

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Friday, July 27, 2018 4:54 PM  
**To:** 'Barbara.Underwood@ag.ny.gov'  
**Cc:** 'Brodie, Frederick'; 'Paladino, Victor'; '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'; 'Jane Landes'; 'ad3clerksoffice@nycourts.gov'  
**Subject:** CJA v. Cuomo -- NOTICE TO ATTORNEY GENERAL UNDERWOOD: The Attorney Misconduct, for which you are Liable, & your Duty to Appear at the Oral Argument of the TRO -- Thursday, Aug 2  
**Attachments:** 7.23.18 Letter to Clerk.pdf; Exhibits to 7.23.18 Letter.pdf; 7-24-18-email-from-brody.pdf; 7-26-18-email-from-brody.pdf

### TO: Attorney General Barbara Underwood

I have received no response from you – nor from any supervisory/managerial attorney, on your behalf – to my below July 24<sup>th</sup> e-mail, sent at 3:22 pm, putting you on NOTICE that Assistant Solicitor General Frederick Brodie's July 23<sup>th</sup> letter, urging the Court not to sign appellants' order to show cause, with preliminary injunction and TRO, was "materially false and misleading", and that I had postponed oral argument on the TRO, then scheduled for July 25<sup>th</sup>, so that you would have time to withdraw it.

Indeed, the only response I received was from Assistant Solicitor General Brodie, by two e-mails. The first, at 5:01 pm on July 24<sup>th</sup>, stated "I stand by the content of my July 23 letter" – and indicated as his e-mail's sole cc, his immediate supervisor, Assistant Solicitor General Victor Paladino. The second, at 9:41 am on July 26<sup>th</sup>, attached Assistant Solicitor General Brodie's July 26<sup>th</sup> letter to the Court, resubmitting his July 23<sup>rd</sup> letter in opposition to appellants' now submitted and served order to show cause and filed perfected appeal – with no indicated cc's.

In the event you and your top-ranking supervisory/managerial team were not provided with Assistant Solicitor General Brodie's July 24<sup>th</sup> and July 26<sup>th</sup> e-mails and are not knowledgeable of his representations therein, especially in his July 24<sup>th</sup> e-mail, including "I doubt that any such 'findings of fact and conclusions of law' exist", which was his response to ¶49 of my moving affidavit, below quoted, copies are annexed hereto.

I will, as stated by my below July 24<sup>th</sup> e-mail to you, now turn to a drafting an affidavit, particularizing the multitudinous respects in which Assistant Solicitor General Brodie's July 23<sup>rd</sup> letter, now reiterated by his July 26<sup>th</sup> letter, is – as I so advised you – "materially false and deceitful" and will seek sanctions against him, you, and your other supervisory/managerial attorneys, pursuant to NYCRR §130-1.1 *et seq.* In conjunction therewith, I will further request that you be directed to appear before the Court, if you do not appear at the **oral argument of the TRO, now scheduled for Thursday, August 2<sup>nd</sup>, at 11 am** – and that you be directed to furnish, at that time, your relevant "findings of fact and conclusions of law", starting with the facial violations of Chapter 567 of the Laws of 2010, evidenced by the August 29, 2011 report of the Commission on Judicial Compensation, and the facial violations of Chapter 60, Part E, of the Laws of 2015, evidenced by the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation, consistent with your duty and "the interest of the state". By the way, I neglected to include those two commission reports in the list of five EVIDENTIARY items that my below July 24<sup>th</sup> e-mail reminded you to bring to the oral argument, so please add them to the list.

If Thursday, August 2<sup>nd</sup>, at 11 am is not convenient for you – or for such fully-knowledgeable, high-ranking, supervisory/managerial attorney(s) as you may assign to appear in your stead at the oral argument of the TRO – please

advise, as soon as possible. In addition to Associate Justice Eugene Devine, who has arranged his schedule to accommodate the oral argument, the Court, at my request, is arranging for a court stenographer to be present, and I, upon receiving the Court's permission, have arranged for the presence of a videographer.

Thank you.

Elena Sassower, unrepresented plaintiff-appellant  
on her own behalf individually & as Director of the Center for Judicial Accountability, Inc.,  
and on behalf of the People of the State of New York & the Public Interest  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Tuesday, July 24, 2018 3:22 PM

**To:** 'Barbara.Underwood@ag.ny.gov' <[Barbara.Underwood@ag.ny.gov](mailto:Barbara.Underwood@ag.ny.gov)>

**Cc:** 'Brodie, Frederick' <[Frederick.Brodie@ag.ny.gov](mailto:Frederick.Brodie@ag.ny.gov)>; 'Paladino, Victor' <[Victor.Paladino@ag.ny.gov](mailto:Victor.Paladino@ag.ny.gov)>; 'Janet.Sabel@ag.ny.gov' <[Janet.Sabel@ag.ny.gov](mailto:Janet.Sabel@ag.ny.gov)>; 'Kent.Stauffer@ag.ny.gov' <[Kent.Stauffer@ag.ny.gov](mailto:Kent.Stauffer@ag.ny.gov)>; 'Meg.Levine@ag.ny.gov' <[Meg.Levine@ag.ny.gov](mailto:Meg.Levine@ag.ny.gov)>; 'Jeffrey Dvorin' <[Jeffrey.Dvorin@ag.ny.gov](mailto:Jeffrey.Dvorin@ag.ny.gov)>; 'Adrienne Kerwin' <[Adrienne.Kerwin@ag.ny.gov](mailto:Adrienne.Kerwin@ag.ny.gov)>; 'Helena.Lynch@ag.ny.gov' <[Helena.Lynch@ag.ny.gov](mailto:Helena.Lynch@ag.ny.gov)>; 'Brian.Mahanna@ag.ny.gov' <[Brian.Mahanna@ag.ny.gov](mailto:Brian.Mahanna@ag.ny.gov)>; 'Alvin.Bragg@ag.ny.gov' <[Alvin.Bragg@ag.ny.gov](mailto:Alvin.Bragg@ag.ny.gov)>; 'marty.mack@ag.ny.gov' <[marty.mack@ag.ny.gov](mailto:marty.mack@ag.ny.gov)>; 'Matthew.Colangelo@ag.ny.gov' <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; 'Margaret.Garnett@ag.ny.gov' <[Margaret.Garnett@ag.ny.gov](mailto:Margaret.Garnett@ag.ny.gov)>; 'manisha.sheth@ag.ny.gov' <[manisha.sheth@ag.ny.gov](mailto:manisha.sheth@ag.ny.gov)>; 'Jane Landes' <[jlandes@nycourts.gov](mailto:jlandes@nycourts.gov)>; 'ad3clerksoffice@nycourts.gov' <[ad3clerksoffice@nycourts.gov](mailto:ad3clerksoffice@nycourts.gov)>

**Subject:** CJA v. Cuomo -- NOTICE TO ATTORNEY GENERAL UNDERWOOD: your duty to withdraw Assistant Solicitor General Brodie's letter to the Appellate Division & to appear personally, or by a high-ranking deputy, at the oral argument of the TRO -- Friday, July 27th

**TO: Attorney General Barbara Underwood**

The below corrects a typographical error in the otherwise identical e-mail sent at 2:02 pm – and adds to and reformats the documentary EVIDENCE that you are reminded to bring to the oral argument of appellants' TRO.

Thank you.

Elena Sassower

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**TO: Attorney General Barbara Underwood**

This is to give you NOTICE that the above-attached July 23, 2018 letter that Assistant Solicitor General Frederick Brodie yesterday furnished to the Appellate Division, Third Department in opposition to appellants' order to show cause with preliminary injunction and TRO by the below e-mail is materially false and deceitful – and your duty is to withdraw it, forthwith.

CJA's website, [www.judgewatch.org](http://www.judgewatch.org), posts my finalized July 24, 2018 moving affidavit in support of the order to show cause and identifies Assistant Solicitor General Brodie's letter in its postscript (at p. 18) – stating that I will be responding to it in a separate affidavit and will seek sanctions pursuant to NYCRR 130-1.1 *et seq.* The direct link to the webpage on