

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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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,

Index #: 904235-22

Petitioners/Plaintiffs

**ORDER TO SHOW CAUSE**  
**for Determination of Petitioners’**  
***Matter of Law Entitlement to a***  
**TRO/Preliminary Injunction**  
**Prior to July 8, 2022**

-against-

NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS,  
LEGISLATIVE ETHICS COMMISSION,  
NEW YORK STATE INSPECTOR GENERAL,

KATHY HOCHUL, in her official capacity as  
GOVERNOR OF THE STATE OF NEW YORK,

ANDREA STEWART-COUSINS, in her official capacity as  
TEMPORARY SENATE PRESIDENT, & the NEW YORK STATE SENATE,

CARL HEASTIE, in his official capacity as  
ASSEMBLY SPEAKER, & the NEW YORK STATE ASSEMBLY,

LETITIA JAMES, in her official capacity as  
ATTORNEY GENERAL OF THE STATE OF NEW YORK,

THOMAS DiNAPOLI, in his official capacity as  
COMPTROLLER OF THE STATE OF NEW YORK,

Respondents/Defendants.

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Upon the annexed affidavit of the unrepresented individual petitioner/plaintiff Elena Ruth  
Sassower, sworn to on July 6, 2022, petitioners/plaintiffs’ June 6, 2022 verified petition/complaint,  
their June 23, 2022 notice of petition, and their June 28, 2022 CPLR §2214(c) notice to

respondents/defendants to furnish papers to the Court, and upon all the papers and proceedings heretofore had

LET respondents/defendants show cause before this Court at the Ulster County Supreme Court, 285 Wall Street, Kingston, New York 12401, on the 7<sup>th</sup> day of July 2022 at 1:00 p.m. why this Court should not issue an immediate order:

- (1) granting petitioners/plaintiffs a TRO pending a hearing on, and determination of, their entitlement to a preliminary injunction to stay Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the “ethics commission reform act of 2022” – from taking effect on July 8, 2022;
- (2) granting petitioners/plaintiffs a preliminary injunction, as a *matter of law*, based on the “papers” before the Court, establishing their summary judgment entitlement to a declaration that Part QQ – the “ethics commission reform act of 2022” – was enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw and must therefore be declared unconstitutional, unlawful, and void;
- (3) granting petitioners/plaintiffs such other and further relief as may be just and proper and, specifically, if the foregoing is denied:
  - (a) disclosure by the Court of its financial and other interests in this case, giving rise to the actual bias demonstrated by its failure to have already granted a TRO/preliminary injunction or to have scheduled oral argument on the TRO and an evidentiary hearing on the preliminary injunction – as sought by petitioners’ June 23, 2022 notice of petition – so as to render determination prior to July 8, 2022;
  - (b) transferring/removing this case to federal court, including pursuant to Article IV, §4 of the United States Constitution: “The United States shall guarantee every State in this Union a Republican Form of Government”, inasmuch as this Court and every justice and acting justice of the Supreme Court of the 62 counties of New York State are divested of jurisdiction to hear the case pursuant to Judiciary Law §14 because of their direct financial and other interests and “rule of necessity” cannot be invoked by reason thereof – or, alternatively, certifying the question to the Appellate Division, Third Department or to the New York Court of Appeals;

- (c) requiring Attorney General James, a respondent/defendant, to furnish a sworn statement that her representation of respondents/defendants, rather than petitioners/plaintiffs, is based on a determination that they have a “merits” defense to this case, such that representing them is in the “interest of the state”, as Executive Law §63.1 requires; and (ii) that her own direct financial and other interests in the case, as in petitioners/plaintiffs’ March 5, 2021 complaint against her filed with respondent/defendant Joint Commission on Public Ethics (Exhibit D to the petition/complaint), does not require that she secure independent, outside counsel to determine the “interest of the state” pursuant to Executive Law §63.1 – and petitioners/plaintiffs’ entitlement to representation;

PENDING, OR ABSENT, THE HEARING OF THIS MOTION, SUFFICIENT CAUSE APPEARING THEREFORE, let a TRO or preliminary injunction issue staying Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the “ethics commission reform act of 2022” – from taking effect on July 8, 2022 and enjoining respondent/defendant New York State Joint Commission on Public Ethics from closing.

LET SERVICE of this order to show cause, together with the papers on which it is based, be made on or before the \_\_\_\_\_ day of July 2022 upon respondents/defendants by \_\_\_\_\_ service be deemed good and sufficient service.

ANSWERING PAPERS, if any, are to be served *via* NYSCEF by July \_\_\_\_\_, 2022, with reply papers from petitioners/plaintiffs, also served *via* NYSCEF, by July \_\_\_\_\_, 2022.

UPON ANY ORAL ARGUMENT, the parties shall be ready to proceed to a hearing on the preliminary injunction pursuant to CPLR §6313(a).

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Justice, Ulster County Supreme Court

Dated: July 7, 2022  
Kingston, New York