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April 16, 2025

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Dear Ms. Agnifilo and Mr. Agnifilo,<sup>‡</sup>

1. I sent you a letter that was delivered on December 30<sup>‡</sup>, and since then daily emails, but I have not heard from you. I have proposed that we join forces to help your client Luigi Mangione expose healthcare insurers and other medical services and equipment providers' plotting and executing with the complicity of Medicare abusive claim evasive "delay, deny, defend" tactics.
2. Those abusive tactics are illustrated by my case pending in the U.S. District Court, SDNY.<sup>1</sup> There you are likely to defend Mr. Mangione from the federal criminal charges seeking the death penalty. My case is the fifth level appeal for judicial review from four levels of administrative appeals within Medicare. Hence, it concerns Medicare's **67.3 million** insureds and the additional millions of non-Medicare insureds served by insurers and other providers, all of whom are injured by the same "delay, deny, defend" tactics. It is reasonable to expect my case to inform about insurers' tactics the jury pool, the jury itself, and even judges, which will redound to your benefit.
3. You can help by supporting as amicus curiae<sup>2</sup> my motion<sup>1>SDNY:251</sup> for Chief Judge Laura Taylor Swain to convene her district court en banc to resolve the conflict between an order of hers in my case and a subsequent one of the currently assigned judge, i.e., Jeannette A. Vargas; and to reverse the latter's decision dismissing 27 out of 29 defendants; granting overnight, without giving me time to respond, a request of the Medicare's lawyers, that is, the AUSA, SDNY, to delay for months until July its answer to my complaint filed last December 16; and prejudicially characterizing my claims as "frivolous" and any appeal to the CA2 as "not in good faith", even before the remaining defendants have answered or any disclosure or discovery has taken place, thus revealing that her mind is made up and need not wait for the facts. Would you like to have to defend Mr. Mangione before a judge that so abuses her power by wielding it to protect healthcare insurers and who shows so overtly contempt for due process? Probably you too would fear that if you had to appeal such a biased decision to CA2 so early in the case your appeal would be doomed. If so, you would consider advisable to seek review and reversal by the district court en banc.
4. That explains why my motion gives practical application to the article "*District Courts en bancs*" by Cornell Law Professor Maggie Gardner. She has an interest in her article being applied as widely as possible. I offer to make a presentation to both of you by video conference or phone on how we can advance our respective interests through your amicus curiae as well as by us lobbying the law and journalism schools at Georgetown University Law Center, Cornell, Columbia, NYU, and Cardozo<sup>3</sup> to accept our offer to present to their professors and students how they can advance our interests and how we can advance theirs in defending academe from the arbitrary attacks by President Trump on universities. Their discoveries through multidisciplinary summer and next term clinics<sup>4</sup> can provoke enough public outrage to compel politicians to legislate transparency, accountability, and liability for the healthcare industry and the Presidency. The presentations and the clinics aim to start developing academe and the media as a powerhouse that can hold accountable and liable private and public entities so big that they cannot be fought by any of us individually. Students will gain unique hands-on experience that will impress job recruiters and enable them to open multidisciplinary boutiques upon graduation. Thus, I look forward to your call.

Dare shout "*I accuse!*" You may trigger history and even enter it. Sincerely, s/ Dr. Richard Cordero, Esq.

OL3:1788

\* [http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest\\_Jud\\_Advocates3.pdf](http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest_Jud_Advocates3.pdf) >from OL3:1144

<sup>‡</sup> <http://Judicial-Discipline-Reform.org/OL3/DrRCordero-K&MAgnifilo-LMangione.pdf>

<sup>1</sup> [http://Judicial-Discipline-Reform.org/ALJ/24-12-15DrRCordero-v-Medicare\\_EmblemHealth\\_et\\_al.pdf](http://Judicial-Discipline-Reform.org/ALJ/24-12-15DrRCordero-v-Medicare_EmblemHealth_et_al.pdf) >SDNY:251

<sup>2</sup> The SDNY Local Rules, <https://www.nysd.uscourts.gov/rules>, do not provide for amicus briefs. But some guidance can be derived from its rules on motions:

Rule 6(b). On all civil motions...(1) the moving papers must be served by the moving party on all other parties that have appeared in the action, (2) **any opposing or response papers must be served within 14 days after service of the moving papers**, [my motion was e-filed and emailed on Friday, 11 April] and (3) any reply papers must be served within seven days after service of the answering papers. In computing periods of days, refer to Fed. R. Civ. P. 6. [FRCP]

This tends to indicate that at any time after 14 +7 days after my filing on April 11= Thursday, May 2, the District Court, SDNY, could decide my motion. If an amicus brief reached it after that date, the amicus might not be taken into consideration in deciding my motion to convene the district court en banc. However, it is likely that the defendants may claim that they should have been served with the amicus brief early enough so that they could take it into account when answering my motion. This means that time is of the essence.

Consider Local Rule 7.1. Form and Length of Briefs, Motions, and Other Papers:

- (b)(1) all text must be 12-point type or larger, except for text in footnotes which may be 10-point type;
- (2) all documents must have at least one-inch margins on all sides;
- (3) all text must be double-spaced, except for headings, text in footnotes, or block quotations, which may be single-spaced.
- (c) Length of Memoranda of Law. If filed by an attorney or prepared with a computer, briefs in support of and in response to a motion (except for motions for reconsideration) may not exceed 8,750 words, and reply briefs may not exceed 3,500 words.

In the same vein is “Local Rule 6.3. Motions for Reconsideration...if filed by an attorney or prepared with a computer, briefs in support of and in response to a motion may not exceed 3,500 words”.

FRAP “Rule 29. Brief of an Amicus Curiae”, [http://Judicial-Discipline-Reform.org/docs/28usc\\_Civ\\_App\\_Evi\\_Rules.pdf](http://Judicial-Discipline-Reform.org/docs/28usc_Civ_App_Evi_Rules.pdf), appears too technical to be imported wholesale into a jurisdiction that has no formal en banc mechanism. On the contrary, at this early stage of the proposed regular use of en bancs, district courts should be encouraged to liberally and imaginatively use them to attain the purpose set by FRCP 1 when ‘district courts construe, administer, and employ FRCP’: “to secure the just, speedy, and inexpensive determination of every action and proceeding”. See in my motion SDNY:260§D. Why review by a district court en banc is the proper course of action.

In conclusion, you could write an amicus brief of no more than 3,500 words and file it as soon as possible before April 25 to give practical application to your article and support my motion for CJ Swain and/or the other judges in her court to convene en banc to review and grant my requested relief as they treat this as a test case in the public interest.

<sup>3</sup>

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<sup>4</sup> See the description of the proposed citizens hearings in my February 17 letter/email to you; cf. ♦  
♦ [http://judicial-discipline-reform.org/OL3/DrRCordero-schools\\_holding\\_citizens\\_hearings.pdf](http://judicial-discipline-reform.org/OL3/DrRCordero-schools_holding_citizens_hearings.pdf) OL3:1789



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10 April 2025

Docket No. 24-cv-9778-JAV

Jury trial requested

<p>Dr. Richard Cordero, Esq. Appellant/Plaintiff</p> <p>-vs-</p> <p>The Secretary of HHS, Medicare; EmblemHealth; Maximus Federal Services, et al</p> <p>Respondents/Defendants</p>	<p><b>Motion for Chief Judge Laura Taylor Swain</b></p> <p>to submit this case to this district court <i>en banc</i> to:</p> <p><b>a.</b> reinstate the 27 out of 29 defendants that Judge Jeannette Vargas terminated, and have them served them by the U.S. Marshall;</p> <p><b>b.</b> restore the IFP status that CJ Swain had granted Plaintiff but that J. Vargas took away;</p> <p><b>c.</b> grant Plaintiff's motion for default judg- ment; otherwise, judgment on the pleadings or summary judgment;</p> <p><b>d.</b> provide a more definite statement of the order taking away Plaintiff's IFP status;</p> <p><b>e.</b> reverse the order granting AUSA's request for an extension of time to answer;</p> <p><b>f.</b> reassign this case to another or other judges</p>
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**NOTICE OF MOTION**

1. Plaintiff Dr. Richard Cordero, Esq., respectfully proceeds under Local Civil Rule 6.1 to give notice of this motion. The motion will be entertained at the address stated in the caption above.

2. Plaintiff requests a hearing on this motion at a date and time that the Court may deem appropriate given that 27 out of 29 Defendants in this case were terminated at the sole initiative of this Court, Judge Jeannette A. Vargas presiding; the parties have yet to file a responsive pleading; and there is uncertainty about the deadline for serving the terminated Defendants or the need for a new summons because Judge Vargas allowed Plaintiff to amend his complaint. Plaintiff did so timely (the docket is in the [Exhibits](#) >entry no. 22), but Judge Vargas has not taken a position on it.

**A. Nature of this case and opportunity that it offers this court en banc**

3. This is a case of healthcare insurers' abusive claim evasion through coordinated "delay, deny, defend" tactics. Many people are abused by the insurers; many of them are similarly situated to Plaintiff. The benefit that they can receive from this case and that they are unable to obtain by taking individual action makes this a test case in the public interest:

- a. In particular, defendant Medicare has over 68.3 million subscribers, all old, sick, disabled, and almost all lacking the legal knowledge necessary to even recognize that they are being abused by Medicare and its network of tens of thousands of medical services and equipment providers. Most cannot muster the necessary physical and emotional energy to overcome pain, fear, and frustration and go through four levels of administrative appeals and still climb to the fifth level of judicial review in a U.S. district court.
- b. In general, the overwhelming reaction of the public to Luigi Mangione's alleged murder of UnitedHealthcare CEO Brian Thompson in NYC on 4

December 2024, was of moral approval and financial support with donations for his legal defense because the public has suffered the same healthcare insurers' abusive "delay, deny, defend" tactics as Mr. Mangione has.

4. Hence, this court, especially if acting en banc, can hold the insurers accountable and liable for their abusive tactics. Thereby it can launch a process of judicial review that can end up having a transformative impact on healthcare in our country. The merit can go to this district court's chief judge and her fellow judges if they have the same civil courage to act in the public interest and the interest of justice as eventually was shown by the justices in a case of extraordinary significance: *Brown v. Board of Education*<sup>1</sup>.
5. The significance of this case makes its handling in this court since its filing all the more suspect. This warrants its investigation by the court en banc. Judges en banc will be able to detect, disapprove, and correct any bias and prejudice that has deprived Plaintiff of "due process of law" and "the equal protection of the laws" guaranteed by the 5<sup>th</sup> and the 14<sup>th</sup> Amendments.
6. In the course of their investigation, judges en banc may find a pattern of bias, prejudice, and implementing manipulations that have been committed by some judges and covered-up by others. Their findings will not further detract from public confidence in the Federal Judiciary if they are used to set off transformative reform that holds judges too accountable and liable, as are police officers, lawyers, priests, doctors, etc.

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<sup>1</sup> *Brown v. Board of Education*, 347 U.S. 483 (1954)

7. In the civil suit *Strickland v. U.S., the Judicial Conference*, the Court of Appeals for the 4<sup>th</sup> Circuit, *et al.*, a panel of judges from other circuits sitting by designation held on April 26, 2022, that the Federal Judiciary and its officers in their official and individual capacities, including judges, can on constitutional grounds be sued and held liable. The plaintiff's exposure of complicit coordination of a cover-up caused the recusal of the Court's bench!<sup>2</sup>
8. Moreover, it is precisely district courts en banc that can lend weight to the decisions of individual judges. The latter are easy and lonely targets of President Trump, his administration, and some of their supporters. This court en banc can set the foundational principles for a change in the functional paradigm of district courts and their role in exposing and correcting widespread socio-political problems.
9. Hardly any other case can earn this court en banc more attention than a case that concerns the foremost interest of everybody: their health and the healthcare insurance on which they count when they are sick and growing sicker as a result of insurers' coordinated plotting and execution of their abusive claim evasive "delay, deny, defend" tactics.

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<sup>2</sup> *Caryn Strickland v. U.S.; Judicial Conference of the U.S.; Brian Stacy Miller, The Hon., in his official capacity as Chair of the Judicial Conference Committee on Judicial Resources; Administrative Office of the U.S. Courts (AO); Roslynn R. Mauskopf, The Hon., in her official capacity as Director of AO; Sheryl L. Walter, in her individual capacity as General Counsel for AO; JOHN DOE(S), c/o Office of the General Counsel for the AO; U.S. Court Of Appeals For The Fourth Circuit; Judicial Council Of The Fourth Circuit; Roger L. Gregory, The Hon., in his individual capacity and his official capacity as Chief Judge of the Fourth Circuit and as Chair of the Judicial Council of the Fourth Circuit; et al.*; April 26, 2022; 32 F.4th 311, 2022 WL 1217455; <https://www.ca4.uscourts.gov/Opinions/211346.P.pdf>

10. You can remain some judges among some 2,500 [federal judicial officers](#) or you can stand out for your civil courage and institutional responsibility, thereby becoming nationally known, admired, and followed Champions of Justice.

**B. Sample of the requested relief**

11. The relief requested by Plaintiff is set forth below (SDNY:286), and includes:

- a. the convening of this court en banc;
- b. the investigation of the suspect handling of this case in this court;
- c. the reinstatement of the 27 terminated Defendants and the service on them by the U.S. Marshall of the summons and complaint;
- d. the restoration of this case to its IFP status;
- e. the grant of Plaintiff's default motion against all the Defendants;
- f. the reversal of the order granting the motion of AUSA<sup>3</sup> to extend the time to answer;
- g. the reassignment of this case to another or other judges; etc.

**C. The materials constituting the basis of this motion and the Record of this case**

12. Plaintiff supports this motion upon:

- a. *District courts en banc*, by Cornell Law Professor Maggie Gardner<sup>4</sup>

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<sup>3</sup> [http://judicial-discipline-reform.org/ALJ/24-12-15DrRCordero-v-Medicare\\_EmblemHealth\\_et\\_al.pdf](http://judicial-discipline-reform.org/ALJ/24-12-15DrRCordero-v-Medicare_EmblemHealth_et_al.pdf)

<sup>4</sup> *District Court en bancs*, Professor Maggie Gardner, vol 90 Fordham Law Review 1541 (2022); [https://fordhamlawreview.org/wp-content/uploads/2022/03/Gardner\\_March.pdf](https://fordhamlawreview.org/wp-content/uploads/2022/03/Gardner_March.pdf)

- b. the statement of facts and memorandum of law;
- c. Plaintiff's amended [complaint](#) of 2 March<sup>5</sup>;
- d. his motion for reconsideration of 14 March<sup>6</sup>;
- e. his brief<sup>7</sup> arguing against the request of AUSA, SDNY, to consent to an extension of time to answer the complaint; and
- f. Plaintiff's main and supplemental briefs filed for the Medicare fair hearing<sup>8</sup> and the appeal to the Medicare Appeals Council<sup>9</sup>, which are the only briefs<sup>10</sup> ever filed by any party in this case so that they constitute the Record of this case together with the orders appealed from.

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<sup>5</sup> [http://Judicial-Discipline-Reform.org/ALJ/24-12-15DrRCordero-v-Medicare\\_EmblemHealth\\_et\\_al.pdf](http://Judicial-Discipline-Reform.org/ALJ/24-12-15DrRCordero-v-Medicare_EmblemHealth_et_al.pdf). References to that brief and to this motion follow this format: SDNY:page#section\$alphanumericID or paragraph¶# or fn(footnote)#.

<sup>6</sup> <sup>5</sup>>SDNY:71

<sup>7</sup> <sup>5</sup>>SDNY:191

<sup>8</sup> [http://Judicial-Discipline-Reform.org/ALJ/22-5-21DrRCordero\\_Statement\\_on\\_Appeal.pdf](http://Judicial-Discipline-Reform.org/ALJ/22-5-21DrRCordero_Statement_on_Appeal.pdf)

<sup>9</sup> [http://Judicial-Discipline-Reform.org/ALJ/22-10-26DrRCordero-Medicare\\_Appeals\\_Council.pdf](http://Judicial-Discipline-Reform.org/ALJ/22-10-26DrRCordero-Medicare_Appeals_Council.pdf)

<sup>10</sup> The list of those briefs is at SDNY:126§4. All those briefs are combined and their pages numbered consecutively as SDNY:# in the file at [http://www.Judicial-Discipline-Reform.org/ALJ/24-12-15DrRCordero-v-MedAppCouncil\\_record.pdf](http://www.Judicial-Discipline-Reform.org/ALJ/24-12-15DrRCordero-v-MedAppCouncil_record.pdf).

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## DISTRICT COURTS EN BANC

### D. Why review by a district court en banc is the proper course of action

13. Cornell Law Professor Maggie Gardner has shown through her team research that a long list of district courts have convened district courts en banc; and that their convening coincides with moments of turmoil in our country and cases of extraordinary significance.<sup>4</sup>

14. The law requires a district court to convene a three-judge panel for certain cases:

28 U.S. Code § 2284 - Three-judge court; when required; composition; procedure

(a) A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body. ...

15. Convening a district court en banc falls within the inherent power of a district court, as provided for by:

28 U.S.C. §132. Creation and composition of district courts

(c) Except as otherwise provided by law, or **rule or order of court**, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges. [**bold** emphasis added]

FRCP<sup>11</sup> 83.(b) PROCEDURE WHEN THERE IS NO CONTROLLING LAW.

A judge may regulate practice in any manner consistent with federal law, rules adopted under 28 U.S.C. §§2072 and 2075, and the district's local rules.

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<sup>11</sup> [http://Judicial-Discipline-Reform.org/docs/28usc\\_Civ\\_App\\_Evi\\_Rules.pdf](http://Judicial-Discipline-Reform.org/docs/28usc_Civ_App_Evi_Rules.pdf)

16. Convening a district court en banc is consistent with convening a circuit court en banc when there is a conflict,

FRAP Rule 40. Panel Rehearing; En Banc Determination

(b)(2) Petition for Rehearing En Banc. A petition for rehearing en banc must begin with a statement that:

(A) the panel decision conflicts with a decision of the court to which the petition is addressed...and the full court's consideration is therefore necessary to secure or maintain uniformity of the court's decisions.

Cf. Supreme Court Rules<sup>12</sup>, Rule 10. Considerations Governing Review on Certiorari

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; ... or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

17. There is such conflict here: As discussed below (§59), Chief Judge Swain granted Plaintiff IFP status, but two days later and based on the same and only pleading at the time, that is, the complaint, and without any intervening event in the case whatsoever, Judge Vargas took it away. This conflict needs to be not only resolved by this court en banc, but also investigated by it to determine its nature, extent, and gravity. "The devil is in the detail."
18. The chief district judge has power to divide court business among the judges in her court:

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<sup>12</sup> <https://www.supremecourt.gov/filingandrules/2023RulesoftheCourt.pdf>

28.U.S.C. §137. Division of business among district judges

(a) IN GENERAL.—The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

19. A court may regulate practice to achieve the purpose of the FRCP, as stated in Rule 1:

FRCP 1. These Rules should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

**1. Speedier and more inexpensive than a circuit court appeal**

20. This court recognizes those objectives of the FRCP and strives to attain them. It has taken action to do so and gives notice thereof to all those who consult a docket. In this case, it states so in:

**Docket entry no. 8.**

STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127 Standing Order filed March 18, 2024). To ensure that all cases heard in the Southern District of New York **are handled promptly and efficiently**, ...(Signed by Chief Judge Laura Taylor Swain on 3/18/2024) (anc) (Entered: 12/26/2024) [**bold** emphasis added]

21. The review en banc by a district court of a decision of one of its judges can be speedier than by a court of appeals. According to the official statistics provided by the Court of Appeals for the Second Circuit and compiled for publication as a public document in the [Annual Report](#) of the Administrative Office of the U.S.,

the “Median Time From Filing Notice of Appeal to Disposition [is] **13.4 months**”.<sup>13</sup>

22. In addition, it is more inexpensive not only for the would-be appellant, but also for all the other parties to a case, to have a decision reviewed by a district court en banc than to have the parties incur the enormous expense attendant upon seeking review in a court of appeals: Not all trial law firms provide also appellate services to their clients. Having a new team of appellate lawyers read the record below; research and write an appellate brief and a reply or an answer; print, file, and serve them and the record; and argue orally can cost between \$20,000 and \$100,000.
23. District judges may want to be speedier and more inexpensive than appellate judges because they are likely aware that they can carry more weight in the Federal Judiciary and in the eyes of the public if they issue a decision en banc before the completion of the whole trial or conduct a trial by a panel of judges than if they proceed as single judges, thereby exposing the parties and themselves to the risk that the appeals court may remand the case for a total or partial new trial.

## **2. An appeal to a court of appeals is too complex for most parties**

24. An appeal to a court of appeals is overwhelming even for many lawyers, for writing the 10 parts of an appellate brief required by FRAP 28 is hard and time-consuming work.

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<sup>13</sup> [https://www.uscourts.gov/sites/default/files/2025-02/fcms\\_na\\_appsummary1231.2024.pdf](https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_appsummary1231.2024.pdf)

25. For the majority of pro ses it is an exercise in futility. They can hardly understand and cannot abide the limitation on courts of appeals to deal with correcting errors of law, rather than offer a second chance to relitigate the facts by examining witnesses and introducing evidence. Laypeople cannot improvise themselves as lawyers, much less as appellate lawyers.

26. District judges can enlarge parties' access to justice by offering them 'a second opinion' of their case before deciding to appeal...unless the judges treat parties as nuisance that distract them from that case where they can write a landmark opinion.

### **3. Court en banc as mechanism to check any judge's ego**

27. District courts en banc can curb the arrogance of district judges who come to consider the courtroom assigned to them as "my court", where "I do or do not allow or demand this or that". They arrogate to themselves a fiefdom and in it they become the lord that wields unaccountable power. There they rule by fiat based on their personal notions of right and wrong rather than apply the law of which *notice* by publication was given to the parties so that they had the *opportunity* to accord their conduct to its requirements, whereby the two foundational demands of due process are satisfied.

28. It is "just", as required by FRCP 1, for a decision of a fellow district judge to be reversed if a district court en banc concludes that such decision was:

- a. erroneous on the law;
- b. an abuse of discretion;

- c. unsupported by the facts;
- d. a usurpation of the fact-finding role of the jury;
- e. inconsistent with decisions of her own, a majority of judges, and precedent;
- etc.

29. Reversal of that decision is in the interest of justice and the public, for it may deter the reversed judge from being ‘unjust’ toward other parties.

30. A reversal by a district court en banc of a decision of a single district judge serves the significant federal interests in:

- a. ensuring the reliability and predictability of decisions;
- b. doing what is right by the parties affected by them; and
- c. assuring all actual and potential parties that judges assume their institutional responsibility for applying the law and administering justice rather than take advantage of the occasion for saving the face of a fellow judge as a downpayment on their saving their own face if the need arises in the future.

#### **4. Advantages of a district court en banc over a court of appeals**

31. An appeal to a court of appeals is by no means a substitute for review by a district court en banc. For one thing, a district court en banc can take a broader look at the facts than a court of appeals. It can even order discovery, hear witnesses, allow the introduction of evidence, charge the jury with questions, and take into account the findings of the jury in its answers and verdict. By so doing, a district

court en banc can broaden access to justice, not only that prescribed by the laws to free a process from errors of law, but also that done by taking into account aggravating and mitigating facts.

32. Consequently, a district court en banc can correct the denial of access to justice by a fellow judge who came to a case with her mind made up, closed to examining the issues of law and fact at stake, and simply took the easy way out by abusing her power to dismiss practically the whole case as her first step in the case subsequent to the plaintiff filing it.

#### **5. A decision of a district court en banc is heftier on appeal**

33. If an appeal to an appeals court is taken, the district court and the rest of the judiciary benefit when the decision appealed from has the heft of an affirmance, reversal, or modification resulting from its review by a district court en banc. The benefit of collective review and imprimatur is recognized by the Supreme Court, which overwhelmingly denies review of a decision from a district judge which was not reviewed by a court of appeals.

#### **6. Sobering effect of the specter of an appeal to a district court en banc**

34. Since a court of appeals is inaccessible to most litigants, it is not perceived by many district judges as a sobering deterrence to their abuse of power. That is what district courts en banc can become: the ‘prompt and efficient’ mechanism for judges’ collective judgment to ensure the correctness of their decisions as well as for their joint moral force to police the honesty of their individual and collective conduct.

35. That mechanism is likely to come into being when fellow judges are less concerned with protecting one of their own and more intent on being faithful individually and as a group to the oath that they took:

28 U.S.C. 453. Oath of office. I swear that I will administer justice without respect to persons [whether they be fellow Judge X or Joe Schmock or Jane Widget], and do equal right to the poor [in strength and connections to push back] and to the rich [such as the billionaire “Friends of the Justices”], and that I will ¶ and impartially discharge and perform all the duties incumbent upon me as judge under the Constitution and laws of the United States [rather than those that I pick and choose and my fellow judges allow me to get away with it].

36. No doubt, judges can defeat the purpose of district courts en banc if they reach explicit or implicit reciprocal agreements driven by their self-interest in ensuring that ‘if you don’t reverse or even criticize my decisions, I won’t yours’. CA2 former Chief Judge Dennis Jacobs wrote that “to rely on tradition to deny rehearing in banc starts to look very much like abuse of discretion”<sup>14</sup> In the same vein, CA2 Judge Jose Cabranes sharply criticized the use of a meaningless summary order and an unsigned per curiam decision<sup>15</sup>, as a “perfunctory disposition” of a case being reviewed en banc.

37. However, judges can resolve themselves to consider district courts en banc as a mutual assistance mechanism to evaluate their own decisions before they run the risk that a party takes them to the appeals court and it reverses them. That

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<sup>14</sup> *Ricci v. DeStefano*, aff’d per curiam, including Judge Sotomayor, 530 F.3d 87 (2d Cir., 9 June 2008); [http://Judicial-Discipline-Reform.org/docs/Ricci\\_v\\_DeStefano\\_CA2.pdf](http://Judicial-Discipline-Reform.org/docs/Ricci_v_DeStefano_CA2.pdf).

<sup>15</sup> Id. >R:2.

is embarrassing. An appeal can be even riskier if it provides the opportunity for finding fault with the appealed-from judge's legal knowledge, reasoning, and competence or even her honesty and motives.

## **7. Two tenets that district courts en banc can defend**

38. District judges can ensure through their courts en banc that they contribute to realizing the tenet: "Justice must satisfy the appearance of justice"<sup>16</sup>. A chief district judge with superior leadership skills and a level of integrity that commands respect and deference can establish a durable and firm foundation for a wider and wise use of courts en banc in her and other district courts so that it becomes her legacy.

39. Such chief judge and her fellow judges can work cooperatively to uphold another tenet:

Justice should not only be done, but should  
manifestly and undoubtedly be seen to be done.<sup>17</sup>

40. District judges en banc can set in motion the elevation of those two tenets as the standard of evaluation of the action of all judges in the district, the state, and far beyond for the benefit of all parties and the public at large. They can motivate themselves and all judges to pursue the aspirational goal that is inscribed in the marble frieze of the Supreme Court building: Equal Justice Under Law.

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<sup>16</sup> *Aetna Life Ins. v. Lavoie et al.*, 475 U.S. 813; 106 S. Ct. 1580; 89 L. Ed. 2d 823 (1986)

<sup>17</sup> *Ex parte McCarthy*, [1924] 1 K. B. 256, 259 (1923).

## **AFFIDAVIT**

41. I, Dr. Richard Cordero, Esq., the plaintiff in this action, declare under penalty of perjury that this statement is true and correct to the best of my knowledge and belief:

### **E. The suspect handling of this case has “the appearance of impropriety”**

42. Questions presented for answers en banc:

a. Did Judge Vargas neglect for a month and a half the assignment of this case to her within a week of its filing, so that she resented that Plaintiff had with his repeated calls to the court complaining about no procedural progress in his case caused Chief Judge Swain to call her out and instruct her to move this case along, after which Judge Vargas could not remain concentrated on her case opposing 19 attorneys general to President Trump and his administration<sup>18</sup>, where she would attract national attention and write an opinion likely to be commented upon by the media and in law reviews, and included in a casebook, so that she retaliated by reducing this case to its bare minimum, for which she:

- 1) applied the sovereign and judicial immunity doctrines, which she had not done to her attention-grabbing case and
- 2) without discussion of the facts of this case jumped to characterize Plaintiff's claims as “frivolous”;

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<sup>18</sup> *State of New York and 18 other states, et al., v. Donald J. Trump, in his official capacity as President of the U.S., the Treasury Department, DOGE, et al.*; docket no. [25-cv-01144-JAV](#), filed on 21 February 2025.

- 3) terminated 27 out of 29 defendants named by Plaintiff, as opposed to the three required named by law;
- 4) ensured that she could give short shrift to this case without being concerned with reversal on appeal by slapping on any potential appeal by Plaintiff the characterization of “not in good faith” in order to take away his IFP status, thus making any appeal unaffordable;
- 5) granted by fiat in one day the motion of AUSA for an extension of months to the time to answer, thus condoning another execution of Defendants’ abusive “delay, deny, defend” tactics; whereby she
- 6) deprived Plaintiff of his right to time and opportunity to oppose the motion as filed with her; and
- 7) failed discuss Plaintiff’s grounds for not consenting to the extension of time<sup>19</sup>, whereby she
- 8) demonstrated that she has treated and will continue to treat this case, not fairly and impartially, but rather arbitrarily, capriciously, and perfunctorily, without diligent attention to the facts, and with blatantly inconsistent application of the law, so that she has
- 9) denied and will continue to deny Plaintiff due process of law and equal protection of the law?

a. If you had gone through Plaintiff’s experience in this court, could you

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<sup>19</sup> 5 >SDNY:191

reasonably have come to the conclude that Judge Jeannett Vargas would not afford you a fair and impartial trial so that you would feel justified in petitioning that this case, which is in such an early stage that it has not received a single answer, should be reassigned to another judge or, given its nature as a test case in the public interest, to a panel of judges?

43. In answering those two questions, the court en banc may use the following aphorisms as a guide to reading and analyzing this statement of facts:

The devil is in the detail;  
whose corollary actor Denzel Washington expressed  
in the movie *The Little Things* thus:  
“It is the little things, Jimmy, that..that get you caught”.

44. I filed my complaint in person with the assistance of Supervisor Lourdes Aquino on Monday, 16 December 2024, as well as the IFP, e-filing, and service papers, among others (docket entries no. 1-5, 7; a copy of the docket is in the [Exhibits](#) hereunder).

45. When I checked the docket of my newly filed case, the entry after the first one, which concerned my complaint, was this:

12/16/2024	<a href="#">2</a>	REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Richard Cordero.(anc) (Entered: 12/20/2024)
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46. I downloaded this document. Its blue document-identifying banner running across and atop each of its two pages looked like this:

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Dr. Richard Cordero, Esq.

(full name of the plaintiff or petitioner applying (each person must submit a separate application))

CV

( )

-against-

(Provide docket number, if available; if filing this with your complaint, you will not yet have a docket number.)

The Secretary of Health & Human Services; Health Insurance Plan of Greater NY EmblemHealth, its Grievance & Appeals Dept, its Supervisor Sean Hillegass; Maximus Federal Services; Legal Assistant Denise Elish and ALJ Dean Yanohira, OMHA Phoenix Field Office, AZ; ALJ Loranzo Fleming, OMHA Atlanta Field Office, GA; John Doe and Jane Doe, who are employees in the OMHA Phoenix and Atlanta Offices and the HHS who participated in the coordinated disregard of plaintiff's phone calls, voice mail, and over 11,000 emails, and in filing a complaint against plaintiff with the Federal Protective Services; John Doe and Jane Doe, who are Emblem officers who interacted or failed to interact with Emblem employees in The Philippines and in the U.S. to plaintiff's detriment.

**APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS**

47. "UA" meant that my case was still 'UnAssigned'.
48. When I checked page two, I noticed that the IFP application form that had been entered was the sample that I had filled out for a filing clerk to revise and confirm that it was properly filled out; it was unsigned.
49. I tried to e-file the signed IFP application. The two instructors of the Court's CM/ECF Introduction Course that I had taken on December 19, namely, Mr. Nick of the Pro Se In-take Office and Ms. Vanessa of the Attorney Help Desk, had said that each attendee would receive a code to enable each to e-file. I had not received that code, although I had received the certificate of course completion. Since I could not e-file it, I emailed it.
50. When the signed IFP application was entered subsequently, it bore docket entry no. 9:

12/23/2024	9	APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS. Document filed by Richard Cordero.(tg) (Entered: 12/27/2024)
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51. When I downloaded it to check it, this is how the document-identifying banner looked like:

Case 1:24-cv-09778-JAV Document 2 Filed 12/23/24 Page 1 of 2

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Dr. Richard Cordero, Esq.

(full name of the plaintiff or petitioner applying (each person must submit a separate application))

-against-

CV ( ) ( )

(Provide docket number, if available; if filing this with your complaint, you will not yet have a docket number.)

The Secretary of Health & Human Services; Health Insurance Plan of Greater NY EmblemHealth, its Grievance & Appeals Dept

52. When that banner is greatly enlarged, it looks like this:

CM ECF Civil Criminal Query Reports Utilities Search Help Log Out

Case 1:24-cv-09778-JAV Document 2 Filed 12/23/24 Page 1 of 2

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

rd Cordero, Esq.

53. I called the clerks to find out why the banner looked like that. But they could not provide any explanation, let alone state the reason for the superimposed

banner stating “JAV” given that no judge had been assigned to the case, which accounted for no docket entry to the contrary. I have come to learn that “JAV” stands for Jeannette A. Vargas, a judge in this court. This indicates that even before or on December 23, she had been assigned to my case. Yet, no action was taken to move it along.

54. In fact, days and weeks went by without the IFP application being granted or denied or a judge assigned and his or her name announced by a docket entry. No entry indicated that any defendant had been or would be served.
55. Likewise, no code was sent to me to allow me to e-file. No button appeared on the webpage of my docket to allow me to e-file. The clerks could not explain why I was having so many problems e-filing. They even stated that ‘if you are finding e-filing too difficult, you should switch to in person or by mail filing’. I found that to be a cop-out that demeaned my competence. I protested. The clerks sent me to the court technical support office, and when that did not work, to PACER. The latter told me that my account there was working normally, as it has for years. I escalated my call. PACER supervisors were astonished that the clerks of this court should have assumed that PACER would know why a party to a case in their court was having problems e-filing.
56. All these problems appeared more baffling to everybody because as of the date of complaint filing on December 16, and the date of completing the e-filing course on December 19, my docket carried these entries:

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12/16/2024		Case Designated ECF. (anc) (Entered: 12/20/2024)
12/16/2024	<a href="#">3</a>	PRO SE CONSENT TO RECEIVE ELECTRONIC SERVICE. The following party: Richard Cordero consents to receive electronic service via the ECF system. Document filed by Richard Cordero.(anc) (Entered: 12/20/2024)
12/19/2024	<a href="#">6</a>	MOTION for Permission for Richard Cordero to participate in electronic case filing in this case. Document filed by Richard Cordero. (sac) (Entered: 12/23/2024)

57. Actually, those entries explain why I was having so many problems e-filing: because nobody had acted upon my case. The case was ‘dead on its tracks’.

58. I kept calling, but no clerk had an explanation for the case not making procedural progress or for my e-filing problems. The clerks are likely to remember me since they kept transferring me between one another and to outsiders. As a result, our calls became ever more tense.

59. Then one day, a month and a half after filing on December 16; 2024, docket entry no. 12 appeared on the docket:

01/28/2025	<a href="#">12</a>	ORDER GRANTING IFP APPLICATION: Leave to proceed in this Court without prepayment of fees is authorized. 28 U.S.C. § 1915. SO ORDERED. (Signed by Judge Laura Taylor Swain on 1/28/2025) (ar) (Entered: 01/29/2025)
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60. The following day, January 29, 2025, the case was reassigned (docket entry between 12 and 13)

01/29/2025		NOTICE OF CASE REASSIGNMENT to Judge Jeannette A. Vargas. Judge Unassigned is no longer assigned to the case..(kgo) (Entered: 01/29/2025)
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61. How does it come to happen generally that an entry lacks a number and how did that happen in this particular case? What does it mean?

62. Normally, a judge is assigned randomly, within two days of the case being filed,

and by a clerk as a ministerial task. The reassignment was supposed to be performed “promptly and efficiently” as part of ‘the handling that Chief Judge Swain wants to ensure for’ “all cases”.

12/26/2024	<a href="#">8</a>	STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127 Standing Order filed March 18, 2024). To ensure that all cases heard in the Southern District of New York are handled promptly and efficiently, all parties must keep the court matter that is classified as pro se in the court's records. (Signed by Chief Judge Laura Taylor Swain on 3/18/2024) (anc) (Entered: 12/26/2024)
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63. As discussed above([¶¶50-53](#)), it appears that the reassignment took place “promptly” in the week when the case was filed...perhaps “efficiently”, but certainly not effectively.

64. Only two days later, on January 31, Judge Vargas took action with a vengeance in her ORDER OF SERVICE (docket entry no. 13):

01/31/2025	<a href="#">13</a>	ORDER OF SERVICE: The Court dismisses Plaintiff's claims against ALJs Yanohira and Fleming because they seek monetary relief against a defendant who is immune from such
...		an amended complaint. The Court grants Plaintiff's motion for permission to file documents electronically (ECF 6).The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45
		terminated. Motions terminated: <a href="#">6</a> MOTION for Permission for Richard Cordero to participate in electronic case filing in this case. filed by Richard Cordero. (Signed by Judge Jeannette A. Vargas on 1/31/2025) (mml) Transmission to Pro Se Assistants for processing. (Entered: 02/03/2025)

65. This entry shows that the e-filing problems that I had encountered were the result of Judge Vargas’s failure to take action on “Plaintiff’s motion for permission to file documents electronically” and on “6 MOTION for Permission for Richard Cordero to participate in electronic case filing in this case”.

66. Moreover, based on the same and only pleading at the time, to wit, my complaint,

Judge Vargas took away the IFP status that Chief Judge Swain had granted me only two days earlier. This creates a conflict between two judges of this court. It provides justification for this case to be reviewed by this court en banc.

67. More than a month and a half later, Judge Vargas issued this order (docket entry no. 30):

03/19/2025	30	ORDER terminating 9 Motion for Leave to Proceed in forma pauperis. (HEREBYORDERED by Judge Jeannette A. Vargas)(Text Only Order) (Yin-Olowu, Tammy)(Entered: 03/19/2025)
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68. If in this order Judge Vargas only takes away my IFP status as she already had in her Order of Service of January 31 (docket entry no. 13; ¶64), what was the need for her to repeat herself at all? If by contrast, that second order introduces anything new by referring to my IFP application (docket entry no. 9)itself , what are its practical consequences?

69. What unspecified event motivated Judge Vargas to issue it 1½ months after the first order?

70. Is this another instance of procrastination or rather another manifestation of her having concentrated all her effort and time on her national attention-grabbing case, i.e., *19 Attorneys General v. Trump*<sup>18</sup>?

71. The fact is that Judge Vargas did a quick job by conclusorily characterizing my claims as “frivolous” and any appeal by me as “not in good faith” to exterminate 27 of my 29 defendants and take away my IFP status.

72. Picking out convenient quotations and citing a string of cases to be slapped as

labels are no substitute for a fair and impartial, critical application of the law to the facts of the case. One can always find judges who since the creation of the Federal Judiciary in 1789 have said one thing and others who have said the opposite.

**F. J. Vargas granted AUSA's motion overnight, giving me no time to respond**

73. Another perfunctory handing of my case is Judge Vargas's failure to even acknowledge receipt of my statement declining the AUSA's request emailed to me to consent to an extension by months to its time to answer my complaint. I emailed the AUSA, e-filed, and even filed as a letter to Judge Vargas a detailed statement<sup>20</sup> debunking its allegation that "we requested a certified copy of the Administrative Record and have been told that it will not be ready until May 21, 2025."

74. In brief, I showed what the requirements for an extension of time were and how AUSA had not met them. Moreover, I showed that the Administrative Record was readily able as recently at October 17, 2024, when the Medicare Appeals Council used it to decide my appeal to it of the decision of the ALJ who presided over the fair hearing.

75. The Council stated in its decision by when I could appeal its own decision to a district court. Hence it knew that it had to keep the Administrative Record readily available for submission to the AUSA in case its decision was appealed. Since I timely appealed it, the Council had notice that it would have to submit its Record to the AUSA. There was no justification whatsoever for the pretense that it would

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<sup>20</sup> 5 >SDNY:191

take over two months to send its Record to the AUSA. This is yet another instance of the pattern of conduct underlying this case: abusive coordinated claim evasive “delay, deny, defend” tactics.

76. In addition, I requested the AUSA to prove its allegation by producing its request to the Council; the contact information of its addressee and of the impersonal entity that supposedly “told [whom?] that it will not be ready until May 21, 2025”; and a copy of what whomever was told. Judge Vargas did not wait for the AUSA to produce this proof, let alone ask for it. Instead, she approved the request from AUSA for an extension of time to answer my complaint the day after the AUSA filed it.

03/31/2025	<a href="#">32</a>	LETTER MOTION for Extension of Time to File Answer addressed to Judge Jeannette A. Vargas from Rebecca Salk dated 3/31/2025. Document filed by The Secretary of Health and Human Services..(Salk, Rebecca) (Entered: 03/31/2025)
04/01/2025	<a href="#">33</a>	ORDER granting <a href="#">32</a> Letter Motion for Extension of Time to Answer re <a href="#">22</a> Amended Complaint. The Government Defendants' request for an extension of time to respond to the Complaint is GRANTED. The Government Defendants' response shall be filed no later than July 21, 2025. The Clerk of court is respectfully directed to terminate ECF No. 32. SO ORDERED. The Secretary of Health and Human Services answer due 7/21/2025. (Signed by Judge Jeannette A. Vargas on 4/1/2025) (sgz) (Entered: 04/01/2025)

77. The above docket entries are understandable. By contrast, entry 31 that by its date must be deemed to refer to my statement declining consent to the AUSA’s time extension request is meaningless:

03/24/2025	<a href="#">31</a>	PROPOSED BRIEF re: <a href="#">1</a> Complaint, . Document filed by Richard Cordero..(Cordero, Richard) (Entered: 03/24/2025)
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78. What category of filable paper is called “proposed brief”? Proposed for what? To whom is it proposed? Conveniently, this docket entry does not contain the initials between parenthesis of the clerk who composed and/or entered it?

79. There was nothing that even hinted that I was proposing anything in the email that I sent on March 24<sup>21</sup> to Salk, Rebecca (USANYS) <[rebecca.salk@usdoj.gov](mailto:rebecca.salk@usdoj.gov)>, Acting U.S. Attorney <[Matthew.Podolsky@usdoj.gov](mailto:Matthew.Podolsky@usdoj.gov)>, [prose@nysd.uscourts.gov](mailto:prose@nysd.uscourts.gov), [NYSD\\_ECF\\_Pool@nysd.uscourts.gov](mailto:NYSD_ECF_Pool@nysd.uscourts.gov), [help\\_desk@nysd.uscourts.gov](mailto:help_desk@nysd.uscourts.gov), [temporary\\_Pro\\_se\\_Filing@NYSD.uscourts.gov](mailto:temporary_Pro_se_Filing@NYSD.uscourts.gov), [Dr.Richard.Cordero\\_Esq@verizon.net](mailto:Dr.Richard.Cordero_Esq@verizon.net),

80. My email conspicuously stated:

Re: Attachment and brief docket statement for filing in Cordero v. Secretary of Health and Human Services, 24-cv-09778 (JAV),

For the reasons stated in his memorandum, attached hereto for filing, Plaintiff Dr. Richard Cordero, Esq., does not consent to the request of AUSA Rebecca Salk for the extension of time for her office to respond to his complaint.

81. Therefore, with actual and imputed knowledge of my reasons for declining consent to AUSA's time extension request, and disregarding my request that AUSA produce proof of its alleged reason for it, Judge Vargas rushed to grant it overnight.

a. If Judge Vargas did not even read my statement, she engaged in willful ignorance, neglect, and dereliction of duty despite my notice that I had provided reasons for declining consent.

b. She deprived me of the opportunity to exercise my right to oppose the request as phrased and filed with her.

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<sup>21</sup> 5 >SDNY:191

- c. She disregarded my demand to AUSA to prove its allegation that it had to wait months for the arrival of the “Administrative Record”. Judge Vargas showed contempt for my reasons and my rights.
- d. She showed willingness to countenance a violation by AUSA of FRCP 11(b)(1), which prohibits ‘the presentation of any paper for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation’.

## **MEMORANDUM OF LAW**

### **G. What is frivolous and what is bad faith**

82. Black’s Law Dictionary, in its several editions, states that:

Lacking in high purpose; trifling, trivial, and silly. 2. Lacking a legal basis or legal merit; manifestly insufficient as a matter of law.

A claim is frivolous if it has no legal basis or merit, esp. one brought for an unreasonable purpose such as harassment.

An appeal is frivolous if it has no legal basis, usu. filed for delay to induce a judgment creditor to settle or to avoid payment of a judgment

83. The article “Understanding Bad Faith Laws in New York”<sup>22</sup> states the following:

When an insurance company is responsible for settling a claim, it will often attempt to limit the amount that it must pay out. Insurance policies are promises that the company makes to the insured, and when that promise is broken, the insurance company is considered to be acting in “bad faith.”

Bad faith laws are designed to hold insurance companies

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<sup>22</sup> Leav & Steinberg, LLP; <https://www.nyaccidentlawyer.com/understanding-bad-faith-laws-protect-your-rights-in-personal-injury-claims/>

accountable for acting unfairly or dishonestly when handling claims. When policyholders conduct business with an insurance company, they do so with the reasonable expectation that the insurance company will honor its promise to pay on claims. Bad faith laws exist to ensure that insurers fulfill their contractual obligations to the insured and deal with claimants in good faith.

While New York does not have a specific statute on bad faith,...an insurer's conduct is regulated under New York Insurance Law §2601: Unfair Claims Settlement Practices. Also, relevant cases have established legal precedents. These cases hold that if an insurer is aware of the facts and the facts clearly support a settlement within the insurance limits, but the insurer refuses to settle and exposes its policyholder to potential excess liability, the insurance company may be acting in bad faith.

84. Does the statement of claims in the amended complaint<sup>23</sup> give you probable cause to believe that Plaintiff's claims have "legal basis or merit" or rather that they are "frivolous"?

85. Do you believe it reasonable to consider that Plaintiff has good faith claims against the Defendants so that they would survive a FRCP 12(b)(6) motion because they are capable "to state a claim on which relief may be granted"?

86. By pretending that Plaintiff had failed to state such claims, Judge Vargas disregarded:

#### FRCP 8. General Rules of Pleading

a) CLAIM FOR RELIEF. A pleading that states a claim for relief **must** contain:...

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<sup>23</sup> 5 >SDNY:122

(2) a short and plain statement of the claim [bold emphasis added]<sup>24</sup>

87. Judge Vargas based her rash action on who the Defendants were rather than on what they had done. She put two classes of people, to wit, government employees and employees of healthcare insurers, above the law, regardless of their conduct. She elevated them into unaccountability and consequent impunity by simply holding them unequally protected by the self-serving doctrines of judicial and sovereign immunity. Taking the easy way out, she skipped discussing Plaintiff's constitutional, statutory, and regulatory arguments against those doctrines.<sup>25</sup>

88. Thereby Judge Vargas spared the 27 terminated Defendants the treatment accorded everybody else: to be held accountable and liable for their actions. Hers was not a judicial decision guided by a responsible application of legal concepts to the facts of the case. She forfeited her role as a fair and impartial judicial officer; and usurped the fact-finding role of the jury.

89. FRCP 1 provides that one of the purposes of the Rules is "to secure the speedy [not the expedient] determination of every action". Moreover, the determination must be "just". By contrast, Judge Vargas's Orders (docket entries no. 13 and 27) are arrogant fiats that abusively slapped labels one after the other to do a quick job. She unjustly denied Plaintiff "due process of law" and "equal protection of the laws".

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<sup>24</sup> The sufficiency of the claims as stated is the only issue dealt with in the amended complaint. See <sup>5</sup> >SDNY:131§§a-c.

<sup>25</sup> <sup>5</sup> >SDNY:82§F

90. In a system that guarantees “equal protection of the law” and that strives to ensure “Equal Justice Under Law”, plaintiffs have rights corresponding to those of defendants. Judge Vargas deprived Plaintiff of his right to confront 27 of the 29 defendants whom he had accused of coordinated abusive claim evasive “delay, deny, defend” tactics.
91. She deprived Plaintiff of the opportunity to deal, e.g., in a reply and at trial, with any defense alleged by Defendants, if they were permitted to mount any.
92. They could have offered to settle rather than incur the expense of litigating against a plaintiff who since 2021 has proven his determination, stamina, and knowledge.
93. Also, the Defendants could have realized that it was in their interest to avoid providing evidence through disclosure and discovery of their abusive “delay, deny, defend” tactics executed in this case.
94. Those abusive tactics are the same as those that that drove Luigi Mangione allegedly to kill UnitedHealthcare CEO Brian Thompson. Mangione will face in this court federal criminal charges seeking the death penalty. His trial will be covered by a national slew of journalists. The latter will also be able to cover this case. They will provoke with their revelations of Defendants’ tactics ever more public outrage. This will incriminate the Defendants. But it will support the call to the national public to join class actions and donate to a coalition of lawyers engaged in multistate litigation in the public interest of holding healthcare insurers and those who cover for them accountable and liable.

## H. Judge Vargas was wrong in holding the ALJ immune to suits

95. The Code of Conduct for U.S. Judges provides as follows:

**Canon 2:** A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities<sup>26</sup>

(A) *Respect for Law.* A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Commentary

[2.2][2A] ...The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.

96. It was sufficient for Dr. Cordero's claims against ALJ Dean Yanohira and Loranzo Fleming to elicit "the Appearance of Impropriety in [any] Activities". So appeared the activities that they engaged in:

- a. Plaintiff moved to recuse ALJ Dean Yanohira. By a rubberstamped form the ALJ denied the motion. Plaintiff complained to the Medicare Appeals Council<sup>27</sup>. ALJ Yanohira issued another rubberstamped form vacating the first one and recusing himself from this case.
- b. ALJ Loranzo Fleming denied Plaintiff the right to present his case and limited the fair hearing to arguing with Plaintiff Emblem's and Maximus's position as their advocate...although Maximus neither appeared at the

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<sup>26</sup> <https://www.uscourts.gov/administration-policies/judiciary-policies/ethics-policies/code-conduct-united-states-judges#c>

<sup>27</sup> [http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Medicare\\_Appeals.pdf](http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Medicare_Appeals.pdf)

hearing nor filed a brief for it.

97. When judges take their oath of office (¶35; 28 U.S.C. §453, they swear that they will discharge their constitutional and statutory duties. They are not exonerated from those duties by the self-serving doctrines and statements that some justices or judges may concoct to immunize themselves from any lawsuit and thereby place themselves in a position that nobody in a democracy governed by the rule of law has the right to be: Above the Law.

98. On the contrary, a law of the United States provides for the suability of judges:

**28.U.S.C. §463. Expenses of litigation**

Whenever a Chief Justice, justice, judge, officer, or employee of any United States court is sued in his official capacity, or is otherwise required to defend acts taken or omissions made in his official capacity, and the services of an attorney for the Government are not reasonably available pursuant to chapter 31 of this title, the Director of the Administrative Office of the United States Courts may pay the costs of his defense. The Director shall prescribe regulations for such payments subject to the approval of the Judicial Conference of the United States.

**RELIEF REQUESTED**

99. Therefore, plaintiff Dr. Cordero respectfully requests Chief Judge Swain to convene this district court en banc and submit to it this case so that the court en banc may:

a. vacate Judge Vargas' Order of Service of 31 January 2025<sup>28</sup> (docket entry

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<sup>28</sup> SDNY:89

no. 13);

b. reinstate the 27 Defendants that Judge Vargas terminated in her January 31 order; and order that pursuant to 28 U.S.C. §1915 they be served by the U.S. Marshall with the summons and complaint;

1) if denied, state the deadline for appealing to the Court of Appeals for the Second Circuit, taking into account that the amended complaint of 3 March has not yet been commented upon by Judge Vargas, and the provisions of FRCP 19 on required joinder of parties and FRCP 20 on permissive joinder of parties;

c. restore the IFP status that Chief Judge Swain had granted Plaintiff but that Judge Vargas deprived him of;

d. declare that Judge Vargas's statement:

any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal

constitutes an express deprivation of Plaintiff's IFP status in connection with any appeal by him to the Court of Appeals. It works an unwarranted practical deterrence to his exercise of his right to appeal by making it unaffordable. That statement and her conclusory characterization of his claims as "frivolous" have the "appearance of impropriety"<sup>26</sup> of an intimidatory warning in the self-interest of preventing her decision from being reviewed on appeal;

e. hold and issue a declaratory judgement stating that Plaintiff's claims exposing Defendants' execution on him of their claim evasive "delay, deny,

defend” tactics; and his demand for compensation for the injury in fact that they have caused him since his claim of 8 September 2021, are neither “malicious” nor “frivolous” and his pursuit of them here and on appeal to the Court of Appeals is in good faith;

f. grant Plaintiff’s default judgment against the Defendants for:

- 1) failing their duty to disclose;
- 2) failing to produce any materials requested in discovery;
- 3) failing to respond to any of the emails sent daily to more than 30 Defendants<sup>29</sup>, including individuals and entities, over more than two years, which in the aggregate were more than 11,000 emails!, to which must be added all the Plaintiff’s calls that they did not pick up and his voicemails left on their answering machines which they did not return. This could only have occurred if they were...
- 4) ...acting in coordination not to communicate with Plaintiff so as to wear him down until they rendered his effort futile and exhausted him, causing him to abandon his claims. Thereby they would evade their duties to him and deprive him of his rights;
- 5) engaging in ex parte communications with the Office of Medicare Hearings and Appeals (OMHA), Phoenix, AZ, Field Office;

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<sup>29</sup> 5 >SDNY:129fn7

- 6) failing to serve on Plaintiff a “Record” that they filed with ALJ Dean Yanohira in the OMHA Pheonix;
  - 7) failing to file a brief for the fair hearing and the appeal to the Medicare Appeals Council;
  - 8) failing even to appear at the fair hearing, as Maximus did;
- g. otherwise, grant Plaintiff’s motion for judgment on the pleadings and summary judgment;
- h. hold and inform all the Defendants that they have forfeited their right to defend and;
- 1) cannot use in their defense, which includes an attack on Plaintiff, any papers that they sent ex parte to the ALJs or the Medicare Appeals Council, for they failed to serve them on Plaintiff;
  - 2) so that to allow them in this court to file a brief or argue orally would condone their unfairly surprising Plaintiff with contentions that they never considered worth bringing to the attention of Plaintiff, the ALJs, or the Council, and that Plaintiff was not enabled to take into consideration when writing his appeal briefs;
- i. hold that Defendants are deemed to have admitted all of Plaintiff’s statements of facts and arguments of law; and waived all objections to them; and are barred by laches from filing or arguing in this court;
- j. recognize this case as a lawful and socially acceptable way of channeling the public’s outrage at the healthcare industry’s coordinated claim evasive

“delay, deny, defend” tactics, which explains the public’s support of Luigi Mangione after he allegedly killed UnitedHealthcare CEO Brian Thompson; and:

- 1) recognize the nature of this case as a test case, in general, in the public interest and, in particular, in the interest of the scores of millions of old, disabled, sick, and law-ignorant people insured by Medicare, Emblem, Maximus, and similar medical services and equipment providers, who abuse those people’s lack of physical and emotional energy, means, and knowledge needed to survive the four levels of administrative appeals in order to climb to the fifth level of judicial review in a U.S. district court like the instant one; and, consequently,...
  - 2) provide the widest latitude for the presentation of this as a test case in the public interest, including the widest media coverage;
  - 3) accord Plaintiff the “solicitude” that Judge Vargas expressly denied him as a pro se despite the obviously enormous burden of effort, time, and expense that he has carried and is carrying to prosecute this case in his and the public interest;
- k. hold judicial immunity and sovereign immunity unconstitutional on the grounds argued in the motion for reconsideration<sup>30</sup> and as inapplicable to this case as the district courts have implicitly or explicitly done in the more

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<sup>30</sup> 5 >SDNY:82§F

than 50 cases and counting so far filed against President Trump and officers and entities of his administration since his inauguration on 21 January 2025;

- l. allow several supervisors of Defendant EmblemHealth listed on [SDNY:12§3<sup>5</sup>](#), namely, Susan S., Tamika Simpson, Thomas Gray, and the supervisor of their NY State Health Insurance Program (NY SHIP) to be included among the Defendants and served by the U.S. Marshall;
- m. reassign this case from Judge Vargas to another or other judges;
- n. reverse the grant of the motion of AUSA, SDNY, for an extension of time to answer; and order AUSA to provide proof of its alleged reasons for its request, as Plaintiff did in his statement declining consent<sup>31</sup> (docket entry no. 31;
- o. issue a subpoena ordering the production of a certified copy of the complaint filed by Deniese Elosh, law clerk to ALJ Denis Yanohira in the OMHA Phoenix, AZ, Field Office, with the Federal Protective Services of Homeland Security in May 2022, and investigated by Inspector Cory Hogan (tel. (602)514-7130)<sup>32</sup>;
- p. issue an order to the Defendants to pay Plaintiff jointly and severally:
  - 1) damages in the amount of \$1,000,000; if the court orders to proceed to trial and to that end to engage in discovery, this amount may be

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<sup>31</sup> <sup>5</sup> >SDNY:207§G

<sup>32</sup> <sup>5</sup> >SDNY:149§I

revised upward in light of the nature, extent, and gravity of Defendants' abuse of power and process, and other forms of illegality that may be revealed, and further damages and costs caused; the amount may also be revised upward if there is a need to appeal to the U.S. Court of Appeals for the Second Circuit or this appeal is removed in whole or in part to a state court;

2) punitive damages;

3) treble damages;

4) damages for pain and suffering;

5) reasonable attorney's fee for his work prosecuting this case for years since 8 September 2021;

6) reimbursement of Plaintiff's expenses and court costs;

q. grant all other relief that the court en banc may deem proper and just.

### **CERTIFICATE OF COMPLIANCE WITH THE WORD-COUNT LIMITATIONS**

100. This motion was prepared using the Microsoft Word processor, which counted its words at 8,746, including those in the footnotes, but not in the caption and the Tables of Contents and Authorities. Hence, it complies with the Local Civil Rule 7.1(c) length limitation to 8,750 words.

Dated: 10 April 2025

/s/ Dr. Richard Cordero, Esq.

Dr. Richard Cordero, Esq.  
2165 Bruckner Blvd.  
Bronx, NY City 10472-6505

tel. (718) 827-9521

Dr.Richard.Cordero\_Esq@verizon.net, CorderoRic@yahoo.com,  
DrRCordero@Judicial-Discipline-Reform.org

When judicial candidates are confirmed by the Senate, the Senate does not turn them into incorruptible saints, rather, the candidates grab unaccountability for riskless abuse of power.

## **Exhibits**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. RICHARD CORDERO, ESQ.,

Plaintiff,

-against-

THE SECRETARY OF HEALTH AND  
HUMAN SERVICES, ET AL.,

Defendants.

24-CV-9778 (UA)

ORDER GRANTING IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Leave to proceed in this Court without prepayment of fees is authorized. *See* 28 U.S.C.  
§ 1915.

SO ORDERED.

Dated: January 28, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge

# Director's Annual Report

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As required by statute, the Director of the Administrative Office of the U.S. Courts shall submit to Congress and the Judicial Conference a report of the activities of the Administrative Office and the state of the business of the courts.

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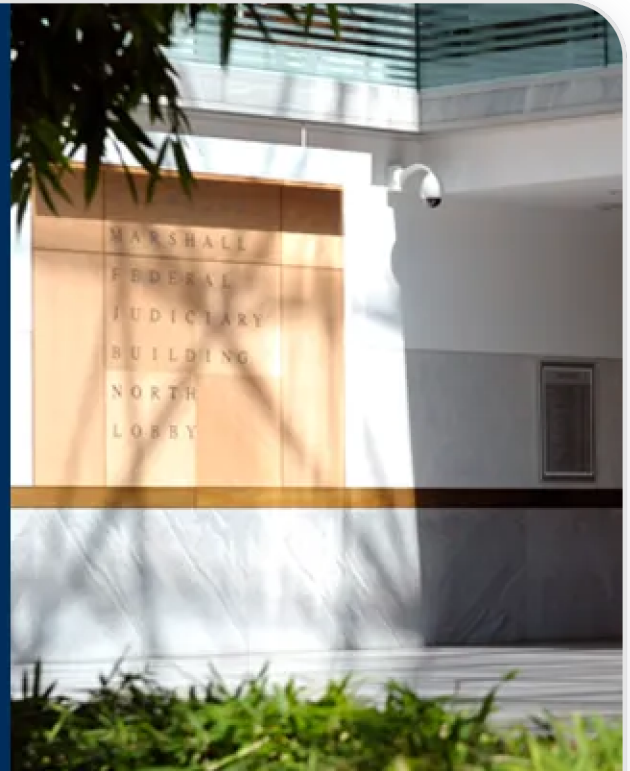


Administrative Office  
of the United States Courts

## Annual Report of the Director

Judge Robert J. Conrad, Jr., Director

# 2024



### [Annual Report 2024](#)

Read the most recent Director's Annual Report which reports on activities of the Administrative Office of the United States Courts.

# Statistical Tables for the Federal Judiciary

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Published twice each year, this is a collection of the most frequently requested tables of statistics on the workload of the U.S. courts and the federal probation and pretrial services system. Covers 12-month periods ending June 30 and December 31.

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- Detailed statistical tables address the work of the U.S. courts of appeals, district courts and bankruptcy courts, as well as the federal probation and pretrial services system.
- The Judicial Caseload Indicators table compares data for the current 12-month period to that for the same period 1, 5, and 10 years earlier.
- Publications dating back to 2001 are available online.

**2024:** [December](#) | [June](#)

**2023:** [December](#) | [June](#)

**2022:** [December](#) | [June](#)

**2021:** [December](#) | [June](#)

**2020:** [December](#) | [June](#)

**2019:** [December](#) | [June](#)

**2018:** [December](#) | [June](#)

**2017:** [December](#) | [June](#)

**2016:** [December](#) | [June](#)

## U.S. Court of Appeals Summary -- 12 -Month Period Ending December 31, 2024

			DC	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH	
Actions per Panel <sup>1</sup>	A p p e a l s	F i l e d	Number of Judgeships/ Number of Panels	11 / 3.7	6 / 2.0	13 / 4.3	14 / 4.7	15 / 5.0	17 / 5.7	16 / 5.3	11 / 3.7	11 / 3.7	29 / 9.7	12 / 4.0	12 / 4.0
			Number of Sitting Senior Judges	5	5	14	10	4	8	12	5	3	22	7	8
			Number of Vacant Judgeship Months <sup>2</sup>	0.0	6.6	0.0	5.9	2.6	0.0	0.0	1.0	0.0	0.0	0.0	0.0
			Total	302	599	802	528	676	947	652	664	731	839	442	1,139
			Prisoner	11	59	110	114	169	179	138	209	162	164	102	310
	A p p e a l s	T e r m i n a t e d	All Other Civil	134	305	408	273	251	325	274	275	226	346	195	487
			Criminal	51	173	153	105	217	379	208	164	306	95	122	293
			Administrative	106	63	130	37	39	64	31	16	38	233	22	50
			Total	302	557	794	536	702	942	617	636	676	839	441	1,161
			Consolidations & Cross Appeals <sup>3</sup>	57	34	44	22	31	87	20	23	24	19	6	34
			Procedural	106	176	324	188	206	349	204	287	147	321	166	539
			O n T h e M e r i t s	Total	139	348	425	326	464	506	392	326	505	500	269
		Prisoner		7	39	63	83	116	67	78	85	122	128	57	124
		Other		85	178	193	160	165	178	165	143	155	192	117	263
		Criminal		21	96	103	61	157	232	123	88	211	71	80	177
			Administrative	25	36	66	22	26	29	26	10	17	109	15	24
			Pending Appeals		417	776	884	395	535	587	516	533	465	731	286
			13.0	13.6	13.4	9.3	8.9	8.1	8.7	9.2	4.5	12.4	9.4	9.4	
Other Caseload per Judgeship	Applications for Interlocutory Appeals		-	1	2	2	1	1	1	2	1	3	1	1	
	Petitions for Rehearing		17	37	29	68	53	33	37	21	80	41	28	57	

<sup>1</sup> See "Explanation of the Judicial Caseload Profiles."<sup>2</sup> See "Explanation of Selected Terms."<sup>3</sup> Prior to December 2011, cases disposed of by consolidation and cross appeals were counted separately.

From December 2011 forward, they are counted as a subset of procedural and merit terminations to reflect the manner in which the appeal was disposed.

Table 1.1

**Total Judicial Officers—U.S. Courts of Appeals, District Courts, and Bankruptcy Courts**  
**During the 12-Month Periods Ending June 30, 1990 and September 30, 1995 Through 2023**

Fiscal Year	Courts of Appeals			District Courts							Bankruptcy Courts		
				District Court Judges			Magistrate Judges						
	Authorized Judgeships	Active Judges	Senior Judges <sup>1</sup>	Authorized Judgeships <sup>2</sup>	Active Judges	Senior Judges <sup>3</sup>	Authorized Positions			Recalled Judges	Authorized Judgeships	Active Judges	Recalled Judges
							Full Time	Part Time	Clerk/ Magistrate Judge				
2023	179	172	110	677	617	404	562	25	2	94	345	298	26
2022	179	171	96	677	605	407	562	25	2	96	342	310	27
2021	179	179	100	677	605	394	551	25	2	85	345	345	24
2020	179	179	99	677	621	419	555	27	3	95	345	307	27
2019	179	175	100	677	585	423	549	29	3	90	347	316	28
2015	179	170	84	677	619	396	536	34	3	68	349	330	44
2010	179	158	95	678	590	356	527	41	3	67	352	338	29
2005	179	156	106	678	642	300	503	45	3	34	324	315	32
1995	179	168	81	649	603	255	416	78	3	16	326	315	23
1990 <sup>4</sup>	168	158	63	575	541	201	329	146	8	4	291	289	13
Percent Change 2016 over 1990 <sup>5</sup>													
	-6.1	-2.3	-42.7	-15.1	-12.3	-50.2	-41.5	484.0	-	-	-15.7	-3.0	-50.0

Note: This table includes data for the U.S. Court of Appeals for the Federal Circuit.

<sup>1</sup> Sitting senior judges who participated in appeals dispositions.

<sup>2</sup> Positions in the Districts of the Virgin Islands, Guam, and Northern Mariana Islands are included.

<sup>3</sup> Senior judges with staff.

<sup>4</sup> Twelve-month period ending June 30.

<sup>5</sup> Percent change not computed when the total for the previous period is less than 10.

Source: Text narrative and tables, *Annual Report of the Director: Judicial Business of the United States Courts*.

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:24-cv-09778-JAV**

Cordero v. The Secretary of Health and Human Services et al  
Assigned to: Judge Jeannette A. Vargas  
Cause: 42:1395w-21 Medicare Act (Eligibility, Election, and Enrollment)

Date Filed: 12/16/2024  
Jury Demand: Plaintiff  
Nature of Suit: 151 Contract: Recovery  
Medicare  
Jurisdiction: Federal Question

**Plaintiff**

**Richard Cordero**

represented by **Richard Cordero**  
Richard Cordero  
2165 Bruckner Blvd.  
Bronx, NY 10472-6506  
718-827-9521  
Email: dr.richard.cordero\_esq@verizon.net  
PRO SE

V.

**Defendant**

**The Secretary of Health and Human  
Services**

represented by **Rebecca Lynn Salk**  
DOJ-USAO  
86 Chambers Street  
3rd Floor  
New York, NY 10007  
212-637-2614  
Email: rebecca.salk@usdoj.gov  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Health Insurance Plan of Greater New  
York**

*TERMINATED: 01/31/2025*

**Defendant**

**HHS Department of Appeals Board, MS  
6127**

*The Director*

*TERMINATED: 01/31/2025*

**Defendant**

**Emblem Health**

**Defendant**

**Medicare Operations Division -  
Departmental Appeals Board**

*The Director*

*TERMINATED: 01/31/2025*

**Defendant**

**Karen Ignagni**

*President and CEO*

*TERMINATED: 01/31/2025*

**Defendant**

**Medicare Appeals Council (MAC)**

*TERMINATED: 01/31/2025*

**Defendant**

**Grievance and Appeals Department**

*The Director*

**Defendant**

**Office of Medicare Hearings and Appeals  
(OMHA) Headquarters**

*The Director*

*TERMINATED: 01/31/2025*

**Defendant**

**Sean Hillegrass**

*Supervisor, Grievance and Appeals  
Department*

*TERMINATED: 01/31/2025*

**Defendant**

**OMHA Centralized Docketing**

*The Director*

*TERMINATED: 01/31/2025*

**Defendant**

**Stefanie Macialek**

*Specialist, Grievance and Appeals  
Department*

*TERMINATED: 01/31/2025*

**Defendant**

**David Eng, Esq.**

*Lead Attorney Advisor*

*TERMINATED: 01/31/2025*

**Defendant**

**Melissa Cipolla**

*Senior Specialist, Grievance and Appeals  
Department*

*TERMINATED: 01/31/2025*

**Defendant**

**John Colter**

*Supervisor of Legal Administrative*

*Specialists*

*TERMINATED: 01/31/2025*

**Defendant**

**Shelly Bergstrom**

*Quality Risk Management*

*TERMINATED: 01/31/2025*

**Defendant**

**Jon Dorman**

*Director*

*TERMINATED: 01/31/2025*

**Defendant**

**Sandra Rivera-Luciano**

*Medical Director*

*TERMINATED: 01/31/2025*

**Defendant**

**Sherese Warren**

*Director, Central Operations*

*TERMINATED: 01/31/2025*

**Defendant**

**The Director, Quality Risk Management**

*TERMINATED: 01/31/2025*

**Defendant**

**Erin Brown**

*Senior Legal Supervisor*

*TERMINATED: 01/31/2025*

**Defendant**

**Maximus Federal Services**

represented by **Sam Matthew Koch**  
Foley & Lardner LLP  
90 Park Avenue  
New York, NY 10016  
212-338-3472  
Email: [skoch@foley.com](mailto:skoch@foley.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sabrina Bryan**  
Foley & Lardner LLP  
90 Park Avenue  
New York, NY 10016  
607-280-4645  
Email: [sbryan@foley.com](mailto:sbryan@foley.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Andrenna Taylor Jones**  
*Senior Attorney Advisor*  
*TERMINATED: 01/31/2025*

**Defendant**

**The President**  
*TERMINATED: 01/31/2025*

**Defendant**

**The CEO**  
*TERMINATED: 01/31/2025*

**Defendant**

**James "Jim" Griepentrog**  
*Legal Administrative Specialist*  
*TERMINATED: 01/31/2025*

**Defendant**

**The Director**  
*TERMINATED: 01/31/2025*

**Defendant**

**ALJ Dean Yanohira**  
*TERMINATED: 01/31/2025*

**Defendant**

**Denise Elosh**  
*Legal Assisant*  
*TERMINATED: 01/31/2025*

**Defendant**

**John and Jane Doe**  
*Employees of OMHA Phoenix and Atlanta*  
*Offices and/or in the HHS Departments and*  
*Offices who participated in the coordinated*  
*disregard of Plaintiff's phone calls and mail*

**Defendant**

**ALJ Loranzo Fleming**  
*TERMINATED: 01/31/2025*

**Defendant**

**John and Jane Doe**  
*HIP and/or Emblem Health Officers who*  
*interacted or failed to interact with Emblem*  
*Health employees in the Philippines and the*  
*US*

**Defendant**

**Attorney General of The United States**

**Defendant**

**HHS Departmental Appeals Board****Defendant****HHS Medicare Operations Division****Defendant****HHS Medicare Appeals Council****Defendant****U.S. Attorney for SDNY***Civil Division***Defendant****Stephanie Macialek****Defendant****The Director of the Medical Managed  
Care & PACE Reconsideration Project at  
Maximus Federal Services****Defendant****Susan S.***Emblems New York SHIP (State Health  
Insurance Program)***Defendant****Tamika Simpson***Emblem's New York SHIP***Defendant****Thomas Gray***Emblem's New York SHIP***Defendant****The Director of NY SHIP**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/16/2024	<a href="#"><u>1</u></a>	COMPLAINT against Emblem Health, Grievance and Appeals Department, HHS Department of Appeals Board, MS 6127, Health Insurance Plan of Greater New York, Karen Ignagni, Medicare Appeals Council (MAC), Medicare Operations Division - Departmental Appeals Board, The Secretary of Health and Human Services. Document filed by Richard Cordero.(anc) (Entered: 12/20/2024)
12/16/2024	<a href="#"><u>2</u></a>	REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Richard Cordero. (anc) (Entered: 12/20/2024)
12/16/2024		Case Designated ECF. (anc) (Entered: 12/20/2024)
12/16/2024	<a href="#"><u>3</u></a>	PRO SE CONSENT TO RECEIVE ELECTRONIC SERVICE. The following party: Richard Cordero consents to receive electronic service via the ECF system. Document filed by Richard Cordero.(anc) (Entered: 12/20/2024)

12/16/2024	<a href="#">4</a>	CIVIL COVER SHEET filed. (anc) (Entered: 12/20/2024)
12/16/2024	<a href="#">5</a>	REQUEST FOR WAIVER OF SERVICE. Document filed by Richard Cordero. (anc) (Entered: 12/20/2024)
12/16/2024	<a href="#">7</a>	WAIVER OF SERVICE OF SUMMONS. Document filed by Richard Cordero. (anc) (Entered: 12/26/2024)
12/19/2024	<a href="#">6</a>	MOTION for Permission for Richard Cordero to participate in electronic case filing in this case. Document filed by Richard Cordero. (sac) (Entered: 12/23/2024)
12/23/2024	<a href="#">9</a>	APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS. Document filed by Richard Cordero.(tg) (Entered: 12/27/2024)
12/26/2024	<a href="#">8</a>	STANDING ORDER IN RE CASES FILED BY PRO SE PLAINTIFFS (See 24-MISC-127 Standing Order filed March 18, 2024). To ensure that all cases heard in the Southern District of New York are handled promptly and efficiently, all parties must keep the court apprised of any new contact information. It is a party's obligation to provide an address for service; service of court orders cannot be accomplished if a party does not update the court when a change of address occurs. Accordingly, all self-represented litigants are hereby ORDERED to inform the court of each change in their address or electronic contact information. Parties may <a href="#">consent to electronic service</a> to receive notifications of court filings by email, rather than relying on regular mail delivery. Parties may also ask the court for <a href="#">permission to file documents electronically</a> . Forms, including instructions for consenting to electronic service and requesting permission to file documents electronically, may be found by clicking on the hyperlinks in this order, or by accessing the forms on the courts website, nysd.uscourts.gov/forms. The procedures that follow apply only to cases filed by pro se plaintiffs. If the court receives notice from the United States Postal Service that an order has been returned to the court, or otherwise receives information that the address of record for a self-represented plaintiff is no longer valid, the court may issue an Order to Show Cause why the case should not be dismissed without prejudice for failure to comply with this order. Such order will be sent to the plaintiffs last known address and will also be viewable on the court's electronic docket. A notice directing the parties' attention to this order shall be docketed (and mailed to any self-represented party that has appeared and has not consented to electronic service) upon the opening of each case or miscellaneous matter that is classified as pro se in the court's records. (Signed by Chief Judge Laura Taylor Swain on 3/18/2024) (anc) (Entered: 12/26/2024)
12/26/2024		CASE MANAGEMENT NOTE: For each electronic filing made in a case involving a self-represented party who has not consented to electronic service, the filing party must serve the document on such self-represented party in a manner permitted by Fed. R. Civ. P. 5(b) (2) (other than through the ECF system) and file proof of service for each document so served. Please see <a href="#">Rule 9.2</a> of the courts ECF Rules & Instructions for further information.. (anc) (Entered: 12/26/2024)
01/13/2025	<a href="#">10</a>	LETTER from Richard Cordero dated 1/12/2025 re: Request to remove mistaken filing of certificate from complaint and docket.. Document filed by Richard Cordero. (ar) (Entered: 01/15/2025)
01/28/2025	<a href="#">12</a>	ORDER GRANTING IFP APPLICATION: Leave to proceed in this Court without prepayment of fees is authorized. 28 U.S.C. § 1915. SO ORDERED. (Signed by Judge Laura Taylor Swain on 1/28/2025) (ar) (Entered: 01/29/2025)
01/29/2025		NOTICE OF CASE REASSIGNMENT to Judge Jeannette A. Vargas. Judge Unassigned is no longer assigned to the case..(kgo) (Entered: 01/29/2025)
01/31/2025	<a href="#">13</a>	ORDER OF SERVICE: The Court dismisses Plaintiff's claims against ALJs Yanohira and Fleming because they seek monetary relief against a defendant who is immune from such

		<p>relief, 28 U.S.C. § 1915(e)(2)(B)(iii), and, consequently, as frivolous, 28 U.S.C. § 1915(e)(2)(B)(i). The Court dismisses Plaintiff's claims against the "directors/heads/top officers" of the HHS Department Appeals Board, the HHS Medicare Operations Division, the HHS Medicare Appeals Council, the Office of Medicare Hearings and Appeals ("OMHA") Headquarters, the OMHA Centralized Docketing, as well as HHS and OMHA employees David Eng, John Colter, Jon Dorman, Sherese Warren, Erin Brown, Andrenna Taylor Jones, James Griepentrog, and Denise Elosh, under the doctrine of sovereign immunity, see 28 U.S.C. § 1915(e)(2)(iii), and consequently, for lack of subject matter jurisdiction, see Fed. R. Civ. P. 12(h)(3). The Court dismisses Plaintiff's claims against the Health Insurance Plan of Greater New York, Karen Ignagni, the "Director of EmblemHealth Grievance and Appeals Department," Sean Hillegass, Stefanie Macialek, Melissa Cipolla, Shelly Bergstrom, Dr. Sandra Rivera-Luciano, the "Director of Quality Risk Management" at EmblemHealth, the President of Maximus Federal Services, the CEO of Maximus, and the Director of Medicare Managed Care &amp; PACE Reconsideration Project at Maximus, for failure to state a claim on which relief may be granted. See 28 U.S.C. § 1915(e)(2)(B)(ii). The Court grants Plaintiff 30 days' leave to replead his claims against these defendants in an amended complaint. The Court grants Plaintiff's motion for permission to file documents electronically (ECF 6). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). The Clerk of Court is directed to mail an information package to Plaintiff. SO ORDERED. Melissa Cipolla (Senior Specialist, Grievance and Appeals Department), John Colter (Supervisor of Legal Administrative Specialists), ALJ Dean Yanohira, Jon Dorman (Director), Denise Elosh (Legal Assisant), David Eng, Esq. (Lead Attorney Advisor), ALJ Loranzo Fleming, James "Jim" Griepentrog (Legal Administrative Specialist), HHS Department of Appeals Board, MS 6127 (The Director), Health Insurance Plan of Greater New York, Sean Hillegrass (Supervisor, Grievance and Appeals Department), Karen Ignagni (President and CEO), Stefanie Macialek (Specialist, Grievance and Appeals Department), Medicare Appeals Council (MAC), Medicare Operations Division - Departmental Appeals Board (The Director), OMHA Centralized Docketing (The Director), Office of Medicare Hearings and Appeals (OMHA) Headquarters (The Director), Sandra Rivera-Luciano (Medical Director), Andrenna Taylor Jones (Senior Attorney Advisor), The CEO, The Director, The Director, Quality Risk Management, The President, Sherese Warren (Director, Central Operations), Shelly Bergstrom (Quality Risk Management) and Erin Brown (Senior Legal Supervisor) terminated. Motions terminated: <a href="#">6</a> MOTION for Permission for Richard Cordero to participate in electronic case filing in this case. filed by Richard Cordero. (Signed by Judge Jeannette A. Vargas on 1/31/2025) (mml) Transmission to Pro Se Assistants for processing. (Entered: 02/03/2025)</p>
02/03/2025	<a href="#">14</a>	SUMMONS ISSUED as to Emblem Health, Maximus Federal Services, The Secretary of Health and Human Services, U.S. Attorney and U.S. Attorney General. (nb) (Entered: 02/03/2025)
02/03/2025		FRCP 4 SERVICE PACKAGE HAND DELIVERED TO U.S.M.: on 2/3/2025 Re: Judge Jeannette A. Vargas <a href="#">13</a> Order of Service. The following document(s) were enclosed in the Service Package: Complaint, Summons, IFP, Order of Service, Completed U.S.M. form(s) for defendant(s)Emblem Health, Maximus Federal Services, The Secretary of Health and Human Services, U.S. Attorney and U.S. Attorney General. (nb) (Entered: 02/03/2025)
02/03/2025	<a href="#">15</a>	INFORMATION PACKAGE MAILED to Richard Cordero, at, on 2/3/2025 Re: <a href="#">13</a> Order of Service. The following document(s) were enclosed in the Service Package: a copy of the order of service or order to answer and other orders entered to date, the individual practices of the district judge and magistrate judge assigned to your case, Instructions for Litigants

		Who Do Not Have Attorneys, Notice Regarding Privacy and Public Access to Electronic Case Files, a Motions guide, a notice that the Pro Se Manual has been discontinued, a Notice of Change of Address form to use if your contact information changes, a handout explaining matters handled by magistrate judges and consent form to complete if all parties agree to proceed for all purposes before the magistrate judge. (nb) (Entered: 02/03/2025)
02/14/2025	<a href="#"><u>16</u></a>	Motion for reconsideration of the order of service of 31 January 2025 and other relief re; <a href="#"><u>13</u></a> Order of Service. Document filed by Richard Cordero. (jjc) (Entered: 02/14/2025)
02/21/2025	<a href="#"><u>19</u></a>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint, served. Attorney General of The United States served on 2/11/2025, answer due 3/4/2025. Service was made by Mail. Document filed by Richard Cordero. (ar) (Entered: 02/25/2025)
02/21/2025	<a href="#"><u>20</u></a>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint, served. The Secretary of Health and Human Services served on 2/10/2025, answer due 3/3/2025. Service was made by Mail. Document filed by Richard Cordero. (ar) (Entered: 02/25/2025)
02/24/2025	<a href="#"><u>17</u></a>	NOTICE OF APPEARANCE by Rebecca Lynn Salk on behalf of The Secretary of Health and Human Services..(Salk, Rebecca) (Entered: 02/24/2025)
02/24/2025	<a href="#"><u>18</u></a>	LETTER addressed to Judge Jeannette A. Vargas from Rebecca Salk dated 2/24/2025 re: Recusal Rule. Document filed by The Secretary of Health and Human Services..(Salk, Rebecca) (Entered: 02/24/2025)
02/28/2025	<a href="#"><u>21</u></a>	WAIVER OF SERVICE RETURNED EXECUTED. Emblem Health waiver sent on 2/25/2025, answer due 4/28/2025. Document filed by Richard Cordero. (jjc) (Entered: 03/04/2025)
03/03/2025	<a href="#"><u>22</u></a>	AMENDED COMPLAINT amending <a href="#"><u>1</u></a> Complaint, against Attorney General of The United States, Shelly Bergstrom, Erin Brown, Melissa Cipolla, John Colter, ALJ Dean Yanohira, John and Jane Doe(HIP and/or Emblem Health Officers who interacted or failed to interact with Emblem Health employees in the Philippines and the US ), John and Jane Doe(Employees of OMHA Phoenix and Atlanta Offices and/or in the HHS Departments and Offices who participated in the coordinated disregard of Plaintiff's phone calls and mail), Jon Dorman, Denise Elosh, Emblem Health, David Eng, Esq., ALJ Loranzo Fleming, James "Jim" Griepentrog, Grievance and Appeals Department, Sean Hillegrass, Karen Ignagni, Maximus Federal Services, OMHA Centralized Docketing, Office of Medicare Hearings and Appeals (OMHA) Headquarters, Sandra Rivera-Luciano, Andrenna Taylor Jones, The CEO, The Director, The President, The Secretary of Health and Human Services, Sherese Warren, HHS Departmental Appeals Board, HHS Medicare Operations Division, HHS Medicare Appeals Council, U.S. Attorney for SDNY, Stephanie Macialek, The Director of the Medical Managed Care & PACE Reconsideration Project at Maximus Federal Services, Susan S., Tamika Simpson, Thomas Gray, The Director of NY SHIP with JURY DEMAND.Document filed by Richard Cordero. Related document: <a href="#"><u>1</u></a> Complaint. (jjc) (Entered: 03/05/2025)
03/11/2025	<a href="#"><u>24</u></a>	LETTER addressed to Judge Jeannette A. Vargas from Dr. Richard Cordero dated 3/11/2025 re: This is to confirm, as I did on the phone to Att. Erina Casheba for Maximus, that the Court directed the U.S. Marshall to serve the request for waiver of the service of summons, and a copy of the complaint on Maximus. See entry 14 on docket 24-cv-9778.. Document filed by Richard Cordero..(nd) (Entered: 03/12/2025)
03/12/2025	<a href="#"><u>23</u></a>	FIRST LETTER addressed to Judge Jeannette A. Vargas from Dr. Richard Cordero, Esq. dated March 11, 2025 re: No consent to extension of time to Maximus Federal Services. Document filed by Richard Cordero..(Cordero, Richard) (Entered: 03/12/2025)

03/12/2025	<a href="#"><u>25</u></a>	NOTICE OF APPEARANCE by Sam Matthew Koch on behalf of Maximus Federal Services..(Koch, Sam) (Entered: 03/12/2025)
03/12/2025	<a href="#"><u>26</u></a>	NOTICE OF APPEARANCE by Sabrina Bryan on behalf of Maximus Federal Services.. (Bryan, Sabrina) (Entered: 03/12/2025)
03/13/2025	<a href="#"><u>27</u></a>	ORDER denying <a href="#"><u>16</u></a> Motion for Reconsideration. Seeing that Plaintiff has not pointed to any clear error in the interpretation of the judicial immunity doctrine nor provided any case law in support of his argument, the Court does not find that Plaintiff has satisfied the standard for reconsideration. Accordingly, Plaintiff's motion for reconsideration is DENIED. The Clerk of Court is directed to terminate ECF No. 16. SO ORDERED. (Signed by Judge Jeannette A. Vargas on 3/13/2025) (sgz) (Entered: 03/13/2025)
03/14/2025	<a href="#"><u>28</u></a>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Complaint, served. The Secretary of Health and Human Services served on 3/11/2025, answer due 4/1/2025. Service was made by EMAIL. Document filed by Richard Cordero. (yv) (Entered: 03/18/2025)
03/14/2025	<a href="#"><u>29</u></a>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and Amended Complaint served. Maximus Federal Services served on 3/11/2025, answer due 5/12/2025. Service was accepted by Irina Kashcheveva. FOLEY & LARDNER LLP. Document filed by Richard Cordero. (ar) (Entered: 03/18/2025)
03/19/2025	30	ORDER terminating <a href="#"><u>9</u></a> Motion for Leave to Proceed in forma pauperis. (HEREBY ORDERED by Judge Jeannette A. Vargas)(Text Only Order) (Yin-Olowu, Tammy) (Entered: 03/19/2025)
03/24/2025	<a href="#"><u>31</u></a>	PROPOSED BRIEF re: <a href="#"><u>1</u></a> Complaint, . Document filed by Richard Cordero..(Cordero, Richard) (Entered: 03/24/2025)
03/31/2025	<a href="#"><u>32</u></a>	LETTER MOTION for Extension of Time to File Answer addressed to Judge Jeannette A. Vargas from Rebecca Salk dated 3/31/2025. Document filed by The Secretary of Health and Human Services..(Salk, Rebecca) (Entered: 03/31/2025)
04/01/2025	<a href="#"><u>33</u></a>	ORDER granting <a href="#"><u>32</u></a> Letter Motion for Extension of Time to Answer re <a href="#"><u>22</u></a> Amended Complaint. The Government Defendants' request for an extension of time to respond to the Complaint is GRANTED. The Government Defendants' response shall be filed no later than July 21, 2025. The Clerk of court is respectfully directed to terminate ECF No. 32. SO ORDERED. The Secretary of Health and Human Services answer due 7/21/2025. (Signed by Judge Jeannette A. Vargas on 4/1/2025) (sgz) (Entered: 04/01/2025)

PACER Service Center			
Transaction Receipt			
04/07/2025 08:32:06			
PACER Login:	DrCordero	Client Code:	
Description:	Docket Report	Search Criteria:	1:24-cv-09778-JAV
Billable Pages:	7	Cost:	0.70

December 27, 2024

Karen Friedman Agnifilo, Esq.      Marc Agnifilo, Esq.  
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tel. (646)205-4350; [contact@agilawgroup.com](mailto:contact@agilawgroup.com)

Mr. Luigi Mangione  
Metropolitan Detention Center  
P.O. Box 329002, Brooklyn, NY 11232

Dear Ms. Friedman Agnifilo, Mr. Agnifilo, and Mr. Mangione,<sup>‡</sup>

1. This is a proposal to join forces to help your client Luigi Mangione. While the evidence that keeps being found against him makes it ever more probable that he will be unable to win his freedom, we can help him save his objective: expose the healthcare industry's abusive claim evasion tactics, pithily described in the paraphrase 'delay, deny, defend'. His use of that description has provoked in the public, not condemnation of him, but rather outrage at the industry. It can gain Mr. Mangione the extenuating sympathy of the public, the jury pool, the jury, and perhaps even the judges.
2. We can jointly exacerbate that outrage by using the complaint/appeal that I have written with that word triptych illustrating those tactics. I just filed it in the U.S. District Court SDNY, i.e., *Cordero v. Secretary of HHS, EmblemHealth* (health insurer), *Maximus Federal Services*, and many of the top officers of the Medicare Appeals Council (Council) and the Office of Medicare Hearings and Appeals (OMHA), 24cv9778-UA.<sup>1</sup> Emblem medically insures more than 3 million people in NY and the tristate area. Maximus performs for Medicare reconsiderations of the denial of medical services by health insurance companies. These entities have their own but harmonious interests: Medicare wants to attract to, and retain in, its network the largest number of medical insurers, whose decisions affect the options of millions of people. Emblem, like the other insurers, wants to pay as few claims as possible. Maximus, a so-called qualified independent contractor, works for Medicare in a principal-agent relation, but not for long if it routinely reconsidered disapprovingly claim denials, thus causing the other two entities to be liable for the claims.
3. The typical Medicare insureds whose claims were denied are old, disabled, sick, and ignorant of the law. They can hardly afford a lawyer or muster the energy needed to go through levels of complaint and appeal until reaching the fifth, the district court. So, they just take the abuse. If able at all, they scribble a whining personal anecdote with no legal arguments...and are wiped out. By contrast, my filing analyzes the functioning of the system rigged through coordination by Medicare and the other entities to implement their abusive claim evasion tactics (see the excerpt next), which likely represent those of similar entities in the healthcare industry; and discusses causes of action.
4. This functional exposure can benefit you, your client, and me by turning him and my complaint into a rallying point through self-reinforcing cycles: The more the complaint is described at press conferences, in press releases, at interviews, and in published articles, the more it will inform the public about the industry's abusive tactics, the more people will become more outraged and many will scream, "That happened to *me too!*" They will want to advance their quest for justice and compensation by telling their *story*<sup>2</sup>. We will promote the holding by media outlets and universities at their stations and auditoriums of *unprecedented citizens hearings*. There people will be able to tell their story in person or online to the national public. Your client and my complaint can rally ever more people that demand the hearings. A more informed and outraged public will energize another self-reinforcing cycle. So can my site at [Judicial-Discipline-Reform.org](http://Judicial-Discipline-Reform.org). There I post articles of my study<sup>\*</sup> of abuse of power, which have turned countless visitors into 53,099+ subscribers. I offer to make in your office a presentation to you and your guests on this proposal and my cases abstracted infra, e.g., indictments fabricated on false and insufficient evidence, which can influence the jury's attitude to the DA, the NYPD, your "unfair trial" complaint, and nullification.

Dare shout "*I accuse!*"...You may trigger history and even enter it.      Sincerely,      /s/ Dr. Richard Cordero, Esq.

<sup>\*</sup> [http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest\\_Jud\\_Advocates3.pdf](http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest_Jud_Advocates3.pdf) >from OL3:1144-

OL3:1769

<sup>‡</sup> <http://Judicial-Discipline-Reform.org/OL3/DrRCordero-K&MAgnifilo-LMangione.pdf>

**Excerpt from the complaint-appeal in the U.S. District Court, SDNY**  
*Cordero v. Secretary of HHS, Medicare, EmblemHealth, et al.*; dkt. 24cv9778-UA<sup>1</sup>

**L. Delay, deny to wear down the insured and cause him to abandon his claim**

88. Plaintiff's statements show that the conduct of Emblem's people when they pass an insured from one supervisor to the other and to the other and so on (in his case 19 supervisors!, see [SDNY: 12§3](#)), constitutes Emblem's institutionalized way of doing business: Those supervisors were not rogue employees; rather, they are the face and body of Emblem. They make up what Emblem is. They were implementing Emblem's first abusive claim evasion tactic: "delay, delay, delay".
89. Their purpose is to drag out the claim for coverage for so long, raise so many obstacles, disrupt the insured's life so profoundly, and cause so much frustration, that he, sick, old, and financially exhausted, will be worn out. Then he will abandon his claim.
90. Their pattern of conduct started to manifest itself with the first level Emblem people in The Philippines that picked up the phone when Plaintiff called Emblem's so-called Customer Service at (877)344-7364.
91. These phone picker uppers did not have the faintest idea how to answer Plaintiff's question about what to do with the crown that had fallen out of tooth # 19. Hence, they would put Plaintiff on hold every time he asked a question so that they could write an email to their supervisors to describe to them Plaintiff's question.
92. The first level phone picker uppers did not have access to a floor supervisor or manager.
93. One clear reason for this is that many, if not all, phone picker uppers worked from home, not in a building that houses Emblem's offices in The Philippines.
94. It is in the self-interest of the phone picker uppers to make up all sorts of excuses not to put callers in direct contact with their supervisors: The more the phone picker uppers connect callers and supervisors directly to each other, the more they inevitably reveal that they do not have answers to the questions of yet another caller.
95. It is reasonable to infer from their work setup that such revelation would put their Emblem job at risk, i.e., the job of the phone picker uppers because they have not learned enough to know the answers; and that of the supervisors because they have not taught them sufficiently well for them to figure out the answers based on the information that they have. This deficiency in critical thinking may be traced back to how the Philippine educational system in the grades educates children.
96. Critical thinking allows jurors to draw inferences from facts known to them before they become jurors, making them 'peers of the parties'; the verbal statements and body language of parties at the tables and witnesses on the stand; and the physical evidence introduced at trial.
97. No wonder it was so exasperating and time-consuming for Plaintiff to prevail upon phone picker uppers to stop emailing their supervisors and transfer his call to the supervisor at the time.
98. Soon Plaintiff realized that it was a total waste of time to speak with the first level Emblem Philippine people. Consequently, he would systematically ask to be transferred to a supervisor.
99. The supervisors did not know what to do either. So, they told Plaintiff that they would have to do some "research" to find out what to do.
100. The supervisors never mentioned that the "research" that they had to do was on anything other than Emblem's own advertisement and evidence of coverage.
101. The supervisors never mentioned that they had to do "research" on Medicare rules.

102. Nor did they mention anything about Medicaid, let alone about "Medicaid COB", for they did not know what "COB" meant. It means "Coordination of Benefits". Of course, they did not know with what Medicaid had to be coordinated, how, and to what extent.
103. The supervisors never mentioned anything remotely similar to the above-quoted (SDNY:18933) technical description, which includes even medical coding, of 'the requested pre-authorization' for treating tooth # 19 after its crown fell out.
104. The recorded phone conversations between Plaintiff and Emblem people would bear that out, which explains why Emblem never produced them during discovery.
105. When the Emblem Philippine supervisors could not find out what Emblem would cover to deal with the fallen-out crown, they would stop communicating with Plaintiff.
106. After a cost-benefit analysis it is highly likely that Emblem has determined that it is not cost-effective to try to teach their Philippine people to think critically, or learn anything other than the basic.
107. That analysis may be confirmed by the very high employee turnover that Emblem has to deal with. Why spend an enormous amount of money to properly train people for months on end given that after only a very short time on the job they will suffer under crushing intellectual demands and quit?
108. Emblem's Customer Service in The Philippines is staffed with people who are neither trained to deal, nor intellectually capable of dealing, with the problems that insureds bring to them.
109. For one thing, the Emblem Philippine people are required to repeat the question that an insured asks of them in order to obtain confirmation from the insured that they understood the question.
110. That requirement shows that Emblem itself does not trust their capacity to even understand what insureds are talking about.
111. Emblem Philippine people so often appear to be reading from a script when speaking with an insured while disregarding what the insured is asking or saying. If taken off-script by the questions of an insured, they do not know what to say. They repeat the script or have to ask a supervisor.
112. This may also explain why the Emblem Philippine people either do not have the authority to solve the problem that the insured brings to them or do not feel confident in exercising that authority.
113. The Emblem Philippine supervisors did not have a direct phone extension.
114. The Emblem Philippine supervisors did not return the phone call messages that Plaintiff left on their general voice mailbox.
115. The Emblem Philippine supervisors did not return the messages for them that Plaintiff would leave with the first level telephone picker uppers.
116. If a supervisor transferred the case to another supervisor, the latter did not know anything about the case either.
117. If a previous supervisor wrote notes on Plaintiff's chart -forget about a phone picker upper doing so-, the next supervisor would not have read it, either because it was poorly written or because he or she was not competent enough to understand what was going on or responsible enough to make the effort to understand. After all, *"why sweat it?!"*
118. It is unlikely that higher supervisors were listening or would listen in on the conversations to realize what was happening and hold anybody accountable. Having them listen in would be costly.

119. After being dropped by the latest supervisor, Plaintiff had to begin all over again with another supervisor...after wrestling with phone picker uppers to have his call transferred while hearing in the background dogs barking, chickens crowing, and children crying or adults laughing or talking all at the same time. Oh, life in the countryside is so convivial with fowl and folks around!
120. This unaccountability on which phone picker uppers and supervisors alike can rely accounts for the fact that for them callers are nothing but a transient nuisance. Inconsequentially, they can be dropped and forgotten if they demand reliable information....or simply information.
121. Since they are unsupervised and thus held unaccountable, the Philippine people do whatever they want. They are a ship cast onto the ocean and forgotten by the Emblem U.S. captains.
122. After a while, Plaintiff refused to deal with the Emblem Philippine people. He requested to be transferred to the Emblem people in the U.S.
123. It took the Philippine people more than an hour to get connected to somebody in the U.S. to whom to transfer Plaintiff. After a shockingly long time, he found somebody in the U.S. who would deal with him. It was not a great improvement, except for the absence of domestic animals' noise.
124. This indicates that Emblem's Customer Service call center in The Philippines is not in constant contact with their counterparts, much less their superiors, in the U.S. The Philippines call center is in practice left to its own devices by Emblem officers in the U.S.
125. Running a call center with phone picker uppers in The Philippines, some of whom have been elevated to supervisors, may cost a pittance of what it costs in the U.S. But what they offer is only a mockery of Customer Service.
126. It follows that Emblem Customer Service call center in The Philippines is a sham. Its purpose is to pretend to satisfy the Medicare requirement that its network members have such a Service, at least in name and appearance.
127. Medicare knows, and by exercising due diligence in supervising and controlling would know, that such a Customer Service is a sham.
128. Plaintiff would not give up his demand for an answer to his question about crown repair coverage even after months of Emblem's "delay, delay, delay". Hence, Emblem proceeded to implement the second tactic of claim evasion: On December 12, 2021, Emblem denied Plaintiff's claim. Like a poker player, it pulled out from under its sleeve the excuse that Medicare did not cover the repair of tooth # 19 after its crown fell out.
129. It is not possible that nobody in Emblem knew what Medicare did or did not cover, or with due diligence could have found out during Plaintiff's first call.
130. Emblem's delay was in bad faith: part of a racketeering scheme to wear Plaintiff down and cause him to abandon his claim without Emblem having to issue yet another denial and enter it on its records...assuming it keeps such records.
131. Emblem, Maximus, and Medicare must know it. But how many sick, old, and law-ignorant insureds are going to survive four levels of appeal and still have the stamina to climb to the fifth level to appeal to a U.S. district court for judicial review of the administrative proceedings below?
132. Insureds are likely scared away from appealing to a court by the specter of what awaits them there: A hypertechnical, protracted, and unaffordable battle with an army of corporate lawyers determined to crush the insureds with the third and merciless tactic of abusive claim evasion: "defend".

**Dare shout "*I accuse!*" You may trigger history and even enter it as a Champion of Justice.**



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# MDC BROOKLYN

An administrative security metropolitan detention center.

80 29TH STREET  
BROOKLYN, NY 11232

Email: [BRO-ExecAssistant-S@bop.gov](mailto:BRO-ExecAssistant-S@bop.gov)

Phone: 718-840-4200

Fax: 718-840-5005

Inmate Gender: Male and Female Offenders

Population: 1,132 Total Inmates

Judicial District: Eastern New York

County: KINGS

BOP Region: [Northeast Region](#)

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[How to send things here](#) ▾

[Resources for sentenced inmates](#) ▾

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NOTE: Sent to this address on December 28, 2024,  
but returned undelivered.

OL3:1773.a



PARKCHESTER  
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(800)275-8777

12/28/2024 04:14 PM

Product	Qty	Unit Price	Price
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Prepaid Mail	1		\$0.00
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New York, NY 10022  
Weight: 0 lb 6.90 oz  
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Sat 12/28/2024  
Tracking #:  
9405 5301 0935 5081 9682 10

First-Class Mail®	1		\$3.43
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Large Envelope  
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Thu 01/02/2025

Cert of Mailing			\$2.20
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Total			\$5.63
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Grand Total:			\$5.63
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Credit Card Remit			\$5.63
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Card Name: VISA  
Account #: XXXXXXXXXXXX5085  
Approval #: 00739D  
Transaction #: 023  
AID: A0000000031010 Contactless  
AL: VISA CREDIT

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OL3:1773.b



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From: Dr. Richard Cordero, Esq.

Judicial Discipline Reform

2165 Bruckner Blvd.

Bronx, NY 10472

To: c/o Warden Heriberto Tellez

Inmate Luigi Mangione

Liberty View Industrial Plaza

80 29th St, Brooklyn, NY 11232

PS Form 3817, April 2007 PSN 7530-02-000-9065



U.S. POSTAGE PAID  
FROM LG ENV  
BRONX, NY  
10462  
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AMOUNT  
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\$2324P500874-39

UFN: 350912-0135  
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Date: 39

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NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
BC: 10472650665 0060N016170-00755

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11232

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FCM LG ENV  
BRONX, NY 10462  
DEC 28, 2024

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RDC 99

c/o: Warden Heriberto Tellez  
For Inmate Luigi Mangione  
Metropolitan Detention Center, P.O. Box 329002, Brooklyn, NY 11232-9002  
Resent by Priority Mail 9405 5301 0935 5092 3053 70  
on Friday, 24 January 2025. Dr. R. Cordero, Esq.

Dr. Richard Cordero, Esq.  
Judicial Discipline Reform  
2165 Bruckner Blvd.  
Bronx, NY 10472-6506

RTS

[=RTS = Return to Sender]

c/o: Warden Heriberto Tellez  
Inmate Luigi Mangione  
Metropolitan Detention Center  
Liberty View Industrial Plaza  
80 29<sup>th</sup> Street  
Brooklyn, NY 11232



# How to send things here

[Prescription Eyeglasses](#)

[Inmate Mail](#)

Use the address below to send correspondence and parcels to inmates. [Learn more about sending mail](#)

**INMATE NAME & REGISTER NUMBER**

MDC BROOKLYN

METROPOLITAN DETENTION CENTER

P.O. BOX 329002

BROOKLYN, NY 11232



NOTE: Resent to this mail address by Priority  
Mail no. 9202 0901 6878 8806 1834 95 on  
Friday, 24 January 2025 from Bronx, NY 10472.

[Inmate Money](#)

[Freight and non-USPS parcels](#)

[Staff Mail](#)

## Resources for sentenced inmates

### Admissions and Orientation (A&O) Handbook

This document provides you with general information about the institution, programs, rules, and regulations that you will encounter during your confinement. Familiarizing yourself with this information and knowing your responsibilities will help you adjust to institution life.

[MDC Brooklyn Admissions & Orientation Handbook](#)

### Commissary List


In 1930 the Department of Justice authorized and established a Commissary at each Federal institution. The Commissary provides a bank type account for your money & for the procurement of articles not issued regularly as part of the institution administration. Funds deposited by your family, friends, or other sources are stored in your commissary account that we maintain.

[List and prices of items sold at the commissary in MDC Brooklyn](#)

### Legal Activities

This document outlines the procedures for access to legal reference materials and legal counsel, and the opportunities that you will be afforded to prepare legal documents while incarcerated.

[Inmate Legal Activities](#)



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01/24/2025Mailed from 10472 095567655532997

PRIORITY MAIL®

JUDICIAL DISCIPLINE REFORM  
DR RICHARD CORDERO ESQ  
2165 BRUCKNER BLVD  
BRONX NY 10472-6506

01/27/2025  
Flat Rate Envelope  
RDC 03  
B099



METROPOLITAN DETENTION CENTER  
WARDEN HERIBERTO TELLEZ  
PO BOX 329002  
BROOKLYN NY 11232-9002

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9405 5301 0935 5092 3053 70For inmate Luigi M

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Fees:

Total:

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DR RICHARD CORDERO ESQ  
2165 BRUCKNER BLVD  
BRONX NY 10472-6506

To:

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WARDEN HERIBERTO TELLEZ  
PO BOX 329002  
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Product	Qty	Unit Price	Price
Prepaid Mail	1		\$0.00
Brooklyn, NY 11232			
Weight: 0 lb 8.20 oz			
Acceptance Date:			
Fri 01/24/2025			
Tracking #:			
9405 5301 0935 5092 3053 70			

Grand Total: \$0.00

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Clerk: 70

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Add to Informed Delivery (<https://informedelivery.usps.com/>)

## Latest Update

Your item arrived at the BROOKLYN, NY 11232 post office at 12:16 pm on January 27, 2025 and is ready for pickup. Your item may be picked up at BUSH TERMINAL CARRIER ANNEX, 147 41ST ST STE 1, BROOKLYN, NY 112323322, M-F 0900-1700; SAT 0830-1300.

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### Available for Pickup

#### Available for Pickup

BUSH TERMINAL CARRIER ANNEX  
147 41ST ST STE 1  
BROOKLYN NY 11232-3322  
M-F 0900-1700; SAT 0830-1300  
January 27, 2025, 12:16 pm

NOTE: Why was this item not placed in the addressee's P.O. Box 329002, Brooklyn, NY 11232-9002?

### Arrived at Post Office

BROOKLYN, NY 11232  
January 27, 2025, 11:59 am

### Arrived at USPS Facility

BROOKLYN, NY 11232  
January 26, 2025, 8:56 am

### Departed USPS Regional Facility

BROOKLYN NY DISTRIBUTION CENTER

Feedback

January 26, 2025, 8:03 am

**Arrived at USPS Regional Facility**

BROOKLYN NY DISTRIBUTION CENTER

January 25, 2025, 10:07 am

**Arrived at USPS Regional Facility**

NEW YORK NY DISTRIBUTION CENTER

January 24, 2025, 10:15 pm

**USPS in possession of item**

BRONX, NY 10462

January 24, 2025, 5:58 pm

**Shipping Label Created, USPS Awaiting Item**

BRONX, NY 10472

January 24, 2025, 2:30 pm

**Hide Tracking History**

**What Do USPS Tracking Statuses Mean?** (<https://faq.usps.com/s/article/Where-is-my-package>)

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AGNIFILO INTRATER LLP  
KAREN & MARC AGNIFILO  
445 PARK AVE FL 7  
NEW YORK NY 10022-2629

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Extra Services:  
Fees:  
Total:

\$8.68  
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DR RICHARD CORDERO ESQ  
2165 BRUCKNER BLVD  
BRONX NY 10472-6506

To:

AGNIFILO INTRATER LLP  
KAREN & MARC AGNIFILO  
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USPS® Item Delivered, Left with Individual 9405530109355081968210  
From:auto-reply@usps.com  
To:dr.richard.cordero\_esq@verizon.net  
Date:Monday, December 30, 2024 at 01:54 PM EST



Hello **Dr Richard Cordero Esq,**

Your item was delivered to an individual at the address at 1:50 pm on December 30, 2024 in NEW YORK, NY 10022.

NOTE: This item was addressed to Karen & Marc Agnifilo.

Tracking Number: [9405530109355081968210](#)

Package Shipped from: **HQ - ECNS**

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John Doe  
123 4th Street  
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PACKAGES

SEVEN SEASONS GREETINGS  
3

CRAFT & CO.  
5

TOM'S GAME LAND  
11

Expected delivery date and time is subject to change, but if it does we'll send you an email update. Delivery options not available for all packages at all times.

**Dr. Richard Cordero, Esq.**

Ph.D., University of Cambridge, England  
M.B.A., University of Michigan Business School  
D.E.A., La Sorbonne, Paris

<http://www.Judicial-Discipline-Reform.org>

2165 Bruckner Blvd., Bronx, NY 10472-6506  
tel. +1(718)827-9521; follow @DrCorderoEsq  
Dr.Richard.Cordero\_Esq@verizon.net

3 January 2025

NYPD Commissioner Jessica Tisch  
NY Police Department  
One Police Plaza, NY, NY 10038-1403  
tel. (646)610-5410; fax (646)610-5865

Interim IAB Chief Edward Thompson  
NY Police Department  
PO Box 10001, New York, NY 10259-0001  
tel. (212)741-8401; [IAB@NYPD.org](mailto:IAB@NYPD.org)

Dear Commissioner Tisch and Chief Thompson,<sup>\*</sup>

infra, page #

1. This is an appeal to the sincerity of your statement repeated on various occasions that no task is more important to you than to restore ethical behavior among police officers and earn back public trust in the NYPD. This appeal concerns [fabricated indictments](#) based on false and insufficient 1618 evidence presented to grand juries by prosecutors, police officers, and [detectives](#), and [covered up](#) 1559; 1525.a 1557.a by [judges](#). I witnessed such fabrication first-hand as a [grand juror](#) at the [Supreme Court](#), Bronx 1506; 1571 1497; 1650 County Criminal Term, 265 East 161st Street, Bronx, NY 10451, on May 23 and 24, 2022.
2. After their presentation, ADA [B. Namani](#) and Supervisor [D. Jetta](#) asked the jurors whether they 1558 had questions. I asked some pointing to the lack of evidence that a crime had taken place at all, let alone a murder, much less by the two indictees: There was no witness to the crime; no footage of the crime or photos of the victim or the street crime scene, or incident or autopsy report. The foot- age of the restaurants flanking the street did not show a crowd of onlookers or CSI vehicles. The indictment was sought for plea bargain leverage in reliance on grand jurors' indifference and uncritical judgment: "An ADA can indict a ham sandwich". On May 25, I was summoned before Grand Jury Judge Laurence [Busching](#), who discharged me on the spot without even bringing in the people 1574 who supposedly had complained that 'my questions were making the other grand jurors uncomfortable'. I wrote a [4,743-word](#), 8-page sworn statement and mailed it on May 27, to Admin- 1507 1573 istrative Judge Alvin [Yearwood](#), who only forwarded it to [Judge Busching](#). [Order](#) a copy from me. 1502; 1514¶2
3. For more than 2½ years, I have made numerous phone calls, whose [dates](#) I have, as I do the names 1562 1562; 1518 of those who have given me the runaround; and [mailed letters](#) requesting an [investigation](#), includ- 1512; 1514 ing those to former NYPD Commissioners Keechant [Sewell](#) and Edward [Caban](#), and IAB Chiefs 1518; 1558 1558.a; 1497 Miguel [Iglesias](#) and David [Barrere](#). I have emailed [public officers](#) daily, now more than 30, sending 1559; 1568 more than [11,500 emails](#)! To no avail, for I have not received even an acknowledgment of receipt 1622.1 from the NYPD, not even after my letter to the Civilian Complaint [Review Board](#) was forwarded 1558.b by its Director of Case Management, Eschwarie [Mahadeo](#), to IAB, a [complained about party](#). 1701; cf. 1773
4. This is the most propitious time to expose [NYPD corruption](#) that has sent thousands to jail and/or 1521 ruined them financially and reputationally based on indictments that police officers from the top down have fabricated and [covered up](#) in coordination with ADAs and judges: Karen Friedman 1568 [Agnifilo, Esq.](#), attorney for Luigi Mangione, has complained that police and other public officers 1769 are engaging in conduct that deprives her client of due process. She will depict them as so corrupt and unreliable that the jury pool and the seated jury should deem their charges of terrorism inflated; and blame the [health industry's greed](#) for his temporary insanity. That will lead to jury nullification. 1621
5. I will expose the link between the fabricated indictments and the Mangione case -see my [Medi- 1770 care case-](#) on my website, [Judicial-Discipline-Reform.org](http://Judicial-Discipline-Reform.org). There I post some of my [articles](#)<sup>1</sup>. They have attracted so many webvisitors and impressed so positively so many educated and influential ones willing to read 1,000+-word articles that as of 27/01/25, [53,099](#) had become sub- 1774.a sscribers. You can complicitly join the [cover-up](#) of fabricated indictments, as your [colleagues](#) have, 1652 or get ahead of our [exposure](#). I offer to make a presentation on the latter to you and your guests. 1619

Dare shout "*I accuse!*"...You may trigger history and even enter it.

Sincerely, Dr. Richard Cordero, Esq.

OL3:1774

<sup>\*</sup> [http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest\\_Jud\\_Advocates3.pdf](http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest_Jud_Advocates3.pdf)  
<sup>\*</sup> [http://Judicial-Discipline-Reform.org/IAB/DrRCordero-Judges\\_IAB\\_IGs.pdf](http://Judicial-Discipline-Reform.org/IAB/DrRCordero-Judges_IAB_IGs.pdf)

**Dr. Richard Cordero, Esq.**

Ph.D., University of Cambridge, England  
M.B.A., University of Michigan Business School  
D.E.A., La Sorbonne, Paris

**Judicial Discipline Reform**  
<http://www.Judicial-Discipline-Reform.org>

2165 Bruckner Blvd., Bronx, NY 10472-6506  
[Dr.Richard.Cordero\\_Esq@verizon.net](mailto:Dr.Richard.Cordero_Esq@verizon.net)  
tel. 1(718)827-9521; follow @DrCorderoEsq

January 6, 2025

NYC Councilwoman Amanda Farias  
778 Castle Hill Avenue  
Bronx, NY 10473; tel. (718)792-1140  
fax: (718)931-0235; (212)788-1656  
[District18@council.nyc.gov](mailto:District18@council.nyc.gov)

NYS Sen. Nathalia Fernandez  
3853 East Tremont Avenue  
Bronx, NY 10465  
tel. (718)822-2049  
[Fernandez@nysenate.gov](mailto:Fernandez@nysenate.gov)

U.S. Rep. Alexandria Ocasio-Cortez  
Hunts Point Office  
1231 Lafayette Ave, Suite L-610  
Bronx, NY 10474  
tel. (718)662-5970

NYS Assemblywoman Karinés Reyes  
1973 Westchester Avenue  
Bronx, NY 10462  
tel. (718)931-2620  
[reyesk@nyassembly.gov](mailto:reyesk@nyassembly.gov)

Dear Councilwoman Farias, Assemblywoman Reyes, Rep. Ocasio-Cortez, and Sen. Fernandez,<sup>‡</sup>

1. This is a proposal for you all to join forces to amplify and make long-term the strong and positive impact on public opinion that other women are having, to wit, [NYPD Commissioner Jessica Tisch](#) and Karen [Friedman Agnifilo](#), Esq., the attorney for Luigi Mangione. We can bring to the attention of your constituents, the audience at your activities, and the media two related cases that provoke the emotion that most effectively drives the public, and especially voters, to protest vehemently and take sustained action: outrage at abuse of power that harms them and those they care about.
2. These two cases deal with police corruption and denials of healthcare insurance claims:
  - a. [Indictments are fabricated](#) on false and insufficient evidence by prosecutors, police officers, and detectives, and covered up by grand jury and NYC and NYS administrative judges, and each of the judges of the NYS Court of Appeals. Thousands of people have fallen victim to the coordinated abuse of power of these public officers, and have been deprived of their liberty or evicted, fired, and ruined financially and reputationally by having a criminal record.
  - b. [Medicare](#) seeks to keep in its network, and increase the number of, its thousands of medical services and equipment providers. They coordinate their denial of claims of many of its 67 million insureds, who are old, disabled, sick, and cannot afford lawyers though confronting five levels of administrative and judicial appeals. If capable at all, the insureds appeal pro se, but ignorant of the law, they have little to no chance of prevailing over the lawyers of Medicare and its providers. Their coordinated abuse of power is exposed in a case filed in [SDNY](#)<sup>1</sup>.
3. Indeed, officers in those cases engage in patterns of abusive conduct that reveal an institutionalized modus operandi. Their conduct can be exposed as so coordinated by them, and for their benefit, as a class as to make them part of racketeering and corrupt organizations. That will distinguish our joint effort from a mere sensational case of officers going rogue individually. Such exposure will exacerbate public outrage. That will motivate ever more people to participate in what we will promote to media outlets and universities: [unprecedented citizens hearings](#). To be held at their stations and auditoriums, these hearings will enable people to tell in person or online to the national public their [story](#)<sup>2</sup> of the abuse by those organizations that they have suffered or witnessed.
4. Only an informed and outraged *We the People* can subject those who wield entrenched political and financial power to transparency, accountability, and liability. I offer to make for you and your guests a presentation in person or via video conference on leading a movement that can have transformative impact on our system of governance and turn you into Champions of *the People*. Cf. [§530](#)

Dare shout "*I accuse!*"...You may trigger history and even enter it. Sincerely, Dr. Richard Cordero, Esq.

<http://Judicial-Discipline-Reform.org/OL3/DrRCordero-HonestJudAdvocates3.pdf>

OL3:1775

<sup>‡</sup> [http://Judicial-Discipline-Reform.org/OL3/DrRCordero-women\\_leading\\_movement.pdf](http://Judicial-Discipline-Reform.org/OL3/DrRCordero-women_leading_movement.pdf)

**Dr. Richard Cordero, Esq.**

Ph.D., University of Cambridge, England  
M.B.A., University of Michigan Business School  
D.E.A., La Sorbonne, Paris

<http://www.Judicial-Discipline-Reform.org>

2165 Bruckner Blvd., Bronx, NY 10472-6506  
tel. +1(718)827-9521; follow @DrCorderoEsq  
[Dr.Richard.Cordero\\_Esq@verizon.net](mailto:Dr.Richard.Cordero_Esq@verizon.net)

12 January 2025

NYPD Interim IAB Chief Edward Thompson  
NY Police Department  
PO Box 10001, New York, NY 10259-0001  
tel. (212)741-8401; [IAB@NYPD.org](mailto:IAB@NYPD.org)

NYPD Commissioner Jessica Tisch  
NY Police Department  
One Police Plaza, New York, NY 10038-1403  
tel. (646)610-5410; fax (646)610-5865

Dear Chief Thompson and Commissioner Tisch,<sup>‡</sup>

1. I sent you a letter([OL3:1774 infra](#)) by USPS Priority Mail([1776a-e](#)) concerning IAB's inaction for over 2½ years on my complaint about the fabrication that I witnessed as a grand juror of indictments on false and insufficient evidence by Bronx ADAs and NYPD police officers and detectives, and their cover-up by NYS judges and former NYPD captain, now NYC Mayor Eric Adams ([1510](#)). I filed my complaint by phone with many IAB officers and detectives([1557a](#); [1559](#)), who gave me the runaround and treated me disrespectfully. I complained in writing to your two predecessors, Chief David Barrere([OL3:1497](#)) and Chief Miguel Iglesias([1558a](#)). I also complained to, among many others([1561](#)), Jonathan Darche, Esq., Executive Director of the Civilian Complaint Review Board([1558b](#)). His Director of Case Management, Eshwarie Mahadeo, replied thus([1701](#)):

Some allegations do not fall under the jurisdiction of the CCRB and fall under the jurisdiction of another entity, which is the case here. As a result, we are forwarding your complaint to the Internal Affairs Bureau, so they can take appropriate action. Please expect to hear from someone from that organization who will be investigating your incident.

2. It is quite suspicious that the CCRB should have irresponsibly dismissed my complaint without any investigation and referred it to an entity, IAB, of which I was complaining due to its being involved in the cover-up. Additional confirmation of such involvement comes from IAB's frustration of Director Mahadeo's 'expectation that I would hear from someone from that organization': No one has contacted me in over five months. Moreover, I have emailed addressees with investigative authority([1559](#), [1568](#), [1620](#), [1653](#)) daily for more than two years. By now, I have sent well over 11,500 emails! But nobody has replied. This confirms that theirs is a *coordinated cover-up*.
  3. Also suspicious is the fact that my letter to you sent by Priority Mail was addressed to IAB's official mail address, to wit, PO Box 10001, NY, NY 10014([1776a](#)). To create the shipping label, I entered that address on the website label form of the USPS, which reformatted it automatically. I printed the label, affixed it to the Priority Mail envelope, and handed the latter to a USPS clerk that very same day, i.e., January 3. Its tracking report shows that it was kept going back and forth between the same USPS facilities. Yesterday, Saturday, January 11, eight days after I mailed you my two-day Priority Mail, I was notified that "Your item was returned to the sender on January 11, 2025; at 11:33 am in NEW YORK, NY 10007 because it could not be delivered as addressed."
  4. The letter that I sent by Priority Mail the same day to your appointer, NYPD Commissioner Jessica Tisch, was kept going back and forth between USPS facilities until it was delivered seven days later([1776g,h](#)). I have sent numerous other letters by Priority Mail and by regular mail after buying a Certificate of Mailing([1498](#), [1563a](#), [1563b](#), [1576b](#), [1576c](#), [1626](#); [1653a](#)), not to mention those sent without such Certificate, but I have received no response other than the one from CCRB and the mendacious ones at [1502](#) and [1524](#). Under 18 U.S.C.§1961(5), the formation of a pattern "requires at least two acts...within ten years". There is a pattern here. It results from coordination.
  5. If you are committed to ensuring the ethical, and all the more so the lawful, conduct of NYPD officers, as is Comm. Tisch, I respectfully request that you ask me in to discuss this complaint.
- Dare shout "*I accuse!*"...You may trigger history and even enter it. Sincerely, Dr. Richard Cordero, Esq.

30 November 2024

**Proposal to lawyers, journalists, professors, students, and potential class members to join forces to prosecute cases as class actions to be supported by a successful website with 53,099+ subscribers, which can be developed as a business guided by the principle "Making Money While Doing Justice"†**

Dear lawyers, journalists, professors, experts, students, and Advocates of Honest Judiciaries,

1. This is a proposal to prosecute cases jointly as class actions on behalf of sizable segments of the national public, doing so in our personal as well as the public interest. These cases are described in the below short blurbs and the longer abstracts of the detailed articles to which they refer.
2. The cases are of interest to all of you because they involve [abuse of power](#) by public officers. The proposed publication of the articles, their presentation at press conferences, and their prosecution as class actions are intended to expose the abuse to hold the abusers accountable, demand collective compensation for the abusees, and launch transformative reform of the system of justice.
3. This proposal for professionals to form a team as needed to prosecute each case and for abusees to join the respective class action is realistic, for it recognizes the substantial amount of effort, time, and money required for its implementation. In this vein, it is pertinent to consider that:
  - a. 'Scandal sells' and can win Pulitzer Prizes. Indeed, [ProPublica](#) won this year's Pulitzer for Public Service for its investigative work that in a series of articles exposed corruption between justices of the U.S. Supreme Court and 'friends of the justices'.
  - b. Martin Luther King said in effect that 'abuse tolerated of someone leads to abuse inflicted on everyone'.
  - c. Successful class actions with counts under [RICO](#) -Racketeering Influenced and Corrupt Organizations Act; 18 U.S.C. §§1961 to 1968- and their state counterparts -e.g., [NY Enterprise Corruption](#)- can lead to settlements of \$10s of millions, the award of compensatory and punitive damages, treble damages, attorneys' fees, a significant reputational enhancement, a bestseller, a blockbuster movie, a tour of presentations, an influx of new clients, etc.
4. The blurbs and the abstracts contain links to articles that I already wrote and you all can review. My articles have proved their appeal for the public: I have posted some of them to my website, **Judicial Discipline Reform**, at <http://www.Judicial-Discipline-Reform.org>. They have attracted so many webvisitors and elicited such a positive reaction that as of 27 January 2025, the number of visitors who had become subscribers was 53,099 and counting. How many law firms, let alone individual lawyers, do you know that have a website with so many subscribers?
5. I have written many other articles([§A\\*](#)) cum chapters of my three-volume study of judges and their judiciaries, the product of my professional law research and writing, and [strategic thinking](#). They propose action that lawyers and lay people can take severally and jointly. The study is titled thus:

**Exposing Judges' Unaccountability and Consequent Riskless Abuse of Power:  
Pioneering the news and publishing field of judicial unaccountability reporting\*†‡**
6. The site, the study, and the articles support the several [proposals](#) for a journalistic, business, and academic [joint venture](#), including:
  - a. the serial publication of the key articles of my cases, which I can edit as requested, simultaneously with the further investigation of the cases, which will be facilitated by the leads that

I have gathered, e.g., [OL:194§E](#) and the articles referred to in the blurbs and abstracts;

b. the creation of a new form of journalism: representative journalism. It will enable you to leverage your knowledge of the main players in the class action bar and other fields to put together ad hoc teams of lawyers, journalists, multidisciplinary experts, and [media and academic](#) entities that have the necessary investigative and financial resources and expertise to:

- 1) represent the abusees -e.g., those in my cases- in class actions with [civil RICO](#) counts against [big unaccountable abusive entities](#);
- 2) lobby on their behalf [in Congress](#), and state and local lawmaking bodies for official investigations, legislation, and law enforcement;
- 3) challenge the Establishment in the name of millions who individually lack the means of defending their rights, but whose strength in numbers representative journalism turns into a force to be reckoned with: a new powerhouse of American governance;
- 4) grow the readership, revenue, and reputation of representative journalists and their team members who engage in [concrete actions](#) guided by the principle “[Making Money While Doing Justice](#)”;

c. the development of my site from a news and analytical platform into an independent, self-sustaining [commercial](#) undertaking that acts as a watchdog to advance the public interest.

- 1) Already attracted to my website, the subscribers to it constitute the initial client base of the site developed to run as do so many others that apply the TV and radio business model: You give viewers and listeners appealing programming or your basic [goods](#) and services for free, and charge a fee for [premium](#) ones and for carrying the ads of sellers of related goods and services, such as books, webinars, conferences, transportation and hotel accommodations, trial services, briefs preparing and serving, etc.

d. the holding by academe and the media of [unprecedented citizens hearings](#):

- 1) to be moderated by journalists and professors at university auditoriums and broadcasting stations;
- 2) to allow people to tell in person or via video conference accessible to the national public their [stories](#) of the abuse by public entities that they have suffered or witnessed;
- 3) to present the moderators’ report on the citizens hearings at the first national conference on public officers’ unaccountability and riskless abuse of power;
- 4) to turn the report into the first edition of the Annual Report of Abuse of Power in America;

e. the creation of the [Institute](#) of Judicial Unaccountability Reporting and Reform Advocacy, to be:

- 1) attached to a preeminent university or a national media network; and
- 2) run as a for-profit research, publishing, teaching, and public interest litigating and lobbying entity; [etc.](#)

7. I offer to present to you and your guests this proposal in person if in New York City, and anywhere else if my expenses and fee are paid; otherwise, via video conference. Please call me at 1(718)827-9521 to make appropriate arrangements.

Dare shout “*I accuse!*” You may trigger history and even enter it as a Champion of Justice.

## A. Blurbs of cases for joint prosecution as class actions by a team

1. (cf. ¶9↓) Federal judges **intercept** people's emails and mail to detect and suppress those of their critics, as shown by a **statistical analysis**.
2. (cf. ¶10↓) **Indictments fabricated** on false and insufficient evidence by prosecutors and police officers, and covered up by criminal term judges, administrative judges, and the judges of the NY State Court of Appeals, which is the highest court in NY.
3. (cf. ¶11↓) **The Math of Abuse** is a mathematical demonstration that judges **do not read** most briefs. It can cause a flood of actions for breach of contract, false advertisement, fraud, dereliction of duty, remand for new trial, null and void case disposition by clerks not vested with judicial power, which is not assignable; demand for refund of filing fees and compensation for causing wasteful litigation expenses; etc.
4. (cf. ¶12↓) Judges in the Federal Judiciary systematically **dismiss 100% of the complaints** filed against fellow judges. Thereby they abuse the self-disciplinary authority that Congress has granted them. By exonerating each other, they ensure their own impunity and elevate themselves to a position that nobody is entitled to occupy in "government by the rule of law": Judges Above the Law.
5. (cf. ¶13↓) The **Follow the Money!** and **Follow the Wire!** investigations([jur:102§a](#); [OL:194§E](#)) will apply forensic **research** techniques, e.g., Fraud and Forensic Accounting, big data search, and AI, to discover assets that judges have grabbed, concealed, evaded taxes on, and handled through money laundering([OL:1](#)).
6. (cf. ¶14↓) Judges' **bankruptcy** fraud **scheme** deals with \$100s of bl. annually. It is **covered up** by the circuit judges who appoint the bankruptcy judges in their circuit for a 14-year term([28 U.S.C. §152](#)) and can reappoint them if the bankruptcy judges share and make "cronies"([jur:32§§2-6](#)) pay-to-play.
7. (cf. ¶15↓) **Medicare** works to maintain in, and increase, its network of thousands of medical services and equipment providers. Together they abuse many of its 67 million insureds, who appeal, if at all, their decisions pro se, for they are sick and cannot afford lawyers. They have little chance of prevailing against the lawyers of Medicare and its providers. The recovery can be huge.
8. (cf. ¶16↓) **Walgreens** had \$139.5 bl. in revenue in 2020 and 277,000 employees in 2021. Its purchase-incentivizing program is Cash Rewards, a bait and switch **scam**. A class action can hold it liable and serve as a test case for suing giant companies that abuse dwarf clients one at a time.

## B. Abstracts: a more detailed presentation of the cases for joint prosecution

9. Federal judges **intercept** people's emails and mail to detect and suppress those of their critics, as shown by a **statistical analysis**. They have the technical expertise and equipment infrastructure to run a national **IT** network that allows filing, storing, and retrieving hundreds of millions of briefs, motions, records, petitions, applications, orders, decisions, reports, statistics, dockets, schedules, and emails to and from their case management and electronic case filing system([CM/ECF](#)) administered by **PACER** (Public Access to Court Electronic Records).
  - a. The judges wield devastating decisional and retaliatory power over Internet-controlling companies([Lsch:17§C](#)), which they can refrain from wielding if the companies assist them in their interception([OL:5fn7](#)).
  - b. The U.S. Postal Service's "**Informed Delivery**" service shows that the technology to intercept mail is in use([OL3:1304¶20](#)). Register to be emailed every morning a photo of the front side of your mail for that day. Amazing computing power is needed to identify your mail since

"The Postal Service processed and delivered an average of 318 million mail pieces **daily**".

- c. All public power belongs to *We the People* in a democracy. No abuse of it will **outrage** us more than the exposure of judges' violation of our most cherished constitutional freedoms, i.e., of speech, press, and assembly -on social media too- under the **First Amendment**. Informing the public of such violation will provoke **Snowden/NSA**-like national outrage.
- d. Exposing such interception will provoke a constitutional crisis -which branch will prosecute the judiciary?--; launch a flood of lawsuits by abusees demanding compensation; may lead to a **constitutional convention**; etc.

10. **Fabricated indictments**. As a lawyer and grand juror, I had the knowledge and was in a position to realize that the assistant district attorney and his supervisor(ADAs) had no evidence supporting their charge of murder brought against two defendants, and neither did the police officers who testified against them.

- a. When I questioned what they were doing, the ADAs referred me to the grand jury judge, who discharged me from the jury peremptorily.
- b. I have mailed complaint letters -see **Exhibits 1-4**- to the county and state administrative judges; the **Judicial Conduct Commission**; the **NYPD** commissioners and their **Internal Affairs Bureau** chiefs; each of the judges of **NYS Court of Appeals**; the indicted NYC Mayor and his probed aides; public advocates; city council members; et al. All of them have covered for their colleagues.
- c. **Lawyers** can jointly defend thousands of '**fabricated indictees**' by **impugning** their indictments; and win **punitive damages**. **Scandal sells**.

11. **The Math of Abuse**. This is a mathematical demonstration that the vast majority of case and motion briefs filed in the courts are not read by the judges. It is based on official statistics of the NY Supreme Court Appellate Division and those in the Annual Report of the Director of the Administrative Office of the U.S. Courts, which is required to be filed with Congress as a public document (**28 U.S.C. §§604(a)(3-4); (h)(2)**).

- a. Judges dispose of the brief-related cases and motions by having their **clerks** rubberstamp reasonless, unresearched, fiat-like 5¢ dumping forms. Their blanks are filled out with case-identifying data; and their boilerplate does not contain findings of facts or arguments of law.
- b. The forms' only operative words are "affirmed", if the case was a decision appealed from; or "denied", if slapped on a substantive motion, e.g., one that argues the rights and duties of a party, the basis of a charge, or the admissibility of evidence, as opposed to a procedural motion, such as one concerning the extension of a deadline or the substitution of an attorney. The status quo remains, for no judges' action was needed, only clerks' complicit obedience.
- c. Filled out dumping forms are not judicial decisions, but rather arbitrary, capricious, and ad hoc fiats to dump off cases in judges' caseload that based on a list of judges' criteria their clerks must dispose of as 'deadweight'.
- d. Many dumping-form fiats can be found on courts' websites, courts' research rooms, some 'Miscellaneous' reporters -printed collections of decisions-, and legal notice newspapers, e.g., New York Law Journal.
- e. Dumping-form fiats are such an abuse of power that judges may even conceal them under the "Not for publication" rubberstamp. Consequently, they may not be entered into the public

record by either the clerk of court or the county clerk. The parties may have received a copy by mail; been informed thereof when they called to ask about the status of their cases; or found it after they were told by a clerk to come to the court's in-take room to search for the decision in their case in the chest of drawers full of decisions not yet entered.

- f. "Not for publication" rubberstamping and dumping-form fiats are means of judges not making public pro-forma decisions of which they are ashamed due to their perfunctoriness or to their having made them in their [self-interest](#) of preserving or increasing the value of their shares in one of the parties before them.
- g. A contract for service is formed when a party pays the advertised brief filing fee to have its case or motion decided judicially, i.e., based on the brief and the application of the law. This requires that the brief be read by a judge, who were vetted publicly for their competence and honesty. Clerks were not; so, judicial decisional authority cannot be delegated to them.
- h. By instead issuing a dumping-form fiat, judges commit bait and switch false advertisement, breach of contract, dereliction of duty, and fraud on the public.
- i. They mislead lawyers and their clients and waste the cost of preparation by granting a petition for 15 minutes of oral argument but at the hearing cut it to only 1 minute!; and make decisions on the fly about matters that they barely know for failure to read the briefs.
- j. An [informed and outraged](#) group or class of parties so injured in fact can generate enough public pressure to force judges to recognize that those pro-forma decisions have the appearance of a conflict of interests; declare them null and void; call for a new trial; and recuse themselves from the cases. Cf. *The Wall Street Journal's* serial article:

- 1) beginning on 28 September 2021, with "131 Federal Judges Broke the Law by Hearing Cases Where They Had a Financial Interest"; and

- 2) followed on 2 November 2021, by "Hidden Interests - Federal Judge Files Recusal Notices in 138 Cases After WSJ Queries. Rodney Gilstrap initially argued he didn't violate financial-conflicts law" ([App6:30entry449 or thereunder](#)).

- 12. Federal judges' **systematic dismissal of complaints** against their fellow federal judges. They abuse their self-discipline authority under the Judicial Conduct and Disability Act of 1980([28 U.S.C. §§351-364](#)) by [dismissing 100% of complaints](#) filed against any of their own and denying 100% of petitions to review those dismissals.

- a. Judges have institutionalized the implicit or explicit complicit agreement for mutual assured protection through their reciprocal exoneration from all complaints: 'Today I exempt you from the complaint against you, and tomorrow you exempt me and my friends from any complaint against us, no matter the abuse's nature, extent, gravity, or harm.' Judges' reciprocal exoneration corrupts judicial integrity as judges look after each other rather than to administer fair and impartial justice in accordance to law.
- b. Judges have defrauded the public by pretending that they will process complaints fairly and impartially while in fact they dismiss the complaints to cover for each other as an integral part of their interpersonal relationship. By covering for the abuse that was committed, they encourage more abuse. That is how they have become accessories after and before the fact.

- 13. The ***Follow the Money!*** and ***Follow the Wire!*** investigations. These investigations apply forensic [research](#) techniques, e.g., Fraud and Forensic Accounting(FFA), big data search, and AI([jur:102§a; OL:194§E](#)), to discover assets that judges have grabbed, concealed, evaded taxes on, handled

through money laundering(OL:1); etc.

- a. Justice Thomas was shown to have received more than \$4 million in gifts from *billionaires* with business before the Supreme Court. He has failed to declare those gifts in his annual financial disclosure report mandated under the Ethics in Government Act of 1978 (5 U.S. Code, Appendix). He refuses to recuse himself from cases related to them.
- b. The other justices and lower court judges abstain from exhibiting the moral courage necessary to criticize him, let alone demand that he resign. Their reciprocal cover-up through silence is due to the capacity of each of them to bring down all the others as accessories before and after the fact, for their willful ignorance and blindness, culpable indifference, dereliction of duty to safeguard the integrity of the judicial system, obstruction of justice, their own abuse of power, about which they may even have boasted (jur:88§§a-e), etc.
- c. The justices and judges tacitly shout at each other, ‘If you help them take me down, *I’ll bring you with me!*’ As a result of their complicit silence, they are beholden to each other. Their reciprocal cover-up is their *institutionalized modus operandi*. Their silence and cover-ups are the pervasive means of controlling and corrupting the judicial system. See the analysis of the official statistics(OL2:455§§B, D) and hereunder.
- d. Judges' abuse of power and cover-ups can be prosecuted under the Racketeer Influenced and Corrupt Organizations Act (RICO; 18 U.S.C. §1961 (U.S. Code of federal criminal law) and its version in the law of the several states; cf. NY Enterprise Corruption Law.

14. **Judges’ bankruptcy fraud scheme.** Bankruptcy judges are appointed to a term of 14 years (28 U.S.C. §152) by the circuit judges of the circuit where they will sit, who can reappoint them if the bankruptcy judges share and make “cronies”(jur:32§§2-6) pay-to-play.

- a. Those circuit judges will decide any appeal from the decisions of their bankruptcy judges. Appointers loath to reverse the decisions of their appointees, which incriminates them as having appointed an incompetent or corrupt judicial candidate. Rather, appointers *cover up* for, and do not appreciate lawyers who attack, their appointees.
- b. The majority of bankrupt parties are individuals, as opposed to companies. Almost all of them appear pro se, for they lack the money to mount costly and time-consuming appeals. They also lack knowledge of the intricacies of bankruptcy law. Thus, appeals from bankruptcy judges’ decisions are extremely rare. What the bankruptcy judge says, goes.
- c. In most of the 90 bankruptcy courts across the country -all of which are federal- there is only one, two, or three bankruptcy judges. Thus, bankruptcy lawyers, whom companies must retain to represent them, hardly ever challenge their decisions, whereby they would risk the retaliation of the judge presiding over their case as well as that of his/her fellow judges when they preside over their cases and teach *the* lesson: ‘*Don’t you ever mess with any of us!*’
- d. Moreover, a bankruptcy judge can have a bankruptcy trustee removed from all the trustee’s thousands of cases by filing a complaint against him in one single case(28 CFR (Code of Federal Regulations) Part 58.6(a)(4)). Obviously, the trustee has every interest in never even appearing to challenge or otherwise displeasing the judge, and in showing his gratitude for every day that the judge allows him to keep his job.
- e. A bankruptcy trustee wields enormous power in his dealings with the debtor: He recommends to the judge what assets to exempt from distribution to the creditors and the dollar percentage to which debts must be paid. Appreciation for a recommended lower percentage

may be shown with a kickback, as may be the judge's approval of the recommendation.

- f. In 2005, Congress found an “absence of effective oversight”, and in 1979, “cronyism”, in the bankruptcy system.([jur:32§§2-6](#)) The result was and still is the unaccountability of the system cronies, e.g., circuit and bankruptcy judges, the bankruptcy trustees, and the service providers that they hire, such as accountants, appraisers, warehousemen, and lawyers. They take care of, and cover for, each other, thus evolving into a tight-knit racketeering enterprise.
  - g. Held unaccountable by the bankruptcy judges, the cronies are free to run risklessly an abusive bankruptcy petition mill. Thereby money becomes accessible by approving for processing every petition for protection from creditors regardless of its merits under bankruptcy law. After all, only if petitions are in the system can the cronies grab the money through their bankruptcy fraud scheme.
  - h. Consequently, bankruptcy judges exercise unaccountable power over \$100s of billions every year. Their ‘absolute power’ over so much money degenerates into ‘absolute corruption’ ([jur:27fn28](#)). Their unaccountability enables them to run risklessly their bankruptcy fraud scheme and makes its [workings understandable](#).
  - i. These are some of the mechanisms that provide motive, means, and opportunity for abuse of power in the bankruptcy courts and their running of a bankruptcy fraud scheme. The scheme has millions of victims, namely, the debtors and creditors in one-off cases, who are unlikely to be among the cronies. The latter are repeat players and thus, the beneficiaries.
  - j. An investigation must determine whether bankruptcy and circuit judges abuse the Federal Judiciary's national IT network to illegally transfer, conceal from individuals and the IRS, and launder onshore and offshore money that they have grabbed through the scheme([OL:1](#)).
  - k. A group of lawyers, journalists, multidisciplinary experts, professors, and students can join forces to work as a team to expose the schemers. The team members can shake to the core not only the bankruptcy system, but also the rest of the judicial system that appoints and covers for bankruptcy judges, and abets and benefits from their bankruptcy fraud scheme. In the process, the team can earn a lot of money and make a name for themselves.
15. **Medicare** abuses the power that it derives from administering the 2<sup>nd</sup> largest entitlement budget, i.e., \$900+ bl., for the benefit of its more than 67 million insureds. It has thousands of HMOs, other health insurance entities, and medical services and equipment providers in its network.
- a. Medicare has an interest in attracting to, and maintaining in its, network the largest number of medical services providers, which makes joining and remaining in Medicare more appealing for potential and current insureds.
  - b. But it is also in its interest to pay the fewest claims by, or on behalf of, the insureds. Those entities that receive a lump sum of money from Medicare to manage in line with certain guidelines, also have an interest in paying the fewest claims.
  - c. For their part, providers have an interest in receiving not just what Medicare pays according to its schedules, although they agreed contractually to accept as full payment the amount set forth in the schedules. So, the providers bill the insureds for the balance unpaid by Medicare, never mind that such balance billing is legally prohibited.
  - d. However, if Medicare were too strict in enforcing the balance billing prohibition, it would run the risk of providers quitting its network or even not joining it. As result, it looks the other way and lets its network providers balance bill its insureds.

- e. The insureds can hardly do anything about it because they are sick and burdened with medical bills. Hence, they cannot afford a lawyer. Since they do not know the law, they cannot represent themselves effectively pro se. So, they are abused by Medicare and its providers.
  - f. The [recovery](#) for holding Medicare and its providers accountable and liable for their abuse of insureds can be huge. A successful class action or perhaps only informing the public about, and outraging it at, the abusers, can force transformative change in not only Medicare, but also the rest of the national health care system.
16. [Walgreens](#) is [described](#) as having had \$139.5 billion in revenue in 2020 and 277,000 employees in 2021. Its purchase-incentivizing program is Cash Rewards.
- a. It is a misnomer, for rewards are not earned by paying in cash and cannot be redeemed for cash despite the statement on its false advertisement: "Save time. Redeem your rewards instantly at checkout". But at checkout you cannot pay your total purchase with your Cash Rewards. You can only apply one single "tier" of \$1, \$3, \$5, \$10, or \$20 that is equal to or less than the total purchase cost. The balance must be paid with your money. Your rewards, though earned, are not yours, for they expire. Cash Rewards are a bait and switch scam.
  - b. Walgreens has shown its propensity for abuse: For its involvement in the opioid epidemic, ['It will pay \\$4.95 billion](#), plus more than \$750 million in fees for attorneys and costs'.
  - c. This is a test case for going after big businesses that make substantial gains by defrauding millions of customers of small amounts that do not justify the cost of individual prosecution.

### **C. Potential impact of the key articles published by a national media outlet**

17. The key articles of the above blurbs and abstracts have the potential for opening the floodgates for tens of thousands of motions by individual lawyers or better yet, by our ad hoc teams:
- a. to vacate decisions fraudulently issued by judges although The Math of Abuse proves that they could not have had the material time to read the briefs and research and apply the law;
  - b. to remand for a new trial or to enter judgment against the party in which the judge had an interest if the party knew or through due diligence would have known of the judge's interest;
  - c. to be compensated by judges and their judiciaries for the waste of effort, time, and money needed to write a brief -an appellate brief can cost between \$20,000 and \$100,000- and the foreseeable, thus intentional frustration of the reasonable expectation that the brief would be used as the source of facts and law for judges to administer justice although the judges knew that they would not read them so that requiring a brief and a filing fee was done in bad faith;
  - d. to recuse themselves for engaging in a pattern of coordinated abuse of power, fraud on the public, dereliction of duty, intentional infliction of emotional and financial distress, etc;
  - e. to unscramble the transactions and events based on the now vacated decisions so as to place the parties in the position in which they would be if those decisions had never been issued and to compensate the parties for the unscrambling and when it is not possible; etc.
18. These motions will give rise to a new and high-stakes law practice: public accountability and liability practice. Students who learn in a law clinic to argue them may develop an expertise that they can market to recruiters or use as the foundation of a boutique law firm after graduation. Law schools can attract applicants by making a name for teaching that "Nobody is Above the Law".

Dare shout "*I accuse!*"

You may trigger history and even enter it as a Champion of Justice.

**D. Every meaningful cause needs resources for its advancement;  
none can be continued, let alone advanced, without money**

Support Judicial Discipline Reform and its [business plan](#) to:

19. continue its professional law research and writing, and [strategic thinking](#), which has produced a three-volume study of judges and their judiciaries, titled and downloadable thus:

**Exposing Judges' Unaccountability and Consequent Riskless Abuse of Power:**

*Pioneering the news and publishing field of judicial unaccountability reporting \* † ♣*

20. turn the site at <http://www.Judicial-Discipline-Reform.org> –whose articles([Appendix 6§ A](#)) have attracted so many webvisitors and elicited such a positive reaction that as of 27 January 2025 those who had become subscribers numbered 53,099([App.3](#))– from an informational platform, into:
- a. a clearinghouse for [complaints](#) against judges uploaded by anybody;
  - b. a [research center](#) for fee-paying clients [auditing](#) judges' decisions and searching many other writings from many sources that through [computer-assisted](#) statistical, linguistic, and literary analysis can reveal the most persuasive type of evidence: judges' [patterns](#), trends, and [schemes](#) of [abuse of power](#), e.g.; their [interception](#) of people's emails and mail; and
  - c. the digital portal of the business venture leading up to the [Institute](#) of Judicial Unaccountability Reporting and Reform Advocacy attached to a university or news network;
21. organize and embark on a tour of presentations to you and your group of guests; at law, journalism, business, and Information Technology [schools](#); media outlets; etc., via video conference or, if in NY City, in person. To assess my capacity to present view my [video](#) and follow it on its [slides](#);
22. hold together with academics, media outlets, and journalists, the proposed [UNPRECEDENTED CITIZENS HEARINGS](#), where people will be able to tell the national public [their stories](#) of judges' abuse;
23. organize the first-ever, and national conference on judges' abuse in [connivance](#) with politicians, who fear their power of retaliation, where the report on the citizens hearings will be presented;
24. publish as its sequel an academics/journalists multidisciplinary Annual Report on Judicial Unaccountability and Riskless Abuse of Power-cum-citizens inspector general report on the judiciary;
25. launch an abuse investigation that attracts ever more media because *Scandal sells & earns Pulitzers*;
26. promote the formation of a national, single issue, apolitical, civic movement for judicial abuse of power exposure, [compensation](#) of abusees, and reform through transformative change; etc.(¶57).

**Put your money where your outrage at abuse and passion for justice are.**

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**E. Offer to present this article and the above-listed cause-advancing activities**

27. I offer to present this article and the [business plan](#) to you and your guests via video conference and, if in NY City, in person. To assess my capacity to present you may view my [video](#) and follow it on its [slides](#). To set its terms and scheduling use my contact information in the letterhead above.

*Dare shout "I accuse!"...You may trigger history and even enter it.*

♣ [http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest\\_Jud\\_Advocates3.pdf](http://Judicial-Discipline-Reform.org/OL3/DrRCordero-Honest_Jud_Advocates3.pdf) >from OL3:1144-

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†.../OL2/...2.pdf >from OL2:394-1143

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**Judicial Discipline Reform**

**New York City**

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