

**“LEGAL AUTOPSY”/ANALYSIS**  
**OF THE COURT OF APPEALS’ THREE OCTOBER 24, 2019 ORDERS**

**Center for Judicial Accountability, et al. v. Cuomo...DiFiore – Citizen-Taxpayer Action**

*The Court’s three October 24, 2019 Orders dispose of appellants’ three motions, dated May 31, 2016, June 6, 2019, and August 8, 2019 without identifying ANY of the facts, law, or legal argument they present – or the state of the record with respect thereto. Their denials are ALL without reasons – and their dismissals are ALL verbatim repeats of reasons from the Court’s May 2, 2019 Order, demonstrated as frauds by appellants’ motions and prior submissions.*

*Nor are the three October 24, 2019 Orders or the May 2, 2019 Order signed by any of the Court’s six associate judges – or by the Court’s Clerk, who, on those dates, was not absent or physically disabled.*

*Without explanation, the four Orders are signed by the Court’s Deputy Clerk.*

**The Court’s October 24, 2019 Order on appellants’ May 31, 2019 motion -- “Mo. No. 2019-645”** – states: “Appellants having moved for reconsideration of this Court’s May 2, 2019 dismissal order and other relief”. No mention of what this “other relief” consists of – the most important and threshold is:

“determining whether the Court’s six associate judges have jurisdiction...and, if they have no jurisdiction by reason of Judiciary Law §14 and the Court’s interpretive decision in *Oakley v. Aspinwall*, 3 NY 547 (1850), taking emergency steps to ensure a forum in the federal courts...”.

The Order then purports that its dispositions are “Upon the papers filed and due consideration” – following which are four ordering paragraphs:

- the first ordering paragraph dismisses appellant CJA’s motion “on the ground that Sassower is not Center for Judicial Accountability, Inc.’s authorized legal representative (see CPLR 321[a])” – regurgitating, verbatim, the deceit of its May 2, 2019 Order, demonstrated by appellants’ analysis thereof (at p. 2), appended as Exhibit D to the May 31, 2019 motion it was dismissing<sup>1</sup>;
- the second ordering paragraph denies, without reasons, “the motion, by Elena Ruth Sassower on her own behalf, seeking reconsideration of this Court’s May 2, 2019 dismissal order”.

Only after these two substantive dispositions does the Order reveal, by two further ordering paragraphs, a portion of the motion’s “other relief” – *to wit*, the disqualification of the six associate judges, including Associate Judge Garcia, impliedly on statutory grounds, and, additionally, as to Associate Judge Garcia, his disqualification on non-statutory grounds – all of which the Order

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<sup>1</sup> See, also, May 31, 2019 motion (at ¶16).

denies, *without reasons*, as follows:

“ORDERED, that the motion, by Elena Ruth Sassower on her own behalf, insofar as it seeks disqualification of Judge Garcia on nonstatutory grounds, is dismissed upon the ground that the Court has no authority to entertain it; and it is further

ORDERED, that the motion, by Elena Ruth Sassower, seeking disqualification of the Associate Judges of this Court &c. is otherwise denied.

The application seeking recusal of Judge Garcia on nonstatutory grounds is referred to Judge Garcia for individual consideration and determination.

Judge Garcia denies the referred motion for recusal.”

The Order then concludes – as the May 2, 2019 Order had – with the sentence “Chief Judge DiFiore took no part”, concealing why she “took no part” – and what the meaning of that term is.

**The Court’s October 24, 2019 Order on appellants’ June 6, 2019 motion -- “Mo. No. 2019-646”** states: “Appellants having moved for leave to appeal to the Court of Appeals”. It does not identify that the motion (at p. 2 & fn.1) expressly incorporates appellants’ companion motion, “Mo. No. 645”, and, specifically, its threshold issue:

“whether the Court’s six associate judges have jurisdiction...and, if they have no jurisdiction by reason of Judiciary Law §14 and the Court’s interpretive decision in *Oakley v. Aspinwall*, 3 NY 547 (1850), taking emergency steps to ensure a forum in the federal courts...”.

The Order then purports that its disposition is “Upon the papers filed and due consideration” – followed by two ordering paragraphs:

- the first ordering paragraph dismisses appellant CJA’s motion for leave to appeal “on the ground that Sassower is not Center for Judicial Accountability, Inc.’s authorized legal representative (see CPLR 321[a])” – regurgitating, verbatim, the deceit of the Court’s May 2, 2019 Order, demonstrated by appellants’ analysis thereof (at p. 2), annexed as Exhibit D to the incorporated companion motion “Mo. No. 645”;
- The second ordering paragraph denies, *without reasons*, appellant Sassower’s motion for leave to appeal from the Appellate Division’s December 27, 2018 order. It then dismisses her appeal of “the remaining Appellate Division orders...upon the ground that such orders do not finally determine the action within the meaning of the Constitution” – regurgitating, verbatim, the deceit of the Court’s May 2, 2019 Order, demonstrated by appellants’ analysis thereof (at p. 3), annexed as Exhibit D to the incorporated May 31, 2019

companion motion “Mo. No. 645”<sup>2</sup> and additionally rebutted by pages 3-4 of the very June 6, 2019 motion it was dismissing.

The Order then concludes – as the May 2, 2019 Order had – with the sentence “Chief Judge DiFiore took no part”, giving no reason for why she “took no part” – nor explanation of what the phrase means.

**The Court’s October 24, 2019 Order on appellants’ August 8, 2019 motion -- “Mo. No. 2019-799”** states: “Appellants having moved to strike and for other relief”. It does not identify ANY of this “other relief” or:

“appellants’ contention that the Court’s associate judges are without jurisdiction to ‘sit’ and ‘take any part’ in this case in which they are interested, absent their addressing the threshold jurisdictional and disclosure/disqualification issues presented by appellants’ May 31, 2019 reargument/renewal motion – and by a reasoned decision comparable to the Court’s decision in *New York State Criminal Defense Lawyers v. Kaye*, 95 NY2d 556 (2000).” (moving affidavit, at ¶1).

The Order then purports that its dispositions are “Upon the papers filed and due consideration” – followed by two ordering paragraphs:

- the first ordering paragraph dismisses appellant CJA’s motion “on the ground that Sassower is not Center for Judicial Accountability, Inc.’s authorized legal representative (see CPLR 321[a])” – regurgitating, verbatim, the deceit of the Court’s May 2, 2019 Order, demonstrated by appellants’ analysis thereof (at p. 2), annexed as Exhibit D to “Mo. No. 645”.
- The second ordering paragraph denies, *without reasons*, “the motion, by Elena Ruth Sassower on her own behalf, to strike respondents’ memorandum of law &c.”.

The Order then concludes – as the May 2, 2019 Order had – with the sentence “Chief Judge DiFiore took no part”, giving no reason for why she “took no part” – nor explanation of what the phrase means.

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<sup>2</sup> See, also, May 31, 2019 motion (at ¶14).