

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

In re Lidia M. Orrego

Case No.:

Plaintiff - Petitioner,

v.

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

Defendants - Respondents,

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U.S. COURT OF APPEALS
COUNTER 2

**PETITION FOR A WRIT OF MANDAMUS, CERTIORARI, AND
PROHIBITION TO DISTRICT JUDGE JOAN M. AZRACK AND
MAGISTRATE JUDGE ANNE Y. SHIELDS
EASTERN DISTRICT COURT OF NEW YORK
UNDER TITLE V. EXTRAORDINARY WRITS RULE 21**

APPEAL Docket # ~~13-1114~~ 23-1114
EASTERN DISTRICT OF NEW YORK ("EDNY") DC Docket # 20CV3361 (JMA) (AYS)

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INTRODUCTION

Lidia M. Orrego ("Plaintiff," "Petitioner") petitions for a writ of mandamus, certiorari, and prohibition directing the District Judge Joan M. Azrack ("D.J. Azrack") and Magistrate Judge Anne Y. Shields ("M.J. Shields") to compel their performance of a public duty upon the Laws and Rules. The Issues Presented show the basis upon which the present writs should be issued: 1) Want or excess of jurisdiction, 2) Breach of natural justice, and 3) Fraud. See P. 4.

RELIEF SOUGHT

1) The relief sought is a writ of mandamus directing D.J. Azrack and M.J. Shields to fully perform their official duty in complying with the Law and Rules based on the facts well-supported by the Petitioner's documentary evidence.

2) The relief is a writ of certiorari and prohibition to QUASH ALL Illegal Orders without the right to appeal issued by D.J. Azrack and M.J. Shields. Order to stop their ongoing gross violation of Due Process of Law by ruling illegal orders, concealing evidence via illegal sealing or cutting documents by fraudulent misrepresentation, issuing orders in despise the Laws, Rules, facts well-supported by documentary evidence exceeding their power and jurisdiction in Plaintiff's prejudice.

3) Petitioner is constantly being abused, denigrated, ignored, and forced to accept an illegal "preliminary injunction" disguised as a coerced "agreement" against her will with unlawful orders issued by D.J. Azrack and M.J. Shields, abuse of power.

ISSUES PRESENTED

D.J. Azrack and M.J. Shields failed to fully perform an official duty in complying with the Law and Rules based on the facts well-supported by documentary evidence under the Code of Conduct for United States Judges, (available at: <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>) (last visited October 30, 2023).

D.J. Azrack and M.J. Shields are issuing illegal orders to appeal in contempt of the Laws, Rules, and facts well-supported by Petitioner's documentary evidence.

D.J. Azrack and M.J. Shields' impropriety, abuse of discretion, and power is ongoing over a Petitioner as Litigant Pro Se.

STATEMENT OF JURISDICTION

This Court has original jurisdiction under Title V. Extraordinary Writs of the Federal Rules of Appellate Procedure ("FRAP") Rule 21 to issue writs of mandamus, certiorari, and prohibition to direct the D.J. Azrack and M.J. Shields to compel their performance of a public duty upon the Laws and Rules. (FRAP Rule 21 available at: https://www.ca2.uscourts.gov/clerk/case_filing/rules/title5/rule_21.html) (last visited October 30, 2023).

Further, 28 U.S. Code § 1361 gave federal district courts "original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

STATEMENT OF THE FACTS

I. District Judge Joan M. Azrack (D.J.Azrack)

On May 18, 2023, District Judge Gary R. Brown recused himself after the Petitioner filed the ECF Id. [110] [113] [114] [117] (P. 42-43) Motions for Reconsideration and Objections to vacate the illegal orders ECF Id. [87] [88] (P.39) on ECF Id. [57] (P. 36); Id. [69] (P. 38); Id [73] (P. 38); Id. [74] (P. 38) Id. [80] (P. 38) issued by Magistrate Judge Shields, who did not have jurisdiction over Dispositive Motions because neither party filed authorization or consent under FRCP Rule 73.

D. J. Azrack, since the moment she was assigned to this case, has issued orders denying the Petitioner's relief in despite that the laws, rules, and facts well-supported by documentary evidence are in her favor with cases law that do not apply to the motions, misapplying laws and rules, orders with misrepresentations or deliberately ignores, evidence rules and motions to protect or help the Respondents' perjury, fraud on or upon the Court, Obstruction of Justice among others even when all the documentary evidence is in favor of the Petitioner between June 6, 2023, to October 30, 2023.

All the motions and evidence available at ECF Id. [129] [131] [137] [138] [147] [148] [149] [150] [151] [152] [153] [157] [158] [159] [163] [170] [173] [174] and Orders lack of specificity or construction dated July 11, 2023, July 20, 2023, July 28, 2023, October 6, 2023, October 30, 2023, (P. 44-53)

All the evidence above shows that D.J. Azrack failed to perform her duties of the office fairly, impartially, and diligently engaged in behavior that is harassing, abusive, prejudiced, discriminatory, or biased against Petitioner, helping Respondents to abuse in this legal process.

II. Magistrate Judge Anne Y. Shields (M.J. Shields)

M.J. Shields has abused her discretion by issuing orders on motions defective in the construction for lack of specificity, laws, legal binding or authority, vague or ambiguous, and contains errors in the facts, interpretation, and characterization; therefore, according to the United States Constitution is legally invalid as a result or not enforceable and request the vacate the Orders entirely. See ECF Id.[132] (P. 44).

Petitioner never filed any consent under FRCP Rule 73 and Local Civil Rule 73.1, ECF Id. [6] (P. 28) served to Plaintiff on July 31, 2020, or the D.J. Gary R. Brown's order dated October 10, 2022 (P. 37-38), but M.J. Shields illegally assumes power over device motions. See ECF Id.[110] [129] [132] [135] [136] (P. 42-45).

M.J. Shields is an accessory of Defendants' fraud on or upon the Court, Obstruction of Justice, Perjury, Deprivation of Plaintiff's Civil Rights, and the Judge is not ashamed to demonstrate her partiality and fraudulent misrepresentations.

M.J. Shields has deliberately violated other litigants' personal liberties in the past and/or has want only refused to provide due process and equal protection to all litigants before the court or has behaved in a manner inconsistent with that which is

needed for full, fair, and impartial hearings. The United States Constitution also guarantees an unbiased Judge who will always provide litigants with full protection of all of their natural, God-given, unalienable rights. See ECF Id. [146] (P. 46)

Petitioner filed complaints against M.J. Shields and D.J. Brown under the Judicial Conduct and Disability Act of 1980. 28 U.S.C. § 351-364 (2006) and the Rules for Judicial-Conduct and Judicial-Disability Proceedings on May 10, 2022, File No. 02-22-90047-jm / 02-22-90048-jm and the last Complaint dated July 13, 2023 File No. 02-23-90045-jm until the present Petitioner never received the answer despite all the documentary evidence filed on July 13, 2023. (P. 146-148)

NATURE OF THE RELIEF SOUGHT

I. Writ of Mandamus and Prohibition to District Judge Joan M. Azrack

Petitioner requests a Writ of Mandamus to D.J. Azrack to answer ALL the Motions deliberately ignored, and any opposition by Respondents was filed because the Laws, Rules, Facts, and Evidence prove the Petitioner is right and all the previous orders are biased in violation of Due Process of Law. See ECF Id. [137] [138]. (P. 45)

All the Motions filed ECF Id. [147] [148] [149] [150] [151] [153] [158] [163] (P. 45-48) should be answered and proceed to vacate the priors Illegal Orders based on a case law issued by the Court of Appeals Second Circuit decision dated May 18, 2023, case Mallek v. Allstate, “District Court Brooklyn Courthouse “**properly revert all the orders a month before trial was set to begin**” to prevent injustice but improperly

issued under Fed. R. Civ. P. 60(b), the decision affirmed that the reversion was proper and stated the correct rule under FRCP 54 (b)” to correct the orders against the Petitioner according to the Laws, Rules and facts well-supported by documentary evidence.

Petitioner requests a Writ of Mandamus to D.J. Azrack to answer and Quash the M.J. Shields ECF Id. [87] [88] (P.39) contained in the pending motions ECF Id. [147] [148] [149] [150] [151] [153] [158] [163] (P. 45-48) who has no jurisdiction over Dispositive Motions in violation of FRCP Rule 73.

Petitioner requests a Writ of Mandamus to solve pending Plaintiff’s Motion ECF Id. [149](P. 46) contain the unconstitutional & outrageous Magistrate Judge Shields ruling over the motions ECF Id. [69] [74] [80] [65] & "Unconscionable Agreement" unilaterally built by the Defendants ECF doc. [66-1] under the New York Penal Law § 135.60 - § 135.65 – Coercion. Unenforceable because it would be an injustice to force the Plaintiff into an unconscionable agreement to which she did not participate in the construction, as well as being illegally retroactive under New York State Law. M.J. Shields has no jurisdiction over Petitioner’s will to agree to anything on her behalf. D.J. Azrack must vacate the illegal order since the “Nondisclosure Agreement” was non-legally binding; therefore, unenforceable, M.J. Shields has no jurisdiction to “convert” the criminal document into a valid document and force a Petitioner.

Petitioner filed several motions to vacate this UNCONSTITUTIONAL and illegal order see ECF Id. [95] [97] [104] [109] [117] [149]. (P. 40-46).

Petitioner's deprivation of her Constitutional Rights and Criminal Coercion act exceeds any standard to reverse all the orders under FRCP Rule 54 (b) because both orders are not appealable after a final judgment or decision, and an immediate appeal from the order may materially advance the ultimate termination of the litigation.

Petitioner requests a Writ of Prohibition to D.J. Azrack to continue “Sealing” or “Cutting” documents concealing documentary evidence, making misrepresentations of the Rules, but instead, D.J. Azrack is doing “evidence spoliation “ because her decisions are fraudulent misrepresentations of the Laws, Rules by twisted the facts in disregard the evidence. D.J. Azrack in order to conceal the evidence that shows her bias in violation of Canons 1, 2, and 3, “Abuse of Discretion: the decision “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” and she failed to comply with the “Mandatory Certificate of Service” of “Illegal Seal order” because fall under the FRCP 5.2 (b) (4) see ECF Id. [173] [174] (P. 53-54) and Order Dated October 30, 2023. (P. 124-125)

Petitioner believes that D.J. Azrack is planning to manipulate or illegally seal the documents for the next stage, “Summary Judgment,” to help the Respondents by concealing or seal “Plaintiff’s Evidentiary Record” and making decisions in disregarding the facts and evidence to issue illegal orders. ECF Id. [173] [174] (P. 53-54).

Petitioner requests a Writ of Prohibition to D.J. Azrack to retain documents for the docket in her mission to manipulate the evidence since the dated October 9, 2023, “Plaintiff’s Objection to the Order on Order to Show the Cause” with documentary evidence showing that her order is bias in violation Canons 1, 2, and 3 of the Code of Conduct for United States Judges “Abuse of Discretion: the decision “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”, therefore, all the documentary evidence illegally sealed must be public because fall under the FRCP 5.2 (b) (4) See annexed Plaintiff’s Motion Objection illegally retained in D.J. Azrack’s Chambers to prevent the Public to review the evidence (P. 40-136).

Petitioner requests a Writ of Prohibition to D.J. Azrack to continue threatening the Petitioner to file “length documents.” Still, she wants to deprive the proper documentary evidence that shows and supports the Petitioner’s position by misrepresenting that the documentary evidence is “voluminous and improper documents” when, in fact, the documents prove D.J. Azrack’s impropriety and bias. See Order dated October 30, 2023, all the “improper” documents from the Court see ECF Id. [173] (P. 137-141).

Petitioner requests a Writ of Prohibition to D.J. Azrack to continue issuing orders with misrepresentations of facts and deliberately ignoring the documentary evidence, misapplying law cases and rules to help the Respondents’ perjury, fraud, and obstruction of justice. See ECF Id. [110] [113] [114] [117] [129] [131] [142] [143] [144] [145] [152]

[170] [173] [174] (P. 42-53)

II. Writ of Certiorari Quash Orders from District Judge Joan M. Azrack

Petitioner requests Writ to Quash the illegal Orders from D. J. Azrack; each order is supported by Law and Rules as follows:

1) QUASH Order dated July 28, 2023, on Motion to certify an order for Interlocutory Appeal ECF Id. [152] (P. 47) on defective orders dated July 11, 2023, and July 20, 2023, under 28 U.S.C. 1292 (b) – Motion Objection and Clarification pending to answered ECF Id. [163] (P. 48).

Reason: D.J. Azrack’s gross Violation of Local Civil Rule 6.1. Service and Filing of Motion Papers. Petitioner was deprived of her right to Reply to the Respondents’ Opposition. D.J. Azrack ruled only two days after respondents filed their perjured opposition with fraudulent misrepresentations. A clear violation of Due Process of Law. See ECF Id. [155] and ECF Id. [158] (P. 48).

2) QUASH illegal Order dated October 14, 2023, on Motion Order to Show the Cause well-supported for documentary evidence illegally sealed because it falls under the FRCP 5.2 (b) (4). ECF Id. [170] (P. 53) and Plaintiff’s Motion Objection and Reconsideration on Order to Show Cause illegally concealed (P. 40-141).

Reason: D.J. Azrack’s gross Violation of FRCP 5.2 (b) (4) Clear violation of Due Process of Law. See ECF Id. [170] [173] and Plaintiff’s Motion illegally retained in D.J. Azrack’s Chambers for “spoliation of evidence.” D.J. Azrack’s order is a fraudulent

misrepresentation that the relief is to solve discovery issues when, in fact, it proves the Respondents' fraud for that reason, the "illegal seal." See ECF Id. [170] (P. 53).

3) QUASH illegal Order dated October 30, 2023, on Motion to Unseal Documentary Evidence ECF Id. [173] (P. 53).

Reason: D.J. Azrack's order is biased in violation of Canons 1, 2, and 3 of the Code of Conduct for United States Judges "Abuse of Discretion: the decision "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.", the documentary evidence illegally sealed are part of the docket, therefore, are public see ECF Id. [108] [135] [156] [160] [161] [162] [168] see Plaintiff's Motion Objection illegally retained on D. J. Azrack's Chambers (P. 42-49).

4) QUASH the Order dated October 30, 2023, on Motion to allow Pro Se to file Electronically ECF Id.[174] (P. 53). see Plaintiff's Motion Objection illegally retained on D. J. Azrack's Chambers (P. 42-49).

Reason: D.J. Azrack's order is biased in violation of Canons 1, 2, and 3 of the Code of Conduct for United States Judges "Abuse of Discretion: the decision "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

D.J. Azrack misrepresents that the Petitioner is filing "improper documents," but this is FALSE. All the documents filed in the Order to Show the Cause are in the docket in previous motions and fall under FRCP 5.2 (b) (4). See ECF Id. [108] [135] [156] [160] [161] [162] [168] see Plaintiff's Motion Objection illegally retained (P. 42-49).

D.J. Azrack appears to deprive the Petitioner of filing documentary evidence that supports her motions in violation of Due Process of Law, The Fifth Amendment, and The Fourteenth Amendment; D.J. Azrack must not manipulate or restrict the Petitioner's right to file all the documentary evidence that is a gross violation of Due Process of Law.

Petitioner is making electronic filing in her Interlocutory Appeal in this Court Docket 23-1114 and the Appellate Division Third Department Docket 535740, and she never filed any "improper documents" since all the documents are evidence the D.J. Azrack wants to prevent her from filing because that way she can make fraudulent decisions.

III. Writ of Mandamus and Prohibition to Magistrate Judge Anne Y. Shields

Petitioner requests a Writ of Mandamus to M.J. Shields to answer ALL the Motions deliberately ignored, and any opposition by Respondents was filed because the Laws, Rules, Facts, and Evidence prove the Petitioner is right and all the previous orders are biased in violation of Due Process of Law. See ECF Id. [137] [138]. (P. 45)

Petitioner requests a Writ of Mandamus to M.J. Shields to properly apply sanction the Respondents' Contempt of Court on Discovery and Conference orders dated December 2, 2021, and July 25, 2023, under FRCP Rule 26 and M.J. Shields's Individuals Rules, perjury, fraud on or upon the Court, Obstruction of Justice among others.

Respondents failed to participate in Discovery, and Petitioner filed several letters and motions requesting M.J. Shields interventions and Sanctions according to the Rules see ECF Id. [43] [45] [46] [51] [54] [59] [69] [70] [73] [83] [90] [124] [128] [135] (P. 34-45).

Last Respondents' Contempt of Court on order dated July 25, 2023, they must participate in the conference with the Petitioner, but the Respondents refuse, which means a clear "contempt of Court. " Still, M.J. Shields, in her order dated August 2, 2023, covered up the violation with false facts and misrepresentations that the "conference was not fruitful" when never was held. See ECF Id. [160] [161] [162] [164] and ECF Id. [168] (P.48-53) "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 with the rules."

Petitioner requests Writ of Mandamus to M.J. Shields to answer the pending motions ECF Id. [91] [144] [145] [146] [154] (P. 39-47) that proves the Respondents' perjury, fraud on or upon the Court, and Obstruction of Justice among the others, and shows that M.J. Shields has an agreement with the Respondents and ex-parte communications.

Petitioner requests Writ of Mandamus to M.J. Shields to answer the ECF Id. [145] (P. 46) Plaintiff's to Vacate order dated June 21, 2023, on Motion to Recusal and Disqualification of M.J. Shields for impropriety and judicial bias ECF Id. [132] (P.44)

improperly ruled by D.J. Azrack challenged in the pending Motion for Clarification ECF Id. [153] (P.47). M.J. Shields, according to the documentary evidence, must recuse herself from this case like D. J. Brown on May 18, 2023 ECF Id. [119] (P.43) This Court must investigate M.J. Shields' benefits to protect and illegally help the Respondents.

Petitioner requests a Writ of Prohibition to M.J. Shields to continue issuing orders with misrepresentations of facts and deliberately ignoring the documentary evidence, misapplying law cases and rules to help the Respondents' perjury, fraud, and obstruction of justice. See ECF Id. [87] [88] [160] [161] [162] [164] [168] [147] [148] [149] [150] [151] [153] [158] [163] (P. 39-48)

IV. Writ of Certiorari Quash Orders from Magistrate Judge Anne Y. Shields

Petitioner filed the pending motions to D.J. Azrack to vacate or quash M.J. Shields' illegal orders see ECF Id. [147] [148] [149] [150] [151] [153] [158] [163] (P. 46-48) should be answered and proceed to vacate the priors Illegal Orders based on a case law issued by Court of Appeals Second Circuit decision dated May 18, 2023, case Mallek v. Allstate under FRCP Rule 54(b) to correct the orders against the Petitioner according to the Laws, Rules and facts well-supported by documentary evidence.

M.J. Shields' illegal orders lack specificity or legal argument, and the evidence challenges and overlooks the documentary evidence that benefits the Plaintiff to protect the perjured pleadings of the Respondents. The orders are immoral.

ARGUMENT

To obtain a writ of mandamus, certiorari, and prohibition: “(1) the party seeking issuance of the writ must have no other adequate means to attain the relief it desires; (2) the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances; and (3) the petitioner must demonstrate that the right to issuance of the writ is clear and indisputable.” *In re City of New York*, 607 F.3d 923, 932 (2d Cir.2010) (internal quotation marks omitted). All three elements are present in this case.

Petitioner has exhausted all the motions, including law cases issued by the higher Court of Appeals Second Circuit. Still, D.J. Azrack and M. J. Shields issued orders with fraudulent misrepresentations of the Laws, Rules, and facts despite the evidence. See ECF ID. [147] [148] [149] [150] [151] [153] [158] [163] (P. 45-48).

I. PETITIONER HAS A CLEAR CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW TO REQUEST MANDAMUS, CERTIORARI AND PROHIBITION RELIEF.

“The Second Circuit has instructed that to merit mandamus relief, a party “must show that he or she lacks an adequate alternative means to obtain the relief sought, and must demonstrate a clear and indisputable right to the issuance of the writ, amounting to a clear abuse of discretion or usurpation of. . . power.” *Id.* (citing *In re Steinhardt Partners, L.P.*, 9 F.3d 230, 233-34 (2nd Cir.1993)).”

“Both writs sought by the petitioner are extraordinary remedies that will only be granted in extreme circumstances in which there is a violation of federal constitutional law. See *Foont v. United States*, 93 F.3d 76, 78 (2d Cir. 1996).”

“The remedy by certiorari is seldom if ever allowed where there is any other adequate remedy. (4 Ency. Pl. Pr. 50; 6 Cyc. 742; *People ex rel. Schuylerville Upper Hudson R.R. Co. v. Betts*, 55 N.Y. 600; *People ex rel. Gage v. Lohnas*, 54 Hun, 604; *People ex rel. Trustees v. Board of Supervisors*, 131 N.Y. 468.)” Certiorari relief is only available when the order is not appealable.

As extraordinary remedies, they are reserved for really extraordinary causes.”). See also *In re United States*, 680 F.2d 9, 11 (2d Cir. 1982); *In re United States*, 666 F.2d 19 (2d Cir. 1977) (“*Socialist Workers Party*”), cert. denied, 436 U.S. 962, 98 S.Ct. 3082, 57 L.Ed.2d 1129 (1978), in this case, the Petitioner proves that D.J. Azrack and M.J. Shields gross failure to perform duties of the office fairly, impartially, and diligently in this case.

II. DISTRICT JUDGE AND MAGISTRATE JUDGE HAVE A CLEAR LEGAL DUTY TO RULE ACCORDING TO THE LAWS, RULES, FACTS, AND EVIDENCE, AVOIDING JUDICIAL BIAS.

“In New York, a writ of mandamus may be issued for when an administrative agency, public body, or officer fails to perform a duty enjoined upon them by New York Civil Practice Laws & Rules, Section 7803.” (available at: <https://www.law.cornell.edu/wex/mandamus>) (last visited October 30, 2023).

"To be entitled to the issuance of a writ of mandamus, petitioners must "demonstrate a clear abuse of discretion or conduct amounting to usurpation of the judicial power to be entitled to issuance of the writ." See *Mallard v. U.S. Dist. Court for S. Dist. Iowa*, 490 U.S. 296, 309 (1989)."

"[M]andamus is an extraordinary remedy, intended to aid only those parties to whom an official or agency owes 'a clear nondiscretionary duty.'" *Escaler v. U.S. Citizenship & Immigration Servs.*, 582 F.3d 288, 292 (2d Cir. 2009) (quoting *Heckler v. Ringer*, 466 U.S. 602, 616 (1984)).

D.J. Azrack and M.J. Shields' failure to perform their duties of the office fairly, impartially, and diligently engaged in behavior that is harassing, abusive, discriminatory, or biased against Petitioner, helping Defendants to abuse in this legal process.

Petitioner requests that D.J. Azrack and M.J. Shields, based on their breach of nondiscretionary duty of care and demonstrate a clear abuse of discretion or conduct amounting to usurpation of the judicial power they must recuse themselves from this case since they show bias, abuse, and threats against the Petitioner because she is filing complaints to protect her Constitutional Rights to Due Process and Freedom to Speech.

The evidence shows outrageous decisions based on fraudulent misrepresentations and distortion of Laws, Rules, and facts.

III. PETITIONER HAS NO OTHER ADEQUATE REMEDY.

Mandamus, however, "is a drastic and extraordinary remedy reserved for really extraordinary causes. . . . [O]nly exceptional circumstances amounting to a judicial usurpation of power or a clear abuse of discretion will justify the invocation of this extraordinary remedy." In re Zyprexa, 594 F.3d at 118 (quoting Cheney v. U.S. Dist. Court for Dist. of Columbia, 542 U.S. 367, 380 (2004)).

Petitioner has no Constitutional guarantee that D.J. Azrack and M.J. Shields stop continuing to make fraudulent misrepresentations in their orders, twist the facts, spoliation of evidence, and misapplying the Laws or Rules among the Orders to "suit" the Respondents "needs" to continue filing perjured documents and the Docket with several letters and motions proves that the issuance of a Writ of Mandamus, Certiorari, and Prohibition fall into "extraordinary circumstances to request Constitutional WRITS because Petitioner's case is in imminent danger of becoming a miscarriage of justice.

STANDARD OF REVIEW

"A (writ of) mandamus is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion. See, e.g., *Cheney v. United States Dist. Court For D.C.* (2004). According to the U.S. Department of Justice, "Mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of peculiar emergency or public importance."

This case is the PUBLIC Interest because the PEOPLE is in **danger**; therefore, the Petitioner's case EDNY 20CV3361 (JMA) (AYS) is in danger due to the D.J. Azrack and M.J. Shields' impropriety and Judicial Bias rulings against the Laws and Rules despite the facts and Petitioner's documentary evidence to help Respondents' perjured pleadings and motions, fraud on or upon the Court and Obstruction of Justice among others.

The All Writs Act (28 U.S. Code § 1651) gave the "Supreme Court and all courts established by Act of Congress" the authority to issue writs of mandamus "in aid of their respective jurisdictions and agreeable to the usages and principles of law."

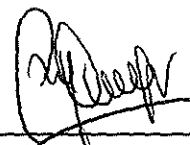
"In federal courts, these orders most frequently appear when a party to a suit wants to appeal a judge's decision but is blocked by rules against interlocutory appeals. Instead of appealing directly, the party simply sues the judge, seeking a mandamus compelling the judge to correct their earlier mistake. Generally, this type of indirect appeal is only available if the party has no alternative means of seeking review." (available at: <https://www.law.cornell.edu/wex/mandamus>) (last visited October 30, 2023).

Petitioner is entitled to request all these Writs of Constitution to protect her case because the entire Docket 20CV3361 (JMA) (AYS) is evidence that she was being bullied, abused, deprived of her Civil Rights and Due Process by D.J. Azrack and M.J. Shields and they are responsible is something terrible happens to her and her family.

CONCLUSION

For the foregoing reasons, this Court should issue writ of mandamus, certiorari, and prohibition directing District Judge Joan M. Azrack and Magistrate Judge Anne Y. Shields to compel their performance of a public duty upon the Laws and Rules based on the facts and documentary evidence in the Eastern District of New York Electronic Docket 20CV3361 (JMA) (AYS) against want or excess of jurisdiction, Breach of natural justice, and Fraud under Petitioner's Constitutional Right of Due Process of Law. (available at: https://ecf.nyed.uscourts.gov/cgi-bin/DktRpt.pl?166275627578843-L_1_1-1) (last visited October 30, 2023).

All the overwhelming evidence proves the Petitioner is correct, and M.J. Azrack and M.J. Shields must recuse themselves from this case since they are loyal to the Respondents, not to the United States Constitution, in violation of their OATH as lawyers and public servants, because they are engaged in fraudulent activities.



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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing brief is in Times New Roman 14-point font and complies with the font requirements of Rules of Appellate Procedure.



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Pro Se Certificate of Compliance with

Word or Page Limits Adapted from Federal Rules of Appellate Procedure Form 6

A document filed with the Court must not be longer than the Federal Rules of Appellate Procedure or the Court's Local Rules permit. Check the box for the document you are filing and state the number of words or pages.

- ☐ **Brief** contains _____ words. [14,000 word limit - LR 32.1(a)(4)(A)], or
Brief contains _____ pages. [30 page limit - FRAP 32(a)(7)(A)]
- ☐ **Reply Brief** contains _____ words. [7,000 word limit - LR 32.1(a)(4)(B)], or
Reply Brief contains _____ pages. [30 page limit - FRAP 32(a)(7)(A)]
- ☒ **Writ of Mandamus/Prohibition** contains 5219 words. [7,800 word limit - FRAP 21(d)(1)], or
Writ of Mandamus/prohibition contains _____ pages. [30 page limit - FRAP 21(d)(2)]
- ☐ **Motion or Response to the Motion** contains _____ words. [5,200 word limit - FRAP 27(d)(2)(A)], or
Motion or Response to the Motion contains _____ pages. [20 page limit - FRAP 27(d)(2)(B)]
- ☐ **Reply to the Motion** contains _____ words. [2,600 word limit - FRAP 27(d)(2)(C)], or
Reply to the Motion contains _____ pages. [10 page limit - FRAP 27(d)(2)(D)]
- ☐ **Petition for Panel or En Banc Hearing** contains _____ words. [3,900 word limit - FRAP 35(b)(2)(A)], or
Petition for Panel or En Banc Hearing contains _____ pages. [15 page limit - FRAP 35(b)(2)(B)]
- ☐ **Petition for Panel Rehearing** contains _____ words. [3,900 word limit - FRAP 40 (b)(1)], or
Petition for Panel Rehearing contains _____ pages. [15 page limit - FRAP 40 (b)(2)]

February 2017

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

Lidia M. Orrego,
Plaintiff-Petitioner

v.

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.

Defendants-Respondents

CERTIFICATE OF SERVICE*

Docket Number: _____

Appeal Docket #: 23-1114

DC Docket #: 20-cv-3361

I, Lidia M. Orrego, hereby certify under penalty of perjury that
(print name)
on October 31, 2023, I served a copy of Petition for a Writ of Mandamus, Certiorari,
(date)
and Prohibition, Table Content, Record DC Docket #: 20-cv-3361 and Exhibits - Total 154-Page
(list all documents)

by (select all applicable)**

☒ Personal Delivery

☒ United States Mail

☐ Federal Express or other
Overnight Courier

☐ Commercial Carrier

☒ E-Mail (on consent)

☒ ECF

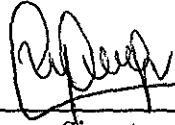
on the following parties:

- 1) District Judge Joan M. Azrack
United States District Court Eastern District of New York (EDNY)
100 Federal Plaza, Central Islip, NY 11722 (Courtroom 920)
- 2) Magistrate Judge Anne Y. Shields
United States District Court Eastern District of New York (EDNY)
100 Federal Plaza, Central Islip, NY 11722 (Courtroom 840)
- 3) Law Firm Gordon Rees Scully Mansukhani, LLP - Counsel for the Respondents
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

*A party must serve a copy of each paper on the other parties, or their counsel, to the appeal or proceeding. The Court will reject papers for filing if a certificate of service is not simultaneously filed.

**If different methods of service have been used on different parties, please complete a separate certificate of service for each party.

10/31/2023
Today's Date


Signature

Case 23-1114, Document 15-1, 08/21/2023, 3559015, Page1 of 1

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

Date: August 21, 2023

Docket #: 23-1114

Short Title: Orrego v. Knipfing

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 20-cv-3361

DC Court: EDNY (CENTRAL
ISLIP)

DC Judge: Shields

DC Judge: Azrack

NOTICE OF RECORD ON APPEAL FILED

In the above referenced case the document indicated below has been filed in the Court.

☐ Record on Appeal - Certified List

☐ Record on Appeal - CD ROM

☐ Record on Appeal - Paper Documents

☒ Record on Appeal - Electronic Index

☐ Record on Appeal - Paper Index

Inquiries regarding this case may be directed to 212-857-8546.

Case 23-1114, Document 15-2, 08/21/2023, 3559015, Page1 of 26

CA02db Intake

From: ecf_bounces@nyed.uscourts.gov
Sent: Friday, August 4, 2023 2:09 PM
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 2:20-cv-03361-JMA-AYS Orrego v. Knipfing et al Electronic Index to Record on Appeal

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

*****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 8/4/2023 at 2:09 PM EDT and filed on 8/4/2023

Case Name: Orrego v. Knipfing et al
Case Number: 2:20-cv-03361-JMA-AYS
Filer:
Document Number: No document attached

Docket Text:

Electronic Index to Record on Appeal sent to US Court of Appeals. [166] 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)

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

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Lidia M. Orrego liorrego@gmail.com

2:20-cv-03361-JMA-AYS Notice will not be electronically mailed to:

Case 23-1114, Document 15-2, 08/21/2023, 3559015, Page2 of 26

APPEAL,PROSENEF

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:20-cv-03361-JMA-AYS**

Orrego v. Knipfing et al
Assigned to: Judge Joan M. Azrack
Referred to: Magistrate Judge Anne Y. Shields
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/23/2020
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Movant

County Attorney, Nassau County

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ATTORNEY TO BE NOTICED

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V.

Defendant

Kevin Knipfing
Employer
also known as
Kevin James

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Case 23-1114, Document 15-2, 08/21/2023, 3559015, Page3 of 26

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Defendant

Stephanicanna James-Knipfling
Employer
also known as
Steffiana de la Cruz

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Alex Spiro
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Kuuku Angate Minnah-Donkoh
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Maaren Shah
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Case 23-1114, Document 15-2, 08/21/2023, 3559015, Page4 of 26

Defendant

Old Westbury EDDIE LLC
Company/Payroll owner Kevin Knipfing

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Kuuku Angate Minnah-Donkoh
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Maaren Shah
(See above for address)
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Defendant

Old Westbury LLC
Unknown Entity under registration in NY State

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Kuuku Angate Minnah-Donkoh
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Maaren Shah
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Defendant

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Business Manager, Old Westbury LLC

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Case 23-1114, Document 15-2, 08/21/2023, 3559015, Page5 of 26

Maaren Shah
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Defendant

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Maaren Shah
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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 <i>if</i> 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/AQ085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent <u>unless</u> 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 Stepanieanna 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>2</u> Letter) (Tirado, Chelsea). Modified on

Case 23-1114, Document 15-2, 08/21/2023, 3559015, Page 6 of 26

		8/21/2020 (Tirado, Chelsea). (Entered: 08/19/2020)
08/20/2020	<u>2</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 15 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.

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		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 the Court to give permission to Order Service by Publication to the Defendants 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)

		09/13/2021)
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)

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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 AT&Tteleconferencing 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 for <i>Employment Cases with Discovery Plan Worksheet</i> (Attachments: # <u>1</u> Proposed Order) (Warnke, Edward) (Entered: 02/10/2022)

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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)

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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. <u>See 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

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		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 Plaintiff's 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

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		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 by <i>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)

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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</i> /AMENDED ECF <u>96</u> NOTICE OF MOTION VACATE THE CHALLENGED ORDER,

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		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. Knipping</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 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 by Lidia M. Orrego. (Attachments: # <u>1</u> Exhibits

		1, # 2 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 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. by Lidia M. Orrego. (JC) (Entered: 04/13/2023)
04/20/2023	<u>117</u>	Notice of MOTION for Reconsideration and Objections on Denial Without Memorandum of Plaintiff's Motion to Vacate ECF <u>102</u> on improper Order ECF <u>88</u> by Judge Shields for Lack of Specificity and Legal Authorities – Order Entered April 10, 2023 by Lidia M. Orrego. (JC) (Entered: 04/27/2023)
04/22/2023	<u>114</u>	Notice of MOTION for Reconsideration and Objections on Order entered on April 12, 2023 on Motion to Compel ECF <u>106</u> 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)

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05/30/2023	<u>124</u>	MOTION to Compel /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 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 Reply to Plaintiff's Opposition 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 /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 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 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 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 /"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" 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 and Disqualification of Judge Anne Y. Shields 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 <i>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</i> (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." <i>Shrader v. CSX Transp., Inc.</i>, 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." <i>Great Am. Ins. Co. v. Zelik</i>, 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." <i>Shrader</i>, 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

		<i>Subpoena ECF doc. 121</i> " 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. 121 " 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. 124 ." 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. 132 , 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) (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. 113 , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023, by Lidia M. Orrego. (GO) (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. 110 , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023 by Lidia M. Orrego. (GO) (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. 117 , ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023 by Lidia M. Orrego. (GO) (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,,,,,,,,,, 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, ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023 by Lidia M. Orrego. (GO) (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, ACCORDING TO THE COURT OF APPEALS SECOND CIRCUIT DECISION DATED MAY 18, 2023</i> by Lidia M. Orrego. (GO) (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# 152 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) (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) (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. See <i>Casey v. Long Island R.R.</i>, 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." <i>Robinson v. De Niro</i>, 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[.]" <i>Nat'l Asbestos Workers Med. Fund v. Philip Morris, Inc.</i>, 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 <i>pro se</i> status, the Court notes that to the extent she appeals from an interlocutory order, see 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) (Entered: 08/03/2023)

Case 23-1114, Document 15-2, 08/21/2023, 3559015, Page26 of 26

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)
08/03/2023	<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)

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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-JMA-AYS**

Orrego v. Knipfing et al
Assigned to: Judge Joan M. Azrack
Referred to: Magistrate Judge Anne Y. Shields
related Case: [2:23-cv-06507-JMA-AYS](#)
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/23/2020
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Movant**County Attorney, Nassau County**

represented by **Brian P. McLaughlin**
Office of the Nassau County Attorney
NY
1 West Street
Ste 263
Mineola, NY 11501
516-571-6745
Email: bmclaughlin@nassaucountyny.gov
ATTORNEY TO BE NOTICED

Plaintiff**Lidia M. Orrego**

represented by **Lidia M. Orrego**
95-08 Queens Blvd
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Rego Park, NY 11374
347-453-2234
Email: liorrego@gmail.com
PRO SE

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Franzblau Dratch, P.C.
233 Broadway, Suite 2701
New York, NY 10271
212-571-1808
Fax: 212-732-1339
Email: bdratch@njcounsel.com
TERMINATED: 03/08/2022
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer A Gundlach
Maurice A. Deane School of Law
121 Hofstra University, Law School
Room 208
Hempstead, NY 11549
516-463-4190
Fax: 516-463-4990
Email: jennifer.gundlach@hofstra.edu
TERMINATED: 03/16/2023
ATTORNEY TO BE NOTICED

V.

Defendant

Kevin Knipfing
Employer
also known as
Kevin James

represented by **Alex Dumas**
50 Gordon Rees Scully Mansukhani
1 Battery Park Plaza, 28th Floor
New York, NY 10004

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Email: adumas@grsm.com
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212-849-7000
Fax: 212-849-7100
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TERMINATED: 10/19/2020
ATTORNEY TO BE NOTICED

Edward E. Warnke
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New York, NY 10004
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ATTORNEY TO BE NOTICED

Kuuku Angate Minnah-Donkoh
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ATTORNEY TO BE NOTICED

Maaren Shah
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue
Ste 22nd Floor
New York, NY 10010
212-849-7452
Email: maarenschah@quinnemanuel.com
TERMINATED: 10/19/2020
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

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Old Westbury EDDIE LLC
Company/Payroll owner Kevin Knipping

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 LLC
Unknown Entity under registration in NY State

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

Steve Savitsky
Business Manager, Old Westbury LLC

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)

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TERMINATED: 10/19/2020

ATTORNEY TO BE NOTICED

Defendant**Teresa A. Zantua**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

Date Filed	#	Docket Text
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 <u>172</u> 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 <u>pro se</u> 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)

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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)
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PACER Service Center			
Transaction Receipt			
10/30/2023 21:49:19			
PACER Login:		Client Code:	
Description:	Docket Report	Search Criteria:	2:20-cv-03361-JMA-AYS Start date: 8/4/2023
Billable Pages:	6	Cost:	0.60

Case 2:20-cv-03361-JMA-AYS Document 170 Filed 10/04/23 Page 1 of 5 PageID #: 6799

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10/4/23

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE **SAMPLE FORM**

Lidia M. Orrego,

against

ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER

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.

20 CV 3361 (JMA) (AYS)

Upon the affidavit of Lidia M. Orrego sworn to the 4 day of October,
20 23, and upon the copy of complaint hereto annexed, it is ORDERED, that the above named
defendant(s) show cause before a motion term of this Court, at room _____, United States Court
House, Central Islip in Suffolk County and State of New York on October 23,
20 23, at 11:30 a.m. ~~o'clock in the~~ ~~noon~~ thereof, or as soon thereafter as
counsel may be heard, why an order should not be issued pursuant to Rule 65 FRCP enjoining the
defendant(s) during the pendency of this action from frivolous conduct of litigation, use of legal
processes with apparent disregard for the Plaintiff's merit and her Constitutional Rights to Due
Process of Law, by filing arguments or pleadings without documentary evidence or fail to the
Duty to Disclose under FRCP, Local Civil Rules and Individuals Rules including but not limited
to under FRCP Rule 26; Rule 31; Rule 31 (4); Rule 30 (b) (6); Defendants Failure to Comply
with the Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, C,
among others; and it is further ORDERED, that sufficient reason having been shown, therefore,
pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65
FRCP the defendant(s) are temporarily restrained and enjoined from frivolous conduct litigation
over widespread misuse or abuse of the legal process and contempt of proceedings by filing
pleadings with twisted arguments of the Laws and facts in their pleadings in disregard the Facts
and Evidentiary Record that support Plaintiff's position and challenge Defendants' position.

and is further ORDERED, that security in the amount of \$ _____ be posted by the plaintiff(s)
and it is further ORDERED, that personal service of a copy of this order and annexed affidavit upon
the defendant(s) or his counsel on or before 3:30 p.m. ~~o'clock in the~~ ~~noon~~,
October 6, 20 23 shall be deemed good and sufficient service thereof.

DATED: October 4, 2023
Central Islip, New York

United States District Judge

Form A

SAMPLE FORM OF AN AFFIDAVIT OR AFFIRMATION

IN SUPPORT OF ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
_____X

Lidia M. Orrego

against

AFFIDAVIT/AFFIRMATION

20 CV 3361 (JMA) (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.

_____X
STATE OF NEW YORK
COUNTY OF (QUEENS)SS.:

Lidia M. Orrego, ~~{being duly sworn}~~ deposes and says [or: makes the
following affirmation under the penalties of perjury]:

I Lidia M. Orrego, as plaintiff in the above-entitled action, respectfully
move this court to order defendants to show cause why they should not be enjoined from/to
continue their frivolous litigation by filing pleadings with twisted arguments of the Laws and
facts in disregard the Facts and Evidentiary Record that support Plaintiff's position and
challenge Defendants' position. Defendants refused to comply or cooperate with their duties
in the Discovery Process under FRCP, Local Civil Rules, and Individuals Rules, including
but not limited to FRCP Rule 26. Duty to Disclose; General Provisions Governing
Discovery; Rule 31. Depositions by Written Questions - Producing Documents, Agreements,
payroll, etc., related to Plaintiff's and former co-workers' employment; Rule 31 (4); under Rule
30 (b) (6) Defendants Corporations Old Westbury EDDIE LLC & Old Westbury LLC to
Written Depositions and Producing Documents, Agreements, payroll, etc, related to Plaintiff's
and former co-workers' employment; Defendants Failure to Comply with the Magistrate
Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, and C **until a final
disposition on the merits of the above-entitled action.**

The Defendants have continually violated "Local Civil Rule 37.3. Mode of Raising Discovery and Other Non-Dispositive Pretrial Disputes With the Court (Eastern District Only) (a) Good-Faith Effort to Resolve. Prior to seeking judicial resolution of a discovery or nondispositive pretrial dispute, the attorneys for the affected parties or non-party witness shall attempt to confer in good faith in person or by telephone in an effort to resolve the dispute, in conformity with Fed. R. Civ. P. 37(a) (1)." Defendants have misled themselves in BAD FAITH to offer information and documents in their possession, custody, or control to Plaintiff's prejudice.

Defendants' Failure under Rule 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions Rule 37 (a) (4) "Evasive or Incomplete Disclosure, Answer, or Response. For purposes of this subdivision (a), an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond."

Defendants' failure may fallout in one or all of the following sanctions under FRCP: "Rule (a) (5) (5) Payment of Expenses; Protective Orders" and "(b) Failure to Comply with a Court Order. (2) Sanctions Sought in the District Where the Action Is Pending."

I made several attempts to request the discovery proceedings and Defendants willful failure to disclose any evidence to support their twisted and perjured pleadings see annexed Exhibits:

Exhibit 1: ECF doc. [108] filed April 4, 2023: Plaintiff's Judicial Notice Page 4, Exhibit 1: The document DEFS_000020-DEFS_000023 "Rydan Security & Investigations" "Investigate Memo" from Mr. Kevin Flanagan to Mr. John Keil dated November 21, 2018. Reference: Rebecca Lugo-Uzcategui Interview. Ms. Lugo-Uzcategui, my former co-worker, confirms all the abuses and discrimination described in Plaintiff's complaints dated November 2, 2018. Defendants opposed Ms. Uzcategui's deposition because their evidence was against them, perjury and Obstruction of Justice. See annexed pages 6 -14.

Exhibit 2: ECF doc. [135] Plaintiff's Deposition February 27, 2023: Affidavit Witness Manuela Orrego confirmed the Defendants only performed the Plaintiff's Deposition for a fishing expedition to fabricate evidence. See annexed pages 15 - 16.

Exhibit 3: ECF doc. [156] Plaintiff's email dated July 26, 2023, proposed dates and times to meet and confer with the Defendants. See annexed pages 17 – 20.

Exhibit 4: ECF doc. [160] dated July 27, 2023: Plaintiff's Status Report Conference Scheduled July 31, 2023, at 10:30 a.m. Meeting ID 79764125671: Defendants' violation of the "Local Civil Rule 37.3" Defendants' Bad Faith and Failure to comply with Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, and C. The Defendants' offer of "ZERO" for the settlement has no merit or legal support under Judge Shields' rules. See annexed pages 21 – 24.

Exhibit 5: ECF doc. [161] dated August 1, 2023: Defendants' Fraudulent Misrepresentation and twisted facts on U.S. Equal Employment Opportunity Commission ("EEOC") **ridiculous argument, NON SENSE**. The Defendants' offer is ZERO on ECF doc. [160], Defendants do not specify how much the offer was at the EEOC to my former lawyer. Additionally, the order of District Judge Brown ECF [30] filed on September 30, 2021, specifies that my case has merit according to the Law, facts, and documentary evidence. See annexed pages 25 – 27.

Exhibit 6: ECF doc. [162] filed August 1, 2023: Plaintiff reply ECF doc. [161] to challenge the Defendants 's fraudulent and twisted argument. See annexed pages 28 - 56.

Exhibit 7: ECF doc. [168] filed August 2, 2023: 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 with the rules: Plaintiff requested via email on July 27, 2023, the mandatory written communication from the Defendants with the explanation and precedent or case law on their offer of "ZERO" as demanded by the undersigned Judge' Rules. Defendants failed to send Plaintiff the written communication with the explanation; therefore, the offer of "ZERO" has no merits under the rules. See annexed pages 57 - 71.

Plaintiff submitted the case "Osorio v. Source Enters" SDNY Second Circuit of New York "Upholding a \$4 million compensatory award, but only because emotional distress damages were coupled with significant reputational harm" order by JED S. RAKOFF, U.S.D.J. , Dated: New York, New York, March 2, 2007 via Jury Trial that supports the Plaintiff's Amended Complaint ECF doc. [8], therefore, the claims and relief demand is appropriate and has merits because it exceeds the standard of review in a similar case. See annexed pages 57 – 71.

Unless this order is issued, I will suffer immediate and irreparable injury, loss, and damage since Defendants caused my occupational disease since January 2018, including but not limited to a myofascial syndrome, ovarian failure syndrome, post-traumatic stress disorder, emotional distress, and major depression which can lead to other health problem and diseases.

I continue to struggle to recover, but it is getting worse due to the fraudulent practices and malice of the Defendants, who continue to commit fraud on or upon the Court, Perjury, and Obstruction of Justice, among others. As can be seen from the foregoing, I have no adequate remedy at law.

Due to the Defendants' frivolous litigation and abuse, 1) I am suffering immediate harm, physical, emotional, and financial loss; 2) The harm will not be taken care of adequately by winning the case in the end; 3) I will most likely win the case, in the end, due Defendants' failure to file any documentary evidence that challenges my Evidentiary Record, Defendants' Failure under FRCP Rules 26, 31, 30, 27 and Defendants Failure to Comply with the Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, and C, among others; 4) My harm is more severe than any harm to Defendants will suffer if the judge orders a preliminary injunction to protect you.

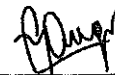
WHEREFORE, I respectfully request that the Court grant the within relief as well as such other and further relief that may be just and proper.

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

Dated: October 4, 2023
Rego Park, New York

(or for an affidavit)

Sworn to before me this _____ day of _____ 20____



Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd. 3E
Rego Park, NY 11374
email: liorrego@gmail.com

Notary Public

Form B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____ X
Lidia M. Orrego

Plaintiff,

-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,
Teresa A. Zantua

Defendant(s).
_____ X

Case No. 20CV3361(JMA)(AYS)
District Judge Joan M. Azrack

**PLAINTIFF'S OBJECTION UNDER
FRCP RULE 46 AND
MOTION RECONSIDERATION
UNDER FRCP RULE 54 (b)**

**PLAINTIFF'S OBJECTION AND MOTION TO RECONSIDERATION OF THE
ORDER DATED OCTOBER 7, 2023, ON ORDER TO SHOW CAUSE (OSC)
FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING
ORDER ECF DOC. [170] AND 7 EXHIBITS SEALED INCORRECTLY**

Plaintiff Lidia M. Orrego, in connection with the above-referenced action, Object the Order dated October 7, 2023, which contains errors of the nature of Plaintiff's OSC ECF doc. [170] and Motion Clarification and Void incorrect Seal or Restriction from the Public View of the Exhibits ECF doc. [170-1] and ECF doc. [170-2] for the following reasons:

1) Plaintiff objects to the Court Order dated October 7, 2023, due to the Court's error or mistake stated in the order: "Plaintiff's current filing is the improper vehicle to raise "discovery disputes" via OSC ECF doc. [170], but Plaintiff is not requesting any "discovery dispute." Order incomprehensible, OSC, and Motions only differ in form.

2) Plaintiff is requesting an ORDER with specificity to STOP Defendants' actions of contempt of Court Orders, stop from continuing filing perjured pleadings, fabricate evidence, among others, and restraining order "pursuant to Rule 65 FRCP the defendant(s) are temporarily restrained and enjoined from frivolous conduct litigation over widespread misuse or abuse of the legal process and contempt of proceedings by filing pleadings with twisted arguments of the Laws and facts in their pleadings in disregard the Facts and Evidentiary Record that support Plaintiff's position and challenge Defendants' position." Not related to Discovery Disputes. See OSC Exhibit 2 ECF doc. [170], P. 5 - 76.

3) The nature of Plaintiff's OSC "contains a direction to the parties that they stop some specific activity until the court hears or decides the motion." see Website of New York Civil Court and Definition Cornell Law School. Also, the website of the NY Court states: "An Order to Show Cause is a way to present to a judge the reasons why the court should order relief to a party. For example, a party can seek an order granting discovery or dismissing all or part of an action by bringing an Order to Show Cause." See annexed OSC Exhibit 2 ECF doc. [170], P. 5 - 76.

4) An OSC or Motion is the proper vehicle to request any relief, and this Court must consider the Plaintiff's Pro Se status; she should not be required to meet the standard of perfection demands as a lawyer. See the EDNY website.

5) Additionally, the Exhibits ECF doc. [170-1] and [170-2] were improperly restricted and sealed without Plaintiff's consultation, authorization, or knowledge; therefore, she request that the restriction or seal be voided and restore the Exhibits to the PUBLIC eye.

6) Exhibits ECF doc. [170-1] and [170-2] "NOT CONTAIN ANY COVER SEAL SHEET" see the "." According to the RULES at the EDNY website, Steps for E-filing Documents Civil Cases, "Documents must not be filed under Seal or ex parte unless the court has granted a motion for leave to file under Seal and the cm/ECF User's Guide. See annexed Exhibit 1, P. 4 & OSC Exhibit 2 ECF doc. [170], P. 5 – 76.

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)

CONCLUSION

Plaintiff comes now to OBJECT under Federal Rule Civil Procedure ("FRCP") Rule 46 and requests under FRCP Rule 54 (b) a relief to set aside and modify the Order dated October 7, 2023, and granted the OSC ECF doc. [170] and unseal or void the improper restriction from the Public View of Exhibits ECF docs. [170-1] and [170-2]. See annexed Exhibit 1, P. 4.

Plaintiff followed the EDNY website and instructions to comply with to construct her OSC ECF doc. [170] [170-1] [170-2] "Order to Show Cause tells the other side of the nature of the request and states the date, time and location where the request will be made" and OSC ECF doc. [170] and the 7 Exhibits ECF docs. [170-1] and [170-2] request clearly "Pursuant Rule 65 FRCP enjoining the defendant(s) during the pendency of this action **from frivolous conduct of litigation, use of legal processes with apparent disregard for the Plaintiff's merit and her Constitutional Rights to Due Process of Law**, by filing arguments or pleadings without documentary evidence or fail to the Duty to Disclose under FRCP, Local Civil Rules and Individuals Rules including but not limited to under FRCP Rule 26; Rule 31; Rule 31 (4); Rule 30 (b) (6); Defendants Failure to Comply with the Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, C, among others;" See annexed OSC Exhibit 2 ECF doc. [170], P. 5 - 76.

The OSC ECF doc. [170] is not a "discovery dispute" is a restraining order to stop the Defendants' ongoing criminal actions of fraud, perjury, spoliation of evidence, and obstruction of justice, among others, in preparation for the Motion Summary Judgment before the District Judge Azrack next November 2023 in this lawsuit.

The Defendants with the OSC ECF doc. [170] must explain and prove with documentary evidence that they are not engaged in frivolous and fraudulent¹ conduct of litigation, but it is odd that All the Exhibits ECF docs. [170-1] [170-2] improperly "sealed" proof of the Defendants' fraudulent actions. Especially the "Charges of Discrimination"

WHEREFORE, I respectfully request that the Court grant the present motion under within relief as well as such other and further relief that may be just and proper.

Respectfully submitted,

Dated: October 9, 2023
Rego Park, New York

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

10/9/23, 7:29 PM

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SAMPLE FORM

_____X

Lidia M. Orrego,

against

ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDERKevin 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.

_____X

20 CV 3361 (JMA) (AYS)

Upon the affidavit of _____ Lidia M. Orrego _____ sworn to the 4 day of October, 20 23, and upon the copy of complaint hereto annexed, it is ORDERED, that the above named defendant(s) show cause before a motion term of this Court, at room _____, United States Court House, Central Islip in Suffolk County and State of New York on October 23, 20 23, at 11:30 a.m. ~~o'clock in the~~ noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 FRCP enjoining the defendant(s) during the pendency of this action from frivolous conduct of litigation, use of legal processes with apparent disregard for the Plaintiff's merit and her Constitutional Rights to Due Process of Law, by filing arguments or pleadings without documentary evidence or fail to the Duty to Disclose under FRCP, Local Civil Rules and Individuals Rules including but not limited to under FRCP Rule 26; Rule 31; Rule 31 (4); Rule 30 (b) (6); Defendants Failure to Comply with the Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, C, among others; and it is further ORDERED, that sufficient reason having been shown, therefore, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65 FRCP the defendant(s) are temporarily restrained and enjoined from frivolous conduct litigation over widespread misuse or abuse of the legal process and contempt of proceedings by filing pleadings with twisted arguments of the Laws and facts in their pleadings in disregard the Facts and Evidentiary Record that support Plaintiff's position and challenge Defendants' position.

and is further ORDERED, that security in the amount of \$_____ be posted by the plaintiff(s) and it is further ORDERED, that personal service of a copy of this order and annexed affidavit upon the defendant(s) or his counsel on or before 3:30 p.m. ~~o'clock in the~~ noon, October 6 _____, 20 23 shall be deemed good and sufficient service thereof.

DATED: October 4, 2023

Central Islip, New York

United States District Judge

Form A

SAMPLE FORM OF AN AFFIDAVIT OR AFFIRMATION

IN SUPPORT OF ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
_____X

Lidia M. Orrego

against

AFFIDAVIT/AFFIRMATION

20 CV 3361 (JMA) (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.

_____X
STATE OF NEW YORK
COUNTY OF (QUEENS)SS.:

Lidia M. Orrego, ~~{being duly sworn} deposes and says~~ [or: makes the
following affirmation under the penalties of perjury]:

I Lidia M. Orrego, as plaintiff in the above-entitled action, respectfully
move this court to order defendants to show cause why they should not be enjoined from/to
continue their frivolous litigation by filing pleadings with twisted arguments of the Laws and
facts in disregard the Facts and Evidentiary Record that support Plaintiff's position and
challenge Defendants' position. Defendants refused to comply or cooperate with their duties
in the Discovery Process under FRCP, Local Civil Rules, and Individuals Rules, including
but not limited to FRCP Rule 26. Duty to Disclose; General Provisions Governing
Discovery; Rule 31. Depositions by Written Questions - Producing Documents, Agreements,
payroll, etc., related to Plaintiff's and former co-workers' employment; Rule 31 (4); under Rule
30 (b) (6) Defendants Corporations Old Westbury EDDIE LLC & Old Westbury LLC to
Written Depositions and Producing Documents, Agreements, payroll, etc, related to Plaintiff's
and former co-workers' employment; Defendants Failure to Comply with the Magistrate
Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, and C **until a final
disposition on the merits of the above-entitled action.**

The Defendants have continually violated "Local Civil Rule 37.3. Mode of Raising Discovery and Other Non-Dispositive Pretrial Disputes With the Court (Eastern District Only) (a) Good-Faith Effort to Resolve. Prior to seeking judicial resolution of a discovery or nondispositive pretrial dispute, the attorneys for the affected parties or non-party witness shall attempt to confer in good faith in person or by telephone in an effort to resolve the dispute, in conformity with Fed. R. Civ. P. 37(a) (1)." Defendants have misled themselves in BAD FAITH to offer information and documents in their possession, custody, or control to Plaintiff's prejudice.

Defendants' Failure under Rule 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions Rule 37 (a) (4) "Evasive or Incomplete Disclosure, Answer, or Response. For purposes of this subdivision (a), an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond."

Defendants' failure may fallout in one or all of the following sanctions under FRCP: "Rule (a) (5) (5) Payment of Expenses; Protective Orders" and "(b) Failure to Comply with a Court Order. (2) Sanctions Sought in the District Where the Action Is Pending."

I made several attempts to request the discovery proceedings and Defendants willful failure to disclose any evidence to support their twisted and perjured pleadings see annexed Exhibits:

Exhibit 1: ECF doc. [108] filed April 4, 2023: Plaintiff's Judicial Notice Page 4, Exhibit 1: The document DEFS_000020-DEFS_000023 "Rydan Security & Investigations" "Investigate Memo" from Mr. Kevin Flanagan to Mr. John Keil dated November 21, 2018. Reference: Rebecca Lugo-Uzcategui Interview. Ms. Lugo-Uzcategui, my former co-worker, confirms all the abuses and discrimination described in Plaintiff's complaints dated November 2, 2018. Defendants opposed Ms. Uzcategui's deposition because their evidence was against them, perjury and Obstruction of Justice. See annexed pages 6 -14.

Exhibit 2: ECF doc. [135] Plaintiff's Deposition February 27, 2023: Affidavit Witness Manuela Orrego confirmed the Defendants only performed the Plaintiff's Deposition for a fishing expedition to fabricate evidence. See annexed pages 15 - 16.

Exhibit 3: ECF doc. [156] Plaintiff's email dated July 26, 2023, proposed dates and times to meet and confer with the Defendants. See annexed pages 17 – 20.

Exhibit 4: ECF doc. [160] dated July 27, 2023: Plaintiff's Status Report Conference Scheduled July 31, 2023, at 10:30 a.m. Meeting ID 79764125671: Defendants' violation of the "Local Civil Rule 37.3" Defendants' Bad Faith and Failure to comply with Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, and C. The Defendants' offer of "ZERO" for the settlement has no merit or legal support under Judge Shields' rules. See annexed pages 21 – 24.

Exhibit 5: ECF doc. [161] dated August 1, 2023: Defendants' Fraudulent Misrepresentation and twisted facts on U.S. Equal Employment Opportunity Commission ("EEOC") **ridiculous argument, NON SENSE**. The Defendants' offer is ZERO on ECF doc. [160], Defendants do not specify how much the offer was at the EEOC to my former lawyer. Additionally, the order of District Judge Brown ECF [30] filed on September 30, 2021, specifies that my case has merit according to the Law, facts, and documentary evidence. See annexed pages 25 – 27.

Exhibit 6: ECF doc. [162] filed August 1, 2023: Plaintiff reply ECF doc. [161] to challenge the Defendants 's fraudulent and twisted argument. See annexed pages 28 - 56.

Exhibit 7: ECF doc. [168] filed August 2, 2023: 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 with the rules: Plaintiff requested via email on July 27, 2023, the mandatory written communication from the Defendants with the explanation and precedent or case law on their offer of "ZERO" as demanded by the undersigned Judge' Rules. Defendants failed to send Plaintiff the written communication with the explanation; therefore, the offer of "ZERO" has no merits under the rules. See annexed pages 57 - 71.

Plaintiff submitted the case "Osorio v. Source Enters" SDNY Second Circuit of New York "Upholding a \$4 million compensatory award, but only because emotional distress damages were coupled with significant reputational harm" order by JED S. RAKOFF, U.S.D.J. , Dated: New York, New York, March 2, 2007 via Jury Trial that supports the Plaintiff's Amended Complaint ECF doc. [8], therefore, the claims and relief demand is appropriate and has merits because it exceeds the standard of review in a similar case. See annexed pages 57 – 71.

Unless this order is issued, I will suffer immediate and irreparable injury, loss, and damage since Defendants caused my occupational disease since January 2018, including but not limited to a myofascial syndrome, ovarian failure syndrome, post-traumatic stress disorder, emotional distress, and major depression which can lead to other health problem and diseases.

I continue to struggle to recover, but it is getting worse due to the fraudulent practices and malice of the Defendants, who continue to commit fraud on or upon the Court, Perjury, and Obstruction of Justice, among others. As can be seen from the foregoing, I have no adequate remedy at law.

Due to the Defendants' frivolous litigation and abuse, 1) I am suffering immediate harm, physical, emotional, and financial loss; 2) The harm will not be taken care of adequately by winning the case in the end; 3) I will most likely win the case, in the end, due Defendants' failure to file any documentary evidence that challenges my Evidentiary Record, Defendants' Failure under FRCP Rules 26, 31, 30, 27 and Defendants Failure to Comply with the Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A, B, and C, among others; 4) My harm is more severe than any harm to Defendants will suffer if the judge orders a preliminary injunction to protect you.

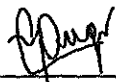
WHEREFORE, I respectfully request that the Court grant the within relief as well as such other and further relief that may be just and proper.

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

Dated: October 4, 2023
Rego Park, New York

(or for an affidavit)

Sworn to before me this _____ day of _____ 20____



Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd. 3E
Rego Park, NY 11374
email: liorrego@gmail.com

Notary Public

Form B

Case 2:20-cv-03361-GRB-AYS Document 108 Filed 04/04/23 Page 4 of 26 PageID #: 4790

EXHIBIT 1

EXHIBIT 1



RYDANSECURITY & I N V E S T I G A T I O N S

INVESTIGATIVE MEMO

To: John Keil
From: Kevin Flanagan
Re: Rebecca Lugo-Uzcategui Interview
Date: November 21, 2018

ASSIGNMENT

John Keil ("the client") retained Rydan Security, Inc. ("Rydan") to conduct an in-person interview of Rebecca Lugo-Uzcategui ("Lugo" or "the subject").

INTERVIEW DETAILS

Rebecca Lugo-Uzcategui was interviewed by a Rydan investigator on November 20, 2018. The following are the notes from this interview:

- Lugo states that she has been working for the James family for three years. She states that her primary duty is being the nanny for S[REDACTED]. Lugo takes S[REDACTED] to school for 9:15 AM and picks her up at 12 PM. Lugo does not return to the residence while S[REDACTED] is in school. After pick-up, Lugo takes S[REDACTED] out to eat or to the park. They return home at approximately 2:30 PM.
- According to Lugo the only problem in the household is Taz. Lugo states that Taz does not want anyone speaking Spanish in the house. However, since S[REDACTED] is bilingual, it creates a problem when Lugo speaks to her in Spanish at the house.
- S[REDACTED]'s parents have no issues with Lugo speaking in Spanish. According to Lugo, Mr. and Mrs. James have told her she can do "whatever she wants" with regards to

speaking/teaching Spanish. Lugo states that Taz went as far as telling a Spanish-speaking priest who came to the house to not speak Spanish within the residence.

- Lugo states when Lidia first came to work for the family Lugo was bossy with her because she felt that she did not understand her duties and was, "complicated." She was also initially jealous of Lidia's relationship with S [REDACTED] and her having a second nanny. However, after she saw S [REDACTED] was happy with Lidia, she then felt okay with the Lidia and the overall situation.
- Lugo admits to meeting Lidia with her mother and daughter outside of the house at a diner. This was after Lidia complained to her about how she was being treated by Taz. She states that at the diner they discussed the way Taz was treating them.
- During the interview, Lugo does not mention speaking to Lidia regarding any discrimination lawsuit that day at the diner but did tell Lidia she would speak to Mr. James. Lugo also states that she had a feeling that Lidia recorded the conversation. They spent approximately two hours at the diner.
- Lugo states that Lidia never told her that she was recording Taz. Lugo also claims that if there are in fact any recordings, she has never heard them.
- Lugo states that she never recorded Taz or anyone else.
- In the past, Lugo has told Lidia that she should stand up for herself with regards to Taz and inform her boss of mistreatment.
- 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 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.
- Lugo and Taz have also had arguments involving S [REDACTED]. Arguments have taken place after Taz told S [REDACTED] 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 [REDACTED] was going to a Nickelodeon "Marshmallow" show and was crying out for Lugo. Taz grabbed S [REDACTED] and put her in the car seat. As Taz was putting S [REDACTED] 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 was asked whether or not she gives the child candy as a bribe to get S [REDACTED] to comply, like using candy as a "bribe" to get S [REDACTED] to brush her teeth. Lugo denied this.

Privileged and Confidential

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.

- 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.
- 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 home schools K [REDACTED] and feels that she is a good teacher. She added that Taz was very smart. However, she should be more consistent in using the classroom as a setting to teach rather than teaching him in the kitchen or other parts of the residence.
- 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.
- Lugo states that Taz loves the kids but talks poorly about Lugo in front of the kids. K [REDACTED] has told her in the past, "you're a bad nanny, I don't want to sit next to you." S [REDACTED] asks Lugo, "Taz love you," and S [REDACTED] also says, "No Beca." Taz doesn't allow the other kids to talk to Lugo.
- Lugo states that cameras inside the residents only record video and do not pickup audio.
- Lugo states that Taz hates her because of her relationship with S [REDACTED].
- Lugo admits to having a strong personality and isn't afraid of, "anyone but God".

End of report

Privileged and Confidential

Restricted Use Warning

This report was prepared by Rydan at the request of the client to whom it is furnished. The client agrees that reports and information received from Rydan, including this report, are strictly confidential and are intended solely for the private and exclusive use of the client. Any other use and any communication, publication, disclosure, dissemination or reproduction of this report or any portion of its contents without the written consent of Rydan is strictly forbidden. Rydan assumes no direct, indirect or consequential liability to any third party, who is not the intended addressee of this report for the information contained herein, its interpretation or applications, or for omissions, or for reliance by any such third party thereon. To the extent information provided in this report is based on a review of publicly-available records, such information, as presented, relies upon the accuracy and completeness of those records, which have not been corroborated by Rydan. Statements herein concerning financial, regulatory or legal matters should be understood to be general observations based solely on Rydan's experience as risk consultants and may not be relied upon as financial, regulatory or legal advice, which Rydan is not authorized to provide. All such matters should be reviewed with appropriately qualified advisors in these areas.

Rydan Security, Inc.
131-19 Jamaica Boulevard
Richmond Hill, NY 11418
718-474-8090
www.rydansecurity.com

EXHIBIT 2

From: John Keil <JKeil@cfk-law.com>
Sent: Friday, March 22, 2019 3:55 PM
To: Kuuku Minnah-Donkoh
Subject: FW: Additional Information

From: Kevin Flanagan [mailto:kflanagan@rydansecurity.com]
Sent: Monday, November 12, 2018 11:51 PM
To: John Keil; Skylar Testa
Cc: Nick Bauer
Subject: RE: Additional Information

John,
Below are the bullet points of the interview today.

LIDIA ORREGO Interview at Starbucks 92-77 Queens Blvd Nov 12, 2018-

- LIDIA STATES THAT ON HER FIRST DAY AT WORK THE FIRST THING REBECCA TOLD HER WAS THAT THE AUNT (AUNT TAZ) IS CRAZY AND DOESN'T LIKE PEOPLE SPEAKING SPANISH IN THE HOUSE. REBECCA ALSO TOLD HER THAT TAZ RECORDS EVERYTHING.
- LIDIA STATES FROM DAY ONE REBECCA WAS VERY BOSSY, AND WAS ALWAYS TELLING HER WHAT TO DO.
- IN APRIL, LIDIA COMPLAINED TO TAZ THAT REBECCA WAS CONSTANTLY TELLING HER WHAT TO DO. TAZ TOLD HER NOT TO LISTEN TO REBECCA AND SUGGESTED THAT LIDIA START A DIARY AND KEEP NOTES, WHICH SHE DID.

(LIDIA HAS A VERY DETAILED JOURNAL WITH DATES AND INCIDENTS WRITTEN IN SPANISH. TOTAL OF 13 PAGES WHICH SHE STATED SHE WILL FORWARD TO MR. JAMES). SHE ALSO HAS 2 TO 4 OTHER AUDIO RECORDINGS OF REBECCA THAT SHE WILL ALSO FORWARD.

- LIDIA STATES TAZ AND REBECCA ARE CONSTANTLY ARGUING IN FRONT OF THE CHILDREN, WHICH LIDIA FOUND SURPRISING BECAUSE SHE FELT THAT REBECCA WAS BEING DISRESPECTFUL TO HER BOSS'S SISTER.
- AROUND APRIL 2018, LIDIA APPROACHED STEFFIANA AND ASKED WHETHER IT'S OK TO SPEAK SPANISH IN THE HOUSE BECAUSE SHE WAS TOLD THAT SHE WAS NOT ALLOWED TO SPEAK SPANISH. STEFFIANA RESPONDED THAT SHE HAD "NO ISSUES" WITH LIDIA SPEAKING IN SPANISH.
- LIDIA STATES THAT TAZ MAKES RACIAL COMMENTS ABOUT HER ETHNICITY AND CONSTANTLY REFERS TO HER AS A MEXICAN. ACCORDING TO LIDIA, TAZ ENCOURAGES C [REDACTED] TO DO THE SAME. SHE ALSO STATES THAT TAZ IS CONSTANTLY CORRECTING HER ENGLISH. FOR EXAMPLE, LYDIA WOULD REFER TO A BUILDING AS "BEING BIG" AND TAZ CORRECTS HER GRAMMER AND TELLS HER, "IT'S NOT BIG IT'S TALL." THIS IS DONE IN PUBLIC IN FRONT OF STRANGERS CAUSING HER EMBARRASSMENT. (THIS IS ONE EXAMPLE)
- LIDIA STATES THAT TAZ HAS A VERY BAD TEMPER EXPECIALLY WHILE DRIVING. ON A FEW OCASSIONS THE CHILDREN WERE UPSET AND DIDN'T WANT TO DISCUSS WHAT WAS BOTHERING THEM WITH TAZ BUT

PREFERRED TO SPEAK TO THEIR MOTHER. ACCORDING TO LIDIA, TAZ WOULD WANT THEM TO TELL HER WHAT WAS BOTHERING THEM AND WOULD INSIST THAT THEY TELL HER. TAZ WOULD STOP THE CAR ON THE ROAD AND NOT MOVE UNTIL THEY TOLD HER WHAT WAS BOTHERING THEM. TAZ ALSO GETS INTO ARGUMENTS WITH OTHER DRIVERS IN WHICH SHE HAS DISPLAYED ROAD RAGE. SHE ARGUES WITH OTHER DRIVERS WHILE THE CHILDREN ARE IN THE VEHICLE. LIDIA FEARS FOR THEIR SAFETY. SHE FURTHER STATES THAT TAZ HAS ALSO BEEN PULLED OVER BY THE POLICE FOR HER DRIVING.

- APPROXIMATELY 3-5 TIMES REBECCA TOLD LIDIA IN CONVERSATION THAT TOGETHER THEY CAN FILE A LAWSUIT AGAINST TAZ FOR DISCRIMINATION.
- LIDIA STATES THAT REBECCA IS MANIPULATING S [REDACTED] BY GIVING HER CANDY FOR BRUSHING HER TEETH, WHICH REBECCA DENIES. ON ONE OCCASION LIDIA STATES THAT SHE OVERHEARD REBECCA TELLING S [REDACTED] TO BRUSH HER TEETH AND SHE WILL GIVE HER GUM. A SHORT TIME LATER S [REDACTED] EXITS THE BATHROOM AND AS SHE COMES OUT S [REDACTED] OPENS HER MOUTH AND SHOWS LIDIA A MOUTH FULL OF CHEWING GUM. AT THAT POINT REBECCA GETS FURIOUS AND GRABS S [REDACTED] BY THE SHOULDER AND SHAKES HER AND TAKES HER INTO THE ROOM.
- LIDIA HAS PHOTOGRAPHS SHE TOOK ON 4/21/2018, OF CANDY THAT IS HIDDEN IN REBECCAS ROOM AND OTHER AREAS. REBECCA ALSO KEEPS CANDY IN THE CAR.
- OCTOBER 14, 2018 –THE REASON WHY SHE AGREED TO MEET WITH REBECCA AT THE DINER ON 10/14/2018, WAS BECAUSE OF AN INCIDENT THAT OCCURRED WHEN LIDIA WAS AT A FARM APPLE PICKING AND THE KIDS WEREN'T LISTENING TO HER. IT WAS VERY UPSETTING TO HER SO SHE AGREED TO MEET REBECCA. SHE ALONG WITH HER MOTHER AND DAUGHTER MET WITH REBECCA AT A DINER. LIDIA RECORDED THEIR CONVESATION AND FORWARDED THE RECORDING TO MR. JAMES ON 11/8/18. DURING THIS MEETING REBECCA INFORMED HER THAT SHE AND OTHER EMPLOYEES WANTED TO FILE A LAWSUIT. SHE STATES THAT THE OTHER EMPLOYEES WANT TO SUE AND THAT SHE REBECCA HAS DOCUMENTATION AND THAT OTHER EMPLOYEES ARE ON BOARD. THE EMPLOYEES SHE SAID WERE ANNIE, GABY, SHANNON, TEACHERS, ETC.
- REBECCA ALSO TOLD LIDIA THAT TAZ TELLS HER, "I'M RECORDING YOU", AND REBECCA RESPONDS, "OH YES, I HAVE TEN RECORDINGS OF YOU."
- OCTOBER 23, 2018 – LIDIA STATES THAT SHE WAS ATTENDING TO S [REDACTED] AND C [REDACTED] CAME FROM BEHIND HER AND HIT HER WITH HIS HANDS ON HER BACK.
- NOVEMBER 2, 2018 – LIDIA SENT THE LETTER SHE HAD WRITTEN TO STEFFIANA AND SKYLER VIA EMAIL. THE REASON SHE WROTE THIS LETTER, WAS BECAUSE REBECCA HAD TOLD HER DURING THE MEETING ON OCTOBER 14, 2018, THAT SHE WAS GOING TO WRITE A LETTER AND GIVE IT TO KEVIN JAMES. LIDIA KEPT ASKING REBECCA, "DID YOU WRITE THE LETTER," AND REBECCA KEPT ON STALLING AND STATING IT'S ALMOST DONE. IN THE MEANTIME, LIDIA STATES THAT SHE NOTICED STEFFIANA WAS ACTING DIFFERENT TOWARDS HER AND WAS WONDERING IF REBECCA WAS PLAYING BOTH SIDES. SO LIDIA DECIDED TO SEND THE LETTER HERSELF. REBECCA ATTEMPTED TO CALL HER THIS DAY. LIDIA TEXTED HER AND TOLD HER SHE WAS AT THE DOCTOR AND COULDN'T SPEAK.
- NOVEMBER 6th, 2018 – MET WITH KEVIN JAMES AND GAVE HIM THE RECORDING ON NOVEMBER 8TH, 2018.
- LIDIA STATES HER PURPOSE FOR COMING FORWARD IS BECAUSE SHE DOSENT TRUST REBECCA AND IS WORRIED THAT REBECCA MAY TRY AND MAKE HER A WITNESS ON THE LAWSUIT SHE IS PLANNING ON FILING. SHE DOESN'T WANT TO BE INVOLVED IN ANY LAWSUIT WITH THE JAMES FAMILY. LIDIA IS ALSO CONCERNED HOW THE KIDS ARE BEING RAISED BY THE NANNIES AND HOW THEIR BEHAVIOR IS A NEGATIVE INFLUENCE ON THEM. REBECCA TOLD HER THAT SHE PURPOSELY KEEPS THE CHILD OUT OF THE HOUSE ALL DAY SO THE CHILD DOESN'T ASK TO GO WITH HER MOTHER.

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2
11

CONFIDENTIAL DEFS_000018

John,

During my debrief with Tefta & Irma, this afternoon, they were clear with Lidia, when asking about actual physical abuse being inflicted upon the children. Lidia confirmed that there is no physical abuse taking place. Lidia did state that both Rebecca, and TAZ, by design tried to keep the children out of the house and away from the CCTV system at the residence.

Lidia stated that likes her job and wants to come back, but she did not want to come back if Rebecca was still going to be there.

Kevin Flanagan
Rydan Security & Investigations
131-19 Jamaica Avenue.
Richmond Hill, NY 11418
Office-718-805-8090 ext 111
Fax- 718-504-4033
mobile-917-922-3057
<http://www.rydansecurity.com>

EXHIBIT 9

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____ X

Lidia M. Orrego

Plaintiff,

v.

Affidavit of Witness

Case No. 20CV3361(GRB)(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, Teresa A. Zantua

Defendant(s).

_____ X

AFFIDAVIT OF WITNESS

Manuela E. Orrego, being duly sworn, deposes and says:

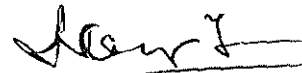
1. I am the witness, in this action. I am American over the age of 18 years. Resident in New York State. Address 95-08 Queens Blvd. 3E, Rego Park – New York.
2. On February 27, 2023, I was at Gordon Rees Scully Mansukhani, LLP, Address: One Battery Park Plaza, 28th Floor, New York, NY 10004, between 10:00 am and 5:00 pm, in the waiting room while the Plaintiff, Lidia M. Orrego was in her deposition with the attorney for the Defendants' counsel Mr. Kuuku Minnah-Donkoh and 4 (four) other people.
3. I was present and personally saw when the personnel from Gordon Rees Scully Mansukhani, LLP were refusing to be served the documents for the Defendants in this case at approximately 2:00 pm. The staff only received the documents after the secretary interrupted Plaintiff's deposition and was authorized by Mr. Minnah-Donkoh to serve the documents.

4. I was present in the waiting room and personally heard the conversation of Defendants' counsel Mr. Kuuku Minnah-Donkoh via phone between 3:00 pm and 5:00 pm in the office to the waiting room with the door open making the following statement: "Nothing new in this deposition, I will need a second deposition", after making this statement he left the room joint immediately to the next office to continue the deposition.

Under penalty of perjury, I declare that to the best of my knowledge and belief, the statement in this Affidavit is true and correct. I executed this affidavit to attest to the truthfulness of the foregoing facts and support the filing of Civil Case Eastern District New York 20VC3361 (GRB) (AYS).

Date: April 4, 2023
Rego Park, New York

Respectfully Submitted,


Manuela E. Orrego
95-08 Queens Blvd. 3E
Rego Park – New York
Phone: (347) 961-4568

Sworn to before me this
4th day of April 2023


NOTARY PUBLIC

YAKUBSHOLOM ISKHAKOV
Notary Public, State of New York
No. 011S6137788
Qualified in Queens County
Commission Expires December 05, 2025

Case 2:20-cv-03361-JMA-AYS Document 156 Filed 07/26/23 Page 1 of 4 PageID #: 6532

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego

Plaintiff,

-against-

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).

FILED
CLERK
Box.com

7/26/2023

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Case No. 20CV3361(JMA)(AYS)

Magistrate Judge Anne Y. Shields

EXHIBIT 3

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.

Plaintiff is waiting for the answer from the Defendants.

Respectfully submitted,

Dated: July 26, 2023

Rego Park, New York


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



Lidia Orrego <liorrego@gmail.com>

**ORDER 07/25/2023 - EDNY Docket No. 20CV3361(JMA)(AYS) Orrego v. Knipfing et al
Proof of Service**

Lidia Orrego <liorrego@gmail.com>

Wed, Jul 26, 2023 at 10:49 AM

To: "kminnahdonkoh@grsm.com" <kminnahdonkoh@grsm.com>, "kminnahdonkoh@gordonrees.com" <kminnahdonkoh@gordonrees.com>, "pcella@grsm.com" <pcella@grsm.com>, "dlivera@grsm.com" <dlivera@grsm.com>, "pguerrero@grsm.com" <pguerrero@grsm.com>

Cc: Lidia Orrego <liorrego@gmail.com>

Proof of Service to Comply Court Order

Gordon Rees Scully Mansukhani, LLP

Considering the Order dated July 25, 2023, by Judge Shields to confer, I have availability as follows:

REMOTELY via Zoom

Thu 7/27 @ 1 pm

Fri 7/28 @ 10:30 pm

Mon 7/31 @ 4 pm

Status letter deadline: August 1, 2023.

If any date or hours doesn't work, send me your availability to report to Judge Shields and request changes in the

Order dated July 25, 2023, only if necessary.

Respectfully submitted,

Date: July 26, 2023

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7/26/23, 10:53 AM Case 2:20-cv-03361-LMA-ORR Document 1-1 Filed 07/26/23 Page 88 of 151 PageID #: 7231

Rego Park, New York

Lidia M. Orrego

Plaintiff Pro Se

95-08 Queens Blvd Apart 3E

Rego Park, NY, 11374

Phone (347) 4532234

Email: liorrego@gmail.com

Via ECF & Email

GORDON REES SCULLY MANSUKHANI, LLP

Kuuku Minnah-Donkoh, Esq.

One Battery Park Plaza, 28th Floor

New York, NY 10004

Tel: (212) 269-5500

Attorneys for Defendants

Email: kminnahdonkoh@grsm.com ; kminnahdonkoh@gordonrees.com ;

pcella@grsm.com ; dlivera@grsm.com ; pguerrero@grsm.com

CC via ECF:

Honorable District Judge Joan M. Azrack

Honorable M. Judge Anne Y. Shields

United States District Court Eastern

District of New York

100 Federal Plaza, Central Islip, NY 11722

Case 2:20-cv-03361-JMA-AYS Document 156 Filed 07/26/23 Page 4 of 4 PageID #: 6535

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego,

Plaintiff,

-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, Teresa A. Zantua.

Defendants. _____

x

Affirmation of Service

20CV3361 (JMA) (AYS)

I, Lidia M. Orrego, declare under penalty of perjury that I have served a copy of the attached Letter Notification to Schedule a conference according to Judge Shields Order dated July 25, 2023 upon the defendant(s) or attorney whose physical address:

Law Firm Gordon Rees Scully Mansukhani, LLP

One Battery Park Plaza, 28th Floor

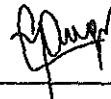
New York, NY 10004

Via ECF & Notice has been electronically mailed to: kminnahdonkoh@grsm.com;
kminnahdonkoh@gordonrees.com; dlivera@grsm.com; pguerrero@grsm.com,
pcella@grsm.com

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

Dated: July 26, 2023

Rego Park, New York



Lidia M. Orrego
Plaintiff - Pro Se
95-08 Queens Blvd. 3E
Rego Park, NY 11374
Phone (347) 4532234

CC: District Judge Joan M. Azrack – Via NYSCEF

Plaintiff files via Pro Se Electronic Document Submission on July 26, 2023,
<https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>

EXHIBIT 4

July 27, 2023

Magistrate Judge Anne Y. Shields
United States District Court
Eastern District of New York
100 Federal Plaza, Central Islip, NY 11722

FILED
CLERK
Box.com

7/27/2023

Attn: Pro Se Office - via Pro Se Electronic Document Submission EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Caption: Lidia M. Orrego v. 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
Docket No. 20CV3361(JMA)(AYS)

Re: Compliance Magistrate Judge Shields' Order dated July 25, 2023
Status Report Conference Scheduled July 31, 2023, at 10:30 am
Meeting ID 79764125671

Dear Judge Shields,

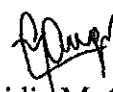
Plaintiff Lidia M. Orrego, in connection with the above-referenced action, in compliance with the order dated July 25, 2023, proceeds to file the status report by attaching the email from Defendants' Counsel, Gordon Rees Scully Mansukhani, LLP - Mr. Kuuku Minnah-Donkoh.

Unfortunately, Defendants' Counsel does not want to uphold the video conference with Plaintiff scheduled on July 31, 2023, at 10:30 am Meeting ID 79764125671 and confirmed that the Defendants' offer is ZERO.

Plaintiff requests to move forward to the next stage. Plaintiff is working on filing her Discovery for the Summary Judgment. Plaintiff reserves all the rights.

Respectfully submitted,

Date: July 27, 2023
Rego Park, New York


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

7/27/23, 8:23 PM Case 2:20-cv-03361-JMA-AYS Document 169 Filed 07/31/23 Page 91 of 151 PageID #: 7234



Lidia Orrego <liorrego@gmail.com>

**ORDER 07/25/2023 - EDNY Docket No. 20CV3361(JMA)(AYS) Orrego v. Knipfing et al
Proof of Service**

Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>
To: Lidia Orrego <liorrego@gmail.com>

Thu, Jul 27, 2023 at 7:07 PM

My clients' exposure is zero. There, I have provided you with a valuation of your case, and will not be having a Zoom call with you.

Sent from my iPhone

KUUKU MINNAH-DONKOH | Partner

**GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE PARTNER™**

1 Battery Park Plaza, 28th Floor
New York, NY 10004
D: 212-453-0709 | kminnahdonkoh@grsm.com

www.grsm.com
[vCard](#) | [Bio](#)

On Jul 27, 2023, at 6:58 PM, Lidia Orrego <liorrego@gmail.com> wrote:

[Quoted text hidden]

Solutions

Resources

Plans & Pricing

Schedule

Join

Host ▾

Details

Topic 20CV3361 (JMA) (AYS) CONFERENCE ORDERED BY JUDGE SHIELDS

Time Jul 31, 2023 10:30 AM Eastern Time (US and Canada)

Meeting ID 797 6412 5671

Security ✓ Passcode ***** Show

✓ Waiting Room

Attendees Enable Continuous Meeting Chat
kminnahdonkoh@grsm.com

Invite Link <https://us04web.zoom.us/j/79764125671?pwd=3gxFlSewbqKaSHGBFExboATBBz9ygV.1> 

Add to  Google Calendar  Outlook Calendar (.ics)  Yahoo Calendar

Start

 Copy Invitation

Edit

Delete

Sa

Case 2:20-cv-03361-JMA-AYS Document 160 Filed 07/31/23 Page 4 of 4 PageID #: 6568

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego,

Plaintiff,

-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, Teresa A. Zantua.

Defendants.

x

Affirmation of Service

20CV3361 (JMA) (AYS)

x

I, Lidia M. Orrego, declare under penalty of perjury that I have served a copy of the attached Plaintiff's Status Report on Conference in Compliance Judge Shields' Order dated July 27, 2023, upon the defendant(s) or attorney whose 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:

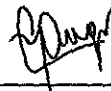
kminnahdonkoh@grsm.com; kminnahdonkoh@gordonrees.com;

dlrivera@grsm.com; pcella@grsm.com; pguerrero@grsm.com

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

Dated: July 27, 2023

Rego Park, New York



Lidia M. Orrego

Plaintiff - Pro Se

95-08 Queens Blvd. 3E

Rego Park, NY 11374

Phone (347) 4532234

CC: Honorable Judge Joan M. Azrack

Plaintiff files via Pro Se Electronic Document Submission on July 27, 2023,
<https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>

EXHIBIT 5

KUUKU MINNAH-DONKOH
KMINNAHDONKOH@GRSM.COM

GORDON & REES
SCULLY MANSUKHANI
YOUR 50 STATE PARTNER™

ATTORNEYS AT LAW
1 BATTERY PARK PLAZA, 28TH FLOOR
NEW YORK, NY 10004
T: (212) 269-5500
F: (212) 269-5505
WWW.GRSM.COM

August 1, 2023

VIA ECF

The Honorable Anne Y. Shields
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Lidia Orrego v. Kevin Knipfing, et al.
Case No. 20-cv-03361 (JMA)(AYS)

Dear Magistrate Judge Shields:

My office represents defendants, Kevin Knipfing a/k/a Kevin James, Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury EDDIE LLC, Old Westbury, LLC, and Teresa A. Zantua (collectively, "Defendants"), in connection with the above-referenced action.

I submit this status letter on Defendants' behalf, and in compliance with the Court's Order of July 25, 2023, to advise the Court that Defendants at this time do not wish to participate in a settlement conference. Moreover, because plaintiff Lidia Orrego ("Plaintiff") unilaterally requested a settlement conference without first conferring with Defendants, and because Plaintiff has intentionally misrepresented her communications with me to the Court, Defendants feel compelled to provide an explanation for declining a settlement conference.

As an initial matter, Defendants understand and appreciate not only the benefits of resolving cases through settlement, but also the potential benefits of settlement conferences under certain circumstances. Here, however, Defendants firmly believe a settlement conference would be a waste of theirs and the Court's time and resources.

Prior to commencing this action, Plaintiff first filed her claims with the EEOC, which technically had no jurisdiction because the Knipfings employed less than 15 employees. Defendants, despite their vehement denial of Plaintiff's allegations, nonetheless voluntarily agreed to participate in an EEOC mediation to determine whether a private resolution could be reached. On August 20, 2019, Plaintiff, who was represented by counsel at that time, and Defendants participated in a mediation with an EEOC mediator. Because the EEOC mediation process is

The Honorable Anne Y. Shields
August 1, 2023
Page 2

confidential, Defendants will not provide any details here other than to say that the experience from that mediation played a significant role in Defendants' current decision to decline participating in a settlement conference.

Additionally, Plaintiff's recent refusal to provide a settlement demand also contributed to Defendants' decision to decline a settlement conference. On July 26, 2023, Plaintiff sent me an email with her dates of availability to have a Zoom call to confer about a settlement conference. *See Exhibit A.* That same day, I responded to Plaintiff's email, requesting that Plaintiff provide her current settlement demand to help Defendants assess whether a settlement conference would be a fruitful exercise. *Id.*

On July 27, 2023 (at 7:57 a.m.), I followed up again with Plaintiff via email for a demand. *Id.* That same day (at 5:08 p.m.) Plaintiff responded to my email by sending me a link for a Zoom conference to be held either on July 28 or 31; she completely ignored my previous requests for her demand. *Id.* In my response to Plaintiff later that same day (at 5:26 p.m.), I advised Plaintiff that the Court's July 25, 2023 Order did not require the parties to meet and confer via Zoom. I also reiterated my two previous requests for Plaintiff's current demand, and advised her that failure to provide a demand almost certainly would result in Defendants declining to participate in a settlement conference. *Id.* Plaintiff responded (at 6:00 p.m.) by asking me to "do due diligence research and send [her] the precedents of similar cases to review to find the appropriate compensation for [her] case by [July 28]." *Id.* I responded (at 6:07 p.m.) by telling Plaintiff I would be doing no such research for her, as I am neither her attorney nor am I obligated to assist her. *Id.* Plaintiff responded (at 6:58 p.m.) by stating it was my "responsibility as a lawyer for Defendants to assess their loss and provide her with an offer based on precedents." *Id.* As it was clear my communications with Plaintiff were an exercise in futility, I advised Plaintiff (at 7:08 p.m.) that Defendants' exposure was "zero" and I would not be participating in a Zoom call with her. Notably, it is only this last email response from me – not the entire email thread – that Plaintiff, in a blatant attempt to mislead the Court, annexed to her purported status letter filed yesterday (ECF Doc. No. 160).

Aside from the foregoing reasons, Defendants past dealings with Plaintiff and Plaintiff's conduct throughout this litigation – including her baseless claims against the judges assigned to this matter – leave Defendants with no confidence Plaintiff would be receptive to anything said or suggestions made by the Court at a settlement conference. Separately, even in the remote chance the parties were able to reach a settlement, based on Plaintiff's past conduct Defendants have no confidence Plaintiff would actually abide by any terms of confidentiality and non-disparagement.

It is for all of the foregoing reasons that Defendants decline to participate in a settlement conference.

Defendants thank the Court for its time and attention to this submission.

Case 2:20-cv-03361-JMA-AYS Document 161 Filed 08/01/23 Page 3 of 3 PageID #: 6571

The Honorable Anne Y. Shields
August 1, 2023
Page 3

Respectfully submitted,

GORDON REES SCULLY
MANSUKHANI, LLP

Kuuku Minnah-Donkoh
Kuuku Minnah-Donkoh

CC via ECF
Plaintiff *pro se*, Lidia Orrego

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 1 of 29 PageID #: 6572

EXHIBIT 6

Magistrate Judge Anne Y. Shields
United States District Court
Eastern District of New York
100 Federal Plaza, Central Islip, NY 11722

Attn: Pro Se Office - via Pro Se Electronic Document Submission

August 1, 2023

FILED

CLERK

Box.com

8/1/2023

U.S. DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

Caption: Lidia M. Orrego v. 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
Docket No. 20CV3361(JMA)(AYS)

Re: Plaintiff's Reply to Defendants' Letter ECF doc. [161] Status Report
Conference - Magistrate Judge Shields' Order dated July 25, 2023

Dear Judge Shields,

Plaintiff Lidia M. Orrego, in connection with the above-referenced action, in Reply to the ridiculous Defendants' Letter ECF [161] dated August 1, 2023, from Defendants' Counsel, Gordon Rees Scully Mansukhani, LLP - Mr. Kuuku Minnah-Donkoh who tell a "tale" of what happened in the U.S. Equal Employment Opportunity Commission ("EEOC") when Derek Smith Law Group PLLC represented the Plaintiff with the counsel, Mr. Alexander Cabeceiras whom the Plaintiff terminated for Breach of Contract because he misled her for six months with the complaint and process at the EEOC.

Plaintiff attached Exhibit 1, P. 4, the settlement she reached with her former Derek Smith Law Group PLLC for Breach of Contract dated July 27, 2022.

If the Defendants have any claim or concerns about the EEOC process, they should contact Plaintiff's former counsel or the EEOC who handled the complaint. This is the Eastern District of New York, a Federal Court with a Jury Trial, not the EEOC.

Plaintiff declines any responsibility for what happened at the EEOC that, did not investigate the complaint, and "mediation" never occurred because there is no record according to the Freedom of Information Act (FOIA) No. 520-2020-016269 delivered to Plaintiff on October 20, 2020. See annexed Exhibit 2, P. 5 - 25.

There is no record of any "mediation" because it has no effect in this case since it is an "informal meeting" where neither evidence nor witnesses are exchanged. Now we are in Federal Court where what happened or was discussed in 2019 is irrelevant.

EEOC applies "Vegas Rules" even more when the case was handled negligently by the Federal Agency because the Defendants **FAILED** to serve on **March 27, 2019**, according to EEOC, the **"Federal Investigation: Request for Position Statement and Supporting Documentary Evidence"** requested on February 25, 2019. See annexed Exhibit 3, P. 26-28.

NOTICE OF CHARGE OF DISCRIMINATION

February 25, 2019

To: Kevin Knipfing
Owner
OLD WESTBURY EDDIE, LLC
c/o Savitsky Satin Bacon & BUcci
2 Spring Hill Lane
Old Westbury, NY 11568

Fact-Based Position Statement

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

EEOC may release your position statement and non-confidential attachments to the Charging Party and her representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

In plain words, Defendants never denied the Complaint or filed any evidence; according to the EEOC rules, the case should have been closed in favor of Plaintiff, but since everything was a HOAX, that did not happen.

Plaintiff is wondering, "What did her former Counsel and Defendants talk about in the supposed mediation if there was no investigation, they did not exchange any evidence or witnesses?" In the mediation, if it existed, Plaintiff was always deceived by her former counsel. In addition, nothing discussed in mediation is admissible and cannot be used against either party. This is a simple rule.

It is getting old these "tales" of Defendants who continue to make fraudulent misrepresentations about the EEOC's process.

Defendants keep going in circles to delay this case, and they failed to cooperate in Discovery, call witnesses, or file any evidence against Plaintiff only "tales" That is why they never submitted their "statement or evidence to the EEOC." The whole process in the Federal Agency was a HOAX.

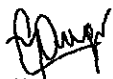
Plaintiff request this Court advise the Defendants that this is not the EEOC; this is the FEDERAL legal action facing a Jury Trial, and they should know better and stop patronizing the Plaintiff. If the Defendants did not complain in 2019 of the EEOC process or any "fact," they have lost that right; the time to complain expired four years ago.

Defendants are just making a fool of themselves because every idea they have to excuse their failure to support their affirmative defenses is worse than the last.

Defendants' "tales" without documentary evidence are just that "tales" have no legal validity, and the jury is the one who decides, not them. Plaintiff reserves all the rights.

Respectfully submitted,

Date: August 1, 2023
Rego Park, New York


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

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 4 of 29 PageID #: 6575
Calendar Sequence #

EXHIBIT 1

(C) LYDIA V JOY

95-08 QUEENS BOULEVARD, Rego Park, NY 11374 (347) 453-2234

ext:

(D) DEREK SMITH LAW GROUP PLLC

1 PENNSYLVANIA PLAZA, #4905, New York, NY 10119 (212) 587-0760 ext:

(D) DEREK SMITH

1 PENNSYLVANIA PLAZA, #4905, New York, NY 10119 (212) 587-0760 ext:

(D) ALEXANDER CABECEIRAS

1 PENNSYLVANIA PLAZA, #4905, New York, NY 10119 (212) 587-0760 ext:

SC-000999-20/QU



Filed: 06/18/2020

Trial Date: 07/27/2022

Prior Appearances: 0

Claim Amount: \$10,000.00

Counterclaim Amount:

Parties Not Served: None

Cause(s) of Action: Breach of Contract or Warranty for \$10,000.00 with interest from 01/11/2019

Counterclaim

Cause(s) of Action:

Calendar Remarks:

Decision/Order of Judge

Based upon:

☐ Motion ☐ Trial ☒ Oral Application

☐ Judgment in favor of Defendant. Claim Dismissed. No monetary award.

This matter is dismissed. As a condition of the dismissal defendant has agreed to withdraw all liens in connection with unpaid legal expenses and disbursements against any asset or potential asset of the claimant. This is the order of the Court.

Dated: 7/27/22 *IRA R. GREENBERG*
IRA R. GREENBERG, J.C.C.
HON. IRA R. GREENBERG

[illegible]

EEOC Form 159 (10-94)

Charge No: 520 2019 01738C

Charging Party: Orrego, Lidia

Respondent: OLD WESTBURY LLC

Subject: Attorney draft received 1/31/19

Created By: Richards, Debra

Date: Feb 19, 2019

Note: Assigned to D.Richards on 02/14/2019, attorney draft received 1/31/19.

Subject: Uploaded and sent for PCHP

Created By: Richards, Debra

Date: Feb 19, 2019

Note: 2/20/19.

Subject: 291 Analysis

Created By: Richards, Debra

Date: Sep 20, 2019

Note: Charging Party?s attorney requested the NRTS via a fax dated September 20, 2019.

Case recommended for a dismissal and the Notice of Rights issued.

Postmarked
SEP 20 2019

NEW YORK DISTRICT JMS DATA ENTRY FORM RESOLUTION REPORT

(Government Deliberative Process – DO NOT DISCLOSE)

Charge Number: <u>520-2019-01738</u> CP Last Name: <u>Orrego</u>	Investigator: <u>Debra L. Richards</u> Closure Date: <u>09/20/2019</u>																																										
☐ H2 - Date of OnSite if applicable: _____ Please Check the Appropriate Closure Code: ☐ M1 - Withdrawal with Benefits* ☐ M2 - Settlement with Benefits* ☐ M3 - No Cause Finding Issued ☐ M4 - Successful Conciliation* ☐ M5 - Conciliation Failure (check next lines if apply) ☐ RA - Sent to Legal for Litigation Determination ☐ R9 - NRTS Issued after Conciliation Failure ☐ T5 - Settled by Legal unit after Concil. Failure* ☐ Q5 - File Sent to DOJ for Litigation Review ☐ Z8 - File Returned by DOJ. Date _____ ☒ N2 - NRTS Issued at CP Request *** NRTS on Request for Title VII / ADA / GINA against State/Local Govt can't be issued by EEOC. Must go through DoJ. ☐ X1 - CP Filed Suit ☐ X2 - Administrative Closure ☐ X3 - Respondent Bankruptcy ☐ X7 - Closed Due to Court Decision (Private Litig) ☐ X9 - ADEA Sect. 7(D) Closure ☐ Y1 - No Jurisdiction ☐ C1 - CP Not Covered ☐ C2 - CP Failed to State Claim ☐ C3 - CP's Claim Untimely ☐ C4 - No Employee/Employer Relationship ☐ O1 - Uncategorized Reason ☐ O2 - Prior State Court Proceeding ☐ O3 - Private Membership Club ☐ O4 - Number of Employees Insufficient ☐ Y2 - Withdrawal Without Benefits The Following Codes are for SEP: ☐ SEP #1 - Barriers in Recruitment & Hiring ☐ SEP #2A - Immigrant/Migrant/Trafficked Workers ☐ SEP #2B - Vulnerable Workers: the Intellectually Disabled, Caregiver of Disabled, and Sexual Harassment of Youth in Fast Food/Retail ☐ SEP #2C - Hispanic & Asian Immigrants in Construction, Farming, & Service Industry ☐ SEP #3A - Inflexible Leave Standards under ADA ☐ SEP #3B - ADAAA & PDA Intersectional - Accom. ☐ SEP #3C - Coverage of LGBT ☐ SEP #3D - Complex Employment Relationships ☐ SEP #3E - Backlash Discrim vs. Muslims, Sikhs, Arabs, Middle Easterners, South Asians ☐ SEP #4 - Enforcing Equal Pay Laws ☐ SEP #5 - Preserving Access to the Legal System ☐ SEP #6 - Preventing Harassment through Systemic Enforcement ☒ Close all allegations * Benefit Reporting (required for M1, M2, and M4) MONETARY & NON-MONETARY BENEFIT GROUP: Number of Persons Benefited: _____ Total \$ Amount Benefited: _____ Monetary: <table style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">TER</th> </tr> </thead> <tbody> <tr><td>☐ 101 - Restored Pay</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 102 - New Hire</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 103 - Promotion</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 104 - Fringe Benefits</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 105 - Reinstatement/Recall</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 106 - Other(projected)**</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 107 - Other(actual)</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 108 - Comp. Damage</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 109 - Punitive Damage**</td><td style="text-align: right;">\$ _____</td></tr> <tr><td>☐ 110 - Attorney fees</td><td style="text-align: right;">\$ _____</td></tr> </tbody> </table> ** see your supervisor Non-Monetary: <table style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: right;">TER</th> </tr> </thead> <tbody> <tr><td>☐ 201 - Policy Change</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 202 - Training/Apprenticeship</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 203 - Religious Accommodation</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 204 - Seniority</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 205 - Job Referral</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 206 - Union Membership</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 207 - Other Non-Monetary</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 208 - EEO Notice</td><td style="text-align: right;">[]</td></tr> <tr><td>☐ 209 - Reasonable Accommodation</td><td style="text-align: right;">[]</td></tr> </tbody> </table> The Following Codes are for DCP: ☐ DCP01 - Medical Inquiries and Testing under GINA or ADA ☐ DCPO2 - Religious Accommodation ☐ DCPO3 - SEP #2B - Vulnerable Workers: the Intellectually Disabled, Caregiver of Disabled, and Sexual Harassment of Youth in Fast Food/Retail ☐ DCP04 - SEP #2C - Hispanic & Asian Immigrants in Construction, Farming, & Service Industry			TER	☐ 101 - Restored Pay	\$ _____	☐ 102 - New Hire	\$ _____	☐ 103 - Promotion	\$ _____	☐ 104 - Fringe Benefits	\$ _____	☐ 105 - Reinstatement/Recall	\$ _____	☐ 106 - Other(projected)**	\$ _____	☐ 107 - Other(actual)	\$ _____	☐ 108 - Comp. Damage	\$ _____	☐ 109 - Punitive Damage**	\$ _____	☐ 110 - Attorney fees	\$ _____		TER	☐ 201 - Policy Change	[]	☐ 202 - Training/Apprenticeship	[]	☐ 203 - Religious Accommodation	[]	☐ 204 - Seniority	[]	☐ 205 - Job Referral	[]	☐ 206 - Union Membership	[]	☐ 207 - Other Non-Monetary	[]	☐ 208 - EEO Notice	[]	☐ 209 - Reasonable Accommodation	[]
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Reporting Unit: <u>E-2</u> Investigator's Signature: <u>Debra L. Richards</u> Date: <u>09/20/2019</u>																																											

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 8 of 29 PageID #: 6579
EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Lidia Orrego
C/O Alexander G. Cabecelas Derek Smith Law Group, PLLC
One Penn Plaza, Suite 4905
New York, NY 10119

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004

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

EEOC Charge No.

EEOC Representative

Telephone No.

520-2019-01738

Debra L. Richards,
Investigator

(212) 336-3768

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

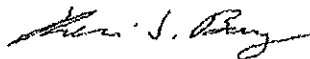
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



09/20/2019

Enclosures(s)

Kevin J. Berry,
District Director

(Date Mailed)

cc: Kevin Knipfing/Owner
OLD WESTBURY EDDIE, LLC
c/o Savitsky Satin Bacon & Bucci
2 Spring Hill Lane
Old Westbury, NY 11568

Alexander G. Cabecelas, Esq.
DEREK SMITH LAW GROUP, PLLC
One Penn Plaza, Suite 4905
New York, NY 10119

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 9 of 29 PageID #: 6580

EEOC Form 291 (1/08)

MEMORANDUM

Recommendation for Closure

To: FILE Charge No. 520-2019-01738

From: Debra L. Richards
Investigator

Subject: Lidia Orrego v. Old Westbury LLC

Charging Party

Respondent

I recommend dismissal/closure of this charge based on the following:

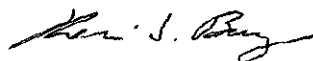
- | | |
|--|---|
| ☐ Failure to State a Claim | ☐ Settlement / Mediation (Including withdrawals with benefits and successful conciliations) |
| ☐ No Covered ADA Disability | ☐ Withdrawal without Benefits |
| ☐ Too Few Employees / Members | ☒ Right to Sue (Issued on Request) |
| ☐ Untimely | ☐ Director Must Certify: Processing unlikely to be completed within 180 days of filing (Title VII/ADA) |
| ☐ Not Reasonable Cause | |
| ☐ Other _____ | |

Specific information in support of recommendation/decision:

Charging Party's attorney requested the NRTS via a fax dated September 20, 2019.

Case recommended for a dismissal and the Notice of Rights issued.

Decision by /
Recommendation approved by:



DLR

09/20/2019

(Signature)

(Date)

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 10 of 29 PageID #: 6581



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
New York Status Line: (866) 408-8075
New York Direct Dial: (212) 336-3630
TTY (212) 336-3622
FAX (212) 336-3625

September 20, 2019

Alexander G. Cabeceiras, Esq.
DEREK SMITH LAW GROUP, PLLC
One Penn Plaza, Suite 4905
New York, NY 10119

Re: Lidia Orrego v. OLD WESTBURY LLC
Charge # 520-2019-01738

Dear Attorney Cabeceiras:

Enclosed please find the Right to Sue Notice you requested on behalf of your client via a fax dated September 19, 2019.

If you wish to file suit in this matter, you must do so within 90 days of your receipt of this notice.

If you have any questions, feel free to contact me at (212) 336-3768.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra L. Richards".

Debra L. Richards for
Kevin J. Berry
District Director

Enc.



September 19, 2019

Via Fax (212) 336-3790
Equal Employment Opportunity Commission
33 Whitehall Street, 5th Floor
New York, New York 10004

REQUEST FOR RIGHT TO SUE LETTER

**Re: ORREGO v. OLD WESTBURY, LLC, OLD WESTBURY EDDIE, LLC and
KEVIN and STEPHANIE KNIPFING**

Federal Charge No.: 520-2019-01738

Dear Sir/Madam:

As you are aware, this office represents LIDIA ORREGO regarding her charges against OLD WESTBURY, LLC, OLD WESTBURY EDDIE, LLC and KEVIN and STEPHANIE KNIPFING. We are kindly requesting a "Right to Sue Letter" for the charge mentioned above so that our client may pursue this matter in Federal Court.

Please forward the right to sue letter to our NYC office as addressed below.

Feel free to contact me with anything else you may need at 212-587-0760.

Thanking you for your courtesy and cooperation in this matter.

Respectfully Submitted.

DEREK SMITH LAW GROUP, PLLC

/s/Alexander G. Cabeceiras
Alexander G. Cabeceiras, Esq.
Derek Smith Law Group, PLLC
1 Pennsylvania Plaza, Suite 4905
New York, NY 10119

New York City Office: One Penn Plaza, Suite 4905, New York, NY 10119 | (212) 587-0760
Philadelphia Office: 1845 Walnut Street, Suite 1600, Philadelphia, PA 19103 | (215) 391-4790
Miami Office: 701 Brickell Ave., Suite 1310, Miami, FL 33131
New Jersey Office: 73 Forest Lake Drive, West Milford, NJ 07421 | (973) 388-8625
Website: www.discriminationandsexualharassmentlawyers.com

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 12 of 29 PageID #: 6583
 EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

Kevin Knipfing/Owner OLD WESTBURY EDDIE, LLC c/o Savitsky Satin Bacon & BUcci 2 Spring Hill Lane Old Westbury, NY 11568	PERSON FILING CHARGE Lidia Orrego THIS PERSON (check one or both) ☒ Claims To Be Aggrieved ☐ Is Filing on Behalf of Other(s) EEOC CHARGE NO. 520-2019-01738	
NOTICE OF CHARGE OF DISCRIMINATION <i>(See the enclosed for additional information)</i> This is notice that a charge of employment discrimination has been filed against your organization under: ☒ Title VII of the Civil Rights Act (Title VII) ☐ The Equal Pay Act (EPA) ☐ The Americans with Disabilities Act (ADA) ☐ The Age Discrimination in Employment Act (ADEA) ☐ The Genetic Information Nondiscrimination Act (GINA) The boxes checked below apply to our handling of this charge: 1. ☐ No action is required by you at this time. 2. ☐ Please call the EEOC Representative listed below concerning the further handling of this charge. 3. ☐ Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation. 4. ☐ Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation. 5. ☒ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by 15-MAR-19 to ADR, Unit, at (212) 336-3646 If you <u>DO NOT</u> wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there. For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to: Deborah Reik, ADR Staff Mediator <i>EEOC Representative</i> Telephone (212) 336-3648 New York District Office 33 Whitehall Street 5th Floor New York, NY 10004 Fax: (212) 336-3625 Enclosure(s): ☒ Copy of Charge		
CIRCUMSTANCES OF ALLEGED DISCRIMINATION ☐ Race ☐ Color ☐ Sex ☐ Religion ☒ National Origin ☐ Age ☐ Disability ☒ Retaliation ☐ Genetic Information ☐ Other Enclosed is a copy of the above referenced Charge of Discrimination ("Charge"). This Charge is currently assigned to the EEOC's ADR/Mediation Unit ("ADR") and no written response ("Position Statement") is required to be submitted to the Commission by your organization at this time. <u>Please complete the attached ADR invitation to Mediate form and submit it to ADR by the date indicated above. If mediation of this Charge is unsuccessful or you have declined the Commission's invitation to mediate, then the EEOC will provide you with a due date when the Position Statement should be e-mailed to the Commission.</u>		
Date February 26, 2019	Name / Title of Authorized Official Kevin J. Berry, District Director	Signature <i>Kevin J. Berry</i>

Case 2:20-cv-03361-JMA-AYS Document 176 Filed 11/03/23 Page 12 of 29 PageID #: 6584



**U.S. Equal Employment Opportunity Commission
New York District Office**

33 Whitehall Street
5th Floor
New York, NY 10004
(212) 336-3620
TDD: 1-800-669-6820
Fax: (212) 336-3625
1-800-669-4000

Respondent: OLD WESTBURY LLC
EEOC Charge No.: 520-2019-01738
FEPA Charge No.:

February 26, 2019

Lidia Orrego
C/O Alexander G. Cabecelas Derek Smith Law Group, PLLC
One Penn Plaza, Suite 4905
New York, NY 10119

Dear Ms. Orrego:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- | | |
|-------------------------------------|---|
| ☒ | Title VII of the Civil Rights Act of 1964 (Title VII) |
| ☐ | The Age Discrimination in Employment Act (ADEA) |
| ☐ | The Americans with Disabilities Act (ADA) |
| ☐ | The Equal Pay Act (EPA) |
| ☐ | The Genetic Information Nondiscrimination Act (GINA) |

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

Please be aware that we will send a copy of the charge to New York State Division Of Human Rights Federal Contract Unit One Fordham Plaza, 4 Fl. Bronx, NY 10458 as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

The quickest and most convenient way to obtain the contact information and the status of your charge is to use EEOC's Online Charge Status System, which is available 24/7. You can access the system via this link (<https://publicportal.eeoc.gov/portal>) or by selecting the "My Charge Status" button on EEOC's Homepage (www.eeoc.gov). To sign in, enter your EEOC charge number, your zip code and the security response. An informational brochure is enclosed that provides more information about this system and its features.

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,

Deborah Reik
ADR Staff Mediator
(212) 336-3648

Office Hours: Monday – Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

Enclosure(s): cc Alexander G. Cabecelas, Esq.
DEREK SMITH LAW GROUP, PLLC
One Penn Plaza, Suite 4905
New York, NY 10119

➤ **LOOK FOR WORK IF YOU ARE OUT OF WORK**

If you lost your job or were not hired due to discrimination, you may be entitled to the pay or wages you lost. However, you cannot receive lost wages unless you can show that you looked for another job to replace the one you lost or were denied due to discrimination. In order to prove you searched for work, you must keep copies of all letters, emails, or other evidence of your job search. If you succeed in finding a new job but it pays less than the job you lost, you may be entitled to the difference in pay. Therefore, it is necessary to keep all evidence of your job search even if you find another job.

In addition to looking for work, you should keep good records of your job search so you can prove that you have tried to find a comparable job. If you are out of work because of discrimination, be sure to save *all* documents and communications, including e-mails, relating to your job search.

➤ **WHAT ARE RECORDS OF YOUR JOB SEARCH?**

The following types of information can prove that you have tried to find work:

- copies of job applications and resumes
- a list of all the companies you contact about jobs by phone, letter or in-person
- copies of e-mails or letters that you send to or receive from companies where you have asked about work or submitted an application
- a list all of the places where you apply and for each one,
 - a. the date of the application;
 - b. the position you were seeking;
 - c. the response you received from your application, such as rejection letters or invitations to interview;
 - d. whether you were interviewed and the date of the interview;
 - e. the results of the interview;
 - f. whether you turned down a job offer, and if you did, why
- notes about what you did to look for work (for example, searching the newspaper or Internet or contacting employment agencies) and the dates that you conduct the search
- copies of your pay stubs or earnings records if you find another job.

If you have questions about what you are required to do, please contact your investigator.

➤ **KEEP US INFORMED**

Once you file a charge with the EEOC, you must tell us if you move or get a new address, telephone number, or e-mail address. We may need to talk to you to get more information. If the EEOC cannot reach you to get necessary information, your charge may be dismissed.

➤ **CALL IF YOU HAVE QUESTIONS**

Your investigator will discuss with you the documents and other evidence we need to investigate your charge. If you have any questions, or for inquiries about the status of your case, please contact your investigator directly or call 1-800-669-4000.

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 15 of 29 PageID #: 6586

Keep in mind that the EEOC process takes time, so there will be gaps between entries about your charge in the Online Charge Status System. Even when you do not see any change in the status of your charge, EEOC staff are hard at work.



**U.S. Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004**

NOTICE OF CHARGE OF DISCRIMINATION

(This Notice replaces EEOC FORM 131)

DIGITAL CHARGE SYSTEM

February 25, 2019

To: Kevin Knipfing
Owner
OLD WESTBURY EDDIE, LLC
c/o Savitsky Satin Bacon & BUcci
2 Spring Hill Lane
Old Westbury, NY 11568

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Lidia Orrego, under: Title VII of the Civil Rights Act (Title VII). The circumstances of the alleged discrimination are based on Retaliation and National Origin, and involve issues of Harassment, Discharge, and Terms/Conditions that are alleged to have occurred on or about Nov 27, 2018.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access EEOC's secure online system: <https://nxg.eeoc.gov/rsp/login.jsf>
2. Enter this EEOC Charge No.: 520-2019-01738
3. Enter this temporary password: **we4575ye**

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses, and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding the Digital Charge System, you can send an email to NEWYACT@EEOC.GOV.

Preservation of Records Requirement

EEOC regulations require respondents to preserve all payroll and personnel records relevant to the charge until final disposition of the charge or litigation. 29 CFR §1602.14. For more information on your obligation to preserve records, see <http://eeoc.gov/employers/recordkeeping.cfm>.

Non-Retaliation Requirements

The laws enforced by the EEOC prohibit retaliation against any individual because s/he has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing under these laws. Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. For more information, see <http://www.eeoc.gov/laws/types/facts-retal.cfm>.

Legal Representation

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please provide the attorney's contact information when you log in to the online system.

Please retain this notice for your records.



U.S. Equal Employment Opportunity Commission

FEDERAL INVESTIGATION: REQUEST FOR POSITION STATEMENT AND SUPPORTING DOCUMENTARY EVIDENCE

EEOC hereby requests that your organization submit within 30 days a Position Statement setting forth all facts which pertain to the allegations in the charge of discrimination under investigation, as well as any other facts which you deem relevant for EEOC's consideration.

We recommend you review EEOC's resource guide on "[Effective Position Statements](#)" as you prepare your response to this request.

Fact-Based Position Statement

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

EEOC may release your position statement and non confidential attachments to the Charging Party and her representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

Signed by an Authorized Representative

The Position Statement should be signed by an officer, agent, or representative of Respondent authorized to speak officially on its behalf in this federal investigation.

Segregate Confidential Information into Separately Designated Attachments

If you rely on confidential medical or commercial information in the position statement, you should provide such information in separate attachments to the position statement labeled "Sensitive Medical Information," "Confidential Commercial or Financial Information," or "Trade Secret Information" as applicable. Provide an explanation justifying the confidential nature of the information contained in the attachments. Medical information about the

Charging Party is not sensitive or confidential medical information in relation to EEOC's investigation.

Segregate the following information into separate attachments and designate them as follows:

- a. Sensitive medical information (except for the Charging Party's medical information).
- b. Social Security Numbers
- c. Confidential commercial or financial information.
- d. Trade secrets information.
- e. Non relevant personally identifiable information of witnesses, comparators or third parties, for example, social security numbers, dates of birth in non-age cases, home addresses, personal phone numbers and email addresses, etc.
- f. Any reference to charges filed against the Respondent by other charging parties.

Requests for an Extension

If Respondent believes it requires additional time to respond, it must, at the *earliest possible time* in advance of the due date, make a written request for extension, explain why an extension is necessary, and specify the amount of additional time needed to reply. Submitting a written request for extension of time does not automatically extend the deadline for providing the position statement.

Upload the Position Statement and Attachments into the Respondent Portal

You can upload your position statement and attachments into the Respondent Portal using the + **Upload Documents** button. Select the "Position Statement" Document Type and click the **Save Upload** button to send the Position Statement and attachments to EEOC. Once the Position Statement has been submitted, you will not be able to retract it via the Portal.

01/31/2019 2:25:04 -03361-JMA-AYS Document 162 Filed 08/01/23 Page 20 of 29 PageID #: 66907

EEOC Form 5 (11/05)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): ☐ FEPA ☒ EEOC 520-2019-01738	
and EEOC			
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Ms. Lidia Orrego		Home Phone (Ind. Area Code) _____	
Date of Birth _____			
Street Address 95-08 Queens Blvd, Apt 3E		City, State and ZIP Code Rego Park, New York 11374	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name OLD WESTBURY LLC		No. Employees, Members 15+	
Phone No. (include Area Code) N/A			
Street Address 2 Spring Hill Lane		City, State and ZIP Code Old Westbury, NY 11568	
Name OLD WESTBURY EDDIE, LLC		No. Employees, Members _____	
Phone No. (include Area Code) _____			
Street Address 2 Spring Hill Lane		City, State and ZIP Code Old Westbury, NY 11568	
DISCRIMINATION BASED ON (Check appropriate box(es))		DATE(S) DISCRIMINATION TOOK PLACE	
☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN		Earliest Latest 2018 2019	
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION			
☐ OTHER (Specify) _____		☒ CONTINUING ACTION	
THE PARTICULARS ARE (if additional papers needed, attach extra sheet(s)): ***SEE ATTACHED CHARGE***			
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NEW YORK DISTRICT OFFICE JAN 31 2019 DATE RECEIVED			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY -- When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
_____ Date		SIGNATURE OF COMPLAINANT _____	
_____ Charge Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 1/30/19	
		ZACHARY I. HOLZBERG Notary Public - State of New York No. 02H0634276 Qualified in New York County My Commission Expires 5/23/2020	

2 Spring Hill Lane
Old Westbury, NY 11568

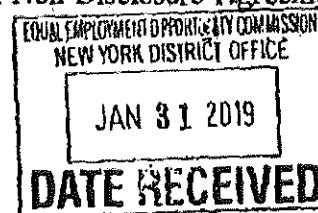
OLD WESTBURY EDDIE, LLC
c/o SAVITSKY SATIN BACON & BUCCI
2 Spring Hill Lane
Old Westbury, NY 11568

KEVIN AND STEPHANIEANNA KNIPFING
c/o SAVITSKY SATIN BACON & BUCCI
2 Spring Hill Lane
Old Westbury, NY 11568

The exact number of employees at the above entity is unknown, but upon information and belief, there are well more than the statutory minimum.

A Statement of Facts is as follows: Upon information and belief, Claimant alleges as follows:

1. At all times material, Claimant LIDIA ORREGO ("Claimant" or "ORREGO") was and is an individual woman residing in the State of New York, County of Queens.
2. At all times material, Claimant is of Paraguay descent and speaks with a Paraguayan accent.
3. At all times material, OLD WESTBURY, I.L.C was and is an unknown entity operating in the State of New York.
4. At all times material, OLD WESTBURY EEDIE, LLC, was and is a domestic limited liability company duly existing by the virtue and laws of the State of New York.
5. At all times material, KEVIN AND STEPHANIEANNA KNIPFING (KNIPFING's) was and is an unknown entity operating in the State of New York.
6. At all times material, Respondents were joint employers of Claimant.
7. In or around January of 2018, Respondents hired Claimant as a Nanny and Housekeeper.
8. At the time of her hire, Respondents gave Claimant a Non-Disclosure Agreement (NDA) which consisted of 2 pages.



9. At all times material, Claimant worked closely with TERESA A. ZANTUA, a/k/a Taz ("TAZ"), sister of STEPHANIEANNA KNIPFING and sister-in-law of KEVIN KNIPFING.¹
10. At all times material, Claimant worked closely with REBECCA UZCATEGUI ("UZCATEGUI"), a fellow nanny.
11. Throughout her time of employment, Respondents subjected Claimant to constant verbal abuse on the part of Respondents' Supervisor TAZ, who would discriminate against Claimant on the basis of her race and national origin, saying, among other things, "Why do they hire nannies who only speak Spanish?" and that "Mexicans who work in this country should speak English."
12. Throughout her time of employment, Respondents' Supervisor TAZ would refer to Claimant as "Mexican" and "Stupid Mexican."
13. On or about September 6, 2018, Claimant asked Respondents' Supervisor TAZ if she had apologized to UZCATEGUI over an argument they had earlier. TAZ replied that she would never apologize to "the Mexican."
14. On or about September 20, 2018, Claimant was playing with one of the children and referred to Respondents' Supervisor TAZ as "grande," (Spanish for 'big'), in terms of height, which TAZ took as an insult regarding her weight. She became enraged and told the children that "Ms. Lidia is bad," and that she is a "stupid Mexican." She went on to yell at Claimant, stating, among other things, "I don't care about you stupid Mexicans. You are not in your country. You are in America and here it is a bad word." Claimant tried to apologize to TAZ and explain that she was referring to her height in comparison to the child's but TAZ would hear none of it.
15. Throughout her time of employment, TAZ would mock Claimant's face and facial expressions,

¹ At all times material, Kevin Knipping uses the stage name "Kevin James."

send Claimant pictures and emoticons of blank, expressionless faces and silly faces, to imply that this was how Claimant looked.

16. On or about October 14, 2018 Claimant and her mother met with UZCATEGUI at a diner. UZCATEGUI told Claimant that she was in possession of recordings of TAZ making racist comments and further told Claimant that she has evidence of TAZ being mentally and emotionally abusive to the children and verbally abusive to the staff.
17. At the conclusion of this conversation UZCATEGUI and Claimant came to an agreement that they would bring the abuse they and the children endured to the attention of the KNIPFING's.
18. On or about November 2, 2018, Claimant decided to send the KNIPFING's an email to shine light on some the issues going on in the house. Claimant reported (i) Respondents' Supervisor TAZ's racial and insensitive comments; (ii) TAZ's mistreatment of the children as well as TAZ's reckless driving with the children in the car; and (iii) overall abusive nature towards Claimant and the rest of the staff.
19. On or about November 6, 2018, Claimant spoke with KEVIN KNIPFING and two others about the email. At this point in time Claimant was given an NDA with several more pages than were given to Claimant at the beginning of her employment. Respondents never asked Claimant to re-execute the NDA or discussed the terms of the revised NDA with Claimant. Additionally, Respondents told Claimant an internal investigation will be conducted in regards to her claims.
20. On or about November 12, 2018, Respondents instructed Claimant to meet with investigators in the parking lot of a Burger King.
21. At this meeting, the investigators urged Claimant to stay away from UZCATEGUI and to turn in all pictures, recordings, text messages and emails with UZCATEGUI or anyone else regarding Respondents' Supervisor TAZ or any of the abusive and discriminatory practices

going on in the house.

22. Over the next few days, Claimant sent all relevant information to KEVIN KNIPFING via email.
23. In a letter dated November 27, 2018, Respondents' terminated Claimant.
24. The termination letter stated that the reasons for termination was for breaching the NDA by recording a conversation with UZCATEGUI and a member of the public, taking recordings and photographs of the KNIPFING's home, Claimant's unwillingness to work with UZCATEGUI, and KNIPFING's conclusion that Claimant made false statements in her complaint.
25. At all times material, Claimant was often asked to take pictures and videos of the children in which she cared for. These pictures and videos were requested by Respondents for the purpose of saving them to a family album.
26. At all times material, taking photos and recordings was common practice amongst Respondents' employees. These employees would often publish these photos on social media or other internet platforms.
27. The above are just some examples of the unlawful discrimination and retaliation to which Respondents subjected Claimant.
28. As a result of Respondents' discriminatory and intolerable treatment, Claimant suffered and continues to suffer from anxiety and severe emotional distress.
29. Because of the acts and conduct complained of herein, Claimant has suffered and will continue to suffer the loss of income, bonuses, benefits and other compensation which such employment entails. Claimant has also suffered pecuniary losses, emotional pain, suffering, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

01/31/2019 15:14 Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 25 of 29 PageID #: 60700

30. As Respondents' conduct has been malicious, willful, outrageous, and conducted with full knowledge of the law, Claimant demands Punitive Damages against all Respondents jointly and severally.

31. The above are just some of the examples of the unlawful employment practices that Respondents subjected Claimant.

Please contact me if you have any questions or require any additional information. Thanking you for your courtesy and cooperation in the matter.

Date: New York, New York
January 31, 2019

Very truly yours,

DEREK SMITH LAW GROUP, PLLC

/s/Alexander G. Cabeceiras
Alexander G. Cabeceiras Esq.

7/26/23, 02:50 PM Case 2:20-cv-03361-JMA-AYS Document 162-1 Filed 08/01/23 Page 26 of 29 PageID #: 6597



EXHIBIT 3

Lidia Orrego <liorrego@gmail.com>

EDNY Docket No. 20CV3361(JMA)(AYS) Orrego v. Knipfing et al Proof of Service

1 message

Lidia Orrego <liorrego@gmail.com>

Thu, Jun 29, 2023 at 9:38 PM

To: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, kminnahdonkoh@gordonrees.com, Dallas Rivera <drrivera@grsm.com>, Julissa Martinez <jxmartinez@grsm.com>, Peter Cella <pcella@grsm.com>

Cc: Lidia Orrego <liorrego@gmail.com>

Proof of Service pursuant to FRCP Rule 37 & Rule 37.3 of the Local Rules Meet & Confer

Notice: Plaintiff's third attempt to request Defendants' duty to disclose since January 2019

Gordon Rees Scully Mansukhani, LLP- Mr. Minnah-Donkoh,

According to the annexed ECF doc. [83] "Scheduling Order of August 16, 2022 - Status Depositions and other Plaintiff's discovery plans" filed March 3, 2023, Plaintiff requests to disclose the following information and documentation within 20 (twenty) days under FRCP Rule 26 Duty to Disclose & Rule 37 Duty Preserve Evidence:

1) Designation: "The named organization must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf; and it may set out the matters on which each person designated will testify." Pursuant to Rule 31 FRCP, the written depositions of Old Westbury LLC and Old Westbury EDDIE LLC by written questions under Rule 30(b)(6).

The person(s) designated must have full management knowledge of the business operations and process, including but not limited to the corporation's policies, payroll, benefits, contracts or agreements, process, registration with New York State Corporations procedures, etc.

Notice: The persons involved in the Plaintiff's employment, including but not limited to: Charles Stanislaus, Sam Santiago, Steve Savitsky, and Rachel Martinez from the Savitsky Satin Bacon & Bucci "Ground Control Business Management" on behalf of Old Westbury Eddie LLC and Old Westbury LLC.

2) List of Defendants' deponents (parties and non-parties with Subpoenas) and Plaintiff's cross-examination by written questions under Rule 31 FRCP & Rule 30(b)(6) scheduling including but not limited to the order of appearance and dates for depositions.

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3) Copy of the filed FORM I-9 to the Department of Homeland Security U.S. Citizenship and Immigration Services, after February 16, 2019, showing the information of "Section 2. Employer or Authorized Representative Review and Verification". See attached document.

4) According to Plaintiff's former counsel Borrelli & Associates PLLC, see attached document dated January 15, 2020. Plaintiff request: "Full and complete copy of Ms. Orrego's personnel file, as well as any agreement that the Company contends, contains alternative dispute resolution procedures that would govern the claims described herein. We will consider the Company's failure to provide any allegedly applicable procedures to be a knowing waiver of its right to invoke them."

The letter specifies: "Please note this letter constitutes a notice of intent to sue and any and all documents, including, but not limited to, contracts, reports, notes, memoranda, bills, receipts, e-mail correspondence, and any other electronically stored information relating to Ms. Orrego, whether or not pertinent and/or material to the aforementioned claims, or to any potential claims that she may have, should be preserved to every extent possible."

5) Copy of Mr. Kevin Knipfing, aka Kevin James et al., responses served on March 27, 2019, according to U.S. Equal Employment Opportunity Commission "Federal Investigation: Request for Position Statement and Supporting Documentary Evidence" dated February 25, 2019. See Plaintiff's Initial Disclosures **Exhibit 25**: October 20, 2020: Freedom of Information Act (FOIA)# 520-2020-016269 PLA000193 to PLA000216.

Fact-Based Position Statement

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

EEOC may release your position statement and non-confidential attachments to the Charging Party and her representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

Plaintiff reserves all rights and does not waive any pending motion.

117

Respectfully submitted,

27

Date: June 29, 2023
Rego Park, New York

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

To: Law Firm Gordon Rees Scully Mansukhani, LLP
One Battery Park Plaza, 28th Floor
New York, NY 10004

Via ECF & email address: kminnahdonkoh@grsm.com ; kminnahdonkoh@gordonrees.com ;
dlrivera@grsm.com; jxmartinez@grsm.com, pcella@grsm.com;

Counsel for Defendants:

- 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

CC:

Honorable District Judge Joan M. Azrack
United States District Court Eastern District
of New York
100 Federal Plaza, Central Islip, NY 11722

4 attachments

-  **[4] Plaintiff's FOIA 520-2020-016269 Copy File EEOC Charge Orrego v. Knipfing et al 2019.pdf**
1141K
-  **[1] ECF [83] Scheduling Order of August 16, 2022 - Depos. Plaintiffs discovery plans.pdf**
1223K
-  **[3] 01-15-2020 DEMAND LETTER BORRELLI & ASSOCIATES PLLC [4] 05-28-2022 Initial Disc. Protocol 2517-page.pdf**
1031K
-  **[2] 02-16-2018 Form I-9 Updated Lidia Orrego.pdf**
2504K

Case 2:20-cv-03361-JMA-AYS Document 162 Filed 08/01/23 Page 29 of 29 PageID #: 6600

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____ x

Lidia M. Orrego,

Plaintiff,

-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, Teresa A. Zantua.

Defendants.

x

Affirmation of Service

20CV3361 (JMA) (AYS)

I, Lidia M. Orrego, declare under penalty of perjury that I have served a copy of the attached Plaintiff's Reply to Defendants' letter dated August 1, 2023 ECF doc. [161] - Status Report on Conference in Compliance Judge Shields' Order dated July 27, 2023, upon the defendant(s) or attorney whose 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:

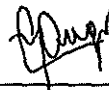
kminnahdonkoh@grsm.com; kminnahdonkoh@gordonrees.com;

dlrivera@grsm.com; pcella@grsm.com; pguerrero@grsm.com

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

Dated: August 1, 2023

Rego Park, New York



Lidia M. Orrego
Plaintiff - Pro Se
95-08 Queens Blvd. 3E
Rego Park, NY 11374
Phone (347) 4532234

Plaintiff files via Pro Se Electronic Document Submission on August 1, 2023,
<https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>

Case 2:20-cv-03361-JMA-AYS Document 168 Filed 08/02/23 Page 1 of 15 PageID #: 6709

EXHIBIT 7

August 2, 2023

Magistrate Judge Anne Y. Shields
United States District Court
Eastern District of New York
100 Federal Plaza, Central Islip, NY 11722
Attn: Pro Se Office - via Pro Se Electronic Document Submission
CC: H. District Judge Joan M. Azrack

FILED
CLERK
Box.com
8/2/2023
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Caption: Lidia M. Orrego v. 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
Docket No. 20CV3361(JMA)(AYS)

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.

Dear Judge Shields,

Plaintiff Lidia M. Orrego, in connection with the above-referenced action, proceed to clarify Defendant's gross Failure to comply with the undersigned Individuals Rules "VIII. Settlement Conferences A. Exchange of Demand and Offer; B. Settlement Statements; C. Settlement Conference" Parties and insurers with authority must attend." See the EDNY website.

Plaintiff requested via email on July 27, 2023, the mandatory written communication from the Defendants with the explanation and precedent or case law on their offer of "ZERO" as demanded by the undersigned Judge' Rules.

Defendants failed to send Plaintiff the written communication with the explanation; therefore, the offer of "ZERO" has no merits under the rules. See annexed Exhibits 1, 2 & 3, P. 3-5.

Plaintiff sent to the Defendants the case "Osorio v. Source Enters" SDNY Second Circuit that supports the Plaintiff's Amended Complaint ECF doc. [8], therefore, the claims and relief demand is appropriate and has merits because it exceeds the standard of review in a similar case. See annexed Exhibits 5, P. 6-14.

Case 2:20-cv-03361-JMA-AYS Document 168 Filed 08/02/23 Page 2 of 15 PageID #: 6710

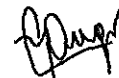
Plaintiff will comply with the order dated August 2, 2023, to continue with the process for the next step.

Plaintiff requests the undersigned Magistrate Judge Shields to order the Defendants to comply with her Individuals Rules "VIII. Settlement Conferences" ¹ entirely.

Respectfully submitted,

Dated: August 2, 2023

Rego Park, New York



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

¹ U.S. Equal Employment Opportunity Commission ("EEOC") is different jurisdiction.

8/2/23, 10:38 AM Case 2:20-cv-03361-JMA-AYS Document 168 Filed 08/02/23 Page 3 of 15 PageID #: 6711
ORDER 07/25/2023 EDNY Docket No. 20CV3361(JMA)(AYS) Orrego v. Knipfing et al Proof of Service



EXHIBIT 1

Lidia Orrego <liorrego@gmail.com>

ORDER 07/25/2023 - EDNY Docket No. 20CV3361(JMA)(AYS) Orrego v. Knipfing et al Proof of Service

Lidia Orrego <liorrego@gmail.com>

Thu, Jul 27, 2023 at 9:38 PM

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

Cc: Lidia Orrego <liorrego@gmail.com>

Mr. Minnah-Donkoh, thank you for your prompt response.

I would appreciate receiving the citations for the cases you have considered for your offer.

Otherwise, your offer has no merit for lack of due diligence.

I will provide a status report to the Court today so the case can move to the next process.

Regards,

Lidia Orrego

Pro Se

95-08 Queens Blvd. 3E

Rego Park, NY 11374

[Quoted text hidden]

8/2/23, 10:32 AM Case 2:20-cv-03361-JMA-AYS Document 1-1 Filed 08/02/23 Page 4 of 15 PageID #: 6712



EXHIBIT 2

Lidia Orrego <liorrego@gmail.com>

ORDER 07/25/2023 - EDNY Docket No. 20CV3361(JMA)(AYS) Orrego v. Knipfing et al Proof of Service

Lidia Orrego <liorrego@gmail.com>

Thu, Jul 27, 2023 at 6:58 PM

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

Cc: Lidia Orrego <liorrego@gmail.com>

Mr. Minnah-Donkoh, It is your responsibility as a lawyer for Defendants to asses their loss and provide me with an offer based on precedents.

We will discuss this further on Monday, 7/31 at 10:30 am via Zoom:

<https://us04web.zoom.us/j/79764125671?pwd=3gxFISeWbqKaSHGBFExboATBBz9ygV.1>

Please confirm.

Regards,

Lidia Orrego

[Quoted text hidden]

8/2/23, 10:23 AM Case 2:20-cv-03361-JMA-AYS Document 168-1 Filed 08/02/23 Page 136 of 151 PageID #: 7273



EXHIBIT 3

Lidia Orrego <liorrego@gmail.com>

ORDER 07/25/2023 - EDNY Docket No. 20CV3361(JMA)(AYS) Orrego v. Knipfing et al Proof of Service

Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>
To: Lidia Orrego <liorrego@gmail.com>

Thu, Jul 27, 2023 at 7:07 PM

My clients' exposure is zero. There, I have provided you with a valuation of your case, and will not be having a Zoom call with you.

Sent from my iPhone

KUUKU MINNAH-DONKOH | Partner

GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE PARTNER™

1 Battery Park Plaza, 28th Floor
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On Jul 27, 2023, at 6:58 PM, Lidia Orrego <liorrego@gmail.com> wrote:

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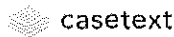


EXHIBIT 4

05 Civ. 10029 (JSR)
United States District Court for the Southern District of New York

Osorio v. Source Enters

2007 WL 683985 (S.D.N.Y. 2007) · 2007 U.S. Dist. LEXIS 18725
Decided Mar 5, 2007

05 Civ. 10029 (JSR)

March 2, 2007, Decided . March 5, 2007, Filed

For Kimberly Osorio, Plaintiff: Kenneth P. Thompson, LEAD ATTORNEY, Michelle May Le Roux, Thompson Wigdor and Gilly, NY, NY.

For Michelle Joyce, Plaintiff: Kenneth P. Thompson, LEAD ATTORNEY, Thompson Wigdor and Gilly, NY, NY.

For Source Enterprises, Inc., Source Entertainment, Inc., Defendants: Mercedes Colwin, LEAD ATTORNEY, Deborah Swindells Donovan, Gordon & Rees, LLP, New York, NY; Edward Cerasia, II, Proskauer Rose LLP, Newark, NJ.

For David Mays, in his official capacity, David Mays, individual, Raymond Scott, in his official capacity also known as Benzino, Raymond Scott, individual also known as Benzino, Defendants: Scott Todd Baken, LEAD ATTORNEY, Jackson Lewis LLP, White Plains, NY; Deborah Swindells Donovan, Gordon & Rees, LLP, New York, NY.

Following a jury trial, judgment was entered on October 31, 2006 awarding plaintiff Kimberly Osorio, on her claim of unlawful retaliation, \$ 4,377,604.34 in damages against all four defendants jointly and severally, and awarding plaintiff, on her claim of defamation, \$ 3.5 million in damages against defendant Raymond Scott alone. Thereafter, on November 10, 2006, all defendants timely moved for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(b) or, in the alternative, for a new trial or remittitur pursuant to

Fed. R. Civ. P. 59. Contemporaneously, plaintiff moved, pursuant to Rule 59, for a new trial at which either the original jury or a new jury would determine the amount of punitive damages purportedly due plaintiff. Plaintiff also moved to amend the judgment to include an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 2000e-5(k), § 8-502(f) of the New York City Human Rights Law, and Fed. R. Civ. P. 54. By Order dated December 19, 2006, the Court denied the parties' respective post-verdict motions except plaintiff's motion for attorneys' fees and costs, as to which the Court, in accordance with the Court's ordinary practice, reserved decision until the expiration of any appellate practice. This Memorandum states the reasons for those rulings.

By way of brief background, plaintiff alleged that her former employers, defendants Source Enterprises, Inc. and Source Entertainment, Inc. (collectively, "The Source"), as well as two of The Source's former officers, David Mays and Raymond Scott, discriminated against her on the basis of gender in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"), the New York State Human Rights Law, N.Y. Exec. Law § 290 *et seq.* ("NYSHRL"), and the New York City Human Rights Law, N.Y. Admin. Code § 8-101 *et seq.* ("NYCHRL"), first by creating a hostile work environment and second by terminating her for discriminatory reasons. Plaintiff further alleged that the defendants retaliated against her for

 complaining about the alleged discrimination and that defendant Scott defamed her in violation of New York law.

Following extensive discovery and motion practice, the case proceeded to a nine day jury trial. At the close of all the evidence, the Court -- though indicating some doubt as to whether any claim for punitive damages had been established -- agreed to allow the jury to specially determine in its verdict form whether or not plaintiff was entitled to punitive damages, with the expectation that, if they so found, the parties would then be permitted to present additional evidence (otherwise irrelevant) bearing on what such damages should be, and the jury would then determine the amount of such damages. *See* trial transcript ("tr.") 10/20/06, at 1983-94. The jury thereafter returned a mixed verdict, finding that, on the one hand, none of the defendants was liable on plaintiff's discrimination claims, but that, on the other hand, all four defendants were liable on plaintiff's retaliation claim and defendant Scott was liable on plaintiff's defamation claim. On the retaliation claim, the jury awarded plaintiff \$ 4 million in compensatory damages for emotional distress and harm to reputation. On the defamation claim, the jury awarded plaintiff \$ 3.5 million for additional emotional distress and harm to reputation. Although the jury also found that plaintiff was entitled to punitive damages, the Court, after taking account of the finding of no-liability on the discrimination claims and the award of \$ 4 million and \$ 3.5 million on the remaining claims, determined that punitive damages were no longer available. *See, e.g.*, tr. 10/23/06, at 2246.

In addition, the Court had previously determined, based on *Broadnax v. City of New Haven*, 415 F.3d 265, 271 (2d Cir. 2005), that any lost-wages award, whether in the form of front pay or back pay, should be determined by the Court, rather than by the jury. After receiving written submissions on this issue and hearing oral argument, the Court entered final judgment on

October 31, 2006. On the retaliation claim, the final judgment held all four defendants jointly and severally liable to plaintiff in the total sum of \$ 4,377,604.34, consisting of \$ 4 million in compensatory damages, \$ 107,969.15 in back pay, \$ 5,060.19 in pre-judgment interest, and \$ 264,575.00 in front pay. The judgment, in response to a request from plaintiff, allocated all but \$ 1 of this award to plaintiff's claims of retaliation under New York State and New York City law, with the remaining \$ 1 allocated to plaintiff's retaliation claim under federal law. *See* tr. 10/31/06, at 26. In addition, the final judgment held defendant Scott liable to plaintiff for \$ 3.5 million on plaintiff's claim of defamation. The final judgment ordered that post-judgment interest on the awards on the retaliation and defamation claims would accrue at a rate of 9 percent and dismissed all other claims with prejudice.

Against this background, the Court turns to the various post-trial motions that the Court denied in its Order of December 19, 2006:

First, with respect to plaintiff's motion to reinstate the punitive damages claim and convene a further jury proceeding to determine the amount of such damages, the Court will not reiterate here, but simply incorporate by reference, its discussion with counsel throughout the trial as to why the Court was doubtful whether the question of punitive damages should even be submitted to the jury. *See, e.g.*, tr. 10/19/06, at 1664; tr. 10/20/06, at 1983-94. In the end, the Court was persuaded that, taking all the evidence most favorably to the plaintiff, there was, a basis, though barely, for letting the punitive damages claim go to the jury. But the jury's verdict removed the underpinnings of this determination in at least two critical respects. First, by finding the defendants not liable for discrimination, the jury effectively found that plaintiff's allegations of years of sexual harassment -- a prime basis for letting the punitive damages claim go to the jury -- were without merit. Second, on the much more limited claims of retaliation and defamation -- the former referring

to a single event and the latter to a single defendant -- the damages awarded (\$ 4 million on the retaliation claim and \$ 3.5 million on the defamation claim) were so comprehensive that they had the same deterrent effect that punitive damages would otherwise provide.

Recent Supreme Court decisions lend support to these conclusions. Given the jury's determination that the defendants did not in fact discriminate against plaintiff, the fact that their firing of her was motivated in part by her filing a complaint wrongly alleging such discrimination, while it might constitute retaliation (as the jury found), lacked the kind of "reprehensibility" that would underlie an award of punitive damages. *See Philip Morris USA v. Williams*, 127 S. Ct. 1057, 1061-65, 166 L. Ed. 2d 940 (2007). Furthermore, the very large damages awarded by the jury on the retaliation and defamation claims, not for any economic loss but for emotional distress and reputational harm, were plainly more than sufficient to serve any deterrent function that punitive damages might otherwise be asked to serve in a case where compensatory damages were much smaller.

In this latter regard, the Supreme Court has instructed district courts reviewing punitive damages awards to consider whether "[t]he compensatory damages for the injury suffered . . . were based on a component which was duplicated in the punitive award," *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 426, 123 S. Ct. 1513, 155 L. Ed. 2d 585 (2003), for, as noted in the Restatement (Second) of Torts § 908, Comment c, p. 466 (1977), "In many cases in which compensatory damages include an amount for emotional distress, such as humiliation or indignation aroused by the defendant's act, there is no clear line of demarcation between punishment and compensation and a verdict for a specified amount frequently includes elements of both." Cited in *State Farm*, 538 U.S. at 426. In the instant case, once the jury had not only removed the discrimination claims from the equation but

also had awarded very substantial compensatory damages for emotional distress and reputational harm, the compensatory damages addressed much the same components that would have been addressed by a punitive damage award on those same claims, and any further award would have been excessive under the tenets of *State Farm*. *See* tr. 10/23/06, at 2246. *See also BMW of N. Am. v. Gore*, 517 U.S. 559, 574-75, 116 S. Ct. 1589, 134 L. Ed. 2d 809 (1997).¹

¹ Additionally, at the time the Court made its ruling dismissing the punitive damages claim, the Court was aware, though the jury was not, that the financial condition of some or all of the defendants was precarious. *See, e.g.*, tr. 10/23/06, at 2200-04.

Tellingly, plaintiff concedes that the total amount of damages here awarded plaintiff "may well" be the appropriate "level of recovery" overall, Pl. Mem. at 4, but argues, nonetheless, that the jury should have been permitted to determine an amount of punitive damages even if, thereafter, the Court chose to reduce the amount back to \$ 7.5 million. This is a strange argument, tantamount to saying that the Court erred in not putting the jury through the motions of an exercise in futility; but plaintiff purports to find support for it in *Vasbinder v. Ambach*, 926 F.2d 1333 (2d Cir. 1991). In particular, plaintiff relies on language in *Vasbinder* where the Court of Appeals stated as follows:

[W]e have no difficulty in theory with a bifurcation of the punitive damages issue, postponing the jury's consideration of the amount of such an award until a later stage in the trial. Punitive damages are to be tailored to the defendant's ability to pay, and normally that class of evidence is not admitted or desirable during the liability and compensatory damages phase of the case. . . . However, once the jury had returned its finding that punitive damages should be awarded, the court should have proceeded directly to a resolution of the amount -- taking such appropriate

additional evidence as the parties wished to present, asking the jury to determine an amount, and reserving the right to set aside the award thereafter through the grant of judgment n.o.v. Had this procedure been followed, our reversal on this appeal could be followed efficiently by reinstatement of the jury's verdict. Given the court's dismissal without allowing the jury to determine the amount, however, the matter now will apparently have to go back for a duplicative presentation of the evidence as to the defendants' actions so that a new jury may assess the amount to be awarded.

Vasbinder, 926 F.2d at 1344. But while the Court notes for future reference the procedure recommended in *Vasbinder*, the vice in *Vasbinder* was ultimately a function of the district court's error in wrongly striking the punitive damages claim there. If the decision to strike the punitive damages claim had been correct, the failure to let the jury determine the amount of punitive damages would have been, at worst, harmless error. So too here, if, as plaintiff comes close to conceding, the decision to strike the punitive damages claim was substantively correct, the Court's failure to nonetheless let the jury decide punitive damages in case that claim was reinstated on appeal, was, at most, harmless error.

Second, with respect to defendants' motion for judgment as a matter of law on plaintiff's claim of unlawful retaliation, defendants argue that the evidence adduced at trial was insufficient to permit a reasonable fact-finder to conclude that plaintiff possessed a good faith, reasonable belief that she was the victim of gender discrimination when she made the complaint to that effect on which the claim of retaliation is premised and also that plaintiff's complaint of gender discrimination for which she claims she suffered retaliation was too vague to constitute protected activity as a matter of law.

As to the former, it is true that the only written complaint of gender discrimination that plaintiff submitted to The Source was an email dated February 23, 2005 that plaintiff sent to The Source's Human Resources Director, Julie Als, that stated only that "As the head of human resources, I am informing you that I have been discriminated against on the basis of my gender. This unlawful discrimination must come to an end." Def. Trial Ex. F. Defendants assert that the cursory character of this complaint, coupled with the fact that plaintiff had legal training and had in the past made detailed complaints to The Source about other allegedly unlawful activities, suggest that plaintiff's purpose in sending the email had nothing genuinely to do with redressing gender discrimination. Defendants note further that there was ample evidence from which the jury might have concluded that plaintiff was on the verge of being terminated when she sent her email complaint to Ms. Als and that she was simply using it as a bargaining device. But the jury was also presented with considerable evidence to the contrary, including, among other things, plaintiff's testimony that over a period of years she was subjected to unwelcome sexual advances from various staff members, including defendant Scott, *see, e.g.*, tr. 10/13/06, at 482-86, 494-96, 500, and that her superiors constantly accused her of engaging in sexual relations with various staff members at The Source and with others in the industry in ways that they indicated compromised her work, *see id.* at 503-06. The jury could readily have concluded that, even if such evidence was not ultimately sufficient to prove all the elements of plaintiff's claims of gender discrimination, it still showed that she had a good faith, reasonable belief that she was opposing unlawful gender discrimination when she filed her complaint with The Source.

Defendants further argue that plaintiff's email complaint was too vague to constitute protected activity as a matter of law. Based principally on *Galdieri-Ambrosini v. Nat'l Realty & Dev. Corp.*,

 136 F.3d 276 (2d Cir. 1998), defendants argue that such complaints must "specifically address alleged acts of discrimination," and that plaintiff's complaint in this case fell short of that requirement. Individual Def. Mem. at 9. But in *Galdieri*, the central problem was that plaintiff did not specify in her complaint even what kind of discrimination she was complaining about, *see Galdieri*, 136 F.3d at 292 (complaint "did not state" that plaintiff viewed defendant's "actions as based on her gender"), whereas plaintiff's complaint to Ms. Als clearly identified the discrimination she believed she suffered as based on her gender. Furthermore, plaintiff testified that she had previously had conversations with Ms. Als that effectively fleshed out the more general statements in her complaint. *See* tr. 10/13/06, at 602-08. Finally, according to plaintiff, defendants terminated her employment at The Source before she could further elaborate on the basis for her complaint. *See* tr. 10/16/06, at 640. Given this combination of circumstances, the standards of *Galdieri* were more than met.

Third, with respect to defendants' motion for a new trial on plaintiff's claim of unlawful retaliation, defendants largely rely on a potpourri of arguments and objections that were previously rejected at trial and that have gained no greater persuasiveness since. Conversely, to the extent that defendants raise new issues that were required to be raised at trial but were not there raised -- such as objections to the Court's charge that were not made previously -- those issues have plainly been waived. The only new issue properly before the Court on this motion is defendants' argument that the jury's award of \$ 4 million in compensatory damages on the retaliation claim is excessive as a matter of law and that the Court should either order a new trial limited to damages or else, under the practice of remittitur, condition the denial of the motion for a new trial on plaintiff's accepting reduced damages.

There is no doubt that the \$ 4 million in damages on the retaliation claim is a very full verdict, a factor that, as noted, entered into the Court's subsequent dismissal of the punitive damages claim.² However, plaintiff testified at some length about the emotional distress and damage to reputation caused by the retaliation, including how defendants' retaliation caused her to feel depressed and anxious and to feel embarrassed in front of others in the industry, as well as causing her difficulty during subsequent job interviews and professional events and the like. *See* tr. 10/16/06, at 673-678; tr. 10/17/06, at 1062-63. Throughout the trial, defendants themselves emphasized the preeminent role that The Source enjoyed at the time in the world of "hip hop," having a readership of 2 million persons and more. *See, e.g.*, tr. 10/11/06, at 34; tr. 10/12/06, at 380; tr. 10/20/06, at 1823-24. Plaintiff, having risen from humble beginnings to the position of Editor-in-Chief of this prominent publication, only to be summarily dismissed in retaliation for filing a complaint of gender discrimination, might reasonably have suffered, as she averred, substantial emotional distress and reputational harm -- and a jury, having found that such retaliation was intentional, could reasonably have concluded, under any standard,³ to award substantial damages.

² Plaintiff's extraordinary claim, completely contradicted by the record, that the jury actually awarded, not \$ 4 million jointly and severally against the four defendants on the retaliation claim, but rather a total of \$ 12 million on that claim (consisting of \$ 4 million against Mays, \$ 4 million against Scott, and \$ 4 million against the two Source companies collectively) was rejected by the Court shortly after trial. *See* tr. 10/31/06, at 30, 41. Had the jury actually awarded \$ 12 million on this claim, the Court likely would have ordered remittitur to \$ 4 million.

³ The parties' debate over whether the damages award is governed by state or federal law, as well as over what standard

 applies under each of these laws, is, the Court concludes, irrelevant since the damages award was justified under any of these laws and standards.

As previously stated, the jury's award was limited to non-economic damages; economic damages were left to the determination of the Court. In this regard, defendants argue that the Court's front-pay award of \$ 264,575.00 (based, *inter alia*, on an estimate that her employment at The Source would have continued, but for the retaliation, for another five years, and that she had no reasonable prospect of obtaining equivalent alternative employment) was excessive given plaintiff's age, qualifications, minimal mitigation efforts, and performance problems at The Source. But the Second Circuit has authorized front-pay awards lasting "well over 20 years . . . when necessary to provide whole relief for victims of employment discrimination," such as where a plaintiff has "unique and narrowly focused skills." *Padilla v. Metro-North Commuter R.R.*, 92 F.3d 117, 126 (2d Cir. 1996). As noted, plaintiff was the Editor-in-Chief at The Source Magazine, which the evidence showed was one of only a handful of leading hip-hop magazines. The evidence showed that, as a result of defendants' conduct, plaintiff would have difficulty ever attaining a comparable editorial position at another leading hip-hop magazine, and had "no reasonable prospect of obtaining comparable alternative employment" within the next five years. *Whittlesey v. Union Carbide Corp.*, 742 F.2d 724, 729 (2d Cir. 1984). In these circumstances, plaintiff's skills were "unique and narrowly focused" and a five-year front pay award was not unduly speculative or excessive.⁴

⁴ Defendants also argue that the Court's front-pay calculation failed to take account of The Source's recent financial difficulties (in evidence before the Court though not in evidence before the jury) because the Court calculated plaintiff's front pay based on the salary she was receiving at the time she was terminated, before The Source's

financial difficulties began. Defendants argue that the editors-in-chief at The Source who served after plaintiff received lower salaries than plaintiff had received, and that if plaintiff had not been unlawfully terminated from The Source, she would have received such a reduced salary. But in fact the Court took this evidence into account when it awarded front pay, and it contributed to the Court's decision to award front-pay for only five years and not for a longer period.

Fourth, with respect to defendant Scott's motions directed at the defamation claim, a brief recapitulation is in order. As presented to the jury, plaintiff's defamation claim rested on a statement Scott made in an interview with Clover Hope, a writer for the website AllHipHop.com. The interview was recorded and the audiotape was played for the jury. For purposes of this motion, the Court will rely on Scott's transcription of the tape, which Scott presented in his memorandum on the instant motion:

Hope: And you and Dave Mays said that you requested that [plaintiff] repeal her complaint? That's what she (inaudible)?

[Scott]: Oh uh, definitely, definitely. We, you know what I'm saying, we said yes like you know Kim your [sic] just like you know she made a complaint that we said like what it is based on, we had a little conversation and we asked her that you know what I'm saying that you know I mean basically she sh eh eh she *she tried to extort us to be like listen if you keep me on I'll take -- if you promise not to fire me or or get some type of contract then I'll take the complaint away.* But that's the first complaint she's ever done so isn't it kind of peculiar that she made the complaint when she know that she was gonna get fired, Clover, that's the first complaint we've ever had from her since since she's been the top t umm de umm the top person at at The Source magazine, doesn't that sound real peculiar C umm C Clover, come on now . . .

Def. Mem. at 6 (quoting Pl. Ex. 86) (emphasis added).

The Court charged the jury on the pertinent elements of a defamation claim. With respect to the requirement of "malice," the Court instructed the jury that plaintiff was required to prove, with respect to the alleged defamatory statement,

[t]hat Scott either knew that such statement or statements were false or else made such statement or statements in a grossly irresponsible manner, that is, that he had or should have had substantial reason to question the accuracy of the information communicated or the good faith of his sources.

Tr. 10/23/06, at 2177. Scott concedes that he did not object to this charge when given the opportunity to do so at the charging conference. Def. Reply Mem. at 6.

Turning first to Scott's Rule 59 motion, Scott argues that plaintiff was a public figure; that, as such, she was required to prove actual malice in order to prevail on a defamation claim; that she failed to do so; and that the Court should therefore enter judgment as a matter of law dismissing the defamation claim. Plaintiff disputes each of these assertions. Among other things, she maintains that she was not a public figure at all; but the Court need not resolve that issue, because it finds that, in any event the plaintiff proved actual malice.

In this regard, the Supreme Court has authorized district courts to conduct an independent review of the evidence of actual malice to determine if a verdict can constitutionally be sustained. *Bose Corp. v. Consumers Union*, 466 U.S. 485, 510-11, 104 S. Ct. 1949, 80 L. Ed. 2d 502 (1984). But this review still must "accord[] traditional deference to the jury's underlying credibility determinations." *DiBella v. Hopkins*, 403 F.3d 102, 116 (2d Cir. 2005).

Under applicable New York law, a public figure, in order to show actual malice, must prove that the defamatory statement was "made 'with knowledge that it was false or with reckless disregard of

whether it was false or not.'" *Church of Scientology Int'l v. Behar*, 238 F.3d 168, 173-74 (2d Cir. 2001) (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 280, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964)). A defendant makes a statement with reckless disregard for its truth where the defendant makes the statement "with [a] high degree of awareness of [the statement's] probable falsity." *Konikoff v. Prudential Ins. Co. of Am.*, 234 F.3d 92, 101 (2d Cir. 2000) (internal quotation marks omitted).

Scott argues that plaintiff did not adduce clear and convincing evidence of actual malice at trial because the gist of Scott's defamatory statement to Clover Hope was that Scott thought plaintiff was attempting to extort him, and plaintiff did not prove that Scott did not genuinely believe that he was being extorted. This argument, however, mischaracterizes the defamatory statement at issue. Scott not only said that plaintiff was trying to extort him, but also said, specifically, that he and plaintiff "had a little conversation" in which he "asked her" about her complaint and she replied by saying "if you promise not to fire me . . . then I'll take the complaint away." Def. Mem. at 6 (quoting Pl. Ex. 86). Thus, the question of whether Scott made this statement with actual malice turns on whether this conversation actually occurred: if the conversation did not happen, then Scott could not have subjectively believed that it did, and would necessarily have made the defamatory statement at issue knowing it to be false, that is, with actual malice.

At trial, Scott testified that plaintiff had made this statement, *see* tr. 10/19/06, at 1360, and plaintiff testified that she had not, *see* tr. 10/16/06, at 661. The Court instructed the jury that it could find liability for defamation only if it found, *inter alia*, that Scott's statement to Clover Hope was "materially false," *see* tr. 10/23/06, at 2177, and the jury could only have made such a finding by crediting plaintiff's testimony that the conversation between Scott and plaintiff never happened and discrediting Scott's testimony to the contrary.

 The Court must "accord[] traditional deference to the jury's underlying credibility determinations," *DiBella*, 403 F.3d at 116, and therefore must credit the jury's determination that Scott and plaintiff never had the conversation in question. This fact not only provides clear and convincing evidence that Scott's statement to Clover Hope was materially false, but also that Scott knew it was false and made the statement with actual malice. Scott was in a position to know from his personal knowledge whether the conversation he reported having with plaintiff actually happened and, given the jury's finding that it did not, Scott could only have made his statement to Clover Hope with actual knowledge of its falsity, *i.e.* with actual malice.

Turning to Scott's motion under Rule 50(b), Scott argues that the Court must order a new trial because the Court improperly instructed the jury on the law of actual malice.

As noted, the Court's charge instructed the jury that plaintiff was required to prove, with respect to the alleged defamatory statement, "that Mr. Scott either knew that such statement or statements were false or else made such statement or statements in a grossly irresponsible manner, that is, that he had or should have had substantial reason to question the accuracy of the information communicated or the good faith of his sources." Tr. 10/23/06, at 2177.

Scott argues that "[a]lthough the foregoing instruction properly incorporates the first prong of the 'actual malice' standard -- actual knowledge of falsity -- it charges in the alternative the 'gross irresponsibility' standard which governs defamation claims brought by *private* figure plaintiffs in New York." Def. Mem. at 12 (emphasis in original). Scott is correct that the law in New York distinguishes between the "reckless disregard" standard for actual malice in public figure cases, as set forth by the Supreme Court in *New York Times v. Sullivan*, and the "grossly irresponsible" standard for liability in private

figure cases, as set forth by the New York Court of Appeals in *Chapadeau v. Utica Observer-Dispatch, Inc.*, 38 N.Y.2d 196, 199, 341 N.E.2d 569, 379 N.Y.S.2d 61 (1975). If therefore, as Scott argues, plaintiff was a public figure at the time of the defamation, the Court's instruction was arguably erroneous to the extent it instructed the jury that the jury could find liability if Scott made his statement in a grossly irresponsible manner.

Scott admits, however, that he did not object to the charge at the charging conference; but he argues that the instruction was nonetheless plain error under Rule 51(d)(2) of the Federal Rules of Civil Procedure. Def. Reply Mem. at 6. However, prior to trial, Scott had raised the issue of whether plaintiff was a public or private figure -- an issue that then, as now, the Court was not obliged to resolve, *see Osorio v. Source Enters.*, 2006 U.S. Dist. LEXIS 63032, 2006 WL 2548425, at *7 n.6 (S.D.N.Y. 2006) -- and, accordingly, Scott could hardly have been unaware that the Court's charge incorporated the private figure standard. Against this background, Scott's failure to object to the charge was tantamount to a concession that plaintiff should not be treated as a public figure for purposes of this claim, and thus there was no error whatever in the charge as given.

Alternatively, even if one were to assume *arguendo* that plaintiff was a public figure, there would be no plain error. The factors relevant to the "plain error" analysis in this context are "the obviousness of the mistake," "[t]he importance of the error," "[t]he costs of correcting an error," and "the impact a verdict may have on nonparties." Fed. R. Civ. P. 51, Advisory Committee Notes to 2003 Amendments at 227. Although "[t]here are situations" where a statement may satisfy either the "reckless disregard" or the "grossly irresponsible" standard, but not both, *see Konikoff*, 234 F.3d at 104, the facts of the instant case do not implicate any difference between the two tests that the jury would have to resolve and therefore, even

accepting that the Court's error was obvious, in the circumstances of this case the error was not important to the jury's verdict.

As described above, Scott and Osorio gave sharply conflicting testimony regarding whether, as Scott said to Clover Hope, Scott and Osorio had a conversation in which Osorio offered to withdraw her complaint of discrimination in exchange for job security. Scott said that this conversation happened; Osorio said it did not. The jury's finding that Scott was liable for defamation necessarily entailed a finding that Scott's statement with respect to this conversation was false. Further, this finding necessarily implies that Scott made the statement knowing it was false because the question of whether the conversation happened was within Scott's personal knowledge; in effect, the jury found that he simply made it up. Scott admits that a finding of "actual knowledge of falsity" satisfies the Supreme Court's requirement of actual malice, Def. Mem. at 12, and the jury's verdict here, given the facts, could not have been premised on any other finding. Because the facts here did not implicate the question of whether Scott made his defamatory statement in a "grossly irresponsible manner," or with a "reckless disregard" for the truth, and because the jury effectively found that, in fact, Scott knew his statement was false, the fact that the Court also charged that liability could also be based on grossly irresponsible conduct was immaterial surplusage, and this charge was therefore not plain error.

Finally, Scott argues that he is entitled to a new trial on the ground that the jury's award of \$ 3.5 million in compensatory damages on plaintiff's defamation claim is grossly excessive because it is not supported by competent evidence and because it deviates materially from approved awards in similar cases. However, while the award was

undoubtedly substantial, there was adequate evidence of damage to plaintiff's reputation in the hip-hop industry following the publication of the article containing Scott's defamatory statement. See tr. 10/16/06, at 689-671; tr. 10/17/06, at 1063. In addition, the verdict was within a reasonable range for a case involving a defamatory statement that harms an individual's reputation, *see, e.g., Purge v. Sharrock*, 33 F.3d 134, 142 (2d Cir. 1994) (upholding award of \$ 3.5 million in compensatory damages on defamation claim), and was reasonable in this case given that plaintiff had obtained one of the highest positions available in her industry. The jury could reasonably have credited plaintiff's testimony that Scott's defamatory statement had "branded [her] as a criminal in the industry" and thereby impaired her ability to work in that industry, *see tr. 10/17/06, at 1063*. In these circumstances, the \$ 3.5 million award does not "exceed[] the reasonable range" for recoveries. *Ismail v. Cohen*, 899 F.2d 183, 186 (2d Cir. 1990).

The Court has also considered the parties' various other arguments but finds them without merit. For the foregoing reasons, the Court reconfirms in all respects its Final Judgment dated October 31, 2006 and its Order dated December 19, 2006 in all respects. The Clerk of the Court is hereby directed to close documents 135, 139, 143, and 145. Document 138 (plaintiff's motion for attorneys' fees and costs) will remain open until the expiration of any appellate practice.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York

March 2, 2007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego,

Plaintiff,

-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, Teresa A. Zantua.

Defendants.

x

x

Affirmation of Service

20CV3361 (JMA) (AYS)

I, Lidia M. Orrego, declare under penalty of perjury that I have served a copy of the attached Plaintiff's Letter Clarification on Defendants Failure to comply the Magistrate Judge Shields' Individuals Rules VIII. Settlement Conferences A. Exchange of Demand and Offer / B. Settlement Statements / C. Settlement Conference "Parties and insurers with authority must attend" dated August 2, 2023 upon the defendant(s) or attorney whose 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; pguerrero@grsm.com,

pcella@grsm.com

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

Dated: August 2, 2023

Rego Park, New York



Lidia M. Orrego

Plaintiff - Pro Se

95-08 Queens Blvd. 3E

Rego Park, NY 11374

Phone (347) 4532234

CC: District Judge Joan M. Azrack – Via ECF

Plaintiff files via Pro Se Electronic Document Submission on August 2, 2023,

<https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____X
Lidia M. Orrego,

Plaintiff,

-against-

Affirmation of Service

20CV3361 (JMA) (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.

Defendants.

_____X

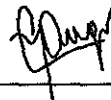
I, Lidia M. Orrego, declare under penalty of perjury that I have served a copy of the attached ORDER TO SHOW CAUSE, AFFIRMATION AND EXHIBITS upon the defendant(s) or attorney whose physical address:

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; dlivera@grsm.com; pguerrero@grsm.com,
pcella@grsm.com

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

Dated: October 4, 2023
Rego Park, New York



Lidia M. Orrego
Plaintiff - Pro Se
95-08 Queens Blvd. 3E
Rego Park, NY 11374
Phone (347) 4532234

CC: District Judge Joan M. Azrack – Via ECF

Plaintiff files via Pro Se Electronic Document Submission on October 4, 2023,
<https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____X

Lidia M. Orrego,

Plaintiff,

-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, Teresa A. Zantua.

Defendants.

X

Affirmation of Service

20CV3361 (JMA) (AYS)

I, Lidia M. Orrego, declare under penalty of perjury that I served a copy of the attached PLAINTIFF'S OBJECTION AND MOTION TO RECONSIDERATION OF THE ORDER DATED OCTOBER 7, 2023 dated October 14, 2023 and Exhibits upon the defendant(s) or attorney whose 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; ddrivera@grsm.com; pguerrero@grsm.com,
pcella@grsm.com

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

Dated: October 9, 2023
Rego Park, New York

/s/ Lidia M. Orrego
Plaintiff - Pro Se
95-08 Queens Blvd. 3E
Rego Park, NY 11374
Phone (347) 4532234

CC: District Judge Joan M. Azrack – Via ECF

Plaintiff files via Pro Se Electronic Document Submission on October 9, 2023,
<https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>

Case 2:20-cv-03361-JMA-AYS Document 173 Filed 10/23/23 Page 1 of 5 PageID #: 6981

October 23, 2023

H. District Judge Joan M. Azrack
United States District Court Eastern District of New York (EDNY)
100 Federal Plaza, Central Islip, NY 11722
Attn: Pro Se Office - via Pro Se Electronic Document Submission

FILED
via box.com
10/23/2023
Central Islip Courthouse

Caption: Lidia M. Orrego v. 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

Docket No. 20CV3361(JMA)(AYS)

Re: Plaintiff's Letter Motion for an Order to Unseal Exhibits 1 to 7 of Order
Show Cause ECF Id. [170] under Federal Rule Civil Procedure ("FRCP") Rule 5.2 (b) (4)

Dear District Judge Azrack,

Plaintiff Lidia M. Orrego, in connection with the above-referenced action, requests
an Order to Unseal Exhibits 1 to 7 of the Order to Show the Cause ECF Id. [170] under
FRCP Rule 5.2 (b) (4).

District Judge Azrack, Plaintiff, went to the Court on October 23, 2023, at 10:15 am
to request a copy of the annexed "**Sealing Cover Sheet**" of ECF Id. [170] which lacks
information or specificity of the reasons why the ECF Id. [170] Exhibits 1 – 7 should be
sealed. Another Irregularity is that the "Sealing Cover Sheet" was never served to ALL
the parties according to "Mandatory Certification of Service" and incorrectly pointed and
named to only "1-2" Exhibits instead of "1-7".

Plaintiff requests an order to UNSEAL the Exhibits Under the FRCP 5.2 (b) (4), all
the SEVEN Exhibits of the Order to Show the Cause ECF Id. [170] since ALL the
Exhibits are part of the docket, the above-referenced action is as follows:

Exhibit 1: Pages from ECF Id. [108] Filed on April 4, 2023: Plaintiff's Request For
Judicial Notice - EDNY 20CV3361 (GRB) (AYS) Pages Id# 4790-4798.

Exhibit 2: "Affidavit of Witness Manuela E. Orrego" Exhibit 9 of the ECF Id. [135]
Filed on June 22, 2023: Plaintiff's Objection to Improper Defendants' Opposition ECF
[133] - EDNY 20CV3361 (JMA) (AYS) Pages Id# 5997-5998.

Exhibit 3: ECF Id. [156] Filed on July 26, 2023: Compliance Order Magistrate Judge Anne Y. Shields Order Dated July 25, 2023 - EDNY 20CV3361 (JMA) (AYS) Pages Id# 6532-6535.

Exhibit 4: ECF Id. [160] Filed on July 31, 2023: Defendants' Letter Court Order of July 25, 2023, of Magistrate Judge Shields - EDNY 20CV3361 (GRB) (AYS) Pages Id# 6565-6568.

Exhibit 5: ECF Id. [161] Filed on August 1, 2023: Compliance Magistrate Judge Shields' Order dated July 25, 2023, Status Report Conference Scheduled July 31, 2023, at 10:30 am Meeting ID 79764125671 - EDNY 20CV3361 (GRB) (AYS) Pages Id# 6569-6571.

Exhibit 6: ECF Id. [162] Filed on August 1, 2023: Plaintiff's Reply to Defendants' Letter ECF doc. [161] Status Report Conference - Magistrate Judge Shields' Order dated July 25, 2023 - EDNY 20CV3361 (GRB) (AYS) Pages Id# 6572-6600.

Exhibit 7: ECF Id. [168] Filed on July 31, 2023: 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 with the rules - EDNY 20CV3361 (GRB) (AYS) Pages Id# 6709-6723.

Under FRCP 5.2 (b) (4), it is incomprehensible why Exhibits 1 – 7 are incorrectly named as Exhibits 1 - 2 in the annexed “**Sealing Cover Sheet**” of ECF Id. [170] are sealed since the original filing of each Exhibit in the docket is public; at least all the documents were sealed without the Plaintiff's knowledge or consent in the original filing according to FRCP and the Constitutional Right of Due Process.

Another irregularity, the annexed “**Sealing Cover Sheet**” of ECF Id. [170] shows the restriction from the Public and the “CASE PARTICIPANTS and COURT USERS.”

District Judge Azrack, for all the reasons above, Plaintiff requests an Order to unseal All the SEVEN Exhibits of the Order to Show the Cause ECF Id. [170] under FRCP 5.2 (b) (4), and Plaintiff requests clarification as to why the PUBLIC, including the “CASE PARTICIPANTS and COURT USERS,” are restricted from viewing Exhibits 1 - 7.

Case 2:20-cv-03361-JMA-AYS Document 173 Filed 10/23/23 Page 3 of 5 PageID #: 6983

Respectfully submitted,

Dated: October 23, 2023
Rego Park, New York

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

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

Orrego

-v-

20-cv-3361(JMA)(AYS)

Knipfing et al

Docket Number

SUBMITTED BY: Plaintiff ☐ Defendant ☐ DOJ ☐

Name: _____

Firm Name: _____

Address: _____

Phone Number: _____

E-Mail Address: _____

INDICATE UPON THE PUBLIC DOCKET SHEET: YES ☐ NO ☐

If yes, state description of document to be entered on docket sheet:

As per Chambers Exhibits 1-2 to be restricted to
Case Participants and Court Users

Mandatory Certification of Service

A) ☐ A copy of this application either has been or will be promptly served upon all parties to this action. B) ☐ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: ☐; or C) ☐ This is a criminal document submitted, and flight public safety, or security are significant concerns.
(Check one)

DATE

SIGNATURE

140

4

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that
authorizes filing under seal

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: 10/6/2023 . NEW YORK

/s/ JMA

U.S. DISTRICT JUDGE/U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S

OFFICE _____ DATE _____

LACK OF
SPECIFICITY

NEVER
SERVED UPON
ALL PARTIES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego,

Plaintiff,

-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, Teresa A. Zantua.

Defendants.

x

Affirmation of Service

20CV3361 (JMA) (AYS)

x

I, Lidia M. Orrego, declare under penalty of perjury that I served a copy of the attached Plaintiff's Letter Motion to UNSEAL under Federal Rules Civil Procedure ("FRCP") Rule 5.2 (b) (4) dated October 23, 2023 and annexed "Sealing Cover Sheet of ECF Id. [170]" upon the defendant(s) or attorney whose 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; pguerrero@grsm.com,
pcella@grsm.com

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

Dated: October 23, 2023
Rego Park, New York

/s/ Lidia M. Orrego
Plaintiff - Pro Se
95-08 Queens Blvd. 3E
Rego Park, NY 11374
Phone (347) 4532234

CC: District Judge Joan M. Azrack – Via ECF

Plaintiff files via Pro Se Electronic Document Submission on October 23, 2023,
<https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca>

Case 2:20-cv-03361-JMA-AYS Document 174 Filed 10/26/23 Page 1 of 3 PageID #: 6986

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK
Box.com

10/26/2023

Lidia M. Orrego

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Write the full name of each plaintiff or petitioner.

No. 20 CV 3361 (JMA) (AYS)

-against-

**MOTION FOR PERMISSION FOR
ELECTRONIC CASE FILING**

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.

Write the full name of each defendant or respondent.

I respectfully ask the Court for permission to participate in electronic case filing ("e-filing") in this case. I affirm under penalty of perjury that:

1. I have reviewed the Court's Electronic Case Filing Rules & Instructions, available at <https://www.nyed.uscourts.gov/cmecf-documentation>, and agree to abide by them.
2. I will complete the Court's CM/ECF introduction course¹ after the Court's order.
3. I have submitted a Non-Attorney E-File Registration for the PACER system at <https://pacer.uscourts.gov/register-account/non-attorney-filers-cmecf>.
4. I understand that once I register for e-filing, I will receive notices and documents only by e-mail in this case and not by regular mail.
5. I understand that if I am granted permission to participate in e-filing, I must file my documents electronically and I may not submit documents to the Pro Se Intake Unit for scanning and docketing.
6. I know how to convert a document to PDF-A format.
7. I have regular access to the technical requirements necessary to e-file successfully:

☒ a computer with internet access and a word processor

type of computer I will be using: PC

¹ You may register for the course on the Court's website:
https://img.nyed.uscourts.gov/files/local_rules/ecf-usermanual.pdf

type of word processor I will be using: Microsoft

- ☒ an e-mail account (on a daily basis) to receive notifications from the Court and notices from the e-filing system
- ☒ a scanner to convert documents that are only in paper format into electronic files

scanning equipment I will be using: HP OfficeJet Pro 9025e

- ☒ a PDF reader and a PDF writer to convert word-processing documents into PDF format, the only electronic format in which documents can be e-filed

version of PDF reader and writer that I will be using:

2023.003.20244

- ☒ a printer or copier to create required paper copies such as chambers copies.

8. I understand that I must regularly review the docket sheet of the case so that I do not miss a filing.
9. I understand that if my use of the ECF system is unsatisfactory, my e-filing privileges may be revoked, and I will be required to file documents in paper.

10/26/2023
Dated

/s/ Lidia M. Orrego
Signature

Lidia M. Orrego
Name

<u>95-08 Queens Blvd. 3E</u>	<u>Rego Park</u>	<u>NY</u>	<u>11374</u>
Address	City	State	Zip Code

(347) 453-2234
Telephone Number

liorrego@gmail.com
E-mail Address

10/30/23, 10:39 AM

Gmail - Activity in Case 2:20-cv-03361-JMA-AYS Orrego v. Knipfing et al Order on Motion to Unseal Document



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:20-cv-03361-JMA-AYS Orrego v. Knipfing et al Order on Motion to Unseal Document

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

Mon, Oct 30, 2023 at 9:46 AM

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

*****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 10/30/2023 at 9:46 AM EDT and filed on 10/30/2023

Case Name: Orrego v. Knipfing et al
Case Number: 2:20-cv-03361-JMA-AYS
Filer:
Document Number: No document attached

Docket Text:

ORDER denying [173] Motion to Unseal Document. Pro Se Plaintiff's application to unseal documents is denied. Ordered by Judge Joan M. Azrack on 10/30/2023. (JSB)

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

Kuuku Angate Minnah-Donkoh kminnahdonkoh@grsm.com, pguerrero@grsm.com, vls_nysupport@grsm.com

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

Alex Dumas adumas@grsm.com, dlrivera@grsm.com

Edward E. Warnke ewarnke@grsm.com, tgalarza@grsm.com, vcanarte@grsm.com

Lidia M. Orrego liorrego@gmail.com

2:20-cv-03361-JMA-AYS Notice will not be electronically mailed to:

10/30/23, 10:28 AM

Gmail - Activity in Case 2:20-cv-03361-JMA-AYS Orrego v. Knipfing et al Order on Motion for Leave to Allow Pro Se to Electroni...



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:20-cv-03361-JMA-AYS Orrego v. Knipfing et al Order on Motion for Leave to Allow Pro Se to Electronically File

1 message

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

Mon, Oct 30, 2023 at 9:43 AM

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

*****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 10/30/2023 at 9:43 AM EDT and filed on 10/30/2023

Case Name: Orrego v. Knipfing et al
Case Number: 2:20-cv-03361-JMA-AYS
Filer:
Document Number: No document attached

Docket Text:

ORDER denying [174] Motion for Leave to Allow Pro Se to Electronically File. Before the Court is an application from pro se 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)

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

Kuuku Angate Minnah-Donkoh kminnahdonkoh@grsm.com, pguerrero@grsm.com, vls_nysupport@grsm.com

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

Alex Dumas adumas@grsm.com, dlivera@grsm.com

Edward E. Warnke ewarnke@grsm.com, tgalarza@grsm.com, vcanarte@grsm.com

Lidia M. Orrego liorrego@gmail.com

2:20-cv-03361-JMA-AYS Notice will not be electronically mailed to:

145