

No. 25-7486

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

Petition and Writ of Certiorari. Rehearing rule 44
To the US Court of Appeals Second Circuit

Maryann Maltese
Pro Se-Respondents-Appellants
19 Ringler Drive
East Northport, NY. 11731
631-644-5765
Maryannmaltese1000@gmail.com

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.

What 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 NYC Comptroller.

What is a Comptroller? NYC Comptroller is an Independent Elective Officer who controls the Moneys of NYC. Is this money 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 post 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. Maltese resides in AD2 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. Maltese filed Claim in Eastern of which Judge Kovner erred in Offer of USC 28- 78 Article Review.

Why was 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 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 2nd 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 2nd 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 2nd, 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 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 in 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.

TABLE OF CONTENTS

Table of Contents.....	2
Table of Authorities.....	3
Statutes and Rules.....	5
Statement of Subject Matter and Appellate Jurisdiction.....	7
Statement of the Issues Presented for Review.....	9
Statement of the Case.....	10
Statement of the Facts.....	11
Summary of the Argument.....	12
Argument.....	14
Conclusion.....	31
Certificate of Compliance.....	33
Certificate of Service.....	34

TABLE OF AUTHORITIES

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

10th Amendment and State Sovereignty

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

28 USC Failure by US Appeals 2nd 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.....

General Municipal Law Section 50.....

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

US DOJ v. Alan Hevesi, 2006, 201, USDOJ V. Silver, USDOJ V. Br

9. OPINIONS Below

The Petitioner Maryann Maltese respectfully ask that a writ of certiorari and rule 44 rehearing, within 25 days as the Defendants, NYC, a local government has not complied with Presidential Executive Orders since 2020 in 6 Sessions. Review is necessary as State of NYS is as well not in compliances with Presidential EO and as of January 6, 2026, US Appeals 2nd

1/6/2026 50 SUMMARY ORDER AND JUDGMENT, we affirm the judgment of the district court, by WJN, SJM, ECL, copy to pro se appellant
, FILED. [Entered: 01/06/2026 09:59 AM]

Failure to grant return my Personal property for JOD- issued to review the Summary order by Clerk Catherine O'Hagan Wolfe's in 24-2381, of January 6, 2026, in formation adding Maryann Maltese as insurgent of January 6, 2021, is Irresponsible of Clerk Wolfe'. The Grounds for the Rule 44 Rehearing are limited to intervening circumstances of substantial or controlling effect as NYC Defendants, NYC OLC Deferred Compensation Portal, Collapsed and Presidential EO orders as of April 2020, ordered all Local Governments to return Anyone's personal property. NYC OLC is not in compliance as of 30 Days post Presidential EO's costing the Plaintiff, \$10,000 in Clerk Fees to secure her property lost during Covid19 Catastrophic EO. Lower Courts, US Appeals decided not to listen and enforced Eastern District Decision, that Eastern does not have personal and subject matter jurisdiction over NYC Defendants. Both the Defendant and Plaintiff reside within Personal Jurisdiction of US Appeals 2nd. The plaintiff has resubmitted the Brief in Good Faith. 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 2nd 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 2nd, on or before January 6, 2026, is insisting, that Plaintiff is Employee Insurgent, Terrorist that collapsed NYC OLC VOYA Portal System on or Before March 7, 2020; of which in regional capacity, Plaintiff is not PHD in Technology, her Public Officer experiences are within duties of Management 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, Campione to be within her Oath-in 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. 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.¹⁵ 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. 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. 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 watchers 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

There is no Current Federal Precedent Case Law that 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. But, the Presidential EO is listed in the Federal Register and is being avoided by Governor of NYS and the Mayor of NYC, actions considerate Public Elective Officer Fraud. The US Supreme Court has jurisdiction over US Appeals 2nd. Eastern and AD2 and NY County Supreme. 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 considerately 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.

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. PO 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 Supreme Court and-the US Appeals 2nd 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, Eastern District and Suffolk Supreme. 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 refile as Petitioner article 78 matter issued Index 101105/2022. Plaintiff reenforced her rights under same Caption with 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 Plaintiff Petition issued to Judge David Cohen and again on November 20, 2022, Cohen rendered that I would ONCE again need to resubmit 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 causalities 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 consider hourly earnings. Plaintiff seeks the enforcement powers of US Supreme to force; Employer Agents to compliance with Presidential EO April – May 2020. Maryann Maltese filed at Eastern on 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 2nd. 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 2nd Circuit order of January 6, 2026. The January 6, 2026, Order by US Appeals 2nd 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 2nd, 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. NYS Comptroller reports State Deferred as of the 1st 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 The NYC and NYS 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 these 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. New Mayor Sits longer than 180 days in Post.

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 insubordinates are inadvertently being required to Pay small percentages back to NYS for Corruption trials of Alan Hevesi and any other Elective officer found guilty, Defendant is Punitive to ignore EO post 18 months allowable while implement failures over and over that allow NYC Mayor to 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. Plaintiff is consideration Law enforcement and has not stolen property in 30 years of Service within Oath and in fiduciary. Mayor of NYC is essentially copying catting crimes of former NYS and 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, The agreement also heads off a process that could have ended in the Legislature removing Hevesi from office. Failure of Highest Officer to follow Fiduciary, is Jail time of Said Mayor as June 2026, Mayor Mandani holds Officer of Mayor for 180 days. This is my property the losses and as of March 11, 2020.

“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”. NYAG reports, - **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 plea 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. Post Sentencing Cuomo granted Hevesi, \$5,000 Campaign Donation. It's Irresponsible to wait longer and Rule 44 rehearing is for the US Supreme Court to intervene to see Highest Officers of NYS, and NYC willful holding of Property-not belonging D.. 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 of Rehearing Rule 44. 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 ignorance's in such disdain for Judiciary, Plaintiff Seeks punitive interest based on Longer than 18 months failure to follow EO. Plaintiff-spent 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*. 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. Maltese Filed complaint is within NYC Comptroller within 30 days of 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. Maltese followed all rules of the Court.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/> Plaintiff trusts in United States Supreme Court to overturn US Appeals 2nd Circuit decisions on Eastern and State Supreme NYC County determinations. That \$40,000 is my Property and Swift immediate return plus notice of claim tortious interest and penalty granted to Plaintiff within Defendants Sanctioned is required. All evidence from State Supreme Court was included in Lower Court Eastern Failure. Eastern District Extended by 36 months judiciary failure to return notice of appeal-claim required no later than 30 days Post Presidential EO of April 2020. Plaintiff in good faith was in compliances will all documentation reporting her property losses.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 a NYC Employee is stealing currently, or the new mayor as of January 1, 2026, is Irresponsible or incapacitate. Mayor is a Former NYS Legislator-clearly; while Mayor served in NYS-he is aware of State procedural Processes of Catastrophic-Sovereignty. The Expectation by Plaintiff was to receive losses within 30 days of Presidential EO. Maryann Maltese filed as USC 28-Article 78 filer of which Rendering of the Rehearing by US Supreme Court, forces the City of NY Compliances for any other Deferred compensation **REASONS FOR GRANTING THE Rehearing:** Under Rule 44 and Rule 10, this complaint is to demonstrate and set Precedent that my Funds and funds of Employees are not personal property of any Executive, and we have expectation of Time management in return of Federally protected losses and must follow EO. Elective Officer- Employer agency is not following the Presidential EO for Employee Public Officer rights of Article 78 and USC 28; over USC 18. Rules of Law in process in 12th AD, Suffolk County and I have filed this matter on Subject matter jurisdiction, NY County Maltese participated in First Zoom Judiciary conference, NY County, and US Supreme as NY County Supreme explored judicial review through Zoom. NY County Supreme Confirmation of review is added. Plaintiff was asked to participate in a zoom conference, non-hearing, form of Avoidances by Civil

Supreme NY County. Plaintiff agreed, in spirit of Fairness as USC28-Article 78 filer, as this Property is my Retirement Account from JOD. Post participation has no rendering? Monetary losses are the consideration and always priority one in Return, 6 years Defendant irresponsibility. Plaintiff has been on time Maryann Maltese v. NYC Filed new Index in NY County Supreme; issued 101105, because NY county failed to order and all expenses were paid for by Employee. The Lower Courts are not respecting the Free filer rights for a USC 28-Article 78 filer. 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 and Plaintiff is seeking Rule 44 Rehearing in Good Faith because lower Courts are not adhering to Presidential EO. As Judge Cohen, post Zoom Judiciary, implies, re-file. I refiled, paper only and NY County Supreme waivers in on time render 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. These actions provide a Plaintiff to receive; Notice of Claim for Defendants; NYC holding my monies Hostile without reason to maintain the Loses. Notice of claim at Federal Tort Percentage of 10 percent or the State Tort understood consideration at \$300,000 plus 9% per defendant and per year of Public Officer punitive integrity willful actions. Losses to Plaintiff are at a base of \$40,000 from February 6-March 11, 2020; the Time frame under Protective Presidential EO, plus the Clerk Fees, and Notice of Claim at \$300,000 multiplied by 4 years at \$1.2 million for Hostile unlawful usage of my NYC Deferred as Inactive or what this court deems appropriate. Inactive money is sacred, and Defendant as well is not legally allowed to Holder Gain on my Monetary property

.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 in 6 years failure to return my Property of their own recognizance and the Failure of State and Eastern Court to follow the rights of employee filers as USC 28-Article 78. NYC and NYC County Judiciary Stated failure to render. Defendants have Lack of Respect of JOD's and or Orders, and currently, Lack of Accountability and failures in Public Integrity is Penal Code Violations as Employer failed to Be Acknowledged Presidential EO, Time of failure is punitive and NYC has not right to this property, all actions by NYC Mayor post 180 days of his Sworn in Service are, . intentional; failure of mandatory reporting Looses of Employees in the Fund and failing to invoke State's self-sovereign obligation to return the funds or return Plaintiffs Principal losses. Please Order under Rule 44 Rehearing and return property.

County of Suffolk Date: July 22, 2026 Respectfully Submitted:  Maryann Maltese, Plaintiff-Appellant

CERTIFICATE OF COMPLIANCE

No.

Maryann Maltese

Petitioner

V.

NEW YORK CITY MAYOR; ERIC ADAMS

NYC OFFICE OF LABOR COUNCIL (NYCOLC)

RENEE CAMPIONE COMMISSIONER NYC OLC

Defendants-Respondents

As required by Supreme Court Rule 33.1(h), I certify that the Petition for Writ of Certiorari continues at 3,000 words, excluding the parts of the petition that are exempted by

Supreme Court Rule 33. 1 (d).

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

Executed on July 22, 2026

Maryann Maltese