

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Thursday, January 18, 2024 11:32 AM

To: 'dustin.brockner@ag.ny.gov'; 'jlang@ag.ny.gov'; 'Victor.Paladino@ag.ny.gov'; 'appeals.albany@ag.ny.gov'; 'jmcguire@hsgllp.com'; 'gdubinsky@hsgllp.com'; 'zkerner@hsgllp.com'; 'rglavin@glavinpllc.com'; 'richard.davis@rjdavislaw.com'

Cc: 'ad3motions@nycourts.gov'; 'AD3ClerksOffice'; 'AD3TSU'; 'Kiernan, Beezly'

Subject: **SERVICE: Cuomo v. COELIG (CV-23-1778) -- Jan 12th notice of motion & moving affidavit for preference so that related appeals can be heard together & to prevent fraud**

Attachments: preference-cuomo-notice-of-motion-1-12-24.pdf;
preference-cuomo-affidavit-1-12-24.pdf;
[nyscef-attempt-1-17-24.jpg](#)

TO: Cuomo v. COELIG Attorneys –
COELIG Attorneys: Assistant Solicitor General Dustin Brockner, Deputy Solicitor General Jeffrey Lang, also Senior Assistant Solicitor General Victor Paladino
CUOMO attorneys: James McGuire, Gregory Dubinsky, Zachary Kerner, Rita Glavin
Amici Curiae Attorney: Richard Davis

A short time ago I received a phone call from Appellate Division, Third Department Chief Motion Attorney Amy Conway. As explained by the below and which Ms. Conway confirmed, due solely to my being a non-attorney, I cannot upload to the [Cuomo v. COELIG NYSCEF docket](#) as a non-party. Tomorrow, I will follow-up to try to resolve that issue with NYSCEF, with the OCA, and, if necessary, by a motion to the Appellate Division, Third Department. In the meantime, Ms. Conway advised that my January 12th motion for a preference, etc. that I digitally submitted for filing in *Cuomo v. COELIG* has been filed – and is returnable on Monday, January 22nd. All that is further required is that I provide an affidavit/affirmation of service and mail the \$45 fee. **As time is of the essence, with the Cuomo v. COELIG appeal calendared for the February term, please confirm that you will accept my e-mailing of my motion to you on January 13th by the below, as service.**

In any event, the comparable January 12th motion that I made in [CJA v. JCOPE, et al., via NYSCEF \(##26-33\)](#) – as to which there is no service issue and whose [Exhibits 1 & 2 were restored yesterday at 12:01 pm](#) – is returnable on January 22nd.

Thank you.

Elena Sassower,

Unrepresented individual petitioner-appellant in *CJA v. JCOPE, et al.*, “on behalf of the People of the State of New York & the Public Interest”.

914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Wednesday, January 17, 2024 12:05 PM

To: 'ad3motions@nycourts.gov' <ad3motions@nycourts.gov>

Subject: ATT: Chief Motion Attorney Amy Conway -- Photo of attempt to upload to Cuomo v. COELIG (CV-23-1778) -- Jan 12th notice of motion & moving affidavit for preference so that related appeals can be heard together & to prevent fraud

TO: Appellate Division, Third Department Chief Motion Attorney Amy Conway

Following up our conversation, a short time ago, above-attached is a photo of what I was trying to explain to you about why I cannot directly upload to Cuomo v. COELIG (CV-23-1778), as a non-party from my NYSCEF account – notwithstanding the non-party proposed *amicus* Lavine and the non-party proposed *amici* City Bar/"good gov't" groups were able to upload, on December 1, 2023 (#15, #16) and December 15, 2023 (#17, #18), respectively.

The message in the photo, when I try to access *Cuomo v. COELIG* for purposes of filing, as a non-party – and I've checked the "non-party" box -- reads:

"The following errors occurred...

1. Your account allows you to create and/or file to one case. You are currently participating in the following case: Index #: CV-23-0115
Caption: Center for Judicial Accountability, Inc. et al v. New York State Joint Commission on Public Ethics et al. If you need to participate in a different case, you will need to request an additional account."

Yesterday morning, after speaking with Julianne, I called NYSCEF (646-386-3033) and spoke with Marie for her assistance for "an additional account". After examining the situation, she concluded, perhaps because I am a non-attorney, that I need to proceed *via* "digital submission", which I then did – alerting the Clerk's Office to my having done so at 10:54 am, by the e-mail that is below.

Therefore, it is obviously incorrect that Julianne told me that, as a non-party, I cannot proceed electronically with my motion in *Cuomo v. COELIG*, but must paper serve and file the motion.

You've just called – and I am sending you now what I've already written.

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Tuesday, January 16, 2024 4:35 PM

To: 'ad3motions@nycourts.gov' <ad3motions@nycourts.gov>; 'ad3tsu@nycourts.gov' <ad3tsu@nycourts.gov>; 'AD3ClerksOffice' <AD3ClerksOffice@nycourts.gov>

Cc: 'dustin.brockner@ag.ny.gov' <dustin.brockner@ag.ny.gov>; 'jlang@ag.ny.gov' <jlang@ag.ny.gov>; 'Victor.Paladino@ag.ny.gov' <Victor.Paladino@ag.ny.gov>; 'appeals.albany@ag.ny.gov' <appeals.albany@ag.ny.gov>; 'Kiernan, Beezly' <Beezly.Kiernan@ag.ny.gov>; 'jmcguire@hsgllp.com'

<jmcguire@hsgllp.com>; 'gdubinsky@hsgllp.com' <gdubinsky@hsgllp.com>; 'zkeeper@hsgllp.com' <zkeeper@hsgllp.com>; 'rglavin@glavinpllc.com' <rglavin@glavinpllc.com>; 'richard.davis@rjdavislaw.com' <richard.davis@rjdavislaw.com>

Subject: Cuomo v. COELIG (CV-23-1778) -- Jan 12th notice of motion & moving affidavit for preference so that related appeals can be heard together & to prevent fraud

TO: Appellate Division, Third Department – Motions Department/Clerk’s Office

At 2:45 pm today, upon discovering that the Clerk’s Office had NOT yet posted to [Cuomo v. COELIG \(CV-23-1778\)](#) my notice of motion, moving affidavit, & exhibits that I had digitally submitted 4 hour earlier, as reflected by the below e-mail, AND had “DELETED” that same notice of motion and moving affidavit from [CJA v. JCOPE, et al. \(CV-23-0115\)](#), where they were Exhibits 1 and 2 to my moving affidavit in support of my motion therein, I telephoned to find out the reason. Traci answered the call and told me that I would have to speak with Julianne, as she was handling my motions, but that Julianne had left for the day. She declined to give me Julianne’s last name or title, other than that Julianne heads the unit in which she works as principal appellate typist.

Traci said she would relay my message to Julianne – to which I replied that if I did not hear from her by 10:30 tomorrow morning – or from the Court’s Deputy Clerk or Clerk -- I would be calling.

As the actions of the Clerk’s Office plainly impede the *Cuomo v. COELIG* attorneys and *amici* and ASG Kiernan in *CJA v. JCOPE, et al.* from being able to prepare answering papers that are due by Friday, January 19th on the two motions, each returnable on Monday, January 22nd, above-attached are the “DELETED” documents, which, additionally, are accessible [here](#) and [here](#).

Thank you.

Elena Sassower,

Unrepresented individual petitioner-appellant in *CJA v. JCOPE, et al.*, “on behalf of the People of the State of New York & the Public Interest”.

914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Tuesday, January 16, 2024 10:51 AM

To: 'ad3motions@nycourts.gov' <ad3motions@nycourts.gov>; 'ad3tsu@nycourts.gov' <ad3tsu@nycourts.gov>; 'AD3ClerksOffice' <AD3ClerksOffice@nycourts.gov>

Cc: 'dustin.brockner@ag.ny.gov' <dustin.brockner@ag.ny.gov>; 'jlang@ag.ny.gov' <jlang@ag.ny.gov>; 'Victor.Paladino@ag.ny.gov' <Victor.Paladino@ag.ny.gov>; 'Kiernan, Beezly' <Beezly.Kiernan@ag.ny.gov>; 'jmcguire@hsgllp.com' <jmcguire@hsgllp.com>; 'gdubinsky@hsgllp.com' <gdubinsky@hsgllp.com>; 'zkeeper@hsgllp.com' <zkeeper@hsgllp.com>; 'rglavin@glavinpllc.com' <rglavin@glavinpllc.com>; 'richard.davis@rjdavislaw.com' <richard.davis@rjdavislaw.com>

Subject: Motion for Related Appeals to be Heard Together & to Prevent Fraud: CJA v. JCOPE, et al. (CV-23-0115) & Cuomo v. COELIG (CV-23-1778) -- or leave to file an amicus curiae submission

TO: Appellate Division, Third Department – Motions Department/Clerk’s Office

I left a voice mail about 15 minutes ago (518-471-4777) to advise that I uploaded, via “[Digital Submissions](#)”, my Jan 12th motion in [Cuomo v. COELIG \(CV-23-1778\)](#) for the granting of a preference to the appeal in [CJA v. JCOPE, et al. \(CV-23-0115\)](#), so that these two related appeals can be heard together & to prevent fraud. The uploaded documents consist of the notice of motion, my moving affidavit, and the four exhibits to the moving affidavit, which I had discussed a short time earlier with Julianne and her authorization to upload, so that the *Cuomo v. COELIG* parties and *amici* may be heard with respect to the requested relief.

Below is my notice to the attorneys, sent on January 13th. The documents I have today uploaded make only a handful of non-substantive typographic corrections, essentially typos and punctuation, to what I had furnished on January 13th.

Thank you.

Elena Sassower

Unrepresented individual petitioner-appellant in *CJA v. JCOPE, et al.*, “on behalf of the People of the State of New York & the Public Interest”.

914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Saturday, January 13, 2024 8:03 AM

To: 'AD3ClerksOffice' <AD3ClerksOffice@nycourts.gov>

Cc: 'dustin.brockner@ag.ny.gov' <dustin.brockner@ag.ny.gov>; 'jlang@ag.ny.gov' <jlang@ag.ny.gov>; 'Victor.Paladino@ag.ny.gov' <Victor.Paladino@ag.ny.gov>; 'Kiernan, Beezly' <Beezly.Kiernan@ag.ny.gov>; 'jmcguire@hsgllp.com' <jmcguire@hsgllp.com>; 'gdubinsky@hsgllp.com' <gdubinsky@hsgllp.com>; 'zkerner@hsgllp.com' <zkerner@hsgllp.com>; 'rglavin@glavinpllc.com' <rglavin@glavinpllc.com>; 'richard.davis@rjdavislaw.com' <richard.davis@rjdavislaw.com>

Subject: Motion for Related Appeals to be Heard Together & to Prevent Fraud: CJA v. JCOPE, et al. (CV-23-0115) & Cuomo v. COELIG (CV-23-1778) -- or leave to file an amicus curiae submission

TO: Appellate Division, Third Department Clerk’s Office

**cc: AG James’ Office (Asst. Solicitor General Dustin Brockner, Deputy Solicitor General Jeffrey Lang, also Sr. Asst. Solicitor General Victor Paladino & Asst. Solicitor General Beezly Kiernan)
Cuomo attorneys (James McGuire, Gregory Dubinsky, Zachary Kerner, Rita Glavin)
Amici attorney (Richard Davis)**

This follow my phone conversation with Julianne late yesterday afternoon (518-471-4777) regarding the two motions I would be making for a preference for the appeal in [CJA v. JCOPE, et al. \(CV-23-0115\)](#) so that it could be heard together with the appeal in [Cuomo v. COELIG \(CV-23-1778\)](#) by the same appellate panel. Despite my best efforts, I was unable to upload the motion for *Cuomo v. COELIG*, via “[Digital Submissions](#)”, as Julianne explained was how I needed to do it. It took me a while to understand that, apparently, I needed to send an e-mail for a link, and to do so not from elena@judgewatch.org, but from

a Microsoft email address – elena.sassower@outlook.com – which I did do. As it seems likely that the link or authorization will not be forthcoming until the Court next opens, on Tuesday, January 16th – too late to accommodate a motion returnable on Monday, January 22nd, with answering papers due on Friday, January 19th – I am sending the Court and the attorneys & *amici* in *Cuomo v. COELIG*, by the below links, the documents comprising the motion that I was unable to upload to *Cuomo v. COELIG*, all exhibits to my motion in *CJA v. JCOPE, et al.* that I successfully uploaded yesterday night at 11:40 pm (#26-#33).

[#28: January 12, 2024 Notice of Motion](#)

[#29: January 12, 2024 Moving Affidavit](#)

[#30: Exhibit A: CJA’s July 8, 2022 complaint to JCOPE](#)

[#31: Exhibit B: CJA’s October 6, 2022 supplement to complaint to JCOPE](#)

[#32: Exhibit C: CJA’s March 29, 2023 testimony at COELIG hearing](#)

[#33: Exhibit D: CJA’s October 2, 2023 complaint to JCOPE vs commissioners & staff.](#)

I anticipate making slight mostly non-substantive corrections on Tuesday, such as the addition of omitted “bookmarking” and links.

Thank you.

Elena Sassower,

Unrepresented individual petitioner-appellant in *CJA v. JCOPE, et al.*, “on behalf of the People of the State of New York & the Public Interest”.

914-421-1200