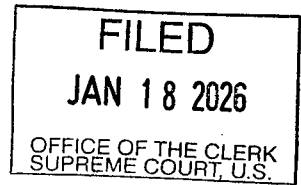


25-7486 ORIGINAL

NO.

IN THE

SUPREME COURT OF THE UNITED STATES



MARYANN MALTESE,

Plaintiff-Appellant,

v.

NEW YORK CITY MAYOR; ERIC ADAMS

NYC OFFICE OF LABOR COUNCIL (NYCOLC)

RENEE CAMPIONE COMMISSIONER NYC OLC

Defendants-Respondents

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Petition and Writ of Certiorari

To the US Court of Appeals Second Circuit

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Maryann Maltese

Pro Se-Respondents-Appellants

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East Northport, NY. 11731

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FOIA 30

**What are the Federal Questions?**

What are the Duties and the Powers of the Mayor of NYC? The mayor is the Chief Operating Officer of NYC and has the Fiduciary powers to enforce Federal and State Executive Orders.

Who has the Mayor of NYS (Eric Adams, Formerly) willfully failed to apply EO Catastrophic Pandemic from two Acting Presidents, Trump and Biden, to account Holder, Plaintiff Maryann Maltese? The Presidential EO of April 2020, or May 2020, is Required by Jurisdiction. No Mayor no matter who that Person is, has jurisdiction to avoid Presidential EO instructions.

What is the Federal Register? The Federal Government Public Record of Executive Orders Published Directives. What is the fine by State and Local Officials, like the Office of the Mayor Failure of Compliances? Felony review of the Actions of the Mayor and his Administration.

What was Presidential EO 202? Portions of the Pandemic EO, was directives to Local and State Governmental Fiduciary to return losses reported from NYC Deferred Compensation?

Which Agency is accountable to ensure compliance? The Officer, the Mayor and NYC OLC, It is the NYC Law Department. The Law Department represents the city, the Mayor, Counsel, and its agencies in all affirmative and defensive civil litigation. The Mayor and the NYC Law Department are required to provide Integrity, and professionalism in EO Directives.

Why has Unified Supreme, NYC County, failed to Grant Maryann Maltese, a Public Officer, a hearing, and favorable Order based on Presidential EO of April 2020-May 2020? There is no legal personal or subject matter jurisdiction to avoid Article 78 rights to review Actions by the NYC Comptroller, Mayor and or NYC Law Department leverages above Presidential EO?

How does a Claim begin? The party experiencing losses has 30 days to report Claim to the NYC Comptroller.

What is a Comptroller? NYC Comptroller is an Independent Elective Officer who controls the Moneys of NYC. Is this money a portion of Maltese's employment? NO, the Lost Funds are her Personal Property due to JOD order 2009, Index Suffolk County, 09-50793. *Maltese v. Crowe*

Was Party owner Maryann Maltese on time in her Notice of Claim, Rule 50? Yes, Maryann Maltese posted 30 days of Communications with NYC Deferred Compensation Administrators, VOYA and the NYC Comptroller, placed NYC on time within 30 days.

Who has Jurisdiction of NY County Supreme? AD 2, over Article 78 rights Filer Maltese.

Did Maltese file Notice of Appeal in NYS AD 2? Yes, and was denied Order to Show Cause unconstitutionally.

Which District Court has Jurisdiction over Maltese or NYC? Eastern or Southern. Maltese filed Claim in Eastern of which Judge Kovner erred in Offer of USC 28- 78 Article Review.

Why was the Eastern District Court Failed to Accept the Evidence of Unified NY County? Failure to accept the Evidence is intentional avoidance of Clock of Judiciary, known as 18 Month Rule, and commencing action as Day by Eastern, Voids the Time of Integrity as commenced understood public integrity for Judiciary and Mayoral compliances before 18 months.

What is the Rule of the 18 Months in Judiciary? Judiciary that avoids the 18-month rule of Consideration and review actions, Places the Judge into Review as Punitive Felony post allowable.

When did Maryann Maltese Commence action in Judiciary NY County? *April 2020. Eastern received the Continued request for review post NY County Judgment November 28, 2022, by Judge David Cohen, 101105/2022.*

*How much has Maryann Maltese reported as Losses due to Catastrophic Pandemic compromised Portals, As of February 26, 2020-March 11, 2020, \$40,000 Principal Losses over 3-week span under Presidential EO Protections as of April 2020.*

*What Members of NYC Deferred Compensation are entitled to return losses between January 1-March 27, 2020? All Member Participants? Was Maltese an Acknowledged allowable Member of NYC Deferred during the EO Pandemic? Yes, she is the Primary Owner.*

Has NYC as fiduciary issued returns to any Member Owners of NYC Deferred? IS NYC in Compliances? No. Is NYC entitled to Extender Consideration? NO, NYC as of May 2020, was to Comply with Federal EO found in Federal Register.

Why has US Appeals 2<sup>nd</sup> Circuit Avoided, the Rights of Notice of Appeal of Maryann Maltese as USC 28-Article 78 on or before Conference scheduled, December 12, 2025? Failure of Fiduciary on behalf of all Impacted member owners.

What is Article 80? The right of Public Officer USC 28-Article 78 filer to Free, No Cost Unified and District Court filer fees. Was Maryann Maltese granted Article 80 allowed? No. Is that Action Constitutional? No, Maryann Maltese provided Proof of Her Service Record to all Clerks; Unified, AD 2, District Eastern and US Appeals 2<sup>nd</sup> Circuit of her NYS Legislature employment and PO identifier Number.

What is Catastrophic? It's an allowable Insurance Coverage Option for a Fiduciary, such as a mayor, or Governor without Presidential EO, to make Betterment decisions for NYS and or NYC Fund Owners, Members as employees or retirees. Are retirees permitted access to NYC and NYS Deferred Compensation portals? YES, and YES.

What is Self-Sovereignty? States' rights. Is the Fund Self Sovereign? Yes all Deferred Compensation Funds are Self Sovereign meaning the State to Comply with Member rights to return of Losses in any Declaration of losses, like Pandemic EO 2020-of which Renee Campione, Commissioner of NYC OLC erred intentionally, on Public Fiduciary of her Employer, Eric Adams, Mayor of NYC.

What is the Rule under Federal Question? For the US Supreme Court to determine if lower Courts US Appeals 2<sup>nd</sup>, Eastern, AD 2, and NY County have determined in good faith **to avoid** the requirements of Presidential EO, return of Monetary Principles losses by employees and retirees of NYS and NYC due to NO fault of their Own? And post the Judgement to add in the Injury percentage to Maryann Maltese and any other Member who Declared Losses from January 1, 2020-March 27, 2020 because Maltese filed as USC 28-Article 78 Filer.

What does USC 28\_Article 78 Filer protection mean? In Civil law, any other Person, who has the same Matter of Losses would be allowed to take Favorable Judgment order and apply the Order to their Losses as well during January 1-March 27, 2020 under Catastrophic EO Protections reported in the Federal register.

What is the Sanction for the Fiduciaries that Failed intentional to comply with EO? Higher Officers who willfully delay or deny Face, Class A felony charges as Avoidance and intentional Public Fraud.

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**CASES;**

**Haley v. Pataki-Federal Supp-1995**

**Maria Corrigan v. FDNY, Supp 2012**

**US DOJ V. Alan Hevesi, 2006**

**NYAG v. Alan Hevesi, 2012**

**National League of Cities in Garcia v. San Antonio MTA, 1985**

**Federal and Statutes**

**10<sup>th</sup> Amendment and State Sovereignty**

**28 USC § 1292 Notice of Appeal Filed on September 11, 2024**

**28 USC Failure by US Appeals 2<sup>nd</sup> Summary Judgement/Order January 6, 1997**

28 US Failure by US Appeals, to Acknowledge the Public Officer filer rights Article 78,  
1/7/2026 , failure to return Public Officer right to Judiciary Clerk Filing Fees, Section 8801

PART I—ORGANIZATION OF COURTS (§§ 1 – 482)

PART II—DEPARTMENT OF JUSTICE (§§ 501 – 599B)

PART III—COURT OFFICERS AND EMPLOYEES (§§ – 998)

PART IV—JURISDICTION AND VENUE (§§ 1251 – 1631)

PART V—PROCEDURE (§§ 1651 – 2113)

PART VI—PARTICULAR PROCEEDINGS (§§ 2201 – 5001)

Presidential EO Joe Biden Executive Chamber-Extender of the EO to Localities

Presidential EO 13917: (Former President Donald Trump)

Delegating Authority Under the Defense Production Act With Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID- 19

Signed: April 28, 2020 Published: May 1, 2020 FR Citation: 85 FR 26313 FR Doc. Number:

2020-09536 EO 13924: Regulatory Relief To Support Economic Recovery

Signed: May 19, 2020 Published: May 22, 2020 FR Citation: 85 FR 31353 FR Doc. Number: 2020-11301

See: EO 13892, October 9, 2019; Revoked by: EO 14018, February 24, 2021

**State and Local Rules**

Public Officer Right to Participate in IRA's NYS and NYC

A) NYS Deferred Compensation, 457, 401(K) and 401 (C) Plans

B) NYC Deferred Compensation 457, 401 (k) and 401 (C) Plans

**Inherited Account Owners Rights of Participation, *Maltese v. Crowe*, 2009,**

Suffolk Supreme at Plaintiff costs \$120,000.

**Public Officer Rule 73, 74 94, 108**

**Article 78 filed by Public Officer.....**

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Punitive Sanctions Public Integrity Laws Post Haley; Contractual law Clause NYS

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## 9. OPINIONS Below

The Petitioner Maryann Maltese respectfully asks that a writ of certiorari be issued to review the Summary order by Clerk Catherine O'Hagan Wolfe's in 24-2381, of January 6, 2026, in the US Court of Appeals for the Second Circuit, is unconstitutional. Maryann Maltese v.(Former)NYC Mayor, and NYC Office of Law and Corporation (NYCOLC) to overturn the US Appeals 2<sup>nd</sup> decisions of January 6, 2026. Judges)) demised the Docket post schedule of Argument scheduled on December 12, 2025, because, Defendants failed to apply, Presidential EO's from April- May **2020**, Delegating Authority Under the Defense Production Act With Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID- 19 Signed: April 28, 2020 Published: May 1, 2020 FR Citation: 85 FR 26313 FR Doc. Number: 2020-09536 EO 13924: Regulatory Relief To Support Economic Recovery Signed: May 19, 2020 Published: May 22, 2020 FR Citation: 85 FR 31353 FR Doc. Number: 2020-11301 See: EO 13892, October 9, 2019; Revoked by: EO 14018, **February 24, 2021**. In essence US Appeals 2<sup>nd</sup>, on or before January 6, 2026, is insisting, that Plaintiff is Employee Insurgent, Terrorist that collapsed NYC OLC VOYA Portal System, of which in regional capacity, Plaintiff is not PHD in Technology, her Public Officer experiences are within duties of Communications, Chief of Staff to Elective Officer Members and Agency Duties of Rules and Regulations, to Carry out her Own Oath and the Oaths, of Elective Officers who provided, Central Regional Support as Emergency Contract as NYS, to any Agency in NYS. In years past, when Presidential or Governors are administered, the Agency carries out Orders. As of April 2020, Presidential of the United States Demanded that lower governments; return losses Employees, Retirees and or Inherited accountant holders effective immediately. Plaintiff waited 30 days for Agency Commissioner, NYC OLC, Renee to be within her Executive Duties and failure of compliances by Defendants, prompted Plaintiff, to file Notice of Claim under USC 28/Article 78 as the Intentional unwillingness to Abide by Presidential EO, is Defined and Considered, Mayoral Theft of Employee Monies, also known as Employer Public Officer fraud and violations

of Oath, defined as Violations of Public Integrity and as founded; can be impeached or removed from Employer Elective Officer Post. 1

**In 1985, in National League of Cities in Garcia; v. San Antonio Mass Transportation**

**Administration; Federal Supp** found that Uniformity of the aspects of a Public Officer fall within jurisdiction of Federal Court System. Public Officers in matters in Article 78 and USC 28 are above Sovereignty of States Judiciary decision making. Judge Harry Blackman rendered; traditional governmental functions, had proven both impractical and doctrinally barren. In Garcia; states retain their sovereign authority only to the extent that the Constitution has not divested them of their original powers and transferred those powers to the Federal Government.<sup>15</sup> Garcia therefore held that application of the Fair Labor Standards Act's minimum wage and overtime provisions to state employees was within Congress's power under the Commerce Clause. However-as Public Officer filers; if State Employer or Locality employer has failed to Maintain the Sanctity of NYC Deferred Compensation Pre payroll contributions; Federal Government is permitted to intervene and render without Needing to return the Docket back to Eastern Court System. **In Haley v. Pataki, in 1995**; 10 years post the rendering in Garcia, Federal Supp created the At will Contractual Clause rights for Agency workforce to ensure that States and or Federal Employer doesn't exert leverages they are not entitled to within the Employer Administrative and custodial support of gathering earnings to place in Pension Funds and IRA Accounts. Deferred compensation pretax contributions come from Active Salary, and Property lost within, 09-50793, is based on wages, not passing of Estate property and therefore, Mayor and or State of NYS; non-Compliance with Presidential EO, is Insurgence Actions and the Casualties, is Maryann Maltese the Plaintiff. The Notice of Claim is the allowable understanding, States failed to Abide by Interstate Commerce rules of Property; and Public Officer Promise and Trust within Allowing the Employer agency, to use Plaintiff money as Governments money, and in doing so, the Plaintiff is entitled to deferred interest accruals associated to \$40,000. Employees are non-binary in gender; therefore all failures by Employer are based on Public Officer Employer willful Striking the Public Officer Employee to steal our Capital, we have allowed to be invested to Grow; the United States and upon maturity of the

Deferred Account, the Principal Property, is Plaintiff's Property, Not the Employer or the Fund Operator. The Appellants appeal in support of overturning the August 20, 2024; order where Judge Rachel Kovner dismissed the Docket at Eastern District. The Plaintiff Summons and Complaint sought the return of losses of her Monies within NYC Deferred Compensation Funds whereas Judge Kovner implied; my Submission was frivolous. Perhaps; the Judge has never experienced losses in Deferred Compensation by Cataphoric events. In 9-11; Judge was not old enough to be an attorney or in harm's way as PO then I guess her Pretax earnings were never borrowed by Locality during Heightened National matters. Plaintiff has been a Member of Deferred compensations employee saving accounts since 1992, the establishment of NYC Deferred account as my property was established in 1986. Plaintiff understands the role of the Mayor and or President to be accountable to their Determinations of Presidential EO Catastrophic April –May 2020 and are not abiding by Executive order; with Judiciary, failure at both District and NY County Supreme and asks respectfully for the US Supreme Court to Order on my Behalf and in doing so, set new Precedent on the Constitutional rights as Employee or Public Officer owner of Deferred.

Catastrophic Sovereignty **member** protections to Plaintiff are denied within Mayor, Agency, Judiciary NYS, District Court Eastern, Plaintiff was denied the right to State Public officer based on NYSLRS ERS Free judiciary filings Plaintiff filed an origination complaint within agency NYCOLC, with follow up filing at independent officer, NYC Comptrollers within time requirements for Complaint sought. Presidential EO of May 2020, is an additional Instrument to protect Plaintiff filers, owners of NYC Deferred Compensation funds. The Mayor and NYCOLC, is the Administrator, are the watcher of Funds and failed in good faith based on their Oath and duties, to apply Presidential EO Protections to Plaintiff as inherited owner. Plaintiff is a State Legislature employee with a NYS Deferred Account as well, and the Catastrophic Protections based on Presidential EO are universal applied to Fund owners and intentional denial of EO Protections during EO Pandemic Catastrophic is consideration of Mayor, willful failures of Public Integrity.

This writ is filed as USC 28-Article 78 requested review by Plaintiff Officer employee, as property losses reported by Plaintiff is my personal property as Inherited Account holder from State Supreme Court Order, Suffolk County, index number 09/50793, ordered on July 10, 2012. The losses within Portal Collapsing are estimated at \$40,000 in principle, with Court Clerk filings fees, in unified and or district court at estimation of \$10,000. NYC is holding my \$40,000 loss as their personal property or secondary Federal Offense on a Mayor and their administration Heads of Agency. Plaintiff has not collapsed the Portal, and I do not have as Inactive; access codes for NYC Mayor or NYS Agency Head that overrides Employees of NYC to "Steal my own Property". Notice of claim at 6-year failure by Defendants carries, notice of Claim of punitive considerations to be added to Principal Loss of \$40,000, at estimated claim Favorable Judgment of \$1.2 million for Plaintiff Maryann Maltese.

#### **10. JURISDICTION:**

Personal Jurisdiction is within Eastern, Southern and or US Appeals 2nd Circuit as Plaintiff is a resident of Suffolk County, and NYC OLC is located in the Borough of Manhattan, of which Writ filer satisfied all CPLR and FRAP Court rules of Personal Jurisdiction Compliances. Subject Matter jurisdiction is the Civil Infraction of Avoidance by NYC OLC of Executive Order by Presidential to return all losses no matter the reason losses occurred between January 1, 2020-March 27, 2020, the Writ. Plaintiff Appellant Filer Maryann Maltese filed complaint as USC 28 -Article 78 Matter, 30 days post failure of the Defendants Compliances, and seeks Notice of Claim rule 50 for Defendants usages of Maryann Maltese's property as NYC's property or the NYC Budget. Maryann Maltese never granted NYC the right of Her Deferred Property. There is no Current Federal Precedent Case Law that the United States Supreme Court has rendered to ensure the Employee Public Officer rights of ownership of pretax contributions employee allows to be gathered as Premium to date of Maturity. On January 6, 2026, The US Appeals 2nd Circuit ordered Mandate, on January, 28, 2026, to be determined by US Supreme Court, Under Rule 14.1 (c) the US Supreme Court has the right to enforce, Presidential EO as US Appeals 2nd Circuit on 12-12-2025 Court Conference, allowed the NYAG to fail on enforcing Employer Executive Order. Based on Injury time of Defendants usage of Personal Property, losses of Maryann Maltese in her Deferred Compensation account, private property, the Defendants as the Fiduciary, Must add in Putivie Notice of Claim award to Maryann Maltese

filed origination, complaint at NY County Supreme, whereas Judge Cohen failed to Grant order. NYC Defendants are avoiding The Presidential EO is listed in the Federal Register and is being avoided by Governor of NYS and the Mayor of NYC, actions considered Public Elective Officer Fraud. This case is directly related to the needs of All USC 28 filers in this Writ, as employees of Government are considered Poor Persons and the Fiduciary is not acting in good faith for 6 years in Following Federal Register and violating Rule 10, they are not Governing considerably on review on Certiorari and this US Supreme Court has the power to force the States Compliances on to NYC and return Losses to Maryann Maltese and the employees of NYS and NYC who are Deferred owners.

There is no Federal Inheritance rights Precedent Law on deferred compensation distribution enforcing the Marital Judgement of Divorce order; in 09/50793, and within Active Participation, Plaintiff is owner of NYS Deferred compensation Account based on Payroll Contributions. The State of NYS Judiciary system CPLR; is avoiding the Public Officer employee rights in Judiciary for review of Failure of the Presidential EO, April 2020-May 2020, and the Employer Requirements of Public Integrity, Oath and Duty Mandate by Federal Government to return Property of Employees. The \$40,000 loss; is Plaintiff Personal property, not NYS and not NYC and not the origination fund members of 1984, the property is Plaintiff PO's class of 1992, based on 2009 JOD Judgment Order of Suffolk Supreme County in favor of Plaintiff, Maryann Maltese. Writ knows, the precedent lies in this filing for active, inactive and inheritance owners as universal category of Fund Owner for State Governments to be required to Abide by Executive order on Catastrophic, to return employees monies so Public Officer survives, Catastrophic Pandemic. States are Sovereign, but in ownership of my Property, and United States Supreme Court has a duly authorized duty to ensure, employee rights among Public Officers, is carried out to return my losses plus notice of claim for their Intentional Public Integrity violations against the United States Constitution of which the Wri, Maryann Maltese is carrying out Officer. The Judgment by the US Supreme Court, will reinforce, a Precedent of Universal rights of the employee PO to return losses in Deferred; Federal, State and Local Funds within 30 days or set in hand by Governors, required. This is of the utmost national security.

This filing as in Declared war times, Public Officers can be Inactive awaiting in reserves, to reinstate, must have cash on hand to survive.

If the United States is violated by domestic or foreign enemies, and destroyed by Terrorists similar to attacks in NYS; on 9-11, 2001, , it is the Employee Fund Owners of Deferred; that are immediate considerations as NewlyElected and Appointed Officers on what is a BANK in United States or States and we; the Employees of Government; become based on rank and file; newly appointed Decision makers, of United States of America, and states are required to abide by Local Territory ordinances. States Sovereignty is in full Public Officer violation by a Mayor of NYC, willful avoidances to return losses; the federal government implied explicitly, on or before, April-May 2020 to return as Democratic form of public policy permits. An Executive Order is the same level of understanding as State's Statutory introduction of Prime Bills with chapter enactments. Elective officers who trend on the Writ and the United States; post 18 months and 1 day of Judiciary Filing in 2020; Employer Fiduciary have violated Public Officer integrity granted by US Constitution avoidances of their Public Officer duties; classified as insurgents and can be court marshalled by, Armed Forces or NYS Troopers. Maryann Maltese was accepted in NYS Troopers Academy, NYC Department of Corrections and is an Inactive, NYS Public Officer Legislature where Employer agents, failed to comply with EO and this Court's rendering reminds the Elective Officer Employer; the United States Supreme has a new precedent ensuring that States, and local governments agency heads; Deferred Compensation funds; are Employees properties, active, inactive and inherited and no State's sovereignty permits the Mayor of NYC to violate Presidential Executive Order Directive, April-May 2020. Please order favorably for the Writ Plaintiff Filer, Maryann Maltese v. NYC Mayor, and NYC OLC, 24-2381, and remand; the City of NYC to return all losses, plus punitive interest rate, add in State Public Officer right to free judiciary filings in Haley, and or Universally apply the Public Officer Right in State Section 8801, (Free Judiciary Filings) as Federal Precedent. US Appeals 2<sup>nd</sup> Circuit has personal and subject matter jurisdiction on Maryann Maltese v. NYC OLC, as Subject Matter and Personal Jurisdiction fall within Public Officer rights to file at Judiciary under USC 28, USC 18 and under Article 78. Plaintiff filed with NYC Comptroller

timely with NYC Comptroller; advising on May 20, 2020; voiding out my right to Catastrophic consideration based on EO Presidential. In response, Plaintiff filed 2x at Supreme NY County; Summons and complaint on June 4, 2020, issued index; 100706/2021 Maryann Maltese v. Mayor Eric Adams, NYC OLC, Commissioner Renee Campione; article 78 hearing for Inherited New York City Deferred Compensation losses due to Covid 19 Pandemic. NYC County State Supreme Judge David Cohen failed to render post Zoom conference hearing as of November 29, 2021. The Clerk of NY Supreme County recommended refiling as Petitioner article 78 matter issued Index 101105/2022. Plaintiff reinforced her rights under the same Caption by requesting NYC to follow Catastrophic EO May 28, 2020, to return financial losses to Covid 19 National emergency. Once again, Same judge review was within the Plaintiff Petition issued to Judge David Cohen and again on November 20, 2022, Cohen rendered that I would ONCE again need to resubmit the petition. Three NYC Department of Law Public Attorney's failed to read Presidential EO requirements requiring the return of losses defendants NYC has failed in Compliances since May 2020 and the Office of the Mayor; Elected; can be asked to resign from Post. Maryann Maltese is not a current employee of NYS, and DUELING, among NYC and the President is none of my concern; the losses are my Personal Property of which the duel between agency EO's, sets the precedent that Employer elective officers are FIGHTING; and the casualties are the employee fund owners. Ownership in the NYC deferred is my Lifeblood money in inactive, while Mayor and or President; each earn on average \$850 Per hour, to the 6% interest on Principle at the highest rate of what would be considered hourly earnings. Plaintiff seeks the enforcement powers of US Supreme to force; Employer Agents compliance with Presidential EO April – May 2020.

Maryann Maltese filed at Eastern in August 2023; 1:23 cv 4940; of which 1 year later; Judge Kovner dismissed the Index on August 20, 2024; failing to grant hearing and failure of Application of Presidential EO. On September 11, 2024, I filed Notice of Appeal at US Appeals 2<sup>nd</sup>. With 4 years of Judiciary failure in application of Presidential EO; Plaintiff submits Notice of Appeal seeking Maximum Tort Consideration at \$1.2 million; plus losses of Principle at \$40,000, Plus Legal Filing fees at \$8,000. Rules of NYC Deferred compensation case law fall in

Caselaw: National League of Cities in Garcia v. San Antonio Mass Transpiration and in Haley v. Pataki 1995.

## **11. CONSTITUTIONAL AND STATURORY PROVISIONS INVOLVED**

Set out Verbatim the constitutional provisions, treaties-there are no Treaties between Federal and States on Sovereignty of Deferred Compensation rules and this filing will force NYC Compliance in following the Presidential EO's Case law for rights of employee owner and or inheritance accounts received by NYS State Supreme Court Order in 09/50793; Does exist, and the US Supreme Court has yet to render on the rights of Public Officer employee inheritance rights. NY County is not abiding by Public Officer employer rules of Catastrophic EO April-May 2020 and within the Public Officer employee rights I possess, Defendant bias by NYC, Mayor and or his Agency Head of NYC deferred compensation is evidentiary within docket 24-2381; US Appeals 2<sup>nd</sup> Circuit order of January 6, 2026. The January 6, 2026, Order by US Appeals 2<sup>nd</sup> Circuit undermines EO Presidential Orde April-May 2020 and the failure by US Appeals from **December 12, 2025**, Argument Conference to **Order judgment of January 6, 2026**, is Unconstitutional. Judiciary actions of FRAP and or CPLR are in Full elective officer employer violations; which are deemed Insurgence, Terrorist Actions, by Judiciary. Within intentional actions of failure to abide by Presidential EO's is formation of insurgence consideration, lack of care and consideration by US Appeals 2<sup>nd</sup>, compliances in enforcement in return of Monetary that is owed to Plaintiff.

**Employer agents are to return said losses**, permits an Elective Officer or its agent to Steal Property, which is explicit and implicit, a federal officer violation in the failure by Fiduciary, State of NYS Rule 94 over the Mayor of NYC compliances and this action by Elective officer is Public Fraud. Defendant apparent by lack of care and consideration in carrying out EO Orders; that United States Supreme Court must force the State's compliances to ensure Property of its citizens and workers is returned as Catastrophic means; the universality return of monies due to employees. Plaintiff and her inherited account; willfully contributed to Deferred fund since 1984, and has not stolen her own property, reported loss of Principle of \$40,000, provided Judiciary and Agency; proof of EO Orders of April-May 2020, as NYC Compass, to be

Compliant; and the Mayor with its' agency willfully failed for 1 year post February 25, 2020, at losses of Employer matching funds, adding in Stable Fund Percentages for 1 year that as Participant I am entitled to on Said Losses, \$40,000.

NYS Comptroller reports State Deferred as of the 1<sup>st</sup> quarter of 2024; New York State Comptroller Thomas P. DiNapoli today announced that the estimated value of the New York State Common Retirement Fund (Fund) was \$267.7 billion at the end of the first quarter of state fiscal year 2024-25. For the three-month period ending June 30, 2024, Fund investments returned an estimated 1.38%. Therefore, Public officer rule 94; the right of Extender at 36 months is not valid with failure of Enforcement of Presidential EO-EO 13892, and EO 13924:May 20 Regulatory relief To Support Economic Recovery. It is within these 2 Vital EO's that Presidential Orders above Sovereignty; grant my rights of return of losses sustained due to Covid 19 Pandemic and it is the understanding of this Judiciary to grant such considerations to others; within USC 28 and Article 78.

In my active Service; Alan Hevesi, a former NYS Assemblymember was as well elected to NYC Comptroller and NYS Comptroller Leadership rules. In December 2006; State Comptroller Alan Hevesi's 35-year career in public service ended in disgrace for using state employees as drivers and companions for his wife. On October 23, 2006, the New York State Ethics Commission (the "Ethics Commission") found reasonable cause to believe that Hevesi violated Section 74 of New York Public Officers Law in connection with his use of state employees to perform non-official duties. In the Matters; filed by Plaintiff; Elective Officers of NYS are in deviances of Rules 74; Ethics.

Definition of a Comptroller and violations of the NYS Constitution.

The Comptroller is responsible for overseeing the State Department of Audit and Control (the "Department"). Under the New York State Constitution, the Comptroller is required "to audit all vouchers before payment," "to audit the accrual and collection of all revenues and receipts," and "to prescribe such methods of accounting as are necessary" to perform those duties. N.Y.

Constitution, Art. V, § 1. As a public official, Hevesi is a trustee of public property, with a fiduciary. As a Public Official; the Mayor of NYC and the Commissioner of NYCOLC have the same fiduciary roles found in additional case laws below. Each Elective Officer has an “obligation to exercise his control over such property in the exclusive interest of the public. See *Matter of Ross v. Wilson*, 308 N.Y. 605, 612 (1955); see also *Landau v. Percacciolo*, 66 A.D.2d 80, 87, 412 N.Y.S.2d 378, 384 (2d Dep’t 1978) (“The relationship between a municipality and its servants springs from the fiduciary roots of agency, a concept deeply embedded in the common law. The concept incorporates the ancient wisdom that a man may not serve two masters. . . .”) (citation omitted), *aff’d*, 50 N.Y.2d 430, 429 N.Y.S.2d 566 (1980); *Matter of Tuxedo Conservation and Taxpayers Ass’n v. Town Bd. of Town of Tuxedo*, 69 A.D.2d 320, 324, 418 N.Y.S.2d 638, 640 (2d Dep’t 1979) (fiduciary duty of “the punctilio of an honor the most sensitive” applies to public servants) (quoting *Meinhard v. Salmon*, 249 N.Y. 458, 464 (1928)). If a fiduciary does not maintain the records enabling him to account for his use of his principal’s funds, “all ‘obscurities and doubt’ created by the failure to keep clear and accurate records are to be resolved against him.” Mayor Adams failed at his Fiduciary as Mayor of NYC in failure of invoking Presidential EO’s of Covid 19 Pandemic.

### **12 Statement of the Case**

New York Public Officers Law § 74 sets forth the Code of Ethics for state officers and employees. Under this Code, Hevesi cannot “have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.” N.Y. Pub. Officers L. § 74(2). The Code further obligates Hevesi not to “use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.” N.Y. Pub. Officers L. § 74(3)(d). Plaintiff Maryann Maltese is of the highest caliber of Employee as owner of funds in NYC DCP that Mayor is willfully negating from returning.

On December 7, 2006, the OAG raised concern with the Department about the records the Department had produced in November 2006 regarding Acquafredda’s use of the Department’s

computerized case management system. The next day, December 8, 2006, the Department advised that the records had the effect of overstating Acquafredda's use of the case management system and identified which entries it believed should be disregarded. In essence since Alan Hevesi's Conviction and Elective officer fraud; for their Lack of integrity; Employees who sign oaths as subordinates are inadvertently being required to Pay small percentages back to NYS for Corruption trials of Alan Hevesi and any other Elective officer found guilty,

It is inhumane to suggest and implement failures over and over that allow NYC Mayor post a Pandemic to willfully negate from returning; Employee losses to Covid 19 Pandemic and as of August 2024; State Comptroller and NYC Comptroller press released-that DCP funds are healthy-then there is no further excuse for delay in return of Employee assets within DCP. NYC has not provided any proof of what actually occurred with or to the \$40,000 losses from February 25-March 11, 2020, except to blame Plaintiff for Technology matters within Covid 19 Pandemic. Mayor of NYC is essentially copying crimes of former NYC Comptroller Alan Hevesi of 2006 at Employee costs of Holding inherited account holders' monies without Authority to do so. Plaintiff seeks; Maximum tort considerations of \$1.2 million for the 4-year intentional wait period unjustified. The plea ends an investigation by Albany County District Attorney David Soares, who had been presenting evidence against the Queens Democrat to a grand jury. Hevesi will serve no jail time, but will pay a \$5,000 fine and agree not to file any appeal. He also agreed not to take office on Jan. 1. The agreement also heads off a process that could have ended in the Legislature removing Hevesi from office. In April 2011, Alan Hevesi, former New York state comptroller, was sentenced Friday to one to four years in prison for his role in the political influencing of investment business with the \$140.6 billion **New York State Common Retirement Fund**, Albany. Post these matters; Employees who contributed to NYS Deferred compensations and rules of Ethics; PO 73, 74 and 107; are being forced to file at Judiciary for losses normally returned by federal and State EO's. Mr. Hevesi pleaded guilty in October to a felony charge of "receiving reward for official misconduct for receiving nearly \$1 million in gifts in exchange for improperly favoring and approving \$250 million in pension fund investments in private equity fund Markstone Capital Partners, NYAG; Andrew Cuomo;

orchestrated a deal having Hevesi plead guilty to defrauding the government for using state workers as chauffeurs to run errands for his wife. Post Service of Hevesi, he later confessed to taking \$1 million from a pension-fund investor to finance gifts and trips and campaign contributions in a case prosecuted by then-state Attorney General Andrew Cuomo.

The quid pro quo included accepting trips for himself and his family to Israel, Italy and California and \$500,000 in donations arranged by the investor who won \$250 million in pension-fund business. Post Double arrest of Hevesi-Employees with Deferred Compensation Accounts NYS and NYC being retaliated against in Elective officers' failures of Considerations in apply EO's forcing Plaintiff to file at Judiciary of which NYS Supreme deterred from rendering.

### **13. Reasons for granting the Petition**

The Court should grant petition because all Levels of Judiciary Failed in their Fiduciary requirements for the USC 28-Article 78 filer rights under Catastrophic requirements and failure to do so is formation of employer ignorance in such disdain for Judiciary. Countless hours as Pro Se' are invested, with Maltese laying out Clerk Fees to Demand Precedent law be adhered.

**"All that Glitters is not Gold," Balsam. As the very fiduciary trusted is avoiding accountability.**

Most employees depend on Deferred as we retire before age 50 and are ineligible for SSA benefits until age 62. The non return of Losses essentially is distinguishing the Glitter of my Gold of which Fiduciary NYC has no Right to avoid EO. These Members are electives have won Elections and Re-elections for 6 years with an Unconstitutional arrogance of extender that at this point after investing my OWN Accounting as Article 80 rights, voided as well, it's High Time, This US Supreme, see the Fiduciary Failures for what they are; *Wicked*.

### **NYS AND CITY OF NEW YORK RULES OF DEFERRED COMPENSATION**

In 6 years; NYC and their attorneys at NYCOLC have not applied any Covid 19 Presidential EO to return Plaintiff or other Fund Owners losses. Plaintiff as of May 28, 2020 in EO; seeks the Notice of Claim of \$ 1.2 million for punitive wait period.

NYS Deferred Compensation was created in 1921; it is a retirement plan that Plaintiff Also participates in and in 20 years; Plaintiff has not experienced; Catastrophic Losses like the one experienced in her NYC Deferred Compensation account of \$40,000 where NYC Defendants are reluctantly holding my Assets and as of today-4 years later; have not reported my "Lost funds to NYS Comptroller" Lost Funds program. Retirement funds within. Deferred are protected and even if Cyber theft was Able to penetrate NYC technology systems, well; Plaintiff's assets in the funds are protected and or; if NYC Defendants Found Aimlessly \$40,000; NYC Defendant based on NYS Public Integrity STATE Laws umbrella RULE 94, 73, 74, 107 required Highest Officer; a mayor or Commissioner, to report this Finding or Losses of \$40,000 to NYS Comptroller.

Federal Rules protecting the NYC Portal protect my rights to Funds as Public Officer, as User or as Inherited account Owner. The Violations are beyond just waiting period; post Maximum consideration of 18 months by Executive; we're at month 36 without Return of Principal, forcing the Plaintiff to have no other alternative but to File Summons' and Complaint. What has the Mayor of NYC done with "General Losses suffered by Fund owners and What has the Mayor done" within a Plan to "Solve the Matter?" In Post Catastrophic losses, Employees of NYC or NYS are advised by Public Notice; normally a letter or email on What the expectations are in Return dates based on Last name for losses. Instead; Plaintiff PO has filed a Judiciary at \$10,000 for NYC to be held accountable for their Fiduciary.

If the Mayor is learning how to Manage a Portal-then let a mayor; use \$40,000 of his Own Contributions as "Tester" vs Inherited account owners or Retiree where this Fund; this Account considered their retirement monies. Employers encourage us to save and then for 4 years; we're not reinstating, and we're not; returning Losses within 30 days.

The Gateway to File complaint is within NYC Comptroller within 30 days of the incident of which I filed on time. All Filings within Supervisory level beyond NYC Comptroller reporting incidents of February-March 2020 are noted; and at each Gateway to make an Educated Decision within Fiduciary with a Court order on my NYC Property-are willfully denying me; as a State Employee PO same understanding of Mutuality in Service. NYS doesn't treat NYC Deferred

Compensation accounts as Less valuable in Contractual Clause rights found in Deferred and in Case law; in Corrigan and in Haley; Federal Supps.

As noted, in 2006; Alan Hevesi was NYS Comptroller after holding Fiduciary accountability as well as NYC Comptroller. It was the conviction of US DOJ vs. Hevesi that brought Light to the need of Better Public Integrity laws. Instead, these thresholds of Decision maker fiduciary are applied recklessly on employee's non-decision makers as Influencers where Executive NYC Mayor is intentionally withholding from return of my Losses within Catastrophic.

<https://comptroller.nyc.gov/services/financial-matters/nyc-fiduciary-funds-financial-statements/>

### **NYC Fiduciary Funds Financial Statements**

The City of New York's fiduciary funds are used to account for assets and activities when a governmental unit is functioning either as a trustee or an agent for another party. The City's fiduciary funds include the following:

- Pension Trusts
- New York City Employees' Retirement System (NYCERS)
- Teachers' Retirement System of The City of New York (TRS)
- New York City Board of Education Retirement System (BERS)
- New York City Police Pension Funds (POLICE)
- New York City Fire Pension Funds (FIRE)
- Deferred Compensation Plan (DCP)
- The New York City Other Postemployment Benefits Plan (the OPEB Plan)

Also known as Sections 457, 401(K) and 401 (c) plans to help Employees and their Heir save pre tax dollars and have an Investment portfolio to buy and sell IRA's. Former Comptroller Alan

Hevesi used influence unethically and as of 2006; better rules of Securing Employee rights to now Pirating of Assets that belong to the Employees (Non EO Employee) is protected.

Since June 2020, NYC Leadership inclusive of NYC Comptroller-failure to Adhere and return losses to Fund Owners, NYC Employees and their Heirs based on:

State and Local Deferred compensation accounts are **optional** for Employees and highly regarded as safe investments of Pre-Tax payroll deposited on behalf of the Employee, or Heir granting employees and their heirs (inherited accounts). Plaintiff Appellant NYS Employee with Inherited NYC suffered a string of steady losses between February-March 11, 2020, while Governments Declared National and Local Emergency. HR 768, EO of President Joe Biden provides a platform for Governors, and the mayor to follow to ensure the sanctity of losses refunded to its Fund holders. Eastern District as of August 20, 2024; dismissed Plaintiff Appellant's Complaint prejudicial and without Hearing. Plaintiff Maltese filed USC Notice of Appeal on September 11, 2024; seeking intervention of US Court of Appeals to force Governor and Mayor's Accountability of Rule 94;

Public Integrity in issuing the refunds by the Federal Government under Federal EO declared returnable.

As of December 2023, NYC DCP states it "has monies" to reinvest-are these the Inherited account holders' monies lost in Cyber space from February 8-March 11, 2020, and not providing Plaintiff; her "Principal" plus Percentage of diversified Plaintiff had prior to Losses declared.

This chart from DCP 2023 Awarded notification demonstrates; NYC's ability to pay Plaintiffs back plus the Notice of Claim. Judge Cohen as well as of 2023, November stated; Plaintiff can File again. Clearly, I am not crazy, but it is Clear, NYC Mayor is in Public Integrity Violation for 36 months willful. In 30 years, I have invested-I'm quite knowledgeable on my Assets.

Essentially since March 27, 2020, NYC is illegally confiscating Fund owners; NYC Deferred losses And Returns without Providing a Plan to systematically return the losses. Plaintiff did not

loser her Funds due to her own doing; the Market Crashing between January-March 27, 2020; was due to National Pandemic where artificial intelligence was running computers and Supervisory decision maker employees not in service by Health Pandemic Order; as Losses to funds were inevitable and not due to an Employee having override capacity of Technology Management. I am not a NYC Employee or NYC Retiree; I have inherited this account and employed by State of NYS with Similar Deferred Fund model. This is Employee vs Employer filing and Executive Mayor of NYC and his Commission; Renee Campione failure to return losses that they do not Personally own; the Contributions accumulated are from Pre-Pay tax dollars and failure of Fiduciary to return losses within 30 days Post Presidential EO. Plaintiff Appellant seeks; Notice of Tort within USC 28 at Maximum considerations of \$300,000 per year; Defendant NYC breached fiduciary. USC-Article 78 filing if rendered in favor of Plaintiff provides return of losses others loss during same 90 window of Accredited reasoning by a US President to return to its' Shareholders acknowledged. In essence; any Governor or any Mayor willfully denying Presidential Order is essentially stealing and breaching Fiduciary that is arrestable. The funds didn't vanish, and NYC has provided no reasoning justified as to why they are avoiding Pandemic EO accountability. Mayor Adams this week and top Employees of his at will cabinet are facing FBI arrests and Plaintiff believes this situation is severe enough to file a complaint at the US Court of Appeals to review the Actions of Defendants. Defendants have not taken any Good will reasoning to return the losses themselves without this filing.

As of Public Record NYC Comptroller, there is no Booklet on NYC Deferred Compensation rights for those of 2012. <https://comptroller.nyc.gov/services/financial-matters/nyc-fiduciary-funds-financial-statements/>

This may be problematic for NYC as my rights of inherited usage are from the Division of Marital property as of Court Order; as of August 31, 2012. In the Summonses and complaint filed by Maltese; USC 28 and Article 78 filing is to take in the consideration of any Employee inherited rights as Mayor of NYC is intentionally denying NYS Public Officer her \$40,000, property losses due to EO documented Catastrophic. Again-is the mayor not Vaxxed inflicted with Covid 19 since 2020; and taking a stand against PO that are vaxxed in Irrational decision

making since May 2020. That \$40,000 is my property-not NYC's to reinvest while I'm waiting for return or worse-stealing it as their Own; Asset. I do not have supervisory consideration as NYC Employee to Even "Remotely" open Internal Portal access. Mayor should concede. I do not maintain personnel property at my house as noted by FBI raids this month on NYC Mayor. Perhaps the crimes of Maryann Maltese as of March 11, 2020 are inclusive of justification for review and immediate release of my losses; and "A sanction" for 36-month Period. Inactive 'are dependent on this funding to Supplement their Pension and in 2024; Plaintiff as well is not on her State pension in year 30 since January 1, 2022; unjustified. Plaintiff is not a ward of NYS and therefore; this \$40,000 is my annual earnings while retired. Ethics offenses committed in NYS against NYS PO; are considerations of \$300,000 plus 9% if Federal Tort notice of Interest is not Readily available.

Plaintiff trusts in Federal US Appeals to see all the Intentional Actions as deviancy by Male Leadership without a Marriage Proposal. None of these Men issued me an Engagement Ring as sign of Contractual Clause but they are holding Plaintiff Employees' money without Leverage to do so. I never issued these Defendants the right of Power of Attorney.

The \$40,000 is my Property and Swift immediate return plus notice of claim Sanctioned on to the Defendants is required. US Appeals you can Render vs sending the docket back to Eastern. I ask that you do so at 36 months of Irresponsibility of Employer at large. As noted, these losses as of September 11, 2024 are not within Jurisdiction of NYC Comptroller or NYS Comptroller; in State's Lost Fund. Therefore, either an Employee is stealing currently, or the mayor is. Irresponsible or incapacitated to say it politely. Mayor is a Former NYS Legislature-clearly; while he served in NYS-he is aware of State procedural Processes. It is a mayor denying Female DCP owner as if I am incapable of controlling my own Assets which post 18 months even as inactive is classified as Employer Sexual Harassment. An Employer Never is required to touch or Say something Sexual for Employer Sexual Harassment consideration reviews; the Intentional wait Periods with Analysis review of How Quickly Male PO in similar means; receives return of losses within USC 28 or Article 78. Female PO employee was subjected to Clerk Fees; is the Mayor of NYC in his own needs; being asked on Civil Supreme matters; to

Pay Judiciary fees upfront? The Medallion is the Losses in DCP for Clerk Supreme to grant me as Public Officer. By signing Complaint-I swear and promised my statements since 2020, are true and provided evidence of Portal Crashing while I am allowed to Access NYC Portal from Local Browser. My Daughter is Hedge Funder so clearly OUR home at the time of the incident was Cyber protected by her company. Of course, her Company did not steal these funds while the portal was collapsing; she's working downstairs and I'm upstairs on Well Protected Cyber Security in 2020-how could they=but an NYC Employee may have during "Pandemic Remote Required" of which NYC should have conceded in 2020. If my daughter and or her Employer are required to appear to post this Plaintiff Brief-they will as witnesses. I'm that Angry and disheartened that 20 or so NYS Employees with Decision making Credentials wasted my Time and Judiciary's on Their Frivolous reasons for not being "Prompt". Additionally, in my State Service; NYS Assembly; we were part of Crew; that ensured Returns and losses to Employees in Retirement accounts. Being an Elected Means-that Person to be Accountable to Plans of Emergency and Clean up afterward within Time management; Considerate. Does US Appeals believe NYC has been Considered to Plaintiff PO? The rendering will be determined.

My answer is no; as One; I would never leave PO dying symbolically for 36 months to make any Mayor seem as if they're in the Right-when Clearly-they are not. This is not Partisan matter-it is Business workings of NYC Government and the promise to at will NYC Employees that place pre-taxed earnings and at time of end of Service; a mayor willfully Tampering with Ones Inactive account without my Permission is a Felony. A Felony consideration begins post day 31 of a mayor and or His AT will lead to deny me return of my funds based on my statement and based on "Proofs" I sent that Portal was in the Midst of Crashing from February 25-March 8, 2020. Presidential EO Decided to Grant Employee savers; 90 days understanding if Losses were from January 1-March 27, 2020.

As of November 30, 2021; remote conference of which Plaintiff Participated; Joe Anci; represented NYC Law Department, SFC Part 58; Judge David Cohen. Below is the email on the first Zoom Court conference that failed to return the Losses as of November 29, 2021. An additional Supreme index was filed in NY County; Judge Cohen reviewed with Failure to render

1 year Later. Maryann Maltese v. NYC OLC Defendants 10105/2022.. Plaintiff has been timely with each filing. Matters of Judiciary failure to render and Defendant NYC Mayor in failure of Following 2 Presidential EO's to return losses and failure by Eastern; has forced the Matter at US Appeals within USC 28, lower-level Employer Public Officers willful failure to return the Financial Property (Earnings and or Deferred Compensations) for 4 years is public officer integrity punitive actions by All.

The USDOJ has not opened a File on Matters of NYC Deferred losses of Maryann Maltese and the Other Public Officers impacted by Covid 19 Pandemic Catastrophic.

The Argument-NYC Defendants failed to Follow the EO and the State Unified Court System failed to grant a Public Officer filer a Hearing as required by Article 78. The Unified Court system was testing out Zoom Conferences and then Failure to Order. This wait period is unreasonable and there is no more consideration Post Presidential EO of April 28, 2020; the Notice of Claim sets the Plaintiff right to receive Tort negligence.

Again, below is the Confirmation by Email of the Zoom hearing set by the Unified Court System. 19 months post losses reported by Plaintiff. Judge Cohen post hearing implies I can refile instead of Granting full return of my Property; \$40,000, plus legal filing fees erroneously charged to me in Inactive status and now at 19 months Post allowable Ethics Consideration; Plaintiff seeks Notice of Tort claim. I'm an Inactive-the matter is priority 1 on the Spectrum of responsibilities of any Mayor or Governor and those Employees; like Commissioner of Agency NYC OLC; Renee Campione has the Decision-making powers to Begin the Process of return. Remote work or employment doesn't grant agency More time of consideration; it means Defendants were THOUGHT to be considerate in their Fiduciary roles and intentionally denied. Retirees in my Matter Lifeblood Priority 1. As Law enforcement; we retire more often before age 50 and no landlord or other Private agency grants us "extender time" to be in compliance on our bills. The proceeds we save in other formations of "Allowable IRA or 401k or 457 accounts helps to sustain us in Community post Active Service. Plaintiff is; Public Officer of NYS Legislature with a 20-year Service record as Regional-Chief of Staff. RENEE---bad Cock 0

doodles (Maltese is brilliant)- fight between two women as Decision makers was unnecessary; by Commissioner. My emails were to advise her I'm ready to *reinstate (like in Corrigan in FDNY) we hear sirens of National-we reinstate and wait to hear orders to assist in the capacity of "Current" decision makers.* Perhaps Campione never served during 9-11-2001, and she has no Barometer to base her judgement on Plaintiff.

Maltese participated in First Zoom Judiciary conference, NY County, and US Supreme needs to Render.

RE: 100706/2021- MALTESE, MARYANN V. NYC OFFICE OF LABOR

Inbox

**SFC-Part58-Clerk** <SFC-

Part58-

Mon, Nov 29,

Clerk@nycourts.gov>

2021, 2:52 PM

to SFC-PART58, me, Ispielbe@law.nyc.gov

RE: 100706/2021- MALTESE,

Agenda

30T

ue

MARYANN V...

Tue Nov 30, 2021

View on Google Calendar

*No earlier events*

When  
Tue Nov 30, 2021  
2:30pm – 3pm  
(EST)

2:30p  
m

RE:  
100706/20  
21-  
MALTESE  
,  
MARYAN  
N.V...

Where  
Microsoft Teams  
Meeting

Who  
ispielbe@law.nyc.  
gov, SFC-  
PART58, SFC-  
Part58-Clerk\*

*No later events*

#### MOTION SEQ#1/ WITH COMPLIANCE CONFERENCE

Please be available for the designated TEAMS time. Only counsel fully familiar with and authorized to settle this matter shall appear at the conference. By accepting the invitation, a link should be created in your email calendar. To access the meeting at the time of the conference, go into your calendar, double click on the reminder at the time and date of the conference and click the Join TEAMS Meeting link.

LINK may be forward. Telephone Numbers and Conference Call ID Number have been provided below for CALL IN/AUDIO Meetings. For additional information, please refer to Justice Cohen's Part Rules

available at: [www.nycourts.gov/Judges Part Rules](http://www.nycourts.gov/Judges Part Rules)

Thank You.

Microsoft Teams meeting

**Join on your computer or mobile app**

Click here to join the meeting

**Or call in (audio only)**

+1 347-378-4143,,111918812# United States, New York City

(833) 262-7886,,111918812# United States (Toll-free)

Phone Conference ID: 111 918 812#

Find a local number | Reset PIN

You are prohibited from recording video or audio, or taking photos or screenshots (22 NYCRR Parts 29, 131)

Learn More | Help | Meeting options | Legal

Plaintiff was asked to participate in zoom conference, non hearing, form of Avoidances by Civil Supreme NY County post participation has no rendering? Monetary losses are the consideration and always priority one in Return.

Maryann Maltese v. NYC Filed new Index in NYC County Supreme; issued 101105, Petition and Notice of Petition whereas on November 28, 2022, Judge Cohen denied signing the Order. Granting continued leverages to Mayor of NYC to not declare what occurred to plaintiff losses and not documenting if Agency recovered Plaintiffs money-no one is granted that money and if NYC Captured the Losses; then within 12months; NYC was to report losses on my behalf to NYS Comptroller's offices.

Plaintiff paid for Judiciary-Supreme two times, Notice of Appeal and Filing at Eastern. I have not received non-fee-based filings as Public Officer on behalf of other employees that have a

claim. Mayor of NYS is issuing immigrant nonemployees Gift cards while failing to remedy Presidential EO. Once again-A mayor has not within his own Recognizance returned Plaintiff and other NYC Employees and retirees for their losses. We saved this money for Pre-tax dollars- it's not permitted property to issue to non-employees.

On September 11, 2023; Plaintiff filed Notice of Appeal as Judge Kovner in 1;23 CV 4940; failed to grant Plaintiff a hearing and closed the Docket on August 20, 2024.

Judiciary Eastern and lower courts provide conflicting decision-making vs ordering Defendants to return the losses to Plaintiff within USC 28 and Article 78 based on Presidential EO.

The Notice of Claim is specified in 28 USC 1292 (A) and the party can obtain a Notice of Appeal form from the district court and must file Notice of Appeal in 30 days of which Plaintiff is within Time Management of the filing and requests the Court to Render. Plaintiff filed a Motion for Judgement under Fed. R. Civ. P. 50(h) and seeks the relief on the notice Claim under Fed. R. Civil Procedure 60 as the motion was filed within 28 days after the Judgement entered.

Plaintiff provided a Certified copy of the Eastern District docket upon filing the Notice of Appeal. These supports Frap Rules 10-11.

As of September 11, NYS Comptroller states that his offices are holding the Following losses from Region NYC.

<https://www.osc.ny.gov/unclaimed-funds/map#>

*New York City Region*

<b>County</b>	<b>Number of Accounts</b>	<b>Total Value</b>
---------------	---------------------------	--------------------

Bronx	656,214	\$ 456,338,873
Kings	1,486,716	\$ 1,054,693,454
New York	2,199,995	\$ 2,615,319,445
Queens	1,421,011	\$ 898,493,131
Richmond	215,348	\$ 124,721,994

Members with Lost funds can; place their name in the Portal of which if NYC Mayor or Active Commissioner earnings while Plaintiff is not earning; actually, performed Fiduciary, Plaintiff name would appear if Lost fund is Current. Public Officer rules of ethics; 73, 74, 107 require a Mayor and a Commissioner of NYC OLC to Transfer any Monetary; they may be holding that Agency NYC is not Clear what to do with Monetary that isn't NYCs, but my Property and the Property of participants of NYC Deferred. NYS Comptroller has sanctions, and Public Officer has the same expectations when Institution NYS as the Defendants; willfully deny Internal return of losses? Be aware of penalties and interest

Interest charges apply for late payment or delivery of abandoned property. Penalties apply if you're required to report and remit unclaimed funds, but fail to send full and complete reports, affidavits, or remittances by the due date.

The Plaintiff Appellant inactive; is not with the Portal Access Code to access Portal that would Permit Losses. The NYC Deferred online portal system on date and time of losses as well; failure to Alert the Employee or Inherited account holder of Losses between January-March 2020 as well.

The Stock Market universally collapsed as a NYC Deferred Compensation Portal User; during Catastrophic and before the State of Emergency called by Governor Cuomo; Plaintiff Transferred my "Diversified portfolio" into NYC's Stable account. The form of responses on that Transaction by Agency; was acknowledged and implied; wait 3 days for Confirmation of Transfer. Before March 7, 2020; and between February 7-March 11, 2020; Plaintiff proceeded in the best interests of Opting to place 100% of her Portfolio into Stable Fund. This never resonated-noted by Judge Cohen, but no Agency Personal of NYCOLC has returned my losses on their own Merits or Conceded' to Presidential E.O as the Primary Ruling and Post Judges Ruling the Presidential EO, is the Factor in Good Faith, not the Judge Cohen or Judge Kovner failure to Order.

Hurricane Sandy, 9-11, 2001, Riots like Insurgence on Federal Capitol January 6, 2024; if a Persons livelihood was impacted OR Technology Cyber thefts steal from Pensions IRA's like Deferred compensation, EO is the instrument for working employee and Presidents; provided Catastrophic Executive Order. Plus, two sitting President's Biden and Trumps affirmation of 2020 EO's is the clearance and roadmap needed for Defendant Mayor, Commissioner and Agency NYCOLC to return my losses due to no Fault of my own plus the Punitive Notice of claim. I filed to secure my rights and then I looked out for the others and filed Summons and complaints as Article 78. The Plaintiff believes the Tort estimation of 36 month wait period of return of \$40,000 is \$1.2 million Tort Claim. Please help the President of United States with Category Covid 19 Pandemic as Catastrophic; as required due to Classification of Catastrophic while NYC OLC employees are sitting at Home; working remotely from point of impact through recovery and in recovery-NYC still as the Fiduciary doesn't see a Reason to return; Employee Funds so we are credible again.

#### **14 CONCLUSION**

I swear all my statements are truthful and within Notice of claim; plaintiff seeks Civil Tort remedy of \$1,2 million dollars based on Punitive and Compensatory failures of NYC and Judiciary state failure to render. Lack of Respect, Lack of Accountability and failures in Public

Integrity is Penal Code Violations as Employer failed to Be Acknowledged Presidential EO and intentional mismanaged; failure of mandatory reporting Losses of Employees in the Fund and failing to invoke State's self-sovereign obligation to return the funds or return Plaintiffs Principal losses. In my Active; if a retiree came to my office to volunteer-they were never rejected and if they SHOWED me; events that occurred; I granted them Benefit of the Doubt and Intervened to ensure Public Officers and Officers; have their Active and Inactive to be Healthy if 9-11 occurs again, Timing is everything and in Federal Emergency as called in Pandemic EO April-May 2020; -it is Public Officer Inactive rights as Primary, not Employer agent. to ensure their livelihood continues while United States is under Attack, a Healthcare Pandemic. This formation by Employer and or Unified Court System is willful avoidance failure and Supreme Court of the United States; should be willing to see my reflection as Public Officer owner; in your own Lifeblood and Service. Public officer service is Paramount understood Constitutional right taught from 1992-2013 by State Employer Legislature for 20 years., Post 11 years; maybe the Executive has determined; Actives are priority 1; ok-I understand; but at 36 months-it certainly looks like; Defendants are Defrauding Employees of Return of losses; Deferred compensation the Lifeblood of the "Inactive" for their **Own "Pleasures"** which is not permitted usages in Pandemic by Mayor or the President of the United States; and failure to be on TIME; is unjustified as this money is my PROPERTY and is Precured Investments for Employees Inactive. I never received a Letter; asking me; if NYC could use my Funds for 36 months as of January 1, 2020, and offer me; formation of Investment Interest. Defendants were required to Gain permission on or before April-May 2020; of usages of the Inactive's Deferred-and NYC; never received Plaintiff permission and never sent out deferred compensation "Explanation Correspondence of NYC's; post 30 days of April-May 2020; NYC game plan to return and refund losses. NYC Deferred, had a Fiduciary; to forward Public Records, for NYC Record Keeping compliances from April 2020-January 2026; on NYC Comptroller Schedule or NYCOLC Schedule for the Plaintiff expectation Losses Returns.

NYS Comptroller, Independent Body in government; has not advised Inactive NYC DCP holders; that they are entitled to receive; Lost Funds and what the Expectation date is. This filing

is at cost factors of 20% losses sustained in Maryann Maltese NYC DCP fund unjustified. All communications with Defendants as PO; should be at no cost and therefore, Notice of Claim should be rendered by this Court. This Court; Trust in Plaintiff Writ, Maryann Maltese.

Plaintiff asks Supreme Court of the United States to Render in her favor as USC 28. Article 78 rights to Public Officer hearing reversing the lower Court Claims in Article 78 filings stating jurisdiction of claim is not permitted on her Property losses, Deferred Compensation gathered by Payroll contributions actions are intentional punitive declaration by NYS and the right of State Sovereignty in this Writ is not above the Employee rights of Property, returns based on; the Public Officer Employer Integrity Rules, Supported by Supplemental employee protections within; Presidential EO of April-May 2020 by defendants, the Mayor of NYC, and Unified State Court System; meets Supreme Court required Personal and Subject Matter Jurisdiction to Offer favorable rendering, creating Federal Precedents case law on Public Officer employee right to Free Judiciary filings and return of Property losses of \$40,000 as Employee Public Officer has not violated her integrity on docket avoided by Employer, Agency and Elective Officer Fiduciary

Separately, writ seeks the US Supreme Court to render and approve a Subpoena to arrest the Former Mayor of NYC, Eric Adams and charge him; for his willful 6-year avoidance of Presidential EO Property return; within Federal Catastrophic EO. Filing on Docket in 24-2381, is my Personal property, not collection by NYC Payroll. In Honor or Rosalie Jones, post 1954, whereas women of counsel practiced law for only 10 years, 1944-1954, Rosalie Jones, esq, is the First NYS Attorney General as notable honorable Solicitor General. Senator and his Wife, Rosalie Jones lived in DC, and as Dill filed for divorce, the Judiciary of DC, required that Money Spouse, Dr. Rosalie Jones, esq, post 9.5 years of Marriage, in order; required to pay Senator Clarence Dill, marital property of Gifting DC Martial Residence to Senator Dill; plus the \$40,000 in the Campaign Contributions, Rosalie Jones as his Investor, Wife; gave to the Senator; to seek Elections, and Employer Federal Government of Clarence Dill, intentionally eliminated Jones of Displaced Homemaker rights under Social Security Agency, as of 1938. Social Security Administration along with Employer, Federal Senate and or United States

Congress was required to divide marital Pension of Dill and Give, Rosalie Jones 50% of Federal Employee Clarence Dill's Federal Pension to Rosalie Jones, If Dill participated in employer Deferred Compensation plan, and Jones as of 1939, being Dills wife for 9.5 years, by year 5 of Dills Service; and based on longevity of their Marriage; Dill-Jones, Plainiff Rosalie Jones, is entitled to his Poriton of Deferred. As the Money Spouse, Rosalie Jones; she Supplemented Jones DILL lifestyle and therefore, 1954 Pirating of Jones West Neck Beach, Huntington NY; is a Federal Felony, by NYS and Huntington. Maryann Maltese v. NYS and Huntington 25-2100 is as well filed at US Appeals Circuit 2<sup>nd</sup> Plaintiff property i \$40,000 is my **Personal Property** as the Founding Mother in NYS Suffolk County Compliances of State Precedent o No-Fault Divorce Law JOD order 09-50793. Plaintiff JOD costs too, \$150,000 in Suffolk Supreme. Plaintiff Supreme Court Pension Article 78 rights filed at \$100,000 Civil Clerk Accounting. Return of property of \$40,000 plus Accounting fees, 24-2381, 24,2378, 24, 2393, 24, 2378 and 09-50793 at \$250,000 is required by US Supreme Court as separate Property as PO article righth filer as year 1992, was denied in Supreme Civil State Courts at commencement of JOD sought filed as of 12/31. 2009. Plaintiff is destined to enter, Library of Congress as Honorable Officer based on Good faith in Judiciary NYS of which since 2009, date of Death of Commissioner, Dr. Mary Gardiner Jones, First Federal Commissioner of FTC, her PO rights are not being Granted within lifeblood and Service of maryann maltese submitted in 25-2100 by District Court Eastern. Judges, this Writ is to ensure return of my property, 24-2381, as jones post 10 years of Allowable NYS Bar Association law Practices in 1954, Counties Suffolk, willfully dissipated Jones and placed her in a Nursing home. Niece, Dr. Mary Jones Gardiner; graduated law school in 1944 and was denied; Surrogate Infineum on Rosalie Jones. In My Service, Ann Carrozza is the EPTL First Female Chair, NYS Assembly as of 1997. Plaintiffs expect the Notice of Claim with judiciary returned plus the Judiciary Clerk Accounting on Index-Dockets, **Maryann Maltese v. Mayor of NYC, NYCOLC**. The arrest of Eric Adams as former Mayor on 24-2381 is required as 6 year failure by NYC to apply Presidential EO to ensure Actions of Institutional Murder, like Findings in Rosalie Jones from 1954-1977 do not occur again within legal and judiciary profession with no in lite-guardian granted to Rosalie Jones as of Dr. Mary Gardiner

Jones and again, I am not mentally ill, neither was Rosalie Jones, Esq. "Suffragette Rosalie Loes Estate Fight, Brooklyn Eagle, August 27, 1953," Mineola reports, Nassau County, NYS, the 68-year old descendant lost a campaign to have herself appointed as Executive of her Sister's Estate; as of 1953, Women Esq only Practice Private Sector Law for 8 years and Rosalie who lives in the family home on Syosset Road, Cold Spring Harbor, NY is being advised that She is totally incomprehensible, according to Gehrig who was acting surrogate when Jones brought Legal Action in 1952. Gehrig stated that Rosalie Jones was disqualified as Trustee in the settlement of Mary E. Jones bequests by Former Surrogate Leon D Howell, Louise died in 1952. Judge Leonard Hall, Failures of disclosure problem, because he Advised Rosalie Jones on the issue, now before Judge Norman F. Lentm then failure of Rule 9 Rule 13, passing Docket to County Court Jdge Norman len, then to Long Trail by Judge Cyril Brown (Deer Park), as they willfully failed in Rule 9, 12, Judges illegal usage or Right of Recusal on Rosalie Jones occurred within EPTL from 1952-1954, of which Jones was allowed to Practice law as of 1944. Rosalie Jones an attorney, stated that Gehrig had no right to Act, and as his name before the republican Nation Chairman. EPTL rules as of 1997 removed Political Party Business organization rights to Tamper with EPTL properties, inclusive of Personal Property, Deferred Compensation's, Tort Grants, and non-Marital Property. Judge David Reilly and or any other State Supreme Judge, usages of Article 730 or fabricated non-medical documentations that I am mentally ill, to end Public Officer rights to hearings, is a Class A felony as of 1977, date of Rosalie Jones.

I trust the Supreme Court of the United States, is supportive of my right to Deferred Compensation losses returned based on Employee Maryann Maltese securing No Fault divorce law percent filed 2009-and finalized July 10, 2012, Suffolk Supreme is willfully intentional avoidance post 36 months with Maryann Maltese, which I filed in NYC County. and I do not appreciate it in year 6. The expectation in dockets is for Judge David Reillys resignation effective immediately as his orders of 2023, are Incomprehensible. Township seems to think that Rosalei Jones origination rights of Property transfer Records are allowed to be ignored in Honorable Mention, RFP on Cold Spring Harbor or the Foil Records I received, in August 2023, on West Neck Beach, NYS, 25-2100 (Eastern) filed notice of Claim as Allowable Actions to

Avoid. Property records determine ownership. Judgement of Divorce determined Property records of Ownership on NYC. Deferred Compensation \$40,000 reported due to Catastrophic EO. Writ is honest in goods and Services, but current Fiduciaries in Mayor Commissioner of NYC OLC, NYC Comptroller as of 2020, failed to apply Presidential EO April-May 2020 and the FUND is healthy to return Losses is not Funny in year 6 when Retirees depend on Deferred, to Offset their Lifestyle. As noted, Jones was upstaged by two Surrogates Gehrig and Howell within 18-month Span, and 18-month Law barometer of Employer Sexual Assault. Mary Gardiner Jones Esq, with ANN Carrozza Esq, and Maryann Maltese ,(Esq-Apprentice as PHD of Laws for 20 years); and based on today's EPTL STATE Rules **will SLAM** those 4 Judges Personal lawsuit; Howell and Gehrig, Cyril, Lent they were Wicked based on violations within PUBLIC OFFICER Rules as Jones, Rosalie due to First Female Surrogate and her Marriage and Divorce from Dill Clarence, was/is entitled to Spousal PO understanding as Dignitary.

As Stated, the 4-6 Current Elective Officers, who willfully fail in Rights of Recusal and or Failure to render a Hearing; are, David Reilly, Frank-Mike Mackay, Judge Cohen, Keith Brown and Mario Mattera, and Andrew Raia along with Mayor Eric Adams who failed in Public Integrity.

*. In 2009, Maltese commenced war on Seminole judges; to Ensure English law of No-Fault Divorce without the Catholic Conference opinions, Filed in Judiciary Suffolk Supreme 09-50791, Pretendent standard for NYS, State 49. Maltese paid Clerk Fees on 09-50791, \$150,000. In Pension filing Suffolk, its \$100,000 in Clerk fees. Maryann Maltese may seek Nomination for US Congressional 1 or Federal Senator Seat, if Charles Schumer announces retirement. Clerk Fees to be returned on No Fault Divorce Law Chapter 09-50793 before Notice of Claim. Those of us who are Public Policy Making State and Federal Nominees, are to have Rosalie Jones Day in Service 2026, 25-2100 Writ as well never sabotaged, NYC OLC computers the NYCOLC employees violated their Series licenses, performed Bait and switch of \$40,000 losses on or before March 11, 2020; and declared, I am incapable, The Arrest of the Former Mayor Eric Adams is required as new consideration. Please Order as Plaintiff is an honorable officer for her Private Property.*

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County: Suffolk

Date: May 7, 2026,

Respectfully Submitted

*Maryann Maltese*  
Maryann Maltese, Plaintiff-Appella