

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, September 16, 2017 12:07 PM
To: 'Eric.Schneiderman@ag.ny.gov'; 'Jason.Brown@ag.ny.gov'; 'Janet.Sabel@ag.ny.gov'; 'Kent.Stauffer@ag.ny.gov'; 'Meg Levine'; 'Jeffrey Dvorin'; 'Adrienne Kerwin'; 'Helena.Lynch@ag.ny.gov'
Cc: 'ad3agc@nycourts.gov'
Subject: Conflict-of-Interest/Misconduct Complaint vs AG Schneiderman & his Attorney-Supervisory/Managerial & Underlying Staff -- Citizen-Taxpayer Action: CJA v. Cuomo,...Schneiderman, et al. (Albany Co. #5122-16) -- & its predecessor (Albany Co. #1788-14)
Attachments: 9-16-17-complaint-1st-dept.pdf; 9-16-17-complaint-3rd-dept.pdf; 9-16-17-complaint-vs-schneiderman-etc.pdf

In light of your knowing and deliberate violations of New York's Code of Professional Conduct, corrupting the judicial process in the citizen-taxpayer action *Center for Judicial Accountability, Inc. v. Cuomo,...Schneiderman, et al.* (Albany Co. #5122-16), as likewise in its predecessor (Albany Co. #1788-14), I am filing the attached conflict-of-interest/misconduct complaint against you with the First and Third Department Attorney Grievance Committees. As indicated by the complaint (at p. 6), it is being e-mailed to you so that you can each be ready to furnish the Committees with your written responses pursuant to 22 NYCRR §1240.7(b)(2).

This e-mail is Exhibit C to the complaint. The below August 28th e-mail, to which I received no response from you, is also quoted, in pertinent part, on p. 6.

CJA's webpage for the complaint, from which Exhibits A and B and all substantiating proof are accessible, is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/9-16-17-attorney-disciplinary-complaint.htm>.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Monday, August 28, 2017 5:43 PM
To: 'Adrienne Kerwin' <Adrienne.Kerwin@ag.ny.gov>; 'Eric.Schneiderman@ag.ny.gov' <Eric.Schneiderman@ag.ny.gov>; 'Jason.Brown@ag.ny.gov' <Jason.Brown@ag.ny.gov>; 'Janet.Sabel@ag.ny.gov' <Janet.Sabel@ag.ny.gov>; 'Kent.Stauffer@ag.ny.gov' <Kent.Stauffer@ag.ny.gov>; 'Meg Levine' <Meg.Levine@ag.ny.gov>; 'Jeffrey Dvorin' <Jeffrey.Dvorin@ag.ny.gov>; 'Helena.Lynch@ag.ny.gov' Helena.Lynch@ag.ny.gov
Subject: Citizen-Taxpayer Action -- CJA v. Cuomo, et al (Albany Co. #5122-16) -- Revisions/Corrections -- & NOTICE TO WITHDRAW YOUR OPPOSITION/CROSS-MOTION, returnable Sept. 1st

Following my e-mailing you the below, on Friday, August 25th, I discovered a material error in my reply memorandum of law, which, in its "Introduction" had stated:

“AAG Kerwin’s July 21, 2017 opposition/cross-motion does not contest the accuracy of plaintiffs’ Exhibit E analysis. Rather, her papers make no mention of it whatever, while blithely purporting that the Court should deny reargument/renewal of its May 5, 2017 decision and May 5, 2017 amended decision, which had denied disqualification and adhered to its December 21, 2016 decision. She then takes these three fraudulent judicial decisions, so-proven by plaintiffs’ Exhibit U analysis, and, adding to them the Court’s subsequently-rendered, comparably fraudulent, June 26, 2017 decision, makes them the basis for her cross-motion.” (underlining added).

In fact, AAG Kerwin did “make...mention” of Exhibit E, at pages 23-25 of her memorandum of law pertaining to her cross-motion for sanctions, etc. However, because she had NOT identified that she was referring to plaintiffs’ analysis of her March 22, 2017 opposition papers to plaintiffs’ February 15, 2017 order to show cause AND furnished numbered paragraph citations for Exhibit E – when plaintiffs’ Exhibit E contained NO numbered paragraphs – I did not realize what it was.

I therefore have corrected this error in the “Introduction” of plaintiffs’ reply memorandum of law – and substantially expanded the rebuttal of AAG Kerwin’s cross-motion for sanctions, at pages 38-45. Additionally, I have made a substantive addition to page 31 of the reply memorandum of law, which now includes the following, pertaining to plaintiffs’ sub-cause A of their sixth cause of action:

“Nor, for that matter, does the June 26, 2017 decision reveal that there is ALSO essentially NO mechanism to protect the public from “force of law” commission recommendations pertaining to judicial compensation, *inter alia*, because the so-called “usual constitutional process for enacting a statute” does not exist in any meaningful sense, as rank-and-file legislators are impeded from advancing legislation through committee and onto the Senate and Assembly floor by legislative rules that vest autocratic power in the Temporary Senate President and Assembly Speaker, who additionally have amplified their control, unconstitutionally, through the legislative budget – so-reflected by ¶133 of plaintiffs’ September 2, 2016 verified complaint.”

This latter addition is also now included at page 19 of plaintiffs’ analysis of Judge Hartman’s June 26, 2017 decision, annexed as Exhibit I to my reply affidavit. Other than that, I have corrected typos and added some further record references.

Apologies for any inconvenience. It has been a massive job untangling all the untruths and deceptions that clog the record.

I will express mail the “hard copy” tomorrow morning, from the post office, for delivery to you on Wednesday. Meantime, the corrected reply memorandum, reply affidavit, and analysis are all posted on CJA’s website – on the below indicated webpage: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/8-25-17-reply.htm>.

I hereby reiterate the NOTICE that I gave you, on July 27, 2017, to WITHDRAW AAG KERWIN’S OPPOSITION/CROSS-MOTION – which is your duty to do, as, likewise, to join in plaintiffs’ application, by their August 25th reply papers, for Judge Hartman’s disqualification and vacatur of her decision/orders – all fraudulent.

I am available to discuss this with you, directly, so that you can appropriately address the serious situation that is before you.

Thank you.

Elena Sassower, unrepresented plaintiff
acting on her own behalf & on behalf of the People of the State of New York & the Public Interest
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Friday, August 25, 2017 11:58 PM

To: 'Adrienne Kerwin' <Adrienne.Kerwin@ag.ny.gov>; 'Eric.Schneiderman@ag.ny.gov' <Eric.Schneiderman@ag.ny.gov>; 'Jason.Brown@ag.ny.gov' <Jason.Brown@ag.ny.gov>; 'Janet.Sabel@ag.ny.gov' <Janet.Sabel@ag.ny.gov>; 'Kent.Stauffer@ag.ny.gov' <Kent.Stauffer@ag.ny.gov>; 'Meg Levine' <Meg.Levine@ag.ny.gov>; 'Jeffrey Dvorin' <Jeffrey.Dvorin@ag.ny.gov>; 'Helena.Lynch@ag.ny.gov' <Helena.Lynch@ag.ny.gov>

Subject: Citizen-Taxpayer Action -- CJA v. Cuomo, et al (Albany Co. #5122-16) -- Plaintiffs' June 12th order to show cause & defendants' July 21st cross-motion, returnable Sept. 1st

Plaintiffs' papers in reply and in further support of their June 12th order to show cause and in opposition to defendants' July 21st cross-motion by AAG Kerwin are posted on CJA's webpage for them, here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/8-25-17-reply.htm>. Also accessible from CJA's homepage, www.judgewatch.org, via the prominent homepage link "CJA's Citizen-Taxpayer Actions to End NYS' Corrupt Budget 'Process' and Unconstitutional 'Three-Men-in-a-Room' Governance".

Hard copy to be mailed to you and the Court.

Thank you.

Elena Sassower, unrepresented plaintiff
acting on her own behalf & on behalf of the People of the State of New York & the Public Interest
914-421-1200