No. 22-5681

ORIGINAL

In the Supreme Court of the United States

TOWAKI KOMATSU,
Petitioner,

v.

CITY OF NEW YORK, ET AL.

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

TOWAKI KOMATSU
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Apt. 4B
Bronx, NY 10460
(347) 316-6180

LIST OF PARTIES

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. The City of New York
2. New York State Office of Court Administration
3. Rachel Atcheson
4. Rafael Beato
5. Andrew Berkowitz
6. Matthew Brunner
7. Ramon Dominguez
8. Raymond Gerola
9. Yu Lie
10. Anthony Manzi
11. Harold Miller
12. Ralph Nieves
13. Howard Redmond
14. Pinny Ringel

RELATED CASES

1. *Komatsu v. City of New York*, No. 18-cv-3698, U.S. District Court for the Southern District of New York. Judgment entered Mar. 1, 2019.

2. *Komatsu v. City of New York*, No. 18-cv-3698, U.S. District Court for the Southern District of New York. Judgment entered Sept. 30, 2019.

3. *Komatsu v. City of New York*, No. 18-cv-3698, U.S. District Court for the Southern District of New York. Judgment entered Sept. 27, 2021.

4. *Komatsu v. City of New York*, No. 20-cv-7046(ER)(GWG)(S.D.N.Y.)[1]

5. *Komatsu v. New York City Human Resources Administration*, No. 100054/2017 (Sup. Ct., NY Cty. Feb. 26, 2020). Judgment entered Aug. 10, 2017, Jan. 31, 2018, and Feb. 26, 2020.

6. *Komatsu v. USA*, No. 21-cv-1838 (RJD)(RLM)(S.D.N.Y.)

7. *USA v. Komatsu*, No. 18-cr-671 (VEC)(S.D.N.Y. Sept. 26, 2018)

8. *USA v. Komatsu*, No. 18-cr-671 (JLC)(S.D.N.Y. Dec. 4, 2018)

9. *USA v. Komatsu*, No. 18-cr-651, U.S. District Court for the Eastern District of New York. Judgment entered on Oct. 21, 2019.

10. *Komatsu v. City of New York*, No. 20-cv-10942 (VEC)(RWL)(S.D.N.Y. Jun. 17, 2017)

11. *Komatsu v. City of New York*, No. 22-cv-6627(S.D.N.Y.)

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[1] All references to this case refer to its status as a consolidated case.

QUESTIONS PRESENTED

1. After the U.S. Court of Appeals for the Second Circuit ("Second Circuit") confirmed in *United States v. Lumumba*, 794 F.2d 806 (2d Cir. 1986) that provocation and "impropriety on the part of the trial judge" may be considered "in extenuation of the offense and in mitigation of any penalty imposed", doesn't hindsight sufficiently establish that both the Second Circuit and U.S. District Judge Lorna Schofield ("Judge Schofield") prejudicially and biasedly chose to ignore that key fact as Judge Schofield pretextually dismissed the district court action that is hereinafter referred to as "the DC action" and the Second Circuit rubber-stamped that dismissal on appeal that warrants immediate reversal partly due to that clear and unduly prejudicial procedural infirmity that violated my First and Fourteenth Amendment rights?

2. Shouldn't this Court adopt findings in *Tolentino v. City of Yonkers*, No. 15-cv-5894 (VB) (S.D.N.Y. Oct. 2, 2017) that are about but-for causation and a snowball effect to grant me declaratory, equitable, and injunctive relief partly by declaring that illegal and/or otherwise abusive acts and omissions by Judge Schofield facilitated such acts and omissions against me by federal court security officers ("CSOs") and members of the U.S. Marshals Service ("USMS") that caused me enormous, unduly prejudicial, and manifestly unjust harm that excuse offensive remarks that I expressed in legal filings that I filed in the DC action out of frustration about the fact that Judge Schofield and other federal judges were illegally shirking their legal duties to intervene on my behalf against CSOs and the USMS to end illegal and otherwise abusive acts and omissions by them against me that were sabotaging my right to fair trials in the DC action and other litigation of mine?

3. Doesn't hindsight sufficiently establish that Judge Schofield flagrantly violated relevant and controlling findings in *In re Snyder*, 472 U.S. 634, 647 (1985) and *Triestman v. Federal Bureau of Prisons*, 470 F.3d 471 (2d Cir. 2006) as well as the rules of conduct for U.S. judges in the DC action that proximately provoked me enormously and caused me tremendous harm to such a degree that she was equitably estopped by her failure to lead by example by complying with applicable legal standards from penalizing me in the DC action in response to how I expressed myself towards her and U.S. Magistrate Judge Gabriel Gorenstein ("Judge Gorenstein") out of frustration about that while that was precipitated by their own illegal and otherwise abusive acts and omissions against me in the first place?

4. Didn't I have a clear First and Fourteenth Amendment right to prepare and submit an appellant's brief for my appeal about the dismissal of the DC action to the Second Circuit before I was prejudicially denied that right by the Second Circuit?

5. Wasn't the Second Circuit's refusal to let me prepare and submit an appellant's brief to it in response to the dismissal of the DC action a type of "hostile action toward a litigant" that "could be so offensive as to effectively drive the litigant out of a courthouse and thereby become the functional equivalent of a denial of access" that it commented about with those statements in *Monsky v. Moraghan*, 127 F.3d 243 (2d Cir. 1997)?

6. By prejudicially not even letting me submit an appellant's brief to it for my appeal about the dismissal of the DC action, didn't the Second Circuit illegally and substantially violate my

First and Fourteenth Amendment rights, the rules of conduct for U.S. judges, and its own findings in *Triestman v. Federal Bureau of Prisons* in which it pointed out that federal judges must accord pro se litigants special solicitude and construe and interpret their submissions to raise the strongest arguments that they suggest?

7. Similar to how to pop quizzes in school that can prejudicially be declared at any time against unprepared students while that is a recipe for failure, did the Second Circuit have a legal duty to properly explain its rationale with sufficient particularity about its decision to affirm the dismissal by the DC of the DC action or otherwise abuse its discretion by not doing so in its 3/1/22 order that affirmed that dismissal and made me guess about its rationale for why it affirmed that before that circumstance unduly prejudiced the petition for rehearing en banc that I filed with the Second Circuit about that by not letting me know what to focus on in that petition as I would have otherwise finely tailored my remarks in that petition to address the specific reasons that the Second Circuit had for its 3/1/22 order?

8. Don't' the findings in **a)** *Foman v. Davis*, 371 U.S. 178, 83 S. Ct. 227, 9 L. Ed. 2d 222 (1962), **b)** *Gulf Oil Co. v. Bernard*, 452 U.S. 89, 101 S. Ct. 2193, 68 L. Ed. 2d 693 (1981), **c)** *United States v. Monnat*, No. 17-3570-cr (2d Cir. Oct. 4, 2019), **d)** *Lehmann v. OHR Pharmaceutical, Inc.*, No. 19-3486 (2d Cir. Oct. 9, 2020), **e)** *US v. Sawyer*, 907 F.3d 121 (2d Cir. 2018), and **f)** *US v. Cavera*, 550 F.3d 180 (2d Cir. 2008) sufficiently establish that the Second Circuit was required to make certain that it explained its rationale with sufficient particularity to comply with my First and Fourteenth Amendment right to know precisely why it affirmed the DC's dismissal of the DC action in the Second Circuit's 3/1/22 order as the Second Circuit didn't do so and instead impermissibly made a vague reference to a court decision in its 3/1/22 order?

9. Wasn't it an unduly prejudicial abuse of discretion by the Second Circuit to have denied a motion on 5/26/22 that I filed with it to recall its mandate and reinstate my appeal about the dismissal of the DC action in the wake of material new evidence that I received between 3/18/22 and 4/1/22 via e-mail from Angela Chappelle Brooks of the U.S. Marshals Service's Office of General Counsel that is hereinafter referred to as the "USMSOGC" on account of the following relevant facts that apply?

a. She confirmed that the USMS had illegally enabled the overwhelmingly majority of the information that was shown in Freedom of Information Act ("FOIA") demands to be deleted after I timely submitted them to the USMS to be provided video recordings that were recorded on 6/11/18 by video security cameras that are installed inside of the Daniel Patrick Moynihan federal courthouse in Manhattan ("DPM") and are controlled by the USMS.

b. That proximately caused the USMS to have illegally not complied with those FOIA demands and instead allowed those video recordings to have not been preserved and provided to me after those recordings would have recorded CSOs and members of the USMS on 6/11/18 inside of DPM as they committed illegal acts and omissions against me and others.

c. Such illegal acts and omissions that were committed then inside of DPM included those by federal court security officer ("CSO") Ralph Morales ("Mr. Morales") as a result of him

having illegally called me a "faggot" yet again on the first floor of DPM while he was on-duty as a CSO as that occurred shortly before I left DPM.

d. Mr. Morales and other CSOs also illegally allowed the courtroom of U.S. Magistrate Judge Gregory Woods to be grossly and dangerously overcrowded on 6/11/18 during a court hearing in the case of *USA v. Grant et. al.*, No. 16-cr-468 (S.D.N.Y. December 4, 2018) that I attended as that overcrowding was clear by the fact that spectators stood in the aisles on the left and right sides of that courtroom as well as in front of the exit doors for it as that caused an illegal fire hazard. That occurred as Mr. Morales illegally schmoozed with other spectators in the front and right side of that courtroom while I attempted to count the total number of people who were then in that courtroom to subsequently report an entirely valid complaint partly against Mr. Morales for shirking his duties to provide proper security for everyone in that courtroom as he instead illegally jeopardized the safety of everyone in it.

e. The failure by USMS personnel to have preserved and provided the video recordings that were recorded on 6/11/18 to which I just referred was in furtherance of an ongoing and longstanding criminal cover-up by them against me for the benefit of Mr. Morales, other CSOs, and the USMS long after the 11/2/05 decision in *US v. Bin Laden*, 397 F. Supp. 2d 465 (S.D.N.Y. 2005) also confirms that the USMS illegally didn't preserve and provide video recording evidence to others that it was required to do as the USMS instead engaged in illegal stonewalling and a cover-up about that.

10. Wasn't it also an unduly prejudicial abuse of discretion by Judge Schofield in DC action to have denied a request on 4/27/22 (Dkt. 637) for reconsideration that I filed on 4/25/22 in the DC action about her 9/27/21 dismissal order in it that was based upon the new evidence that Ms. Brooks disclosed to me since 3/18/22 that I just discussed?

11. Didn't Judge Schofield illegally cause filings of mine in the DC action to be struck through her 4/27/22 memo endorsement in the DC action in defiance of the public's First Amendment right to immediate and continuous access to publicly filed court records?

12. it really was inexcusable negligence and fraud largely by Judge Schofield that proximately caused and otherwise enabled illegal acts and omissions to be committed against me that provoked me and caused me enormous harm?

13. Doesn't hindsight confirm that it has been and remains anomalous, unduly prejudicial, unconscionable, and manifestly unjust that though I clearly have been penalized by how I dealt with matters in the DC action that those who proximately, illegally, and abusively through their acts and omissions provoked that behavior by me and consist of the district court that is hereinafter referred to as "the DC", other federal court judges, CSOs, members of the USMS, and the U.S. Attorney's Office for the Southern District of New York ("USAO") have either not been penalized or not been penalized severely enough that has resulted in clearly inconsistent and discriminatory results in flagrant violation of my Fourteenth Amendment and First Amendment rights that pertain to due process and equal protection as well as prohibitions against selective-enforcement, discrimination, and abuse of process?

14. Should those who **a)** engage in whistleblowing about atrociously bad and pervasive dysfunction pertaining to the operations of federal courthouses and **b)** can substantiate their claims be praised or pretextually persecuted by both **c)** bodyguards of federal judges that consist of CSOs and the USMS and **d)** federal judges?

15. Doesn't this Court's decision in *Egbert v. Boule*, No. 21-147 S. Ct. (U.S. Jun. 8, 2022) demonstrate a clear need to nip problems in the bud as they arise and are reported by not letting federal employees, contractors, etc. to commit illegal acts and omissions largely because of how incredibly difficult and otherwise impossible it is for those who are victimized by them to obtain redress on account of the limited scope of *Bivens*?

16. Does judicial immunity cover a failure to act by a judge about matters that are extrajudicial to a case that include illegal and otherwise abusive acts and omissions by CSOs and members of the USMS that are committed inside of public areas inside of courthouses outside of courtrooms against a plaintiff in litigation while a judge is legally required to properly and neutrally supervise the behavior of such courthouse personnel largely to serve as an effective check against abuse by them, but doesn't do so as that negligence is a major but-for cause for such illegal acts and omissions by CSOs and members of the USMS to persist, intensify, and snowball like a cancer that metastasizes and spreads like a wildfire while causing the plaintiff extraordinary and irreparable harm in flagrant violation of his First and Fourteenth Amendment rights?

17. Are federal judges among law-enforcement personnel who have an affirmative Fourteenth Amendment legal duty to intervene on behalf of plaintiffs and others who visit federal courthouses while such visitors are inside of them in response to instances in which CSOs and members of the USMS commit illegal acts and omissions against such visitors in violation of their constitutional rights either inside of those courthouses or in relation to their visits to them upon such judges being apprised about that and having a realistic opportunity to intervene in accordance with the duty that judges have to exercise proper control of court?

18. With respect to federal judges and other courthouse personnel, do visitors that include plaintiffs in litigation who visit federal courthouses and conduct themselves in a lawful manner while they're inside of them have an equal First and Fourteenth Amendment right to serenity and calm throughout the entire time that they're inside of them instead of being pretextually provoked, stalked, scapegoated, distracted, persecuted, stigmatized, oppressed, demonized, harassed, assaulted, seized, insulted, shouted at, and otherwise deprived of their liberty rights in them by CSOs and the USMS?

19. Are CSOs, those who work for the USMS, the DC, other federal court judges that don't include those who comprise this Court, court clerks the Second Circuit, those who work for the USAO free to disregard this Court's decisions, orders, and opinions or does *Maness v. Meyers*, 419 U.S. 449, 95 S. Ct. 584, 42 L. Ed. 2d 574 (1975) emphatically confirm that the answer to this is no?

20. After *Cardoza v. Rock*, 731 F.3d 169 (2d Cir. 2013) was issued and is about judges ignoring "highly probative and material evidence", did the DC subject me to prejudicial

obstruction of justice in issuing its findings in its 9/30/19 order in the DC action partly by ignoring **a)** the sworn affidavits of eyewitness of mine that I filed in the DC action on 12/14/18 and 12/18/18 as well as **b)** highly incriminating e-mail evidence that exists in a 374-page PDF file that I received on 2/15/19 from the New York City Mayor's Office ("Mayor's Office") in response to a Freedom of Information Law ("FOIL") demand that I then promptly apprised the DC about in February of 2019 and thereafter to illegally block me from being accorded the partial summary judgment in the DC action to which I was legally entitled?

21. When the unduly prejudicial obstruction of justice to which I just referred occurred, didn't that necessitate the immediate recusal of Judge Schofield from the DC action to both **a)** allow the appearance of justice to exist in the DC action and **b)** prevent her from committing further illegal acts and omissions against me in it while her recusal would have caused her to not have been the person who thereafter dismissed the DC action that this petition is largely about?

22. Doesn't hindsight confirm that governmental and equitable estoppel in relation to findings in *Glus v. Brooklyn Eastern Dist. Terminal*, 359 U.S. 231, 79 S. Ct. 760, 3 L. Ed. 2d 770 (1959) apply to have caused the DC to be estopped from relying on how I expressed entirely justifiable rage towards it strictly in legal filings while that rage was about illegal and otherwise abusive acts and omissions by it that was primarily about the fact that the DC illegally condoned and enabled illegal and otherwise abusive acts and omissions against me by CSOs and the USMS as a basis to dismiss the DC action?

23. Was the rage that I expressed in legal filings that filed in the DC action excusable largely because of relevant findings in **a)** *Matal v. Tam*, 137 S. Ct. 1744, 198 L. Ed. 2d 366, 582 U.S. (2017), **b)** *Barboza v. D'Agata*, 151 F. Supp. 3d 363 (S.D.N.Y. 2015), and **c)** *Westmoreland v. CBS, Inc.*, 752 F.2d 16, 24 n. 13 (2d Cir.1984) that confirm that offensive expression is a viewpoint and that courthouses are public forums while it was the DC's legal duty to intervene on my behalf to do its utmost to exercise proper control of court to properly extinguish the source of that rage that was fueled by continuous, illegal, pretextual, enormous, oppressive, and wanton provocation and stigmatization of me by CSOs and the USMS that defiled the "temple of justice" that is discussed in *Chambers v. Nasco, Inc.*, 501 U.S. 32, 111 S. Ct. 2123, 115 L. Ed. 2d 27 (1991)?

24. Was the rage that I expressed in the DC action and just referred to also excusable because of the material fact that CSOs and members of the USMS were sabotaging my First and Fourteenth Amendment rights to a fair trial in the DC action and other litigation of mine largely through illegal stigmatization of me inside of federal courthouses that is tantamount to enormously and irreparably adverse pretrial publicity?

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Towaki Komatsu respectfully petitions for a writ of certiorari to review the judgments that were issued by **a)** the U.S. Court of Appeals for the Second Circuit ("Second Circuit") on 3/1/22 and 3/30/22 in *Komatsu v. City of New York, et al.,* No. 20-2470 (2d Cir. Mar. 1, 2022) that is hereinafter referred to as "K1" and **b)** U.S. District Judge Lorna Schofield on 9/27/21 in *Komatsu v. City of New York*, No. 18-cv-3698(LGS)(GWG)(S.D.N.Y. Sept. 21, 2021) that is hereinafter referred to as "K2".

OPINIONS BELOW

I'm unaware whether the opinions that the Second Circuit issued in K1 on 3/1/22 (Pet. App. 1a) and 3/30/22 (Pet. App. 8a) in K1 are published. I'm also unaware whether the 9/27/21 opinion (Pet. App. 7a) in K2 is published.

JURISDICTION

The judgment of the Second Circuit was entered on 1/31/22 (Pet. App. 1a). This Court has jurisdiction pursuant to 28 U.S.C. §1254(1).

PRELIMINARY REMARKS

I urge this Court to promptly grant me equitable and injunctive relief partly in the form of an exception for its requirements for this petition that would otherwise apply or to otherwise authorize me to cure the defects with this petition that don't comply with its requirements while granting me injunctive relief against the New York City Human Resource Administration ("HRA") and Ann Marie Scalia to cause me to be promptly provided resources to which I'm legally entitled to enable me to do that. This Court's findings in *Holland v. Florida*, 130 S. Ct. 2549, 560 U.S. 631, 177 L. Ed. 2d 130 (2010) support this request by confirming that it may avoid "mechanical rules" to "relieve hardships" that "arise from a hard and fast adherence" to

more absolute legal rules" "to accord all the relief necessary to correct... particular injustices". This need exists because it's not possible for me to satisfy those requirements due to ongoing and severe financial hardships that stem from widespread and longstanding employment blacklisting of me and ongoing wage-theft that I'm experiencing. That is depriving me of sorely-needed resources with which to fully comply with this Court's requirements partly about this petition's inclusion of all relevant constitutional and statutory provisions that I would have otherwise fully complied with. The New York City Department of Social Services ("DSS") is comprised of HRA and the New York City Department of Homeless Services ("DHS"). Throughout this petition, all references to HRA that I make will interchangeably refer to it, DSS, and DHS in the interests of brevity. Also, I will describe relevant audio and video recording evidence in this petition that I will provide to this Court upon request for its review and information about the manner – such as through the submission of such evidence while it's stored on a USB thumb drive - in which this Court will accept such recordings. Also, since a picture is worth 1,000 words, I'll follow a method that this Court employed in *Egbert v. Boule*, No. 21-147 S. Ct. (U.S. Jun. 8, 2022) to clearly convey information by including relevant images in support of the relief that I seek to be granted in this petition.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The First, Fourth, and Fourteenth Amendment of the U.S. Constitution include the following relevant provisions:

a) **First Amendment**: "Congress shall make no law… abridging the freedom of speech…the right of the people peaceably to assemble, and to petition the government for a redress of grievances".

b) **Fourth Amendment**: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable…seizures, shall not be violated…but upon probable cause"

c) **Fourteenth Amendment**: "No State shall make or enforce any law which shall abridge the privileges...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."

18 U.S.C. §1507 includes the following relevant provisions:

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both."

42 U.S.C. §1985(3) includes the following relevant provisions:

"If two or more persons in any State or Territory conspire...or go on the premises of another, for the purpose of depriving, either directly or indirectly, any person...of the equal protection of the laws, or of equal privileges...under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws;...in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators."

42 U.S.C. §1986 includes the following relevant provisions:

"Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action...But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued."

28 U.S.C. §566(a) includes the following relevant provisions:

"It is the primary role and mission of the United States Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals"

28 U.S.C. §1651(a) includes the following relevant provisions:

"The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

STATEMENT OF THE CASE

This case is largely about **a)** the extraordinarily disastrous results of federal judges ignoring illegal acts and omissions by federal court security officers ("CSOs"), members of the U.S. Marshals Service ("USMS"), and themselves while engaging in frequent scapegoating to divert attention away from their deficiencies with complying with constitutional rights and other matters of law and **b)** the urgent need by this Court to promptly remedy and monitor that because it does not appear that anyone else will.

A. FACTUAL BACKGROUND

On page 9 of my original complaint in the district court action that is hereinafter referred to as "the DC action", I stated that I intended to engage in "protected First Amendment political speech and whistleblowing that would be adverse to the interests of HRA's Commissioner and the Mayor" while describing activities that I sought to engage in while lawfully attending a public town hall meeting on 4/27/17 and public resource fair meeting on 5/23/17 that were public forums that my claims in K2 were about. On 2/1/21, I received discovery material from the New York City Law Department in the form of a 185-page PDF file that is hereinafter referred to as the "185-page PDF file". What is shown next is a relevant excerpt from the e-mail message that Jaclyn Rothenberg sent on 6/28/17 at 5:33 pm while she worked for the Mayor's Office to Defendant Howard Redmond and other senior City of New York personnel that included Marco

Carrion while he was then the CAU's Commissioner. This e-mail is shown on page 104 of the 185-page PDF file. She sent that e-mail to continue a discussion about why City of New York personnel illegally prevented me from attending public meetings that included the 4/27/17 town hall and 5/23/17 resource fair. Her remarks in this e-mail confirm that litigation that I engaged in against HRA about storage unit rental expenses was tied to the decisions that were made and actions that were taken partly by City of New York personnel to illegally prevent me from attending those public meetings.

> **From:** Rothenberg, Jaclyn
> **Sent:** Wednesday, June 28, 2017 17:33
> **To:** Phillips, Eric; Ramos, Jessica
> **Cc:** Redmond, Howard DI; Hagelgans, Andrea; Casca, Michael; Arslanian, Kayla; Carrion, Marco A.; Wolfe, Emma
> **Subject:** RE: town halls
>
> Important to note that what he wanted was a storage allowance, which we did not allow since he had an apartment. He sued us a couple of times about it.

When Ms. Rothenberg sent the preceding e-mail, she neglected to mention that HRA's records confirm that its personnel were lying by virtue of the fact that though its attorneys claimed in litigation that I couldn't be granted the storage unit rental expense payment benefits by HRA, HRA actually went ahead any issued them anyway while those fraudulent claims were being reported in such litigation. The public meetings that I sought to lawfully attend and was criminally prevented from doing so by the defendants in the DC action were **a)** a town hall meeting that was held on 4/27/17 inside of a public school located at 37-02 47th Avenue in Long Island City in Queens and **b)** and a resource fair meeting that was held on 5/23/17 inside of the Veterans Memorial Hall chamber inside of the Bronx Supreme Court that is located at 851 Grand Concourse and was held during the U.S. Navy's annual "Fleet Week" event in New York City. That was while I continued to be a Navy veteran.

Concerning what I just earlier about Ms. Rotheberg's remarks about a storage issue in an e-mail that she sent about me, I received the following e-mail message on 4/25/17 at 8:50 am from Jennifer Levy while **a)** she then was the General Counsel for the New York City Public Advocate's Office while Letitia James worked was the New York City's Public Advocate:

> **From:** Jennifer Levy <jlevy@pubadvocate.nyc.gov>
> **To:** "towaki_komatsu@yahoo.com" <towaki_komatsu@yahoo.com>
> **Cc:** Muhammad Umair Khan <khan@pubadvocate.nyc.gov>
> **Sent:** Tuesday, April 25, 2017 at 08:50:47 AM EDT
> **Subject:** Fair hearing at 2:30 today
>
> Good morning Mr. Komatsu,
>
> I reviewed the papers that Mr. Khan sent me. It appears you have two pending Fair Hearings - one that was adjourned on 4/11/2016 and one that is scheduled for today. They both appear to be about storage. What is the prejudice to you in going forward with today's hearing? And, if there is prejudice, can you not either seek an adjournment or withdraw your hearing request without prejudice and start anew? Also, are you considering appealing the 4/19/2017 decision? You will need to do that if you want to address the May - July storage that HRA refused to pay.
>
> --
> **Jennifer Levy**
> General Counsel - Litigation
> Office of NYC Public Advocate Letitia James
> 1 Centre Street, 15th Floor North, New York, NY | 10007
> Office: (212) 669-2175
> Email: JLevy@pubadvocate.nyc.gov
> http://www.pubadvocate.nyc.gov/
> @NYCPA | @JenniferLevy17

Ms. Levy sent me the preceding e-mail shortly before I had a telephone call with her during which she told me that attorneys for the City of New York regularly seek and are granted illegal *ex-parte* adjournments. She told me that after I told her that an attorney for HRA named Jeffrey Mosczyc criminally stole my scheduled 4/12/17 oral arguments hearing in the case of *Komatsu v. New York City Human Resources Administration*, No. 100054/2017 (Sup. Ct., NY

Cty. Feb. 26, 2020) that I commenced against HRA and is hereinafter referred to as "K3". When I told her that, Ms. Levy had a legal duty to share that information with the New York City Department of Investigations ("DOI") or another inspector general and likely didn't do so. What I just discussed is very important because I asserted claims against HRA in K3 before HRA personnel retaliated against me for doing so by orchestrating a criminal scheme as early as 4/5/17 to cause me to be barred from public meetings that were public forums and otherwise discriminated against in relation to my efforts to lawfully attend them. That scheme was the impetus for illegal continuing violations that gave rise to my claims in K2 about the 4/27/17 and 5/23/17 public meetings.

On 4/13/17 at 1:58 pm, Jeff Lynch worked for the CAU while he was among City of New York personnel who were then involved in a conspiracy to prevent me from attending a public town hall meeting in Staten Island that is confirmed by the following e-mail that he then sent about me as he was talking about a meeting that I never intended to attend nor otherwise expressed that I would attend:

> **From:** Lynch, Jeff
> **Sent:** Thursday, April 13, 2017 1:58 PM
> **To:** Lauter, Rachel; Lucas, Raquel (HRA); Arslanian, Kayla; Gillroy, Elizabeth
> **Cc:** Bray, Jackie; Carrion, Marco A.; Miller, Harold; Stribula, Shauna
> **Subject:** RE: Townhall Tonight Re: Towaki Komatsu
>
> + Harold and Shauna
>
> Yes, we alerted HRA about his RSVPing for the Resource Fair, and Harold talked to him when he came in, and outside in the hallway.
>
> He has not RSVPed for tonight's town hall, so if he shows, he will likely be sent to the overflow room. We will also flag for the detail.

The preceding e-mail message appears on page 93 of the 185-page PDF file. After Mr. Lynch sent the preceding e-mail message about me, Mr. Redmond sent an e-mail message about

me on 4/13/17 at 5:13 pm that appears on page 8 in the 185-page PDF file and includes the e-mail header section shown next as well as the relevant excerpt from it that follows that header section as he illegally directed former NYPD Sergeant Jerry Ioveno to not let me attend the 4/13/17 town hall meeting from within the room in which it would be conducted partly by Bill de Blasio ("Mr. de Blasio"):

> **From:** REDMOND, HOWARD
> **Sent:** Thursday, April 13, 2017 5:13 PM
> **To:** loveno, J
> **Subject:** Jerry see below
>
> "If this guy shows up alert Cityhall Staff do not let him in. Worst case we will put him in overflow."

Before Mr. Redmond sent the e-mail message that I just discussed and while she then worked as an assistant for HRA Commissioner Steven Banks, Raquel Lucas sent an e-mail message about me on 4/13/17 at 9:40 am that appears on page 5 in the 185-page PDF file and includes the e-mail header section shown next as well as the relevant excerpt from it that follows that header section as she explicitly inquired about illegally causing me to be barred from attending the 4/13/17 town hall meeting in Staten Island from within the room in which it would be conducted partly by Mr. de Blasio:

> **From:** Lucas, Raquel [mailto:quezadar@hra.nyc.gov]
> **Sent:** Thursday, April 13, 2017 9:40 AM
> **To:** Lauter, Rachel; Arslanian, Kayla; Gillroy, Elizabeth
> **Cc:** Bray, Jackie
> **Subject:** Townhall Tonight Re: Towaki Komatsu
>
> "Jackie Bray had spoken to the Commissioner this morning about this client Towaki Komatsu"
>
> "Is there any way without making a scene to not allow him in the town hall tonight"

Before Ms. Lucas, sent that e-mail, I received a voicemail at 9:56 am on 4/11/17 from Jerome Noriega in his official capacity as the court clerk for New York State Supreme Court

Judge Nancy Bannon. The information that he provided me in that voicemail served to inform me that He informed me in that Mr. Mosczyc stole the scheduled oral arguments hearing that I had in K3 on 4/12/17 by engaging in illegal gamesmanship through illegal *ex-parte* communications with Judge Bannon that also stole away my right to submit opposition about that before it was granted. After that occurred, I also was suddenly and similarly blindsided on 4/11/17 while participating in other related litigation against HRA that was parallel to my claims in K3 and were about storage unit rental expenses. Although the agenda for what was then a fair hearing that the New York State Office of Temporary and Disability Assistance ("OTDA") conducted by phone between HRA and I had been originally scheduled to include matters besides those about storage claims, OTDA illegally changed that agenda prior to that hearing and it's likely that OTDA and HRA engaged in illegal *ex-parte* communications to also cause that to occur. The preceding discussion is important because it describe the context in which illegal acts and omissions that were committed against me on 4/27/17 and 5/23/17 occurred in relation to my efforts to lawfully then attend public meetings.

My claims in K2 arose from those earlier thefts of my 4/12/17 oral arguments hearing in K3 that caused that hearing to be adjourned to 6/7/17. Partly due to that theft, that spurred me to engage in whistleblowing about that and other matters during as many public meetings as possible. However, illegal acts and omissions were committed against me in relation to my efforts to lawfully attend such public meetings that were conducted by members of the public with City and State of New York government personnel as both **a)** mostly designated public forums and **b)** badly disguised campaign events for incumbents in New York City's government leading up to the 2017 New York City government elections while those who worked for the City of New York under the administration of then New York City Mayor Bill de Blasio were

maniacally obsessed with rigging and stealing the 2017 New York City government elections for their job security and access to promotions. To do so, members of Mr. de Blasio's NYPD security detail that was led by Howard Redmond conspired with people who worked for the Community Affairs Unit ("CAU") of the New York City Mayor's Office ("Mayor's Office"), HRA, New York State court officers, and others who also then were incumbents in New York City's government that partly included Letitia James, Ritchie Torres, Vanessa Gibson, Gale Brewer as such accomplices looked the other way and otherwise hitched a ride on Mr. de Blasio's coattails. While committing that theft, those who did so engaged in acts of voter suppression, whistleblower retaliation, viewpoint discrimination, and criminal obstruction of justice in 2 sets of parallel litigation of mine.

One of the best ways to improve one's chances of getting a job is by networking with people. This is partly why I sought to attend the 4/27/17 and 5/23/17 public meetings that I referred to earlier, but there is a twist. I wanted to do so partly to expose the fact that personnel of HRA were criminally sabotaging my ability to get a job by humiliating them through word-of-mouth advertising with ordinary members of the public, government personnel, and members of the press that I would lawfully engage in while attending those public meetings largely to try to have sufficient pressure to be exerted upon Mr. de Blasio to have him fire Steven Banks ("Mr. Banks") who then was HRA's Commissioner and proceed decisively with a major overhaul of how HRA operated partly by having it and its business partners immediately and continuously accord military veterans and other disadvantaged groups preferential consideration for jobs to bring HRA into compliance with its legal mandate as per New York State's constitution to care for the needy that HRA consistently violates. Another reason why I sought to attend those 2 public meetings and further public meetings thereafter that my claims in the consolidated

ongoing and closely-related case of *Komatsu v. City of New York*, No. 20-cv-7046 (ER)(GWG)(S.D.N.Y.) are about was to lawfully engage in other whistleblowing and criticism largely against HRA and its business partners for a variety of entirely valid reasons that include those of both public and private concern by virtue of the fact that the contracts that HRA has with its business partners are publicly-funded. Here is where things get really interesting. Personnel of HRA and one of its business partners that is named Urban Pathways, Inc. ("Urban") jointly and criminally subjected me to a patently illegal bait-and-switch fraud and forgery scheme concerning the binding and fully-enforceable apartment lease agreement that I signed on 2/16/16 with Lisa Lombardi of Urban that is hereinafter referred to as "my Urban lease" to be issued sole possession of apartment 4C that is hereinafter referred to as "my Urban apartment" and is located in the building in which I reside that is hereinafter referred to as "my building". That building is located at 802 Fairmount Place in the Bronx. My Urban lease was issued to cause me to be issued my Urban apartment with no roommate and in a fully-furnished condition shortly after 2/16/16. After I signed my Urban lease, I completed a government rental subsidy application to apply for a rental subsidy that was offered by HRA through a program that it maintained that is known as "SEPS" that has since been renamed as "FHEPS". Through that program, HRA would pay Urban the full rent for my Urban apartment until I would be in a position in which I could relieve HRA in part or in full of that need for assistance. The first page of **a)** my Urban lease and **b)** that rental subsidy application contain handwritten information that isn't mine and is a sufficient match between those 2 documents that causes it to be objectively reasonable to conclude that the same person wrote on both of them on 2/16/16. That person is Sara Hyler of HRA. On or about 3/7/16, I was issued a document that is hereinafter referred to as "my BS Urban lease" by one of Urban's personnel that contained an illegally forged copy of my

signature from my Urban lease. I received that upon being informed that I would be able to meet with Urban's personnel then to pickup the keys for my Urban apartment to immediately begin residing in that apartment. My BS Urban lease was made to appear as a lease for Room 1 within what would be a shared apartment of 4B that is hereinafter referred to as "my BS Urban apartment" in my building. Upon being issued my BS Urban lease, I instantly **a)** knew that I had fallen victim to an illegal bait-and-switch fraud and forgery that is hereinafter referred to as "the B&S" and **b)** repudiated my BS Urban lease, though I reluctantly acquiesced to being illegally coerced by Urban to accept assignment to Room1 within my BS Urban apartment together with a roommate named Ronald Sullivan who thereafter proved to be a psychopath by viciously assaulting me on 7/2/16 in the living room of my BS Urban apartment. Although I promptly reported complaints to both Urban and HRA as well as others by 3/10/16 about the B&S, no one intervened on my behalf and that was most likely because HRA also funds various legal services organizations that are loathe to bite the hand that feeds them. When I was assaulted on 7/2/16, that was after Mr. Sullivan tried to assault me in the living room of my BS Urban apartment on 5/12/16 and was physically restrained by one of Urban's personnel as that thwarted that attempt. However, HRA was required to have been promptly apprised about that attempted assault. In the wake of that assault, though I immediately ordered Urban's management that included Ms. Lombardi and Ronald Abad to immediately evict Mr. Sullivan in response to the fact that he had proven to be a threat to my safety where I resided, they refused. As a result, the more than 15 punches that I took to my head on 7/2/16 sabotaged my ability to be properly considered for a job that I interviewed for on 8/18/16 with an investment bank that would have paid me $450 daily. That was due to the concussion from that assault that heavily suffered from during that job interview. Following the 7/2/16 assault, Urban and HRA still unconscionably didn't evict Mr.

Sullivan from my building. He instead resumed being my roommate on 7/11/16 that is the same day that the NYPD stupidly released him from its custody after arresting him earlier that day in response to the 7/2/16 assault after he fled from my building in the wake of my having called 911 to have him arrested. This naturally means that I was enormously traumatized by having to continue to reside in the same apartment on and after 7/11/16 with the same vicious criminal and psychopath before that ended when the Bronx District Attorney's Office ("Bronx DA") finally got an Order of Protection issued in October of 2016 against Mr. Sullivan for me that forced him to move somewhere outside of my building. Besides that repercussion from the B&S, the B&S also caused me to have to continue to rent a storage unit after 3/7/16 instead of being able to promptly transfer the entirety of property that I kept in one that I had been renting prior to then into my Urban apartment partly due to inadequate storage space in my BS Urban apartment.

While skipping really far ahead, I filed an order to show cause application ("OSC") on 8/26/22 in *Komatsu v. New York City Human Resources Administration*, No. 100054/2017 (Sup. Ct., NY Cty. Feb. 26, 2020) that is hereinafter referred to as "K3". The following e-mail that I received today at 3:36 pm from an attorney who works with New York State Supreme Court Judge Lyle Frank ("Judge Frank") informed me that Judge Frank yet again subjected me to judicial misconduct in K3 by having baselessly denied my 8/26/22 OSC after he also illegally dismissed K3 on 4/9/19 while I continued to have claims that were pending to be addressed in K3 while those claims also were parallel with respect to my claims in K2:

> **From:** Nacer Najdi <NNajdi@nycourts.gov>
> **Subject:** RE: Emergency order to show cause filed on 8/26/22 in Komatsu v. New York City Human Resources Administration, No. 100054/2017
> **Date:** August 29, 2022 at 3:36:50 PM EDT
> **To:** Towaki Komatsu <towaki_komatsu@yahoo.com>
>
> Mr. Komatsu,

> Your OSC was declined by Judge Frank.
>
> Best,
> Nacer Najdi, Esq.

K3 is litigation that I commenced against HRA in January of 2017 and was sealed since 1/17/17 at my request as a result of the order that New York State Supreme Court Judge Barry Ostrager issued then that also authorized me to proceed anonymously in that multifaceted and complex hybrid case. In the OSC that I filed in K3 on 8/26/22, I clearly established that personnel of HRA criminally **a)** subjected me to the B&S, **b)** also reassigned my 2/16/16 rental subsidy application to cover the rental costs of my BS Urban apartment without my authorization, **c)** stole the scheduled 4/12/17 oral arguments hearing that was originally scheduled to be held then in K3 as they stole that by engaging in illegal *ex-parte* communications with New York State Supreme Court Judge Nancy Bannon between 4/5/17 and 4/11/17 while she was running for re-election as a corrupt judge, **d)** didn't redact confidential information about me in a legal filing in K3, **e)** fraudulently used a copy of my BS Urban lease in K3 as a false instrument while lying by claiming that my BS Urban lease was a copy of the lease that I signed on 2/16/16 with Urban, and **f)** committed multiple acts of mail and wire fraud against me partly in April of 2017 by fraudulently claiming that I wasn't eligible and entitled to have HRA to pay for storage unit rental expenses on my behalf while I resided in my BS Urban apartment. In short, HRA personnel committed clear violations of civil RICO against me in 2017 that persist. Earlier, I mentioned obstruction of justice that occurred in 2017 in 2 sets of parallel litigation of mine. Those sets of litigation were K3 and litigation that was assigned to the New York State Office of Temporary and Administrative Assistance ("OTDA"). When a deceitful attorney for HRA named Jeffrey Mosczyc engaged in fraud and collusion with Judge Bannon through illegal *ex-parte* communications with her between 4/5/17 and 4/11/17 to subject me to

criminal witness tampering that caused my 4/12/17 oral arguments hearing in K3 to be adjourned to 6/7/17 while I was Jewish since birth and knew that the Ten Commandments includes a prohibition against stealing, Mr. Mosczyc pretended that he is Jewish as he contended in his 4/5/17 request to adjourn the 4/1/17 oral arguments hearing that he sought that adjournment because the 4/12/17 oral arguments hearing would occur on Passover. The following is critically significant information that he fraudulently concealed from Judge Bannon in that request for an adjournment that would have otherwise also required Judge Bannon to deny that adjournment request and not even consider it:

1. A legal filing that he filed in K3 on 4/7/17 confirms that he knew by then and probably on 4/5/17 too that I was scheduled to participate in parallel litigation on 4/11/17 that was assigned to OTDA for claims of mine that I asserted against HRA that were identical to claims that I asserted in K3. I'm referring to claims that were about the reimbursement to me and payment by HRA of storage unit rental expenses on my behalf about which HRA and I had been previously engaged in litigation since July of 2016 that was assigned to OTDA as HRA continuously committed fraud during the fair hearing that OTDA conducted about that as OTDA's personnel consistently proved that they were nothing more than cat's paws for HRA partly by illegally not enforcing OTDA's own 9/15/16 fair hearing decision that was issued in my favor against HRA about that matter that caused OTDA to vexatiously conduct further fair hearings about that matter while letting HRA violate res judicata about that on 4/11/17 instead of properly enforcing its 9/15/16 fair hearing decision.

2. He illegally didn't apprise me about that 4/5/17 illegal *ex-parte* adjournment application to criminally block me from being able to exercise my First and Fourteenth Amendment right to prepare and submit opposition in K3 in response to that

adjournment application in order to have Judge Bannon perform her legal duty to accord me a full and fair hearing about that prior to issuing a decision about whether to deny or grant that adjournment application.

3. Prior to working for HRA as its deceitful commissioner, Mr. Banks was an attorney who the head of the Legal Aid Society and claimed that he was Jewish.

4. Mr. Banks was recorded on video on 4/13/17 as he actively participated in a public resource fair meeting in Staten Island before I received discovery material on 2/1/21 from the New York City Law Department ("Law Department") that consists of e-mail evidence that clearly implicated Mr. Banks Jacqueline Bray, Raquel Lucas while they worked for HRA, Jeff Lynch while he worked for the CAU, Howard Redmond, and others as having conspired with one another on 4/13/17 to pretextually and preemptively caused me to be illegally barred from attending that 4/13/17 public resource fair meeting from within the room in which members of the public would conduct it with Mr. de Blasio, Mr. Banks, and others just 2 days after I received a voicemail message at 9:56am from Jerome Noriega in his capacity as Judge Bannon's court clerk in which the information that he provided confirmed that Mr. Mosczyc and Judge Bannon criminally stole my 4/12/17 oral arguments hearing and discriminated me in that regard on the basis of religion in spite of the material fact that I'm far more Jewish than Mr. Mosczyc by virtue of the fact that I'm not a thief in contrast to that crook.

After I got the voicemail message from Mr. Noriega on 4/11/17 that I just discussed, I briefly wasted time by talking with Mr. Banks on a public sidewalk in Staten Island on 4/11/17 shortly after 12:30 pm while he predictably told me at the start of our conversation that he wouldn't continue to talk with me if I continued to record a video of it. Right before that conversation began, I recorded a video of him as that also showed a copy of the 9/15/16 fair

hearing decision that OTDA issued in my favor against HRA that was about storage unit rental expense payments that HRA illegally never complied with and OTDA illegally refused to fully enforce. While I talked with him then, he told me that he was aware that I was scheduled to participate in a going fair hearing later that day that OTDA would conduct between HRA and I about the same storage unit rental expense claim of mine against HRA that the 9/15/16 fair hearing decision was about. I immediately thought that it was odd that he knew about that due to the large number of others who apply for government benefits from HRA that caused it to odd that he was paying particular attention to my dealings with HRA about that. As that conversation proceeded, he yet again lied to my face about why I hadn't been provide pro-bono legal representation or legal assistance from legal services providers that HRA funds to provide such services. He lied then by claiming that HRA had received information from them in which the rationale for not assisting me was that there wasn't merit to do so. The problem with his lie was that I received contradictory information from the very same providers that he was referring to and taped a phone call that confirms that he lied about that before I also received an e-mail message from one of those providers on 4/11/17 that further cemented Mr. Banks' status as a con artist who I essentially described quite explicitly as such while I talked with Mr. de Blasio on 3/15/17 during a public town hall meeting in Manhattan that was recorded on video. That video confirms both that **a)** Jeff Lynch who I just mentioned above stood behind me at the end of my chat with Mr. de Blasio and **b)** a useless whistleblower news censor in journalism named Michael Gartland also attended that town hall meeting while pretending to be a reporter. He then worked for the New York Post censorship business and other censors in journalism that were cut from the same soiled cloth also attended that town hall meeting at the same time that Letitia James and Gale Brewer also attended that town hall meeting while proving to be nothing more

than empty seats by virtue of their nonchalance about the whistleblowing that I engaged in as Ms. James then worked as New York City's Public Advocate while hindsight confirms that job title had absolutely nothing to do with her. Mr. Banks' decision to yet again behave as a con artist towards me on 4/11/17 by lying to my face explains why I immediately told him that I was done talking with him and that I intended to immediately talk with Mr. de Blasio again about and against him inside of the Borough Hall building in Staten Island that was nearby and in which members of the public were conducting a public resource fair meeting as a public forum with Mr. de Blasio, other government personnel, and censors in journalism that I had registered in advance with the Mayor's Office to lawfully attend. This explains why I traveled all of the way from the Bronx on 4/11/17 to get to Staten Island. That is a pretty long commute roundtrip. No one provided me any information through what they had to say before I made that trip to Staten Island that I wouldn't be allowed to attend that 4/11/17 public resource fair meeting. This is a major point that I will further address shortly.

Judge Schofield prejudicially lied in her 1/8/19 and 9/18/19 orders in K2 after Judge Gorenstein did so too in his 9/14/18 order in K2. Judge Schofield did so in her 1/8/19 order by fraudulently claiming that my original claims in K2 weren't partly about matters pertaining to a dispute that I had with HRA about the payment for storage unit rental expenses on my behalf. She then lied in her 9/18/19 order by fraudulently claiming that legal filings from K3 that I sought to file in K2 for her to consider as she prepared to issue what turned out to be her 9/30/19 order were unrelated to my claims in K2. Prior to then, he worked as HRA's grossly inept General Counsel in the 1990s as he miserably failed to devise and implement proper safeguards for how HRA was to operate and be monitored to make certain that its operations would continuously be in full compliance with all applicable laws and regulations. His prior

employment as such and the need for an appearance of justice in K2 required him to be immediately disqualified from K2. The fact that Mr. Banks and other senior HRA personnel orchestrated the criminal scheme and conspiracy among City and State of New York personnel that proximately caused me to be barred from attending public meetings that were public forums that were conducted and/or would otherwise have been conducted on 4/12/17 and 4/13/17 that continued thereafter with the 4/27/17 town hall and 5/23/17 resource fair as continuing violations by some of the same criminals sufficiently confirms this point. In his 9/14/18 order in K2, Judge Gorenstein fraudulently claimed that claims and defendants that I sought to include in a further amended complaint that I sought to promptly file in K2 weren't related to my original claims as he objected to the number of claims and defendants that I sought to then add in K2 in spite of the fact that wasn't a valid basis to reject my efforts to add such defendants and claims in K2. He also illegally didn't explain why they were unrelated to my original claims in K2 as he flagrantly violated my First and Fourteenth Amendment rights in relation to FRCP Rule 15 to pretextually subject me to badly disguised criminal obstruction of justice.

Concerning what I just discussed, I received the following e-mail message on 4/25/17 at 8:50 am from Jennifer Levy while **a)** she then was the General Counsel for the New York City Public Advocate's Office while Letitia James continued to be useless as New York City's Public Advocate after I had recently talked with her during a public meeting in the Bronx on 4/19/17, **b)** Ms. Levy was useless too in the wake of her having told me during a telephone call on or about 4/25/17 that attorneys for the City of New York regularly seek and are granted illegal *ex-parte* adjournments after I told her that Mr. Mosczyc criminally stole my scheduled 4/12/17 oral arguments hearing in K2 while Ms. Levy then had a legal duty to share that information with the

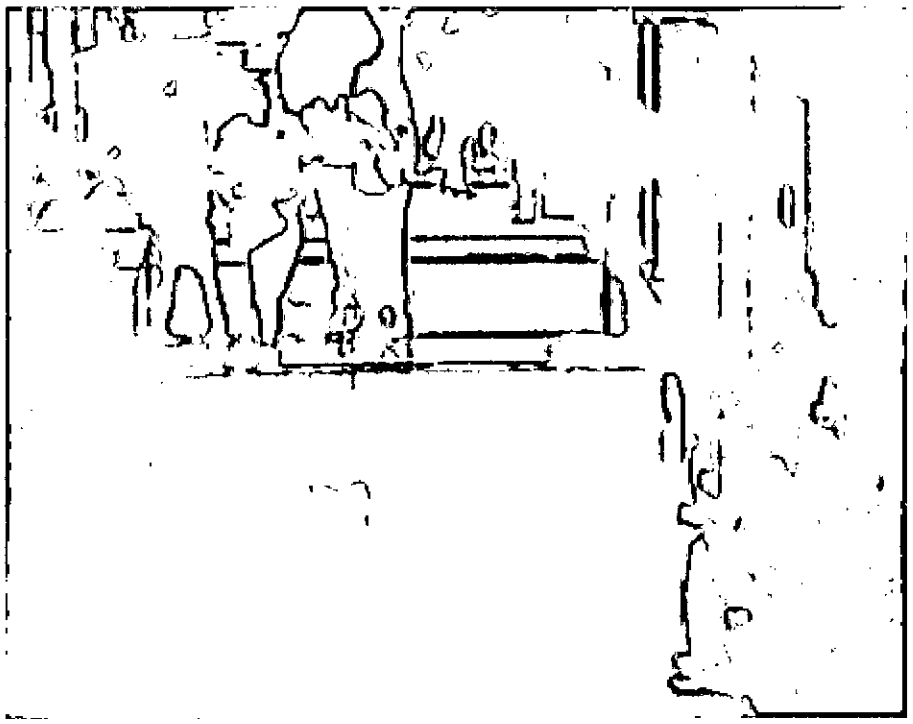
New York City Department of Investigations ("DOI") or another inspector general and likely didn't do so:

> **From:** Jennifer Levy <jlevy@pubadvocate.nyc.gov>
> **To:** "towaki_komatsu@yahoo.com" <towaki_komatsu@yahoo.com>
> **Cc:** Muhammad Umair Khan <khan@pubadvocate.nyc.gov>
> **Sent:** Tuesday, April 25, 2017 at 08:50:47 AM EDT
> **Subject:** Fair hearing at 2:30 today
>
> Good morning Mr. Komatsu,
>
> I reviewed the papers that Mr. Khan sent me. It appears you have two pending Fair Hearings - one that was adjourned on 4/11/2016 and one that is scheduled for today. They both appear to be about storage. What is the prejudice to you in going forward with today's hearing? And, if there is prejudice, can you not either seek an adjournment or withdraw your hearing request without prejudice and start anew? Also, are you considering appealing the 4/19/2017 decision? You will need to do that if you want to address the May - July storage that HRA refused to pay.
>
> --
> **Jennifer Levy**
> General Counsel - Litigation
> Office of NYC Public Advocate Letitia James
> 1 Centre Street, 15th Floor North, New York, NY | 10007
> Office: (212) 669-2175
> Email: JLevy@pubadvocate.nyc.gov
> http://www.pubadvocate.nyc.gov/
> @NYCPA | @JenniferLevy17

Contrary to the lies by Judge Schofield and Judge Gorenstein in K2, Ms. Levy's remarks in the preceding e-mail message are clearly sufficient to establish that part of the whistleblowing and criticism that I sought to express on 4/27/17 and 5/23/17 while attending the town hall and resource fair meetings on those dates that were the subject of my claims in K2 would be about litigation of mine against HRA that pertained to storage unit rental expense matters. Ms. Levy now works for Ms. James as part of the useless New York State Attorney General's Office ("NYAG").

Monica Hanna is the attorney for the NYAG who represented New York State court officer defendants in K2 who criminally prevented me from attending the 5/23/17 public resource fair meeting and otherwise criminally seized my 5/19/17 OSC in K3 while K3 was sealed and I conducted myself in a lawful manner on 5/23/17 in a public hallway inside of the Bronx Supreme Court as a criminal named Anthony Manzi who masqueraded as a New York State court officer with the rank of captain behaved quite like an ordinary street thug by doing his finest impression of a pursue snatcher by swiping a large white bag of mine from a table in front of me to steal that sealed legal filing of mine that likely would piss off New York State Supreme Court Judge Barry Ostrager who sealed K3 on 1/17/17. Judge Schofield condoned the fact that Mr. Manzi did that on 5/23/17 in her remarks on page 17 in her 9/30/19 order in K2 as she lied by claiming that Mr. Manzi hadn't violated my constitutional rights by illegally seizing that bag of mine in that public hallway after I had already completed the security screening process to enter that courthouse and was conducting myself in an entirely lawful manner. In particular, she lied by fraudulently claiming that Mr. Manzi's seizure of that bag and the sealed legal filing in it wasn't a "meaningful interference" with possessory interests in that property of mine as she fraudulently omitted the material fact that he illegally discriminated against me by seizing that property of mine without doing so for everyone else in that courthouse after they completed the security screening process to enter it. That is a clear violation of my Fourteenth Amendment rights and certainly was a claim of mine that I either implicitly or explicitly asserted in K2. Mr. Manzi had absolutely no probable cause nor reasonable suspicion to have behaved in the manner that he did so towards me on 523/17. Quite to the contrary, the fact that he and other New York State court officers were clearly acting as criminal accomplices and co-conspirators of the NYPD security detail for Mr. de Blasio to illegally prevent me from attending the 5/23/17

resource fair meeting estopped him from seizing that bag of mine. The fact that she made that preposterous claim about Mr. Manzi underscores the fact that this Court needs to immediately do whatever needs to be done to make certain that Judge Schofield is immediately removed as a judge. She can pretend to be a judge on Halloween in prison where she belongs. The next screenshot is from a video security camera that that the New York State Office of Court Administration ("OCA") controls that was installed above the entrance to Room 105 inside of the Bronx Supreme Court on 5/23/17 that OCA provided to me in response to a Freedom of Information Law ("FOIL") demand. What appears in this screenshot corresponds to the time of 9:49 am on 5/23/17 and shows Mr. Manzi as he criminally seized the bag of mine that I just discussed while I was in the process of seizing it back from that criminal while numerous law-enforcement personnel stood nearby and proved that they really weren't law-enforcement personnel either by illegally not doing anything to try to intervene on my behalf partly against Mr. Manzi by arresting him for that attempted theft.



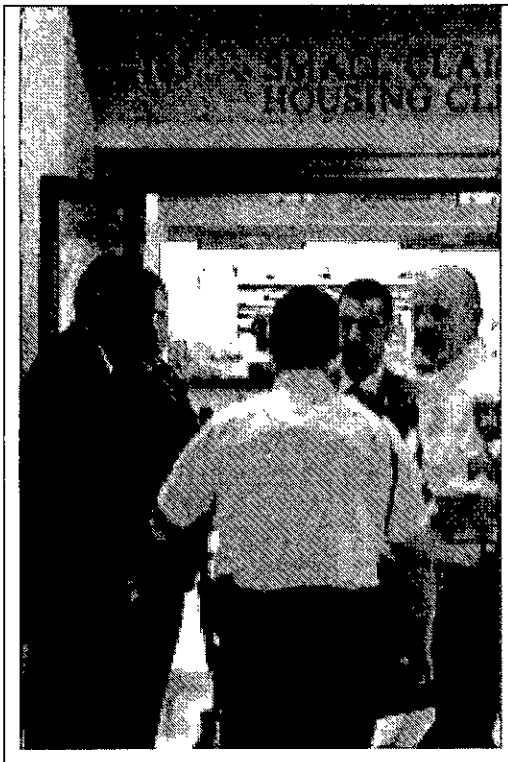
Mr. Manzi thereafter lied on 5/24/17 in an official report that is known as an Unusual Occurrence report for report number 75089 that he prepared with New York State court officers Matthew Brunner and Ramon Dominguez (they're also shown in this screenshot near Mr. Manzi as they wore white shirts and Mr. Brunner was bald) about the interactions that he and other New York State court officers had with me on 5/23/17 inside of that courthouse. OCA provided me that report on 8/28/20 via e-mail in response to a FOIL demand. I didn't know that such a report existed until after I discovered the case of *Goonewardena v. Spinelli*, No. 15-cv-5239 (MKB)(ST) (E.D.N.Y. Mar. 5, 2020) in August of 2020 that mentioned both it and Monica Hanna who never informed me that such a report existed. The preceding screenshot clearly confirms that I certainly wasn't standing in any magnetometer area that instead was located on the right side of that screenshot behind a fan and near where people then were while they wore dark-colored clothing. Despite this fact, Mr. Manzi lied in the Unusual Occurrence Report that I mentioned above that he prepared on 5/24/17 about me by stating the following in it before I then promptly submitted a filing in K2 on 8/28/20 to provide that same report to Judge Schofield:

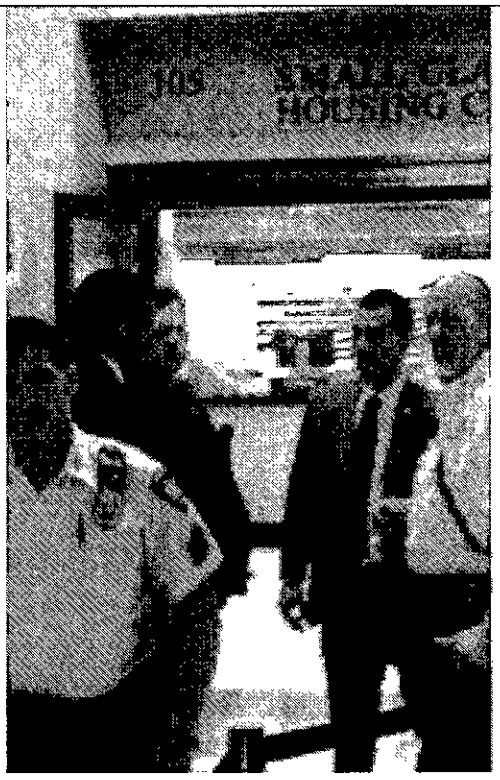
DETAILS: (Include pertinent information regarding nature of unusual occurrence. If arrest, include Arrest No., Pct., Charges, Complainant's Name and Address, Court, Judge, Disposition)

AT ABOVE T/P/O, THE ABOVE UNKNOWN SUBJECT WAS DENIED ENTRY INTO A CITY HALL EVENT BEING HELD IN THE ROTUNDA BY CITY HALL STAFF AND MAYOR DEBLASIO'S NYPD DETAIL. SUBJECT WAS ASKED TO VACATE THE AREA HE WAS STANDING IN BECAUSE HE WAS BLOCKING PEDESTRIAN TRAFFIC TO BOTH THE EVENT IN THE ROTUNDA AND ACCESS TO THE PUBLIC ELEVATORS. AFTER SOME RESISTANCE TO THIS REQUEST, SUBJECT DID COMPLY BUT MOVED INTO A MAGNETOMETER PROCESSING AREA SUBJECT WAS ASKED TO MOVE FROM THIS AREA. AND ONCE AGAIN COMPLIED AFTER SOME INITIAL RESISTANCE.

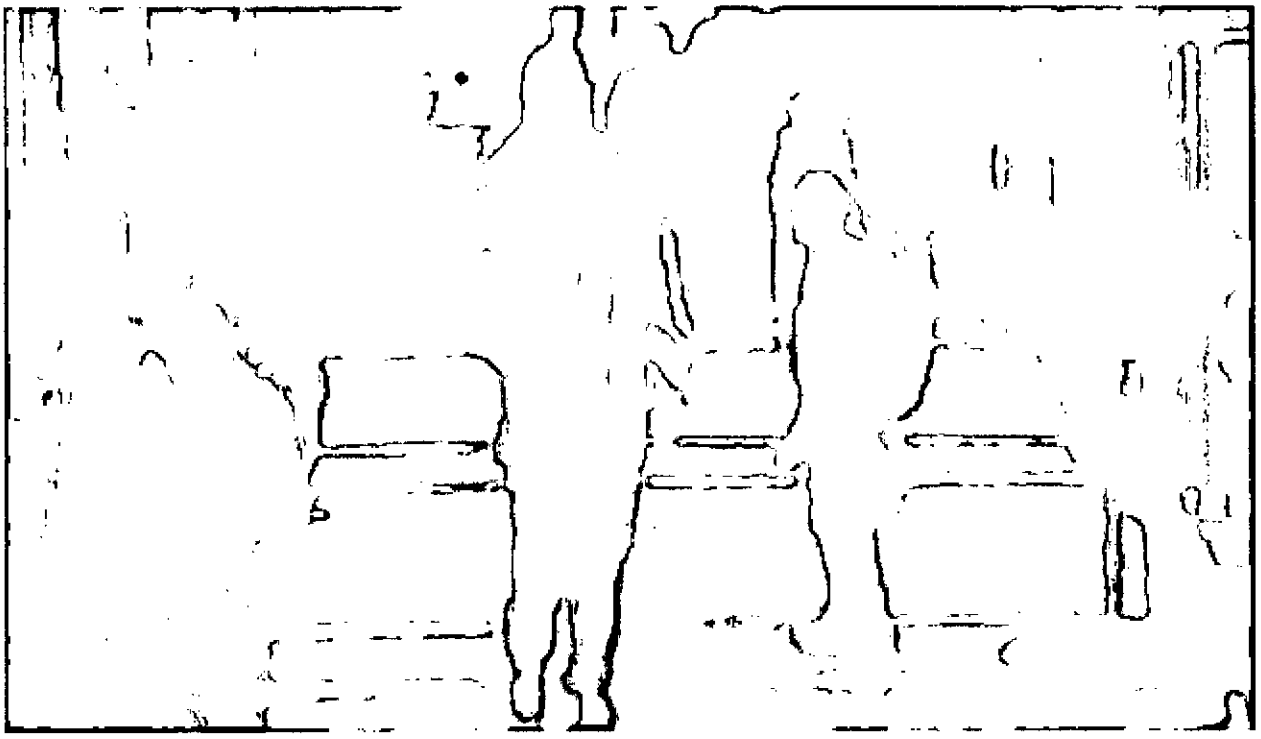
Mr. Manzi lied in his remarks in the preceding screenshot by fraudulently claiming both that I stood in a magnetometer area and that I obstructed pedestrian traffic on 5/23/17 inside of the Bronx Supreme Court. Contrary to his lies about that, it was instead him and others who illegally blocked me from entering the Veterans Memorial Hall chamber as well as various public areas inside of public hallways in that courthouse. Mr. Manzi nonetheless explicitly stated in his remarks in the preceding screenshot that "City Hall Staff" and "Mayor De Blasio's NYPD

Detail" were those responsible for preventing me from attending the 5/23/17 resource fair meeting as he fraudulently omitted the material fact that he, Mr. Brunner, and Mr. Dominguez illegally acted in concert with them then for that purpose. The 4 images shown next are from a video that I recorded on 5/23/17 at 9:40 am of Defendants Ralph Nieves, Andrew Berkowitz, Raymond Gerola, Matthew Brunner, and Ramon Dominguez as they met near Room 105 in the Bronx Supreme Court and had a conversation about which it's objectively reasonable to infer from the totality of the facts and circumstances was about coordinating their efforts to continue to illegally prevent me from attending the 5/23/17 resource fair meeting:





The next screenshot shows a man named Jeff Lynch right after he walked past me on 5/23/17 inside of the Bronx Supreme Court on its first floor near where Mr. Manzi illegally seized my bag. This screenshot corresponds to the time of 10:17 am on 5/23/17 and is from the video that I discussed earlier that I received from OCA. Right before he walked past me, I urged him to immediately intervene on my behalf to enable me to attend the 5/23/17 resource fair meeting.



A probable reason why he refused to assist me then is because he was among people who also were then involved in a conspiracy to prevent me from attending that resource fair meeting after the following e-mail message that he sent on 4/13/17 at 1:58 pm confirms that he was part of an earlier conspiracy to illegally prevent me from attending the 4/13/17 public town hall meeting in Staten Island:

> **From:** Lynch, Jeff
> **Sent:** Thursday, April 13, 2017 1:58 PM
> **To:** Lauter, Rachel; Lucas, Raquel (HRA); Arslanian, Kayla; Gillroy, Elizabeth
> **Cc:** Bray, Jackie; Carrion, Marco A.; Miller, Harold; Stribula, Shauna
> **Subject:** RE: Townhall Tonight Re: Towaki Komatsu
>
> + Harold and Shauna
>
> Yes, we alerted HRA about his RSVPing for the Resource Fair, and Harold talked to him when he came in, and outside in the hallway.
>
> He has not RSVPed for tonight's town hall, so if he shows, he will likely be sent to the overflow room. We will also flag for the detail.

The preceding e-mail message appears on page 93 of the 185-page PDF file that I received on 2/1/21 from the Law Department. After Mr. Lynch sent the preceding e-mail message about me, Defendant Howard Redmond sent an e-mail message about me on 4/13/17 at 5:13 pm that includes the e-mail header section shown next as well as the relevant excerpt from it that follows that header section as he illegally directed former NYPD Sergeant Jerry Ioveno to not let me attend the 4/13/17 town hall meeting from within the room in which it would be conducted partly by Mr. de Blasio.

> **From:** REDMOND, HOWARD
> **Sent:** Thursday, April 13, 2017 5:13 PM
> **To:** loveno, J
> **Subject:** Jerry see below
>
> "If this guy shows up alert Cityhall Staff do not let him in. Worst case we will put him in overflow."

The preceding e-mail message appears on page 8 of the 185-page PDF file that I just discussed. The following excerpt from *Gordon v. New York City Bd. of Educ.*, 232 F.3d 111 (2d Cir. 2000) confirms that when agents and proxies act on behalf of a supervisor or principal while committing illegal acts and omissions against others while they may possibly be unaware of what the reasons are for why they're committing them at the behest of a supervisor or principal, such behavior and circumstances are sufficient to establish retaliatory intent and confirms that Judge Schofield baselessly dismissed claims in K2 about the 5/23/17 public resource fair meeting:

> "A jury, however, can find retaliation even if the agent denies direct knowledge of a plaintiff's protected activities, for example, so long as the jury finds that the circumstances evidence knowledge of the protected activities or the jury concludes that an agent is acting explicitly or implicit upon the orders of a superior who has the requisite knowledge."

While Alan C. Marin was a judge who was assigned to the New York State Court of Claims, he issued a decision on 12/9/10 on behalf of that court in *Re v. the State of New York*, Ct

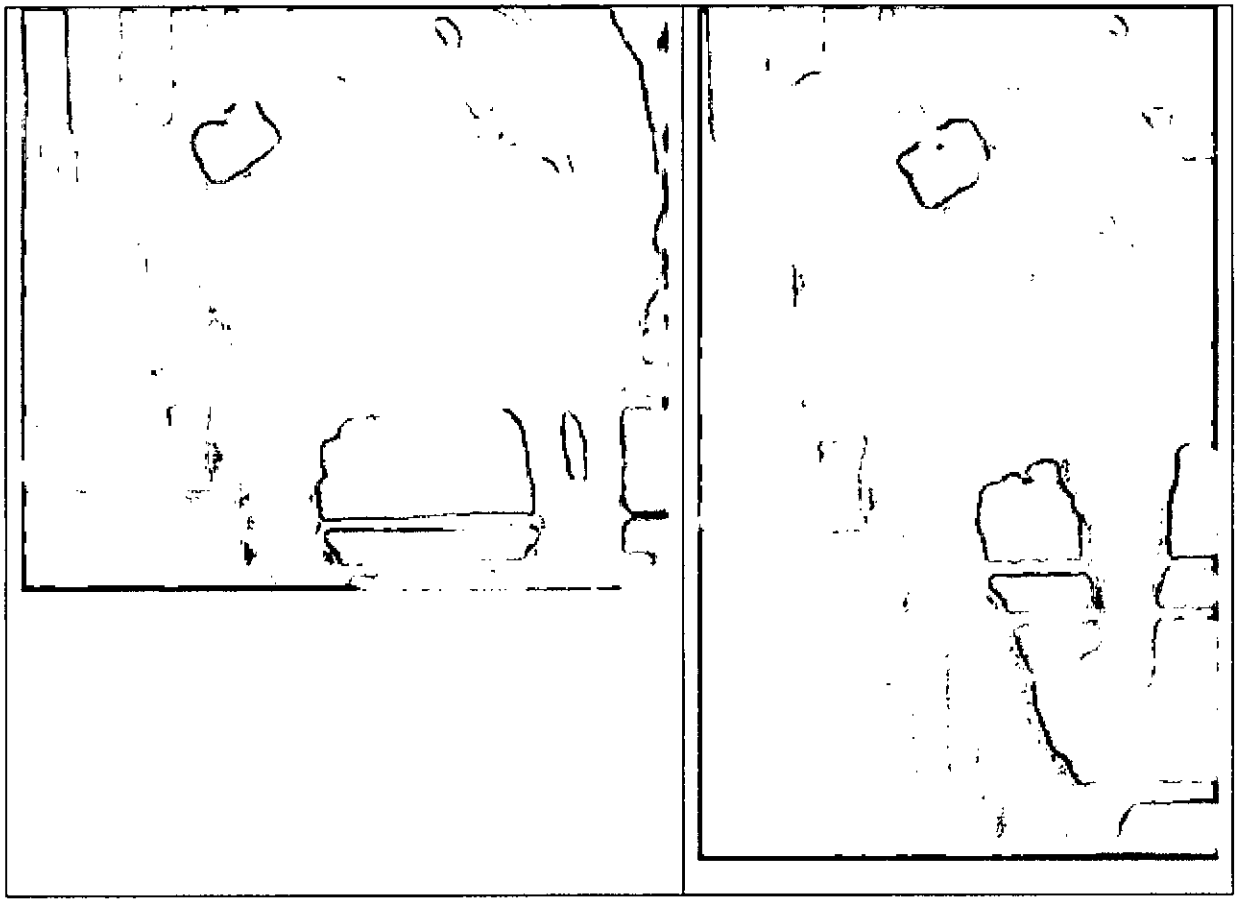
Cl, Dec. 9, 2010, Marin, A., claim No. 11517, UID No. 2010-016-069. He stated in that decision that "the detaining of an individual may be pretextual to remove him or her from a public meeting, speech or demonstration." Although Judge Schofield stated the following on page 12 in her 9/30/19 order in K2 about why she dismissed my 5/23/17 claims, she prematurely and prejudicially clearly did so, was proven wrong by discovery, and illegally ignored the fact that I still also had implied claims partly of violations of my **a)** First Amendment rights of assembly, expressive association, receiving information, and expression in a public forum (in the resource fair meeting); **b)** Fourth Amendment rights of unlawful detention to impede my ability to attend a public meeting as well as d) Fourth Amendment claims of

a. "However, the Complaint does not plausibly allege that the Resource Fair Defendants were personally aware of Plaintiff's purpose in attending the event, nor that they barred his entry for that reason."

b. "Accordingly, even though the Complaint adequately alleges a constitutional violation as to the Resource Fair, it fails to allege that any Resource Fair Defendant is personally liable for the violation."

The next 2 screenshots are from the video that I received from OCA that was recorded on 5/23/17 inside of the Bronx Supreme Court that I referred to earlier. The times shown above them show what the times then were in extended time format. Defendants Rachel Atcheson and Andrew Berkowitz are shown in these screenshots as Ms. Atcheson directed me to move to an area in that courthouse that was near Room 105 while Mr. Berkowitz appeared to be engaging in a radio communication with a device that likely was installed then near his left wrist. Ms. Atcheson's actions then confirmed that she was personally involved in illegally preventing me from attending the 5/23/17 public resource fair meeting in violation of my First and Fourteenth Amendment rights and other applicable laws.

9:30:23.069	9:30:24.694



The next screenshot is from a video that was recorded on 4/27/17 by a video security camera that the New York City Department of Education controls and was installed near the entrance to the school that hosted the 4/27/17 town hall meeting. It shows Defendant Andrew Berkowitz on 4/27/17 as he illegally prevented me from entering the school that hosted the 4/27/17 town hall meeting after I had already been issued an admission ticket to do so to observe how that meeting would be conducted from an overflow room in spite of the fact that I was among the first 30 people who arrived at that same to enter that school to instead be able to observe that from within the room in which that town hall meeting would be held. Mr. Berkowitz is shown here at 7:23 pm on 4/27/17 as he extended his right arm to illegally prevent me from walking past him to enter that school after other members of the public had already been allowed

to enter that school to observe how that town hall meeting would be conducted. This further demonstrates a link between his actions against me on 4/27/17 and how I was treated on 5/23/17 inside of the Bronx Supreme Court.

The next screenshot shows Defendant Pinny Ringel on 4/27/17 as he was recorded on video violating my First and Fourteenth Amendment rights to enter the school that hosted the 4/27/17 town hall meeting after I had already been issued an admission ticket to lawfully do so

as he illegally discriminated against me by letting other members of the public do so after they arrived to that site after me. Judge Schofield fraudulently refused to accept implied First Amendment and Fourteenth Amendment claims against him and others pertaining partly to assembling in a public forum, receiving and communicating information in one, and equal protection and due process prior to dismissing my claims against him. He is clearly shown behaving like a traffic cop here.

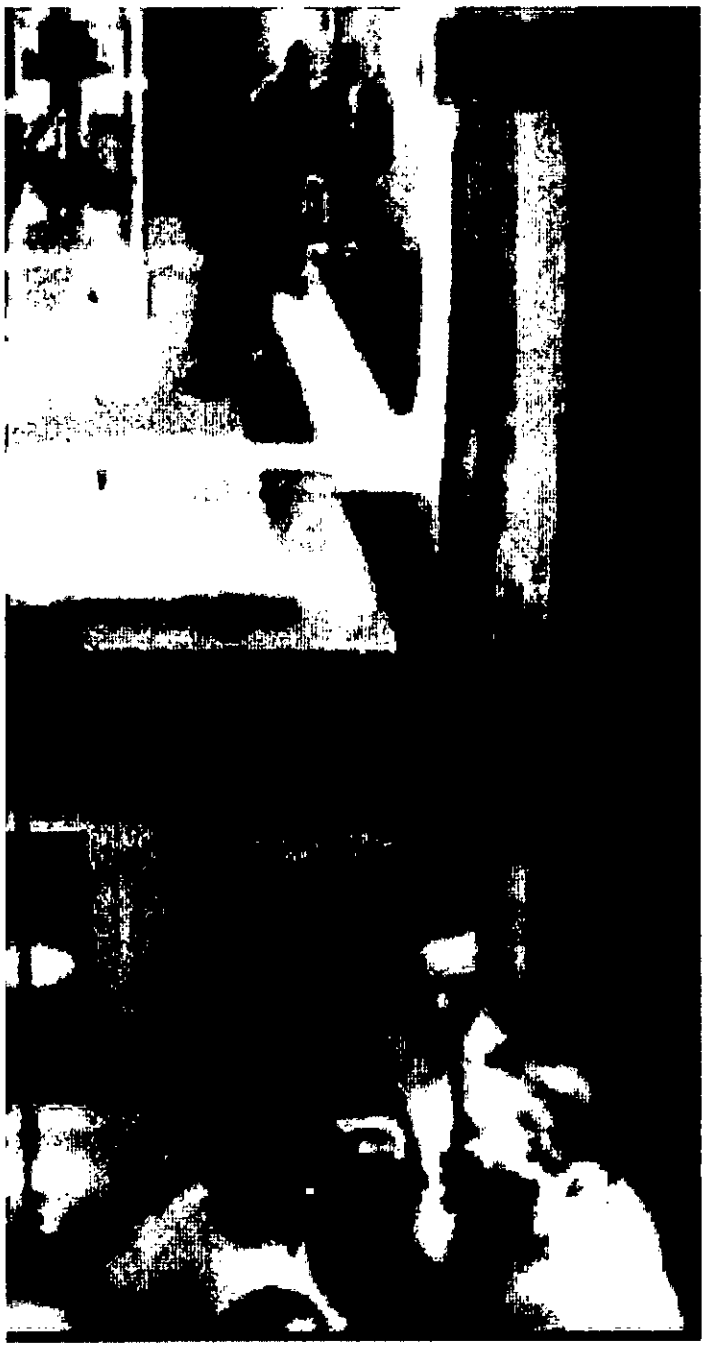
Prior to attempting to attend the 4/27/17 town hall meeting that I discussed earlier, I testified in February of 2017 as the sole witness for the Bronx DA in *People v. Sullivan*, No. 2016BX042188 (Bronx Crim. Ct. Feb. 24, 2017) that is hereinafter referred to as "Sullivan1" and was the criminal prosecution of Mr. Sullivan for having assaulted me on 7/2/16. On 3/24/21, I

legally recorded an audio recording of a phone call that I had with Scott McDonald, Jr. who was the lead prosecutor in Sullivan1 while he told me that though he had issued a subpoena to one of Urban's personnel who worked in my building to appear as a witness in Sullivan1, that witness illegally defied that subpoena and Bronx Criminal Court Judge Cori Weston chose not to do anything to compel that witness to appear in Sullivan1. Judge Weston is a corrupt judge who Mr. de Blasio appointed as a judge. She prejudicially abused her discretion in Sullivan1 partly by suppressing admissible security log records as evidence that Urban's personnel maintained in my building. Those records contained relevant information about observations that Urban's personnel made on 7/2/16 about how Mr. Sullivan appeared angry as he fled from my building after viciously assaulting me in it. After she fraudulently both suppressed those records and didn't compel the additional witness to appear in Sullivan1, she fraudulently found Mr. Sullivan not guilty of having assaulted me partly because the Bronx DA unconscionably didn't bother to use another witness to whom Mr. Sullivan confided in on 7/2/16 as he fled from my building as Mr. Sullivan admitted that he had just assaulted as he described to that witness how he did so. Oops. This means that New Yorkers and tourists can thank Judge Weston, Mr. de Blasio, the NYPD, the Bronx DA for having a walking time bomb that is roughly 6 foot 2 and 220 pounds on their hands. I also asserted a claim in K3 in January of 2017 against HRA about the 7/2/16 assault.

Concerning Judge Schofield's rationale in her 9/27/21 order in K2 for dismissing K2 then, the following facts confirm that her rationale was baseless, estopped, and irrelevant:

a. The screenshot shown next is from a video that was recorded on 8/7/18 inside of DPM on its first floor at 2:25 pm by a video security camera that the USMS controls. Federal court security officer ("CSO") Ralph Morales ("Mr. Morales") is shown in as he criminally stuck

a finger in my face while he was then off-duty as a CSO while he and I were then in the immediate presence of another male CSO whose last name is Foley while Mr. Foley illegally didn't try to intervene on my behalf against Mr. Morales to get him away from me in spite of the fact that Mr. Morales was making verbal threats against me and clearly stalking me while trying to intimidate, taunt, and provoke me while **a)** a woman who could be a potential juror observed his behavior towards me as well as that of Mr. Foley's and **b)** 2 other male CSOs stood behind that woman and also illegally didn't try to intervene on my behalf.



b. The next screenshot shows information that Judge Gorenstein wrote on the second page of his 8/6/18 order in K2 that Mr. Morales' actions just 1 day later confirmed that Judge Gorenstein was clearly and prejudicially biased in favor of CSOs and the USMS.

Finally, the Court is also in receipt of a letter from plaintiff, dated July 20, 2018 (Docket # 20). Insofar as it makes claims regarding courthouse staff and his treatment at the courthouse, the U.S. Marshal Service is aware of the letter. The Court is confident that Court Security Officers will behave appropriately in their treatment of plaintiff and that no additional steps need be taken at this time.

SO ORDERED.

Dated: August 6, 2018
New York, New York

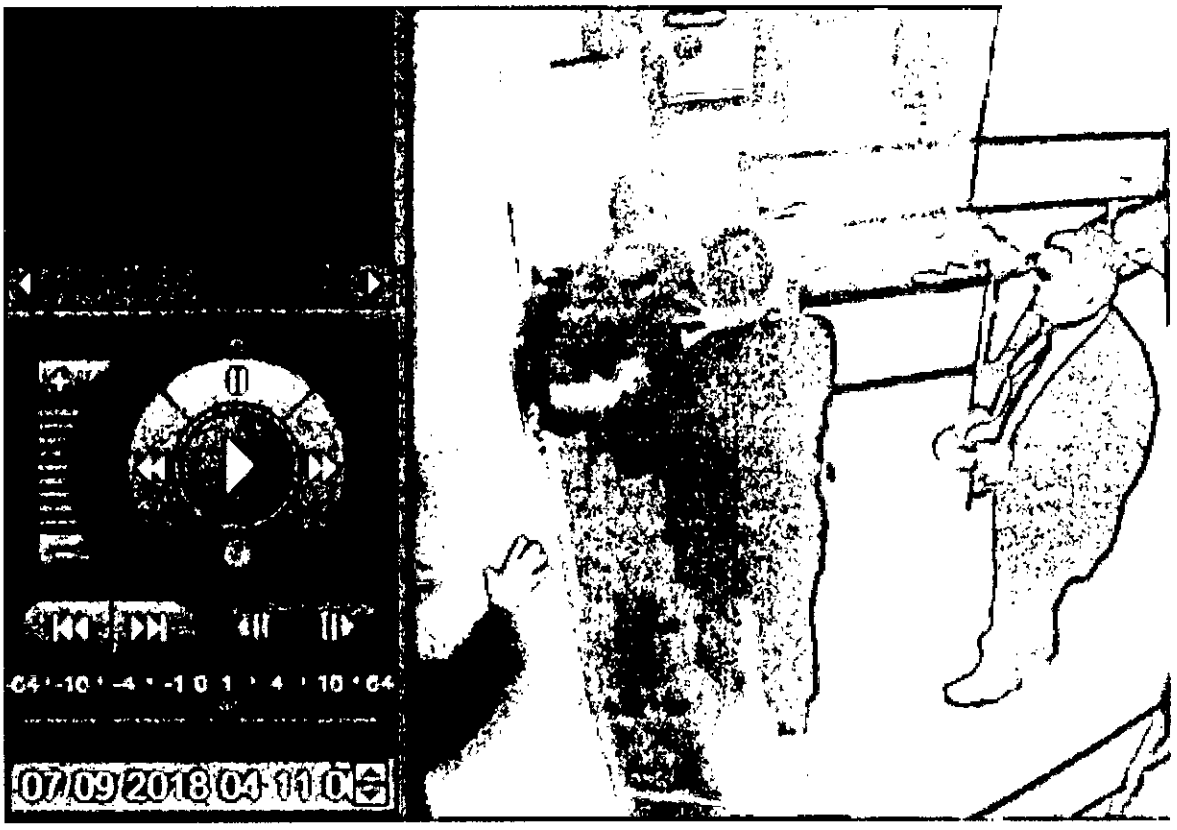
GABRIEL W. GORENSTEIN
United States Magistrate Judge

c. On 8/8/18, Mr. Morales criminally assaulted me inside of the Daniel Patrick Moynihan federal courthouse in Manhattan on its first floor near its court clerk's office in front of a set of elevators where there weren't any video security cameras installed. He and CSO Manwai Lui then lied about that to cover-up that assault as they fraudulently claimed that I tried to assault Mr. Morales then. In short, I prevailed in the entirely frivolous and malicious prosecution that caused that corresponds to *USA v. Komatsu*, No. 18-cr-651 (ST)(E.D.N.Y. Oct. 21, 2019). That case was dismissed on 10/21/19 after I was granted a change of venue to Brooklyn to avoid the appearance of lack of impartiality between federal judges on one hand and CSOs and the USMS on the other in that case.

d. The fact that City of New York personnel violated Judge Ostrager's sealing order in K3 in June of 2017 confirm that Judge Gorenstein's 1/15/21 confidentiality and protective orders in K2 reciprocally weren't enforceable against me due to offsetting penalties and my Fourteenth Amendment rights.

e.

a.



REASONS FOR GRANTING THE PETITION

1. I had a First and Fourteenth Amendment right to prepare and submit an appellant's brief in K1 and was illegally denied that. Mootness applies as a result.

2. My remarks in legal filings that I filed in K2 that were offensive in nature were a reflection of the fact I was continuously denied the calm and serenity inside of federal courthouses while I conducted myself in a lawful manner partly due to criminal negligence by Judge Schofield by virtue of her refusal to intervene on my behalf against CSOs and the USMSin response to my 7/20/18 filing in K2.

3. Judge Schofield illegally ignored the sworn affidavit of eyewitness of mine named Jay Koo and Roxanne Delgado that I filed in K2 on 12/14/18 and 12/18/18.

4. Judge Schofield illegally ignored the incriminating e-mail messages that I apprised her about in February of 2019 in her 9/30/19 order in K2 after she commented about the 374-page PDF file that they were from in an order that she issued on or about 9/18/19 in K2.

5. The discovery orders that Judge Gorenstein were fatally defective partly because he required me to disclose information about K3 and Mr. Koo only after Judge Schofield refused to consider filings from K3 and Mr. Koo's sworn affidavit in issuing her 9/30/19 order in K2.

6. Judge Schofield fraudulently claimed that I untimely apprised her of audio recording evidence that I received from the New York City Civilian Complaint Review Board, an Unusual Occurrence Report that I received from OCA, relevant excerpts from the New York State Court Officers Rule and Procedures Manual in spite of the fact that I shared all of that with Judge Schofield in a timely manner.

CONCLUSION

For the foregoing reasons, the orders that the Second Circuit issued on 3/1/22 and 3/30/22 in K1 as well as the dismissal order that Judge Schofield issued on 9/27/21 in K2 must be reversed.

Respectfully submitted,

Date: August 29, 2022

Towaki Komatsu

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