the courts*".

CONCLUSION

In light of the foregoing and in order to ensure that the dignity and integrity of the U.S. Judiciary are preserved, a charge of judicial misconduct⁸ must be rendered against Judge Alison J. Nathan. In conjunction, I strongly recommend that pursuant to Article II, Section 4 of the U.S. Constitution, Judge Alison J. Nathan be referred to The Judicial Conference of the United States for impeachment as Judge Nathan is a dangerous risk to the INTEGRITY of the U.S. Judiciary. It is a DISGRACE to have a judge aiding and abetting perjury and obstructing justice, both of which are CRIMES under the U.S. Constitution.

⁸ Including a charge of misconduct pursuant to Rule 3(h)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings – "*Misconduct. Cognizable misconduct*" – "*treating litigants, attorneys, or others in a demonstrably egregious and hostile manner*".

Respectfully Submitted,

DATED: April 21, 2018

CANDICE LUE


Signature


Address


City, State, Zip Code

**My Duly, Timely and Lawfully submitted and filed
Oppositions/Responses to the Defendants' Motion for
Summary Judgment to dismiss my lawsuit with prejudice that
Judge Alison J. Nathan Struck from the Court's Docket
(PacerMonitor.com Audit Trail)**

Plaintiff

Candice Lue



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.(rrro)

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. (rrro)

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)

Continue to Create Account

**Judge Alison J. Nathan's
Special Rules of Practice in Civil Pro Se Cases
&
Individual Practices in Civil Cases**

This was "Revised" less than a week prior to me submitting my Oppositions/Responses to the Defendants' Motion for Summary Judgment to dismiss my lawsuit with prejudice, never applied to me, pro se Plaintiff, Candice Lue.

CL

Revised: July 25, 2017

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

Chambers

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

Courtroom

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

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

1. Communications with Chambers

- A. Letters.** Except as otherwise provided below, communications with the Court shall be by letter filed on ECF. Letters may not exceed three pages in length (exclusive of exhibits or attachments). Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document). Unless otherwise noted, parties should not submit courtesy copies of letters filed on ECF.
- B. Letters Containing Sensitive or Confidential Information.** Letters that include requests to be filed under seal or that include sensitive or confidential information shall be emailed to the Court (NathanNYSDChambers@nysd.uscourts.gov) as .pdf attachments. Refer to Rule 4 for further instruction regarding requests for redactions and filing under seal.
- C. Letter-Motions.** Letter-motions may be filed via ECF if they comply with the S.D.N.Y. Local Rules and the S.D.N.Y. "Electronic Case Filing Rules and Instructions" (the "ECF Rules"). All requests for adjournments, extensions, and pre-motion conferences (including pre-motion conferences with respect to discovery disputes) shall be filed as letter-motions.
- D. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and filed on ECF as letter-motions, or submitted pursuant to Rule 1.B, if appropriate. Such requests must state: (i) the original date(s); (ii) the number of previous requests for adjournment or extension; (iii) whether these previous requests were granted or denied; and (iv) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. If the parties are requesting adjournment of a conference, they must also provide three mutually agreeable alternate conference dates. If the parties are

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

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

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

NOW, see the copy of this said document that was PREJUDICIALLY AND NEFARIOUSLY effectively BACKDATED to August 10, 2017.

CL

COMMUNICATIONS

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

FILING OF PAPERS

2. All papers to be filed with the Court by a *pro se* party, along with any courtesy copies of those papers, should be sent to the Pro Se Office, Room 230, United States Courthouse, 500 Pearl Street, New York, New York 10007. All papers must be accompanied by a proof of service affirming that the *pro se* party sent copies to all other parties or to their counsel if they are represented.
3. Counsel in *pro se* cases shall serve a *pro se* party with a paper copy of any document that is filed electronically and file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the *pro se* party was served with a paper copy will not be considered.
4. Counsel in *pro se* cases designated to the ECF system may waive paper service upon themselves and rely on service through the ECF system by electronically filing a Notice of Waiver of Paper Service and delivering a paper copy of such Notice to the *pro se* party (the form is available on the Court's Forms page on the website or at the Pro Se Office). Where such waiver is filed, the *pro se* party will no longer be required to (i) serve paper documents on the counsel who filed the waiver or (ii) file proof of service of such document. Counsel in *pro se* cases designated to the ECF system are strongly encouraged to file a Waiver of Paper Service.

DISCOVERY

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

MOTIONS

6. **Filing and Service:** Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within four weeks of the service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.
7. All motion papers should include one courtesy copy for the Court. All courtesy copies shall be clearly marked as such.
8. **Pro Se Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2
9. **Oral Argument:** Unless otherwise ordered by the Court, argument will not be heard in *pro se* matters.

INITIAL CASE MANAGEMENT CONFERENCE

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

TRIAL DOCUMENTS

11. Within 30 days of the completion of discovery unless otherwise ordered by the Court, a *pro se* party shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the *pro se* party intends to prove at trial; (2) a list of all documents or other physical objects that the party plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses that the party intends to have testify at trial. The Statement must be sworn by the *pro se* party to be true and accurate based on the facts known by the party. The *pro se* party shall file an original of this Statement with the Pro Se Office and serve a copy on all other parties or their counsel if they are represented. The original Statement must include a certificate stating the date a copy was mailed to the other parties or their attorneys. Two weeks after service of *pro se* party's Statement, the other parties must file and serve a similar Statement of their case containing the same information.
12. Within 30 days of the completion of discovery, if the case is to be tried before only a Judge without a jury, any parties represented by counsel must submit proposed findings of fact and conclusions of law. If the case will be tried before a jury, any parties represented by counsel must submit a proposed jury charge. The *pro se* party may also file either proposed findings of fact and conclusions of law or a proposed jury charge within 30 days of the close of discovery, but is not required to do so.

Revised: August 10, 2017

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

Pro Se Intake Unit

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

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

By all means a NEFARIOUS act that is unbecoming of a federal judge.

CL

COMMUNICATIONS

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

FILING OF PAPERS

2. All papers to be filed with the Court by a *pro se* party, along with any courtesy copies of those papers, should be sent to the Pro Se Intake Unit, Room 200, United States Courthouse, 500 Pearl Street, New York, New York 10007.
3. Parties in *pro se* cases shall serve a *pro se* party with a paper copy of any document that is filed electronically and file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the *pro se* party was served with a paper copy will not be considered.

DISCOVERY

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

MOTIONS

5. **Filing and Service:** Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within four weeks of the service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.
6. All motion papers should include one courtesy copy for the Court. All courtesy copies shall be clearly marked as such.

7. **Pro Se Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2
8. **Oral Argument:** Unless otherwise ordered by the Court, argument will not be heard in *pro se* matters.
9. **Pages Limits:**
 - a. **Memoranda of law:** Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. All memoranda of law shall be in 12-point font or larger and be double-spaced.
 - b. **Rule 56.1 statements:** Any Rule 56.1 statement in support of a motion for summary judgment is limited to no more than 25 pages unless leave of the Court to file a longer document is obtained at least one week prior to the due date of such motion for summary judgment. An opposing party's response to the moving party's Rule 56.1 statement shall be no longer than 50 pages, unless leave of the Court to file a longer document is obtained at least one week prior to the due date of such submission. If necessary, the opposing party may provide an additional Local Rule 56.1 statement containing a separate, short and concise statement of additional facts as to which it is contended that there exists a genuine issue to be tried. This submission shall be no longer than 25 pages.

TRIAL DOCUMENTS

10. Within 30 days of the completion of discovery unless otherwise ordered by the Court, a *pro se* party shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the *pro se* party intends to prove at trial; (2) a list of all documents or other physical objects that the party plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses that the party intends to have testify at trial. The Statement must be sworn by the *pro se* party to be true and accurate based on the facts known by the party. The *pro se* party shall file an original of this Statement with the Pro Se Intake Unit and serve a copy on all other parties or their counsel if they are represented. The original Statement must include a certificate stating the date a copy was mailed to the other parties or their attorneys. Two weeks after service of *pro se* party's Statement, the other parties must file and serve a similar Statement of their case containing the same information.
11. Within 30 days of the completion of discovery, if the case is to be tried before only a Judge without a jury, any parties represented by counsel must submit proposed findings of fact and conclusions of law. If the case will be tried before a jury, any parties represented by counsel must submit a proposed jury charge. The *pro se* party may also file either proposed findings of fact and conclusions of law or a proposed jury charge within 30 days of the close of discovery, but is not required to do so.

**Email Proof That Was Ignored by
Judge Alison J. Nathan.... (Page 3, Footnote # 4)**

**The Defendants' Attorney, Anshel Kaplan Lied In His August
1, 2017 Letter Motion (Docket # 113) To Have Judge Nathan
Strike The Subpoena That Was Issued To Me**

Subj: **Re: Notice of Subpoena - Lue v. JPMorgan Chase & Co. et al (1:16-CV-03207)**
Date: 4/27/2017 7:00:18 P.M. Eastern Daylight 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**

The information contained in this transmission is attorney privileged and/or confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited.

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)

[REDACTED]

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**

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From: [CandiceLue\[REDACTED\]](mailto: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:

[REDACTED]

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](#) 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