

5128/24

No. 24-469

In the
Supreme Court of the United States

SIYU YANG, LU YANG,
PETITIONER,

v.
UNIVERSITY OF ROCHESTER
EASTMAN SCHOOL OF MUSIC et al.
RESPONDENT.

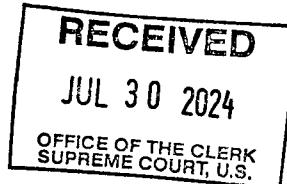
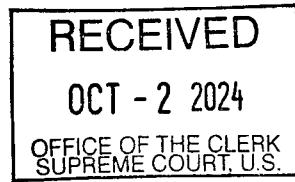
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On Petition for a Writ of Certiorari
to New York State Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

Appellants Petition of Siyu Yang, Lu
Yang, Siyu Yang & Lu Yang, Pro Se
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I

QUESTIONS PRESENTED FOR REVIEW

1. The New York State Court of Appeal issued a judge's order on 04/18/2024, but the order did not indicate a "case number", please see Appendix APP 1/1 for details.
2. In Monroe County, N.Y. Supreme Court, JAMAL J. ROSSI, President of the Eastman School of Music, and Matthew Ardizzone ,Associate President, submitted perjury under oath to the Judge. Judge Ann Marie Taddeo of the Monroe County Supreme Court in New York deliberately avoided reviewing the issue.
3. During the "perfect appeal" process of this case, the judicial officers involved at all levels in New York State violated the 14th Amendment to the US Constitution Regarding civil rights, due process and equal protection. Repeatedly violated the basic rights of citizens.

II

4.In the process of "perfecting the appeal" in this case, the Monroe County Clerk's Office, NY, intentionally falsified the status of court records. Judges at all levels in the New York State Court have covered up and condoned this.

5.New York State judicial officers willfully violated the First Amendment of the United States Constitution. By means of violating the criminal law of the United States, the appellant is deprived of the right to appeal to the government.

All of the above questions are supported by a chain of evidence.

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Federal criminal law

1. Perjury

Eastman School of Music Dean JAMAL J. ROSSI
and Associate Dean MATTHEW ARDIZZONE
Submit perjury to the judicial system / 3-5, See
Supreme Court, Case No. 22-1134, May 22, 2023 .

2. The crime of tampering with court electronic files
Defendant lawyers and judicial officials tampered
with court electronic files and committed various
fraudulent acts. Judges at all levels in New York
State have shielded, condoned, and neglected their
duties / XVIII-XXXI , See Supreme Court, Case
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PARTIES TO THE PROCEEDINGS

The parties to the proceedings before this court are
as follows:

Siyu Yang & Lu Yang, Pro Se.

**EASTMAN SCHOOL OF MUSIC/UNIVERSITY
OF ROCHESTER, MATTHEW RDIZZONE,
JAMAL J. ROSSI, MERCEDES RAMIREZ
FERNANDEZ, and SARAH C. MANGELSDORF,**

LIST OF PROCEEDINGS / Procedural History

New York State Court:

1. Petitioner filed a civil suit in Monroe County, NY
Supreme Court on 06/ 14/2021. JAMAL J. ROSSI,
Dean of the Eastman School of Music, and Matthew
Ardizzone, Associate Dean, submitted perjury
affidavits to the Monroe County Supreme Court. And
these perjury just proved the essence of this case.

Case number: E2021005417.

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2. On 11/ 12/2021, the Supreme Court of Monroe County, New York made an illegal decision to dismiss the plaintiff. (*See: Electronic Archives, E2021005417 - Monroe County Supreme Court, NYSCEF DOC. NO. 68,).*
3. The petitioner appealed on 12/03/2021 to the Fourth Judicial Division of the New York State Court of Appeals, and the case is currently unlawfully dismissed by Chief Justice Gerald J. Whalen. During the "perfect period" of the case, the appellant encountered all kinds of artificial difficulties.....! (*See: Electronic Archives, CA21-01792 -Appelate Division - 4thDept, NYSCEF DOC. NO. 65, 85, 103,).*
4. On 02/09/2022, Chief Justice Anthony Cannataro of the New York State Court of Appeals issued an illegal malpractice decision. Case No.: Mo. No. 2022-813 .

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5. "Order" of the Court of Appeals of the State of New York, The Hon. Rowan D. Wilson, Chief Judge, 04/18/2024. New York State Court of Appeals filing letter, case number: APL-2023-00209, 12/22/2024.

(Note: Deliberately not specifying the case number)

Federal Court:

1. The petitioner sued the U.S. Federal District Court for the Eastern District of New York on 08/24/2020, and was later ordered by the judge to be transferred to the Western District Court of New York. Case number: 6:20-cv-06691-EAW.
2. The petitioner sued another case in the Western District Court of New York on 02/18/ 2021, case number: 6:21-cv-06168-EAW.
3. Judge ELIZABETH A. WOLFORD of the Western District Court of New York combined the two cases into one and issued an order on 05/ 19/2021 to unlawfully dismiss the petitioner's complaint.

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4. The petitioner appealed to the United States Second Circuit Court on 06/ 11/2021. Case number: 21-1482- cv.

5. At that time, the petitioner also submitted the defendant's perjury issue to the judge of the Federal Second Circuit Court for review. However, the Federal Circuit judge also recused himself from the criminal offenses committed by the defendants.

6. The Federal Second Circuit made an illegal "SUMMARY ORDER" on 04/07/2022.

7. On 05/02/2022 , the petitioner filed a petition with the Second Federal Circuit, requesting that the full justices of the court reopen the case.

8. The complainant appealed to the U.S. Supreme Court on 06/28/2022, case number: NO. 22-154

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1. "Order" of the Court of Appeals of the State of New York, The Hon. Rowan D. Wilson, Chief Judge, 04/18/2024. New York State Court of Appeals filing letter, case number: APL-2023-00209, 12/22/2024.

(Note: Deliberately not specifying the case number)

2. Order, Appeal from the Supreme Court of New York, 4th Department, Gerald J. Whalen, Chief Judge, dated 09/25/2023

3. Monroe County Supreme Court "Order," Entered: 11/12/2021, Judge: Ann Marie Taddeo, (*Electronic File, E2021005417 -Monroe County Supreme Court, NYSCEF DOC. NO. 68*)

PETITION FOR A WRIT OF CERTIORARI

Applicant respectfully requests a writ of certiorari to review the order of dismissal issued by the Supreme Court of Monroe County, New York on 11/12/2021 and the order of the Fourth Judicial Court dismissing appellant. The New York State Court of Appeals

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affirmed. The appellant requested that the Supreme Court conduct a comprehensive review of the entire case file.

BASIS FOR JURISDICTION IN THIS COURT

The New York State Court of Appeals entered ORDER on 04/18/2024. This Court has jurisdiction under Article 3 of the U.S.Constitution , 28 U.S.C. § 1254. Judicial malfeasance, unconstitutional and criminal violations.

CONSTITUTIONAL PROVISIONS INVOLVED

1. The 14th Amendment to the U.S.Constitution, this case involves civil rights, due process, and equal protection clauses. All Judges violated this article in their trials.
2. New York State judicial officials willfully violated the First Amendment to the United States Constitution. Using all kinds of shameless and dirty means. At the price of violating the US criminal law,

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deprive the appellant of the right to appeal to the government.

3. Article 3 of the United States Constitution

STATUTORY PROVISIONS INVOLVED

federal law

28 U.S.C. § 1254 , Title VI of the Civil Rights Act .

federal criminal law

1. Perjury

Eastman School of Music Dean JAMAL J. ROSSI

and Associate Dean MATTHEW ARDIZZONE

Submit perjury to the judicial system.

2. The crime of tampering with court electronic files

Defendant lawyers and judicial officials tampered with court electronic files and committed various fraudulent acts. Judges at all levels in New York State have shielded, condoned, and neglected their duties.

State law

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New York Constitution, NY CONST , ART VI §
3,b.6(b).

Rules

22 CRR- NY 1000.7 (b)(2)(3). 22 NYCRR 1250.10(C) .

CPLR Article 78 .

Case

1. Matter of Hyman v Cornell Univ. 2011 NY Slip Op 01548 [82 AD3d 1309] March 3, 2011 , 2. Matter of Warner v Elmira Coll. 2009 NY Slip Op 01387 [59 AD3d 909] February 26 , 2009, 3. Nancy J. Tedeschi v. Wagner College 1980.NY. 41687 404 NE2D 1302; 49 NY2D 652 , 4. Giles v. Howard University, 428 F. Supp. 603 (DDC 1977),

STATEMENT OF THE CASE

The petitioner SIYU YANG (*abbreviation: SY*) published a research political commentary article on FACEBOOK on 06/08/2020 (*see: electronic file, E2021005417 -Monroe County Supreme Court,*

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NYSCEF DOC.NO.14), almost all of which contain quotations from others. The article does not reflect that young people who were only 19 years old at the time had formed the so- called "racist" thinking, and the authors quoted did not have any "racist" tendencies, but only expressed a rational and advanced advanced thinking! But the school arbitrarily took it out of context and went its own way! However, at that time, the "Little Pink" and "50 Cent Writer of the CCP Internet" instigated people to report to the Eastman School of Music. The specific whistleblower has been covered up by Matthew Ardizzone (*referred to as: MA*), the deputy dean of the Eastman School of Music, by tampering with the evidence (*for details, see: Electronic Archives, E2021005417 -Monroe County Supreme Court, NYSCEF DOC.NO. 37, 38*).

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On 07/06/2020, the Eastman School of Music expelled the petitioner SY on the grounds of the so-called "racial discrimination" remarks

(*electronic file, E2021005417-Monroe County Supreme Court, NYSCEF DOC. NO. 44*). Subsequently, the petitioner appealed to the dean of the Eastman School of Music, requesting the school to hold a hearing to deal with the case openly and fairly. Dean JAMAL J. ROSSI (*abbreviation: JR*) confirmed the subordinate's decision on 07/24/2020 (*see: e-File, E2021005417 -Monroe County Supreme Court , NYSCEF DOC.NO.49*). The petitioner also appealed to Ms. SARAH C. MANGELSDORF (*abbreviation: SM*), President of the University of Rochester, and also requested a hearing. 07/31/2020 University President Ms. SM also rejected the petitioner's request, confirming and sustaining the wrong decision of the Eastman School of Music (*for details, see:*

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Electronic File, E2021005417 -Monroe County

Supreme Court, NYSCEF DOC.NO.52). So the petitioner submitted an appeal letter to the CEO of the University of Rochester, Mr. Richard B. Handler, on 08/08/2020, also requesting a hearing to handle the case openly and fairly, but there has been no reply so far.

The following are the basic points of this case;

1. The petitioner cites the following causes of action

involved In this case (1-8):

(1) The issue of "racial discrimination", which includes the so- called "racist speech" of the appellant SY and the violation of the appellant's "free speech". This was the original original subject of this case.

(2) At the same time, it also includes the issue of "racial discrimination" by the appellee against the plaintiff SY.

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(3) The defendant defamed the plaintiff SY's infringement.

(4) Defendant failed to grant due process protections to plaintiff SY.

(5) Contract issues between plaintiff and defendant (*state law issues*).

(6) The defendant's motive for colluding with the CCP to harm plaintiff SY (*criminal issue*).

(7) During the "Perfect Appeal" period, the appellant encountered evil forces from all sides and judicial officials at all levels who deliberately violated the Constitution and repeatedly violated civil rights by violating U.S. criminal laws. The judges at all levels in New York State involved in this case deliberately connived and instigated lower-level Judicial personnel to maliciously tamper with court electronic records, and maliciously deleted the appellant's already

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perfect "appeal materials" many times. The purpose was to unlawfully prevent the appellant's appeal.

(8) On 04/18/2024, the appellant encountered an illegal finding By Chief Justice Rowan D. Wilson of the New York State Court Of Appeals (*Case No.:* *APL-2023-00209, special note: the decision deliberately did not indicate the case number). Note:* *For details, please see: BRIEF and a total of 3 volumes of appendix, electronic file, CA 21-01792 - Appellate Division - 4th Dept, NYSCEF DOC.NO.95.* *Special note: On 11/06/2023, the appellant sent almost all of the certified and finalized appendix and its BRIEF to the Federal Supreme Court, the New York State Judicial Conduct Commission, and the 2nd and 3rd Judicial Departments of the New York State Supreme Court via E-MAIL. and other departments. The purpose is to solidify evidence of guilt.*

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2. During the 'Perfecting the Appeal' period as this case Entered the Fourth Judicial Department of the New York State Supreme Court for appeal, the appellant faced a coordinated siege by various evil forces.

(1) The JAMAL J. ROSSI (Abbreviation: JR) Dean of the Eastman School of Music and the Matthew Ardizzone (Abbreviation: MA) Associate Dean concurrently filed sworn perjury in Monroe County Court that just happened to prove the substance of this case! (*See: Electronic Archives, E2021005417 - Monroe County Supreme Court, NYSCEF DOC. NO. 36, 45*). Judge Ann Marie Taddeo of the Monroe County Supreme Court in New York deliberately sidestepped the question. On 11/12/2021, the Monroe County, NY Supreme Court issued an unlawful decision dismissing plaintiffs. (*See: Electronic Archives, E2021005417 - Monroe County Supreme*

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Court, NYSCEF DOC. NO. 68). The petitioner appealed to the Fourth Judicial Division of the New York State Court of Appeals on 12/03/2021, please see the "BRIEF" that the petitioner has already prepared. (*See: Electronic Archives, CA 21-01792 - Appellate Division - 4th Dept, NYSCEF DOC.NO.95*). The case is currently being dismissed in bad faith by Chief Justice Gerald J. Whalen of the Fourth Justice Department. See Orders of Judges 08/01/2022 , 10/18/2022 and 09/25/2023. (*See: Electronic Archives, CA 21-01792 - Appellate Division - 4th Dept, NYSCEF DOC.NO. 85, 103, 108*). During the "perfect appeal" period of this case, the petitioner encountered all kinds of difficulties from judicial personnel...! The defendant and this group of judicial personnel not only deliberately violated the national criminal law, but also repeatedly violated civil rights and trampled on and violated the US Constitution!

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(2) In order to shield the dean JR and vice dean MA of the Eastman School of Music from the criminal acts of perjury committed by submitting false oaths to the Monroe County Court and to cover up the malfeasance of Judge Ann Marie Taddeo of the Monroe County Supreme Court. Under the support of Chief Judge Gerald J. Whalen of the Fourth Judicial Department of the New York State Supreme Court and the backing of sinister forces, Clerk of the Fourth Judicial Department, ANN DILLON FLYNN (*refer red to as AF*), stood at the forefront, repeatedly and capriciously, illegally deleting documents submitted by the appellant. In more than a year, the clerk shamelessly and low-level repeated N times. This extremely despicable and inhuman rogue method was used to prevent the appellant from "perfecting his appeal". In the end, this group of judicial "thugs" even allowed the clerk Of the Monroe County Supreme

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Court to tamper with the Record status of court documents to blackmail the appellant, deliberately creating further obstacles for the appellant. Their Actions constitute criminal perjury and fraud.

3. All the above accusations and appeals are supported by a Chain of evidence.

(1) Please refer to all motions and accompanying evidence submitted by the appellant, as well as all orders and decisions issued by the judges.

(2) The "BRIEF" and three volumes of appendices submitted by the appellant to the Fourth Judicial Department of the New York State Supreme Court, including all files maliciously deleted, have been downloaded and saved and can be presented as evidence in court.

(3) The appeal filed by the appellant to the United States Supreme Court this time is an appeal against the entire case.

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Total origin:

It is indeed too extravagant to discuss factual, legal or so-called constitutional issues at this point in this case. This group of "thugs" in the education, art, and judicial circles have no humanity, morality, or integrity at all. These criminal gangs are too envious of the dictatorship and corruption of the Chinese Communist Party and Other rogue countries. The evil forces behind it want to control power forever. On the surface, they are sanctimonious and extremely hypocritical. They often play the role of God to deceive the general public in the United States and even the world. Its essence is to promote the bad nature of human beings, deliberately abandon the lowest level of human common sense, and deliberately confuse right and wrong. At the end of the Dharma era, demons dance wildly. These scum of the world actually worship the world's biggest devil leader---

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Mao, Zedong. It actually re-directed and re-enacted China's absurd tragedy, the so-called "Cultural Revolution", based on Western social communism and Marxism, a garbage trend of human thought, in the United States. Currently, these international scum are trying all kinds of corruption, dictatorship and the pleasure of tyranny. Restrict the broad masses of people's freedom of speech, and comprehensively destroy and persecute the broad masses of loyal and patriotic people. Attempting one-party dictatorship will inevitably lead to large-scale corruption and great absurdity in various fields such as politics, judiciary, education, and journalism. And cultivated a large number of dog slaves, vulgarities, idiots and all kinds of hooligans. These criminals are trying to go back to the evil and dead end that China has already gone through. Some gangsters know that they are evil "thugs", so they try their best to cover up the

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truth, thus showing their true colors as cowards.

These bastards were not created in a day, but are the product of decades of brainwashing and poisoning by generations of so-called elite far-left universities. All these universities have now become almost the united front bases of the CCP. These scum are completely contrary to the will of God and the teachings of America's great forefathers. These so-called elites engage in globalization in the name of hypocrisy, but in essence they engage in global corruption and vent their own desire for power. Global corrupt organizations exist all over the world. These bastards have been colluding with the CCP for decades, trying to improve and evolve the CCP as a strategic goal, but they have been transformed into super hooligans by the CCP, or they may have been hooligans in the first place. The root cause of these criminals' evil deeds, whose souls and consciences have been taken

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away by the devil, is caused by their uncontrollable greed for power and material desires. In the United States today, there is not a big problem with the system, but a big problem with the brains and hearts of some so-called elites. Many people are just wearing a human skin, including the Communist Party of China and so on...!

04/18/2024 Chief Judge Rowan D. Wilson of the New York State Court of Appeals made an unlawful order. This decision First violated the spirit of justice under ART VI §3,b.6(b) of the New York State Constitution. This decision also deliberately avoids the substantive issue and once again avoids examining the behavior of judicial personnel of the lower court who framed and persecuted the appellant through criminal means. This constitutes a violation of civil rights by judicial personnel at all levels, malicious destruction of due process, and violation of the Constitution. (*Note: Case*

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number intentionally not indicated) Judges at all levels involved in this case, including the Chief Justice of the New York State Court of Appeals, did not immediately refute the appellant's accusations with facts and evidence, and made a conclusion out of thin air that there was no violation of the constitution. The relevant contents of the First Amendment and the 14th Amendment to the U.S. Constitution were already triggered on the day this case occurred. The appellant will not elaborate here. For details, please refer to the "Reasons for Granting the Writ", BRIEF and all appendices of this case. (*Note: maliciously and illegally deleted multiple times by the 4th Department of Justice, New York State Supreme Court*). Allegations against state officials should fall under the principle of "presumption of guilt." Judges at all levels have repeatedly evaded the substantive issues in this case, essentially confirming that the

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appellant's accusations have long been established, and these corrupt judges have collectively acquiesced.

The malfeasance of the chief judge of the New York State Court Of Appeals itself constitutes a violation of the constitution and also violates criminal law. The facts and chain of evidence Clearly prove that all judicial officers involved in this case in New York State are members of gangs that have committed dereliction of duty, committed criminal crimes, and violated the Constitution. That is, if superior judges or other court supervisory agencies deliberately cover up or condone criminal and unconstitutional behaviors of lower judicial personnel, then the actions of superior judges and other supervisory committees are also criminal and unconstitutional behaviors. It is obvious that the main Judge involved in the case is suspected to be the instigator behind the case. These corrupt judges and clerks rely on their so-called

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immunity to act arbitrarily. It is no longer possible that the behavior of these judges was caused by the lack of legal professional standards, but was caused by malicious intent. The quality of this group of criminals is far inferior to that of "murderers" in the general sense. They are a group of judicial hooligans who know the law and break it. They are essentially a group of anti-human fascists. In order to satisfy the pathological and perverted desire for power of the evil forces behind them, these scum did not hesitate to frame, torture, and persecute former President Trump. Not to mention using such inhuman and shameless means to persecute ordinary people. (*The appellant SIYU YANG was underage at the time of the incident*) Judicial corruption is the greatest corruption in mankind and the root cause of all evil. Only a fascist totalitarian state with one- party dictatorship will breed a large number of judicial

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lackeys...! *Note: The appellant has downloaded all the contents of the electronic file and has completed the certification. Can testify in court at any historical period.*

This Petition for Writ of Certiorari followed.

**REASONS TO GRANT THIS
PETITION**

In addition to the reasons previously stated in the case filed in the U.S. Supreme Court on May 22, 2023 (Case No. 22-1134). "BRIEF" which has been maliciously and unlawfully deleted on multiple occasions by the Clerk of ANN DILLON FLYNN, 4th Department of Appellate Division, Supreme Court of the State of New York, is Hereby attached as additional grounds for this writ of grant;

Brief
(Hearing required)

Case number:CA 21-01792

SIYU YANG And LU YANG,

Plaintiffs,

V.

MATTHEW ARDIZZONE, JAMAL J. ROSSI,
MERCEDES RAMIREZ FERNANDEZ, SARAH

C. MANGELSDORF, EASTMAN SCHOOL OF
MUSIC and UNIVERSITY OF ROCHESTER,
Defendants.

Appeal request:

1. Request APPELLATE DIVISION FOURTH JUDICIAL DEPARTMENT to revoke the "DECISION and ORDER" made by the Monroe County Court on 11/12/2021.
2. Request APPELLATE DIVISION FOURTH JUDICIAL DEPARTMENT to investigate the criminal responsibility of the appellee for providing forged oaths and fictitious storylines to the court.
3. Request APPELLATE DIVISION FOURTH JUDICIAL DEPARTMENT to investigate the judge Ann Marie Taddeo of the Monroe County Court for deliberately shielding the appellee (criminal fraud) for malfeasance.
4. All litigation costs in this case shall be borne by the appellee.

First of all, the appellant makes a special statement here:

I . The defendant provided key perjury, falsified facts, and tampered evidence to the court.

1. The court and the public are particularly required to pay attention to MATTHEW ARDIZZONE (hereinafter referred to as MA) and JAMAL ROSSI (hereinafter referred to as JR) to submit forged testimony and fictitious facts to the court ! MA and JR respectively confirmed that Ms Donna Fox, the deputy dean of academic and student affairs, also participated in the discussion of the so-called "consultation group" on 06/17/2020, and unanimously approved the expulsion of SIYU YANG (hereinafter referred to as SY). it is ridiculous and sad. However, Ms Donna Fox wrote E-MAIL to SY on 06/26/2020 and arranged a piano teacher for her (Vol. 1, Page 111, DOC. # 14, A10-1). The plaintiff based on this

conclusive evidence shows that the two defendants have submitted false sworn testimony to the court (note: there is evidence to prove that ZOOM is suspected of colluding with the CCP)!

2. The evidence provided by MA to the court (Volume 3, pp. 534-586, DOC. #36- #44.) deliberately erased the E-MAIL address of the so-called whistleblower who was suspected of colluding with the CCP. Its behaviour was entirely conspiracy to tamper with the evidence, and the plaintiff can fully believe this The evidence was forged by the MA. If this person does exist, he should be one of the witnesses in this case!

3. The plaintiff noticed that Ms RAMIREZ FERNANDEZ (RF), one of the four defendants, did not submit an affidavit, and the motion to initiate a "summary judgment", the defendant RF should also submit an "affidavit." JR and the president of the university SARAH MANGELSDORF (hereinafter

*referred to as SM) Attempt to swear an oath on
behalf of RF!*

*II. The judges of Monroe County deliberately
violated the law's most basic principles of fairness
and protected and condoned criminal offenders*

*1. The defendant's lawyer disregarded the appellant's
allegation that the defendant provided "perjury" to
the Monroe County Court in the article "REPLY
AFFIRMATION IN FURTHER SUPPORT OF
DEFENDANTS'MOTION FOR SUMMARY
JUDGMENT" issued on 11/04/2021, and did not
provide further evidence to refute the plaintiff. , This
has shown that the defendant has acquiesced in
criminal fraud! What is even more absurd is that
Judge Ann Marie Taddeo of Monroe County
(abbreviation: AT) also pretended to be deaf and
dumb, deliberately avoiding this issue, and recklessly
canceled the "pre-trial conference" that had already*

fixed a date, so as to avoid the need to cross-examine the plaintiff and All the evidence provided by the defendant, including the evidence accusing the defendant of providing perjury to the court!

2. As early as 08/24/2021, the AT judge issued the notice, and the "pre- trial meeting " was scheduled to be held at 2:00 pm on 09/28/2021. The defendant's lawyer issued a motion for "summary judgment" on 09/13/2021. The plaintiff A family of three set off on the morning of 09/27/2021 to the Monroe Court to attend the "pre-trial meeting" in the afternoon of the next day. Before departure, the plaintiff SY sent the court a request to extend the time to reply to the defendant's motion for summary judgment because the plaintiff There is no lawyer and the plaintiff's rebuttal article is written in Chinese by the plaintiff LU YANG (abbreviation: LY), which will be translated and revised later, so it is difficult to

complete within the generally prescribed time.

However, when the plaintiff arrived at the court early at 1:30 pm on 09/28/2021 and waited more than an hour before being informed that the "pre-trial meeting" had been cancelled, the court staff came out to explain that the court used E-MAIL to A notice was issued in the afternoon of 09/27/2021 to postpone the "pre-trial meeting" to 11/08/2021 at 2:00 pm. Judge AT's purpose was obvious. His first delay of the "pre-trial meeting" was nothing more than not wanting to cross-examine all the evidence that the plaintiff had uploaded through the computer. He used the "summary judgment" motion interspersed by the defendant to determine that the appellant could not The materials were prepared in a short time. The original attempt was to suppress and play tricks on the appellant in court with the content of the defendant's motion. Since this conspiracy did not

succeed, the first "pre-trial meeting" was postponed to 11/08/2021. And when the appellant issued 5 rebuttal articles against 3 of the defendants and their lawyers on 10/13/2021, and accused the defendants MA and JR of committing criminal acts of providing perjury to the court. Judge AT suddenly cancelled the "pre-trial meeting" on 11/08/2021 on 10/18/2021 without any reason. The method adopted by the judge is exactly the same as the defendant's deprivation of the plaintiff's right to "hearing". By using this method of shielding evidence, he tried to conceal all guilt for the defendant, operating in a dark box, and depriving the plaintiff of his right of litigation in a disguised form!

3. In the judgment, it does not cross-examine and screen all the evidence provided by the plaintiff and the defendant. At the same time, the judgment does not mention the defendant's provision of perjury to

the court, and also does not cross-examine the relevant evidence provided by the appellant that can prove the perjury. A T Judge's behavior is to intentionally create unfair environment and conditions, which is a typical malfeasance! Evidence that has not been cross-examined in court certainly cannot be used as the basis for a verdict. Moreover, there is no written cross- examination in the judgment. Therefore, the nature of the case cannot be determined. Even if there is a written cross- examination content, justice cannot be ensured. Under unfair procedures, the judge takes One's own bias arbitrarily interprets certain evidence, and distorts the plaintiff's intentions and facts! On the basis that the nature of the case has not been determined, it is even more absurd to quote dozens of cases. The defendant's lawyers and judges used this method to play with the appellant who does not have

a lawyer! Similarly, Judge ELIZABETH WOLFORD of the Federal District Court for the Western District also has this kind of injustice, but the operation method is relatively hidden. It can be seen that this group of criminals has no credibility at all, and it is completely like a criminal fraudster who fabricated facts.

III. This case involves constitutional concepts, federal laws and some state laws

1. This case involved the issue of "racial discrimination", including the so-called "racist speech" of the appellant SIYU YANG (abbreviation: SY) and the violation of SY's "free speech". This was the original theme of this case. At the same time, it also includes the appellee's "Racial discrimination" issue.

2. It also includes the "racial discrimination" of the appellee against the plaintiff SY.

- 3. The defendant slandered the plaintiff SY
infringement constitutes the problem.*
- 4. The defendant did not give the plaintiff SY due
process protection.*
- 5. Contract issues between the plaintiff and the
defendant (state law issues).*
- 6. The defendant colluded with the CCP to harm the
plaintiff SY was one of the motives of the defendant
(criminal issue).*
- 7. Including CPLR Article 78 special procedures
issues, the plaintiff also raised "injunctive relief"
(state law issues). All the lawsuits raised above in this
case are inseparable due to interdependence and
interrelation. The constitutional concepts, federal law
issues, and state law issues involved in the lawsuits
are clearly stated in the complaint and previous
counter motions based on all the evidence provided.
including The complaint filed with the Federal*

*District Court for the Western District, the rebuttal
articles of each motion, and the summary of the
appeal filed with the Second Circuit.*

The following is a paragraph-by-paragraph rebuttal
to the "decision" that was in violation of the law

**1. Refute "DECISION AND ORDER"/" UPON
DEFENDANTS'MOTION.....THE FOLLOWING
DECISION" (Original , page 2)**

(1) AT Judge canceled the "pre-trial meeting" for no reason, so that all the evidence provided by the plaintiff and the defendant would not be cross-examined in court, and the problem of "perjury" provided by the defendant to the court could be shielded, thus laying a foundation for arbitrarily asserting facts and making illegal judgments. The judge also did not make a written verification statement on all the evidence provided by the plaintiff and the defendant in this "decision".

Therefore, the judge's determination of the evidence was that he personally confirmed it with an extremely unfair bias. Because this ridiculous way of finding evidence can lead to the wrong characterization of the case, judging from the comprehensive factors such as the judge's distortion of some facts of the case and the misinterpretation of the appellant's original intention, the judge did it intentionally. Certain few corrupt judges of the Chinese Communist Party dare not use evidence that has not been cross-examined in court as the basis for a verdict. Of course, most corrupt judges of the Chinese Communist Party use the same methods as this judge. Judge AT of Monroe County and Judge ELIZABETH WOLFORD (*abbreviation: EW*) of the Federal Western District Court can be so unjust and illegal.

**2. Refute "DECISION AND ORDER"/ "ON OR
ABOUT MARCH 31 , 2020.....TO ENROLL AT
EASTMAN" (Original, page 2)**

(1) Monroe County AT Judge acted the same way as Judge EW of the Federal Western District Court, changing the problem that the plaintiff LY was persecuted by the CCP due to domestic demolition issues to the plaintiff LY being persecuted by the CCP for participating in the Chinese democracy movement. Judge AT and the defendant were able to talk nonsense without showing evidence or verifying the evidence, openly distorting the historical facts that the plaintiff LY was persecuted by the CCP. This was pointed out in the letter written by the plaintiff LY to the defendant MA on 06/15/2020 . The plaintiff LY is not a domestic political prisoner or a 6/4 student in 1989. At first it was not because of political reasons that he was persecuted by the CCP

and went into exile in the United States. Further conclusive facts can be investigated and collected by relevant agencies in the United States or to inquire the CCP, and there are also a lot of information available online. The purpose of Judge AT's deliberate misrepresentation of this issue is to use so-called "political issues" to prevent the plaintiffs SY and LY from applying Chapter VI of the Civil Rights Law.

(2) Judge AT deliberately misrepresented the original intent of the plaintiff's article; nonsense that "the University of Rochester/Eastman School of Music (*abbreviation: University*) colluded with the CCP only for the so-called attracting more students". The truth is that the "university" has long been in collusion with the CCP, and has now become a united front base for the CCP's totalitarian ideology. The evidence shielded by the judge shows that the

"University" and the CCP have reached a memorandum on the establishment of the "Confucius Institute". Because the "University" management has been poisoned by the CCP for a long time and its own human greed, it will implement dictatorship on the university campus. Hypocritically speaks all the beautiful things in the world, but the behavior is completely opposite. Bringing the CCP's dirty Cultural Revolution behaviors decades ago into American universities, the CCP engaged in personal persecution based on class classification, and the defendant engaged in persecution based on the so-called "racial skin color"! The university implements the so-called "abolition culture" of ignorance and bastardization, and the actual defendant is the real "racist" in the typical sense. President Reagan once pointed out: Stay away from the Communist Party or seal the Communist Party with concrete. To this day,

certain people in the United States continue to infringe upon the national interests of the United States and the interests of our people for the greed of individuals and small groups. Some people are also thinking about colluding with the CCP, sheltering and protecting these vested interests! Then the appellant can determine here that all the low-level, dirty, cruel, ignorant, absurd and other evil events that have occurred in the CCP's history and today are likely to happen again in the United States! It is not just the University of Rochester/Eastman School of Music that has been infiltrated and poisoned by the CCP in the United States. Many public and private universities in the United States have fallen. What is more worrying and sad is the CCP's Judicial corruption has gradually spread to the United States, and more likely to spread to other democracies in the world.

**3. Refute "DECISION AND
ORDER"/"PLAINTIFFS CLAIM THAT.....WAS
REACHED" (Original , pages 2 to 3)**

(1) This case is not just about the defendant's long-term collusion With the CCP to persecute the appellant SY. The nature of this issue should be completely classified as a "criminal issue" and its nature is bad. The defendant was suspected of colluding with the CCP to disrupt American social order, instigate and deepen the originally harmonious racial hatred. Judges AT and EW also turned a blind eye to the evidence provided by the plaintiff for this allegation. Judge AT also has the obligation and responsibility to transfer this issue to the FBI and prosecutors for further processing. It is particularly important to point out that if the defendant had handled the case in full accordance with proper and legal procedures, no matter how long the defendant

had colluded with the CCP, the plaintiff would not accuse the defendant of the individual persecution of the appellant SY. The appellant combined the two types of evidence to make the accusation.

(2) Similarly, this case also involved issues such as "violation Of human rights", "infringement of the plaintiff's freedom of speech", "defamation", "violation of due process", "racial discrimination", and "contracts". The appellant used conclusive evidence to cooperate with the statement to reveal all Cause of litigation. All the causes and claims raised by the appellant in this case are completely interrelated and indivisible, and their consequences are exactly the same. Therefore, all the mentioned causes point to the same defamation claim.

(3) The appellant did not think that SY's article was in the category of "racial discrimination" speech, and also denied that the so-called plaintiff SY "racially

offensive speech" was added again in the oath of perjury by the defendant JR during the litigation process. On the other hand, Judge AT deliberately sabotaged procedural justice, shielded criminals, distorted the facts, and distorted the plaintiff's original intentions to make a biased determination by virtue of public power. The jury should participate in the trial of this specific fact, right and wrong, and huge divergence issues. Including "defamation" and other causes of action, and should not deliberately adopt such inferior black-box operation methods!

4. Refute "DECISION AND ORDER"/"THE COURT QUESTIONS.....AT THIS TIME" (Origin al , page 3) *The first thing that needs to be pointed out is that the defendant's lawyer has clearly raised the issue of whether the plaintiff LY is eligible or not in his "Summary Judgment Motion POINT IV", and the plaintiff has made a clear counterattack in*

the previous rebuttal. However, the judge arbitrarily determined that the defendant's lawyer did not raise this issue. For this reason, it is necessary for the appellant to reiterate his position here.

(1) First, there is evidence that the main person directly persecuted by the CCP in China is the plaintiff LY. One of the defendants' substantive motives in this case is that the CCP is suspected of colluding with the university to transfer the persecution to the plaintiff SY. Therefore, the plaintiff, LY, is the most critical interested person in this case.

(2) The defendant's "defamation" of the plaintiff and the illegal "Expulsion decision" made by the defendant not only caused irreparable harm to SY, but also caused substantial damage to the parents' reputation, body and spirit. All family members have the right to sue the defendant!

(3) The university's school rules hypocritically stated:

“Schools That punish students under the age of 21 should notify parents by email or general mail as soon as possible”, which shows that the identity of parents is so important!

(4) The decision of the school will of course affect the financial expenditure of parents for education, otherwise there is no concept of federal parent PLUS loan, and the amount of the loan will of course be affected by the decision of the school.

(5) The defendant deliberately kicked LY out of the case. It Was nothing more than a vain attempt to more easily unite with some evil forces to encircle and suppress an upright, truth-telling, kind student under the age of 21!

(6) All documents in this case were written by the plaintiff LY and translated and modified by the plaintiff SY. Therefore, LY is the most important

participant in this case (note: this reason is a secondary factor).

5. refute "1. Defamation"(Original, Page 3)

(1) The defendant's "Expulsion decision" clearly stated: "Expressed obvious racial prejudice and made remarks that slandered a certain ethnic group". The defendant JR Dean slandered the appellant SY's online remarks as "disruptive and harmful racial prejudice and comments" in His review decision on 07/24/2020. Then, the perjury submitted by the defendant JR to the court on 09/13/2021, namely the defamatory remarks against the plaintiff SY in the article AFFIDAVIT, was further revised to: "multiple offensive statements and assertions about people of color". And this behavior of JR happens to be a new slander in the process of litigation. In the judge's "decision letter", the judge lightly believed that the so-called "racist" accusation against the

plaintiff SY was merely a so- called "opinion" or "view." And this so-called opinion is to expel SY immediately without due process, and the current unfair and malfeasance judge's behavior has far exceeded that of the defendant!The appellant believes that "racial discrimination" is a very serious violation of the law, and if the circumstances are very bad or the behavior is extreme, it should be investigated as a criminal act. As we all know, being slandered by others as "racism" is the greatest insult to modern people, but the defendant and AT Judge lightly believe that just because of a small opinion or point of view, students can be expelled without due process and arbitrarily. Their behavior is extremely absurd and shameless!

(2) Similarly, the facts, right and wrong of the cause of the "defamation" litigation should be confirmed only when the procedure is proper and fair, the plaintiff

and the defendant are cross-examined in court, and the "jury" participates in the trial. It should not be determined by a judge who arbitrarily judges the facts, breaks the law, shields and condones criminals.

6. refute "2. Breach of Contract"(Original , Page 3)

Since the beginning of this case, all the causes of action (including the Federal Court) contained in this case were clarified on the basis of evidence.

Therefore, CPLR Article 78 Special Procedures is not the only way of litigation in this case.

(1) In this case, the defendant accused SY as "racism".

On the contrary, the plaintiff had evidence to prove that the defendant had "discriminated against Chinese" and "defamed behavior." In addition, the defendant hypocritically promoted the constitutional concept of protecting freedom of speech in his "Student Handbook". All the above-mentioned cases can be referred to the Federal Court as a federal

issue! Contract Law and Special Procedures CPLR

Article 78 is a case for adjustment by the state courts, but this case does have federal issues, and the federal courts can of course hear state law issues together.

(2) Not Strictly speaking, the plaintiff actually filed a complaint in the Federal Eastern District Court as early as 08/24/2020 and was transferred to the Federal Western District Court. The plaintiff had already requested the cancellation of the university's "Expulsion decision", and the plaintiff also applied "Injunction" relief. If according to the logic of the defendant, this case can only be resolved by special procedures CPLR Article 78, theoretically, the Eastern and Western District Federal Court should transfer the case to the state court as soon as possible, and should not deceive the plaintiff without a lawyer. But the Federal Court did not operate in this way, so

in fact the plaintiff did not exceed the 4-month statute of limitations stipulated in Article 78 of the CPLR.

(3) However, if strictly speaking, the plaintiff has exhausted The administrative procedures specified in Article 78 of cplr, the plaintiff submitted a "letter of appeal" (*Vol 2, Doc. No. 18, exhibit C*) to Mr. Richard B. handler, CEO of the board of directors of the University on 08 / 08 / 2020. However, so far the school board has "inaction", so the 4-month statute of limitations stipulated in Article 78 of the CPLR will not be calculated. The "inaction" of the school board has so far been regarded as a typical characteristic of capriciousness. It is an arbitrary behavior to hold a "hearing" if it does not follow the promise of the "Student Handbook"!

*The plaintiff cited cases: (1) Matter of Hyman v Cornell Univ. 2011 NY Slip Op 01548 [82 AD3d 1309]
March 3, 2011. (2) Matter of Warner v Elmira Coll.*

*2009 NY Slip Op 01387 [59 AD3d 909] February 26,
2009*

(4)Based on the evidence provided, the appellant confirmed that of course there are also contract law issues in this case. All of the above- mentioned reasons for litigation are interrelated and interdependent communities and are difficult to separate.

See case: (1) Nancy J. Tedeschi v. Wagner College 1980.NY. 41687 404 NE2D 1302; 49 NY2D 652, (2) Giles v. Howard University, 428 F. Supp. 603 (DDC 1977)

The key issue that must be exposed here is that Judge AT deliberately avoided the fact that the defendant provided key perjury to the court, and deliberately repeated the collusion between the defendant and the CCP to confuse the substantive issue. The point here is that Judge AT deliberately

canceled the "pre-trial meeting" without reason, so that all evidence could not be cross-examined in court. The judge also did not verify and cross-examine the evidence she identified in the "decision order" one by one in writing, and used this method to deliberately shield all evidence against the defendant. On the contrary, she slandered the plaintiff for failing to fulfill the obligation and responsibility of proof, in an attempt to cover the sky with one hand! On the basis of using this method, the judge can arbitrarily distort the facts, distort the appellant's original intention, and then can cite cases that have nothing to do with the case, abuse the case law, and thus can make illegal judgments!

7. Refute "3. THE UNIVERSITY'S CODE OF CONDUCT/PLAINTIFFS ARGUE.....APPLY TO HIM"(Original, Page 4)

On page 6 of the 2019-2020 version of the "Student Handbook", note 1 at the bottom of the page is not inconsistent with the question raised by the plaintiff. This clause can fully indicate that the plaintiff SY is a student who has accepted the offer, that is, a continuing student during the "holiday". The only difference is that he belongs to a newly enrolled student in the first grade. The most important thing here is to confirm whether the plaintiff SY has accepted the offer! At that time, After accepting the offer, he declined offers from many universities such as Johns Hopkins University. At that time, all scholarships / bursaries and loans had been processed, including medical insurance. On 01/22/2021, our family also received the 1098-T tax form sent by the University of Rochester. Judge AT does not stand in a fair position and does not rely on any evidence verified and cross- examined in court to help the

defendant conceal his guilt. Moreover, this issue is only a common sense of public order and good customs in society. Only the facts of this single issue prove that an extremely unfair judge is not qualified to bias the determination alone, and must be reviewed by a "jury."

(1) In addition, if it is extended according to the logic of the defendant and the judge, the logic error of negating and then negating is completely committed, since the defendant and the judge believe that the appellant SY is not a student as defined in the "Student Handbook". Then any behavior of SY outside the school has nothing to do with the university. Associate Dean MA and Dean JR have no right and obligation to expel SY by improper means in the name of the university. Of course, MA and JR can write to SY in their personal name to implement

the so-called condemnation! After the incident, the defendant also provided perjury to the court, falsely claiming that a so-called "consultation panel" unanimously passed the expulsion of the appellant SY on 06/17/2020. In this way, the appellant can come to another conclusion, whether CPLR Article 78 special procedures also cannot be applied to this case? This highlights an important cause of action in this case, that is, the defendant and the judge continue to treat the plaintiff SY differently during the litigation period, which adds to the degree of "racial discrimination" against Chinese in this case!

8. Refute "3. THE UNIVERSITY'S CODE OF CONDUCT/ NOTWITHSTANDING THE ABOVE.....SY'S OFFER OF ADMISSION"(Origin al , Page 4)

(1) Judge AT tampered with a key point in the fictitious oath provided by the defendants MA and JR

to the court. Defendant MA and Defendant JR respectively confirmed that all members of the so-called "consultation group" unanimously passed the decision to expel the plaintiff SY at the meeting on 06/17/2020. However, Judge AT changed this clear date to around 06/17/2020, paving the way for the defendant to make further sophistry! The appellant has been waiting for the defendant to produce further evidence to refute the criminal act of the appellant accusing the defendant of providing false evidence to the court. However, so far the defendant and the judge have deliberately avoided this issue (*see the special statement at the beginning of this article for details*).

(2)Appellant SY mainly heard his parents' conversations about the Freud incident, and witnessed through the Internet some African and Hispanic groups beating, smashing, looting, and video

footage of these people challenging the police.

Because SY usually likes the police very much, he improvised on the Internet to check the relevant documents of the FBI and other US government departments, as well as the reports of news organizations and other third-party remarks, and wrote this article and published it on the Internet.

Appellant SY does not have any tendency to "racial discrimination" at all, and for this issue of fact with major differences, the appellant believes that it should not be judged by such a deliberately unfair judge. The disguised conspiracy to deprive The appellant of the right to sue, and the "jury" should participate in the trial.

9. Refute "3. THE UNIVERSITY'S CODE OF CONDUCT /ON OR ABOUT JULY 9, 2020.....HIS SON'S SITUATION"(Original, Page 4)

(1) First of all, in the E-MAIL written to the plaintiff at the time, the defendant JR absurdly concluded that there was no hearing procedure for the cancellation of the so-called "admission notice". The appellant used conclusive evidence to prove that the defendant JR violated the "Student Handbook" and talked nonsense. The plaintiff SY had accepted the OFFER and fully explained that SY was already a formal student of the university and there was no concept of cancellation of admission. This is common sense and belongs to a cognitive problem. . And it does not conflict with Note 1 on page 6 of the "Student Handbook". Therefore, both parties are naturally subject to the constraints of the "Student Handbook", which the appellant has made clear before and will not repeat them. However, in response to this issue, the appellant once again stated that the "jury" should also participate in the

trial, instead of being biased by an unfair judge. In essence, the current judge's behavior is the same as the defendant's behavior in not convening a hearing in the first place. The purpose of the black box operation is to encase the evil in a delicate stinky skin.

(2) During the E-MAIL contact and SKYPE call between the appellant and the defendant JR, the plaintiff LY had initially felt that the defendant JR had the same evil nature as the CCP. At that time, the plaintiff had not collected the corresponding evidence. In the phone call, the plaintiff mentioned that our family's experience of persecution in China was intended to remind JR that it should cause concern. In this call, the university's vice presidents RF and JR each spoke only one sentence through an interpreter; at the time, RF said: "She is very

sympathetic to the persecution our family has suffered in the country." JR then asked SY: "Do you admit that there are racist remarks?" SY's answer was no. From that day on, the plaintiff LY realized that JR was not solving the problem but teasing the plaintiff, just like producing false evidence and false plots today! It is absurd that Judge AT used the "perjury" provided by the defendant and the defendant's nonsense to characterize and confirm the above-mentioned problems without verification and cross-examination. Judge AT tried to confuse the "hearing" with the phone call between the plaintiff and the defendant. As for the defendant's alleged collusion with the CCP, which is one of the motives of the defendant's persecution of SY, it should be a criminal act. Judge AT has the obligation and responsibility to refer this matter to the FBI and prosecutors for further investigation.

**10. Refute "3. THE UNIVERSITY'S CODE OF
CONDUCT / THE COURT
FINDS.....JUDGMENT IS GRANTED" (Original,**

Page 4 to page 5)

(1) AT Judge previously confirmed that the plaintiff SY was not a so- called student as defined in the university's "Student Handbook", but now it is trying to quote the so-called unspecified content of the university's "Student Handbook" to cover the defendant's criminal behavior. As we all know, since the judge believes that SY is not a student as defined in the university's "Student Handbook", the expulsion decisions of the defendants MA and JR can only be nonsense on behalf of individuals, but the documents they issued are clearly in the name of the university. The most absurd thing is that Judge AT used the "perjury" provided by the defendant and used the

means of not verifying or cross-examination, taking the "committee recommendations" mentioned in the fictitious so- called oath as the basis for his verdict! In view of the above facts and all the reasons, nothing the defendant and his lawyer said could be believed. The appellant did not foresee that the appellee would be so depraved! Facts have proved that the defendant has committed a lot of low-level and evil behaviors, and Judge AT even pretended to be deaf and dumb, and canceled the "pre-trial conference" twice for no reason. The purpose is to shield the defendant from unfavorable evidence, tamper with the facts of the case, distort the plaintiff's original intention and other means to shield the defendant, so as to abuse case law and abuse of discretion. The appellant specifically requested the Honorable Justice of the Fourth Court of Appeals of the State of New York to hold the defendant MA and the defendant JR

criminally responsible for providing "perjury" to the Monroe County Court! Judge AT will be held accountable for the negligence of criminal offenders.

The appellant requested to revoke the "DECISION And ORDER" (E2021005417) issued by Judge Ann Marie Taddeo of the Monroe County Court on 11/12/2021. The judge's behavior completely violated the spirit of the 14th Amendment to the Constitution.

Note: The appellants requested a hearing in court.

CONCLUSION

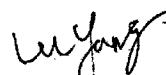
For the foregoing reasons,
this Petition for a Writ of
Certiorari should be
granted.

Respectfully submitted,

Petitioner(pro se):

Lu Yang, Siyu Yang

Date:07/07/2024



Appendix A