



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

JOSHUA PEPPER
RECORDS ACCESS OFFICER
ASSISTANT ATTORNEY GENERAL

December 8, 2011

via e-mail: elena@judgewatch.org
Elena Sassower, Esq.
Center for Judicial Accountability, Inc.
P.O. Box 3002
Southampton, NY 11969

RE: Freedom of Information Law ("FOIL") Request # 110450 and 110756

Dear Ms. Sassower:

I write in response to your correspondence of December 1, 2011. In your letter, you claim not to have received all of the documents responsive to FOIL Request #110450. You also make a new FOIL request.

Regarding FOIL #110450, I note that FOIL requires all requests to be reasonably described. Public Officers Law § 89(3)(a). A request is not "reasonably described" unless it provides sufficient information to enable the agency to locate the records in question within the agency's indexing system. *Konigsberg v. Coughlin*, 68 N.Y.2d 245, 249-50 (1986). Your request stated only that you wanted documents from "the judicial compensation lawsuits." From that description, we searched files that we knew pertained to such lawsuits. With the additional information that you have now supplied, we have renewed our search for responsive documents. We will notify you of the status of your request on or before January 9, 2012. If we should find any additional responsive documents in the possession of the Office of the Attorney General, we will provide them to you, although I note that FOIL does not require an agency to obtain documents not in its possession.

We have assigned FOIL #110756 to your new request, which called for the following:

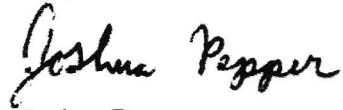
"All publicly-available documents bearing upon: 'the inexplicable failure of the Attorney General's Office and the Dolan firm to have moved to reargue the palpably deficient February 23, 2010 decision before the Court of Appeals or to have filed a petition for a writ of certiorari with the U.S. Supreme Court, where the consequences were so violative of the New York Constitution and so

Elena Sassower, Esq.
December 8, 2011
Page Two

potentially catastrophic to New York taxpayers – and where the dissent of Judge Smith would have dismissed all claims' (CJA's July 19, 2011 letter, at p. 8, underlining in the original)."

Please be advised that the Office of the Attorney General has conducted a diligent search and has located no records that respond to this request. Thus, FOIL request #110756 is closed.

Very truly yours,

A handwritten signature in black ink that reads "Joshua Pepper". The signature is written in a cursive style with a large initial "J".

Joshua Pepper
Assistant Attorney General