

OCT 14 2025

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Case No. 25-309

IN THE SUPREME COURT OF THE UNITED STATES

KAEUN KIM

Petitioner/Plaintiff,

v.

MARK ALI, MIRA OHM,
PRUDENTIAL FINANCIAL,
ROBERT BUHRMEISTER

Respondents/Defendants.

**EMERGENCY APPLICATION TO THE HONORABLE
SAMUEL A. ALITO, JR.,
Associate Justice of the Supreme Court of the United States and
Circuit Justice for the Third Circuit**

**FOR TEMPORARY ADMINISTRATIVE RELIEF &
AN ALL WRITS ORDER**

**(Seeking Immediate Preservation of Native Surveillance Media, Limited Authentication
Access, and a Short Stay)**

KAEUN KIM

PO BOX 7084

New York, NY 10116

718-908-9008

fceakkim@aol.com

Petitioner

Dated: October 14, 2025



EMERGENCY—RELIEF REQUESTED BY 5:00 P.M. (ET), WEDNESDAY, OCTOBER 15, 2025¹, DUE TO ONGOING RISK TO NATIVE EVIDENCE AND CHAIN-OF-CUSTODY.

INTRODUCTION AND RELIEF REQUESTED

This emergency application requests narrow, time-limited relief to preserve the status quo and the integrity of judicial proceedings. The dispute turns on surveillance/video evidence that lower tribunals accepted **without** foundational showings required to authenticate digital video under **Federal Rule of Evidence 901** and to avoid unfair prejudice under **Rule 403**. Petitioner seeks an order directing courts and parties to maintain a neutral, read-only preservation posture and to require **minimal, administrable** safeguards before any consideration or reliance on the disputed video.

Specifically, Petitioner asks the Court to (1) preserve the status quo, (2) require a short Rule 901 authentication proffer addressing **hashes, edit logs, time synchronization, and export chain**, and (3) prohibit use of edited or enhanced clips absent longer-context native playback and clear demonstration of integrity. This targeted relief prevents **trial-by-montage** and ensures downstream proceedings are guided by a uniform, judge-friendly foundation.

QUESTIONS PRESENTED

1. Whether an applicant is entitled to all-writs relief preserving the status quo when lower courts admit or rely on digital video **without** minimal authenticity showings under **Rule 901** and adequate safeguards against unfair prejudice under **Rule 403**.

¹ “In the alternative, no later than 5:00 p.m. (ET), Thursday, October 16, 2025.”

2. Whether courts must require **administrable minimums** for digital video authentication—(a) pre-/post-export cryptographic **hashes**, (b) an **Edit Decision List (EDL)** or equivalent log for every alteration, (c) **time-synchronization** and continuity verification, and (d) **export chain** documentation—before admitting edited or enhanced video.
3. Whether courts should apply process-level **bias-mitigation** (e.g., **LSU-E** with documented unmasking and blinded review) to avoid the **bias cascade** that can occur from narrative-driven selection → export → enhancement → presentation.

JURISDICTION

This Court has jurisdiction under the **All Writs Act**, 28 U.S.C. § 1651(a), and **Supreme Court Rule 20**, to issue orders “in aid of” its jurisdiction and to preserve the status quo pending the filing and consideration of a petition for a writ of certiorari.

PROCEDURAL POSTURE AND TIMELINESS

This Application is timely and necessary to protect the Court’s prospective jurisdiction. On **September 30, 2025**, the **Essex County Court** ordered Petitioner to “**appear in court on October 20, 2025 or submit a request for extension.**” On that date, Petitioner expressly requested a **written order**; chambers subsequently indicated “**no need to appear.**” The notice by email then reflected **October 20, 2025** as a “**controlled date only,**” i.e., no appearance absent a further written order. Nevertheless, the matter is now moving toward reliance on **edited/enhanced surveillance video without** a Rule 901 foundation or Rule 403 guardrails.

Petitioner **filed** a petition for a writ of certiorari on **June 30, 2025**, and it was **docketed** on **September 17, 2025**, well within the time permitted by **Supreme Court Rule 13**. Absent temporary relief, the **October 20, 2025** controlled date—and associated reliance on disputed video—will irreparably alter the status quo, risk tainting the record with unauthenticated and potentially misleading exhibits, and frustrate this Court’s ability to grant meaningful relief on certiorari. The requested, narrowly tailored all-writs relief preserves the status quo and prevents mootness or practical defeat of the Court’s jurisdiction pending certiorari review. See 28 U.S.C. § 1651(a); Sup. Ct. R. 20, 22; cf. *FTC v. Dean Foods Co.*, 384 U.S. 597, 603–05 (1966); *United States v. N.Y. Tel. Co.*, 434 U.S. 159, 172–75 (1977).

BACKGROUND

1. **The Disputed Video:** The case turns on multi-camera surveillance footage that has been excerpted and enhanced. The lower tribunals accepted edited clips **without** complete provenance or integrity showings: no end-to-end hashing, incomplete or absent edit logs, unclear export methods and tool versions, and unresolved time-sync/continuity questions. [Third Circuit (Case No. 24-1448) ECF # 43-Appendix: **Affidavit:** Pa 21-23, **Video Submission Form:** Pa 26, **Declaration:** Pa 27-29 , and **Criminal Action:** Pa 31-32, Exhibit A-G]. In this case, crucial surveillance footage was allegedly altered under AP Giordano & Ohm's watch and presented without proper authentication, violating Federal Rules of Evidence Rule 901 as well as New Jersey Rules of Evidence Rule 901.
2. **Consequences of Admitting Edited Clips:** The record reflects **narrative-driven clip selection** and **post-hoc enhancement**. Absent

minimal safeguards, viewers are exposed to **compression artifacts, cropping, and context loss**—each creating a substantial risk of **unfair prejudice and misleading impressions** under **Rule 403**.

1. **24th-floor allegation.** Although Petitioner **did not disembark** on the 24th floor, the submitted footage **depicts otherwise**; the sequence **diverges from the native scene** and bears indicia of manipulation. (*See Third Cir. No. 24-1448, ECF No. 43 (App'x Exs. B–C).*)
2. **Escorted-by-security narrative.** The video **portrays** Petitioner being escorted from the elevator by three security staff, whereas the underlying record shows he proceeded **independently** to the lobby; the clip also **omits standard timestamp features**, undermining provenance. (*See id. (App'x Exs. C–E).*)
3. **Time-lapse discrepancy.** The **elapsed time** from the 24th floor to the lobby has been **shortened by 1 minute and 8 seconds**, indicating a **temporal discontinuity** inconsistent with continuous recording. (*See id. (App'x Exs. A & E).*)

These defects—unexplained edits, missing timestamps, and continuity gaps—underscore why courts should require a **Rule 901 foundation** (hashes, EDL, time-sync/continuity, and export-chain documentation) and apply **Rule 403 guardrails** (longer-context native playback, limitations on demonstratives, or exclusion where prejudice outweighs probative value).

3. **Why Emergency Relief Is Needed:** Imminent reliance on these clips would irreparably skew downstream fact-finding. Limited, **administrable** protections now—read-only preservation, a short Rule 901 proffer, and Rule 403 guardrails—avoid taint while imposing minimal burden.

STANDARD FOR RELIEF

All-writs relief is appropriate to preserve the Court’s potential jurisdiction and prevent irreparable harm. See 28 U.S.C. § 1651(a); Sup. Ct. R. 20. The Court weighs (1) a reasonable probability of certiorari, (2) a fair prospect of reversal, and (3) a likelihood of irreparable harm absent relief; it also considers equities and the public interest. The Court should direct that any requirement to appear be **reduced to a written order** and served on the parties, and that **verbal directives not be enforced** in the interim. [See All Writs Act, 28 U.S.C. § 1651(a).

ARGUMENT

I. Courts must require a uniform, administrable Rule 901 foundation for digital video before reliance on edited or enhanced clips.

Rule 901 requires the proponent to produce evidence “sufficient to support a finding” that the item is what the proponent claims. Digital video—especially multi-camera surveillance—cannot meet that standard **without** basic integrity and provenance showings. Uniform minimums reduce mid-proceeding disputes, avoid prejudice, and provide **judge-friendly** checkpoints applicable across cases.

Judge-ready principle (bias cascade). *When video is reviewed or edited after a narrative has formed, task-irrelevant context can cascade into selection, export, enhancement, and presentation, increasing the risk of misleading evidence unless process-level safeguards are used.* Courts should mitigate this **bias cascade** through **process controls** that are easy to certify and verify.

Minimal non-negotiables (Rule 901 floor). At a minimum, the proponent should provide:

1. **Cryptographic hashes (pre-/post-export)** for the native file and each derivative, to verify integrity before and after handling;

2. **Edit Decision List (EDL) / edit log** for every cut, transcode, enhancement, or redaction, with tool/version parameters;
3. **Time-synchronization & continuity** verification (clock drift/offset method; continuity checks for gaps/dropped frames); and
4. **Export chain documentation** identifying who/what/when/how, including devices, software versions, and transfer/storage paths.

These items are **binary, checkable** facts that satisfy Rule 901's foundation and sharply narrow disputes.

II. Rule 403 requires longer-context native playback and limitations on demonstratives when edits/compression risk unfair prejudice or misleading impressions.

Where edits, montages, or compression artifacts risk unfair prejudice or confusion, **Rule 403** requires courts to prefer **longer-context native playback**, bar advocacy overlays/soundtracks, and cabin demonstratives with clear labeling. If the Rule 901 foundation is not met—or if prejudice substantially outweighs probative value—**exclusion** is warranted.

III. Administrable bias-mitigation: LSU-E and blinded review reduce cognitive contamination without burdening courts.

To contain the **bias cascade**, courts should require **Linear Sequential Unmasking – Expanded (LSU-E)** or a functionally equivalent protocol:

- **Task-relevant masking** on the first pass (e.g., reviewers see camera/time fields, not narrative context);
- **Documented unmasking sequence** (who learned what, when, and why);
- **Blinded secondary review** for any enhancement/interpretation; and
- **Role segregation** (exporters are not the interpreters).

These steps can be certified via a one-page proffer and verified, if needed, in a brief Rule 104(a) hearing focused only on disputed items.

IV. A short, judge-friendly checklist makes gatekeeping practical and neutral.

Courts can operationalize this with a **two-step** approach:

Step 1 – Pretrial/Pre-use Certification (Paper Check). Proponent files a one-page certification attaching (a) hash table (native + derivatives, pre/post), (b) EDL/edit log extracts, (c) time-sync/continuity method & results, (d) export chain summary with tools/versions.

Step 2 – Targeted Rule 104(a) Hearing (Only if Needed). If any item is contested or missing, hold a limited gatekeeping hearing addressing only those points. Remedies scale with risk: require longer-context native playback, bar overlays/soundtracks, cabin demonstratives—or exclude.

V. Equities and the public interest strongly favor preserving the status quo and enforcing these minimums.

The requested relief imposes **negligible burden**, prevents irreversible prejudice, and enhances public confidence in courts' handling of ubiquitous digital video. It aligns judicial practice with established forensic reliability norms, while remaining **tool-agnostic**, short, and easy to administer.

REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

1. **Preserve the status quo** and direct the parties to maintain neutral, read-only preservation of all native video files and derivatives pending further order;

2. **Require** a short **Rule 901** proffer addressing (a) **pre-/post-export hashes**, (b) **EDL/edit logs**, (c) **time-sync/continuity**, and (d) **export chain/tools/versions** before any reliance on edited or enhanced clips;
3. **Apply Rule 403 guardrails**: prefer longer-context native playback, prohibit overlays/soundtracks, and limit or exclude demonstratives absent the Rule 901 foundation; and
4. Grant any further relief the Court deems proper.

CONCLUSION

The Court should grant this limited, practical relief to safeguard authenticity, minimize prejudice, and preserve its potential jurisdiction. A short, paper-driven Rule 901 foundation and neutral Rule 403 guardrails avert irreversible harm and promote reliable adjudication.

Respectfully submitted,

By:  _____

KAEUN KIM, Petitioner

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Counsel for Petitioner (Pro Se)

October 14, 2025

APPENDIX A

Minimum Evidentiary Safeguards: Cognitive Bias and Rule 901 Gatekeeping

A. Rule 901 — Minimal Non-Negotiables (Floor)

1. **Hashes:** Pre-/post-export cryptographic hashes for native and each derivative.
2. **EDL/Edit Log:** Itemized record of every cut/transcode/enhancement with tool/version parameters.
3. **Time-Sync & Continuity:** Method used; clock drift/offset results; continuity checks for gaps/dropped frames.
4. **Export Chain:** Who/what/when/how; devices; software versions; transfer/storage paths.

B. Bias-Cascade Principle (Judge-Copy Sentence)

When video is reviewed or edited after a narrative has formed, task-irrelevant context can cascade into selection, export, enhancement, and presentation, increasing the risk of misleading evidence unless process-level safeguards are used.

C. Common Pitfalls & Must-Have Safeguards

- **Pitfall 1 — Narrative contamination:** selection post-narrative; selective clips.
 ***Safeguard:** LSU-E with task-relevant masking; documented unmasking; blinded secondary review.

- **Pitfall 2 — Tool/environment opacity:** unknown codecs/versions/settings; enhancement artifacts.

***Safeguard:** Full tool/version disclosure; viewer/codec guidance; **native file retention.**

D. 403 Remedies (Scaling with Risk)

- Prefer longer-context native playback;
- Ban overlays/soundtracks;
- Cabin demonstratives with clear labels;
- Exclude if prejudice/misleading risk outweighs probative value.

Case 25-309

**IN THE
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KAEUN KIM,
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v.
MARK ALI, MIRA OHM,
PRUDENTIAL FINANCIAL
ROBERT BUHRMEISTER
Defendants/Respondents.

CERTIFICATE OF SERVICE

I certify that on October 14, I served this Application on Respondents by registered mail and lodged copies with the Clerk as required:

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KAEUN KIM, Plaintiff / Petitioner
PO BOX 7084, NEW YORK, NY 10116

Dated: October 14, 2025

Case No. 25-309

IN THE SUPREME COURT OF THE UNITED STATES

KAEUN KIM

Petitioner/Plaintiff,

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MARK ALI, MIRA OHM,
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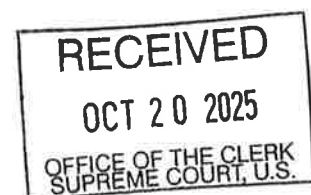
**EMERGENCY APPLICATION TO THE HONORABLE
SAMUEL A. ALITO, JR.,
Associate Justice of the Supreme Court of the United States and
Circuit Justice for the Third Circuit**

**“Supplemental Submission in Support of Emergency
Application” (Rule 22 application)**

**(Seeking Immediate Preservation of Native Surveillance Media, Limited Authentication
Access, and a Short Stay)**

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Petitioner

Dated: October 16, 2025



SUPPLEMENTAL SUBMISSION IN SUPPORT OF EMERGENCY APPLICATION

Petitioner respectfully submits the attached Declaration of Kaeun Kim (Exhibit B), made pursuant to 28 U.S.C. § 1746. Relying on the existing record and authoritative literature on cognitive bias and digital-video authentication, the declaration explains the “bias cascade” that can occur in video workflows and identifies a minimal authentication floor under Rule 901 (pre-/post-export hashes, EDL/edit log, time-sync/continuity, and export-chain documentation), together with core safeguards under Rule 403 to mitigate unfair prejudice. This submission supplements the record and supports the narrow relief requested; it does not expand the questions presented.

APPENDIX B

DECLARATION OF KAEUN KIM

(and Exhibit C: Selected Sources)

No. 25-309 — In the Supreme Court of the United States

Kaeun Kim, Petitioner, v. Ali, et al., Respondents

I, **Kaeun Kim**, declare as follows:

1. Background and basis

1. I am the **Petitioner** in the above-captioned matter. I make this declaration pursuant to **28 U.S.C. § 1746** based on my personal knowledge, the case record, and my review of widely recognized literature concerning cognitive bias in forensic decision-making and digital-video authentication.
2. I am **not offering expert testimony**. I summarize process-level principles that courts routinely use to evaluate video reliability and fairness, and I identify **minimum, objective showings** appropriate for authentication under **Fed. R. Evid. 901** and prejudice balancing under **Rule 403**.

2. Bias cascade in video workflows

3. When video is selected, exported, enhanced, or presented **after a narrative has formed**, task-irrelevant context can **sequentially influence** which clips are chosen, how they are processed, and how they are framed. Without process-level safeguards, this “**bias cascade**” increases the risk that a trier of fact will be **misled** by incomplete, selectively enhanced, or context-loaded footage.

3. Minimum authentication showing (Rule 901)

4. Before a court relies on edited or enhanced video, the proponent should **make** at least the following **objective, auditable** showing:
 - **(a) Hashing: Pre- and post-export cryptographic hashes** for the native file and each derivative, to document integrity across each transformation.

- **(b) Edit trail:** An **Edit Decision List (EDL)/edit log** for every cut, transcode, enhancement, or speed/format change.
- **(c) Time/continuity:** **Time-synchronization and continuity verification**, including clock drift/offset handling and **gap checks**.
- **(d) Export chain:** **Export-chain documentation**—who/what/when/how (devices, software and versions, settings, and transfer/storage paths). These items are straightforward to produce in modern workflows and are minimally necessary to permit **meaningful Rule 901 assessment**.

4. Pitfalls and safeguards (Rule 403)

5. Common pitfalls include **narrative contamination** (post-hoc clip selection) and **tool opacity** (unknown codecs/versions/settings). To mitigate **unfair prejudice** and the risk of misleading the factfinder (**Rule 403**), essential safeguards include:
 - **Role separation** (those exporting the video are not the same individuals advocating its interpretation);
 - **Documented, sequential unmasking of context** (LSU-E-style task-relevant masking with staged disclosure); and
 - **Blinded secondary review** of the export trail and continuity.

5. Scope

6. These are **general process standards**. I do not opine on any case-specific factual disputes in this declaration; I identify **minimum procedures** that permit reliable authentication and fair presentation.

I declare under penalty of perjury that the foregoing is true and correct.
 Executed on **OCTOBER 16, 2025**, at **New York, NY**.

By: 
Kaeun Kim, Petitioner

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EXHIBIT C — Selected Sources on Cognitive Bias & Digital-Video Authentication (1 page)

FOUNDATION AUTHORITIES (LAW & RULES)

1. Fed. R. Evid. 401, 403, 901 — Relevance, prejudice, and authentication standards for exhibits, including digital video.
2. Fed. R. Evid. 702; Daubert/Kumho — Reliability of methods and gatekeeping for technical processes (hashing, edits, exports).

COGNITIVE BIAS & LSU-E (PROCESS SAFEGUARDS)

3. Dror, I.E. “Cognitive bias in forensic decision making: causes and solutions.” *Phil. Trans. R. Soc. B* (overview of bias mechanisms and mitigation).
4. Dror, I.E. “The bias cascade/snowball: how initial context can propagate across steps.” *Analytical Chemistry* (commentary on sequential bias effects).
5. Dror, I.E. & Kukucka, J. “Linear Sequential Unmasking—Expanded (LSU-E): A general approach to reducing bias in decision-making.” *FSI Synergy* (framework for staged, task-relevant disclosure).
6. Kukucka, J., et al. “Cognitive bias and forensic decisions: a review.” *Journal of Applied Research in Memory and Cognition* (empirical synthesis and recommendations).

DIGITAL VIDEO INTEGRITY (HASHING, EDITS, TIMING, EXPORT CHAINS)

7. SWGDE (Scientific Working Group on Digital Evidence). Best Practices for Forensic Image and Video Processing — requirements for documenting edits, versions, tools, and parameters; change-tracking and validation.
8. SWGDE. Recommended Guidelines for the Use of Video in the Criminal Justice System — acquisition, chain of custody, continuity, and playback/format considerations.
9. ASTM E2825. Standard Guide for Forensic Digital Image Processing — documentation of processing steps, parameter control, and reproducibility.
10. ASTM E2916. Standard Terminology for Digital and Multimedia Evidence — definitions supporting consistent use of “hash,” “EDL,” “derivative,” “export,” and related terms.
11. NIJ/NIST guidance (e.g., Forensic Imaging & Multimedia practitioner guides) — integrity verification, metadata handling, and timing/continuity checks.

Why these are cited: Items 3–6 explain how **task-irrelevant context** can bias sequential steps (selection → export → enhancement → presentation), motivating **LSU-E** and **blinded/role-separated review**. Items 7–11 address the **minimum authentication floor** for Rule 901—**pre/post cryptographic hashes, EDL/edit logs, time-sync/continuity checks, and export-chain documentation**—and support **Rule 403** safeguards to avoid misleading the factfinder.

EXHIBIT D - Forensic Report on Surveillance Video

(Based on Criminal Action, Nov. 15, 2022)

I, **Kaeun Kim**, the Appellant in the aforementioned case, attest to the personal knowledge of the events described herein.

1. I was employed as a financial advisor at Prudential's Fort Lee, New Jersey office for approximately five years. On April 12, 2018, I was informed of my termination over the phone by Michael Saccento, the Managing Director for Sales.
2. The following day, April 13, 2018, I tried to communicate via email with Prudential's CEO, John Strangfeld, and Senior Vice President, Caroline Feeney, requesting clarification regarding my termination. Later that day, I visited Prudential's headquarters in Newark, New Jersey, with the intent to meet with Mr. Strangfeld.
3. Upon arriving at the building, I registered with the security desk and was provided an entry pass. I informed the receptionist of my intent to meet with Mr. Strangfeld, since I hadn't heard from him. She contacted the 24th floor twice before issuing my entry pass.
4. I then used the elevator, intending to reach the 24th floor. However, upon arrival, I was met by a security staff member preventing my exit. I observed a picture, seemingly of me, being printed at the entrance of the secretariat. I subsequently did not disembark and returned directly to the lobby.
5. My firsthand account of events diverges from the presented narrative as follows:
 - (1) While I did not disembark on the 24th floor, the fabricated video evidence (D.E. 1 Exhibit B–C) suggests otherwise. This footage appears manipulated, showing a departure from the original scene.
 - (2) Fabricated video evidence suggests I was escorted from the elevator by three security staff (D.E. 1 Exhibit C–E), whereas I independently made my way to the lobby. The video lacks certain timestamp features.
 - (3) The video shows me being confronted by roughly ten Prudential employees in the lobby. In reality, only a single uniformed security guard arrested me. Experts suggest this footage is not in its original format.
 - (4) I recall a young Prudential employee directing me to a small room in the lobby, a scene missing from the available video.
6. Based on these video inconsistencies, Prudential's accusations have relied heavily on altered footage. Expert analysis and general observation indicate spatial and temporal discrepancies, suggesting tampering.

7. A review on November 15, 2022 (D.E. 1 Exhibit: Criminal Action (Pa 10–11)) noted a mismatch between the video's run-time and its on-screen timestamps. Further scrutiny revealed that the elevator's travel time was omitted.
8. More conclusively, the video time lapse between the 24th floor and the lobby (D.E. 1 Exhibit A & E) has been shortened by **1 minute 8 seconds**. This discrepancy suggests the video was altered.
9. In light of these, I contend that the charges laid against me by the Essex County prosecutors in August 2018 (D.E. 1 Appendix: Indictment 1 (Pa 4–6)) and again in June 2021 (D.E. 10. Appendix: Indictment 2 (Pa 7–9)) were based on tampered evidence and unsupported allegations. I urge an immediate investigation and dismissal of this prolonged, unjust prosecution.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 22, 2024, in New York, NY.

By: /s/ Kaeun Kim
KAEUN KIM, Appellant/Plaintiff

Case 25-309

**IN THE
Supreme Court of the United States**

KAEUN KIM,
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v.
MARK ALI, MIRA OHM,
PRUDENTIAL FINANCIAL
ROBERT BUHRMEISTER
Defendants/Respondents.

CERTIFICATE OF SERVICE

I certify that on [today's date], I served the foregoing Rule 21 Motion to Correct Caption and Party Listing, Letter to the Clerk, and enclosures by USPS Express (overnight) on each Counsel of record at the addresses below, in compliance with Supreme Court Rule 29. I further certify that a copy was mailed to the Clerk of the Court, Supreme Court of the United States, 1 First Street, NE, Washington, DC 20543.

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KAEUN KIM, Plaintiff / Petitioner
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Dated: October 16, 2025