



STATE OF NEW YORK  
SUPREME COURT CHAMBERS  
ALBANY COUNTY COURTHOUSE - ROOM 401  
ALBANY, NEW YORK 12207  
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MICHAEL C. LYNCH  
JUSTICE

AMY E. JOYCE  
PRINCIPAL LAW CLERK

Elena Ruth Sassower  
Director, Center for Judicial Accountability, Inc.  
PO Box 8101  
White Plains, New York 10602  
(Via Regular Mail and Electronic Mail [[elena@judgewidth.org](mailto:elena@judgewidth.org)])<sup>1</sup>

RE: Center for Judicial Accountability Inc. v. Cuomo  
Index 1788-14

Dear Ms. Sassower:


I write in response to your March 31, 2014 request for "reconsideration, by reargument, renewal or by vacatur for fraud of [the Court's] March 28, 2014 from the bench decision denying plaintiff's request for a TRO".

You have correctly referenced State Finance Law §123-e [2] as authority for the issuance of a temporary restraining order in an Article 7-A action, that supersedes the CPLR 6313 restrictions referenced by the Court during oral argument. That being said, given what the Court perceives as the limited likelihood of success on the merits and the lack of irreparable injury, the Court adheres to its March 28, 2014 ruling denying the temporary restraining order. To be noted is the N.Y. Constitution Art. VI §25(a) prohibits the diminution of judicial compensation by legislative act during a judge's term in office (see Matter of Maron v. Silver, 14 NY3d 230, 252). This rule of "no diminishment" does not preclude plaintiffs from pursuing this action.

As for the challenge to the judicial pay raise, as I stated during the hearing, the Court is required to address the challenge under the Rule of Necessity (see Matter of Maron, Id., at 248-249).

Accordingly, based on the foregoing, your request for a telephone conference is denied.

So Ordered this 31<sup>st</sup> day of March, 2014  
at Albany, New York

  
Hon. Michael C. Lynch  
Justice of the Supreme Court

cc: Adrienne Kerwin, Esq. ([adrienne.kerwin@ag.ny.gov](mailto:adrienne.kerwin@ag.ny.gov))  
James McGowan, Esq. ([James.mcgowan@ag.ny.gov](mailto:James.mcgowan@ag.ny.gov))

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<sup>1</sup>The Court will file this original letter order and the March 31, 2014 memo with attachments with the Albany County Clerk.

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