

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ALBANY

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

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
JOHN J. FLANAGAN in his official capacity
as Temporary Senate President, THE NEW
YORK STATE SENATE, CARL E. HEASTIE,
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, THOMAS P. DINAPOLI, in his
official capacity as Comptroller of the
State of New York, and JANET M. DIFIORE,
in her official capacity as Chief Judge of
the State of New York and chief judicial
officer of the Unified Court System,

Defendants.

APPEARANCES:

ELENA RUTH SASSOWER
Plaintiff pro se
PO Box 8101
White Plains, New York 10602

ERIC T. SCHNEIDERMAN, ATTORNEY
GENERAL OF THE STATE OF NEW YORK
Adrienne J. Kerwin, of Counsel
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Hartman, J.

In this citizen-taxpayer action pursuant to State Finance Law § 123-b, plaintiff Elena Ruth Sassower moves for an order (1) disqualifying the undersigned Judge, (3) granting reargument and renewal of the Court's decision and order dated December 21, 2016, (3) vacating that decision and order, and (4) granting \$ 100 costs on the motion. The December 21, 2016 decision and order, among other things, dismissed 9 of the 10 causes of action asserted in the complaint for failure to state a cause of action, but denied defendants' motion to dismiss with respect to the sixth cause of action.

First, plaintiff has not alleged a proper ground for disqualification. The undersigned Judge has no interest in this litigation or blood relation or affinity to any party hereto (*see People v Call*, 287 AD2d 877, 878–879 [3d Dept 2001]; *People v Call*, 287 AD2d 877 [3d Dept 2001]; *Trimarco v Data Treasury Corp.*, 2014 NY Slip Op 30664[U] [Sup Ct, Suffolk County 2014], citing *Paddock v. Wells*, 2 Barb. Ch. 331, 333 [Chancellor's Ct 1847]). Plaintiff's conclusory allegations of bias and fraud are meritless.

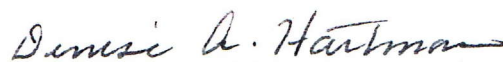
Second, plaintiff has not established “matters of fact or law” that the Court “overlooked or misapprehended,” or new facts that would warrant renewal or reargument. Plaintiff correctly points out that the Court failed to “recite the papers used on the motion,” as required by CPLR 2219 (a). The Court has signed and filed an amended decision and order correcting this

mistake (see CPLR 5019 [a]; *Rakhlev v NY City Hous. Auth.*, 253 AD2d 526, 527 [2d Dept 1998]). Accordingly, it is

ORDERED that plaintiff's motion is denied in its entirety.

This constitutes the Decision and Order of the Court. The original Decision and Order is being transmitted to defendant's counsel. All other papers are being transmitted to the County Clerk for filing. The signing of this Decision and Order does not constitute entry or filing under CPLR 2220 and counsel is not relieved from the applicable provisions of that rule respecting filing and service.

Dated: Albany, New York
May 5, 2017


Denise A. Hartman
Acting Supreme Court Justice

Papers Considered

1. Order to Show Cause and Moving Affidavit, with Exhibits T-X
2. Affirmation in Opposition, with Exhibits A-C
3. Memorandum of Law in Opposition