19-260

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

CANDICE LUE,
Petitioner,
v.

JPMORGAN CHASE & CO., a Delaware Corporation; ALEX KHAVIN, an individual; FIDELIA SHILLINGFORD, an individual; JOHN VEGA, an individual; HELEN DUBOWY, an individual; PHILIPPE QUIX, an individual; THOMAS POZ, an individual; CHRIS LIASIS, an individual; MICHELLE SULLIVAN, an individual,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1

Title VII of the Civil Rights Act of 1964 prohibits employers from depriving employees of employment opportunities by limiting, segregating, or classifying them on the basis of race (See 42 U.S.C. § 2000e-2(a)) and gives an employee the right to be free from retaliation for the individual's opposition to discrimination or the individual's participation in an EEOC proceeding by filing a charge (See 42 U.S.C. § 2000e-3(a)).

Under 42 U.S.C. § 1981 - All persons within the jurisdiction of the United States shall have the same right in every State and Territory to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

The questions presented are:

Do Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 protect a Black employee from retaliation for taking a stance against being stereotypically and disparately treated as the "help/house slave" for the non-Black team members of JPMorgan Chase & Co.'s Asset Management Counterparty Risk Group and for filing a charge reporting the said discrimination and retaliation to the EEOC?

Were my rights violated by JPMorgan Chase & Co., et al when as the only Black analyst in the Asset Management Counterparty Risk Group, I was switched to a low performing, subpar Black employee who had never managed anyone before to be my

manager, restricted of and/or denied privileges such as the company's work from home benefit, the enjoyment of being occasionally freed from doing "less desirable work" and the benefit of sponsorship and financial assistance with the Chartered Financial Analyst (CFA) exams that the non-Black analysts and/or associates of the group had access to/enjoyed?

2

The Fifth and Fourteenth Amendment Rights to Procedural Due Process provide that no person shall be deprived of life, liberty, or property without due process of law and that the judge must protect the [Party's] due-process rights by ensuring the [Party] understands every phase of the proceedings.

The question presented is:

Did the District Court abuse its discretion in granting Defendants' JPMorgan Chase & Co., et al's August 1, 2017 Letter Motion to arbitrarily strike my issued Subpoena and all my Oppositions/Responses (including my Affidavits and Exhibits) to their Motion for Summary Judgment to dismiss my Employment Racial Discrimination and Retaliation lawsuit against them with prejudice without a valid and/or legal explanation and without convening a hearing for me to argue against the said motion?

3

Under 18 U.S.C. § 1621 - Whoever in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe

to be true is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both.

The question presented is:

Did six (6) of the eight (8) Defendants/Declarants for whom overwhelming proof was provided that they lied in their 28 U.S. Code §1746 Declarations commit the crime of perjury?

4

Under 18 U.S.C. § 1505 - Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so shall be fined under this title/imprisoned not more than 5 years

The question presented is:

Did JPMorgan Chase obstruct justice by using three of its 28 U.S. Code §1746 Defendants/Declarants to lie on their behalf under penalty of perjury?

PARTIES TO THE PROCEEDING

I, Petitioner, Candice Lue, was the Plaintiff in the District Court and the Appellant in the Court of Appeals.

Respondents, JPMorgan Chase & Co., a Delaware Corporation; Alex Khavin, an individual; Fidelia Shillingford, an individual; John Vega, an individual; Helen Dubowy, an individual; Philippe Quix, an individual; Thomas Poz, an individual; Chris Liasis, an individual; Michelle Sullivan, an individual, were the Defendants in the District Court and the Appellees in the Court of Appeals.

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PETITION FOR WRIT OF CERTIORARI

I, pro se Petitioner, Candice Lue respectfully petition for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Second Circuit in this case.

OPINIONS/SUMMARY ORDERS BELOW

Second Circuit Court of Appeals April 24, 2019 Summary Order (Pet. App.A 1a – 8a). Second Circuit Court of Appeals' Order of May 28, 2019 denying Motion to Stay Mandate Pending Filing of a Petition for a Writ of Certiorari (Pet. App.B 9a – 10a). Second Circuit Court of Appeals' May 28, 2019 Judgment Mandate (Pet. App.C 11a – 18a).

JURISDICTION

The Summary Order of the Second Circuit was entered on April 24, 2019. A timely motion to stay mandate pending my filing of a Petition for a Writ of Certiorari was denied on May 28, 2019. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

RELEVANT STATUTORY AND REGULATORY PROVISIONS

The pertinent parts of the relevant statutory and regulatory provisions appear in the appendix. App.D 19a.

STATEMENT

1. Title VII of the Civil Rights Act of 1964 prohibits employers from depriving employees of employment opportunities by limiting, segregating, or classifying them on the basis of race (See 42 U.S.C. § 2000e-2(a)) and gives an employee the right to be free from retaliation for the individual's opposition to discrimination or the

individual's participation in an EEOC proceeding by filing a charge (See 42 U.S.C. § 2000e-3(a)).

a. Under 42 U.S.C. § 1981 - All persons within the jurisdiction of the United States shall have the same right in every State and Territory to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Alex Khavin's ("Khavin"), an Executive Director and Head of the Counterparty Risk Group for Global Investment Management at JPMorgan Chase & Co., who is White and who was my skip level manager, first act of disparate treatment against me is consistent with unlawful segregation (my Eighth Cause of Action - "Unlawful Segregation on the Basis of Race in Violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981" – Amended Complaint).

After five interviews with six members of JPMorgan Chase's Asset Management Counterparty Risk Group, on November 5, 2014, it was decided that I, the Black candidate, was the one chosen for the Credit Reporting Risk Analyst position. Executive Director, Khavin then switched my manager (evidence provided in Exhibit O - JPMorgan Chase 000221) from being the White manager, Kimberly Dauber who all the non-Black analysts and associates (including my three non-Black predecessors) reported to, to a Black, subpar employee (per Khavin's own performance assessment of her), Defendant Fidelia Shillingford ("Shillingford") who no one had ever reported to and who was willing to engage in horizontal racism against me to secure her,

Shillingford's own career at JPMorgan Chase[1] by allowing herself to be used by Khavin as a cover and a conduit to extend her, Khavin's racial bigotry against Blacks against me.

Khavin switching my manager from being Kimberly Dauber, who she, Khavin did not need to put on a Development Plan and as of 2014 year end was not on JPMorgan Chase's list of "low performers", to Shillingford who, based on Khavin's own 2014 year end performance review and performance rating was a "low performer" who needed to be placed on a Development Plan as a "Course of Action" (evidence provided as Exhibit FF), was not only unlawful segregation but it was an act of disparate treatment against me considering that the education, experience and skills requirements for me to have landed the job as the Credit Reporting Risk Analyst, as per the job description, were identical to those of my three non-Black predecessors who Khavin obviously thought Shillingford was not good enough for them to report to.

As the only Black Analyst in the Counterparty Risk Group, in addition to always having to work late (as is the norm with the Credit Reporting Risk Analyst position), Khavin ordered me to work an additional minimum of two (2) hours later (could be up to 11:00 PM) to do 13 copies of the printing, collating, stapling, etc. of each of the other group members' (including members who were on my job level) presentation materials for the group's 8:00 AM Monthly Governance Meeting.

[1] Having gotten a "Low Meets Expectation (M-)" rating from Khavin on her 2014 year end performance review (Exhibit FF), Shillingford's career at JPMorgan Chase was at the mercy of Khavin and HR so in her quest to secure her career/future at JPMorgan Chase, Shillingford who is Black was willing to relegate herself to horizontal racist status in order to carry out Khavin's racial bigotry against me. Shillingford was also used by JPMorgan Chase to lie under penalty of perjury in her Declaration in Support of the Defendants' Motion for Summary Judgment.

As Khavin tried to rationalize in her perjurious Declaration in support of the Defendants' Motion for Summary Judgment, she solely assigned the aforesaid racially stereotypically and discriminatory tasks to me because the said members in the group, who were all non-Black (except for my direct manager, Shillingford), consistently failed to have their presentation materials ready for the said 8:00 AM meeting to start on time. The meeting starts at 8:00 AM and instead of having the printing, etc. of their presentation materials done the night before to distribute in the said meeting, they would wait until the morning of the meeting, sometimes coming in at 7:55 AM and rushing to put their materials together delaying the meeting for 20 minutes or more. This being so frustrating to Khavin, as the only Black analyst to have joined the group, as if I were the new "help/house slave", to "rectify this matter" Khavin unfairly assigned me to do the printing, etc. of all these non-Black, **lax** employees' presentation materials – Bearing in mind that another non-Black analyst had joined the group just one week before I did.

I myself had up to three (3) presentations to prepare for the said meeting (more than any of the other members) yet in addition to these three, I was ordered by Khavin to work a minimum of two (2) hours later than usual (when everyone else has left for the day[2]) to prepare everyone else's presentation materials which, their presentation materials had nothing to do with my position as a Credit Reporting Risk Analyst (my Black manager, Shillingford and I were on the Reporting side of the group and the

[2] For more than half of the month my average time to leave work was 8:00 to 8:30 pm (a few times after 9:00 pm) and for the rest of the time, there was a possibility, not a guarantee, that I would get to leave between 6:00 and 6:30 pm (extremely rare for 6:00 pm) when the average time for the whole month for the non-Black analysts and associates to leave work was between 5:00 and 5:30 pm with a 6:00 pm late evening. Am. Compl. ¶ 14

other members who were all non-Black were on the Credit Analysis side of the said group).

Khavin ordering me to print, etc. 13 copies of each member of the group's presentation materials was only a benefit/perk for the non-Black members of the team who were lax in having their presentation materials ready for the monthly 8:00 AM meeting, at the expense of me, the only Black analyst on the team[3] - A benefit/perk, that like a help/house slave, I would have never gotten the opportunity to enjoy since as the only Black analyst on the team, these were solely my tasks to do.

In conjunction, Khavin solely assigned me the task of taking the minutes for the said monthly governance meetings, a task which was so undesirable that Khavin made it rotational among all the non-Black analysts and associates before I joined the team[4] as I was informed during my interview for the position and per Kimberly Dauber's email dated February 4, 2015[5].

The aforesaid tasks were not even assigned to the White administrative assistant on the team even though these are tasks that would more likely fall into the "administrative assistant" job category. As a matter of fact, the said White administrative assistant was not even as much as assigned the task to print the meeting agenda **she** prepared and sent out via email to the team for the said monthly team meeting but, along with all the presentation materials Khavin discriminatively

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[3] The equivalent of a White/non-Black family historically getting a Black Help to do their family's undesirable chores – Bearing in mind that I was an Exempt employee like the other non-Black employees.

[4] In contravention of EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – Work Assignments.

[5] Kimberly Dauber's email stated: "*Every analyst and/or associate on this team has been the minute taker of our extended meetings at some time during the last 2 years* [prior to me joining the team]. *I don't think this is a function that is specifically written out in job duties because it's an adhoc function. However, Alex* [Khavin] *would pick a different person each time during our meetings....*"

assigned me to print for the non-Black members of the team, the task of printing a copy of the governance meeting agenda for each of the said non-Black members of the team was also assigned to me, an analyst, to do. (EEOC Compliance Manual Section 15 – Race and Color Discrimination – VII(B)(1) – Work Assignments states: "*Work assignments must be distributed in a nondiscriminatory manner. This means that race cannot be a factor in determining the amount of work a person receives, or in determining who gets the more, or less, desirable assignments*".

In addition, reminiscent of the devious ways in which Black voters were treated to frustrate them and to prevent them from using their voting privilege before the 1965 Voting Rights Act was passed, unlike the non-Black analysts in the Counterparty Risk Group who could use the company's work from home privilege by just sending an email to the team saying something like, "I am not feeling too well today so I will be working from home", Khavin's directive through Shillingford for me was that I had to send an email to Shillingford detailing my situation and ask for permission to work from home (permission which would have to come from Khavin herself) and she, Shillingford would communicate accordingly to the team. In other words, unlike the non-Black analysts on my job level who could just send the email to the team (as JPMorgan Chase internal emails I provided in my almost 500 pages of evidence show), I, Black analyst, Candice Lue, would be passing my place to do so.

There is an undisputed culture of Employment Racial Discrimination and Retaliation at JPMorgan Chase as evidenced in my lawsuit and in the lawsuits: *United States of America v. JPMorgan Chase Bank, NA* (17-cv-00347), *Alfredo B Payares v. Chase Bank USA, NA., & J.P. Morgan Chase & Co et al* (2:07-cv-05540),

Senegal, et al. v. JPMorgan Chase Bank, N.A. (18-cv-6006) and *Abanga v. JPMorgan Chase & Co., et al* (18-cv-04060) that JPMorgan Chase has been able to get away with because of their influence and wealth – taking note that the two latter lawsuits are for Employment Racial Discrimination and were filed after I filed my said lawsuit against the company.

This culture was also evidenced during my tenure in my capacity as an Energy Confirmations Drafting Analyst in JPMorgan Chase's Investment Banking Global Commodities Confirmations Department ("Confirmations Department") whereby my career was consistently and intentionally regressed and stagnated by my skip level manager, Defendant Chris Liasis ("Liasis") and my direct manager, Michelle Sullivan ("Sullivan") who are both White.

It never mattered what I did to exceed my work expectation as I explicitly outlined in my Sixth Cause of Action in my Amended Complaint and in my Responses to Sullivan's and Liasis' perjurious Declarations in support of the Defendants' Motion for Summary Judgment, my efforts and contributions to process improvements, etc. in the Confirmations Department were always quelled. In addition, towards the end of my tenure, my regular duties were taken away from me and I was assigned duties that were regressive to my career by both managers[6] in an effort to intentionally stagnate and regress my career at JPMorgan Chase[7].

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[6] *Vance v. Ball State University,* 133 S. Ct. 2434 (2013)

[7] The reassignment of my duties which pretty much left me "counting pencils" was not necessary as, within seven months, the Physical Commodities section in which I worked would have been sold by JPMorgan Chase and my position would have been eliminated. But, in an effort to put blight on my marketability by indirectly forcing me to update my resume with tasks that would be regressive to my financial career, Liasis and his co-conspirator, Sullivan reassigned my duties and I was relegated to spending most of my day calling clients to ask them if they had received issued trade confirmations and when can we expect a returned signed copy.

With all my efforts going above and beyond my call of duty, Liasis and Sullivan never gave me a performance rating above "Meets Expectation (M)". And, to even be considered for a promotion, a JPMorgan Chase employee needs to have at least a "Meets Expectation Plus (M+)" performance rating" – Bearing in mind that I was a high achiever during my high school and college matriculation[8] and my high quality of work as a consultant with JPMorgan Chase prior to becoming an employee was recognized by my then manager and JPMorgan Chase's clients and initially in my first four months as a JPMorgan Chase employee, by Sullivan herself.

With that said, there is comparative evidence to prove that while Liasis and Sullivan were intentionally regressing and stagnating my financial career at JPMorgan Chase, within the two years of Liasis being my skip level manager, I had seen where he promoted a White female employee who worked in the Marketing Middle Office Group[9] from an Analyst to a Senior Analyst to an Associate/Manager then to a Vice President/Manager. And, with all due respect, I have yet to hear about any process improvement or any other substantial or significant contribution, comparable to what I did, that this White employee had made to the Marketing Middle Office Group (Am. Compl. ¶ 162).

In light of the aforesaid, as outlined in Paragraphs 2, 15, 137 and 138 of my Amended Complaint, I took all the measures necessary to openly mitigate the damages that the Defendants caused me, but to no avail. I continuously raised the issue of racial discrimination against me both verbally and via email to the

[8] I graduated 3rd from a high school that was more than 99.5% White (4.0 GPA, New Jersey Governor Scholar, Gates Millennium Scholar, etc.) and graduated Summa Cum Laude, etc. from college.
[9] This group for which Liasis was the direct manager worked very closely with the Confirmations Department.

Defendants and/or employees in positions to rectify this unlawful matter but it was never rectified but only ignored, aided, abetted, enforced, shooed away, dismissed and/or ridiculed by these said Defendants and/or employees. Instead, due to my continued peaceful opposition to being discriminatorily treated as the "help/house slave" for the non-Black members of the Counterparty Risk Group, I was retaliated against by way of a pretextual performance review and placed on a fallacious "performance improvement plan" followed by a written warning and ultimately my termination on January 6, 2016. The written warning and my termination occurred after I filed a Charge of Employment Racial Discrimination and Retaliation against JPMorgan Chase & Co. with the EEOC (JPMorgan Chase saw me as a "firmwide risk" – evidence provided in my motion to stay mandate which was denied on May 28, 2019).

2. The Fifth and Fourteenth Amendment Rights to procedural due process provide that no person shall be deprived of life, liberty, or property without due process of law and that the judge must protect the [Party's] due-process rights by ensuring the [Party] understands every phase of the proceedings.

The District Court abused its discretion in granting Defendants' JPMorgan Chase & Co., et al's August 1, 2017 Letter Motion to arbitrarily strike my issued Subpoena and all my Oppositions/Responses (**including eight (8) Affidavits and almost 500 pages of evidence**) to their Motion for Summary Judgment to dismiss my Employment Racial Discrimination and Retaliation lawsuit against them with prejudice without a valid and/or legal explanation and without convening a hearing for

me to argue against the said motion. See *Jose Figueroa-Coello v. United States of America,* (5th Cir, 2019).

District judge, Judge Alison J. Nathan also completely ignored my reports (via Motions/Responses I filed with the Court), pursuant to 18 U.S.C. § 4, of the overwhelming evidence that six (6) out of the eight (8) Defendants/Declarants **lied** under Penalty of Perjury in their Declarations in Support of their Motion for Summary Judgment, a **crime** pursuant to 18 U.S.C. § 1621 and that JPMorgan Chase **obstructed justice** by using my Black manager, Defendant Fidelia Shillingford, one of my White predecessors, Declarant Baruch Horowitz and a White manager, Declarant Kimberly Dauber to **lie** on their behalf under Penalty of Perjury, a **crime** pursuant to 18 U.S.C. § 1505[10].

In addition, to uphold her August 11, 2017 Ruling granting the Defendants' August 1, 2017 Letter Motion in which they cited noncompliance of **non-existent** page limits rules and lied to the Court[11] to have my Subpoena stricken, when I provided evidence of her erroneous Ruling in my August 12, 2017 Motion (District Court Docket "DCD" # 121), instead of Judge Nathan mooting her Ruling granting the Defendants' August 1, 2017 Letter Motion to arbitrarily strike **all** my Oppositions/Responses from the District Court's docket, Judge Alison J. Nathan **ignored** my argument and proof with regards to my Subpoena, prejudicially updated her "Special Rules of Practice in

[10] Proof that these Declarants lied under penalty of perjury is among the almost 500 pages of evidence that Judge Alison J. Nathan struck from the district court's docket when she granted the Defendants' August 1, 2017 Letter Motion. I resubmitted all the stricken documents to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (docket #s 10 and 11). However, please note that as I pointed out in my Appellant Brief, the entry of my resubmission on the Appeals Court's docket, as it relates to the number of pages, is not consistent with the almost 1000 pages of all the documents I resubmitted.

[11] Proof which Judge Nathan ignored was provided to the Court.

Civil Pro Se Cases" to add "page limits" and nefariously **backdated** the "Revised" date of her said Individual Practices to August 10, 2017, which is **ten** (10) days **after** I submitted my said Oppositions/Responses and one day prior to her August 11, 2017 Ruling whereby she granted the Defendants' Letter Motion – Bearing in mind that no court ruling is decided on a "future Rule of Law". The Rule of Law would have to be in effect for a court ruling to be made based on it.

In conjunction, in the Second Circuit Court of Appeals' April 18, 2019 hearing, none of the three presiding judges, Judge Richard C. Wesley, Judge Denny Chin and Judge Lewis A. Kaplan asked me any questions about the arguments in my Appellant Brief or about any of the disputed and debunked lies in the Defendants' Appellees' Brief even though Judge Denny Chin "assured me" that they had read my "papers already" when I was only allowed to read less than two of my four and less than a quarter page, double-spaced prepared statement.

Yet, in the said judges' Summary Order of April 24, 2019[12] (Pet. App.A 1a – 8a), they referenced the said Defendants'/Declarants' disputed and debunked lies[13] – Meaning that if my documents were read liberally pursuant to *Burgos v. Hopkins,* 14 F.3d 787, 790 (2d Cir, 1994) - ("[A pro se plaintiff's] *pleadings must be read liberally and interpreted to "raise the strongest arguments that they suggest"*), the three judges could not have come up with the arguments they came up with in their said Summary Order of April 24, 2019.

[12] Received on May 4, 2019. Ten (10) days after the Ruling.
[13] The majority of these lies were debunked via proof from the thousands of JPMorgan Chase's internal emails/documents voluntarily produced during discovery. I took the time to go through all of these emails/documents.

Notably missing from the said Summary Order is any mention of my Subpoena that was stricken from the District Court's docket at the behest of the Defendants via their August 1, 2017 Letter Motion which, without addressing me or allowing me to argue against it, District Court judge, Judge Alison J. Nathan granted[14].

In addition, the said presiding judges refused to acknowledge the documents I resubmitted to the Appeals Court which are most relevant to my Appeal pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure which states: **"Unsupported Finding or Conclusion.** *"If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion"* but chose instead to use the Defendants' argument - Summary Order – page 2, footnote # 1 (Pet. App.A 2a) stated as: *"Lue does not reference her state tort claims, hostile work environment claim, or her "aiding and abetting" claim and "failure to take steps to prevent" claim, except to the extent that she refers this Court to arguments in documents outside her appellant brief. Hence we deem these claims abandoned."*

The documents I resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (Appeals Court docket "ACD" #s 10 and 11) are not *"documents outside her appellant brief"*, they are the documents I need *"to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence"*. In conjunction, Second Circuit Local Rules – The Appendix states: *"The*

[14] This omission in conjunction with refusing to acknowledge the documents I resubmitted pursuant to FRAP Rule 10(B)(2) *"display a deep-seated favoritism or antagonism that would make fair judgment impossible"* - *Liteky v. United States*, 510 U.S. 540, 555 (1994).

omission of part of the record from the appendix will not preclude the parties or the Court from relying on such parts ***since the record is available to the Court if needed***" and Federal Rules of Appellate Procedure 30(a)(2) – Excluded Material states: "*Parts of the record may be relied on by the court or the parties even though not included in the appendix.*"

Furthermore, my Appeal was based on the fact that in clear violation of the Fifth and Fourteenth Amendment Rights to Procedural Due Process afforded me under the U.S. Constitution, the District Court judge, Judge Alison J. Nathan prejudicially, nefariously and arbitrarily struck these said documents from the District Court's docket – "*Imposition of an "overbroad remedy" is also "an abuse of discretion" - United States v. Texas,* 457 F.3d at 481 (5th Cir. 2006) and, "*A district court would necessarily abuse its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence* [including ignoring the evidence of the crimes of Perjury and Obstruction of Justice]" *Highmark Inc. v. All-care Health Mgmt. Sys., Inc.,* 134 S. Ct. 1744, 1748 n.2 (2014).

REASONS FOR GRANTING THE WRIT

I. Defendants JPMorgan Chase & Co., et al should not be allowed to get away with blatantly violating 42 U.S.C. § 2000e-2(a) and 42 U.S.C. § 2000e-3(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981 and their crimes of Perjury and Obstruction of Justice.

a. In his August 1, 2017 Letter Motion to District Court judge, Judge Alison J. Nathan requesting that the Court strikes **all** of my Oppositions/Responses

including my eight (8) Affidavits and my almost 500 pages of pertinent evidence to the Defendants' **criminal** and **perjurious** Motion for Summary Judgment from the District Court's docket, in contravention of *Graham v. Lewinski* [848 F. 2d 342, 344 (2d Cir. 1988)], *Haines v. Kerner* [404 U.S. 519, 520 (1971)] and *Burgos v. Hopkins* [14 F.3d 787, 790 (2d Cir, 1994), Defendants JPMorgan Chase & Co., et al's attorney, Anshel Kaplan stated, "*Defendants and this Court should not be burdened with reviewing and responding to these excessive and non-compliant filings*".

Even though he made this transgressive request, in his said Letter Motion to Judge Nathan, he provided solid references from my said Oppositions/Responses to support why his motion should be granted. In addition, in the Defendants' Appellees' Brief, Mr. Kaplan critiqued the style of the Arguments in my said Oppositions/Responses to JPMorgan Chase & Co., et al's Motion for Summary Judgment. This would mean to anyone of reasonable mind, that the Defendants' attorney had read, reviewed and possesses **full** knowledge of the Arguments and Evidence that I presented in my Oppositions/Responses to the said Defendants' Motion for Summary Judgment to dismiss my Employment Racial Discrimination and Retaliation lawsuit against them with prejudice.

With that said, seeing that the Arguments and accompanying Evidence are wholly stacked against his clients, to save them from their obvious and overwhelming state of **guilt**, Mr. Kaplan had to come up with a **frivolous** technicality as in "Plaintiff, Candice Lue is not in compliance with Judge Alison J. Nathan's page limit rules" which, for a pro se litigant was **non-existent** in Judge

Nathan's "Special Rules of Practice in Civil Pro Se Cases" prior to me submitting my said Oppositions/Responses to the Court and/or at the time Mr. Kaplan submitted his said Letter Motion.

My Oppositions/Responses to the **nine** (9) Defendants' Motion for Summary Judgment to dismiss my lawsuit against them with prejudice (less than 1000 pages which include eight (8) affidavits and almost 500 pages of evidence which Judge Alison J. Nathan arbitrarily struck from the District Court's docket) made it **as clear as day** that my Civil and Constitutional Rights under the afore-stated Sections of 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) Defendants/Declarants **lied** under penalty of perjury, crimes pursuant to 18 USC §§ 1621 and 1505. And as such, JPMorgan Chase & Co., et al should not be allowed to evade the justice system.

b. Due to JPMorgan Chase & Co.'s financial power (to write a check not enough for them to care) and influence, it is way too easy for the company to unlawfully retaliate against a poor, Black employee who has the gall to take a stance against Employment Racial Discrimination and Retaliation – This power and influence also include JPMorgan Chase & Co. using another Black employee to lie on their behalf. Granting the Writ would send a clear message to the company that it is not above the law.

II. The Second Circuit Court of Appeals is wrong in its Decision that the District Court did not abuse its discretion in granting Defendants' JPMorgan Chase & Co., et al's August 1, 2017 Letter Motion to arbitrarily strike my issued Subpoena and **all** my Oppositions/Responses (including eight (8) Affidavits and almost 500 pages of evidence) to their Motion for Summary Judgment to dismiss my Employment Racial Discrimination and Retaliation lawsuit against them with prejudice without a valid and/or legal explanation and without convening a hearing for me to argue against the said motion.

The Second Circuit Court of Appeals decision affirming the District Court's Memorandum and Opinion of March 27, 2018 as stated in their Summary Order of April 24, 2019 (Pet. App.A 1a – 8a) is wrong as outlined below:

The Summary Order page 3 (Pet. App.A 3a) states that: "*Lue argues that the district court abused its discretion in striking her opposition to summary judgment, imposing page limits on any new submission, and ultimately deeming defendants' summary judgment motion unopposed.*"

However, as articulated in "2" of "STATEMENT" above, this statement is a mere circumvention of my argument to cover Judge Nathan's unethical behavior.

The Summary Order page 3 (Pet. App.A 3a) states that: "*Lue submitted a lengthy opposition that was out of proportion to the defendants' motion including a 198-page memorandum of law in response to the defendants' 25 pages*".

However, what this statement fails to state is that 1) my "*198-page memorandum of law in response*" was a combined single-document in response to **nine**

(9) individual Defendants, 2) that Judge Nathan did not provide instructions in her May 11, 2017 Ruling (DCD # 101) and 3) that as a pro se plaintiff, per Judge Nathan's "Special Rules of Practice in Civil Pro Se Cases", I was **not** allowed oral argument unless she grants it which she did not.

Also, as in examples provided in my Appellant Appendix (Appellant Appendix Table of Contents "AATOC" # 20 – Examples of Other Judges' Instructions in Their Orders that Involve Multiple Parties), any learned judge would know that it cannot be reasonable and/or logical that the same 25-page limit allowed to respond to one (1) defendant would be adequate to respond to **nine (9)** individual Defendants each of whom has specific and different Causes of Action against them and each of whom is motioning that the said specific and different Causes of Action against them be dismissed with prejudice as that would be in clear violation of my Fifth and Fourteenth Amendment Rights to Procedural Due Process.

Furthermore, as the Plaintiff and as is customary in a Memorandum of Law in Opposition, it is incumbent upon me to provide a summary of argument as to why each of the nine (9) individual Defendants I named in my lawsuit is a proper defendant. As my said Memorandum of Law in Opposition shows, my nine (9) "Summary of Arguments" consisted of 31 pages – meaning that there is no way that 25 pages (especially without the allowance of oral argument) would be near adequate to respond to nine (9) individual Defendants each of whom has specific and different Causes of Action against them and each of whom is motioning that the said specific and different Causes of Action against them be dismissed with prejudice. In conjunction, as I stated in my Appellant Brief:

"unlike the multi-billion dollar, counseled Defendants who could write a statement such as the one they wrote on page 21 of their Memorandum of Law in Support of their Motion for Summary Judgment (DCD # 91) which states: "Plaintiff claims that Vega, Dubowy, and Poz "aided and abetted" violations of Title VII and 42 U.S.C. § 1981 ***because they disagreed with her assessment that she was the victim of discrimination****" without any further argument or evidence (because everything the Defendants say is* ***Gospel*** *for Judge Alison J. Nathan), there is no way in my disadvantaged position as a poor, Black, pro se Plaintiff that I could have written such a blanketed two-line opposition/response with regards to ALL three (3) Defendants.*

As articulated in pages 167-178 of my Opposition to the Defendants' Memorandum of Law in Support of their Motion for Summary Judgment [ACD #s 10 and 11], *I had to* ***individually*** *prove that each of the three (3) Defendants, John Vega, Helen Dubowy and Thomas Poz aided and abetted the Employment Racial Discrimination and Retaliation that was perpetrated against me in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981..... Bearing in mind that the specifics of the "Aiding and Abetting" charge I have against Defendant John Vega is different from that of Defendant Helen Dubowy and different from that of Defendant Thomas Poz and vice versa."*

The Summary Order page 4 (Pet. App.A 4a) states that: *"Although Lue argues that the court's page limits would have prevented her from presenting "ninety percent" of her arguments, she made no attempt to comply with the district court's instructions*

and has not shown that she could not adequately oppose summary judgment within the courts limit."

However, page 35 of my Appellant Brief clearly states:

"it is important to note that via my "Response to Judge Alison J. Nathan's Order of December 4, 2017" – (DCD # 136), I requested to redo my 198-page single-document Memorandum of Law in Opposition to all ***nine (9)*** *Defendants' Memorandum of Law in Support of their Motion for Summary Judgment to dismiss my lawsuit with prejudice by* ***individually*** *resubmitting my said Opposition to each of the* ***nine (9)*** *Defendants' arguments in accordance with the "25-page limit" Judge Alison J. Nathan implemented* ***after*** *I submitted my said 198-page single-document Opposition to all* ***nine (9)*** *Defendants' Memorandum of Law in support of their Motion for Summary Judgment and* ***after*** *I submitted my Response to her August 11, 2017 Order. However, my Request 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" - DCD # 136)".*

And, as it relates to "*and has not shown that she could not adequately oppose summary judgment within the courts limit*", no one of reasonable mind including a learned, honest or fair judge would think that it would be reasonable and/or logical that the same page limit allowed to respond to one (1) defendant would be adequate to respond to **nine (9)** individual Defendants each of whom has specific and different Causes of Action against them and each of whom is motioning that the said specific and different Causes of Action against them be dismissed with prejudice.

The Summary Order page 4 (Pet. App.A 4a) states that: "*the district court struck her filings as "overly burdensome" and not for failure to comply with these rules*" (such intellectual dishonesty).

However, this is contrary to the Defendants' August 1, 2017 Letter Motion (DCD #113) which Judge Alison J. Nathan granted on August 11, 2017 which clearly states the following:

1) "*We have received Plaintiff's papers in opposition to Defendants' motion for summary judgment ("Motion"), and write to respectfully request that the Court direct Plaintiff to revise and re-submit those papers, since* ***they are in violation of Your Honor's Individual Practices in Civil Cases ("Practices") and the Local Civil Rules of this Court***".

2) ***"****Plaintiff's memorandum of law is also* ***non-compliant. Section 3(B) of the Practices*** [not for pro se/eligible for one defendant/plaintiff] ***provides....*** "

3) "*With respect to Plaintiff's response to the 56.1 statement,* ***section 3(G)(iv) of the Practices*** [not for pro se/eligible for one defendant/plaintiff] ***provides....***"

4) "*Defendants and this Court should not be* ***burdened*** *with reviewing and responding to these excessive and* ***non-compliant filings***[15] ["*non-compliant filings*" as in "*failure to comply with* [Judge Alison J. Nathan's **non-existent** pro se litigants page limits] *rules*" and;

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[15] "[A pro se plaintiff's] *pleadings must be read* ***liberally*** *and interpreted to raise the strongest arguments that they suggest*" *Burgos v. Hopkins, 14 F.3d 787, 790* (2d Cir, 1994) - Bearing in mind that per Judge Alison J. Nathan's "Special Rules of Practice in Civil **Pro Se Cases**" (AATOC. #11), these rules were **non-existent** prior to me submitting my Oppositions/Responses to the District Court (July 31, 2017) and at the time the Defendants submitted their Letter Motion (August 1, 2017).

5) "*Defendants respectfully request that the Court strike Plaintiff's responsive papers to and direct her* ***to re-file papers in accordance with Your Honor's Practices and the Local Civil Rules***".

Judge Alison J. Nathan's August 11, 2017 Ruling:

"***ORDER granting 113 Letter Motion for Conference*** [obviously "*conference*" was just window dressing as no "*conference*" was requested in the Defendants' Letter Motion and Judge Nathan did not convene one].... *The Court hereby strikes Plaintiff's submissions in opposition to summary judgment at Dkt. Nos. 106-112, 114-118 as overly burdensome. Plaintiff shall revise and resubmit her papers in opposition to Defendants' motion for summary judgment by August 25, 2017.* ***Plaintiff's revised submissions shall comport with the Court's Individual Practices in Civil Cases Rule 3.B. and 3.G.***"[16]

With that said, anyone of reasonable mind can see that the afore-stated Summary Order page 4 statement is intellectually dishonest.

The **truth** is, the only thing "*overly burdensome*" about my "*filings*" (Oppositions/Responses) to the Defendants' **criminal** and **perjurious** Motion for Summary Judgment is the arguments and corroborating evidence wholly stacked against them. In conjunction, if the Defendants can produce the documents/proofs of their arguments that I requested in my Affidavits via my Federal Rules of Civil Procedure 56(d) Requests and honor the Subpoena I duly served upon their attorneys on August 7, 2017, that would result in an automatic exoneration of the Employment

[16] In **bold** at the top of the Court's said Individual Practices states: *"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 her May 11, 2017 Order (DCD # 101), Judge Nathan did not give such order.

Racial Discrimination, Retaliation and additional Perjury and Obstruction of Justice charges I brought against them, but they cannot.

It is ironic that both the District and Appeals Courts have no problem granting a major, international law firm (with possibly hundreds of support staff) Motion to arbitrarily strike my Subpoena and **all** my Oppositions/Responses to the **nine (9)** Defendants' they represent Motion for Summary Judgment as being "*overly burdensome*" for them to read and reply to (even though, as stated earlier, it is obvious that they have read, reviewed and possess **full** knowledge of the Arguments and Evidence that I presented in my said Oppositions/Responses) but the said Courts **denied** my Motion asking for leniency due to inhumane and financial burden ("*Addendum to Response to Judge Alison J. Nathan's Order of August 11, 2017*" - AATOC #15).

This is not about "*overly burdensome*" to read and reply to. It is because my arguments and corroborating evidence **make it as clear as day** that my Civil and Constitutional Rights under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 were violated by Defendants, JPMorgan Chase & Co., et al, that my Claims of Employment Racial Discrimination and Retaliation against the said Defendants are valid and that six (6) of the eight (8) Defendants/Declarants and their attorneys **lied** under Penalty of Perjury which are **crimes** pursuant to 18 U.S.C. §§ 1621 and 1622 and that JPMorgan Chase **obstructed justice** by using Defendant/Declarant Fidelia Shillingford, Declarant Baruch Horowitz and Declarant Kimberly Dauber to **lie** on their behalf under Penalty of Perjury, a **crime** pursuant to 18 U.S.C. § 1505.

The Summary Order page 4 (Pet. App.A 4a) states that: "*and the record reflects that Lue was served with defendants' motion to strike*" which I was **not**[17]. With that said, I provided with my "Motion to Stay Mandate Pending Filing of a Petition for a Writ of Certiorari" which the Appeals Court denied on May 28, 2019 (Pet. App.B 9a – 10a), a compilation of email correspondence between myself and the Defendants' attorney, Anshel Kaplan showing a pattern of not being served/properly served with the Defendants' pleadings. In addition, I provided proof of a April 22, 2019 telephone conversation with the then case manager, J.W, in which my advisor questioned him as to why it is that I was charged with "*defective filing*" for not submitting a certificate of service for what I thought was a mere administrative issue (ACD #s 43 and 44) yet the Defendants were not treated the same way for not providing a certificate of service/serving me with a completed copy of their April 18, 2019 "Notice of Hearing Date" acknowledgement form in accordance with Local Rule 25.1(h)(4) which states: **Service: Paper Copies**: "*Service of a paper copy of a document is not required* ***unless the recipient is not a Filing User and has not consented to other service***". J.W's response was (and I paraphrase), "because it was not necessary for them to serve you with the said document". In other words, Local Rule 25.1(h)(4) does not apply to the Defendants.

[17] In contravention of Judge Alison J. Nathan's "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, July 2019, I have not received a paper copy of the Defendants' said August 1, 2017 Letter Motion and, the **false** Affidavit of Service the attorney filed, was filed with the Court on **August 15, 2017** which was after my first report to Judge Alison J. Nathan of not receiving a paper copy of the Letter Motion, two weeks after the said Letter Motion was filed and **after** Judge Nathan's August 11, 2017 Ruling.

The Summary Order page 4 (Pet. App.A 4a) states that: "*Lue failed to file an opposition in compliance with the court's orders despite eight extensions of time to comply and five warnings of the consequence of continued noncompliance*".

However, there is no mention of the fact that **in response to** those said "*extensions and warnings*", I continued to ask Judge Alison J. Nathan, 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*", that she provide me with a valid and/or legal explanation as to why she arbitrarily struck from the district court's docket my issued Subpoena, my eight (8) Affidavits in Opposition/Response to the Defendants'/Declarants' eight (8) Declarations, six (6) of which are criminal and perjurious, and my almost 500 pages of evidence when as per the Rule of Law, affidavits and evidence are **not** subjected to page limits and in some cases the Defendants' Declarations that I was responding to had more pages than my Affidavits[18].

With that said, I could not have heeded Judge Nathan's "*warnings*" without her providing me with such explanation as doing so could have caused me additional inhumane, financial and irreparable harm/burden as striking my previous

[18] See my Responses to Judge Alison J. Nathan's Orders of: August 21, 2017 (DCD #126), October 31, 2017 (AATOC. #16 / DCD #129), November 20, 2017 (AATOC. #17 / DCD #132) and December 4, 2017 (AATOC. #19 / DCD #136). Also, my argument was never that "*the district court [imposed] page limits on affidavits or other evidence*" (pg. 4 of Summary Order - (Pet. App.A 4a)), it was as I stated over and over, that I needed a valid and/or legal explanation (outside of page limits) as to why Judge Nathan arbitrarily struck my Affidavits and Evidence from the district court's docket when (because) Affidavits and Evidence are **not** subjected to page limits.

submissions from the District Court's docket did ("*Addendum to Response to Judge Alison J. Nathan's Order of August 11, 2017*" - AATOC #15).

In conjunction, **in response to** those said "*extensions and warnings*", as I did in my Affidavits, I repeatedly informed Judge Nathan, pursuant to 18 U.S.C. § 4 that the Defendants' said Declarations are criminal and perjurious so pursuant to 18 U.S.C. §§ 1621 and 1505 and the "*Clean Hands Doctrine Rule of Law*" a ruling should not have been made in this case until the charges of criminality were addressed as a **fair** Court Ruling cannot be based on criminal and perjurious documents as Judge Alison J. Nathan's Memorandum and Opinion of March 27, 2018 does.

The Summary Order page 4, footnote # 3 (Pet. App.A 4a) states that: "*Lue claims judicial bias because the district court struck her opposition, referred the case to mediation, and declined to enter default judgment in her favor. She also asserts, incorrectly, that the district court misquoted her in an order.*"

However, as pages 50 - 51 of my Appellant Brief and AATOC # 21 show, this statement is mere circumvention of my arguments in order to cover Judge Nathan's unethical, egregious and unbecoming behavior in her capacity as the presiding District Court judge. For example, as it relates to "*referred the case to mediation, and declined to enter default judgment in her favor*", this is what I stated on page 50 of my Appellant Brief:

> "*I was first alerted to the bias I became accustomed to from Judge Alison J. Nathan when in contravention of the Southern District of New York's Mediation/ADR Program – Counseled Employment Discrimination Cases – 2015 Second Amended Standing Admin Order – (M10-468), she pawned off my*

lawsuit to Mediation 23 days after the Summons and Complaint were served upon the Defendants WITHOUT the Defendants even filing a Notice of Appearance much less an Answer (DCD # 4) – Bearing in mind that after 21 days of no Answer from the Defendants, a default judgment in my favor should have been rendered."

The Summary Order page 6 (Pet. App.A 6a) states that: "*the district court afforded "additional care"* [how ironic is it that this is in quotations] *to Lue's position because of her status as a pro se litigant*".

However, "*additional care*" would be responding to my requests for clarity 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 articulated in my Responses to Judge Nathan's Orders of: August 21, 2017 (DCD #126), October 31, 2017 (AATOC #16 / DCD #129), November 20, 2017 (AATOC #17 / DCD #132) and December 4, 2017 (AATOC #19 / DCD #136).

The Summary Order page 6 (Pet. App.A 6a) states that: "*the district court relied only on defendants' factual assertions that were independently supported by evidence in the record*".

However, **no** "*evidence in the record*" was presented to support, for example, "**The Baruch Horowitz Lie**" and to debunk my argument and overwhelming corroborating evidence that my manager was switched to a Black, sub-par employee – Defendant Fidelia Shillingford who none of my three non-Black predecessors reported to, after it was determined that I, the Black candidate was chosen for the reporting

analyst position (Amended Complaint - Eighth and Ninth Causes of Action, Exhibit O and Exhibit FF) besides the criminal and perjurious Declarations submitted by Defendants/Declarants Baruch Horowitz, Alex Khavin, Kimberly Dauber and Fidelia Shillingford.

The Summary Order page 6 (Pet. App.A 6a) states that: *"the district court did not, as Lue contends, improperly rely on her supervisor's race to conclude that Lue had not experienced discrimination"*.

However and to the contrary, it was the Defendants' and Judge Nathan's contention that there was no discrimination because my supervisor who is Black is the one who *"hired and fired"* me, which is a **lie** to its core as proofs from Exhibits CC-1, CC-2 and O which are among the almost 500 pages of evidence that Judge Alison J. Nathan struck from the District Court's docket when she granted the Defendants' August 1, 2017 Letter Motion but was resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (ACD #s 10 and 11) show.

The Summary Order pages 6-7 (Pet. App.A 6a – 7a) states that: *"Indeed, the district court also considered that Lue's White predecessor* [who must be charged with perjury pursuant to 18 U.S.C. § 1621] *received the same assignments as Lue and was subjected to the same requirements to work from home...."*

It was these said **lies** ("The Baruch Horowitz Lie[s]")[19] that prompted me to subpoena JPMorgan Chase & Co. for Baruch Horowitz's personnel and performance records and to make the following Federal Rules of Civil Procedure 56(d) Requests:

[19] I respectfully refer the Court to my Response to the Defendants' Undisputed Material Fact # 18 and my Affidavit in Opposition/Response to Baruch Horowitz's Declaration (ACD #s 10 and 11).

- Provide at least one (1) year of consecutive emails showing Baruch Horowitz sending out the minutes for the Counterparty Risk Group's monthly meetings to all the members of the said group. And;
- Produce any email correspondence such as the ones I have provided in Exhibit K[20] to prove that, just like me, Plaintiff, Candice Lue, who is Black, the first of my three predecessors, Baruch Horowitz, who is White, was exclusively assigned and/or performed the task of the taking of the minutes for the Counterparty Risk Group's monthly team meetings and the tasks of the printing, organizing, sorting, collating, stapling, emailing of presentation materials of each of the team members of the said Counterparty Risk Group (when there is a White Administrative Assistant on the team who was never assigned these tasks) and the lugging of copies of the said presentation materials to the group's monthly meetings where the non-Black members of the team[21] would be, reminiscent of the days of slavery/"back in the day", waiting to "be served".

The Summary Order page 7 (Pet. App.A 7a) states that: "*Lue failed to show that a genuine issue of material fact existed with respect to her retaliation claim*".

However, as I noted in my Appellant Brief, such "*material fact*"/evidence as it relates to "retaliation" was a part of my almost 500 pages of evidence in the form of Exhibits which were arbitrarily stricken from the District Court's docket by Judge Alison J. Nathan when she granted the Defendants' August 1, 2017 Letter Motion but

[20] Exhibit K is among the afore-referenced almost 500 pages of evidence.
[21] Including the ones on my job level.

was resubmitted to the Appeals Court pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure (ACD #s 10 and 11).

With that said, I provided with my "Motion to Stay Mandate Pending Filing of a Petition for a Writ of Certiorari" copies of three emails from Exhibits CC-1 and CC-2 from the 89 pages of "Proof of Retaliation" (Exhibits CC - CC-3) representing "*a genuine issue of material fact existed with respect to her [Lue's] retaliation claim*".

The Summary Order page 8 (Pet. App.A 8a) states that: "*We have considered all of Lue's remaining arguments and find them to be without merit.*"

Would that include my "*arguments*" of Perjury and Obstruction of Justice? If so, on April 18, 2019, why when the Defendants' attorney had more than two minutes of his allotted five minute oral argument left didn't Judge Richard C. Wesley, Judge Denny Chin and/or Judge Lewis A. Kaplan question him about my repetitious and emphasized criminal charges of Perjury and Obstruction of Justice against JPMorgan Chase & Co., et al? And, if these judges had acknowledged the documents I resubmitted to the Appeals Court which are most relevant to my Appeal pursuant to Rule 10(B)(2) of the Federal Rules of Appellate Procedure, would they have come up with this conclusion?

Contrary to the wholly erroneous Rulings of the District and Appeals Courts, "*a pro se complaint* ***should only be dismissed*** *if it appears "beyond a doubt that the plaintiff can prove no set of facts in support of [their] claim." Olaniyi v. Alex Cab Co.,* 239 Fed. Appx. 698, 699 (3d Cir. 2007) (citing McDowell v. Delaware State Police, 88 F.3d 188, 189 (3d Cir. 1996)). In conjunction, a Court Ruling cannot and should not be based on criminal and perjurious documents.

III. This lawsuit could set a long overdue precedent to eradicate Employment Racial Discrimination and unlawful Retaliation once and for all.

As a human being who had to endure the humiliation of being unapologetically, condescendingly and unrepentantly treated as a second class citizen/"the help/house slave" just for being Black, I have a vested interest in making sure that the illegal and despicable acts of Employment Racial Discrimination and unlawful Retaliation in corporate America is eradicated **once and for all.** I want to set a **long overdue** monetary precedent whereby the amount will not only raise concern but it will also be a **deterrent** for the said illegal and despicable acts.

Major corporations such as the multi-billion dollar Defendant, JPMorgan Chase & Co., and its managers that commit such illegal and despicable acts should be punished sufficiently enough by hitting them where it hurts most and that would be in their coffers[22].

After 55 years (since 1964), this monetary precedent will be integral in ensuring that no other employee endures being discriminated against simply because of his/her race or endures being retaliated against simply for having the gall to speak up against blatant Employment Racial Discrimination.

In conjunction, I want to make sure that Black employees no longer feel that they have to relegate themselves to being horizontal racists or to being a cover and/or

[22] *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 270 (1981) ("evidence of a tortfeasor's wealth is traditionally admissible as a measure of the amount of punitive damages that should be awarded"); *Rowlett v. Anheuser-Busch*, 832 F.2d at 207 (1st Cir. 1987). ("a rich defendant may well be required to pay more than a poor one who committed the same wrong"). The award should be considered in the context of the respondent's monetary resources.

a conduit for the employment racial discrimination perpetrated by the corporation they work for in order to secure their job and/or to grow their career with the company, as Defendant Fidelia Shillingford did. In other words, Title VII of the Civil Rights Act of 1964 in concurrence with 42 U.S.C. § 1981 **must** work.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted.

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