

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Albany at the Courthouse, located at 16 Eagle Street, New York, New York on the 23<sup>rd</sup> day of March, 2016.

SUPREME COURT OF STATE OF NEW YORK  
ALBANY COUNTY



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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-

**EMERGENCY  
ORDER TO SHOW CAUSE  
WITH STAY & TRO**

Index #1788-2014

ANDREW M. CUOMO, in his official capacity  
as Governor of the State of New York,  
DEAN SKELOS in his official capacity  
as Temporary Senate President,  
THE NEW YORK STATE SENATE,  
SHELDON SILVER, 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, and THOMAS DiNAPOLI,  
in his official capacity as Comptroller of  
the State of New York,

Defendants.

2016 MAR 23 PM 12:00  
ALBANY COUNTY  
COMBINED COURTS

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Upon the annexed affidavit of ELENA RUTH SASSOWER, plaintiff *pro se*, sworn to on March 23, 2016, and plaintiffs' March 23, 2016 verified second supplemental complaint with accompanying exhibits, LET defendants show cause before this Court at 16 Eagle Street, Albany, New York 12207 on the 23<sup>rd</sup> day of APRIL 2016 at 9:30 a.m. or as soon thereafter as the parties or their counsel may be heard, for an order:

D Ross P. 4/8  
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EX F-1

- (1) pursuant to CPLR §3025(b), granting leave to plaintiffs to supplement their March 28, 2014 verified complaint (pertaining to fiscal year 2014-2015) and their March 31, 2015 verified supplemental complaint (pertaining to fiscal year 2015-2016) by their March 23, 2016 verified second supplemental complaint (pertaining to fiscal year 2016-2017);
- (2) enjoining defendants from enacting Legislative/Judiciary Budget Bill #S.6401/A.9001 and/or disbursing monies pursuant thereto; or, alternatively:
  - (i) as to the legislative portion, enjoining enactment of its §1 appropriations and §4 reappropriations (pp. 1-9; 25-48) and disbursement of monies therefrom; and; (ii) as to the judiciary portion, enjoining enactment of its §3 reappropriations (pp. 22-24) and disbursement of monies therefrom, particularly for purposes of funding “the force of law” judicial salary increases recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation for fiscal year 2016-2017;
- (3) enjoining defendants from enacting any bill appropriating monies to fund “the force of law” judicial salary increases recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation – or otherwise disbursing monies for such purpose;
- (4) enjoining defendants Senate and Assembly’s General Budget Conference Committee and its subcommittees from proceeding further in resolving differences between eight of their respective budget bills:
  - (i) State Operations: Budget Bill #S.6400-B/A.9000-B;
  - (ii) Aid to Localities: Budget Bill #S.6403-B/A.9003-B;
  - (iii) Capital Projects: Budget Bill #S.6404-B/A.9004-B;
  - (iv) Public Protection and General Government:  
Budget Bill #S.6405-B/A.9005-B;
  - (v) Education, Labor and Family Assistance:  
Budget Bill #S.6406-B/A.9006-B;
  - (vi) Health and Mental Hygiene: Budget Bill #S.6407-B/A.9007-B;
  - (vii) Transportation, Economic Development & Environmental Conservation:  
Budget Bill #S.6408-B/A.9008-B; and
  - (viii) Revenue: Budget Bill #S.6409-B/A.9009-B,

absent an evidentiary showing as to how the amendments giving rise to the differences could have been passed on dates the Legislature was not in session (March 11/12, 2016), who introduced the amendments, where and when they were introduced, and the debate and votes thereon, if any;

- (5) enjoining defendants Governor Cuomo, Temporary Senate President Flanagan, and Assembly Speaker Heastie from engaging in their behind-closed-doors, three-men-in-a-room budget deal-making with respect to

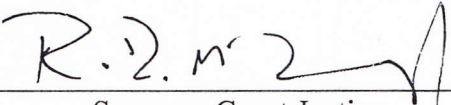
Judiciary/Legislative Budget Bill #S.6401/A.9001 and the whole of the Executive Budget; or, alternatively, requiring that such budget negotiations be publicly conducted; and

- (6) for such other and further relief as may be just and proper, including costs and expenses of this motion.

RDM  
3/23/15

~~SUFFICIENT CAUSE APPEARING THEREFORE, let a temporary restraining order issue enjoining defendants as hereinabove set forth pending hearing and determination of this motion.~~

LET SERVICE of this order to show cause, together with the papers on which it is based, be made on or before the 23<sup>rd</sup> day of March 2016 upon the defendants herein by personal service be deemed good and sufficient service.

  
\_\_\_\_\_  
Supreme Court Justice

Hon. Roger D. McDonough, A.J.S.C.

PERSONAL APPEARANCES ARE NOT NECESSARY.