

## APPENDIX

Appendix A

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21<sup>st</sup> day of March, two thousand twenty-four.

Before: Michael H. Park,  
Circuit Judges.

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Xuejie He

Plaintiff-Appellant,

-v.-

United States Of America, et al.  
Defendants-Appellees.

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ORDER  
Docket No.  
23-780

Appellant, pro se, moves for leave to file a motion for reconsideration en banc and for leave to file supplementary papers to the motion for reconsideration en banc.

Appendix A

IT IS HEREBY ORDERED that the motions are  
DENIED.

For the Court:  
Catherine O'Hagan Wolfe,  
Clerk of Court

CERTIFIED COPY  
Catherine O'Hagan Wolfe, Clerk  
by   
DEPUTY CLERK  
April 1, 2024  


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Plaintiff,                      23 Civ. 3214**  
**(KPF)**  
**ORDER**

-v.-

**KATHERINE POLK FAILLA, District Judge:**

- 3a -

## Appendix B

The Court gave Plaintiff clear instructions on how to proceed, including by granting Plaintiff leave to replead claims that were not brought or could not have been brought in the New Jersey Case. (Dkt. #4 at 6).<sup>1</sup> Rather than take the 60 days the Court provided to fix these fatal issues, Plaintiff submitted the Amended Complaint within a week of the Court's dismissal order. (Dkt. #5). The Court has now reviewed the Amended Complaint in detail, and finds that dismissal is warranted for the same reasons discussed in its April 21, 2023 Order. The Amended Complaint is substantively identical to the prior complaint in this action, save for a few confusing allegations added to precluded claims, and additional claims related to alleged conduct from April 20, 2023. In other words, the Amended Complaint does nothing to redress the issues the Court discussed in its April 21, 2023 Order.

The Court was clear that it would "dismiss an amended complaint if Plaintiff fails to comply with this Order, and decides to continue claims that were already brought in the New Jersey Case or could have been brought in that case." (Dkt. #4 at 6). Yet, Plaintiff has submitted a near mirror-image Amended Complaint, and

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<sup>1</sup> This Order incorporates by reference the naming conventions in the April 21, 2023 Order.

## Appendix B

has entirely failed to comply with the Court's Order that Plaintiff discontinue entirely non-viable claims. "[W]here the Court has put [a] [p]laintiff on notice of the deficiencies in [her] original complaint and given [her] an opportunity to correct these deficiencies in an [a]mended [c]omplaint, but [p]laintiff has failed to do so, dismissal with prejudice is appropriate." Cook v. Dewitt, No. 19 Civ. 2780 (NSR), 2022 WL 580774, at \*4 (S.D.N.Y. Feb. 25, 2022) (quoting Coon v. Benson, No. 09 Civ. 230 (SCR) (LMS), 2010 WL 769226, at \*4 (S.D.N.Y. Mar. 8, 2010)).

Accordingly, the Court **DISMISSES WITH PREJUDICE** Plaintiff's Amended Complaint. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

**SO ORDERED**

Dated: April 28, 2023

New York, New York

*Katherine Polk Failla*

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**KATHERINE POLK**

**FAILLA**

**United States**

**District Judge**



Appendix C

MANDATE

S.D.N.Y. - N.Y.C.

23-cv-3214

Failla, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 18<sup>th</sup> day of January, two thousand twenty-four.

Present:

John M. Walker, Jr.,  
Susan L. Carney,  
Michael H. Park,  
Circuit Judges.

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Xuejie He

Plaintiff-Appellant,

-v.-

23-780

United States Of America, et al.

Defendants-Appellees.

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Appellant, pro se, moves to amend the caption, for summary reversal, for restoration of her possessions,

Appendix C

and for default judgement. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (per curiam).

FOR THE COURT:



Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

   
MANDATE ISSUED ON 03/21/2024



Appendix D

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29<sup>th</sup> day of February, two thousand twenty-four.

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Xuejie He

Plaintiff-Appellant,

v.

United States Of America, et al.

Defendants-Appellees.

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ORDER

Docket No.

23-780

IT IS HEREBY ORDERED that Appellant's motion to correct title in the order dated February 21, 2024 is DENIED as moot. The Court denied Appellant's motion to amend the caption on January 18, 2024.

For The Court:

Catherine O'Hagan Wolfe,

Clerk of Court

The signature of Catherine O'Hagan Wolfe is written in cursive over a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "CITY OF NEW YORK".

Appendix E

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22<sup>nd</sup> day of February, two thousand twenty-four.

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Xuejie He

Plaintiff-Appellant,

v.

United States Of America, et al.

Defendants-Appellees.

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ORDER

Docket No.

23-780

IT IS HEREBY ORDERED that the motion to file supplementary papers (docket entry 115) is DENIED as moot in light of the order denying Appellant's motion for reconsideration.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

The block contains a handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". To the left of the signature is a circular official seal of the United States Court of Appeals for the Second Circuit. The seal features the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "CITY OF NEW YORK" at the bottom.

Appendix F

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21<sup>st</sup> day of February, two thousand twenty-four,

Present:

John M. Walker, Jr.,  
Susan L. Carney,  
Michael H. Park,  
Circuit Judges.

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Xuejie He

Plaintiff-Appellant,

v.

ORDER

Docket No.

23-780

United States of America, United States Citizenship and Immigration Services, State of New Jersey, State of New York, Union City Police Department, New Jersey, Guttenberg Police Department, Chasan Lamparello Mallon & Cappuzzo, PC, Hudson Hospital OPCO LLC, Carepoint Health-Christ Hospital, Hudson County Prosecutor's Office, Delta Air Lines, Inc., Alibaba Group Holding Limited, Taobao, Aslan Aviation Services

## Appendix F

(Shanghai) Co., Ltd., Derek Smith Law Group, PLLC,  
Coalition for the Homeless, Catholic Charities  
Community Services Center, New York City, New York  
City Human Resources Administration, New York City  
Rescue Mission, Episcopal Church, (New York City),  
Trinity Episcopal Church Parish Center, New York  
Presbyterian Foundation Inc., New York-Presbyterian  
Lower Manhattan Hospital, Weill Cornell Medical,  
Cantonese Interpreter NYPLMH, Modern Medical, PC,  
Affinity Health Plan Inc., Centene Corporation, Fidelis  
Care, New York City Police Department, New York City  
Police Department 109th Precinct, New York City Police  
Department 120th Precinct, New York City Police  
Department 121th Precinct, Garden of Hope, New York  
City Transit Authority, Transit Adjudication Bureau,  
New York City Department of Transportation, New York  
City Department of Design and Construction, New York  
City Department of Housing Preservation and  
Development, Mount Sinai Health System Inc., Mount  
Sinai Beth Israel, Mount Sinai West, Richmond  
University Medical Center, Office of the New York City  
Comptroller, New York University, New York University  
College of Dentistry, Metropolitan Dental Associates,  
Legal Services NYC, The Legal Aid Society, New York  
City Marshals, Camba, Inc., City University of New

## Appendix F

York, Borough of Manhattan Community College,  
Renata V. Weber, Joan M. Kenney, Doris Ling- Cohan,  
Lizbeth Gonzalez, Matthew Cooper, Louis L. Stanton,  
Barrington D. Parker, Jr., Peter W. Hall, Christopher F.  
Droney, Kimberley Slade, Remy Smith, Li Yanfen, Mash  
Jim, Liufeng Chen, John Doe Jim. Hingsze Cho, John  
Doe A, New York State Unified Court System, New York  
City Department of Health and Mental Hygiene,  
Giachetta, Kenneth (#80), Marshal, New York State  
Department of Labor, Nai Brother Inc., Ying Ji Chang  
Fen Inc., Walgreens Boot Alliance, Inc., Duane Reade  
Inc., New York State Department of Environmental  
Conservation, New York City Police Department 1th  
Precinct, Molina Healthcare, Inc. Molina, Affinity by  
Molina Healthcare, Inc., Icahn School of Medicine at  
Mount Sinai,

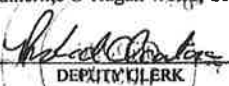
### Defendants-Appellee.

Xuejie He filed a motion for reconsideration and the  
panel that determined the motion has considered the  
request.

IT IS HEREBY ORDERED, that the motion is  
denied.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

CERTIFIED COPY  
Catherine O'Hagan Wolfe, Clerk  
by   
DEPUTY CLERK  
Aug 14 2024  
COURT OF APPEALS

  
Catherine O'Hagan Wolfe

Appendix G

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 19th day of January, two thousand twenty-four.

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Xuejie He

Plaintiff-Appellant,

v.

United States Of America, et al.

Defendants-Appellees.

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ORDER

Docket No.

23-780

IT IS HEREBY ORDERED that Appellant's motion for relocation of tenant (docket entry 78) is DENIED as moot in light of the order dismissing this appeal.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

Catherine O'Hagan Wolfe  


Appendix H

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10<sup>th</sup> day of October, two thousand twenty-three.

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Xuejie He

Plaintiff-Appellant,

v.

United States Of America, et al.

Defendants-Appellees.

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ORDER

Docket No.

23-780

Appellant, pro se, moves for leave to correct the defects listed in the September 15, 2023 Notice of Defective Filing.

IT IS HEREBY ORDERED that the motion is GRANTED. The defects have been cured.

For The Court:

Catherine O'Hagan Wolfe,

Clerk of Court

The signature of Catherine O'Hagan Wolfe is written in cursive over a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "CITY OF NEW YORK".

Appendix I

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21<sup>st</sup> day of September, two thousand twenty-three.

Before: Myrna Pérez, Circuit Judges.

Xuejie He

Plaintiff-Appellant,

v.

United States Of America, et al.

Defendants-Appellees.

ORDER

Docket No.

23-780

Appellant, pro se, filed an emergency motion for "restoration of possession" of the premises of an apartment in Brooklyn, New York, and for other relief.


IT IS HEREBY ORDERED that the motion is REFERRED to a three-judge motions panel. To the extent Appellant seeks interim emergency relief, that request is DENIED.

For The Court:

Catherine O'Hagan Wolfe,

Clerk of Court

CERTIFIED COPY  
Catherine O'Hagan Wolfe, Clerk

by   
DEPUTY CLERK

April 4 2024

 Catherine O'Hagan Wolfe



**Appendix J**

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

**At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9<sup>th</sup> day of June, two thousand twenty-three.**

**Before: Beth Robinson,  
Circuit Judges.**

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**Xuejie He**

**Plaintiff-Appellant,**

**v.**

**United States Of America, et al.**

**Defendants-Appellees.**

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**ORDER**

**Docket No.**

**23-780**

**Appellant, pro se, asks this Court to order the New York City Department of Housing Preservation and Development to issue an "illegal basement eviction order" for her apartment in Brooklyn, New York and provide her with alternative housing.**

**It is hereby ORDERED that the motion is DENIED. If Appellant seeks to resolve issues**

## Appendix J

concerning housing quality or safety, she should report such issues to the New York City Department of Housing Preservation and Development.

For The Court:  
Catherine O'Hagan Wolfe,  
Clerk of Court

The image shows a handwritten signature, "Catherine O'Hagan Wolfe", in cursive script. Overlaid on the signature is a circular official seal. The seal contains the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "CITY OF NEW YORK" at the bottom.

Appendix K

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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XUEJIE HE

Plaintiff,

23 Civ. 3214

-v.-

(KPF)

ORDER

UNITED STATES OF AMERICA, et al.  
Defendants.

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KATHERINE POLK FAILLA, District Judge:

On May 5, 2023, Plaintiff filed a notice of appeal from this Court's Order of Dismissal of the Amended Complaint. (Dkt. #7). That same day, Plaintiff also filed a motion for reconsideration of the Order of Dismissal. (Dkt. #8). "Although a notice of appeal ordinarily divests a district court of jurisdiction, 'where ... the notice of appeal is filed while a timely filed Rule 59(e) motion is pending, the trial court retains jurisdiction over the post-judgment motion, and the notice of appeal does not become effective until entry of an order disposing of the Rule 59(e) motion.'" *Maksymowicz v. Weisman & Calderon, LLP*, No. 14 Civ. 1125 (JGK), 2014 WL 1760319, at \*1 (S.D.N.Y. Feb. 2, 2014) (quoting *Basciano v. Lindsay*, No. 07 Civ. 421 (NGG) (RML), 2008 WL

## Appendix K

1700442, at \*1 (E.D.N.Y. Apr. 9, 2008). Although Plaintiff's motion for reconsideration appears to have been filed after the notice of appeal, in light of Plaintiff's pro se status the Court will assume that Plaintiff intended to file the motion for reconsideration first or at a minimum concurrently with the notice of appeal. See, e.g., *Rich v. Associated Brands, Inc.*, No. 08 Civ. 666S (WMS), 2009 WL 236055, at \*1 (W.D.N.Y. Jan. 30, 2009) (taking similar approach in pro se case).

The Court construes Plaintiff's filing under Federal Rule of Civil Procedure 59(e). Under that Rule, "[a] district court may alter or amend a judgment ... only 'to correct a clear error of law or to prevent manifest injustice.'" *Johnson v. ThyssenKrupp Elevator Corp.*, No. 19 Civ. 3009 (AMD) (RLM), 2019 WL 6217267, at \*1 (E.D.N.Y. Nov. 15, 2019) (quoting *Munafo v. Metro. Transp. Auth.*, 381 F.3d 99, 105 (2d Cir. 2004) (citations omitted)). Thus, the moving party must identify "controlling decisions or factual matters that were put before [the Court] on the underlying motion and which, if examined, might reasonably have led to a different result." *Corines v. Am. Physicians Ins. Tr.*, 769 F. Supp. 2d 584, 593 (S.D.N.Y. 2011) (internal quotation marks and citations omitted).

## Appendix K

Plaintiff has not met this high burden. Alongside Plaintiff's motion, she included a declaration which states, among other points, that "[w]hat matters is that Plaintiff has the jurisdiction of the federal court and the complaint satisfies Rule 8." (Dkt. #9). Plaintiff requests that the Court restore this case to its calendar, and also includes as exhibits proof of her payment of the filing fee as well as the Third Circuit decision that this Court discussed in its dismissal orders. (Id.). Plaintiff has not pointed the Court to any controlling issues of law or fact that it overlooked. Accordingly, the Court DENIES Plaintiff's motion for reconsideration.

The Clerk of Court is directed to terminate the pending motion at docket entry 8.

SO ORDERED

Dated: May 08, 2023

New York, New York



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KATHERINE POLK FAILLA  
United States District Judge

## Appendix L

 For: XUEJIE HE



### Most Recent I-94

Admission (I-94) Record Number : 2385  
Most Recent Date of Entry: 2017 March 21  
Class of Admission : B2  
Admit Until Date : 09/20/2017  
Details provided on the I-94 Information form:

Last/Surname : HE  
First (Given) Name : XUEJIE  
Birth Date : 1985  
Document Number : 6146  
Country of Citizenship : China

[Get Travel History](#)

► Effective April 28, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

2017 Feb. 10:04:07 PM  
Registration State

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility | Privacy Policy](#)

10/16/17 - 使用记录

## Appendix L



Document Number : 5145

Document Country of Issuance : China

	Date	Type	Location
1	2017-03-21	Arrival	SEA
2	2016-08-18	Departure	CHI
3	2016-05-13	Arrival	SEA
4	2016-03-09	Departure	DAL
5	2015-12-08	Arrival	DAL
6	2015-07-03	Departure	NYC
7	2015-06-21	Arrival	NYC
8	2015-06-13	Departure	SEA
9	2015-05-16	Arrival	SEA

END - 22a

# Appendix M

GUTTENBERG, NJ				OPERATION REPORT			
1. COMPLAINT NUMBER 2-2016-062505		2. NATURE OF INCIDENT REQUEST FOR POLICE AMBULA		3. Date 02/09/2016	4. TIME 14:28	5. CLASSIFICATION	
6. VICTIM - <input checked="" type="checkbox"/> COMPLAINTANT - <input type="checkbox"/> ACCUSED - <input type="checkbox"/> LAST NAME MR		FIRST NAME XUEJIE		MR	DOB 1985		
7. ADDRESS		UNIT TYPE	UNIT #	CITY	STATE	ZIP	8. PHONE
9. LOCATION OF INCIDENT POLICE HQ - 6808 PARK AVENUE, GUTTENBERG NJ 07093							
10. REPORTED BY (LAST NAME) MR		FIRST NAME XUEJIE		MR	RADIO	PHONE	VIEW OTHER
11. ADDRESS		UNIT TYPE	UNIT #	CITY	STATE	ZIP	12. PHONE
13. WITNESS - OTHER - AGENCY (LAST NAME) POLICE		FIRST NAME GUTTENBERG		MR	TIME NOTIFIED DOB		
14. ADDRESS 6808 PARK AVENUE		UNIT TYPE	UNIT #	CITY GUTTENBERG	STATE NJ	ZIP 07093	PHONE 201-868-3300
15. ACTION TAKEN							
<p>ON THE ABOVE DATE AND TIME, A FEMALE PARTY WALKED INTO POLICE HEADQUARTERS AND ASKED TO SPEAK TO AN OFFICER. FEMALE ADVISED ME THAT SHE MAY HAVE BEEN SEXUALLY ASSAULTED. FEMALE DID NOT SPEAKING VERY MUCH ENGLISH. FEMALE IS OF CHINESE DECENT AND SPEAKS CHINESE. FEMALE WAS ABLE TO COMMUNICATE WITH ME THROUGH BROKEN ENGLISH AND ADVISED ME THAT SHE MEET A MALE THROUGH AN ONLINE DATING SITE ABOUT A MONTH AGO. FEMALE STATED ON 02/06/2016 SHE HAD COMERSUAL SEX WITH THE MALE. AFTER HAVING INTERCOURSE, FEMALE BEGAN TO HAVING VAGINAL AND RECTAL BLEEDING. FEMALE CONTACTED MALE AND ASKED HIM TO TAKE HER TO THE HOSPITAL BUT HE REFUSED TO HELP HER. FEMALE CAME INTO POLICE HEADQUARTERS LOOKING FOR HELP.</p> <p>FEMALE DOES NOT KNOW THE MALES NAME. FEMALE ONLY KNOWS THAT HE LIVES IN THE AREA OF 35TH AND BERGENLINE. FEMALE STATED THAT SHE LIVES IN THE AREA OF 1928 STREET IN NORTH BERGEN, NEXT TO THE PARK, BUT DOES NOT KNOW THE EXACT ADDRESS.</p> <p>I CONTACTED UNION CITY PD AND WAS ADVISED BY SGT CUELLAR TO CONTACT THE HUDSON COUNTY SPECIAL VICTIMS UNIT.</p> <p>SPECIAL VICTIMS UNIT WAS CONTACTED AND INFORMED OF THE SITUATION. I SPOKE WITH DET. SANCHEZ 6245 AND INFORMED HER OF THE SITUATION.</p> <p>FEMALE WAS TRANSPORTED TO CHRIST HOSPITAL BY WERHANNEN 214.</p>							
16. REPORTING OFFICER OFFICER FELANE, FRANK SIGNATURE		17. BADGE # 136	18. HOURS 14:44	19. DATE 02/09/2016	20. REVIEWED SERGEANT BANCRES,		21. PENDING
						22. COMPLETED	



## Appendix N



## Appendix P

On Feb 20, 2016 3:53 AM, "lm" < 4@ .com>

wrote:

It's just sex. Only sex. Nothing more than sex.

On Feb 20, 2016 3:54 AM, "lm" < 4@ .com>

wrote:

There was no mutual for us. I had no feelings other than sexual release. That is all.

On Feb 21, 2016 1:10 AM, "mink" < j@ .com>

wrote:

I don't want to offered anal never. That time I said to you stopping, but you haven't stop, that time I really want to dead.

On Feb 21, 2016 1:16 AM, lm < 4@ .com>

wrote:

Well that time you agreed that I would keep going until I finish. No matter what.

On Feb 21, 2016 14:26 AM, "mink" < j@ .com>

wrote:

I don't know you be yes or no finish. I only remember I kept saying stop and no no, but you haven't stop. Then I seem to bite your finger.

# Appendix Q

**CarePoint Health**  
www.carepointhealth.org

Form ID: ROI  
AUTHORIZATION FOR RELEASE OF  
INFORMATION OF PROTECTED  
HEALTH INFORMATION (PHI)  
Revised 8/09/15 (REV. 7/16)

388

PATIENT ID LABEL

☐ Bayonne Medical Center ☒ Christ Hospital ☐ Hoboken University Medical Center ☐ Other: ☐ CarePoint Physician Practice

All portions of this form must be completed to constitute a valid authorization of release of health information under the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations. If any field is left blank, the authorization will be considered defective.

I HEREBY AUTHORIZE USE/DISCLOSURE OF MY PROTECTED HEALTH INFORMATION AS FOLLOWS:

1. Patient Information: (Please print)

Last Name: HE First Name: XUEJIE Middle Initial:  MR #: 1070870  
Date of Birth: 1/19/85 Phone Number: ( ) City: UP State: NY Zip:   
Address: UP Email Address:

2. Release of information is to (1) authorize the use and disclosure of health information about me as described below:

Name/Organization: SPIC  
Phone Number: ( ) Fax Number: ( )  
Address:  City:  State:  Zip:

3. Health information that may be used/disclosed is limited to the following (check all that apply):

<input type="checkbox"/> Progress Notes	<input type="checkbox"/> Consultation(s)	<input type="checkbox"/> X-ray Report(s)	<input type="checkbox"/> Billing Records
<input type="checkbox"/> Emergency Room Record	<input type="checkbox"/> Lab(s)	<input type="checkbox"/> EKG/EEG	<input type="checkbox"/> Imaging/X-ray Film(s)
<input type="checkbox"/> Discharge Summary	<input type="checkbox"/> Pathology Report	<input type="checkbox"/> Fetal Heart Monitor Strips	<input type="checkbox"/> Other (specify): <u></u>
<input type="checkbox"/> History & Physical	<input type="checkbox"/> Operative/Procedure Note(s)	<input type="checkbox"/> Entire Medical Record	

4. Health information that may be used/disclosed is limited to the following periods of healthcare:

From (date): 2-9-16 To (date): 2-9-16 Account Number: 1000394

5. Health information to be released to the above named agency/individual is to be used for the following purpose(s):

<input type="checkbox"/> Treatment/Consultation	<input type="checkbox"/> Research	<input type="checkbox"/> Billing or Claims Payment	<input type="checkbox"/> Legal
<input type="checkbox"/> At Request of Patient	<input type="checkbox"/> Marketing	<input type="checkbox"/> At Request of Employer	<input type="checkbox"/> Other (specify): <u></u>

Policy for Restriction of Disclosure CPCOM 031 Any prior restriction of disclosure on file? ☒ Yes ☐ No Date:

I hereby give special authorization to release the following information excluding Psychotherapy notes (check all that apply):

<input type="checkbox"/> AIDS/HIV	<input type="checkbox"/> Alcohol Abuse	<input type="checkbox"/> Drug Abuse	<input type="checkbox"/> Mental Health	<input type="checkbox"/> DNA
-----------------------------------	--	-------------------------------------	--	------------------------------

Signature:  Date:  Time:   
Personal Representative Signature (if applicable):   
Description of authority to act on behalf of the patient:

"Health Information" identifies you (the patient) by name, and includes other demographic information about you. "Health Information" may include, but is not limited to: medical records, x-ray films, slides, tracings, strips, etc.

I hereby discharge the facility, its agents and employees for any and all liabilities, responsibilities, damages and claims which might arise from this authorized release of the information that was compiled during my visit, encounter or hospitalization, or make copies thereof in accordance with the policies of this facility.

☒ Yes ☐ No ☐ If applicable, I agree to the release of my medical or billing records containing the sensitive information listed above.

Protected Health Information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and is no longer protected by this privacy rule. If research-related Health Information is used or disclosed for continued research purposes, an expiration date or event does not apply.

This authorization will automatically expire 90 days after the date of signature below (except as indicated below), unless an earlier date is specified, or at the conclusion of a specified event, I understand that I have a right to revoke this authorization at any time, in writing, as stated in the Notice of Privacy Practices.

Treatment, payment, enrollment or eligibility for benefits may not be conditioned on obtaining an authorization if the HIPAA prohibits such conditioning. If conditioning is permitted, refusal to sign the authorization may result in denial of care or coverage.

Expiration Date of Event: 2-9-16

NOTICE TO RECEIVING AGENCY OR INDIVIDUAL: This information is to be treated in accordance with (HIPAA) privacy regulations.

Patient's or Authorized Personal Representative's Signature: H. Xuejie Date: 2-9-16 Time:   
Relationship to Patient/Authority to Act on Patient's Behalf:

Witness's Signature:  Date:  Time:

☐ Signature validated against government issued ID or signature in medical record. There may be a charge for copying medical records.  
☐ Electronic copy requested.

Interpreter, if Utilized:  Interpreter Name:  Interpreter ID#:  Language Accessed:

☐ Approved Translation Service ☐ Physician ☐ Allied Staff Member

\*A copy of this authorization must be given to the individual

## Appendix Q

**Christ Hospital  
176 Palisade Avenue  
Jersey City, New Jersey 07306**

**Emergency Department  
ED Provider Documentation : 0209-0095  
Signed**

Patient: HE,XUEJIE  
DOB: 1965  
Age/Sex: 50 / F

Acct: J00104403944  
Loc: C.ER  
ADM Status: DEP ER

Unit: N001070870  
ADM Date: 02/09/16

### History Of Present Illness

50 y/o female presents to ED complaining of vaginal and rectal pain and bleeding for 3 days s/p sexual intercourse. Patient states she was forced by person she met on the Internet 1 month ago. She denies abdominal pain, vomiting, diarrhea or any other injuries. SART team activated

**Time Seen by Provider:** 02/09/16 15:13

**Chief Complaint (Nursing):** Sexual Assault

**History Per:** Patient, Interpreter

**History/Exam Limitations:** language barrier

**Onset/Duration Of Symptoms:** Days (3)

**Current Symptoms Are (Timing):** Still Present

**Severity:** Moderate

**Pain Scale Rating Of:** 5

### Past Medical History

**Reviewed:** Historical Data, Nursing Documentation, Vital Signs

**Vital Signs:**

#### **Last Vital Signs**

Temp	98.1 F	02/09/16 14:58
Pulse	73	02/09/16 14:58
Resp	20	02/09/16 14:58
BP	126/81	02/09/16 14:58
Pulse Ox	99	02/09/16 16:34

#### **- Medical History**

**PMH:** No Chronic Diseases

**Family History:** States: No Known Family Hx

#### **- Social History**

**Hx Tobacco Use:** No

**Hx Alcohol Use:** No

**Hx Substance Use:** No

#### **- Immunization History**

**Hx Tetanus Toxoid Vaccination:** No

## Appendix Q

**Emergency Department  
ED Provider Documentation : 0209-0095  
Signed**

Patient: HE, XUEJIE  
DOB: /1965  
Age/Sex: 30 / F

Acct: J00104403944  
Loc: C.ER  
ADM Status: DEP ER

Unit: N001070870  
Room/Bed:  
ADM Date: 02/09/16

Hx Influenza Vaccination: No  
Hx Pneumococcal Vaccination: No

**Review Of Systems**

Except As Marked, All Systems Reviewed And Found Negative.

**Cardiovascular:** Negative for: Chest Pain

**Gastrointestinal:** Positive for: Rectal Pain, Other (Rectal bleeding). Negative for: Abdominal Pain

**Genitourinary:** Positive for: Vaginal Bleeding

**Physical Exam**

**- Physical Exam**

**Appears:** Non-toxic, No Acute Distress

**Skin:** Normal Color

**Head:** Atraumatic, Normocephalic

**Eye(s):** bilateral: Normal Inspection

**Neck:** Normal

**Chest:** Symmetrical

**Cardiovascular:** Rhythm Regular

**Respiratory:** Normal Breath Sounds

**Gastrointestinal/Abdominal:** Normal Exam, Soft, No Tenderness

**Rectal:** Other (Pending SART evaluation)

**Back:** Normal Inspection

**Extremity:** Normal ROM

**Neurological/Psych:** Oriented x3

**ED Course And Treatment**

**O2 Sat by Pulse Oximetry:** 99 (RA)

**Pulse Ox Interpretation:** Normal

**Progress Note:** SART team activated.

**Medical Decision Making**

**Medical Decision Making:**

**Patient was seen by SART team.**

**Disposition**

**Counseled Patient/Family Regarding:** Diagnosis

**- Disposition**

**Disposition:** HOME/ ROUTINE

**Disposition Time:** 18:01

**Condition:** STABLE

**Forms:** General Discharge Instructions

**- POA**

**Present On Arrival:** None

## Appendix Q

**Emergency Department  
ED Provider Documentation : 0209-0095  
Signed**

Patient: HE,XUEJIE  
DOB: /1965  
Age/Sex: 50 / F

Acct: J00104403944  
Loc: C.ER  
ADM Status: DEP ER

Unit: N001070870  
Room/Bed:  
ADM Date: 02/09/16

**- Clinical Impression**  
**Clinical Impression:**  
Vaginal bleeding

**- Scribe Statement**

The provider has reviewed the documentation as recorded by the Scribe  
Prince Sintim

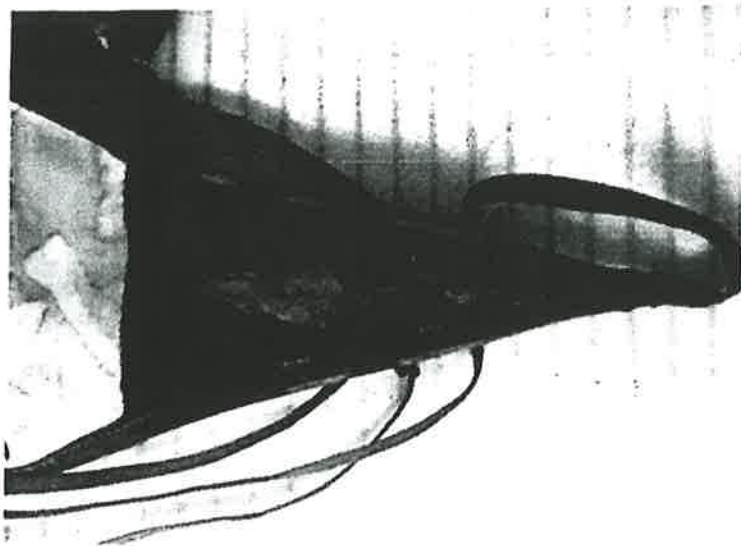
**Provider Attestation:**

All medical record entries made by the Scribe were at my direction and personally dictated by me. I have reviewed the chart and agree that the record accurately reflects my personal performance of the history, physical exam, medical decision making, and the department course for this patient. I have also personally directed, reviewed, and agree with the discharge instructions and disposition.

Signed By Date/Time: <Electronically signed by Caitlin M Jones MD> 02/09/16 1820

<<Signature on File>>

## Appendix R



## Appendix R





## Appendix S

No. 1560344

### Certification

STATE OF NEW YORK, COUNTY OF NEW YORK, SS:

I, Milton Adair Tingling, County Clerk and Clerk of Supreme Court New York County,

do hereby certify that on June 3, 2024 I have compared

the document attached hereto,

NEW YORK COUNTY CLERK'S MINUTES page(s) 2

with the originals filed in my office and the same is a correct transcript

therefrom and of the whole of such original in witness

whereof I have affixed my signature and seal.



MILTON ADAIR TINGLING  
NEW YORK COUNTY CLERK

# Appendix S

101247 / 2017		101247 / 2017	
<p>Opnact: 8/12/2017 Type: Supreme Court General Index Rep. (General)</p> <p>REXAL JAE vs. OUTTENSERS LA POLICE, CHEST HOSPITAL ETAL</p> <p>Any: PRO SE Any:</p>		<p>8/28/17 E ORDER/PROCEED AS POOR PERSON DEN</p> <p>8/12/2017 E SUMMONS AND COMPLAINT</p> <p>8/12/2017 E AFFIDAVIT/APPLICATION TO COMMENCE ACTION AS POOR P</p> <p>Table 88</p>	
Filed	No Fee Actions	Rec'd Room	
5/3/2018 C SUBPOENA RECEIPT		10/6/2018	
4/26/2018 C SUBPOENA RECEIPT		10/6/2018	
1/6/2018 E AFFIRMATION IN support		10/6/2018	
10/6/2018 C AFFIDAVIT/NOTICE OF MOTION seq 002		10/6/2018	
10/6/2018 C AFFIDAVIT		10/6/2018	
10/6/2018 C AFFIDAVIT OF SERVICE (S)		10/6/2018	
10/6/2018 C RECEIVED PAPERS		10/6/2018	
10/6/2018 C HAS PART 23 SEQ 06 MOTION IS DENIED		7/26/2018	
7/26/2018 C NOTICE OF APPEAL COPY FORWARDED TO APP. DIV. - CJ		7/18/2018	
7/18/2018 C TRANSCRIPT		7/26/2018	
7/17/2018 E NOTICE OF APPEAL COPY FORWARDED TO AD. 1st Dept		9/25/2018	
9/25/2018 C ORDER TO SHOW CAUSE seq 004		9/25/2018	
9/22/2018 C brief in support		9/25/2018	
9/22/2018 E RECEIVED PAPERS		9/25/2018	
9/22/2018 C AFFIDAVIT/NOTICE OF MOTION seq 003		9/22/2018	
9/22/2018 C AFFIDAVIT reply (he/she)		9/22/2018	
9/22/2018 C AFFIDAVIT reply		9/22/2018	
9/22/2018 C RECEIVED PAPERS		9/22/2018	
9/22/2018 C PT 23 SEQ 003 MOTION IS GRANTED AS TO HUDSON COUNTY PROSECUTORS OFFICE		9/22/2018	
9/22/2018 E PT 23 SEQ 004 MOTION IS DENIED AS MOOT. SEE ORDER DATED 9/21/18.		9/22/2018	
9/13/2018 ORDER TO SHOW CAUSE NF		5/7/2018	
9/4/2018 C AFFIDAVIT reply		5/7/2018	
9/4/2018 C AFFIRMATION in support		5/7/2018	
9/4/2018 C MEMORANDUM OF LAW in support		5/7/2018	
9/4/2018 C AFFIDAVIT reply		5/7/2018	
9/4/2018 C AFFIDAVIT OF SERVICE (S)		5/7/2018	
9/4/2018 C AFFIRMATION		5/7/2018	
9/4/2018 C AFFIDAVIT/NOTICE OF MOTION		5/7/2018	
9/4/2018 C AFFIRMATION		5/7/2018	
9/4/2018 C AFFIDAVIT/NOTICE OF MOTION seq 002		5/7/2018	
9/4/2018 C MEMORANDUM OF LAW in support		5/7/2018	
9/4/2018 C REQUEST FOR JUDICIAL INTERVENTION		5/7/2018	
9/4/2018 C REQUEST FOR JUDICIAL INTERVENTION		5/7/2018	
9/4/2018 C MEMORANDUM OF LAW in support		5/7/2018	
9/4/2018 C AFFIDAVIT/NOTICE OF MOTION		5/7/2018	
9/4/2018 C AFFIDAVIT/NOTICE OF MOTION		5/7/2018	
9/4/2018 C ORDER PART 23 SEQ #001 AND #002		5/7/2018	
1/27/2017 AFFIDAVIT/NOTICE OF MOTION FEE PAID		11/20/2017	
1/20/2017 AFFIDAVIT/NOTICE OF MOTION FEE PAID		10/24/2017	
1/20/2017 E REQUEST FOR JUDICIAL INTERVENTION		10/24/2017	
1/20/2017 E ANSWER AND SEPARATE DEFENSES		10/11/2017	
10/11/2017 E REQUEST FOR JUDICIAL INTERVENTION		9/28/2017	
10/11/2017 AFFIDAVIT/NOTICE OF MOTION FEE PAID		9/28/2017	
9/27/2017 E AFFIDAVITS OF SERVICE (S)		9/28/2017	
9/25/2017 E ANSWERED SUMMONS & ANSWERED COMPLAINT with additional info.			
8/12/2017 POOR PERSON DENIED - FILING FEE RECEIVED via transaction#47324			

## Appendix S

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

---

XUE JIE HE  
Plaintiff,  
against:  
GUTTENBERG, NJ, CHRIST HOSPITAL, HUDSON  
COUNTY PROSECUTOR OFFICE  
Defendants.

---

MEMORANDUM OF DECISION SUPPORT OF  
DEFENDANT GUTTENBERG POLICE DEPARTMENT'S (VIA GUTTENBERG NJ POLICE)  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO CPLR § 3211(a)(3)  
CHASAN LAMPARELLO MALLON & CAPPUZZO, PC  
Attorneys for Defendants Guttenberg Police Department (VIA Guttenberg NJ Police)

Office Address: 252 Madison Avenue, Suite 1200  
New York, NY 10016  
(949) 631-1883

Reside Address: 301 Lighting Way  
Secaucus, NJ 07094  
(201) 348-0000

Dated: October 30, 2017

/s/ Michael L. Pascual  
Michael L. Pascual, Esq.

---

TO:

XUE JIE HE  
40 9th Street  
New York, New York 10038

CHRIST HOSPITAL  
178 Pellisades Avenue  
Jersey City, New Jersey 07310

HUDSON COUNTY PROSECUTOR'S OFFICE  
565 D'Angelo Avenue  
Jersey City, New Jersey 07310

**FILE**  
MAY 04 2018  
COUNTY CLERK'S OFFICE  
NEW YORK

## Appendix S

### PRELIMINARY STATEMENT

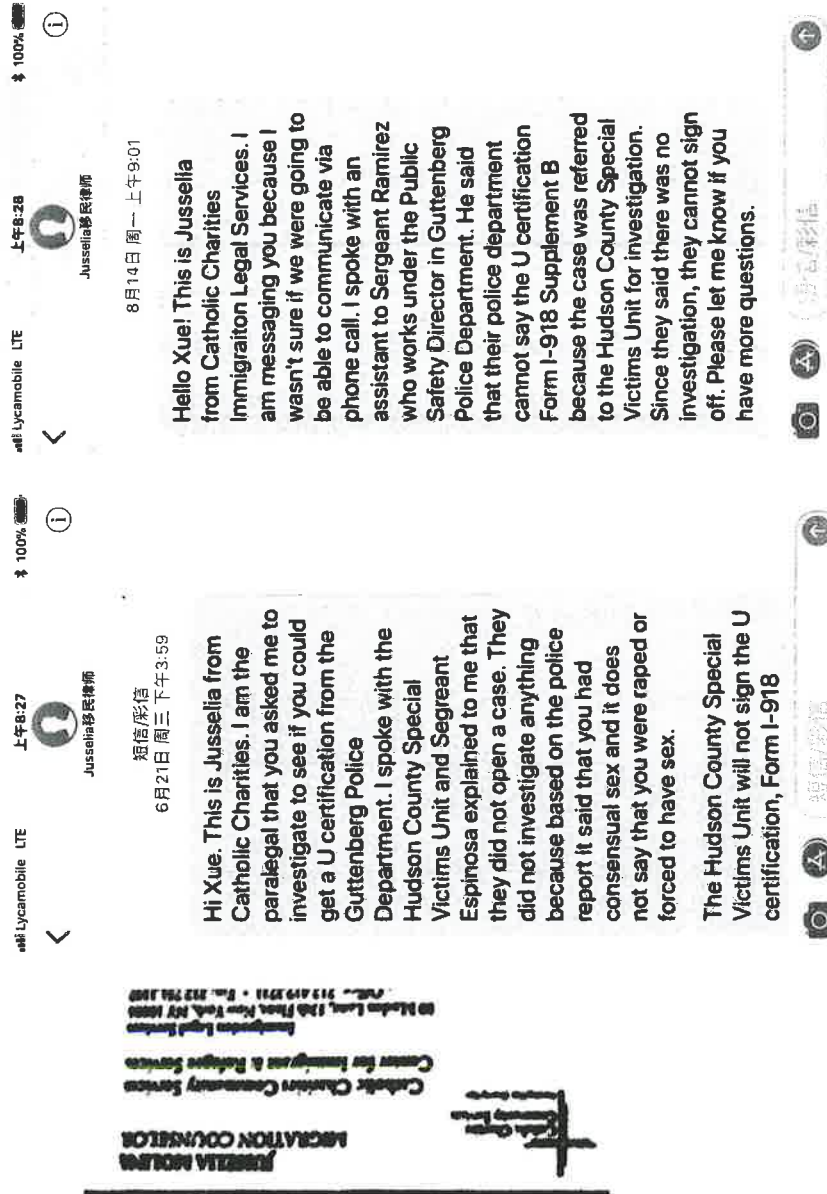
Defendant Guttenberg Police Department, improperly plead as Guttenberg NJ Police, respectfully submits this Memorandum of Law in support of a Motion to Dismiss Plaintiff Xue Jie He's complaint in its entirety pursuant to N.Y. C.P.L.R. § 3211(a) (2) for lack of subject matter jurisdiction and (8) for lack of personal jurisdiction. For the reasons set forth below, the Township's Motion to Dismiss should be granted.

### STATEMENT OF FACTS

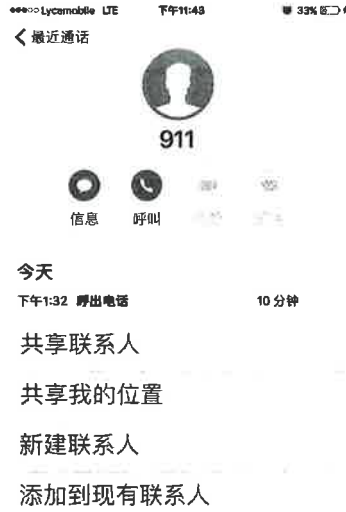
Plaintiff filed the subject Complaint on September 7, 2017, in the Supreme Court of the State of New York, County of New York. (See Exhibit A) Plaintiff is a resident of the State of New York. (¶1) According to her Complaint, Plaintiff was the victim of a sexual assault on February 9, 2016, and called the Guttenberg Police Department to report the assault. (¶3) The Guttenberg Police Department took her to Christ Hospital, where she sought treatment for injuries incurred during the assault. (¶3) Plaintiff states that while at Christ Hospital, she attempted to give statements to the Department, Hospital and the Hudson County Prosecutor's Office but, because Chinese is her first language, had difficulty due to the language barrier and found a Chinese man to translate for her. (¶3)

According to Plaintiff, while providing information to Defendants regarding her attacker, she was asked questions that she believed were inappropriate and made her believe she was being treated like "a prostitute." (¶4) Because of a lack of insurance, Plaintiff claims that the hospital sent her home without proper treatment, medication or necessary STD tests. (¶¶4-5) As a result of the incident, Plaintiff asserts that she considered suicide. (¶6)

## Appendix S



## Appendix T



## Appendix U

### Prehospital Care Report Summary

New York Presbyterian EMS (NYS agency # 0502)

Date: 10/30/2017 Call #: 2210 Booklet: 92491979 Branch: NYPLMH 911 Time Zone: America/New\_York

<b>Call Information:</b> <b>Disposition:</b> Treated/Transported <b>Unit #:</b> 01G2 - 01 GEORGE 2, Ground-Ambulance - BLS Trip Type: N/A <b>Run Type to Scene:</b> Emergency Scheduled: No <b>Incident Facility:</b> <b>Incident Location:</b> RECTOR ST/TRINITY PL - Manhattan, NY 10006 (New York County) <b>Incident Location Type:</b> Scene of Accident or Acute Event - Public Building <b>Receiving Facility:</b> NYP LOWER MANHATTAN (1) (Hospital) - 170 WILLIAM ST - NEW YORK, NY 10038 <b>Facility Address:</b> 170 WILLIAM ST - New York, NY 10038 <b>Destination Type:</b> N/A <b>Dest. Reason:</b> N/A <b>Registration #</b> N/A <b>Loaded Mileage:</b> 0.7 (Total Mileage: 0.7) <b>Crew Members:</b> DEVON CHUNG, EMT Basic(DS)(DH); JOSEPH GALIZIA, EMT Paramedic, Advanced Trained Paramedic-Critical Care(DOC)	<b># Patients Transported</b> <b>In My Unit:</b> 1 <b># Patients at Scene:</b> 1  <b>Call Received:</b> 13:41:18 <b>Dispatched:</b> 13:41:24 <b>En Route:</b> 13:41:33 <b>On Scene:</b> 13:44:43 <b>Patient Contact:</b> 13:48:00 <b>Left Scene:</b> 14:09:15 <b>At Destination:</b> 14:15:32 <b>Transfer of Care:</b> <b>In Service:</b> 14:53:00  <b>Time On Scene:</b> 24 Min <b>Time to Destination:</b> 34 Min <b>Total Time of Run:</b> 72 Min
--	--

Moved to Amb By: Chair Transport Position: Semi/Full Fowlers From Amb By:

Call Origin: 911 Lights/Siren: Scene / Destination-Not used

#### Patient Information:

<b>Name:</b> XUEJIE HE <b>Address:</b> <b>Phone:</b> <b>Email:</b> <b>SSN:</b> <b>Driver License:</b>	<b>DOB:</b> '1965 <b>Gender:</b> Female <b>Age:</b> 51 Years <b>Weight:</b> 110.0 lbs, 49.9 kg <b>Broselow:</b>
--	---

#### Other Contact Info

<b>Name:</b> <b>Relationship:</b>	<b>Phone:</b>  	<b>Cell Phone:</b>  	<b>Comments:</b> <b>Comments:</b> <b>Comments:</b>
--------------------------------------	-----------------------	----------------------------	--

**Current Meds:** None  
**Env Allergies:**  
**Med Allergies:** NKDA  
**Patient Physician:**  
**Advanced Directives:**  
**PMH:** None  
**Comment:**  
**Patient Physical Limitations:**  
**Comment:**

#### Payer Information:

#### Clinical:

**Onset Date/Time:** 10/30/17 13:41:00  
**Dispatch Reason (EMD):** UNKNOWN UNKNOWN - Caller Has No Pt Medical Info  
**Medical Need:**

**Chief Complaint (Primary):** Dyspnea-SOB **Duration:**  
**Provider Impression:** Dyspnea-SOB  
**Mechanism of Injury:** N/A  
**Injury Intent:** Not applicable

12/18/17 14:56 Amy Davis

Confidential PHL 40 2009-2017 Physio-Control - HealthEUSSE 10/30/2017 Call# 2210 BK 92491979 - 1 of 3

PCR 1 of 1

## Appendix U

Protocol 1:

Protocol 2:

### Assessments:

Time	Employee	Type	Summary
		ABC	Breathing: Rapid Edema: None Cap Refill: < 2 Seconds Pertinent Negatives: Breathing: Lung Sounds: Left: Clear Lung Sounds: Right: Clear Skin Color: Normal Skin Temperature: Normal Skin Condition: Normal
		Head To Toe	Head and Neck: Left Eye: Reactive Right Eye: Reactive
		Neurological	AVPU: Alert

### Vitals:

Time	Employee	Summary
13:48:00		Glasgow Coma Score: E (4) + V (5) + M (6) = 15 RTS: 12 Adult
14:00:00	CHUNG, DEVON	BP: 130/ PAL Pulse: 102 Resp: 28 SPO2: 98 Pain: 0 ?
14:03:00		Glasgow Coma Score: E (4) + V (5) + M (6) = 15 RTS: 12 Adult
14:05:00	GALIZIA, JOSEPH	BP: 132/ 86 Pulse: 100 Resp: 20 SPO2: 98 Pain: 0 X
14:15:00	GALIZIA, JOSEPH	BP: 132/ 84 Pulse: 100 Resp: 18 SPO2: 98 Pain: 0 X

### Treatments/Medications:

Time	Employee	Summary
13:49:00	GALIZIA, JOSEPH	Treatment- Oxygen by Mask Attempts: N/A Success: Yes Level: BLS
13:49:00	GALIZIA, JOSEPH	Treatment- BLS ASSESSMENT Attempts: N/A Success: Yes Level: BLS

### Supply

Qty Supply

ECG Device Incident Number:

### Narrative History Text:

01 GEORGE 2 RESPONDED EMERGENTLY TO RECTOR ST/TRINITY PL FOR UNKNOWN - UNKNOWN - CALLER HAS NO PT MEDICAL INFO. BLS ASSESSMENT WAS PERFORMED.



## Appendix U

51 YO FEMALE SEATED IN LOBBY OF BUILDING. PATIENT CONSCIOUS AND ALERT APPEARED IN MODERATE DISTRESS. PATIENT STATES SHE WAS INVOLVED IN ALTERCATION WITH BUILDING STAFF OVER USE OF COMPUTERS AND WAS FORCIBLY REMOVED FROM BUILDING. BUILDING STAFF CALLED FOR EMS. PATIENT HYPERVENTILATING AND APPEARED TO BE HAVING PANIC ATTACK STATING SHE CANNOT MOVE.

PATIENT A/OX3. APPEARED TO BE EXPERIENCING BEHAVIORAL EMERGENCY HYPERVENTILATING AND CRYING. PATIENT DENIES DIZZINESS OR NAUSEA. AIRWAY PATENT, FULL CHEST EXPANSION. NEG ACCESSORY MUSCLE USE, LUNG SOUNDS CLEAR, SPO2 98% ON ROOM AIR, RADIALS STRONG BILAT, SKIN WARM DRY SLIGHT DIAPHORESIS. PATIENT DENIES CHEST PAIN STATES MODERATE DYSPNEA, ABD SOFT NON RIGID, NEG EXTERNAL TRAUMA THROUGHOUT. PATIENT TREATED/ TRANSPORTED TO H01 FOR DYSPNEA/BEHAVIORAL DISORDER. PATIENT RECEIVED OXYGEN VIA NON REBREATHAT AT 15LPM. COACHED BREATHING TO SLOWER RESP RATE. PATIENT EXHIBITED IMPROVEMENT IN SYMPTOMS DECREASED CARPAL PEDAL SPASMS AND DECREASED RESP RATE. PATIENT TRANSPORTED IN POSITION OF COMFORT NEG FURTHER CHANGE IN STATUS EN ROUTE.

PATIENT ACCOMPANIED BY FRIEND IN PATIENT COMPARTMENT EN ROUTE TO H01.

**Unable to Sign:**

Unable to Sign Reason: Physical barrier that prevents pt. from signing

Authorized Representative: No authorized representative is available or willing

Authorized Representative Signature: No

Secondary Documentation: Patient Care Report (signed by representative of facility)

Secondary Documentation Signature: No

Comment:

Auth Signature: No Privacy Sig: No Unable to Sign: Yes Refused to Sign: No

**Signature Image(s):**

Authorization Signature

Privacy Notice Signature

Receiving RN / MD Signature - persaud m - 10/30/2017 14:20

Technician Signature - GALIZIA, JOSEPH R - 10/30/2017 14:39

Recommended Service Level: BLS / Dispatch Service Level: BLS

## Appendix V

Lycamobile

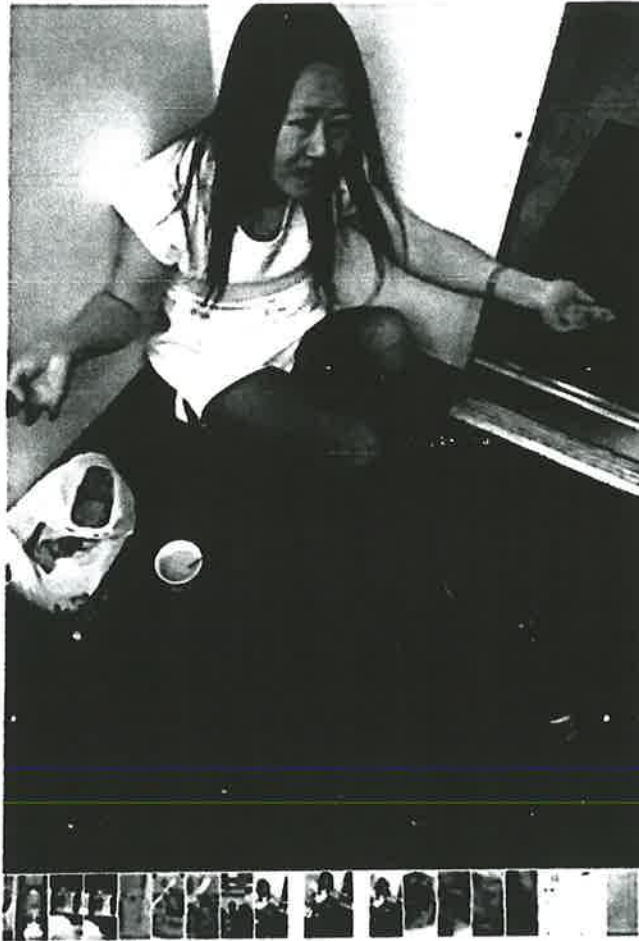
5:15 PM

97%



October 30, 2017  
1:48 PM

Edit



## Appendix W

MRN: 8212 62 64  
Visit: 000419273 868

HE, XUE JIE  
Gender: Female

NY-Presbyterian Low  
Manhattan  
Current Location: A15hall

30-Oct-2017 16:38 by Sadique, Elsa (Registered Nurse)

2 ED Unified Attending Note [Charted Location: A15hall] [Date of Service: 30-Oct-2017 16:57, Authored: 30-Oct-2017 15:57] - for Visit: 000419273 868, Complete, Revised, Signed in Full, General

Preferred Language:  
Preferred Language Cantonese (Chinese).

Language Services Used or Declined: In Person - NYP/Qualified Staff/Liaison/Facilitator .

Triage Information:  
• Triage Information

Review of Systems:

Requested by: Ng, Janice (Secretary I), 18-Dec-2017 13:55

Page 2 of 8

# Appendix W

Un Proveedo  
preventivos.  
cualos Incluye  
Enfermeros. I  
recibe en la S.

**QLS** QUALITY  
LABORATORY  
SERVICES  
1523 VOORHES AVE • BROOKLYN, NY 11235  
2124 MORRIS AVE • UNION, NJ 07083

718.446.5100  
718.332.2574  
www.QualityLaboratory.com  
908.486.2300

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Arley  
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480 295 7850  
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## MY PRIMARY CARE PROVIDER / MI DOCTOR GENERAL:

PRIMARY CARE PROVIDER / DOCTOR GENERAL:

Dr. Ilya Kleyn

ADDRESS / DIRECCIÓN:

Modern Medical

PHONE / TELÉFONO:

225 Broadway, NY NY 10007  
(212) 571-5000

NOTES / NOTAS:

Appt: 11/8/2017 @ 12:30PM

Ilya Kleyn NPI 185-151-7092

Effective Date:

Referable Number:

New York Presbyterian

## Appendix W

### Modern Medical P.C. Board Certified Neurology

Gender: F

Patient: Jie He, Xue  
DOB: '1963

Physician: Gouping Zhou, M.D. Technician: L.S  
Ref. Physician: Ilya Kleyn, M.D.

Recording Date: 02/07/2018

---

### EEG REPORT

#### General Description:

This was a 19 channel awake drowsy and sleep EEG recording with International 10/20 electrode placements. The background activity consisted of posterior dominant moderate amplitude 10 Hz Alpha. These activities were symmetrical. No significant slow wave activity was noted. No significant fast activity was noted.

#### Activation Procedures:

Symmetrical attenuation of the background activity with eye opening was noted. Hyperventilation produced no significant changes to the background activity. Photoc stimulation produced a symmetrical posterior dominant driving response at various frequencies.

**Sleep Patterns:** The drowsy portion of the record was characterized by attenuation of the background activity with the presence of low amplitude activity seen diffusely. Stage II sleep was achieved. Symmetrical sleep spindles, vertex sharp waves and K-complexes were intermixed with low to moderate amplitude theta activity.

**Other Data:** N/A

#### Clinical Impression:

This is a normal awake drowsy and sleep EEG. No focal, diffuse or generalized abnormalities were noted. The absence of epileptiform discharges during the EEG recording does not rule out the diagnosis of a seizure disorder.

Thank you for the courtesy of this referral.



Guoping Zhou, MD  
Gouping Zhou, M.D.  
Board Certified Neurology

## Appendix W

### OUTPATIENT REFERRAL REQUEST

Encounter Visit ID  
Visit ID

#### Patient Information (MSMRN)

Patient Name	MRN	Legal Sex	DOB	SSN
He, Xue-Jie	9054192	Female	1985	

#### Order

**AMB REF TO PHYSICAL THERAPY [9032]**  
(Order 590889580)

#### REFERRAL INFORMATION

Referral Associated with Order (Pending Review)

ID: 13806992

Created on: 4/20/2023

Referred by

Michelle Liu, MD

Referred to

Physical Therapy

Priority:

Within 1 Month

Type:

Consultation

Decision

Date:

4/20/2023

Start Date:

4/20/2023

Expiration

Date:

10/17/2023

Related Appointments

None

#### Priority and Order Details

Priority	Class
Routine	Internal Referral

#### Authorized by

Provider

Michelle Liu, MD

Encounter Provider

Ameena Rana, MD

#### Supervision Information

Encounter Supervising Provider

Michelle Liu, MD

Type of Supervision

Procedural Orders

#### Referral Contact Info

Enc. Provider

Ameena Rana, MD

Enc. Department

10 Union Sq Neurology

Dept. Phone No.

212-844-8888

#### Referral from Department

Name

10 UNION SQ NEUROLOGY

Address

10 Union Square East, Suite 5D  
New York NY 10003-3314

Phone

212-844-8888

Fax

212-844-8481

HE,XUE-JIE (MR #9054192)  
MR-1539 (7/07)

4/20/23 3:41 PM  
Page 1 of 4

## Appendix W

### REFERRAL INFORMATION (continued)

#### REFERRAL QUESTION

##### Order Questions

Question	Answer
Therapy Precautions	False
Frequency of Therapy	at the discretion of therapist

##### ORDER

Reason for referral: vestibular therapy

##### Associated Diagnoses

	ICD-10-CM	ICD-9-CM
Dizziness and giddiness - Primary	R42	780.4
Left-sided weakness	R53.1	728.87

#### PATIENT SYNOPSIS

##### Problem List

Date Reviewed: 4/5/2022

	Codes	Priority	Class	Noted - Resolved
Chronic bilateral low back pain without sciatica	ICD-10-CM: M54.50, G89.29 ICD-9-CM: 724.2, 338.29			3/31/2022 - Present
Tinea pedis of both feet	ICD-10-CM: B35.3 ICD-9-CM: 110.4			3/31/2022 - Present
Cervical cancer screening	ICD-10-CM: Z12.4 ICD-9-CM: V76.2			3/31/2022 - Present
Other chest pain	ICD-10-CM: R07.89 ICD-9-CM: 786.59			10/19/2021 - Present
Arachnoid cyst	ICD-10-CM: G93.0 ICD-9-CM: 348.0			10/19/2021 - Present
Stiffness of joints of both hands	ICD-10-CM: M25.641, M25.642 ICD-9-CM: 719.58			5/18/2021 - Present
Chronic midline low back pain without sciatica	ICD-10-CM: M54.50, G89.29 ICD-9-CM: 724.2, 338.29			4/6/2021 - Present
Hypercholesterolemia	ICD-10-CM: E78.00 ICD-9-CM: 272.0			4/6/2021 - Present
Palpitations	ICD-10-CM: R00.2 ICD-9-CM: 785.1			2/27/2021 - Present
Neck pain	ICD-10-CM: M54.2 ICD-9-CM: 723.1			12/4/2018 - Present
Closed Colles' fracture of right radius with routine healing	ICD-10-CM: S52.531D ICD-9-CM: V54.12			4/13/2018 - Present
RESOLVED: Preoperative cardiovascular examination	ICD-10-CM: Z01.810 ICD-9-CM: V72.81			12/4/2018 - 4/6/2021

##### Outpatient Medications at End of Encounter as of 4/20/2023

	Disp	Refills	Start	End
HE, XUE-JIE (MR #9054182) MR-1539 (7/07)				4/20/23 3:41 PM Page 2 of 4

# Appendix X



**CRIME STOPPERS** hypocrime.org  
YOU DON'T HAVE TO GIVE YOUR NAME 1-800-577-TIPS

**\$10,000 REWARD**  
CALL 1-800-GO-STOP

**1-866-GUN-STOP**  
**1-866-486-7867**

CONTACT CARD PD 143-411 (Rev. 10-15)

**NYPD** New York City Police Department  
37-05 Union St  
ASK FOR  
DETECTIVE

Rank/Name **PO GIGANTE**  
Squad **3707** and **109** Tel. **718 321 2250**  
Email \_\_\_\_\_ @nypd.org



# Appendix X

LI



## VERIFICATION OF CRIME/LOST PROPERTY PD 542-081 (Rev. 09-16)

Requests from complainants/victims or their authorized representative will be completed free of charge. Requests received from any other party must be accompanied by a non-refundable processing fee of \$15.00 (Check or Money Order — NO CASH) payable to the NYC Police Department. Complainants/Victims designating an authorized representative must also complete and submit a notarized AUTHORIZATION LETTER (page 2). All applicants must enclose a stamped self-addressed envelope. Please mail requests to: New York City Police Department, Criminal Records Section (Verification Unit), 1 Police Plaza, Room 303, New York, NY 10038. In order to find this record you MUST furnish all information requested below, particularly the complaint number and precinct of record (occurrence). Verification of your request cannot be made without this information. The complaint number may be obtained by calling the precinct or detective squad concerned during the hours of 7 a.m. to midnight. **FOR USE BY NYPD**

* Complaint Number <b>2017-109-010565</b>	* Precinct of Report <b>37-25 Union St. Flushing</b>	Exact location where crime took place <b>Report address: 135-20 35th Ave, Flushing, NY 11354</b>
Mail Record To: (Print or Type) <b>40 Ann ST New York NY 10038</b>	Full name and address of complainant/victim as reported to Police Department <b>XUE JIE HE . 135-20 35th Ave, Flushing, NY 11354</b>	
Date reported to Police <b>11/27/2017</b>	Time (if known) <b>6:53 PM</b>	This report concerns: <input checked="" type="checkbox"/> Crime <input type="checkbox"/> Lost Property
Date and Time of Crime / Loss of Property (if different than date of report)	Date <b>11/27/2017</b> Time <b>6:43 PM</b>	Name of officer who received your report, if known. <b>POGI &amp; ANTE</b>

Any additional information which may aid in searching for your record

**Report address: 135-20 35th Ave, Flushing NY 11354** **lost address: 143-41 Barclay Ave, Flushing, NY 11355**

Applicant's Name <b>XUE JIE HE</b>	Applicant's Signature <i>Xue Jie He</i>	Date <b>1/18/2018</b>
---------------------------------------	--	--------------------------

**FOR POLICE DEPARTMENT USE ONLY — DO NOT WRITE BELOW THIS LINE**  
THE FOLLOWING IS A VERIFICATION OF THE ABOVE REQUEST INCLUDING PROPERTY INVOLVED.

Alarm No.	Report verified by (print title, name/sign)	Date
-----------	---	------

Raised seal required for validation

# Appendix X

**CRIMINAL RECORDS SECTION/VERIFICATION UNIT**  
**ONE POLICE PLAZA, ROOM 303**  
**NEW YORK, NEW YORK 10038**  
**(646) 610-5200**

DATE: 3/2/18

TO: XUE JIE H2

Your request for Verification of Crime/Lost Property application is being returned for the following reason(s):

☒ Check not enclosed    ☐ Check not signed    ☐ Amount Incorrect

☐ \$15.00 Check or Money Order for each Verification that is requested. Payment can be made online at NYC GOVERNMENT then go to Other Payment Related information then Verification of Crime/Lost Property Report **NO CASH**

☐ Checks must be drawn on a bank located in the United States. **NO CASH**

☐ The record that you have requested is not a public record and can only be obtained through due process of law (Court Ordered Subpoena).

☐ Crime/Lost Property occurred outside of the City of New York and is not within the Jurisdiction of this Department.

☒ **YOUR POLICE REPORT IS CLASSIFIED AS LOST PROPERTY, IT IS NOT CONSIDERED A CRIME AND A \$15.00 FEE IS REQUIRED. NO CASH**

**IN ORDER TO MAKE A PROPER SEARCH FOR CRIME VERIFICATION/LOST PROPERTY, THE FOLLOWING INFORMATION IS REQUIRED:**

☐ Name of complainant, date, and location of Crime/Loss and a \$15.00 Check or Money Order for each Verification is requested. **NO CASH**

☐ Complaint number, date and precinct where Crime/Loss was reported. Complaint number may be obtained by calling the precinct where the report was made.

☐ Complaint report on file does not list value of property, please report value to precinct where loss was reported.

☐ Stamped and self-addressed envelope must accompany each report.

☐ Attached is a Verification of Crime/Lost Property application which is to be filled out and returned to the address listed on the top of the form.

☐ You are named as the arrestee on this complaint report. - Please Contact the F.O.I.L. Unit

☐ For Domestic Violence Incident, Sexual Abuse, Arrest Records and Investigative D.O.A. cases - Please Contact the F.O.I.L. Unit at (646) 610-5296, One Police Plaza, Room 110C, New York, N.Y. 10038.

☐ Insurance Companies must contact Stolen Property Inquiry Section, Quality Control Unit for Recovery Information at (646) 610-6384

**APPTI WONG**

Rank/Title	Name	Verification Unit

# Appendix Y

Page: 1	Patient: XUE, JIE HE	Date: 9/10/2018
---------	----------------------	-----------------



**NEW YORK UNIVERSITY**  
Lectures available in the public domain

**COLLEGE OF DENTISTRY**

## Referral Form

Referred to: New York University College of Dentistry  
345 E. 24th Street (corner of First Avenue)  
New York, NY 10010

Today's Date: 9/10/18

Patient's Name: XUE, JIE HE Date of Birth: 1/1965

### Referred to:

- ☐ Endodontics-JW  
T: make an appointment, please call 212-998-9679.
- ☐ Implant Dentistry-JW  
T: make an appointment, please call 212-998-9679.
- ☐ Oral and Maxillofacial Surgery-JW (Ministry Center)  
T: make an appointment, please call 212-998-9439. 9660
- ☐ Oral Maxillofacial Lesions, Oral-Soft Tissue, and TMJ-18  
T: make an appointment, please call 212-998-9660.
- ☐ Orthodontics-GW  
T: make an appointment, please call 212-998-9993.
- ☐ Pediatric Dentistry-GW  
T: make an appointment, please call 212-998-9742.
- ☐ Periodontics-JW  
T: make an appointment, please call 212-998-9679.
- ☐ Prosthodontics-JW  
T: make an appointment, please call 212-998-9679.

Requested Procedures: \_\_\_\_\_

TO EXPEDITE YOUR PATIENT'S CARE, PLEASE ENCLOSE RADIOGRAPHS AND ANY SPECIAL INSTRUCTIONS.

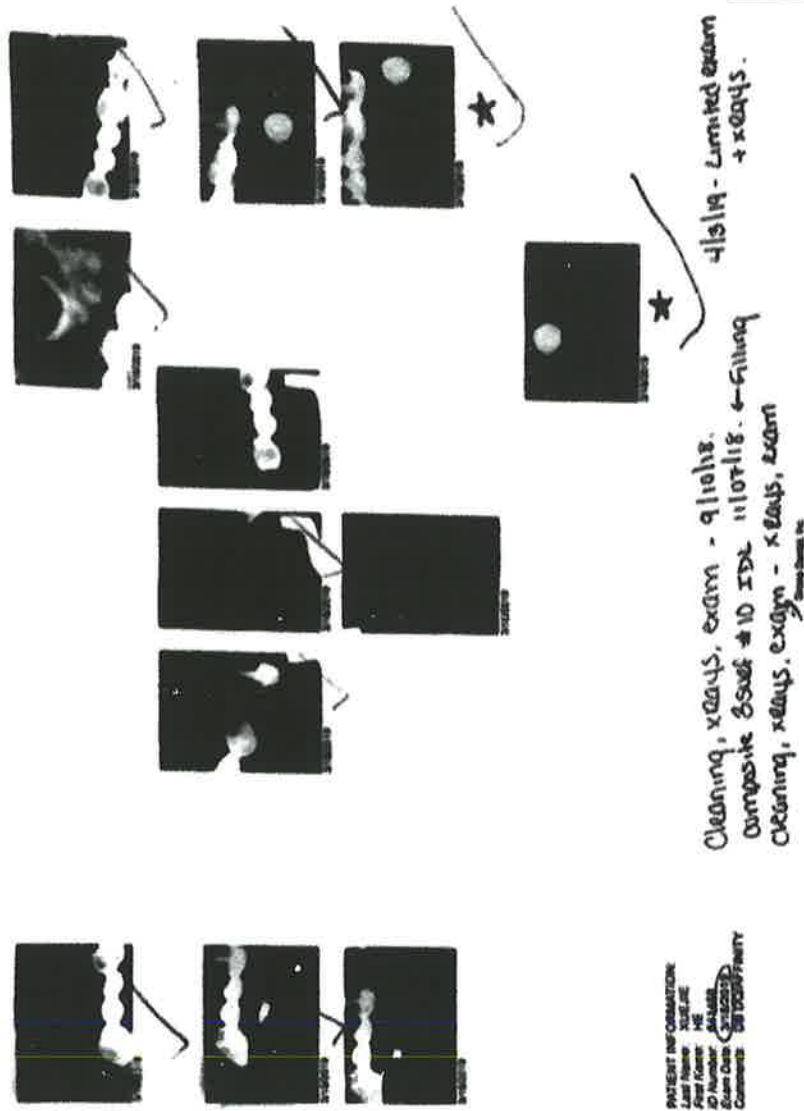
Referring Dentist's Name: \_\_\_\_\_

Office Address: 225 R-Way, M7, N.Y. N.Y. 10007

Office Phone Number: (212) 371-1500

Dentist's Signature: \_\_\_\_\_

# Appendix Y



# Appendix Y

## RECEIPT

Date 11/14/2022

No. \_\_\_\_\_

Received From He, Xue Jie

Amount \$ 150.00

Amount \_\_\_\_\_ Dollars

For Payment of FMS Exam.

From \_\_\_\_\_ to \_\_\_\_\_

Paid by ☒ Cash

☐ Check No.

☐ Venmo/Paypal

Received By Centre Dental

Centre Dental - 139 Centre St, #306

139 Centre St, #306  
New York, NY 10013

WWW.Centredent.com

Account Amt \$ 150  
This Payment \$ 150  
Balance Due \$ 0

11/14/2022	D0430	office visit for observation (during regularly scheduled hours) - no other services performed	C	Dr Shi	
11/14/2022	GRP	Group Note Exam, RMHt NSF NKDA FMS, SD scan PI has failed upper bridge #2, 11, 14, 15 terminal dentition #5 incomplete endo and widened PDL poor prognosis Tentative plan end 2, 11, 14, 15. Missing teeth should be restored with implants or dentures, pending CBCT	EC	Dr Shi	Signed
11/14/2022		Comm - Clinical Note		Christie	

*Dr John Shi*

Centre Dental  
139 Centre St, #306  
New York, NY 10013  
WWW.Centredent.com

## Appendix Z

Appellate Division  
Calendar No.: 18-359  
Index No.: 570916-18

*To Be Argued by:*  
*Shi & Associates*  
*Time Requested: 10 Minutes*

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**Supreme Court Of The State Of New York  
Appellate Division: First Department**

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XUE JIE HE,

*Plaintiff-Appellant*

-against-

HAIRONG XUE,

*Defendant-Respondent.*

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**BRIEF FOR DEFENDANT-RESPONDENT**

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SHI & ASSOCIATES,  
Attorney for Defendant-Respondent  
401 Broadway, Suite 409  
New York, NY 10013  
(212) 965 - 8686

Civil Court, New York County Index No. 890/18

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## Appendix Z

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT**

**Appellate Division Calendar No.: 18-359 Index No.: 570916-18**

---

**XUE JIE HE,**

*Plaintiff-Appellant*

**-against-**

**HAIRONG XUE,**

*Defendant-Respondent.*

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**STATEMENT PURSUANT TO CPLR 5531**

1. The Index Number in the trial court is 890/18.
2. The full names of the parties are set forth above. There have been no changes.
3. The action was commenced on the Civil Court, New York County.
4. The small claim statement was filed on May 12, 2017.
5. The object of the action is to recover deposit of lease.
6. The appeal is from a decision and order of the Civil Court, New York County, dated August 16, 2018, made by Justice Joan M. Keney, which dismissed the claim.
7. The appeal is being perfected on the full record method.
8. There are no trial transcripts involved in this appeal.

## Appendix AA

Case 18-3572, Document 24, 04/04/2019, 2532903, Page1 of 1

S.D.N.Y. - N.Y.C.  
18-cv-7806  
Stanton, J.

### United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 4<sup>th</sup> day of April, two-thousand nineteen.

Present:

Robert A. Katzmann,  
*Chief Judge,*  
John M. Walker, Jr.,  
José A. Cabranes,  
*Circuit Judges.*

Xuejie He,

*Plaintiff-Appellant,*

v.

18-3572

Office of the New York City Comptroller,

*Defendant-Appellee.*

Appellant, pro se, moves for leave to proceed in forma pauperis. Upon due consideration, it is hereby ORDERED that the motion is GRANTED for the purposes of this order. It is further ORDERED that the case be REMANDED for consideration of whether the parties are diverse and whether the amount in controversy requirement was satisfied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

MANDATE ISSUED ON 04/25/2019



## Appendix AB

### Automatic Reply **Inbox**



DTRAI (HPD) Aug 7  
to me ^



From DTRAI (HPD) DTRAI@hpd.nyc.gov

To Hannah aiaihh8888@gmail.com

Date Aug 7, 2023, 9:42 AM



Standard encryption (TLS)

[Learn more](#)

Thank you for your submission to [DTRAI@hpd.nyc.gov](mailto:DTRAI@hpd.nyc.gov) . We will review your response and take the appropriate action based on your submission. This email constitutes a receipt of emailed documentation being received by HPD's Division of Tenant Resources; however, it does not verify the accuracy, completeness, legibility or validity of the documentation provided.

**VIEW ENTIRE MESSAGE**

## **Appendix AB**

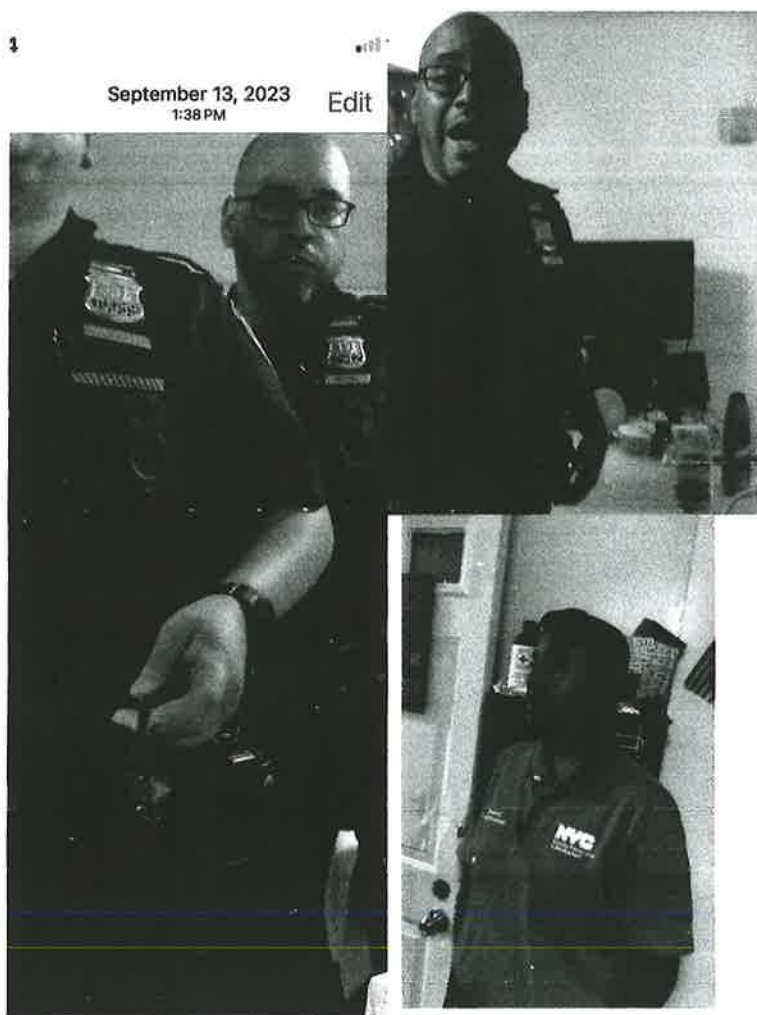
### **New York Code Chapter 2 § 26-301(1)(b)**

#### **Relocation of tenants.**

1. The commissioner of housing preservation and development shall have the power and it shall be his or her duty:

(b) Subject to the approval of the mayor, to fix and promulgate and from time to time amend a schedule of payments to be made to or for the benefit of and to aid in the relocation of tenants. Such schedule with respect to payments resulting from or relative to state or state-aided programs or activities within the city of New York shall also be subject to the approval of the director of the state division of the budget and of the head of the state department or agency having jurisdiction over such program, activity or aid. Such schedule shall provide for equal treatment of tenants under similar circumstances, shall be applicable as herein provided and may include but need not be limited to payments to be made to such tenants to induce their voluntary removal, moving expenses and expenses of redecorating accommodations to which such tenants are relocated and payments to persons for the services of finding accommodations to which such tenants are to be relocated. Such schedule may include maximum or minimum payments, or both. The acceptance of a payment provided for under such schedule by a landlord, owner or authorized agent shall not be deemed a violation of any rent regulation or statutory prohibition to the contrary.

## Appendix AB



**WARNING TO RESPONDENT**  
**YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN**  
**THE AWARD OF POSSESSION TO THE PETITIONER**

- 59a -

## Appendix AB

NYSCEF DOC. NO. 19

RECEIVED NYSCEF: 12/12/2021

Civil Court of the City of New York  
County of Kings

Index # LT-308485-23/KI

Hei Xiang Huang

Petitioner(s)

Decision / Order

-against-

Han Na He; "John" "Doe"; "Jane" "Doe"

Respondent(s)

Recitation, as required by CPLR 2219(a), of the papers considered in the review of this motion:

Papers	Numbered
Order to show Cause/ Notice of Motion and Affidavits /Affirmations annexed	NYSCEF 7-15 (Mot. Seq. 2)
Answering Affidavits/ Affirmations	NYSCEF 18 (OSC #1)
Reply Affidavits/ Affirmations	NYSCEF 16
Memoranda of Law	
Other	

Respondent moves to dismiss this proceeding, alleging (amongst other things) that the petitioner failed to timely serve the Petition and Notice of Petition as required under RPAPL §733(1). The court grants respondent's motion.

Per the affidavit of service for the petition and notice of petition, copies of the petition and notice of petition were affixed to the door of the subject unit on May 16, 2023, at 4:43 pm and copies of same were mailed to the subject premises on May 17, 2023. The affidavit of service for these documents was not filed until July 17, 2023 (after the first appearance in this matter.)

The late filing of these affidavits of service rendered service non-compliant with RPAPL §733(1). RPAPL §733(1) requires that the petition and notice of petition be served at least ten and not more than seventeen days before the petition is noticed to be heard. When the petition and notice of petition are served via substitute service, service is not complete until the affidavit of service for those documents is filed. (RPAPL §735(2)(b).) As such, even though the papers were allegedly affixed to the door on May 16, 2023 and mailed the next day, service was not complete until July 17, 2023, well after the time allowed under RPAPL §733(1). Failure to

## Appendix AB


NYSCEF DOC. NO. 19 RECEIVED NYSCEF: 12/12/2023  
comply with the statutory requirements of RPAPL §735 renders the petition dismissible for lack

of jurisdiction. *Berkeley Assocs. Co. v. DiNapoli*, 122 A.D.2d 703, 505 N.Y.S.2d 630 (1st Dep't. 1986), *appeal dismissed* 69 N.Y.2d 804, 505 N.E.2d 951, 513 N.Y.S.2d 386 (1987); *abrogated on other grounds by Riverside Syndicate v. Saltzman*, 49 A.D.3d 402 (1st Dep't 2008).

Thus, respondent's motion (Mot. Seq. 1) is granted. Petition dismissed. the court denies respondent's pro se order to show cause (OSC #1) as moot.

Date: 12/11/23

Civ-GP-85

  
Hon. Jason P. Vendzules, J.H.C.

ORIGINAL PAPERS  
FILED  
MAY 23 2024  
LANDLORD TENANT  
KINGS COUNTY

1 of 2

# Appendix AB

DCE Form 130  
(Rev. 7/72)

Date Printed and Mailed August 11, 1980  
Effective Date August 16, 1980



## THE CITY OF NEW YORK DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT Office of Enforcement and Maintenance Services Division of Code Enforcement

Block No. 233800  
Lot No. 00000  
Lot No. 00000

PARTIAL VACATE

### ORDER TO REPAIR / VACATE ORDER

By Authority of New York City Administrative Code sec. 27-2130 et. seq. with Notice Pursuant to New York City Administrative Code 27-2127 (a) and 27-2141.

To the Owner, Lessee, and Occupants, if of the dwelling situated at 7104 B Avenue, Borough of Brooklyn, City of New York.

WHEREAS it has been certified to the Division of Code Enforcement by an Officer or Inspector thereof, that the said dwelling is dangerous to life, and detrimental to the health and safety of the occupants and others, and is such for human habitation because of the following conditions:

1. ILLEGAL APPOINTMENT CREATED AT CELLAR : INADEQUATE SECOND ENTRANCE OF EXITS : ONE WAY IN, ONE WAY OUT OF CELLAR.
2. ILLEGAL APPOINTMENT CREATED AT CELLAR : INADEQUATE LIGHT/VENTILATION : CELLARS TOO LOW, APPROX 6', TO ALLOW ADEQUATE VENTILATION OF CELLAR.
3. ILLEGAL APPOINTMENT CREATED AT CELLAR : OTHER : ILLEGAL CLASS A APPOINTMENT CONSTRUCTED IN CELLAR.
4. ILLEGAL APPOINTMENT CREATED AT CELLAR : INADEQUATE LIGHT/VENTILATION : WINDOW TOO SMALL, APPROX 5'x7' TO PROVIDE ADEQUATE NATURAL LIGHT TO CELLAR.
5. ILLEGAL APPOINTMENT CREATED AT CELLAR : OTHER : BOUTER ROOM ADJACENT TO SLEEPING AREA.

IT IS ORDERED pursuant to Sec. 27-2130 and Sec. 27-2130 et. seq. of the Administrative Code of the City of New York, that the contents of the aforesaid conditions be removed by 7104 B Avenue, Borough of Brooklyn, City of New York, within the time specified by the Order, August 14, 1980.

And to the contents of the dwelling situated at 7104 B Avenue, Borough of Brooklyn, City of New York, please TAKE NOTICE that unless the above described conditions are removed by Monday, August 14, 1980, pursuant to said sec. 27-2130 and sec. 27-2130 et. seq., the Department of Housing Preservation and Development of the City of New York may order to work on order directing said Department to remove the above repair order and to permit said Department to obtain a lien for costs of removing said repair order having priority over all other liens and encumbrances against said dwelling; or said Department may elect to place such conditions with no further notice and obtain a lien for the costs of removing said repairs.

And FURTHER, pursuant to sec. 1002 (1), (2) and (3) of Chapter 01 of the N.Y.C. Charter and sec. 27-2130 et. seq. of the N.Y.C. Administrative Code, IT IS ORDERED that all persons in dwelling units:

Story	Unit No.	Unit Type	Location	Room	Location
CELLAR	CC	APARTMENT	EAST 1	ENTRANCE	EAST 1

of said dwelling, vacate the dwelling by Monday, August 14, 1980.

TAKE NOTICE, if the Department finds that the conditions existing in the dwelling or part with for human habitation have been corrected, it may order the vacate order. If the Department finds that the conditions existing are being corrected and that continued emergency may be permitted consistent with health and safety, the Department may extend the time period for vacating fixed in this order and, in the event of full compliance, may revoke this order.

TAKE NOTICE that the owner must ensure that a copy of this Order to Repair/Vacate Order number posted will remain by the Department, if the posted Order is ignored, the owner will be subject to a violation and civil penalty. To obtain additional copies of the Vacate Order, contact (718) 603-6030 through HPD's telephone (non-emergency) or contact HPD at our Borough Office.

TAKE FURTHER NOTICE that if this Order to Repair/Vacate Order is not received pursuant to the above paragraph the owner may be liable and responsible for all penalties, costs and fees that may arise as a result of this order, including, but not limited to, penalties, costs and fees pursuant to Subchapter V, Article 24 of the Housing Maintenance Code.

TAKE FURTHER NOTICE that any building/unit vacated by this Order to Repair/Vacate Order may not be re-occupied unless the Vacate Order has been received by the Department. If the vacated building or unit is re-occupied, the owner will be subject to a violation and a civil penalty of not less than \$1,000 for each re-occupied unit.

And FURTHER, that this order be served on the law required.

All requests for reconsideration or time extensions must be submitted immediately to the Borough Chief Inspector in writing with supporting documentation.



Chief Inspector - Division of Code Enforcement

NOTICE

THIS VACATE ORDER MAY CAUSE A RELOCATION AND/OR AN EMERGENCY REPAIR LIEN TO BE FILED AGAINST THIS PROPERTY PURSUANT TO SECTIONS 26-305 AND 27-2130 THROUGH 27-2140 OF THE N.Y.C. ADMINISTRATIVE CODE. FOR INFORMATION CALL (212) 603-6030.

Page 1 of 1

26-305

Jean Philippe.  
212-863-6038  
philippj@hpd.nyc.gov

## Appendix AB

 Gmail

Hannah < 8888@gmail.com>

### **Inquiry Regarding Request for Emergency Housing After Vacate Order**

**Nichson, Alexandra (HPD)** <NichsonA@hpd.nyc.gov>  
Recipient: " 8888@gmail.com" < 8888@gmail.com>

May 22, 2024 16:34

Good afternoon --

My name is Alexandra, and I am tasked with following up on constituent inquiries received from the public that are forwarded to my office, Asset and Property Management (APM).

I wanted to follow-up on your below inquiry; have you been in contact with HPD to secure long-term housing?

Message: PLEASE REFER TO EC-0085553 & EC-0086846 HPD HAS NOT ASSISTED WITH EMERGENCY HOUSING AFTER VACATE ORDER WAS ISSUED. I'M IN NEED OF LONG TERM HOUSING WHICH HAS NOT BEEN OFFERED TO ME. I'VE BEEN TOLD THAT I'M NOT ELIGIBLE BUT I FEEL LIKE I'M POSSIBLY BEING DISCRIMINATION. I'M STILL IN NEED OF ASSISTANCE.

Best,

Alexandra

**Alexandra Nicholson**

Deputy Chief of Staff, Asset and Property Management (APM)

100 Gold Street, Rm. 7-Z3

New York, NY 10038

Office: 212-863-8486



## Appendix AB



Hannah < 8888@gmail.com>

### Tenant Applying For Relocation Services

Nichson, Alexandra (HPD) <NichsonA@hpd.nyc.gov>  
Recipient: Hannah < 8888@gmail.com>

May 23, 2024 16:24

Good afternoon Hannah – I spoke with a representative from the Emergency Housing Services (EHS) unit. She mentioned that you refused shelter placement through EHS several times; the unit is unable to assist with your housing search unless you are in one of their shelters.

#### Alexsandra Nicholson

Deputy Chief of Staff, Asset and Property Management (APM)

100 Gold Street, Rm. 7-23

New York, NY 10038

Office: 212-863-8486

Cell: (929) 265-1043 | NicholsonA@hpd.nyc.gov

Fax: (212) 863-5048



From: Hannah < 8888@gmail.com>  
Sent: Thursday, May 23, 2024 3:45 PM  
To: Nicholson, Alexandra (HPD) <NichsonA@hpd.nyc.gov>  
Subject: [EXTERNAL] Fwd: Tenant Applying For Relocation Services

You don't often get email from alexh8888@gmail.com. Learn why this is important

## Appendix AC

[illegible]

# Appendix AC



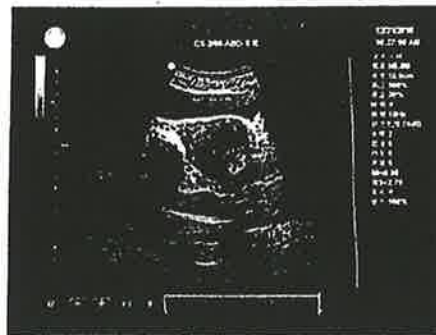
胆囊	未见明显异常
胰腺	未见明显异常
脾脏	未见明显异常
双肾脏	未见明显异常
膀胱	未见明显异常
子宫	子宫肌瘤(大小2.5x1.8cm)
双附件	未见明显异常

## 小结

- (1)肝脏: 肝右叶强回声病灶(大小1.1x0.6cm,考虑钙化灶可能,建议进一步检查)、肝囊肿(大小1.3x1.1cm)  
 (2)子宫: 子宫肌瘤(大小2.5x1.8cm)  
 (3)胆囊、胰腺、脾脏、双肾脏、膀胱、双附件: 未见明显异常

审核日期: 2016-11-30 检查医师: 张华科

T0000428703-0029.JPG



## 检验科

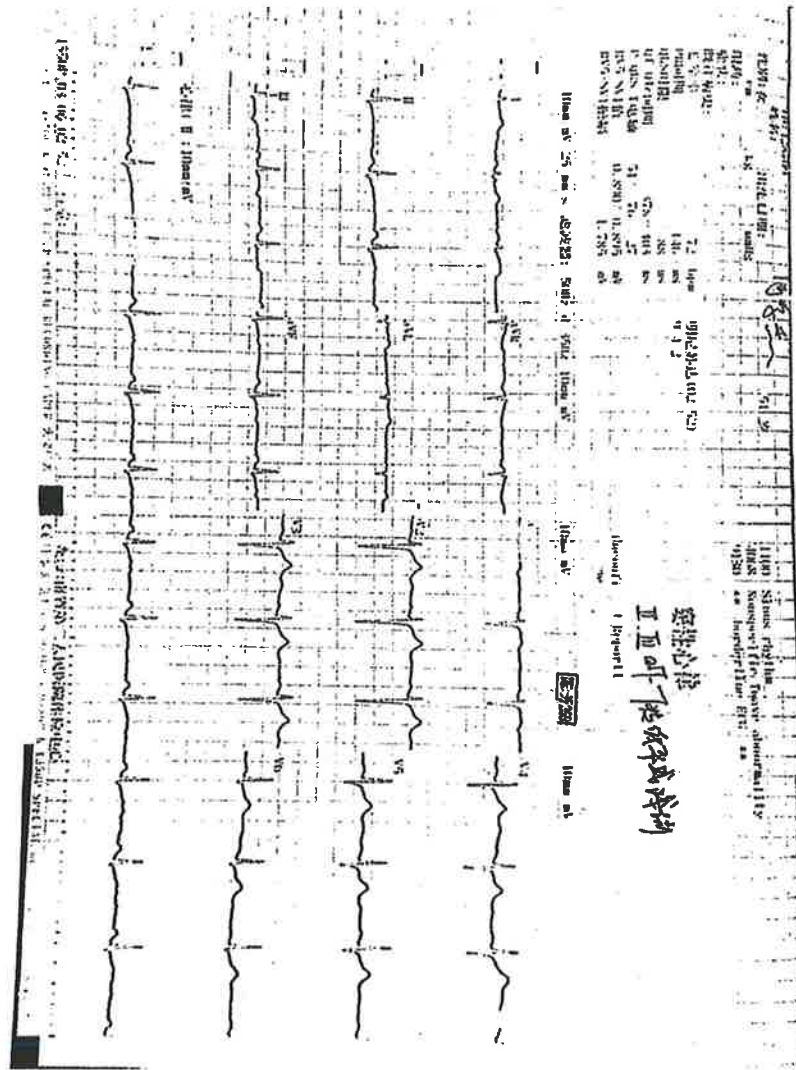
## 检验结果

检验项目	结果	标志	参考值	单位
血糖				
空腹血糖	5.05		3.9 ~ 6.1	mmol/L
血脂				
总胆固醇	6.74		0 ~ 5.2	mmol/L
甘油三酯	1.35		0 ~ 1.7	mmol/L
高密度脂蛋白	1.60		>1.04	mmol/L

非生命体征检测 非临床与生命体征

报告号 00428703 科室 第3页

# Appendix AC



## Appendix AD

### Constitutional And Statutory Provisions Involved

#### 42 U.S. Code § 1983

##### Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

#### 42 U.S. Code § 1395dd (d)(2)(A).

##### Examination and treatment for emergency medical conditions and women in labor

(d) (2) (A) Any individual who suffers personal harm as a direct result of a participating hospital's violation of a requirement of this section may, in a civil action against the participating hospital, obtain those damages

## Appendix AD

available for personal injury under the law of the State in which the hospital is located, and such equitable relief as is appropriate.

28 U.S. Code § 46(c)

Assignment of judges; panels; hearings; quorum

(c) Cases and controversies shall be heard and determined by a court or panel of not more than three judges (except that the United States Court of Appeals for the Federal Circuit may sit in panels of more than three judges if its rules so provide), unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court in banc shall consist of all circuit judges in regular active service, or such number of judges as may be prescribed in accordance with section 6 of Public Law 95-486 (92 Stat. 1633), except that any senior circuit judge of the circuit shall be eligible (1) to participate, at his election and upon designation and assignment pursuant to section 294(c) of this title and the rules of the circuit, as a member of an in banc court reviewing a decision of a panel of which such judge was a member, or (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court in banc at a time when such judge was in regular active service.

Rule 35(a)(2)

En Banc Determination

## **Appendix AD**

**(a) When Hearing or Rehearing En Banc May Be Ordered.** A majority of the circuit judges who are in regular active service and who are not disqualified may order that an appeal or other proceeding be heard or reheard by the court of appeals en banc. An en banc hearing or rehearing is not favored and ordinarily will not be ordered unless:

**(2) the proceeding involves a question of exceptional importance.**

### **FRCP Rule 55 (a) (b)**

#### **Default; Default Judgment**

**(a) Entering a Default.** When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

**(c) Entering a Default Judgment.**

### **Rule 56. (f) (1)(2)(g)**

#### **Summary Judgment**

**(f) Judgment Independent of the Motion.** After giving notice and a reasonable time to respond, the court may:

**(1) grant summary judgment for a nonmovant;**

**(2) grant the motion on grounds not raised by a party; or**

**(g) Failing to Grant All the Requested Relief.** If the court does not grant all the relief requested by the

## Appendix AD

motion, it may enter an order stating any material fact — including an item of damages or other relief — that is not genuinely in dispute and treating the fact as established in the case.

### Supreme Court Rule 10 (a)

#### Considerations Governing Review on Writ of Certiorari:

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

### Amendment XIV

#### Section 1.

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



## Appendix AE

### AFFIDAVIT

I, Xuejie He declare under penalty of perjury that the following facts are true and correct :

The facts and evidence in this petition are true copies.

Petitioner applies to add the respondents Katherine Polk Failla, John M. Walker, Jr., Susan L. Carney, Michael H. Park, Myrna Pérez and Beth Robinson denial the proceeding, stole and perjury facts and law in this case under evidence RELATED CASES and INDEX TO APPENDICES at vi-xiv. They violated Judge's judicial discretion,

Public power by delegate law.

Private power by prohibited law.

and claim amount from them is \$259,800.00 ( 04/18/2023 to 05/16/2024, 07/06/2024 to 08/13/2024, 433 (days) x 6(h) x \$50 = \$129,900.00 x 2 = \$259,800.00 ).

Petitioner:



Date: August, 15, 2024.

**CERTIFICATE OF COMPLIANCE**

**No.**

**Xuejie He,**

**Petitioner**

**v.**

**United States Of America, et al.**

**Respondents**

**As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 1397 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).**

**I declare under penalty of perjury that the foregoing is true and correct.**

**Executed on August, 15, 20 24**

A handwritten signature in black ink, appearing to be "Xuejie He", written over a horizontal line.

**CERTIFICATE OF SERVICE**

**No.**

**Xuejie He,**

**Petitioner**

**v.**

**United States of America, et al.**

**Respondents**

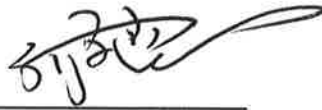
**As required by Supreme Court Rule 29, I Xuejie He hereby certify that four copies of the PETITION FOR A WRIT OF CERTIORARI Corrected in Xuejie He, v. United States of America, et al. , were served via overnight mail on all parties required:**

**Counsel for Respondents United States of America, et al.  
Benjamin H. Torrance , Assistant U.S. Attorney  
[ COR NTC US Attorney ]  
United States Attorney's Office for the Southern  
District of New York (Three copies)  
86 Chambers Street New York , NY 10007**

**Solicitor General of the United States, Room 5616,  
Department of Justice, (One copy)  
950 Pennsylvania Ave.,  
N. W., Washington, DC 20530-0001.**

**I declare under penalty of perjury that the foregoing is true and correct.**

**Executed on August, 16 , 20 24**



A handwritten signature in black ink, appearing to be 'Xuejie He', is written over a horizontal line.