

**AFFIDAVIT OF SERVICE –**

***Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.,***  
**(Albany Co. #5122-16 – citizen-taxpayer action)**

**PLAINTIFFS’ SEPTEMBER 2, 2016 VERIFIED COMPLAINT,  
ORDER TO SHOW CAUSE & SUPPORTING AFFIDAVIT**

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) ss:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

I am the *pro se* individual plaintiff herein, over 18 years of age, and reside in the State of New York.

On September 7, 2016, Assistant Attorney General Adrienne Kerwin advised me that she is representing all defendants herein. A copy of her e-mail is annexed.

On September 2, 2016, immediately prior to the court proceeding on plaintiffs’ order to show cause, Assistant Attorney General Adrienne Kerwin received from me, *in hand*, a copy of plaintiffs’ order to show cause, with my supporting affidavit annexed thereto and plaintiffs’ verified complaint.

At the proceeding, in response to the Court’s inquiry, Assistant Attorney General Kerwin stated she was authorized to accept service for the Attorney General, the Comptroller, and the Assembly. A copy of the pertinent pages of the transcript are annexed.

Upon the conclusion of the proceeding, I proffered to Assistant Attorney General Kerwin copies of the verified complaint and order to show cause, with my supporting affidavit, for each of the defendants for whom she was authorized to accept service, but she declined additional copies, stating that the single copy I had furnished her was sufficient.

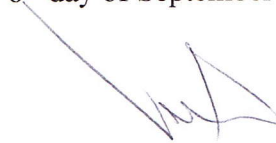
Thereupon, I immediately made service upon the remaining defendants: the Chief Judge, the Governor, the Senate and its Temporary Senate President, furnishing, for each, a copy of the verified complaint and signed order to show cause with my supporting affidavit. Attached is a copy of the signed acknowledgment of Court of Appeals Deputy Clerk Heather Davis (on behalf of the Chief Judge) and Denise Gaynor (on behalf of the Governor). Rebecca Wood, First Assistant Counsel for Temporary Senate President Flanagan and the Senate Majority – to whom I gave two copies – one for the Temporary Senate President and one for the Senate – would not give me a signature, but gave me her card.

ES

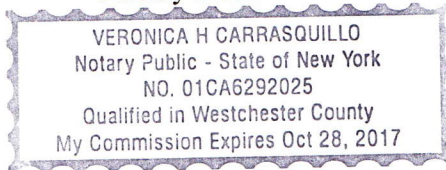
On September 7, 2016, I e-mailed Assistant Attorney General Kerwin superseding corrected pages for the complaint and its Exhibit B, making non-substantive, typographical changes only. The transmitting e-mail and letter are annexed.

  
ELENA RUTH SASSOWER

Sworn to before me this  
8<sup>th</sup> day of September 2016



Notary Public



## Center for Judicial Accountability, Inc. (CJA)

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**From:** Adrienne Kerwin <Adrienne.Kerwin@ag.ny.gov>  
**Sent:** Wednesday, September 7, 2016 4:53 PM  
**To:** Center for Judicial Accountability (elena@judgewatch.org)  
**Subject:** CJA v. Cuomo, 5122-16

I received your message. Please be advised that I am representing all defendants in this matter.

### **Adrienne J. Kerwin**

Assistant Attorney General  
NYS OAG, Litigation Bureau  
The Capitol  
Albany, New York 12224  
Telephone: (518) 776-2608  
Fax: (518) 915-7738  
Email: Adrienne.Kerwin@ag.ny.gov

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SUPREME COURT OF STATE OF NEW YORK  
ALBANY COUNTY

*Denise Gaynon  
for the Gov.  
9/2/16  
3:57pm*

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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-

**VERIFIED COMPLAINT**  
Index # *5122-16*

JURY TRIAL DEMANDED

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,

*Heather Davis  
Deputy Clerk  
9/2/2016*

Defendants.  
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“It is the purpose of the legislature to recognize that each individual citizen and taxpayer of the state has an interest in the proper disposition of all state funds and properties. Whenever this interest is or may be threatened by an illegal or unconstitutional act of a state officer or employee, the need for relief is so urgent that any citizen-taxpayer should have and hereafter does have a right to seek the remedies provided for herein.”

State Finance Law Article 7-A, §123: “Legislative purpose”

**NEW YORK  
STATE  
SENATE**

SENATOR JOHN J. FLANAGAN  
TEMPORARY PRESIDENT OF THE SENATE  
MAJORITY LEADER

complaint, respectfully set forth and allege:

or action pursuant to State Finance Law Article 7-A [§123 *et*

ments as to the unconstitutionality and unlawfulness of the

get Bill #S.6401/A.9001, both the original bill and the enacted

the expenditures of the enacted budget bill – embodying the

  
ROOM 333M  
THE CAPITOL  
ALBANY, NEW YORK 12247

REBECCA WOOD  
FIRST ASSISTANT COUNSEL  
MAJORITY COUNSEL/PROGRAM

TEL: (518) 455-2522  
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E-MAIL: RWOOD@NYSenate.GOV