

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]

Sent: Monday, April 16, 2012 5:49 PM

To: 'Andrew Meier'

Subject: CJA v. Cuomo: The reasonable question as to whether Justice Brigantti-Hughes is a fair & impartial judge

Dear Mr. Meier,

Please be advised that based upon what took place at today's proceeding before Justice Mary Ann Brigantti-Hughes, I have lost confidence that she is a fair and impartial judge, able to put aside her direct financial interest in the outcome of plaintiffs' lawsuit – or withstand the pressures of other interested parties.

Among other things, I do not believe a fair and impartial judge would have declined my request to submit a further affidavit &/or memorandum of law so that she is not misled by the fraudulence of your memorandum of law, which you e-mailed me at 4:36 pm on Friday afternoon with your cross-motion and affidavit. Nor do I believe that a fair and impartial judge would have refused, as she did, to accept the case file record of my Article 78 proceeding against the Commission on Judicial Conduct – physically incorporating my mother's Article 78 proceeding against the Commission on Judicial Conduct and Michael Mantell's Article 78 proceeding against the Commission on Judicial Conduct – so that she could verify, *beyond all doubt*, that Justice Wetzel's January 31, 2000 decision & the Appellate Division's December 18, 2001 affirmance are judicial frauds and that there is not the slightest basis in fact or law for the filing injunction upon which you would have her rely to bar me and CJA from bringing the instant action on the judicial pay raise issue. Only after great insistence on my part, including a request that she supply legal authority for not permitting me to make such dispositive case file part of the record was I allowed to leave same – though not with her, but, rather, filed in the Clerk's Office.

Frankly, I believe ANY fair and impartial judge, who read the Verified Complaint and incorporated October 27, 2011 Opposition Report (& perused my October 24, 2002 leave to appeal motion in my Article 78 proceeding against the Commission on Judicial Conduct)—which at this point Justice Brigantti-Hughes may be presumed to have done -- would have “thrown the book” at you for the flagrantly unconscionable and false representations you made in court and in your papers pertaining to my prior Article 78 proceeding and this lawsuit.

I called Justice Brigantti-Hughes' chamber about an hour ago and related the foregoing to her law clerk, Scott Krompinger, because – as I stated to him – I felt nauseous and physically sick – and it was not merely because I had been up all night working on my affidavit in opposition and reply to your despicable papers.

I asked Mr. Krompinger to communicate to Justice Brigantti-Hughes my serious concerns that she lacked the requisite neutrality for a case in which she had a direct financial interest and doubtless considerable pressure from interested parties so that she might reflect upon same and, if she deemed it appropriate, recuse herself, *sua sponte*. I stated that within the next several days I would make a letter application for such relief – and would e-mail you now as to the foregoing.

I am in process of ordering the transcript. Please advise whether you have – or will be – ordering same.

Thank you.

Elena Sassower