

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-

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.
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Index #1788-14
(Justice Roger McDonough)

NOTICE OF CROSS-MOTION
in Opposition to Dismissal Motion

Oral Argument Requested

PLEASE TAKE NOTICE that upon the affidavit of the *pro se* individual plaintiff ELENA RUTH SASSOWER, sworn to on May 16, 2014, the exhibits annexed thereto, plaintiffs' memorandum of law, dated May 16, 2014, and upon all the papers and proceedings heretofore had, plaintiffs will make a cross-motion before Supreme Court Justice Roger D. McDonough at the Albany County Courthouse, at 16 Eagle Street, Albany, New York 12207, on June 6, 2014, or as soon thereafter as the parties or their counsel can be heard for an order:

(1) pursuant to CPLR §3211(c), giving notice that Attorney General Eric T. Schneiderman's motion to dismiss plaintiffs' verified complaint by Assistant Attorney General Adrienne Kerwin is being converted by the Court to a motion for summary judgment for plaintiffs on their four causes of action, with a so-ordering of

plaintiffs' March 26, 2014 Notice to Furnish Papers to the Court pursuant to CPLR §2214(c) in conjunction therewith;

(2) pursuant to CPLR §3132, granting leave to plaintiffs to serve interrogatories upon defendants – *to wit*, plaintiffs' "Questions for Temporary Senate President Skelos and Assembly Speaker Silver" and "Questions for Chief Administrative Judge Prudenti", annexed to their verified complaint as Exhibit M-2 and Exhibit K-2, respectively;

(3) pursuant to Executive Law §63.1 and State Finance Law Article 7-A, compelling Attorney General Schneiderman to identify who in the Attorney General's office has independently evaluated the "interest of the state" in this case and plaintiffs' entitlement to representation/intervention of the Attorney General;

(4) pursuant to Rule 1.7 of the Rules of Professional Conduct for Attorneys, disqualifying Attorney General Schneiderman for conflict of interest;

(5) pursuant to 22 NYCRR §130-1.1 *et seq.*, imposing maximum costs and \$10,000 sanctions against Assistant Attorney General Kerwin and all complicit supervisory lawyers in Attorney General Schneiderman's office and in the office of Comptroller Thomas DiNapoli;

(6) pursuant to Judiciary Law §487(1), assessing penal law punishment against AAG Kerwin and all complicit supervisory lawyers in the offices of Attorney General Schneiderman and Comptroller DiNapoli, as well as such determination as would afford plaintiffs treble damages against them in a civil action;

(7) pursuant to 22 NYCRR §100.3D(2), referring AAG Kerwin and all complicit supervisory lawyers in the offices of Attorney General Schneiderman and Comptroller DiNapoli to appropriate disciplinary authorities for their knowing and deliberate violations of New York's Rules of Professional Conduct for Attorneys and, specifically, Rule 3.1 "Non-Meritorious Claims and Contentions", Rule 3.3 "Conduct Before A Tribunal"; Rule 8.4 "Misconduct"; and Rule 5.1 "Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers";

(8) for such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on the *pro se* individual plaintiff ELENA SASSOWER seven days before the return date by e-mail and regular mail.

Dated: White Plains, New York
May 16, 2014



ELENA RUTH SASSOWER, Plaintiff *Pro Se*, 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

10 Stewart Place, Apartment 2D-E
White Plains, New York 10603
914-455-4373
elena@judgewatch.org

TO: Attorney General Eric T. Schneiderman
The Capitol
Albany, New York 12224-0341

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**Notice of Cross-Motion
in Opposition to Dismissal Motion**

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