

11-4934-CV

United States Court of Appeals for the Second Circuit

YOEL WEISSHAUS

Appellant,

- against -

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY;
THE STATE OF NEW YORK;
NEW YORK STATE ASSEMBLY;
NEW YORK STATE SENATE;
THE STATE OF NEW JERSEY;
NEW JERSEY STATE LEGISLATURE;
NEW JERSEY STATE GENERAL ASSEMBLY;
NEW JERSEY STATE SENATE;
AND JOHN AND JANE DOES, 1-20,

Appellees.

On Appeal from the United States District Court
for the Southern District of New York
Honorable Loretta A. Preska, Chief Judge

AFFIRMATION IN OPPOSITION TO FILE APPELLEE APPENDIX

Yoel Weisshaus, Appellant
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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

_____	X	
Yoel Weisshaus	:	Case: 11-4934-cv
	:	
vs.	:	On Appeal from SDNY:
Port Authority of New York and New Jersey et al,	:	11-6616-cv (LAP)
_____	X	

AFFIRMATION IN OPPOSITION TO FILE APPELLEE APPENDIX

State of New Jersey
 §
County of Bergen

Appellee Port Authority of New York and New Jersey (“Port Authority” herein after) filed a motion June 22, 2012 for permission to file an appellee appendix. For the foregoing reasons I affirm in its opposition:

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FOR THE SECOND CIRCUIT
NEW YORK, NY 10007

1. I am Yoel Weisshaus (“Weisshaus”), *pro se* appellant in this action.
1. The Port Authority takes the position of wanting to file an appellee appendix because “The Appendix filed by Plaintiff-Appellant was never agreed upon by the Port Authority prior to its filing.” However, the record of this case supports otherwise.
2. Prior to Weisshaus filing his brief and the joint appendix, Port Authority made it clear on December 19, 2011 that they are not going to file an

appellee brief and therefore takes no position on this appeal. (See docket entries 14, 47, and 53)

3. Weisshaus' brief with the joint appendix was accepted as filed on March 29, 2012.

4. Thus, the Joint Appendix was filed in consideration of all the parties.

5. On April 16, 2012, Port Authority changed its position, wanting to file an appellee brief. (entries 55, 59, and 64)

6. The Port Authority now argues that the want to file an appellee appendix is because the appellant joint appendix was "never agreed upon by the Port Authority." However,

7. Port Authority makes this motion to submit an "Appellee's Appendix to supplement the Appendix filed by Plaintiff-Appellant" without contacting the appellant for agreement.

8. Port Authority in its motion does not identify any document that the appellant has left out from the joint appendix.

9. Port Authority does not identify which document/s it wishes to supplement the joint appendix by filing an appellee appendix.

10. Neither does the Port Authority state in its motion if the documents it wishes to supplement to the appendix are part from the record on appeal.

11. The Port Authority does not identify how the documents it wishes to attach to the appendix will or do have an independent relevance to the record on appeal.

12. After all, the Port Authority's does not say why the documents it wishes to attach to the appendix are necessary.

13. In lieu of the Port Authority indentifying which documents it wishes to submit to the appendix, the appellant makes this affirmation in opposition to prevent unnecessary prejudice.

14. Prejudice can be resulted by the Port Authority taking the permission to file an appellee appendix as a permission to add-on whatever documents they desire even those not permissible.

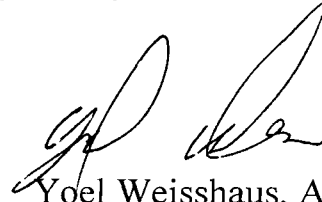
WHEREBY, where the appellee did not identify which documents it wishes to supplement the appendix with an appellee appendix, to prevent prejudice appellant makes the foregoing affirmation in opposition to appellee's request to file an appellee appendix.

WHEREFORE for the foregoing reasons the appellant respectfully requests that the Court deny the appellee-defendant's motion to file an appellee appendix. Appellant requests as well as such further relief as the Court deems right and justified under the circumstances and facts of this motion.

I affirm the foregoing is true and correct to the best of my knowledge.

Dated: June 24, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Yoel Weisshaus', written in a cursive style.

Yoel Weisshaus, Appellant
516 River Road 6
New Milford NJ, 07646

