

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, July 6, 2018 1:46 PM
To: 'Brodie, Frederick'
Cc: 'Paladino, Victor'; 'Barbara.Underwood@ag.ny.gov'; 'Janet.Sabel@ag.ny.gov'; 'Kent.Stauffer@ag.ny.gov'; 'Meg.Levine@ag.ny.gov'; 'Jeffrey Dvorin'; 'Adrienne Kerwin'; 'Helena.Lynch@ag.ny.gov'; 'Brian.Mahanna@ag.ny.gov'; 'Alvin.Bragg@ag.ny.gov'; 'marty.mack@ag.ny.gov'; 'Matthew.Colangelo@ag.ny.gov'; 'Margaret.Garnett@ag.ny.gov'; 'manisha.sheth@ag.ny.gov'
Subject: Stipulation in Lieu of Certification Pursuant to CPLR 5532 -- Record on Appeal: CJA v. Cuomo, et al.
Attachments: stipulation-record.doc

Dear Assistant Solicitor General Brodie –

Posted on CJA's website, at #8 here, <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/moving-forward-appeal.htm>, is the three-volume record on appeal that I am sending off to be printed. Enclosed is the Stipulation in Lieu of Certification Pursuant to CPLR §5532, which I am requesting that you print out, sign, and mail back to me – so that I can sign your original and insert it at the back of the third volume before it is bound. My signature line is consistent with the caption of this citizen-taxpayer action – and its predecessor.

You can object to my signature line – or to my designation that “all pertinent papers on this appeal” include the free-standing exhibits and the court record of the predecessor citizen-taxpayer action – in your papers in opposition to the appeal and/or in opposition to the upcoming order to show cause that I will be presenting to the Appellate Division, *should you oppose either*. Plainly, if you do not sign the stipulation for either of these two reasons, I will include a request that the Appellate Division determine the matter as part of the order to show cause.

In any event, as would have been obvious to you three weeks ago, at the outset of your review of the draft brief that I had furnished Attorney General Underwood and her highest-ranking supervisory and managerial attorneys on June 14th – essentially unchanged by the finalized July 4th brief I furnished you yesterday – the state has NO FACTUAL OR LEGAL BASIS for opposing the appeal. Your duty, weeks ago, was to have so-advised Attorney General Underwood, her executive supervisory/managerial staff, and your immediate supervisor, Assistant Solicitor General Paladino, so that prompt steps could have been taken, consistent with Executive Law 63.1 (“The attorney-general shall – Prosecute and defend all actions and proceedings in which the state is interested...in order to protect the interest of the state....”) and State Finance Law, Article 7-A (§§123-b; 123-a, 123-c(3), 123-d) – and NOT, as you did, burden me with the huge effort and expense of perfecting the appeal. It remains your duty to advise them of what, certainly, by now, you well know: that there is NO DEFENSE to this appeal, that any opposition is frivolous, *as a matter of law*, and that each and every day that passes brings with it a further larceny of taxpayer dollars – with the judicial and district attorney salary increases themselves stealing tens, if not hundreds, of thousands of dollars daily.

I take this opportunity to note that I have still received NO response from Attorney General Underwood or her supervisory/managerial attorneys to my May 16, 2018 NOTICE, to my May 30, 2018 letter, or to my June 14, 2018 e-mail: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/underwood.htm>. I am, therefore, cc'ing them so that there is no question as to their culpability for the fully-documented corruption which required your remedial action weeks ago – and so that they can be on NOTICE of the anticipated July 17th oral argument of the order to show cause at the Appellate Division for, *inter alia*, a preliminary injunction with TRO – at which Attorney General Underwood herself should be appearing or some top-ranking deputy, designated by her.

Thank you.

Elena Sassower, unrepresented plaintiff-appellant
Individually & as Director of the Center for Judicial Accountability, Inc.,
acting on her own behalf and on behalf of the People of the State of New York & the Public Interest.

From: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Sent: Thursday, July 5, 2018 2:09 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Cc: Paladino, Victor <Victor.Paladino@ag.ny.gov>
Subject: RE: Thank you! -- RE: FURTHER STATUS: appeal & OSC: CJA v. Cuomo, et al.

Dear Ms. Sassower,

I am available July 17. That should not be taken as an indication that I think oral argument is necessary or appropriate. But I can make myself available for oral argument if the Appellate Division orders it.

Very truly yours,

Frederick A. Brodie
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, July 05, 2018 2:01 PM
To: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Cc: Paladino, Victor <Victor.Paladino@ag.ny.gov>
Subject: Thank you! -- RE: FURTHER STATUS: appeal & OSC: CJA v. Cuomo, et al.

Dear Assistant Solicitor General Brodie,

Thank you! I will send you the stipulation tomorrow morning – following which I will bind, in three volumes, the single copy of the record on appeal that I have been working from – and mail it to you with the appellate brief. You should have it by Tuesday, July 10th.

Suffice to say, I am quite exhausted from the hard labor of perfecting the appeal. As the order to show cause, with preliminary injunction and TRO, will be another herculean task – and I want you to have adequate time to review it in advance of argument thereon before the Appellate Division – I am beginning to think that it would make more sense to push the filing of the appeal and presentment of the order to show cause to Tuesday, July 17th. I would hope to e-mail you the drafted order to show cause by Thursday, July 12th.

Are you available on July 17th?

Please advise.

Thank you.