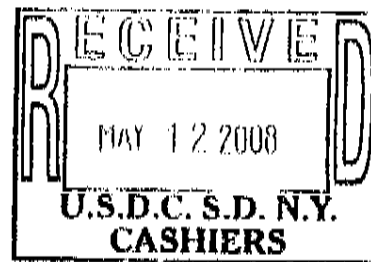


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
SUZANNE MCCORMICK,

Plaintiff,

-against-

COMPLAINT

08 CIV 4438

THE STATE OF NEW YORK;  
THE OFFICE OF COURT ADMINISTRATION  
OF THE UNIFIED COURT SYSTEM;  
THE APPELLATE DIVISION, FIRST DEPARTMENT  
DEPARTMENTAL DISCIPLINARY COMMITTEE;  
WINTHROP RUTHERFURD, JR;  
DAVID G. KEYKO and  
JOHN and JANE DOES, 1-30,

JURY TRIAL  
DEMANDED

Defendants.  
-----X

PLAINTIFF Suzanne McCormick, *Pro Se*, as and for her Complaint against the above-captioned defendants, alleges upon personal knowledge as to her own facts and upon information and belief as to all other matters:

**PRELIMINARY STATEMENT**

1. This is a civil action seeking injunctive relief, monetary relief, compensatory and punitive damages, disbursements, costs and fees for violations of rights, brought pursuant to 42 U.S.C. § 1983; the First and Fourteenth Amendments to the United States Constitution; and State law claims.

2. Specifically, plaintiff alleges that the defendants purposefully, wantonly, recklessly, knowingly, cavalierly and arbitrarily acting individually and in conspiracy and collusion with each other and others, committed numerous acts of self dealing, including the "whitewash," "cover-up" and "obstruction" of complaints against certain attorneys, seeking to deprive plaintiff of her Constitutional and statutory rights, by means of misrepresentation, deceit, egregious bad faith,

unclean hands, fraud, obstruction of justice, obfuscation, oppression, self-dealing, harassment, and manipulation of laws, rules, and regulations and by various other means.

3. Plaintiff is aware of at least six (6) pending cases against some of these defendants concerning, *inter alia*, "whitewashing" and "covering up" of attorney grievances-- complaints against certain attorneys at law and other state employees that are largely ignored for "political reasons" and or other unknown reasons. Only recently was the full extent and long-standing practice of misconduct revealed to plaintiff, and initially by an article in *The New York Times* on November 1, 2007, *Suit Accuses Court Panel Of Cover-Up* (Exhibit A - 1 pp.).

4. At all times relevant herein, the defendants, individually and in concert and in collusion with each other and others in egregious bad faith and unclean hands, acted to "whitewash," "cover-up," engage in "obstruction of justice" and otherwise fraudulently conceal various improper and illegal actions by defendants involving serious attorney misconduct.

5. Plaintiff also specifically brings claims against the defendants for fraud, harassment, oppression, egregious bad faith, unclean hands, breach of contract, breach of fiduciary duties, obstruction of justice, and malfeasance.

#### **JURISDICTION AND VENUE**

6. Jurisdiction of this Court is invoked under 28 U.S.C. §1331, 28 U.S.C. §§1343(3) and (4), and the First and Fourteenth Amendments to the United States Constitution. Pendent jurisdiction over Plaintiff's state law claims is proper pursuant to 28 U.S.C. §1367. This Court has jurisdiction pursuant to 42 U.S.C. §1983, because defendants Office of Court Administration of the Unified Court System (hereinafter "OCA") and Appellate Division, First Department Departmental Disciplinary Committee (hereinafter "DDC") are "state actors" within the meaning of

§1983; and OCA and the DDC are arms of the State of New York (hereinafter "State") and are "state actors" within the meaning of § 1983.

7. Venue herein is proper under 28 U.S.C. § 1391(b) because the cause of action arose in the Southern District of New York, all of the parties reside in, or at all times relevant herein worked in the State of New York, and because the events or omissions giving rise to plaintiff's claims occurred in this judicial district.

### THE PARTIES

8. At all times relevant herein, plaintiff has been a citizen of the United States, complainant, and witness to the grievance complaint referred to herein.

9. At all times relevant herein, defendant State is a sovereign State of the United States of America. At all times relevant herein, defendant State was and is an employer within the meaning of the Constitution of the State of New York of the individual defendants and is a governmental entity, and acting under the color of law, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

10. At all times relevant herein, defendants OCA and DDC are and were at all relevant times governmental entities created by, authorized under the laws of the State of New York, and was acting under color of law, statutes, ordinances, regulations, policies, customs and usages of the State of New York.

11. At all times relevant herein, upon information and belief, defendants Winthrop Rutherford, Jr. (hereinafter "Rutherford") and David G. Keyko (hereinafter "Keyko"), were attorneys at law admitted to practice in New York State and engaged in the practice of law and provided legal services to the public.

### **FACTUAL BACKGROUND**

12. Plaintiff obtained confirming evidence showing an organized and systematic fraud by the defendants involving more than \$37 million and the falsification of official court records.

13. Plaintiff provided irrefutable evidence to defendant State, OCA and DDC showing the scheme to perpetrate a fraud upon the plaintiff and various state courts, and governmental agencies including the IRS, involving the altering of official court records confirming defendant attorneys' gross attorney misconduct in The Estate of her husband Edmund J. McCormick.

14. At all times relevant herein, defendants have acted in egregious bad faith with unclean hands to "stonewall," "obstruct," and "whitewash" each and every component of the complaint filed with the DDC against the defendants.

### **Plaintiff Files DDC Complaint in 2005**

15. During 2005, plaintiff filed with the DDC an attorney ethics complaint against the herein individuals named, and others, as defendants.

16. At all times relevant herein, the defendants were aware of the following gross acts of misconduct:

- a. That the named entity on official court documents did not legally exist.
- b. That official court records have been altered and changed in direct violation of law.
- c. That the defendants had knowledge of these and other material facts involved in the fraud and continued to obstruct the truth.
- d. That the defendants although having the material facts continued to permit entities with no legal standing or authority to engage in litigation within the court system.
- e. That the defendants likewise permitted entities with no legal standing to represent themselves to both state and federal authorities as having legal standing or authority.

17. Defendant DDC flatly refused to ever discuss the submitted complaint, and never took any mandated and required action whatsoever to address the complaint to my knowledge.

18. Upon information and belief, and at all times relevant herein, the individual named defendants failed in their individual and collective ethical duties as attorneys at law when they chose not to report or take any action concerning the fraudulent alteration of official court records and falsified filing documents, and the breaches of the most fundamental rights of plaintiff, namely of due process, fair and impartial proceedings free from any oppression or retaliation.

19. Upon information and belief, and at all times relevant herein, the individual named defendants completely failed their individual and collective duties as attorneys at law when they chose not to report or take any action against the misdeeds and attorney misconduct.

20. Upon information and belief, and at all times relevant herein, the individuals named as defendants knowingly and purposefully failed in their individual and collective obligations as attorneys at law to take appropriate action to report the misconduct of their fellow defendants.

#### **Plaintiff Becomes Aware of the Existence of Pervasive DDC Corruption**

21. Only recently has plaintiff been made aware of the widespread and systematic "stonewalling," "whitewashing," "cover-up" and "obstruction" of complaints against attorneys at law within the Appellate Division, First Department, and those who are politically, financially or otherwise associated with defendant state employees and others. At all times relevant herein, plaintiff's right to fair proceedings was improperly and permanently denied.

22. If not for the improper influence and other acts of bad faith over the affairs of the DDC by the defendants, plaintiff would have been afforded due process and a fair and impartial adjudication of her complaint. Upon information and belief, at all times relevant herein, the defendants have purposely and knowingly acted to improperly influence the DDC by their own self-

dealing for personal political, financial gain and other unnamed reasons. To date, and only as a result of the blatant DDC practices of "whitewashing," "cover-up" and "obstruction," is plaintiff now aware of the complete abrogation of her basic Constitutional rights. It is now clear that by regularly, not resolving or even properly addressing complaints, as required by law servers only to further damage plaintiff.

23. Upon information and belief, at all times relevant herein, the individuals named as defendants wantonly, recklessly, knowingly and purposefully, arbitrarily and cavalierly acting individually and in concert with each other, by means of misrepresentation, fraud, harassment, oppressive acts, under color of law, manipulation of laws, and noncompliance with rules and regulations applicable to members of the New York State Bar, and while acting in bad faith, sought to deprive plaintiff of her Constitutional right to fair and impartial proceedings, competent and effective counsel, and the seeking of relief by State, OCA administrative and ethics offices, *inter alia*, without improper or undue influence.

24. Upon information and belief, all defendants conspired and colluded with each other and agreed with each other to act in concert to deny plaintiff a fair review of her filed ethics complaint and to deny plaintiff her rights to due process and equal protection of the laws.

25. Plaintiff was shocked to learn of the allegations of widespread corruption at the DDC in a newspaper of record (See Exhibit A). At the time, Plaintiff then recalled her complaint with the DDC and how it had withered away to obscurity. As a result Plaintiff now has a better understanding of the alleged practices within the DDC and the purported practices of same.

**COUNT ONE**  
**(All Defendants)**  
**42 U.S.C. §1983, 1985**  
**DEPRIVATION OF RIGHTS and**  
**CONSPIRACY TO DEPRIVE RIGHTS UNDER**  
**THE FIRST and FOURTEENTH AMENDMENTS**

26. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 25 as though fully set forth herein.

27. As set forth above, the DDC is a division of the New York State Supreme Court, Appellate Division, First Judicial Department, and is therefore part of the New York State court system. As part of the New York State court system, the DDC is obligated and duty-bound to administer justice in a fair, honest and lawful manner.

28. The DDC as a Division of the State of New York, being a "state actor," within the meaning of §1983, they have failed their obligation and duty to uphold the law requiring plaintiff's right of due process and fair and equal access.

29. Plaintiff has a Constitutional right to a fair, lawful, honest and un-bias judicial system, free from corruption, oppression, malfeasance, self-dealing and bias, with impartial arbiters of the law. Through the conduct set forth above, including but not limited to defendants' conduct in denying plaintiff access to fair, honest and lawful court proceedings, defendants, collectively and individually, have engaged in actions and abuses which were violative of and deprived plaintiff of her Constitutional and statutory rights and protections, including her rights to due process and equal protection under the law, and as provided under the Fourteenth Amendment of the United States Constitution.

30. Through the conduct set forth above, including but not limited to defendants' conduct in denying plaintiff access to fair, honest and lawful court proceedings, and by colluding in egregious bad faith in various improper *ex parte* communications and overt oppressive acts, defendants,

collectively and individually, have engaged in actions and abuses which were violative of and deprived plaintiff of her Constitutional and statutory rights and protections, including her right to petition the government for redress under the First Amendment to the United States Constitution.

31. As a direct and proximate result of said acts, plaintiff has suffered and continues to suffer extreme losses of confidence in the Legal System and Judicial Process, emotional pain and suffering, loss of enjoyment of life in art and a music career as a concert pianist, loss of trust and faith in attorneys at law who are charged with the duty to uphold ethical standards within the legal system and in the Court system as a whole.

32. As a result of the deprivation of her rights by the defendants, plaintiff is now and will continue to suffer irreparable injury and monetary damages, as well as damages for mental anguish, and humiliation. Plaintiff is entitled to damages in the amount of sixty million dollars (\$60,000,000.00) dollars as well as punitive damages, costs, and any attorneys' fees for these violations.

## **COUNT TWO** **BREACH OF CONTRACT**

33. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 32 as though fully set forth herein.

34. Plaintiff entered into a legal and binding contract with one or more of the defendants for lawful legal proceedings concerning her legal interests and involvement in various properties and proceedings. Rather than properly upholding their sworn duties they knowingly, and with intentional deceit and fraudulent intent, and in collusion with the other defendants, acted to harm and damage plaintiff, and to improperly deny her various rights as constitutionally guaranteed.



35. By the actions set forth above, the full extent of which have only recently been more fully revealed, the defendant breached the contract to provide competent and honest legal representation to plaintiff.

36. Such breaches occurred with full knowledge and confidence on the part of all the defendants that their improper acts would go unchecked by the other defendants; and they are therefore liable to plaintiff for damages in an amount to be determined at trial.

**COUNT THREE**  
**BREACH OF FIDUCIARY DUTY**

37. Plaintiff repeats and reiterates the allegations set forth in paragraphs 1 through 36 as though fully set forth herein.

38. Each and every defendant owed plaintiff her basic constitutionally guaranteed right of fiduciary duties of good faith, loyalty, and care.

39. When the defendants chose to violate plaintiff's rights at every given opportunity for their own personal political and financial gain, they repeatedly breached their fiduciary duties to plaintiff. As a result, the defendants were knowledgeable and acting in concert with each other to deny plaintiff her rights, and are liable to plaintiff for damages in an amount to be determined at trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that the Court enter judgment and an Order in favor of plaintiff as follows:

- a. First Cause of Action: in excess of sixty million (\$60,000,000.00) dollars as well as punitive damages, costs and attorney's fees.
- b. Second Cause of Action: in excess of sixty million (\$60,000,000.00) dollars as well as punitive damages, costs and attorney's fees.

- c. Third Cause of Action: in excess of sixty million (\$60,000,000.00) dollars as well as punitive damages, costs and attorney's fees.
- d. Awarding plaintiff punitive damages against all individual defendants;
- e. Appointing a independent federal monitor to oversee the day-to-day operations of the DDC for an indefinite period of time; and
- f. An Order granting such other legal and equitable relief as the court deems just and proper.

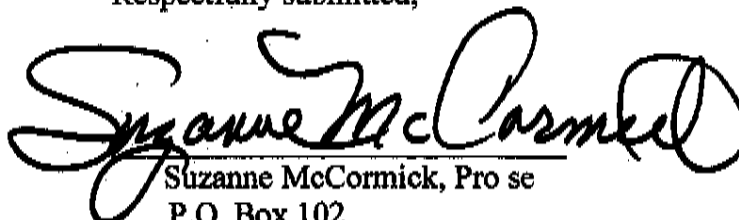
**JURY TRIAL IS DEMANDED**

Plaintiff demands a trial by jury on all claims so triable.

The undersigned declares under penalty of perjury that she is the plaintiff in the above action, that she has read the above complaint and that the information contained in the complaint is true and correct, 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Dated: New York, New York  
May 12, 2008

Respectfully submitted,



Suzanne McCormick, Pro se

P.O. Box 102

Hastings On Hudson, New York 10706-0102

(914) 693-6687

**Exhibit A**

November 1, 2007

## Suit Accuses Court Panel Of Cover-Up

By PAUL VITELLO

A former lawyer for the state court system, fired in June from her job investigating lawyers charged with misconduct, has charged in a federal lawsuit that supervisors "whitewashed" some cases for "personal or political reasons."

The lawyer, Christine C. Anderson, who was a staff attorney for six years in a Departmental Disciplinary Committee of the State Supreme Court's Appellate Division in Manhattan, did not name the lawyers who she said received such protection. But she said her supervisors, who were named, intervened on behalf of lawyers against whom she had found "overwhelming concrete evidence of misconduct."

The lawsuit, filed last week in the United States District Court for the Southern District, charges that Ms. Anderson was fired because she openly voiced her concerns about "a pattern and practice of whitewashing and routinely dismissing complaints leveled against certain select attorneys." Ms. Anderson, 62, who is black, also said she was a victim of age and race discrimination.

Disciplinary committees operate in each of the state's four Appellate Division departments to investigate lawyers accused of misconduct. Charges can vary from unresponsiveness toward clients, to the theft of money from escrow accounts, to failure to disclose conflicts of interest. Based on investigations by staff attorneys like Ms. Anderson, committees can admonish lawyers, suspend or revoke their licenses or recommend criminal prosecution.

In the suit, Ms. Anderson, who worked in the First Department, covering most of New York City and Westchester, named as defendants Thomas J. Cahill, chief counsel of the Departmental Disciplinary Committee; his first deputy, Sherry K. Cohen; Catherine O'Hagan Wolfe, the court clerk; David Spokiny, her deputy; and John Buckley, the presiding justice of the Office of Court Administration.

None could be reached for comment. David Bookstaver, a spokesman for the state court system, said it would be "inappropriate to comment."

Fred K. Brewington, the Long Island lawyer representing Ms. Anderson, said she had been harassed on the job continuously, beginning in 2005, after she raised questions about Ms. Cohen's relationship with a lawyer representing another lawyer who was under review. Despite strong evidence of misconduct by the lawyer in that case, he said, the complaint was dismissed and a file containing Ms. Anderson's investigation disappeared.

Ms. Anderson is seeking \$10 million in damages, as well as punitive damages and lawyer's fees for what her suit described as the "irreparable injury," "mental anguish and humiliation" of being fired without cause.

**Correction:** November 7, 2007, Wednesday An article on Thursday about a lawsuit alleging that a former lawyer for the New York State court system was fired for accusing her superiors of unethical conduct misstated the jurisdiction of the First Department of the Appellate Division of State Supreme Court. It covers the Bronx and Manhattan, not "most of New York City and Westchester."

**Suzanne McCormick  
Concert Pianist  
P.O. Box 102  
Hastings On Hudson, New York 10706-0102**

Via Hand

May 12, 2008

Clerk of the Court  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

**RE: SDNY Complaint; Explanation to related case #07cv9599**

Dear Sir or Madam,

This letter is in response to the Civil Cover Sheet (JS-44C/SDNY) request for an explanation of why my case is related to SDNY 07cv9599 (Anderson v. State of NY).

My complaint is related because the defendants are substantially the same as are the underlying causes of action against those other complaints.

Only recently, due to the unfolding knowledge and information about other similar cases, did I realize the similar circumstances. The salient facts in my complaint demonstrate the most recent acts in a pattern of corruption that ties together and relates back to many years of violations against me and my God given rights and talents that continues to this day.

I suggest that by relating my pro se complaint there will be an economy to the Court of: 1) review of fundamental underlying facts; 2) discovery efforts; 3) hearings; and 4) injunctive relief.

Thank-you for your consideration.

Sincerely yours,

  
Suzanne McCormick  
Pro se

SM/ms

Attachment to Civil Cover Sheet  
And Complaint