No. 19-833

In the Supreme Court of the United States

PHILIPPE BUHANNIC,

Petitioner,

v.

NEW YORK APPELLATE DIVISION,
FIRST JUDICIAL DEPARTMENT,

Respondent.

On Petition for an Extraordinary Writ of Mandamus to the New York Appellate Division, First Judicial Department

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PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS

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DECEMBER 23, 2019

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QUESTION PRESENTED

Whether the state appeal courts have the right based on an obvious prejudice and bias to refuse due process to a foreign pro se litigant. The denial is so obvious, persistent and omnipresent in this case, as well as the corruption, that this court must correct this quickly to have still a meaningful constitution as the rights denied to the foreign Pro se litigant are constitutional in nature: due process, right to appeal, etc.?

LIST OF PROCEEDINGS BELOW

Appellate Division of the Supreme Court of New York, First Department

Index No. 653624/16
Motion No: M-4977, M-4860

Philippe Buhannic and Patrick Buhannic, Individually and Derivatively on Behalf of Trading of Tradingscreen Inc., Plaintiffs-Appellants, v. *Tradingscreen, Inc.; Pierre Schroeder; Piero Grandi; Frank Placenti; Robert Trudeau; TCV VI, L.P., and TCV Member Fund, L.P.*, Defendants-Respondents.

Decision Date: October 30, 2018

RELATED PROCEEDINGS IN THE SOUTHERN DISTRICT OF NEW YORK

Buhannic et al. v. Tradingscreen Inc. et al.
New York Southern District Court
Case No: 1:18-cv-05371
Case Opening Date: June 14, 2018
Decision Date: September 27, 2019

Buhannic et al. v. Tradingscreen Inc. et al.
New York Southern District Court
Case No: 1:18-cv-05372-ER
Case Opening Date: June 14, 2018
Decision Date: September 27, 2019

Buhannic v. Friedman
Case No: 1:18-cv-05729-RA
Case Opening Date: June 25, 2018
Decision Date: February 7, 2019

Buhannic et al v. Tradingscreen Inc. et al
New York Southern District Court
Case No: 1:17-cv-07993-ER
Case Opened: October 17, 2017
Decision Date: July 27, 2018

Buhannic et al v. Tradingscreen Inc. et al.
New York Southern District Court
Case No: 1:18-cv-07997-ER
Case Opening Date: August 31, 2018
Decision Date: September 27, 2019

Buhannic v. Tradingscreen Inc.
New York Southern District Court
Case No: 1:18-cv-09351-ER
Case Opening Date: October 12, 2018
Decision Date: No Decision

Buhannic v. Tradingscreen, Inc. et al.
New York Southern District Court
Case No: 1:18-cv-09447-ER
Case Opening Date: October 16, 2018
Decision Date: September 27, 2019

Buhannic v. Tradingscreen, Inc. et al.
New York Southern District Court
Case No: 1:18-cv-10170-ER
Case Opening Date: November 1, 2018
Decision Date: September 27, 2019

RELATED PROCEEDINGS IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Buhannic v. Friedman
United States Court of Appeals for the Second Circuit
No. 19-365
Decision Date: August 1, 2019

Buhannic v. Tradingscreen Inc.
United States Court of Appeals for the Second Circuit
No. 19-531
Decision Date: April 23, 2019

Buhannic v. Tradingscreen Inc.
No. 18-2274
United States Court of Appeals for the Second Circuit
Decision Date: October 11, 2019

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OPINIONS BELOW

The opinions and actions of the highest state court, the New York Appeal court, First Department to review the due process in the petition and is included below at App.1a.

JURISDICTION

This case has clearly breached the rights of Mr. Buhannic under the 5th and the 14th amendment of the U.S. Constitution. Mr. Buhannic has fundamentally been stolen his property of north of 60% of the company he created through a mixture of outright corruption in Delaware where the judge was bought out, Collusion in the Supreme court of New York and New York appeal court and exposed to a significant discrimination as a foreign national and Pro se person and massive due process issues under Delaware, New York but also sadly the Federal court system in New York in a way that effectively is breaching his right to be protected by due process against these acts.

This Petition for Extraordinary Writ of Mandamus is filed pursuant to Sup. Ct. R. 20.4(a). This Court has jurisdiction under 28 U.S.C. § 1651.

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. V

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. XIV, § 1

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

RULE 20 STATEMENT

A. Name and Function of Parties to Whom Mandamus is Sought to be Directed

Petitioner seeks mandamus issued to the judges of the New York Appellate Division, First Department.

B. Petitioner seek the following relief:

In the New York proceeding given its abdication to big corrupt law firms interest by the New York appeal court:

1. The establishment of a parity between all parties for indemnification, as the appeal was obvious and was manipulated by the NY appeal court, first department in collusion with the Defendants, and treating the two parties completely unequally for the same cases, same agreements and same conditions. This would trigger an immediate reimbursement of the 5 M USD plus of advancement expenses including interests since their due date at 19% that the Company failed to advance for three years, despite Mr. Buhannic's total compliance with the advancement conditions under Section 4 and that Mr. Buhannic has incurred and was not reimbursed for while the other Board members were reimbursed illegally.
2. The recusal of the New York court system from the case and the start of an in depth investigation in its practices and a concen-

tration of all actions front of the single most relevant court in Federal court but outside of the southern district that has demonstrated a level of inefficiency and collusion unmatched in modern time with a really independent judge that can handle a case rapidly.

3. The cancellation of all the decisions of the New York appeal court as they were all obtained through a collusion between the New York Appeal court and the big corrupt law firms Weil Gotschal and Morgan Lewis and as retribution against Mr. Buhannic after he denounced the corruption at the clerk office of the court when he could file an appeal.

4. Any further relief that the Court might deem appropriate as the Court deems just and proper like the amount of damages that should be charged to the Defendants for the personal moral prejudice created to Mr. Buhannic over three years as such mistreatment and corruption is not covered by the law protecting honest jurisdictions from consequences.

C. Why Petitioners Have Filed for Relief in This Court

Petitioners have sought remedy in the New York Appellate Division and U.S. Court of Appeals for the Second Circuit. See List of Proceedings. The only remaining court of higher authority is the Supreme Court of the United States.

STATEMENT OF THE CASE

Preliminary Statement

This is a straightforward case. Philippe Buhannic ("Buhannic") seeks to enforce his constitutional rights to due process protected by the U.S. Constitution that have been denied to him in the most horrible manner by a series of courts whose bias and prejudice is so deeply rooted in the system, that they have breached the constitutional right of Mr. Buhannic as a foreign Pro se litigant as they consider wrongly that the constitution does not protect him.

Worse the actors of this farce feel so certain that they are unreachable that they are going extremely far in the illegality and of their manipulative actions, and fear nothing from a system that they feel they master and can play against a Pro se litigant with no resource as the system is more interested in protecting its own faulty members than achieving justice. This is the ultimate in bad faith and insulting to intelligence and the principles of the U.S. Constitution.

It demonstrates that the system allows the actors to refuse effectively due process by hiding their, sometimes criminal acts, behind the most stupid presentation reasons, or just to ignore the rules as demonstrated in examples outlined in this case.

Worse the litigant has also experienced massive corruption of the system in the benefit of the big corrupt law firms Morgan Lewis and Weil Gotschal which have established in the courts, against discreet

retribution, a network of dependent employees that will effectively guide the cases their way.

This case is a terrible eyesore on the U.S. legal system and demonstrate a total lack of principles and legal respect by all the actors of the U.S. legal system from lawyers to judges to clerks.

STATEMENT OF FACTS

From 1999 until his wrongful termination in late June 2016, in a clear breach of his employment agreement, in a coup organized by the minority Private Equity shareholder TCV with 18% of the shareholding to steal the value of the company unduly, Mr. Buhannic served as the Company's CEO and Chairman of its Board for 16 years. This is a company that he created from scratch making tremendous personal sacrifices to create the leader in the Fintech space with his ingenuity, hard work and money.

Thanks to the corrupt judge Laster in Delaware he was illegally taken off as CEO and president and chairman of the Board and denied illegally his rights as the largest shareholders to elect his representation and control the company. This criminal decision as it was "purchased" has allowed the TCV thieves to effectively buy the Board members that the Plaintiffs wanted to replace and to control the company with 18% of the shareholding illegally and to wreck the company to oblivion. Worse the TCV thieves have manipulated a totally corrupt system, where everything can be purchased, through the corrupt big law firms

Weil Gotschal and Morgan Lewis and made sure to deny due process to the Plaintiffs in so many ways that it should be a benchmark case.

He is still a Board member today and is getting diluted to oblivion thanks to the efforts of the colluded and corrupt judges.

Generally, due process guarantees the following (this list is not exhaustive):

- Right to a fair and public trial conducted in a competent manner
- Right to be present at the trial
- Right to an impartial jury
- Right to be heard in one's own defense
- Laws must be written so that a reasonable person can understand what criminal behavior is
- Taxes may only be taken for public purposes
- Property may be taken by the government only for public purposes
- Owners of taken property must be fairly compensated

Thus, in this complaint, Mr. Buhannic seeks a correction of all the massive due process issues he has faced and a cancellation of all the decisions that were based and leveraged on these due process failings to reestablish a level of coherence in the system that has proved to be prone to corruption at all levels and has denied clearly the constitutional rights of the Plaintiffs and allowed the thieves at TCV to commit

multiple criminal acts without any restraint as the big corrupt law firms they use "own" the court system.

ARGUMENT

Due Process Issues at the New York Appeal Court, First Department

POINT I. OUTRIGHT CORRUPTION AT THE CLERK OFFICE

First, the clerk office deployed all his efforts to prohibit Mr. Buhannic appeals making it as difficult as possible. Mr. Buhannic had to come back twenty-five times for his first appeal as the clerks made it difficult for reasons that make no sense justice wise. Just a way to create leverage on big law firms and get compensated by them.

After twenty-four visits to the clerk office I was complete despite everything invented by the clerk and I just had to deposit one more document. I had to take a plane and I sent my intern from NYU law school an attorney general in his original country Egypt and nobody at the clerk office knew him. We he came in he was patiently waiting and suddenly realized that the Chief Clerk Dan Ramos was going through my appeal documents with one the chief crooks' Partner lawyers of Morgan Lewis, Peter Neger, and this crook was telling the clerk how to postpone my appeal as much as possible. At the end he gave him two tickets for the US open! All this was on tape as the clerk office is taped but since I have reported this the court has

erased the tapes. Destruction of evidence by the Appeal court!

I did report this illegal activity to Susanna Molinas Rojas the highest level of the clerk office and Rolando D. Acosta who runs the Appeal court. Not only I did not receive any answer to my letter in Appendix B at App.4a-16a, but no investigation was started in clear contravention to any management rule I have seen in multiple organizations over a forty years career.

Worse the only thing they did was to warn Dan Ramos that he had been caught being corrupted in a flagrant denial of due process, logic and equity. The management of the New York appeal court has decided to protect the employees that are corrupt! A complete denial of justice. All this is documented in Appendix A at App.1a-3a.

POINT II. THE DENIAL OF DUE PROCESS THROUGH UNNECESSARY ENDLESS PRESENTATION RULES

The way the clerk office of the New York Appeal court is denying due process to *pro se* litigants is by inventing on the spot presentation rules all more unrelated to justice than the other. It is all about building leverage to extract from big corrupt law firms' advantages, cash or anything and put anybody non-contributing, like a *pro se* litigant, in an awkward situation and seeing his appeals rejected multiple times with the costs attached to that. Some of the craziest rules are having the number of the page over the total number of pages, etc. These rules are invented on the spot by unethical clerks. They are changing on a whim to make sure leverage exist. I was told one thing and its inverse more than you could imagine by

the same or different people among the clerks. In the case of Dan Ramos as chief clerk he is able to see through nylon material if an appeal is deficient as he did for me. A super Zero! This was so impressive! I was left without voice, against a wall in handcuffs, crushed by a fat policeman smelling sweat and having my glasses broken. A clear due process high for the New York Appeal court. Once again the clerk office is taped. But the appeal court has erased the tape as it proves the abuse of power. I was given a summons to see a judge for (fake) disorderly conduct and strangely the New York appeal court has dropped the case after looking at the tapes and erasing them! A complete corruption scheme protected by the management of the New York Appeal court instead of reforming the faulty system. But it is true that in their system foreign *pro se* litigants have mostly one right: to shut up.

A *pro se* office need to be created and a complete change in approach and clearly documented, simple guidelines proposed in these times of electronic where only a file should be necessary, harrowing costs for litigants of making endlessly 10 copies to adapt to the behavior of the day of the clerks. All these are clear breaches of due process with the intent to put big corrupt law firms on top for money.

POINT III. THE DENIAL OF DUE PROCESS IN THE ORAL ARGUMENTS' SESSION

In the only appeal we have been allowed to make, before the entire system did organize against us fully, prohibiting us to use our constitutional right to appeal after we reported the corruption of the chief clerk Dan Ramos, we were denied gravely due process but also right to appeal. We were told when we were to

present our oral arguments, months before, that we would have 15 minutes for our oral argument. We were the only *pro se* in the room, on more than 30 cases, as the system is totally rigged against *pro se* litigant. This was very important for us as we have been robbed by the lower court, Justice Friedman, in the most illegal way of our obvious indemnification rights, pushing us into *pro se*. It was already very difficult to fit our multiple arguments in 15 minutes, and we were entitled through due process to that time. We were one of the last cases and we were told minutes into it that we will have only 6 minutes! It was impossible even for a senior lawyer to retool the work of days in a decent format. As *pro se* even more difficult. We challenged this with the head judge telling him we needed the 15 minutes as it is our right to have an appeal and be heard. We were totally ignored in a very demeaning manner. Don't believe me there is a tape so it is accessible. We were cut off by the head judge despite having been totally unable to make our arguments. All this is visible on the video at: https://www.youtube.com/channel/UCNglBKX_jIFJu2LOj-QB0jQ/playlists.

Worse in that session we discovered that the judges all five of them had not even read the file making the oral argument completely useless especially with us being unable to explain out position at all. It was pure gesturing but not real justice. Hollywood is better at justice. Another due process issue trademark of the New York appeal court is the voluntary refusal to service the litigants. Up to this day we have NEVER received a single service, or answer to our letters, from the court on its decisions. As we live in a different country it is yet another way for a corrupt system to prohibit us to appeal on an appeal further and to

see the appeal time lapse. This is a clearly developed on purpose tactical move to avoid being sanctioned by the U.S. Supreme Court. Worse in our case as we have been classified as enemy of the appeal court we cannot get any info on the phone. As soon as our name is given we are out and cannot get information. We have therefore to scan the web to get the decisions even if we guess their content given the corruption of the court unfortunately.

We were again here refused due process along our constitutional rights.

POINT IV. THE DENIAL OF DUE PROCESS BY REFUSING EFFECTIVELY THE RIGHT TO APPEAL

It is emblematic of the situation at the New York Appel court, first department that we were refused thoroughly the right to appeal which is guaranteed by the constitution. The New York Appeal court is using two different approaches to prohibit Pro se litigants to appeal and to give the leg up to the "paying" corrupt law firms.

First they have enforced a set of presentation rules, completely outdated in these times of electronic documentation. They still want paper documents bound at a very expensive cost in a certain way. Their presentation rules are changing often just to penalize the pro se litigants as we experienced to create delays and false issues. The clerk office, that as we discovered later was corrupted by Morgan Lewis top partner Peter Neger, made us come back 25 times despite respecting every rule that they gave us in writing. In the same line the New York Appeal court has refused to create

a pro se office, an exception these days in line with their income strategy.

We did file more than five appeals as the decisions of justice Friedman were becoming totally illegal and erratic with her growing collusion with the Defendants. None of our appeal has been accepted and all have been decayed since we demonstrated the corruption at the clerk office. We have been fundamentally prohibited to exercise our appeal right, "packaged" by the court in some legal jargon and never serviced for any of these decisions. This is in clear opposition of due process but also of our constitutional right of appeal. But as a foreign litigant *pro se* we should accept I guess that our only right is to shut up.

We have put in Appendix A at App.1a-3a the decision we got from the web as we were never informed or serviced properly for it. We did file by mail as we were prohibited to be in the clerk office with no effect. We were systematically refused the right to appeal despite rules for *pro se* litigant to be supported by the court in the NY rule book.

It is again and absolute and unjustifiable denial of justice and due process.

POINT V. THE DENIAL OF DUE PROCESS BY REFUSING INFORMATION TO PRO SE LITIGANTS

The New York Appeal court has created new grounds in denial of Due process by denying the Plaintiffs not only the right to appeal but the right to get information from the court. The Plaintiffs live in Switzerland and therefore need to get information on the web or on the phone. After denouncing the corruption at the clerk office with Dan Ramos as the chief

clerk and the management of the appeal court informing him, he took measures to retaliate. We are unable to get any information on the phone.

Worse after the episode, where he called unduly the cops on us, we cannot enter the building safely anymore and therefore we are shut out of all normal services of the court to litigants. But be certain that the corrupt Morgan Lewis partners have full entry and access to these services putting us again in a complete breach of due process, fairness and in a total denial of justice.

Therefore the balance of treatment between the two parties breaches due process too. Worse the management of the court is fully involved and support this mistreatment of foreign *pro se* litigants fully and embrace it. They have never even answered a letter in 3 years despite massive issues in their organization!

As a summary we are prohibited to have any written information from the court, any information on the phone and any information by going to the clerk office.

The summary of the information we were able to gather from the web is shown in Appendix A at App.1a-3a. It was all collected from the web as there was never a proper service or information in any way from any of the New York court in three years, making it clearly impossible for us living outside the U.S. to meet deadlines, in a calculated approach by the courts.

There are no details, no specific information and we are left guessing about the decisions. A real splendid transparency and equality of treatment between

parties with the honest but weakest, *pro se* and foreign being treated the worst. Welcome to the New York justice system!

POINT VI. A SYSTEMATIC EX-PARTE COMMUNICATION AND COLLUSION BETWEEN THE DEFENDANTS AND THE APPEAL COURT AS DEMONSTRATED BY THE DAN RAMOS INCIDENT BREACHES DUE PROCESS

Ex parte communication with one of the parties is totally prohibited in any justice rule book and in particular in New York as stated:

> Ex parte communications Code of Professional Responsibility DR 7-110(b) (22 NYCRR 1200. 41[b]) states: In an adversary proceeding, a lawyer shall not communicate, or cause another to communicate, as to the merits of the cause with a judge or an official before whom the proceeding is pending, except: 7 1. in the course of official proceedings in the cause; 2. in writing if the lawyer promptly delivers a copy of the writing to opposing counsel or to an adverse party who is not represented by a lawyer; 3. orally upon adequate notice to opposing counsel or to an adverse party who is not represented by a lawyer; or 4. as otherwise authorized by law, or by the Code of Judicial Conduct. The Rules of Judicial Conduct governing judges prohibit ex parte communications except, *inter alia*, those made "for scheduling or administrative purposes . . . that do not affect a substantial right of any party" (22 NYCRR 100.3 [B][6][a]) Those rules also permit a judge to confer separately with the parties, with their

> consent (see 22 NYCRR 100.3[B][6][d]). Sending ex parte letters to a judge explaining a client's default and inquiring about procedure to reopen a matter warrants discipline (*see Matter of Abbot*, 167 AD2d 617 [3rd Dept 1990]). A new trial was ordered where a trial judge improperly considered an ex parte conversation with the plaintiff's attorney prior to issuing a supplemental order which resolved substantive issues in the prior trial (*see Antoci v. Antoci*, 113 AD2d 857 [2nd Dept 1985]). One ethics committee has interpreted Code of Professional Responsibility DR 7-110(b) as requiring equivalent service on both the court and the adversary, *i.e.*, if a communication is hand-delivered to a court, a "cc" by mail to the adversary is not permitted (*see Assn of Bar of City of NY* Op 1987-6 [1987]).

But they are also prohibited in the federal rule book.

During the entire process the Appeal court and the Appeal court clerk office has maintained an unauthorized ex-parte communication channels with the two corrupt legal firms Weil Gotschal and Morgan Lewis.

This ex-parte communication reached its peak multiple times as confidential information was leaked to the law firms to advantage them in advance of the Plaintiffs and when the partner of Morgan Lewis Peter Neger did explain to Dan Ramos, in the clerk office front of everybody in a totally prohibited conversation, how to delay our appeal from September to December unduly. We have witnesses to that dis-

cussion, but it was also recorded on tape by the Appeal court system then erased in an amazing case of destruction of evidence by the court.

A complete parody of justice organized by the New York Appeal court to support the collusion of justice Friedman and starve Mr. Buhannic defense resources by not even allowing him despite being already *pro se* to even present his arguments. Don't get fooled, all that was organized, through prohibited ex-parte communications, between the two corrupt law firms and the Appeal court, as the investigation of the communication will show, and is standard business at the New York Appeal court. A shame to the entire U.S. legal system.

Yet another flagrant due process breach.

POINT VII. NON APPLICATION OF NOTICE OF REMOVAL TO FEDERAL COURT

In another related case in New York Supreme court # 659600/2018 we were taken advantage of by our last lawyer who created 320,0000 USD of fake invoices between 5 PM and 5:05 PM when we told him we were severing the link as he was inefficient and expensive. We have emails and monthly reconciliation to prove it easily. We did file a solid case with all the evidence demonstrating to the New York Appeal court that the file had been removed to federal court based on the full Diversity of the case properly with the support of the legal aid society, but also that the invoices were fake and that the default judgement obtained by a "Buddy-Buddy" relationship between the former judge Martin Ritholz lawyer at Shiboleth and Judge Perry who had no authority as the case

was validly removed, but also that the default judgement was faulty as the default was obtained maliciously by not serving the Defendants on purpose in their home in Switzerland and they were therefore unaware of this proceeding as the case was fully removed to Federal court.

In yet another crazy ruling the New York Appeal court dismissed the appeal again on relationship and most certainly for money and refused the obvious notice of removal. The New York Appeal court has therefore allowed a judge who had no jurisdiction to take a faulty default judgement against me, as there was no service any way, but also was removed to Federal court and to have the appeal court dismiss the appeal on no basis that their need to protect the system through outright corruption.

The full diversity is fully documented exhaustively and definitively and represent the archetype designed by the founding fathers of why diversity exists given the corruption of the state courts. All this is presented in Appendix E at App.24a-31a in the notice of removal which was done for certainty with the legal aid society at the Federal court, perfectly and serviced properly. Therefore the court was aware, and the Plaintiffs were totally aware of the illegality Judge Perry's decision. A total breach in due process.

In Appendix F at App.32a-34a is presented the order dismissing the appeal in the worst appeal procedure ever! The judge had no authority as the case had been moved to the Federal court because of full diversity. The Judge Perry who was totally corrupt took a default judgement against the Defendants

despite a proven absence of service and no jurisdiction to support his "Buddy to Buddy" relationship with former judge Martin Ritholz. The Defendants made aware Judge Perry of the issues, as shown in App. 18a-23a, and he did not even bother to listen to them despite their criticality as he was hiding behind his immunity. Judge Perry and the lawyer should be penalized heavily for inventing the decision, but in the New York court system anything is possible. The worst is that the Appeal court in its retribution against Mr. Buhannic who denounced the corruption at the court, refused to even handle a case so clear. It is a complete breach of due process and a denial of his constitutional right to appeal. The attitude of the appeal court and his leaders should be penalized heavily as breaching every decency rule and the U.S. constitution.

This is an even worse corruption than the Dan Ramos one as the case is so clear: no jurisdiction, no service on the default judgement and the proof that the lawyer overcharged. But what else do you need but a "Buddy-Buddy" relationship to exercise corrupt justice?

REASONS FOR GRANTING THE WRIT

These issues raised in this case are critical to the effective functioning of the legal system of the United States. Due process needs to be enforced and need to be independent from who you are and as a foreign Pro se litigant you should be entitled to it as much as a big corrupt law firm working for fees. Today

between the corruption, the nepotism and the outright bias of numerous levels in the system this is not guaranteed, and it is critical to the wide public and the economy that these issues are fixed in the spirit and law of the U.S. constitution. To no act will disqualify the U.S. legal environment for foreigners definitively as the bias and corruption was so pervasive and organized that foreign entrepreneurs will select other environments to create the future.

There is nothing more important than to fix a system that has been selling itself to partisan interests and is colluding with some of the big law firms to give them an undue power that is challenging the most basic rules of Democracy.

This court must use this case where we have demonstrated an inordinate bias and prejudice as well as numerous cases of outright corruption, collusion and numerous dysfunctions of the system that makes it so faulty that outside of providing a good living to the people involved, mostly lawyers, it has failed totally the general public in rendering justice.

This court is facing a choice here: Act quickly and fairly and demonstrate that all the manipulations stop at its door and that it represents the last defense of Democracy, Justice and Due process and reestablish decisions that make sense or just let go and accept that the system is now controlled by people that can pay big corrupt law firms to manipulate the process and become an accomplice of the destruction of the legal environment created by the founding fathers.

There is no illusion here, inaction or half measures will not change the flow of history as the system is so biased the wrong way now, as judges feel they can

escape from the law and are writing it, lawyers feel they can manipulate the system freely, with no consequences. If by outright corruption an Entrepreneur can be stolen the property that he sacrificed so much to develop, just because judges and courts have been coerce into submission by money, influence and if an entrepreneur/manager can be the victim of blackmail, fake news, attacks and lose the ownership of his company despite having the vast majority of the capital (70%) as in this case because the minority Private Equity shareholder (15%) can afford with their customers money, expensive corrupt law firms to manipulate the corporate life of a company and steal the value created by the entrepreneur, then nobody will want to be an entrepreneur. Nobody either will want to carry the risks attached to performing the fiduciary duties of a Board member any more given this case. It is essential to maintain a system where contracts that are very clear are applied fully and cannot be manipulated by law firms playing their cards with courts going as far as corrupting the clerks and the judges like Weil Gotchsal and Morgan Lewis demonstrating a corruption uncommon in the poorest countries of the universe. It is critical to show that people with money acquired through outright theft cannot manipulate the system into submission through big corrupt law firm and that Pro se litigants have a chance to make their points if they are right.

Finally as explained in the brief certain acts and decisions of the Delaware court, New York Supreme court and New York Appeal court are criminal like destruction of evidence and outright corruption and the consequences have to be drawn to show that justice still exist even if you are a going against all

the decisions in Delaware, New York and other State or Federal decisions on indemnity that want to make sure, for the benefit of the wide public from pension fund to individual investors, that indemnification of Board members is effective in the greater interest of the creation of economic value and the general progress of society. These decisions go against the majority of decisions on this subject of indemnification that are key to entrepreneurship and the needs of the general public and threaten the future by creating a breach into a very well documented jurisprudence. It is essential for this court to put a stop to the manipulation of the system by money and greed.

This court is the last hope for justice but also more importantly to insure that the financing of innovation does not fall definitively in the hands of crooks equipped with big law firms and a strong pull in the lower courts where they managed to convert the most protective indemnity agreement into a useless piece of paper through collusion, manipulation and outright corruption. Worse the lower courts also prohibited the indemnitee to benefit from due process and his appeal rights protected by the constitution. There is no mistake here, this is a benchmark case where the future of innovation financing will be decided that will impact generations to come. Accepting that these illogical decisions, going against almost every case law existing in all jurisdictions, stay in force will damage definitively the legal environment at a huge cost to society and will ensure that crooks well equipped with corrupt lawyers run the show at the expense of the creators, entrepreneurs and value generator. It is a seminal case that should be treated by the highest court in the land to give still hope to honest people

that the dream of a better system that started in 1776, and for which my ancestors died for in Cheasapeake Bay and Yorktown, there was more French casualties than American casualties in both cases, still exist in some heads, even remotely.

> "The true administration of justice is the firmest pillar of good Government"
>
> Georges Washington

CONCLUSION

The total amount of the legal costs carried by Mr. Buhannic is north of five million USD and the other side has spent a multiple of that completely indemnified by the company for the exact same cases and indemnification agreement, a parody of justice and due process. It is also important to note that these amounts were also paid by Mr. Buhannic as he is the 70% owner of the company that paid these fees and has been hijacked thanks to due process breaches by a group of sophisticated thieves leveraging big corrupt law firms.

To sum up, Mr. Buhannic has been denied totally his U.S. constitutional rights to due process, to appeal and to fairness by a New York Appeal court system more interested in denying his rights as a foreigner and protecting its members form the consequences of their illegal and anti-constitutional acts than exercising a fair justice.

These cases that all are interlinked are a flagrant demonstration of the due process failings of a system

that is more interested in protecting itself than achieve a fair justice. The denial of due process has been so pervasive, so distributed across so many cases and judges that it is unfortunately an innate characteristic of a New York Appeal court system that has gone awry. These breaches are endangering the entire system in the U.S. and making it a laughable stock for other justice systems.

More importantly it makes the U.S. legal system the place to avoid for foreigners as it is biased and owned by expensive and corrupt law firms that own the process through cushy jobs for judges at the end of career, outright corruption or collusion. These failings and manipulations must stop in the interest of the credibility of the U.S. legal system to be a major credible legal system.

The level of corruption the plaintiffs have experienced in New York, both at the supreme court level and the appeal court level, is unmatched in their 40+ very successful years career all over the world tackling most major legal environments. The level of collusion between the system and the big law firms is unmatched. The complete lack of disciplinary power on judges and lawyers leave a system prone to collusion, payment for verdict and corruption that allows the people participating to know that they are fundamentally unreachable and not responsible front of the law. They can do whatever they please with a total disregard for the U.S. constitution and the rights of the Plaintiffs, especially as Foreigners and *pro se*. It is an insult to the U.S. constitution and breaches of so many of the basic due process rules that it is impossible to list all of them.

For the foregoing reasons Mr. Buhannic respectfully requests that this Court grant the relief requested, based on the U.S. Constitution to reestablish an environment where due process exist and is not entirely denied to foreign Pro se litigants as it has been in this case, declare that these courts have breached Mr. Buhannic constitutional right to due process and appeal and to allow him a change in the decisions based on breach of due process that requested in order to reestablish a certain level of fairness in the system and credibility in the process.:

Given the multiple due process breaches and the systematic refusal to apply the law and the U.S. Constitution, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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