

CJA

From: CJA <mail@judgewatch.org>
Sent: Tuesday, January 17, 2017 12:41 PM
To: 'Adrienne Kerwin'
Subject: Dec. 21, 2016 decision & order -- citizen-taxpayer action, CJA v. Cuomo (Albany Co. # 5122-16)
Attachments: 12-22-16-transmitting-ltr.pdf; 12-21-16-decision.pdf

Dear Ms. Kerwin,

By a December 22, 2016 letter addressed to you – a single copy of which was sent to me, not at my designated home address, but at the Center for Judicial Accountability's post box – Justice Hartman's secretary stated as follows with respect to plaintiffs' citizen-taxpayer action, Index #5122-16:

"Enclosed is the executed Decision and Order with regard to the above matter. The original is being forwarded to you for filing and service. A copy of the order and the original supporting papers have been sent to the County Clerk for placement in the file."

This was consistent with Justice Hartman's December 21, 2016 decision and order, enclosed with the letter, which had stated in its concluding paragraph on page 9:

"This constitutes the Decision and Order of the Court. The original Decision and Order is being transmitted to defendant's (sic) counsel. All other papers are being transmitted to the County Clerk for filing. The signing of this Decision and Order does not constitute entry or filing under CPLR 2220 and counsel is not relieved from the applicable provisions of that rule respecting filing and service."

For your convenience, a scan of what Justice Hartman's secretary sent me is attached.

As of this January 17, 2017 date, I have NOT received from you Justice Hartman's December 21, 2016 decision and order with notice of entry – not at my designated home address, nor at the Center for Judicial Accountability's postal address. Earlier this morning, I phoned the Albany County Clerk's Office – and they have NO record of your having served and filed Justice Hartman's December 21, 2016 decision and order with notice of entry. Is it your intention NOT to serve and file it?

Please be advised that your failure to serve and file Justice Hartman's December 21, 2016 decision and order does NOT relieve you of its direction to you at page 8 – pertaining to plaintiffs' sixth cause of action which the decision and order preserved:

"**ORDERED** that defendants have 30 days from the date of this order to answer". (bold and capitalization in the original).

30 days from the December 21, 2016 date of Justice Hartman's decision and order is **this Friday, January 20, 2017**. As this is a citizen-taxpayer action, requiring and entitled to expedition (State Finance Law §123-c(4)), I would appreciate if, in addition to mailing defendants' answer to me at my designated home address, you would e-mail it to me, as well.

Thank you.

Elena Sassower, *pro se* plaintiff, individually and as Director of the Center for Judicial Accountability, Inc.,
and on behalf of the People of the State of New York & the Public Interest

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