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APPENDIX A
DENIAL OF APPEAL ON DISCRIMINATION

ORDER OF THE SECOND CIRCUIT DISMISSING APPEAL (AUGUST 1, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PHILIPPE MARC BUHANNIC,

Plaintiff-Appellant,

v.

MARCY FRIEDMAN,

Defendant-Appellee.

No. 19-365

Before: Robert A. KATZMANN, Chief Judge,
Rosemary S. POOLER, Peter W. HALL,
Circuit Judges.

Appellant, pro se, moves to expedite the appeal. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (per curiam) (regarding the Court's inherent authority to dismiss an appeal that lacks an arguable basis in law or fact).

FOR THE COURT:

/s/ Catherine O'Hagan Wolfe
Clerk of Court

JUDGMENT OF THE DISTRICT COURT OF NEW YORK (SEPTEMBER 27, 2019)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIPPE BUHANNIC,

Plaintiff,

v.

PIERE SCHROEDER; PIERO GRANDI; FRANK PLACENTI; ROBERT TRUDEAU; TCV MEMBER FUND, L.P.; JAY HOAG; and RICK KIMBALL,

Defendants.

18 CIVIL 5371 (ER)

PHILIPPE BUHANNIC,

Plaintiff,

v.

TRADING SCREEN INC.; PIERE SCHROEDER; PIERO GRANDI; FRANK PLACENTI; ROBERT TRUDEAU; TCV VI, L.P.; and TCV MEMBER FUND, L.P.,

Defendants.

18 CIVIL 5372 (ER)

PHILIPPE BUHANNIC and PATRICK BUHANNIC,

Plaintiffs,

v.

TRADING SCREEN INC.; PIERE SCHROEDER; PIERO GRANDI; FRANK PLACENTI; ROBERT TRUDEAU; TCV VI, L.P.; and TCV MEMBER FUND, L.P.,

Defendants.

18 CIVIL 7997 (ER)

PHILIPPE BUHANNIC,

Plaintiff,

v.

TRADING SCREEN INC.,

Defendants.

18 CIVIL 9351 (ER)

PHILIPPE BUHANNIC,

Plaintiff,

v.

TRADING SCREEN INC.; PIERE SCHROEDER; PIERO GRANDI; FRANK PLACENTI; ROBERT TRUDEAU; TCV VI, L.P.; and TCV MEMBER FUND, L.P.,

Defendants.

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18 CIVIL 9447 (ER)

PHILIPPE BUHANNIC,

Plaintiff,

v.

TRADING SCREEN INC.; PIERE SCHROEDER; PIERO GRANDI; FRANK PLACENTI; ROBERT TRUDEAU; TCV VI, L.P.; and TCV MEMBER FUND, L.P.; JAY HOAG; and RICK KIMBALL,

Defendants.

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18 CIVIL 10170 (ER)

It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order dated September 26, 2019, Defendants' motions to dismiss cases 18 Civ. 5371, 18 Civ. 5372, 18 Civ. 7798, 18 Civ. 9447, and 18 Civ. 10170 are granted;

Defendants' motion for the Court to abstain from the Indemnification Case, 18 Civ. 9351 is Denied; accordingly, these cases 18 Civ. 5371, 18 Civ. 5372,

18 Civ. 7798, 18 Civ. 9447, and 18 Civ. 10170 are closed.

Ruby J. Krajick
Clerk of Court

By: /s/ {Illegible}
Deputy Clerk

Dated: New York, New York
September 27, 2019

SUMMARY ORDER OF THE SECOND CIRCUIT (OCTOBER 11, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PHILIPPE BUHANNIC,

Petitioner-Appellant,

v.

TRADINGSCREEN, INC., JOSEPH AHEARN,

*Respondents-Appellees.***

No. 18-2274

Appeal from a judgment of the United States District Court for the Southern District of New York (Ramos, J.).

Before: John M. WALKER, JR., Susan L. CARNEY, Circuit Judges, John G. KOELTL, District Judge.*

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the July 30, 2018 judgment of the district court is AFFIRMED.

In 2016, Philippe Buhannic and Patrick Buhannic, brothers appearing through counsel, initiated an

** The Clerk of Court is directed to amend the caption as above.

* Judge John G. Koeltl, of the United States District Court for the Southern District of New York, sitting by designation.

arbitration in New York to enforce three amendments (the "Amendments") to the Founders' Agreement of TradingScreen, Inc., a company that they helped to create. In July 2017, the arbitration panel issued an award invalidating the Amendments (the "Award"). In October 2017, the brothers petitioned the United States District Court for the Southern District of New York for an order vacating the Award. As grounds for their petition, they invoked standards set for vacatur by section 10(a) of the Federal Arbitration Act ("the Act"), 9 U.S.C. § 10(a), and alleged that, under these standards, the Award was invalid because the arbitrators were corrupt and partial, wrongly refused to hear evidence, and exceeded the proper scope of their powers. The District Court denied the petition to vacate and confirmed the Award, concluding that the brothers' challenges were meritless.

Philippe Buhannic, now proceeding pro se and without his brother, appeals the District Court's decision. On appeal, he primarily renews the four arguments that he and his brother presented to the District Court, each corresponding to a subparagraph of section 10(a). He also presents new allegations, described below. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal, to which we refer only as needed to explain our decision to affirm.

We review a district court's decision to confirm an arbitration award "*de novo* on questions of law and for clear error on findings of fact." *Nat'l Football League Mgmt. Council v. Nat'l Football League Players Ass'n*, 820 F.3d 527, 536 (2d Cir. 2016). Applying this standard, we affirm the District Court's resolution of the four section 10(a) challenges, substantially for

the reasons stated by the District Court in its sound opinion and order.

As mentioned, in his appellate brief Buhannic makes new arguments for invalidating the Award, asserting that the arbitration panel had improper connections with counsel for Respondents-Appellees in this matter and counsel for Respondents-Appellees in another matter. Buhannic also includes in his papers, and asks that we consider, new documentary exhibits that he did not present to the District Court.

Courts generally will not consider an argument raised for the first time on appeal unless injustice would result. *See, e.g.*, *Singleton v. Wulff*, 428 U.S. 106, 120-21 (1976). Similarly, we "will not consider new evidence [presented for the first time on appeal] absent extraordinary circumstances." *Munn v. Hotchkiss Sch.*, 795 F.3d 324, 330 (2d Cir. 2015) (internal quotation marks omitted). We conclude that these principles apply with full force here: Buhannic demonstrates no obvious injustice or extraordinary circumstance that justifies consideration of the new allegations and evidence for the first time on appeal. We therefore decline to consider these matters.

We have reviewed Buhannic's remaining arguments and conclude that they are without merit. For the foregoing reasons, the judgment of the District Court is AFFIRMED.

For The Court:

/s/ Catherine O'Hagan Wolfe
Clerk of Court

APPENDIX B
DENIAL OF DISCRIMINATION TRIAL ILLEGALLY

OPINION AND ORDER OF THE DISTRICT COURT OF NEW YORK (FEBRUARY 7, 2019)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIPPE BUHANNIC,

Plaintiff,

v.

MARCY FRIEDMAN,

Defendant.

No. 18-CV-5729 (RA)

Before: Ronnie ABRAMS,
United States District Judge

RONNIE ABRAMS, United States District Judge:

Plaintiff Philippe Buhannic, proceeding *pro se*, brings this action against the Honorable Justice Marcy S. Friedman of the Supreme Court of the State of New York, New York County, Commercial Division, who is presiding over litigation brought by Plaintiff in that court. Plaintiff alleges that Justice Friedman unlawfully discriminated against him based on his national origin and *pro se* status by denying certain of his motions in the state court litigation, and by acting in a biased manner against him in courtroom proceedings. Before

the Court is Defendant's motion to dismiss. For the reasons that follow, Defendant's motion is granted.

BACKGROUND[1]

Plaintiff is a French citizen who has created businesses in the Finance and Technology industries around the world, including in the United States. In 1999, Plaintiff and his brother co-founded a company called Trading Screen Inc. ("TradingScreen"), which is a privately-held Delaware corporation with its principal place of business in New York. Plaintiff served as TradingScreen's CEO until he was terminated in May 2016. On July 11, 2016, Plaintiff sued TradingScreen in the Supreme Court of New York, New York County, Commercial Division, asserting breach of contract and related claims. Justice Friedman was assigned to the case, which is ongoing. *See Buhannic et al. v. TradingScreen, Inc. et al.*, Index No. 653624/2016 (Sup. Ct., N.Y. Cty.) (the "State Action").

A. The State Action

In a nutshell, Plaintiff's State Action seeks injunctive and monetary relief for an alleged "boardroom coup d'état" that was purportedly orchestrated by

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[1] The facts in this section are drawn from Plaintiff's Amended Complaint, its attachments, and the record in the state court action of which the Court takes judicial notice. *See Roth v. Jennings*, 489 F.3d 499, 509-510 (2d Cir. 2007). They are assumed to be true for the purposes of this motion. *See id.* at 510. In light of Plaintiff's *pro se* status, the Court will also consider factual allegations made in Plaintiff's opposition to Defendant's motion to dismiss. *See Washington v. Westchester County Dep't of Corr.*, No. 13 Civ. 5322(KPF), 2015 WL 408941, at *1 n.1 (S.D.N.Y. Jan. 30, 2015) (citing cases). The Court refers to the ECF pagination of the original Complaint and Amended Complaint for ease of reference.

certain directors of TradingScreen to take control over the company away from Plaintiff. Verified Amended Compl. at ¶ 1, *Buhannic et al.*, Index No. 653624/2016 (Doc. 37). Plaintiff alleges that the defendants concocted a scheme to fire him for hitting an employee, which he claims he never did, and then used his termination as grounds for finding that most of his shares were forfeited under his employment agreement. This effectively released Plaintiff's controlling interest in the company. Plaintiff asserts in the State Action that the defendants breached his employment agreement and that he is still entitled to a majority of shares in TradingScreen.

Between the time Plaintiff commenced the State Action and the present action, he was represented by four consecutive sets of counsel, all of whom withdrew, and Justice Friedman held several conferences and ruled on 18 motion sequences. Of the plethora of motions filed in the State Action, the following are the most relevant to Plaintiff's claims here. On March 2, 2017, Justice Friedman granted in part Plaintiff's motion for a preliminary injunction and enjoined the defendants from taking actions that would further dilute Plaintiff's asserted majority interest in TradingScreen. On September 26, 2017, Plaintiff moved in part to enforce an indemnification agreement against TradingScreen, in order to recover an advancement of attorneys' fees and costs spent on the litigation to date; thereafter, Plaintiff moved for an expedited hearing on whether he was wrongfully terminated and to resolve the number of his vested shares. Justice Friedman denied both motions.

At a conference on February 8, 2018, Justice Friedman permitted Plaintiff to file a motion for further

discovery, a motion to release the bond securing the March 2017 preliminary injunction, and a motion for leave to amend his complaint. Plaintiff subsequently filed those motions, in addition to another order to show cause seeking a preliminary injunction for indemnification from TradingScreen, among other relief. Justice Friedman declined to issue the order to show cause, but at a telephone conference on March 5, 2018, she permitted Plaintiff to file another order to show cause that complied with the court's rules. Justice Friedman denied the other foregoing motions after oral argument on May 15, 2018. She also granted TradingScreen's motion to seal certain documents and its cross-motion for sanctions against Plaintiff for filing motions seeking relief that had already been denied.

After granting Plaintiff's fourth counsel permission to withdraw, Justice Friedman granted TradingScreen's request for leave to file a motion to compel Plaintiff to appear at a deposition that TradingScreen claimed Plaintiff had refused to schedule. On July 31, 2018, Plaintiff then filed a motion seeking Justice Friedman's recusal due to her purported bias against him on the basis of his national origin and *pro se* status. Justice Friedman denied the motion on December 6, 2018, and continues to preside over the action.

B. This Action

On June 25, 2018, Plaintiff filed a Complaint in this Court repeating his allegations that Justice Friedman discriminated against him in the State Action based on his national origin and *pro se* status. *See* Compl. (Dkt. 1). Plaintiff requested that Justice Friedman "be taken off [the] case immediately and potentially reprimanded," Compl. at 18, and concluded that

"anything less than a change of judge and a clear decay of ALL her decisions would be a non-remedy[.]" *Id.* at 24.

On August 6, 2018, Plaintiff filed the Amended Complaint, which reiterates the allegations of the original Complaint, but solely requests $500,000 in damages, no longer seeking that Justice Friedman be recused from the State Action and that her previous decisions be vacated. *Compare* Amended Compl. at 26 (Dkt. 9), *with* Compl. at 18, 24. Even though the Amended Complaint does not request such relief, the Court nevertheless considers Plaintiff's requests in his original Complaint for an injunction vacating Justice Friedman's prior decisions and ordering her to recuse herself. *See Fleming v. City of New York*, No. 10 Civ. 3345(AT), 2014 WL 6769618, at *3 (S.D. N.Y. Nov. 26, 2014) ("Even though an amended complaint ordinarily supersedes the original and renders it of no legal effect, the Court considers both Plaintiff's original and amended complaints," because "*pro se* civil rights complaints should be read with . . . generosity[.]").

Plaintiff asserts that Justice Friedman discriminated against him based on his national origin "almost in every hearing" (although the basis for such allegation is unclear from a review of the transcripts attached to the Complaint and Amended Complaint). He alleges that she "refused to talk to him because he is French and has a slight French accent"; that she "criticized [she] French accent and treated [him] in a demeaning manner just for having an accent"; that "she acted like no English speaking person could understand [him]"; and that she "managed to correct and erase her offen[s]es from many of the transcripts,"

such that they "do not reveal the amount of prejudice and bias she directed at [him at] each hearing." *Id.* at 4-5,7-8. Plaintiff also alleges that Justice Friedman "discriminated" against him due to his *pro se* status by holding him "to the same standard as represented parties," and that her behavior violated the New York Rules for Judicial Conduct. *Id.* at 13, 21. He further alleges that this purported "discriminatory attitude" of Justice Friedman's was the "main drive" behind her decision to deny certain of his motions, such as the motions for indemnification and for leave to amend his complaint. *Id.* at 11, 14-15.

Plaintiff also claims that he was deprived of due process in the State Action because the defendants in that case improperly served him (though he does not specify with respect to which documents), that he "was deprived of his right to discovery," and that Justice Friedman unfairly allocated more time to defense counsel to speak in conferences. *Id.* at 15-16, 20-23.

Finally, Plaintiff alleges that Justice Friedman should have recused herself because of "her close friendship with Judge Martin E. Ritholtz who leads the litigation department at Shiboleth," the third law firm that withdrew as Plaintiff's counsel. *Id.* at 9-10.

Although Plaintiff does not cite 42 U.S.C. § 1983 in the original or Amended Complaint, the Court construes his pleadings as asserting claims thereunder, as the statute provides a private right of action to recover money damages for constitutional violations committed by persons "acting under color of state law," and Plaintiff references the statute in his opposition to the motion to dismiss. *Matusick v. ErieCty. Water Auth.*, 757 F.3d 31, 55 (2d Cir. 2014) (quoting 42 U.S.C. § 1983); Pl's Mem. Opp. at 10 (Dkt. 18). In

addition to alleging violations of his due process rights, the Court construes the pleadings as asserting violations of Plaintiff's equal protection rights, in light of the allegations to that effect, also in his opposition. *See* Pl's Mem. Opp. at 15-20.

On August 20, 2018, Defendants moved to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction and failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6), and to stay discovery while the motion to dismiss remains pending. *See* Dkt. 15. Plaintiff opposed the motion, *see* Dkt. 18, and Defendant replied, *see* Dkt. 19.

LEGAL STANDARDS

To survive a motion to dismiss under Rule 12(b)(6), "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "Where, as here, the complaint was filed *pro se*, it must be construed liberally with 'special solicitude' and interpreted to raise the strongest claims that it suggests." *Hogan v. Fischer*, 738 F.3d 509, 515 (2d Cir. 2013) (quoting *Hill v. Curcione*, 657 F.3d 116, 122 (2d Cir. 2011)). "Nonetheless, a *pro se* complaint must state a plausible claim for relief." *Id.* (citing *Harris v. Mills*, 572 F.3d 66, 73 (2d Cir. 2009)).

"A case is properly dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) when the district court lacks the statutory or constitutional power to

adjudicate it." *Makarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000). "A plaintiff asserting subject matter jurisdiction has the burden of proving by a preponderance of the evidence that it exists." *Id.* "In resolving a motion to dismiss under Rule 12(b)(1), the district court must take all uncontroverted facts in the complaint . . . as true, and draw all reasonable inferences in favor of the party asserting jurisdiction." *Tandon v. Captain's Cove Marina of Bridgeport, Inc.*, 752 F.3d 239, 243 (2d Cir. 2014).

DISCUSSION

I. Judicial Immunity

"Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction[.]" *Pierson v. Ray*, 386 U.S. 547, 553-554 (1967). In fact, "[a]s early as 1872, the Supreme Court recognized that it was a general principle of the highest importance . . . that a judicial officer, in exercising the authority vested in h[er], should be free to act upon h[er] own convictions, without apprehension of personal consequences to h[er]self." *Stump v. Sparkman*, 435 U.S. 349, 355 (1978). Were judges required to face the fear "that unsatisfied litigants may hound [them] with litigation charging malice or corruption[,]" this would result in "intimidation" rather than "principled and fearless decision making," *Pierson*, 386 U.S. at 554. Thus, for decades courts have found that judges are absolutely immune from suit for damages for any actions taken within the scope of their judicial responsibilities, and accordingly, "even allegations of bad faith or malice cannot overcome judicial immunity." *Bliven v. Hunt*, 579 F.3d 204, 209 (2d Cir. 2009)

("[J]udges generally have absolute immunity from suits for money damages for their judicial actions."); *Mireles v. Waco*, 502 U.S. 9, 11 (1991).

Historically, courts have been less likely to find that judges are immune from claims seeking injunctive relief—as opposed to damages—against them. *See, e.g.*, *Erdmann v. Stevens*, 458 F.2d 1205, 1208 (2d Cir. 1972) ("[N]o sound reason exists for holding that federal courts should not have the power to issue injunctive relief against the commission of acts in violation of a plaintiff's civil rights by state judges acting in their official capacity"), *cert. denied*, 409 U.S. 889 (1972). Indeed, in 1984, the Supreme Court affirmed the grant of an injunction against a magistrate judge accused in part of unconstitutionally imposing bail on individuals arrested for non-incarcerable offenses under Virginia law. *See Pulliam v. Allen*, 466 U.S. 522, 541-42 (1984) (concluding that "judicial immunity is not a bar to prospective relief against a judicial officer acting in her judicial capacity"). Two years later, however, Congress endorsed a more expansive approach to judicial immunity from injunctive relief. By enacting Section 309 of the Federal Courts Improvement Act of 1986, Congress amended 42 U.S.C. § 1983 to provide that "in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless [1] a declaratory decree was violated or [2] declaratory relief was unavailable." Pub. L. No. 104-317, 110 Stat. 3847, 3853 (1996). Accordingly, absent the latter two exceptions, judges are now immune from injunctive relief sought based on acts conducted in their judicial capacity. *See Montero v. Travis*, 171 F.3d 757, 761 (2d Cir. 1999).

A. Plaintiff's Demand for Damages

Justice Friedman is judicially immune from liability for Plaintiff's damages claim under 42 U.S.C. § 1983, which seeks $500,000 from Justice Friedman for due process and equal protection violations predicated on her allegedly discriminatory treatment towards him. Judicial immunity can be overcome only where a judge takes actions "in the complete absence of all jurisdiction" or where the judge's actions were "nonjudicial." *Mireles*, 502 U.S. at 11-12. In other words, to be immune from liability for damages, a defendant judge must have taken "the challenged action [when] [s]he had jurisdiction over the subject matter before h[er]," and the "action in question" must be "judicial in nature." *Huminski v. Corsones*, 396 F.3d 53, 74-75 (2d Cir. 2005). That is the case here.

Justice Friedman has subject matter jurisdiction over the State Action. The New York State Supreme Court is a court having "general original jurisdiction in law and equity." N.Y. Const. Art. VI § 7(a); *see also Thrasher v. U.S. Liability Ins. Co.*, 19 N.Y.2d 159, 166 (1967) ("The Supreme Court is a court of general jurisdiction, and it is competent to entertain all causes of action unless its jurisdiction has been specifically proscribed.") (citation omitted). Justice Friedman therefore has jurisdiction because Plaintiff asserts garden variety state common law claims for breach of contract and breach of fiduciary duty. Plaintiff nonetheless argues that Justice Friedman lacks subject matter jurisdiction over the State Action because, under the diversity statute, 28 U.S.C. § 1332, there is complete diversity between the parties and the amount in controversy exceeds $75,000. But the diversity statute does not provide a federal court with

exclusive jurisdiction; rather, it confers concurrent jurisdiction with that of state courts. *See Gottlieb v. Carnival Corp.*, 436 F.3d 335, 340 (2d Cir. 2006); *Application of Rosenthal-Block China Corp.*, 183 F. Supp. 659, 661 (S.D.N.Y. 1960) ("The diversity jurisdiction of the federal courts is concurrent with that of the state courts unless and until made exclusive by invocation in the manner provided by law"). Thus, the fact that the State Action could have been heard in federal court on diversity grounds, does not impact the propriety of the State Court's exercise of subject matter jurisdiction over that case.

Each instance of Justice Friedman's conduct that Plaintiff complains about is also judicial in nature. Pursuant to *Stump v. Sparkman*, an act is judicial in nature when "it is a function normally performed by a judge," and when the parties "dealt with the judge in [her] judicial capacity." 435 U.S. at 362. The Second Circuit also looks to state law to determine whether these factors are present in a given case. *Huminski*, 396 F.3d at 76. Justice Friedman's decisions to deny Plaintiff's various motions in the State Action are quintessential judicial acts. *See id.* at 75-76 ("Clearly, the paradigmatic judicial act is the resolution of a dispute between parties who have invoked the jurisdiction of the court."); *Tarter v. State*, 68 N.Y.2d 511, 518-519 (1988) (characterizing decisions involving a judge's application of law and exercise of judgment as "classically judicial tasks"). Justice Friedman is therefore immune from attack on the propriety of her rulings on Plaintiff's motions. To the extent Plaintiff's § 1983 claim is premised on Justice Friedman's conduct at hearings and conferences, such conduct also constitutes judicial action. *See Rios v. Third Precinct*

Bay Share, No. 08-CV-4641 (JFB)(ETB), 2009 WL 2601303, at *3 (E.D.N.Y. Aug. 20, 2009) (presiding over hearings is a judicial act); *Cameron v. Wise*, No. 09 Civ. 967(PKC)(JLC), 2011 WL 1496341, at *9 (S.D.N.Y. Apr. 20, 2011) (same), *report and recommendation adopted*, No. 09 Civ. 967(PKC)(JLC), 2011 WL 3479295 (S.D.N.Y. Aug. 4, 2011). Moreover, Plaintiff's allegations concerning Justice Friedman's purported bias against Plaintiff and her alleged collusion with defense counsel, is conduct which courts routinely hold cannot defeat judicial immunity. *See, e.g.*, *Tucker v. Outwater*, 118 F.3d 930, 932 (2d Cir. 1997) ("The cloak of immunity is not pierced by allegations of bad faith or malice, even though unfairness and injustice to a litigant may result on occasion.") (citation omitted); *Dorman v. Higgins*, 821 F.2d 133, 139 (2d Cir. 1987) ("[A]n allegation that an act was done pursuant to a conspiracy has no greater effect than an allegation that it was done in bad faith or with malice, neither of which defeats a claim of absolute immunity"). The same goes for Plaintiff's allegations concerning Justice Friedman's revisions to the hearing transcripts. *See Green v. Maraio*, 722 F.2d 1013, 1015-1017 (2d Cir. 1983) (affirming that judge alleged to have altered transcript was entitled to judicial immunity).

In summary, Justice Friedman is entitled to absolute judicial immunity from monetary damages because she had subject matter jurisdiction over the State Action, and Plaintiff's allegations concern acts taken in her judicial capacity.

B. Plaintiff's Demands for Injunctive Relief

To the extent Plaintiff seeks injunctive relief against Justice Friedman under 42 U.S.C. § 1983, such

as an order from this Court vacating her prior decisions or requiring her to recuse herself, those requests are also denied. As previously noted, Section 42 U.S.C. § 1983 provides that injunctive relief against a judicial officer "shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." Plaintiff does not allege, and the record in the State Action does not reflect, that any declaratory decree was violated. Nor does Plaintiff allege that declaratory relief was unavailable. Plaintiff could have—and often did—appeal Justice Freidman's prior decisions denying his motions to the First Department, making clear that declaratory relief was not "unavailable" to him. *See, e.g., Ashmore v. New York*, No. 12-CV-3032(JG), 2012 WL 2377403, at *3 (S.D.N.Y. June 25, 2012) (noting that "[d]eclaratory relief against a judge for actions taken within his or her judicial capacity is ordinarily available by appealing the judge's order"), *aff'd sub. nom. Ashmore v. Prus*, 510 Fed. App'x 47 (2d Cir. 2013); *Salem v. Paroli*, 260 B.R. 246, 254 (S.D.N.Y. 2001) (finding declaratory relief available to plaintiff who appealed state judge's decision declining to recuse himself from the plaintiff's case); *see also Buhannic et al.*, Index No. 653624/2016, Doc. 409 (notice of appeal on Justice Friedman's decisions on five motion sequences, including Plaintiff's motions for an expedited hearing, for indemnification, and for leave to amend). Plaintiff has also more recently appealed Justice Friedman's decision declining to recuse herself. *See id.* at Doc. 526. Accordingly, Plaintiff has alleged no basis on which judicial immunity does not preclude his claims for injunctive relief against Justice Friedman, based on her decisions in the State Action.

Finally, the Court notes that Justice Friedman also moves to dismiss for lack of subject matter jurisdiction on grounds that sovereign immunity and the *Rooker Feldman* doctrine bar Plaintiff's claims, and alternatively, for failure to state a claim upon which relief can be granted. In light of the Court's conclusion that Justice Friedman is absolutely immune from suit in this case the Court need not address those alternative grounds.

II. Leave to Amend

"District courts generally grant a *pro se* plaintiff an opportunity to amend a complaint to cure its defects, but leave to amend is not warranted where it would be futile." *Boone v. Codispoti & Assocs. P.C.*, No. 15-CV-1391 (LGS), 2015 WL 5853843, at *5 (S.D.N.Y. Oct. 7, 2015) (citing *Hill*, 657 F.3d at 122-24). Amendment is futile when "[t]he problem with [a plaintiff's] causes of action is substantive" and "better pleading will not cure it." *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000). Such is the case here—better pleading cannot alter the fact that Defendant is immune from this suit. *See, e.g.*, *Bernstein v. New York*, 591 F. Supp. 448, 469470 (S.D.N.Y. 2008) (denying leave to amend where judicial and qualified immunity applied to defendants).

CONCLUSION

For the foregoing reasons, Defendant's motion to dismiss is GRANTED and Plaintiff's requests for permission to file documents electronically are DENIED as moot. The Clerk of Court is respectfully directed to terminate the motions pending at Dkts. 10, 13, and 17, and to close this case.

SO ORDERED.

/s/ Ronnie Abrams
United States District Judge

Dated: February 7, 2019
New York, New York

APPENDIX C
LINKS TO EDGARDO RAMOS AND MICHAEL BLOOMBERG

LINKS TO EDGARDO RAMOS AND MICHAEL BLOOMBERG

https://heavy.com/news/2019/05/judge-edgardo-ramos/

Edgardo Ramos was a partner at the Day Pitney law firm before President Obama nominated him to serve as a federal judge. According to his Senate Judiciary Committee questionnaire, Ramos was based out of the firm's New York City office.

Ramos worked at Day Pitney from June of 2002 until December of 2011, according to his LinkedIn profile. He specialized in white-collar defense at the law firm. He wrote in the congressional questionnaire, "I represent corporations and individuals in connection with criminal and regulatory investigations conducted by federal and state agencies involving, among other substantive areas, antitrust, bank fraud, securities fraud, public corruption and government program fraud. I also conduct internal investigations for corporate clients."

During this time period, Ramos was also appointed by New York City Mayor Michael Bloomberg to serve on the Commission to Combat Police Corruption.

APPENDIX D
SUMMARY OF TRIALS IN FRONT OF FEDERAL COURT

SUMMARY OF TRIALS
FRONT OF FEDERAL COURT

Case		Case basic value
1:18-cv-02430-ER		Arbitrage appeal
Complexity level From 1 to 10	**Date filed**	**Progress**
4	03/19/18	0%

Case		Case basic value
1:18-cv-05371-ER		Corporate criminal matters
Complexity level From 1 to 10	**Date filed**	**Progress**
6	06/14/18	0%

Case		Case basic value
1:18-cv-05372-ER		Books and records demand
Complexity level From 1 to 10	**Date filed**	**Progress**
1	06/14/18	0%

Case		Case basic value
1:18-cv-05729-RA		Discrimination
Complexity level From 1 to 10	**Date filed**	**Progress**
5	06/25/18	closed illegally

Case		Case basic value
1:18-cv-07997-ER		Employment
Complexity level From 1 to 10	**Date filed**	**Progress**
3	08/31/18	0%

Case		Case basic value
1:18-cv-09351-ER		Indemnification of legal expenses
Complexity level From 1 to 10	**Date filed**	**Progress**
1	10/12/18	0%

Case		Case basic value
1:18-cv-09447-ER		Indemnification of legal expenses
Complexity level From 1 to 10	**Date filed**	**Progress**
1	10/16/18	0%

Case		Case basic value
1:18-cv-10170-ER		Issuance of Restricted stocks
Complexity level From 1 to 10	**Date filed**	**Progress**
1	11/01/18	0%

APPENDIX E
LETTER FROM PHILLIPPE BUHANNIC TO JUDGE RAMOS TO SPEED PROCESS

LETTER FROM PHILLIPPE BUHANNIC TO JUDGE RAMOS TO SPEED PROCESS (APRIL 4, 2019)

Philippe Buhannic
Aventura 318
Route des Creux 100
1936 Verbier Switzerland

Via ECF

Hon. Edgardo Ramos
United States District Judge
for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Buhannic et al. v. TradingScreen Inc. et al.

Dear Judge Ramos:

As you are aware I am living in Europe and I am Pro Se. I have been very patient but time has come for this court to finally do something. I have put together the following table that summarizes the cases under your control that are totally stuck despite the ABSOLUTE urgency raised to you by the Plaintiffs, every time, as the company I created is being destroyed, brought to bankruptcy and stolen assets in full day light with no action of this court. And this happens despite my immense efforts with no resources against a bunch of crooked lawyers. I have tried multiple time to accelerate the course of justice and the pace of your court which has refused to do the only right and fair thing to do which is to accelerate the discussion on the merits instead of fighting on process all the time.

Case	Subject	Federal Court specific
18-cv-05371	Board composition	Yes
File Date	**Current delay**	**Complexity and work level 0=easy 5=difficult**
14-Jun-18	9.5 Months	0

Case	Subject	Federal Court specific
18-cv-05372	Information Demand	Yes
File Date	**Current delay**	**Complexity and work level 0=easy 5=difficult**
14-Jun-18	9.5 Months	0

Case	Subject	Federal Court specific
18-cv-07997	Employment	Yes in subjects
File Date	**Current delay**	**Complexity and work level 0=easy 5=difficult**
31-Aug-18	7 Months	2

Case	Subject	Federal Court specific
18-cv-10170	Issuance of stocks	Yes
File Date	**Current delay**	**Complexity and work level 0=easy 5=difficult**
01-Nov-18	5 Months	0

This table shows that subjects that can be resolved like in the case of stock issuance or information demand in one day in some other jurisdictions have not moved without any reasons in 5 months and 9.5 months respectively. It takes an hour to analyze and 15 mn to write the order.

This is not the efficiency I was expected from the Federal court. 9.5 months to obtain documents that we are totally entitled to as Board members to check on abuse of corporate assets of the crooked management is as close to a collusion with the crooks as it can be. In the same line the issuance of stocks which is guaranteed by Delaware law taking 5 months for no progress at all? Is that why I have paid millions of USD of taxes over the last 40 years and incredibly expensive case fees? 9.5 months to have the charter and series D agreement enforced and get a new independent selected? The only slightly more complicated issue is the employment issue, even if the merits are obvious and non negotiable. Employment issues in any country in the world given the impact on people is usually put on a fast track. Here all these have been put on purpose on the slower track possible with

an obvious denial of due process despite this due process being totally guaranteed, even for the plaintiffs by the US constitution.

After being confronted to outright judge corruption in Delaware and New York where my case was filed wrongly by unscrupulous and corrupt lawyers, I was expecting a much better process from the Federal court. The inaction of the Federal court is denying me due process on simple issues, that can be resolved in a single day, is again serving the big corrupt law firms like Morgan Lewis and Weil Gotschal and making the crooks at TCV capable of controlling my company with 18% of the shares and denying me the control despite my control of 70 % of the stocks. This court is becoming an accomplice of the theft of the best Fintech company because of its inaction and its refusal of taking a decision despite this curt being the only valid forum given Diversity and the Federal subjects like manipulation of retirement, Securities fraud and wire fraud and mail fraud.

I am therefore requesting immediately if possible, from this court a review of the various subjects and a focus at reaching conclusion on the obvious decisions like the election of the missing independent, the issuance of stocks or information demand. Given the patience we have demonstrated already we will have to move to a higher jurisdiction very quickly now if our due process is continuing to be denied so obviously.

These cases are simple to analyze, judge upon and conclude like in the summary judgement case. Morgan Lewis that knows they have no points on all of these cases on the merits are desperately trying to leverage the procedure and select the courts they

have colluded with to judge on them like in New York and Delaware.

Can I ask respectfully your office for once to provide simply an answer to my questions that are logical, efficient and in favor of justice instead of another case of collusion of the system with big corrupt law firms that I would not imagined existed in the Federal court system.

Thanks again for your understanding and if for once we could be treated like the expensive corrupt lawyers of Morgan Lewis and get answers that would be a plus. I am at your disposal to fix any procedural issue you feel necessary to fix in the coming days as Pro Se with no resources. A fact I hope you appreciate along the recommendation of all the rules to assist Pro se litigants.

Respectfully,

/s/ Philippe Buhannic

Cc: all counsels of record

APPENDIX F
NOTICE OF REQUEST TO EXPEDITE MOTION

NOTICE OF REQUEST TO EXPEDITE MOTION (APRIL 8, 2019)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIPPE BUHANNIC, PATRICK BUHANNIC, AND TRADINGSCREEN SHAREHOLDERS ASSOCIATION

Petitioners,

v.

TRADINGSCREEN INC.; PIERRE SCHROEDER; PIERO GRANDI; FRANK PLACENTI; ROBERT TRUDEAU; TCV VI, L.P., AND TCV MEMBER FUND, L.P.,

Respondents.

Index No: Multiple

Before: Edgardo RAMOS, Judge.

PLEASE TAKE NOTICE that, upon the annexed affirmation of Philippe Buhannic dated April 9, 2019, the exhibits attached thereto, the accompanying memorandum of law, and any other papers, pleadings and proceedings in this action, Plaintiffs will move this Court at the Courthouse located at 500 Pearl Street, New York, New York 10007, on May 22, 2019 at 9:30am, or as soon thereafter as Plaintiffs (pro se) can be heard, to issue an order, pursuant to

Federal Rules of Civil Procedure (FRCP), granting the following reliefs to the movant:

1. Organize if necessary a conference on May 9th at 9:30 or move directly to the motions as they are easy to resolve, have been outstanding for some of them for a year now, despite their obviousness and simplicity as they are single subject and case law speak loudly in favor of the Plaintiffs.
2. Given the extreme urgency of the situation with a company m quasi bankruptcy and a systematic theft of assets perpetrated if the court does not move with the court complicity in a flagrant denial of Due process and despite all the costs incurred by the Plaintiffs and charged by the court for up to this day no decision whatsoever.
3. Given the extreme urgency of the employment issues which are always being treated in every country of the world with speed and efficiency as real people suffer behind. The Plaintiffs have been scammed and have not received their retirement for 10 years, have not received their bonuses, are being stolen unchecked assets and stocks and the court has been doing exactly NOTHING
4. Given the requirement from the US constitution for Due process, a timely resolution is a full part of this Due process and this court has shown so far a total neglect for applying the law, even when it is obvious like for the information demand that takes

days in any other jurisdiction and here has been going on for a year.

5. Given the clear danger that the Plaintiffs will lose everything given the outright theft going on and the catastrophic financial situation of the company, time is of the essence and once again the decision to be taken are simple, clear and very easy to decide upon. The Plaintiffs are in complete surprise by the unnecessary delays that have been applied unduly by this court to very simple questions that can be answered legally in a few min utes.

6. For all these reasons and in order to respect the obligations of the court towards Due process, protected by the US constitution, we are requesting for cases index No: 18-CV -5371, 18-CV-5372, 18-CV7997, 18-CV-9351, 18-CV-9447, 18-CV-10170 as well as the written consent case for which we don't have a case number, an expedited schedule and a resolution by May 24. Given the time elapsed and the cases it is totally reasonable.

PLEASE TAKE FURTHER NOTICE, that pursuant to, you a Federal Rules of Civil Procedure (FRCP) you are hereby required to serve copies of your answering affidavits on the undersigned no later than the seventh day prior to the date set above for submission of this motion.

By:

/s/ Philippe Buhannic

Dated: Verbier, Switzerland

APPENDIX G
FEDERAL APPEAL COURT REFUSAL TO HANDLE APPEAL

FEDERAL APPEAL COURT REFUSAL TO HANDLE APPEAL: LOCAL RULE 34.1(B) NOTICE OF THE COURT'S INTENT TO HEAR THE FOLLOWING APPEAL ON SUBMISSION (AUGUST 5, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURTHOUSE
40 FOLEY SQUARE, NEW YORK, NY 10007

SHIBOLETH LLP

v.

BUHANNIC

Docket No. 18-2102cv

DC Docket No. 18-cv-2585
DC Court: SDNY (NEW YORK CITY)
DC Judge: Sullivan

The Court has determined that oral argument of this appeal is unnecessary according to the standard set forth in FRAP 34(a)(2). Accordingly, this appeal will be determined on submission of the briefs on October 2, 2019.

cc: Philippe Marc Buhannic

FEDERAL APPEAL COURT REFUSAL TO HANDLE APPEAL: LOCAL RULE 34.1(B) NOTICE OF THE COURT'S INTENT TO HEAR THE FOLLOWING APPEAL ON SUBMISSION (AUGUST 5, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURTHOUSE
40 FOLEY SQUARE NEW YORK, NY 10007

BUHANNIC

v.

TRADINGSCREEN INC

Docket No. 18-2274cv

DC Docket No. 17-cv-7993
DC Court: SDNY (NEW YORK CITY)
DC Judge: Ramos

The Court has determined that oral argument of this appeal is unnecessary according to the standard set forth in FRAP 34(a)(2). Accordingly, this appeal will be determined on submission of the briefs on October 2, 2019.

cc: Philippe Marc Buhannic

ORAL ARGUMENT STATEMENT
(LOCAL RULE 34.1(a))
(JULY 9, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SHIBOLETH LLP

v.

BUHANNIC

Docket No. 18-2102

TO REQUEST ORAL ARGUMENT, FILL OUT THIS FORM AND FILE IT WITH THE CLERK WITHIN 14 DAYS AFTER THE FILING OF THE LAST APPELLEE BRIEF. IF THIS FORM IS NOT TIMELY FILED, YOU WILL NOT BE PERMITTED TO ARGUE IN PERSON.

Short Title of Case: Shiboleth LLP v. Buhannic

Docket No. 18-2102

Name of Party: Shiboleth LLP

Status of Party
(e.g., appellant, cross-appellee, etc.): Appellee

Check one of the three options below:

√ I want oral argument only if at least one other party does.

If no party wants oral argument, the case will be decided on the basis of the written briefs. If you want

oral argument, you must appear in Court on the date set by the Court for oral argument.

THE COURT MAY DETERMINE TO DECIDE A CASE WITHOUT ORAL ARGUMENT EVEN IF THE PARTIES REQUEST IT.

==========

If you want oral argument, state the name of the person who will argue:

Name: Charles B. Manuel, Jr.

(An attorney must be admitted to practice before the Court in accordance with Local Rule 46.1.)

If you want oral argument, list any dates (including religious holidays), that fall in the interval from 6 to 20 weeks after the due date of this form, that the person who will argue is not available to appear in Court: September 2-12, 2019

ANYONE WHO WANTS TO ARGUE MUST UPDATE THE COURT IN WRITING OF ANY CHANGE IN AVAILABILITY. THE COURT MAY CONSIDER A FAILURE TO UPDATE ABOUT AVAILABILITY WHEN DECIDING A MOTION TO POSTPONE A SET ARGUMENT DATE.

Filed by:

/s/ CBM
Charles B. Manuel, Jr.

Dated: 7/9/2019

CERTIFICATE OF SERVICE

I, Peter C. Neger, hereby certify under penalty of perjury that on May 14, 2019, I served a copy of the May 14, 2019 letter of John M. Vassos in opposition to Philippe Buhannic's motion to reinstate his appeal by Federal Express on Philippe Buhannic at the Following addresses:

Aventura 318
Route Des Creux 100
1936 Verbier, Switzerland

65 Central Park West
Apartment 17A
New York, New York 10023

By: /s/ Peter C . Neger
Peter C. Neger

Dated: May 14,2019

ORDER OF THE SECOND CIRCUIT
(MAY 17, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

TRADINGSCREEN SHAREHOLDERS ASSOCIATION (TSA), TCV MEMBER FUND, L.P.,

Plaintiff,

PHILIPPE MARC BUHANNIC,

Plaintiff-Appellant.

v.

TRADINGSCREEN INC., PIERRE SCHROEDER, PIERO GRANDI,

Defendants-Appellees,

FRANK PLACENTI, ROBERT TRUDEAU, TCV VI, L.P,

Defendant.

Docket No. 19-531

Before: Peter W. HALL, Circuit Judge.

Appellant, *pro se*, moves to reinstate the appeal.

IT IS HEREBY ORDERED that the motion is DENIED.

For The Court:

/s/ Catherine O'Hagan Wolfe
Clerk of Court

ORDER OF THE SECOND CIRCUIT (AUGUST 12, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PHILIPPE BUHANNIC,

Petitioner-Appellant,

v.

TRADINGSCREEN INC., JOSEPH AHEARN,

Defendants-Appellees.

Docket No. 18-2274

IT IS HEREBY ORDERED that appellant's motion to file a late reply brief is GRANTED.

For The Court:

/s/ Catherine O'Hagan Wolfe
Clerk of Court

ORDER OF THE SECOND CIRCUIT
(JUNE 5, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PHILIPPE BUHANNIC,

Petitioner-Appellant,

v.

TRADINGSCREEN INC., JOSEPH AHEARN,

Defendants-Appellees.

Docket No. 18-2274

Appellant's Philippe Buhannic submission of motion to file late reply brief does not comply with the Court's prescribed filing requirement. Despite due notice, the defect has not been cured.

IT IS HEREBY ORDERED that the said motion is stricken from the docket.

For The Court:

/s/ Catherine O'Hagan Wolfe
Clerk of Court

NOTICE OF DEFECTIVE FILING
(MAY 14, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURTHOUSE
40 FOLEY SQUARE NEW YORK, NY 10007

BUHANNIC

v.

TRADINGSCREEN INC

Docket No. 18-2274

DC Docket No. 17-cv-7993
DC Court: SDNY (NEW YORK CITY)
DC Judge: Ramos

On May 14, 2019 the Motion, on behalf of Appellant Mr. Philippe Marc Buhannic, was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

√ Incorrect Filing Event

√ Other: please re-file as "Motion to Late of Filing"

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than 5/16/2019. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8563.

ORAL ARGUMENT STATEMENT
(FEBRUARY 3, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

BUHANNIC

v.

FRIEDMAN

19-365

TO REQUEST ORAL ARGUMENT, FILL OUT THIS FORM AND FILE IT WITH THE CLERK WITHIN 14 DAYS AFTER THE FILING OF THE LAST APPELLEE BRIEF. IF THIS FORM IS NOT TIMELY FILED, YOU WILL NOT BE PERMITTED TO ARGUE IN PERSON.

Short Title of Case: Buhannic v. Friedman

Docket No. 19-365

Name of Party: Philippe Buhannic

Status of Party
(e.g., appellant, cross-appellee, etc.): Appellant

Check one of the three options below:

√ I want oral argument

If no party wants oral argument, the case will be decided on the basis of the written briefs. If you want oral argument, you must appear in Court on the date set by the Court for oral argument.

THE COURT MAY DETERMINE TO DECIDE A CASE WITHOUT ORAL ARGUMENT EVEN IF THE PARTIES REQUEST IT.

==========

If you want oral argument, state the name of the person who will argue:

Name: Philippe Buhannic

(An attorney must be admitted to practice before the Court in accordance with Local Rule 46.1.)

If you want oral argument, list any dates (including religious holidays), that fall in the interval from 6 to 20 weeks after the due date of this form, that the person who will argue is not available to appear in Court: June

ANYONE WHO WANTS TO ARGUE MUST UPDATE THE COURT IN WRITING OF ANY CHANGE IN AVAILABILITY. THE COURT MAY CONSIDER A FAILURE TO UPDATE ABOUT AVAILABILITY WHEN DECIDING A MOTION TO POSTPONE A SET ARGUMENT DATE.

Filed by:

/s/ Philippe Buhannic
Philippe Buhannic

Dated: 5-Feb-2019

SCHEDULING NOTIFICATION
(FEBRUARY 5, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PHILIPPE BUHANNIC

v.

MARCY FRIEDMAN

No. 19-365

I, Philippe Buhannic hereby certified under penalty of perjury that on 5 Feb 2019, I Served a copy of Oral Argument, Certificate of Service, Pro Se Scheduling, Notice of Appearance for Statement

BY

Federal Express or Other Overnight Courier

Marcy Friedman
60 Center Street
New York, NY 10007

/s/ Buhannic

Today's Date: 5-Feb-2019

NOTICE OF CASE DEFECTIVE FILING
(MAY 21, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURTHOUSE
40 FOLEY SQUARE NEW YORK, NY 10007

BUHANNIC

v.

FRIEDMAN

Docket No. 19-365
DC Docket No. 18-cv-5729
DC Court: SDNY (NEW YORK CITY)
DC Judge: Abrams

On May 21, 2019 the Motion, to expedite motion, on behalf of the Appellant Mr. Philippe Marc Buhannic, was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

√ Improper proof of service (FRAP 25)

√ Served to an incorrect address–Please refer to the docket sheet for the correct party and address to serve.

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than June 11, 2019. The resubmitted documents, if

compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8546.

NOTICE OF CASE MANAGER CHANGE
(AUGUST 1, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURTHOUSE
40 FOLEY SQUARE NEW YORK, NY 10007

BUHANNIC

v.

FRIEDMAN

Docket No. 19-365cv

DC Docket No. 18-cv-5729
DC Court: SDNY (NEW YORK CITY)
DC Judge: Abrams

The case manager assigned to this matter has been changed

Inquiries regarding this case may be directed to 212-857-8522

ORDER OF THE SECOND CIRCUIT
(AUGUST 1, 2019)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PHILIPPE MARC BUHANNIC,

Plaintiff-Appellant,

v.

MARCY FRIEDMAN,

Defendant-Appellee.

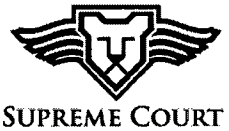
No. 19-365

Before: Robert A. KATZMANN, Chief Judge,
Rosemary S. POOLER, Peter W. HALL,
Circuit Judges.

Appellant, pro se, moves to expedite the appeal. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (per curiam) (regarding the Court's inherent authority to dismiss an appeal that lacks an arguable basis in law or fact).

FOR THE COURT:

/s/ Catherine O'Hagan Wolfe
Clerk of Court



SUPREME COURT
PRESS