

In re:

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SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SUFFOLK  
Index No. 061458/2013

AMERICAN EXPRESS BANK, FSB

-v-

{DMR#31} DMRAMEX08042014 SECTION ON JOINDER Part B  
Efiled Document #37

DANIEL M ROSENBLUM

Plaintiff attorney of record Zwicker & Associates action commenced July 2013.

Amex card 371339213796009 exp 1/11

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and also in re: ..

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SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK  
Index No. 100156/2011

AMERICAN EXPRESS BANK, FSB

-v-

{DMR#31} DMRAMEX08042014 SECTION ON JOINDER Part B  
Efiled Document #37

DANIEL M ROSENBLUM

Plaintiff attorney of record: Jaffe & Asher action commenced March 2011

Amex card 371339213796009 exp 1/11

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It is the intention of DMR that this writing cause the joinder of any and all matters associated with alleged current debt by DMR to lenders serviced by Sallie Mae or ACS Xerox to the matter(s) in Suffolk and New York County NY State Supreme Court Amex v DMR.

This item is supplement to {DMR#24} Letter / Correspondence DMRAMEX080414 Intent to Cause Joinder Efiled Document #30;;  
“{DMR#24} Letter / Correspondence DMRAMEX080414 Intent to Cause Joinder”.

DMR#24 above is the primary Joinder item whereas this item DMR31 Efiled Doc 37 is a secondary Joinder item in the matter of Amex v DMR and the related consideration of potential claims against DMR by Sallie Mae, Navient, and/or ACS Xerox.

I. Please see {DMR#Q6} Appendix Q6 of 18 to **DMRAMEX08042014** Efiled Document #48 Supplement of details of loans pertaining to DMR's July 31 2014 filing.

Filename lLoanDetailBinderHESCXeroxSallie

**2012 New York Consolidated Laws**  
**CVP - Civil Practice Law & Rules**  
**Article 10 - (1001 - 1026) PARTIES GENERALLY**  
**1002 - Permissive joinder of parties.**

**Universal Citation:** [NY CPLR § 1002 \(2012\)](#)

§ 1002. Permissive joinder of parties. (a) Plaintiffs. Persons who assert any right to relief jointly, severally, or in the alternative arising out of the same transaction, occurrence, or series of transactions or occurrences, may join in one action as plaintiffs if any common question of law or fact would arise.

(b) Defendants. Persons against whom there is asserted any right to relief jointly, severally, or in the alternative, arising out of the same transaction, occurrence, or series of transactions or occurrences, may be joined in one action as defendants if any common question of law or fact would arise.

(c) Separate relief; separate trials. It shall not be necessary that each plaintiff be interested in obtaining, or each defendant be interested in defending against, all the relief demanded or as to every claim included in an action; but the court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom he asserts no claim and, who asserts no claim against him, and may order separate trials or make other orders to prevent prejudice.

N.Y. CVP. LAW § 1001 : NY Code - Section 1001: Necessary joinder of parties - See more at:

<http://codes.lp.findlaw.com/nycode/CVP/10/1001#sthash.a3i4cNnU.dpuf>

(a) Parties who should be joined. Persons who ought to be parties if complete relief is to be accorded between the persons who are parties to the action or who might be inequitably affected by a judgment in

the action shall be made plaintiffs or defendants. When a person who should join as a plaintiff refuses to do so he may be made a defendant. (b) When joinder excused. When a person who should be joined under subdivision (a) has not been made a party and is subject to the jurisdiction of the court, the court shall order him summoned. If jurisdiction over him can be obtained only by his consent or appearance, the court, when justice requires, may allow the action to proceed without his being made a party. In determining whether to allow the action to proceed, the court shall consider: 1. whether the plaintiff has another effective remedy in case the action is dismissed on account of the nonjoinder; 2. the prejudice which may accrue from the nonjoinder to the defendant or to the person not joined; 3. whether and by whom prejudice might have been avoided or may in the future be avoided; 4. the feasibility of a protective provision by order of the court or in the judgment; and 5. whether an effective judgment may be rendered in the absence of the person who is not joined. - See more at:  
<http://codes.lp.findlaw.com/nycode/CVP/10/1001#sthash.a3i4cNnU.dpuf>

#### **Section on Rosenblum Motion for Joinder of Parties;**

1. Here, reference to above "class" of similarly situated borrowers effected by statutes of limitations as they pertain to deferments; that is, in many instances the time period of 280 days should have begun to run 2 or 3 years ago. Therefore, actions brought on behalf of lender should have been brought upon non-payment two years ago rather than presently in 2014. In some instances, therefore, Lender chose not to bring litigation for a 24 month period where lender had option to bring litigation and should have and could have brought litigation for non-payment, commencing statutes of limitations to bring an action. Thereafter, lender 'initiates' litigation with complaint following termination of a 24 sic month period into the statutes of limitations to bring an action. In the 24 month period which follows 2014 commencement of action, borrower faces continued litigation therefore without resolve during 2015 and 2016 which should have commenced as of 2011 therefore without resolve five

years following inability to pay. There is a resultant tax both on the borrower and lending industry which is adverse; the effect is adverse as well insofar as productivities and efficiencies both in data processing, and, in the fields where such borrowers could be productive workers. Salary at lenders is expended and wasted on collection activities which do not make sense, are inefficient, and non-productive, wasting thousands of millions in capital which could be efficiently allocated in productive applications by the self same operators and attorneys in data processing limited to financial services presently taking into consideration the DMR 21st Century Digital Critique on Banking generally as written in Patent Application published USPTO October 2009. Please see also the TTS USPTO 7/11 document, and, the DMR USPTO March 2014 Notice of Opposition Before the Trademark Trial and Appeals Board.

2. SECTION ON JOINDER Part B;

- a. Joinder: Citigroup
- b. John Reed
- c. Sanford Weill other Board members (name all current, and from letter)
- d. Attorney Steven Frankel, related
- e. Psychiatrist Frank Miller, related
- f. refer to web pages which tell story, list per item

3. Against the interest of justice to garnish wages or appropriate property from Rosenblum

*Note to all parts DMRAMEX08042014 items {DMR#23} through {DMR#36} and Supplements DMRAMEX08042014 {Q1- Q19} which cumulatively are DMRAMEX08042014 Efiled Documents #29 through #62; today's filings are not comprehensive. Presently all parts are filed today for August 4<sup>th</sup> given a variety of factors mostly pertaining to*

resource allocation and the calendar. DMR cannot spend more weekends working on this necessary filing presently, and is working as a truck driver presently Monday thru Friday. However, the subject matter and format and titles and content of the documents today filed suffice to give Notice of all parts of DMRs contentions, allegations, assertions, etc to the intended recipients of this correspondence filed in NY State Supreme Court presently. DMR states that the categories, for example, of today's Q1 -Q16 supplements are of great import to DMRs filings, and the articles contained therein evidence DMRs assertions throughout this filing; DMR has accomplished more work on the same categories, and, additional work on such categories for this filing are necessary. And, DMR recognizes the fact that the instant filing , although desired to be filed in the NYC case where an RJI has already been filed, is actually filed only in Suffolk Efile where no RJI has been filed, and, no motion fee is paid. DMR cites his 2002 Southampton tolling motion, which is 9152013 {{}}; such fees cannot at present are cost prohibitive by DMR; as necessary DMR will cite this 8041014 request for Joinder if the lenders here cited choose to commence litigation under a different docket # rather than recognizing the appropriateness of the joinder subject matter described in DMRs 08042014 materials. As per this paragraph and related paragraphs, therefore, it is recognized that DMRs 08042014 filing is not suggested to be comprehensive in addressing the relevant and pertinent subject matter and evidence supporting Rosenblum's assertions and claims made herein.

In any instance DMR reserves right to amend any letter or correspondence to a motion or discovery notice, and, amend

*any supplement to an exhibit in evidence for the subject matter herein under examination in any litigation.*