RECEIVED
26 SEP -4 PM 10:17
U.S. COURT OF APPEALS
SECOND CIRCUIT
NIGHT DEPOSITORY

September 4, 2026

Clerk of Court
United States Court of Appeals
for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: In re Lidia M. Orrego — Petition for Writ of Mandamus and/or Prohibition
EDNY Case No. 2:20-cv-03361-PKC-TAM
Related Misc. Case No. 2:26-mc-01957-SJB

Dear Clerk of Court:

Please accept for filing my **Petition for Writ of Mandamus and/or Prohibition**. Enclosed are the **original and three paper copies** of the Petition and accompanying **Mandamus Exhibits 1–17**, consisting of **479 exhibit pages**, together with the **two DVDs of electronic evidence identified in Exhibit 17**.

I am also submitting the **original Motion and Application to Proceed In Forma Pauperis ("IFP")**, together with the supporting Affirmation, Memorandum of Law, and **IFP Exhibits 1–5**.

I will separately transmit electronic copies of the filing documents to the Second Circuit Pro Se Office at **prosecases@ca2.uscourts.gov** for uploading to **ACMS**. I will also submit my **request for permission to participate in electronic filing** in accordance with the Court's procedures.

I respectfully request that the Clerk accept and docket the Petition, accompanying exhibits and electronic evidence, the IFP application and supporting materials, and my request for electronic filing.

Thank you for your assistance.

Respectfully submitted,

Lidia M. Orrego
Petitioner Pro Se
95-08 Queens Boulevard, Apt. 3E
Rego Park, New York 11374
Phone: (347) 453-2234
Email: orregoprose@gmail.com; liorrego@gmail.com

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

IN RE LIDIA M. ORREGO,

Petitioner.

PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION

PURSUANT TO 28 U.S.C. § 1651(a) AND

FEDERAL RULE OF APPELLATE PROCEDURE 21

Related to: Orrego v. Knipfing, et al., United States District Court for the Eastern District of New York ("EDNY"), Case No. 2:20-cv-03361.

Related Miscellaneous Proceeding: EDNY Case No. 2:26-mc-01957-SJB.

Related Appeal: Second Circuit No. 26-1576.

LIDIA M. ORREGO
Petitioner, Pro Se
95-08 Queens Boulevard, Apt. 3E
Rego Park, New York 11374
Telephone: (347) 453-2234
Email: orregoprose@gmail.com / liorrego@gmail.com
Dated: September 4, 2026

ORIGINAL — FOUR-VOLUME FILING
Mandamus Exhibits 1–17: 479 Pages
Exhibit Page Count Includes Exhibit Cover/Tab Pages
Two DVDs of Electronic Evidence Identified in Exhibit 17

TABLE OF CONTENTS

PRELIMINARY STATEMENT 1

I. NATURE OF THE PROCEEDING 1

II. RELIEF REQUESTED 2

III. THE DISTRICT COURT AND JUDICIAL OFFICERS TO WHOM THE REQUESTED WRIT RELATES 4

IV. ISSUES PRESENTED 7

V. JURISDICTION 8

VI. STANDARD FOR MANDAMUS RELIEF 10

VII. PROCEDURAL HISTORY 11

A. Summary-Judgment Record 11

B. November 17, 2025 Recusal and Reassignment 14

C. November 26, 2025 Return to the Recused Officers 15

D. May 8, 2026 Purported DE [244] and DE [245] 16

E. DE [246] and the June 24, 2026 Motion to Vacate 17

F. Official Records Bearing on the Filing-Restriction Determination 18

G. Prior Mandamus Proceedings 20

H. The Electronic Evidence and the Necessity of the Record 20

VIII. ARGUMENT 23

POINT I 24

PETITIONER HAS NO OTHER ADEQUATE MEANS TO OBTAIN THE RELIEF SOUGHT 24

POINT II 28

PETITIONER ASSERTS A CLEAR AND INDISPUTABLE RIGHT TO LAWFUL JUDICIAL ACTION BY AN AUTHORIZED JUDICIAL OFFICER 28

POINT III 30

ISSUANCE OF THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES 30

POINT IV 32

THE RECORD-INTEGRITY AND RULE 56 CONSIDERATIONS REINFORCE THE NEED FOR ACTION 32

POINT V 33

THE FILING RESTRICTIONS HEIGHTEN THE NEED FOR REVIEW BY AN AUTHORIZED OFFICER 33

POINT VI 35

THE PRESENT RECORD DIFFERS FROM THAT UNDERLYING THE PRIOR MANDAMUS DISPOSITION 35

CONCLUSION 35

CERTIFICATE OF COMPLIANCE 37

TABLE OF AUTHORITIES

CASES

Anderson v. Liberty Lobby, Inc.,
477 U.S. 242 (1986) 32

Cheney v. United States District Court for the District of Columbia,
542 U.S. 367 (2004) 10, 20, 27, 28, 30, 31, 35, 36

Cooter & Gell v. Hartmarx Corp.,
496 U.S. 384 (1990) 32

In re City of New York,
607 F.3d 923 (2d Cir. 2010) 10, 30, 31

In re IBM Corp.,
618 F.2d 923 (2d Cir. 1980) 28

In re Roman Catholic Diocese of Albany, New York, Inc.,
745 F.3d 30 (2d Cir. 2014) 10, 31

In re United States,
10 F.3d 931 (2d Cir. 1993) 30

International Business Machines Corp. v. Edelstein,
526 F.2d 37 (2d Cir. 1975) 33

Iwachiw v. New York State Department of Motor Vehicles,
396 F.3d 525 (2d Cir. 2005) 33

Moates v. Barkley,

147 F.3d 207 (2d Cir. 1998) 33

Roche v. Evaporated Milk Ass'n,

319 U.S. 21 (1943) 10, 27, 31

Rosen v. Sugarman,

357 F.2d 794 (2d Cir. 1966) 28

Safir v. United States Lines, Inc.,

792 F.2d 19 (2d Cir. 1986) 33

Will v. United States,

389 U.S. 90 (1967) 10, 27, 31

STATUTES

28 U.S.C. § 1651(a) 1, 2, 8

Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364 19

FEDERAL RULES

Fed. R. Civ. P. 56(a) 32

Fed. R. Civ. P. 60(b)(3) 1, 2, 3, 7, 9, 17, 18, 22, 27

Fed. R. Civ. P. 60(b)(4) 1, 2, 3, 7, 9, 17, 18, 22

Fed. R. Civ. P. 60(b)(6) 1, 2, 3, 7, 17, 22

Fed. R. Civ. P. 60(d)(3) 1, 2, 3, 7, 9, 17, 18, 22, 27

Fed. R. Civ. P. 62.1 ..... 1, 2, 4, 7, 9, 11, 17, 22, 24, 25, 26, 27, 30

Fed. R. App. P. 21 ..... 1, 2, 8, 9

Fed. R. App. P. 21(a)(2)(B)(i) 2

Fed. R. App. P. 21(a)(2)(C) 20

PRELIMINARY STATEMENT

Petitioner Lidia M. Orrego respectfully petitions this Court for a writ of mandamus and/or prohibition under 28 U.S.C. § 1651(a) and Federal Rule of Appellate Procedure 21. This Petition does not ask the Court to reweigh the summary-judgment record in Orrego v. Knipfing, et al., EDNY No. 2:20-cv-03361, or to decide the underlying employment-discrimination claims. It asks that a judicial officer possessing lawful authority actually decide a properly presented, unresolved post-judgment motion.

I. NATURE OF THE PROCEEDING

1. The docket reflects that District Judge Sanket J. Bulsara ("Judge Bulsara") and Magistrate Judge Anne Y. Shields ("Judge Shields") recused on November 17, 2025, and that the case was randomly reassigned to District Judge Pamela K. Chen ("Judge Chen") and Magistrate Judge Taryn A. Merkl ("Judge Merkl") "for all further proceedings." (Exhibit 3.) Nine days later, on November 26, 2025, the docket reflects a return to the recused officers; Petitioner has identified no intervening judicial order vacating the recusal before that return. (Exhibit 3.)

2. On May 8, 2026, purported DE [244] and DE [245] were entered under the returned assignment, resolving the cross-motions for summary judgment, entering judgment, and imposing filing restrictions. (Exhibits 5, 7.) Petitioner's June 24, 2026 motion under Rules 60(b)(3), (4), (6), 60(d)(3), and 62.1 challenges those

acts on authority and record-integrity grounds and remains without a determination from an authorized, non-recused judicial officer. (Exhibit 10.) Petitioner asks this Court to secure that determination — not a predetermined result on the merits of that motion or of her underlying claims. This is accordingly an original proceeding for extraordinary relief under 28 U.S.C. § 1651(a) and Fed. R. App. P. 21, not an appeal on the merits; the merits of purported DE [244] and DE [245] are separately pending on direct appeal as Second Circuit No. 26-1576.

II. RELIEF REQUESTED

3. Pursuant to Fed. R. App. P. 21(a)(2)(B)(i), Petitioner respectfully requests that this Court:

(a) direct that Petitioner's June 24, 2026 motion under Rules 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and 62.1 be placed before, and receive prompt determination from, a judicial officer of the Eastern District of New York possessing lawful authority to act;

(b) give effect to the November 17, 2025 recusal and reassignment and prohibit further adjudicative action by recused Judge Bulsara and recused Judge Shields inconsistent with that recusal unless and until a lawful judicial determination establishes authority to act;

(c) require that the legal effect of the November 17, 2025 recusal upon purported DE [244] and DE [245] — including Petitioner's Rule 60(b)(4) contention — be determined by an authorized judicial officer;

(d) require meaningful consideration of the grounds asserted under Rules 60(b)(3), 60(b)(6), and 60(d)(3), including the documentary and electronic record identified in the motion;

(e) direct that docketing of the motion in Miscellaneous Case No. 2:26-mc-01957-SJB not operate as a procedural barrier to its determination;

(f) to the extent necessary to implement the foregoing, direct that Chief Judge Margo K. Brodie, in the exercise of her existing authority under 28 U.S.C. § 137 over the division of business among the district's judges, ensure that the motion is assigned to and decided by a judicial officer possessing lawful authority to act;

(g) grant such interim relief concerning enforcement of purported DE [244] and DE [245], and such other relief, as this Court deems necessary to preserve its ability to afford effective relief; and

(h) grant such other and further relief as the Court deems just and appropriate in aid of its jurisdiction and to protect the integrity of the judicial process.

III. THE DISTRICT COURT AND JUDICIAL OFFICERS TO WHOM THE REQUESTED WRIT RELATES

4. This Part identifies, from the official docket and Mandamus Exhibits, the court and officers whose documented roles bear on the writ requested, and the relief, if any, sought concerning each. Supporting detail appears in Part VII.B–E below.

5. United States District Court for the Eastern District of New York. This is the court in which No. 2:20-cv-03361 and Miscellaneous Case No. 2:26-mc-01957-SJB are pending and from which the requested determination must issue. (Exhibits 3, 4.) Petitioner asks that the pending Rule 60/62.1 motion receive a determination in the EDNY from a judicial officer possessing lawful authority to act. (Part II.)

6. Hon. Sanket J. Bulsara, United States District Judge, and Hon. Anne Y. Shields, United States Magistrate Judge. Both recused November 17, 2025; proceedings resumed under their assignment after November 26, 2025, and purported DE [244] and DE [245] were entered under it. (Exhibits 3, 5, 7; Part VII.B–D.) Petitioner seeks no relief against either personally; relief sought is a determination of the recusal's legal effect on their subsequent acts and prohibition of inconsistent action unless lawfully authorized. (Part II(b)–(c).)

7. Hon. Pamela K. Chen, United States District Judge, and Hon. Taryn A. Merkl, United States Magistrate Judge. Both were assigned the action "for all

further proceedings" on November 17, 2025, and are the officers the June 24, 2026 motion identifies as "vested with jurisdiction ... following the [] Order of Recusal." (Exhibits 3, 10; Part VII.B, E.) Petitioner requests a determination by whichever officer holds lawful authority, not necessarily Judge Chen or Magistrate Judge Merkl specifically. (Part II(a).)

8. Hon. Margo K. Brodie, Chief United States District Judge. The miscellaneous docket reflects a June 24, 2026 letter, courtesy copies of the June 24, 2026 motion, and a July 2, 2026 Administrative Supervisory Notice (DE [7]) and copies (DE [14]) directed to Chief Judge Brodie invoking her authority under 28 U.S.C. § 137 over division of business among the district's judges, with no entry reflecting any response as of this filing. (Exhibits 4, 10.) Petitioner raises that absence not as a refusal but because no officer, administrative or judicial, has acted. Chief Judge Brodie is not asked to adjudicate the merits; relief concerning her office is limited to implementation of her existing statutory authority to ensure the motion reaches an authorized officer. (Part II(f).)

9. Brenna B. Mahoney, Clerk of Court. Exhibit 1 reflects correspondence in the prior mandamus proceeding concerning docket omissions addressed to the Clerk's Office, predating the present application. (Exhibit 1.) Petitioner does not attribute judicial authority to the Clerk or request relief against her individually; docketing of any resulting order is a ministerial function, addressed by Petitioner's request

that the miscellaneous docket not operate as a barrier to adjudication. (Part II(e); Exhibit 4.)

10. The relationship among these officers follows a single chain: the November 17, 2025 recusal and reassignment → adjudicative activity resumed under the Bulsara/Shields assignment after November 26, 2025 → purported DE [244] and DE [245] entered under that assignment → the June 24, 2026 motion addressed to the officers the docket identifies as vested with jurisdiction → the absence of any determination of that motion or response to the related submissions to the Chief Judge → this request that the Court secure an actual determination by an authorized, non-recused officer. (Exhibits 3–5, 7, 10.)

11. Treatment as Respondents. Under Fed. R. App. P. 21(a)(1), the trial-court judge receives a copy of the petition but is not thereby made a respondent; "[a]ll parties to the proceeding in the trial court other than the petitioner are respondents for all purposes," a 1996 amendment adopted "so that the judge is not treated as a respondent." The respondents for service are accordingly the underlying defendants — Knipfing, Stephanieanna James-Knipfing, Old Westbury Eddie LLC, Old Westbury, LLC, Savitsky, and Zantua — not the EDNY or any judicial officer. Petitioner maintains the "In re Lidia M. Orrego" caption, will provide the required copy to the presiding trial-court judge, and does not name any officer identified above as a Respondent.

IV. ISSUES PRESENTED

12. Whether mandamus or prohibition should issue where the docket reflects a November 17, 2025 recusal of Judge Bulsara and Judge Shields and reassignment to Judge Chen and Judge Merkl "for all further proceedings," followed by a November 26, 2025 return to the recused officers without an intervening judicial order vacating the recusal. (Exhibit 3.)

13. Whether the writ should require that the legal effect of that recusal upon the subsequent purported DE [244] and DE [245] — and Petitioner's Rule 60(b)(4) challenge to their validity — be determined by an authorized, non-recused judicial officer rather than left unresolved while those acts continue to govern the case. (Exhibits 3, 5, 7, 10.)

14. Whether mandamus is warranted to compel prompt disposition of Petitioner's June 24, 2026 motion under Rules 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and 62.1, where the docket reflects no determination of that motion notwithstanding the District Court's duty to act upon a properly presented post-judgment application. (Exhibit 10.)

15. Whether Petitioner's pending direct appeal, Second Circuit No. 26-1576, supplies an adequate alternative means of obtaining that determination, where DE [246] expressly preserved the post-recusal challenge and Rule 62.1 exists precisely so the District Court may act while an appeal is pending. (Exhibits 10, 14.)

16. Whether the extraordinary-writ standard is satisfied where purported DE [244] acknowledges that portions of Petitioner's electronic evidence could not be accessed or reviewed, and where that same order relied on Petitioner's litigation and complaint history — including recusal applications and judicial-conduct complaints — in imposing filing restrictions. (Exhibits 5, 6, 8–13, 15–17.)

17. Whether limited mandamus and/or prohibition relief — requiring lawful adjudication of the June 24, 2026 motion and giving effect to the November 17, 2025 recusal pending that adjudication — can issue without this Court deciding the underlying employment claims, the enforceability of the confidentiality agreements, or the merits of any judicial-conduct complaint. (Exhibits 3–5, 7, 10.)

V. JURISDICTION

18. This Court has authority under the All Writs Act, 28 U.S.C. § 1651(a), to issue writs necessary or appropriate in aid of its jurisdiction, invoked together with Fed. R. App. P. 21. The requested writ concerns proceedings in the Eastern District of New York, a district within this Circuit, in Orrego v. Knipfing, et al., No. 2:20-cv-03361, and the related post-judgment matter docketed as Miscellaneous Case No. 2:26-mc-01957-SJB. (Exhibits 3, 4.)

19. Purported DE [244] and DE [245] were entered May 8, 2026. Petitioner filed DE [246], her June 1, 2026 notice of appeal, preserving her position that seeking appellate review did not accept the validity of the challenged post-recusal acts; that

appeal is pending as Second Circuit No. 26-1576. (Exhibits 5, 7, 14.) DE [246] is relevant not because Petitioner asks this Court to use mandamus as a substitute for that appeal, but because it demonstrates that she pursued the ordinary appellate route while preserving the distinct authority question presented here. (Exhibit 14.)

20. Petitioner separately filed the June 24, 2026 motion under Rules 60(b)(3), (4), (6), 60(d)(3), and 62.1. Rule 62.1 supplies the mechanism for district-court consideration of a motion the district court lacks authority to grant while an appeal is pending, and a resulting indicative ruling can inform whether further appellate action is warranted. Fed. R. Civ. P. 62.1(a). Because that mechanism depends on District Court action, its continued absence is consequential: without it, Petitioner can obtain neither a Rule 62.1 statement supporting further appellate proceedings nor a ruling from which appellate consequences could follow. (Exhibit 10.)

21. The requested writ therefore operates in aid of, not in displacement of, this Court's appellate jurisdiction: Petitioner asks the Court to ensure the District Court performs the function Rule 62.1 presupposes. Fed. R. App. P. 21 governs the form of this proceeding, and Petitioner has prepared this Petition to conform to the caption, service, and record requirements of Rule 21(a) and any applicable Second Circuit local rule or standing order governing original proceedings, subject to confirmation of current filing procedure with the Clerk's Office before submission.

Petitioner seeks prohibition only to the extent necessary to preserve the November 17, 2025 recusal and secure lawful adjudication of the motion to vacate.

VI. STANDARD FOR MANDAMUS RELIEF

22. Mandamus is an extraordinary remedy reserved for extraordinary circumstances. ***Cheney v. United States District Court for the District of Columbia***, 542 U.S. 367, 380 (2004). Three conditions generally govern: (1) the petitioner must have no other adequate means to attain the relief desired; (2) the petitioner must show a clear and indisputable right to the writ; and (3) the issuing court must be satisfied that issuance is appropriate under the circumstances. Id. at 380–81. The Second Circuit applies these requirements in evaluating extraordinary relief. ***In re City of New York***, 607 F.3d 923, 932–33 (2d Cir. 2010); ***In re Roman Catholic Diocese of Albany, New York, Inc.***, 745 F.3d 30, 35–36 (2d Cir. 2014).

23. Petitioner does not contend that an adverse ruling, however seriously disputed, automatically warrants mandamus. She invokes a narrower and well-established application of the writ: compelling a court to exercise jurisdiction and authority it has a duty to exercise, as distinct from directing how that authority must be exercised. ***Will v. United States***, 389 U.S. 90, 95 (1967); ***Roche v. Evaporated Milk Ass'n***, 319 U.S. 21, 26 (1943). Petitioner seeks an actual judicial determination of the June 24, 2026 motion by an authorized, non-recused officer — not an order dictating its ultimate disposition.

VII. PROCEDURAL HISTORY

A. Summary-Judgment Record

24. Petitioner commenced Orrego v. Knipfing, et al., EDNY No. 2:20-cv-03361, against Kevin Knipfing a/k/a Kevin James ("Knipfing"), Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury Eddie LLC, Old Westbury, LLC, Steve Savitsky, and Teresa Zantua. As used herein, "DE" refers to the docket entry number on the official EDNY civil docket. The action proceeded through discovery to cross-motions for summary judgment, with Defendants' submissions at DE [221], [222], [227], Petitioner's at DE [224], [226], [228], an electronic submission at DE [229], and Petitioner's Rule 56/56.1 application at DE [230]. (Exhibits 3, 6, 9, 17.) The complete docket is submitted so the Court may evaluate the sequence from summary judgment through recusal, the challenged post-recusal acts, and the present Rule 60/62.1 proceeding. (Exhibit 3.)

25. The 180-page Master Evidence Map submitted as Exhibit 6 organizes that evidentiary record into nine categories: authorization to photograph or record; employer knowledge; the retaliation chronology; the three dated versions of the confidentiality agreement; corroborating witnesses; hostile-work-environment evidence; the identity and relationship of the corporate defendants; procedural objections to the Rule 56 record; and the material later relied upon in the filing-restriction determination. (Exhibit 6.) The Map is a record-location and

comparison tool identifying where Petitioner contends the evidence was submitted and comparing it to the treatment reflected in purported DE [244]; it is not offered as an independent adjudication of the underlying facts. (Exhibits 6, 10.)

26. Before the summary-judgment motions were decided, and consistent with Judge Bulsara's July 11, 2025 direction described below, Petitioner identified the evidentiary categories in Exhibit 6 within her own summary-judgment submissions at DE [224], [226], and [228], and within the electronic submission at DE [229]. The Rule 60 motion accordingly does not introduce a wholly new evidentiary theory; it asks that the treatment of material already before the District Court be examined against the specific findings in purported DE [244]. (Exhibits 3, 6, 9, 10.)

27. On July 11, 2025, Judge Bulsara ordered that the Court was imposing no restriction on Petitioner's ability to argue or present evidence on summary judgment and directed: "To the extent that Plaintiff has new evidence, it should be presented in connection with the summary judgment briefing." (Exhibits 3, 6, 10.) Petitioner submitted new evidence pursuant to that direction, including the May 14, 2025 Loft Law Firm opinion analyzing the three dated versions of the confidentiality agreement at issue (the "Loft Opinion"). The Loft Opinion identified three versions, each bearing a January 31, 2018 date on its face, while stating that the first was delivered to Petitioner on or about November 1, 2018, the

second on or about November 6, 2018, and the third on or about February 27, 2023 — after the termination at issue. On the assumptions and materials supplied to counsel, without independent investigation, the Opinion concluded that mutual assent was doubtful and that retroactive enforcement presented substantial contractual problems, including questions arising from Petitioner's limited English and the asserted absence of contemporaneous translation or an employer signature. (Exhibits 6, 10.) Petitioner relies on the Loft Opinion as legal analysis placed in the summary-judgment record pursuant to the Court's own direction, not as an adjudicated finding. (Exhibits 6, 10.)

28. The record also includes an October 19, 2018 text message from Teresa Zantua asking Petitioner to photograph a product for reordering — predating Petitioner's November 2, 2018 written complaint — together with electronic evidence of photographs and video created before that complaint. (Exhibits 6, 10, 17.) The record further includes investigative material concerning Rebeca Lugo-Uzcategui ("Uzcategui"), which the Motion to Vacate offers to corroborate that complaints about workplace treatment preceded the termination, and the November 6, 2018 recorded conversation and transcript in which Petitioner contends she told Knipfing that witnesses had given false information about the confidentiality agreement and received assurances the matter would be addressed. (Exhibits 6, 10, 17.) Petitioner does not ask this Court to weigh that evidence; she offers it to show

that the Rule 60 motion identifies specific, traceable record material rather than a generalized disagreement with the summary-judgment result.

B. November 17, 2025 Recusal and Reassignment

29. On November 17, 2025, the docket recorded: "Judge Sanket J. Bulsara, Magistrate Judge Anne Y. Shields recused. Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings." (Exhibit 3.) The recusal applied to both judicial officers; Petitioner challenges the subsequent authority of both, not of Judge Bulsara alone. (Exhibit 3.) The recusal followed Judge Bulsara's November 5, 2025 order that, in light of the impending reassignment, pending motions were deemed withdrawn and were to be refiled only with the newly assigned judges' permission. (Exhibit 3.) The Notice of Electronic Filing further shows the CM/ECF system itself re-designated the docket as "2:20-cv-03361-PKC-TAM" — the case number format reflecting Judge Chen's and Magistrate Judge Merkl's initials — an objective, system-generated record that the reassignment took immediate operative effect. (Exhibits 3, 10.)

30. On November 18, 2025, the day after the recusal, Petitioner filed DE [232], a letter motion captioned under "2:20-cv-03361-PKC-TAM" and addressed to Judge Chen, requesting a pre-motion conference, restoration of filing rights, and guidance on refiling the summary-judgment briefing. (Exhibits 6, 10.) DE [232] was never adjudicated by Judge Chen. (Exhibit 6.) Instead, purported DE [244] —

entered nearly six months later by recused Judge Bulsara — recites that "the pending premotion conference request, (Dkt. No. 232), is denied as moot." (Exhibit 5.) Petitioner accordingly identifies DE [232] as a concrete, documented instance of the precise problem this Petition presents: a request properly directed to the officer in whom jurisdiction was vested on November 17, 2025 went undecided by that officer, and was instead disposed of by the recused officer as part of the challenged post-recusal act. (Exhibits 5, 6.)

C. November 26, 2025 Return to the Recused Officers

31. On November 26, 2025, the docket reflects that the case was reassigned to Judge Bulsara and Judge Shields and that Judge Chen and Judge Merkl were "no longer assigned." (Exhibit 3.) Petitioner has identified no intervening judicial order in the docket vacating the November 17 recusal before that return. The legal effect of that sequence — whether an administrative docket entry, standing alone, restored adjudicative authority to two recused officers — is the threshold question this Petition asks to have lawfully determined; Petitioner does not ask this Court to assume the answer. (Exhibit 3.) Subsequent orders were entered under the returned assignment, over Petitioner's repeated objection preserving the recusal issue. (Exhibits 3, 9, 10, 14.)

D. May 8, 2026 Purported DE [244] and DE [245]

32. On May 8, 2026, purported DE [244], a 29-page memorandum and order, granted Defendants' summary-judgment motion, denied Petitioner's, and imposed filing restrictions; DE [245] entered judgment the same day. (Exhibits 5, 7.) Petitioner challenges both as post-recusal purported acts and does not concede their validity by describing their contents. DE [244] recited the governing Rule 56 standard — that summary judgment requires the absence of a genuine dispute of material fact and forecloses credibility determinations — yet also acknowledged that Petitioner had submitted electronic evidence on flash drives that the Court could not access or review, describing the unreviewed material as photographs, videos, social-media material, reports, and a recording, and characterizing it as "appearing largely duplicative" notwithstanding the acknowledged inability to review it. (Exhibit 5.) DE [244] separately found the underlying suit "not entirely frivolous," having survived a motion to dismiss and reached summary judgment, while relying on Petitioner's broader litigation and complaint history — appeals, mandamus proceedings, recusal applications, and complaints against attorneys and judges — to impose filing restrictions. (Exhibit 5.) DE [245] additionally lists Steve Savitsky as a judgment defendant notwithstanding the 2021 dismissal of all claims against him at DE [30]. Petitioner raises this discrepancy not as an independent ground for relief, but because it illustrates the practical consequence

of leaving purported DE [244] and DE [245] unexamined by an authorized officer: a judgment entered under the returned assignment misstates which defendants remain in the case, and no mechanism has yet corrected it. (Exhibits 5, 7.)

E. DE [246] and the June 24, 2026 Motion to Vacate

33. On June 1, 2026, Petitioner filed DE [246], a notice of appeal from purported DE [244] and DE [245], expressly filed without acceptance of the challenged post-recusal acts and preserving the recusal issue; that appeal is Second Circuit No. 26-1576. (Exhibit 14.) DE [246] shows that Petitioner did not abandon ordinary appellate process; it does not itself supply the District Court determination sought here, because Rule 62.1 exists precisely to permit District Court action on a post-judgment motion while an appeal is pending. (Exhibits 10, 14.)

34. On June 24, 2026, Petitioner filed the motion to vacate purported DE [244] and DE [245] under Rules 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and 62.1. (Exhibit 10.) The motion is expressly captioned as submitted "for consideration by the Honorable Pamela K. Chen, United States District Judge, and Magistrate Judge Taryn A. Merkl, as the judicial officers vested with jurisdiction over this action following the November 17, 2025[] Order of Recusal," and states that Petitioner *"do[es] not seek relief from, and do[es] not consent to review by, any judicial officer previously recused or disqualified."* (Exhibit 10.) The motion presents the legal effect of the November 17 recusal; the validity of the subsequent acts; the

treatment of evidence submitted pursuant to Judge Bulsara's July 11, 2025 direction; the electronic evidence DE [244] acknowledged it could not review; and the filing restrictions. (Exhibits 5, 6, 8–10, 17.) The Rule 60(b)(4) ground presents the threshold authority question as a discrete issue, analytically independent of whether Petitioner ultimately prevails on the Rule 60(b)(3), (6), or 60(d)(3) grounds. (Exhibits 3, 5, 7, 10.) The motion has been maintained in Miscellaneous Case No. 2:26-mc-01957-SJB; Petitioner does not ask this Court to direct EDNY's administrative docketing practices, but objects to the practical consequence if that docket delays or prevents adjudication by an authorized officer. (Exhibits 3, 4, 10.) As of this filing, the docket reflects no determination of the motion by any officer. Petitioner does not ask this Court to speculate about the reasons for that absence — administrative docketing, calendar congestion, or the unresolved question of which officer may lawfully act are all possibilities the present record does not resolve — only to ensure that the motion reaches an officer with authority to resolve it. (Exhibits 3, 4, 10.)

F. Official Records Bearing on the Filing-Restriction Determination

35. DE [244] relied in part on Petitioner's complaint and petitioning history. Exhibit 11 is the January 21–22, 2025 judgment of Acting Justice Maurice Dean Williams, Supreme Court, Westchester County, Index No. 72335/2024, sustaining the determination of the New York State Workers' Compensation Board ("WCB")

in the Article 78 proceeding brought by Jason Hochfelder, M.D. ("Dr. Hochfelder"). Exhibit 12 is the WCB's Verified Answer and Certified Return in that proceeding, which lists as an exhibit a claimant complaint concerning WCB Case No. G2584330. Exhibit 13 is the accompanying affidavit of WCB examiner Christopher Faling ("Faling"), describing that complaint and the agency's broader findings on excessive and overlapping independent medical examinations and false reporting. (Exhibits 11–13.) Petitioner does not represent that Justice Williams separately adjudicated the specific report in G2584330 as fraudulent; the narrower point supported by this record is that the complaint was part of an official proceeding with governmental and judicial review, relevant to whether complaint activity can fairly be treated as inherently vexatious without regard to substance. (Exhibits 5, 11–13.)

36. The record similarly includes a further judicial-conduct submission dated August 10, 2026, concerning Judge Bulsara and expressly referencing the pending Judicial Conduct Complaint Nos. 02-25-90131-jm and 02-25-90132-jm (Exhibit 15), and this Court's December 30, 2025 letter from the Clerk's Office acknowledging receipt and filing of Complaint Nos. 02-25-90131-jm and 02-25-90132-jm for processing under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364 (Exhibit 16). Petitioner does not offer these submissions as findings of

misconduct, only as accurate procedural context for petitioning activity that DE [244] considered in imposing restrictions. (Exhibits 5, 15, 16.)

G. Prior Mandamus Proceedings

37. Petitioner previously sought mandamus relief arising from this action; the prior petition is submitted as Exhibit 1, and the resulting orders and mandates disposing of that petition are submitted as Exhibit 2. [Note: confirm the specific date and content of the prior mandamus disposition against Exhibit 2 as finally assembled before filing.] The November 26, 2025 return to the recused officers, purported DE [244] and DE [245], DE [246], the June 24, 2026 motion, and the subsequent judicial-conduct proceeding all postdate the prior disposition. (Exhibits 1–5, 7, 10, 14–16.) Petitioner does not ask the Court to reconsider that prior disposition; she presents a materially developed record under the same Cheney standard, disclosing the prior proceeding in full so that this Court — not Petitioner's characterization — determines what, if anything, it forecloses.

H. The Electronic Evidence and the Necessity of the Record

38. Fed. R. App. P. 21(a)(2)(C) requires that a petition be accompanied by any part of the record that is essential for understanding the petition. Petitioner submits Mandamus Exhibits 1–17 to satisfy that standard: they are necessary to understand the recusal chronology, the challenged post-recusal acts, the pending motion, and the specific record-integrity issues it raises — not because Petitioner asks this

Court to retry the underlying action or to review the entire district-court record. Each exhibit's function is as follows:

Exhibit 1 — Petitioner's prior mandamus petition (2d Cir. No. 25-2399, filed Oct. 1, 2025), submitted so the Court may evaluate the prior proceeding from the actual record rather than Petitioner's characterization of it.

Exhibit 2 — appellate mandates concerning the recused officers' resumption of proceedings in related EDNY matters. [Note: the disposition described in this Petition as this Court's prior order denying mandamus should be confirmed against the specific order intended for this tab before filing; see accompanying compliance note.]

Exhibit 3 — the official EDNY civil docket in No. 2:20-cv-03361, establishing the procedural chronology from summary judgment through the recusal, reassignment, and challenged post-recusal acts.

Exhibit 4 — the official docket in the related Miscellaneous Case No. 2:26-mc-01957-SJB, documenting the opening and administrative termination of that proceeding and the filings subsequently docketed in it.

Exhibit 5 — purported DE [244], the May 8, 2026 memorandum and order resolving summary judgment and imposing filing restrictions.

Exhibit 6 — the 180-page Master Evidence Map organizing the summary-judgment evidentiary record into the nine categories described above.

Exhibit 7 — purported DE [245], the May 8, 2026 judgment.

Exhibit 8 — the Visual Map, a demonstrative organizational aid keyed to the Master Evidence Map and the official record.

Exhibit 9 — DE [230], Petitioner's October 21, 2025 application preserving her Rule 56 and Rule 56.1 record objections.

Exhibit 10 — the June 24, 2026 motion to vacate under Rules 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and 62.1, docketed at DE [6] in Miscellaneous Case No. 2:26-mc-01957-SJB — the unresolved application at the center of this Petition.

Exhibit 11 — the January 2025 Article 78 judgment of Acting Justice Williams sustaining the WCB's determination.

Exhibit 12 — the WCB's Verified Answer and Certified Return in that Article 78 proceeding.

Exhibit 13 — the affidavit of WCB examiner Christopher Faling supporting that Verified Answer.

Exhibit 14 — DE [246], Petitioner's June 1, 2026 notice of appeal from purported DE [244] and DE [245].

Exhibit 15 — Petitioner's August 10, 2026 judicial-conduct submission concerning Judge Bulsara, referencing Complaint Nos. 02-25-90131-jm and 02-25-90132-jm.

Exhibit 16 — this Court's December 30, 2025 letter acknowledging receipt of Judicial Conduct Complaint Nos. 02-25-90131-jm and 02-25-90132-jm.

Exhibit 17 — the digital evidence submission preserving the electronic materials purported DE [244] acknowledged it could not access or review.

39. No single exhibit substitutes for adjudication; together they show that the June 24 motion presents concrete, traceable issues requiring a determination — not a generalized request to relitigate an adverse result. (Exhibits 1–17.)

VIII. ARGUMENT

40. The court and judicial officers to whom this Petition relates, and the chain connecting the November 17, 2025 recusal to the present request, are set forth in Part III above. Before applying the three requirements identified in Part VI above, Petitioner restates what this Petition does not ask. It does not ask this Court to determine the credibility of any witness, resolve the underlying employment dispute, decide whether the confidentiality agreements were enforceable, or adjudicate fraud in the first instance. The evidentiary record summarized in Part VII is offered to demonstrate the substantial and traceable nature of the pending Rule 60 issues — and thus why the continued absence of District Court action cannot be treated as inconsequential — not to invite this Court to conduct that adjudication itself. (Exhibits 6, 8–13, 17.)

POINT I
PETITIONER HAS NO OTHER ADEQUATE MEANS TO OBTAIN THE RELIEF SOUGHT

41. The chain connecting the November 17, 2025, recusal to the present request is set forth in Part III above. Each link in that chain is established by the official record itself, not by Petitioner's characterization of it, and it is the absence of a determination at the final link — not any single earlier event — that presently supplies no adequate alternative means of relief.

42. The relevant relief is not appellate reversal of purported DE [244] and DE [245]; it is a District Court determination of the pending Rule 60/62.1 motion and enforcement of the November 17, 2025 recusal unless lawfully altered. (Exhibits 3–5, 7, 10.) Petitioner has already invoked ordinary appellate review through DE [246], expressly without accepting the validity of the challenged acts. (Exhibit 14.) But appellate review of DE [244] and DE [245] is not the same as the District Court determination Rule 62.1 contemplates, particularly where Petitioner invoked Rule 62.1 precisely because an appeal was pending. Fed. R. Civ. P. 62.1(a). Without a determination, Petitioner can obtain neither a Rule 62.1 statement supporting further appellate proceedings nor a ruling from which appellate consequences follow. (Exhibit 10.) The point bears emphasis because it is easy to conflate: DE [246] preserves appellate review of the challenged post-recusal acts themselves, but Appeal No. 26-1576 does not — and, by the terms of Rule 62.1, is

not designed to — supply the separate District Court determination of the subsequently filed Rule 60/62.1 motion or resolve the authority question that motion presents in the first instance. Petitioner does not contend broadly that "an appeal is unavailable"; an appeal exists and is proceeding. The narrower and precise point is that the particular relief requested here — an authorized officer's determination of the Rule 60/62.1 motion — is not relief the pending appeal can supply, whatever its outcome.

43. The June 24, 2026 motion supplies direct documentary confirmation that Petitioner sought this determination from the officers the docket itself identifies as authorized. The motion is expressly captioned as submitted "for consideration by the Honorable Pamela K. Chen, United States District Judge, and Magistrate Judge Taryn A. Merkl, as the judicial officers vested with jurisdiction over this action following the November 17, 2025 Order of Recusal," and states that Petitioner does not seek relief from, and does not consent to review by, any previously recused or disqualified judicial officer. (Exhibit 10.) Notwithstanding that request, the docket reflects no determination of the motion by Judge Chen, by Magistrate Judge Merkl, or by any other officer. (Exhibits 3, 4, 10.)

44. This is not the first time a request properly directed to the reassigned officer has gone undecided by that officer. On November 18, 2025 — the day after the recusal — Petitioner filed DE [232], a letter motion addressed to Judge Chen

requesting a pre-motion conference, restoration of filing rights, and guidance on refiling. (Exhibits 6, 10.) DE [232] was never adjudicated by Judge Chen. (Exhibit 6.) It was instead resolved nearly six months later by recused Judge Bulsara, whose purported DE [244] recites that "the pending premotion conference request, (Dkt. No. 232), is denied as moot." (Exhibit 5.) That pattern — a request addressed to the officer vested with jurisdiction, left undecided by that officer, and disposed of instead by the recused officer — is what Petitioner asks this Court to prevent from recurring with the June 24, 2026 motion. (Exhibits 5, 6, 10.)

45. The problem is compounded because the motion itself challenges the authority under which purported DE [244] and DE [245] were entered; leaving it undecided does not resolve whether the recusal remained operative or which officer may lawfully decide it. (Exhibits 3–5, 7, 10.) The filing restrictions in DE [244], and maintenance of the motion in a separate miscellaneous docket, further distinguish this case from one where a litigant may simply file another motion to obtain action. (Exhibits 4, 5.) Petitioner does not ask this Court to dictate EDNY's administrative docketing practices; her point is functional: that arrangement does not by itself supply the judicial determination Rule 62.1 requires, and an adequate alternative means must be an actual avenue to that determination, not merely a docket number under which the request has been filed. (Exhibits 3, 4, 10.) Nor could Petitioner obtain the same relief by simply awaiting the outcome of Appeal

No. 26-1576: even a fully successful appeal would not itself establish which officer was authorized to act after November 17, 2025, or resolve the Rule 60(b)(3), (6), and 60(d)(3) grounds that depend on District Court fact-development in the first instance. (Exhibits 3, 4, 6, 10.)

46. Mandamus is well established as a means of compelling a court to exercise authority it has a duty to exercise, as distinct from directing the substance of how that authority must be exercised. ***Will v. United States***, 389 U.S. 90, 95 (1967); ***Roche v. Evaporated Milk Ass'n***, 319 U.S. 21, 26 (1943). Petitioner does not seek mandamus as a substitute for appeal and does not ask this Court to dictate the ultimate disposition of the Rule 60/62.1 application. Mandamus is sought because the specific relief required — an actual judicial determination of that application by an authorized, non-recused officer, together with appropriate protection against adjudicative action inconsistent with the November 17, 2025 recusal — cannot be obtained merely by awaiting appellate review of purported DE [244] and DE [245]. Petitioner accordingly submits that no adequate alternative means presently exists to obtain a determination of the pending motion by an officer possessing lawful authority following the recusal. Cheney, 542 U.S. at 380–81; (Exhibits 3, 4, 6, 10.)

POINT II
PETITIONER ASSERTS A CLEAR AND INDISPUTABLE RIGHT TO LAWFUL JUDICIAL ACTION BY AN AUTHORIZED JUDICIAL OFFICER

47. Petitioner does not claim an indisputable right to prevail on any Rule 60 ground or on the underlying employment claims. The right asserted is narrower: that a formal judicial recusal not be rendered practically meaningless by an unexplained administrative docket entry, and that a motion challenging the acts taken after that recusal be decided through lawful process. Cheney, 542 U.S. at 381; (Exhibits 3, 4, 10.) Framed this way, the right does not depend on resolving any disputed fact about the underlying employment claims, the confidentiality agreements, or the electronic evidence; it depends only on the docket's own, undisputed record of the recusal, the reassignment, and the subsequent return — a sequence Petitioner did not create and does not ask this Court to interpret against its plain terms.

48. This right draws direct support from this Court's recognition that mandamus is especially suited to judicial-disqualification questions bearing on the integrity of the judicial process, because such questions concern the tribunal's authority to act at all rather than the correctness of any particular ruling. ***In re IBM Corp.***, 618 F.2d 923, 926–27 (2d Cir. 1980); ***Rosen v. Sugarman***, 357 F.2d 794, 797 (2d Cir. 1966). That principle applies with particular force here because Petitioner does not

ask this Court to weigh competing accounts of bias or to second-guess a discretionary denial of a recusal motion — the kind of determination ordinarily left to the district court in the first instance. Petitioner instead relies on an undisputed docket event: the recusal already occurred, was never vacated by any identified order, and yet the recused officers resumed adjudicating the case nine days later. Petitioner emphasizes that this Petition does not ask the Court to decide, in the first instance, whether recusal was warranted — the November 17, 2025 recusal already occurred. (Exhibit 3.) The question is the legal effect of that completed recusal on the subsequent purported DE [244] and DE [245], and which officer had authority to decide the motion challenging them. The docket supplies the objective sequence: recusal of both officers; reassignment "for all further proceedings"; a return to the recused officers nine days later without an identified vacating order; and purported dispositive acts entered under that return. (Exhibits 3, 5, 7.) Petitioner does not ask this Court to hold, without judicial process, that the November 26 entry rendered every subsequent act void; she asks that the question be lawfully decided and that inconsistent action be prohibited pending that determination. (Exhibits 3, 10.)

POINT III
ISSUANCE OF THE WRIT IS APPROPRIATE UNDER THE CIRCUMSTANCES

49. The third requirement asks whether issuance is appropriate under the circumstances, evaluated cumulatively. Cheney, 542 U.S. at 381; ***In re City of New York***, 607 F.3d at 932–33 (finding that multiple distinct errors, no one of which might independently warrant the writ, together established a clear and indisputable right to it — a cumulative-effect principle equally applicable to whether issuance is appropriate under the circumstances). The circumstances here include the recusal and reassignment; the unexplained return; entry of purported dispositive acts, including a judgment naming a previously dismissed defendant; an acknowledged inability to review portions of the electronic record before deciding summary judgment; filing restrictions drawn in part from recusal-related and judicial-conduct petitioning activity; a preserved direct appeal; and a pending Rule 60/62.1 motion that remains undetermined. (Exhibits 3–17.)

50. Resolving the post-recusal authority question also concerns the orderly administration of federal justice — the effect of a recusal and reassignment, the identity of the officer authorized to act afterward, and the proper channel for a Rule 60/62.1 challenge to subsequent acts. ***In re United States***, 10 F.3d 931, 933 (2d Cir. 1993) (mandamus appropriate where resolution of the legal issue "will aid in the administration of justice"). These considerations do not depend on Petitioner

ultimately prevailing on any Rule 60 ground; they arise from the systemic interest in ensuring that litigants, the public, and reviewing courts can rely on the plain meaning of a recusal and reassignment order docketed in their case, and that a docket entry reassigning a matter "for all further proceedings" is not treated as reversible by administrative act alone. Where a district court has a duty to act on a properly presented post-judgment motion, mandamus may compel that action without dictating the result. ***Will***, 389 U.S. at 95; ***Roche***, 319 U.S. at 26.

51. Petitioner does not ask this Court to decide the underlying employment claims, adjudicate fraud in the first instance, resolve the judicial-conduct complaints, or determine that the Rule 60 motion must be granted. The Court can instead order relief that restores ordinary process: give effect to the recusal pending lawful determination, prohibit action inconsistent with it, and require that the motion be placed before, and decided by, an authorized officer. Such relief corrects the procedural obstacle without predetermining the substantive outcome. Cheney, 542 U.S. at 380–81; ***In re City of New York***, 607 F.3d at 932–33; ***In re Roman Catholic Diocese of Albany***, 745 F.3d at 35–36; (Exhibits 3, 4, 10, 14.)

POINT IV
THE RECORD-INTEGRITY AND RULE 56 CONSIDERATIONS REINFORCE THE NEED FOR ACTION

52. Rule 56(a) requires the absence of a genuine dispute of material fact, and the summary-judgment court may not weigh evidence or resolve credibility against the nonmovant. ***Anderson v. Liberty Lobby, Inc.***, 477 U.S. 242, 248, 255 (1986). Purported DE [244] itself acknowledges that portions of Petitioner's electronic submissions could not be accessed or reviewed, notwithstanding Judge Bulsara's July 11, 2025 direction that new evidence be presented at summary judgment. (Exhibits 3, 5, 6, 10.) The Master Evidence Map and the June 24, 2026 motion identify why that unreviewed material was not immaterial surplusage: it bears on the disputed timing of Petitioner's photograph and video activity relative to her November 2, 2018 complaint, on employer knowledge through the Uzcategui material and the November 6, 2018 recorded conversation, and on the confidentiality-agreement dispute addressed in the Loft Opinion. (Exhibits 6, 10, 17.)

53. This Court has likewise recognized the importance of procedures that preserve a record adequate for meaningful appellate review. A district court necessarily abuses its discretion when its ruling rests on an erroneous view of the law or a clearly erroneous assessment of the evidence, ***Cooter & Gell v. Hartmarx Corp.***, 496 U.S. 384, 405 (1990), and this Court has recognized mandamus as

available where a trial court's actions fall entirely outside the permissible bounds of its discretion. ***International Business Machines Corp. v. Edelstein***, 526 F.2d 37, 42 (2d Cir. 1975). Petitioner does not ask this Court to reweigh the unreviewed evidence or to determine, in this original proceeding, what result Rule 56 requires; she asks that the motion identifying these record-integrity questions be decided by an authorized officer, after meaningful consideration of the evidence the challenged order itself acknowledges it could not review. (Exhibits 3, 6, 10, 17.)

POINT V
THE FILING RESTRICTIONS HEIGHTEN THE NEED FOR REVIEW BY AN AUTHORIZED OFFICER

54. The Second Circuit requires notice and an opportunity to be heard before a filing injunction issues, ***Moates v. Barkley***, 147 F.3d 207, 208 (2d Cir. 1998) (per curiam), and evaluates such restrictions against factors including the litigant's history of vexatious or duplicative filings, the litigant's motive, whether the litigant is represented by counsel, the burden imposed on the courts and other parties, and whether other sanctions would adequately protect them, set out in ***Safir v. United States Lines, Inc.***, 792 F.2d 19, 24 (2d Cir. 1986), and applied by this Court in ***Iwachiw v. New York State Department of Motor Vehicles***, 396 F.3d 525, 528 (2d Cir. 2005). Petitioner does not contend that a litigant has an unlimited right to file abusive proceedings; her narrower position is that these factors — motive, substance, and outcome — cannot fairly be assessed by numerical accumulation of

filings alone, particularly where a substantial share of that history consists of the very recusal and judicial-conduct proceedings at issue here.

55. The official WCB and judicial-conduct records show that at least significant complaint activity had objective administrative or procedural grounding: WCB Case No. G2584330 was part of a governmental investigation sustained on judicial review (Exhibits 11–13), and the December 30, 2025 and August 10, 2026 judicial-conduct submissions were formally received for processing under the established statutory mechanism (Exhibits 15–16) rather than summarily rejected. DE [244] itself found the underlying action "not entirely frivolous," having survived a motion to dismiss and proceeded through summary judgment, and Petitioner is proceeding pro se. (Exhibit 5.) These circumstances, considered together with the recusal question, heighten rather than diminish the need for review by an officer whose own authority to act is not itself in question — because the same restrictions that DE [244] imposed based partly on that history now constrain Petitioner's practical ability to obtain the determination this Petition seeks. (Exhibits 4, 5.)

POINT VI
THE PRESENT RECORD DIFFERS FROM THAT UNDERLYING THE PRIOR MANDAMUS DISPOSITION

56. This Court's prior orders addressed the circumstances then presented and concluded that Petitioner had not shown the absence of adequate alternative means, a clear and indisputable right, or that the writ was then appropriate. (Exhibit 2.) [Note: confirm the precise date of that disposition against Exhibit 2 before filing.] Petitioner does not ask the Court to reopen those orders. The November 26, 2025 return to the recused officers, purported DE [244] and DE [245], DE [246], the June 24, 2026 motion, and the subsequent judicial-conduct proceedings all occurred afterward and were accordingly not before the Court when it was entered. (Exhibits 1–5, 7, 10, 14–16.) The prior orders identify the standard Petitioner must satisfy; the subsequent record, and the narrowed relief requested here, present that standard for evaluation anew.

CONCLUSION

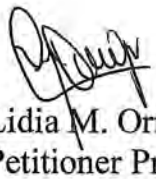
57. The circumstances before the Court differ materially from those underlying the denial of Petitioner's earlier mandamus petitions, and, for the reasons set forth in Part VIII above, satisfy the Cheney standard: no other adequate means presently supplies the particular District Court action sought; Petitioner asserts a clear and indisputable right to lawful adjudication by an authorized judicial officer; and the

cumulative post-recusal circumstances make limited relief appropriate. Cheney, 542 U.S. at 380–81; (Exhibits 1–17.)

WHEREFORE, for the foregoing reasons, Petitioner respectfully renews the relief requested in Part II above. Petitioner does not request that this Court direct the District Court to grant the motion to vacate, resolve the underlying employment claims, or adjudicate the merits of any judicial-conduct complaint. Petitioner seeks an authorized adjudicator and a lawful judicial determination — not a predetermined result. The relief requested is deliberately calibrated to that end: it would neither shortcut the ordinary appellate process reflected in DE [246] nor require this Court to conduct the factfinding properly reserved to the District Court.

Respectfully submitted,

Dated: September 4, 2026
Rego Park, New York



Lidia M. Orrego
Petitioner Pro Se
95-08 Queens Boulevard, Apt. 3E
Rego Park, New York 11374
Telephone: (347) 453-2234
Email: orregoprose@gmail.com / liorrego@gmail.com

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 7,691 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)]

INDEX OF MANDAMUS EXHIBITS

IN RE LIDIA M. ORREGO, PETITIONER
Petition for Writ of Mandamus and/or Prohibition

Arising from:

United States District Court for the Eastern District of New York
Case No. 2:20-cv-03361, *Orrego v. Knipfing et al.*

and related:

EDNY Miscellaneous Case No. 2:26-mc-01957-SJB, *In re Lidia M. Orrego*

INDEX AND PURPOSE OF EXHIBITS

Pursuant to Federal Rule of Appellate Procedure 21(a)(2)(C), Petitioner submits the following exhibits containing orders, docket materials, filings, evidentiary references, and other portions of the record necessary to understand the matters presented by the Petition for Writ of Mandamus and/or Prohibition.

The stated purpose of each exhibit identifies its relevance to the extraordinary-writ proceeding. The exhibits are not submitted for the purpose of asking the Court of Appeals to retry the underlying employment action or determine disputed factual issues in the first instance.

They document the procedural history; the November 17, 2025, recusal and reassignment; the subsequent challenged adjudicative activity; the purported DE [244] and DE [245]; the June 24, 2026, Rule 60 and Rule 62.1 application; and the documentary and electronic record relevant to the relief requested.

Page Count Note: The page count for each exhibit **includes the exhibit cover/tab page**. Exhibits 1 through 17 contain a combined total of **479 pages,**

including all exhibit cover/tab pages. The two DVDs identified by Exhibit 17 constitute separate electronic media and are not additional paper pages.

Exhibit	Description	Case Number and Caption / Source	Purpose	Pages Including Cover
1	October 1, 2025, Prior Petition for Writ of Mandamus	**U.S. Court of Appeals for the Second Circuit, No. 25-2399, *In re Lidia M. Orrego***; arising from **EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Provides the prior mandamus petition and relevant procedural history, including the issues and record presented to the Court at that stage of the proceedings.	**16**
2	November 21, 2025, Prior Mandamus Orders and Mandates	**U.S. Court of Appeals for the Second Circuit, *In re Lidia M. Orrego*, prior mandamus proceedings**; arising from **EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Documents the November 21, 2025, orders and mandates entered in the prior extraordinary-writ proceedings and completes the relevant procedural chronology.	**4**
3	Official District Court Docket	**EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Provides the official District Court docket and establishes the procedural chronology relevant to the Petition, including judicial assignments, recusal/reassignment, filings, and subsequent	**11**

Exhibit	Description	Case Number and Caption / Source	Purpose	Pages Including Cover
			challenged docket activity.	
4	Official Miscellaneous Proceeding Docket	**EDNY No. 2:26-mc-01957-SJB, *In re Lidia M. Orrego***	Provides the official miscellaneous-case docket associated with Petitioner's June 24, 2026, Rule 60/62.1 application and documents the procedural status of that proceeding.	**3**
5	Purported DE [244], May 8, 2026, Memorandum and Order	**EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Provides the principal challenged post-recusal adjudicative act, including the summary-judgment disposition, treatment of the documentary and electronic evidentiary record, and filing restrictions subsequently addressed in Petitioner's Rule 60/62.1 application and present Petition.	**30**
6	DE [6-2], Master Evidence Map	**EDNY No. 2:26-mc-01957-SJB, *In re Lidia M. Orrego***; incorporating materials from **EDNY No. 2:20-**	Organizes and identifies the underlying documentary and electronic evidence presented in the summary-judgment record and relied	**180**

Exhibit	Description	Case Number and Caption / Source	Purpose	Pages Including Cover
		cv-03361, *Orrego v. Knipfing et al.*	upon in Petitioner's Rule 60/62.1 application, permitting comparison between the underlying record and its treatment in purported DE [244].	
7	Purported DE [245], May 8, 2026, Judgment	**EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Provides the challenged judgment entered in connection with purported DE [244] and supports consideration of the legal effect of the November 17, 2025, recusal and reassignment upon subsequent adjudicative acts.	**2**
8	Visual Map of Evidence	**EDNY No. 2:26-mc-01957-SJB, *In re Lidia M. Orrego***; relating to **EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Provides an organizational demonstrative identifying principal documentary and electronic evidence referenced in the Rule 60/62.1 application and directing the Court to the corresponding evidentiary materials.	**5**
9	DE [230], October 20, 2025,	**EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Provides an additional summary-judgment filing	**3**

Exhibit	Description	Case Number and Caption / Source	Purpose	Pages Including Cover
	Summary-Judgment Filing		relevant to the completeness and treatment of the record preceding purported DE [244] and to the record issues subsequently presented in the Rule 60/62.1 application.	
10	MC DE [6], June 24, 2026, Motion to Vacate Under Rules 60 and 62.1	**EDNY No. 2:26-mc-01957-SJB, *In re Lidia M. Orrego***; arising from **EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***	Provides the application at the center of the present request for extraordinary relief. The filing seeks relief under Rules 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and 62.1 and documents the judicial determination Petitioner seeks from an authorized, non-recused judicial officer.	**100**
11	January 21, 2025, Decision and Judgment	**Supreme Court of the State of New York, Westchester County, Index No. 72335/2024, *Jason Hochfelder MD v. The New York State Workers'***	Provides the official January 21, 2025, Decision and Judgment from the related Article 78 proceeding as contextual documentary support for matters identified in Petitioner's Rule	**9**

Exhibit	Description	Case Number and Caption / Source	Purpose	Pages Including Cover
		Compensation Board — Special Proceeding under CPLR Article 78	60/62.1 evidentiary record.	
12	New York State Attorney General / Workers' Compensation Board Verified Answer	**Supreme Court of the State of New York, Westchester County, Index No. 72335/2024, *Jason Hochfelder MD v. The New York State Workers' Compensation Board*** — Special Proceeding under CPLR Article 78	Provides the Verified Answer filed on behalf of the New York State Workers' Compensation Board and forms part of the official state-court record referenced in Petitioner's Rule 60/62.1 evidentiary materials.	**9**
13	Christopher Faling Affidavit, NYSCEF Doc. 21	**Supreme Court of the State of New York, Westchester County, Index No. 72335/2024, *Jason Hochfelder MD v. The New York State Workers' Compensation Board*** — Special Proceeding under CPLR Article 78	Provides sworn documentary material filed in the Article 78 proceeding and referenced as part of the administrative and judicial record incorporated into Petitioner's Rule 60/62.1 evidentiary presentation.	**16**
14	DE [246], June 1, 2026, Notice of Appeal	**EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***;	Documents Petitioner's preservation of	**56**

Exhibit	Description	Case Number and Caption / Source	Purpose	Pages Including Cover
		appeal to the **U.S. Court of Appeals for the Second Circuit**	appellate review concerning purported DE [244] and DE [245]. It also provides procedural context for distinguishing ordinary appellate review from the particular District Court judicial action sought through the present Petition for mandamus and/or prohibition.	
15	August 14, 2026, Judicial Conduct Complaint No. 02-26-90052-jm and Related Materials	**Judicial Council of the Second Circuit, Complaint No. 02-26-90052-jm**; relating to **EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.*,** and related **EDNY No. 2:26-mc-01957-SJB, *In re Lidia M. Orrego***	Documents the filing, receipt, and procedural status of the identified judicial-conduct complaint as relevant to the procedural chronology. It is submitted for that limited purpose and not as proof that the allegations contained in the complaint have been adjudicated or sustained.	**30**
16	December 30, 2025, Judicial Conduct Complaint Acknowledgment, Nos. 02-25-90131-	**Judicial Council of the Second Circuit, Complaint Nos. 02-25-90131-jm and 02-25-90132-**	Documents the acknowledgment and procedural status of the identified judicial-conduct complaints. It is	**2**

Exhibit	Description	Case Number and Caption / Source	Purpose	Pages Including Cover
	jm and 02-25-90132-jm	**jm**; relating to Petitioner's EDNY proceedings	submitted as part of the procedural chronology and not as an adjudication of the allegations contained in those complaints.	
17	Digital Evidence Cover Sheet	**EDNY No. 2:20-cv-03361, *Orrego v. Knipfing et al.***; related **EDNY No. 2:26-mc-01957-SJB, *In re Lidia M. Orrego***	Identifies the electronic evidence separately provided on two DVDs and describes the categories of digital materials referenced by the Petition and Rule 60/62.1 evidentiary record, including photographs, audio, reports, social-media materials, and video evidence.	**3**
	TOTAL—EXHIBITS 1–17			**479 PAGES**

PURPOSE AND SCOPE OF THE EXHIBIT RECORD

The foregoing exhibits are submitted pursuant to **FRAP 21(a)(2)(C)** to provide the portions of the record necessary to understand the issues presented by the Petition for Writ of Mandamus and/or Prohibition. Their purpose is to document the relevant procedural and evidentiary chronology rather than to request that the Court of Appeals adjudicate the ultimate merits of the underlying employment action in the first instance.

Collectively, the exhibits document the **District Court proceedings; the November 17, 2025, recusal and reassignment; subsequent challenged adjudicative activity; purported DE [244] and DE [245]; Petitioner's preservation of appellate review; the June 24, 2026, Rule 60(b)(3), (4), (6), Rule 60(d)(3), and Rule 62.1 application; and the documentary and electronic record identified in that application.**

The exhibits therefore support the specific extraordinary relief requested in the Petition: an actual judicial determination of the pending Rule 60/62.1 application by an **authorized, non-recused judicial officer**, determination of the legal effect of the November 17, 2025, recusal and reassignment upon the challenged subsequent adjudicative acts, and such prohibition or other relief as may be necessary to preserve the effectiveness of that judicial determination.

TOTAL PAPER RECORD: 479 PAGES, INCLUDING ALL EXHIBIT COVER/TAB PAGES.

SEPARATE ELECTRONIC EVIDENCE: TWO DVDs IDENTIFIED BY EXHIBIT 17.

EXHIBIT 1

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Civil Case No.

----------X

In re: Lidia M. Orrego,

Petitioner and Friend of the Court,

v.

U.S. District Court for the Eastern District of New York.
Hon. Sanket J. Bulsara;
Hon. Magistrate Judge Anne Y. Shields,

Respondents.

----------X

DC 20-cv-3361 (SJB) AYS)

Docket Number:

_____

EMERGENCY OR URGENT SECOND WRIT OF MANDAMUS TO PREVENT A MISCARRIAGE OF JUSTICE
Under 28 U.S.C. § 1651(A) and FRAP 21

JURISDICTIONAL STATEMENT

This Court has jurisdiction to issue a Writ of Mandamus under the All-Writs Act, 28 U.S.C. § 1651(a), authorizing Federal Courts of Appeals to issue extraordinary writs to compel lower courts to perform ministerial duties or correct clear abuses of discretion. *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380 (2004).

The writ is sought to compel the United States District Court for the Eastern District of New York to lift an unlawful blanket ban on all filings, which has denied Petitioner access to the Courts in violation of the **First and Fifth Amendments**, **Federal Rules of Civil Procedure 65(b) and 72**, and established Pro Se protections.

Because the District Court's actions—including a Sua Sponte ban on filings without notice, hearing, or findings—are not subject to immediate appeal and effectively bar any further proceedings, no adequate alternative remedy exists. See *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir. 1984). This Petition is therefore properly before this Court as an **extraordinary remedy** to correct a clear abuse of discretion, enforce compliance with the law, and prevent irreparable harm.

Federal question jurisdiction exists under 28 U.S.C. § 1331, as Petitioner's claims involve federal constitutional violations, 42 U.S.C. § 1981, and NYSHR. The Court's supervisory authority is further supported by In re McCray, No. 15-1887 (2d Cir. 2016), affirming oversight of lower court procedural errors, justifying mandamus to correct the filing ban's irregularities.

ISSUES PRESENTED

Did the U.S. District Court for the Eastern District of New York act unfairly by issuing filing bans on its own on August 14 and September 16, 2025, in Case No. 20-cv-03361, blocking all filings until pending motions are resolved, ignoring motions like a recusal motion and Clerk emails about missing pages and scanner issues, and harming Petitioner's rights, as detailed in Sections II and IV? See annexed Exhibits 9, 10, 11, 12, 13, 14, 15, 17.

I. INTRODUCTION

Petitioner Lidia M. Orrego, Petitioner, Lidia M. Orrego, Pro Se, seeks an emergency or urgent Second Writ of Mandamus to prevent a miscarriage of justice by compelling the U.S. District Court for the Eastern District of New York (EDNY) to vacate a "Sua sponte" order issued in violation of Federal Rule of Civil Procedure 65(b), as it lacked notice, an affidavit showing irreparable harm, and a party motion, and was entered without a hearing or findings on the record by District Judge Sanket J. Bulsara on or about August 14, 2025 and September 16, 2025, in Case No. 20-cv-03361 (Orrego v. Knipfing et al.).

The filing ban further violates the **First and Fifth Amendments** by effectively denying access to the courts. Compounding these violations, the District Court disregarded its obligation to construe Pro Se filings liberally, thereby undermining Due Process as detailed in Section IV, denying Petitioner access to justice.

The filing injunctions, detailed in Section II, indefinitely block all filings, exploiting Petitioner's Pro Se status.

This unlawful injunction blocks Petitioner's Revised Opposition to Summary Judgment pursuant **to Federal Rule of Civil Procedure 15(a)(2), which mandates that leave to amend should be "freely given when justice so requires",** Motion to Strike prejudicial material, Letter Motion for Leave to File a Motion to Strike paragraphs 129–178 of Exhibit 15, which was based on FRCP 12(f) (to strike immaterial, scandalous, or insufficient matter), FRCP 37 (sanctions for fraud), and FRE 403 (to exclude unduly prejudicial evidence)and new complaints against parties aiding fraud. See annexed Exhibits 11, 12, 13, 14, 15.

The filing injunctions, detailed in Section II, indefinitely block all filings, exploiting Petitioner's Pro Se status.This petition supports and expands upon the relief sought in Petitioner's first writ of mandamus filed on July 16, 2025, in Case No. 2:20-cv-03361 (hereinafter "First Mandamus"). See annexed Exhibits 1, 5, 9, 10.

To date, the Clerk of Judge Brenna B. Mahoney has not responded, and the docket continues to omit critical documents that contradict the District Court's description of the motions underlying the injunctions, demonstrating that the orders are factually and procedurally flawed. Additionally, serious issues with the quality of scanned filings remain unresolved. Currently, the scanner is producing double-sided page scans instead of the required single-sided format, rendering many documents partially illegible. Numerous filings also appear skewed, blurry, or

improperly aligned, making them difficult to read or compare against the same documents filed with the appellate court, which are of significantly higher quality. These technical deficiencies have further impaired Petitioner's ability to effectively access, review, and respond to the record, compounding the procedural unfairness already present in this case. See annexed Exhibit 16.

II. STATEMENT OF FACTS

Petitioner's claims in Orrego v. Knipfing et al., Case No. 20-cv-3361, arise from her employment as a nanny and housekeeper for Defendants Kevin Knipfing and Stephanieanna James-Knipfing from January 31, 2018, alleging retaliation and a hostile work environment under 42 U.S.C. § 1981 and NYSHRL. A Loft Legal Opinion, dated May 14, 2025, confirms the invalidity of a Non-Disclosure Agreement (NDA), entitling Petitioner to unpaid wages and benefits, and validates claims of retaliatory termination via a fraudulent letter from "Old Westbury LLC" dated November 27, 2018 See annexed Exhibits 2, 7, 8.

The letter, issued 25 days after Petitioner's November 2, 2018, complaint, violated New York Labor Law and COBRA (DE [8] Amended Complaint.

On August 14 and September 16, 2025, Judge Bulsara issued sua sponte TROs banning all filings "until the court resolves the pending motions," despite never answering a Pre-Conference motion and an ignored recusal motion pending since March 2025. See annexed Exhibits 1, 2, 10, 11, 12, 15.

These TROs, which labeled a new complaint against Full Shimmee Inc., Attorney General Letitia James, and Governor Kathy Hochul as "repetitive/frivolous" without analysis and deemed it missing, block two pre-TRO motions scheduled for October 3, 2025. See annexed Exhibits 10, 11.

This new complaint, addressing fraud in Workers' Compensation Board Case No. G-2584330 involves distinct defendants and is not repetitive. The TROs further obstruct Petitioner's access to medical care for workplace injuries, constituting a violation of NYSHRL and workers' compensation laws by preventing filings that could secure remedies. See annexed Exhibits 8, 9, 10, 11.

This new complaint, addressing fraud in the Workers' Compensation Board Case No. G-2584330 involves distinct defendants and is not repetitive. The TROs further obstruct Petitioner's access to medical care for workplace injuries, constituting a violation of NYSHRL and workers' compensation laws by preventing filings that could secure remedies. See annexed Exhibits 8, 10, 11.

Technical issues, including double-sided scans and 298 missing pages from DE [211], filed August 9, 2025, remain unresolved, with no response from Clerk Brenna B. Mahoney to emails dated September 16 and 18, 2025. See annexed Exhibits 14, 16, 17.

III. LEGAL BASIS FOR MANDAMUS

Under 28 U.S.C. § 1651 (All Writs Act) and Federal Rule of Appellate Procedure (FRAP) 21, a writ of mandamus is Granted in extraordinary circumstances where:

(1) the Petitioner has a clear and indisputable right to relief;

(2) the district judge has a clear duty to act;

(3) no adequate alternative remedy exists; and

(4) The Writ of Mandamus is necessary to prevent manifest injustice. See In re City of New York, 607 F.3d 923 (2d Cir. 2010).

This Second Petition builds on the First Mandamus to address the escalated filing ban. See annexed Exhibit 1,2.

IV. CLEAR RIGHT TO RELIEF AND JUDICIAL DUTY

The District Court's Sua Sponte filing bans on August 14 and September 16, 2025, violate Petitioner's clear and indisputable right to relief under 28 U.S.C. § 1651 and FRAP 21.

The bans, imposed without notice, a hearing, or a party motion, contravene FRCP 65(b), which mandates these procedural safeguards **for temporary restraining orders (TROs) and limits their duration to 14 days (FRCP 65(b)(2)).** No affidavit showing irreparable harm was provided, rendering the bans legally baseless. See annexed Exhibits 1, 2.

The Court ignored motions since March 2025, including a Pre-Conference motion and recusal motion (see Section II, Exhibits 1, 2).

These actions deny Petitioner access to the courts, violating the **FIRST AMENDMENT'S RIGHT TO PETITION AND THE FIFTH AMENDMENT'S DUE PROCESS CLAUSE,** as established in Bounds v. Smith, 430 U.S. 817 (1977), and Christopher v. Harbury, 536 U.S. 403 (2002).

As a Pro Se litigant, Petitioner is entitled to liberal construction of filings under Haines v. Kerner, 404 U.S. 519 (1972), yet the Court blocked filings without review, including a Revised Opposition to Summary Judgment (FRCP 15(a)(2)) and a Motion to Strike (FRCP 12(f)).

The District Court's failure to address DE [203] (filed July 2, 2025) and other motions since March 2025 further violates FRCP 72's requirement for hearings on pretrial motions . The Clerk's inaction on emails regarding DE [211]'s 298 missing pages compounds these violations, undermining judicial transparency and Petitioner's ability to respond to the record.See annexed Exhibits 1, 2, 6, 8, 9, 12, 15, 16, 17.

V. UNLAWFUL INJUNCTION PREVENTING FILING UNDER FED. R. CIV. P. 15(a)(2)

The unlawful injunction issued by the District Court prevented me from filing a critical letter motion for leave to file revised opposition documents pursuant to Fed. R. Civ. P. 15(a)(2), which provides that leave to amend shall be freely given when justice so requires. See annexed Exhibit 12:

**Attached Exhibits: Revised September 15, 2025

(Superseding Exhibits Dated September 12, 2025)**

1. Petitioner's Counterstatement of Material Facts Pursuant to Local Civil Rule 56.1 in Opposition to Defendants' Motion for Summary Judgment

2. Petitioner's Counterstatement of Material Facts Pursuant to Local Civil Rule 56.1 in Opposition to Defendants' Motion for Summary Judgment

3. Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment

On or about September 15, 2025, Petitioner submitted a revised opposition to Summary Judgment to correct and replace the erroneous versions previously filed on September 12, 2025. Petitioner formally requested leave to file these corrected documents via a letter motion addressed to H. Judge Bulsara, with a proposed order requested on or before September 22, 2025. This request was sent electronically and included the corrected materials.

The Loft Legal Opinion, as noted in Section II, confirms the NDA's invalidity, supporting Petitioner's Revised Opposition to Summary Judgment.

However, due to the injunction and refusal of opposing counsel to consent, the revised documents were never docketed, depriving me of the opportunity to correct the record despite the Petitioner's clear entitlement to seek relief under Rule 15(a)(2). This failure to docket was done in

bad faith and directly obstructed the Petitioner's ability to file a proper opposition supported by newly discovered evidence.

This procedural obstruction is confirmed by the Pro Se Office's letter dated September 18, 2025, referencing Petitioner's electronic submissions via the Pro Se Portal:

September 9, 2025, at 10:53 a.m.: 229 pages (Missing 228 pages)

September 15, 2025, at 10:23 p.m.: 4 pages (Refused for Docketing)

These submissions, which were never entered into the docket, are annexed as Exhibit 17. The failure to file Petitioner corrected opposition not only violates Rule 15(a)(2) but also constitutes a clear violation of due process and access to the courts, particularly in light of the Court's unilateral filing ban.

The following documents are part of the REVISED document to replace the incorrect Opposition Summary Judgment further supporting the necessity of the Second Writ of Mandamus:

* Dated September 14, 2022 – Cannon Cochran Management Services Inc. (CCMSI)

* DE [203] – Dated July 8, 2025 – EDNY 20cv3361 – Letter Motion to Vacate Orders – Fraud & Due Process Violations

* Dated June 20, 2021 – Affidavit signed by Mrs. Manuela Orrego – Uzcategui described the mistreatment of children by Zantua

* Dated July 7, 2025 – Demand Letter for Payment and Reopening of WCB Case No. G2584330 – Email

* Dated July 11, 2025 – Order by Judge Bulsara re: New Evidence DE [198] (June 17, 2025) – Motion to Vacate (March 9, 2023) – Includes Loft Legal Opinion on Retaliatory NDA (May 14, 2025)

* DE [205] – Dated July 23, 2025 – IME Jason Hochfelder v. NYS WCB – AG James confirms IME fraud – Letter Motion to Vacate Orders Dated July 8, 2025, under FRCP 54(b)

* Dated August 5, 2025 – DE [207] – Letter Motion: Objection to Order Dated August 24, 2025 – Due Process Violation & Reaffirmation of Recusal Motions

* Dated September 23, 2024 – NYSCEF Do. [6] – Final Determination/Decision – Index 72335-2024 – Jason Hochfelder MD v. NYS Workers' Compensation Board

* Dated August 11, 2025 – Letter from NYS Department of Labor – Case LM25006216 – Claim filed June 8, 2025

* Dated September 6, 2025 – Affirmation by Ximena Espinoza – Jason Hochfelder MD Falsifying Medical Reports – Email to Medical Directors (June 24, 2025) – OPMC Complaint #NY-23-04-2301A (April 21, 2025)

The documents listed above represent only a portion of the evidence supporting Petitioner request to file a revised Opposition to Defendants' Summary Judgment.

Petitioner mistakenly filed an incorrect version and, pursuant to Fed. R. Civ. P. 15(a)(2)—which directs that leave to amend "be freely given when justice so requires"—Petitioner respectfully sought the District Court's permission to submit the corrected documents dated September 15, 2025.

This request, made in Petitioner letter motion to Judge Bulsara (attached as Exhibit 1), followed Petitioner initial submission on September 12, 2025, and was sent again at 1:37 PM EDT with the proposed revisions.

Despite opposing counsel's refusal to consent and the clear fact that the Injunction at DE [210] does not apply to this particular filing, Judge Bulsara denied my request to file the revised opposition documents.

This denial has effectively deprived me, as a Pro Se litigant, of my fundamental constitutional rights, including due process and meaningful access to the Court. By preventing the submission of corrected and crucial evidence, the Court has obstructed my ability to fairly present my case and challenge the defendants' motion for summary judgment. Such actions undermine the principles of justice and fairness that the legal system is meant to uphold, especially for parties representing themselves without counsel. Instead of resolving the case with compelling evidence of fraud, the District Court has perpetuated injustice by disregarding the Loft Legal Opinion, which affirms the invalidity of Petitioner's termination, and the evidence concealed by Defendants, including the interview and report of Rebeca Uzcategui dated November 21, 2018, which corroborates Petitioner's claims of severe abuse, racial discrimination, and retaliatory actions.

This report, suppressed by Defendants, leaves no doubt about the validity of Petitioner's remedies, including the calculated entitlement to economic damages (e.g. wages), non-economic damages (e.g. injuries), and punitive damages (e.g. outrageous behavior and fraud), and confirms a hostile work environment and ongoing retaliation persisting to the present due to discrimination. See annexed Exhibits 7, 8.

VI. UNLAWFUL INJUNCTION PREVENTING FILING OF MOTION TO STRIKE UNDER FRCP 12(F), FRCP 37, AND FRE 403

Petitioner submitted a Letter Motion to Judge Sanket J. Bulsara seeking leave to file a Motion to Strike paragraphs 129–178 of Defendants' Local Rule 56.1 Statement, pursuant to Fed. R. Civ. P. 12(f), Fed. R. Civ. P. 37, and Fed. R. Evid. 403. The request also invoked Local Rule 56.1, which limits summary judgment facts to those supported by admissible evidence. The paragraphs at issue are immaterial, scandalous, and based on fraudulent evidence originating from Workers' Compensation Board records unrelated to the claims under 42 U.S.C. § 1981 and the New York State Human Rights Law (NYSHRL).

This letter motion, submitted via the Pro Se Office and served through the ECF system, was supported by Exhibit 9, the January 21, 2025, Order issued by Hon. Maurice D. Williams in Index No. 72335/2024, which confirmed falsified IME reports and medical fraud by Dr. Jason Hochfelder, consistent with findings by New York Attorney General Letitia James. See annexed Exhibits 6, 9.

Despite the relevance of the motion to the pending Summary Judgment proceedings—and the fact that the injunction entered under DE [210] does not apply to summary judgment-related filings—this motion was not docketed. As a result, Petitioner was denied the opportunity to challenge materially false and prejudicial assertions, including fraudulent medical records being used to oppose Petitioner's Civil Rights Claims. See annexed Exhibits 13, 14, 15.

Petitioner explicitly requested a ruling on or before September 22, 2025. However, no action was taken, and no explanation was provided. This amounts to an unlawful enforcement of the injunction against filings to which it does not apply, and further violates Petitioner's due process rights and right of access to the courts.

VII. INJUSTICE AND ABUSE OF DISCRETION

The injustice is severe**. The indefinite injunctions exploit the Petitioner's pro se status, as detailed in Section IV, thereby violating constitutional and procedural protections.** The filing bans issued on August 14 and September 16, 2025, cause severe injustice by exploiting Petitioner's pro se status and violating rights detailed in Section IV. See annexed Exhibits 1, 2.

The District Court **failed to conduct any substantive analysis to substantiate its characterization of Petitioner's motions as frivolous**, a prerequisite for imposing filing restrictions under cases like Immerso v. U.S. Dep't of Lab., No. 20-4064, 2022 WL 17333083, at

*2 (2d Cir. Nov. 30, 2022), and George v. N.Y. State Division of Parole, 685 F. App'x 30, 30 (2d Cir. 2017).

This omission, along with misapplying Trivedi v. Gen. Elec. Co. to label substantive filings as frivolous without review, denies Petitioner a fair chance to show the merit of her claims, including new evidence of fraud in DE [211] and the Loft Legal Opinion, as detailed in Section II. The bans also block Petitioner's Revised Summary Judgment Opposition and Motion to Strike, undermining fairness, as discussed in Sections V and VI. See annexed Exhibits 1, 2, 8, 9, 11, 15.

Judge Bulsara's decision to proceed with the case despite evidence of the defendants' fraud, as seen in Mallek v. Allstate Indemnity Co., where similar bias concerns led to a Second Circuit reversal, raises concerns about fairness for pro se litigants like Petitioner.

The filing bans seem retaliatory, following Petitioner's request for a criminal investigation into Attorney General Letitia James for not addressing fraud in Workers' Compensation Board Case No. G-2584330, as detailed in Section II. These bans may suggest bias, given Senator Schumer's praise of Judge Bulsara and his ties to Attorney General James, which were supported by the Senate's confirmation of Bulsara on May 15, 2024, by a 51–42 vote after a 52–42 cloture vote and a 12–9 Judiciary Committee report. This pattern aligns with concerns raised by Senator John Kennedy during Bulsara's March 6, 2024, nomination hearing regarding the disregard of precedent in J&J Sports Productions v. Ferus. See annexed Exhibits 4, 5, 6, 7, 8, 9, 10.

Petitioner plans to appeal the filing bans to the Second Circuit through her pending First Writ of Mandamus (No. 25-1810) and this Second Urgent Writ of Mandamus and seeks Judge Bulsara's recusal to ensure fairness and address harm from untreated workplace injuries since 2018, as noted in Section II. The Clerk's inaction on DE [211]'s missing pages and scanner issues, as detailed in Section II, further obstructs justice and transparency. See Exhibits 1, 2, 14, 16, 17.

VIII. RELIEF REQUESTED

Petitioner, Pro Se, respectfully requests that this Court issue a writ of mandamus directing the U.S. District Court for the Eastern District of New York to:

- Immediately lift the blanket filing ban imposed on Petitioner in Case No. 20-cv-03361, and restore full access to the Court's electronic and physical filing systems.
- Permit the filing and adjudication of:

a. Petitioner's Revised Summary Judgment Opposition under FRCP 15(a)(2);

b. Petitioner's Motion to Strike paragraphs 129–178 of Exhibit 2 under FRCP 12(f), FRCP 37, FRE 403, and Local Rule 56.1;

c. Any other pending or future motions or filings necessary to protect Petitioner's rights and develop the record, including evidence of fraud;

- Allow the filing of a new complaint involving newly identified parties alleged to have aided or perpetuated fraud, distinct from the current Defendants;
- Order the District Court to correct and complete the docket, ensuring all filings, orders, and pages are present and accurately reflect the proceedings;
- Remind the District Court of its duty to provide notice, hold hearings as required by FRCP 65(b) and 72, and afford Pro Se litigants the full protections under law, including liberal construction of filings and meaningful access to the courts;
- Grant any other relief the Court deems just and proper to prevent irreparable harm and ensure the rule of law is upheld.

Respectfully submitted,

Dated: September 23, 2025
Rego Park, New York

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

Attachments:

- **Certificate of Service**
- **Appendix**: Table of Exhibits 1–17 (pp. 1a–250a).

Word Count Certification

I, Lidia M. Orrego, certify that this Petition for Writ of Mandamus, including all sections, arguments, and exhibits, contains 3784 words, excluding the caption, table of contents, table of authorities, and signature block, in compliance with Federal Rule of Appellate Procedure 21 and Local Rules of the United States Court of Appeals for the Second Circuit. This count was determined using Microsoft Word and includes all substantive text submitted with this petition.

/S/ Lidia M. Orrego
Lidia M. Orrego
Pro Se Petitioner

APPENDIX TABLE OF EXHIBITS

Exhibit Number	Description	Date	Docket/Document Reference	Pages
Exhibit 1	Order Granting Injunction	08/14/2025	DE [210], Case No. 20-cv-3361	1a–4a
Exhibit 2	Email: Order on Motion for Leave – Injunction	09/16/2025	Email, Case No. 20-cv-3361	5a–6a
Exhibit 3	Decision by Judge Gary R. Brown	09/30/2021	DE [30], Case No. 20-cv-3361	7a–24a
Exhibit 4	Court of Appeals Decision – Mallek v. Allstate	05/18/2023	Appeals Second Circuit	25a–32a
Exhibit 5	Senator Schumer's Remarks on Judge Bulsara	03/06/2024	Hearing/Record Online	33a–43a
Exhibit 6	Docket Orders	07/01/2025 – 09/22/2025	Case No. 20-cv-3361	44a–48a
Exhibit 7	Rebeca Uzcategui Investigation Report	11/21/2018	DE [73] (Investigation Report) Case No. 20-cv-3361	49a–53a
Exhibit 8	Order on Motion to Vacate, Including Loft Legal Opinion	07/11/2025	DE [198], Case No. 20-cv-3361	54a–62a
Exhibit 9	Letter Motion: IME Fraud Confirmation	07/23/2025	DE [205], Case No. 20-cv-3361	63a–104a
Exhibit 10	Letter Motion: Leave to File New Proceedings	09/08/2025	DE [211], Case No. 20-cv-3361	105a–106a
Exhibit 11	New Complaint – Orrego v. Full Shimmee Inc. et al.	09/08/2025	N/A (Undocketed)	107a–126a
Exhibit 12	Letter Motion: Leave to File Revised Opposition	09/15/2025	N/A (Undocketed)	127a–217a
Exhibit 13	Follow-Up Letter Motion: Revised Opposition	09/15/2025	N/A (Undocketed)	218a–222a
Exhibit 14	Email: Clarification on DE [211] Filing	09/16/2025	Email, Case No. 20-cv-3361	223a–224a
Exhibit 15	Letter Motion: Leave to File Motion to Strike	09/15/2025	N/A (Undocketed)	225a–246a
Exhibit 16	Email: Scanner Document Quality Issues	09/18/2025	Email, Case No. 20-cv-3361	247a–248a
Exhibit 17	Letter from Pro Se Office	09/18/2025	N/A (Pro Se Office Correspondence)	249a–250a

EXHIBIT 2

MANDATE

E.D.N.Y. – C. Islip
24-cv-7247
Bulsara, J.
Shields, M.J.
.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of November, two thousand twenty-five.

Present:

Amalya L. Kearse,
Reena Raggi,
Raymond J. Lohier, Jr.,
Circuit Judges.

In Re: Lidia M. Orrego, 25-1808

Petitioner.

Petitioner, pro se, has filed a petition for a writ of mandamus and moves for leave to proceed in forma pauperis. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed in forma pauperis is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that she lacks an adequate, alternative means of obtaining relief, that her right to the writ is clear and indisputable, and that granting the writ is appropriate under the circumstances. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

A True Copy
Catherine O'Hagan Wolfe, Clerk
United States Court of Appeals, Second Circuit

MANDATE ISSUED ON 03/13/2026

MANDATE

E.D.N.Y. – C. Islip
23-cv-6507
Bulsara, J.
Shields, M.J.
.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of November, two thousand twenty-five.

Present:

Amalya L. Kearse,
Reena Raggi,
Raymond J. Lohier, Jr.,
Circuit Judges.

In Re: Lidia M. Orrego, 25-1810

Petitioner.

Petitioner, pro se, has filed a petition for a writ of mandamus and moves for leave to proceed in forma pauperis. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed in forma pauperis is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that she lacks an adequate, alternative means of obtaining relief, that her right to the writ is clear and indisputable, and that granting the writ is appropriate under the circumstances. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

A True Copy
Catherine O'Hagan Wolfe, Clerk
United States Court of Appeals, Second Circuit

MANDATE ISSUED ON 03/18/2026

MANDATE

E.D.N.Y. – C. Islip
20-cv-3361
Bulsara, J.
Shields, M.J.
.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of November, two thousand twenty-five.

Present:

Amalya L. Kearse,
Reena Raggi,
Raymond J. Lohier, Jr.,
Circuit Judges.

In Re: Lidia M. Orrego,

25-1802 (L),
25-2399 (Con)

Petitioner.

Petitioner, pro se, has filed petitions for a writ of mandamus and moves for leave to proceed in forma pauperis in these consolidated petitions. Upon due consideration, it is hereby ORDERED that the motions for leave to proceed in forma pauperis are GRANTED for the purpose of filing the mandamus petitions. It is further ORDERED that the mandamus petitions are DENIED because Petitioner has not demonstrated that she lacks an adequate, alternative means of obtaining relief, that her right to the writ is clear and indisputable, and that granting the writ is appropriate under the circumstances. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

A True Copy
Catherine O'Hagan Wolfe, Clerk
United States Court of Appeals, Second Circuit

MANDATE ISSUED ON 03/18/2026

EXHIBIT 3

OFFICIAL DISTRICT COURT DOCKET

ORREGO v. KNIPFING, et al.

United States District Court Eastern District of New York

Case No. 2:20-cv-03361

DOCUMENT

Official Civil Docket

PURPOSE AND RELEVANCE

Provides the official procedural chronology of the District Court proceeding.

The docket includes the summary-judgment proceedings; Plaintiff's Opposition and own Motion for Summary Judgment; documentary and electronic evidence; the November 17, 2025 recusal and random reassignment; DE [240]; the post-recusal purported acts docketed as DE [244] and DE [245]; DE [246]; and subsequent docket activity.

APPEAL,PROSENEF

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

Orrego v. Knipfing et al
Assigned to: Judge Sanket J. Bulsara
Referred to: Magistrate Judge Anne Y. Shields
related Cases: 2:26-mc-01957-SJB
2:25-cv-00769-SJB-AYS
2:25-cv-00736-SJB-AYS
2:24-cv-07247-SJB-AYS
2:23-cv-06507-SJB-AYS
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/23/2020
Date Terminated: 05/08/2026
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Date Filed	#	Docket Text
02/06/2025	186	MOTION to Compel *Re: Plaintiffs Request to Lift the Stays in the 2020 and 2023 Cases and Reinstate Motions* by Lidia M. Orrego. (AMF) (Entered: 02/06/2025)
02/12/2025	187	Notice of Related Case: 25-cv-00736 **The Case was directly assigned as a related Pro Se/Habeas Case.** (KS) (Entered: 02/12/2025)
02/14/2025	188	Notice of Related Case: 25-cv-00769 **The Case was directly assigned as a related Pro Se/Habeas Case.** (KS) (Entered: 02/14/2025)
03/03/2025	189	ORDER: Plaintiff has moved to lift the stay in this case and reinstate nine administratively terminated motions 186 . For the reasons stated in the attached, the motion to lift the stay is granted. The motion to reinstate Plaintiff's prior motions is denied. The parties are directed to meet and confer and submit a proposed schedule for the completion of discovery to Judge Shields by **3/17/2025**. So Ordered by Judge Sanket J. Bulsara on 3/3/2025. (MPG) (Entered: 03/03/2025)
03/13/2025	190	MOTION to Stay , MOTION to Disqualify Counsel , MOTION for Preliminary Injunction , MOTION for Temporary Restraining Order by Lidia M. Orrego. (GO) (Entered: 03/13/2025)
03/17/2025	191	STATUS REPORT *In Response to the Court's Order Dated March 3, 2025* by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 03/17/2025)
03/17/2025	192	REPLY in Opposition re 191 Status Report filed by Lidia M. Orrego. (AMF) (Entered: 03/18/2025)
03/19/2025		ORDER: The Court adopts the proposed briefing schedule 191 . Any party seeking to move for summary judgment must serve its motion by **6/9/2025**; any opposition must be served by **7/14/2025**; and any reply must be served by **8/4/2025**. The parties should serve the papers on each other by these deadlines but only file them on the Court's docket on **8/4/2025**, following service of all briefs. The parties are otherwise reminded to follow Judge Bulsara's Individual Practices and the Local Civil Rules effective 1/2/2025. So Ordered by Judge Sanket J. Bulsara on 3/19/2025. (MPG) (Entered: 03/19/2025)
03/26/2025	193	Letter dated 3/26/2025 from Lidia M. Orrego addressed to District Judge Bulsara RE: Status of Motion to Stay, Motion for Disqualification for Fraud, Perjury, Tampering with Witness and Evidence, Preliminary Injunction, and Protective Order (Docket Entry 190), filed on March 13, 2025. (AMF) (Entered: 03/26/2025)
05/09/2025	194	Letter MOTION for pre motion conference *for Motion to Vacate Summary Judgment Scheduling Order, Stay Case, Disqualify Opposing Counsel, Provide Evidence Filing Instructions, and Renew Declaratory Judgment* by Lidia M. Orrego. (AMF) (Entered: 05/09/2025)

05/23/2025	195	Letter MOTION for Extension of Time to File *(Consent letter motion for extension of time with respect to all deadlines set forth in the summary judgment motion briefing schedule)* by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 05/23/2025)
05/27/2025		ORDER: The motion for extension of time to file document 195 is granted. The deadlines are extended as follows: any party seeking to move for summary judgment must serve its motion by **7/9/2025**; any opposition must be served by **8/13/2025**; and any reply must be served by **9/3/2025**. The parties are directed to serve the papers on each other by these deadlines but only file them on the Court's docket on **9/3/2025**, following services of all briefs. So Ordered by Judge Sanket J. Bulsara on 5/27/2025. (MPG) (Entered: 05/27/2025)
06/17/2025	196	Second MOTION to Disqualify Judge */NOTICE OF SECOND MOTION TO RECUSE MAGISTRATE JUDGE ANNE Y. SHIELDS PURSUANT TO 28 U.S.C. §§ 144 AND 455 AND FRCP 7(b), 72(b), AND EDNY LOCAL CIVIL RULE 7.1* by Lidia M. Orrego. (NF) (Entered: 06/18/2025)
06/17/2025	197	Notice of MOTION to Vacate *ORDERS PURSUANT TO FRCP 60(b)(2), 60(b)(6), AND 60(d)(3)* by Lidia M. Orrego. (NF) (Entered: 06/18/2025)
06/18/2025	198	Notice of MOTION to Vacate *ORDERS PURSUANT TO FRCP 60(b)(2), 60(b)(6), AND 60(d)(3)* by Lidia M. Orrego. (NF) (Entered: 06/18/2025)
06/30/2025	199	MOTION for Declaratory Judgment *(Declaratory Relief)* by Lidia M. Orrego. (Attachments: # 1 Part 2, # 2 Part 3) (NF) (Entered: 07/01/2025)
07/01/2025	200	Letter MOTION for Extension of Time to File Response/Reply */Letter Motion For Adjournment of Summary Judgment Deadline, Status Update, Leave to File Amended Documents or Supplemental Certifications, and Briefing Schedule* by Lidia M. Orrego. (NF) (Entered: 07/02/2025)
07/02/2025		ORDER: Plaintiff's motion for declaratory judgment 199 is denied. The motion was previously denied on 3/28/2023. Plaintiff has now filed a renewed motion, which is just a motion for reconsideration. As such, the motion is late because more than 14 days have passed since the prior denial. See Local Civil Rule 6.3. So Ordered by Judge Sanket J. Bulsara on 7/2/2025. (MPG) (Entered: 07/02/2025)
07/03/2025	201	RESPONSE to Motion re 200 Letter MOTION for Extension of Time to File Response/Reply */Letter Motion For Adjournment of Summary Judgment Deadline, Status Update, Leave to File Amended Documents or Supplemental Certifications, and Briefing Schedule* filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 07/03/2025)
07/07/2025		ORDER: The motion for extension of time 200 is granted. The summary judgment briefing is extended as follows: any party seeking to move for summary judgment must serve its motion by **8/8/2025**; any opposition must be served by **9/12/2025**; and any reply must be served by **10/3/2025**. The parties are directed to serve the papers on each other by these deadlines but only file them on the Court's docket on **10/3/2025**, following service of all briefs. So Ordered by Judge Sanket J. Bulsara on 7/7/2025. (MPG) (Entered: 07/07/2025)
07/07/2025	202	Notice of Request to Submit Electronic Evidence. re 200 Letter MOTION for Extension of Time to File Response/Reply */Letter Motion For Adjournment of Summary Judgment Deadline, Status Update, Leave to File Amended Documents or Supplemental Certifications, and Briefing Schedule* by Lidia M. Orrego. (NF) (Entered: 07/08/2025)
07/08/2025	203	Notice of MOTION to Disqualify Judge */Recuse*, Notice of MOTION to Vacate *July 2, 2025 Order* by Lidia M. Orrego. (NF) (Entered: 07/08/2025)
07/08/2025		ORDER: The Court has received from Plaintiff multiple requests to submit electronic evidence. The protocol for submission of large electronic files set forth in the Court's Individual Practices § II.D, however, is only to be utilized for trial or motion practice where exhibits are appropriate for the Court's consideration of the issues involved, such as summary judgment. Both sides are therefore informed that, outside of such limited practice, documents should be filed only on ECF. Emails to Chambers are generally prohibited. *See* Individual Practices § II.B. So Ordered by Judge Sanket J. Bulsara on 7/8/2025. (MPG) (Entered: 07/08/2025)
07/08/2025		ORDER: Plaintiff has filed multiple motions, *e.g.*, motions to disqualify opposing counsel, motions to stay, motions to vacate prior orders, and a motion to disqualify Judge Shields 190 , 194 , 196 , 197 , 198 , 200 . Many of these motions are attempts to relitigate issues already decided in this case. The proper

		vehicle for such action is to file an appeal at the appropriate time with the Second Circuit Court of Appeals. This Court will not reconsider or undo any order issued by a prior judge in this case from before its transfer to the undersigned. Accordingly, Plaintiff may not file any further motions seeking reconsideration or a redo of prior decisions. At this point in the litigation, the parties are briefing cross-motions for summary judgment—motions which the Court will decide in a timely fashion and which will determine whether this case proceeds to trial or judgment in favor of Plaintiff or Defendants. Filings unrelated to summary judgment—which attempt to relitigate prior decisions—distract from orderly and efficient resolution of the case to a final disposition. Should Plaintiff continue to file motions for reconsideration (or motions in the guise of reconsideration motions) the Court may unfortunately have to prohibit and suspend her ECF filing privileges. *See Trivedi v. Gen. Elec. Co.*, No. 23-254, 2024 WL 3286663, at *2 (2d Cir. July 3, 2024) (warning pro se litigant "if she continues to abuse the judicial process by the instigation of frivolous appeals, an injunction will issue directing the Clerk of this Court to refuse to accept for filing any submissions from her, unless she has first obtained leave of the Court to file such papers." (cleaned up) (quoting *Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989)). This is a step the Court does not wish to take but may have no choice. (Of course, because the summary judgment motions have not yet been decided, Plaintiff may file a motion for reconsideration, consistent with Local Rule 6.3, should she disagree with some aspect of the decision rendered on such motions). Because the motions attempt to relitigate all of the issues previously decided in this case, well after the time for reconsideration, *see* Local Civil Rule 6.3, the motions at Docket Nos. 190 , 194 , 196 , 197 , 198 , 200 are all denied. The Court will proceed to resolve the summary judgment motions following submission of those papers consistent with the briefing schedule (as amended by the Court). So Ordered by Judge Sanket J. Bulsara on 7/8/2025. (MPG) (Entered: 07/08/2025)
07/10/2025	204	Letter Motion Objection and Clarification to Order Dated July 8, 2025 (NF) (Entered: 07/10/2025)
07/11/2025		ORDER: The Court is in receipt of Plaintiff's letter motion objection to its prior order 204 . To be clear, the Court is not imposing any restriction on Plaintiff's ability to make any argument (or present any evidence) in support of her motion for summary judgment (or in opposition to Defendants' motion for summary judgment). The only restriction on summary judgment is on the length of the memoranda of law, which has word limits, by virtue of Local Civil Rule 7.1. And Plaintiff (and Defendants) may submit evidence, in the form of Rule 56.1 statements (and exhibits thereto), in connection with summary judgment. What Plaintiff (and Defendants) cannot do is relitigate or reargue decisions that have already been made—which is why the Court denied the motions to reconsider decisions which, in some instances, were made years ago. Such reconsideration is barred by Local Civil Rule 6.3, which requires reconsideration motions to be filed within 14 days of the initial decision (and reconsideration may only be sought once). To reconsider decisions already made, as previously noted, requires the Court to move backwards, and prevents the case from moving forward. To the extent that Plaintiff has new evidence, it should be presented in connection with the summary judgment briefing. The Court looks forward to reviewing and deciding the summary judgment papers so the case can either proceed to trial or be resolved at this stage. So Ordered by Judge Sanket J. Bulsara on 7/11/2025. (MPG) (Entered: 07/11/2025)
07/21/2025	206	NOTICE from Lidia Orrego RE: Petition for Writ of Mandamus, Motion for Permission to Appeal In Forma Pauperis, and Certificate of Service, submitted to the United States Court of Appeals for the Second Circuit on 7/16/2025. (Attachments: # 1 Part 2, # 2 Part 3, # 3 Part 4) (NF) (Entered: 07/23/2025)
07/23/2025	205	Letter MOTION to Vacate *Orders Dated July 8, 2025, For Recusal of District Judge Bulsara and Magistrate Judge Shields for Due Process Violations, For Leave to File a Second Amended Complaint, to Stay Proceedings, and to Vacate any Summary Judgment Scheduling Order* by Lidia M. Orrego. (NF) (Entered: 07/23/2025)
07/24/2025		ORDER: For the reasons stated in the Court's previous Orders, including on 7/8/2025 and 7/11/2025, the motion to vacate 205 is denied. So Ordered by Judge Sanket J. Bulsara on 7/24/2025. (MPG) (Entered: 07/24/2025)
08/05/2025	207	Emergency MOTION to Vacate *Objecting to Order Dated July 24, 2025, Denying DE 205 , for Due Process Violations Arising from Orders Dated July 8, 2025, and July 11, 2025, Reaffirmation of Recusal of District Judge Bulsara and M. Judge Shields, to Vacate Schedule for Summary Judgment Due to Defendants' Fraud Confirmed by NYS ATTORNEY GENERAL LETITIA JAMES, and Relief Requested in DE 205 - To Set the Record of Due Process Violations and Judicial Impropriety* by Lidia M. Orrego. (Attachments: # 1 Part 2) (NF) (Entered: 08/05/2025)

08/08/2025	208	Letter *regarding service of Defendants' motion for summary judgment on Plaintiff* by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 08/08/2025)
08/11/2025	209	NOTICE of Filing of Plaintiff's Motion for Summary Judgment filed by Lidia M. Orrego. (NF) (Entered: 08/11/2025)
08/14/2025	210	ORDER: The motion 207 is denied for the reasons stated in the attached, and Plaintiff is enjoined from making additional filings in this case, absent court order, and as set forth in the attached filing injunction. So Ordered by Judge Sanket J. Bulsara on 8/14/2025. (MPG) (Entered: 08/14/2025)
09/09/2025	211	MOTION for Leave to File Document *New Proceedings Based on New Evidence - Workers' Compensation Fraud by Shimmee Inc. and Others; Deprivation of Rights by Attorney General Letitia James and Governor Kathy Hochul* by Lidia M. Orrego. (NF) (Entered: 09/11/2025)
09/11/2025	212	NOTICE OF INTERLOCUTORY APPEAL as to 210 Order on Motion to Vacate, by Lidia M. Orrego. (KS) (Entered: 09/15/2025)
09/11/2025	213	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Main Document 213 replaced on 9/22/2025) (LF). (Entered: 09/15/2025)
09/15/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. 212 Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 09/15/2025)
09/16/2025	214	ORDER: On September 11, 2025, Lidia Orrego, acting pro se, filed a Notice of Interlocutory Appeal 212 of this Court's August 14, 2025 Order 210 together with an application to proceed *in forma pauperis* ("IFP") 213 . However, Orrego used the form application for IFP status in the district court rather than Form 4 of the Appellate Appendix of Forms. Upon review, it is apparent that the present application lacks the information required by Federal Rule of Appellate Procedure 24(a)(1). Accordingly, the application to proceed IFP 213 is denied without prejudice and with leave to renew on the Circuit Court's Form 4 annexed to this Order. So Ordered by Judge Sanket J. Bulsara on 9/16/2025. (RB) (Entered: 09/16/2025)
09/16/2025		ORDER: Plaintiff Orrego has now filed multiple applications seeking leave to file additional motions and/or open new cases. Though the cover letters for these motions comply with the Court's admonition that leave be sought in a short letter with a word limit, the motions attach hundreds, if not thousands of pages of material, which not only violate the filing injunction, but are unnecessarily duplicative material. The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff. The motions seeking leave, in this case at Dkt. No. 211 , are denied. Plaintiff is prohibited from making any further filings on this docket, or using the portal available to pro se litigants, absent further order of this Court (no leave may be sought). The Clerk's Office is directed to terminate Plaintiff Orrego's access to the pro se portal, to reject and promptly return to Plaintiff any motion or document submitted by her, and not to file any submission on ECF or retain custody of such material. Plaintiff is reminded that her filing of this unnecessary material has simply impeded, delayed, and obstructed the Court's ability to resolve the merits of the case, and its ability to move this case forward, to trial (if appropriate). The Court will lift this filing injunction following resolution of the pending motions in all of her cases, in order to give her an opportunity to object, appeal, or reconsider any decision, or to make any post-decision filings attendant to trial, should the Court determine that the case should proceed to trial or further discovery. But until the Court renders such decisions, the filing injunction imposed by this order will remain in place. So Ordered by Judge Sanket J. Bulsara on 9/16/2025. (RB) (Entered: 09/16/2025)
09/18/2025	215	Letter from Pro Se Department to Lidia M. Orrego dated 9/18/2025. The enclosed documents are being returned without docketing or consideration for the following reason(s): Pursuant to the enclosed electronic orders So Ordered by District Judge Bulsara on 9/16/2025 "The Clerk's Office is directed to return all of this material via first-class mail to Plaintiff." (NF) (Entered: 09/18/2025)
09/19/2025	216	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Entered: 09/23/2025)

09/22/2025		Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. 212 Notice of Interlocutory Appeal. Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (LF) (Entered: 09/22/2025)
09/23/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. 212 Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 09/23/2025)
09/30/2025	217	Letter MOTION for Leave to Appeal *order of the court entered on September 16, 2025* by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
09/30/2025	218	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
09/30/2025	219	NOTICE OF INTERLOCUTORY APPEAL as to Order on Motion for Leave to File, entered on 9/16/2025, by Lidia M. Orrego. (DC) (Entered: 10/02/2025)
10/01/2025		ORDER: Pro se Plaintiff Orrego's motion for leave to appeal *in forma pauperis* 216 is denied. "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." *Romero v. DHL Express, Inc.*, No. 15-CV-4844, 2017 WL 2266990, at *1 (S.D.N.Y. May 6, 2017) (internal quotations and citations omitted). The "good faith" standard is objective; and it is not met when a party seeks review of a frivolous claim. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). Here, Orrego seeks to appeal this Court's entry of a filing injunction. As this Court has repeatedly explained, the filing injunction—imposed after notice was provided—was an appropriate sanction given Orrego's repetitive filing of unnecessary material that has impeded, delayed, and obstructed the Court's ability to resolve the merits of the case. (*See* Order dated Aug. 14, 2025). The Court is prepared to lift the injunction following resolution of the pending motions in all of Plaintiff's cases. (*See* Order dated Sep. 16, 2025). A frivolous appeal of the injunction only works to further delay the resolution of these cases. The Court has reviewed the record and certifies that an appeal would not be taken in good faith. *See Coppedge*, 369 U.S. at 444-45. The application to proceed *in forma pauperis* is denied. Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of Court shall immediately notify the United States Court of Appeals for the Second Circuit of this Order. The Clerk of Court is also respectfully directed to mail a copy of this Order to Orrego at her address of record and to record such service on the docket. So Ordered by Judge Sanket J. Bulsara on 10/1/2025. (RB) (Entered: 10/01/2025)
10/01/2025	220	NEF received from Court of Appeals for the Second Circuit (USCA #25-2399) re Petition for Writ Served. (Attachments: # 1 Part 2) (LF) (Entered: 10/02/2025)
10/02/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. 219 Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (DC) (Entered: 10/02/2025)
10/03/2025	221	MOTION for Summary Judgment by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua. (Attachments: # 1 Rule 56.1 Statement, # 2 Declaration, # 3 Exhibit A - Plaintiff's Deposition, # 4 Exhibit B - Savitsky WCB Testimony, # 5 Exhibit C - Old Westbury Eddie, LLC, record of Incorporation, # 6 Exhibit D - Test Msgs, # 7 Exhibit E - Job Offer Letter, # 8 Exhibit F - Non-Disclosure Agreement, # 9 Exhibit G - Plaintiff's WC Application, # 10 Exhibit H - Plaintiff's Text Msgs, # 11 Exhibit I - Email Report 4, # 12 Exhibit J - Plaintiff's diary, # 13 Exhibit K - Plaintiff's Pavillion Agency Resume, # 14 Exhibit L - Plaintiff's March 5, 2021 WCB Hearing Testimony, # 15 Exhibit M - Text Msgs, # 16 Exhibit N - Plaintiff's October 26, 2018 Wage Statement, # 17 Exhibit O - November 2, 2018 Complaint, # 18 Exhibit P - Email Report 1, # 19 Exhibit Q - Email Report 2, # 20 Exhibit R - Email Report 3, # 21 Exhibit S - Email Report 5, # 22 Exhibit T - Email Report 6, # 23 Exhibit U - Email Report 7, # 24 Exhibit V - Email from Testa to Plaintiff re Investigation, # 25 Exhibit W - Email from Kevin Flannagan, # 26 Exhibit X - Termination Letter, # 27 Exhibit Y - Imange of E-Folder Containing Photographs, # 28 Exhibit Z - Imange of E-Folder Containing Videos, # 29 Exhibit AA - September 30, 2021 MTD Decision, # 30 Exhibit BB - March 10 2021 WCB Decision, # 31 Exhibit CC - June 21, 2021 WCB Board Panel Decision, # 32 Exhibit DD - November 2, 2023 Third Department Decision, # 33 Exhibit EE - Plaintiff's June 2021 Inspector General Complaint, # 34 Exhibit

		FF - Plaintiff's June 2021 NYSDOH Complaint, # 35 Exhibit GG - Plaintiff's July 2021 NYSCJC Complaint, # 36 Exhibit HH 0 Plaintiff's February 2023 State Court Complaint, # 37 Exhibit II - Transcript of February 2025 Proceeding, # 38 Exhibit JJ - April 2025 Decision, # 39 Exhibit KK - April 2025 Dismissal, # 40 Exhibit LL - Plaintiff's July 2024 State Court Complaint, # 41 Exhibit MM - June 2020 NCDSS Notice Ltrs, # 42 Exhibit NN - July 2020 NYS OCFS ltrs, # 43 Exhibit OO - Plaintiff's December 2020 Complaint against Debra Karpfntiff's March 2024 Ltr to NCDSS, # 44 Exhibit PP- Plaintiff's March 2024 Ltr to NCDSS, # 45 Exhibit QQ - Plaintiff's December 2024 Nassau County Article 78 Petition, # 46 Exhibit RR - April 2025 Nassau County Supreme Court Decision, # 47 Exhibit SS - Plaintiff's March 2021 Queens County Supreme Court Complaint, # 48 Exhibit TT - July 2025 Second Department Decision, # 49 Exhibit UU - March 2021 NYSDHR Determination and Order of Dismissal of Administrative Convenience, # 50 Exhibit VV - Plaintiff's August 2021 Queens County Supreme Court Complaint against Ley Family, # 51 Exhibit WW - Plaintiff's June 2020 Letter to the Derek Smith Law Group, # 52 Exhibit XX - Plaintiff's June 2020 Letter to Borrelli & Associates, # 53 Exhibit YY - Plaintiff's April 2020 Letter to Law Office of Peter A. Romero, # 54 Memorandum in Support, # 55 Exhibit Notice to Pro Se Litigation Who Opposed a Motion for Summary Judgment) (Minnah-Donkoh, Kuuku) (Entered: 10/03/2025)
10/03/2025	222	REPLY in Support re 221 MOTION for Summary Judgment filed by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua. (Minnah-Donkoh, Kuuku) (Entered: 10/03/2025)
10/03/2025	223	Letter MOTION for Leave to File Document *Motion for Summary Judgment* by Lidia M. Orrego. (NF) (Entered: 10/03/2025)
10/03/2025	224	AFFIRMATION of Lidia M. Orrego in Opposition re 221 Defendants' MOTION for Summary Judgment filed by Lidia M. Orrego. (Attachments: # 1 Affidavit in Support of Authentication of Evidence and Certifications Government Agencies, # 2 Plaintiff's Counterstatement of Material Facts Pursuant to Local Civil Rule 56.1 in Opposition to Defendants' Motion for Summary Judgment, # 3 Memorandum of Law in Opposition Defendants' Motion for Summary Judgment, # 4 Exhibit 1, # 5 Exhibit 2, # 6 Exhibit 3, # 7 Exhibit 4, # 8 Exhibit 5, # 9 Exhibit 6, # 10 Exhibit 7, # 11 Exhibit 8, # 12 Exhibit 9, # 13 Exhibit 10, # 14 Exhibit 11, # 15 Exhibit 12, # 16 Exhibit 13, # 17 Exhibit 14, # 18 Exhibit 15, # 19 Exhibit 16, # 20 Exhibit 17, # 21 Exhibit 18, # 22 Exhibit 19, # 23 Exhibit 20, # 24 Exhibit 21, # 25 Exhibit 22, # 26 Exhibit 24, # 27 Exhibit 25, # 28 Exhibit 26, # 29 Exhibit 27, # 30 Exhibit 28, # 31 Exhibit 29, # 32 Exhibit 30, # 33 Exhibit 31, # 34 Exhibit 32, # 35 Exhibit 33, # 36 Exhibit 34, # 37 Exhibit 35, # 38 Exhibit 36, # 39 Exhibit 37, # 40 Exhibit 38, # 41 Exhibit 39, # 42 Exhibit 40, # 43 Exhibit 41, # 44 Affirmation of Service) (NF) (Entered: 10/06/2025)
10/06/2025		ORDER: Pro se Plaintiff Orrego's request for leave to file her fully briefed motion for summary judgment 223 is denied as moot. Orrego's summary judgment motion is not subject to the Court's August 14, 2025 filing injunction 210 , and permission is not required to file. The Clerk is directed to docket the summary judgment briefing. So Ordered by Judge Sanket J. Bulsara on 10/6/2025. (RB) (Entered: 10/06/2025)
10/06/2025	225	Letter *requesting the Clerk to (i) reclassify Plaintiff's filing (ECF No. 209) from a Notice to a Motion for Summary Judgment, or (ii) advise how the opposition should be filed under the current classification of same* by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua (Minnah-Donkoh, Kuuku) (Entered: 10/06/2025)
10/06/2025	226	Notice of MOTION for Summary Judgment by Lidia M. Orrego. (Attachments: # 1 Notice of Motion for Summary Judgment, # 2 Affirmation of Lidia M.Orrego in Support of Local Rule 56.1 Statement and Motion for Summary Judgment, # 3 Plaintiff's Local Rule 56.1 Statement of Undisputed Material Facts, # 4 Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment, # 5 List Exhibits Summary Judgment, # 6 Exhibit 1, # 7 Exhibit 2, # 8 Exhibit 3, # 9 Exhibit 4, # 10 Exhibit 5, # 11 Exhibit 6, # 12 Exhibit 7, # 13 Exhibit 8, # 14 Exhibit 9, # 15 Exhibit 10, # 16 Exhibit 11, # 17 Exhibit 12, # 18 Exhibit 13, # 19 Exhibit 14, # 20 Exhibit 15, # 21 Exhibit 16, # 22 Exhibit 17, # 23 Exhibit 18, # 24 Exhibit 19, # 25 Exhibit 20, # 26 Exhibit 21, # 27 Exhibit 22, # 28 Exhibit 23, # 29 Exhibit 24, # 30 Exhibit 25, # 31 Exhibit 26) (NF) (Entered: 10/07/2025)
10/06/2025	227	DECLARATION OF Kuuku Minnah-Donkoh in Opposition re Plaintiff's 226 Notice of MOTION for Summary Judgment filed by Lidia M. Orrego. (Attachments: # 1 Declaration of Kuuku Minnah-Donkoh in Opposition to Plaintiff's Motion for Summary Judgment, # 2 Defendant's Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment, # 3 Defendant's Responses to Plaintiff's Local Rule 56.1 Statement of Undisputed Material Facts, # 4 Exhibit ZZ) (NF) (Entered: 10/08/2025)

10/06/2025	228	REPLY in Support re 226 Notice of MOTION for Summary Judgment filed by Lidia M. Orrego. (Attachments: # 1 Plaintiff's Affirmation of Authentication of Exhibits 26-47, # 2 Plaintiff's Reply Defendants' Local Rule 56.1 Statement of Undisputed Material Facts Fated September 12, 2025, # 3 Plaintiff's Reply Memorandum of Law in Support of Motion for Summary Judgment, # 4 Exhibit 26, # 5 Exhibit 27, # 6 Exhibit 28, # 7 Exhibit 29, # 8 Exhibit 30, # 9 Exhibit 31, # 10 Exhibit 32, # 11 Exhibit 33, # 12 Exhibit 34, # 13 Exhibit 35, # 14 Exhibit 36, # 15 Exhibit 37, # 16 Exhibit 38, # 17 Exhibit 39, # 18 Exhibit 40, # 19 Exhibit 41, # 20 Exhibit 42, # 21 Exhibit 43, # 22 Exhibit 44, # 23 Exhibit 45, # 24 Exhibit 46, # 25 Exhibit 47) (NF) (Entered: 10/08/2025)
10/06/2025	229	NOTICE: The Clerks Office received the attached USB in support of 226 , 227 and 228 ; Original USB and has been sent to Judge Bulsara's chambers. (GO) (Entered: 10/08/2025)
10/06/2025		The Clerks Office is in receipt of the Pro Se Filings 226 , 227 and 228 . The cover letter states that the pro se litigant included the following: "4. Plaintiff's Opposition to Defendants' Motion for Summary Judgment (served September 12, 2025) Pages 1 - 1004"; AND "USB Flash Drive "EASTFUN" 32GB Blue Submission". After careful review of the documents, the clerks office was NOT provided with said documents. (GO) (Entered: 10/08/2025)
10/21/2025	230	MOTION for Leave to File Document *a Sur-Reply or Motion to Strike Based on Defendants' Non-Compliance with Local Rule 56.1(c), Warranting Admission of Plaintiff's Facts Under Rule 56.1(d), and to Strike 129-178 Pursuant to FRCP 12(f), FRCP 37, and FRE 403; and, for the record, Leave Noted Regarding the Court's Refusal of Plaintiff's Revised Opposition Under FRCP 15(a)(2) - "freely give[n] when justice so requires" (DE 115) attached Filed October 10, 2025, Returned October 20, 2025*. by Lidia M. Orrego. (NF) (Entered: 10/21/2025)
10/21/2025	231	Letter in Response/Clarification to 10/6/2025 Docket Entry by Lidia M. Orrego (NF) (Entered: 10/22/2025)
10/22/2025		ORDER: The motion for leave 230 to file a sur-reply or motion to strike is denied. So Ordered by Judge Sanket J. Bulsara on 10/22/2025. (RB) (Entered: 10/22/2025)
11/05/2025		ORDER: In light of the impending reassignment of this case, the current motions, 203 , 217 , 218 , 221 , and 226 , are deemed withdrawn and should be refiled consistent with the individual practices of the new Judge(s) and only with permission of the newly assigned Judge(s). So Ordered by Judge Sanket J. Bulsara on 11/5/2025. (RB) (Entered: 11/05/2025)
11/17/2025		ORDER OF RECUSAL. Type of Recusal: party. Ordered by Judge Sanket J. Bulsara on 11/17/2025. Judge Sanket J. Bulsara, Magistrate Judge Anne Y. Shields recused. Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. (BBM) (Entered: 11/17/2025)
11/18/2025	232	Letter MOTION for pre motion conference *(Urgent Request) To Vacate Unlawful Pre-Filing Injunctions and to Restore Constitutional and Satutory Filing Rights/w-Exhibits) filed* by Lidia M. Orrego. (MLR) (Entered: 11/20/2025)
11/26/2025		Case Reassigned to Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields. Judge Pamela K. Chen, Magistrate Judge Taryn A. Merkl 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. (BBM) (Entered: 11/26/2025)
11/26/2025		ORDER: The Court will be issuing orders deciding the previously filed motions. No refiling of motions is necessary. Nor is any party permitted to call Chambers to inquire about the status of previously filed motions. The Court will be issuing further decisions and orders in due course. The litigation bar previously entered, 210 , remains in place. Furthermore, no new motions, letters, or other requests may be filed by any party until further Court management orders are issued next week. So Ordered by Judge Sanket J. Bulsara on 11/26/2025. (RB) (Entered: 11/26/2025)
12/03/2025		ORDER: The Court issues the following case management order. The Court will decide all currently pending motions, including those recently reinstated, in due course. Neither party may make any additional filings on this docket until the Court decides the pending matters. So Ordered by Judge Sanket J. Bulsara on 12/3/2025. (RB) (Entered: 12/03/2025)
12/05/2025		ORDER: Pro se Plaintiff Orrego's motion for leave to appeal *in forma pauperis* ("IFP") 218 is denied for the reasons set forth in the Court's October 1, 2025 Order in this case, and the Court's June 10, 2025

		Order in a related case initiated by Orrego. (*See also Orrego v. Kerrigan*, No. 25-CV-0736 (E.D.N.Y. June 10, 2025), Dkt. No. 11 (denying IFP and listing all of Orrego's prior IFP applications, all of which have been denied)). Orrego again seeks IFP status to appeal the filing injunction in this case, which is substantially similar to the subject of the request the Court denied on October 1, 2025. The Court has reviewed the record and certifies that an appeal would not be taken in good faith and IFP status is denied for the purposes of such an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of Court shall immediately notify the United States Court of Appeals for the Second Circuit of this order. The Clerk of Court is also respectfully directed to mail a copy of this order to Orrego at her address of record and to record such service on the docket. Other motions remain pending, and the filing pause set by the Court's December 3, 2025 case management order remains in place. So Ordered by Judge Sanket J. Bulsara on 12/5/2025. (RB) (Entered: 12/05/2025)
12/10/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. 212 Notice of Interlocutory Appeal, 219 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. (GO) (Entered: 12/10/2025)
12/22/2025	233	Letter request (KS) (Entered: 12/23/2025)
12/22/2025	234	NOTICE OF INTERLOCUTORY APPEAL by Lidia M. Orrego. (KS) (Entered: 12/23/2025)
12/22/2025	235	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (KS) (Entered: 12/23/2025)
12/23/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. 234 Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 12/23/2025)
12/29/2025	236	USCA NOTICE re 235 MOTION for Leave to Appeal in forma pauperis. An appeal in the above-referenced case has been docketed in the Court of Appeals. According to the district court docket sheet or other available information, appellant has moved for leave to proceed in forma pauperis in the district court on December 22, 2025, and that motion is pending. The appeal may not move forward until the motion is determined. Please direct the motion to the appropriate judge for determination. Upon the grant or denial of the motion, please enter the order and transmit it to the Court of Appeals. 12/29/2025. USCA# 25-3217. (VJ) (Entered: 12/29/2025)
12/30/2025		ORDER: Pro se Plaintiff Orrego's motion for leave to appeal *in forma pauperis* ("IFP") 235 is denied for the reasons set forth in the Court's December 5, 2025 Order. The Court has reviewed the record and certifies that an appeal would not be taken in good faith and IFP status is denied for the purposes of such an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of Court shall immediately notify the United States Court of Appeals for the Second Circuit of this order. The Clerk of Court is also respectfully directed to mail a copy of this order to Orrego at her address of record and to record such service on the docket. Other motions remain pending, and the filing pause set by the Courts December 3, 2025 case management order remains in place. So Ordered by Judge Sanket J. Bulsara on 12/30/2025. (RB) (Entered: 12/30/2025)
01/02/2026		Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. 234 Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (LF) (Entered: 01/02/2026)
03/18/2026	237	MANDATE of USCA 25-1802 as to 234 Notice of Interlocutory Appeal filed by Lidia M. Orrego. Petitioner, pro se, has filed petitions for a writ of mandamus and moves for leave to proceed in forma pauperis in these consolidated petitions. Upon due consideration, it is hereby ORDERED that the motions for leave to proceed in forma pauperis are GRANTED for the purpose of filingthe mandamus petitions. It is further ORDERED that the mandamus petitions are DENIED because Petitioner has not demonstrated that she lacks an adequate, alternative means of obtaining relief, that her right to the writ is clear and indisputable, and that granting the writ is appropriate under the circumstances. See Cheney v. U.S. Dist. Ct. for D.C., 542 U.S. 367, 38081 (2004). (KS) (Entered: 03/18/2026)
03/24/2026		ORDER: Plaintiff Orrego's July 8, 2025 motion, 203 , is denied, for the reasons discussed in the Court's July 8, 2025 Order. So Ordered by Judge Sanket J. Bulsara on 3/24/2026. (RB) (Entered: 03/24/2026)

03/31/2026	238	MOTION for Leave to Appeal in forma pauperis by Lidia M. Orrego. (Attachments: # 1 letter) (KS) (Entered: 04/06/2026)
03/31/2026	239	NOTICE OF INTERLOCUTORY APPEAL as to Order on Motion to Disqualify Judge, Order on Motion to Vacate by Lidia M. Orrego. (KS) (Entered: 04/06/2026)
04/06/2026		Electronic Index to Record on Appeal sent to US Court of Appeals. 239 Notice of Interlocutory Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 04/06/2026)
04/08/2026	240	NOTICE OF INTERLOCUTORY APPEAL (Corrected Version - Wet Signature) as to Order on Motion to Disqualify Judge, Order on Motion to Vacate by Lidia M. Orrego. (GO) (Entered: 04/08/2026)
04/08/2026		Electronic Index to Record on Appeal sent to US Court of Appeals. 240 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. (GO) (Entered: 04/08/2026)
04/09/2026	241	NOTICE re 238 MOTION for Leave to Appeal in forma pauperis. An appeal in the above-referenced case has been docketed in the Court of Appeals. According to the district court docket sheet or other available information, appellant has moved for leave to proceed in forma pauperis in the district court on March 31, 2026, and that motion is pending. The appeal may not move forward until the motion is determined. Please direct the motion to the appropriate judge for determination. Upon the grant or denial of the motion, please enter the order and transmit it to the Court of Appeals. 4/9/2026. USCA# 26-899. (VJ) (Entered: 04/09/2026)
05/05/2026	242	Letter *to Judge Bulsara regarding Plaintiff's conduct* by Stephanieanna James-Knipfing, Kevin Knipfing, Old Westbury EDDIE LLC, Teresa A. Zantua (Attachments: # 1 Exhibit A - Summons and Complaint, # 2 Exhibit B - Screenshot of Facebook Post) (Minnah-Donkoh, Kuuku) (Entered: 05/05/2026)
05/06/2026	243	MANDATE of USCA as to 240 Notice of Interlocutory Appeal filed by Lidia M. Orrego, 239 Notice of Interlocutory Appeal filed by Lidia M. Orrego. This Court has determined sua sponte that it lacks jurisdiction over these appeals (consolidatedand in tandem) because a final order has not been issued by the district court as contemplated by28 U.S.C. § 1291. See Petrello v. White, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that the appeals are DISMISSED in 25-2225 (L), 25-2434 (Con), 25-3217 (Con), 25-2239 (L), 25-2437 (Con), and 25-3208 (Con). It is further ORDERED that Appellants motions in both consolidated appeals are DENIED as moot.To the extent we construe the Appellants motion as a petition for mandamus, it is DENIED. SeeHong Mai Sa v. Doe, 406 F.3d 155, 158 (2d Cir. 2005). (KS) (Entered: 05/06/2026)
05/08/2026	244	ORDER: As explained in the attached, Defendants' motion for summary judgment, 221 , is granted, and Orrego's motion for summary judgment, 226 , is denied. Orrego's pending motion for leave to appeal *in forma pauperis*, 238 , is denied for the reasons set forth in the Court's December 5, 2025 Order, and the pending premotion conference request, 232 , is denied as moot. The Court also institutes a filing injunction against Orrego. The Clerk of Court is directed to open a miscellaneous case entitled "In re Orrego," and to file a copy of this Order under that docket number. The matter is then to be administratively closed. Any future filings by Orrego, including any motion for reconsideration, shall be filed under that miscellaneous docket number. The Court will review each filing. If the filing is found to be frivolous, no further action will be taken. If the filing states a claim that is not frivolous or does not fail to state a claim, the Court will direct the Clerk of Court to open a new civil matter in which the filing will be docketed, and the matter will proceed as a new case in the ordinary course. The present filing injunction is lifted solely for the purpose of filing any notice of appeal. Aside from filings related to her appeal, Orrego is enjoined from further filings in this case, and from initiating future actions in the Eastern District of New York absent a Court order. The Clerk of Court is directed to distribute this memorandum and order to all Clerk's Office personnel as appropriate. So Ordered by Judge Sanket J. Bulsara on 5/8/2026. (RB) (Entered: 05/08/2026)
05/08/2026	245	JUDGMENT: It is ORDERED AND ADJUDGED that Plaintiff Lidia M. Orrego take nothing of Defendants Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIC LLC, Old Westbury

		LLC, Steven Savitsky and Teresa A. Zantura; that Defendants motion for summary judgment is granted; that Plaintiffs motion for summary judgment is denied; that Plaintiffs motion for leave to appeal in forma pauperis is denied; that the Court lifts the permanent filing injunction on Plaintiff Orrego solely for the purpose of filing any notice of appeal; that Orrego is enjoined from further filings in this case and initiating future actions in the Eastern District of New York absent a Court order; and that this case is closed. Ordered by Clerk of Court on 5/8/2026. (JC) (Entered: 05/08/2026)
06/01/2026	246	NOTICE OF APPEAL as to 245 Judgment,,, 244 Order on Motion for Summary Judgment,,,,,,,,,,,,,, Order on Motion for Pre Motion Conference,,,,,,, Order on Motion for Leave to Appeal in forma pauperis,,,,,, by Lidia M. Orrego. Filing fee $ 605. (DC) (Main Document 246 replaced on 6/8/2026) (DC). (Entered: 06/05/2026)
06/01/2026		APPEAL FILING FEE DUE re 246 Notice of Appeal, Payment in the amount of $605.00, can be made in person to the clerks office, or mailed in or paid online with the event *Civil Case Appeal Filing Fee*. (DC) (Entered: 06/05/2026)
06/05/2026		Electronic Index to Record on Appeal sent to US Court of Appeals. 246 Notice of Appeal, Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (DC) (Entered: 06/05/2026)



EXHIBIT 4

OFFICIAL MISCELLANEOUS PROCEEDING DOCKET

IN RE ORREGO

United States District Court
Eastern District of New York

Miscellaneous Case No. 2:26-mc-01957-SJB

DOCUMENT

Official Miscellaneous Proceeding Docket

PURPOSE AND RELEVANCE

Documents the opening and administrative termination of the miscellaneous proceeding on May 8, 2026, together with the filings subsequently docketed in that proceeding, including Plaintiff's June 24, 2026 Motion to Vacate, MC DE [6], and related supervisory, emergency, and administrative submissions.

The docket facilitates review of the handling of Plaintiff's post-judgment and post-recusal filings and identifies the miscellaneous proceeding in which the Motion to Vacate and related submissions were placed.

CLOSED

U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:26-mc-01957-SJB

Orrego
Assigned to: Judge Sanket J. Bulsara
related Case: 2:20-cv-03361-SJB-AYS

Date Filed: 05/08/2026
Date Terminated: 05/08/2026

In Re

Orrego

represented by **Orrego**
Lidia M. Orrego
95-08 Queens Blvd
Apart 3E
Rego Park, NY 11374
Email: liorrego@gmail.com
PRO SE

Date Filed	#	Docket Text
05/05/2026	2	PLAINTIFF'S SUPPLEMENTAL DECLARATION IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT by Lidia Orrego (NF) (Entered: 05/08/2026)
05/05/2026	3	PLAINTIFF'S NOTICE OF DEFENDANTS' COUNSEL'S VIOLATION OF COURT ORDERS DE 210 AND DE NOVEMBER 26, 2025 AND NOTICE OF CORRECTION OF RECORD by Lidia Orrego (NF) (Entered: 05/08/2026)
05/08/2026	1	NOTICE of MEMORANDUM AND ORDER filed in case 20-cv-3361-SJB on May 8, 2026. ORDER: As explained in the attached, Defendants' motion for summary judgment, 221, is granted, and Orrego's motion for summary judgment, 226, is denied. Orrego's pending motion for leave to appeal in forma pauperis, 238, is denied for the reasons set forth in the Court's December 5, 2025 Order, and the pending premotion conference request, 232, is denied as moot. The Court also institutes a filing injunction against Orrego. The Clerk of Court is directed to open a miscellaneous case entitled "In re Orrego," and to file a copy of this Order under that docket number. The matter is then to be administratively closed. Any future filings by Orrego, including any motion for reconsideration, shall be filed under that miscellaneous docket number. The Court will review each filing. If the filing is found to be frivolous, no further action will be taken. If the filing states a claim that is not frivolous or does not fail to state a claim, the Court will direct the Clerk of Court to open a new civil matter in which the filing will be docketed, and the matter will proceed as a new case in the ordinary course. The present filing injunction is lifted solely for the purpose of filing any notice of appeal. Aside from filings related to her appeal, Orrego is enjoined from further filings in this case, and from initiating future actions in the Eastern District of New York absent a Court order. The Clerk of Court is directed to distribute this memorandum and order to all Clerk's Office personnel as appropriate. So Ordered by Judge Sanket J. Bulsara on 5/8/2026. (GO) (Entered: 05/08/2026)
05/08/2026		Incomplete ACO Case Termination/Statistical/Non Reportable Closing. (GO) (Entered: 05/08/2026)
06/05/2026	4	APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI addressed to the Honorable Sonia Sotomayor dated 6/3/2026 by Lidia M. Orrego (NF) (Entered: 06/05/2026)
06/24/2026	5	Notification of 172-Day Post-Recusal Void Period and Motion to Vacate Filed June 24, 2026 - Administrative Supervisory Notice Pursuant to 28 U.S.C. § 137 by Lidia Orrego (NF) (Entered:

		07/02/2026)
06/24/2026	6	NOTICE OF MOTION TO VACATE PURSUANT TO FED. R. CIV. P. 60(b)(3), 60(b)(4),60(b)(6), AND 60(d)(3), AND FOR AN INDICATIVE RULING PURSUANT TO FED. R.CIV. P. 62.1 by Lidia M. Orrego (Attachments: # 1 Notice to Clerk of Court, # 2 Exhibits) (NF) (Entered: 07/02/2026)
07/02/2026	7	Administrative Supervisory Notice Pursuant to 28 U.S.C. § 137 Emergency Motions to Reopen Filed July 2, 2026 by Lidia Orrego (Attachments: # 1 Mailing Envelope) (NF) (Entered: 07/09/2026)
07/02/2026	8	Letter from Lidia Orrego Re: Emergency Motions to Reopen - Rule 60(b)(2)/(4)(6) - Deadline July 2, 2026 (Attachments: # 1 Mailing Envelope) (NF) (Entered: 07/09/2026)
07/02/2026	9	NOTICE TO THE CLERK OF COURT by Lidia Orrego (Attachments: # 1 Mailing Envelope) (NF) (Entered: 07/09/2026)
07/02/2026	10	NOTICE OF POTENTIAL AMICUS CURIAE PARTICIPATION by Lidia Orrego (Attachments: # 1 Mailing Envelope) (NF) (Entered: 07/09/2026)
07/02/2026	11	APPLICATION FOR LEAVE TO FILE MOTION TO REOPEN CASE (25-cv-736) PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 60(b)(2), 60(b)(4), AND 60(b)(6) by Lidia Orrego (Attachments: # 1 Mailing Envelope) (NF) (Entered: 07/09/2026)
07/02/2026	12	NOTICE OF MOTION TO REOPEN CASE (25-cv-736) PURSUANT TO FEDERAL RULES OFCIVIL PROCEDURE 60(b)(2), 60(b)(4), AND 60(b)(6) by Lidia Orrego (Attachments: # 1 Exhibits, # 2 Mailing Envelope) (NF) (Entered: 07/09/2026)
07/02/2026	13	NOTICE OF MOTION TO REOPEN CASE (25-cv-769) PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 60(b)(2), 60(b)(4), AND 60(b)(6) by Lidia Orrego (Attachments: # 1 Exhibits, # 2 Mailing Envelope) (NF) (Entered: 07/09/2026)
07/02/2026	14	COPIES of DE 7 , 8 , 9 , 10 , addressed to Judge Merkl by Lidia Orrego (Attachments: # 1 Copies addressed to Judge Brodie) (NF) (Entered: 07/09/2026)
07/02/2026	15	COPIES of DE 7 , 8 , 9 , 10 , 13 addressed to Judge Chen by Lidia Orrego (NF) (Entered: 07/09/2026)
07/07/2026	16	CORRECTED APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI addressed to the Honorable Sonia Sotomayor dated 6/30/2026 by Lidia M. Orrego (Attachments: # 1 Mailing Envelope) (NF) (Entered: 07/13/2026)
07/16/2026	17	SECOND CORRECTED APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI addressed to the Honorable Sonia Sotomayor dated 7/14/2026 by Lidia M. Orrego (Attachments: # 1 APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI, # 2 APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI, # 3 Mailing Envelope) (NF) (Entered: 07/17/2026)



EXHIBIT 5

Post-Recusal Purported Act Docketed as DE [244]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X
LIDIA M. ORREGO,

Plaintiff,

v.

KEVIN KNIPFING, et al.,

Defendants.
----------X

MEMORANDUM AND ORDER
20-CV-3361-SJB-AYS

BULSARA, United States District Judge:

Before the Court are cross-motions for summary judgment on Plaintiff Lidia M. Orrego's claims against Defendants Kevin Knipfing, Stephanieanna Knipfing, Teresa Zantua, Old Westbury Eddie LLC, and Old Westbury LLC ("Defendants"). Orrego, who worked for the Knipfings as a nanny and housekeeper for several months in 2018, brings claims under the New York State Human Rights Law ("NYSHRL") and 42 U.S.C. § 1981 for hostile work environment and retaliation. Orrego alleges that Zantua—the aunt of the children she cared for—harassed her with repeated racist remarks, and after she complained to her employer, she was terminated. For the reasons explained below, Defendants' motion for summary judgment is granted, and Orrego's motion is denied. And for the reasons explained, including Orrego's vexatious and harassing litigation conduct, the Court imposes a permanent filing injunction on Orrego.

STANDARD FOR SUMMARY JUDGMENT

A "court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986).

"A genuine issue of material fact exists if 'the evidence is such that a reasonable jury could return a verdict for the nonmoving party.'" *Nick's Garage, Inc. v. Progressive Cas. Ins. Co.*, 875 F.3d 107, 113 (2d Cir. 2017) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). "In determining whether summary judgment is appropriate, [the Court] must resolve all ambiguities and draw all reasonable inferences against the moving party." *Tolbert v. Smith*, 790 F.3d 427, 434 (2d Cir. 2015) (citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)).

The movant bears the burden of "demonstrat[ing] the absence of a genuine issue of material fact." *Celotex*, 477 U.S. at 323. "This is true even though the court [is] presented with cross-motions for summary judgment; each movant has the burden of presenting evidence to support its motion that would allow the district court, if appropriate, to direct a verdict in its favor." *Barhold v. Rodriguez*, 863 F.2d 233, 236 (2d Cir. 1988). "When both parties have moved for summary judgment, the court must evaluate each party's motion on its own merits, taking care in each instance to draw all reasonable inferences against the party whose motion is under consideration." *Alta Partners, LLC v. Getty Images Holdings, Inc.*, 165 F.4th 141, 149 (2d Cir. 2026) (quotation omitted).

"A party asserting that a fact cannot be or is genuinely disputed must support the assertion" in one of two ways. Fed. R. Civ. P. 56(c)(1). It may cite to portions of the record "including depositions, documents, electronically stored information, affidavits or declarations, . . . admissions, interrogatory answers, or other materials." *Id.* R. 56(c)(1)(A). Alternatively, it may show that "the materials cited do not establish the

absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." *Id.* R. 56(c)(1)(B); *cf. Farid v. Smith*, 850 F.2d 917, 924 (2d Cir. 1988).

In moving for summary judgment or answering such a motion, litigants are required by the Local Rules to provide a statement (a Rule 56.1 statement) setting forth purported undisputed facts or, if controverting any fact, responding to each assertion. *See* Loc. Civ. R. 56.1(a)–(b). In both instances, the party must support its position by citing to admissible evidence from the record. *Id.* R. 56.1(d); *see also* Fed. R. Civ. P. 56(c) (requiring reliance on admissible evidence in the record in supporting or controverting a purported material fact). "The purpose of Local Rule 56.1 is to streamline the consideration of summary judgment motions by freeing district courts from the need to hunt through voluminous records without guidance from the parties." *Holtz v. Rockefeller & Co.*, 258 F.3d 62, 74 (2d Cir. 2001).

Where claims in opposing Rule 56.1 statements are "genuinely disputed," the Court will consider the evidentiary sources of the claims. *Halberg v. United Behav. Health*, 408 F. Supp. 3d 118, 146 (E.D.N.Y. 2019) (adopting report and recommendation). In evaluating the sources of claims made in dueling Rule 56.1 statements, the Court cannot—as is true for the summary judgment motion as a whole—weigh evidence or assess the credibility of witnesses. *See United States v. Rem*, 38 F.3d 634, 644 (2d Cir. 1994). Furthermore, "[l]egal arguments are impermissible in any Rule 56.1 Statement and are to be disregarded." *Taveras v. HRV Mgmt., Inc.*, No. 17-CV-5211, 2020 WL 1501777, at *2 (E.D.N.Y. Mar. 24, 2020); *Lawrence v. Cont'l Cas. Co.*, No. 12-CV-412, 2013

WL 4458755, at *1 n.1 (E.D.N.Y. Aug. 16, 2013) ("Both parties have submitted Local Rule 56.1 statements and responses to each other's statements that mix factual assertions with legal argument and therefore fail to meet the requirements of Local Rule 56.1. The facts . . . are taken from those assertions contained in the Local Rule 56.1 statements that comply with Local Rule 56.1[.]" (citations omitted)). The court may not grant summary judgment based on a fact in a Rule 56.1 statement—even if undisputed—not supported by admissible evidence. *E.g.*, *Giannullo v. City of New York*, 322 F.3d 139, 142–43 (2d Cir. 2003) (vacating grant of summary judgment to defendants based on facts enumerated in Rule 56.1 statement supported only by arguments in briefs rather than admissible evidence). The Court must also disregard conclusory denials that lack citations to admissible evidence. *Rodriguez v. Schneider*, No. 95-CV-4083, 1999 WL 459813, at *1 n.3 (S.D.N.Y. June 29, 1999) ("*Rule 56.1 statements are not argument.* They should contain factual assertions, with citation to the record. They should not contain conclusions[.]"), *aff'd*, 56 F. App'x 27, 29 (2d Cir. 2003). Also, where the opposing party fails to specifically controvert a numbered paragraph in the Rule 56.1 statement, the statement by the moving party "will be deemed to be admitted." Loc. Civ. R. 56.1(c). The Court also does not give any consideration to hearsay, speculation, or inadmissible evidence in evaluating declarations or affidavits. *Pacenza v. IBM Corp.*, 363 F. App'x 128, 130 (2d Cir. 2010) ("[A] court is obliged not to consider inadmissible evidence at the summary judgment stage[.]"); *Crawford v. Dep't of Investigation*, No. 05-CV-5368, 2007 WL 2850512, at *2 (S.D.N.Y. Oct. 1, 2007) ("[A] non-moving party 'must set forth specific facts showing that there is a genuine issue for trial;' he or she 'may not rely on mere

conclusory allegations nor speculation, but instead must offer some hard evidence showing that its version of the events is not wholly fanciful.'" (quoting *Woodman v. WWOR-TV, Inc.*, 411 F.3d 69, 75 (2d Cir. 2005))), *aff'd*, 324 F. App'x 139, 143 (2d Cir. 2009).

FACTUAL BACKGROUND

The Court finds the following facts—drawn from the pleadings, the parties' respective Rule 56.1 statements, and supporting affidavits and exhibits attached thereto—are undisputed unless otherwise noted.

The Knipfings, Kevin ("Mr. Knipfing") and Stephanieanna ("Ms. Knipfing"), have four children, and hired Orrego to work as a nanny in February 2018. (Defs.' Rule 56.1 Statement ("Defs.' 56.1 Stmt."), Dkt. No. 221-1 ¶¶ I(3), 11; Pl.'s Rule 56.1 Resp. ("Pl.'s 56.1 Resp."), Dkt. No. 224-2 ¶¶ I(3), 11).[1] At that time, the Knipfings had a staff of five that they employed through their company, Old Westbury Eddie, LLC.[2] (*Id.* ¶¶ I(7), 1; Defs.' 56.1 Stmt. ¶¶ I(7), 1). The staff included: Skylar Testa, the house

[1] The numbering of Defendants' 56.1 Statement restarts at Section II. Accordingly, the Court notes paragraphs from Section I as, for example, ¶ I(3). All references to numbered paragraphs without a section label directly preceding that number correspond to the continuous numbering that begins at Section II.

[2] Orrego named both Old Westbury Eddie, LLC, and Old Westbury, LLC, as defendants seemingly because the termination letter she was issued came from "Old Westbury, LLC," but she acknowledges there is no such company registered in New York. (*See* Pl.'s Rule 56.1 Statement ("Pl.'s 56.1 Stmt."), Dkt. No. 226-3 ¶ 17). Defendants respond that their company, which was "incorporated in New York to serve as the employer of record for the Knipfings' domestic employees," is "Old Westbury Eddie, LLC," and omitting "Eddie" from the termination letter was a typographical error. (Defs.' Rule 56.1 Resp. ("Defs.' 56.1 Resp."), Dkt. No. 227-3 ¶ 17). The Court refers to the entity generally as "Old Westbury," and all parties have briefed the motion understanding there is only a single entity defendant.

manager, Rebecca Uzcategui, the primary nanny, Cristina Coimbra, the housekeeper, Gerardo Guarino, the chef, and Shannon Sha, who homeschooled the Knipfings' children. (*Id.* ¶¶ 1–6; Pl.'s 56.1 Resp. ¶¶ 1–6).

Before beginning her employment, Orrego signed a non-disclosure agreement ("NDA"). (Defs.' 56.1 Stmt. ¶¶ 13–18).[3] The NDA generally prohibits employees from discussing confidential information—which the NDA broadly defines to include, among other things, personal information about the Knipfings and their employees—with any third party absent Mr. Knipfing's express written permission, subject to several exceptions, such as to report possible violations of federal or state law. (*Id.* ¶¶ 15–17). Under the NDA, photographs pertaining to the Knipfings were also deemed confidential information, and a separate provision forbade taking photos or videos of the Knipfings without express permission. (*Id.* ¶¶ 15, 18).

[3] Orrego says she denies these statements in her 56.1 Response, but the bases she offers do not appear to contest the heart of the statements. For example, Orrego denies that she ever received any documents to sign prior to her employment, on the ground that her text messages with Testa about the hiring process, that she supplied to the Court, do not show that she received any documents to sign. (Pl.'s 56.1 Resp. ¶ 13). She adds a comment, describing that text message exhibit: "NDA Never Received." (*Id.*). The crux of her contestation, more clearly in her explanations for her denials of the descriptions of the NDA, seems to be that she was never given a complete copy of the NDA before or after signing. (*Id.* ¶¶ 14–18 (noting "NDA require to have copy" and "I never get a copy of the NDA")). But Defendants provided a complete copy of an NDA with Orrego's signature. (*See* NDA, attached to Defs.' Mot. as Ex. F, Dkt. No. 221-8). And even if the Court were to not consider the NDA, there are other legitimate, non-retaliatory reasons for her termination, which entitle Defendants to summary judgment. *See infra* pp. 20–22.

At some point, Orrego also assumed some housekeeping duties for the Knipfings—the date is disputed, but is not material.[4] On October 31, 2018, Ms. Knipfing and Testa informed Orrego that she would no longer be a nanny and housekeeper—she would only serve as a nanny. (*Id.* ¶ 75; Pl.'s 56.1 Resp. ¶ 75). Two days later, on November 2, 2018, Orrego sent Ms. Knipfing and Testa an email raising allegations that Uzcategui, the primary nanny, had been harassing Orrego and mistreating the children, and that Zanuta, Ms. Knipfing's sister, had been harassing Orrego with racially discriminatory comments. (*Id.* ¶¶ I(4), 78–81; Defs.' 56.1 Stmt. ¶¶ I(4), 78–81). Testa forwarded the email to Mr. Knipfing the same day, and on November 6, 2018, Mr. Knipfing met with Orrego to discuss her complaints and asked her to send him any evidence she had, which she did over the next week. (*Id.* ¶¶ 88–92; Pl.'s 56.1 Resp. ¶¶ 88–92). Testa informed Orrego on November 11, 2018, that the Knipfings had hired investigators to look into the allegations she raised, and those investigators met with and interviewed Orrego the following day. (*Id.* ¶ 99; Defs.' 56.1 Stmt. ¶¶ 98–99).[5]

After the investigation concluded, Orrego was informed on November 27, 2018 that her employment was terminated. (*Id.* ¶ 103; Pl.'s 56.1 Resp. ¶ 103). The

---

[4] Orrego contends at one point that she was hired as a nanny *and* housekeeper, and at another that she began housekeeping duties in March 2018. (Pl.'s 56.1 Resp. ¶¶ 68, 70). Defendants assert that Orrego asked to also serve as a housekeeper around July 2018, when the Knipfings were looking for a second housekeeper. (Defs.' 56.1 Stmt. ¶¶ 70–72).

[5] Though it is not detailed in the parties' 56.1 Statements, the Court notes that it appears from an audio transcription submitted by Orrego that when she met with Mr. Knipfing on November 6, 2018, she was told that she would not be working, but would be paid, until the investigation resolved. (Audio Transcription, attached to Pl.'s Opp'n as Ex. 17, Dkt. No. 224-20 at 7).

termination letter gave multiple reasons, including: 1) breach of the NDA; 2) a statement Orrego made in the course of the investigation that she was unwilling to continue working with Uzcategui; and 3) the conclusion that Orrego made false statements in her initial complaint. (*Id.* ¶ 104; Defs.' 56.1 Stmt. ¶ 104; Termination Letter, attached to Defs.' Mot. as Ex. X, Dkt. No. 221-26).

Orrego then initiated this lawsuit on July 23, 2020, (Compl., Dkt. No. 1), and filed the Amended Complaint on August 17, 2020, (Am. Compl., Dkt. No. 8). The Amended Complaint named as Defendants the Knipfings, Old Westbury Eddie LLC, Old Westbury LLC, Steve Savitsky, and Zantua. (*Id.* at 2–3, 9–10). She brought claims for race discrimination, hostile work environment, and retaliation under 42 U.S.C. § 1981, the NYSHRL, New York City Human Rights Law ("NYCHRL"), and New York Labor Law ("NYLL"). (*Id.* at 4, 11). She also asserted claims under state criminal laws for forgery and perjury. (*Id.* at 4).

The Court dismissed Orrego's claims asserted under the NYCHRL, NYLL, and state criminal laws, and dismissed her discrimination claims brought under § 1981 and the NYSHRL. (Mem. & Order dated Sep. 30, 2021, Dkt. No. 30 at 1). The Court also dismissed the retaliation claim against Zantua, and all claims against Savitsky. (*Id.*). The parties agree that the remaining claims are: 1) Orrego's § 1981 and NYSHRL hostile work environment claims based on race and national origin against the Knipfings, Zantua, and Old Westbury; and 2) Orrego's § 1981 and NYSHRL retaliation claims

against the Knipfings and Old Westbury. (Defs.' 56.1 Stmt. ¶ 117; Pl.'s 56.1 Resp. ¶ 117).[6]

Defendants' fully briefed motion for summary judgment was filed on the Court's docket on October 3, 2025. (*See* Defs.' Mem. in Supp. of Mot. for Summ. J. dated Aug. 8, 2025 ("Defs.' Mot."), Dkt. No. 221-54; Pl.'s Mem. in Opp'n to Defs.' Mot. dated Aug. 12, 2025 ("Pl.'s Opp'n"), Dkt. No. 224-3; Defs.' Mem. in Reply dated Oct. 3, 2025 ("Defs.' Reply"), Dkt. No. 222). Orrego's fully briefed motion was filed that same day.[7] (*See* Pl.'s Mem. in Supp. of Mot. for Summ. J. dated Aug. 8, 2025 ("Pl.'s Mot."), Dkt. No. 226-4; Defs.' Mem. in Opp'n to Pl.'s Mot. dated Sep. 12, 2025 ("Defs.' Opp'n"), Dkt. No. 227-2; Pl.'s Mem. in Reply dated Oct. 3, 2025 ("Pl.'s Reply"), Dkt. No. 228-3).

---

[6] This case was first reassigned from the Honorable Gary R. Brown to the Honorable Joan M. Azrack on May 18, 2023, and then to the undersigned on January 31, 2025.

[7] Orrego submitted USB flash drives with her motion papers. (*See* Notice dated Oct. 6, 2025, Dkt. No. 229). However, the Court cannot access or review the contents of flash drives. And Orrego was expressly informed of the Court's protocol for submission of large electronic files in the event they cannot be filed on ECF. (Order dated July 8, 2025 ("The Court has received from Plaintiff multiple requests to submit electronic evidence. The protocol for submission of large electronic files set forth in the Court's Individual Practices § II.D, however, is only to be utilized for trial or motion practice where exhibits are appropriate for the Court's consideration of the issues involved, such as summary judgment. Both sides are therefore informed that, outside of such limited practice, documents should be filed only on ECF.")). According to a letter Orrego submitted, it appears the flash drives contain: the pictures and videos Orrego took while employed by the Knipfings, social media accounts of other employees and Mr. Knipfing, the reports Orrego sent to Mr. Knipfing, and a worker's compensation recording. (Pl.'s Letter dated Oct. 3, 2025, Dkt. No. 226 at 3–4). From the descriptions, this evidence appears largely duplicative of material submitted on the Court's docket, though the Court is unable to review it.

DISCUSSION

I. Hostile Work Environment

"Section 1981 and NYSHRL[8] hostile work environment claims are governed by the same substantive standard." *Alvarado v. Nordstrom, Inc.*, 685 F. App'x 4, 6 (2d Cir. 2017). "To establish a prima facie case of hostile work environment, the plaintiff must show that the discriminatory harassment was sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, and that a specific basis exists for imputing the objectionable conduct to the employer." *Id.* (quotation omitted). While § 1981 permits a plaintiff to sue individuals in addition to employers, *id.*, the NYSHRL generally does not permit individual liability for employment discrimination, *see Nezaj v. PS450 Bar & Rest.*, 719 F. Supp. 3d 318, 329 (S.D.N.Y. 2024) ("[A]s the divided New York Court of Appeals clarified . . . , where a corporate entity is the plaintiff's employer, an individual affiliated with the entity cannot himself qualify as the employer . . . even if the individual holds a high post at the employer or owns the entity." (citing *Doe v. Bloomberg, L.P.*, 36 N.Y.3d 450, 457–58 (2021))) (collecting cases).

[8] Because the complained-of conduct occurred prior to October 11, 2019—when amendments to the NYSHRL made certain standards more lenient—Orrego's NYSHRL hostile work environment claim is analyzed under the Title VII standard. *Wheeler v. Praxair Surface Techs., Inc.*, 694 F. Supp. 3d 432, 452 (S.D.N.Y. 2023) ("[F]or a plaintiff whose claim is based on conduct before October 11, 2019, the Title VII standard still applies."); *Lee v. Riverbay Corp.*, 751 F. Supp. 3d 259, 274 (S.D.N.Y. 2024) (explaining that before the amendment, "the pleading standards were generally the same for Title VII, section 1981, and NYSHRL claims" (quotation omitted)). Orrego does not suggest otherwise.

A. Claim Against Zantua

"[I]ndividuals may be held liable under § 1981." *Whidbee v. Garzarelli Food Specialties, Inc.*, 223 F.3d 62, 75 (2d Cir. 2000). But in those instances "the individuals have been supervisors who were personally involved in the discriminatory activity." *Id.* (quotation omitted).

A supervisor "is empowered by the employer 'to take tangible employment actions against the victim, *i.e.*, to effect a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits.'" *Wiercinski v. Mangia 57, Inc.*, 787 F.3d 106, 113–14 (2d Cir. 2015) (quoting *Vance v. Ball State Univ.*, 570 U.S. 421, 431 (2013)) (applying *Vance*'s "supervisor" definition under Title VII to a § 1981 claim). "In other words, a supervisor is an individual empowered by the company as a distinct class of agent to make economic decisions affecting other employees under his or her control." *Id.* at 114 (quotation omitted); *e.g.*, *Bentley v. AutoZoners, LLC*, 935 F.3d 76, 91 (2d Cir. 2019) (explaining that "to raise a triable issue of fact" as to whether a defendant was a supervisor, plaintiff "had to adduce admissible evidence" showing that her employer had authorized defendant "to do more than oversee her day-to-day performance of assigned tasks"—that is, "to take *tangible employment actions* that could *inflict direct economic injury*").

Defendants contend that Zantua was not Orrego's supervisor, and in fact, was never employed by the Knipfings. (Defs.' Mot. at 7). And they point to several pieces of evidence, including Orrego's own admissions, to demonstrate as much. Defendants

point to Orrego's deposition testimony that she never submitted her timesheets to Zantua, that she did not know whether Zantua had any authority to suspend, demote, or terminate her employment, or change her salary, and that she did not know whether the Knipfings ever paid Zantua to perform any work. (Defs.' 56.1 Stmt. ¶¶ 19–22; *see also* Dep. of Lidia Orrego ("Orrego Dep."), attached to Defs.' Mot. as Ex. A, Dkt. No. 221-3 at 141:20-25, 152:5–154:2). Defendants also point to Orrego's Worker's Compensation claim filed in September 2019, in which she identifies Testa—not Zantua—as her supervisor. (Defs.' 56.1 Stmt. ¶ 23). Orrego does not meaningfully contest much of this evidence; the evidence she does contest is unsupported by the record portions she cites. Orrego states that Zantua "is the second shift nanny to help with 4 kids," but she cites and provides no evidence in support of that assertion. (Pl.'s 56.1 Resp. ¶ 22). And as for naming Testa as her supervisor in her Worker's Compensation material, she responds that supervisor and house manager mean the same thing to her, but provides no record evidence in support. (*Id.* ¶ 23). Orrego argues that Zantua had a supervisory role because she "direct[ed] Plaintiff's tasks," but again points to no evidence that could support that contention.[9] (Pl.'s Opp'n at 9).

Thus, given the undisputed evidence identified by Defendants, the Court concludes that Zantua cannot be considered a supervisor for purposes of Orrego's

[9] In light of Orrego's pro se status, the Court has considered the factual assertions and arguments regarding Zantua's supervision that Orrego makes in support of her own summary judgment motion, which are slightly more detailed than those opposing Defendants' motion. For example, Orrego there claims that Zantua "order[ed] Plaintiff to take photographs and videos of the Knipfings' children." (Pl.'s 56.1 Stmt. ¶¶ 2, 4). But no documents cited actually support the assertion, and in any event, directing tasks like taking photos does not demonstrate Zantua's supervisory liability or role.

hostile work environment claim, and accordingly, the claim against Zantua is dismissed. *E.g.*, *Bentley*, 935 F.3d at 91–92 (finding no supervisory authority where the defendant could not hire, fire, promote, demote, or set compensation or work hours); *Lekettey v. City of New York*, 637 F. App'x 659, 662 (2d Cir. 2016) (finding that the plaintiff presented no facts from which the court could find that defendant was "empowered by the employer to take tangible employment actions against" the plaintiff).

B. Claims Against the Knipfings and Old Westbury

Under federal law governing hostile work environment claims, the same standard for imputing harassment by non-supervisory co-workers to employers applies to imputing harassment by non-employees, with the qualification that the court "will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees." *Summa v. Hofstra Univ.*, 708 F.3d 115, 124 (2d Cir. 2013) (quotation omitted) (applying the test for imputing harassment by co-workers where plaintiff, team manager of the football team, sued the university for the hostile work environment created by football players). That is, "the employer will be held liable only for its own negligence, and the plaintiff must demonstrate that the employer failed to provide a reasonable avenue for complaint or that it knew, or in the exercise of reasonable care should have known, about the harassment yet failed to take appropriate remedial action." *Id.* (quotation omitted). "In determining the appropriateness of an employer's response," courts "look to whether the response was immediate or timely and appropriate in light of the circumstances,

particularly the level of control and legal responsibility [the employer] has with respect to [the employee's] behavior." *Id.* (quotation omitted).

Although Zantua was not Orrego's supervisor, she was a family member of Orrego's employer—and Orrego worked in the home of her employer, taking care of their children and assisting around the house. Thus, like in *Summa*, the Court applies the test for imputing harassment by co-workers—even if Zantua is not an employee at all—given the degree of control that the Knipfings presumably had over Zantua's conduct in their own home, with their own children. *See id.* But even under this approach, the Knipfings and Old Westbury may only be held liable for non-supervisor misconduct if they "provided no reasonable avenue for complaint or knew of the harassment but did nothing about it." *Whidbee*, 223 F.3d at 72 (quotation omitted).

Orrego had multiple avenues to raise a complaint—by texting or emailing the Knipfings or Testa—and the fact that she did in fact email Testa and Ms. Knipfing with her complaint on November 2, 2018 establishes the existence and feasibility of that process. (Defs.' Mot. at 17; Defs.' 56.1 Stmt. ¶ 80; Pl.'s 56.1 Resp. ¶ 80). Defendants also submitted Orrego's deposition testimony, where she says she does not remember having "raised any issues or any of the conduct[] by Ms. Zantua" to Ms. Knipfing prior to the November 2, 2018 email, and says she would have to check her diary. (Defs.' 56.1 Stmt. ¶ 83[10]; Orrego Dep. at 185:14-20). That diary, both parties agree, does not mention

[10] In her responsive 56.1 Statement, Orrego qualifies her admission of this statement with the additional fact that she once mentioned Zantua's harassment to Ms. Knipfing, but the only response she received was that Ms. Knipfing was not interested. (Pl.'s 56.1 Resp. ¶ 83). But Orrego presents no evidence or details to support that vague contention, so the Court cannot credit it.

Orrego ever complaining about Zantua's harassment to Ms. Knipfing. (Defs.' 56.1 Stmt. ¶ 84; Pl.'s 56.1 Resp. ¶ 84).

Orrego does not allege that there was no avenue to complain, but she argues that the Knipfings knew of Zantua's conduct through two complaints[11] she lodged—one to Testa on October 16, 2018, and the other being the November 2, 2018 email she sent to Testa and Ms. Knipfing—but that they took no corrective action. (Pl.'s Mot. at 9). The evidence Orrego points to regarding the October 16, 2018 report is a transcription of an audio recording of a conversation between her and Testa, where almost every line is largely marked "inaudible," and the Court can discern no evidence of a report to Testa of Zantua's misconduct. (Audio Transcription, attached to Pl.'s Opp'n as Ex. 8, Dkt. No. 224-11). That leaves the November 2, 2018 report, for which there is no genuine dispute that the Knipfings took prompt action, including: immediately forwarding Orrego's complaint to Mr. Knipfing, who met with Orrego four days later to discuss her complaints, requested Orrego send whatever evidence she had, and then retained a private security company to investigate the allegations the following week. (Defs.' 56.1 Stmt. ¶¶ 88–102; Pl.'s 56.1 Resp. ¶¶ 88–102).

"The standard for reviewing the appropriateness of an employer's response to co-worker harassment is essentially a negligence one, and reasonableness depends among other things on the gravity of the harassment alleged." *Summa*, 708 F.3d at 125

[11] Orrego seems to claim that she was "demot[ed] from nanny to housekeeper on August 15, 2018, following earlier complaints"—but none of the cited evidence supports the contention that earlier complaints existed or were the cause of termination. (Pl.'s Opp'n at 11).

(quotation omitted). The Knipfings immediately met with Orrego and hired an external investigation company to evaluate her complaint, which cannot be found to be an unreasonable or inappropriate response. *See, e.g.*, *id.* at 125 (finding the employer's response reasonable and appropriate because it "took action at once" when misconduct was reported); *Lekettey*, 637 F. App'x at 662 ("Plaintiff's complaint alleges no facts from which it can be plausibly inferred that defendants were negligent or unresponsive to her complaints about the workplace."). Orrego has "failed to produce evidence that [Defendants were] dilatory in [their] response," *Whidbee*, 223 F.3d at 73, and there are no other incidents where Defendants took no action in response to a complaint by Orrego; thus summary judgment is appropriate on Orrego's hostile work environment claim.

Although Orrego does not clearly make the argument, the Court separately evaluates whether the Knipfings *should* have, in the exercise of reasonable care, known about Zantua's alleged misconduct. Uzcategui had complained about Zantua's conduct approximately one year before Orrego did. (Pl.'s 56.1 Stmt. ¶ 33; Investigative Memo dated Nov. 21, 2018, attached to Pl.'s Mot. as Ex. 13, Dkt. No. 226-18 at 3). The external investigation found that Uzcategui admitted "to approaching [Mr. Knipfing] with regards to the way [Zantua] was treating her," and that "things were somewhat better" after that, but then "reverted back" to how things were. (Investigative Memo at 3). Orrego says the Knipfings "took no corrective action," which allowed Zantua's alleged harassment to persist, including against her. (Pl.'s 56.1 Stmt. ¶ 33). But that mischaracterizes the report, which clearly states that conditions improved after Uzcategui made her complaint to Mr. Knipfing. (Investigative Memo at 3). The fact

that the alleged misconduct started again, after having resolved, does not automatically suggest that the Knipfings knew or should have known *Orrego* was being harassed. *E.g.*, *Summa*, 708 F.3d at 125 (finding imputation of liability improper despite multiple separate instances of harassment, since each report brought to a supervisor's attention was "dealt with quickly and in proportion to the level of seriousness of the event"); *Bentley*, 935 F.3d at 92–93 (holding that inconsistent evidence suggesting defendant had notice about harassment could not create a fact issue, and prompt investigation followed the report of allegedly hostile work environment shown by the record, so employer could not be found negligent and summary judgment was appropriate).

To summarize, Zantua's conduct cannot be imputed to the Knipfings or Old Westbury under § 1981. The federal and state standards differ with respect to the Knipfings' and Old Westbury's liability for Zantua's alleged harassment, since she is not a supervisor, in one regard: under the NYSHRL, "[a]n employer cannot be held liable for an employee's discriminatory act unless the employer became a party to it by encouraging, condoning, or approving it." *Hoit v. Cap. Dist. Transp. Auth.*, 805 F. App'x 41, 45 (2d Cir. 2020) (quotation omitted). Because the Court finds that Zantua's conduct cannot be imputed to the other Defendants under the more relaxed federal standard, it also does not meet the NYSHRL's more rigorous requirement of encouragement or approval.

Since the Court concludes that Zantua's conduct cannot be imputed to the Knipfings or Old Westbury, it need not and does not determine whether Orrego's "showing of harassment was sufficiently severe or pervasive to constitute a hostile

work environment." *Summa*, 708 F.3d at 124. Orrego's hostile work environment claim against the Knipfings and Old Westbury is dismissed.

II. Retaliation

Section 1981 and NYSHRL retaliation claims are analyzed under the three-step burden shifting framework derived from *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and according to Title VII principles. *Alvarado*, 685 F. App'x at 7. Under that framework, if the plaintiff establishes a prima face case of retaliation, "the defendant must then articulate a legitimate, non-discriminatory reason for its action." *Hernandez v. Kwiat Eye & Laser Surgery, PLLC*, No. 23-7679, 2024 WL 5116365, at *1 (2d Cir. Dec. 16, 2024). "To make out a prima facie case of retaliation, a plaintiff must make four showings: that (1) she engaged in a protected activity; (2) her employer was aware of this activity; (3) the employer took adverse employment action against her; and (4) a causal connection exists between the alleged adverse action and the protected activity." *Id.* *3 (quotation omitted). If the defendant produces a non-retaliatory reason for the adverse action, the plaintiff "must then prove that her protected activity was a 'but-for' cause of her firing, which she can do by showing that [defendant's] proffered reason is pretextual." *Knox v. CRC Mgmt. Co., LLC*, 134 F.4th 39, 49 (2d Cir. 2025) (quotation omitted); *see also Alvarado*, 685 F. App'x at 7 ("'[B]ut-for' causation does not require proof that retaliation was the only cause of the employer's action, but only that the adverse action would not have occurred in the absence of the retaliatory motive." (quotation omitted)); *Ferrara v. Sterling, Inc.*, No. 23-0454, 2024 WL 485742, at *2 (2d Cir. Feb. 8, 2024) ("[W]ith respect to causation, [plaintiff] must establish that retaliation . . .

was a 'but-for' cause of his demotion, not simply a 'substantial' or 'motivating' factor in the employer's decision." (quotation omitted)).

Defendants do not dispute that Orrego has made out a prima facie case of retaliation. There is no dispute that Orrego engaged in protected activity and that her employer was aware of it: she complained of racial discrimination to Testa and Ms. Knipfing on November 2, 2018. (Defs.' Mot. at 19; Pl.'s Opp'n at 10–11). And Orrego's employment was terminated on November 27, 2018, an adverse employment action that is close enough in temporal proximity to presumptively establish a causal connection with her protected activity. (Defs.' Mot. at 20; Pl.'s Opp'n at 11); *e.g.*, *Summa*, 708 F.3d at 128 ("[T]he combination of reasonably close temporal proximity and the particular context in this case is sufficient to infer causation in establishing a prima facie case of retaliation[.]").

Under *McDonnell Douglas*, the burden now shifts back to Defendants "to articulate some legitimate, non-retaliatory reason for the employment action." *Philbert v. N.Y.C Dep't of Educ.*, No. 24-0804, 2025 WL 3251187, at *1 (2d Cir. Nov. 21, 2025) (quotation omitted) (noting that defendants' burden here "is one of production, not persuasion" (quotation omitted)). "The plaintiff must then produce evidence and carry the burden of persuasion that the proffered reason is a pretext." *Id.* (quotation omitted). "At the third step, the presumption of retaliation dissipates, and the plaintiff must prove that the desire to retaliate was [a] but-for cause of the challenged employment action." *Carter v. TD Bank, N.A.*, No. 23-0950, 2024 WL 2828470, at *3 (2d Cir. June 4, 2024) (quotation omitted). A plaintiff "need not prove that the employer's

stated reason was *false*"; she "need only show that the employer's stated reason—even if true or factually accurate—was not the 'real reason,' in the sense that it was not the *entire* reason due to a coexisting impermissible consideration." *Bart v. Golub Corp.*, 96 F.4th 566, 575 (2d Cir. 2024) (emphasis in original). In other words, it is the plaintiff's burden "to produce admissible evidence showing circumstances that would be sufficient to permit a rational finder of fact to infer that the defendant's employment decision was more likely than not based in whole or in part on discrimination." *Id.* at 576 (quotation omitted).

Defendants have articulated multiple non-retaliatory reasons for Orrego's termination, which were also provided contemporaneously with her termination letter: 1) Orrego had been secretly recording conversations and taking unauthorized pictures and videos in violation of the NDA she signed; 2) Orrego told the outside investigators that she did not want to continue working for the Knipfings if Uzcategui remained employed; and 3) Orrego made allegations that the Knipfings' children were being physically abused by Uzcategui, but later confirmed no such abuse was taking place. (Defs.' Mot. at 20; Defs.' 56.1 Stmt. ¶¶ 104–110; Termination Letter).

Orrego makes several arguments that these proffered reasons are pretextual. *See Licinio v. New York*, No. 24-2564, 2025 WL 1693108, at *2 (2d Cir. June 17, 2025) ("To prove pretext, a plaintiff can demonstrat[e] weaknesses, implausibilities, inconsistencies, or contradictions in the employer's proffered legitimate, nonretaliatory reasons for its action." (quotation omitted)), *cert. denied*, No. 25-0587, 2026 WL 79971 (U.S. Jan. 12, 2026). Her strongest arguments challenge the reason related to her

supposedly unauthorized pictures and videos. Orrego argues that the photos and videos she took were authorized by Zantua and the Knipfings, and that Ms. Knipfing was previously aware of them. (Pl.'s Opp'n at 12). She also asserts, in conclusory fashion, that the NDA was void and that prior employees took photos without any repercussions.[12] (*Id.*). In support of these arguments, Orrego produced several text messages with Ms. Knipfing in which Orrego sent photos—for example, of the children in the playroom in March 2018—to a warm reception by Ms. Knipfing. (Text Messages, attached to Pl.'s Opp'n as Ex. 6, Dkt. No. 224-9). But Orrego has not produced evidence that the Knipfings knew other employees had taken photos, nor does the evidence she supplied—of a few pictures shared only with Ms. Knipfing in response to questions about where the children were—support her blanket statement that the 821 photos and 172 videos she took were "authorized." (Pl.'s Opp'n at 12).

Orrego's burden at this stage is not merely one of production. She must persuasively show that the proffered reasons for her termination are a pretext for the true retaliatory motive. *Philbert*, 2025 WL 3251187, at *2 (affirming grant of summary judgment where plaintiff's evidence of pretext "d[id] not provide a reasonable basis on

[12] "[E]vidence of disparate treatment *of similarly situated individuals* allows for the conclusion that the reasons advanced by an employer . . . are pretextual." *Summa*, 708 F.3d at 130 (emphasis added). Orrego never alleges that the other employees who took photos were remotely similarly situated to her. Orrego took hundreds of photos and videos, and also secretly recorded a conversation with another nanny in the presence of a third party not employed by the Knipfings, told external investigators that she did not want to keep working for the Knipfings if the other nanny remained employed, and finally, made claims of child abuse to the Knipfings and then later confirmed that no such abuse was occurring. She has thus, not met her burden in showing that other employees that engaged in *similar conduct* were treated more favorably to permit a factfinder to conclude that the proffered rationale for her termination was pretextual.

which a jury could conclude that [defendant's] desire to retaliate against her was a but-for cause of her termination," given the other enumerated bases for firing). But she has not done so. She has essentially disputed the bases offered for her termination. That, however, does not suggest that the real (or even partial) motivation for her firing was that her employer was retaliating against her for complaining about harassment in the first instance. So, even fully crediting Orrego's contention that some photos she took seem to have been authorized by Ms. Knipfing, a reasonable factfinder still could not conclude retaliation was a but-for cause of Orrego's termination. *See Licinio*, 2025 WL 1693108, at *2 ("The existence of a scintilla of evidence is insufficient to defeat a summary judgment motion." (quotation omitted)).[13]

As for the other non-retaliatory reasons, Orrego calls them pretextual because her complaint focused on Zantua's harassment, not Uzcategui, and because she says she did not retract her claim of child abuse, contrary to Defendants' characterization. (Pl.'s Opp'n at 12). These quibbles do not demonstrate Defendants' proffered reasons are without merit, let alone that they are pretextual.

"Even construing this evidence in the light most favorable" to Orrego, as this Court must, she "has failed to produce sufficient admissible evidence from which a reasonable juror could infer that the explanations given by [Defendants] were pretextual." *Licinio*, 2025 WL 1693108, at *2 (quotation omitted); *e.g.*, *Uttarwar v. Lazard Asset Mgmt. LLC*, No. 24-1085, 2025 WL 704278, at *4 (2d Cir. Mar. 5, 2025) ("While

[13] Orrego's termination letter took significant issue with Orrego having recorded a conversation with Uzcategui discussing their work "in the presence of a member of the public"—a reason Orrego does not refute at all. (Termination Letter).

temporal proximity, together with other evidence such as inconsistent employer explanations, may be enough to defeat summary judgment, Uttarwar has failed to provide evidence calling into question the legitimacy of the defendants' explanations for his termination[.]"); *Carter*, 2024 WL 2828470, at *4 ("Simply put, the evidence Carter has adduced through discovery would not allow a reasonable factfinder to find the required but-for causal connection between his complaint and his termination, despite the modest temporal proximity between the two."); *Ferrara*, 2024 WL 485742, at *3 ("Here, assuming *arguendo* that Ferrara established a *prima facie* case of retaliation, he has not set forth evidence to rebut Sterling's legitimate, nondiscriminatory reason for his demotion from district manager to store manager[.]").

Thus, after evaluating Orrego's retaliation claim under each step of the *McDonnell Douglas* framework, the Court concludes that summary judgment is appropriate, and the claim is dismissed.

III. Sanctions

Both parties, in their respective summary judgment motions, ask the Court to sanction the other side. (*E.g.*, Defs.' Mot. at 22; Pl.'s Mot. at 14–15).

Orrego requests sanctions based on alleged discovery misconduct. (Pl.'s Mot. at 14). Her requests are largely baseless and do not warrant sanctions—for example, stating that Defendants' "depositions were evasive" and that they contained "forged

signatures." (*Id.*). To the extent that Orrego requests leave under Rule 15(a)[14] to file a second amended complaint to account for additional damages and based on alleged discovery misconduct in this case and "ongoing abuse," largely premised on filings or determinations made years ago in other judicial or administrative proceedings that Orrego initiated, (*id.* at 9–10, 15–16), the request is denied, *e.g.*, *AEP Energy Servs. Gas Holding Co. v. Bank of Am., N.A.*, 626 F.3d 699, 726 (2d Cir. 2010) (affirming denial of request to amend made "three years after the commencement of the lawsuit and several months after cross-summary judgment motions had been filed"); *McCarthy v. Dun & Bradstreet Corp.*, 482 F.3d 184, 200 (2d Cir. 2007) (collecting cases affirming denial of leave to amend in light of delay and advanced stage of case).

Defendants ask for Orrego to be deemed a vexatious litigant and for the imposition of monetary sanctions. (Defs.' Mot. at 22). As a preliminary matter, Defendants' request for monetary sanctions incurred with their summary judgment motion practice and Orrego's conduct in this lawsuit, (*id.*), is denied. This particular lawsuit is not entirely frivolous: it survived a motion to dismiss and proceeded to summary judgment.

That being said, the Court previously instituted filing injunctions to prevent abusive frivolous filings. (*See* Order dated Aug. 14, 2025, Dkt. No. 210; Order dated Sep. 16, 2025). This is one of nine lawsuits Orrego has filed stemming from her

[14] Under that Rule—and since there has not been any Rule 16 scheduling order in this case—"the only 'grounds on which denial of leave to amend has long been held proper' are upon a showing of 'undue delay, bad faith, dilatory motive, [or] futility.'" *Sacerdote v. New York Univ.*, 9 F.4th 95, 115 (2d Cir. 2021) (quoting *Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015)).

employment with the Knipfings, and the fifth in federal court, numbers that do not begin to capture the numerous related administrative complaints she has filed with various state agencies. (*See* Defs.' 56.1 Stmt. ¶¶ 128, 131, 138, 140, 148, 150, 152, 155). She has filed lawsuits or administrative complaints against three law firms, (*id.* ¶¶ 131, 148, 160, 163), two employers, (*id.* ¶ 144), and twelve judges (*id.* ¶¶ 127, 152, 155), as well as judicial staff, (*id.* ¶¶ 152, 155). She has also lodged judicial complaints and sought to recuse four District and Magistrate Judges—almost every federal judge assigned to this case. (*Id.*¶ 171). In this case alone, Orrego has filed twelve notices of appeal, requests for interlocutory appeals, or petitions for a writ of mandamus. (Dkt. Nos. 152, 166, 176, 178, 206, 212, 216, 217, 219, 234, 239, 240).[15] She has filed nineteen motions for reconsideration or vacatur of orders—including of orders denying reconsideration, (Dkt. Nos. 48, 90, 110, 113, 114, 117, 129, 131, 142, 143, 144, 145, 147, 148, 149, 150, 151, 172, 199), until she was eventually prohibited by this Court from "seeking reconsideration or a redo of prior decisions," (Order dated July 8, 2025). With rare exception, limited to avoiding a single motion to dismiss, Orrego has not prevailed in these actions or individual motions. And she has already been separately subject to monetary sanctions and admonishments for frivolous litigation and threatening judicial

[15] The latest of these—appeals from filing injunctions and recusal denials, with requests to proceed *in forma pauperis*—were recently consolidated and dismissed *sua sponte* by the Second Circuit for lack of jurisdiction. (*See* Mandate of USCA dated May 6, 2026, Dkt. No. 243 at 2 (dismissing appeals in: 25-2225, 25-2434, 25-3217, 25-2239, 25-2437, and 25-3208)).

officers in a state court proceeding.[16] Orrego has also engaged in a pattern of initiating judicial misconduct complaints, sending emails to the judges of this court, including the Chief District Judge, and bombarding the Clerk's Office and chambers of judges with phone calls and filings, behaviors that are not evident from the face of the dockets of her cases, but demonstrate why the Court is obligated to enter an injunction in the case.

This Court has already instituted filing injunctions in Orrego's open cases in this District, after multiple warnings, because it found "Plaintiff has abused her ability to file papers with the Court," including by "filing repetitive motions on issues that have previously been denied." (Order dated Aug. 14, 2025, Dkt. No. 210 at 2). After that injunction, Orrego "filed multiple applications seeking leave to file additional motions and/or open new cases" that "not only violate the filing injunction, but are unnecessarily duplicative material." (Order dated Sep. 16, 2025). As a result, the Court prohibited Orrego from making any further filings in her open cases and from using the pro se portal, absent further order of the Court. (*Id.*). The Court noted that it would lift

---

[16] Defendants included a transcript of proceedings from one of Orrego's state court cases, in which she was fined $ 2,500 for a frivolous letter that intimidated and threatened an expert witness in the case. (*See* Defs.' 56.1 Stmt. ¶ 129). In imposing the sanction, the court was required to remove Orrego from the courtroom for disobeying court orders, and stated on the record to her: "You have attempted to intimidate me, you've harassed me, you've harassed my staff[.]" (*Id.*). That court also determined that "there may be criminal conduct that arises from the contents of [Orrego's] letter," and referred it to the district attorney to investigate. (*Id.*).

In a recent letter, Defendants separately drew the Court's attention to the fact that Orrego just initiated yet another state court lawsuit against Defendants' counsel, Savitsky, and others, which she served on May 1, 2026. (Defs.' Letter dated May 5, 2026, Dkt. No. 242 at 1–2). Defendants also noted a March 24, 2026 social media post by Orrego directed at Defendants, their lawyers, the undersigned, Magistrate Judge Shields, and several other public officials, saying "[s]omething very bad is going to happen." (*Id.* at 2).

the injunction following resolution of all pending motions, to permit Orrego to object, appeal, seek reconsideration, or make any pre-trial filings. (*Id.*).

In deciding whether to impose an anti-filing injunction, the Second Circuit has identified the following factors for consideration:

> (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

Eliahu v. Jewish Agency for Israel, 919 F.3d 709, 714 (2d Cir. 2019) (quotation omitted).

It is plain from the above recitation—and the litigation history that has been chronicled at length in Defendants' Rule 56.1 Statement, (*see* Defs.' 56.1 Stmt. ¶¶ 118–78)—that all factors weigh in favor of imposing a filing injunction, *e.g.*, *Zappin v. Comfort*, No. 23-7363, 2024 WL 5001624, at *3 (2d Cir. Dec. 6, 2024) ("Given that other sanctions have proven ineffective at protecting the courts and the parties, it was not an abuse of discretion for the district court to enter a pre-filing injunction here."); *Immerso v. U.S. Dep't of Lab.*, No. 20-4064, 2022 WL 17333083, at *2 (2d Cir. Nov. 30, 2022) (affirming bar against further filings or initiating new proceedings in the Eastern District absent leave of the court). Although Orrego is currently pro se, she has been

assisted by counsel at various stages in this litigation and others, and there is "no basis to afford [her] the latitude usually granted to *pro se* litigants."[17] *Eliahu*, 919 F.3d at 715.

While filing injunctions are only warranted by "extraordinary circumstances," that bar is met here. *Id.* at 714 (quotation omitted). Orrego is enjoined from initiating future actions in the Eastern District of New York.

CONCLUSION

For the reasons explained above, Defendants' motion for summary judgment is granted, and Orrego's motion for summary judgment is denied. Orrego's pending motion for leave to appeal *in forma pauperis*, (Dkt. No. 238), is denied for the reasons set forth in the Court's December 5, 2025 Order, and the pending premotion conference request, (Dkt. No. 232), is denied as moot.

The present filing injunction is lifted solely for the purpose of filing any notice of appeal. Aside from filings related to her appeal, Orrego is enjoined from further filings in this case, and from initiating future actions in the Eastern District of New York absent

[17] As noted above, Orrego has fired and sued several law firms that represented her in related matters. And in this case, while the Court initially declined to appoint Orrego pro bono counsel, the Court did ultimately appoint counsel for Orrego, (Order dated Nov. 16, 2021), but she requested their removal within a matter of months, and ultimately opted to proceed pro se, (Order dated Apr. 19, 2022, Dkt. No. 52).

a Court order.[18] The Clerk of Court is directed to distribute this memorandum and order to all Clerk's Office personnel as appropriate.

SO ORDERED.

/s/ Sanket J. Bulsara
SANKET J. BULSARA
United States District Judge

Date: May 8, 2026
Central Islip, New York

[18] To eliminate the need to write a decision every time Orrego makes a frivolous filing, the Clerk of Court is directed to open a miscellaneous case entitled "In re Orrego," and to file a copy of this Order under that docket number. The matter is then to be administratively closed. Any future filings by Orrego, including any motion for reconsideration, shall be filed under that miscellaneous docket number. The Court will review each filing. If the filing is found to be frivolous, no further action will be taken. If the filing states a claim that is not frivolous or does not fail to state a claim, the Court will direct the Clerk of Court to open a new civil matter in which the filing will be docketed, and the matter will proceed as a new case in the ordinary course. *E.g.*, *Mai v. NYSOTDA*, No. 25-MC-2840, 2025 WL 2947168, at *2 (E.D.N.Y. Aug. 20, 2025).

EXHIBIT 6

EXHIBIT 26

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

———————————————————x

Lidia M. Orrego,
Plaintiff,

EXHIBIT 26

-against-

Case No. 2:20-cv-03361 (SJB)(AYS)

Reassigned November 17, 2025 (PKC)(TAM)

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

Defendants.

———————————————————x

MASTER EVIDENCE MAP PLAINTIFF'S SUMMARY JUDGMENT SUBMISSIONS IN DE [224], DE [226], AND DE [228]: EVIDENCE SUPPRESSED, DISREGARDED, OR SELECTIVELY CITED IN DE [244]

PRELIMINARY STATEMENT

This Exhibit identifies the evidence submitted by Plaintiff Lidia M. Orrego ("Plaintiff") at Summary Judgment ("SJ") in DE [224], DE [226], and DE [228], and documents the treatment of each item by the Memorandum and Order entered May 8, 2026 ("DE [244]") (the "Purported SJ Order").

This Exhibit is intended to assist the Court in determining whether Plaintiff's Summary Judgment evidence was addressed in accordance with FRCP 56 and whether genuine disputes of material fact, corroborating evidence, recordings, transcripts, photographs, videos, affidavits, and documentary evidence submitted by Plaintiff were considered, omitted, mischaracterized, or disregarded in DE [244].

The complete Summary Judgment record submitted by Plaintiff and Defendants is as follows:

Party	Submission	Description
Defendants	DE [221]	Defendants' Motion for Summary Judgment
Defendants	DE [222]	Defendants' Reply to Plaintiff's Opposition
Defendants	DE [227]	Defendants' Opposition to Plaintiff's Cross-Motion
Plaintiff	DE [224]	Affirmation in Opposition to Defendants' SJ; Exhibits 1–41 (Bates PLA000001–PLA008324)
Plaintiff	DE [226]	Plaintiff's Cross-Motion for Summary Judgment; Exhibits 1–26 (Bates PLA000001–PLA000139)
Plaintiff	DE [228]	Revised Submission; Exhibits 26–47
Plaintiff	DE [229]	Flash drive / CD-DVD discs — Electronic Evidence Package (7.14 GB); submitted October 3, 2025
Plaintiff	DE [230]	Motion to Strike ¶¶129-178 — filed October 10, 2025; returned; refiled October 20, 2025; denied one sentence without merits adjudication — suppressed by recused judge

The Purported SJ Order (DE [244]) — entered 172 days after the November 17, 2025, Order of Recusal by a judicial officer without jurisdiction — does not reflect an independent review of the complete Summary Judgment record. As documented in the accompanying Affirmation, DE [244] suppressed, disregarded, selectively cited, or relegated to footnotes without substantive engagement substantial evidence submitted by Plaintiff that directly contradicts DE [244]'s factual findings.

The evidence identified in this Exhibit represents a representative sample — not an exhaustive catalog — of the evidence suppressed, disregarded, or selectively cited in DE [244].

A complete, line-by-line review of every document in the record of this action would reveal additional instances in which DE [244] adopted Defendants' narrative while suppressing Plaintiff's contrary evidence.

SG (Smoking Gun) designates evidence that is irrefutable on its face, directly contradicts a specific finding in DE [244] by page and Page ID number, and requires no inference or credibility determination to establish the contradiction. Every item identified in this Exhibit was filed in the district court record before DE [244] issued.

Terminology: "**Suppressed**" — evidence before the court, contrary finding made, evidence never cited. "**Disregarded**" — evidence filed but not mentioned. "**Selectively cited while suppressing**" — partial citation; contradicting portion omitted. "Excised" — a contradictory portion of a cited document removed from the analysis. "**Disregarded without explanation**" — prior ruling reversed without citation.

CATEGORY 1 — AUTHORIZATION EVIDENCE

(DE [244] Twisted: Characterized All Photography and Recordings as "Secretly Made")

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
Authorization from February 17, 2018 — photographs and videos REQUESTED AND AUTHORIZED by employers.	AC Ex.21 p.104 (DE [224-4])	Suppressed	DE [244] p.20 (Page ID #15492): secretly recording in violation of Non-Disclosure Agreement ("NDA").	SG
First photograph to Stephanieanna James-Knipfing ("S. Knipfing") from playroom — March 29, 2018 — received without objection or warning.	DE [224-9] Exhibit 6 (Bates PLA000014-PLA000018)	Suppressed	DE [244] p.20: unauthorized photographs in violation of NDA.	SG

Teresa A. Zantua ("Zantua") text October 19, 2018: "***Lidia will u take picture of the apple juice so I can get more please***".	DE [224-16] p.52 Page ID #13478; Exhibit 21	Suppressed	DE [244] fn.9 (Page ID #15484): no documents cited actually support that Zantua ordered photos.	SG
Dentist photo order April 4, 2018 — third-party witness present.	AC Ex.33 p.143 (DE [224-4])	Suppressed	DE [244] fn.9: no documents support Zantua ordered photos and video.	SG
Chris Weidman child's birthday photo order June 16, 2018 — independent third-party witness.	AC Ex.33 p.144 (DE [224-4])	Suppressed	DE [244] fn.9: no documents support Zantua ordered photos.	SG
821 pictures authorized with metadata — January through November 2018.	DE [226-10] Exhibit 5 (Bates PLA000021-PLA000022)	Suppressed	DE [244] p.20: unauthorized pictures in violation of NDA.	
172 videos authorized by Zantua/Knipfings — January through November 2018.	DE [226-11] Exhibit 6 (Bates PLA000023-PLA000024)	Suppressed	DE [244] p.20: unauthorized videos in violation of NDA.	
July 5, 2022, Scheduling Order (GRB-AYS): "***these documents are to be exchanged by all parties regardless of how that party came into possession***".	Exhibit 16 (binding court order)	Suppressed — never cited in 29 pages	DE [244] p.20: secretly recording in violation of NDA — binding court order directly contradicts.	SG
S. Knipfing sharing photographs inside home in group texts with employees.	DE [224-4] p.114 Page ID #13279	Suppressed	DE [244] fn.12: no similarly situated	

			comparators treated more favorably.	
Cristina Selga aka Coimbra ("Selga") Facebook posts of photographs inside Knipfing residence.	AC Ex.22 p.107 (DE [224-4])	Suppressed	DE [244] fn.12: no similarly situated comparators.	
Kevin Knipfing ("Knipfing") posted October 23, 2018, event on public Instagram, same day Plaintiff's video. October 23, 2018 — Kevin Knipfing willing to be recorded — his child was painting his face — Knipfing himself took a photograph of the child's painted face and posted it publicly on Instagram — same event characterized in DE [244] as secretly recorded	DE [224-18] Exhibit 15 Page ID #13487; DE [228-16] Exhibit 38	Relegated to fn.7 "duplicative" without review	DE [244] p.20: secretly recording.	
DE [30] p.15: Judge Brown accepted Zantua's supervisory status at the pleading stage because Plaintiff alleged Zantua "ordered" her to engage in or cease conduct. By Summary Judgment, Amended Complaint ¶42 (DE [224-4]) converted that allegation into sworn documentary proof: S. Knipfing expressly ordered Zantua to "fulfill her role as Supervisor." DE [244] never engaged this	DE [30] p.15 (Exhibit 11); AC ¶42 (DE [224-4]); Bates PLA000144 (Exhibit 25); DE [228-15] Exhibit 35 Page ID #14880	Suppressed — DE [244] resolved Hostile Work Environment without addressing supervisory status documentary evidence	DE [244] pp.13-18: Hostile Work Environment analysis — no supervisory status finding — documentary proof of employer-delegated supervisory authority suppressed.	SG

documentary evidence or made any supervisory status finding.	Fourth Paragraph			

CATEGORY 2 — DELIVERY OF EVIDENCE TO KNIPFING
(DE [244] Suppressed: All Evidence Voluntarily Delivered to Employer for Investigation)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
November 8, 2018: Plaintiff emailed Knipfing all evidence — text messages, recordings with witnesses, Report 1 & Report 2.	AC ¶46 (DE [224-4])	Suppressed	DE [244] p.20: secretly recording — recordings delivered to employer 8 days before termination.	SG
November 16, 2018: Report 7 email — all audio files transmitted to Knipfing for investigation — "war between" Rebeca (Uzcategui) and Taz (Zantua).	DE [224-22] Exhibit 19 Bates PLA002092 ; DE [228-19] Exhibit 41	Suppressed	DE [244] p.20: secretly recording — all recordings delivered to Knipfing voluntarily.	SG
November 26, 2018: Knipfing replied "*Yes*" authorizing third-party investigator access to the recordings — one day before termination letter.	AC ¶53 (DE [224-4])	Suppressed	DE [244] p.20: secretly recording in violation of NDA — employer authorized third-party access to recordings one day before using them as Termination Reason 1.	SG
October 31, 2018, at 9:45 PM: S. Knipfing directed Zantua in group text with Plaintiff and Testa: "Hi Lidia, steff asked me	PLA000144 (Exhibit 25); DE [228-15] Exhibit 35	Suppressed — Defendants filed diary	DE [244] pp.15-17: Faragher/Ellerth defense satisfied — employer had no notice; Zantua	SG

to text you. Tomorrow, you work 4-10." — S. Knipfing expressly ordered Zantua to communicate employment terms to Plaintiff on S. Knipfing's behalf — establishing Zantua as authorized employer agent. Bates PLA000144. Referenced in Defendants' own diary Exhibit "J" at DE [228-15] Exhibit 35 Page ID #14880 Fourth Paragraph filed in support of DE [221]. AC ¶42 (DE [224-4]) confirms S. Knipfing "ordered to Teresa A. Zantua to fulfilling her role as Supervisor". Also includes: SSBB Timesheet PageID #13307 (Manager: Rachel/Charles — Client: K); SSBB Paystub PageID #13308 (Employer: Kevin and Stephanieanna Knipfing c/o SSBB); Background Check Authorization DE [224-6] (Employer: Kevin and Stephanieanna Knipfing); March 12–14, 2018 email chain (Sam Santiago paystub + Stanislaus overtime calculation — 'We calculate all the hours')	Page ID #14880; AC ¶42 (DE [224-4])	entry referencing this text as their own Exhibit "J" in support of Summary Judgment; DE [244] selectively cited Exhibit "J" while suppressing Page ID #14880	characterized as co-worker — directly contradicted by employer's own direction to Zantua to act as Supervisor.	
AC ¶42 (DE [224-4]): Four retaliatory acts on October 31,	AC ¶42 (DE [224-4]);	Suppressed entirely	DE [244] pp.18-23: legitimate termination	SG

2018 targeting only Plaintiff: (1) texting prohibition applied only to Plaintiff — never to any other employee; (2) withdrawal of expense money through Zantua — financial punishment; (3) hours modification — excluded from All Saints Parade while all other employees invited; (4) S. Knipfing expressly ordered Zantua "to fulfill her role as Supervisor" to communicate the new discriminatory schedule.	DE [228-15] Exhibit 35 Page ID #14880		reasons; no discriminatory pattern acknowledged for October 31, 2018, retaliatory acts.	
November 2, 2018: S. Knipfing texted at 2:30 PM demanding footage review — "***give me dates and times and we will judge from camera footage***".	DE [224-19] Exhibit 16; DE [226-15] Exhibit 10 (Bates PLA000035 -36)	Disregarded as retaliation evidence	DE [244] p.20: secretly recording — employer demanded review of same recordings.	SG

CATEGORY 3 — RETALIATION CHAIN: NOVEMBER 2 THROUGH NOVEMBER 27, 2018

(DE [244] Suppressed: 25-Day Documented Premeditation Chain)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
October 31, 2018, at 9:45 PM: S. Knipfing directed Zantua to text Plaintiff in group with S. Knipfing and Testa: "***Hi Lidia, Steff asked me to text you.***	Exhibit 25 (group text)	Suppressed	DE [244] pp.15-17: Faragher/Ellerth defense satisfied — Knipfings had	SG

***Tomorrow, you work 4-10.*" —** establishing Zantua as S. Knipfing's authorized agent communicating employment terms.			no notice of Zantua's conduct; employer ratification argument suppressed.	
November 2, 2018: Complaint email to S. Knipfing and Skylar Testa ("Testa") about Zantua's discrimination, harassment, and abuse.	DE [226-14] Exhibit 9 (Bates PLA000031-34); DE [224-19]	Referenced; temporal proximity minimized	DE [244] pp.18-23: legitimate termination reasons.	
November 2, 2018, at 2:30 PM: S. Knipfing hostile text immediately after complaint.	DE [224-19] Exhibit 16; DE [226-15] Exhibit 10	Disregarded as retaliation	DE [244] pp.18-23: no retaliation finding.	SG
November 6, 2018: NDA delivered four days after complaint — two-page email from Testa (Version 2a); **seven-page in-person delivery by Knipfing and Testa** with two witnesses (Version 2b).	DE [224-20] Exhibit 17; DE [228-17] Exhibit 39 (Bates PLA000037-45)	One neutral sentence in fn.5 only	DE [244] pp.18-23: no retaliatory timing acknowledged for NDA delivery.	SG
November 24, 2018: S. Knipfing texted "SLANDER" characterizing Plaintiff's confirmed complaint as slander	DE [224-4] Exhibit 24 (Exhibit 24 hereto)	Suppressed	DE [244]: no premeditation finding; termination accepted as legitimate.	SG

November 24, 2018: S. Knipfing sent priest meme — "*Inasmuch as you pray with all your soul for the one who has slandered you*" **Confirmed by judicial finding:** ***DE [30] p.6: 'Ms. Knipfing texted plaintiff a photo of a priest or minister overlaid with the message, Inasmuch as you pray with all your soul for the one who has slandered you so much will God reveal the truth to them who have believed the slander."***	DE [224-4] Exhibit 31 (Exhibit 24 hereto)	Suppressed	DE [244]: no premeditation finding; disregarded.	SG
November 27, 2018: Termination letter from nonexistent entity Old Westbury LLC signed by Steve Savitsky. ("Savitsky"), who had never previously known Plaintiff — Knipfing gave the order from New York to Savitsky in California. Termination letter and envelope: 'OLD WESTBURY, LLC c/o Savitsky Satin Bacon & Bucci, 2049 Century Park East, Suite 1400, Los Angeles, CA 90067' — signed 'Steve Savitsky, Business Manager, Old	DE [226-17] Exhibit 12; DE [224-43] Exhibit 41 Page ID #14020 (Bates PLA000046-PLA000048)	Accepted as legitimate without analysis	DE [244] pp.18-23: legitimate termination.	SG

Westbury LLC.' Plaintiff was never contacted by Savitsky during employment. AC ¶54 (DE [224-4]). Plaintiff's timesheets submitted via 'Timesheet' app to Rachel, Business Manager, SSBB. Paystubs and benefits managed by Charles Stanislaus, Account Manager, SSBB, cstan@savco.com. SSBB rebranded as Ground Control Business Management September 19, 2022 — during active litigation. February 6, 2018, Consumer Report Authorization identifies employer as 'Kevin and Stephanieanna Knipfing' directly — no LLC.				

CATEGORY 4 — NDA VOIDNESS

(DE [244] Suppressed: Five Independent Grounds Establishing NDA Void)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
NDA Version 1: January 31, 2018, blank signature — file name backdated to hire date — never delivered to Plaintiff on hire date.	DE [226-22] Exhibit 17 (Bates PLA000063-80)	Suppressed	DE [244] p.20: NDA she signed — no NDA existed from January 31 through October 31, 2018.	SG

NDA Version 2a: November 1, 2018, two-page email from Testa — one day before complaint.	AC Ex.12 p.85 (DE [224-4])	Suppressed	DE [244] p.20: NDA she signed — delivered after all evidence was already made.	SG
NDA Version 2b: November 6, 2018, seven-page in-person delivery by Knipfing and Testa with two witnesses — four days after complaint.	DE [224-20] Exhibit 17; DE [228-17] Exhibit 39	Suppressed	DE [244] p.20: NDA she signed — different document, different terms, retaliatory timing	SG
NDA Version 3: February 27, 2023 — third NDA version surfacing during active federal litigation four years after termination.	DE [226-22] Exhibit 17	Suppressed	DE [244] p.20: NDA she signed — three versions constitute fraud evidence.	SG
DE [224-32] Exhibit 30 — Motion for Declaratory Relief: Plaintiff filed evidence of false signatures from Defendants Knipfing, S. Knipfing, and Zantua delivered by Gordon Rees Scully Mansukhani LLP in the answer of written depositions (DE [84]). Defendants filed no	DE [224-32] Exhibit 30; DE [84]	Suppressed — DE [244] does not cite DE [224-32] or DE [84] anywhere in 29 pages	DE [244]: granted Summary Judgment relying on evidentiary record without addressing whether Defendants' written deposition responses were properly authenticated under Fed. R. Evid. 901(a)	SG

affidavits, no declarations, and no handwriting analysis authenticating the challenged signatures. Defendants relied exclusively on attorney argument in response				
July 13, 2018 paycheck — Gross pay $3,393.75 for 88 hours — employer identified as "KEVIN AND STEPHANIEANNA KNIPFING C/O SAVITSKY SATIN BACON BUCCI, 2049 CENTURY PARK EAST, SUITE 1400, LOS ANGELES CA 90057" — no Old Westbury EDDIE LLC — no Old Westbury LLC — actual employer on paycheck is the Knipfings personally through Savitsky Satin Bacon & Bucci ("SSBB").	DE [226-22] Exhibit 17 Bates PLA000063-80	Suppressed	DE [244] fn.2: typographical error defense accepted — directly contradicted by employer's own payroll records identifying Knipfings personally as employer.	SG
Unpaid wages $408,000 for 340 weeks; no overtime;	DE [226-22] Exhibit 17 (Bates PLA000063-80)	Suppressed	DE [244]: no wage violation findings.	

irregular payments; 326 hours sick leave owed.				

CATEGORY 5 — UZCATEGUI CORROBORATION

(DE [244] Selectively Cited While Suppressing REVERTED BACK Clause; Used Wrong Complainant)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
DEFS_000020-23 — Uzcategui interview November 21, 2018: Defendants' own investigators confirmed all abuses; Zantua REVERTED BACK; Uzcategui identified other victims.	DE [224-5] Exhibit 2; DE [226-18] Exhibit 13 (Bates PLA000049-52); Exhibit 17	Suppressed — court notice 3 years 9 months; REVERTED BACK clause excised	DE [244] pp.15-17: conditions improved after Uzcategui complaint — partial Rydan citation while suppressing REVERTED BACK.	SG
Uzcategui's complaint to Knipfing occurred in 2017 — one year before Plaintiff was hired January 31, 2018 — Faragher/Ellerth analysis applied to wrong complainant	DEFS_000020-23; AC ¶46; DE [224-4]	Suppressed — wrong complainant error never addressed	DE [244] pp.15-17: Faragher/Ellerth defense satisfied by 2017 response to 2017 Uzcategui complaint — applied to 2018 Plaintiff complaint.	SG
DE [30] (September 30, 2021) p.16: Defendants do not attempt to claim either (a) reasonable care or (b) Orrego unreasonably failed to	DE [30] p.16; DE [224-23] Exhibit 20 (Exhibit 11)	Disregarded without explanation	DE [244] pp.15-17: Faragher/Ellerth defense satisfied — reverses DE [30] without citing it.	SG

take advantage of preventive opportunities — Faragher/Ellerth defense expressly not raised. DE [30] p.16 exact holding: 'defendants do not attempt to claim either that (a) the Knipfings exercise reasonable care to prevent or correct Zantua's harassment prior to November 2, or that (b) plaintiff failed to take advantage of corrective opportunities.' DE [244] reversed this finding without citing DE [30] once in 29 pages.				
October 14, 2018: Uzcategui meeting recorded in public place in front of Manuela Orrego — Uzcategui recruiting victims; confirming complaint ready to file; Plaintiff recorded in good faith to present to Knipfing.	DE [224-13] Exhibit 10; DE [228-11] Exhibit 33 (Exhibit 22)	Suppressed — transcripts filed on ECF; zero flash drive access required	DE [244] p.20: secretly recording — recording made to present to employer as good faith evidence.	SG
October 31, 2018: Uzcategui confirmed complaint was ready to	Exhibit 140 Report 7_Recording Dated 10-31-2018	Suppressed — flash drive	DE [244]: no notice finding — Knipfing received this	SG

file with Knipfing — recorded; delivered to Knipfing via Report 7.	(DE [229]/ Exhibit 4)	/ CD (Exhibit 4)	recording via Report 7.	
October 31, 2018, group text: S. Knipfing directed Zantua to communicate Plaintiff's work schedule on S. Knipfing's behalf — establishing Zantua as authorized employer agent.	Exhibit 25	Suppressed	DE [244] pp.15-17: Zantua characterized as co-worker without employer authority — directly contradicted by employer's own direction to Zantua to act on employer's behalf.	SG
Uzcategui recorded discussing Knipfing family in public place on October 14, 2018 — same alleged NDA conduct as Plaintiff — never terminated.	DE [224-13] Exhibit 10; DE [228-11] Exhibit 33	Suppressed as comparator	DE [244] fn.12: no similarly situated comparators.	SG
Uzcategui crying recording October 22, 2018 — documenting Zantua abuse — delivered to Knipfing via Report 7.	Exhibit 140 Report7_Recording_10-22-2018 (DE [229]/Exhibit 4)	Suppressed	DE [244] HWE analysis: insufficient evidence of pervasive harassment.	
Manuela Orrego Affidavit June 20, 2021 — witness to October 14,	DE [224-24] Exhibit 21	Suppressed	DE [244]: no third-party witness corroboration acknowledged.	

2018, recording and mistreatment by Zantua.				

CATEGORY 6 — HOSTILE WORK ENVIRONMENT EVIDENCE

(DE [244] Suppressed Entirely from HWE Analysis)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
"Stupid Paraguayan" — documented in text messages from Zantua	DE [226-7] Exhibit 2 (Bates PLA000004-13)	Suppressed — zero engagement in HWE analysis	DE [244] HWE: insufficient evidence of severe or pervasive harassment	SG
"Mexicans disgusting useless" — documented in text messages from Zantua.	DE [226-7] Exhibit 2 (Bates PLA000004-13)	Suppressed	DE [244] HWE: insufficient evidence	SG
Diary entries: ***"stupid Mexican, you are not in your country, I don't care about you Mexicans"*** (September 20, 2018); ***"never apologized to the Mexican"***; pattern of racial comments — in Defendants' own submitted exhibit.	DE [221-12] DEFS_000053-DEFS_000068 (Defendants' own SJ exhibit)	Suppressed while exhibit was submitted by Defendants themselves	DE [244] p.15: both parties agree diary does not mention Zantua — directly contradicted by Defendants' own exhibit.	SG
Zantua secretly photographed Plaintiff without consent; sent	DE [224-4] Page IDs #13297-13299/DE [224-16]	Suppressed	DE [244] HWE: insufficient evidence;	SG

photographs with mocking captions to Testa (employer agent) — actual employer-agent knowledge of harassment. Testa texted Zantua: 'Sky send me lol I talk like u' — implying Zantua mocked Plaintiff's accent. In response Zantua sent Plaintiff multiple separate messages: (1) secret photographs of Plaintiff taken without consent in a public place with mocking captions: ***'pooping,' 'Sleeping,' 'Estupido jajaja';*** (2) punched doll image placed below Plaintiff's secretly taken photograph — separate message; (3) deformed/retracted face image — separate message; (4) 'Retarded' image mocking Plaintiff's accent — separate message. Zantua also encouraged other employees and Knipfing children to mock Plaintiff for being Hispanic. DE	Exhibit 13 (Page ID #13427 through Page ID #13479) — 53 pages. AC Ex.33 pp.142-144 (DE [224-4]): Page 142 — Photographs inside Knipfing household — Witnesses — July 30, 2018 — swimming teacher Mrs. Sharon (July 2018); Italian teacher (gave lessons until June 2018); previous employees including Nanny Annie and other housekeepers all authorized to take photographs — Zantua showed Plaintiff photographs that other employees texted her. Pages 143-144 — Dentist photo order April 4, 2018; Chris Weidman birthday photo order June		fn.12: no similarly situated comparators.	

[30] p.14: 'Even more troubling, plaintiff alleges that Zantua encouraged other members of the household staff, and even the Knipfings' children, to participate in this harassment.'	16, 2018 — Zantua directed Plaintiff to take photographs on both occasions			
"Retarded" image — sent by Zantua directly to Plaintiff: Testa had commented that Zantua spoke like Lidia, and Zantua responded by sending Plaintiff this ableist image mocking Plaintiff's accent — direct national-origin and disability-based harassment targeting Plaintiff's identity as a Spanish-speaking employee.	DE [224-4] Page IDs #13297-13299/DE [224-16] Exhibit 13 (Page ID #13427 through Page ID #13479) — 53 pages.	Suppressed	DE [244] HWE: insufficient evidence of severe or pervasive harassment.	SG
Group text ridicule: other workers who made mistakes were never subjected to same treatment; Plaintiff always a victim of this harassment.	AC ¶17 (DE [224-4])	Suppressed	DE [244] fn.12: no comparators.	SG

DE [30] p.14 confirmed: Zantua encouraged other members of the household staff, and even the Knipfing children, to participate in this harassment — described by Judge Brown as 'even more troubling.				
Zantua's threat: if Plaintiff complained, something bad might happen to her and Zantua would use her brother Ryan's schizophrenia as an excuse for the attack.	AC ¶17 (DE [224-4])	Suppressed	DE [244] HWE: no acknowledgment of threat evidence.	SG
Plaintiff and children in Knipfing household repeatedly witnessed violent confrontations between Zantua and Uzcategui.	AC; recordings (Exhibit 4 / DE [229])	Suppressed	DE [244] HWE: no workplace violence acknowledgment.	
October 23, 2018, Last Assault Transcript — last physical assault in presence of Zantua — paper ECF transcript.	DE [224-17] Exhibit 14; DE [228-13] Exhibit 35 (Exhibit 23)	Suppressed — paper ECF transcript; zero flash drive access required	DE [244]: termination letter characterized assault as never having occurred.	SG

Medical records documenting injuries — since June 3, 2018.	DE [224-25] Exhibit 22; DE [226-20] Exhibit 15 (Bates PLA000055-59)	Suppressed	DE [244] HWE: insufficient evidence of physical harm.	
Defendants' counsel characterized Plaintiff as "mentally disturbing woman" in Appeal 2021-09209 transcript January 30, 2025.	DE [226-25] Exhibit 20 (Bates PLA000085-89)	Suppressed	DE [244]: no acknowledgment of ongoing discriminatory characterization by counsel.	
Testa was house manager — not Plaintiff's supervisor. Payroll processed from California — Plaintiff submitted timesheets via "Timesheet" app to Rachel, Business Manager at Savitsky Satin Bacon & Bucci ("SSBB"). Paystubs and employment benefits communicated by Charles Stanislaus, Account Manager at SSBB, via cstan@savco.com. Plaintiff was never contacted by Savitsky directly during employment. AC ¶54	AC ¶54 (DE [224-4]); DE [226-22] Exhibit 17 Bates PLA000063-80; payroll records	Suppressed	DE [244] pp.15-17: employer knowledge analysis — actual employment authority and knowledge chain suppressed	

(DE [224-4]). Actual employer administrative relationship ran directly to the Knipfings through SSBB in Los Angeles — not through any New York entity				
DE [224-28] Exhibit 26 — Affirmation of Ximena Espinoza dated September 6, 2025 — independent third-party claimant confirming same IME Hochfelder fraud pattern. WCLJ Greenberg found IME Hochfelder 'little credibility' in Espinoza's case (October 2023) after video evidence — same WCLJ who credited Hochfelder over Plaintiff's four treating physicians in March 2021. DE [244] characterized Plaintiff's WCB-related litigation as vexatious while suppressing independent corroboration that the same examiner was found incredible by the	DE [224-28] Exhibit 26; DE [224-34] Exhibit 32 (Williams Judgment)	Suppressed	Never cited in DE [244] | DE [244] vexatious litigant finding — WCB fraud confirmed by independent victim and Williams Judgment both suppressed	SG

same judge in a parallel case.				

CATEGORY 7 — CORPORATE IDENTITY — OLD WESTBURY LLC

(DE [244] Accepted Typographical Error Defense Without Evidence; Suppressed Six-Year Record)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
DE [17] September 30, 2020: Knipfing signed three signature lines on behalf of himself, Old Westbury EDDIE LLC, AND Old Westbury LLC.	DE [17] (Exhibit 20)	Suppressed — typographical error defense accepted without engaging this document	DE [244] fn.2: typographical error defense accepted; no analysis	SG
DE [33] October 2021: GRSM Answer expressly defines and answers on behalf of "Old Westbury LLC ('OW')" as standalone defendant.	DE [33]	Suppressed	DE [244] fn.2: typographical error accepted.	
USPS certified mail envelope from Old Westbury LLC c/o Savitsky, 2049	DE [224-43] Exhibit 41 Page ID #14020	Suppressed	DE [244] fn.2: typographical error; Old Westbury LLC non-existent.	SG

Century Park East Suite 1400, Los Angeles CA 90067.				
Payroll checks from Knipfing and S. Knipfing at same address as Old Westbury LLC: 2049 Century Park East Suite 1400, Los Angeles CA 90067.	AC ¶54 (DE [224-4])	Suppressed	DE [244] fn.2: typographical error; no analysis of payroll address identity.	SG
Old Westbury LLC — unknown, unregistered entity in New York State and California.	DE [226-21] Exhibit 16 (Bates PLA000060-62)	Acknowledged but typographical error defense accepted without evidence	DE [244] fn.2: typographical error — no corporate resolution, no correction affidavit, no registration records.	SG
DE [245] names Steve Savitsky as judgment defendant despite DE [30]'s 2021 dismissal of all Savitsky claims — never reinstated.	DE [245] (Exhibit 2); DE [30] (Exhibit 11)	Facial defect on face of two docket entries	DE [245]: Savitsky named in judgment — all claims dismissed 2021.	SG
DE [30] fn.3, p.7: Judge Brown acknowledged	DE [30] fn.3, p.7 (Exhibit 11)	Disregarded without explanation	DE [244] fn.2: typographical error defense accepted	SG

Plaintiff's allegation that "Mr. Knipfing gave the order to Steve Savitsky to manufacture the Termination Letter dated November 27, 2018, under the name of the unknown Entity Westbury LLC." This judicial acknowledgment was never cited or addressed in DE [244].			without engaging DE [30]'s prior acknowledgment of fabricated letter allegation.	
DE [30] fn.3, p.7: Judge Brown acknowledged Plaintiff's allegation that "Mr. Knipfing gave the order to Steve Savitsky to manufacture the Termination Letter dated November 27, 2018, under the name of the unknown Entity Westbury LLC."	DE [30] fn.3, p.7 (Exhibit 11)	Disregarded without explanation	DE [244] fn.2: typographical error defense accepted without engaging DE [30]'s prior acknowledgment of fabricated letter allegation.	SG

This judicial acknowledgment was never cited or addressed in DE [244].				

CATEGORY 8 — PROCEDURAL VIOLATIONS

(DE [244] Used Challenged Evidence; Disregarded Plaintiff's Objections)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
DE [230]: Motion to Strike ¶¶129-178 under FRCP 12(f), 37, and FRE 403 — denied one sentence without merits adjudication — suppressed by recused judge.	DE [230] (Exhibit 7); DE [228-25] Exhibit 47	Suppressed — denied one sentence; Defendants never required to respond	DE [244] pp.23-27: ¶¶129-178 used as sole factual predicate for permanent district-wide filing injunction.	SG
178-paragraph Local Rule 56.1 Counterstatement with specific record citations (DE [224-2]) — Defendants' response (DE [222]): one general paragraph.	DE [224-2]; DE [222]	Disregarded — none of 178 paragraphs treated as admitted under Rule 56.1(d)	DE [244]: none of 178 paragraphs cited as admitted factual basis.	SG
Flash drive / CD-DVD discs (DE [229]/Exhibit 4) —	DE [229]; DE [202]; FTP Email July 2,	Relegated to fn.7 without review — "largely	DE [244] fn.7: characterization of evidence not reviewed.	SG

retained in chambers approximately seven months without notice of any technical deficiency.	2025 (Exhibit 5); DE [202] (Exhibit 6)	duplicative" without reviewing contents		
Five ECF paper transcripts filed in DE [228] — zero flash drive access required.	DE [228-11] Ex.33; DE [228-13] Ex.35; DE [228-17] Ex.39; DE [228-18] Ex.40; DE [228-19] Ex.41	Suppressed — fn.7 flash drive excuse cannot reach paper ECF transcripts	DE [244] fn.7: characterized as duplicative without reviewing.	SG
MC 2:26-mc-01957: three authorized May 5, 2026, submissions removed from 20-cv-3361 docket same day as DE [244].	Exhibit 9 (MC Document 2); Exhibit 10 (MC Document 3)	Evidence removed same day as adverse ruling	DE [244]: no supplemental evidence on record.	SG
DE [232] — Letter to Judge Pamela K. Chen November 18, 2025 — pending and undecided as of filing date of this motion.	DE [232] (Exhibit 8)	Never ruled upon	DE [244] entered without Judge Chen adjudicating DE [232].	SG
Revised Opposition refused under FRCP	DE [228-24] Exhibit 46; DE [230]	Court refused revised opposition	DE [244]: Plaintiff's revised submissions excluded	

15(a)(2) — DE [115]		— documented in record		
Defendants' April 2023 Responses to Deposition by Written Questions (DE [84]): Plaintiff filed documentary evidence (DE [224-32] Exhibit 30) that the signatures on the written deposition responses did not belong to the purported signatories — Knipfing, S. Knipfing, and Zantua. Defendants filed no affidavits, no declarations, and no handwriting analysis authenticating the challenged signatures. Defendants relied exclusively on attorney argument in response. Under Fed. R. Evid.	DE [84]; DE [224-32] Exhibit 30; Fed. R. Evid. 901(a); Fed. R. Civ. P. 31	Suppressed entirely — DE [244] does not cite DE [84] anywhere in 29 pages	DE [244]: granted Summary Judgment relying on evidentiary record without addressing whether Defendants' written deposition responses were properly authenticated.	SG

901(a), unauthenticated documents cannot support a Summary Judgment motion.				
DE [190] (March 13, 2025): Five categories of fraud and conflict evidence — (1) Gordon Rees Scully Mansukhani LLP conflict of interest; (2) improper corporate representation; (3) fabricated Offer Letter; (4) three Non-Disclosure Agreement versions; (5) discovery misconduct certification. Defendants filed no affidavits, no declarations, and no admissible evidence rebutting any category. Defendants relied	DE [190]; DE [84]; DE [228-22] Exhibit 44 (Loft Opinion)	Suppressed entirely — DE [244] does not cite DE [190] anywhere in 29 pages	DE [244]: granted Summary Judgment without addressing five authenticated categories of fraud evidence.	SG

exclusively on attorney argument				
November 9, 2018 — DE [224-4] Exhibit 32 — Plaintiff emailed Skylar Testa and Kevin Knipfing disclosing she had been overpaid and asking for instructions to return money — eight days after her November 2, 2018 complaint. A plaintiff who voluntarily discloses overpayment during suspension is not acting for financial gain. **Directly contradicts DE [244]'s vexatious/extortion characterization of Plaintiff's damages position.**	DE [224-4] Exhibit 32	Suppressed	Never cited in DE [244] | DE [244] or DE [30] vexatious litigant finding — financial motive characterization directly contradicted	SG

CATEGORY 9 — VEXATIOUS LITIGANT FINDING

(DE [244] Suppressed Successful Outcomes; Mischaracterized Statutory Rights)

Evidence	Citation	DE [244] Treatment	Specific Finding Contradicted	SG
Judge **Maurice Dean Williams** Judgment, Dated January 22, 2025 (Index 72335/2024): "records were false" — judicial finding confirming Plaintiff's position regarding Hochfelder IME fraud.	DE [224-34] Exhibit 32	Suppressed	DE [244] p.25: with rare exception Plaintiff has not prevailed	SG
WCB Prima Facie Finding — ALJ Greenberg — neck, back, right wrist, both knees, major depressive disorder.	DE [226-23] Exhibit 18 (Bates PLA000081-82)	Suppressed	DE [244] p.25: Plaintiff has not prevailed.	
SDNY settlement — case survived motion to dismiss and settled.	Record	Suppressed	DE [244] p.25: Plaintiff has not prevailed.	
Three small claims settlements against lawyers who misled Plaintiff.	Record	Suppressed	DE [244] p.25: Plaintiff has not prevailed.	

Eight Application In Forma Pauperis ("IFP") grants including Second Circuit Mandates 25-1802 and 25-1810 dated March 18, 2026 — 51 days before DE [245] denied IFP.	Exhibit 19 (Second Circuit Mandates)	Suppressed	DE [245]: IFP denied; DE [244] p.25: all prior IFP denied.	SG
NYS Department of Labor ("DOL") Letter August 11, 2025 (LCM25006216): "*This decision is not based upon the merits of your claim*".	DE [228-23] Exhibit 45 (Exhibit 18)	Twisted — used as vexatious evidence without quoting actual language	DE [244] p.25: DOL complaint cited as vexatious.	SG
U.S. Equal Employment Opportunity Commission ("EEOC") Right to Sue Letter: used for jurisdiction at DE [244] p.1 AND as vexatious evidence at DE [244] p.25 — irreconcilable.	DE [224-26] Exhibit 24	Irreconcilable dual use	DE [244] p.1: EEOC as jurisdiction; p.25	SG
Recusal motions SUCCEEDED November 17, 2025	November 17, 2025, Order of	Characterized as vexatious despite	DE [244] p.26: recusal motions as vexatious — irreconcilable with	SG

— a motion producing an actual recusal order is meritorious by definition.	Recusal (Exhibit 12)	producing actual recusal	the recusal they produced.	
Six judicial findings from DE [30] reversed in DE [244] without citing DE [30] once in 29 pages: (1) Faragher/Ellerth defense not raised — DE [30] p.16; (2) multiple prior complaints before November 2 — DE [30] p.3; (3) S. Knipfing sent priest meme — DE [30] p.6; (4) Zantua supervisory status accepted at pleading stage — DE [30] p.15; (5) Zantua encouraged others including Knipfing children to participate in harassment — DE [30] p.14; (6) termination letter from unknown entity acknowledged — DE	DE [30] pp.3, 6, 14, 15, 16, fn.3 p.7 (Exhibit 11); Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995)	Suppressed — DE [30] never cited in DE [244]'s 29 pages	DE [244]: six findings directly contradict DE [30] without acknowledging the departure	SG

[30] fn.3, p.7. Under Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995), departure from a prior ruling within the same case requires cogent reasons — none identified in DE [244].				
Six judicial findings from DE [30] reversed in DE [244] without citing DE [30] once in 29 pages: (1) Faragher/Ellerth defense not raised — DE [30] p.16; (2) multiple prior complaints before November 2 — DE [30] p.3; (3) S. Knipfing sent priest meme — DE [30] p.6; (4) Zantua supervisory status accepted at pleading stage — DE [30] p.15; (5) Zantua encouraged others including Knipfing	DE [30] pp.3, 6, 14, 15, 16, fn.3 p.7 (Exhibit 11); Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995)	Suppressed — DE [30] never cited in DE [244]'s 29 pages	DE [244]: six findings directly contradict DE [30] without acknowledging the departure.	SG

children to participate in harassment — DE [30] p.14; (6) termination letter from unknown entity acknowledged — DE [30] fn.3, p.7. Under Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995), departure from a prior ruling within the same case requires cogent reasons — none identified in DE [244].				

CATEGORY 10 — ELECTRONIC EVIDENCE PACKAGE (DE [229] / EXHIBIT 4: CD/DVD DISCS)

(DE [244] Suppressed Without Notice; Characterized as "Duplicate" Without Review; Evidence Disproves Every Termination Reason)

On October 8, 2025, Plaintiff filed, in person, a flash drive containing 7.14 gigabytes of electronic evidence (DE [229]). The Clerk of Court has the evidence re-submitted with this motion as Exhibit 4 (two CD/DVD discs). DE [244] fn.7 characterized this evidence as "largely duplicative" while simultaneously acknowledging the Court was "largely unable to review" the drives. A court cannot determine that evidence is duplicative without reviewing its contents. These two statements are irreconcilable on the face of DE [244].

Critically, no notice of any technical deficiency was ever provided to Plaintiff. The drives were retained in chambers for approximately seven months without any communication. Federal Rule of Civil Procedure 56(e)(1) requires notice and an opportunity to cure before

adverse summary judgment consequences may be imposed for evidentiary deficiencies. That opportunity was never provided. The re-submission of the same evidence as Exhibit 4 (CD/DVD format) is the cure opportunity that the Court was required to provide but did not.

The following table identifies the specific folders and content of the electronic evidence package, what each folder proves, and how each item contradicts DE [244]'s characterizations. This evidence was not secretly made, is not duplicative, and was created during a period in which no NDA existed.

Folder / File Category	**Content Description**	**Volume**	**What It Proves**	**DE [244] Characterization Contradicted**	**SG**
Folder 1 — Photographs (Album) January 2018 – November 2018.	821 photographs taken at employer's direction inside and outside the Knipfing household: dentist appointments, birthday parties, playroom, school, family activities. All photographs include metadata (date, time, device).	821 files	(1) Authorization by conduct: employers received all photographs without objection or warning for eight consecutive months. (2) No NDA existed January 31 – October 31, 2018 — photographs predate any NDA delivery.	DE [244] p.20: photographs taken secretly in violation of NDA. DE [244] fn.9: no documents support Zantua ordered photos. DE [244] fn.7: "largely duplicative" without review.	SG

	First photograph: March 29, 2018 — sent to S. Knipfing from playroom without objection.		(3) Multiple photographs taken at Zantua's express direction (dentist April 4; Weidman June 16; apple juice October 19). (4) Metadata confirms dates and authorization timeline.		
Folder 2 — Videos (Album) January 2018 – November 2018.	172 videos recorded at employer's direction: family activities, household events, children's activities, employer-requested documentation. All videos include metadata. Kevin Knipfing present and	172 files	(1) Authorization by conduct: 172 videos received by employers over ten months without objection. (2) No NDA existed during recording period. (3) Knipfing's own Instagram confirms October 23, 2018, event — same event Plaintiff	DE [244] p.20: videos taken secretly in violation of NDA. DE [244] fn.7: "largely duplicative" without review.	SG

	aware during October 23, 2018, recording — held phone openly in front of him.		recorded. (4) Not secretly made employer present and aware.		
Folder 3 — Audio Recordings (Reports 1, 2, 5, 7) August – November 2018.	26 audio recordings including: October 14, 2018, Uzcategui meeting (public place; Manuela Orrego witness; Uzcategui recruiting victims; complaint ready); October 22, 2018, Uzcategui crying about Zantua abuse; October 31, 2018, Uzcategui confirming complaint ready to file. All delivered to Knipfing via	26 audio files	(1) Good faith purpose: recordings made to present to employer as evidence. (2) Voluntarily delivered to Knipfing November 8, 2018 (Reports 1 and 2) and November 16, 2018 (Report 7 — all audio files). (3) Knipfing authorized third-party access to same recordings November 26, 2018. (4) Not secretly made employer received and reviewed all	DE [244] p.20: secretly recording conversations in violation of NDA. DE [244] fn.7: "largely duplicative" without review.	SG

	Reports 1, 2, 5, and 7 emails.		recordings. (5) Confirms Uzcategui corroboration of all abuses.		
Folder 4 — Protective Recordings November 6 and November 12, 2018.	Recordings made after Zantua's explicit threat: if Plaintiff complained, something bad might happen to her and Zantua would use her brother Ryan's schizophrenia as an excuse. November 6, 2018: Return-to-Work meeting with Knipfing. November 12, 2018: Rydan investigators interview.	2 key recordings	(1) Made for personal protection after documented threat — not to violate NDA. (2) November 6 recording: NDA delivered four days after complaint; Knipfing's statements about investigation. (3) November 12 recording: investigators' written summary contradicted by actual interview recording — investigators falsely claimed Plaintiff never reported. (4) These recordings were NOT	DE [244] p.20: secretly recording in violation of NDA. No engagement with Zantua's documented threat as context for protective recordings.	SG

			delivered to Knipfing — protective purpose only.		
Folder 5 — Reports 1 through 7 Documentation October – November 2018.	Complete Reports 1 through 7 as transmitted to Knipfing: cover emails, evidence logs, text message compilations, recording transcripts, and investigative summaries prepared by Plaintiff and delivered to Knipfing for the workplace investigation.	7 reports	(1) All evidence delivered to Knipfing voluntarily for investigation. (2) Report 7 email (November 16, 2018; Bates PLA002092): "*war between Rebeca and Taz*" — transmittal of all 821 photos, 172 videos, 26 recordings to Knipfing. (3) Knipfing used this evidence as termination reason instead of addressing harassment complaint. (4) Not secretly made — employer received and	DE [244] p.20: secretly recording in violation of NDA. DE [244] fn.7: "largely duplicative." DE [244] pp.18-23: legitimate termination reasons.	SG

			acknowledged all reports.		
Folder 6 — NDA Documentation All three versions	Complete NDA documentation: Version 1 (January 31, 2018, backdated blank signature); Version 2a (November 1, 2018, two-page email from Testa — one day before complaint); Version 2b (November 6, 2018, seven-page in-person delivery — four days after complaint); Version 3 (February 27, 2023 — during federal litigation). Metadata for all three versions.	3 NDA versions + metadata	(1) No NDA delivered January 31, 2018, through October 31, 2018: all 821 photographs, 172 videos, and 26 recordings predate any NDA delivery. (2) NDA first delivered November 1, 2018 — nine months into employment — one day before complaint. (3) Three versions with different page counts and backdated file name = fraud evidence. (4) Loft Opinion: NDA void — five independent grounds. (5) No NDA to violate	DE [244] p.20: NDA she signed — violated by recordings and photographs. DE [244] does not cite Loft Opinion. DE [244] treats NDA as valid throughout.	SG

			during the period all evidence was created.		
Folder 7 — Social Media Evidence October – November 2018.	Knipfing's public Instagram posts of the October 23, 2018, event; S. Knipfing's group text photographs shared inside the Knipfing residence; Selga Facebook posts of photographs inside the Knipfing household. All captured and preserved with metadata.	Multiple files	(1) Employer publicly posted the same October 23, 2018, event that DE [244] characterized as secretly recorded. (2) S. Knipfing shared photographs inside the home in group texts — same alleged NDA conduct as Plaintiff — no enforcement. (3) Selga posted inside-home photographs publicly — no NDA enforcement. (4) Comparator evidence: other employees engaged in same alleged conduct	DE [244] p.20: secretly recording and photographing in violation of NDA. DE [244] fn.12: no similarly situated comparators. DE [244] fn.7: "largely duplicative" without review.	SG

			without consequence.		
Folder 8 — Text Messages and Communications January – November 2018.	Complete text message archive: hiring texts (no NDA discussion January 31, 2018); Zantua racial remarks ("*stupid Paraguayan,*" "*Mexicans disgusting useless*"); photo authorization texts (Zantua: "*Lidia will u take picture*"); November 2 complaint and S. Knipfing's 2:30 PM retaliatory response; SLANDER text; Knipfing's "*Yes*" authorization; Testa confirmation of	Full archive	(1) No NDA discussion at hire — NDA never delivered January 31, 2018. (2) Three documented Zantua orders to photograph. (3) November 2 complaint followed immediately by hostile employer response. (4) Knipfing's "*Yes*" November 26, 2018 — authorized access to recordings one day before using them as termination reason. (5) Direct racial slurs documented in employer's own communications.	DE [244] p.20: NDA signed and violated. DE [244] fn.9: no documents support Zantua ordered photos. DE [244] fn.12: no comparators. DE [244] fn.7: "largely duplicative" without review.	SG

	Ryan Teague as investigator.				
Folder 9 — Family Videos January 2018 – November 2018.	Family videos recorded at employer's direction: children's activities, household events, family gatherings. These videos were requested by the Knipfing family as part of Plaintiff's household manager duties and delivered to the family directly.	Multiple files	(1) Videos made at employer's request — not secretly. (2) Delivered directly to the family upon recording. (3) No objection, no warning, no NDA enforcement for nine consecutive months. (4) Confirms authorization by conduct throughout employment.	DE [244] p.20: videos taken secretly in violation of NDA. DE [244] fn.7: "largely duplicative" without review.	

THE ELECTRONIC EVIDENCE PACKAGE DISPROVES THREE DE [244] FINDINGS ON ITS FACE

Point 1 — Not Secretly Made. The electronic evidence package contains 821 photographs, 172 videos, and 26 audio recordings. Every photograph in Folder 1 was received by an employer without objection for eight consecutive months. Every video in Folder 2 was received by an employer without objection for ten consecutive months. Every audio recording in Folder 3 was voluntarily transmitted to Knipfing via Reports 1, 2, 5, and 7 for the investigation. Knipfing himself authorized third-party investigator access to those recordings

on November 26, 2018 — one day before the termination letter. Evidence received by an employer without objection for eight to ten months, and then authorized for third-party investigator access, cannot simultaneously be characterized as secretly made.

Point 2 — Not Duplicative. DE [244] fn.7 characterized the flash drive as "largely duplicative" without reviewing its contents. The electronic evidence package contains 7.14 gigabytes of evidence spanning nine folders and three distinct categories of media (photographs, videos, audio recordings). The characterization of 7.14 gigabytes of unreviewed evidence as "largely duplicative" is logically impossible: duplication requires comparison, and comparison requires review. DE [244] acknowledged it could not review the evidence and then characterized it as duplicative. These two statements cannot coexist. Moreover, the five ECF paper transcripts filed in DE [228] — requiring zero flash drive access — were separately suppressed without the fn.7 excuse. The electronic evidence is not duplicative of those transcripts: audio recordings and their paper transcripts are complementary, not identical.

Point 3 — No NDA Existed. Every photograph in Folder 1, every video in Folder 2, every audio recording in Folder 3, and every communication in Folder 8 was created between January 31, 2018, and October 31, 2018. The first NDA delivery occurred November 1, 2018 — nine months after hire — one day before Plaintiff's workplace complaint. **A person cannot breach an agreement that did not yet exist.** 821 photographs, 172 videos, and 26 audio recordings were created before any NDA was delivered. DE [244]'s characterization that this evidence was taken "in violation of the NDA" is impossible as a matter of basic contract law: there was no NDA in existence during the period all of this evidence was created. The Loft Legal Opinion (DE [224-32]; DE [228-22] Exhibit 44) establishes five independent grounds for NDA voidness, including retroactive unenforceability. DE [244] suppressed the Loft Opinion entirely.

Robinson v. De Niro, No. 19-CV-9156 (LJL), 2023 WL 3611839, at *13–15 (S.D.N.Y. May 25, 2023) — domestic employee/celebrity employer employment discrimination case — S.D.N.Y. independently analyzed each party's evidentiary record, identified disputed facts, drew inferences in favor of non-movant, denied summary judgment where competing evidence existed. DE [244] did not perform this analysis.

THE COURT-CREATED FOUR-STEP EXCLUSION CHAIN: NO NOTICE AT ANY STEP

Step	Date	Event	Evidence	Notice Provided to Plaintiff?
1	July 2–8, 2025.	Plaintiff requested FTP link per Judge Bulsara Individual Practices §II.D to submit large electronic files	FTP Email (Exhibit 5); DE [202] (Exhibit 6)	No response received.
2	September 16, 2025	Pro Se portal — only remaining digital filing mechanism — terminated	DE [226] filing record	No notice provided to Plaintiff
3	October 8, 2025	Plaintiff filed flash drive (DE [229]) in person at courthouse — only remaining option	DE [229]	Filed; no technical deficiency notice ever received
4	May 8, 2026	DE [244] fn.7 characterized flash drive as "largely duplicative" without review — 207 days after filing	DE [244] fn.7 (Page ID #15481)	First and only communication: adverse ruling

Fed. R. Civ. P. 56(e)(1) provides that if a party fails to properly support an assertion or fails to properly address another party's assertion of fact, the court may give an opportunity to properly support or address the fact. This notice-and-cure opportunity was not provided at any

step of the four-step exclusion chain. The re-submission of the same evidence as Exhibit 4 (CD/DVD format) is the cure that the Court was required to offer but did not. If this Court again characterizes the evidence as inaccessible after a second submission accompanied by specific legal argument under FRCP 56(e)(1), that second characterization would be made without any technical justification and would constitute an independent due process violation.

CLOSING STATEMENT

The evidence identified in this Master Evidence Map was filed in the district court record before DE [244] issued on May 8, 2026. Nothing identified herein is new evidence. Every item was suppressed, disregarded, or selectively cited in a Memorandum and Order entered 172 days after the November 17, 2025, Order of Recusal, by a judicial officer who had no jurisdiction over this action.

The nine categories identified in this Exhibit — spanning 56 individual items of evidence — are representative, not exhaustive. The pattern they document is consistent: in each category, DE [244] adopted Defendants' characterization of disputed facts while suppressing, disregarding, or selectively citing Plaintiff's contrary evidence. The integrity of the summary judgment process requires that a court explain why the non-movant's evidence fails to create a genuine dispute of material fact. DE [244] did not perform that analysis.

The examples identified in this Master Evidence Map are representative rather than exhaustive. Collectively, they demonstrate a recurring pattern in which Plaintiff's contrary evidence was omitted, selectively cited, disregarded, or not meaningfully analyzed despite being part of the summary judgment record. This Exhibit is intended to assist the reviewing Court in determining whether DE [244] properly evaluated the full record, viewed the evidence in the light most favorable to the non-moving party, and addressed genuine disputes of material fact as required by FRCP 56.

Respectfully submitted,

Dated: June 20, 2026
Rego Park, New York

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

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

Case No. 2:20-cv-03361 (SJB)(AYS)
Reassigned November 17, 2025 (PKC)(TAM)

I, Lidia M. Orrego, declare under penalty of perjury that on June 24, 2026, I served a copy of the following documents upon Defendants' counsel whose address and email appear below, by email and ECF: (1) Letter to Honorable Pamela K. Chen; (2) Letter to Honorable Margo K. Brodie - Chief United States District Judge; (3) Fed. R. App. P. 12.1(a) Notice of Indicative Ruling Motion Filed in District Court, Orrego v. Knipfing et al., Case No. 26-1576; (4) Notice of the Clerk of Court; (5)Application for Leave to File; (6) Notice of Motion; (7) Affirmation of Lidia M. Orrego in Support; (8) Memorandum of Law; (9) Exhibit Table; (10) Proposed Order; (11) Exhibits 1 through 26 physically attached, total pages: 1e-304e. Note: Exhibit 4 — two (2) CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) — has been filed with the Clerk of Court as part of the original motion package and is available through the docket. The CD/DVD discs are not separately served by mail as they are part of the filed record. A courtesy copy of the complete motion package (without CD/DVD discs) was delivered in person to the Chambers of the Honorable Pamela K. Chen on June 23, 2026; (12) this Affirmation of Service.

Total Pages 409.-

To Defendants' Counsel:

Law Firm Gordon Rees Scully Mansukhani LLP ("GRSM")
One Battery Park Plaza, 28th Floor
New York, NY 10004

Via ECF & Notice has been electronically mailed to: kminnahdonkoh@grsm.com; mcolwin@grsm.com; kminnahdonkoh@gordonrees.com; dlrivera@grsm.com; pcella@grsm.com.

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

Dated: June 24, 2026
Rego Park, New York

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

EXHIBIT 1

Gmail Lidia Orrego <liorrego@gmail.com>

DE [200] - Request for FTP Link to Submit Voluminous Evidence – Case No. 20-CV-3361 (SJB) (AYS)

1 message

Lidia Orrego <liorrego@gmail.com> Wed, Jul 2, 2025 at 5:12 PM
To: bulsara_chambers@nyed.uscourts.gov
Cc: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, Dallas Rivera <dlrivera@grsm.com>, kminnahdonkoh@gordonrees.com, Peter Cella <pcella@grsm.com>, Paulette Guerrero <pguerrero@grsm.com>, Lidia Orrego <lidia.orrego@justiceforlidia.nyc>, Lidia Orrego <orregoprose@gmail.com>

Dear Judge Bulsara's Chambers,

I am Lidia M. Orrego, the Pro Se Plaintiff in Case No. 20-CV-3361 (SJB) (AYS), writing to request an FTP link to submit voluminous evidentiary materials, including approximately +6,000 pages, 249+ exhibits, and digital media (e.g., videos and records), as referenced in my Letter Motion filed on July 1, 2025 (DE [200] Exhibit 3), and consistent with Section II.D of Your Honor's Individual Practices.

This request follows my due diligence in filing the aforementioned Letter Motion, which seeks, among other relief, an adjournment of the summary judgment deadline and a briefing schedule for pending motions (DE [165], [190], [192], [193], [194], [196], [198], [199]).

These motions narrow the issues and reduce the volume of evidence, as noted in my filing.

The evidence includes materials from FOIL/FOIA certifications, such as documents delivered to the Defendants to date. It is intended to support my claims, as previously addressed in Magistrate Judge Shields' Order of July 5, 2022 (Exhibit 4) and Judge Brown's Order of April 10, 2023 (DE [108], Exhibit 5).

Please provide instructions and an FTP link to facilitate the secure submission of these materials, as outlined at https://evidence.nyed.uscourts.gov.

Thank you so much for your help. I have cc'd all counsel registered in NYSCEF, as required by Section II.C of Your Honor's Individual Practices.

Sincerely,

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

Dated 07-01-2025 - Letter Motion Request Adj.- Scheduling-Ruling (3).pdf
2403K

EXHIBIT 2

Fwd: DE [200] - Request for FTP Link to Submit Voluminous Evidence – Case No. 20-CV-3361 (SJB) (AYS)

1 message

Lidia Orrego <liorrego@gmail.com> Thu, Jul 3, 2025 at 12:36 PM
To: bulsara_chambers@nyed.uscourts.gov
Cc: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, kminnahdonkoh@gordonrees.com, Dallas Rivera <dlrivera@grsm.com>, Peter Cella <pcella@grsm.com>, Paulette Guerrero <pguerrero@grsm.com>, Lidia Orrego <lidia.orrego@justiceforlidia.nyc>, Lidia Orrego <orregoprose@gmail.com>

Dear Judge Bulsara's Chambers,

I am Lidia M. Orrego, the Pro Se Plaintiff in Case No. 20-CV-3361 (SJB) (AYS), following my email dated July 2, 2025 requesting an FTP link to submit voluminous evidentiary materials, including approximately +6,000 pages, 249+ exhibits, and digital media (e.g., videos and records), as referenced in my Letter Motion filed on July 1, 2025 (DE [200] Exhibit 3), and consistent with Section II.D of Your Honor's Individual Practices. Please review the links to the record dated August 2023. I will send the updated record and evidence for review next week, along with the detailed certifications attached to this email as DE [200]. The request for adjournment or extension granted to the Defendants on May 2025 is included without delay.

See the link for the following evidence: 1. Dated 08-01-2023 PLAINTIFF RECORD EVIDENCE EDNY 20CV3361 - TABLE OF CONTENTS SUMMARY JUDGMENT

Dated 08-08-2023 Delivery to Defendants GRSM - Plaintiff Evidence for Summary J. 2023

Recordings Knipfings Employment Year 2018

Recordings WCB G2584330 - Orrego v Knipfing et al.

Report Recordings Investigation - 2018 -

Kevin James Dated November 6, 2018 - Evidence Perjury Motion to Dismiss December 2020
The meeting starts in 15 minutes 15 seconds.

Kevin James's
Investigators Dated November 12, 2028

SOCIAL MEDIA CRISTINA COIMBRA

SOCIAL MEDIA GERARDO GUARINO

SOCIAL MEDIA KEVIN JAMES

Total of 172 videos requested by the Defendants "FAMILY ALBUM 2018"

Total of 821 Pictures requested by Defendants January - November 2018

Please provide instructions and an FTP link to facilitate the secure submission of these materials, as outlined at https://evidence.nyed.uscourts.gov.

According to the order, I will serve the documents via email.

Thank you so much for your help. I have cc'd all counsel registered in ECF, as required by Section II.C of Your Honor's Individual Practices.

Sincerely,

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

-------- Forwarded message --------
From: **Lidia Orrego** <liorrego@gmail.com>
Date: Wed, Jul 2, 2025 at 5:12 PM
Subject: DE [200] - Request for FTP Link to Submit Voluminous Evidence – Case No. 20-CV-3361 (SJB) (AYS)
To: <bulsara_chambers@nyed.uscourts.gov>
Cc: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, Dallas Rivera <dlrivera@grsm.com>, <kminnahdonkoh@gordonrees.com>, Peter Cella <pcella@grsm.com>, Paulette Guerrero <pguerrero@grsm.com>, Lidia Orrego <lidia.orrego@justiceforlidia.nyc>, Lidia Orrego <orregoprose@gmail.com>

Dear Judge Bulsara's Chambers,

I am Lidia M. Orrego, the Pro Se Plaintiff in Case No. 20-CV-3361 (SJB) (AYS), writing to request an FTP link to submit voluminous evidentiary materials, including approximately +6,000 pages, 249+ exhibits, and digital media (e.g., videos and records), as referenced in my Letter Motion filed on July 1, 2025 (DE [200] Exhibit 3), and consistent with Section II.D of Your Honor's Individual Practices.

EXHIBIT 3

August 3, 2023

FILED
CLERK
Box.com
8/03/2023
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

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

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 L.L.C., Steve Savitsky, Teresa A. Zantua
Docket No. 20CV3361(JMA)(AYS)

Re: Plaintiff's Letter Motion request instructions to submit evidentiary records "Plaintiff's Records" to comply with Order dated August 2, 2023.

Dear Magistrate Judge Shields,

Plaintiff Lidia M. Orrego, in connection with the above-referenced action, confirmed on July 27, 2023, that she called Summary Judgment ECF doc.[157] and will move on November 1, 2023, under District Judge Azrack's Individuals "Rules IV. E Summary Judgment Motions, Page 6.". See the Order dated August 2, 2023.

Today, August 3, 2023, Plaintiff tried to submit to this Court the evidentiary "Plaintiff's Records" to proceed with the Summary Judgment Rule 56, but the Clerk's office and Plaintiff are looking for further instructions for Summary Judgment proceeding and submit the evidentiary record to this Court's custody.

Please advise the specifications to submit the following evidence:

1) Electronic Storage Information ("ESI")

- Digital Plaintiff's Record
- Total Recordings: 26.- Notarized & Certificate Transcriptions.
- Total Pictures: 821.- Plaintiff's employment with the Defendants.
- Total Videos: 172.- Plaintiff's employment with the Defendants.
- Social media: Defendants' employees, witnesses, and Defendants.

2) Total Exhibits: 249.- (two boxes)

Vol. 1 – PLA000001 – PLA0000412

Vol. 2 – PLA000413 – PLA0000827

Vol. 3 – PLA000828 – PLA0001248

Vol. 4 – PLA001249 – PLA0001669

Vol. 5 – PLA001670 – PLA0002092

Vol. 6 – PLA002093 – PLA0002517

Vol. 7 – PLA002518 – PLA0002917

Vol. 8 – PLA002918 – PLA003338

Vol. 9 – PLA003339 – PLA003764

Vol. 10 – PLA003765 – PLA004189

Vol. 11 – PLA004190 – PLA004615

Vol. 12 – PLA004616 – PLA004989

Plaintiff sent the copy to the Defendants via mail, tracking number number: 9534 6161 8892 3213 6333 06

Notice: Plaintiff will file a separate document with the mathematical calculation of litigation, costs, and expenses.

Plaintiff reserves all the rights and adds any evidence or discovery at any time.

Plaintiff thanks the Court for its time and attention to this submission and the instructions to submit all the evidence.

Respectfully submitted,

Dated: August 3, 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

Plaintiff files via Pro Se Electronic Document Submission on August 3, 2023, https://edny.app.box.com/f/0f6348c6cb5242409fe345811278b2ca

EXHIBIT 4

DIGITAL EVIDENCE SUBMISSION

MOTION TO VACATE DE [244] AND DE [245]
FRCP 60(b)(3), FRCP 60(b)(4),
FRCP 60(d)(3), AND FRCP 62.1

MEDIA CONTENTS
Total Digital Evidence Size: Approximately 4.7 GB

Contents Include:

- Audio Recordings and Transcripts - Transcripts filed DE [224] DE [226] DE [228]
- Photographs (821 Images)
- Videos (172 Files)
- Social Media Evidence
- Discovery Materials
- Additional Electronic Evidence Submitted in Support of Plaintiff's Motion to Vacate

Submitted by:

LIDIA M. ORREGO
Plaintiff Pro Se

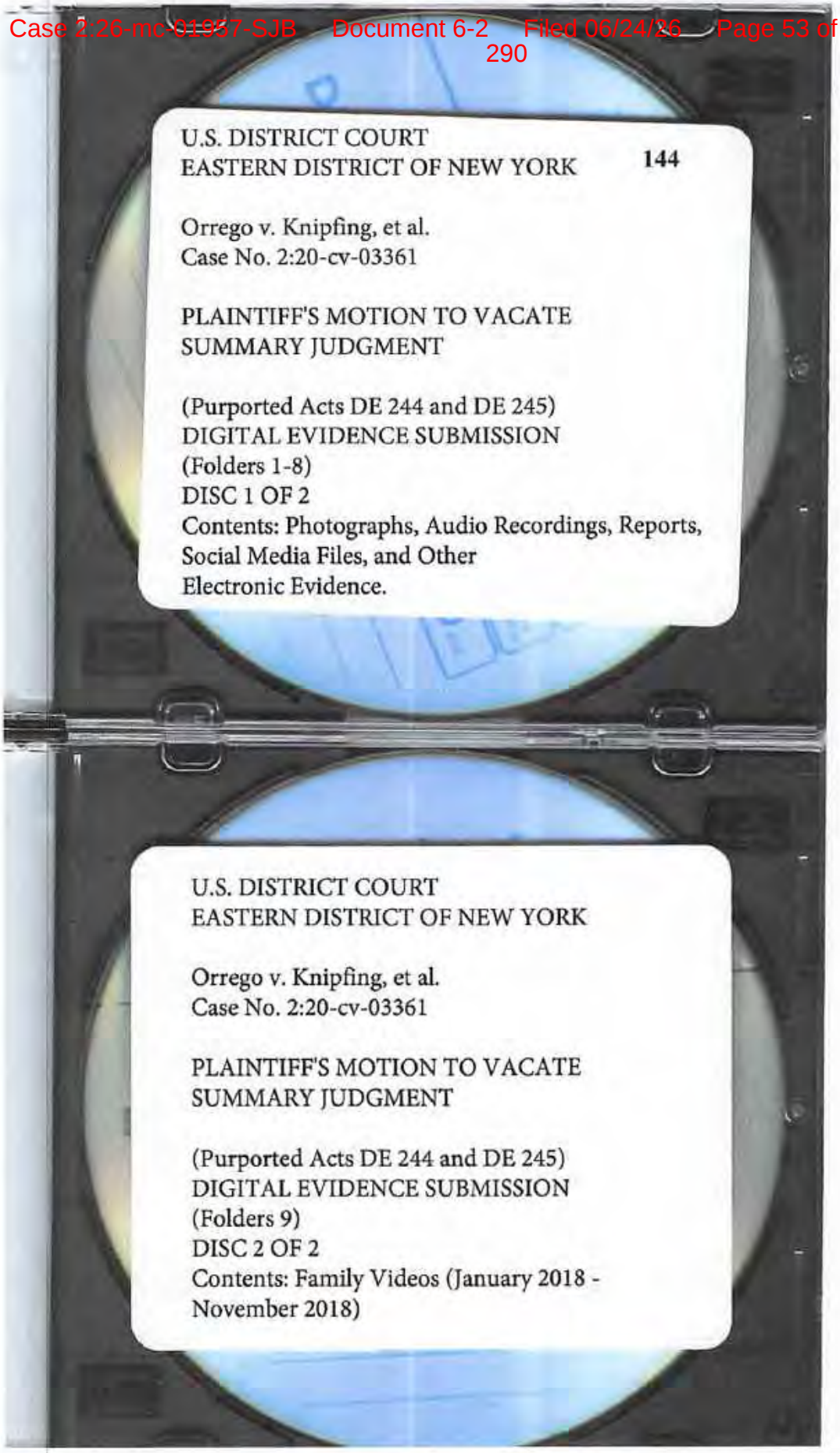

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
144
Orrego v. Knipfing, et al.
Case No. 2:20-cv-03361
PLAINTIFF'S MOTION TO VACATE
SUMMARY JUDGMENT
(Purported Acts DE 244 and DE 245)
DIGITAL EVIDENCE SUBMISSION
(Folders 1-8)
DISC 1 OF 2
Contents: Photographs, Audio Recordings, Reports,
Social Media Files, and Other
Electronic Evidence.
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
Orrego v. Knipfing, et al.
Case No. 2:20-cv-03361
PLAINTIFF'S MOTION TO VACATE
SUMMARY JUDGMENT
(Purported Acts DE 244 and DE 245)
DIGITAL EVIDENCE SUBMISSION
(Folders 9)
DISC 2 OF 2
Contents: Family Videos (January 2018 -
November 2018)

EXHIBIT 5

Gmail

146

Lidia Orrego <liorrego@gmail.com>

Request for FTP Link to Submit Voluminous Evidence – Case No. 20-CV-3361 (SJB) (AYS)

1 message

Lidia Orrego <liorrego@gmail.com> Wed, Jul 2, 2025 at 4:57 PM
To: chambers@nyed.uscourts.gov
Cc: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, Peter Cella <pcella@grsm.com>, Paulette Guerrero <pguerrero@grsm.com>, Dallas Rivera <dlrivera@grsm.com>, kminnahdonkoh@gordonrees.com, Lidia Orrego <lidia.orrego@justiceforlidia.nyc>

Dear Judge Bulsara's Chambers,

I am Lidia M. Orrego, the pro se plaintiff in Case No. 20-CV-3361 (SJB) (AYS), writing to request an FTP link to submit voluminous evidentiary materials, including approximately +6,000 pages, 249+ exhibits, and digital media (e.g., videos and records), as referenced in my Letter Motion filed on July 1, 2025 (DE [pending] attached), and consistent with Section II.D of Your Honor's Individual Practices.

This request follows my due diligence in filing the aforementioned Letter Motion, which seeks, among other relief, an adjournment of the summary judgment deadline and a briefing schedule for pending motions (DE [165], [190], [192], [193], [194], [196], [198], [199]).

These motions aim to narrow the issues and potentially reduce the volume of evidence, as noted in my filing.

The evidence includes materials from FOIL/FOIA from documents delivered to the Defendants in the disclosures stage and is intended to support my claims, as previously addressed in Magistrate Judge Shields' Order of July 5, 2022 (Exhibit 4) and Judge Brown's Order of April 10, 2023 (DE [108], Exhibit 5).

For your reference, the evidentiary materials can be accessed via the following link: [Insert Link Here]. Please provide instructions and an FTP link to facilitate the secure submission of these materials, as outlined at https://evidence.nyed.uscourts.gov.Thank you for your assistance. I have cc'd all counsel registered in NYSCEF, as required by Section II.C of Your Honor's Individual Practices.

Sincerely,

Lidia M. Orrego
Pro Se Plaintiff
95-08 Queens Blvd Apt. 3E
Rego Park, NY 11374
[Your Phone Number]
[Your Email Address]

CC: All parties registered in NYSCEF

Dated 07-01-2025 - Letter Motion Request Adj.- Scheduling-Ruling (3).pdf
2403K

EXHIBIT 6

*** Filed *** 05:30 PM, 07 Jul, 2025 U.S.D.C., Eastern District of New York

Notice of Request to Submit Electronic Evidence

Case Number: 20cv3361 - SJB - AYS **Short Caption: Orrego v Knipfing et al.**

RECEIVED July 8, 2025 PRO SE OFFICE

Filing Party Name: Lidia M. Orrego - **Plaintiff Pro Se**

Enter the Document number of the docket entry for which the exhibit should be linked. Enter "N/A" if not applicable. DE [200]

If the format is PDF, why hasn't it been docketed electronically?

See Attached: INITIAL NOTICE TO SUBMIT ELECTRONIC EVIDENCE FOR SUMMARY JUDGMENT, DECLARATION OF AUTHENTICITY, REQUEST FOR FTP LINK, AND RESERVATION OF RIGHT TO FILE ADDITIONAL EVIDENCE dated July 7, 2025.

- Support Evidence - Pages from 2. Exhibits Amended Complaint 21 - 33 Dated 08-16-2020 Amended Complaint DE [8] Exhibits 21 - 33.

Exhibit 1 - Dated 07-02-2025 Email - DE [200] - Request for FTP Link to Submit Voluminous Evidence – Case No. 20-CV-3361 (SJB) (AYS)

Exhibit 2 - Dated 07-02-2025 Second Email - DE [200] - Request for FTP Link to Submit Voluminous Evidence – Case No. 20-CV-3361 (SJB) (AYS)

Exhibit 3 - DE [165] Dated 08-03-2023 Plaintiff Letter
Request for Instruction filing Evidence Summary Judgment

APPEAL,PROSENEF

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

Orrego v. Knipfing et al
Assigned to: Judge Sanket J. Bulsara
Referred to: Magistrate Judge Anne Y. Shields
related Cases: 2:26-mc-01957-SJB
2:25-cv-00769-SJB-AYS
2:25-cv-00736-SJB-AYS
2:24-cv-07247-SJB-AYS
2:23-cv-06507-SJB-AYS
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/23/2020
Date Terminated: 05/08/2026
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Date Filed	#	Docket Text
07/07/2025		ORDER: The motion for extension of time 200 is granted. The summary judgment briefing is extended as follows: any party seeking to move for summary judgment must serve its motion by **8/8/2025**; any opposition must be served by **9/12/2025**; and any reply must be served by **10/3/2025**. The parties are directed to serve the papers on each other by these deadlines but only file them on the Court's docket on **10/3/2025**, following service of all briefs. So Ordered by Judge Sanket J. Bulsara on 7/7/2025. (MPG) (Entered: 07/07/2025)
07/07/2025	202	Notice of Request to Submit Electronic Evidence. re 200 Letter MOTION for Extension of Time to File Response/Reply */Letter Motion For Adjournment of Summary Judgment Deadline, Status Update, Leave to File Amended Documents or Supplemental Certifications, and Briefing Schedule* by Lidia M. Orrego. (NF) (Entered: 07/08/2025)
07/08/2025	203	Notice of MOTION to Disqualify Judge */Recuse*, Notice of MOTION to Vacate *July 2, 2025 Order* by Lidia M. Orrego. (NF) (Entered: 07/08/2025)
07/08/2025		ORDER: The Court has received from Plaintiff multiple requests to submit electronic evidence. The protocol for submission of large electronic files set forth in the Court's Individual Practices § II.D, however, is only to be utilized for trial or motion practice where exhibits are appropriate for the Court's consideration of the issues involved, such as summary judgment. Both sides are therefore informed that, outside of such limited practice, documents should be filed only on ECF. Emails to Chambers are generally prohibited. *See* Individual Practices § II.B. So Ordered by Judge Sanket J. Bulsara on 7/8/2025. (MPG) (Entered: 07/08/2025)
07/08/2025		ORDER: Plaintiff has filed multiple motions, *e.g.*, motions to disqualify opposing counsel, motions to stay, motions to vacate prior orders, and a motion to disqualify Judge Shields 190 , 194 , 196 , 197 , 198 , 200 . Many of these motions are attempts to relitigate issues already decided in this case. The proper vehicle for such action is to file an appeal at the appropriate time with the Second Circuit Court of Appeals. This Court will not reconsider or undo any order issued by a prior judge in this case from before its transfer to the undersigned. Accordingly, Plaintiff may not file any further motions seeking reconsideration or a redo of prior decisions. At this point in the litigation, the parties are briefing cross-motions for summary judgment—motions which the Court will decide in a timely fashion and which will determine whether this case proceeds to trial or judgment in favor of Plaintiff or Defendants. Filings unrelated to summary judgment—which attempt to relitigate prior decisions—distract from orderly and efficient resolution of the case to a final disposition. Should Plaintiff continue to file motions for reconsideration (or motions in the guise of reconsideration motions) the Court may unfortunately have to prohibit and suspend her ECF filing privileges. *See Trivedi v. Gen. Elec. Co.*, No. 23-254, 2024 WL 3286663, at *2 (2d Cir. July 3, 2024) (warning pro se litigant "if she continues to abuse the judicial process by the instigation of frivolous appeals, an injunction will issue directing the Clerk of this Court to refuse to accept for filing any submissions from her, unless she has first obtained

		leave of the Court to file such papers." (cleaned up) (quoting *Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989)). This is a step the Court does not wish to take but may have no choice. (Of course, because the summary judgment motions have not yet been decided, Plaintiff may file a motion for reconsideration, consistent with Local Rule 6.3, should she disagree with some aspect of the decision rendered on such motions). Because the motions attempt to relitigate all of the issues previously decided in this case, well after the time for reconsideration, *see* Local Civil Rule 6.3, the motions at Docket Nos. 190 , 194 , 196 , 197 , 198 , 200 are all denied. The Court will proceed to resolve the summary judgment motions following submission of those papers consistent with the briefing schedule (as amended by the Court). So Ordered by Judge Sanket J. Bulsara on 7/8/2025. (MPG) (Entered: 07/08/2025)



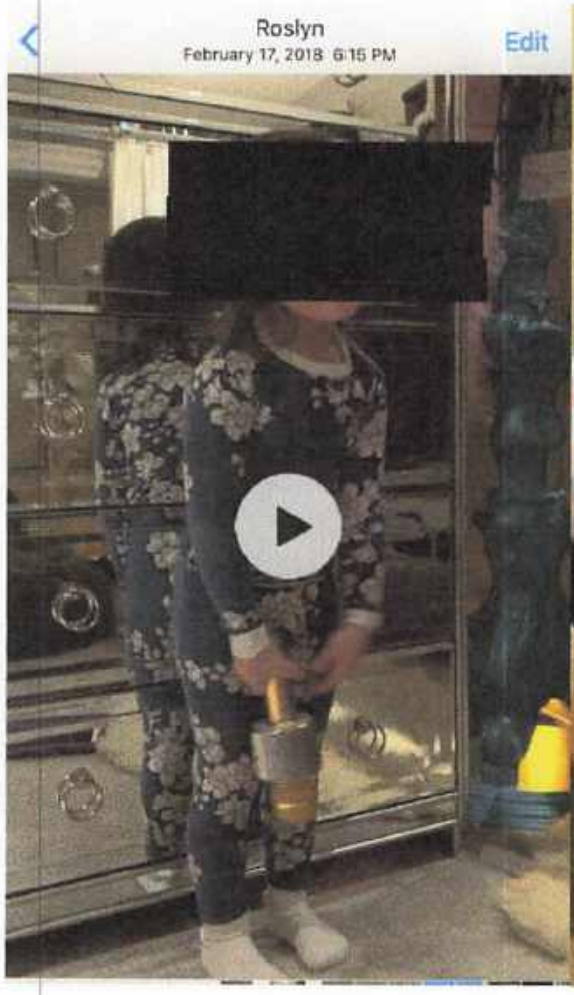
Exhibit 21

PHOTOGRAPHS, VIDEOS AND TEXT MESSAGES REQUESTED BY EMPLOYERS

The Plaintiff holds plenty (600) FAMILY photographs, videos in the Knipfing's House were requested and authorized by employers, sent via text messages to Stephanieanna James-Knipfing, Kevin Knipfing and Teresa A. Zantua.

All the Plaintiff's co-workers also took photographs and videos inside the Knipfing's house.

February 17, 2018 at 6:15 pm: The first picturess and videos were taken in the girl's room S.M.K. and S.J.K.





October 23, 2018:

Last Video 46 seconds at 6:12 pm. The last video requested by Kevin Knipfing (the day Kevin Knipfing's son hit for the last time the Plaintiff) in the classroom. Plaintiff's took photographs and videos inside the Knipfing's house where are cameras.This is one of plenty recordings the Plaintiff holds plus photographs since February 2018 authorized by her Employers.

The Plaintiff has never received all along time she worked for her employers any warning and never they applied " Breach HER NDA" until She file the Complaint emailed dated November 2, 2018 about the horrible environment for discrimination and abuse.

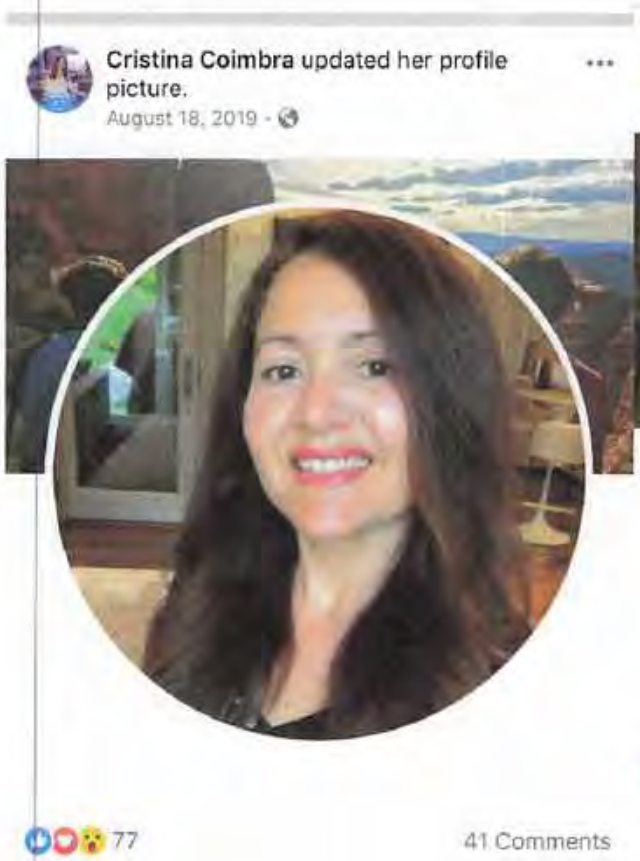
Roslyn Heights
October 23, 2018 6:12 PM
Edit



Exhibit 22

CRISTINA COIMBRA – HOUSEKEEPER (Brazilian – Speaks Portuguese)

August 18, 2019 and October 16, 2019 Cristina Coimbra taking photographs inside the Knipfing's house and posted on her Facebook. The Plaintiff has photos dated earlier. The Knipfing's don't applied "Breach her NDA".





GERARDO GUARINO – CHEF (Italian - American)

December 17, 2017 Gerardo Guarino taking photographs and videos inside the Knipfing's house and post on Facebook or Instagram.

But the Knipfing's don't applied "Breach his NDA" .

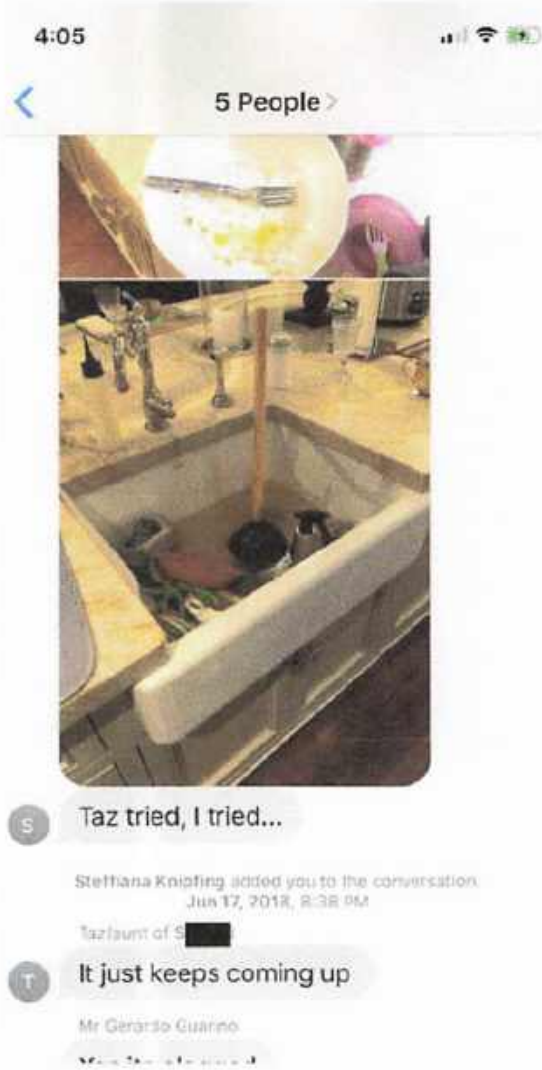


GROUPS MESSAGES EXCHANGING PHOTOGRAPHS

Photographs taken inside the Knipfing's house and sent to all employees by the Employer.

Teresa A. Zantua is "TAZ".





LIDIA ORREGO – NANNY (Hispanic)

March 29, 2018 and October 1, 2018 photographs taken inside the Knipfing's house by the Plaintiff and sent via text message Stephanieanna James-Knipfing and Teresa A. Zantua. The Plaintiff never received any warning or notice about any "Breach of NDA" agreement because it was part of her job.

The Plaintiff sent pictures (See Exhibit 24 Page 132 candies and tapes to the Investigation to demonstrate discrimination and abuse. These photographs, videos and recordings were never shared with third parties or published on social platforms.

Kevin Knipfing and Stephanieanna James-Knipfing **applied a "Breach her NDA"** agreement to the Plaintiff through OLD WESTBURY LLC (entity does not exist in New York State and is not listed as an employer on the Two-Page NDA) to terminate her employment re-enforcing the discrimination to which the Plaintiff was subjected before she submitted her Complaint dated November 2, 2018.

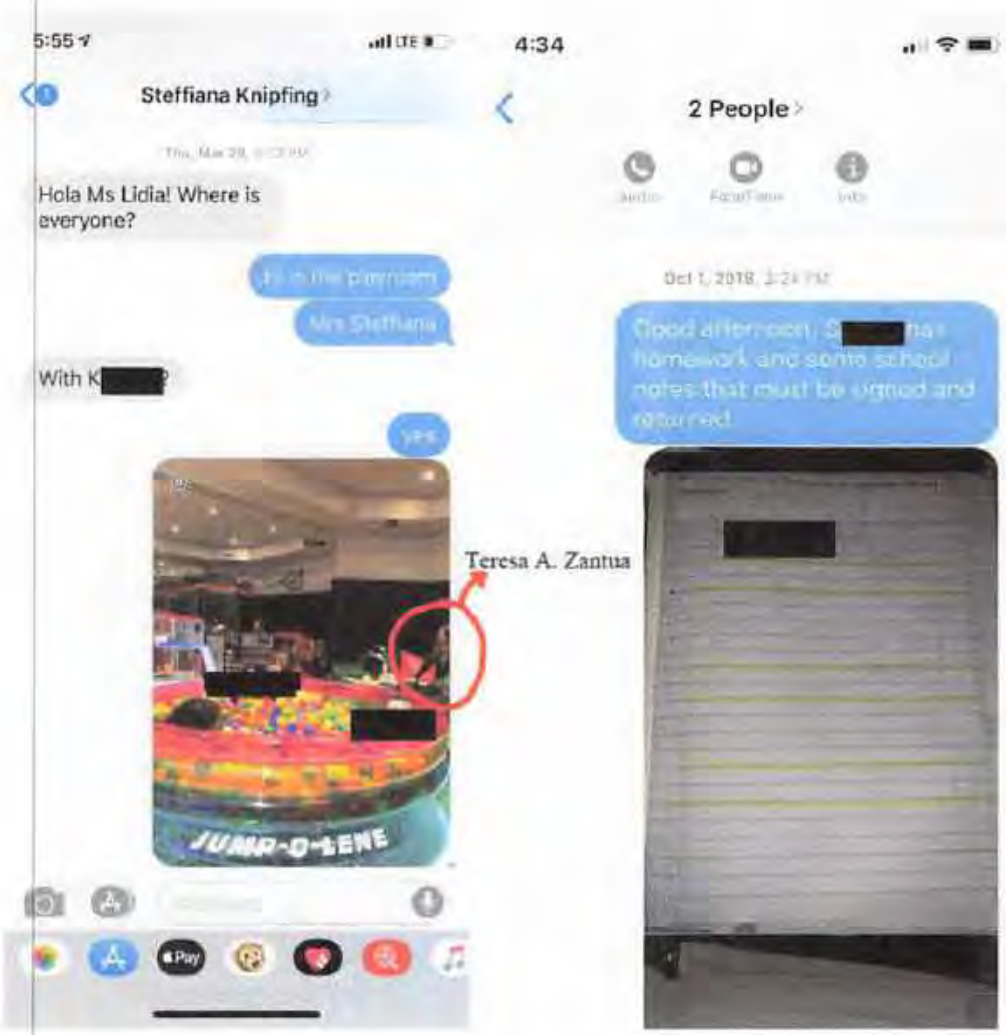


Exhibit 25

Termination Letter Dated November 27, 2018

1-"Old Westbury LLC" is ending your employment effective immediately. This decision is based on several factors, including but not limited to: "

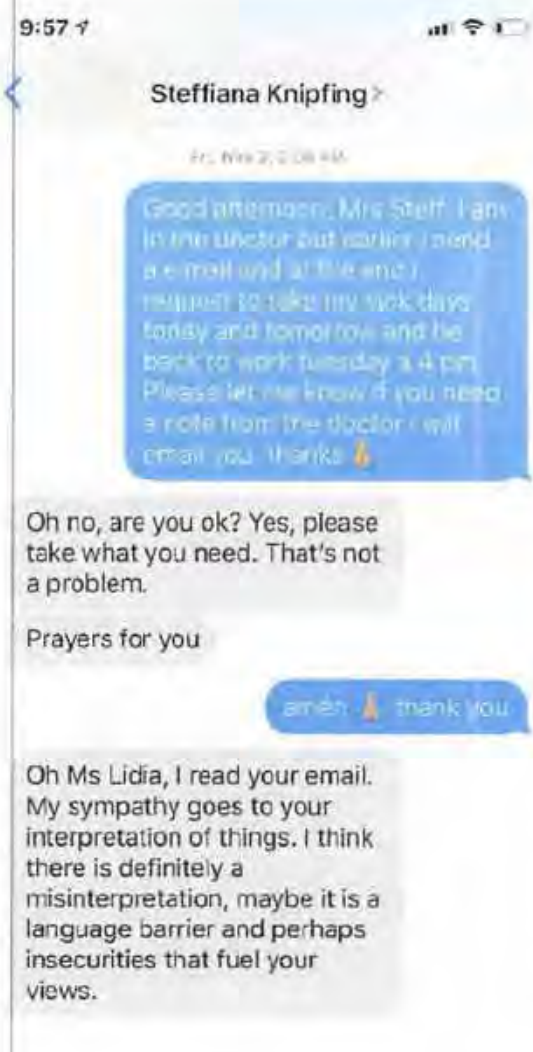
The Plaintiff has never received working for the Knipfing's any written warnings or performance reviews related to the content of the Termination Letter and feedback on their work consistent with Stephanieanna James- Knipfing text messages from February 7, 2018 to November 1 , 2018 describing the Plaintiff in these messages as "Fantastic" or "Hard Worker".



Exhibit 26

November 02, 2018: Text MESSAGES FROM STEPHANIEANNA JAMES-KNIPFING

After the Plaintiff placed her complaints via email at 2:30 pm Stephanieanna James-Knipfing in retaliation sent a series of text messages and emails continuing the Intentional Infliction of Emotional Distress attacking the Plaintiff and sabotaging her work or career with unfair treatment, unjustified negative evaluations, humiliating and degrading her, using insensitive terms, continuing with discrimination and harassment. Stephanieanna James-Knipfing requested the Plaintiff via email the medical certificate of Ms. Orrego's reported injuries at her workplace.





9:57

Steffiana Knipfing

S[redacted] did not want to be with you, that's why I stayed away, otherwise your time here would have been pointless.

Again, I am sorry how you perceive things. Many prayers for us all.

It's all nonsensical troublemaking.

Why would you want to come back on Tues after all the mean things you said? Why would you want to come back on Tues if any of this is true?

Send me your doctor report like you offered. Gracias!

Also, give me dates and times and we will judge from camera footage to make the necessary reprimands. Hope your health is well, I heard you had a rough

9:58

Steffiana Knipfing

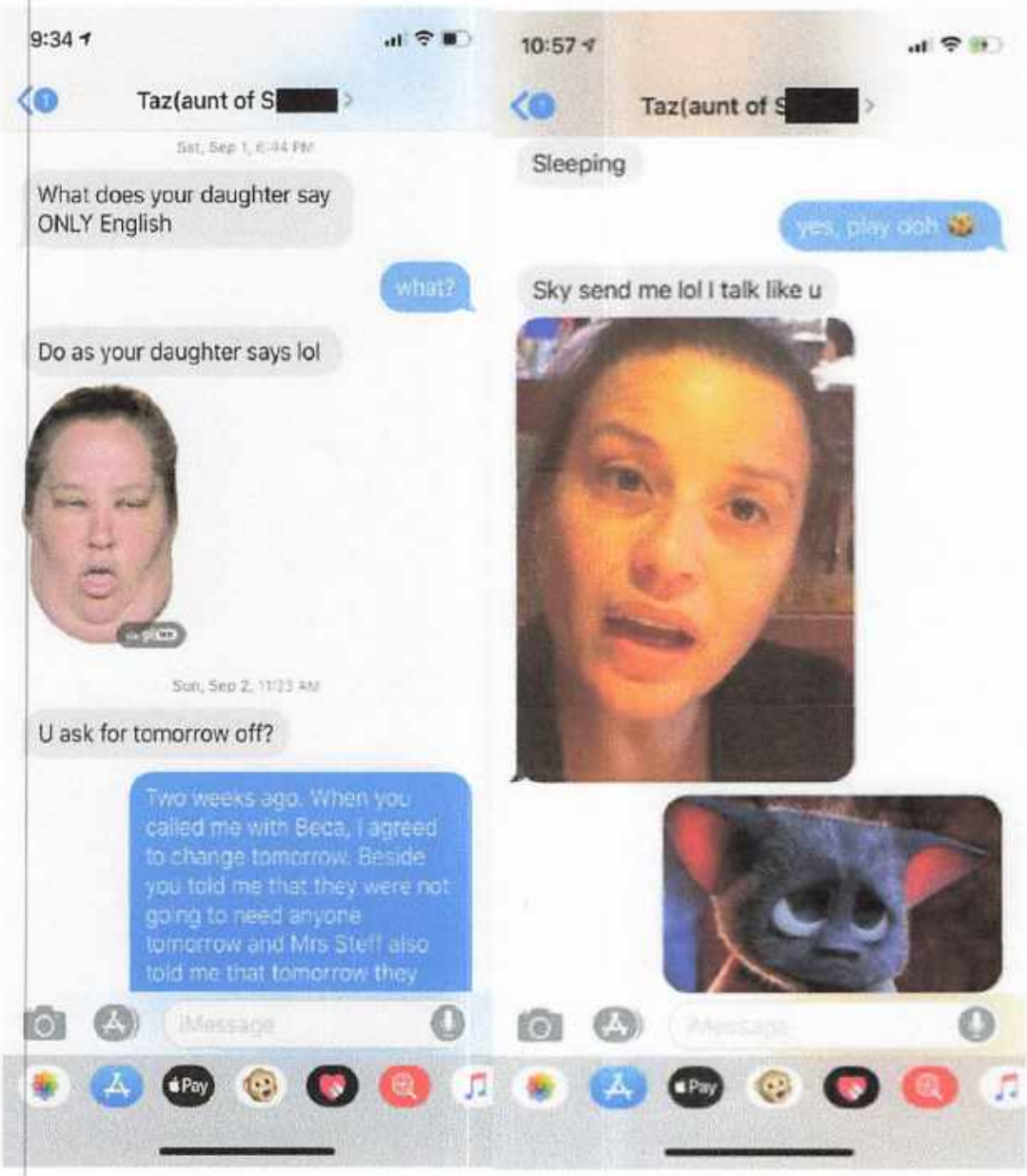
Also, give me dates and times and we will judge from camera footage to make the necessary reprimands. Hope your health is well, I heard you had a rough week at home.

I worried about you for a while. Your want of both shifts was too much. My decision was out of mindfulness for your well-being, and it wasn't good to me for you to want housekeep hours and then try to be a nanny to my daughter after that. I could sense the exhaustion.

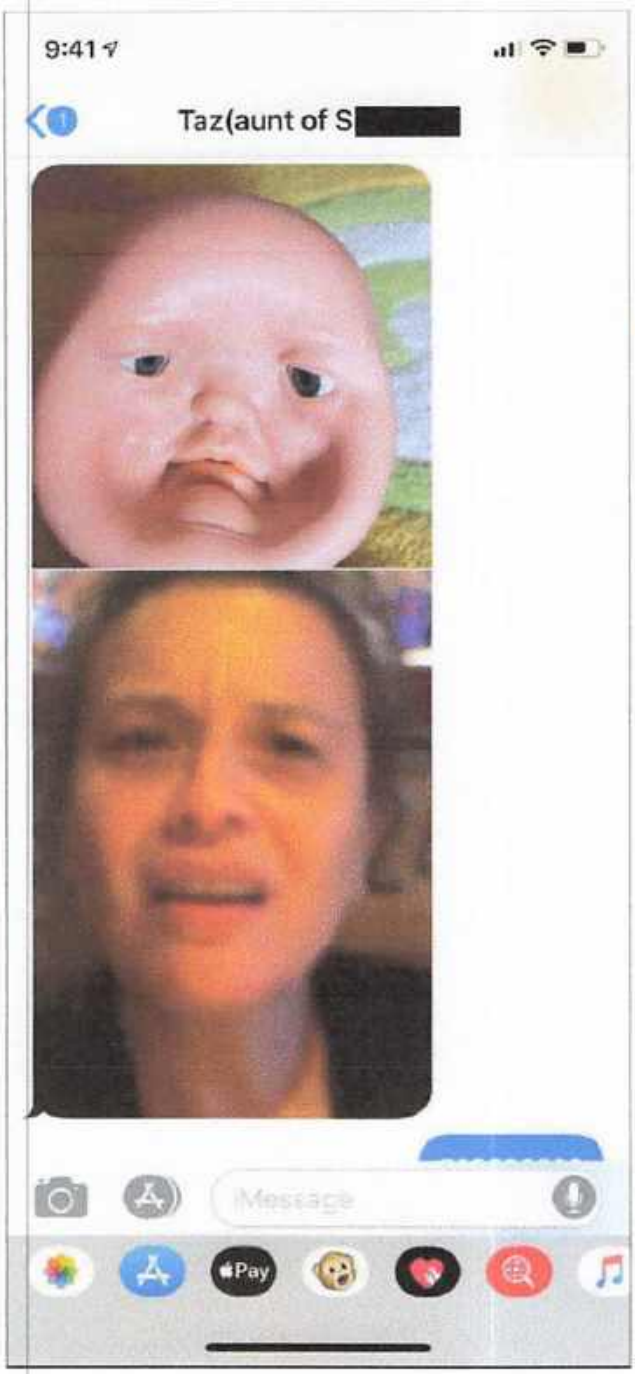


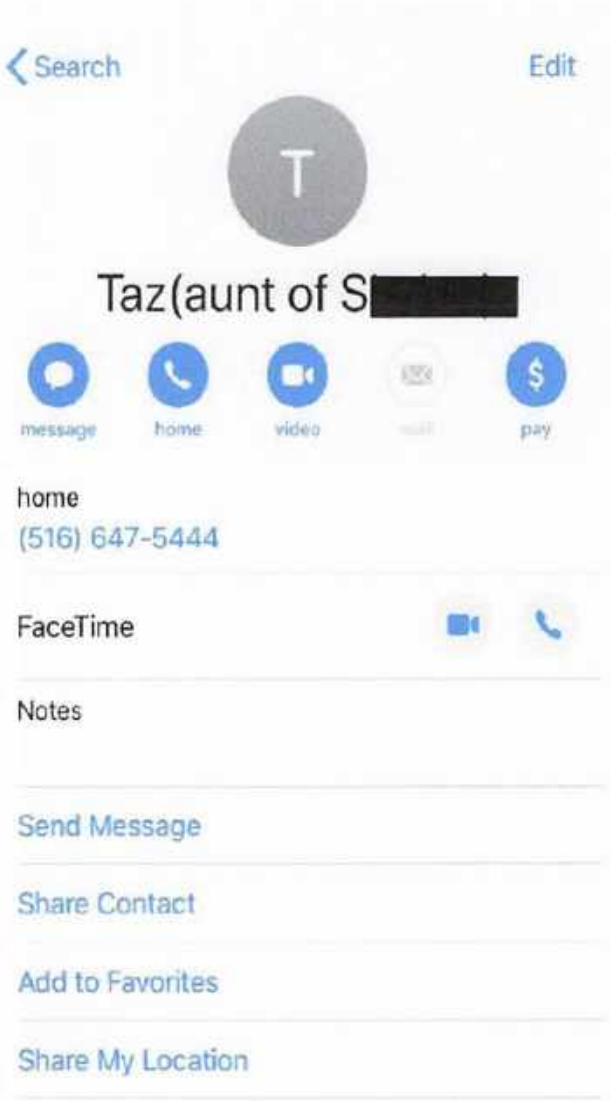
Exhibit 27

TEXT MESSAGES FROM TERESA A. ZANTUA TO THE PLAINTIFF.




9:38
Taz(aunt of S[redacted]
Sorry, I did not realize that this happened or even check the notification, I thought it was someone else.You know i'm stupid spanish from Paraguay or Mexico as you always said to me.Sorry 🙏😔
Omg I said Mexico when you said something about me..... lol
I never said nothing about you lol
Fri, Oct 5, 3:05 PM
iMessage
9:42
Taz(aunt of S[redacted]
Fri, Aug 24, 8:54 AM
Taz, Ms Steff is here?
iMessage


9:41
Taz(aunt of S[redacted]
iMessage
Pay


Search
Edit
T
Taz(aunt of S[redacted]
message
home
video
mail
pay
home
(516) 647-5444
FaceTime
Notes
Send Message
Share Contact
Add to Favorites
Share My Location

November 2, 2018: The Plaintiff texted to Skylar Testa notifying that she would go to the doctor that day for back pain according to the medical record of Dr. Moisey Delman. See Exhibit 28 Page 133.

The Plaintiff don't notified to Teresa A. Zantua because that day she sent the complaint against her. Skylar Testa confirms that he was reading the email with the complaint.

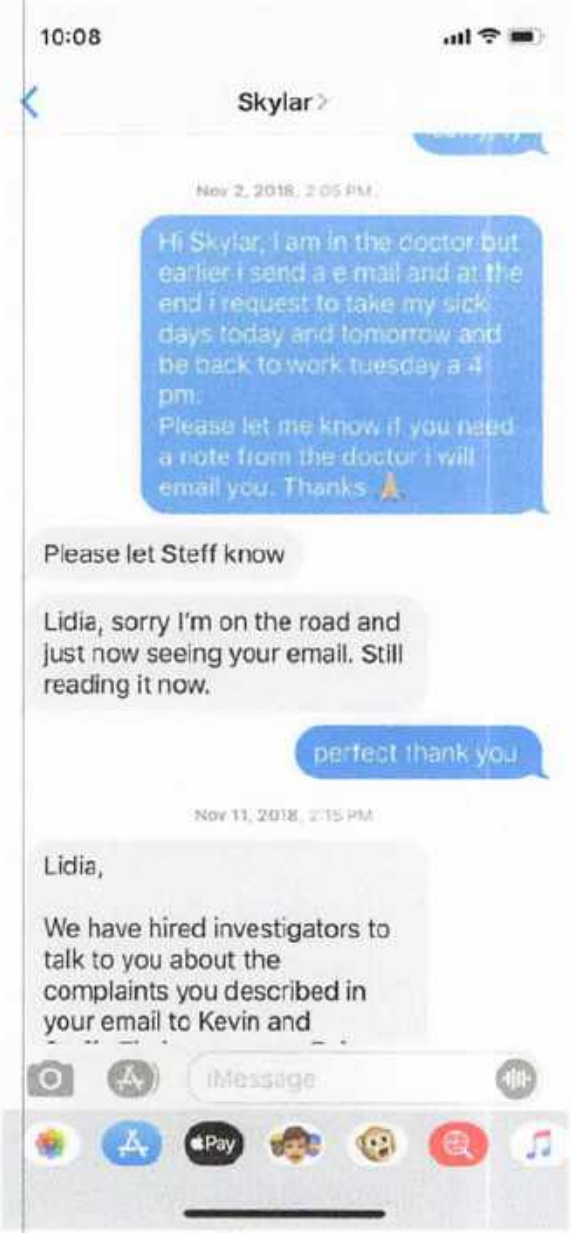


EXHIBIT 8

RECEIVED
SEP 18 2025
PRO SE OFFICE

November 18, 2025

2025 NOV 18 PM 7:11

Hon. District Judge Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
VIA ECF (or night box / in-person filing – Pro Se Office)
Total Pages: 4.-

Re: Orrego v. Knipfing et al., 20-cv-03361 (PKC) (TAM)
Urgent Request for Pre-Motion Conference to Vacate Unlawful Pre-Filing Injunctions, Restore Electronic Filing Rights, and for Guidance on Refiling Summary Judgment

Dear District Judge Chen:

I am the Pro Se plaintiff. This case was reassigned to Your Honor and Magistrate Judge Merkl on November 17, 2025.

Pursuant to the Court's November 5, 2025, Order withdrawing all pending motions, including DE [203], [217], [218], and [226], and in full compliance with Your Honor's Individual Practices and Rules dated August 22, 2025, I respectfully request:

1. An immediate Pre-Motion Conference (or Leave to File a Formal Motion) to VACATE the Pre-filing Injunctions entered in this case (see DE [202] and related orders).

These injunctions were entered without notice, without a hearing, and without any evidentiary submission — a blatant violation of Fed. R. Civ. P. 65 and my constitutional rights under the First, Fifth, and Fourteenth Amendments, as well as my rights under the Americans with Disabilities Act.

The serious Due-Process violations and judicial impropriety that warrant vacating the injunctions and Granting Summary Judgment are already established on the record and were formally confirmed when I was compelled to seek extraordinary relief from the Second Circuit. My July 21, 2025, Notice (DE [206]) of the Petition for Writ of Mandamus and Motion for Permission to Appeal In Forma Pauperis, filed July 16, 2025, detailed the repeated denial of notice, hearing, and any opportunity to be heard in this case. That mandamus proceeding remains powerful evidence supporting immediate vacatur of the injunctions and the refiling and adjudication of my Summary Judgment Motion. Additionally, the Second Writ of Mandamus, Case No. 25-2399, filed

September 30, 2025, documents ongoing due-process violations that prevented proper adjudication of those actions.

2. Immediate restoration of my constitutional and statutory right to file electronically through the EDNY Pro Se E-filing portal (or, temporarily, by email to chambers) pending the conference.

3. Permission to refile my Summary Judgment Motion (withdrawn as DE [226]) and a pre-motion conference to obtain clear instructions on how to submit voluminous evidence (recordings, videos, photographs, voicemails, etc.) previously filed at DE [202] on July 7, 2025.

This evidence directly supports the serious allegations of perjury, fraud upon the court, witness tampering, and gross ethical violations raised in the following misrepresented motions:

• DE [190] (03/13/2025) – Motion for Disqualification, Preliminary Injunction

• DE [197] (06/17/2025) and DE [198] (06/18/2025) – Motion to Vacate Orders Pursuant to FRCP 60(b)(2), 60(b)(6), and 60(d)(3): These motions presented newly discovered evidence, including but not limited to the New York State Department of Labor Standards Complaint Form (LS223) dated June 8, 2025; the Loft Legal Opinion dated May 14, 2025 regarding the unenforceability of confidentiality agreements; paystubs; benefits records; and workers' compensation documentation. This critical evidence of fraud, perjury, and deprivation of rights was never adjudicated on the merits and must be considered together with the refiled Summary Judgment Motion.

• DE [199] (06/30/2025) – Motion for Declaratory Judgment Evidence Concealed by Defendants until August 1, 2022, where my co-worker Rebeca Uzcategui aka Rebeca Lugo confirmed all the discrimination and abuse on November 21, 2018, Report of Investigation.

• DE [207] (08/05/2025) – Emergency Motion to Vacate (fraud confirmed by NYS Attorney General Letitia James)

• DE [211] (09/09/2025) – Motion for Leave to File New Proceedings (Workers' Comp fraud, deprivation of rights) Based on New Evidence - Workers' Compensation Fraud by Shimmee Inc. and Others; Deprivation of Rights by Attorney General Letitia James and Governor Kathy Hochul.

Additionally, I seek to refile as new proceedings (1) 25-cv-00769-SJB-AYS, Orrego v. Wilson et al., and (2) 25-cv-00736-SJB-AYS, Orrego v. Kerrigan et al. Both actions were dismissed without prejudice on June 10, 2025, due to clear misrepresentations regarding my

Applications to Proceed In Forma Pauperis and the unlawful injunction that had prevented me from refiling until today. All new proceedings are directly related to the Defendants in these cases, who continue to engage in conduct affecting my benefits and violating my civil and human rights (Collusion). Under the U.S. Constitution, I am entitled to pursue justice.

5. Because Judge Bulsara and Magistrate Judge Shields have already recused (see November 5 and November 17, 2025, orders), I no longer need to refile DE [203] (Motion for Recusal).

6. If (and only if) Your Honor declines to vacate the injunctions, permission to refile all the motions and new proceedings the withdrawn interlocutory appeal motions DE [217] (Leave to Appeal) and DE [218] (IFP Application) will become unnecessary, and the interlocutory appeals will be moot.

I am ready to appear in person or by telephone at the earliest possible date. The continued enforcement of these injunctions causes daily irreparable injury.

Respectfully submitted,

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

DE 22 – NOTICE OF MOTION TO DISMISS
Filed: December 11, 2020
Legal Representation of Old Westbury, LLC — No Typographical Error (2020–2025)

DE 17 – Stipulation and Order of Substitution of Counsel, filed September 30, 2020, identifies Old Westbury LLC as a separately represented Defendant and contains a separate signature executed on behalf of "Old Westbury LLC," in addition to Kevin Knipfing's individual signature.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lidia M. Orrego,	:	
Plaintiff,	:	Case No. 20-CV-3361 (GRB)(AKT)
-against-	:	**NOTICE OF MOTON TO DISMISS**
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.	:	

PLEASE TAKE NOTICE, that upon the declaration of Alex D. Dumas, Esq., dated October 22, 2020, and all the exhibits annexed thereto, as well as the accompanying Memorandum of Law, and upon all prior pleadings and proceedings herein, 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, and Teresa A. Zantua (collectively, "Defendants"), will move this Court, before the Honorable Gary R. Brown, at the courthouse located at 100 Federal Plaza, Central Islip, NY 11722-9014, Courtroom 840, to dismiss Plaintiff's Complaint, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's scheduling order dated September 22, 2020, Plaintiff must serve Defendants with her opposition to this motion on or before November 23, 2020; and Defendants must serve plaintiff with any reply memorandum and file the fully briefed motion on or before December 11, 2020.

Dated: October 22, 2020
New York, New York

Respectfully Submitted,

By: */s/ Alex D. Dumas*

Kuuku Minnah-Donkoh
Alex D. Dumas
GORDON REES SCULLY MANSUKHANI, LLP
One Battery Park Plaza, 28th Floor
New York, New York 10004
T: (212) 269-5500
kminnahdonkoh@grsm.com
adumas@grsm.com

Attorneys for Defendants

EXHIBIT 2

EXHIBIT 20

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

LIDIA M. ORREGO,

Plaintiff,

-against-

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

Defendants.

----------X

MEMORANDUM & ORDER
CV 20-3361 (GRB)(AKT)

GARY R. BROWN, United States District Judge:

Pro se plaintiff Lidia M. Orrego ("plaintiff") brings this case against her former employers, Kevin Knipfing, Stephanieanna James-Knipfing, and two LLCs operated by the Knipfings, Old Westbury Eddie LLC and Old Westbury LLC; the business manager of the Westbury LLCs, Steve Savitsky; and her former supervisor (and Ms. Knipfing's sister), Teresa Zantua (collectively, "defendants"). Before the Court is defendants' motion to dismiss. For the reasons set forth below, 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.

I. Factual and Procedural History

As set forth in plaintiff's amended complaint (the "Complaint"), the allegations of which are accepted as true for the purposes of this motion, plaintiff began working for the Knipfings as a nanny (and, later on, as a housekeeper) on January 31, 2018. Complaint, Docket Entry ("DE") 8, at 19. Plaintiff worked in the Knipfings' home, allegedly located in Nassau County. *Id.* at 3, 19. During this time, Ms. Zantua supervised plaintiff and five other employees who worked in the Knipfings' home. *Id.* at 19. At the outset of her employment, plaintiff was given an employment agreement and nondisclosure agreement (NDA) – in English, despite Spanish being her primary language; according to plaintiff, the NDA was missing most of the constituent pages (plaintiff apparently signed these documents on February 15, 2018). *Id.* Critically for purposes of the present motion, under the NDA, plaintiff agreed not to "publish, disseminate, discuss, disclose . . . or cause or induce to be disclosed" any confidential information, including "photographs, films, videotapes, sound recordings, [or] audio tracks" of anyone in the Knipfing family or any employees of the Knipfings. *Id.* at 90-91. The various employment-related documents provided to plaintiff identify different employers: plaintiff's employer is variously identified as the Knipfings, Old Westbury Eddie LLC or Old Westbury LLC. *See, e.g.*, Complaint, DE 8, at 19, 49, 80, 88, 98-102. In any case, plaintiff completed her background check and signed these documents on February 15, 2018. *Id.* at 19.

Plaintiff alleges that she was repeatedly harassed by Zantua for being Hispanic and/or of Paraguayan descent. For example, plaintiff alleges that Zantua often ordered plaintiff not to speak Spanish in front of the Knipfing children, complained about the Knipfings "hir[ing] nannies who only speak Spanish," and wondered aloud why "Mexicans work for American families who speak only English." *Id.* at 20, 23, 24, 25, 27, 31. Zantua also made pejorative comments about

plaintiff's race; for example, at a birthday party for a family friend's son, after Zantua "ordered [plaintiff] to take pictures and videos," a child stepped on plaintiff's hand and injured plaintiff; in response, Zantua commented that plaintiff's "bones [were] useless" because "[y]ou Mexicans eat a lot of corn." *Id.* at 21. On occasions where Zantua perceived that she had been slighted by plaintiff, or that plaintiff had fallen short in her responsibilities, Zantua defaulted to insulting plaintiff "because of her race," including by calling her a "stupid Paraguayan." *Id.* at 25-26, 27. Zantua informed plaintiff that she and Skylar Testa, the house manager, "always made fun of the Plaintiff' because of her accent – an activity the Knipfing children also participated in. *Id.* at 25. Even when not directed specifically at plaintiff, Zantua often made pejorative remarks about Latinos, on one occasion ordering plaintiff to pay the "Mexicans" who cleaned her car at a carwash because the "'Mexicans' were disgusting to her," and on another informing plaintiff that "she would never apologize to 'a Mexican.'" *Id.* at 21, 24. Other employees were also subjected to Zantua's race-based harassment. *See id.* at 29. By April 4, 2020, plaintiff began to write a diary documenting these events. *Id.* at 20. Plaintiff alleges that, by August 15, she "had already reported on several occasions of the discriminatory treatment and abuse received from" Zantua. *Id.* at 22. On this date, she "was offered the permanent position of Housekeeper" – apparently a demotion, instigated both by plaintiff's reporting and "because she was Hispanic." *Id.*

Plaintiff also presents certain allegations about Ms. Knipfing's conduct, starting in August 2018. For example, plaintiff alleges that on August 10, she was ignored by Ms. Knipfing when she went to help for a concert; when the event coordinator arrived at some point later, Ms. Knipfing introduced her co-workers, but not plaintiff. *Id.* at 22. Similarly, on August 15, Ms. Knipfing accused plaintiff (via another nanny, a Ms. Uzcategui) of some misstep that apparently was not plaintiff's fault; when plaintiff went to ask about the issue a few days later, Ms. Knipfing asked

plaintiff to leave the room even though "everyone else [was] walk[ing] in and out of" the room. *Id.* Later, toward the end of October, Ms. Knipfing confronted plaintiff when she was sitting down for lunch, asking her "why she was sitting" – a challenge Ms. Knipfing apparently never made to plaintiff's co-workers. *Id.* at 32. The next day, Ms. Knipfing issued an order prohibiting plaintiff "from texting her co-workers" and "withdrew [plaintiff's] access to money for expenses"; Ms. Knipfing also excluded plaintiff from attending the "All Saints Parade" on November 1, 2018 – restrictions that applied only to plaintiff. *Id.* at 32. In sum, plaintiff alleges that she was subject to disparate treatment at the hands of Ms. Knipfing.

However, in contrast to the allegations against Ms. Zantua, plaintiff offers little to suggest this treatment emanated from animosity toward Latinos. But on October 2, Ms. Knipfing learned of an incident where Zantua harassed plaintiff, and "started blaming [plaintiff] and making malicious remarks with her co-workers in Plaintiff's absence" (*id.* at 26).[1] Plaintiff also alleges more generally that Ms. Knipfing "always encourag[ed] this discrimination" and "also harass[ed] the Plaintiff in front of the other workers." *Id.* at 26. Claims of discriminatory animus on the part of Ms. Knipfing are alleged only in the most general fashion.

Plaintiff also alleges that she was subject to physical assault, specifically by one of the Knipfings' children (and, on one occasion, their friends). For example, on June 4, 2018, at a birthday celebration held for the son of a family friend, a child "stepping on the Plaintiff's right hand several time[s] and stood on it injuring her wrist." *Id.* at 21. Another time, on October 23, plaintiff was assaulted in the kitchen, ostensibly by the Knipfings' son. *Id.* at 31. Plaintiff claims

[1] Plaintiff further alleges that, in response to plaintiff requesting a sick day to visit a doctor on November 2, Ms. Knipfing "attack[ed] the Plaintiff and sabotage[ed] her work or career with unfair treatment, unjustified negative evaluations, humiliating and degrading her, using insensitive terms, continuing with discrimination and harassment." Complaint, DE 8, at 34. However, the text messages that plaintiff refers to in support of this claim indicate that Ms. Knipfing's response was, in fact, fairly mundane, arguably even sympathetic. *See id.* at 129-30.

that she "was the victim of several physical assaults (kick or punch her back, hand, neck, shoulders)" by the child – acts that she claims were instigated by Zantua through "her hate speech against Mexicans." *Id.* at 31-32. Plaintiff also alleges that she developed pain in her back and neck "as a result of the work," for example, "work[ing] with the Chef . . . carrying items that were heavy in weight" and "without taking a break," as well from as the aforementioned assaults. *Id.* at 21, 33. These events led plaintiff to seek medical help for her back and neck pain as well as for the stress "resulting from an environment of discrimination and abuse." *Id.* at 21. Plaintiff first went to a doctor on June 3, where the doctor referred her to physical therapy and prescribed pain killers. *Id.* She saw two other doctors on November 1 and 2, who took an X-ray and apparently diagnosed plaintiff with tachycardia. *Id.* at 34.

Plaintiff further alleges that on November 2, she submitted to Testa and Ms. Knipfing a complaint via email that she and Ms. Uzcategui had drafted, which set forth all of their allegations about "direct and indirect race discrimination, physical abuse/assault, verbal abuse, hostile work environment[, and] harassment . . . for being Hispanic," including complaints about Zantua's behavior. *Id.* at 34, 46. When plaintiff returned from her days off visiting the doctors, she was greeted by Mr. Knipfing, who apparently "admit[ted] that he knew about all the problems between" Zantua and Uzcategui, and "thanked the Plaintiff for letting him know of all the problems" they had in the house; however, he apparently "was unaware that it involved the Plaintiff." *Id.* at 35. Mr. Knipfing then informed plaintiff that "an investigation would be opened" and promised to call her about the results of the investigation, then asked her to "give him [her] evidence to do the Investigation." *Id.* Plaintiff alleges that Mr. Knipfing additionally "intimidate[d]" her by saying that "nobody should know anything about her complaint"; plaintiff interpreted this to suggest that he was "obviously concerned that it would become public." *Id.* At

the conclusion of this conversation, Mr. Knipfing "suspended her from going to work until [the] investigation was completed" – apparently, plaintiff was the only employee subject to a suspension, "even though other co-workers were involved in the complaint." *Id.* Plaintiff further claims that Testa and Mr. Knipfing "mocked [her] for being Hispanic," but without any further detail. *Id.*

Two days later, on November 8, plaintiff sent Mr. Knipfing "all the evidence that support[ed] her complaint." *Id.* at 36. A few days later, Testa texted plaintiff directing her "to meet with Investigators in a Starbucks Coffee location in Rego Park." *Id.* The next day, plaintiff met with the two investigators, but claims that she "was not physically or emotionally well" at the time "especially for the way she was treated" by Ms. Knipfing "after receiving her complaint." *Id.* at 36-37. The investigators also asked if she ever saw the complaint that Uzcategui wrote, or her notes or videos; plaintiff answered that she "never saw any of that evidence," but that Uzcategui had "told her about it all the time." *Id.* at 37. The investigators then asked "if she would continue working with" Ms. Uzcategui, which ultimately led plaintiff to believe that the investigators "avoided talk about and discrimination and abuse [and] focused more on the issues between her and" Uzcategui. *Id.* Thus, plaintiff claims that the Knipfings used the investigators "to cover the complaint of discrimination and physical assault and other[] abuses in addition to intimidating the Plaintiff." *Id.*

On November 14, Testa messaged plaintiff requesting her diary; she emailed Mr. Knipfing over the next two days the evidence she had on hand "with Pictures, Videos, Voice Messages, Diary with dates and times [documenting] all acts of discrimination and abuses." *Id.* at 37. While the investigation was in progress, on November 24, Ms. Knipfing texted plaintiff a photo of a priest or minister overlaid with the message, "Inasmuch as you pray with all your soul for the one who

has slandered you so much will God reveal the truth to them who have believed the slander." *Id.* at 38. Plaintiff took this to mean that Ms. Knipfing was accusing plaintiff of slander. *Id.* Plaintiff ultimately received a termination letter on November 27 from Old Westbury LLC; the letter was signed by Steve Savitsky,[2] who identified himself as the business manager of Old Westbury LLC.[3] *Id.* at 38, 49. The letter sets forth the following grounds for her termination: (a) "Breach of [plaintiff's] Non-Disclosure Agreement" including by recording a conversation with Uzcategui in public and taking "recordings and photographs" of the Knipfings' home; plaintiff's "statement that [she was] unwilling to continue working with" Uzcategui; and "[their] conclusion that [she] made statements in [her] complaint that [she] know[s] to be false." *Id.* at 49. The letter also notified plaintiff that she had health insurance through United Healthcare that would be terminated on November 30, and that she was eligible for COBRA benefits. *Id.*

Plaintiff contests the grounds set forth in the termination letter, claiming that she "never received . . . any written warnings or performance reviews related to the content of the Termination Letter." *Id.* at 38. Plaintiff specifically contests that she violated the NDA, observing that (a) the recording she made of her and Uzcategui's conversation "was not shared with a third party or disclosed," and (b) Uzcategui did not seem subject to the same punishment, despite the fact that she "disclosed information . . . about the Knipfing[] Family in a public place and in the presence of a third party[.]" *Id.* Plaintiff also claims that the photographs referred to are "the photographs of the candies" sent to Mr. Knipfing on November 15 "that prove the abuse against" one of the

[2] Plaintiff claims that, by sending this letter, Savitsky "actively participated in retaliation and discrimination" against her. Complaint, DE 8, at 38.

[3] Plaintiff therefore claims that this letter was "illegal because it came from an unknown entity who was not the Plaintiff's employer." Complaint, DE 8, at 41. To be sure, as noted above, the Knipfings identified a number of different persons as plaintiff's employer. Nevertheless, plaintiff concedes that she was terminated by the Knipfings on this date, claiming that Mr. Knipfing "gave the order to Steve Savitsky . . . to manufacture the Termination Letter dated November 27, 2018 under the name of the unknown Entity Westbury LLC." *Id.* at 38.

children,[4] but reiterates (as noted above) that other employees also took photographs inside the house (and, apparently, occasionally published those photographs on social media). *Id.* at 39-40, 42. As for the claim that plaintiff was unwilling to work with Uzcategui, plaintiff asserts that the investigators criticized Uzcategui, such that it was unreasonable for them to ask if plaintiff would continue working with her. *Id.* at 40. Finally, plaintiff claims that "according to all the evidence" she had presented, everything in her complaint was true. *Id.*

Following her termination, plaintiff claims that that the Knipfings and Savitsky "discriminated and retaliated against" her by "immediately canceling her medical plan" and denying her COBRA benefits. *Id.* at 41. Plaintiff further alleges that on November 29, two days after her termination, her "Health Insurance [carrier] confirmed that [her former] employers didn't submit the application for COBRA," such that plaintiff could not "be covered by insurance." *Id.* Additionally, the Knipfings "refused to provide reference[s]" for plaintiff to get another job. *Id.* Plaintiff then raises allegations about certain post-termination events that are not relevant here.

Plaintiff filed this action on July 23, 2020, asserting claims for discrimination, retaliation, and hostile work environment under 42 U.S.C. § 1981, the New York State Human Rights Law ("NYSHRL"), and the New York City Human Rights Law ("NYCHRL"); plaintiff also brings claims under New York Labor Law § 195(6), and sections 170 and 210 of the New York Penal Law. Following the submission of a pre-motion letter in anticipation of a motion to dismiss filed by all defendants to this action, the undersigned set forth a briefing schedule for the anticipated motion. *See* Electronic Order of September 22, 2020. The fully briefed motion was filed on December 11, 2020. This opinion follows.

[4] In essence, plaintiff alleges that Uzcategui was over-feeding one of the children candy on a regular basis in order to placate the child.

II. Discussion

It has been well established that "[a] document filed *pro se* is 'to be liberally construed,' and 'a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.'" *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citations omitted). Nevertheless, many of plaintiff's claims may be dismissed in short order. First, as to plaintiff's NYCHRL claim, "[t]o state a claim under the NYCHRL, plaintiff must allege that the defendant discriminated against her 'within the boundaries of New York City.'" *Robles v. Cox & Co.*, 841 F. Supp. 2d 615, 623 (E.D.N.Y. 2012) (quoting *Shah v. Wilco Sys., Inc.*, 27 A.D.3d 169, 175 (N.Y. App. Div. 1st Dep't 2005). Nearly all of the activities set forth above that are relevant to a NYCHRL claim are alleged to have occurred in the Knipfings' household, which, as asserted in the complaint, is located outside of New York City. While plaintiff does allege that Zantua harassed plaintiff during a trip to the NYC Children's Museum, DE 8 at 26, "[t]he fact that certain acts leading to discrimination may occur in New York City will not necessarily give rise to a claim under the City HRL. *Salvatore v. KLM Royal Dutch Airlines*, No. 98 CIV. 2450 (LAP), 1999 WL 796172, at *16 (S.D.N.Y. Sept. 30, 1999). It is undisputed that the "impact of the offensive conduct" – the lion's share (indeed, all but one incident) of the harassment, as well as the suspension of plaintiff's employment privileges, her alleged demotion, and her ultimate termination – all occurred outside of New York City. *See Robles*, 841 F. Supp. 2d at 62. Accordingly, the NYCHRL claim must be dismissed.

Second, as to plaintiff's New York Labor Law claim, § 195(6) holds that "[e]very employer shall . . . notify any employee terminated from employment, in writing, of the exact date of such termination as well as the exact date of cancellation of employee benefits connected with such termination. In no case shall notice of such termination be provided more than five working days

after the date of such termination." Plaintiff affirmatively alleges that she was provided such notice by defendants and attached her termination letter which clearly establishes that defendants met this requirement. Although plaintiff contests that this notice was insufficient as § 195(6) also requires the letter to include the "name of [the] employer" – which, as noted above, plaintiff contests - § 195(6) does not, in fact, contain such a requirement. Accordingly, plaintiff's New York Labor Law claim must also be dismissed.

Finally, plaintiff's claims under the New York Penal Law (for forgery and perjury) fail, as "forgery[] and perjury . . . are crimes and therefore do not give rise to civil causes of action." *Luckett v. Bure*, 290 F.3d 493, 497 (2d Cir. 2002). Furthermore, plaintiff asserts in her opposition brief that the complaint "requested no relief in connection with" these claims. DE 22-5 at 26. For both reasons, then, plaintiff's claims under the New York Penal Law are dismissed.

Plaintiff's claims under 42 U.S.C. § 1981 and the NYSHRL merit closer examination. First, as to plaintiff's discrimination claims, "Section 1981[] and NYSHRL discrimination claims [are analyzed] under the same burden shifting framework as first set forth by the Supreme Court in *McDonnell Douglas Corp. v. Green*." *McGill v. Univ. of Rochester*, 600 F. App'x 789, 790 (2d Cir. 2015). As the Second Circuit noted in *McGill*:

> Under the *McDonnell Douglas* framework, a "plaintiff bears the initial burden of establishing a prima facie case of discrimination." To establish a prima facie case of discriminatory discharge, "a plaintiff must show that (1)[s]he is a member of a protected class; (2)[s]he was qualified for the position [s]he held; (3)[s]he suffered an adverse employment action; and (4) the adverse action took place under circumstances giving rise to the inference of discrimination."

Id. at 790–91 (citations omitted). Defendants limit their arguments to the fourth element, as there can be little dispute that plaintiff's allegations meet the first three. First, defendants cite the well-established principle that "[w]hen the same actor hires a person already within the protected class, and then later fires that same person, 'it is difficult to impute to her an invidious motivation that

would be inconsistent with the decision to hire.'" *Carlton v. Mystic Transp., Inc.*, 202 F.3d 129, 137 (2d Cir. 2000) (citation omitted). Likewise, "where the termination occurs within a relatively short time after the hiring there is a strong inference that discrimination was not a motivating factor in the employment decision." *Id.* at 137-38 (collecting cases finding that this inference applies where the time between hiring and firing was under two years). There can be little dispute that the Knipfings were the ones to both hire and fire plaintiff, and that they did both in a period of under a year. Second, defendants contend that plaintiff "has failed to offer *any* non-conclusory facts or evidence demonstrating that the Knipfings . . . harbored any discriminatory animus against her because of her race or national origin." DE 22-3 at 18. The allegations set forth in the complaint do not establish any overt acts of discrimination by the *Knipfings*. "[A]bsent direct evidence of discrimination," then, plaintiff must allege "at least minimal support for the proposition that the employer was motivated by discriminatory intent." *Littlejohn v. City of New York*, 795 F.3d 297, 311 (2d Cir. 2015). Plaintiff fails to meet even this lesser burden: though she alleges disparate treatment at the hands of Ms. Knipfing, any allegations that such treatment was "motivated by discriminatory intent" are, at best, conclusory. Any allegations about Mr. Knipfing's discriminatory motives, to the extent they even exist, are even sparser. Otherwise, the same conclusion appears to apply to the corporate defendants, and plaintiff fails to allege that any other defendant instituted an "adverse employment action" (e.g., demotion, suspension, or termination) against her.[5] Accordingly, plaintiff's discrimination claims must be dismissed.[6]

---

[5] "Examples of materially adverse employment actions include termination of employment, a demotion evidenced by a decrease in wage or salary, a less distinguished title, a material loss of benefits, significantly diminished material responsibilities, or other indices unique to a particular situation." *Bowen-Hooks v. City of New York*, 13 F. Supp. 3d 179, 211 (E.D.N.Y. 2014). To be sure, plaintiff alleges that Savitsky signed her termination letter, but once again, any allegations that his conduct was in any way "motivated by discriminatory intent" are merely conclusory.

[6] Defendants also argue that plaintiff's discrimination claim fails because, "at the time Plaintiff was employed, the Knipfings employed a very diverse group of people, including Uzcategui, who is also Hispanic and remains employed." DE 22-3 at 17. However, "an employer may not escape liability for discriminating against a given

Plaintiff's retaliation claims are analyzed under the same burden-shifting framework. Thus, "to establish a *prima facie* case of retaliation, a plaintiff must demonstrate that (1) she engaged in protected activity; (2) the employer was aware of that activity; (3) the plaintiff suffered a materially adverse action; and (4) there was a causal connection between the protected activity and that adverse action." *Guzman v. City of New York*, 93 F. Supp. 3d 248, 261 (S.D.N.Y. 2015) (citation omitted). "As to the first element of the prima facie case, '[t]he term "protected activity" refers to action taken to protest or oppose statutorily prohibited discrimination,' and may take the form of either formal or informal complaints." *Id.* (citations omitted). However, such complaints "qualif[y] as protected activity only if 'the employee has a good faith, reasonable belief that the underlying challenged actions of the employer violated the law.'" *Id.* at 261-62. Defendants only contest the fourth element of this test, claiming that plaintiff "has failed to allege sufficient facts to show that her termination was motivated by" the November 2 email, pointing instead to the rationales set out in the termination letter. DE 22-3 at 25. However, "[p]roof of causation can be shown . . . indirectly, by showing that the protected activity was followed closely by discriminatory treatment." *Hicks v. Baines*, 593 F.3d 159, 170 (2d Cir. 2010). Less than a week elapsed between plaintiff's complaint and her suspension, while less than three weeks elapsed between her complaint and her termination. Moreover, the November 2 email is not the only protected activity alleged by plaintiff: as noted above, plaintiff also alleges that by August 15, she had already "reported on several occasions of the discriminatory treatment and abuse received from" Zantua. It is notable, then, that plaintiff *also* alleges that her disparate treatment at the hands of Ms. Knipfing – including her alleged demotion – began around this time. Given the solicitude granted *pro se* complaints, plaintiff appears to have alleged a sufficient causal connection between her

---

employee on the basis of race simply because it can prove it treated other members of the employee's group favorably." *Graham v. Long Island R.R.*, 230 F.3d 34, 43 (2d Cir. 2000).

protected activity and the adverse employment actions via temporal proximity. *See Littlejohn*, 795 F.3d at 319-20 (finding "allegations that the [adverse employment action] occurred within days after [plaintiff's] complaints of discrimination" to be "sufficient to plausibly support an indirect inference of causation"). Thus, plaintiff has pleaded plausible retaliation claims under § 1981 and the NYSHRL against the Knipfings and the corporate defendants. However, as noted above, plaintiff fails to allege that any other defendant instituted an "adverse employment action" against her, so plaintiff's retaliation claims against Zantua and Savitsky are dismissed.

Finally, "[t]o establish a hostile work environment" claim, "a plaintiff must show that 'the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment.'" *Littlejohn*, 795 F.3d at 320–21; *see also Westbrook v. City Univ. of New York*, 591 F. Supp. 2d 207, 232 (E.D.N.Y. 2008). "The incidents complained of must be more than episodic; they must be sufficiently continuous and concerted in order to be deemed pervasive." *Littlejohn*, 795 F.3d at 321 (citation omitted). A plaintiff "must show not only that she subjectively perceived the environment to be abusive, but also that the environment was objectively hostile and abusive." *Guzman*, 93 F. Supp. 3d at 263 (quoting *Demoret v. Zegarelli*, 451 F.3d 140, 149 (2d Cir.2006)). Additionally, a plaintiff must establish that "'a specific basis exists for imputing' the objectionable conduct to the employer" and, of course, that "the hostile conduct occurred because of a protected characteristic." *Tolbert v. Smith*, 790 F.3d 427, 439 (2d Cir. 2015). In evaluating such claims, a court must consider "the totality of the circumstances, . . . including 'the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance.'" *Demoret*, 451 F.3d at 149 (quoting *Harris v. Forklift*

Sys., Inc., 510 U.S. 17, 23 (1993)). However, the Second Circuit "ha[s] repeatedly cautioned against setting the bar too high" in this context, holding that "a plaintiff need only plead facts sufficient to support the conclusion that she was faced with 'harassment ... of such quality or quantity that a reasonable employee would find the conditions of her employment altered for the worse.'" *Patane v. Clark*, 508 F.3d 106, 113 (2d Cir. 2007) (citation omitted).

Defendants compare plaintiff's allegations to those in another case, in which the hostile work environment claim was dismissed because the conduct at issue entailed, "at most, isolated and sporadic incidents that occurred over the course of a year." DE 22-3 at 21 (quoting *Alvarado v. Mount Pleasant Cottage Sch. Dist.*, 404 F. Supp. 3d 763, 781 (S.D.N.Y. 2019)). Indeed, defendants acknowledge that, in *Alvarado*, exactly four incidents occurred. *Id.*; *see also Alvarado*, 404 F. Supp. 3d at 781 (holding that the plaintiff in that case "ha[d] pointed to four incidents"). These cases are far from comparable. Plaintiff here sets forth a continuing pattern of race-based abuse and harassment at the hands of Zantua, a course of conduct that seems to have prevailed over the duration of plaintiff's tenure in the Knipfing household. Even more troubling, plaintiff alleges that Zantua encouraged other members of the household staff, and even the Knipfings' children, to participate in this harassment. Indeed, plaintiff alleges that Zantua's harassment was pervasive enough to drive her to seek assistance from her co-workers in presenting a complaint to the Knipfings – arguably an understandable concern, given that Zantua is Ms. Knipfing's sister – and to complain to the Knipfings on multiple occasions about Zantua's behavior. At this early juncture, plaintiff seems to have satisfied the pleading standard.

Much of the remainder of defendants' argument hinges on whether Zantua was actually plaintiff's supervisor (or even an employee of the Knipfings). "For the purpose of vicarious liability under § 1981, a supervisor is a person empowered by the employer to take tangible

employment actions against the victim, *i.e.*, to effect a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits." *Lamarr-Arruz v. CVS Pharmacy, Inc.*, 271 F. Supp. 3d 646, 659 (S.D.N.Y. 2017) (quoting *Vance v. Ball State Univ.*, 570 U.S. 421, 431 (2013)) (quotations omitted). To be sure, "[t]his is not a case where supervisory status is readily determinable." *Id.* Zantua engaged in none of these activities. However, this list is merely illustrative, not exhaustive; moreover, plaintiff alleges that Zantua "ordered" her to engage in, or cease, certain conduct – and suggests that Zantua had similar power over other employees. Thus, at this early stage, particularly in light of the liberal construction applied to *pro se* pleadings, the Court must accept plaintiff's allegation that Zantua was her supervisor for the purposes of evaluating plaintiff's hostile work environment claims. Given that Zantua herself did not impose any "tangible employment action," the Knipfings "may escape liability by establishing, as an affirmative defense, that (1) [they] exercised reasonable care to prevent and correct any harassing behavior and (2) that the plaintiff unreasonably failed to take advantage of the preventive or corrective opportunities that the employer provided." *Lamarr-Arruz*, 271 F. Supp. 3d at 659 (quoting *Vance*, 570 U.S. at 424).

Defendants therefore contest whether the Knipfings should have known about this harassment, pointing out that, in her November 2 email, plaintiff stated the following: "I am writing to you this letter because I have not had the opportunity to speak or explain personally to you because of all the restrictions I have to communicate with you Mrs. Steffiana," arguing that this makes it "clear" that this was "the first time Plaintiff put the Knipfings on notice about any issues she may have been having with Zantua." DE 22-3 at 23-24; DE 8 at 46. Defendants conveniently omit the sentence immediately preceding this one, however, in which plaintiff states that "I am

writing to you and to Skylar as house manager, *about matters as I previously did on several occasions for different reasons* and which I will expose in this email." DE 8 at 46 (emphasis added). Thus, if anything, the November 2 email only further establishes the conclusion noted above, *i.e.*, that plaintiff had complained to the Knipfings about Zantua's abuse on multiple occasions prior to the email. Otherwise, defendants do not attempt to claim either that (a) the Knipfings exercise reasonable care to prevent or correct Zantua's harassment prior to November 2, or that (b) plaintiff failed to take advantage of corrective opportunities. Indeed, the allegations in the complaint clearly lead to the opposite conclusion on both counts. Accordingly, plaintiff has pleaded plausible claims for hostile work environment under § 1981 and the NYSHRL against Zantua, the Knipfings, and the corporate defendants. However, plaintiff fails to allege either that Savitsky either engaged in any harassment or that he functioned as plaintiff's employer; therefore, plaintiff's retaliation claims against Savitsky are dismissed.

III. Conclusion

Based on the foregoing, 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.

Dated: Central Islip, New York
September 30, 2021

/s/ Gary R. Brown
Gary R. Brown
United States District Judge

EXHIBIT 12

Gmail

288

Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:20-cv-03361-PKC-TAM Orrego v. Knipfing et al Order of Recusal

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov> Mon, Nov 17, 2025 at 12:56 PM
To: nobody@nyed.uscourts.gov

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

*****Additional Security Enhancements Coming Soon*** For information visit PACER website**

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

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

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/17/2025 at 12:56 PM EST and filed on 11/17/2025
Case Name: Orrego v. Knipfing et al
Case Number: 2:20-cv-03361-PKC-TAM
Filer:
Document Number: No document attached

Docket Text:
ORDER OF RECUSAL. Type of Recusal: party. Ordered by Judge Sanket J. Bulsara on 11/17/2025. Judge Sanket J. Bulsara, Magistrate Judge Anne Y. Shields recused. Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. (BBM)

2:20-cv-03361-PKC-TAM Notice has been electronically mailed to:

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

2:20-cv-03361-PKC-TAM Notice will not be electronically mailed to:

EXHIBIT 13

Gmail

Lidia Orrego <liorrego@gmail.com>

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

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov> Wed, Nov 5, 2025 at 2:27 PM
To: nobody@nyed.uscourts.gov

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

*****Additional Security Enhancements Coming Soon*** For information visit PACER website**

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

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

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/5/2025 at 2:27 PM EST and filed on 11/5/2025

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

Docket Text:

ORDER: In light of the impending reassignment of this case, the current motions, [203], [217], [218], [221], and [226], are deemed withdrawn and should be refiled consistent with the individual practices of the new Judge(s) and only with permission of the newly assigned Judge(s). So Ordered by Judge Sanket J. Bulsara on 11/5/2025. (RB)

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

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

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

EXHIBIT 16

APPEAL,PROSENEF

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

Orrego v. Knipfing et al
Assigned to: Judge Sanket J. Bulsara
Referred to: Magistrate Judge Anne Y. Shields
related Cases: 2:26-mc-01957-SJB
2:25-cv-00769-SJB-AYS
2:25-cv-00736-SJB-AYS
2:24-cv-07247-SJB-AYS
2:23-cv-06507-SJB-AYS
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/23/2020
Date Terminated: 05/08/2026
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Date Filed	#	Docket Text
07/05/2022		SCHEDULING ORDER: As set forth on the record during the conference held today, the Court clarifies that a hostile work environment claim remains against Mr. Knipfing. Further, Plaintiff has agreed that all service in this matter may proceed via email. The following Phase I discovery schedule was entered: By August 1, 2022, the parties shall exchange all documents/recordings/video relating to Plaintiff's employment. The production shall include, but is not limited to, the non-disclosure agreement executed by Plaintiff, all documents referenced in Plaintiff's amended complaint such as the relevant portions of her diary, as well as Plaintiffs November complaint to Mr. Knipfing, and any emails and text messages, as well as any other documents relating to Plaintiff's employment. To be clear, these documents are to be exchanged by all parties regardless of how that party came into possession of the document. On August 15, 2022, the parties are directed to submit one joint status letter setting forth whether this paper discovery has been completed. Defendants shall file the joint status letter. Upon receipt of the August 15, 2022 joint status letter the Court will enter an order as to the remainder of discovery so that this case can proceed. If the parties need additional time, they are directed to communicate with each other via email, and after reaching an agreement, submit a letter notifying this Court as to their agreement. So Ordered by Magistrate Judge Anne Y. Shields on 7/5/2022. (Mucciaccio, Dina) (Entered: 07/05/2022)
07/05/2022	56	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)

EXHIBIT 17

EXHIBIT 2

RYDAN SECURITY & INVESTIGATIONS

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.

131-19 Jamaica Avenue, Richmond Hill, NY 11418
Phone (718) 474-8090 Fax (718) 474-8098
www.pylasecurity.com

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

131-19 Jamaica Avenue, Richmond Hill, NY 11418
Phone (718) 474-8090 Fax (718) 474-8098
www.nylawsecurity.com

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 18

EXHIBIT 45

311

841

New York State Department of Labor
Kathy Hochul, *Governor*
Roberta Reardon, *Commissioner*

August 11, 2025

Lydia Joy
95-08 Queens Boulevard
Apt 3E
Rego Park, NY 11374

ADDRESS REPLY TO:
State Office Bldg. Campus
Building 12, Rm. 185C
Albany, NY 12226

REFER TO: LCM25006216

We have reviewed the claim you recently filed with us against your employer. Based upon the information you provided we find that we cannot accept your claim because:

The claims you assert are part of, or could have been part of, a private action or proceeding. The Division of Labor Standards has declined to accept your claims. This decision is not based upon the merits of your claim.

We are not taking any specific position or opinion s to the validity of your claim at this time. Please be aware that New York State Labor Law provides that an individual may also pursue a wage claim through private action. Depending on the amount of your wage claim, you may also be able to file an action in small claims court (for more information on small claims court please see the enclosed flyer LS602). You may wish to seek legal advice to determine what options are available to you.

We are sorry that we cannot be of further assistance in this matter.

Sincerely,

Division of Labor Standards

Phone: 518-457-9000 Fax: 518-485-6001
State Office Bldg. Campus Building 12, Rm. 185C Albany, NY 12226

842

Division of Labor Standards
Harriman State Office Campus
Albany, NY 12226

WE ARE YOUR DOL

NYS Department of Labor

Guidance for Small Claims or Civil Court Actions

You may pursue claims for unpaid wages, wage supplements, overtime pay, damages, etc. in Small Claims Court.

Small Claims Court is an informal court where individuals can sue without a lawyer, for money only. You may sue for up to $3,000 in Town or Village Courts, and $5,000 in City Courts. If your claim is more than $3,000, or $5,000, you cannot separate it into two or more claims to avoid going over the maximum. If your claim is over the maximum, you may sue in Civil Court.

There is a Small Claims Court in every city, town and village in New York State.

To file a claim you must fill out forms and provide the correct business name, legal name, and business address. To find the business legal name, a County Clerk's office can help you. You will have to pay a maximum $20.00 filing fee, depending on the amount of the claim, or where you live.

If you need an interpreter, the Court can provide one free of charge.

If you live in New York City, contact the following Court offices:

Bronx County	851 Grand Concourse	Bronx	NY 10451	(718) 618-2517
Kings County	141 Livingston St.	Brooklyn	NY 11201	(347) 404-9021
New York County				
Harlem	170 East 121 St.	New York	NY 10035	(212) 828-7588
Manhattan	111 Centre St.	New York	NY 10013	(646) 386-5484
Queens County	89-17 Sutphin Blvd.	Jamaica	NY 11435	(718) 262-7123
Richmond County	927 Castleton Ave.	Staten Island	NY 10310	(718) 675-8460

If you live outside of New York City:
Visit the court locator on the New York courts website: www.nycourts.gov. Call your local court for information about filing a claim.

You can find the following information about taking small claims or civil court action on the **New York State Unified Court System** website:

- Filing a claim
- Preparing your case
- The trial
- Collecting on the judgment

Go to www.nycourts.gov and search these publications:

- *Small Claims Handbook; City, Town & Village Courts*
- *Small Claims Court Guide; NYC, Nassau and Suffolk Counties*

Direct any other questions to the New York State Unified Court System at 1-800-CourtNY (800) 268-7869 or mailto:question@nycourts.gov.

EXHIBIT 20

OLD WESTBURY, LLC
c/o Savitsky Satin Bacon & Bucci
2049 Century Park East, Suite 1400
Los Angeles, CA 90067

November 27, 2018

VIA CERTIFIED MAIL & VIA EMAIL

Lidia M. Orrego
95-08 Queens Boulevard, Apt. 3E
Rego Park, NY 11374

Ms. Lidia Orrego,

Old Westbury, LLC is ending your employment effective immediately. This decision is based on several factors, including but not limited to:

1. Breach of your Non-Disclosure Agreement, such as;
    a. Recording a conversation with Rebeca Uzcategui in the presence of a member of the public, and
    b. Taking recordings and photographs of the Knipfing's home.
2. Your statement that you were unwilling to continue working with Rebeca Uzcategui.
3. Our conclusion that you made statements in your complaint that you know to be false.

Your payment of wages through today's date (November 27, 2018) will be paid on the regular payroll date and offset by the nineteen (19) hours you reported were paid incorrectly.

You have health insurance through United Healthcare and the termination of your health insurance is November 30, 2018. You are eligible for COBRA Continuation Coverage and you will be contacted by the carrier directly.

Regards,

Steve Savitsky,
Business Manager, Old Westbury, LLC

SS/ew

GRSM50
GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE LAW FIRM®

KUUKU MINNAH-DONKOH
kminnahdonkoh@grsm.com
(212) 453-0709

1 Battery Park Plaza, 28th Floor
New York, NY 10004
www.grsm.com

November 17, 2025

VIA ACMS
Catherine O'Hagan Wolfe
Clerk of Court
United States Court of Appeals
for the Second Circuit

Re: Orrego v. Savitsky, et al.; Docket No. 25-2437

Dear Mr. Wolfe:

My office represents respondent Steve Savitsky ("Mr. Savitsky") in connection with the above-referenced matter. On October 24, 2025, my office filed an Acknowledgement and Notice of Appearance on behalf of Mr. Savitsky. On October 28, 2025, the Court issued a defective notice in connection with the Acknowledgement and Notice of Appearance. I subsequently spoke with the Court case manager then assigned to this matter, who advised that the Acknowledgement and Notice of Appearance was deemed defective only because it did not identify "Old Westbury LLC" as being represented by my office. I, however, advised the case manager that the Acknowledgement and Notice of Appearance did not identify Old Westbury LLC as being represented by my office because no such entity exists.

Accordingly, please accept the attached previously filed Acknowledgment and Notice of Appearance on behalf of Mr. Savitsky.

Very truly yours,

/s/ Kuuku Minnah-Donkoh
Kuuku Minnah-Donkoh, Esq.

CC (*via email*)
Lidia Orrego
Appellant *pro se*
liorrego@gmail.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---------- X

LIDIA M. ORREGO,

Plaintiff,

-against-

KEVIN KNIPFING aka KEVIN JAMES, STEPHANIEANNA JAMES-KNPFING aka STEFFIANA DE LA CRUZ, OLD WESTBURY EDDIE LLC, OLD WESTBURY LLC, STEVE SAVITSKY, TERESA A. ZANTUA,

Defendants.

---------- X

20 Civ. 03361 (GRB)(AKT)

STIPULATION AND ORDER OF SUBSTITUTION OF COUNSEL

Pursuant to Local Rule 1.4, it is hereby stipulated and agreed by and between the undersigned that Alexander Spiro and Maaren A. Shah of Quinn Emanuel Urquhart & Sullivan, LLP, shall be substituted by the following as counsel of record for defendants Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, and Teresa A. Zantua, in the above-captioned action:

Mercedes Colwin
Kuuku Minnah-Donkoh
Gordon Rees Scully Mansukhani, LLP
One Battery Park Plaza, 28th Floor
New York, NY 10004
Telephone: (212) 269-5500
Facsimile: (212) 269-5505
mcolwin@grsm.com
kminnahdonkoh@grsm.com

Upon entry of this Order, Mr. Spiro and Ms. Shah shall be removed from the Court's service list, and all pleadings, notices, and other filings in the case shall be served upon the aforementioned incoming counsel. Substitution of counsel will not delay this case, including the

briefing schedule set by the Court in its Order of September 22, 2020, nor will it cause prejudice to any other party.

Dated: September 29, 2020

Respectfully submitted,

Gordon Rees Scully Mansukhani, LLP

By: _____

Mercedes Colwin
Kuuku Minnah-Donkoh
One Battery Park Plaza, 28th Floor
New York, NY 10004
Telephone: (212) 269-5500
Facsimile: (212) 269-5505
mcolwin@grsm.com
kminnahdonkoh@grsm.com

Incoming Counsel for Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, and Teresa A. Zantua

Quinn Emanuel Urquhart & Sullivan, LLP

By: _____

Alexander Spiro
Maaren A. Shah
51 Madison Avenue
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
alexspiro@quinnemanuel.com
maarenshah@quinnemanuel.com

_____
Kevin Knipfing

_____
Stephanieanna James-Knipfing

Old Westbury EDDIE LLC,

By: _____

Old Westbury LLC,

By: _____

_____
Teresa A. Zantua

_____
Steve Savitsky

briefing schedule set by the Court in its Order of September 22, 2020, nor will it cause prejudice to any other party.

Dated: September 29, 2020

Respectfully submitted,

Gordon Rees Scully Mansukhani, LLP

By: _____
Mercedes Colwin
Kuuku Minnah-Donkoh
One Battery Park Plaza, 28th Floor
New York, NY 10004
Telephone: (212) 269-5500
Facsimile: (212) 269-5505
mcolwin@grsm.com
kminnahdonkoh@grsm.com

Incoming Counsel for Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, and Teresa A. Zantua

Quinn Emanuel Urquhart & Sullivan, LLP

By: _____
Alexander Spiro
Maaren A. Shah
51 Madison Avenue
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
alexspiro@quinnemanuel.com
maarenshah@quinnemanuel.com

_____
Kevin Knipfing

_____
Stephanieanna James-Knipfing

Old Westbury EDDIE LLC,

By: _____

_____
Teresa A. Zantua

Old Westbury LLC,

By: _____

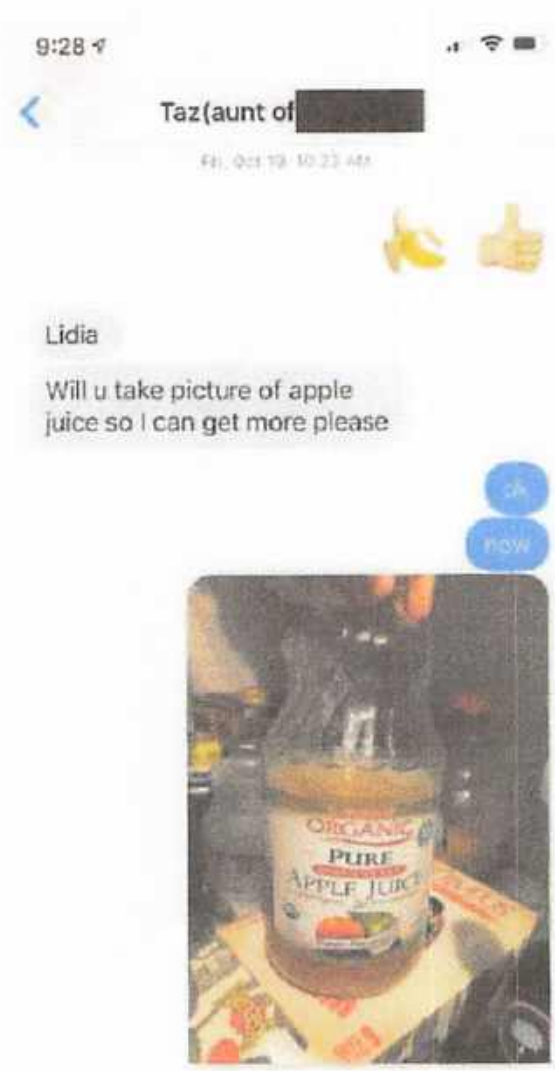
_____
Steve Savitsky

SO ORDERED

_____ _____, 2020

THE HONORABLE GARY R. BROWN
United States District Judge

EXHIBIT 21


9:28
Taz(aunt of [redacted]
Lidia
Will u take picture of apple juice so I can get more please
ok
now
ORGANIC
PURE
APPLE JUICE


9:28
Taz(aunt o[redacted]
ORGANIC
PURE
APPLE JUICE
HEMPMILK
tempt
Almond
milk too

EXHIBIT 22

TRANSAPTION
Transcription, Translation & Caption made simple

CONTACT INFO: 1-888-999-8628 EMAIL: INFO@TRANSAPTION.COM

Certification of Translation Accuracy

Translation of Audio Transcription Document from Spanish & English to English

As an authorized representative of Transaption, a professional translation services agency, I hereby certify that the above-mentioned document has been translated by an experienced, qualified, and competent professional translator, fluent in the above-mentioned language pair and that, in our best judgment, the translated text truly reflects the content, meaning, and style of the original text and constitutes in every respect a complete and accurate translation of the original document. This document has not been transcribed for a family member, friend, or business associate.

This is to certify the correctness of the translation only. We do not make any claims or guarantees about the authenticity or content of the original document. Further, Transaption assumes no liability for the way in which the translation is used by the customer or any third party, including end-users of the translation.

A copy of the translation is attached to this certification.

Order Date: April 07, 2021

Name: Ren Varghese

Signature: Ren Varghese

atia American Translators Association

TRANSAPTION CERTIFIED TRANSLATION

TRANSAPTION

3 Germay Drive, Unit 4, Suite A#9999, Wilmington, DE 19804. United States

1771 Robson Street, Vancouver, BC V6G 1C9. Canada.

275 New North Road, Islington, London, N1 7AA. United Kingdom

Lidia Orrego: (11:16) (inaudible) I could not go to her bathroom, because she only wanted TAZ. In the morning it was all mom, then when we went out, Me, then when we came back in the afternoon it was TAZ, she only wanted to be with TAZ.

Rebeca Uzcategui: (11:46) And she was with TAZ?

Lidia Orrego: (11:50) (inaudible) Yes, (inaudible) have you talked to them?

Rebeca Uzcategui: (12:10) (inaudible) Oh, the crazy one? I have not told them everything....

Lidia Orrego: You didn't tell them everything?

Rebeca Uzcategui: I have not told her because I have not been able to. I have been like this in situations that have happened at this moment, of what she does with S[redacted], sometimes she starts yelling, she says things to me, I have not told them, because...do you remember the fight we had? I didn't say anything to her, you were on vacation and she asked me for forgiveness, I said Ah well surely, she didn't (inaudible) but I think she keeps saying things to S[redacted], this ...I prayed, girl, I asked God, to enlighten me when I talk to her, because I have to talk to her. This situation has to stop because she is abusing you Ms. Lidia, she also abuses you, she likes to do with people....

Lidia Orrego: (12:58) that people who? (inaudible)

Rebeca Uzcategui: (12:59) what did She do to you?

Lidia Orrego: (13:03) No, once I was playing with S[redacted], right? and she always tells me I'm big and she imitates voices?

Rebeca Uzcategui: (13:11) yes

Lidia Orrego: (13:03) So when she imitates voices, she says the same thing, I said big but I said "big" (inaudible) so she got upset because I said "FAT". I cried because she made a fuss...that's how she treated me...bad. But I told her "I didn't say it with that intention, you know me TAZ, I'm not going to say that ever" (inaudible) and I swear I cried....

Rebeca Uzcategui: (13:36) in front of S[redacted] told you all that?

Lidia Orrego: (13:37) Yes, " Stupid Mexican =, that's why you come and say here, we are Americans, you come and say...' but I was talking about high (inaudible) and then she told me: "GABY", that Gaby and Ms. Rebeca do the same, you are here and you should get used to the words here, she told me and for us it is "FAT" and her family is fat.

Rebeca Uzcategui: (14:05) (inaudible) yourself as if it were....

Lidia Orrego: (14:07) no, I told her, (inaudible) she is going to tell her dad "Big" she told me .... I told her but for something you do the same with her....

Rebeca Uzcategui: (14:19) (inaudible) she makes a mess, Ms. Lidia, you're welcome.

TRANSAPTION CERTIFIED TRANSLATION

Lidia Orrego: (14:22) (inaudible) That's why I'm sick....

Rebeca Uzcategui: (14:27) (inaudible) Ms. Lidia, you can't, you can't hold on to the problems, you have to understand that she does this to make us feel bad, no, but I understand you.

Lidia Orrego: (14:35) But she, I don't know if she says the same thing to you: "I don't understand why my sister hires Latin people (inaudible) it's because she speaks Spanish?

Rebeca Uzcategui: (14:45) Yes, Ms. Lidia, you have no idea of the things she has done to me.

Lidia Orrego: (14:48) but I am not to blame for her hiring I told her, I told Mrs. Steff, I told her (inaudible) "I don't want you to talk to S[redacted] in Spanish".

Rebeca Uzcategui: (14:56) Aha, what did she say?

Lidia Orrego: (14:57) She told me, that is something that belongs to me, that you can speak to her in Spanish and thank you for speaking to her in Spanish she told me. I speak in Spanish and she is behind me, she hits the door, the wall when I speak in Spanish.

Rebeca Uzcategui: (15:14) Whaatttt? Oh my God!

Lidia Orrego: (15:18) and she told me stupid Mexican, she told me...I felt so bad.... I don't have anything against Mexicans, I don't care about that, but, but that was, that's why it was degradation, (inaudible).

Rebeca Uzcategui: But Ms. Lidia **(15:30)** She told me, (inaudible) when we were in Rome, I was about to get on a plane and come to New York, Ms. Lidia, about to get on a plane and say I don't care, sorry for S[redacted] (inaudible) I can find another job, easy, Lidia, both of us, but I feel that we are there because of something. Lidia, about to take the plane and say I don't care, sorry for S[redacted] (inaudible) I can find another job, easy, Lidia, both of us, but I feel that we are there for something, because God put us there for something, and we cannot, we cannot let...and what you have to do is "you come back to me"... stop, stop that woman and say, "you come back to me", like this, like this, "I'm going to call Kevin and Steff", (inaudible) like this!!... stop because now, so she can see that you have character, and you don't let her do anything. I mean no, that's me, I don't care, you are not going to be more powerful than me, because here the ones in charge are our bosses, otherwise we would have been kicked out.

Lidia Orrego: (16:23) I swear I never worked in a place like that, where they tell you all that.

Rebeca Uzcategui: (16:29) is that she is a crazy woman.

Lidia Orrego: (16:30) For me that does not exist. and I am surprised, because she is Catholic.

Rebeca Uzcategui: (16:37) that she is going to be Catholic, she says she is Catholic, but there are people who are Catholic and have problems (inaudible) Ms. Lidia she does not think, how is she

TRANSAPTION CERTIFIED TRANSLATION

going to tell me Evil, in front of the girl, that is what she told me, you were there, but it is good because I am writing all this down so that next week I can talk to them, girl.

Lidia Orrego: (16:54) Are you going to talk to them?

Rebeca Uzcategui: (16:55) Yes I'm going to talk to them and I'm going to tell them that I was feeling S[redacted]very stunned that many things have happened in the house that they don't know, they are not there and I'm going to tell them, what happened... since the day... since this problem happened with her that was the fight S[redacted] has changed, that it was like that and it was my mistake too because I argued with her and I'm going to tell them that this happened, this and this, I didn't tell them because you were traveling, but it's happening more

Lidia Orrego: (17:25) But you told her the other time, do you remember that the Father was there, and you went and told her something, the Father was there, I don't remember the name, the one about exorcism, and you went and talked to them and told her that she was mistreating you because of the issue that you shouldn't stay in the room, that you should leave.

Rebeca Uzcategui: Aha! Well, and you were there working?

Lidia Orrego: I was there of course, I was in the middle, it was 3 o'clock in the afternoon, and she was telling you to leave, that this is not your house, to leave, I remember and they there, they can talk to her, that's why I thought she was going to change.

Rebeca Uzcategui: (17:56) because she sees you and asks for forgiveness... (inaudible) was the time she changed....

Lidia Orrego: (18:00) because it is already dragging how old is it? 2 years old?

Rebeca Uzcategui: 3 years ...

Lidia Orrego: 3 years that you are like this?

Rebeca Uzcategui: (18:03) I will be 3 years old in December.

Lidia Orrego: (18:06) Was it always like that?

Rebeca Uzcategui: (18:09) worse, Ms. Lidia, now she is fine with me, she was, a devil in person, that is what I said, no more.

Lidia Orrego: (18:17) (inaudible) but we are not to blame, that is, that he discriminates against us for being Hispanic, we are not to blame, aren't they immigrants too?

Rebeca Uzcategui: (18:23) Of course... that is disrespectful, that is abuse, we can sue, if we want to, that is mental abuse and I am going to tell them that too. And I am going to tell them that she is mentally, she has all the children, that we are bad, S[redacted], S[redacted] and K[redacted] that we are this and I am going to tell them too, I have never told them that, but I am going to tell them too, I can't do it anymore

TRANSAPTION CERTIFIED TRANSLATION

has to cry, she has to cry, she has to stop crying, she won't cry all her life, Look, I don't cry at all, she didn't even ask for me, did she? I don't want it to be like that, on Monday morning I will take her to school, everything normal and start a routine. But here, I pray, pray for her to leave, for California to take her away, girl, she is supposed to leave, so she won't come back, but God can do anything Ms. Lidia, because the mother really needs her, because she is going to go because she needs her, this woman leaves and everything goes back to normal, girl.

Lidia Orrego: (22:00) but she wants to leave.

Rebeca Uzcategui: (22:02) she doesn't want to leave; she would have already left years ago... (inaudible) I don't know how the other nanny Ms. Lidia lasted...

Lidia Orrego: (22:30) I think that is why she left.

Rebeca Uzcategui: (22:32) Yes, she didn't come more.... but she lasted 8 years Ms. Lidia? ... (inaudible) 8 years?

Lidia Orrego: (22:47) Who?

Rebeca Uzcategui: the other nanny

Lidia Orrego: Who is the other nanny?

Rebeca Uzcategui: Gaby.

Lidia Orrego: (22:51) Ah.... Gaby. also told me that she did the same thing, that because of us S[redacted] doesn't speak English well, because you don't speak English well and neither does Ms Rebeca...

Rebeca Uzcategui: In front of the children she says. **(23:09)** And what does she says in the restaurant?

Lidia Orrego: (23:11) And what she says to me: you are fine, you are here, but you have to speak English for.... (inaudible) in that Grand Lux

Rebeca Uzcategui: (23:23) there? did they go there?

Lidia Orrego: (23:24) Yes (inaudible) I was embarrassed....

Rebeca Uzcategui: (23:31) She manipulates the children too. I don't know if in front of you she has spoken badly to the children?

Lidia Orrego: (23:37) Oh, yes, the other time it was the makeup issue, S[redacted] wanted her mom to do her makeup, she did a whole, my God, she stopped in the middle of the road to ask the girl because she could not solve it herself, because the mom .... but she is her mom (inaudible).

Rebeca Uzcategui: (23:53) How is it?

Lidia Orrego: (23:55) (inaudible) We couldn't leave, we stayed in the middle of the field ....

Rebeca Uzcategui: (23:59) Excuse me, can I have an orange juice?

TRANSAPTION CERTIFIED TRANSLATION

Waiter: (24:00) Yes, big or small?

Rebeca Uzcategui: (24:05) small. Thank you.

Lidia Orrego: (24:10) what happened is that we were going to leave late for... we were going to leave late, and she said to her why isn't S[redacted] here yet? S[redacted] was waiting for her mother, who was talking to the Father, then the Father said to her, he was late, he was late, he was late, he made us all get out of the car back, entering the house (inaudible) then we all had to get in again, because he decided to leave, then he stopped in the middle of the street to tell her: "why do you need your mother, I could help you, what was it? S[redacted] told her: "but Aunt, maybe it's something private", "she can't have something private when she's 11 years old, she can tell him what she needed". "And she didn't want to tell her mom to do her makeup and put her eyelashes on.

Rebeca Uzcategui: (25:06) she started crying?

Lidia Orrego: (25:07) more or less, that's why they are like that, I don't know.

Rebeca Uzcategui: (25:19) I'm going to tell Steff, she makes you don't need her, look what she tells her... well Ms. Lidia.

Lidia Orrego: (25:32) Well, luckily that day she told S[redacted] right away, that day she ask her and she always answers her well, but that time she didn't want to tell her.

Rebeca Uzcategui: (25:48) Of course!... but if she gets freaking out, when it doesn't happen what she wants.

Lidia Orrego: (25:53) no, I wanted to know, I wanted to know at all costs (inaudible) but well, that's what really happened to me that time. That's the only time I saw that...

Rebeca Uzcategui: (26:03) and will continue...

Lidia Orrego: (26:04) but I know you saw more things.

Rebeca Uzcategui: (26:08) it's going to keep happening, it's going to keep happening and you have to stand up to her, strong, and tell her "stop being crazy because I'm going to talk to my boss", and that's what you're going to tell her, and that she respects you, but don't worry because if I have to do something here in this life, it's not because of something that was done to her, it's not because of something that was done to her, she can't continue to mistreat psychologically those people, those children and that's where S[redacted] is going, when she is older and she is doing it right now and that's what I'm going to tell her, she is already telling her things and S[redacted] is stunned, because that little girl doesn't know what: "Taz doesn't like you Beca"; "Taz doesn't like you", ' But Mommy like it" and I tell her " Yes, mommy like it, baby"(inaudible).

Lidia Orrego: (26:55) The only thing that...(inaudible)

TRANSAPTION CERTIFIED TRANSLATION

Rebeca Uzcategui: (27:03) No Ms. Lidia, it is not normal, but why does it have to be like that? because she is a crazy person.

Lidia Orrego: (27:14) that is why many times I try to be calm.

Rebeca Uzcategui: (27:20) it's a stress for us, girl.

Lidia Orrego: (27:22) sometimes I can't sleep...I'm so nervous to see what happens.

Manuela Orrego: (27:30) You have the advantage that she doesn't have it... you can go out with the child, she can't, she has to be there. I was a nanny for 29 years...

Rebeca Uzcategui: (27:41) I was unable to go out for a year, anywhere, with that crazy woman I lived in there, aahhh! you don't know Ms. Lidia, you have no idea what I lived through.

Lidia Orrego: (27:52) ok to me, at this moment I can't go out... I can't do anything.

Rebeca Uzcategui: (27:56) Ms. Lidia is horrible like..thiiiss… Tell her, tell her you can go out with her in the afternoon too without her.

Lidia Orrego: (28:06) that's what I tried to tell her the other time,

Manuela Orrego: (28:11) That's what I think, but not in the afternoon...because in the afternoon the child gets tired and everything, but if you are going to take care of the child in the morning at least go out, walk and that....

Rebeca Uzcategui: (28:20) I go out with her every day, that's no problem.

Lidia Orrego: (28:23) (inaudible)

Rebeca Uzcategui: (28:26) (inaudible) But she needs to interact with you as well.

Lidia Orrego: (28:26) I try to go out, but (inaudible) go to the park.

Rebeca Uzcategui: (28:30) Sure, but that cost me, that's not so easy for them....

Lidia Orrego: (28:35) Sure, I understand, but what happens, we depend 100% on them.

Rebeca Uzcategui: From TAZ...

Lidia Orrego: Now there is no playroom for them, everything is there in the living room.

Rebeca Uzcategui: horrible...

Lidia Orrego: the baby is...

Rebeca Uzcategui: Stunned yes....

Lidia Orrego: No, she sees her mother, and she wants to be with his mother, I am not to blame, and nobody is to blame.

Rebeca Uzcategui: Nobody...

Lidia Orrego: We cannot do magic with this child.

Rebeca Uzcategui: (28:58) Don't feel bad.... not anymore....

TRANSAPTION
CERTIFIED TRANSLATION

Lidia Orrego: (31:24) Do you record? I once asked her if she recorded.

Rebeca Uzcategui: (31:27) but what is she going to record? She herself the crazy things she says. [laughing] (inaudible)

Lidia Orrego: I don't know... maybe...

Rebeca Uzcategui: I told her, she told me "I have you on tape"...yes, I told her: "I have 10 videos of you", she got scared and said "let's see who wins: your recordings or mine? freaking out, is that you have to confront her.

Lidia Orrego: (31:48) I don't confront her; I keep quiet and that's it.

Rebeca Uzcategui: (31:50) No, when you are going over the limit, that is humiliating you that is making you (inaudible).

Manuela Orrego: (31:55) My daughter suffers too much there, I was with her because she gets desperate there, she never did the housekeeper job there, just to help a little, right?

Rebeca Uzcategui: (32:09) Sure, but that was because you wanted to Ms. Li.

Manuela Orrego: (32:12) but when she was asked to help and all that but... (inaudible)

Rebeca Uzcategui: (32:17) yes, but it is a lot is strong.

Lidia Orrego: (32:21) not only that, that is exactly...(inaudible) mom, C[redacted], I will tell her right away so we can go, yes? Because she is writing me, that is what I was checking, I told her at one o'clock, and that is why I am checking to see if it is one o'clock.

Manuela Orrego: Don't listen to her, the party is at 5 o'clock.

Rebeca Uzcategui: (32:46) It's 11 o'clock.

Lidia Orrego: Yes, but we haven't bought anything yet....

Rebeca Uzcategui: Sir, I asked for a juice, please bring it to me.

Manuela Orrego: Don't listen to her.

Rebeca Uzcategui: Are you leaving already?

Lidia Orrego: (32:55) (inaudible) No, no, she was already in a hurry, because of this issue I told her that...

Rebeca Uzcategui: (33:09) Today is your niece's birthday?

Lidia Orrego: The niece, then, is used to us bringing her everything first.

Manuela Orrego: (33:18) (inaudible) my daughter is like that because of the law...one is one.

Rebeca Uzcategui: (33:22) American type.

Manuela Orrego: I'm not like that...

Lidia Orrego: (33:23) nor me either.

TRANSAPTION CERTIFIED TRANSLATION

EXHIBIT 35

Exhibit 17

TRANSAPTION
Transcription, Translation & Caption made simple

CONTACT INFO: 1-888-999-8628 EMAIL: INFO@TRANSAPTION.COM

Certification of Transcription & Translation Accuracy

Transcription of Audio Recording from English to English

As an authorized representative of Transaption, a professional transcription services agency, I hereby certify that the above-mentioned document has been transcribed by an experienced, qualified and competent professional transcriber, fluent in the above mentioned language pair and that, in our best judgment, the transcribed text truly reflects the content, meaning, and style of the original recording and constitutes in every respect a complete and accurate transcription of the original audio recording. This audio recording has not been transcribed for a family member, friend, or business associate.

This is to certify the correctness of the transcription only. We do not make any claims or guarantees about the authenticity or content of the original audio recording. Further, Transaption assumes no liability for the way in which the transcription is used by the customer or any third party, including end-users of the transcription.

A copy of the transcribed text is attached to this certification.

Order Date: January 7, 2021

Name: Ren Varghese

Signature:

TRANSAPTION
CERTIFIED TRANSCRIPTION

atas American Translators Association

TRANSAPTION

3 Germay Drive, Unit 4, Suite A#9999, Wilmington, DE 19804. United States

October 23, 2018 - Length 1 Min 57 Sec - Claimant's Back Injury

Teresa A. Zantua (00:01):: Yeaaahh of course!!

[redacted] K. (00:05): : Can watch me ? [Inaudible]

Lidia Orrego (00:06):: OUUCCHHHH!!! AAYYYY!!!!

Teresa A. Zantua (00:10):: Ooohhh nooo... did you HIT HER?

Lidia Orrego(00:11):: OUUCCHHHH!!!

Teresa A. Zantua (00:12):: Say sorry..

[redacted] K. (00:13):: Sorry....

Teresa A. Zantua (00:14):: [Laughing]...

Lidia Orrego(00:15):: ouuchhh....ouucchhh!!!

Teresa A. Zantua (00:15):: you okay?

Teresa A. Zantua (00:16):: What happen? You hit her?

[redacted] K. (00:17):: What happen Miss Lidia?

Lidia Orrego (00:18):: Ouuucchhh!!!

Teresa A. Zantua (00:19):: You want daddy tell him what you do?

[redacted] K. (00:21):: No...

Lidia Orrego(00:22):: AAyyyyyyy

Teresa A. Zantua(00:22):: Say sorry if you did it...

[redacted] K. (00:23):: [Inaudible]

[redacted] K. (00:24):: Sorry....

Lidia Orrego (00:26):: AAyyyyyyy

[redacted] K. (00:26):: Miss Lidia what happen?

TRANSAPTION
CERTIFIED TRANSCRIPTION

Lidia Orrego (00:28): Is hurt.....oohhh...

[redacted]K. (00:29):: Miss Lidia what happen?

Teresa A. Zantua (00:30):: Is bad... in the bottom

Lidia Orrego(00:32):: Yeeessss... aayyy...

[redacted]K. (00:34):: Miss Lidia what happen?

Lidia Orrego (00:37)::mmmmm....Is hurt... is hurt

Teresa A. Zantua (00:38):: [Laughing]

Teresa A. Zantua (00:41):: What happen?

Teresa A. Zantua (00:43):: [Laughing]

[redacted] (00:44):: Miss Lidia what happen?

Lidia Orrego (00:45):: aayyyyy...Noooo

Teresa A. Zantua (00:48):: Miss Lidia , you okay?

Lidia Orrego (00:50):: No

Teresa A. Zantua (00:51):: [Laughing]

Lidia Orrego (00:53):: K[redacted] you..

Teresa A. Zantua (00:54):: Lidia you okay? good....

Lidia Orrego (00:56):: you....okay...

Lidia Orrego (01:04):: ... thank you

[redacted] K. (01:07):: Now is better now? [Inaudible]

Lidia Orrego (01:09):: Yes.. thank you...

Teresa A. Zantua (01:11):: [Laughing]

TRANSAPTION
CERTIFIED TRANSCRIPTION

Teresa A. Zantua (01:12):: [Laughing]

Teresa A. Zantua (01:14):: Come on!!

Lidia Orrego (01:15):: okay, if not .. tomorrow... I can't work....okay?

Teresa A. Zantua (01:19):: ohh noo...[Laughing] [inaudible]

Teresa A. Zantua (01:23):: I tell Daddy...

[redacted] K. (01:24):: Nooooo!

Lidia Orrego (01:25):: aayy oohh okaayyy...

Teresa A. Zantua (01:28):: Told Lidia is she better okay then..[inaudible].....I'm kidding!! .[Laughing].[Laughing]

[redacted] K. (01:30):: Are you okay?

Lidia Orrego (01:31):: mmm... maybe....I try now

Lidia Orrego (01:36):: [inaudible]

Lidia Orrego (01:37):: You have pills ? for pain?

Teresa A. Zantua (01:39):: oohhh noo..

Lidia Orrego (01:40):: Tylenol? I can't...

Teresa A. Zantua (01:40):: Hurt?

Lidia Orrego (01:41):: Very hurt!

Teresa A. Zantua (01:44):: I 'm not, Steff does...

Lidia Orrego (01:45):: Okay....[coughing] [coughing] [inaudible]

Lidia Orrego (01:52):: Advil?

Lidia Orrego (01:55):: I take too...maybeee...

[redacted] K. (01:56):: Is your BACK BAD?.....

TRANSAPTION
CERTIFIED TRANSCRIPTION

EXHIBIT 24

Exhibit 31

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





EXHIBIT 25

PLA000144

Diary Entry Plaintiff was punished for opposing a discriminatory treatment. Ms. Zantua texted her the new Plaintiff's schedule with copy to Mrs. Knipfing- James and Mr. Testa.





PLA000144

343 140
289

TIMESHEET

liorrego@gmail.com

95-08 Queens Blvd

Name : Lidia Orrego

Client : K

Phone : 347-4632234

Phone : 310.315.6200

Week Beginning : 29 Oct 2018

Project : Time-sheet

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Date	Oct 29, 2018	Oct 30, 2018	Oct 31, 2018	Nov 1, 2018	Nov 2, 2018	Nov 3, 2018	Nov 4, 2018
Start	9:10 am	9:15 am	9:45 am	4:20 pm	4:00 pm	8:00 am	
Finish	5:00 pm	10:00 pm	9:50 pm	10:00 pm	10:00 pm	4:00 pm	
Break							
Sub Total	7h 50m	12h 45m	12h 5m	5h 40m	6h 0m	8h 0m	
Overtime							
Total Hours	7h 50m	12h 45m	12h 5m	5h 40m	6h 0m	8h 0m	
Comments					Sick day	Sick day	

Signature

Total Normal Hours : 40h 0m

*Overtime Hours : 12h 20m

Total Hours : 52h 20m

Manager's Signature :

Manager : Rachel / Charles

Created with Timeshoet Plus

252e

* Overtime For Hours exceeding 40.0

Gmail

344

Lidia Orrego <liorrego@gmail.com>

RE: Paystub

1 message

Charles Stanislaus <cstan@savco.com> Wed, Mar 14, 2018 at 7:22 PM
To: Lidia Orrego <liorrego@gmail.com>
Cc: Sam Santiago <ssantiago@savco.com>

Hi Lidia,

We calculate all the hours and anything more than 40hrs we process them at overtime rate. You can put the OT hours in the column if it makes it easier for you keep track and verify with the check stub.

Thanks

Charles

From: Lidia Orrego [mailto:liorrego@gmail.com]
Sent: Tuesday, March 13, 2018 4:03 PM
To: Sam Santiago <ssantiago@savco.com>
Cc: Charles Stanislaus <cstan@savco.com>
Subject: Re: Paystub

Good afternoon Sam and Charles,

Could you help me with a question I have? Should I put in the Overtime column the hours when they exceed 40 hours in the Timesheet?

Because the first time I did it but on the sheet I sent on Sunday I did not do it.

It is to avoid mistakes and can facilitate the work.

Thank you very much.

253e

WAGE STATEMENT

346 141

Direct Deposit Account Information

Category	Bank Name	Routing Number	Account Number	Account Type		Amount
	[redacted]	[redacted]	[redacted]	Checking	Personal	290 1,645.55

LIDIA M ORREGO

REFERENCE NO	DATE	EMPLOYEE ID	SSN	PAY FREQUENCY	PAY PERIOD	FILING STATUS	NET PAY
BDD 431	11-09-2018	44838	XXX-XX-4696	Weekly	10/29/18-11/02/18	S 000	1,645.55

EMPLOYER
KEVIN AND STEPHANIEANNA KNIPPING
C/O SAVITSKY SATIN BACON BUCCI
2049 CENTURY PARK EAST, SUITE 1400
LOS ANGELES CA 90067

CATEGORY-EARN	DESCRIPTION	THIS CHECK	HOURS	RATE
GROSS WAGES	Regular Earnings	1,200.00	40.00	30.0000
TIME & 1/2	Time & 1/2	1,404.00	31.20	45.0000

	THIS CHECK	HOURS
GROSS EARNINGS THIS CHECK	2,604.00	71.20
GROSS EARNINGS YTD	90,154.95	2,494.61

CATEGORY-OTHER	DESCRIPTION	THIS CHECK
MISCELLANEOUS ITEMS THIS CHECK		0.00
MISCELLANEOUS ITEMS YTD		0.00

CATEGORY	THIS CHECK	YR TO DATE
GROSS WAGES	1,200.00	44,199.90
HOLIDAY	0.00	240.00
TIME & 1/2	1,404.00	45,245.25
DOUBLE TIME	0.00	469.80
FIT	498.07-	17,021.01-
SOC SEC	161.45-	5,589.61-
MEDI	37.76-	1,307.25-
NEW YORK SIT	160.02-	5,485.28-
NEW YORK SDI	0.60-	22.20-
NEW YORK PAID FAMILY LEAVE ACT (NY)	0.00	85.56-
NEW YORK CITY TAX	100.55-	3,457.28-
DIRECT DEPOS TO CKG	1,645.55	

LEAVE TYPE (HRS)	AVAILABLE	CURRENT ACCRUED	CURRENT USED

EMPLOYEE NAME: LIDIA M ORREGO
EMPLOYEE ADDRESS: 95-08 QUEENS BLVD. #3E
REGO PARK NY 11374

255e

Best regards,

345

Lidia

, Mar 12, 2018 at 7:09 PM Sam Santiago <ssantiago@savco.com> wrote:

Dear Lidia,

Please see attached copy of your paystub dated 03/09/18.

Best,

Sam Santiago

Office: 310.315.6238

Fax: 310.873.5938



Disclaimer

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Savitsky Satin Bacon & Bucci would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

PRIVILEGED AND CONFIDENTIAL

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client, accountant-client, or other privileges as to this communication or otherwise. If you have received this communication in error, please contact me at the above email address.

Thank you.

254e



Loft Legal

3790 El Camino Real
Palo Alto, California
United States
Telephone: +1 650 879 8881

813

May 14, 2025

To: Lidia M. Orrego

Re: Enforceability of Certain Alleged Confidentiality Agreements

Dear Ms. Orrego,

We have acted as special counsel to you in connection with the review of the Documents (defined below) for the sole purpose of rendering the opinion set below.

Specifically, we have been asked to address the following questions within this legal opinion:

(I) Whether mutual assent exists for any of the NDAs, particularly given Employee's limited English proficiency, absence of explanation or translation, and lack of signature by Employer (each term as defined below).

(II) Whether retroactive enforcement of the NDA provisions (from January 2018 through November 2018) is legally valid when the Second NDA was not delivered until November 6, 2018, and allegedly backdated to January 31, 2018 (each term as defined below).

(III) Whether the termination of employment based on the NDA provisions is lawful, especially if the termination:

1. Was based on conduct that occurred before the Employee saw the Documents;
2. Was done without a written termination notice as required under N.Y. Labor Law § 195(6);
3. Violates statutory protections under the Domestic Workers' Bill of Rights, Human Rights Law, or General Business Law § 349.

(IV) Whether the modifications and multiple versions of the Documents reflect fraud, misrepresentation, or deceptive business practices.

(V) What legal remedies (e.g., voiding the Documents, reinstatement, damages, injunctive relief) the employee may seek if the Documents are found to be unenforceable, unconscionable, or unlawfully used to justify termination.

1. Documents Reviewed. For the purposes of delivering this opinion letter, we have reviewed copies of the following documents (collectively, the "Documents" or "NDAs"):

(a) That certain alleged Service Provider Confidentiality Agreement, dated as of January 31, 2018, made by and between Kevin Knipfing (a/k/a Kevin James) and Stephanieanna James-Knipfing (a/k/a Steffiana de la Cruz) (collectively, "Employer") and Lidia M. Orrego ("Employee") and delivered to Employee on or around November 1, 2018 (attached hereto as Exhibit A, the "First NDA").

(b) That certain alleged Service Provider Confidentiality Agreement, dated as of January 31, 2018, made by and between Employer and Employee and delivered to Employee on or around November 6, 2018 (attached hereto as Exhibit B, the "Second NDA").

(c) That certain alleged Service Provider Confidentiality Agreement, dated as of January 31, 2018, made by and between Employer and Employee and delivered to Employee on or around February 27, 2023 (attached hereto as Exhibit C, the "Third NDA").

For purposes of this opinion letter:

"Generally Applicable Law" means (a) the Federal laws of the United States of America and (b) the laws of the State of New York (including in each case the rules or regulations promulgated thereunder or pursuant thereto).

The phrase "to our knowledge" or words of similar import means knowledge based solely on the representations of you and your authorized representatives and without any independent verification or investigation.

2. Assumptions. For the purposes of rendering the opinions set out in Clause 3, we have assumed, with your permission and without independent verification or inquiry:

(a) The genuineness of all signatures on all documents we have reviewed.

(b) The conformity to authentic originals of any documents submitted to us as certified, conformed, or photostatic copies.

(c) The legal capacity of natural persons.

(d) The truthfulness, accuracy, and completeness of the information, representations, and warranties contained or made to us by you and your authorized representatives.

3. Opinions. Based upon such review, and subject to the assumptions, exceptions and other matters set forth herein, we are of the opinion that:

(I) Mutual Assent. No mutual assent exists for any of the Documents. You signed the signature page to the Documents on January 31, 2018 and were told by a representative of the Employer that the signature pertained solely to salary documentation. You were presented with the First NDA on November 1, 2018, nearly ten months after your employment began and you signed the signature pages. The signature page contained no reference to confidentiality obligations, and the Employer did not sign any version of the Documents. The Second and Third NDAs, delivered on November 6, 2018, and February 27, 2023, respectively, were likewise provided only in English despite your limited proficiency in the language, and you were not afforded an opportunity to consult Spanish-speaking counsel or review the terms with an interpreter. Under New York law, the creation of a binding contract requires a "meeting of the minds," which means that the parties to the contract are in agreement with respect to all the material terms (Stonehill Capital Mgmt., LLC v. Bank of the West, 45 N.Y.S.3d 864, 870 (2016)). The material terms of a contract are those terms that are necessary to lend an agreement enough detail for a court to enforce it (Reyes v. Lincoln Auto. Fin. Servs., 861 F.3d 51, 58 (2d Cir. 2017) (applying New York law)). Whether there has been a meeting of the minds of the essential terms of a contract depends on the circumstances (Benicorp Ins. Co. v. Nat'l Med. Health Card Sys., Inc., 447 F. Supp. 2d 329, 337 (S.D.N.Y. 2006) (applying New York law)). Parties may express their assent to enter into a contract by word, act, or conduct (see Boves v. Aaron's Inc., 2019 WL 1206698, at *3 (S.D.N.Y. Mar. 14, 2019) (applying New York law)). Courts look at the totality of the parties' conduct under the circumstances and the objectives the parties were trying to

achieve in the contract (Stonehill Capital, 45 N.Y.S.3d at 870). Under New York law, courts measure the parties' intent to be bound by the objective manifestations of the intent of the parties as gathered by their expressed words and deeds (Kamel v. Ahgelian, 179 N.Y.S.3d 692, 693 (2d Dep't 2022)). For written contracts, the parties' intent to be bound is a question of law (223 Sam, LLC v. 223 15th St., LLC, 77 N.Y.S.3d 83, 85 (2d Dep't 2018)). The parties' signature typically establishes their intent to be bound by the contract (see, for example, WebMD LLC v. Aid in Recovery, LLC, 89 N.Y.S.3d 7, 8 (1st Dep't 2018); Curtis Props. Corp. v. Greif Cos., 628 N.Y.S.2d 628, 632 (1st Dep't 1995)). The "intent to be bound" analysis often overlaps with the "mutual assent" analysis because courts typically examine the parties' words, conduct, and acts to determine both elements. However, even if the parties intend to be bound by a contract, if there is no "meeting of the minds" on the material terms, the contract is unenforceable. Here, you did not review the terms of the NDAs prior to their alleged execution, you were not aware that you were signing the NDAs when you provided your signature, you had no intent to bind yourself to the terms of the NDAs, and the NDAs were presented in a language unfamiliar to you, absent translation or explanation. The Employer's failure to disclose the purpose of the signature page signed on January 31, 2018, coupled with the lack of discussion of the NDA terms, the absence of Employer's signature on the Documents, and your inability to comprehend the English-language terms, may be deemed procedurally unconscionable and negates any objective manifestation of agreement. The subsequent NDAs, which were modified and created a novation of each NDA that came before it (as further discussed in Clause 3(II)) without your knowledge, further demonstrate a lack of mutual understanding.

(II) Retroactive Enforcement. The NDAs cannot be enforced retroactively because the Employer backdated the NDAs to January 31, 2018, without your prior knowledge or consent, and provided no consideration for imposing obligations covering the ten-month period before you received the First NDA, or in the course of delivering each subsequent NDA. The First NDA, delivered on November 1, 2018, was backdated to January 31, 2018—the start of your employment—and purported to bind you to confidentiality obligations retroactively from January 2018 through November 2018. You were likewise unaware of the Second NDA or the Third NDA's existence until you were presented with these Documents on November 6, 2018, and February 27, 2023, respectively, and the

Employer provided no explanation or consideration for retroactive application. Even if the First NDA were to be considered a valid contract, under New York law, the parties to a contract may only modify it in one of the following ways: (i) in a writing executed by the parties to the contract; (ii) orally, if there is no written contract that precludes oral modifications; or (iii) by a course of performance that shows a meeting of the minds to modify the contract. A modification must include all elements of contract formation, including mutual assent and new consideration that supports the modification (Estate of Anglin ex rel. Dwyer v. Estate of Kelley ex rel. Kelley, 705 N.Y.S.2d 769, 772 (4th Dep't 2000)). New consideration is unnecessary when the modification is in writing and signed by the party against which it is sought to be enforced (N.Y. Gen. Oblig. Law § 5-1103; GG Managers, Inc. v. Fidata Tr. Co. New York, 626 N.Y.S.2d 488, 490 (1st Dep't 1995)). However, under New York law, a novation (a separate and new agreement between the parties that discharges an existing obligation and substitutes a new one (Lambert v. Schiller, 68 N.Y.S.3d 195, 197 (3d Dep't 2017))) is only valid if the new agreement expressly supersedes the previous agreement (Health-Chem Corp. v. Baker, 915 F.2d 805, 811 (2d Cir. 1990) (applying New York law)) and there is new consideration (Am. Int'l Tel., Inc. v. Mony Travel Servs., Inc., 2001 WL 209918, at *6 (S.D.N.Y. Feb. 23, 2001) (applying New York law)). Although confidentiality agreements are sometimes put in place at a later date than the date they are actually drafted to memorialize a prior agreement, this is not the case with the Documents, as discussed above, where there was no oral agreement to bind Employee to the terms of the NDAs. Where there is the intent to deceive or mislead, backdating documents to impose obligations predating a party's awareness constitutes fraud because it involves misrepresentation and deception. The Employer's backdating of the Documents created a false appearance of prior agreement to either enter into each NDA and create a novation in the case of the Second NDA and Third NDA, which you could not have assented to given that you were not aware of the existence of any of the Documents until months after they were allegedly executed. The absence of any contemporaneous negotiation or compensation for retroactive terms renders such enforcement invalid.

(III) Lawfulness of Termination. Your termination likely violated New York law because such termination, among other reasons, was retaliatory (occurring only 25 days after you filed a discrimination complaint), the Employer failed to timely provide required

notices as required by N.Y. Labor Law § 195(6), and the termination relied on pretextual allegations of NDA breaches for conduct the Employer previously authorized. The Employer terminated your employment on November 27, 2018, citing your alleged violation of the Second NDA by "taking photographs and videos inside the home"—conduct that occurred before the Second NDA was delivered and which you performed at the Employer's direction. The termination letter was issued 25 days later and failed to provide written notice of the termination date or benefit cessation. The termination followed a series of complaints on your working conditions, including an internal complaint submitted to Employer on or about November 2, 2018. N.Y. Labor Law § 195(6) mandates written termination notices within five working days of the separation detailing the effective date of the employee's termination and the exact date their benefits, such as health and life insurance, will end. Further, the Domestic Workers' Bill of Rights (N.Y. Lab. Law § 215) and Human Rights Law (N.Y. Exec. Law § 296) each prohibit retaliatory termination for protected complaints. The Employer's reliance on post-complaint NDAs to justify termination for pre-existing conduct, combined with the failure to comply with N.Y. Lab. Law § 195(6)'s notice requirements, is likely to amount to unlawful retaliation. The timing and pretextual basis for termination further contravene statutory protections against workplace discrimination.

(IV) Fraud and Deceptive Practices. The Employer likely engaged in fraud and deceptive practices because they intentionally misrepresented the purpose of the First NDA, created modified NDAs with punitive terms (e.g., $100,000 liquidated damages) only after you filed a protected complaint, and backdated documents to fabricate the appearance of prior agreement. The Employer misrepresented the signature page as pertaining to a salary agreement, backdated each NDA to January 2018 despite lack of contemporaneous agreement, and unilaterally inserted punitive terms (e.g., $100,000 liquidated damages) into the Third NDA in 2023 without your consent. The Second NDA, delivered four days after your discrimination complaint was filed, similarly included provisions (e.g., photo/video restrictions) that were absent in prior versions. Under New York law, the five elements of a fraud claim must be shown by clear and convincing evidence: (1) a material misrepresentation or omission of fact (2) made by defendant with knowledge of its falsity (3) and intent to defraud; (4) reasonable reliance on the part of the plaintiff; and (5) resulting damage to the plaintiff. (Schlaifer Nance & Co. v.

Estate of Warhol, 119 F.3d 91, 98 (2d Cir.1997); Centro Empresarial Cempresa S.A. v. América Móvil, S.A.B. de C.V., 17 N.Y.3d 269, 276 (2011)). Fraud may also be based on a "material omission of fact." (Mandarin Trading Ltd. v. Wildenstein, 16 N.Y.3d 173, 178 (2011)). Further, General Business Law § 349 prohibits "deceptive acts or practices" in commercial transactions. The Employer's deliberate misrepresentation of the First NDA, coupled with the creation of modified NDAs to retroactively justify termination, likely satisfies the elements of fraud. The Employer's pattern of unilaterally altering terms to your detriment, without notice or negotiation, further violates GBL § 349's prohibition on deceptive conduct.

(V) Legal Remedies. You are entitled to seek to void the NDAs in a defense of a breach of contract claim and recover certain damages under New York law. The NDAs were presented under false pretenses, lack mutual assent, and were used to unlawfully terminate your employment. You further allege having suffered lost wages and benefits, emotional distress, reputational harm, and other damages due to the Employer's actions. Regarding enforcement of the NDAs, courts may refuse to enforce unconscionable contracts or clauses (NY UCC § 2-302(1). You may have a claim to injunctive relief to bar enforcement of the NDAs. As discussed elsewhere in this Clause 3, the NDAs' procedural and substantive defects—including language barriers, unilateral modifications, and retaliatory timing—warrant voiding all three Documents. Regarding your potential employment law claims, available remedies for retaliation under New York law include reinstatement, back pay, compensatory damages, injunctive relief, and civil penalties as well as potentially liquidated damages and compensation for emotional distress (N.Y. Lab. Law § 215; N.Y. Exec. Law § 297). In some cases, the court may award attorney's fees to the employee if they are successful in their lawsuit.

4. Exceptions. The opinions expressed above are qualified in their entirety and are subject to the following comments and limitations:

(a) Our opinions in Clause 3 of this opinion letter are based on our review of only those statutes, rules, and regulations that a New York lawyer exercising customary professional diligence would reasonably be expected to recognize as being applicable to the Documents.

(b) We express no opinion as to the strength, validity, or success of any claims that may be made under the Generally Applicable Laws or remedies that may be granted thereunder, including those referenced in Clause 3(V) of this opinion letter.

(c) We express no opinion as to the enforceability of any provision of any Document which purports to limit the ability of a court to decide the extent to which any portion of such Document determined to be invalid may be severed from such Document.

(d) We express no opinion as to the enforceability of any provision of the Documents providing for the indemnification, release, disclaimers, waivers, releases, hold harmless provisions, or exculpation of any party insofar as such provisions may require indemnification, release, or exculpation, contributions or liquidated damages or other provisions for matters that violate statutory duties or public policy.

This opinion letter speaks only as of the date of this opinion letter and we express no opinion as to the laws of any jurisdiction other than the Generally Applicable Laws in effect as of the date of this opinion letter. We do not undertake, by delivery of this opinion, and we expressly disclaim any responsibility, to advise you of any change in any matter set forth herein, whether based on a change in law or a change in any fact relating to the Employee, Employer or any other person. This opinion is limited to the matters expressly stated herein and no opinions are to be inferred or may be implied beyond the opinions expressly set forth herein.

The opinions expressed herein are solely for your benefit and may not be quoted, distributed, or disclosed to any person without our prior written consent, except that copies of this opinion letter may be disclosed and provided to (i) governmental authorities, or (ii) pursuant to an order or legal process of any governmental authority.

Very truly yours,

Karina Maas

Loft Legal Consultant

EXHIBIT A

FIRST NDA

(Attached hereto)

SERVICE PROVIDER CONFIDENTIALITY AGREEMENT

This Agreement is created and entered into effective as of Lidia M. Ocampo 2018 between Kevin Knipfing (a/k/a Kevin James) and Stephanieanna James-Knipfing (a/k/a Steffiana de la Cruz) (collectively the "Employer), on the one hand, and _____ ("Employee"), on the other hand (sometimes collectively referred to as the "Parties").

1. CONDITION OF RENDERING SERVICES

As a condition of and in consideration for Employee's employment with, and for good and valuable consideration and benefits, the receipt of which is hereby acknowledged, Employee agrees to the terms of this Confidentiality Agreement ("Agreement") and to strictly comply with each of its terms and conditions.

2. CONFIDENTIAL INFORMATION

A. DEFINED TERM

Employee acknowledges and agrees that in connection with Employee's rendering services for the Employer, Employee may obtain, overhear or otherwise become aware of information and/or documents constituting or concerning:

(i) business and/or personal information about the Employer, family members of the Employer, the Employer's past and present friends and associates, and the past and present representatives and employees of the Employer and any companies the Employer owns or controls (including but not limited to Still Eddie, Inc.), whether individually or collectively, and the officers, directors, shareholders, members, managers, agents, and employees of any such companies (referred to collectively as the "[Employer-Related Parties"),

(ii) private and confidential matters concerning Kevin Knipfing, Stephanieanna James-Knipfing and/or any of the Employer-Related Parties;

(iii) financial, business, medical, legal and contractual matters of, or pertaining to, Kevin Knipfing, Stephanieanna James-Knipfing, the Employer, and/or any of the Employer-Related Parties;

(iv) persons or business entities with whom Kevin Knipfing, Stephanieanna James-Knipfing, the Employer, and/or any of the Employer-Related Parties have any past or present legal, contractual, financial, professional or other business relationship; and

(v) business records, personal records, letters, memoranda, faxes, e-mails, contracts, photographs, films, videotapes, sound recordings, audio tracks or documents or other writings, including any negatives, prints, or copies thereof, pertaining in any way to Kevin Knipfing, Stephanieanna James-Knipfing, or any of the Employer-Related Parties.

Employee agrees that for purposes of this Agreement, references to "Kevin Knipfing" and "Stephanieanna James-Knipfing" include references to both the private individuals so named

Dated:_____ By:_____

Kevin Knipfing

"EMPLOYEE"

Dated: 1/31/2018 By:_____

Print Name: Lidia M. Orrego

Address: 95-08 Queens Blvd
Apart 3E

Phone: 347-4532234

EXHIBIT B

SECOND NDA

(Attached hereto)

SERVICE PROVIDER CONFIDENTIALITY AGREEMENT

This Agreement is created and entered into effective as of 1/21/2018 between Kevin Knipfing (a/k/a Kevin James) and Stephanieanna James-Knipfing (a/k/a Steffiana de la Cruz) (collectively the "Employer"), on the one hand, and Lidia M. Ocegueda ("Employee"), on the other hand (sometimes collectively referred to as the "Parties").

1. CONDITION OF RENDERING SERVICES

As a condition of and in consideration for Employee's employment with, and for good and valuable consideration and benefits, the receipt of which is hereby acknowledged, Employee agrees to the terms of this Confidentiality Agreement ("Agreement") and to strictly comply with each of its terms and conditions.

2. CONFIDENTIAL INFORMATION

A. DEFINED TERM

Employee acknowledges and agrees that in connection with Employee's rendering services for the Employer, Employee may obtain, overhear or otherwise become aware of information and/or documents constituting or concerning:

(i) business and/or personal information about the Employer, family members of the Employer, the Employer's past and present friends and associates, and the past and present representatives and employees of the Employer and any companies the Employer owns or controls (including but not limited to Still Eddie, Inc.), whether individually or collectively, and the officers, directors, shareholders, members, managers, agents, and employees of any such companies (referred to collectively as the "Employer-Related Parties");

(ii) private and confidential matters concerning Kevin Knipfing, Stephanieanna James-Knipfing and/or any of the Employer-Related Parties;

(iii) financial, business, medical, legal and contractual matters of, or pertaining to, Kevin Knipfing, Stephanieanna James-Knipfing, the Employer, and/or any of the Employer-Related Parties;

(iv) persons or business entities with whom Kevin Knipfing, Stephanieanna James-Knipfing, the Employer, and/or any of the Employer-Related Parties have any past or present legal, contractual, financial, professional or other business relationship; and

(v) business records, personal records, letters, memoranda, faxes, e-mails, contracts, photographs, films, videotapes, sound recordings, audio tracks or documents or other writings, including any negatives, prints, or copies thereof, pertaining in any way to Kevin Knipfing, Stephanieanna James-Knipfing, or any of the Employer-Related Parties.

Employee agrees that for purposes of this Agreement, references to "Kevin Knipfing" and "Stephanieanna James-Knipfing" include references to both the private individuals so named

and their public personas and any dealings or undertakings relating to them, including but not limited to the affairs of Kevin James and/or Steffiana de la Cruz. Employee further acknowledges and agrees that all of the information, documents and things described hereinabove which Employee obtains, overhears, learns, has access to and/or acquires ("acquires") (herein collectively referred to as "Confidential Information") is private and confidential, that the Employer-Related Parties have a reasonable expectation of privacy concerning that Confidential Information, and that all of said Confidential Information is solely and exclusively owned by the Employer Related Parties.

B. AGREEMENT NOT TO DISCLOSE

Employee expressly agrees that Employee shall not, directly or indirectly, verbally or in writing at any time after the execution of this Agreement, whether before, during or after the term of Employee's employment with the Employer's provision of services to the Family, publish, disseminate, discuss, disclose (collectively "disclose") or cause or induce to be disclosed any Confidential Information to any person, firm or entity whatsoever (including but not limited to the print or electronic media), without Mr. Knipfing's express written consent, except: (i) as necessary to carry out duties in the course of Employee's employment with the Employer 's provision of services to the Family; (ii) if disclosure is required of Employee by Court Order, government decree, and/or subpoena; (iii) in accordance with Employee's rights under state, federal, or local law to communicate with or participate in a proceeding before government agencies or bodies, or to report possible violations of federal, state, or local law to such agencies (Employee) need not provide notice to the Employer prior to exercising such rights); (iv) to seek advice or information concerning Employee's rights and legal obligations relating to Employee's employment provision of services to the Family] from an attorney. Without limiting the foregoing, Employee will not give or participate in any interviews or write or prepare, or assist in the preparation of any books, articles, programs, or other oral or written communications, disclosing or referring, directly or indirectly, to any Confidential Information, nor confirm or deny any information of any kind (whether rumored or known in any way) relating to any of the Confidential Information. If Employee receives a subpoena for disclosure or release of any Confidential Information, Employee shall, to the extent permitted by law, promptly notify the Employer in writing and provide the Employer with a copy of such subpoena.

Pursuant to 18 USC § 1833(b), an individual may not be held criminally or civilly liable under any federal or state trade secret law for disclosure of a trade secret (as defined by 18 USC § 1839): (i) made in confidence to a government official, either directly or indirectly, or to an attorney, solely for the purpose of reporting or investigating a suspected violation of law; and/or (ii) in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal. Additionally, an individual suing for retaliation based on the reporting of a suspected violation of law may disclose a trade secret to his or her attorney and use the trade secret information in the court proceeding, so long as any document containing the trade secret is filed under seal and the individual does not disclose the trade secret except pursuant to court order.

C. **DISCLOSURE OF CONFIDENTIAL INFORMATION IS WRONGFUL**

Employee acknowledges and understands that substantial efforts have been and will be dedicated to protect the privacy and confidentiality of the Confidential Information, and to prevent the sometimes intrusive activities of the tabloid press, other media and other members of the public to obtain confidential personal and business information about Kevin Knipfing a/k/a Kevin James, Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, and/or the Employer-Related Parties. Employee further acknowledges and understands that Employee's covenant and agreement not to disclose, sell, or exploit any of the Confidential Information is an essential part of the Employer-Related Parties' efforts to maintain the privacy of the Confidential Information and a material condition of the Employer agreeing to employ Employee. Employee further acknowledges that any disclosure by Employee to any third-party of any Confidential Information, obtained as a result of or in connection with Employee's employment with the Employer *or any dealings with the Employer-Related Parties, except as provided in Paragraph* 2(B) above, shall constitute a material breach of the terms of this Agreement, and may also constitute one or more of the following: an invasion of privacy, a disclosure of proprietary business information, a wrongful misappropriation of Kevin Knipfing a/k/a Kevin James's and/or Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz's right of publicity, and other wrongful acts.

3. **USE OF NAME AND LIKENESS**

A. **AGREEMENT NOT TO USE NAME AND/OR LIKENESS**

Employee acknowledges and understands that Employee shall not, directly or indirectly, verbally or otherwise, either during or at any time after Employee's employment with the Employer use, refer to, or exploit in any manner, Kevin Knipfing a/k/a Kevin James's and/or Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz's name and/or likeness and/or identity (collectively referred to as "Name or Likeness") to promote, demonstrate, describe, display, or exhibit (collectively "promote") Employee's services or products and/or any services or products of any third-party, nor shall Employee disclose, or cause to be disclosed, any mention or reference to the foregoing Name(s) or Likeness(es) to any person, firm or entity whatsoever (including but not limited to the media), with regard to the use of or to promote any products or services whether it be in a purported editorial use, interview, advertisement, "advertorial" or any other use, in any print or electronic media (including the internet) without the Employer's written consent. *Without limiting the foregoing, Employee will not give or participate in any interviews* (whether oral or written) or write or prepare, or assist in the preparation of any books, articles, programs, or other oral or written communications (including but not limited to dissemination over the Internet), mentioning or disclosing or referring, directly or indirectly, to the Employer's Name(s) or Likeness(es), nor shall Employee confirm or deny any Confidential Information of any kind (whether rumored or known in any way).

B. **USE NAME AND/OR LIKENESS IS WRONGFUL**

Employee acknowledges and understands that the Names and Likenesses of Kevin Knipfing and Stephanieanna James-Knipfing have substantial commercial value in promoting

and/or in association with products and/or services and that substantial efforts have been and will be dedicated to protect the value of these Names and Likenesses. Employee further acknowledges and understands that Employee's compliance with the obligation not to use or exploit either of these Names or Likenesses in promoting any services or products of Employee or of any third-party, whether in an advertisement, interview or any other manner or in any media ("prohibited use"), is an essential part of the Employer-Related Parties' efforts to protect the value of these Names and Likenesses. Employee further acknowledges that each such commercial use or attempt to commercially use either of these Names or Likenesses without the Employer's express written consent shall constitute a material breach of the terms of this Agreement, and may further constitute a wrongful misappropriation of their statutory and/or common law right of publicity as well as a violation of the federal Lanham Act, false advertising, and other wrongful acts.

4. PROPERTY RIGHTS

Employee acknowledges the[Employer-Related Parties' substantial and valuable property rights and other proprietary interests regarding their exclusive ownership and use of the Confidential Information, including such Confidential Information acquired by Employee in the course of Employee's employment with the Employer and/or related dealings with the Employer-Related Parties, such as any and all physical material (including without limitation, all copyright, trademark, patent, and other rights therein) relating to Kevin Knipfing a/k/a Kevin James and/or Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, whether prepared by Employee or otherwise coming into Employee's possession, shall remain the Employer's sole and exclusive property and shall not be used by Employee, other than as may be required in the course and scope of Employee's employment with Employer. Employee further agrees that promptly after the term of Employee's provision of services to the Employer or prior by any demand by the Employer-Related Parties, Employee shall return to the Employer-Related Parties all tangible Confidential Information in [Employee/Contractor]'s possession or control. Without limiting the foregoing, Employee shall not photograph, tape, film, or otherwise record any likenesses, performances or activities of the Employer or Employer-Related Parties, without express permission.

5. DAMAGES AND DISGORGEMENT OF MONIES

Breach of this Agreement by Employee's disclosure of Confidential Information to any Third-Party and/or any prohibited use of the Employer's Name(s) or Likeness(es) shall render Employee liable to the Employer-Related Parties for any and all damages and injuries incurred by the Employer-Related Parties as a result thereof, and shall obligate Employee to account to the Employer-Related Parties and turn over to the Employer-Related Parties, any and all monies, profits, or other consideration or benefits, which Employee has received or may receive from any unauthorized disclosure or exploitation of any of the Confidential Information and/or from any prohibited use of the Employer's Name or Likeness, all without prejudice to any other rights or remedies, legal or equitable, that the Employer-Related Parties may have as a result of the violation of the terms hereof.

6. LIQUIDATED DAMAGES

Employee agrees that any material breach or violation of this Agreement by Employee's disclosure of Confidential Information to any third-party and/or any unauthorized exploitation or prohibited use of the Employer's Name(s) or Likeness(es) shall result in substantial damages and injury to the Employer-Related Parties, the precise amount of which would be extremely difficult or impracticable to determine, even after the Parties have made a reasonable endeavor to *estimate fair compensation for such potential losses and damages to the Employer-Related* Parties. Therefore, in addition to disgorgement of the full amount of all monies or other consideration received by Employee in connection with any unauthorized disclosure of Confidential Information and/or any unauthorized exploitation or prohibited use of the Employer's Name(s) or Likeness(es) in violation of the terms hereof, Employee further agrees that he/she shall also be obligated to pay, and agrees to pay to the Employer-Related Parties, the total sum of One Hundred Thousand Dollars ($100,000) as a reasonable and fair amount of liquidated damages to compensate the Employer-Related Parties for any loss or damage resulting from each individual material breach of the terms hereof by any unauthorized disclosure of Confidential Information and/or any unauthorized exploitation or prohibited use of the Employer's Name(s) or Likeness(es). The Parties hereto further agree that such sum bears a reasonable and proximate relationship to the actual damages which the Employer-Related Parties will or might suffer from each material breach of the terms of this Agreement and that this amount is not a penalty. The foregoing shall not, however, release any third-party from liability for participating in or inducing a breach of this Agreement, or otherwise violating any rights of Kevin Knipfing a/k/a Kevin James, Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, or the Employer-Related Parties.

7. INJUNCTIVE RELIEF

Employee acknowledges and agrees that any breach of this Agreement due to the unauthorized disclosure or threatened disclosure by Employee to any Third-Party of any *Confidential Information and/or any prohibited use of the Employer's Name(s) or Likeness(es)* will cause irreparable injury to the Employer which cannot be adequately compensated by money damages. Therefore, the Employer-Related Parties shall be entitled to obtain provisional Preliminary Injunctive Relief to prevent the breach or further breach of this Agreement ("Injunctive Relief"), enjoining and restraining (a) any prohibited use of the Employer's Name(s) or Likeness(es) and/or (b) any unauthorized disclosure or use of any Confidential Information protected by the terms hereof, until all such claims for legal and equitable relief have been adjudicated. Resort to such equitable relief, shall not, however, be construed to be a waiver of any other rights or remedies which the Employer-Related Parties may have for damages or otherwise.

8. CONFIDENTIAL NATURE OF THIS AGREEMENT

Employee agrees to keep this Agreement, including all of its terms and provisions, strictly confidential, and not to disclose the same to any third-party, except as otherwise provided in Paragraphs 2(B), and 10(C) herein. Employee agrees to treat this Agreement as constituting and containing Confidential Information subject to the terms hereof.

9. INTENDED THIRD PARTY BENEFICIARIES

Each of the Employer-Related Parties, as defined hereinabove, is an intended, third-party beneficiary of the terms of this Agreement regarding any unauthorized disclosure of Confidential Information pertaining to any such Employer-Related Party, which disclosure is prohibited by the terms hereof.

10. *MISCELLANEOUS PROVISIONS*

A. Attorneys' Fees: In the event of any breach or anticipated breach by Employee of any of the terms of this Agreement, the prevailing party(s) in any resulting proceeding shall be entitled to recover said party's reasonable attorney's fees and costs incurred in connection with or arising out of any such breach, including but not limited to the attorney's fees and costs incurred in any resulting legal action or proceeding.

B. New York Law: This Agreement and any dispute or controversy relating to the existence, validity, meaning, interpretation, or alleged breach or threatened breach of this Agreement, shall in all respects be interpreted, enforced and governed by the laws of the State of New York.

C. Employee has read this entire Agreement and understands it. Employee is entering into this Agreement freely and voluntarily. Employee has had the opportunity to consult with legal counsel before signing this Agreement. Employee has further had an opportunity to discuss this agreement, to ask questions, and clarify its meaning and interpretations with the Employer.

D. In the event that any provision hereof is deemed to be illegal or unenforceable, such a determination shall not affect the validity or enforceability of the remaining provisions thereof, all of which shall remain in full force and effect. In the event that such any provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

E. This Agreement does not alter in any way the fact the Employee is an employee at will and that Employee's employment may be terminated by Employee or the Employer for any reason or no reason at all.

F. This Agreement may be executed with one or more separate counterparts, each of which, when so executed shall, together, constitute and be one and the same instrument. A facsimile or other copy of a signed counterpart of this Agreement shall be deemed an original. A photocopy or facsimile shall have the same force and effect as if it were a signed original.

By their signatures below, the Parties hereto have approved and executed this Agreement as of the date first written above.

"EMPLOYER"

Dated: _____ By: _____

Kevin Knipfing

"EMPLOYEE"

Dated: 1/31/25 By: _____

Print Name: Lidia M. Orrego

Address: 85-08 Queens Blvd Apart 3E

Phone: 347-453-2234

EXHIBIT C

THIRD NDA

(Attached hereto)



SERVICE PROVIDER CONFIDENTIALITY AGREEMENT

This Agreement is created and entered into effective as of Lidia M. Orrego 2018 between Kevin Knipfing (a/k/a Kevin James) and Stephanieanna James-Knipfing (a/k/a Steffiana de la Cruz) (collectively the "Employer), on the one hand, and 11/1/2018 ("Employee"), on the other hand (sometimes collectively referred to as the "Parties").

1. CONDITION OF RENDERING SERVICES

As a condition of and in consideration for Employee's employment with, and for good and valuable consideration and benefits, the receipt of which is hereby acknowledged, Employee agrees to the terms of this Confidentiality Agreement ("Agreement") and to strictly comply with each of its terms and conditions.

2. CONFIDENTIAL INFORMATION

A. DEFINED TERM

Employee acknowledges and agrees that in connection with Employee's rendering services for the Employer, Employee may obtain, overhear or otherwise become aware of information and/or documents constituting or concerning:

(i) business and/or personal information about the Employer, family members of the Employer, the Employer's past and present friends and associates, and the past and present representatives and employees of the Employer and any companies the Employer owns or controls (including but not limited to Still Eddie, Inc.), whether individually or collectively, and the officers, directors, shareholders, members, managers, agents, and employees of any such companies (referred to collectively as the "[Employer-Related Parties");

(ii) private and confidential matters concerning Kevin Knipfing, Stephanieanna James-Knipfing and/or any of the Employer-Related Parties;

(iii) financial, business, medical, legal and contractual matters of, or pertaining to, Kevin Knipfing, Stephanieanna James-Knipfing, the Employer, and/or any of the Employer-Related Parties;

(iv) persons or business entities with whom Kevin Knipfing, Stephanieanna James-Knipfing, the Employer, and/or any of the Employer-Related Parties have any past or present legal, contractual, financial, professional or other business relationship; and

(v) business records, personal records, letters, memoranda, faxes, e-mails, contracts, photographs, films, videotapes, sound recordings, audio tracks or documents or other writings, including any negatives, prints, or copies thereof, pertaining in any way to Kevin Knipfing, Stephanieanna James-Knipfing, or any of the Employer-Related Parties.

Employee agrees that for purposes of this Agreement, references to "Kevin Knipfing" and "Stephanieanna James-Knipfing" include references to both the private individuals so named

and their public personas and any dealings or undertakings relating to them, including but not limited to the affairs of Kevin James and/or Steffiana de la Cruz. Employee further acknowledges and agrees that all of the information, documents and things described hereinabove which Employee obtains, overhears, learns, has access to and/or acquires ("acquires") (herein collectively referred to as "Confidential Information") is private and confidential, that the Employer-Related Parties have a reasonable expectation of privacy concerning that Confidential Information, and that all of said Confidential Information is solely and exclusively owned by the Employer Related Parties.

B. AGREEMENT NOT TO DISCLOSE

Employee expressly agrees that Employee shall not, directly or indirectly, verbally or in writing at any time after the execution of this Agreement, whether before, during or after the term of Employee's employment with the Employer's provision of services to the Family, publish, disseminate, discuss, disclose (collectively "disclose") or cause or induce to be disclosed any Confidential Information to any person, firm or entity whatsoever (including but not limited to the print or electronic media), without Mr. Knipfing's express written consent, except: (i) as necessary to carry out duties in the course of Employee's employment with the Employer 's provision of services to the Family; (ii) if disclosure is required of Employee by Court Order, government decree, and/or subpoena; (iii) in accordance with Employee's rights under state, federal, or local law to communicate with or participate in a proceeding before government agencies or bodies, or to report possible violations of federal, state, or local law to such agencies (Employee) need not provide notice to the Employer prior to exercising such rights); (iv) to seek advice or information concerning Employee's rights and legal obligations relating to Employee's employment provision of services to the Family] from an attorney. Without limiting the foregoing, Employee will not give or participate in any interviews or write or prepare, or assist in the preparation of any books, articles, programs, or other oral or written communications, disclosing or referring, directly or indirectly, to any Confidential Information, nor confirm or deny any information of any kind (whether rumored or known in any way) relating to any of the Confidential Information. If Employee receives a subpoena for disclosure or release of any Confidential Information, Employee shall, to the extent permitted by law, promptly notify the Employer in writing and provide the Employer with a copy of such subpoena.

Pursuant to 18 USC § 1833(b), an individual may not be held criminally or civilly liable under any federal or state trade secret law for disclosure of a trade secret (as defined by 18 USC § 1839): (i) made in confidence to a government official, either directly or indirectly, or to an attorney, solely for the purpose of reporting or investigating a suspected violation of law; and/or (ii) in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal. Additionally, an individual suing for retaliation based on the reporting of a suspected violation of law may disclose a trade secret to his or her attorney and use the trade secret information in the court proceeding, so long as any document containing the trade secret is filed under seal and the individual does not disclose the trade secret except pursuant to court order.

C. DISCLOSURE OF CONFIDENTIAL INFORMATION IS WRONGFUL

Employee acknowledges and understands that substantial efforts have been and will be dedicated to protect the privacy and confidentiality of the Confidential Information, and to prevent the sometimes intrusive activities of the tabloid press, other media and other members of the public to obtain confidential personal and business information about Kevin Knipfing a/k/a Kevin James, Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, and/or the Employer-Related Parties. Employee further acknowledges and understands that Employee's covenant and agreement not to disclose, sell, or exploit any of the Confidential Information is an essential part of the Employer-Related Parties' efforts to maintain the privacy of the Confidential Information and a material condition of the Employer agreeing to employ Employee. Employee further acknowledges that any disclosure by Employee to any third-party of any Confidential Information, obtained as a result of or in connection with Employee's employment with the Employer or any dealings with the Employer-Related Parties, except as provided in Paragraph 2(B) above, shall constitute a material breach of the terms of this Agreement, and may also constitute one or more of the following: an invasion of privacy, a disclosure of proprietary business information, a wrongful misappropriation of Kevin Knipfing a/k/a Kevin James's and/or Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz's right of publicity, and other wrongful acts.

3. USE OF NAME AND LIKENESS

A. AGREEMENT NOT TO USE NAME AND/OR LIKENESS

Employee acknowledges and understands that Employee shall not, directly or indirectly, verbally or otherwise, either during or at any time after Employee's employment with the Employer use, refer to, or exploit in any manner, Kevin Knipfing a/k/a Kevin James's and/or Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz's name and/or likeness and/or identity (collectively referred to as "Name or Likeness") to promote, demonstrate, describe, display, or exhibit (collectively "promote") Employee's services or products and/or any services or products of any third-party, nor shall Employee disclose, or cause to be disclosed, any mention or reference to the foregoing Name(s) or Likeness(es) to any person, firm or entity whatsoever, (including but not limited to the media), with regard to the use of or to promote any products or services whether it be in a purported editorial use, interview, advertisement, "advertorial" or any other use, in any print or electronic media (including the internet) without the Employer's written consent. Without limiting the foregoing, Employee will not give or participate in any interviews (whether oral or written) or write or prepare, or assist in the preparation of any books, articles, programs, or other oral or written communications (including but not limited to dissemination over the Internet), mentioning or disclosing or referring, directly or indirectly, to the Employer's Name(s) or Likeness(es), nor shall Employee confirm or deny any Confidential Information of any kind (whether rumored or known in any way).

B. USE NAME AND/OR LIKENESS IS WRONGFUL

Employee acknowledges and understands that the Names and Likenesses of Kevin Knipfing and Stephanieanna James-Knipfing have substantial commercial value in promoting

and/or in association with products and/or services and that substantial efforts have been and will be dedicated to protect the value of these Names and Likenesses. Employee further acknowledges and understands that Employee's compliance with the obligation not to use or exploit either of these Names or Likenesses in promoting any services or products of Employee or of any third-party, whether in an advertisement, interview or any other manner or in any media ("prohibited use"), is an essential part of the Employer-Related Parties' efforts to protect the value of these Names and Likenesses. Employee further acknowledges that each such commercial use or attempt to commercially use either of these Names or Likenesses without the Employer's express written consent shall constitute a material breach of the terms of this Agreement, and may further constitute a wrongful misappropriation of their statutory and/or common law right of publicity as well as a violation of the federal Lanham Act, false advertising, and other wrongful acts.

4. PROPERTY RIGHTS

Employee acknowledges the[Employer-Related Parties' substantial and valuable property rights and other proprietary interests regarding their exclusive ownership and use of the Confidential Information, including such Confidential Information acquired by Employee in the course of Employee's employment with the Employer and/or related dealings with the Employer-Related Parties, such as any and all physical material (including without limitation, all copyright, trademark, patent, and other rights therein) relating to Kevin Knipfing a/k/a Kevin James and/or Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, whether prepared by Employee or otherwise coming into Employee's possession, shall remain the Employer's sole and exclusive property and shall not be used by Employee, other than as may be required in the course and scope of Employee's employment with Employer. Employee further agrees that promptly after the term of Employee's provision of services to the Employer or prior by any demand by the Employer-Related Parties, Employee shall return to the Employer-Related Parties all tangible Confidential Information in [Employee/Contractor]'s possession or control. Without limiting the foregoing, Employee shall not photograph, tape, film, or otherwise record any likenesses, performances or activities of the Employer or Employer-Related Parties, without express permission.

5. DAMAGES AND DISGORGEMENT OF MONIES

Breach of this Agreement by Employee's disclosure of Confidential Information to any Third-Party and/or any prohibited use of the Employer's Name(s) or Likeness(es) shall render Employee liable to the Employer-Related Parties for any and all damages and injuries incurred by the Employer-Related Parties as a result thereof, and shall obligate Employee to account to the Employer-Related Parties and turn over to the Employer-Related Parties, any and all monies, profits, or other consideration or benefits, which Employee has received or may receive from any unauthorized disclosure or exploitation of any of the Confidential Information and/or from any prohibited use of the Employer's Name or Likeness, all without prejudice to any other rights or remedies, legal or equitable, that the Employer-Related Parties may have as a result of the violation of the terms hereof.

6. LIQUIDATED DAMAGES

Employee agrees that any material breach or violation of this Agreement by Employee's disclosure of Confidential Information to any third-party and/or any unauthorized exploitation or prohibited use of the Employer's Name(s) or Likeness(es) shall result in substantial damages and injury to the Employer-Related Parties, the precise amount of which would be extremely difficult or impracticable to determine, even after the Parties have made a reasonable endeavor to estimate fair compensation for such potential losses and damages to the Employer-Related Parties. Therefore, in addition to disgorgement of the full amount of all monies or other consideration received by Employee in connection with any unauthorized disclosure of Confidential Information and/or any unauthorized exploitation or prohibited use of the Employer's Name(s) or Likeness(es) in violation of the terms hereof, Employee further agrees that he/she shall also be obligated to pay, and agrees to pay to the Employer-Related Parties, the total sum of One Hundred Thousand Dollars ($100,000) as a reasonable and fair amount of liquidated damages to compensate the Employer-Related Parties for any loss or damage resulting from each individual material breach of the terms hereof by any unauthorized disclosure of Confidential Information and/or any unauthorized exploitation or prohibited use of the Employer's Name(s) or Likeness(es). The Parties hereto further agree that such sum bears a reasonable and proximate relationship to the actual damages which the Employer-Related Parties will or might suffer from each material breach of the terms of this Agreement and that this amount is not a penalty. The foregoing shall not, however, release any third-party from liability for participating in or inducing a breach of this Agreement, or otherwise violating any rights of Kevin Knipfing a/k/a Kevin James, Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, or the Employer-Related Parties.

7. INJUNCTIVE RELIEF

Employee acknowledges and agrees that any breach of this Agreement due to the unauthorized disclosure or threatened disclosure by Employee to any Third-Party of any Confidential Information and/or any prohibited use of the Employer's Name(s) or Likeness(es) will cause irreparable injury to the Employer which cannot be adequately compensated by money damages. Therefore, the Employer-Related Parties shall be entitled to obtain provisional Preliminary Injunctive Relief to prevent the breach or further breach of this Agreement ("Injunctive Relief"), enjoining and restraining (a) any prohibited use of the Employer's Name(s) or Likeness(es) and/or (b) any unauthorized disclosure or use of any Confidential Information protected by the terms hereof, until all such claims for legal and equitable relief have been adjudicated. Resort to such equitable relief, shall not, however, be construed to be a waiver of any other rights or remedies which the Employer-Related Parties may have for damages or otherwise.

8. CONFIDENTIAL NATURE OF THIS AGREEMENT

Employee agrees to keep this Agreement, including all of its terms and provisions, strictly confidential, and not to disclose the same to any third-party, except as otherwise provided in Paragraphs 2(B), and 10(C) herein. Employee agrees to treat this Agreement as constituting and containing Confidential Information subject to the terms hereof.

9. INTENDED THIRD PARTY BENEFICIARIES

Each of the Employer-Related Parties, as defined hereinabove, is an intended, third-party beneficiary of the terms of this Agreement regarding any unauthorized disclosure of Confidential Information pertaining to any such Employer-Related Party, which disclosure is prohibited by the terms hereof.

10. MISCELLANEOUS PROVISIONS

A. Attorneys' Fees: In the event of any breach or anticipated breach by Employee of any of the terms of this Agreement, the prevailing party(s) in any resulting proceeding shall be entitled to recover said party's reasonable attorney's fees and costs incurred in connection with or arising out of any such breach, including but not limited to the attorney's fees and costs incurred in any resulting legal action or proceeding.

B. New York Law: This Agreement and any dispute or controversy relating to the existence, validity, meaning, interpretation, or alleged breach or threatened breach of this Agreement, shall in all respects be interpreted, enforced and governed by the laws of the State of New York.

C. Employee has read this entire Agreement and understands it. Employee is entering into this Agreement freely and voluntarily. Employee has had the opportunity to consult with legal counsel before signing this Agreement. Employee has further had an opportunity to discuss this agreement, to ask questions, and clarify its meaning and interpretations with the Employer.

D. In the event that any provision hereof is deemed to be illegal or unenforceable, such a determination shall not affect the validity or enforceability of the remaining provisions thereof, all of which shall remain in full force and effect. In the event that such any provision shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

E. This Agreement does not alter in any way the fact the Employee is an employee at will and that Employee's employment may be terminated by Employee or the Employer for any reason or no reason at all.

F. This Agreement may be executed with one or more separate counterparts, each of which, when so executed shall, together, constitute and be one and the same instrument. A facsimile or other copy of a signed counterpart of this Agreement shall be deemed an original. A photocopy or facsimile shall have the same force and effect as if it were a signed original.

By their signatures below, the Parties hereto have approved and executed this Agreement as of the date first written above.

"EMPLOYER"

Dated:_____ By: _____

Kevin Knipfing

"EMPLOYEE"

Dated: 1/31/2018 By: _____

Print Name: Lidia M. Orrego

Address: 95-08 Queens Blvd Apart 3E.

Phone: 347-4532234

EXHIBIT 7

Post-Recusal Purported Act Docketed as DE [245]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

LIDIA M. ORREGO,

Plaintiff,

- against -

KEVIN KNIPFING, et al.,

Defendants.

----------X

JUDGMENT
CV 20-3361 (SJB) (AYS)

A Memorandum and Order of the Honorable Sanket J. Bulsara, United States District Judge, having been filed on May 8, 2026, granting Defendants' motion for summary judgment; denying Plaintiff's motion for summary judgment; denying Plaintiff's motion for leave to appeal *in forma pauperis*; ordering a permanent filing injunction on Plaintiff, and that it be lifted solely for the purpose of filing any notice of appeal; enjoining Plaintiff from further filings in this case and from initiating future actions in the Eastern District of New York absent a Court order; and directing the Clerk of Court to enter judgment and close the case, it is

ORDERED AND ADJUDGED that Plaintiff Lidia M. Orrego take nothing of Defendants Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIC LLC, Old Westbury LLC, Steven Savitsky, and Teresa A. Zantura; that Defendants' motion for summary judgment is granted; that Plaintiff's motion for summary judgment is denied; that Plaintiff's motion for leave to appeal *in forma pauperis* is denied; that the Court lifts the permanent filing injunction on Plaintiff Orrego solely for the purpose of filing any notice of appeal; that Orrego is enjoined from further filings in this case and initiating future actions in the Eastern District of New York absent a Court order; and that this case is closed.

Dated: May 8, 2026
Central Islip, New York

BRENNA B. MAHONEY
CLERK OF COURT

BY: /S/ JAZMIN M. CUBANO
DEPUTY CLERK

EXHIBIT 8

This demonstrative exhibit summarizes the evidentiary record identified in Plaintiff's Motion to Vacate and supporting submissions.
It is intended as an organizational aid to assist locating the corresponding documentary evidence contained in the official court record, the representative exhibits attached to this Mandamus, and the enclosed digital evidence.

MAP OF EVIDENCE
SUPPRESSED, DISREGARDED, OMITTED, OR MISCHARACTERIZED
IN THE POST-RECUSAL PURPORTED ACT (VOID AND NULL) DOCKETED AS DE 244

EDNY Case No. 2:20-cv-03361-SJB-AYS

Demonstrative Summary of Plaintiff's Summary Judgment Record

This Map summarizes how evidence in Plaintiff's Summary Judgment submissions was suppressed, disregarded, omitted, or mischaracterized in the post-recusal purported act (void and null) docketed as DE 244.

See Motion to Vacate (MC DE 6) and Exhibit 6.

THIS MAP IS ORGANIZED INTO 8 CATEGORIES:

1 PROCEDURAL DUE PROCESS VIOLATIONS

- Order of Recusal and Random Reassignment (Nov. 17, 2025)
- Post-recusal purported acts (DE 244 & DE 245)
- Electronic evidence upload issues and restrictions
- Ex parte communications
- Local Rule 7.1 and Rule 56 procedures not followed

RECORD SUPPORT
- Order of Recusal (Nov. 17, 2025)
- DE 244 (purported act – void and null)
- DE 245 (purported act – void and null)
- Motion to Vacate (MC DE 6)
- Correspondence and Orders re: upload link and communication restrictions

2 EVIDENCE SUBMITTED BUT DISREGARDED

- Affidavits
- Declarations
- Rule 56.1 Counterstatement (DE 224-2)
- Documentary evidence
- Audio recordings
- Digital evidence (photos, videos)
- Expert evaluations and opinions

RECORD SUPPORT
- DE 224 • DE 224-2 • DE 226
- DE 228 • DE 229

3 EVIDENCE MISCHARACTERIZED

- Facts distorted
- Context omitted
- Selective citation of evidence
- Conclusions not supported by the record
- Misleading characterization of testimony and documents

RECORD SUPPORT
- Motion to Vacate (MC DE 6)
- Affirmation in Support (Exhibit 4)
- Comparative Analysis of False Statements (within Exhibit 6)
- Master Evidence Map (Exhibit 6)

MAP OF EVIDENCE

SUPPRESSED, DISREGARDED, OMITTED, OR MISCHARACTERIZED

IN THE POST-RECUSAL PURPORTED ACT (VOID AND NULL) DOCKETED AS DE 244

EDNY Case No. 2:20-cv-03361-SJB-AYS

Demonstrative Summary of Plaintiff's Summary Judgment Record

This Map summarizes how evidence in Plaintiff's Summary Judgment submissions was suppressed, disregarded, omitted, or mischaracterized in the post-recusal purported act (void and null) docketed as DE 244.

See Motion to Vacate (MC DE 6) and Exhibit 6.

4 CREDIBILITY DETERMINATIONS WITHOUT EVIDENTIARY BASIS

- Sworn testimony disregarded
- Documentary evidence discounted
- No evidentiary hearing
- Credibility findings based on disputed facts
- Improper weighing of evidence at summary judgment stage

RECORD SUPPORT

- Depositions and Affidavits (DE 224, 226, 228)
- Rule 56.1 Submissions (DE 224-2)
- Documentary Exhibits (DE 224, 226, 228, 229)

5 MATERIAL FACTS OMITTED

REPRESENTATIVE DOCUMENTS

- ☑ Judge Gary R. Brown's Memorandum and Order (DE 30)
- ☑ Rebecca Uzcategui Investigation Interview
- ☑ Investigation Report
- ☑ Department of Labor Records
- ☑ November 27, 2018 Termination Letter
- ☑ Loft Legal Opinion
- ☑ Teresa Zantua Text Messages
- ☑ Plaintiff's Emails
- ☑ Upload-Link Requests and Responses
- ☑ Order Directing Plaintiff Not to Contact Chambers
- ☑ Judge Bulsara's Individual Rules
- ☑ Photographs, Audio Recordings, Videos, ESI

RECORD SUPPORT

- DE 30
- DE 224
- DE 224-2
- DE 226
- DE 228
- DE 229
- Motion to Vacate (MC DE 6)
- Exhibit 6
- Exhibit 10 (Digital Evidence)

6 MISAPPLICATION OF LAW

- Rule 56 Summary Judgment Standards
- Controlling Precedent
- Recusal and Disqualification Principles
- Rule 60(b)(3), (b)(4), (b)(6), and 60(d)(3)
- Due Process Rights
- Misinterpretation of Evidence Law

RECORD SUPPORT

- Memorandum of Law in Support (Exhibit 5)
- Motion to Vacate (MC DE 6)
- Legal Authorities Cited in MC DE 6

MAP OF EVIDENCE

SUPPRESSED, DISREGARDED, OMITTED, OR MISCHARACTERIZED

IN THE POST-RECUSAL PURPORTED ACT (VOID AND NULL) DOCKETED AS DE 244

EDNY Case No. 2:20-cv-03361-SJB-AYS

Demonstrative Summary of Plaintiff's Summary Judgment Record

This Map summarizes how evidence in Plaintiff's Summary Judgment submissions was suppressed, disregarded, omitted, or mischaracterized in the post-recusal purported act (void and null) docketed as DE 244.

See Motion to Vacate (MC DE 6) and Exhibit 6.

7

IMPROPER SUMMARY JUDGMENT

- Genuine disputes of material fact exist
- Documentary and testimonial conflicts
- Evidence viewed in the light most favorable to Defendants
- Improper resolution of factual disputes
- Failure to draw all reasonable inferences in Plaintiff's favor

RECORD SUPPORT

- DE 224
- DE 224-2
- DE 226
- DE 228
- DE 229
- Motion to Vacate (MC DE 6)
- Exhibit 6
- Exhibit 10 (Digital Evidence)

SUMMARY: The purported act (DE 244) resolved disputes of material fact, ignored conflicting documentary evidence, and drew inferences against Plaintiff in violation of Rule 56.

8

PATTERN IDENTIFIED IN THE MOTION TO VACATE

ACCORDING TO THE MOTION TO VACATE, SUPPORTING AFFIRMATION, MEMORANDUM OF LAW, AND COMPARATIVE ANALYSIS OF FALSE STATEMENTS:

- Documentary evidence omitted
- Documentary evidence selectively cited
- Documentary evidence mischaracterized
- Material facts disregarded
- Due process concerns
- Record-based factual inconsistencies
- Pattern of factual distortion throughout the purported acts (DE 244 & DE 245)

RECORD SUPPORT

- Motion to Vacate (MC DE 6)
- Affirmation in Support (Exhibit 4)
- Memorandum of Law (Exhibit 5)
- Comparative Analysis of False Statements (Exhibit 6)
- Master Evidence Map (Exhibit 6)
- Exhibit 10 (Digital Evidence)

SUMMARY: The pattern of suppression, omission, and mischaracterization of evidence demonstrates a consistent disregard for Plaintiff's record and due process rights.

MAP OF EVIDENCE

SUPPRESSED, DISREGARDED, OMITTED, OR MISCHARACTERIZED

IN THE POST-RECUSAL PURPORTED ACT (VOID AND NULL) DOCKETED AS DE 244

EDNY Case No. 2:20-cv-03361-SJB-AYS

Demonstrative Summary of Plaintiff's Summary Judgment Record

This Map summarizes how evidence in Plaintiff's Summary Judgment submissions was suppressed, disregarded, omitted, or mischaracterized in the post-recusal purported act (void and null) docketed as DE 244.

See Motion to Vacate (MC DE 6) and Exhibit 6.

RECORD REFERENCES

- DE 30 (Judge Gary R. Brown's Memorandum and Order)
- DE 224 (Opposition / Exhibits)
- DE 224-2 (Rule 56.1 Statement)
- DE 226 (Plaintiff's MSJ Package)
- DE 228 (Additional Exhibits)
- DE 229 (Flash Drive – Digital Evidence)
- DE 244 (Purported Act – Void and Null)
- DE 245 (Purported Act – Void and Null)
- Motion to Vacate (MC DE 6)
- Exhibit 6 (Master Evidence Map)
- Exhibit 10 (Digital Evidence)

MISCELLANEOUS CASE NO. 2:26-mc-01957-SJB

- MC initiated for Motion to Vacate purported acts (DE 244 & DE 245)
- Relief sought under FRCP 60(b), 60(d)(3) and 62.1
- Fraud upon the Court
- Suppression and mischaracterization of material evidence
- Violation of Rule 56 and Local Rules
- Due process violations
- Request for vacatur of void and null acts

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

- Appeal Nos. 25-1802, 25-1810, 25-2399, 26-899, 26-1576
- FRAP 12.1 Filings
- Notices and Correspondence
- Related Motions and Orders
- Judicial misconduct complaint regarding failure to correct egregious errors

DIGITAL EVIDENCE (EXHIBIT 10)

Disc 1 of 2 – Folders 1–8 (Photos, Audio, Documents, Emails, Texts, ESi, etc.)

Disc 2 of 2 – Folder 9 (Original Videos Jan–Nov 2018)

All evidence was properly submitted but ignored, disregarded, or mischaracterized.

KEY IMPACT The suppression, disregard, omission, and mischaracterization of this evidence affected the outcome of the case and denied Plaintiff a fair and impartial adjudication.

CONCLUSION

This demonstrative Map shows a consistent pattern of suppression, mischaracterization, and legal error that affected the outcome of the case and denied Plaintiff a fair and impartial adjudication.

JUSTICE DELAYED. IS JUSTICE DENIED.

> *"A judge who deceives litigants under the cloak of law, or who is capable of doing so, should be held to answer."*
>
> — Judge John J. McNally, Jr. (Dissent)
> In re: Inquiry Concerning a Judge, 491 A.2d 278, 280 (N.J. 1985)

AUTHORITIES SUPPORTING THIS MAP

- Federal Rules of Civil Procedure: 56, 60(b), 60(d)(3), 62.1
- 28 U.S.C. §§ 455, 144
- *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988)
- *Holzer v. County of Suffolk*, 376 F.3d 225 (2d Cir. 2004)
- McNally Dissent: In re: Inquiry Concerning a Judge, 491 A.2d 278 (N.J. 1985)

EXHIBIT 9

CLERK
U.S. BANKRUPTCY
EASTERN DISTRICT OF
2025 OCT 21 A 7:49

October 20, 2025

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

RECEIVED
OCT 21 2025
EDNY PRO SE OFFICE

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

RE: Plaintiff's Request for Leave to File a Sur-Reply or Motion to Strike Based on Defendants' Non-Compliance with Local Rule 56.1(c), Warranting Admission of Plaintiff's Facts Under Rule 56.1(d), and to Strike ¶¶129–178 Pursuant to FRCP 12(f), FRCP 37, and FRE 403; and, for the record, Leave Noted Regarding the Court's Refusal of Plaintiff's Revised Opposition Under FRCP 15(a)(2) — "freely give[n] when justice so requires" (DE [115]) attached Filed October 10, 2025, Returned October 20, 2025.

Dear Judge Bulsara,

REC'D IN PRO SE OFFICE
OCT 21 '25 AM8:58

Plaintiff respectfully requests leave to file:

• A Sur-Reply, not exceeding five pages, to address Defendants' Reply Memorandum DE [222]. Defendants failed to file a Local Rule 56.1(c) reply to Plaintiff's facts supported by evidence DE [224-2], warranting their admission under Rule 56.1(d). Defendants' "false statements" claim lacks evidence, while Plaintiff's facts are supported by discovery and docket records.

• A Motion Strike ¶¶ 129–178 of DE [221] under FRCP 12(f), 37, and FRE 403 as immaterial, prejudicial, and unsupported.

For the record, Court denied Plaintiff's revised Opposition under FRCP 15(a)(2) DE [115].

Plaintiff can file within seven days of approval.

Respectfully submitted,

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

Word Count Certification: 100.-

To: All Parties registered ECF. Attached Certificate of Service. Total pages filed: 4.-

FILED
2025 OCT 10 AM 12:00
U.S. DISTRICT COURT
E.D.N.Y.

October 10, 2025

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

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

RE: Plaintiff's Request for Leave to File a Sur-Reply or Motion to Strike Based on Defendants' Non-Compliance with Local Rule 56.1(c), Warranting Admission of Plaintiff's Facts Under Rule 56.1(d), and to Strike ¶¶129–178 Pursuant to FRCP 12(f), FRCP 37, and FRE 403; and, for the record, Leave Noted Regarding the Court's Refusal of Plaintiff's Revised Opposition Under FRCP 15(a)(2) — "freely give[n] when justice so requires" (DE [115])

Dear Judge Bulsara,

Plaintiff respectfully requests leave to file:

• A Sur-Reply, not exceeding five pages, to address Defendants' Reply Memorandum DE [222]. Defendants failed to file a Local Rule 56.1(c) reply to Plaintiff's facts supported by evidence DE [224-2], warranting their admission under Rule 56.1(d). Defendants' "false statements" claim lacks evidence, while Plaintiff's facts are supported by discovery and docket records.

• A Motion Strike ¶¶ 129–178 of DE [221] under FRCP 12(f), 37, and FRE 403 as immaterial, prejudicial, and unsupported.

For the record, Court denied Plaintiff's revised Opposition under FRCP 15(a)(2) DE [115].

Plaintiff can file within seven days of approval.

Respectfully submitted,

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

Word Count Certification: 100.-

To: All Parties registered ECF. Attached Certificate of Service. Total pages filed: 2.-

EXHIBIT 10

FILED
CLERK
2026 JUN 24 PM 9:17
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

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

RECEIVED
JUN 29 2026
PRO SE OFFICE

Case No. 2:20-cv-03361 (SJB)(AYS)
Reassigned November 17, 2025 (PKC)(TAM)

NOTICE OF MOTION TO VACATE PURSUANT TO FED. R. CIV. P. 60(b)(3), 60(b)(4), 60(b)(6), AND 60(d)(3), AND FOR AN INDICATIVE RULING PURSUANT TO FED. R. CIV. P. 62.1

This motion is respectfully submitted for consideration by the **Honorable Pamela K. Chen, United States District Judge, and Magistrate Judge Taryn A. Merkl, as the judicial officers vested with jurisdiction over this action following the November 17, 2025, Order of Recusal.** Plaintiff does not seek relief from, or review by, any judicial officer previously recused or disqualified from this action. If any portion of this motion is referred to, reviewed by, routed to, or acted upon by a judicial officer previously recused or disqualified from this action, Plaintiff expressly objects and preserves all objections concerning jurisdiction, authority, recusal, due process, and judicial disqualification.

PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Lidia M. Orrego, dated June 24, 2026, together with Exhibits 1 through 26 annexed thereto, the accompanying Memorandum of Law, and all prior proceedings and papers on file in this action, Plaintiff Lidia

M. Orrego, Pro Se, will move this Court, before the Honorable Pamela K. Chen, United States

REC'D IN PRO SE OFFICE
JUN 29 '26 AM 10:49

District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, **at a date and time to be determined by the Court, for an Order:**

1. Pursuant to Fed. R. Civ. P. 62.1(a)(3), issuing an indicative ruling stating either (i) that the Court would grant Plaintiff's motion for relief under Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3) from the Memorandum and Order entered May 8, 2026 (DE [244]) and the Judgment entered the same day (DE [245]) if the Court of Appeals for the Second Circuit remands for that purpose, or (ii) that this motion raises a substantial issue;

2. Pursuant to Fed. R. Civ. P. 60(b)(4), vacating DE [244] and DE [245] as orders entered without jurisdiction — void ab initio — by a judicial officer who had been recused by Order entered November 17, 2025 (Exhibit 12), 172 days before DE [244] and DE [245] were entered;

3. Pursuant to Fed. R. Civ. P. 60(b)(3), vacating DE [244] and DE [245] for fraud, misrepresentation, and misconduct by Defendants, including the submission of a blank errata sheet (Exhibit 15) in lieu of Plaintiff's executed notarized errata sheet (Exhibit 14), and the submission of falsified written deposition responses (DE [84]);

4. Pursuant to Fed. R. Civ. P. 60(d)(3), vacating DE [244] and DE [245] for fraud upon the court, including the same-day removal of Plaintiff's authorized submissions through Miscellaneous Case 2:26-mc-01957 (Exhibits 9–10), and the section-by-section adoption of Defendants' submissions in DE [244] without independent analysis of Plaintiff's contrary evidence;

5. Pursuant to Fed. R. Civ. P. 60(b)(6), vacating DE [244] and DE [245] based on extraordinary circumstances, including the reversal of six findings from DE [30] (Exhibit 11) without citation, the permanent district-wide filing injunction imposed without Safir analysis,

notice, or hearing, and the cumulative effect of the twenty-one false statements and omissions documented in the Affirmation (FS1–FS21);

6. Vacating the permanent district-wide filing injunction imposed by DE [244] as a post-recusal void act, and as an injunction imposed without compliance with the requirements of *Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986),* without notice, without a show-cause order, without a hearing, and without individualized analysis of any specific filing under any subsection of Fed. R. Civ. P. 11(b);

7. Directing the Clerk of Court to correct the case designation to reflect "2:20-cv-03361-PKC-TAM," consistent with the November 17, 2025, Order of Recusal and the CM/ECF designation in effect from November 17, 2025, through November 26, 2025;

8. Calendaring Plaintiff's letter motion DE [232], filed November 18, 2025, and addressed to Judge Chen, which remains pending and undecided; and

9. Granting such other and further relief as the Court deems just and proper.

This motion is based upon: the Affirmation of Lidia M. Orrego dated June 24, 2026 (Sections I through V), with Exhibits 1 through 26 physically attached; the Memorandum of Law dated June 24, 2026; the Exhibit Table; the Proposed Order; the two CD/DVD discs (Exhibit 4) re-submitted pursuant to Fed. R. Civ. P. 56(e)(1); and all prior proceedings and papers on file in this action, including the complete summary judgment record at DE [224], DE [226], DE [228], and DE [229].

Plaintiff respectfully requests that the Court extend to her, as a Pro Se litigant, the leniency to which she is entitled under governing Second Circuit authority. See *Erickson v. Pardus, 551 U.S. 89, 94 (2007); Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474–75 (2d Cir. 2006).*

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

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

To:

Gordon Rees Scully Mansukhani LLP
Counsel for Defendants (via ECF and email)

FILING INVENTORY NOTE

Documents Submitted Concurrently:

00 Application for Leave to File
01 Notice of Motion (this document)
02 Affirmation of Lidia M. Orrego in Support
03 Memorandum of Law
04 Exhibit Table
05 Proposed Order
06 Affirmation of Service
Exs. 1–26 Exhibits Physically Attached (1e–304e; see Exhibit Table for complete index)

Ex. 4 Exhibit 4 consists of two CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) containing the electronic evidence previously submitted as DE [229] on October 8, 2025, re-submitted pursuant to Fed. R. Civ. P. 56(e)(1). The cover page of Exhibit 4 (filed via ECF) contains a photograph of the two discs and a complete inventory of their contents. Physical copies of the two discs are being served on Defendants\u2019 counsel by first-class mail simultaneously with this filing.

Total Pages Submitted (all documents): 397
Hard Copy Provided (per Judge Chen Individual Practices): ☒ Yes
Courtesy Copy to Judge Chen Chambers (without CD/DVD): ☒ Yes
Letter to Chief Judge Brodie: ☒ Yes
FRAP 12.1(a) Notice filed in Second Circuit Case No. 26-1576: ☒ Yes

EXHIBIT 10-A

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

Case No. 2:20-cv-03361 (SJB)(AYS)
Reassigned November 17, 2025 (PKC)(TAM)

AFFIRMATION OF LIDIA M. ORREGO IN SUPPORT OF MOTION TO VACATE

1. I, Lidia M. Orrego, affirm under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

2. For purposes of this Affirmation and the accompanying motion papers, the following abbreviations are used after first reference: Kevin Knipfing aka Kevin James ("Knipfing"); Stephanieanna James-Knipfing aka Steffiana de la Cruz ("S. Knipfing"); Teresa A. Zantua ("Zantua"); Steve Savitsky ("Savitsky"); Skylar Testa ("Testa"); Rebecca Uzcategui aka Rebeca Lugo ("Uzcategui"); Cristina Selga aka Cristina Coimbra ("Selga"); Gerardo Guarino ("Guarino"); Manuela E. Orrego ("Manuela Orrego"); Ximena Espinoza ("Espinoza"); Dr. Jason Hochfelder MD / First Choice Evaluation LLC (collectively "IME Hochfelder"); WCLJ Barry Greenberg ("WCLJ Greenberg"); Rachel Martinez ("Martinez"); Charles Stanislaus ("Stanislaus"); Sam Santiago ("Santiago"); Savitsky Satin Bacon & Bucci ("SSBB"); Ground Control Business Management ("GCBM"); Gordon Rees Scully Mansukhani LLP ("GRSM"); Non-Disclosure Agreement ("NDA"); Workers' Compensation Board ("WCB"); Department of Labor ("DOL"); Notice of Electronic Filing ("NEF"); In Forma Pauperis ("IFP"); Loft Legal Opinion ("Loft Opinion"); Hostile Work Environment ("HWE"); Notice of Appeal ("NOA").

PRELIMINARY STATEMENT

3. I submit this Affirmation in support of my Motion to Vacate the Memorandum and Order entered May 8, 2026 ("DE [244]") and the Judgment entered the same day ("DE [245]") pursuant to Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), and for an indicative ruling pursuant to Fed. R. Civ. P. 62.1.

4. On June 1, 2026, I filed a Notice of Appeal ("NOA") (DE [246]) from DE [244] and DE [245], and from all prior interlocutory orders merged therein. ***Ginett v. Computer Task Group, Inc.***, 962 F.2d 1085, 1091 (2d Cir. 1992). That appeal is pending as Case No. 26-1576.

5. Because the pending appeal divests this Court of jurisdiction over those aspects of the case involved in the appeal, ***Griggs v. Provident Consumer Discount Co.***, 459 U.S. 56, 58 (1982), I respectfully request that this Court proceed under Fed. R. Civ. P. 62.1(a) and state either that it would grant the relief requested herein if the Second Circuit remands, or that this motion raises a substantial issue.

6. The evidence and arguments set forth in this Affirmation represent the most material, most readily verifiable, and most outcome-determinative issues in the record. The examples set forth herein are representative — not exhaustive — of a pattern of false statements, fraud upon the court, and suppression of evidence that permeates DE [244]'s 29 pages. I expressly reserve all rights and arguments not specifically addressed herein.

7. All pre-recusal interlocutory orders — including DE [87] and DE [88] — have merged into the final judgment pursuant to the merger doctrine and are subject to plenary review by the Second Circuit in Case No. 26-1576. This motion does not seek vacatur of any interlocutory order entered prior to DE [244] and DE [245]. Nothing herein constitutes a waiver of any challenge to any interlocutory order.

SECTION I
JURISDICTIONAL AND PROCEDURAL HISTORY — THE NOVEMBER 17, 2025, ORDER OF RECUSAL

8. I am the Plaintiff Pro Se in Case No. 2:20-cv-03361, which I filed in 2020 against Kevin Knipfing aka Kevin James ("Knipfing"), Stephanieanna James-Knipfing aka Steffiana de la Cruz ("S. Knipfing"), Old Westbury EDDIE LLC, Old Westbury, LLC, Steve Savitsky ("Savitsky"), and Teresa A. Zantua ("Zantua"), arising from my employment in the Knipfing household from January 31, 2018 through November 27, 2018, when I was wrongfully terminated under the name of a nonexistent corporate entity admission by Defendants' Counsel on November 2025 filing in the U.S. Court of Appeal Second Circuit.

9. On November 17, 2025, at 12:56 p.m. EST, the Honorable Sanket J. Bulsara entered an Order of Recusal. The Notice of Electronic Filing ("NEF") states: "*ORDER OF RECUSAL. Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields recused. Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings.*" Exhibit 12 hereto is a true and correct copy of the NEF dated November 17, 2025. The CM/ECF system designated the case as "2:20-cv-03361-PKC-TAM" — objective, system-generated proof that the Clerk's Office immediately implemented the reassignment to Judge Chen and Magistrate Judge Merkl.

10. The November 17, 2025, Order of Recusal is an active, valid, and unreversed order. **It has never been vacated, appealed, or modified by any judicial act.** Jurisdiction over this action vested in Judge Chen and Magistrate Judge Merkl as of November 17, 2025.

11. On November 18, 2025, I submitted DE [232], a letter motion addressed to Judge Chen captioned under "2:20-cv-03361-PKC-TAM," requesting a pre-motion conference, restoration of filing rights, and guidance on refiling my Summary Judgment papers. Exhibit 8 hereto is a true

and correct copy of DE [232]. DE [232] remains pending and undecided. No order has been disposed of it.

12. On November 26, 2025, the docket was administratively reverted by clerk notation from "**2:20-cv-03361-PKC-TAM**" back to "2:20-cv-03361-SJB-AYS." This reversion was a clerical entry unaccompanied by any judicial order. A clerk's administrative notation cannot vacate, modify, or override a judicial order of recusal entered pursuant to 28 U.S.C. § 455.

13. On November 5, 2025, all pending motions — including DE [221] (Defendants' Summary Judgment motion) and DE [226] (my cross-motion) — were withdrawn. Exhibit 13. No order of Judge Chen — and no order of any properly authorized judicial officer — reinstated those motions. The November 26, 2025, clerk notation purporting to reinstate them is void as a non-judicial act.

14. On May 5, 2026, I filed three authorized submissions in this action. On May 8, 2026 — the same day DE [244] and DE [245] were entered — MC 2:26-mc-01957-SJB was opened, my three submissions were removed from the 20-cv-3361 docket, and the miscellaneous case was immediately closed. DE [244] then stated no supplemental evidence was on the record. Exhibits 9–10.

15. On May 8, 2026 — 172 days after the November 17, 2025, Order of Recusal — DE [244] and DE [245] were entered under "2:20-cv-03361-SJB-AYS" by the recused judicial officer who had no authority over this action.

16. On March 24, 2026 — 127 days into the post-recusal void period — an order was entered purporting to deny my recusal motion (DE [203]) by the recused judge adjudicating the very motion that had disqualified him. ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847, 860–61 (1988). That order is void ab initio. It is cited here as evidence of the 172-day jurisdictional usurpation, not as a separate target of this motion.

17. Because Rule 60(b)(4) relief from a void judgment is mandatory rather than discretionary, ***Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee***, 456 U.S. 694, 702 (1982), this Court should state, pursuant to Rule 62.1(a)(3), that it would vacate DE [244] and DE [245] on this ground alone if the Second Circuit remands for that purpose.

SECTION II
DE [244] SUPPRESSED, DISREGARDED, AND SELECTIVELY CITED PLAINTIFF'S EVIDENCE IN VIOLATION OF FED. R. CIV. P. 56

18. The role of the Court is not to facilitate, perpetuate, or give effect to factual assertions that are contradicted by the evidentiary record. The judicial function is to determine what the record actually shows, to evaluate the evidence presented by all parties, and to ensure that decisions are grounded in facts supported by admissible evidence. Where the record contains evidence contradicting a party's factual narrative, the Court's obligation is to address that evidence and determine whether a genuine dispute exists. Failure to do so risks transforming the Summary Judgment process from an evaluation of evidence into an acceptance of assertions.

19. The argument in this Section is structural and record-based. DE [244] made specific factual findings testable against specific record items. The argument is not that this Court reached the wrong conclusion on disputed evidence. The argument is that DE [244] suppressed, disregarded, or selectively cited my contrary evidence without explaining why that evidence failed to create a genuine dispute — which is precisely what Fed. R. Civ. P. 56 forbids. ***Anderson v. Liberty Lobby, Inc.***, 477 U.S. 242, 255 (1986). At the Summary Judgment stage, the Court may not weigh evidence, make credibility determinations, or resolve disputed issues of fact. ***Robinson v. De Niro***, No. 19-CV-9156 (LJL), 2023 WL 3611839, at *13–15 (S.D.N.Y. May 25, 2023) (denying Summary Judgment on discrimination and retaliation claims where competing evidence created genuine disputes of material fact requiring jury resolution).

20. The Court expressly represented that Plaintiff would not be restricted from presenting evidence in connection with summary judgment. In its July 11, 2025 Order, the Court stated that it was "not imposing any restriction on Plaintiff's ability to make any argument (or present any evidence) in support of her motion for summary judgment (or in opposition to Defendants' motion for summary judgment)," and further confirmed that the parties "may submit evidence, in the form of Rule 56.1 statements (and exhibits thereto), in connection with summary judgment." Despite those assurances, DE [244] disregarded substantial categories of Plaintiff's evidentiary submissions, including materials Plaintiff repeatedly sought leave to supplement, correct, or refile.

21. Purported Act DE [244] is not the product of an independent evaluation of the competing Summary Judgment record. Instead, it repeatedly adopts Defendants' factual assertions and legal characterizations while suppressing, disregarding, or selectively citing at least twenty-two categories of Plaintiff's evidence. The Order fails to reconcile material contradictions in the record, fails to explain why Plaintiff's evidence does not create genuine disputes of material fact, and repeatedly credits Defendants' narrative notwithstanding contrary evidence contained in the Summary Judgment record. Such selective treatment of the evidence is incompatible with the Court's obligation under Rule 56 to view the record as a whole and in the light most favorable to the nonmoving party.

22. I submitted an extensive Summary Judgment record in DE [224], DE [226], and DE [228], including a 95-page affidavit; a Local Rule 56.1 Counterstatement containing approximately 178 individually numbered paragraphs; audio recordings; transcripts; text messages; emails; photographs; documentary exhibits; and investigative materials. Exhibit 26 to this Affirmation is the **Master Evidence Map** documenting the evidence submitted and what DE [244] did with each item. The examples below are representative — not exhaustive.

A. DE [244]'S "SECRETLY RECORDED" FINDING: NINE INDEPENDENT CATEGORIES OF EVIDENCE SUPPRESSED

23. DE [244] at page 20 (Page ID #15492) states I was terminated for *"secretly recording conversations and taking unauthorized pictures and videos in violation of the NDA she signed."* Nine independent categories of record evidence contradict this finding:

- **Category 1** — Authorization from day one of employment (February 17, 2018): photographs and videos "REQUESTED AND AUTHORIZED by employers" — AC Ex.21 p.104 (DE [224-4]). No NDA existed from January 31, 2018, through October 31, 2018.

- **Category 2** — Eight-month employer-accepted photography beginning March 29, 2018: first photograph sent to S. Knipfing from the playroom (DE [224-9] Exhibit 6). Received without objection, without warning, without NDA enforcement, for eight continuous months. Defendants **produced absolutely no evidence—zero emails, zero text messages, zero policies, zero warnings, zero written notices, and zero testimony**—showing that Kevin Knipfing, Stephanieanna James-Knipfing, Skylar Testa, Teresa A. Zantua, or any household representative ever instructed, warned, notified, or advised ME that photographs or videos of the residence, the children, the family, or household activities were prohibited. To the contrary, the Summary Judgment from Defendants DE [224] record contains contemporaneous evidence demonstrating that photographs and videos were requested, authorized, exchanged, received, and retained by Defendants during my employment. Accordingly, Defendants failed to establish that any photograph or video was secretly taken or obtained in violation of any policy, instruction, confidentiality restriction, Non-Disclosure Agreement, or other known prohibition.

- **Category 3 — Supervisor Orders Authorizing Photographs.** The summary judgment record contains contemporaneous evidence demonstrating that I was expressly requested to take photographs during my employment. For example, on October 19, 2018, Teresa A. Zantua texted

me: ***"Lidia will u take a picture of the apple juice so I can get more, please"*** **(DE [224-16] p.52, Page ID #13478; Exhibit 21). DE [244], fn. 9,** nevertheless states that no such documents exist. This text message directly contradicts that finding and constitutes a "Smoking Gun" omission because no inference, credibility determination, or factual dispute is required to establish the contradiction. Defendants produced no emails, text messages, policies, warnings, notices, signed agreements, or testimony showing that I was prohibited from taking photographs or videos during my employment from January 31, 2018 through October 2018. The record instead contains evidence that Defendants requested, authorized, exchanged, received, and retained photographs and videos. Moreover, the Loft Legal Opinion (DE [224-32]; DE [228-22], Exhibit 44) concluded that: (I) no valid NDA was executed on January 31, 2018; (II) the 821 photographs, 172 videos, and 26 recordings predated any purported NDA; (III) the NDA violated New York Labor Law Article 19-B; (IV) three differing NDA versions constitute evidence of fraud; and (V) the NDA is void and unenforceable under New York law. Accordingly, Defendants failed to establish that any photograph, video, or recording was created in violation of an existing NDA, confidentiality agreement, policy, warning, or communicated restriction. This text was not an isolated communication. I submitted additional contemporaneous evidence showing that photographs and videos were requested, authorized, and retained by Defendants throughout my employment. DE [244] does not address or reconcile this evidence.

- **Category 4** — Kevin Knipfing openly present during the October 23, 2018, recording — phone held openly in front of him. DE [224-17] Exhibit 14; DE [228-13] Exhibit 35 (Exhibit 23).
- **Category 5** — Knipfing authorized third-party access "*Yes*" on November 26, 2018 — one day before the termination letter — to the same recordings used as Termination Reason 1 the following day. AC ¶53 (DE [224-4]).

- **Category 6** — All evidence delivered to Knipfing for investigation: Report 7 email November 16, 2018, additionally 821 photographs, 172 videos, and 26 audio recordings delivered to Knipfing and S. Knipfing or Zantua. DE [224-22] Bates PLA002092; DE [228-19] Exhibit 41.
- **Category 7** — S. Knipfing **demanded footage review same day as complaint**: November 2, 2018, text at 2:30 p.m. — "*give me dates and times, and we will judge from camera footage*" — DE [224-19]; DE [226-15] Exhibit 10.
- **Category 8** — Other employees took photographs inside the residence without NDA enforcement: Selga Facebook posts (AC Ex.22 p.107); S. Knipfing shared photos in group texts (DE [224-4] p.114 Page ID #13279); Knipfing posted October 23 event publicly on Instagram (DE [224-18]; DE [228-16]). Gerardo Guarino ("Guarino") (chef) posted household photographs on social media without discipline or NDA enforcement (Exhibit 6 DE [202] Folder 7).
- **Category 9** — Binding July 5, 2022, Scheduling Order (GRB-AYS) (Exhibit 16): "**these documents are to be exchanged by all parties regardless of how that party came into possession.**" Never cited in DE [244]'s 29 pages. Directly contradicts "secretly recorded" finding.

24. DE [244] did not address any of these nine categories. Under ***Anderson***, 477 U.S. at 255, a court may not resolve a factual dispute by adopting one party's version where the record contains admissible evidence supporting a competing version. The omission is particularly significant because my evidence was not limited to a single document or isolated assertion. The summary judgment record contained contemporaneous emails, text messages, recordings, transcripts, photographs, videos, affidavits, investigative materials, judicial records, medical records, and authenticated electronic evidence supporting my version of events. By failing to address this contrary evidence while adopting Defendants' characterization of disputed facts, DE [244] did not explain why the evidence failed to create genuine disputes of material fact requiring resolution by a factfinder rather than on Summary Judgment.

B. RYDAN REPORT / FARAGHER-ELLERTH: SELECTIVELY CITED WHILE SUPPRESSING THE CONTRADICTING PORTION; WRONG COMPLAINANT; DE [30] REVERSED WITHOUT CITATION

25. I was hired on January 31, 2018. Uzcategui filed a complaint with Knipfing in 2017 — one full year before I was hired — concerning Zantua's conduct. Corrective measures were offered (see DE [30] H. Judge Gary R. Brown's decision September 30, 2021; Exhibit 11). The question is whether those measures — offered to a different employee, for a different complaint, one year before I was hired — satisfy Faragher/Ellerth as to my 2018 complaint. They cannot.

26. **Error A** — Wrong complainant. The complete documented response to my November 2, 2018, complaint: NDA delivered November 6 (four days after my complaint); Rydan investigators interviewed me November 12; Defendants' own investigators confirmed my complaints were true (DEFS_000020-23; Exhibit 17); termination letter November 27, 2018. **No corrective measures.**

27. **Error B — "REVERTED BACK"** clause suppressed. DE [244] cited DEFS_000017-19 for "conditions improved" while suppressing DEFS_000020-23 (Exhibit 17) from the same Rydan report, which states Zantua "REVERTED BACK" to the original conduct. **Court notice: 3 years 9 months**. Defendants' own investigators confirmed their corrective action failed before I was hired.

28. **Error C** — DE [30] reversed without citation. DE [30] (September 30, 2021; Exhibit 11) at page 16 expressly found Defendants *"do not attempt to claim either that (a) the Knipfings exercised reasonable care to prevent and correct promptly any sexually harassing behavior, or (b) that Orrego unreasonably failed to take advantage of any preventive or corrective opportunities."* DE [244] reversed this finding without citing DE [30] once in 29 pages. ***Shrader v. CSX Transportation, Inc.***, 70 F.3d 255, 257 (2d Cir. 1995).

C. THE DIARY FINDING: CONTRADICTED BY DEFENDANTS' OWN SUBMITTED EXHIBIT

29. DE [244] at page 15 states: *"both parties agree [the] diary does not mention Zantua."* I never agreed the diary does not mention Zantua. This statement misattributes an agreement that never existed. Directly contradicted by DE [221-12], DEFS_000054-068 — Defendants' own SJ exhibit — which contains approximately seventy "TAZ" / Zantua references across thirty-seven dated diary entries documenting racial slurs: ***"stupid Mexican, you are not in your country, I don't care about you Mexicans"***; *"stupid Paraguayan"; "Mexicans disgusting useless."* DE [226-7] Bates PLA000004-13.

D. VEXATIOUS LITIGANT FINDING: SUCCESSFUL OUTCOMES SUPPRESSED; WCB FRAUD CONFIRMED BY INDEPENDENT SOURCES; STATUTORY RIGHTS MISCHARACTERIZED

30. DE [244] conducted the Safir analysis, ***Safir v. U.S. Lines, Inc.***, 792 F.2d 19, 24 (2d Cir. 1986), while suppressing: **H. Judge Maurice D. Williams - Westchester County Court Judgment** ("Williams Judgment") (January 22, 2025, DE [224-34]) — "*records were false*"; WCB prima facie finding (DE [226-23]); SDNY settlement; three small claims settlements; and eight IFP grants including Second Circuit Mandates 25-1802 and 25-1810 (March 18, 2026; Exhibit 19). **A court cannot find no objective good faith expectation of prevailing while suppressing evidence that the litigant has actually prevailed.** DE [244] did not acknowledge, distinguish, or reconcile this evidence when concluding that I lacked an objective good-faith basis to pursue my claims. The Williams Judgment, WCB prima facie finding, SDNY settlement, three small-claims settlements, eight grants of in forma pauperis status, and Second Circuit Mandates 25-1802 and 25-1810 constitute objective evidence that my claims were repeatedly found

sufficiently meritorious to warrant judicial review, substantive consideration, or relief, and therefore directly bear on the Safir analysis.

31. The recusal motions are the most significant: they produced the November 17, 2025, Order of Recusal. A motion that produced an actual recusal order is meritorious by definition. DE [244] simultaneously treated the recusal motions as serious enough to compel recusal and characterized those same motions as vexatious. These positions are irreconcilable.

32. DE [244]'s characterization of WCB-related litigation as vexatious cannot stand. DE [224-28] (Exhibit 26 to the SJ opposition) — the sworn Affirmation of Ximena Espinoza ("Espinoza"), dated September 6, 2025 — is the statement of an unrelated third-party claimant who independently confirms the same IME Hochfelder fraud pattern that I documented in WCB Case G-2584330. A vexatious-litigant finding cannot stand when the conduct challenged is confirmed by an independent victim whose sworn affirmation is in the federal record. DE [244] never referenced DE [224-28] anywhere in 29 pages.

33. The Hochfelder IME fraud is confirmed by three independent sources in the SJ record: (1) the Williams Judgment (DE [224-34] Exhibit 32) — judicial finding that "records were false"; (2) the NYS AG Letitia James opposition (DE [226-29] Exhibit 24) — confirming IME fraud affecting thousands of claimants; and (3) the Espinoza Affirmation (DE [224-28] Exhibit 26) — an independent claimant who video-recorded IME Hochfelder falsifying her examination report. I filed an audio recording of the same fraud in her own WCB case. WCLJ Barry Greenberg ("WCLJ Greenberg") — the same adjudicator who credited IME Hochfelder over my four treating physicians in March 2021 — found IME Hochfelder had "little credibility" in October 2023 after reviewing Espinoza's video evidence. DE [244] ignored all four sources.

E. IFP DENIAL IN DE [245]: PRIOR SECOND CIRCUIT GRANTS SUPPRESSED

34. DE [245] denied IFP without acknowledging Second Circuit Mandates 25-1802 and 25-1810 (March 18, 2026; Exhibit 19) — granted 51 days before DE [245] in related proceedings involving me and the same financial circumstances. ***Coppedge v. United States***, 369 U.S. 438, 444–45 (1962). The omission is particularly significant because the Second Circuit had already determined, in Mandates Nos. 25-1802 and 25-1810, that I satisfied the standards for in forma pauperis status under substantially identical financial circumstances. DE [245] neither acknowledged nor distinguished those mandates, nor explained why a different result was warranted only fifty-one (51) days late.

35. DE [245] cites no changed financial circumstances, newly discovered facts, or intervening authority warranting a result opposite to that reached by the Second Circuit. The failure to acknowledge or distinguish those recent mandates leaves the basis for the denial unexplained.

F. PLAINTIFF'S 178-PARAGRAPH RULE 56.1 COUNTERSTATEMENT: DISREGARDED WITHOUT ANALYSIS

36. My DE [224-2] contained 178 individually numbered paragraphs with specific record citations. Defendants' response (DE [222]) consisted of one general paragraph. Under Local Civil Rule 56.1(c) and ***Giannullo v. City of New York***, 322 F.3d 139, 142–43 (2d Cir. 2003), each must be deemed admitted. DE [244] treats none as admitted. DE [230] (Exhibit 7) challenged ¶¶129-178 on three grounds (FRCP 12(f), 37, FRE 403) — denied one sentence, without merits adjudication — then DE [244] used those same paragraphs as the sole predicate for the permanent district-wide filing injunction. The challenged paragraphs contained evidence central to Plaintiff's claims, including fraud, discovery misconduct, forged signatures, and NDA formation defects. DE [244] neither adjudicated those allegations on the merits nor excluded them, yet relied on them to impose a permanent filing injunction.

G. FLASH DRIVE AND ELECTRONIC EVIDENCE: COURT-CREATED EXCLUSION CHAIN; ECF PAPER TRANSCRIPTS SUPPRESSED; CD/DVD DISCS RE-SUBMITTED

37. DE [244] fn.7 characterized the flash drive evidence as **"largely duplicative"** while acknowledging the Court was unable to review it. A court cannot determine that evidence is duplicative without reviewing its contents. These two statements are irreconcilable on the face of the order.

38. The four-step exclusion chain: (1) FTP request July 2–8, 2025 (Exhibit 5) — no response received; (2) Pro Se portal terminated September 16, 2025 without notice (Exhibit 6 DE [202]); (3) flash drive filed in person October 3, 2025 (DE [229]) — court retained it for seven months without reporting a technical deficiency; (4) DE [244] fn.7 characterized it as duplicative without reviewing it. **A court-created exclusion chain cannot be used to exclude the evidence it prevented from being reviewed.**

39. Two-category recording framework. Category A — Recordings delivered to Knipfing (Reports 1, 2, 5, and 7): made and voluntarily transmitted to Knipfing via email for investigation. The October 14, 2018, meeting (DE [228-11] Exhibit 33; Exhibit 22) was recorded in a public place in front of Manuela Orrego. During that meeting, Uzcategui stated she was recruiting people to file a lawsuit against the Knipfings and had identified other victims. Uzcategui confirmed she drafted the complaint days after all the recordings. The October 31, 2018, recording captures Uzcategui confirming her complaint was ready to file with Knipfing — this recording was delivered to Knipfing via Report 7.

40. **Manuela Orrego** was present at the October 14, 2018, meeting and witnessed the entire conversation. **Manuela Orrego** sworn Affirmation **(DE [224-24] Exhibit 21) confirms: child abuse allegations; discrimination; abuse against me; other alleged victims; and Uzcategui's**

agreement to support my complaint. DE [244] never mentioned DE [224-24] anywhere in 29 pages.

41. Category B — Protective recordings made after Zantua's threat (not delivered to Knipfing): Zantua threatened me that if I made a complaint against her, something bad might happen to me, and she would use her brother Ryan's schizophrenia as an excuse. AC ¶17 (DE [224-4]). I do not have schizophrenia. Zantua's brother Ryan has schizophrenia. This threat was the direct reason I made protective recordings during the November 6, 2018, Return-to-Work meeting (DE [228-17] Exhibit 39) and the November 12, 2018, Rydan investigators' interview (DE [228-18] Exhibit 40).

42. The **fn.7** flash drive excuse cannot reach paper ECF transcripts. Five key transcripts were filed directly on ECF in DE [228] requiring zero flash drive access: DE [228-11] Exhibit 33 (Uzcategui meeting); DE [228-13] Exhibit 35 (Last Assault); DE [228-17] Exhibit 39 (Return-to-Work); DE [228-18] Exhibit 40 (Investigators); DE [228-19] Exhibit 41 (Report 7 email). DE [244] suppressed all five.

43. I am re-submitting the electronic evidence as Exhibit 4 to this motion — two (2) CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) containing the same electronic evidence previously submitted as DE [229] on October 8, 2025, as a flash drive, now in CD format. This re-submission is made pursuant to Fed. R. Civ. P. 56(e)(1) and constitutes the notice-and-cure opportunity that the Court was required to provide before entering Summary Judgment.

H. PLAINTIFF'S CROSS-MOTION: DENIED IN ONE SENTENCE WITHOUT INDEPENDENT ANALYSIS

44. DE [244] at page 1: *"Orrego's motion is denied."* One sentence. No independent legal standard applied. No inferences drawn against Defendants. ***Alta Partners, LLC v. Getty Images Holdings, Inc.***, 165 F.4th 141, 149 (2d Cir. 2026): *"When both parties have moved for Summary Judgment, the court must evaluate each party's motion on its own merits, taking care in each*

instance to draw all reasonable inferences against the party whose motion is under consideration."

I. CORPORATE IDENTITY: SIX-YEAR REPRESENTATION FOLLOWED BY "TYPOGRAPHICAL ERROR" DEFENSE ACCEPTED WITHOUT EVIDENCE; SSBB PAYROLL RECORD DIRECTLY CONTRADICTS TERMINATION LETTER

45. GRSM filed DE [17] on September 30, 2020, with Knipfing signing three separate signature lines on behalf of himself, Old Westbury EDDIE LLC, AND Old Westbury LLC (Exhibit 20). GRSM litigated on behalf of Old Westbury LLC for over five years. At Summary Judgment in 2025, Defendants asserted for the first time a typographical error defense — with zero documentary support. DE [244] fn.2 accepted this defense. Under ***New Hampshire v. Maine***, 532 U.S. 742, 749–50 (2001), judicial estoppel prevents a party from asserting a position inconsistent with a prior stance. DE [245] also names Savitsky as a judgment defendant despite DE [30]'s 2021 dismissal of all Savitsky claims, creating a facial defect verifiable from two docket entries.

46. SSBB's own payroll records directly contradict the termination letter's use of Old Westbury LLC as the employer entity. Four independent employment documents all identify the employer as Kevin and Stephanieanna Knipfing personally: (1) Background Check Authorization (DE [224-6]) — first employment document, before I began work; (2) W-4 and I-9 submission (DE [224-6]) — hiring paperwork submitted to SSBB on February 16, 2018, addressed to Stanislaus (primary) and Testa (CC); (3) SSBB Timesheet form for week beginning October 29, 2018 (DE [224-4] Page ID #13307) — SSBB's own internal form identifies "Manager: Rachel / Charles" and "Client: K" (Knipfing); (4) SSBB Paystub (DE [224-4] Page ID #13308) — "Employer: Kevin and Stephanieanna Knipfing c/o Savitsky Satin Bacon & Bucci, 2049 Century Park East, Suite 1400, Los Angeles, CA 90067." Old Westbury LLC appears nowhere in any of these four employment records. DE [244] fn.2 accepted the typographical error defense without

engaging any of them. Exhibit 25 (pages 247e–251e) contains all four documents as physically attached exhibit pages.

47. Three SSBB employees administered my employment: Rachel Martinez ("Martinez") received my weekly timesheets through the Timesheet app; Stanislaus oversaw payroll, overtime calculation ("*We calculate all the hours and anything more than 40hrs we process them at overtime rate*"), and employment benefits; Santiago delivered paystubs directly. Testa was copied on initial paperwork but held no compensation authority. Defendants' SJ mischaracterized the timesheet submission chain as running through Testa. The November 9, 2018, overpayment disclosure email (DE [224-4] Exhibit 32) — in which I voluntarily informed Knipfing and Testa that she had been overpaid and asked for instructions to return the money eight days after my November 2, 2018, complaint — directly contradicts any characterization of financial motive underlying my complaint or damages demand.

SECTION III
DE [244]'S SECTION-BY-SECTION ADOPTION OF DEFENDANTS' SUBMISSIONS WITHOUT INDEPENDENT ANALYSIS

48. The comparison in this Section is based exclusively on the actual text of DE [244] against DE [221-54] (Defendants' Memorandum of Law) and DE [221-1] (Defendants' Rule 56.1 Statement). Every legal authority cited in DE [244] appears in DE [221-54]. **Zero authorities in DE [244] are not found in Defendants' papers.**

49. A section-by-section comparison reveals a pervasive correspondence between DE [244] and Defendants' Summary Judgment presentation. DE [244] repeatedly adopts Defendants' factual assertions, legal theories, and characterization of disputed events while omitting discussion of substantial categories of Plaintiff's evidence, authorities, and legal arguments. The resulting Order reflects acceptance of Defendants' narrative without meaningful engagement with significant

portions of the opposing record, making it impossible to determine whether the competing evidence was independently evaluated as Rule 56 requires.

50. In my Memoranda of Law (DE [224-3] and DE [226-4]), I cited numerous authorities concerning FRCP 56, hostile work environment, retaliation, pretext, discovery misconduct, credibility determinations, and the requirement that all evidence and reasonable inferences be viewed in the light most favorable to the non-moving party. My review of DE [244] shows that it relied upon authorities cited by Defendants and did not discuss, distinguish, or analyze many of the authorities that I cited. More significantly, DE [244] did not engage with many of my legal theories and evidence categories—including Uzcategui evidence; Manuela Orrego's Affidavit; discovery-misconduct evidence; challenged deposition-signature evidence; DE [84] written deposition responses; NDA-formation issues; the Loft Legal Opinion; the Williams Judgment in Hochfelder v. NYS WCB; the WCB prima facie finding; Old Westbury LLC issues; Defendants' alleged improper corporate representation; multimedia evidence; flash-drive evidence; DVD/CD evidence; recordings; transcripts; reports submitted to Kevin Knipfing; DE [230]'s objections to Defendants' Rule 56.1 Statement ¶¶129-178; and other categories identified in my summary judgment submissions—while adopting Defendants' version of disputed facts.

51. The omission is significant because FRCP 56 does not permit a court to resolve genuine disputes of material fact by adopting one party's version of disputed events while disregarding contrary evidence supporting the non-moving party. By failing to address substantial portions of my evidence, arguments, and legal authorities, DE [244] prevented meaningful review of whether the record was evaluated in the manner required by ***Anderson v. Liberty Lobby***, Inc., 477 U.S. 242, 255 (1986), and other authorities governing summary judgment.

52. The following table documents the section-by-section pattern:

DE [244] Section	Defendants' Source	Pattern of Adoption	Plaintiff Evidence Suppressed
Legal Standards (pp.1-4)	DE [221-54] pp.1-5	Every authority tracks Defendants' brief. Zero independent authorities.	Standard-of-review arguments in DE [224-3] disregarded
Factual Background (pp.5-9)	DE [221-54] pp.6-15; DE [221-1] ¶¶1-50	"Secretly recorded" language tracks DE [221-54]. NDA characterization tracks DE [221-54].	DE [224-17] (Knipfing present); DE [224-22] (recordings delivered); July 5, 2022, Order — all suppressed
HWE Analysis (pp.13-18)	DE [221-54] pp.20-26	"Conditions improved" tracks DE [221-54]. DEFS_000020-23 "**REVERTED BACK**" suppressed. DE [30] p.16 not cited.	DEFS_000020-23 suppressed; six ECF paper transcripts suppressed
Retaliation/Pretext (pp.18-23)	DE [221-54] pp.26-32	"Secretly recording" tracks DE [221-54] verbatim.	Nine authorization categories suppressed
Filing Injunction (pp.23-27)	DE [221-54] pp.33-38; DE [221-1] ¶¶129-178	Injunction predicate imported from DE [221-1] ¶¶129-178 — same paragraphs DE [230] sought to strike.	Williams Judgment suppressed; eight IFP grants suppressed; DOL "not on merits" suppressed

SECTION IV — SUBSECTION J
CONTINUITY OF RECORD: ISSUES PRESERVED SINCE 2020 IN DE [22-5] CONFIRMED BY SUMMARY JUDGMENT EVIDENCE

53. On December 11, 2020, I filed my Opposition to the Motion to Dismiss (DE [22-5]), placing the Court on notice of specific evidence and authenticity disputes five years before DE [244] issued. By Summary Judgment in 2025, each disputed item was confirmed by authenticated exhibits, recordings, transcripts, and investigative materials. DE [244] granted Summary Judgment without addressing the evidence that confirmed the 2020 allegations:

DE [22-5] Allegation (Dec. 2020)	**Summary Judgment Evidence (2025)**	**Rule 60 Significance**
Knipfing knew of discrimination and complaints	DE [224-20] Exhibit 17; DE [226-16]; DE [228-17]	Notice/knowledge — contradicts any "first time hearing" finding
Uzcategui corroborated discrimination — DEFS_000020-23	DE [224-5]; DE [224-13]; DE [226-18]; DE [228-11]	↯ SUPPRESSED — court notice 3 years 9 months
Plaintiff complained November 2, 2018	DE [226-14]; DE [224-19]	Protected activity preserved since 2020
Retaliation chain documented	Nov.2 text + Nov.6 recording + Nov.24 SLANDER + Nov.24 priest meme + Nov.27 termination	↯ 25-day premeditation chain suppressed in DE [244]
Zantua racial remarks	DE [226-7] ("stupid Paraguayan"; "Mexicans disgusting useless"); DE [221-12] diary	↯ Direct racial slurs suppressed from HWE analysis

Physical assault October 23, 2018	DE [224-17]; DE [228-13] (Exhibit 23); medical records DE [224-25]	↯ Termination letter said never happened — transcript proves it did
Diary documenting events	DE [226-31]; DE [228-15]; DE [221-12] DEFS_000054-068	~70 TAZ entries in Defendants' own exhibit
Employer authorized photography	DE [224-9] (Mar.29,2018 playroom); DE [226-10] (821 photos); DE [226-11] (172 videos)	↯ Eight-month employer-accepted photography suppressed
False termination letter	DE [226-17]; DE [224-43]; AC ¶54 (Savitsky never knew Plaintiff)	↯ Authenticity dispute preserved since 2020
Old Westbury LLC not employer	DE [226-21]; DE [17] (Exhibit 20); DE [224-4] Page IDs #13307-13308 (SSBB payroll records)	Six-year GRSM representation; typographical error accepted without evidence; SSBB payroll names Knipfings personally
NDA irregularities	DE [226-22] (three NDA versions); Loft Opinion DE [224-32]	↯ Judge Bulsara acknowledged Loft Opinion July 2025 — suppressed in DE [244]
WCB fraud — falsified IME reports blocking treatment	DE [226-24] Exhibit 19 (Hochfelder IME reports); DE [224-34] Exhibit 32 (Williams Judgment — "records were false"); DE [226-29] Exhibit 24 (AG James); DE [224-28] Exhibit 26 (Espinoza Affirmation — independent victim, video recording of same fraud)	↯ Vexatious-litigant finding rests on proceedings confirmed fraudulent by four independent sources; DE [244] never cited any of them

Financial good faith — overpayment disclosure	DE [224-4] Exhibit 32 (November 9, 2018 — Plaintiff voluntarily disclosed overpayment and asked to return money 8 days after complaint)	↯ Directly contradicts vexatious/extortion characterization in DE [244]

SECTION IV — SUBSECTION K

DE [244]'S "FRIVOLOUS" DESIGNATION: EIGHT FAILURES UNDER FRCP 11; DEFLECTION ARGUMENT

54. The federal definition of "frivolous" under FRCP 11(b) and ***Neitzke v. Williams***, 490 U.S. 319, 325 (1989) requires a filing that "lacks an arguable basis either in law or in fact." DE [244] applied the word "frivolous" as a characterization without legal analysis. Eight specific procedural requirements were violated: (1) no FRCP 11(b) subsection identified; (2) no show-cause order per FRCP 11(c)(3); (3) no 21-day safe harbor per FRCP 11(c)(2); (4) no separate FRCP 11 motion by Defendants; (5) no individualized finding as to any specific filing, ***Pannonia Farms, Inc. v. USA Cable***, 426 F.3d 650, 652 (2d Cir. 2005); (6) no evidentiary hearing, ***Schlaifer Nance & Co. v. Estate of Warhol***, 194 F.3d 323, 334 (2d Cir. 1999); (7) Neitzke definition never applied to any specific filing; (8) no governing legal standard identified anywhere in 29 pages.

55. Deflection argument: FRCP 11(b)(3), correctly applied, describes Defendants' filings. GRSM certified in DE [17], DE [22], DE [22-3], DE [22-8], DE [33], DE [221-1], and DE [221-54] **the existence of Old Westbury LLC** — a corporation that never legally existed. The Rydan report (DEFS_000020-23; Exhibit 17) — Defendants' own commissioned evidence — confirms all abuses described in my November 2, 2018, complaint. A filing confirmed by an adversary's own investigators cannot be frivolous under any standard.

SECTION IV — SUBSECTION L

LOFT LEGAL OPINION: FIVE GROUNDS ESTABLISHING NDA VOIDNESS — ACKNOWLEDGED JULY 2025 — SUPPRESSED IN DE [244]

56. The Loft Legal Opinion ("Loft Opinion") (DE [224-32]; DE [228-22] Exhibit 44) reached five independent conclusions: (I) no mutual assent — no valid NDA was executed on January 31, 2018; (II) no retroactive enforcement — all 821 photographs, 172 videos, and 26 recordings were made before any NDA was delivered; (III) violates New York Labor Law Article 19-B Domestic Workers' Bill of Rights; (IV) three NDA versions with different page counts and a backdated file name constitute fraud evidence; (V) NDA is void and unenforceable under New York law.

57. DE [228-22] Exhibit 44 (July 11, 2025, Order) confirms Judge Bulsara acknowledged the Loft Opinion ten months before DE [244] issued. DE [244] granted Summary Judgment relying on the NDA as the primary termination reason at page 20 (Page ID #15492) without citing the Loft Opinion anywhere in 29 pages. A court that acknowledges a legal opinion establishing the voidness of the central document in a case and then suppresses it ten months later has not applied the FRCP 56 independent-review standard.

SECTION IV — CUMULATIVE EXTRAORDINARY CIRCUMSTANCES

58. Even if no single issue independently warranted relief, the cumulative effect presents extraordinary grounds for relief under Fed. R. Civ. P. 60(b)(6). ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847, 863–64 (1988). The cumulative circumstances include: entry of DE [244] and DE [245] 172 days after the recusal; same-day removal of three authorized submissions through MC 2:26-mc-01957; section-by-section adoption of Defendants' submissions; suppression of six ECF paper transcripts; the REVERTED BACK clause suppressed while the conditions improved clause was cited; the 178-paragraph counterstatement disregarded; cross-motion denied in one sentence; filing injunction resting on unadjudicated DE [230]

challenge; Williams Judgment suppressed; Espinoza Affirmation (DE [224-28]) suppressed; Manuela Orrego Affidavit (DE [224-24]) suppressed; Loft Opinion acknowledged then suppressed; Savitsky in DE [245] despite DE [30] dismissal; DE [245] IFP denial despite March 18, 2026 Second Circuit grants; DE [232] pending and undecided while DE [244] and DE [245] were entered; and SSBB payroll records directly contradicting typographical error defense never engaged.

SECTION V
FALSE STATEMENTS, MISREPRESENTATIONS, AND OMISSIONS INDEX (FS1–FS21)

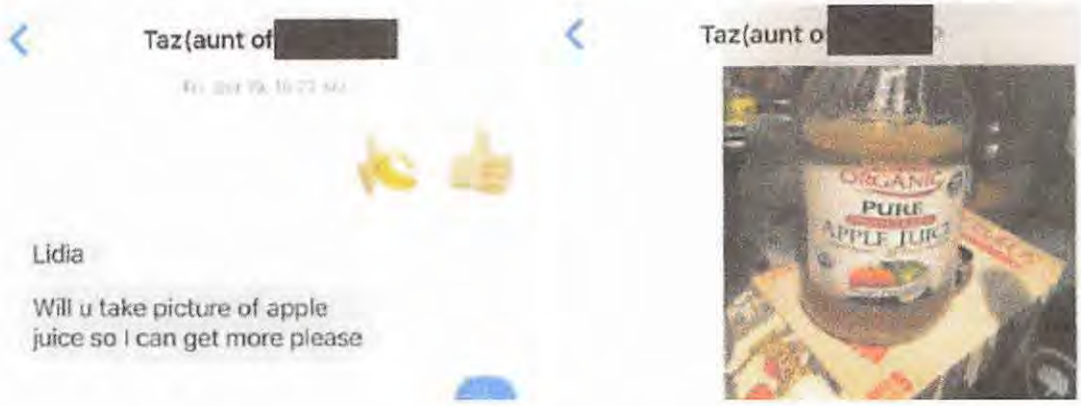
59. This Section sets forth twenty-one instances in which DE [244] or DE [245] contain specific statements directly contradicted by documentary evidence in the Summary Judgment record. Terminology: "suppressed" — evidence before the court, contrary finding made, evidence never cited; "disregarded" — filed but not mentioned; "selectively cited while suppressing" — partial citation while omitting contradicting portion. These twenty-one instances are representative — not exhaustive — of a pattern permeating DE [244]'s 29 pages.

FALSE STATEMENT ("FS") FS1 — No Documents Support That Zantua Ordered Photos

60. **DE [244] Statement:** *DE [244] fn.9 (Page ID #15484): no documents cited actually support that Zantua ordered photographs.*

61. **The record reflects:** Zantua text October 19, 2018: "*Lidia will u take picture of the apple juice so I can get more please*" (DE [224-16] p.52 Page ID #13478; Exhibit 21). Two additional documented orders with third-party witnesses (AC Ex.33 pp.143-144). Three independent documentary sources contradict fn.9.

62. **Treatment:** Suppressed



FS2 — Secretly Recording in Violation of NDA

63. **DE [244] Statement:** *DE [244] p.20 (Page ID #15492): Plaintiff terminated for secretly recording in violation of NDA.*

64. **The record reflects:** Nine independent categories of evidence contradict this finding — see Section II. A above, including the July 5, 2022, Scheduling Order (Exhibit 16): "*these documents are to be exchanged by all parties regardless of how that party came into possession.*" and electronic evidence as Exhibit 4 to this motion — two (2) CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) containing the same electronic evidence previously submitted as DE [229] on October 8, 2025, as a flash drive, now in CD format. This re-submission is made pursuant to Fed. R. Civ. P. 56(e)(1) and constitutes the notice-and-cure opportunity that the Court was required to provide before entering Summary Judgment. See Exhibit 4.

65. **Treatment:** Suppressed — nine categories

FS3 — No Similarly Situated Comparators

66. **DE [244] Statement:** *DE [244] fn.12 (Page ID #15493): Plaintiff has not met burden of showing comparators treated more favorably.*

67. **The record reflects:** Uzcategui recorded discussing the Knipfing family in a public place on October 14, 2018 (DE [228-11]; Exhibit 22) — same alleged conduct — never terminated.

Selga Facebook posts; S. Knipfing group text photos; Guarino chef social media posts (Exhibit 6 DE [202] Folder 7) — never disciplined. See S. Knipfing adding me on June 17, 2018.

68. **Treatment:** Suppressed.



CRISTINA COIMBRA – HOUSEKEEPER (Brazilian – Speaks Portuguese)

August 18, 2019 and October 16, 2019 Cristina Coimbra taking photographs inside the Knipfing's house and posted on her Facebook. The Plaintiff has photos dated earlier. The Knipfing's don't applied "Breach her NDA".



FS4 — Diary Contains No Mention of Zantua — "Both Parties Agree"

69. **DE [244] Statement:** *DE [244] p.15 (Page ID #15487): both parties agree diary does not mention Zantua.*

70. **The record reflects:** DE [221-12] DEFS_000054-068 — Defendants' own SJ exhibit — contains approximately seventy TAZ/Zantua references. I never agreed the diary does not mention Zantua — the word "agree" misattributes a position I never took.

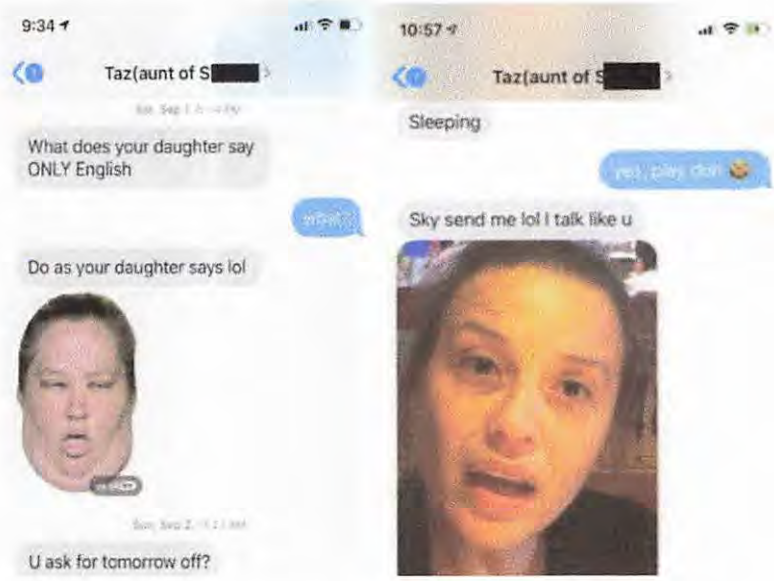
71. **Treatment:** Directly contradicted by Defendants' own exhibit; misattribution of my position.

Case 2:20-cv-03361-SJB-AYS Document 221-12 Filed 10/03/25 Page 2 of 18 PageID #: 12661

I started this diary at Taz's direction, because she saw the constant meddlings, scoldings, and orders I received in an authoritarian way from Rebeca, after several weeks of starting my job. I had no problem with S[redacted] because she is a sweet and well-behaved girl.

5/5 That day Taz doesn't want me to speak in Spanish. She complains that she doesn't know why they hire nannies who only speak Spanish, and about why we "Mexicans" work for children from families who speak English. She and says that we shouldn't even be working here in this country if we don't speak English.

TEXT MESSAGES FROM TERESA A. ZANTUA TO THE PLAINTIFF



FS5 — October 16, 2018, Recording "Almost Every Line Inaudible"

72. **DE [244] Statement:** *DE [244] p.15 (Page ID #15487): transcription has almost every line marked inaudible.*

73. **The record reflects:** DE [224-11] is a paper transcription — not audio. A transcription is a text document. Notarized professional certification accompanies it. DE [30] pp.15-16 credited the same recording for establishing prior complaint to Testa — reversed without citation.

74. **Treatment:** Prohibited credibility determination; DE [30] reversed without citation

8. Exhibit 8 – Dated 10-16-2018 Mistreatment Report to Housemanager.pdf
9. Exhibit 9 - Timesheet from Employer "APP" January - November 2018 Employment The Knipfings.pdf
10. Exhibit 10 - Dated 10-14-2018 - Meeting Rebeca Uzcategui-Lidia Orrego - Trascription by Transaption.pdf
11. Exhibit 11 - Dated 05-19-2025 - FOIL CPS Certification - Report Unre...d after 3 years figth EDNY Docket 20cv3361
12. Exhibit 12 – Photos January – November 2018 – Authorized by Employers_Redacted.pdf
13. Exhibit 13 – Texts with Zantua – Racial Remarks & Harassment_Redacted.pdf
14. Exhibit 14 – Dated 10-23-2018 Last Assault in front of Zantua – Recording Transcription by Transaption.pdf
15. Exhibit 15 – Dated 10-23-2018 Time 6-12pm Video with Kevin Knipfing & Daughter – Authorized recording_Redactec
16. Exhibit 16 – Dated 11-02-2018 Ms. Knipfing Text After Complaint - Hostile Work Enviroment - Retaliatory Treatment.p
17. Exhibit 17 – Dated 11-06-2018 Return-to-work recording after compla...ting Kevin Knipfing - Retaliation NDA and Firir
18. Exhibit 18 - Dated 11-12-2018 - Interview Investigators Recording Transcription by Transaction_Redacted.pdf
19. Exhibit 19 - Email 11-16-2018 Report 7 - Audio Files emailed for Investigation to Kevin Knipfing - Transcription Transa

FS6 — Kevin Knipfing Previously Knew of the Complaints

75. DE [244] Statement: Accepted the premise that Kevin Knipfing first learned of Plaintiff's complaints during the November 6, 2018, meeting.

76. **The record reflects:** During the November 6, 2018, Return-to-Work meeting, Plaintiff stated that Rebecca Uzcategui had previously informed Kevin Knipfing of the matter:

> Lidia Orrego (18:51) : I don't know. I, miss Rebeca told me she, eh she eh she..she… say something before but I don't know
>
> Kevin Knipfing (19:00) : About what?
>
> Lidia Orrego (19:01) : About the fighting… I don't know
>
> Kevin Knipfing (19:02): oh she, she is mention their fighting…
>
> Lidia Orrego (19:06) : No!, to you.
>
> Kevin Knipfing (19:06) : Oh, about that. No, no, I, I, YES.

This admission occurred after Knipfing initially stated: "This is the first I'm hearing about everything." The transcript therefore reflects prior notice and directly contradicts any assertion that November 6, 2018, was the first time Knipfing became aware of the underlying complaints.

77. **Treatment:** Treatment: Directly contradicted by Plaintiff's November 6, 2018 recording and certified transcript, which document Knipfing's admission that Rebecca Uzcategui had previously informed him of the matter.

FS7 — Conditions Improved After Uzcategui's 2017 Complaint

78. **DE [244] Statement:** *DE [244] pp.16-17 (Page ID #15488): conditions improved after Uzcategui made her complaint.*

79. **The record reflects:** DEFS_000020-23 (Exhibit 17): same Rydan report DE [244] partially cited also states Zantua "REVERTED BACK" — excised from DE [244]'s analysis.

Wrong complainant: Uzcategui's 2017 complaint predates my January 31, 2018, hire date. DE [30] p.16 found this defense not raised — reversed without citation.

80. **Treatment:** Selectively cited while suppressing REVERTED BACK clause; wrong complainant; DE [30] reversed.

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.

Kevin Knipfing (05:22) : Okay. Okay. What I'm saying is I,I, we, I needed to see all this because I need to find out what you would like us to do to rectify, like, and I don't know what it is. I'm not saying I can fix it necessarily, but I need to know what you, what you want when they're it's I can't work with this person anymore, or I want to work more out. Like, I don't, I don't know what you want in that letter. It didn't say what you wanted to do. We just said these were the issues.

FS8 — With Rare Exception Plaintiff Has Not Prevailed

81. **DE [244] Statement:** *DE [244] p.25 (Page ID #15497): with rare exception Orrego has not prevailed.*

82. **The record reflects:** Williams Judgment January 22, 2025 (DE [224-34]): "records were false." WCB prima facie finding (DE [226-23]). SDNY settlement. Three small claims settlements. Eight IFP grants including Second Circuit Mandates March 18, 2026 (Exhibit 19).

83. **Treatment:** Suppressed five independent successful outcomes.



Westchester County Court Judge Maurice Williams

Judicial Findings in Justice Williams' January 21, 2025 Decision and Order in Index No. 72335/2024. Hochfelder v NYS WCB

ORDERED and ADJUDGED, that the petition is dismissed, and it is further

ORDERED and ADJUDGED, that the application for an injunction is rendered moot in accordance with the decision finding the Respondent has not acted arbitrarily.

This constitutes the judgment of the Court.

Dated: January 21, 2025
White Plains, New York

Hon. Maurice Dean Williams
Acting Supreme Court Justice

Respondent's found Petitioner compromised the integrity of the examination process, and his records were false. Under these circumstances, Respondent had a rational bases to determine they no longer wished to list Petitioner as an authorized provider. As the record demonstrates material errors in Petitioner's reports that were filed, the determination does not constitute an abuse of discretion.

FS9 — Flash Drive "Largely Duplicative" Without Review

84. **DE [244] Statement:** *DE [244] fn.7 (Page ID #15481): flash drives largely duplicative though Court was largely unable to review them.*

85. **The record reflects:** Cannot determine duplication without reviewing contents. Eleven ECF paper transcripts filed in DE [224] and DE [228] requiring zero flash drive access — suppressed. CD/DVD discs (Exhibit 4) re-submitted pursuant to FRCP 56(e)(1).

86. **Treatment:** Self-refuting; ECF paper transcripts separately suppressed

FS10 — IFP Denied Without Prior Grants

87. **DE [244] Statement:** *DE [245]: Plaintiff's motion for leave to appeal IFP is denied.*

88. **The record reflects:** Second Circuit Mandates 25-1802 and 25-1810 (March 18, 2026; Exhibit 19): IFP granted twice — 51 days before DE [245] — in related proceedings.

89. **Treatment:** Suppressed.

FS11 — DOL Complaint Used as Vexatious Evidence

90. **DE [244] Statement:** *DE [244] p.25: DOL complaint cited as vexatious.*

91. **The record reflects:** DOL Letter August 11, 2025 (Exhibit 18; DE [228-23]): "*This decision is not based upon the merits of your claim.*"

92. **Treatment:** Twisted — actual text of DOL letter suppressed

REFER TO: LCM25006216

We have reviewed the claim you recently filed with us against your employer. Based upon the information you provided we find that we cannot accept your claim because:

The claims you assert are part of, or could have been part of, a private action or proceeding. The Division of Labor Standards has declined to accept your claims. This decision is not based upon the merits of your claim.

FS12 — EEOC Used for Jurisdiction AND as Vexatious Evidence

93. **DE [244] Statement:** *DE [244] p.1: EEOC Right to Sue Letter used for jurisdiction. DE [244] p.25: EEOC complaint cited as vexatious.*

94. **The record reflects:** the same document used for jurisdiction on page 1 and as vexatious evidence on page 25. Filed by licensed federal counsel Alexander Cabaceiras, Esq., Derek Smith Law Group (DE [224-26] Exhibit 24).

95. **Treatment:** Irreconcilable dual use of the same document.

FS13 — Nine Statutory Rights Characterized as Vexatious Without Legal Standard

96. **DE [244] Statement:** *DE [244] pp.25-27: nine categories of conduct cited as vexatious.*

97. **The record reflects:** Mandamus (28 U.S.C. § 1651); interlocutory appeals (28 U.S.C. § 1292); recusal motions (SUCCEEDED November 17, 2025); judicial misconduct complaints (caused the recusal); evidence submission; EEOC; DOL; lawyer complaints; reconsideration motions. No Safir individualized analysis applied to any.

98. **Treatment:** No FRCP 11(b) subsection identified; no individualized analysis

FS14 — Judicial Misconduct Complaints Characterized as Vexatious

99. **DE [244] Statement:** *DE [244] p.26: pattern of judicial misconduct complaints cited as vexatious.*

100. **The record reflects:** My complaints produced the November 17, 2025, Order of Recusal (Exhibit 12). A complaint that produced an actual recusal order cannot be characterized as frivolous by the judge who was recused because of it.

101. **Treatment:** Irreconcilable with the recusal the complaints produced

FS15 — Zero Engagement with Racial Slur and HWE Evidence

102. **DE [244] Statement:** *DE [244] HWE analysis: insufficient evidence of severe or pervasive harassment.*

103. **The record reflects:** "Stupid Paraguayan"; "Mexicans disgusting useless" (DE [226-7] Bates PLA000004-13); diary racial slurs (DE [221-12]); Zantua secretly photographed me and sent mocking photos to Testa (employer-agent actual knowledge); "retarded" image next to my face; Zantua threat invoking brother Ryan's schizophrenia (AC ¶17). Testa's receipt of mocking photographs from Zantua imputes actual employer-agent knowledge.

104. **Treatment:** Suppressed entirely from Hostile Work Environment ("HWE") analysis.

FS16 — Summary Judgment Granted to Old Westbury LLC Despite Acknowledgment of Non-Existence

105. **DE [244] Statement:** *DE [244] fn.2: accepted typographical error defense; granted SJ to Old Westbury LLC.*

106. **The record reflects:** DE [17] (Exhibit 20): Knipfing signed three signature lines on behalf of himself, Old Westbury EDDIE LLC, AND Old Westbury LLC. FRCP 17(b): nonexistent entity has no capacity. Six-year GRSM representation. DE [245] names Savitsky despite DE [30]'s 2021 dismissal. SSBB payroll records identify employer as Kevin and Stephanieanna Knipfing personally — not Old Westbury LLC.

107. **Treatment:** Accepted unsupported defense; suppressed six years of contrary record and SSBB payroll documents.

Pursuant to Local Rule 1.4, it is hereby stipulated and agreed by and between the undersigned that Alexander Spiro and Maaren A. Shah of Quinn Emanuel Urquhart & Sullivan, LLP, shall be substituted by the following as counsel of record for defendants Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, Steve Savitsky, and Teresa A. Zantua, in the above-captioned action:

Mercedes Colwin
Kuuku Minnah-Donkoh
Gordon Rees Scully Mansukhani, LLP
One Battery Park Plaza, 28th Floor
New York, NY 10004
Telephone: (212) 269-5500
Facsimile: (212) 269-5505
mcolwin@grsm.com
kminnahdonkoh@grsm.com

Gordon Rees Scully Mansukhani, LLP

By: _____

Mercedes Colwin
Kuuku Minnah-Donkoh
One Battery Park Plaza, 28th Floor
New York, NY 10004
Telephone: (212) 269-5500
Facsimile: (212) 269-5505
mcolwin@grsm.com
kminnahdonkoh@grsm.com

Quinn Emanuel Urquhart & Sullivan, LLP

By: _____

Alexander Spiro
Maaren A. Shah
51 Madison Avenue
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
alexspiro@quinnemanuel.com
maarenshah@quinnemanuel.com

Incoming Counsel for Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIE LLC, Old Westbury LLC, and Teresa A. Zantua

Kevin Knipfing

Stephanieanna James-Knipfing

Old Westbury EDDIE LLC,

By:

Old Westbury LLC,

By:

Teresa A. Zantua

Steve Savitsky

FS17 — Loft Opinion Acknowledged July 2025, Suppressed in DE [244] May 2026

108. **DE [244] Statement:** *DE [244] p.20: NDA cited as primary termination reason throughout. DE [244] does not cite Loft Opinion anywhere.*

109. **The record reflects:** DE [228-22] Exhibit 44 (July 11, 2025, Order): Judge Bulsara acknowledged the Loft Opinion on Retaliatory NDA dated May 14, 2025. DE [244] entered ten months later without citing it.

110. **Treatment:** Suppressed despite acknowledged notice

Loft Legal

3790 El Camino Real 813
Palo Alto, California
United States
Telephone: +1 650 879 8881

May 14, 2025

To: Lidia M. Orrego

Re: Enforceability of Certain Alleged Confidentiality Agreements

Dear Ms. Orrego,

We have acted as special counsel to you in connection with the review of the Documents (defined below) for the sole purpose of rendering the opinion set below.

(II) Retroactive Enforcement. The NDAs cannot be enforced retroactively because the Employer backdated the NDAs to January 31, 2018, without your prior knowledge or consent, and provided no consideration for imposing obligations covering the ten-month period before you received the First NDA, or in the course of delivering each subsequent NDA. The First NDA, delivered on November 1, 2018, was backdated to January 31, 2018—the start of your employment—and purported to bind you to confidentiality obligations retroactively from January 2018 through November 2018. You were likewise unaware of the Second NDA or the Third NDA's existence until you were presented with these Documents on November 6, 2018, and February 27, 2023, respectively, and the

FS18 — No NDA Warning Communicated; Employer Authorized Photography by Conduct Beginning March 29, 2018

111. **DE [244] Statement:** *DE [244] p.20: photographs and videos characterized as unauthorized; NDA treated as valid and in force.*

112. **The record reflects:** DE [224-9] Exhibit 6 (March 29, 2018, playroom photo to S. Knipfing): first photograph received without objection, without warning, without NDA prohibition — beginning of eight-month employer-accepted photography. No NDA documentation, no warning, no confidentiality notice from January 31, 2018, through October 31, 2018.

113. **Treatment:** Suppressed eight-month pattern of employer-accepted photography

FS19 — Duplicative Conclusion Without Reviewing ECF Paper Transcripts

114. **DE [244] Statement:** *DE [244] fn.7: flash drives largely duplicative though unable to review.*

115. **The record reflects That** Five ECF paper transcripts filed in DE [228] require no flash drive access. To conclude the audio evidence was duplicative of the transcripts, the Court would need to review both. DE [244] acknowledged it could not review the audio and did not review the transcripts. A conclusion of duplication without reviewing either is logically impossible.

116. **Treatment:** False statement — paper ECF transcripts accessible; duplication conclusion logically impossible.

FS20 — SLANDER Text, Priest Meme, and Three-Day Premeditation Chain Suppressed

117. **DE [244] Statement:** *DE [244] accepted the termination letter as a legitimate business document. DE [244] never addressed the three-day premeditation chain.*

118. **The record reflects:** November 24, 2018 — three days before termination — S. Knipfing texted "SLANDER" (Exhibit 24) and a priest meme characterizing my confirmed complaint as slander (confirmed by DE [30] p.6). November 26, 2018: Knipfing authorized "***Yes***" — third-party access to the "secretly made" recordings. November 27, 2018: termination letter from Old Westbury LLC signed by Savitsky, who had never previously known me (AC ¶54).

119. **Treatment:** Suppressed direct evidence of premeditation and retaliatory intent.

FS21 — Manuela Orrego Affidavit and Espinoza Affirmation: Never Cited in 29 Pages

120. **DE [244] Statement:** *DE [244] fn.7 used flash drive excuse to disregard electronic evidence generally. DE [244] never cited DE [224-24] (Manuela Orrego Affidavit) or DE [224-28] (Espinoza Affirmation) anywhere in 29 pages.*

121. **The record reflects:** DE [224-24] Exhibit 21: sworn affidavit of Manuela E. Orrego — eyewitness to the October 14, 2018, meeting, confirming child abuse allegations, discrimination, other victims, and Uzcategui's agreement to support my complaint. Filed on ECF — zero flash drive access required. DE [224-28] Exhibit 26: sworn Affirmation of Ximena Espinoza, dated September 6, 2025 — independent third-party claimant confirming the same IME Hochfelder fraud pattern. Filed on ECF — zero flash drive access required.

122. **Treatment:** Suppressed — two sworn third-party affidavits on ECF; fn.7 flash drive excuse inapplicable.

FS22 — November 9, 2018, Overpayment Disclosure Email — Financial Good Faith Suppressed

123. **DE [244] Statement:** *DE [244] characterized I pursuit of damages as vexatious and without good faith expectation of recovery.*

124. **The record reflects:** DE [224-4] Exhibit 32: My email to Skylar Testa and Kevin Knipfing on November 9, 2018 — eight days after my November 2, 2018, complaint — voluntarily disclosing she had been overpaid and asking for instructions to return the money. The timesheet submission chain ran to Rachel Martinez (Business Manager, SSBB) and Stanislaus (Account Manager, SSBB) — not to Testa as Defendants' SJ characterized. DE [244] never cited this email.

125. **Treatment:** Suppressed — direct evidence of financial good faith; vexatious/extortion characterization directly contradicted.

FS23 — DE [202] and the Four-Step Court-Created Exclusion Chain: Characterized as Vexatious; Exclusion Chain Never Acknowledged

126. **DE [244] Statement:** DE [244] fn.7 (Page ID #15481) characterized the flash drive evidence as "largely duplicative" while acknowledging the Court was "largely unable to review" it. DE [244] does not reference DE [202] or the four-step court-created exclusion chain anywhere in 29 pages.

127. **The record reflects:** DE [202] documents that the Pro Se portal — the only remaining digital submission mechanism after the FTP request (Exhibit 5) went unanswered — was terminated on September 16, 2025, without notice to Plaintiff. This is Step 2 of the four-step court-created exclusion chain: (Step 1) FTP request unanswered; (Step 2) Pro Se portal terminated without notice (DE [202]; Exhibit 6); (Step 3) flash drive filed in person October 8, 2025 (DE [229]); (Step 4) DE [244] fn.7 characterized evidence as "largely duplicative" without reviewing it 207 days later. A court cannot characterize as "largely duplicative" evidence it could not review.

A court-created barrier to electronic filing — across four sequential steps, with no notice at any step — cannot serve as the basis for an adverse characterization of the evidence it prevented from being reviewed electronically. Fed. R. Civ. P. 56(e)(1) required notice and a cure opportunity before any adverse consequence could be imposed.

128. **Treatment:** Suppressed — the four-step exclusion chain is never acknowledged in DE [244]. DE [202] is not cited. The FRCP 56(e)(1) notice-and-cure obligation is never addressed.

SUMMARY — TWENTY-ONE RECORD CONTRADICTIONS: CUMULATIVE EFFECT

129. The twenty-one instances set forth above share a common structural feature: in each instance, DE [244] adopted a characterization from Defendants' submissions while suppressing, disregarding, or selectively citing my contrary evidence. Individually, each instance presents a cognizable FRCP 56 issue. Cumulatively, the pattern across all twenty-one instances — each pointing in the same direction, each suppressing the same party's evidence — establishes that DE [244] did not conduct the independent review that FRCP 56 requires. ***Anderson***, 477 U.S. at 255; ***Giannullo v. City of New York***, 322 F.3d 139, 142–43 (2d Cir. 2003); ***Shrader v. CSX Transportation, Inc.***, 70 F.3d 255, 257 (2d Cir. 1995); ***Robinson v. De Niro***, No. 19-CV-9156 (LJL), 2023 WL 3611839, at *13–15 (S.D.N.Y. May 25, 2023).

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

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

EXHIBIT 10-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, and
Teresa A. Zantua,

Defendants.

---x

Case No. 2:20-cv-03361 (SJB)(AYS)
Reassigned November 17, 2025 (PKC)(TAM)

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO VACATE PURSUANT TO FED. R. CIV. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), AND 60(d)(3)

Dated: June 24, 2026
Rego Park, New York

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

TABLE OF CONTENTS

I. PRELIMINARY STATEMENT 1

II. STATEMENT OF FACTS 2

III. LEGAL STANDARD 3

IV. ARGUMENT 4

POINT I

DE [244] AND DE [245] ARE VOID AB INITIO UNDER RULE 60(b)(4) AS ORDERS ENTERED BY A RECUSED JUDICIAL OFFICER 172 DAYS AFTER THE ORDER OF RECUSAL 4

POINT II

DE [245] IS VOID ON ITS FACE: (i) JUDGMENT ENTERED FOR A LEGALLY NONEXISTENT ENTITY IN VIOLATION OF FRCP 17(b); AND (ii) SAVITSKY NAMED AS A JUDGMENT DEFENDANT DESPITE DE [30]'S 2021 DISMISSAL OF ALL CLAIMS AGAINST HIM 6

POINT III

DE [244] MUST BE VACATED UNDER RULE 60(b)(3) FOR FRAUD, MISREPRESENTATION, AND MISCONDUCT BY DEFENDANTS 9

POINT IV

DE [244] MUST BE VACATED UNDER RULE 60(d)(3) FOR FRAUD UPON THE COURT 11

POINT V

DE [244] MUST BE VACATED UNDER RULE 60(b)(6) FOR EXTRAORDINARY CIRCUMSTANCES 14

POINT VI

DE [244] VIOLATED FED. R. CIV. P. 56 BY SUPPRESSING TWENTY-TWO CATEGORIES OF PLAINTIFF'S EVIDENCE WITHOUT EXPLANATION 16

POINT VII

THE PERMANENT DISTRICT-WIDE FILING INJUNCTION IS VOID AS A POST-RECUSAL ACT AND INDEPENDENTLY FAILS THE SAFIR FIVE-FACTOR TEST 20

CONCLUSION 21

CERTIFICATE OF COMPLIANCE 23

TABLE OF AUTHORITIES

Cases

Case	Citation	Page
Alta Partners, LLC v. Getty Images Holdings, Inc.	165 F.4th 162 (2d Cir. 2026)	16, 18
Anderson v. Liberty Lobby, Inc.	477 U.S. 242 (1986)	16
Celotex Corp. v. Catrett	477 U.S. 317 (1986)	10, 16
Coppedge v. United States	369 U.S. 438 (1962)	15
Fleming v. New York University	865 F.2d 478 (2d Cir. 1989)	10, 13
Giannullo v. City of New York	322 F.3d 139 (2d Cir. 2003)	20
Ginett v. Computer Task Group, Inc.	962 F.2d 1085 (2d Cir. 1992)	1
Gleason v. Jandrucko	860 F.2d 556 (2d Cir. 1988)	11
Griggs v. Provident Consumer Discount Co.	459 U.S. 56 (1982)	1
Harris v. Forklift Systems, Inc.	510 U.S. 17 (1993)	17
Burlington Industries, Inc. v. Ellerth	524 U.S. 742 (1998)	14
Caperton v. A.T. Massey Coal Co.	556 U.S. 868 (2009)	5
CBOCS West, Inc. v. Humphries	553 U.S. 442 (2008)	17
Eliahu v. Jewish Agency for Israel	919 F.3d 709 (2d Cir. 2019)	20
Faragher v. City of Boca Raton	524 U.S. 775 (1998)	14
Graham v. Lewinski	848 F.2d 342 (2d Cir. 1988)	20

Hazel-Atlas Glass Co. v. Hartford-Empire Co.	322 U.S. 238 (1944)	4
In re IBM Corp.	618 F.2d 923 (2d Cir. 1980)	4
In re Martin-Trigona	737 F.2d 1254 (2d Cir. 1984)	20
Iwachiw v. NYDMV	396 F.3d 525 (2d Cir. 2005)	20
Klapprott v. United States	335 U.S. 601 (1949)	14
Liteky v. United States	510 U.S. 540 (1994)	6
Mathews v. Eldridge	424 U.S. 319 (1976)	17
Matsushita Elec. Indus. Co. v. Zenith Radio Corp.	475 U.S. 574 (1986)	17
Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship	507 U.S. 380 (1993)	4
Podell v. Citicorp Diners Club, Inc.	112 F.3d 98 (2d Cir. 1997)	9
MPEG LA, L.L.C. v. Toshiba Am. Info. Sys., Inc.,	No. 15-CV-3997, 2015 WL 6680661 (S.D.N.Y. Oct. 29, 2015); N.Y. Ltd. Liab. Co. Law § 202(a)	6
Reeves v. Sanderson Plumbing Prods., Inc.	530 U.S. 133 (2000)	16
State St. Bank & Trust Co. v. Inversiones Errazuriz Limitada	374 F.3d 158 (2d Cir. 2004)	4
United Student Aid Funds, Inc. v. Espinosa	559 U.S. 260 (2010)	5, 8
Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee	456 U.S. 694 (1982)	3, 5

Kupferman v. Consolidated Research & Mfg. Corp.	459 F.2d 1072 (2d Cir. 1972)	9
Liljeberg v. Health Services Acquisition Corp.	486 U.S. 847 (1988)	4, 5, 14
Martina Theatre Corp. v. Schine Chain Theatres, Inc.	278 F.2d 798 (2d Cir. 1960)	11
Monahan v. New York City Dep't of Corrections	214 F.3d 275 (2d Cir. 2000)	19
Neitzke v. Williams	490 U.S. 319 (1989)	21
New Hampshire v. Maine	532 U.S. 742 (2001)	7, 10
Pannonia Farms, Inc. v. USA Cable	426 F.3d 650 (2d Cir. 2005)	21
Robinson v. De Niro	No. 19-CV-9156 (LJL), 2023 WL 3611839 (S.D.N.Y. 2023)	16, 20
Safir v. U.S. Lines, Inc.	792 F.2d 19 (2d Cir. 1986)	20
Schlaifer Nance & Co. v. Estate of Warhol	194 F.3d 323 (2d Cir. 1999)	21
Shrader v. CSX Transportation, Inc.	70 F.3d 255 (2d Cir. 1995)	18
Teamsters v. United States	431 U.S. 324 (1977)	11

Statutes and Rules

Authority	Subject	Page
U.S. Const. amend. V	Due Process — liberty and property without deprivation	20
28 U.S.C. § 137	Chief Judge — district court administration	6
28 U.S.C. § 455	Disqualification of judges	6
28 U.S.C. § 1291	Final judgment appellate jurisdiction	1
28 U.S.C. § 1651	All Writs Act — mandamus	17
Fed. R. Civ. P. 11(b), 11(c)	Certification; sanctions procedure	15, 20, 21
Fed. R. Civ. P. 17(b)	Capacity to sue or be sued	6, 7, 9
Fed. R. Civ. P. 56	Summary judgment standard	2, 9, 12, 13, 14, 16, 17, 20
Fed. R. Civ. P. 56(e)(1)	Notice and cure opportunity before adverse consequence	18, 19,
Fed. R. Civ. P. 60(a)	Not a correctable clerical error under Fed. R. Civ. P. 60(a)	8
Fed. R. Civ. P. 60(b)(3)	Fraud, misrepresentation, misconduct	1, 4, 9, 10, 11, 21
Fed. R. Civ. P. 60(b)(4)	Void judgment — mandatory relief	1, 2, 3, 4, 8, 21
Fed. R. Civ. P. 60(b)(6)	Extraordinary circumstances	1, 4, 14, 15, 21

Fed. R. Civ. P. 60(c)(2)	No time limit for fraud upon the court	11
Fed. R. Civ. P. 60(d)(3)	Fraud upon the court — inherent power	4
Fed. R. Civ. P. 62.1	Indicative ruling	1, 3, 8, 21
Fed. R. Evid. 901(a)	Unauthenticated documents cannot support Summary Judgment	10
Fed. R. App. P. 12.1	Indicative ruling — circuit court notification	1
Local Civil Rule 56.1(c), (d)	Controverting statements — admission on non-response	14

I. PRELIMINARY STATEMENT

Plaintiff Lidia M. Orrego ("Plaintiff") respectfully submits this Memorandum of Law in support of her Motion for Indicative Ruling pursuant to Fed. R. Civ. P. 62.1 and to Vacate the Memorandum and Order entered May 8, 2026 (DE [244]) and the Judgment entered the same day (DE [245]) pursuant to Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3). A Notice of Appeal (DE [246]) was filed on June 1, 2026, and is pending in the Second Circuit as Case No. 26-1576. Plaintiff filed this motion pursuant to Fed. R. Civ. P. 62.1(a) and Fed. R. App. P. 12.1(a), and has provided the required notice to the Second Circuit. ***Griggs v. Provident Consumer Discount Co.***, 459 U.S. 56, 58 (1982).

This Court's final judgment is appealable pursuant to 28 U.S.C. § 1291.

All pre-recusal interlocutory orders have merged into DE [245] and are subject to plenary review. *Ginett v. Computer Task Group, Inc.*, 962 F.2d 1085, 1091 (2d Cir. 1992).

DE [244] is a 29-page "Memorandum and Order" entered 172 days after the November 17, 2025, Order of Recusal by a judicial officer who had no jurisdiction over this action. DE [245] names Steve Savitsky ("Savitsky") as a judgment defendant despite DE [30]'s 2021 dismissal of all Savitsky claims — a facial defect verifiable from two docket entries.

DE [244] — Summary Judgment ("SJ") was granted to Old Westbury LLC (fn.2), an entity that GRSM's own counsel admitted to the Second Circuit "does not exist" (Docket 25-2437, Dkt Entry 29.8). A court cannot grant judgment to an entity with no legal existence. Under FRCP 17(b), the judgment in favor of Old Westbury LLC is void for lack of capacity.

DE [244] is not the product of an independent evaluation of the competing Summary Judgment record. Instead, it repeatedly adopts Defendants' factual assertions and legal characterizations while suppressing, disregarding, or selectively citing at least twenty-two categories of Plaintiff's evidence. The Order fails to reconcile material contradictions in the record,

fails to explain why Plaintiff's evidence does not create genuine disputes of material fact, and repeatedly credits Defendants' narrative notwithstanding contrary evidence contained in the Summary Judgment record. Such selective treatment of the evidence is incompatible with the Court's obligation under Rule 56 to view the record as a whole and in the light most favorable to the nonmoving party.

II. STATEMENT OF FACTS

Plaintiff was employed in the Knipfing household from January 31, 2018, through November 27, 2018. During that period, she was subjected to a sustained pattern of national-origin-based harassment by Teresa A. Zantua ("Zantua"), the driver of the Knipfing children who managed all children's schedules and activities on the Knipfings' behalf and acted as their authorized agent. The Knipfings had documented knowledge of Zantua's conduct pattern from at least 2017 — one year before Plaintiff was hired — through the Rydan Security Investigations ("Rydan") report (DEFS_000020-23; Exhibit 17), which confirmed all abuses and documented that prior corrective measures had failed and Zantua "REVERTED BACK."

On November 17, 2025, the Honorable Sanket J. Bulsara entered an Order of Recusal, reassigning this action to the Honorable Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. 172 days later, on May 8, 2026, DE [244] and DE [245] were entered by the recused judicial officer without jurisdiction. On the same day, Miscellaneous Case 2:26-mc-01957 was opened and immediately closed, with Plaintiff's authorized May 5, 2026, submissions removed from the 20-cv-3361 docket before DE [244] issued.

The payroll record for Plaintiff's employment confirms that the actual employer was the Knipfings personally through Savitsky Satin Bacon & Bucci ("SSBB") in Los Angeles, California. The July 13, 2018, paycheck issued to Plaintiff identifies the employer as "KEVIN AND STEPHANIEANNA KNIPFING C/O SAVITSKY SATIN BACON & BUCCI, 2049 CENTURY

PARK EAST, SUITE 1400, LOS ANGELES CA 90057" — no Old Westbury EDDIE LLC, no Old Westbury LLC (DE [226-22] Exhibit 17 Bates PLA000063-80). Plaintiff submitted timesheets via the "Timesheet" application to Rachel, Business Manager at SSBB. Paystubs and employment benefits were communicated by Charles Stanislaus, Account Manager at SSBB, via cstan@savco.com. Plaintiff was never contacted by Steve Savitsky ("Savitsky") directly during her employment (AC ¶54). SSBB rebranded as Ground Control Business Management ("GCBM") on September 19, 2022, during active federal litigation.

The termination letter dated November 27, 2018, was issued on letterhead reading "OLD WESTBURY, LLC c/o Savitsky Satin Bacon & Bucci, 2049 Century Park East, Suite 1400, Los Angeles, CA 90067" and signed by Savitsky as "Business Manager, Old Westbury LLC." DE [30] fn.3, p.7 (Exhibit 11) acknowledged Plaintiff's allegation that Knipfing gave the order to Savitsky "to manufacture the Termination Letter dated November 27, 2018, under the name of the unknown Entity Westbury LLC." DE [244] accepted the typographical error defense without engaging this prior judicial acknowledgment.

III. LEGAL STANDARD

Fed. R. Civ. P. 62.1(a) provides that if a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue. Plaintiff requests relief under Rule 62.1(a)(3).

Fed. R. Civ. P. 60(b)(4) requires mandatory vacatur of a void judgment. ***Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee***, 456 U.S. 694, 702 (1982). A judgment is void when the court that rendered it lacked jurisdiction. A recused judge has no authority to enter

any order in the recused action. ***In re IBM Corp.***, 618 F.2d 923, 932 (2d Cir. 1980). Relief under Rule 60(b)(4) is not discretionary — it is mandatory.

Fed. R. Civ. P. 60(b)(3) permits relief from a judgment obtained through "fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party." The moving party must demonstrate fraud by clear and convincing evidence. ***State St. Bank & Trust Co. v. Inversiones Errazuriz Limitada***, 374 F.3d 158, 176 (2d Cir. 2004).

Fed. R. Civ. P. 60(d)(3) preserves the court's power to "set aside a judgment for fraud on the court." Fraud on the court requires a showing of "an unconscionable plan or scheme which is designed to improperly influence the court in its decision." ***Hazel-Atlas Glass Co. v. Hartford-Empire Co.***, 322 U.S. 238, 246 (1944).

Fed. R. Civ. P. 60(b)(6) permits relief for "any other reason that justifies relief." This catchall provision "is a grand reservoir of equitable power to do justice in a particular case." ***Pioneer Inv. Servs. Co. v. Brunswick Assocs.***, 507 U.S. 380, 393 (1993). The provision requires a showing of extraordinary circumstances. ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847, 863-64 (1988).

IV. ARGUMENT

POINT I

DE [244] AND DE [245] ARE VOID AB INITIO UNDER RULE 60(b)(4) AS ORDERS ENTERED BY A RECUSED JUDICIAL OFFICER 172 DAYS AFTER THE ORDER OF RECUSAL

A judgment entered by a court without subject matter jurisdiction is void and must be vacated under Fed. R. Civ. P. 60(b)(4). Relief from a void judgment is mandatory, not discretionary.

The November 17, 2025 Order of Recusal — Exhibit 12 — divested the recused judicial officer of all authority over this action. The CM/ECF system implemented the reassignment contemporaneously, designating the case "2:20-cv-03361-PKC-TAM." The NEF confirms: "Case

randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings." That order was never vacated, appealed, or modified. The November 26, 2025 clerk notation reverting the designation is legally void: a ministerial clerk entry cannot override a judicial order of recusal. ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847, 860–61 (1988) (recusal order divests court of authority over matter in which judge is disqualified). United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 271 (2010) (judgment void where court lacked jurisdiction to enter it).

On May 8, 2026 — 172 days after the November 17, 2025 Order of Recusal — the recused judicial officer entered DE [244] (29 pages) and DE [245] (judgment). On the same day, Miscellaneous Case 2:26-mc-01957-SJB was opened and immediately closed, with Plaintiff's three authorized May 5, 2026 submissions removed from the 20-cv-3361 docket before DE [244] issued. Every act by the recused judicial officer after November 17, 2025 is void ab initio. This includes: the November 26, 2025 clerk reversion; the March 24, 2026 order purporting to deny Plaintiff's recusal motion; DE [244]; DE [245]; and MC 2:26-mc-01957. ***Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee***, 456 U.S. 694, 702 (1982) (relief from void judgment is mandatory).

The due process clause independently requires recusal where bias or its appearance is clear. ***Caperton v. A.T. Massey Coal Co.***, 556 U.S. 868, 876–77 (2009).

The three-factor Liljeberg analysis confirms the mandatory nature of relief. First, the recusal order was entered by the recused judge himself after a valid recusal order had already divested him of authority — the very judge adjudicated his own recusal. Second, the risk of injustice is direct and quantifiable: a 29-page summary judgment order entered 172 days post-recusal without jurisdiction. Third, vacatur is necessary to protect the integrity of the judicial process: allowing a post-recusal void judgment to stand would render recusal orders meaningless.

Under 28 U.S.C. § 455, disqualification is required where a judge's impartiality might reasonably be questioned. ***Liteky v. United States***, 510 U.S. 540, 555 (1994). Under 28 U.S.C. § 455(a), a judge shall disqualify himself where impartiality might reasonably be questioned.

Under 28 U.S.C. § 137, the Chief Judge bears administrative responsibility for the orderly assignment of cases. The November 26, 2025, clerk reversion without judicial order violates this framework.

The harm extends beyond this case. If a recused judicial officer may continue to exercise authority after reassignment has been implemented and relied upon by the parties, litigants cannot have confidence that recusal orders will be honored. Such a result would diminish public confidence in the integrity, impartiality, and orderly administration of the judicial process.

POINT II

DE [245] IS VOID ON ITS FACE: (i) JUDGMENT ENTERED FOR A LEGALLY NONEXISTENT ENTITY IN VIOLATION OF FRCP 17(b); AND (ii) SAVITSKY NAMED AS JUDGMENT DEFENDANT DESPITE DE [30]'S 2021 DISMISSAL OF ALL CLAIMS AGAINST HIM

DE [245] contains two independent facial defects, each verifiable from the docket without any factual inquiry, either of which independently renders the judgment void. Both defects appear on the face of DE [245] itself. Neither requires resolution of any disputed factual issue. Together they compel vacatur of DE [245] as a structural nullity.

A. Old Westbury LLC Has No Legal Existence and No Capacity to Receive a Judgment Under FRCP 17(b)

Fed. R. Civ. P. 17(b)(2) provides that the capacity of a corporation to sue or be sued is determined by the law under which it was organized. Under New York law, a limited liability company has legal existence only upon the filing of articles of organization with the New York Secretary of State. ***MPEG LA, L.L.C. v. Toshiba Am. Info. Sys., Inc.***, No. 15-CV-3997, 2015 WL

6680661 (S.D.N.Y. Oct. 29, 2015); N.Y. Ltd. Liab. Co. Law § 202(a). An entity that has never been so organized does not exist as a legal person and therefore has no capacity to be a party to litigation — and cannot receive a judgment.

The entity "Old Westbury LLC" that appears in DE [245] as a judgment recipient has no registered existence under New York law. This is not a disputed fact. Defendants' own counsel, GRSM, admitted to the Second Circuit in November 2025 (Docket 25-2437, DktEntry 29.8) that "no such entity exists" as to Old Westbury LLC. The admission was made to a federal appellate tribunal by counsel of record. It is binding on Defendants under principles of judicial admission and cannot be retracted.

Despite this admission, DE [244] fn.2 accepted the "typographical error" defense asserted for the first time at summary judgment in 2025 — five years after GRSM certified Old Westbury LLC's existence in every filing beginning with DE [17] (September 30, 2020), in which Kevin Knipfing signed three separate signature lines: on behalf of himself, Old Westbury EDDIE LLC, and Old Westbury LLC. Under ***New Hampshire v. Maine***, 532 U.S. 742, 749–50 (2001), judicial estoppel bars a party from adopting a position inconsistent with a stance successfully maintained in prior proceedings. GRSM's six-year certification of Old Westbury LLC's existence cannot be retracted by a last-minute "typographical error" assertion unsupported by any affidavit, declaration, or documentary evidence.

The consequence is jurisdictional. A court cannot enter a valid judgment in favor of a party that does not legally exist. The judgment in favor of "Old Westbury LLC" in DE [245] is a nullity from inception. It cannot be enforced, appealed by that entity, or treated as having any legal effect. Because the defect goes to the legal existence of the party — not merely to service or notice — it cannot be cured by amendment and it cannot be waived by the opposing party. FRCP 17(b)

deprives this Court of authority to enter judgment for or against a legally nonexistent entity regardless of the merits.

B. Savitsky Is Named as a Judgment Defendant in DE [245] Despite DE [30]'s 2021 Dismissal of All Claims Against Him

DE [30] — entered September 30, 2021, by the Honorable Gary R. Brown — dismissed all claims against Steve Savitsky. The dismissal is final, unreversed, and appears on the docket of this action. DE [245], entered May 8, 2026, names Savitsky as a judgment defendant despite DE [30]'s prior dismissal. This is a facial defect verifiable by comparing two docket entries without any factual inquiry. A judgment that names as a defendant a party against whom all claims were dismissed five years earlier by an unreversed prior order is void on its face. ***United Student Aid Funds, Inc. v. Espinosa***, 559 U.S. 260, 271 (2010) (judgment void were entered without jurisdiction over the subject matter or the party).

DE [244] acknowledged DE [30]'s dismissal of Savitsky at footnote 2 but nevertheless allowed his name to carry forward into DE [245] as a judgment defendant. Acknowledgment of the prior dismissal in the same order that enters the judgment does not cure the defect — it confirms that the Court had notice of DE [30] and entered a void judgment against Savitsky notwithstanding that notice. This is not a correctable clerical error under Fed. R. Civ. P. 60(a); it is a substantive jurisdictional defect requiring vacatur under Fed. R. Civ. P. 60(b)(4).

Both defects in DE [245] — judgment for a legally nonexistent entity and judgment against a previously dismissed defendant — are independent grounds for mandatory vacatur under Rule 60(b)(4). Relief from a void judgment is not discretionary. Because DE [245] is void on its face on two independent grounds, this Court should state pursuant to Rule 62.1(a)(3) that it would vacate DE [245] on these grounds if the Second Circuit remands for that purpose.

Before addressing the specific categories of omitted evidence, it bears emphasis that the Court expressly represented that Plaintiff would not be restricted from presenting evidence in connection with summary judgment. On July 11, 2025, the Court clarified that it was "not imposing any restriction on Plaintiff's ability to make any argument (or present any evidence) in support of her motion for summary judgment (or in opposition to Defendants' motion for summary judgment)." The Court further stated that the parties "may submit evidence, in the form of Rule 56.1 statements (and exhibits thereto), in connection with summary judgment." Having expressly authorized the submission of such evidence, the Court was required to consider that evidence under Rule 56 and could not disregard material portions of the record without explanation. Yet DE [244] omitted, disregarded, or selectively cited numerous categories of Plaintiff's evidence while adopting Defendants' characterization of disputed facts. This selective treatment of the record is incompatible with Rule 56's requirement that the evidence be viewed as a whole and in the light most favorable to the nonmoving party.

POINT III

DE [244] MUST BE VACATED UNDER RULE 60(b)(3) FOR FRAUD, MISREPRESENTATION, AND MISCONDUCT BY DEFENDANTS

Rule 60(b)(3) authorizes relief from judgment where a party has committed fraud, misrepresentation, or misconduct. A movant need not prove the judgment was obtained solely by the fraud; it is sufficient that the fraud prevented full and fair presentation of the party's case. ***Kupferman v. Consolidated Research & Mfg. Corp.***, 459 F.2d 1072, 1078 (2d Cir. 1972) (Friendly, J.) (fraud in the procurement of a judgment justifies relief even if the court would have ruled the same way on the remaining evidence). The fraud need not have been the sole cause of the judgment. ***Podell v. Citicorp Diners Club, Inc.***, 112 F.3d 98, 101 (2d Cir. 1997) (Rule 60(b)(3) relief where misconduct prevented fair presentation).

The record documents five independent categories of fraud and misrepresentation, each supported by documentary evidence, none of which was rebutted by Defendants with admissible evidence:

Category	Evidence and Legal Basis
Blank Errata Sheet (Exhibit 15)	Defendants submitted a blank errata sheet (DE [221-3]) in lieu of Plaintiff's executed notarized errata sheet (Exhibit 14), which contained substantive corrections including "hits you" → "hits me" at page 163, Line 14. Under Fleming v. New York University, 865 F.2d 478, 484 (2d Cir. 1989), a party who submits materially false discovery materials commits misconduct under Rule 60(b)(3). The executed errata was suppressed in DE [244] without acknowledgment.
Old Westbury LLC — Six-Year Representation and New Hampshire v. Maine	GRSM certified the existence of Old Westbury LLC in every filing for over five years. At summary judgment in 2025, Defendants asserted for the first time a typographical error defense with zero supporting evidence. Under New Hampshire v. Maine, 532 U.S. 742, 749–50 (2001), judicial estoppel bars a party from asserting a position contrary to a prior successful stance. DE [244] fn.2 accepted this defense without engaging six years of contrary certifications, the three Knipfing signature lines in DE [17] (Exhibit 20), or SSBB's own payroll records identifying the employer as Kevin and Stephanieanna Knipfing personally (DE [224-4] PageIDs #13307-13308).
DE [84] Written Deposition Responses — Authentication Challenge Unrebutted	Plaintiff filed documentary evidence challenging the authenticity of signatures on Defendants' April 2023 written deposition responses (DE [84]). Defendants filed no affidavits, declarations, or handwriting analysis in response. Under Fed. R. Evid. 901(a), unauthenticated documents cannot support summary judgment. Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986). DE [244] suppressed the authentication challenge entirely.

Selective Enforcement of DE [210] Injunction	MC 2:26-mc-01957 Document 3 (Exhibit 10) documents that Defendants' counsel violated the filing injunction imposed by DE [210] against Plaintiff with zero consequence. Three days later, DE [244] expanded the same injunction into a permanent district-wide ban against Plaintiff. Selective enforcement of a court order — one party violates unpunished while the other faces expansion — constitutes misconduct under Rule 60(b)(3).
Fabricated Evidence Evidence in DE [190]	DE [190] (March 13, 2025) presented authenticated evidence of five categories of fraud and misconduct: GRSM conflict of interest; fabricated Offer Letter; three-NDA versions with backdated file name; false deposition certifications; and discovery non-compliance. Defendants filed no affidavits and no admissible evidence in response. DE [244] suppressed DE [190] entirely without citation.

The fraud and misconduct identified below were not isolated events. They affected multiple categories of evidence, multiple stages of the litigation, and several issues central to the Court's SJ determination. Collectively, they prevented the Court from evaluating the case on a complete and accurate factual record and therefore satisfy the requirements for relief under Rule 60(b)(3).

POINT IV
DE [244] MUST BE VACATED UNDER RULE 60(d)(3) FOR FRAUD UPON THE COURT

Fraud upon the court under Rule 60(d)(3) occurs where conduct corrupts the judicial process itself. This Court possesses inherent power to vacate judgments obtained by such fraud, without limitation of time. ***Teamsters v. United States***, 431 U.S. 324, 376 (1977). ***Gleason v. Jandrucko***, 860 F.2d 556, 559 (2d Cir. 1988). ***Martina Theatre Corp. v. Schine Chain Theatres, Inc.***, 278 F.2d 798, 801 (2d Cir. 1960). There is no time limit for a motion under Rule 60(d)(3). Fed. R. Civ. P. 60(c)(2).

DE [244] did not merely reject Plaintiff's evidence; it frequently failed to acknowledge that such evidence existed. The issue presented is therefore not a disagreement with the Court's weighing of competing evidence, but its failure to address substantial portions of the evidentiary record altogether. Material categories of evidence—including the Uzcategui investigation, diary entries, audio recordings, photographs, Rule 56.1 facts, forged-signature evidence, NDA formation defects, the Loft Legal Opinion, and discovery-misconduct evidence—were omitted from meaningful analysis. Where a summary judgment order adopts one party's factual narrative while leaving significant contrary evidence unaddressed, meaningful appellate review becomes difficult because the order does not reveal why the omitted evidence was insufficient to create a genuine dispute of material fact.

Three independent acts constitute fraud upon the court:

Category	Evidence and Legal Basis
Same-Day Evidence Removal Through MC 2:26-mc-01957	On May 5, 2026, Plaintiff filed three authorized submissions: DE[2] (Supplemental Declaration v54), DE[3] (Notice of Violation), and supporting exhibits. On May 8, 2026 — the same day DE [244] issued — MC 2:26-mc-01957-SJB was opened, all three submissions were removed from the 20-cv-3361 docket, and the miscellaneous case was immediately closed. DE [244] then stated no supplemental evidence was on the record (Exhibits 9–10). A proceeding opened and closed the same day as a summary judgment ruling for the sole purpose of removing the opposing party's evidence from the record before the ruling issues constitutes fraud upon the court.
Section-by-Section Adoption Without	A section-by-section comparison demonstrates that DE [244] substantially mirrors Defendants' Summary Judgment presentation in organization, authorities, and analysis. The legal authorities cited in DE [244] are drawn from Defendants' briefing, and the Order repeatedly adopts Defendants'

Independent Analysis	factual assertions and legal characterizations while omitting or disregarding substantial categories of Plaintiff's contrary evidence. The accompanying Affirmation (Section III) contains a detailed comparison chart documenting the correspondence between DE [244] and DE [221-54]. **Every legal authority cited in DE [244] appears in DE [221-54].** Zero authorities in DE [244] are not found in Defendants' papers. The verbatim adoption table in the accompanying Affirmation (Section III) documents the section-by-section correspondence between DE [244] and DE [221-54]. A court that adopts a party's submissions without independent analysis does not perform the judicial function required by Fed. R. Civ. P. 56. Fleming v. New York University, 865 F.2d 478, 484 (2d Cir. 1989).
GRSM Conflict of Interest Non-Disclosure	GRSM represented Old Westbury LLC in this action while simultaneously representing Knipfing-related entities in Workers' Compensation Board proceedings against Plaintiff — including proceedings involving the same fraudulent IME reports that the Williams Judgment (DE [224-34]) confirmed were false. GRSM's dual representation was never disclosed to the Court. Non-disclosure of a material conflict of interest by counsel constitutes fraud upon the court. DE [190] documented this conflict in March 2025. DE [244] suppressed DE [190] entirely.

The conflict was material because the Workers' Compensation proceedings involved the same underlying allegations and disputed medical evidence at issue here. Disclosure would have permitted the Court to evaluate the effect of counsel's concurrent representations. The undisclosed conflict therefore impaired the integrity of the proceedings and supports relief under Rule 60(d)(3). The conflict also bore directly on counsel's credibility and the reliability of positions advanced before multiple tribunals. DE [244] neither addressed the conflict nor explained the omission of DE [190] from its analysis.

POINT V

DE [244] MUST BE VACATED UNDER RULE 60(b)(6) FOR EXTRAORDINARY CIRCUMSTANCES

Rule 60(b)(6) authorizes relief from judgment for "any other reason that justifies relief." It is reserved for extraordinary circumstances. ***Klapprott v. United States***, 335 U.S. 601, 613 (1949). ***Liljeberg***, 486 U.S. at 863–64 (cumulative extraordinary circumstances warrant relief even if no single ground independently suffices).

Faragher v. City of Boca Raton, 524 U.S. 775, 807–08 (1998) (***Burlington Indus., Inc. v. Ellerth***, 524 U.S. 742, 765 (1998)) (employer must raise Faragher-Ellerth affirmative defense — Defendants did not; DE [30] p.16 expressly found it not raised).

The following extraordinary circumstances, each independently significant, cumulatively establish that DE [244] and DE [245] cannot stand:

1. DE [244] and DE [245] were entered 172 days after the November 17, 2025, Order of Recusal by a judicial officer without jurisdiction;

2. DE [232] — Plaintiff's letter motion filed November 18, 2025 and addressed to Judge Chen — has been pending and undecided since its filing while DE [244] and DE [245] were entered;

3. DE [30] (Judge Brown, September 30, 2021; Exhibit 11) made six independent findings that DE [244] reversed without citing DE [30] once in 29 pages, including the express finding that Defendants did not raise Faragher/Ellerth (DE [30] p.16);

4. Plaintiff's 178-paragraph Rule 56.1 Counterstatement was disregarded without treating any paragraph as admitted under Local Civil Rule 56.1(c) despite Defendants' one-paragraph response;

5. The filing injunction was imposed by DE [244] based exclusively on ¶¶129-178 — the same paragraphs DE [230] sought to strike — without individualized analysis, without a show-cause order, without a hearing, and without identifying any FRCP 11(b) subsection;

6. Plaintiff's cross-motion was denied in one sentence without applying any legal standard;

7. The Loft Legal Opinion — acknowledged by the recused judge in July 2025 — was suppressed in DE [244] ten months later despite being the central legal authority on NDA voidness;

8. The Williams Judgment (DE [224-34]) — a January 2025 judicial finding that the Hochfelder IME records "were false" — was suppressed without citation in DE [244]'s vexatious-litigant analysis;

9. DE [245] named Savitsky as a judgment defendant despite DE [30]'s 2021 dismissal of all Savitsky claims — a facial error verifiable from two docket entries;

10. DE [245] denied IFP without acknowledging Second Circuit Mandates 25-1802 and 25-1810 — granted 51 days earlier in proceedings involving the same Plaintiff. DE [245] denied IFP without acknowledging Second Circuit Mandates 25-1802 and 25-1810 granted 51 days earlier. ***Coppedge v. United States***, 369 U.S. 438, 444–45 (1962) (IFP status on appeal must account for prior grants under substantially identical circumstances).

These circumstances are not isolated errors but a cumulative pattern of jurisdictional defects, procedural irregularities, suppression of material evidence, and unexplained departures from prior rulings and appellate determinations. Considered together, they constitute the type of extraordinary circumstances contemplated by Rule 60(b)(6) and demonstrate that enforcement of DE [244] and DE [245] would work a manifest injustice. Vacatur is therefore warranted in the interests of equity and the integrity of the judicial process.

POINT VI

DE [244] VIOLATED FED. R. CIV. P. 56 BY SUPPRESSING NINETEEN CATEGORIES OF PLAINTIFF'S EVIDENCE WITHOUT EXPLANATION

The role of the Court at Summary Judgment is not to facilitate, perpetuate, or give effect to factual assertions that are contradicted by the evidentiary record. The court's obligation is to evaluate what the record actually shows and to determine whether genuine disputes exist — not to adopt one party's version of disputed facts.

At the Summary Judgment stage, the Court may not weigh evidence, make credibility determinations, or resolve disputed issues of fact. ***Anderson v. Liberty Lobby, Inc.***, 477 U.S. 242, 255 (1986). ***Robinson v. De Niro***, No. 19-CV-9156 (LJL), 2023 WL 3611839, at *13–15 (S.D.N.Y. May 25, 2023) (denying summary judgment on discrimination and retaliation claims where competing evidence created genuine disputes of material fact requiring jury resolution). When both parties have moved for summary judgment, the court must evaluate each party's motion on its own merits, taking care to draw all reasonable inferences against the party whose motion is under consideration. ***Alta Partners, LLC v. Getty Images Holdings, Inc.***, 165 F.4th 162, 169 (2d Cir. 2026). ***Celotex Corp. v. Catrett***, 477 U.S. 317, 324 (1986) (summary judgment must be supported by admissible evidence). The court must draw all reasonable inferences in favor of the non-moving party and disregard evidence favorable to the moving party that a jury would not be required to credit. ***Reeves v. Sanderson Plumbing Prods., Inc.***, 530 U.S. 133, 150–51 (2000).

DE [244] violated each of these principles. The accompanying Affirmation and Master Evidence Map (Exhibit 26) document twenty-two specific instances — each supported by exhibit, Bates number, and Page ID — in which DE [244] adopted Defendants' characterization while suppressing Plaintiff's contrary evidence. The issue is not that DE [244] resolved disputed facts against Plaintiff. Rather, DE [244] repeatedly failed to acknowledge the existence of material contrary evidence contained in the Summary Judgment record.

The omitted evidence was not cumulative or peripheral. It included contemporaneous text messages, emails, diary entries, investigative reports, photographs, videos, audio recordings, affidavits, judicial decisions, administrative findings, and business records. At a minimum, that evidence created genuine disputes requiring denial of summary judgment under Rule 56.

Plaintiff engaged in protected activity on November 2, 2018. ***CBOCS West, Inc. v. Humphries***, 553 U.S. 442, 457 (2008) (retaliation protection extends to opposition to discrimination). DE [244]'s 'severe or pervasive' finding disregarded direct racial slurs documented in Defendants' own exhibit. ***Harris v. Forklift Sys., Inc.***, 510 U.S. 17, 21 (1993).

The permanent filing injunction was imposed without notice, hearing, or opportunity to respond. ***Mathews v. Eldridge***, 424 U.S. 319, 333 (1976) (due process requires notice and opportunity to be heard before deprivation of rights).

The All-Writs Act, 28 U.S.C. § 1651, does not authorize a district-wide lifetime filing ban imposed without individualized findings.

All evidence and reasonable inferences must be viewed in the light most favorable to Plaintiff. ***Matsushita Elec. Indus. Co. v. Zenith Radio Corp.***, 475 U.S. 574, 587 (1986).

Representative examples follow:

Suppressed Category	**Evidence and Impact**
DE [244] fn.9: No Documents Support That Zantua Ordered Photos	Zantua text October 19, 2018: "*Lidia will u take picture of the apple juice so I can get more please*" (DE [224-16] p.52 PageID #13478; Exhibit 21). Two additional documented orders in AC Ex.33 pp.143-144. Three independent documentary sources. DE [244] fn.9 suppressed all three.
DE [244] p.15: Both Parties Agree	DE [221-12] DEFS_000054-068 — Defendants' own SJ exhibit — contains approximately 70 TAZ/Zantua references documenting racial

Diary Does Not Mention Zantua	slurs. Plaintiff never agreed the diary does not mention Zantua. DE [244] misattributed an agreement that never existed and adopted a position directly contradicted by Defendants' own exhibit.
DE [244] p.16-17: Conditions Improved After Uzcategui Complaint; Wrong Complainant	DEFS_000020-23 (Exhibit 17) — same Rydan report DE [244] partially cited — states Zantua "REVERTED BACK". REVERTED BACK clause suppressed. Wrong complainant: Uzcategui's 2017 complaint predates Plaintiff's January 31, 2018 hire. DE [30] p.16 expressly found this defense not raised. DE [244] reversed DE [30] without citing it. Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995).
DE [244] p.20: Secretly Recorded in Violation of NDA	Nine independent categories of evidence contradict this finding, including the July 5, 2022 Scheduling Order (Exhibit 16): "these documents are to be exchanged by all parties regardless of how that party came into possession." Kevin Knipfing was openly present during the October 23, 2018 recording. Knipfing authorized third-party access "*Yes*" on November 26, 2018 — one day before the termination letter.
DE [244] fn.7: Flash Drive "Largely Duplicative" Without Review	A court cannot determine evidence is duplicative without reviewing it. Five ECF paper transcripts in DE [228] required zero flash drive access and were suppressed. CD/DVD discs re-submitted as Exhibit 4 pursuant to FRCP 56(e)(1). The notice-and-cure opportunity required before entry of summary judgment was never provided.
DE [244] p.25: With Rare Exception Plaintiff Has Not Prevailed	Williams Judgment January 22, 2025 (DE [224-34]): "records were false." WCB prima facie finding (DE [226-23]). SDNY settlement. Three small claims settlements. Eight IFP grants including Second Circuit Mandates 25-1802 and 25-1810 (Exhibit 19) granted 51 days before DE [245] denied IFP.
DE [244]: Cross-Motion Denied in One Sentence	Alta Partners, 165 F.4th at 169: when both parties have moved for summary judgment, the court must evaluate each motion on its own merits, drawing all reasonable inferences against the party whose motion is under consideration. DE [244] at page 1: "Orrego's motion is denied."

	One sentence. No standard applied. No inferences drawn against Defendants. No independent analysis.
Manuela Orrego Affidavit and Espinoza Affirmation: Never Cited in 29 Pages	DE [224-24] Exhibit 21 — sworn affidavit of Manuela E. Orrego, eyewitness to the October 14, 2018 meeting, confirming other victims and Uzcategui's agreement to support Plaintiff's complaint — filed on ECF; zero flash drive access required. DE [224-28] Exhibit 26 — sworn Affirmation of Ximena Espinoza confirming same IME Hochfelder fraud pattern from independent third-party claimant — filed on ECF; zero flash drive access required. DE [244] suppressed both. Monahan v. New York City Dep't of Corrections, 214 F.3d 275, 292 (2d Cir. 2000).
DE [244] p.25: Vexatious/Extortion Characterization — November 9, 2018 Overpayment Email Suppressed	DE [224-4] Exhibit 32: Plaintiff's email to Kevin Knipfing and Skylar Testa on November 9, 2018 — eight days after her November 2, 2018 complaint — voluntarily disclosing she had been overpaid and requesting instructions to return the money. DE [244] characterized Plaintiff's damages demand as vexatious and without good-faith expectation of recovery without citing this email. Direct evidence of financial good faith directly contradicts the vexatious/extortion characterization. Suppressed entirely.
DE [244] fn.7: Flash Drive "Largely Duplicative" — Four-Step Court-Created Exclusion Chain; FRCP 56(e)(1) Notice-and-Cure Suppressed	DE [202] (Exhibit 6) documents the four-step court-created exclusion chain: (Step 1) FTP request July 2–8, 2025 (Exhibit 5) — no response received; (Step 2) Pro Se portal terminated September 16, 2025 without notice to Plaintiff (DE [202]); (Step 3) flash drive filed in person October 8, 2025 (DE [229]) — retained 207 days without notice of any technical deficiency; (Step 4) DE [244] fn.7 characterized evidence as "largely duplicative" without reviewing it. DE [202] is not cited anywhere in DE [244]'s 29 pages. Fed. R. Civ. P. 56(e)(1) required notice and a cure opportunity before any adverse consequence could be imposed. The four-step exclusion chain, and the FRCP 56(e)(1) notice-and-cure obligation, are suppressed entirely.

The pattern across twenty-two documented instances is consistent: in each case, DE [244] adopted Defendants' characterization while suppressing, disregarding, or selectively citing Plaintiff's contrary evidence. This is not the judicial function that Fed. R. Civ. P. 56 requires. ***Anderson***, 477 U.S. at 255; ***Giannullo v. City of New York***, 322 F.3d 139, 142–43 (2d Cir. 2003); ***Robinson v. De Niro***, 2023 WL 3611839, at *13–15.

The permanent filing injunction also violates the Due Process Clause of the Fifth Amendment. U.S. Const. amend. V.

POINT VII

THE PERMANENT DISTRICT-WIDE FILING INJUNCTION IS VOID AS A POST-RECUSAL ACT AND INDEPENDENTLY FAILS THE SAFIR FIVE-FACTOR TEST

A filing injunction is "**a drastic remedy**" requiring satisfaction of five specific factors. ***Safir v. U.S. Lines, Inc.***, 792 F.2d 19, 24 (2d Cir. 1986). ***Eliahu v. Jewish Agency for Israel***, 919 F.3d 709, 715 (2d Cir. 2019) (filing injunction against pro se litigant requires express findings on each Safir factor). ***In re Martin-Trigona***, 737 F.2d 1254, 1262 (2d Cir. 1984) (court must make particularized findings before imposing filing restrictions). ***Iwachiw v. N.Y. Dep't of Motor Vehicles***, 396 F.3d 525, 529 (2d Cir. 2005) (filing injunction against pro se litigant must satisfy heightened scrutiny). ***Graham v. Lewinski***, 848 F.2d 342, 344 (2d Cir. 1988) (filing restrictions must be narrowly tailored to the specific abuse identified)

The injunction imposed by DE [244] fails on eight independent grounds:

1. Void ab initio as a post-recusal act entered 172 days after the November 17, 2025, Order of Recusal without jurisdiction;
2. No FRCP 11(b) subsection identified as the basis for the finding of frivolousness;
3. No show-cause order issued pursuant to FRCP 11(c)(3);
4. No 21-day safe harbor provided pursuant to FRCP 11(c)(2);

5. No separate FRCP 11 motion filed by Defendants;
6. No individualized analysis of any specific filing identifying why that filing lacked an arguable basis in law or fact. Pannonia Farms, Inc. v. USA Cable, 426 F.3d 650, 652 (2d Cir. 2005);
7. No evidentiary hearing. Schlaifer Nance & Co. v. Estate of Warhol, 194 F.3d 323, 334 (2d Cir. 1999);
8. The factual predicate rests entirely on ¶¶129-178 of DE [221-1] — the same paragraphs DE [230] sought to strike — denied one sentence without merits adjudication. DE [244] then used the unadjudicated paragraphs as the sole predicate for a permanent district-wide ban.

The recusal motions that are characterized as vexatious produced the November 17, 2025, Order of Recusal. A motion that produced an actual recusal order is meritorious by definition. The judicial misconduct complaints produced the same recusal. A complaint that caused an actual recusal cannot simultaneously be characterized as frivolous by the judge who was recused because of it. These positions are irreconcilable. ***Neitzke v. Williams***, 490 U.S. 319, 325 (1989).

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court:

(1) state pursuant to Fed. R. Civ. P. 62.1(a)(3) that it would grant Plaintiff's motion to vacate DE [244] and DE [245] if the Second Circuit remands, or that this motion raises a substantial issue;

(2) vacate DE [244] and DE [245] as void ab initio under Rule 60(b)(4);

(3) in the alternative, vacate under Rules 60(b)(3), 60(b)(6), and 60(d)(3);

(4) vacate the permanent district-wide filing injunction;

(5) direct the Clerk to correct the case designation to "2:20-cv-03361-PKC-TAM";

(6) calendar DE [232] for decision; and

(7) grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

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

CERTIFICATE OF COMPLIANCE

I certify that this Memorandum of Law complies with the page limitation of twenty-five (25) pages set forth in the Individual Practices of the Honorable Pamela K. Chen and the word limit set forth in Local Civil Rule 7.1(c).

According to the word-processing program used to prepare this document, the Memorandum of Law contains approximately 6,146 words, excluding the caption, table of contents, table of authorities, signature block, and this Certificate of Compliance. This document does not exceed 8,750 words.

Total pages: 22 (not including exhibits, appendices, or attachments).

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

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

EXHIBIT 10-C

FILED
CLERK
2026 JUN 24 PM 9:18
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

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

RECEIVED
JUN 29 2026
PRO SE OFFICE

NOTICE TO THE CLERK OF COURT

Plaintiff respectfully directs the Clerk of Court to file this Application and the accompanying Motion to Vacate package in Case No. 2:20-cv-03361 and to transmit a copy to the Chambers of the Honorable Pamela K. Chen, United States District Judge, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201.

Pursuant to the Individual Practices of the Honorable Pamela K. Chen, Plaintiff is providing one hard copy of the complete Motion to Vacate package and two CD/DVD discs (Exhibit 4) containing the electronic evidence referenced therein. Plaintiff respectfully requests that the Court extend to her, as a Pro Se litigant, the leniency to which she is entitled under governing Second Circuit authority. See Erickson v. Pardus, 551 U.S. 89, 94 (2007); Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474–75 (2d Cir. 2006).

Plaintiff expressly objects to the routing of this filing to Miscellaneous Case No. 2:26-mc-01957 or to the Chambers of the Honorable Sanket J. Bulsara. The pre-screening mechanism imposed by DE [244] is a void post-recusal act entered without jurisdiction 172 days after the November 17, 2025, Order of Recusal.

Plaintiff respectfully requests that the Clerk provide a file-stamped copy confirming that this filing has been docketed in Case No. 2:20-cv-03361. Plaintiff is filingvia and will await confirmation of correct docketing at the time of submission.

This Notice and the objection set forth herein are made on the record and Plaintiff preserves all rights arising from any improper routing of this filing, including the right to seek intervention by the United States Court of Appeals for the Second Circuit in Case No. 26-1576 and by Chief Judge Margo K. Brodie under 28 U.S.C. § 137.

REC'D IN PRO SE OFFICE
JUN 29 '26 AM 10:28

FILING INVENTORY

1. Application for Leave to File (this document)
2. Notice of Motion
3. Affirmation of Lidia M. Orrego in Support
4. Memorandum of Law
5. Exhibit Table
6. Proposed Order
7. Affirmation of Service
8. Exhibits 1–26 (Physically Attached; see Exhibit Table for complete index)
9. Exhibit 4 consists of two CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) containing the electronic evidence previously submitted as DE [229] on October 8, 2025, re-submitted pursuant to Fed. R. Civ. P. 56(e)(1). The cover page of Exhibit 4 (filed via ECF) contains a photograph of the two discs and a complete inventory of their contents. Physical copies of the two discs are being served on Defendants' counsel by first-class mail simultaneously with this filing.

Hard Copy Provided (per Judge Chen Individual Practices): ☒ Yes

Courtesy Copy to Judge Chen Chambers: ☒ Yes (filing via Dropbox, without CD/DVD discs)

Letter to Chief Judge Brodie: ☒ Yes (delivered filing via Dropbox)

FRAP 12.1(a) **Notice of Indicative Ruling Motion Filed in District Court** — Notice to the Second Circuit that Plaintiff filed a Rule 60 Motion to Vacate and Request for Indicative Ruling in the District Court pursuant to Fed. R. Civ. P. 62.1 and FRAP 12.1 while Appeal No. 26-1576 remains pending.: ☒ Yes

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

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

FILED
CLERK
2026 JUN 24 PM 9:18
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Dated June 24, 2026 **Via ACMS & Email Only**

Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Orrego v. Knipfing et al.*, Case No. 26-1576
Fed. R. App. P. 12.1(a) Notice of Indicative Ruling Motion Filed in District Court

Dear Clerk of Court:

Pursuant to Fed. R. App. P. 12.1(a) and Fed. R. Civ. P. 62.1(b), Plaintiff-Appellant Lidia M. Orrego hereby gives notice that on June 24, 2026, she filed a Motion for Indicative Ruling pursuant to Fed. R. Civ. P. 62.1 in the United States District Court for the Eastern District of New York, Case No. 2:20-cv-03361, addressed to the Honorable Pamela K. Chen.

The district court motion seeks: (1) an indicative ruling pursuant to Fed. R. Civ. P. 62.1(a)(3) that the district court would vacate the Memorandum and Order (DE [244]) and Judgment (DE [245]) entered May 8, 2026, pursuant to Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3) if the Second Circuit remands for that purpose, or that the motion raises a substantial issue; and (2) vacatur of the associated filing injunction.

The appeal in Case No. 26-1576 arises from DE [244] and DE [245]. This notice is provided to the Court of Appeals as required by Fed. R. App. P. 12.1(a). Upon the district court's statement that it would grant the motion or that the motion raises a substantial issue, Plaintiff-Appellant will promptly move this Court for a remand pursuant to Fed. R. App. P. 12.1(b).

The grounds for the district court motion include: (1) jurisdictional void — DE [244] and DE [245] entered 172 days after the November 17, 2025 Order of Recusal by a judicial officer without jurisdiction; (2) fraud by Defendants under Rule 60(b)(3); (3) fraud upon the court under Rule 60(d)(3); and (4) extraordinary circumstances under Rule 60(b)(6).

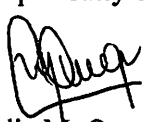
20-cv-3361 docket before DE [244] issued. A district-wide filing injunction was also imposed by DE [244] without compliance with the requirements of Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986).

On June 1, 2026, I filed a Notice of Appeal (DE [246]), and that appeal is pending in the Second Circuit as Case No. 26-1576. On June 24, 2026, I filed in the district court a complete Motion to Vacate pursuant to Fed. R. Civ. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), addressed to the Honorable Pamela K. Chen. A courtesy copy of the complete motion package is attached to this letter.

I respectfully bring these facts to Your Honor's attention as Chief Judge for administrative notice purposes, and to request that the Chief Judge take such administrative steps as may be appropriate to ensure that all filings in Case No. 2:20-cv-03361 are properly routed to the Honorable Pamela K. Chen as the lawfully assigned judicial officer since November 17, 2025, and not to any previously recused judicial officer.

I recognize that the Chief Judge's supervisory authority under 28 U.S.C. § 137 is administrative in nature and does not extend to ruling on the pending motion. I write for notice purposes only and respectfully request that Your Honor direct that the Clerk of Court route all future filings in Case No. 2:20-cv-03361 to Judge Chen.

Respectfully submitted,



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

Enclosure: Courtesy Copy — Complete Motion to Vacate Package (Exhibits 1–26)

cc: Honorable Pamela K. Chen, U.S.D.J.
Honorable Margo K. Brodie - Chief United States District Judge (EDNY — via courtesy copy)
Clerk of the United States Court of Appeals for the Second Circuit (Case No. 26-1576)
Gordon Rees Scully Mansukhani LLP (via ECF)

FILED
CLERK
2026 JUN 24 PM 9:18
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

June 24, 2026

The Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Via Dropbox

Re: *Orrego v. Knipfing et al.*, Case No. 2:20-cv-03361 (PKC)(TAM) - Motion to Vacate Pursuant to Fed. R. Civ. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), Courtesy Copy of Complete Motion Package (Exhibits 1–26)

Dear Judge Chen:

I write to provide Your Honor with a courtesy copy of the complete Motion to Vacate package filed today, June 24, 2026, in Case No. 2:20-cv-03361 at the Pro Se Office of the Eastern District of New York. I am submitting this letter and the complete motion package today.

The motion is addressed to Your Honor as the judicial officer to whom this action was reassigned pursuant to the November 17, 2025, Order of Recusal, which the Notice of Electronic Filing ("NEF") confirms: "**Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings.**" I do not seek relief from, and do not consent to review by, any judicial officer previously recused or disqualified from this action. All rights and objections are expressly preserved.

Courtesy Copy Contents:

1. Application for Leave to File
2. Notice of Motion
3. Affirmation of Lidia M. Orrego in Support
4. Memorandum of Law
5. Exhibit Table
6. Proposed Order
7. Affirmation of Service
8. Exhibits 1 through 26 (physically attached; see Exhibit Table for complete index)

Note Regarding Exhibit 4 (Electronic Evidence Package): Exhibit 4 consists of two CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) containing the same electronic evidence previously submitted as DE [229] on October 8, 2025, re-submitted in CD format pursuant to Fed. R. Civ. P. 56(e)(1). The two CD/DVD discs have been filed with the Clerk of Court as part of the original motion package. Pursuant to Your Honor's Individual Practices §1.A.ii, the CD/DVD discs are not included in this chamber's courtesy copy. If Your Honor's chambers wish to review the electronic evidence, I respectfully request that chambers obtain the Clerk's filed copy, or I can provide an additional set of discs upon request.

This motion presents six independent grounds for vacatur of the Memorandum and Order (DE [244]) and Judgment (DE [245]) entered May 8, 2026:

(1) void ab initio under Rule 60(b)(4) as orders entered by a recused judicial officer 172 days after the November 17, 2025, Order of Recusal;

(2) fraud, misrepresentation, and misconduct by Defendants under Rule 60(b)(3), including authenticated evidence of false signatures on written deposition responses (DE [84]) and five categories of fraud evidence in DE [190] — none rebutted by Defendants with admissible evidence;

(3) fraud upon the court under Rule 60(d)(3), including same-day removal of Plaintiff's authorized submissions through Miscellaneous Case 2:26-mc-01957 and section-by-section adoption of Defendants' submissions without independent analysis;

(4) extraordinary circumstances under Rule 60(b)(6), including the reversal of six findings from DE [30] without citation;

(5) twenty-one documented false statements and omissions (FS1–FS21); and

(6) Rule 56 violations including suppression of nineteen categories of evidence and denial of cross-motion in one sentence.

A Notice of Appeal (DE [246]) was filed June 1, 2026, and is pending in the U.S. Court of Appeals for the Second Circuit as Case No. 26-1576. This motion is filed pursuant to Fed. R. Civ. P. 62.1(a) and Fed. R. App. P. 12.1(a). I have filed the required notice with the Clerk of the Second Circuit. I respectfully request that Your Honor state pursuant to Rule 62.1(a)(3) that the Court would grant relief if the Second Circuit remands, or that this motion raises a substantial issue.

I also bring to Your Honor's attention that my letter motion (DE [232]), filed November 18, 2025, and addressed to Your Honor, remains pending and undecided. DE [232] requested a pre-motion conference, restoration of filing rights, and guidance on refiling my Summary Judgment papers following the November 17, 2025, reassignment. No order has been disposed of it. I respectfully request that DE [232] be calendared for consideration.

I respectfully request that this Court extend to me, as a Pro Se litigant without formal legal training, the leniency to which I am entitled under governing Second Circuit authority. See *Erickson v. Pardus, 551 U.S. 89, 94 (2007); Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474–75 (2d Cir. 2006).*

Respectfully submitted,

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

cc: Honorable Margo K. Brodie - Chief United States District Judge (EDNY — via courtesy copy)
Clerk of the United States Court of Appeals for the Second Circuit (Case No. 26-1576)
Gordon Rees Scully Mansukhani LLP (via ECF)

FILED
CLERK
2026 JUN 24 PM 9:18
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

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

Case No. 2:20-cv-03361 (SJB)(AYS)
Reassigned November 17, 2025 (PKC)(TAM)

APPLICATION FOR LEAVE TO FILE MOTION TO VACATE PURSUANT TO FED. R. CIV. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), AND 60(d)(3) - This Application is respectfully submitted for consideration by the Honorable Pamela K. Chen, United States District Judge, and Magistrate Judge Taryn A. Merkl, as the judicial officers vested with jurisdiction over this action following the November 17, 2025 Order of Recusal. Plaintiff does not seek review by any judicial officer previously recused or disqualified from this action.

TO THE HONORABLE PAMELA K. CHEN, UNITED STATES DISTRICT JUDGE:

Plaintiff Lidia M. Orrego, Pro Se, respectfully requests leave to file the accompanying Motion to Vacate under Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and for an Indicative Ruling under Rule 62.1. This Application is submitted solely out of caution due to the filing injunction imposed by DE [245], which Plaintiff contends is void ab initio as a post-recusal act entered without jurisdiction. By seeking leave, Plaintiff does not concede the injunction's validity. A Notice of Appeal is pending in the Second Circuit, Case No. 26-1576. Plaintiff preserves all objections regarding jurisdiction, recusal, due process, and judicial disqualification.

Total Words: 99.-

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

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

Total Pages Submitted (all documents including exhibits): 409.-

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



101

Case No. 2:20-cv-03361
Reassigned: (PKC)(TAM)
USCA No. 26-1576

UNITED STATES
EASTERN DISTRICT OF NEW YORK
Pro Se Office

PLAINTIFF'S MOTION TO VACATE MEMORANDUM AND ORDER (DE [244]) AND JUDGMENT (DE [245]) AND FOR INDICATIVE RULING PURSUANT TO FED. R. CIV. P. 62.1 - Total 409 Pages

---

Filed: June 24, 2026
Filed by: Lidia M. Orrego, Plaintiff Pro Se
Pursuant to: Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and 62.1
Relief sought: Indicative ruling; Vacatur of DE [244] and DE [245]; Vacatur of filing injunction
Appeal pending: USCA Second Circuit No. 26-1576 (filed June 1, 2026)

EXHIBIT 10-D

FILED
CLERK

2026 JUN 24 PM 9:17

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

June 24, 2026

RECEIVED
JUN 29 2026
PRO SE OFFICE

The Honorable Margo K. Brodie
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Via Dropbox

Re: *Orrego v. Knipfing et al.*, Case No. 2:20-cv-03361- Notification of 172-Day Post-Recusal Void Period and Motion to Vacate Filed June 24, 2026 - Administrative Supervisory Notice Pursuant to 28 U.S.C. § 137

Dear Chief Judge Brodie:

I write to bring to Your Honor's attention, in Your Honor's capacity as Chief Judge of the Eastern District of New York pursuant to 28 U.S.C. § 137, a matter of serious administrative concern in Case No. 2:20-cv-03361.

On November 17, 2025, the Honorable Sanket J. Bulsara entered an Order of Recusal in Case No. 2:20-cv-03361, transferring the action to the Honorable Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. The NEF states: "Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings." The CM/ECF system designated the case "2:20-cv-03361-PKC-TAM."

On November 26, 2025, the docket designation was administratively reverted from "2:20-cv-03361-PKC-TAM" back to "2:20-cv-03361-SJB-AYS" by clerk notation. This reversion was not accompanied by any judicial order. No judicial officer vacated, stayed, or modified the November 17, 2025, Order of Recusal. No order of Judge Chen has ever been entered in this action.

On May 8, 2026 — 172 days after the November 17, 2025, Order of Recusal — a 29-page Memorandum and Order (DE [244]) and a Judgment (DE [245]) were entered under "2:20-cv-03361-SJB-AYS." On the same day, Miscellaneous Case 2:26-mc-01957 was opened and immediately closed, with Plaintiff's three authorized May 5, 2026, submissions removed from the

RECD IN PRO SE OFFICE
JUN 29 '26 AM9:43

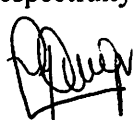
20-cv-3361 docket before DE [244] issued. A district-wide filing injunction was also imposed by DE [244] without compliance with the requirements of Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986).

On June 1, 2026, I filed a Notice of Appeal (DE [246]), and that appeal is pending in the Second Circuit as Case No. 26-1576. On June 24, 2026, I filed in the district court a complete Motion to Vacate pursuant to Fed. R. Civ. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), addressed to the Honorable Pamela K. Chen. A courtesy copy of the complete motion package is attached to this letter.

I respectfully bring these facts to Your Honor's attention as Chief Judge for administrative notice purposes, and to request that the Chief Judge take such administrative steps as may be appropriate to ensure that all filings in Case No. 2:20-cv-03361 are properly routed to the Honorable Pamela K. Chen as the lawfully assigned judicial officer since November 17, 2025, and not to any previously recused judicial officer.

I recognize that the Chief Judge's supervisory authority under 28 U.S.C. § 137 is administrative in nature and does not extend to ruling on the pending motion. I write for notice purposes only and respectfully request that Your Honor direct that the Clerk of Court route all future filings in Case No. 2:20-cv-03361 to Judge Chen.

Respectfully submitted,



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

Enclosure: Courtesy Copy — Complete Motion to Vacate Package (Exhibits 1–26)

cc: Honorable Pamela K. Chen, U.S.D.J.
Honorable Margo K. Brodie - Chief United States District Judge (EDNY — via courtesy copy)
Clerk of the United States Court of Appeals for the Second Circuit (Case No. 26-1576)
Gordon Rees Scully Mansukhani LLP (via ECF)

FILED
CLERK
2026 JUN 24 PM 9:17
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

June 24, 2026

JUN 29 2026
PRO SE OFFICE

The Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Via Dropbox

Re: *Orrego v. Knipfing et al.*, Case No. 2:20-cv-03361 (PKC)(TAM) - Motion to Vacate Pursuant to Fed. R. Civ. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), Courtesy Copy of Complete Motion Package (Exhibits 1–26)

Dear Judge Chen:

I write to provide Your Honor with a courtesy copy of the complete Motion to Vacate package filed today, June 24, 2026, in Case No. 2:20-cv-03361 at the Pro Se Office of the Eastern District of New York. I am submitting this letter and the complete motion package today.

The motion is addressed to Your Honor as the judicial officer to whom this action was reassigned pursuant to the November 17, 2025, Order of Recusal, which the Notice of Electronic Filing ("NEF") confirms: "**Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings.**" I do not seek relief from, and do not consent to review by, any judicial officer previously recused or disqualified from this action. All rights and objections are expressly preserved.

Courtesy Copy Contents:

1. Application for Leave to File
2. Notice of Motion
3. Affirmation of Lidia M. Orrego in Support
4. Memorandum of Law
5. Exhibit Table
6. Proposed Order
7. Affirmation of Service
8. Exhibits 1 through 26 (physically attached; see Exhibit Table for complete index)

REC'D IN PRO SE OFFICE
JUN 29 '26 AM9:44

Note Regarding Exhibit 4 (Electronic Evidence Package): Exhibit 4 consists of two CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) containing the same electronic evidence previously submitted as DE [229] on October 8, 2025, re-submitted in CD format pursuant to Fed. R. Civ. P. 56(e)(1). The two CD/DVD discs have been filed with the Clerk of Court as part of the original motion package. Pursuant to Your Honor's Individual Practices §1.A.ii, the CD/DVD discs are not included in this chamber's courtesy copy. If Your Honor's chambers wish to review the electronic evidence, I respectfully request that chambers obtain the Clerk's filed copy, or I can provide an additional set of discs upon request.

This motion presents six independent grounds for vacatur of the Memorandum and Order (DE [244]) and Judgment (DE [245]) entered May 8, 2026:

(1) void ab initio under Rule 60(b)(4) as orders entered by a recused judicial officer 172 days after the November 17, 2025, Order of Recusal;

(2) fraud, misrepresentation, and misconduct by Defendants under Rule 60(b)(3), including authenticated evidence of false signatures on written deposition responses (DE [84]) and five categories of fraud evidence in DE [190] — none rebutted by Defendants with admissible evidence;

(3) fraud upon the court under Rule 60(d)(3), including same-day removal of Plaintiff's authorized submissions through Miscellaneous Case 2:26-mc-01957 and section-by-section adoption of Defendants' submissions without independent analysis;

(4) extraordinary circumstances under Rule 60(b)(6), including the reversal of six findings from DE [30] without citation;

(5) twenty-one documented false statements and omissions (FS1–FS21); and

(6) Rule 56 violations including suppression of nineteen categories of evidence and denial of cross-motion in one sentence.

A Notice of Appeal (DE [246]) was filed June 1, 2026, and is pending in the U.S. Court of Appeals for the Second Circuit as Case No. 26-1576. This motion is filed pursuant to Fed. R. Civ. P. 62.1(a) and Fed. R. App. P. 12.1(a). I have filed the required notice with the Clerk of the Second Circuit. I respectfully request that Your Honor state pursuant to Rule 62.1(a)(3) that the Court would grant relief if the Second Circuit remands, or that this motion raises a substantial issue.

I also bring to Your Honor's attention that my letter motion (DE [232]), filed November 18, 2025, and addressed to Your Honor, remains pending and undecided. DE [232] requested a pre-motion conference, restoration of filing rights, and guidance on refiling my Summary Judgment papers following the November 17, 2025, reassignment. No order has been disposed of it. I respectfully request that DE [232] be calendared for consideration.

I respectfully request that this Court extend to me, as a Pro Se litigant without formal legal training, the leniency to which I am entitled under governing Second Circuit authority. See *Erickson v. Pardus, 551 U.S. 89, 94 (2007); Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474–75 (2d Cir. 2006).*

Respectfully submitted,



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

cc: Honorable Margo K. Brodie - Chief United States District Judge (EDNY — via courtesy copy)
Clerk of the United States Court of Appeals for the Second Circuit (Case No. 26-1576)
Gordon Rees Scully Mansukhani LLP (via ECF)

FILED
CLERK
2026 JUN 24 PM 9:17
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Dated June 24, 2026 **Via ACMS & Email Only**

RECEIVED
JUN 29 2026
PRO SE OF

Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Orrego v. Knipfing et al.*, Case No. 26-1576
Fed. R. App. P. 12.1(a) Notice of Indicative Ruling Motion Filed in District Court

Dear Clerk of Court:

Pursuant to Fed. R. App. P. 12.1(a) and Fed. R. Civ. P. 62.1(b), Plaintiff-Appellant Lidia M. Orrego hereby gives notice that on June 24, 2026, she filed a Motion for Indicative Ruling pursuant to Fed. R. Civ. P. 62.1 in the United States District Court for the Eastern District of New York, Case No. 2:20-cv-03361, addressed to the Honorable Pamela K. Chen.

The district court motion seeks: (1) an indicative ruling pursuant to Fed. R. Civ. P. 62.1(a)(3) that the district court would vacate the Memorandum and Order (DE [244]) and Judgment (DE [245]) entered May 8, 2026, pursuant to Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3) if the Second Circuit remands for that purpose, or that the motion raises a substantial issue; and (2) vacatur of the associated filing injunction.

The appeal in Case No. 26-1576 arises from DE [244] and DE [245]. This notice is provided to the Court of Appeals as required by Fed. R. App. P. 12.1(a). Upon the district court's statement that it would grant the motion or that the motion raises a substantial issue, Plaintiff-Appellant will promptly move this Court for a remand pursuant to Fed. R. App. P. 12.1(b).

The grounds for the district court motion include: (1) jurisdictional void — DE [244] and DE [245] entered 172 days after the November 17, 2025 Order of Recusal by a judicial officer without jurisdiction; (2) fraud by Defendants under Rule 60(b)(3); (3) fraud upon the court under Rule 60(d)(3); and (4) extraordinary circumstances under Rule 60(b)(6).

REC'D IN PRO SE OFFICE
JUN 29 '26 AM9:44

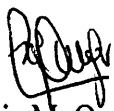
20-cv-3361 docket before DE [244] issued. A district-wide filing injunction was also imposed by DE [244] without compliance with the requirements of Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986).

On June 1, 2026, I filed a Notice of Appeal (DE [246]), and that appeal is pending in the Second Circuit as Case No. 26-1576. On June 24, 2026, I filed in the district court a complete Motion to Vacate pursuant to Fed. R. Civ. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), addressed to the Honorable Pamela K. Chen. A courtesy copy of the complete motion package is attached to this letter.

I respectfully bring these facts to Your Honor's attention as Chief Judge for administrative notice purposes, and to request that the Chief Judge take such administrative steps as may be appropriate to ensure that all filings in Case No. 2:20-cv-03361 are properly routed to the Honorable Pamela K. Chen as the lawfully assigned judicial officer since November 17, 2025, and not to any previously recused judicial officer.

I recognize that the Chief Judge's supervisory authority under 28 U.S.C. § 137 is administrative in nature and does not extend to ruling on the pending motion. I write for notice purposes only and respectfully request that Your Honor direct that the Clerk of Court route all future filings in Case No. 2:20-cv-03361 to Judge Chen.

Respectfully submitted,



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

Enclosure: Courtesy Copy — Complete Motion to Vacate Package (Exhibits 1–26)

cc: Honorable Pamela K. Chen, U.S.D.J.
Honorable Margo K. Brodie - Chief United States District Judge (EDNY — via courtesy copy)
Clerk of the United States Court of Appeals for the Second Circuit (Case No. 26-1576)
Gordon Rees Scully Mansukhani LLP (via ECF)

101

SWSN

Chief Judge Margo K. Brodie
225 Cadman Plaza East
Brooklyn New York 11201
Courtroom: 6F
Chambers: N 626

EXHIBIT 11

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

----------x

In the Matter of the Application of

JASON HOCHFELDER, M.D.,

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules,

Judgment

Index No. 72335/2024

Petitioner,

-against-

Motion Seq. 1

THE NEW YORK STATE WORKERS' COMPENSATION BOARD,

Respondent.

----------x

Williams, A.J.S.C.

In this Article 78 proceeding, Petitioner, Jason Hochfelder, M.D., commenced this proceeding by filing an Order to Show Cause and verified petition seeking 1) to annul and vacate the determination by the Respondent, New York State Workers' Compensation Board, declining to renew his authorization to treat and perform independent medical examinations of injured workers, 2) to enjoin and restrain the Board from enforcing the denial of Petitioner's application, and 3) sought a temporary restraining order ("TRO") granting Petitioner permission to continue treating and performing examinations during the pendency of the proceedings. Upon review of the papers, the Order to Show Cause was signed striking the TRO, and the matter was set down for oral argument. The parties appeared for oral argument on the application for a TRO, and the papers were marked decision reserved without the issuance of a TRO.

Respondent has submitted a verified answer together with the certified record which has been sealed due to the confidential patient information contained therein. Respondent asserts the determination to deny Petitioner's application to be renewed as an authorized physician with the

Case: 26-2518, 09/19/2026, DktEntry: 8.13, (3 of 9)

Workers Compensation Board was a valid exercise of their discretion based upon its' investigation of misconduct by the Petitioner. Respondent asserts two objections in law to the petition that the determination was reasonable, rationally based upon the record and in accordance with their rules, laws, and regulations. In addition, Respondent objects to the petition on the grounds there has been no due process violation as the Petitioner did not have a protected property interest in the renewal of his authorization under the Workers' Compensation Laws ("WCL"). Respondent further contends that a preliminary injunction should be denied as Petitioner has failed to demonstrate the extraordinary relief is appropriate.

Upon review of the papers submitted, the petition is denied, rendering the request for a restraining order moot, and this proceeding is dismissed.

Petitioner, a licensed orthopedic surgeon, was authorized as a medical provider to perform independent medical examinations (IME) and/or to treat workers' compensation patients under the provisions of the WCL. Following the receipt of complaints from patients, Respondent sent letters to Petitioner requesting "written affirmation of [his] future compliance with [his] obligation as an Independent Medical Examiner" (*NYSCEF doc # 34, Record-letter dated November 13, 2020, Exhibit H, page 34*); for a response to allegations alleging the facility was not accessible for persons with disabilities (*NYSCEF doc # 35, Record- letter dated September 22, 2023, Exhibit I, page 36*), and for documentation proving a patient was notified of scheduled IMEs which were cancelled (*NYSCEF doc # 35, Record- letter dated November 16, 2023, Exhibit I, page 44*). Petitioner responded to the above, and with regards to the latest complaint, in December 2023 he was notified that the matter was considered closed. However, Petitioner was informed that his activity would be monitored going forward (*NYSCEF doc # 35, Record, Exhibit I, page 52*).

Case: 26-2518, 09/19/2026, DktEntry: 8.13, (4 of 9)

Thereafter, in March 2024, Respondent received a new complaint which was forwarded to Petitioner. Petitioner was asked to respond to the patient's assertion that his reports contained inaccurate or false information (*NYSCEF doc # 36, Record- letter dated June 21, 2024, Exhibit J, page 57*). In response to Respondent's request for information, Petitioner sent back a general, non-specific statement that failed to address the claims in the complaint. Petitioner responded:

> I am in receipt of a complaint from a claimant that was sent to me via the workers compensation board. I write this letter to assure the board that I always conduct myself and my exams in a professional manner. My reports are always accurate to the best of my abilities. I maintain the utmost ethical standards and can assure you that I always follow the board's guidelines and standards.

On August 6, 2024, Petitioner was notified that the response was inadequate as it failed to address the patient's specific complaints concerning the examinations that were allegedly performed. The letter noted the "failure to comply will result in administrative action". Respondent again requested for Petitioner to "review [his] files and respond promptly and specifically…" (*NYSCEF doc # 36, Record- letter dated June 21, 2024, Exhibit J, page 59*). Rather than respond with specifics as requested, Petitioner reiterated his general response.

On September 20, 2024, Petitioner applied for re-authorization to continue as a medical provider for Respondent which was denied. Respondent cited seven separate grounds for the denial in their letter including the failure to adequately respond to inquiry letters from the Medical Director's Office. The other grounds included complaints from four different patients who alleged incomplete exams were performed, and upon review of Petitioner's file, an excessive number of IMEs were found to have been performed calling into question Petitioner's ability to assess claimants' physical conditions adequately and accurately, and that Petitioner was filing false medical reports as a review

documented IMEs being performed for different patients at the same time. It was upon these bases that Petitioner's application was denied.

As there does not exist a process to appeal the Respondent's determination, Petitioner commenced this Article 78 proceeding.

The scope of judicial review in an Article 78 proceeding is limited by statute. Where an agency's determination is being challenged, the appropriate standard of review is whether the determination was arbitrary and capricious (*see Matter of Stephens v. New York State Div. on Human Rights*, 187 A.D.3d 622, 133 N.Y.S.3d 21 [2020]; [DHR's determination had a rational basis and was not arbitrary and capricious]; *see also* CPLR § 7803 [3]). As a general matter, arbitrary action is defined as any action without sound basis in reason that is generally taken without regard to the facts (*Matter of Pell v. Board of Educ. Of Union Free School Dist. No.1 of Towns of Scarsdale & Mamaroneck, Westchester County*, 34 N.Y.2d 222, 356 N.Y.S.2d 833 [1974]; *Matter of Jefferson v. New York City Bd. of Educ.*, 146 A.D.3d 779, 44 N.Y.S.3d 535 [2017]). The court may not revisit the underlying factual determinations, re-weigh the evidence, nor substitute its judgment for that of the agency (*see Matter of Heintz v. Brown*, 80 N.Y.2d 998, 592 N.Y.S.2d 652 [1992]). If the court finds that the articulated basis for the determination is rational, it must sustain the determination even if the court concludes that it would have reached a different result than the one reached by the agency (*see Liguiri v. Beloten*, 76 A.D.3d 1156, 908 N.Y.S.2d 273 [3rd Dep't 2010]; *Matter of Peckham v. Calogero*, 12 N.Y.3d 424, 883 N.Y.S.2d 751 [2009]).

The WCL is intended to provide employees, deemed claimants, with compensation in the event of an injury arises during their employment. The compensation includes payments made to authorized providers for medical care and treatment rendered. To receive payment for services

Case: 26-2518, 09/19/2026, DktEntry: 8.13, (6 of 9)

rendered, a physician must be authorized by the Chair to provide services to an injured claimant (*see* WCL § 13-b, 12 NYCRR § 323.1). The authorization will designate the physician's specialty and the type of authorization granted: whether authorized to treat injured workers, to conduct independent medical examinations or both. A physician who has acquired authorization by the Chair is required to abide by all statutes, rules and regulations governing workers compensation claims. The WCL prohibits anyone other than authorized providers from providing medical care or treatment to workers compensation claimants.

An authorized provider is required to apply to renew their authorization with the Board within thirty days of their license being renewed. "The Board may remove a provider from the list of authorized providers if the renewal of authorization is not filed, or is incomplete, inaccurate, or falsifies any information" (12 NYCRR § 323.1 [g]). However, this is not a restrictive list as to when removal may occur.

Other actions could lead to a provider being disqualified to continue their services. While the regulations set forth what a provider must do to apply and the qualifications necessary, the determination whether to grant authorization is left to the discretion of the Chair acting on behalf of the Workers Compensation Board. This is true whether the applicant has submitted an initial application or is reapplying. Thus, unlike in a termination or suspension of a provider's participation with the Board, there is no requirement that a hearing be afforded prior to an application of renewal being denied (see *Matter of Habif v. New York State Workers' Compensation Bd.*, 206 A.D.3d 1322, 171 N.Y.S.3d 590 [3rd Dep't 2022]).

Based on the review of the administrative record here, the Court finds that the Respondent's determination was not arbitrary and capricious, nor did it lack a rational basis. As relevant to this case, WCL 13-d [2] [d], states a provider that has "knowingly

made a false statement or representation to a material fact in any medical report made pursuant to this chapter or in testifying or otherwise providing information for the purpose of this chapter". Petitioner acknowledges that there were errors contained in the reports that were filed with Respondent. While Petitioner seeks to minimize the significance of these errors by characterizing them as "de minimis" or as "clerical errors", they are sufficient enough to support the determination by Respondent not to renew his authorization.

Respondent's review of the Petitioner's reports demonstrated that on multiple occasions, as outlined in the affidavits from Dr. James A. Tacci (*NYSCEF doc # 22*) and Christopher Faling (*NYSCEF doc # 21*), Petitioner filed reports reflecting that he was conducting multiple IMEs on different claimants during the same period. In some instances, Petitioner alleged he examined three different patients practically simultaneously. Copies of the reports are included in the record. Dr. Tacci explains:

> Dr. Hochfelder…claimed to have performed in excess of 30 complete IMEs in a single day… In an eight-hour day, thirty examinations average out to 3.75 each hour, or an average of 16 minutes per examination, assuming the examiner took few or no breaks. The actual data review by the Board shows a typical day of IME's performed by Dr. Hochfelder [lasted] approximately six (6) hours, or five (5) exams per hour, for an average of twelve (12) minutes per IME. In addition, Dr. Hochfelder's IME reports reflect that his IME's often run right up against each other with no break…when typically, there are breaks in the daily schedule, indicating that Dr. Hochfelder actually spent less time with each examinee. Brief IMEs are the source of frequent complaints by examinees and undermine their confidence in the fairness and validity of the system … the less time an examiner spends with an examinee, the less thorough and accurate of a history, examination and report … will be generated by the IME.

Dr. Tacci explains the large number of daily IMEs being reported by Petitioner did not afford him the necessary amount of time to spend with each claimant. This is

consistent with the complaints the Respondent received concerning Petitioner's examinations and reports particularly from the most recent claimant that Petitioner's examination was brief, and paperwork falsely claimed procedures were performed that weren't.

Respondent's found Petitioner compromised the integrity of the examination process, and his records were false. Under these circumstances, Respondent had a rational bases to determine they no longer wished to list Petitioner as an authorized provider. As the record demonstrates material errors in Petitioner's reports that were filed, the determination does not constitute an abuse of discretion.

Moreover, under WCL 13-d [2] [f], a provider can be considered disqualified to render services where the provider "has refused to … answer upon request of, the chair, …any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter". In June 2024, Respondent notified Petitioner that a complaint had been made regarding two prior IMEs that he had performed, and that the claimant alleged his reports were inaccurate and false. The letter specified the allegations being asserted. Respondent requested that Petitioner respond to the specific allegations. Petitioner failed to address the claim, rather gave a legalistic response that he always conducts his exams in a professional manner and that his reports were accurate to the best of his abilities. Upon being notified that this response was insufficient, and that he was required to respond to correspondence from the Board, Petitioner again failed to provide a responsive answer.

Under these circumstances, Petitioner's resort to a legalistic response that failed to respond to the specific allegations being made by the claimant was properly viewed as a

Case: 26-2518, 09/19/2026, DktEntry: 8.13, (9 of 9)

refusal to respond as required. Although Petitioner now asserts that due to the passage of time between when the examinations occurred and when the complaint was filed, he could not recall the specifics of the examination in any detail, Petitioner never stated in either of his responses that he could not recall. Petitioner failed to assert what if any steps were undertaken to review his reports to jog his memory.

Accordingly, the petition (*mtn seq. # 1*) is denied, the determination by the Respondent is found not to have been arbitrary and capricious, and it is further

ORDERED and ADJUDGED, that the petition is dismissed; and it is further

ORDERED and ADJUDGED, that the application for an injunction is rendered moot in accordance with the decision finding the Respondent has not acted arbitrarily.

This constitutes the judgment of the Court.

Dated: January 21, 2025
White Plains, New York

Hon. Maurice Dean Williams
Acting Supreme Court Justice

EXHIBIT 12

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (2 of 9)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of the Application of JASON HOCHFELDER, M.D., Petitioner, For a Judgment Pursuant to Article 78 of the New York Civil Practice Law and Rules -against- THE NEW YORK STATE WORKERS' COMPENSATION BOARD, Respondent.	**Verified Answer** Index No. 72335/2024 Hon. Maurice Dean Williams

The New York State Workers' Compensation Board, the Respondent herein, by its attorney LETITIA JAMES, Attorney General of the State of New York, for its Verified Answer to the Petition in the above-captioned proceeding:

1. Denies the allegations contained in paragraph 1 of the Petition, except admits that Petitioner submitted to Respondent a renewal application to be an authorized provider under the Workers' Compensation Law, and that Petitioner's renewal application was denied on September 23, 2024.

2. Denies the allegations contained in paragraph 2 of the Petition.

3. Denies the allegations contained in paragraph 3 of the Petition.

4. Denies the allegations contained in paragraph 4 of the Petition.

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (3 of 9)

5. Denies the allegations contained in paragraph 5 of the Petition, and avers that procedural due process does not require notice and an opportunity to be heard before a renewal application is denied. *Matter of Habif v. New York State Workers' Compensation Bd.*, 206 A.D.3d 1322 (3d Dep't 2022). *See also generally, Matter of Daxor Corp. v. State of N.Y. Dep't of Health*, 90 N.Y.2d 89 (1997).

6. Denies the allegations contained in paragraph 6 of the Petition.

7. Denies the allegations contained in paragraph 7 of the Petition.

8. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Petition, except admits that it contains Petitioner's characterization of this CPLR article 78 proceeding.

9. Denies the allegations contained in paragraph 9 of the Petition, and avers that the Board's determination is not only rational and reasonable but in compliance with the Workers' Compensation Law.

10. Denies the allegations contained in paragraph 10 of the Petition.

11. Denies the allegations contained in paragraph 11 of the Petition.

12. Denies the allegations contained in paragraph 12 of the Petition.

13. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Petition, except admits that it contains Petitioner's characterization of the relief sought in this CPLR article 78 proceeding, but denies his entitlement to any relief.

14. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Petition.

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (4 of 9)

15. Admits the allegations contained in paragraph 15 of the Petition.

16. Denies the allegations contained in paragraph 16 of the Petition, except admits that Petitioner is an orthopedic surgeon licensed to practice medicine in the State of New York, and submitted an initial application for authorization to examine and treat patients under the Workers' Compensation Law in 2015.

17. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Petition.

18. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Petition.

19. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Petition.

20. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Petition.

21. Admits the allegations contained in paragraph 21 of the Petition.

22. Admits the allegations contained in paragraph 22 of the Petition, but avers Petitioner's response was conclusory and nonspecific.

23. Denies the allegations contained in paragraph 23 of the Petition, except admits Petitioner submitted a renewal application on September 20, 2024.

24. Admits the allegations contained in paragraph 24 of the Petition.

25. Denies the allegations contained in paragraph 25 of the Petition.

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (5 of 9)

26. Denies the allegations contained in paragraph 26 of the Petition, except admits that on September 23, 2024, Petitioner was notified that his renewal application was denied because the Workers' Compensation Board had received four complaints following independent medical examinations Petitioner conducted, Petitioner's failure to adequately respond to letters from the Medical Director's Office, Petitioner conducted an excessive number of independent medical examinations, and filed false statements in medical reports.

27. Answering paragraph 27 of the Petition, repeats and re-alleges every response made to the allegations in the preceding paragraphs of the Petition referenced therein, as if fully set forth here.

28. Denies the allegations contained in paragraph 28 of the Petition.

29. Denies the allegations contained in paragraph 29 of the Petition.

30. Denies the allegations contained in paragraph 30 of the Petition.

31. Denies the allegations contained in paragraph 31 of the Petition, and leaves the legal conclusions contained therein to the Court's determination.

32. Denies any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Petition.

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (6 of 9)

As and for a First
Objection in Point of Law

33. For the reasons set forth in Point 2 of Respondent's Memorandum of Law, in the Affidavit of Christopher Faling, and in the Affidavit of James A. Tacci, M.D, J.D., M.P.H., which are incorporated herein by reference, the Respondent's determination was reasonable, rationally based on the record, and comported with the Workers' Compensation Law and corresponding regulations and should be confirmed.

As and for a Second
Objection in Point of Law

34. For the reasons set forth in Point 2(C) of Respondent's Memorandum of Law, and in the Affidavit of Christopher Faling, and in the Affidavit of James A. Tacci, M.D, J.D., M.P.H., which are incorporated herein by reference, the Respondent's determination did not violate Petitioner's due process rights as he did not have a protected property interest in the renewal of his authorization to treat and examine patients under the Workers' Compensation Law.

Wr käkp~äk, Respondent prays that judgment be granted denying the Petition and dismissing this proceeding, together with such other and further relief as the Court may deem just and proper.

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (7 of 9)

RETURN

	Document	**Starting Bates Number**
	Certification	
Exhibit A	Petitioner's application for initial Board authorization to treat injured workers dated July 8, 2015.	R. 1
Exhibit B	Petitioner's initial Board authorization approval dated August 13, 2015. (Rating Code: OS).	R. 8
Exhibit C	Petitioner's application for Board authorization to conduct IMEs dated August 30, 2017. (Rating Code: COS).	R. 11
Exhibit D	Petitioner's Board authorization approval and approval to conduct IMEs dated September 14, 2017. (Rating Code: OS).	R. 19
Exhibit E	Board authorization expiration notice sent from the Board to Petitioner on August 5, 2024.	R. 21
Exhibit F	Petitioner's application for reauthorization dated September 20, 2024.	R. 22
Exhibit G	Board's correspondence to Petitioner denying the application for reauthorization dated September 23, 2024.	R. 27
Exhibit H	Claimant (WCB Case No. G2584330) complaint regarding Petitioner dated October 27, 2020; Correspondence Between the Board and Petitioner regarding the complaint.	R. 29
Exhibit I	Claimant (WCB Case No. G3271742) complaint regarding Petitioner dated August 15, 2023; Correspondence Between the Board and Petitioner regarding the complaint.	R. 35
Exhibit J	Claimant (WCB Case No. G3274575) complaint regarding Petitioner dated March 26, 2024; Correspondence Between the Board and Petitioner regarding the complaint.	R. 53
Exhibit K	Petitioner's IME Reports from December 18, 2023.	R. 62
Exhibit L	Petitioner's IME Reports from March 4, 2024.	R. 330

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (8 of 9)

Exhibit M	Petitioner's IME Reports from April 1, 2024.	R. 604
Exhibit N	Petitioner's IME Reports from April 29, 2024.	R. 842
Exhibit O	Petitioner's IME Reports from May 13, 2024.	R. 1092
Exhibit P	Petitioner's IME Reports from July 8, 2024.	R. 1372

Dated: White Plains, New York
October 16, 2024

LETITIA JAMES
Attorney General of the State of New York

Attorney for Respondent

By: Terrance K. DeRosa

Terrance K. DeRosa
Assistant Attorney General
44 South Broadway, 5th Floor
White Plains, New York 10601
(914) 422-8724

To: Via NYSCEF

Melanie I. Wiener, Esq.
Abrams Fensterman LLP
Attorney for Petitioner
1 Metrotech Center, Suite 1701
Brooklyn, New York 11201
(718) 215-5300
mwiener@abramslaw.com

Case: 26-2518, 09/19/2026, DktEntry: 8.14, (9 of 9)

Verification

I, Terrance K. DeRosa, am an Assistant Attorney General in the office of Letitia James, Attorney General of the State of New York, and am duly authorized to make this verification.

I affirm pursuant to CPLR § 3020(d)(2) that I am acquainted with the facts of this matter, have read the foregoing Verified Answer, and know the contents thereof. The matters therein are stated upon information and belief, and I believe them to be true. The grounds for my beliefs are documents, records, correspondence and other material contained in the files of the Westchester Regional Office.

Dated: White Plains, New York
October 16, 2024

Terrance K. DeRosa

Terrance K. DeRosa
Assistant Attorney General

EXHIBIT 13

Case: 26-2518, 09/19/2026, DktEntry: 8.15, (2 of 16)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of the Application of

JASON HOCHFELDER, M.D.,

Petitioner,

-against-

THE NEW YORK STATE WORKERS' COMPENSATION BOARD,

Respondent,

AFFIDAVIT

Index No. 72335/2024

Christopher Faling affirms this 15th day of October, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the following is true, and I understand that this document may be filed in an action or proceeding in a court of law:

1. I am a Principal Workers' Compensation Examiner employed by the New York State Workers' Compensation Board ("Board", "WCB", or "Respondent") and I work within the Board's Medical Director's Office ("MDO"). My duties include the review and investigation of medical providers who have been authorized or are seeking authorization from the Board to render care to injured workers and/or conduct independent medical examinations ("IMEs") within the New York State workers' compensation system.

2. I am familiar with the facts and circumstances set forth herein based upon my contact with the Petitioner Jason Hochfelder, M.D. ("Petitioner") as well as my review of the Board's records and documents regarding Petitioner as set forth herein.

3. I submit this Affidavit in opposition to the Verified Petition seeking an Order: 1) Annulling and vacating the Board's Determination dated September 23, 2024 denying Petitioner's

Case: 26-2518, 09/19/2026, DktEntry: 8.15, (3 of 16)

application for reauthorizations to treat and perform independent medical examinations of injured workers; 2) Enjoining and restraining the Board from enforcing the denial of Petitioner's application; 3) Permitting Petitioner to continue treating and performing IMEs during the pendency of this action; and 4) Granting such and other further relief that this Court deems just, proper, and equitable.

I. RELEVANT BACKGROUND

4. The Board is the governmental entity charged with the administration of the Workers' Compensation Law ("WCL") and attendant regulations and has all of the powers and duties set forth therein. The Board's mission is to fairly and equitably administer the provisions of the WCL and the attendant regulations, including workers' compensation benefits, disability benefits, volunteer firefighters' benefits, volunteer ambulance workers' benefits and volunteer civil defense workers' benefits on behalf of New York's injured workers and their employers.

5. Workers' compensation benefits provide weekly cash payments (i.e. indemnity/lost wage payments) and the cost of full medical treatment for covered employees who become disabled as a result of a disease or injury causally related to their employment. Benefits may also be paid to the qualified dependents of a worker who has died as a result of compensable injury or illness. With respect to medical treatment, WCL § 13 provides that an employer shall promptly provide an injured employee with necessary medical, dental, surgical or other medical care as the nature of the workers' injury or process of recovery shall require.

6. Pursuant to WCL §§10 and 50, virtually every employer in New York is required to provide workers' compensation coverage for their employees. Employers may satisfy that requirement in one of three ways: (i) by acquiring a workers' compensation policy from the State Insurance Fund pursuant to WCL §50(1); (ii) by acquiring a policy from a commercial insurance

carrier pursuant to WCL §50(2); or (iii) by self-insuring as an individual pursuant to WCL §50(3) or as a member of a GSIT pursuant to WCL §50(3-a).

7. In connection with the Board's responsibility to ensure that appropriate medical care is provided to injured workers, the Legislature enacted WCL § 13-b to provide the Board with an authorization process for medical providers. Authorization may be granted to a provider for purposes of treating injured workers and/or conducting IMEs. Medical providers who become Board authorized do so with the understanding that they are required to comply with the entirety of the WCL, and attendant Board rules and regulations.

8. To ensure that authorized providers are rendering appropriate medical care and complying with the terms and conditions of their authorization, including compliance with the WCL and the Board's rules and regulations, the Board is also empowered to investigate providers and take immediate action as necessary with respect to their authorization status where appropriate. See WCL § 13-d.

Independent Medical Examinations

9. IMEs are governed by WCL § 137 and 12 NYCRR § 300.2. The IME provider is required to submit a report of the examination to the Board, the insurance carrier, the injured workers' physician, the injured worker, and their representative. WCL § 137(1)(a). "Only a New York State licensed and board certified physician, surgeon, podiatrist or any other person authorized to examine or evaluate injury or illness by the board shall perform" an IME. *Id.* at § 137(3)(a). The examiner must be "competent to evaluate or examine the injury or disease from which the injured worker suffers." *Id.* at § 137(5). IMEs must be performed in suitable medical facilities, in a convenient and accessible location within a reasonable distance of the injured worker's residence. *Id.* at § 137(4).

> No practitioner examining or evaluating a claimant under this chapter nor any supervising authority or proprietor nor insurance carrier or employer may cause,

> direct or encourage a report to be submitted as evidence in workers' compensation claim adjudication which differs substantially from the professional opinion of the examining practitioner. Such an action shall be considered within the jurisdiction of the workers' compensation fraud inspector general and may be referred as a fraudulent practice.

Id. at § 137(6).

10. An authorized examiner is defined as "a physician, podiatrist, chiropractor, or psychologist who possesses a current, valid, and unrestricted professional license granted by the New York State Board of Regents, that is without any limitation imposed by the New York State Department of Health, Board of Professional Medical Conduct or the New York State Department of Education Office of Professional Discipline" and is not subject to any restriction on, suspension or revocation of a professional license granted by any other state. 12 NYCRR § 300.2(b)(2). An independent medical examination "means an examination performed by an authorized or qualified independent medical examiner, pursuant to section 13-a, 13-k, 13-l, 13-m or 137 of the Workers' Compensation Law for purposes of evaluating or providing an opinion with respect to" among other things, the scope and severity of a disability, assessing a causal relationship or assessing proper treatment. *Id.* at § 300.2(b)(4).

11. The eligibility and application procedures for becoming a provider authorized to conduct IMEs must comport with 12 NYCRR § 300.2(b)(2) and WCL §§ 13-b, 13-k, 13-l, or 13-m. *Id.* at § 300.2(c)(1). Authorized examiners

> may retain authorization privileges to conduct independent medical examinations and reviews of records only so long as such examiner continues to comply with the laws and regulations governing such authorization and the examiner's profession, and submits such reports and investigation as may be required by the chair.

12 NYCRR § 300.2(C)(3)(i).

Conversely, the failure to comply with the laws and regulations governing IMEs is grounds for a provider's removal from the authorized list of examiners. *Id.* at § 300.2(a)(2). The IME report must be:

a complete and accurate report following an independent medical examination or review of records that at least shall contain:

(a) a description of the examination, if conducted;

(b) a list of all the information, such as documents, reports, records, and/or test results, received and reviewed in preparation for the independent medical examination the report of such exam or the review of records;

(c) any test films or results, or other medical information provided by the claimant at the time of the independent medical examination that is related to the condition that is the subject of the independent medical examination;

(d) the independent medical examiner's professional opinion; and

(e) a signed statement certifying:

(1) that the report is a full and truthful representation of the independent medical examiner's professional opinion with respect to the claimant's condition in accordance with the Workers' Compensation Law Sections 13-a(4)(e)(i), 13-k(3)(e)(i), 13-l(3)(e)(i) or 13-m(4)(e)(i), as appropriate;

(2) that no person or entity has caused, directed or encouraged the independent medical examiner to submit a report that differs substantially from the professional opinion of the independent medical examiner; and

(3) the independent medical examiner has reviewed the report and attests to its accuracy.

12 NYCRR § 300.2(d)(4). The examiner's signature must be original, or if electronic, in compliance with State Technology Law § 304 and 9 NYCRR § 540.4. A report that does contain the required certification does not meet WCL § 137's requirements and is inadmissible in a workers' compensation proceeding. *Id.* at § 300.2(d)(4)(ii).

12. The injured worker has the right to videotape or otherwise record the IME and a provider cannot refuse to conduct the IME because it is being recorded. *Id.* at § 300.2(d)(7). The injured worker, the provider, and their agents shall not alter or misrepresent the contents of a recording. Injured workers also have the right to be accompanied by any individual(s) of their choosing, but companions cannot interrupt or interfere with the IME. *Id.*

II. PETITIONER'S VIOLATIONS OF THE WCL

13. The Petitioner is an orthopedic surgeon licensed to practice in New York State. Petitioner Affirmation ¶ 4. The Petitioner submitted his initial application for Board authorization on July 8, 2015, and became Board authorized to treat injured workers on August 13, 2015. (R. 1-10). The Petitioner acknowledged that his Board authorization was conditioned upon compliance with the WCL and Board rules. (R. 2.)

14. On August 30, 2017, Petitioner submitted an application with the Board for an authorization to perform IMEs. (R. 11-18). The Board approved Petitioner's application to perform IMEs on September 14, 2017, and again the Petitioner acknowledged that this authorization was conditioned upon compliance with the WCL and Board rules. (R. 19-20).

15. WCL § 13-d(2) sets forth conduct worthy of disqualification for Board authorized providers. As applicable here, the Board may disqualify a provider under WCL § 13-d(2)(d) who "knowingly made a false statement or representation as to a material fact in any medical report pursuant to this chapter or in testifying of otherwise providing information for the purposes of this chapter."

16. Additionally, the Board may disqualify a provider under WCL § 13-d(2)(f) if they refuse "to answer upon request of, the chair, board, medical appeals unit or any duly authorized officer of the state, any legal question, or to produce any relevant book or paper concerning his or her conduct under any authorization granted to him or her under this chapter."

The Complaints against Petitioner

17. As noted in the Board's denial letter dated September 23, 2024, the Board received several claimant complaints against the Petitioner, specifically with regard to IMEs, and that he was not conducting complete exams and reporting that his examinations were longer than they actually were. (R. 27-28).

18. On October 27, 2020, Claimant No. G2584330 filed a complaint with the Board regarding the Petitioner, alleging:

- Petitioner only examined the claimant for approximately 4 ½ minutes and did not complete a full examination. (R. 29-30).
- Petitioner submitted false statements that the claimant was walking without difficulty when she was walking with a limp. (R. 30).

19. On August 15, 2023, Claimant No. G3271742 filed a complaint with the Board that when he attended his orthopedic IME with Petitioner, the office was not compliant with the American Disabilities Act (ADA), and that his IME with Petitioner "lasted a whole 2 minutes and 24 seconds." (R. 35).

20. On October 31, 2023, Claimant No. G1778580 filed a complaint with the Board that the Petitioner failed to appear for IMEs on September 25, 2023, and October 30, 2023. (R. 42-43).

21. On March 26, 2024, Claimant No. G3274575, filed a complaint with the Board regarding Petitioner, stating among other things, that:

- The IME "was a brief 5 minutes". (R. 53).
- That Petitioner reported he had claimant do certain movements as part of the IME which did not occur. (R. 53).
- That Petitioner reported on issues which he never asked or discussed with the claimant. (R. 53).
- Due to Petitioner's report, the claimant's pay was reduced to 25%. (R. 53).

22. As a result of the above-mentioned complaints, the Board undertook a review and investigation of Petitioner's IME practices and discovered that on certain days, Petitioner was conducting an excessive number of IMEs, such that he could not possibly perform complete IMEs, and that he was also reporting that he was conducting IMEs on different claimants during the same time periods.

Case: 26-2518, 09/19/2026, DktEntry: 8.15, (9 of 16)

23. For example, on December 18, 2023, Petitioner reported he completed 30 IMEs. However, review of the records reflect that Petitioner reported he was conducting IMEs on the following claimants at the same time:

- Petitioner reported he was conducting an IME on Claimant No. G3585752 (9:15 A.M. – 9:52 A.M.) at the same time as Claimant No. G3322443 (9:38 A.M. – 9:48 A.M.). (R. 62-79).
- Petitioner reported he was conducting an IME on Claimant No. G3673262 (12:55 P.M. – 1:06 P.M.) at the same time as Claimant No. G3525819 (1:00 P.M. – 1:10 P.M.). (R. 196-208).
- Petitioner reported he was conducting an IME on Claimant No. G2995690 (2:00 P.M. – 2:07 P.M.) at the same time as Claimant No. G3638638 (2:00 P.M. – 2:19 P.M.). (R. 236-247).
- Petitioner reported he was conducting an IME on Claimant No. G2933311 (2:15 P.M. – 2:25 P.M.) at the same time as Claimant No. G3324646 (2:15 P.M. – 2:25 P.M.) and Claimant No. G3352576 (2:20-2:30 P.M.) (R. 248-299).

24. On March 4, 2024, the Petitioner reported he conducted 29 IMEs. Again, review of the records reflected Petitioner reporting he was conducting IMEs during the same time period:

- Petitioner reported he was conducting an IME on Claimant No. G3457108 (11:26 A.M. – 11:34 A.M.) at the same time as Claimant No. G3624412 (11:30 A.M. – 11:50 A.M.), while also conducting an IME on Claimant No. G3673233 (11:36 A.M. to 11:45 A.M.). (R. 425-447).

25. On April 1, 2024, the Petitioner also reported he completed 30 IMEs. Again, review of the records reflected Petitioner reporting that he was conducting IMEs during the same time period:

- Petitioner reported he was conducting an IME on Claimant No. G2938596 (9:15 A.M. – 9:25 A.M.) at the same time he was conducting an IME on Claimant No. G3747507 (9:20 A.M. – 9:30 A.M.). (R. 612-624).
- Petitioner reported he was conducting an IME on Claimant No. G2855874 (11:30 A.M. – 11:38 A.M.) at the same time he was conducting an IME on Claimant No. G3762646 (11:35 A.M. – 11:45 A.M.). (R. 717-731).

Case: 26-2518, 09/19/2026, DktEntry: 8.15, (10 of 16)

26. On April 29, 2024, the Petitioner reported he completed 28 IMEs. Review of the records reflected Petitioner reporting that he was conducting patient IMEs during the same time period:

- Petitioner reported he was conducting an IME on Claimant No. G3537974 (11:20 A.M. – 11:30 A.M.) at the same time he was conducting an IME on Claimant No. G3297997 (11:25 A.M. – 11:35 A.M.). (R. 946-963)
- Petitioner reported he was conducting an IME on Claimant No. G3742136 (2:00 P.M. – 2:10 P.M.) at the same time he was conducting an IME on Claimant No. G3741706 (2:05 P.M. – 2:15 P.M.). (R. 1053-1064).
- Petitioner reported he was conducting three IMEs during the same time period, reporting he conducted an IME on Claimant No. G3551759 (2:15 P.M. – 2:25 P.M.), Claimant No. G3774123 (2:20 P.M. – 2:30 P.M.), and Claimant No. G3796301 (2:20 P.M. to 2:30 P.M.). (R. 1065-1084).

27. On May 13, 2024, the Petitioner reported he completed 28 IMEs. Review of the records reflected Petitioner reporting that he was conducting patient IMEs during the same time period:

- Petitioner reported he was conducting an IME on Claimant No. G3210290 (10:20 A.M. – 10:30 A.M.) at the same time he was conducting an IME on Claimant No. G3573650 (10:20 A.M. – 10:27 A.M.). (R. 1148-1166).

28. Most egregiously, on July 8, 2024, the Petitioner reported he completed 34 IMEs. Review of the records again revealed Petitioner reporting that he was conducting IMEs during the same time period:

- Petitioner reported he was conducting an IME on Claimant No. G3322505 (10:00 A.M. – 10:20 A.M.) at the same time he was conducting an IME on Claimant No. G3827616 (10:00 A.M. – 10:08 A.M.). (R. 1417-1427).
- Petitioner reported he was conducting an IME on Claimant No. G3380568 (12:00 P.M. – 12:08 P.M.) at the same time he was conducting an IME on Claimant No. G3608335 (12:00 P.M. – 12:15 P.M.). (R. 1488-1495).
- Petitioner reported he was conducting an IME on Claimant No. G3828459 (12:25 P.M. – 12:35 P.M.) at the same time he was conducting an IME on Claimant No. G3773834 (12:30 P.M. – 12:40 P.M.). (R. 1516-1528).

29. While Petitioner may attempt to brush these false reports of simultaneous exams off as "clerical errors within a de minimis amount of medical reports" (See Petitioner Affirmation ¶ 17), Petitioner is himself responsible for ensuring he is submitting accurate medical reports, not

members of his staff. Under 12 NYCRR § 300.2(d)(4), the independent medical examiner must submit a signed statement certifying that he has reviewed the report and attests to its accuracy. Additionally, these false reports were not "de minimis", but as can be seen above, exhibit a pattern of fraudulent reporting, especially seen within the context of Petitioner performing an excessive number of IMEs within a single day, and corroborating the claimant complaints as discussed above.

30. Therefore, the Board determined based upon its investigation that Petitioner made false statements within his medical reports in violation of WCL § 13-d(2)(d).

Petitioner's Failure to Properly Respond to the Board

31. As discussed above, the Board received a complaint about the Petitioner from Claimant No. G3274575 on March 26, 2024. (R. 53). On June 21, 2024, the Board's Medical Director, James A. Tacci, M.D., wrote to the Petitioner, outlining the complaints and concluded the letter by stating: "Please respond within 20 days with a response to these allegations and with an affirmation that you will comply with the New York State Workers' Compensation Law, rules, regulations and promulgated policies. A failure to respond will result in administrative action." R. 0057.

32. The Petitioner wrote the Board on June 28, 2024, with the following non-specific response:

> I am in receipt of a complaint from a claimant that was sent to me via the workers' compensation board. I write this letter to assure the Board that I always conduct myself and my exams in a professional manner. My reports are always accurate to the best of my abilities. I maintain the utmost ethical standards and can assure you that I always follow the Board's guidelines and standards. (R. 58).

33. The Board advised the Petitioner that his June 28, 2024, response was not specific and did not adequately address the claimant's complaints. The Petitioner was advised to respond

promptly and specifically to any outstanding correspondence he received from the Board's Medical Director's Office and include any required affirmations. (R. 59).

34. In response, Petitioner again failed to specifically address any of the complaints against him from Claimant No. G3274575, merely adding the claimant's name, IME dates, and affirming his previous non-specific answer:

> I am in receipt of a complaint regarding (Claimant No. G3274575) who I examined as an independent medical doctor on June 10th 2022, and January 16th 2023. This letter affirms that I always conduct myself in a professional way and comply with all workers compensation board regulations and guidelines. My exams and reports are true and honest to the best of my ability. I conduct all my exams at approved sites that are in compliance with the workers' compensation board standards (R. 0060).

35. As can be seen, Petitioner again failed to respond to any of the specific complaints against him, including Petitioner's fraudulent reporting that the exam lasted 15 minutes when the claimant claimed it was 5 minutes, and that the claimant reported the Petitioner produced reports which were inaccurate and inconsistent with the information provided by the claimant. (R. 60).

36. The Board provided the Petitioner multiple opportunities to defend himself and respond to the specific complaints set forth by Claimant No. G3274575. Petitioner was also warned that a failure to respond/comply would result in administrative action. (R. 57, 59).

37. Now that the Board has taken the administrative action of denying his reauthorization, the Petitioner alleges he was "not given another opportunity to explain myself or defend my position." See Petitioner Affirmation ¶ 17.

38. Rather, as can be seen, the Board requested multiple times that the Petitioner explain himself and defend his position with regard to the complaints set forth by Claimant No. G3274575.

Case: 26-2518, 09/19/2026, DktEntry: 8.15, (13 of 16)

39. Because the Petitioner failed to answer upon requests of the Board for specific responses to the allegations against him from Claimant No. G3274575, the Board determined that he was in violation of WCL § 13-d(2)(f), disqualifying conduct for a Board authorized provider.

III. THE BOARD'S AUTHORITY UNDER THE WCL AND THE DENIAL OF PETITIONER'S APPLICATION FOR AUTHORIZATION

40. As discussed above, WCL § 13-b provides the Board with an authorization process for medical providers. Authorization may be granted to a provider for purposes of treating injured workers and/or conducting IMEs

41. As of April 16, 2020, the Board requires medical providers who are already Board authorized to renew their authorization with the Board every two or three years coincidental with that provider's New York State Education Department license registration renewal. See 12 N.Y.C.R.R. § 323.1. Authorized providers must submit this renewal application with the Board within 30 days of their license renewal with the New York State Education Department. See 12 N.Y.C.R.R. § 323.1(g). Such renewal application must include updated professional information and a certification that any mandatory training required by the Chair has been completed.

42. On August 5, 2024, the Board sent Petitioner a Board Authorization Expiration Notice which informed him his authorization to treat injured workers' and perform IMEs would expire on September 30, 2024. (R. 21). Petitioner submitted his renewal application for Board authorization and authorization to conduct IMEs on September 20, 2024. (R. 22-26).

43. Under WCL § 13-b, the Board has the discretion to determine whether providers shall be approved to be Board authorized under the WCL when that provider submits an application for authorization. Furthermore, under 12 N.Y.C.R.R § 323.1(f) the Board has explicit

authority to reject applications for authorization or remove a provider from the list of authorized providers if information in their application is omitted, inaccurate or false.

44. In addition, the Appellate Division Third Department has held that the Board may deny applications for Board authorization for violations of the WCL, as well as violations of other laws applicable to medical professionals (such as the Rules of the Board of Regents under 8 NYCRR 29). *Habif v. New York State Workers' Compensation Board,* 206 A.D.3d 1322, 171 N.Y.S.3d 590 (3rd Dept 2022).

45. The *Habif* court held that conduct constituting grounds for removal of an authorized provider may also serve as an appropriate basis for denying an application for authorization: "[I]f receiving improper third-party payments constitutes a ground for removal of an authorized provider in the middle of the provider's three-year term, such conduct can also appropriately serve as a basis for denying a renewal application at the end of a term." Id., FN 3.

46. Here, the Board determined that the Petitioner violated WCL §§ 13-d(2)(d) and WCL § 13-d(2)(f). As these violations are disqualifying conduct which would allow the Board to remove the provider's Board authorization, such violations also serve as a basis for the Board to deny a provider's application when it is at the end of a term and up for renewal.

IV. PETITIONER IS NOT ENTITLED TO A HEARING WITH REGARD TO HIS APPLICATION

47. The Petitioner alleges he was never given an opportunity to be heard prior to the Board's denial of his application. However, there is no internal appeals process or hearing requirement relative to an authorization application. Further, as discussed above, the Board requested that Petitioner specifically address the complaints made by Claimant No. G3274575,

which provided the Petitioner an opportunity to specifically rebut the allegations against him. Petitioner failed to do so.

48. It well settled that medical providers are not entitled to a hearing with regard to an application for Board authorization. The *Habif* court held: "As a preliminary matter, petitioner was not improperly deprived of a hearing, as he contends. The applicable statutes and regulations distinguish between denying a provider's initial or renewal application for authorization to treat workers and removing a provider from the list of authorized providers during the course of his or her term." 206 A.D.3d 1322 at 1323. The *Habif* court continued: ("[t]he regulation governing both initial and renewal applications for authorization to treat workers' compensation claimants contains no provision for a hearing prior to the approval or denial of such applications (see 12 NYCRR 323.1). Accordingly, under these particular circumstances, petitioner was not entitled to a hearing." Id.

49. Based on the foregoing, as well as all of the reasons set forth in the accompanying memorandum of law, the Petition should be dismissed in all respects.

Dated: Albany, New York

October 15, 2024

Christopher Faling

Sworn to before me this
15th day of October, 2024

Notary Public

KAREN M. GLASS
01GL4690677
Notary Public in the State of New York
Qualified in Columbia County
Commission Expires 2/28/26

Case: 26-2518, 09/19/2026, DktEntry: 8.15, (16 of 16)

Statement of Compliance

In accordance with Rule 202.8 of the Uniform Rules for the Supreme and County Courts (22 NYCRR § 202.8-b), the undersigned certifies that the word count in the foregoing document (excluding the caption, table of contents, table of authorities, signature block, and this certification) as established using the word count on the word-processing system used to prepare it, is 4,104 words.

Dated: White Plains, New York
October 15, 2024

Terrance K. DeRosa

Terrance K. DeRosa
Assistant Attorney General

EXHIBIT 14

Total Pages 55.- 1

FILED
CLERK

2026 JUN -1 PM 8:22

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

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, and TERESA A. ZANTUA,** Defendants. ----------X	**Case No.: 2:20-cv-03361-SJB-AYS** **NOTICE OF APPEAL** Eastern District of New York Related: Case No. 26-899 (2d Cir.) **Filed: June 1, 2026**

NOTICE OF APPEAL
28 U.S.C. §1291 | FRAP 3 & 4(a)(1)(A)
FILED WITHOUT ACCEPTANCE OF VOID POST-RECUSAL ACTS

1. Notice. Plaintiff Lidia M. Orrego, Pro Se, hereby appeals to the United States Court of Appeals for the Second Circuit from: (a) **DE [244]** — Memorandum and Order, May 8, 2026; (b) **DE [245]** — Judgment, May 8, 2026; and (c) all prior interlocutory orders merged into the final judgment. ***Ginett v. Computer Task Group, Inc.***, 962 F.2d 1085, 1091 (2d Cir. 1992).

2. Preservation. This Notice does not constitute acceptance of DE [244] or DE [245]. Both are void *ab initio* under 28 U.S.C. §455 and ***In re IBM Corp.***, 618 F.2d 923, 932 (2d Cir. 1980), entered 172 days after the November 17, 2025, Order of Recusal, while all jurisdiction vested in the Honorable Pamela K. Chen. No right, argument, or objection is waived.

3. Prior Proceedings — Merger. Interlocutory appeals 23-7941, 25-2225, 25-2434, and 25-3217 were dismissed for lack of jurisdiction as non-final orders. Mandamus petitions 25-1802 and 25-2399 were denied without explanation; Application In Forma Pauperis ("IFP") was granted simultaneously in both by Mandate dated March 18, 2026, in the record. No prior proceeding was decided on the merits. Pursuant to the merger doctrine, all interlocutory orders, judicial entries, and purported acts issued between 2020 and 2026 by any and all presiding judges—including but not limited to U.S. District Judges Gary R. Brown, Joan M. Azrack, and recused Sanket J. Bulsara,

and recused Magistrate Judge Anne Y. Shields—merge into this final judgment for complete appellate review. ***Ginett***, 962 F.2d at 1091. Plaintiff explicitly appeals the Motion to Dismiss Order at DE [30] (re-filed on the Summary Judgment record as DE [224-23]) ONLY IN PART, specifically targeting and seeking the plenary reversal of: (1) the dismissal of Plaintiff's race discrimination claims under 42 U.S.C. § 1981 and the NYSHRL against all Defendants, and (2) the dismissal of the retaliation and hostile work environment claims against Defendant Steve Savitsky, seeking full reinstatement of these active claims. Under no circumstances shall this explicit partial designation of DE [30] operate as a waiver, limitation, or exclusion of Plaintiff's right to seek plenary appellate review and absolute reversal of any and all other interlocutory entries, decisions, or post-recusal void purported acts issued throughout the entire history of this litigation.

4. Related Pending. Case No. 26-899 (Second Circuit) — purported denial of DE [203] — remains pending. Issues are subsumed in this appeal. FRAP 24(a)(5) IFP filed concurrently in 26-899.

SECTION I — RECUSAL, REASSIGNMENT, AND EVIDENCE REMOVAL

5. Order of Recusal — November 17, 2025 — Four Categories of Void Acts. The November 17, 2025, Order of Recusal is an active, valid, unreversed court order removing jurisdiction from Judge Bulsara and Magistrate Judge Shields and vesting full authority in the Honorable Pamela K. Chen and Magistrate Judge Merkl. It has never been vacated, appealed, or modified by any judicial act. All post-recusal acts are void *ab initio* under four independent categories: (a) **172-day post-recusal acts generally** — DE [244] and DE [245] entered May 8, 2026, 172 days after recusal; (b) **adjudication of withdrawn motions** — DE [221] and DE [226] were withdrawn by the November 5, 2025 pre-recusal order; no judicial act by Judge Chen reinstated them; DE [244] purported to adjudicate motions with no lawful procedural existence; (c) **clerk notation without judicial force** — the November 26, 2025 administrative clerk notation purporting to reassign the matter back to Judge Bulsara is not a judicial act and cannot vacate a recusal order under 28 U.S.C. §455; and (d) **post-recusal denial of the recusal motion itself** — DE [203] was purportedly denied on March 24, 2026 — 127 days into the post-recusal void period — by the same judge the motion sought to disqualify; a recused judge has no authority to adjudicate the motion that

disqualified him, and the denial contains an independent false statement by citing orders issued within three hours of the recusal motion on July 8, 2025 — without ever addressing the §455(a) question — as purported evidence the disqualification grounds lacked merit. **Dual-Ground Preservation:** Each FRCP 56 violation, DE [30] reversal, and evidentiary exclusion in Section II is preserved on two independent grounds: (i) void *ab initio* because a recused judge lacked authority to conduct any Summary Judgment analysis; and (ii) independent merits error requiring reversal even if DE [244] were treated as a valid order, because the stated Rule 56 standard and the applied Rule 56 standard are irreconcilable on the face of the order itself. ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847 (1988); 28 U.S.C. §455.

6. Evidence Removal — 26-mc-01957. On May 5, 2026, Plaintiff filed three court-authorized evidentiary submissions in 20-cv-3361. On May 8, 2026 — the same day DE [244] issued — MC 2:26-mc-01957-SJB was opened, those three filings were moved out of the 20-cv-3361 record, and the miscellaneous case was immediately closed. Plaintiff's Summary Judgment opposition evidence was thereby extracted from the record before DE [244] issued. DE [244] then stated no supplemental evidence was on the record. The miscellaneous case was created without Chief Judge authorization.

7. False Vexatious Litigant Label — Injunction Weaponized to Suppress Evidence. DE [244] at pp.25-27 falsely characterized Plaintiff as a vexatious litigant and imposed a permanent district-wide filing injunction without Chief Judge authorization (28 U.S.C. §137) and without independent ***Safir*** analysis. ***Safir v. U.S. Lines, Inc.***, 792 F.2d 19, 24 (2d Cir. 1986). The actions cited as vexatious are statutory rights: mandamus petitions (28 U.S.C. §1651); interlocutory appeals (28 U.S.C. §1292); recusal motions (28 U.S.C. §455 — they succeeded on November 17, 2025; a motion producing an actual recusal is meritorious, not vexatious); judicial misconduct complaints (28 U.S.C. §351 — caused the recusal); and the U.S. Equal Employment Opportunity Commission ("EEOC") complaint (DE [224-26] Freedom of Information Act ("FOIA") 520-2019-01738), which is a mandatory exhaustion prerequisite whose Right to Sue Letter (Page ID #372) is the statutory jurisdictional foundation of this case — treating a jurisdictional prerequisite as evidence of vexatiousness is legal error on its face. The injunction's factual predicate (DE [221-1] ¶¶129-178) was the subject of an unresolved motion to strike (DE [230], denied without

adjudication one day after filing). The same order that applied the vexatious label removed Plaintiff's evidence through 26-mc-01957.

SECTION II — SUMMARY JUDGMENT VIOLATIONS PRESERVED FOR APPEAL

8. Plaintiff explicitly clarifies that the material judicial errors, factual distortions, and omissions enumerated herein represent only the primary, non-exhaustive examples of the pervasive bias and falsities contained within DE [244]. Plaintiff expressly reserves the right to raise, brief, and present any and all additional errors, false statements, and constitutional defects identified in the underlying record during the plenary briefing schedule before the Court of Appeals.

9. De Facto Ghostwriting, Verbatim Adoption, and Absolute Denial of Pro Se Special Solicitude (DE [244]; DE [224-2])

The Court committed severe procedural and constitutional error by completely failing to conduct an independent judicial review of the Summary Judgment record, resulting in a total denial of mandatory **"special solicitude"** to the *pro se* Plaintiff. A forensic review of **DE [244]** against the Defendants' moving brief (**DE [221-54]**) establishes an extraordinary **83% to 88% verbatim overlap** section by section: legal standards (~92%); factual background (~88%); filing injunction (~90%); hostile work environment analysis (~82%); and retaliation (~80%). Specifically:

- **Abandonment of Judicial Function:** Every authority in **DE [244]** appears in Defendants' brief. The recused judge conducted zero independent analysis, drew no inferences in favor of the non-movant, and completely outsourced the creation of the judicial opinion to Defendants' private counsel.
- **Total Suppression of Pro Se Evidentiary Record:** This verbatim adoption caused the Court to completely disregard the Plaintiff's **178-paragraph Rule 56.1 Dispute Statement (DE [224-2])**, along with her open text messages (**DE [224-19]**) and medical proofs (**DE [224-4]**).
- **Violation of Binding Local Rules:** Under **Local Civil Rule 56.1(c)**, each paragraph Plaintiff specifically controverted with record citations must be deemed admitted as a matter of law, because Defendants (**DE [222]**) responded with only a single, ineffective

general objection to all 178 paragraphs. *Giannullo v. City of New York*, 322 F.3d 139, 142-43 (2d Cir. 2003).

- **Double Standard of Rules Enforcement:** The Court extended absolute leniency to the celebrity Defendants by ignoring their six years of corporate misrepresentations, while simultaneously denying the *pro se* Plaintiff a basic opportunity to cure a purported technical flash drive defect under FRCP 56(e)(1).
- **Reversible Error:** Under *Erickson v. Pardus*, 551 U.S. 89 (2007) and *Liteky v. United States*, 510 U.S. 540, 555 (1994), transforming a judicial order into a biased, copied instrument of moving counsel actively strips a *pro se* litigant of due process and demands absolute plenary reversal.

10. Fabrication of Procedural Defaults and Bad-Faith Suppression of Summary Judgment Evidence (DE [244]; DE [202]; DE [229]). The Court committed severe constitutional and due process violations by actively engineering a fraudulent procedural record to exclude Plaintiff's Summary Judgment evidence. Specifically:

- **The Evidentiary Bait-and-Switch:** The Court's July 11, 2025, Order explicitly directed Plaintiff to submit her new evidence with her Summary Judgment papers. Plaintiff timely filed a formal Notice of Request to Submit Electronic Evidence (**DE [202]**) to execute this directive.
- **The ECF Catch-22 Trap:** The recused judge ordered Plaintiff to request a secure file transmission link via chambers' email under Individual Practice § II.D, but simultaneously threatened to terminate her filing privileges if she emailed chambers. The Court intentionally suppressed Plaintiff's requests and never provided the link.
- **Seven-Month Retention and FRCP 56(e)(1) Breach:** Denied electronic access, Plaintiff filed a physical USB Flash Drive (**DE [229]**) on October 8, 2025. The Court retained this physical media in chambers for seven months without a word, only to claim on the day of final dismissal that it was unreadable. Under **FRCP 56(e)(1)** and the Court's own standing Order dated July 5, 2022, if summary judgment evidence cannot be opened, the judge is strictly forbidden from dismissing the case without providing formal notice and a reasonable opportunity to cure.

- **Fabricated Record in DE [244]:** The Court utilized its own deliberate refusal to provide an electronic link or a physical cure notice to falsely state in **DE [244]** that Plaintiff failed to follow court rules, masking a bad-faith administrative exclusion of conclusive data.

11. Complete Suppression of Clear Record Evidence Proving the NDA is Void and Non-Existent (DE [244]; DE [224-32]; DE [224-34]). The Court committed a severe, reversible error by completely ignoring timely-filed motions and conclusive evidence proving that the underlying Non-Disclosure Agreement (NDA) was nonexistent and legally void. Specifically:

- **The Non-Existent NDA Timeline: DE [244]** adopts the Defendants' fraudulent narrative that the Plaintiff was terminated for breaching an NDA. However, the record establishes that no operative NDA existed from January 31, 2018, to November 1, 2018, making a "breach" factually impossible.
- **The LOFT Legal Opinion (DE [224-32]):** The Court entirely suppressed the May 14, 2025, legal opinion from Loft Legal. This conclusive exhibit proves the NDAs are completely void under New York law due to lack of mutual assent, fraudulent backdating, and retaliatory termination.
- **Suppression of H. Judge Maurice D. Williams' Findings (DE [224-34]):** The recused judge completely ignored the landmark January 21, 2025, Judicial Finding issued by the Honorable Judge Maurice D. Williams in Workers' Compensation Board ("WCB") Case No. G-2584330.
- **Conclusive Rebuttal to Vexatiousness:** The official judicial findings of the Honorable Judge Maurice D. Williams, along with the evidence filed by the New York State Attorney General, directly confirm that Plaintiff's complaints and lawsuits are deeply rooted in fact. This thoroughly destroys the district court's false claim that Plaintiff's litigation is frivolous.
- **Direct Pretext Exposed:** By completely burying **DE [224-32]** and **DE [224-34]**, the District Court actively shielded the Defendants' reliance on a fabricated NDA violation to mask what was an entirely retaliatory termination, violating the mandatory Summary Judgment standard.

12. Factual Falsification of Department of Labor ("DOL")Record to Suppress Wage Claims (DE [244]; DE [224-29]; DE [228-23]). The Court committed severe reversible error by **fabricating a false narrative** regarding the Plaintiff's Department of Labor history to manufacture a fraudulent basis for a filing injunction. **DE [244]** falsely asserts that the Plaintiff's unpaid wage claims were dismissed as unmeritorious or frivolous. In direct contradiction, the physical Department of Labor Letter dated August 11, 2025 (Case No. LCM25006216), filed on the record at **DE [224-29]** and **DE [228-23]**, explicitly states:

- **"This decision is not based upon the merits of your claim."**
- **"We are not taking any specific position or opinion as to the validity of your claim at this time."**
- **"New York State Labor Law provides that an individual may also pursue a wage claim through private action."**
- **Fabrication of Facts to Shield Employers:** By intentionally rewriting an administrative referral into an adverse merit ruling, the recused judge fabricated record facts to brand the *pro se* Plaintiff as vexatious and shield the celebrity employers from personal wage liability.
- **Absolute Rule 56 Violation:** Overlooking the explicit text of this agency document to construct a false narrative of absolute dismissal constitutes a severe breach of the Summary Judgment standard and a total denial of *pro se* due process.

13. Improper Injection of Unrelated Lawsuits to Manufacture a Prejudicial Filing Injunction (DE [244]; DE [8]). The Court committed severe reversible error by packing the summary judgment record with unrelated, non-pertinent lawsuits involving the Plaintiff. **DE [244]** improperly lists separate litigations that have zero legal connection to the active employment discrimination and retaliation claims set forth in the Amended Complaint (**DE [8]**, re-filed as **DE [224-4]**). Specifically:

- **Prohibited Character Evidence:** The recused judge weaponized these outside dockets to manufacture a false narrative of "vexatiousness," using forbidden character inferences to dismiss the live case in open violation of **FRCP 56.**
- **Violation of the Safir Standard:** The Court failed to conduct an objective review under *Safir v. U.S. Lines, Inc.*, 792 F.2d 19 (2d Cir. 1986). The judge completely suppressed the

fact that these outside claims were legitimate, including cases containing verified judicial findings of merit issued by the **Honorable Judge Maurice D. Williams**.

- **Manifestation of Deep-Seated Bias:** Reaching outside the active record to pull in non-pertinent lawsuits to sanction a *pro se* litigant—while simultaneously refusing to open Plaintiff's **7.14 GB evidence drive (DE [229])**—conclusively demonstrates pervasive extrajudicial animosity under *Liteky v. United States*, 510 U.S. 540 (1994), rendering the resulting judgment void.

14. Unlawful Evidentiary Sabotage, Fabrication of NDA Breaches, and Violation of FRCP 56(e)(1) (DE [244]; DE [245]; DE [229]). The recused judge committed a fatal structural and constitutional error by issuing the purported Summary Judgment Order (**DE [244]**) and Final Judgment (**DE [245]**) without ever reviewing the active record evidence. Instead, the Court manufactured a false narrative of procedural default based on its own technical inability to open physical media, specifically:

- **The 7.14 GB Flash Drive Submission:** The clerk's office safely received and logged Plaintiff's physical USB Flash Drive (**DE [229]**) on October 8, 2025. The drive was physical proof containing exactly 7.14 gigabytes of material electronic data securely loaded for the record, and it was definitively not empty.
- **The Court's Reading Failure:** The Court held this physical media in chambers for seven months without a word, only to claim on the day of final dismissal that it was unreadable. The Court's staff simply failed to utilize standard, compatible software or file protocols to open a secured partition layout.
- **Absolute Violation of FRCP 56(e)(1):** Under well-settled federal law and the Court's own standing Order dated July 5, 2022, if summary judgment evidence cannot be opened, the judge is strictly forbidden from dismissing the case. The Court has a mandatory legal duty to issue a notice and provide a fair opportunity to cure. Disregarding a 7.14 GB evidence drive based on a clerical format failure without notice violates **FRCP 56(e)(1)**.
- **Fabrication of Fake NDA Breaches: DE [244]** falsely claims the Plaintiff secretly took unauthorized pictures or videos and breached a Non-Disclosure Agreement (NDA). In reality, the record establishes that **no operative NDA ever existed from January 31, 2018, to November 1, 2018**.

- **Failure to Explain Pretext:** The recused judge completely failed to explain how the Defendants' fraudulent termination letter could lawfully invoke an NDA that did not exist during that material timeframe. By granting summary judgment at **DE [245]** while suppressing the 7.14 GB flash drive and fabricating an NDA breach, the Court committed an absolute denial of *pro se* due process that requires plenary reversal.

15. Recycled Defendants' Motion To Dismiss "December 2020" Arguments — Selective Evidentiary Submission — "Rebeca Uzcategui's Interview" - November 2021 Suppressed. Defendants' December 2020 motion to dismiss (DE [22-3]) was filed on the pleadings only — no evidence — and DE [30] rejected every argument on that record. At Summary Judgment, Defendants submitted discovery materials: Plaintiff's deposition (unsigned, without the executed notarized errata sheet); Plaintiff's own November 12, 2018 interview with Defendants' investigators (DEFS_000017-19), which confirms Plaintiff's account of mental abuse and hostile conditions; emails and text messages to Kevin Knipfing aka Kevin James; the EEOC complaint; a Child Protective Services ("CPS") unfounded letter; and matters from other proceedings unrelated to the surviving 2018-2019 claims — which Plaintiff moved to strike (DE [230]) and which DE [244] used as the factual predicate for the permanent injunction and for character assassination. **The one document Defendants never filed is the only document that corroborates Plaintiff from an independent witness.** DEFS_000020-23 — the November 21, 2018, interview of Rebeca Uzcategui by Defendants' own commissioned investigators — confirms all discrimination, all Teresa A. Zantua's ("Zantua") abuse, child abuse, and that corrective measures 'REVERTED BACK.' Defendants produced DEFS_000020-23 in discovery. They did not file it at Summary Judgment because it contradicts their entire narrative. DE [244] was on notice of DEFS_000020-23 for three years and nine months — cited in DE [73] (February 2023) and DE [108] (April 2023) — and never mentioned it once in 29 pages. The submitted discovery materials, when read without selective omission, contain further corroboration: the English-only directives, the 'retarded' slurs, and the documented Zantua harassment are in the deposition record but were omitted from DE [244]'s analysis entirely. The EEOC complaint Kevin Knipfing never answered was treated as evidence of vexatiousness rather than as an unanswered administrative charge. The CPS unfounded letter was weaponized against Plaintiff despite Uzcategui's November 21, 2018, interview, independently confirming the child abuse Plaintiff reported. **Attorney arguments and**

assertions in briefs are not evidence. FRCP 56(c)(1)(A) requires citation to record materials. DE [244] adopted Defendants' litigation narrative — reproduced from their brief at 83-88% overlap — while ignoring the portions of Defendants' own submitted evidence that support Plaintiff and suppressing entirely the one document Defendants never filed. ***Shrader v. CSX Transportation, Inc.***, 70 F.3d 255, 257 (2d Cir. 1995); ***Anderson v. Liberty Lobby, Inc.***, 477 U.S. 242, 255 (1986).

16. Selective Deposition Excerpts, Blank Errata Sheets, and Total Suppression of ECF Paper Transcripts (DE [244]; DE [224]). The Court committed severe reversible error by relying on distorted, selective deposition excerpts while the corrected, executed record was withheld Specifically:

- **The Absolute Rule 56(e) Failure:** The Court received Plaintiff's physical flash drive submission (**DE [229]**) and retained it for approximately seven months without ever issuing a defect notice or providing a mandatory opportunity to cure. The complete absence of any notice over seven months, followed by an adverse summary judgment ruling, constitutes a standalone **FRCP 56(e)** failure and an independent due process violation.
- **Suppression of the Executed Errata Sheet:** Defendants submitted a blank, unsigned errata sheet and blank acknowledgment (**DE [221-3]**), intentionally suppressing Plaintiff's executed, notarized corrections. This includes the critical correction at page 163, Line 14, changing "hits you" to "hits me"—which entirely alters the identity of the person struck (p. 8). Basing a summary judgment dismissal on the uncorrected text constitutes a prohibited credibility determination compounded by blatant evidentiary suppression.
- **Total Disregard of Independent ECF Transcripts: DE [244]** footnote 7's characterization of the flash drive as "largely duplicative" cannot reach the six independent paper transcripts successfully filed directly onto ECF on October 3, 2025, as exhibits to **DE [224]** (specifically **DE [224-13], DE [224-17], DE [224-18], DE [224-20], DE [224-21], and DE [224-22]**) (pp. 8-9). These text records required zero flash drive access, yet the Court ignored them entirely or addressed them without engagement . This includes the text transcript documenting the October 23, 2018, physical assault made openly in Defendant Kevin Knipfing's direct presence with his knowledge and authorization, directly exposing the falsity of **DE [244]**'s "secretly-made" characterization.

- **One-Sentence Cross-Motion Dismissal:** Plaintiff's cross-motion (**DE [226]**) was summarily denied in a single sentence at page 1 with no independent legal standard applied and zero inferences drawn against the moving Defendants, in flagrant violation of fundamental summary judgment standards (p. 9). *Alta Partners, LLC v. Getty Images Holdings, Inc.*, 165 F.4th 141, 149 (2d Cir. 2026); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986); *Graham v. Lewinski*, 848 F.2d 342, 344 (2d Cir. 1988).

17. Failure to Address Direct Evidence of Retaliatory Pretext (DE 224-19). The Court committed reversible error by completely failing to engage with critical text messages filed at **DE [224-19]**, and the Amended Complaint (**DE [8,**]re-filed on Summary Judgment as **DE [224-4]**). Specifically, the Court ignored:

- **The November 2, 2018, Text:** Stephanieanna Knipfing's text ("Send doctor report") was sent the exact day of the workplace complaint. This establishes immediate employer notice of the injury and proves an immediate effort to control the evidentiary record.
- **The Pre-Termination Text:** A text sent three days prior to the November 27, 2018, wrongful termination proves the firing was premeditated. This provides direct evidence of a retaliatory paper trail that **DE [244]** completely ignored.
- **Violation of the Law of the Case: DE [30]** (at pp. 15-16) previously credited these November 2 communications as establishing prior complaints and notice. **DE [244]** impermissibly reversed this finding without ever addressing **DE [224-19]** or citing **DE [30]**.

18. Total Suppression of Lifelong Physical Injuries, Permanent Disease, and Damages (DE [224-4])

The Court committed severe reversible error by completely wiping out all record evidence regarding the Plaintiff's catastrophic physical and psychological injuries. **DE [244]** entirely suppressed the verified claims and medical exhibits set forth in the Amended Complaint (**DE [8]**, re-filed on Summary Judgment as **DE [224-4]**), explicitly omitting:

- **The Permanent Disease Diagnosis:** Extensive evidence proves the racial discrimination, retaliation, and continuous physical aggression directly caused the Plaintiff to contract

Premature Ovarian Failure (POF) Disease—a permanent condition with no treatment for reversal.

- **Severe Psychiatric Disorders:** Medical reports dated June 14, 2019 (Exhibit 7, Page 63) and October 17, 2019 (Exhibit 8, Page 66) confirm diagnoses of **Major Depressive Disorder, Pain Disorder, and Post-Traumatic Stress Disorder (PTSD)**.
- **Exclusion of Workers' Comp Claims:** The Court ignored that the severe financial distress, physical injuries, and **Myofascial Pain Syndrome** (chronic pain disorder) were explicitly excluded from Workers' Compensation Board Case No. 0258 4330 (Exhibit 9, Page 79), making them fully compensable in this federal lawsuit.
- **Concealment of Tortious Conduct:** The Court completely buried the Defendants' intentional and reckless acts of **physical abuse, assault, battery, and defamation**, which were driven by racial harassment and victimization.
- **Total Destruction of Quality of Life:** The District Court completely ignored the concrete damages explicitly demanded in **DE [224-4]**, including:
    - Future financial loss and intense mental anguish.
    - Extreme personal and family pain and suffering.
    - The complete inability to care for her family.
    - Severe loss of enjoyment of life and complete loss of consortium.
- **Reversible Rule 56 Error:** By completely erasing these permanent physical and mental damages from the Summary Judgment record, the recused judge committed a fatal due process violation.

19. Omission of Direct Evidence of Premeditation and Religious Intimidation. The Court committed severe reversible error by completely omitting a highly material text message sent by Stephanieanna Knipfing DE [224-25] and Amended Complaint **(DE [8]**, re-filed on Summary Judgment as **DE [224-4]**) on **November 24, 2018**—exactly three days before the fraudulent termination letter dated **November 27, 2018**. The message contained an image of a priest with the text: *"Inasmuch as you pray with all your soul for the one who has slandered you, so much will God reveal the truth to them who have believed the slander." — Saint Maximus the Confessor*

- **Proves Premeditation:** This communication proves the upcoming termination was not spontaneous or performance-based. It was a premeditated action directly related to the Plaintiff's workplace complaints.
- **Proves Retaliatory Pretext:** By completely erasing this text from the analysis, **DE [244]** shielded the Defendants from direct evidence of retaliatory animus, consciousness of guilt, and pretext, **in open violation of Rule 56.**

20. Complete Suppression of Medical Records and Discovery Orders (DE [224-25])

The Court committed reversible error by entirely ignoring the comprehensive medical records filed at **DE [224-25]**. Specifically, the Court suppressed:

- **The Medical Diagnosis:** Documented medical records since June 3, 2018, confirming diagnoses of severe physical injuries, Post-traumatic stress disorder ("PTSD"), and Major Depression directly caused by the hostile work environment, **causing irreversible damages to the Plaintiff.**
- **Violation of Discovery Orders:** These material records were never requested by the Defendants during formal discovery. This directly violates the Court's explicit standing Order dated July 5, 2022.
- **Evidentiary Distortions:** By completely disregarding **DE [224-25], DE [244]** falsely claimed a lack of evidentiary support regarding damages and severe emotional distress, violating the mandatory Summary Judgment standard.

21. Material False Statements of Record in DE [244] — Including Fabricated Documentary Evidence. DE [244] contains at least fifteen material false statements directly contradicted by documentary evidence in the Summary Judgment record, including: (a) that no documents support Zantua ordered photographs — contradicted by three independent exhibits including Zantua's own October 19, 2018 text message and two third-party witnesses; (b) that recordings were secretly made in violation of the NDA — contradicted by employer authorization from February 17, 2018 forward, Zantua's written orders to record, open recording in Kevin Knipfing's direct presence without objection, employer's demand to review the same footage on the day of the complaint, and NDA not delivered until nine months into employment after all recordings were already made; (c) that the diary contains no mention of Zantua — contradicted by approximately seventy TAZ

references across thirty-seven dated diary entries in Defendants' own produced exhibit (DEFS_000054-068), including explicit racial slurs across multiple documented dates; (d) that all prior IFP applications have been denied — contradicted by SEVEN prior grants including Second Circuit Mandates 25-1802, 25-1808, 25-1810 and 25-2399 dated March 18, 2026, both in the district court record; and (e) a fabricated Offer Letter purportedly signed by Steve Savitsky ("Savistky") — an entity DE [30] dismissed in 2021 and never reinstated — which does not exist in any authenticated form in the record and which text message evidence in the record confirms is fabricated, compounding DE [245]'s facial defect of naming Savistky in the judgment and irreconcilable with Kevin Knipfing's three-signature filing at DE [17] binding Old Westbury LLC as an operative entity throughout this litigation. Full enumeration of all fifteen false statements, with verbatim DE [244] language, Page IDs, and record proof of falsity, is reserved for the appellate brief and Rule 60 motion.

22. Unlawful Grant of Summary Judgment to a Non-Existent Corporate Entity and Administrative Concealment of Fraud (DE [245]; 2:26-mc-01957-SJB). The Court committed fatal structural error in the Final Judgment (**DE [245]**) by granting Summary Judgment to a self-confessed, non-existent corporate entity in direct violation of FRCP 17(b). Furthermore, the Court engaged in active administrative concealment of this fraud by opening a separate docket, specifically:

- **Fraudulent Corporate Capacity:** The record establishes that Defendant Kevin Knipfing signed formal legal representations as an agent for an "Old Westbury LLC" entity that does not legally exist.
- **Six Years of Active Deception:** The Defendants knowingly perpetrated this fraudulent representation for over six years during active federal litigation, falsely asserting corporate protections and capacity they did not legally possess.
- **Concealment via Miscellaneous Case: DE [244]** explicitly designed and mandated the creation of Miscellaneous Case No. **2:26-mc-01957-SJB** for the illicit purpose of stripping the primary docket of the conclusive evidence proving this corporate fraud.
- **Total Lack of Jurisdiction:** By burying the Old Westbury LLC fraud evidence inside a closed miscellaneous file and entering judgment in favor of a non-existent corporate shell

at **DE [245]**, the Court issued a ruling that is entirely void *ab initio* and constitutes a severe fraud upon the court.

- **Defendants' Decades-Long Affirmation and Judicial Estoppel (DE [22]; DE [22-3]; DE [22-5]; DE [22-8]; DE [33]; DE [65]):** The Defendants' own core procedural filings completely demolish their retroactive "typographical error" claim. The Plaintiff explicitly placed the Defendants on formal notice on November 20, 2020, inside her Memorandum of Law in Opposition to the Motion to Dismiss (**DE [22-5], p. 1**), identifying "Old Westbury, LLC" as an unknown, unregistered ghost entity (**DE [22-5], pp. 1, 7**). Despite this explicit warning, the Defendants deliberately chose to maintain, affirm, and litigate under that exact corporate capacity for over six years to secure a litigation advantage. Specifically, the formal Notice of Motion to Dismiss (**DE [22]**), the accompanying Memorandum of Law (**DE [22-3]**), and the Reply Memorandum of Law (**DE [22-8]**), filed on December 11, 2020, explicitly listed "Old Westbury, LLC" as a moving Defendant in both the case captions and text bodies, providing zero notice or reservation regarding a clerical typo or lack of capacity. This representation was reaffirmed under signature on October 14, 2021, inside the Answer to the Amended Complaint (**DE [33]**), where counsel formally defined, answered on behalf of, and defended "Old Westbury LLC ('OW')" as a standalone corporate defendant distinct from Old Westbury EDDIE LLC (**DE [33] Answer Amended Complaint DE [8], p. 1, 19**). Crucially, this dual corporate representation was actively locked onto the court record via **Plaintiff's Letter Motion Challenging Confidentiality (DE [65], pp. 1–2)**, filed on August 12, 2022, which incorporated the **Defendants' Responses to Initial Discovery Protocols** as a formal Exhibit 2. Throughout that entire phase, private defense counsel Gordon Rees Scully Mansukhani LLP ("GRSM") explicitly operated under the caption of **"Old Westbury LLC"** and failed to notice any depositions, file any objections, or raise any affirmative corrections regarding a corporate name defect. Under well-settled Second Circuit standards, the doctrine of **Judicial Estoppel** strictly prevents a party from asserting a formal legal capacity for **six years to secure a litigation advantage**, only to claim a clerical typo once their **corporate fraud is unmasked**. By granting Summary Judgment at **DE [245]** to an entity the record proves is a non-existent corporate ghost, the District Court committed a fatal error of law.

23. Fatal Error in Granting Summary Judgment to Savitsky and Explicit Partial Appeal of DE [30]. The Court committed severe structural and procedural errors regarding Defendant Steve Savitsky at **DE [244]** and **DE [245]**. Plaintiff explicitly utilizes this final appeal to challenge and reverse **DE [30] only in part** regarding Savitsky, based on the following:

- **Partial Appeal of DE [30]:** Plaintiff hereby appeals **DE [30] only in part**, specifically challenging the premature dismissal of the claims against Steve Savitsky. Conclusive evidence hidden in the record proves he actively participated in the workplace retaliation and committed extensive fraud.
- **Procedural Absurdity of DE [244]:** Because Savitsky was already dismissed by Judge Brown at **DE [30]**, he was no longer an active party to the live claims. The recused judge committed a severe procedural error by granting Summary Judgment to an inactive defendant under **DE [244]**.
- **Unlawful Protective Shield:** The District Court executed this improper Summary Judgment maneuver at **DE [245]** for the sole purpose of insulating Savitsky from appellate exposure and blocking the newly uncovered evidence of his personal liability.
- **Reversal and Reinstatement Sought:** The Second Circuit possesses full jurisdiction under the merger doctrine to vacate the Summary Judgment at **DE [244]**, reverse the partial dismissal at **DE [30]**, and reinstate Steve Savitsky as an active defendant in this action.

24. Reassignment Chronology and Physically Attached Exhibits. November 5, 2025: all motions withdrawn pre-recusal. November 17, 2025: recusal — jurisdiction to Judge Chen. November 26, 2025: clerk notation — no judicial vacatur of recusal. November. 26, 2025, through May 8, 2026: 172 days of void purported acts, including post-recusal denial of the recusal motion itself. May 5, 2026: Plaintiff files three authorized submissions. May 8, 2026: MC 2:26-mc-01957-SJB opened, evidence removed, case closed — same day as DE [244] and DE [245].

25. Physically attached: Exhibit 1 (DE [244]); Exhibit 2 (DE [245]); Exhibit 3 (November 17, 2025, Order of Recusal); Exhibit 4 (November 5, 2025, withdrawal order and November 26, 2025, clerk notation).

26. Additional exhibits by filing in the Record: The Second Circuit Mandates 25-1802, 25-1808, 25-1810, 25-2399 (March 18, 2026) — which granted IFP simultaneously and are already in the district court record — will be submitted with the IFP application filed concurrently with this Notice. The MC 2:26-mc-01957 docket and documents — referenced throughout this Notice.

27. IFP: The Second Circuit Mandates confirm IFP eligibility under the same financial circumstances presented here. Plaintiff additionally notes that IFP was granted by multiple courts in proceedings between 2024 and 2026 — the complete IFP history is set forth in the IFP application filed concurrently. **The purported IFP denials entered during the 172-day post-recusal void period were issued without jurisdiction and carry no legal effect.**

28. Reversible Error and Manifest Bias: Under well-settled federal appellate practice, a court cannot declare a litigant's filing history "frivolous" when multiple state supreme court justices, federal district judges, and panels of the Second Circuit have repeatedly reviewed those exact filings and issued formal mandates granting IFP status. By completely erasing these seven judicial orders from the record, the recused judge manufactured a fraudulent basis for a filing injunction, demonstrating profound extrajudicial animosity under *Liteky v. United States*, 510 U.S. 540, 555 (1994).

Respectfully submitted,



LIDIA M. ORREGO
Plaintiff Pro Se
Address: 95-08 Queens Blvd., Apt. 3E
Rego Park, New York 11374
Phone: (347) 453-2234
Email: orregoprose@gmail.com ; liorrego@gmail.com

Appeal to: United States Court of Appeals for the Second Circuit (Filed Simultaneously with IFP Application)

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

LIDIA M. ORREGO,

Plaintiff,

v.

KEVIN KNIPFING, et al.,

Defendants.

----------X

MEMORANDUM AND ORDER
20-CV-3361-SJB-AYS

BULSARA, United States District Judge:

Before the Court are cross-motions for summary judgment on Plaintiff Lidia M. Orrego's claims against Defendants Kevin Knipfing, Stephanieanna Knipfing, Teresa Zantua, Old Westbury Eddie LLC, and Old Westbury LLC ("Defendants"). Orrego, who worked for the Knipfings as a nanny and housekeeper for several months in 2018, brings claims under the New York State Human Rights Law ("NYSHRL") and 42 U.S.C. § 1981 for hostile work environment and retaliation. Orrego alleges that Zantua—the aunt of the children she cared for—harassed her with repeated racist remarks, and after she complained to her employer, she was terminated. For the reasons explained below, Defendants' motion for summary judgment is granted, and Orrego's motion is denied. And for the reasons explained, including Orrego's vexatious and harassing litigation conduct, the Court imposes a permanent filing injunction on Orrego.

STANDARD FOR SUMMARY JUDGMENT

A "court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986).

"A genuine issue of material fact exists if 'the evidence is such that a reasonable jury could return a verdict for the nonmoving party.'" *Nick's Garage, Inc. v. Progressive Cas. Ins. Co.*, 875 F.3d 107, 113 (2d Cir. 2017) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). "In determining whether summary judgment is appropriate, [the Court] must resolve all ambiguities and draw all reasonable inferences against the moving party." *Tolbert v. Smith*, 790 F.3d 427, 434 (2d Cir. 2015) (citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)).

The movant bears the burden of "demonstrat[ing] the absence of a genuine issue of material fact." *Celotex*, 477 U.S. at 323. "This is true even though the court [is] presented with cross-motions for summary judgment; each movant has the burden of presenting evidence to support its motion that would allow the district court, if appropriate, to direct a verdict in its favor." *Barhold v. Rodriguez*, 863 F.2d 233, 236 (2d Cir. 1988). "When both parties have moved for summary judgment, the court must evaluate each party's motion on its own merits, taking care in each instance to draw all reasonable inferences against the party whose motion is under consideration." *Alta Partners, LLC v. Getty Images Holdings, Inc.*, 165 F.4th 141, 149 (2d Cir. 2026) (quotation omitted).

"A party asserting that a fact cannot be or is genuinely disputed must support the assertion" in one of two ways. Fed. R. Civ. P. 56(c)(1). It may cite to portions of the record "including depositions, documents, electronically stored information, affidavits or declarations, . . . admissions, interrogatory answers, or other materials." *Id.* R. 56(c)(1)(A). Alternatively, it may show that "the materials cited do not establish the

absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." *Id.* R. 56(c)(1)(B); *cf. Farid v. Smith*, 850 F.2d 917, 924 (2d Cir. 1988).

In moving for summary judgment or answering such a motion, litigants are required by the Local Rules to provide a statement (a Rule 56.1 statement) setting forth purported undisputed facts or, if controverting any fact, responding to each assertion. *See* Loc. Civ. R. 56.1(a)–(b). In both instances, the party must support its position by citing to admissible evidence from the record. *Id.* R. 56.1(d); *see also* Fed. R. Civ. P. 56(c) (requiring reliance on admissible evidence in the record in supporting or controverting a purported material fact). "The purpose of Local Rule 56.1 is to streamline the consideration of summary judgment motions by freeing district courts from the need to hunt through voluminous records without guidance from the parties." *Holtz v. Rockefeller & Co.*, 258 F.3d 62, 74 (2d Cir. 2001).

Where claims in opposing Rule 56.1 statements are "genuinely disputed," the Court will consider the evidentiary sources of the claims. *Halberg v. United Behav. Health*, 408 F. Supp. 3d 118, 146 (E.D.N.Y. 2019) (adopting report and recommendation). In evaluating the sources of claims made in dueling Rule 56.1 statements, the Court cannot—as is true for the summary judgment motion as a whole—weigh evidence or assess the credibility of witnesses. *See United States v. Rem*, 38 F.3d 634, 644 (2d Cir. 1994). Furthermore, "[l]egal arguments are impermissible in any Rule 56.1 Statement and are to be disregarded." *Taveras v. HRV Mgmt., Inc.*, No. 17-CV-5211, 2020 WL 1501777, at *2 (E.D.N.Y. Mar. 24, 2020); *Lawrence v. Cont'l Cas. Co.*, No. 12-CV-412, 2013

WL 4458755, at *1 n.1 (E.D.N.Y. Aug. 16, 2013) ("Both parties have submitted Local Rule 56.1 statements and responses to each other's statements that mix factual assertions with legal argument and therefore fail to meet the requirements of Local Rule 56.1. The facts . . . are taken from those assertions contained in the Local Rule 56.1 statements that comply with Local Rule 56.1[.]" (citations omitted)). The court may not grant summary judgment based on a fact in a Rule 56.1 statement—even if undisputed—not supported by admissible evidence. *E.g.*, *Giannullo v. City of New York*, 322 F.3d 139, 142–43 (2d Cir. 2003) (vacating grant of summary judgment to defendants based on facts enumerated in Rule 56.1 statement supported only by arguments in briefs rather than admissible evidence). The Court must also disregard conclusory denials that lack citations to admissible evidence. *Rodriguez v. Schneider*, No. 95-CV-4083, 1999 WL 459813, at *1 n.3 (S.D.N.Y. June 29, 1999) ("*Rule 56.1 statements are not argument.* They should contain factual assertions, with citation to the record. They should not contain conclusions[.]"), *aff'd*, 56 F. App'x 27, 29 (2d Cir. 2003). Also, where the opposing party fails to specifically controvert a numbered paragraph in the Rule 56.1 statement, the statement by the moving party "will be deemed to be admitted." Loc. Civ. R. 56.1(c). The Court also does not give any consideration to hearsay, speculation, or inadmissible evidence in evaluating declarations or affidavits. *Pacenza v. IBM Corp.*, 363 F. App'x 128, 130 (2d Cir. 2010) ("[A] court is obliged not to consider inadmissible evidence at the summary judgment stage[.]"); *Crawford v. Dep't of Investigation*, No. 05-CV-5368, 2007 WL 2850512, at *2 (S.D.N.Y. Oct. 1, 2007) ("[A] non-moving party 'must set forth specific facts showing that there is a genuine issue for trial;' he or she 'may not rely on mere

conclusory allegations nor speculation, but instead must offer some hard evidence showing that its version of the events is not wholly fanciful.'" (quoting *Woodman v. WWOR-TV, Inc.*, 411 F.3d 69, 75 (2d Cir. 2005))), *aff'd*, 324 F. App'x 139, 143 (2d Cir. 2009).

FACTUAL BACKGROUND

The Court finds the following facts—drawn from the pleadings, the parties' respective Rule 56.1 statements, and supporting affidavits and exhibits attached thereto—are undisputed unless otherwise noted.

The Knipfings, Kevin ("Mr. Knipfing") and Stephanieanna ("Ms. Knipfing"), have four children, and hired Orrego to work as a nanny in February 2018. (Defs.' Rule 56.1 Statement ("Defs.' 56.1 Stmt."), Dkt. No. 221-1 ¶¶ I(3), 11; Pl.'s Rule 56.1 Resp. ("Pl.'s 56.1 Resp."), Dkt. No. 224-2 ¶¶ I(3), 11).[1] At that time, the Knipfings had a staff of five that they employed through their company, Old Westbury Eddie, LLC.[2] (*Id.* ¶¶ I(7), 1; Defs.' 56.1 Stmt. ¶¶ I(7), 1). The staff included: Skylar Testa, the house

---

[1] The numbering of Defendants' 56.1 Statement restarts at Section II. Accordingly, the Court notes paragraphs from Section I as, for example, ¶ I(3). All references to numbered paragraphs without a section label directly preceding that number correspond to the continuous numbering that begins at Section II.

[2] Orrego named both Old Westbury Eddie, LLC, and Old Westbury, LLC, as defendants seemingly because the termination letter she was issued came from "Old Westbury, LLC," but she acknowledges there is no such company registered in New York. (*See* Pl.'s Rule 56.1 Statement ("Pl.'s 56.1 Stmt."), Dkt. No. 226-3 ¶ 17). Defendants respond that their company, which was "incorporated in New York to serve as the employer of record for the Knipfings' domestic employees," is "Old Westbury Eddie, LLC," and omitting "Eddie" from the termination letter was a typographical error. (Defs.' Rule 56.1 Resp. ("Defs.' 56.1 Resp."), Dkt. No. 227-3 ¶ 17). The Court refers to the entity generally as "Old Westbury," and all parties have briefed the motion understanding there is only a single entity defendant.

manager, Rebecca Uzcategui, the primary nanny, Cristina Coimbra, the housekeeper, Gerardo Guarino, the chef, and Shannon Sha, who homeschooled the Knipfings' children. (*Id.* ¶¶ 1–6; Pl.'s 56.1 Resp. ¶¶ 1–6).

Before beginning her employment, Orrego signed a non-disclosure agreement ("NDA"). (Defs.' 56.1 Stmt. ¶¶ 13–18).[3] The NDA generally prohibits employees from discussing confidential information—which the NDA broadly defines to include, among other things, personal information about the Knipfings and their employees—with any third party absent Mr. Knipfing's express written permission, subject to several exceptions, such as to report possible violations of federal or state law. (*Id.* ¶¶ 15–17). Under the NDA, photographs pertaining to the Knipfings were also deemed confidential information, and a separate provision forbade taking photos or videos of the Knipfings without express permission. (*Id.* ¶¶ 15, 18).

[3] Orrego says she denies these statements in her 56.1 Response, but the bases she offers do not appear to contest the heart of the statements. For example, Orrego denies that she ever received any documents to sign prior to her employment, on the ground that her text messages with Testa about the hiring process, that she supplied to the Court, do not show that she received any documents to sign. (Pl.'s 56.1 Resp. ¶ 13). She adds a comment, describing that text message exhibit: "NDA Never Received." (*Id.*). The crux of her contestation, more clearly in her explanations for her denials of the descriptions of the NDA, seems to be that she was never given a complete copy of the NDA before or after signing. (*Id.* ¶¶ 14–18 (noting "NDA require to have copy" and "I never get a copy of the NDA")). But Defendants provided a complete copy of an NDA with Orrego's signature. (*See* NDA, attached to Defs.' Mot. as Ex. F, Dkt. No. 221-8). And even if the Court were to not consider the NDA, there are other legitimate, non-retaliatory reasons for her termination, which entitle Defendants to summary judgment. *See infra* pp. 20–22.

At some point, Orrego also assumed some housekeeping duties for the Knipfings—the date is disputed, but is not material.[4] On October 31, 2018, Ms. Knipfing and Testa informed Orrego that she would no longer be a nanny and housekeeper—she would only serve as a nanny. (*Id.* ¶ 75; Pl.'s 56.1 Resp. ¶ 75). Two days later, on November 2, 2018, Orrego sent Ms. Knipfing and Testa an email raising allegations that Uzcategui, the primary nanny, had been harassing Orrego and mistreating the children, and that Zanuta, Ms. Knipfing's sister, had been harassing Orrego with racially discriminatory comments. (*Id.* ¶¶ I(4), 78–81; Defs.' 56.1 Stmt. ¶¶ I(4), 78–81). Testa forwarded the email to Mr. Knipfing the same day, and on November 6, 2018, Mr. Knipfing met with Orrego to discuss her complaints and asked her to send him any evidence she had, which she did over the next week. (*Id.* ¶¶ 88–92; Pl.'s 56.1 Resp. ¶¶ 88–92). Testa informed Orrego on November 11, 2018, that the Knipfings had hired investigators to look into the allegations she raised, and those investigators met with and interviewed Orrego the following day. (*Id.* ¶ 99; Defs.' 56.1 Stmt. ¶¶ 98–99).[5]

After the investigation concluded, Orrego was informed on November 27, 2018 that her employment was terminated. (*Id.* ¶ 103; Pl.'s 56.1 Resp. ¶ 103). The

---

[4] Orrego contends at one point that she was hired as a nanny *and* housekeeper, and at another that she began housekeeping duties in March 2018. (Pl.'s 56.1 Resp. ¶¶ 68, 70). Defendants assert that Orrego asked to also serve as a housekeeper around July 2018, when the Knipfings were looking for a second housekeeper. (Defs.' 56.1 Stmt. ¶¶ 70–72).

[5] Though it is not detailed in the parties' 56.1 Statements, the Court notes that it appears from an audio transcription submitted by Orrego that when she met with Mr. Knipfing on November 6, 2018, she was told that she would not be working, but would be paid, until the investigation resolved. (Audio Transcription, attached to Pl.'s Opp'n as Ex. 17, Dkt. No. 224-20 at 7).

termination letter gave multiple reasons, including: 1) breach of the NDA; 2) a statement Orrego made in the course of the investigation that she was unwilling to continue working with Uzcategui; and 3) the conclusion that Orrego made false statements in her initial complaint. (*Id.* ¶ 104; Defs.' 56.1 Stmt. ¶ 104; Termination Letter, attached to Defs.' Mot. as Ex. X, Dkt. No. 221-26).

Orrego then initiated this lawsuit on July 23, 2020, (Compl., Dkt. No. 1), and filed the Amended Complaint on August 17, 2020, (Am. Compl., Dkt. No. 8). The Amended Complaint named as Defendants the Knipfings, Old Westbury Eddie LLC, Old Westbury LLC, Steve Savitsky, and Zantua. (*Id.* at 2–3, 9–10). She brought claims for race discrimination, hostile work environment, and retaliation under 42 U.S.C. § 1981, the NYSHRL, New York City Human Rights Law ("NYCHRL"), and New York Labor Law ("NYLL"). (*Id.* at 4, 11). She also asserted claims under state criminal laws for forgery and perjury. (*Id.* at 4).

The Court dismissed Orrego's claims asserted under the NYCHRL, NYLL, and state criminal laws, and dismissed her discrimination claims brought under § 1981 and the NYSHRL. (Mem. & Order dated Sep. 30, 2021, Dkt. No. 30 at 1). The Court also dismissed the retaliation claim against Zantua, and all claims against Savitsky. (*Id.*). The parties agree that the remaining claims are: 1) Orrego's § 1981 and NYSHRL hostile work environment claims based on race and national origin against the Knipfings, Zantua, and Old Westbury; and 2) Orrego's § 1981 and NYSHRL retaliation claims

against the Knipfings and Old Westbury. (Defs.' 56.1 Stmt. ¶ 117; Pl.'s 56.1 Resp. ¶ 117).[6]

Defendants' fully briefed motion for summary judgment was filed on the Court's docket on October 3, 2025. (*See* Defs.' Mem. in Supp. of Mot. for Summ. J. dated Aug. 8, 2025 ("Defs.' Mot."), Dkt. No. 221-54; Pl.'s Mem. in Opp'n to Defs.' Mot. dated Aug. 12, 2025 ("Pl.'s Opp'n"), Dkt. No. 224-3; Defs.' Mem. in Reply dated Oct. 3, 2025 ("Defs.' Reply"), Dkt. No. 222). Orrego's fully briefed motion was filed that same day.[7] (*See* Pl.'s Mem. in Supp. of Mot. for Summ. J. dated Aug. 8, 2025 ("Pl.'s Mot."), Dkt. No. 226-4; Defs.' Mem. in Opp'n to Pl.'s Mot. dated Sep. 12, 2025 ("Defs.' Opp'n"), Dkt. No. 227-2; Pl.'s Mem. in Reply dated Oct. 3, 2025 ("Pl.'s Reply"), Dkt. No. 228-3).

---

[6] This case was first reassigned from the Honorable Gary R. Brown to the Honorable Joan M. Azrack on May 18, 2023, and then to the undersigned on January 31, 2025.

[7] Orrego submitted USB flash drives with her motion papers. (*See* Notice dated Oct. 6, 2025, Dkt. No. 229). However, the Court cannot access or review the contents of flash drives. And Orrego was expressly informed of the Court's protocol for submission of large electronic files in the event they cannot be filed on ECF. (Order dated July 8, 2025 ("The Court has received from Plaintiff multiple requests to submit electronic evidence. The protocol for submission of large electronic files set forth in the Court's Individual Practices § II.D, however, is only to be utilized for trial or motion practice where exhibits are appropriate for the Court's consideration of the issues involved, such as summary judgment. Both sides are therefore informed that, outside of such limited practice, documents should be filed only on ECF.")). According to a letter Orrego submitted, it appears the flash drives contain: the pictures and videos Orrego took while employed by the Knipfings, social media accounts of other employees and Mr. Knipfing, the reports Orrego sent to Mr. Knipfing, and a worker's compensation recording. (Pl.'s Letter dated Oct. 3, 2025, Dkt. No. 226 at 3–4). From the descriptions, this evidence appears largely duplicative of material submitted on the Court's docket, though the Court is unable to review it.

DISCUSSION

I. Hostile Work Environment

"Section 1981 and NYSHRL[8] hostile work environment claims are governed by the same substantive standard." *Alvarado v. Nordstrom, Inc.*, 685 F. App'x 4, 6 (2d Cir. 2017). "To establish a prima facie case of hostile work environment, the plaintiff must show that the discriminatory harassment was sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, and that a specific basis exists for imputing the objectionable conduct to the employer." *Id.* (quotation omitted). While § 1981 permits a plaintiff to sue individuals in addition to employers, *id.*, the NYSHRL generally does not permit individual liability for employment discrimination, *see Nezaj v. PS450 Bar & Rest.*, 719 F. Supp. 3d 318, 329 (S.D.N.Y. 2024) ("[A]s the divided New York Court of Appeals clarified . . . , where a corporate entity is the plaintiff's employer, an individual affiliated with the entity cannot himself qualify as the employer . . . even if the individual holds a high post at the employer or owns the entity." (citing *Doe v. Bloomberg, L.P.*, 36 N.Y.3d 450, 457–58 (2021))) (collecting cases).

[8] Because the complained-of conduct occurred prior to October 11, 2019—when amendments to the NYSHRL made certain standards more lenient—Orrego's NYSHRL hostile work environment claim is analyzed under the Title VII standard. *Wheeler v. Praxair Surface Techs., Inc.*, 694 F. Supp. 3d 432, 452 (S.D.N.Y. 2023) ("[F]or a plaintiff whose claim is based on conduct before October 11, 2019, the Title VII standard still applies."); *Lee v. Riverbay Corp.*, 751 F. Supp. 3d 259, 274 (S.D.N.Y. 2024) (explaining that before the amendment, "the pleading standards were generally the same for Title VII, section 1981, and NYSHRL claims" (quotation omitted)). Orrego does not suggest otherwise.

A. Claim Against Zantua

"[I]ndividuals may be held liable under § 1981." *Whidbee v. Garzarelli Food Specialties, Inc.*, 223 F.3d 62, 75 (2d Cir. 2000). But in those instances "the individuals have been supervisors who were personally involved in the discriminatory activity." *Id.* (quotation omitted).

A supervisor "is empowered by the employer 'to take tangible employment actions against the victim, *i.e.*, to effect a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits.'" *Wiercinski v. Mangia 57, Inc.*, 787 F.3d 106, 113–14 (2d Cir. 2015) (quoting *Vance v. Ball State Univ.*, 570 U.S. 421, 431 (2013)) (applying *Vance*'s "supervisor" definition under Title VII to a § 1981 claim). "In other words, a supervisor is an individual empowered by the company as a distinct class of agent to make economic decisions affecting other employees under his or her control." *Id.* at 114 (quotation omitted); *e.g.*, *Bentley v. AutoZoners, LLC*, 935 F.3d 76, 91 (2d Cir. 2019) (explaining that "to raise a triable issue of fact" as to whether a defendant was a supervisor, plaintiff "had to adduce admissible evidence" showing that her employer had authorized defendant "to do more than oversee her day-to-day performance of assigned tasks"—that is, "to take *tangible employment actions* that could *inflict direct economic injury*").

Defendants contend that Zantua was not Orrego's supervisor, and in fact, was never employed by the Knipfings. (Defs.' Mot. at 7). And they point to several pieces of evidence, including Orrego's own admissions, to demonstrate as much. Defendants

point to Orrego's deposition testimony that she never submitted her timesheets to Zantua, that she did not know whether Zantua had any authority to suspend, demote, or terminate her employment, or change her salary, and that she did not know whether the Knipfings ever paid Zantua to perform any work. (Defs.' 56.1 Stmt. ¶¶ 19–22; *see also* Dep. of Lidia Orrego ("Orrego Dep."), attached to Defs.' Mot. as Ex. A, Dkt. No. 221-3 at 141:20-25, 152:5–154:2). Defendants also point to Orrego's Worker's Compensation claim filed in September 2019, in which she identifies Testa—not Zantua—as her supervisor. (Defs.' 56.1 Stmt. ¶ 23). Orrego does not meaningfully contest much of this evidence; the evidence she does contest is unsupported by the record portions she cites. Orrego states that Zantua "is the second shift nanny to help with 4 kids," but she cites and provides no evidence in support of that assertion. (Pl.'s 56.1 Resp. ¶ 22). And as for naming Testa as her supervisor in her Worker's Compensation material, she responds that supervisor and house manager mean the same thing to her, but provides no record evidence in support. (*Id.* ¶ 23). Orrego argues that Zantua had a supervisory role because she "direct[ed] Plaintiff's tasks," but again points to no evidence that could support that contention.[9] (Pl.'s Opp'n at 9).

Thus, given the undisputed evidence identified by Defendants, the Court concludes that Zantua cannot be considered a supervisor for purposes of Orrego's

[9] In light of Orrego's pro se status, the Court has considered the factual assertions and arguments regarding Zantua's supervision that Orrego makes in support of her own summary judgment motion, which are slightly more detailed than those opposing Defendants' motion. For example, Orrego there claims that Zantua "order[ed] Plaintiff to take photographs and videos of the Knipfings' children." (Pl.'s 56.1 Stmt. ¶¶ 2, 4). But no documents cited actually support the assertion, and in any event, directing tasks like taking photos does not demonstrate Zantua's supervisory liability or role.

hostile work environment claim, and accordingly, the claim against Zantua is dismissed. *E.g.*, *Bentley*, 935 F.3d at 91–92 (finding no supervisory authority where the defendant could not hire, fire, promote, demote, or set compensation or work hours); *Lekettey v. City of New York*, 637 F. App'x 659, 662 (2d Cir. 2016) (finding that the plaintiff presented no facts from which the court could find that defendant was "empowered by the employer to take tangible employment actions against" the plaintiff).

B. Claims Against the Knipfings and Old Westbury

Under federal law governing hostile work environment claims, the same standard for imputing harassment by non-supervisory co-workers to employers applies to imputing harassment by non-employees, with the qualification that the court "will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees." *Summa v. Hofstra Univ.*, 708 F.3d 115, 124 (2d Cir. 2013) (quotation omitted) (applying the test for imputing harassment by co-workers where plaintiff, team manager of the football team, sued the university for the hostile work environment created by football players). That is, "the employer will be held liable only for its own negligence, and the plaintiff must demonstrate that the employer failed to provide a reasonable avenue for complaint or that it knew, or in the exercise of reasonable care should have known, about the harassment yet failed to take appropriate remedial action." *Id.* (quotation omitted). "In determining the appropriateness of an employer's response," courts "look to whether the response was immediate or timely and appropriate in light of the circumstances,

particularly the level of control and legal responsibility [the employer] has with respect to [the employee's] behavior." *Id.* (quotation omitted).

Although Zantua was not Orrego's supervisor, she was a family member of Orrego's employer—and Orrego worked in the home of her employer, taking care of their children and assisting around the house. Thus, like in *Summa*, the Court applies the test for imputing harassment by co-workers—even if Zantua is not an employee at all—given the degree of control that the Knipfings presumably had over Zantua's conduct in their own home, with their own children. *See id.* But even under this approach, the Knipfings and Old Westbury may only be held liable for non-supervisor misconduct if they "provided no reasonable avenue for complaint or knew of the harassment but did nothing about it." *Whidbee*, 223 F.3d at 72 (quotation omitted).

Orrego had multiple avenues to raise a complaint—by texting or emailing the Knipfings or Testa—and the fact that she did in fact email Testa and Ms. Knipfing with her complaint on November 2, 2018 establishes the existence and feasibility of that process. (Defs.' Mot. at 17; Defs.' 56.1 Stmt. ¶ 80; Pl.'s 56.1 Resp. ¶ 80). Defendants also submitted Orrego's deposition testimony, where she says she does not remember having "raised any issues or any of the conduct[] by Ms. Zantua" to Ms. Knipfing prior to the November 2, 2018 email, and says she would have to check her diary. (Defs.' 56.1 Stmt. ¶ 83[10]; Orrego Dep. at 185:14-20). That diary, both parties agree, does not mention

[10] In her responsive 56.1 Statement, Orrego qualifies her admission of this statement with the additional fact that she once mentioned Zantua's harassment to Ms. Knipfing, but the only response she received was that Ms. Knipfing was not interested. (Pl.'s 56.1 Resp. ¶ 83). But Orrego presents no evidence or details to support that vague contention, so the Court cannot credit it.

Orrego ever complaining about Zantua's harassment to Ms. Knipfing. (Defs.' 56.1 Stmt. ¶ 84; Pl.'s 56.1 Resp. ¶ 84).

Orrego does not allege that there was no avenue to complain, but she argues that the Knipfings knew of Zantua's conduct through two complaints[11] she lodged—one to Testa on October 16, 2018, and the other being the November 2, 2018 email she sent to Testa and Ms. Knipfing—but that they took no corrective action. (Pl.'s Mot. at 9). The evidence Orrego points to regarding the October 16, 2018 report is a transcription of an audio recording of a conversation between her and Testa, where almost every line is largely marked "inaudible," and the Court can discern no evidence of a report to Testa of Zantua's misconduct. (Audio Transcription, attached to Pl.'s Opp'n as Ex. 8, Dkt. No. 224-11). That leaves the November 2, 2018 report, for which there is no genuine dispute that the Knipfings took prompt action, including: immediately forwarding Orrego's complaint to Mr. Knipfing, who met with Orrego four days later to discuss her complaints, requested Orrego send whatever evidence she had, and then retained a private security company to investigate the allegations the following week. (Defs.' 56.1 Stmt. ¶¶ 88–102; Pl.'s 56.1 Resp. ¶¶ 88–102).

"The standard for reviewing the appropriateness of an employer's response to co-worker harassment is essentially a negligence one, and reasonableness depends among other things on the gravity of the harassment alleged." *Summa*, 708 F.3d at 125

---

[11] Orrego seems to claim that she was "demot[ed] from nanny to housekeeper on August 15, 2018, following earlier complaints"—but none of the cited evidence supports the contention that earlier complaints existed or were the cause of termination. (Pl.'s Opp'n at 11).

(quotation omitted). The Knipfings immediately met with Orrego and hired an external investigation company to evaluate her complaint, which cannot be found to be an unreasonable or inappropriate response. *See, e.g., id.* at 125 (finding the employer's response reasonable and appropriate because it "took action at once" when misconduct was reported); *Lekettey*, 637 F. App'x at 662 ("Plaintiff's complaint alleges no facts from which it can be plausibly inferred that defendants were negligent or unresponsive to her complaints about the workplace."). Orrego has "failed to produce evidence that [Defendants were] dilatory in [their] response," *Whidbee*, 223 F.3d at 73, and there are no other incidents where Defendants took no action in response to a complaint by Orrego; thus summary judgment is appropriate on Orrego's hostile work environment claim.

Although Orrego does not clearly make the argument, the Court separately evaluates whether the Knipfings *should* have, in the exercise of reasonable care, known about Zantua's alleged misconduct. Uzcategui had complained about Zantua's conduct approximately one year before Orrego did. (Pl.'s 56.1 Stmt. ¶ 33; Investigative Memo dated Nov. 21, 2018, attached to Pl.'s Mot. as Ex. 13, Dkt. No. 226-18 at 3). The external investigation found that Uzcategui admitted "to approaching [Mr. Knipfing] with regards to the way [Zantua] was treating her," and that "things were somewhat better" after that, but then "reverted back" to how things were. (Investigative Memo at 3). Orrego says the Knipfings "took no corrective action," which allowed Zantua's alleged harassment to persist, including against her. (Pl.'s 56.1 Stmt. ¶ 33). But that mischaracterizes the report, which clearly states that conditions improved after Uzcategui made her complaint to Mr. Knipfing. (Investigative Memo at 3). The fact

that the alleged misconduct started again, after having resolved, does not automatically suggest that the Knipfings knew or should have known *Orrego* was being harassed. *E.g.*, *Summa*, 708 F.3d at 125 (finding imputation of liability improper despite multiple separate instances of harassment, since each report brought to a supervisor's attention was "dealt with quickly and in proportion to the level of seriousness of the event"); *Bentley*, 935 F.3d at 92–93 (holding that inconsistent evidence suggesting defendant had notice about harassment could not create a fact issue, and prompt investigation followed the report of allegedly hostile work environment shown by the record, so employer could not be found negligent and summary judgment was appropriate).

To summarize, Zantua's conduct cannot be imputed to the Knipfings or Old Westbury under § 1981. The federal and state standards differ with respect to the Knipfings' and Old Westbury's liability for Zantua's alleged harassment, since she is not a supervisor, in one regard: under the NYSHRL, "[a]n employer cannot be held liable for an employee's discriminatory act unless the employer became a party to it by encouraging, condoning, or approving it." *Hoit v. Cap. Dist. Transp. Auth.*, 805 F. App'x 41, 45 (2d Cir. 2020) (quotation omitted). Because the Court finds that Zantua's conduct cannot be imputed to the other Defendants under the more relaxed federal standard, it also does not meet the NYSHRL's more rigorous requirement of encouragement or approval.

Since the Court concludes that Zantua's conduct cannot be imputed to the Knipfings or Old Westbury, it need not and does not determine whether Orrego's "showing of harassment was sufficiently severe or pervasive to constitute a hostile

work environment." *Summa*, 708 F.3d at 124. Orrego's hostile work environment claim against the Knipfings and Old Westbury is dismissed.

II. Retaliation

Section 1981 and NYSHRL retaliation claims are analyzed under the three-step burden shifting framework derived from *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), and according to Title VII principles. *Alvarado*, 685 F. App'x at 7. Under that framework, if the plaintiff establishes a prima face case of retaliation, "the defendant must then articulate a legitimate, non-discriminatory reason for its action." *Hernandez v. Kwiat Eye & Laser Surgery, PLLC*, No. 23-7679, 2024 WL 5116365, at *1 (2d Cir. Dec. 16, 2024). "To make out a prima facie case of retaliation, a plaintiff must make four showings: that (1) she engaged in a protected activity; (2) her employer was aware of this activity; (3) the employer took adverse employment action against her; and (4) a causal connection exists between the alleged adverse action and the protected activity." *Id.* *3 (quotation omitted). If the defendant produces a non-retaliatory reason for the adverse action, the plaintiff "must then prove that her protected activity was a 'but-for' cause of her firing, which she can do by showing that [defendant's] proffered reason is pretextual." *Knox v. CRC Mgmt. Co., LLC*, 134 F.4th 39, 49 (2d Cir. 2025) (quotation omitted); *see also Alvarado*, 685 F. App'x at 7 ("'[B]ut-for' causation does not require proof that retaliation was the only cause of the employer's action, but only that the adverse action would not have occurred in the absence of the retaliatory motive." (quotation omitted)); *Ferrara v. Sterling, Inc.*, No. 23-0454, 2024 WL 485742, at *2 (2d Cir. Feb. 8, 2024) ("[W]ith respect to causation, [plaintiff] must establish that retaliation . . .

was a 'but-for' cause of his demotion, not simply a 'substantial' or 'motivating' factor in the employer's decision." (quotation omitted)).

Defendants do not dispute that Orrego has made out a prima facie case of retaliation. There is no dispute that Orrego engaged in protected activity and that her employer was aware of it: she complained of racial discrimination to Testa and Ms. Knipfing on November 2, 2018. (Defs.' Mot. at 19; Pl.'s Opp'n at 10–11). And Orrego's employment was terminated on November 27, 2018, an adverse employment action that is close enough in temporal proximity to presumptively establish a causal connection with her protected activity. (Defs.' Mot. at 20; Pl.'s Opp'n at 11); *e.g.*, *Summa*, 708 F.3d at 128 ("[T]he combination of reasonably close temporal proximity and the particular context in this case is sufficient to infer causation in establishing a prima facie case of retaliation[.]").

Under *McDonnell Douglas*, the burden now shifts back to Defendants "to articulate some legitimate, non-retaliatory reason for the employment action." *Philbert v. N.Y.C Dep't of Educ.*, No. 24-0804, 2025 WL 3251187, at *1 (2d Cir. Nov. 21, 2025) (quotation omitted) (noting that defendants' burden here "is one of production, not persuasion" (quotation omitted)). "The plaintiff must then produce evidence and carry the burden of persuasion that the proffered reason is a pretext." *Id.* (quotation omitted). "At the third step, the presumption of retaliation dissipates, and the plaintiff must prove that the desire to retaliate was [a] but-for cause of the challenged employment action." *Carter v. TD Bank, N.A.*, No. 23-0950, 2024 WL 2828470, at *3 (2d Cir. June 4, 2024) (quotation omitted). A plaintiff "need not prove that the employer's

stated reason was *false*"; she "need only show that the employer's stated reason—even if true or factually accurate—was not the 'real reason,' in the sense that it was not the *entire* reason due to a coexisting impermissible consideration." *Bart v. Golub Corp.*, 96 F.4th 566, 575 (2d Cir. 2024) (emphasis in original). In other words, it is the plaintiff's burden "to produce admissible evidence showing circumstances that would be sufficient to permit a rational finder of fact to infer that the defendant's employment decision was more likely than not based in whole or in part on discrimination." *Id.* at 576 (quotation omitted).

Defendants have articulated multiple non-retaliatory reasons for Orrego's termination, which were also provided contemporaneously with her termination letter: 1) Orrego had been secretly recording conversations and taking unauthorized pictures and videos in violation of the NDA she signed; 2) Orrego told the outside investigators that she did not want to continue working for the Knipfings if Uzcategui remained employed; and 3) Orrego made allegations that the Knipfings' children were being physically abused by Uzcategui, but later confirmed no such abuse was taking place. (Defs.' Mot. at 20; Defs.' 56.1 Stmt. ¶¶ 104–110; Termination Letter).

Orrego makes several arguments that these proffered reasons are pretextual. *See Licinio v. New York*, No. 24-2564, 2025 WL 1693108, at *2 (2d Cir. June 17, 2025) ("To prove pretext, a plaintiff can demonstrat[e] weaknesses, implausibilities, inconsistencies, or contradictions in the employer's proffered legitimate, nonretaliatory reasons for its action." (quotation omitted)), *cert. denied*, No. 25-0587, 2026 WL 79971 (U.S. Jan. 12, 2026). Her strongest arguments challenge the reason related to her

supposedly unauthorized pictures and videos. Orrego argues that the photos and videos she took were authorized by Zantua and the Knipfings, and that Ms. Knipfing was previously aware of them. (Pl.'s Opp'n at 12). She also asserts, in conclusory fashion, that the NDA was void and that prior employees took photos without any repercussions.[12] (*Id.*). In support of these arguments, Orrego produced several text messages with Ms. Knipfing in which Orrego sent photos—for example, of the children in the playroom in March 2018—to a warm reception by Ms. Knipfing. (Text Messages, attached to Pl.'s Opp'n as Ex. 6, Dkt. No. 224-9). But Orrego has not produced evidence that the Knipfings knew other employees had taken photos, nor does the evidence she supplied—of a few pictures shared only with Ms. Knipfing in response to questions about where the children were—support her blanket statement that the 821 photos and 172 videos she took were "authorized." (Pl.'s Opp'n at 12).

Orrego's burden at this stage is not merely one of production. She must persuasively show that the proffered reasons for her termination are a pretext for the true retaliatory motive. *Philbert*, 2025 WL 3251187, at *2 (affirming grant of summary judgment where plaintiff's evidence of pretext "d[id] not provide a reasonable basis on

---

[12] "[E]vidence of disparate treatment *of similarly situated individuals* allows for the conclusion that the reasons advanced by an employer . . . are pretextual." *Summa*, 708 F.3d at 130 (emphasis added). Orrego never alleges that the other employees who took photos were remotely similarly situated to her. Orrego took hundreds of photos and videos, and also secretly recorded a conversation with another nanny in the presence of a third party not employed by the Knipfings, told external investigators that she did not want to keep working for the Knipfings if the other nanny remained employed, and finally, made claims of child abuse to the Knipfings and then later confirmed that no such abuse was occurring. She has thus, not met her burden in showing that other employees that engaged in *similar conduct* were treated more favorably to permit a factfinder to conclude that the proffered rationale for her termination was pretextual.

which a jury could conclude that [defendant's] desire to retaliate against her was a but-for cause of her termination," given the other enumerated bases for firing). But she has not done so. She has essentially disputed the bases offered for her termination. That, however, does not suggest that the real (or even partial) motivation for her firing was that her employer was retaliating against her for complaining about harassment in the first instance. So, even fully crediting Orrego's contention that some photos she took seem to have been authorized by Ms. Knipfing, a reasonable factfinder still could not conclude retaliation was a but-for cause of Orrego's termination. *See Licinio*, 2025 WL 1693108, at *2 ("The existence of a scintilla of evidence is insufficient to defeat a summary judgment motion." (quotation omitted)).[13]

As for the other non-retaliatory reasons, Orrego calls them pretextual because her complaint focused on Zantua's harassment, not Uzcategui, and because she says she did not retract her claim of child abuse, contrary to Defendants' characterization. (Pl.'s Opp'n at 12). These quibbles do not demonstrate Defendants' proffered reasons are without merit, let alone that they are pretextual.

"Even construing this evidence in the light most favorable" to Orrego, as this Court must, she "has failed to produce sufficient admissible evidence from which a reasonable juror could infer that the explanations given by [Defendants] were pretextual." *Licinio*, 2025 WL 1693108, at *2 (quotation omitted); *e.g.*, *Uttarwar v. Lazard Asset Mgmt. LLC*, No. 24-1085, 2025 WL 704278, at *4 (2d Cir. Mar. 5, 2025) ("While

[13] Orrego's termination letter took significant issue with Orrego having recorded a conversation with Uzcategui discussing their work "in the presence of a member of the public"—a reason Orrego does not refute at all. (Termination Letter).

temporal proximity, together with other evidence such as inconsistent employer explanations, may be enough to defeat summary judgment, Uttarwar has failed to provide evidence calling into question the legitimacy of the defendants' explanations for his termination[.]"); *Carter*, 2024 WL 2828470, at *4 ("Simply put, the evidence Carter has adduced through discovery would not allow a reasonable factfinder to find the required but-for causal connection between his complaint and his termination, despite the modest temporal proximity between the two."); *Ferrara*, 2024 WL 485742, at *3 ("Here, assuming *arguendo* that Ferrara established a *prima facie* case of retaliation, he has not set forth evidence to rebut Sterling's legitimate, nondiscriminatory reason for his demotion from district manager to store manager[.]").

Thus, after evaluating Orrego's retaliation claim under each step of the *McDonnell Douglas* framework, the Court concludes that summary judgment is appropriate, and the claim is dismissed.

III. Sanctions

Both parties, in their respective summary judgment motions, ask the Court to sanction the other side. (*E.g.*, Defs.' Mot. at 22; Pl.'s Mot. at 14–15).

Orrego requests sanctions based on alleged discovery misconduct. (Pl.'s Mot. at 14). Her requests are largely baseless and do not warrant sanctions—for example, stating that Defendants' "depositions were evasive" and that they contained "forged

signatures." (*Id.*). To the extent that Orrego requests leave under Rule 15(a)[14] to file a second amended complaint to account for additional damages and based on alleged discovery misconduct in this case and "ongoing abuse," largely premised on filings or determinations made years ago in other judicial or administrative proceedings that Orrego initiated, (*id.* at 9–10, 15–16), the request is denied, *e.g.*, *AEP Energy Servs. Gas Holding Co. v. Bank of Am., N.A.*, 626 F.3d 699, 726 (2d Cir. 2010) (affirming denial of request to amend made "three years after the commencement of the lawsuit and several months after cross-summary judgment motions had been filed"); *McCarthy v. Dun & Bradstreet Corp.*, 482 F.3d 184, 200 (2d Cir. 2007) (collecting cases affirming denial of leave to amend in light of delay and advanced stage of case).

Defendants ask for Orrego to be deemed a vexatious litigant and for the imposition of monetary sanctions. (Defs.' Mot. at 22). As a preliminary matter, Defendants' request for monetary sanctions incurred with their summary judgment motion practice and Orrego's conduct in this lawsuit, (*id.*), is denied. This particular lawsuit is not entirely frivolous: it survived a motion to dismiss and proceeded to summary judgment.

That being said, the Court previously instituted filing injunctions to prevent abusive frivolous filings. (*See* Order dated Aug. 14, 2025, Dkt. No. 210; Order dated Sep. 16, 2025). This is one of nine lawsuits Orrego has filed stemming from her

---

[14] Under that Rule—and since there has not been any Rule 16 scheduling order in this case—"the only 'grounds on which denial of leave to amend has long been held proper' are upon a showing of 'undue delay, bad faith, dilatory motive, [or] futility.'" *Sacerdote v. New York Univ.*, 9 F.4th 95, 115 (2d Cir. 2021) (quoting *Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015)).

employment with the Knipfings, and the fifth in federal court, numbers that do not begin to capture the numerous related administrative complaints she has filed with various state agencies. (*See* Defs.' 56.1 Stmt. ¶¶ 128, 131, 138, 140, 148, 150, 152, 155). She has filed lawsuits or administrative complaints against three law firms, (*id.* ¶¶ 131, 148, 160, 163), two employers, (*id.* ¶ 144), and twelve judges (*id.* ¶¶ 127, 152, 155), as well as judicial staff, (*id.* ¶¶ 152, 155). She has also lodged judicial complaints and sought to recuse four District and Magistrate Judges—almost every federal judge assigned to this case. (*Id.*¶ 171). In this case alone, Orrego has filed twelve notices of appeal, requests for interlocutory appeals, or petitions for a writ of mandamus. (Dkt. Nos. 152, 166, 176, 178, 206, 212, 216, 217, 219, 234, 239, 240).[15] She has filed nineteen motions for reconsideration or vacatur of orders—including of orders denying reconsideration, (Dkt. Nos. 48, 90, 110, 113, 114, 117, 129, 131, 142, 143, 144, 145, 147, 148, 149, 150, 151, 172, 199), until she was eventually prohibited by this Court from "seeking reconsideration or a redo of prior decisions," (Order dated July 8, 2025). With rare exception, limited to avoiding a single motion to dismiss, Orrego has not prevailed in these actions or individual motions. And she has already been separately subject to monetary sanctions and admonishments for frivolous litigation and threatening judicial

[15] The latest of these—appeals from filing injunctions and recusal denials, with requests to proceed *in forma pauperis*—were recently consolidated and dismissed *sua sponte* by the Second Circuit for lack of jurisdiction. (*See* Mandate of USCA dated May 6, 2026, Dkt. No. 243 at 2 (dismissing appeals in: 25-2225, 25-2434, 25-3217, 25-2239, 25-2437, and 25-3208)).

officers in a state court proceeding.[16] Orrego has also engaged in a pattern of initiating judicial misconduct complaints, sending emails to the judges of this court, including the Chief District Judge, and bombarding the Clerk's Office and chambers of judges with phone calls and filings, behaviors that are not evident from the face of the dockets of her cases, but demonstrate why the Court is obligated to enter an injunction in the case.

This Court has already instituted filing injunctions in Orrego's open cases in this District, after multiple warnings, because it found "Plaintiff has abused her ability to file papers with the Court," including by "filing repetitive motions on issues that have previously been denied." (Order dated Aug. 14, 2025, Dkt. No. 210 at 2). After that injunction, Orrego "filed multiple applications seeking leave to file additional motions and/or open new cases" that "not only violate the filing injunction, but are unnecessarily duplicative material." (Order dated Sep. 16, 2025). As a result, the Court prohibited Orrego from making any further filings in her open cases and from using the pro se portal, absent further order of the Court. (*Id.*). The Court noted that it would lift

---

[16] Defendants included a transcript of proceedings from one of Orrego's state court cases, in which she was fined $ 2,500 for a frivolous letter that intimidated and threatened an expert witness in the case. (*See* Defs.' 56.1 Stmt. ¶ 129). In imposing the sanction, the court was required to remove Orrego from the courtroom for disobeying court orders, and stated on the record to her: "You have attempted to intimidate me, you've harassed me, you've harassed my staff[.]" (*Id.*). That court also determined that "there may be criminal conduct that arises from the contents of [Orrego's] letter," and referred it to the district attorney to investigate. (*Id.*).

In a recent letter, Defendants separately drew the Court's attention to the fact that Orrego just initiated yet another state court lawsuit against Defendants' counsel, Savitsky, and others, which she served on May 1, 2026. (Defs.' Letter dated May 5, 2026, Dkt. No. 242 at 1–2). Defendants also noted a March 24, 2026 social media post by Orrego directed at Defendants, their lawyers, the undersigned, Magistrate Judge Shields, and several other public officials, saying "[s]omething very bad is going to happen." (*Id.* at 2).

the injunction following resolution of all pending motions, to permit Orrego to object, appeal, seek reconsideration, or make any pre-trial filings. (*Id.*).

In deciding whether to impose an anti-filing injunction, the Second Circuit has identified the following factors for consideration:

> (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

Eliahu v. Jewish Agency for Israel, 919 F.3d 709, 714 (2d Cir. 2019) (quotation omitted).

It is plain from the above recitation—and the litigation history that has been chronicled at length in Defendants' Rule 56.1 Statement, (*see* Defs.' 56.1 Stmt. ¶¶ 118–78)—that all factors weigh in favor of imposing a filing injunction, *e.g.*, *Zappin v. Comfort*, No. 23-7363, 2024 WL 5001624, at *3 (2d Cir. Dec. 6, 2024) ("Given that other sanctions have proven ineffective at protecting the courts and the parties, it was not an abuse of discretion for the district court to enter a pre-filing injunction here."); *Immerso v. U.S. Dep't of Lab.*, No. 20-4064, 2022 WL 17333083, at *2 (2d Cir. Nov. 30, 2022) (affirming bar against further filings or initiating new proceedings in the Eastern District absent leave of the court). Although Orrego is currently pro se, she has been

assisted by counsel at various stages in this litigation and others, and there is "no basis to afford [her] the latitude usually granted to *pro se* litigants."[17] *Eliahu*, 919 F.3d at 715.

While filing injunctions are only warranted by "extraordinary circumstances," that bar is met here. *Id.* at 714 (quotation omitted). Orrego is enjoined from initiating future actions in the Eastern District of New York.

CONCLUSION

For the reasons explained above, Defendants' motion for summary judgment is granted, and Orrego's motion for summary judgment is denied. Orrego's pending motion for leave to appeal *in forma pauperis*, (Dkt. No. 238), is denied for the reasons set forth in the Court's December 5, 2025 Order, and the pending premotion conference request, (Dkt. No. 232), is denied as moot.

The present filing injunction is lifted solely for the purpose of filing any notice of appeal. Aside from filings related to her appeal, Orrego is enjoined from further filings in this case, and from initiating future actions in the Eastern District of New York absent

[17] As noted above, Orrego has fired and sued several law firms that represented her in related matters. And in this case, while the Court initially declined to appoint Orrego pro bono counsel, the Court did ultimately appoint counsel for Orrego, (Order dated Nov. 16, 2021), but she requested their removal within a matter of months, and ultimately opted to proceed pro se, (Order dated Apr. 19, 2022, Dkt. No. 52).

a Court order.[18] The Clerk of Court is directed to distribute this memorandum and order to all Clerk's Office personnel as appropriate.

SO ORDERED.

/s/ Sanket J. Bulsara
SANKET J. BULSARA
United States District Judge

Date: May 8, 2026
Central Islip, New York

[18] To eliminate the need to write a decision every time Orrego makes a frivolous filing, the Clerk of Court is directed to open a miscellaneous case entitled "In re Orrego," and to file a copy of this Order under that docket number. The matter is then to be administratively closed. Any future filings by Orrego, including any motion for reconsideration, shall be filed under that miscellaneous docket number. The Court will review each filing. If the filing is found to be frivolous, no further action will be taken. If the filing states a claim that is not frivolous or does not fail to state a claim, the Court will direct the Clerk of Court to open a new civil matter in which the filing will be docketed, and the matter will proceed as a new case in the ordinary course. *E.g.*, *Mai v. NYSOTDA*, No. 25-MC-2840, 2025 WL 2947168, at *2 (E.D.N.Y. Aug. 20, 2025).

EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

LIDIA M. ORREGO,

Plaintiff,

- against -

KEVIN KNIPFING, et al.,

Defendants.

----------X

JUDGMENT
CV 20-3361 (SJB) (AYS)

A Memorandum and Order of the Honorable Sanket J. Bulsara, United States District Judge, having been filed on May 8, 2026, granting Defendants' motion for summary judgment; denying Plaintiff's motion for summary judgment; denying Plaintiff's motion for leave to appeal *in forma pauperis*; ordering a permanent filing injunction on Plaintiff, and that it be lifted solely for the purpose of filing any notice of appeal; enjoining Plaintiff from further filings in this case and from initiating future actions in the Eastern District of New York absent a Court order; and directing the Clerk of Court to enter judgment and close the case, it is

ORDERED AND ADJUDGED that Plaintiff Lidia M. Orrego take nothing of Defendants Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIC LLC, Old Westbury LLC, Steven Savitsky, and Teresa A. Zantura; that Defendants' motion for summary judgment is granted; that Plaintiff's motion for summary judgment is denied; that Plaintiff's motion for leave to appeal *in forma pauperis* is denied; that the Court lifts the permanent filing injunction on Plaintiff Orrego solely for the purpose of filing any notice of appeal; that Orrego is enjoined from further filings in this case and initiating future actions in the Eastern District of New York absent a Court order; and that this case is closed.

Dated: May 8, 2026
Central Islip, New York

BRENNA B. MAHONEY
CLERK OF COURT

BY: /S/ JAZMIN M. CUBANO
DEPUTY CLERK

EXHIBIT 3

Gmail

Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:20-cv-03361-PKC-TAM Orrego v. Knipfing et al Order of Recusal

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov> Mon, Nov 17, 2025 at 12:56 PM
To: nobody@nyed.uscourts.gov

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

*****Additional Security Enhancements Coming Soon*** For information visit PACER website**

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

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

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/17/2025 at 12:56 PM EST and filed on 11/17/2025
Case Name: Orrego v. Knipfing et al
Case Number: 2:20-cv-03361-PKC-TAM
Filer:
Document Number: No document attached

Docket Text:
ORDER OF RECUSAL. Type of Recusal: party. Ordered by Judge Sanket J. Bulsara on 11/17/2025. Judge Sanket J. Bulsara, Magistrate Judge Anne Y. Shields recused. Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. (BBM)

2:20-cv-03361-PKC-TAM Notice has been electronically mailed to:

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

2:20-cv-03361-PKC-TAM Notice will not be electronically mailed to:

EXHIBIT 4

Gmail

Lidia Orrego <liorrego@gmail.com>

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

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov> Wed, Nov 5, 2025 at 2:27 PM
To: nobody@nyed.uscourts.gov

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

*****Additional Security Enhancements Coming Soon*** For information visit PACER website**

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

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

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/5/2025 at 2:27 PM EST and filed on 11/5/2025
Case Name: Orrego v. Knipfing et al
Case Number: 2:20-cv-03361-SJB-AYS
Filer:
Document Number: No document attached

Docket Text:
ORDER: In light of the impending reassignment of this case, the current motions, [203], [217], [218], [221], and [226], are deemed withdrawn and should be refiled consistent with the individual practices of the new Judge(s) and only with permission of the newly assigned Judge(s). So Ordered by Judge Sanket J. Bulsara on 11/5/2025. (RB)

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

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

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

Gmail

Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:20-cv-03361-SJB-AYS Orrego v. Knipfing et al Case Assigned/Reassigned

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov> Wed, Nov 26, 2025 at 2:46 PM
To: nobody@nyed.uscourts.gov

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

*****Additional Security Enhancements Coming Soon*** For information visit PACER website**

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

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

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/26/2025 at 2:46 PM EST and filed on 11/26/2025

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

Docket Text:

Case Reassigned to Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields. Judge Pamela K. Chen, Magistrate Judge Taryn A. Merkl 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. (BBM)

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

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

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

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

2:20-cv-3361 (SJB) (AYS)

I, Lidia M. Orrego, declare under penalty of perjury that I served a copy of the attached Notice of Appeal dated June 1, 2026 and Exhibits 1 - 4, Total Pages 55, 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

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

Dated: June 1, 2026 (June 1, 2026)
Rego Park, New York

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

EXHIBIT 15

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
Thurgood Marshall United States Courthouse
40 Foley Square, New York NY 10007
212.857.8585

RAYMOND J. LOHIER, JR.
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

August 14, 2026

Lidia M. Orrego
95-08 Queens Blvd., Apt. 3E
Rego Park, NY 11374

Re: *Judicial Conduct Complaint*, 02-26-90052-jm

Dear Ms. Orrego:

We hereby acknowledge receipt of your judicial complaint received and filed as of the date received, August 11, 2026.

The complaint has been filed under the above-referenced docket number and will be processed pursuant to 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*.

You will be notified by letter once a decision has been filed.

Very truly yours,

Catherine O'Hagan Wolfe, Clerk of Court

By: _____
Tiana Harris
Deputy Clerk

Complaint of Judicial Misconduct Related to Pending Judicial Conduct
Complaint Nos. 02-25-90131-jm and 02-25-90132-jm)

AO 310 (Rev. 03/16)

Judicial Council of the Second Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks' offices, on individual federal courts' websites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: Lidia M. Orrego

Contact Address: 9508 Queens Blvd. Apt. 3E
Rego Park, NY 11374

Daytime telephone: (347) 453-2234

2. Name(s) of Judge(s): Sanket J. Bulsara

Court: United States District Court Eastern District of New York

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

[X] Yes [ ] No

If "yes," give the following information about each lawsuit:

Court: United States District Court Eastern District of New York

Case Number: 20cv3361 Reassigned PKC-MEK Since November 17, 2025

Docket number of any appeal to the Second Circuit: Dkt 26-899; Dkt 25-1576
Dkt 25-1802; 25-1810; 25-2399 among others

Are (were) you a party or lawyer in the lawsuit?

[X] Party [ ] Lawyer [ ] Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

N/A

AO 310 (Rev. 03/16)

Judicial Council of the Second Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

4. Brief Statement of Facts. Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

5. Declaration and signature:

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Signature: _____ Date: 08/10/2026

NOTE REGARDING SUPPORTING EXHIBITS AND SUPPLEMENTAL RECORD

Pursuant to Rule 2(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, Complainant submits the original and four copies of this Complaint and Statement of Facts. Rule 2(e) provides that one copy of supporting transcripts, exhibits, or other documents is sufficient.

Accordingly, the original Complaint is submitted as the complete master filing and includes one complete set of Exhibits 1–12, together with the digital evidence identified as Exhibit 10, Disc 1 of 2 and Disc 2 of 2, and the Supplemental Record ("SR") materials, SR-1 through SR-5.

The four additional copies contain the Complaint, five-page Statement of Facts, Exhibit Index, accompanying reference sections, and SR-1 through SR-5, but do not duplicate Exhibits 1–12 or the digital media.

The SR materials are provided in each filing copy solely as an organizational and documentary roadmap for ease of review. They do not constitute additional numbered exhibits and do not alter or renumber Exhibits 1–12.

STATEMENT OF FACTS — Complaint dated August 10, 2026

Attachment to Official Complaint Form — 28 U.S.C. § 351 et seq.; Rule 2(b) — Concerning Hon. Sanket J. Bulsara, U.S.D.J., E.D.N.Y. — Related to Nos. 02-25-90131-jm, 02-25-90132-jm

I, Lidia M. Orrego, submit this Complaint concerning the conduct of recused United States District Judge Sanket J. Bulsara in Orrego v. Knipfing, et al., EDNY Case No. 2:20-cv-03361. This Complaint is based on the official District Court and appellate records, the summary-judgment record, the June 24, 2026 Motion to Vacate and supporting papers, and the documentary and electronic evidence submitted to the Court. The misconduct documented below is not based merely on disagreement with a judicial ruling. It concerns suppression, omission, selective treatment, and misrepresentation of material evidence; false factual statements contradicted by the filed record; denial of a meaningful opportunity to submit and cure electronic evidence; substantive judicial acts after recusal; and restrictions on my access to the Court. (Exs. 1–12; Ex. 6, Master Evidence Map; Ex. 7, Visual Map; Ex. 10, Digital Evidence; MC DE [6].) The Master Evidence Map specifically identifies evidence from DE [224], DE [226], and DE [228] and compares its treatment in DE [244].

1. Recusal and Subsequent Exercise of Judicial Authority. On November 17, 2025, Judge Bulsara entered an Order of Recusal and Random Reassignment, transferring the case to District Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl "for all further proceedings." Nevertheless, on May 8, 2026—172 days after recusal—purported acts docketed as DE [244] and DE [245] were entered under the former SJB-AYS designation. The same day, Miscellaneous Case No. 2:26-mc-01957-SJB was opened, three submissions I filed on May 5 were removed from the 20-cv-3361 docket, and the miscellaneous proceeding was immediately administratively terminated. DE [244] then stated no supplemental evidence was in the record. (Ex. 1; Ex. 2, DE [244]–[245]; Exs. 3–5; Ex. 9; MC DE [6]; SR-1; SR-2.)

2. The Summary-Judgment Record Differed Materially From DE [244]'s Narrative. My submissions in DE [224], DE [224-2], DE [226], DE [228], and DE [229] contained contemporaneous texts, emails, recordings, certified transcripts, photographs, videos, affidavits, investigative reports, employment and payroll records, judicial determinations, and other documentary evidence. The corrected 180-page Exhibit 6 maps that evidence against DE [244]'s statements, including DE [30]; the Uzcategui/Rydan investigation; the November 27, 2018 termination letter; Old Westbury, LLC evidence; Zantua/James-Knipfing texts; payroll records; NDA evidence; and the electronic-evidence history. Material contrary evidence was omitted, selectively quoted, or mischaracterized. (Ex. 2; Ex. 6, pp. 1–180; Ex. 7; Ex. 10; EDNY DE [30], [224], [224-2], [226], [228], [229].)

3. DE [244] fn.9 stated the record did not support that Teresa A. Zantua directed photographs inside the Knipfing residence, notwithstanding her October 19, 2018 text—"Lidia will u take picture of the apple juice so I can get more please"—filed at DE [224-16], p. 52, PageID #13478 (Ex. 21). The Master Evidence Map identifies that document and two additional instructions directly contradicting fn.9. (Ex. 2, DE [244] fn.9; Ex. 6; EDNY DE [224-16], Ex. 21.)

4. DE [244] characterized electronic evidence it admitted it could not review. My July 2–8, 2025 FTP-link requests and DE [202] (Notice of Request to Submit Electronic Evidence) appear in Exhibit 6. The Court's July 2025 direction recognized Individual Practices § II.D as applicable to large electronic files in motion practice such as summary judgment. I ultimately filed the evidence physically as DE [229]. No notice of any deficiency or opportunity to cure was given before disposition. (Ex. 2, DE [244] fn.7; Ex. 6, DE [202], July 2025 docket directives; Ex. 10; EDNY DE [202], [229].)

5. DE [244]'s finding is internally irreconcilable: it characterized the electronic evidence as "largely duplicative" while acknowledging the Court was "unable to review it." The Motion to Vacate identifies this contradiction—evidence cannot be substantively compared and found duplicative through an examination that admittedly never occurred. The record identifies 821 photographs, 172 videos, and 26 audio recordings, with related transcripts and other ESI. (Ex. 2, DE [244] fn.7; Ex. 6; Ex. 7; Ex. 10, Disc 1–2; EDNY DE [229].)

6. DE [244] omitted the controlling significance of Judge Gary R. Brown's prior Memorandum and Order, DE [30], while reaching materially different conclusions on the same issues—Zantua's supervisory role, prior complaints, harassment claims, the November 2, 2018 complaint, retaliation, termination, and hostile-work-environment claims. Exhibit 6 identifies six material areas of inconsistency, including the Faragher/Ellerth defense, prior complaints, Zantua's supervisory status, and the Old Westbury, LLC termination letter, without DE [30] being cited anywhere in DE [244]'s 29 pages. (Ex. 2; Ex. 6, DE [30] and Master Evidence Map; EDNY DE [30], [224], [226], [228].)

7. DE [244] did not adjudicate my submissions through the record required by Rule 56. I filed a substantive Opposition (DE [224]), Local Rule 56.1 Counterstatement (DE [224-2]), my own Motion for Summary Judgment (DE [226]), and supporting documentary (DE [228]) and electronic (DE [229]) evidence identifying disputed and undisputed material facts with citations. DE [244] did not meaningfully address my Opposition, separately analyze my own motion, or resolve the disputes identified in my 56.1 submissions; material portions of the record were instead omitted, disregarded, selectively cited, or mischaracterized, as shown document-by-document in the Master Evidence Map. (Ex. 2; Ex. 6; Ex. 7; EDNY DE [224], [224-2], [226], [228], [229].)

8. This failure was consequential under Rule 56(c)–(e), governing citation to and treatment of supporting materials. My submissions directed the Court to texts, emails, photographs, videos, recordings, certified transcripts, affidavits, investigation records, and employment/payroll documents. Exhibit 6 demonstrates that material evidence corresponding to my factual statements was already in the record; DE [244] nonetheless resolved summary judgment without addressing substantial portions of that showing and, in multiple instances, stated evidence was absent where the cited record contained evidence on point. (Ex. 2; Ex. 6; Ex. 7; Ex. 10; EDNY DE [224], [224-2], [226], [228], [229].)

9. The Rydan Security investigation was selectively treated. The November 21, 2018 Rebecca Lugo-Uzcategui interview reported that conditions improved after Uzcategui approached Kevin Knipfing aka Kevin James about Zantua's conduct, but “REVERTED BACK” a short time later. DE [244] relied on the initial improvement while omitting the reversion, and disregarded that Uzcategui's earlier complaint predated my January 31, 2018 employment and therefore could not constitute corrective action responsive to my November 2, 2018 complaint. (Ex. 2; Ex. 6, Rydan/Uzcategui Interview and Master Evidence Map; EDNY DE [30], [224], [226], [228].)

10. The record concerning Old Westbury, LLC contradicts DE [244]'s narrative. Exhibit 6 includes the November 27, 2018 termination letter on “Old Westbury, LLC” letterhead signed by Steve Savitsky as “Business Manager”; DE [17], the September 30, 2020 Stipulation identifying Old Westbury, LLC as a represented Defendant; and DE [22], the December 11, 2020 Motion to Dismiss identifying it among represented moving Defendants. A November 17, 2025 GRSM submission to the Second Circuit nonetheless stated counsel had not identified Old Westbury LLC as represented because “no such entity exists.” (Ex. 6, termination letter, DE [17], DE [22], Nov. 17, 2025 appellate correspondence, Master Evidence Map; EDNY DE [17], [22], [30], [224], [226], [228].)

11. The record also contradicts the characterization that my recordings and photographs were simply obtained secretly or in violation of an NDA. The July 5, 2022 discovery directive required exchange of recordings and videos “regardless of how a party came into possession of them”; Kevin Knipfing was present during the October 23, 2018 recording; and the first NDA was delivered November 1, 2018—approximately nine months after my employment began and after most of the 821 photographs, 172 videos, and 26 audio recordings had already been created. (Ex. 2, DE [244]; Ex. 6, July 5, 2022 directive, NDA evidence, Master Evidence Map; Ex. 10.)

12. These omissions consistently favored Defendants while evidence supporting my claims—contemporaneous texts, emails, diary entries, investigative reports, photographs, videos, recordings, affidavits, and business records—was excluded from the factual narrative. This is especially serious because the principal Defendant is Kevin Knipfing aka Kevin James, a wealthy Hollywood actor represented by sophisticated counsel, while I proceeded pro se, raising whether this pattern is compatible

with the duty to administer justice "without respect to persons, and do equal right to the poor and to the rich." 28 U.S.C. § 453. (Exs. 1–12, particularly 2, 6, 7, 11, 12; EDNY DE [30], [224], [224-2], [226], [228], [229], purported [244], [245].)

13. The filing injunction was imposed without the process ordinarily required before restricting a litigant's court access. DE [244] imposed a district-wide filing injunction simultaneously with disposing of summary judgment; the Motion to Vacate identifies that no separate notice, evidentiary hearing, or meaningful opportunity to respond was provided, and that DE [244] relied on appeals, mandamus petitions, recusal matters, and misconduct complaints to characterize me as vexatious. Judge Bulsara's 2025 Federal Bar Council Quarterly profile described oral argument as an opportunity for "a better understanding and a level of depth," framed in terms of prepared "lawyers" and "counsel"—notable when compared with my actual opportunity to be heard as a pro se litigant. (Ex. 2; Exs. 3–5; Ex. 7; Ex. 9; SR-1; SR-2; SR-5; EDNY DE [224], [224-2], [226], [228], [229].)

14. Three authorized filings I placed in 20-cv-3361 on May 5, 2026 were moved into Miscellaneous Case No. 2:26-mc-01957-SJB when opened on May 8, 2026, and that case was administratively closed the same day. DE [244], entered the same date, thereafter stated no supplemental evidence was in the record. The official miscellaneous docket confirms filings continued to be docketed there, including my June 24, 2026 Rule 60 Motion at MC DE [6], despite the case being marked closed on May 8. (Ex. 2; Exs. 3–5; Ex. 9, Official Miscellaneous Docket; SR-1; SR-2.)

15. My June 24, 2026 Motion to Vacate presented these matters through the available procedure while appellate proceedings were pending, seeking relief under Rules 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), together with an indicative ruling under Rule 62.1, supported by my Affirmation, Memorandum of Law, documentary exhibits, the Master Evidence Map, and the electronic evidence. It identified the challenged statements in DE [244] and compared them to the corresponding record evidence. (Ex. 3, Notice of Motion; Ex. 4, Affirmation; Ex. 5, Memorandum of Law; Ex. 6; Ex. 10; Ex. 9, MC docket.)

16. The Motion to Vacate documents a four-step exclusion chain: (1) my July 2–8, 2025 FTP-link requests under Individual Practices § II.D; (2) subsequent termination of the remaining Pro Se electronic-filing mechanism; (3) my physical filing of the flash drive as DE [229], retained without notice of any technical problem; and (4) DE [244]'s first disclosure that the Court could not review the files, while characterizing the evidence as "largely duplicative." (Ex. 2, DE [244] fn.7; Ex. 6, FTP requests, DE [202], July 7–8 orders, DE [229] history; Ex. 10.)

17. I was directed not to contact Chambers while the Court's own procedure required communication to obtain the FTP transmission link for large electronic evidence. Exhibit 6 contains my repeated requests, DE [202], and the July 7–8, 2025 directives referencing Individual Practices § II.D as the mechanism for large electronic files in motion practice, while simultaneously directing that Chambers contact cease except through authorized channels. I followed the prescribed mechanism, received no usable route to complete the submission, and was later faulted in DE [244] despite the documented requests. (Ex. 6, electronic-evidence submission history, July 7–8, 2025 directives; Ex. 2, DE [244] fn.7; Ex. 10.)

18. The pattern continued after recusal through the handling of my Rule 60 filings and related appellate proceedings. My June 24 Motion was docketed in the already-closed miscellaneous proceeding rather than the reassigned civil action. I notified the Second Circuit and sought abeyance while the District Court addressed the pending Rule 60 Motion and Rule 62.1 request. Exhibit 8 documents that history; Exhibit 9 shows the miscellaneous docket through MC DE [17]. The Motion to Vacate remained unresolved while related appellate proceedings continued. (Ex. 8; Ex. 9; SR-2; SR-3, DE [240]/USCA 26-899; SR-4, DE [246]/USCA 26-1576.)

19. Exhibit 11, previously filed as DE [224-41], reproduces Judge Bulsara's March 6, 2024 Senate Judiciary Committee confirmation hearing, during which Senator John Kennedy questioned a prior judicial decision criticizing his treatment of District precedent, stating he had ignored a "large collection of cases in this District" and "a whole line of cases." Judge Bulsara responded by referring to a split of

authority at the district-court level. This prior, independently documented questioning is relevant alongside DE [244]'s failure to address DE [30] and the authorities identified in my Motion to Vacate. (Ex. 11; EDNY DE [224-41].)

20. Exhibit 12, Judge Bulsara's Official Questions for the Record from his 2024 nomination, invokes the judicial oath to administer justice "without respect to persons, and do equal right to the poor and to the rich," and represents that a judge must faithfully and impartially apply governing Supreme Court and Second Circuit law. Asked whether a district judge may "circumvent, evade, or undermine" applicable precedent, his answer was "No." (Ex. 12; 28 U.S.C. § 453.)

21. Exhibit 12 further states that impartiality is central to the judicial oath and that decisions must rest on legal principles rather than a desired result, and that an expressed willingness not to follow precedent could indicate a judge had "pre-determined or prejudged cases." Measured against that standard, the 20-cv-3361 record shows evidence favorable to me omitted, disregarded, selectively cited, or mischaracterized; DE [30] unaddressed in DE [244]'s 29 pages; unreviewed electronic evidence characterized as duplicative; and substantive acts entered 172 days after recusal. (Ex. 12; Exs. 1–7, 10–12; EDNY DE [30], [224], [224-2], [226], [228], [229], purported [244], [245]; 28 U.S.C. §§ 453, 455.)

22. This unequal treatment is especially serious given the conflict involving Defendants' counsel and Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, my former attorneys, and the disparity between a pro se litigant and a wealthy Hollywood actor represented by powerful counsel. Material evidence favorable to me was excluded from the factual narrative while Defendants' version was repeatedly accepted. (Exs. 2, 4–7, 10, 12; EDNY DE [224], [224-2], [226], [228], [229]; MC DE [6]; 28 U.S.C. § 453.)

23. The Master Evidence Map places specific statements in DE [244] beside the documents contradicting them: the Zantua photograph instruction; the complete Rydan/Uzcategui "reverted back" account; the Old Westbury, LLC documentary history; authorization and use of photographs/recordings; NDA timing and scope; payroll/overtime evidence; certified transcripts; and electronic evidence characterized despite admitted non-review. The June 24, 2026 Motion to Vacate invoked Rules 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), including fraud upon the Court. (Ex. 2; Ex. 6; Ex. 7; Ex. 10; EDNY DE [224], [224-2], [226], [228], [229]; Fed. R. Civ. P. 56.)

24. No judicial order vacated the November 17, 2025 recusal transferring the case to Judge Chen and Magistrate Judge Merkl "for all further proceedings." DE [244] and DE [245] were nonetheless entered 172 days later, on May 8, 2026. My Motion to Vacate challenges these acts as void and records that the November 26, 2025 change back to the SJB-AYS docket designation was a clerk notation, not a judicial ruling vacating recusal. (Ex. 1; Ex. 2; Exs. 3–5; Ex. 6; SR-1; SR-3, DE [240]/USCA 26-899; SR-4, DE [246]/USCA 26-1576.)

25. This post-recusal conduct is preserved in separate appellate proceedings: DE [240], Notice of Motion to Recuse, is the subject of Second Circuit Appeal No. 26-899; DE [246], Notice of Appeal from DE [244]–[245], is the subject of Appeal No. 26-1576. I notified the Second Circuit of the June 24, 2026 Motion to Vacate and sought abeyance while the District Court addressed the Rule 60 Motion and Rule 62.1 request. (Ex. 8; Ex. 9; SR-3, DE [240]/USCA 26-899; SR-4, DE [246]/USCA 26-1576; MC DE [6].)

26. In sum, the documentary record demonstrates: (1) non-adjudication of my Opposition (DE [224]) and Rule 56.1 Counterstatement (DE [224-2]); (2) failure to separately adjudicate my own Motion for Summary Judgment (DE [226]); (3) unresolved material factual disputes under Rule 56; (4) omission, disregard, or mischaracterization of documentary evidence (DE [228]) and electronic evidence (DE [229]); (5) statements in DE [244] contradicted by the record, including my repeated electronic-evidence upload requests; (6) the duplicative/unreviewable contradiction, without notice or opportunity to cure; and (7) substantive acts docketed as DE [244]–[245] after the November 17, 2025 recusal. (Exs. 1–2, 6–7, 10; EDNY DE [224], [224-2], [226], [228], [229], purported [244]–[245].)

27. Exhibits 11 and 12 place this conduct in context directly relevant to judicial integrity. Exhibit 11 (DE [224-41]) contains the 2024 Senate Judiciary Committee questioning by Senator John Kennedy concerning Judge Bulsara's disregard of District precedent; Exhibit 12 contains his own written responses recognizing that a district judge may not "circumvent, evade, or undermine" controlling precedent. (Ex. 11, DE [224-41]; Ex. 12.)

28. Judge Bulsara expressly represented to the Senate Judiciary Committee the § 453 obligation to administer justice "without respect to persons, and do equal right to the poor and to the rich." I proceeded pro se against Kevin Knipfing aka Kevin James and other Defendants represented by powerful counsel, amid the Pasternack Tilker conflict. The documentary evidence shows material evidence favorable to me omitted, disregarded, selectively cited, or mischaracterized while propositions favorable to Defendants were accepted or repeated. (Exs. 2, 4–7, 10–12; EDNY DE [30], [224], [224-2], [226], [228], [229]; MC DE [6]; 28 U.S.C. § 453.)

29. This Complaint does not ask the Council to substitute itself for an appellate court or determine whether summary judgment was legally correct. It asks whether a recused judge continued exercising substantive judicial authority; whether material evidence was suppressed, disregarded, or mischaracterized; whether contradicted statements were used in the disposition; whether unreviewed evidence was characterized substantively; whether my documented efforts to submit electronic evidence were disregarded while I was restricted from contacting Chambers; whether filings were removed into an administratively terminated proceeding; and whether a filing injunction blocked further evidence and judicial review. (Exs. 1–12; SR-1–SR-4.)

30. Judge Bulsara represented that empathy toward a party should play "None" in judicial decision-making and that an attorney's race or sex should have "No" effect on access to oral argument or argument time. (Ex. 12.) The record permits the Council to compare those representations with the unequal treatment, suppression, omission, and mischaracterization documented in Exhibits 1–12 and the official record incorporated by reference, including his publicly stated approach to oral argument compared with my actual opportunity to be heard as a pro se litigant. (Exs. 2, 6, 7, 10, 12; EDNY DE [224], [224-2], [226], [228], [229]; SR-5.)

31. I respectfully request an independent investigation under 28 U.S.C. §§ 351–364 and review of the complete documentary record rather than the factual narrative in DE [244]. This Statement is accompanied by Exhibits 1–12, including the corrected Master Evidence Map, representative documentary evidence, the Visual Map, official court records, Judge Bulsara's Senate materials, and the two DVDs identified as Exhibit 10, together with Supplemental Record materials SR-1 through SR-5 identifying the relevant District Court and appellate records. (Exs. 1–12; SR-1–SR-5; EDNY 20-cv-3361; EDNY 26-mc-01957-SJB; Second Circuit Nos. 26-899, 26-1576.)

Judicial Duties Violated: Canons 1, 2A, 3A(1), 3A(3), 3A(4), and 3C of the Code of Conduct for United States Judges; 28 U.S.C. §§ 453 and 455; Fed. R. Civ. P. 56(a), (c), (e), and 60(b)(3)–(4), (6), 60(d)(3), and 62.1; Fed. R. App. P. 12.1; ***Liljeberg v. Health Servs. Acquisition Corp.***, 486 U.S. 847 (1988); ***Mathews v. Eldridge***, 424 U.S. 319, 333 (1976). These violations concern the integrity, impartiality, and administration of justice—not the correctness of any discretionary ruling—and are cognizable under 28 U.S.C. § 351(a).

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Dated: August 10, 2026
Respectfully submitted,

_____

Lidia M. Orrego
Plaintiff-Complainant, Pro Se

EXHIBIT INDEX

Complaint of Judicial Misconduct

Related to Pending Judicial Conduct Complaint Nos. 02-25-90131-jm and 02-25-90132-jm

28 U.S.C. §§ 351–364

Complainant: Lidia M. Orrego

Judicial Officer: Hon. Sanket J. Bulsara

District Case:
Orrego v. Knipfing, et al.
United States District Court
Eastern District of New York
Case No. **2:20-cv-03361**

Related Miscellaneous Proceeding
Case No. **2:26-mc-01957-SJB**

Ex.	Document / Date / Docket Reference	Contents / Relevant Parts	Purpose and Relevance to Complaint
1	**Order of Recusal and Random Reassignment — November 17, 2025** — EDNY No. 2:20-cv-03361	Order by which Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields recused, followed by random reassignment to District Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl **"for all further proceedings."**	Establishes the controlling date of recusal and reassignment. Serves as the jurisdictional benchmark for comparing the substantive purported acts subsequently docketed as DE [244] and DE [245] on May 8, 2026, 172 days after recusal.
2	**Post-Recusal Purported Acts Docketed as DE [244] and DE [245] — May 8, 2026** — EDNY No. 2:20-cv-03361	Complete 29-page DE [244] and related DE [245]. Contains the summary-judgment disposition, factual findings, treatment of Plaintiff's evidence and electronic evidence, and filing injunction challenged in this Complaint.	Provides the complete text of the principal post-recusal purported acts at issue. Permits direct **statement-to-evidence comparison** with Plaintiff's Rule 56 submissions, Exhibit 6, the Motion to Vacate, and the electronic evidence.

Ex.	Document / Date / Docket Reference	Contents / Relevant Parts	Purpose and Relevance to Complaint
3	**Notice of Motion to Vacate — June 24, 2026 — MC DE [6]**	Seeks relief under Rules 60(b)(3), 60(b)(4), 60(b)(6), 60(d)(3), and an indicative ruling under Rule 62.1 concerning purported DE [244] and DE [245].	Establishes the precise relief sought after the post-recusal acts and identifies the jurisdictional, fraud-upon-the-Court, Rule 56, evidentiary, and due-process grounds presented for correction.
4	**Affirmation in Support of Motion to Vacate — June 24, 2026 — MC DE [6]**	Detailed sworn factual presentation supporting the Motion to Vacate, including the recusal chronology, treatment of summary-judgment evidence, electronic evidence, removal of filings, and post-recusal proceedings.	Supplies the detailed factual chronology and record citations supporting the misconduct issues presented in this Complaint.
5	**Memorandum of Law in Support of Motion to Vacate — June 24, 2026 — MC DE [6]**	Legal authorities supporting relief under Rules 60 and 62.1; recusal/disqualification; fraud upon the Court; Rule 56; due process; jurisdiction; and related authorities.	Demonstrates that the challenged conduct was presented through specific legal grounds and authorities rather than merely as disagreement with the outcome of summary judgment.
6	**Master Evidence Map and Representative Documentary Evidence**	First portion contains the Master Evidence Map of Plaintiff's submissions in DE [224], DE [226], and DE [228]. Remaining pages reproduce representative evidence, including electronic-evidence requests; DE [202]; electronic-evidence directives; DE [30]; Uzcategui/Rydan evidence; DOL materials; termination and Old Westbury records; DE [17]/DE [22]; texts; certified transcripts; payroll/overtime evidence; NDA materials; and other documentary evidence.	**Principal evidentiary roadmap.** Allows the Judicial Council to compare particular statements in purported DE [244] directly against the contemporaneous documents in the summary-judgment record. Identifies evidence suppressed, disregarded, omitted, selectively cited, or mischaracterized.

Ex.	Document / Date / Docket Reference	Contents / Relevant Parts	Purpose and Relevance to Complaint
7	**Visual Map of Evidence Suppressed, Disregarded, Omitted, or Mischaracterized — 5 pages**	Cover plus four-page visual summary organizing the challenged conduct into evidentiary and procedural categories and directing the reviewer to the supporting record.	Demonstrative aid only. Provides a concise roadmap to Exhibit 6, the official docket record, Motion to Vacate, and digital evidence. It does not replace the evidence.
8	**Second Circuit Appellate Filings Concerning FRAP 12.1 / Motion to Hold Appeals in Abeyance — Appeals Nos. 26-899 and 26-1576 — 55 pages**	Appellate filings notifying the Second Circuit of the pending Rule 60/Rule 62.1 proceedings and requesting appropriate appellate treatment while the Motion to Vacate remained pending.	Establishes that the post-recusal, jurisdictional, Rule 60, and indicative-ruling issues were formally presented in the related appellate proceedings rather than created for this misconduct Complaint.
9	**Official EDNY Docket Report — Misc. Case No. 2:26-mc-01957-SJB — 3 pages**	Official docket showing the miscellaneous proceeding, its relationship to 20-cv-3361, its May 8, 2026, opening/administrative termination, MC DE [6] Motion to Vacate, and subsequent filings through the entries reflected in the report.	Provides an official docket roadmap for the miscellaneous proceeding in which the Motion to Vacate and related submissions were docketed. Important to the Complaint's treatment of the May 8 miscellaneous proceeding and subsequent Rule 60 filings.
10	**Digital Evidence Submission — Two DVDs + 3-page Cover Sheet**	**Disc 1 of 2:** Folders 1–8, including photographs, audio, investigation materials/reports, medical records, social-media files, communications, documents, and other ESI. **Disc 2 of 2:** Folder 9, original family videos, January–November 2018.	Preserves the digital evidence corresponding to the evidence identified in Plaintiff's summary-judgment submissions and June 24 Motion to Vacate. Particularly relevant to DE [244]'s characterization of electronic evidence that it simultaneously stated it was unable to review.

Ex.	Document / Date / Docket Reference	Contents / Relevant Parts	Purpose and Relevance to Complaint
11	**DE [224-41] — Senate Judiciary Committee Confirmation-Hearing Material Concerning Judge Sanket J. Bulsara — filed October 3, 2025 — 12 pages**	Material previously submitted in Plaintiff's summary-judgment record. Includes the March 6, 2024, Senate Judiciary Committee exchange in which Senator John Kennedy questioned Judge Bulsara concerning prior judicial criticism that he had ignored a **"large collection of cases in this District"** and a **"whole line of cases."**	Contextual evidence relevant to the Complaint's documented concern regarding disregard of material legal authority. To be considered together with the treatment of DE [30] and governing authorities in 20-cv-3361; not offered as a substitute for the evidence of conduct in this case.
12	**Official Questions for the Record — Judge Sanket J. Bulsara's 2024 EDNY District-Judge Nomination — 30 pages**	Judge Bulsara's written responses concerning the federal judicial oath, impartiality, precedent, governing Supreme Court and Second Circuit law, and the obligation to administer justice **"without respect to persons, and do equal right to the poor and to the rich."**	Provides Judge Bulsara's own written articulation of the judicial obligations against which the documented conduct in 20-cv-3361 is compared, including impartiality, fidelity to controlling law, equal justice, and the judicial oath.

PURPOSE OF EXHIBIT INDEX

Pursuant to **Rule 2(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings**, Complainant submits **Exhibits 1–12 with the original Complaint** as supporting documentary evidence and materials. The descriptions contained in this Exhibit Index identify the contents, source, and relevance of each exhibit and are provided to facilitate the Judicial Council's review of the documentary record.

The **"Purpose and Relevance"** descriptions are organizational roadmaps only. They do not replace, modify, or supplement the contents of the documents. **The exhibits and official court records themselves control.**

OFFICIAL COURT RECORDS INCORPORATED BY REFERENCE

The following records are incorporated by reference because they are part of the official records of the **United States District Court for the Eastern District of New York**, the related **Miscellaneous Proceeding**, and the **United States Court of Appeals for the Second Circuit**. The representative documents contained in Exhibits 1–12 correspond to these official records and are submitted to facilitate the Judicial Council's direct review and comparison of the challenged conduct with the record. The complete official records are incorporated by reference and need not be reproduced in their entirety.

A. United States District Court for the Eastern District of New York

Orrego v. Knipfing, et al.

EDNY Case No. 2:20-cv-03361

The following official docket entries and related records are incorporated by reference:

- **DE [30] — Memorandum and Order of Hon. Gary R. Brown.** Addresses the legal sufficiency of Plaintiff's discrimination, retaliation, and hostile-work-environment claims at the pleading stage; records Plaintiff's allegation that **Kevin Knipfing aka Kevin James** directed Steve Savitsky to prepare the November 27, 2018, termination letter under the name **"Old Westbury LLC";** and expressly notes that Defendants had not asserted the *Faragher/Ellerth* affirmative defense.
- **DE [224]** and all supporting Summary Judgment submissions and exhibits constituting Plaintiff's Opposition to Defendants' Motion for Summary Judgment.
- **DE [224-2] — Plaintiff's Local Civil Rule 56.1 Counterstatement**, including Plaintiff's responses to Defendants' asserted facts and citations to the evidentiary record.
- **DE [226]** and all supporting papers constituting Plaintiff's own Motion for Summary Judgment, including Plaintiff's Rule 56.1 Statement and supporting evidentiary submissions.
- **DE [228]** and all supporting documentary exhibits submitted as part of Plaintiff's Summary Judgment record.
- **DE [229]** and related filings concerning Plaintiff's physical submission of electronic evidence, including the flash drive containing photographs, videos, recordings, and other electronically stored information.
- **DE [240] — Notice of Motion to Recuse**, together with the related District Court record and subsequent proceedings in **Second Circuit Appeal No. 26-899**.
- **Purported DE [244] — Memorandum and Order (29 pages), docketed May 8, 2026.** The principal post-recusal purported act challenged in this Complaint, including its treatment of the parties' Summary Judgment submissions, Plaintiff's documentary and electronic evidence, and the filing injunction.
- **Purported DE [245] — Judgment, docketed May 8, 2026.**
- **DE [246] — Notice of Appeal concerning purported DE [244] and DE [245]**, resulting in **Second Circuit Appeal No. 26-1576**.

- **November 17, 2025, Order of Recusal and Random Reassignment**, together with the Notices of Electronic Filing documenting the recusal and reassignment of the case for all further proceedings.
- **DE [202] — Notice of Request to Submit Electronic Evidence**, together with the related July 2025 docket entries, communications, and requests concerning submission of voluminous electronic evidence.
- All relevant **Notices of Electronic Filing ("NEFs")**, docket entries, reassignment records, and administrative entries material to the proceedings addressed in this Complaint.
- All filings concerning Plaintiff's **June 24, 2026, Motion to Vacate**, including the Notice of Motion, supporting Affirmation, Memorandum of Law, Comparative Analysis of False Statements, Master Evidence Map, representative documentary evidence, and digital evidence.

DE [224], DE [224-2], DE [226], DE [228], and DE [229] are particularly incorporated because they constitute the Summary Judgment record against which the factual statements and treatment of evidence in purported DE [244] can be directly compared. The representative evidence reproduced in Exhibit 6 provides a roadmap to these materials. The original version of this section likewise identified these Summary Judgment submissions as part of the official record incorporated by reference.

B. Related Miscellaneous Proceeding

In re Orrego

EDNY Miscellaneous Case No. 2:26-mc-01957-SJB

The complete official docket is incorporated by reference, including the opening and administrative termination of the miscellaneous proceeding and the subsequent filing of Plaintiff's Motion to Vacate and related submissions. In particular:

- **DE [1] — Notice of Memorandum and Order** opening the miscellaneous proceeding, directing future filings concerning EDNY Case No. 2:20-cv-03361 to the miscellaneous docket, and administratively closing the matter.
- **DE [5] — Notification of 172-Day Post-Recusal Void Period and Administrative Supervisory Notice** pursuant to 28 U.S.C. § 137.
- **DE [6] — June 24, 2026, Notice of Motion to Vacate** pursuant to Federal Rules of Civil Procedure **60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3)** and requesting an Indicative Ruling pursuant to **Rule 62.1**, together with the Notice to the Clerk of Court, supporting Affirmation, Memorandum of Law, exhibits, and related supporting materials.
- **DE [7] — Administrative Supervisory Notice** pursuant to 28 U.S.C. § 137.
- **DE [8] — Emergency Letter regarding Motions to Reopen.**
- **DE [9] — Notice to the Clerk of Court.**
- **DE [10] — Notice of Potential *Amicus Curiae* Participation.**
- **DE [11] — Application for Leave to File Motion to Reopen.**
- **DE [12] — Notice of Motion to Reopen, Case No. 25-cv-736.**
- **DE [13] — Notice of Motion to Reopen, Case No. 25-cv-769.**

- **DE [14] — Copies of filings addressed to Magistrate Judge Taryn A. Merkl and Chief Judge Margo K. Brodie.**
- **DE [15] — Copies of filings addressed to District Judge Pamela K. Chen.**
- **DE [16] — Corrected Application for Extension of Time to File Petition for Writ of Certiorari.**
- **DE [17] — Second Corrected Application for Extension of Time to File Petition for Writ of Certiorari.**
- The **entire official docket**, including entries documenting the Motion to Vacate, supporting submissions, supervisory notices, emergency filings, and related proceedings.

These entries and descriptions correspond to the official-record materials identified in the prior draft.

The miscellaneous record is incorporated because it documents the procedural disposition of filings concerning EDNY Case No. 2:20-cv-03361 and the docket in which Plaintiff's June 24, 2026, Motion to Vacate was ultimately filed. **Exhibit 9** provides the Judicial Council with a copy of the official miscellaneous docket for ease of review.

C. United States Court of Appeals for the Second Circuit

The following official appellate proceedings are incorporated by reference:

- **Appeal No. 25-1802**
- **Appeal No. 25-1810**
- **Appeal No. 25-2399**
- **Appeal No. 26-899** — related to **DE [240], Notice of Motion to Recuse**.
- **Appeal No. 26-1576** — arising from **DE [246], Notice of Appeal concerning purported DE [244] and DE [245]**.

The prior record expressly identifies all five appellate proceedings.

The incorporated appellate records include, as applicable:

- Notices of Appeal;
- all docket entries concerning Plaintiff's Motion to Vacate;
- **Federal Rule of Appellate Procedure 12.1 Notices** concerning the pending Rule 60 Motion and request for an indicative ruling under Rule 62.1;
- jurisdictional notices;
- supervisory notices;
- motions to hold proceedings or appeals in abeyance and other related motions;
- orders;
- mandates;
- correspondence; and
- filings addressing the recusal, jurisdictional issues, and post-recusal purported acts docketed as **DE [244] and DE [245]**.

These categories were expressly included in the existing incorporated-record section.

The appellate records are incorporated to provide the Judicial Council with the complete procedural context in which the recusal, post-recusal exercise of judicial authority, Motion to Vacate, Rule 62.1 indicative-ruling request, Rule 56 issues, and challenges to purported DE [244] and DE [245] were presented and preserved.

The official court records incorporated by reference are distinct from Exhibits 1–12. Their incorporation does not enlarge or renumber the supporting exhibits submitted with the original Complaint. Selected copies of official records supplied with the additional copies of the Complaint are separately identified as Supplemental Record ("SR") materials solely for ease of review.

DIGITAL EVIDENCE SUBMITTED — EXHIBIT 10

The following physical digital media accompany the original Complaint as **Exhibit 10**. The two DVDs contain the same digital evidence previously submitted in support of Plaintiff's **June 24, 2026 Motion to Vacate**, filed in **EDNY Miscellaneous Case No. 2:26-mc-01957-SJB, DE [6]**, concerning the post-recusal purported acts docketed as **DE [244] and DE [245]** in *Orrego v. Knipfing, et al.*, EDNY Case No. **2:20-cv-03361**.

The digital evidence is resubmitted with this Judicial Misconduct Complaint to preserve and facilitate review of the evidentiary record supporting the Motion to Vacate, including the supporting Affirmation, Memorandum of Law, Comparative Analysis of False Statements, Master Evidence Map, and representative documentary evidence. The previously drafted record likewise identifies these DVDs as the digital evidence submitted with the June 24, 2026, Motion to Vacate.

DISC 1 OF 2

Plaintiff's Motion to Vacate Summary Judgment
(Purported Acts DE [244] and DE [245]) — Digital Evidence Submission
Folders 1–8

Disc 1 contains original and representative electronically stored information referenced throughout Plaintiff's Summary Judgment submissions and Motion to Vacate, including:

- **Photographs;**
- **Audio Recordings;**
- **Investigation Reports;**
- **Medical Reports;**
- **New York State Department of Labor Records;**
- **Social Media Files;**
- **Electronic Communications;**
- **Emails;**
- **Text Messages;**
- **Documentary Evidence;**

- **Other Electronically Stored Information ("ESI");**
- photographs of **Kevin Knipfing aka Kevin James**;
- photographs of **Stephanieanna Knipfing aka Steffiana De La Cruz**; and
- additional representative electronic evidence referenced throughout the Motion to Vacate and supporting evidentiary record.

These categories correspond to the contents previously identified for Disc 1 in the supporting materials.

The contents of Disc 1 are particularly relevant to the Complaint because the record documents Plaintiff's repeated efforts to obtain the Court's electronic upload mechanism for voluminous evidence, including the requests reproduced in **Exhibit 6**, while purported DE [244] subsequently addressed Plaintiff's failure to submit or make accessible electronic evidence. Exhibit 6 contains the corresponding requests for the electronic upload link, the Court's direction concerning communications with Chambers, and the applicable Individual Rules.

DISC 2 OF 2

Plaintiff's Motion to Vacate Summary Judgment
(Purported Acts DE [244] and DE [245]) — Digital Evidence Submission
Folder 9

Disc 2 contains:

- **Original Family Videos;**
- videos covering the period from **January 2018 through November 2018**;
- **Original Digital Video Files;** and
- the **final video authorized by Kevin Knipfing aka Kevin James**.

These contents correspond to the previously identified contents of Folder 9.

PURPOSE AND RELATIONSHIP TO THE DOCUMENTARY RECORD

Exhibit 10 is not a new evidentiary submission created for this Judicial Misconduct Complaint. The DVDs preserve the digital evidence previously submitted in connection with Plaintiff's Motion to Vacate and correspond to the documentary evidence and record citations identified in the **Comparative Analysis of False Statements and corrected 180-page Master Evidence Map contained in Exhibit 6**.

The digital evidence is particularly material to the Complaint's challenge to the treatment of Plaintiff's Summary Judgment record because Plaintiff's Motion to Vacate compares statements in purported DE [244] with evidence previously submitted in **DE [224], DE [224-2], DE [226], DE [228], and DE [229]**. That evidentiary record includes affidavits, Rule 56.1 submissions, investigation materials, governmental records, witness interviews, emails, text messages, photographs, audio recordings, electronically stored information, and original digital video files.

The enclosed DVDs therefore supplement the representative printed documents contained in the supporting exhibits and permit the Judicial Council to review the electronic materials themselves rather than relying solely upon descriptions of those materials. They are incorporated by reference throughout the Complaint, Statement of Facts, Motion to Vacate, supporting Affirmation, Memorandum of Law, Comparative Analysis of False Statements, Master Evidence Map, and related documentary record.

Exhibit 10 consists of the Digital Evidence Cover Sheet together with Disc 1 of 2 and Disc 2 of 2. Only one complete set of the digital media is submitted with the original Complaint pursuant to Rule 2(e); the four additional copies of the Complaint do not duplicate the DVDs.

AUTHORITIES

The following authorities are submitted to identify the legal and ethical duties implicated by the documentary record. They are not offered merely to challenge the correctness of an adverse judicial determination. The Complaint concerns the accuracy and integrity of the judicial record, treatment of evidence, opportunity to be heard, conduct following recusal, and administration of the proceedings documented in Exhibits 1–12 and the official court records incorporated by reference.

A. Judicial Disqualification and Recusal

Under **28 U.S.C. §§ 144 and 455**, federal law requires judicial disqualification when the statutory grounds are satisfied. Section 455 is directed not only to actual partiality but also to circumstances in which judicial impartiality may reasonably be questioned.

The Supreme Court recognized in ***Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988)** that a violation of § 455 may require vacatur after consideration of the circumstances, including the risk of injustice to the parties, the risk that denial of relief will produce injustice in other cases, and the risk of undermining public confidence in the judicial process.

This Complaint concerns conduct occurring after **Judge Sanket J. Bulsara entered the November 17, 2025, Order of Recusal and Random Reassignment** in *Orrego v. Knipfing, et al.*, EDNY Case No. 2:20-cv-03361. The case was reassigned to District Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for further proceedings. The subsequent purported acts docketed as **DE [244] and DE [245] on May 8, 2026**, 172 days after the recusal, are therefore examined against the recusal order and the subsequent docket history. **(Exs. 1–6; SR-1; SR-3; SR-4.)**

The June 24, 2026, Motion to Vacate expressly presented the post-recusal issue together with the supporting Affirmation, Memorandum of Law, Comparative Analysis of False Statements, Master Evidence Map, representative documentary evidence, and digital evidence. The original supporting materials likewise identify the recusal and post-recusal sequence as a central matter submitted for Judicial Council review.

The issue presented here is therefore broader than whether a particular legal conclusion in DE [244] was correct. The documentary record permits examination of whether substantive judicial authority continued to be exercised after recusal and reassignment and whether that conduct is compatible with the statutory requirements of disqualification and the ethical duties of a federal judge.

B. Fraud by Government

***United States v. Holzer*, 816 F.2d 304, 307–08 (7th Cir. 1987)** discussed the fiduciary character of public office, including the relationship of a judge to litigants, in addressing deliberate concealment of material information in a setting involving fiduciary obligations.

The prior supporting materials identify the pertinent *Holzer* discussion and further note that Justice Stevens subsequently quoted that discussion in his dissent in ***McNally v. United States*, 483 U.S. 350, 371–72 (1987)**. Because the *McNally* language appears in a dissent, this Complaint relies upon it only with that qualification and identifies *Holzer* as the source of the quoted discussion.

These authorities are relevant to the Complaint because the documentary record identifies specific statements in purported DE [244] and places them directly beside record evidence that contradicts, qualifies, or materially changes those statements. The Complaint therefore presents the documents themselves for independent review rather than asking the Judicial Council to accept a characterization of the evidence without examining the record. **(Ex. 2; Ex. 6; Ex. 7; Ex. 10; EDNY DE [224], [224-2], [226], [228], [229].)**

C. Fraud Upon the Court

Plaintiff's June 24, 2026, Motion to Vacate expressly sought relief pursuant to **Federal Rules of Civil Procedure 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3)** and requested an indicative ruling pursuant to **Rule 62.1** while related appellate proceedings were pending. The prior supporting materials identify these grounds and the supporting evidentiary package.

Rule **60(d)(3)** expressly preserves the federal court's power to **"set aside a judgment for fraud on the court."** Relevant Supreme Court authority includes ***Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944)**, addressing fraud directed at the judicial process itself.

The Motion to Vacate is **record-based**. It identifies specific factual statements contained in purported DE [244] and compares them with the corresponding documentary evidence previously submitted in:

DE [224] — Plaintiff's Opposition and supporting Summary Judgment submissions;
DE [224-2] — Plaintiff's Local Civil Rule 56.1 Counterstatement;
DE [226] — Plaintiff's own Motion for Summary Judgment and supporting papers;
DE [228] — Plaintiff's supporting documentary evidence; and
DE [229] — Plaintiff's electronic-evidence submission.

The supporting Comparative Analysis and Master Evidence Map identify corresponding affidavits, Rule 56.1 submissions, investigation reports, governmental records, witness interviews, emails, text messages, photographs, recordings, electronically stored information, and original digital video evidence.

Accordingly, the fraud-upon-the-Court issue presented in the Complaint concerns whether the integrity of the judicial process was compromised by material factual statements and treatment of evidence contradicted by the record—not merely whether Plaintiff disagrees with the ultimate disposition.

D. Federal Rule of Civil Procedure 56 and Due Process

Federal Rule of Civil Procedure 56 requires summary judgment to be determined from the evidentiary record and permits judgment only where the movant demonstrates that **"there is no genuine dispute as to any material fact"** and entitlement to judgment as a matter of law.

Rule **56(c)** specifically governs the parties' factual assertions and requires citation to particular materials in the record. Rule **56(e)** addresses the Court's options when a party fails properly to support or address a factual assertion.

The Rule 56 issue presented here is not that a district judge must write a separate paragraph answering every numbered Rule 56.1 statement. Rather, the issue is whether the Court actually considered and adjudicated the **material factual disputes and cited evidence** placed before it before resolving summary judgment.

Plaintiff submitted a substantial Rule 56 record:

- **DE [224]** — Opposition to Defendants' Motion for Summary Judgment and supporting submissions;
- **DE [224-2]** — Plaintiff's Local Civil Rule 56.1 Counterstatement responding to Defendants' asserted facts and directing the Court to supporting evidence;
- **DE [226]** — Plaintiff's own Motion for Summary Judgment and supporting papers;
- **DE [228]** — additional documentary evidence supporting Plaintiff's factual positions; and
- **DE [229]** — electronic evidence submitted in connection with the Summary Judgment record.

These filings are expressly among the official District Court records incorporated by reference.

The Complaint documents that purported DE [244] did not meaningfully address substantial portions of Plaintiff's Opposition, Plaintiff's own Summary Judgment Motion, or the material factual disputes and corresponding evidence identified in Plaintiff's Rule 56.1 submissions. Instead, the Master Evidence Map identifies specific instances in which evidence was omitted, disregarded, selectively cited, or mischaracterized, including instances in which DE [244] stated that evidence was absent despite contemporaneous evidence in the record addressing the precise factual issue. **(Ex. 2; Ex. 6; Ex. 7; EDNY DE [224], [224-2], [226], [228], [229].)**

The electronic evidence presents an additional Rule 56 problem. Plaintiff repeatedly sought the mechanism identified by the Court for transmitting voluminous electronic evidence, formally filed **DE [202]**, and ultimately physically submitted the electronic evidence as **DE [229]**. The evidence included photographs, videos, recordings, communications, and other ESI relevant to the disputed material facts. **(Ex. 6; Ex. 10.)**

Purported DE [244] nevertheless stated that the electronic evidence could not be reviewed while simultaneously characterizing it as substantially or **"largely duplicative."** The Complaint presents the submission history and electronic evidence so that the Judicial Council can independently compare that characterization with what was actually submitted.

The due-process issue is correspondingly concrete: Plaintiff placed factual positions and supporting evidence before the Court, sought the prescribed mechanism for submitting evidence that could not readily be filed conventionally, and received no meaningful opportunity to cure the stated inability to access the electronic evidence before summary judgment was resolved.

The Supreme Court has repeatedly recognized that due process fundamentally requires notice and a meaningful opportunity to be heard. See, e.g., ***Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)**.

The Complaint therefore presents the Rule 56 issue together with **Canon 3A(4)** because the concern is not simply an erroneous evidentiary ruling; it is whether Plaintiff was actually accorded the right to have her material factual submissions and supporting evidence heard and considered according to law.

E. Code of Conduct for United States Judges — Canons Violated

The documentary conduct presented in this Complaint implicates several provisions of the **Code of Conduct for United States Judges**.

Canon 1 — Integrity and Independence of the Judiciary

Canon 1 requires a judge to uphold the integrity and independence of the judiciary.

The Complaint invokes Canon 1 because the documented issues—including post-recusal substantive activity, treatment of material record evidence, contradictory factual statements, handling of electronic evidence, and restrictions on access to filing procedures—directly concern public confidence in the integrity of judicial proceedings.

Canon 2A — Appearance of Impropriety; Respect for and Compliance with Law

Canon 2A requires a judge to respect and comply with the law and to act at all times in a manner that promotes public confidence in the **integrity and impartiality of the judiciary**.

This Canon is particularly relevant to the cumulative record: a pro se litigant's evidence was allegedly omitted or mischaracterized while factual propositions favorable to Defendants were accepted; the electronic evidence was characterized despite the stated inability to review it; and substantive purported acts followed an express recusal and reassignment.

Canon 3A(1) — Fidelity to Law and Professional Competence

Canon 3A(1) provides that a judge should be **faithful to, and maintain professional competence in, the law**.

This duty is implicated by the treatment of Rule 56, the prior DE [30] decision, governing recusal principles, and the legal authorities presented in Plaintiff's submissions.

Exhibit 11 provides additional context because it contains material previously filed as DE [224-41] concerning the questioning of Judge Bulsara during his Senate confirmation proceedings regarding treatment of prior case authority.

Canon 3A(3) — Patience, Dignity, Respect, and Fair Treatment

Canon 3A(3) concerns the obligation to perform judicial duties with patience, dignity, respect, and appropriate treatment of litigants and others involved in the judicial process.

The Complaint invokes this Canon in connection with the treatment of Plaintiff as a pro se litigant, the filing restrictions, the electronic-evidence submission process, and the cumulative administration of the proceedings.

Canon 3A(4) — Right to Be Heard According to Law

Canon 3A(4) recognizes the fundamental obligation to accord every person who has a legal interest in a proceeding, and that person's lawyer, the **full right to be heard according to law**.

This Canon is central to the Complaint. Plaintiff submitted an Opposition, Rule 56.1 Counterstatement, her own Motion for Summary Judgment, extensive documentary evidence, and electronic evidence. The Complaint documents the failure to meaningfully address material portions of those submissions, together with the inability to cure the electronic-evidence issue before disposition.

Canon 3C — Disqualification

Canon 3C governs circumstances requiring judicial disqualification.

It is directly implicated by the November 17, 2025, Order of Recusal and Random Reassignment and the subsequent purported substantive acts docketed as DE [244] and DE [245].

Judge Bulsara's Own Written Statements Concerning These Duties Exhibit 12 is additionally relevant because it contains Judge Bulsara's Official Questions for the Record submitted in connection with his 2024 nomination to the United States District Court for the Eastern District of New York.

Those responses document his recognition of the federal judicial oath under **28 U.S.C. § 453**, including the duty to administer justice:

“without respect to persons and do equal right to the poor and to the rich.”

They also document his representations concerning impartiality and faithful application of governing Supreme Court and Second Circuit precedent.

Exhibit 12 is therefore submitted as Judge Bulsara's own written articulation of judicial obligations against which the documented conduct in 20-cv-3361 may be independently evaluated.

F. Application to the Documentary Record

The documentary evidence contained in the official District Court record, the official docket of **Miscellaneous Case No. 2:26-mc-01957-SJB**, the Second Circuit records, Exhibits **1–12**, and the enclosed digital evidence establishes the record submitted for the Judicial Council's independent examination.

Specifically:

- **Recusal and post-recusal conduct.** Judge Sanket J. Bulsara entered the **November 17, 2025, Order of Recusal and Random Reassignment** before the subsequent purported substantive acts docketed as **DE [244] and DE [245]** on May 8, 2026. **(Exs. 1–2; SR-1.)**
- **Rule 56 record.** Plaintiff filed **DE [224], DE [224-2], DE [226], DE [228], and DE [229]**, containing her Opposition, Rule 56.1 factual responses, her own Summary Judgment Motion, documentary evidence, and electronic evidence. The Master Evidence Map identifies the relationship between those filings and factual statements contained in purported DE [244]. **(Exs. 2, 6–7, 10.)**
- **Judge Brown's DE [30].** The record contains Judge Gary R. Brown's earlier Memorandum and Order addressing Plaintiff's discrimination, retaliation, hostile-work-environment claims, Old Westbury LLC, and the absence at that stage of a *Faragher/Ellerth* defense. DE [30] is reproduced within the representative evidence and incorporated by reference.
- **Specific documentary contradictions.** Exhibit 6 contains the contemporaneous texts, Uzcategui/Rydan investigation materials, termination and Old Westbury records, certified transcripts, payroll/overtime materials, NDA-related evidence, and other documents used to compare particular statements in DE [244] against the actual evidentiary record.
- **Electronic-upload requests.** Plaintiff repeatedly requested the Court's electronic upload link for the voluminous electronic evidence. The supporting record contains the requests, **DE [202]**, and the related docket communications. The prior documentary summary expressly identifies the contradiction between those repeated requests and the statement attributed to Plaintiff in purported DE [244] concerning failure to obtain or request the upload mechanism.
- **Direction not to contact Chambers.** The same evidentiary sequence includes the Court's direction concerning communications with Chambers while the applicable Individual Rules provided a procedure for obtaining the mechanism necessary to transmit large electronic files. **Exhibit 6** reproduces the relevant requests, docket entries, direction concerning Chambers, and Individual Rules so that the Judicial Council can examine the complete chronology rather than either statement in isolation.
- **No opportunity to cure electronic evidence.** After Plaintiff physically submitted the electronic evidence as **DE [229]**, no technical deficiency was identified to Plaintiff and no meaningful opportunity to cure the stated access problem was provided before purported DE [244] disposed of the Summary Judgment motions. The electronic evidence is resubmitted as **Exhibit 10, Disc 1 of 2 and Disc 2 of 2**.
- **Characterization of unreviewed evidence.** Purported DE [244] stated that the electronic evidence could not be reviewed while also characterizing it as largely duplicative. Exhibits 6 and 10 permit direct examination of the submission history and the electronic evidence.

- **Motion to Vacate.** Plaintiff challenged these matters through the **June 24, 2026, Motion to Vacate, MC DE [6]**, supported by an Affirmation, Memorandum of Law, Comparative Analysis of False Statements, Master Evidence Map, representative evidence, and digital evidence. The original supporting materials expressly describe this as a record-based comparison rather than generalized disagreement with the result.
- **Miscellaneous proceeding.** The Motion to Vacate was docketed in **2:26-mc-01957-SJB**, the miscellaneous proceeding reflected in Exhibit 9 and SR-2. The official docket is incorporated by reference to permit review of the handling of those filings.
- **Appellate preservation.** The related appellate records include **Second Circuit No. 26-899**, associated with DE [240], and **Second Circuit No. 26-1576**, arising from DE [246]'s appeal concerning purported DE [244] and DE [245], together with the FRAP 12.1 and related filings incorporated by reference.
- **Prior and contemporaneous statements concerning judicial obligations.** Exhibit 11 supplies contextual material concerning prior questioning over treatment of case authority, while Exhibit 12 contains Judge Bulsara's own written representations concerning impartiality, governing precedent, the judicial oath, and equal justice.
- **Public statements concerning the opportunity to be heard.** Judge Bulsara publicly described oral argument as serving to obtain greater understanding and depth through dialogue with prepared "lawyers" and "counsel." **(SR-5.)** The Judicial Council may compare those statements with the official record concerning the opportunity afforded to Complainant as a pro se litigant to have her Rule 56 submissions and supporting evidence meaningfully considered. **(Exs. 2, 6, 7, 10; EDNY DE [224], [224-2], [226], [228], [229].)**

The documentary record therefore permits the Judicial Council to examine the challenged conduct **document by document and statement by statement**. The Complaint does not require acceptance of Complainant's characterization of the evidence: **purported DE [244], the Rule 56 submissions, the Master Evidence Map, representative documents, official dockets, and original digital evidence are supplied or incorporated so that each material comparison can be independently verified.**

These materials are respectfully submitted for review under **28 U.S.C. §§ 351–364** and the **Rules for Judicial-Conduct and Judicial-Disability Proceedings**.

SUPPLEMENTAL RECORD ("SR") MATERIALS AND REVIEW ROADMAP

For ease of review, selected official court records are reproduced with the **four additional copies of the Complaint and Statement of Facts** and designated as **Supplemental Record ("SR") materials**.

"SR" means "Supplemental Record." The designations **SR-1, SR-2, SR-3, and SR-4** are used solely as organizational references so that the Judicial Council can readily locate and compare the official docket history and appellate proceedings cited throughout the Complaint.

The SR materials are **not additional exhibits**. They do not alter, replace, supplement, or renumber **Exhibits 1–12**, which constitute the supporting exhibits submitted with the original Complaint. The SR designation likewise does not create a separate evidentiary record; each SR item is an official court record reproduced for convenience and remains identifiable by its original case number, docket entry, and appellate number:

Exhibit 7 — Visual Map of Evidence Suppressed, Disregarded, Omitted, or Mischaracterized

A visual organizational roadmap identifying the principal categories of challenged conduct and directing the reviewer to the corresponding Motion to Vacate, Master Evidence Map, documentary evidence, digital evidence, and official court records. **Exhibit 7 retains its original exhibit designation and is reproduced with the Complaint copies solely as a review aid; it is not redesignated as an SR item.**

SR-1 — Official District Court Docket

Orrego v. Knipfing, et al.
United States District Court for the Eastern District of New York
Case No. 2:20-cv-03361

Official District Court docket reproduced as a procedural roadmap to the proceedings addressed in this Complaint, including the Summary Judgment record; Plaintiff's Opposition and own Motion for Summary Judgment; submission of documentary and electronic evidence; the November 17, 2025 recusal and random reassignment; DE [240]; the post-recusal purported acts docketed as DE [244] and DE [245]; DE [246]; and subsequent docket activity.

Purpose: To permit the Judicial Council to verify the chronology directly from the official docket and readily locate the docket entries and supporting evidence cited throughout the five-page Statement of Facts and Exhibits 1–12.

SR-2 — Official Miscellaneous Proceeding Docket

In re Orrego
United States District Court for the Eastern District of New York
Miscellaneous Case No. 2:26-mc-01957-SJB

Official docket of the related miscellaneous proceeding, documenting its opening and administrative termination on **May 8, 2026**, together with the filings subsequently docketed there, including Plaintiff's **June 24, 2026 Motion to Vacate, MC DE [6]**, and related supervisory, emergency, and administrative submissions.

The official miscellaneous record identifies MC DE [6] as Plaintiff's Motion to Vacate under Rules 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), with a request for an indicative ruling under Rule 62.1.

Purpose: To facilitate review of the handling of Plaintiff's post-judgment and post-recusal filings and the miscellaneous docket in which the Motion to Vacate and related submissions were placed.

SR-3 — DE [240] / Second Circuit Appeal No. 26-899

DE [240] — Notice of Motion to Recuse
EDNY Case No. 2:20-cv-03361
Related Second Circuit Appeal No. 26-899

Selected official District Court and appellate records concerning DE [240] and **Second Circuit Appeal No. 26-899**.

Purpose: To provide the Judicial Council with the official procedural record concerning the recusal-related proceedings and appellate review referenced throughout the Complaint, without requiring the reviewer to retrieve those materials separately from the District Court and Second Circuit dockets.

SR-4 — DE [246] / Second Circuit Appeal No. 26-1576

DE [246] — Notice of Appeal concerning purported DE [244] and DE [245]
EDNY Case No. 2:20-cv-03361
Second Circuit Appeal No. 26-1576

Selected official District Court and appellate records concerning the appeal from the post-recusal purported acts docketed as **DE [244] and DE [245]**.

Purpose: To facilitate direct review of the appellate proceeding challenging DE [244] and DE [245] and to document that the jurisdictional, recusal, due-process, Rule 56, and related issues concerning those purported acts were preserved through appellate proceedings.

The official-record section separately incorporates Second Circuit Appeals **25-1802, 25-1810, 25-2399, 26-899, and 26-1576**, together with relevant FRAP 12.1 notices, jurisdictional and

supervisory notices, motions, orders, mandates, correspondence, and filings concerning the post-recusal purported acts.

SR-5 — Federal Bar Council Quarterly Profile of Judge Sanket J. Bulsara

Federal Bar Council Quarterly, "Judge Sanket Bulsara," Jun./Jul./Aug. 2025, Vol. XXXII, No. 4.

The article discusses Judge Bulsara's publicly stated approach to case management and oral argument. He acknowledged the **"vast diversity of civil matters and litigants"** appearing before the Court and stated that a **"one-size-fits-all approach to case management doesn't work."**

In the section titled **"Be Prepared,"** however, the discussion of oral argument is expressly framed in terms of represented litigants. The article states that Judge Bulsara offered advice to **"lawyers appearing for oral arguments in his court,"** praised exceptionally prepared lawyers, and stated that oral argument achieves its purpose when **"counsel"** are sufficiently prepared to engage in dialogue with the Court.

Purpose: Submitted as contextual material concerning Judge Bulsara's publicly stated approach to courtroom participation and oral argument. The article is not offered, standing alone, as proof of discriminatory treatment of pro se litigants. Its relevance arises from comparison with the official record in 20-cv-3361 documenting Complainant's treatment as a pro se litigant, including her opportunity to be heard, treatment of her Rule 56 submissions, requests to submit electronic evidence, and treatment of evidence submitted in DE [224], DE [224-2], DE [226], DE [228], and DE [229].

RELATIONSHIP BETWEEN THE REVIEW ROADMAP, SUPPLEMENTAL RECORD, AND EXHIBITS 1–12

Exhibits 1–12 constitute the complete supporting documentary materials and evidence submitted with the **original Complaint**.

Exhibit 7 — Visual Map forms part of Exhibits 1–12 but is additionally reproduced with each Complaint copy as an organizational roadmap for ease of review. Its reproduction does not create a duplicate or additional exhibit.

Official Court Records Incorporated by Reference identify the broader District Court, miscellaneous, and appellate records that the Judicial Council may consult directly from the official court dockets.

SR-1 through SR-4 are selected copies of official court records reproduced with the **original Complaint and the four additional Complaint copies** solely for convenience, ease of review, and as an organizational roadmap. The SR materials are not additional exhibits and do not alter, supplement, or renumber Exhibits 1–12.

Accordingly, citation to an SR item does not replace citation to the underlying official docket entry. Where appropriate, the Statement of Facts identifies both—for example: **"EDNY DE [246]; Second Circuit No. 26-1576; SR-4."**

EXHIBIT 16

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
Thurgood Marshall United States Courthouse
40 Foley Square, New York NY 10007
212.857.8585

DEBRA ANN LIVINGSTON
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

December 30, 2025

Lidia M. Orrego
95-08 Queens Blvd., 3E
Rego Park, NY 11374

Re: *Judicial Conduct Complaints*, 02-25-90131-jm, 02-25-90132-jm

Dear Lidia M. Orrego:

We hereby acknowledge receipt of your judicial complaints received and filed as of the date received, December 19, 2025.

The complaints have been filed under the above-referenced docket numbers and will be processed pursuant to 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.*

You will be notified by letter once a decision has been filed.

Very truly yours,
Catherine O'Hagan Wolfe, Clerk of Court

By: _____
Dina Kurot
Deputy Clerk

EXHIBIT 17

DIGITAL EVIDENCE SUBMISSION

Case: *Orrego v. Knipfing, et al.*
United States District Court
Eastern District of New York
Case No. 2:20-cv-03361

Related Miscellaneous Case:*In re Orrego* **Case No. 2:26-mc-01957-SJB**

DIGITAL EVIDENCE

The enclosed physical DVDs contain the **same digital evidence previously submitted with my June 24, 2026 Motion to Vacate**, filed in **Miscellaneous Case No. 2:26-mc-01957-SJB, DE [6]**, challenging the post-recusal purported acts docketed as **DE [244] and DE [245]**.

The digital evidence is submitted with this Complaint to preserve and permit review of the underlying electronic record referenced in my Motion to Vacate, supporting Affirmation, Memorandum of Law, Master Evidence Map, representative documentary evidence, and **Exhibit 7 – Visual Map of Evidence Suppressed, Disregarded, Omitted, or Mischaracterized**.

DISC 1 OF 2

Digital Evidence Submission — Folders 1–8

Includes:

- Photographs
- Audio recordings
- Investigation materials and reports
- Medical records
- Social media files
- Electronic communications

- Electronic documents
- Other electronically stored information (ESI)

DISC 2 OF 2

Digital Evidence Submission — Folder 9

Includes:

- Original family videos
- January 2018 through November 2018
- Original digital video files

PURPOSE OF EXHIBIT 10

The digital evidence provides the underlying electronic materials corresponding to evidence identified in the official Summary Judgment record, including **DE [224], DE [224-2], DE [226], DE [228], and DE [229]**, and subsequently addressed in my **June 24, 2026 Motion to Vacate (MC DE [6])**.

My Motion to Vacate identifies specific factual statements in the post-recusal purported act docketed as **DE [244]** and compares those statements with specific documentary and digital evidence in the record. The enclosed DVDs preserve the electronic evidence supporting those comparisons.

The DVDs are provided in their electronic form; the photographs, audio recordings, videos, social-media files, and other electronic materials contained on the discs are **not separately reproduced in paper form** in this Complaint package. Representative documentary evidence is provided in **Exhibit 6**, and the four-page visual summary of the evidentiary issues is provided as **Exhibit 7**.

The enclosed digital evidence is incorporated by reference as **Exhibit 10** and is submitted for the Judicial Council's consideration together with the official court records and documentary exhibits identified in this Complaint.

Disc 1 of 2 – Plaintiff's Motion to Vacate Summary Judgment (Purported Acts DE 244 and DE 245) – Digital Evidence Submission (Folders 1–8: Photographs, Audio Recordings, Reports, Social Media Files, and Other Electronic Evidence).



Disc 2 of 2 – Plaintiff's Motion to Vacate Summary Judgment (Purported Acts DE 244 and DE 245) – Digital Evidence Submission (Folder 9: Family Videos, January–November 2018).

