

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, July 10, 2018 1:48 PM
To: 'Brodie, Frederick'
Cc: 'Paladino, Victor'
Subject: Housekeeping: CJA v. Cuomo, et al. -- Appellants' Brief & Record on Appeal --
Attachments: 7-7-18-mailing-7-9-18-receipt.pdf; table-of-contents-record-final.doc; brief-superseded-pages.pdf

Dear Assistant Solicitor General Brodie –

Yesterday, I received, by mail, the original of your signed stipulation in lieu of certification pursuant to CPLR 5532. Thank you.

Also, yesterday – as reflected by the attached -- your office received the two copies of the appellants' brief and single copy of the three-volume reproduced record on appeal, which I had mailed on Saturday.

As the Appellate Division's Clerk's Office confirmed that a full table of contents for the three-volume record on appeal should appear in each of the volumes – which becomes quite confusing upon opening volumes 2 and 3 – I decided that a good solution would be adding a first page to the table of contents indicating where the contents of each volume can be found. Attached is a superseding table of contents for the record on appeal – which will appear in the volumes to be filed with the Court. Except for the first page – and the change in the page number for appellants' statement pursuant to CPLR 5531 – which is now page xxv, rather than xxiii – everything is identical.

As for appellants' brief, I have made two non-substantive typographical corrections in the answer to the 1st question presented and one non-substantive grammatical correction in the answer to the 4th question presented. Also, on page 38, I have removed a comma that did not belong. The attached reflects these de minimus changes. I will mail you hard copies of the superseding pages, with holes punched so that you can open the bindings of the brief to replace.

CJA's website posts the corrected brief and three-volume record on appeal, here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/complaints-notice/moving-forward-appeal.htm> and here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/7-4-18-appellants-brief.htm>.

Finally, by way of update, I have only begun drafting appellants' order to show cause, with preliminary injunction and TRO. If, due to other commitments, I cannot complete it by the end of the day Thursday, I may defer presentment at the Appellate Division from next Tuesday's July 17th target date to ensure that you, your superiors, and the Court will have enough time to review it in advance of oral argument on the TRO.

Thank you.

Elena Sassower