

No. _____

**In The
Supreme Court of the United States**

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VEERAMUTHU P. GOUNDER,

Petitioner,

vs.

PROGRESSIVE CREDIT UNION
AND COMMUNICAR INC.,

Respondents.

◆

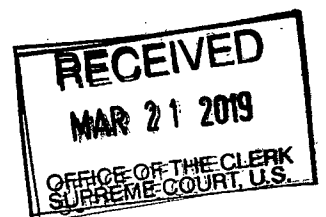
**On Petition For A Writ Of Certiorari To
The State Of New York Court Of Appeals**

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PETITION FOR WRIT OF CERTIORARI

◆

VEERAMUTHU P. GOUNDER
94-11 Springfield Blvd.
Queens Village, NY 11428
Phone Number 347-843-1495



QUESTIONS PRESENTED

In Case Index number CV-030309-13/QU, Petitioner had submitted letter from President of Communicar Inc. Pasquale Freni, to David Kosher, General counsel to Progressive credit union, stating that Progressive credit union is now the sole owner of 64 Radio share certificates on March 16, 2011.

In the same letter, it states that the printed Radio share certificates would be shipped later after printing, this shows that this is a single transaction of 64 Radio share certificates, and not a foreclose action and seizure of the shares for default of loans. If one checks the status of the shares from the Stock share ledger, it will be apparent that the actual disposition of the shares Would be exposed.

1. Question: Why did the Honorable Judge Jodi Orlow refuse to call on the disposition of the shares by a simple discovery of the Stock share certificate ledger, and did she not negate the perjured motions submitted by the Defendants?

Quote- (sworn under oath by Defendant counsel.)

"Progressive Inc. has *never* entered into any agreement with Communicar Inc. for the purpose of sale or purchase of Radio stock shares."

2. Question: Why did the Honorable Judge Jodi Orlow state that the evidence submitted was unsigned, and unsworn and unacknowledged, without perusing the evidence?

QUESTIONS PRESENTED – Continued

The evidence submitted shows beyond the shadow of a doubt that Progressive purchased 64 Radios without paying the required share transfer fee of \$1000/per share, and Petitioner was given these papers by the President of Communicar Inc., when he was a member of the Corporation and administration as Co-Chairman to vice President of Rules and security.

3. Question: Why did Honorable Judge Jodi Orlow not send the petitioner a “Motion correction Notice” if the submission was inadmissible, so petitioner could refile in the correct format? This is a violation of Basic fairness, and pre-empting petitioner from seeking Justice.

4. Question: Why did Honorable Judge Jodi Orlow classify and dismiss the case as under Res Judicata? For Res Judicata, in determinization, the case should have been to final trial, and in the system. The case was dismissed as inadmissible, and therefore has not been included in the subsequent motions, when it was not entertained even for one? It has to be two or more motions to determine Res Judicata, and not an isolated and inadmissible one time.

5. Question: Petitioner requested discovery myriad times, from the year 2011; but never received any discovery. Petitioner filed Court Compel Discovery, which was again not responded to and in contempt after 30 days. Why was the contempt of the “Compel

QUESTIONS PRESENTED – Continued

Discovery” ignored by Honorable Judge Jodi Orlow, and the case dismissed?

Does a Court Compel Discovery have no legal status or value in the American Jurisprudence system, that a Judge dismisses it as irrelevant?

6. Question: Can a judge of the civil court state incorrectly that the petitioner asserts material facts that are false, without perusing the evidence submitted, and, that which is substantiated by the letter of the President of Communicar Inc stating that Progressive “is now the sole owner of 64 radio share stock certificates.” And in the possession of the petitioner who was an officer of the corporation? Why was this crucial piece of evidence suppressed by Honorable Judge Jodi Orlow? It is my contention that It seems there is a connection between the Judge and the Counsel for the defendants, and I wonder could a Judge of the civil court be bribed to show favoritism?

7. Question: Can a Judge of the civil court interrupt an arbitration and suggest an exorbitant fee to the counsel for the defendants? Can a Judge refuse to accept a motion by hand, when it was directed to be handed over to the Judge by another judge of the motion court, due to shortage of time to file with the court clerk? Can an action for costs be initiated by a judge on an incomplete case that has not gone to final trial, and can a Judge browbeat and throw a Petitioner out of the court, and not permit the petitioner to be present

QUESTIONS PRESENTED – Continued

when an illegal act of Costs for a case that has not as yet been to final trial, is being set by the Judge, without the second party to the case being present? (See Transcript, CV-030309-13/QU September 17, 2014.)

8. Question: Can cases that were incorrectly consolidated, although they are of different matters, different subjects, having individual case index numbers, and court fees paid, and of different dates of entry/submission, and Grandfathered, and incorrectly dismissed, be included in this case index number CV 030309-13/QU?

9. Three cases bearing individual case index numbers, CV-092419-11/QU, CV-027168-12/QU, CV-032361-12/QU, court fees paid, different filing dates, grandfathered, at bench trials more than ten times each, without going for final trial, and not permitted to be consolidated according to decisions of earlier judges, as each case was different, of different matters and subjects, is it legal and ethical for these cases to be consolidated without a motion, and to be overridden by another judge of the same ranking and same court?

10. When a case index number was earlier consolidated into case index number 092419-11/QU, and a decision by Hon Judge Leslie J. Purification on 8-10-2012 to be put back on trial calendar for final trial, is it legal that this case be dismissed incorrectly in bench trial, and not permitted to go to final trial?

QUESTIONS PRESENTED – Continued

11. When a fresh lawyer appears for the first time at court for a hearing for the defendants, without any material or facts of the case, and asks the appellant for copies, without obtaining the required papers from the previous council, and the Appellant refuses, as the briefs run into more than 1000 pages, and the fresh lawyer for the defendant has not filed a notice of appearance, and the Judge Hon. Jodi Orlow removes the Appellant's briefs, and gives them away to the persona-non-grata, even ***though he has not filed notice of appearance***, is this a case of Judicial misconduct, as the person who was given all Appellant's papers in an active case, consisting of evidence, motions, and originals took them away from the protection of the court, leaving Appellant's dossier of the case empty, jeopardizing his chances at future trial. And later, was dismissed by Hon. Judge William A. Viscovich as, in his words-not having responded (as the files were empty and devoid of any papers, as they were given away by Hon. Judge Jodi Orlow. Is this a blatant denial of Appellant's basic right to justice, by a sitting judge of the civil court of Queens, New York? And an overt case of Judicial misconduct?

12. At an Examination before trial, is it not incumbent on the court to familiarize the subject of an EBT, about the procedures and protocols of an EBT, especially if that person is not a lawyer, and Pro Se?

13. At an EBT is it not incumbent for the lawyer doing the questioning, to reference his questions and

QUESTIONS PRESENTED – Continued

correlate it with the definite Case index number of the case in question, rather than a vague reference of his own as A, B, C, etc.?

14. At an Examination before trial, is it legally correct for a lawyer (Kenneth R. Tuch) from the law firm of Pike and Pike, PC, Bellmore, New York, to almost assault the subject of an EBT, by putting his middle finger in the face of the subject, yelling, and using vulgar language, which was not dutifully recorded by the stenographer, who was a friend of the lawyer conducting the EBT?

15. Is it legal procedure that all exhibits that are submitted by the person undergoing the EBT, be permitted to have copies of the same papers stamped by the lawyer conducting the EBT, or else be pre-empted from introducing this material at trial? And if so, why did the lawyer conducting the EBT refuse to stamp the petitioner's papers?

16. If an EBT has not been completed, for any reason, whatsoever, is it possible or legal to consider that the EBT would continue at a later date and that it is "incomplete" until completion?

17. Is there a law that states that an Appellant can have his case dismissed on the strength of an incomplete EBT?

18. An EBT is a form of obtaining discovery and if defendants have never responded to requests for

QUESTIONS PRESENTED – Continued

discovery, can their cases be dismissed for not providing discovery?

19. Senator Rubio, in a presidential debate on December 15, 2015 stated that all one has to do to collect evidence for the past five years, is to issue a subpoena for the same.

20. Appellant had filed a subpoena Duces Tecum for the return of his briefs and evidence consisting of over 500 pages that were given away in a case of Judicial misconduct by Hon. Judge Jodi Orlow to a person who was present at bench trial without filing notice of appearance. To be returned well in advance of the pending trial date. Is this a Subpoena to be ignored by the defendants and the judge Hon. William A. Viscovich?

21. The defendant counsel was in contempt and did not return the documents, causing the Judge William A. Viscovich to state that Appellant was non-responsive, and dismissed the case because there was no papers in Appellant's dossier with the court, as it had been given away by Judge Jodi. Orlow. And the case was incorrectly and unfairly dismissed in the defendant's favor

22. If a trial judge gives away files and papers that are part of the evidence submitted, to a person who has not filed notice of appearance, and the files are removed away from the protection of the court, by the same persona-non-grata, can the Judge who committed

QUESTIONS PRESENTED – Continued

this Judicial misconduct be censured for causing a miscarriage of Justice? Or Judicial misconduct?

23. At the trial with Hon. William A. Viscovich, where Judge Viscovich dismissed Appellant's case, Appellant spoke to Hon. Judge William A. Viscovich, and told him about the subpoena Duces Tecum, which he showed the Judge, but why did the Judge ignore it, and dismiss the case?

24. Is there a difference in the power of a subpoena when it is submitted to the court Duces Tecum by a pro-se taxi driver, as compared to Senator Rubio who believes in the strength and power of a subpoena?

25. Can a Judge who has made a decision sit on the same decision on appeal on the same case decision that he made.? Is it ethical, and not a conflict of interests?

Shouldn't it always be another judge to review and sit on a decision that he has had no connection with, to show the impartial nature of the Justice system?

26. Can a resident taxpayer of New York state since the past 45 years, paying state and city taxes be denied justice in his litigation as being out of jurisdiction by the highest State Court in the same state of his domicile/residence?

27. Any dissension in litigation is permitted to be arbitrated by a higher court with the evidence submitted to prove the reliefs sought, and for the highest

QUESTIONS PRESENTED – Continued

court in the state to state that a taxpayer is out of jurisdiction is it not unfair, and incorrect?

28. In that case, I would request that all the state taxes that I have paid for the past 45 years should be returned to me with interest, as I am not a resident of New York State according to the court, and out of jurisdiction, according to the Court of appeals, Albany, and should I not have paid any taxes for the past 45 years as I am denied the protection of the court. And can I request a refund of all my State taxes paid?

29. As a U.S. Citizen, and having faithfully paid my federal taxes to the IRS for the past 45 years, and now filing with the Supreme court Washington, D.C., I would like to know what you can do for me in my struggle and search for Justice, and if you are unable to decide on my case, what recourse and further higher powers do I appeal to, to obtain Justice, which has been denied by the lower courts, in a blatant disregard for the evidence submitted, and which is self-evident that the allegations against Communicar Inc are true and beyond the shadow of a doubt?

30. If that is the case, can I as a citizen of the United States claim my rights, under the constitution, and demand that my case may be put back on the trial calendar, to be tried by a Jury of my peers which is Constitutionally protected under the 6th Amendment, as I, the petitioner has been deprived all these years of his rights to due process?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

1. NAME: VEERAMUTHU P. GOUNDER
(PETITIONER) (PRO SE)
2. NAME: PROGRESSIVE CREDIT UNION
(RESPONDENT)
3. NAME: COMMUNICAR INC.
(RESPONDENT)

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.



OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix A to the petition which is attached and reported at the Court of New York State, Albany, Index # MO. No. 2018-773 Dated October 16, 2018 and is unpublished.



JURISDICTION

The date on which the highest state court decided my case was October 16, 2018 (Court of Appeals, Albany) Index # MO. No. 2018-773. A copy of that decision appears at Appendix A.

The jurisdiction of this court is invoked under 28 U.S.C. § 1257(a).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Plaintiff Veeramuthu P. Gounder wish to point out the wanton fraud and Criminal mischief perpetrated on the Plaintiffs, and the shareholders of Communicar Inc.

1. Refusal by Communicar Inc. to reissue Radio stock share certificate # 331, in malicious persecution and retaliation for highlighting the corruption and criminal activities and favoritism of Communicar.

2. Manipulation of stock shares without transfer fees paid and causing election fraud to control the corporation. And perjury in stating that Communicar never had any transactions with Progressive Credit Union.

3. Padding the amounts paid for legal fees. Criminally threatening Plaintiff when he approached Communicar Inc. for reissue of Stock share certificate #331, and a malicious refusal to permit plaintiff to resume work. We are attaching statement of collateral value of radio stock share certificate #331, and our basic income loss due to illegal termination, since 2012 to date.

4. The Corporation Communicar Inc. never submitted profit and loss statements to its shareholders since the past 29 years that Plaintiff Veeramuthu P. Gounder was with Communicar.

5. Communicar Inc. swindled the shareholders of the corporation by not refunding the retirement savings of \$79,000 to the Plaintiff, though the money was paid into plaintiffs retirement by deductions from his daily vouchers and was the shareholder's own money.

6. Communicar Inc. has had a continuous modus operandi of cheating the customers, clients, and shareholders of Communicar, as can be seen from the lawsuit settled out of court in Nassau County Supreme

court. (see case Index number 06-015030 dated April 2008.) Income Tax fraud, with concealing millions of dollars in its operation submissions.

7. Communicar Inc. and Melrose Credit Union entered into a conspiracy to eject Vice president and co-chairman of rules and security, by converting his savings account into a loan account.

8. Communicar Inc. terminating the services of Petitioner for highlighting the criminal activities of the corporation, which was his job, as an officer of the corporation, and Co-Chairman, Vice President of rules and security.

9. Non-accounting for hundreds of thousands of dollars in the purchase and refinance of real estate property belonging to Communicar.

10. Mail fraud in filing forged United States Postal service receipts, and statements that they said were true, to the contrary, and filed in the courts of the United States as stating an untruth that briefs were served on the recipients, which is a felony.

11. Your Honor can see a depraved indifference to honest decent norms of operation, and a corrupt corporation that transgresses basic civil rights with impunity.

12. Communicar Inc. legal counsel appeared in court without papers, and without submitting a notice of appearance as Communicar counsel, was given the briefs belonging to Plaintiff (by Judge Jodi Orlow, presiding judge, in a case of overt Judicial misconduct)

and walked out of the court with the papers that were briefs of an active case, supposed to be in the custody and safekeeping of the court, without returning them to the court.

13. Plaintiff submitted a subpoena, *Duces Tecum* for the return of the papers to the custody of the court before the next trial, but Communicar was in contempt, and refused to return the papers, which caused Plaintiff's case to be dismissed, as nonresponsive, and no papers with the trial judge, Hon. William A. Vis-covich, who had earlier sat on the same case several times, but chose to ignore the fact that more than 1000 pages of evidence and submissions that he had once observed as "Copious submissions by Appellant" and disregarded Appellants explanation as to the subpoena, and the Judicial misconduct, and dismissed the case.

14. Although the corporation did business well in excess of 55 million dollars per year, no profit sharing was ever distributed to the shareholders of the corporation.

15. No Income tax statements were ever distributed to the shareholders, with Income Tax fraud, City and local tax fraud.

16. Insurance fraud. The Corporation stating under oath that they do not have any insurance coverage. This is against the laws of the State of New York, as every corporation has to have Insurance coverage to be in operation.



STATEMENT OF THE CASE

This case Index number CXV-030309-13/QU, filing date October 30, 2013 is concerning the transfer/sale of 64 Radio share certificates between Communicar Inc. and Progressive Credit Union, without a ruling being followed, that a share transfer fee of \$ 1000/per radio share certificate is to be paid into the shareholders account, and which was not done. Petitioner, as independent contractor, and shareholder is losing his share of the profit sharing, and sued for the Transfer fee to be paid.

At Bench trial, Hon. Judge Jodi Orlow stated that this was inadmissible, unsigned, and unacknowledged, and Res Judicata, and frivolous, but she never looked at the evidence provided, which included a letter from the President of Communicar Inc. Pascale Freni, stating the confirmation that the 64 shares were now under the sole ownership of Progressive Credit Union.

As no discovery was provided in spite of requests by Petitioner since 2011, Petitioner sent a court compelled discovery to the Defendants, but they never responded within the 30-day window, and at the bench trial, in spite of Petitioner stating to the Judge about the compel discovery, she chose to ignore the contempt and dismissed the case.

The case was incomplete as it had never been to final trial, but Hon. Judge Jodi Orlow set a date for Costs, and threw the petitioner out of the court, and made a decision without the Petitioner being present,

and made a decision for the fee amount, which is unethical, and incorrect.

Communicar Inc. stated under oath several times that they never had any sale or purchase of shares with Progressive Credit Union. Progressive Credit Union, stated under oath, that Progressive Credit Union has *never* entered into any agreement with Communicar Inc. for the purpose of sale or purchase of radio stock shares.

Progressive Credit Union, in 2011, stated under oath that they purchase the shares in March 16, 2011 from Communicar.

In December 2012, Progressive stated under oath, that they subsequently sold to various shareholders and/or drivers of Communicar 71 of the 73 radios with monies for the purchase being paid to Progressive on an Installment plan.

On August 5, 2011, the election record shows that Progressive Credit Union is sole owner of the 64 Radio Stock share certificates, and also proof that they are the sole owners of the 64 Radios, and which papers were given to the Petitioner when he was an officer of the corporation, as Co -chairman to Vice president of Rules and security.

All Judges of the Civil Court of Queens failed to peruse the evidence submitted, which shows, beyond the shadow of a doubt that Progressive Credit Union purchased 64 Radios without paying the required transfer fee of \$64,000.

The court then consolidated three other cases with these cases which have no common connection or matters, and bearing individual case index numbers, court fees paid, and Grandfathered at different dates and years, how was this consolidated by a judge of the same ranking, when it was denied earlier by other judges? Having been for bench trial more than ten times each, and never having been for final trial.

Hon. Judge William A. Viscovich on an incomplete EBT, and Court ordered subpoena Duces Tecum dismissed all three cases, stating that petitioner never responded, as his dossier was empty, as it had been given away to a person who had not filed notice of appearance, and took away all the petitioner's submissions, briefs, and evidence in a running trial with him out of the court.

These three Index numbers CV-092419-11/QU, CV-027168-12/QU, and CV-032361-12/QU are not related to this current index number CV-030309-13/QU, and are illegally consolidated.

It is a fact that the Judges of the Civil Court, Supreme Court, Appellate term, Supreme Court Appellate Division and also the Court of Appeals, Albany, the highest Court in New York State did not read the evidence provided, and overlooked and made incorrect and unfair decisions which violated basic CIVIL RIGHTS, and denial of justice. The Supreme court of appeals Albany also put the petitioner out of their

jurisdiction though he was a Taxpayer and paid New York state taxes for more than 40 years.

**FACTS AND HISTORY OF
THE CASE AND INTRODUCTION**

The petitioner is a resident of the State of New York, Veeramuthu P. Gounder, residing at 94-11 Springfield Blvd., Queens Village, New York 11428 with his spouse and children.

The respondent is doing business in the State of New York, and their business addresses are given below.

Defendant business addresses.

Defendant Progressive Credit Union
131 West 33rd Street, 7th Floor
New York, NY 10001

Defendant Communicar Inc.
7310 88th Street
Glendale, NY 11385.

I and my family are receiving public assistance, and food stamps, and I cannot afford the services of a lawyer and am self-represented.

I am a shareholder of Communicar Inc. and have been a shareholder, operator, and self-employed, since 1983.

And also, I was Co-Chairman of Rules and Securities, Communicar Inc.

My name is Veeramuthu P. Gounder, and I am the petitioner, against Communicar Inc. and the Board of Directors.

I am not a lawyer, but am representing myself, (Pro Se) as I cannot afford a lawyer.

I am a licensed Taxi/Limousine driver, with the TLC since 1977, with yellow cab, and then to Black car limousine. I purchased a Radio Share certificate for \$60,000 in 1983, and became a shareholder of Communicar Inc.

All transactions of sales of Radio share certificates and transfers, had to pay a transfer fee of \$1000/per transaction, to be deposited into Communicar Shareholders account.

There was a transaction of transfer of 65 Radio share Certificates on March 16, 2011, from Communicar Inc. to Progressive Credit Union, and a confirmation letter from Pascale Freni, President of Communicar. Inc. certifying that it was now confirmed, that Progressive Credit Union was now the sole owner of 64 Radio share certificates, with their serial numbers attached.

There was to have been a share transfer fee of \$1000/per share and a total of \$65,000, to be paid by Progressive Credit Union into the shareholders account, maintained by Communicar Inc., but there was no payment made. Creating a profit-sharing income loss to Petitioner.

Communicar on November 21, 2014, said under oath, that they never sold any Stock Radio shares to Progressive Credit Union.

On August 26, 2011, because I highlighted the transfer and non-payment of the transfer fee of \$65,000, I was orally told that I was terminated and could not work at Communicar anymore. I was not issued anything in writing.

I must mention that I was an independent contractor, and shareholder of Communicar Inc. and not an employee, and as such I could not be terminated, as I was a shareholder, and also held an administrative position as Co-Chairman of Vice President of rules and security. But I was not permitted to work by the board.

There was an emergency shareholders meeting held on September 10, 2011, where Petitioner and shareholders questioned the board as to the transfer fees for the sale of 65 radios, and the Board was unable to respond to the 23 questions asked.

This was the reason Petitioner was illegally terminated, and suffered the loss of Income, and Profit sharing. Petitioner filed a suit in Civil court of Queens against Progressive Credit Union, and Communicar Inc. on October 30, 2013, under index number CV-030309-13/QU. The case went almost ten times to bench trial, but never proceeded to final trial.

Petitioner requested discovery, several times, but never received any discovery. Petitioner even filed court compel discovery, on November 12, 2014. Asking

for the ledger of the stock share certificates for the period January 2011 to December 2012, Defendants did not respond. Compel Discovery was dismissed by Judge Jodi Orlow after more than 30 days, on January 29, 2014, at motion court. The Laws states that Court compel discovery should be complied with within 30 days, failing which the case should have been awarded to the petitioner.

Communicar Inc. perjured themselves in a sworn statement in a motion to the court, that such a transaction never took place.

On December 27, 2013, David Kosher, general counsel to Progressive Credit Union stated:

Under sworn statement, Progressive has never entered into any agreement with Communicar, concerning the purchase or sale of Radio share certificates from Communicar Inc.

On December 31, 2013, Ryan O. Miller, counsel for the defendant Progressive Credit Union stated under oath that Progressive has never entered into any agreement concerning the purchase or sale of Radio share certificates from Communicar Inc.

On October 4, 2013, David Koshers, General counsel to defendant Progressive Credit Union said that Progressive never entered into any agreement with Communicar Inc. concerning purchase or sale of Radio share certificates from Communicar Inc. and also said on December 2012, that Progressive subsequently sold to various, shareholders and/or drivers of Communicar,

71 of the 73 radios with moneys for the purchase being paid to progressive on an installment plan, and also counsel Ryan O. Miller on October 7, 2013, filed in the court the above sworn statement.

Counsel for Progressive Credit Union, Ryan O. Miller, dated May 30, 2014, submitted an affidavit, under oath to the court that there were no transactions between Progressive Credit Union and Communicar Inc.

David Kosher, General counsel for Progressive Credit Union stated that Progressive never entered into any agreement, with Communicar, concerning the purchase of Radios from Communicar.

On August 5, 2011, at the General election of Communicar Inc. only owners of share (Shareholders) are permitted to vote. The election record shows that Progressive Credit Union is the sole owner of then 65 radio share certificates, and they have cast their ballots in the election.

During my tenure as an officer of the corporation of Communicar Inc. as Co-chairman to Vice president of Rules and security, certain copies of documents that are relevant in this case were sent to me in standard office correspondence, from Pasquale Freni, President of Communicar Inc. and now in my possession, proving beyond the shadow of a doubt, the authentication of the sale and transaction of the 65 radio share certificates dated March 16, 2011 from Communicar Inc. to Progressive Credit Union.

Three cases Index numbers CV-092419-11/QU, CV-027168-12/QU, CV-032361-12/QU, were of different matters, subjects, had different Case index numbers, filed on different dates, Grandfathered, and were incorrectly consolidated.

These cases were dismissed on September 30, 2014, by Judge William A. Viscovich, never been for final trial, and again incorrectly added to this case index number CV 030309-13/QU.

REASONS FOR GRANTING THE PETITION

These are the reasons for granting the petition.

Case Index number CV-030309-13/QU Dated October 30, 2013.

When Petitioner filed his briefs, Hon. Judge Jodi Orlow stated that all papers were unsigned and unacknowledged, and that petitioner failed to present the exhibits in admissible form.

It was the duty of the Honorable Judge Jodi Orlow to have sent a motion correction notice to the petitioner, as is done in the Supreme court, and to have the papers resubmitted in the required format to be considered admissible, which she failed to do, and arbitrarily dismissed the case, denying petitioner basic justice.

The evidence submitted proved beyond a shadow of a doubt that the allegations submitted by the petitioner

were true, but Hon. Judge Jodi Orlow did not review the evidence submitted, and denied the petitioner basic Justice, by not perusing the letter from the President of Communicar Inc. on March 16, 2011, stating that Progressive Credit Union was now the sole owner of 64 shares, and that the share certificates were being printed, and would be submitted later.

Progressive claimed one year later, in December 2012, that they bought and sold radios that were sold on an installment plan, and on foreclosures under oath. If radios were bought from drivers of Communicar, the Radio share certificates would have accompanied the bill of sale.

Petitioner had requested discovery to be provided regarding the Ledger of the stock share certificates in a subpoena under *Duces Tecum*, and Defendants did not respond within the 30-day window as required by the law, and Hon. Judge Jodi Orlow disregarded this requirement under the law, and dismissed the case.

When they acquired sole ownership of the 64 Radio share certificates, they voted in the general election after 5 months. Only owners of shares are permitted to cast their ballots. So, it can be seen as an election fraud to control the company. Petitioner had requested the voting ledger of the General election, which would prove beyond a shadow of a doubt, who were the owners of the share certificates, but the defendants refused to cooperate, and did not provide discovery.

It should be noted that Petitioner has in his possession results of the general election, which were

given to him when he was an officer in Administrative capacity of the Corporation, and it proves the ownership of the shares on August 5, 2011.

Communicar alleges that they sent Petitioner a letter, dated May 3, 2012, stating that his Radio share certificate was foreclosed, but Petitioner never received the notice of foreclosure, because it was never mailed. A certified mail receipt of the mailing was filed with the court, but it did not have the stamp of the post office of origin, the date of mailing, and the fee paid. The tracking number was submitted to the postal police for authentication by the petitioner, but it was non-existent, as certified by the Postal service. This is Mail fraud, and submission of a fraudulent document in a court of Law, is a felony.

The Hon. Judges in another hearing, dismissed Petitioner's claim of non-receipt, and the Judges ruled that the Fed Ex receipt of delivery proved otherwise. It is to be notified that the Hon. Judges wrongly accepted the receipt as infallible and that Fed Ex can do no wrong. Petitioner wishes to submit a letter from a resident who lives 5 blocks away on the same street, where Fed Ex, delivered a document from legal counsel for the defendants, which was meant for the Petitioner to a wrong address.

If it were not for the neighbor who received the wrong delivery, and who called the lawyer for the defendant (Arkin Solbakken, Esq.), whose telephone number of the sender was on the face of the envelope, and the lady requested the telephone number and

address of the addressee, the document would have been lost, if not for the actions of a good neighbor.

Letter from Fed Ex in response to Petitioner's complaint, and letter from the resident where the package was wrongly delivered is in appendix.

This case never went to final trial, and only bench trials of more than ten times. Hon. Judge Jodi Orlow set a date for costs, even though the case had not been to final trial, and wrongly suggested an exorbitant figure to the Defendants, and she also threw out the Petitioner, who objected, and continued to set costs without the petitioner being present. This is unfair, and a basic denial of Justice.

These three cases, CV-092419-11/QU dated October 12, 2011, CV-027168-12/QU Dated July 23, 2012, CV-032361-12/QU Dated August 28, 2012, have been illegally consolidated with case index number CV-030309-13/QU (Summons with endorsed complaint) dated October 30, 2013, have nothing in common with this case, and are of different matters, different subject, have their own individual case index numbers, having court fees paid, and having been for bench trial more than ten times each, without having been for final trial.

In the Republican Presidential debate on December 15, 2015, Senator Rubio had stated that if one needed a record, all that one has to do, is to issue a subpoena. Petitioner had filed a Subpoena Duces Tecum, for the return of his court papers which were given away by Hon. Judge Jodi Orlow *to a person who*

had not filed notice of appearance, and were taken away out of the court. Petitioner subsequently subpoenaed and for the papers to be returned well before the date of the forthcoming trial, but Defendants were in contempt, *and did not return the papers to the court*. When Hon. Judge William A. Viscovich was informed about the subpoena, and the non-response by the defendants, he chose to ignore it, and dismissed the case stating that petitioner had not responded, as there were no papers to be perused in Petitioner's dossier, as they were given away to a person who had not filed notice of appearance, in a case of Judicial misconduct by Hon. Judge Jodi Orlow. This Dismissal is in spite of the same Judge William A. Viscovich sitting on the same case several times, and he had also mentioned that Petitioner had filed copious submissions. If he was aware of this, as the Petitioner's briefs were more than 500 pages, how did Hon. Judge William A. Viscovich tell the Petitioner that he had not responded, and dismissed the case?

On September 27, 2013, there was an EBT that was incomplete, and was to continue on another day. Judge William A. Viscovich arbitrarily decided that petitioner would not cooperate in continuing the EBT, and without asking the Petitioner whether he was willing to continue the uncompleted EBT, dismissed all three cases arbitrarily, depriving petitioner of his basic rights, and denial of basic justice.

With the evidence submitted and action commenced from the Civil court of Queens County, New York, and Petitioner's struggle to obtain justice and

through the appellate courts with the evidence submitted, and the erroneous and high handed, and sometimes arbitrary decisions that are unfair, and a basic denial of Justice, starting with the consolidation of three cases that are of different matters and subjects, and with individual case index numbers, and which cases were filed at different dates with court fees paid, Grandfathered, and denied consolidation by decisions of earlier judges, but was consolidated on an oral submission, without a motion, and by a judge of the same ranking, and of the same court who overturned the decisions of his fellow judges.

A lawyer for the defendant, who was a new lawyer, who appeared in court without any papers, or case history asked for copies from the Petitioner, who rightfully refused, because the brief amounted to over 1000 pages, and the same lawyer did not file a *NOTICE OF APPEARANCE*, and as such he had no right to be present at the bench trial, and he was given Petitioner's court briefs which are supposed to be under the custody, safety, and protection of the Court, by Hon. Judge Jodi Orlow, in a case of Judicial misconduct, and the papers were taken out of the court by the persona non grata, *who had not filed Notice of appearance*. This is a breach of standard law practices, and security of documents submitted to the court in a trial which is active, and alive.

A subpoena Duces Tecum was filed for the return of the papers to be returned to the custody of the court well in advance of the trial calendar, to be held, but the respondent refused to return the papers, and was in

contempt, and as there were no papers in the Petitioner's file at the trial by Hon. Judge William A. Viscovich, it was dismissed with the Judge stating that Petitioner had not responded.

There was an Examination before trial, which was incomplete, and to be continued, but Hon. Judge William A. Viscovich arbitrarily and illegally decided that the Petitioner would not cooperate, and without asking Petitioner whether he would be willing to appear in a continuation of the EBT, dismissed all three cases in an excessive and erroneous decision, violating Petitioner's basic civil rights.

The Court of Appeals, Albany, New York, the highest State court, took three months to decide that Petitioner was out of their jurisdiction, though Petitioner was a New York state resident for 45 years, and the court also refused to refund the court fees paid by Petitioner, which is not an honest action by a Court of the highest standing rank in New York State.

Why did the court accept the filing and accept the court fees, when it could have told the petitioner that he was out of their jurisdiction right at the onset, rather than waiting for three months before deciding petitioner was out of the court's jurisdiction?

Petitioner has been paying State, local, and Federal taxes for 45 years. Does this mean that Petitioner is entitled to a refund of all monies paid as taxes, if he is not considered a New York State resident and out of the jurisdiction of the Highest State court?

All the Appeals that Petitioner had filed does not seem to have been reviewed in its entirety with all the evidence submitted, and all the Judges of the supreme court gave no reason for their decisions, and seemed to be covering up for the erroneous decisions of the judges of the lower courts, and basically pre-empting Petitioner from obtaining Justice.

Each of the three cases had been to bench trial more than ten times, but never went to final trial.

In view of the erroneous decisions of the Civil Court of Queens, New York, Supreme Court, Appellate term of the Supreme Court of the State of New York, for the 2nd, 11th, and 13th Judicial Districts, Supreme Court of the State of New York (Appellate Division, 2nd Judicial Department, State of New York, Court of Appeals, Albany), where there seems to be a cover-up of the erroneous decisions of the judges of the lower courts, and a rejection of Jurisdiction by the highest State court in New York to a resident tax payer of 45 years standing, of the State of New York, these are the reasons for granting the petition.

◆

CONCLUSION

In conclusion, Respected Judges of the Supreme Court of the United States, Washington, D.C., I wish to plead for Justice for my cause, as I have been searching for Justice from the year 2011.

Case Index Number CV-030309-13/QU, filed in Civil Court of New York, Queens County on October 30, 2013.

Petitioner had filed for \$25,000, which is the limit of the court, and not a “Return of \$25,000” which was an error by the clerk who transcribed the filing.

Hon. Judge Jodi Orlow did not peruse the evidence submitted, and stated that the submission by petitioner was inadmissible, unsigned, and unacknowledged. There was no Motion correction notice given to the Petitioner, to resubmit in the correct format which was considered inadmissible by Hon. Judge Jodi Orlow.

The evidence was ironclad, as there was a letter from the President of Communicar Inc., Pascale Freni dated March 16, 2011, stating that Progressive Credit Union was now the sole owner of 64 Radio Share certificates, which the Hon. Judge failed to peruse.

On November 21, 2014, Communicar Inc. Perjured themselves by stating under oath: *“The alleged transaction upon which the claims are based, never took place.”*

On October 4th and 7th, 2013, and December 27 and 31, 2013, and May 29 and 30, 2014, Progressive Credit Union, under oath stated: *“Progressive Credit Union has never entered into any agreement concerning the purchase or sale of any radio share certificates from Communicar Inc.”*

Signed statement from the President of Communicar Inc. Pascale Freni, dated March 16, 2011 confirms that

Progressive Credit Union is the sole owner of 64 Radio Share certificates, and also by the record of the Communicar general election, and a record of the voting by progressive Credit Union which shows the index numbers of the Radio share certificates authorizing the casting of the ballots. (See copies of the evidence in Appendix D).

A copy of a shareholder who had a Radio Share certify transaction dated October 10, 2000, and where the required transfer fee of \$1000/ has been paid, is attached, as a reference, in Appendix E.

On September 17, 2014, at Civil Court, Hon. Judge Jodi Orlow, unfairly, and erroneously set costs for a case that had not been to final trial, and proposed/ recommended an exorbitant figure to the defendant counsel. This was highly irregular, as the amounts in contest are between the litigants, and the Judge had no right to interfere with the litigants, or provide suggestions regarding the amount to be decided on. The Judge then threw the Petitioner out of the court, and completed the setting of costs without the Petitioner being present, which again is highly irregular.

Petitioner has been requesting discovery from the Defendants, Communicar Inc. and Progressive Credit Union, from the year 2011. There was no discovery provided, even when a court ordered Compel Discovery dated November 12, 2014 the defendants were in contempt and did not comply, and even after 30 days, the Hon. Judge Jodi Orlow dismissed the case without

taking into consideration, the contempt of the Compel Discovery. See Copy of Compel, Discovery in Appendix C.

Communicar Inc. has refused to provide discovery, and a copy of the receipts, under certified mail requesting discovery from the year 2011 is attached in Appendix C.

I wish to point out the wanton fraud and Criminal mischief perpetuated on the Plaintiffs, and the shareholders of Communicar Inc.

1. The Corporation Communicar Inc. never submitted profit and loss statements to its shareholders since the past 29 years that Plaintiff Veeramuthu P. Gounder was with Communicar.

2. Communicar Inc. swindled the shareholders of the corporation by not refunding the retirement savings of \$79,000 to the Plaintiff, though the money was paid into plaintiff's retirement by deductions from his daily vouchers and was the shareholder's own money.

3. Communicar Inc. has had a continuous modus operandi of cheating the customers, clients, and shareholders of Communicar, as can be seen from the lawsuit settled out of court in Nassau County Supreme court. (see case Index number 06-015030 dated April 2008.) Income Tax fraud, with concealing millions of dollars in its operation submissions.

4. Communicar Inc. and Melrose Credit Union entered into a conspiracy to eject Vice president and

co-chairman of rules and security, by converting his savings account into a loan account.

5. Communicar Inc. terminating the services of Petitioner for highlighting the criminal activities of the corporation, which was his job, as an officer of the corporation, and Co-Chairman, Vice President of rules and security.

6. Non-accounting for hundreds of thousands of dollars in the purchase and refinance of real estate property belonging to Communicar Inc.

7. Mail fraud in filing forged United States Postal service receipts, and statements that they said were true, to the contrary, and filed in the courts of the United States as stating an untruth, that briefs were served on the recipients, which is a felony. There is no Stamp of the post office of origin, no record of fee paid, and no Date stamp. The copies of the receipt were checked out, at the Policing dept of the U.S. Postal service, and the tracking number was not in the database, and not sent, according to the postal police. This was a forgery. The receipts of the forgeries are attached in Appendix F.

8. Your Honor can see a depraved indifference to honest decent norms of operation, and a corrupt corporation that transgresses basic civil rights of the shareholders, and the public with impunity.

9. Communicar Inc. legal counsel appeared in court without papers, and without submitting a notice of appearance as Communicar counsel, was given the

briefs belonging to Plaintiff (by Judge Jodi Orlow, presiding judge, in a case of overt Judicial misconduct,) and walked out of the court with the papers that were briefs of an active case, supposed to be in the custody and safekeeping of the court, without returning them to the court.

10. Plaintiff submitted a subpoena, *Duces Tecum* for the return of the papers to the custody of the court before the next trial, but Communicar was in contempt, and refused to return the papers, which caused Plaintiff's case to be dismissed, as nonresponsive, and no papers with the trial judge, Hon. William A. Visovich, who had earlier sat on the same case several times, but chose to ignore the fact that more than 1000 pages of evidence and submissions that he had once observed as "Copious submissions by Appellant" and disregarded Appellants explanation as to the subpoena, and the Judicial misconduct, and dismissed the case.

11. Refusal by Communicar Inc. to reissue Radio stock share certificate # 331, in malicious persecution and retaliation for highlighting the corruption and criminal activities and favoritism of Communicar.

12. Manipulation of stock shares without transfer fees paid and causing election fraud to control the corporation. And perjury in stating that Communicar never had any transactions with Progressive Credit Union.

13. Although the corporation did business well in excess of 55 million dollars per year, no profit sharing

was ever distributed to the shareholders of the corporation.

14. No Income tax statements were ever distributed to the shareholders, with Income Tax fraud, City and local tax fraud.

15. Insurance fraud. The Corporation stating under oath that they do not have any insurance coverage. This is against the laws of the State of New York, as every corporation has to have Insurance coverage to be in operation.

16. Padding the amounts paid for legal fees.

17. Criminally threatening Plaintiff when he approached Communicar Inc. for reissue of Stock share certificate # 331, and a malicious refusal to permit plaintiff to resume work. We are attaching statement of collateral value of radio stock share certificate # 331, and our basic income loss due to illegal termination, since 2012 to date.

Communicar Inc. has been a corrupt corporation, with favoritism, cheating customers, Insurance fraud, Election fraud, Larceny, and at an emergency board meeting, Petitioner highlighted the fraud perpetuated on the shareholders of Communicar Inc. And was illegally terminated without any notice in writing, and was threatened with arrest for trespassing.

Respected Justice of the Supreme Court of Washington, D.C., in view of the above, and the evidence propounded, highlighting the gross injustice suffered, and inflicted on me by corrupt corporations, viz.

Communicar Inc. and Progressive Credit Union, and the incorrect and unfair arbitration by the courts of New York State, denying me basic justice.

I am not a lawyer, but a simple taxi driver fighting for justice from 2011 and Pro Se. I am on public assistance and cannot afford a lawyer. I humbly beg that your Lordships may please review my cases in its entirety, and render me the Justice that I and my family have been striving for in the hope and encouragement of the words "with Liberty and Justice for all," failing which I would have to invoke my rights as a citizen of the United States of America, under the Sixth Amendment, and plead to be judged by a jury of my peers.

Thanking You
Yours Faithfully,

VEERAMUTHU P. GOUNDER

Originally Filed: January 11, 2019

Re-filed: March 18, 2019