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APPENDIX A
APPELLATE DIVISION ORDER
ONLY INFORMATION AVAILABLE TO APPELLANT ON THE
WEB AS NO SERVICE FROM APPEAL COURT WAS MADE

ORDER OF THE APPELLATE DIVISION OF
THE SUPREME COURT OF NEW YORK,
FIRST DEPARTMENT
(OCTOBER 30, 2018)

APPELLATE DIVISION OF THE SUPREME
COURT OF NEW YORK, FIRST DEPARTMENT

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.

Index No. 653624/16

Motion No: M-4977, M-4860

Slip Opinion No: 2018 NYSlipOp 87326(U)

Before: Hon. David FRIEDMAN, Justice Presiding,
Rosalyn H. RICHTER, Marcy L. KAHN,
Jeffrey K. OING, Peter H. MOULTON, Justices.

An appeal having been taken to this Court from the
order of the Supreme Court, New York County, entered
on or about December 13, 2017, and said appeal having

been perfected, And plaintiffs-appellants having moved for leave to file a supplemental appendix and for a calendar preference in hearing of the appeal (M-4860), And defendant-respondent TradingScreen, Inc., having moved to strike certain those portions of the brief and appendix that reference non-record material (M-4977). Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, It is ordered that the motion by plaintiffs-appellants is denied (M-4860). The motion by defendant-respondent is granted to the extent of deeming the following pages struck from plaintiffs' appendix: pp.31, 33-37, 99-100, 203-205 and deeming struck those portions of the appellate brief found at pp.i, 14 n, 34, 15 and 19, related to the aforementioned exhibits.

Clerk

Entered: October 30, 2018

APPENDIX B
LETTER TO HEAD CLERK OF NEW YORK APPEAL COURT,
FIRST DEPARTMENT DESCRIBING CORRUPTION
ENCOUNTERED IN THE PROCESS OF APPEALING

LETTER TO HEAD CLERK OF NEW YORK
APPEAL COURT, FIRST DEPARTMENT
DESCRIBING CORRUPTION ENCOUNTERED
IN THE PROCESS OF APPEALING
(FEBRUARY 5, 2019)

Philippe Buhannic
Aventura 318
Route des creux 100
1936 Verbier Switzerland

VIA Electronic filing

Hon. Susanna Molina Rojas
Clerk of the Court
New York State Supreme Court
Appellate Division-First department
27 Madison Avenue
New York, New York 10010

Re: Buhannic v. Tradingscreen, et al,
Supreme court, New York County
Index No. 653624/2016

Copy: Department of Justice in Washington/FBI/
Press

Dear Ms. Rojas:

Thanks to have finally answered one of my letters!
I could not believe that the Appeal court could even do
that after 5 letters with no answers!

First it would be nice if your office could keep
track of the real names of the litigants and their real
address. Your clerk office is so demanding, for no
reasons, on the format costing litigants a fortune, for
no purpose other than to favor big law firms, that

they should exercise the same amount of care to their own production. My first name is not "Phillip" but Philippe and this introduces confusion. The same for the address I don't live in "Vebier", I live in Verbier. Thanks to note that for the future.

I was also amazed to find when I came in the US and found this letter in my mailbox of my kids place, when sending it to Switzerland would have been more efficient and proper and in line with the rules as I could have not come to the US for months. It is true that I am a foreigner, Pro se and I am asking for my constitutional rights to be exercised. Isn't it insane? And on top I would like a clean and efficient court system? I am being very difficult.

Any way let's go through the points raised in your letter as they clearly demonstrate the complete corruption of your clerk office as well as the refusal by the Appellate division, first department to offer due process to the litigants along the Constitution and also demonstrate the bias, collusion and partiality of this organization from top to bottom. I have alerted the organization multiple times now on its major ethical issues and nothing has been done and not even an answer has been given to my requests for investigation, as everybody protects everybody in this corrupt system.

Let's go through the real story of your points and not the "make up" story you concocted.

In my first filing your team blocked on purpose due process for what I discovered after a while was a collusion with the big law firm Morgan Lewis. Instead of applying the recommendations for Pro se litigants of the New York state legislature, the team made sure to make it as difficult as possible. I had to come back

24 times for issues as critical as the format of the page numbers!

I played the game entirely and it cost me a fortune to redo multiple times (10 copies each time) the printing to satisfy a bunch of people that are not even able to use the correct name of the litigants in reverse. I felt the system was what it was, and I did my best to comply. However this was not the real issue. I had made the September timeline and one more appendix needed to be deposited at the Court house. Having to take a plane I did ask one of my associate who went there with a friend to deposit the document for me. When they came in, they found Dan Ramos the head clerk in full discussion with the head partner of Morgan Lewis who was explaining to Dan Ramos how to find excuses to delay my file. So it was not a simple "bureaucratic" approach towards us but an orchestrated delaying of our file through these 24 exhausting refusals, through outright corruption. Dan Ramos got paid for it in sports tickets. Our file was postponed unduly from September to December when I had been told it was perfect and ready for the September session by the clerk office.

I did report this fact immediately to you and the head of the First Department requesting an immediate investigation on the processes of the clerk office. I was not even answered. Worst you have all the proofs available as the clerk office is fully taped and you could easily just verify my assertions as you have cameras and recording. I am sure by now you have done it, you have seen I was correct, and I am sure you have destroyed the evidence that is compromising. Not much better that the doctoring of the transcripts in lower court by Justice Friedman that I have per-

sonally experienced. So you decided to do nothing, but you did inform Dan Ramos the corrupt chief clerk that he had been reported by me. A good, solid way to achieve due process as we will see.

I have requested from you an explanation why my file which was fully accepted by the clerk office for the September session and I never got an answer from you for a simple reason. It was through outright corruption of the clerk office by Morgan Lewis. This explains why I never got any answer from you.

These measures taken by the Appeal court to block my file are clearly infringing on my constitutional rights of due process and in many different ways are displaying the worse of the state court jurisdiction.

For instance after being unduly delayed for weeks with 24 coming back to the clerk room organized by Morgan Lewis with Dan Ramos and making it to September guaranteed, we got postponed for no reasons whatsoever to December by Dan Ramos. But the worst was yet to come. We were told when we were to present our oral arguments, as the only Pro se in the room, that we would have 15 minutes for our oral argument. This was very important for us as we have been robbed by the lower court, Justice Friedman in the most illegal way of our indemnification rights pushing us into Pro se. It was already very difficult to fit our 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 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 again here refused due process along our constitutional rights.

Then the worst of the Appellate court First division was unleashed on us, in a clear abuse of power and denial of due process because we had complained on the treatment inflicted to us by the corrupt clerk office and chief clerk Dan Ramos. We had two more appeals to file but this time we had a very well documented model as we had an accepted file and we did a copy of the file to make sure it was accepted. The clerk office uses these details of presentation unduly, to control the files they want and don't want through in a clear denial of due process for the litigants, giving them leverage that they can then sell to big corrupt law firms like Morgan Lewis. In any case while being in the US and after making sure the files were perfect along what we were told in the previous one in terms of format, I came to file my appeals as it is my constitutional right even if the NY court system does not seem to understand preferring the version where it is their decision. On top NY legislature has given clear instructions to the justice system to be helpful to Pro se litigants. Clearly a document the clerk office has not read. When I went to the counter, and once again this is all on tape as the clerk office is recorded and if the clerk office has destroyed this evidence then it is a criminal act, I had a clerk there that I tried to reach the attention of.

As soon as Dan Ramos the corrupt chief clerk saw me, he interposed himself and ask me why I was there. I told him I was filing two more appeals. He immediately told me " they are deficient". He did not touch them, did not look at them in any way but he is clearly

a "uber" human being or some kind of a super hero as he could determine without even looking at them that they were deficient! A clear case of retribution for me having told the story of his corruption and a proven and clear denial of my rights to file an appeal and a clear breach of the due process protected by the constitution. I realized that like the last time he was in the hands of Morgan Lewis and even more so now that I had told the truth on his collusion and I asked to talk to someone else. I was told that nobody will look at them as they were deficient. I did ask for my constitutional right to file an appeal and Dan Ramos called the cops on me where he should be the one in chains and I realized the NY court system was even more corrupt at the appellate division First department that the horrible treatment I has been submitted to in the supreme court. Two useless body with incompetent people elected on politics and sold to the big law firms. That is unfortunately the state of the NY court system. Then while I was trying to get the bag where I had stored the 10 copies of my appeal and the adjunct documents to leave the room, a stupid requirement in these times of electronic filing, costing a fortune to the litigants, to get out of the building as the tape will show, the cops were called on me and it was decided to handcuff me when I had done nothing wrong but to in order to help his buddy Dan Ramos I guess. They broke my glasses by forcing me on the wall and just for trying to reach out to my bag handcuffed me for an hour for no reason while the corrupt chief clerk paraded. I made my point to all the clerks telling them that by not doing anything on this clear denial of justice and due process they were accomplices. After an hour when I taught to the police people a few historical facts on Teddy Roosevelt.

I was released. This is when I sent you the filing for processing as the clerk office controlled by a corrupt chief clerk is unusable by me, and I clearly cannot any more come to your corrupt clerk office as I have been marked to be penalized.

I had in the package all the documents that you are asking now in your letter except the check as I was going to sign it on site, having no idea what the fee was. The note of issue and the proof of service were on the table and I was prohibited by Dan Ramos and the cop that put me in shackles for no reason to pick them up. You will find them again as an attachment to this mail as well as a check for the fees you are requesting. Concerning the Reproduced record I have organized with the supreme court for you to have access to the record, so I don't need to attach it as an appendix as it is much to big any way and totally electronic. You have access to the system. All these demands are frivolous and are just a way to protect your team from their own failings and corruption but once again I have addressed on receipt of this letter by you all the points that you are saying are wrongly deficient and were deficient because of your team misbehaving with me and leaving my documents in the clerk room. Therefore my submission even derailed by your Clerk office unduly is now complete. I hope this time you will have the dignity of doing the job you are payed for by my taxes and finalize the two appeals. Not to do it would add to the long list of failings on the due process and the non-respect of my rights under the US constitution.

Finally I would like to stress that there is nowhere in your rules that you must collude with big law firms, and force Pro se litigants to come back endlessly and

to delay their files just because you don't like them. Or maybe you can point me to that rule?

By not filing my appeal you are clearly breaching my constitutional rights to appeal, the due process organized by the constitution and maybe twenty other regulations that you are supposed to respect. But who cares right? And the supposed documents deficiencies were all in the clerk office. Did you destroy them? Nobody in the clerk office looked at them when I was there, but they were deficient! So the clerk office was taking their opinion on the filing from Dan Ramos based on the super powers of the corrupt Dan Ramos that can see through paper and decide if a filing is deficient by connecting with it remotely! An amazing feat, I guess this is why he is the boss. Maybe a quick crash course in law and due process could make him a useful individual?

As a conclusion on this point you and the Appellate division, first department are denying me on of my constitutionally protected right the right to appeal, have refused me due process and have organized for your function to be effectively corrupted and racketed by big law firm and have refused when alerted to even investigate the criminal acts committed by your team for money. You abused your position as the appeal court to prohibit people with integrity to be able to question your practices by prohibiting them recourse and you have been, by doing this, a clear accomplice of the people that committed these acts.

Let's move now to the other appeals:

Shiboleth v. Buhannic index no: 650600/2018

I learned at the reception of your letter today that my appeal had been dismissed by the appellate

court, First division. Or on March 1st, I received absolutely no communication on this at any time. A clear case of faulty communication by the court. Further how could this case be dismissed? It is an obvious case. In another stain of the NY state court justice system while a notice of removal was in place to Federal court as the case involved an obvious and complete Diversity, Judge Perry who had no jurisdiction on the matter as this was front of Federal court, took a decision for his "buddy judge" Martin Ritholz now a lawyer at Shibolet after being a judge in supreme court for many years. Another clear case of corruption. It gets worse. The Defendants are foreign nationals which explain Diversity and guarantee a treatment by the Federal court, but Shibolet totally aware that they had no points on the merits as they inflated massively their bill in 15 minutes when they were told they were fired, and proof exist of that. Went through forum shopping and called their buddy judge Perry to get while front of Federal court as the rule on notice of removal is very clear. The state courts have to stop immediately acting on the case! Instead they organized a default judgement completely corrupt as they did not even inform the Defendants that they had to appear in order for the court and the plaintiffs in a total collusion to construct a default judgement while they had no jurisdiction. Only in the NY court system you can see this type of corruption in my experience. It gets even worse when Shibolet realized that we could prove easily that no service was not done to obtain the faulty default judgment cooked up between two "buddy judges" judge Perry and former judge Ritholz, they tried to fake a delivery by FedEx of a sending of the information, after the facts!. We could prove easily they were none and we gave all the evidence to

judge Perry who refused to even look at it. So as a summary there was no case on the NY side as the basic due process was not respected, the court was not in charge, and it was a trap fabricated by loser lawyers at Shibolet leveraging their connections in the system through Martin Ritholz the former judge and his buddies. Worse the NY court had no jurisdiction very clearly at the time of the default judgement and was supposed to leave the case to Federal court. On top even in state court the judgement was deficient as there was no service at all and therefore making the default judgement invalid! But the Appeal was dismissed! Amazing the efficiency of the court with no notice to us!

Only in NY state court system and Broadway shows can you see this type of things happening. How could a case like that be dismissed with all the proofs given in detail to the appellate division, only through the corruption of the appeal court First department. Here we go again. The appellate court First department had not only no right to dismiss the case but worse had to render a decision based on the law. Here it was rendered yet again based on the relationship of the judges among themselves and the big law firms. An insult to integrity, intelligence and fairness. We will bring this to the higher court as it is totally unacceptable and corrupt. On top the Appellate court did not even attempt to inform us of their decision! A great case of transparency.

Once more in this case we have been denied due process, our constitutional rights have been breached many times and the law even of NY state has not been respected. The appeal court is just trying to protect itself and the lower court from being recognized as

totally corrupt. I was not informed of the decision in any way to prohibit me to react, the decision is illegal as it was not filed and accepted properly and there was absolutely no valid reason for the dismissal but the complete outright corruption of The Appellate division, First department and their collusion with law firms and buddy buddy relationship with former judges like Martin Ritholz. A complete shame to the system as the case is undeniable. Period.

I am asking the department of justice and the NY General attorney office to investigate this case as it translates very well what is corrupt in the NY court system and the reasons why this decision was taken and to reverse it and out it back on schedule immediately. This is due process and not "kitchen meddling" like this decision.

Buhannic v. Tradingscreen, Inc.
Index No: 65324/2016

On this case we see the entire duplicity of the corrupt clerk office. On one hand they refused to take my appeal in clear denial of due process and my constitutional right and then come up with a deficiency on that is only the cost of filing that I am clearly unable to calculate. The clerk office could not send me a letter on it or call me and tell me how much to pay? I was forced by the attitude of the chief clerk to file by FedEx. In this FedEx all the elements claimed missing were delivered but the payment as I could not estimate it. The FedEx was delivered to YOU personally and required a personal signature, so I guess you decided to lose the documents left in the clerk room on purpose to protect the system and the judges I was appealing from. It was your decision. You are hiding behind rules that you leverage because

you have nothing else. This filing was complete when I sent it but for the costs and you decided to lose documents on purpose as a clerk office, a serious offense. Thanks to add back the documents that were sent attached today again and you will find enclosed the check for the fees. Finally the access to all the documents of the case has been arranged with the lower court. I have attached also a copy of the proof of service and note of issue which were sent with my filing to you through FedEx. So please stop prohibiting me to exercise my constitutional rights unduly and give me a scheduling month as you have made me waste months already through the clerk office manipulative approach.

Thanks to work immediately on my appeals and to put them in the calendar as soon as possible. They are important items and don't deserve this unfair treatment. Thank you to confirm me that everything is ok and that the appeals are scheduled as soon as possible.

Respectfully

/s/ Philippe Buhannic

APPENDIX C

**MOTION TO REARGUE FRONT NEW YORK SUPREME
COURT AS THE CASE WAS REMOVED TO FEDERAL
COURT AND NO SERVICE WAS MADE MAKING THE
DEFAULT JUDGEMENT ILLEGAL IN MULTIPLE WAYS**

MOTION TO REARGUE FRONT NEW YORK
SUPREME COURT AS THE CASE WAS REMOVED
TO FEDERAL COURT AND NO SERVICE WAS
MADE MAKING THE DEFAULT JUDGEMENT
ILLEGAL IN MULTIPLE WAYS
(JUNE 28, 2018)

IN THE SUPREME COURT STATE OF NEW YORK

SHIBOLETH LLP,

Plaintiffs,

v.

PHILIPPE BUHANNIC and PATRICK BUHANNIC,

Defendants.

Index No. 650600/2018

PLEASE TAKE NOTICE that upon the attached affidavit(s) of Philippe Buhannic sworn to on June 28th, 2018. The Exhibits attached to the affidavit(s), and upon all proceedings in this case to date, the defendants will move this Court, at 9:30A.M. on the 17 day of July, 2018 at Courthouse, 60 Center Street, New York, New York, in the Motion Submission part Courtroom, Room 130, for an order, Pursuant to the Civil Practice Law and Rules (CPLR), granting the following relief to the Movant(s):

Motion to Reargue As the Service Was Not Done,
the Plaintiff Were the Only One There and the Case

Falling Clearly Because of the Diversity Rule In the Federal Court. The Supreme Court is not the Proper Jurisdiction. The plaintiffs knew that and made Sure We Were not served properly to the Extract from the Court this Judgment and for such other and further relief as this Court may deem just and proper.

Clerk

APPENDIX D
AFFIDAVIT IN SUPPORT

AFFIDAVIT IN SUPPORT
(JUNE 27, 2018)

SUPREME COURT OF THE STATE OF
NEW YORK COUNTY OF NEW YORK

SHIBOLETH LLP,

Plaintiffs,

v.

PHILIPPE BUHANNIC and PATRICK BUHANNIC,

Defendants.

Index No. 650600/2018

Philippe Buhannic, being duly sworn, deposes and says:

1. I am defendant in this matter. I make this affidavit in support of this motion for an order [Describe what you are asking the Court to do. This relief must also be stated in the Notice of Motion or Proposed Order to Show Cause.] Motion to Reargue as being foreigners we were not served properly, we were removing this case to move it to Federal Court where it belong and waiting for the Federal Judge to Answer our last Motion.

2. I believe the Court should grant this motion because [Explain why you should be granted what you are requesting. Attach, identify, and explain any Exhibits (documents) you wish to present to the court in

support of your position. Add more pages if needed.] The Court has not heard the defendants at all Further Shiboletth knows this case should be because of Diversity Front of Federal Court and we are on our way to have it Removed from State Court, Shiboletth has lied, cheated and manipulated their Invoices, were will about it further Shiboletth purposely manipulated their service to play Jurisdiction arbitrage and to make sure they would between only one to present their manipulated Movers as most of the money they claim is pure invention created after they were heard for Incompetency Defendant not to hear our side of the story or the Final Notice of removal decision would impair logic, Justice and basic construction rights proper service is on our location in Europe not in NY as we are non-resident move of these did research before affidavits also and prohibited on purpose to defend ourselves through Shiboletth manipulations as they even we live in Europe waiting for a Visa I Could not Enter the Country for Months, the breach of Contract is Fallacious and we were the ones betrayed by Shiboletth Constant over charging, despite clear Instruction and their total Incompetency, which should guarantee in any other business complete Reimbursement

3. A prior application has not been made for the relief now requested. [if you made this application before in this or any other court, describe where, when, the result, and why you are making this application again. Attach copies of previous decision.] Notice of Removal with Federal Court

WHEREFORE, I respectfully request that this motion be granted, and that I have such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to civil Law and Rules 2214(b), you are hereby required to serve copies of your answering affidavits on the undersigned no later than the seventh day prior to the dates set above for submission of this motion. [For this paragraph to apply, motion papers must be served by personal delivery no later than 16 days before the return date.

Sworn to before me this 27th day of June, 2018.

Respectfully Submitted,

/s/ Buhannic
Philippe Buhannic
Aventura 318
Route des Creux 100
1936 Verbier, Switzerland

To: Attorney for Plaintiffs

Shiboleth LLP
1 Penn Plaza, Suite 2527
New York, NY 10119

APPENDIX E
NOTICE OF REMOVAL TO FEDERAL COURT

NOTICE OF REMOVAL TO FEDERAL COURT
(MAY 12, 2018)

UNITED STATES DISTRICT COURT
NEW YORK SOUTHERN DISTRICT

SHIBOLETH LLP,

Petitioners,

v.

PHILIPPE BUHANNIC and PATRICK BUHANNIC,

Respondents.

Index No.: 18-cv-2585
(RJS)

MOTION TO REQUEST AN APPLICATION OF
THE NOTICE OF REMOVAL

Philippe Buhannic, being duly sworn, deposes and
says:

1. I was the client of ShiboletH LLP during a period that went from April 24th, 2017 to October 4th, 2017 as founder and member of the board of directors of Defendant Trading Screen Inc. (the "Company") in a litigation against TCV, Piero Grandi, Pierre Schroeder, Bob Trudeau and Franck Placenti.

2. I made this Notice of Removal in opposition of Plaintiffs' motion for an order to pay for inexistent services pursuant to Rule 11 of the Federal Rules of

Civil Procedure as following the very clear diversity jurisdiction under subsection (b)(3) on the basis of jurisdiction conferred by section 1332. Being a foreign citizen, residing in Switzerland and the amount of the dispute (300,000 USD) being above 75,000 USD, the only competent court is the Federal Court. The amount

3. Shibolet LLC knew perfectly our situation as a foreigner and non-resident and being a sophisticated law firm knew that we felt under the diversity exception. They voluntarily ignored our rights and decided however to file under the state court as they feel they have a clear advantage, having a former judge on their staff. They also leveraged the fact that we are living outside of the US to not serve us properly. Still to this day I have not been will not be able to demonstrate a service to me in Switzerland.

4. We were at the time of the removal renewing our entry visa in the US and the US consulate in Paris had our passport for weeks on and we were unable to enter the US even less to get service or mail (it all went to our New York address) as still to this day we have not been able to connect to Pacer the electronic system, despite hours on the phone, to try to get the access operational. Therefore, we are asking the Court, respectfully, to understand that we were unable to get their communication and therefore were unable to answer the questions the Court raised. Further when we did file the Notice of Removal we did it Pro Se with the help of the Pro Se offices at the Federal and State court and we did exactly what they required from us to do in terms of information of the parties and documents to be delivered. We were told that the Court could access the State filing and therefore that

we did not have to produce a copy to demonstrate the amount at stake. We have, however, in our last communication supplied the case information that very clearly put us under the Diversity rule and it would be strange for us to be penalized when we have applied the process we were requested to apply at the best of our abilities as Pro Se versus an experienced law firm that has behaved disingenuously to start with by picking the jurisdiction they like versus the appropriate one along the law.

5. This situation clearly falls under "extraordinary judicial relief" and we are invoking "the showing of exceptional circumstances" as we were unable to enter the US. There was, and still to this day in fact, no communication or service to our address in Switzerland of the information by Shibolet LLC who perfectly knew our foreign origin having been paid and communicating with us that way for years. As soon as we were in the US and we discovered the mail from the court we did answer it very rapidly and positively to all questions regarding the diversity. Therefore, it would be quite unfair to allow Shibolet that has . . . today at our service address), the amount at stake is relevant and the other criteria are also met

6. The fact that Shibolet voluntarily ignores the Diversity exception, despite a complete knowledge of our situation, and not serving us at the place that they knew we could receive the documents constitutes clearly a bad faith exception to this proceeding that this Court has overlooked:

- (1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commence-

ment of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

- (2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—
 - (A) the notice of removal may assert the amount in controversy if the initial pleading seeks—
 - (i) nonmonetary relief; or
 - (ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and
 - (B) removal of the action is proper on the basis of an amount In controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).
- (3)
 - (A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an “other paper” under subsection (b)(3).

- (B) If the notice of removal is filed more than 1 year after commencement of the action and the district court finds that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).
- (d) Notice to Adverse Parties And State Court.—
- Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.

We are therefore respectfully asking the Court to look at this fact which is also a point of law to reconsider its position as a new element. given the lack of service this removal was clearly done on time.

JURISDICTION AND VENUE

8. The State court does not have jurisdiction on this action as we are both foreign citizen and non-resident in the state of New York, that the dispute is over 75,000 USD as clearly establish by the constitution. This case should be presented front of the Federal court and not the New York supreme court in the same manner that our main case should have been presented in federal court and not at the supreme court. This was yet another massive mistake of our

lawyers at the time, Kasowitz which took this decision without even informing us or checking the facts.

FACTUAL BACKGROUND

We did hire Shibolet with a very clear mandate that was based on a certain number of conditions in terms of payment and process which were very clear from the start and it worked reasonably for a little while. However, Shibolet decided at one point to go back on the agreement and to constantly charge in a way that was foreign to the very clear agreement struck between the two parties and started to behave like a rapacious thief in terms of its billing. We will demonstrate the overcharging and the damage created to us over a significant period and will also demonstrate the manipulation of the billing, especially when we had stopped their services. To add insult to injury Shibolet has also failed on every point they attempted to service us, and we are now picking up the pieces and trying to repair the damage created to our case by their fixation on extracting money from us instead of servicing our needs.

In conclusion, Defendant respectfully requests that this Court apply the Diversity exception, to accept the notice of removal previously filed, revised its denial given the point of law we are providing and the clear evidence that we can document of the non-service and the impossibility we had to come to the US, the US consulate in Paris will testify of this which clearly constitute exceptional circumstances and to accept, as it should, this case based on the diversity and size of the amount at stake.

App.31a

/s/ Philippe Buhannic

Dated: May 12, 2018 New York, NY

APPENDIX F
ILLEGAL DISMISSAL OF THE APPEAL FOR NO REASON
BUT COLLUSION AND BREACH IN DUE PROCESS DESPITE
REMOVAL AND LACK OF SERVICE

ILLEGAL DISMISSAL OF THE APPEAL FOR NO
REASON BUT COLLUSION AND BREACH IN
DUE PROCESS DESPITE REMOVAL AND
LACK OF SERVICE
(FEBRUARY 7, 2019)

UNITED STATES DISTRICT COURT
NEW YORK SOUTHERN DISTRICT

SHIBOLETH LLP,

Plaintiff-Respondent,

v.

PHILIPPE BUHANNIC,

Defendant-Appellant.

and

PATRICK BUHANNIC,

Defendant.

M- 5611

Index No. 650600/18

Before: Hon. Rolando T. ACOSTA, Presiding Justice
Judith J. GISCHE Angela M. MAZZARELLI,
Troy K. WEBBER, Jeffrey K. OING, Justices.

Plaintiff-respondent having moved for dismissal
of the appeal taken from the order of the Supreme

Court, New York County, entered on or about June 11, 2018,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is dismissed and stricken from this Court's calendar.

Entered:

Signature Not legible
Clerk