

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: Ethan Smith and Jennifer Dees
Contact Address: 16 Grant Hill Rd
Clifton Park, NY 12065
Daytime telephone: (518) 817-7718 / (720) 799-6190
2. Name(s) of Judge(s): Judge Meredith A. Vacca
Court: WDNY sitting on assignment NDNY
3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?
☒ Yes ☐ No
If "yes," give the following information about each lawsuit:
Court: NDNY
Case Number: Cv-25-0199; cv-26-01265
Docket number of any appeal to the 2nd Circuit: 25-2500; 26-1265; 26-1404
Are (were) you a party or lawyer in the lawsuit?
☒ Party ☐ Lawyer ☐ Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

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) Ellen Smith

(Date) JUNE 16, 2026

Jeni Dees

BRIEF STATEMENT OF FACTS IN SUPPORT OF COMPLAINT OF JUDICIAL MISCONDUCT

This complaint is submitted pursuant to 28 U.S.C. § 351(a) concerning United States District Judge Meredith A. Vacca. This complaint does not seek appellate review of the merits of any ruling and does not ask the Judicial Council to decide whether Judge Vacca's orders were legally correct. It addresses judicial conduct: prolonged failure to rule on fully submitted motions, refusal to recuse despite serious conflict and public-confidence concerns, inconsistent administration of related cases, and conduct creating the appearance that connected defendants were protected while Plaintiffs' claims were delayed or terminated.

Because the supporting materials consist of thousands of pages already filed in official federal court records, and because Plaintiffs are indigent pro se litigants who cannot afford the substantial cost of reproducing and mailing five complete sets of those materials with this complaint, Plaintiffs respectfully identify the relevant docket entries and proceedings below for verification rather than attaching duplicative copies. The referenced records are publicly available through the official court dockets and accurately reflect the chronology and factual assertions set forth herein. Plaintiffs respectfully request that the Judicial Council review those records directly as part of its consideration of this complaint.

Rules and Standards Implicated

Plaintiffs respectfully submit that the conduct described below implicates the following statutes, rules, and judicial obligations:

28 U.S.C. § 351(a), because Plaintiffs allege conduct prejudicial to the effective and expeditious administration of the business of the courts.

Rule 4(a)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings — Plaintiffs allege conduct that goes beyond disagreement with rulings and includes an appearance of improper treatment, unequal administration, institutional protection, and public-confidence harm.

Rule 4(b)(2), Plaintiffs allege not ordinary docket delay, but delay connected to improper motive, unequal administration, refusal to recuse, public appearances with connected persons during active litigation, mandamus and quo warranto concerns, and protection of connected defendants.

Canon 1 of the Code of Conduct for United States Judges, because the conduct undermines the integrity and independence of the judiciary.

Canon 2A, because the conduct creates an appearance of impropriety and fails to promote public confidence in judicial integrity and impartiality.

Canon 3A(5), because Judge Vacca failed to dispose promptly of the business of the court and permitted fully briefed motions to remain unresolved for an extraordinary period.

Canon 3C(1), because Plaintiffs repeatedly raised circumstances requiring recusal or disqualification where impartiality could reasonably be questioned.

28 U.S.C. § 455(a), because Plaintiffs repeatedly raised facts showing that Judge Vacca's impartiality could reasonably be questioned.

28 U.S.C. § 455(b), to the extent Plaintiffs raised personal-bias, relationship, institutional-interest, or other disqualification concerns.

Federal Rule of Civil Procedure 1, because prolonged non-adjudication frustrates the just, speedy, and inexpensive determination of the action.

28 U.S.C. § 476, because dispositive motions pending more than six months fall within Congress's public-reporting framework for long-pending motions.

Extraordinary Delay in Adjudicating Claims Alleging Fraud Upon the Public Fisc, Weaponization of Public Funding, Lack of Statutory Authority, and Ongoing Constitutional Violations

In *Smith & Dees v. Fisher et al.*, No. 1:25-cv-00199 (N.D.N.Y.), "00199" Plaintiffs filed this action on February 11, 2025, seeking declaratory and injunctive relief—not money damages—to halt allegedly unlawful acts carried out under color of judicial, administrative, and professional authority. This was not merely a private dispute. A central defendant was Justice Vincent W. Versaci, whose official authority, jurisdiction, and conduct in the underlying state proceedings were directly challenged. Plaintiffs alleged fraud upon the public fisc, misuse of state and federal taxpayer funds, and weaponization of federal incentive structures through attorney assignments and enforcement mechanisms lacking lawful authority. Specifically, Plaintiffs alleged that no valid judicial assignments, indigency findings, or statutory basis existed to place publicly funded or court-appointed attorneys into a private civil matrimonial case, much less to permit 18-B counsel to function as a quasi-prosecutorial actor. Plaintiffs further alleged that the conduct exceeded ordinary legal error, violated separation-of-powers limits, diverted public funds from limited statutory purposes, and weaponized matrimonial and Title IV-D enforcement mechanisms contrary to state legislative intent, Congress's intent, and lawful child-support administration.

Summonses issued on February 12, 2025; defendants appeared and answered in March and April; and two dispositive motions were filed on April 7, 2025. Plaintiffs opposed on April 27–28, replies were filed on May 2 and May 6, and the Rule 16 conference was adjourned without date on May 8, 2025, pending those motions. Despite repeated notices of ongoing and irreparable prejudice from continued state proceedings, enforcement consequences, and alleged misuse of public authority and public funds, Judge Vacca has failed to issue a ruling. Plaintiffs filed additional notices preserving these concerns, including a December 15, 2025, notice regarding conflict concerns and retaliation, a March 8, 2026, notice of judicial conflict and retaliation, and a March 11, 2026, motion to supplement the pleadings and record.

In a case seeking prospective relief to stop ongoing allegedly unconstitutional, jurisdictionally defective, and publicly funded unlawful conduct, prolonged non-adjudication is not neutral docket management. It functions as denial, permits challenged public conduct to continue without timely federal review, and has itself become part of the injury.

Sua Sponte Dismissal of the Related Personal-Capacity Action While the Primary Case Remained Stalled & Recusal, Mandamus, and Public-Confidence Evidence Were Pending

In September 2025, while 00199 remained unresolved despite fully briefed dispositive motions, Plaintiffs filed the related action *Smith & Dees v. D'Agostino et al.*, No. 1:25-cv-01265, "01265." Unlike 00199, which primarily sought prospective declaratory and injunctive relief against defendants in their official capacities, 01265 named numerous defendants, including Justice Versaci and Tina Versaci, in their personal capacities.

As reflected in the attached ECF reference sheet, Plaintiffs repeatedly sought Judge Vacca's recusal or disqualification before the challenged rulings were entered, based on structural conflicts, institutional relationships, public-confidence concerns, and appearance-of-impartiality issues. Plaintiffs also filed mandamus proceedings in the Second Circuit, *In re Smith & Dees*, No. 25-2500, which contained extensive evidence on those issues.

While those remained pending, Judge Vacca dismissed 01265 sua sponte as frivolous after service had been completed, multiple defendants had appeared, defaults had been entered, and numerous motions, answers, opposition papers, recusal filings, and default-related proceedings were already pending. That dismissal characterized Plaintiffs' allegations as frivolous or fantastical, yet Judge Vacca still failed to rule in 00199, where fully briefed motions directly presented the same underlying jurisdictional, authority, attorney-assignment, public-funding, and constitutional issues. Plaintiffs submit that the two tracks cannot be reconciled in a manner that preserves public confidence: the Court labeled the personal-capacity allegations baseless while leaving unadjudicated the official-capacity case that tested the very authority and conduct underlying those allegations. Had 00199 been timely adjudicated, the continuing harms and escalation that led to 01265 could have been prevented or materially reduced. Instead, Judge Vacca allowed the prospective-relief case to remain stalled while using the personal-capacity case to discredit Plaintiffs' allegations, despite Plaintiffs' position that the record evidence supported those allegations and showed institutional failure to confront the challenged conduct.

Plaintiffs moved for reconsideration, recusal, and disqualification. In preparing those filings, Plaintiffs discovered publicly available information showing that Judge Vacca had appeared during active litigation at institutional events with defendants in the same institutional circles that Plaintiffs contend she minimized or denied meaningful involvement with during her 2024 Senate confirmation process. Plaintiffs placed that public evidence into the 01265 record and the Second Circuit mandamus record. Plaintiffs also transmitted a separate quo warranto/title-to-office demand to the U.S. Attorney's Office for the District of Columbia, the DOJ and the AG based on alleged confirmation-record misrepresentations and public-confidence concerns and later notified the court that the demand had been made. Judge Vacca then denied reconsideration and refused recusal while the mandamus proceeding, and the separate quo

warranto/title-to-office demand remained pending. She later entered an order sua sponte vacating or relieving multiple defaults.

Institutional Connections and the Appearance of Protection for Connected Defendants

After No. 00199 remained stalled, Plaintiffs discovered evidence suggesting that the obstruction of federal review was not isolated. Plaintiffs found evidence indicating that Tina Versaci—Executive Director of the NDNY Federal Court Bar Association and spouse of Justice Versaci—was connected to the institutional network surrounding the federal court and, Plaintiffs contend, participated in conduct intended to protect her husband and interfere with or influence the federal litigation. Justice Versaci was at the heart of No. 00199.

Plaintiffs then named Tina in 01265 in her personal capacity because Plaintiffs believed she personally participated in protecting Justice Versaci and obstructing accountability. Plaintiffs did not sue the Federal Court Bar Association. Tina was sued individually for alleged conduct connected to protecting her husband, interfering with federal review, and participating in the institutional response to Plaintiffs' claims. The conflict concern was heightened because Tina served in a position of influence within the same federal legal community in which Judge Vacca participated and interacted with attorneys and judicial officers. Plaintiffs also placed on the record that Tina was represented by a private law firm whose attorneys held leadership-connected roles with the NDNY Federal Court Bar, including trustee or board-member roles, and that Plaintiffs believed Federal Court Bar insurance or resources were being used to fund or support her defense. Plaintiffs raised these facts not to ask Judge Vacca to decide nonprofit, insurance, or disciplinary issues in the abstract, but to show the depth of the institutional conflict, appearance-of-protection concerns, and public-confidence problem before her.

Tina defaulted. Plaintiffs objected that, despite the default, Tina and her attorneys continued litigating, including filing dismissal-related papers, objections to reconsideration/stay, without first being relieved from default. Plaintiffs contend that this issue was central to why Judge Vacca later sua sponte dismissed the entire case and then, after Plaintiffs sought reconsideration, entered an April order sua sponte vacating or relieving multiple defaults including Tina. After judgment, the same appearance continued. Tina opposed in a one paragraph letter, Plaintiffs' request for leave to appeal IFP, and urged the Court to certify that the appeal was not taken in good faith. Plaintiffs submitted reply materials and exhibits. Rather than allowing that record to stand, Tina filed a brief, one-paragraph request seeking to strike Plaintiffs' appeal-related exhibits. Judge Vacca granted Versaci's request in part by striking exhibits while leaving the reply brief on the docket and then denied appellate IFP — not based on financial eligibility but on the Court's certification that the appeal was not taken in good faith.

Plaintiffs contend the stricken exhibits were material because they showed the appeal was not frivolous, supported good-faith appellate review, and documented the retaliation and continuing harm Plaintiffs allege occurred in the state-court proceedings involving Justice Versaci while the federal court left 00199 unresolved and dismissed 01265 as frivolous. Plaintiffs further contend the exhibits supported their basis for alleging that Tina used her federal-court connections to protect Justice Versaci and interfere with federal review. Plaintiffs submit that striking those exhibits while accepting the attack on good faith further reinforces the appearance

that the Court was protecting connected defendants from record development and appellate review. That IFP/strike order is now separately challenged in the related appellate proceedings, including Second Circuit No. 26-1404.

The misconduct concern is cumulative. Viewed together, the events create an objective appearance that the cases were not administered neutrally, promptly, or impartially. They create the appearance that connected defendants received swift procedural protection, while Plaintiffs' request for timely federal adjudication of ongoing public and constitutional harm was left dormant. That appearance alone is destructive to public confidence in the judiciary.

Ongoing Prejudice

The prejudice is immediate, continuing, and largely irreparable. While dispositive motions in 00199 remain unresolved, the challenged state-court proceedings and enforcement consequences continue to affect Plaintiffs' parental rights, liberty interests, financial obligations, property interests, disability accommodations, and access to meaningful judicial review. This is not ordinary delay in a damages action. Plaintiffs sought prospective declaratory and injunctive relief to halt ongoing conduct alleged to be unlawful, jurisdictionally defective, publicly funded, and constitutionally injurious. In that posture, prolonged non-adjudication operates as substantive harm. The public harm is also substantial. Plaintiffs alleged misuse of state and federal funding, fraud upon the public fisc, and weaponization of public enforcement incentives. Continued delay permits the challenged funding practices and enforcement mechanisms to continue, increasing the burden on federal and state taxpayers and creating additional public expense for investigations, corrective proceedings, appeals, and collateral litigation that could have been avoided or materially reduced by timely adjudication. A later ruling cannot fully restore lost family time, undo coercive enforcement consequences, cure disability-access harms, recover improperly expended public funds, or repair public confidence after months of continued injury.

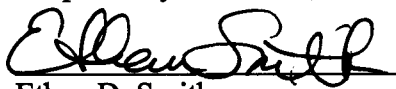
Request for Investigation and Corrective Action

Plaintiffs respectfully request that the Judicial Council investigate whether Judge Meredith A. Vacca's conduct constitutes misconduct prejudicial to the effective and expeditious administration of the business of the courts. Plaintiffs further request whatever corrective or administrative action the Judicial Council deems necessary to restore public confidence in the integrity, impartiality, and prompt administration of justice, including reassignment, administrative review, referral, or other appropriate relief.

We declare under penalty of perjury that the foregoing is true and correct to the best of our knowledge.

Dated: June 16, 2026, Clifton Park, New York

Respectfully submitted,


Ethan D. Smith

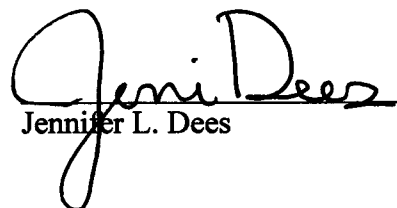

Jennifer L. Dees

EXHIBIT 1

REFERENCED FEDERAL COURT RECORDS

A. Smith & Dees v. D'Agostino et al., No. 1:25-cv-01265

1. Commencement, Assignment, and Related-Case Status

- **ECF No. 1** – Complaint filed September 10, 2025.
- **ECF No. 2** – Emergency Motion for Temp Restraining Order and Preliminary Injunction.
- **ECF No. 10** – Judge Vacca designated to perform duties in NDNY for this case and related matters
- **ECF No. 12** – Recusal of prior NDNY judges and reassignment to Judge Vacca.

2. Recusal, Reassignment, and Mandamus Record

- **ECF No. 15** – Plaintiffs' OSC seeking recusal, vacatur of designation, and reassignment.
- **ECF No. 19** – Vacca's order denying her own recusal and denying emergency relief.
- **ECF No. 38** – Mandamus filing noted on the district docket.
- **ECF Nos. 183, 184, 184-1, 188, 188-1, 188-2** – Plaintiffs' reconsideration, vacatur, recusal/disqualification, and confirmation-record/public-confidence submissions.
- **ECF No. 180** — related stay filings

3. Defaults and Default-Related Proceedings

- **ECF No. 204** later vacated multiple Clerk's Entries of Default, including the following defaults that had already been entered on the docket:
 - **ECF No. 56** – Clerk's Entry of Default as to Veronica Smith.
 - **ECF No. 105** – Clerk's Entry of Default as to Town of Clifton Park, Julia Gross, and Julia Gross Family Health, PLLC.
 - **ECF No. 113** – Clerk's Entry of Default as to Robert Rybak.
 - **ECF No. 121** – Clerk's Entry of Default as to Smile Lodge and Tina Versaci.
 - **ECF No. 138** – Clerk's Entry of Default as to U.S. Budokai Karate.

4. Answers, Motions to Dismiss, and Tina Versaci's Motion Practice

This section shows that No. 1:25-cv-01265 was actively being litigated before and after the sua sponte dismissal, including answers, motions to dismiss, default-related motions, opposition filings, and appeal-access filings.

- **ECF No. 20** – Answer filed by Lorraine Silverman.
- **ECF No. 60** – Motion to dismiss filed by U.S. Budokai Karate and Susan Warzek.
- **ECF No. 168** – Tina Versaci's first motion to dismiss for failure to state a claim.
- **ECF No. 176** – Answer filed by Smile Lodge, PLLC.

- **ECF No. 189** – Tina Versaci’s memorandum of law opposing Plaintiffs’ reconsideration/recusal-related relief while still under default.
- **ECF No. 197** – Tina Versaci’s opposition to Plaintiffs’ motion to strike her procedurally unauthorized opposition.

5. December 2025 Sua Sponte Order

- **ECF No. 179** – December 9, 2025, Order dismissing the complaint with leave to amend as “factually and legally frivolous,” while expressly acknowledging that “numerous motions” were pending, including motions to dismiss, motions to vacate entries of default, motions for enlarged pages, and multiple motions by Plaintiffs.

6. January 2026 Quo Warranto / Confirmation-Candor / Recusal Supplement

- **ECF NO. 192** – Plaintiffs’ Motion for Leave to Supplement pending reconsideration, vacatur, and recusal/disqualification submissions, referencing and placing quo warranto/title-to-office and confirmation-record concerns into the record.

7. Poor-Person / Appellate IFP Motion, Tina Versaci’s Opposition, Reply, Strike Request, and Appeal

This section shows the post-judgment appellate-access proceedings in No. 1:25-cv-01265, including Plaintiffs’ request to proceed on appeal in forma pauperis, Tina Versaci’s opposition, multiple joinders, Plaintiffs’ reply with exhibits, Tina Versaci’s request to strike that reply, and Judge Vacca’s order denying appellate IFP and striking exhibits.

- **ECF No. 207** – Plaintiffs’ motion for leave to appeal in forma pauperis, including IFP applications for Ethan D. Smith and Jennifer L. Dees.
- **ECF No. 209** – Tina Versaci’s opposition to Plaintiffs’ motion for leave to appeal in forma pauperis, arguing against appellate IFP/certification.
- **ECF No. 224** – Plaintiffs’ reply to Tina Versaci’s opposition and the joining defendants’ filings, with Exhibits 1 and 2 submitted in support of good-faith appellate review.
- **ECF No. 225** – Tina Versaci’s letter motion requesting that the Court strike Plaintiffs’ reply at ECF No. 224.
- **ECF No. 229** – Plaintiffs’ opposition to Tina Versaci’s strike request and the related joinder.
- **ECF No. 230** – May 15, 2026, order denying Plaintiffs’ motion for leave to appeal in forma pauperis, granting in part and denying in part Tina Versaci’s strike request and the related joinder, striking Exhibits 1 and 2 to ECF No. 224, and denying remaining pending motions as moot.

B. Smith & Dees v. Fisher et al., No. 1:25-cv-00199

Commencement, Assignment, and Related-Case Status

- **ECF No. 1** – Complaint/request for emergency temporary restraining order, filed February 11, 2025, against Lisa Fisher, Robert Mayberger, Vincent W. Versaci, Denise Resta-Tobin, Heather Corey Mongue, and Jessica Vinson.
- **ECF No. 5** – Summonses issued on February 12, 2025.

Answers & Motions to Dismiss

- **ECF Nos. 38–40** – Answers filed by Attorneys Jessica Vinson, Denise Resta-Tobin, and Heather Corey Mongue.
- **ECF Nos. 46 and 47** – Motions to dismiss filed April 7, 2025, by Mongue/Resta-Tobin/Vinson and by the N.Y. Attorney General for Fisher/Mayberger/Versaci.
- **ECF Nos. 53 and 54** – Plaintiffs’ opposition responses filed April 27–28, 2025.
- **ECF Nos. 56 and 57** – Replies filed May 2 and May 6, 2025.

Rule 16 Conference Adjourned Pending Motions / Reassignment / Recusal / Retaliation

- **ECF No. 58** – Rule 16 conference and case-management deadlines adjourned without date pending disposition of ECF Nos. 46 and 47.
- **ECF No. 67** – September 18, 2025, recusal of Judge D’Agostino and Magistrate Judge Stewart; reassignment to Judge Meredith A. Vacca and Magistrate Judge Colleen D. Holland.
- **ECF No. 68** – Plaintiffs’ filing seeking judicial recusals, change of venue from the Second Circuit, certification of the record to the Supreme Court, and related relief.
- **ECF No. 69** – Courtesy copy of Emergency Petition for Writ of Mandamus, Injunctive Relief, and Reassignment Outside the Second Circuit filed in the Second Circuit.
- **ECF No. 71** – Plaintiffs’ December 15, 2025, notice concerning record submission, service of communication to the Attorney General and Chief Judge, conflict concerns, and “open season” retaliation.
- **ECF No. 72** – Plaintiffs’ March 8, 2026, notice of judicial conflict, supplemental record of retaliation by defendants, and preservation of issues, including notice that dispositive motions had remained unresolved for approximately eleven months.
- **ECF No. 73** – Plaintiffs’ March 11, 2026, motion to supplement the pleadings and record, with declaration and exhibits, preserving continuing prejudice, retaliation, conflict, jurisdictional, attorney-assignment, Title IV-D, and public-funding issues.

C. Second Circuit Mandamus Proceeding In re Smith & Dees, No. 25-2500

Plaintiffs request review of the mandamus docket and supporting filings because that record contains the recusal, reassignment, structural-conflict, confirmation-record, public-event, and public-confidence evidence that Plaintiffs repeatedly placed before the courts while Judge Vacca continued to preside.