

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 26-899 Lead; 26-1576 Caption [use short title] Orrego v KnipfingMotion for: **MOTION FOR PANEL RECONSIDERATION AND RECONSIDERATION EN BANC OF THE AUGUST 12, 2026 ORDER OR, ALTERNATIVELY, FOR CLARIFICATION**

Set forth below precise, complete statement of relief sought:

Plaintiff-Appellant respectfully moves for panel reconsideration and reconsideration en banc of the August 12, 2026 Order denying her Motion to Hold Appeals Nos. 26-899(L) and 26-1576(Con) in abeyance, and requests that the appeals be temporarily held in abeyance pending the District Court's disposition of her Rule 60 Motion and Rule 62.1 request. Alternatively, Plaintiff-Appellant requests clarification that the August 12 Order does not itself dispose of those District Court matters, preclude their consideration consistent with the applicable Rules, or affect the procedure available under Fed. R. App. P. 12.1. See Exhibit 1.

MOVING PARTY: Lidia M. Orrego☐ Plaintiff☐ Defendant☒ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: 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.

MOVING ATTORNEY: Lidia M. Orrego - Pro Se

[name of attorney, with firm, address, phone number and e-mail] Attorney

Address: 95-08 Queens Blvd. Apt 3E

Rego Park, NY 11374

Phone: (347) 453-2234

Email: orregoprose@gmail.com

OPPOSING ATTORNEY: Gordon Rees Scully Mansukhani LLP

Address : One Battery Park Plaza, 28th Floor

New York, NY 10004

Phone: (212) 269-5500

Email: kminnahdonkoh@grsm.com

Court- Judge/ Agency appealed from: Assigned Judges: District Judge Pamela K. Chen; Magistrate Judge Taryn A. Merkl

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):See attached Certificate of Service. Proof email.

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☒ No

Has this relief been previously sought in this court?

☐ Yes☒ No

Requested return date and explanation of emergency: _____

Opposing counsel's position on motion:

☐ Unopposed☐ Opposed☒ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☐ No☒ Don't Know

Notice: RECUSED Judges Nov. 17, 2025

Hon. Sanket J. Bulsara

Hon. Magistrate Judge Anne Y. Shields - EDNY

Is the oral argument on motion requested?

☒ Yes☐ No

(requests for oral argument will not necessarily be granted)

Has the appeal argument date been set?

☐ Yes☒ No

If yes, enter date: _____

Signature of Moving Attorney:

/s/ Lidia M. OrregoDate: 08/26/2026Service : ☒ Electronic ☐ Other [Attach proof of service]



Lidia Orrego <orregoprose@gmail.com>

Service – Motion for Panel Reconsideration and Reconsideration En Banc – Orrego v. Knipfing, Nos. 26-899(L), 26-1576(Con)

1 message

Lidia Orrego <orregoprose@gmail.com>

Wed, Aug 26, 2026 at 11:30 PM

To: Kuuku Minnah-Donkoh <kminnahdonkoh@grsm.com>, mcolwin@grsm.com

Cc: Dallas Rivera <drrivera@grsm.com>, Peter Cella <pcella@grsm.com>, Paulette Guerrero <pguerrero@grsm.com>, Lidia Orrego <lidia.orrego@justiceforlidia.nyc>, Lidia Orrego <liorrego@gmail.com>

Counsel GRSM,

Please be advised that today, August 26, 2026, I filed with the United States Court of Appeals for the Second Circuit my **Motion for Panel Reconsideration and Reconsideration En Banc of the August 12, 2026 Order or, alternatively, for Clarification**, together with the supporting Affirmation, Memorandum of Law, Exhibit 1, and related filing documents.

Copies of the filed documents are attached to this email for service and your records.

A separate Motion for Leave to File Limited Supplemental Exhibits will be filed separately.

Thank you.

Respectfully,

Lidia M. Orrego

Plaintiff-Appellant, Pro Se

Appeals Nos. 26-899(L), 26-1576(Con)

Email: orregoprose@gmail.com

4 attachments



2_AffirmationF.pdf
190K



4_Certificado of Service.pdf
362K



1_T-1080 Motion_08-26-2026.pdf
533K



3_MOL.pdf
927K

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

-----X

LIDIA M. ORREGO,

Plaintiff-Appellant,

-against-

KEVIN KNIPFING, also known as KEVIN JAMES,

STEPHANIEANNA JAMES-KNIPFING,

also known as STEFFIANA DE LA CRUZ,

OLD WESTBURY EDDIE LLC, OLD WESTBURY LLC,

STEVE SAVITSKY, and TERESA A. ZANTUA,

Defendants-Appellees.

-----X

Docket No. 26-899 (Lead) 26-1576

EDNY Case No. 20-cv-3361

**AFFIRMATION OF PLAINTIFF-APPELLANT LIDIA M. ORREGO IN
SUPPORT OF MOTION FOR PANEL RECONSIDERATION AND
RECONSIDERATION EN BANC OF THE AUGUST 12, 2026, ORDER OR,
ALTERNATIVELY, FOR CLARIFICATION**

I, **Lidia M. Orrego**, Plaintiff-Appellant appearing pro se, affirm under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

I. INTRODUCTION AND RELIEF REQUESTED

1. I am the Plaintiff-Appellant in Appeals Nos. **26-899(L) and 26-1576(Con)** and submit this Affirmation in support of my Motion for Panel Reconsideration and Reconsideration En Banc of this Court's August 12, 2026, Order denying my Motion to Hold the Appeals in Abeyance.

2. A true and correct copy of the **August 12, 2026, Order** is attached as **Exhibit**

1.

3. The August 12 Order states: “**Appellant, pro se, moves to hold these appeals in abeyance pending the district court's disposition of her motions for relief from judgment and for an indicative ruling.**” The Court denied the motion.

4. My July 23, 2026, Motion sought temporary abeyance while the District Court addressed my pending Motion for Relief from Judgment under Fed. R. Civ. P. 60 and request for an indicative ruling under Fed. R. Civ. P. 62.1.

5. I do not ask this Court through this Motion to determine the merits of my Rule 60 Motion or the merits of any separate judicial-conduct complaint. I provide the facts below to identify the procedural record that existed when the August 12 Order was entered and subsequent developments relevant to that record.

6. I respectfully request panel reconsideration and reconsideration en banc and an Order temporarily holding the consolidated appeals in abeyance pending District Court disposition of the Rule 60 Motion and Rule 62.1 request.

7. Alternatively, I request clarification that the August 12 Order does not itself dispose of the Rule 60 Motion or Rule 62.1 request, preclude their consideration in the District Court consistent with the applicable Rules, or affect the procedure available under Fed. R. App. P. 12.1.

II. NOVEMBER 17, 2025, RECUSAL AND RANDOM REASSIGNMENT

8. On November 17, 2025, an **Order of Recusal** was entered in EDNY Case No. 20-cv-3361.

9. The official CM/ECF record states:

“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.”

10. The case designation was correspondingly changed to **2:20-cv-03361-PKC-TAM**.

11. I rely on this Order here for the procedural fact that the official District Court record documented the recusal and random reassignment to Judge Chen and Magistrate Judge Merkl “for all further proceedings.” The later Exhibit Index submitted in the judicial-conduct proceeding likewise identifies the November 17 Order in those terms.

12. The legal consequences of the November 17 recusal and subsequent docket activity are issues raised in the underlying proceedings and appeals. I do not ask this Court to resolve those ultimate issues through this factual Affirmation.

III. DE [244], DE [245], AND THE MISCELLANEOUS PROCEEDING

13. On May 8, 2026, DE [244] and DE [245] were entered in connection with the underlying action.

14. DE [244] disposed of the parties' summary-judgment motions and imposed a filing injunction.

15. A miscellaneous proceeding styled **In re Orrego, No. 2:26-mc-01957-SJB**, was also opened and administratively terminated on May 8, 2026.

16. The miscellaneous docket stated that future filings, including motions for reconsideration, were to be submitted through that miscellaneous proceeding and stated: **“The Court will review each filing.”**

17. On June 24, 2026, I submitted a Motion seeking relief from DE [244] and DE [245] pursuant to **Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3)** and requesting an indicative ruling pursuant to **Fed. R. Civ. P. 62.1**.

18. That Motion was subsequently docketed in Miscellaneous Case No. 2:26-mc-01957-SJB as **MC DE [6]**.

19. The later Exhibit Index identifies MC DE [6] as my June 24, 2026, Notice of Motion seeking Rule 60 relief and an indicative ruling under Rule 62.1 concerning DE [244] and DE [245].

20. The official miscellaneous docket documenting MC DE [6] was already filed with this Court as **Exhibit 3 to my July 23, 2026, Motion for Abeyance, ACMS Dkt Entry 28.7**. I therefore do not present that docket as new evidence in this Motion.

IV. NOTICE TO THIS COURT AND THE JULY 23 MOTION FOR ABEYANCE

21. On June 24, 2026, I notified this Court pursuant to **Fed. R. App. P. 12.1** that I had filed the Rule 60 Motion and Rule 62.1 request in the District Court.

22. On July 4, 2026, I filed a **Supplemental Notice — Status of Motion to Vacate DE [244] and DE [245]; Reservation of Rights**.

23. That Supplemental Notice informed this Court of the status of the June 24 Motion and addressed the possibility that the District Court might fail to docket, process, or timely act upon the Motion or that it might be diverted through the miscellaneous-case mechanism.

24. On July 23, 2026, I filed the **Motion to Hold Appeals Nos. 26-899 and 26-1576 in Abeyance** pending District Court consideration of the Rule 60 Motion and Rule 62.1 request.

25. My July 23 submission included the T-1080, Affirmation, Memorandum of Law, and six exhibits.

26. Those exhibits included the underlying Rule 60/Rule 62.1 Motion, the District Court procedural materials, the miscellaneous-case docket, the FRAP 12.1/Supplemental Notice materials, and the relevant Notices of Appeal.

27. Specifically, the miscellaneous docket was filed as **Exhibit 3, ACMS Dkt Entry 28.7**, and the FRAP 12.1/Supplemental Notice package was filed as **Exhibit 4, ACMS Dkt Entry 28.8**.

28. Thus, before entry of the August 12 Order, this Court had been provided the documents identifying the Rule 60/Rule 62.1 proceeding and the procedural basis for my request for temporary abeyance.

29. The later Exhibit Index also identifies the Second Circuit filings concerning FRAP 12.1 and the Motion to Hold Appeals in Abeyance and states that those materials had already been formally presented in the related appellate proceedings.

V. STATUS OF THE RULE 60/RULE 62.1 PROCEEDING

30.The Rule 60 Motion concerns DE [244] and DE [245]. Those same May 8, 2026, entries are implicated in Appeal No. 26-1576.

31.The miscellaneous docket submitted with my original July 23 Motion reflected MC DE [6] but reflected no subsequent order granting, denying, deferring, or otherwise disposing of that Motion in the docket record then submitted to this Court.

32.The August 12 Order did not state that MC DE [6] had been granted or denied.

33.The August 12 Order did not state that an indicative ruling under Rule 62.1 had issued.

34.The August 12 Order did not state that the District Court proceeding had become moot.

35.Instead, the August 12 Order itself described my requested abeyance as one sought “**pending the district court's disposition**” of my motions for relief from judgment and for an indicative ruling.

36.The later August 10, 2026, Statement of Facts likewise records that the June 24 Motion sought Rule 60 relief and an indicative ruling under Rule 62.1 and that I had notified this Court and requested abeyance while the District Court addressed those matters.

VI. RELATED JUDICIAL-CONDUCT PROCEEDINGS

37. Separate judicial-conduct proceedings concerning Judge Sanket J. Bulsara predate the present Motion.

38. The August 10, 2026, Statement of Facts expressly identifies the later submission as **“Related to Nos. 02-25-90131-jm, 02-25-90132-jm.”**

39. Those earlier complaints were filed before the present Motion for Panel Reconsideration and are identified as pending related proceedings in the subsequent submission.

40. On August 14, 2026, the Clerk of this Court issued an acknowledgment concerning **Judicial Conduct Complaint No. 02-26-90052-jm**, stating that the complaint had been received on August 11, 2026, and would be processed pursuant to the Judicial Conduct and Disability Act and applicable Rules.

41. On August 26, 2026, the Clerk received my subsequent judicial-conduct submission concerning Judge Bulsara. The Clerk-stamped filing identifies EDNY Case No. 20-cv-3361 and Second Circuit Appeals Nos. 26-899 and 26-1576.

42. The accompanying Statement of Facts addresses, among other matters, the November 17, 2025, recusal/reassignment, DE [244] and DE [245], the miscellaneous proceeding, and the June 24 Rule 60/Rule 62.1 Motion.

43. It also records that the June 24 Rule 60 Motion was docketed as MC DE [6] in the miscellaneous proceeding and that I notified this Court concerning that Motion.

44.I identify these judicial-conduct proceedings **solely as related procedural history and subsequent developments.**

45.I do not offer the filing of a judicial-conduct complaint as proof that the allegations contained in it are true or have been adjudicated.

46.I also do not ask this panel, through this Motion, to determine whether judicial misconduct occurred. Those proceedings remain separate from the relief requested here.

VII. SEPARATE MOTION FOR LEAVE TO FILE LIMITED SUPPLEMENTAL EXHIBITS

47.Because Exhibit 1 to this Motion is the August 12, 2026, Order for which reconsideration is sought, I am separately seeking leave to submit a limited supplemental exhibit package.

48.I do not seek through that application to duplicate the voluminous materials already filed with my July 23 Motion, including the miscellaneous docket previously filed as Exhibit 3 and the FRAP 12.1 materials previously filed as Exhibit 4.

49.The separate supplemental package consists of the August 14, 2026, acknowledgment concerning Judicial Conduct Complaint No. 02-26-90052-jm; the August 26, 2026, Clerk-stamped judicial-conduct submission; the five-page Statement of Facts; the Exhibit Index and Official Court Records Incorporated by Reference; and the five-page Visual Map.

50.The Exhibit Index identifies the underlying official District Court and appellate records and states that the complete records are incorporated by reference rather than reproduced in their entirety.

51.The Visual Map is expressly characterized as a demonstrative organizational aid intended to assist in locating corresponding documentary evidence in the official record and not as a replacement for that evidence.

52.I submit those materials through the separate application only to document subsequent procedural developments and provide a concise roadmap to records relevant to the pending Rule 60/Rule 62.1 proceeding.

VIII. RELIEF REQUESTED

53.I respectfully request **panel reconsideration and reconsideration en banc of the August 12, 2026, Order** and an Order temporarily holding Appeals Nos. 26-899(L) and 26-1576(Con) in abeyance pending the District Court's disposition of MC DE [6], including my request for an indicative ruling under Rule 62.1.

54.Alternatively, I respectfully request clarification that the August 12 Order does not itself adjudicate or dispose of MC DE [6] or the Rule 62.1 request; does not preclude District Court consideration of those matters consistent with the applicable Rules; and does not alter the procedure available under Fed. R. App. P. 12.1.

55.I respectfully request such other and further relief as this Court deems just and proper.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct pursuant to **28 U.S.C. § 1746**.

Respectfully submitted,

Dated: August 26, 2026

Rego Park, New York

/s/ Lidia M. Orrego

LIDIA M. ORREGO

Plaintiff-Appellant Pro Se

95-08 Queens Blvd., Apt. 3E

Rego Park, NY 11374

Telephone: (347) 453-2234

Email: orregoprose@gmail.com

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

-----X
LIDIA M. ORREGO,

Plaintiff-Appellant,

-against-

KEVIN KNIPFING, also known as KEVIN JAMES,
STEPHANIEANNA JAMES-KNIPFING,
also known as STEFFIANA DE LA CRUZ,
OLD WESTBURY EDDIE LLC, OLD WESTBURY LLC,
STEVE SAVITSKY, and TERESA A. ZANTUA,

Defendants-Appellees.

-----X
Docket No. 26-899 (Lead) 26-1576
EDNY Case No. 20-cv-3361

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF-APPELLANT'S
MOTION FOR PANEL RECONSIDERATION AND RECONSIDERATION
EN BANC OF THE AUGUST 12, 2026, ORDER OR, ALTERNATIVELY,
FOR CLARIFICATION
PRELIMINARY STATEMENT**

Plaintiff-Appellant Lidia M. Orrego, appearing pro se, respectfully submits this Memorandum of Law in support of her Motion for Panel Reconsideration and Reconsideration En Banc of the Court's August 12, 2026, Order denying her Motion to Hold Appeals Nos. 26-899(L) and 26-1576(Con) in abeyance.

The requested relief is narrow. Plaintiff-Appellant does not ask this Court to decide the merits of her pending Rule 60 Motion, determine whether the District Court ultimately should grant relief from DE [244] and DE [245], or adjudicate allegations contained in separate judicial-conduct proceedings.

The August 12 Order itself identifies the procedural circumstance requiring reconsideration: Plaintiff-Appellant sought abeyance “**pending the district court's disposition of her motions for relief from judgment and for an indicative ruling.**” Exhibit 1.

Before the August 12 Order was entered, Plaintiff-Appellant had already placed before this Court the June 24, 2026, Rule 60/Rule 62.1 Motion, the miscellaneous-case docket reflecting that Motion as MC DE [6], the FRAP 12.1 materials, and the Notices of Appeal. The miscellaneous docket was filed as Exhibit 3, ACMS Dkt Entry 28.7, and the FRAP 12.1/Supplemental Notice materials were filed as Exhibit 4, ACMS Dkt Entry 28.8.

The requested abeyance therefore concerned a specific and documented District Court proceeding directly related to the orders implicated in Appeal No. 26-1576.

Panel reconsideration is warranted to permit that proceeding to reach a disposition. Alternatively, clarification is warranted so that the August 12 Order cannot reasonably be understood as adjudicating, foreclosing, or otherwise affecting the still-separate Rule 60/Rule 62.1 proceeding.

ARGUMENT

POINT I

PANEL RECONSIDERATION IS WARRANTED BECAUSE THE AUGUST 12 ORDER DENIED ABEYANCE WHILE EXPRESSLY RECOGNIZING THE UNRESOLVED DISTRICT COURT PROCEEDING FOR WHICH ABEYANCE WAS REQUESTED

Reconsideration is appropriate where the movant identifies “controlling decisions or data that the court overlooked” that might reasonably be expected to alter the conclusion reached. *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). Here, the overlooked procedural circumstance is material: the District Court disposition expressly identified in the August 12 Order had not occurred on the record before the Court.

Second Circuit Local Rule 40.2 expressly recognizes a **motion for panel reconsideration** when the Court determines a matter by an order for which a judgment is not entered under FRAP 36. The Court's own civil-appeal instructions likewise distinguish a motion for panel reconsideration from a petition for panel rehearing and require the reconsideration motion to comply with the applicable rehearing requirements.

The basis for reconsideration here appears on the face of the August 12 Order.

The Court stated that Plaintiff-Appellant sought to hold the appeals in abeyance **“pending the district court's disposition”** of her motions for relief from judgment and for an indicative ruling. Exhibit 1.

That description accurately identified the procedural purpose of the July 23 Motion. Plaintiff-Appellant was not requesting an indefinite stay based upon a collateral proceeding. She was asking the Court to allow a specific Rule 60/Rule 62.1 proceeding concerning DE [244] and DE [245] to reach a District Court disposition.

Before the Court ruled, Plaintiff-Appellant had submitted the Rule 60/Rule 62.1 Motion, miscellaneous docket, FRAP 12.1 materials, and relevant appellate documents.

The miscellaneous docket was not merely referenced. It was submitted as **Exhibit 3, ACMS Dkt Entry 28.7**. Likewise, the FRAP 12.1/Supplemental Notice package was submitted as **Exhibit 4, ACMS Dkt Entry 28.8**.

The later Exhibit Index confirms that the appellate filings concerning FRAP 12.1 and the Motion to Hold Appeals in Abeyance had already formally presented the Rule 60 and indicative-ruling issues in the related appellate proceedings. The August 12 Order does not state that the District Court had denied MC DE [6], granted it, deferred it, or issued the requested indicative ruling. Nor does the Order state that the District Court proceeding had become moot.

Under these circumstances, Plaintiff-Appellant respectfully submits that reconsideration is appropriate so that the very District Court “**disposition**” identified in the August 12 Order may occur before the consolidated appeals proceed further.

POINT II
THE RULE 60/RULE 62.1 PROCEEDING DIRECTLY CONCERNS THE
ORDERS IMPLICATED IN APPEAL NO. 26-1576

The relationship between MC DE [6] and these appeals is direct.

On June 24, 2026, Plaintiff-Appellant submitted a Motion seeking relief from DE [244] and DE [245] pursuant to Rules 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3), together with an indicative-ruling request pursuant to Rule 62.1.

The later Exhibit Index identifies the June 24 Motion as seeking precisely that relief concerning DE [244] and DE [245].

Those same May 8, 2026, entries are implicated in Appeal No. 26-1576.

The District Court's disposition of the Rule 60 Motion therefore may directly affect the procedural posture of that appeal.

Rule 62.1 exists for precisely the circumstance in which a timely motion for relief is presented while an appeal has deprived the District Court of authority to grant the requested relief outright. The District Court may defer consideration, deny the motion, state that it would grant the motion if the Court of Appeals remands for that purpose, or state that the motion raises a substantial issue.

FRAP 12.1 then provides the corresponding appellate mechanism when the District Court states that it would grant the motion or that the motion raises a substantial issue.

Plaintiff-Appellant invoked that procedural framework rather than asking this Court to determine the Rule 60 Motion itself.

The Second Circuit has long recognized this procedure. A district court may entertain and deny a Rule 60(b) motion while an appeal is pending; if it determines that relief should be granted, remand is then sought from the Court of Appeals. *Toliver v. County of Sullivan*, 957 F.2d 47, 49 (2d Cir. 1992) (citing *Ryan v. United States Lines Co.*, 303 F.2d 430, 434 (2d Cir. 1962)). Rule 62.1 now expressly codifies the indicative-ruling procedure.

A temporary abeyance would permit the District Court to state its position. If MC DE [6] is denied, that disposition establishes the District Court's ruling and the appellate proceedings may continue accordingly. If the District Court states that it would grant relief or that the Motion raises a substantial issue, Plaintiff-Appellant can notify this Court and seek the relief authorized by FRAP 12.1.

Thus, abeyance would preserve rather than circumvent the respective functions of the District Court and this Court.

POINT III
THE NOVEMBER 17, 2025, RECUSAL AND RANDOM REASSIGNMENT
MAKE A CLEAR DISTRICT COURT DISPOSITION PARTICULARLY
IMPORTANT

The procedural history further supports allowing MC DE [6] to reach a clear disposition.

On November 17, 2025, the official District Court record stated that Judge Sanket J. Bulsara and Magistrate Judge Anne Y. Shields recused and that the case was randomly reassigned to District Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl **“for all further proceedings.”**

The subsequent Exhibit Index identifies the same official procedural event.

Thereafter, DE [244] and DE [245] were entered on May 8, 2026, and the miscellaneous proceeding **In re Orrego, No. 2:26-mc-01957-SJB** was opened.

Plaintiff-Appellant's June 24 Rule 60/Rule 62.1 Motion was docketed in that miscellaneous proceeding as MC DE [6].

The legal consequences of the November 17 recusal and subsequent activity are disputed. Plaintiff-Appellant does not ask this Court to finally resolve that dispute through this reconsideration motion.

That is precisely why a clear District Court disposition is important.

The requested abeyance would allow the District Court to address MC DE [6] in the first instance rather than requiring the appellate proceedings to move forward while the status of the post-judgment application remains unresolved.

POINT IV
THE SUBSEQUENT JUDICIAL-CONDUCT FILINGS ARE NOT
OFFERED AS PROOF OF MISCONDUCT AND DO NOT FORM THE
INDEPENDENT BASIS FOR RECONSIDERATION

Plaintiff-Appellant separately seeks leave to submit limited subsequent materials relating to judicial-conduct proceedings.

Those materials should not be misunderstood.

The August 10, 2026, Statement of Facts identifies the later judicial-conduct submission as related to Complaint Nos. **02-25-90131-jm** and **02-25-90132-jm**, demonstrating that related judicial-conduct proceedings predated the present reconsideration request.

The Clerk subsequently acknowledged Judicial Conduct Complaint No. **02-26-90052-jm**, received August 11, 2026.

Those proceedings are separate from these appeals.

Plaintiff-Appellant does not offer the complaints as proof of their allegations or ask this Court to adjudicate judicial misconduct. Their relevance is limited to procedural history concerning the November 17 recusal/reassignment, DE [244] and DE [245], the miscellaneous proceeding, and MC DE [6].

The merits of reconsideration instead rest upon the appellate and District Court procedural record already presented to this Court.

POINT V
ALTERNATIVELY, CLARIFICATION IS WARRANTED REGARDING
THE LIMITED EFFECT OF THE AUGUST 12 ORDER

If this Court declines to reconsider the denial of abeyance, Plaintiff-Appellant respectfully requests clarification of the August 12 Order.

The Order denied abeyance. It did not expressly adjudicate MC DE [6].

It did not decide the merits of the Rule 60 Motion.

It did not issue or deny an indicative ruling on behalf of the District Court.

And it did not state that the Rule 60/Rule 62.1 procedure was foreclosed.

Clarification therefore would serve the limited purpose of confirming that the August 12 Order does not itself prevent the District Court from considering MC DE [6] consistent with the applicable Rules and does not prevent Plaintiff-Appellant from invoking FRAP 12.1 if the District Court subsequently states that it would grant relief or that the Motion raises a substantial issue.

This alternative relief would not alter the merits of either appeal. It would clarify the relationship between the August 12 appellate order and the separate District Court proceeding expressly referenced by that Order.

POINT VI
RECONSIDERATION EN BANC IS REQUESTED ONLY TO THE
EXTENT THE COURT DETERMINES THE QUESTION SATISFIES THE
GOVERNING EN BANC STANDARD

Plaintiff-Appellant also respectfully requests reconsideration en banc.

The Court's instructions recognize that, where an appeal is disposed of by a qualifying three-judge order without a FRAP 36 judgment, an adversely affected party may seek both panel reconsideration and reconsideration en banc. Such a request must comply with the requirements governing rehearing and rehearing en banc.

Plaintiff-Appellant recognizes that en banc reconsideration is not favored. See Fed. R. App. P. 40(c). The unresolved Rule 60/Rule 62.1 proceeding warrants en banc consideration only if the Court determines that it implicates uniform administration of the indicative-ruling procedure or presents a question of exceptional importance under FRAP 40(b)(2).

The question presented here concerns the orderly relationship between appellate proceedings and a pending District Court request for relief under Rule 60 and Rule 62.1, where Plaintiff-Appellant notified this Court pursuant to FRAP 12.1 and the August 12 Order itself expressly identified the District Court disposition being awaited.

Plaintiff-Appellant respectfully submits that, to the extent the Court determines that this procedural question implicates the uniform administration of the Rule

62.1/FRAP 12.1 mechanism or otherwise satisfies the governing en banc standard, reconsideration en banc is appropriate.

The principal relief remains temporary abeyance permitting the District Court to dispose of MC DE [6].

AUTHORITIES RELIED UPON

Cases

Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995) — **Standard for reconsideration based on controlling decisions or material matters overlooked.**

Toliver v. County of Sullivan, 957 F.2d 47, 49 (2d Cir. 1992) — **District Court consideration of a Rule 60(b) motion while an appeal is pending and procedure for seeking remand.**

Ryan v. United States Lines Co., 303 F.2d 430, 434 (2d Cir. 1962) — **Second Circuit authority supporting the Rule 60 motion-and-remand procedure during a pending appeal.**

Rules

Fed. R. Civ. P. 60(b), 60(d)(3) — **Relief from judgment and fraud on the court.**

Fed. R. Civ. P. 62.1 — **Indicative ruling procedure while appellate jurisdiction is pending.**

Fed. R. App. P. 12.1 — **Appellate procedure following an indicative ruling.**

Fed. R. App. P. 40 — **Panel and en banc reconsideration requirements and standards.**

Second Circuit Local Rule 40.1 — **Second Circuit requirements governing rehearing/reconsideration submissions.**

Second Circuit Local Rule 40.2 — **Procedure for motions for panel reconsideration and reconsideration en banc.**

CONCLUSION

For the foregoing reasons, Plaintiff-Appellant respectfully requests that the Court grant **panel reconsideration and reconsideration en banc of its August 12, 2026, Order** and hold Appeals Nos. 26-899(L) and 26-1576(Con) temporarily in abeyance pending the District Court's disposition of MC DE [6], including the request for an indicative ruling pursuant to Rule 62.1.

Alternatively, Plaintiff-Appellant respectfully requests clarification that the August 12 Order does not itself adjudicate or dispose of MC DE [6] or the Rule 62.1 request; does not preclude District Court consideration of those matters consistent with the applicable Rules; and does not alter the procedure available under Fed. R. App. P. 12.1.

Plaintiff-Appellant respectfully requests such other and further relief as this Court deems just and proper.

Respectfully Submitted

Dated: August 26, 2026
Rego Park, New York

/s/ Lidia M. Orrego

LIDIA M. ORREGO

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Pro Se Certificate of Compliance with

Word or Page Limits Adapted from Federal Rules of Appellate Procedure Form 6

A document filed with the Court must not be longer than the Federal Rules of Appellate Procedure or the Court's Local Rules permit. Check the box for the document you are filing and state the number of words or pages.

- ☐ **Brief** contains _____ words. [14,000 word limit - LR 32.1(a)(4)(A)], or
Brief contains _____ pages. [30 page limit - FRAP 32(a)(7)(A)]
- ☐ **Reply Brief** contains _____ words. [7,000 word limit - LR 32.1(a)(4)(B)], or
Reply Brief contains _____ pages. [30 page limit - FRAP 32(a)(7)(A)]
- ☐ **Writ of Mandamus/Prohibition** contains _____ words. [7,800 word limit - FRAP 21(d)(1)], or
Writ of Mandamus/prohibition contains _____ pages. [30 page limit - FRAP 21(d)(2)]
- ☐ **Motion or Response to the Motion** contains _____ words. [5,200 word limit - FRAP 27(d)(2)(A)], or
Motion or Response to the Motion contains _____ pages. [20 page limit - FRAP 27(d)(2)(B)]
- ☐ **Reply to the Motion** contains _____ words. [2,600 word limit - FRAP 27(d)(2)(C)], or
Reply to the Motion contains _____ pages. [10 page limit - FRAP 27(d)(2)(D)]
- ☒ **Petition for Panel or En Banc Hearing** contains 3,897 words. [3,900 word limit - FRAP 35(b)(2)(A)], or
Petition for Panel or En Banc Hearing contains _____ pages. [15 page limit - FRAP 35(b)(2)(B)]
- ☐ **Petition for Panel Rehearing** contains _____ words. [3,900 word limit - FRAP 40 (b)(1)], or
Petition for Panel Rehearing contains _____ pages. [15 page limit - FRAP 40 (b)(2)]

EXHIBIT 1

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12th day of August, two thousand twenty-six.

Before: Maria Araújo Kahn,
Circuit Judge.

Lidia M. Orrego,

Plaintiff - Appellant,

v.

Kevin Knipfing, Employer, AKA Kevin James, Stephanieanna James-Knipfing, Employer, AKA Steffiana de la Cruz, Old Westbury Eddie LLC, Company/Payroll owner Kevin Knipfing, Old Westbury LLC, Unknown Entity under registration in NY State, Steve Savitsky, Business Manager, Old Westbury LLC, Teresa A. Zantua,

Defendants - Appellees.

ORDER

Docket Nos. 26-899(L), 26-1576(Con)

Appellant, pro se, moves to hold these appeals in abeyance pending the district court's disposition of her motions for relief from judgment and for an indicative ruling.

IT IS HEREBY ORDERED that the motion is DENIED.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

 Catherine O'Hagan Wolfe