

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 16<sup>th</sup> day of June, 2017.

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,

**ORDER TO SHOW CAUSE  
for Reargument/Renewal/  
Disclosure/ Vacatur & Other  
Relief**

-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.

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Upon the annexed affidavit of the unrepresented individual plaintiff ELENA RUTH SASSOWER, sworn to on June 12, 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 28<sup>m</sup> day of July, 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. granting reargument and renewal, pursuant to CPLR §2221, of Judge Hartman's May 5, 2017 decision and order and of her May 5, 2017 amended decision and order and, upon the granting of same, vacating them by reason of her demonstrated actual bias – and, in conjunction therewith, as well as if denied, disclosure, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, of facts bearing upon her fairness and impartiality, specifically as to her financial interest and personal and professional relationships with defendants and their counsel, including in the supervisory ranks of the Attorney General's office;
2. vacating Judge Hartman's May 5, 2017 decision and order and her May 5, 2017 amended decision and order, pursuant to CPLR §5015(a)(4), for "lack of jurisdiction", by reason of her disqualification for interest;
3. 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 28<sup>m</sup> day of June 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 7 days prior to the return date of this order to show cause, *to wit*, ~~June~~ July 28, 2017.

Denise A. Hartman  
Acting Supreme Court Justice