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*(Signature)*  
**The United States of the Supreme Court**

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**LISA GINDI**

*Pro Se Petitioner/Moving Party*

*against*

THE NEW YORK CITY DEPARTMENT OF EDUCATION, Mrs. Catherine Morrissey, Mr. John O'mahoney, Mrs. Reesa Levy, Dr. Dion Thomas, Mr. Mario Ford, Ms. Florence Egbuchulam, Ms. Teri Amass, Mrs. Teri Di'Ambrosio, Ms. Maritza Soto, Mrs. Grace Lewis, Mr. John Cayton, Ms. Geraldine Pomponio of Sheepshead Bay High School, Mrs. Cecilia Accetura of Franklin Delanore Roosevelt High School, Ms. Gayle Donowitz of Canarsie High School Mr. Marc Sklar of Intermediate School IS 303, Dr. Anne Garner and Mr. Hubert Guscott of The New York City Department of Education, and Dr. William B. Head-Arbitration Doctor, et al.

*Defendant/Appellees*

Ms. Janet Zaleon, Assistant Corporate Counsel,  
*Respondent*

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**WRIT OF CERTIORARI**

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**LISA GINDI**

-PRO-SE

Moving Petitioner

JANUARY 21, 2024

75-25 153 Street #Ph23

Flushing, New York 11367

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## QUESTIONS PRESENTED

1. The first question presented is which court could have jurisdiction in improving laws keeping an employee from being terminated for having reported sexual abuse by their boss (in my case, more than one), emotional trauma, was mobbed on the job, as the employer was aware the employee was going through a divorce from a person who committed an extraordinary abuse such as marriage fraud, domestic violence and/or filed more than one family restraining order with his/her boss to keep these persons off the employment premises?
2. The second question presented is which court could have jurisdiction in improving laws keeping an employee from being harassed and abused in as much as, ultimately, terminated knowing full well he/she sought doctors for stress on the job, but, continuously forced the employee into mental hospitalizations and terminated her/him anyway?
3. . The third question presented is whether Federal Court failed to recognize protections of victims of family violence with accommodations and safe guards, like a lighter workload, a safety transfer, different location,

temporarily, that could be in place, if domestic violence was committed against said employee , especially if the illegal spouse was only out to get a green card?

4. The fourth question presented is which state specifically, protects whistleblowers, so the employee may still have grounds to sue their employer for wrongful termination if he/she was fired for reporting illegal conduct such as grade tampering to a government agency or refused to engage in it?

5. The fifth question presented is whether a violation of the ADA's prohibition on discrimination when it required an employee to pay for a costly medical arbitration twice because it perceived him/her as having a mental impairment and forced to fight an article 75 in the Kings County Supreme Court for years when clearly the employee was an article 78 case.?

6. The sixth question presented is which District Court could amend laws to make more strict rules

governing the filing of a LODI/Worker's from not being fired? Could the employee be protected against fake charges and have those charges disregarded that may occur as retaliation the minute the Line of Duty Injury papers are signed upon being injured? Could the employer be forced into an investigation,immediately upon the employee writing up charges and filing a case of

### LODI (LINE OF DUTY INJURY)?

7. The seventh question presented is which courthouse could make more strict rules if an employee is labeled and/or fired by his/her boss as being "unfit" who is just exercising the right of speech in terms of his contact, making grievances and be protected for filing a Worker's Comp, FEMLA and domestic violence/Restraining order from, an illegal spouse?

8. The eight question presented is must an employee file a new or amended charge alleging retaliation with the Equal Employment Opportunity Commission (EEOC) before filing suit under Title VII's anti-retaliation provision if the employer's act of retaliation is a result of the employee's filing of an earlier charge with the EEOC?

9. The ninth question presented is could there be an oversight in a lower court's decision to deem a case without merit as to the timeliness of a complaint because EEOC records failed to not be transferred from one courthouse to another?

10. The tenth question presented is could there be a plain error on the part of the Federal District Lower Court and The Court of in finding a case without merit when there was new evidence submitted of doctors seen on-goingly and multiple hospitalization records as well as there are clear retaliation laws in place?

11.) The eleventh question presented is could

there be plain error on the part of the Court of Appeals State Workers' Compensation laws that create a special set of protections for employees injured in work-related activities?

12. The twelfth question presented is could there be a plain error on the part of the Court Appeals since they follow Federal Laws and the one that is a State Law they may have had an oversight with is State Gov't Code §12940(h): prohibits retaliation against employees who oppose discriminatory or harassing treatment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation?

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**PETITION FOR WRIT OF CERTIORARI**

Lisa Gindi, petitions for a writ of certiorari to review the judgement of the United States Court of Appeals for the Second Circuit.

**SUMMARY**

On the 7th day of November 2023 the Court of Appeals panel affirmed the decision of The Federal District Court Justices and considered my remaining arguments to be without merit. Then, on the 6th day of December my Motion for Reconsideration was denied for no reason. These are included in my appendix as evidentiary exhibits.

**APPELLANT MOTIONS/PETITIONS THE COURT** to see and consider oversight of the decision that is:

- 1.) a factual or "plain error".
- 2.) could be two court decisions not in alignment with one another, and/or
- 3.) harm or prejudice to the Plaintiff
- 4.) not aware of new, applicable laws, just passed

**JURISDICTION**

This Writ of Certiorari Petition seeks review of the ORDER dismissing Lisa Gindi's (appellant's) Motion for Default Judgement dated November 7th, 2023 by the Court of Appeals , Second Circuit in case number 23-902 which was entered on Nov. 7th 2023 And, it

seeks review of the denial by The Court of Appeals, second Circuit, for a rehearing reconsideration on December 6th, 2023 that was entered by the Court of Appeals Second Circuit on December 6th 2023

#### **STATEMENT OF FACTS/BACKGROUND**

Imagine, you're going to work for an honest days pay and as a young female employee in her 20's just trying to make a living teaching kids, having a boss who sexually touched me by rubbing his genitals, although clothed, pushing past me with more than ample room to get by in his office twice, had his girlfriend (the PTA chairwoman) who he was cheating on his wife with approach me acting strangely jealous and more than once, verbally whispering requesting oral sexual acts that he wants me to do to him in front of junior high school kids. Then, when I went crying daily to the District Head located on the other side of the building, and put in an accident report due to a student who punched me (by accident) due to no support by my boss , I was fired. This boss did not help me with classroom management and would not pay me the salary as a teacher gets paid even though he had me work like a teacher in the same program, daily, for six months, doing IEP.s,

etc..... it was my first job after subbing from school to school and of course any new teacher needs help. Then, years of neglect and discrimination with not paying me properly by bosses in other schools leading up to working in a High School in Park Slope, whereby an Aid tried to run her car into mine and stalk me on the job in my classroom (daily) whereby reporting her in as much as it was not mediated by the union, furthermore, she was not removed from her job, leading up to my beginning of a nervous breakdown .....my symptoms, were my nervousness bad night sleeps , panic attacks and wanting to leave New York...imagine leaving all my friends and family ....so bad I could not talk to my mother whom I lived with and had loved so dearly,.... so I left New York to seek my own apartment far away and applied to teach in Coral Springs, South Florida which is the known as the best district in the entire state . In Florida I thought the stress to be less since I did not need a Masters degree and my BS degree was sufficient to have a full career there....also, my dad lived nearby about 40 minutes away and my grandma lived closer.the stress could be less since it is warmer weather and the state knows New York employees have

on average a higher standard of education, more eligible to teach children than the average Floridian and the idea of doing a Masters with a full time job after I was sexually abused at the NYC Dept of Educ. stressed me out. . While working down south, the trauma was sparked by other unprofessional co-teachers and bosses and I had my first hospitalization whereby my dad called police from his home about to take me in handcuffs ( and these police scared me so much by not letting me put my clothes on properly and forcing me hurtfully into their car in the very early AM) to a fancy private run paid for by my dad facility to be treated with psychotropic. drugs. This was a very pretty place but the families admitting people did not know we had to sleep on thin mattresses on the floor with ants crawling on us. I was paranoid due to no sleep for about 4 days and he was concerned since I was not myself, he reported. At the hospital I was told I am depressed (not manic, not bi polar, not psychotic) put on anti-depressant drugs and sleeping pills and so scared not knowing what I had done wrong to be taken in handcuffs that it gave me intense panic with paranoia causing hours of diarrhea. My mind was

so frightened that I spent hours replay-ing every event of my life where I may have said the wrong thing, insensitively and they had joked how they are going to get even with me. Like silly jokes magnified 10000 times worse. I had been dating an attorney from Miami who told me that I am not depressed and that I am normal, but the stress was so severe at the next school which was a Florida State High school that my grandma took me to the hospital this time and I was released with meds as an outpatient. My mom and sister came to Florida and convinced me to move back to New York. They never suggested that the teaching field was not for me and never helped me to gain any kind of professional coping skills that professionals know how to do.....in other words like to be smart about laws that protect employees and to write emails or talk to bosses/ co-workers to try to use these contactual protections to get them to back off...so, I was looked at as some kind of weakling, I guess, but the work I did teaching was quite excellent and that would make these people discriminate against me even more .....was a terrifying and confusing way to work each day....was so

perplexing and destroyed my ability to have a good life outside of work, too..... I thought if I just be respectful and nice to everyone that I would be able to get through the day without being abused but that was not the case. I had even prepared gifts like homemade cookies for my bosses and colleges just to get them to treat me fairly even though it was no ones birthday or holiday. I would lose sleep and have nightmares during any moments of sleep. I was scared of people and never understood why I was singled out because I dressed and behaved appropriately. I had strait A's in high grades in school, including in college, was awarded best artist, received a medal at the MMOA, graduated with a Regents degree and was accepted to FIT as a fashion designer. As the eldest child of two I loved caring for my sister and my cousins kids and most children genuinely liked me.... had support from family who were teachers but specific bosses tried to kill me. ...they tried to kill me emotionally, sexually, and even hit me physically. They ruined my good name and you would not have even recognized me after my hospital stays

because I looked like a zombie staring into space. The drugs made me socially stupid, fat, blind, and even gave me Parkinson's symptoms so I couldn't walk normally...as well as I could not extend my elbows normally, like a paralyzed person in as much as gave me the jitters and severe anxiety Regardless of psych pills I had more nervous breakdowns after that even though I tried to keep it a secret and since the worst of all the bosses, years later were new (constant turnover) I thought she would not know. Well, imaging how fearful I was when I found out she had, that she would make me leave my classroom in the middle of teaching to torture me with stories about her daughter who is mentally Ill, and that she did not like that I was coming to work on time, doing all the lessons so well, learning higher levels of Math than she knew( she was transferred from elementary school and I believe got the job for being over 6 feet tall to intimidate the teens), etc, she began to abuse me to the point I had more hospitalizations...For years I thought she and my mom were conspiring together since my mom had been notified about my breakdowns and involved in getting me to the hospitals as my boss (Ms,

Morrissey) claimed she did not want me to be embarrassed by the ambulance coming to the school....that must be a "cover up" I am thinking, now, in retrospect,,,,, this was a plan so she , ( my boss) would not appear as if she was causing the stress or be in trouble for calling the ambulance on me and making it appear like a private ( not job ) matter. I had at least two symptoms of Neuroleptic malignant syndrome (NMS), a serious condition that can lead to death.....which was high fever, stiff muscles, confusion, sweating, or changes in pulse, heart rate, and blood pressure. I wanted to get married and keep a nice career teaching teens like other girls in my department had but instead I was suffering for years with the following side effects I read most of these drugs like Abilify I had took gave me...as follows Uncontrolled body movements (tardive dyskinesia).caused me movements that you cannot control in your face, tongue, or other body parts. I read Tardive dyskinesia may not go away, even if you stop receiving Abilify Maintena. Tardive dyskinesia may also start after you stop receiving Abilify Maintena. So, I beg of the court to

understand that I believe I am permanently ill from working at The NYC Dept of Educ not only for mental abuse and sexual abuse but I have very frequent blinking in both of my eyes from this medicine my boss forced me on to keep my job.... is a permanent side effect and I hope the Honorable Justice feels fairness could be served to me by me winning my appeal at The Court of Appeals (Second Circuit) turning The Eastern District, Federal Court's decision in favor of me, giving me the monetary award I have been asking for. The problems with my metabolism such as: High blood sugar (hyperglycemia): because increases in blood sugar can happen in some people who receive Abilify Maintena. I had diabetes .....was told by a Forest Hills endocrinologist I had diabetes and thyroid disease so I was put on drugs for that and I grew to 190 pounds after being 120-130 most of my adult life before becoming a teacher. I am only 5 foot 1 inch so 190 pounds is not a healthy weight. I felt very thirsty and freaked out at my wedding party....couldn't have a proper wedding because fears of stress, so I eloped, and had a small party when I returned but almost wound up hospitalized from the Abilify drugs my job forced me to take in 2008, almost fainted, urgent

need to urinate more than usual, felt weak and tired felt sick to my stomach, felt confused, and my breath smelled, Increased fat levels (cholesterol and triglycerides) in my blood.I had decreased blood pressure (orthostatic hypotension.....I felt lightheaded or faint when you rise too quickly from a sitting or lying position....Low white blood cell count, Seizures (convulsions), Problems controlling your body temperature so that you feel too warm. dehydrated, could not exercise too much which in my life I always loved to do . In hot weather, I had to Stay out of the sun so it ruined my summers and I was alone. This was not the only drugs I was forced on....I was given a drug to try to combat the blindness I was experiencing and even forced on Lithium which almost gave me a heart attack..... During one of the episodes Ms. Morrissey at Sheepshead Bay High School caused me due to her constant abuse was horrify me so much I became paranoia ...I rewrite the work " Aim" over and over again at home trying to make my lesson plans perfect, and I began hearing airplanes crashing, and I had delusions and that the CIA was out to get me, that I was being monitored and spied on with cameras and audio recordings hidden n my own apartment, must

have been the losing sleep causing me fear and panic so bad I ran from my mother who came uninvited to my apartment in Brooklyn in 20 degrees weather without shoes and without a jacket...I was in a sleeveless top and stretch pant running for fear she waS going t kill me.. I got into a car of strangers and begged the for help and eventually was forced against my will to go to a very scary hospital called Gracie Square. The one before was Coney Island and a lady who was very mean and scary put her fingers inside my private parts to check for weapons or drugs which I did not have... I was just trying to be a teacher and o nice lesson plans. Why was this happening to me.? I was so nice and professional and I did not deserve this. ...at Gracie Square was worse because it looked like an old haunted mansion type of jail and scary showers with these rib cage style old bars that go around you when the water comes down. They overdosed me and the drugs cause me to have hours and hours of seizures. ...my teeth were clenching so hard I could feel my teeth crumbling and ;pieces breaking off. I was never admitted more than one week at any of these 5 total stays from 200 to 2010, but my sister and my mother told me my

condition is permanent and that I would need to be on these pills for the rest of my life.....it was devastating, I had never had an hospitalizations before working at the NYC Dept. of Educ and I had done very well in school and even ran my own company designing t shirts for 15 years of which I was able to sell to customers and deliver them to them. I had such a nice little company and paid my way through college, was very popular in my neighborhood and in my community selling shirts, had a serious boyfriend, and did not understand this nightmare, this injustice. This boss at Sheepshead Bay High school grabbed my buttocks and threatened me , she would humiliate me and tell me about her mentally ill daughter, how she is gonna put her away permanently upstate for sexual acts with an older man, so I was so creeped out by her daily abuse or when she was busy abusing this other teacher I worked with she would have the Union rep abuse me and other paras and \employees at the school hurt me. She even got the lady who gives school supplies and the payroll secretary to abuse me and I was so nice to them! It was daily and I could not quit because I loved teaching my

students and I committed to a masters degree and years of getting certified, not to mention so many of these bosses left and were replaced so I had been hopeful shed be gone soon. There were so many people she turned on me that I believed I was a bad person and so I went religiously for help at the Catholic Charities in a very vintage, church in a very dirty dangerous part of Brooklyn (which really did not feel right since I was/am a Jew) for sessions once a week for years and did not ever miss a session, nor was I ever late....determined to make myself better, that that would make others treat me fairly if I see these doctors, these shrinks who would force me on debilitating drugs to numb and silence and "stupidify" my thinking.....to a young woman who once was an AP student high School and received great honors, but did not The sexual abuse is was and still is so devastating for me as a woman because it causes other men to sense it and they also abuse me. My boss fired me after I reported going through a divorce and she even signed my letter about restraining order against my husband and against my father. When I went to Human Rights and to SCI because my boss was trying to get me to tamper with grades and I told her "no" she came up with ridiculous charges and

fired me without pay . I am divorced, not remarried, alone, and childless. My American dream of being a mother and wife is shattered . My promise by the DOE of retiring as a tenured teacher (that I was) is ruined. I am 56 and disabled, permanently, completely humiliated, unable to bear children, untrusting of others, have daily panic attacks, and nightmares, etc. and scarred for life. Please imagine, your honor the un-justice of this along with the other civil crimes I will mention in this brief....and, please consider overturning the lower court's decision against me since especially over the last 15 years of my filing against the NYC Dept of Ed the judges reasons for dismissing my motions and cases are without any reason.

#### **BRIEF HISTORY**

I suffered sexual abuse by Marc Sklar and Catherine Morrissey, being labeled by The NYC Department of Education after working in the same school for 10 years as to possibly having Bi-Polar/paranoia as if I was like this before working at The NYC Dept. of Educ. When in fact I had never seen

"psych"/mental doctors or had ever been hospitalized, priorly. , was forced to take sick leaves when I was reporting for duty, was forced into mental hospitals .seven times

(and never saw these types of doctors or stayed in these types of hospitals prior to my teaching career.).. by bosses and bosses who got my parents to do it.....I assume because I refused to quit my tenured job...., had to work drugged up on forced psychotic meds, faced wrongful termination twice, once for reporting bosses to Human Rights and to Special Commissions of Investigations and other agencies and once for filling out an Accident on the Job Report whereby a student pulled a type two category weapon on me, and was thrown into the street by officers in front of high school students where I taught, suffered daily, emotional-abuse and physical abuse, was sexually abused by a male UFT rep in charge of the Medical division in Manhattan who would tell me disgusting things about his marriage and make sexual comments about my body, then a teacher in the social studies department sent me a photo of his privates naked when I refused to date him, and more men who did sexual things against my will on the job like in the dean's office and in a teacher's locker area,

mobbing by other staff members, was forced to teach out of license, faced ongoing disability discrimination, lost two engagements to eligible men, age discrimination, gender and cultural/religious harassment, slander, destroying my confidence/self-esteem, ruining my childbearing years, chances of having a marriage, wrecked relationships I had with family, violating my FMLA and failure to pay me to scale with my 30 above credits and overtime since I stayed at work until 7 pm many months of many years, I, Ms. Lisa Gindi, had and, still, have a valid NYC and NYS teaching license, K-12, and was a seasoned teacher with no disciplinary charges. Good attendance and almost two decades of satisfactory ratings for how I taught the classes. I was forced to teach Math as high as trigonometry and many other various subjects, including English 6 with a fashion marketing degree where I had not studied math in my undergrad degree. My special education masters degree. I was discriminated against for failing to change grades at Sheepshead Bay High school in September 2009. At Sheepshead bay High School, the most recent location, I complained to my Principal Reesa Levy that my boss, Catherine Morrissey had been

sexually, physically, and emotionally abusive towards me. With no relief, I went to Special Investigations and Human Rights. After I complained officially to the government in person, I was sent to a fitness test by my bosses and lost, so was out of work on a leave without pay for two and a half years. I had never had an official letter of being terminated, but filed in Supreme and Federal court with the EEOC. I continued to sue and take my case to the Appeals Courthouse 2nd Circuit because I felt continual discrimination when a new principal at the same school I was reinstated back into discriminated against me for being over 40 years of age and for retaliating against me in passing the baton from the former principal by making me teach a subject I was not licensed for to a groups of children I was not trained to teach. They were District 75 types of children and they were sectioned from the rest of the school's older children and could not ever interact with them. It was like teaching junior high school when my careers experience was with the older high school children. Specific kids in the class would throw juice bottles and pens in my face, call me a "white b\_\_\_\_\_" and in the team teacher's face who did not agree with me that the class needs positive reinforcement

and a lot of understanding, visual aids, and other accommodations as well as harsher punishment for the dangerous ones. She believed the only way to discipline is to be the same race as she was with them and curse at them. She made sure to remind me, weekly that I was not "black". I disagreed and she turned against me for a second time (without pay) via sending me to forced medical appointments and told the students who mocked me and called me "bi-polar" in the classroom one day when I was struck in the eye. A 14 or 15 year old teenager tried to blind me with a type two category weapon he got passed the metal detector. She had been absent on most Fridays and left me to take the head role of teaching this subject I did not know and to this type of climate of kids of a different setting I was never trained to do. She would scold me in front of and brainwash the very dangerous ones to not respect me. My doctor told me I was fit to work and supported the idea of suing for abuse and discrimination, especially since its a new boss and I had not had any major absences, nor was I going through a family violence issue, anymore, so it could only be a personal vengeance against me and my age. Since I still had nightmares of a former boss. Marc

Sklar, a woman from John Jay HS who stalked me, Gayle Donowitz from Canarsie HS who put me before me and made me work without pay, Cecilia Accetura from FDR HS who stalked me and abused me by putting me into subjects to teach I was not licensed to do and in somany locations I lost 30 pounds in one month, Gerri Pomponio who shuck me and attacked me in front of my class, and Catherine Morrissey who physically hit me, grabbed my buttocks, sexually abused me, paying salary and going better jobs to male teachers and one specific female, named Raquel Berry who did not have a license to even be teaching in High school, and mentally tortured me, I continued all the way to Federal Court. Now, at Court of Appeals, Second Circuit, I am writing this petition and suing for a huge amount of money in an attempt to remedy my losses. I request as much as a quarter of a billion untaxed US dollars , thats \$250,000,000.00 since I feel they destroyed me, sexually, as a human being, they ruined me emotionally, killed my confidence, my good name, my child bearing years, they destroyed engagements and wedding arrangements I had deposits and plans for, they forced me into early menopause, they ridiculed me for turning 40 at

work, they made me sick from meds forced on me, and sick with fear, they caused me malnutrition, thyroid issues, temporary and possible Parkinson's, seizures from meds, hair loss, arthritis, pre diabetes, 15 seizures, seeing doctors endlessly and could not sleep. These monsters defamed my character, spread lies and rumors and labeled me that was not true, since I was only found to suffer from occasional sadness once a month from PMDD and never went over days out of work to handle my pain from that....leading to permanent PTSD from lack of support on the job.accident by a student with a type two weapon, I have reason to suspect they vandalized my property where I lived in Georgetown, Brooklyn and even in my own classroom, taunted me for being Jewish and, also, on a cultural and practical level of how my family is, made fun of how I dress, what I weighed, whom I dated, etc. Catherine Morrissey admitted to being depressed and so did her secretary, Carol Polesce, (why, I did to know, since I was just doing my job) told me scary stories of how they will call police on me just for asking for services for deserving special needs teens, told me she ( Morrissey) put others, like their own daughter into permanent psychiatric facilities, upstate, New York, and threatened could do that

to me If I take a grievance out on them. Morrissey even screamed in front of the AP office on the first floor when she exclaimed I will go to hell if I complain. She made other references to god and the devil and hell after I never, ever discussed my personal religious beliefs or even wore any religious jewelry to my job, she would single me out for being Jews and ask if I eat Kosher food. Catherine Morrissey destroyed my career as over 90 other schools in NY would not hire me, forced me into other financial issues dealing with rent, caused me to have eviction notices on my door where I live, here in the suburbs of Queens, caused the ongoing abuse to spill over to the management at my place of residence to get doormen after me to restrict me from using the facilities in the building, let deliveries of an unauthorized pharmaceutical, private company to push unauthorized prescription drugs on me in front of teens who were hanging out down by the front desk, denied me my rights of having a service dog in certain areas of the building, including not allow me to exercise the correct hours in the gym, use the correct hours in the

laundry room, the computer room and recreation room. They locked me out of these areas I am allowed to be in according to my contract, allowed other specific neighbors to humiliate me by the front desk, and did not fix my mould issue timely that put me into an emergency urgent care unit and would not make proper repairs. I still have neighbors such as gangs of kids and unhappily married women trying to abuse me in the back yard and hallways due to the defamation of character, lies and gossip as recently as two weeks ago which keeps me fearful of walking my dog in peace and worked my car and apartment door locks will be vandalized, again. I still suffer from pain and nightmares, as well and my early menopause is so bad I have to see doctors more frequently, cannot maintain a healthy weight, feel enormous bodily pain, aches and fatigue, with fear because my doctor told me I may get ovarian cancer if I do not work on my stress and nutrition. The facts are that after I complained about most of the recent bosses, they were fired, and my ex husband was deported, that there is a class action age discrimination case my colleagues from the math department of years ago I worked with at

Sheepshead Bay High School under the name of Herman Lebowitz against Department of Education who are suing the same boss who fired them for age discrimination. This principal, John O'mahoney's "Principal's license" was revoked and has to teach math in a junior high. I heard from a reliable source. He was not even licensed to work in High school, too, I found out. He was in trouble before working at my job and on the front news for needing to pay a fine of \$4000 helping his wife keep a job. It turned out my Union rep told me I was tortured, also, due to the fact I did a great job as a math teacher, learned all the math necessary to help children pass a regents, and, was a threat to my bosses, Catherine Morrissey and Geraldine Pomponio, who were not as highly educated in high level regents math. He never mentioned anything about me being perceived as disabled even though he assisted me to my second arbitration for fitness appointment. He really mentioned more about my high abilities and intelligence and then admitted I was so pretty and should have been an actress or movie star. I did not think of myself this way. I just loved teaching

kids, wanted to do a hard days work and get

paid. So. My boss, Catherine and the one who assaulted me, also, before she replaced her, named Geraldine, both taught only "Basic II" kids who were half brain damaged in their one class to teach per day. They gave them food and candy to try to keep them managed in the room which is really not classroom management. I was an "A-student" in much of my schooling, learned what I needed to learn at work to keep a job, as well and liked by many students. But, mostly Catherine Morrissey and Geraldine Pomponio ( and, Elaine Jacobs who exressed me out to FDR and was nasty every day) had a clique of friends laughed at me instead of helping me in the classroom with the unruly and hyper kids, and excluded me in private meetings. And, the new group of teacher I team taught with who were buddies with Grace Lewis when I was reinstated in 2012 (an ATR who was fired from her past job, I learned afterwards, btw) were in a clique and mistreated me for being white. Another fact is my social worker, Dr. Weinreb, told me I was "set up" by being forced to have this three hour travel hardship and teach regents English that I was not trained to do. I was a Science background in

college, not math and not English. I had a fashion marketing and sales background with a BS and MS science degree. Lastly, I exhausted absolutely ever administrative remedy and even tried to go back to work after being destroyed by the NYC Dep. of Ed, had no poor attendance and no personal marital issues, but did not get paid for months, at first had to substitute classes with no program. I had the retention rights to being a senior teacher, was humiliated at meetings by Mr. Omahoney and Ms. Soto (who would not show to the meetings in the morning she made me go to with her and another school AP and would torment me in front of my students), was told I am unfit after getting shot in the eye by a student I filled out a LODI form for, and was being threatened of being fired from the first day I walked in there. Fact, is TRS would not make a timely decision and when they did would not pay me quickly enough leading to my already in place since my restraining orders got posted, landlord issues and eviction notices.

## **JURISDICTION**

"LACK OF SUFFICIENT EVIDENCE TO SUPPORT A NEGATIVE VERDICT IS ANOTHER TYPE OF LEGAL ERROR THAT IS GROUNDS FOR APPEAL." I LEARNED FROM MY RESEARCH OF THE LAW "PRESERVING

### AN ERROR FOR APPEAL

In most cases, in order for a defendant to appeal a legal error made at trial, the trial attorney (or the defendant if he was representing himself) must have objected to the error on the record. An objection can be made verbally or through a written motion, and can be done both before the start of trial, or during trial. The basic idea behind

objecting and therefore preserving the error is that Appellate courts are meant to fix the errors of the trial court. Therefore, the Trial court must be given the opportunity to fix the error themselves. If the attorney fails to object and state a reason for the objection, the attorney has implicitly waived the error. Since the attorney waives the error, the trial court does not have an opportunity to fix it, and the appellate court will generally refuse to consider the potential error unless it is particularly egregious." I am a confirmed by the Teachers Retirement System and several doctors to be disabled and that in case you feel no error of fact was made, perhaps you agree slightly with this possible oversight of law. To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is

unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes. <<NOTE: Jan. 29, 2009 - [S. 181]>> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Lilly Ledbetter Fair Pay Act Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been Bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress. (2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended (3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination (4) Nothing in this Act is intended to change current law Treatment of when pension

distributions are considered paid

**Local Rule 40(a). Filing of Petition.** ii. A change in the law occurred after the case was submitted and was overlooked by the panel *Time off for domestic violence and stalking victims* In Nevada, employers will be required to provide time off (either paid or unpaid) to domestic violence victims and in New York City, paid sick leave will be expanded to include time off for victims of sexual offenses and stalking starting In May. Nevada employees can use the leave to do things like get counseling, go to court or go to the doctor. Paid time off when you have a baby, adopt or care for a family member The sorry state of U.S. maternity leave is a rude awakening for legions of new working mothers, who are generally shocked to learn that if their employer offers any sort of maternity leave, it often follows the federal Family and Medical Leave Act — 12 weeks leave with no pay at all.

## CONCLUSION

I read in my law research this week that showing error is not enough, I have experienced harm and/or prejudice from this decision in that I have not been able to sleep well and have begun feeling terribly traumatized that after eleven years of begging for a fair trial by jury, my case was not decided in my favor by court or circuit

judges, nor was it heard with a large panel of jury persons. I fear if I do not get justice in this that other people will always think they can get away with destroying me in my current career or in other professional relationships in my life, especially if they read about this case online and/or know about it from others I had worked with. I, also, feel prejudiced that I cannot make a claim that I am hurt with corresponding photos to prove my case of discrimination is ongoing passed my employment as per the decision of Federal Court Justices who made me redact my claim I was hurt by the defense attorney. This makes me feel unsafe and keeps me from getting well. My case was filed about age discrimination, as well so that keeps me in the Statutes, time wise, since I exhausted every administrative remedy and since I told EEOC that I am going to Federal Court, and since in that situation filing a lawsuit in Federal Court is enough for that part of the case: Generally, the law requires that you first try to settle your discrimination complaint by going through the administrative complaint process before you file a lawsuit. In other words, you generally cannot go directly to court to sue an agency. Rather, you first need to try and resolve your complaint through the administrative complaint process set up by Congress. Exceptions to Requirements for Filing a Lawsuit There are

two exceptions to this general rule. If your complaint involves age discrimination, you can skip the administrative complaint process altogether and go directly to court (as long as you give EEOC at least 30 days written notice of your intent to go to court). Also, if your claim involves gender-based pay discrimination and you wish to bring an action under the Equal Pay Act, you can skip the administrative complaint process and file a lawsuit anytime within two years of the day the discrimination occurred (three years if the discrimination is willful). Keep in mind, though, Title VII also makes it illegal to discriminate based on sex in the payment of wages and benefits. If you have an Equal Pay Act claim, here may be an advantage to also filing your claim under Title VII. Before you can pursue a Title VII claim in court, though, you must go through the administrative complaint process. The federal question I raised to give employees off time with or without pay in America if they are being stalked or on FEMLA is important to me because as I have learned of recent laws in Nevada and New York, there are still so many other states in America, now, without these protections for workers. I was stalked by an angry colleague back in about 1999 in a park Slope Public High School who I found out was getting a hysterectomy and

very unhappy, and, also, I was on FEMLA in about 2012/2013, but my UFT rep and president to the Brooklyn Office refused to write it in a professional way with the proper forms. Regardless, my boss could have respected the protection was in place during my second firing after I was reinstated. Also, in the 'ole days I had a Union Rep really help me with a grievance but noticed they had gotten very ineffective and weak, were sacred of the Principal to the point of neglect and abusing me. I conclude there needs to be a stronger union as that is what teacher monthly dues are for. Perhaps your honors will grant me the rehearing En Banc since the new laws I found

for Nevada and New York were printed in the news in 2019 and maybe it was a change in the law occurred after the case was submitted and was overlooked by the panel. I was assaulted and sexually abused on the job until I had gotten so frightful it almost killed me. I lost a lot of weight quickly and could not sleep for years. The photo in submitted of my bruises in multiple filings in federal and Supreme Court are of three bruises given to my by a boss who wanted me to change grades of failing "no show" kids . She mentally tortured me on a weekly and daily basis that when I show concerns for the needs of and rights of my students I could

face another beating by her and lose the salary I was up to of \$78,000.00 she would show me on the computer. She went through with it and I lost that salary to the point I had eviction notices on my door. Please see the police reports and witness statements of harassment and physical abuse I filed in my briefing order in federal court. I am unhappy that two other supervisors touched me and hurt me on the job, dating as far back as about 1995. I am upset they did not get disciplined and that I did not get to tell a jury about this, thus far. I am upset I got abused for against you simply because you have a mental health condition. This includes firing you, rejecting you for a job or promotion, or forcing you to take leave. <https://www.eeoc.gov/> Depression, PTSD, & Other Mental Health Conditions in the Workplace: Your Legal Rights **RULE 10 THE RECORD ON APPEAL** e) Correction or Modification of the Record. (1.) If any difference arises about whether the record truly discloses what occurred in the district court, the difference must be submitted to and settled by that court and the record conformed accordingly.(2) If anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental

record may be certified and forwarded:(A) on stipulation of the parties;(B) by the district court before or after the record has been forwarded; or (C) by the court of appeals.(3) All other questions as to the form and content of the record must be presented to the court of appeals.<https://www.law.cornell.edu/rules/frap>

### CLOSING

Lastly, reversible errors resulting from the violation of an individual's "substantial right(s)" must be considered on an individual basis.  
[1]Reversible errors include, but are not limited to excluding evidence which a party was entitled to have admitted,This refers to My information about my RTS letter dated Feb. 27, 2013. There was another issue of the two court houses not being on the same page as the Federal Court Justices said I failed to state a claim to prove there was any discrimination and

they also said that and posting a photo of a person who hurt me is the reason my case is prejudiced and meritless, whereas the Circuit Judges mostly mentioned a timely filing leading to a meritless case. I feel a remedy needs to be granted to me, Lisa Gindi, in the sum of **\$250,000,000.00 (two hundred and fifty million) American dollars without tax**

charged. This could help make up for so much I have lost and laws passed, along with it to keep these issues from happening to future innocent people and women in the workforce. For these foregoing reasons of extraordinary circumstances and a preponderance of evidence I submitted in my first Writ of Certiorari back in 2019 and now, in this present Writ of Certiorari where I have gathered as much evidence as I could by calling hospitals and writing them letters (from 1999-2010)....in the form of my hospitalizations and three years of appointments at a Catholic Charities mental clinic where psych drugs were forced on me against my will to keep my teaching career, the court should help me to get the Court of Appeal (Second Circuit) to change their most recent December 2023 dismissed decision against me .....that has no reason why..... and reconsider since I submitted a preponderance of evidence in the form of hospitalization, etc., to Federal court, overturning the Federal Court's decision against me due to their oversight.,



---

Lisa Gindi Pro Se Petitioner/Appellant  
January 21, 2024

Served and submitted by Lisa Gindi  
75-25 153 Street  
#PH23

Flushing, New York 11367

(347) 771-6040 Lisa\_Gindi@yahoo.com

Served via US Postal Mail upon:

Ms. Janet Zaleon Corporate Counsel New York  
City Law Department 100 Church Street  
New York, New York 10007 Jzaleon@Law.NYC.Gov  
(212) 356-1000 Sent via US postal

Courtesy copy to Eastern District United States

Federal Courthouse % Honorable Roslynn R.  
Mauskopf -Justice 225 Cadman Plaza East  
Brooklyn, New York 11201

AND

Sent via US postal mail. Courtesy Copy to The  
United States Court of AppealsSecond Circuit %  
Honorable Clerk of Court, Catherine O'Hagan  
Wolfe 40 Foley Square New York, New York  
10007

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***APPENDIX A***

**Motion For Stay Of Mandate**

United States Court Of Appeals for the Second  
Circuit

*Lisa Gindi appellant*

vs. Index No. 23-902

The New York City Department of Education  
*appellee*, et. al

Form T 1080 Set Forth Statement of Relief  
sought

is \$250,000,000.00 (two hundred and fifty  
mill-

ion dollars) American tax free dollars.

Moving

party is Lisa Gindi Appellant/petitioner  
75-25

153rd Street #PH 23 against opposing party  
NYC Dept. of Educ. , et al. (appellees) with  
*opposing attorney/respondents* Hon. Sylvia  
Hinds-Radix and Ms. Janet Zaleon NYC law  
Dept. 100 Church Street, NY, NY 10007

Court Judge agency appealed from

was EDUS Fed. Court Movant had "Yes"

noti-fied opposing counsel required by rule

27.1and served this Motion via US Postal

with Proof of Service. The opposing counsel's  
position on motion is "don't know". The oral  
argument on motion was "yes" requested

Does the opposing counsel intend to file a

response .? The answer was,"don't know" The

2a

Oral Argument on motion was "yes"  
requested The appeal argument date was "  
no" not set. Signature of Moving Attorney, /s/  
Lisa Gindi Date stamped by Court of  
Appeals second Circuit  
December 13, 2023 at 12:07 Clerks office"

**Certificate of Service**

United States Court Of Appeals for the Second  
Circuit

Lisa Gindi *Appellant*

v. Docket number 23-902

The New York City Department of  
Education, et. al *Appellee*

I, Lisa Gindi hereby certified penalty of  
perjury on December 12, 2023. I served a  
copy of motion for state of mandate with the  
United States male Postal Service to  
Ms. Janet Zaleon and Honorable Sylvia  
Hinds-Radix of the New York City Law  
Department 100 Church Street, New York,  
New York, 10007 And courtesy copy to  
Honorable Roslynn R.Mauskopf District  
Judge Justice At Eastern district United  
States Federal Court 225 Cadman Plaza,  
East Brooklyn New York 11201 on December  
12, 2023. Signature /s/ Lisa Gindi

**Motion To Stay the Mandate**

United States Court Of Appeals for the  
Second Circuit  
stamped by the court

**APPENDIX B**

Filed on December 13 at 12:07 pm in the  
United States Court Of Appeals Second  
Circuit received by the clerk of court

Lisa Gindi      *Plaintiff/Appellant*  
against  
The New York City  
Department of  
Education Mrs. Catherine  
Morrissey, Mr. John  
O'Mahony, Mrs Reesa Levy,  
Dr. Dion, Thomas, Mr Mario  
Ford,  
Miss Florence, Egbuchulam,  
Miss Teri Amas, Mrs. Teri  
D'Ambrosio. Ms. Maritza  
Soto, Mrs. Grace Lewis, Mr.  
John Clayton, Mrs Geraldine  
Pomponio, of  
Sheepshead Bay high school.  
Mrs Cecilia Accetura of  
Franklin Delenore Roosevelt  
high school Miss Gail  
Donowitz of Canarsie High  
School. Mr Mark Sclar of  
intermediate school IS303,  
Dr. Ann Garner, Mr Hubert,  
Guscott of the New York  
City Department of  
education and Dr. William

*4a*

B. Head-Arbitration Dr.,  
et al *Defendants/Appellees*  
Sylvia Hinds-Radix Corporate Counsel

*Respondent*

15 – CV 6475 (RRM), 42 Civil Rights  
Employment, Discrimination, Sexual  
Emotional Physical Harassment, Disability  
Discrimination and Wrongful Termination  
dated December 12, 2023.

I, Lisa Gindi move this Court for a  
return reply date from the opposition of  
December 20, 2023 at 10 am at the Court Of  
Appeals second circuit to Stay The Mandate  
Excerpt of Table of Authorities from my  
submitted 2023 Brief submitted the The  
Court of Appeals Second Circuit *Cage v. The*  
*United States* 369 US, 438, 444–45, (1962).

*Herman Leibowitz, against The Department*  
*of Education* Federal Eastern District circa  
*2014LaBuy v. Howes Leather Company*

352US249 (1957)

*Schlangenhauf versus Holder* 379US one 04  
(1964) *Spacil v. Crowe* 489F. Second 614  
(5th circuit, 1974) Supreme Court in *Ledbetter*  
*versus Good Wear Tire and Rubber Company*  
, 550US618 2007 United States versus  
district court 334US2582631948.

*United States versus McGarr* 261F. Second

5a

one (7th circuit 1972), statute 28 USC § 165,1 402USC 2000 a rules 333F. 3-D at 8088 amendments act of 2008, published August 11, 2001 Americans with Disabilities act 1990 and the Rehabilitation act of 1973 civil practice law and rules, employment act of 1967 Ex Parte United States, 280 7US 241, 248, 1932 *Family and Medical leave act* of 1993 Family leave law regulations Stephen Fuchs and Jill Lowell on August 9, 2017 Faraghet ELLERTH Defense General Obligations Law Human Rights Law (NYSHRL), New York Labor Law, New York Paid Family Leave Benefits Law (quotation PFLBL) past last year and effective January 1, 2018, *Safe Schools Against Violence in Education Act (SAVE) Title V11 of the Civil Rights Act of 1964* and *Age Discrimination* imagine you're going to work for an honest days pay and as a young female employee in her 20s, just trying to make a living teaching kids having a boss who sexually touched me by.

**APPENDIX C**

DECISION -ORDER of Dec 6, 2023  
**United States Court Of Appeals for the Second Circuit**

At a State of 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 6th day of December two thousand and twenty -three.

Present: Amalia L Kearse ,  
Susan L, Carney and  
Myrna Perez  
Circuit Judges

---

**Order**

Docket No.23-902

Lisa Gindi,  
Plaintiff Appellant

v.

New York City Department  
of Education ,et. al.

Defendant/Appellee,  
Commission on Human Rights,  
Defendants  
John P Gayette Assistant Corporate Council,  
Oriana Vigliotti, NYSUT Council  
Respondents.

---

Appellant, Lisa Gindi, filed a motion for reconsideration and the panel that determined the motion has considered the request. It is HEARBY ORDERED, that the motion is denied.

For The Court,

7a

Catherine O'Hagan. Wolfe  
signed /s/ : b  
Catherine O'Hagan

***APPENDIX D***

**DECISION ORDER of Nov.7, 2023**

**United States Court Of Appeals for the Second  
Circuit**

At a State of 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 7th day of November two thousand and twenty -three.

Present: Amalia L Kearse ,  
Susan L, Carney and  
Myrna Perez  
Circuit Judges

---

Lisa Gindi,

*Plaintiff Appellant*

v. 23-902

New York City Department  
of Education ,et. al.

*Defendant/Appellee,*

Thomas Bennett, UFT and The Body of the  
UFT, et. al.,

*Defendants*

John P Gayette, Assistant Corporate Council,  
Oriana Vigliotti, NYSUT Council,

---

Appellant, pro se moves for \$250 million, to add parties to the appeal and for default judgement. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED because it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (per curiam) (holding that this Court has "inherent authority" to dismiss a frivolous appeal). It is further ORDERED that Appellant's motions are DENIED as moot.

FOR THE COURT:

Catherine O'Hagan Wolfe,

Clerk of Court

signed /s/:

Catherine O'Hagan Wolfe

**APPENDIX E**

**MANDATE**

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 7th day of

November , two thousand and twenty-three.

Present Amalia L Kearse ,

Susan L, Carney and

Myrna Perez

Circuit Judges

---

Lisa Gindi,

*Plaintiff Appellant*

23-902

v.

New York City Department

of Education ,et. al.

*Defendant/Appellee,*

Thomas Bennett, UFT and The Body of the  
UFT, et. al.,

*Defendants*

judgement. Upon due consideration, it is  
hereby ORDERED that the appeal is John P  
Gayette, Assistant Corporate Council,  
Oriana Vigliotti, NYSUT Council,

*Respondents.*

---

Appellant, pro se moves for \$250 million, to  
add parties to the appeal and for default  
DISMISSED because it "lacks an arguable  
basis either in law or in fact." *Neitzke v.  
Williams*, 490 U.S. 319, 325 (1989); *see Pillay  
v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (per

10a

curiam) (holding that this Court has "inherent authority" to dismiss a frivolous appeal). It is further ORDERED that Appellant's motions are DENIED as moot for the court.

FOR THE COURT:

Catherine O'Hagan. Wolfe,  
Clerk of Court  
signed /s/:

Catherine O'Hagan Wolfe

***APPENDIX F***

**ORDER January 25th 2024.**

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 Court, 40  
Foley Square in the City of New York on the  
25th day of January 2024 before

AmaliaL. Kearse ,  
Susan Carney  
Myrna Perez c  
Circuit Judges

Lisa Gindi

Plaintiff-Appellant

ORDER .

Docket number  
23-902

v.

New York City Department of Education  
Defendant-

11a

Appellant, pro se requests that the Court Stay issuance of its MANDATE. It is hereby ORDERED that the motion is DENIED

FOR THE COURT:

Catherine O'Hagan. Wolfe,  
Clerk of Court

signed /s/:

Catherine O'Hagan. Wolfe

***APPENDIX G***

15th day of December 2022 Court of Appeals Second Circuit filed and stamped by Eastern District of The United States Federal Court Case filed in Federal Court red stamped on top of page case one: 15-CV - 06,475 - RRM - RER document 84 filed 01/17/2023 page one of one page

ID #1408

**MANDATE '**

15 CV6475 Mauskopf,

At a stated term of the United States Court Of Appeals , for the Second Circuit at the Thurgood Marshall United States Courthouse, 40 Foley Square in the City of New York on the 15th day of December 2022

Present: Deborah and Livingston

Chief Judge

Harrington D. Parker,

Michael H. Park

Circuit judges

Lisa Gindi

*Plaintiff/Appellant*

12a

vs. Index number 22-2051.

The New York City Department of Education,  
et al,

*Defendants Appellees.*

And

Thomas, Bennett of The Uft and Body of the  
Uft at al

*Defendants*

John F. Guyette, Assistant, Corporate Council,  
Oriana Vigliotti, NY SUT Council

*Respondents*

Stamped by the court in a rectangle, A TRUE  
COPY ATTEST The June 13, 2023, BrennaE.  
MahoneyClark, signed by Deputy Clark

Appellant, pro se moves to deny a council  
request to be removed as council and for other  
relief. However this Court has determined sua  
sponte That the notice of appeal was untimely  
filed. Upon due consideration. It is here by  
ordered that the appeal is dismissed for lack of  
jurisdiction C. 28USC § 2107 balls versus  
Russell 551,US 20 205,214 (2007). It is further  
ordered that the appellants motion is denied  
as moot.

A true copy,

Catherine O'Hagan Wolf  
United States Court Of appeal.

Second circuit. Signed by /s/

Catherine O'Hagan. Wolfe

***APPENDIX H***

Stamped United States. Court Of Appeals

**MANDATE**

**issued on January 17, 2023.**

Case 23-902 document 50, 12/06/2023,  
3596,264, page one of two

United States Courtof Appeals For The  
Second Circuit  
On 6 December

Present:

Amalia L Kearse ,

Susan, L. Carney

Myrna Perez

Circuit Judges

Lisa Gindi

plaintiff appellant

order number 23-902

v.

New York City Department of Education.

Defendant Appellee

Tomas Bennett, UFT and the Body of the  
UFT, Dr Ann Garner, D.O.E and the Body of  
the Department of Education, Herbert, Scott,  
Catherine Morrissey for the sheep Bay High  
School and the body of the sheep Bay High  
School, John

O'Mahoney, Judge, Bernadette Bane. The  
Body of the Supreme Court Kings County,  
Civil. Term, Michael Group, Howard Shore,  
Charles Turner for the body of the United

States Federation of Teacher and Garner  
Dion, Thomas, Mario Ford, Terri Moss, Teri  
D'Ambrosio Maritza Soto Grace, Lewis, John  
Caton, Reesa Levy, Geraldine Pomponio, Ms.  
Carter, Elaine, Jacobson of SheepBay High  
School and the Body of Sheepshead Bay High  
School Cecilia Accetura of Franklin, Delanore  
Roosevelt High School and the body of FDR,  
Mark Sc of intermediate school 303 and the  
body of inter immediate school 303, Gayle  
Donowitz of Canarsie High School and the  
Body of Canarsie High School  
Commission on Human Rights

Defendants

John P. Guyette Assistant Corporate Council  
Oriana Vigliotti, NYSUT Council,

Respondents

Appellant, Lisa Gindi filed Motion for  
Reconsideration and the panel determined the  
MOTION as considered.

The request is hereby ordered that the  
MOTION is DENIED for the court.

Catherine O'Hagan Wolf, clerk of court,  
stamped by the court circle stamp

Catherine O'Hagan Wolf  
United States Court Of appeal.  
Second circuit. Signed by /s/  
Catherine O'Hagan. Wolfe

#### ***APPENDIX I***

#### **ORDER**

Supreme Court of the United States of the State of  
Washington DC  
20543-0001  
Scott S Harris Clerk of the Court  
(202)479-3011  
April 20, 2020.

Ms Lisa Gindi 75-25 153rd Street,  
Flushing New York 11367  
RE: Lisa Gindi

v.

New York City Department of Education,  
No. 19-1089,

Dear Miss Gindi. The court today entered the following order in the above entitled case. The petition for Certiorari is DENIED. Sincerely  
Scott as Clark signed by. Scott Harris

***APPENDIX J***

**ORDER**

BY COURT OF APPEALS

FILED IN EDNY

Brooklyn 15 CV6475

MAUSKOPF, J

United States Court Of Appeals For The  
Second Circuit

On the seventh day of November 2023

Present:

Amalia, El, Keira,  
Susan L. Kearney

Myrna Perez

Circuit Judges

Lisa Gindi

*Plaintiff -Appellant,*

v.

23-902

New York City Department of Education.

*Defendant*

Thomas Bennett, Uft and the Body  
of the UFT et al.,

*Defendants*

John P Guyette -Assistant Corporate Council  
Oriana Vigliotti NYSUT Council

*Respondents*

Appellant, pro se moves for \$250 million to add parties to the appeal and for default judgement upon due consideration is here by ordered that the appeal is dismissed because it lacks and arguable basis either in law or in fact, *NEITZKE versus Williams*, 490US319325 (1989); CP I,LLAY versus INS, 40 5F3D 14, 17 (2nd circuit, 1995) (Per curium) (holding that this court has inherent authority to dismiss frivolous appeal. It is further ordered that the appellants Motions are denied as moot.

Clerk for the Court

Catherine O'Hagan. Wolfe

signed /s/ : b

Catherine O'Hagan

***APPENDIX K***

I. Psychiatric Hospitalization-Inpatient

Coney Island Hospital 2601 Ocean Parkway, Brooklyn New York. 11235. Dated 3/30/07RE: Miss Gindi, Lisa, patient name, Social Security number Sincerely, Pam Road, MD J. Pavlov – signed Pavlov, MD title

**II. Psychiatric Hospitalization-Inpatient**  
Gracie, Square Hospital, Inc,

420 E. 75 Street, New York New York 10021 medical records Dept they October 21, 2021 to whom it may concern this is to verify that Lisa Gindi date of birth 624

on the following dates date of admission 01/19/2006 state of discharge 01/25/2006. Sincerely, Alexandra, Val, Nick, RHIA, Director of medical records.

1967 was **admitted in discharge from**  
**Gracie Square Hospital**

**III. Psychiatric Hospitalization-Inpatient**  
Conifer Park, Glenville, New York, 12302 arms acres, Carmel New York 10/22/21, Lisa Gindi 75-20353rd. Shoot Dept 23 Pugh Garden Hills New York 11367PT. #R. E. Gindi Lisa, date of birth,, /06/24,67 in accordance with New York State law, Al retains medical records for no less than a six year period from the date of discharge patient was discharged 31004. The record you have requested exceeds this timeframe and has therefore been destroyed in accordance with this law, we are sorry we cannot be of help to you regarding

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this record if you have any questions regarding the this matter, please contact us at one 800 9896446 extension 8263. Sincerely Linda NOVOTNY health information management

#### ***APPENDIX L***

##### **Doctor's Diagnosis**

Barry Holzer, MD, child adolescent and adult psychiatry, 20 350 ocean Avenue 2.1 Brooklyn, New York, 11229. Phone number 71874376630 Fax Number 7187437630 to whom it may concern Leasing he has been my patient since 2010. She's being treated for post-traumatic stress disorder since March 2013 she is currently seeing me every three months. Any questions I can be reached at 7187437600. Sincerely /s/ Barry Holzer MD Psychiatrist

#### ***APPENDIX M***

##### **Email to Dr Holzer**

h o l z e r m g @ g m a i l . c o m f r o m  
Lisa\_Gindi@yahoo.com

subject matter, I was misdiagnosed Sunday, March 24, 2019 01: oh 1 pm, EDT. Dear Dr Holzer, <http://www.empor..com/home/feature/recognising – crucial – different, shading – features – when – diagnosing – bipolar disorder – WS – PMDD/2/>

I was told by my am Montgomery for three years. I have PMDD and PMS bipolar at Catholic Charities so med vitrine is not

working for me because I need medicine and a diet for my menstrual pain, especially since I am pre-menopausal. Also, there is no history of bipolar in my family. Please read this article below I do have Panic attacks lately when elevators open and I do not see who is coming there and a person makes me jump when I do them inside and later, horrible nightmares of my bus trying to kill me. I know you care about people on a human level, and that is why you continue to support this theory and know you may be able to have a person suffering all her life like me, if you see and learn about PMDD , I am not bipolar, and I am not manic-depressive. I do not spend all my money recklessly, nor do I have ever abused drugs or alcohol. Please help me April first when you see when I see you I am giving up coffee. Also I am very nice person sweet person and I feel that I look a lot. I took a lot of abuse by bosses because I did not know how to professionally defend myself through the use of note taking and letter writing, so I was very strong with them, verbally at the end, because I was beaten up and sexually harassed, I could not take it anymore , there needs to be lost to help employees with PMDD get out of work without being fired in other countries and not in the USA I did my research well. Also my bosses were fired when

I reported them also with all the respect I am a human being and have not been treated as such by many I struggle to get out of the house and cannot leave because I am Writing this case against The Department of Education, they caused that boy to laser my left eye and scare me. Safe to read article below. Please click. HTTP [click//wwemor.com/home/features](http://wwemor.com/home/features) hope you had a festive Purim.

Respectfully yours ,  
signed /s/ Lisa Gindi

**APPENDIX M**

**Email to Doctor** My two cases from Lisa Gindi (lisa\_gindi@yahoo.com) to Dr. Holzer md@gmail.com date Saturday, August 27, 2022, 5:22 pm EDT

Dear Dr Holzer: I'm still in Court suing the two landlords in New York City Department of education in two separate cases, and I am really losing my patience, but my dog helps me get through these horrible long days and doing make up is my level of painting right now because she's so much work to clean up after but I want you to know I better get that money because I have been giving up my life writing these cases for 12 years and nine years and I'm furious like I better get that damn money just want you to know that God better be on my side in the end because God help me I swear to God. This is destroying my goddamn

life.

Sincerely, /s/ Lisa Gindi

***APPENDIX N***

**Appointment email from Barry Holzer**  
holzerm@gmail.com to Lisa Gindi  
lisa\_gindi@yahoo.com. Tuesday July 26, 2022,  
11:20 am EDT3: 45, Wednesday 77-27  
FaceTime Susan 7187437 600 confidentiality  
Notice this email, and the information  
contains here within attachments here to our  
legally privileged and confidential information  
intended only to for the use of the individual  
or named above. If the reader of this email is  
not the intended recipient you are here by  
notified that any forwarding dissemination use  
distribution or copying of this email is content  
or it's content, and or it's attachments of the  
taking of any action in reliance on this  
contents to there is strictly prohibited. If you  
have received this email and error. Please  
immediately notify the sender and DV the  
email and attachments and destroy and any  
tangible manifestation there are thank you  
Monday, July 25 2022 at 7:304 pm, Lisa Gindi  
lisa\_gindi@yahoo.com wrote dear Susan if you  
have time I need an appointment soon because  
I very upset how my mother treated me on the  
phone and I had a very bad dream about my  
former boss, Catherine Morrissey. It is all  
causing me to mess my diet up certain days  
and fight with both parents who are elderly.

Not sure if it's still the Jewish holiday and the doctors .

**APPENDIX N**

**IV. Psychiatric Hospitalization-  
Inpatient**

The Holliswood Hospital 3/16/09 to whom it may concern. This is to advise you that Mr or Mrs Lisa Gindi was admitted to the Holliswood hospital on three 1009 and was discharged on 3 1609. She will return to work on 3 1709. If you have any questions, please contact the above number at extension 361 sincerely EBMSW

**V. Coney Island Psychiatric/Medications, Record** Health hospitals date, 10/28/2021 Fax to Lisa Gindi, Lisa 75-25 153rd Street, #PH23 Flushing New York 11367 phone 347-359-3828 RE Gindi, Lisa, date of birth June 20 419.

V S ID: 7167-85471 records from Coney Island 2601 Ocean Parkway, Brooklyn New York. 11235 statement of confidentiality AM: 18 September 040, 155 DIS: 2 3 SCP 041557ATTPHYS: Kestenbaum, J, MD service, psychiatry Monday 20 sep 2151. Vital sign. 97.8 Fahrenheit, 72 BPM 18, respirations 110/70, MMHG Joseph Pappan, a psych tech report date 20 September 04. 2151. Monday 20 September bedtime, Ambien, Zoe, tartrate Report date, 20 September 0422 Monday 20 September bedtime Olanzapine Zyprexa report, 20 September 0422 33, Tuesday 21 September 0243. Vital

signs report date 21 September 040316 Gindi, Lisa, DIS – P S.YMR #1517614 Next page continued Monday 20th of September 1633 urine toxicology, five final collection time 20 September 04 1633 collected by Unknown specimen. Random you are (2729584) diagnosis psychosis unspecified barbiturate interpret non-detected negative cut off < equals 200 NG/ML) Benzodiazep interpret undetected negative Cocaine, interpret non-Detective methadone interpret non-detected opiates, interpret non-detected Monday, 20 September 1800 Divalproex sodium report date, 20 September 04, 1834 Monday, September 20, 1843 vital signs report 20 September for 1917 Next page Friday 30th of March 1942 Benztropine Mesylate cogent, 1 mg tamp by mouth one times Benztropine mile late, 1 mg tablet. Larissa zit sir RN report date 30 March 070 9 42. Friday 30th of March 9 42 multivitamins dose route tab by mouth administrative info one times multivitamin tablet. Larissa Zor RN report 830 March 2007 09 42 Friday 30th of March 0 9 42, Topamax 75 mg IP non-form med Topamax 25 mg times. One tablet by mouth one Times Topamax Larissa Zipzer RN report date, 30 March 0 70 9 42 Friday 30th of March 10 11 vital signs temperature 98.1 F 80 1BPM 16 respirations 90/60. BP Joseph Springfield psychiatrist

report date, 30 March

7 1011. Last page final Wednesday 28th March 1, 549 urine toxicology G collection time, 28 March 0 seven. One. 540 9NAYMAN, M. Random you are (408 0219), diagnosis unspecified psychosis, barbiturate, interpret non-detected (negative cut off $\leq$  200 NG/ML) Benz Interpret non-detected negative $\leq$  200 NG/ML) Cocaine, interpret: none detected (Negative( $\leq$  300 NG/M.L)) methadone interpret: non-detected (negative(cut off $\leq$  300 NG/ML)) opiates interpret non-detected negative cut off $\leq$  300 NGML)) comment the above results toxicology screening to be used for medical treatment purposes. Only should not be used for legal or employment testing Gina a Vollman empty report date 28 March 07, 1950), Wednesday 28 March 15 56, Benza Train mesylate cogent dose route, 1 mg tablet by mouth. Administrated info one times Benztropine SYLTE1 milligram tablet. Bella Cohen LP reported 28 March 7, 1556

***APPENDIX O***

**E x h i b i t s   C a t h o l i c   C h a r i t i e s**  
**appointments,** Dear Miss Gindi. The letter confirms that Ms. Gindi. Date of birth 624, 1967 was a client at Catholic Charities Flatlands Guidance Center clinic from 2/2006–4/2009. Client was seen for individual therapy and medication

management attached is a report provided by our Billing department Indicating sessions client attended. Regards Sarah Wilde LCSW clinical supervisor

**APPENDIX P**

Admitted to a Psychiatric Program as Outpatient Page one on Catholic Charities 40 appointments that are weekly appointments From February 1, 2006 to October 24, 2006 that Lisa Gindi patient saw mostly Maya Montgomery who is a social worker psychologist and other doctors like RYAN katie KHAVKIN, EV

Page 2 for Catholic Charities Lisa Gindi patient had 40 appointments weekly from October 30, 2006, two July 17, 2007, Lisa Gindi so I'm mostly Maya Montgomery and also KHAVKIN, EV and NAWROCKAP is Page 3 patient Lisa Gindi saw doctors at Catholic Charities 40 times in a weekly fashion and mostly social worker Maya Montgomery From these dates July 24, 2007 To May 20, 2008 and the other Dr she saw was NAWROCKAP page 4 Lisa Gindi patient at Catholic charities 40 appointments that Lisa Gindi saw From May 27, 2008 to April 7, 2009, who was mostly Maya Montgomery Shamim, KA1 Time DOGOT, Marie two times

The total amount of appointments was 160 appointments in three years. Waiver date

stand by Supreme Court US filed March 9, 2020. Office of the Clark waiver Supreme Court of the United States Supreme Court case 19-1089. Lisa Gindi petitioner versus The New New York City Department of education respondent I do not intend to file a response to the petition for Writ of Certiorari, unless one is required by the court. Sign Zachary Shapiro on March 9, 2020. Who is the Corporate council for the New York City Law department and James E Johnson Esq corporation council 100 Church Street New York New York 10007 Phone number is 212356 1640

Zshapir@law.nyc.gov received March 24, 2020  
By the office of the clerks Supreme Court, US  
stamped **APPENDIX Q**

**Certificate of Compliance.**

I hear by certified that this petition brief was prepared using Apple, pages 8.1 and according to that software is contained 27 pages double space that has 8846 words, not including the table of contents table of authorities, this certificate and cover nor, is The count, including cited decisions or opinions of the court signed Lisa Gindi

**APPENDIX R** Proof of Service

United States, Postal Service, Kew Garden Hills, New York, 75,23 Main Street Flushing New York 11367-9997. Phone number 800 2758777 January 23, 2024 at 4:44 pm product

quantity unit price price priority Mail one \$9.85 flat rate envelope New York New York 10007 flat rate expected delivery is Thursday 01/25/2024 tracking number 9 505. Space 5150 space 450 one space 4023. Space 6908 Space 60 Insurance up to \$100 included total \$9.85. Priority Mail flat rate envelope \$9.85 Brooklyn New York 11201 flat rate expected delivery date, Thursday, January 25, 2024. Tracking number 9505 space 5150 space 4501, Space 4023 6908. Space 84 Insurance up to \$100 included total \$9.85 priority Mail at \$9.85. Flat rate envelope, New York New York 10007 flat rate expected delivery delivery date Thursday, January 25, 2024. Tracking number 9505 space 5150. Space 450 one space 4023 space 6909 space 07 Insurance zero dollars up to 100,000 included total \$9.85 grand total \$29.55 Credit card remit Visa account number ending in xxxx Approval number 02078D transaction number, 775AIID800000000031010CHIPVisa credit PIN not required Chase Visa texture tracking number 228777 to USPS to get the latest status standard Message and the rates may apply. You may also visit usps.com, etc Grand total, \$29.55 credit card remit \$29.55 Visa credit track your package <https://in> form me delivery.usps.com US Postal Service barcode design in a square or call one 800,

**APPENDIX S**

**Affidavit of Lisa Gindi, 23-902**

I, Lisa Gindi prose appellant submits that the court acknowledges I am submitting this as an emergency via overnight mail to the court of appeal. Second circuit in the form of emotion to stay. The mandate, material, factual or legal matter was overlooked in the attached decision and new evidence filed was not considered. This is an unusually complex important case with a preponderance of evidence and extraordinary circumstances I believe there is a particularly significant issue at stake that is true and overlook by the Honorable Clerk Court Of Clerks , Law Clerks and Justices. I was on the phone today December 12, 2023 with a very Honorable Clerk who informed me my mandate was not yet issued and that I could do this motion as long as I rushed it overnight. Sincerely, /s/

Lisa Gindi signed by /s/:

Lisa Gindi.

December 12, 2023

**APPENDIX T**

**Affidavit of Service**

United States Supreme Court Lisa Gindi  
Petitioner/moving Party, affidavit of service  
against New York City Department of  
Education Defendants, Apellees MS Janet

Zaleon New York City Law Department  
Council, Respondent

I, Lisa Gindi declare pursuant to 28  
USC51746 and subject to the penalties of  
perjury that on January 22, 2024 in  
Washington DC. My Writ of Certiorari  
appendix and certificate of compliance is  
included in an enclosed first class postpaid  
properly addressed rapper in a Post Office  
official depository under the exclusive care and  
custody of the United States Postal Service  
within state the state of New York directed to  
the defendants respondent Mr Zachary ,  
Shapiro and Ms Oriana Vigliotti the addresses  
set for below being the address designated for  
Said defendant for that purpose, New York  
City law department, 100 Church Street, New  
York New York 10007 Signed respectfully ,  
Lisa Gindi , January 23 dated 2024 , 75-25  
153rd Street , Flushing New York  
11367 .Signed Respectfully, /s/ Lisa Gindi,  
January 23 dated 2024, 75-2553rd Street,  
Flushing New York. 11367 Notary Vladimir J.  
Rosario, January 23, 2024. Signed by /s/  
Vladimir J. Rosario Notary Republic, state of  
New York number. 01R 0629 6996 qualified in  
Queens County commission expires, February  
10, 2026

***APPENDIX U***

FEDERAL COURT, EASTERN DISTRICT  
JUSTICE DECISION AND MEMORANDUM AND  
**ORDER** is in my case I filed at the pro se office that is  
named Gindi v. Bennett 15cv6475, (of kings county) as  
the

justice assigned to my case denied my motions in 2016,  
and in September 26, 2018, which is filed as

case 1:15-cv-6475-RRM-RER Document 68, Filed  
09/27/18 page 1 of 9 page ID#961 closes my case and  
enters a judgement, denying me *informa pauperis* if I  
decide to appeal. So, I appealed and paid for the  
appeal \$500. Also, it is excerpted in my Writ of  
Certiorari Petition on page 15 - 20.

Of case 10-1089

***APPENDIX V***

**TRANSCRIPT OF ORAL ARGUMENT SEPT 3,  
2019 IN COURT OF APPEALS SECOND  
CIRCUIT (Filed as an audio online internet as  
Oral argument in COA 2<sup>nd</sup> Circuit)**

18-3057	Gindi v. Bennett	9-3-19
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gindi\_v.\_bennett\_cl\_draft

Rev Services arrow\_drop\_down

Quality: Highmore\_horizShareLogin00:0007:4408:47P  
layreplay\_5Back 5s1xSpeedvolume\_upVolume

Speaker 1 "We'll hear argument next in Gindi v. New  
York City department of education, 18 three Oh five  
seven Speaker 2good afternoon

Speaker 1 Ms. Gindi, so one or two please get up to the podium. You've reserved three minutes for rebuttal so you'll start off with two minutes of argument and then I'll ask you to take a seat and we'll hear from the adversary and then you can come back with your rebuttal.

Speaker 2

No, go ahead.

Speaker 3 My name is Lisa Gindi, former special education New York City in New York City in New York State. Former tenured with still valid license is a teacher and I taught high school at.

I made this appeal because I'm asking too overturn the decision to dismiss the federal question complaint alleging that where I alleged discrimination, wrongful termination, retaliation in violation of my civil and human rights. The decision was in favor of the New York city department of education and that was in 2018

Speaker 2

yeah,

Speaker 3

on one of the, one of the decisions that the magistrate made was to take away my inform a pauperis and I was suggested that I shouldn't continue to peel this case in any way, especially because I need to remove a photo of who is the lawyer, who is the respondent for the board of education. It was a photo of him. And, so, I did. So, I did make a letter and a request to have his photo redacted. I think that's the word. And so these

are the reasons with all due respect, your honors,<sup>1</sup> today, I'm asking you please begging you after 10 plus years of doing this lawsuit in every single level on every single administrative level that I've exhausted including to arbitration hearings, Supreme court, federal court, which I never got a hearing, I feel my due process was not given to me cause I never really had a hearing in the courthouses. Speaker 3 And because it is immigration related. Because upon my first to firing as a teacher, it was going through a divorce from somebody who lied to me on my wedding night and left me. He was from another country and he just wanted a green card. So, I was devastated. I showed this, I told this information to my boss, Ms. Catherine Morrissey, and I, I wrote a letter saying I have an order of protection while I was going through divorce, I had made an order of protection and she signed it cause I wanted to feel safe cause he was threatening to come to my job. So right after that, I feel that those extra days I took from work, which I'm allowed to borrow, but I always had excellent. I was, I had an excellent record and of working and attendance and

Speaker 2

yeah,

Speaker 1

We, we have, you know what you're saying. Obviously, this is very upsetting to you. Why don't we hear from Mr. Zackary Shapiro.....Then we'll hear again from you and there's some water there and

Speaker 3

it's actually a pro for the New York city department of education. I'm happy to answer any questions your honors have.

Speaker 2

If not, we'll rest on her submission. Thank you. Any questions?

Speaker 1 So he just it on the submissions. That is the written material that we got. Is there anything else you want to say in the answer to that? He has to say anything.

Speaker 2

Okay.

Speaker 1

Oh, on the papers, he's resting on the papers, the brief that he submitted and we've read your briefs, your materials and we obviously understand that this is very upsetting to you. But is there anything else you need to say? Why don't you get up to the podium then?

Speaker 3

Okay, so what, what I'm asking you so desperately is because I felt retaliated against for being out of work a couple of days and because I had become extremely religious because my husband's from \_\_\_\_\_, I'm not as religious or \_\_\_\_\_ woman and I had to take extra days off that you don't get paid for it, you get like a certain percentage of your pay. It wasn't, I was noticeable that I was not at work as much as usual and students don't come, you know, the high school kids loved my class and they came to my class. And

34a

when you're not there, it doesn't matter how beautiful your about lesson plans are for this substitute teacher. You're not in class. So the school was, was being looked at at that time and special education was being blamed and, and my boss came after me and she fired me. So [inaudible]

Speaker 3 prior to that, I guess I'm not saying in a chronological way, I'm first set, but prior to that I was making a lot of complaints through this whole issue with my ex husband and telling the school, cause they were really abusive and I was always being mobbed by other bosses. I was through the years at the board of education, I was physically assaulted, sexually abused verbally and was worked. It was worked to the point of losing 30 pounds in a month, that kind of thing. So I was always treated, being treated differently than other people. And, I didn't even understand why, but I was such a hardworking person. I just said I wanted to keep my job to be able to be independent. I had my own apartment. So, anyway. What I'm asking you today is because the federal rule 59 the one says that there's sometimes an altering or an amending of a judgment. I feel that the, the justice at the federal courthouse made an oversight and neglecting as a time issue.

Speaker 2

Okay.

Speaker 3

I really can't, I, I'm sorry if the poly is trying to back down, I still feel very, very nervous about this case. I, I

can't wait another year and [inaudible] I just really feel like I really want to have the entire case heard.

Speaker 1

We, well we've heard you. We've again had the benefit. We've read all the materials that you submitted that Mr. Shapiro submitted and we'll seriously consider it and we'll reserve decision, but you will, you should expect a decision at some point soon. Is that fair? Thank you.

Speaker 3

US Marshals, they had to keep on re serving in Federal Court. The defendants didn't want to even come to court. Is it gone on also in Supreme court. Okay. All kinds of things like that. Rules 50 to find things, a additional fine things. Timeliness. They're trying to say I didn't go to the EEOC in a timely manner, which is not true because I went in 2009 Speaker 1and we've, we understand all those arguments and we'll reserve decision. We'll have a decision for you soon. Thank you very much for your time. Well, here, argument next in Whitaker V, department of commerce, 18 two eight one nine."

## APPENDIX W

**I. EXCERPT FROM RIGHT TO SUE LETTER  
F R O M E E O C  
2013.....**

Below is an excerpt of my filed 2013 Right To Sue Letter. It is located in the Eastern District Courthouse

in Brooklyn (Kings County) Case 1:15-cv-06475-RRM-RER Document 49 Filed 08/17/17 Page 50 of 144 PageID #: 1045 To: Lisa Gindi 75-25 153rd Street Flushing, NY 11367 From: New York District Office 33 Whitehall Street 5th Floor New York, NY 10004 EEOC Charge No. 16-G-2011-01221

*On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Representative \_\_\_\_\_

Telephone No. (212) 336-3643 16G-2011-01221

the EEOC is closing its file on this charge for the following reason: The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge. *Title VII the American*

*Disabilities Act, the Genetic Information Non Discrimination Act, of the Discrimination in Employment Act: This will be the only Notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondents(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed within 90 days of your receipt of this notice; or your*

*right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.) Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any*

violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

It is signed by Kevin J. Berry who is the District Director of the EEOC on February 27, 2013

Enclosure(s)Cc: NEW YORK CITY DEPARTMENT OF EDUCATION Attn: Robin Singer, Associate Counsel Office of Legal Services, 52 Chambers Street, Room 314, New York, NY 10007

**II. EXCERPT FROM RIGHT TO SUE FROM EEOC 2016** Below is an excerpt of my filed 2013 Right To Sue Letter. It is located in the Eastern District Courthouse in Brooklyn (Kings County) Case 1:15-cv-06475-RRM-RER Document 49 Filed 08/17/17

Page

50 of 117 PageID #: 1045 To: Lisa Gindi 75-25 153rd Street Flushing, NY 11367 From: New York District Office 33 Whitehall Street, 5th Floor New York, NY 10004 EEOC Charge No. 520-2015-03336

The EEOC is closing its file on this for the following reason. The EEOC issues the following the termination based upon its investigation the EEOC is unable to conclude that the information obtained establishes violations of the statutes this does not certify that the respondent is in compliance with the statutes no finding is made as to any other issues that might be construed as having been raised by the charge. Signed by Kevin Berry 2016

## APPENDIX X

**III. COMPLAINT TO NEW YORK STATE  
OFFICE OF THE ATTORNEY GENERAL**

(whereby retaliation via letter by school to Gindi' file of discipline and then, fired without pay was afterwards) Public integrity bureau 120 Broadway 22nd floor New York New York Complaint form to New York State office of the Attorney General Public integrity bureau 120 Broadway 22nd floor New York, NY 10271

Case 1:15-CV-06475-RRM-RER document Page 10 of 22 page ID number: 447 complaints by Lisa Gindi on 6/10/11 I made a complaint that my boss is grade tampering from my job at \_\_\_\_\_ High School on my cell phone the person I called wasInvestigator \_\_\_\_\_ at SCI, special commissioners of investigations. He told me to send him my complaint in writing.

I was concerned for my safety since on 10-18-09 my boss \_\_\_\_\_ attacked me charged at me cursing at me to pass kids from a prior year. Following this complaint, I was called into the principal's office to speak to Mrs.

\_\_\_\_\_ and she showed me my report and read every word to me and said, "these are very serious allegations, Miss Gindi. What am I going to do with you?" The next few weeks Mrs. \_\_\_\_\_ called me out of teaching my class many times to ask me to retract my report .I was able to write about a few laws I was not aware of regarding IEP's being signed but anything

regarding grade tampering I did not retract. I was threatened on day one of meeting my boss in the special education department that if I ever grieve anything against her that she would fire me. She attacked me physically and verbally throughout five years to get, her own grades in for my students. I had to write lesson plans grade

papers and use my laptop in the teachers' bathroom, hiding from the staff in the stall, on the toilet. Please protect me.

Thank you.

#### **APPENDIX Y**

**I. CONTESTED MATRIMONIAL OF EX HUSBAND NOT AGREEING TO GIVE PETITIONER DIVORCE IN ORDER TO GET GREEN CARD** This document is filed in Kings County Supreme Court index number 51274-2009

Gindi, Lisa versus \_\_\_\_\_ of a contested matrimonial standard 11/17/2009 hearing decided 12/24/2009 oral motion withdrawn before Honorable Ira Harkavy Mat JHO.

**II. ORDER OF PROTECTION FILED IN QUEENS COUNTY FAMILY COURT JUNE 4, 2009** "On notice your failure to obey this order me subject you to mandatory arrest and criminal prosecution a petition under article 8 of the Family Court act having been filed on February 17, 2009 in his court and after hearing and \_\_\_\_\_ having been present in court and adverse the issuance. Contents of this order now therefore it is hereby ordered that \_\_\_\_\_ 's date of birth

January 13, 19\_\_ observe the following conditions or behavior (01) stay away from Lisa or Gindi be the home of Lisa Gindi see the respondent is excluded from the residence , The business of Lisa Gindi (D)the place of employment of Lisa Gindi (02) refrain from assault stalking harassment aggravated harassment menacing reckless endangerment disorderly conduct intimidation mischief threats or any criminal offense against Lisa Gindi it is for this order of protection shall remain until June 4, 2011". Signed Honorable Terrence see O'Connor June 4, 2009

#### ***APPENDIX Z***

*I. Excerpt from 'Moral Turpitude According to U.S. Immigration Law'? Matching state crimes to this federal legal term. By Ilona Bray, J.D....."Written opinions from the Board of Immigration Appeals (B.I.A.) describe moral turpitude as a 21 "nebulous concept," and one that "refers generally to conduct that shocks the public conscience as being inherently base, vile, or depraved, contrary to the rules of morality and the duties owed between man and man, either one's fellow man or society in general." The person committing it should*

have had either an "evil intent" or been acting recklessly. A CMT has also been called "per se morally reprehensible and intrinsically wrong." This collection of words seems to point to a highly subjective determination—if the immigration official or judge

thinks the crime sounds morally wrong, or perhaps mean and nasty, it's probably a crime of moral turpitude. Among the many specific offenses that the U.S. government and courts have determined to be CMTs in individual cases are:

Murder, child abuse, voluntary manslaughter, involuntary manslaughter, in some cases, rape, spousal abuse, incest, kidnaping, robbery, aggravated assault, mayhem, animal fighting, theft, fraud, and conspiracy, attempt, or acting as an accessory to a crime if that crime involved moral turpitude". *What's a Crime of Moral Turpitude According to U.S. Immigration Law?*

*Matching state crimes to this federal legal term.*

By Ilona Bray, J.D.....

## II. 7 SIGNS YOU WERE ILLEGALLY FIRED

"An employer is not permitted to fire an employee who takes family or medical leave for a reason outlined in the family and medical leave act," Legal Match writes. In fact, FMLA-related cases crop up frequently, though the outcome of the cases depends on individual circumstances and state laws. In addition, you cannot be fired for refusing to commit an illegal act at your employer's request. You also can't be fired for whistleblowing. Whistle-blowing laws are complex, but essentially you cannot be fired if you report illegal

actions your company has committed. It doesn't stop employers from firing you anyway, however." *7 Signs You Were Illegally Fired From Your Job*

[HOME / MONEY & CAREER](#) By Nikelle Murphy | (2017)

**III. EXCERPT FROM "DISMANTLE THE DEPARTMENT OF EDUCATION".**

"Reagan said. By eliminating the Department of Education less than two years after it was created, we

cannot only reduce the budget but ensure that local needs and preferences, rather than the wishes of Washington, determine the education of our children."

*Dismantle The Department Of Education? Bill To Do Just That Introduced Same Day Betsy DeVos Confirmed As Secretary By Marcy Kreiter* <http://www.twitter.com/marcykreiter> (2017)

**IV. EXCERPT FROM "INEFFECTIVE PRACTICES"** "The skills necessary to obtain a diploma in New York do not prepare students for all possible opportunities that will enable them to thrive in society, as the Regents examinations are not crafted for students who might aspire to work in technical trades or service industries. For students who do not plan to go to college or pursue professional careers, the current educational system is a tedious hindrance that only increases their likelihood of losing confidence in themselves, despising the pressures imposed on them by modern society, and becoming what any individual would classify as being unsuccessful by today's societal

standards. Educational theorists state that developing an individualized learning plan has multiple benefits for a student, as it provides them with a better opportunity to meet high academic expectations.<sup>[2]</sup> Students and parents should be given the opportunity to establish reasonable learning goals, and students should be placed on an educational path that will help them fulfill their own personal missions. *One potential solution* is to create a larger variety of courses, but also incorporate more writing, speaking, arithmetic, and financial management skills into the daily instruction that already occurs. *A second potential solution* is that the DOE designs multiple new curriculums, with each focusing on a particular academic or career path that students can select based on their academic abilities and personal preferences. *”: Ineffective Practices at NYC DOE@AGORA Deliberative Domain*

#### V. EXCERPT FROM “SAFETY TIPS...”

“Physical security measures and harsh punishments aren’t the only way to promote school safety. School leaders should create well-rounded safety plans to protect students’ well-being while fostering a positive learning environment.” *50+ School Safety Tips for 2019* [Prodigy.com \(2019\)](#)

Respectfully submitted,



Lisa Gindi

Dated January 21, 2024

Lisa Gindi

75-25 153 Street

Flushing, New York 11367

Served and submitted by

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Sent via US postal mail.

Courtesy Copy to

The United States Court of Appeals

Second Circuit

% Honorable Clerk of Court, Catherine O'Hagan Wolfe

40 Foley Square

New York, New York 10007

*Practices at NYC DOE@AGORA* Deliberative Domain

**V. EXCERPT FROM “SAFETY TIPS...”**

Physical security measures and harsh punishments aren’t the only way to promote school safety. School leaders should create well-rounded safety plans to protect students’ well-being while fostering a positive learning environment.” *50+ School Safety Tips for 2019* [Prodigy.com \(2019\)](https://www.prodigy.com/2019/01/29/50-school-safety-tips-for-2019/)

**APPENDIX AA**

Case 1:15-cv-06475-RRM-RER Document 68  
Filed 09/27/18 Page 1 of 9 PageID #: 961

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----LISA GINDI,

Plaintiff,

- against - THOMAS BENNETT, et al.,

Defendant.

**MEMORANDUM AND ORDER**

15-CV-6475 (RRM) (RER)

ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff Lisa Gindi, *pro se*, filed the instant complaint alleging violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”), the Age Discrimination in

Employment Act, 29 U.S.C. § 621 *et seq.* (“ADEA”), and the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (“ADA”). By Order dated February 1, 2016, the Court granted Gindi’s request to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915, and granted leave to file an amended complaint. (Doc. No. 4.) On February 12, 2016, Gindi submitted an amended complaint which was reviewed for sufficiency under 28 U.S.C. § 1915(e)(2)(B). (Doc. No. 5.) By Order dated

April 13, 2016, the Court granted Gindi leave to submit a second amended complaint and provided specific guidance regarding the filing of that amendment. (Doc. No. 6.) On April 29, 2016, Gindi filed her second amended complaint. (Doc. No. 7.) By Order dated June 20, 2016, the Court dismissed all of Gindi’s claims except for those brought against the New York Department of Education (“DOE”). (Doc. No. 12.) Subsequently, the DOE filed a motion to dismiss asserting that Gindi’s claims are time barred, and in any event, are not sufficient, pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(6), and a motion to strike a photograph filed by Gindi. (Doc. No. 44.) For the reasons below, the DOE’s motion to dismiss is granted. The Court does not reach the motion to strike. Case 1:15-cv-06475-RRM-RER Document 68 Filed 09/27/18 Page 2

of 9 PageID #: 962 **BACKGROUND**

The Court presumes familiarity with the underlying facts of this case, as set forth in this Court's previous decisions. In brief,

Gindi's second amended complaint alleges that she was employed as a teacher for many years and that her employment was terminated because she is a woman and suffers from a mental disability. Her previous complaints also contained allegations that she was

discriminated against because she is older, white, and Jewish. **STANDARD OF REVIEW** To survive a Rule 12(b)(6) motion, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A complaint need not contain “detailed factual allegations,” but it must contain “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555). The plaintiff's complaint must include “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the

defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556). The determination of whether “a complaint states a plausible claim for relief will...be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Iqbal*, 556 U.S. at 679 (citing *Iqbal v. Hasty*, 490 F.3d 143, 157–58 (2d Cir. 2007)). It is axiomatic that a “document filed *pro se*

*se* is to be liberally construed and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Boykin v. KeyCorp*, 521 F.3d 202, 214 (2d Cir. 2008) (internal Case 1:15-cv-06475-

RRM-RER Document 68 Filed 09/27/18 Page 3 of 9 PageID #: 963 quotation marks

omitted). The Court must construe a *pro se* complaint with “special solicitude,” and interpret it to raise the strongest arguments it suggests. *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474–75 (2d Cir. 2006) (quoting *Ruotolo v. I.R.S.*, 28 F.3d 6, 8 (2d Cir. 1994)). Even so, “a *pro se* complaint must state a plausible claim for relief.” *Hogan v. Fischer*, 738 F.3d 509, 515 (2d Cir. 2013). Moreover, a

*pro se* party is “not exempt...from compliance with relevant rules of procedural and substantive law.” *Triestman*, 470 F.3d at 477 (internal quotations omitted). **DISCUSSION**  
**I. Gindi’s Title VII, ADEA and ADA Claims are Time-Barred** Generally, a

claimant may bring suit in federal court under the ADEA, Title VII, and the ADA only after filing a timely complaint with the EEOC. *Floyd v. Lord & Taylor*, 96 F. App’x 792, 793 (2d Cir. 2004) (upholding dismissal of a complaint where plaintiff failed to submit any documentation showing that she had filed a complaint with the EEOC, a “prerequisite to bringing suit in federal court under Title VII, the ADEA, and the ADA”). To be deemed timely, the administrative claim must be filed with the EEOC or the state agency within 300 days of the alleged discriminatory conduct. 42 U.S.C. § 2000e-5(e); 29 U.S.C. § 626(d)(l); *Kassner v. 2d Ave. Delicatessen Inc.*, 496 F.3d 229, 237 (2d Cir. 2007). This is true even of *pro se* litigants. *Tanvir v. New York City Health & Hosps. Corp.*, 480 F. App’x 620, 621 (2d Cir. 2012). Nevertheless, because the administrative exhaustion requirement is not jurisdictional, “it is subject to equitable defenses.” *Fowlkes v. Ironworkers Local 40*, 790 F.3d 378, 384 (2d Cir. 2015). These doctrines should be applied “sparingly,”

however. *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 113 (2002). The continuing violation doctrine allows courts to hear claims otherwise time barred when the plaintiff has experienced a “continuous practice and Case 1:15-cv-06475-RRM-RER

Document 68 Filed 09/27/18 Page 4 of 9  
PageID #: 964 policy of discrimination.”  
*Fitzgerald v. Henderson*, 251 F.3d 345, 359 (2d Cir. 2001); *see also Lambert v. Genesee Hospital*, 10 F.3d 46, 53 (2d Cir. 1993) (“Under the continuing violation exception to the Title VII limitations period, if a Title VII plaintiff files an EEOC charge that is timely as to any incident of discrimination in furtherance of an ongoing policy of discrimination, all claims of acts of discrimination under that policy will be timely even if they would be untimely standing alone.”). However, “discrete discriminatory acts” – including “termination, failure to promote, denial of transfer, or refusal to hire” – “are not actionable if time barred, even when they are related to acts alleged in timely filed charges.” *Nat'l R.R. Passenger Corp.*, 536 U.S. at 113–14. Gindi filed a charge of discrimination with the EEOC on December 2, 2015. (Def's Ex. D (Doc. No. 45-4).) Therefore, any claims based on acts discrimination that occurred prior to 5, 2015, 300 days earlier, are barred. Here, all of

Gindi's claims of discrimination by the DOE occurred before February 5, 2015. Gindi argues that the discrimination she suffered "was continual and ongoing," which the Court interprets as an argument that there was a continuing violation, and therefore, her complaint was timely. (Response in

Opposition. (Doc No. 46) at 12.) However, the "continuing violation" doctrine applies only to cases where there are specific discriminatory "policies or mechanisms" being employed by the defendant. *Valtchev v. City of New York*, 400 F. App'x 586, 588 (2d Cir. 2010). Multiple similar incidents of discrimination, without a policy or mechanism, do not amount to a continuing violation. *Id.* Gindi makes no factual allegations that could be interpreted as alleging a policy or mechanism constituting a continuing violation. Instead, Gindi appears to argue that her discrimination was "ongoing and continuous" because of a single event that occurred after Case 1:15-cv-06475-RRM-RER Document 68 Filed 09/27/18 Page 5 of 9 PageID #: 965 February 5, 2015. Specifically, she alleges that on March 23, 2016, New York City assistant counsel John P. Guyette aggressively shook her hand, hurting her. (Brief (Doc. No. 51) at 4.) This allegation in no way relates to a course of discriminatory conduct, nor does Gindi allege that it was

motivated by discriminatory intent. Therefore, it does not save the untimeliness of her claims against the DOE. **II. Sufficiency of the Pleading** In addition to being time-barred, Gindi's second amended complaint also fails to plead sufficient facts to state a cause of action for employment discrimination under Title VII, the ADEA, or the ADA. **a. Plaintiff's Title VII Claims** Title VII prohibits an employer from discriminating against any individual with respect to "compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin." 42 U.S.C. § 2000e-2(a)(1). To establish a prima facie case of discrimination, a plaintiff must show that: (1) she is a member of a protected class, (2) she was qualified for the position she held, and (3) she suffered an adverse employment action (4) under circumstances giving rise to an inference of discrimination. *Brown v. City of Syracuse*, 673 F.3d 141, 150 (2d Cir. 2012); *Sethi v. Narod*, 12 F. Supp. 3d 505, 522 (E.D.N.Y. 2014). The plaintiff must plausibly allege facts that establish that the adverse employment action was taken because of her membership in a protected class. *Vega v. Hempstead Union Free Sch. Dist.*, 801 F.3d 72, 87 (2d Cir. 2015). However, "the evidence

necessary to satisfy the initial burden of establishing that an adverse employment action occurred under giving rise to an inference of discrimination is minimal.” *Littlejohn v. City of New York*, 795 F.3d 297, 313 (2d Cir. 2015). Case 1:15-cv-06475-RRM-

RER Document 68 Filed 09/27/18 Page 6 of 9  
PageID #: 966 Although Gindi explains that she is a white, Jewish woman, and that she was fired, she fails to allege circumstances that could give rise to an inference of discrimination. Gindi does allege numerous acts of what she perceived to be discrimination against her, however, the link between her membership in a protected class and the alleged discrimination is entirely conclusory. Her complaint fails to set forth sufficient facts indeed, she fails to allege any facts – from which the Court could infer that any adverse employment action was taken because of her protected status. *See Vega*, 801 F.3d at 87; *Littlejohn*, 795 F.3d at 313. **b. Plaintiff's ADEA Claims** The ADEA establishes that it is “unlawful for an employer...to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions or privileges or employment, because of such individual's age.” 29 U.S.C. § 623(a)(1). In order to

establish a *prima facie* case of age discrimination in violation of the ADEA, plaintiff must show that: (1) she was within the protected age group (more than 40 years old); (2) she was qualified for her position; (3) she experienced adverse employment action; and (4) such action occurred under circumstances giving rise to an inference of discrimination. *Gorzynski v. Jet Blue Airways Corp.*, 596 F.3d 93, 107 (2d Cir. 2010) (citing *Carlton v. Mystic Transp. Inc.*, 202 F.3d 129, 134 (2d Cir. 2000)). In support of her ADEA age discrimination claim, Gindi alleges that she is a member of a protected age group, but does not plead any facts to support an inference that the DOE discriminated against her because of her age. At a minimum, an ADEA claimant must inform the Court and the defendant why she believes age discrimination existed. See *Dugan v. Martin Marietta Aerospace*, 760 F.2d 397, 399 (2d Cir. 1985) (“While a claim made under the ADEA Case 1:15-cv-06475-RRM-RER Document 68 Filed 09/27/18 Page 7 of 9 PageID #: 967 need not contain every supporting detail, it must at least inform the court and the defendant generally of the reasons the plaintiff believes age discrimination has been practiced.”); *Gallop- Liverpool v. 1199 SEIU United*

*Healthcare Workers E., No. 14-CV-2879*

(JG), 2014 WL 3897588, at \*2 (E.D.N.Y. Aug. 8, 2014). Although Gindi's original complaint at least asserted that she is more than 40 years of age, which is on its own to state a claim under the ADEA, her second amended complaint fails to allege even that. With no additional facts suggesting that she suffered an adverse employment action because of her age, Gindi has failed to state claim under the ADEA. **c. Plaintiff's ADA Claims To**  
establish a *prima facie* case of discrimination under the ADA, a plaintiff must show that "(1) the defendant is covered by the ADA; (2) plaintiff suffers from or is regarded as suffering from a disability within the meaning of the ADA; (3) plaintiff was qualified to perform the essential functions of the job, with or without reasonable; and (4) plaintiff suffered an adverse employment action because of [her] disability or perceived disability." *Capobianco v. City of New York*, 422 F.3d 47, 56 (2d Cir. 2005); *Ugactz v. United Parcel Serv., Inc.*, No. 10-CV-1247 (MKB), 2013 WL 1232355, at \*7 (E.D.N.Y. Mar. 26, 2013). Here, Gindi asserts that the nature of her disability is "PTSD, anxiety, panic, fear and nervous mood," as well as what she believes is a mistaken diagnosis of bi-polar

disorder. (Sec. Amend. Comp. at 5, 9).

Although the plaintiff is not required to establish discrimination at the pleading stage, she must plausibly allege a claim upon which relief can be *Vega v. Hempstead Union Free Sch. Dist.*, 801 F.3d 72, 86-87 (2d Cir. 2015).

Even under the most liberal construction, the complaint provides no facts that could possibly connect any adverse employment action to a protected status. Gindi does not allege that she was terminated because Case 1:15-cv-06475-RRM-RER Document 68 Filed 09/27/18 Page 8 of 9 PageID #: 968 of any of these disabilities, but appears to list them as harms she suffered at the hands of the defendant. Thus, Gindi has failed to state a claim under the ADA. *See Ruston v. Town Bd. of Skaneateles*, 610 F.3d 55, 59 (2d Cir. 2010) (“Under Iqbal, factual allegations must be sufficient to support necessary legal conclusions,” and must “plausibly suggest an entitlement to relief.”). **III. Motion to Strike** Under Rule 12(f), a court may strike from a pleading “any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12. Whether to grant a motion to strike is within the district court’s discretion. *E.E.O.C. v. Bay Ridge Toyota, Inc.*, 327 F. Supp. 2d 167, 170 (E.D.N.Y. 2004). “To prevail

on a 12(f) motion, the moving party must demonstrate that: (1) no evidence in support of the allegations would be admissible; (2) that the allegations have no bearing on the issues in the case; and (3) that to permit the allegations to stand would result

in prejudice to the movant." *Brady v. Basic Research, L.L.C.*, 101 F. Supp. 3d 217, 225 (E.D.N.Y. 2015) (internal quotations omitted). Here, the DOE moves to strike a photograph of Assistant Corporation Counsel John P.

Guyette that Gindi included in two of her filings. (Doc. Nos. 36, 37.) The photographs each bear the same handwritten comment by Gindi accusing Guyette of injuring her hand during a handshake. Because Guyette

was dismissed as a defendant, these allegations are immaterial. As such, the Court does not reach the DOE's motion. **IV. Leave to Amend** Although typically the Court allows *pro se* plaintiffs an opportunity to amend their complaints, it need not afford that opportunity where it is clear that any attempt would be futile. *See Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (denying leave to amend a *pro se* complaint where amendment is futile).

To date, Gindi has filed three versions of her complaint, Case 1:15-cv-06475-RRM-RER

PageID #: 969 none of which has presented any facts giving rise to a valid claim.

Furthermore, even if Gindi were to file an amendment more clearly articulating the facts underlying her allegations, her claims would still be time-barred. Therefore, granting leave to amend would be futile in this case

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**CONCLUSION** For these reasons, the defendant's motion to dismiss (Doc. No. 44) is granted. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment pursuant to this Order, and to close the case. The Clerk or

Court is further directed to mail a copy of this Memorandum and Order and the accompanying judgment to *pro se* plaintiff Lisa Gindi, and note the mailing on the docket.

Dated: Brooklyn, New York September 26, 2018

SO ORDERED. /s/*Roslynn R. Mauskopf*  
ROSLYNN R. MAUSKOPF United States  
District Judge

Respectfully submitted,



Lisa Gindi      Dated January 21, 2024

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Honorable Roslynn R. Mauskopf - Justice 225 Cadman Plaza East Brooklyn, New York 11201 Sent via US postal mail. Courtesy Copy to The United States Court of Appeals Second Circuit % Honorable Clerk of Court, Catherine O'Hagan Wolfe      40 Foley Square New York, New York 10007

