

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

May 25, 2022

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

Re: *Judicial Conduct Complaints*, 02-22-90047-jm, 02-22-90048-jm

Dear Ms. Orrego:

We hereby acknowledge receipt of your judicial complaints received and filed as of the date received, May 16, 2022.

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

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 [REDACTED]
 Contact Address: 95-08 Queens Blvd. 3 E
Rego Park, NY 11374

Daytime telephone: (347) 453-2234

2. Name(s) of Judge(s): Anne Y. Shields
 Court: Eastern District New York

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: Central Islip

Case Number: 20CV3361 (GRB) (AYS)

Docket number of any appeal to the _____ Circuit: _____

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:

Pro se

Judicial Council of the SECOND Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

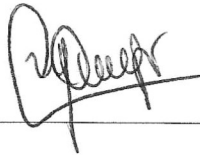
- 4. Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

See attached hereto 5-Page.

- 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: _____

A handwritten signature in black ink, appearing to be "R. [unclear]", written over a horizontal line.

Date: 05/10/2022

May 10, 2022

Re: *Orrego v. Knipfing, et al*, 20-CV-03361-GRB-AYS

4. Brief Statement of Facts:

1) September 21, 2021 – ECF Doc. [28]: H. Judge A. Kathleen Tomlinson's last order blocked Defendant's bad faith in their intent to play dirty with the service process. In fact, the Defendants were reprimanded and ordered to surrender in this attempt to plating with the service papers. This was the only time the Defendants were punished for their outrageous behavior. After 1 year of having filed my Motion.

2) November 16, 2021 - ECF: H. Judge Gary R. Brown, ORDERED "*While plaintiff is not entitled to counsel as of right, the Pro Se Department is respectfully directed to find counsel for plaintiff from this Court's pro bono panel.*" I had requested a bilingual Spanish - English counsel ECF doc. [3] page 2, dated July 23, 2020.

3) November 22, 2021, ECF doc. [38]: H. Judge Brown ordered, pointed to The Dratch Law Firm, PC, by Brian M. Dratch.

4) November 23, 2021 – ECF: Judge Anne Y. Shields was randomly reassigned to my case after H. Judge A. Kathleen Tomlinson (R.I.P.) sadly passed away in October 2021.

5) December 2, 2021 - ECF Doc. [41]: Scheduling Order: Judge Shields' "Order and Protocols" for the Discovery Process according to the Federal Rules of Civil Procedure ("F.R.C.P.") Rule 26. The initial conference is scheduled for February 14, 2022, at 11:30 am.

6) December 7, 2021, at 12:00 pm: I was the one who contacted Mr. Dratch who never explained anything to me about the procedure or the deadlines or explain what documents had to be submitted. This telephone conversation was only for a few minutes, he asked me to send him the evidence.

7) December 30, 2021: I sent the evidence to Mr. Dratch who never explained the protocols or that the evidence must be specified according to the H. Judge Shields' order and protocols.

8) February 10, 2022 – **ECF doc. [42] at 5:53 pm**: My counsel Mr. Dratch and the Defendants' counsels filed ECF Doc. #42 [1] [2] Case Management Statement for Employment Cases with Discovery Plan Worksheet (Attachments: # (1) Proposed Order) (Warnke, Edward)" without my knowledge of the content, review, approval, and signature.

9) February 11, 2022 – **ECF at 9:45 am**: Incredibly fast, H. Judge Shields's order to the initial conference scheduled for February 14, 2022, is CANCELED. Order and protocols entail F.R.C.P. Rule 26 were ignored, violating my rights to Due Process of Law. However, my letters are published very late.

10) February 14, 2022 – ECF doc. [43]: I filed the Motion letter requesting Mr. Dratch's removal from my case for filing a document without my knowledge of the content, review, approval, and signature violating my rights and our agreement. Mr. Dratch never informed me or gave me a copy of the ECF Doc.

[42]. I requested a new Counsel / Attorney – bilingual Spanish be assigned to my case to avoid misunderstandings in the future with my instructions.

11) February 17, 2022 – ECF doc. [45]: My letter addressed to H Judge Brown and H. Judge Shields in support of my letter ECF doc. [43], I requested the Judge's intervention because my former counsel and the Defendants' counsel did not execute the order and protocol ECF doc. [41], the initial disclosure was not made incomplete Judge Shield's Protocols "Joint Letter" ECF doc. [42] was filed with incomplete claims according to H. Judge Brown ECF [30] dated September 30, 2021. Also, incomplete claims, false statements, and facts that did not correspond to this matter. My former counsel Mr. Dratch was never able to demonstrate that he participated in this joint letter.

12) February 18, 2022 – ECF: H. Judge Shields' order for scheduling a conference on March 8, 2022, regarding my Motion to Substitute the pro bono lawyer ECF doc. [43].

13) February 02, 2022 – ECF doc. [46]: I filed the letter with the following requests:

- For the scheduled telephone conference date of March 8, 2022, at 1:30 pm, I requested the agenda and the assignment of my new bilingual Spanish counsel appointed by the Court to attend this conference.

- I urgently reiterated my request to remove the ECF doc. [42] dated February 10, 2022, and a new date to comply with Judge Shields' order ECF doc. [41] dated December 2, 2021.

- That Mr. Dratch, my former counsel, failed to provide me with a copy of my file disclosing communications with Defendants violating the Order and Protocols ECF doc. [41] dated December 2, 2021. Also, violating the F.R.C.P. entails events compliance with Rules 26 (F); Rule 26 (a) (1); Rule 16; Rule 37, and my rights to Due Process of Law. In light of the above-mentioned, the counsels were a contempt of court, and I requested to H. Judge Shields' discretion to apply for a sanction under inherent power. The supporting letter was filed on February 17, 2022 (not yet published at the moment to file this letter). Judge Shields never answered my letter.

14) March 8, 2022 – ECF: H. Judge Shields, denied me an interpreter in Spanish as well as the substitution of the pro bono counsel because I had requested a bilingual Spanish Counsel see ECF doc. [3] page 2, dated July 23, 2020.

All this was delaying my case and terminated Mr. Dratch without applying any punishment for disobeying Judge Shields' order ECF doc. [41]. Judge Shields is pretending and protecting the counsels who are violating my rights to due process of law. Judge Shields is helping the Defendants who have no evidence of all the lies, false evidence, and testimony that they filed in every pleading in this matter.

15) March 10, 2022: ECF doc. [48]: I filed a new letter to H. Judge Shields, respectfully requesting to modify her order dated March 8, 2022, under the Fifth Amendment "no one shall be deprived of life, liberty or property without due process of law" and the Fourteenth Amendment entails the Due Process,

protection, court access, the rights to a fair trial, to be present at trial, to confront witnesses, and to effective assistance of counsel. See, e.g., id. at 389; Edouard, 485 F.3d at 1338 et al.

16) March 14, 2022 – doc. ECF: Judge Shields’s “ORDER re [48] Plaintiff’s application for new bilingual pro bono counsel to be appointed is DENIED.” Despite the fact, H. Judge Brown ordered ECF doc. [30] specifies *"plaintiffs application for an interpreter to be present at the conference is denied as moot."* Judge Shields’ judicial bias and prejudice.

17) March 17, 2022 – ECF doc. [50]: I filed a letter exposing that a filed for a bilingual speaker counsel on July 23, 2020, for that reason a replacement was more appropriate than a new motion. Also, reiterated the request for an interpreter. Judge Shields **never answered** my letter.

18) April 18, 2022 – ECF doc. [51]: I filed the letter with my decision to proceed as Pro Se. I also respectfully reiterated my request to provide me with an interpreter for future conferences according to the Due Process of Law ECF docs. [46] [48] [50]. Judge Shields never annulled the false ECF doc. [42].

- I filed a total of **1.224 pieces of evidence** that support my claims and damages.

- I urgently reiterated my request to remove the **ECF doc. [42] annulled** from the docket was filed without my knowledge and consent to ruin my case. I requested a new date to comply with Judge Shields’ Order ECF doc. [41]. See Plaintiff’s letters ECF docs. [43] [45] [46]. Gross Violation Due Process of Law.

- I filed the “Proposal Join Letter”, and Discovery Worksheet in replacement to comply with the requirements entailed by ECF 41-2,3. The proposal **Join Letter** that I wrote is the foundation and mapping of my case because the burden of proof rests on the Plaintiff and my evidence shows that the allegations are true and that the Defendants caused past, present, and future irreversible damages.

- The counsels also **failed** to comply with Judge Shields’ Order ECF doc. [41]. ("F.R.C.P.") Rule 34 (e). Gross Violation Due Process of Law and Contempt of Court.

- Counsels intentionally failed to point out the correct basis for federal jurisdiction according to the Order by H. Judge Brown dated September 30, 2021, ECF doc. [30]. Gross Violation Due Process of Law and Contempt of Court.

- The counsels **failed** to comply with Judge Shields’ Order and Protocols ECF 41-3 paragraph #3. My proposal Join Letter corrects this information according to the evidence in my possession. This paragraph was intentionally omitted by the counsels. Gross Violation Due Process of Law and Contempt of Court.

- I objected to the “Defendants Position”, which holds facts irrelevant to this matter because the legal malpractice and misconduct of my former attorneys, also my character are not the issues in this Federal Action against All Defendants. The counsels **failed** to comply with Judge Shields’ Order - Protocols ECF 41-1 Appendix "E". Gross Violation Due Process of Law and Contempt of Court.

- I attached the initial/provisional list "Part 2: Production by Plaintiff" emailed to the Defendants complying with the Initial Disclosure according to Appendix "E" ECF 41-1 Page 30-36, overlooked by the counsels. The estimated time to complete the Discovery would not be more than **6-8 months**.

19) April 19, 2022 – ECF doc. [52]: Judge Shields' order: Vacate her order ECF doc. [41] to annul the false Join Letter ECF doc. [42] without any punishment for the Defendants' Counsels for Contempt of Court and Judge Shields allowed Defendants to violate her own Order, Protocols, F.R.C.P. Rule 26, Court's Integrity and Due Process of Law. Also, ordered incomplete claims according to with ECF doc. [30] as well as a new window for the "initial disclosures" that had to be done before or on June 1, 2022. Scheduled on June 15, 2022, for the Initial Conference to file a joint letter with the status of the depositions. Judge Shields once again violates her protocols to help the Defendants who have no evidence to challenge the 1.224 evidence in my possession.

20) April 26, 2022 ECF doc. [54]: I filed a letter to request the correction for the missing charge against Mr. Kevin Knipfing aka Kevin James has not been included under my claim of hostile work environment Order ECF doc. [52], according to H. Judge Brown's order ECF doc. [30] page 16.

- I advised that the Order ECF [52] omitted the compliance to Individual Rules: **Rule V. Initial Conferences and VI. Forms to be Completed Prior to Initial Conference**, which should have been completed with the Order [41], as shown in my Proposal Join Letter and Initial Disclosure filed ECF [51]. See ECF doc. [51] shows gross violations of Due Process of Law as well as ECF doc. [45][46][48][50].

- Proof of my good faith, I tried to confer or attempted to confer with the Defendants to make initial disclosures or discovery in an effort to obtain it without court action Order ECF doc. [41] dated December 2, 2021. I attached the emails proving that the Defendants are in contempt of court Order ECF doc. [41], because they believe they are above the law, the Federal Rules, and any order issued by this Court: 1st attempt was dated February 14, 2022; February 15, 2022; 2nd attempt was on February 16, 2022, when I invoked Judge Shields' Order, but the Defendants ignored any way who are playing games in the discovery Process depriving me of my constitutional rights to Due Process of Law. 3rd attempt was on April 14, 2022, Defendants until today have not complied with the F.R.C.P., Protocols, or Court Orders.

- Likewise, for the record, I have requested the Court's intervention to compel the Defendants' initial disclosure see ECF doc. [45] filed February 17, 2022, in compliance with the F.R.C.P. Rule 26 and Order ECF doc. [41]. I never received any response from the Court.

- I complained one more time that the Defendants went from accusing me to "delusional", filed contradictory statements in their pleadings, witnesses' false testimony, and production of false documents. Since none of this works due to the evidence (recordings, messages from text, and emails) that shows their lies. Defendants, again, change as last resort, their arguments to facts irrelevant to this matter that does

not respond to any fact to my Amended Complaint (AC) or the frame time of my employment with the Knipfings, until finally accusing me of “extortionist” but after 3 attempts and more than 4 months waiting to exchange "evidence" that supports their "changing contradictory arguments or positions", Defendants still haven't sent me a single piece of evidence or responded to my emails. The Court never applied judicial estoppel doctrine to avoid the Defendants' cynical and outrageous behavior toward the Court, Laws, and F.R.C.P. that I have exposed with evidence in all my pleadings.

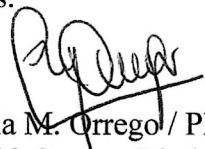
21) May 2, 2022 - ECF: Judge Shields' order without any valid reason vacates her order ECF [52] prejudice depriving me of my right to due process of law, F.R.C.P. Rule 26, and helping the Defendants from making the initial disclosure. Defendants have lied in all their pleadings with the help of my former pro bono counsel who disobeyed the order ECF doc. [41] without any consequence.

Once again, Judge Shields, protecting and covering up the violations of the Defendants who do not have any evidence, has vacated order ECF doc [52] to start the disclosure that should have already been made in December 2021. But Judge Shields support the Defendants' gross behavior with the goal of delaying my case is that we should easily go to trial in early 2023. I do not know how much longer Judge Shields is going to continue to ignore the outrageous behavior of the Defendants.

Conclusion: Under the Judicial Conduct and Disability Act of 1980 (“Act”), 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Rules”), as amended on March 12, 2019: Judge Anne Y. Shields' performance has engaged in prejudicial conduct to the effective and expeditious administration of the business of the courts in my case because I am Hispanic, Women and Pro Se, whereby outside influences manipulate Judge Shields' ruling. Judge Shields has the assumption that I do not understand that she is violating all my constitutional rights.

Judge Shields' orders and conduct are biased, partial, incompetent and abuse of power under 18 U.S.C. § 242 – Deprivation of Right under color of law. It is obvious that there is a financial or political manipulation because the Defendant is the Actor Kevin James aka Knipfing for which Judge Shields shows impropriety, bends or ignores the Constitution Fifth and Fourteenth Amendments, allows lack of Due Diligence by Defendants with impunity, allows violations to Due Process (the promise of legality and fair procedure), allows violations to F.R.C.P. Rules 26; 16; 37 and crooked her own individual rules to help the Defendants who are avoiding the legal system process to delay the case jeopardize the American Jurisprudence and integrity of the U.S. Federal Courts.

Respectfully submitted,
Date: May 10, 2022
Rego Park, New York


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

May 10, 2022

Re: Orrego v. Knipfing, et al, 20-CV-03361-GRB-AYS

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not respond to any fact to my Amended Complaint (AC) or the frame time of my employment with the Knipfings, until finally accusing me of “extortionist” but after 3 attempts and more than 4 months waiting to exchange "evidence" that supports their "changing contradictory arguments or positions", Defendants still haven't sent me a single piece of evidence or responded to my emails. The Court never applied judicial estoppel doctrine to avoid the Defendants' cynical and outrageous behavior toward the Court, Laws, and F.R.C.P. that I have exposed with evidence in all my pleadings.

21) May 2, 2022 - ECF: Judge Shields’ order without any valid reason vacates her order ECF [52] prejudice depriving me of my right to due process of law, F.R.C.P. Rule 26, and helping the Defendants from making the initial disclosure. Defendants have lied in all their pleadings with the help of my former pro bono counsel who disobeyed the order ECF doc. [41] without any consequence.

Once again, Judge Shields, protecting and covering up the violations of the Defendants who do not have any evidence, has vacated order ECF doc [52] to start the disclosure that should have already been made in December 2021. But Judge Shields support the Defendants’ gross behavior with the goal of delaying my case is that we should easily go to trial in early 2023. I do not know how much longer Judge Shields is going to continue to ignore the outrageous behavior of the Defendants.

Conclusion: Under the Judicial Conduct and Disability Act of 1980 (“Act”), 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Rules”), as amended on March 12, 2019: Judge Anne Y. Shields' performance has engaged in prejudicial conduct to the effective and expeditious administration of the business of the courts in my case because I am Hispanic, Women and Pro Se, whereby outside influences manipulate Judge Shields’ ruling. Judge Shields has the assumption that I do not understand that she is violating all my constitutional rights.

Judge Shields’ orders and conduct are biased, partial, incompetent and abuse of power under 18 U.S.C. § 242 – Deprivation of Right under color of law. It is obvious that there is a financial or political manipulation because the Defendant is the Actor Kevin James aka Knipfing for which Judge Shields shows impropriety, bends or ignores the Constitution Fifth and Fourteenth Amendments, allows lack of Due Diligence by Defendants with impunity, allows violations to Due Process (the promise of legality and fair procedure), allows violations to F.R.C.P. Rules 26; 16; 37 and crooked her own individual rules to help the Defendants who are avoiding the legal system process to delay the case jeopardize the American Jurisprudence and integrity of the U.S. Federal Courts.

Respectfully submitted,

Date: May 10, 2022

Rego Park, New York

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

February 11th, 2022

Honorable Judge Gary R. Brown
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

Re: Orrego v. Knipping, et al, 20-CV-03361-GRB-AYS

Dear Judge Gary R. Brown,

In accordance with the Rule VI Pro Se Litigants of Your Honor's Individual Rules, the Plaintiff, Lidia M. Orrego, respectfully submit the following:

I request that attorney, Mr. Brian Dratch, Esq. be removed as my Pro Bono Counsel because we had an agreement that this representation will be contingent upon my review of all documents prior to their filings for my review and approval and this agreement was violated.

The attached document "Doc. #42 [1] [2] CASE MANAGEMENT STATEMENT for Employment Cases with Discovery Plan Worksheet (Attachments: # (1) Proposed Order) (Warnke, Edward)" was submitted on February 10th, 2022, without my knowledge of the content, review, approval, and signature. I object to its content and for this reason, both documents must be annulled.

Please, Your Honor, I request a new Counsel / Attorney – bilingual Spanish be assigned to my case to avoid misunderstandings in the future with my instructions.

Respectfully submitted,

Date: February 11th, 2022
Rego Park, New York



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

To: Mr. Kuuku Minahh-Donkoh, Esq., Mr. Alex D. Dumas, Esq., Mr. Edward E. Warnke, Esq. and Mr. Brian Dratch, Esq.
Via ECF and email.

KUUKU MINNAH-DONKOH
KMINNAHDONKOH@GRSM.COM

EDWARD E. WARNKE
EWARNKE@GRSM.COM

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

GORDON & REES ★
SCULLY MANSUKHANI
YOUR SO STATE PARTNER
LONG ISLAND OFFICE

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

February 10, 2022

VIA ECF

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

Re: *Lidia Orrego v. Kevin Knipfing, et al.*,
Case No. 20-cv-03361-GRB-AYS

Dear Magistrate Judge Shields:

Our office represents defendants, Kevin Knipfing a/k/a Kevin James ("Mr. Knipfing"), Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury EDDIE LLC, Old Westbury, LLC, and Teresa A. Zantua (collectively, "Defendants"), in connection with the above-referenced action. We, together with counsel for plaintiff Lidia Orrego ("Plaintiff"), submit this joint letter in accordance with the Court's Order dated December 2, 2021 (ECF Doc. No. 41-2,3), directing the parties to provide the Court with certain information in advance of the upcoming initial conference in this matter currently scheduled for Monday, February 14, 2022 at 11:30 a.m.

1. **Name of the Case**

LIDIA M. ORREGO v. KEVIN KNIPFING, et al.¹

2. **Basis for Federal Jurisdiction**

Per Plaintiff, "[t]he basis for federal jurisdiction is 42 U.S.C. 1981."

¹ Defendants note that all claims against Defendant Steve Savitsky were dismissed pursuant to the September 30, 2021 Memorandum and Order. (ECF Doc No. 30). The caption, however, still lists Mr. Savitsky as a defendant. Defendants respectfully request the Court amend the case caption to reflect the dismissal of Mr. Savitsky as a defendant in this action.

February 10, 2022

Page 2

3. Service upon Defendants and Their Answer

All Defendants have been served, and filed their Answer to Amended Complaint on 10/14/2021 (ECF Doc. No. 33).

4. Counterclaims and/or Cross-claims

There are no cross-claims or counterclaims.

5. Plaintiff's Explanation of the Facts

Plaintiff alleges that during her employment with defendants she was subjected to a hostile work environment based on her race by Zantua which the defendants Knipfings failed to address and/or take action against Zantua for creating a hostile work environment against plaintiff.

6. HIPAA Authorizations

Plaintiff will provide authorizations for plaintiff's medical records on or before March 14, 2022.

7. Joint Statement Concerning Discovery

At this time, the parties believe formal document requests will be needed.

8. Proposed Status Letter and Status Conference

Proposed Status Letter due at least 1 week before the Status Conference; and
Status Conference: TBD by This Court.

9. Outstanding Protocols

As of the date of this submission, all discovery protocols remain outstanding.

10. Settlement Position

Plaintiff's Position: Plaintiff is willing to discuss Settlement.

Defendant's Position: Prior to commencing this action, Plaintiff filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission ("EEOC"), alleging claims of discrimination, hostile work environment, and retaliation under Title VII of the Civil Rights Act of 1964 ("Title VII"). Although none of the Defendants qualify as an "employer" under Title VII, which applies only to employers with 15 or more employees – and although it is Defendants' position that Plaintiff's claims are completely meritless, Defendants nonetheless agreed to participate in mediation before the EEOC to see whether an amicable resolution could be reached. On August 20, 2019, the parties participated in mediation before the EEOC, but

February 10, 2022
Page 3

mediation unfortunately was unsuccessful due to positions taken by Plaintiff that were completely unreasonable and utterly devoid from reality.

Since the August 20, 2019 EEOC mediation, Plaintiff has gone through at least three different sets of attorneys, with each relationship ending acrimoniously and Plaintiff filing complaints against each of her former attorneys. Moreover, since the August 20, 2019 EEOC mediation, Plaintiff has engaged in what Defendants can only describe as a scorched-earth campaign of extortion, harassment, and patently false claims against Defendants and others, including judges. For a summary of some of the meritless complaints and accusations Plaintiff has made since August 20, 2019, the Court is respectfully referred to the letter Defendants filed on September 13, 2021, in opposition to Plaintiff's motion for leave to file a Second Amended Complaint. (ECF Doc No. 25).

Based on Plaintiff's past conduct, Defendants are not optimistic about the chances of settlement in this matter.

11. Proposed Dates

The parties respectfully refer the Court to their joint proposed Discovery Plan Worksheet filed contemporaneously with this joint letter.

Respectfully submitted,

GORDON REES SCULLY
MANSUKHANI, LLP

Kuuku Minnah-Denkoh
Kuuku Minnah-Donkoh
Edward E. Warnke

cc: All Counsel of Record (By ECF)

**Tier I Pre-Settlement Discovery
TO BE COMPLETED IN ALL CASES**

03/14/2022

04/12/2022

N/A

02/13/2023

05/15/2023

06/14/2023

09/9/2023

February 17th, 2022

Honorable Judge Gary R. Brown
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

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

★ FEB 17 2022 ★

LONG ISLAND OFFICE

Re: Orrego v. Knipfing, et al, 20-CV-03361-GRB-AYS

Dear Judge Gary R. Brown and Magistrate Judge Anne Y. Shields,

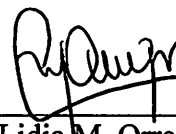
In accordance with Rules VI, IV, Pro Se Litigants of Your Honors' Individual Rules, Plaintiff, Lidia M. Orrego, respectfully submit this letter in support of my ECF Doc. # 43 with the following statement:

According to the records in my possession on February 14th, 2022, I requested my counsel and the Defendants' counsels a copy of my file but I have not received this copy. Entails events compliance litigation process applicable rule F.R.C.P.¹ – Rule 26 (F), Rule 26 (a) (1), Rule 16.

I respectfully request Your Honors intervention because it is very important for me to obtain my file to provide it to my new Counsel / Attorney – bilingual Spanish who will be appointed by the Court.

Respectfully submitted,

Date: February 17th, 2022
Rego Park, New York



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

To:
Plaintiff's Counsel: Mr. Brian Dratch, Esq.
Defendants' Counsels: Mr. Kuuku Minahh-Donkoh, Esq., Mr. Alex D. Dumas, Esq., Mr. Edward E. Warnke, Esq.
Via ECF and email.

¹ Federal Rules of Civil Procedure (F.R.C.P.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
February 22, 2022

★ FEB 22 2022 ★

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

Re: *Orrego v. Knipping, et al*, 20-CV-03361-GRB-AYS

RECEIVED

FEB 22 2022

Dear Magistrate Judge Anne Y. Shields,

In accordance with Rule IV, Pro Se Litigants of Your Honor's Individual Rules, Plaintiff, Lidia M. Orrego, respectfully submit this letter for the following reasons:

1) For the scheduled telephone conference date March 8, 2022, at 1:30 pm, I request the agenda to this conference to be able to prepare properly.

2) I need the assignment of my new bilingual Spanish counsel appointed by the Court to attend this conference.

3) I urgently reiterate my request to remove the ECF 42¹ annulled from the docket and a new date to comply with your order ECF 41².

4) Your Honor, Mr. Dratch failed to provide me with a copy of my file disclosing communications with Defendants violating the ECF 41², F.R.C.P.³, and my rights to due process of law. In light of the above-mentioned contempt of court, it is at your discretion to apply for a sanction under inherent power. The supporting letter was filed on February 17th, 2022 (not yet published).

Respectfully submitted,

Date: February 22nd, 2022
Rego Park, New York



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

¹ ECF 42 - Case Management Statement for Employment Cases with Discovery Plan Worksheet (Attachments: (1) Proposed Order) (Warnke, Edward) dated February 10th, 2022.

² ECF 41 - Initial Order, Judge Shields' Individuals Rules, Requirements for Employment Cases - Initial Discovery Protocols dated December 2nd, 2021.

³ Federal Rules of Civil Procedure (F.R.C.P.) entails events compliance Rules 26 (F); Rule 26 (a) (1); Rule 16; Rule 37.

To: Plaintiff's Former Counsel: Mr. Brian Dratch, Esq.
Defendants' Counsels: Mr. Kuuku Minahh-Donkoh, Esq., Mr. Alex D. Dumas, Esq., Mr. Edward E. Warnke, Esq.
Via ECF and email.

CLERK OF U.S. DISTRICT COURT, EDNY
POST OFFICE BOX 9014
CENTRAL ISLIP, NEW YORK 11722-9014
OFFICIAL BUSINESS

2022 FEB 22 AM 7:49

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ FEB 22 2022 ★
LONG ISLAND OFFICE

RECEIVED
FEB 22 2022
EDNY PRO SE OFFICE

ATTN: PROSE OFFICE - MS.
JESSICA
CASE 20CV3361 (GRB) (AYS)

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

★ **APR 14 2022** ★

April 14, 2022

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

LONG ISLAND OFFICE

Re: Orrego v. Knipfing, et al, 20-CV-03361-GRB-AYS

Dear Magistrate Judge Anne Y. Shields,

In accordance with Rule IV, Pro Se Litigants of Your Honor's Individual Rules, Plaintiff, Lidia M. Orrego, respectfully submit this letter for the following reasons:

1) I decide to proceed in this matter as Pro Se with the support of the Pro Se Legal Assistance Program – Hofstra University (which provides me assistance in Spanish) detailed in the order dated March 8, 2022, option (3). I also respectfully reiterate my request to provide me with an interpreter for future conferences according to the Due Process of Law ECF [46] [48] [50].

2) I urgently reiterate my request to remove the **ECF 42 annulled** from the docket was filed without my knowledge and consent to ruin my case. I respectfully request a new date to comply with Your Honor's Order ECF 41. See Plaintiff's letters ECF [43] [45] [46]. Gross Violation Due Process of Law.

3) I attached hereto the cover sheet, proposal Join Letter, and Discovery Worksheet in replacement to comply with the requirements entailed by ECF 41-2,3. The attached proposal **Join Letter** that I wrote is the foundation and mapping of my case because the burden of proof rests on the Plaintiff and my evidence proves that the allegations are true and that the Defendants caused past, present, and future irreversible damages. See annexed pages 3-9.

4) The counsels also **failed** to comply with Your Honor's Order: "*Prior to the conference all counsel and/or pro se parties are directed to meet and confer regarding the discovery needs of this case, including a discussion of the exchange of electronically stored information ("ESI") and to prepare a proposed discovery plan.*" ECF 41. Federal Rules of Civil Procedure ("F.R.C.P.") Rule 34 (e). Gross Violation Due Process of Law and Contempt of Court.

I never participated in any meeting, knowledge, or consent in the drafting Join Letter ECF [42]. My former counsel appointed for this Court never provided any evidence that he met with the Defendants or participated in the ECF [42]. For this main reason, I removed the pro bono counsel from my case.

5) Counsels intentionally failed to point out the correct basis for federal jurisdiction. **Basis for Federal Jurisdiction:** Per Plaintiff, "[t]he basis for federal jurisdiction": **Retaliation** [adverse employment action], **Hostile Work Environment**, under 42 U.S.C. § 1981 ("§ 1981") and New York State Human Rights Law ("NYSHRL"): "Thus, plaintiff has pleaded plausible retaliation claims under § 1981 and the

NYSHRL against the Knipfings and the corporate defendants."...." Accordingly, plaintiff has pleaded plausible claims for hostile work environment under § 1981 and the NYSHRL against Zantua, the Knipfings, and the corporate defendants." Memorandum and Order by Honorable Judge Brown, dated September 30, 2021 ECF [30]. Gross Violation Due Process of Law and Contempt of Court.

6) The counsels **failed** to comply with the Your Honor's Order and Protocols ECF 41-3 paragraph #3: *"Detailed statement reflecting that the parties have conferred as to remaining discovery and setting forth, in detail, all discovery remaining for case to be trial ready. This statement must include the identity of all fact witnesses that will be deposed; a detailed plan for expert discovery, including the number of experts and as to each, the field of expertise."* My proposal Join Letter corrects this information according to the evidence in my possession. This paragraph was intentionally omitted by the counsels. Gross Violation Due Process of Law and Contempt of Court.

7) I object to the "Defendants Position", which holds facts irrelevant to this matter because the legal malpractice and misconduct of my former attorneys, also my character are not the issues in this Federal Action against All Defendants. The counsels **failed** to comply with Your Honor's Order - Protocols ECF 41-1 Appendix "E" - **(1) Statement of Purpose** "focus on the type of information that is likely to be most helpful in reducing the problems of employment discrimination cases." entails the "Part 3: Production by Defendants". Gross Violation Due Process of Law and Contempt of Court.

8) I attach the initial/provisional list "Part 2: Production by Plaintiff" emailed to the Defendants complying with the Initial Disclosure according to Appendix "E" ECF 41-1 Page 30-36, overlooked by the counsels. At this moment, I am waiting for confirmation to discuss the ESI with the Defendants and their list "Part 3: Production by Defendants". The estimated time to complete the Discovery would not be more than **6-8 months** depending on the Defendants submitting their part detailed in the Honor's Protocol ECF 41-1 Pages 34-36. See attached email and Part 2 pages 10-41.

Respectfully submitted,

Date: April 14, 2022
Rego Park, New York



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

To: Defendants' Counsels: Mr. Kuuku Minnah-Donkoh, Esq., Mr. Alex D. Dumas, Esq., Mr. Edward E. Warnke, Esq. Via ECF and email.

**United States District Court
Eastern District of New York
E.D.N.Y. Case 20CV3361 (GRB) (AKT)**

Lidia M. Orrego (“Plaintiff”)

vs.

Kevin Knipfing a/k/a Kevin James (“Mr. Knipfing”), Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury EDDIE LLC, Old Westbury, LLC, and Teresa A. Zantua (collectively, “Defendants”)

**JOIN LETTER AND DISCOVERY PLAN
WORKSHEET - PLAINTIFF'S PROPOSAL IN
ACCORDANCE WITH H. JUDGE SHIELDS’
ORDER AND PROTOCOLS ECF 41-2,3**

Replaces the annulled ECF [42] filed without Plaintiff's knowledge or consent see ECF [43], [45], [46] filed by Plaintiff on February 14, 17, and 22, 2022 respectively entails gross violations of Due Process of Law, Federal Rules of Civil Procedure (‘F.R.C.P.’) Rule 26. Duty to Disclose; General Provisions Governing Discovery and Judge Shields’ Order and Protocols ECF [41].

April 14, 2022

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

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

Dear Magistrate Judge Shields:

Plaintiff Lidia Orrego ("Plaintiff"), submit this join letter with the office representing defendants, Kevin Knipfing a/k/a Kevin James ("Mr. Knipfing"), Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury EDDIE LLC, Old Westbury, LLC, and Teresa A. Zantua (collectively, "Defendants"), in connection with the above- referenced action. We, together submit this joint letter in accordance with the Court's Order dated December 2, 2021 (ECF Doc. No. 41-2,3), directing the parties to provide the Court with certain information in advance of the upcoming Discovery in this matter.

1. Name of Case

Lidia M. Orrego v. Kevin Knipfing et al¹

2. Basis for Federal Jurisdiction

Per Plaintiff, "[t]he basis for federal jurisdiction": Retaliation, Hostile Work Environment under 42 U.S.C. § 1981 ("§ 1981") and New York State Human Rights Law ("NYSHRL"). ECF [30]

3. Service upon Defendants and Their Answer

All Defendants have been served, and filed their Answer to Amended Complaint on 10/14/2021 (ECF Doc. No. 33).²

4. Counterclaims and/or Cross-claims

There are no cross-claims or counterclaims because the Defendants do not have any claim, legal argument, or documentary evidence of facts that do not exist about the Plaintiff's alleged actions such as extortion (criminal action no civil), harassment, and patently false claims against Defendants and others.

¹ Kevin Knipfing a/k/a Kevin James ("Mr. Knipfing"), Stephanieanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury EDDIE LLC, Old Westbury, LLC, and Teresa A. Zantua (collectively, "Defendants")

² Plaintiff's Motion to Withdraw or Strike ECF [33] Answer to Amended Complaint (pages 19 & 20) facts irrelevant for the issues in this Federal Action. See ECF [35] dated November 2, 2021.

5. Plaintiff's Explanation of the Facts

Plaintiff was subjected to pervasive and severe physical and emotional assaults, verbal abuse, harassment, retaliation, victimization, violence, etc. according to plenty documentary evidence such as text messages, emails, recordings, transcriptions, medical records, etc. during her employment with Defendants as evidence based on her race by Zantua, Defendants Knipfings and the Corporations (one unregistered corporation "Old Westbury LLC" under the Defendants Knipfings). The Knipfings and Corporations failed to address and/ or take against Zantua for creating a dangerous work environment affecting Plaintiff's physical and emotional well-being resulting in irreversible damages and in retaliation Plaintiff was terminated within days after filing her complaint.

6. HIPAA Authorizations

Plaintiff will provide authorizations for the plaintiff's medical records on or before May 16, 2022.

7. Join Statement Concerning Discovery

Plaintiff requests compliance with the Initial Discovery Protocols, see ECF [41-1], Pages 30-36, "APPENDIX F" Initial Discovery Protocols for Employment Cases Alleging Adverse Action", the list "Part 3: Production by Defendants" to confirm the proposed dates according to the Discovery Plan Worksheet see ECF [41] Page 3.

Plaintiff sent the list "Part 2: Production by Plaintiff" by mail to the Defendants of all the documentary evidence that supports her claims. Waiting to confirm the "ESI".

The estimated time to complete the Discovery: 6 (six) – 8 (eight) months.

8. Proposed Status Letter and Status Conference

Proposed Status Letter due at least 1 week before the Status Conference; and Status Conference: TBD by This Court. See Discovery Plan Worksheet.

9. Outstanding Protocols

As of the date of this submission, all discovery protocols remain outstanding including the Initial Disclosures according to Federal Rules of Civil Procedure ('F.R.C.P.') Rule 26. Duty to Disclose; General Provisions Governing Discovery and Judge Shields' Protocols ECF [41-1], Pages 30-36, "APPENDIX F" Initial Discovery Protocols for Employment Cases Alleging Adverse Action".

10. Settlement Position

Plaintiff's Position: Plaintiff is willing to discuss Settlement according to irreversible damages detailed in her Amended Complaint ECF [8] filed August 19, 2021, since she has been stigmatized re-traumatized pervasive, and severe until today by the Defendants.

Defendants' Position: Defendants are willing to discuss Settlement.

11. Detailed Statement reflecting that the parties have conferred as to remaining discovery:

Plaintiff's Statement: Plaintiff challenges the Defendants' position with plenty of documentary evidence including but not limited to text messages, emails, videos, pictures, recordings, transcriptions, medical records, depositions, witnesses among others that will be filed in the Discovery process.

The documentary evidence shows that Plaintiff was terminated without any warning, letter, or meeting less than three weeks after her suspension and without offering a copy of the "Investigation Report" or "Determination" since the investigation was false and the termination letter only established "Three" weak, implausible, inconsistent, incoherent, or contradictory reasons for Plaintiff's termination that did not mention any of the facts from her Complaint emailed November 2, 2018. According to the recording transcription 35m 29sec length dated November 6, 2018, at 4 pm, Mr. Knipfing (with two witnesses) lied to Plaintiff.

Defendants' conduct has been malicious, willful, and outrageous according to the 31 charges contained in the E.E.O.C., File No. 520 2019 01738 dated January 31, 2019. The first Plaintiff's former counsels were who filed the complaint and the EEOC sent to Mr. Knipfing "The Notice of Charge of Discrimination."³

This practice of racial discrimination and harassment was inserted in Plaintiff's workplace prior to her employment and was a normal practice according to Plaintiff's co-worker, Ms. Uzategui's recorded statement in front of a witness, Plaintiff's mother.

The plaintiff in addition to all the documentary evidence has a list of witnesses for depositions, including but is not limited to former co-workers, employers, and employees:

a) Rebeca Uzategui aka Rebeca Lugo another victim of discrimination and abuse main witness "Uzategui" Plaintiff's ally to complaint against Zantua. Plaintiff has in her possession Uzategui's recordings of conversation with Plaintiff described all kinds of abuse and discrimination by all Defendants. ECF [27] Pages 56-122.

³ Mr. Knipfing never filed a formal response to Plaintiff's allegations and claims in the Equal Employment Opportunity Commission ("E.E.O.C."). See AC Doc [8]- Exhibit 4, Page 50 - E.E.O.C. File No. 520 2019 01738, "Orrego vs. Old Westbury LLC". Also, the Freedom of Information Act ("F.O.I.A.") No. 520-2020-016269 dated October 20, 2020 file will be released according to Judge Shields' Protocol "APPENDIX F" Initial Discovery Protocols for Employment Cases Alleging Adverse Action". The Plaintiff formers counsels under misrepresentation intentionally missed the "E.E.O.C. Right to Sue Letter" deadline in December 2019 committing legal malpractice.

b) Witness Manuela Orrego, Plaintiff's mother, to who Uzcategui reveals all the abuse based on Uzcategui's recording dated October 14, 2018. ECF [27] Pages 56-106.

c) Plaintiff will call Kevin Knipfing aka Kevin James and Cristina Selga aka "Coimbra" who lied in this Court see transcription recording ECF [27] Pages 33-55 challenge to ECF 22-3 Pages 12-13. The "Investigation Report" or "Summary of Findings" was never mentioned by the Defendants in any of their pleadings.

d) Witnesses: Stephanieanna James-Knipfing (who accused via text of "Slander" to the Plaintiff continuing with the harassment and abuse before her termination), Teresa A. Zantua, Skylar Testa, Steve Savitsky, Gerardo Guarino, Shannon Sha, Jane Doe (former employee) Guerra Tefta Shaska "Investigator". Please be notice, Teresa A. Zantua, Skylar Testa, and Steve Savitsky committed perjury in their depositions at Workers Compensation. Release in Discovery.

In addition, Savitsky committed production of false documents the "termination letter" dated November 27, 2021 and "offer letter" Exhibit "A" annexed to ECF [22-2] Defendants' Motion to Dismiss dated October 22, 2020. Plaintiff's Opposition dated November 20, 2020, shows that Exhibit 34, ECF [22-7] challenges Exhibit A. Both documents were forged with different entity names from California for which it becomes a fraud according to Federal Laws.

e) Plaintiff will call to testify her former counsels Sam Cohen Esq., Joseph Mercurio Esq., and Ginu Jacob Esq. (Pasternack Pasternack Tilker Ziegler Walsh Stanton & Romano L.L.P./ Pasternack Tilker Weitz & Luxenberg LLP) who handled the Workers Compensation case.

Plaintiff will call to testify on her Primary Care Provider and Workers Compensation providers Moisey Delman MD, Jeff Rosner MD, Richard M. Seldes MD, and Maria Sesin Ph.D., who testified on behalf of the Plaintiff and they are treating Plaintiff since June 3, 2018, along with at least +11 doctors and social workers due to Plaintiff's treatment for physical, psychological, neurological, and emotional injuries as a result of all the discrimination and abuses suffered in her work with the Defendants until today.

f) Plaintiff will call the Independent Medical Exam ("I.M.E."), Jason Hochfelder MD, whose cross-examination was performed by a "counsel" who did not work at the above "law firm" that represented Plaintiff. Evidence recordings of perjury, fraud, and legal malpractice.

Plaintiff clarifies that the list of evidence, witnesses, subpoenas, FOIA requests, etc. may change when the Defendants comply with the Initial Disclosures according to F.R.C.P. Rule 26 and Judge Shields' Order and Protocols ECF [41].

Defendant's Statement: Prior to commencing this action, Plaintiff filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission ("EEOC"),

alleging claims of discrimination, hostile work environment, and retaliation under Title VII of the Civil Rights Act of 1964 (“Title VII”). Although none of the Defendants qualify as an “employer” under Title VII, which applies only to employers with 15 or more employees – and although it is Defendants’ position that Plaintiff’s claims are completely meritless, Defendants nonetheless agreed to participate in mediation before the EEOC to see whether an amicable resolution could be reached. On August 20, 2019, the parties participated in mediation before the EEOC, but mediation unfortunately was unsuccessful due to positions taken by Plaintiff that were completely unreasonable and utterly devoid from reality.

Since the August 20, 2019 EEOC mediation, Plaintiff has gone through at least three different sets of attorneys, with each relationship ending acrimoniously and Plaintiff filing complaints against each of her former attorneys. Moreover, since the August 20, 2019 EEOC mediation, Plaintiff has engaged in what Defendants can only describe as a scorched-earth campaign of extortion, harassment, and patently false claims against Defendants and others, including judges. For a summary of some of the meritless complaints and accusations Plaintiff has made since August 20, 2019, the Court is respectfully referred to the letter Defendants filed on September 13, 2021, in opposition to Plaintiff’s motion for leave to file a Second Amended Complaint. ECF [25].⁴

Based on Plaintiff’s past conduct, Defendants are not optimistic about the chances of settlement in this matter.

12. Proposed Dates: Completion of all Discovery, First Step in dispositive motion practice, Submission of Joint pretrial order

The parties respectfully refer the Court to their joint proposed Discovery Plan Worksheet filed contemporaneously with this joint letter.

Respectfully submitted,

Date: April 14, 2022
Rego Park, New York



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

cc: All Counsel of Record (By ECF and email)

⁴Plaintiff’s Objection to Opposition to Motion for leave file Amended Complaint ECF [27] 189-page contains Exhibits # 35-57 supporting documentary evidence that all her complaints have solid foundations and a legal basis filed September 17, 2021.

DISCOVERY PLAN WORKSHEET

Tier I Pre-Settlement Discovery TO BE COMPLETED IN ALL CASES

Deadline for completion of Rule 26(a)
initial disclosures and HIPAA-
complaint records authorizations: 05/16/2022

Completion date for
Phase I Discovery as
agreed upon by the
parties: 06/06/2022
(See paragraph 7 of joint letter requirement)

Status conference TBD by the court: 06/21/2022
(Generally 15 days post Tier I Discovery)

Tier II Discovery and Motion Practice

Motion to join new parties or amend the pleadings:
— (Presumptively 15 days post status conference) 07/06/2022

All fact discovery completed
by: (Presumptively 9 months
after deadline for joining
parties/amend the pleadings) 12/12/2022

Expert discovery
completed by: 03/16/2023
(Presumptively 3 months
after close of fact
discovery)

Final date to take first step in dispositive
motion practice: (Parties are directed to
consult the District Judge's individual
rules regarding such motion practice.
(Presumptively 30 days after close of
discovery) 04/16/2023

Joint Proposed
Pretrial Order to
be submitted: 05/16/2023
(30 days after dispositive motion
practice deadline)



Lidia Orrego <liorrego@gmail.com>

Re: Orrego v. Knipfing, et al, 20-CV-03361-GRB-AYS

1 message

Lidia Orrego <liorrego@gmail.com>

Thu, Apr 14, 2022 at 7:24 AM

To: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, Alex Dumas <adumas@grsm.com>, Edward Warnke <ewarnke@grsm.com>

Cc: Julissa Martinez <jxmartinez@grsm.com>, Peter Cella <pcella@grsm.com>, Dallas Rivera <drlivera@grsm.com>, Tiara Galarza <tgalarza@grsm.com>, Veronica Canarte <vcanarte@grsm.com>, Lidia Orrego <liorrego@gmail.com>

To: Defendants' Counsels: Mr. Kuuku Minnah-Donkoh, Esq., Mr. Alex D. Dumas, Esq., Mr. Edward E. Warnke, Esq. Via email.

In accordance with Magistrate Judge Anne Y. Shields' Order and Protocols ECF 41:

1. The ECF 42, annulled, intentionally **failed Basis for Federal Jurisdiction:**

Per Plaintiff, "[t]he basis for federal jurisdiction": **Retaliation, Hostile Work Environment**, under 42 U.S.C. § 1981 ("§ 1981") and New York State Human Rights Law ("NYSHRL"): "Thus, plaintiff has pleaded plausible retaliation claims under § 1981 and the NYSHRL against the Knipfings and the corporate defendants."...." Accordingly, plaintiff has pleaded plausible claims for hostile work environment under § 1981 and the NYSHRL against Zantua, the Knipfings, and the corporate defendants." Memorandum and Order by Honorable Judge Brown. ECF [30]

Claims for Retaliation: "allegations that the [adverse employment action] occurred within days after [plaintiff's] complaints of discrimination" **against Kevin Knipfing aka Kevin James, Stephanieanna James-Knipfing aka Steffiana De la Cruz, Old Westbury EDDIE LLC, Old Westbury LLC.** ECF [30]

Claims for Hostile Work Environment against ALL Defendants.

2. The ECF 42, annulled, **failed** to comply with Judge Shields' Order: "*Prior to the conference all counsel and/or pro se parties are directed to meet and confer regarding the discovery needs of this case, including a discussion of the exchange of electronically stored information ('ESI') and to prepare a proposed discovery plan.*" ECF 41. Federal Rules of Civil Procedure ("F.R.C.P.") Rule 34 (e).

Counsels and/or pro se parties never met and confer to discuss this order.

Therefore, I await confirmation to discuss the ESI to exchange the initial disclosure, discovery, and prepare a proposed discovery plan.

3. I never participated in any meeting, knowledge, or consent in the drafting of the ECF 42 annulled. My former counsel appointed for the Court never provided any evidence that he met with the

Defendants or participated in the ECF [42]. For this main reason, I removed the pro bono counsel from my case.

I already have the proposed letter ready with my statements to submit the real "Join Letter" according to the ECF 41-2,3 requirements. In addition, ECF 42 annulled that you drafted and submitted without my consent where is missing the item # 3 entails ECF 41-3.

4. I attach the initial/provisional Disclosure List "*Part 2: Production by Plaintiff*" must be produce to Defendants, according to *Appendix "E" ECF 41-1 Page 30-36*, overlooked by the counsels. At this moment, I am waiting for confirmation to discuss the ESI with the Defendants, and their list "*Part 3: Production by Defendants*" **must produce to Plaintiff**. The estimated time to complete the Discovery would not be more than **6-8 months** depending on the Defendants submitting their part detailed in the Judge Shields' Protocol ECF 41-1 Pages 34-36. ECF [30]

Part 2: Production By Plaintiff – Summary Documentary evidence entails:

Total videos: 172 requested and knowledge by the Family according to the text messages.

Total pictures: 821 requested and knowledge by the Family according to the text messages.

Total Documentary evidence: 204

Total Recordings: 27

Total Production by Plaintiff: 1.224.-

Part 3: Production by Defendants"AC [8] and documentary evidence entails:

Employers: Kevin & Stephanieanna Knipfing

Entity payroll: Old Westbury EDDIE LLC

An unregistered Entity "false Letter Termination": Old Westbury LLC

Supervisor: Teresa A. Zantua

Notice: Protocols ECF 41-1 Appendix "E" - (1) **Statement of Purpose** "focus on the type of information that is likely to be most helpful in reducing the problems of employment discrimination cases." entails the "Part 3: Production by Defendants". I object to the "Defendants Position", which holds facts irrelevant to this matter because the legal malpractice and misconduct of my former attorneys, also my character are not the issues in this Federal Action against All Defendants.

Best regards,

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

"If you are neutral in situations of Injustice, you have chosen the side of the Oppressor." Desmond Tutu

APPENDIX F

**INITIAL DISCOVERY PROTOCOLS FOR EMPLOYMENT
CASES ALLEGING ADVERSE ACTION**

Basis for Federal Jurisdiction

Per Plaintiff, "[t]he basis for federal jurisdiction": **Retaliation and Hostile Work Environment** "Thus, plaintiff has pleaded plausible retaliation claims under § 1981 and the NYSHRL against the Knipfings and the corporate defendants."...." Accordingly, plaintiff has pleaded plausible claims for hostile work environment under § 1981 and the NYSHRL against Zantua, the Knipfings, and the corporate defendants." ECF 30 Memorandum and Order by Honorable Judge Brown.

Claims for Retaliation: "allegations that the [adverse employment action] occurred within days after [plaintiff's] complaints of discrimination" **against Kevin Knipfing aka Kevin James, Stephanieanna James-Knipfing aka Steffiana De la Cruz, Old Westbury EDDIE LLC, Old Westbury LLC.** ECF [30]

PART 3: PRODUCTION BY DEFENDANT.

(1) Timing.

a. The defendant's Initial Discovery shall be provided within 30 days after the defendant has submitted a responsive pleading or motion, unless the court rules otherwise.

(2) Documents that Defendant must produce to Plaintiff.

All communications concerning the factual allegations or claims at issue in this lawsuit among or between:

- i. The plaintiff and the defendant;
 - ii. The plaintiff's manager(s), and/or supervisor(s), and/or the defendant's human resources representative(s).
- b. Responses to claims, lawsuits, administrative charges, and complaints by the plaintiff that rely on the same factual allegations or claims as those at issue in this lawsuit.
- c. Documents concerning the formation and termination, if any, of the employment relationship at issue in this lawsuit, regardless of the relevant time period.
- d. The plaintiff's personnel file, in any form, maintained by the defendant, including files concerning the plaintiff maintained by the plaintiff's supervisor(s), manager(s), or the defendant's human resources representative(s), regardless of the relevant time period.
- e. The plaintiff's performance evaluations and any formal discipline.
- f. Documents relied on to make the employment decision(s) at issue in this lawsuit.
- g. Workplace policies or guidelines relevant to the adverse action in effect at the time of the adverse action. Depending upon the case, those may include policies or guidelines that address:

- i. discipline;
- ii. termination of employment;

- iii. promotion;
- iv. discrimination;
- v. performance reviews or evaluations;
- vi. misconduct;
- vii. retaliation; and
- viii. nature of the employment relationship.

h. The table of contents and index of any employee handbook, code of conduct, or policies and procedures manual in effect at the time of the adverse action.

i. Job description(s) for the position(s) that the plaintiff held.

j. Documents showing the plaintiff's compensation and benefits. Those normally include retirement plan benefits, fringe benefits, employee benefit summary plan descriptions, and summaries of compensation.

k. Agreements between the plaintiff and the defendant to waive jury trial rights or to arbitrate disputes.

l. Documents concerning investigation(s) of any complaint(s) about the plaintiff or made by the plaintiff, if relevant to the plaintiff's factual allegations or claims at issue in this lawsuit and not otherwise privileged.

m. Documents in the possession of the defendant and/or the defendant's agent(s) concerning claims for unemployment benefits unless production is prohibited by applicable law.

n. Any other document(s) upon which the defendant relies to support the defenses, affirmative defenses, and counterclaims, including any other document(s) describing the reasons for the adverse action.

iii. Information that Defendant must produce to Plaintiff.

- a. Identify the plaintiff's supervisor(s) and/or manager(s).
- b. Identify person(s) presently known to the defendant who were involved in making the decision to take the adverse action.
- c. Identify persons the defendant believes to have knowledge of the facts concerning the claims or defenses at issue in this lawsuit, and a brief description of that knowledge.
- d. State whether the plaintiff has applied for disability benefits and/or social security disability benefits after the adverse action. State whether the defendant has provided information to any third party concerning the application(s). Identify any documents concerning any such application or any such information provided to a third party.

To: Kuuku Angate Minnah-Donkoh kminnahdonkoh@grsm.com, jxma rtinez@grsm.com, pcella@grsm.com

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

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



Virus-free. www.avast.com



6- 04-14-2022 APPENDIX F PART 2 PRODUCTION BY PLAINTIFF.pdf
303K

April 14, 2022

E.D.N.Y. 20CV3361 (GRB) AYS)

**Lidia M. Orrego (“Plaintiff”) vs. Kevin Knipfing a/k/a Kevin James (“Mr. Knipfing”),
Stephanicanna James-Knipfing a/k/a Steffiana de la Cruz, Old Westbury EDDIE
LLC, Old Westbury, LLC, and Teresa A. Zantua (collectively, “Defendants”)**

H. Judge Anne Y. Shields’ Order and Protocols ECF 41 Dated December 2, 2021

APPENDIX F

INITIAL DISCOVERY PROTOCOLS FOR EMPLOYMENT CASES ALLEGING ADVERSE ACTION

Basis for Federal Jurisdiction:

Per Plaintiff, “[t]he basis for federal jurisdiction”: **Retaliation (adverse action), Hostile Work Environment**, under 42 U.S.C. § 1981 (“§ 1981”) and New York State Human Rights Law (“NYSHRL”): “Thus, plaintiff has pleaded plausible retaliation claims under § 1981 and the NYSHRL against the Knipfings and the corporate defendants.”....” Accordingly, plaintiff has pleaded plausible claims for hostile work environment under § 1981 and the NYSHRL against Zantua, the Knipfings, and the corporate defendants.” Memorandum and Order by Honorable Judge Brown. ECF [30]

- **Claims for Retaliation:** “allegations that the [adverse employment action] occurred within days after [plaintiff’s] complaints of discrimination **“against Kevin Knipfing aka Kevin James, Stephanicanna James-Knipfing aka Steffiana De la Cruz, Old Westbury EDDIE LLC, Old Westbury LLC. ECF [30]**
- **Claims for Hostile Work Environment against ALL Defendants.**

PART 2: PRODUCTION BY PLAINTIFF

(1) Timing.

a. The plaintiff's Initial Discovery shall be provided within 30 days after the defendant has submitted a responsive pleading or motion, unless the court rules otherwise. Failed by counsels.

Plaintiff clarifies that the list of evidence, witnesses, subpoenas, FOIA requests, etc. may change when the Defendants comply with the Initial Disclosures according to F.R.C.P. Rule 26 and Judge Shields' Order and Protocols ECF [41] After discussing the exchange of electronically stored information ("ESI") and to confirm a proposed Join Letter and Discovery Worksheet filed on April 13, 2022, by the Plaintiff.

Once the ESI has been discussed with Defendants, Plaintiff will send the following or additional documents.

Part 2: Production By Plaintiff

Summary Documentary evidence entails:

Total videos: 172 requested and acknowledged by the Family according to the text messages since January 2018.

Total pictures: 821 requested and acknowledged by the Family according to the text messages January 2018.

Total Documentary evidence: 204

Total Recordings: 27

Total Production by Plaintiff: 1.224.-

Advise the following list it is subject to addition and modification of further documentary evidence once the Defendants produce their list.

(2) Documents that Plaintiff must produce to Defendant.

a. All communications concerning the factual allegations or claims at issue in this lawsuit between the plaintiff and the defendant.

Employers: Kevin & Stephanieanna Knipfing

Entity payroll: Old Westbury EDDIE LLC

An unregistered Entity entails the "false Letter Termination": Old Westbury LLC (c)

- 1) Text messages Plaintiff, Skylar Testa and Agency / January – February 2018. Confirmation for a second interview with Mr. Testa, after the first interview via facetime with him and proof dated January 31, 2018.
- 2) Text messages dated February 7, 2018: Plaintiff sent to Skylar Testa the following papers for clearance: "Notice and Authorization Regarding Procurement of Investigative Consumer Report" show **"Kevin and Stephanieanna Knipfing" as employers**, and "Disclosure and Authorization" both documents signed by the Plaintiff with attachments documents: Driver's License and I-551.
- 3) Email "Lidia Paperwork" Dated February 18, 2018: Plaintiff, Skylar Testa and Charles Stanislaus (Businesspeople from California) the following documents for the hiring process: Form W4, Form I-9, **Payroll Form through "Old Westbury EDDIE LLC"**.
- 4) Text messages January – March 2018: Ms. James- Knipfing describing the salary. Later change adding the tasks of housekeeping and the chef's assistant position. Working hours up to 70-80 hours per week.
- 5) Text messages Plaintiff and Teresa A. Zantua /February – November 2018: Plaintiff's Supervisor, from the beginning, always discriminated against the Plaintiff calling her "stupid Mexican or Paraguayan", via text messages, containing emoticons pointing Plaintiff as stupid or slow to understand for being Hispanic. Zantua shared those messages with Plaintiff's co-workers. Offensive comments making fun of her accent, or her physical characteristics were also made. Zantua justified the physical abuse against Plaintiff for being "Mexican" since her bones were useless because Plaintiff "eat too much corn".
The text shows Zantua always gave commands to Plaintiff and that Zantua sent text messages with the command "ONLY ENGLISH". Plaintiff holds supporting evidence such as Diary, text messages, recordings, pictures, videos, etc. See AC [8] Exhibit 24 Page 115.
- 6) Text messages Plaintiff and Stephanieanna James – Knipfing/ January – November 2018, Plaintiff reported Zantua's behavior, Mrs. James - Knipfing also engaged in the hostile work environment and victimization of Plaintiff along with her sister Zantua.
- 7) Text messages Plaintiff, Kevin Knipfing, and Stephanieanna James – Knipfing / Sending kids' pictures.
- 8) Text messages Plaintiff and Skylar Testa /March – November 2018: Shows that Testa was not her supervisor. Testa lied at the Worker's Compensation hearing.
- 9) **Total 821 Pictures** were requested to Plaintiff for the family (album) January –

November 2018.

10) **Total 172 Videos** were requested to Plaintiff for the family (album) January – November 2018.

11) Group text messages between employers and employees / January – November 2018. Harassment and for the purpose of embarrassing Plaintiff to encourage the discrimination, hostile work environment at the workplace. Photos that employees took inside the house were shared, even employers shared these pictures.

12) October 6, 2018 2 pm: Plaintiff's recording transcription certificate and notarize: Teresa A. Zantua instructs the children to forbid the Plaintiff to speak in "Spanish" during a trip to pick apples at HARBES ORCHARD Family Farm. Plaintiff asked K.V.K. (7 y/o) why He tells Plaintiff she shouldn't speak Spanish, the boy gets nervous about it and called Teresa A. Zantua, because she always threatens them that they shouldn't say her name when she says all those discriminatory comments. The threat is the recurring weapon used by Teresa A. Zantua against the children and Ms. Orrego. AC [8]

13) October 16, 2018: Plaintiff's recording transcription certificate and notarize: Plaintiff reported to Skylar Testa (House Manager) about everything that happened with S.S.K. that day and her erratic behavior with panic attacks and crying because Mr. Testa knew about excess candies since the first report in April 2018. He told Ms. Orrego that S.S.K. was addicted to sweets and they can do nothing because Mrs. James- Knipfing knew what Rebeca Uzcategui was doing to control the girl and she doesn't care. AC [8]

14) October 23, 2018: Transcription and recording of last physical assault in front of Teresa A. Zantua. Plaintiff sent to her Counsels at Worker Compensation case on January 19, 2021, but they never filed the evidence to prove Zantua lied in this Court.

15) November 1, 2018: Skylar Testa emailed the 2-Page (only the cover and signature) Non-Disclosure Agreement ("NDA") in English signed on January 31, 2018. Plaintiff never received an explanation of the implications or a copy of this document. AC [8]

16) November 2, 2018: Plaintiff texted a request for a sick day to Stephanieanna James-Knipfing and Skylar Testa.

17) November 2, 2018: Complaint emailed to Stephanieanna James- Knipfing and Skylar Testa about Zantua's discrimination, harassment, and other abuses. AC [8] Exhibit 1.

Please Notice: As of this date, all communications are detailed in paragraph (c.) of this section.

b. Claims, lawsuits, administrative charges, and complaints by the plaintiff ~~totely~~ upon any of the same factual allegations or claims as those at issue in this lawsuit.

- 1) January 31, 2019: Derek Smith Law Group, PLLC who represented the Plaintiff filed the charges on the Equal Employment Opportunity Commission ("EEOC")
- 2) September 20, 2019: NOTICE RIGHT TO SUE LETTER for the following reasons:
 - More than 180 days have passed since the filing of this charge
 - The EEOC is terminating its processing of this charge.
- 3) October 20, 2020: Freedom of Information Act (FOIA)# 520-2020-016269 request shows the Defendants never answer the charges.
- 4) April 16, 2021: Letter to Delner Franklin-Thomas, Acting Director about EEOC violations. Plaintiff never receives an answer.
- 5) January 15, 2020: Plaintiff's former counsel Borrelli & Associates PLLC's sent the "Demand Letter" to Defendants
- 6) May 25, 2020: Plaintiff as Mandated Reporter sent to Child Protective Services (CPS) her report with the evidence.
- 7) September 21, 2020: Debra Karpf- Social Worker despite all the evidence and recordings informed Plaintiff the case was closed as "Unfounded", and Plaintiff need to mail New York State to request a copy of the Summary of Findings. Debra Karpf never answers to Plaintiff with the case number.
- 8) October 16, 2020: Plaintiff requested by mail a copy of the Summary of Findings.
- 9) March 18, 2021: OFFICE OF CHILDREN FAMILY SERVICES sent a letter to Plaintiff advising that she is not entitled to receive a copy of the Summary of Findings. The letter was signed by Kristin Gleeson, Director.
- 10) June 20, 2021: Plaintiff, a second request to OFFICE OF CHILDREN FAMILY SERVICES with evidence that she is entitled to receive a copy of the Summary of Findings under the Law. Doc. 180-Page.
- 11) June 20, 2021: Affidavit signed for Mrs. Manuela Orrego in front of whom Uzcategui described all the mistreatment of children by Zantua.
- 12) July 8, 2021: OFFICE OF CHILDREN FAMILY SERVICES sent a letter to the Plaintiff with the instructions to request a copy of the Summary of Findings to Nassau County CPS to the Westchester Regional Office located at the New York State Office of Children and Family Services. The letter was signed by Kristin Gleeson, Director.

13) August 9, 2021: Plaintiff sent a complaint to Kristin Gleeson, Director, because they are avoiding sending a copy of "Summary of Findings".

14) September 2 2021 – September 3, 2021: CPS Freedom of Information Law (FOIL) Request – Email complaining about the “redacted” document that proves the Judicial Bias in the Worker’s Compensation (WC) case and Defamation against the Plaintiff.

15) September 2, 2021: FOIL 169897 Responsive Documents Shows the misconduct of Nassau County CPS to the Westchester Regional Office located at the New York State Office of Children and Family Services. Failed to investigate. Currently, the Inspector General open an investigation. **Pending FOIA or Subpoena requesting the unredacted document.**

16) June 14, 2019: Plaintiff’s discharge from Elmhurst Hospital Emergency Room. Referral for treatment and follow-up.

17) Since June 2018: Plaintiff’s medical records - Dr. Moisey Delman - treatment, last physical assault and referral for x-rays.

18) September 3, 2019: First C-3 Form submitted online by Lidia Orrego – Worker’s Compensation Board after months her former counsel through misrepresentations, kept Plaintiff from not filing the claim.

19) September 5, 2019: Plaintiff’s Counsels Pasternack Tilker Ziegler Walsh Stanton & Romano L.L.P. (Pasternack et al) in her WC case filed the second C-3 Form.

20) September 9, 2019: Plaintiff’s injuries filed C-4 - Dr. Jeff Rosner.

21) September 19, 2019: Plaintiff’s counsel Pasternack et al sent the HIPAA to her PCP Dr. Vladimir Morgovsky.

22) September 24, 2019, and September 25, 2019: Magnetic resonance imaging (MRI)’s Plaintiff Knee and Wrist.

23) September 25, 2019: Pasternack et al sent a letter confirming their retainer.

24) September 26, 2019: Plaintiff referred to Dr. Ranga Krishna- Neurology.

25) September 9, 2019, and October 9, 2019: Defendants’ Policy filed in the WC case under the other Company “**FULL SHIMMEE INC.**” was not a Plaintiff’s employer with coverage **Effective Day 01-12-2018; Expiration Day 01-12-2019**, does not correspond to the time that Plaintiff worked with the Defendants. Pasternack et al legal malpractice.

The Carrier never filed the "Policy" transferring the Liability Plaintiff’s former

employers Kevin and Stephanieanna Knipfing (aka Kevin James and Steffiana De la Cruz).

26) October 16, 2019: Diagnosis Post-traumatic stress disorder (PTSD) and Major Depression – Maria Sesin PhD.

27) November 5, 2019: WCB NOTICE OF DECISION “MRI’S PRIMA FACIE” order to change the C3 – OCCUPATIONAL DISEASE Case G-2584330. H. Judge Barry Greenberg. November 11, 2019: Third “C-3” ordered by Judge B. Greenberg changing the cause to Occupational Disease with “prima facie medical evidence”: MRIs.

28) November 19, 2019: Plaintiff’s Spinal ultrasound

29) November 24, 2019: Plaintiff’s MRI’s shows Occupational Disease according with the diagnosis Dr. Jeff Rosner.

30) December 11, 2019: Another order for MRI Thoracic Dr. Jeff Rosner.

31) December 11, 2019: Referral Physical Therapy – Dr. Richard M. Seldes.

33) December 16, 2019: Plaintiff’s MRI Thoracic Spine.

34) December 23, 2019: Plaintiff’s C.4 Form WCB – Dr. Jeff Rosner

35) December 26, 2019: Plaintiff’s prescription medication – Dr. Zadeh Mehran Neurology.

36) December 26, 2019: Referral for PT – Dr. Zadeh Mehran Neurology.

37) March 19, 2020: WCB Virtual Hearing – Recording – Transcription Deposition Steve Savitsky's lying under oath.

38) March 23, 2020: Plaintiff emailed to Pasternack et al, her second HIPAA for the Carrier’s counsel.

39) June 23, 2020: Plaintiff’s counsel Sam Cohen filed HIPAA treatment since June 2018. Plaintiff’s medical records were never filed. Pasternack et al legal malpractice.

40) June 23, 2020: WCB Virtual Hearing – Recording – Transcription Deposition Teresa A. Zantua and Skylar Testa's Perjury.

41) July 8, 2020: PCP V. Morgovsky’s statement lying about he never treated me for my injuries from my work December 2018 – September 2019. Pasternack et al had all the medical records according to the emails and never refuted this lie nor did he call Dr. Morgovsky for cross-examination. I also never communicate about this document. I discovered this document after receiving the Memorandum Board Review dated June 16, 2021.

- 42) July 30, 2020: Plaintiff emailed to Sam Cohen 138-Page Evidence about the Carrier's witnesses' lying under oath and her medical records.
- 43) September 25, 2020: Plaintiff emailed to Sam Cohen the complete 138-Page Evidence about the Carrier's witnesses' lying under oath and her medical records. Never filed Pasternack et al legal malpractice.
- 44) October 12, 2020: Plaintiff sent to her counsel new evidence and injury. Never filed Pasternack et al legal malpractice.
- 45) October 21, 2020: Plaintiff's request to Pasternack et al to request Sam Cohen manage her case.
- 46) October 29, 2020: Plaintiff sent to Sam Cohen the IME's recording who lies in his report. Never filed Pasternack et al legal malpractice.
- 47) January 4, 2021: Transcription Deposition Jason Hochfelder MD's Perjury – IME Doctor. Plaintiff's counsels never confront the recording and perjury during the cross-examination. The counsel who represented the Plaintiff did not belong to the law firm. Pasternack et al legal malpractice and Fraud.
- 48) Letter to the Judge Amendment Complaint dated 11-10-2020 IME Perjury, another evidence never filed in Plaintiff's case. Pasternack et al legal malpractice.
- 49) January 7, 2021: Transcription Deposition Richard Seldes MD - Orthopedic
- 50) January 14, 2021: Transcription Deposition Moisey Delman MD - PCP
- 51) January 21, 2021: Transcription Deposition Maria Segin MD – Phycologist
- 52) January 25, 2021: Plaintiff's emailed Evidence letter and the recording dated November 6, 2018, with Kevin Knipfing + 2 Witnesses. Never filed Pasternack et al legal malpractice.
- 53) March 28, 2021: Transcription Deposition Jeff Rosner MD – Chiropractic
- 54) March 3, 2021: Notice Decision – Claim Disallowed – Pasternack et al according to the Virtual Hearing recording, Plaintiff's counsel, Ginu Jacob made no OBJECTION when the Carrier's attorney entered evidence that the Discovery process had ended in violation of the Process of Law or asked questions irrelevant in the WC case. Jacob did not make even the slightest effort to zealously defend Plaintiff's case and derail Carrier's attorney's case because there was evidence they withheld from September 5, 2019, to March 5, 2021. Pasternack et al legal malpractice and fraud.
- 55) April 8, 2021: Plaintiff emailed recording transcription former co-worker Rebeca

Uzcategui who confirms her entire case. Never filed Pasternack et al legal malpractice.

56) April 9, 2021: RB89 Board Review Form signed by Andrew Ziemianski who failed in the RB89: "12. Basis of Appeal. Provide a brief statement of the particular grounds upon which the appeal is based, including the specific findings of fact which are challenged and/or the errors of law that are alleged. General allegations which do not specifically bring to the attention of the Board the issues to be decided are insufficient." Pasternack et al legal malpractice.

57) May 7, 2021: Rebuttal's the evidence irrelevant for the WC based on non-medical evidence only in hearsay and perjury. Misrepresentations of the Workers Compensation's Law the Statute of Limitations for Occupational Disease is two (2) years. Something that Plaintiff's counsels never objected to or argued. Pasternack et al legal malpractice.

58) June 16, 2021: Memorandum Board Panel This memorandum is a Copy of Carrier's attorney's Rebuttal considering non-medical evidence they never mentioned any of the few medical evidence documents that supported Plaintiff's case. Not even the MRIs, Occupational Disease Law has a Statute of Limitations of 2 years. Therefore, the MRIs and the depositions of my doctors from Workers Comp. It was enough to establish Plaintiff's case under the law.

59) June 17, 2021: Pasternack et al's Letter about the Memorandum Board Review - WCB provides inaccurate or unrealistic information or advice, misleading about laws, deadlines, the statute of limitations, etc. Pasternack et al legal malpractice.

60) June 18, 2021: Plaintiff mailed to Pasternack et al after discovering their fraud. Email to Andrew Ziemiansky about the Memorandum Board Review – WCB content and process.

61) June 21, 2021: Plaintiff emailed Pasternack et al discover their fraud.

62) Year 2019-2021: Plaintiff sent 147 emails and 52 exhibits to file in her case. Plaintiff's counsels only file 6 evidence. Pasternack et al legal malpractice.

63) June 22, 2021: Plaintiff emailed Pasternack et al after reviewing her case after obtaining access to E-case WCB and discovered Pasternack et al fraud since September 5, 2019, according to the emails.

64) June 22, 2021: List of documents found E-case G-2584330.

65) June 22, 2021: Plaintiff complaint against Pasternack et al to WCB.

66) June 24, 2021: Plaintiff emailed more evidence about Pasternack et al 's fraud and

misleading.

67) June 24, 2021: Plaintiff demanded an answer from Pasternack et al.

68) June 24, 2021: Plaintiff received a letter from Matt Funk who lied again about the entire process, confirming that they decided not to file the evidence, despite my instructions because the medical records and other documentary evidence would not help my case. Pasternack et al legal malpractice.

69) June 28, 2021: Plaintiff requested WCB # G2584330: Digital Audio Recordings of Hearings:

-10/31/2019 at 3:30PM

-01/09/2020 at 9:30PM

-03/19/2020 at 2:30PM

-06/23/2020 at 2:00PM

-10/28/2020 at 10:30AM

-01/28/2021 at 2:30PM

-03/05/2021 at 11:00AM

Dated 10/31/2019: WCB Virtual Hearing - October 31, 2019 at 3:30 pm in person: Ginu Jacob – without interpreter

Dated 01/09/2020: WCB Virtual Hearing - January 9, 2020 at 9:30 am in person: Rochelle Jean-Baptiste - without interpreter

Dated 03/19/2020: WCB Virtual Hearing - March 19, 2020 at 2:30 pm, Virtual Hearing: Sam Cohen - without interpreter (to confirm with Pasternack's file)

Dated 06/23/2020 (1): WCB Virtual Hearing - June 23, 2020 at 2:00 pm Virtual Hearing: Sam Cohen - without interpreter

Dated 06/23/2020 (2): WCB Virtual Hearing - June 23, 2020 at 2:00 pm Virtual Hearing: Sam Cohen - without interpreter

Dated 10/28/2020: WCB Virtual Hearing - October 28, 2020 at 10:30 am Virtual Hearing: Sam Cohen - without interpreter

Dated 01/28/2021: WCB Virtual Hearing - January 28, 2021 at 2:30 pm Virtual Hearing: Joseph Mercurio – without interpreter

Dated 03/05/2021: WCB Virtual Hearing - March 5, 2021 at 11:00 am Virtual Hearing: Ginu Jacob – with interpreter only for my statement.

70) July 6, 2021: Form OC400.17 form "ATTORNEY/LICENSED REPRESENTATIVE

REQUEST TO WITHDRAW FROM REPRESENTATION" filed by Pasternack et al without Plaintiff's knowledge and lying in the form saying that they tried to get her signature, that they sent her a copy and that there was no pending RB89.2 Application for Reconsideration / Full Board Review or Appeal because they wanted to intentionally miss the deadline and lose her case

71) July 08, 2021 and July 14, 2021: RB89.2 Application for Reconsideration / Full Board Review Form with 392-Page Medical and Documentary Evidence concealed by Pasternack Tilker Ziegler Walsh Stanton & Romano L.L.P. I was able to file this form thanks to the help of the WCB Appeals Department on their hotline as mentioned in the 8-Page brief. The carrier's counsels point out that the Plaintiff's brief exceeds 15-Page but that would be the evidence that Pasternack et al concealed from September 5, 2019, to March 5, 2021.

72) July 09, 2021: Plaintiff was unsure of the process due to Pasternack et al giving me incorrect information I filed the Appeal in case it is incorrect filed the RB89.2 Application for Reconsideration / Full Board Review.

73) July 12, 2021: Notice Appeal WCB confirmation.

74) July 13, 2021: Plaintiff emailed a complaint against Pasternack et al to the Grievance Committee.

75) July 14, 2021: Upload the RB89.2 Application for Reconsideration / Full Board Review Form with 392-Page Medical and Documentary Evidence concealed by Pasternack Tilker Ziegler Walsh Stanton & Romano L.L.P.

76) July 23, 2021: Plaintiff's Affidavit of new evidence due to the evidence concealed by Pasternack et al. Affidavit to reopen the case for Fraud and Corruption. Pasternack Tilker Ziegler Walsh Stanton & Romano L.L.P. 's letter confirms they never filed all the medical evidence.

77) July 25, 2021: Form RFA-1W "Request for Assistance by Injured Worker" with proof of service. Due to Pasternack et al dropping the case Plaintiff filed the form to request help in her case from the WCB.

78) July 28, 2021: Committee Grievance's Letter with the resolution that my case against Pasternack et al, must be resolved in a Civil Court.

79) July 30, 2021: Plaintiff emailed complaint against Pasternack et al and WCB sent to H. Senator Toby Ann Stavisky.

80) August 13, 2021: Plaintiff requested the "Policy" transferring the Liability Plaintiff's

former employers Kevin and Stephanieanna Knipfing (aka Kevin James and Steffiana De la Cruz). Never received an answer.

81) September 08, 2021: Affidavit NEW EVIDENCE Judge Barry Greenberg's Misconduct.

82) September 13, 2021: New York WCB Web Upload Status Report - ALL DOCUMENTS FILED BY THE PLAINTIFF.

83) November 15, 2021: Northwell Health's letter to my provider to treat Plaintiff's Occupational Disease.

84) September 29, 2021: Plaintiff's complaint against IME DOCTOR Case #G-2584330 Jason Hochfelder with Medical Director's Office NYS Workers' Compensation Board. Dated 11/06/2021 – 09/01/2021: WCB Medical Director's Office confirmed that they "took action" against the IME doctor for perjury. **Pending FOIA or Subpoena.**

85) December 13, 2021: Northwell Health's letter to my provider to treat Plaintiff's Occupational Disease.

86) December 13, 2021: Northwell Emotional well-being treatments also looking for Ovarian Failure Treatment.

87) January 30, 2021: Jeff Rosner MD – Chiropractic Statement.

88) March 3, 2021: Yi Luan, Lac - Acupuncture Statement.

89) March 15, 2021: Behavioral Medicine Associates – Phycologist Statement

90) August 13, 2021: Pain Management – Statement.

91) August 25, 2021: Physical Therapy Statement.

92) September 8, 2021: Richard M. Seldes – Orthopedic Statement

Note about missing statements: The balances or statements of the psychiatrist Azim Etemadi, MD, and the neurologist Dr. Ranga C. Krishna, MD are still pending.

93) January 20, 2021: Office of Professional Medical Conduct (OPMC) opened an investigation about Jason Hochfelder MD – IME doctor perjury. **Pending FOIA or Subpoena.**

94) February 8, 2021: Office of Professional Medical Conduct (OPMC) opened an investigation about Jason Hochfelder MD – IME doctor perjury. **Pending FOIA or Subpoena.**

95) December 30, 2021: Office of Professional Medical Conduct (OPMC) opened an investigation into Vladimir Morgovsky MD for Medical malpractice.

96) January 07, 2022: Plaintiff filed complaint against Jason Hochfelder MD - IME Doctor for Perjury with Advocate for Injured Workers – WCB. **Pending FOIA or Subpoena AND Reply to reopen the case due to Fraud, legal malpractice, and Judicial Bias.**

97) March 18, 2022: Plaintiff emailed Pasternack et al the requirements to file her appeal.

98) March 29, 2022: Plaintiff filed the FOIL WC# G2584330.

99) April 04, 2022: Plaintiff emailed to Pasternack et al the gross process of law violations in her case.

100) April 06, 2022: Advocate for Injured Workers – WCB never respond about the process to reopen the WC case due the fraud and IME's perjury. **Pending FOIA or Subpoena and Reply to reopen the case due to Fraud, legal malpractice, and Judicial Bias.**

101) March 09, 2021: NOTICE OF DECISION FULL BOARD REVIEW RB 89.2: Extreme outrageous conduct and decision of WCB despite Plaintiff filed all the evidence confirms Fraud, concealment of medical evidence, perjury, legal malpractice, and Judicial Bias. The decision has no basis or legal argument.

102) March 6, 2022: Outrageous Decision of WCB Plaintiff filed the Notice of Appeal.

103) April 4, 2022: Plaintiff emailed Pasternack et al the evidence about the fraud, legal malpractice, etc. Plaintiff discovered the counsels who appear in the depositions do not belong to either of the two law firms with liability for her case. Fraud, breach of contract, breach of duty, and legal malpractice.

104) Since March 2021: Plaintiff treatment her Occupational Disease.

105) January 8, 2021: Plaintiff emailed to her counsel the evidence about the "investigators: that involved in her complaint dated November 2, 2018.

106) January 8, 2021: Plaintiff emailed the evidence about the investigators.

107) February 18, 2021: File #: 2021-5706 Department of State, Division of Licensing Services concerning the business practices of JOHN GIRDUSKY, RYDAN SECURITY AND INVESTIGATION. **Pending FOIA or Subpoena.**

108) February 18, 2021: File #: 2021-5704 Department of State, Division of Licensing Services concerning the business practices of TEAGUE RYAN, RYDAN SECURITY, AND INVESTIGATIONS. **Pending FOIA or Subpoena.**

109) February 18, 2021: File #: 2021-5705 Department of State, Division of Licensing Services concerning the business practices of TEFTA SHASKA GUERRA. **Pending FOIA or Subpoena.**

110) December 31, 2021: File #: 3410 Department of State, Division of Licensing Services concerning the business practices of TEFTA SHASKA GUERRA

111) E.D.N.Y. Case 2: 06-cv-04746-JFB-GRB – against “Guerra Tefta Shaska” Age 50- Defendant in Accused of Misconduct and Conspiracy - same “Pattern of Conduct”).

c. Documents concerning the formation and termination, if any, of the employment relationship at issue in this lawsuit, irrespective of relevant time period.

1) November 2, 2018: After Plaintiff placed her complaint to Ms. Knipfing and Mr. Testa, reporting the details of racial discrimination, physical abuse, physical/verbal assault, harassment, insensitive comments, child abuse and mistreatment reported Zantua’s behavior. Rather than taking action to stop the discrimination and harassment that The Plaintiff was facing, and foreshadowing what was to come, Ms. Knipfing instead chose to text at 2:30 pm, 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, harassment and intentional infliction emotional distress. Ms. Knipfing requested that Plaintiff email the medical certificate due to the report of injuries at her workplace. ECF [8] Exhibit 26.

Mrs. Knipfing requested via text to Plaintiff for the date and time of the last physical attack to review the video. The day and hour detailed in the Plaintiff’s Diary were sent to Mr. Knipfing later.

2) November 2, 2018: Plaintiff emailed Medical Certificate to Stephanieanna James-Knipfing and Skylar Testa. Plaintiff requested sick days due to the schedule on November 5, 2018, for X-rays attaching this note to her emailed Complaint and Medical Certificate on the plaintiff’s injuries and other complaints. See AC [8] Exhibits 1 Page 45; 2 Page 47; 26 Page 128; 28 Page 133; 29 Page 134.

3) November 6, 2018 – Transcription and recording, Plaintiff’s first day back at work after her November 2, 2018 email, was recorded for fear of being the victim of Ms. Zantua, who had already threatened to physically attack if she complained about her.

Plaintiff met with Mr. Knipfing in front of 2 witnesses (including Cristina Selga). Mr. Knipfing and Selga lied in Federal Court see transcription recording ECF [27] Pages 33-55 challenge to ECF [22-3] Pages 12-13. The “Investigation Report” or “Summary of Findings” was never mentioned by the Defendants in any of their pleadings.

Mr. Knipfing suspended Plaintiff from going to work until an investigation was completed, but Plaintiff was the only employee suspended even though other co-workers engaged in the complaint of Discrimination and Abuse.

Mr. Knipfing and Skylar Testa (House Manager) mocked the Plaintiff for being Hispanic, on this date they gave the Plaintiff a SEVEN-Page NDA (see AC Exhibit 14 Page 89), but initially, Skylar Testa gave the Plaintiff only TWO-Page NDA (the front page and the signature page see AC [8]). Mr. Knipfing promised to call her to see the results of the investigation, but he never did.

Plaintiff's recording shows Mr. Knipfing, their main housekeeper, Ms. Cristina Selga (aka Coimbra), and Mr. Mike (Mr. Knifing's friend), met with Plaintiff to discuss her allegations. The recording shows the plaintiff never retracted her complaint emailed on November 2, 201 in any of the allegations and Mr. Knipfing. AC [8]

Plaintiff always showed "Good Faith" asking Mr. Knipfing repeatedly for work and a safe environment, free from all Racial Discrimination and abuse to her former employer Mr. Knipfing (transcription), but instead, He decided to act in violation of the Law, continuing with the other crimes committed against the Plaintiff until today. AC [8]

4) November 6, 2018 - Transcription and recording: Questionable Defendants concealment the document until November 1, 2018. Skylar Testa emailed only TWO-Page NDA AC [8]. The fraudulent/questionable SEVEN-Page NDA was released by Mr. Knipfing to Plaintiff after her complaint on November 6, 2018, in this recording Mr. Knipfing along with another Plaintiff's co-worker admits is not the same agreement emailed to her on November 1, 2018. AC [8] Exhibit 13.

5) November 08, 2018: The Plaintiff sent via email to Kevin Knipfing as evidence for the investigation the recording meeting with the Plaintiff's ally her co-worker Rebeca Uzcategui meeting October 14, 2021, in front the Witness Manuela Orrego about the discrimination and abuse by all the Defendants the allegations in this matter. Also, text messages from Ms. Uzcategui. Report 1 and Report 2. AC [8] Exhibit 24 Page 115.

6) November 09, 2018: In good faith, Plaintiff reported via email to Kevin Knipfing and Skylar Testa she was overpaid for more hours than she reported in the Timesheet. Plaintiff waited for their instructions to return the money that did not belong to her. The plaintiff holds recording, email, and timesheet where it appears "sick days". AC [8] Exhibit 32 Page 139.

7) November 11, 2018: Texted from Skylar Testa, House Manager, Plaintiff to meet with Investigators in a Starbucks Coffee location in Rego Park, New York, the next day and she was ordered to return to her home and wait for them to contact her to indicate how the process will continue. Investigator's name "Tefta" and her phone number 917-331-2363.

8) November 12, 2018: Plaintiff's transcription recording with the investigators named Tefta and Irma. Plaintiff never received a copy of the Investigation Report resulting from the interview with "the investigators" the Defendant's texted arrangement with Tefta and Irma (Phone 917-3312363 registered under the name "Guerra Tefta Shaska" Age 50- Defendant in E.D.N.Y. Case 2: 06-cv-04746-JFB-GRB - Accused of Misconduct and Conspiracy - same "Pattern of Conduct" against the Plaintiff). Plaintiff's recording shows these "investigators" never identified themselves or carried any License issued by the N.Y. Dep. of State as Investigators. This negligent action has put the safety of the Plaintiff and her family at risk until today.

9) November 14, 2018: Texted from Skylar Testa requesting the Plaintiff's Diary.

10) November 15, 2018; November 16, 2018: The Plaintiff emailed Kevin Knipfing, the evidence, reports 3 to 7 with Pictures, Videos, Voice Messages, Diary with dates and times where all acts of discrimination and abuses where can be corroborated with the recordings of the cameras of the Knipfing's house to check the complaint and nothing was false. See AC [8] Exhibit 24 Page 117.

11) Report 5 entails: Dated October 4, 2018: Transcription Certificated and Notarized, Length 1 Min 10 Sec – Voice Message WhatsApp – 2:54 PM. Speaker: Rebeca Uzcategui aka Rebeca Lugo.

12) Report 7 entails: August 15, 2018: Transcription Certificated and Notarized Recording, Length 5 Min 28Sec - Uzcategui and Plaintiff.

13) Report 7 entails: Dated October 08, 2018: Transcription Certificated and Notarized Recording, Length 2 Min 7 Sec - Protect the girl - Uzcategui and Plaintiff.

14) Report 7 entails: October 08, 2018: Transcription Certificated and Notarized Recording, Length 48 Sec – Meeting to discuss the Complaint - Uzcategui and Plaintiff.

15) Report 7 entails: October 12, 2018: Transcription Certificated and Notarized Recording, Length 6 Min 40 Sec – Protect the girl- Uzcategui and Plaintiff.

16) Report 7 entails: October 22, 2018: Transcription Certificated and Notarized Recording, Length 7 Min 48 Sec - "About TAZ hurt the girl" Uzcategui and Plaintiff.

17) Report 7 entails: October 22, 2018: Transcription Certificated and Notarized Recording, Length 7 Min 48 Sec - "Last physical assault against the Plaintiff" Cristina Selga and Plaintiff.

18) Report 7 entails: October 31, 2018: Transcription Certificated and Notarized Recording, Length 8 Min 25 Sec - "Complaint Ready"- Uzcategui and Plaintiff.

19) November 26, 2018: Plaintiff texted Mr. Knipfing, advise that a person named "Teague Ryan" wants to access the document she sent him via email for the investigation and if she must authorize it. Mr. Knipfing replies "Yes", and she authorizes access. Skylar Testa also replied to Plaintiff that Ryan Teague is one of the investigator's team. Plaintiff thought that the investigation had not yet been completed because it was the first time that the investigators were opening the emails she sent to Kevin Knipfing. AC [8]

20) November 24, 2018: Texted when the investigation was still in progress, from Mrs. James- Knipfing to the Plaintiff contained a picture (meme) with the following: "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". The plaintiff, very distressed without knowing what it was, only replied "Amen" after two days of receiving that text message. Later Plaintiff received the Termination Letter she realized that Mrs. James- Knipfing was calling Her "SLANDER" even though she presented all the evidence supporting her complaint continuing with the hostile work environment. See AC [8] Exhibit 31 Page 138.

21) November 27, 2018: Plaintiff was terminated without any warning, letter, or meeting. Plaintiff realized that Mrs. James- Knipfing was calling Her "SLANDER" even though she filed all the evidence supporting her complaint. Intentional Infliction Emotional Distress by the Employer.

The Defendants terminated the Plaintiff because "Their conclusion: that The Plaintiff know that her statement is False". If so, they should have terminated Rebeca Uzcategui, Plaintiff's co-worker.

The Knipfing's false and defamatory statement with the complicity of Ms. Selga (aka Coimbra), have revealed incredibly the "smoking gun" to look and put the ALL pieces of evidence and 70 facts together into a "convincing mosaic of evidence" because the Knipfing's admits had the discriminatory animus caused the adverse action, opening an "false investigation" to buy time and build a case against the Plaintiff and finally terminated her for "Three" weak, implausible, inconsistent, incoherent or contradictory reasons,

showing that were not the true reasons for the adverse action against the Plaintiff. Instead, The Knipfings should have acted quickly to fix the situation by protecting the Plaintiff and providing her with medical care to treat her injuries and possibility to heal. AC [8]

Kevin Knipfing and Stephanieanna James- Knipfing never called the Plaintiff to discuss the outcome of the investigation as Kevin Knipfing had promised according to the recording on November 06, 2018, also never offer the Plaintiff a copy of the "Investigation Report".

The "investigators" "reported," about Plaintiff's "being unwilling to work with another employee" but based on misleading, intimidation, threat, and Intentional Infliction of Emotional Distress against Plaintiff. Plaintiff was terminated without any warning, letter, or meeting.

Mr. Savitsky manufactured a false "Letter Termination" without having jurisdiction to terminate the Plaintiff on behalf of "Old Westbury", an unknown and unregistered Entity, to terminate her employment invoking the NDA Agreement.

22) Defendants' statement about Plaintiff was taking pictures and videos "without their knowledge or consent" is totally absurd, incomprehensible even obscene when Plaintiff has in her possession **821 Pictures** and **172 Videos** were requested to Plaintiff for the family (album) January – November 2018. In addition, Plaintiff share with the Knipfings or her Supervisor the pictures and videos. AC [8]

23) Employees took pictures and share them on social media and Text Messages without any consequences according to their "NDA". AC [8]

24) December 18, 2018: Kevin Knipfing and Stephanieanna James- Knipfing refused to provide references so the plaintiff could get another job ruining her opportunities and affecting her reputation. AC [8]

25) January 14, 2019: The Agency's Owner confirms to Plaintiff in her office at 3:40 pm that Skylar Testa never answered the message. On that same date the Plaintiff was applying a job at another Agency without Kevin Knipfing and Stephanieanna James- Knipfing's reference, the Plaintiff was unable to continue the selection process. This damaged the Plaintiff's reputation for looking for a better job and being able to get health insurance to treat her injuries. AC [8]

26) November 2018: Record access evidence Mr. Kevin Knipfing for investigation.

27) Teresa A. Zantua harassment against Plaintiff. AC [8] Exhibit 27

28) Documents show Plaintiff's Employers: Kevin & Stephanieanna Knipfing
Entity payroll: Old Westbury EDDIE LLC. AC [8]

29) November 2, 2018: Rebeca Uzcategui and Cristina Selga texted Plaintiff because she reported being sick. AC [8]

d. Documents concerning the terms and conditions of the employment relationship at issue in this lawsuit.

1) Text messages January – February 2018: Plaintiff – Skylar Testa: Challenge the Authenticity of Affidavit/Declaration of Mr. Alex D. Dumas and The Defendants in their Motion to Dismiss the Amended Complaint and “Exhibit A” “Offer Letter ” dated February 27, 2018. ECF [22-7]

2) Texted March 6, 2018, at 9:18 pm Ms. James - Knipfing confirms the housekeeper's position because Plaintiff was hired only as Nanny on February 15, 2020. The “Letter Offer Exhibit A” signed by Steve Savitsky is a false document filed in Federal Court.

3) October 20, 2020: Motion to Dismiss the Civil Case in which the Defendants filed a false “OFFER LETTER- EXHIBIT A” on February 27, 2018, signed by Mr. Steve Savitsky which is a false document manufactured to file only in the Federal Court. This letter never was filed Worker's Compensation case court and further contradicts the sworn statement of Mr. Savitsky made at the WCB Hearing on March 19, 202 at 2:30 PM. “OFFER LETTER EXHIBIT A” marked with all unclear facts, showing inconsistencies, contradictions, and misrepresentation by the employers in this false document comparing the Amended Complaint of the Claimant and “Exhibit 34”. ECF [22-2] [22-7]

This evidence was emailed to Plaintiff's Counsel on December 30, 2020 but was never filed in the Workers Compensation case to show that Steve Savitsky lied at the March 19, 2020 Hearing.

e. Diary, journal, and calendar entries maintained by the plaintiff concerning the factual allegations or claims at issue in this lawsuit.

1) November 14, 2018: Text message from Skylar Testa requesting the Plaintiff's Diary without translation. But according to the Plaintiff recording's transcription dated November 9, 2018, the investigators, requested Plaintiff to submit the Diary for “her safety” in Spanish and English.

2) November 15, 2018: Plaintiff emailed the Diary to Mr. Knipfing for the “investigators” only in Spanish.

3) December 13, 2018: Diary in English. Plaintiff finished the translation after her termination without giving her a copy of the “Report Investigation” or explanation.

4) November 27, 2018: Plaintiff was terminated without any warning, letter, or meeting. “Old Westbury LLC”, is not the employer and is an unknown unregistered entity under Defendant’s name.

Plaintiff never received a copy of the Investigation Report. Plaintiff’s recording shows these “investigators” never identified themselves or carried any License issued by the N.Y. Dep. of State as Investigators. The “investigators” “reported” about The Plaintiff’s “being unwilling to work with another employee” but based on mislead, intimidation, threat, and Intentional Infliction of Emotional Distress against Plaintiff.

f. The plaintiff’s current resume(s).

1) **Lidia Orrego’s Objective:** Compassionate, collaborative, native Spanish writer, reader, and speaker, dedicated hard worker pursuing a position as **Community Health Worker or Health Educator** to obtain a challenging, long-term, and rewarding position. With outstanding educational and field experience in customer service and management that can be utilized to help patients empathetically to navigate the healthcare system and improve their lives. Committed to fighting against racism, and discrimination, advocating for equity, social and health justice.

Please be notice Letter recommendations or copy evaluations upon request from employers, managers, colleagues, teachers, etc. upon request.

g. Documents in the possession of the plaintiff concerning claims for unemployment benefits, unless production is prohibited by applicable law.

1- Plaintiff: Not filed = Include in Compensatory Damages. See AC Doc [8].

h. Documents concerning: (i) communications with potential employers; (ii) job efforts; and (iii) offer(s) of employment, job description(s), and income and benefits of subsequent employment. The defendant shall not contact or subpoena a prospective or current employer to discover information about the plaintiff's claims without first providing the plaintiff 30 days notice and an opportunity to file a motion for a protective order or a motion to quash such subpoena. If such a motion is filed, contact will not be initiated or the subpoena will not be served until the motion is ruled upon.

1) Dated February 5, 2019: Contract emailed by Pavillion Agency Inc. - Offer the Part-time job with Kendall E. Ley and Gregory D. Ley including salary and benefits. Start Date: February 23, 2019.

2) Dated December 11, 2019: Letter recommendation from Part-time job former employers Kendall E. Ley and Gregory D. Ley 2019-2020. ECF doc. [27] Page 177

3) Dated December 8, 2020: Letter recommendation Ms. Courtney Wiggins- ESL Teacher - Commonpoint Queens Organization. ECF doc. [23]

4) Dated June 11, 2020: Letter recommendation Ms. Angela Simmons. Employment Coordinator – Commonpoint Queens Organization.

5) Dated February 2020 – January 2021: Plaintiff emailed his Counsel Sam Cohen the Workers Compensation case to file in my case. Form C-258.1 - Claimant's Record of Independent Job Search Efforts. WCB # G2584330_ID 4000402543 dated January 12, 2021.

6) Dated July 7, 2021: Application and Clearance Internship at Lincoln Hospital: Health Advocate Intern – Social Determinants.

7) Dated September 2021: Certification LaGuardia College / CUNY- Community Health Worker (CHW) Program.

8) Dated July 9, 2021: Certificate Grace Institute - Patient Service Representative Program.

9) Dated September 3, 2021: Letter offer from Hunger Free NYC America included job description, income, and benefits. Part-time job flexible schedule in-person/online. **Current employer.**

10) Dated October 5, 2021: Memorial Sloan Kettering's Offer Letter included job description, income and benefits. Plaintiff declined to accept the Northwell Health position.

11) Dated October 7, 2021: recommendation submitted from Plaintiff's colleagues, managers, and teachers.

12) Dated October 7, 2021: Northwell Health's Offer Letter included job description, income, and benefits. Full-time job. **Current employer.**

Please be notice Letter recommendations or copy evaluations upon request from employers, managers, colleagues, teachers, etc. upon request.

i. Documents concerning the termination of any subsequent employment.

1) January 16, 2020: Text message termination of employment contract January 2019-January 2020 with Mrs. Kendall E. Ley and Mr. Gregory D. Ley, because their needs changed. These employers issued a letter of recommendation dated December 11, 2019. Mrs. Ley promised payment according to the contract and the renewal of a new letter of recommendation.

j. Any other document(s) upon which the plaintiff relies to support the plaintiff's claims.

- 1) Health Insurance Portability and Accountability Act (HIPAA) release: Moisey Delman MD
- 2) HIPAA release: Vladimir Morgovsky, MD
- 3) HIPAA release: Katy Murdakhayeva MD
- 4) HIPAA release: NYU Langone Radiology - X-RAY Test November 5, 2018
- 5) HIPAA release: Elmhurst Hospital - Admission June 14 2018
- 6) HIPAA release: Elmhurst Hospital Center - Admission June 19, 2018 through September 31, 2019, and March 2021 – Currently.
- 7) HIPAA release: Jeffrey Rosner MD - Currently
- 8) HIPAA release: Richard Seldes, MD
- 9) HIPAA release: Dr. Ranga C. Krishna, MD
- 10) HIPAA release: Maria C Sesin, PHD
- 11) HIPAA release: Feel Good Physical Therapy
- 12) HIPAA release: Azim Etemadi, MD
- 13) HIPAA release: Energy Acupuncture – Yi Luam
- 14) HIPAA release: MedRecovery Management HMS Workers Comp
- 15) HIPAA release: Eric Golberg MD
- 16) HIPAA release: Garden OB/GYN

- 17) HIPAA release: Kew Garden OB/GYN
- 18) Timesheet January – November 2018- Work Hours Average 70-80 hours p/w
- 19) Plaintiff's W2 – Taxes Year 2018
- 20) Plaintiff's W2 – Taxes Year 2019
- 21) Plaintiff's W2 – Taxes Year 2020
- 22) Plaintiff's W2 – Taxes Year 2021
- 23) Plaintiff's last pay stub employer Northwell Health March 2022
- 24) Plaintiff's last pay stub employer Hunger Free NYC America April 2022

(3) Information that Plaintiff must produce to Defendant.

a. Identify persons the plaintiff believes to have knowledge of the facts concerning the claims or defenses at issue in this lawsuit, and a brief description of that knowledge.

1) Rebeca Uzcategui aka Rebeca Lugo another victim of discrimination and abuse main witness "Uzcategui" Plaintiff's ally to file the complaint against Zantua. Plaintiff has in her possession Uzcategui's recordings of conversation with Plaintiff described all kinds of abuse and discrimination by all Defendants. In addition, according to the transcription's recording of the Plaintiff's co-worker on October 14, 2018, where Ms. Uzcategui stated she owns the list and phone numbers of the other victims as well as the person who requested a restraining order against Ms. Zantua besides being a witness to all the abuse and harassment due to discrimination pervasive and severe against the Plaintiff and that "both" must protect the children. See documentary Evidence: Exhibits 38 annexed the Plaintiff's Objection dated September 20, 2021, Doc [27].

Remarkably, Ms. Uzcategui was not terminated from her employment as the Plaintiff, because the Defendants only retain Ms. Uzcategui to avoid several legal actions for discrimination since Ms. Uzcategui was the one who threatened to sue the Defendants with the other victims.

Uzcategui also confirms, as in other previous recordings in Plaintiff possession sent to Mr. Knipfing for the "investigation" on Report 7 ECF AC doc. [8], to have his evidence such as videos, recordings, diary, etc. of all the that she also suffered and in addition to the abuse of children by Zantua. ECF [27] Pages 56-122.

Uzcategui in her recording dated October 14, 2018 confirms that he has a list of previous victims, including the nanny Gaby who worked for the Defendants for 8 years but was

unable to file a complaint because she was undocumented. One of these victims also filed a restraining order against Zantua. ECF [27] Pages 56-122.

2) Manuela Orrego: Plaintiff's mother, to who Uzcategui reveals all the abuse based on Uzcategui's recording dated October 14, 2018. ECF [27] Pages 56-106.

3) Kevin Knipfing aka Kevin James who lied in this Court see transcription recording ECF [27] Pages 33-55 challenge to ECF [22-3] Pages 12-13.

4) Cristina Coimbra who lied in this Court see transcription recording ECF [27] Pages 33-55 challenge to ECF [22-3] Pages 12-13. Uzcategui also talks about Selga in the recording transcript dated October 14, 2018, ECF doc. [27] Pages 56-122 as the person who knows everything about the abuse and Uzcategui stated that Selga was committing "SIN" by remaining silent about all the abuse committed by Zantua.

The recording shows Selga does not agree with Zantua promoting Plaintiff being assaulted and harassment pervasive and severe. Selga also encourages Plaintiff to resist abuse. ECF AC doc. [8] Exhibit 24 Page 127.

5) Stephanieanna James-Knipfing: To whom Plaintiff reported all the abuse including a text message dispute. Plaintiff also informed him of the video of the latest physical assault on Plaintiff where Zantua was present via text message. Mrs. James-Knipfing proceeded to write her horrible performance reviews at the point of humiliating Plaintiff. Mrs. James-Knipfing accused Plaintiff via text of "Slander" of continuing with the harassment and abuse before Plaintiff's termination which she encouraged to be perpetrated by her sister Zantua. ECF AC doc. [8] Exhibit 26 Pages 129-130.

6) Teresa A. Zantua – Plaintiff's Supervisor: Encouraged the children and co-workers to discriminate against the plaintiff by calling her derogatory names or imitating her accent when speaking. Teresa A. Zantua abused and consented to the physical abuse against Plaintiff when pressuring her to carry heavy items at the home or carry the children during trips to the mall ignoring Plaintiff's comments that she was in physical pain. The supervisor responded " You Mexicans eat a lot of corn for that reason your bones are useless. " The plaintiff has a recording of the last physical assault.

Teresa A. Zantua orders all the time to the Plaintiff not to speak Spanish in front of the children and always complains about why the Plaintiff's employer hires nannies who only speak Spanish and asks why "The Mexicans" work for American families who speak only English, and the Plaintiff shouldn't be working in the USA.

7) Skylar Testa – House manager: He lied in Workers Compensation Court saying he was the Plaintiff's supervisor when text messages and recordings show otherwise. Testa confirmed to Plaintiff in one of her complaints that all previous babysitters had the same problems because Zantua is crazy. According to Zantua's text messages, Testa also participated in the frequent or severe hostile or offensive work environment against Plaintiff for being Hispanic. ECF doc. [8] Exhibit 27 page 131.

8) Steve Stavisky – Mr. Knipfing's Manager, who lied in Court and produces false documents since November 27, 2018, from California, US. Stavitsky testified in the Workers Compensation case that he met Plaintiff one time but cannot establish the date and time. But Savitsky lives in California, never met the Plaintiff or even know about her job description or performance. ECF doc. [22-2] [22-7].

9) Gerardo Guarino – Chef: Witnessed all the discrimination and abuses of Zantua committed against the Plaintiff and Uzcategui for being Hispanics. Data entry Diary.

10) Shannon Sha – Teacher: mentioned by Uzcategui in her recording transcription that he met outside of work to inform him of all Zantua's abuses against children. Uzcategui also had a diary with this information. In addition, Zantua forbids Shannon Sha to meet with Uzcategui outside of the workplace. Shannon Sha reported the harassment and intimidation by Zantua to Mrs. James-Knipfing. Diary data entry.

11) Jane Doe - former employee by the Defendants: During her employment, she also opposed Zantua's abuses/misconduct. after the publication of the case 20CV3361 (GRB) (AKT) on the Bloomberg and Law 360⁰ websites on October 1st, 2021, another witness who worked for the defendants contacted the Plaintiff who is willing to participate as another bystander intervention to speak up against this conduct that has been a normal practice of the Defendants for years. ECF doc. [35]

Please be Notice: Counsels, Physicians, or Experts witnesses list are identified in the "Proposal Join Letter dated April 12, 2022" filed with this document.

b. Describe the categories of damages the plaintiff claims.

1) **Lost Wages and Benefits:** From date Letter Termination Manufactured for unknown Entity and another person in California on November 27, 2018, to the day of trial. Loss of the right to apply for Unemployment Benefits because the Termination Letter establishes

that she was fired for a just cause. Financial Distress from December 2018 – January 2019. See AC Doc. [8].

2) Compensatory Damages: For future loss, emotional distress, personal / family pain & suffering, Inability to care for the family, concealment of physical abuse. physical abuse, assault, battery, mental anguish, loss of enjoyment of life, and loss of consortium. Intentionally Infliction Emotional Distress or Recklessly leading to Major Depressive Disorder, Pain Disorder, and Post Traumatic Stress Disorder (PTSD) confirmed by the Medical Reports dated June 14, 2019, and October 17, 2019. These disorders are caused by race discrimination, retaliation, racial harassment, hostile work environment, victimization, demotion, defamation, psychological harassment, continuous physical aggression, and abuse the Plaintiff was a victim based on her race.

Plaintiff contracted a Premature Ovarian Failure (POI) Disease, which has no treatment for the reversal of damages (permanent damages).

The Infliction of Emotional and Financial Distress due to Physical Injuries and Myofascial pain syndrome (chronic pain disorder- Pain persists or worsens) excluded in the case filed with Work Compensation Board Case No. Case #G258 4330. Claim denied by my Former Employers and their Insurance Company. The appeal is in the process due to fraud at the Worker's Compensation level according to the evidence. See AC Doc [8].

3) Punitive Damages or exemplary damages: Plaintiff request the Court and the Honorable Judge exemplary punishment to the Defendants whose conduct was intentionally egregious, intentionally grossly negligent against the Plaintiff based on her race, to deter defendants and others from engaging in similar bullying and torturous behavior in conspiracy with the Plaintiff's co-workers causing the abovementioned damages and her reputation. See AC Doc [8].

c. State whether the plaintiff has applied for disability benefits and/or social security disability benefits after the adverse action, whether any application has been granted, and the nature of the award, if any. Identify any document concerning any such application.

1- Plaintiff has not applied for disability because the Worker's Compensation case is still pending. See AC Doc [8]

2- Dated January 30, 2022: "The Hartford" letter Evidence of Insurability: Plaintiff

attempted to purchase long-term Disability insurance but was Declined due to her Occupational Diseases and disorders irreversible damages from employment with the Defendants. Plaintiff no longer qualifies for this insurance.

Respectfully submitted,

Date: April 14, 2022
Rego Park, New York



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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LIDIA M. ORREGO,

Plaintiff,

-against-

ORDER

CV 20-3361 (GRB)(AYS)

KEVIN KNIPFING, et al.,

Defendants.

-----X

SHIELDS, Magistrate Judge:

The Court is in receipt of Plaintiff's notification found in docket entry No. [51]. That notification advises the Court that Plaintiff wishes to proceed pro se, and that she is currently seeking the limited representation assistance provided by the Hofstra University School of Law legal assistance program. With respect to Plaintiff's request to remove docket entry No. [42] from the docket, the Court notes that it cannot remove items from the public docket. See Gambale v. Deutsche Bank AG, 377 F.3d 133, 144 (2d Cir. 2004) (noting that once "the genie is out of the bottle," courts "have not the means to put the genie back."). However, the Court interprets Plaintiff's request as a request to vacate its initial conference order found at docket entry No. [41], effectively rendering docket entry No. [42] moot. In accord with that interpretation, the Court therefore will vacate that initial conference order. The Court details below its order regarding first steps in the discovery process. First, however, the Court addresses Plaintiff's request that a Spanish interpreter to be provided for any future conferences. The request for a Spanish interpreter in this civil case has been made, and it is once again, denied. The Court does not provide interpreters for civil cases. Plaintiff is certainly free to retain her own interpreter, at her own expense, for any future conferences. She may also raise this issue with the

Hofstra clinic. While they are not required to provide interpreting services, they may be able to assist Plaintiff.

As set forth in the clear opinion of the District Court, Plaintiff's claims pursuant to the NYCHRL, the New York Labor Law, the New York Penal Law and her claims for discrimination under 42 U.S.C. §1981 and the NYSHRL have been dismissed. Defendant Savitsky has been dismissed from this action entirely.

The claims that remain in this action are Plaintiff's claims of retaliation and hostile work environment pursuant to 42 U.S.C. §1981 and the NYSHRL. As to those claims: (1) Plaintiff's claim of retaliation remains only against Defendants Kevin Knipfig, Stephanieanna James-Knipfing and the LLC Defendants. Her claim of a hostile work environment remains only as to Defendants Zantua, Stephanieanna James-Knipfing, and the LLC Defendants. As noted, there are no pending claims against Savitsky.

With respect to discovery in this matter, the Court notes that the scope of discovery, as set forth in the Federal Rules of Civil Procedure, must be tailored to address Plaintiff's remaining claims. With that in mind, and in an effort to move discovery in this matter forward as expeditiously as possible, the Court hereby enters the following discovery as Tier I Discovery in this action.

- By June 1, 2022, the parties shall exchange all documents/recordings/video relating to Plaintiff's employment. The production shall include, but is not limited to, the non-disclosure agreement executed by Plaintiff, all documents referenced in Plaintiff's amended complaint such as the relevant portions of her diary, as well as Plaintiff's November complaint to Mr. Knipfing, and any emails and text messages, as well as any other documents relating to Plaintiff's employment. To be clear, these documents are to

be exchanged by all parties regardless of how that party came into possession of the document.

- On June 15, 2022, the parties are directed to submit a joint status letter setting forth dates certain for the taking of all depositions.

Upon receipt of the June 15, 2022 joint status letter the Court will enter an order as to the remainder of discovery so that this case be proceed. To be clear, the Court's previous discovery order, appearing as Docket Entry 41 in this matter is vacated, and replaced by this Order.

SO ORDERED.

Dated: Central Islip, New York
April 19, 2022

/s/ Anne Y. Shields
ANNE Y. SHIELDS
United States Magistrate Judge