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No. 19-

FILED  
MAY 31 2019

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SUPREME COURT, U.S.

*In The Supreme Court of the United States*

*T.A. et al.*

*Temmi Kramer, et al.*

*Petitioners,*

*Petitioners,*

-v-

-v-

*Leff et al.*

*Edmund Dane, et al*

*Respondents*

*Respondents*

*Index: 18-3124 cv*

*Index: 18-3141*

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

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## PETITION FOR A WRIT OF CERTIORARI

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Dated: May 20, 2019

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SUPREME COURT, U.S.

## QUESTIONS PRESENTED

1. Is it error to impose Judicial immunity, in a 12(b) dismissal, when the pleadings detail that NYS Judge and sua sponta appointed Part 36 Fiduciaries acted without jurisdiction, acted criminally, engaged in quid pro quo agreements, and conspired to enrich themselves and take millions of dollars (> \$1,000,000's) in property from divorced women and children by a pattern of racketeering ?

Answer: YES

2. Is it error to impose collateral estoppel and res judicata upon Federal Causes of action that were not litigated previously in Federal Court or State Court (namely the extensive pattern of racketeering and Constitutional Violations by the sua sponta Receiver appointments), to dismiss the Federal Lawsuits ?

Answer: YES

3. Is it error to impose Rooker -Feldman to dismiss the Federal Causes of Action when the issues in the Federal Lawsuits were not litigated in State Court and the RICO enterprise still continues and illegally has \$50,000 of Plaintiff's money in Defendant LEFF'S escrow account, Ordered by STEINMAN, for Defendant LEBER's criminal defense?

Answer: YES

4. Is it error to impose the Domestic Relations Exception to a Federal Complaint which does not request relief to overturn custody, equitable distribution, child support, but requests relief from Post Judgment Receiverships, which a RICO enterprise was formed to take over \$2.5 million dollars in the T.A. v. Leff et al. matter and continued into the Kramer v. Dane et al. taking over \$1 million and Due Process rights, by a pattern of racketeering ?

Answer: YES

5. Is it error to whitewash what is contained in the Federal Complaints and assert facts that are not presented in the Federal Complaints to create a firewall to prevent access to the Courts, and thereby continue the targeting of women and children in NYS by the ongoing RICO enterprise?

Answer: YES

6. Is it error to ignore the consolidation requests, error to deny any opportunity to amend the complaints, error to deny poor person relief, after the Defendants took millions of dollars in assets from all Plaintiffs by Constitutional violations, a pattern of Racketeering and quid pro quo enrichments?

Answer: YES

## LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all Respondent/Defendants to the proceeding in the court those judgment is the subject of this petition is as follows:

Edmund Dane, Linda Mejias, Leonard Steinman, Lawrence Marks, Governor Andrew Cuomo (all individually) and The State of New York

*Represented by: David Lawrence, NYS Attorney General's Office, 200 Old Country Rd. #240, Mineola, N.Y. 11501*

Brian Davis and Lori Schlesinger

*Represented by: Brian Davis, 400 Garden City Plaza # 430, Garden City, N.Y. 11530*

John Zenir, Howard B. Leff, and Alexander Leff

*Represented by: L'Abbate, Balkan, Colavita & Contini, LLP, 1001 Franklin Ave, 3<sup>rd</sup> Floor, Garden City, N.Y. 11530*

Mark Bloom, Bernice K. Leber, Allen G. Reiter, Arent Fox LLP

*Represented by: Allen Reiter, Arent Fox LLP, 1301 Avenue of the Americas, NY, NY, 10019*

Gerald Goldstein and Robert J. Bergson

*Represented by: Robert Bergson, Abrams, Garfinkel, Margolis, Bergson LLP, 1430 Broadway, 4<sup>th</sup> Floor, NY, NY 10018*

Janet Pushee and Bryan Pushee

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#### **CORPORATE DISCLOSURE STATEMENT**

Grey Hawk Construction Services, Silver Fox Construction LTD, Arent Fox LLP, Best Real Estate Development, LLC, LEAGLE, Inc. has no parent or subsidiary corporation. No publicly held company owns any of its stock.

## TABLE OF CONTENTS

QUESTIONS PRESENTED.....	i
PARTIES TO THE PROCEEDINGS.....	ii-iii
CORPORATE DISCLOSURE STATEMENT.....	iii
INTRODUCTION.....	page 1-6
OPINIONS BELOW.....	page 6
JURISDICTION.....	page 6
STATUTORY PROVISIONS INVOLVED.....	page 6
STATEMENT OF THE CASE.....	page 7
REASON FOR GRANTING THE PETITION.....	page 7-11
CONCLUSION.....	page 11

## APPENDICES

APPENDIX 1 – T.A. v. Leff et al. 2 <sup>nd</sup> Circuit Order and Motion Application.....	page 1-30
APPENDIX 2- Kramer v. Dane et al. 2 <sup>nd</sup> Circuit Order and Motion Application.....	page 1-21
APPENDIX 3 – U.S. Eastern District Judge Bianco Order in T.A. v. Leff.....	page 1-13
APPENDIX 4 – U.S. Dist. Mag. Locke Report & Recommend in T.A.v. Leff.....	page 1-34
APPENDIX 5 – Locke R&R page 1 & NYE.D. J. Bianco Order in Kramer v. Dane.....	page 1-11
APPENDIX 6 – Objections to Mag. Locke R & R by T.A. v. Leff.....	page 1-22
“ “ “ “ “ “ – abridged Exh “1”.....	page 23-25
APPENDIX 7 – N.Y.E.D. Consolidation letter request.....	page 1-2
Letter request, abridged Exhibits- Exh “1” & “7”.....	page 3-15
APPENDIX 8 – Abridged Federal Compliant in T.A. v. Leff.....	page 1-25
Abridged Exh “3”-“5” and “7”-“8” in Fed. Compl. T.A. v. Leff.....	page 26-55

T.A., P.A., Regan Lally, Temmi Kramer, and Kramers respectfully Petition for a Writ of Certiorari to review the Order of the United States Court of Appeals for the Second Circuit and U.S. Eastern District Court.

## INTRODUCTION

It is no secret to this Honorable Court that those in governmental positions of authority in New York State have weaponized the NYS Attorney General's Office, the NYS Courts and Federal Courts within NYS, to pursue the current Federal administration.

It is no secret to this Honorable Court that secret meetings occurred with former Pres. Bill Clinton and U.S. Attorney General Loretta Lynch while Hillary Clinton was being investigated by the U.S. Attorney's Office and the FBI.

By the authority of Part 36 of the Rules of the Chief Judge of New York State, N.Y.S Justices are empowered to appoint Receivers in many situations. Receivers are generally tasked with taking control of assets, to protect the assets, with 5% compensation for every dollar sum received and disbursed, pursuant to N.Y. C.P.L.R. § 8004.

A Receiver has a legal fiduciary obligation to the property they are entrusted to protect. Most known appointments in the NYS Courts occur in commercial mortgage foreclosures. In 2000, after significant media coverage of a Brooklyn Law firm's complaint of not receiving their fair share of judicial appointments in return for their years of financial backing to the Brooklyn Democratic Party, the NYS Chief Judges researched these substantial financial enrichments issued by NYS Judges to their political allies. See Report to Chief Judge Judith Kaye, Jonathan Lippman and **Lawrence K. Marks**, Court -Appointed Fiduciaries: New York's efforts to

Reform A Widely-Criticized Process, 77 ST. JOHN'S L. REV. 29(2003).

Governor Andrew Cuomo, Chief Judge Lawrence K. Marks, Steinman and Dane conspired, intentionally distorted the law, and used the Court system to illegally and unconstitutionally seize the assets of political opponents and their families, to enrich their political allies and friends with *sua sponte* Receivership appointments.

A Receiver may be appointed by the court to administer property in a Civil lawsuit only upon application by a party to the action and only upon a clear showing that a Receivership appointment is absolutely necessary to conserve the assets subject to said lawsuit. A litigant must clearly show that the property is in threat of, A) Removal from the State, B) Destruction, C) In Foreclosure, etc. for a NYS Court to grant a Part 36 fiduciary appointment.

It is unconstitutional and an illegal for a NYS Judge to *Sua Sponta* (without application/Due Process) appoint a Receiver to seize property in a Divorce action and liquidate same because the "parties cannot agree on equitable distribution". Over the past decade, NYS Receivership appointments have become a method of illegally seizing millions of dollars of profitable property and children's homes (without application or established factual grounds) to enrich political allies and target political opponents, in an open ended New York State RICO enterprise.

The NYS Governor appoints members of the NYS Commission on Judicial Conduct and the NYS Chief Judges. The NYS Attorney General's Office defends the NYS Judges if they are charged with RICO or Constitutional violations. There is no authority to stop criminal behavior when the directive to illegally seize assets and silence the victims by *ex parte*, retaliatory, Court Orders, which occur from the unauthorized use of Court Index numbers, is issued from the top.

The NYS RICO enterprise operates as follows. The Receivership Order of Appointment

is a Court Order that establishes the terms of the Appointment without factual support. After the shocked mother and children receive this *sua sponte* Order that immediately seizes all of their property, leaving them penniless and without a home, they immediately race to the NYS Appellate Division 2<sup>nd</sup> Dept., Pro Se (since they are left without assets to pay an attorney), to challenge this unconstitutional and illegal seizure. At the Appellate Division, the mother is met with perjury (proceeded by wire and mail fraud) by the Receiver and opposing attorney who **falsey assert under oath** that the children's home (or profitable rental properties- T.A. v. Leff), jewelry, furnishings, etc, is subject to fire, theft, destruction and/or "in foreclosure" to continue their lucrative Receivership appointments, and distribute all of Defendant's property to the RICO conspirators. The Receivers and opposing counsel had a quid pro quo with the NYS Supreme Court Judge (Steinman, Dane), by a bombardment of criminal acts of racketeering against the mothers and children, diverting the marital estate (worth millions of dollars) into their own pockets by a pattern of racketeering.

When the mother and children (T.A. et.al.) state that they **will report** the Receiver LEBER and co-conspirators for the fully documented acts of racketeering, that took over \$2.5 million of their property, NYS Judge (Steinman) illegally seized \$50,000.00 from Plaintiffs' estate to fund Receiver LEBER'S criminal defense by the U.S. Attorney's Office, as requested by LEBER. See Record of LEBER'S request - Appendix 1, page 5-12.

The other mother and children (Kramers) have faced ongoing retaliation by the improper use of a Court Index number, to illegally and unconstitutionally reopen their fully disposed of case by a hearsay, Ex-parte, emergency, Order to Show Cause brought in June 2017. This Ex-parte Order (which lacked jurisdiction) was brought on a closed/disposed of Index number, illegally seized child support, illegally restrained young daughter (R.K.) from Temmi Kramer,

illegally silences them (violates 1<sup>st</sup> Amend. rights) and defames them by distribution of the Ex-parte Order, and denied a hearing, to continue this illegal and unconstitutional taking, as plead in the Kramer Federal Complaint. See Appendix 2, page 9-20.

The lower District Court erected a firewall, through Rule 12(b) and sua sponta dismissals for all Defendants (upon application of a few) and the Second Circuit Ordered the Appeals dismissed Sua Sponta, to protect the exposure of the powerful NYS political elite's criminal RICO enterprise from getting to a Jury. In doing so, the District Court concocted facts, that do not exist in the pleadings, to whitewash this corruption that reaches the top of NYS government. The District Court additionally whitewashed the consolidation request of the above matters and refused application to amend the pleadings. T.A. v. Leff et al. See Appendix 7.

A civil matter originating as a matrimonial is opportune for the NYS sponsored RICO enterprises, that are financially and politically motivated, as: 1) the media does not have access to the Court documents because they are sealed, 2) the NYS Judges (named Defendants) distributed defamatory papers throughout N.Y.S and the internet, stating the women and children they prey upon are "paranoid", or crazy, and falsely claim that the millions of dollars illegally going into their pockets by racketeering is just the result of "A Divorce Action", 3) the NYS Judge (Steinman) seized any tort actions filed in NYS Courts by conspiring through the mail and wires (with other Defendants) to commit fraud by Offering False instruments for filing (Defendants Reiger and Bergman) placing incorrect Court Index numbers on Emergency, Ex-parte, Order to Show Causes, thereby directing all NYS tort actions be fraudulently brought before Judge Steinman -obstructing justice. See Appendix 1, page 24-30, which is an Exhibit in the T.A. v. Leff Federal Complaint.

The Federal Complaint in T.A. v. Leff et al. also documents GOLDSTEIN, LEBER, (Part

36 fiduciaries) LEFF, BLOOM and STEINMAN witness tampering to prevent John Reiger, Esq. (whose name was fraudulently used to fabricate a "lowball" offer, false contracts, fraudulent legal bills by Goldstein) from testifying to this RICO enterprise Fraud at the Northport property. See Appendix 8, page 43-55, which is an Exhibit in the Federal Complaint.

The whitewashing and firewall placed by the lower Courts (2<sup>nd</sup> Circuit and U.S. Eastern District Court) to protect corrupt NYS Judges in the above action from liability and criminal accountability (when they lack immunity for acting without jurisdiction and authority) calls for an exercise of this Court's supervisory power. The Federal Court pleadings document and describe in detail the repeated acts of racketeering, devaluing property by knowing false representations, destruction and extortion, to sell to their inside purchasers for over 50% below market price, excluding the sale of same to the Plaintiffs for the 50% discounted price, as money was exchanged under the table.

Kramer v. Dane et.al. followed the T.A. et al. RICO enterprise with a continuation of Defendants. STEINMAN sua sponta appointed Brian DAVIS a Receivership after DAVIS briefly represented Lally (Dec. 2014 to April 2015) and personally witnessed STEINMAN knowingly acting without jurisdiction and repeated racketeering acts of racketeering by STEINMAN. STEINMAN gave DAVIS a Receivership as a payoff (>100,000.00) over Kramers' property for his silence in a quid pro quo arrangement, as clearly plead in the Kramer v. Dane et. al. Federal Action.

The 2011 sua sponta appointment of Receiver Bernice K. LEBER (a Manhattan attorney, not on the Part 36 fiduciary list, former NYS Bar Association President) as a Nassau County Receiver, to take over \$2.5 million dollars of Regan Lally and her children's property by racketeering, was politically and financially motivated, as her brother, Grant Lally, ran for

Congress against Democrat Gary Ackerman and then against Democratic Campaign Committee Chairman Steve Israel, during the extended pattern of RICO racketeering, as documented in the T.A. v. Leff et al. Federal complaint.

At the Appellate Division Second Department oral argument of the Appeal of the sua sponta LEBER Receivership appointment, in April 2016, LEBER proudly stated that the Appeal was moot because the three residential Long Island Gold Coast properties, with a Net Worth of over \$2.5 million, was already liquidated to nothing.

The Federal RICO Act was created as a method to prosecute Mafia mob bosses who conspired and gave directives to take property by racketeering from business owners. The distortion of the Rule of Law and conspiracies that have occurred against women and children in NYS to take life, liberty, property (and childhoods), by an organized pattern of racketeering, is of National Significance. The firewall created to deny access to justice by the lower Courts should be removed.

#### OPINIONS BELOW

The **Sua Sponta dismissal of the Second Circuit Appeals** in response to motion applications for consolidation of #18-3124 with #18-3141, removal of the appeal to another Circuit, and *procedere forma pauperis* are unpublished Orders of the Court. The opinion of the District Court dismissal of the Pleadings is found under the captions and in the attached Appendix.

#### JURISDICTION

The Court of appeals Second Circuit filed its Sua Sponta dismissal Orders on March 6, 2019 for Index 18-3124, and on April 25, 2019 for Index 18-3141. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1). The two actions are consolidated, pursuant to Rule 42(a)(2), as they involve common facts, parties, questions of law, and continuation of same RICO enterprise. *Seeking Court review under Rule 12.4.*

*\*  
Added*

#### STATUTORY PROVISIONS INVOLVED

18 USC § 1621, 1622, 1623, 1511, 1512, 18 USC Section 1961 and 1961(c), 1962(b) & (c), 1962(d) RICO, 18 USC §3, 1341, 1342, 1343, 1018, 1503, 1505, 201, 241, 242, 401, 1512, 1951, 1952, 1957, 1951, 875(d), 2315, 2234, 42 U.S.C. Section 1981, 1983, 1985, 1986, Part 36 Rules of the Chief Judge of NYS, Section 7.2 of the Rules of the Chief Judge of NYS, 28 USC

## STATEMENT

- A. The Second Circuit has allowed RICO actions, if a pattern of racketeering is established. The Federal Pleadings in the instant matters prove and **document** a pattern of racketeering in the attached Exhibits by a NYS Justice (Steinman & Dane), a Receiver (Leber & Davis), and other Defendants that conspired and financially benefited by the repeated extortion, unauthorized use of Court Index numbers, constitutional violations, obstruction of justice, and wire and mail frauds upon the Plaintiffs and other NYS Courts, to bleed the Plaintiffs' multimillion dollar estates into their own pockets.
- B. This Court should grant this petition and review the Judgment of the lower Courts because they created a false scenario to put up a Firewall to prevent the Lawsuits from being consolidated (silenced in the R & R and Orders) and getting before a Jury, by a Rule 12(b) dismissal. It is of National significance that U.S. Citizens can be targeted in the Courts of the United States and stripped of all of their assets through collective, organized, repeated Fraud in the NYS Courts. Judicial immunity does not apply when the Judge acts without jurisdiction, conspires to engage in acts of racketeering, and actively engages in racketeering, which Federal Causes of Action are clearly plead in the Federal Complaints and documented in the exhibits attached thereto.

## REASONS FOR GRANTING THE PETITION

The Courts within the United States have an obligation to uphold Justice. It is in the Courts that a citizen expects the Statutes, Laws and U.S. Constitution to be upheld, not usurped, not distorted, and used as a tool of tranny (RICO enterprise) to illegally take life, liberty and property from U.S. citizens without due process in the State of New York.

When a NYS Justice takes the oath of Office and subsequently uses that position of authority to enrich his friends and political associates by: a pattern of racketeering, defamations in distributing falsehoods throughout NYS and the World (LEAGLE.com), obstruction of Justice, and seizes any and all State Court actions brought in other Courts by the fraudulent, unauthorized use of a NYS Court Index number to consolidate unrelated actions to protect the

RICO enterprise, it requires access to the Courts of the United States to protect the citizens of this Country from existing in a State run by a RICO enterprise.

The Federal Complaint in **T.A. et al v. Leff et al.** clearly states numerous claims upon which relief can be granted, and additionally documents Criminal Racketeering in the attached Exhibits within the Federal Complaint (Appendix 8 page 26-55). The documented criminal activity of mail and wire fraud, perjury, obstruction of justice and grand larceny (and other crimes- conspiracy to witness tamper, fraudulent legal billings, false contracts, etc.) was ignored (whitewashed) by the U.S. Eastern District Court. The District Court Order states, as follows:

“Because the allegations against Leber all relate to actions she took within her mandate as a court-appointed receiver, also she is entitled to immunity. Because plaintiff has not alleged any facts, as opposed to conclusory allegations, establishing that either Justice Steinman or Leber acted in clear absence of jurisdiction, the Court dismisses the claims against those defendants” “For instance, it fails to plead the existence of a RICO enterprise...and fails to allege the fraudulent scheme with the requisite particularity.” Appendix 3, Page 8 & 10, Bianco Order, Eastern District [Doc 141].

This is incorrect, as the Federal Complaint is not only very particular to each act of racketeering, it contains documentary proof of the perjury, witness tampering (App. 8, p 43-55) obstruction of justice, and wire and mail fraud, and proof of the fraud in fabricating a Certificate of Occupancy violation at the 3 Blueberry Hill, Northport cottage (sworn to by LEBER on August 2, 2012- Appendix 8, page 27-34) to publicly devalue same. LEBER knew she was committing perjury, obstructing justice, committing mail fraud and fraudulently publicly devaluing property, which proof is in the email to LEBER by Mark Keurian of Bracken, Margolis, Besunder, LLP, dated July 2, 2012 (Appendix 8, page 40). Said Certificate of Occupancy violation fabrication was motivated to publicly devalue the property and conceal a rental registration violation against Regan Lally for a warrant to issue for her arrest (Appendix 8, page 41). Later, on December 11, 2014, LEBER admitted under oath before STEINMAN that a

Certificate of Occupancy Violation at the #3 Blueberry Hill, Northport NY cottage never existed (Appendix 8, page 36-38). STEINMAN, who personally participated in the fraudulent creations of "lowball" offers on the properties, false contracts and fraudulent legal billings by GOLDSTEIN, allowed the sale of 3 Blueberry Hill Northport, NY at 50% below market value price, after LEBER'S admission under oath, that a Certificate of Occupancy violation never existed, as under the table deals transpired to enrich the RICO enterprise. Taking property by false pretenses is Grand Larceny in NYS. Wire and Mail Frauds are acts of RICO racketeering.

The Federal Complaint additionally contains documentation, in Exhibit "2", of STEINMAN ordering Regan Lally into Court on a Fraudulent Order (lacking jurisdiction) to allow the crime of NYS Penal Law 215.30 to be committed against her by FLANAGAN in the Courtroom, to extort the martial home from her, T.A. & P.A., after the Appellate Division reversed the Ordered sale of said home by Receiver LEBER. The exhibits in the Federal Complaint in T.A. et al. v. Leff et al. **prove and document** only a few of the acts of racketeering committed by the Defendants, as they are extensive. However, the Pleadings are highly detailed as to time, method and goal of each act of racketeering by the RICO enterprise. Additional factual proof would be provided in discovery or in response to a Rule 56 Summary Judgement motion, however, the Courts in New York extinguished these actions.

The Federal Complaint in **Kramer v. Dane et al.** details how the Defendants (STEINMAN, ZENIR, SHERMAN) conspired to violate Section 7.2(d)(2) of the Rules of the Chief Judge of NYS, which states that the attorney for the child must take a position consistent with the child's (R.K.'s) wishes to live with her mother and older brother's. In separating R.K. from her mother and brother's against her will, STEINMAN conspired to sua sponte appoint DAVIS a Receivership to sell all of the Kramer's possessions and home in October 2015, as

“hush money” (> \$100,000.00) to keep DAVIS from reporting the pattern of racketeering and STEINMAN’S admissions of knowingly acting without jurisdiction, personally witnessed by DAVIS when he represented Regan Lally from December 2014 to April 2015.

DAVIS and SHERMAN thereafter committed wire and mail fraud upon the Appellate Division 2<sup>nd</sup>, falsely claiming under oath that the Kramer home was in foreclosure, to fraudulently justify the DAVIS illegal *sua sponta* appointment.

STEINMAN fully disposed of Kramer v. Kramer in March 2017 (Appendix 2, page 9 & 10). However, after Andrew Cuomo and Lawrence Marks were informed by Regan Lally, in a letter dated May 14, 2017 (Appendix 2, page 6 &7) that other women and children are victims of STEINMAN’S *sua sponta* illegal Receiverships, they conspired with STEINMAN, DANE, SHERMAN and the other Defendants to bring a fraudulent, emergency, ex-parte Order to Show Cause against Temmi Kramer and her sons (Queens County residents) using the Nassau County closed Index number, without jurisdiction, to silence them and retaliate. This ex-parte Order signed by DANE (who knew he lacked jurisdiction) silenced Temmi Kramer and her sons (1<sup>st</sup> Amend violation), seized child support from one son (Jakob), restrained Temmi Kramer from her daughter (R.K.) illegally, and distributed the DANE Order throughout Plaintiff Kramers’ community (doctors, schools, workplaces) to defame them, and then denied them a Hearing on this illegal seizure. The fraudulent, Ex-parte Order to Show Cause dated June 16, 2017 is an Exhibit attached to the Kramer v. Dane et al. Federal Complaint (Appendix 2, page 11-14). All of the Exhibits attached to the Statement of Merits are contained in the Federal Complaint.

As documented in the request to consolidate T.A. et al. with Kramer et al. (Appendix 1, page 14), STEINMAN is the central figure of the RICO enterprise beginning in November 2013, that conspired through the mail and wires, and illegally took multi-million dollar estates from

both Plaintiffs by a pattern of racketeering, without jurisdiction, without due process, defaming both Plaintiffs at the same time, threatening a change of custody without jurisdiction (T.A. v. Leff) and taking R.K. from Temmi Kramer illegally, in violation of Section 7.2 of the Rules of the Chief Judge, to illegally give Receivership "hush money" to DAVIS.

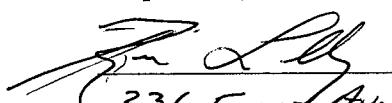
As plead, the STEINMAN and DANE RICO enterprise continues to date with \$50,000.00 of the T.A. Plaintiff's money being held in escrow by LEFF for LEBER's criminal defense and the Kramer Plaintiffs ex-parte OTSC against them, dated June 16, 2017, in effect to date.

The Second Circuit and District Court have created a Firewall to Justice, protecting corruption in NYS, which this Court can rectify by granting, vacating, venue change and remanding. The lower Court departed from the accepted and usual course of a judicial proceeding as to call for an exercise of this Court's supervisory power.

### CONCLUSION

For the above, foregoing reasons, Petitioners request the issuance of a writ of certiorari to the United States Court of Appeals for the Second Circuit and Eastern District Court.

Respectfully Submitted,

  
John A. Lally  
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Locust Valley N.Y. 11560  
Pro Se

Dated: May 20<sup>th</sup> 2019

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Dated: May 20, 2019