

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

March 3, 2017

Albany Court Chief Clerk Charles Diamond
Albany Supreme Court
16 Eagle Street, Room 102
Albany, New York 12207
Tel: 518-285-8989

RE: *Center for Judicial Accountability, et al. v. Cuomo, et al.*
Albany Co. #5122-16 –Citizen-Taxpayer Action
RJI #01-16-122174

Dear Chief Clerk Diamond:

Enclosed is my affidavit of service for plaintiffs' order to show cause for Justice Hartman's disqualification and vacatur of her December 21, 2016 decision/order, reargument/renewal, and other relief, which she signed on February 21, 2017 and made returnable on March 24, 2017.

Thank you.

Very truly yours,


Elena Sassower, unrepresented plaintiff

Enclosure

cc: Assistant Attorney General Adrienne Kerwin

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

I am the unrepresented individual plaintiff herein, over 18 years of age, and reside in the State of New York.

On February 24, 2017, I served a copy of the attached:

Signed Order to Show Cause of Acting Supreme Court Justice Denise Hartman

upon: Attorney General Eric T. Schneiderman
The Capitol
Albany, New York 12224-00341


ATT: Assistant Attorney General Adrienne Kerwin
adrienne.kerwin@ag.ny.gov

both by e-mail and by depositing a true copy in a post-paid, properly-addressed envelope and mailing same at a U.S. post office within the State of New York at the address furnished by AAG Kerwin. My February 24, 2017 e-mail to AAG Kerwin, which I additionally mailed to her, is annexed, as is the postal receipt from my February 15, 2017 mailing to her of the unsigned Order to Show Cause and supporting papers.

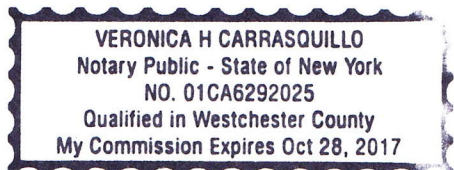


ELENA RUTH SASSOWER

Sworn to before me this
24th day of February 2017



Notary Public



RECEIVED

FEB 17 2017

Chambers of
Hon. Denise A. Hartman

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 21st day of February, 2017.

SUPREME COURT OF STATE OF NEW YORK
ALBANY COUNTY

----- X
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,

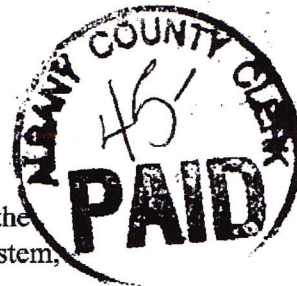
Plaintiffs,

ORDER TO SHOW CAUSE

-against-

Index # 5122-16
RJI #01-16-122174

ANDREW M. CUOMO, in his official capacity as Governor of the State of New York, JOHN J. FLANAGAN in his official capacity as Temporary Senate President, THE NEW YORK STATE SENATE, CARL E. HEASTIE, 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, THOMAS P. DiNAPOLI, in his official capacity as Comptroller of the State of New York, and JANET M. DiFIORE, in her official capacity as Chief Judge of the State of New York and chief judicial officer of the Unified Court System,



Defendants.
----- X

Upon the annexed affidavit of the unrepresented individual plaintiff ELENA RUTH SASSOWER, sworn to on February 15, 2017, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had herein and in the predecessor citizen-taxpayer action, *Center for Judicial Accountability, et al. v. Cuomo, et al.* (Albany Co. #1788-2014),

LET defendants show cause before Acting Supreme Court Justice Denise Hartman at 16 Eagle Street, Albany, New York 12207 on the 24th day of ~~February~~ ^{March} 2017 at 9:30 a.m. or as soon thereafter as the parties or their counsel may be heard, why an order should not issue in this citizen-taxpayer action pursuant to State Finance Law Article 7-A (§123 *et seq.*):

1. disqualifying Acting Supreme Court Justice Denise Hartman for demonstrated actual bias and interest, pursuant to §100.3E of the Chief Administrator's Rules Governing Judicial Conduct and Judiciary Law §14, and vacating her December 21, 2016 decision & order by reason thereof for fraud and lack of jurisdiction; and, if denied, disclosure, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, of facts bearing upon her fairness and impartiality;
2. granting reargument and renewal, pursuant to CPLR §2221, of Justice Hartman's December 21, 2016 decision & order and, upon the granting of same, vacating it for fraud and lack of jurisdiction;
3. vacating the December 21, 2016 decision & order, pursuant to CPLR §5015(a)(4) for "lack of jurisdiction", by reason of Justice Hartman's disqualification for interest;
4. granting such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

LET SERVICE of this order to show cause, together with the papers on which it is based, be made upon defendants by e-mail and regular mail on or before the 24th day of February 2017 be deemed good and sufficient service.

Answering papers, if any, are to be served by defendants, *via* e-mail and regular mail, at least two days prior to the return date of this order to show cause, *to wit*, ~~February~~ ^{March} 22, 2017.

DH

* No personal appearances are required

Denise A. Hartman
Acting Supreme Court Justice

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, February 24, 2017 3:27 PM
To: 'Adrienne Kerwin'
Subject: Citizen-Taxpayer Action -- CJA v. Cuomo: SIGNED Order to Show Cause to Disqualify Justice Hartman, Vacatur, Reargument/Renewal, & Other Relief
Attachments: 2-21-17-signed-osc.pdf; ex-u.pdf

Dear AAG Kerwin,

Attached is a pdf of the order to show cause that Acting Supreme Court Justice Hartman signed on February 21, 2017 – a hard copy of which I will mail you today.

You already have a hard copy of the supporting papers – as I mailed them to you more than a week ago, on February 15, 2017, with the unsigned order to show cause. This, after I had e-mailed you the below, furnishing you with the link to the webpage of CJA's website on which the supporting papers and unsigned order to show cause were posted: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/2-15-17-osc.htm>. That is where the attached signed order to show cause is now posted, as well.

As Justice Hartman has chosen to further manifest her virulent actual bias by fixing an UNPRECEDENTED month-long return date – giving you more than triple the time you would have had had plaintiffs proceeded by notice of motion, and reinforcing how wilfully she is violating the duty of expedition mandated by State Finance Law §123-c(4) for citizen-taxpayer actions, your superiors have ample time to EACH examine the record and agree amongst themselves as to the Attorney General's obligations pursuant to Executive Law §63.1 and State Finance Law § 123 *et seq.* AT MINIMUM, this would include notifying Justice Hartman that the Attorney General is JOINING in the disqualification/vacatur relief sought – there being NO DEFENSE to plaintiffs' analysis of her December 21, 2016 decision/order – Exhibit U to the order to show cause -- establishing it to be "a criminal fraud". Such notification must be made forthwith, so that the order to show cause can be marked "submitted" – and promptly determined, consistent with State Finance Law §123-c(4).

As requested by my below e-mail, so also with this e-mail. Please forward to your superiors, including Attorney General Schneiderman, who bears foremost responsibility. If I do not hear from them within a week's time, I will myself call to speak with them. With so many tens of millions of taxpayer dollars being unlawfully and fraudulently dissipated, time is of the essence.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Wednesday, February 15, 2017 1:07 PM
To: 'Adrienne Kerwin' Adrienne.Kerwin@ag.ny.gov

Subject: Citizen-Taxpayer Action -- CJA v. Cuomo: OSC to Disqualify Justice Hartman, Vacatur, Reargument/Renewal, & Other Relief

Dear AAG Kerwin,

Being mailed today for Justice Hartman's fixing of a return date is an order to show cause for her disqualification, for vacatur of her December 21, 2016 decision & order, for reargument/renewal, & other relief.

The order to show cause, annexing my moving affidavit and all exhibits, is posted on CJA's website, www.judgewatch.org, accessible *via* the homepage link: "CJA's Citizen-Taxpayer Actions to End NYS' Corrupt Budget 'Process' and Unconstitutional 'Three Men in a Room' Governance". For your convenience, the direct link to the webpage for the order to show cause is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/2-15-17-osc.htm>.

The most important exhibit to my moving affidavit is plaintiffs' analysis of Justice Hartman's December 21, 2016 decision & order, annexed as Exhibit U— and it is attached.

The foregoing is consistent with paragraph 6 of my affidavit, which states:

"To facilitate this Court's fixing the shortest return date possible, I have given AAG Kerwin a 'head-start' in responding by already e-mailing the analysis, this affidavit, and the unsigned order to show cause to her. My affidavit of service, with its attached e-mail receipt, is annexed (Exhibit V). Suffice to note that a longer return date would not benefit defendants in the slightest. No amount of time will enable defendants to refute the analysis, as it is factually and legally accurate, mandating the granting of the disqualification/vacatur relief sought by this order to show cause, *as a matter of law.*"

Inasmuch as my September 28, 2016 FOIL request has ultimately produced the answer to my question that you had over and again refused to answer, *to wit*, the names of your superiors with supervisory oversight over you – now revealed as "Stephen M. Kerwin, AAG Deputy Bureau Chief; Jeffrey M. Dvorin, AAG, Bureau Chief; Megan Levine, Deputy Attorney General for State Counsel; and Kent Stauffer, Executive Deputy Attorney General for State Counsel" (Exhibit X-4 to my affidavit) – please furnish this e-mail to them with a request that they call me so that we can discuss the situation.

As Attorney General Schneiderman bears foremost responsibility for the conduct of his office and for upholding the rule of law and Constitution in this state, please furnish this e-mail to him, as well, with my request that he also call me.

Thank you.

Elena Sassower, unrepresented plaintiff,
individually and as director of the Center for Judicial Accountability, Inc.,
& on behalf of the State of New York & the Public Interest
914-422-1200
www.judgewatch.org

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NY

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02/15/2017 (800)275-8777 3:49 PM

Product Description Sale Qty Final Price

PM Exp 1-Day 1 \$23.75

Flat Rate Env
(Domestic)
(ALBANY, NY 12207)
(Flat Rate)
(Signature Waiver)
(Scheduled Delivery Day)
(Thursday 02/16/2017 12:00 PM)
(Money Back Guarantee)
(USPS Tracking #)
(EL605685051US)

PM Exp 1 \$0.00

Insurance
(Up to \$100.00 included)

PM 2-Day 1 \$6.65

Flat Rate Env
(Domestic)
(ALBANY, NY 12224)
(Flat Rate)
(Expected Delivery Day)
(Friday 02/17/2017)
(USPS Tracking #)
(9505 5141 8967.7046 0676 59)

Insurance 1 \$0.00

(Up to \$50.00 included)

Total \$30.40

Credit Card Remitd \$30.40

(Card Name:VISA)
(Account #:XXXXXXXXXX7351)
(Approval #:07354G)
(Transaction #:073)

Includes up to \$100 insurance

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→ to the
CMT

→ to Attorney
General