UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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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, Teresa A. Zantua,
Defendants.

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Case No. 2:20-cv-03361 (SJB)(AYS)
Reassigned November 17, 2025 (PKC)(TAM)

NOTICE OF MOTION TO VACATE PURSUANT TO FED. R. CIV. P. 60(b)(3), 60(b)(4), 60(b)(6), AND 60(d)(3), AND FOR AN INDICATIVE RULING PURSUANT TO FED. R. CIV. P. 62.1

This motion is respectfully submitted for consideration by the **Honorable Pamela K. Chen, United States District Judge, and Magistrate Judge Taryn A. Merkl, as the judicial officers vested with jurisdiction over this action following the November 17, 2025, Order of Recusal.** Plaintiff does not seek relief from, or review by, any judicial officer previously recused or disqualified from this action. If any portion of this motion is referred to, reviewed by, routed to, or acted upon by a judicial officer previously recused or disqualified from this action, Plaintiff expressly objects and preserves all objections concerning jurisdiction, authority, recusal, due process, and judicial disqualification.

PLEASE TAKE NOTICE that, upon the accompanying Affirmation of Lidia M. Orrego, dated June 24, 2026, together with Exhibits 1 through 26 annexed thereto, the accompanying Memorandum of Law, and all prior proceedings and papers on file in this action, Plaintiff Lidia

M. Orrego, Pro Se, will move this Court, before the Honorable Pamela K. Chen, United States

District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, **at a date and time to be determined by the Court, for an Order:**

1. Pursuant to Fed. R. Civ. P. 62.1(a)(3), issuing an indicative ruling stating either (i) that the Court would grant Plaintiff's motion for relief under Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3) from the Memorandum and Order entered May 8, 2026 (DE [244]) and the Judgment entered the same day (DE [245]) if the Court of Appeals for the Second Circuit remands for that purpose, or (ii) that this motion raises a substantial issue;

2. Pursuant to Fed. R. Civ. P. 60(b)(4), vacating DE [244] and DE [245] as orders entered without jurisdiction — void ab initio — by a judicial officer who had been recused by Order entered November 17, 2025 (Exhibit 12), 172 days before DE [244] and DE [245] were entered;

3. Pursuant to Fed. R. Civ. P. 60(b)(3), vacating DE [244] and DE [245] for fraud, misrepresentation, and misconduct by Defendants, including the submission of a blank errata sheet (Exhibit 15) in lieu of Plaintiff's executed notarized errata sheet (Exhibit 14), and the submission of falsified written deposition responses (DE [84]);

4. Pursuant to Fed. R. Civ. P. 60(d)(3), vacating DE [244] and DE [245] for fraud upon the court, including the same-day removal of Plaintiff's authorized submissions through Miscellaneous Case 2:26-mc-01957 (Exhibits 9–10), and the section-by-section adoption of Defendants' submissions in DE [244] without independent analysis of Plaintiff's contrary evidence;

5. Pursuant to Fed. R. Civ. P. 60(b)(6), vacating DE [244] and DE [245] based on extraordinary circumstances, including the reversal of six findings from DE [30] (Exhibit 11) without citation, the permanent district-wide filing injunction imposed without Safir analysis,

notice, or hearing, and the cumulative effect of the twenty-one false statements and omissions documented in the Affirmation (FS1–FS21);

6. Vacating the permanent district-wide filing injunction imposed by DE [244] as a post-recusal void act, and as an injunction imposed without compliance with the requirements of *Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986),* without notice, without a show-cause order, without a hearing, and without individualized analysis of any specific filing under any subsection of Fed. R. Civ. P. 11(b);

7. Directing the Clerk of Court to correct the case designation to reflect "2:20-cv-03361-PKC-TAM," consistent with the November 17, 2025, Order of Recusal and the CM/ECF designation in effect from November 17, 2025, through November 26, 2025;

8. Calendaring Plaintiff's letter motion DE [232], filed November 18, 2025, and addressed to Judge Chen, which remains pending and undecided; and

9. Granting such other and further relief as the Court deems just and proper.

This motion is based upon: the Affirmation of Lidia M. Orrego dated June 24, 2026 (Sections I through V), with Exhibits 1 through 26 physically attached; the Memorandum of Law dated June 24, 2026; the Exhibit Table; the Proposed Order; the two CD/DVD discs (Exhibit 4) re-submitted pursuant to Fed. R. Civ. P. 56(e)(1); and all prior proceedings and papers on file in this action, including the complete summary judgment record at DE [224], DE [226], DE [228], and DE [229].

Plaintiff respectfully requests that the Court extend to her, as a Pro Se litigant, the leniency to which she is entitled under governing Second Circuit authority. See *Erickson v. Pardus, 551 U.S. 89, 94 (2007); Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474–75 (2d Cir. 2006).*

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd., Apt. 3E
Rego Park, New York 11374
Phone: (347) 453-2234
Email: liorrego@gmail.com

To:

Gordon Rees Scully Mansukhani LLP
Counsel for Defendants (via ECF and email)

FILING INVENTORY NOTE

Documents Submitted Concurrently:

00 Application for Leave to File
01 Notice of Motion (this document)
02 Affirmation of Lidia M. Orrego in Support
03 Memorandum of Law
04 Exhibit Table
05 Proposed Order
06 Affirmation of Service
Exs. 1–26 Exhibits Physically Attached (1e–304e; see Exhibit Table for complete index)
Ex. 4 Exhibit 4 consists of two CD/DVD discs (Disc 1 of 2 and Disc 2 of 2) containing the electronic evidence previously submitted as DE [229] on October 8, 2025, re-submitted pursuant to Fed. R. Civ. P. 56(e)(1). The cover page of Exhibit 4 (filed via ECF) contains a photograph of the two discs and a complete inventory of their contents. Physical copies of the two discs are being served on Defendants\u2019 counsel by first-class mail simultaneously with this filing.

Total Pages Submitted (all documents): 397
Hard Copy Provided (per Judge Chen Individual Practices): ☒ Yes
Courtesy Copy to Judge Chen Chambers (without CD/DVD): ☒ Yes
Letter to Chief Judge Brodie: ☒ Yes
FRAP 12.1(a) Notice filed in Second Circuit Case No. 26-1576: ☒ Yes

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---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.

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Case No. 2:20-cv-03361 (SJB)(AYS)
Reassigned November 17, 2025 (PKC)(TAM)

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO VACATE PURSUANT TO FED. R. CIV. P. 62.1, 60(b)(3), 60(b)(4), 60(b)(6), AND 60(d)(3)

Dated: June 24, 2026
Rego Park, New York

/s/ Lidia M. Orrego
Lidia M. Orrego
Plaintiff Pro Se
95-08 Queens Blvd., Apt. 3E
Rego Park, New York 11374
Phone: (347) 453-2234
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I. PRELIMINARY STATEMENT

Plaintiff Lidia M. Orrego ("Plaintiff") respectfully submits this Memorandum of Law in support of her Motion for Indicative Ruling pursuant to Fed. R. Civ. P. 62.1 and to Vacate the Memorandum and Order entered May 8, 2026 (DE [244]) and the Judgment entered the same day (DE [245]) pursuant to Fed. R. Civ. P. 60(b)(3), 60(b)(4), 60(b)(6), and 60(d)(3). A Notice of Appeal (DE [246]) was filed on June 1, 2026, and is pending in the Second Circuit as Case No. 26-1576. Plaintiff filed this motion pursuant to Fed. R. Civ. P. 62.1(a) and Fed. R. App. P. 12.1(a), and has provided the required notice to the Second Circuit. ***Griggs v. Provident Consumer Discount Co.***, 459 U.S. 56, 58 (1982).

This Court's final judgment is appealable pursuant to 28 U.S.C. § 1291.

All pre-recusal interlocutory orders have merged into DE [245] and are subject to plenary review. *Ginett v. Computer Task Group, Inc.*, 962 F.2d 1085, 1091 (2d Cir. 1992).

DE [244] is a 29-page "Memorandum and Order" entered 172 days after the November 17, 2025, Order of Recusal by a judicial officer who had no jurisdiction over this action. DE [245] names Steve Savitsky ("Savitsky") as a judgment defendant despite DE [30]'s 2021 dismissal of all Savitsky claims — a facial defect verifiable from two docket entries.

DE [244] — Summary Judgment ("SJ") was granted to Old Westbury LLC (fn.2), an entity that GRSM's own counsel admitted to the Second Circuit "does not exist" (Docket 25-2437, Dkt Entry 29.8). A court cannot grant judgment to an entity with no legal existence. Under FRCP 17(b), the judgment in favor of Old Westbury LLC is void for lack of capacity.

DE [244] is not the product of an independent evaluation of the competing Summary Judgment record. Instead, it repeatedly adopts Defendants' factual assertions and legal characterizations while suppressing, disregarding, or selectively citing at least twenty-two categories of Plaintiff's evidence. The Order fails to reconcile material contradictions in the record, fails to explain why Plaintiff's evidence does not create genuine disputes of material fact, and repeatedly credits Defendants' narrative notwithstanding contrary evidence contained in the Summary Judgment record. Such selective treatment of the evidence is incompatible with the Court's obligation under Rule 56 to view the record as a whole and in the light most favorable to the nonmoving party.

II. STATEMENT OF FACTS

Plaintiff was employed in the Knipfing household from January 31, 2018, through November 27, 2018. During that period, she was subjected to a sustained pattern of national-origin-based harassment by Teresa A. Zantua ("Zantua"), the driver of the Knipfing children who managed all children's schedules and activities on the Knipfings' behalf and acted as their authorized agent. The Knipfings had documented knowledge of Zantua's conduct pattern from at least 2017 — one year before Plaintiff was hired — through the Rydan Security Investigations ("Rydan") report (DEFS_000020-23; Exhibit 17), which confirmed all abuses and documented that prior corrective measures had failed and Zantua "REVERTED BACK."

On November 17, 2025, the Honorable Sanket J. Bulsara entered an Order of Recusal, reassigning this action to the Honorable Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings. 172 days later, on May 8, 2026, DE [244] and DE [245] were entered by the recused judicial officer without jurisdiction. On the same day, Miscellaneous Case 2:26-mc-01957 was opened and immediately closed, with Plaintiff's authorized May 5, 2026, submissions removed from the 20-cv-3361 docket before DE [244] issued.

The payroll record for Plaintiff's employment confirms that the actual employer was the Knipfings personally through Savitsky Satin Bacon & Bucci ("SSBB") in Los Angeles, California. The July 13, 2018, paycheck issued to Plaintiff identifies the employer as "KEVIN AND STEPHANIEANNA KNIPFING C/O SAVITSKY SATIN BACON & BUCCI, 2049 CENTURY

PARK EAST, SUITE 1400, LOS ANGELES CA 90057" — no Old Westbury EDDIE LLC, no Old Westbury LLC (DE [226-22] Exhibit 17 Bates PLA000063-80). Plaintiff submitted timesheets via the "Timesheet" application to Rachel, Business Manager at SSBB. Paystubs and employment benefits were communicated by Charles Stanislaus, Account Manager at SSBB, via cstan@savco.com. Plaintiff was never contacted by Steve Savitsky ("Savitsky") directly during her employment (AC ¶54). SSBB rebranded as Ground Control Business Management ("GCBM") on September 19, 2022, during active federal litigation.

The termination letter dated November 27, 2018, was issued on letterhead reading "OLD WESTBURY, LLC c/o Savitsky Satin Bacon & Bucci, 2049 Century Park East, Suite 1400, Los Angeles, CA 90067" and signed by Savitsky as "Business Manager, Old Westbury LLC." DE [30] fn.3, p.7 (Exhibit 11) acknowledged Plaintiff's allegation that Knipfing gave the order to Savitsky "to manufacture the Termination Letter dated November 27, 2018, under the name of the unknown Entity Westbury LLC." DE [244] accepted the typographical error defense without engaging this prior judicial acknowledgment.

III. LEGAL STANDARD

Fed. R. Civ. P. 62.1(a) provides that if a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue. Plaintiff requests relief under Rule 62.1(a)(3).

Fed. R. Civ. P. 60(b)(4) requires mandatory vacatur of a void judgment. ***Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee***, 456 U.S. 694, 702 (1982). A judgment is void when the court that rendered it lacked jurisdiction. A recused judge has no authority to enter any order in the recused action. ***In re IBM Corp.***, 618 F.2d 923, 932 (2d Cir. 1980). Relief under Rule 60(b)(4) is not discretionary — it is mandatory.

Fed. R. Civ. P. 60(b)(3) permits relief from a judgment obtained through "fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party." The moving party must demonstrate fraud by clear and convincing evidence. ***State St. Bank & Trust Co. v. Inversiones Errazuriz Limitada***, 374 F.3d 158, 176 (2d Cir. 2004).

Fed. R. Civ. P. 60(d)(3) preserves the court's power to "set aside a judgment for fraud on the court." Fraud on the court requires a showing of "an unconscionable plan or scheme which is designed to improperly influence the court in its decision." ***Hazel-Atlas Glass Co. v. Hartford-Empire Co.***, 322 U.S. 238, 246 (1944).

Fed. R. Civ. P. 60(b)(6) permits relief for "any other reason that justifies relief." This catchall provision "is a grand reservoir of equitable power to do justice in a particular case." ***Pioneer Inv. Servs. Co. v. Brunswick Assocs.***, 507 U.S. 380, 393 (1993). The provision requires a showing of extraordinary circumstances. ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847, 863-64 (1988).

IV. ARGUMENT

POINT I

DE [244] AND DE [245] ARE VOID AB INITIO UNDER RULE 60(b)(4) AS ORDERS ENTERED BY A RECUSED JUDICIAL OFFICER 172 DAYS AFTER THE ORDER OF RECUSAL

A judgment entered by a court without subject matter jurisdiction is void and must be vacated under Fed. R. Civ. P. 60(b)(4). Relief from a void judgment is mandatory, not discretionary.

The November 17, 2025 Order of Recusal — Exhibit 12 — divested the recused judicial officer of all authority over this action. The CM/ECF system implemented the reassignment contemporaneously, designating the case "2:20-cv-03361-PKC-TAM." The NEF confirms: "Case randomly reassigned to Judge Pamela K. Chen and Magistrate Judge Taryn A. Merkl for all further proceedings." That order was never vacated, appealed, or modified. The November 26, 2025 clerk notation reverting the designation is legally void: a ministerial clerk entry cannot override a judicial order of recusal. ***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847, 860–61 (1988) (recusal order divests court of authority over matter in which judge is disqualified). United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 271 (2010) (judgment void where court lacked jurisdiction to enter it).

On May 8, 2026 — 172 days after the November 17, 2025 Order of Recusal — the recused judicial officer entered DE [244] (29 pages) and DE [245] (judgment). On the same day, Miscellaneous Case 2:26-mc-01957-SJB was opened and immediately closed, with Plaintiff's three authorized May 5, 2026 submissions removed from the 20-cv-3361 docket before DE [244] issued. Every act by the recused judicial officer after November 17, 2025 is void ab initio. This includes: the November 26, 2025 clerk reversion; the March 24, 2026 order purporting to deny Plaintiff's recusal motion; DE [244]; DE [245]; and MC 2:26-mc-01957. ***Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee***, 456 U.S. 694, 702 (1982) (relief from void judgment is mandatory).

The due process clause independently requires recusal where bias or its appearance is clear. ***Caperton v. A.T. Massey Coal Co.***, 556 U.S. 868, 876–77 (2009).

The three-factor Liljeberg analysis confirms the mandatory nature of relief. First, the recusal order was entered by the recused judge himself after a valid recusal order had already divested him of authority — the very judge adjudicated his own recusal. Second, the risk of injustice is direct and quantifiable: a 29-page summary judgment order entered 172 days post-recusal without jurisdiction. Third, vacatur is necessary to protect the integrity of the judicial process: allowing a post-recusal void judgment to stand would render recusal orders meaningless.

Under 28 U.S.C. § 455, disqualification is required where a judge's impartiality might reasonably be questioned. ***Liteky v. United States***, 510 U.S. 540, 555 (1994). Under 28 U.S.C. § 455(a), a judge shall disqualify himself where impartiality might reasonably be questioned.

Under 28 U.S.C. § 137, the Chief Judge bears administrative responsibility for the orderly assignment of cases. The November 26, 2025, clerk reversion without judicial order violates this framework.

The harm extends beyond this case. If a recused judicial officer may continue to exercise authority after reassignment has been implemented and relied upon by the parties, litigants cannot have confidence that recusal orders will be honored. Such a result would diminish public confidence in the integrity, impartiality, and orderly administration of the judicial process.

POINT II
DE [245] IS VOID ON ITS FACE: (i) JUDGMENT ENTERED FOR A LEGALLY NONEXISTENT ENTITY IN VIOLATION OF FRCP 17(b); AND (ii) SAVITSKY NAMED AS JUDGMENT DEFENDANT DESPITE DE [30]'S 2021 DISMISSAL OF ALL CLAIMS AGAINST HIM

DE [245] contains two independent facial defects, each verifiable from the docket without any factual inquiry, either of which independently renders the judgment void. Both defects appear on the face of DE [245] itself. Neither requires resolution of any disputed factual issue. Together they compel vacatur of DE [245] as a structural nullity.

A. Old Westbury LLC Has No Legal Existence and No Capacity to Receive a Judgment Under FRCP 17(b)

Fed. R. Civ. P. 17(b)(2) provides that the capacity of a corporation to sue or be sued is determined by the law under which it was organized. Under New York law, a limited liability company has legal existence only upon the filing of articles of organization with the New York Secretary of State. ***MPEG LA, L.L.C. v. Toshiba Am. Info. Sys., Inc.***, No. 15-CV-3997, 2015 WL

6680661 (S.D.N.Y. Oct. 29, 2015); N.Y. Ltd. Liab. Co. Law § 202(a). An entity that has never been so organized does not exist as a legal person and therefore has no capacity to be a party to litigation — and cannot receive a judgment.

The entity "Old Westbury LLC" that appears in DE [245] as a judgment recipient has no registered existence under New York law. This is not a disputed fact. Defendants' own counsel, GRSM, admitted to the Second Circuit in November 2025 (Docket 25-2437, DktEntry 29.8) that "no such entity exists" as to Old Westbury LLC. The admission was made to a federal appellate tribunal by counsel of record. It is binding on Defendants under principles of judicial admission and cannot be retracted.

Despite this admission, DE [244] fn.2 accepted the "typographical error" defense asserted for the first time at summary judgment in 2025 — five years after GRSM certified Old Westbury LLC's existence in every filing beginning with DE [17] (September 30, 2020), in which Kevin Knipfing signed three separate signature lines: on behalf of himself, Old Westbury EDDIE LLC, and Old Westbury LLC. Under ***New Hampshire v. Maine***, 532 U.S. 742, 749–50 (2001), judicial estoppel bars a party from adopting a position inconsistent with a stance successfully maintained in prior proceedings. GRSM's six-year certification of Old Westbury LLC's existence cannot be retracted by a last-minute "typographical error" assertion unsupported by any affidavit, declaration, or documentary evidence.

The consequence is jurisdictional. A court cannot enter a valid judgment in favor of a party that does not legally exist. The judgment in favor of "Old Westbury LLC" in DE [245] is a nullity from inception. It cannot be enforced, appealed by that entity, or treated as having any legal effect. Because the defect goes to the legal existence of the party — not merely to service or notice — it cannot be cured by amendment and it cannot be waived by the opposing party. FRCP 17(b) deprives this Court of authority to enter judgment for or against a legally nonexistent entity regardless of the merits.

B. Savitsky Is Named as a Judgment Defendant in DE [245] Despite DE [30]'s 2021 Dismissal of All Claims Against Him

DE [30] — entered September 30, 2021, by the Honorable Gary R. Brown — dismissed all claims against Steve Savitsky. The dismissal is final, unreversed, and appears on the docket of this action. DE [245], entered May 8, 2026, names Savitsky as a judgment defendant despite DE [30]'s prior dismissal. This is a facial defect verifiable by comparing two docket entries without any factual inquiry. A judgment that names as a defendant a party against whom all claims were dismissed five years earlier by an unreversed prior order is void on its face. ***United Student Aid Funds, Inc. v. Espinosa***, 559 U.S. 260, 271 (2010) (judgment void were entered without jurisdiction over the subject matter or the party).

DE [244] acknowledged DE [30]'s dismissal of Savitsky at footnote 2 but nevertheless allowed his name to carry forward into DE [245] as a judgment defendant. Acknowledgment of the prior dismissal in the same order that enters the judgment does not cure the defect — it confirms that the Court had notice of DE [30] and entered a void judgment against Savitsky notwithstanding that notice. This is not a correctable clerical error under Fed. R. Civ. P. 60(a); it is a substantive jurisdictional defect requiring vacatur under Fed. R. Civ. P. 60(b)(4).

Both defects in DE [245] — judgment for a legally nonexistent entity and judgment against a previously dismissed defendant — are independent grounds for mandatory vacatur under Rule 60(b)(4). Relief from a void judgment is not discretionary. Because DE [245] is void on its face on two independent grounds, this Court should state pursuant to Rule 62.1(a)(3) that it would vacate DE [245] on these grounds if the Second Circuit remands for that purpose.

Before addressing the specific categories of omitted evidence, it bears emphasis that the Court expressly represented that Plaintiff would not be restricted from presenting evidence in connection with summary judgment. On July 11, 2025, the Court clarified that it was "not imposing any restriction on Plaintiff's ability to make any argument (or present any evidence) in support of her motion for summary judgment (or in opposition to Defendants' motion for summary judgment)." The Court further stated that the parties "may submit evidence, in the form of Rule 56.1 statements (and exhibits thereto), in connection with summary judgment." Having expressly authorized the submission of such evidence, the Court was required to consider that evidence under Rule 56 and could not disregard material portions of the record without explanation. Yet DE [244] omitted, disregarded, or selectively cited numerous categories of Plaintiff's evidence while adopting Defendants' characterization of disputed facts. This selective treatment of the record is incompatible with Rule 56's requirement that the evidence be viewed as a whole and in the light most favorable to the nonmoving party.

POINT III
DE [244] MUST BE VACATED UNDER RULE 60(b)(3) FOR FRAUD, MISREPRESENTATION, AND MISCONDUCT BY DEFENDANTS

Rule 60(b)(3) authorizes relief from judgment where a party has committed fraud, misrepresentation, or misconduct. A movant need not prove the judgment was obtained solely by the fraud; it is sufficient that the fraud prevented full and fair presentation of the party's case. ***Kupferman v. Consolidated Research & Mfg. Corp.***, 459 F.2d 1072, 1078 (2d Cir. 1972) (Friendly, J.) (fraud in the procurement of a judgment justifies relief even if the court would have ruled the same way on the remaining evidence). The fraud need not have been the sole cause of the judgment. ***Podell v. Citicorp Diners Club, Inc.***, 112 F.3d 98, 101 (2d Cir. 1997) (Rule 60(b)(3) relief where misconduct prevented fair presentation).

The record documents five independent categories of fraud and misrepresentation, each supported by documentary evidence, none of which was rebutted by Defendants with admissible evidence:

Category	Evidence and Legal Basis
Blank Errata Sheet (Exhibit 15)	Defendants submitted a blank errata sheet (DE [221-3]) in lieu of Plaintiff's executed notarized errata sheet (Exhibit 14), which contained substantive corrections including "hits you" → "hits me" at page 163, Line 14. Under Fleming v. New York University, 865 F.2d 478, 484 (2d Cir. 1989), a party who submits materially false discovery materials commits misconduct under Rule 60(b)(3). The executed errata was suppressed in DE [244] without acknowledgment.
Old Westbury LLC — Six-Year Representation and New Hampshire v. Maine	GRSM certified the existence of Old Westbury LLC in every filing for over five years. At summary judgment in 2025, Defendants asserted for the first time a typographical error defense with zero supporting evidence. Under New Hampshire v. Maine, 532 U.S. 742, 749–50 (2001), judicial estoppel bars a party from asserting a position contrary to a prior successful stance. DE [244] fn.2 accepted this defense without engaging six years of contrary certifications, the three Knipfing signature lines in DE [17] (Exhibit 20), or SSBB's own payroll records identifying the employer as Kevin and Stephanieanna Knipfing personally (DE [224-4] PageIDs #13307-13308).
DE [84] Written Deposition Responses — Authentication Challenge Unrebutted	Plaintiff filed documentary evidence challenging the authenticity of signatures on Defendants' April 2023 written deposition responses (DE [84]). Defendants filed no affidavits, declarations, or handwriting analysis in response. Under Fed. R. Evid. 901(a), unauthenticated documents cannot support summary judgment. Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986). DE [244] suppressed the authentication challenge entirely.

Selective Enforcement of DE [210] Injunction	MC 2:26-mc-01957 Document 3 (Exhibit 10) documents that Defendants' counsel violated the filing injunction imposed by DE [210] against Plaintiff with zero consequence. Three days later, DE [244] expanded the same injunction into a permanent district-wide ban against Plaintiff. Selective enforcement of a court order — one party violates unpunished while the other faces expansion — constitutes misconduct under Rule 60(b)(3).
Fabricated Evidence Evidence in DE [190]	DE [190] (March 13, 2025) presented authenticated evidence of five categories of fraud and misconduct: GRSM conflict of interest; fabricated Offer Letter; three-NDA versions with backdated file name; false deposition certifications; and discovery non-compliance. Defendants filed no affidavits and no admissible evidence in response. DE [244] suppressed DE [190] entirely without citation.

The fraud and misconduct identified below were not isolated events. They affected multiple categories of evidence, multiple stages of the litigation, and several issues central to the Court's SJ determination. Collectively, they prevented the Court from evaluating the case on a complete and accurate factual record and therefore satisfy the requirements for relief under Rule 60(b)(3).

POINT IV
DE [244] MUST BE VACATED UNDER RULE 60(d)(3) FOR FRAUD UPON THE COURT

Fraud upon the court under Rule 60(d)(3) occurs where conduct corrupts the judicial process itself. This Court possesses inherent power to vacate judgments obtained by such fraud, without limitation of time. ***Teamsters v. United States***, 431 U.S. 324, 376 (1977). ***Gleason v. Jandrucko***, 860 F.2d 556, 559 (2d Cir. 1988). ***Martina Theatre Corp. v. Schine Chain Theatres, Inc.***, 278 F.2d 798, 801 (2d Cir. 1960). There is no time limit for a motion under Rule 60(d)(3). Fed. R. Civ. P. 60(c)(2).

DE [244] did not merely reject Plaintiff's evidence; it frequently failed to acknowledge that such evidence existed. The issue presented is therefore not a disagreement with the Court's weighing of competing evidence, but its failure to address substantial portions of the evidentiary record altogether. Material categories of evidence—including the Uzcategui investigation, diary entries, audio recordings, photographs, Rule 56.1 facts, forged-signature evidence, NDA formation defects, the Loft Legal Opinion, and discovery-misconduct evidence—were omitted from meaningful analysis. Where a summary judgment order adopts one party's factual narrative while leaving significant contrary evidence unaddressed, meaningful appellate review becomes difficult because the order does not reveal why the omitted evidence was insufficient to create a genuine dispute of material fact.

Three independent acts constitute fraud upon the court:

Category	Evidence and Legal Basis
Same-Day Evidence Removal Through MC 2:26-mc-01957	On May 5, 2026, Plaintiff filed three authorized submissions: DE[2] (Supplemental Declaration v54), DE[3] (Notice of Violation), and supporting exhibits. On May 8, 2026 — the same day DE [244] issued — MC 2:26-mc-01957-SJB was opened, all three submissions were removed from the 20-cv-3361 docket, and the miscellaneous case was immediately closed. DE [244] then stated no supplemental evidence was on the record (Exhibits 9–10). A proceeding opened and closed the same day as a summary judgment ruling for the sole purpose of removing the opposing party's evidence from the record before the ruling issues constitutes fraud upon the court.
Section-by-Section Adoption Without	A section-by-section comparison demonstrates that DE [244] substantially mirrors Defendants' Summary Judgment presentation in organization, authorities, and analysis. The legal authorities cited in DE [244] are drawn from Defendants' briefing, and the Order repeatedly adopts Defendants'

Independent Analysis	factual assertions and legal characterizations while omitting or disregarding substantial categories of Plaintiff's contrary evidence. The accompanying Affirmation (Section III) contains a detailed comparison chart documenting the correspondence between DE [244] and DE [221-54]. **Every legal authority cited in DE [244] appears in DE [221-54].** Zero authorities in DE [244] are not found in Defendants' papers. The verbatim adoption table in the accompanying Affirmation (Section III) documents the section-by-section correspondence between DE [244] and DE [221-54]. A court that adopts a party's submissions without independent analysis does not perform the judicial function required by Fed. R. Civ. P. 56. Fleming v. New York University, 865 F.2d 478, 484 (2d Cir. 1989).
GRSM Conflict of Interest Non-Disclosure	GRSM represented Old Westbury LLC in this action while simultaneously representing Knipfing-related entities in Workers' Compensation Board proceedings against Plaintiff — including proceedings involving the same fraudulent IME reports that the Williams Judgment (DE [224-34]) confirmed were false. GRSM's dual representation was never disclosed to the Court. Non-disclosure of a material conflict of interest by counsel constitutes fraud upon the court. DE [190] documented this conflict in March 2025. DE [244] suppressed DE [190] entirely.

The conflict was material because the Workers' Compensation proceedings involved the same underlying allegations and disputed medical evidence at issue here. Disclosure would have permitted the Court to evaluate the effect of counsel's concurrent representations. The undisclosed conflict therefore impaired the integrity of the proceedings and supports relief under Rule 60(d)(3). The conflict also bore directly on counsel's credibility and the reliability of positions advanced before multiple tribunals. DE [244] neither addressed the conflict nor explained the omission of DE [190] from its analysis.

POINT V

DE [244] MUST BE VACATED UNDER RULE 60(b)(6) FOR EXTRAORDINARY CIRCUMSTANCES

Rule 60(b)(6) authorizes relief from judgment for "any other reason that justifies relief." It is reserved for extraordinary circumstances. ***Klapprott v. United States***, 335 U.S. 601, 613 (1949). ***Liljeberg***, 486 U.S. at 863–64 (cumulative extraordinary circumstances warrant relief even if no single ground independently suffices).

Faragher v. City of Boca Raton, 524 U.S. 775, 807–08 (1998) (***Burlington Indus., Inc. v. Ellerth***, 524 U.S. 742, 765 (1998)) (employer must raise Faragher-Ellerth affirmative defense — Defendants did not; DE [30] p.16 expressly found it not raised).

The following extraordinary circumstances, each independently significant, cumulatively establish that DE [244] and DE [245] cannot stand:

1. DE [244] and DE [245] were entered 172 days after the November 17, 2025, Order of Recusal by a judicial officer without jurisdiction;

2. DE [232] — Plaintiff's letter motion filed November 18, 2025 and addressed to Judge Chen — has been pending and undecided since its filing while DE [244] and DE [245] were entered;

3. DE [30] (Judge Brown, September 30, 2021; Exhibit 11) made six independent findings that DE [244] reversed without citing DE [30] once in 29 pages, including the express finding that Defendants did not raise Faragher/Ellerth (DE [30] p.16);

4. Plaintiff's 178-paragraph Rule 56.1 Counterstatement was disregarded without treating any paragraph as admitted under Local Civil Rule 56.1(c) despite Defendants' one-paragraph response;

5. The filing injunction was imposed by DE [244] based exclusively on ¶¶129-178 — the same paragraphs DE [230] sought to strike — without individualized analysis, without a show-cause order, without a hearing, and without identifying any FRCP 11(b) subsection;

6. Plaintiff's cross-motion was denied in one sentence without applying any legal standard;

7. The Loft Legal Opinion — acknowledged by the recused judge in July 2025 — was suppressed in DE [244] ten months later despite being the central legal authority on NDA voidness;

8. The Williams Judgment (DE [224-34]) — a January 2025 judicial finding that the Hochfelder IME records "were false" — was suppressed without citation in DE [244]'s vexatious-litigant analysis;

9. DE [245] named Savitsky as a judgment defendant despite DE [30]'s 2021 dismissal of all Savitsky claims — a facial error verifiable from two docket entries;

10. DE [245] denied IFP without acknowledging Second Circuit Mandates 25-1802 and 25-1810 — granted 51 days earlier in proceedings involving the same Plaintiff. DE [245] denied IFP without acknowledging Second Circuit Mandates 25-1802 and 25-1810 granted 51 days earlier. ***Coppedge v. United States***, 369 U.S. 438, 444–45 (1962) (IFP status on appeal must account for prior grants under substantially identical circumstances).

These circumstances are not isolated errors but a cumulative pattern of jurisdictional defects, procedural irregularities, suppression of material evidence, and unexplained departures from prior rulings and appellate determinations. Considered together, they constitute the type of extraordinary circumstances contemplated by Rule 60(b)(6) and demonstrate that enforcement of DE [244] and DE [245] would work a manifest injustice. Vacatur is therefore warranted in the interests of equity and the integrity of the judicial process.

POINT VI

DE [244] VIOLATED FED. R. CIV. P. 56 BY SUPPRESSING NINETEEN CATEGORIES OF PLAINTIFF'S EVIDENCE WITHOUT EXPLANATION

The role of the Court at Summary Judgment is not to facilitate, perpetuate, or give effect to factual assertions that are contradicted by the evidentiary record. The court's obligation is to evaluate what the record actually shows and to determine whether genuine disputes exist — not to adopt one party's version of disputed facts.

At the Summary Judgment stage, the Court may not weigh evidence, make credibility determinations, or resolve disputed issues of fact. ***Anderson v. Liberty Lobby, Inc.***, 477 U.S. 242, 255 (1986). ***Robinson v. De Niro***, No. 19-CV-9156 (LJL), 2023 WL 3611839, at *13–15 (S.D.N.Y. May 25, 2023) (denying summary judgment on discrimination and retaliation claims where competing evidence created genuine disputes of material fact requiring jury resolution). When both parties have moved for summary judgment, the court must evaluate each party's motion on its own merits, taking care to draw all reasonable inferences against the party whose motion is under consideration. ***Alta Partners, LLC v. Getty Images Holdings, Inc.***, 165 F.4th 162, 169 (2d Cir. 2026). ***Celotex Corp. v. Catrett***, 477 U.S. 317, 324 (1986) (summary judgment must be supported by admissible evidence). The court must draw all reasonable inferences in favor of the non-moving party and disregard evidence favorable to the moving party that a jury would not be required to credit. ***Reeves v. Sanderson Plumbing Prods., Inc.***, 530 U.S. 133, 150–51 (2000).

DE [244] violated each of these principles. The accompanying Affirmation and Master Evidence Map (Exhibit 26) document twenty-two specific instances — each supported by exhibit, Bates number, and Page ID — in which DE [244] adopted Defendants' characterization while suppressing Plaintiff's contrary evidence. The issue is not that DE [244] resolved disputed facts against Plaintiff. Rather, DE [244] repeatedly failed to acknowledge the existence of material contrary evidence contained in the Summary Judgment record.

The omitted evidence was not cumulative or peripheral. It included contemporaneous text messages, emails, diary entries, investigative reports, photographs, videos, audio recordings, affidavits, judicial decisions, administrative findings, and business records. At a minimum, that evidence created genuine disputes requiring denial of summary judgment under Rule 56.

Plaintiff engaged in protected activity on November 2, 2018. ***CBOCS West, Inc. v. Humphries***, 553 U.S. 442, 457 (2008) (retaliation protection extends to opposition to discrimination). DE [244]'s 'severe or pervasive' finding disregarded direct racial slurs documented in Defendants' own exhibit. ***Harris v. Forklift Sys., Inc.***, 510 U.S. 17, 21 (1993).

The permanent filing injunction was imposed without notice, hearing, or opportunity to respond. ***Mathews v. Eldridge***, 424 U.S. 319, 333 (1976) (due process requires notice and opportunity to be heard before deprivation of rights).

The All-Writs Act, 28 U.S.C. § 1651, does not authorize a district-wide lifetime filing ban imposed without individualized findings.

All evidence and reasonable inferences must be viewed in the light most favorable to Plaintiff. ***Matsushita Elec. Indus. Co. v. Zenith Radio Corp.***, 475 U.S. 574, 587 (1986).

Representative examples follow:

Suppressed Category	**Evidence and Impact**
DE [244] fn.9: No Documents Support That Zantua Ordered Photos	Zantua text October 19, 2018: "*Lidia will u take picture of the apple juice so I can get more please*" (DE [224-16] p.52 PageID #13478; Exhibit 21). Two additional documented orders in AC Ex.33 pp.143-144. Three independent documentary sources. DE [244] fn.9 suppressed all three.
DE [244] p.15: Both Parties Agree	DE [221-12] DEFS_000054-068 — Defendants' own SJ exhibit — contains approximately 70 TAZ/Zantua references documenting racial

Diary Does Not Mention Zantua	slurs. Plaintiff never agreed the diary does not mention Zantua. DE [244] misattributed an agreement that never existed and adopted a position directly contradicted by Defendants' own exhibit.
DE [244] p.16-17: Conditions Improved After Uzcategui Complaint; Wrong Complainant	DEFS_000020-23 (Exhibit 17) — same Rydan report DE [244] partially cited — states Zantua "REVERTED BACK". REVERTED BACK clause suppressed. Wrong complainant: Uzcategui's 2017 complaint predates Plaintiff's January 31, 2018 hire. DE [30] p.16 expressly found this defense not raised. DE [244] reversed DE [30] without citing it. Shrader v. CSX Transportation, Inc., 70 F.3d 255, 257 (2d Cir. 1995).
DE [244] p.20: Secretly Recorded in Violation of NDA	Nine independent categories of evidence contradict this finding, including the July 5, 2022 Scheduling Order (Exhibit 16): "these documents are to be exchanged by all parties regardless of how that party came into possession." Kevin Knipfing was openly present during the October 23, 2018 recording. Knipfing authorized third-party access "*Yes*" on November 26, 2018 — one day before the termination letter.
DE [244] fn.7: Flash Drive "Largely Duplicative" Without Review	A court cannot determine evidence is duplicative without reviewing it. Five ECF paper transcripts in DE [228] required zero flash drive access and were suppressed. CD/DVD discs re-submitted as Exhibit 4 pursuant to FRCP 56(e)(1). The notice-and-cure opportunity required before entry of summary judgment was never provided.
DE [244] p.25: With Rare Exception Plaintiff Has Not Prevailed	Williams Judgment January 22, 2025 (DE [224-34]): "records were false." WCB prima facie finding (DE [226-23]). SDNY settlement. Three small claims settlements. Eight IFP grants including Second Circuit Mandates 25-1802 and 25-1810 (Exhibit 19) granted 51 days before DE [245] denied IFP.
DE [244]: Cross-Motion Denied in One Sentence	Alta Partners, 165 F.4th at 169: when both parties have moved for summary judgment, the court must evaluate each motion on its own merits, drawing all reasonable inferences against the party whose motion is under consideration. DE [244] at page 1: "Orrego's motion is denied."

	One sentence. No standard applied. No inferences drawn against Defendants. No independent analysis.
Manuela Orrego Affidavit and Espinoza Affirmation: Never Cited in 29 Pages	DE [224-24] Exhibit 21 — sworn affidavit of Manuela E. Orrego, eyewitness to the October 14, 2018 meeting, confirming other victims and Uzcategui's agreement to support Plaintiff's complaint — filed on ECF; zero flash drive access required. DE [224-28] Exhibit 26 — sworn Affirmation of Ximena Espinoza confirming same IME Hochfelder fraud pattern from independent third-party claimant — filed on ECF; zero flash drive access required. DE [244] suppressed both. Monahan v. New York City Dep't of Corrections, 214 F.3d 275, 292 (2d Cir. 2000).
DE [244] p.25: Vexatious/Extortion Characterization — November 9, 2018 Overpayment Email Suppressed	DE [224-4] Exhibit 32: Plaintiff's email to Kevin Knipfing and Skylar Testa on November 9, 2018 — eight days after her November 2, 2018 complaint — voluntarily disclosing she had been overpaid and requesting instructions to return the money. DE [244] characterized Plaintiff's damages demand as vexatious and without good-faith expectation of recovery without citing this email. Direct evidence of financial good faith directly contradicts the vexatious/extortion characterization. Suppressed entirely.
DE [244] fn.7: Flash Drive "Largely Duplicative" — Four-Step Court-Created Exclusion Chain; FRCP 56(e)(1) Notice-and-Cure Suppressed	DE [202] (Exhibit 6) documents the four-step court-created exclusion chain: (Step 1) FTP request July 2–8, 2025 (Exhibit 5) — no response received; (Step 2) Pro Se portal terminated September 16, 2025 without notice to Plaintiff (DE [202]); (Step 3) flash drive filed in person October 8, 2025 (DE [229]) — retained 207 days without notice of any technical deficiency; (Step 4) DE [244] fn.7 characterized evidence as "largely duplicative" without reviewing it. DE [202] is not cited anywhere in DE [244]'s 29 pages. Fed. R. Civ. P. 56(e)(1) required notice and a cure opportunity before any adverse consequence could be imposed. The four-step exclusion chain, and the FRCP 56(e)(1) notice-and-cure obligation, are suppressed entirely.

The pattern across twenty-two documented instances is consistent: in each case, DE [244] adopted Defendants' characterization while suppressing, disregarding, or selectively citing Plaintiff's contrary evidence. This is not the judicial function that Fed. R. Civ. P. 56 requires. ***Anderson***, 477 U.S. at 255; ***Giannullo v. City of New York***, 322 F.3d 139, 142–43 (2d Cir. 2003); ***Robinson v. De Niro***, 2023 WL 3611839, at *13–15.

The permanent filing injunction also violates the Due Process Clause of the Fifth Amendment. U.S. Const. amend. V.

POINT VII

THE PERMANENT DISTRICT-WIDE FILING INJUNCTION IS VOID AS A POST-RECUSAL ACT AND INDEPENDENTLY FAILS THE SAFIR FIVE-FACTOR TEST

A filing injunction is "**a drastic remedy**" requiring satisfaction of five specific factors. ***Safir v. U.S. Lines, Inc.***, 792 F.2d 19, 24 (2d Cir. 1986). ***Eliahu v. Jewish Agency for Israel***, 919 F.3d 709, 715 (2d Cir. 2019) (filing injunction against pro se litigant requires express findings on each Safir factor). ***In re Martin-Trigona***, 737 F.2d 1254, 1262 (2d Cir. 1984) (court must make particularized findings before imposing filing restrictions). ***Iwachiw v. N.Y. Dep't of Motor Vehicles***, 396 F.3d 525, 529 (2d Cir. 2005) (filing injunction against pro se litigant must satisfy heightened scrutiny). ***Graham v. Lewinski***, 848 F.2d 342, 344 (2d Cir. 1988) (filing restrictions must be narrowly tailored to the specific abuse identified)

The injunction imposed by DE [244] fails on eight independent grounds:

1. Void ab initio as a post-recusal act entered 172 days after the November 17, 2025, Order of Recusal without jurisdiction;
2. No FRCP 11(b) subsection identified as the basis for the finding of frivolousness;
3. No show-cause order issued pursuant to FRCP 11(c)(3);
4. No 21-day safe harbor provided pursuant to FRCP 11(c)(2);

5. No separate FRCP 11 motion filed by Defendants;

6. No individualized analysis of any specific filing identifying why that filing lacked an arguable basis in law or fact. Pannonia Farms, Inc. v. USA Cable, 426 F.3d 650, 652 (2d Cir. 2005);

7. No evidentiary hearing. Schlaifer Nance & Co. v. Estate of Warhol, 194 F.3d 323, 334 (2d Cir. 1999);

8. The factual predicate rests entirely on ¶¶129-178 of DE [221-1] — the same paragraphs DE [230] sought to strike — denied one sentence without merits adjudication. DE [244] then used the unadjudicated paragraphs as the sole predicate for a permanent district-wide ban.

The recusal motions that are characterized as vexatious produced the November 17, 2025, Order of Recusal. A motion that produced an actual recusal order is meritorious by definition. The judicial misconduct complaints produced the same recusal. A complaint that caused an actual recusal cannot simultaneously be characterized as frivolous by the judge who was recused because of it. These positions are irreconcilable. ***Neitzke v. Williams***, 490 U.S. 319, 325 (1989).

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court:

(1) state pursuant to Fed. R. Civ. P. 62.1(a)(3) that it would grant Plaintiff's motion to vacate DE [244] and DE [245] if the Second Circuit remands, or that this motion raises a substantial issue;

(2) vacate DE [244] and DE [245] as void ab initio under Rule 60(b)(4);

(3) in the alternative, vacate under Rules 60(b)(3), 60(b)(6), and 60(d)(3);

(4) vacate the permanent district-wide filing injunction;

(5) direct the Clerk to correct the case designation to "2:20-cv-03361-PKC-TAM";

(6) calendar DE [232] for decision; and

(7) grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: June 24, 2026
Rego Park, New York

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CERTIFICATE OF COMPLIANCE

I certify that this Memorandum of Law complies with the page limitation of twenty-five (25) pages set forth in the Individual Practices of the Honorable Pamela K. Chen and the word limit set forth in Local Civil Rule 7.1(c).

According to the word-processing program used to prepare this document, the Memorandum of Law contains approximately 6,146 words, excluding the caption, table of contents, table of authorities, signature block, and this Certificate of Compliance. This document does not exceed 8,750 words.

Total pages: 22 (not including exhibits, appendices, or attachments).

Respectfully submitted,

Dated: June 24, 2026
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