

UNITED STATES DISTRICT COURT
Eastern District of New York

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ SEP 30 2025 ★

BROOKLYN OFFICE

Lidia M. Orrego

NOTICE OF APPEAL

Plaintiff(s),

20-cv-3361 (SJB) (AYS)

-against-

Kevin Knipfing et al.

Defendant(s).

X

Lidia M. Orrego _____ (name all parties
taking the appeal)*

appeal to the United States Court of Appeals for the Second Circuit from the order

Imposing Unlawful Filing Injunction and Deprivation of Rights (describe the order)

entered on September 16, 2025 (state the date that the order was entered).

Plaintiff respectfully appeals from the Order in its entirety and from each part thereof.

Signature	<u>/s/Lidia M. Orrego</u>
Name	<u>Lidia M. Orrego</u>
Prison ID	_____
Address	<u>9508 Queens Blvd., Apt. 3E</u> <u>Rego Park, NY 11374</u>
Phone	<u>(347) 453-2234</u>
Email	<u>liorrego@gmail.com</u>

{Note to inmate filers: If you are an inmate confined in an institution and you seek the timing benefit of Fed. R. App. P. (4)(c)(1), complete Form 7 (Declaration of Inmate Filing) and file that declaration with this Notice of Appeal.}

*See Rule 3(c) of the Federal Rules of Appellate Procedure for permissible ways of identifying appellants.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LIDIA M. ORREGO,

Plaintiff,

v.

KEVIN KNIPFING, et al.,

Defendants.
-----X

Case No. 20-cv3361-SJB-AYS

INFORMATIONAL STATEMENT REGARDING INTERLOCUTORY APPEAL

This statement provides background for Plaintiff Lidia M. Orrego's interlocutory appeal to the United States Court of Appeals for the Second Circuit from the pre-filing injunction order entered on September 16, 2025, by Honorable Sanket J. Bulsara, United States District Judge.

According to the Pro Se Office, the filing injunction issued on September 16, 2025, encompasses and effectively blocks the undersigned's pending brief, Plaintiff's Motion for Summary Judgment and Opposition to Defendants' Summary Judgment, which was due on October 3, 2025, pursuant to the Court's prior scheduling order.

The Plaintiff is unlawfully barred from filing papers electronically via the Pro Se Portal. This total denial of access to the Court constitutes a blatant violation of her Constitutional rights. The restriction is not grounded in any finding of frivolous filings but rather imposed precisely because the Plaintiff has been submitting evidence that exposes the Defendants' falsehoods in their filings. Such selective prohibition of access to justice undermines the principles of due process and equal protection under the law. See annexed Exhibit 1.

This filing injunction has the practical effect of **suppressing evidence, obstructing access to the courts, and blocking judicial review** of pending motions and newly filed complaints. These actions raise serious concerns regarding due process and oversight. Rep. **Dan Goldman's letter**

and public post dated September 26, 2025 highlight a similar situation in which an individual was deprived of constitutional rights, calling the deprivation "a blatant violation of her rights." See annexed Exhibit 2.

The District Court further misrepresented the new proceedings by characterizing them as "repetitive," including **DE [211] Complaint against Full Shimmec Inc. and others**, thereby distorting the record and improperly minimizing Plaintiff's distinct claims. That complaint details the Defendants' ongoing misconduct and crimes against Plaintiff. Rather than addressing Defendants' unlawful actions, the District Court has instead punished Plaintiff for exercising her rights to seek justice. See annexed Exhibits 3, 4, and 7.

Attached Exhibits 3, 4, 7, Plaintiff filings, and Letter from the Pro Se Office show that in the Docket, there are missing pages. It is legally improper that Plaintiff's submission, filed initially as a 229-page document (DE [211]), was docketed by the District Court as only ONE page. Under **FRCP 5(d)(4), the Clerk is obligated to file papers as submitted** and may not refuse or alter them for form. By omitting pages, the Court created an incomplete and misleading record, materially misrepresenting the Plaintiff's request. This error deprives Plaintiff of due process and a fair record for judicial review. Pursuant to **FRAP 10(e)** and **FRCP 60(a)**, the record must be corrected to reflect the complete submission. Alternatively, relief is warranted under **FRCP 60(b)** due to the prejudice caused by this misrepresentation. The Court's continued failure to address Plaintiff's repeated requests for clarification compounds this prejudice and constitutes a denial of access to justice.

The Order incorrectly states that Plaintiff's Letter Motion for Leave violated the injunction. This is factually wrong. In this case, **24-cv-7247, Orrego v. Savitsky et al., DE [30]**, Plaintiff filed a 144-page document via the Pro Se Portal, which included exhibits. Additionally, Plaintiff

filed in **23-cv-6507, Orrego v. Pasternack Tilker Ziegler Walsh Stanton & Romano LLP et al., DE [103]**, a 10-page document via the Pro Se Portal on **August 15, 2025**, and **August 20, 2025**, respectively. Plaintiff never received any notice or complaint that these filings violated the first unlawful injunction dated **August 14, 2025**.

This retroactive application interferes with an active deadline and precludes the submission of a timely, substantive opposition, despite no showing of abuse or noncompliance. As a result, the injunction not only obstructs access to the Court but also denies a meaningful opportunity to be heard, further violating due process under the Fifth and Fourteenth Amendments.

Plaintiff requested, pursuant to **FRCP 15(a)(2)**, leave to file a revised opposition to Defendants' summary judgment. The rule expressly provides that amendments should be "freely given when justice so requires." Despite this standard, the District Court returned Plaintiff's request without any consideration, an action that violates both the Federal Rules of Civil Procedure and Plaintiff's constitutional rights to due process and access to the courts.

In addition, Plaintiff sought relief under **FRCP 12(f)** to strike immaterial, scandalous, and prejudicial matter from Defendants' submissions, specifically pages 129–178 of their filing. Rule 12(f) empowers courts to strike such improper matter to protect the integrity of the record. Yet the District Court disregarded this request, allowing false and prejudicial content to remain unchallenged in the record.

By refusing both motions, the District Court obstructed Plaintiff's ability to correct the record and fairly oppose summary judgment. This denial of procedural fairness constitutes an abuse of discretion and deprived Plaintiff of a meaningful opportunity to be heard. See **Exhibit 5 (DE, dated September 15, 2025, Letter Motion for Leave to File Revised Opposition)** and

Exhibit 6 (dated September 16, 2025, Letter Motion for Leave to File Motion to Strike pages 129–178 under FRCP 12(f)).

The order dated **September 16, 2025**, imposes an indefinite, retroactive **filing injunction** without notice, a hearing, an affidavit of irreparable harm, or a motion by any party, in violation of multiple procedural rules and constitutional protections. Specifically, the Court violated:

- **FRCP 65(b)** -- by issuing a temporary restraining order *sua sponte* without required procedural safeguards, including notice, an affidavit showing irreparable harm, certification of notice efforts, expiration limits, or a hearing;

- **FRCP 72** – by denying the right to be heard on pretrial motions without magistrate referral or proper district judge review;

- **FRCP 16(b)** – by unilaterally overriding a pre-existing scheduling order (e.g., the August 2025 order setting deadlines for October 3, 2025) without a showing of good cause;

- **FRCP 12(f)** – by failing to consider a motion to strike immaterial and prejudicial allegations (see Exhibit 6);

- **Federal Rule of Appellate Procedure 10(e)** – If there is a dispute about whether the record truly reflects what was filed, a party may move to correct or supplement the record.

- **FRCP 37** – by ignoring documented discovery violations and false affidavits, and failing to impose appropriate sanctions;

- **FRCP 15(a)(2)** – by denying the undersigned’s request to file a revised opposition to summary judgment, even though amendments should be “freely given when justice so requires” (*Exhibit 5*);

- **Local Rule 56.1** – by disregarding procedural defects and improperly submitted Summary Judgment materials;

- **Federal Rule of Civil Procedure 5(d)(4)** – The clerk “must not refuse to file a paper solely because it is not in the form prescribed by these rules.” Once filed, the entire submission must be entered into the record. Missing pages mean the record is incomplete.

- **Clerical Mistake Relief (FRCP 60(a))** – If the error is the Court’s, the party can move to correct the docket entry.

- **Federal Rule of Evidence 403** – by allowing unduly prejudicial material to remain in the record, despite its lack of probative value;

- **First Amendment** – by violating the right to petition the government through legal filings and suppressing protected judicial speech;

- **Fifth Amendment** – by denying due process through lack of notice, hearing, and an opportunity to be heard, - **Due Process** – *An incomplete or altered* filing deprives the party of a fair record for judicial review, which courts recognize as a due process violation;

- **Fourteenth Amendment** – by imposing unequal treatment based on Pro Se status, effectively penalizing self-representation;

- **28 U.S.C. § 455(a)** – by failing to recuse in the face of an appearance of partiality, including political connections;

- **28 U.S.C. § 453** – by violating the judicial oath to uphold the Constitution and administer justice impartially.

Attached Exhibits

Exhibit 1 – Dated September 16, 2025 Email – Activity in Case 2:20-cv-03361-SJB-AYS, Orrego v. Knipfing et al., Order on Motion for Leave to File – Injunction

Exhibit 2 – Dated September 26, 2025 - X Post and Letter – Rep. Dan Goldman – Deprivation of Rights

Exhibit 3 – Dated September 8, 2025 - DE[211] – Letter Motion for Leave to File New Proceedings

Exhibit 4 – Dated September 8, 2025 - New Complaint – Orrego v. Full Shimmee Inc. et al.

Exhibit 5 – Dated September 15, 2025 - Letter Motion – Leave to File Revised Opposition (pursuant to FRCP 15(a)(2))

Exhibit 6 – Dated September 16, 2025 - Letter Motion – Leave to File Motion to Strike Paragraphs 129–178 under FRCP 12(f)

Exhibit 7 – Dated September 18, 2025 - Letter from Pro Se Office.

Dated: September 30, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd, Apt. 3E
Rego Park, NY 11374
Phone (347) 453-2234
Email: liorrego@gmail.com

Certificate of Service

I certify that on September 30, 2025, I filed this statement with the Clerk of the District Court in person at the Eastern District of New York.

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se

EXHIBIT 1



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:20-cv-03361-SJB-AYS Orrego v. Knipfing et al Order on Motion for Leave to File

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Tue, Sep 16, 2025 at 6:48 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mailbox is unattended.

Additional Security Enhancements Coming Soon For information visit PACER website

<https://pacer.uscourts.gov/announcements/2025/06/27/additional-security-enhancements-coming-soon>

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 9/16/2025 at 6:48 PM EDT and filed on 9/16/2025

Case Name: Orrego v. Knipfing et al

Case Number: 2:20-cv-03361-SJB-AYS

Filer:

Document Number: No document attached

Docket Text:

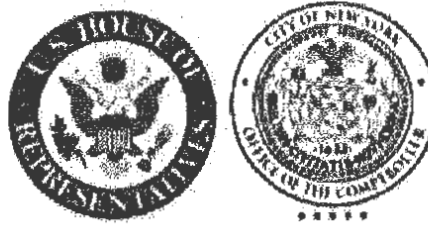
ORDER: Plaintiff Orrego has now filed multiple applications seeking leave to file additional motions and/or open new cases. Though the cover letters for these motions comply with the Court's admonition that leave be sought in a short letter with a word limit, the motions attach hundreds, if not thousands of pages of material, which not only violate the filing injunction, but are unnecessarily duplicative material.

The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff. The motions seeking leave, in this case at Dkt. No. [211], are denied. Plaintiff is prohibited from making any further filings on this docket, or using the portal available to pro se litigants, absent further order of this Court (no leave may be sought). The Clerk's Office is directed to terminate Plaintiff Orrego's access to the pro se portal, to reject and promptly return to Plaintiff any motion or document submitted by her, and not to file any submission on ECF or retain custody of such material.

Plaintiff is reminded that her filing of this unnecessary material has simply impeded, delayed, and obstructed the Court's ability to resolve the merits of the case, and its ability to move this case forward, to trial (if appropriate). The Court will lift this filing injunction following resolution of the pending motions in all of her cases, in order to give her an opportunity to object, appeal, or reconsider any decision, or to make any post-decision filings attendant to trial, should the Court determine that the case should proceed to trial or further discovery. But until the Court renders such decisions, the filing injunction imposed by this order will remain in place. So Ordered by Judge Sanket J. Bulsara on 9/16/2025. (RB)

2:20-cv-03361-SJB-AYS Notice has been electronically mailed to:

EXHIBIT 2



September 26, 2025

The Honorable Pamela J. Bondi
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Bondi:

We write to refer for your review, investigation, and potential prosecution an incident of excessive force by an Immigration and Customs Enforcement (ICE) officer that took place at 26 Federal Plaza in New York City on Thursday, September 25. According to witnesses — including members of the press — and documented by video footage, an ICE officer violently and unnecessarily threw a woman, Monica, to the ground in front of her young children, causing her to hit the back of her head on the floor and require treatment at the hospital. The incident took place shortly after ICE agents detained Monica's husband following a routine court appearance related to his asylum application.¹

This flagrantly egregious conduct by this ICE officer is in apparent violation of 18 U.S.C. § 242 (Deprivation of Rights Under the Color of Law), which makes it a federal crime for any officer or agent acting under color of law to willfully deprive an individual of rights that are secured or protected by the laws of the United States and the Constitution.² In this case, the officer, acting under the color of law, willfully used excessive physical force by throwing a young mother to the ground and thereby deprived the victim of her Fourth Amendment right to be free from unreasonable searches and seizures. As you know, the Fourth Amendment applies to all persons in the United States, including Monica.

Federal prosecutors have a history of successfully pursuing similar cases. For instance, in 2022, a federal jury convicted a Customs and Border Protection (CBP) officer of violating § 242 after he used unreasonable force on an individual at the Calexico Port of Entry. Evidence presented in this case involved surveillance video and witness testimony showing the CBP officer grabbing a man from his car, throwing him to the ground, and causing injury during their encounter.³ The officer's conviction underscores how deliberate use of force and abuse of power by federal officers warrant legal action under the scope of § 242.

¹ U.S. Agent Pushes Woman to Floor in Immigration Courthouse Confrontation, New York Times (Sept. 25, 2025), <https://www.nytimes.com/2025/09/25/us/immigration/ice-push-woman-ny.html>

² 18 U.S.C. § 242 (2024).

³ Press Release, U.S. Attorney's Office for the S. Dist. of Cal., Customs and Border Protection Officer Convicted by Federal Jury of Using Unreasonable Force at Calexico Port of Entry and Obstructing Justice (Mar. 9, 2022), <https://www.justice.gov/sac-sdca/pr/customs-and-border-protection-officer-convicted-federal-jury-using-unreasonable-force>.

Page 2

Moreover, your own Justice Department has demonstrated a consistent pattern of filing felony charges for far less serious conduct. A hallmark of equal justice under the law is that like cases are treated alike. If, as you are fond of saying, "no one is above the law,"⁴ then certainly this incident deserves prosecution under the very precedent set by you as Attorney General.

We respectfully request that you immediately investigate this incident in a timely manner and enforce the laws prohibiting this gross misconduct to the fullest extent. Every person in this country must be assured that federal officers are not above the law, and that if they engage in abuses of power they will be held accountable for their actions.

Thank you for your attention to this important issue. We look forward to your response.

Sincerely,



Dan Goldman
Member of Congress



Brad Lander
New York City Comptroller

cc: The Honorable Jay Clayton
United States Attorney, Southern District of New York

⁴ Pam Bondi (@AGPamBondi), "No one is above the law. Today's indictment reflects this Department of Justice's commitment to holding those who abuse positions of power accountable for misleading the American people. We will follow the facts in this case," X (formerly Twitter), September 25, 2025, <https://x.com/AGPamBondi/status/1971345371583611093>

EXHIBIT 3

*** Filed ***
10:53 AM, 09 Sep, 2025
U.S.D.C., Eastern District of New York

Hon. Sanket J. Bulsara
United States District Judge
United States District Court, Eastern District of New York
100 Federal Plaza, Courtroom 930
Central Islip, NY 11722 - Via ECF – Pro Se Office

Re: Case No. 20-CV-3361 (SJB)(AYS) Orrego v. Knipfing et al.

Re: Request for Leave to File New Proceedings Based on New Evidence – Workers' Compensation Fraud by Shimmee Inc. and Others; Deprivation of Rights by Attorney General Letitia James and Governor Kathy Hochul

Dear Judge Bulsara:

I request leave to file two new proceedings in EDNY: (1) Against Shimmee Inc., employee's boss, and third-party company for workers' compensation fraud (false affidavits, misclassification) from September 9, 2019, to March 31, 2025, supporting FLSA, RICO, and NY fraud claims; (2) Against Attorney General Letitia James, Governor Kathy Hochul, and state actors for deprivation of rights under 42 U.S.C. § 1983. See attached Exhibits 1–8 (2025 affidavits, benefit denials, pay records) substantiate claims. As a pro se litigant, I request leniency. Please grant leave.

Word count: 100

Respectfully submitted,

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd, Apt. 3E
Rego Park, NY 11374
Phone: (347) 453-2234
Email: liorrego@gmail.com

All the parties are registered in NYSCEF.

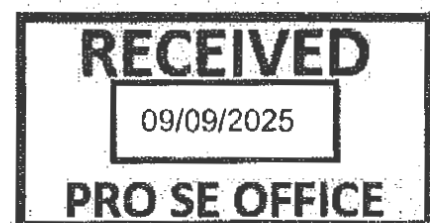


EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Full Shimme Inc, New York Marine & General Insurance Co., Cipriani & Werner PC, Marc Neuman, Cannon Cochran Management Services Inc. (CCMSI), John Doe, Jane Doe

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Lidia M. Orrego</u>
Street Address City and	<u>95-08 Queens Blvd. 3E, Rego Park</u>
County State and Zip	<u>Queens, New York, 11374</u>
Code Telephone	<u>(347) 453-2223</u>
Number E-mail Address	<u>liorrego@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Full Shimmee Inc.</u>
Job or Title (if known)	<u></u>
Street Address	<u>2049 Century Park E</u>
City and County	<u>Los Angeles</u>
State and Zip Code	<u>CA, 90067</u>
Telephone Number	<u>(310) 926-7236</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u>New York Marine & General Insurance Co.</u>
Job or Title	<u></u>
(if known)	
Street Address	<u>485 Mount Kemble, Ste. 300C</u>
City and County	<u>Morristown</u>
State and Zip Code	<u>NJ 07960</u>
Telephone Number	<u>(800) 774-2755</u>
E-mail Address	<u></u>
(if known)	<u></u>

Defendant No. 3

Name	<u>Cipriani & Werner PC</u>
Job or Title	<u></u>
(if known)	
Street Address	<u>485 Route 1, South Building E, Suite 120</u>
City and County	<u>Iselin</u>
State and Zip Code	<u>NJ 08830</u>
Telephone Number	<u>(848) 229-3300</u>
E-mail Address	<u>mneuman@c-wlaw.com</u>
(if known)	

Defendant No. 4

Name	<u>Marc Neuman</u>
Job or Title	<u></u>
(if known)	
Street Address	<u>485 Route 1, South Building E, Suite 120</u>
City and County	<u>Iselin</u>
State and Zip Code	<u>NJ 08830</u>
Telephone Number	<u>(848) 229-3300</u>
E-mail Address	<u>mneuman@c-wlaw.com</u>
(if known)	

Defendant No. 5

Name	<u>Cannon Cochran Management Services Inc.</u>
Job or Title	<u>(CCMSI) Third Party Administrator</u>
(if known)	
Street Address	<u>350 N Causeway Blvd. Suite 400</u>
City and County	<u>Metairie</u>
State and Zip Code	<u>LA 70002</u>
Telephone Number	<u>(504) 888-3555</u>
E-mail Address	<u>cayestas@ccmsi.com</u>
(if known)	

Defendant No. 6

Name	<u>John Doe</u>
Job or Title	<u></u>
(if known)	
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address	<u></u>
(if known)	

Defendant No. 7

Name	<u>Jane Doe</u>
Job or Title	<u></u>
(if known)	
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address	<u></u>
(if known)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) because the claims arise under federal law, specifically the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et seq., and the civil provisions of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968, based on a pattern of racketeering activity involving mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and related predicate acts committed by Defendants in connection with a fraudulent workers' compensation insurance scheme and misclassification of employment status.

This scheme injured Plaintiff's property interests, including her right to legitimate workers' compensation benefits, unpaid wages, overtime, and financial recovery for injuries sustained during employment. Evidence includes allegations of FLSA violations (unpaid wages) and RICO violations (interstate fraud) in the complaint. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367, as they arise from the same nucleus of operative facts as the federal claims. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this District, including the underlying

employment and injuries in New York, the filing of fraudulent insurance documents and false affidavits affecting New York residents, and communications directed at Plaintiff in Queens County, New York. Evidence includes the NY company's address and location of false filings.

Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this District, including the underlying employment and injuries in New York, the filing of fraudulent insurance documents and false affidavits affecting New York residents, and communications directed at Plaintiff in Queens County, New York. Evidence includes the NY company's address and location of false filings.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

- a. If the plaintiff is an individual
The plaintiff, (name) Lidia M. Orrego, is a citizen of the State of (name) New York.
- b. If the plaintiff is a corporation
The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

- a. If the defendant is an individual
The defendant, (name) Marc Neuman, is a citizen of the State of (name) New Jersey. Or is a citizen of (foreign nation) _____.
- b. If the defendant is a corporation
The defendant, (name) Full Shimmee Inc, is incorporated under the laws of the State of (name) California, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of

business in (name) _____.

The defendant, (name) New York Marine & general Insurance Co., is incorporated under the laws of the State of (name) New Jersey, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

The defendant, (name) Cipriani & Werner PC, is incorporated under the laws of the State of (name) New Jersey, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

The defendant, (name) Cannon Cochran Management Services Inc., is incorporated under the laws of the State of (name) Louisiana, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States. Plaintiff is a citizen of New York. Defendants Full Shimme, Inc. is a citizen of California; New York Marine & General Insurance Co., Marc Neuman, Cannon Cochran Management Services Inc. (CCMSI), and Cipriani & Werner PC are citizens of New Jersey. Evidence: Defendant addresses and quantified damages (e.g., medical costs, lost wages).

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Statement of Claim – Material Facts

1. Plaintiff Lidia M. Orrego is an individual residing at 95-08 Queens Blvd., Apt. 3E, Rego Park, NY 11374. Plaintiff is proceeding pro se and was employed as a domestic worker (nanny and housekeeper) by Kevin and Stephanieanna Knipfing ("Knipfings", "Employers") from January 31, 2018, to November 27, 2018, at their private residence in Old Westbury, New York, with a rate of \$30 per hour.

2. During her employment, Plaintiff was subjected to severe physical and emotional abuse, harassment, and discrimination based on her race (Hispanic/Paraguayan descent) by her supervisor, Teresa A. Zantua, including verbal insults, physical assaults, and encouragement of children to mock and harm Plaintiff. This abuse caused ongoing injuries, including chronic stress, pain in back and neck, tachycardia, headaches, stomach pain, sleep disturbances, and depression, documented by medical records from Dr. Moisey Delman, Dr. Vladimir Morgovsky, and others.

3. Plaintiff reported the abuse, including child abuse concerns, to her employers on November 2, 2018, and participated in an 'investigation' from November 6, 2018, providing evidence such as recordings, diary entries, pictures, and text messages. Plaintiff filed her medical certificate to Stephanieanna James Knipfing and Skylar Testa the House Manager about her injuries via email on November 2, 2018. Plaintiff was terminated by retaliation on November 6, 2018, disguised as a 'suspension,' by her employers Kevin and Stephanieanna Knipfing, preventing any follow-ups about her injuries, and her employers failed to file the claim at Workers' Compensation Board in violation of the law. The termination was formalized on November 27, 2018, with a letter from Old Westbury LLC, a ghost company used by her employers to retaliate, as evidenced by the termination letter filed in WCB Case No. G2584330 and EDNY 20-cv-3361 in violation of New York Workers' Compensation Law § 120, which

prohibits retaliation against employees for filing or attempting to file a workers' compensation claim, entitling Plaintiff to civil penalties and remedies.

4. On November 27, 2018, Plaintiff's employment was illegally formalized as terminated in retaliation, with the initial retaliatory action disguised as a 'suspension' by her employers Kevin and Stephanieanna Knipfing on November 6, 2018, accusing her of making a 'false complaint' with weak excuses via a ghost company, Old Westbury LLC. Her employers, Kevin and Stephanieanna Knipfing, spread defamatory statements labeling Plaintiff as 'slander' and 'delusional', harming her reputation, initiating the retaliation in violation of New York Workers' Compensation Law § 120, which prohibits retaliation against employees for filing or attempting to file a workers' compensation claim, entitling Plaintiff to civil penalties and remedies..

5. Old Westbury LLC is a ghost company fabricated by Plaintiff's employers to appear in the termination letter dated November 27, 2018, signed by Steve Savitsky, a person unrelated to Plaintiff's employment, to avoid liability for Kevin and Stephanieanna Knipfing. This termination was in retaliation for Plaintiff's complaint filed on November 2, 2018, reporting abuse and submitting a medical certificate, as evidenced by email correspondence and the termination letter filed in WCB Case No. G2584330 and EDNY 20-cv-3361 in violation of New York Workers' Compensation Law § 120, which prohibits retaliation against employees for filing or attempting to file a workers' compensation claim, entitling Plaintiff to civil penalties and remedies.

6. Plaintiff filed a Workers' Compensation claim (WCB Case No. G2584330) for injuries sustained during employment on September 3, 2018. The claim was disallowed on March 5, 2021, by the New York State Workers' Compensation Board based on fraudulent report of Jason Hochfelder MD - First Choice Evaluations in conspiracy with the Plaintiff's Counsel see EDNY 2:23-cv-06507 Orrego v. Pasternack Tilker Ziegler Walsh Stanton & Romano LLP et al.

7. Defendants abetting and aiding Plaintiff's employers' fraud, misclassified On September 9, 2018 the Plaintiff's employment as '9159-Theatrical Production Non-Players, Entertainers or Musicians,' instead of domestic worker from January 2018 to November 2018 to deny wage, overtime, or protections under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et seq., and New York Labor Law (NYLL), N.Y. Lab. Law § 190 et seq., violating NYLL's employee presumption (NYLL § 190(2)).

8. Defendants, from September 9, 2019, to March 21, 2025, filed false affidavits and forms misrepresenting employment details, including hours (over 40 hours/week) and salary (\$30/hour rate misreported), to evade wage obligations and perpetuate the scheme. Plaintiff worked hours at her contractual rate of \$30/hour and was eligible for overtime (1.5x rate, e.g., \$45/hour) from January 2018 to November 2018 under her employers' control, as evidenced by pay stubs, time records, and affidavits showing employer control (schedules and paystubs), proving employee status under FLSA's economic realities test, with ongoing wage loss due to Defendants' actions from September 9, 2019, to March 21, 2025. False affidavits misrepresented control over work (set hours, overtime), proving employee status and supporting FLSA and fraud claims. Evidence: Employment records, affidavits showing employer control (schedules, timesheets).

Employee Lidia M. Orrego	Real Employment Information annexed ID [7][8][10]	First Report of Injury (FROI) Denial, ID 330120371 dated 09/25/2019 - Fraudulent Misrepresentation - ID [5] [6] [18] to [24]
Legal Address	95-08 Qucens Blvd. 3 E, Rego Park NY 11374	2049 Century Park E Ste 1400, LA, CA 90067 - Steve Savitsky's Address*
Occupation	Nanny/Housekeeper	Theatrical Prod. Noc- Players
Employee ID	44838 (Check-Paystub)	999999LORREGO
Social Security Number	***-**-4596	In Blank
No. Days Worked	6 (six) days (60 - 88 hours)	5 (five) days
Estimated salary per week	\$ 2,500.00.- (Sec Check -W-2 Form)	\$ 200.00.- (Illegal in NYS)
Manual Classification (NYCIRB) *** Rate for New York Marine & Gen. Ins. Co.	0913 - Domestic Workers (\$ 746, 64.- per capita)	9159 - Theatrical Production Noc-Players, Entertainers Or Musicians / Rate 1,70
Underwriting New York Marine & Gen. Ins. Co. Premium based Stephanicanna James - Knipfing's misrepresentation	UNCOVERED	FROI Form: Loss Cost: 9600/100*1.70= \$163,2 per year (Premium Fraud by the employer and New York Marine & Gen. Ins. Co.)
Correct Underwriting and Premium based on W-2 Form Annual Salary \$98,000.00.- See Below Exhibit A	UNCOVERED	Loss Cost: 98.000,00/100*1.70= \$ 1.660,00 per year (Premium Fraud by the employer and New York Marine & Gen. Ins. Co.)
Accident location/Coverage	2 Spring Hill Lane, Old Westbury, NY 11568	999 S. Oyster Bay Rd., Bethpage, NY 11714
Employer	Kevin and Stephanicanna Knipfing	Full Shimme Inc
FEIN	N/A	xxxxxx6057
Industry Code (NAICS)**	814110 - Private Households	711130 - Musical Groups and Artists
Mailing Address	2 Spring Hill Lane, Old Westbury, NY 11568	999 S. Oyster Bay Rd., Bethpage, NY 11714
Policy Number	UNCOVERED	WC201700012633

9. Plaintiff's employers, Kevin and Stephanieanna Knipfing, initiated a scheme to misrepresent employment details and insurance coverage from January 2018 to November 2018. Defendants, acting in concert as an enterprise from September 9, 2019, to March 21, 2025, perpetuated this scheme to defraud Plaintiff and New York regulatory bodies by misrepresenting policy terms to activate a fraudulent workers' compensation policy under Defendant Full Shimnee, Inc., continuing the retaliation and depriving Plaintiff of medical treatment and benefits. This included falsifying Plaintiff's role (domestic worker at private residence) and work location to obtain coverage that did not apply to domestic workers, as evidenced by the cease-and-desist letter dated September 16, 2022 (NYSCEF [13]), reply letter dated October 31, 2022 (NYSCEF [42]), and WCB Case No. G2584330 records. The policy (No. WC20170012633) was effective from December 1, 2017, to December 1, 2018, but did not cover domestic workers. The fraud, perpetuated by Defendants from September 9, 2019, involved gross violation pursuant to 12 NYCRR 300.22 (never served a copy of the denial to the Plaintiff), misclassification as detailed in the cease-and-desist letter dated September 16, 2022.

10. Plaintiff's employers, Kevin and Stephanieanna Knipfing, failed to provide adequate safety training or establish reporting mechanisms for workplace injuries during her employment from January 31, 2018, to November 27, 2018, exacerbating her injuries and contributing to the initial retaliation, as evidenced by the absence of such protocols in employment records filed in EDNY 20-cv-3361.

11. The false information in the table is supported by NYSCEF Docket 535740 Matter of Orrego v Knipfing et al. doc. [13] [42] [61] [62] and [63] filed in WCB Case No. G2584330, detailing misclassifications, incorrect addresses, and premium fraud, authenticated by the New York State Workers' Compensation Board records.

12. Defendant New York Marine & General Insurance Co., through its agents and with the assistance of CCMSI, failed to disclose the actual policy, endorsements, or certificates of coverage, in violation of New York State's Comprehensive Insurance Disclosure Act and good faith contractual duties. This concealment extended to tampering with evidence and Plaintiff's medical records to deny legitimate claims.

13. On September 14, 2022, Cannon Cochran Management Services Inc. (CCMSI) issued a response to a complaint filed by Plaintiff with the New York State Department of Financial Services (DFS), falsely claiming administration of a valid workers' compensation policy while

upholding the denial of Plaintiff's claim. This response, mailed and emailed, constituted mail and wire fraud, as it misrepresented the policy's validity, failed to provide documentary proof, and revealed a second company, Full Shimmee, Inc., unrelated to Plaintiff, whose policy (No. WC20170012633) was used by Defendants to continue the retaliation initiated by Plaintiff's employers, Kevin and Stephanieanna Knipfing, who lacked coverage for domestic workers, as evidenced by WCB Case No. G2584330 records and NYSCEF documents [13] and [42].

14. Plaintiff, as a beneficiary under a workers' compensation policy purportedly held by her employers, Kevin and Stephanieanna Knipfing, filed multiple complaints with the New York State Department of Financial Services (DFS) (e.g., CSB-2022-01488038, CSB-2022-01488039, CSB-2022-01489729, CSB-2022-01489730, CSB-2022-01490901), asserting that New York Marine & General Insurance Co. and Cannon Cochran Management Services Inc. (CCMSI), despite their duty to her as a covered employee, did not respond as required to her claims regarding the denial of benefits. CCMSI confirmed the insured as Full Shimmee, Inc., a company unrelated to Plaintiff and not designated for domestic workers under policy (No. WC20170012633), while Plaintiff was employed by the Knipfings, who lacked proper coverage. Instead, CCMSI used third-party administrators to file misleading letters that misrepresented the policy's validity and coverage, and DFS examiners falsely noted these letters were sent, further concealing the fraud perpetrated against Plaintiff as a beneficiary.

15. On September 16, 2022, Plaintiff sent a Cease-and-Desist notice via certified mail and email to New York Marine & General Insurance Co. (Attn: Tim Ryan) and Marc Neuman, demanding cessation of harassment, defamation, and illegal interference in WCB Case No. G2584330 and Appellate Division Docket No. 535740. The notice detailed how Defendants' actions constituted workers' compensation fraud (a Class E and D felony under New York law) through misrepresentation and interference, including gross violation of 12 NYCRR 300.22, failure to serve denial, misclassification under NAICS and NYCIRB, and improper classification to obtain lower rates.

16. Defendants, including Cipriani & Werner PC and Marc Neuman, continued interference by filing or supporting fraudulent representations in WCB proceedings and appeals (e.g., Appellate Division Third Department Docket No. 535740), including tampering with evidence to portray Plaintiff's claims as invalid.

17. On October 31, 2022, Plaintiff replied to a letter from Assistant Attorney General Alison Kent-Friedman in the Appellate Division matter, highlighting how state agencies (WCB, DFS, etc.) excused Defendants' fraud. Plaintiff demanded disclosure of the policy, which was never provided, and noted the insurance contract's "good faith" requirement was violated.

18. Defendants, including Full Shimmee Inc., New York Marine & General Insurance Co., Cannon Cochran Management Services Inc. (CCMSI), Cipriani & Werner PC, and Marc Neuman, engaged in a pattern of racketeering activity under RICO, 18 U.S.C. §§ 1961-1968, involving mail fraud (18 U.S.C. § 1341) and wire fraud (18 U.S.C. § 1343) from September 9, 2019, to the present, by tampering with evidence and witnesses, illegally obtaining private employment information from other employers, and committing wire and mail fraud to obstruct justice, preventing Plaintiff's medical treatment and benefits from Workers' Compensation until today, as Plaintiff's injuries are worsening.

19. This included falsified Independent Medical Examination (IME) reports by Jason Hochfelder, MD, from First Choice Evaluation LLC, submitted by Defendants in WCB Case No. G2584330, as evidenced by the Board's denial of Hochfelder's authorization renewal on September 23, 2024, citing false statements in medical reports, conducting excessive IMEs, and inadequate responses to complaints in violation of Workers' Compensation Law § 13-d(2)(d) and § 13-d(2)(f), which is being defended by the NY Attorney General in the ongoing litigation (Index No. 72335/2024, Westchester County Supreme Court, with a Decision and Order issued January 22, 2025). Defendants continued the retaliation initiated by Plaintiff's employers, Kevin and Stephanieanna Knipfing, who used a ghost company, Old Westbury LLC, for the initial termination, and Defendants furthered this by misrepresenting the policy (No. WC20170012633), initiated by Plaintiff's employers, under a second company, Full Shimmee Inc., unrelated to Plaintiff's employment, designated for '9159-Theatrical Production Non-Players, Entertainers or Musicians,' not for 'Domestic Workers.' The estimated salary was falsely declared by Defendants as \$200,000 per week, whereas checks from Plaintiff's employment show an estimated \$2,500 per week. Additionally, forms from the Workers' Compensation Board list Plaintiff's address as '2049 Century Park E, Los Angeles, CA 90067,' the business address of her employer, with Defendants receiving and manipulating these forms from September 9, 2019, deceiving Plaintiff for nearly seven years with the assistance of her lawyers, as documented in WCB Case No. G2584330—which was disallowed by the Workers' Compensation Board on March 5, 2021, with the denial of reconsideration affirmed by the

Appellate Division Third Department on November 2, 2023 (Docket 535740, 220 A.D.3d 1009), and subsequent motions for reargument granted but adhered to the prior decision in April 2024, followed by an additional Appellate Division order in November 2024—and EDNY 20-cv-3361. The New York Court of Appeals dismissed appeals on March 21, 2024 (Mo. No. 2024-36) and April 15, 2025 (Mo. No. 2025-95), without costs, on the ground that the orders appealed from do not finally determine the proceeding within the meaning of the Constitution, thereby allowing Plaintiff to seek reopening at the Workers' Compensation Board with new evidence, including FOIL responses, FBI complaints, and findings from related litigation involving fraudulent IME reports by Dr. Jason Hochfelder, to request criminal prosecution for fraud, policy misclassification, IME tampering, and cover-up, as well as immediate authorization for medical treatment and benefits. You suffered financial harm (e.g., denied workers' comp benefits, medical costs, lost wages) to your 'business or property.' Evidence: False affidavits, benefit denial letters, communications (e.g., emails, filings) showing interstate fraud scheme, and NYSCEF documents [13] and [42].

20. On April 21, 2025, with a follow-up submission on May 19, 2025, Plaintiff submitted FOIL Request No. 038-2025 to the New York State Offices of the Inspector General, under Inspector General Lucy Lang. The request sought access to summary findings, letters of recommendation, referrals, and official communications relating to allegations of fraud in Workers' Compensation Board Case No. G2584330 (corresponding to NYSIG Case No. 3648-013-2023). The FOIL request specifically referenced serious issues, including policy misclassification, independent medical examination (IME) tampering, and a potential regulatory cover-up.

21. On May 22, 2025, the Office of the Inspector General responded by certifying that no responsive records existed regarding the requested summary findings. The response failed to acknowledge or investigate the detailed allegations submitted, thereby effectively enabling the alleged misconduct to continue without oversight or accountability.

22. This failure, emblematic of systematic inaction by state agencies, has allowed the defendants to perpetuate fraud within Workers' Compensation Board Case No. G2584330, causing ongoing and escalating harm to the Plaintiff.

23. New evidence from the Office of Children and Family Services (OCFS, formerly CPS) summary findings, Case ID 27536970, Event Date May 28, 2020, Closed July 2, 2020, confirms

retaliation and defamatory statements by Defendants against Plaintiff from May to June 2020, as documented in WCB Case No. G2584330 and EDNY 20-cv-3361.

24. On July 28, 2025, Plaintiff filed an FBI complaint alleging public corruption and systematic misconduct by New York State Attorney General Letitia James, Governor Kathy Hochul, Inspector General Lucy Lang, and other officials at the Workers' Compensation Board (WCB), for orchestrating a cover-up of widespread fraud in WCB Case No. G2584330 and related cases, including policy misclassification, IME tampering, and regulatory violations that have victimized multiple injured workers since September 9, 2019. The complaint details how fraudulent Independent Medical Examination (IME) reports by Dr. Jason Hochfelder, including a falsified report from October 14, 2020, were utilized by Defendants to deny benefits and perpetuate retaliation against Plaintiff and at least 15 other victims, as evidenced by WCB records showing Hochfelder conducted 28-34 overlapping IMEs per day on multiple dates (December 18, 2023; March 4, April 1 and 29, May 13, and June 8, 2024), resulting in false statements and inaccurate assessments in violation of Workers' Compensation Law § 13-d(2)(d). This systemic fraud was further enabled by the WCB's denial of Hochfelder's authorization renewal on September 23, 2024, citing multiple claimant complaints of incomplete exams, no-shows, and inadequate responses, yet Defendants, including Letitia James through her office's defense of the WCB in related litigation (Index No. 72335/2024), failed to investigate or refer the matters, ignoring Plaintiff's prior complaints and FOIL requests, thereby continuing the retaliatory cover-up in WCB Case No. G2584330—which was disallowed by the Workers' Compensation Board on March 5, 2021, with the denial of reconsideration affirmed by the Appellate Division Third Department on November 2, 2023 (Docket 535740, 220 A.D.3d 1009), and subsequent motions for reargument granted but adhered to the prior decision in April 2024, followed by an additional Appellate Division order in November 2024. The New York Court of Appeals dismissed appeals on March 21, 2024 (Mo. No. 2024-36) and April 15, 2025 (Mo. No. 2025-95), without costs, on the ground that the orders appealed from do not finally determine the proceeding within the meaning of the Constitution, thereby allowing Plaintiff to seek reopening at the Workers' Compensation Board with new evidence, including FOIL responses, FBI complaints, and findings from related litigation involving fraudulent IME reports by Dr. Jason Hochfelder, to request criminal prosecution for fraud, policy misclassification, IME tampering, and cover-up, as well as immediate authorization for medical treatment and benefits.

25. Defendants knowingly filed false affidavits from 2019 to 2025, misrepresenting employment details (e.g., salary at \$30/hour, hours, status) to deny workers' comp benefits under New York Common Law Fraud, on which Plaintiff relied (e.g., expected coverage), suffering harm (e.g. medical costs, lost wages). Fraud was intentional, potentially egregious (e.g., repeated false filings), justifying punitive damages. Evidence: False affidavits, benefit denials, financial records showing losses (e.g., medical costs). Governs NY Common Law Fraud claims, allowing recovery for intentional misrepresentations via false affidavits. Evidence: False affidavits, proof of reliance and harm. May apply to related torts (e.g., breach of fiduciary duty, if employer owed such duty), supporting fraud claims. Evidence: Employment relationship showing duty, breached by fraud. Allows costs and punitive damages for egregious fraud (e.g., repeated false affidavits to deny benefits). Evidence: Pattern of fraudulent acts, intent to harm.

26. Defendants' fraud (e.g., misclassification to evade coverage) prevented workers' comp benefits under New York Workers' Compensation Law (WCL), N.Y. Work. Comp. Law § 1 et seq., allowing civil tort claims outside WCL due to no coverage (e.g., *Maas v. Cornell Univ.*, 245 A.D.2d 728). Harm includes denied benefits for workplace injuries (e.g., medical expenses, lost wages). Evidence: Benefit denial letters, false affidavits, NY Workers' Compensation Board records.

27. Defendants' actions constituted breach of fiduciary duty as related civil tort, where employers and insurers owed a duty to Plaintiff as employee, breached through fraudulent misclassification and denial of benefits, causing harm.

28. Plaintiff's employers, Kevin and Stephanieanna Knipfing, utilized a ghost company, Old Westbury LLC, to unlawfully retaliate against Plaintiff from November 6 to November 27, 2018, formalizing the termination, in violation of New York Workers' Compensation Law § 120, which prohibits retaliation against employees for filing or attempting to file a workers' compensation claim, entitling Plaintiff to civil penalties and remedies. Defendants, including Full Shimnee, Inc., New York Marine & General Insurance Co., Cannon Cochran Management Services Inc. (CCMSI), Cipriani & Werner PC, and Marc Neuman, continued this retaliation from September 9, 2019, to March 21, 2025, through another entity. Full Shimnee Inc., which lacks coverage for domestic workers under policy No. WC20170012633, depriving Plaintiff of medical treatment, employee benefits, and legal protections. This sustained conduct has directly contributed to the progressive deterioration of Plaintiff's physical condition and medical injuries, as evidenced by updated medical records and WCB Case No. G2584330 filings—which was

disallowed by the Workers' Compensation Board on March 5, 2021, with the denial of reconsideration affirmed by the Appellate Division Third Department on November 2, 2023 (Docket 535740, 220 A.D.3d 1009), and subsequent motions for reargument granted but adhered to the prior decision in April 2024, followed by an additional Appellate Division order in November 2024—constituting fraud and unlawful retaliation. The New York Court of Appeals dismissed appeals on March 21, 2024 (Mo. No. 2024-36) and April 15, 2025 (Mo. No. 2025-95), without costs, on the ground that the orders appealed from do not finally determine the proceeding within the meaning of the Constitution, thereby allowing Plaintiff to seek reopening at the Workers' Compensation Board with new evidence, including FOIL responses, FBI complaints, and findings from related litigation involving fraudulent IME reports by Dr. Jason Hochfelder, to request criminal prosecution for fraud, policy misclassification, IME tampering, and cover-up, as well as immediate authorization for medical treatment and benefits.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at present. Include the amounts of actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff prays judgment against the Defendants:

a.

Compensatory damages in an amount to be determined at trial, for lost wages, denied workers' compensation benefits, unpaid minimum wages and overtime under FLSA, medical expenses, pain and suffering, emotional distress, reputational harm, future lost earnings, loss of fringe benefits including health insurance and retirement contributions, out-of-pocket expenses for therapy and job search costs, and liquidated damages for willful violations;

b. Treble damages under RICO, 18 U.S.C. § 1964(c);

c. Future income to Plaintiff in an amount to be proven at trial, representing all loss of future earnings, including reasonable and expected increases, loss of retirement income, and all other benefits she would have expected to earn during her entire lifetime had it not been for Defendants' fraudulent activity in Plaintiff's Workers Compensation case G-2584330, which was disallowed by the Workers' Compensation Board on March 5, 2021,

with the denial of reconsideration affirmed by the Appellate Division Third Department on November 2, 2023 (Docket 535740, 220 A.D.3d 1009), and subsequent motions for reargument granted but adhered to the prior decision in April 2024, followed by an additional Appellate Division order in November 2024. The New York Court of Appeals dismissed appeals on March 21, 2024 (Mo. No. 2024-36) and April 15, 2025 (Mo. No. 2025-95), without costs, on the ground that the orders appealed from do not finally determine the proceeding within the meaning of the Constitution, thereby allowing Plaintiff to seek reopening at the Workers' Compensation Board with new evidence, including FOIL responses, FBI complaints, and findings from related litigation involving fraudulent IME reports by Dr. Jason Hochfelder, to request criminal prosecution for fraud, policy misclassification, IME tampering, and cover-up, as well as immediate authorization for medical treatment and benefits;

d. General damages to the Plaintiff to make her whole for any losses suffered as a result of such unlawful criminal practices in Plaintiff's Workers Compensation case G-2584330, which was disallowed by the Workers' Compensation Board on March 5, 2021, with the denial of reconsideration affirmed by the Appellate Division Third Department on November 2, 2023 (Docket 535740, 220 A.D.3d 1009), and subsequent motions for reargument granted but adhered to the prior decision in April 2024, followed by an additional Appellate Division order in November 2024. The New York Court of Appeals dismissed appeals on March 21, 2024 (Mo. No. 2024-36) and April 15, 2025 (Mo. No. 2025-95), without costs, on the ground that the orders appealed from do not finally determine the proceeding within the meaning of the Constitution, thereby allowing Plaintiff to seek reopening at the Workers' Compensation Board with new evidence, including FOIL responses, FBI complaints, and findings from related litigation involving fraudulent IME reports by Dr. Jason Hochfelder, to request criminal prosecution for fraud, policy misclassification, IME tampering, and cover-up, as well as immediate authorization for medical treatment and benefits;

e. Compensatory damages for mental and emotional distress, pain, and suffering as well as injury to her reputation in an amount to be proven at trial;

f. Punitive damages in an amount to be determined at trial for willful and malicious conduct;

- g. Injunctive relief to cease all harassment, defamation, interference, and to disclose all policy documents;
- h. Attorneys' fees (if applicable under RICO and FLSA, 29 U.S.C. § 216(b)), costs, and disbursements incurred in the prosecution of the action;
- i. All relief, remedies, and damages available to Plaintiff under the law for deprivation of medical attention, unpaid wages, overtime, and civil rights;
- j. Such other and further relief as the Court deems just and proper to remedy the Defendants' unlawful or criminal practices.

The wrongs are continuing, as Defendants persist in denying benefits, wages, concealing documents, and defaming Plaintiff in ongoing proceedings as of September 9, 2025.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: September 9, 2025

Signature of Plaintiff



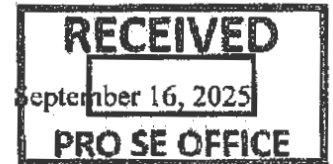
Printed Name of Plaintiff

Lidia M. Orrego

EXHIBIT 5

*** Filed ***
10:23 PM, 15 Sep, 2025
U.S.D.C., Eastern District of New York

Hon. Sanket J. Bulsara
United States District Judge
United States District Court, Eastern District of New York
100 Federal Plaza, Courtroom 930
Central Islip, NY 11722 - Via ECF - Pro Se Office



Re: Case No. 20-CV-3361 (SJB)(AYS) Orrego v. Knipfling et al.

Re: Letter Motion for Leave to File Revised Opposition Documents Pursuant to Fed. R. Civ. P. 15(a)(2) "freely give[n] when justice so requires." - (Request for Order on or before September 22, 2025)

Dear Judge Bulsara:

I, Lidia M. Orrego, appearing *Pro Se*, respectfully submit this letter motion pursuant to Fed. R. Civ. P. 15(a)(2), which allows Amendment with the Court's permission and directs that leave be "freely give[n] when justice so requires." I seek leave to file revised opposition documents dated September 15, 2025, to replace the erroneous versions filed on September 12, 2025. This follows my earlier request sent at 1:37 PM EDT with the proposed documents. Opposing counsel does not consent (see Exhibit 1).

The Injunction at DE [210] does not apply. I request the Court's ruling on or before September 22, 2025.

Respectfully submitted.

Word count: 100.-

Respectfully submitted,

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd, Apt. 3E
Rego Park, NY 11374
Phone: (347) 453-2234
Email: liorrego@gmail.com

Exhibit 1: Email_from_Defendants Counsel_09-12-2025.pdf - Time 3:33 pm.

All the parties are registered in NYSCEF. Attached Certificate of Service.

EXHIBIT 1



Lidia Orrego <lorrego@gmail.com>

Service of Opposition to Defendants' Summary Judgment Motion – Case No. 2:20-cv-03361-SJB-AYS

1 message

Lidia Orrego <lorrego@gmail.com>

Fri, Sep 12, 2025 at 11:51 PM

To: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, Peter Cella <pcella@grsm.com>, Paulette Guerrero <pguerrero@grsm.com>, Dallas Rivera <drrivera@grsm.com>

Cc: Lidia Orrego <lidia.orrego@justiceforlidia.nyc>

Subject: Service of Plaintiff's Opposition to Defendants' Summary Judgment Motion – Case No. 2:20-cv-03361-SJB-AYS

Date: August 19, 2025

Dear Counsel,

Please find below the Google Drive link to Plaintiff's opposition materials to Defendants' Motion for Summary Judgment in **Case No. 2:20-cv-03361-SJB-AYS**, served on August 8, 2025.

The following documents are included in the shared folder:

1. Orrego_Affirmation_MemorandumofLaw_Statement 56.1_20cv3361
2. Orrego_Exhibits_20cv3361 (Exhibits 1–41)
3. Evidence_20cv3361_Audio_Visual_Pictures_Videos_VoiceMessage_Recording_Hearings
4. Orrego_CertificateofService_20cv3361

 [Google Drive link to access all documents](#)

Please confirm receipt of these materials.

Sincerely,

Lidia M. Orrego

Pro Se Plaintiff

Email: lorrego@gmail.com

Phone: (347) 453-2234

2 attachments

 **I. Dated 09-12-2025 - DE Plaintiff's Affirmation Motion for Summary Judgment.pdf**
188K

 **II. Supporting Affidavit NOTARY - Dated 08-08-2025 Affidavit Authentication of Evidence Lidia M. Orrego.pdf**
3250K

EXHIBIT 2



Lidia Orrego <liorrego@gmail.com>

Subject: Request to Serve Revised Opposition Documents - Case No. 20-cv-3361 (EDNY)

1 message

Lidia Orrego <liorrego@gmail.com>

Mon, Sep 15, 2025 at 10:12 AM

To: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>

Cc: Lidia Orrego <lidia.orrego@justiceforlidia.nyc>, Dallas Rivera <drrivera@grsm.com>, Peter Cella <pcella@grsm.com>, Paulette Guerrero <pguerrero@grsm.com>, kminnahdonkoh@gordonrees.com

Counsel Minnah Donkoh,

I am writing as the pro se Plaintiff, Lidia M. Orrego, to ask permission to file revised opposition documents in the above-referenced matter because of errors in my first submission.

Due to my work obligations, illness, and a family member's illness, I was confused at the time of submission on September 12, 2025.

I mistakenly filed incorrect and incomplete documents taken from a draft file rather than the finalized versions, which were not corrected. The Revised Affirmation contains the details of the changes to be transparent.

The revised documents, dated September 15, 2025, supersede the versions dated September 12, 2025, and include:

- Revised Plaintiff's Affirmation in Support of Opposition to Motion for Summary Judgment (Supersedes 09-12-2025). Include the details of the corrections, e.g., Errors, incomplete sentences, and incorrect facts, also 42-47 Exhibits to include because they were the drafting.
- Revised Local Rule 56.1 Counterstatement of Material Facts (Supersedes 09-12-2025). Incomplete answers. For example, 178 grammatical errors in the document because my computer is having issues.
- Revised Memorandum of Law in Opposition to Summary Judgment (Supersedes 09-12-2025). Drafting with e.g. grammatical errors and an incomplete table of contents, the document was filed by mistake.
- Certificate of Service for the service of the revised papers.
- These revisions incorporate missing exhibits 42-47, address errors in dates, formatting, and incomplete filings.
- Exhibit, e.g., Redaction of my DOB in the affidavit.

Please note that my first language is not English; therefore, the document contains errors. All of this also happened because my computer was not working correctly, the system, as Judge Brown said, my English is still not adequate.

I respectfully request the Court's leniency in light of my pro se status, consistent with Second Circuit guidance (Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983)).

Let me know if you want to leave the errors in that way, or if I can submit the REVISED VERSIONS to replace them?

Thank you for your consideration.

Best regards,

Lidia M. Orrego
Pro Se Plaintiff

CC:

H. District Judge Sanket J. Bulsara
EDNY via ECF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

Lidia M. Orrego

Plaintiff,

-against-

Case No. 20cv3361 (SJB)(AYS)

Kevin Knipfling a/k/a Kevin James,
Stephanieanna James-Knipfling a/k/a Steffiana
de la Cruz, Old Westbury EDDIE LLC,
Old Westbury, LLC, Steve Savitsky,
Teresa A. Zantua

Defendant(s).

-----X

REVISED DATED SEPTEMBER 15, 2025
SUPERSEDES DATED SEPTEMBER 12, 2025
AFFIRMATION OF LIDIA M. ORREGO IN OPPOSITION DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

I, Lidia M. Orrego, Plaintiff Pro Se, hereby declare that the following statements are true under the penalties of perjury:

1. I am the Plaintiff in the above-captioned action, appearing Pro Se, and I am fully competent to make this affirmation. I reside at 95-08 Queens Blvd., Apt. 3E, Rego Park, NY 11374. My telephone number is (347) 453-2234, and my email address is liorrego@gmail.com.

2. I submit this affirmation pursuant to Federal Rules of Civil Procedure 56(c)(4) and 56(c), Federal Rules of Evidence 901 and 902, and Local Civil Rule 56.1 to authenticate the evidence supporting my Opposition Defendants' Motion for Summary Judgment under Local Rule 56.1 Statement of Undisputed Material Facts filed on August 8, 2025, alleging hostile work environment and retaliation under 42 U.S.C. § 1981 and the New York State Human Rights Law (NYSHRL).

3. Attached as Exhibit 1 is a true and correct copy of the Amended Complaint, dated August 17, 2020, EDNY Docket No. 20-cv-3361. The final draft shows the inclusion of the Complaint.

4. Attached as Exhibit 2 is a true and correct copy of Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination.

5. Attached as Exhibit 3 is a true and correct copy of Knipfing Employment Text Messages and Hiring Process – NDA Never Received.

6. Attached as Exhibit 4 is a true and correct copy of Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018.

7. Attached as Exhibit 5 is a true and correct copy of Text from Stephanieanna Knipfing Regarding Salary, dated February 16, 2018.

8. Attached as Exhibit 6 is a true and correct copy of Texts with Stephanieanna Knipfing – Awareness of Photo-Taking. The final draft shows the correct Exhibit.

9. Attached as Exhibit 7 is a true and correct copy of Health Insurance Packet – Text from Skylar Testa, dated March 1, 2018.

10. Attached as Exhibit 8 is a true and correct copy of Mistreatment Report to House Manager, dated October 16, 2018.

11. Attached as Exhibit 9 is a true and correct copy of Timesheet from Employer “APP” – January through November 2018 Employment with the Knipfings.

12. Attached as Exhibit 10 is a true and correct copy of Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transaption, dated October 14, 2018. The final made was to eliminate the duplicate Exhibit part of Exhibit 19.

13. Attached as Exhibit 11 is a true and correct copy of FOIL CPS Certification – Unredacted Report, dated May 19, 2025, after a three-year legal effort in EDNY Docket No. 20-cv-3361.

14. Attached as Exhibit 12 is a true and correct copy of Photographs from January through November 2018 – Authorized by Employers.

15. Attached as Exhibit 13 is a true and correct copy of Texts with Zantua – Racial Remarks and Harassment. The final document shows the correct Exhibit.

16. Attached as Exhibit 14 is a true and correct copy of Final Assault in Presence of Zantua – Transcript by Transcription, dated October 23, 2018.

17. Attached as Exhibit 15 is a true and correct copy of the Authorized Video Recording with Kevin Knipfing and Daughter – Dated October 23, 2018, between 6:12 p.m. The final document shows the proper time.

18. Attached as Exhibit 16 is a true and correct copy of Text from Ms. Knipfing After Complaint – Hostile Work Environment and Retaliatory Treatment, dated November 2, 2018. The final document shows the correct cover sheet Exhibit.

19. Attached as Exhibit 17 is a true and correct copy of Return-to-Work Recording Following Complaint – Meeting with Kevin Knipfing – Retaliation, NDA, and Termination Disguised as Suspension, dated November 6, 2018.

20. Attached as Exhibit 18 is a true and correct copy of Interview with Investigators – Transcript by Transaction, dated November 12, 2018.

21. Attached as Exhibit 19 is a true and correct copy of Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transcription, dated November 16, 2018. The final document shows the correct Exhibit.

22. Attached as Exhibit 20 is a true and correct copy of Court Decision by Judge Gary R. Brown – EDNY Docket No. 20-cv-3361, dated September 30, 2021.

23. Attached as Exhibit 21 is a true and correct copy of Affidavit Signed by Mrs. Manuela Orrego – Witness to Mistreatment by Zantua, dated June 20, 2021.

24. Attached as Exhibit 22 is a true and correct copy of Medical Records Documenting Injuries – Dated Since June 3, 2018.

25. Attached as Exhibit 24 is a true and correct copy of EEOC Complaint Against Kevin Knipfing, dated January 31, 2019.

26. Attached as Exhibit 25 is a true and correct copy of WCB Decision G-2584330 – MRI Accepted as Prima Facie Evidence, dated November 5, 2019.

27. Attached as Exhibit 26 is a true and correct copy of Affirmation by Ximena Espinoza, dated September 6, 2025. The final document inclusion of Email to Medical Directors, dated June 24, 2025- OPMC Complaint OPMC # NY-23-04-2301A, Dated April 21, 2025.- Jason Hochfelder, MD, Falsifying Medical Reports.

28. Attached as Exhibit 27 is a true and correct copy of the Demand Letter for Payment and Request to Reopen WCB Case No. G2584330, dated July 7, 2025.

29. Attached as Exhibit 28 is a true and correct copy of Motion to Disqualify Opposing Counsel – Gordon Rees Scully Mansukhani LLP, EDNY Docket No. 20-cv-3361, dated March 13, 2025 (DE [190]).

30. Attached as Exhibit 29 is a true and correct copy of Second Motion to Recuse Judge Shields – NDAs and Labor Violations, EDNY Docket No. 20-cv-3361, dated June 17, 2025 (DE [196]).

31. Attached as Exhibit 30 is a true and correct copy of Renewed Motion for Declaratory Relief – Retaliation and WCB Fraud, EDNY Docket No. 20-cv-3361, dated June 30, 2025 (DE [199]).

32. Attached as Exhibit 31 is a true and correct copy of Letter Motion to Vacate Orders – Fraud and Due Process Violations, EDNY Docket No. 20-cv-3361, dated July 8, 2025 (DE [203]).

33. Attached as Exhibit 32 is a true and correct copy of DE [205] Dated 07-23-2025 IME Jason Hochfelder v. NYS WCB – AG James confirms IME fraud. The final document is accurate in the name of the document.

34. Attached as Exhibit 33 is a true and correct copy of Subpoena – Vladimir Morgovsky – WCB Case G-2584330, dated July 8, 2020.

35. Attached as Exhibit 34 is a true and correct copy of Affirmation of Vladimir Morgovsky – NYSCEF Doc No. 641, Index No. 702511-2023, dated November 13, 2024— The final document shows the correct Exhibit.

36. Attached as Exhibit 35 is a true and correct copy of Table of Evidence – Orrego_Evidence_20cv3361 PLA000001 to PLA008324.

37. Attached as Exhibit 36 is a true and correct copy of Stipulation of Settlement – Orrego v. Ley, Case No. 303QSQ2020, dated April 25, 2022.

38. Attached as Exhibit 37 is a true and correct copy of Motion to Vacate – Appellate Docket No. 2021-09209 – Orrego v. Knipfing, dated September 4, 2025.

39. Attached as Exhibit 38 is a true and correct copy of Fourth Amended Complaint with Exhibits – EDNY Docket No. 24-ev-7247 – Orrego v. Savitsky, dated June 10, 2025 (DE [20]).

40. Attached as Exhibit 39 is a true and correct copy of the Letter to District Judge Sanket J. Bulsara – Senator Chuck Schumer and AG Letitia James.

41. Attached as Exhibit 40 is a true and correct copy of Letter of Admonition to Pasternack Law Firm – Plaintiff Sharafaldin Ahmed, NYSCEF Doc No. 24, Docket No. 2024-05078.

42. Attached as Exhibit 41 is a true and correct copy of the Retaliatory Termination Letter Mailed by Steve Savitsky – Old Westbury LLC, dated November 27, 2018, to the Plaintiff. The final document is covered correctly as 41, and the description of the document is corrected.

43. Attached as Exhibit 42 is a true and correct copy of the document dated September 9, 2024 – NYSCEF doc. [308], Index 702511-2023, Orrego v. Morgovsky – Default Judgment in Plaintiff's favor. Inclusion of Exhibit Missed. Due to work obligations, illness, and a family member's illness, I inadvertently submitted incorrect and incomplete documents that were taken from a draft file rather than the finalized versions.

44. Attached as Exhibit 43 is a true and correct copy of the Dated July 11, 2025 – Order by Judge Bulsara regarding New Evidence, DE [198] dated June 17, 2025 – Motion to Vacate dated March 9, 2023 – Includes Loft Legal Opinion on Retaliatory NDA dated May 14, 2025. Inclusion of Exhibit Missed. Due to work obligations, illness, and a family member's illness, I inadvertently submitted incorrect and incomplete documents that were taken from a draft file rather than the finalized versions.

45. Attached as Exhibit 44 is a true and correct copy of the NYSCEF doc. [6] – Final Determination/Decision dated September 23, 2024, Index 72335-2024, Jason Hochfelder, MD v. NYS Workers Compensation Board. Inclusion of Exhibit Missed. Due to work obligations, illness

and a family member's illness, I inadvertently submitted incorrect and incomplete documents that were taken from a draft file rather than the finalized versions.

46. Attached as Exhibit 45 is a true and correct copy of the NYSCEF doc. [43], dated January 21, 2025, Index 72335-2024, Jason Hochfelder MD v. NYS Workers Compensation Board – Order by Hon. Maurice Dean Williams. Inclusion of Exhibit Missed. Due to work obligations, illness and a family member's illness, I inadvertently submitted incorrect and incomplete documents that were taken from a draft file rather than the finalized versions.

47. Attached as Exhibit 46 is a true and correct copy of the letter Dated August 11, 2025 – Letter from NYS Department of Labor, Case LM25006216 – Claim filed June 8, 2025. Inclusion of Exhibit Missed. Due to work obligations, illness, and a family member's illness, I inadvertently submitted incorrect and incomplete documents that were taken from a draft file rather than the finalized versions.

48. Attached as Exhibit 47 is a true and correct copy of the Dated September 23, 2024 – NYS Workers Compensation Board – Denial of renewal for Jason Hochfelder, MD, as IME due to a history of filing false statements in medical reports. Inclusion of Exhibit Missed. Due to work obligations, illness, and a family member's illness, I inadvertently submitted incorrect and incomplete documents that were taken from a draft file rather than the finalized versions.

49. The final document of REVISED DATED SEPTEMBER 15, 2025 SUPERSEDES DATED SEPTEMBER 12, 2025, PLAINTIFF'S COUNTERSTATEMENT OF MATERIAL FACTS PURSUANT TO LOCAL CIVIL RULE 56.1 IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, shows correct information and point to Exhibits items: 1, 2, 3, 4, 5, 7, 8, 13, 14, 15, 16, 17, 18, 22, 93, 96, 104, 107, 109, 152, 153, 154, 155, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, 172, 176, 177, 178.

50. The final document of REVISED DATED SEPTEMBER 15, 2025, SUPERSEDES DATED SEPTEMBER 12, 2025, MEMORANDUM OF LAW IN OPPOSITION DEFENDANTS' MOTION FOR SUMMARY JUDGMENT shows the correct Table of Contents and Authorities, about relief, damages, dates, and facts, per Court Order. Due to my work obligations, illness, and a family member's illness, I was confused at the time of submission. I mistakenly filed documents that were incorrect and incomplete, as they were taken from the drafting file rather than the finalized versions.

I respectfully request that Defendants' counsel confirm whether they accept these documents leniency in light of my Pro Se status.; otherwise, I will need to seek a Court Order.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,

Date: September 15, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd Apart 3E
Rego Park, NY, 11374
Phone (347) 4532234
Email: liorrego@gmail.com
lidia.orrego@justiceforlidia.nyc

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

Lidia M. Orrego

Plaintiff,

-against-

Case No. 20cv3361 (SJB)(AYS)

Kevin Knipfing a/k/a Kevin James,
Stephanieanna James-Knipfing a/k/a Steffiana
de la Cruz, Old Westbury EDDIE LLC,
Old Westbury, LLC, Steve Savitsky,
Teresa A. Zantua

Defendant(s).

-----X

REVISED DATED SEPTEMBER 15, 2025

SUPERSEDES DATED SEPTEMBER 12, 2025

**PLAINTIFF'S COUNTERSTATEMENT OF MATERIAL FACTS PURSUANT TO
LOCAL CIVIL RULE 56.1 IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Local Civil Rule 56.1(b) of the United States District Courts for the Southern and Eastern Districts of New York, Plaintiff Lidia M. Orrego, pro se, submits this counterstatement responding to each numbered paragraph in Defendants' Statement of Material Facts (filed August 8, 2025). Plaintiff denies the facts where disputed, with citations to admissible evidence from her own Motion for Summary Judgment (filed August 8, 2025), including her Local Rule 56.1 Statement of Undisputed Material Facts, Affirmation (Declaration) of Lidia M. Orrego, and attached exhibits 1 – 41. These materials authenticate the evidence under Federal Rules of Civil Procedure 56(c)(4) and 56(e), Federal Rules of Evidence 901 and 902, and Local Civil Rule 56.1.

Preliminary Objections:

1. Plaintiff objects to the entirety of Defendants' Statement of Material Facts on the grounds that many assertions are irrelevant to the remaining claims in this case (hostile work environment and retaliation under 42 U.S.C. § 1981 and the NYSHRL), as previously dismissed claims (e.g., against Steve Savitsky per the Court's September 30, 2021 Order, ECF No. 30) cannot support summary judgment on surviving claims.

2. Any facts derived from or referencing the New York State Workers' Compensation Board (WCB) proceedings are tainted and inadmissible due to confirmed systemic fraud in those proceedings, as evidenced by the New York State Attorney General Letitia James' ongoing investigations and prosecutions of WCB fraud (e.g., medical, provider conviction for fraud; see Ex. 25, Demand Letter dated July 7, 2025; DE [73], [196], [199], [207]; and Ex. 24, Hochfelder v. NYS WCB documents confirming fraud). Plaintiff reserves the right to move to strike such facts under FRCP 37.

3. Defendants failed to serve the mandatory notice under Local Civil Rule 56.2, required for pro se litigants opposing summary judgment, constituting a due process violation (see DE [207], p. 7; Local Civil Rule 56.2). This failure prejudices Plaintiff's response and warrants denial of their motion.

Each response below admits, denies, or otherwise responds (e.g., qualifies) to Defendants' facts. Where denied, Plaintiff provides a concise explanation and citation. Uncontroverted facts may be deemed admitted, but denials are supported by evidence creating genuine disputes for trial.

I. OVERVIEW OF PLAINTIFF & THE DEFENDANTS

1. **Otherwise responded:** Qualified: Mr. Knipfing's profession is true but irrelevant to Zantua's harassment liability and retaliation for filing a complaint. Explained: Employment began under Knipfings' oversight. See Ex. 13 (Text Messages, PLA000033–PLA000084); Ex. 3 (Employment Records, PLA000004–PLA000019). Plaintiff further calls the Court's attention to the Rydan Security, Inc. report dated November 21, 2018, detailing an interview with Rebecca Uzcategui (Bates: CONFIDENTIAL DEFS_000020 – CONFIDENTIAL DEFS_000023). This critical piece of evidence was concealed by Defendants for nearly four years—from November 21, 2018, until August 8, 2022.

See Exhibit Defendants' Lawyers, investigators, and related parties, including but not limited to discussions with Kevin Flanagan of Rydan Security & Investigations summarizing an interview conducted with me on November 7, 2018, as documented in Bates Range CONFIDENTIAL DEFS_000017- CONFIDENTIAL DEFS_000019, and the report from Rydan Security, Inc., dated November 21, 2018, detailing an interview with Rebecca Uzcategui (Bates: CONFIDENTIAL DEFS_000020- CONFIDENTIAL DEFS_000023). My co-worker Rebeca Uzcategui aka Lugo report concealed by the Defendants in Bad Faith since Rebeca confirmed my complaint dated November 2, 2018, including but not limited to:

a. Discrimination and Language Ban by Taz

"Lugo admits during the interview that she has had arguments in the past in and outside of the house with Taz because of her mistreatment. According to Lugo, Taz mimics her and makes fun of the way she speaks English."

b. Encouraging Lidia to Stand Up to Taz

"In the past, Lugo has told Lidia that she should stand up for herself with regards to Taz and inform her boss of mistreatment."

c. Arguments Involving Children and Emotional Abuse by Taz

"Lugo and Taz have also had arguments involving S. Arguments have taken place after Taz told S that she is not part of the family because she is cared for by Lugo. A specific incident of mistreatment Lugo recalls was when S was going to a Nickelodeon "Marshmallow" show and was crying out for Lugo. Taz grabbed S and put her in the car seat. As Taz was putting S in her car seat, she was telling her she wasn't part of the family. Lugo states that Taz called her and apologized after the incident."

"Lugo states that the children are well cared for and there is no physical abuse. She does however feel that there is some emotional abuse caused by Taz. This is caused by things she says and does when she is in a bad mood."

"Lugo states that Taz loves the kids but talks poorly about Lugo in front of the kids. K has told her in the past, "you're a bad nanny, I don't want to sit next to you." S asks Lugo, "Taz love you," and S also says, "No Beca." Taz doesn't allow the other kids to talk to Lugo."

"Lugo states that Taz hates her because of her relationship with S."

d. Candy Bribing (Denial, But in Context of Complaint)

"Lugo was asked whether or not she gives the child candy as a bribe to get S to comply, like using candy as a "bribe" to get S to brush her teeth. Lugo denied this. She states that there may be candy in the house like Halloween candy but she is not aware of any hidden candy because she doesn't check the draws."

c. Approaching Mr. James About Taz

"Lugo admits to approaching Mr. James with regards to the way Taz was treating her about a year ago. Afterwards, things were somewhat better. However, the situation reverted back to the way they were a short time later."

f. Taz's Aggressive Driving

"Lugo states that Taz can be an aggressive driver, especially when she is mad at Lugo or the kids. If Taz does become upset while driving to a location she will turn back around and take everyone home. Lugo claims that Taz sometimes drives fast in the truck. Lugo states she has been in the car with Taz on many occasions and has never been pulled over by the police. Lugo also states that Taz has never been in a verbal altercation or road rage incident with other drivers in her presence."

g. Mention of Lawyer/Discomfort (Related to Lawsuit Context)

- "Early in the interview, Lugo suggested she was feeling uncomfortable and may want to continue in the presence of a lawyer. When asked why she would need a lawyer she responded she did not understand what the purpose of the interview. Later in the interview she was asked if she did in fact have an attorney and, if she did, what the reason was for having one if she did not plan on litigation like a lawsuit. She stated she does not have a lawyer and was just saying it because she was unsure/uncomfortable in the moment." - "Lugo admits to having a strong personality and isn't afraid of, "anyone but God".

See annexed Exhibits:

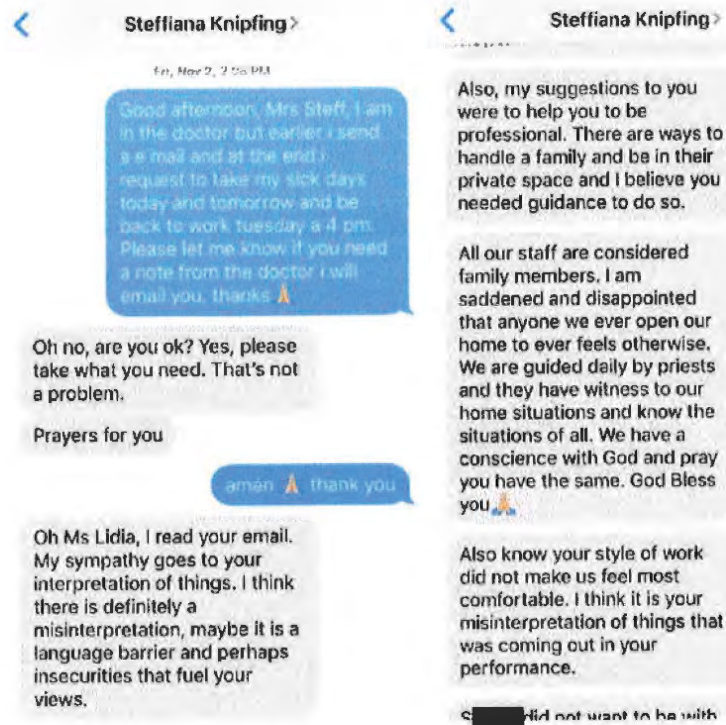
Exhibit 2 – Rebeca Uzcatcgui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination.

Exhibit 8 – Mistreatment Report to House Manager, dated October 16, 2018

Exhibit 10 – Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transapion, dated October 14, 2018

Exhibit 11 – FOIL CPS Certification – Unredacted Report, dated May 19, 2025, after three-year legal effort in EDNY Docket No. 20-cv-3361

2. **Otherwise responded:** Qualified: I assert that Stephanieanna Knipfing (also known as Steffiana de la Cruz), one of my direct employers, can be held individually liable for creating or contributing to a hostile work environment and for retaliation, in violation of the New York State Human Rights Law (NYSHRL). Under the NYSHRL, individuals may be held liable for their own discriminatory actions, for aiding and abetting the unlawful conduct of others, or for engaging in retaliation against protected activity. See attached Exhibit 16 that includes but not limited to:



November 24, 2018: Stephanieanna James-Knipfing via text message sent to the Plaintiff called her "SLANDER" even though the plaintiff presented all the evidence supporting her complaint. The employers continued their discrimination and retaliation.



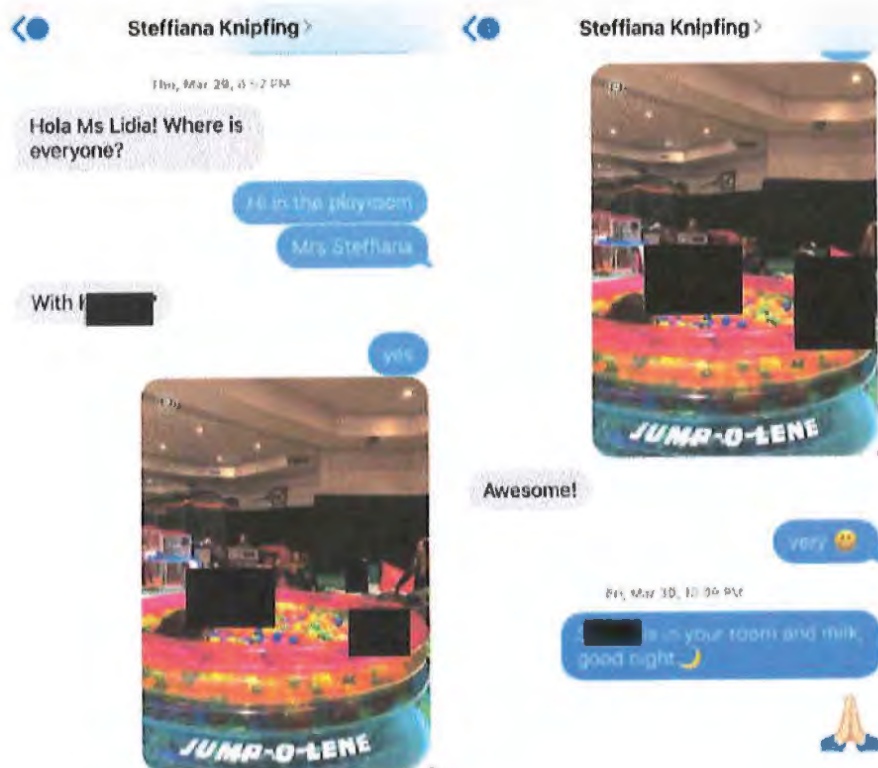
The harassment I experienced — including text messages referenced in of my Summary Judgment Motion — shows that she either directly engaged in, or tolerated, racial slurs, mockery, and retaliatory conduct, especially after I made a formal complaint on November 2, 2018, at 12:25 PM, I received from Ms. Knipfing several text messages after 2:08 PM making negatives comments about my job in retaliation to file a complaint.

I was harassed, and the hostile work environment continued before I received the formal retaliation on November 24, 2018, at 11:12 am. I was in shock, and I could only reply "Amen".

These communications are evidence of her direct involvement, or at minimum, her deliberate inaction, both of which support her individual liability under the statute. See Ex. 16 (Text Messages, PLA000031); Ex. 5 (Employment Records, PLA001871–PLA001873).

Ms. Knipfing is Mr. Knipfing's wife, aka Steffianna De la Cruz, aka Stephanie Anna Zantua. She was involved in a car accident in 2001, which killed Vietnamese actress Thuy Trang and left Angela Rockwood quadriplegic.

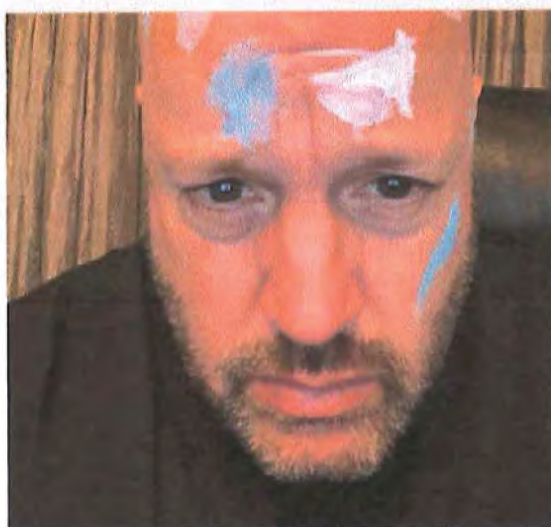
At all times between January 31, 2018, and November 2, 2018, Ms. Knipfing and Mr. Knipfing were fully aware that the Plaintiff was taking photos and videos. Throughout this period, the Plaintiff was never warned, instructed to stop, or presented with any Non-Disclosure Agreement (NDA). In fact, Ms. Knipfing herself distributed photos of the incidents to all employees via text message. See annexed Exhibit 6 e.g. Date March 29, 2018,



Last video requested by Mr. Knipfing e.g. Dated October 23, 2015 Time 6:12pm.



< Photo ↻



♡ 💬 📌

🔖

20,373 likes

kevinjamesofficial 3 year old... I'm a tiger.

[View all 305 comments](#)

roachcomic We're painting over here too. I do ceilings.

♡

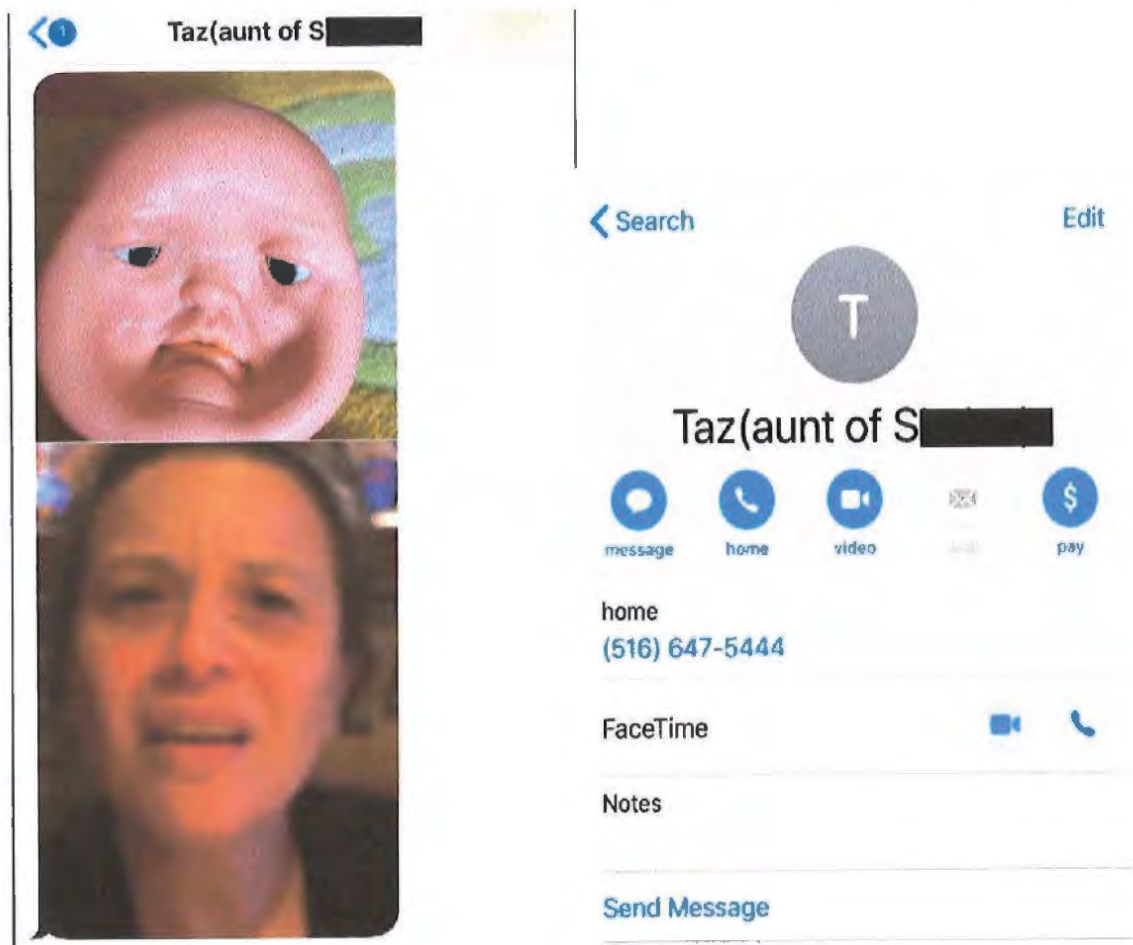
basruttenmma Braveheart!!

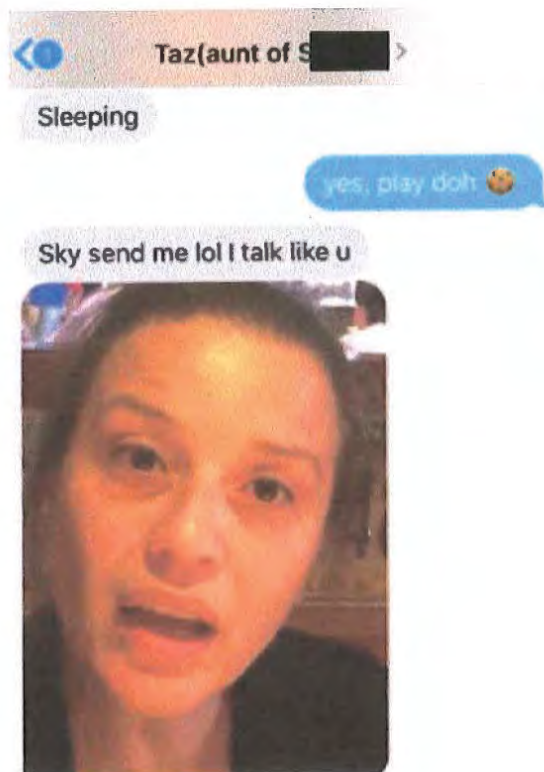
♡

OCTOBER 23, 2018

I never received any communication, either verbal or written, indicating that I was not permitted to take photos. In fact, it was common practice for other employees to take pictures and share them via messaging apps or post them on social media, or send the photos and videos to Ms. Knipfing and Mr. Knipfing.

According to my meeting with my co-worker Rebeca Uzcategui, in the presence of Manuela Orrego, as well as during the interview with the investigators, on November 20, 2018, Ms. Uzcategui confirmed all the instances of abuse. She also stated that both Ms. Knipfing and Mr. Knipfing have been covering up the abuse and discrimination by Zantua for years. Ms. Uzcategui further indicated that she filed her first complaint with Mr. Knipfing as early as 2017.





Ms. Knipfing and Mr. Knipfing made false and defamatory statements about me and my employment and lied about the documented instances of abuse. I obtained the unredacted report in May 2025, after three years of fighting against the government agency to access this critical evidence

Ms. Knipfing and Mr. Knipfing deliberately concealed the video of the final physical assault, for which I am now submitting both the video and a transcript dated October 23, 2018. They have continued to lie about this incident for years.

See Additional Exhibits:

Exhibit 3: Knipfing Employment Text Messages and Hiring Process – NDA Never Received.

Exhibit 4: Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018.

Exhibit 5: Text from Stephanieanna Knipfing Regarding Salary, dated February 16, 2018.

Exhibit 6: Texts with Stephanieanna Knipfing -- Awareness of Photo-Taking.

Exhibit 8: Mistreatment Report to House Manager, dated October 16, 2018.

Exhibit 10: Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transaption, dated October 14, 2018.

Exhibit 11: FOIL CPS Certification – Unredacted Report, dated May 19, 2025.

Exhibit 12: Photographs from January through November 2018 – Authorized by Employers.

Exhibit 13: Texts with Zantua – Racial Remarks and Harassment.

Exhibit 14: Final Assault in Presence of Zantua – Transcript by Transaption, dated October 23, 2018.

Exhibit 15: Authorized Video Recording with Kevin Knipfing and Daughter – October 23, 2018, at 6:12 p.m.

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Exhibit 17: Return-to-Work Recording Following Complaint – Meeting with Kevin Knipfing – Retaliation, NDA, and Termination Disguised as Suspension, dated November 6, 2018.

Exhibit 20: Court Decision by Judge Gary R. Brown – EDNY Docket No. 20-cv-3361, dated September 30, 2021.

Exhibit 21: Affidavit Signed by Mrs. Manuela Orrego – Witness to Mistreatment by Zantua, dated June 20, 2021.

Exhibit 22: Medical Records Documenting Injuries – Dated Since June 3, 2018.

Exhibit 24: EEOC Complaint Against Kevin Knipfing, dated January 31, 2019.

Exhibit 43: Order by Judge Bulsara Regarding New Evidence – DE [198] dated June 17, 2025 – Loft Legal Opinion on Retaliatory NDA, dated July 11, 2025.

Exhibit 46: Letter from NYS Department of Labor, Case LM25006216 – Claim Filed June 8, 2025, dated August 11, 2025.

3. Admitted: For identification purposes only.

4. Partially admitted as to the number of children, but qualified: Zantua encouraged them to mock Plaintiff's accent, contributing to a hostile environment. Ms. Zantua was also my supervisor.

See evidence, including but not limited to Ex. J - Plaintiff's Diary field by Defendants; See Ex. 13 (PLA000033- PLA000084) and Ex. 14 (PLA000155- PLA000159) by Plaintiff.

5. Admitted: For identification purposes only.

6. Denied: Steve Savitsky, False Statements to WCB (March 19, 2020): Savitsky made false statements to the WCB regarding the plaintiff's employment, contributing to the ongoing fraud in Case G-2584330, that include but not limited to: Based on the Fourth Amended Complaint (Exhibit 38, filed June 10, 2025, in Case No. 24-cv-7247), Steve Savitsky (Manager of Old Westbury LLC) is accused of committing fraud as part of a racketeering enterprise. Mail Fraud (18 U.S.C. § 1341): Savitsky participated in fraudulent schemes using mail, including COBRA fraud (denying or misrepresenting health insurance continuation benefits to Plaintiff Lidia M. Orrego post-employment).

Civil RICO (18 U.S.C. § 1962(c)): Savitsky, Old Westbury LLC, and co-conspirators (Kevin and Stephanieanna Knipfing) formed an enterprise involving wage denial (withholding earned wages) and related fraudulent acts, such as falsified records and communications to evade liability.

What is Full Shimnee Inc., as my employer in the WCB case G2584330?

I never lived in California, my salary wasn't \$200 a week. I worked as a nanny and housekeeper, and I never worked for Mr. Knipfing's production company.

If everything was "legal", why did they bring a company that never hired me into the case?

Fraud at WCB case G-2584330 Lidia M. Orrego v Kevin and Stephanieanna Knipfing.

See Plaintiff's Exhibits:

Exhibit 3 – Knipfing Employment Text Messages and Hiring Process – NDA Never Received

Exhibit 4 – Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018

Exhibit 5 – Text from Stephanieanna Knipfing Regarding Salary, dated February 16, 2018

Exhibit 6 – Texts with Stephanieanna Knipfing – Awareness of Photo-Taking

Exhibit 11 – FOIL CPS Certification – Unredacted Report, dated May 19, 2025, after three-year legal effort in EDNY Docket No. 20-cv-3361

Exhibit 24 – EEOC Complaint Against Kevin Knipfing, dated January 31, 2019

Exhibit 29 - Motion to Disqualify Opposing Counsel – Gordon Rees Scully Mansukhani LLP, EDNY Docket No. 20-cv-3361, dated March 13, 2025 (DE [190])

Exhibit 30 - Renewed Motion for Declaratory Relief – Retaliation and WCB Fraud, EDNY Docket No. 20-cv-3361, dated June 30, 2025 (DE [199])

Exhibit 41 – Retaliatory Termination Letter Mailed by Steve Savitsky – Old Westbury LLC, dated November 27, 2018

Exhibit 27 – Demand Letter for Payment and Request to Reopen WCB Case No. G2584330, dated July 7, 2025

Exhibit 28 – Motion to Disqualify Opposing Counsel – Gordon Rees Scully Mansukhani LLP, EDNY Docket No. 20-cv-3361, dated March 13, 2025 (DE [190])

Exhibit 43: the Dated July 11, 2025 – Order by Judge Bulsara regarding New Evidence, DE [198] dated June 17, 2025 – Motion to Vacate dated March 9, 2023 – Includes Loft Legal Opinion on Retaliatory NDA dated May 14, 2025.

7. Denied: How can I incorrectly sue Old Westbury LLC if the letterhead of the termination letter reads "OLD WESTBURY LLC" and the envelope is from California via USPS? How is it possible to sue incorrectly if the lawyer and Mr. Knipfing confirmed on September 30, 2020, that they signed on behalf of "Old Westbury LLC"? See annexed Exhibits:

Defendant's Ex. X - Termination Letter

Exhibit 1 – Amended Complaint, dated August 17, 2020, EDNY Docket No. 20-cv-3361

Defendant's Ex. X - Termination Letter

Exhibit 24 – EEOC Complaint Against Kevin Knipfing, Old Westbury LLC, January 31, 2019

Exhibit 38 – Fourth Amended Complaint with Exhibits – EDNY Docket No. 24-cv-7247 – Orrego v. Savitsky, dated June 10, 2025 (DE [20])

Exhibit 41 – Retaliatory Termination Letter Mailed by Steve Savitsky – Old Westbury LLC, dated November 27, 2018

8. Otherwise responded: Qualified: Once again I was a nanny and housekeeper. Not only one nanny, but also an employee working as a housekeeper, two jobs and making one salary. See Exhibits: Exhibit 3 – Knipfing Employment Text Messages and Hiring Process – NDA Never Received

Exhibit 4 – Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018

Exhibit 7 – Health Insurance Packet – Text from Skylar Testa, dated March 1, 2018

Exhibit 9 – Timesheet from Employer “APP” – January through November 2018 Employment with the Knipfings

9. Otherwise responded: Qualified: At the time, there was a barrier in my English Language. See Exhibits: Ex. J - Plaintiff's Diary

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination.

Exhibit 13 – Texts with Zantua – Racial Remarks and Harassment

Exhibit 18 – Interview with Investigators – Transcript by Transaction, dated November 12, 2018

Exhibit 19 – Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transaption, dated November 16, 2018

II. THE KNIPFINGS' FEBRUARY 2018 HIRING OF PLAINTIFF

1. **Otherwise responded:** Qualified: Once again, I was a nanny and housekeeper.

See Exhibit 9 – Timesheet from Employer “APP” – January through November 2018 Employment with the Knipfing

2. **Otherwise responded:** Qualified: I never knew that Uzcategui was the primary nanny. See Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed on August 1, 2022 – Confirmed Abuse and Discrimination - (Bates: DEFS_000020-DEFS_000023).

4. **Otherwise responded:** Qualified: For identification purposes.

5. **Otherwise responded:** Qualified: For identification purposes.

6. **Otherwise responded:** Qualified: For identification purposes.

7. **Admitted.** See annexed Exhibits:

Exhibit 3 – Knipfing Employment Text Messages and Hiring Process – NDA Never Received

Exhibit 4 – Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018

Exhibit 5 – Text from Stephanieanna Knipfing Regarding Salary, dated February 16, 2018

8. **Admitted.**

9. **Admitted.** See annexed Exhibits.

Exhibit 3 – Knipfing Employment Text Messages and Hiring Process – NDA Never Received

Exhibit 4 – Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018

Exhibit 5 – Text from Stephanieanna Knipfing Regarding Salary, dated February 16, 2018

10. **Admitted.**

11. **Denied:** Start Day February 6, 2018. See APP Timesheet. See annexed Exhibits:

Exhibit 3 – Knipfing Employment Text Messages and Hiring Process – NDA Never Received

Exhibit 9 – Timesheet from Employer “APP” – January through November 2018 Employers.

12. **Denied:** Once again, there was no Offer Letter, a False document fabricated by Defendants and Steve Savitsky, no emailed, no mailed, no texted: See annexed Exhibit:

Exhibit 3: Knipfing Employment Text Messages and Hiring Process – NDA Never Received.

Exhibit 4: Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018.

Exhibit 5: Text from Stephanieanna Knipfing Regarding Salary, dated February 16, 2018.

Exhibit 7: Health Insurance Packet – Text from Skylar Testa, dated March 1, 2018.

Exhibit 9: Timesheet from Employer “APP” – January through November 2018 Employment with the Knipfings.

13. **Otherwise responded:** Qualified: I did not receive any document to sign according to the text messages. See annexed Exhibits:

Exhibit 3 – Knipfing Employment Text Messages and Hiring Process – NDA Never Received

Exhibit 43: Order by Judge Bulsara Regarding New Evidence – DE [198] dated June 17, 2025 – Loft Legal Opinion on Retaliatory NDA, dated July 11, 2025.

Exhibit 46: Letter from NYS Department of Labor, Case LM25006216 – Claim Filed June 8, 2025, dated August 11, 2025.

14. **Denied:** NDA requires providing a copy—no NDA on January 31, 2018. See Exhibits 1, 3.

Fwd: New Nanny... Lidia
2 mensajes

Skylar Testa <skylartesta@gmail.com>
Para: Lidia Orrego <lido:rego@gmail.com>

1 de noviembre de 2018, 18:03

Lidia,

Here is a copy of your NDA (Non Disclosure Agreement).

Best,

Skylar
310.828.7236
SkylarTesta@gmail.com

2018-01-31 23:30.pdf
6481K

Lidia Orrego <lido:rego@gmail.com>
Para: Skylar Testa <skylartesta@gmail.com>

1 de noviembre de 2018, 18:52

Thank you! Only the paystubs are missing.
(El resto lo está enviando)

See annexed Exhibits:

Exhibit 1 – Amended Complaint, dated August 17, 2020, EDNY Docket No. 20-cv-3361

Exhibit 6 – Texts with Stephanieanna Knipfing – Awareness of Photo-Taking

Exhibit 12 – Photographs from January through November 2018 – Authorized by Employers

Exhibit 15 – Authorized Video Recording with Kevin Knipfing and Daughter – Dated October 23, 2018, between 6:00–12:00 p.m.

Exhibit 18 – Interview with Investigators – Transcript by Transaction, dated November 12, 2018

Exhibit 19 - Email 11-16-2018 Report 7 - Audio Files emailed for Investigation to Kevin Knipfing
- Transcription Transaption

Exhibit 43 - Dated 07-11-2025 - Order Judge Bulsara regarding New Evidence DE [198] Dated
06-17-2025 - Motion to Vacate Dated 03-09-2023 Include Loft Legal Opinion Retaliatory NDA
Dated 05-14-2025

15. **Denied:** Once again, I never got a copy of this NDA. See Exhibits 1, 3.

16. **Denied:** Once again, I never got a copy of this NDA. See Exhibits 1, 3.

17. **Denied:** Once again, I never got a copy of this NDA. See Exhibits 1, 3.

18. **Denied:** Once again, I never got a copy of this NDA. See Exhibits 1, 3.

III. PLAINTIFF'S RELATIONSHIP WITH MS. ZANTUA

A. Ms. Zantua Was Neither an Employee nor Plaintiff's Supervisor

19. **Otherwise responded:** Qualified: I used the APP that my employer provided , I did not email my hours. See Exhibit 9 – Timesheet from Employer “APP” – January through.

20. **Otherwise responded:** Qualified: I never submitted anything to Testa or Zantua. Exhibit 9 – Timesheet from Employer “APP” – January through November 2018 Employment with the Knipfings.

21. **Otherwise responded:** Qualified: I don't know, but Zantua was in charge of the activities, driver and I reported directly to her.

See Annexed Exhibits:

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 6 – Texts with Stephanieanna Knipfing – Awareness of Photo-Taking

Exhibit 10 – Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transaption, dated October 14, 2018

22. **Otherwise responded:** Qualified: I was under the impression that Zantua was employed as a nanny and driver; she does not have another job or activity. She is the second shift nanny to help with four kids.

As the driver, Zantua drove with visible rage, putting everyone in the vehicle—including the children—in danger. This behavior was confirmed by Rebeca Uzcategui (Exhibit 2). Had an accident occurred, my employers Mr. Knipfing and Ms. Knipfing would have been legally responsible. It doesn't matter that she wasn't a formal employee; employers are responsible for the workplace environment, including actions by third parties regularly present.

NYSHRL held employers liable for misconduct, abuse, harassment, discrimination, among others, if they had control over the workplace and negligently allowed the behavior. Her role as a nanny or driver, if performed in the workplace or business context, makes her actions attributable to the employer's responsibility.

See annexed Exhibits:

Exhibit 1: Amended Complaint, dated August 17, 2020, EDNY Docket No. 20-cv-3361.

Exhibit 2: Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination.

Exhibit 10: Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transaption, dated October 14, 2018.

23. **Otherwise responded:** Qualified: This is two-part question.

In regard I my Workers Compensation Board case the statute of limitations in New York, is two years to file a workers' compensation claim after the date of the incident. I notified my employer, the Knipfings, on November 2, 2018. See annexed Exhibit 14 – Final Assault in Presence of Zantua – Transcript by Transaption, dated October 23, 2018

For the second part, this requires 2 answers.

The answer to the first question is Denied.

Ex. A, 174:20-25 and 227:6-23, I do not identify Mr. Testa as my supervisor.

The answer to question number two, Mr. Testa Supervisor/Housemanager/Manager, is the same meaning to me.

See Exhibits:

Exhibit 16 – Text from Ms. Knipfing After Complaint – Hostile Work Environment and Retaliatory Treatment, dated November 2, 2018

Exhibit 17 – Return-to-Work Recording Following Complaint – Meeting with Kevin Knipfling – Retaliation, NDA, and Termination Disguised as Suspension, dated November 6, 2018

Exhibit 18 – Interview with Investigators – Transcript by Transaction, dated November 12, 2018

Exhibit 19 – Email Submission of Audio Files for Investigation to Kevin Knipfling – Transcript by Transaption, dated November 16, 2018

Exhibit 20 – Court Decision by Judge Gary R. Brown – EDNY Docket No. 20-cv-3361, dated

September 30, 2021

Exhibit 21 – Affidavit Signed by Mrs. Manuela Orrego – Witness to Mistreatment by Zantua, dated June 20, 2021

Exhibit 22 – Medical Records Documenting Injuries – Dated Since June 3, 2018

B. Plaintiff's Allegations of Harassment by Ms. Zantua

24. Admitted: Yes, Ms. Zantua harassed me by calling me names, insulted me, and was physically and mentally abusive. Confirmed by my co-worker Rebeca Uzcategui. See annexed Exhibits:

Exhibit 1 – Amended Complaint, dated August 17, 2020, EDNY Docket No. 20-cv-3361

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

25 through 34. Admitted: See Exhibits:

Exhibit 2 – Rebecca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 13 – Texts with Zantua – Racial Remarks and Harassment

Exhibit 21 – Affidavit Signed by Mrs. Manuela Orrego – Witness to Mistreatment by Zantua, dated June 20, 2021

Exhibit 14 – Final Assault in Presence of Zantua – Transcript by Transaption, dated October 23, 2018

Exhibit 15 – Authorized Video Recording with Kevin Knipfing and Daughter – Dated October 23, 2018, between 6:00--12:00 p.m.

Exhibit 16 – Text from Ms. Knipfing After Complaint – Hostile Work Environment and Retaliatory Treatment, dated November 2, 2018

Exhibit 17 – Return-to-Work Recording Following Complaint – Meeting with Kevin Knipfing –

Retaliation, NDA, and Termination Disguised as Suspension, dated November 6, 2018

Exhibit 18 – Interview with Investigators – Transcript by Transaction, November 12, 2018

Exhibit 19 – Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transaction, dated November 16, 2018

Exhibit 21 – Affidavit Signed by Mrs. Manuela Orrego – Witness to Mistreatment by Zantua, dated June 20, 2021

35, 36 and 37. **Otherwise responded:** Qualified: It might not have been in the text messages, but that where the verbal abuse was.

38. **Denied:** There is the text message making fun of my accent. See Annexed Exhibits:

Exhibit 2 – Rebecca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 13 – Texts with Zantua – Racial Remarks and Harassment

39. **Otherwise responded:** Qualified: No person will admit physical abuse in the text message.

40. **Otherwise responded:** Qualified: I was always polite and professional.

41. **Denied:** Everyone knows the term “lol” is a sarcastic term.

D. Plaintiff's Purported Diary and Entries Regarding Ms. Zantua

42. **Otherwise responded:** Qualified: Opposing Counsel has my Diary translated 5 years after the termination.

43. **Otherwise responded:** Qualified: How does the Opposing Counsel expect me to remember events that happened 5 years ago?

44. **Admitted.**

45. **Admitted.**

46. **Admitted.**

47. **Otherwise responded:** Qualified: On my day off, I can work whatever I want.

48. **Otherwise responded:** Qualified: Again, on my day off, I can work whatever I want.

49. **Otherwise responded:** Qualified: What evidence that opposing Counsel that I falsify my testimony?

See Exhibits:

Exhibit 31 – Letter Motion to Vacate Orders – Fraud and Due Process Violations, EDNY Docket No. 20-cv-3361, dated July 8, 2025 (DE [203])

Exhibit 32 – IME Case – Hochfelder v. NYS WCB – AG Letitia James Confirms IME Fraud, disposed January 21, 2025

Exhibit 33 – Subpoena – Vladimir Morgovsky – WCB Case G-2584330, dated July 8, 2020

Exhibit 34 – Affirmation of Vladimir Morgovsky – NYSCEF Doc No. 641, Index No. 702511-2023, dated November 13, 2024

Exhibit 35 – Table of Evidence – Orrego_Evidence_20cv3361 PLA000001 to PLA008324

50. **Otherwise responded:** Qualified: It's hard to remember if there are per diem jobs. Irrelevant.

51. **Otherwise responded:** Qualified: I have no control over how the Pavillion Agency drafted my resume.

52. **Admitted.**

53. **Otherwise responded:** Qualified: No need for me to keep a diary because is no physical or verbal abuse going on.

54. **Admitted.**

55. **Admitted.**

56. **Admitted.**

57. **Admitted.**

58. **Denied:** The Full Diary entry is not being stated.

59. **Denied:** The Full Diary entry is not being stated.

60. **Admitted.**

61. **Denied:** Once again, The Full Diary entry is not being stated.

62. **Admitted.**

63. **Otherwise responded:** Qualified: Once again, The Full Diary entry is not being stated.

64. **Otherwise responded:** Qualified: I am insulted as to how Opposing Counsel can state “the only entries” “in my diary.

65. **Otherwise responded:** Qualified: When I have enough of the mental, verbal and physical abuse I addressed with Mr. Knipfing.

See Exhibits:

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 10 – Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transapion, dated October 14, 2018

66. Repetitive 65)

67. **Denied:** Defendants OWN Transcript Diary Entry DEFS000057 “8/21 – 3pm”

IV.OCTOBER 31, 2018, REDUCTION IN PLAINTIFF’S HOURS, AND PLAINTIFF’S NOVEMBER 2, 2018, COMPLAINT

A. Plaintiff’s Voluntary Assumption of Housekeeping Duties in August 2018

68. **Denied:** to the work schedule. I worked Monday through Saturday 7am to 11pm, as nanny/housekeeper.

I was hired as nanny and housekeeper. My schedule and hours varied times I replace the first shift nanny, whether on vacation or out sick. I would also stay late and leave at 11 pm at night.

False to the Ex. E Job Offer Letter.

On that date October 31, 2018: I was informed of the new work schedule.

Due to the fact that word got around of my protest of excessive work hours.

See Exhibits:

Exhibit 3 – Knipfing Employment Text Messages and Hiring Process – NDA Never Received

Exhibit 4 – Text from Skylar Testa – Confirmation of Background Check, dated February 15, 2018

Exhibit 5 – Text from Stephanieanna Knipfing Regarding Salary, dated February 16, 2018

Exhibit 41: Retaliatory Termination Letter Mailed by Steve Savitsky – Old Westbury LLC, dated November 27, 2018.



69. **Denied:** Once again, my schedule was Monday through Saturday from 70 am to 11 pm.

70. **Denied:** I started working Housekeeping duties since March 2018.

False to my diary entry. I was not offered the housekeeping job because I was already performing the housekeeping duties.

71. **Denied:** As you can see in the timesheet attached Monday through Friday from 7am to 11pm.

72. **Denied:** See my hours of my timesheet. See Exhibit 9.

73. **Admitted:** It is exactly what I was saying all along.

74. **Admitted:** See my Timesheet. See Exhibit 9.

B. October 31, 2018, Removal of Plaintiff's Housekeeping Duties and Her Complaint Two Days Later

75. **Otherwise responded:** Qualified: October 31, 2018, Removal of Plaintiff's Housekeeping Duties and Her Complaint Two Days Later.

See Exhibit:

Exhibit 17 – Return-to-Work Recording Following Complaint – Meeting with Kevin Knipfing – Retaliation, NDA, and Termination Disguised as Suspension, dated November 6, 2018

76. **Otherwise responded:** Qualified: Everything seemed fine with my work duties with the Knipfings. The fact that Ms. Knipfing expressed concern that she had never demonstrated any consideration. These text messages come after my complaint.

77. **Otherwise responded:** Qualified: Approximately correct.

78. **Denied:** The email November 2, 2018, at 12:25.

See Annexed Exhibits:

Exhibit 1 – Amended Complaint, dated August 17, 2020, EDNY Docket No. 20-cv-3361

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August

1, 2022 – Confirmed Abuse and Discrimination

79. **Admitted.**

80. **Admitted.**

81. **Admitted.**

82. **Otherwise responded:** Qualified: In regard, to the abuse to the children I informed to Skylar the following dates 4/21; 08/15; 09/11, 10/16 Ex. J. Enry Diary. I also, informed Ms. Uzcategui of which there are audio recordings such as. I also informed Mr. Knipfing on November 6, 2018, and also, I sent the audio on November 8, 2018, and November 16, 2018. In addition, I sent the audio of me complaining to Mr. Testa on May 25, 2022

83. **Otherwise responded:** Qualified: I did verbally mention to Ms. Knipfing on one occasion. Her respond to me, was one of, “I am not interesting”.

84. **Admitted.**

85. Mr. Knipfing was not available, hands my complaint to Ms. Knipfing. In addition, I spoke with Testa, and his respond was, Zantua is like that with the all the nannies. See Exhibits:

Exhibit 2 -- Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination Exhibit 20 – Court Decision by Judge Gary R. Brown – EDNY Docket No. 20-cv-3361, dated September 30, 2021

Exhibit 21 – Affidavit Signed by Mrs. Manuela Orrego – Witness to Mistreatment by Zantua, dated June 20, 2021

Exhibit 22 – Medical Records Documenting Injuries – Dated Since June 3, 2018

Exhibit 24 – EEOC Complaint Against Kevin Knipfing, dated January 31, 2019

Exhibit 25 – WCB Decision G-2584330 – MRI Accepted as Prima Facie Evidence, dated November 5, 2019

86. **Admitted.**

87. **Otherwise responded:** Qualified: Although there are not entries of my complaints to Mr. Testa, there are numerous entries about Ms. Zantua's mental, emotional, and physical abuse.

V. INVESTIGATION OF PLAINTIFF'S 11-02-2018 COMPLAINT

88. **Admitted.**

89. **Admitted.**

90. **Admitted.**

91. **Admitted.**

92. **Admitted.**

93. **Denied:** My reports state child abuse, harassment, and audio files. Why is Opposing Counsel stating the opposite?

See Exhibits:

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 11: FOIL CPS Certification – Unredacted Report, dated May 19, 2025.

Exhibit 18 – Interview with Investigators – Transcript by Transaction, dated November 12, 2018

Exhibit 19 – Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transaption, dated November 16, 2018.

94. **Admitted.**

95. **Admitted.**

96. **Otherwise responded:** Qualified: Report 7 is an audio file of the complaints between Uzcategui and me about the harassment and abuse from Zantua.

Report 5 is the text messages from Uzcategui's harassment of me.

See annexed Exhibits:

Exhibit 2: Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination.

Exhibit 10: Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transapion, dated October 14, 2018.

Exhibit 18: Interview with Investigators – Transcript by Transapion, dated November 12, 2018.

Exhibit 19: Report 7 - Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transapion, dated November 16, 2018.

Exhibit 19: Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transapion, dated November 16, 2018.

Exhibit 21: Affidavit Signed by Mrs. Manuela Orrego – Witness to Mistreatment by Zantua, dated June 20, 2021.

Exhibit 22: Medical Records Documenting Injuries – Dated Since June 3, 2018.

Exhibit 24: EEOC Complaint Against Kevin Knipfing, dated January 31, 2019.

Exhibit 25: WCB Decision G-2584330 – MRI Accepted as Prima Facie Evidence, dated November 5, 2019.

97. **Denied:** Exhibit V the text message from Testa mentions a different investigator form “Tefta and Irma.” Exhibit W. Confirmed.

99. **Otherwise responded:** Qualified: Confirming the interview with investigators “Tefta and Irma.” I do not nothing about the email

100. **Otherwise responded:** Qualified: I might not have seen the actual abuse, but I would question where bruises are coming from Exhibit W. As to my interview with the investigators, there is more to my statements.

101. **Otherwise responded:** Qualified: I only aware a complaint being file the year prior.

102. **Otherwise responded:** Qualified: I cannot confirm if the email was sent if I never received the copy. Exhibit W: I might not have seen the actual abuse, but I would question where bruises are coming from.

VI. TERMINATION OF PLAINTIFF'S EMPLOYMENT

103. **Otherwise responded:** Qualified: Although the termination letter read November 27, 2018, my last day of employment was November 6, 2018.

104. **Otherwise responded:** Qualified:

1. What NDA? I never received the copy of that.
 - a. Confirm
 - b. At the request of the family
2. My unwillingness to work with Uzcategui stems from a false accusation
3. What statements are false? Uzcategui confirmed all the complaints. The Knipfings and Corporations have committed retaliation until today,

See Exhibits:

Exhibit 2 – Rebecca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 17 – Return-to-Work Recording Following Complaint – Meeting with Kevin Knipfing – Retaliation, NDA, and Termination Disguised as Suspension, dated November 6, 2018

105. **Otherwise responded:** Qualified: It is not illegal to record another person in New York and support a Complaint.

106. **Otherwise responded:** Qualified: It is not illegal to record another person in New York and support a Complaint.

107. **Otherwise responded:** Qualified: I have text messages for Zantua, harassing, discriminating, “Only English” texts messages. See Exhibits:

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 13: Texts with Zantua – Racial Remarks and Harassment.

Exhibit 14: Final Assault in Presence of Zantua – Transcript by Transapion, dated October 23, 2018.

108. **Otherwise responded:** Qualified: Photos and videos were upon the family's requests. Other employees. See Exhibits:

Exhibit 1 – Amended Complaint, dated August 17, 2020, EDNY Docket No. 20-cv-3361

Exhibit 6: Texts with Stephanieanna Knipfling – Awareness of Photo-Taking.

Exhibit 12: Photographs from January through November 2018 – Authorized by Employers.

Exhibit 13: Texts with Zantua – Racial Remarks and Harassment.

Exhibit 15: Authorized Video Recording with Kevin Knipfling and Daughter – October 23, 2018, at 6:12 p.m.

109. **Otherwise responded:** Qualified: My unwillingness to work with Uzcategui stems from false accusations.

See Exhibits:

Exhibit 10: Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transapion, dated October 14, 2018.

Exhibit 18 – Interview with Investigators – Transcript by Transaction, dated November 12, 2018

Exhibit 11: FOIL CPS Certification – Unredacted Report, dated May 19, 2025.

110. **Otherwise responded:** Qualified: I felt supported by the Investigators. Exhibit 18.

See Exhibit:

Exhibit 18 – Interview with Investigators – Transcript by Transaction, dated November 12, 2018

111. **Otherwise responded:** Qualified: In my complaint November 2, 2018, the mistreatment is the mental abuse. As for the physical abuse once again, I have to question where the bruises are coming from.

VII. PLAINTIFF'S COMMENCEMENT OF THIS LAWSUIT & THE COURT'S PARTIAL DISMISS OF PLAINTIFF'S CLAIMS

112. **Admitted.**

113. **Admitted.**

114. **Admitted.**

115. **Admitted.**

116. **Admitted.**

117. **Admitted.**

VIII. PLAINTIFF'S HARASSING AND VEXATIOUS CONDUCT

A. Plaintiff's September 2019 Workers' Compensation Claim and Subsequent Related Complaints and State Court Lawsuits

118. **Otherwise responded:** Qualified: Under New York State Law, the Statute of Limitations is 2 years from the date of injury.

See annexed Exhibits:

Exhibit 26: Affirmation by Ximena Espinoza, dated September 6, 2025 – OPMC Complaint and Email to Medical Directors.

Exhibit 27: Demand Letter for Payment and Request to Reopen WCB Case No. G2584330, dated July 7, 2025.

Exhibit 28: Motion to Disqualify Opposing Counsel – Gordon Rees Scully Mansukhani LLP, EDNY Docket No. 20-cv-3361, dated March 13, 2025 (DE [190]).

Exhibit 40: Letter of Admonition to Pasternack Law Firm – Plaintiff Sharafaldin Ahmed, NYSCEF Doc No. 24, Docket No. 2024-05078.

Exhibit 44: NYSCEF doc. [6] – Final Determination/Decision, dated September 23, 2024, Index 72335-2024, Jason Hochfelder MD v. NYS Workers Compensation Board.

119. **Admitted.**

120. **Admitted.**

121. **Otherwise responded:** Qualified: The WCLJ is based on fraud, and I am appealing it.

See annexed Exhibits of all the Fraud and the Affidavit of Ximena Espinoza other Victim of the same WCLJ, ME doctor and Pasternack Law Firm. Additionally, Mr. Sharafaldin Ahmed, Victim of Pasternack Law Firm.

See Annexed Exhibits:

Exhibit 32 – IME Case – Hochfelder v. NYS WCB – AG Letitia James Confirms IME Fraud, disposed January 21, 2025

Exhibit 33 – Subpoena -- Vladimir Morgovsky – WCB Case G-2584330, dated July 8, 2020

Exhibit 34 – Affirmation of Vladimir Morgovsky – NYSCEF Doc No. 641, Index No. 702511-2023, dated November 13, 2024

Exhibit 28 – Motion to Disqualify Opposing Counsel – Gordon Rees Scully Mansukhani LLP, EDNY Docket No. 20-cv-3361, dated March 13, 2025 (DE [190])

Exhibit 29 – Second Motion to Recuse Judge Shields – NDAs and Labor Violations, EDNY Docket No. 20-cv-3361, dated June 17, 2025 (DE [196])

Exhibit 30 – Renewed Motion for Declaratory Relief – Retaliation and WCB Fraud, EDNY Docket

No. 20-cv-3361, dated June 30, 2025 (DE [199])

Exhibit 31 – Letter Motion to Vacate Orders – Fraud and Due Process Violations, EDNY Docket

No. 20-cv-3361, dated July 8, 2025 (DE [203])

Exhibit 40 – Letter of Admonition to Pasternack Law Firm – Plaintiff Sharafaldin Ahmed, NYSCEF Doc No. 24, Docket No. 2024-05078

Exhibit 44: NYSCEF doc. [6] – Final Determination/Decision, dated September 23, 2024, Index 72335-2024, Jason Hochfelder MD v. NYS Workers Compensation Board.

Exhibit 45: NYSCEF doc. [43], dated January 21, 2025, Index 72335-2024 – Order by Hon. Maurice Dean Williams.

122. **Otherwise responded:** Qualified: Based on Fraudulent IME reports. Although the WCB Board Panel sided with the Judge, I appealed the decision.

See annexed Exhibits:

Exhibit 25: WCB Decision G-2584330 – MRI Accepted as Prima Facie Evidence, dated November 5, 2019.

Exhibit 26: Affirmation by Ximena Espinoza, dated September 6, 2025 – OPMC Complaint and Email to Medical Directors.

Exhibit 44: NYSCEF doc. [6] – Final Determination/Decision, dated September 23, 2024, Index 72335-2024, Jason Hochfelder MD v. NYS Workers Compensation Board.

Exhibit 45: NYSCEF doc. [43], dated January 21, 2025, Index 72335-2024 – Order by Hon. Maurice Dean Williams.

Exhibit 47: NYS Workers Compensation Board – Denial of Renewal for Jason Hochfelder MD as IME – History of False Statements, dated September 23, 2024.

123. **Admitted.**

124. **Admitted.**

125. **Admitted.**

126. **Admitted.**

127. **Admitted.**

125. **Otherwise responded:** Qualified: Attached the New evidence

126. **Otherwise responded:** Qualified: Attached.

127. **Otherwise responded:** Qualified: Attached evidence.

128. **Otherwise responded:** Qualified: Attached evidence.

129. **Otherwise responded:** Qualified: Judge Kevin J. Kerrigan stated that I intimidate a witness.

One in fact I am pointing out that this Witness submitted a false medical report. Judge Kerrigan impose illegal sanction on what.

Judge Kerrigan statement of frivolous and harassing conduct through the litigation is unfair.

Attached the document that evidence Attorney General Letitia James that confirmed that Jason Hochfelder filed false medical report Workers Compensation Board G-2584330.

130. **Admitted.**

131. **Admitted.**

**B. Plaintiff's May 2020 and February 2024 Complaints of Child Abuse against Defendants
& Subsequent Related Complaints and Petition**

132. **Otherwise responded:** Qualified: In New York State is not Statute of limitations as to when someone can report child abuse.

133. **Admitted.**

134. **Otherwise responded:** Qualified:

135. **Otherwise responded:** The reason that NCCPS complaint was unfounded was due to the

lack of evidence submitted by Debra Karpf. Hands my complaint to Nassau Office of Inspector General.

136. **Otherwise responded: Qualified:** This is irrelevant. Rebeca Uzcategui confirmed the complaint. See Exhibits:

Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

Exhibit 11 – FOIL CPS Certification – Unredacted Report, dated May 19, 2025, after three-year legal effort in EDNY Docket No. 20-cv-3361

Exhibit 37 -- Motion to Vacate – Appellate Docket No. 2021-09209 – Orrego v. Knipfing, dated September 4, 2025

137. **Otherwise responded: Qualified:** Rebeca Uzcategui confirmed the complaint. See Exhibit: Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

138. **Otherwise responded: Qualified:** Is in the Appeal. Rebeca Uzcategui confirmed the complaint. See Exhibit:

Exhibit 2 -- Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

139. **Admitted.**

C. Plaintiff's March 2021 State Court Lawsuit Against the Knipfings, Ms. Uzcategui, and Cristina Coimbra

140. **Admitted.**

141. **Otherwise responded: Qualified:** Is in the Appeal. Rebeca Uzcategui confirmed the complaint. See Exhibit:

Exhibit 2 – Rebecca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

D. Plaintiff's August 2021 State Court Lawsuit against the Ley Family

142. **Otherwise responded: Qualified:** Rebeca Uzcategui confirmed the complaint. See Exhibit: Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

143. **Otherwise responded: Qualified:** Rebeca Uzcategui confirmed the complaint. See Exhibit: Exhibit 2 – Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination

144. **Otherwise responded: Qualified:** Defendants missing the fact that my complaint also included the + \$4,000.- that they own me.

145. **Denied:** I never filing the Complaint. Ex. E Page 159. See attached Exhibit Small Claim: Exhibit 36 – Stipulation of Settlement – Orrego v. Ley, Case No. 303QSQ2020, dated April 25, 2022

146. **Otherwise responded: Qualified:** Pending case. Irrelevant.

147. **Admitted.**

E. Plaintiff's August 2023 Federal Lawsuit against Pasternak Ziegler and Others

148. **Admitted.**

149. **Admitted.**

F. Plaintiff's November 2024 Federal Lawsuit against Mr. Savitsky

150. **Admitted.**

151. **Otherwise responded: Qualified** No, now due to the Defendants ' avoiding service.

G. Plaintiff's February 2025 Federal Lawsuit against Justice Kerrigan and Others

152. **Otherwise responded: Qualified:** Every individual has a right to due process, and the Constitution exists to protect the rights of the people.

See attached the Order Default Judgment in my favor, Exhibit 42: NYSCEF doc. [308], Index 702511-2023, Orrego v. Morgovsky dated September 9, 2024.

Accordingly, the traverse is overruled, the Court sustains the service of process upon Dr. Gottesman, and the motion by Plaintiff for default judgment as against Dr. Gottesman is granted. Plaintiff

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2 of 3

FILED: QUEENS COUNTY CLERK 09/10/2024 12:12 PM
NYSCEF DOC. NO. 308

INDEX NO. 702511/2023
RECEIVED NYSCEF: 09/10/2024

may proceed to inquest for an assessment of damages at the time of trial of the remaining action. As a result, the cross-motion to dismiss is denied.

153. **Otherwise responded: Qualified:** Every individual has a right to due process, and the Constitution exists to protect the rights of the people. Irrelevant.

154. **Otherwise responded: Qualified:** Every individual has a right to due process, and the Constitution exists to protect the rights of the people. Irrelevant.

155. **Otherwise responded: Qualified:** Every individual has a right to due process, and the Constitution exists to protect the rights of the people. Irrelevant.

I. Plaintiff's Complaints Against Every Attorney Who Previously Represented or Consulted with Her in Connection with Her Claims in This Lawsuit

158. **Otherwise responded: Qualified:** Every individual has the right to effective legal representation. Irrelevant.

159. **Otherwise responded: Qualified:** Every individual has the right to effective legal

representation. Irrelevant.

160. **Otherwise responded: Qualified:** Every individual has the right to effective legal representation.

161. **Otherwise responded: Qualified:** Every individual has the right to effective legal representation.

162. **Otherwise responded: Qualified:** Every individual has the right to effective legal representation. Irrelevant.

163. **Otherwise responded: Qualified:** Every individual has a right to due process, and the Constitution exists to protect the rights of the people. Irrelevant.

164. **Denied.** There is not such email. What Exhibit? Irrelevant.

165. **Otherwise responded: Qualified:** The Peter Romero decline to represented to after I point out the act that he breaches Client-Lawyer Confidentiality. Irrelevant.

166. **Otherwise responded: Qualified:** Peter Romero declined to represent me after I pointed out that he breached Client-Lawyer Confidentiality by exchanging information between both Firms without my knowledge or authorization. Irrelevant.

167. **Otherwise responded: Qualified:** I requested to see the complaint. Irrelevant.

168. **Admitted.** Irrelevant.

169. **Admitted.** Irrelevant.

170. **Admitted.** Irrelevant.

J. Plaintiff's Conduct in This Lawsuit

171. **Otherwise responded: Qualified:** Every individual has a right to due process, and the Constitution exists to protect the rights of the people.

172. **Admitted.** Irrelevant.

173. **Otherwise responded: Qualified:** Every individual has a right to due process, and the Constitution exists to protect the rights of the people.

174. **Otherwise responded: Qualified:** I filed the complaint based on evidence.

175. **Otherwise responded: Qualified:** My complaint about Judge Brown and Shields is the lack of communication. Six months of not responding to my filings. Opposing Counsel is making it seem that my complaints are more about the decisions of my filings. Judges can make mistakes, which is the reason the review is a Constitutional Right. See annexed Exhibit:

Exhibit 39 – Letter to District Judge Sanket J. Bulsara – Senator Chuck Schumer and AG Letitia James

176. **Otherwise responded: Qualified:** The reason the Second Circuit Court denied my interlocutory appeal was that it was not a final decision despite the interlocutory appeal in EDNY qualifying for review, and the Supreme Court denied review because I am not one of the select cases.

177. **Otherwise responded: Qualified:** My motions are supported by evidence. Opposing Counsel has his opinion, and it is just that, his opinion. As for the said sanctions, I am appealing such. See attached Exhibits:

Exhibit 28: Motion to Disqualify Opposing Counsel – Gordon Rees Scully Mansukhani LLP, EDNY Docket No. 20-cv-3361, dated March 13, 2025 (DE [190]).

Exhibit 29: Second Motion to Recuse Judge Shields – NDAs and Labor Violations, EDNY Docket No. 20-cv-3361, dated June 17, 2025 (DE [196]).

Exhibit 30: Renewed Motion for Declaratory Relief – Retaliation and WCB Fraud, EDNY Docket No. 20-cv-3361, dated June 30, 2025 (DE [199]).

Exhibit 31: Letter Motion to Vacate Orders – Fraud and Due Process Violations, EDNY Docket No. 20-cv-3361, dated July 8, 2025 (DE [203]).

Exhibit 32: DE [205] Dated July 23, 2025 – IME Jason Hochfelder v. NYS WCB – AG James Confirms IME Fraud.

Exhibit 33: Subpoena – Vladimir Morgovsky – WCB Case G-2584330, dated July 8, 2020.

Exhibit 34: Affirmation of Vladimir Morgovsky – NYSCEF Doc No. 641, Index No. 702511-2023, dated November 13, 2024.

Exhibit 42: NYSCEF doc. [308], Index 702511-2023, Orrego v. Morgovsky – Default Judgment in Plaintiff's Favor, dated September 9, 2024.

Exhibit 43: Order by Judge Bulsara Regarding New Evidence – DE [198] dated June 17, 2025 – Loft Legal Opinion on Retaliatory NDA, dated July 11, 2025.

Exhibit 44: NYSCEF doc. [6] – Final Determination/Decision, dated September 23, 2024, Index 72335-2024, Jason Hochfelder MD v. NYS Workers Compensation Board.

Exhibit 45: NYSCEF doc. [43], dated January 21, 2025, Index 72335-2024 – Order by Hon. Maurice Dean Williams.

Exhibit 46: Letter from NYS Department of Labor, Case LM25006216 – Claim Filed June 8, 2025, dated August 11, 2025.

Exhibit 47: NYS Workers Compensation Board – Denial of Renewal for Jason Hochfelder MD as IME – History of False Statements, dated September 23, 2024.

178. **Otherwise responded:** Qualified: I have the right to do so. How am I supposed to communicate with the Court? Denial communication is a violation of Due Process.

See attached Exhibits:

Exhibit 28: Motion to Disqualify Opposing Counsel – Gordon Rees Scully Mansukhani LLP, EDNY Docket No. 20-cv-3361, dated March 13, 2025 (DE [190]).

Exhibit 29: Second Motion to Recuse Judge Shields – NDAs and Labor Violations, EDNY Docket No. 20-cv-3361, dated June 17, 2025 (DE [196]).

Exhibit 30: Renewed Motion for Declaratory Relief – Retaliation and WCB Fraud, EDNY Docket No. 20-cv-3361, dated June 30, 2025 (DE [199]).

Exhibit 31: Letter Motion to Vacate Orders – Fraud and Due Process Violations, EDNY Docket No. 20-cv-3361, dated July 8, 2025 (DE [203]).

Exhibit 32: DE [205] Dated July 23, 2025 – IME Jason Hochfelder v. NYS WCB – AG James Confirms IME Fraud.

Exhibit 33: Subpoena – Vladimir Morgovsky – WCB Case G-2584330, dated July 8, 2020.

Exhibit 34: Affirmation of Vladimir Morgovsky – NYSCEF Doc No. 641, Index No. 702511-2023, dated November 13, 2024.

Exhibit 42: NYSCEF doc. [308], Index 702511-2023, Orrego v. Morgovsky – Default Judgment in Plaintiff's Favor, dated September 9, 2024.

Exhibit 43: Order by Judge Bulsara Regarding New Evidence – DE [198] dated June 17, 2025 – Loft Legal Opinion on Retaliatory NDA, dated July 11, 2025.

Exhibit 44: NYSCEF doc. [6] – Final Determination/Decision, dated September 23, 2024, Index 72335-2024, Jason Hochfelder MD v. NYS Workers Compensation Board.

Exhibit 45: NYSCEF doc. [43], dated January 21, 2025, Index 72335-2024 – Order by Hon. Maurice Dean Williams.

Exhibit 46: Letter from NYS Department of Labor, Case LM25006216 – Claim Filed June 8, 2025, dated August 11, 2025.

Exhibit 47: NYS Workers Compensation Board – Denial of Renewal for Jason Hochfelder MD
as IME – History of False Statements, dated September 23, 2024.

Respectfully submitted,

Date: September 15, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd Apart 3E
Rego Park, NY, 11374
Phone (347) 4532234
Email: liorrego@gmail.com
lidia.orrego@justiceforlidia.nyc

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Lidia M. Orrego

D. Judge Sanket J. Bulsara

Plaintiff,

-against-

Case No. 20cv3361 (SJB)(AYS)

Kevin Knipfing a/k/a Kevin James,
Stephanicanna James-Knipfing a/k/a Steffiana
de la Cruz, Old Westbury EDDIE LLC,
Old Westbury, LLC, Steve Savitsky,
Teresa A. Zantua

Defendant(s).
-----X

REVISED DATED SEPTEMBER 15, 2025

SUPERSEDES DATED SEPTEMBER 12, 2025

**MEMORANDUM OF LAW IN OPPOSITION DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Date: September 15, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd Apt 3E
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I. INTRODUCTION

Plaintiff Lidia M. Orrego, a Hispanic woman of Paraguayan descent, respectfully submits this Memorandum of Law in opposition to Defendants' Motion for Summary Judgment on her claims of hostile work environment and retaliation under 42 U.S.C. § 1981 and the New York State Human Rights Law (NYSIHL) against Defendants Kevin Knipfing, Stephanieanna James-Knipfing ("The Knipfings"), Old Westbury Eddie LLC, unregistered ("ghost company") Old Westbury LLC, and Teresa A. Zantua ("Zantua"). See annexed Exhibits 1 to 47.

Plaintiff respectfully submits this **REVISED MEMORANDUM OF LAW, DATED SEPTEMBER 15, 2025, WHICH SUPERSEDES THE VERSION DATED SEPTEMBER 12, 2025**, to incorporate Four new exhibits (Exhibits 42, 43, 44, 45, 46 and 47 per Court order dated July 11, 2025), complete incomplete sentences, error in dates and format, served the wrong document on September 12, 2025 in the accompanying Local Rule 56.1 Counterstatement, redact minors' names in specific exhibits pursuant to Federal Rule of Civil Procedure 5.2(a), and update the relief section and Table of Contents to reflect 45 exhibits in total. This revision ensures accuracy, compliance with privacy requirements under FRCP 5.2(a) and Local Civil Rule 5.3, and a fair presentation of Plaintiff's opposition without altering the substantive arguments. Pursuant to FRCP 15(a)(2), courts freely grant leave to amend when justice so requires, absent prejudice or bad faith, as the changes here cause no undue delay or harm to Defendants and align with the Summary Judgment briefing schedule. See *Foman v. Davis*, 371 U.S. 178, 182 (1962) (emphasizing that leave to amend should be granted liberally to promote resolution on the merits). As a Pro Se litigant, Plaintiff requests leniency in these procedural corrections, consistent with the Second Circuit's directive to make reasonable allowances for self-represented parties to avoid forfeiture of rights due to lack of legal training. *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983).

Defendants' motion must be denied because there are genuine issues of material fact regarding the pervasive racial harassment Plaintiff endured from her supervisor, Zantua, including derogatory remarks like "stupid Paraguayan" and "Mexicans disgusting," verbal emotional and physical abuse which created an abusive work environment from January 2018 to October 2018, supported by co-worker Rebeca Uzcategui's ("Uzcategui") report dated November 21, 2018 concealed by Defendants until August 1, 2022 and, recordings, transcripts, dairy, pictures, photos, videos. After Plaintiff complained about this discrimination November 2, 2018—protected activity under the law—she was demoted Terminated disguised as suspension on November 6, 2018 and formally terminated on November 27, 2018, with Defendants Knipfings, Old Westbury Eddie LLC, unregistered ("ghost company") Old Westbury LLC relying on pretextual reasons, including a fraudulent termination letter from the unregistered entity Old Westbury LLC-ghost company.

The undisputed facts, supported by authenticated Exhibits 1–47 to Revised Plaintiff's Affirmation dated September 15, 2025, supersede the document dated September 12, 2025, and Plaintiff's Local Rule 56.1 Counterstatement of Material Facts, demonstrate that summary judgment for Defendants is unwarranted. Plaintiff's November 2, 2018, complaint email, co-drafted with Rebecca Uzcategui, reported racial discrimination, harassment, and child mistreatment.

Defendants' concealment of Uzcategui's corroborating report, evasive discovery responses, and forged deposition signatures evidence bad faith and pretext, creating further disputes of fact. See annexed Exhibit 2.

Plaintiff opposes Defendants' Motion in full, seeks sanctions under FRCP 37 – DE [190] dated march 13, 2025 ignored by this Court, for their discovery misconduct and fraud upon the Court, see [199], dated June 30, 2025, in case EDNY 20-cv-3361, the Plaintiff filed a Renewed

Motion for Declaratory Relief concerning retaliation and Workers' Compensation Board (WCB) fraud, which was addressed in an Order issued by Judge Brown; the motion included Exhibit 6, Exhibit 7, and Exhibit 8, each titled "Plaintiff's Certificate of Good Faith" and dated November 13, 2023, identifying, respectively, No. 1, No. 2, and No. 3 instances of Defendants' failure to disclose.

Additionally, the request to the Court file a Second Amended Motion to introduce current damages regarding **Lost Wages and Benefits** of \$1,501,090.00- calculated until June 8, 2025 (Per NYS Department of Labor, dated August 11, 2025, see annexed Exhibit 46) for physical/emotional injuries and financial losses, as detailed herein and compliant with Judge Bulsara's Individual Practices. Request for Second Amended Complaint filed DE [205] Dated 07-23-2025 - Docket 20cv3361 - Letter Motion to Vacate Orders Dated July 8, 2025, under FRCP 54(B); DE [207] Dated 08/05/2025 – Letter Motion Objection to Order Dated 08/24/2025 – Due Process Violation and Reaffirmation of Recusal Motions. See annexed Exhibits 1, 27, 43, 46.

The Plaintiff hereby confirms and affirms that she seeks **Compensatory Damages** for \$6,000,000.00- for future loss of income, emotional distress, personal and family pain and suffering, inability to care for her family, concealment of physical abuse, assault and battery, mental anguish, loss of enjoyment of life, and loss of consortium. These damages are the result of the intentional infliction of emotional distress, or reckless disregard thereof, which led to serious and ongoing harm. The Plaintiff asserts that these conditions were caused by race-based discrimination, retaliation, racial harassment, a hostile work environment, defamation, demotion, psychological harassment, and continuous physical abuse. As a result, the Plaintiff has suffered permanent damage to her health and well-being. Injuries arising from work-related incidents are excluded from this claim and are being addressed separately.

Additionally, the Plaintiff seeks **Punitive Damages** for \$2,000,000.00- to hold the Defendants accountable for their willful, malicious, and grossly negligent conduct based on racial animus. The Plaintiff alleges that the Defendants acted in conspiracy with co-workers in a discriminatory and abusive manner, causing lasting harm to her health, livelihood, and reputation. The Plaintiff respectfully requests that the Court and the Honorable Judge impose exemplary punishment to deter the Defendants and others from engaging in similarly tortious and racially motivated conduct in the future.

II. STATEMENT OF FACTS

Plaintiff, the former nanny, and housekeeper for Kevin Knipfing a/k/a Kevin James ("James"), Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz ("James-Knipfing"), collectively ("Knipfings") worked in their private house at 2 Spring Hill Ln, Old Westbury, NY 11568 from January 31, 2018, to November 27, 2018. Plaintiff, a Hispanic woman of Paraguayan origin, worked as a nanny and housekeeper for Defendants Knipfings at their home, 2 Spring Hill Lane, Old Westbury, NY 11568. See annexed Exhibits 1, 3, 4, 5.

From January 31, 2018, to November 27, 2018, Plaintiff was subjected to pervasive and severe physical and emotional assaults, verbal abuse, harassment, retaliation, victimization, violence, etc., according to plenty of documentary evidence such as text messages, emails, recordings, transcriptions, medical records, witnesses, among others during her employment with Defendants as evidence based on her race. These incidents occurred during her employment with the Defendants, perpetrated by Teresa A. Zantua ("Zantua"), unaddressed by Defendants the Knipfings and their Corporations, Old Westbury EDDIE LLC and the unregistered "ghost" entity "Old Westbury LLC" under the Knipfings' control. Despite the overwhelming evidence of discriminatory behavior based on the Plaintiff's race, the Knipfings and their Corporations failed

to take any corrective action against Zantua for fostering a dangerous and hostile work environment.

This inaction directly impacted the Plaintiff's physical and emotional well-being, resulting in irreversible harm. The abuse and hostile work environment created by Zantua, coupled with the Defendants' failure to intervene, caused significant distress, anxiety, and long-term psychological damage to the Plaintiff. Despite the severity of the situation, the Defendants neglected to take appropriate action to address the toxic environment or provide the necessary support to the Plaintiff. Furthermore, in direct retaliation for filing her complaint via email on November 2, 2018, the Plaintiff was terminated just 21 days later, on November 27, 2018.

This wrongful termination, in retaliation for filing a complaint, occurred without the promised meeting from James on November 6, 2018. The Plaintiff had been demoted from her housekeeping position on October 31, 2018, after complaining about excessive work, and was subsequently terminated—disguised as a suspension—on November 6, 2018, in front of two witnesses, as confirmed by recordings and transcriptions.

Throughout the ongoing investigation into her complaint, the Plaintiff was not provided with any explanation or justification for these actions. Moreover, the Plaintiff was never referred for medical treatment through the Workers' Compensation Board ("WCB"), as required for domestic workers, leaving her without necessary care for the physical and emotional injuries sustained during her employment with the Defendants. See

In addition to the documented mistreatment, the Plaintiff submitted critical evidence during the investigation period from November 8 to November 16, 2018, including Reports 1 and 7, which were formally reported to Kevin Knipfing ("James"). This evidence included audio recordings and supporting transcriptions that corroborated the Plaintiff's allegations of abuse and

discrimination. Shockingly, in their motion, the Defendants show **BAD FAITH** by selectively translating only the Plaintiff's diary—originally written in Spanish—while **deliberately omitting** the translation and discussion of the audio recordings that confirm the abuse, racial harassment, and the role of Rebeca Uzcategui in drafting a formal complaint with the Plaintiff against the Zantua on October 31, 2018.

As shown in *Defendants' Exhibit P (Report 1)*, the email sent by Lidia Orrego on **November 8, 2018**, stated:

"From: Lidia Orrego liorrego@gmail.com
Sent: Thursday, November 8, 2018, 12:16 PM
To: xxxkj@gmail.com
Subject: REPORT 1
Good afternoon Mr. Kevin, I sent this part 10-14-2018 Dinner Old Westbury Diner 10:30 am. The conversation is in Spanish, if it is translated into English it would take a long time, but I hope the researchers or people you trust can translate it."

Additionally, the Plaintiff submitted **Report 7**, which included audio evidence and its corresponding transcription. This is filed as **Exhibit 10** (Transcription by Transaption of the October 14, 2018, meeting between Rebeca Uzcategui and Lidia Orrego) and **Exhibit 19** (Email dated November 16, 2018, transmitting Report 7 audio files for investigation to James, with transcription by Transaption). Despite receiving this critical evidence, the Defendants deliberately avoided discussing the recordings in their filings. James never arranged for an English translation of the recordings, choosing instead to translate only the Plaintiff's diary (*Exhibit J*), thereby attempting to conceal the full extent of the abuse and discrimination reported.

The Plaintiff also reported ongoing discrimination, harassment, and child mistreatment—including Zantua's verbal abuse—in various communications. See Exhibit 10 – Transcript by Transcription of the October 14, 2018, meeting between Rebecca Uzategui and Lidia Orrego. Shockingly, this material evidence has been entirely ignored by the Defendants in their Motion to Dismiss, reflecting a pattern of bad faith and deliberate omission—not because the allegations are untrue, but precisely because they are well-documented and supported by recorded evidence.

Zantua actively fostered a hostile work environment by encouraging the Knipfings' children and household staff to mock the Plaintiff's accent and by forbidding the use of Spanish in the home. The Knipfings were aware of Zantua's ongoing harassment but failed to take any corrective action, despite receiving multiple complaints from the Plaintiff. The Plaintiff engaged in protected activity by reporting Zantua's abuse to House Manager Skylar Testa (Testa) on October 16, 2018, and again via email on November 2, 2018.

November 1, 2018, at 6:03 pm, Testa sent via email a questionable 2-Page 7-Page non-disclosure agreement (NDA), only in ENGLISH, despite the Plaintiff's language barrier, and Plaintiff never acknowledged or received a copy from January 31, 2018, to November 1, 2018. See annexed Exhibit 1, Complaint as Exhibit 12.

"FWD: New Nanny... Lidia
From: Skylar Testa <skylartesta@gmail.com>
Sent: Thursday, November 1, 2018, 6:04 PM
To: Lidia Orrego
Subject: New Nanny... Lidia
Attachments: NDA (Non-Disclosure Agreement)
Lidia,

Here is a copy of your NDA (Non-Disclosure Agreement).

Best,
Skylar

Skylar Testa
310.926.7236
SkylarTesta@gmail.com”

The November 2, 2018, email outlined serious concerns, including acts of discrimination, harassment, and child mistreatment—specifically verbal abuse by Zantua. Rather than addressing these issues, the Defendants responded with retaliation. On November 6, 2018, during a return-to-work meeting, James and Testa presented the Plaintiff with a new seven-page Non-Disclosure Agreement (NDA), and the Plaintiff was placed on a so-called “suspension” that in effect disguised her termination. The record reflects a clear pattern of retaliatory and discriminatory conduct, which was later acknowledged in the Court’s decision dated September 30, 2021. See annexed Exhibit 17 Return-to-Work Recording, dated November 6, 2018 – documenting the meeting between the Plaintiff and Kevin Knipfing following the Plaintiff’s formal complaint. The audio recording and its transcription (prepared by Transaption) confirm that the Plaintiff was presented with a retaliatory seven-page Non-Disclosure Agreement (NDA) and was effectively terminated under the guise of a “suspension.” The transcript further establishes that both Knipfing (“James”) and his witness, Cristina Coimbra, made materially false statements in their Memorandum of Law in support of the Motion to Dismiss DE [22-3] filed on December 11, 2020.

After Plaintiff complained about this discrimination November 2, 2018—protected activity under the law—she was demoted Terminated disguised as suspension on November 6, 2018, and formally terminated on November 27, 2018, - the Defendants formally terminated her employment through a fraudulent letter issued under the name of “Old Westbury LLC,” a ghost company with no legitimate operations. See annexed Exhibit 41 -- Retaliatory Termination Letter mailed by Steve

Savitsky on behalf of “Old Westbury LLC,” a ghost company, dated November 27, 2018, and Exhibit 43 Loft Legal Opinion dated May 14, 2025.

The letter cited fabricated and pretextual reasons for termination, including: (1) an alleged breach of a second NDA, based on recordings and photographs taken at the Defendants’ direction and prior to Plaintiff’s receipt of the NDA; (2) a false accusation that Plaintiff refused to cooperate with investigator Rebeca Uzcategui; and (3) vague and unsupported claims of false statements. The Knipfings issued a final “severance” payment of \$1,749.00 on November 26, 2018. During the subsequent CPS investigation, Mr. Knipfing falsely stated that Plaintiff was paid two salaries, a claim that is directly contradicted by payroll documentation. Exhibit 11 - FOIL CPS Certification – Unredacted Report, dated May 19, 2025, after three-year legal effort that confirms the Knipfings’ Lies in EDNY Docket No. 20-cv-3361.

Week Beginning	Normal Hours	Overtime	Total Hours	Hourly Rate	Total
Monday, November 26, 2018	40	12.2	52.2	30	\$1,749.00
Monday, November 19, 2018	40	31.2	71.2	30	\$2,729.00
Monday, November 12, 2018	40	31.2	71.2	30	\$2,729.00

Contrary to Defendants’ claims, the Plaintiff never recanted her report of child abuse. In fact, James acknowledged during the meeting that he was aware of Zantua’s abusive conduct. Shockingly, Rebeca Uzcategui confirmed the abuse and discrimination during her interview with investigators on November 21, 2018. See annexed Exhibit 2.

Additionally, the Plaintiff documented the misconduct on multiple occasions in her diary, including entries dated April 21, August 15, September 11, and October 16, 2018 (see *Exhibit J*–

Entry Diary), as well as in contemporaneous text messages. See *annexed* Exhibit 8 – Mistreatment Report to House Manager, dated October 16, 2018; and Exhibit 10 – Transcript by Transcription of the October 14, 2018, meeting between Rebecca Uzategui and Lidia Orrego.

Zantua cultivated a severely abusive and hostile work environment by actively encouraging the Knipfings' children and household staff to mock the Plaintiff's accent and by explicitly prohibiting the use of Spanish in the home—conduct that was both discriminatory and dehumanizing. This pattern of behavior was not isolated but severe and pervasive, creating a daily atmosphere of humiliation and intimidation. Despite receiving direct complaints from the Plaintiff, and prior notice from Rebeca Uzategui nearly a year earlier—confirmed in her formal interview—the Knipfings willfully ignored the misconduct and took no corrective action to intervene or protect the Plaintiff. See Exhibit 14 – Transcript by Transcription of the final assault in the presence of Zantua dated October 23, 2018; and Exhibit 2 – Interview with Rebeca Uzategui.

Ms. James-Knipfing participated in creating the hostile work environment and was aware of Zantua's mistreatment of other nannies, as confirmed to the Plaintiff by Skylar Testa. See Exhibit 14 – Transcript by Transcription of the final assault in the presence of Zantua (dated October 23, 2018); Exhibit 19 - Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transcription, dated November 16, 2018; Exhibit 11 - FOIL CPS Certification – Unredacted Report, dated May 19, 2025, after three-year legal effort in EDNY Docket No. 20-cv-3361.

The Defendants acted in Bad Faith and made despicable false claims in their Memorandum of Law in support of the Motion to Dismiss DE [22-3], filed December 12, 2020, asserting that the Plaintiff recanted the child abuse allegations. Exhibit 19 - Email Submission of Audio Files for Investigation to Kevin Knipfing – Transcript by Transcription, dated November 16, 2018; Exhibit

11 - FOIL CPS Certification – Unredacted Report, dated May 19, 2025, after three-year legal effort that confirms the Knipfings’ Lies in EDNY Docket No. 20-cv-3361.

Plaintiff suffered work injuries from January 2018 to November 2018 due to long work hours at two jobs (70-88 hours per week, heavy duties, no rest), one salary, reported the injuries in her mail dated November 2, 2018. James-Knipfing and Testa requested a copy of the Medical Certificate provided by the Plaintiff via email. See annexed Exhibit 1, 9 and 16.

“MY SITUATION A WORK FOR 8 MONTHS

Stephanieanna James-Knipfing <steffdelacruz@gmail.com>

2 de noviembre de 2018, 14:52

Para: Lidia Kj <liorrego@gmail.com>

Cc: Skylar Testa <skylartesta@gmail.com>

YES, please send me your doctors report.

Thank you,

Steff”

The Knipfings, as well as Skylar Testa, never informed the Plaintiff of her right to Workers’ Compensation Insurance, nor did they provide any information regarding how to file a claim—despite their legal obligation to do so under New York labor law for domestic workers.

On July 23, 2020, the Plaintiff filed the initial Complaint. On August 17, 2020, the Plaintiff filed the Amended Complaint (“AC”) against Kevin Knipfing a/k/a Kevin James, Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, and Teresa A. Zantua (collectively, the “Defendants”).

Despite extensive evidence of fraud and misconduct, Defendants’ counsel disparaged the Plaintiff as a “mentally disturbing woman” during the January 30, 2025, appeal in Orrego v.

Knipfing et al., Appellate Division Docket No. 2021-09209—targeting her status as a Hispanic pro se litigant. See annexed Exhibit 37 – Motion to Vacate, dated September 4, 2025. The Plaintiff suffered multiple occupational diseases—including wrist injuries, back pain, and PTSD—stemming from prolonged workplace harassment and further exacerbated by falsified medical reports submitted to the Workers’ Compensation Board (WCB), later confirmed to be fraudulent by the New York State Attorney General Letitia James. See Exhibit 22 – Medical Records Documenting Injuries (since June 3, 2018); Exhibit 25 – WCB Decision in Case No. G2584330, accepting Plaintiff’s MRI as prima facie evidence, dated November 5, 2019; and Exhibit 32 – IME Case, Hochfelder v. NYS WCB – AG Letitia James Letter Confirming IME Fraud, dated January 21, 2025.

The Plaintiff attaches the Affirmation of Ms. Ximena Espinoza, dated September 6, 2025, who, like the Plaintiff, was a victim of fraudulent conduct by Dr. Jason Hochfelder, First Choice Evaluations, and WCLJ Barry Greenberg. Ms. Espinoza attests to the submission of false medical reports and confirms the same IME (Independent Medical Examiner) fraud described in Plaintiff’s filings. As a result of these revelations, Ms. Espinoza is now able to request her benefits, which had previously been denied due to falsified documentation. See annexed - Exhibit 26 – Affirmation of Ximena Espinoza, dated September 6, 2025, including email to medical directors dated June 24, 2025, and OPMC Complaint No. NY-23-04-2301A, dated April 21, 2025; Exhibit 47 – NYS Workers’ Compensation Board Denial of IME Renewal for Dr. Jason Hochfelder, dated September 23, 2024, citing a history of filing false statements; and Exhibit 32 – DE [205], dated July 23, 2025, in Hochfelder v. NYS WCB, filed by Attorney General Letitia James, which confirms the IME fraud. These facts are further supported in Plaintiff’s Local Rule 56.1 Counterstatement, at ¶¶ 118–131.

In addition, Defendants violated the New York Labor Law (NYLL) by failing to pay owed wages, overtime, and accrued sick leave. See Exhibit 27 – Demand Letter and Request to Reopen WCB Case No. G2584330, dated July 7, 2025. Defendants also engaged in repeated discovery misconduct—including evasive depositions, forged signatures, and obstructionist tactics—in violation of Federal Rules of Civil Procedure 26, 30, 31, and 37, as documented in the Plaintiff's Certificates of Good Faith, dated November 13, 2023. See also Exhibit 28 – Plaintiff's Motion to Disqualify Opposing Counsel (Gordon Rees Scully Mansukhani LLP), EDNY Docket No. 20-cv-3361, DE [190], dated March 13, 2025, which was improperly denied by the Court, thereby allowing continued fraud upon the judiciary. See annexed Exhibits 43 – Loft Legal Opinion and Exhibit 46 – Letter Dated August 11, 2025 – NYS Department of Labor confirmed to file a Civil Lawsuit for the Lost Wages.

III. LEGAL STANDARD

Summary Judgment should be denied when genuine disputes of material fact exist, or the movant is not entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); Celotex Corp. v. Catrett, 477 U.S. 317, 322–23 (1986). The court must view facts in the light most favorable to the non-movant and deny the motion if disputed facts could lead a reasonable jury to find for the non-movant. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). For § 1981 and NYSHRL claims, Defendants must show no genuine issues regarding hostile work environment or retaliation. Littlejohn v. City of New York, 795 F.3d 297, 315 (2d Cir. 2015). Local Rule 56.1 requires responses to statements of undisputed facts with citations to admissible evidence, as provided in Plaintiff's Counterstatement. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007).

On November 27, 2018—merely 25 days after Plaintiff's November 2, 2018, internal email complaint detailing discrimination and abusive working conditions—Defendants terminated Plaintiff's employment through a fraudulent termination letter purportedly issued by "Old Westbury LLC," a ghost company. *See* annexed Exhibit 41 (Retaliatory Termination Letter Mailed by Steve Savitsky – Old Westbury LLC "ghost company", dated November 27, 2018). The letter cited pretextual grounds for termination, including: (1) an alleged breach of the Second NDA for taking authorized recordings and photographs inside the home, which Plaintiff performed at Defendants' express direction, and which predated her receipt of the NDA; (2) a purported unwillingness to cooperate with investigator Rebeca Uzcategui; and (3) unspecified false statements. *See* annexed Exhibits X, 21, 41.

Additionally, Defendants concealed the November 21, 2018, investigative report by Rebeca Uzcategui, which corroborated Plaintiff's claims of abuse and discrimination. *See* annexed *Exhibit 2 - Uzcategui Investigation Report (disclosed August 1, 2022)*; *Exhibit 18 – Investigator Interview Transcript, dated November 12, 2018*.

This concealment, combined with the unlawful termination and false justifications, violated anti-retaliation provisions under the Domestic Workers' Bill of Rights (N.Y. Lab. Law § 215), the New York State Human Rights Law (§ 296), and General Business Law § 349. *See* also *Exhibit 43 – Loft Legal Opinion* (concluding the termination was retaliatory and unlawful). Accordingly, Plaintiff is entitled to relief, including reinstatement, back pay, compensatory damages, and attorney's fees under N.Y. Exec. Law § 297. *See* annexed Exhibits X, 21, 41, 43, 47.

IV. ARGUMENT

A. Genuine Issues of Material Fact Preclude Summary Judgment on Hostile Work Environment Claims Under § 1981 and NYSHRL.

To defeat a hostile work environment, claim on summary judgment, Defendants must show no genuine disputes as to: (1) membership in a protected class; (2) severe or pervasive harassment based on that class; (3) harassment imputable to the employer; and (4) subjective perception of an abusive environment. *Vance v. Ball State Univ.*, 570 U.S. 421, 424 (2013); *Littlejohn*, 795 F.3d at 315. Genuine disputes exist on all elements, precluding Summary Judgment. See annexed Exhibits 1, 2, 3, 4, 5, 6, 13.

1. Plaintiff's Membership in a Protected Class

Plaintiff, a Hispanic woman of Paraguayan descent, is a member of a protected class under § 1981 (race) and NYSHRL, race/national origin Defendants do not meaningfully dispute this. Zantua's slurs (e.g., "stupid Paraguayan," "Mexicans disgusting") targeted Plaintiff's race and national origin, creating factual disputes. See Exhibits 1 Complaint, 13 - Texts with Zantua – Racial Remarks and Harassment, Exhibit 10 - Meeting with Uzcategui, Exhibit 21 – Affidavit Ms. Manuela E. Orrego. See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 1, 107.

2. Severe or Pervasive Harassment Based on Race/National Origin

Genuine disputes exist regarding Zantua's severe and pervasive harassment throughout Plaintiff's employment (January–November 2018). She repeatedly called Plaintiff "stupid Paraguayan" for perceived work errors and "Mexicans disgusting" during a carwash incident, ordering Plaintiff to pay workers due to their ethnicity. See annexed Exhibits 13 - Texts with Zantua – Racial Remarks and Harassment; Exhibit 14 - Final Assault in Presence of Zantua – Transcript by Transaption, dated October 23, 2018.

On June 16, 2018, after a child injured Plaintiff's wrist, Zantua remarked, "You Mexicans eat a lot of corn, that's why your bones are useless," linking Plaintiff's injury to racial stereotypes. Exhibit 22 - Medical Records Documenting Injuries – Dated Since June 3, 2018; Exhibit 21- Affidavit Signed by Ms. Manuela Orrego, dated June 20, 2021.

Zantua encouraged the Knipfings' children and staff to mock Plaintiff's accent and forbid Spanish, creating a daily abusive environment. See annexed Exhibit 10 - Meeting Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transaption, dated October 14, 2018.

Physical assaults, such as the October 23, 2018, incident witnessed by Zantua, compounded the hostility. See annexed Exhibit 14 - Final Assault in Presence of Zantua – Transcript by Transaption, dated October 23, 2018.

Uzcategui's report confirms 70 facts of racial and emotional abuse, also confirming the complaint a year before the Plaintiff's complaint with Knipfing. See Exhibit 2 - Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination.

These disputes as to pervasiveness alter Plaintiff's work conditions, meeting the severe-or-pervasive standard and precluding Summary Judgment. Littlejohn, 795 F.3d at 321 (frequent racial comments sufficient). See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 1(a)–(f), 107.

3. Harassment Imputable to Defendants

Genuine issues exist as to whether Zantua's harassment is imputable to Defendants, given her supervisory role (directing Plaintiff's tasks), making the Knipfings and Old Westbury Eddie LLC vicariously liable. Vance, 570 U.S. at 428. The Knipfings knew of Zantua's conduct through Plaintiff's complaints (e.g., October 16, 2018, to Testa; November 2, 2018, Email; Exhibit 2

Uzcategui's interview the year before to November 2018) but took no corrective action. See annexed Exhibits 8, 20.

Defendants' failure to investigate or discipline Zantua, despite Uzcategui's corroborating report, confirms negligence and creates disputes. See annexed Exhibit 2.

No corrective opportunities were provided, and Plaintiff's complaints were met with demotion and termination, raising factual questions. See annexed Exhibit 17 - Return-to-Work Recording Following Complaint – Meeting with Kevin Knipfing – Retaliation, NDA, and Termination Disguised as Suspension, dated November 6, 2018; Exhibit 41 - Retaliatory Termination Letter Mailed to Steve Savitsky – Old Westbury LLC, dated November 27, 2018 and Exhibit 20 - Court Decision by Judge Gary R. Brown – EDNY Docket No. 20-cv-3361, dated September 30, 2021. See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 1, 103-114.

B. Genuine Issues of Material Fact Preclude Summary Judgment on Retaliation Claims Under § 1981 and NYSHRL.

To obtain summary judgment on retaliation, Defendants must show no disputes as to: (1) protected activity; (2) adverse employment action; and (3) a causal connection. *Burlington N. & Santa Fe Ry. Co. v. White*, 548 U.S. 53, 68 (2006); *Littlejohn*, 795 F.3d at 315. Genuine disputes exist on all elements.

1. Protected Activity

Plaintiff engaged in protected activity by complaining about Zantua's racial discrimination to Testa on October 16, 2018, and via the November 2, 2018, email to the Knipfings and Testa, co-drafted with Uzcategui. See annexed Exhibits 2, 8, 16.

The email detailed Zantua's slurs, harassment, and child mistreatment, constituting opposition to unlawful practices under § 1981 and NYSHRL. See annexed Exhibits 10 (Meeting

Between Rebeca Uzcategui and Lidia Orrego – Transcript by Transaption, dated October 14, 2018); Exhibit 2 (Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination).

Plaintiff's prior verbal reports to the Testa and ignored/attempting to contact Ms. James Knipfing further qualify as protected activity, creating disputes, but they knew about the Zantua's racist behavior the year before 2017, filed by Uzcategui. See annexed Exhibit 2 Uzcategui's Interview and Exhibits 17 - Meeting with Kevin Knipfing. See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 1, 104.

2. Adverse Employment Actions

Plaintiff suffered two adverse actions: (1) demotion from nanny to housekeeper on August 15, 2018, following earlier complaints, reducing her responsibilities and status; and (2) termination on November 27, 2018, 25 days after the email. See annexed Exhibits 17, 41.

Both actions materially altered Plaintiff's employment conditions, meeting the retaliation standard and raising factual issues. *Burlington*, 548 U.S. at 68 (materially adverse actions include demotion, termination). See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 103-114.

3. Causal Connection and Pretext

The close temporal proximity between Plaintiff's complaints (August and November 2018) and adverse actions (demotion, suspension-termination and formal termination) establishes causation and creates disputes. *Littlejohn*, 795 F.3d at 319 (temporal proximity of weeks sufficient). The termination letter's pretextual reasons—NDA breach, unwillingness to work with Uzcategui, and false statements—further prove retaliation and preclude Summary Judgment. See annexed Exhibits 2, 21, 41, 43, X.

· NDA Breach: Plaintiff's photos (821) and videos (172) were authorized by Zantua and the Knipfings (e.g., dentist visits, birthdays). Plaintiff never received any warning for taking pictures from January 31, 2018, to November 1, 2018. The last video request by James is the Exhibit 15, Dated October 23, 2018, Time 6:12 pm, "Video with Kevin Knipfing & Daughter -- Authorized recording". See annexed Exhibit 6 - Texts with Stephanieanna Knipfing showing awareness of photo-taking; Exhibit 12 - Photographs from January–November 2018 authorized by employers; and Exhibit 3 - Employment texts confirming NDA was never received and hiring process. NDAs were void or backdated (e.g., November 1/6, 2018, versions). Exhibit 17 Recording, November 6, 2018, documents retaliation, NDA enforcement, and termination disguised as suspension. Exhibit 1 - Other employees took photos without consequence.

· Unwillingness to Work with Uzcategui: The email focused on Zantua's harassment, not Uzcategui, and Uzcategui's report supported Plaintiff. My unwillingness to work with Uzcategui stems from a false accusation. See annexed Exhibits 1, 2.

· False Statements: Defendants falsely claimed Plaintiff reported child abuse and retracted it, but the email and recordings show no retraction, focusing on discrimination. See annexed Exhibits 2, 19, 21, 10, 11, 15, 16.

Defendants' concealment of Uzcategui's report, use of the unregistered "ghost" entity Old Westbury LLC to issue the termination, and falsely to provide COBRA benefits further confirm the retaliatory and pretextual nature of the termination. Combined with their counsel's disparagement of the Plaintiff, these actions establish triable issues of fact. See annexed Exhibits 2, 37. See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 1, 104-111.

C. Defendants' Discovery Misconduct Warrants Denial of Their Motion and Sanctions

Defendants' refusal to engage in discovery violates FRCP Rules 26, 30, 31, and 37, warranting denial of their motion and sanctions. Certificates of Good Faith (November 13, 2023) detail these failures. See annexed Exhibit 28 - Motion to Disqualify Opposing Counsel – Gordon Rces Scully Mansukhani LLP.

1. Failure to Disclose Critical Evidence

Defendants withheld Rydan Security dated November 21, 2018, reports confirming Plaintiff's allegations, including Zantua's racial slurs and child psychological mistreatment confirmed by Uzcategui on November 20, 2018. See annexed Exhibit 2 - Rebeca Uzcategui Investigation Report, dated November 21, 2018; disclosed August 1, 2022 – Confirmed Abuse and Discrimination); Exhibit 18 - Interview with Investigators – Transcript by Transaption, dated November 12, 2018.

Defendants also failed to produce employment records for Old Westbury LLC, an (ghost) unregistered entity, despite Kevin Knipfing's control over such information. See annexed Exhibit X and 41 - Retaliatory Termination Letter. See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 1, 164.

2. Evasive Deposition Responses and Forged Signatures

Defendants' April 5, 2023, written deposition responses (DE [84]) were evasive, with non-specific objections to every question, despite agreeing to respond. See annexed Exhibit 35 (Table of Evidence – Orrego_Evidence_20cv3361 PLA000001 to PLA008324). These issues create disputes and warrant denial. See Plaintiff's Local Rule 56.1 Counterstatement ¶¶ 171-178.

Court failed to address the forged signatures, see Exhibit 30 - DE [199] Dated 06-30-2025 EDNY 20cv3361 – Renewed Declaratory Relief Motion – Retaliation & WCB fraud.

Under the Federal Rules of Civil Procedure, sanctions against Defendants are warranted due to fraudulent signatures and discovery misconduct. FRCP 11(c) addresses misrepresentations to the Court; FRCP 26(g) applies to bad-faith or false discovery responses; FRCP 37(c)(1) permits sanctions for unjustified nondisclosure; and FRCP 37(b) authorizes penalties for violating discovery orders. Collectively, these rules support sanctions for Defendants' improper conduct.

3. Appropriate Sanctions Under FRCP 37

Plaintiff requests sanctions under FRCP 37(a)(2), including: (1) establishing Plaintiff's allegations as true; (2) prohibiting Defendants from opposing retaliation claims; or (3) rendering default judgment. Defendants' violations prejudiced Plaintiff, delaying justice and escalating damages, requiring denial of their motion. See annexed Exhibit 30 – DE [199] Renewed Motion for Declaratory Relief – Retaliation and WCB Fraud; Exhibit 31 - DE [203] Letter Motion to Vacate Orders – Fraud and Due Process Violations

D. Plaintiff's Damages and Undisputed Facts Necessitate Denial of Defendants Genuine disputes regarding Plaintiff's damages of \$1,501,090 preclude summary judgment

Physical/Emotional Injuries: (wrist, back, neck, PTSD) from harassment, confirmed by WCB, worsened by falsified IME reports. See annexed Exhibits 22, 24, 25, 26, 27, 32.

Additionally, in support of the fraud in Plaintiff's Workers' Compensation case (G-2584330), the Affidavit of Ms. Ximena Espinoza is submitted as further evidence. Plaintiff also presents evidence that she was a victim of legal malpractice and betrayal by her former attorneys, Pasternack Tilker Ziegler Walsh Stanton & Romano LLP and Pasternack Tilker Weitz & Luxenberg LLP ("The Firm"), who have undisclosed ties to Defendants' counsel, Gordon Rees Scully Mansukhani LLP—creating a clear conflict of interest.

Another victim of similar misconduct is Mr. Sharafaldin Ahmed, who filed a lawsuit in state court against the same firm. A Letter of Admonition issued in his case confirms the firm's failure to properly handle his Workers' Compensation claim and violations of the Rules of Professional Conduct. See annexed Exhibits 26, 33, 34, 40 and 47.

- Financial Losses: e.g. Unpaid wages (\$408,000 for 340 weeks), overtime (77–88 hours/week), sick leave, and WCB benefits, violating NYLL. See annexed Exhibit 27 - Demand Letter for Payment and Request to Reopen WCB Case No. G2584330, dated July 7, 2025).

- Ongoing Harm: Defendants' counsel's disparagement and discovery misconduct increased emotional distress. See annexed Exhibits 1, 9, 10, 11, 12, 21, 22, 24, 25, 44, 45, 46.

E. The Purported Non-Disclosure Agreements are Unenforceable Due to Lack of Mutual Assent, Fraudulent Backdating, and Retaliatory Application based Loft Legal Opinion

The purported Non-Disclosure Agreements ("NDAs") at issue in this case—dated January 31, 2018, but delivered to Plaintiff Lidia M. Orrego on or around November 1, 2018 (First NDA), November 6, 2018 (Second NDA), and February 27, 2023 (Third NDA)—are unenforceable under New York law. As detailed in the expert legal opinion rendered by Loft Legal on May 14, 2025 (attached as Exhibit 43), the NDAs fail to satisfy fundamental principles of contract formation, including mutual assent, and were imposed through fraudulent and deceptive practices in retaliation for Plaintiff's protected complaints. This renders them void and incapable of justifying Defendants' termination of Plaintiff's employment. See annexed Exhibit 43.

1. Lack of Mutual Assent Renders the NDAs Unenforceable

Under New York law, a binding contract requires a "meeting of the minds" on all material terms, as determined by the parties' objective manifestations through words, acts, or conduct. *Stonehill Capital Mgmt., LLC v. Bank of the W.*, 45 N.Y.S.3d 864, 870 (N.Y. Sup. Ct. 2016); *Reyes v. Lincoln Auto. Fin. Servs.*, 861 F.3d 51, 58 (2d Cir. 2017) (applying New York law). Courts

examine the totality of circumstances to assess intent to be bound. *Benicorp Ins. Co. v. Nat'l Med. Health Card Sys., Inc.*, 447 F. Supp. 2d 329, 337 (S.D.N.Y. 2006) (applying New York law); *see also Boves v. Aaron's Inc.*, 2019 WL 1206698, at *3 (S.D.N.Y. Mar. 14, 2019) (applying New York law); *Kamel v. Ahgelian*, 179 N.Y.S.3d 692, 693 (2d Dep't 2022).

Here, no mutual assent exists. Plaintiff signed a standalone signature page on January 31, 2018, under the misrepresentation that it pertained solely to salary documentation, with no reference to confidentiality obligations. The full NDAs were not provided until months or years later, in English only, despite Plaintiff's limited proficiency in the language and without opportunity for translation, explanation, or consultation with Spanish-speaking counsel. Defendants never signed any NDA. The subsequent versions (Second and Third NDAs) unilaterally modified terms, creating novations without Plaintiff's knowledge or consent. *See Lambert v. Schiller*, 68 N.Y.S.3d 195, 197 (3d Dep't 2017) (novation requires express supersession and new consideration); *Health-Chem Corp. v. Baker*, 915 F.2d 805, 811 (2d Cir. 1990) (applying New York law). These defects negate any objective manifestation of agreement, rendering the NDAs procedurally unconscionable and unenforceable. *See also 223 Sam, LLC v. 223 15th St., LLC*, 77 N.Y.S.3d 83, 85 (2d Dep't 2018); *WebMD LLC v. Aid in Recovery, LLC*, 89 N.Y.S.3d 7, 8 (1st Dep't 2018); *Curtis Props. Corp. v. Greif Cos.*, 628 N.Y.S.2d 628, 632 (1st Dep't 1995).

2. Retroactive Enforcement of the NDAs Is Invalid Due to Fraudulent Backdating and Lack of Consideration

New York law prohibits retroactive imposition of contractual obligations without prior consent or new consideration, particularly when backdating is used to deceive. The NDAs were backdated to January 31, 2018—the start of Plaintiff's employment—but delivered much later, purporting to cover conduct from January through November 2018 without contemporaneous negotiation or compensation. No prior oral agreement existed, and modifications required mutual

assent and consideration, which were absent. *Estate of Anglin ex rel. Dwyer v. Estate of Kelley ex rel. Kelley*, 705 N.Y.S.2d 769, 772 (4th Dep't 2000); N.Y. Gen. Oblig. Law § 5-1103; *GG Managers, Inc. v. Fidata Tr. Co. N.Y.*, 626 N.Y.S.2d 488, 490 (1st Dep't 1995); *Am. Int'l Tel., Inc. v. Mony Travel Servs., Inc.*, 2001 WL 209918, at *6 (S.D.N.Y. Feb. 23, 2001) (applying New York law).

Such backdating constitutes fraud where it fabricates a false appearance of prior agreement. *See Schlaifer Nance & Co. v. Estate of Warhol*, 119 F.3d 91, 98 (2d Cir. 1997); *Centro Empresarial Cempresa S.A. v. América Móvil, S.A.B. de C.V.*, 17 N.Y.3d 269, 276 (2011); *Mandarin Trading Ltd. v. Wildenstein*, 16 N.Y.3d 173, 178 (2011). Defendants' actions—misrepresenting the initial signature page and inserting punitive terms (e.g., \$100,000 liquidated damages in the Third NDA) post-complaint—violate General Business Law § 349's prohibition on deceptive acts in commercial transactions.

3. Defendants' Termination of Plaintiff's Employment Was Unlawful and Retaliatory

Plaintiff's termination on November 27, 2018, violated New York law, as it was retaliatory and pretextual, relying on alleged NDA breaches for pre-existing, employer-directed conduct (e.g., taking photos/videos). The termination occurred just 25 days after Plaintiff's November 2, 2018, internal complaint about working conditions, without the required written notice under N.Y. Labor Law § 195(6), which mandates details on the effective termination date and benefit cessation within five working days.

This contravenes anti-retaliation protections under the Domestic Workers' Bill of Rights (N.Y. Lab. Law § 215), Human Rights Law (N.Y. Exec. Law § 296), and General Business Law § 349. Reliance on post-complaint NDAs to punish protected activity amounts to unlawful

retaliation. *See also* N.Y. Exec. Law § 297 (remedies for retaliation include reinstatement, back pay, and damages).

4. Available Remedies Warrant Voiding the NDAs and Awarding Damages

Courts may void unconscionable contracts under N.Y. U.C.C. § 2-302(1). Plaintiff is entitled to seek invalidation of the NDAs, reinstatement, back pay, compensatory and liquidated damages, injunctive relief, civil penalties, emotional distress compensation, and attorney's fees. N.Y. Lab. Law § 215; N.Y. Exec. Law § 297. Defendants' fraudulent conduct further supports these remedies, as Plaintiff suffered lost wages, benefits, emotional distress, and reputational harm. In sum, the NDAs are void ab initio, and Defendants' reliance on them to justify termination is pretextual and unlawful. This Court should deny enforcement of the NDAs.

V. CONCLUSION

Plaintiff respectfully requests that the Court deny Defendants' Motion for Summary Judgment on her hostile work environment and retaliation claims under § 1981 and NYSHRL, update the damages regarding **Lost Wages and Benefits** of \$1,501,090.00 via Second Amended Complaint, and impose FRCP 37 sanctions against Defendants. The genuine disputes of material fact, authenticated by Exhibits 1–47, establish that summary judgment is unwarranted and highlight Defendants' bad faith. Plaintiff further requests leave to file a Second Amended Complaint to update damages and claims, as noted in the 56.1 Counterstatement.

Respectfully submitted,

Date: September 15, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd Apt 3E
Rego Park, NY, 11374
Phone (347) 4532234
Email: liorrego@gmail.com

Certification of Word Count

Pursuant to the applicable Local Civil Rules and/or the Individual Practices of the Court, I certify that the attached memorandum contains **6999 words**, excluding the case caption, table of contents, table of authorities, and certificates, as counted by Microsoft Word.

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se

EXHIBIT 6

September 16, 2025

Hon. Sanket J. Bulsara
United States District Judge
United States District Court, Eastern District of New York
100 Federal Plaza, Courtroom 930
Central Islip, NY 11722 - Via ECF – Pro Se Office

Re: Case No. 20-CV-3361 (SJB)(AYS) Orrego v. Knipfing et al.

Re: Letter Motion for Leave to File Motion to Strike ¶¶ “129-178” Exhibit 2 under FRCP 12(f) (Strike Immaterial/ Scandalous/Insufficient Matter), FRCP 37 (Sanctions for Fraud), and FRE 403 (Exclude Prejudicial Evidence). Local Rule 56.1 Supports Striking Facts Not Backed by Admissible Evidence.

Dear Judge Bulsara:

I, Lidia M. Orrego, *Pro Se*, respectfully submit this letter motion pursuant **Fed. R. Civ. P. 12 (f), etc.**, I seek leave to file a Motion to Strike paragraphs 129–178 of Defendants' Local Rule 56.1 Statement. These are unrelated to § 1981/NYSHRL Defenses and based on fraudulent WCB evidence. E.g., Exhibit 1 Hon. Maurice D. Williams' Jan. 21, 2025, Hochfelder Order (Index 72335/2024) confirms falsifying reports per AG Letitia James' findings and evidence.

Injunction DE [210] does not apply to Motion Summary Judgment related requests.

I request fair consideration and Court's ruling **on or before September 22, 2025.**

Word count: 100.-

Respectfully submitted,

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd, Apt. 3E
Rego Park, NY 11374
Phone: (347) 453-2234
Email: liorrego@gmail.com

Exhibit 1: Hon. Maurice D. Williams' Jan. 21, 2025, Hochfelder order (Index 72335/2024)

Exhibit 2: Orrego - Defendants 56.1 Statement (Final)

All the parties are registered in NYSCEF. Attached Certificate of Service. Total pages filed: 50.-

EXHIBIT 1



**Workers'
Compensation
Board**

KATHY HOCHUL
Governor

CLARISSA M. RODRIGUEZ
Chair

STEVEN M. SCOTT
Executive Director

September 23, 2024

Jason Hochfelder, M.D.
Orlin & Cohen
440 South Riverside Avenue
Croton on Hudson, NY 10520

Re: Application for Authorization Renewal

Dear Dr. Hochfelder:

The Medical Director's Office has received your application dated August 22, 2024, for renewal of your authorization to treat and perform independent medical examinations of injured workers. Upon review of your history, outlined briefly below, since your last application, the Workers' Compensation Board (Board) declines to grant your application for renewal of your authorization.

1. **IME Complaint. Date of Exam 10/14/2020.** The claimant stated that your examination was incomplete and hence could not have supported the findings listed in your report.
2. **IME Complaint. Date of Exam August 7, 2023.** The claimant stated that you did not perform a complete examination or ask the claimant to perform certain movements that were noted in your report. Additionally, the claimant stated that the facility where the examination was conducted failed to accommodate person with disabilities as it did not have a ramp (only a 6-inch step) or a handrail.
3. **IME Complaint. Date of Exam November 16, 2023.** The claimant stated that you failed to appear for independent medical examinations which were scheduled for September 25, 2023 and October 30, 2023.
4. **IME Complaint. Dates of exams: June 10, 2022 and January 16, 2023.** The claimant, Ximena Espinosa, stated that you did not perform a thorough examination and did not accurately document her condition in your reports, resulting in a loss of benefits. Further investigation reveals that your reports and testimony were deemed to have little credibility according to the Workers' Compensation Law Judge Barry Greenberg per his Decision of October 20, 2023.
5. **Failure to Adequately Respond to Letters from the Medical Director's Office.** Regarding the complaint in paragraph #4 above, the Medical Director's Office wrote to you regarding these IME dates on June 21, 2024 and on August 6, 2024. Your response to the Board's letters inadequately addressed the claimant's complaints in violation of Workers' Compensation Law § 13-d(2)(f).

From: PMHC

09/25/2024 14:34

3396 P.002/002

Jason Hochfelder, M.D.
Page Two

6. **Conducting Excessive Number of IMEs.** Our investigation has revealed that on multiple dates, you have conducted an excessive number of IMEs that calls into question your ability to have adequately and accurately assessed the medical condition of claimants requiring an independent medical examination. The complaints outlined above corroborate that there have been occasions where you have not documented your findings accurately.
7. **Filing of False Statements in Medical Reports.** Our investigation has revealed that on multiple occasions, you have documented IMEs being performed at the same time. This constitutes the filing of a false statement in a medical report and is removable conduct under § 13-d(2)(d).

Each of the reasons outlined above provide separate, distinct and adequate bases to deny your application for reauthorization to treat and to perform independent medical examinations of injured workers. Accordingly, your application to renew your authorization to treat injured workers and to perform independent medical examinations is denied. Your authorization to treat injured workers and to perform independent medical examinations will expire September 30, 2024.

Sincerely,

Christopher M. Faling
Christopher Faling
Principal Workers' Compensation Examiner
Medical Director's Office

New York State Workers' Compensation Board

Riverview Center, 150 Broadway, Suite 195, Menands, NY 12204 | (800) 781-2362 | wcb.ny.gov

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

LIDIA M. ORREGO,

Plaintiff,

Case No.: 20-cv-03361 (SJB)(AYS)

- against -

**DEFENDANTS' STATEMENT OF
MATERIAL FACTS PURSUANT
TO LOCAL CIVIL RULE 56.1**

KEVIN KNIPFING, *Employer, also known as Kevin James*; STEPHANIEANNA JAMES-KNIPFING, *Employer, also known as Steffiana de la Cruz*; OLD WESTBURY EDDIE LLC, *Company/Payroll owner Kevin Knipfing*; OLD WESTBURY LLC, *Unknown Entity under registration in NY State*, STEVE SAVITSKY, *Business Manager, Old Westbury LLC*; and TERESA A. ZANTUA,

Defendants.

----- X

Pursuant to Rule 56.1(a) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, defendants, KEVIN KNIPFING (Mr. Knipfing), STEPHANIEANNA JAMES-KNIPFING ("Ms. Knipfing"), OLD WESTBURY EDDIE LLC ("Old Westbury"), incorrectly also sued here as Old Westbury LLC, and TERESA A. ZANTUA (aka "Taz," hereafter "Ms. Zantua", and together with Mr. Knipfing, Ms. Knipfing, and Old Westbury, the "Defendants") set forth the following Statement of Material Facts as to which there are no genuine issues to be tried:^{1 2}

¹ All claims as against defendant Steve Savitsky were dismissed pursuant to the Court's Memorandum and Order dated September 30, 2021 ("09-30-2021 Decision"). See ECF Do No. 30.

² The statements of fact set forth herein are made solely for purposes of Defendants' Motion for Summary Judgment. As such, on a number of occasions, Defendants have herein conceded certain facts for purposes of the instant Motion. However, should any part of *pro se* plaintiff Lidia Orrego ("Plaintiff")'s Amended Complaint survive this Motion, Defendants reserve the right to dispute at trial Plaintiff's version of events, including those portions contained in this Statement of Material Facts.

116. The Court issued a decision on September 30, 2021 (“09-30-2021 Decision”), in which the Court dismissed Plaintiff’s claims under the NYCHRL, the NYLL, the New York Penal Law, and Plaintiff’s claims for discrimination under § 1981 and the NYSHRL, in their entirety. **Ex. AA**, 09-30-2021 Decision, at p. 1. Additionally, the Court dismissed Plaintiff’s retaliation claims against Mr. Savitsky and Ms. Zantua, and Plaintiff’s hostile work environment claims against Mr. Savitsky. *Id.*

117. The Court, however, denied the motion to dismiss as to: (1) Plaintiff’s claims against Ms. Zantua for race and national origin-based hostile work environment under § 1981 and the NYSHRL; (2) Plaintiff’s § 1981 and the NYSHRL race and national origin-based hostile work environment claims against the Knipfings and Old Westbury, based on Ms. Zantua’s alleged conduct; and (3) Plaintiff’s claims for retaliation against the Knipfings and Old Westbury under § 1981 and the NYSHRL. *See generally*, **Ex. AA**, 9-30-2021 Decision. Accordingly, only these claims are left to be adjudicated in this Defendants’ motion for summary judgment. *Id.*

VIII. PLAINTIFF’S HARASSING AND VEXATIOUS CONDUCT¹²

A. Plaintiff’s September 2019 Workers’ Compensation Claim and Subsequent Related Complaints and State Court Lawsuits

118. On or about September 3, 2019, almost a year after Plaintiff’s employment with the Knipfings was terminated, Plaintiff filed a claim with the WCB, claiming to have sustained physical injuries during her employment with the Knipfings. **Ex. A**, Plaintiff’s Dep. at 174:20-25, 227:6-23. **Ex. G**, Plaintiff’s Workers’ Compensation Application, P000306-000310.

119. After multiple hearing days, which included, but was not limited to, sworn testimony from Plaintiff and her medical providers, a final hearing was held on March 5, 2021, before WCB Law Judge Barry Greenberg (“WCB Judge Greenberg”). **Ex. I**, Plaintiff’s 3-5-2021

¹² The following is just a sample of all the various complaints, lawsuits, and appeals Plaintiff has filed since 2019.

WCB Hearing Testimony, DEF000651-661; **Ex. BB**, Decision by WCB Judge Greenberg, dated March 10, 2021 (“03-10-2021 WCB Decision”), DEFS000134-136.

120. Plaintiff was represented in the WCB proceedings by the law firm Pasternack Tilker Ziegler Walsh Stanton & Romano LLP (“Pasternack Ziegler”). **Ex. A**, Plaintiff’s Dep. at 179:14-20.

121. On March 10, 2021, WCB Judge Greenberg issued the 3-10-2021 WCB Decision, disallowing Plaintiff’s claim. **Ex. BB**, 03-10-2021 WCB Decision, DEFS000134-136. In the 03-10-2021 WCB Decision, **WCB Judge Greenberg specifically found that “[Plaintiff’s] testimony that she was injured in the course of her employment was not credible.”** *Id.* (emphasis added).

122. Plaintiff appealed the 03-10-2021 WCB Decision, and after reviewing the entire WCB record, a three-member WCB administrative review panel (“WCB Board Panel”) issued a decision on June 21, 2021 (“06-21-2021 WCB Board Panel Decision”), unanimously affirming the 3-10-2021 WCB Decision. **Ex. CC**, 06-21-2021 WCB Board Panel Decision, DEFS000138-143.

123. In their decision, the WCB Board Panel stated:

The claimant’s testimony was not credible that she sustained a back injury from a child hitting her on the back or that she lifted heavy furniture. The testimony of the claimant’s doctors on her injuries were based on complaints by claimant after she was terminated. The testimony of the two employer witnesses, that the claimant never reported injuries suffered on the job, was credible. The Board Panel concurs with [WCB Judge Greenberg] that the claimant’s testimony was not credible and that the claim was filed as an afterthought.

Ex. CC, 06-21-2021 WCB Board Panel Decision, at DEFS000142 (emphasis added).

124. Plaintiff sought reconsideration and/or full WCB review of the 06-21-2021 WCB Board Panel Decision, which the WCB denied in a decision issued on or about March 9, 2022.

Plaintiff then appealed to the New York State Appellate Division, Third Department, which affirmed the WCB's decision in a decision dated and entered on November 2, 2023. **Ex. DD**, 11-02-2023 Third Department Decision.

125. On or about June 30, 2021, Plaintiff filed a complaint with the New York State Unified Court System Office of the Inspector General ("6-30-2021 Inspector General Complaint"), accusing, among others, WCB Judge Greenberg, the WCB Board Panel, and Pasternak Ziegler (the law firm that represented Plaintiff in the WCB proceedings, of engaging in judicial bias, conspiring against her, and discriminating against her because of her race and national origin. **Ex. EE**, Plaintiff's 06-30-2021 Inspector General Complaint, DEFS000149-152.

126. On June 30, 2021, Plaintiff also filed a complaint with the New York State Department of Health, Office of Professional Medical Conduct ("NYSDOH"), against Vladimir Morgovsky, M.D., Plaintiff's own medical provider who testified on Plaintiff's behalf in the WCB proceeding, accusing Dr. Morgovsky of lying during the WCB proceeding and conspiring with Pasternak Ziegler. **Ex. FF**, Plaintiff's 06-30-2021 NYSDOH Complaint, DEFS000144-148.

127. On July 2, 2021, Plaintiff filed another complaint against WCB Judge Greenberg, this time with the New York State Commission on Judicial Conduct ("NYSCJC"). **Ex. GG**, Plaintiff's 07-02-2021 NYSCJC Complaint, DEFS000153-156.

128. On February 1, 2023, Plaintiff commenced a lawsuit in the Supreme Court of the State of New York, Queens County, against Dr. Morgovsky and two other defendants, accusing them of "medical malpractice, fraudulent misrepresentation, fraud, fraudulent concealment, spoliation of evidence." **Ex. HH**, Plaintiff's 02-01-2023 State Court Complaint in *Orrego v. Morgovsky, et al.*, Index No. 702511/2023.

129. The court in the *Orrego v. Morgovsky, et al.* lawsuit held a proceeding on February

20, 2025, during which the court imposed a sanction of \$2,500 against Plaintiff for attempting to intimidate one of the defendants' expert witnesses, and because of Plaintiff's frivolous and harassing conduct throughout the litigation. **Ex. II**, Transcript of 02-20-2025 Proceeding in *Orrego v. Morgovsky, et al.* During that proceeding on February 20, 2025, the presiding judge, Justice Kevin J. Kerrigan, stated in relevant part:

We are here pursuant to an order that I issued on the February 3rd, 2025. My order directed all parties to appear today based on a letter that we received from Mr. Krajewski, his letter is dated January 31, 2025, indicating that a letter was sent by Ms. Orrego, dated December 25, 2024, to the defendant Dr. Morgovsky from Star Medical Offices, PC, counsel, I guess your firm itself, I don't know if it was directed specifically at you and the defendant expert Dr. Ella Winters. That letter was forwarded with Mr. Krajewski's cover letter to us. **That letter that Ms. Orrego sent to defen[s]e counsel and to the expert is nothing short of disgraceful, against, all ethics in litigation ...**

This letter is nothing short, in my opinion, of not an attempt but a direct intimidation, um, maybe threat to defense expert witness which is disgraceful, it is not appropriate and that is why I need to address it now. I will not stand for it. It's an attempt to intimidate nothing short, that will not stand in this courtroom. ...

In addressing Ms. Orrego's letter to, in particular, Dr. Winters, the proposed expert on behalf of the defendant, I believe that since that letter, um, in my opinion is the equivalent of something that applies under section 130 of the Court rules, costs and sanctions. **In reading this letter I believe that it demonstrates conduct that is the frivolous if under 130-1.1 costs and sanctions subsection C for purposes of this part conduct is frivolous if one it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversible of this law. Two, it is undertaken primarily to delay or prolong the resolution of this litigation. But, importantly, or to harass or maliciously injure another and when somebody is threatened with a lawsuit for defamation, I believe that falls under that section. Or three, it is material factual statements that are false.**

I believe the contents of that letter rise to the level of frivolous conduct, such that I am prepared to impose a sanction against Ms. Orrego in the sum of \$2,500 and that sanction is to be awarded, I'll follow it up with an order that I will issue. It is to be payable to the Clerk of the Court for transmittal to the Commissioner of Taxation and Finance.

* * *

I will not even allow you [Plaintiff] to ask a question. Your conduct, not only here, with this letter but throughout the course of this litigation has been nothing short of disgraceful. I will not tolerate it anymore. You have attempted to intimidate me,

you've harassed me, you've harassed my staff -- and don't shake your head no, it clearly has been demonstrated and I will not stand for it any longer that goes beyond what I'm doing now. I earlier by order issued -- I asked you not to speak. If you continue to speak throughout my order I will have you escorted from the courtroom. You better start taking all of this seriously.

* * *

Can you escort her [Plaintiff] out of the courtroom. Please leave the courtroom. I've asked you several times not to speak. And if you continue to harass me or my staff I will go to the authorities. So to continue this, not hearing but my dissertation, without her being present, I am going additionally send a letter to the Queens District Attorney's office based on the allegation that you indicated in your letter that there may be criminal conduct that arises from the contents of her letter. I'm going to send a letter today to the Queens District Attorney office without a recommendation on my part, because I don't think that's proper for me to do, but with a copy of your letter and her letter and a request that the District Attorney open an investigation into her [Plaintiff's] conduct. I will not tolerate this any longer.

Id. at pp. 3-7.

130. On April 17, 2025, the court in the *Orrego v. Morgovsky, et al.* lawsuit entered an order, granting two of the three defendants – Dr. Morgovsky and Star Medical Offices, P.C. – summary judgment on all of Plaintiff's claims, and denying Plaintiff's cross-motion for summary judgment. *Ex. JJ*, 04-17-2025 SJ Decision in *Orrego v. Morgovsky, et al.* The court in that case also entered a second decision that same day, on April 17, 2025, dismissing Plaintiff's case as against the third defendant, Democleia P. Gottesman, M.D. *Ex. KK*, 04-17-2025 Dismissal Decision in *Orrego v. Morgovsky, et al.*

131. In addition to the *Orrego v. v. Morgovsky, et al.* lawsuit Plaintiff filed on February 1, 2023, Plaintiff commenced an action in the Supreme Court of the State of New York, Queens County, on July 8, 2024, against Pasternak Ziegler and several attorneys with that firm, accusing them of "professional malpractice, breach of contract, breach of duty, fraud, abetting and aiding, fraudulent misrepresentation, falsification business and insurance records, among others." *Ex. LL*, Plaintiff's 07-08-2024 State Court Complaint in *Orrego v. Pasternack, et al.*, Index No.

714097/2024. The defendants in that action filed a motion to dismiss Plaintiff's complaint on November 20, 2024, which is still pending a decision from the court at this time.

B. Plaintiff's May 2020 and February 2024 Complaints of Child Abuse against Defendants & Subsequent Related Complaints and Petition

132. On or about May 28, 2020 – approximately eighteen (18) months after the Knipfings terminated Plaintiff's employment in November 2018, and a little less than two months before Plaintiff commenced this lawsuit in July 2020 – Plaintiff filed at least one complaint with the New York State Child Abuse and Maltreatment Register, accusing Ms. Knipfing, Ms. Zantua, and Ms. Uzcategui of causing injury, abuse or maltreatment to the Knipfings' children. Ex. A, Plaintiff's Dep. at 189:16-22, 190:24-191:9; *see also* collectively annexed as **Ex. MM**, four separate notice letters from the Nassau County Department of Social ("NCDSS"), each dated June 3, 2020, to Mr. Knipfing, Ms. Uzcategui, Ms. Knipfing, and Ms. Zantua, respectively, DEFS000119-126.

133. As a result of Plaintiff's child abuse complaint(s), the Nassau County Child Protective Services ("NCCPS") conducted an investigation, which included, but was not limited to, an investigator going to the Knipfings home to interview the Knipfings' minor children. Ex. A, Plaintiff's Dep. at 191:10-23.

134. At the conclusion of its investigation, the NCCPS determined Plaintiff's complaint(s) to be "unfounded" because the NCCPS "**did not find believable proof (credible evidence) that a child was abused or maltreated.**" *See* collectively annexed as **Ex. NN**, four separate letters, each dated July 17, 2020, sent by the New York State Office of Children and Family Services ("NYS OCFS") to Mr. Knipfing, Ms. Uzcategui, Ms. Knipfing, and Ms. Zantua, respectively, DEFS000129-000133.

135. On or around December 2, 2020, Plaintiff filed a complaint with the Nassau County

Office of the Inspector General against the NCCPS case worker, Debra Karpf, who investigated Plaintiff's complaint(s). Ex. A, Plaintiff's Dep. at 193:13-194:2; Ex. OO, Plaintiff's 12-02-2020 Complaint against Debra Karpf.

136. When Plaintiff was asked during her deposition in this lawsuit what the basis was for the complaint she filed against NCCPS case worker Karpf, Plaintiff testified, "I don't remember. I'd have to check it." Ex. A, Plaintiff's Dep. at 194:3-8.

137. On or around February 20, 2024, Plaintiff, who had not worked for the Knipfings since the termination of her employment in November 2018, filed yet another complaint of child abuse regarding the Knipfings' minor children. See Ex. PP, Plaintiff's 03-25-2024 Letter to NCDSS, dated March 25, 2024. The NCCPS determined this 2024 child abuse complaint to also be "unfounded." *Id.*

138. On or around December 15, 2024, Plaintiff filed a verified petition against New York State Governor Kathy Hochul ("Governor Hochul"), the NYS OCFS, and others, pursuant to CPLR Article 78, in the Supreme Court of the State of New York, County of Nassau (Index No. 622490/20204), seeking an order mandating the State to reopen its investigation into Plaintiff's 2020 and 2024 child abuse complaints regarding the Knipfings' children. Ex. QQ, Plaintiff's 12-15-2024 Nassau County Article 78 Petition.

139. The Nassau County Supreme Court entered a decision on Plaintiff's petition on April 16, 2025, denying and dismissing the petition. Ex. RR, 04-16-2025 Nassau County Supreme Court Decision.

C. Plaintiff's March 2021 State Court Lawsuit Against the Knipfings, Ms. Uzategui, and Cristina Coimbra

140. On March 18, 2021, while Defendants' motion to dismiss Plaintiff's Amended Complaint in this action was still pending, Plaintiff commenced an action in the Supreme Court of

the State of New York, County of Queens (Index No. 706324/2021), against the Knipfings, Ms. Uzategui, and Ms. Coimbra, who was the Knipfings' primary housekeeper during the period of time Plaintiff was employed by the Knipfings. **Ex. SS**, Plaintiff's 03-18-2021 Queens County Supreme Court Complaint against the Knipfings, Ms. Uzategui, and Ms. Coimbra.

141. Plaintiff's Queens County Supreme Court action against the Knipfings, Ms. Uzategui, and Ms. Coimbra, in which Plaintiff asserted claims for, *inter alia*, negligent infliction of emotional distress and defamation, was dismissed in its entirety by the court in 2021, and on July 9, 2025, the Appellate Division for the Second Department issued a decision affirming the dismissal of the action. **Ex. TT**, 07-09-2025 Second Department Decision.

D. Plaintiff's August 2021 State Court Lawsuit against the Ley Family

142. After Plaintiff's employment with the Knipfings was terminated in November 2018, Plaintiff next worked as a nanny for Kendall and Gregory Ley ("Ley Family"), starting in or January or February 2019. **Ex. A**, Plaintiff's Dep. at 76:5-25.

143. In January 2020, the Ley Family terminated Plaintiff's employment. **Ex. A**, Plaintiff's Dep. at 77:2-22.

144. On January 14, 2021, a year after the Ley Family terminated Plaintiff's employment, Plaintiff filed a complaint with the New York State Division of Human Rights ("NYS DHR") against the Ley Family, accusing them of race/color discrimination and retaliation in connection with her employment with them. **Ex. UU**, 03-23-2021 NYSDHR Determination and Order of Dismissal for Administrative Convenience.

145. During Plaintiff's deposition in this lawsuit against Defendants, Plaintiff initially denied having filed a complaint against the Ley Family for discrimination and retaliation after the Ley Family terminated her employment. **Ex. A**, Plaintiff's Dep. at 78:22-79:13.

146. On August 24, 2021, Plaintiff commenced an action against the Ley Family and their attorneys, in the Supreme Court of the State of New York, County of Queens (Index No. 719137/2021), asserting claims for unequal pay, discrimination, retaliation, extortion, defamation, fraudulent misrepresentation, negligent infliction of emotional distress, among other claims. Ex. VV, Plaintiff's 8-24-2021 Queens County Supreme Court Complaint against the Ley Family. That action is still pending.

147. Plaintiff testified during her deposition in this lawsuit against Defendants that she could not recall anything about any of the claims she asserted in her lawsuit against the Ley Family. Ex. A, Plaintiff's Dep. at 85:8-88:9.

E. Plaintiff's August 2023 Federal Lawsuit against Pasternak Ziegler and Others

148. As the Court is aware, on August 31, 2023, Plaintiff commenced an action in this Court against Pasternak Ziegler and others, alleging, among other things, claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), stemming from the workers compensation claim Plaintiff filed in September 2019 (and lost) in connection with her employment with the Knipfings. See Plaintiff's Complaint and Amended Complaint in *Orrego v. Pasternack, et al.*, 23-CV-6507 (SJB)(AYS).

149. The defendants in that federal action have served Plaintiff with a motion to discuss her Amended Complaint. See *Orrego v. Pasternack, et al.*, 23-CV-6507 (SJB)(AYS), at ECF Doc. Nos. 61 and 62.

F. Plaintiff's November 2024 Federal Lawsuit against Mr. Savitsky

150. As the Court is also aware, on November 27, 2024, Plaintiff commenced an action in this Court against Mr. Savitsky and "Old Westbury LLC," alleging, among other things, claims for identity theft and fraud, in connection with her employment with the Knipfings. See Plaintiff's

Complaint in *Orrego v. Savitsky, et al.*, 24-CV-07247 (SJB)(AYS), at ECF Doc. No. 1.

151. Upon information and belief, Plaintiff at this time has not yet served Mr. Savitsky with a copy of the Complaint.

G. Plaintiff's February 2025 Federal Lawsuit against Justice Kerrigan and Others

152. As the Court is also aware, on February 3, 2025, Plaintiff commenced an action in this Court against several defendants, including, but not limited to: New York State Court Justice Kevin J. Kerrigan, who sanctioned Plaintiff in the *Orrego v. Morgovsky, et al.*, matter (Index No. 702511/2023) discussed in Section VIII.A. above; several members of Justice Kerrigan's staff; and several staff members of the New York State Attorney Grievance Committee for the First Judicial Department. *See* Plaintiff's Complaint in *Orrego v. Savitsky, et al.*, 24-CV-07247 (SJB)(AYS), at ECF Doc. No. 1.

153. In that action, Plaintiff purported to assert claims for, among things, violations of 42 U.S.C. § 1983, violations of her due process and equal protection rights under the Fourteenth Amendment, and RICO violations. *Id.*

154. The Court dismissed Plaintiff's action on July 2, 2025, for failure to pay the initial filing fee by the deadline set by the Court, and Plaintiff has appealed from the Court's dismissal of the action. *See Orrego v. Kerrigan, et al.*, 25-CV-0736 (SJB)(AYS), at ECF Docket Entries on July 2 and July 21, 2025.

H. Plaintiff's February 2025 Federal Lawsuit against Justices of the New York State Court of Appeals and Others

155. As the Court is also aware, on February 3, 2025, Plaintiff commenced another action in this Court against several defendants, including, but not limited to: several Justices of the New York State Court of Appeals; Governor Hochul; and New York State Attorney General

Letitia James. See Plaintiff's Complaint in *Orrego v. Wilson, et al.*, 25-CV-00769 (SJB)(AYS), at ECF Doc. No. 1.

156. Plaintiff in that action also purported to assert claims for, among things, violations of 42 U.S.C. § 1983, violations of her due process and equal protection rights under the Fourteenth Amendment, and RICO violations. *Id.*

157. The Court dismissed Plaintiff's action on July 2, 2025, for failure to pay the initial filing fee by the deadline set by the Court, and Plaintiff has appealed from the Court's dismissal of the action. See *Orrego v. Wilson, et al.*, 25-CV-00769 (SJB)(AYS), at ECF Docket Entries on July 2 and July 21, 2025.

I. Plaintiff's Complaints Against Every Attorney Who Previously Represented or Consulted with Her in Connection with Her Claims in This Lawsuit

158. The first set of attorneys Plaintiff retained in connection with her claims in this lawsuit against Defendants was the Derek Smith Law Group, PLLC, sometime in late 2018 or early 2019,. Ex. A, Plaintiff's Dep. at 16:23-18:4.

159. In or around October 2019, Plaintiff fired the Derek Smith Law Group, and accused them, among other things, of violating the American Bar Association ("ABA") Model Rules of Professional Conduct ("MRPC"). Ex. WW, Plaintiff's 06-15-2020 Letter to the Derek Smith Law Group, PLLC, dated June 15, 2020.¹³

160. Plaintiff also filed a complaint against the Derek Smith Law Group with one of the New York State Attorney Grievance Committees ("AGC"). Ex. A, Plaintiff's Dep. at 18:5-19:6.

161. When Plaintiff was asked during her deposition in this lawsuit what she alleged in the complaint she filed against the Derek Smith Law Group with an AGC, Plaintiff testified she

¹³ This document was attached as part of Exhibit 6 to the Amended Complaint Plaintiff publicly filed in this lawsuit. ECF Doc. No. 8, at ECF pp. 58-60 of 145.

could not remember anything about the complaint. Ex. A, Plaintiff's Dep. at 19:7-13, 20:20-21:3.

162. After the Derek Smith Law Group, Plaintiff next retained the law firm Borrelli & Associates, PLLC, and, in or around June 4, 2020, she fired Borrelli & Associates and accused them as well of violating the ABA's MRPC. Ex. A, Plaintiff's Dep. at 19:14-17; Ex. XX, Plaintiff's 06-15-2020 Letter to Borrelli & Associates, PLLC.¹⁴

163. As with the Derek Smith Law Group, Plaintiff also filed a complaint against Borrelli & Associates with an AGC, but testified during her deposition that she could not remember anything about the complaint she filed. Ex. A, Plaintiff's Dep. at 20:9-19, 21:17-22:16.

164. Plaintiff's termination of her representation by Borrelli & Associates apparently was due in part to the lawyers at **Borrelli & Associates specifically accusing Plaintiff, in an email dated March 4, 2020, of trying to extort Defendants.** Ex. , Plaintiff's Letter to Borrelli & Associates, PLLC, dated June 15, 2020, at p.1.

165. While Plaintiff was still being represented by Borrelli & Associates, Plaintiff also consulted with the Law Office of Peter A. Romero about potentially replacing Borrelli & Associates as her counsel, but the Law Office of Peter A. Romero apparently declined to represent Plaintiff. Ex. A, Plaintiff's Dep. at 29:3-13; Ex. YY, Plaintiff's 04-06-2020 Letter to Law Office of Peter A. Romero, dated April 6, 2020.¹⁵

166. As with the Derek Smith Law Group, and Borrelli & Associates, Plaintiff also accused the attorneys at the Law Office of Peter A. Romero of violating the ABA's MRPC, and filed a complaint against them with an AGC. Ex. A, Plaintiff's Dep. at 29:14-30:5; Ex. YY,

¹⁴ This document was also attached as part of Exhibit 6 to the Amended Complaint Plaintiff publicly filed in this lawsuit. ECF Doc. No. 8, at ECF pp. 61-62 of 145.

¹⁵ This document was also attached as part of Exhibit 6 to the Amended Complaint Plaintiff publicly filed in this lawsuit. ECF Doc. No. 8, at ECF p. 63 of 145.

Plaintiff's 04-06-2020 Letter to Law Office of Peter A. Romano.

167. As with Plaintiff's AGC complaints against the Derek Smith Law Group and Borrelli & Associates, Plaintiff testified during her deposition that she could not remember anything about the complaint she filed against the Law Office of Peter A. Romero. Ex. A, Plaintiff's Dep. at 30:8-31:3.

168. After commencing this lawsuit *pro se* in July 2020, Plaintiff made at least two applications to the Court – on July 23, 2020, and September 18, 2020, respectively – requesting that the Court appoint her counsel. See ECF Doc. Nos. 3, 15.

169. Although the Court on September 22, 2020, initially denied Plaintiff's applications to be appointed counsel, on November 16, 2021, the Court reconsidered and reversed its prior decision and the Court's *Pro Se* Department appointed The Dratch Law Firm, PC, to represent Plaintiff. See ECF Docket Entries on 9/22/2020, 11/16/2021, and 11/22/2021.

170. However, just three months later – on February 14, 2022 – Plaintiff filed an application with the Court to terminate her representation by The Dratch Law Firm, which the Court granted. See ECF Docket Entries on 2/14/2022 and 03/08/2022.

J. Plaintiff's Conduct in This Lawsuit

171. As the Court is aware, Plaintiff throughout the course of this litigation has made several applications seeking the disqualification or recusal of all the District and Magistrate Judges who have been assigned to this matter (*i.e.*, The Honorable Gary R. Brown ("Judge Brown"), The Honorable Joan M. Azrack ("Judge Azrack"), The Honorable Anne Y. Shields ("Judge Shields"), and The Honorable Sanket J. Bulsara), as well as disqualification of the undersigned counsel for Defendants. See, *e.g.*, ECF Doc. Nos. 77, 109, 132, 190, 194, 196, 203, 205.

172. While all of Plaintiff's applications in this regard have been denied as having no

merit – *see, e.g.*, ECF Docket Entries on 04/10/2023, 07/08/2025, 07/24/2025 – Judge Brown, who issued the 9-30-2021 Decision declining to dismiss Defendants motion to dismiss Plaintiff's Amended Complaint in its entirety, recused himself without any explanation on May 18, 2023. ECF Doc. No. 119.

173. In Plaintiff's various applications seeking disqualification/refusal of each of the Judges who have been assigned to this matter, Plaintiff, without any basis, has accused each Judge of being biased. *See, e.g.*, ECF Doc. Nos. 77, 109, 132, 190, 194, 196, 203, 205.

174. By way of example, Plaintiff filed a letter motion with the Court on the morning of February 27, 2023 – this was the same day Plaintiff was initially deposed in this lawsuit – seeking a change of venue, and specifically accusing Judge Brown and Judge Shields of being impartial and biased. ECF Doc. No. 77, at pp. 1-7.

175. However, **at her deposition later that same morning**, Plaintiff testified as follows when questioned about her accusations against Judges Brown and Shields:

Q: Now, earlier you testified about a motion you submitted to the court this morning, correct?

A: Yes.

Q: When did you draft that motion?

A: On the weekend.

Q: And in that letter you filed with the court, you accused the district judge in this matter, Gary Brown, and the magistrate judge, Anne Shields, of being biased, correct?

A: I didn't accuse anyone of anything.

Q: Is it your testimony that in the motion you submitted to the court today, which you sent to me by e-mail, you did not accuse the district judge and the magistrate judge assigned to this case of being biased?

A: I didn't accuse anyone of anything ...

Ex. A, Plaintiff's Dep. at 32:23-33.

176. As the Court is aware, Plaintiff in this lawsuit – as well as in her other related lawsuits before this Court – has filed several interlocutory appeals, with all such appeals that have been considered to date by the Second Circuit Court of Appeals and/or United States Supreme Court, being denied. *See, e.g.*, ECF Doc. Nos. 180, 183, 184

177. As the Court is also aware, Plaintiff has continued to file bloated and wholly unsupported motions in this lawsuit, despite the Court on several prior occasions admonishing and warning her that her continued filing of such motions may subject her to the imposition of sanctions for engaging in frivolous litigation conduct. *See, e.g.*, ECF Docket Entries on March 28, 2023; November 14, 2023; July 8, 2025; and ECF Doc Nos. 205 and 207.

178. Additionally, despite the Court, in an electronic Order issued on November 14, 2023, directing Plaintiff not to file any papers in this action or in *Orrego v. Pasternack, et al.*, 23-CV-6507 (SJB)(AYS) while both matters were stayed due to Plaintiff's then pending interlocutory appeals in both matters, Plaintiff continued to do so. *See* ECF Docket Entries on November 14, 2024, and February 27, 2024.

Dated: New York, New York
August 8, 2025

GORDON REES SCULLY
MANSUKHANI, LLP

By: /s/ Kuuku Minnah-Donkoh
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Attorneys for Defendants

EXHIBIT 7

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

Brenna B. Mahoney
Clerk of Court

August Marziliano
Chief Deputy, Brooklyn

Ogoro Francis-McLeish
Chief Deputy, Central Islip



Theodore Roosevelt Federal Courthouse
Emanuel Celler Federal Courthouse
225 Cadman Plaza East
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Alfonse D'Amato Federal Courthouse
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(631) 712-6000
Pro Se: (631) 712-6060

Lidia M. Orrego
95-08 Queens Blvd
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Rego Park, NY 11374

September 18, 2025

RE: 20-cv-3361-SJB-AYS; 23-cv-6507-SJB-AYS and 24-cv-7247-SJB-AYS

Dear Ms. Orrego,

The enclosed documents are being returned without docketing or consideration for the following reason(s):

- () The docket number and judge's initials are missing.
- () Your signature is required on all papers filed with the Court. Please sign wherever an "X" appears.
- () These papers appear to be intended for another court or agency.
- (X) Other: Pursuant to the enclosed electronic orders So Ordered by District Judge Bulsara on 9/16/2025 "The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff."

BRENNA B. MAHONEY
CLERK OF COURT

Date: 09/18/2025

By: /s/ Pro Se Department

Enclosures: *Electronic order So Ordered by District Judge Bulsara on 9/16/2025 on cases 20-cv-3361-SJB-AYS; 23-cv-6507-SJB-AYS and 24-cv-7247-SJB-AYS;*
Pro Se Electronic Portal submission for 23cv6507 stamped 11:40 am, 21 Aug, 2025 (15 pages printed double sided);
Pro Se Electronic Portal submission for 20cv3361 stamped 10:53 am, 09 Sep, 2025 (229 pages printed double sided);
Pro Se Electronic Portal submission for 20cv3361 stamped 10:23 PM, 15 Sep, 2025 (4 pages printed double sided);
Pro Se Electronic Portal submission for 20cv3361 stamped 1:36 PM, 15 Sep, 2025 (1137 pages printed double sided with 4 pages per side)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego,

Plaintiff,

-against-

Kevin Knipfling a/k/a Kevin James, Stephanieanna
James-Knipfling a/k/a Steffiana de la Cruz, Old
Westbury EDDIE LLC, Old Westbury LLC,
Steve Savitsky, Teresa A. Zantua.
Defendants.

Affirmation of Service

20cv3361 (SJB) (AYS)

I, Lidia M. Orrego, declare under penalty of perjury that I served a copy of Letter Motion Leave to File, Notice of Appeal Order Dated September 16, 2025, Informational Statement and Exhibits 1-7 attached, Application to Proceed IFP (37-Page) Dated September 30, 2025 upon the Defendant(s) or attorney who physical address:

Law Firm Gordon Rees Scully Mansukhani, LLP
One Battery Park Plaza, 28th Floor
New York, NY 10004

Via ECF & Notice has been electronically mailed to: kminnahdonkoh@grsm.com;
kminnahdonkoh@gordonrees.com; dlrivera@grsm.com; pcella@grsm.com

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

Dated: September 30, 2025
Rego Park, New York

/s/ Lidia M. Orrego
Plaintiff - Pro Se
Address: 95-08 Queens Blvd. 3E
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APPEAL,PROSENEF

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:20-cv-03361-SJB-AYS**

Orrego v. Knipfing et al
Assigned to: Judge Sanket J. Bulsara
Referred to: Magistrate Judge Anne Y. Shields
related Cases: 2:25-cv-00769-SJB-AYS
2:25-cv-00736-SJB-AYS
2:23-cv-06507-SJB-AYS
2:24-cv-07247-SJB-AYS

Date Filed: 07/23/2020
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Cause: 42:2000e Job Discrimination (Employment)

Movant

County Attorney, Nassau County

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V.

Defendant

represented by

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*Employer
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ATTORNEY TO BE NOTICED

Defendant

Stephanieanna James-Knipfing

*Employer
also known as
Steffiana de la Cruz*

represented by **Alex Dumas**
(See above for address)
ATTORNEY TO BE NOTICED

Alex Spiro

(See above for address)
TERMINATED: 10/19/2020
ATTORNEY TO BE NOTICED

Edward E. Warnke

(See above for address)
ATTORNEY TO BE NOTICED

Kuuku Angate Minnah-Donkoh

(See above for address)
ATTORNEY TO BE NOTICED

Maaren Shah

(See above for address)
TERMINATED: 10/19/2020
ATTORNEY TO BE NOTICED

Defendant

Old Westbury EDDIE LLC
Company/Payroll owner Kevin Knipfing

represented by **Alex Dumas**
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ATTORNEY TO BE NOTICED

Alex Spiro
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ATTORNEY TO BE NOTICED

Maaren Shah
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TERMINATED: 10/19/2020
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Defendant

Old Westbury LLC
Unknown Entity under registration in NY State

represented by **Alex Dumas**
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Maaren Shah
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ATTORNEY TO BE NOTICED

Defendant

Steve Savitsky
Business Manager, Old Westbury LLC

represented by **Alex Dumas**
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ATTORNEY TO BE NOTICED

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Maaren Shah
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TERMINATED: 10/19/2020
ATTORNEY TO BE NOTICED

Defendant

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ATTORNEY TO BE NOTICED

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Kuuku Angate Minnah–Donkoh
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ATTORNEY TO BE NOTICED

Maaren Shah
(See above for address)
TERMINATED: 10/19/2020
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/23/2020	<u>1</u>	COMPLAINT against All Defendants Was the Disclosure Statement on Civil Cover Sheet completed –No., filed by Lidia M. Orrego. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Service Instructions, # <u>3</u> Civil Cover Sheet) (Cox, Dwayne) (Entered: 07/31/2020)
07/23/2020	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Lidia M. Orrego. (Cox, Dwayne) (Entered: 07/31/2020)
07/23/2020	<u>3</u>	MOTION to Appoint Counsel by Lidia M. Orrego. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Certificate of Service) (Cox, Dwayne) (Entered: 07/31/2020)
07/23/2020	<u>4</u>	Pro Se Consent to Electronic Notification by Lidia M. Orrego (Cox, Dwayne) (Entered: 07/31/2020)
07/27/2020		FILING FEE: \$ 400.00, receipt number 29946 (Cox, Dwayne) (Entered: 07/31/2020)
07/27/2020	<u>5</u>	Summons Issued as to All Defendants. (Cox, Dwayne) (Entered: 07/31/2020)
07/31/2020	<u>6</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that if all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Cox, Dwayne) (Entered: 07/31/2020)
08/05/2020	<u>7</u>	Letter to pro se litigant Lidia Orrego from the Pro Se Office acknowledging receipt of civil action. (Tirado, Chelsea) (Entered: 08/05/2020)

08/17/2020	<u>8</u>	AMENDED COMPLAINT against Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua, filed by Lidia M. Orrego. (Tirado, Chelsea) (Main Document 8 replaced on 8/21/2020 to include missing pages referenced in DE <u>9</u> Letter) (Tirado, Chelsea). Modified on 8/21/2020 (Tirado, Chelsea). (Entered: 08/19/2020)
08/20/2020	<u>9</u>	Letter to the Court from pro se plaintiff Lidia Orrego re: Requesting assistance in correcting <u>8</u> Amended Complaint. (Tirado, Chelsea) (Entered: 08/20/2020)
09/14/2020	<u>10</u>	NOTICE of Appearance by Alexander B. Spiro on behalf of Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua (aty to be noticed) (Spiro, Alexander) (Entered: 09/14/2020)
09/14/2020	<u>11</u>	NOTICE of Appearance by Maaren Shah on behalf of Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua (aty to be noticed) (Shah, Maaren) (Entered: 09/14/2020)
09/14/2020	<u>12</u>	AFFIDAVIT of Service for Individual Practice Rules of Judge Gary R. Brown / <i>served by hand and electronic mail</i> / served on Lidia M. Orrego on September 12, 2020, filed by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua. (Shah, Maaren) (Entered: 09/14/2020)
09/14/2020	<u>13</u>	SUMMONS Returned Executed by Lidia M. Orrego. Stephanieanna James–Knipfing served on 8/24/2020, answer due 9/14/2020; Kevin Knipfing served on 8/24/2020, answer due 9/14/2020; Old Westbury EDDIE LLC served on 8/24/2020, answer due 9/14/2020; Old Westbury LLC served on 8/27/2020, answer due 9/17/2020; Steve Savitsky served on 8/26/2020, answer due 9/16/2020; Teresa A. Zantua served on 8/24/2020, answer due 9/14/2020. (Tirado, Chelsea) (Entered: 09/14/2020)
09/14/2020	<u>14</u>	Letter MOTION for pre motion conference <i>regarding Defendants' Motion to Dismiss the Complaint 8</i> by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua. (Shah, Maaren) (Entered: 09/14/2020)
09/15/2020		ORDER granting <u>14</u> Motion for Pre Motion Conference. A pre–motion telephone conference is scheduled for October 9, 2020 at 2:00 p.m. before Judge Gary R. Brown, at which time the parties should be prepared to address defendants' anticipated motion pursuant to Rule 12 of the Federal Rules of Civil Procedure, DE 14. Counsel are to call (888) 363–4734 using ACCESS CODE 4132441 five minutes prior to the designated time. The parties are on notice that in appropriate cases, the pre–motion letter and the response, along with counsels' arguments made at the pre–motion conference, may be construed at the discretion of the Court as the motion itself. Arguments not raised in the pre–motion letters or during the pre–motion conference shall be deemed waived. <i>See In re Best Payphones, Inc.</i>, 450 F. App'x 8, 15 (2d Cir. 2011). At the conference, the Court will issue a briefing schedule if necessary. Plaintiff is directed to respond to DE 14 in accordance with the undersigned's individual rules by September 30, 2020. Before requesting an adjournment, the parties shall meet and confer and submit a joint letter with several proposed dates. Ordered by Judge Gary R. Brown on 9/15/2020. (Meil, Stephen) (Entered: 09/15/2020)
09/18/2020	<u>15</u>	Letter MOTION to Appoint Counsel <i>and provide an Interpreter for October 9th conference</i> by Lidia M. Orrego. (Tirado, Chelsea) (Entered: 09/21/2020)
09/22/2020		ORDER finding as moot <u>2</u> Motion for Leave to Proceed in forma pauperis in light of pro se plaintiff's payment of the filing fee. Ordered by Judge Gary R. Brown on 9/22/2020. (Meil, Stephen) (Entered: 09/22/2020)
09/22/2020		SCHEDULING ORDER: the pre–motion conference scheduled for October 9, 2020 is hereby ADJOURNED without date. The Court waives its pre–motion conference requirement, and establishes the following briefing schedule: defendants are directed

		to serve plaintiff with their motion on or before October 22, 2020; plaintiff is directed to serve defendants with her opposition to the motion on or before November 23, 2020; and defendants are directed to serve plaintiff with any reply memorandum and to file the fully briefed motion on or before December 11, 2020. The parties are reminded to consult the undersigned's individual rules regarding motions, including bundling and page limits for Memoranda of Law, before filing their respective briefs. The Clerk of the Court is respectfully directed to mail a copy of this Order to the pro se plaintiff. Ordered by Judge Gary R. Brown on 9/22/2020. (Meil, Stephen) (Entered: 09/22/2020)
09/22/2020		ORDER denying <u>15</u> Motion to Appoint Counsel. Before the Court is pro se plaintiff Lidia M. Orrego's ("plaintiff") renewed motion for the appointment of pro bono counsel to represent her in this case. DE 15. Pursuant to 28 U.S.C. § 1915(e)(1), courts may appoint an attorney to represent someone who is unable to afford counsel. Courts possess broad discretion when determining whether appointment is appropriate, subject to the requirement that it be "guided by sound legal principle." <i>Cooper v. A. Sargenti Co., Inc.</i>, 877 F.2d 170, 171–72 (2d Cir. 1989) (internal quotation marks and citation omitted). The Second Circuit set forth the principle as follows: [T]he district judge should first determine whether the indigents position seems likely to be of substance. If the claim meets this threshold requirement, the court should then consider the indigents ability to investigate the crucial facts, whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder, the indigents ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination. <i>Hodge v. Police Officers</i>, 802 F.2d 58, 61–62 (2d Cir. 1986). The Second Circuit also held that these factors are not restrictive, and that "[e]ach case must be decided on its own facts." <i>Id.</i> at 61. A developed record assists the court in this regard. <i>See Brooks v. State of New York</i>, 1992 WL 320402, at *3 (S.D.N.Y. Oct. 29, 1992) (denying, without prejudice, appointment of counsel based on failure to satisfy requisite showing of likely merit). Further, "the Second Circuit has interpreted [28 U.S.C. § 1915(e)(1)] to require that the plaintiff be unable to obtain counsel before appointment will even be considered." <i>Ahmad v. White Plains City School Dist.</i>, 2020 WL 3972274, at *2 (S.D.N.Y. July 14, 2020) (internal quotation marks and citation omitted); <i>see also Justice v. Kuhnappel</i>, 982 F. Supp. 2d 233, 235 (E.D.N.Y. 2013) ("A plaintiff requesting appointment of counsel must show that she is unable to obtain counsel before appointment will even be considered.") (internal quotation marks and citation omitted). Here, plaintiff has paid the filing fee and has not demonstrated her indigence. Apart from this, however, even presuming that the threshold requirement of <i>Hodge</i> is satisfied, the Court is unable, at this juncture, to conclude — after considering the <i>Hodge</i> factors in the context of plaintiff's application and the complaint as well as the record as a whole — that the appointment of counsel is warranted. Specifically, despite plaintiff's claim that she needs the assistance of counsel because she does not know the procedures and rules that apply in Federal Court as well as her claimed disabilities that make her unable to handle the stressful situations to carry the case alone (Docket Entry 3 at 2), the Court concludes that plaintiff is able at this stage of the litigation to prosecute her case and that there is no special reason to appoint counsel. Accordingly, plaintiff's application for appointment of pro bono counsel is denied without prejudice to plaintiff renewing the application, if circumstances warrant such an application, at a later stage in these proceedings. This denial also is without prejudice to plaintiff hiring her own counsel to represent her in this matter. Additionally, in light of this Court's order adjourning the pre-motion conference and waiving the pre-motion conference requirement, plaintiff's application for an interpreter to be present at the conference is denied as moot.

		Although plaintiff paid the filing fee, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that, should plaintiff seek leave to appeal <i>in forma pauperis</i>, any appeal from this Order would be an improper interlocutory appeal not taken in good faith. Therefore <i>in forma pauperis</i> status is denied for the purpose of any appeal. See <i>Coppedge v. United States</i>, 369 U.S. 438, 444–45 (1962). The Clerk of the Court is respectfully directed to mail a copy of this Order to the pro se plaintiff. Ordered by Judge Gary R. Brown on 9/22/2020. (Meil, Stephen) (Entered: 09/22/2020)
09/29/2020	<u>16</u>	Letter from pro se plaintiff Lidia Orrego re Responding to Defendants' pre-motion conference letter dated 9/15/2020. (Tirado, Chelsea) (Entered: 09/29/2020)
09/30/2020	<u>17</u>	MOTION to Substitute Attorney by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua. (Minnah–Donkoh, Kuuku) (Entered: 09/30/2020)
09/30/2020	<u>18</u>	CERTIFICATE OF SERVICE by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua re <u>17</u> MOTION to Substitute Attorney (Minnah–Donkoh, Kuuku) (Entered: 09/30/2020)
10/19/2020		ORDER granting <u>17</u> Motion to Substitute Attorney. Attorney Maaren Shah and Alexander B. Spiro terminated. Ordered by Magistrate Judge A. Kathleen Tomlinson on 10/19/2020. (Ameri, Mana) (Entered: 10/19/2020)
10/19/2020	<u>19</u>	Letter MOTION to Compel <i>the Court to give permission to Order Service by Publication to the Defendants</i> by Lidia M. Orrego. (Tirado, Chelsea) (Entered: 10/21/2020)
10/19/2020	<u>20</u>	Letter from Lidia M. Orrego titled "Proof of Service" requesting confirmation from the Court on the deadline for defendants to respond to the Summons and Complaint. (Tirado, Chelsea) (Entered: 10/21/2020)
10/21/2020	<u>21</u>	NOTICE of Appearance by Alex Dumas on behalf of All Defendants (aty to be noticed) (Dumas, Alex) (Entered: 10/21/2020)
10/23/2020		ORDER re <u>19</u> Letter MOTION to Compel. Pro se plaintiff's letter motion, DE 19, is respectfully referred to the assigned Magistrate Judge in accordance with the undersigned's individual rules. See II.e. The Clerk of the Court is respectfully directed to mail a copy of this Order to the pro se plaintiff. Ordered by Judge Gary R. Brown on 10/23/2020. (Meil, Stephen) (Entered: 10/23/2020)
12/11/2020	<u>22</u>	Fully Briefed MOTION to Dismiss for Failure to State a Claim by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky. (Attachments: # <u>1</u> Declaration of Alex Dumas in Support of Motion to Dismiss, # <u>2</u> Exhibit A – Offer Letter, # <u>3</u> Memorandum in Support of Motion to Dismiss, # <u>4</u> Certificate of Service of Motion to Dismiss, # <u>5</u> Memorandum in Opposition of Motion to Dismiss, # <u>6</u> Affidavit of Service of Opposition, # <u>7</u> Exhibit 34, # <u>8</u> Reply Memorandum of Law in Support of Motion to Dismiss, # <u>9</u> Reply Certificate of Service) (Dumas, Alex) (Entered: 12/11/2020)
12/16/2020	<u>23</u>	Letter MOTION for pre motion conference by Lidia M. Orrego. (Tirado, Chelsea) (Entered: 12/18/2020)
12/22/2020		ORDER denying <u>23</u> Motion for Pre Motion Conference. In her letter, pro se plaintiff appears to request a proceeding akin to a trial, wherein the parties would have the opportunity to present evidence and examine witnesses. In light of the fact that this case is far from trial-ready and still in its early stages – as indicated, for example, by the recent filing of defendants' fully briefed motion to dismiss – plaintiff's request is accordingly DENIED. The Clerk of the Court is respectfully directed to mail a copy of this Order to the pro se plaintiff. Ordered by Judge Gary R. Brown on 12/22/2020. (Meil, Stephen) (Entered: 12/22/2020)
09/08/2021	<u>24</u>	MOTION for Leave to File Document <i>Amended Complaint</i> by Lidia M. Orrego. (Tirado, Chelsea) (Entered: 09/08/2021)
09/13/2021	<u>25</u>	RESPONSE in Opposition re <u>24</u> MOTION for Leave to File Document <i>Amended Complaint</i> filed by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury

		EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I) (Minnah-Donkoh, Kuuku) (Entered: 09/13/2021)
09/17/2021	<u>26</u>	OBJECTION to <u>25</u> Opposition to <u>24</u> MOTION for Leave to File <i>Amended Complaint</i> filed by Lidia M. Orrego. (Coleman, Laurie) Modified on 9/20/2021 to revise docket text (Coleman, Laurie). (Entered: 09/20/2021)
09/20/2021	<u>27</u>	AMENDED OBJECTION to <u>25</u> Opposition to <u>24</u> MOTION for Leave to File <i>Amended Complaint</i> filed by Lidia M. Orrego. (Coleman, Laurie) (Entered: 09/20/2021)
09/21/2021	<u>28</u>	ORDER denying <u>19</u> Motion to Compel, without prejudice. SEE ATTACHED ORDER. Counsel for Defendants is directed to serve a copy of this Order on the Pro Se Plaintiff forthwith and to file proof of such service on ECF by September 24, 2021. Ordered by Magistrate Judge A. Kathleen Tomlinson on 9/21/2021. (Tomlinson, A.) (Entered: 09/21/2021)
09/23/2021	<u>29</u>	CERTIFICATE OF SERVICE by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua re <u>28</u> Order on Motion to Compel, (Minnah-Donkoh, Kuuku) (Entered: 09/23/2021)
09/30/2021	<u>30</u>	ORDER granting in part and denying in part <u>22</u> Motion to Dismiss for Failure to State a Claim. For the reasons set forth in the attached Memorandum & Order, it is hereby Ordered that defendants' motion is GRANTED as to plaintiff's claims under the NYCHRL, the New York Labor Law, the New York Penal Law, and plaintiff's claims for discrimination under 42 U.S.C. § 1981 and the NYSHRL; additionally, defendants' motion is GRANTED as to plaintiff's retaliation claims against Savitsky and Zantua and plaintiff's hostile work environment claims against Savitsky. Otherwise, defendants' motion is DENIED. The Clerk of the Court is respectfully directed to mail a copy of this Order to the pro se plaintiff. Ordered by Judge Gary R. Brown on 9/30/2021. (Meil, Stephen) (Entered: 09/30/2021)
09/30/2021		ORDER denying <u>24</u> Motion for Leave to File. The allegations which <i>pro se</i> plaintiff apparently seeks to add in a contemplated amended complaint appear to relate only to claims dismissed in this Court's earlier Order of September 30, 2021. Accordingly, plaintiff's motion is DENIED as any such amendment would be futile. The Clerk of the Court is respectfully directed to mail a copy of this Order to the pro se plaintiff. Ordered by Judge Gary R. Brown on 9/30/2021. (Meil, Stephen) (Entered: 09/30/2021)
10/04/2021	<u>31</u>	Letter by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 10/04/2021)
10/04/2021	<u>32</u>	NOTICE of Appearance by Edward E. Warnke on behalf of All Defendants (aty to be noticed) (Warnke, Edward) (Entered: 10/04/2021)
10/14/2021	<u>33</u>	ANSWER to <u>8</u> Amended Complaint, by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Warnke, Edward) (Entered: 10/14/2021)
10/26/2021		NOTICE: The Initial Conference scheduled for November 2, 2021 is adjourned without date pending reassignment of this action to another Magistrate Judge. Counsel for Defendants is directed to serve a copy of this Order on the Pro Se Plaintiff forthwith and to file proof of such service on ECF by October 28, 2021. (Ameri, Mana) (Entered: 10/26/2021)
10/26/2021	<u>34</u>	CERTIFICATE OF SERVICE by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 10/26/2021)
11/02/2021	<u>35</u>	MOTION to Withdraw <u>33</u> Answer to Amended Complaint (<i>pages 19 & 20</i>) by Lidia M. Orrego. (Tirado, Chelsea) (Entered: 11/02/2021)
11/05/2021	<u>36</u>	Letter <i>Opposition to PS Motion to Strike</i> by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua (Warnke,

		Edward) (Entered: 11/05/2021)
11/09/2021	<u>37</u>	Letter replying to <u>36</u> Defendants' Opposition to Motion to Withdraw by Lidia M Orrego. (Tirado, Chelsea) (Entered: 11/09/2021)
11/16/2021		ORDER denying <u>35</u> Motion to Withdraw Answer to Amended Complaint (pages 19 & 20). Affording plaintiff the special solicitude accorded to pro se litigants, the Court construes plaintiff's November 2, 2021 letter, DE 35, as a motion to strike the defenses asserted in defendants' answer to the Amended Complaint. Defendants' defenses include, <i>inter alia</i>, that the amended complaint fails to state a claim upon which relief may be granted, that actions taken by defendants were for non-retaliatory reasons, and plaintiff is pursuing this matter in bad faith for vexatious reasons, citing a number of other suits filed by plaintiff that have been dismissed. DE 33 at 19–20. Under Federal Rule of Civil Procedure 12(f), "[t]he court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." "Accordingly, [t]he standard to prevail on a motion to strike is demanding, requiring that the moving party demonstrate that (1) there may be no question of fact which might allow the defense to succeed; (2) there may be no substantial question of law, a resolution of which could allow the defense to succeed; and (3) the party would be prejudiced by the inclusion of the defense." <i>Grewal v. Cuneo</i>, No. 13–CV–6836(RA), 2016 WL 308803, at *4 (S.D.N.Y. Jan. 25, 2016) (citations and internal quotation marks omitted). Plaintiff argues that defendants improperly referred to her other lawsuits because they remain pending, and the documentary evidence will ultimately prove her case. While these arguments may go to the merits of her claim, plaintiff has failed to establish that she is prejudiced by the inclusion of the asserted defenses or that there is no question of fact which might allow these defenses to succeed. Thus, plaintiff's motion to strike the defenses asserted in defendants' answer to the amended complaint is DENIED. The Court has reconsidered its decision regarding appointment of counsel. While plaintiff is not entitled to counsel as of right, the Pro Se Department is respectfully directed to find counsel for plaintiff from this Court's pro bono panel. Ordered by Judge Gary R. Brown on 11/16/2021. c/ecf (Tahbaz, Joseph) (Entered: 11/16/2021)
11/22/2021	<u>38</u>	ORDER – Accordingly, the Court appoints The Dratch Law Firm, PC, by Brian M Dratch, Esq., to represent Plaintiff. Counsel shall file a Notice of Appearance and contact Plaintiff forthwith. The Clerk of the Court is directed to mail a copy of this Order to the Plaintiff and to Mr. Dratch. SO Ordered by Judge Gary R. Brown on 11/22/2021. (Tirado, Chelsea) (Entered: 11/22/2021)
11/22/2021	<u>39</u>	Letter to Judge Brown from pro se plaintiff Lidia M Orrego submitting "Clarification Letter". (Tirado, Chelsea) (Entered: 11/23/2021)
11/23/2021		Case randomly reassigned to Magistrate Judge Anne Y. Shields. Magistrate Judge A. Kathleen Tomlinson no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Florio, Lisa) (Entered: 11/23/2021)
11/30/2021	<u>40</u>	NOTICE of Appearance by Brian Michael Dratch on behalf of Lidia M. Orrego (aty to be noticed) (Dratch, Brian) (Entered: 11/30/2021)
12/02/2021	<u>41</u>	ORDER: Initial Conference set for 2/14/2022 at 11:30 AM before Magistrate Judge Anne Y. Shields. The parties are directed to call the ATTteleconferencing center at (877) 810–9415 and to enter Access Code 9005911 when prompted. See order and attachments. So Ordered by Magistrate Judge Anne Y. Shields on 12/2/2021. (Attachments: # <u>1</u> AYS Rules, # <u>2</u> Joint Letter Requirements, # <u>3</u> Employment Protocols) (Torres, Jasmine) (Entered: 12/02/2021)

02/10/2022	<u>42</u>	CASE MANAGEMENT STATEMENT <i>for Employment Cases with Discovery Plan Worksheet</i> (Attachments: # <u>1</u> Proposed Order) (Warnke, Edward) (Entered: 02/10/2022)
02/11/2022		SCHEDULING ORDER: In light of the filing of the initial letter, the initial conference scheduled for February 14, 2022 is CANCELED . Counsel are directed to complete the Employment Protocols found in the undersigned's Individual Rules by the April 12, 2022 date described in the joint letter and on April 13, 2022, submit a joint status letter stating with particularity, the precise discovery necessary and dates for completion thereof, for this matter to be trial or dispositive motion practice ready. A telephone status conference has been scheduled for April 19, 2022 at 12:00 PM. Counsel are directed to call the AT&T Teleconference Center at (877) 810-9415 at the time of the conference and enter Access Code 9005911 when prompted. So Ordered by Magistrate Judge Anne Y. Shields on 2/11/2022. (Mucciaccio, Dina) (Entered: 02/11/2022)
02/14/2022	<u>43</u>	Letter MOTION to Substitute Attorney , <i>new bilingual counsel/attorney</i> by Lidia M. Orrego. (Tirado, Chelsea) (Entered: 02/15/2022)
02/17/2022	<u>45</u>	AFFIDAVIT/DECLARATION in Support re <u>43</u> Letter MOTION to Substitute Attorney , <i>new bilingual counsel/attorney</i> filed by Lidia M. Orrego. (Tirado, Chelsea) (Entered: 02/24/2022)
02/18/2022		SCHEDULING ORDER: A telephone conference regarding Plaintiff's motion to substitute counsel has been scheduled for March 8, 2022 at 1:30 PM. Plaintiff and Plaintiff's counsel are directed to call the AT&T Teleconference Center at (877) 810-9415 at the time of the conference and enter Access Code 9005911 when prompted. Plaintiff's counsel is directed to serve a copy of this order on Plaintiff and provide proof of service on ECF by February 22, 2022. So Ordered by Magistrate Judge Anne Y. Shields on 2/18/2022. (Mucciaccio, Dina) (Entered: 02/18/2022)
02/22/2022	<u>44</u>	AFFIDAVIT of Service for Copy of Order <i>scheduling telephone conference on 03/08/2022</i> served on Lidia Orrego on 02/18/2022, filed by Lidia M. Orrego. (Dratch, Brian) (Entered: 02/22/2022)
02/22/2022	<u>46</u>	Letter to Judge Shields from pro se plaintiff Lidia M Orrego regarding 3/8/2022 Telephone Conference (Tirado, Chelsea) (Entered: 02/24/2022)
03/08/2022		ORDER granting in part and denying in part <u>43</u> Motion to Substitute Attorney. As set forth on the record during the conference held on March 8, 2022, Plaintiff's motion for substitution of counsel is GRANTED in part and DENIED in part. Plaintiff's appointed counsel, Mr. Dratch, is relieved as Plaintiff's counsel and the Clerk of the Court is directed to terminate his appearance on the docket herein. However, Plaintiff's request to have new bilingual counsel appointed is denied without prejudice to renewal to the District Judge. To be clear, if Plaintiff wishes to request new counsel be appointed, she must make a new pro bono counsel motion to the Honorable Gary R. Brown. The Court further orders that this matter be stayed for a period of 60 days for Plaintiff to either: (1) request appointment of new pro bono counsel; or (2) obtain new counsel; or (3) for Plaintiff to decide to proceed pro se. Plaintiff is directed to communicate with this Court via letter on or before May 9, 2022 stating how Plaintiff will proceed in this matter. Plaintiff is advised that failure to communicate with this Court may result in this Court's recommendation to the District Court that the case be dismissed for failure to prosecute. Further, the Court encourages all pro se litigants to consult with the Hofstra Law Pro Se Clinic located in the Central Islip Courthouse, which can provide free information, advice, and limited scope legal assistance to non-incarcerated pro se litigants. The Court notes that the Pro Se Clinic is not part of, nor affiliated with, the United States District Court. The Clinic offers services such as: providing brief legal counseling; advising you about potential federal claims prior to filing suit; explaining federal court rules and procedures; and reviewing and editing draft pleadings and correspondence with the Court. Additionally, the Clinic may aid you during the discovery process, and, in appropriate circumstances, may represent you at deposition or in the settlement process. Consultations with the Pro Se Clinic can be conducted remotely via telephone. If you wish to contact the Pro Se Clinic to make an appointment, email them at PSLAP@Hofstra.edu or leave a message at (631) 297-2575. Plaintiff's outgoing counsel is directed to serve a copy of this Order on Plaintiff and provide proof of service on ECF by March 10, 2022. So Ordered by Magistrate Judge Anne Y. Shields on 3/8/2022. (Mucciaccio, Dina) (Entered: 03/08/2022)

		03/08/2022)
03/08/2022		Attorney Brian Michael Dratch terminated. So Ordered by Magistrate Judge Anne Y. Shields on 3/8/2022. (Mucciaccio, Dina) (Entered: 03/08/2022)
03/08/2022	<u>49</u>	Minute Entry for proceedings held before Magistrate Judge Anne Y. Shields: Motion Hearing held on 3/8/2022 re <u>43</u> Letter MOTION to Substitute Attorney , <i>new bilingual counsel/attorney</i> filed by Lidia M. Orrego (FTR Log #1:33–1:38.) (Torres, Jasmine) (Entered: 03/15/2022)
03/09/2022	<u>47</u>	AFFIDAVIT/AFFIRMATION re Order on Motion to Substitute Attorney,,,,,, of service by Lidia M. Orrego (Dratch, Brian) (Entered: 03/09/2022)
03/10/2022	<u>48</u>	Letter to Judge Shields from pro se plaintiff Lidia M Orrego in response to 3/8/2022 Electronic Order. (Tirado, Chelsea) (Entered: 03/10/2022)
03/14/2022		ORDER re <u>48</u> Plaintiff's Letter for Reconsideration. Plaintiff's request for reconsideration of this Court's Order denying Plaintiff's application for new bilingual pro bono counsel to be appointed is DENIED. As stated during the conference and in the Order, if Plaintiff wishes to request new counsel be appointed, she must make a new pro bono counsel motion to the Honorable Gary R. Brown on or before May 9, 2022. Any new pro bono application will not be deemed to be made in bad faith as the Court has instructed Plaintiff to make such a request. Plaintiff is reminded that by May 9, 2022, Plaintiff must communicate to the Court, by letter, that she either: (1) requests appointment of new pro bono counsel; or (2) has obtained new counsel; or (3) has decided to proceed pro se. Plaintiff is advised that failure to communicate with this Court may result in this Court's recommendation to the District Court that the case be dismissed for failure to prosecute. So Ordered by Magistrate Judge Anne Y. Shields on 3/14/2022. c/m pltf 3/14/2022. (Mucciaccio, Dina) (Entered: 03/14/2022)
03/17/2022	<u>50</u>	Letter to Judge Shields from pro se plaintiff Lidia M Orrego in response to 3/14/2022 Order. (Tirado, Chelsea) (Entered: 03/17/2022)
04/14/2022	<u>51</u>	Letter to Judge Shields from pro se plaintiff Lidia M Orrego informing the Court of proceeding pro se, requesting to remove <u>42</u> from the docket, and requesting an interpreter for future conferences. (Tirado, Chelsea) (Entered: 04/18/2022)
04/19/2022	<u>52</u>	SCHEDULING ORDER: The Court is in receipt of Plaintiff's notification found in docket entry No. <u>51</u> . That notification advises the Court that Plaintiff wishes to proceed pro se, and that she is currently seeking the limited representation assistance provided by the Hofstra University School of Law legal assistance program. With respect to Plaintiff's request to remove docket entry No. <u>42</u> from the docket, the Court notes that it cannot remove items from the public docket. See <u>Gambale v. Deutsche Bank AG</u> , 377 F.3d 133, 144 (2d Cir. 2004) (noting that once "the genie is out of the bottle," courts "have not the means to put the genie back."). However, the Court interprets Plaintiff's request as a request to vacate its initial conference order found at docket entry No. <u>41</u> , effectively rendering docket entry No. <u>42</u> moot. In accord with that interpretation, the Court therefore will vacate that initial conference order. The request for a Spanish interpreter in this civil case has been made, and it is once again, denied. The Court does not provide interpreters for civil cases. Plaintiff is certainly free to retain her own interpreter, at her own expense, for any future conferences. She may also raise this issue with the Hofstra clinic. While they are not required to provide interpreting services, they may be able to assist Plaintiff. See attached Order for additional details as well as for the Tier I Discovery Schedule. So Ordered by Magistrate Judge Anne Y. Shields on 4/19/2022. c/m pltf on 4/19/2022 (Mucciaccio, Dina) (Entered: 04/19/2022)
04/22/2022	<u>53</u>	Letter to Judge Brown from pro se plaintiff Lidia M Orrego informing the Court of name change, but deciding to proceed as Lidia M. Orrego. (Tirado, Chelsea) (Entered: 04/26/2022)
04/26/2022	<u>54</u>	Letter to Judge Shields from pro se plaintiff Lidia M Orrego re <u>52</u> Orders (Tirado, Chelsea) (Entered: 04/26/2022)
04/27/2022	<u>55</u>	Mail receipt to Lidia M Orrego – Date of Delivery: 4/22/2022 (Tirado, Chelsea) (Entered: 04/28/2022)

05/02/2022		SCHEDULING ORDER: In light of Plaintiff's letter dated April 22, 2022 and found at docket entry No. <u>54</u> , this Court VACATES its April 19, 2022 Order, found at docket entry No. <u>52</u> . To be clear, the Tier I Discovery schedule set forth in the April 19, 2022 order is VACATED . An in-person initial conference has been scheduled for July 5, 2022 in courtroom 840 of the Central Islip courthouse. All discovery in this case is STAYED pending the in-person July 5, 2022 conference. A new discovery schedule will be issued at the in-person conference. If Plaintiff wishes, she may bring a personal interpreter to the in-person conference. So Ordered by Magistrate Judge Anne Y. Shields on 5/2/2022. c/m pltf 5/2/2022 (Mucciaccio, Dina) (Entered: 05/02/2022)
05/02/2022		SCHEDULING ORDER: The July 5, 2022 in-person initial conference is scheduled for 10:30 AM in courtroom 840 of the Central Islip courthouse. So Ordered by Magistrate Judge Anne Y. Shields on 5/2/2022. c/m pltf on 5/2/2022 (Mucciaccio, Dina) (Entered: 05/02/2022)
07/05/2022		SCHEDULING ORDER:As set forth on the record during the conference held today, the Court clarifies that a hostile work environment claim remains against Mr. Knipfing. Further, Plaintiff has agreed that all service in this matter may proceed via email.The following Phase I discovery schedule was entered: By August 1, 2022, the parties shall exchange all documents/recordings/video relating to Plaintiff's employment. The production shall include, but is not limited to, the non-disclosure agreement executed by Plaintiff, all documents referenced in Plaintiff's amended complaint such as the relevant portions of her diary, as well as Plaintiffs November complaint to Mr. Knipfing, and any emails and text messages, as well as any other documents relating to Plaintiff's employment. To be clear, these documents are to be exchanged by all parties regardless of how that party came into possession of the document.On August 15, 2022, the parties are directed to submit one joint status letter setting forth whether this paper discovery has been completed. Defendants shall file the joint status letter. Upon receipt of the August 15, 2022 joint status letter the Court will enter an order as to the remainder of discovery so that this case can proceed. If the parties need additional time, they are directed to communicate with each other via email, and after reaching an agreement, submit a letter notifying this Court as to their agreement. So Ordered by Magistrate Judge Anne Y. Shields on 7/5/2022. (Mucciaccio, Dina) (Entered: 07/05/2022)
07/05/2022	<u>56</u>	Minute Entry for proceedings held before Magistrate Judge Anne Y. Shields:Initial Conference Hearing held on 7/5/2022 (FTR Log #10:50-11:23.) (Torres, Jasmine) (Entered: 07/06/2022)
07/08/2022	<u>57</u>	NOTICE of Motion of Default Judgment by Lidia M. Orrego. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit in Support) (Cubano, Jazmin) (Entered: 07/08/2022)
07/11/2022		SCHEDULING ORDER: As Plaintiff has filed a motion for default against the Defendants, in order to ensure efficient, speedy and just motion practice, the following briefing schedule is now in effect: Defendants' opposition must be served and filed on or before August 11, 2022. Plaintiff's reply to the opposition shall be served and filed on or before August 25, 2022. Plaintiff is NOT to serve and file a reply until after receiving Defendants' opposition. The Discovery Schedule issued during the July 5, 2022 conference REMAINS IN EFFECT. So Ordered by Magistrate Judge Anne Y. Shields on 7/11/2022. (Mucciaccio, Dina) (Entered: 07/11/2022)
07/26/2022	<u>58</u>	First MOTION for Extension of Time to Complete Discovery (<i>To Serve Defendants' Initial Document Production</i>) by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 07/26/2022)
07/27/2022	<u>59</u>	RESPONSE in Opposition re <u>58</u> First MOTION for Extension of Time to Complete Discovery (<i>To Serve Defendants' Initial Document Production</i>) filed by Lidia M. Orrego. (Cubano, Jazmin) (Entered: 07/27/2022)
07/28/2022		ORDER denying <u>58</u> Motion for Extension of Time to Complete Discovery. Defendants' request for a two week extension of time for the current discovery deadlines and briefing schedule is DENIED. The discovery deadlines were set during the in-person conference held on July 5, 2022. At that conference the parties were asked whether they objected to the deadlines or would have any problems meeting the

		proposed deadlines. Defense counsel did not object nor did he indicate meeting the deadlines would be problematic. As such, Defendants' request for the extension lacks the requisite good cause needed for such an adjournment. Schedules and deadlines of other cases do not warrant an extension of time in this case, especially when the instant deadlines were not imposed without first seeking to accommodate counsel and Plaintiff's schedules. Accordingly, the extension request is denied. All previously ordered deadlines remain in effect. So Ordered by Magistrate Judge Anne Y. Shields on 7/28/2022. (Mucciaccio, Dina) (Entered: 07/28/2022)
08/11/2022	<u>60</u>	MEMORANDUM in Opposition re <u>57</u> Notice (Other) filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 08/11/2022)
08/11/2022	<u>61</u>	MEMORANDUM in Opposition re <u>57</u> Notice (Other) filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A) (Minnah-Donkoh, Kuuku) (Entered: 08/11/2022)
08/12/2022	<u>65</u>	Letter MOTION to Compel <i>Challenging the Confidentiality of Documents of the Defendants Initial Discovery dated August 1, 2022</i> , by Lidia M. Orrego. (Ortiz, Grisel) (Entered: 08/18/2022)
08/15/2022	<u>62</u>	Letter to Judge Regarding Joint Status by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 08/15/2022)
08/16/2022		SCHEDULING ORDER: In view of the completion of the voluntary exchange of the Court ordered category of documents the parties are directed to move forward with depositions. All depositions must be completed by February 28, 2023. Plaintiff shall be deposed first. Plaintiff and defense counsel are directed to confer regarding the number of depositions and the timing of the depositions. The parties may to agree to conduct the depositions either in-person or remotely. Upon the conclusion of the depositions, the parties may agree to seek additional documentary discovery. A joint status letter shall be filed on March 2, 2023. So Ordered by Magistrate Judge Anne Y. Shields on 8/16/2022. (Mucciaccio, Dina) (Entered: 08/16/2022)
08/17/2022	<u>63</u>	Preliminary Statement: Reply Memoranda of Law in Support Plaintiff's Motion Default Judgment, filed by Pro Se Litigant Lidia M. Orrego dated 8/17/2022. (Ortiz, Grisel) Modified on 10/11/2022- pro se contacted the clerks office, added the additional language description to the document. (GO). (Entered: 08/17/2022)
08/17/2022	<u>64</u>	Letter from Pro Se Litigant to Judge Shields dated 8/17/2022 Re: 8/16/2022 Scheduling Order. (Ortiz, Grisel) (Entered: 08/17/2022)
08/22/2022	<u>66</u>	RESPONSE to Motion re <u>65</u> Letter MOTION to Compel <i>Challenging the Confidentiality of Documents of the Defendants Initial Discovery dated August 1, 2022</i> , filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Attachments: # <u>1</u> Exhibit Exhibit A (Track-changed revisions to form Stipulation and Order of Confidentiality), # <u>2</u> Exhibit B (Clean version of Exhibit A)) (Minnah-Donkoh, Kuuku) (Entered: 08/22/2022)
08/24/2022	<u>67</u>	REPLY to Response to Motion re <u>65</u> Letter MOTION to Compel <i>Challenging the Confidentiality of Documents of the Defendants Initial Discovery dated August 1, 2022</i> , filed by Lidia M. Orrego. (Cubano, Jazmin) (Entered: 08/25/2022)
10/03/2022		ORDER : All pretrial proceedings, including DE 65, are hereby referred to the assigned Magistrate Judge. In addition, any dispositive pretrial motions are referred to the assigned Magistrate Judge for a Report and Recommendation. In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are reminded that, if all parties consent, a United States Magistrate Judge may: (1) conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment; or (2) conduct all proceedings and enter a final order on a particular motion. A consent form should be signed and filed electronically only if all parties wish to consent and it is signed by all parties. Consent forms may be accessed at the following links:

		http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085A.pdf . You may withhold your consent without adverse substantive consequences. DO NOT return or file a consent form unless all parties have signed the consent. The Clerk of Court is directed to mail a copy of this Order to the pro se plaintiff. Ordered by Judge Gary R. Brown on 10/3/2022. c/ecf (LJ) (Entered: 10/03/2022)
10/11/2022	<u>68</u>	LETTER dated 10/10/2022 from Lidia M. Orrego to Judge Brown re Request that the Court grant the motion ECF doc. <u>57</u> & <u>63</u> duly supported by a statement of facts, laws, and documentary evidence, pursuant to Federal Rules of Civil Procedure Rule 26 & 37. (LC) (Entered: 10/17/2022)
11/21/2022	<u>69</u>	Letter MOTION for Sanctions by Lidia M. Orrego. (Attachments: # <u>1</u> Documents in Support, # <u>2</u> Affirmation of Service) (JC) (Entered: 11/23/2022)
02/10/2023	<u>70</u>	Letter MOTION for Preliminary Injunction by Lidia M. Orrego. (GO) (Entered: 02/10/2023)
02/10/2023	<u>71</u>	RESPONSE to Motion re <u>70</u> Letter MOTION for Preliminary Injunction filed by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah–Donkoh, Kuuku) (Entered: 02/10/2023)
02/13/2023	<u>72</u>	Affirmation in REPLY to Defendants Response in Opposition to Plaintiff's Motion re <u>70</u> Letter MOTION for Preliminary Injunction filed by Lidia M. Orrego. (JC) (Entered: 02/13/2023)
02/13/2023	<u>73</u>	Notice of MOTION for Declaratory Judgment <i>with affirmation and exhibits attached</i> by Lidia M. Orrego. (JC) (Entered: 02/13/2023)
02/13/2023	<u>74</u>	Amended MOTION to Compel <i>for Injunctive Relief, Rulings on DE's <u>69</u> and <u>57</u> , and reschedule discovery process</i> by Lidia M. Orrego. (JC) (Entered: 02/13/2023)
02/13/2023	<u>75</u>	Letter from Lidia Orrego to Judge Brown dtd 1/13/2023 requesting EMERGENCY Conference with digital audio recording for rulings regarding motions, and Motion for Declaratory Relief. (JC) (Entered: 02/13/2023)
02/22/2023	<u>76</u>	NOTICE of Appearance by Jennifer A Gundlach on behalf of Lidia M. Orrego (aty to be noticed) (Gundlach, Jennifer) (Entered: 02/22/2023)
02/24/2023		ORDER. Plaintiff is reminded that the undersigned's individual rules prohibit parties from sending ex parte email communications – or email communications of any kind – to the Court's email without the Court's prior permission. So Ordered by Magistrate Judge Anne Y. Shields on 2/24/2023. (DM) (Entered: 02/24/2023)
02/27/2023	<u>77</u>	Letter MOTION to Change Venue <i>Request that the court grant the change to the District and Magistrate Judge and the Venue to Brooklyn Courthouse</i> , by Lidia M. Orrego. (GO) (Entered: 02/27/2023)
02/28/2023	<u>78</u>	RESPONSE in Opposition re <u>77</u> Letter MOTION to Change Venue <i>Request that the court grant the change to the District and Magistrate Judge and the Venue to Brooklyn Courthouse</i> , filed by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah–Donkoh, Kuuku) (Entered: 02/28/2023)
02/28/2023	<u>79</u>	MOTION to Withdraw as Attorney <i>by Limited Scope Pro Bono Counsel</i> by Lidia M. Orrego. (Gundlach, Jennifer) (Entered: 02/28/2023)
03/01/2023	<u>80</u>	Letter MOTION to Compel <i>to report new misconduct and fraudulent concealment or misrepresentation from Mr. Kuuku Minnah–Donkoh, Defendants' counsel</i> , by Lidia M. Orrego. (GO) (Entered: 03/01/2023)
03/02/2023	<u>81</u>	Letter <i>Status Letter to the Court</i> by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua (Attachments: # <u>1</u> Exhibit Exhibit A–Email) (Minnah–Donkoh, Kuuku) (Entered: 03/02/2023)

03/02/2023	<u>82</u>	Objection letter to <u>81</u> Status Letter to the Court filed by Lidia M. Orrego. (LF) (Main Document 82 replaced on 3/6/2023) (LF). (Entered: 03/03/2023)
03/03/2023	<u>83</u>	Letter from Lidia M. Orrego to Magistrate Judge Shields to report the status of Deposition and other discovery to develop after receiving the ruling on Motion Default Judgment ECF <u>57</u> . (LF) (Main Document 83 replaced on 3/6/2023) (LF). (Entered: 03/03/2023)
03/06/2023	<u>84</u>	Letter to Judge Shields from Lidia M. Orrego dtd 3/3/2023 in accordance with 8/16/2022 Scheduling Order to file this letter in connection to Defendant's Depositions. (JC) (Entered: 03/06/2023)
03/06/2023	<u>85</u>	REPLY to Response to Motion re <u>77</u> , <u>78</u> Letter MOTION to Change Venue <i>Request that the court grant the change to the District and Magistrate Judge and the Venue to Brooklyn Courthouse</i> , filed by Lidia M. Orrego. (JC) (Entered: 03/07/2023)
03/06/2023	<u>86</u>	RESPONSE to Motion re <u>80</u> Letter MOTION to Compel <i>to report new misconduct and fraudulent concealment or misrepresentation from Mr. Kuuku Minnah–Donkoh, Defendants' counsel</i> , filed by Lidia M. Orrego. (JC) (Entered: 03/07/2023)
03/09/2023		SCHEDULING ORDER: Defense counsel is directed to provide a complete copy of Plaintiff's February 27, 2023 deposition transcript for the Court's review. The transcript must be emailed to shields_chambers@nyed.uscourts.gov by 5:00 PM on Friday, March 10, 2023. So Ordered by Magistrate Judge Anne Y. Shields on 3/9/2023. (DM) (Entered: 03/09/2023)
03/09/2023	<u>87</u>	REPORT AND RECOMMENDATIONS re <u>73</u> Notice of MOTION for Declaratory Judgment <i>with affirmation and exhibits attached</i> filed by Lidia M. Orrego, <u>77</u> Letter MOTION to Change Venue <i>Request that the court grant the change to the District and Magistrate Judge and the Venue to Brooklyn Courthouse</i> , filed by Lidia M. Orrego. For the reasons set forth in the Order and Report and Recommendation, it is respectfully recommended that Plaintiff's motions for a declaratory judgment in her favor, and the motion to change venue to the Brooklyn Courthouse, be denied. A copy of this Order and Report and Recommendation is being provided to all counsel and Plaintiff via ECF. Any written objections to this Report and Recommendation portion must be filed with the Clerk of the Court within fourteen (14) days of filing of this report. Entered by Magistrate Judge Anne Y. Shields on 3/9/2023. (DM) (Entered: 03/09/2023)
03/10/2023	<u>88</u>	ORDER denying <u>65</u> Motion to Compel; denying <u>69</u> Motion for Sanctions; denying <u>70</u> Motion for Preliminary Injunction; denying <u>74</u> Motion to Compel; denying <u>79</u> Motion to Withdraw as Attorney; denying <u>80</u> Motion to Compel. For the reasons set forth in the attached Order, Plaintiff's motions appearing at docket entries <u>57</u> , <u>65</u> , <u>69</u> , <u>70</u> , <u>74</u> and <u>80</u> are denied. The proposed confidentiality order appearing as docket entry No. [66–1] is So Ordered. Defendants' motion for additional time in which to depose Plaintiff, appearing as docket entry No. <u>81</u> , is denied without prejudice to renew upon providing the Court with the transcript of Plaintiff's deposition. Finally, Limited Scope Counsel's motion appearing as docket entry No. <u>79</u> is denied without prejudice to renew in accord with this Order. So Ordered by Magistrate Judge Anne Y. Shields on 3/9/2023. (DM) (Entered: 03/10/2023)
03/10/2023	<u>89</u>	Letter from Lidia M. Orrego to Judge Shields dtd 3/10/2023 Plaintiff's depositions served on March 10, 2023 – Lack of review or approval. (JC) (Entered: 03/13/2023)
03/13/2023		SCHEDULING ORDER: Based upon Counsel's request, the Court's review of the transcript and the reference of the Court reporter to the time of testimony, the Court directs Plaintiff to appear for an additional 2 hours of deposition testimony. The deposition must be completed by April 7, 2023. Limited scope counsel is granted one week in which to determine whether to renew its request to be relieved from representation. In the event that no motion is made the Court will assume that limited scope counsel will represent Plaintiff at her continued deposition. In any event there will be no extension of the April 7, 2023 deadline. So Ordered by Magistrate Judge Anne Y. Shields on 3/13/2023. (DM) (Entered: 03/13/2023)
03/14/2023	<u>90</u>	Letter MOTION to Compel <i>to terminate or limit plaintiff's depositions/modify 3/13/2023 Scheduling Order</i> by Lidia M. Orrego. (JC) (Entered: 03/14/2023)

03/14/2023	<u>91</u>	Letter from Lidia M. Orrego dtd 3/14/23 requesting clarification regarding communication between the Court and the Defendants. (JC) (Entered: 03/14/2023)
03/15/2023	<u>92</u>	ORDER granting in part and denying in part <u>90</u> Motion to Compel. To the extent that Plaintiff's motion is one for reconsideration of this Court's prior ruling directing Plaintiff to appear for an additional 2 hours of deposition testimony, the motion for reconsideration is GRANTED. To the extent that Plaintiff seeks to modify the existing order directing her to appear for an additional 2 hours of deposition testimony, the motion is DENIED. Upon reconsideration, the Court adheres to its original ruling and directs Plaintiff to appear for an additional 2 hours of deposition testimony to be completed by April 7, 2023. For reference, attached is a copy of Plaintiff's February 27, 2023 deposition transcript as well as a copy of an email from the deposition court reporter to Plaintiff confirming the length of the February 27, 2023 deposition. So Ordered by Magistrate Judge Anne Y. Shields on 3/15/2023. (Attachments: # <u>1</u> Exhibit) (DM) (Entered: 03/15/2023)
03/15/2023	<u>93</u>	Notice of MOTION to Withdraw as Attorney <i>Renewed</i> by Lidia M. Orrego. (Gundlach, Jennifer) (Entered: 03/15/2023)
03/15/2023	<u>94</u>	Letter MOTION to Vacate <u>88</u> Order on Motion to Compel,,,, Order on Motion for Sanctions,,,, Order on Motion for Preliminary Injunction,,,,,, Order on Motion to Withdraw as Attorney,,,,,, by Lidia M. Orrego. (JC) (Entered: 03/17/2023)
03/16/2023		ORDER granting <u>93</u> Motion to Withdraw as Attorney. The request by Plaintiff's Limited Scope Counsel to withdraw is GRANTED. Attorney Jennifer A Gundlach terminated. So Ordered by Magistrate Judge Anne Y. Shields on 3/16/2023. (DM) (Entered: 03/16/2023)
03/17/2023	<u>95</u>	Letter Motion to Vacate from Lidia Orrego to Judge Shields dtd 3/16/2023 re: Letter Motion to Vacate Order DE <u>88</u> on "Letter Motion Challenging the Confidentiality DE (65) unrelated to the Unconscionable "Confidentiality Agreement" [66-1]. (JC) Modified on 3/21/2023 (JT). (Entered: 03/17/2023)
03/20/2023	<u>98</u>	Letter MOTION to Vacate <u>88</u> Order on Motion to Compel,,,, Order on Motion for Sanctions,,,, Order on Motion for Preliminary Injunction,,,,,, Order on Motion to Withdraw as Attorney,,,,,, by Lidia M. Orrego. (Attachments: # <u>1</u> Exhibit) (GO) (Entered: 03/22/2023)
03/21/2023		ORDER denying <u>95</u> Motion to Vacate <u>95</u> MOTION to Vacate. Plaintiff's request that this Court vacate the order found at docket entry No. <u>88</u> is DENIED. To be clear, the Court adheres to its original ruling with regard to the documents designated as confidential and the Order of Confidentiality entered to govern discovery herein. So Ordered by Magistrate Judge Anne Y. Shields on 3/21/2023. (DM) (Entered: 03/21/2023)
03/21/2023	<u>96</u>	Notice of MOTION to Vacate <i>the Challenged Order</i> by Lidia M. Orrego. (JC) (Entered: 03/22/2023)
03/22/2023	<u>97</u>	Letter Notice of Motion to Vacate the Challenged Order DE <u>88</u> . (JC) (Entered: 03/22/2023)
03/22/2023	<u>99</u>	MOTION for Extension of Time to File Response/Reply as to <u>73</u> Notice of MOTION for Declaratory Judgment <i>with affirmation and exhibits attached</i> , <u>77</u> Letter MOTION to Change Venue <i>Request that the court grant the change to the District and Magistrate Judge and the Venue to Brooklyn Courthouse</i> , by Lidia M. Orrego. (JC) (Entered: 03/23/2023)
03/22/2023	<u>100</u>	Notice of MOTION to Vacate <u>88</u> Order on Motion to Compel,,,, Order on Motion for Sanctions,,,, Order on Motion for Preliminary Injunction,,,,,, Order on Motion to Withdraw as Attorney,,,,,, by Lidia M. Orrego. (Attachments: # <u>1</u> Exhibit) (GO) (Entered: 03/24/2023)
03/23/2023	<u>101</u>	NOTICE ENTRY PLAINTIFF'S OBJECTIONS/ OBJECTION to <u>87</u> Report and Recommendations, filed by Lidia M. Orrego. (GO) (Entered: 03/24/2023)
03/23/2023	<u>102</u>	Amended MOTION to Vacate <u>88</u> Order on Motion to Compel,,,, Order on Motion for Sanctions,,,, Order on Motion for Preliminary Injunction,,,,,, Order on Motion to Withdraw as Attorney,,,,,, by Lidia M. Orrego. (GO) (Entered: 03/24/2023)

03/23/2023	<u>103</u>	Amended MOTION to Vacate <u>96</u> Notice of MOTION to Vacate <i>the Challenged Order /AMENDED ECF 96 NOTICE OF MOTION VACATE THE CHALLENGED ORDER</i> , by Lidia M. Orrego. (GO) (Entered: 03/24/2023)
03/23/2023	<u>104</u>	Amended MOTION to Vacate <u>97</u> Letter <i>/AMENDED ECF 97 NOTICE OF MOTION VACATE THE CHALLENGED ORDER DE 88</i> , by Lidia M. Orrego. (GO) (Entered: 03/24/2023)
03/24/2023	<u>105</u>	SECOND NOTICE ENTRY PLAINTIFF'S OBJECTIONS/ OBJECTION to <u>87</u> Report and Recommendations, filed by Lidia M. Orrego dated 3/24/2023. (GO) (Entered: 03/24/2023)
03/28/2023		ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>73</u> Motion for Declaratory Judgment filed by Lidia M. Orrego, <u>77</u> Motion to Change Venue filed by Lidia M. Orrego, adopting <u>87</u> Report and Recommendations. Presently before the Court is the Report and Recommendation dated March 9, 2023, DE 87, of United States Magistrate Judge Anne Y. Shields recommending that Plaintiff's motions for a declaratory judgment in her favor, and the motion to change venue to the Brooklyn Courthouse, be denied. In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party makes specific and timely objections to a Magistrate Judge's findings or recommendations as to dispositive motions, the district court must apply a de novo standard of review to the portions of the Report and Recommendation to which the objection is made. Fed. R. Civ. P. 72(b); <i>see LLC v. Doe 3</i>, 604 F.3d 110, 116 (2d Cir. 2010); <i>see also</i> 28 U.S.C. § 636(b)(1). However, "general or conclusory objections, or objections which merely recite the same arguments presented to the magistrate judge, are reviewed for clear error." <i>Caldarola v. Town of Smithtown</i>, No. 09-cv-272, 2011 U.S. Dist. LEXIS 37280, at *1 (E.D.N.Y. Apr. 4, 2011). On March 22, 2023, Plaintiff requested eight additional days to file her objections to the Report and Recommendation. DE 99. Whereas Plaintiff already filed objections to the Report and Recommendation on March 23 and March 24, 2023, <i>see</i> DEs 101, 105, the request for an extension of time is denied as moot. In her objections, Plaintiff argues that Magistrate Judge Anne Y. Shields "misapplied" the concept of the Plaintiff's motion for Declaratory Relief in order to protect the Defendant, <i>see</i> DE 101 at 5, and that transferring this case to Brooklyn would be a "win-win" because the Plaintiff will "try to seek justice in a forum that protects the working class" and "this Court will not have to deal with Plaintiff whom it has been rejecting after September 30, 2021," <i>see</i> DE 105 at 6. Although de novo review is not required, the Court has conducted a de novo review of the Report and Recommendation, and having reviewed the motion papers, the applicable law, and having conducted a careful review of the Report and Recommendation de novo, the Court has determined that Judge Shields correctly determined that the motion for declaratory judgment should be denied in light of this case's ongoing discovery and that this case was properly designated as a Long Island case. <i>See Orrego v. Knipfing</i>, 564 F. Supp. 3d 273, 278-82 (E.D.N.Y. 2021) (summarizing allegations of misconduct against defendants in Nassau County). As such, the objections to the Report and Recommendation are OVERRULED and the Report and Recommendation dated March 9, 2023, DE 87, of United States Magistrate Judge Anne Y. Shields is ADOPTED in its entirety. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff. Ordered by Judge Gary R. Brown on 3/28/2023. (JT) (Entered: 03/28/2023)
03/28/2023		ORDER denying <u>99</u> Motion for Extension of Time to File Response/Reply. Ordered by Judge Gary R. Brown on 3/28/2023. c/ecf (JT) (Entered: 03/28/2023)
03/28/2023		ORDER denying <u>94</u> Motion to Vacate, <u>96</u> Notice of MOTION to Vacate, <u>98</u> Letter MOTION to Vacate, <u>100</u> Notice of MOTION to Vacate, <u>102</u> Amended MOTION to Vacate, <u>103</u> Amended MOTION to Vacate, <u>104</u> Amended MOTION to Vacate.

		Presently before the Court are a series of objections to the Orders of Magistrate Judge Anne Y. Shields dated March 9, 2023, DE 88. <i>See</i> DEs 94, 96, 98, 100, 102, 103, 104. Discovery orders by a magistrate judge are generally considered "nondispositive" of the litigation. <i>See Thomas E. Hoar, Inc. v. Sara Lee Corp.</i>, 900 F.2d 522, 525 (2d Cir. 1990). Accordingly, a district court must affirm such orders unless they are "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). This standard of review is "highly deferential," <i>see Thai Lao Lignite (Thai.) Co. v. Gov't of Lao People's Dem. Rep.</i>, 924 F. Supp. 2d 508, 511–12 (S.D.N.Y. 2013) (citations and internal quotation marks omitted), and "magistrates are afforded broad discretion in resolving discovery disputes," <i>see MASTR Adjustable Rate Mortgs. Tr. 2006–OA2 v. UBS Real Estate Secs. Inc.</i>, No. 12 Civ. 7322, 2013 WL 6840282, at *1 (S.D.N.Y. Dec. 27, 2013) (citation omitted). In a series of repetitive and verbose objections, Plaintiff principally argues that Judge Shields lacked the authority to issue the Orders in DE 88 and calls into question Judge Shields' impartiality. Whereas all of the Orders issued by Judge Shields concerned discovery matters and the allegations of bias are unsubstantiated, Plaintiff's objections are OVERRULED. PLAINTIFF IS CAUTIONED ONCE AGAIN THAT THE CONTINUED FILING OF BLOATED AND WHOLLY UNSUPPORTED MOTIONS MAY SUBJECT HER TO THE IMPOSITION OF SANCTIONS FOR ENGAGING IN FRIVOLOUS LITIGATION CONDUCT UNDER 28 U.S.C. § 1927. The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff. Ordered by Judge Gary R. Brown on 3/28/2023. (JT) (Entered: 03/28/2023)
03/31/2023	<u>106</u>	Letter MOTION to Compel <i>defendants counsel to provide plaintiff with copies of numerous things</i> by Lidia M. Orrego. (JC) (Entered: 03/31/2023)
04/04/2023	<u>107</u>	Letter <i>In Response to Plaintiff's March 31, 2023 Letter Motion to Compel</i> by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua (Minnah–Donkoh, Kuuku) (Entered: 04/04/2023)
04/04/2023	<u>108</u>	Plaintiff Lidia M. Orrego's request for Judicial Notice Adjudicative of Facts, filed concurrently with Notice of Motion to take Judicial Notice Adjudicative of Facts and instruction to the Jury to accept the noticed fact as conclusive, granting relief to Plaintiff of the burden of proof in the Trial pursuant Fed. Rules of Evidence 201 (JC) (Entered: 04/05/2023)
04/06/2023	<u>109</u>	MOTION to Vacate 03/28/2023 ORDER denying 94 Motion to Vacate, 96 Notice of MOTION to Vacate, 98 Letter MOTION to Vacate, 100 Notice of MOTION to Vacate, 102 Amended MOTION to Vacate, 103 Amended MOTION to Vacate, 104 Amended MOTION to Vacate by Lidia M. Orrego. (JC) (Entered: 04/06/2023)
04/10/2023		ORDER REFERRING MOTION: <u>106</u> Letter MOTION to Compel <i>defendants counsel to provide plaintiff with copies of numerous things</i> filed by Lidia M. Orrego. Plaintiff's motion (DE 106) is respectfully referred to the assigned Magistrate Judge for all appropriate action, if any. Ordered by Judge Gary R. Brown on 4/10/2023. Motions referred to Anne Y. Shields. (MR) (Entered: 04/10/2023)
04/10/2023		ORDER. Plaintiff's motion pursuant to Federal Rule of Evidence 201 (DE 108) is denied without prejudice to renewal at the time of trial. Ordered by Judge Gary R. Brown on 4/10/2023. (MR) (Entered: 04/10/2023)
04/10/2023		ORDER denying <u>109</u> Motion to Vacate. Plaintiff's motion, construed as an objection to the Court's previous rulings, is denied. Further, Plaintiff's motion, construed as again seeking to disqualify Magistrate Judge Shields is denied. Ordered by Judge Gary R. Brown on 4/10/2023. (MR) (Entered: 04/10/2023)
04/10/2023	<u>111</u>	Letter from Pro Se Litigant Lidia M. Orrego dated 4/10/2023 Re: respectfully request the issues of subpoenas pursuant the Federal Rules Civil Procedure Rule 45. Subpoena (3). (GO) (Entered: 04/13/2023)

04/11/2023	<u>110</u>	Notice of MOTION for Reconsideration <i>on Order entered March 28, 2023, at 4:45 pm, pursuant to Federal Rule Civil Procedure Rule (FRCP) Rule 7 (b)(1), Local Civil Rule 6.3, Title 18, U.S.C., Section 241</i> by Lidia M. Orrego. (Attachments: # <u>1</u> Exhibits 1, # <u>2</u> Exhibits 2) (JC) (Entered: 04/11/2023)
04/12/2023		ORDER denying <u>106</u> Motion to Compel. Plaintiff's motion to compel Defendants to provide a copy of all cases or authorities since October 10, 2020 is DENIED. A review of the docket indicates that Defendants have complied with Local Civil Rule 7.2 which provides that "[i]n cases involving a pro se litigant, counsel shall, when serving a memorandum of law (or other submissions to the Court), provide the pro se litigant with copies of cases and other authorities cited therein that are unpublished or reported exclusively on computerized databases. Upon request, counsel shall provide the pro se litigant with copies of such unpublished cases and other authorities as are cited in a decision of the Court and were not previously cited by any party." Further, as Plaintiff never requested copies of any unpublished cases and/or authorities cited in any of the decisions of the Court from Defendants, Plaintiff's request is similarly denied. Going forward, should Plaintiff desire copies of such cases, Plaintiff must make a timely request to Defendants to provide such. So Ordered by Magistrate Judge Anne Y. Shields on 4/12/2023. (DM) (Entered: 04/12/2023)
04/13/2023	<u>112</u>	Letter from Pro Se Office to Pro Se Litigant Lidia M. Orrego, dated 4/13/2023 Re: Response to <u>111</u> Letter. (GO) (Entered: 04/13/2023)
04/13/2023	<u>113</u>	Notice of MOTION for Reconsideration <i>on Order entered April 10, 2023, on Judicial Notice ECF <u>108</u> , pursuant to Federal Rule of Evidence Rule 201 – Judicial Notice of Law and Adjudicative Facts, Federal Rule Civil Procedure Rule (FRCP) Rule 7 (b)(1), Local Civil Rule 6.3.</i> by Lidia M. Orrego. (JC) (Entered: 04/13/2023)
04/20/2023	<u>117</u>	Notice of MOTION for Reconsideration <i>and Objections on Denial Without Memorandum of Plaintiff's Motion to Vacate ECF <u>109</u> on improper Order ECF <u>88</u> by Judge Shields for Lack of Specificity and Legal Authorities – Order Entered April 10, 2023</i> by Lidia M. Orrego. (JC) (Entered: 04/27/2023)
04/22/2023	<u>114</u>	Notice of MOTION for Reconsideration <i>and Objections on Order entered on April 12, 2023 on Motion to Compel ECF <u>106</u></i> by Lidia M. Orrego. (JC) (Entered: 04/24/2023)
04/27/2023	<u>115</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on March 8, 2022, before Judge Anne Y. Shields. Transcriber Writer's Cramp, Inc., Telephone number 609-588-8043. Email address: wtrscrap@verizon.net. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/18/2023. Redacted Transcript Deadline set for 5/29/2023. Release of Transcript Restriction set for 7/26/2023. (KS) (Entered: 04/27/2023)
04/27/2023	<u>116</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on July 5, 2022, before Judge Anne Y. Shields. Transcriber Writer's Cramp, Inc., Telephone number 609-588-8043. Email address: wtrscrap@verizon.net. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/18/2023. Redacted Transcript Deadline set for 5/29/2023. Release of Transcript Restriction set for 7/26/2023. (KS) Modified on 4/27/2023 (KS). (Entered: 04/27/2023)
05/08/2023	<u>118</u>	NOTICE of Subpoenas by Lidia M. Orrego (JC) (Entered: 05/09/2023)
05/18/2023	<u>119</u>	ORDER OF RECUSAL. Judge Gary R. Brown recused. Case reassigned to Judge Joan M. Azrack for all further proceedings. So Ordered by Judge Gary R. Brown on 5/18/2023. (GO) Entry was deleted and re-docketed to correct a typographical error. (GO) (Entered: 05/19/2023)
05/24/2023	<u>120</u>	LETTER dated 5/24/2023 from Lidia M. Orrego to Judge Azrack re Submission of Affidavits for Subpoenas. (LC) (Entered: 05/24/2023)
05/25/2023	<u>121</u>	MOTION to Quash by County Attorney, Nassau County. (Attachments: # <u>1</u> Memorandum in Support DSS Response Letter/memo of law, # <u>2</u> Exhibit Subpoena) (McLaughlin, Brian) (Entered: 05/25/2023)

05/26/2023	<u>122</u>	Affirmation in Opposition to <u>121</u> MOTION to Quash Subpoena filed by Lidia M. Orrego. (LF) (Entered: 05/30/2023)
05/30/2023	<u>124</u>	MOTION to Compel / <i>Emergency Motion to Request a Court Order to Serve by affixing a true copy of subpoena to the door of said premises which is Rebeca Uzcategui's current Counsel's Office</i> by Lidia M. Orrego. (LC) (Main Document 124 replaced on 6/1/2023) (LC). (Entered: 06/01/2023)
05/31/2023	<u>123</u>	REPLY to Response to Motion re <u>121</u> MOTION to Quash <i>Reply to Plaintiff's Opposition</i> filed by County Attorney, Nassau County. (McLaughlin, Brian) (Entered: 05/31/2023)
06/02/2023	<u>125</u>	RESPONSE in Opposition re <u>124</u> MOTION to Compel / <i>Emergency Motion to Request a Court Order to Serve by affixing a true copy of subpoena to the door of said premises which is Rebeca Uzcategui's current Counsel's Office</i> filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 06/02/2023)
06/02/2023	<u>126</u>	MOTION to Seal Document <u>121</u> MOTION to Quash by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 06/02/2023)
06/02/2023	<u>127</u>	LETTER dated 6/2/2023 from Lida M. Orrego to Judge Shields re Affidavit of Service Subpoena refused by Gordon Rees Scully Mansukhani, LLP on behalf current client and witness Ms. Rebeca Uzcategui aka Lugo. (LC) (Entered: 06/06/2023)
06/02/2023	<u>128</u>	Plaintiff's "REPLY and Challenge the fraudulent misrepresentation Defendants Opposition ECF doc. <u>125</u> to Plaintiff's request for a Court Order to serve by affixing a true copy of the Subpoena ECF doc. <u>124</u> ." (LC) (Entered: 06/06/2023)
06/02/2023	<u>129</u>	MOTION to Set Aside , MOTION to Vacate or <i>cancel all the Orders by H. Judge Gary R. Brown denying the Plaintiff's Motion due to judicial bias and request to expedite the ruling on pending motions</i> by Lidia M. Orrego. (Attachments: # <u>1</u> Affirmation) (LC) (Entered: 06/06/2023)
06/06/2023	<u>130</u>	PLAINTIFF'S OBJECTION & OPPOSITION to <u>126</u> Motion Seal the <u>121</u> Motion to Quash Subpoena filed by Lindia M. Orrego. (LC) (Entered: 06/09/2023)
06/06/2023	<u>131</u>	MOTION to Vacate /" <i>Notice of Motion for an Order to Set Aside, Vacate or Cancel the H. Judge Gary R. Brown's Order Denying ECF doc. <u>35</u> Motion to Withdraw Answer to Amended Complaint (Pages 19 & 20) dated November 16, 2021 for Judicial Bians and Protective Order</i> " and Affirmation in Support. Filed by Lidia M. Orrego. (LC) (Entered: 06/09/2023)
06/13/2023		ORDER granting <u>121</u> Motion to Quash. Non-party Nassau County Department of Social Services ("DSS") motion to quash pursuant to Rule 45(d)(3)(3) of the Federal Rules of Civil Procedure is GRANTED. Plaintiff's subpoena seeks information that cannot be disclosed pursuant to N.Y. SOC. SERV. LAW. § 422(5). As Plaintiff does not qualify as one of the listed entities that the information may be disclosed to, her subpoena must be quashed. Whether Plaintiff is the "source" of the report is irrelevant. So Ordered by Magistrate Judge Anne Y. Shields on 6/13/2023. (DM) (Entered: 06/13/2023)
06/13/2023		ORDER granting <u>126</u> MOTION to Seal Document <u>121</u> MOTION to Quash . As the document found at docket entry No. [121-1] contains the names and identifying information of infants, the motion to seal the document is GRANTED and docket entry No. <u>121</u> is hereby SEALED. So Ordered by Magistrate Judge Anne Y. Shields on 6/13/2023. (DM) (Entered: 06/13/2023)
06/13/2023		ORDER denying <u>124</u> Motion to Compel. Plaintiff's motion for an order compelling defense counsel's office to accept a subpoena on behalf of non-party Rebecca Uzcategui ("Uzcategui") is DENIED. Uzcategui is a not a party to this litigation and defense counsel does not represent her in connection with this litigation. Therefore, defense counsel cannot accept a subpoena on her behalf. Further, Uzcategui is no longer employed by Defendants or under the control of any of the Defendants. Accordingly, Plaintiff's motion to compel is DENIED. So Ordered by Magistrate Judge Anne Y. Shields on 6/13/2023. (DM) (Entered: 06/13/2023)

06/14/2023	<u>132</u>	MOTION for Recusal <i>and Disqualification of Judge Anne Y. Shields</i> by Lidia M. Orrego. (LC) (Entered: 06/16/2023)
06/20/2023	<u>133</u>	RESPONSE in Opposition re <u>132</u> MOTION for Recusal <i>and Disqualification of Judge Anne Y. Shields</i> filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 06/20/2023)
06/20/2023	<u>134</u>	NOTICE OF SUBPOENA to T-Mobile filed by Lidia M. Orrego. (LC) (Entered: 06/22/2023)
06/21/2023		ORDER denying <u>132</u> Motion for Recusal. Plaintiff's motion requesting the recusal of the undersigned is DENIED. So Ordered by Magistrate Judge Anne Y. Shields on 6/21/2023. (DM) (Entered: 06/21/2023)
06/22/2023	<u>135</u>	Plaintiff's Reply to Defendants' improper Opposition to the Motion Recusal of M. Judge Anne Y. Shields ECF doc. <u>132</u> , filed by pro se litigant dated 6/22/2023. (GO) (Entered: 06/23/2023)
06/23/2023	<u>136</u>	CERTIFICATE OF SERVICE by Lidia M. Orrego re Plaintiffs' Motion to Recuse – ECF doc. <u>132</u> filed 06/14/2023 ; Defendants' Opposition improper "Letter Motion" ECF doc. <u>133</u> filed 06/20/2023; Plaintiff's Reply to improper Defendants' Opposition ECF doc. <u>135</u> filed 06/22/2023.. (LC) (Entered: 06/26/2023)
06/30/2023	<u>137</u>	NOTICE of Non-Opposition to Plaintiff's <u>129</u> MOTION to Set Aside, MOTION to Vacate or cancel all the Orders by H. Judge Gary R. Brown denying the Plaintiff's Motion due to judicial bias and request to expedite the ruling on pending motions (LC) (Entered: 07/06/2023)
06/30/2023	<u>138</u>	NOTICE of Non-Opposition to Plaintiff's Motion ECF doc. <u>131</u> for an Order to Set Aside, Vacate or Cancel the H. Judge Gary R. Brown's Order Denying ECF doc. <u>35</u> Motion to Withdraw Answer to Amended Complaint (Pages 19 & 20) dated November 16, 2021 for Judicial Bias and Protective Order. (LC) (Entered: 07/06/2023)
07/01/2023	<u>139</u>	NOTICE of Non-Opposition to Plaintiff's Letter Motion ECF doc. <u>64</u> for an Order to Modify the Scheduling Order Dated August 16, 2022. (LC) (Entered: 07/06/2023)
07/01/2023	<u>140</u>	NOTICE of Non-Opposition to Plaintiff's Letter Motion ECF doc. <u>91</u> for an Order to Clarify the Ex Parte Communications Between M. Judge Anne Y. Shields' Chambers and Defendants. (LC) (Entered: 07/06/2023)
07/02/2023	<u>141</u>	NOTICE of Non-Opposition to Plaintiff's Motion for Reconsideration & Objections ECF doc. <u>114</u> filed on April 12, 2023, for an Order to Compel ECF doc. <u>106</u> . (LC) (Entered: 07/06/2023)
07/11/2023		ORDER denying <u>110</u> Motion for Reconsideration, <u>113</u> Notice of MOTION for Reconsideration, <u>114</u> Notice of MOTION for Reconsideration, <u>117</u> Notice of MOTION for Reconsideration, <u>129</u> MOTION to Set Aside MOTION to Vacate, <u>131</u> MOTION to Vacate. Before the Court are several motions filed by Plaintiff for reconsideration of various orders issued by Judge Gary R. Brown and Magistrate Judge Anne Y. Shields. The standard for granting a motion for reconsideration is "strict," and "reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." <u>Shrader v. CSX Transp., Inc.</u>, 70 F.3d 255, 257 (2d Cir. 1995) (citations omitted). "This strict standard is intended to ensure the finality of decisions and to prevent the practice of a losing party examining a decision and then plugging the gaps of a lost motion with additional matters." <u>Great Am. Ins. Co. v. Zelik</u>, 439 F. Supp. 3d 284, 286 (S.D.N.Y. 2020) (internal quotation marks and citations omitted). Accordingly, "a motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided." <u>Shrader</u>, 70 F.3d at 257. The Court has reviewed Plaintiff's submissions and concludes that she has not satisfied the "strict" standard for reconsideration. Accordingly, the motions are DENIED in their entirety. Ordered by Judge Joan M. Azrack on 7/11/2023. (SP) (Entered: 07/11/2023)

07/11/2023	<u>142</u>	MOTION for Reconsideration re Order on Motion to Quash,, "Notice of Motion for an Order to Set Aside, Vacate, or Cancel Order filed June 13, 2023 on Motion Quash Subpoena ECF doc. <u>121</u> " by Lidia M. Orrego. (LC) (Entered: 07/13/2023)
07/12/2023	<u>143</u>	AMENDED MOTION for Reconsideration re Order on Motion to Quash,, "Notice of Motion for an Order to Set Aside, Vacate, or Cancel Order filed June 13, 2023 on Motion Quash Subpoena ECF doc. <u>121</u> " by Lidia M. Orrego. (GO) Modified on 7/14/2023- to correct the docket from Letter to Amended. (GO). (Entered: 07/14/2023)
07/14/2023	<u>144</u>	MOTION for Reconsideration /"For an Order to Set Aside, Vacate, or Cancel Order Filed June 13, 2023 on Motion to Compel Subpoena ECF doc. <u>124</u> ." by Lidia M. Orrego. (LC) (Entered: 07/17/2023)
07/18/2023	<u>145</u>	MOTION to Vacate Order on Motion for Recusal /Motion For An Order To Set Aside, Vacate, Or Cancel Order Filed June 21, 2023, Under FRCP Rule 54 (B) On Motion Recusal M. Judge Anne Y. Shields Ecf Doc. <u>132</u> , by Lidia M. Orrego. (GO) (Entered: 07/19/2023)
07/19/2023	<u>146</u>	MOTION to Compel /PLAINTIFF'S MOTION FOR CLARIFICATION ON DISCOVERY ORDERS, by Lidia M. Orrego. (GO) (Main Document 146 replaced on 8/4/2023) (LC). (Entered: 07/20/2023)
07/20/2023		ORDER denying <u>142</u> Motion for Reconsideration, <u>143</u> Letter MOTION for Reconsideration, <u>144</u> MOTION for Reconsideration, <u>145</u> MOTION to Vacate Order on Motion for Recusal. Before the Court are several objections filed by Plaintiff to various orders issued by Magistrate Judge Anne Y. Shields. Plaintiff styles these motions as seeking reconsideration -- apparently mistakenly -- under Fed. R. Civ. P. 54(b). However, she also states that she objects to Magistrate Judge Shields' orders. Accordingly, the Court construes Plaintiff's motions as presenting objections under Fed. R. Civ. P. 72(a), which provides that a district court may reverse a magistrate judge's decision on a non-dispositive matter only if that decision is "clearly erroneous or contrary to law." Upon consideration of Plaintiff's objections under this highly deferential standard of review, the Court finds that Magistrate Judge Shields' orders were not "clearly erroneous or contrary to law." Accordingly, Plaintiff's objections are OVERRULED. For the avoidance of doubt, even if the Court were to construe Plaintiff's motions as seeking reconsideration under Fed. R. Civ. P. 54(b) or 60, the motions would be denied because Plaintiff has not satisfied the strict standard for reconsideration. Ordered by Judge Joan M. Azrack on 7/20/2023. (SP) Modified on 7/21/2023- to correct a typographical error. (GO). (Entered: 07/20/2023)
07/20/2023	<u>147</u>	Letter MOTION for Reconsideration /PLAINTIFFS MOTION RIGHT TO FILE AT ANY TIME FOR AN ORDER UNDER FED. R. CIV. P. 54 (b), TO SET ASIDE, VACATE OR CANCEL THE NOT FINAL ORDER DATED JULY 11, 2023 ON MOTIONS ECF doc. <u>113</u> , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023, by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 07/21/2023)
07/20/2023	<u>148</u>	Letter MOTION for Reconsideration PLAINTIFFS MOTION RIGHT TO FILE AT ANY TIME FOR AN ORDER UNDER FED. R. CIV. P. 54 (b), TO SET ASIDE, VACATE OR CANCEL THE NOT FINAL ORDER DATED JULY 11, 2023 ON MOTIONS ECF doc. <u>110</u> , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023 by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 07/21/2023)
07/21/2023	<u>149</u>	MOTION to Vacate Order on Motion for Reconsideration,,,,,,,,,,,,,,,,,,,,, Order on Motion to Set Aside,,,,,,,,, Order on Motion to Vacate,,,,,,,,, PLAINTIFFS MOTION RIGHT TO FILE AT ANY TIME FOR AN ORDER UNDER FED. R. CIV. P. 54 (b), TO SET ASIDE, VACATE OR CANCEL THE NOT FINAL ORDER DATED JULY 11, 2023 ON MOTIONS ECF doc. <u>117</u> , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023 by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 07/24/2023)

07/21/2023	<u>150</u>	MOTION to Vacate Order on Motion for Reconsideration,,,,,,,,,,,,,, Order on Motion to Set Aside,,,,,,,,, Order on Motion to Vacate,,,,,,,,,,,,, <i>PLAINTIFFS MOTION RIGHT TO FILE AT ANY TIME FOR AN ORDER UNDER FED. R. CIV. P. 54 (b), TO SET ASIDE, VACATE OR CANCEL THE NOT FINAL ORDER DATED JULY 11, 2023 ON MOTIONS ECF doc. 129</i> , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023 by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 07/24/2023)
07/21/2023	<u>151</u>	MOTION to Vacate Order on Motion for Reconsideration,,,,,,,,,,,,,, Order on Motion to Set Aside,,,,,,,,, Order on Motion to Vacate,,,,,,,,,,,,, <i>PLAINTIFFS MOTION RIGHT TO FILE AT ANY TIME FOR AN ORDER UNDER FED. R. CIV. P. 54 (b), TO SET ASIDE, VACATE OR CANCEL THE NOT FINAL ORDER DATED JULY 11, 2023 ON MOTIONS ECF doc. 131</i> , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023 by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 07/24/2023)
07/21/2023	<u>152</u>	MOTION for Certificate of Appealability / <i>PLAINTIFF'S MOTION TO CERTIFY AN ORDER FOR INTERLOCUTORY APPEAL ON ORDERS DATED JULY 11, 2023, AND JULY 20, 2023 UNDER 28 U.S.C. 1292(b)</i> , by Lidia M. Orrego. (GO) Modified on 7/27/2023– document was inadvertently filed as Notice of Interlocutory Appeal instead of a Motion for Certificate of Appealability– Corrections have been made to the docket and the CA2 has been notified. (GO). (Entered: 07/27/2023)
07/21/2023		Incorrect Case/Document/Entry Information: The DE# <u>152</u> document was inadvertently filed as Notice of Interlocutory Appeal instead of a Motion for Certificate of Appealability. Corrections have been made to the docket and the Court of Appeals has been notified. There is NO Appeal filing fee due. (GO) (C/M via CM/ECF) (Entered: 07/27/2023)
07/23/2023	<u>153</u>	MOTION to Compel / <i>PLAINTIFF'S MOTION TO CLARIFY THE ORDER JULY 20, 2023</i> , by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 07/24/2023)
07/24/2023	<u>154</u>	MOTION for Contempt / <i>PLAINTIFF'S MOTION FOR CONTEMPT OF COURT CIVIL AND CRIMINAL SANCTIONS AGAINST REBECA UZCATEGUI, A/K/A REBECA LUGO, FOR FAILURE TO COMPLY WITH A SUBPOENA ON JUNE 5, 2023 & OBSTRUCTION OF JUSTICE</i> by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 07/25/2023)
07/25/2023		ORDER granting <u>146</u> Motion to Compel. Plaintiff's motion requesting clarification of prior discovery orders is granted. On December 7, 2021, this Court issued an initial conference order scheduling a telephonic initial conference to be held on February 14, 2022 and included this Court's individual rules and template discovery schedules as examples for the attorneys to review and confer about prior to submitting a joint proposed discovery schedule and joint initial letter for the Court's review before the scheduled initial conference. Upon review the Court declined to adopt the joint proposed discovery schedule. Rather, the Court directed counsel to complete the undersigned's Employment Protocols by April 12, 2022, cancelled the initial conference, and scheduled a status conference for April 19, 2022. However, on February 14, 2022, Plaintiff filed a letter requesting a substitution of counsel. As a result, a conference was held, Plaintiff's counsel was relieved, and Plaintiff ultimately proceeded in this case pro se. On April 19, 2022, in response to Plaintiff's request to remove this Court's prior discovery orders, the undersigned vacated the initial conference order which rendered the discovery scheduling order directing that the Employment Protocols be completed by April 12, 2022 moot. The undersigned also set forth a new Tier I discovery schedule. However, once again, due to Plaintiff's request for an in-person initial conference rather than a Tier I discovery schedule to initiate discovery, the undersigned vacated the newly issued Tier I discovery schedule and scheduled an in-person initial conference for July 5, 2022. During the July 5, 2022, all parties were given ample time to request any Phase I discovery they sought and a Phase I discovery schedule was entered. HIPAA authorizations were not requested. This Court does not order settlement conferences as part of discovery schedules. If all parties agree, they may request a settlement conference. In light of Plaintiff's representation that she is interested in a settlement conference, Plaintiff and defense counsel are directed to confer, and by August 1, 2023, submit a joint letter on ECF advising this Court whether all parties request such a conference. Finally, the following discovery schedule is now in effect: All discovery in this case shall be

		completed by November 1, 2023. Any party seeking to make a dispositive motion shall initiate that process, consistent with the undersigned's individual rules, on or before December 1, 2023. The joint proposed pre-trial order shall be filed on January 4, 2024, or, in the event that a dispositive motion is made, 30 days after a final decision on the motion is rendered. So Ordered by Magistrate Judge Anne Y. Shields on 7/25/2023. (DM) (Entered: 07/25/2023)
07/26/2023	<u>155</u>	Letter <i>Opposition to Plaintiff's Petition/Motion for Certification of an Interlocutory Appeal</i> (ECF No. 152) by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 07/26/2023)
07/26/2023	<u>156</u>	Letter from Pro Se Litigant dated 7/26/2023 Re: COMPLIANCE ORDER M. JUDGE ANNE Y. SHIELDS ORDER DATED JULY 25, 2023. I, Lidia M. Orrego, Plaintiff, respectfully submit a copy of the email to schedule the conference with the Defendants. (GO) (Entered: 07/28/2023)
07/26/2023	<u>157</u>	Letter from Pro Se Litigant dated 7/27/2023 Re: PLAINTIFF'S CONFIRMATION OF CLOSING DISCOVERY AND REQUEST MOVE FOR SUMMARY JUDGMENT ON NOVEMBER 1, 2023. (GO) (Entered: 07/28/2023)
07/26/2023	<u>158</u>	Letter from Pro Se Litigant dated 7/26/2023 Re: PLAINTIFF'S PROPOSAL RETURN DAY ON PENDING MOTIONS. (GO) (Entered: 07/28/2023)
07/26/2023	<u>159</u>	Letter from Pro Se Litigant 7/26/2023 dated Re: PLAINTIFF'S CERTIFICATION ON HIPAA AUTHORIZATIONS & STATEMENT ON MAGISTRATE JUDGE SHIELDS' ORDER JULY 25, 2023. (GO) (Entered: 07/28/2023)
07/28/2023		ORDER denying <u>152</u> Motion for Certificate of Appealability. Under 28 U.S.C. § 1292(b), a district judge may certify an interlocutory appeal if the party seeking certification demonstrates that the order to be appealed from "involves a controlling question of law as to which there is substantial ground for difference of opinion and... an immediate appeal from the order may materially advance the ultimate termination of the litigation." The party seeking leave to appeal bears the burden of establishing all three substantive criteria. <u>See Casey v. Long Island R.R.</u>, 406 F.3d 142, 146 (2d Cir. 2005). Moreover, that party must show "exceptional circumstances to overcome the general aversion to piecemeal litigation and justify a departure from the basic policy of postponing appellate review until after the entry of a final judgment." <u>Robinson v. De Niro</u>, No. 19-CV-09156, 2023 WL 4561590, at *2 (S.D.N.Y. July 17, 2023) (internal quotations marks and citation omitted). Even where the statutory criteria are met, a district court retains "broad discretion to deny certification[.]" <u>Nat'l Asbestos Workers Med. Fund v. Philip Morris, Inc.</u>, 71 F. Supp. 2d 139, 166 (E.D.N.Y. 1999). Here, Plaintiff asserts that the Court's July 11, 2023 and July 20, 2023 Orders satisfy the requirements of § 1292(b). However, because the Court disagrees that there is "substantial ground for difference of opinion" regarding any legal issues raised in the Orders -- including the underlying orders of Judge Brown and Magistrate Judge Shields -- the Court declines Plaintiff's request to certify these Orders for immediate interlocutory appeal. In light of Plaintiff's <u>pro se</u> status, the Court notes that to the extent she appeals from an interlocutory order, <u>see</u> 28 U.S.C. § 1292(a)(1), she need not seek this Court's leave to file an appeal. Ordered by Judge Joan M. Azrack on 7/28/2023. (SP) (Entered: 07/28/2023)
07/31/2023	<u>160</u>	STATUS REPORT by Lidia M. Orrego. (LC) (Entered: 07/31/2023)
08/01/2023	<u>161</u>	STATUS REPORT by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 08/01/2023)
08/01/2023	<u>162</u>	LETTER dated 8/1/2023 from Lidia M. Orrego to Judge Shields re Plaintiff's Reply to Defendants' Letter ECF doc. <u>161</u> Status Report Conference -- Magistrate Judge Shields Order dated July 25, 2023. (LC) (Entered: 08/02/2023)

08/01/2023	<u>163</u>	MOTION to Compel <i>/PLAINTIFF'S OBJECTION & MOTION TO CLARIFY THE ORDER JULY 28, 2023 ON MOTION FOR CERTIFICATE OF APPEALABILITY ECF DOC. 152</i> by Lidia M. Orrego. (GO) Modified on 3/18/2024 (LC). (Entered: 08/03/2023)
08/01/2023	<u>164</u>	Letter from Pro Se Litigant to Judge Shields dated 8/1/2023 Re: Re: Plaintiff's Reply to Defendants' Letter ECF doc. <u>161</u> Status Report Conference – Magistrate Judge Shields' Order dated July 25, 2023. (GO) (Entered: 08/03/2023)
08/02/2023		SCHEDULING ORDER: Upon review of the parties' letters it is clear that a settlement conference would not be fruitful. Accordingly, no settlement conference will be scheduled at this time. The parties are reminded that all discovery in this case must be completed by November 1, 2023 and any party seeking to make a dispositive motion shall initiate that process, consistent with the undersigned's individual rules, on or before December 1, 2023. So Ordered by Magistrate Judge Anne Y. Shields on 8/2/2023. (DM) (Entered: 08/02/2023)
08/02/2023	<u>168</u>	LETTER dated 8/2/2023 from Lidia M. Orrego to Judge Shields Re: Plaintiff's Letter Clarification on Defendants Failure to Comply with the Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, C & request to comply the rules. (LC) (Entered: 08/07/2023)
08/03/2023	<u>165</u>	Letter from Pro Se Litigant to Judge Shields dated 8/3/2023 Re: Re: Plaintiff's Letter Motion request instructions to submit evidentiary records "Plaintiff's Records" to comply with Order dated August 2, 2023. (GO) (Entered: 08/04/2023)
08/03/2023	<u>166</u>	NOTICE OF INTERLOCUTORY APPEAL by Lidia M. Orrego. (CL) (Entered: 08/04/2023)
08/04/2023	<u>167</u>	USCA Appeal Fees received \$ 505 receipt number 200002102 re <u>166</u> Notice of Interlocutory Appeal filed by Lidia M. Orrego (CL) (Entered: 08/04/2023)
08/04/2023		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>166</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (CL) (Entered: 08/04/2023)
08/11/2023	<u>169</u>	Letter from Pro Se Office to Pro Se Litigant dated 8/11/2023 Re: the enclosed disk is being returned without docketing or consideration. (GO) (Entered: 08/11/2023)
10/04/2023	<u>170</u>	MOTION for Order to Show Cause <i>FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER</i> by Lidia M. Orrego. (GO) (Additional attachment(s) added on 10/6/2023: # <u>1</u> Exhibit 1–2, # <u>2</u> Sealing Cover Sheet) (GO). (Attachment 2 replaced on 10/6/2023) (GO). (Entered: 10/06/2023)
10/06/2023		ORDER denying <u>170</u> Motion for Order to Show Cause. On October 4, 2023, Plaintiff motioned for an order to show cause for a preliminary injunction and a temporary restraining order. Based on the representations in DE <u>170</u> , the motion is denied. Plaintiff's current filing is the improper vehicle to raise discovery disputes. Ordered by Judge Joan M. Azrack on 10/6/2023. (JSB) (Entered: 10/06/2023)
10/12/2023	<u>171</u>	LETTER dated 10/12/2023 from Lidia M. Orrego to Judge Azrack re "Plaintiff's Request for Admissions served to Defendants". (LC) (Entered: 10/17/2023)
10/16/2023		Incorrect Case/Document/Entry Information. The 172 Letter has been deleted from the above-referenced case as it was entered in the incorrect case number; the document has been docketed in 23–cv–6507. (LC) (Entered: 10/17/2023)
10/23/2023	<u>173</u>	Letter MOTION to Unseal Document <u>170</u> MOTION for Order to Show Cause <i>FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER</i> filed by Lidia M. Orrego (<i>exhibits 1 to 7</i>) by Lidia M. Orrego. (LF) (Entered: 10/27/2023)
10/26/2023	<u>174</u>	MOTION for leave to allow Pro Se to Electronically File by Lidia M. Orrego. (LF) (Entered: 10/27/2023)
10/30/2023		ORDER denying <u>174</u> Motion for Leave to Allow Pro Se to Electronically File. Before the Court is an application from <i>pro se</i> Plaintiff Lidia Orrego seeking permission for electronic case filing via the Court's Electronic Case filing system ("ECF"). The application is denied without prejudice. Plaintiff has demonstrated her ability to upload

		and submit documents utilizing the Court's electronic mailbox, Box.com, and her submissions have promptly been uploaded to the public docket where appropriate. However, Plaintiff's uploading of voluminous and/or improper documents on Box.com in her other case pending under Docket Number 23-CV-3507 gives the Court pause. In the absence of Plaintiff alleging any prejudice as a result of the current system, her application is denied without prejudice. Ordered by Judge Joan M. Azrack on 10/30/2023. (JSB) (Entered: 10/30/2023)
10/30/2023		ORDER denying <u>173</u> Motion to Unseal Document. <u>Pro Se</u> Plaintiff's application to unseal documents is denied. Ordered by Judge Joan M. Azrack on 10/30/2023. (JSB) (Entered: 10/30/2023)
11/03/2023	<u>175</u>	LETTER dated 11/2/2023 from Pro Se Office to pro se litigant. The enclosed document is being returned without docketing or consideration for the following reason(s): The papers appear to be intended for another court or agency. (LC) (Entered: 11/03/2023)
11/03/2023	<u>176</u>	NOTICE OF PETITION OF WRIT SERVED TO COURT OF APPEALS – 23-7643 – Lidia M. Orrego. (CL) (Entered: 11/07/2023)
11/14/2023		ORDER. Plaintiff Lidia M. Orrego ("Plaintiff") has filed two separate actions in this court (20-CV-3361 and 23-CV-6507), each arising from or relating to her former employment with the defendants in 20-CV-3361. On August 3, 2023, Plaintiff filed a Notice of Interlocutory Appeal in 20-CV-3361 seeking review of this Court's July 11, 2023 and July 20, 2023 Orders. (<u>See</u> 23-1114 (2d Cir. Aug. 4, 2023)). Of note, the July 11, 2023 Order denied Plaintiff's motions for reconsideration, to set aside, and to vacate Judge Brown's Order adopting the Report and Recommendation of Magistrate Judge Shields that denied Plaintiff's motion for a declaratory judgment and to change venue. Plaintiff had already made similar motions which Judge Brown denied by Order dated March 28, 2023 where he warned: "PLAINTIFF IS CAUTIONED ONCE AGAIN THAT THE CONTINUED FILING OF BLOATED AND WHOLLY UNSUPPORTED MOTIONS MAY SUBJECT HER TO THE IMPOSITION OF SANCTIONS FOR ENGAGING IN FRIVOLOUS LITIGATION CONDUCT UNDER 28 U.S.C. § 1927." Undeterred, Plaintiff has continued to file voluminous, repetitive, and unsupported motions in both of her cases. Indeed, since Judge Brown's March 28, 2023 warning, Plaintiff has filed an additional 26 motions in 20-CV-3361 alone, including a motion to certify an interlocutory appeal which this Court denied by Order dated July 28, 2023. Further, on October 31, 2023, Plaintiff has filed a 151-page "Petition for a Writ of Mandamus, Certiorari, and Prohibition" against the undersigned and Magistrate Judge Shields in the Second Circuit complaining of conduct alleged to have occurred in 20-CV-3361. <u>See</u> 23-7643 (2d Cir. Oct. 31, 2023). Accordingly, given Plaintiff's pending appeals and in an abundance of caution in light of her <u>pro se</u> status, the Court STAYS these matters pending resolution of the appeals. To be clear, Plaintiff SHALL NOT file any additional papers in either 20-CV-3361 or 23-CV-6507 and any submissions received via box.com, in person at the Clerks Office, or through the mail will not be considered or docketed. Plaintiff also SHALL NOT continue to contact the undersigned's chambers. Further, any papers the Clerk has received since August 3, 2023 in each case that have not yet been docketed shall be returned to Plaintiff. If any such filing exceeds 5 pages, the Clerk of the Court shall reference the returned document in a return letter and include only the first page of such submission. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore <u>in forma pauperis</u> status is denied for the purpose of any appeal. <u>See Coppedge v. United States</u> , 369 U.S. 438, 444-45 (1962). Ordered by Judge Joan M. Azrack on 11/14/2023. (JSB) (Entered: 11/14/2023)
11/14/2023	<u>177</u>	Letter from Pro Se Office to pro se plaintiff Lidia M. Orrego: Pursuant to Judge Azrack's Electronic Order dated November 14, 2023, the enclosed documents are being returned to you without docketing or consideration. (LF) (Entered: 11/14/2023)
11/29/2023	<u>178</u>	NOTICE OF INTERLOCUTORY APPEAL as to Order on Motion to Unseal Document, Order, Order on Motion for Leave to Allow Pro Se to Electronically File by Lidia M. Orrego. (Attachments: # <u>1</u> Notice of Appeal – Part 2, # <u>2</u> Notice of Appeal – Part 3) (CL) (Entered: 11/29/2023)

11/29/2023	<u>179</u>	USCA Appeal Fees received \$ 505 receipt number 200002638 re <u>178</u> Notice of Interlocutory Appeal, filed by Lidia M. Orrego (CL) (Entered: 11/29/2023)
11/29/2023		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>178</u> Notice of Interlocutory Appeal, Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (CL) (Entered: 11/29/2023)
02/13/2024	<u>180</u>	MANDATE of USCA 23-1114 as to <u>166</u> Notice of Interlocutory Appeal filed by Lidia M. Orrego. This Court has determined sua sponte that it lacks jurisdiction over this appeal because the districtcourt has not issued a final order as contemplated by 28 U.S.C. § 1291. See Petrello v. White, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED. (CL) (Entered: 02/13/2024)
02/21/2024	<u>181</u>	LETTER dated 2/21/2024 from Lidia M. Orrego to Judge Azrack re Interlocutory Appeal Docket 23-1114 under 28 U.S.C. § 1292 erroneously denied under 28 U.S.C. § 1291 (final order). Case should remain stayed according to the order dated 11/14/2023, until the motion pending at the Court of Appeals Second Circuit is granted and the Plaintiff receives the filing fee reimbursement according to the law NY General Business Law § 349 and the case will continue after the pending resolution of the Interlocutory Appeal in 20-CV-3361 seeking a review of this Court's July 11, 2023, and July 20, 2023. (LC) (Entered: 02/21/2024)
02/27/2024		ORDER. On February 21, 2021, Plaintiff, using Box.com, filed an 18-page letter bearing only district court docket number 23-CV-6507(JMA)(AYS) and appellate court docket number 23-1114, wherein Plaintiff requests that the district court case "remain as stay[ed] according to the order dated November 14, 2023." <u>See</u> ECF No. 32 in 23-6507. By Electronic Order dated November 14, 2023, this Court "STAY[ED] these matters [23-CV-6507 and 20-CV-3361] pending resolution of the appeals" and made "clear [that] Plaintiff SHALL NOT file any additional papers in either 20-CV-3361 or 23-CV-6507 and any submissions received via Box.com, in person at the Clerks Office, or through the mail will not be considered or docketed." <u>See</u> Elec. Order, dated November 14, 2023. Given that the stay has not been lifted, her letter is improper and should not have been accepted by the Clerk of the Court. Rather than return it, Plaintiff is reminded that no further filings shall be made in these cases until her Interlocutory Appeals in both cases are resolved. The Clerk of the Court is directed to return any such filings to Plaintiff without docketing or consideration. The Court is aware that, by Mandate issued on February 13, 2024, the Second Circuit Court of Appeals dismissed the Interlocutory Appeal filed in 20-CV-3361. <u>See</u> ECF No. 180 in 20-CV-3361. However, the Interlocutory Appeal filed in 23-CV-6507 remains pending. <u>See</u> ECF No. 30 in 23-CV-6507. Plaintiff shall file a letter not exceeding three pages requesting that the stay be lifted upon resolution of the remaining interlocutory appeal. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore <u>in forma pauperis</u> status is denied for the purpose of any appeal. <u>See Coppedge v. United States</u> , 369 U.S. 438, 444-45 (1962). Ordered by Judge Joan M. Azrack on 2/27/2024. (JSB) (Entered: 02/27/2024)
03/18/2024		ORDER. By Order dated November 14, 2023, the Court stayed this case, No. 20-CV-3361 ("2020 Case"), together with Plaintiff's other related case, No. 23-CV-6057 ("2023 Case"), pending the Second Circuit's resolution of the interlocutory appeals Plaintiff filed in <u>both</u> cases. Notwithstanding that Order, Plaintiff continued to file papers in both cases. Accordingly, by Electronic Order dated February 27, 2024, in <u>both</u> cases, the Court reminded Plaintiff that " no further filings shall be made in these cases until her Interlocutory Appeals in both cases are resolved. The Clerk of the Court is directed to return any such filings to Plaintiff without docketing or consideration. " (emphasis in original). Further, the Court noted that, "by Mandate issued on February 13, 2024, the Second Circuit Court of Appeals dismissed the Interlocutory Appeal filed in [the 2020 case]. <u>See</u> ECF No. 180 in [the 2020 Case.] However, the Interlocutory Appeal filed in [the 2023 Case] remains pending. <u>See</u> ECF No. 30 in [the 2023 Case]. Plaintiff shall file a letter not exceeding three pages

		requesting that the stay be lifted upon resolution of the remaining interlocutory appeal." <u>See</u> Elec. Order, dated February 27, 2024, in <u>both</u> cases. Thus, given the interlocutory appeal remains pending in the 2023 Case, which the Court views as inextricably related to the present 2020 Case, Plaintiff's motions in this case (ECF Nos. 147, 148, 149, 150, 151, 153, 154, 163, and 172) are administratively terminated. Within two (2) weeks of the Second Circuit issuing its Mandate on her remaining appeal in the 2023 Case, Plaintiff may move to: (1) lift the stays in the present 2020 Case and her 2023 Case; and (2) reinstate the above-referenced motions. Plaintiff is ON NOTICE: FAILURE TO TIMELY REQUEST REINSTATEMENT OF THESE MOTIONS WILL RESULT IN THEIR NOT BEING CONSIDERED BY THE COURT. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore <u>in forma pauperis</u> status is denied for the purpose of any appeal. <u>See Coppedge v. United States</u>, 369 U.S. 438, 444-45 (1962). Ordered by Judge Joan M. Azrack on 3/18/2024. (JSB) (Entered: 03/18/2024)
04/29/2024		ORDER. By Order dated November 14, 2023, the Court stayed this case, No. 20-CV-3361 ("2020 Case"), together with Plaintiff's other related case, No. 23-CV-6057 ("2023 Case"), pending the Second Circuit's resolution of the interlocutory appeals Plaintiff filed in <u>both</u> cases. As it stands, Plaintiff's interlocutory appeal remains pending in the 2023 Case. Plaintiff filed multiple appeals in the 2020 case, all of which remain pending. Plaintiff's appeals in Docket Nos. 23-7941 and 23-7643, for example, await resolution by the United States Court of Appeals for the Second Circuit ("Second Circuit"). Although the Second Circuit dismissed Plaintiff's Interlocutory Appeal filed in Docket No. 23-1114, (<u>see</u> ECF No. 180 in the 2020 Case), Plaintiff has filed a petition for a writ of certiorari in the Supreme Court of the United States, thereby appealing the Second Circuit's dismissal. Given the interlocutory appeal remains pending in the 2023 Case (which the Court views as inextricably related to the present 2020 Case) and Plaintiff's multiple appeals in the 2020 case remain pending before either the Second Circuit or the Supreme Court of the United States, Plaintiff's motions in this case (ECF Nos. 147, 148, 149, 150, 151, 153, 154, 163, and 172) REMAIN administratively terminated. Within two (2) weeks of the resolution of ALL HER APPEALS in the Second Circuit AND the UNited States Supreme Court, Plaintiff may move to: (1) lift the stays in the present 2020 Case and her 2023 Case; and (2) reinstate the above-referenced motions. Plaintiff is again ON NOTICE: FAILURE TO TIMELY REQUEST REINSTATEMENT OF THESE MOTIONS WILL RESULT IN THEIR NOT BEING CONSIDERED BY THE COURT. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore <u>in forma pauperis</u> status is denied for the purpose of any appeal. <u>See Coppedge v. United States</u>, 369 U.S. 438, 444-45 (1962). Ordered by Judge Joan M. Azrack on 4/29/2024. (JSB) (Entered: 04/29/2024)
04/30/2024	<u>182</u>	LETTER dated 4/30/2024 from K. Santana to pro se litigant. The enclosed document is being returned without docketing or consideration for the following reasons(s): Other: Pursuant to the 3/18/2024 Order. Please see the enclosed docket sheet. (LC) (Entered: 04/30/2024)
06/04/2024	<u>183</u>	MANDATE of USCA 23-7643 as to <u>178</u> Notice of Interlocutory Appeal, filed by Lidia M. Orrego. Petitioner, pro se, has filed a petition for writs of mandamus, prohibition, and certiorari. Upon due consideration, it is hereby ORDERED that the petition is DENIED because Petitioner has not demonstrated that her right to the writ of mandamus is clear and indisputable, and that granting the writ is appropriate under the circumstances, and because the writ of prohibition may only be used for the purpose of

		keeping [an] inferior court within the limits of its jurisdiction. Pan Am.Petrol. Corp. v. Superior Ct. of Del. In & For New Castle Cnty., 366 U.S. 656, 657 n.1 (1961); see Cheney v. U.S. Dist. Ct. for D.C., 542 U.S. 367, 38081 (2004). (CL) (Entered: 06/04/2024)
11/22/2024	<u>184</u>	MANDATE of USCA 23-7941 as to <u>178</u> Notice of Interlocutory Appeal, filed by Lidia M. Orrego. Appellees, through counsel, move to dismiss the appeal for lack of jurisdiction. Appellant, pro se, moves to strike Appellees' motion. This Court has determined that it lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. See Petrello v. White, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that Appellee's motion is GRANTED and the appeal is DISMISSED. It is further ORDERED that Appellant's motion is DENIED as moot. (KS) (Entered: 11/22/2024)
12/06/2024	<u>185</u>	Notice of Related Cases: 24-cv-7247-JMA-AYS and 23-cv-6507-JMA-AYS The Case was directly assigned as a related Pro Se/Habeas Case. (DC) (Entered: 12/06/2024)
01/31/2025		Case reassigned to Judge Sanket J. Bulsara. Judge Joan M. Azrack no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (LF) (Entered: 01/31/2025)
02/06/2025	<u>186</u>	MOTION to Compel <i>Re: Plaintiffs Request to Lift the Stays in the 2020 and 2023 Cases and Reinstate Motions</i> by Lidia M. Orrego. (AMF) (Entered: 02/06/2025)
02/12/2025	<u>187</u>	Notice of Related Case: 25-cv-00736 The Case was directly assigned as a related Pro Se/Habeas Case. (KS) (Entered: 02/12/2025)
02/14/2025	<u>188</u>	Notice of Related Case: 25-cv-00769 The Case was directly assigned as a related Pro Se/Habeas Case. (KS) (Entered: 02/14/2025)
03/03/2025	<u>189</u>	ORDER: Plaintiff has moved to lift the stay in this case and reinstate nine administratively terminated motions <u>186</u> . For the reasons stated in the attached, the motion to lift the stay is granted. The motion to reinstate Plaintiff's prior motions is denied. The parties are directed to meet and confer and submit a proposed schedule for the completion of discovery to Judge Shields by 3/17/2025 . So Ordered by Judge Sanket J. Bulsara on 3/3/2025. (MPG) (Entered: 03/03/2025)
03/13/2025	<u>190</u>	MOTION to Stay , MOTION to Disqualify Counsel , MOTION for Preliminary Injunction , MOTION for Temporary Restraining Order by Lidia M. Orrego. (GO) (Entered: 03/13/2025)
03/17/2025	<u>191</u>	STATUS REPORT <i>In Response to the Court's Order Dated March 3, 2025</i> by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 03/17/2025)
03/17/2025	<u>192</u>	REPLY in Opposition re <u>191</u> Status Report filed by Lidia M. Orrego. (AMF) (Entered: 03/18/2025)
03/19/2025		ORDER: The Court adopts the proposed briefing schedule <u>191</u> . Any party seeking to move for summary judgment must serve its motion by 6/9/2025 ; any opposition must be served by 7/14/2025 ; and any reply must be served by 8/4/2025 . The parties should serve the papers on each other by these deadlines but only file them on the Court's docket on 8/4/2025 , following service of all briefs. The parties are otherwise reminded to follow Judge Bulsara's Individual Practices and the Local Civil Rules effective 1/2/2025. So Ordered by Judge Sanket J. Bulsara on 3/19/2025. (MPG) (Entered: 03/19/2025)
03/26/2025	<u>193</u>	Letter dated 3/26/2025 from Lidia M. Orrego addressed to District Judge Bulsara RE: Status of Motion to Stay, Motion for Disqualification for Fraud, Perjury, Tampering with Witness and Evidence, Preliminary Injunction, and Protective Order (Docket Entry <u>190</u>), filed on March 13, 2025. (AMF) (Entered: 03/26/2025)
05/09/2025	<u>194</u>	Letter MOTION for pre motion conference <i>for Motion to Vacate Summary Judgment Scheduling Order, Stay Case, Disqualify Opposing Counsel, Provide Evidence Filing</i>

		<i>Instructions, and Renew Declaratory Judgment</i> by Lidia M. Orrego. (AMF) (Entered: 05/09/2025)
05/23/2025	<u>195</u>	Letter MOTION for Extension of Time to File (<i>Consent letter motion for extension of time with respect to all deadlines set forth in the summary judgment motion briefing schedule</i>) by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 05/23/2025)
05/27/2025		ORDER: The motion for extension of time to file document <u>195</u> is granted. The deadlines are extended as follows: any party seeking to move for summary judgment must serve its motion by 7/9/2025 ; any opposition must be served by 8/13/2025 ; and any reply must be served by 9/3/2025 . The parties are directed to serve the papers on each other by these deadlines but only file them on the Court's docket on 9/3/2025 , following services of all briefs. So Ordered by Judge Sanket J. Bulsara on 5/27/2025. (MPG) (Entered: 05/27/2025)
06/17/2025	<u>196</u>	Second MOTION to Disqualify Judge / <i>NOTICE OF SECOND MOTION TO RECUSE MAGISTRATE JUDGE ANNE Y. SHIELDS PURSUANT TO 28 U.S.C. §§ 144 AND 455 AND FRCP 7(b), 72(b), AND EDNY LOCAL CIVIL RULE 7.1</i> by Lidia M. Orrego. (NF) (Entered: 06/18/2025)
06/17/2025	<u>197</u>	Notice of MOTION to Vacate <i>ORDERS PURSUANT TO FRCP 60(b)(2), 60(b)(6), AND 60(d)(3)</i> by Lidia M. Orrego. (NF) (Entered: 06/18/2025)
06/18/2025	<u>198</u>	Notice of MOTION to Vacate <i>ORDERS PURSUANT TO FRCP 60(b)(2), 60(b)(6), AND 60(d)(3)</i> by Lidia M. Orrego. (NF) (Entered: 06/18/2025)
06/30/2025	<u>199</u>	MOTION for Declaratory Judgment (<i>Declaratory Relief</i>) by Lidia M. Orrego. (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3) (NF) (Entered: 07/01/2025)
07/01/2025	<u>200</u>	Letter MOTION for Extension of Time to File Response/Reply / <i>Letter Motion For Adjournment of Summary Judgment Deadline, Status Update, Leave to File Amended Documents or Supplemental Certifications, and Briefing Schedule</i> by Lidia M. Orrego. (NF) (Entered: 07/02/2025)
07/02/2025		ORDER: Plaintiff's motion for declaratory judgment <u>199</u> is denied. The motion was previously denied on 3/28/2023. Plaintiff has now filed a renewed motion, which is just a motion for reconsideration. As such, the motion is late because more than 14 days have passed since the prior denial. See Local Civil Rule 6.3. So Ordered by Judge Sanket J. Bulsara on 7/2/2025. (MPG) (Entered: 07/02/2025)
07/03/2025	<u>201</u>	RESPONSE to Motion re <u>200</u> Letter MOTION for Extension of Time to File Response/Reply / <i>Letter Motion For Adjournment of Summary Judgment Deadline, Status Update, Leave to File Amended Documents or Supplemental Certifications, and Briefing Schedule</i> filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 07/03/2025)
07/07/2025		ORDER: The motion for extension of time <u>200</u> is granted. The summary judgment briefing is extended as follows: any party seeking to move for summary judgment must serve its motion by 8/8/2025 ; any opposition must be served by 9/12/2025 ; and any reply must be served by 10/3/2025 . The parties are directed to serve the papers on each other by these deadlines but only file them on the Court's docket on 10/3/2025 , following service of all briefs. So Ordered by Judge Sanket J. Bulsara on 7/7/2025. (MPG) (Entered: 07/07/2025)
07/07/2025	<u>202</u>	Notice of Request to Submit Electronic Evidence. re <u>200</u> Letter MOTION for Extension of Time to File Response/Reply / <i>Letter Motion For Adjournment of Summary Judgment Deadline, Status Update, Leave to File Amended Documents or Supplemental Certifications, and Briefing Schedule</i> by Lidia M. Orrego. (NF) (Entered: 07/08/2025)
07/08/2025	<u>203</u>	Notice of MOTION to Disqualify Judge / <i>Recuse</i> , Notice of MOTION to Vacate <i>July 2, 2025 Order</i> by Lidia M. Orrego. (NF) (Entered: 07/08/2025)
07/08/2025		ORDER: The Court has received from Plaintiff multiple requests to submit electronic evidence. The protocol for submission of large electronic files set forth in the Court's Individual Practices § II.D, however, is only to be utilized for trial or motion practice

		where exhibits are appropriate for the Court's consideration of the issues involved, such as summary judgment. Both sides are therefore informed that, outside of such limited practice, documents should be filed only on ECF. Emails to Chambers are generally prohibited. <i>See</i> Individual Practices § II.B. So Ordered by Judge Sanket J. Bulsara on 7/8/2025. (MPG) (Entered: 07/08/2025)
07/08/2025		ORDER: Plaintiff has filed multiple motions, <i>e.g.</i> , motions to disqualify opposing counsel, motions to stay, motions to vacate prior orders, and a motion to disqualify Judge Shields <u>190</u> , <u>194</u> , <u>196</u> , <u>197</u> , <u>198</u> , <u>200</u> . Many of these motions are attempts to relitigate issues already decided in this case. The proper vehicle for such action is to file an appeal at the appropriate time with the Second Circuit Court of Appeals. This Court will not reconsider or undo any order issued by a prior judge in this case from before its transfer to the undersigned. Accordingly, Plaintiff may not file any further motions seeking reconsideration or a redo of prior decisions. At this point in the litigation, the parties are briefing cross-motions for summary judgment motions which the Court will decide in a timely fashion and which will determine whether this case proceeds to trial or judgment in favor of Plaintiff or Defendants. Filings unrelated to summary judgment which attempt to relitigate prior decisions distract from orderly and efficient resolution of the case to a final disposition. Should Plaintiff continue to file motions for reconsideration (or motions in the guise of reconsideration motions) the Court may unfortunately have to prohibit and suspend her ECF filing privileges. <i>See Trivedi v. Gen. Elec. Co.</i> , No. 23-254, 2024 WL 3286663, at *2 (2d Cir. July 3, 2024) (warning pro se litigant "if she continues to abuse the judicial process by the instigation of frivolous appeals, an injunction will issue directing the Clerk of this Court to refuse to accept for filing any submissions from her, unless she has first obtained leave of the Court to file such papers." (cleaned up) (quoting <i>Sassower v. Sansverie</i> , 885 F.2d 9, 11 (2d Cir. 1989)). This is a step the Court does not wish to take but may have no choice. (Of course, because the summary judgment motions have not yet been decided, Plaintiff may file a motion for reconsideration, consistent with Local Rule 6.3, should she disagree with some aspect of the decision rendered on such motions). Because the motions attempt to relitigate all of the issues previously decided in this case, well after the time for reconsideration, <i>see</i> Local Civil Rule 6.3, the motions at Docket Nos. <u>190</u> , <u>194</u> , <u>196</u> , <u>197</u> , <u>198</u> , <u>200</u> are all denied. The Court will proceed to resolve the summary judgment motions following submission of those papers consistent with the briefing schedule (as amended by the Court). So Ordered by Judge Sanket J. Bulsara on 7/8/2025. (MPG) (Entered: 07/08/2025)
07/10/2025	<u>204</u>	Letter Motion Objection and Clarification to Order Dated July 8, 2025 (NF) (Entered: 07/10/2025)
07/11/2025		ORDER: The Court is in receipt of Plaintiff's letter motion objection to its prior order <u>204</u> . To be clear, the Court is not imposing any restriction on Plaintiff's ability to make any argument (or present any evidence) in support of her motion for summary judgment (or in opposition to Defendants' motion for summary judgment). The only restriction on summary judgment is on the length of the memoranda of law, which has word limits, by virtue of Local Civil Rule 7.1. And Plaintiff (and Defendants) may submit evidence, in the form of Rule 56.1 statements (and exhibits thereto), in connection with summary judgment. What Plaintiff (and Defendants) cannot do is relitigate or reargue decisions that have already been made which is why the Court denied the motions to reconsider decisions which, in some instances, were made years ago. Such reconsideration is barred by Local Civil Rule 6.3, which requires reconsideration motions to be filed within 14 days of the initial decision (and reconsideration may only be sought once). To reconsider decisions already made, as previously noted, requires the Court to move backwards, and prevents the case from moving forward. To the extent that Plaintiff has new evidence, it should be presented in connection with the summary judgment briefing. The Court looks forward to reviewing and deciding the summary judgment papers so the case can either proceed to trial or be resolved at this stage. So Ordered by Judge Sanket J. Bulsara on 7/11/2025. (MPG) (Entered: 07/11/2025)
07/21/2025	<u>206</u>	NOTICE from Lidia Orrego RE: Petition for Writ of Mandamus, Motion for Permission to Appeal In Forma Pauperis, and Certificate of Service, submitted to the United States Court of Appeals for the Second Circuit on 7/16/2025. (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3, # <u>3</u> Part 4) (NF) (Entered: 07/23/2025)

07/23/2025	<u>205</u>	Letter MOTION to Vacate <i>Orders Dated July 8, 2025, For Recusal of District Judge Bulsara and Magistrate Judge Shields for Due Process Violations, For Leave to File a Second Amended Complaint, to Stay Proceedings, and to Vacate any Summary Judgment Scheduling Order</i> by Lidia M. Orrego. (NF) (Entered: 07/23/2025)
07/24/2025		ORDER: For the reasons stated in the Court's previous Orders, including on 7/8/2025 and 7/11/2025, the motion to vacate <u>205</u> is denied. So Ordered by Judge Sanket J. Bulsara on 7/24/2025. (MPG) (Entered: 07/24/2025)
08/05/2025	<u>207</u>	Emergency MOTION to Vacate <i>Objecting to Order Dated July 24, 2025, Denying DE 205 , for Due Process Violations Arising from Orders Dated July 8, 2025, and July 11, 2025, Reaffirmation of Recusal of District Judge Bulsara and M. Judge Shields, to Vacate Schedule for Summary Judgment Due to Defendants' Fraud Confirmed by NYS ATTORNEY GENERAL LETITIA JAMES, and Relief Requested in DE 205 – To Set the Record of Due Process Violations and Judicial Impropriety</i> by Lidia M. Orrego. (Attachments: # <u>1</u> Part 2) (NF) (Entered: 08/05/2025)
08/08/2025	<u>208</u>	Letter <i>regarding service of Defendants' motion for summary judgment on Plaintiff</i> by Stephanieanna James–Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua (Minnah–Donkoh, Kuuku) (Entered: 08/08/2025)
08/11/2025	<u>209</u>	NOTICE of Filing of Plaintiff's Motion for Summary Judgment filed by Lidia M. Orrego. (NF) (Entered: 08/11/2025)
08/14/2025	<u>210</u>	ORDER: The motion <u>207</u> is denied for the reasons stated in the attached, and Plaintiff is enjoined from making additional filings in this case, absent court order, and as set forth in the attached filing injunction. So Ordered by Judge Sanket J. Bulsara on 8/14/2025. (MPG) (Entered: 08/14/2025)
09/09/2025	<u>211</u>	MOTION for Leave to File Document <i>New Proceedings Based on New Evidence – Workers' Compensation Fraud by Shimmee Inc. and Others; Deprivation of Rights by Attorney General Letitia James and Governor Kathy Hochul</i> by Lidia M. Orrego. (NF) (Entered: 09/11/2025)
09/11/2025	<u>212</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>210</u> Order on Motion to Vacate, by Lidia M. Orrego. (KS) (Entered: 09/15/2025)
09/11/2025	<u>213</u>	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Main Document 213 replaced on 9/22/2025) (LF). (Entered: 09/15/2025)
09/15/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>212</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 09/15/2025)
09/16/2025	<u>214</u>	ORDER: On September 11, 2025, Lidia Orrego, acting pro se, filed a Notice of Interlocutory Appeal <u>212</u> of this Court's August 14, 2025 Order <u>210</u> together with an application to proceed <i>in forma pauperis</i> ("IFP") <u>213</u> . However, Orrego used the form application for IFP status in the district court rather than Form 4 of the Appellate Appendix of Forms. Upon review, it is apparent that the present application lacks the information required by Federal Rule of Appellate Procedure 24(a)(1). Accordingly, the application to proceed IFP <u>213</u> is denied without prejudice and with leave to renew on the Circuit Court's Form 4 annexed to this Order. So Ordered by Judge Sanket J. Bulsara on 9/16/2025. (RB) (Entered: 09/16/2025)
09/16/2025		ORDER: Plaintiff Orrego has now filed multiple applications seeking leave to file additional motions and/or open new cases. Though the cover letters for these motions comply with the Court's admonition that leave be sought in a short letter with a word limit, the motions attach hundreds, if not thousands of pages of material, which not only violate the filing injunction, but are unnecessarily duplicative material. The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff. The motions seeking leave, in this case at Dkt. No. <u>211</u> , are denied. Plaintiff is prohibited from making any further filings on this docket, or using the portal available to pro se litigants, absent further order of this Court (no leave may be sought). The Clerk's Office is directed to terminate Plaintiff Orrego's access to the pro se portal, to reject and promptly return to Plaintiff any motion or document submitted by her, and not to file any submission on ECF or retain custody of such material.

		Plaintiff is reminded that her filing of this unnecessary material has simply impeded, delayed, and obstructed the Court's ability to resolve the merits of the case, and its ability to move this case forward, to trial (if appropriate). The Court will lift this filing injunction following resolution of the pending motions in all of her cases, in order to give her an opportunity to object, appeal, or reconsider any decision, or to make any post-decision filings attendant to trial, should the Court determine that the case should proceed to trial or further discovery. But until the Court renders such decisions, the filing injunction imposed by this order will remain in place. So Ordered by Judge Sanket J. Bulsara on 9/16/2025. (RB) (Entered: 09/16/2025)
09/18/2025	<u>215</u>	Letter from Pro Se Department to Lidia M. Orrego dated 9/18/2025. The enclosed documents are being returned without docketing or consideration for the following reason(s): Pursuant to the enclosed electronic orders So Ordered by District Judge Bulsara on 9/16/2025 "The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff." (NF) (Entered: 09/18/2025)
09/19/2025	<u>216</u>	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Entered: 09/23/2025)
09/22/2025		Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. <u>212</u> Notice of Interlocutory Appeal. Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (LF) (Entered: 09/22/2025)
09/23/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>212</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 09/23/2025)
09/30/2025	<u>217</u>	Letter MOTION for Leave to Appeal <i>order of the court entered on September 16, 2025</i> by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
09/30/2025	<u>218</u>	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
09/30/2025	<u>219</u>	NOTICE OF INTERLOCUTORY APPEAL as to Order on Motion for Leave to File, entered on 9/16/2025, by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
10/01/2025		ORDER: Pro se Plaintiff Orrego's motion for leave to appeal <i>in forma pauperis</i> <u>216</u> is denied. "An appeal may not be taken <i>in forma pauperis</i> if the trial court certifies in writing that it is not taken in good faith." <i>Romero v. DHL Express, Inc.</i>, No. 15-CV-4844, 2017 WL 2266990, at *1 (S.D.N.Y. May 6, 2017) (internal quotations and citations omitted). The "good faith" standard is objective; and it is not met when a party seeks review of a frivolous claim. <i>See Coppedge v. United States</i>, 369 U.S. 438, 444-45 (1962). Here, Orrego seeks to appeal this Court's entry of a filing injunction. As this Court has repeatedly explained, the filing injunction imposed after notice was provided was an appropriate sanction given Orrego's repetitive filing of unnecessary material that has impeded, delayed, and obstructed the Court's ability to resolve the merits of the case. (See Order dated Aug. 14, 2025). The Court is prepared to lift the injunction following resolution of the pending motions in all of Plaintiff's cases. (See Order dated Sep. 16, 2025). A frivolous appeal of the injunction only works to further delay the resolution of these cases. The Court has reviewed the record and certifies that an appeal would not be taken in good faith. <i>See Coppedge</i>, 369 U.S. at 444-45. The application to proceed <i>in forma pauperis</i> is denied. Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of Court shall immediately notify the United States Court of Appeals for the Second Circuit of this Order. The Clerk of Court is also respectfully directed to mail a copy of this Order to Orrego at her address of record and to record such service on the docket. So Ordered by Judge Sanket J. Bulsara on 10/1/2025. (RB) (Entered: 10/01/2025)
10/02/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>219</u> Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the

		document(s) to be made available to you. (DC) (Entered: 10/02/2025)
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