

COURT OF APPEALS
STATE OF NEW YORK

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Center for Judicial Accountability, et. al. v. JCOPE, et al.

APL 2024-150 – Appeal of Right

NYS Constitution Article VI, §3(b)(1); CPLR §5601(b)(1)

APL 2024-150

APL 2024-149/175

Mo. No. 2025-25

Center for Judicial Accountability, et al. v.

Commission on Legislative, Judicial and Executive Compensation...

Wilson, Zayas, et al.

APL 2024-149; APL 2024-175 – Direct Appeal of Right

NYS Constitution, Article VI, §3(b)(2)

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Moving Affirmation
Reargument/Transfer-Certification

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ELENA RUTH SASSOWER, affirms the following to be true
under penalties of perjury, pursuant to CPLR §2106:

(1) I am the unrepresented individual appellant in the above two appeals of right, fully familiar with all the facts, papers, and proceedings, and make this motion for the relief sought by the accompanying notice of motion.

(2) Pursuant to [CPLR §2221](#) and this [Court’s Rule 500.24](#), this reargument motion is timely, having been served within 30 days of the Court’s March 18, 2025 Order (Exhibit A) disposing of appellants’ two appeals of right and threshold December 23, 2024 motion for enforcement of [this Court’s Rule 500.1\(a\)](#) against Respondent Attorney General Letitia James, Solicitor General Barbara Underwood, and other culpable attorney staff.

(3) Reargument is mandated because the Order “overlooks” ALL the facts, law, and legal argument appellants presented in support of their appeals of right and motion – NONE of which the Order identifies because ALL of it is dispositive of their entitlement to the relief sought. This is proven by the record of these appeals and motion, culminating in appellants’ two January 9, 2025 letters to Clerk Heather Davis [for APL 2024-150 and APL 2024-149](#) and for [APL 2024-175](#), summarizing the state of the record.

(4) The record, in its entirety, is incorporated herein by reference in substantiation of this motion. The documents comprising it are posted on CJA’s website, [here](#) and [here](#).¹

(5) In further substantiation of this motion, a “legal autopsy”/analysis of the Court’s March 18, 2025 Order is annexed hereto (Exhibit B), demonstrating that it is a judicial fraud, indefensible throughout – the product of judges having HUGE financial and other interests in the appeals, as to which they made no disclosure because doing so would have exposed that they are not only disqualified pursuant to [§100.3E of the Chief Administrator’s Rules Governing Judicial Conduct](#), but divested of jurisdiction by [Judiciary Law §14](#) and the Court’s own interpretive caselaw, [Oakley v. Aspinwall](#), 3 NY 547 (1850), [Wilcox v. Royal Arcanum](#), 210 NY 370 (1914) – without power to

¹ These are, for *CJA v. JCOPE, et al.*, <https://www.judgewatch.org/web-pages/lawsuit-jcope-et-al/court-of-appeals.htm> and for *CJA v. Compensation Commission...Wilson, Zayas, et al.*, <https://www.judgewatch.org/web-pages/lawsuit-dec4-2023-report/ct-of-appeals.htm>.

do anything but transfer the appeals and motion 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”, or to certify the jurisdictional question to the United States Supreme Court.

(6) Nor does the March 18, 2025 Order invoke the judge-made “rule of necessity” – the “narrow exception” to the unconstitutionality that exists when judges have “direct, personal, substantial pecuniary interest[s]”, [*General Motors Corp. v. Rosa*](#), 82 NY2d 183, 188 (1993), [*Caperton v. Massey Coal*](#), 556 U.S. 868 (2009), quoting [*Tumey v. Ohio*](#), 273 U.S. 510, 523 (1927). Nor could it, as judges divested of jurisdiction by statute cannot give themselves the jurisdiction the statute removes from them and, moreover, there exists a federal forum, making “rule of necessity” inapplicable. These were threshold issues below, which the records of these appeals particularize.²

(7) The Court being without jurisdiction to do anything but transfer the appeals to federal court or to certify the question, appellants do not here seek, upon

² The law and argument are recited at pages 15-19 of [appellants’ August 15, 2024 appeal brief in *CJA v. JCOPE, et al.*](#) – highlighted at [page 7 of their “legal autopsy”/analysis of the Appellate Division, Third Department’s June 20, 2024 Memorandum and Order](#), annexed to their October 21, 2024 notice of appeal to this Court, part of their preliminary appeal statement.

Comparably, in *CJA v. Compensation Commission... Wilson, Zayas, et al.*, the recitation at pages 4-5 of appellants’ [“legal autopsy”/analysis of the three August 14, 2024 “Decision\(s\), Order\(s\), and Judgment\(s\)”](#), annexed to their October 21, 2024 notice of direct appeal to this Court, part of their preliminary statement; and the recitation at pages 5-6, 23-24 of their [“legal autopsy”/analysis of the November 13, 2024 “Decision/Order/Judgment”](#), annexed to their November 29, 2024 notice of direct appeal to this Court, part of their second preliminary appeal statement.

the granting of reargument, the Court’s vacating of the March 18, 2025 Order. This can only be done by a jurisdictionally-empowered tribunal, which the federal courts are.

(8) The Court must, however, use the opportunity of this motion to justify its March 18, 2025 Order, *if it has any justification* – including its failure to grant the direct appeal of right in *CJA v. Commission on Legislative, Judicial and Executive Compensation...Wilson, Zayas, et al.* (APL 2024-149, APL2024-175), guaranteed by [Article VI, §3\(b\)\(2\) of the New York State Constitution](#), upon appellants’ waiver of nonconstitutional claims, consistent with its decision in [Sheehan v. County of Suffolk](#), 67 N.Y.2d 52, 57 (N.Y. 1986), Cohen and Karger, Powers of the New York Court of Appeals §58, pp. 51-52 (cumulative supplement/1994), to which [appellants’ December 3, 2024 letter \(at p. 3\)](#) and [January 9, 2025 letter \(at p. 4\)](#) to Clerk Davis referred in stating their consent to so-waive.

(9) Finally, the March 18, 2025 Order is not signed by a single judge – disregarding the intent of [CPLR §2219\(b\)](#), which is that appellate orders will be signed by a judge. If, as the Order purports, “due deliberation” was given to the “papers” underlying the appeals of right and motion, it is not too much to expect that one of the six associate judges rendering the Order would have signed it – an act taking five seconds, if that. In view of the seriousness of what is here involved, both

for the Court and the 20 million People of the State of New York, the order on this motion must be signed not only by one associate judge, but by all six.



ELENA RUTH SASSOWER

Dated: April 17, 2025
White Plains, New York