

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, March 30, 2017 11:20 AM
To: 'Hartman Chambers'; 'Joanne Locke'
Cc: 'Helena Lynch'; 'Meg Levine'; 'Jeffrey Dvorin'; 'Adrienne Kerwin'
Subject: URGENT/TIME-SENSITIVE: Reconsideration -- & the granting of a TRO and/or the scheduling of an evidentiary hearing, tomorrow, on plaintiffs' entitlement to a preliminary injunction -- RE: CJA v Cuomo et al. (#5122-16)
Attachments: 3-29-17-signed-osc.pdf

Dear Justice Hartman,

This follows up my brief conversation with your law secretary, Mr. Liberanti-Conant, shortly after 9 a.m., in which I stated my request that you reconsider your disposition on plaintiffs' March 29th order to show cause for a preliminary injunction and TRO. If you believe that your disposition is remotely defensible, defend it, in writing -- especially as to the basis upon which you denied my request for an evidentiary hearing tomorrow, March 31st -- having declined, from the bench, my request to proceed with an evidentiary hearing then and there, based upon the documentary proof I had brought to court -- and my prior notice to the Attorney General on the subject, including by the below March 28th 11:28 a.m. e-mail to Assistant Attorney General Helena Lynch, among others.

Apparently, you knew you could not justify your disposition -- striking the TRO, denying an immediate evidentiary hearing for the preliminary injunction, setting a 30-day return date on the order to show cause -- with three weeks for the Attorney General to submit opposition papers and only a week for me to reply -- as you did not return to the bench to announce it, instead sending Mr. Liberanti-Conant to deliver the signed order to show cause, which he furnished only to me because AAG Lynch had inexplicably departed, apparently confident that her conclusory, utterly fraudulent, approximately 30-second opposition was acceptable to you -- because, inter alia, of your 30 year-tenure at the Attorney General's office, where, presumably, you were trained in, and yourself practiced, its modus operandi of corrupting the judicial process by litigation fraud when it has no legitimate defense.

What you did yesterday -- rendering a disposition on par with your December 21, 2016 decision -- the subject of plaintiffs' sub judice February 15th order to show cause for your disqualification for actual bias reinforces your disqualification on that ground. Further proceedings before you are, as they were yesterday and previously, simply a mockery.

This is a citizen-taxpayer action, required to be "promptly determined" and "have preference over all other causes in all courts" (State Finance Law §123-c(4)). Please furnish, forthwith, your decision on plaintiffs' February 15th order to show cause for your disqualification -- one addressing the particulars of its Exhibit U analysis of your December 21, 2016 decision -- which, presumably, you read before fixing a March 24th return date.

Based on the mountain of prima facie, summary judgment evidence I furnished yesterday -- and which I highlighted at the argument, and by my sworn affidavit, and by the particulars of plaintiffs' verified supplemental complaint in support of the order to show cause -- plaintiffs established their entitlement, AS A MATTER OF LAW, to a TRO -- no hearing being required. In any event, there is still time to schedule an evidentiary hearing for tomorrow -- before another judge, upon your disqualification.

I have already contacted the court stenographer for transcription of yesterday's proceedings.

Please respond forthwith, so that I may know how to proceed. I have already reached out to the Clerk's Office -- and will be following up with your supervising judge, at the Appellate Division, with defendant DiFiore's "Excellence

Initiative" at the Office of Court Administration -- and also with the highest supervisory echelons of the Attorney General's office -- including defendant Attorney General Schneiderman himself -- so that, based upon the evidentiary proof furnished yesterday, and the directives of Article III, §10 and Article VII, §1-7 of the New York State Constitution and the Court of Appeals' decisions in Pataki v. Assembly/Silver v Pataki, 4 NY3d 75 (2004), and in NYS Bankers Association v Wetzler, 81 NY2d 98 (1993), a TRO/preliminary injunction may promptly issue in this groundbreaking citizen-taxpayer action to return New York's state budget to "the constitutional rails".

Thank you.

Elena Sassower, unrepresented plaintiff
on behalf of herself, the People of the State of New York, & the Public Interest
914-421-1200

-----Original Message-----

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Tuesday, March 28, 2017 11:29 AM
To: 'Hartman Chambers' <hartmanchambers@nycourts.gov>
Cc: 'Meg Levine' <Meg.Levine@ag.ny.gov>; 'Jeffrey Dvorin' <Jeffrey.Dvorin@ag.ny.gov>; 'Helena Lynch' <Helena.Lynch@ag.ny.gov>; 'Adrienne Kerwin' <Adrienne.Kerwin@ag.ny.gov>
Subject: Court's rescheduled time/date for plaintiffs' OSC for preliminary injunction with TRO -- RE: Center for Judicial Accountability & Sassower v Andrew M. Cuomo et al., Index #5122-16

I hereby give further notice to the highest supervisory levels of the Attorney General's office:

Tomorrow afternoon, Wednesday, March 29th, at 3 p.m., before Justice Hartman, for presentment of plaintiffs' order to show cause for preliminary injunction with TRO. Come prepared with documents responsive to plaintiffs' FOIL requests pertaining to your legislative clients' "amended" budget bills, as well as prepared to discuss the Court of Appeals' consolidated decision in Silver v. Pataki and Pataki v. Assembly, 4 NY3d 75 (2004) -- and, its equally decisive decision in NYS Bankers Association v Wetzler, 81 NY2d 98 (1993).

Thank you.

Elena Sassower
914-421-1200

-----Original Message-----

From: Hartman Chambers [mailto:hartmanchambers@nycourts.gov]
Sent: Tuesday, March 28, 2017 11:13 AM
To: elena@judgewatch.org; adrienne.kerwin@ag.ny.gov; helena.lynch@ag.ny.gov
Subject: Center for Judicial Accountability & Sassower v Andrew M. Cuomo et al., Index #5122-16

Attached please find correspondence regarding the above matter.

PLEASE DIRECT ALL FURTHER EMAIL CORRESPONDENCE TO THE CHAMBERS EMAIL AT:

hartmanchambers@nycourts.gov

Thank you.