

EXHIBIT KK

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June 5, 2019

VIA ECF and Email to Abrams_NYSDChambers@nysd.uscourts.gov

The Honorable Justice Ronnie Abrams
US District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom: 1506
New York, NY 10007

Re: Request for permission and scheduling of Plaintiff’s Sur-Reply/Response to State Defendant’s Reply set to be filed on June 12, 2019.

Dear Judge Abrams:

On May 29, 2019 Your Honor granted the State Defendant’s a two-week extension to time to submit a reply to Plaintiff’s Opposition to their motion to dismiss. The reply is due June 12, 2019. ECF 88 The Plaintiff filed an accounting and verification of his Opposition filed on May 19, 2019. [ECF 80] The Opposition filed at ECF 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75 and 78 is necessarily fact intensive in order to disproved, contest and otherwise shows that virtually all of the State and Individual Defendant’s factual claims underlying their legal arguments to be patently false. This leaves their motion hollow and baseless without foundation, reason or logic, and demonstrates that the State Defendant’s Reply will necessarily be based on additional false statements. The Plaintiff must be allowed to response.

The fact is that the *Asensio v. DiFiore* complaint clearly and conclusive demonstrates that Defendants jointly acted fraudulently and criminally, in clear absence of jurisdiction in a matter having no resemblance to any normal judicial or state function imaginable. Their actions on June 30, 2017 alone would be enough to make arouse the resentment against the Defendants from the average member of the community and cause them to jump up and scream what an OUTRAGE!

1 The complaint if full of value-free exacting facts describing outrageous conduct in
2 character, and degree beyond all possible bounds of decency, and to be regarded as
3 atrocious, and utterly intolerable in a civilized community. The dates of the
4 Defendants' joint acts are cast in stone, as are the State Defendants' cover-up of
5 Defendants Fasanya and Bosak's collusion. The cover-up is demonstrated to be
6 directed, sanctioned and coordinated and executed by Judges Drager, Jaffe, Bannon,
7 Goetz and Kotler and then Presiding Judge Acosta in court and by Defendant
8 DiFiore and her agents on the admirative proceedings. In total the Plaintiff included
9 his eyewitness account of 23 judges acting fraudulently to fabricate false information
10 and fraudulent orders to protect Defendants Fasanya and Bosak's collusion under
11 the direct direction of Defendant DiFiore. *Asensio v. DiFiore* conclusively
12 demonstrates how Defendant DiFiore commanded and managed her direct
13 employees, and employees in training and education, ethics, inspector generals, chief
14 of public safety and judicial conduct regulation to commit crimes against the
15 Plaintiff.

16
17 Your Honor denied the Plaintiff's Motion 1 that seeks to narrow the issue of
18 privilege, immunity and state function to conclusively demonstrate that the State
19 Defendants acted fraudulently and criminally against the Plaintiffs by colluding with
20 the Individual Defendant since May 15, 2014. This is the date on which the Plaintiff
21 withdrew and formally commenced his investigation and actions against Defendant
22 Fasanya. The facts are that the Defendants are accused of constantly intensifying
23 their fraudulent and criminal acts to the extent of colluding to fabricate the incident
24 of December 29, 2015 for the purpose of fabricating the January 15, 2016 so called
25 "interim" suspension. They are then demonstrated to fabricate the March 23, 2016
26 criminal charges [all of which were dismissed] as an after the fact attempt to justify
27 the fabricated January 15, 2016 so called "interim" suspension. Since May 15, 2014
28 the State Defendants unilaterally fabricated \$225,688.22 in invoices and collected
29 them with 13 fraudulent unreviewable fabricated Sua Sponte contempt and arrest
30 orders based on unreviewable so called "interim" fee orders.

31
32 The State Defendants' **June 12, 2019 reply** will necessarily simply ignore all the
33 evidence presented and the discovery paths demonstrated in *Asensio v. DiFiore* will
34 contain more falsehoods and fabricated fact statements that in all fairness the
35 Plaintiff under universal reason and principles must be given the right to reply.

36
37 "The standard for granting a leave to file a surreply is whether the party making the
38 motion would be unable to contest matters presented to the court for the first time in
39 the opposing party's reply." *Lewis v. Rumsfeld*, 154 F. Supp. 2d 56, 61 (D.D.C.
40 2001). "Motions for leave to file sur-reply information [] are subject to the sound

1 discretion of the court.” *De Pedrero v. Schweizer Aircraft Corp.*, 635 F.Supp.2d 251,
 2 258(W.D.N.Y.2009). *Anghel v. New York State Dep't of Health*, 947 F. Supp. 2d
 3 284, 293 (E.D.N.Y. 2013), *aff'd*, 589 F. App'x 28 (2d Cir. 2015) “Motions for leave
 4 to file sur-reply information [] are subject to the sound discretion of the court.”
 5 *Anghel v. New York State Dep't of Health*, 947 F.Supp.2d 284, 293 (E.D.N.Y.2013)
 6 (quotation marks and citation omitted), reconsideration denied (July 20, 2013).
 7 *Barbour v. Colvin*, 993 F. Supp. 2d 284, 287 (E.D.N.Y. 2014)

8
 9 Based on all the above, the Plaintiff requests that Your Honor Schedule the
 10 Plaintiff’s Sur-Reply/Response to State Defendant’s Reply set to be filed on June
 11 12, 2019.

12
 13 Thank you.

14
 15 I do so swear the above to be true,

16
 17 _____
 18 ^s
 19 Manuel P. Asensio
 20 Plaintiff

21 Jonathan D. Conley, Esq., jonathan.conley@ag.ny.gov

22
 23 Emile Bosak, emilie.bosak@gmail.com