

In the Supreme Court of the United States

TOWAKI KOMATSU,
Petitioner,

v.

NTT DATA, INC., ET AL.

Respondents.

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

PETITION FOR REHEARING

Petitioner, pro se

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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. Towaki Komatsu
2. NTT Data, Inc.
3. Credit Suisse AG, aka Credit Suisse Securities (USA) LLC

RELATED CASES

1. *Komatsu v. NTT Data, Inc.*, No. 22-1405 (2d Cir. Oct. 20, 2022)
2. *Komatsu v. NTT Data, Inc.*, No. 16-2977 (2d Cir. July 12, 2018)
3. *Komatsu v. NTT Data, Inc.*, No. 15-7007 (LGS)(S.D.N.Y. May 17, 2016)
4. *Komatsu v. NTT Data, Inc.*, 139 S. Ct. 2027 (U.S. 2019)
5. *Komatsu v. NTT Data, Inc.*, No. 101264/2021 (Sup. Ct. NY Cty. Jun. 9, 2023)
6. *Komatsu v. NTT Data, Inc.*, cv-030955-12/NY (Civ. Ct., NY Cty.)
7. *Komatsu v. NTT Data, Inc.*, No. 16-069 (ARB, March 13, 2018)
8. *Komatsu v. NTT Data, Inc.*, No. 2016SOX00024 (OALJ, May 27, 2016)

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PETITION FOR REHEARING

I, Towaki Komatsu, am the petitioner and petition for rehearing of this Court's 5/30/23 order that denied my petition for a writ of certiorari. The acronyms shown in the next table's first column refer to ongoing and past litigation involving me to which I refer in this petition that is listed to the right in that table.

#	Acronym	Litigation
1	K1	<i>Komatsu v. NTT Data, Inc.</i> , No. 30955/12 (Civ. Ct., NY. Cty.)
2	K2	<i>Komatsu v. NTT Data, Inc.</i> , No. 15-cv-7007 (LGS) (S.D.N.Y. May 17, 2016)
3	K3	<i>Komatsu v. NTT Data, Inc.</i> , No. 16-2977 (2d Cir. July 12, 2018)
4	K4	<i>Komatsu v. NTT Data, Inc.</i> , 139 S. Ct. 2027 (U.S. 2019)
5	K5	<i>Komatsu v. NTT Data, Inc.</i> , No. 101264/21 (Sup. Ct., NY. Cty.) Jun. 9, 2023
6	K6	<i>Komatsu v. NTT Data, Inc.</i> , No. 22-1405 (2d Cir. Oct. 20, 2022)
7	K7	<i>Komatsu v. NTT Data, Inc.</i> , No. 16-069 (ARB, March 13, 2018)
8	K8	<i>Komatsu v. NTT Data, Inc.</i> , No. 2016SOX00024 (OALJ, May 27, 2016)
9	K9	<i>Komatsu v. New York City Human Resources Administration</i> , No. 100054/2017 (Sup. Ct., NY Cty., Feb. 26. 2020)
10	K10	<i>Komatsu v. City of New York</i> , No. 18-cv-3698 (LGS) (GWG) (S.D.N.Y. Sept. 27, 2021)
11	K11	<i>Komatsu v. City of New York</i> , No. 20-cv-7046 (ER) (GWG) (S.D.N.Y. Jun. 6, 2023) ¹
12	K12	<i>Komatsu v. City of New York</i> , No. 22-5681 (U.S. Jan. 23, 2023)
13	K13	<i>USA v. Komatsu</i> , No. 18-cr-651 (ST)(E.D.N.Y. Oct. 21, 2019)
14	K14	<i>Komatsu v. USA</i> , No. 21-cv-1838 (RJD)(RLM)(S.D.N.Y. Jan. 19, 2023)

The acronyms shown in the next table's first column refer to entities, places, and other things to which I refer in this petition that are described in that table's second column.

Acronym	Corresponds to
AAA	The American Arbitration Association
The Appellate Division	The New York State Supreme Court 's Appellate Division's First Department
ARB	The USDOL's Administrative Review Board
CS	Credit Suisse Securities (USA) LLC
CSOs	Federal court security officers
DPM	The Daniel Patrick Moynihan federal courthouse in Manhattan
FLSA	The Fair Labor Standards Act
HRA	The New York City Human Resources Administration

¹ This is a consolidated case.

Misi	M.I.S.I. Co. Ltd.
The Law Department	The New York City Law Department
My NTT contract	The contract that I signed with Misi in January of 2012 to work for CS for 1 year in Manhattan
NTT	NTT Data, Inc.
NYCCC	The New York City Civil Court in Manhattan
NYSSC	New York State Supreme Court
OSC	Order to show cause application
Second Circuit	U.S. Court of Appeals for the Second Circuit
SOX	The Sarbanes-Oxley Act
USDOL	U.S. Department of Labor
USMS	U.S. Marshals Service

Since Misi was fully acquired by NTT in 2012 prior to April of 2012, all references that I make in this petition to NTT that may technically be about Misi instead are being made to NTT for the sake of simplicity. For that same reason, when I state in this petition that something warrants rehearing and reversal of this Court's denial of my petition, I will simply say "warrants rehearing". Rule 44(2) of this Court prohibits me from using grounds that I previously presented to this Court for this appeal in support of this petition, but it doesn't bar me from elaborating about such grounds partly by discussing examples of them and clarifying them as long as I didn't previously do so. All references to "K15" in this petition refer to the appeal that I commenced to Appellate Division about the dismissal of K9 on 2/26/20. The short caption for that appeal is *Towaki Komatsu v. New York City Human Resources Administration* and its case number was 2020-02038. The orders that the Appellate Division issued in K15 on 5/11/21 and 6/1/21 correspond to a) *Komatsu v. New York City Human Resources Administration*, 2021 N.Y. Slip Op 65928 (App. Div. 2021) and b) *Komatsu v. New York City Human Resources Administration*, 195 A.D.3d 417, 144 N.Y.S.3d 574 (App. Div. 2021). They are also hereinafter referred to as "K16" and "K17", respectively. The next table lists a) exhibits that I incorporate by reference in

this petition as though fully set forth herein and **b)** where they're located in the PDF file for my 6/16/23 filing in K10 (Dkt. 118).

#	Description	Page
1	The order that was issued in K1 on 12/9/22 by NYCCC Judge Elana Baron.	16
2	The order that was issued in K1 on 1/9/23 by NYCCC Judge Kim Parker.	17
3	The order that was issued in K1 on 4/12/13 by Judge Lynn Kotler.	18
4	My NTT contract	19-24
5	A copy of page 15 in the supporting affidavit for the OSC that I filed in K9 on 8/31/17 while NYSSC Judge Alexander Tisch was then assigned to K9.	25
6	Page 19 in the supporting affidavit for the OSC that I filed in K9 on 8/31/17.	26
7	The decision that NYSSC Judge Lisa Sokoloff issued on 6/9/17 in K1.	27-33
8	The decision that Judge Tisch issued on 6/9/23 decision in K5.	34-45
9	The order that NYSSC Judge Jennifer Schechter issued on 10/6/15 in K1.	51

SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED AND INTERVENING CIRCUMSTANCES OF SUCH A NATURE THAT WARRANTS REHEARING

1. What I'll discuss shortly about the Second Circuit's decision in Sargent v.

Columbia Forest Products, Inc., 75 F.3d 86 (2d Cir. 1996) together with what I'll discuss in greater detail later about the following facts confirm that **a)** substantial grounds that I didn't previously present to this Court as well as intervening circumstances of such a nature exist that warrants rehearing of this Court's denial of my petition for a writ of certiorari for this appeal and **b)** I'm legally entitled to use K2 to litigate the entirety of what my claims against NTT and CS have been across multiple sets of related litigation:

a. The stays in K1 were lifted through orders that were issued on 12/9/22 and 1/9/23 in K1 at my request pursuant to 9 U.S.C. §4 in response to the fact that NTT defaulted on commencing an arbitration proceeding against me while this is also true about CS.

b. NTT illegally, willfully, and prejudicially violated the terms of the discovery order that NYSSC Judge Lynn Kotler issued in K1 on 4/12/13 that required NTT to provide me "all contractor records" by 5/31/13.

c. CS illegally, prejudicially, and willfully refused to comply with the subpoena for records that I was granted in K1 on 1/16/13 against CS that Judge Kotler's 4/12/13 discovery order was based upon.

d. Judge Tisch **a)** lied in his 6/9/23 decision in K5 partly by claiming that a stay was still in effect in K1 and **b)** retaliated against me in that decision by awarding costs to NTT in response to the fact that I complied with instructions that I was given by NYSSC Judge Lisa Sokoloff in her 11/28/16 and 6/9/17 decisions in K1. I'm referring to the fact that her remarks in those 11/28/16 and 6/9/17 decisions informed me that if I sought to be granted equitable relief about the order that NYSSC Judge Jennifer Schecter issued on 4/11/14 in K1, then I would need to seek that relief from a court that had the power to grant such relief while such courts included a supreme court.

e. Judge Tisch clearly and implicitly confirmed in his 6/9/23 decision in K5 that Judge Sokoloff lied to me about what I just discussed by pointing out that whatever relief that I sought about Judge Schecter's 4/11/14 order in K1 instead needed to be sought in K1.

2. The preceding discussion confirms that the exceptions to the Younger Abstention doctrine apply to warrant the immediate issuance of an order by this Court that **a)** vacates Judge Tisch's 6/9/23 decision in K5, **b)** orders the immediate removal of K1 and K5 to K2 for consolidation with K2 while K2 will be reinstated and reassigned to both a different judge and a different court that is located outside of the Second Circuit to allow for the appearance of justice to exist in K2.

3. Sargent points out that **a)** motions to recall the mandate and reinstate an appeal are reserved for "exceptional circumstances", **b)** the Second Circuit has "the power to reopen a case at any time", **c)** that power is part of its power "to protect the integrity of its own processes"

"and is analogous to the power conferred on district courts by Fed.R.Civ.P. 60(b)". Sargent also states the following:

- a. "One circumstance that may justify recall of a mandate is "[a] supervening change in governing law that calls into serious question the correctness of the court's judgment.""
- b. "those who have contested an issue shall be bound by the result of the contest, and that matters once tried shall be considered forever settled as between the parties."

4. The following 3 lies that Judge Tisch expressed in in his 6/9/23 decision in K5 relate to the last excerpt from Sargent that I just presented:

a. His lie on page 8 in which he claimed that my claims against NTT in K1 were "currently stayed" in K1 and were pending arbitration. Contrary to his lie, the 12/9/22 and 1/9/23 orders that were issued in K1 lifted all of the stays in K1 at my request after I pointed out in the OSC that I filed in K1 on 11/18/22 that the arbitration between NTT and I had technically been had as a result of the fact that **a)** the AAA denied me a waiver of its arbitration costs that I applied for to try to engage in arbitration against NTT, **b)** I ^{couldn't} possibly pay for the costs of engaging in arbitration against NTT, and **c)** NTT defaulted on commencing an arbitration proceeding against me.

b. His lie on page 8 in the footnote section in which he lied outright and by omission by **a)** irrelevantly stating that Judge Sokoloff didn't explicitly issue a finding in K1 that confirmed that I had sufficiently established in K1 that it was financially impossible for me to engage in arbitration against NTT and **b)** lying by claiming that no such finding could be plausibly inferred in the manner that I suggested. Judge Tisch fraudulently omitted the fact that Judge Sokoloff clearly and implicitly contradicted him about this on page 8 in her 6/9/17 decision in K1. The fact that Judge Tisch isn't an appellate judge and Judge Sokoloff is a NYSSC judge now also establishes that it was entirely improper for Judge Tisch to comment

about what Judge Sokoloff meant by her remarks in her 11/28/16 and 6/9/17 decisions in K1 instead of having her do so directly in K5 for his 6/9/23 decision.

c. His lie on page 1 in which he lied by claiming that Judge Kotler's 4/12/13 discovery order in K1 required NTT to provide me just "certain documents" by 5/31/13 instead of "all contractor records" that partly included NTT's contract with CS that **a)** is referenced on page 1 of my NTT contract and **b)** certainly would be of highly probative value partly for claims about SOX violations, tortious interference, breach of contract, and FLSA violations that I sought to pursue against both NTT and CS partly by filing a further amended complaint in K1.

5. The following additional facts about Judge Tisch's 6/9/23 decision in K5 further confirm that **a)** the exceptions to the Younger Abstention doctrine apply to K5 and **b)** rehearing for my petition for a writ of certiorari for this appeal is clearly warranted:

a. While he commented partly on pages 2 and 9 of his 6/9/23 decision about the order that NYSSC Judge Jennifer Schecter issued on 4/11/14 in K1 that granted NTT's motion to compel arbitration, he fraudulently:

i. Omitted the material fact that she prejudicially and illegally ignored the affidavit dated 11/12/13 that I filed in K1 in opposition to that motion to compel arbitration in which I sought to have a judge in K1 issue an order that would compel CS to fully comply with the subpoena for records that I was granted on 1/16/13 in K1 in response to the fact that I was contacted by an attorney for CS on 3/14/13 as he informed me then that CS wouldn't comply with that subpoena's terms.

ii. Omitted the material fact that what I just discussed confirms that she lied in the order that she issued in K1 on 10/6/15 by fraudulently claiming that **a)** she hadn't

overlooked nor misapprehended anything when she issued her 4/11/14 order and **b)** there wasn't any reason to vacate her 4/11/14 order.

iii. Suggested that I could have been granted declaratory relief about the arbitration provision in my NTT contract by Judge Schecter in 2014 in K1 or otherwise in K1 within 6 years thereafter. Contrary to his lie, what I just discussed about Judge Schecter ruled her out about this point because of her illegal refusal to properly consider the information that I presented to her. Also, the fact that hindsight confirms that Judge Sokoloff's instructions to me in her 11/28/16 and 6/9/17 decisions in K1 sent me on a wild goose chase in my efforts to be granted equitable relief about Judge Schecter's 4/11/14 order in K1 that Judge Tisch confirmed by refusing to grant me relief about that in K5 establishes that Judge Sokoloff couldn't be relied upon to grant me relief in K1 about the arbitration in my NTT contract.

b. Although he flagrantly violated CPLR §2219 by illegally not issuing his 6/9/23 decision in K5 within 60 days after the legal filings that he considered for the purpose of issuing his 6/9/23 decision were filed in K1, he demonstrated bad-faith by ignoring **a)** estoppel as he harped on the fact that my submissions in K1 exceeded applicable page and word limits and **b)** the fact that he was authorized to waive those page and word limits partly because I'm a pro se litigant in order to accord me special solicitude.

c. He lied by claiming that I ^{have} unfettered access to the courts instead of properly acknowledging the material fact that my access to the courts has long been and remains very obstructed. This is partly because people like him illegally and materially lie about what the facts are in litigation of mine. This is borne out partly by the fact that he **a)** lied by claiming that K1 is stayed and **b)** completely and prejudicially ignored my point in K5 about the fact that CPLR §325 confirms that he was authorized to remove K1 to K5 and consolidate K1 with K5. He was

authorized to do so partly in response to the fact that I clearly apprised him of the fact that NYCCC Judge Jeanine Johnson lied in her 4/12/23 order in K1 by fraudulently claiming that the relief that I specified in the OSC that I filed in K1 on 4/12/13 was unidentifiable. She lied about that after NYCCC Judge Jose Padilla, Jr. issued an order on K1 on 11/21/22 in response to the OSC that I filed in K1 on 11/18/22. His 11/21/22 order confirms that he illegally ignored the primary and vast majority of the relief that I sought to be granted in that OSC in response to the fact that NTT substantially and prejudicially violated Judge Kotler's 4/12/13 discovery order in K1 partly by illegally not providing me a copy of NTT's contract with CS. Together with what I just discussed, the fact that the following remarks on page 1 of my NTT contract were about that contract between NTT and CS firmly established that the part of CPLR §325 that confirms that Judge Tisch was authorized to conclude that K1 wasn't an adequate legal forum for my claims against NTT and that I had mistakenly commenced K1 with the NYCCC instead of properly commencing it with the NYSSC was something that Judge Tisch prejudicially ignored as he fraudulently dismissed K5 instead on 6/9/23 while subjecting me to obstruction of justice:

"Attached hereto as Exhibit B is a copy of M.I.S.I.'s agreement(s) with Client(s) from which financial information has been redacted (individually and collectively, the "Client Contract")"

6. On 5/9/23, U.S. District Judge Lorna Schofield fraudulently smeared my reputation in remarks that she made in her decision in *Reisman v. Northeastern Power and Gas LLC*, No. 23-cv-620 (LGS) (S.D.N.Y. May 9, 2023) as she lied by suggesting that I have made racial slurs. I haven't done that. She also fraudulently omitted the material fact in that decision that CSOs have often expressed "offensive, abusive, and insulting language" towards me inside of DPM since February of 2018 that illegally provoked me into also expressing such remarks in legal filings in K10 as Judge Schofield and other federal judges illegally condoned and enabled illegal and

otherwise abusive acts and omissions against me by CSOs and personnel of the USMS inside of federal courthouses by refusing to intervene on my behalf against CSOs and the USMS. The fact that Judge Schofield has pretextually opted to ignore a request that I made on 5/20/23 to intervene in *Reisman* to defend my reputation partly by pointing out that she lied by suggesting that I made a racial slur is part of a larger pattern by her of engaging in fraudulent behavior through her acts and omissions. That fact should also call into serious question whether deep-seated animus that she has towards me is really what spurred her to issue her 6/28/22 memo endorsement in K2 that has illegally blocked me from commencing new civil actions against NTT and CS with the U.S. District Court for the Southern District of New York. I seek to do so partly to be relieved of her 5/17/16 decision in K2 pursuant to FRCP Rule 60 and fraud on the court and obstruction of justice that NTT and CS committed against me partly in K1 that I discussed above.

7. The fact that this Court's 6/23/23 decision in *United States v. Hansen*, No. 22-179 (U.S. Jun. 23, 2023) points out that **a)** facilitation that includes aiding and abetting "is the provision of assistance to a wrongdoer with the intent to further an offense's commission" **b)** words may be enough to engage in facilitation and criminal solicitation and "both require an intent to bring about a particular unlawful act" substantially supports the following assertions:

a. Judge Schofield is subjecting me to criminal obstruction of justice partly by refusing to let me pursue my claims against NTT and CS in federal court litigation in the Southern District of New York after she fraudulently ignored the fact that Francis Convery of NTT committed perjury about material facts in the sworn affidavit dated 9/23/15 that was filed in K2. She is illegally refusing to let me do so in spite of the fact that the lifting of the stays in K1 entitles me to do so.

b. For the reasons that I discussed above, Judge Tisch and Judge Schecter subjected me to criminal obstruction of justice in K5 and K1.

8. The fact that the Second Circuit stated the following in its 5/30/23 decision in *Curry-Malcolm v. Rochester City Sch. Dist.*, No. 21-2683 (2d Cir. May 30, 2023) is an intervening circumstance that warrants rehearing because this speaks to the fact that it's appropriate to vacate Judge Schofield's 6/28/22 memo endorsement in K2 because she prejudicially didn't consider that facts and circumstances would change after 6/28/22 that would warrant allowing me to exercise my rights pursuant to 9 U.S.C. §4 and equitable tolling to commence a new federal civil court action in New York City to litigate my claims against NTT and CS in court:

- a. "the District Court overlooked the sections relevant to the sanction in reimposing it"
- b. "we vacate the leave-to-file sanction so that the court may fully consider Curry-Malcolm's mislabeled affidavit"
- c. "It is not clear that, on remand, Curry-Malcolm received a meaningful opportunity to be heard. Although Curry-Malcolm submitted her affidavit in support of her motion for recusal, it contained matter that could be deemed pertinent to the leave-to-file sanction."

9. The following excerpts from the decision that former U.S. District Judge William Pauley issued on 3/6/07 in *National Council of Arab Americans v. the City of New York*, No. 04-cv-6602 (WHP)(S.D.N.Y. March 6, 2007) that were about restraints imposed on First and Fourteenth Amendment rights by government personnel apply to why this Court needs to overrule Judge Schofield and the Second Circuit by letting me exercise my First Amendment rights in K2 to litigate my claims against NTT and CS:

- a. "[C]ourts must . . . be cognizant of disguised attempts to refuse the fullest scope of free speech allegedly based on governmental concerns"
- b. "this Court need not accept Defendants' proposed justifications at face value. "Because the excuses offered for refusing to permit the fullest scope of free speech are often disguised, a court must carefully sort through the reasons offered

to see if they are genuine.””

10. The lies, fraud, and obstruction of justice against me by Judge Schecter in K1, Judge Tisch in K5, and Judge Schofield in K2 that I discussed above are consistent with the kind of “deliberate ignorance” and recklessness that this Court discussed in its 6/1/23 decision in United States ex rel. Schutte v. Supervalu Inc., No. 21-1326 (U.S. Jun. 1, 2023).

11. Although this Court may assume that I could resort to pursuing an appeal with the Appellate Division about K5 and K1, this Court would be mistaken about that for the following reasons:

a. Hindsight confirms that the Appellate Division made the following baseless, biased, and prejudicial claims in its 6/1/21 order in K17 while this fact and what I will briefly discuss next establishes that **a)** the Appellate Division isn’t a legal forum that conducts its operations in accordance with my constitutional rights and **b)** this Court needs to therefore act in place of the Appellate Division for this appeal:

i. Assertions about judicial impropriety partly by Judge Tisch in K9 that I made in the appeal that order was about were unavailing. Contrary to that lie, Judge Tisch illegally subjected me to obstruction of justice in K9 by ignoring the entirety of the exhibits that were stored on the USB thumb drive that I submitted together with and in support of the OSC that I filed in K9 on 8/13/18. He has never explained why he illegally ignored that evidence. He instead issued an order on 8/17/18 in K9 with biased and fraudulent findings about that OSC. A motion that I filed in that appeal on 3/10/21 is available as a PDF file from a New York State Courts web site at

[https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=F/sEeMIXKEFx0OGGWEVxZg==&display=all&courtType=Appellate Division - 1st Dept&resultsPageNum=1](https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=F/sEeMIXKEFx0OGGWEVxZg==&display=all&courtType=Appellate%20Division%20-%201st%20Dept&resultsPageNum=1). Rena Malik is Judge Tisch’s court attorney and was so on 8/13/18. The last paragraph on page 254 of the PDF

file to which I just referred is part of an e-mail that I sent to her on 9/5/18 in which I discussed my 8/13/18 OSC in K9 and the fact that Judge Tisch illegally ignored the exhibits that were stored on the USB thumb drive that I submitted in conjunction with that OSC. The fact that some of the exhibits that were stored on that USB were about NTT confirms that he was legally required to recuse himself from K5 because it's about NTT and he previously subjected me to obstruction of justice in August of 2018 partly about NTT.

ii. A motion that I made in K9 to substitute the City of New York for HRA was properly denied and was already decided against me in K9. Contrary to that lie, NYSSC Judge Nancy Bannon implicitly authorized me to add the City of New York as an additional defendant in K9 in response to the OSC that I filed in K9 on 5/19/17. This fact is borne out by the following excerpts from pages 2 and 9 thru 10 in her 8/10/17 decision in K9 that **a)** caused K9 to be reassigned to Judge Tisch and **b)** confirm that she let me proceed with claims that I asserted against personnel of City of New York government agencies that concerned illegal acts that they committed against me at public meetings that were public forums partly by illegally barring me from them while I conducted myself in a lawful manner and sought to attend them partly to engage in whistleblowing against NTT and contracts that the City of New York had with NTT:

- 1) "The petition/complaint also seeks money damages and/or injunctive relief against the HRA and several other municipal agencies and their employees, asserting that his personal property was stolen due to the HRA's alleged negligence in providing security in the homeless shelter in which he resided , his wages were stolen or converted by the HRA, and he was unlawfully precluded from public meetings of municipal agencies in violation of his constitutional rights."
- 2) "ORDERED that the remaining causes of action in the petition/complaint, which allege that the respondent/defendant was negligent in the provision of security at a homeless shelter, converted the petitioner/plaintiff's property to its own use, and

unlawfully precluded the petitioner/plaintiff from attending certain public meetings, and seek both damages and injunctive relief, are severed, and the matter is referred to the Trial Support Office for reassignment to a City Part of this court.”

iii. My complaint in K9 didn’t state a claim against HRA because the allegations in it didn’t implicate HRA. Contrary to the Appellate Division’s lie about this, discovery material that I received from the Law Department on 2/1/21 as discovery material in K10 contained smoking-gun e-mail evidence that confirms that senior HRA personnel who worked closely with former HRA Commissioner Steven Banks illegally acted in concert with other City of New York personnel as far back as 4/13/17 that proximately caused me to be illegally barred from public meetings that were public forums and otherwise illegally discriminated against in regards to attending them as that practice persisted for a long time thereafter and gave rise to my claims in K10 and K11. My petition for a writ of certiorari for K12 is available as a PDF file on this Court’s web site at https://www.supremecourt.gov/DocketPDF/22/22-5681/238777/20220926145359471_20220926-144306-00003601-00011766.pdf. The relevant excerpts that are shown on page 21 in that PDF file and are from an e-mail message that Raquel Lucas sent on 4/13/17 at 9:40 am are from the discovery material that I received on 2/1/21 from the Law Department and confirm that the scheme to cause me to be illegally barred from attending public meetings that were public forums and otherwise discriminated against in regards to them was driven by senior HRA personnel. When the Appellate Division stated the following in its 5/11/21 order in K17, it was referring to the fact that it opted to prejudicially ignore the information in the discovery material that I received on 2/1/21 from the Law Department that was subject to an unenforceable protective and confidentiality order that were issued on 1/15/21 by a biased former General Counsel of HRA named Gabriel Gorenstein. He is now a U.S.

Magistrate judge and was assigned to K10 and K11. His 1/15/21 protective and confidentiality orders in K10 weren't enforceable against me partly because City of New York personnel ^{K9} illegally violated the sealing order that was issued in ~~K10~~ at my request. My 3/10/21 filing in K15 that I discussed earlier contains information on page 24 and 25 in its PDF file in which I urged the Appellate Division to order the Law Department to provide me an exact copy of the discovery material that I received from it on 2/1/21, but without ^{and} ~~and~~ confidentiality and protective order in place. The Appellate Division referred to that request for injunctive relief in its 5/11/21 order as it confirmed that it biasedly and prejudicially denied that request. I sought that relief to be able to freely use that discovery material in other litigation.

12. What I discussed above about obstruction of justice against me by NTT, CS, and judges is consistent with the following remarks by this Court in its 6/22/23 decision in Pugin v. Garland, No. 22-23 (U.S. Jun. 22, 2023) about what obstruction of justice entails:

- a. "The offense "captures every willful act of corruption, intimidation, or force that tends somehow to impair the machinery of the civil or criminal law."
- b. "obstruction of justice covers "the crime or act of willfully interfering with the process of justice and law," including "by influencing, threatening, harming, or impeding a witness, potential witness, juror, or judicial or legal officer or by furnishing false information in or otherwise impeding an investigation or legal process."

13. Judge Tisch also lied in his 6/9/23 decision in K5 by fraudulently claiming that an attorney for NTT named Lisa Griffith didn't violate New York State Judiciary Law §487 by engaging in deceit in the memorandum of law that she filed in K5 on 3/1/22 as she lied in it by claiming that NTT complied with Judge Kotler's 4/12/13 discovery order in K1. Her lie then about that was a continuing violation that is one of the things that entitles me to equitable tolling for my claims against NTT.

14. In this Court's 6/1/23 decision in Slack Technologies, LLC v. Pirani, No. 22-200 (U.S. June 1, 2023), it stated that its "only function lies in discerning and applying the law as we find it." I am respectfully urging this Court to do precisely this now.

Respectfully submitted,

Towaki Komatsu



Date: June 24, 2023

CERTIFICATE OF PETITIONER

I hereby certify that this petition for rehearing is presented in good faith and not for delay and is otherwise restricted in scope to the grounds specified in Rule 44.2.



Towaki Komatsu