

SUPREME COURT OF STATE OF NEW YORK
ALBANY COUNTY

----- X
CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
and ELENA RUTH SASSOWER, individually and
as Director of the Center for Judicial Accountability, Inc,
acting on their own behalf and on behalf of the People
of the State of New York & the Public Interest,

Index #1788-14

Plaintiffs,

NOTICE OF APPEAL

-against-

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
DEAN SKELOS in his official capacity as
Temporary Senate President,
THE NEW YORK STATE SENATE,
SHELDON SILVER, in his official capacity
as Assembly Speaker, THE NEW YORK
STATE ASSEMBLY, ERIC T. SCHNEIDERMAN,
in his official capacity as Attorney General of
the State of New York, and THOMAS DiNAPOLI,
in his official capacity as Comptroller of
the State of New York,



Albany County Clerk
Document Number 11730684
Rcvd 11/18/2014 1:54:54 PM



Defendants.
----- X

PLEASE TAKE NOTICE that Plaintiffs hereby appeal to the Appellate Division, Third Department, Justice Building, 5th Floor, Empire State Plaza, Albany, New York 12223 from the Decision and Order of Acting Supreme Court Justice Roger D. McDonough, dated October 9, 2014 and filed in the Albany County Clerk's Office on October 15, 2014, except for its denial of Defendants' motion to dismiss Plaintiffs' Fourth Cause of Action and its direction that "the AAG and Elena Sassower...confer and thereafter propose to the Court a discovery schedule and/or summary judgment briefing schedule" for that Fourth Cause of Action.

As to that Fourth Cause of Action entitled "Nothing Lawful or Constitutional Can Emerge From a Legislative Process that Violates its Own Statutory & Rule Safeguards" – and the other three

Dated: White Plains, New York
November 17, 2014

Yours, etc.



ELENA RUTH SASSOWER, Plaintiff *Pro Se*, individually
& as Director of the Center for Judicial Accountability, Inc.,
and on behalf of the People of the State of New York &
the Public Interest

10 Stewart Place, Apartment 2D-E
White Plains, New York 10603
914-421-1200
elena@judgewatch.org

TO: Albany County Clerk
Albany County Clerk's Office
Albany County Court House, Room 128
16 Eagle Street
Albany, New York 12207-1077

Attorney General Eric T. Schneiderman
The Capitol
Albany, New York 12224-0341

ATT: Assistant Attorney General Adrienne J. Kerwin/of Counsel

PRE-CALENDAR STATEMENT
State of New York
Supreme Court – Appellate Division
Third Judicial Department

County Index #1788-14
RJI #: 01-14-113240
Commencement Date: March 30, 2014

1. Case Title:

CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
and ELENA RUTH SASSOWER, individually and
as Director of the Center for Judicial Accountability, Inc,
acting on their own behalf and on behalf of the People
of the State of New York & the Public Interest,

-against-

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
DEAN SKELOS in his official capacity as
Temporary Senate President,
THE NEW YORK STATE SENATE,
SHELDON SILVER, in his official capacity
as Assembly Speaker, THE NEW YORK
STATE ASSEMBLY, ERIC T. SCHNEIDERMAN,
in his official capacity as Attorney General of
the State of New York, and THOMAS DiNAPOLI,
in his official capacity as Comptroller of
the State of New York.

2. Parties Involved: Set forth the full names of the original parties and any change in parties:

Party Name	Original Status	Appellate Status
Center for Judicial Accountability, Inc.	Plaintiff	Appellant
Elena Ruth Sassower, individually and as Director	Plaintiff	Appellant
Governor Andrew M. Cuomo	Defendant	Respondent
Temporary Senate President Dean Skelos	Defendant	Respondent

New York State Senate	Defendant	Respondent
Assembly Speaker Sheldon Silver	Defendant	Respondent
New York State Assembly	Defendant	Respondent
Attorney General Eric T. Schneiderman	Defendant	Respondent
Comptroller Thomas DiNapoli	Defendant	Respondent

3. Counsel for Appellants:

Set forth the name, address, e-mail address, telephone number and facsimile telephone number of counsel for appellant(s).

Plaintiffs/Appellants, who have sought – and are entitled to – the representation/intervention of the New York State Attorney General based on their *prima facie*/summary judgment entitlement to declarations, in their favor, on their four Causes of Action, have no counsel. Plaintiff/Appellant Elena Sassower appears herein, *pro se* individually & as Director of the Center for Judicial Accountability, Inc., and on behalf of the People of the State of New York & the Public Interest.

Address: 10 Stewart Place, Apt. 2-DE
White Plains, New York 10028
E-Mail Address: elena@judgewatch.org
Telephone: 914-421-1200
Fax: --

4. Counsel for Respondent(s) and Counsel for Other Parties:

Set forth the name, address, e-mail address, telephone number and facsimile telephone number of counsel for respondent(s) and for each other party.

Name: Attorney General Eric T. Schneiderman
Asst. Attorney General Adrienne J. Kerwin, of Counsel
Address: The Capitol
Albany, New York 12224-0341
Telephone: 518-474-3340
Fax: 518-473-1572

5. Court, Judge and County:

Identify the court, judge or justice, and the county from which the appeal is taken.

Supreme Court, Acting Supreme Court Justice Roger D. McDonough, Albany County

6. Nature and Object of Action or Proceeding:

Concisely set forth the nature and object of the underlying action or proceeding.

This is an citizen-taxpayer action, pursuant to State Finance Law §123, *et seq.* [Article 7-A], for a declaratory judgment as to the unconstitutionality and unlawfulness of the Governor's Budget Bill #S.6351/A.8551, embodying the Legislature's proposed budget for fiscal year 2014-2015, the Judiciary's proposed budget for fiscal year 2014-2015, and millions of dollars in unaccounted-for reappropriations. The expenditures of such Budget Bill – enacted and being disbursed – are unconstitutional and unlawful disbursements of state funds and taxpayer monies, which plaintiffs seek to enjoin.

7. Appellate Issue(s):

Set forth a clear and concise statement of the issue(s) to be raised on the appeal, the grounds for reversal or modification to be advanced and the specific relief sought on the appeal.

No fair and impartial tribunal could have rendered the appealed-from Decision and Order, as it obliterates the most fundamental adjudicative standards and omits and falsifies documentarily-established facts and dispositive law to deny Plaintiffs/Appellants the relief to which the record shows they are entitled, *as a matter of law*. This includes summary judgment declarations in their favor on their four Causes of Action – declarations sought on this appeal.

8. Additional Information:

Please set forth any information you deem relevant to the determination of whether the matter is appropriate for a Civil Appeals Settlement Program (CASP) Conference.

Defendants/Respondents good-faith participation at a settlement conference would well serve the People of the State of New York and Public Interest, consistent with their duty as they have NO defense, *in fact and law*, to the dispositive record herein establishing Plaintiffs'/Appellants' entitlement to declaratory judgments in their favor on their four Causes of Action – and all other requested relief.

9. Other Related Matters:

Indicate if there is another related action or proceeding, identifying and briefly describing same.

Facts giving rise to, and additionally substantiating, this citizen-taxpayer action are chronicled in two other declaratory judgment actions:

(1) *NEW YORK STATE SENATE, NEW YORK STATE ASSEMBLY, DEAN G. SKELOS and JEFFREY D. KLEIN, as members and as Temporary Presidents of the New York State Senate, and SHELDON SILVER, as member and as Speaker of the New York State Assembly v. KATHLEEN RICE, WILLIAM J. FITZPATRICK, and MILTON L. WILLIAMS, JR. in their official capacities as Co-Chairs of the Moreland*

Commission on Public Corruption, and the MORELAND COMMISSION TO INVESTIGATE PUBLIC CORRUPTION (NY Co. #160941/2013) – by the April 23, 2014 proposed verified complaint of proposed intervening plaintiff Elena Ruth Sassower, acting individually and as Director of the Center for Judicial Accountability, Inc., and on behalf of the People of the State of New York & the Public Interest.

(2) CENTER FOR JUDICIAL ACCOUNTABILITY, INC. and ELENA RUTH SASSOWER, individually and as Director of the Center for Judicial Accountability, Inc., acting on their own behalf and on behalf of the People of the State of New York & the Public Interest, v. ANDREW M. CUOMO, in his official capacity as Governor of the State of New York, ERIC T. SCHNEIDERMAN, in his official capacity as Attorney General of the State of New York, THOMAS DiNAPOLI, in his official capacity as Comptroller of the State of New York, DEAN SKELOS, in his official capacity as Temporary President of the New York State Senate, THE NEW YORK STATE SENATE, SHELDON SILVER, in his official capacity as Speaker of the New York State Assembly, THE NEW YORK STATE ASSEMBLY, JONATHAN LIPPMAN, in his official capacity as Chief Judge of the State of New York, the UNIFIED COURT SYSTEM, and THE STATE OF NEW YORK (Bronx Co. #302951/2012, thereafter transferred to NY County).

Submitted by:


Signature

Print Name: Elena Ruth Sassower

Date: November 17, 2014

10. Attachments

Check:

- | | |
|--|--|
| 1. Copy of order or judgment appealed from | <input checked="" type="checkbox"/> attached |
| 2. Copy of opinion or decision. | <input checked="" type="checkbox"/> attached |
| | <input type="checkbox"/> does not exist |
| 3. Copy of notice of appeal or order granting leave to appeal. | <input type="checkbox"/> attached |

Attach copies, not originals.

File this original form with attachments when original notice of appeal is filed in the office where the judgment or order of court of original instance is entered.

A copy of this document must be served upon all counsel and *pro se* parties.

The Civil Appeals Settlement Program (CASP) functions independently of the appeals function of the Appellate Division, Third Department with the intent to assist the parties in pragmatically resolving their disputes by agreement. The progress of and communications of matters in CASP are not shared with the Court as part of the appeal and play no role in the Court's resolution of an appeal. The communications and opinions expressed at a CASP conference are considered confidential and may not be communicated to the Court as part of the merits of an appeal. The consideration of an appellate matter by CASP does not excuse compliance with any Appellate Division, Third Department rule concerning the timely perfection of the appeal.