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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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-----X LIDIA M. ORREGO, Plaintiff, -against- KEVIN KNIPFING a/k/a KEVIN JAMES, STEPHANIEANNA JAMES-KNIPFING a/k/a STEFFIANA DE LA CRUZ, OLD WESTBURY EDDIE LLC, OLD WESTBURY, LLC, STEVE SAVITSKY, and TERESA A. ZANTUA, Defendants. -----X	U.S. DISTRICT COURT EASTERN DISTRICT OF NEW YORK Case No.: 2:20-cv-03361-SJB-AYS NOTICE OF APPEAL Eastern District of New York Related: Case No. 26-899 (2d Cir.) Filed: June 1, 2026
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NOTICE OF APPEAL
28 U.S.C. §1291 | FRAP 3 & 4(a)(1)(A)
FILED WITHOUT ACCEPTANCE OF VOID POST-RECUSAL ACTS

1. Notice. Plaintiff Lidia M. Orrego, Pro Se, hereby appeals to the United States Court of Appeals for the Second Circuit from: (a) **DE [244]** — Memorandum and Order, May 8, 2026; (b) **DE [245]** — Judgment, May 8, 2026; and (c) all prior interlocutory orders merged into the final judgment. *Ginett v. Computer Task Group, Inc.*, 962 F.2d 1085, 1091 (2d Cir. 1992).

2. Preservation. This Notice does not constitute acceptance of DE [244] or DE [245]. Both are void *ab initio* under 28 U.S.C. §455 and *In re IBM Corp.*, 618 F.2d 923, 932 (2d Cir. 1980), entered 172 days after the November 17, 2025, Order of Recusal, while all jurisdiction vested in the Honorable Pamela K. Chen. No right, argument, or objection is waived.

3. Prior Proceedings — Merger. Interlocutory appeals 23-7941, 25-2225, 25-2434, and 25-3217 were dismissed for lack of jurisdiction as non-final orders. Mandamus petitions 25-1802 and 25-2399 were denied without explanation; Application In Forma Pauperis (“IFP”) was granted simultaneously in both by Mandate dated March 18, 2026, in the record. No prior proceeding was decided on the merits. Pursuant to the merger doctrine, all interlocutory orders, judicial entries, and purported acts issued between 2020 and 2026 by any and all presiding judges—including but not limited to U.S. District Judges Gary R. Brown, Joan M. Azrack, and recused Sanket J. Bulsara,

and recused Magistrate Judge Anne Y. Shields—merge into this final judgment for complete appellate review. *Ginett*, 962 F.2d at 1091. Plaintiff explicitly appeals the Motion to Dismiss Order at DE [30] (re-filed on the Summary Judgment record as DE [224-23]) ONLY IN PART, specifically targeting and seeking the plenary reversal of: (1) the dismissal of Plaintiff's race discrimination claims under 42 U.S.C. § 1981 and the NYSHRL against all Defendants, and (2) the dismissal of the retaliation and hostile work environment claims against Defendant Steve Savitsky, seeking full reinstatement of these active claims. Under no circumstances shall this explicit partial designation of DE [30] operate as a waiver, limitation, or exclusion of Plaintiff's right to seek plenary appellate review and absolute reversal of any and all other interlocutory entries, decisions, or post-recusal void purported acts issued throughout the entire history of this litigation.

4. Related Pending. Case No. 26-899 (Second Circuit) — purported denial of DE [203] — remains pending. Issues are subsumed in this appeal. FRAP 24(a)(5) IFP filed concurrently in 26-899.

SECTION I — RECUSAL, REASSIGNMENT, AND EVIDENCE REMOVAL

5. Order of Recusal — November 17, 2025 — Four Categories of Void Acts. The November 17, 2025, Order of Recusal is an active, valid, unreversed court order removing jurisdiction from Judge Bulsara and Magistrate Judge Shields and vesting full authority in the Honorable Pamela K. Chen and Magistrate Judge Merkl. It has never been vacated, appealed, or modified by any judicial act. All post-recusal acts are void *ab initio* under four independent categories: (a) **172-day post-recusal acts generally** — DE [244] and DE [245] entered May 8, 2026, 172 days after recusal; (b) **adjudication of withdrawn motions** — DE [221] and DE [226] were withdrawn by the November 5, 2025 pre-recusal order; no judicial act by Judge Chen reinstated them; DE [244] purported to adjudicate motions with no lawful procedural existence; (c) **clerk notation without judicial force** — the November 26, 2025 administrative clerk notation purporting to reassign the matter back to Judge Bulsara is not a judicial act and cannot vacate a recusal order under 28 U.S.C. §455; and (d) **post-recusal denial of the recusal motion itself** — DE [203] was purportedly denied on March 24, 2026 — 127 days into the post-recusal void period — by the same judge the motion sought to disqualify; a recused judge has no authority to adjudicate the motion that

disqualified him, and the denial contains an independent false statement by citing orders issued within three hours of the recusal motion on July 8, 2025 — without ever addressing the §455(a) question — as purported evidence the disqualification grounds lacked merit. **Dual-Ground Preservation:** Each FRCP 56 violation, DE [30] reversal, and evidentiary exclusion in Section II is preserved on two independent grounds: (i) void *ab initio* because a recused judge lacked authority to conduct any Summary Judgment analysis; and (ii) independent merits error requiring reversal even if DE [244] were treated as a valid order, because the stated Rule 56 standard and the applied Rule 56 standard are irreconcilable on the face of the order itself. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988); 28 U.S.C. §455.

6. Evidence Removal — 26-mc-01957. On May 5, 2026, Plaintiff filed three court-authorized evidentiary submissions in 20-cv-3361. On May 8, 2026 — the same day DE [244] issued — MC 2:26-mc-01957-SJB was opened, those three filings were moved out of the 20-cv-3361 record, and the miscellaneous case was immediately closed. Plaintiff's Summary Judgment opposition evidence was thereby extracted from the record before DE [244] issued. DE [244] then stated no supplemental evidence was on the record. The miscellaneous case was created without Chief Judge authorization.

7. False Vexatious Litigant Label — Injunction Weaponized to Suppress Evidence. DE [244] at pp.25-27 falsely characterized Plaintiff as a vexatious litigant and imposed a permanent district-wide filing injunction without Chief Judge authorization (28 U.S.C. §137) and without independent *Safir* analysis. *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986). The actions cited as vexatious are statutory rights: mandamus petitions (28 U.S.C. §1651); interlocutory appeals (28 U.S.C. §1292); recusal motions (28 U.S.C. §455 — they succeeded on November 17, 2025; a motion producing an actual recusal is meritorious, not vexatious); judicial misconduct complaints (28 U.S.C. §351 — caused the recusal); and the U.S. Equal Employment Opportunity Commission ("EEOC") complaint (DE [224-26] Freedom of Information Act ("FOIA") 520-2019-01738), which is a mandatory exhaustion prerequisite whose Right to Sue Letter (Page ID #372) is the statutory jurisdictional foundation of this case — treating a jurisdictional prerequisite as evidence of vexatiousness is legal error on its face. The injunction's factual predicate (DE [221-1] ¶¶129-178) was the subject of an unresolved motion to strike (DE [230], denied without

adjudication one day after filing). The same order that applied the vexatious label removed Plaintiff's evidence through 26-mc-01957.

SECTION II — SUMMARY JUDGMENT VIOLATIONS PRESERVED FOR APPEAL

8. Plaintiff explicitly clarifies that the material judicial errors, factual distortions, and omissions enumerated herein represent only the primary, non-exhaustive examples of the pervasive bias and falsities contained within DE [244]. Plaintiff expressly reserves the right to raise, brief, and present any and all additional errors, false statements, and constitutional defects identified in the underlying record during the plenary briefing schedule before the Court of Appeals.

9. De Facto Ghostwriting, Verbatim Adoption, and Absolute Denial of Pro Se Special Solitude (DE [244]; DE [224-2])

The Court committed severe procedural and constitutional error by completely failing to conduct an independent judicial review of the Summary Judgment record, resulting in a total denial of mandatory "**special solicitude**" to the *pro se* Plaintiff. A forensic review of DE [244] against the Defendants' moving brief (DE [221-54]) establishes an extraordinary **83% to 88% verbatim overlap** section by section: legal standards (~92%); factual background (~88%); filing injunction (~90%); hostile work environment analysis (~82%); and retaliation (~80%). Specifically:

- **Abandonment of Judicial Function:** Every authority in DE [244] appears in Defendants' brief. The recused judge conducted zero independent analysis, drew no inferences in favor of the non-movant, and completely outsourced the creation of the judicial opinion to Defendants' private counsel.
- **Total Suppression of Pro Se Evidentiary Record:** This verbatim adoption caused the Court to completely disregard the Plaintiff's **178-paragraph Rule 56.1 Dispute Statement** (DE [224-2]), along with her open text messages (DE [224-19]) and medical proofs (DE [224-4]).
- **Violation of Binding Local Rules:** Under **Local Civil Rule 56.1(c)**, each paragraph Plaintiff specifically controverted with record citations must be deemed admitted as a matter of law, because Defendants (DE [222]) responded with only a single, ineffective

general objection to all 178 paragraphs. *Giannullo v. City of New York*, 322 F.3d 139, 142-43 (2d Cir. 2003).

- **Double Standard of Rules Enforcement:** The Court extended absolute leniency to the celebrity Defendants by ignoring their six years of corporate misrepresentations, while simultaneously denying the *pro se* Plaintiff a basic opportunity to cure a purported technical flash drive defect under FRCP 56(e)(1).
- **Reversible Error:** Under *Erickson v. Pardus*, 551 U.S. 89 (2007) and *Liteky v. United States*, 510 U.S. 540, 555 (1994), transforming a judicial order into a biased, copied instrument of moving counsel actively strips a *pro se* litigant of due process and demands absolute plenary reversal.

10. Fabrication of Procedural Defaults and Bad-Faith Suppression of Summary Judgment Evidence (DE [244]; DE [202]; DE [229]). The Court committed severe constitutional and due process violations by actively engineering a fraudulent procedural record to exclude Plaintiff's Summary Judgment evidence. Specifically:

- **The Evidentiary Bait-and-Switch:** The Court's July 11, 2025, Order explicitly directed Plaintiff to submit her new evidence with her Summary Judgment papers. Plaintiff timely filed a formal Notice of Request to Submit Electronic Evidence (DE [202]) to execute this directive.
- **The ECF Catch-22 Trap:** The recused judge ordered Plaintiff to request a secure file transmission link via chambers' email under Individual Practice § II.D, but simultaneously threatened to terminate her filing privileges if she emailed chambers. The Court intentionally suppressed Plaintiff's requests and never provided the link.
- **Seven-Month Retention and FRCP 56(e)(1) Breach:** Denied electronic access, Plaintiff filed a physical USB Flash Drive (DE [229]) on October 8, 2025. The Court retained this physical media in chambers for seven months without a word, only to claim on the day of final dismissal that it was unreadable. Under FRCP 56(e)(1) and the Court's own standing Order dated July 5, 2022, if summary judgment evidence cannot be opened, the judge is strictly forbidden from dismissing the case without providing formal notice and a reasonable opportunity to cure.

- **Fabricated Record in DE [244]:** The Court utilized its own deliberate refusal to provide an electronic link or a physical cure notice to falsely state in DE [244] that Plaintiff failed to follow court rules, masking a bad-faith administrative exclusion of conclusive data.

11. Complete Suppression of Clear Record Evidence Proving the NDA is Void and Non-Existent (DE [244]; DE [224-32]; DE [224-34]). The Court committed a severe, reversible error by completely ignoring timely-filed motions and conclusive evidence proving that the underlying Non-Disclosure Agreement (NDA) was nonexistent and legally void. Specifically:

- **The Non-Existent NDA Timeline: DE [244]** adopts the Defendants' fraudulent narrative that the Plaintiff was terminated for breaching an NDA. However, the record establishes that no operative NDA existed from January 31, 2018, to November 1, 2018, making a "breach" factually impossible.
- **The LOFT Legal Opinion (DE [224-32]):** The Court entirely suppressed the May 14, 2025, legal opinion from Loft Legal. This conclusive exhibit proves the NDAs are completely void under New York law due to lack of mutual assent, fraudulent backdating, and retaliatory termination.
- **Suppression of H. Judge Maurice D. Williams' Findings (DE [224-34]):** The recused judge completely ignored the landmark January 21, 2025, Judicial Finding issued by the Honorable Judge Maurice D. Williams in Workers' Compensation Board ("WCB") Case No. G-2584330.
- **Conclusive Rebuttal to Vexatiousness:** The official judicial findings of the Honorable Judge Maurice D. Williams, along with the evidence filed by the New York State Attorney General, directly confirm that Plaintiff's complaints and lawsuits are deeply rooted in fact. This thoroughly destroys the district court's false claim that Plaintiff's litigation is frivolous.
- **Direct Pretext Exposed:** By completely burying DE [224-32] and DE [224-34], the District Court actively shielded the Defendants' reliance on a fabricated NDA violation to mask what was an entirely retaliatory termination, violating the mandatory Summary Judgment standard.

12. Factual Falsification of Department of Labor (“DOL”) Record to Suppress Wage Claims (DE [244]; DE [224-29]; DE [228-23]). The Court committed severe reversible error by fabricating a false narrative regarding the Plaintiff’s Department of Labor history to manufacture a fraudulent basis for a filing injunction. DE [244] falsely asserts that the Plaintiff’s unpaid wage claims were dismissed as unmeritorious or frivolous. In direct contradiction, the physical Department of Labor Letter dated August 11, 2025 (Case No. LCM25006216), filed on the record at DE [224-29] and DE [228-23], explicitly states:

- **"This decision is not based upon the merits of your claim."**
- **"We are not taking any specific position or opinion as to the validity of your claim at this time."**
- **"New York State Labor Law provides that an individual may also pursue a wage claim through private action."**
- **Fabrication of Facts to Shield Employers:** By intentionally rewriting an administrative referral into an adverse merit ruling, the recused judge fabricated record facts to brand the *pro se* Plaintiff as vexatious and shield the celebrity employers from personal wage liability.
- **Absolute Rule 56 Violation:** Overlooking the explicit text of this agency document to construct a false narrative of absolute dismissal constitutes a severe breach of the Summary Judgment standard and a total denial of *pro se* due process.

13. Improper Injection of Unrelated Lawsuits to Manufacture a Prejudicial Filing Injunction (DE [244]; DE [8]). The Court committed severe reversible error by packing the summary judgment record with unrelated, non-pertinent lawsuits involving the Plaintiff. DE [244] improperly lists separate litigations that have zero legal connection to the active employment discrimination and retaliation claims set forth in the Amended Complaint (DE [8], re-filed as DE [224-4]). Specifically:

- **Prohibited Character Evidence:** The recused judge weaponized these outside dockets to manufacture a false narrative of "vexatiousness," using forbidden character inferences to dismiss the live case in open violation of **FRCP 56**.
- **Violation of the Safir Standard:** The Court failed to conduct an objective review under *Safir v. U.S. Lines, Inc.*, 792 F.2d 19 (2d Cir. 1986). The judge completely suppressed the

fact that these outside claims were legitimate, including cases containing verified judicial findings of merit issued by the **Honorable Judge Maurice D. Williams**.

- **Manifestation of Deep-Seated Bias:** Reaching outside the active record to pull in non-pertinent lawsuits to sanction a *pro se* litigant—while simultaneously refusing to open Plaintiff's **7.14 GB evidence drive (DE [229])**—conclusively demonstrates pervasive extrajudicial animosity under *Liteky v. United States*, 510 U.S. 540 (1994), rendering the resulting judgment void.

14. Unlawful Evidentiary Sabotage, Fabrication of NDA Breaches, and Violation of FRCP 56(e)(1) (DE [244]; DE [245]; DE [229]). The recused judge committed a fatal structural and constitutional error by issuing the purported Summary Judgment Order (DE [244]) and Final Judgment (DE [245]) without ever reviewing the active record evidence. Instead, the Court manufactured a false narrative of procedural default based on its own technical inability to open physical media, specifically:

- **The 7.14 GB Flash Drive Submission:** The clerk's office safely received and logged Plaintiff's physical USB Flash Drive (DE [229]) on October 8, 2025. The drive was physical proof containing exactly 7.14 gigabytes of material electronic data securely loaded for the record, and it was definitively not empty.
- **The Court's Reading Failure:** The Court held this physical media in chambers for seven months without a word, only to claim on the day of final dismissal that it was unreadable. The Court's staff simply failed to utilize standard, compatible software or file protocols to open a secured partition layout.
- **Absolute Violation of FRCP 56(e)(1):** Under well-settled federal law and the Court's own standing Order dated July 5, 2022, if summary judgment evidence cannot be opened, the judge is strictly forbidden from dismissing the case. The Court has a mandatory legal duty to issue a notice and provide a fair opportunity to cure. Disregarding a 7.14 GB evidence drive based on a clerical format failure without notice violates **FRCP 56(e)(1)**.
- **Fabrication of Fake NDA Breaches:** DE [244] falsely claims the Plaintiff secretly took unauthorized pictures or videos and breached a Non-Disclosure Agreement (NDA). In reality, the record establishes that **no operative NDA ever existed from January 31, 2018, to November 1, 2018.**

- **Failure to Explain Pretext:** The recused judge completely failed to explain how the Defendants' fraudulent termination letter could lawfully invoke an NDA that did not exist during that material timeframe. By granting summary judgment at DE [245] while suppressing the 7.14 GB flash drive and fabricating an NDA breach, the Court committed an absolute denial of *pro se* due process that requires plenary reversal.

15. Recycled Defendants' Motion To Dismiss "December 2020" Arguments — Selective Evidentiary Submission — "Rebeca Uzcategui's Interview" - November 2021 Suppressed. Defendants' December 2020 motion to dismiss (DE [22-3]) was filed on the pleadings only — no evidence — and DE [30] rejected every argument on that record. At Summary Judgment, Defendants submitted discovery materials: Plaintiff's deposition (unsigned, without the executed notarized errata sheet); Plaintiff's own November 12, 2018 interview with Defendants' investigators (DEFS_000017-19), which confirms Plaintiff's account of mental abuse and hostile conditions; emails and text messages to Kevin Knipfing aka Kevin James; the EEOC complaint; a Child Protective Services ("CPS") unfounded letter; and matters from other proceedings unrelated to the surviving 2018-2019 claims — which Plaintiff moved to strike (DE [230]) and which DE [244] used as the factual predicate for the permanent injunction and for character assassination. **The one document Defendants never filed is the only document that corroborates Plaintiff from an independent witness.** DEFS_000020-23 — the November 21, 2018, interview of Rebeca Uzcategui by Defendants' own commissioned investigators — confirms all discrimination, all Teresa A. Zantua's ("Zantua") abuse, child abuse, and that corrective measures 'REVERTED BACK.' Defendants produced DEFS_000020-23 in discovery. They did not file it at Summary Judgment because it contradicts their entire narrative. DE [244] was on notice of DEFS_000020-23 for three years and nine months — cited in DE [73] (February 2023) and DE [108] (April 2023) — and never mentioned it once in 29 pages. The submitted discovery materials, when read without selective omission, contain further corroboration: the English-only directives, the 'retarded' slurs, and the documented Zantua harassment are in the deposition record but were omitted from DE [244]'s analysis entirely. The EEOC complaint Kevin Knipfing never answered was treated as evidence of vexatiousness rather than as an unanswered administrative charge. The CPS unfounded letter was weaponized against Plaintiff despite Uzcategui's November 21, 2018, interview, independently confirming the child abuse Plaintiff reported. **Attorney arguments and**

assertions in briefs are not evidence. FRCP 56(c)(1)(A) requires citation to record materials. DE [244] adopted Defendants' litigation narrative — reproduced from their brief at 83-88% overlap — while ignoring the portions of Defendants' own submitted evidence that support Plaintiff and suppressing entirely the one document Defendants never filed. *Shrader v. CSX Transportation, Inc.*, 70 F.3d 255, 257 (2d Cir. 1995); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

16. Selective Deposition Excerpts, Blank Errata Sheets, and Total Suppression of ECF Paper Transcripts (DE [244]; DE [224]). The Court committed severe reversible error by relying on distorted, selective deposition excerpts while the corrected, executed record was withheld Specifically:

- **The Absolute Rule 56(e) Failure:** The Court received Plaintiff's physical flash drive submission (DE [229]) and retained it for approximately seven months without ever issuing a defect notice or providing a mandatory opportunity to cure. The complete absence of any notice over seven months, followed by an adverse summary judgment ruling, constitutes a standalone **FRCP 56(e)** failure and an independent due process violation.
- **Suppression of the Executed Errata Sheet:** Defendants submitted a blank, unsigned errata sheet and blank acknowledgment (DE [221-3]), intentionally suppressing Plaintiff's executed, notarized corrections. This includes the critical correction at page 163, Line 14, changing "hits you" to "hits me"—which entirely alters the identity of the person struck (p. 8). Basing a summary judgment dismissal on the uncorrected text constitutes a prohibited credibility determination compounded by blatant evidentiary suppression.
- **Total Disregard of Independent ECF Transcripts:** DE [244] footnote 7's characterization of the flash drive as "largely duplicative" cannot reach the six independent paper transcripts successfully filed directly onto ECF on October 3, 2025, as exhibits to DE [224] (specifically DE [224-13], DE [224-17], DE [224-18], DE [224-20], DE [224-21], and DE [224-22]) (pp. 8-9). These text records required zero flash drive access, yet the Court ignored them entirely or addressed them without engagement. This includes the text transcript documenting the October 23, 2018, physical assault made openly in Defendant Kevin Knipfing's direct presence with his knowledge and authorization, directly exposing the falsity of DE [244]'s "secretly-made" characterization.

- **One-Sentence Cross-Motion Dismissal:** Plaintiff's cross-motion (DE [226]) was summarily denied in a single sentence at page 1 with no independent legal standard applied and zero inferences drawn against the moving Defendants, in flagrant violation of fundamental summary judgment standards (p. 9). *Alta Partners, LLC v. Getty Images Holdings, Inc.*, 165 F.4th 141, 149 (2d Cir. 2026); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986); *Graham v. Lewinski*, 848 F.2d 342, 344 (2d Cir. 1988).

17. Failure to Address Direct Evidence of Retaliatory Pretext (DE 224-19). The Court committed reversible error by completely failing to engage with critical text messages filed at DE [224-19], and the Amended Complaint (DE [8], re-filed on Summary Judgment as DE [224-4]). Specifically, the Court ignored:

- **The November 2, 2018, Text:** Stephanieanna Knipfing's text ("Send doctor report") was sent the exact day of the workplace complaint. This establishes immediate employer notice of the injury and proves an immediate effort to control the evidentiary record.
- **The Pre-Termination Text:** A text sent three days prior to the November 27, 2018, wrongful termination proves the firing was premeditated. This provides direct evidence of a retaliatory paper trail that DE [244] completely ignored.
- **Violation of the Law of the Case:** DE [30] (at pp. 15-16) previously credited these November 2 communications as establishing prior complaints and notice. DE [244] impermissibly reversed this finding without ever addressing DE [224-19] or citing DE [30].

18. Total Suppression of Lifelong Physical Injuries, Permanent Disease, and Damages (DE [224-4])

The Court committed severe reversible error by completely wiping out all record evidence regarding the Plaintiff's catastrophic physical and psychological injuries. DE [244] entirely suppressed the verified claims and medical exhibits set forth in the Amended Complaint (DE [8], re-filed on Summary Judgment as DE [224-4]), explicitly omitting:

- **The Permanent Disease Diagnosis:** Extensive evidence proves the racial discrimination, retaliation, and continuous physical aggression directly caused the Plaintiff to contract

Premature Ovarian Failure (POF) Disease—a permanent condition with no treatment for reversal.

- **Severe Psychiatric Disorders:** Medical reports dated June 14, 2019 (Exhibit 7, Page 63) and October 17, 2019 (Exhibit 8, Page 66) confirm diagnoses of **Major Depressive Disorder, Pain Disorder, and Post-Traumatic Stress Disorder (PTSD)**.
- **Exclusion of Workers' Comp Claims:** The Court ignored that the severe financial distress, physical injuries, and **Myofascial Pain Syndrome** (chronic pain disorder) were explicitly excluded from Workers' Compensation Board Case No. 0258 4330 (Exhibit 9, Page 79), making them fully compensable in this federal lawsuit.
- **Concealment of Tortious Conduct:** The Court completely buried the Defendants' intentional and reckless acts of **physical abuse, assault, battery, and defamation**, which were driven by racial harassment and victimization.
- **Total Destruction of Quality of Life:** The District Court completely ignored the concrete damages explicitly demanded in **DE [224-4]**, including:
 - Future financial loss and intense mental anguish.
 - Extreme personal and family pain and suffering.
 - The complete inability to care for her family.
 - Severe loss of enjoyment of life and complete loss of consortium.
- **Reversible Rule 56 Error:** By completely erasing these permanent physical and mental damages from the Summary Judgment record, the recused judge committed a fatal due process violation.

19. Omission of Direct Evidence of Premeditation and Religious Intimidation. The Court committed severe reversible error by completely omitting a highly material text message sent by Stephanieanna Knipfing DE [224-25] and Amended Complaint (**DE [8]**, re-filed on Summary Judgment as **DE [224-4]**) on **November 24, 2018**—exactly three days before the fraudulent termination letter dated **November 27, 2018**. The message contained an image of a priest with the text: *“Inasmuch as you pray with all your soul for the one who has slandered you, so much will God reveal the truth to them who have believed the slander.” — Saint Maximus the Confessor*

- **Proves Premeditation:** This communication proves the upcoming termination was not spontaneous or performance-based. It was a premeditated action directly related to the Plaintiff's workplace complaints.
- **Proves Retaliatory Pretext:** By completely erasing this text from the analysis, DE [244] shielded the Defendants from direct evidence of retaliatory animus, consciousness of guilt, and pretext, in open violation of Rule 56.

20. Complete Suppression of Medical Records and Discovery Orders (DE [224-25])

The Court committed reversible error by entirely ignoring the comprehensive medical records filed at DE [224-25]. Specifically, the Court suppressed:

- **The Medical Diagnosis:** Documented medical records since June 3, 2018, confirming diagnoses of severe physical injuries, Post-traumatic stress disorder ("PTSD"), and Major Depression directly caused by the hostile work environment, **causing irreversible damages to the Plaintiff.**
- **Violation of Discovery Orders:** These material records were never requested by the Defendants during formal discovery. This directly violates the Court's explicit standing Order dated July 5, 2022.
- **Evidentiary Distortions:** By completely disregarding DE [224-25], DE [244] falsely claimed a lack of evidentiary support regarding damages and severe emotional distress, violating the mandatory Summary Judgment standard.

21. Material False Statements of Record in DE [244] — Including Fabricated Documentary Evidence. DE [244] contains at least fifteen material false statements directly contradicted by documentary evidence in the Summary Judgment record, including: (a) that no documents support Zantua ordered photographs — contradicted by three independent exhibits including Zantua's own October 19, 2018 text message and two third-party witnesses; (b) that recordings were secretly made in violation of the NDA — contradicted by employer authorization from February 17, 2018 forward, Zantua's written orders to record, open recording in Kevin Knipfing's direct presence without objection, employer's demand to review the same footage on the day of the complaint, and NDA not delivered until nine months into employment after all recordings were already made; (c) that the diary contains no mention of Zantua — contradicted by approximately seventy TAZ

references across thirty-seven dated diary entries in Defendants' own produced exhibit (DEFS_000054-068), including explicit racial slurs across multiple documented dates; (d) that all prior IFP applications have been denied — contradicted by SEVEN prior grants including Second Circuit Mandates 25-1802, 25-1808, 25-1810 and 25-2399 dated March 18, 2026, both in the district court record; and (e) a fabricated Offer Letter purportedly signed by Steve Savitsky (“Savistky”) — an entity DE [30] dismissed in 2021 and never reinstated — which does not exist in any authenticated form in the record and which text message evidence in the record confirms is fabricated, compounding DE [245]'s facial defect of naming Savistky in the judgment and irreconcilable with Kevin Knipfing's three-signature filing at DE [17] binding Old Westbury LLC as an operative entity throughout this litigation. Full enumeration of all fifteen false statements, with verbatim DE [244] language, Page IDs, and record proof of falsity, is reserved for the appellate brief and Rule 60 motion.

22. Unlawful Grant of Summary Judgment to a Non-Existent Corporate Entity and Administrative Concealment of Fraud (DE [245]; 2:26-mc-01957-SJB). The Court committed fatal structural error in the Final Judgment (DE [245]) by granting Summary Judgment to a self-confessed, non-existent corporate entity in direct violation of FRCP 17(b). Furthermore, the Court engaged in active administrative concealment of this fraud by opening a separate docket, specifically:

- **Fraudulent Corporate Capacity:** The record establishes that Defendant Kevin Knipfing signed formal legal representations as an agent for an "Old Westbury LLC" entity that does not legally exist.
- **Six Years of Active Deception:** The Defendants knowingly perpetrated this fraudulent representation for over six years during active federal litigation, falsely asserting corporate protections and capacity they did not legally possess.
- **Concealment via Miscellaneous Case:** DE [244] explicitly designed and mandated the creation of Miscellaneous Case No. **2:26-mc-01957-SJB** for the illicit purpose of stripping the primary docket of the conclusive evidence proving this corporate fraud.
- **Total Lack of Jurisdiction:** By burying the Old Westbury LLC fraud evidence inside a closed miscellaneous file and entering judgment in favor of a non-existent corporate shell

at DE [245], the Court issued a ruling that is entirely void *ab initio* and constitutes a severe fraud upon the court.

- **Defendants' Decades-Long Affirmation and Judicial Estoppel (DE [22]; DE [22-3]; DE [22-5]; DE [22-8]; DE [33]; DE [65]):** The Defendants' own core procedural filings completely demolish their retroactive "typographical error" claim. The Plaintiff explicitly placed the Defendants on formal notice on November 20, 2020, inside her Memorandum of Law in Opposition to the Motion to Dismiss (DE [22-5], p. 1), identifying "Old Westbury, LLC" as an unknown, unregistered ghost entity (DE [22-5], pp. 1, 7). Despite this explicit warning, the Defendants deliberately chose to maintain, affirm, and litigate under that exact corporate capacity for over six years to secure a litigation advantage. Specifically, the formal Notice of Motion to Dismiss (DE [22]), the accompanying Memorandum of Law (DE [22-3]), and the Reply Memorandum of Law (DE [22-8]), filed on December 11, 2020, explicitly listed "Old Westbury, LLC" as a moving Defendant in both the case captions and text bodies, providing zero notice or reservation regarding a clerical typo or lack of capacity. This representation was reaffirmed under signature on October 14, 2021, inside the Answer to the Amended Complaint (DE [33]), where counsel formally defined, answered on behalf of, and defended "Old Westbury LLC ('OW')" as a standalone corporate defendant distinct from Old Westbury EDDIE LLC (DE [33] Answer Amended Complaint DE [8], p. 1, 19). Crucially, this dual corporate representation was actively locked onto the court record via **Plaintiff's Letter Motion Challenging Confidentiality (DE [65], pp. 1–2)**, filed on August 12, 2022, which incorporated the **Defendants' Responses to Initial Discovery Protocols** as a formal Exhibit 2. Throughout that entire phase, private defense counsel Gordon Rees Scully Mansukhani LLP ("GRSM") explicitly operated under the caption of "Old Westbury LLC" and failed to notice any depositions, file any objections, or raise any affirmative corrections regarding a corporate name defect. Under well-settled Second Circuit standards, the doctrine of **Judicial Estoppel** strictly prevents a party from asserting a formal legal capacity for six years to secure a litigation advantage, only to claim a clerical typo once their corporate fraud is unmasked. By granting Summary Judgment at DE [245] to an entity the record proves is a non-existent corporate ghost, the District Court committed a fatal error of law.

23. Fatal Error in Granting Summary Judgment to Savitsky and Explicit Partial Appeal of DE [30]. The Court committed severe structural and procedural errors regarding Defendant Steve Savitsky at DE [244] and DE [245]. Plaintiff explicitly utilizes this final appeal to challenge and reverse DE [30] only in part regarding Savitsky, based on the following:

- **Partial Appeal of DE [30]:** Plaintiff hereby appeals DE [30] only in part, specifically challenging the premature dismissal of the claims against Steve Savitsky. Conclusive evidence hidden in the record proves he actively participated in the workplace retaliation and committed extensive fraud.
- **Procedural Absurdity of DE [244]:** Because Savitsky was already dismissed by Judge Brown at DE [30], he was no longer an active party to the live claims. The recused judge committed a severe procedural error by granting Summary Judgment to an inactive defendant under DE [244].
- **Unlawful Protective Shield:** The District Court executed this improper Summary Judgment maneuver at DE [245] for the sole purpose of insulating Savitsky from appellate exposure and blocking the newly uncovered evidence of his personal liability.
- **Reversal and Reinstatement Sought:** The Second Circuit possesses full jurisdiction under the merger doctrine to vacate the Summary Judgment at DE [244], reverse the partial dismissal at DE [30], and reinstate Steve Savitsky as an active defendant in this action.

24. Reassignment Chronology and Physically Attached Exhibits. November 5, 2025: all motions withdrawn pre-recusal. November 17, 2025: recusal — jurisdiction to Judge Chen. November 26, 2025: clerk notation — no judicial vacatur of recusal. November. 26, 2025, through May 8, 2026: 172 days of void purported acts, including post-recusal denial of the recusal motion itself. May 5, 2026: Plaintiff files three authorized submissions. May 8, 2026: MC 2:26-mc-01957-SJB opened, evidence removed, case closed — same day as DE [244] and DE [245].

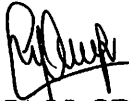
25. Physically attached: Exhibit 1 (DE [244]); Exhibit 2 (DE [245]); Exhibit 3 (November 17, 2025, Order of Recusal); Exhibit 4 (November 5, 2025, withdrawal order and November 26, 2025, clerk notation).

26. Additional exhibits by filing in the Record: The Second Circuit Mandates 25-1802, 25-1808, 25-1810, 25-2399 (March 18, 2026) — which granted IFP simultaneously and are already in the district court record — will be submitted with the IFP application filed concurrently with this Notice. The MC 2:26-mc-01957 docket and documents — referenced throughout this Notice.

27. IFP: The Second Circuit Mandates confirm IFP eligibility under the same financial circumstances presented here. Plaintiff additionally notes that IFP was granted by multiple courts in proceedings between 2024 and 2026 — the complete IFP history is set forth in the IFP application filed concurrently. **The purported IFP denials entered during the 172-day post-recusal void period were issued without jurisdiction and carry no legal effect.**

28. Reversible Error and Manifest Bias: Under well-settled federal appellate practice, a court cannot declare a litigant's filing history "frivolous" when multiple state supreme court justices, federal district judges, and panels of the Second Circuit have repeatedly reviewed those exact filings and issued formal mandates granting IFP status. By completely erasing these seven judicial orders from the record, the recused judge manufactured a fraudulent basis for a filing injunction, demonstrating profound extrajudicial animosity under *Liteky v. United States*, 510 U.S. 540, 555 (1994).

Respectfully submitted,



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Appeal to: United States Court of Appeals for the Second Circuit (Filed Simultaneously with IFP Application)

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LIDIA M. ORREGO,

Plaintiff,

v.

KEVIN KNIPFING, et al.,

Defendants.
-----X

BULSARA, United States District Judge:

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

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

STANDARD FOR SUMMARY JUDGMENT

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

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

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

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

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

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

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

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

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

FACTUAL BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION

I. Hostile Work Environment

“Section 1981 and NYSHRL⁸ hostile work environment claims are governed by the same substantive standard.” *Alvarado v. Nordstrom, Inc.*, 685 F. App’x 4, 6 (2d Cir. 2017). “To establish a prima facie case of hostile work environment, the plaintiff must show that the discriminatory harassment was sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment, and that a specific basis exists for imputing the objectionable conduct to the employer.” *Id.* (quotation omitted). While § 1981 permits a plaintiff to sue individuals in addition to employers, *id.*, the NYSHRL generally does not permit individual liability for employment discrimination, *see Nezaj v. PS450 Bar & Rest.*, 719 F. Supp. 3d 318, 329 (S.D.N.Y. 2024) (“[A]s the divided New York Court of Appeals clarified . . . , where a corporate entity is the plaintiff’s employer, an individual affiliated with the entity cannot himself qualify as the employer . . . even if the individual holds a high post at the employer or owns the entity.” (citing *Doe v. Bloomberg, L.P.*, 36 N.Y.3d 450, 457–58 (2021))) (collecting cases).

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

A. Claim Against Zantua

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

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

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

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

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

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

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

B. Claims Against the Knipfings and Old Westbury

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

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

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

Orrego had multiple avenues to raise a complaint – by texting or emailing the Knipfings or Testa – and the fact that she did in fact email Testa and Ms. Knipfing with her complaint on November 2, 2018 establishes the existence and feasibility of that process. (Defs.' Mot. at 17; Defs.' 56.1 Stmt. ¶ 80; Pl.'s 56.1 Resp. ¶ 80). Defendants also submitted Orrego's deposition testimony, where she says she does not remember having "raised any issues or any of the conduct[] by Ms. Zantua" to Ms. Knipfing prior to the November 2, 2018 email, and says she would have to check her diary. (Defs.' 56.1 Stmt. ¶ 83¹⁰; Orrego Dep. at 185:14-20). That diary, both parties agree, does not mention

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

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

Orrego does not allege that there was no avenue to complain, but she argues that the Knipfings knew of Zantua's conduct through two complaints¹¹ she lodged — one to Testa on October 16, 2018, and the other being the November 2, 2018 email she sent to Testa and Ms. Knipfing — but that they took no corrective action. (Pl.'s Mot. at 9). The evidence Orrego points to regarding the October 16, 2018 report is a transcription of an audio recording of a conversation between her and Testa, where almost every line is largely marked "inaudible," and the Court can discern no evidence of a report to Testa of Zantua's misconduct. (Audio Transcription, attached to Pl.'s Opp'n as Ex. 8, Dkt. No. 224-11). That leaves the November 2, 2018 report, for which there is no genuine dispute that the Knipfings took prompt action, including: immediately forwarding Orrego's complaint to Mr. Knipfing, who met with Orrego four days later to discuss her complaints, requested Orrego send whatever evidence she had, and then retained a private security company to investigate the allegations the following week. (Defs.' 56.1 Stmt. ¶¶ 88-102; Pl.'s 56.1 Resp. ¶¶ 88-102).

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

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

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

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

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

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

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

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

II. Retaliation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Sanctions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is plain from the above recitation – and the litigation history that has been chronicled at length in Defendants' Rule 56.1 Statement, (*see* Defs.' 56.1 Stmt. ¶¶ 118–78) – that all factors weigh in favor of imposing a filing injunction, e.g., *Zappin v.*

Comfort, No. 23-7363, 2024 WL 5001624, at *3 (2d Cir. Dec. 6, 2024) ("Given that other sanctions have proven ineffective at protecting the courts and the parties, it was not an abuse of discretion for the district court to enter a pre-filing injunction here.");

Immerso v. U.S. Dep't of Lab., No. 20-4064, 2022 WL 17333083, at *2 (2d Cir. Nov. 30, 2022) (affirming bar against further filings or initiating new proceedings in the Eastern District absent leave of the court). Although Orrego is currently pro se, she has been

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

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

CONCLUSION

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

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

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

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

SO ORDERED.

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

Date: May 8, 2026
Central Islip, New York

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

EXHIBIT 2

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

Plaintiff,

- against -

JUDGMENT

CV 20-3361 (SJB) (AYS)

KEVIN KNIPFING, et al.,

Defendants.
-----X

A Memorandum and Order of the Honorable Sanket J. Bulsara, United States District Judge, having been filed on May 8, 2026, granting Defendants' motion for summary judgment; denying Plaintiff's motion for summary judgment; denying Plaintiff's motion for leave to appeal *in forma pauperis*; ordering a permanent filing injunction on Plaintiff, and that it be lifted solely for the purpose of filing any notice of appeal; enjoining Plaintiff from further filings in this case and from initiating future actions in the Eastern District of New York absent a Court order; and directing the Clerk of Court to enter judgment and close the case, it is

ORDERED AND ADJUDGED that Plaintiff Lidia M. Orrego take nothing of Defendants Kevin Knipfing, Stephanieanna James-Knipfing, Old Westbury EDDIC LLC, Old Westbury LLC, Steven Savitsky, and Teresa A. Zantura; that Defendants' motion for summary judgment is granted; that Plaintiff's motion for summary judgment is denied; that Plaintiff's motion for leave to appeal *in forma pauperis* is denied; that the Court lifts the permanent filing injunction on Plaintiff Orrego solely for the purpose of filing any notice of appeal; that Orrego is enjoined from further filings in this case and initiating future actions in the Eastern District of New York absent a Court order; and that this case is closed.

Dated: May 8, 2026
Central Islip, New York

BRENN A. B. MAHONEY
CLERK OF COURT

BY: /S/ JAZMIN M. CUBANO
DEPUTY CLERK

EXHIBIT 3



Lidia Orrego <liorrego@gmail.com>

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

1 message

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

Mon, Nov 17, 2025 at 12:56 PM

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

Additional Security Enhancements Coming Soon For information visit PACER website

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

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/17/2025 at 12:56 PM EST and filed on 11/17/2025

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

Docket Text:

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

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

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

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

EXHIBIT 4



Lidia Orrego <liorrego@gmail.com>

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

1 message

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

Wed, Nov 5, 2025 at 2:27 PM

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

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

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

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

Docket Text:

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

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

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

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



Lidia Orrego <liorrego@gmail.com>

Activity in Case 2:20-cv-03361-SJB-AYS Orrego v. Knipfing et al Case Assigned/Reassigned

1 message

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

Wed, Nov 26, 2025 at 2:46 PM

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 11/26/2025 at 2:46 PM EST and filed on 11/26/2025

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

Docket Text:

Case Reassigned to Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields. Judge Pamela K. Chen, Magistrate Judge Taryn A. Merkl no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website. Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (BBM)

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

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

Brian P. McLaughlin bmclaughlin@nassaucountyny.gov

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

Edward E. Warnke ewarnke@mizrahikroub.com

Lidia M. Orrego liorrego@gmail.com

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____x

Lidia M. Orrego,

Plaintiff,

-against-

Affirmation of Service

2:20-cv-3361 (SJB) (AYS)

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

_____x

I, Lidia M. Orrego, declare under penalty of perjury that I served a copy of the attached Notice of Appeal dated June 1, 2026 and Exhibits 1 - 4, Total Pages 55, upon the Defendant(s) or attorney whose physical address:

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

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

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

Dated: June 1, 2026 (June 1, 2026)
Rego Park, New York



/s/ Lidia M. Orrego
Plaintiff - Pro Se

Address: 95-08 Queens Blvd. 3E
Rego Park, NY 11374
Phone (347) 453-2234
Email: liorrego@gmail.com