

January 9, 2023

Judicial Conference Committee on Judicial Conduct and Disability
Attn: Office of the General Counsel
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, D.C. 20544
Via email JCD_PetitionforReview@ao.uscourts.gov

Re: Judicial Council of the Second Circuit dated November 29, 2022

Judicial Conduct Complaints, 02-22-90047-jm, 02-22-90048-jm

Dear General Counsel:

I hereby petition the Judicial Conduct and Disability Committee for a review of the defective attached order of the Judicial Council of the Second Circuit dated November 29, 2022, and the order from Chief Judge Debra Ann Livingston dated September 8, 2022, pursuant to 28 U.S.C. § 352(c); Rules of Judicial-Conduct and Judicial-Disability Proceedings 18. See annexed pages 1-2 & 17-23.

a- Jurisdiction

The Judicial Conduct and Disability Committee, in its sole discretion, may review any judicial council order entered under Rule 19(b)(1) and determine whether a special committee should be appointed. See Rule 21(b)(2). This Committee review circuit judicial council orders in judicial conduct and disability matters for errors of law, clear errors of fact, or abuse of discretion. Rule 21(a); see also *In re Complaint of Judicial Misconduct*, 664 F.3d 332, 334–35 (U.S. Jud. Conf. 2011) (deferring to findings of circuit judicial council and overturning them only if clearly erroneous).

In this case the Judicial Council of the Second Circuit and Chief Judge Debra Ann Livingston’s order contains errors of law, clear errors of fact, or abuse of discretion.

b- Preliminary Statement

The Judicial Council of the Second Circuit is defective for lack of specificity, laws, and facts, therefore according to the U.S. Constitution is legally invalid as a result or not enforceable. See annexed pages 1-2.

The order in plain words failed to show the construction in a reasonable manner, voiding vagueness and ambiguity, showing the analysis of the Court's decision, legal doctrine, and binding authority on which, the Court relied the denial of the review Chief Judge's order Debra Ann Livingston dated September 8, 2022. See annexed Pages 17-23.

I believe that my constitutional rights of Due Process of Law are in danger because in both orders the evidence of the fraud committed by my former counsel pointed out by the Court and the Defendants' counsel has been overlooked although I filed the laws, facts, plenty of documentary evidence, and binding authority in support of my complaints and supporting pleadings, proving that my case deserves an investigation and apply severe sanctions and further relief as to Interest of Justice. See annexed Pages 27-247.

c- Gross Violation of Due Process of Law

On May 10, 2022, I filed complaints against Judge Gary R. Brown and Magistrate Judge Anne Y. Shields, the facts of both complaints are supported by indisputable evidence. See annexed pages 3-9 & 10-16.

In fact, both judges despite my letters and complaints have not issued any ruling on the motions since July 8, 2022, ECF doc. [57] in prejudice of the complainant disregarding the United States Constitution and Federal Rules of Civil Procedure ("F.R.C.P.") to the detriment of the Complainant delaying the case unconstitutionally s even though the Complainant's Default Judgment Motion is supported by law, facts and evidence.¹ See annexed pages 147-168.

d- Statement of the facts - Judge Gary R. Brown

The brief of the facts including but are not limited to:

1) July 23, 2020 - ECF doc. [1]: Proceeding pro se, I filed my complaint in this matter.

2) August 17, 2020 - ECF doc. [8]: I filed the Amended Complaint (“AC”) asserts claims.

3) September 15, 2020 - ECF: H. Judge Gary R. Brown’s ORDER granting [14] Motion for Pre-Motion Conference on October 9, 2020.

4) September 21, 2020 - ECF doc. [15]: I filed Letter MOTION to Appoint Counsel and provide an Interpreter for October 9th conference.

5) September 22, 2020 - ECF: H. Judge Brown canceled the Conference on October 9, 2020 and ordered the briefing schedule to file the Motion to Dismiss, Opposition to Motion, and Reply to file the fully briefed motion on or before December 11, 2020.

6) October 21, 2020 - ECF doc. [19]: I filed a letter motion to compel to give permission to Order Service by publication because the Defendants in bad faith refused to receive the AC and wanted to apply the bad service to dismiss the case.

7) September 22, 2020 - ECF: Judge Brown’s “*ORDER denying [15] my Motion to Appoint Counsel. Additionally, in light of this Court's order adjourning the pre-motion conference and waiving the pre-motion conference requirement, plaintiff's application for an interpreter to be present at the conference is denied **as moot***”. However, despite this order and several letter requests, Judge Shields has

¹ The allegations in the letter implicate Canons 1 (A Judge Should Uphold the Integrity and Independence of the Judiciary) and 2 (A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities). In relevant part, Canon 1 provides that “A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved.” Canon 2A provides that a judge “should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

denied me access to an interpreter until today. Judge Brown never again ruled on my request for an interpreter.

8) December 11, 2020 - ECF doc. [22]: Fully Briefed MOTION to Dismiss for Failure to State a Claim. the Defendants went from accusing me of being "delusional", and filing contradictory statements in their pleadings, witnesses' false testimony, and production of false documents. Since none of this works due to the evidence in my possession (recordings, messages from text, and emails) that expose the Defendants' lies and perjury in this matter.

9) September 8, 2021 - ECF doc. [24]: I filed MOTION for Leave to File Document a second Amended Complaint due to new evidence the copy of Freedom of Information Law (FOIL) "Summary of Findings" Child Protective Services' Report dated September 14, 2021.

10) September 13, 2021 - ECF doc. [25]: Defendants filed their opposition to file the "Second Amended" contradicts what they said or done before in their pleadings and brought to light other cases that are irrelevant in this matter with prejudice against me, inserting a stigma because I am Hispanic, a woman, Pro Se and I have an invisible disability.

11) September 17, 2021 – ECF doc. [26]: I filed my Amended Objection to Defendants' Opposition to file the Second Amended attaching 21 Exhibits, a total 183-Page, and plenty of documentary evidence that the Defendants' Opposition in the ECF doc. 26 are lies and twisted explanations of the cases that are NOT relevant in this matter appealing to character assassination, to which I objected in my pleadings.

12) September 21, 2021 - ECF doc. [28]: H. Judge 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 almost 1 year of having filed my Motion on October 21, 2020, ECF doc. [19].

13) September 30, 2021 ECF doc. [30] at 12:49 pm: After 9 months, Judge Brown's ORDER granting in part and denying in part ECF doc. [22] dated December 11, 2020 Motion to Dismiss for Failure to State a Claim. The Amended Complaint contains 70 facts and allegations clearly supported by the Law and 34 Exhibits that supported my claims.

Judge Brown never penalized the Defendants for lying in their pleadings, filing false documentation, and false witness testimony. Violation of Code of Conduct for United States Judges, "*Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary*"; "*Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities*"; "*Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently.*"

14) September 30, 2021 – ECF doc. [30]: Judge Brown's ORDER denying [24] Motion for Leave to File. Judge Brown denied the second amended complaint, despite the fact the new evidence does not include the claims that were dismissed.

Judge Brown never applied the Estoppel principle ("prevents someone from arguing something or asserting a right that contradicts what they previously said or agreed to by law. It is meant to prevent people from being unjustly wronged by the inconsistencies of another person's words or actions.")

Judge Brown never warned or punished to Defendants' outrageous behavior despite my objections because the Defendants are changing their arguments or defenses to bring to this matter pending cases in other forums. Judge Brown allows the Defendants' character assassination strategy against me, through distortion and misrepresentations because they do not have any arguments or evidence that can challenge my claims and plenty of evidence in my possession.

Judge Brown ignore my objections against the character assassination strategy.

15) October 14, 2021 – ECF doc. [33]: Defendants filed their Answer to the AC ¶ 73¹ (pages 19 & 20) with a character assassination strategy in addition to continuing to make false statements of facts, laws, and procedures in their pleadings with fraudulent misrepresentations, manipulating facts, and half-truths avoiding answering the direct, documentary, and testimonial evidence.

16) November 2, 2021 – ECF doc. [35]: I filed the letter motion to strike and remove from the docket objected and requested removal from the record the cases contained in the Defendants' Answer to AC ¶ 731, Pages 19-20 for being prejudicial. (Character Assassination)

17) November 5, 2021 – ECF doc. [36]: Defendants filed their Opposition to my Motion to Strike.

18) November 9, 2021 – ECF doc. [37]: I filed the Reply to Defendants' Opposition to Motion to Withdraw Defendants' Answer to Amended Complaint (“AC”) paragraph 73 (pages 19 & 20) and Answer to Counterclaims ECF Doc. [36]: Defendants try to distract with the judicial pending cases (insufficient defense, immaterial and prejudicial) to avoid talking about the other victim and bystander intervention, Ms. Rebeca Uzcategui, my former co-worker, who exposes in a recording all the abuses and discrimination because the Defendants cannot explain how two people who suffered the same abuse, discrimination and made the same complaint, among others, were treated unequally: a) I was terminated, harassed, suffer all the kind of retaliation and defamations as “Slander” or "delusional", however, b) Ms. Uzcategui, continues working for the Knipfings. I am looking forward to facts and evidence that somehow support this gross inconsistency.

The Defendants are wrong to point out what Plaintiff “believe” can prove, because at this stage only the EVIDENCE matters and so far, the Defendants have

no evidence other than tampering with documentation/witnesses and fraudulent misrepresentations.

Defendants cannot file counterclaims for defamation, extortion, or another tort because my claims with strong and irrefutable evidence support my position revealing that I speak the truth.

19) November 16, 2021 - ECF: H. Judge Brown again despite all the evidence and Defendants' inconsistencies, misrepresentations, and filed fraudulent evidence, denied my Motion to Strike, also 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 ECF doc. [3] page 2, dated July 23, 2020.

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

21) 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.

22) February 10, 2022 – **ECF doc. [42] at 5:53 pm**: My counsel Mr. Dratch and the Defendants' counsels filed ECF Doc. #42 [1] [2] without my knowledge of the content, review, approval, and signature.

23) 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.

24) 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.

Judge Brown never answered my request to stop the Counsel's misconduct or sanctions for contempt of court and the attempt to have deceived me with a document that they filed without my knowledge and consent **ECF doc. [42]**.

25) February 17, 2022 – ECF doc. [45]: My letter addressed to H. Judge Brown in support of my letter ECF doc. [43], I requested the Judge's intervention because my former pro bono counsel and the Defendants' counsels did not execute the order and protocol ECF doc. [41]: a) Initials disclosure was not made by the counsels, a gross violation of Court order and due process; b) 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; c) Contains false statements and facts that did not correspond to this matter; d) My former pro bono counsel Mr. Dratch was never able to demonstrate that he participated in this joint letter.

I requested Judge Brown to compel the Defendants with the exchange of information entails the initial disclosures according to the Judge Shields' order ECF doc. [41]. Judge Brown again ignored my letter and right to a fair process that entails Due Process of Law.

Judge Brown or Judge Shields never sanctioned or compelled the Defendants to comply with F.R.C.P. Rule 26 entails Order ECF doc. [41].

26) 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.

- 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.

- 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 the Order - Protocols ECF 41-1 Appendix "E". Gross Violation Due Process of Law and Contempt of Court.

27) April 26, 2022: 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 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 resource, 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.

Judge Brown 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. The message of this Court is that the Defendants are above the Law.

e- Statement of the facts - Magistrate Judge Anne Y. Shields

The brief of the facts including but are not limited to:

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 in support of my letter ECF doc. [43], I requested the Judge's intervention because my former pro bono counsel and the Defendants' counsels did not execute the order and protocol ECF doc. [41]: a) the initial disclosures was not made; b) 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; c) Contains false statements and facts that did not correspond to this matter; d) My former pro bono 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 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, 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, equal 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 resource, 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.

f- Chief Judge's order Debra Ann Livingston

The order from Chief Judge Debra Ann Livingston dated September 8, 2022, overlooked all the facts and evidence filed in my case Eastern District of New York (“EDNY”) Docket No. 20CV3361 (GRB) (AKT). See annexed pages 17-23.

Chief Judge Livingston should according to Rule 11(b) (“In conducting [a limited] inquiry, the chief judge must not determine any reasonably disputed issue. Any such determination must be left to a special committee appointed under Rule 11(f) and to the judicial council that considers the committee’s report.”). The Commentary to Rule 11 notes that “if potential witnesses who are reasonably accessible have not been questioned, then the matter remains reasonably in dispute.” Id.

I requested the opportunity to provide evidence and presentation of argument pursuant Rule 16 Complainants’ Rights in Investigation and this complaint does not match with the dismissal decision according to ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse."); 11 (c)(l)(B) "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11 (c)(l)(D).

In fact, I provided plenty of documentary evidence supporting the prejudicial conduct to the effective and expeditious administration of the business of the courts in my case EDN 20CV3361 from the judges Gary R. Brown and Anne Y. Shields published at Electronic Case Files (“ECF”) including but not limited to documents [30] [37] [38] [39] [41] [42] [43] [45] [46] [48] [50] [52] [54] see annexed pages 27-146.

The Judges have allowed the Counsels to file documents containing fraudulent misrepresentations and violating discovery protocols with prejudice in my case dangerously allowing the miscarriage of justice without consequence it is scary that if I had not discovered this in time, I would not have forced Judge Shields to annul the outrages ECF doc. [41] that the Counsels were conspiring to ruin my case gross violation Model Rules of Professional Conduct Rules 3.3, 3.2, 3.4, 3.5, 4.1, 4.3, 4.4, 5.1, 8.1, 8.3, 8.4. See ECF doc. [41] [42] [43] [46] [48] [50] [52] see annexed pages 27-146.

In support of my complaints filed with the Clerk's Office of the United States Court of Appeals for the Second Circuit pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364, I attach more documentary evidence that shows unequal treatment and prejudice against me because I am Hispanic, a woman, Pro Se with an invisible disability, according to the annexed ECF doc. [57] [60] [63] [68] and Judge Shields' Order dated August 16, 2022, even though my case should have already been resolved with the Default Judgment ECF doc. [57]. See annexed ECF doc. [57] page 147.

My motion Default Judgment ECF [57] was filed on July 7, 2022, and no decision has yet been issued on this motion even though I have already requested a resolution via Letter motion Disposition on October 10, 2022, evidence that my Civil Rights and Due Process of Law are being violated in favor to the Defendants and all the decisions are biased. See annexed pages 147-194.

My constitutional rights of Due Process of Law are in danger by forcing the Discovery Process to the present even though I have never waived my rights to any dispositive motion including but not limited to ECF doc. [57] to which I am entitled by law. The Court should grant the motion ECF doc. [57] & [63] duly supported by a statement of facts, laws, and documentary evidence, pursuant to Federal Rules of Civil Procedure Rule 26 & 37.

The Judges have continued to force me to continue with the Discovery process, allowing the Defendants to excuse themselves in their opposition that I continue to participate in the discovery even though the law and previous cases support my motion to Default Judgment. See annexed pages 147-247.

This complaint is based on the lack of decisions and punishment against my former counsel and Defendants' counsel, who have lied, introduced documents with fraudulent misrepresentations, and violated the Rules and Protocols to delay my case under the Judges' protection who until today are misrepresenting the laws and processes to benefit the Defendants because my former employer is Mr. Kevin Knipfing, better known by his stage name Kevin James, American comedian, and actor who apparently is above the law and judicial processes, unfair treatment what seems to be judicial bias.

Reviewing all the evidence, we can be established that the Judges are biased toward me because I am Hispanic, a woman, Pro Se with an invisible disability therefore, they assume that I do not realize that they have been unfair in their treatment by not punishing the Counsels (my former Counsel and Defendants' Counsel) for lying throughout the process and trying to deceive me in the Discovery process.

If I were the person who lied on documents and file false testimony, I am sure that the Judges would not ignore the Defendants' requests to punish me as they have ignored my letters ECF doc. [43] [45] [46] [51] [54] see annexed documents pages 52-132.

g- 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 Gary R. Brown and 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 Brown and Shields' ruling violating all my constitutional rights to the present both Judges have not issued any ruling on the motions since July 8, 2022, ECF doc. [57] in prejudice of the Complainant violating the Due Process of Law.

Judge Brown and 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 a celebrity for which Judge Brown and Shields show impropriety, bends or ignores the Constitution's Fifth and Fourteenth Amendments, allowing lack of Due Diligence by my former Counsel and 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 bending their 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: January 9, 2023

Rego Park, New York



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