NO. 22-858

In the
Supreme Court of the United States

JOHN W. FINK, Petitioner,

v.

JONATHAN L. BISHOP; KAYDON A. STANZIONE; JOSEPH M. TROUPE; SUEZ WTS USA, INC.; ADT INC.; EDGELINK, INC.; PRAXIS TECHNOLOGIES CORPORATION; PRAXIS TECHNOLOGIES, INC.; J. PHILIP KIRCHNER; and FLASTER/GREENBERG, P.C., Respondents

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

PETITION FOR Writ Of Certiorari

John W. Fink
Pro Se
6812 Yellowstone Blvd.
Apt. 2V
Forest Hills, NY 11375
johnlawsuit@earthlink.net
718-459-3541

ORIGINAL

QUESTIONS PRESENTED

In my underlying complaint which invoked F.R.C.P. ("Rule") 60(d), I alleged two judges in the District of New Jersey had deprived me of due process by committing a combined 50+ judiciary violations, including their use of extrajudicially sourced facts. These violations constituted a pattern that spans four related prior cases and revealed the judges bias against me.

In a Rule 12(b)(6) proceeding in the underlying case, the presiding judge dismissed my case. In doing so, he also committed judiciary violations, thereby revealing his bias against me. The Court of Appeals for the Third Circuit affirmed his decision.

Significantly, the four Respondents who participated in this matter did not disprove with specificity *any* of the facts supporting my allegations about the pattern of 50+ judiciary violations.

The Questions Presented are:

- Did the Third Circuit judges repeatedly fail to impartially decide my underlying appeal case, as well as other previous appeal cases of mine?
- Did the Third Circuit fail to conduct a true plenary hearing, especially since they did not address *any* of the 50+ judiciary violations which had deprived me of due process and which the Respondents had not disproved with specificity?

PARTIES TO THE PROCEEDING

I, John W. Fink, petition this Court for a writ of certiorari regarding claims against the Respondents. Only Respondents Steven W. Davis[1]; SUEZ WTS USA, Inc.[2] (combined, the "Suez Respondents"); J. Philip Kirchner, Esq., and Flaster Greenberg, P.C. (the last two parties combined, the "F/G Respondents"; all combined, the "F/G-Suez Respondents") participated and moved to dismiss my case in the district court and only they opposed my subsequent appeal to the Third Circuit.

RELATED CASES

1. U.S. District of New Jersey; No. 1:09-cv-05078; *John W. Fink v. EdgeLink, Inc., and Kaydon A. Stanzione*; Judgment: March 27, 2012.

2. U.S. Third Circuit; No. 12-2229; *John W. Fink v. EdgeLink, Inc., Kaydon A. Stanzione*; Judgment: January 21, 2014.

3. U.S. District of New Jersey; No. 1:13-cv-03370, *John W. Fink v. Jonathan L. Bishop, Kaydon A. Stanzione, Joseph M. Troupe, GE Betz, Inc.,[3] Steven W. Davis, Praxis Technologies Corporation, Praxis Technologies, Inc., ADT Security Services, Inc.*; Judgment: June 16, 2015.

---

[1] Inadvertently included twice in initial caption.
[2] Now known as VEOLIA WTS USA, INC.
[3] GE Betz, Inc. subsequently renamed as SUEZ WTS USA Inc.

4. U.S. Third Circuit; No. 15-2689; *John W. Fink v. Jonathan L. Bishop; Kaydon A. Stanzione; Joseph M. Troupe.; GE Betz, Inc.; Steven W. Davis; Praxis Technologies Corporation; Praxis Technologies, Inc.; ADT Security Services, Inc.*; Judgment: February 2, 2018.

5. U.S. District of New Jersey; No. 1:12-cv-04125; *John W. Fink v. J. Philip Kirchner, and Flaster/Greenberg P.C.*; Judgment: April 5, 2016 and December 20, 2016.

6. U.S. Third Circuit; No. 17-1170; *John W. Fink v. J. Philip Kirchner; Flaster/Greenberg P.C.*; Judgment: July 3, 2018.

7. U.S. Supreme Court; No. 18-399; *John W. Fink v. J. Philip Kirchner, et al.*; Judgment: December 3, 2018.

8. U.S. District of New Jersey; Case No. 2:19-cv-09374; *John W. Fink v. J. Philip Kirchner and Flaster Greenberg, P.C.*; Judgment: January 8, 2020, June 16, 2020, November 23, 2020.

9. U.S. Third Circuit; No. 20-3572; *United States of America, J. Philip Kirchner, Flaster Greenberg, P.C.*; Judgment: October 1, 2021.

10. U.S. District of New Jersey; 23-cv-00566; *John W. Fink v. Jonathan L. Bishop, Kaydon A. Stanzione, Joseph M. Troupe, Steven W. Davis, Suez WTS USA, Inc., Johnson Controls Security Solutions LLC, EdgeLink, Inc., Praxis Technologies Corporation, Praxis*

Technologies, Inc., J. Philip Kirchner, Flaster/Greenberg, P.C.; Judgment: Pending.[4]

[4] Initially filed on December 29, 2022 in the U.S. District Court of the Southern District of New York as Case No. 1:22-cv-10978 before being transferred to the District of New Jersey per the transfer order dated January 25, 2023 (Appx. F at 37a). (Discussed below.)

TABLE OF CONTENTS

APPENDIX TABLE OF CONTENTS

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS AND STATUTES

PETITION FOR A WRIT OF CERTIORARI

I, John W. Fink, a pro se litigant, respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit in this case.

OPINIONS AND JUDGMENT BELOW

The opinion (Not Precedential) and judgment of the court of appeals (Appx. B at 3a-10a; Appx. C at 11a-12a, respectively) and the order denying rehearing and rehearing en banc (Appx. A at 1a-2a) are attached. The opinion (Not for Publication) and order of the District of New Jersey court (Appx. D at 13a-14a; Appx. E at 15a-31a, respectively) are attached, as is the transfer order of the Southern District of New York court (Appx. F at 32a-37a).

STATEMENT OF JURISDICTION

The opinion and judgment of the Third Circuit was entered on September 28, 2022. (Appx. B at 3a-13a.) The court of appeals denied the appellant's timely petition for rehearing and rehearing en banc on November 28, 2022. (Appx. A at 1a-2a.) Petitioner requests a writ of certiorari pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

None.

STATEMENT OF THE CASE

A. Introduction.

Our judicial system requires an impartial judge sitting at its center. No true or fair decision can be rendered by a judge who favors one or more of the parties as occurred in this case and its four predecessors. A decision rendered by a less than an impartial judge constitutes a grave miscarriage of justice. To correct such an injustice, I am petitioning for a writ of certiorari.

S. Ct. R. 10 states that "[a] petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law." In this instance, given the sheer number of "erroneous factual findings" across five cases (including this one), I assert this situation now warrants this Court's intervention so as to ensure my Constitutional right to due process.

These "erroneous factual findings" also reveal a pervasive pattern which demands this Court's attention so as to ensure the proper maintenance of the Judiciary Branch.

In the underlying case, I alleged in my complaint that in the four prior cases, the presiding district and appellate judges had repeatedly committed "erroneous factual findings." By their sheer number (more than 50 at the district level alone), these erroneous factual findings" made the application of a "properly stated rule of law" impossible. In short,

those district and appellate judges had denied me due process.

The underlying case, my first action which specifically invoked Rule 60(d), was dismissed in a Rule 12((b)(6) proceeding even though I had specifically identified the existence of more than 50 "erroneous factual findings" and detailed with specificity many instances of them in my complaint and various filings. Further, the Respondents who participated in this case did not dispute with specificity *any* of the "erroneous factual findings" which I detailed, nor that there were more than 50 of them.

Not only did the lower courts commit 50+ "erroneous factual findings" in the four prior district cases, the presiding judges in this underlying case and subsequent appeal also committed judiciary violations of their own.

Therefore, this Court needs to grant a writ of certiorari and needs to address this systemic problem.

Finally, given the factual nature of this matter, this Court should consider resolving this matter based solely on the papers; oral arguments would not appear to be necessary.

B. Docket Abbreviations.

Abbreviations for three court dockets referenced in the footnotes herein:

DE = Docket Entry for case 21-cv-00063, the underlying district case; uses the formal pagination

at bottom of the page.

CA-DE = Docket Entry for appeal case, No. 21-2651 (the appeal of case 21-cv-00063); uses the formal pagination at bottom of the page, except where otherwise indicated.

SDNY-DE = Docket Entry for case 22-cv-10978, the U.S. District Court for the Southern District of New York ("SDNY"); uses the pagination at top of the page.

C. District Judges Denied Due Process.

This petition addresses the following cases, all decided in the District of New Jersey: (i) two summary judgment decisions – Case No. 1:09-cv-05078 ("EdgeLink Litigation") and Case No. 1:12-cv-04125 ("Kirchner Litigation") – and (ii) three cases dismissed before discovery commenced – Case No. 1:13-cv-03370 ("Bishop-I Litigation"), Case No. 2:19-cv-09374 ("Newark Litigation"), and Case No. 1:21-cv-00063 ("Bishop-II Litigation").[5]

The Honorable Noel L. Hillman, USDJ, presided in the first three of these cases (the EdgeLink, Kirchner and Bishop-I Litigations).[6] The Honorable Kevin McNulty, USDJ, presided in the fourth case, the Newark Litigation.[7] The Honorable Robert B. Kugler, USDJ, presided in the underlying district

---

[5] CA-DE 25-1 at 1-2.

[6] CA-DE 25-1 at 1-2 (Judge Hillman's chambers exist in the Camden Courthouse).

[7] CA-DE 25-1 at 2 (Judge McNulty's chambers exist in the Newark Courthouse).

case, the Bishop-II Litigation.[8]

In each of the four prior cases, the presiding judge granted the motions for summary judgment or dismissal.[9] I appealed each case.[10] The Third Circuit affirmed each appealed decision except for two in the Newark Litigation which the Third Circuit concluded (incorrectly) were beyond its jurisdiction.[11]

My complaint in the underlying Bishop-II Litigation constituted my first explicitly stated independent action under Rule 60(d).[12] In it, I alleged I had been deprived of due process by Judge Hillman and Judge McNulty in four prior cases because these judges had committed 50+ judiciary violations, including the use of extrajudicially sourced facts.[13]

I also alleged these two district judges had committed fraud on the Third Circuit.[14]

D. The First Three Cases.

a. Judge Hillman Decided These Cases.

Judge Hillman committed at least 30+ judiciary violations, including the use of at least six extrajudicially sourced facts (all disputable/false/meaningless), which span the three

---

[8] CA-DE 25-1 at 1 (Judge Kugler's chambers exist in the Camden Courthouse).

[9] CA-DE 25-1 at 17, 19, 23, 26-27.

[10] CA-DE 25-1 at 19-20, 24, 27; DE 50.

[11] CA-DE 25-1 at 19, 21, 25, 27-28; CA-DE 26-1 at 13-14 (circled pagination at bottom right-hand portion of the pages).

[12] CA-DE 25-1 at 10; also *see* DE 1 at 1 ¶1.

[13] CA-DE 25-1 at 1-2.

[14] CA-DE 25-1 at 2.

cases over which he presided.[15]

Not only did Judge Hillman use extrajudicially sourced facts, he also independently introduced them without providing any prior notification to the parties, a distinct disadvantage to the sole disfavored party, me.[16] As a result, he deprived me of due process, a grave injustice.

b. Third Circuit Affirmed These Three Decisions.

The Third Circuit affirmed Judge Hillman's three decisions.[17]

In the EdgeLink Litigation, a summary judgment decision, the Third Circuit echoed at least six judiciary violations contained in Judge Hillman's analysis.[18] Also, the Third Circuit independently introduced at least one additional extrajudicially sourced fact.[19]

In the Bishop-I Litigation, decided prior to discovery, the Third Circuit echoed Judge Hillman's alleged findings of fact and conclusions of law even though I, the nonmoving party, showed them to be

---

[15] CA-DE 25-1 at 2, 5, 11, 17 (*see* FN 14); DE 1 at 32-35 ¶162-171 (EdgeLink Litigation violations), 48 ¶234-242, (Bishop-I Litigation violations), 66-72 ¶320-339 (Kirchner Litigation violations), 87-88 ¶413-414 (absence of contradictory facts in the Newark Litigation record).

[16] CA-DE 25-1 at 2, 5, 11, 17 (*see* FN 14), 39; also *see* DE 1 at 68 ¶326.

[17] CA-DE 25-1 at 1-2.

[18] CA-DE 25-1 at 19; DE 1 at 3-37 ¶177-180.

[19] CA-DE 25-1 at 19.

incorrect.[20] For example, citing Judge Hillman, the Third Circuit stated that "Fink is wrong that he pleads new facts about the [Suez Respondents]." [21] The Third Circuit reached this conclusion based solely on one of Judge Hillman's opinions which erroneously described documents as addressing the Suez Respondents when those documents did not even mention either one of the two Suez Respondents.[22]

In the Kirchner Litigation, a summary judgment decision, the Third Circuit, among its other errors, used an extrajudicially sourced fact (false) which Judge Hillman had independently introduced into the proceeding without prior notification to the parties.[23] Also, the Third Circuit did not address my complaint statement that disputed that fact: I stated Kirchner, by tampering with evidence, had killed the February 2008 Settlement of my legal disputes (in effect, the court impermissibly assigned a zero value to my statement).[24]

c. My Former Petition for a Writ of Certiorari.

On September 20, 2018, I filed a petition for a writ of certiorari with the U.S. Supreme Court – Case No. 18-399 – which addressed numerous "erroneous factual findings" committed by Judge Hillman and

---

[20] CA-DE 25-1 at 21.

[21] CA-DE 25-1 at 21; also *see* DE 1 at 51 ¶249.

[22] CA-DE 25-1 at 21; also *see* DE 1 at 51-54 ¶249-256.

[23] DE 1 at

[24] CA-DE 25-1 at 15-16, 25; also *see* DE 1 at 68-69 ¶328, at 74-75 ¶351-354.

the Third Circuit in deciding and affirming, respectively, the Kirchner Litigation.[25] This Court denied my petition and my December 28, 2018 rehearing petition.[26]

E. The Newark Litigation.

a. Judge McNulty Deprived Me of Due Process.

On April 3, 2019, I filed the Newark Litigation against the F/G Respondents and others who were not named in the Bishop-II Litigation.[27] The F/G Respondents moved to dismiss my complaint via a pre-discovery motion.[28]

I filed a cross motion ("Void Motion-1") and requested under Rule 60(b)(4) that the court declare void/vacant two summary judgments decisions rendered by Judge Hillman in 2016 in the Kirchner Litigation.[29]

Void Motion-1 presented facts in support of my allegation that Judge Hillman, in granting the F/G Respondents summary judgment in his December 20, 2016 decision, had committed at least 20 judiciary violations, including the use of five

---

[25] CA-DE 25-1 at 25; DE 1 at 75 ¶356; U.S. Supreme Court Case No. 18-399, petition, at 16-17, 20-45.

[26] CA-DE 25-1 at 25; also *see* U.S. Supreme Court Case No. 18-399, rehearing denial.

[27] CA-DE 25-1 at 25; also *see* DE 37 at 90 ¶383 (corrected date typo – "5078, 2019" – in DE 1 at 75 ¶358).

[28] CA-DE 25-1 at 25.

[29] CA-DE 25-1 at 25-26.

extrajudicially sourced facts.[30] The F/G Respondents did not dispute with specificity any of these 20 judiciary violations.[31] As such, no facts existed in the Newark Litigation record which disproved my allegation as to these violations.[32]

On January 8, 2020, Judge McNulty rendered a decision ("Decision-1") in which he denied Void-Motion-1 and stated he "detected no flaw" in Judge Hillman's dispositive decisions in the Kirchner Litigation in the year 2016.[33]

b. Judge McNulty's Erroneous Conclusion.

On June 16, 2020, Judge McNulty rendered a decision ("Decision-2") as to my reconsideration motion ("Jan-2020 Reconsideration Motion").[34] He stated that he had considered the "20 purported summary judgment rule violations." [35] Judge McNulty also stated (incorrectly) that I had newly raised "five other errors" in my Jan-2020 Reconsideration Motion.[36]

---

[30] CA-DE 25-1 at 25-26.

[31] CA-DE 58 at 2; the Suez Respondents were not named as defendants in the case.

[32] CA-DE 58 at 3 ("no supporting facts for [Judge McNulty's] conclusion existed in the record before him" as to his finding that Judge Hillman's decisions had contained "no flaw").

[33] CA-DE 25-1 at 26, 33 ("no facts in the Newark Litigation record supported [Judge McNulty's] conclusion").

[34] CA-DE 25-1 at 26.

[35] CA-DE 25-1 at 34.

[36] CA-DE 25-1 at 26.

c. I Moved for the Court to Declared Decision-1 and Decision-2 Void/Vacant.

On July 1, 2020, I filed a motion (amended on July 14, 2020 ("Void Motion-3")) under Rule 60(b)(4) to declare void/vacant *Judge McNulty's* Decision-1 and Decision-2.[37] For the first time, I alleged that Judge McNulty had deprived me of due process.[38]

Judge McNulty's November 23, 2020 decision ("Decision-3") denied Void Motion-3, stating (erroneously) it contained "[n]othing new;" i.e., he did not acknowledge that my Void Motion-3 had alleged he had deprived me of due process, nor presented any factual findings to contradict that allegation.[39]

d. My Motion for the Recusal of Judge McNulty.

Following Decision-2, I also moved for the recusal of Judge McNulty.[40] Judge McNulty denied my motion as part of Decision-3.[41]

e. My Appeal of Judge McNulty's Decisions.

In opposition to my appeal brief, the F/G Respondents (the only parties to oppose the Newark

---

[37] CA-DE 25-1 at 27, 37.

[38] CA-DE 25-1 at 27.

[39] CA-DE 25-1 at 27, 31 ("a serial motion for reconsideration"), 33; also *see* CA-DE 26-2 at 23-32 (circled pagination at bottom right-hand portion of the pages), 23-32 (circled pagination at bottom right-hand portion of the pages)).

[40] NWK-DE 66 at P. 7.

[41] NWK-DE 66 at P. 7.

Litigation appeal case) alleged my notice had not been timely.[42] In my reply, I stated that (i) I had filed Void Motion-3 under Rule 60(b), (ii) the F/G Respondents' timeliness allegation only consisted of vague comments, and (iii) therefore the Third Circuit should reject the F/G Respondents' allegation.[43]

f. Appeal's Timeliness as to Decision-1 and Decision-2.

The Third Circuit did not address my statements as to the timeliness of part of my notice of appeal.[44]

The Third Circuit stated that "Judge McNulty *appears* to have treated [my Void Motion-3] as a serial Rule 59(e) motion." [45] [Emphasis Added.] The court did so even though Judge McNulty had not even explicitly reference Rule 59(e) in his opinion.[46] The Third Circuit did not request clarification from the parties as to which Rule I invoked.[47]

The Third Circuit concluded that its decision could not "directly reach" Decision-1 and Decision-2 even though the Third Circuit acknowledged that "Fink

---

[42] CA-DE 25-1 at 30 (*see* CA-DE 65 at 4 (pagination at top of page) – errata sheet with correction for a cited sentence).

[43] CA-DE 25-1 at 30.

[44] CA-DE 26-1 at 11-16 (circled pagination at bottom right-hand portion of the pages).

[45] CA-DE 25-1 at 9-10.

[46] CA-DE 25-1 at 29 ("offer[ed] only one reason for doing so").

[47] CA-DE 25-1 at 27-31; also *see* CA-DE 26-1 at 11-16 (circled pagination at bottom right-hand portion of the pages).

invoked Rule 60(b)(4)." [48]

The Third Circuit did not acknowledge that Void Motion-3 sought to void Judge McNulty's decisions because he had deprived me of due process.[49] Instead, the court, citing Judge McNulty's Decision-3, stated "[Void Motion-3] raised nothing new." [50]

g. The Appeal of My Recusal Motion.

The Third Circuit affirmed Judge McNulty's decision to deny my recusal motion.[51] In doing so, that Court did not consider whether Judge McNulty had committed judiciary violations when he rendered Decision-1 and Decision-2.[52]

F. The Underlying District Case.

My underlying complaint constituted my first independent action under Rules 60(d)(1) & (3) in which I alleged that Judge Hillman and Judge

---

[48] CA-DE 26-1 at 13 (*see* FN 3) ("Fink invoked Rule 60(b)(4) [in Void Motion-3] and does the same on appeal") and at 13 ("We construe Fink's [Void Motion-3], and refer to it hereafter, as a Rule 60(b) motion"), 14 ("we review [Void Motion-3] and his related motion for recusal. We have jurisdiction under 28 U.S.C. § 1291 to that extent.") (Citations reference circled pagination at bottom right-hand portion of the pages).

[49] CA-DE 26-1 at 10-16 (circled pagination at bottom right-hand portion of the pages).

[50] CA-DE 26-1 at 15 (circled pagination at bottom right-hand portion of the pages).

[51] CA-DE 26-1 at 11, 16 (circled pagination at bottom right-hand portion of the pages).

[52] CA-DE 26-1 at 11-16 (circled pagination at bottom right-hand portion of the pages).

McNulty had deprived me of due process in the four prior cases.[53]

The F/G Respondents and the Suez Respondents filed separate motions to dismiss my case but their briefs and replies did *not* dispute with specificity *any* of the 50+ judiciary violations, including the extrajudicially sourced facts, which my complaint and opposition briefs alleged Judge Hillman and Judge McNulty had committed.[54]

On August 16, 2021, Judge Kugler granted the dismissal motions in a Rule 12(b)(6) proceeding.[55]

Judge Kugler acknowledged that my complaint had alleged Judge Hillman had denied me due process because, as Judge Kugler stated, Judge Hillman (i) "[gave] zero weight to much of the physical evidence [Fink] produced," (ii) "[accepted] the defendants' statements and testimony as truthful in the face of [my] contradictory evidence," (iii) "used

---

[53] Appx. E at 19a at 22 ("Fink makes clear that the entirety of his [Bishop-II Litigation] complaint is premised on the success of his Rule 60(d)(1) and (3) actions"); also *see* DE 1 at 1-2 ¶1 and DE 37-3 at 1-2 ¶1.

[54] CA-DE 25-1 at 40-42 (section labeled "Appellees Failed to Carry Their Burden in the Underlying Case" as to the Judge Hillman violations), 45-47 (concerning the Judge McNulty violations).

[55] Appx. D at 14a.

'extrajudicially sourced facts' in his opinion," and (iv) "mischaracterized [Fink's] statements." [56]

However, Judge Kugler did not present any specific factual findings that disputed any of the facts in my complaint (*see* Section III, above)[57] which support my due-process allegations.[58] Nevertheless, Judge Kugler concluded (incorrectly) "Fink's assignment of legal errors allegedly committed by Judge Hillman smacks more of disagreement with the rulings rather than a true charge of partiality and is wholly insufficient to demonstrate even a specter of bias." [59]

Similarly, Judge Kugler acknowledged that I had alleged "Judge Hillman committed fraud on the court" but did not include any specific factual findings which disputed *any* of the supporting facts for this allegation.[60]

Judge Kugler also did not address with specificity why the above undisputed facts (*see* Section III) did not constitute sufficient grounds "to clear the high bar imposed by Rule 60(d)(1) or (3)" *in a Rule 12(b)(6) proceeding*.[61]

Judge Kugler did not discuss/analyze Judge McNulty's decisions, nor list any findings of fact

---

[56] Appx. E at 23a, 20a ("facts alleged in the complaint are accepted as true"), 26a ("asserts that Judge Hillman denied [Fink] due process").

[57] Section III mostly cites my appeal brief and reply which in turn cited my complaint.

[58] Appx. E at 15a-31a.

[59] Appx. E at 24a.

[60] Appx. E at 19a, 15a-31a.

[61] Appx. E at 19a, 15a-31a.

which disputed any of the specific judiciary violations I alleged Judge McNulty had committed.[62]

Judge Kugler did not address my statements that the Third Circuit's decisions to affirm Judge Hillman's three decisions incorporated some of Judge Hillman's own judiciary violations (*see* above), including Judge Hillman's independently introduced extrajudicially sourced facts.[63]

G. The Underlying Appeal Case.

a. My Brief and Reply.

In my appeal case of Judge Kugler's decision, I repeated my allegation that Judge Hillman and Judge McNulty had committed numerous judiciary violations, thereby depriving me of due process, as well as stated that Judge Kugler did not discuss/analyze Judge McNulty's decisions.[64] In addition, I alleged Judge Kugler had also committed judiciary violations, including his use of extrajudicially sourced facts.[65]

b. Respondents' Opposition.

The F/G-Suez Respondents did not dispute with specificity *any* of the 50+ judiciary violations; they

---

[62] Appx. E at 15a-31a

[63] Appx. E at 15a-31a.

[64] CA-DE 25-1 at 7 (no supporting court record for Judge McNulty's "no flaw" conclusion, thereby he deprived me of due process), 11 (Judge Hillman deprived me of due process), 39 (Judge Hillman committed 30+ judiciary violations spread across only three decisions reveals a clear pattern of bias).

[65] CA-DE 25-1 at 7-10.

did not allege in their briefs that the existence of any of the judiciary violations had adversely affected them in the underlying proceeding.[66]

Also, they did not discuss with specificity the Newark Litigation.[67]

c. The Third Circuit's Decision.

i. The Alleged Judiciary Violations.

The Third Circuit affirmed Judge Kugler's Rule 12(b)(6) decision without addressing with specificity *any* of the numerous (and undisputed) judiciary violations which I alleged the district judges had committed.[68]

The Third Circuit did not explain *why* my allegations of having suffered the adverse impact of numerous judiciary violations did not constitute a grave miscarriage of justice, other than to simply quote Judge Kugler who stated my "allegations fall woefully short of satisfying the exacting Rule 60(d) grave miscarriage of justice standard." [69] The Third Circuit did not include an explanation even though I had alleged (which the F/G-Suez Respondents had not disputed) that those judiciary violations included the prior district judges' use of extrajudicially sourced facts – I had extensively discussed them in my appeal brief – and I had shown the extrajudicially sourced facts used in the summary judgment proceedings to be

---

[66] CA-DE 31; CA-DE 44.
[67] CA-DE 31; CA-DE 44.
[68] Appx. B at 3a-10a.
[69] Appx. B at 3a-10a at 6a.

disputable/false/meaningless.[70]

The court did not allege any of the violations adversely impacted the Respondents' dismissal motions.[71]

ii. Fraud-on-the-Third-Circuit Allegations.

The Third Circuit acknowledged that my "complaint alleged, inter alia, that [Judge Hillman and Judge McNulty] had violated Fink's due process rights in his previous cases, that [Judge Hillman and Judge McNulty] had committed 'fraud upon the court.'" [72] However, the court then only "conclude[ed] that the demanding standard for establishing fraud on the court has not been met in this case" and that "[Fink's fraud-on-the court allegations, as well as his [due-process] allegations [...], amount to nothing more than disagreements with the District Judges' rulings in those cases."[73] The Third Circuit did not present any factual findings which supported these conclusions, such as facts that disprove my factually supported allegations that Judge Hillman and Judge McNulty had used extrajudicially sourced facts.[74]

Also, the Third Circuit reached its conclusions even though (i) the F/G Respondents did not present any specific, contradictory facts or viable counterarguments to dispute my fraud-on-the-Third-Circuit allegations; and (ii) the Suez Respondents

---

[70] CA-DE 25-1 at 2, 4-6, 11-12, 17, 24 (examples of discussions about extrajudicially sourced facts; Appx. B at 3a-10a.
[71] Appx. B at 3a-10a.
[72] Appx. B at 3a-10a at 6a.
[73] Appx. B at 3a-10a at 8a.
[74] Appx. B at 3a-10a.

did not proffer any specific facts, nor cite any case law, to do so either.[75] The Suez Respondents merely declared, without proffering any supporting fact or legal citation, that "[the Third Circuit] knows that [my fraud-on-the-Third-Circuit allegations are] untrue." [76]

iii. My Allegations Against Judge McNulty.

The Third Circuit stated hardly anything in its opinion as to the Newark Litigation.[77] In particular, the Third Circuit did *not* state any findings of fact which dispute the facts in my brief, reply and complaint that support my allegation that Judge McNulty had deprived me of due process; the Third Circuit did not reach any substantive conclusion as to whether any factual support for Judge McNulty's "no flaw" decision existed.[78] The Third Circuit did *not* contradict my allegation that Judge McNulty had deprived me of due process, especially with his incorrect "flawless" characterization of Judge Hillman's 2016 decisions.[79]

The Third Circuit did *not* do so even though I reminded the court that in the Newark Litigation appeal it had not considered Judge McNulty's Decision-1 because the Third Circuit had incorrectly concluded Rule 59(e) precluded its review of Decision-1 for on jurisdictional grounds despite the fact that Judge McNulty explicitly mentioned Rule

---

[75] CA-DE 25-1 at 3; also *see* CA-DE 31; CA-DE 44.

[76] CA-DE 44 at 21; also *see* CA-DE 58 at 14-15.

[77] Appx. B at 3a-10a.

[78] Appx. B at 3a-10a.

[79] Appx. B at 3a-10a, also see CA-DE

59(e).[80]

iv. Erroneous Rule 59(e) Assumption.

As for the Third Circuits flawed jurisdictional reason, the Third Circuit did not address the following statement I made in my appeal brief as to the Third Circuit's use of Rule 59(e) in the Newark Litigation appeal when it concluded that my appeal of Decision-1 had not been timely:

> Importantly, [in the Newark Litigation appeal,] the Third Circuit did not ask me to justify that I had timely filed my notice of appeal for of all three decisions – Decision-1, Decision-2 and Decision-3 – or whether my related motions had been repetitious given the F/G Appellees' vague accusation. As such, I never had a chance to address either the Rule 59(e) or serial reconsideration motion issues before the Third Circuit rendered its decision.[81] [Citation Omitted.]

v. My Petition for a Rehearing.

On October 27, 2022, I filed a petition for a rehearing en banc. Its highlights included (i) a discussion of the judiciary violations I alleged the three district judges had committed; (ii) that Judge Kugler had stated nothing of significance about these judiciary violations allegations; (iii) that Judge Kugler stated nothing of substance about Judge McNulty's decisions, especially since no facts existed in the Newark Litigation record to support his

---

[80] CA-DE 25-1 at 29; CA-DE 58 at 4, 17-18.
[81] CA-DE 25-1 at 31.

Decision-1; (iv) that my filing of a notification of my appeal in the Newark Litigation had been timely as to all of the listed decisions; (v) that, in their dismissal motions in the Bishop-II Litigation, the Suez Respondents stated nothing of substance either about Judge McNulty's decisions, while the F/G Respondents did not even mention Judge McNulty; and (vi) the Third Circuit had failed to consider these significant facts and related arguments I had presented, especially in light of the fact that the F/G-Suez Respondents had not disputed them.[82]

On November 28, 2022, the Third Circuit denied my petition without having ordered a response from any of the F/G-Suez Respondents.[83]

H. The Subsequent SDNY Complaint.

On December 29, 2022 (a month after the Third Circuit denied my petition for a rehearing), the SDNY Court filed my latest complaint (jury trial demanded) which invoked Rules 60(d)(1) and 60(d)(3), along with a motion to stay any transfer of the complaint to another district.[84] Unlike my initial 115-page complaint in this case, my new 138-page complaint included Judge Kugler in the list of judges who had deprived me of due process.[85] With minor edits, my new complaint contained all the facts included in my underlying complaint in this

---

[82] CA-DE 74.

[83] Appx. A at 2a.

[84] SDNY-DE 1 at 1 (*see* caption and ¶1); SDNY-DE 3.

[85] DE 1 at 1 (*see* ¶1), 115 (last page); SDNY-DE 1 at 1 (*see* ¶1), 138 (last page).

matter.[86]

Explicitly invoking the interest of justice, my stay motion only requested the SDNY Court to retain jurisdiction over this new matter.[87] In keeping with my demand for a jury trial, my stay motion did not ask the SDNY Court to enter judgment against the named parties or to set aside judgments in my favor.[88]

On January 24, 2023, the Suez Respondents objected to my stay motion.[89] They did not dispute any fact contained in my complaint.[90] They did not mention anything about my motion requesting the SDNY Court to enter judgment against the named parties or to set aside any one or more judgments in my favor.[91]

On January 25, 2023 (the next day, i.e., prior to my being able to oppose the Suez Respondents objection), the Honorable Ronnie Abrams, USDJ, the presiding judge, only described my motion as a request to stay the transfer of my complaint only once – in her conclusion.[92] Everywhere else in the order she described (erroneously) my motion as requesting for her "to set aside judgments of the District Court for the District of New Jersey and

---

[86] Revealed by comparison of DE 1 to SDNY-DE 1.
[87] SDNY-DE 3 at 5 of 234.
[88] SDNY-DE 3.
[89] SDNY-DE 21.
[90] SDNY-DE 21.
[91] SDNY-DE 21.
[92] Appx. F at 37a.

enter judgment in his favor." [93]

Judge Abrams acknowledged that my complaint alleged that "the original judgments [in five prior cases] in the District of New Jersey relied on 'extrajudicially sourced facts,' and that each judge in the previous proceedings exhibited "glaring bias against" me.[94] She then stated that "this Court disagrees and has identified no grounds for considering *Plaintiff's motion* to set aside the prior judgments." [95] [Emphasis Added.] She did not present any factual findings which disputed with specificity any fact contained in my complaint. [96]

Judge Abrams ordered the transfer of my case to the District of New Jersey.[97] She made no mention of any of the named parties having opposed my stay motion, nor did the judge state that any of them had moved to dismiss my complaint.[98]

REASONS FOR GRANTING THE PETITION

A. District Judges Failed to Act Impartially.

An unfair decision, one rendered by judge(s) who fail to act impartially, must not be allowed to stand; their decisions must be voided if justice is to prevail. To protect justice in those circumstance, "[a] judgment is void if the court that rendered it [...] acted in a manner inconsistent with due process."

---

[93] Appx. F at 35a.
[94] Appx. F at 35a.
[95] Appx. F at 35a.
[96] Appx. F at 32-37a.
[97] Appx. F at 35a.
[98] Appx. F at 32-37a.

Klugh v. U.S., 620 F.Supp. 892, 901 (D.S.C. 1985) (citing *Margoles v. Johns,* 660 F.2d 291 (7th Cir. 1981) *cert. denied*).

An impartial judge constitutes a key element in assuring due process. Per 28 U.S. Code § 455, Section (a): "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Section (b)(1) of § 455 requires that a judge shall also disqualify himself [...] [w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding."

"Recusal under *Section 455* is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself *sua sponte* under the stated circumstances. *Taylor v. O'Grady*, 888 F.2d 1189, 1200 (7th Cir. 1989) (citing *United States v. Balistrieri,* 779 F.2d 1191, 1202 (7th Cir. 1985).) "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." *Liteky v. U.S.*, 114 US S. Ct., 1147, 1162 (1994).

"As for using opinions as a means of arguing a judge failed to act impartially, this Court stated:

> ... opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current

> proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible. Thus, judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge. **They *may* do so if they reveal an opinion that derives from an extrajudicial source; and they *will* do so if they reveal such a high degree of favoritism or antagonism as to make fair judgment impossible**. [Emphasis Added.] *Liteky at* 1157.

In the underlying appeal case, I presented many facts from my complaint which supported my allegation that I suffered at the district court level a continual pattern of adverse bias via 50+ judiciary violations, including the use of extrajudicially sourced facts with all adverse to my interests and almost all disputed/ false/meaningless.

Significantly, neither the F/G-Suez Respondent, nor the judges in the underlying matter, presented specific facts which disputed with specificity any of the facts supporting the alleged violations, nor did any of these parties and judges allege that any of the violations adversely impacted the Respondents' dismissal arguments.

As such, Judge Hillman's 30+ judiciary violations and spanning three cases constitute a clear pattern of his bias against me, a pro se litigant. As for Judge McNulty, his January 8, 2020 decision clearly reveals his bias against me (i.e., for Judge Hillman) if for no other reason – others do – than no facts existed in the record before him which would support his denial of my Void Motion-1.

The odds of 50+ violations inadvertently causing an adverse impact on only one party – me – is at least *1 in a billion*; Lotto offers a much better chance at winning its jackpot.[99] As a result, these judiciary violations – especially the use of disputed/false/meaningless extrajudicially sourced facts – reveal a glaring judicial bias against me, a grave miscarriage of justice.

While this Court has stated "'judicial rulings alone almost never constitute a valid basis for a bias or partiality motion'" (*Liteky* at 1157), my case, with its unopposed allegations of 50+ judiciary violations spanning four cases, must be considered as an exception. After all, an objective observer could only conclude that I had been repeatedly deprived of due process, especially since the Third Circuit has defined an extrajudicial bias as "a bias that is not derived from the evidence or conduct of the parties that the *judge* observes *in* the course of the proceedings.'" *United States v. Eisenberg*, 734 F. Supp. 1137, 1153 (NJDC 1990) (citing *Johnson v. Trueblood,* 629 F.2d 287, 291 (3d Cir. 1980) (citations omitted)). If for no other reason, the

---

[99] CE-DE 25-1 at 39 (*see* FN 24).

district judges use of extrajudicially sourced facts to support 50+ judiciary violations – all adverse to me – constitutes proof of the judges' bias against me.

Further, in the underlying Rule 12(b)(6) proceeding, Judge Kugler stated that "[f]or the purposes of a motion to dismiss, the facts alleged in the complaint are accepted as true and all reasonable inferences are drawn in favor of the plaintiff." (Appx. E at 20a (citing *New Jersey Carpenters & the Trustees Thereof v. Tishman Const. Corp. of New Jersey*, 760 F.3d 297, 302 (3d Cir. 2014)).) However, in the underlying matter, Judge Kugler and the Third Circuit did not accept as true the unopposed facts in my complaint that support my allegation about the 50+ judiciary violations which, in turn, constitute a grave miscarriage of justice.

While Judge Kugler acknowledged my complaint alleged Judge Hillman had denied me due process and even categorized my supporting facts, he never stated with specificity any factual findings that disproved the facts supporting my allegations about the violations described in those categories.

By using the 50+ judiciary violations, Judge Hillman and Judge McNulty were able to paint a false picture of material events which directly allowed them to render adverse decisions against me. As a result, Judge Hillman and Judge McNulty repeatedly deprived me of my right to due process, a grave miscarriage of justice, in the prior four cases.

B. Proof of the Facts in My Complaint.

The F/G-Suez Respondents' opposition briefs in the underlying appeal case constitute proof of the veracity of the facts in my complaint. Neither of their briefs disputed with specificity any of the facts that support my due-process allegations which I presented in my appeal brief. Since the F/G-Suez Respondents moved for a dismissal, they had to *disprove* (dispute would be insufficient) those supporting facts in my complaint since otherwise those supporting facts must be believed in a Rule(12)(b) proceeding. As such, the 50+ judiciary violations required Judge Kugler to deny the dismissal motions.

C. Third Circuit Failed to Conduct a True Plenary Hearing.

Judges, especially appellate judges, face an immense judicial workload that they need to manage. It is quite conceivable that to reduce their workload, judges would rely on other judge's findings of fact as opposed to a pro se litigant's statement of facts as a way of conserving their time. Based on my cases, that seems to have happened.

Regardless of the reason why, a review of the Third Circuit's four prior opinions reveals a fatal reliance – intentional or not – on the district judges' "erroneous factual findings" (or omission of factual findings) as opposed to conducting an actual independent review of the facts. As a result, the district judges' "erroneous factual findings" (or omission of facts),

including extrajudicially sourced facts, reappear in the Third Circuit decisions.

For instance, the Third Circuit's opinion of Judge Hillman's three appealed decisions echoed some of Judge Hillman's combined 30+ judiciary violations, including his use of extrajudicially sourced facts, even though I presented opposing material facts which created material disputes.[100] The court did not consider my key statements (i.e., effectively assigned a zero value to them and other facts in my briefs and replies), such as my eyewitness statement that Kirchner killed the February 2008 Settlement.

As for Judge McNulty's decisions, by invoking Rule 59(e), the Third Circuit then did not have to review the facts; effectively, the Third circuit eased its fact-finding workload in the Newark Litigation. Instead, in the Newark Litigation, the Third Circuit assumed my Void Motion-1 had invoked Rule 59(e) and thereby deemed Decision-1 and Decision-2 beyond its jurisdiction.

The court made this assumption even though neither Judge McNulty, nor the F/G Respondents, nor me, ever stated explicitly that any of my motions had invoked Rule 59(e). The court also did so without asking the parties to clarify the issue; an easy clarification which would have shown Rule 59(e) did

---

[100] Judge Hillman granted summary judgment in the EdgeLink and Kirchner Litigations which is not permissible when material disputes of fact exist: "Summary judgment is appropriate where the court is satisfied 'that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.'" (*Celotex Corp. v. Catrett*, 477 U.S. 317, 330 (1986).) [Citation omitted.]

not apply and that Decision-1 and Decision-2 fell within the court's jurisdiction.

In reviewing the Bishop-II Litigation, the Third Circuit again reduced its need to conduct a fact-finding effort. Once again, the court just echoed the underlying decision issued by Judge Kugler without any consideration of the facts in my brief and reply.

Echoing Judge Kugler conclusion as to my allegations against Judge Hillman, the Third Circuit concluded (incorrectly) that my allegations against Judge Hillman and Judge McNulty amount to only a disagreement with the judge's rulings when I presented facts to support my allegations. Also in the underlying appeal, just as Judge Kugler had failed to do, the Third Circuit did not state any factual findings as to my specific allegations against Judge McNulty.

D. Continual Pattern of Judicial Bias.

I now find myself in a Kafkaesque world where the facts in my complaint should at least allow me to present my case to a jury but do not. I am caught in an endless loop where my allegations are unchallenged with specificity, but my cases denied anyway without the presiding judges presenting any findings of specific, non-extrajudicially-sourced facts that support their conclusions. The judges in summary judgment or pre-discovery proceedings have repeatedly forced me back to the beginning of the judicial process via decisions that considered less and less (if any) of the facts I presented.

In each case, the Third Circuit affirmed the district court's decision. This occurred even for the least likeliest case worthy of affirmation: the underlying district case. After all, in my Bishop-II Litigation complaint I alleged that Judge Hillman had committed at least 30+ judiciary violations and Judge McNulty at least 20 judiciary violations which the F/G-Suez.Respondents did not dispute with specificity. The Third Circuit, intentionally or not, protected Judge Kugler's dismissal decision when the facts did not warrant the affirmation of it.

The most recent incident of a district court depriving me of due process occurred in the SDNY Court with respect to my new complaint which remains pending. Judge Abrams rendered a decision on my stay motion on the day after the Suez Respondents objected to my stay motion, thereby effectively precluding my ability to reply.

Also, Judge Abrams misconstrued my *motion to stay a transfer* of my new complaint as an attempt by me "to have this Court enter judgment against Defendants" even though my complaint clearly states I am demanding trial by jury. Also, a fair reading of my motion does not support her description of it, neither does the Suez-Respondents' objection brief which made no mention of my motion requesting the SDNY Court to enter judgment against the named parties or to set aside judgments in my favor. In fact, Judge Abrams did not even acknowledge my motion to be a stay motion until she stated her conclusion at the very end of her order.

Instead, she described my stay motion in her discussion section as a "motion to set aside the prior judgments," which is not true.

Disregarding the true nature of my stay motion, she stated she had "identified no grounds for considering Plaintiff's motion to set aside the prior judgments" but offered no findings of fact to support her conclusion. Therefore, I somehow lost an unopposed motion I did not make despite the absence of any opposition by any of the named defendants since the Suez Respondents (the only parties who responded to my stay motion) only filed an objection to the motion which I did file. Clearly, an objective observer would not describe Judge Abrams as having acted impartially, that she favored the district judges.

Judge Abrams also acknowledged that "Courts enjoy considerable discretion in deciding whether to transfer a case in the interest of justice" (citing *Daniel v. Am. Bd. of Emergency Med.*, 428 F.3d 408, 435 (2d Cir. 2005)).[101] However, she did not exercise such discretion in the *interest of justice*; she did not retain jurisdiction or transfer my new complaint to the Eastern District of New York, the district in which I live, a fact she knew."[102] Instead, she transferred my case back to the District of New Jersey where my problems began.

This event constitutes further proof of a district judge's bias against a pro se litigant and in favor of

---

[101] Appx. F at 36a.

[102] Appx. F at 35a ("Plaintiff is a resident in the Eastern District of New York").

other judges.

E. Answers to the Petition Questions.

As to whether the Third Circuit judges repeatedly failed to impartially decide my underlying appeal case, based on the above, the answer must be yes. I had presented plenty of facts in prior cases to require the Third Circuit to reverse the lower court decisions. Time and again, the court sided with the district judges, even using their extrajudicially sourced facts even though I presented facts which disputed them. In the underlying appeal case, the court did not present any factual findings that disproved my allegations about the 50+ extrajudicially sourced facts. In prior cases, the court relied on (and copied) extrajudicially sourced facts produced by Judge Hillman without prior notification to the parties, even when I presented disputing facts.

Since all my cases where either decided in summary judgment or pre-discovery proceedings, a single dispute of a material fact – which I repeatedly presented – was all I needed to defeat win, yet I continually lost.

In the underlying appeal case where I detailed many of the 50+ judiciary violations, I presented many supporting facts which supported my due process allegations, yet again I lost. In fact, in the Newark Litigation, the Third Circuit did not even analyze Judge McNulty's conclusion as to my Void Motion-1 when my recusal motion would seemed to have required it.

In the underlying appeal case, there existed no impediments which would have prevented the Third Circuit from analyzing Judge McNulty's Void Motion-1 decision since it had not done so in the Newark Litigation. Regardless, the Third Circuit did not conduct such an analysis (nor explained why not), but instead followed Judge Kugler's lead and simply chalk up my allegations as somehow being hollow disagreements with unfavorable decisions. Had the Third Circuit acted impartially, I would not be here now, requesting a writ of certiorari.

As to whether the Third Circuit failed to conduct a true plenary hearing, again the answer must be yes. The court repeatedly relied on the factual findings of the direct courts as opposed to conducting its own fact-finding process. The court did not address *any* of the 50+ judiciary violations which I alleged had deprived me of due process. In the underlying appeal case, the validity of my supporting facts for these violations should have been obvious since the Respondents had not disproved with specificity any of them.

Also, the Third Circuit had not asked me for clarification Rule used in Deceion-1 in the Newark Litigation. Rather, it made an assumption that allowed it to put a review of Decision-1 beyond its jurisdiction; an assumption that was detrimental to my arguments in that case.

F. Decision Rendered Based on Papers Only.

Given the questions posed in this petition, not only should this petition be granted, but also the writ

itself could be reviewed based just on the papers themselves. Oral arguments will not be necessary since the facts contained in the papers are determinative and will be so if the writ is granted.

The 50+ judiciary violations, unchallenged with specificity, reveal the district judges did not render decisions based on the facts supporting my due-process allegations. The facts reveal the Third Circuit duplicated those violations in its reviews, as it had in the underlying appeal. As such, in the prior four prior cases, the district and appellate judges' had not rendered their decisions/reviews with impartiality.

The only way for the F/G-Suez Respondents to prevail in this petition is for them to by disprove *all* the various facts, especially the extrajudicially sourced facts, that support my allegations about the judiciary violations since the Third Circuit stated in the underlying appeal case that it had conducted a plenary review of the underlying Rule 12(b)(6) proceeding.

If, as the F/G-Suez Respondents have done in the past, they will again only cite what various judges stated about facts in these five matters; they will not attempt to disprove with original source material *any* of the facts supporting my allegations. If this comes to pass (as expected), no basis will exist for this Court to uphold either Judge Kugler's decision or the Third Circuit's affirmation of that decision since the supporting facts in my complaint will remain unchallenged with specificity. If so, my

allegations about being deprived of due process would also remain unchallenged.

CONCLUSION

Given all the above, at a minimum, a writ of certiorari should be granted.

Respectfully submitted,
John W. Fink
Pro Se Petitioner
6812 Yellowstone Blvd.
Apt. 2V
Forest Hills, NY 11375
johnlawsuit@earthlink.net
718-459-3541

APPENDIX

TABLE OF CONTENTS