

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Tuesday, June 26, 2018 6:56 PM
To: 'Brodie, Frederick'
Cc: 'victor.paladino@ag.ny.gov'; 'Barbara.Underwood@ag.ny.gov'; 'Janet.Sabel@ag.ny.gov'; 'Kent.Stauffer@ag.ny.gov'; 'Meg.Levine@ag.ny.gov'; 'Jeffrey Dvorin'; 'Adrienne Kerwin'; 'Helena.Lynch@ag.ny.gov'; 'Brian.Mahanna@ag.ny.gov'; 'Alvin.Bragg@ag.ny.gov'; 'marty.mack@ag.ny.gov'; 'Matthew.Colangelo@ag.ny.gov'; 'Margaret.Garnett@ag.ny.gov'; 'manisha.sheth@ag.ny.gov'
Subject: Status on this end -- appeal & OSC: CJA v. Cuomo, et al.
Attachments: draft-contents-record-6-26-18.pdf; draft-cplr-5531-statement-6-26-18.pdf; draft-questions-presented-6-26-18.pdf; draft-brief-6-26-18-original-references.pdf

Dear Assistant Solicitor General Brodie –

I have just about finished the arduous job of readying the Record on Appeal for printing. I will notify you as soon as it is printed and about to be mailed. Please furnish me with your street address/suite # – as the post office always balks when I give them the Attorney General's address: "The Capitol, Albany NY 12224-0341".

Attached is the Table of Contents for the Record on Appeal. Likewise attached are plaintiffs' "Statement Pursuant to CPLR 5531" and "Questions Presented" – essentially identical to what I furnished on June 14th, *via* CJA's webpage for the appeal being perfected: <http://www.judgewidth.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/moving-forward-appeal.htm> – though now annotated by citations to the Record on Appeal.

Also attached is plaintiffs' appellate Brief, to which I have not yet added citations to the Record on Appeal. It is also virtually unchanged from what I furnished on June 14th. The only substantive addition is on page 48, which – after reciting the three "legal autopsy"/analyses of Judge Hartman's decisions, in the record before her— states:

"Because these analyses are dispositive of plaintiffs' entitlement to answers in their favor on their 'Questions Presented', their appeal has been perfected by an appendix featuring them."

Assuredly, by now, you have examined the analyses – and the record on which they are based – and know that Judge Hartman's decisions are indefensible, unconstitutional, and must be vacated, *as a matter of law*.

July 10th is the date on which, in 1776, at the county courthouse in White Plains, just blocks from where I live and from CJA's postal address, "the Provincial Congress proclaimed the passing of the dependent colony and the birth of the independent State of New York". That is the date on which I am planning to rent a car, drive up to Albany, and file the perfected appeal with the Appellate Division, Third Department – and, simultaneously, present plaintiffs' order to show cause for a preliminary injunction and TRO, based on our summary judgment entitlement to the granting of our ten causes of action. The order to show cause will also seek an expedited schedule, consistent with State Finance Law §123-c(4), as well as a *subpoena duces tecum* for the original record of the citizen-taxpayer action and its incorporated predecessor to be brought up from the Albany County Clerk's Office. On or about July 4th, I will e-mail you a draft of the order to show cause.

As I have still received NO response from Attorney General Underwood – or any of her high-level supervisory/managerial attorneys – to my May 16th NOTICE, May 30th letter, and June 6th and June 14th e-mails, I am cc'ing them on this e-mail, with an express request that they IMMEDIATELY advise as to who is evaluating the "interest of the state" on this appeal – and, consistent therewith, plaintiffs' entitlement to the Attorney General's

representation/intervention, pursuant to Executive Law §63.1 and State Finance Law §123 *et seq.*, including *via* appointment of independent/outside counsel. Needless to say, such will be a threshold issue at the July 10th argument of the order to show cause – and if Attorney General Underwood is not personally present to address it – and the state of the record – I will request the Court to command her appearance and response.

By the way, who has succeeded Attorney General Underwood as Solicitor General – and is she/he your immediate supervisor, or do you have others?

Thank you.

Elena Sassower,
Unrepresented plaintiff-appellant, acting on her own behalf
and “on behalf of the People of the State of New York & the Public Interest”
914-421-1200

From: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Sent: Monday, June 25, 2018 10:14 AM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Cc: Paladino, Victor <Victor.Paladino@ag.ny.gov>
Subject: CJA v. Cuomo

Dear Ms. Sassower,

I have not heard from you since last Tuesday regarding the record. Please let me know when you expect to send a proof copy for review.

Very truly yours,

Frederick A. Brodie
Assistant Solicitor General
New York State Office of the Attorney General
Appeals & Opinions Bureau
The Capitol
Albany, NY 12224-0341
(518) 776-2317
Frederick.Brodie@ag.ny.gov

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.