

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101  
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: [mail@judgewatch.org](mailto:mail@judgewatch.org)  
Website: [www.judgewatch.org](http://www.judgewatch.org)

Elena Ruth Sassower, Director

May 31, 2019

New York State Court of Appeals  
20 Eagle Street  
Albany, New York 12207-1095

ATT: Chief Clerk & Legal Counsel John P. Asiello

RE: Records Request Pursuant to §124 of the Chief Administrator's Rules and F.O.I.L. (Public Officers Law, Article VI) –  
(1) Court of Appeals' written authorization pursuant to CPLR §2219(b);  
(2) Court of Appeals' May 2, 2019 orders of *sua sponte* dismissal "upon the ground that no substantial constitutional question is directly involved".

Dear Chief Clerk/Legal Counsel Asiello:

On May 2, 2019, the Court issued an order dismissing my appeal of right in the above-entitled citizen-taxpayer action "sua sponte,... upon the ground that no substantial constitutional question is directly involved." It was not signed by any judge, nor by you, but by Deputy Clerk Heather Davis.

CPLR §2219(b) reads, as follows:

"(b) Signature on appellate court order. An order of an appellate court shall be signed by a judge thereof except that, upon written authorization by the presiding judge, it may be signed by the clerk of the court or, in his absence or disability, by a deputy clerk."

Pursuant to §124 of the Chief Administrator's Rules and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], this is to request:

- (1) A copy of the "written authorization" from the chief judge for the Court's orders to be "signed by the clerk of the court or, in his absence or disability, by a deputy clerk";
- (2) A copy of all the Court's other May 2, 2019 orders dismissing appeals of right "sua sponte, upon the ground that no substantial constitutional question is directly involved", signed by Deputy Clerk Davis or by any other deputy clerk.

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According to the Court's decision list for May 2, 2019: <https://www.nycourts.gov/ctapps/Decisions/2019/May19/DecisionList050219.pdf>, there were seven other orders *sua sponte* dismissing appeals of right using that identical language:

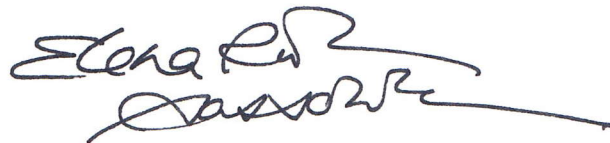
- (1) *Matter of Alamin* (SSD 19)
- (2) *Balgobin v. State of New York* (SSD 17)
- (3) *Cunningham v. Trustees of St. Patrick's Cathedral, et al.* (SSD 25)
- (4) *Dixon v. Governor Andrew Cuomo* (SSD 20)
- (5) *Pinney v. Van Houten, et al* (Mo. No. 2019-294)
- (6) *Purcell, et al v. NYS Tax Appeals Tribunal, et al* (SSD 18)
- (7) *Weslowski v. Zugibe, et al* (SSD 22).

There was also an additional order of *sua sponte* dismissal worded slightly differently:

- (8) *Nappi v. Community Access, Inc, et al* (SSD 21).

Pursuant to §124.6 of the Chief Administrator's Rules and Public Officers Law §89.3, your response is required "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at [elena@judgewatch.org](mailto:elena@judgewatch.org).

Thank you.

A handwritten signature in black ink, appearing to read "Elena R. Asiello". The signature is fluid and cursive, with a long horizontal stroke extending to the right.