

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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**NOTICE OF MOTION
REARGUMENT/TRANSFER-CERTIFICATION**

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Upon the annexed April 17, 2025 affirmation of the unrepresented individual appellant, Elena Ruth Sassower, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had, the unrepresented appellants will move this Court at 20 Eagle Street, Albany, New York 12207 on Monday, May 5, 2025 at 10:00 a.m. or as soon thereafter as respondents can be heard for an order:

1. Pursuant to [CPLR §2221](#) and [this Court’s Rule 500.24](#), granting reargument of the Court’s March 18, 2025 Order because it is jurisdictionally void and unconstitutional inasmuch as the six associate judges purporting to have rendered it:
 - (a) each “overlooked” their duty pursuant to [§100.3E of the Chief Administrator’s Rules Governing Judicial Conduct](#) to disqualify themselves based on their financial and other interests, divesting them of jurisdiction pursuant to [Judiciary Law §14](#) and the Court’s interpretive

caselaw, [*Oakley v. Aspinwall*](#), 3 NY 547 (1850), [*Wilcox v. Royal Arcanum*](#), 210 NY 370 (1914);

(b) each manifested actual bias, born of their undisclosed interests and relationships, by disregarding and concealing all the facts, law, and legal argument that appellants furnished in support of their 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;

2. Pursuant to Article IV, §4 of the United States Constitution, transferring the appeals and December 23, 2024 motion to the Second Circuit Court of Appeals or the United States Supreme Court – or to certify the jurisdictional question;
3. Granting such other and granting such other and further relief as may be just and proper, including \$500 costs pursuant to [CPLR §8204](#).

PLEASE TAKE FURTHER NOTICE that pursuant to [Court Rule 500.21\(c\)](#), opposition papers, with proof of service, are required to be filed with the Court on or before the May 5, 2025 return date.

s/

ELENA RUTH SASSOWER, unrepresented individual appellant,
Director of the Center for Judicial Accountability, Inc. (CJA), on her own
behalf, on CJA's behalf, and on behalf of the People of the State of New York
& the Public Interest

10 Stewart Place, Apartment 2D-E
White Plains, New York 10603
914-421-1200
elena@judgewatch.org

Dated: April 17, 2025
White Plains, New York

TO: New York Attorney General Letitia James
Solicitor General Barbara Underwood
Deputy Solicitor General Andrea Oser
Assistant Solicitor General Beezly Kiernan

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

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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

-----X

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

State of New York

Court of Appeals

*Decided and Entered on the
eighteenth day of March, 2025*

Present, Hon. Jenny Rivera, *Senior Associate Judge, presiding.*

Mo. No. 2025-25

In the Matter of Center for Judicial
Accountability, Inc. et al.,
Appellants,

v.

New York State Joint Commission on Public
Ethics, et al.,
Respondents.

(Index No. 904235-22)
(APL-2024-150)

In the Matter of Center for Judicial
Accountability, Inc. et al.,
Appellants,

v.

New York State Commission on Legislative,
Judicial, and Executive Compensation, et al.,
Respondents.

(Index No. 902654-24)
(APL-2024-149 and APL-2024-175)

Appellants having appealed and moved for sanctions &c. in the above causes;

Upon the papers filed and due deliberation, it is

ORDERED, on the Court's own motion, that the appeals, insofar as taken on behalf of
Center for Judicial Accountability, Inc. by Elena Ruth Sassower, are dismissed, without costs,
upon the ground that Elena Ruth Sassower is not Center for Judicial Accountability, Inc.'s
authorized legal representative (*see* CPLR 321 [a]); and it is further

~~Ex~~hibit A

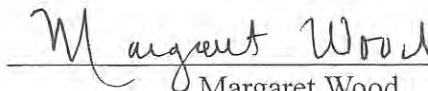
ORDERED, that the appeal in the first captioned matter insofar as taken by Elena Ruth Sassower on her own behalf, from the October 2024 Appellate Division order, is dismissed, without costs, upon the ground that the order appealed from does not finally determine the proceeding/action within the meaning of the Constitution and the appeal insofar as also treated as taken from the June 2024 Appellate Division order is dismissed, without costs, upon the grounds that (1) as to the portion of the order as affirmed the dismissal of the petition and the denial of sanctions, no substantial constitutional question is directly involved and (2) the order does not otherwise finally determine the proceeding/action within the meaning of the Constitution; and it is further

ORDERED, that the appeals in the second captioned matter insofar as taken by Elena Ruth Sassower on her own behalf, from the August 2024 Supreme Court orders and November 2024 Supreme Court order, is transferred, without costs, to the Appellate Division, Third Department, upon the ground that direct appeals do not lie when questions other than the constitutional validity of a statute are involved (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]); and it is further

ORDERED, that the motion, on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, for sanctions &c. is dismissed upon the ground that Elena Ruth Sassower is not Center for Judicial Accountability, Inc.'s authorized legal representative (*see* CPLR 321 [a]); and it is further

ORDERED, that the motion, by Elena Ruth Sassower on her own behalf, for sanctions &c. is denied.

Chief Judge Wilson took no part.


Margaret Wood
Deputy Clerk of the Court

**“LEGAL AUTOPSY”/ANALYSIS OF THE MARCH 18, 2025 ORDER
OF THE NEW YORK COURT OF APPEALS**

Center for Judicial Accountability, et al. v. JCOPE, et al. ([APL 2024-150](#))

*Center for Judicial Accountability, et al. v. Commission on Legislative, Judicial & Executive
Compensation... Wilson, Zayas, et al.* ([APL 2024-149](#) and [APL 2024-175](#))

This analysis constitutes a “legal autopsy”¹ of the [March 18, 2025 Order](#) of the six associate judges of the New York Court of Appeals, unsigned by a single judge, purporting that “Chief Judge Wilson took no part” and that “**Present**” was Hon. Jenny Rivera, *Senior Associate Judge*, **presiding**” on the two appeals of right whose captions it abbreviates.²

As herein demonstrated, Senior Associate Judge Rivera was duty-bound to have also taken “no part”. Likewise, the five other associate judges whose names the Order conceals: Associate Judge Michael Garcia, Associate Judge Madeline Singas, Associate Judge Anthony Cannataro, Associate Judge Shirley Troutman, and Associate Judge Caitlin Halligan. All were duty-bound to have disqualified themselves, as they each knew in failing to make ANY disclosure, the least of which was of their financial interests, namely, that each has a \$106,300 salary interest in these appeals,³ plus claw-back liabilities, most in the million dollar range.

¹ The term “legal autopsy” is taken from the law review article “[Legal Autopsies: Assessing the Performance of Judges and Lawyers Through the Window of Leading Contract Cases](#)”, 73 *Albany Law Review* 1 (2009), by Gerald Caplan, recognizing that the legitimacy of judicial decisions can only be determined by comparison with the record (‘...Performance assessment cannot occur without close examination of the trial record, briefs, oral argument and the like...’ (p. 53)).

² The abbreviated captions, *In the Matter of Center for Judicial Accountability, et al. v. JCOPE, et al.* (APL 2024-150) and *In the Matter of Center for Judicial Accountability, et al. v. Commission on Legislative, Judicial and Executive Compensation, et al.* (APL 2024-149 and APL 2024-175) conceal the parties.

The appellants are identical in both: Center for Judicial Accountability, Inc. (CJA) and its director Elena Sassower, “acting on their own behalf and on behalf of the People of the State of New York & the Public Interest”.

The identical respondents in the two appeals are Governor Kathy Hochul, Temporary Senate President Andrea Stewart-Cousins, the Senate, Assembly Speaker Carl Heastie, the Assembly, Attorney General Letitia James, and Comptroller Thomas DiNapoli. The additional respondents on the first appeal are the Joint Commission on Public Ethics (JCOPE), the Legislative Ethics Commission, and the State Inspector General. The additional respondents on the second appeal are the Commission on Legislative, Judicial, and Executive Compensation, Lieutenant Governor Antonio Delgado, Chief Judge Rowan Wilson, and Chief Administrative Judge Joseph Zayas.

³ The associate judge salary is \$257,500 as a result of the December 4, 2023 Report of the Commission on Legislative, Judicial and Executive Compensation – so-identified by Comptroller DiNapoli’s [March 19, 2024 bulletin](#) – not \$151,200, as [Judiciary Law §221](#) still reflects, 13-1/2 years after the Commission on Judicial Compensation’s August 29, 2011 Report first raised it. Comparably, the chief judge salary is \$265,600 not \$156,000.

Exhibit B

These HUGE financial interests arise because the December 4, 2023 Report of the (3rd) Commission on Legislative, Judicial and Executive Compensation, whose “recommendations”, on April 1, 2024, by “force of law”, raised the salaries of each associate judge by \$24,100, is, *on its face*, a “false instrument”, violative of the statute pursuant to which it purports to be rendered – and was so-demonstrated by [CJA’s January 18, 2024 Opposition Report](#), mandating its voiding, *as a matter of law* and, with it, the voiding of the two identically-violative prior commission reports whose “force of law” recommendations raised associate judge salaries by \$82,000. These are the August 29, 2011 Report of the Commission on Judicial Compensation and the December 24, 2015 Report of the (1st) Commission on Legislative, Judicial and Executive Compensation, which the Court was duty-bound to void in 2019-2020 when they were before the Court by [CJA v. Cuomo...DiFiore](#),⁴ whose other causes of action, challenging the constitutionality and lawfulness of the entire state budget, also mandated summary judgment declarations in appellants’ favor.

The Court’s five orders in *CJA v. Cuomo...DiFiore*, on [May 2, 2019](#), [October 24, 2019](#), [October 24, 2019](#), [October 24, 2019](#), and [February 18, 2020](#), dismissing and denying appellants’ appeals, by right and by leave, and all their other requested relief, also purported that “*Senior Associate Judge*” Rivera was “**Present**” and “**presiding**” – and that then “Chief Judge DiFiore took no part”. So, too, did the five orders conceal the names of the other associate judges. They included Associate Judge Garcia, as well as Chief Judge Wilson, then an associate judge, and additionally, the then Associate Judge Eugene Fahey, who, in 2023, Chief Judge Wilson would appoint to chair the (3rd) Commission on Legislative, Judicial and Executive Compensation, whose statutorily violative, fraudulent, and unconstitutional December 4, 2023 Report appellants would seek to void by their [March 18, 2024 verified petition](#) in *CJA v. Commission on Legislative, Judicial and Executive Compensation...Wilson, Zayas...et al.* [hereinafter *CJA v. Compensation Commission...Wilson, Zayas, et al.*] – the subject of appellants’ direct appeal of right herein pursuant to [Article VI, §3\(b\)\(2\)](#).

As for the financial interest of the associate judges in *CJA v. JCOPE, et al.* – the subject of appellants’ appeal of right herein pursuant to [Article VI, §3\(b\)\(1\)](#) and [CPLR §5601\(b\)\(1\)](#) – these stem from the first and fifth causes of action of its [June 6, 2022 verified petition](#) and [September 1, 2022 verified amendment](#) for investigation of appellants’ complaints to JCOPE and the State Inspector General pertaining to the “false instrument” August 29, 2011 and December 24, 2015 commission reports and the larger scheme of larceny and unconstitutional, law-breaking governance involving the state budget and salary increases. Among these complaints, [appellants’ March 5, 2021 complaint to JCOPE](#), also furnished to the Inspector General, whose evidentiary substantiation included [appellants’ February 7, 2021 complaint to the Commission on Judicial Conduct against the Court’s judges](#) based on *CJA v. Cuomo...DiFiore*⁵ (Exhibit 1).

⁴ This prior appeal to the Court had the same appellants as here and the same respondents, or their predecessors, who were: Governor Andrew Cuomo, Temporary Senate President John Flanagan, the Senate, Assembly Speaker Carl Heastie, the Assembly, Attorney General Eric Schneiderman, Comptroller Thomas DiNapoli, and Chief Judge Janet DiFiore.

⁵ The February 7, 2021 complaint was Exhibit D-3 to the *CJA v. JCOPE, et al.* verified petition, with

Exhibit B

On both these appeals of right – just as in *CJA v. Cuomo...DiFiore* – the threshold issue before the Court was the judges’ financial and other interests, not only disqualifying them pursuant to [§§100.3E\(1\)\(c\) and \(1\)\(d\)\(iii\) of the Chief Administrator’s Rules Governing Judicial Conduct](#),⁶ but divesting them of jurisdiction pursuant to [Judiciary Law §14](#) and this Court’s own interpretive caselaw, [Oakley v. Aspinwall](#), 3 NY 547 (1850), [Wilcox v. Royal Arcanum](#), 210 NY 370 (1914), and leaving them without power to do anything but transfer the appeals to a jurisdictionally-empowered tribunal, not suffering from interest, as, for instance, federal court judges, 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”. A second threshold issue here, as in *CJA v. Cuomo...DiFiore*, was the unlawfulness and unconstitutionality of AG James’ representation of herself and her fellow respondents in the absence of any legitimate defense, corrupting the judicial process with litigation fraud, and appellants’ entitlement to the AG’s representation pursuant to [Executive Law §63.1](#) and [State Finance Law Article 7-A](#), including *via* independent counsel.⁷

The Court’s response, by its March 18, 2025 Order – as in *CJA v. Cuomo...DiFiore* – was to ignore these two threshold issues and deny appellants’ appeals of right and other relief by false, conclusory boilerplate, concealing ALL the facts, law, and legal argument they had presented, ALL dispositive of their entitlement.

As immediately obvious from comparing the March 18, 2025 Order with the record before the Court, it is a judicial fraud and “so totally devoid of evidentiary support as to render [it] unconstitutional under the Due Process Clause” of the U.S. Constitution, [Garner v. State of Louisiana](#), 368 U.S. 157, 163 (1961), [Thompson v. City of Louisville](#), 362 U.S. 199 (1960), and, comparably, under Article I, §6 of the New York State Constitution. So, too, it is a criminal act, violating a succession of New York’s penal laws, including:

[Penal Law §195](#) (“official misconduct”);
[Penal Law §496](#) (“corrupting the government”) – part of the “Public Trust Act”;
[Penal Law §195.20](#) (“defrauding the government”);
[Penal Law §175.35](#) (“offering a false instrument for filing in the first degree”);
[Penal Law §155.42](#) (“grand larceny in the first degree”);
[Penal Law §190.65](#) (“scheme to defraud in the first degree”);
[Penal Law §20.00](#) (“criminal liability for conduct of another”).

Exhibit D-2 being appellants’ [February 11, 2021 companion complaint to the Attorney Grievance Committees against AG James and Solicitor General Barbara Underwood](#) based on *CJA v. Cuomo...DiFiore* and its progeny including [Delgado v. New York State](#).

⁶ A judge is disqualified pursuant to §100.3E(1)(c) if “the judge knows that he or she...has an economic interest in the subject matter in controversy...or has any other interest that could be substantially affected by the proceeding” and pursuant to §100.3E(1)(d)(iii) if “the judge knows that the judge...has a direct interest that could be substantially affected by the proceeding”.

⁷ Appellants’ February 7, 2021 complaint to the Commission on Judicial Conduct (Exhibit 1) focally pertains to these two threshold issues – and its pages 8-35 quote the relevant portions of the *CJA v. Cuomo...DiFiore* motion papers before the Court with respect thereto.

Exhibit B

Although the Order purports to be “Upon the papers filed and due deliberation”, this is a LIE, as are its five “ordering” paragraphs that follow.⁸

Thus, **the first “ordering” paragraph** orders “on the Court’s own motion”:

“that the appeals, insofar as taken on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, are dismissed, without costs, upon the ground that Elena Ruth Sassower is not Center for Judicial Accountability, Inc.’s authorized legal representative (see CPLR 321[a])”.

This is fraud. Appellants’ “papers”, beginning with the required preliminary appeal statements, identify CJA and Sassower as:

“the two petitioners/plaintiffs in this hybrid Article 78 proceeding/declaratory judgment action/citizen-taxpayer action, expressly acting ‘on behalf of the People of the State of New York & the Public Interest’ – [] here, as below, unrepresented litigants and, as below, [] seeking a threshold determination of their entitlement to the Attorney General’s representation/intervention, pursuant to Executive Law §63.1 and State Finance Law, Article 7-A [§123-a(3); §123-c-(3); §123-d; §123-e(2)] based on their *prima facie* summary judgment entitlement to declarations, in their favor, on the ten causes of action of their June 6, 2022 verified petition/complaint – and September 1, 2022 verified amendment.”

(Oct. 21, 2024 preliminary appeal statement for APL 2024-150, underlining, italics, and hyperlinking in the original);

“the two petitioners/plaintiffs in this hybrid Article 78 proceeding/declaratory judgment action/citizen-taxpayer action, expressly acting ‘on behalf of the People of the State of New York & the Public Interest’ – [] here, as below, unrepresented litigants and sought below the Attorney General’s representation/intervention, pursuant to Executive Law §63.1 and State Finance Law, Article 7-A [§123-a(3); §123-c-(3); §123-d; §123-e(2)], to which they remain entitled.”

(Oct. 21, 2024 preliminary appeal statement for APL 2024-149;
Nov. 29, 2024 preliminary appeal statement for APL 2024-175,
underlining and hyperlinking in the original).

They further reinforced this by their December 23, 2024 motion for enforcement of Court Rule 500.1(a) – the same motion as the Order identifies only as “for sanctions &c.”— whose “&c” request was:

⁸ The Court conceals this by not utilizing the NYSCEF electronic docket system of the lower courts to post the “papers” before it. Appellants have compensated for this, from the outset, by creating webpages for each appeal: The link to *CJA v. JCOPE, et al.* at the Court of Appeals is <https://www.judgewatch.org/web-pages/lawsuit-jcope-et-al/court-of-appeals.htm> and the link to *CJA v. Compensation Commission... Wilson, Zayas, et al.* is <https://www.judgewatch.org/web-pages/lawsuit-dec4-2023-report/ct-of-appeals.htm>.

Exhibit B

“directing AG James to produce a sworn statement as to who, if anyone, made the determination, *if one was made*, as to the ‘interest of the state’ pursuant to [Executive Law §63.1](#), on these two appeals of right, and determined appellants’ entitlement to the AG’s representation consistent therewith and pursuant to [State Finance Law, Article 7-A](#) (§123-a(3), §123-c(3), §123-d, §123-e(2)), including *via* independent counsel, with such findings of fact and conclusions of law as supported same”. (hyperlinking and italics in the original).

Suffice to add that [CPLR 321\[a\]](#), to which the Order cites with an inferential “*see*”,⁹ has no relevance to the situation at bar.

As for **the second “ordering” paragraph**, it dismisses Sassower’s appeal of right in *CJA v. JCOPE* with the conclusory LIE that the appealed-from October and June 2024 Appellate Division orders do not “finally determine the proceeding/action within the meaning of the Constitution” – when there is NOTHING left of the case below. It then puts forward a second conclusory LIE, purporting, as to the June 2024 order, that “no substantial constitutional question is directly involved” – a standard for which it cites NO legal authority because it is NOT the standard for appeals of right pursuant to [Article VI, §3\(b\)\(1\) of the NYS Constitution](#) and [CPLR §5601\(b\)\(1\)](#) – and even were it the standard, the appeal meets it, resoundingly. This is why NONE of the constitutional issues that appellants set forth by their [October 21, 2024 preliminary appeal statement](#) under the required POINT headings are identified, *to wit*:

“POINT I

The appealed-from October 10, 2024 Decision and Order on Motion and June 20, 2024 Memorandum and Order are ‘so totally devoid of evidentiary support as to render [them] unconstitutional under the Due Process Clause’ of the United States Constitution, [Garner v. State of Louisiana](#), 368 U.S. 157, 163 (1961), [Thompson v. City of Louisville](#), 362 U.S. 199 (1960), and, comparably, under Article I, §6 of the New York State Constitution, ‘No person shall be deprived of life, liberty or property without due process of law’,^{fn1} manifesting the pervasive actual bias of the judges below who concealed their financial and other interests and that they were divested of jurisdiction by reason thereof pursuant to [Judiciary Law §14](#), precluding invocation of the judge-made ‘rule of necessity’, which, moreover, was inapplicable because of the existence of a federal forum pursuant to Article IV, §4 of the United

⁹ ‘See’ is used...when the proposition is not directly stated by the cited authority...there is an inferential step between the authority cited and the proposition it supports”, [The Bluebook: A Uniform System of Citation](#) (18th Ed.), §1.2 “Introductory Signals”.

^{fn1} “Such entitles appellants to an appeal of right, [Valz v. Sheepshead Bay](#), 249 N.Y. 122 (1923): ‘Where the question of whether a judgment is the result of due process is the decisive question upon an appeal, the appeal lies to this court as a matter of right.’ (at p. 132).”

Exhibit B

States Constitution ‘The United States shall guarantee to every State in this Union a Republican Form of Government’.

- A. The appealed-from October 10, 2024 Decision and Order on Motion ([NYSCEF #62](#)), denying petitioners’ July 4, 2024 motion for reargument, leave to appeal, vacatur for lack of jurisdiction and ‘fraud, misrepresentation, or other misconduct of an adverse party’, and transfer to federal court or certification of the question ([NYSCEF #52](#)), is without decision, without facts, and without law – because no decision, facts and law can justify it;
- B. The appealed-from June 20, 2024 Memorandum and Order ([NYSCEF #51](#)) ‘falsif[ies] the record, *in toto*, and upend[s] ALL ethical, adjudicative, and evidentiary standards’ – and was so-demonstrated by appellants’ July 4, 2024 motion whose Exhibit A ([NYSCEF #54](#)) was their ‘legal autopsy’/analysis of it.

POINT II

Appellants’ have a *prima facie* entitlement to summary judgment on each of their ten causes of action of their June 6, 2022 verified petition/complaint ([S.Ct/NYSCEF #1](#)) and September 1, 2022 verified amendment ([S.Ct/NYSCEF #84](#)) – five of which, *on their face*, identify the unconstitutionality for which they sought declarations – which is why the appealed-from June 20, 2024 Memorandum and Order makes no declarations and conceals that appellants sought summary judgment in Supreme Court and on appeal. These five causes of action are:

THE SIXTH CAUSE OF ACTION (§§78-85)

‘Declaring Unconstitutional, Unlawful, and Void Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the ‘ethics commission reform act of 2022’ – Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, Legislative Rules, and Caselaw’;

THE SEVENTH CAUSE OF ACTION (§§86-90)

‘Declaring Unconstitutional, Unlawful, and Void the FY2022-23 State Budget, Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, Legislative Rules, and Caselaw’;

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THE EIGHTH CAUSE OF ACTION (§§91-96)

‘Declaring Unconstitutional, Unlawful, Larcenous, and Void Legislative/Judiciary Budget Bill S.8001-A/A.9001-A, Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, and Legislative Rules, and Caselaw’;

THE NINTH CAUSE OF ACTION (§§97-105)

‘Declaring Unconstitutional, Larcenous, and Void the FY2022-23 Appropriations for the New York State Commission on Judicial Conduct, the New York State Inspector General, the Appellate Division Attorney Grievance Committees, and the Unified Court System’s Inspector General – Based on the Evidence of their Flagrant Corruption in Handling Complaints, Furnished by Petitioners at the Legislature’s January 25, 2022 ‘Public Protection’ Budget Hearing and Again by their March 25, 2022 E-Mail’;

TENTH CAUSE OF ACTION (§§106-114)

‘Declaring Unconstitutional, *as Written* and *as Applied*, Public Officers Law §108.2(b), Flagrantly Violating Article III, §10 of the New York State Constitution and Legislative Rules Consistent Therewith by Exempting the Legislature from the Open Meetings Law to Enable it to Discuss ‘Public Business’ in Closed-Door Party Conferences – Rather than Openly in Committees and on the Senate and Assembly Floor’.

POINT III

Appellants’ entitlement to summary judgment on their sixth cause of action for a declaration that ‘the ethics commission reform act of 2022’ is unconstitutional, *by its enactment*, moots the constitutional challenge to the statute, *as written* – the sole issue before the Court in *Cuomo v. COELIG* (APL-2024-00076) – absent invocation of exceptions to mootness – which is why the Appellate Division denied, without decision, facts, or law, appellants’ unopposed January 12, 2024 motions in *CJA v. JCOPE, et al.* ([NYSCEF #26](#)) and in *Cuomo v. COELIG* ([CV-23-1778/NYSCEF #31](#)) for the appeals to be heard together and to prevent fraud – and then denied, without decision, facts, or law, appellants’ July 4, 2024 motion for leave to appeal whose three specifically requested certified questions were ([NYSCEF #52](#)):

- ‘Whether, *as a matter of law*, appellants were entitled to summary judgment on their verified petition’s sixth cause of action to void the ‘ethics commission reform act of 2022’ as ‘enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw’?’;

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- ‘Whether, *as a matter of law*, this sixth cause of action moots *Cuomo v. COELIG*, absent invocation of exceptions to mootness?’; and
- ‘Whether, *as a matter of law*, the Court ‘err[ed]’ by its two February 1, 2024 orders [herein](#) and [in *Cuomo v. COELIG*](#), denying, without decision, without facts, and without law, appellants’ unopposed January 12, 2024 motions to have the appeals heard together and to prevent fraud?’”
([October 21, 2024 preliminary appeal statement for APL 2024-150](#), underlining, italics, and hyperlinking in the original).

The Court’s above two LIES by which it dismisses Sassower’s appeal of right were each suggested by Court Clerk Heather Davis’ baseless [November 6, 2024 *sua sponte* jurisdictional inquiry letter for APL-2024-150](#) – and REBUTTED by appellants’ “papers”, *to wit*, their [December 3, 2024 response](#) (at pp. 2-8), whose facts, law, and legal argument were uncontested by AG James – and which, together with their [December 19, 2024 letter](#), was the basis for their [December 23, 2024 motion for enforcement of Court Rule 500.1\(a\) against AG James](#), the accuracy of which she did not contest – and appellants’ [January 9, 2025 letter](#) highlighted this.

As for **the third “ordering” paragraph** pertaining to Sassower’s direct appeal of right in *CJA v. Compensation Commission... Wilson, Zayas, et al.*, it transfers the appealed-from “Supreme Court” August 2024 and November 2024 orders to the Appellate Division, Third Department on the conclusory LIE “that direct appeals do not lie when questions other than the constitutional validity of a statute is involved (see [NY Const, art VI, §§3\[b\]\[2\]](#), 5[b]; [CPLR 5601 \[b\]\[2\]](#)”.

This LIE was intimated by [Clerk Davis’ November 6, 2024 *sua sponte* jurisdictional inquiry letter for APL 2024-149](#) and then intimated again by her [December 19, 2024 *sua sponte* jurisdictional inquiry letter for APL 2024-175](#), notwithstanding it had been REBUTTED by appellants’ “papers”, *to wit*, their [December 3, 2024 response](#) to her inquiry letter for APL 2024-149, stating:

“As to your [] concern, ‘whether...a direct appeal lies pursuant to CPLR 5601(b)(2)’, it is also a deceit.

The constitutional basis for a direct appeal is [Article VI, §3\(b\)\(2\) of the New York State Constitution](#), which provides, ‘In civil cases and proceedings’, for an appeal:

‘As of right, from a judgment or order of a court of record of original jurisdiction which finally determines an action or special proceeding where the only question involved on the appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States; and on any such appeal only the constitutional question shall be considered and determined by the court.’ (underlining added).

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By contrast, [CPLR §5601\(b\)\(2\)](#) omits the above-underlined from its deceptively-seeming parallel appeal of right on ‘Constitutional grounds’:

‘from a judgment of a court of record of original instance which finally determines an action where the only question involved on the appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States.’”

It thereby conceals that pursuant to Article VI, §3(b)(2), a direct appeal of right on a constitutional question is not barred by the presence of non-constitutional questions. Indeed, as reflected by [Sheehan v. County of Suffolk](#), 67 N.Y.2d 52, 57 (N.Y. 1986), an appellant on a direct appeal can ‘waive[] all other nonconstitutional claims (Cohen and Karger, Powers of the New York Court of Appeals §58, at 262-263 [rev ed]).’ – which, if required, appellants would here agree to do.

Yet your November 6, 2024 letter makes no inquiry as to waiver. Nor does it refer to Article VI, §3(b)(1), notwithstanding appellants’ direct appeal invoked it, exclusively, by their [October 21, 2024 notice of appeal](#), with their preliminary appeal statement expressly stating in response to Question #5 as to the ‘Jurisdictional basis for this appeal’:

“[New York State Constitution, Article VI, §3\(b\)\(2\)](#)
comparable, but not identical, to your form option
‘[CPLR 5601\(b\)\(2\)](#): constitutional ground (judgment of court
of original instance)’”
(hyperlinking and underlining in the original).

This showing, uncontested by AG James, plus appellants’ [December 19, 2024 letter](#), were also the basis for their [December 23, 2024 motion for enforcement of Court Rule 500.1\(a\)](#), whose accuracy AG James did not contest, as highlighted by their [January 9, 2024 letter in support of the motion](#) and its incorporated [January 9, 2025 letter, specifically pertaining to APL 2024-175](#).

As for Court’s transfer of the direct appeal to the Appellate Division, Third Department, this was to the very court that had “thrown” BOTH *CJA v. Cuomo...DiFiore* and *CJA v. JCOPE, et al.* All appellants’ “papers” identified this, including their [November 29, 2024 preliminary appeal statement for APL 2024-175](#), where it was stated in the last sentence of their one and only POINT, whose explication of the direct appeal constitutional issue was as follows:

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“POINT I

Chapter 60, Part E, of the Laws of 2015 is Unconstitutional
as *Written, as Applied, & by its Enactment* – & Must Be So-Declared,
Including Based on this Court’s Opinions in *Delgado v. New York State*

The appealed-from November 13, 2024 decision of Ulster County Surrogate Court Judge Sara McGinty reinforces the unconstitutionality of Chapter 60, Part E, of the Laws of 2015 that is the subject of [appellants’ October 21, 2024 notice of direct appeal, of right, to this Court \(APL# 2024-149\)](#) from the three August 14, 2024 decisions of Rensselaer County Court Judge Jennifer Sober.

Substantiating these two appeals are appellants’ ‘legal autopsy’/analyses of the decisions of both judges, establishing their obliteration of ALL adjudicative standards to AVOID according

‘ANY scrutiny to the ‘force of law’ December 4, 2023 Report of the Commission on Legislative, Judicial and Executive Compensation, let alone the ‘heightened scrutiny’ that then Court of Appeals Associate Judge Wilson held to be required for a ‘force of law’ delegation of legislative power to be constitutional in his concurring opinion in [Delgado v. New York State](#), 39 NY3d 242 (2022), without which the three-judge plurality opinion would not have been a majority...’.

To no avail, appellants explicated *Delgado v. New York State* to both judges, in support of summary judgment, stating:

‘There is NO difference between the plurality opinion, the concurring opinion, and dissenting opinion that statutory compliance is the *sine qua non* for any legislative delegation of power to a commission, agency, or other entity – of constitutional dimension even where the statutory legislative delegation does not bestow ‘force of law’ power. As to ‘force of law’ statutory delegations of legislative power, deemed unconstitutional by the dissenters, the majority’s holding of constitutionality is predicated on strict compliance to the statute by the entity to which the legislative delegation has been made, as the statute replaces the checks-and-balance safeguards of the constitutionally-ordained legislative process, dispensed with by the statute.

Respondent Wilson’s dissent was for purposes of underscoring his constitutional concerns, which he stated to be overcome by the judiciary’s strict scrutiny of compliance with the statute.’ ([NYSCEF #48](#), at pp. 10-11, italics and underlining in the original).

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Both judges also wilfully concealed and ignored ¶34 of the verified petition ([NYSCEF #1](#)) as to unconstitutionality:

‘Chapter 60, Part E, of the Laws of 2015 (§3, ¶7), required the COMMISSION to furnish its report ‘to the governor, the legislature and the chief judge’, to enable them to discharge their checks-and-balances, oversight duties with respect to salary increase recommendations that would otherwise have the ‘force of law’ and be unconstitutional in the absence of their oversight’ (underlining in the original).

Chapter 60, Part E, of the Laws of 2015 is additionally unconstitutional *as written* and *by its enactment*, through the budget and by fraud – and this is particularized by the verified pleadings in the two lawsuits the verified petition highlights (¶¶4, 23), *CJA v. Cuomo...DiFiore* and its ‘continuation’, *CJA v. JCOPE, et al.*, each ‘thrown’ by fraudulent judicial decisions.”

([Nov 29, 2024 preliminary appeal statement for APL 2024-175](#), underlining, italics, and hyperlinking in the original).

Having thus dumped appellants’ two appeals of right without confronting, AT ALL, the facts, law, and argument presented by their “papers”, **the fourth and fifth “ordering” paragraphs** then dump appellants’ [December 23, 2024 motion for enforcement of Court Rule 500.1\(a\)](#) (Mo. No. 2025-25) which pertained to AG James’ fraudulent “papers” before the Court – plainly threshold to the Court’s determination of the appeals, not – as in the Order – after its disposition of the appeals.

The fourth “ordering” paragraph repeats the same fraudulent ground for denying the motion, on behalf of CJA, as the first ordering paragraph had used for dismissing CJA’s appeals, *to wit*, “Elena Ruth Sassower is not Center for Judicial Accountability, Inc’s authorized legal representative (see CPLR 321[a])”.

The fifth “ordering” paragraph then denies the motion as made by “Elena Ruth Sassower on her own behalf” without reasons – plainly because the Order could NOT concoct any for denying either of its two branches pertaining to Attorney General James’ litigation fraud before the Court, demonstrated resoundingly in the “papers” before it.

The March 18, 2025 Order thereupon concludes with the sentence “Chief Judge Wilson took no part.” No reason is given for this euphemism concealing that Chief Judge Wilson disqualified/recused himself. Of the multitude of reasons for his disqualification/recusal – and the Order discloses not a single one – most apply to the associate judges.

Indeed, the ONLY reasons that are exclusive to Chief Judge Wilson are: (1) that he appointed two of the seven members of the Commission on Legislative, Judicial and Executive Compensation, including its chair, former Associate Judge Fahey; and (2) that he is a named respondent in [CJA v. Compensation Commission...Wilson, Zayas, et al.](#), together with Chief Administrative Judge Zayas,

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who he appointed¹⁰ – and that the basis is their wilful violation of their duties, in tandem with Governor Hochul, Lieutenant Governor Delgado, Attorney General James, Comptroller DiNapoli, and the 213 state Legislators, with respect to appellants’ [January 18, 2024 Opposition Report](#) to the Commission’s December 4, 2023 Report addressed to all of them for purposes of assisting their discharge of their:

“Constitutional & Oversight Responsibilities:

- (1) to void the Commission’s ‘force of law’ December 4, 2023 Final Report on Judicial Compensation because it is statutorily-violative, fraudulent, and unconstitutional – and striking the \$34.6 million appropriation for judicial salary increases from the Governor’s Legislative/Judiciary Budget Bill #S.8301/A.8801;
- (2) to refer the Commission’s seven members for criminal prosecution – and for Attorney General James to herself bring such prosecution – based on penal law violations including:

Penal Law §175.35: ‘Offering a false instrument for filing
in the first degree’;

Penal Law §195: ‘Official misconduct’;

Penal Law §105.15: ‘Conspiracy in the second degree’;

Penal Law §20.00: ‘Criminal liability for conduct of another’;

Penal Law Article 496: ‘PUBLIC TRUST ACT’

§496.06: ‘Public corruption’;

§496.05: ‘Corrupting the government in the first degree’;

- (3) to hold hearings on the corruption in New York’s judiciary to which the three judicial pay raise opponents attested, with evidence – involving the corruption of the Commission on Judicial Conduct, the Appellate Division attorney grievance committees, and the OCA Inspector General.” (bold in the original).

The referred-to “corruption in New York’s judiciary” is, expressly, its “throwing” cases by fraudulent judicial decisions, specified by the Opposition Report to include the Court of Appeals –

¹⁰ The [form Chief Judge Wilson completed and signed on March 14, 2025](#), pursuant to [Judiciary Law §9](#) which requires a reason be given, stated he was “recusing [him]self because:

“I (or my spouse or a person I know to be within the sixth degree of relationship of either myself or my spouse or the spouse of such person) am a party in this proceeding.”

He left blank the further reason “I am otherwise required by law (identify statute _____) to recuse myself.” The statute is [Judiciary Law §14](#), also proscribing a judge participating where “he is a party” – and, additionally, where “he is interested”.

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with the evidence to which “the three judicial pay raise opponents attested” set forth in its “Introduction” (at pp. 1-5) as:

- “[CJA v. Cuomo...DiFiore](#), challenging, *inter alia*, the constitutionality of Part E, Chapter 60 of the Laws of 2015 and seeking to void the ‘false instrument’ December 24, 2015 Report of the (1st) Commission on Legislative, Judicial and Executive Compensation and the ‘false instrument’ August 29, 2011 Report of the Commission on Judicial Compensation – ‘thrown’ by fraudulent judicial decisions up to the Court of Appeals, on which was then sitting, as associate judges, Commission Chair Eugene Fahey and now Court of Appeals Chief Judge Rowan Wilson – designated EXHIBIT A” (at pp. 1-2, hyperlinking added);
- “[CJA v. JCOPE, et al.](#), which is ‘where we’re at now’, being ‘the continuation of *CJA v. Cuomo...DiFiore*’ involving complaints based thereon and related thereto, including against ‘Judge Fahey and his brethren on the Court of Appeals’, whose judicial odyssey establishes ‘once again, how the judiciary comports itself when the issue is its self-interest in pay raises and what has been going on’, presently [at the Appellate Division, Third Department](#) – designated EXHIBIT B” (at p. 2, hyperlinking added);
- “[CJA’s lawsuit against the Commission on Judicial Conduct](#), identified as having been furnished, in 2011, to the Commission on Judicial Compensation to substantiate CJA’s assertion, ‘at that time’, that ‘the judiciary throws cases by fraudulent judicial decisions’, itself ‘thrown by fraudulent decisions going up to the Court of Appeals’” (at p. 2, hyperlinking added);
- “[CJA’s Independent Expert Report pertaining to a sealed Family Court case from Monroe County](#), identified as establishing that the judiciary’s corruption is not just ‘in cases of magnitude’ and that it was ‘only the first piece’ whose continuation involves the Appellate Division, Fourth Department.” (at p. 2, hyperlinking added) – with that “continuation” thereafter furnished by three additional evidentiary submissions:
 - “[CJA’s October 16, 2023 e-mail](#) entitled: ‘Furnishing the Commission on Legislative, Judicial & Executive Compensation with EVIDENCE, in real time, as to how the AD-1 Attorney Grievance Committee & OCA Inspector General Operate – AD-1 justices & OCA admin judges with respect thereto’”, pertaining to CJA’s October 10, 2022 complaint to the Appellate Division, First Department Attorney Grievance Committee against AG James for her litigation fraud in *CJA v. JCOPE, et al.* in Albany Supreme Court and February 11, 2021 complaint against AG James and Solicitor General Underwood for litigation fraud in *CJA v. Cuomo...DiFiore* before the Court and the Appellate Division, Third Department;

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- “[CJA’s October 25, 2023 e-mail](#) entitled: ‘Monroe County Family & Supreme Courts & Fourth Dept Appellate Division – Follow-up to Testimony at Oct 13th Hearing of the Commission on Legislative, Judicial & Executive Compensation’ – and [CJA’s October 26, 2023 e-mail](#) relating thereto entitled ‘The Unified Court System’s policy of uniformity for attorney disciplinary matters – to which the attorney grievance committees of the Appellate Division, Fourth Dept. have excepted themselves’”, transmitting [CJA’s October 25, 2023 complaint based on the “Independent Expert Report”](#) addressed to the Commission on Judicial Conduct, the Appellate Division, Fourth Department Attorney Grievance Committees, the Court’s Inspector General, Chief Administrative Judge Zayas, and Statewide Coordinating Judge for Family Court Matters Richard Rivera¹¹ (at pp. 2-3, hyperlinking in the original).
- The “[Independent Report on Corruption and Waste in the Court System in 2023](#)” by Sebastian Daggart, executive director of the New York Families Civil Liberties Union (at p. 4);
- The [inventory of 22 civil cases](#) appealed to the Court of Appeals by Robert L. Schulz, founder and chairman of the We, The People Foundation for Constitutional Education, establishing “‘judicial repeal’ of provisions of the New York State Constitution by New York’s judiciary, colluding in violations of the State Constitution by the executive and legislative branches, wherein the Court of Appeals had subverted the standard for appeals of right guaranteed by Article VII §(3)(b)(1) of the State Constitution wherein ‘is directly involved the construction of the constitution of the state or the United States’, which he had satisfied, by orders, unsigned by any judge, dismissing the appeals ‘upon the ground that no substantial constitutional question is directly involved’, which he had also satisfied...” (at pp. 4-5).

The Opposition Report identified (at p. 15) that among the 22 civil cases in Mr. Schulz’ inventory were cases in which Chair Fahey had participated as an associate judge and that the 22 cases “reinforced what *CJA v. Cuomo...DiFiore* had documented with respect to appeals of right – and, additionally, with respect to appeals by leave and by direct appeal”. The Opposition Report then substantiated this by an Exhibit A containing 13 pages of excerpts from “the most important documents of the *CJA v. Cuomo...DiFiore* record at the Court of Appeals”, prefaced by a paragraph stating the situation more emphatically:

“The [record of *CJA v. Cuomo...DiFiore* at the Court of Appeals](#) is an overwhelming, open-and-shut evidentiary record of precisely what Mr. Schulz would separately

¹¹ The Opposition Report (at fn. 5) also hyperlinked to a [webpage](#) showing how the five entities and officers to whom the complaint was addressed had handled it.

Exhibit B

testify about concerning appeals of right at the Court of Appeals, based on his own decades of experience – and the list of 22 cases, annexed to his [written testimony](#). Indeed, *CJA v. Cuomo...DiFiore* goes way beyond chronicling the Court’s subversion of Article VI, §3(b)(1) for appeals of right. It also chronicles – and just as decisively – the Court’s subversion of Article VI, §3(b)(6) for appeals by leave, and Article VI, §3(b)(2) for direct appeals.”

By the [March 18, 2025 Order](#), the Court added *CJA v. JCOPE, et al.* and *CJA v. Compensation Commission...Wilson, Zayas, et al.* to the list of cases wherein, by LIES, it had flagrantly corrupted its constitutionally-mandated function, demonstrating what [appellants’ March 26, 2019 letter to the Court in support of their appeal of right in CJA v. Cuomo...DiFiore](#) had described as “Collusion of Powers”,¹² thereafter manifested by each of the Court’s five orders therein.

The current associate judges who were not on the Court in 2019 and 2020, when *CJA v. Cuomo...DiFiore* was before it, are Singas, Cannataro, Troutman, and Halligan. Nevertheless, appellants’ “papers” to which the March 18, 2025 Order purports they gave “due deliberation”, afforded them all the pertinent particulars about *CJA v. Cuomo...DiFiore* and its record before the Court. Most importantly:

- appellants’ [December 3, 2024 letter to Clerk Davis in support of their appeal of right in APL 2024-150](#) (at pp. 6-15) whose presentation about *CJA v. Cuomo...DiFiore* was prefaced by the phrase “As you know, we have been around this block before”, and

¹² Under the heading “In Conclusion: New York’s Constitution Has Been Undone by Collusion of Powers”, the March 26, 2019 letter had stated:

“No fair and impartial tribunal, constitutionally charged, as this Court is, with reviewing appeals wherein is ‘directly involved the construction of the constitution of the state’, could fail to discharge that duty here.

What is before the Court, on this appeal of right, is catastrophic. Gone is the constitutional design of separation of executive and legislative powers – replaced by collusion of powers that has undone our State Constitution. And more than the budget is at issue. It is the very governance of this State, as the budget has become a pass-through for policy having nothing to do with the budget – the ‘proposed legislation, if any’ of Article VII, §3 having become separated from its meaning in Article VII, §2: ‘proposed legislation, if any, which the governor may deem necessary to provide moneys and revenues sufficient to meet such proposed expenditures [of the budget]’,^{fn11} further foisted by constitutionally unauthorized ‘non-appropriation’ Article VII budget bills.^{fn12}’ (at pp. 21-22, underlining in the original).

The annotating footnotes, citing to Chief Judge Kaye’s dissenting opinion in *Pataki v. Assembly/Silver v. Pataki* and the Court’s 2001 decision in *Silver v. Pataki*, would become the basis of the analysis in [appellants’ March 18, 2020 letter to then Governor Cuomo](#) that, in June 2022, would be the “starting point” for their [sixth cause of action in CJA v. JCOPE, et al.](#)

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- appellants' [December 3, 2024 letter in support of their direct appeal of right in APL 2024-149 \(at pp. 2, 4\)](#), also with that prefacing phrase.

This, however, was not the first time that Associates Judges Singas, Cannataro, Troutman, and Halligan were confronted with *CJA v. Cuomo...DiFiore*:

- **Associate Judge Singas**, as Nassau County D.A., was given repeated notice in 2016 of the facts giving rise to *CJA v. Cuomo...DiFiore*, namely, that by virtue of the statutory link between judicial and D.A. salaries, she and her fellow D.A.s were beneficiaries of the “false instrument” August 29, 2011 Report of the Commission on Judicial Compensation and December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation – and that their duty was to disavow the raises to their salaries resulting therefrom and to secure vacatur of the Reports. This culminated in appellants filing an [October 14, 2016 complaint against then D.A. Singas and her fellow D.A.s with the Attorney Grievance Committees](#) – and, thereafter, appellants' [June 10, 2020 grand jury/public corruption complaint to her](#), which she “sat on”. Based thereon, appellants opposed her nomination by Governor Cuomo to the Court of Appeals, furnishing her with the particulars by a [June 7, 2021 e-mail](#) (Exhibit 2a), annexing a [narrative exposition with questions](#) (Exhibit 2b) for her to answer at the Senate Judiciary Committee's June 8, 2021 “meeting” to confirm her nomination, plus a [substantiating EVIDENTIARY webpage](#);
- **Associate Judge Cannataro**, who, in 2002 has been principal law clerk to Associate Judge Carmen Ciparick, was nominated to the Court by Governor Cuomo at the same time as Associate Judge Singas. He was sent the same [June 7, 2021 e-mail](#) (Exhibit 2a), annexing a [narrative exposition with questions](#) as to his knowledge and complicity in the Court's “throwing” of [E.R. Sassower v. Commission on Judicial Conduct](#) in 2002, (Exhibit 2c) for him to answer about it and about *CJA v. Cuomo...DiFiore*, at the Senate Judiciary Committee's June 8, 2021 “meeting” to confirm his nomination, including pertaining to *CJA v. Cuomo...DiFiore*, plus a [substantiating EVIDENTIARY webpage](#);
- **Associate Judge Troutman**, who Governor Hochul nominated in November 2021 to succeed retiring Associate Judge Fahey, was, together with him, at the Senate Judiciary Committee's April 16, 2023 “meeting” to confirm Governor Hochul's nomination of Associate Judge Wilson as Chief Judge, at which Sassower requested to be permitted to testify as to his corruption on the bench. Associate Judge Troutman would have heard the following:

“Judge Wilson is a corrupt judge and I've furnished the evidence of this to every member of the Committee with a request to testify against him under oath. May I testify in his presence so that he can respond?

May I testify as to his corruption, of which I have furnished you with

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evidence. Will you furnish my statement to the full Senate?”

Hoylman: “The meeting is still going on, please.”

[someone saying, perhaps one of the guards: “This is not the forum.”]

“Of course it is the forum. This is the forum to examine whether or not he is fit for elevation as chief judge. He must be removed as associate judge for his corruption in office and I wish to testify as to the evidence of this.

He has thrown cases suing you for your corruption involving the budget and the pay raises of which you are beneficiaries. You are acting on your self interest. He has corrupted his office and has corrupted state governance and you are colluding with him. You are benefiting from what he has done. You are sued for corruption involving the budget. The statement about which I wish to testify was furnished to each member of this Committee. It’s posted on the website of the Center for Judicial Accountability, of which I am the co-founder and director – www.judgewatch.org – top panel ‘Latest News’.”

Hoylman: “If you can leave your statement with us.”

“You already have it. It was sent to every member and I furnished you a hard copy, with a request to testify. He has corrupted his office. Cases are perfect trails, there is a record – and the record is unequivocal. He corrupted his office to benefit himself and you.

And it’s time that the press did some investigation of what they have been suppressing for years.

I wish to testify and tomorrow against Ms. Halligan for corrupting her office as solicitor general.”

Hoylman: “Thank you so much. We do have her testimony, as it were. It was submitted, as I understand.” (Exhibit 3).

- **Associate Judge Caitlin Halligan**, who, presumably, watched the livestream of the Senate Judiciary Committee’s April 16, 2023 “meeting” and, thereafter, the VIDEO, and examined Sassower’s referred-to [statement, posted on CJA’s then “Latest News”](#), pertaining to what Associate Judge Wilson and fellow associate judges had done, both in *CJA v. Cuomo...DiFiore*, and the related [Delgado v. NYS](#) lawsuit and about what she had done, in 2001 and 2002, as Solicitor General, corrupting the judicial process at the Appellate Division and before the Court of Appeals in [E.R. Sassower v. Commission on Judicial Conduct](#) (Exhibit 3).¹³ This is the same case as

¹³ The lawsuit record includes Sassower’s [October 2, 1999 letter](#), [October 4, 1999 letter](#), and [October 9, 1999 letter](#) to the then newly-appointed Solicitor General Halligan, following which ALL the litigation fraud of the Solicitor General’s Office continued unabated [at the Appellate Division](#) and [at the Court of Appeals](#) for the next three-plus years.

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cited in the “Introduction” of the January 18, 2024 Opposition Report (at p. 2) as CJA’s lawsuit against the Commission on Judicial Conduct.

The above Exhibits 2 and 3 – consisting of contemporaneous e-mails to the Legislature – establish the Legislature’s deliberate corrupting of “merit selection” to the Court of Appeals, guaranteed by Article VII, §§2(c), (d), and (e), which is what appellants have been repetitively documenting for more than 30 years, including with respect to Associate Judge Garcia (Exhibit 4).¹⁴

The “merit selected” judges then return the favor by “throwing” cases involving the Legislature and the Governors who have appointed them, either by not taking review of appeals that expose their corruption or, upon taking review, by rendering contrived, corruption-concealing cover-up decisions. Exemplifying the latter:

- the Court’s December 16, 2004 plurality, concurring, and dissenting opinions in *Pataki v. Assembly/Silver v. Pataki*, 4 NY3d 75 – analysis of which is contained in appellants’ March 18, 2020 letter to then Governor Cuomo, the “starting point” for the sixth cause of action in *CJA v. JCOPE, et al.* as to the unconstitutionality of the so-called “Article VII” non-appropriations bills which, by fraud, become the vehicle for loading the budget with substantive policy unconnected with taxes or revenues – which is how “the ethics commission reform act of 2022” was inserted into the budget;
- the Court’s November 17, 2022 plurality, concurring, and dissenting opinions in *Delgado v. New York State*, 39 NY3d 242 – analysis of which is contained in appellants’ opposition to Chief Judge Wilson’s confirmation (Exhibit 3).

A more recent example – and directly germane to the Court’s March 18, 2025 Order – is its February 18, 2025 majority and dissenting opinions in *Cuomo v. COELIG*, whose fraud and cover-up required

¹⁴ *E.R. Sassower v. Commission on Judicial Conduct* was the most explosive evidentiary presentation of the corruption of “merit selection” to the Court as its April 22, 1999 verified petition chronicled, with evidentiary proof, its corrupting by the Commission on Judicial Nomination and by then Governor Pataki with respect to Albert Rosenblatt’s appointment as associate judge. On May 1, 2002, when Sassower appealed the case, of right, to the Court, she accompanied it with a disqualification/disclosure motion additionally chronicling, with evidentiary proof, the corruption of “merit selection” with respect to Associate Judge Victoria Graffeo, Associate Judge Howard Levine, and Associate Judge Carmen Ciparick.

CJA v. Cuomo...DiFiore, by its underlying record of prior lawsuits, furnished further evidentiary proof as to the Legislature’s corruption of “merit selection” pertaining to the confirmations of Associate Judge Susan Read, Associate Judge Robert Smith, Associate Judge Eugene Pigott, Associate Judge Theodore Jones, Jr., of Chief Judge Kaye’s reappointment, and of Chief Judge Jonathan Lippman. This, by appellants’ March 30, 2012 verified petition in their underlying declaratory action *CJA v. Cuomo, et al.* As to the Legislature’s corruption of “merit selection” pertaining the confirmation of Chief Judge Janet DiFiore, the evidentiary proof was by appellants’ March 23, 2016 second supplement complaint in their predecessor *CJA v. Cuomo, et al.* citizen-taxpayer action on which the September 2, 2016 verified petition in *CJA v. Cuomo...DiFiore* rests – with two of its exhibits, their December 31, 2015 letter to then Chief Judge Nominee DiFiore and their January 15, 2016 letter to Legislative Leadership, furnished to the Court by appellants’ May 31, 2019 motion to reargue their appeal of right (¶40), annexing the letters as Exhibits G and H.

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that the Court first deny Sassower's [December 16, 2024 motion](#) therein for leave to file an *amicus curiae* brief "to prevent fraud on the court" by the parties and *amici* and for enforcement of the Court's Rule 500.1(a) against them. The Court did this by its [January 9, 2025 Order](#), unsigned by any judge and purporting that "**Present**" and "**presiding**" was *Senior Associate Judge*" Rivera, stating:

"Upon the papers filed and due deliberation, it is

ORDERED, that the motion, insofar as it seeks leave to file a brief *amicus curiae* on the appeal herein, is denied (*see* Rules of Ct of Appeals [22 NYCRR] §500.23 [‘*Amicus curiae* relief will be denied where acceptance of the *amicus curiae* submission may cause the recusal or disqualification of one or more Judges of the Court’]); and it is further

ORDERED, that the motion is otherwise denied.

Chief Judge Wilson and Judge Cannataro took no part."

The reason Associate Judge Cannataro "took no part" – as evident from the "[Reason for Recusal \(Judiciary Law §9\)](#)" form he signed on January 8, 2025 – was because he had recused himself from the *Cuomo v. COELIG* appeal based on an opinion of the Advisory Committee on Judicial Ethics.¹⁵ By contrast, the "[Reason for Recusal \(Judiciary Law §9\)](#)" form that Chief Judge Wilson signed on January 9, 2025, was only for Sassower's *amicus curiae* motion and stated, as its reason:

"I am recusing myself because...I wish to avoid any potential appearance of impropriety that my impartiality might be questioned because – Counsel for the Office of Court Administration is representing a party".

This is false. There was no "Counsel for the Office of Court Administration...representing a party" – and AG James, representing COELIG, did not oppose the filing of the *amicus curiae* brief. In any event, the pretext that Sassower's *amicus curiae* motion might "cause the recusal or disqualification of one or more Judges of the Court" was false, as ONLY one judge "took no part" on appellants' appeals – Chief Judge Wilson – so, apparently, he was the ONLY judge who, had Sassower's *amicus curiae* motion been granted, would have recused himself from the *Cuomo v. COELIG* appeal. Nor would his recusal/disqualification from *Cuomo v. COELIG* be a reason for denying an unopposed motion for leave to file an *amicus curiae* brief establishing that the parties and *amici* therein were committing "fraud on the court".

Tellingly, the January 9, 2025 Order gives no reason for "otherwise" denying the motion, by which it means the motion's second branch for enforcement of Court Rule 500.1(a) to ensure the integrity of the Court's own proceedings.

¹⁵ Peculiarly, the form was signed January 8, 2025, but [the Order designating Appellate Division, First Department Justice Saliann Scarpulla](#) to replace Associate Judge Cannataro was signed and attested to on December 16, 2024 by Chief Judge Wilson and Clerk Heather Davis, respectively.

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Bottom line is that, having given “due deliberation” to “the papers” on [the motion](#), the judges knew:

- that the “ethics commission reform act of 2022” – whose constitutionality, *as written*, was the sole issue in *Cuomo v. COELIG* – was NOT a “duly enacted statute”, but, rather, was enacted, unconstitutionally, through the budget and by fraud – the subject of the [sixth cause of action](#) in *CJA v. JCOPE, et al.* for a declaration of its unconstitutionality and voiding, to which appellants had a summary judgment entitlement – and that this mooted the *Cuomo v. COELIG* challenge to its constitutionality, *as written*, absent the Court’s invocation of exceptions to mootness;
- that ulterior motives lay behind the “ethics commission reform act of 2022” – namely, eliminating salutary provisions of the predecessor JCOPE statute that gave complainants rights enforceable by mandamus; and
- that the result of the “ethics commission reform act” – COELIG – was NOT an effective ethics entity, in contrast to JCOPE which it had replaced.

Nonetheless, at [the January 7, 2025 oral argument of *Cuomo v. COELIG*](#), none of the judges asked any questions or made any comments consistent with the facts and law of the motion they would deny two days later – and five and a half weeks later, by their [February 18, 2025 majority and dissenting opinions](#), replicated the deceptions the motion exposed.

The majority opinion, upholding the constitutionality of the “ethics commission reform act of 2022”, *as written*, was by Associate Judge Rivera, to which Chief Judge Wilson and Associate Judges Troutman and Halligan concurred. Its very first sentence of exposition of legal principles applicable to Cuomo’s facial challenge (at p. 10) was:

“Duly enacted legislation is entitled to a strong presumption of constitutionality (*see White v. Cuomo*, 38 NY3d 209, 216 [2022])...”

No disagreement on this by Associate Judge Garcia who wrote the dissenting opinion deeming the “ethics reform commission act” unconstitutional, *as written*, to which Associate Judge Singas and the vouched-in Associate Judge Scarpulla joined.

Yet neither opinion asserted, let alone showed, that “the ethics commission reform act” was “Duly enacted” – reflective of their knowledge that it was NOT and the consequences of same, *to wit*, that the “ethics commission reform act of 2022” was VOID, mooting whether the statute was constitutional, *as written*, absent invocation of exceptions to mootness.

Associate Judge Rivera’s majority opinion then recited (at p. 10), as its second legal principal – also not excepted to by Associate Judge Garcia’s dissent:

“... ‘all the legislators and the Legislature itself are entitled to the presumption that they act only in accordance with the fulfillment of their oaths of office’ (Cohen, 94

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NY2d at 13)...”.¹⁶

No mention that the presumption is rebuttable – which Sassower’s [amicus curiae brief](#) (at fn. 2 & pp. 9-10) had highlighted in rebutting it, resoundingly, by the *CJA v. JCOPE, et al.* verified petition as to the background facts pertaining to the “ethics commission reform act of 2022”.

Finally, Associate Judge Rivera’s majority opinion credited that the “ethics commission reform act of 2022” was motivated by the desire to create an effective ethics enforcement entity (at p. 24):

“It is undisputed that the Act and the Commission structure are designed to address a serious threat to public confidence in government identified by both branches and by advocates. As such, the Act furthers ‘a paramount State interest’ (Cohen, 94 NY2d at 12), in ensuring that executive officials comply with the ethics laws, which is essential to regaining and retaining public trust in government. Given the significant challenges posed by executive officials’ self-regulation, including the risk that an individual might elevate their private interests over those of the communities they are charged to serve, the joint decision of the Governor and Legislature to create an ethics commission independent of direct political control is entitled to substantial consideration by this Court.”

This was not dissented-from by the minority (at pp. 16-18), which further noted the majority view (at p. 11) “that the act accomplishes this goal”. Both opinions simply ignored that Sassower’s *amicus curiae* brief (at pp. 9-14) evidentially demonstrated that neither was true and, as to the latter, that COELIG is even more corrupt than JCOPE was with respect to its most essential function – investigation and referral of complaints, and, specifically, complaints against New York’s highest executive and legislative officers, colluding with the judiciary, to corrupt lawful, constitutional state governance involving the state budget and the “force of law” commission scheme that gave “false instrument” salary raises to them all.

Suffice to say that although the appeal in [Cuomo v. COELIG](#), standing on its own, presented no interests that disqualified the Court’s judges, this was due to the fraud of the parties and *amici* therein. The true picture emerged from Sassower’s *amicus curiae* motion – from which could be seen that the judges had HUGE disqualifying interests, divesting them of jurisdiction pursuant to [Judiciary Law §14](#), inasmuch as complaints filed with COELIG against executive and legislative officers, such as appellants’, involved their corrupting of state governance, in collusion with the judiciary. Both the majority and minority actualized those interests by their materially-fraudulent February 18, 2025 opinions.

As with the two appeals herein, the interests of the Court’s judges in *Cuomo v. COELIG* were disqualifying and divested them of jurisdiction – and their duty was to have transferred all three appeals to federal court or to have certified the question.

¹⁶ [Cohen v State of New York](#), 94 NY2d 1 (1999) was a direct appeal of right.

POSTSCRIPT

Prior to rendering the [March 18, 2025 Order](#), the Court would reasonably have known that ALL the corruption of constitutional, lawful state governance that *CJA v. JCOPE, et al.* and *CJA v. Compensation Commission...Wilson, Zayas, et al.* sought to rectify by causes of action to which appellants had a summary judgment entitlement – as, likewise, that *CJA v. Cuomo...DiFiore* had sought to rectify by its summary judgment-entitled causes of action – was continuing unabated.

The (3rd) Commission on Legislative, Judicial and Executive Compensation went on to replicate, in its second phase of operations, all the statutorily-violative, fraudulent, and unconstitutional conduct of its first phase – and appellants demonstrated this by a [February 3, 2025 Opposition Report](#) to its November 14, 2024 Report, whose recommendations, by “force of law”, raised the salaries of Executive Law §169 officers – and possibly others – effective January 1, 2025. This February 3, 2025 Opposition Report was addressed to the same recipients as appellants’ [January 18, 2024 Opposition Report](#) – Chief Judge Wilson and Chief Administrative Zayas, among them – once again to assist them in discharging their “**Constitutional & Oversight Responsibilities**”.

Did Chief Judge Wilson apprise the associate judges of this – and that he was taking no steps consistent therewith? This was certainly germane to the unconstitutionality of Chapter 60, Part E of the Laws of 2015 “*as Written, as Applied, & by its Enactment*” that was the SOLE issue for which the direct appeal in *CJA v. Compensation Commission...Wilson, Zayas* sought review (quoted at pp. 10-11, *supra*).

And were they not aware of what was happening with the state budget for FY2025-26 – replicating ALL the constitutional, statutory, and legislative rule violations of prior state budgets and, like them, massively larcenous and packed with substantive policy unconnected with taxes or revenue, inserted, by fraud, by misnomered “Article VII” bills – all such violations embraced by the appeal of right sought for the sixth, seventh, eighth, ninth, and tenth causes of action of *CJA v. JCOPE, et al.* (titles quoted at pp. 6-7, *supra*).

As in prior years, appellants furnished testimony for the Legislature’s budget hearings – which, as in prior years, was posted on CJA’s website, www.judgewatch.org, accessible from the prominent homepage link: “[LEGISLATIVE SESSIONS -- Comparing NY’s Legislature BEFORE & AFTER its Fraudulent Pay Raises](#) No Change: The Legislators are the SAME Posturing Fraudsters, Perpetuating a Legislature that Does NOT Function at a Constitutional Level”:

- [written testimony for the Legislature’s February 4, 2025 budget hearing on “local government officials”/general government](#), additionally furnishing an update about *CJA v. JCOPE, et al.* and *CJA v. Compensation Commission...Wilson, Zayas, et al.*, and annexing the February 3, 2025 Opposition Report;
- [written testimony for the Legislature’s February 13, 2025 budget hearing on “public protection”](#) – the hearing at which Chief Administrative Judge Zayas testified – highlighting the ninth cause of action of *CJA v. JCOPE, et al.* and its ¶103:

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“It is unconstitutional – and a larceny of taxpayer monies – for taxpayers to fund ethics entities which are NOT doing the job for which they are paid – and which these entities conceal by false pretenses, including in support of their funding requests...”

and annexing a list of questions for Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie to answer about the Legislature’s proposed FY2025-26 budget that they had not certified – and about Governor Hochul’s Legislative/Judiciary appropriation bill;

- [written testimony for the Legislature’s February 25, 2025 budget hearing on “higher education”](#), reflecting, yet again, a dysfunctional Legislature not operating at a constitutional level.
- a [March 11, 2025 FOIL request to Chief Administrative Judge Zayas](#) – cc’ing the chairs and ranking members of the Senate and Assembly fiscal and judiciary committees, to whom it was [e-mailed, simultaneously](#) – for records pertaining to the Judiciary’s proposed FY2025-26 budget, whose “itemized estimates” Chief Judge Wilson certified and [the Court’s seven judges approved](#) on November 19, 2024, and about Governor Hochul’s Legislative/Judiciary appropriation bill – and ending with these two requests:

“(16) records reflecting what actions you took in response to [CJA’s October 25, 2023 complaint to you](#) against ‘Judges, Government-Attorneys, & Government-Retained Attorneys Arising from a Fraudulent, Culturally-Biased Child Abuse/Neglect Petition against Innocent Parents’ to ensure its proper handling by the Commission on Judicial Conduct and by those within your supervisory purview, *to wit*, the Appellate Division Attorney Grievance Committees, the Inspector General, and Statewide Coordinating Judge for Family Court Matters Richard Rivera – germane, *inter alia*, to your ‘Effectively Serving Families’ section of your ‘Introduction’ (at p. iv) and what the ‘Introduction’ (at p. iii) identifies as

‘Enhanced funding for Attorney for Child (AFC) providers (\$6.5 million including \$1.2 million enhanced funding and \$4.4 million from UCS IV-E base funds): to support \$113 million for AFC contractual providers, reflecting a 35% increase in funding since FY 2023’ (underlining in the original);

and, repetitively, under a heading ‘Attorney for Child Representation’ (at pp. vii) states:

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‘The FY 2026 Budget Request includes \$113 million to support the Attorney for the Child contractual providers. The request supports a 3% cost-of-living adjustment for all contractual providers as well as other contractual enhancements. Additional enhanced funding will also be distributed to the providers through the UCS IV-E Fund for a total contractual increase of \$9.6 million (9.2%).’

with the whopping appropriation request for the ‘Attorney for the Child Program’ – part of your ‘Appellate Auxiliary Operations’ – identified by your FY25-26 Budget submission (at pp. 72-73) as \$211,188,000.

- (17) records reflecting what actions you and Chief Judge Wilson took with respect to [CJA’s January 18, 2024 Opposition Report to the December 4, 2023 Report on Judicial Compensation of the Commission on Legislative, Judicial and Executive Compensation](#), addressed to you both – germane to your FY25-26 Budget submission, especially with respect to judicial salaries, the Appellate Division Attorney Grievance Committees, the Inspector General, and ‘Administration and General Support’ (pp. 83-84) – the latter seeking \$26,791,000 ‘or an increase of \$1.9 million (7.6%) over the current year adjusted appropriation’.^{fn4}”, whose annotating footnote read:

“Apparently, ‘Administration and General Support’ is a real growth area, as in your last year’s FY2024-25 Budget submission (at p. 110), your request was \$25,152,226, ‘an increase of \$3.2 million (14.5%) over the current year adjusted appropriation.’”

Appellants have received no response to any of the foregoing, other than to the FOIL request. [The Office of Court Administration has responded that it needs more time.](#)

*Written by Elena Ruth Sassower
and attested by her as true under penalties of perjury*

Dated: April 17, 2025
White Plains, New York

Exhibit B

TABLE OF EXHIBITS

- Exhibit 1: Appellants' February 7, 2021 complaint to NYS Commission on Judicial Conduct against the Court's judges based on *CJA v. Cuomo...DiFiore*
- Exhibit 2a: Appellants June 7, 2021 e-mail to the Senate Judiciary Committee entitled "Your tomorrow's 'meeting' on the nominations of Singas & Cannataro to the NY Court of Appeals – UNCONSTITUTIONAL & FRAUDULENT, as it has not been preceded by vetting of the EVIDENCE decisive of their unfitness, of which you have had NOTICE"
- Exhibit 2b: Appellants' narrative exposition with questions for Associate Judge Nominee Singas
- Exhibit 2c: Appellants' narrative exposition with questions for Associate Judge Nominee Cannataro
- Exhibit 3: Appellants' April 18, 2023 e-mail to the Secretary of the Senate entitled "Requested distribution of CJA's April 17, 2023 e-mail/written testimony/statement to ALL 63 Senators BEFORE floor votes on the Court of Appeals nominations of Wilson & Halligan", with previous April 16-17, 2023 e-mails to ALL Senate Judiciary Committee members
- Exhibit 4: Appellants' February 8, 2016 statement in opposition to confirmation of Associate Judge Nominee Garcia

Exhibit 1

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914) 421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

February 7, 2021

TO: New York State Commission on Judicial Conduct

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Conflict-of-interest/misconduct complaint against the six associate judges of the New York Court of Appeals; against the presiding justice of the Appellate Division, Third Department and six of its associate justices; and against New York Chief Judge Janet DiFiore and Chief Administrative Judge Lawrence Marks pertaining to the citizen-taxpayer action *Center for Judicial Accountability, et al. v. Cuomo...Schneiderman...DiFiore*, challenging their commission-based pay raises, the Judiciary budget, and other corruption of state governance of which they are beneficiaries

THE COMPLAINT

Pursuant to Article VI, §22 of the New York State Constitution and Judiciary Law §44.1, I file this facially-meritorious, fully-documented conflict-of-interest/corruption complaint against the six associate judges of the New York Court Appeals – Jenny Rivera, Leslie Stein, Eugene Fahey, Michael Garcia, Rowan Wilson, and Paul Feinman – for “wilful misconduct in office”¹ in the citizen-taxpayer action *Center for Judicial Accountability, et al. v. Cuomo...Schneiderman...DiFiore* (Albany Co. #5122 -16) to benefit themselves and their fellow New York judges by judicial pay raises arising from two commission statutes that are multitudinously unconstitutional and two “force of law” commission reports that, additionally, are statutorily-violative and fraudulent, and whose appropriations are hidden in unconstitutional, slush-fund Judiciary budgets, enacted by a state budget process that is “off the constitutional rails” and rife with statutory and legislative rule violations. The six associate judges did this and protected culpable constitutional officers and others with whom they have relationships by five fraudulent and unconstitutional orders dated May 2, 2019, October 24, 2019, and February 18, 2020, dismissing and denying appeals of right and by leave from a fraudulent and unconstitutional Appellate Division, Third Department December 27, 2018 memorandum and order “affirming” a fraudulent and unconstitutional November 28, 2017 decision and judgment of Albany County Acting Supreme Court Justice/Court of Claims Judge Denise Hartman – all these orders knowingly and deliberately violating:

¹ New York State Constitution, Article I, §6.

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- Judiciary Law §14, proscribing a judge from sitting or taking any part in any matter in which he is interested – and divesting him of jurisdiction to do so pursuant to the Court of Appeals’ own caselaw, beginning with *Oakley v. Aspinwall*, 3 NY 547 (1850) and pertaining to the Court’s own judges;
- §100.3E of the Chief Administrator’s Rules Governing Judicial Conduct entitled “Disqualification”;
- §100.3F of the Chief Administrator’s Rules Governing Judicial Conduct entitled “Remittal of Disqualification”; and
- §100.3D of the Chief Administrator’s Rules Governing Judicial Conduct entitled “Disciplinary Responsibilities”.

This conflict-of-interest/misconduct complaint is also against the Appellate Division, Third Department justices who rendered the fraudulent and unconstitutional December 27, 2018 memorandum and order, as well as the four fraudulent and unconstitutional decision/orders that preceded it dated August 7, 2018, October 23, 2018, November 13, 2018, and December 19, 2018 – each also knowingly and deliberately violating Judiciary Law §14, and §§103.E, F, and D of the Chief Administrator’s Rules so as to benefit themselves and those with whom they have relationships. Seven of these justices remain on the bench, subject to the Commission’s disciplinary jurisdiction: Presiding Justice Elizabeth Garry and Associate Justices Stan Pritzker, John Egan, Jr., Christine Clark, Robert Mulvey, Sharon A.M. Aarons, and Michael Lynch.

Finally, this complaint is against New York Chief Judge Janet DiFiore, the last named defendant-respondent in *CJA v. Cuomo...Schneiderman...DiFiore*, sued for her direct knowledge and facilitating role in the government corruption that is the gravamen of the lawsuit’s September 2, 2016 verified complaint and who, throughout her tenure, has perpetuated that corruption, including by her Judiciary budget requests for FY2017-18, FY2018-19, FY2019-20, FY2020-21, FY2021-22 – and by her attempts, in 2019 and in 2020, to secure a further round of unconstitutional, statutorily-violative, and fraudulent judicial pay raises for herself and her fellow judges. In this – and the hoax of her “Excellence Initiative” touting “operational and decisional excellence in everything that we do” – she has been aided and abetted by Chief Administrative Judge Lawrence Marks – and this conflict-of-interest/misconduct complaint is against him, as well.

BACKGROUND

The Commission is already familiar with the far-reaching, corruption-eradicating significance of the *CJA v. Cuomo...Schneiderman...DiFiore* citizen-taxpayer action – and its DISPOSITIVE record in Supreme Court and in the Appellate Division, Third Department establishing plaintiff-appellants’ entitlement to summary judgment on the ten causes of action of their September 2, 2016 verified complaint and the ten causes of action of their March 29, 2017 supplemental verified complaint – as

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I filed two prior facially-meritorious, fully-documented judicial misconduct complaints with the Commission based thereon – each substantiated by record proof of flagrant violations of Judiciary Law §14 and §§100.3E, F, and D of the Chief Administrator’s Rules by judges whose fraudulent decisions obliterated ALL adjudicative and evidentiary standards:

- a June 16, 2017 conflict-of-interest/misconduct complaint against Justice Hartman for her three fraudulent decision/orders dated December 21, 2016 and May 5, 2017 – supplemented on September 11, 2017 to add her fraudulent June 26, 2017 decision/order and then supplemented again on December 26, 2017 to add her fraudulent November 28, 2017 decision and judgment – all five decisions concealing plaintiff-appellants’ repeated requests, from the outset of the litigation, for disclosure of her financial and other interests and relationships, pursuant to §100.3F of the Chief Administrator’s Rules – of which she made none²;
- a September 20, 2018 conflict-of-interest/misconduct complaint against Appellate Division, Third Department Presiding Justice Garry and Associate Justices Egan, Devine, and Pritzker for their fraudulent August 7, 2018 decision/order, concealing plaintiff-appellants’ requests for disclosure of their financial and other interests and relationships, pursuant to §100.3F of the Chief Administrator’s Rules – of which they made none³.

² The June 16, 2017 complaint (at p. 2) – which plaintiff-appellants furnished to Judge Hartman as an exhibit to my August 25, 2017 reply/opposition affidavit and which, therefore, was part of the record on appeal [R.1320-1327] – identified her financial and other interests and relationships to include: “a \$60,000-a-year judicial salary interest in the lawsuit [,] non-salary other compensation interest [,] \$100,000 she would owe in the event of a claw-back [,] personal and professional relationships with at least two defendants, arising from the 30 years she had worked in the Attorney General’s office: under Attorney General Schneiderman and, before him, under the then Attorney General, now Governor, defendant Cuomo, who had appointed her to the bench in 2015”.

³ The September 20, 2018 complaint (at pp. 3-6) – which plaintiff-appellants furnished to the Appellate Division, Third Department as an exhibit to their October 9, 2018 reply affidavit in further support of their September 10, 2018 order to show cause for its disqualification – identified the financial and other interests and relationships of its justices by quoting, extensively, from their July 25, 2018 order to show cause, whose first branch had sought disclosure, stating, as follows:

- “Each associate justice of this Court currently has a \$75,200 yearly salary interest in the commission-based judicial salary increases challenged by appellants’ sixth, seventh, and eighth causes of action, with the current yearly salary interest of the presiding justice being \$77,700. The consequence of the Court’s determination in appellants’ favor – which is the ONLY determination the record will support – is that the yearly salary of associate justices will nosedive from \$219,200 to \$144,000 and the yearly salary of the presiding justice will plunge from \$224,700 to \$147,600 – with each justice also subject to

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a ‘claw-back’ of the judicial salary increases he/she has collected since April 1, 2012 – those ‘claw-backs’, as of this date, already maxing at over \$300,000^{fn2}, not counting ‘claw-backs’ of salary-based non-salary benefits.

- Each of this Court’s justices has an incalculable financial interest in the slush-fund \$3-billion-plus Judiciary budget, which funds the Court, including its underfunded and demonstrably sham Attorney Grievance Committee, with whose staff and members it has relationships^{fn3};
- Each of this Court’s justices was elevated to this Court upon appointment by Governor Cuomo, the first named defendant – and all are dependent upon him or his gubernatorial successor for their continuation in office^{fn4};
- Each of this Court’s justices has relationships with Chief Judge DiFiore, the last-named defendant;
- Each of this Court’s justices has relationships with the panoply of specific judges, past and present, involved in perpetuating – if not also procuring – the unconstitutional, fraudulent, and statutorily-violative commission-based judicial salary increases. Among these judges whose willful and deliberate misconduct is recited and reflected by the record are:

(1) Court of Claims Judge/Acting Albany County Supreme Court Justice Denise Hartman;

(2) Court of Claims Judge/Acting Albany County Supreme Court Justice Roger McDonough;

(3) Chief Administrative Judge Lawrence Marks;

(4) Former Chief Judge Jonathan Lippman;

(5) Third Judicial District Administrative Judge Thomas Breslin;

(6) Deputy Chief Administrative Judge Michael Cocomma; and

(7) the then Albany County Supreme Court Justice, and now Associate Justice of this Court, Michael Lynch.”

6. Any justice of this Court unable or unwilling to rise above his financial interest and relationships so as to impartially discharge his judicial duties MUST disqualify himself – and the ‘rule of necessity’ is NOT to the contrary.

7. Associate Justice Lynch, however, MUST disqualify himself – or must be disqualified – from any handling of this case, based on his demonstrated actual bias, born of interest. ... (underlining and capitalization in original).”

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Although both complaints raised threshold conflict of interest issues pertaining to Commission members – particularly the judge-members who are themselves beneficiaries of the judicial pay raises and the Judiciary budget – and pertaining to Administrator Robert Tembeckjian and then Clerk Jean Savanyu – necessitating disqualification/disclosure – the Commission disposed of each by doing precisely what the complained-against judges had done: by concealing that any conflict-of-interest issue had been raised, making no disclosure, and then manifesting actual bias, born of interest and relationships, by dispositions indefensible in fact and law.

Thus, by letters signed by Clerk Savanyu, dated August 29, 2017 and January 4, 2019, she purported, using the Commission’s standard conclusory boilerplate which, thereafter, she would not factually substantiate and could not legally justify, other than by deceit⁴:

“Upon careful consideration, the Commission concluded that there was insufficient indication of judicial misconduct to justify judicial discipline.”

As for the two supplements to the June 16, 2017 complaint, each expressly furnishing the Commission with further “indication of judicial misconduct to justify judicial discipline”, Clerk Savanyu disposed of these by a January 16, 2018 letter, whipping out another favorite Commission boilerplate:

“[t]he issues [] raise[d] concerning the judge and her decision can only be determined by the courts.”

This, too, was indefensible, in fact and law – and so noted by the September 20, 2018 complaint (at p. 2), which described it as:

“in brazen disregard of controlling caselaw, identified by the law review article of the Commission’s first administrator and counsel, and cited and quoted by the June 16, 2017 complaint itself (at pp. 2, 7) – as well as the Commission’s own 2017 annual report (at p. 2), repeating what its past annual reports and subsequent 2018 annual report all identify – namely, that ‘disputed judicial rulings or decisions’ are within the Commission’s jurisdiction where there is ‘underlying misconduct, such as demonstrated prejudice, conflict of interest or flagrant disregard of fundamental rights’.”

⁴ See Clerk Savanyu’s October 4, 2017 letter responding to mine of September 11, 2017 – as to which my December 26, 2017 letter replied, pointing out, *inter alia*, that the decisions in *Mantell v. Comm on Jud Conduct*, 277 AD2d 96 (1st Dept 2000) and *Sassower v. Comm on Jud Conduct*, 289 AD2d 119 (1st Dept 2001) – which she seemingly purported to be the basis for the Commission’s “discretion” to dismiss the June 16, 2017 complaint” – were, as both she and Administrator Tembeckjian knew, fraudulent. Nonetheless, in her February 14, 2019 letter responding to mine of January 22, 2019, she repeated this and other deceptions in connection with the Commission’s dismissal of the September 20, 2018 complaint.

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As the Commission's dispositions of the June 16, 2017 and September 20, 2018 complaints, arising from *CJA v. Cuomo...Schneiderman...DiFiore*, have led directly to this complaint, arising from the subsequent progression of *CJA v. Cuomo...Schneiderman...DiFiore* at the Appellate Division, Third Department and through the Court of Appeals, I incorporate by reference the records of those two prior complaints – which, for the Commission's convenience, are accessible from CJA's webpage for this complaint: www.judgewatch.org/web-pages/searching-nys/cjc/feb-7-21-cjc-complaint.htm.

Suffice to here note that when Clerk Savanyu sent me her January 4, 2019 letter purporting that the Commission had dismissed the September 20, 2018 complaint for “insufficient indication of judicial misconduct to justify judicial discipline”, the Appellate Division, Third Department had already rendered its three subsequent October 23, November 13, and December 19, 2018 decision/orders, plus its December 27, 2018 memorandum and order – each replicating the violations of Judiciary Law §14 and §§100.3 E, F, and D of the Chief Administrator's Rules as were the subject of the September 20, 2018 complaint pertaining to the August 7, 2018 decision/order. The Commission would have reason to know this – including because on November 13, 2018, immediately upon returning from that day's oral argument of the appeal at the Appellate Division, Third Department – indeed, with my coat still on – I telephoned the Commission, urgently requesting to speak with Administrator Tembeckjian about that day's shocking events pertaining to the appellate panel's wilful violation of Judiciary Law §14, §§100.3E, F, and D of the Chief Administrator's Rules, which I summarized to the Commission staffer with whom I spoke – thereafter leaving additional phone messages for Administrator Tembeckjian – to which I received no return call from him.

On January 7, 2019, I telephoned the Commission a final time – and spoke with Chief Administrative Officer Karen Kozac Reiter – memorializing same in an e-mail, as follows:

“Following up our phone conversation a short time ago, kindly advise as to the status of the September 20, 2018 conflict-of-interest/corruption complaint against Appellate Division Presiding Justice Garry & Associate Justices Egan, Devine, & Pritzker that I filed, as I received no letter of dismissal nor follow-up inquiry.

Again, please ask Mr. Tembeckjian to call me at his earliest convenience with regard to Judiciary Law 14, which is far more than a disqualification statute, but one divesting judges of jurisdiction – as to which rule of necessity is inapplicable.

My briefing on the subject of Judiciary Law 14 and the rule of necessity was presented, most extensively, by the order to show cause I filed following the November 13, 2018 oral argument of the appeal of CJA's citizen-taxpayer action, which, in addition to seeking the appeal panel's disqualification for demonstrated actual bias, sought to enjoin it from rendering any decision until its justices ruled on the threshold issue of the jurisdictional bar presented by Judiciary Law 14 or certifying questions pertinent thereto to the New York Court of Appeals. On December 17, 2018, the appeal panel denied the order to show cause, without reasons – and ten days later, on December 27, 2018, ‘threw’ the appeal by a fraudulent

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decision, obliterating ALL adjudicative standards. In addition to concealing ALL the facts, law, and legal argument that was the basis of the appeal, it concealed that I had raised ANY threshold issues as to it and the attorney general – which I had by four separate motions, ALL denied without facts, law, and reasons.

The record is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/record-app-div.htm>.

Thank you.”

Again, Administrator Tembeckjian did not call me back – presumably because he did not want to directly hear from me about the further “indication of judicial misconduct to justify judicial discipline” – as to which, pursuant to Judiciary Law §44.2, the Commission is empowered to initiate its own complaint, which he signs – and which, as an attorney, was his duty to do pursuant to Rule 8.3 of New York’s Rules of Professional Conduct, “Reporting Professional Misconduct”.⁵

THE EVIDENCE

As I publicly stated on September 17, 2013, in testifying before the Commission to Investigate Public Corruption – “Cases are perfect paper trails. There’s a record, so it’s easy to document judicial corruption”.

The EVIDENCE substantiating this complaint, consisting, in the main, of the record of the *CJA v. Cuomo...Schneiderman...DiFiore* citizen-taxpayer action, is *prima facie* and open-and-shut and not only “to justify judicial discipline” for violations of Judiciary Law §14 and §§100.3E, F, and D of the Chief Administrator’s Rules Governing Judicial Conduct – including the ultimate sanction of removal from the bench – but to mandate referral of the complained-against judges to criminal authorities for their penal law violations involving huge sums of taxpayer monies and other corruptions of state governance – as, for instance:

Penal Law §175.35: “Offering a false instrument for filing in the first degree”;

Penal Law §195.20: “Defrauding the government”;

Penal §190.65: “Scheme to defraud in the first degree”;

Penal Law §496.05 (“Public Trust Act): “Corrupting the government in the first degree”;

Penal Law §496.06 (“Public Trust Act): “Public corruption”;

Penal Law §155.42: “Grand larceny in the first degree”;

⁵ “(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.

(b) A lawyer who possesses knowledge or evidence concerning another lawyer or a judge shall not fail to respond to a lawful demand for information from a tribunal or other authority empowered to investigate or act upon such conduct.”

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Penal Law §460.20: “Enterprise corruption”;
Penal Law §110.00: “Attempt to commit a crime”;
Penal Law §195: “Official misconduct”;
Penal Law §105.15: “Conspiracy in the second degree”;
Penal Law §20.00: “Criminal liability for conduct of another”.⁶

Such was also true with respect to the June 16, 2017 and September 20, 2018 complaints

Here, as there, the violations of Judiciary Law §14 and §§100.3E, F, and D of the Chief Administrator’s Rules by the complained-against judges – and the fraudulence of their decision/orders resulting therefrom, obliterating ALL adjudicative standards – are not only readily-verifiable, but especially EASY to examine, as they are laid out by plaintiff-appellants’ fact-specific, law-supported “legal autopsy”⁷/analyses of the decision/orders that are part of the record and whose accuracy is UNCONTESTED. Indeed, the ONLY decision/order for which there is no “legal autopsy”/analysis in the record is the Court of Appeals’ last – that of February 18, 2020 – and its fraudulence and unconstitutionality is self-evident from the November 25, 2019 motion it denies.

The best starting point for this complaint is plaintiff-appellants’ 33-page, single-spaced “legal autopsy”/analysis of the Appellate Division, Third Department’s December 27, 2018 memorandum and order, as it encompasses the Appellate Division’s four prior decision/orders and Justice Hartman’s November 28, 2017 decision and judgment. Plaintiff-appellants furnished it to the Court of Appeals with their March 26, 2019 letter in support of their appeal of right – and its “Introduction”, concisely summarizing the state of the record, was as follows:

“This analysis constitutes a ‘legal autopsy’^{fn1} of the December 27, 2018 ‘Memorandum and Order’^{fn2} of a four-judge Appellate Division, Third Department panel, purporting to ‘affirm’ the November 28, 2017 decision and judgment of Acting Supreme Court Justice/Court of Claims Judge Denise A. Hartman, but, actually, *sub silentio*, modifying it, in material respects.

⁶ I cited to these penal provisions for the first time by my December 31, 2015 letter to then Chief Judge Nominee/Westchester County District Attorney DiFiore – and thereafter by my January 15, 2016 letter to then Senate President Flanagan and Assembly Speaker Heastie – copies of which I furnished to both Nominee/D.A. DiFiore and Chief Administrative Judge Marks. Because of the significance of these two letters, copies are annexed hereto as Exhibits A and B, replicated from those annexed to my affidavit in support of plaintiff-appellants’ May 31, 2019 motion to the Court of Appeals for reargument/renewal/vacatur/disclosure/disqualification as Exhibits G and H. [see pp 19-22, *infra*].

⁷ The term “legal autopsy” is taken from the law review article “*Legal Autopsies: Assessing the Performance of Judges and Lawyers Through the Window of Leading Contract Cases*”, 73 Albany Law Review 1 (2009), by Gerald Caplan, recognizing that the legitimacy of judicial decisions can only be determined by comparison with the record (‘...Performance assessment cannot occur without close examination of the trial record, briefs, oral argument and the like...’ (p. 53)).

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Identical to Judge Hartman's appealed-from decision and judgment [R.31-41]^{fn3}, the Appellate Division's Memorandum is 'so totally devoid of evidentiary support as to render [it] unconstitutional under the Due Process Clause' of the United States Constitution, *Garner v. State of Louisiana*, 368 U.S. 157, 163 (1961), *Thompson v. City of Louisville*, 362 U.S. 199 (1960) – and, comparably, under Article I, §6 of the New York State Constitution, 'No person shall be deprived of life, liberty or property without due process of law'. The Memorandum wipes out any semblance of 'due process of law', falsifying the record, *in toto*, and upending ALL ethical, adjudicative, and evidentiary standards – including with regard to its *sub silentio* modifications.

This is easily verified. It requires nothing more than a reading of appellants' brief, chronicling the record before Judge Hartman, and a reading of appellants' reply brief, chronicling the record before the Appellate Division. EVERYTHING presented by those two briefs – ALL the particularized facts, law, and legal argument – are omitted from the Appellate Division's 'affirmance'. Likewise omitted are ALL the particularized facts, law, and legal argument presented by appellant Sassower directly to the four-judge appeal panel at the November 13, 2018 oral argument of the appeal – even the fact that oral argument was held on that Calendar Date.

The November 13, 2018 oral argument – of which there are VIDEOS^{fn4} – suffices to establish that the December 27, 2018 Memorandum must be voided – and that the threshold reason is because the four justices of the appeal panel were without jurisdiction to render it, pursuant to Judiciary Law §14, by reason of their direct financial and other interests in the lawsuit.

Indeed, based on what transpired at the oral argument, appellants filed a November 27, 2018 order to show cause to disqualify the appeal panel for demonstrated actual bias and for certification of Questions to the Court of Appeals. This is also omitted by the Memorandum – as are appellants' three prior appellate motions, similarly designed to safeguard the integrity of the appellate proceedings. All four motions were denied by Appellate Division decisions improper *on their face* – without ANY facts, without ANY law, and without ANY reasons.

Appellants' November 27, 2018 order to show cause is annexed, without exhibits, to this 'legal autopsy'/analysis as Exhibit B and incorporated herein by reference. The Questions of constitutional magnitude it sought to have the appeal panel certify to the Court of Appeals, pursuant to Article VI, §3b(4) of the New York State Constitution – threshold to its determination of the constitutional questions that are the substantive content of the appeal – were as follows:

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- (a) Inasmuch as Judiciary Law §14 bars judges from adjudicating matters in which they are ‘interested’, are there any state judges who, pursuant to Judiciary Law §14, would not be barred by HUGE financial interest from adjudicating this citizen-taxpayer action, challenging the constitutionality and lawfulness of commission-based judicial salary increases, the judiciary budget, and the state budget ‘process’?
- (b) Can retired judges, not benefiting from the commission-based judicial salary increases, be vouched in? Or can the case be transferred/removed to the federal courts, including pursuant to Article IV, §4 of the United States Constitution: ‘The United States shall guarantee to every State in this Union a Republican Form of Government...’?
- (c) Can ‘interested’ judges who Judiciary Law §14 divests of jurisdiction nonetheless invoke the judge-made ‘rule of necessity’ to give themselves the jurisdiction the statute removes from them?
- (d) What are the safeguarding prerequisites to ensure that a judge invoking the ‘rule of necessity’ will not use it for purposes of acting on bias born of interest? Would the ‘remittal of disqualification’ procedures specified by §100.3F of the Chief Administrator’s Rules Governing Judicial Conduct be applicable – starting with a statement by the judge that he believes he can be fair and impartial notwithstanding the existence of grounds for his disqualification pursuant to §100.3E.
- (e) As Executive Law §63.1 predicates the attorney general’s litigation posture on ‘the interest of the state’, does his representation of defendants-respondents by litigation fraud, because he has no legitimate defense, establish that his representation of them is unlawful and that his duty is to be representing plaintiffs-appellants, or intervening on their behalf, in upholding public rights?

In support of these certified Questions, appellant Sassower’s November 27, 2018 moving affidavit had stated:

‘it appears that the appeal panel is intending to render a decision on the appeal, without ruling on its jurisdiction to do so, because – as is clear from Judiciary Law §14, caselaw, and treatise authority – it has NO jurisdiction by reason of the HUGE financial interest of each of its four justices – a state of affairs whose acknowledgment would

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prevent it from ‘throwing’ the appeal by a fraudulent judicial decision, which is the ONLY way it can uphold the unconstitutional, statutorily-violative, and fraudulent judicial salary increases that are the subject of appellants’ sixth, seventh, and eighth causes of action, to which, as appellants’ brief and reply brief establish, respondents have NO defense, as, likewise, NO defense to appellants’ seven other causes of action.’ (at ¶9, underlining and capitalization in the original).

This is precisely what happened. Not only did the appeal panel not certify the Questions nor itself answer them, when, by its December 19, 2018 decision, it denied the order to show cause, without reasons, but, eight days later, its December 27, 2018 Memorandum, ‘throwing’ the appeal’, did not identify the panel’s financial and other interests in the appeal, did not invoke the ‘rule of necessity’ to decide it, and did not make any statement that its four justices believed themselves to be fair and impartial.” (at pp. 1-3, capitalization, underlining in the original).

The Court of Appeals’ response to plaintiff-appellants’ constitutional entitlement to an appeal of right, demonstrated resoundingly and on multiple constitutional grounds – beginning with due process⁸ – by their March 26, 2019 letter, with its incorporated “legal autopsy”/analysis of the December 27, 2018 memorandum and order, and additionally reinforced by plaintiff-appellants’ April 11, 2019 letter to the Court demonstrating that the Attorney General’s own March 26, 2019 letter urging the Court to *sua sponte* dismiss the appeal of right was, from beginning to end and in virtually every line, a “fraud upon the court” – was its May 2, 2019 order, purportedly by its six associate judges, *sua sponte* dismissing the appeal of right, without identifying ANY of the facts, law, or legal argument presented and resting on three assertions already shown by plaintiff-appellants to be (1) factually false; (2) unconstitutional; and (3) legally false.

⁸ In addition to due process, plaintiff-appellant’s March 26, 2019 letter pointed out (at pp. 8-9) that Article VI, §3(b)(1) of the New York State Constitution, reiterated by CPLR §5601(b)(1), grants an appeal of right where an Appellate Division judgment or order “finally determines an action...wherein is directly involved the construction of the constitution of the state...” – and that: (1) the face of the December 27, 2018 memorandum and judgment itself shows that three of plaintiff-appellants’ ten causes of action were so-decided – their sixth, fifth, and ninth; (2) as established by their verified complaint, their “first, second, third, and fourth causes of action also ‘directly involve[] the construction of the constitution of the state...’, if not, additionally, the seventh, eighth, and tenth causes of action”; and (3) the Court’s substitution of its own standard, “substantial constitutional question directly involved, is itself a “substantial constitutional question...directly involved” – and that plaintiff-appellants were asserting it.

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Plaintiff-appellants' "legal autopsy"/analysis of the Court's May 2, 2019 order is embodied in, and is an exhibit to, their May 31, 2019 motion for an order:

1. Granting reargument/renewal pursuant to CPLR §2221 and vacating the Court's May 2, 2019 Order because it is unconstitutional, jurisdictionally-void, and fraudulent – upon first determining whether the Court's six associate judges have jurisdiction to do so and, if they have no jurisdiction by reason of Judiciary Law §14 and the Court's interpretive decision in *Oakley v. Aspinwall*, 3 NY 547 (1850), taking emergency steps to ensure a forum in the federal courts to vacate it and the underlying lower state court orders, likewise void, *ab initio*, by reason of Judiciary Law §14 violations, and to determine plaintiff-appellants' entitlement to summary judgment on their ten causes of action;
2. Determining the threshold issues which the May 2, 2019 Order neither identifies nor determines – or certifying same to the United States Supreme Court, *to wit*:
 - a) Whether Judiciary Law §14 and *Oakley v. Aspinwall* bar New York State judges from 'sit[ting]...or tak[ing] any part in' this citizen-taxpayer action in which they have huge financial and other interests – and, if so, can it be transferred to the federal courts, including pursuant to Article IV, §4 of the United States Constitution: 'The United States shall guarantee to every State in this Union a Republican Form of Government'?;
 - b) If this citizen-taxpayer action cannot be transferred to the federal courts, whether this Court's judges can invoke the 'Rule of Necessity' to give themselves the jurisdiction that Judiciary Law §14 removes from them – and, if so, are there safeguarding prerequisites to prevent their using it to act on their biases born of interest, as, for instance, the 'remittal of disqualification' procedure specified by §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, where the judge states he believes he can be fair and impartial notwithstanding the existence of grounds for his disqualification pursuant to §100.3E?;
 - c) Is this Court's substitution of the language of Article VI, §3(b)(1) of the New York State Constitution and CPLR §5601(b)(1), granting appeals of right 'wherein is directly involved the construction of the constitution of the state or of the United States', with a *sua sponte* ground to dismiss because 'no

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substantial constitutional question is directly involved' unconstitutional, as written, as unwritten, and as applied?;

- d) Whether the Attorney General can lawfully and constitutionally represent defendant-respondents before this Court where she has financial and other interests in the outcome of the appeal? – and manifested same by a fraudulent submission opposing plaintiff-appellants' appeal of right, because she had NO legitimate grounds for opposition;
 - e) Whether, pursuant to Executive Law §63.1 and State Finance Law Article 7-A, the unrepresented plaintiff-appellants are entitled to the Attorney General's representation and/or intervention before this Court – including *via* appointment of special counsel? – because it is they who are upholding the 'interest of the state' and the Attorney General has NO legitimate opposition to their appeal of right, nor defense of the course of the proceedings below, obliterating all semblance of the Rule of Law;
- 3. For disclosure, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct and consistent with *Oakley v. Aspinwall*, by the Court's six associate judges of their financial and other interests in the appeal and for their disqualification, pursuant to §100.3E of the Chief Administrator's Rules and Judiciary Law §14 by reason thereof and for the actual bias, born of interest and relationships, demonstrated by their May 2, 2019 Order, if in fact they rendered it;
 - 4. For determination, pursuant to §100.3E and F of the Chief Administrator's Rules Governing Judicial Conduct, as to whether Associate Judge Michael Garcia must additionally make disclosure and disqualify himself or be disqualified by reason of his knowledge of, and participation in, the underlying governmental corruption giving rise to this citizen-taxpayer action;
 - 5. Pursuant to Article VI, §2a of the New York State Constitution, designating justices of the Supreme Court to serve as judges of this Court in connection with this appeal, with the condition that the so-designated judges follow the 'remittal of disqualification' procedure of §100.3F of the Chief Administrator's Rules Governing Judicial Conduct;
 - 6. Pursuant to §100.3D(2) of the Chief Administrators Rules Governing Judicial Conduct, issuing a show cause order requiring Attorney General Letitia

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James, Solicitor General Barbara Underwood, Assistant Solicitor General Victor Paladino, and Assistant Solicitor General Frederick Brodie to respond to appellants' April 11, 2019 letter, as expressly sought in its concluding paragraph:

'if the Attorney General [did] not promptly withdraw her fraudulent March 26, 2019 letter [urging the Court's *sua sponte* dismissal of the appeal of right] and take steps to secure independent counsel 'to represent the interest of the state' pursuant to Executive Law §63.1 and to disqualify herself based on her direct financial and other interests in the appeal'. (at pp. 15-16, underlining in the original).

7. Granting such other and granting such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202." (italics, underlining in the original).

In pertinent part, my 41-page moving affidavit stated,

"5. ...based on the unequivocal bar of Judiciary Law §14 that a judge 'shall not sit as such in, or take any part in the decision of, an action, claim, matter, motion or proceeding to which...he is interested' and this Court's interpretive decision in *Oakley v. Aspinwall*, 3 NY 547 (1850), that the statute divests an interested judge of jurisdiction – both prominently before the Court – I would have expected all six associate judges to have recognized that they had no jurisdiction to dismiss the appeal in which they themselves are directly interested, unless they could invoke 'Rule of Necessity' to give themselves the jurisdiction the statute removes from them – a question threshold on the appeal.

6. Indeed, rather than *sua sponte* dismissing the appeal, as the May 2, 2019 Order purports (Exhibit A-1), the duty of the six associate judges was to *sua sponte* address whether they could invoke 'Rule of Necessity' – and to explicate same by a reasoned decision comparable to the Court's decision in *New York State Criminal Defense Lawyers v. Kaye*, 95 NY2d 556 (2000). There, in response to a disqualification motion accompanying a motion for leave to appeal,^{fn2} based on 'Judiciary Law §14 and a parallel provision of the New York Code of Judicial Conduct (Canon 3[C][1][d][i])', the Court denied the disqualification motion, stating (at p. 561) that its judges had 'no pecuniary or personal interest' and that 'petitioners ha[d] alleged none'.

7. The May 2, 2019 Order makes no disclosure of what the associate judges know to be their pecuniary and personal interests in appellants' appeal, proscribed by Judiciary Law §14 and 'parallel provision[s]' of the Chief

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Administrator's Rules Governing Judicial Conduct (§100.3E). Consequently, by this motion and in conjunction with appellants' motion for leave to appeal, I now allege and particularize those interests and relationships so that the Court may render a reasoned decision on the judicial disqualification issues comparable to its decision in *Criminal Defense Lawyers v. Kaye*^{fn3} – one additionally addressed to the fact that the Court could not constitutionally dismiss appellants' appeal without invoking 'Rule of Necessity', as it is the 'narrow exception', *General Motors Corp. v. Rosa*, 82 N.Y.2d 183, 188 (1993), *Maron v. Silver*, 14 N.Y.3d 230, 249 (2010),^{fn4} to the unconstitutionality that exists when judges have 'direct, personal, substantial pecuniary interest[s]', *Caperton v. Massey Coal*, 556 U.S. 868 (2009), quoting *Tumey v. Ohio*, 273 U.S. 510, 523 (1927) – as at bar.

8. As the May 2, 2019 Order does not invoke 'Rule of Necessity', it is unconstitutional, pursuant to all U.S. Supreme Court caselaw, as may be discerned from Chief Justice Roberts' dissent in *Caperton*^{fn5} because the six associate judges each have 'direct, personal, substantial pecuniary interest[s]'. This, quite apart from their other interests and relationships contributing to the 'probability' of bias, viewed by the *Caperton* majority to also be unconstitutional.

9. The May 2, 2019 Order is additionally unconstitutional because its ground for *sua sponte* dismissal, 'no substantial constitutional question is directly involved', is an unconstitutional rewrite of Article VI, §3(b)(1) of the New York State Constitution, and CPLR §5601(b)(1) tracking it, guaranteeing an appeal of right 'wherein is directly involved the construction of the constitution of the state or of the United States'.

10. Moreover, even were the Court's *sua sponte* ground 'no substantial constitutional question...directly involved' constitutional, the May 2, 2019 Order is 'so totally devoid of evidentiary support' as to be unconstitutional, *Garner v. State of Louisiana*, 368 U.S. 157, 163 (1961), *Thompson v. City of Louisville*, 362 U.S. 199 (1960)." (underlining, italics in the original).

After detailing (at ¶¶12-23) that the May 2, 2019 order was "utterly devoid of legal and evidentiary support" and a "judicial fraud" – including by a 4-page, line-by-line "legal autopsy"/analysis, annexed as Exhibit D -- my moving affidavit particularized the associate judges' undisclosed financial and other interests and relationships that were the ONLY explanation for the order, in support of the motion's request that they make disclosure, if they did not disqualify themselves – and confront the jurisdictional question, arising from their Judiciary Law §14 disqualification. Excerpts follow:

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**“The Associate Judges’ ‘Direct, Personal, Substantial Pecuniary Interest[s]’,
from which their Bias is Presumed, as a Matter of Law**

29. Undisclosed by the Court’s May 2, 2019 Order (Exhibit A-1) – and itself demonstrative of the disqualifying facts – is that each associate judge has, at present, a \$82,200 a year salary interest in the commission-based judicial salary increases challenged by appellants’ sixth, seventh, and eighth causes of action as unconstitutional, unlawful, and fraudulent [R.109-114 (R.187-213)]. Such declarations, to which appellants have a summary judgment entitlement,^{fn14} bring down the salary of each associate judge from the commission-based \$233,400 it presently is to the \$151,200 fixed by Judiciary Law §221.^{fn15}

30. On top of this are the ‘claw-backs’ that each associate judge will be liable for, whose amounts vary. In the case of Senior Associate Judge Rivera, the sole associate judge whose name appears on the May 2, 2019 Order (Exhibit A-1) and who first became a judge on February 11, 2013, when she was confirmed to the Court, the ‘claw-back’ is well over \$300,000 as of this date and will top \$400,000 by the April 1, 2020 start of the next fiscal year.

31. Such ‘direct, personal, substantial pecuniary interest[s]’ are presumptive of partiality and bias, *as a matter of law*. The ‘presumption is conclusive and disqualifies the judge’, *Oakley v. Aspinwall*, at p. 550.

**The Associate Judges’ Actual Bias,
Arising from their Reputational Interest in the Judiciary Budget**

32. As recognized by this Court in *Wilcox v. Royal Arcanum*, 210 N.Y. 370 (1914), the interest proscribed by Judiciary Law §14 extends to ‘the subject-matter of the controversy’: reputational interest being no less direct, personal and substantial than a pecuniary one.^{fn16} In any event, §100.3E(1)(c) of the Chief Administrator’s Rules Governing Judicial Conduct is broader than Judiciary Law §14, in requiring judicial disqualification where ‘the judge knows that he or she, individually...has an economic interest in the subject matter in controversy...or has any other interest that could be substantially affected by the proceeding’ (underlining added).

33. At bar, each associate judge has, at very least, a reputational interest in the Judiciary’s budget, whose certifications by the chief judge they approve as ‘itemized estimates of the financial needs of the Judiciary’, pursuant to Article VII, §1 of the New York State Constitution [R.763-764]. The unconstitutionality and

^{fn14} See appellants’ ‘legal autopsy’/analysis of the Appellate Division December 27, 2018 Memorandum (at pp. 13-20, 24-27).”

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fraudulence of the Judiciary's proposed budget is challenged by appellants' second cause of action [R.103-104 (R.162-167), (R.260-262), (R.294-300)] – and the record before the Court establishes their entitlement to summary judgment, with declarations that would require the associate judges to pass judgment adversely to what they have approved. The declarations specified by appellants' September 2, 2016 verified complaint [at R.124] are:

'that the Judiciary's proposed budget for fiscal year 2016-2017, embodied in Legislative/Judiciary Budget Bill #S.6401-a/A.9001-a, is a wrongful expenditure, misappropriation, illegal and unconstitutional – and fraudulent – because: (1) the Judiciary budget is so incomprehensible that the Governor, the Senate majority and Senate minority, and Assembly majority and Assembly minority cannot agree on its cumulative cost and percentage increase; (2) its §3 reappropriations were not certified, including as to their suitability for that purpose, and violate Article VII, §7 and Article III, §16 of the New York State Constitution and State Finance Law §25; and (3) the transfer/interchange provision in its §2 appropriations, embracing its §3 reappropriations, undermines the constitutionally-required itemization and violates Judiciary Law §215(1), creating a 'slush fund' and concealing relevant costs; (4) it has *sub silentio* enabled the funding of judicial salary increases that are statutorily-violative, fraudulent, and unconstitutional'.

34. Appellants' March 29, 2017 verified supplemental complaint [at R.734] seeks near identical declarations pertaining to the Judiciary's proposed budget for fiscal year 2017-2018, the first Judiciary budget that defendant DiFiore certified after becoming chief judge – repeating the same constitutional, statutory, and rule violations, to which she had been alerted 11 months earlier and which were her duty to apprise the associate judges of so that they could evaluate whether a budget so-fashioned should be approved by them.

35. These identical declarations are the same as would apply to the Judiciary's proposed budgets for fiscal years 2018-2019 and 2019-2020, each also repeating the same constitutional, statutory, and rule violations of the prior years.

36. For three of these four fiscal years, in a futile effort to secure some modicum of legislative oversight, I furnished the Legislature with 'Questions for Chief Administrative Judge Marks' about the Judiciary's proposed budgets^{fn17} –

^{fn17} In 2016 and 2018, I simultaneously e-mailed the Questions to Chief Administrative Judge Marks and defendant DiFiore, in addition to the Legislature. The 2016 Questions are identified by appellants' March 23, 2016 verified second supplemental complaint in their prior citizen-taxpayer action [R.152-157], where they were Exhibit 44. The 2018 Questions

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Questions largely identical from one year to the next. Annexed are this year's Questions (Exhibit F-1)^{fn18} – from which the applicability of the above-quoted declaration to this fiscal year's Judiciary budget can be discerned, readily.

**The Associate Judges' Actual Bias,
Arising from their Relationships with the Defendant-Respondents, the
Closest Being Defendant-Respondent Chief Judge DiFiore**

37. §100.3E(1) of the Chief Administrator's Rules Governing Judicial Conduct requires that a judge 'disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned'. This reasonably includes professional and personal relationships with parties and their attorneys, such as the associate judges have with the respondent-defendants, all of whom have constitutional checks-and-balance oversight responsibilities over the Judiciary – budgetary and otherwise – none being discharged in any genuine fashion.

38. That respondent-defendants have been collusively corrupting their separation-of-powers, checks-and-balances function and misappropriating public monies on a massive scale is established by appellants' verified pleadings [R.87-134; R.135-225; R.226-271; R.273-314; R.671-742] and the record thereon. This evidence mandates referrals to prosecutorial authorities 'so that the culpable public officers and their agents be criminally prosecuted and removed from office, without further delay' – relief expressly sought by appellants' brief (at p. v, #6), reiterating requests from their September 2, 2016 verified complaint [R.131, at ¶4] and March 29, 2017 verified supplemental complaint [R.742, at ¶4].

39. Obviously, it is with defendant DiFiore that the associate judges have the closest, most sustained and intimate of professional and personal relationships. Like her fellow defendants, defendant DiFiore is being sued not simply because she occupies a relevant constitutional office, but because she has knowingly and deliberately participated with them in the public corruption and larceny at issue,

are part of the record before this Court (contained in Free-Standing (File Folder) Exhibit I (eye) to appellants' 1st motion to the Appellate Division (July 25, 2018), where it is Exhibit A to their March 6, 2018 corruption complaint to Albany District Attorney Soares)."

^{fn18} These Questions pertaining to the Judiciary's proposed fiscal year 2019-2020 budget were furnished to the Legislature on February 19, 2019 and repeatedly, thereafter, as part of written testimony (Exhibit F-2) that additionally included "Questions for Former Temporary Senate President John Flanagan, & Assembly Speaker Carl Heastie, & for Temporary Senate President Andrea Stewart-Cousins" (Exhibit F-3). Appellants' extensive correspondence with Senate and Assembly members and leadership is accessible from CJA's webpage for this motion (fn. 1 *supra*)."

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beginning with the ‘force of law’ commission-based judicial salary increases and the ‘slush-fund’ Judiciary budget – as to which I hand-delivered the *prima facie* evidence to her Westchester district attorney’s office, on December 31, 2015, following her nomination by defendant Cuomo to be New York’s Chief Judge.

40. That defendant DiFiore and her fellow constitutional-officer defendants must ALL be indicted because they willfully and deliberately violated a succession of penal law provisions that I apprised them of, again and again and again – and that they will be convicted on EVIDENCE that is ‘open-and-shut’, is established by the record, as, for instance, from the following two letters it contains:^{fn19}

- (a) my initial December 31, 2015 letter addressed to then Westchester District Attorney/Chief Judge Nominee DiFiore (Exhibit G), entitled:

“So, You Want to be New York’s Chief Judge? – Here’s Your Test: Will You Safeguard the People of the State of New York – & the Public Fisc?”;

- (b) my January 15, 2016 letter addressed to then Temporary Senate President Flanagan and to Assembly Speaker Heastie (Exhibit H), with a copy to her, entitled:

“IMMEDIATE OVERSIGHT REQUIRED:

(1) The Commission on Legislative, Judicial and Executive Compensation and its statute-repudiating, fraudulent, and unconstitutional December 24, 2015 Report with ‘force of law’ judicial salary recommendations;

(2) The Senate Judiciary Committee’s January 20, 2016 public hearing to confirm the nomination of Westchester District Attorney Janet DiFiore as New York’s Chief Judge – and the deceptive notice concealing that oral testimony is restricted to the nominee and bar associations” (Exhibit H).

41. Both letters begin with a recitation of the pertinent penal law provisions violated – as, for instance, the December 31, 2015 letter, as follows:

^{fn19} See appellants’ March 23, 2016 verified second supplemental complaint in their prior citizen-taxpayer action [R.148-149 (¶¶274-276); R.155-156 (¶289(1), ¶292)], on which the September 2, 2016 verified complaint in this citizen-taxpayer action rests [R.98-99 (¶¶20-21)].”

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“Our nonpartisan, nonprofit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), congratulates you on your nomination as Chief Judge of the New York Court of Appeals and of the New York court system. We consider it most fortunate that Governor Cuomo has selected a district attorney as it means our new top judge will have an expertise in New York’s penal law, including such felonies as ‘offering a false instrument for filing in the first degree’ (§175.35), ‘grand larceny in the first degree’ (§155.42), ‘scheme to defraud in the first degree’ (§190.65), ‘defrauding the government’ (§195.20), and the class A misdemeanor ‘official misconduct’ (§195).

Then, too, there is the ‘Public Trust Act’, whose passage, as part of Governor Cuomo’s behind-closed-doors, three-men-in-a-room budget deal in March 2014 with then Temporary Senate President Skelos and then Assembly Speaker Silver, was the pretext for his shut-down of the Commission to Investigate Public Corruption. It created the felony crime ‘Corrupting the Government’ – Penal Law §496 – especially relevant to the judicial salary increases recommended by the August 29, 2011 Report of the Commission on Judicial Compensation and the further judicial salary increases recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation, and to the Judiciary budget – all subjects of this letter.

Because district attorney salaries are statutorily-linked to judicial salaries (Judiciary Law §1[83]-a), you have been a beneficiary of the judicial salary increases recommended by the Commission on Judicial Compensation’s August 29, 2011 Report. That is why, in 2012, your \$136,700 salary was increased to \$160,000 and then, in 2013, increased to \$167,000 and then, in 2014, increased again to \$174,000. It is also why, upon becoming Chief Judge, you again will be a beneficiary of the August 29, 2011 Report: your salary as Chief Judge will be \$198,600, not the \$156,000 it was in 2011.

In the event you are unaware, the judicial salary increases recommended by the Commission on Judicial Compensation’s August 29, 2011 Report – and all the related costs, including the increases in district attorney salaries – are “ill-gotten gains”, stolen from the taxpayers’. And proving this, resoundingly, is CJA’s October 27, 2011 Opposition Report,

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detailing the fraudulence, statutory-violations, and unconstitutionality of the August 29, 2011 Report. ...” (Exhibit G, at pp. 1-2, underlining in the original).

42. A copy of the October 27, 2011 Opposition Report is already in the Court’s possession, albeit without the substantiating evidence I hand-delivered for defendant DiFiore with the December 31, 2015 letter.^{fn20} It was part of the first appellate motion before the Appellate Division that I duplicated for the Court in conjunction with appellants’ March 26, 2019 letter.^{fn21} The 38-page October 27, 2011 Opposition Report suffices to establish that both the Commission on Judicial Compensation’s August 29, 2011 Report – and the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation materially resting on, and replicating it – are statutorily-violative, fraudulent, and false instruments, quite apart from being unconstitutional. This is what defendant DiFiore would have speedily concluded, following her receipt of the December 31, 2015 letter (Exhibit G) – and, again, two weeks later, following her receipt of the January 15, 2016 letter (Exhibit H), with its further substantiating evidence, most importantly its 12-page ‘Statement of Particulars in Further Support of Legislative Override of the ‘Force of Law’ Judicial Increase Recommendations, Repeal of the Commission Statute, Etc.’^{fn22}

43. From these two fully-documented December 31, 2015 and January 15, 2016 letters this Court’s associate judges can know, for a certainty, what defendant DiFiore herself knows, for a certainty: that appellants have summary judgment on their seventh and eighth causes of action – and that the Appellate Division’s December 27, 2019 Memorandum outrightly lies in stating, *inter alia*:

‘Dismissal of the eighth cause of action was also proper because the record shows that the Commission considered the requisite statutory

^{fn20} All the voluminous substantiating evidence which the December 31, 2015 letter itself identifies as being furnished – including the full copy of the October 27, 2011 Opposition Report – is part of this citizen-taxpayer action, in the record below [R.148, ¶276 & fns. 4, 5].”

^{fn21} See Free-Standing (file folder) Exhibit I (eye) to appellants’ 1st motion to the Appellate Division (July 25, 2018).”

^{fn22} This dispositive document is annexed as Exhibit C to appellants’ ‘legal autopsy’/analysis of the Appellate Division’s December 27, 2019 Memorandum – and was before the Appellate Division, annexed as Exhibit EE to my August 6, 2018 reply affidavit in further support of appellants’ 1st motion (July 25, 2018).”

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factors in making its recommendation regarding judicial compensation.’ (at p. 8).

Indeed, it is why neither defendant DiFiore nor anyone else has come forward with findings of fact and conclusions of law with respect to the October 27, 2011 Opposition Report or the other evidence furnished by the December 31, 2015 and January 15, 2016 letters (Exhibits G, H) – making them all conspirators and accomplices, under the penal law, for the ongoing ‘grand larceny of the public fisc’, here sought to be ended by declarations of unconstitutionality, unlawfulness, and fraud.

**The Associate Judges’ Actual Bias,
Also Arising from their Relationships with Other Judges
and Accomplices in the Corruption at Issue**

44. Each associate judge has professional and personal relationships with the panoply of specific judges, past and present, directly involved in perpetuating – if not also procuring – the larcenous judicial salary increases resulting from the August 29, 2011 Report of the Commission on Judicial Compensation and the December 24, 2015 Report of the Commission on Legislative, Judicial, and Executive Compensation^{fn23} – and who, with the defendants, must be referred for prosecution based on evidence that will ensure convictions.

45. The associate judges also have relationships with, and dependencies on, district attorneys, U.S. Attorneys, and other public officers and commissioners who, from 2013 onward, have either been ‘sitting on’ the fully-documented corruption complaints I filed based on the larcenous August 29, 2011 and December [24], 2015 Commission Reports and the budget [R.231-232]^{fn24} – or have fraudulently dismissed the complaints, as was done by the Commission to Investigate Public Corruption [R.232], the Commission on Judicial Conduct [R.1320-1327],^{fn25} and the Attorney Grievance Committees.^{fn26}

^{fn23} Among these judges whose willful and deliberate misconduct is recited and reflected by the record, all beneficiaries of the commission-based judicial salary increases: (1) Chief Administrative Judge Marks; (2) Former Chief Judge Jonathan Lippman; (3) Appellate Division, Third Department Justice Elizabeth Garry and all nine associate justices; (4) Acting Albany County Supreme Court Justice/Court of Claims Judge Denise Hartman; (5) Acting Albany County Supreme Court Justice/Court of Claims Judge Roger McDonough; (6) Third Judicial District Administrative Judge Thomas Breslin; (7) Deputy Chief Administrative Judge Michael Coccooma.”

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**The Further Disqualification of Associate Judge Garcia
Arising from his Knowledge of, and Participation in, Events
Involving the Commission to Investigate Public Corruption,
Underlying this Citizen-Taxpayer Action**

46. §100.3E(1) of the Chief Administrator's Rules Governing Judicial Conduct specifies that a judge's impartiality might reasonably be questioned where:

‘(a) (i) the judge has a personal bias or prejudice concerning a party or (ii) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding’.

47. Pursuant to §100.3F, ‘remittal of disqualification’ is not available for §100.3E(1)(a)(i), but is available for §100.3E (1)(a)(ii). Consequently, if Associate Judge Garcia were going to participate with his fellow associate judges in the May 2, 2019 Order – if, in fact, they, rather than the Clerk's Office, rendered it – he should have discussed with them his personal knowledge of, and participation in, the underlying corruption giving rise to this citizen-taxpayer action, requiring that he disqualify himself, absent ‘remittal of disqualification’ pursuant to §100.3F.

48. The facts are as follows...” (bold, capitalization, underlining in the original).

On June 6, 2019, plaintiff-appellants additionally made a motion for leave to appeal, establishing their absolute constitutional entitlement to same, incorporating by reference their May 31, 2019 motion, and asserting (at fn. 1) that all its threshold issues were also threshold issues for the motion for leave:

“beginning with whether the Court's associate judges can constitutionally ‘sit’ and ‘take any part’ in this case, absent their invocation of ‘Rule of Necessity’ and whether the jurisdictional bar of Judiciary Law §14 precludes them from invoking such judge-made rule to give to themselves the jurisdiction the statute removes from them.”

Without denying or disputing the accuracy of ANY of the facts and law presented by plaintiff-appellants' May 31, 2019 and June 6, 2019 motions, the Attorney General opposed both by a June 27, 2019 memorandum in opposition—the fraudulence of which – and its regurgitation of the fraud of her March 26, 2019 letter opposing the appeal of right – was the subject of plaintiff-appellants August 8, 2019 motion for an order:

“1. consistent with this Court's decision in *CDR Creances S.A.S. v. Cohen, et al*, 23 NY3d 307 (2014), striking, as ‘fraud on the court’, the Attorney General's June 27, 2019 ‘Memorandum in Opposition to Motions

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for (i) Leave to Appeal; and (ii) Reargument/Renewal and Other Relief and, additionally, the Attorney General's March 26, 2019 letter opposing appellants' appeal of right, both signed by Assistant Solicitor General Frederick Brodie on behalf of Attorney General Letitia James and bearing the names of Solicitor General Barbara Underwood and Assistant Solicitor General Victor Paladino;

2. consistent with this Court's decision in *Matter of Rowe*, 80 NY2d 336, 340 (1992), and *Greene v. Greene*, 47 NY2d 447, 451 (1979), disqualifying the Attorney General from representing her fellow respondents herein – with declarations that such representation is UNCONSTITUTIONAL, in addition to being unlawful, with a further declaration that the Attorney General's taxpayer-paid representation belongs to appellants, pursuant to Executive Law §63.1 and State Finance Law Article 7-A;

3. pursuant to Court-promulgated 22 NYCRR §130-1.1, et. seq., and consistent with this Court's decision in *Matter of AG Ship Maintenance Corp v. Lezak*, 69 NY2d 1 (1986), imposing maximum costs and sanctions against Attorney General James and her culpable attorney-staff based on their June 27, 2019 Memorandum in Opposition and March 26, 2019 letter;

4. pursuant to Judiciary Law §487(1) and this Court's decision in *Amalfitano v. Rosenberg*, 12 NY3d 8, 14 (2009), making such determination as would afford appellants treble damages in a civil action against Attorney General James and her culpable attorney-staff based on their June 27, 2019 Memorandum in Opposition and March 26, 2019 letter;

5. pursuant to Court-promulgated 22 NYCRR §100.3D(2) (Rules Governing Judicial Conduct) and the law review article '*The Judge's Role in the Enforcement of Ethics – Fear and Learning in the Profession*', St. Clara Law Review, Vol. 22 (1982), referring Attorney General James and her culpable attorney-staff for investigation and prosecution by:

- (a) appropriate disciplinary authorities for their knowing and deliberate violations of Court-promulgated 22 NYCRR Part 1200 (Rules of Professional Conduct) and, specifically,
 - Rule 1.7 'Conflict of Interest: Current Clients';
 - Rule 3.1 'Non-Meritorious Claims and Contentions';
 - Rule 3.3 'Conduct Before A Tribunal';
 - Rule 8.4 'Misconduct';
 - Rule 5.1 'Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers'; and
 - Rule 5.2 'Responsibilities of a Subordinate Lawyer';

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(b) appropriate criminal authorities for their knowing and deliberate violations of penal laws, including,

Penal Law §175.35 ‘offering a false instrument for filing in the first degree’;

Penal Law §195 ‘official misconduct’;

Penal Law §496 ‘corrupting the government in the first degree’/‘public corruption’ [PUBLIC TRUST ACT];

Penal Law §195.20 ‘defrauding the government’;

Penal Law §190.65 ‘scheme to defraud in the first degree’;

Penal Law §155.42 ‘grand larceny in the first degree’; Penal

Law §105.15 ‘conspiracy in the second degree’;

Penal Law §20 ‘criminal liability for conduct of another’;

6. pursuant to Article XIII, §5 of the New York State Constitution, taking the steps proscribed ‘by law for the removal for misconduct or malversation in office’ of Attorney General James;

7. granting such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.” (underlining, capitalization in the original).

My 9-page moving affidavit, which identified (at ¶1) that the motion was:

“without prejudice to appellants’ contention that the Court’s associate judges are without jurisdiction to ‘sit’ and ‘take any part’ in this case in which they are interested, absent their addressing the threshold jurisdictional and disclosure/disqualification issues presented by appellants’ May 31, 2019 reargument/renewal motion – and by a reasoned decision comparable to the Court’s decision in *New York State Criminal Defense Lawyers v. Kaye*, 95 NY2d 556 (2000)”,

annexed, in substantiation of the requested relief, a 37-page, single-spaced “legal autopsy”/analysis of the Attorney General’s June 27, 2019 memorandum, demonstrating it to be “from beginning to end, and in virtually every line, a ‘fraud on the court’”, just as the Attorney General’s March 26, 2019 letter opposing the appeal of right had been – and as plaintiff-appellants had demonstrated by their April 11, 2019 letter to the Court, itself constituting an 11-page, single-spaced “legal autopsy”/analysis thereof. My moving affidavit annexed a copy of that April 11, 2019 letter – and, additionally, a copy of plaintiff-appellants’ March 26, 2019 letter in support of their appeal of right, including its “legal autopsy”/analysis of the Appellate Division’s December 27, 2018 memorandum and order.

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Once again, without denying or disputing the accuracy of ANY of the facts and law presented by plaintiff-appellants' August 8, 2019 motion, the Attorney General opposed plaintiff-appellants' motion, now with further litigation fraud – indeed, by regurgitating the same deceits and mischaracterizations as had been employed in the Appellate Division, Third Department, which plaintiff-appellants had there rebutted, covered up by the Appellate Division, Third Department's fraudulent December 27, 2018 memorandum and order and its four fraudulent predecessor decision/orders. Plaintiff-appellants demonstrated this by an August 28, 2019 letter to the Court, constituting a 19-page, single-spaced “legal autopsy”/analysis of the Attorney General's August 19, 2019 opposition to their August 8, 2019 motion – expressly seeking an additional imposition of costs and maximum \$10,000 sanctions, pursuant to 22 NYCRR §130-1.1 *et seq.*

The Court responded to plaintiff-appellants' May 31, 2019, June 6, 2019, and August 8, 2019 motions by three orders dated October 24, 2019, purportedly by the associate judges, dismissing and denying all three motions, in their entirety – *without* identifying or addressing Judiciary Law §14, *without* invoking “Rule of Necessity”, or determining whether it could be invoked, *without* making any disclosure of the financial and other interests and relationships of each associate judge – or identifying that disclosure had been sought – and without identifying ANY of the facts, law, or legal argument the motions had presented.

Plaintiff-appellants' “legal autopsy”/analyses of the three October 24, 2019 orders – as well as of the May 2, 2019 order – are embodied in, and are exhibits to, their November 25, 2019 motion for an order:

- “1. pursuant to CPLR §5015(a)(4), vacating the Court's three October 24, 2019 Orders, as well as its May 2, 2019 Order, for lack of jurisdiction – or securing a federal forum to do so – absent the Court's establishing that the unequivocal language of Judiciary Law §14 and its own interpretive decisions in *Oakley v. Aspinwall*, 3 NY 547 (1850), and *Wilcox v. Royal Arcanum*, 210 NY 370 (1914), did not divest the six associate judges of jurisdiction by reason of their financial and other interests in this appeal;
2. pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct and consistent with *Oakley v. Aspinwall*, at 548-549, 551, for disclosure by the Court's six associate judges of their financial and other interests in the appeal;
3. pursuant to §100.3E of the Chief Administrator's Rules, disqualifying this Court's six associate judges for the actual bias demonstrated by their October 24, 2019 and May 2, 2019 Orders and vacating them by reason thereof – or securing a federal forum to do so;
4. pursuant to CPLR §5015(a)(3), vacating the October 24, 2019 and May 2, 2019 Orders for fraud, misrepresentation and other misconduct of defendant-respondent New York State Attorney General Letitia James – or securing a federal forum to do so;

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5. pursuant to CPLR §2221(d) and this Court's Rule 500.24, granting reargument to address what the Court 'overlooked' by its three October 24, 2019 Orders – *to wit*, ALL the facts, law, and legal argument presented by appellants' May 31, 2019, June 6, 2019, and August 8, 2019 motions, including as to the *unconstitutionality, as written, as unwritten, and as applied*, of the Court's substitution of the language of Article VI, §3(b)(1) of the New York State Constitution, mirrored in CPLR §5601(b)(1) – granting appeals of right 'wherein is directly involved the construction of the constitution of the state or of the United States' – with a *sua sponte* ground to dismiss because 'no substantial constitutional question is directly involved', which it has not even embodied in a court rule.

6. pursuant to CPLR §2221(e), granting renewal to address new facts that could not be presented previously, further warranting vacatur of the October 24, 2019 Orders, *to wit*:

a. unless Court Clerk John Asiello was disabled by disqualification, the Court's October 24, 2019 Orders are not lawfully signed, pursuant to CPLR §2219(b) and defendant-respondent Chief Judge DiFiore's own January 26, 2016 authorization;

b. the Court's November 21, 2019 Order in *Delgado v. New York State*, if rendered by its six associate judges, manifests their actual bias born of undisclosed financial and other interests, proscribed by Judiciary Law §14, divesting them of jurisdiction to 'sit' and 'take any part';

c. Chief Administrative Judge Lawrence Marks and other judges of the Unified Court System are colluding in fraud and deceit before the current Commission on Legislative, Judicial and Executive Compensation, which is itself repeating ALL the statutory and constitutional violations of the 2015 Commission on Legislative, Judicial and Executive Compensation that this citizen-taxpayer action establishes.

7. pursuant to CPLR §8202, granting appellants' \$100 motion costs;

8. pursuant to the Court's inherent power, granting such other and further relief as may be just and proper."

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Supporting the motion was my 23-page moving affidavit, stating, in pertinent part:

“4. The Court’s three October 24, 2019 Orders are constitutionally and jurisdictionally indefensible – and, if rendered by the six associate judges, warrant proceedings to remove them from office, pursuant to Article VI, §§22-24 of the New York State Constitution, and to criminally prosecute them for corruption and larceny of public monies,^{fn3} upon grand jury inquiry and indictment, pursuant to Article I, §6 of the New York State Constitution. Indeed, these three Orders are even more egregious than the May 2, 2019 Order (Exhibit B-1), which, *without* identifying or addressing the threshold issues in the record before the Court, purported to dismiss appellants’ appeal of right on *sua sponte* grounds that are not only a LIE, but contravene Article VI, §3(b)(1) of the New York State Constitution and CPLR §5601(b)(1).

5. The purpose of this motion is to afford the associate judges one last clear chance to discharge their constitutional function – beginning with rendering a responsive, reasoned decision on the threshold jurisdictional and disqualification issues that appellants’ May 31, 2019 motion particularized...

6. The Court responded to the May 31, 2019 motion by its October 24, 2019 Order on Mo. No. 645 (Exhibit A-1), purporting it to be ‘Upon the papers filed and due deliberation’. It first dismissed the ‘motion for reconsideration of this Court’s May 2, 2019 dismissal order’ made on CJA’s behalf by regurgitating, *verbatim*, the pretext of its May 2, 2019 Order, whose falsity the motion had exposed (Exhibit B-2, at p. 2). That pretext – that I was not CJA’s ‘authorized legal representative’ (Exhibit B-1) – fraudulently concealed that both CJA and I were before the Court as ‘unrepresented appellants’ raising the threshold issue of our entitlement to be represented by the Attorney General or to state-paid independent counsel, by reason of the Attorney General’s conflicts of interest. Next, the Order denied, *without reasons*, the motion for ‘reconsideration’ made on my behalf. Only then – after these two substantive determinations – did the Order deny, *without reasons*, ‘disqualification of the Associate Judges of this Court &c’, with Associate Judge Garcia additionally denying, *without reasons*, his recusal ‘on nonstatutory grounds’. No acknowledgment, except implicitly, that the ‘disqualification of the

^{fn3} Among the penal laws: Penal Law §175.35 ‘offering a false instrument for filing in the first degree’; Penal Law §195 ‘official misconduct’; Penal Law §496 ‘corrupting the government in the first degree’/‘public corruption’ [PUBLIC TRUST ACT]; Penal Law §195.20 ‘defrauding the government’; Penal Law §190.65 ‘scheme to defraud in the first degree’; Penal Law §155.42 ‘grand larceny in the first degree’; Penal Law §105.15 ‘conspiracy in the second degree’; Penal Law §20 ‘criminal liability for conduct of another’. All are cited by appellants’ August 8, 2019 motion as applicable to the associate judges’ acts herein (Exhibit B, at p. 37).” (underlining in the original).

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Associate Judges' sought by the motion is on statutory grounds – and no acknowledgment at all that the caselaw with respect thereto, including the Court's own, is black-letter, non-discretionary – and divests the associate judges of jurisdiction.

7. The Court's other two October 24, 2019 Orders (Exhibits A-2, A-3), denying and dismissing appellants' June 6, 2019 and August 8, 2019 motions, are of the same ilk, albeit without any mention of disqualification/recusal. Demonstrating this is the annexed 'legal autopsy'/analysis of all three October 24, 2019 Orders (Exhibit A-4), stating, as follows, in its prefatory overview:

'The Court's three October 24, 2019 Orders dispose of appellants' three motions, dated May 31, 2019, June 6, 2019, and August 8, 2019, without identifying ANY of the facts, law, or legal argument they present – or the state of the record with respect thereto. Their denials are ALL without reasons – and their dismissals are ALL verbatim repeats of reasons from the Court's May 2, 2019 Order, demonstrated as frauds by appellants' motions and prior submissions.

Nor are the three October 24, 2019 Orders or the May 2, 2019 Order signed by any of the Court's six associate judges – or by the Court's Clerk, who, on those dates, was not absent or physically disabled. Without explanation, the four Orders are signed by the Court's Deputy Clerk.'

8. All three October 24, 2019 Orders and the May 2, 2019 Order (Exhibits A-1, A-2, A-3, B-1), when compared to the record, cannot be justified – and cannot be explained as other than as the brazen manifestation of actual bias by the six associate judges, arising from their HUGE financial and other interests and relationships, which would disqualify them, pursuant to §100.3E of the Chief Administrator's Rules Governing Judicial Conduct, had they jurisdiction to 'sit' and 'take any part' in this appeal, which they do not have, pursuant to Judiciary Law §14, *Oakley v. Aspinwall*, *Wilcox v. Royal Arcanum*, 210 NY 370 (1914), and ALL other caselaw on the subject – and which their willful concealment of the issue in the Orders concedes, *as a matter of law*.

9. If this Court has ANY facts and law showing that its four Orders are constitutionally and jurisdictionally defensible, in other words, that there are 'adequate and independent state grounds' to sustain them, this motion is the Court's opportunity to furnish the particulars. This includes confronting the unconstitutionality, *as written, as unwritten, and as applied*, of the Court's substitution of the language of Article VI, §3(b)(1) of the New York State Constitution, mirrored in CPLR §5601(b)(1) – granting appeals of right 'wherein is directly involved the construction of the constitution of the state or of the United

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States’ – with its *sua sponte* ground to dismiss because ‘no substantial constitutional question is directly involved’, which the Court has not embodied in its rules and otherwise conceals. Such is detailed at ¶¶19-23 of appellants’ May 31, 2019 motion and its showing of unconstitutionality is reinforced by the Court’s *without reasons* denial of that motion by its October 24, 2019 Order on Mo. No. 2019-645 (Exhibit A-1).

10. Suffice to say, apart from appellants’ constitutional entitlement to appeals by right and by leave, pursuant to Article VI, §3(b)(1) and Article VI, §3(b)(6) of the New York State Constitution, established, resoundingly, by the record of their May 31, 2019 and June 6, 2019 motions, no litigant should have to contend with litigation fraud of an adverse party, least of all New York’s highest legal officer – which is what this Court sanctioned by all four Orders, willfully disregarding its duty to enforce safeguarding statutory and court rule safeguards. This, apart from its own inherent power and duty to safeguard the integrity of proceedings before it.

11. The fourth branch of this motion, pursuant to CPLR §5015(a)(3), for vacatur of the Court’s Orders, is based on the Attorney General’s fraud, misrepresentation, and other misconduct before this Court on every aspect of the appeal. Dispositive is appellants’ August 8, 2019 motion to strike the Attorney General’s opposition to appellants’ appeals by right and by leave, as ‘fraud upon the court’,^{fn4} denied, *without reasons*, by this Court’s October 24, 2019 Order on Mo. No. 2019-799 (Exhibit A-3).

12. As recognized, powerfully, 115 years ago, in *Matter of Bolte*, 97 AD 551, 574 (1st Dept. 1904) – and quoted in appellants’ memoranda of law, contained within the record on appeal I furnished the Court, at the outset, in support of appellants’ appeal of right:

‘...Favoritism in the performance of judicial duties constitutes corruption as disastrous in its consequences as if the judicial officer received and was moved by a bribe.’ [R.516; R.975].

13. At bar, the Court’s four Orders have manifested not mere ‘favoritism’, but outright collusion with defendants, with whom all six associate judges have shared financial and other interests, in addition to relationships – the closest being with defendant Chief Judge DiFiore, who – as identified by appellants’ May 31, 2019 motion (at ¶¶38-43) – is criminally liable for the fraud, corruption, and larceny of taxpayer monies she perpetuated and became an active accomplice in since her receipt of my December 31, 2015 letter to her,^{fn5} dispositive *on its face* and by the open-and-shut, *prima facie* evidence it transmitted...

“fn5

Annexed as Exhibit G to appellants’ May 31, 2019 motion.”

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14. As for this motion's fifth branch: reargument pursuant to CPLR §2221(d) and this Court's Rule 500.24, the grounds for such relief are evident from the October 24, 2019 Orders (Exhibits A-1, A-2, A-3, B-1), which, *on their face*, omit ALL of the facts, law, and legal argument presented by appellants' three motions – ALL of which they 'overlook' because they are dispositive of appellants' ABSOLUTE entitlement to the relief those motions deny, *without reason* – and which this motion seeks by reargument.

15. As for this motion's sixth branch: renewal pursuant to CPLR §2221(e), it is based on new facts that any fair and impartial tribunal, having jurisdiction, would deem to warrant relief. ..."

...

- C. Chief Administrative Judge Lawrence Marks and other judges of the Unified Court System are colluding in fraud and deceit before the current Commission on Legislative, Judicial and Executive Compensation, which is itself repeating ALL the statutory and constitutional violations of the 2015 Commission on Legislative, Judicial and Executive Compensation that this citizen-taxpayer action establishes.

By the Court's October 24, 2019 Orders (Exhibits A-1, A-2, A-3), the associate judges gave themselves and their fellow judges of the Unified Court System an immediate, tangible benefit beyond being able to continue to collect their current commission-based judicial salary increases: the prospect of further judicial salary increases – to be procured by the same unconstitutional, statutory-violative, and fraudulent means as detailed by appellants' sixth, seventh, and eighth causes of action [R.109-112 (R.187-201); R.112-114 (R.201-212); R.114 (R.212-213)] that the Court refused to review, either by right or by leave – on a record establishing appellants' entitlement to summary judgment as to all three.

Until November 4, 2019, I did not know – because to even imagine it in the circumstances at bar is depraved – that the Unified Court System, under defendant Chief Judge DiFiore, would actively be engaged in misleading the instant, belatedly-appointed Commission on Legislative, Judicial, and Executive as to its statutory charge – and as to its obligation to confront probative evidence. The particulars are set forth by my letter of today's date to Chief Administrative Judge Marks entitled:

'Demand that You Withdraw Your Unsworn November 4, 2019 Testimony before the Commission on Legislative, Judicial and Executive Compensation as FRAUD, as Likewise Your Submission on which it was Based, Absent Your Denying or Disputing the Accuracy of My Sworn Testimony'. (underlining in the original).

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New York State Commission on Judicial Conduct

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A copy is annexed (Exhibit F) and incorporated herein by reference. The following questions, at page 6, pertain to this Court:

‘By the way, was your undated written submission to the Commission, whose pervasive fraud includes its assertion (at p. 7) ‘Judges...must comply with the Chief Administrative Judge’s Rules Governing Judicial Conduct (22 NYCRR Part 100), which impose ethical restrictions upon judges’ public and private conduct and activities’ citing ‘NY Const., Art. VI, §20(b), (c)’ – thereby implying that New York’s judges do comply and that there is enforcement when they don’t – approved by Chief Judge DiFiore and the associate judges – or was its content known to them and, if so, when? Did you – and they – actually believe that New York’s Judiciary was not obligated to include ANY information as to CJA’s succession of lawsuits, since 2012, seeking determination of causes of action challenging the constitutionality of the commission statutes, *as written, as applied, and by their enactment*, and the statutory-violations of the commission reports, where the culminating lawsuit, to which Chief Judge DiFiore is a named defendant, is at the Court of Appeals, on a record establishing the willful trashing of the Chief Administrator’s Rules Governing Judicial Conduct and any cognizable judicial ‘process’?^[fn]’ (capitalization and italics in the original).

Upon receipt of Chief Administrative Judge Marks’ response to this paragraph and the balance of the letter, I will furnish it to the Court as a new fact further warranting vacatur of the October 24, 2019 Orders.

Finally, and further illustrative of the ‘willful trashing of the Chief Administrator’s Rules Governing Judicial Conduct’ to which my letter to Chief Administrative Judge Marks refers is the non-disclosure by any of the associate judges in their Orders herein of any facts bearing upon their disqualification – as is their obligation pursuant to §§100.3E and F of the Chief Administrator’s Rules. Indeed, not until I was preparing for my testimony for the November 4, 2019 hearing of the instant Commission on Legislative, Judicial and Executive Compensation did I realize that Associate Judge Paul Feinman had testified before the prior Commission on Legislative, Judicial and Executive Compensation at its November 30, 2015 hearing to which the seventh cause of action refers [R.112-114 (R.201-212)].

His duty was to disclose this and, additionally, his knowledge of the facts recited by that cause of action as to the frauds committed by the judicial pay raise witnesses, of which he was one...” (italics, underlining, capitalization in the original).

Without denying or disputing the accuracy of ANY of the facts and law presented by plaintiff-appellants’ November 25, 2019 motion, the Attorney General opposed by a December 10, 2019

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memorandum — the fraudulence of which, from beginning to end and in virtually every line, was demonstrated by plaintiff-appellants December 31, 2019 letter to the Court, annexing a 15-page, single-spaced “legal autopsy”/analysis of it, and stating:

“This fourth instance of litigation fraud by [the Attorney General] is the direct consequence of the ‘green light’ the Court has given by its four Orders herein. All conceal any issue of fraud or disqualification relating to the Attorney General – including the Court’s October 24, 2019 Order on ‘Mo. No. 2019-799’, denying, *without reasons*, appellants’ August 8, 2019 motion ‘to strike respondents’ memorandum of law &c.’. This has emboldened [the Attorney General] to rest [her] December 10, 2019 opposition memorandum almost totally on [her] totally fraudulent June 27, 2019 memorandum in opposition to appellants’ May 31, 2019 and June 6, 2019 motions and on [her] totally fraudulent August 19, 2019 memorandum and affirmation opposing appellants’ August 8, 2019 motion.” (at p. 2, underlining in the original)

...

Consequently, the Court’s duty with respect to the first five branches of appellants’ November 25, 2019 motion is to make such findings of facts and conclusions of law as its four prior Orders did NOT make with respect to the Attorney General’s complained-about litigation fraud and disqualification. The Court can reasonably begin with its October 24, 2019 Order on ‘Mo. No. 2019-799’, denying, *without reasons*, appellants’ August 8, 2019 motion ‘to strike respondents’ memorandum of law &c.’, as it is dispositive of the findings of fact and conclusions of law that were incumbent upon the Court to make by its other three Orders.” (at p. 5, underlining in the original).

As for the sixth branch of appellants’ November 25, 2019 motion – for renewal based on new facts – plaintiff-appellants furnished the Court with a separate letter, dated January 9, 2020, stating (at p. 1):

“Although the facts are still not fully known, they nonetheless reinforce the duty of the associate judges to vacate their four Orders herein, if not themselves, then by referral to judges not afflicted by the HUGE financial and other interests in this case that divest them of jurisdiction pursuant to Judiciary Law §14 and the Court’s own interpretive decisions in *Oakley v. Aspinwall*, 3 NY547 (1850), and *Wilcox v. Royal Arcanum*, 210 NY 370 (1914).” (capitalization in the original).

With respect to Part C of the sixth branch pertaining to the Commission on Legislative, Judicial and Executive Compensation, the letter stated (at pp. 12-13) that in e-mailing my November 25, 2019 letter to Chief Administrative Judge Marks challenging him to rebut its showing that his November 4, 2019 testimony before the Commission was fraudulent and inquiring whether its content had been known and/or approved, in advance, by Chief Judge DiFiore and the associate judges, I had requested that he forward it to the judges who had also testified before the Commission in support of pay raises for themselves – and to Chief Judge DiFiore’s “Excellence Initiative” which he and they

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had praised as increasing judicial excellence. The substantiating e-mail was annexed. Neither he nor anyone else responded. Nor to the subsequent e-mails I sent him and Chief Judge DiFiore demonstrating that his November 22, 2019 supplemental submission to the Commission was a “HUGE financial fraud”:

“enabled by the fact that the Judiciary budget is ‘a larcenous SLUSH-FUND, born of constitutional violations, statutory violations and fraud’, so-proven by the record before the Court, substantiating appellants’ second cause of action [R.103-104 (R.162-167; R.260-262; R.294-300)] challenging the constitutionality and lawfulness of the Judiciary budget.^{fn13}” (at p. 13, capitalization and underlining in the original)

and furnishing further proof of the Commission’s flagrant disregard of EVIDENCE and its statutory charge. In that context, I stated:

“Surely, the associate judges know the answer for themselves as to their prior knowledge and approval of Chief Administrative Judge Marks’ frauds before the Commission. Surely, too, they are not unaware that their May 2, 2019 and October 24, 2019 Orders enabled the commissioners to be appointed and conduct themselves in the same statutorily-violative, fraudulent, unconstitutional fashion as recited by appellants’ seventh and eighth causes of action [R.112-114 (R.201-212); R.114 (R.212-213)] pertaining to the 2015 Commission and enabled Chief Administrative Judge Marks and the other judges to reprise frauds comparable to those they had utilized before the 2015 Commission – this being essential to any possibility of their procuring the further salary increases to which Part E, Chapter 60 of the Law of 2015 did not remotely entitle them.” (at p. 14, underlining in the original).

The 18-page, single-spaced letter¹¹ concluded as follows:

¹¹ In a footnote to this section C, the letter identified (at p. 12) a further NEW fact germane to the judicial disclosure that had not been made – stating:

“...I have only just discovered that among the judicial pay raise witnesses who had testified at the Commission on Judicial Compensation’s July 20, 2011 hearing was the then president of the Association of Supreme Court Justices of the State of New York, Supreme Court Justice Phillip Rumsey.

This is the same Justice Rumsey, who since May 2017, has sat on the Appellate Division, Third Department – and who authored its December 27, 2018 Memorandum herein, obliterating ALL cognizable adjudicative, evidentiary, and ethics standards to preserve Part E, Chapter 60 of the Laws of 2015 establishing the Commission on Legislative, Judicial and Executive Compensation and its December 24, 2015 report, and, simultaneously, Chapter 567 of the Laws of 2010 establishing the Commission on Judicial Compensation and its August 29, 2011 report. Justice Rumsey also participated with his fellow appellate panel judges in denying, *without reasons*, two of appellants’ threshold integrity motions, including for disqualification and disclosure. This Court has all the horrendous particulars – laid by appellants’ “legal autopsy”/analysis of the Memorandum

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“There are more facts, not previously available, which might be furnished by way of renewal. High on that list are the supervening facts pertaining to the Judiciary’s ‘itemized estimates’ of its ‘financial needs’ for fiscal year 2020-2021 that Chief Administrative Judge Marks transmitted to the Governor and Legislature on November 29, 2019, with certifications of Chief Judge DiFiore and authorizations by the Court of Appeals dated November 19, 2019 – replicating most of the constitutional and statutory violations encompassed by appellants’ second cause of action [R.103-104 (R.162-167; R.260-262; R.294-300)] challenging the constitutionality and lawfulness of the Judiciary budget. However, the foregoing pertaining to parts A, B, and C of the sixth branch of appellants’ November 25, 2019 motion more than suffices for the renewal/vacatur relief sought.

I swear the contents of this letter to be true, under penalties of perjury, and end by reiterating the quote at page 1 of my November 25, 2019 moving affidavit, as it succinctly summarizes the enormity of what is before the Court, at stake for the People of the State of New York:

“This Court’s constitutional function is to uphold and safeguard our State Constitution. Nothing more is asked, on this motion, than that the associate judges discharge that function, for which they are paid, and which, if they do, will wipe out, overnight, the ‘culture of corruption’ plaguing our state – as is eminently clear from the verified pleadings of this citizen-taxpayer action and the record thereon.’ (appellants’ June 6, 2019 motion for leave to appeal, at p. 21; repeated in their August 8, 2019 motion to strike, at ¶18, underlining in the original).”

The Court’s response, by its February 18, 2020 order, purportedly by its six associate judges, was to dismiss and deny plaintiff-appellant’s November 25, 2019 motion, in its entirety – *without* identifying or addressing Judiciary Law §14, *without* invoking “Rule of Necessity”, or determining whether it could be invoked, *without* making any disclosure of the financial and other interests and relationships of each associate judge – or identifying that disclosure had been sought – and without identifying ANY of the facts, law, or legal argument the motion had presented.

In other words, the February 18, 2020 order was essentially indistinguishable from the four prior orders it preserved: insupportable in fact and law, fraudulent, unconstitutional, wilfully and

that accompanied their March 26, 2019 letter in support of their appeal of right.

The video of the Commission on Judicial Compensation’s July 20, 2011 hearing, at which then Supreme Court Association President Rumsey testified and answered questions, including about the statutory factors the Commission was required to take into account, and the video of the Commission on Legislative, Judicial and Executive Compensation’s November 30, 2015 hearing, at which then Supreme Court Association President Feinman testified, are accessible from CJA’s webpage for this letter (fn. 1, *supra*).” (capitalization in the original).

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deliberately violating Judiciary Law §14 and §§100.3E, F, and D of the Chief Administrator's Rules Governing Judicial Conduct – replicating each and every decision/order in the record below.

* * *

Please advise as to how you will be handling the threshold conflict-of-interest issues germane to this complaint – all exacerbated by your handling of the prior June 16, 2017 and September 20, 2018 complaints (pp. 2-6, *supra*).

Needless to say, I am available – and eager – to be interviewed, including under oath – and to supply you with hard copies/originals of the mountain of *prima facie*, open-and-shut EVIDENCE substantiating this complaint.

Although your rules do not require complainants to swear to the truth of their judicial misconduct complaints, I eagerly do so – using the attestation that Albany County District Attorney P. David Soares includes on the complaint form of his so-called “Public Integrity Unit”:

“I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.”

Thank you.

Exhibit 2a

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, June 7, 2021 4:20 PM

To: hoylman@nysenate.gov; pboyle@nysenate.gov;
senatorjbailey@nysenate.gov; biaggi@nysenate.gov; breslin@nysenate.gov;
gounardes@nysenate.gov; kaplan@nysenate.gov; lanza@nysenate.gov;
myrie@nysenate.gov; omara@nysenate.gov; oberacker@nysenate.gov;
palumbo@nysenate.gov; skoufis@nysenate.gov; stavisky@nysenate.gov;
thomas@nysenate.gov

Cc: madeline.singas@nassauda.org; ggalansk@nycourts.gov;
phillips@nysenate.gov; aaron@bradhoylman.com; canary@nysenate.gov;
kiprilov@nysenate.gov; turoski@nysenate.gov; laidley@nysenate.gov;
levans@nysenate.gov; jonesj@nysenate.gov; mjoyce@nysenate.gov;
golan@nysenate.gov; msb.nysenate@gmail.com; rowwheeler@nysenate.gov;
jbishop@nysenate.gov; valle@nysenate.gov; jbishop@nysenate.gov;
valle@nysenate.gov; cfoster@nysenate.gov; goddard@nysenate.gov;
brix@nysente.gov; emancinisd6@gmail.com

Subject: **Your tomorrow's "meeting" on the nominations of Singas & Cannataro to the NY Court of Appeals -- UNCONSTITUTIONAL & FRAUDULENT, as it has not been preceded by vetting of the EVIDENCE decisive of their unfitness, of which you have had NOTICE**

Attachments: [1-15-21-foil-hoylman-complaint.pdf](#);
[singas-evidence-supporting-6-1-21-email-to-sjc.pdf](#);
[cannataro-evidence-supporting-6-1-21-email-to-sjc.pdf](#)

TO: **The 15 Members of the Senate Judiciary Committee**
Chair Hoylman, Ranking Member Boyle, and Members Bailey, Biaggi, Breslin, Gounardes, Kaplan, Lanza, Myrie, O'Mara, Oberacker, Palumbo, Skoufis, Stavisky, Thomas

I have received NO response from you to my below June 1st e-mail, with its above-attached FOIL request – and, apparently, you are dispensing with ANY hearing on Governor Cuomo's nominations of D.A. Singas and Judge Cannataro to the Court of Appeals – opting instead to “consider” their nominations at a [“meeting” of the Senate Judiciary Committee, at noon tomorrow](#) – at which you will also “consider” the Governor's eight nominees to the Court of Claims.

Just as there was NO precedent for the Governor's [May 25, 2021 announcement](#) that combined his nominations of two Court of Appeals judges, with nominations of Court of Claims judges and appointments to the Appellate Divisions, there is NO precedent for your combining “consideration” of Court of Appeals nominees with nominees for the Court of Claims – and for dispensing with a hearing on the Court of Appeals nominees. What you are doing is unconstitutional – and a fraud upon the People of this

Exhibit 2-a

State, to whom you owe the duty to examine and take testimony on EVIDENCE that D.A. Singas and Judge Cannataro are unfit to serve on our state's highest court – EVIDENCE that Chair Hoylman has had NOTICE of since May 26th – with NOTICE to the Committee's 14 other members since June 1st by my below e-mail.

Suffice to note, the Commission on Judicial Nomination would itself have discerned the unfitness of D.A. Singas, Judge Cannataro, and other appalling short-list candidates as Denise Hartman and Caitlin Halligan had it done appropriate investigation by reaching out to such credible information sources as the Center for Judicial Accountability, Inc. (CJA) – the necessity of which, in 1993 and repeatedly thereafter, we demonstrated as essential because customary sources on which it relies, as, for instance, the Commission on Judicial Conduct and the court-controlled attorney grievance committees, are corrupt.

To assist you in your duty to examine the EVIDENCE that D.A. Singas and Judge Cannataro cannot be confirmed because they do not meet the FIRST ground upon which Article VI, §2(c) of the New York State Constitution specifies they must be “well qualified”, namely “character” – and encompassing D.A. Singas' believed perjury on her publicly-inaccessible answers to the Commission on Judicial Nomination's questionnaire – I have posted the EVIDENCE substantiating my June 1st e-mail to you on two webpages – one for [D.A. Singas](#) and one for [Judge Cannataro](#) – each additionally posting an explanatory narrative of the EVIDENCE pertaining to each, with questions for each. For your further convenience, I have above-attached these two explanatory narratives of the EVIDENCE and questions.

So that D.A. Singas and Judge Cannataro may be prepared for your rigorous interrogations at tomorrow's “meeting” on their nominations – indeed to enable them, on their own accord, to demonstrate their “character” by answering the EVIDENCE-based questions here attached, I am cc'ing them on this e-mail.

As always, I am available to assist you in your duties – and invite you to call me, no matter how late this evening or early tomorrow morning.

Finally, I request that this e-mail, with its below chain of e-mails and its above three attachments, be made part of the record of tomorrow's “meeting” and Senate proceedings on D.A. Singas' and Judge Cannataro's confirmations.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

Exhibit 2-a

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, June 1, 2021 9:10 AM
To: 'hoylman@nysenate.gov' <hoylman@nysenate.gov>
Cc: 'pboyle@nysenate.gov' <pboyle@nysenate.gov>; 'senatorjbailey@nysenate.gov' <senatorjbailey@nysenate.gov>; 'biaggi@nysenate.gov' <biaggi@nysenate.gov>; 'breslin@nysenate.gov' <breslin@nysenate.gov>; 'gounardes@nysenate.gov' <gounardes@nysenate.gov>; 'kaplan@nysenate.gov' <kaplan@nysenate.gov>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'myrie@nysenate.gov' <myrie@nysenate.gov>; 'omara@nysenate.gov' <omara@nysenate.gov>; 'oberacker@nysenate.gov' <oberacker@nysenate.gov>; 'palumbo@nysenate.gov' <palumbo@nysenate.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'stavisky@nysenate.gov' <stavisky@nysenate.gov>; 'thomas@nysenate.gov' <thomas@nysenate.gov>; 'phillips@nysenate.gov' <phillips@nysenate.gov>; 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'canary@nysenate.gov' <canary@nysenate.gov>; 'kiprilov@nysenate.gov' <kiprilov@nysenate.gov>; 'turoski@nysenate.gov' <turoski@nysenate.gov>; 'laidley@nysenate.gov' <laidley@nysenate.gov>; 'levans@nysenate.gov' <levans@nysenate.gov>; 'jonesjj@nysenate.gov' <jonesjj@nysenate.gov>; 'golan@nysenate.gov' <golan@nysenate.gov>; 'msb.nysenate@gmail.com' <msb.nysenate@gmail.com>; 'rowwheeler@nysenate.gov' <rowwheeler@nysenate.gov>; 'jbishop@nysenate.gov' <jbishop@nysenate.gov>; 'valle@nysenate.gov' <valle@nysenate.gov>; 'cfoster@nysenate.gov' <cfoster@nysenate.gov>; 'goddard@nysenate.gov' <goddard@nysenate.gov>; 'brix@nysenate.gov' <brix@nysenate.gov>; 'emancinisd6@gmail.com' <emancinisd6@gmail.com>

Subject: Senate Judiciary Committee procedures for vetting Gov. Cuomo's nominations of Singas & Cannataro to the NY Court of Appeals -- & request to testify in strong opposition at their confirmation hearings, with EVIDENCE, decisive of their unfitness

TO: Senate Judiciary Committee Chair Brad Hoylman

This follows six separate voice mail messages I left at your Albany and Manhattan offices, requesting to know what the Senate Judiciary Committee's procedures are for investigating the fitness of Governor Cuomo's two nominees to the New York Court of Appeals: Nassau County District Attorney Madeline Singas and New York City Civil Court Administrative Judge Anthony Cannataro – and to testify, in strong opposition to each, at the Senate Judiciary Committee's hearings on their confirmations.

Governor Cuomo announced these nominations on Tuesday, May 25th – and at 9:08 am the next day, Wednesday, May 26th, I called your Albany office (518-455-2451), leaving a voice mail message with my above two requests, with a further voice mail message at that number at 2:00 pm, followed by a voice mail message at your Manhattan district office (212-633-8052) at 2:06 pm. The next day, Thursday, May 27th, I left a voice mail message at your Albany office at 12:02 pm and then at your Manhattan office at 12:06 pm. On Friday, May 28th, I left a voice mail message at your Albany office at 10:38 am.

Please advise – and explain why, during these normal business hours, no one picks up the phone or calls back. Is not time of the essence? Did no one wish to speak with me about the basis for CJA's opposition to these nominees – and the EVIDENCE substantiating same?

Exhibit 2-a

By copy of this e-mail to Senate Judiciary Committee Ranking Member Phil Boyle and the Committee's 13 other members, I request that they call me to schedule individual or combined phone meetings to discuss the EVIDENCE that is your constitutional duty and theirs to investigate and report to the full Senate. As relates to District Attorney Singas, the EVIDENCE is *prima facie* and open-and shut, not even requiring inquiry of her to establish that her nomination must be rejected, indeed, that she must be indicted for corruption, in office – and that she will be convicted. As to Judge Cannataro, the EVIDENCE is also decisive – although it requires inquiry of him and others to establish, both as relates to his three-year tenure, from 2000 to 2003, as the principal law clerk at the Court of Appeals to then Associate Judge Carmen Ciparick, and as to the pay raises that have boosted his salary \$80,000 a year since becoming a judge in 2012.

I take this opportunity to bring to your attention that I am still waiting for you and the Senate to furnish me with a copy of the attorney misconduct complaint against Rudolph Giuliani that you filed in January with New York's attorney grievance committee for the First Judicial Department. Will you be supplying it? The chain of e-mails is below.

Finally, and on that topic – but yet also related to the nominations of Singas and Cannataro to the Court of Appeals -- when is the Senate Judiciary Committee finally going to continue – and make findings on -- the hearings begun twelve years ago on New York's attorney grievance committees and the Commission on Judicial Conduct, held by then Chair John Sampson, whose origin can be traced back to my testimony before him at the Senate Judiciary Committee's January 27, 2009 hearing on "merit selection" to the Court of Appeals in which I stated:

"...you need to be sure that the regulatory bodies, the Commission on Judicial Conduct, the attorney disciplinary committees are functioning, because they are one of the first stops of the Commission on Judicial Nomination in securing information about candidates. And they are useless. They are worthless and they are corrupt. **And there needs to be hearings and investigations of those bodies.**" (transcript, pp. 88-89).

The January 27, 2009 transcript excerpt, the VIDEO of my subsequent extensive testimony and colloquy with Chair Sampson at the continued June 5, 2009 hearing on the Commission on Judicial Nomination and "merit selection" to the Court of Appeals, the VIDEOS and transcripts of the Senate Judiciary Committee's June 8, 2009 and September 24, 2009 hearings on the attorney grievance committees and the Commission on Judicial Conduct, and the draft written statement and substantiating evidentiary webpage I had prepared for the Senate Judiciary Committee's third – and aborted -- December 16, 2009 hearing are all posted and accessible from CJA's website, including [here](#).

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

Exhibit 2-a

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, March 26, 2021 3:33 PM
To: 'Senate Foil' <foil@nysenate.gov>
Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>

Subject: AGAIN: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, ESQ.

I have no record of response from you to my below February 19th e-mail. Did you respond? If not, please do so now and, at minimum, provide me with the requested January 11, 2021 misconduct complaint against Rudolph Giuliani that Senate Judiciary Committee Chair Hoylman filed with the attorney grievance committee of New York's appellate division.

As I also have no record of response from Chair Hoylman's press officer, Aaron Ghitelman, who, when I spoke with him on February 18th, as recited below, stated he would send me the complaint, I take the opportunity of this e-mail to remind Mr. Ghitelman to send it to me now, if he did not do so previously.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, February 19, 2021 8:56 AM
To: 'foil@nysenate.gov' <foil@nysenate.gov>
Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>

Subject: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

This replies to your below February 12, 2021 response to my above-entitled and attached January 15, 2021 FOIL request.

Exhibit 2-a

There is nothing “overly broad and vague” about it – including as to the approximate date of Senate Judiciary Committee Chair Hoylman’s formal complaint against Rudolph Giuliani – the intent to file same having been announced by him at the outset of the Senate Judiciary Committee’s January 11, 2021 meeting and embodied in the press release of that date, posted on Senator Hoylman’s Senate website that I provided you: <https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/ny-senate-judiciary-chair-brad-hoylman-file-formal-complaint>. Indeed, I yesterday confirmed with Senator Hoylman’s press officer, Aaron Ghitelman, that the complaint was filed on January 11, 2021.

Please, therefore, pursuant to Senate Rule ____ “Freedom of Information”, furnish me with Senator Hoylman’s publicly-announced January 11, 2021 formal complaint without further delay.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Senate Foil <foil@nysenate.gov>
Sent: Friday, February 12, 2021 2:14 PM
To: Center for Judicial Accountability, Inc.(CJA) <elena@judgewatch.org>

Subject: Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

February 12, 2021

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
Post Office Box 8101
White Plains, NY 10602
cja@judgewatch.org

Dear Ms. Sassower:

This is to acknowledge receipt of your email dated January 15, 2020 pursuant to the Freedom of Information Law.

You are requesting ... “a copy of said formal complaint...”

Please be advised your request is overly broad and vague in nature. However, if you provide clarification and specificity with regard to dates we will attempt to fulfill your request.

I have attached a copy of the Senate’s Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records for your information.

Exhibit 2-a

Sincerely,

Alejandra N. Paulino, Esq.
Secretary of the Senate

From: Senate Foil/senate
To: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>
Date: 01/26/2021 10:45 AM

Subject: **Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

Good Morning,

This is to acknowledge receipt of your request dated January 6, 2021 pursuant to the Freedom of Information Law.

We are currently working on this request and expect to be able to respond within ten (10) business days. If you have any questions do not hesitate to reach to this email address.

From: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>
To: <foil@nysenate.gov>
Date: 01/15/2021 03:54 PM

Subject: **FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

Reference is made to the January 11, 2021 press release entitled: "[New York Senate Judiciary Committee Chair Brad Hoylman to File Formal Complaint Asking New York Appellate Division to Consider Revoking Rudy Giuliani's License to Practice Law](#)", posted on Senator Hoylman's Senate website. Pursuant to Senate Rule ____ "Freedom of Information", this is to request a copy of said formal complaint.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

NASSAU COUNTY DISTRICT ATTORNEY MADELINE SINGAS

“As relates to District Attorney Singas, the EVIDENCE is prima facie and open-and shut, not even requiring inquiry of her to establish that her nomination must be rejected, indeed, that she must be indicted for corruption, in office – and that she will be convicted.”

-- [CJA’s June 1, 2021 e-mail to Senate Judiciary Committee:](#)

[“Subject: Senate Judiciary Committee procedures for vetting Gov. Cuomo’s nominations of Singas & Cannataro to the NY Court of Appeals -- & request to testify in strong opposition at their confirmation hearings, with EVIDENCE, decisive of their unfitness” –](#)

**EXPLANATORY NARRATIVE OF EVIDENCE –
& QUESTIONS FOR D.A. SINGAS**

(by CJA Director Elena Sassower, sworn to as true, under penalties of perjury, as likewise her above June 1, 2021 e-mail. The EVIDENCE herein recited is posted and accessible from CJA’s EVIDENTIARY webpage pertaining to D.A. Singas. The direct link is here: <http://www.judgewatch.org/web-pages/judicial-selection/2021-singas-cannataro/singas-evidentiary-webpage.htm>).

The EVIDENCE pertaining to Nassau County D.A. Singas is straight-forward, requiring no additional explanation. It was furnished to her, as attachments and links, in e-mails sent directly to her and to those who would discuss it with her, and its accuracy and truth were never contradicted by her or anyone else. It establishes, *prima facie*:

- (1) her pocketing of unlawful D.A. salary increases, paid for by Nassau County taxpayers – and collusion with the D.A.s of NY’s other counties in their comparable pocketing of unlawful salary increases, paid for by the taxpayers of those counties – these increases being predicated on statutorily-violative, fraudulent, and unconstitutional “force of law” commission reports giving salary increases to NY judges – and to D.A.s by virtue of a statutory link;
- (2) her collusion, with her fellow D.A.s and the constitutional officers of NY’s judicial, legislative, and executive branches in a whole mass of unlawfulness, fraud, and unconstitutionality involving, in addition to salary increases for all of them based on “false instrument” “force of law” commission/committee reports, a “slush-fund” state budget;
- (3) her wilful and deliberate violation of her constitutional and statutory duties to investigate and present to Nassau County grand juries the “wilful misconduct in office” of Nassau County public officers and to follow legal requirements

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and appropriate protocols for public corruption complaints and conflicts of interest.

The e-mails sent to D.A. Singas are as follows:

- a July 1, 2016 e-mail to D.A. Singas, also sent to her fellow 61 D.A.s of NY's 61 other counties, entitled "Your D.A. Salary Increases, Next Week's Annual Meeting of DAASNY, & Your Duty to the Counties that Elected You" – requesting, by an attached July 1, 2016 letter addressed to them, entitled "How Many D.A.s Does It Take to Confront Evidence & Abide by Ethical Rules", that they place on DAASNY's agenda the two commission reports that were the basis for increases in their D.A. salaries because they were "false instruments, violating a succession of penal laws" – and stating that unless they disputed this, their duty was to apprise their county governments – from whose budgets the D.A. salary increases were being funded -- that they were disavowing the increases and advising their counties to secure a judicial declaration voiding the two reports;
- a July 14, 2016 e-mail to the Nassau County Legislative Clerk, to which D.A. Singas was cc'd – to which D.A. Singas was cc'd – entitled "Notice to Nassau Co. Government: Your duty to repudiate & challenge the state-imposed D.A. salary increases based on your own D.A. Singas' findings of facts and conclusions of law", reflecting my conversation with her and with counsel, attaching a July 8, 2016 letter for distribution to "all Nassau County legislators, executive officers, the treasurer/comptroller, as well as for Nassau County Attorney Carnell Foskey", entitled "GIVING NOTICE: Your duty to repudiate & challenge the state-imposed district attorney salary increases based on your own district attorney's findings of fact and conclusions of law with respect to rock-solid, *prima facie* evidence establishing them to be based on judicial salary increases that are statutorily-violative, fraudulent -- & unconstitutional", and further stating:

"...To assist Nassau County in taking protective steps, I am also directly sending this e-mail to Nassau County District Attorney Singas so as to reinforce her duty to promptly furnish her fellow Nassau County public officers with her findings of fact and conclusions of law with respect to the citizen taxpayer action *Center for Judicial Accountability, Inc. v. Cuomo, et al.* (Albany Co. #1788-2014). Does she deny or dispute its rock solid evidentiary showing that the judicial salary increases, on which her own district attorney salary increases rest, are statutorily-violative, fraudulent -- & unconstitutional? How about our June 21, 2016 corruption complaint, based thereon, filed with Albany County District Attorney Soares? Does she deny or dispute its sufficiency for founding criminal indictments for violations of the penal law – and convictions?..."

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- an October 14, 2016 e-mail to D.A. Singas, also sent to her fellow D.A.s of the 2nd Judicial Department, entitled “Conflict-of-Interest/Misconduct Complaint vs the DAs to the 2nd Dept. Attorney Disciplinary Committees, with FOIL records request”, stating that in the absence of a response from them to the prior correspondence, a conflict-of-interest/misconduct complaint against each of them was being filed with the three attorney disciplinary committees of the 2nd Judicial Department – and attaching the complaint, noting that it was:

“ALSO a FOIL request for records responsive to the question posed by the penultimate paragraph of CJA’s July 8, 2016 letter, which each district attorney/acting district attorney could have voluntarily answered, but did not:

“What are your procedures for handling public corruption complaints, filed with your district attorney offices, where you have financial and other interests?” (Exhibit F: at p. 6)”;

- a June 10, 2020 e-mail to D.A. Singas, resent to her the following day, entitled “CORRUPTION COMPLAINT in support of grand jury inquiry, pursuant to Article I, §6 of the NYS Constitution, of Nassau County state legislators for ‘wilful misconduct in office’, including larceny & fraud...”, and attaching a sworn June 10, 2020 grand jury/public corruption complaint against Nassau County’s 16 state legislators, specifically “with respect to their OWN legislative salaries & the Legislature’s OWN budget”, together with a separate scanned signature page;
- a July 27, 2020 e-mail to D.A. Singas, to which her Public Corruption Bureau Chief was cc’d, entitled “Reasonable questions arising from your nonfeasance: June 10, 2020 corruption complaint in support of grand jury inquiry, pursuant to Article I, §6 of the NYS Constitution, of Nassau County state legislators”, reading, in full:

“I have received no acknowledgment or other response to my June 10, 2020 public corruption/grand jury complaint against Nassau County state legislators, which I sent you by the below e-mail, with a direct link to the substantiating evidentiary webpage: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/grand-juries.htm>. Likewise, I have received none from your Public Corruption Bureau to whose chief, Assistant District Attorney Christine Malone, I also sent the complaint, following her call back, on June 11th, to a voice mail message I had left with the Bureau (516-571-2100).

As the complaint presents evidence so *prima facie* and open-and-shut as to leave no doubt that a grand jury would speedily indict – and a trial jury speedily convict – the complained-against Nassau County state legislators and their accomplices, this nonfeasance raises reasonable questions as to

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how you and your Public Corruption Bureau perform with respect to *other* public corruption complaints filed by *other* members of the public. To help answer these questions, I have today filed a FOIL/information request with your office. It is attached.”

The attached July 27, 2020 FOIL/information request bore the serious and substantial title:

“(1) the functioning of the Nassau County district attorney’s office and performance of its duties with respect to public corruption complaints filed by members of the public; (2) access to the Nassau County grand jury so that it can discharge its duty pursuant to Article I, §6 of the New York State Constitution and Criminal Procedure Law Article 190, unobstructed by the Nassau County district attorney.”;

- a September 22, 2020 e-mail to Newsday, to which D.A. Singas was cc’d, as likewise Nassau County’s 16 state legislators, entitled “Nassau County Elections 2000 – Informing Voters with EVIDENCE: public corruption/grand jury complaint vs Nassau County’s 16 state legislators – 14 running for re-election – which Nassau County D.A. Singas has been ‘sitting on’”, stating, in pertinent part:

“As you know, Nassau County’s 16 state legislators – 14 running for re-election, including Assembly Ways and Means Committee Ranking Member Edward Ra, Senate Committee on Local Government Chair James Gaughran, Assembly Elections Law Committee Chair Charles Lavine, Senator Todd Kaminsky, and Assemblyman Michael Montesano, all of whom are lawyers – are the subjects of a **fully-documented** public corruption/grand jury complaint, filed with Nassau County District Attorney Singas, who has been “sitting on” it. The complaint involves the “force of law” commission/committee scheme that gave all 17 of them pay raises – and a legislature not operating at a remotely constitutional level.

The June 10, 2020 complaint, by the Center for Judicial Accountability, Inc. (CJA), is above-attached – and below are the e-mails transmitting it and the above-attached July 27, 2020 FOIL request to D.A. Singas. CJA’s substantiating evidentiary webpage for the complaint is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/grand-juries.htm>.

As stated by the complaint, Nassau County voters are entitled to know that their state legislators cannot be re-elected because they must be indicted for larceny and other corruption on EVIDENCE so DISPOSITIVE as to assure their convictions. So, too, Assemblyman LiPetri, a lawyer, defeated in a

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congressional primary, and retiring Assemblyman D'Urso, whose *salary-based* pension will be a further larceny.

To facilitate your inquiries of the complained-against state legislators and D.A. Singas, I am cc'ing them on this e-mail. What, if anything, do they deny or dispute. Let them start where the complaint starts: [my July 16, 2019 e-mail to then Assembly Codes Committee Ranking Member Ra and the Legislature's 14 other stipend-receiving leaders](#) requesting that they forward the e-mail to the 198 other state legislators, with its attached [July 15, 2019 written NOTICE](#) and [substantiating analysis](#) establishing that the [December 10, 2018 Report of the Committee on Legislative and Executive Compensation](#) – raising their legislative salaries from \$79,500 to \$110,000 – is “a **fraud** on the People of the State of New York – and a **larceny** of their tax dollars’, violating a succession of penal laws, and that their duty was to void it, to return the pay-raise monies they had already received, and to initiate criminal prosecutions of the Committee’s four members and abetting attorneys.’ The analysis is 46 pages, excluding [exhibits](#). Will they furnish you with their findings of fact and conclusions of law? If not, I’m sure ordinary Nassau County citizens would be able to help you with what is obvious. Just accompany your story with links to the complaint and the evidentiary webpage so that they can see for themselves the open-and-shut, *prima facie* EVIDENCE that D.A. Singas has been withholding from a Nassau County grand jury to maintain her own fraudulently-boosted D.A. salary, paid by Nassau County taxpayers.”

Clear from these e-mails and the mountain of EVIDENCE they furnished is that D.A. Singas could not respond without acknowledging their truth – and her duty to act consistent therewith, which she wilfully did not do because she was financially-interested in maintaining her own D.A. salary increases and was further compromised by a myriad of personal, professional, and political relationships with those involved in the larceny of taxpayer monies involving salary increases and the state budget – the most important and powerful being Governor Cuomo and state senators, without whom she could not fulfill her judicial ambitions for an appointive judgeship.

Because the foregoing is utterly disqualifying of her candidacy to be a judge on our state’s highest court, indeed because it mandates that a Nassau County grand jury be presented with all the foregoing EVIDENCE of her “wilful misconduct in office” so as to indict her, as it unquestionably would, D.A. Singas may be presumed to have perjured herself in responding to relevant questions on the publicly-inaccessible questionnaire she was required for complete, sign and verify for the Commission on Judicial Nomination – under penalties of perjury of which it gave her notice. Among these questions are:

29. “To your knowledge, has any complaint or charge ever been made against you as a lawyer? If so, furnish full details, including the Bar Association or other entity to which the charge was

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referred, the nature of the complaint or charge, the outcome and the dates involved.^{fn1}

...

33. (b) Are you in violation of or default in the performance or discharge of any duty or obligation imposed upon you by any law, regulation, governmental agency decree or order of any court? If so, state the facts.

...

36. Set forth any information not elicited by this questionnaire which would affect, favorably or unfavorably, your eligibility for the office for which you are a candidate or bear upon the Commission's consideration of your candidacy.

Had D.A. Singas answered truthfully, she would have had to answer “Yes” to two, if not all three of these questions, supplying the requested “full details” and “facts”. This would have ended her candidacy.

Most specific – and clearest -- is Question #29, as D.A. Singas certainly knew of the October 14, 2016 complaint against her, as a lawyer, that I had filed with the Attorney Grievance Committee for the Tenth Judicial District. Indeed, in addition to having e-mailed it to her and her fellow D.A.s on October 14, 2016, I reminded her of it, last year, by the June 10, 2020 grand jury/public corruption complaint against Nassau County state legislators, where it was identified (at pp. 8-9) in the context of asking about conflicts of interest impacting her ability “to impartially discharge [her] duties to enforce the penal law and Article XIII, §I and Article I, §6 of the New York State Constitution”.

As to Question #33: “violation of or default in the performance or discharge of any duty or obligation imposed upon [her] by any law”, that would certainly fit her wilful nonfeasance with respect to the June 10, 2020 grand jury/public corruption complaint, to which I received no response – and with respect to my two FOIL requests pertaining to her handling of public corruption complaints, to which I received no response – suggestive that she could not respond, without incriminating herself. At very least, these would have been applicable in answering Question #36.

Suffice to say, that irrespective of how D.A. Singas answered these three questions, the Commission on Judicial Nomination’s investigation of her should have revealed my above-listed communications and complaints against and to her – eliminating her from further consideration. Thus, for example, as part of her application, she was required to sign and notarize two waivers:

(1) An “Information and Privacy Waiver (New York State and Miscellaneous)”, stating:

“I hereby waive the privilege of privacy and confidentiality including, without limitation, any confidentiality under Section 90

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of the Judiciary Law, with respect to any information which concerns me and is known, recorded with, on file with or in the possession of any person or organization, including, without limitation, any government, judicial, investigative or other official agency, grievance or disciplinary committee, board or court, any bar association or other professional association, and any educational institution, doctor or hospital; I hereby consent to the release of all such information to the New York State Commission on Judicial Nomination and consent to the issuance, without notice, of any order necessary or appropriate to obtain such information; I hereby authorize a representative of the New York State Commission on Judicial Nomination to request and (sic) any such information; and I hereby request any such organization or person in possession of such information to deliver it to a representative of the New York State Commission on Judicial Nomination.

I specifically consent to the release of any such information in the possession of the New York State Commission on Judicial Conduct and request that the same be delivered to a representative of the New York State Commission on Judicial Nomination.”

(2) An “Information and Privacy Waiver (Federal)”, stating:

“I, _____, am informed that as part of a routine check of my background in connection with possible appointment to a position on the New York State Court of Appeals, the Commission on Judicial Nomination may wish to make inquiries concerning me to various agencies of the Federal government. Having been advised that information from the files of Federal agencies may be unavailable to the Judicial Nomination Commission without my written consent due to the Privacy Act of 1974, 5 United States Code Section 552a, and the Freedom of Information Act, 5 U.S.C. Section 552, I hereby consent to inquiries concerning me to the Commission on Judicial Nomination to any Federal agency and to the disclosure to the Commission on Judicial Nomination by such Federal agency of any information the agency may have pertaining to me with the exception of any material which is specifically exempted from disclosure by a Federal statute other than the Privacy Act of 1974 or the Freedom of Information Act.”

Pursuant to her signed “Information and Privacy Waiver (New York State and Miscellaneous)”, the Commission on Judicial Nomination would have contacted the Attorney Grievance Committee for the Tenth Judicial District – and obtained the October 14, 2016 complaint and the

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Committee's records concerning same. This would have eliminated her as a candidate – including by reason of her perjury, in whole or in part, in answering Question #29. Of course, the Grievance Committee would have had reason to withhold ANY information about the complaint, as doing otherwise would expose its corruption with respect thereto: its fraudulent November 28, 2016 letter of its chief counsel that it was “unable to assist”, to which its chair adhered by his January 11, 2017 letter in disposing of my December 28, 2016 letter for reconsideration, in which he stated, *inter alia*, “Our Committee's responsibilities do not include the policing of District Attorney conflicts of interest,...or prosecutor's office's procedures for handling actual or potential conflicts of interest”.

As for her signed “Information and Privacy Waiver (Federal)”, the Commission on Judicial Nomination would have reasonably contacted the FBI and the U.S. Attorney for the Eastern District of New York. This should have produced the October 16, 2020 corruption complaint I had filed with the FBI and the December 19, 2020 corruption complaint I had filed with the Acting U.S. Attorney for the Eastern District – both involving D.A. Singas' wilful nonfeasance, born of conflicts of interest, with respect to the June 10, 2020 grand jury/public corruption complaint against Nassau County state legislators that she has been “sitting on”.

Here, too, if neither the FBI nor U.S. Attorney furnished these to the Commission on Judicial Nomination, such reflects a serious problem at those agencies whose duty, based on those FULLY-DOCUMENTED complaints, was to have promptly investigated and initiated criminal prosecutions of D.A. Singas and the scores of other governmental actors with whom she has been acting in concert and/or protecting from the consequences of their larcenies of public monies and fraud.

D.A. Singas must be questioned – and by a grand jury – as to each and every one of the above e-mails I sent her – as, likewise, about her likely perjury on her publicly-inaccessible questionnaire to the Commission on Judicial Nomination that she signed and verified.

NEW YORK CITY CIVIL COURT ADMINISTRATIVE JUDGE ANTHONY CANNATARO

"As to Judge Cannataro, the EVIDENCE is also decisive [of his unfitness] – although it requires inquiry of him and others to establish, both as relates to his three-year tenure, from 2000 to 2003, as the principal law clerk at the Court of Appeals to then Associate Judge Carmen Ciparick, and as to the pay raises that have boosted his salary \$80,000 a year since becoming a judge in 2012."

-- [CJA's June 1, 2021 e-mail to Senate Judiciary Committee:](#)

["Subject: Senate Judiciary Committee procedures for vetting Gov. Cuomo's nominations of Singas & Cannataro to the NY Court of Appeals -- & request to testify in strong opposition at their confirmation hearings, with EVIDENCE, decisive of their unfitness" –](#)

**EXPLANATORY NARRATIVE OF EVIDENCE –
& QUESTIONS FOR JUDGE CANNATARO**

(by CJA Director Elena Sassower, sworn to as true, under penalties of perjury, as likewise her above June 1, 2021 e-mail. The EVIDENCE herein recited is posted and accessible from CJA's EVIDENTIARY webpage pertaining to Judge Cannataro.

The direct link is here: <http://www.judgewatch.org/web-pages/judicial-selection/2021-singas-cannataro/cannataro-evidentiary-webpage.htm>.

Since 1993, CJA has repeatedly alerted the Senate Judiciary Committee to the unconstitutionality and corruption of the "merit selection" process to the New York Court of Appeals – and documented it.

The context of our doing so, in 1993, was our testimony on December 15, 1993 before the Senate Judiciary Committee, in opposition to confirmation of Carmen Ciparick to the New York Court of Appeals, embracing what had occurred, three months earlier, when we had testified in opposition to Howard Levine's confirmation to the Court of Appeals.

Judge Cannataro – who was Judge Ciparick's principal law clerk, at the Court of Appeals, in 2000-2003 – would have been familiar with that testimony, as it was before Judge Ciparick, in 2002, in connection with a May 1, 2002 motion to disqualify her and her fellow Court of Appeals judges – and for disclosure, which accompanied an appeal of right to the Court of Appeals in the landmark lawsuit *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York*.

That case – with its threshold disqualification/disclosure motion – would be remembered by Judge Cannataro, as it was, assuredly, the most, spectacular and explosive cases that came before the Court during his tenure there. In addition to exposing the corruption of the Commission on Judicial Conduct, on which Judge Ciparick had served as a member from 1985-1993 -- enabling the Judiciary to "throw" cases and to corrupt the attorney disciplinary system it controls, aided and abetted by the state attorney general – it exposed the corruption of "merit selection" to the Court of Appeals, involving the Commission on Judicial Conduct, the Commission on Judicial

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Nomination, then Governor Pataki, and the Senate Judiciary Committee. Indeed, the genesis of the case was the 1998 “merit selection” of Albert Rosenblatt to the Court of Appeals – and embraced, by the time it reached the Court of Appeals, yet a further example of the corruption of “merit selection” to the Court – in 2000, pertaining to Victoria Graffeo – and recited by the May 1, 2002 disqualification/disclosure motion.

Mr. Cannataro, as Judge Ciparick’s principal law clerk, would have reviewed the May 1, 2002 disqualification/disclosure motion, the accompanying appeal of right, and the June 17, 2002 motion to strike the attorney general’s opposition as a “fraud upon the court”, to sanction and refer him for disciplinary and criminal prosecution – and for his disqualification. As such, he would have been fully knowledgeable of the fraud and obliteration of ALL cognizable standards that she and her fellow Court of Appeals judges committed with respect thereto, by their two September 12, 2002 orders denying all relief. The fraudulence and indefensibility of those two orders was thereafter particularized by an October 15, 2002 reargument motion to vacate them for fraud and lack of jurisdiction, for disclosure and other relief. This, too, Mr. Cannataro would have reviewed, as, likewise, the October 24, 2002 motion for leave to appeal, made returnable with it. He thereby would have been fully knowledgeable of the further fraud and obliteration of judicial duties that Judge Ciparick and her fellow judges committed as to these two final motions, by their two December 17, 2002 orders, denying all relief.

No lawyer familiar with the record of the case – as Mr. Cannataro was – who did not take steps to “blow the whistle” as to the catastrophic corruption it fully documented involving so many governmental entities and safeguards – which the Court of Appeals judges “blessed” and replicated – is fit for ANY office of public trust. Indeed, the motion papers identified not only the judges’ reporting obligations pursuant to §100.3D of the Chief Administrator’s Rules Governing Judicial Conduct, but the parallel provisions, pertaining to the obligations of lawyers to report professional misconduct, pursuant to what was then DR 1-103(A) of New York’s Disciplinary Rules of the Code of Professional Responsibility – and now 8.3 of New York’s Rules of Professional Conduct. As Mr. Cannataro’s desired career path would be ended by any “whistle-blowing”, on his part, he turned his back on his ethical duty – and kept his mouth shut.

Mr. Cannataro’s tenure at the Court of Appeals was a powerful credential – and Judge Ciparick a powerful reference for his future. And exemplifying this is his application to the Court of Appeals, where he may be presumed to have listed Judge Ciparick, in response to the Commission on Judicial Nomination’s Question #35:

“List the names, addresses and telephone numbers of ten persons who know you well in a context relevant to your professional career and to your candidacy with whom the Commission may communicate with respect to your candidacy.”

The consequence of the Court of Appeals’ obliteration of ALL ethical and adjudicative standards in *E.R. Sassower v. Commission* -- abetted by Mr. Cannataro – was to cause vast and irreparable injury to the People of the State of New York, continuing to the present. For starters, it

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perpetuated the corruption of the Commission on Judicial Conduct, the corruption of the court-controlled attorney disciplinary system, the corruption of “merit selection” to the Court of Appeals, and a Judiciary which “throws” cases by fraudulent judicial decisions and countenances litigation fraud by the attorney general in defending against meritorious lawsuits to which he has no legitimate defense. And it was to leave the People defenseless against a further assault upon them by a corrupt Judiciary, in collusion with the Executive and Legislative branches – fraudulent, statutorily-violative and unconstitutional pay raises for judges – and district attorneys– secured by “force of law” reports that Mr. Cannataro has fully benefitted from, since becoming a judge in 2012 – such that his salary has been, for the past several years, some \$80,000 above what it lawfully is.

Is Judge Cannataro unaware that those reports – the August 29, 2011 report of the Commission on Judicial Compensation and the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation – *on their face* violate the statutes pursuant to which they purport to be rendered and are “false instrument”, violative of a succession of penal laws? And is he unaware of CJA’s lawsuits challenging them – most importantly, the citizen-taxpayer action, *CJA v. Cuomo...DiFiore, et al.* – about which the New York Law Journal published my important letter to the editor, in August 2019, identifying its shocking record – including at the Court of Appeals, accessible from CJA’s website.

On November 4, 2019, in the presence of judges including Chief Administrative Judge Marks, who, in 2018, appointed Judge Cannataro as NYC Civil Court Administrative Judge, I gave fiery testimony to the (2nd) Commission on Legislative, Judicial and Executive Compensation about those commission reports, about the published New York Law Journal letter, and about my December 31, 2015 letter to then Westchester D.A./Chief Judge Nominee DiFiore, furnishing her with proof pertaining to the reports, including the final two motions, at the Court of Appeals, in *E.R. Sassower v. Commission on Judicial Conduct* and the two December 17, 2002 decisions thereon – the same as I had handed up to the Commission on Judicial Compensation in support of my July 20, 2011 testimony before it and handed up to the 1st Commission on Legislative, Judicial and Executive Compensation in support of my November 30, 2015 testimony before it, without any findings of fact and conclusions of law made by either commission.

Has Judge Cannataro ever examined the *CJA v. Cuomo....DiFiore* record – whose total obliteration of anything resembling the “rule of law” by (acting) Supreme Court justices, Appellate Division justices, and the Court of Appeals judges is on par with what the record revealed to him in *E.R. Sassower v. Commission on Judicial Conduct*. And, if he knew nothing of *CJA v. Cuomo...DiFiore* – until now – a case exponentially more explosive and far-reaching than *E.R. Sassower v. Commission on Judicial Conduct*, involving as it does the constitutionality of the whole of the state budget and the collusion of the three government branches in the collapse of separation of powers and constitutional governance, what does he believe his duty to be now, as a judge, pursuant to §100.3D of the Chief Administrator’s Rules Governing Judicial Conduct? Will he examine the EVIDENCE and “whistle-blow” – starting with the Court of Appeals’ October 24, 2019 order disposing of the May 31, 2019 reargument motion for disqualification of, and disclosure by, its judges, vacatur for fraud, and lack of jurisdiction -- the particulars of which were laid out

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by a final November 25, 2019 motion, disposed of by their February 18, 2020 order. Can he justify those orders – in any respect – or does he agree that they are judicial frauds, rendered by judges without jurisdiction by reason of their direct financial and other interests, proscribed by Judiciary Law §14?

And what remedy does Judge Cannataro suggest to the People of the State of New York for what the Court of Appeals did in *CJA v. Cuomo...DiFiore*? And let him not suggest the Commission on Judicial Conduct, whose brazen corruption – perpetuated by the Court of Appeals in *E.R. Sassower v Commission on Judicial Conduct* -- is verifiable from its latest outrage: its May 5, 2021 dismissal of the February 7, 2021 complaint against the Court of Appeals associate judges, Chief Judge DiFiore, and Chief Administrative Judge Marks that we filed with it, based on the record in *CJA v. Cuomo...DiFiore*.

Finally, since the People of the State of New York would be paying the salary of Judge Cannataro as a Court of Appeals associate judge, upon his rigged, unconstitutional confirmation, what is the salary he plans to draw?

Exhibit 3

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, April 18, 2023 2:26 PM
To: 'foil@nysenate.gov'
Cc: 'josephj@nysenate.gov'
Subject: **Requested distribution of CJA's April 17, 2023 e-mail/written testimony/ statement to ALL 63 Senators BEFORE floor votes on the Court of Appeals nominations of Wilson & Halligan**
Attachments: [3-26-19-ltr-23pp.pdf](#); [5-2-19-order.pdf](#); [signed-notarized-11-25-19-motion.pdf](#); [2-18-20-order.pdf](#)

TO: Secretary of the Senate Alejandra Paulino, Esq.

Yesterday, promptly following my escorted departure from the Senate Judiciary Committee's meeting on the confirmation of New York Court of Appeals Associate Judge Rowan Wilson to be chief judge, your security detail closed the gates leading to your office to prevent me from personally delivering to you the [hard-copy of my below yesterday's e-mail](#) so that you could ensure its distribution to every Senate member, which I identified as necessary so that each would know of the open-and-shut case file evidence establishing Judge Wilson's corruption as an associate judge, as to which I was not permitted to testify, and as to which the Committee members made absolutely no inquiry of him during the three hour charade of their posturing questioning of him, none of which was going to have any effect on their votes – and, indeed, there was NOT the slightest discussion of his answers to any of their questions or anything else when the Senators who remained to the end of the hearing took a quick vote to pass him onto the Senate. The VIDEO of the travesty, posted for the April 17, 2023 meeting, is [here](#). My transcription of what I said, before and during my being escorted out, was:

“Judge Wilson is a corrupt judge and I've furnished the evidence of this to every member of the Committee with a request to testify against him under oath. May I testify in his presence so that he can respond?

May I testify as to his corruption, of which I have furnished you with evidence. Will you furnish my statement to the full Senate?”

Hoylman: “The meeting is still going on, please.”

[someone saying, perhaps one of the guards: “This is not the forum.”]

“Of course it is the forum. This is the forum to examine whether or not he is fit for elevation as chief judge. He must be removed as associate judge for his corruption in office and I wish to testify as to the evidence of this.

He has thrown cases suing you for your corruption involving the budget and the pay raises of which you are beneficiaries. You are acting on your self interest. He has corrupted his office and has corrupted state governance and you are colluding with him. You are benefiting from what he has done. You are sued for corruption involving the budget. The statement about which I wish to testify was furnished to each member of this Committee. It's posted on the website of the Center for Judicial Accountability, of

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which I am the co-founder and director – www.judgewatch.org – top panel ‘Latest News’.”

Hoylman: “If you can leave your statement with us.”

“You already have it. It was sent to every member and I furnished you a hard copy, with a request to testify. He has corrupted his office. Cases are perfect trails, there is a record – and the record is unequivocal. He corrupted his office to benefit himself and you.

And it’s time that the press did some investigation of what they have been suppressing for years.

I wish to testify and tomorrow against Ms. Halligan for corrupting her office as solicitor general.”

Hoylman: “Thank you so much. We do have her testimony, as it were. It was submitted, as I understand.”

I had furnished Chair Hoylman with the referred-to [hard copy of my below April 17th e-mail](#) minutes before the start of the meeting, in conjunction with my asking him whether he had received its two e-mailed requests to testify. His response was that he had forwarded the e-mails to Senate counsel.

Was this Senate counsel your own counsel [Jellisa Joseph](#), to whom, last June, I [personally served](#) two copies of the verified petition and notice of petition in [CJA v. JCOPE, et al.](#), one for the Senate and one for Temporary Senate President Stewart-Cousins – a lawsuit whose challenge to the budget and the pay raises continues and expands the challenge of [CJA v. Cuomo, et al.](#) – and which the Senate, *via* its co-respondent Attorney General James, has been defending by reliance on the Appellate Division, Third Department’s December 27, 2018 decision, from which Judge Wilson and his fellow associate judges, unconstitutionally and by fraud, denied review by right and by leave.

Did Ms. Joseph or some other Senate counsel advise Chair Hoylman that he and the members of the Senate Judiciary Committee should just ignore my requests to testify about *CJA v. Cuomo* and the related [Delgado v. New York State](#) – and not question Judge Wilson about either case, which, as the VIDEO establishes, is what they did. Tellingly, too, neither Chair Hoylman, a Harvard Law School graduate, just as Judge Wilson is, nor any of the Committee’s other mostly lawyer members, denied or disputed the accuracy of my e-mail that *CJA v. Cuomo* and *Delgado v. NYS* are dispositive that Judge Wilson corrupted his office as a Court of Appeals associate judge and that [E.R. Sassower v. Commission on Judicial Conduct](#) is dispositive that Ms. Halligan corrupted her office as solicitor general – causing vast, irreparable, and ongoing injury to the People of New York by what they did.

Notably, at [today’s just-concluded Senate Judiciary Committee meeting on Ms. Halligan’s prospective nomination](#) – and notwithstanding her stellar qualifications repeatedly commented-upon by the senators – none of the senators apparently thought she could handle questioning about *E.R. Sassower v. Commission on Judicial Conduct* to which my e-mails alerted them. Surely, nothing could have been simpler than asking her why, upon her becoming solicitor general, she failed to respond to my [October 2, 2001 letter to her](#) entitled “Your Duty to Comply with Fundamental Rules of Supervisory and Professional Responsibility in the appeal...” and to [my three further letters to her, over the next nine days](#) – followed by her lockstep litigation fraud in the case, throughout the next 14 months, rewarded by fraudulent Appellate Division and Court of Appeals decisions – whose end result was to perpetuate, to the present

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day, a corrupt Commission on Judicial Conduct and, with it, a corrupt attorney disciplinary system, reposed within the judiciary. Instead, Senator Breslin gushed to the effect that she “obviously [had] the integrity box checked throughout [her] career”. *E.R. Sassower v. Commission on Judicial Conduct* is a different kind of check – a reality check.

The predicate of the Senate’s “advice and consent” for Court of Appeals nominees, pursuant to Article VI, §2(e) of the state Constitution, is that the nominee has been determined to be “well qualified” by the Commission on Judicial Nomination. Over and again, spanning decades, the Senate has been on notice from CJA that the Commission on Judicial Nomination has not been adequately investigating and determining the qualifications of the candidates it purports to screen – and that the corruption of principal entities on which it relies, in the first instance, the Commission on Judicial Conduct and the court-controlled attorney disciplinary system, jeopardizes appropriate “well qualified” ratings.

As stated by my below April 17th e-mail, “Corruption is an absolute disqualification”. The Senate cannot constitutionally render its “advice and consent” without making findings of fact and conclusions of law with respect to my written testimony therein and the substantiating cases on which it is based: (1) *CJA v. Cuomo*; (2) *Delgado v. NYS*; and (3) *E.R. Sassower v. Commission on Judicial Conduct* – and this is especially so in light of the Senate Judiciary Committee’s self-interested nonfeasance.

I trust that yesterday your sergeant-at-arms, who only gave me his first name, Ben, furnished you, as I requested, the [hard copy of the April 17th e-mail](#) that I handed to him, identical to the one I had handed to Chair Hoylman 3-1/2 hours earlier – and that he also communicated my request that you furnish it to all 63 senators, prior to ANY Senate floor vote on Judge Wilson and Ms. Halligan. I herein reiterate that request.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, April 17, 2023 4:32 AM
To: 'hoylman@nysenate.gov' <hoylman@nysenate.gov>; 'palumbo@nysenate.gov' <palumbo@nysenate.gov>; 'senatorjbailey@nysenate.gov' <senatorjbailey@nysenate.gov>; 'breslin@nysenate.gov' <breslin@nysenate.gov>; 'canzoneri@nysenate.gov' <canzoneri@nysenate.gov>; 'gounardes@nysenate.gov' <gounardes@nysenate.gov>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'liu@nysenate.gov' <liu@nysenate.gov>; 'martins@nysenate.gov' <martins@nysenate.gov>; 'smayer@nysenate.gov' <smayer@nysenate.gov>; 'myrie@nysenate.gov' <myrie@nysenate.gov>; 'omara@nysenate.gov' <omara@nysenate.gov>; 'ramos@nysenate.gov' <ramos@nysenate.gov>; 'rhoads@nysenate.gov' <rhoads@nysenate.gov>; 'ryan@nysenate.gov' <ryan@nysenate.gov>; 'sepulveda@nysenate.gov' <sepulveda@nysenate.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'thomas@nysenate.gov' <thomas@nysenate.gov>
Cc: 'foil@nysenate.gov' <foil@nysenate.gov>

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Subject: AGAIN: Request to testify vs Rowan Wilson's confirmation as chief judge & Caitlin Halligan's confirmation as associate judge -- & the duties of the Senate Judiciary Committee

TO: New York State Senate Judiciary Committee

Chair: Brad Hoylman-Sigal, Esq.

Ranking Member: Anthony Palumbo, Esq.

Rank & File Members: Jamaal Bailey, Esq.; Neil Breslin, Esq.; Patricia Canzoneri-Fitzpatrick, Esq.; Andrew Gounardes, Esq; Andrew Lanza, Esq.; John Liu; Jack Martins, Esq.; Shelley Mayer, Esq.; Zellnor Myrie, Esq.; Thomas O'Mara, Esq.; Jessica Ramos; Steven Rhoads, Esq.; Sean Ryan, Esq.; Luis Sepulveda, Esq.; James Skoufis; Toby Ann Stavisky; Kevin Thomas, Esq.

Please immediately advise with respect to my request to testify in opposition, sent yesterday, by the below e-mail, whose two typographic errors in dates are now corrected.

Corruption is an absolute disqualification – and both Court of Appeals Associate Judge Rowan Wilson and former Solicitor General Caitlin Halligan knowingly and deliberately violated the duties of their offices, causing vast, irreparable, and ongoing injury to constitutional lawful governance and the People of the State of New York, as established by the open-and-shut, *prima facie* EVIDENCE my e-mail furnishes, consisting of the lawsuit records of: (1) [Center for Judicial Accountability v. Cuomo, et al.](#); (2) [Delgado v. New York State](#); and (3) [E. R. Sassower v Commission on Judicial Conduct](#).

Please, therefore, also confirm that you will be interrogating Judge Wilson as to the first two cases and interrogating former Solicitor General Halligan as to the third – and that the Senate Judiciary Committee will be making findings of fact and conclusions of law with respect to these cases PRIOR to any vote – and furnishing these findings of fact and conclusions of law to the FULL Senate so that the votes of ALL 63 senators may be properly informed as to their duty to reject each of the nominees, unanimously.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

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

Sent: Sunday, April 16, 2023 3:16 PM

To: 'hoylman@nyenate.gov' <hoylman@nyenate.gov>; 'palumbo@nyenate.gov' <palumbo@nyenate.gov>; 'senatorjbailey@nyenate.gov' <senatorjbailey@nyenate.gov>; 'breslin@nyenate.gov' <breslin@nyenate.gov>; 'canzoneri@nyenate.gov' <canzoneri@nyenate.gov>; 'gounardes@nyenate.gov' <gounardes@nyenate.gov>; 'lanza@nyenate.gov' <lanza@nyenate.gov>; 'liu@nyenate.gov' <liu@nyenate.gov>; 'martins@nyenate.gov' <martins@nyenate.gov>; 'smayer@nyenate.gov' <smayer@nyenate.gov>; 'myrie@nyenate.gov' <myrie@nyenate.gov>; 'omara@nyenate.gov' <omara@nyenate.gov>; 'ramos@nyenate.gov' <ramos@nyenate.gov>; 'rhoads@nyenate.gov' <rhoads@nyenate.gov>; 'ryan@nyenate.gov' <ryan@nyenate.gov>; 'sepulveda@nyenate.gov' <sepulveda@nyenate.gov>; 'skoufis@nyenate.gov' <skoufis@nyenate.gov>; 'stavisky@nyenate.gov' <stavisky@nyenate.gov>;

Exhibit 3

'thomas@nysenate.gov' <thomas@nysenate.gov>

Cc: 'foil@nysenate.gov' <foil@nysenate.gov>

Subject: Request to testify in opposition to Rowan Wilson's confirmation as chief judge & Caitlin Halligan's confirmation as associate judge

TO: New York State Senate Judiciary Committee

Chair: Brad Hoylman, Esq.

Ranking Member: Anthony Palumbo, Esq.

Rank & File Members: Jamaal Bailey, Esq.; Neil Breslin, Esq.;

Patricia Canzoneri-Fitzpatrick, Esq.; Andrew Gounardes, Esq.; Andrew Lanza, Esq.;

John Liu; Jack Martins, Esq.; Shelley Mayer, Esq.; Zellnor Myrie, Esq.;

Thomas O'Mara, Esq.; Jessica Ramos; Steven Rhoads, Esq.; Sean Ryan, Esq.;

Luis Sepulveda, Esq.; James Skoufis; Toby Ann Stavisky; Kevin Thomas, Esq.

The press has reported that the Senate Judiciary Committee will be holding a “hearing” on Court of Appeals Associate Judge Rowan Wilson’s confirmation as chief judge tomorrow, April 17th, and a “hearing” on Caitlin Halligan’s confirmation as associate judge on April 18th – the latter additionally surprising as [Governor Hochul has not yet nominated Ms. Halligan](#) as no vacancy exists for her to fill unless and until Judge Wilson is confirmed as chief judge.

The [Senate website](#) posts NO news release or notice of “hearings” for either Judge Wilson or Ms. Halligan – and there is also NONE on the [Senate Judiciary Committee webpages](#). However, each do indicate “meetings” at [12 noon, April 17th](#) and [11 am, April 18th](#), which, when clicked, respectively state:

“The Committee will consider the following judicial nominee:

APPEARING

Hon. Rowan Wilson, nominated for Chief Judge of the Court of Appeals”;

and

“The following judicial candidate and prospective nominee, in accordance with Chapter 123

of the Laws of 2023, will appear before the Committee:

APPEARING

Caitlin Halligan, candidate for Associate Judge of the Court of Appeals”.

As these two “meeting” pages list no one else “APPEARING”, is the Committee not permitting anyone else to be heard? The situation is further confusing because, according to an [April 14th article](#), the executive director of NOW-New York “will make an appearance at Wilson’s nomination hearing” to oppose his confirmation based on his decision in [People v. Reagan](#).

As director of the non-partisan, non-profit citizens’ organization Center for Judicial Accountability, Inc. (CJA), I also wish to “make an appearance” – by which I mean to be testify, under oath, in opposition to both Judge Wilson and Ms. Halligan.

The basis for CJA’s opposition to Judge Wilson is his corruption, in office, as a Court of Appeals associate judge, in two separate yet interrelated cases, to benefit himself and the Senate:

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(1) [*Center for Judicial Accountability v. Cuomo, et al.*](#), a citizen-taxpayer action, “on behalf of the People of the State of New York & the Public Interest”, suing the Senate and temporary senate president for corrupting state governance and challenging the constitutionality and lawfulness of the legislative budget, the judiciary budget, the executive budget – and of the 2015 budget-borne statute that established the Commission on Legislative, Judicial and Executive Compensation, replacing the 2010 statute that established the Commission on Judicial Compensation, and seeking to void their respective “force of law” December 24, 2015 and August 29, 2011 reports that cumulatively raised judicial salaries by approximately \$80,000 a year and, by virtue of a linkage, comparably raised district attorney salaries. By 2019, when the case reached the Court of Appeals, it also encompassed the 2018 budget-borne statute that established the Committee on Legislative and Executive Compensation and its “force of law” December 10, 2018 report that raised the salaries of all Senate and Assembly members, the attorney general, the comptroller, and, indirectly, the governor and lieutenant governor – all of whom, excepting the lieutenant governor, were also defendants in *CJA v. Cuomo*, as was Chief Judge DiFiore.

From May 2019 to February 2020, Judge Wilson and his five fellow associate judges rendered five orders that cannot be justified and which they did not justify, countenancing the solicitor general’s flagrant litigation fraud before the Court and dismissing and denying CJA’s appeals of right and by leave from a [December 27, 2018 decision of the Appellate Division, Third Department](#), affirming a [November 28, 2017 decision and judgment of Albany Supreme Court \(Denise Hartman\)](#), both decisions, shown by the record before the Court, to be judicial frauds, obliterating, *in toto*, ALL ethical, adjudicative, and evidentiary standards, in tandem with the attorney general and solicitor general whose defense, throughout, was founded on litigation fraud. Above-attached and here-linked is [CJA’s initial March 26, 2019 letter in support of its appeal of right](#), particularizing the seriousness of what was before the Court – to which the Court’s response was its [May 2, 2019 order](#). Also above-attached and here-linked is [CJA’s final November 25, 2019 motion](#), particularizing the seriousness of what the Court had done – to which the Court’s response was its [February 18, 2020 order](#).

(2) [*Delgado v. New York State*](#), a declaratory and citizen-taxpayer action challenging the constitutionality and lawfulness of the 2018 statute that established the Committee on Legislative and Executive Compensation and its “force of law” December 10, 2018 report.

In August 2019, the *Delgado* plaintiffs were before the Court of Appeals on a direct appeal from a [June 7, 2019 decision and judgment of Albany Supreme Court](#) that principally rested on the Appellate Division, Third Department’s December 27, 2018 *CJA v. Cuomo* decision, whose unconstitutionality and fraud Judge Wilson and his five associate judges were already fully knowledgeable of from the [“legal autopsy”/analysis](#) of it, accompanying [CJA’s March 26, 2019 letter in support of its appeal of right](#). By a [November 21, 2019 order](#), the six associate judges indefensibly denied the direct appeal, relegating the *Delgado* plaintiffs to the Appellate Division, Third Department – which, by a [March 18, 2021 decision](#), affirmed the Supreme Court decision, based primarily on its December 27, 2018 *CJA v. Cuomo* decision.

From this, the Court of Appeals granted an appeal of right, in September 2021, and [affirmed on November 17, 2022](#), by Judge Wilson’s concurring opinion that made the plurality opinion of Judges Cannataro, Rivera, and Troutman a majority. Both the

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concurring and plurality opinions, as likewise, the dissenting opinion of Judge Singas, to which Judge Garcia joined, are fashioned on material concealment, falsification, and misrepresentation of fact and law, immediately obvious from the *CJA v. Cuomo* record, of which Judges Wilson, Rivera, and Garcia were directly knowledgeable from 2019-2020, and as to which Judges Cannataro and Singas had notice and access by my below June 7, 2021 e-mail to this Committee, to which they were cc'd. Suffice to say, that Judge Wilson's concurring opinion compounds the fraud of the plurality opinion by upholding the constitutionality of the 2018 statute on the pretense that the compromised "checks and balances" of the statute are acceptable because of the Judiciary's "searching review"; "heightened judicial review"; "heightened scrutiny", "heightened standard of review"; "heightened review", purporting that "Supreme Court and the Appellate Division have demonstrated their vigilance" and, inferentially, that the Court of Appeals has done the same (at pp. 15-18, fn.11) – asserting, in conclusion, "the courts add enough weight to steady the balance" (at p. 29). NOTHING COULD BE MORE OBSCENE, as, likewise, his assertion, at the outset, "It is our job to ensure that the players in the lawmaking process do not shirk their burden of overseeing each other and minding the public interest" (at pp. 2-3) —as if that is what the Court was then and had been doing.

Notably, Judge Wilson's concurring opinion omits mention of *CJA v. Cuomo*, unlike the plurality and dissenting opinions whose scant referencing of it are laced with mischaracterizations to make it falsely appear as an insignificant case, not entitled to an appeal of right or by leave, and to conceal what its record makes immediately obvious: that *CJA v. Cuomo* was dispositive that the 2018 statute challenged by *Delgado* had to be declared unconstitutional and the December 10, 2018 Committee report voided.

Further specific frauds of Judge Wilson's concurring opinion – known to him from *CJA v. Cuomo*, whose original paper record, retained by the Court, was available to him and the associate judges – include the following:

- (1) his concealment, entirely, that the 2018 statute could NOT be constitutionally enacted, through the budget, because it is non-revenue/non-fiscal policy legislation, violating Article VII, §2 of the state Constitution, and because, in violation of Article VII, §6, it is unconnected to any appropriation, and because the "three person in a room" budget dealmaking by which, behind-closed-doors, it was inserted as Part HHH of a purported "revenue" budget bill, and emerged from the "room" so-amended, is entirely unconstitutional;
- (2) his misrepresentation of the governor's role (at p. 14) as having simply "approved the legislation creating the Committee", when the governor, temporary senate president, and assembly speaker collusively inserted it into the so-called revenue budget bill as part of their "three person in a room", behind-closed-doors, amending of budget bill dealmakings;
- (3) his false justification (at p. 14, & its fn. 8) for the governor's "issuing a message of necessity" for the budget bill as due to "our Constitution's appropriation requirement, [in that] failing to pass a timely budget can have serious consequences (see art VII, §7)" – when, pursuant to Article VII, §4, New York has a rolling budget, enacted, without involvement of the governor, upon the Senate and Assembly reconciling their amended

Exhibit 3

appropriation bills, limited to strike-outs or reductions of appropriations;

- (4) his concealments that apart from the unconstitutional enactment of the 2018 statute *via* the budget, it was unconstitutional, *as written*, because the Committee it established was too small and homogenous for a constitutional delegation of legislative power – and that its inclusion of the state comptroller and chief judge as members were each, independently, unconstitutional (at pp. 9, 13);
- (5) his false representation and implication that the 2010 statute and, inferentially, the 2015 statute “expand[ing]” it, were constitutional because they provided “the checks and balances associated with the statute-making and budgetary process outlined in the Constitution” – and that such “checks and balances” were functioning and that “the issue of judicial compensation now receives consideration independent of other political matters’ (*Larabee v. Governor of the State of N.Y.*, 27 NY3d 469, 472 [2016])” (at pp. 7-8);
- (6) his false assertion that “this is not a difficult case under our legislative nondelegation doctrine” (at p. 3).

These frauds and the comparable and additional frauds of the plurality and dissenting opinions spring from the associate judges’ HUGE financial and other interests born of relationships in affirming *Delgado* because doing otherwise by declaring the 2018 statute unconstitutional (1) by its enactment; (2) *as written*; and (3) *as applied* – as *CJA v. Cuomo* demonstrated was ALL mandated – would require largely identical declarations with respect to the 2015 and 2010 statutes, the voiding of all three “force of law” reports, and MASSIVELY transform state governance by restoring it to constitutionality and lawfulness, with penal consequences for the plethora of executive, legislative, and judicial public officers who had perpetrated and colluded in its frauds and larcenies, for years. The financial consequences for each associate judge – to which CJA had repeatedly alerted them – was a plummeting of salary by \$82,200 a year, from the commission-based \$233,400 it is to the \$151,200 fixed by [Judiciary Law §221](#) – and clawbacks ranging as high as nearly a million dollars. New York’s 2,500 other state-paid judges would have faced comparably huge salary drops and clawbacks.

Judge Wilson and his fellow associate judges do not disclose their HUGE financial and other interests, divesting them of jurisdiction under [Judiciary Law §14](#) – a threshold issue for which *CJA v. Cuomo* repetitively sought their determination, including by the [final November 25, 2019 motion](#). To the contrary, they obscure same – including the concealment, by all three November 17, 2022 opinions, that *Delgado* had been before the Court in 2019 on a direct appeal and that this coincided with the Court having before it *CJA v. Cuomo* on appeals by right and by leave, furnishing evidence and argument essential to their duty with respect to *Delgado*.

Suffice to further note that Judge Wilson and his fellow associate judges all simply ignored what should have been obvious to them – quite apart from its being another threshold issue highlighted by *CJA v. Cuomo*, repetitively, namely, that Attorney General James – being a direct pay raise beneficiary of the 2018 “force of law” Committee report

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raising her salary – had a disqualifying financial interest that made it improper for her to be representing the *Delgado* defendants, just as it was improper for her to be representing the *CJA v. Cuomo* defendants, of which she was one – and she manifested her disqualification by the litigation fraud she employed to corrupt the judicial process, at each level, of both cases.

As for Ms. Halligan, the basis of CJA's opposition is her corruption, in office, as solicitor general in the Article 78 proceeding that was the genesis of CJA's opposition to judicial pay raises, [Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York](#), suing the Commission on Judicial Conduct for corruption – whose [April 22, 1999 verified petition](#) simultaneously exposed to view its corrupting of "merit selection" to the Court of Appeals with respect to the nomination and confirmation of Albert Rosenblatt as an associate judge, to which the Commission on Judicial Nomination, the bar associations, the governor, and the Senate Judiciary Committee were all complicit (¶¶22-34), additionally demonstrated in the record at [the Appellate Division, First Department](#), with a [threshold May 1, 2002 motion at the Court of Appeals for disqualification/disclosure](#), chronicling the Senate Judiciary Committee's nonfeasance and fraud with respect to the confirmations of Associate Judges Howard Levine, Carmen Ciparick, and Victoria Graffeo, in addition to recapitulating what had occurred with respect to Associate Judge Rosenblatt's nomination and confirmation.

Solicitor General Halligan's ignominious role, in 2001 and 2002, was her corrupting of the appellate process, with litigation fraud, at the Appellate Division and Court of Appeals, for which she was rewarded, again and again, by fraudulent judicial decisions. I testified about the case at [the Commission on Judicial Compensation's one and only July 20, 2011 hearing](#) – handing up copies of my two final motions and the Court of Appeals' two final orders. Those here-linked [October 15, 2002 motion](#) and [October 24, 2002 motion](#) and the Court's December 17, 2002 orders thereon, [here](#) and [here](#), were [free-standing exhibits to CJA's October 27, 2011 opposition report](#) to the Commission on Judicial Compensation's August 29, 2011 report. [I handed up a full copy of that opposition report, with all its exhibits, in testifying before the Legislature at its February 6, 2013 "public protection" budget hearing](#) – a hearing which was the beginning of my odyssey of discovery about [Article VII, §§1-7 of the state Constitution](#), whose repudiation by the constitutional officers of New York's three government branches in their fashioning and enactment of the legislative, judiciary, and executive budgets would be chronicled by *CJA v. Cuomo* – and by CJA's advocacy, in the three years since Judge Wilson and his fellow associate judges gave their final answer to it by their self-interested, indefensible February 18, 2020 order.

* * *

EPILOGUE & WHERE TO BEGIN

Were the Commission on Judicial Conduct not a corrupt façade – which it is, thanks to Ms. Halligan and a long, long list that includes this Committee's Chair Hoylman and its Ranking Member Palumbo – Judge Wilson would long ago have been removed as a Court of Appeals associate judge and referred to criminal authorities for prosecution, with his fellow associate justices, along with then Chief Judge DiFiore, then Chief Administrative Judge Marks, and all the Appellate Division, Third Department and Supreme Court justices who had obliterated the rule of law in *CJA v. Cuomo* and *Delgado*. Indeed, for more than two years, the Legislature has had the [fully-documented February 7, 2021 conflict-of-interest/corruption complaint](#) I filed with the Commission on Judicial Conduct against Judge Wilson and his fellow associate judges, with a substantiating [EVIDENTIARY webpage](#), particularizing their corruption in those two cases, as well as the [fully-documented February 11, 2021 companion complaint](#) I filed with the Appellate Division attorney grievance committees against Attorney General James, Solicitor General Underwood, and their

Exhibit 3

underlings for their litigation fraud therein, also substantiated by an [EVIDENTIARY webpage](#). Those two complaints were each expanded [on April 26, 2021](#) and [April 27, 2021](#), by a supplementing complaint based on my "[legal autopsy](#)"/[analysis of the Appellate Division, Third Department's March 18, 2021 Delgado decision](#) – the decision that Judge Wilson concurred to affirm on November 17, 2022.

Although I did not file a misconduct complaint against Solicitor General Halligan with the Appellate Division's attorney grievance committee, a summary of her corrupting of the judicial process, at the Appellate Division and the Court of Appeals in [E.R. Sassower v. Commission on Judicial Conduct](#) can be found in my [March 9, 2011 letters to the U.S. Senate Judiciary Committee](#) in opposition to her confirmation as a federal judge on the Court of Appeals for the D.C. Circuit, accessible with my 2001 correspondence to her, on a webpage I constructed for that 2011 opposition, [here](#). Suffice to add that the *modus operandi* of litigation fraud by the attorney general's office, rewarded by fraudulent judicial decisions – exemplified, at ALL court levels, by [E.R. Sassower v. Commission on Judicial Conduct](#) and other important cases, prior and since, such as [CJA v. Cuomo, et al.](#) – has been a staple of CJA's advocacy before this Committee and the Legislature, for decades – most recently by [my written testimony for the Legislature's February 7, 2023 "public protection" budget hearing](#), which I [thereafter e-mailed](#) to most of you, without response. So, too, has CJA's advocacy highlighted, for decades, the corruption of "merit selection" to the Court of Appeals – and my below June 7, 2021 e-mail pertaining to the Singas and Cannataro nominations further flagged that the Commission on Judicial Nomination was not doing appropriate vetting and investigation of candidates by citing to its inclusion of Ms. Halligan and Denise Hartman on its shortlist for the Court of Appeals.

For the convenience of all, I have aggregated the above substantiating links and others on an EVIDENTIARY webpage for this e-mail, [here](#).

Kindly confirm, as immediately as possible, that I will be permitted to testify, in opposition, under oath, at the "meetings"/"hearings".

* * *

FOIL REQUEST

Pursuant to Senate Rule XIV "Freedom of Information", please furnish, as immediately as possible:

- (1) the Senate or Senate Judiciary Committee press release, if any, for what the press is reporting as confirmation "hearings";
- (2) records reflecting the names of persons testifying at the Committee's April 17th and April 18th "meetings", other than Judge Wilson and Ms. Halligan;
- (3) records reflecting the names of persons who requested to testify, but were not given permission to do so;
- (4) Judge Wilson's and Ms. Halligan's publicly-available responses to the questionnaire(s) they were required to complete for the Commission on Judicial Nomination.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org

Exhibit 3

914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, June 7, 2021 4:20 PM

To: hoylman@nysenate.gov; pboyle@nysenate.gov; senatorjbailey@nysenate.gov; biaggi@nysenate.gov; breslin@nysenate.gov; gounardes@nysenate.gov; kaplan@nysenate.gov; lanza@nysenate.gov; myrie@nysenate.gov; omara@nysenate.gov; oberacker@nysenate.gov; palumbo@nysenate.gov; skoufis@nysenate.gov; stavisky@nysenate.gov; thomas@nysenate.gov

Cc: madeline.singas@nassauda.org; ggalansk@nycourts.gov; phillips@nysenate.gov; aaron@bradhoylman.com; canary@nysenate.gov; kiprilov@nysenate.gov; turoski@nysenate.gov; laidley@nysenate.gov; levans@nysenate.gov; jonesj@nysenate.gov; mjoyce@nysenate.gov; golan@nysenate.gov; msb.nysenate@gmail.com; rowheeler@nysenate.gov; jbishop@nysenate.gov; valle@nysenate.gov; jbishop@nysenate.gov; valle@nysenate.gov; cfoster@nysenate.gov; goddard@nysenate.gov; brix@nysente.gov; emancinisd6@gmail.com

Subject: Your tomorrow's "meeting" on the nominations of Singas & Cannataro to the NY Court of Appeals -- UNCONSTITUTIONAL & FRAUDULENT, as it has not been preceded by vetting of the EVIDENCE decisive of their unfitness, of which you have had NOTICE

TO: The 15 Members of the Senate Judiciary Committee

Chair Hoylman, Ranking Member Boyle, and Members Bailey, Biaggi, Breslin, Gounardes, Kaplan, Lanza, Myrie, O'Mara, Oberacker, Palumbo, Skoufis, Stavisky, Thomas

I have received NO response from you to my below June 1st e-mail, with its above-attached FOIL request – and, apparently, you are dispensing with ANY hearing on Governor Cuomo's nominations of D.A. Singas and Judge Cannataro to the Court of Appeals – opting instead to “consider” their nominations at a [“meeting” of the Senate Judiciary Committee, at noon tomorrow](#) – at which you will also “consider” the Governor's eight nominees to the Court of Claims.

Just as there was NO precedent for the Governor's [May 25, 2021 announcement](#) that combined his nominations of two Court of Appeals judges, with nominations of Court of Claims judges and appointments to the Appellate Divisions, there is NO precedent for your combining “consideration” of Court of Appeals nominees with nominees for the Court of Claims – and for dispensing with a hearing on the Court of Appeals nominees. What you are doing is unconstitutional – and a fraud upon the People of this State, to whom you owe the duty to examine and take testimony on EVIDENCE that D.A. Singas and Judge Cannataro are unfit to serve on our state's highest court – EVIDENCE

Exhibit 3

that Chair Hoylman has had NOTICE of since May 26th – with NOTICE to the Committee’s 14 other members since June 1st by my below e-mail.

Suffice to note, the Commission on Judicial Nomination would itself have discerned the unfitness of D.A. Singas, Judge Cannataro, and other appalling short-list candidates as Denise Hartman and Caitlin Halligan had it done appropriate investigation by reaching out to such credible information sources as the Center for Judicial Accountability, Inc. (CJA) – the necessity of which, in 1993 and repeatedly thereafter, we demonstrated as essential because customary sources on which it relies, as, for instance, the Commission on Judicial Conduct and the court-controlled attorney grievance committees, are corrupt.

To assist you in your duty to examine the EVIDENCE that D.A. Singas and Judge Cannataro cannot be confirmed because they do not meet the FIRST ground upon which Article VI, §2(c) of the New York State Constitution specifies they must be “well qualified”, namely “character” – and encompassing D.A. Singas’ believed perjury on her publicly-inaccessible answers to the Commission on Judicial Nomination’s questionnaire – I have posted the EVIDENCE substantiating my June 1st e-mail to you on two webpages – one for [D.A. Singas](#) and one for [Judge Cannataro](#) – each additionally posting an explanatory narrative of the EVIDENCE pertaining to each, with questions for each. For your further convenience, I have above-attached these two explanatory narratives of the EVIDENCE and questions.

So that D.A. Singas and Judge Cannataro may be prepared for your rigorous interrogations at tomorrow’s “meeting” on their nominations – indeed to enable them, on their own accord, to demonstrate their “character” by answering the EVIDENCE-based questions here attached, I am cc’ing them on this e-mail.

As always, I am available to assist you in your duties – and invite you to call me, no matter how late this evening or early tomorrow morning.

Finally, I request that this e-mail, with its below chain of e-mails and its above three attachments, be made part of the record of tomorrow’s “meeting” and Senate proceedings on D.A. Singas’ and Judge Cannataro’s confirmations.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, June 1, 2021 9:10 AM

Exhibit 3

To: 'hoylman@nysenate.gov' <hoylman@nysenate.gov>
Cc: 'pboyle@nysenate.gov' <pboyle@nysenate.gov>; 'senatorjbailey@nysenate.gov' <senatorjbailey@nysenate.gov>; 'biaggi@nysenate.gov' <biaggi@nysenate.gov>; 'breslin@nysenate.gov' <breslin@nysenate.gov>; 'gounardes@nysenate.gov' <gounardes@nysenate.gov>; 'kaplan@nysenate.gov' <kaplan@nysenate.gov>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'myrie@nysenate.gov' <myrie@nysenate.gov>; 'omara@nysenate.gov' <omara@nysenate.gov>; 'oberacker@nysenate.gov' <oberacker@nysenate.gov>; 'palumbo@nysenate.gov' <palumbo@nysenate.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'stavisky@nysenate.gov' <stavisky@nysenate.gov>; 'thomas@nysenate.gov' <thomas@nysenate.gov>; 'phillips@nysenate.gov' <phillips@nysenate.gov>; 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'canary@nysenate.gov' <canary@nysenate.gov>; 'kiprilov@nysenate.gov' <kiprilov@nysenate.gov>; 'turoski@nysenate.gov' <turoski@nysenate.gov>; 'laidley@nysenate.gov' <laidley@nysenate.gov>; 'levans@nysenate.gov' <levans@nysenate.gov>; 'jonesjj@nysenate.gov' <jonesjj@nysenate.gov>; 'golan@nysenate.gov' <golan@nysenate.gov>; 'msb.nysenate@gmail.com' <msb.nysenate@gmail.com>; 'rowheeler@nysenate.gov' <rowheeler@nysenate.gov>; 'jbishop@nysenate.gov' <jbishop@nysenate.gov>; 'valle@nysenate.gov' <valle@nysenate.gov>; 'cfoster@nysenate.gov' <cfoster@nysenate.gov>; 'goddard@nysenate.gov' <goddard@nysenate.gov>; 'brix@nysenate.gov' <brix@nysenate.gov>; 'emancinisd6@gmail.com' <emancinisd6@gmail.com>

Subject: Senate Judiciary Committee procedures for vetting Gov. Cuomo's nominations of Singas & Cannataro to the NY Court of Appeals -- & request to testify in strong opposition at their confirmation hearings, with EVIDENCE, decisive of their unfitness

TO: Senate Judiciary Committee Chair Brad Hoylman

This follows six separate voice mail messages I left at your Albany and Manhattan offices, requesting to know what the Senate Judiciary Committee's procedures are for investigating the fitness of Governor Cuomo's two nominees to the New York Court of Appeals: Nassau County District Attorney Madeline Singas and New York City Civil Court Administrative Judge Anthony Cannataro – and to testify, in strong opposition to each, at the Senate Judiciary Committee's hearings on their confirmations.

Governor Cuomo announced these nominations on Tuesday, May 25th – and at 9:08 am the next day, Wednesday, May 26th, I called your Albany office (518-455-2451), leaving a voice mail message with my above two requests, with a further voice mail message at that number at 2:00 pm, followed by a voice mail message at your Manhattan district office (212-633-8052) at 2:06 pm. The next day, Thursday, May 27th, I left a voice mail message at your Albany office at 12:02 pm and then at your Manhattan office at 12:06 pm. On Friday, May 28th, I left a voice mail message at your Albany office at 10:38 am.

Please advise – and explain why, during these normal business hours, no one picks up the phone or calls back. Is not time of the essence? Did no one wish to speak with me about the basis for CJA's opposition to these nominees – and the EVIDENCE substantiating same?

By copy of this e-mail to Senate Judiciary Committee Ranking Member Phil Boyle and the Committee's 13 other members, I request that they call me to schedule individual or combined phone meetings to discuss the EVIDENCE that is your constitutional duty and theirs to investigate

Exhibit 3

and report to the full Senate. As relates to District Attorney Singas, the EVIDENCE is *prima facie* and open-and shut, not even requiring inquiry of her to establish that her nomination must be rejected, indeed, that she must be indicted for corruption, in office – and that she will be convicted. As to Judge Cannataro, the EVIDENCE is also decisive – although it requires inquiry of him and others to establish, both as relates to his three-year tenure, from 2000 to 2003, as the principal law clerk at the Court of Appeals to then Associate Judge Carmen Ciparick, and as to the pay raises that have boosted his salary \$80,000 a year since becoming a judge in 2012.

I take this opportunity to bring to your attention that I am still waiting for you and the Senate to furnish me with a copy of the attorney misconduct complaint against Rudolph Giuliani that you filed in January with New York's attorney grievance committee for the First Judicial Department. Will you be supplying it? The chain of e-mails is below.

Finally, and on that topic – but yet also related to the nominations of Singas and Cannataro to the Court of Appeals -- when is the Senate Judiciary Committee finally going to continue – and make findings on – the hearings begun twelve years ago on New York's attorney grievance committees and the Commission on Judicial Conduct, held by then Chair John Sampson, whose origin can be traced back to my testimony before him at the Senate Judiciary Committee's January 27, 2009 hearing on "merit selection" to the Court of Appeals in which I stated:

“...you need to be sure that the regulatory bodies, the Commission on Judicial Conduct, the attorney disciplinary committees are functioning, because they are one of the first stops of the Commission on Judicial Nomination in securing information about candidates. And they are useless. They are worthless and they are corrupt. **And there needs to be hearings and investigations of those bodies.**” (transcript, pp. 88-89).

The January 27, 2009 transcript excerpt, the VIDEO of my subsequent extensive testimony and colloquy with Chair Sampson at the continued June 5, 2009 hearing on the Commission on Judicial Nomination and "merit selection" to the Court of Appeals, the VIDEOS and transcripts of the Senate Judiciary Committee's June 8, 2009 and September 24, 2009 hearings on the attorney grievance committees and the Commission on Judicial Conduct, and the draft written statement and substantiating evidentiary webpage I had prepared for the Senate Judiciary Committee's third – and aborted -- December 16, 2009 hearing are all posted and accessible from CJA's website, including [here](#).

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, March 26, 2021 3:33 PM
To: 'Senate Foil' <foil@nysenate.gov>

Exhibit 3

Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>

Subject: AGAIN: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, ESQ.

I have no record of response from you to my below February 19th e-mail. Did you respond? If not, please do so now and, at minimum, provide me with the requested January 11, 2021 misconduct complaint against Rudolph Giuliani that Senate Judiciary Committee Chair Hoylman filed with the attorney grievance committee of New York's appellate division.

As I also have no record of response from Chair Hoylman's press officer, Aaron Ghitelman, who, when I spoke with him on February 18th, as recited below, stated he would send me the complaint, I take the opportunity of this e-mail to remind Mr. Ghitelman to send it to me now, if he did not do so previously.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, February 19, 2021 8:56 AM
To: 'foil@nysenate.gov' <foil@nysenate.gov>
Cc: 'aaron@bradhoylman.com' <aaron@bradhoylman.com>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>

Subject: "clarification and specificity" -- Jan. 15, 2021 FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

This replies to your below February 12, 2021 response to my above-entitled and attached January 15, 2021 FOIL request.

There is nothing "overly broad and vague" about it – including as to the approximate date of Senate Judiciary Committee Chair Hoylman's formal complaint against Rudolph Giuliani – the intent to file same having been announced by him at the outset of the Senate Judiciary Committee's January 11, 2021 meeting and embodied in the press release of that date, posted on Senator Hoylman's Senate website that I provided you: <https://www.nysenate.gov/newsroom/press-releases/brad-hoylman/ny-senate->

Exhibit 3

[judiciary-chair-brad-hoylman-file-formal-complaint](#). Indeed, I yesterday confirmed with Senator Hoylman's press officer, Aaron Ghitelman, that the complaint was filed on January 11, 2021.

Please, therefore, pursuant to Senate Rule ____ "Freedom of Information", furnish me with Senator Hoylman's publicly-announced January 11, 2021 formal complaint without further delay.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Senate Foil <foil@nysenate.gov>
Sent: Friday, February 12, 2021 2:14 PM
To: Center for Judicial Accountability, Inc.(CJA) <elena@judgewatch.org>

Subject: Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license

February 12, 2021

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
Post Office Box 8101
White Plains, NY 10602
cja@judgewatch.org

Dear Ms. Sassower:

This is to acknowledge receipt of your email dated January 15, 2020 pursuant to the Freedom of Information Law.

You are requesting ... "a copy of said formal complaint..."

Please be advised your request is overly broad and vague in nature. However, if you provide clarification and specificity with regard to dates we will attempt to fulfill your request.

I have attached a copy of the Senate's Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records for your information.

Sincerely,

Alejandra N. Paulino, Esq.
Secretary of the Senate

From: Senate Foil/senate
To: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>

Exhibit 3

Date: 01/26/2021 10:45 AM

Subject: **Re: FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

Good Morning,

This is to acknowledge receipt of your request dated January 6, 2021 pursuant to the Freedom of Information Law.

We are currently working on this request and expect to be able to respond within ten (10) business days. If you have any questions do not hesitate to reach to this email address.

From: "Center for Judicial Accountability, Inc.\(CJA\)" <elena@judgewatch.org>
To: <foil@nysenate.gov>
Date: 01/15/2021 03:54 PM

Subject: **FOIL Request -- Senate Judiciary Committee Chair Brad Hoylman's complaint to the Appellate Division seeking revocation of Rudolph Giuliani's law license**

TO: New York State Senate Records Access Officer/Secretary of the Senate Alejandra Paulino

Reference is made to the January 11, 2021 press release entitled: "[New York Senate Judiciary Committee Chair Brad Hoylman to File Formal Complaint Asking New York Appellate Division to Consider Revoking Rudy Giuliani's License to Practice Law](#)", posted on Senator Hoylman's Senate website. Pursuant to Senate Rule ____ "Freedom of Information", this is to request a copy of said formal complaint.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

**Statement of Center for Judicial Accountability Director Elena Ruth Sassower
in Opposition to Senate Confirmation of the Nomination of Michael Garcia
as Associate Judge of the New York Court of Appeals**

February 8, 2016

This is to vigorously protest the sham, unconstitutional manner in which this Committee is holding today's hearing to confirm the nomination of Michael Garcia as an associate judge of New York's highest court. The Committee's webpage hearing notice states "Oral testimony by invitation only", falsely implying that members of the public with evidence germane to the question of Mr. Garcia's fitness will be able to secure an "invitation". In fact, the ONLY witnesses being permitted to testify are the bar associations which favorably rated him.

My own request to testify, in opposition, was denied – without any inquiry as to its basis. That basis was and is Mr. Garcia's litigation misconduct in the declaratory judgment action against the Commission to Investigate Public Corruption which he purported to bring on behalf of both the Senate and former Temporary Senate President Dean Skelos, by an unverified November 22, 2013 complaint, in tandem with counsel purporting to represent the Assembly and former Assembly Speaker Sheldon Silver, and counsel purporting to represent Temporary Senate President Jeffrey Klein.¹

So egregious was Mr. Garcia's litigation misconduct with his fellow counsel, as well as the litigation misconduct of the Commission's counsel, the State Attorney General – both sides injecting material falsehoods into the proceeding, detrimental to the public's rights, and ultimately colluding to close the case so as to wrongfully deprive the public of the determination to which they were entitled and for which they paid with their tax dollars – that, by order to show cause dated April 23, 2014, I moved to intervene in the declaratory judgment action, on behalf of the Senate and Assembly, seeking:

¹ The full title of the declaratory action, commenced in Supreme Court/New York County, under Index #16094/13, is:

New York State Senate, New York State Assembly, Dean G. Skelos and Jeffrey D. Klein, as members and as Temporary Presidents of the New York State Senate, and Sheldon Silver, as member and as Speaker of the New York State Assembly,

v.

Kathleen Rice, William J. Fitzpatrick, and Milton L. Williams, Jr. in their official capacities as Co-Chairs of the Moreland Commission to Investigate Public Corruption.

Exhibit 4

“(a) to oppose its dismissal for ‘mootness’^{fn}; and

(b) to secure a summary judgment declaration as to the unconstitutionality of Governor Andrew Cuomo’s still-live Executive Order #106, whose establishment of the Commission to Investigate Public Corruption violated separation of powers, as *written and as applied*, including by the December 2, 2013 Preliminary Report it left behind, on which the public has been detrimentally led to rely.”

The order to show cause additionally sought “a direction that plaintiffs and defendants respectively identify the amount of taxpayer monies expended in bringing and defending this declaratory judgment action and the related proceedings”, as well as a TRO “to stay the plaintiffs and defendants from filing a stipulation of discontinuance or agreed dismissal of plaintiffs’ declaratory judgment action on the ground of mootness”.²

My 41-page moving affidavit particularized the situation, beginning as follows:

“2. Like CJA’s many New York members and supporters, I am among the public whose trust in government defendant Commission to Investigate Public Corruption was established to restore and whose hundreds of thousands of tax dollars have been used by both plaintiffs and defendants in bringing and defending this declaratory action, as well as the related proceedings to quash the Commission’s subpoenas, for protective orders, and intervention motions. As hereinafter demonstrated, neither plaintiffs nor defendants are protecting the public or the interest of the state by their submissions to this Court, filled with material deceptions, prejudicial to proper determination of the important separation of powers constitutional issues.

3. Indeed, by reason of the true facts misrepresented and concealed by the parties, there is a question as to whether the individual plaintiffs, Temporary Senate Presidents Skelos and Klein and Assembly Speaker Silver, have standing to raise the separation of powers issue which belongs to the institutional plaintiffs, the New York State Senate and the New York State Assembly – and whether their divergent interests, including as to mootness, make it improper for Michael J. Garcia, Esq., of Kirkland & Ellis, LLP, to be representing both plaintiffs Senate and Skelos, and Marc E. Kasowitz, Esq., of Kasowitz, Benson, Torres & Friedman, LLP, to be representing both plaintiffs Assembly and Silver.

² See my April 23, 2014 moving affidavit, ¶1, and order to show cause, with TRO, posted, with the entire litigation record, on CJA’s website, www.judgewatch.org, accessible via the prominent homepage link: “What’s Taking You So Long, Preet? CJA’s Three Litigations Whose Records are Perfect ‘Paper Trails’ for Indicting New York’s Highest Public Officers for Corruption”. The litigation record is also accessible from CJA’s webpage for Mr. Garcia’s confirmation that can be reached via the sidebar panel “Judicial Selection-State-NY”, with a menu choice for “‘Merit Selection’ Appointment to NY’s Highest State Court”.

Exhibit 4

4. Certainly, it deserves note, as a threshold matter, that Mr. Garcia and Mr. Kasowitz have not established that they are entitled to represent the Senate and Assembly, let alone ‘those bodies’ individual members’^{fn}. They have not alleged or furnished a resolution of either chamber^{fn} – notwithstanding *Silver v. Pataki*, 96 N.Y.2d 532, 539 (2001). Tellingly, they have furnished no statement, sworn or otherwise, for their failure to do so. That Mr. Garcia relies, exclusively, on Senate Rule III, §5 authorizing the Temporary Senate President to engage legal representation on behalf of the Senate to enforce and defend the rights, privileges, and prerogatives of the Senate only reinforces that where the interests of the Temporary Senate Presidents diverge from those of the Senate – as at bar – the client is the Senate^{fn}.

5. Despite my phone messages for Mr. Garcia on December 12 and 16, 2013, offering ‘valuable information’, and my phone messages for Mr. Kasowitz on December 16, and 17, 2013, neither they nor anyone on their behalf returned my calls.

...

**No Relevant Sworn Statements Support the Parties’ Submissions,
Except for the Affirmation of the Commission’s Chief of Investigations
Reflecting the Commission’s Violation of Executive Order #106
in the Authorization of Investigations**

...

14. By contrast to this sworn affidavit and my proposed verified complaint with its substantiating exhibits – all of which I incorporate by reference and whose recitations, where written by me, I swear to as true – the parties have essentially submitted no sworn statements attesting to the truth of the factual recitations their counsel have placed before the Court. Presumably, this is to avoid the penalties of perjury for factual assertions they know to be false.

15. Plaintiffs’ November 22, 2013 complaint initiating this declaratory judgment action, signed by its three counsel, is not verified. No affidavits or affirmations have been filed by plaintiffs or their counsel attesting to the truth of the complaint’s factual assertions or of the factual assertions in counsel’s February 21, 2014 memorandum of law in opposition to defendant Commission’s dismissal motion.

...

**The Legislative Course of the Governor’s ‘Clean-Up Albany Package’,
whose Supposed Rejection by the Legislature Underlies
his Establishing the Commission**

21. Plaintiffs’ constitutional, separation of powers argument with respect to the Commission is largely focused on the assertion that because the Legislature did not pass the Governor Cuomo’s reform legislation, the Governor established the Commission in retaliation, tasking it with investigating the Legislature in such

Exhibit 4

fashion as would compel its passage of the legislation it had determined not to pass. Thus, at the very outset of the complaint:

‘Frustrated with the Legislature’s exercise of its exclusive constitutional responsibilities and prerogative of passing only legislation deemed appropriate by its democratically-elected members, the Governor took the extraordinary step of empanelling a Moreland Commission to, by his own admission, ‘investigate the Legislature.’ (¶2, underlining added).

22. Countless paragraphs of the Complaint are of this ilk:

‘...punishing a legislature for considering the necessity and propriety of legislation prior to enactment, which is a legislator’s constitutional obligation.’ (¶8);

‘...bald attempt to eviscerate the Legislature’s law making responsibilities’ (¶9);

‘...the 2013 Proposed Bills, which the Legislature...had determined were not in the best interests of New York and its citizens.’ (¶28);

‘...to punish the Legislature for failing to pass legislation...’ (¶49);

‘blatant attempt to encroach on the Legislative function and coerce a legislative result in clear violation of the separation of powers doctrine and, if not halted, would provide the Executive Branch with an unprecedented and constitutionally impermissible role in the democratic process.’ (¶50);

‘...if the Legislature does not pass legislation through the constitutionally prescribed mechanism...’ (¶55);

‘...the Legislature in its judgment determined not to pass [the proposed bills] before adjournment in June...
the Legislature...opting not to pass the legislation the Governor demanded...
interference in the discharge of the Legislature’s own functions and particular duties in violation of the Constitution.’ (¶56);

‘...to punish and harass the Legislature for its decision to exercise its Constitutional responsibilities and not pass the 2013 Proposed Bills. The actions of the Commission amount to interference in the discharge of the Legislature’s own functions and particular duties.’

Exhibit 4

(¶57);

‘...impinging on the legislative process’ (¶58);

‘...to punish and harass the Legislature for exercising its constitutional function in deciding which laws to pass and not to pass. The Commission’s actions amount to an unconstitutional interference in the discharge of the Legislature’s functions and particular duties...’ (1st cause of action: separation of powers violation: ¶62);

‘...to harass and punish legislators for actions taken in their official capacity as duly-elected representatives of the People of this State....’ (2nd cause of action: separation of powers violation: ¶68).

23. All this is materially false. The Legislature played NO part in the fate of the Governor’s 2013 reform legislation. Upon the Governor’s delivery of his Program Bills # 3, #4, #5, and #12 to the Legislature, plaintiffs Skelos, Klein, and Silver prevented ‘the duly-elected representatives of the People of this State’ from undertaking any consideration of the bills by neither introducing them nor circulating them for introduction. As a consequence, the bills had no legislative sponsors, were never assigned bill numbers, were never introduced in either the Senate or Assembly, never debated in committee or on the Senate and Assembly floor, and never voted upon. (Exhibit B-1, pp. 2-3; Exhibit G-2, pp. 6-7).

24. Plaintiffs’ counsel may be presumed knowledgeable of this. Certainly plaintiffs Skelos, Klein, and Silver knew that within two weeks of the Governor’s establishment of the Commission, I had already uncovered that they had aborted the legislative process by withholding all four of the Governor’s program bills from the Legislature, for which I sought appropriate documentation by FOIL/records requests to them and the Governor (Exhibits C, D, E).

25. Tellingly, no specifics of the ‘legislative process’ pertaining to the Governor’s Program Bills #3, #4, #5, and #12 appear in plaintiffs’ complaint. Rather, there are a mere two paragraphs, each of two sentences (¶¶26, 27). ¶27 is especially laced with misleading, contradictory, and outrightly false claims. ...

26. Obviously, if what plaintiffs Skelos, Klein, and Silver did in withholding the Governor’s program bills from the Legislature could support plaintiffs’ separation of powers constitutional argument, their complaint would not conceal it. However, the actual separation of powers violation is in what plaintiffs Skelos, Klein, and Silver did, in collusion with the Governor, in depriving the ‘democratically-elected members’ of the Senate and Assembly of their ‘constitutionally-ordained legislative function’^{fn} – and in the Governor’s out-sourcing

Exhibit 4

to a commission ‘duties of a properly-functioning legislature, discharging its oversight and law-making functions.’ (Exhibit G-2, p. 1, underlining in the original). Having colluded with the Governor to deprive the Senate and Assembly of their constitutional role – and bearing primary responsibility for the Legislature’s dysfunction – plaintiffs Skelos, Silver, and Klein are without standing to raise the Senate and Assembly’s separation of powers constitutional objection.

27. Normally, in an adversarial system, opposing counsel would expose misrepresentations and supply the true facts and corresponding law. Defendants were fully knowledgeable as to what plaintiffs Skelos, Klein, and Silver did in aborting the legislative process, as I provided them with this information repeatedly....

28. Here, however, the Commission did not take exception to plaintiffs’ false presentation because the true facts would require it to expose the Governor’s collusion with plaintiffs Skelos, Klein, and Silver in withholding his separate Program Bills #3, #4, #5, and #12 from the Legislature, as well as his collusion with Co-Chair Fitzpatrick in conflating his rhetorical ‘clean-up Albany package’, whose components are not specified, with his Public Trust Act, to make it appear that all 62 district attorneys endorsed the ‘package’, when what they endorsed was limited to his Program Bill #3.^{fn},”

My accompanying proposed verified complaint opened as follows:

“1. This verified complaint seeks adjudication of the important separation of powers constitutional issues presented, but materially misrepresented by plaintiffs’ unverified complaint.”

The proposed verified complaint then continued with 100 fact-specific, document-supported paragraphs, culminating in three causes of action. So important are these three causes of action to the People of the State of New York that I herein quote them, in full:

“AS AND FOR A FIRST CAUSE OF ACTION
For a Declaration that the Governor’s Still-Live Executive Order #106
Establishing the Commission to Investigate Public Corruption is,
As Written, an Unconstitutional Violation of Separation of Powers

101. Sassower repeats, realleges, and reiterates ¶¶1-100 with the same force and effect as if more fully set forth herein.

102. To preserve separation of powers and the independence of the Legislature, the Constitution imposes a duty on the Governor to refrain from arrogating to himself powers residing in another branch of government.^{fn}

103. The purposes the Governor conferred upon the Commission are

Exhibit 4

actually ‘duties of a properly-functioning legislature, discharging its oversight and law-making functions.’ (Exhibit G-2, pp. 1-2, underlining in original).

104. For the Governor’s Executive Order #106, to be constitutional, *as written*, it would have had to recite the Legislature’s failure and refusal to discharge its oversight and law-making functions concerning the matters whose investigation and recommendations its ¶II directs (Exhibit A-1).

105. Yet, the Governor’s Executive Order #106 did not identify that the Legislature ‘failed to act’ in any of its seven WHEREAS paragraphs.

106. The Governor’s verbal statements that the Legislature ‘failed to act’ are false. Plaintiffs Skelos, Klein, and Silver aborted the legislative process with respect to each of the Governor’s program bills comprising his ‘clean-up Albany package’. (Exhibit B-1, pp. 2-3; Exhibit G-2, pp. 6-8).

107. There is no evidence that the Governor could not have readily secured passage of his Public Trust Act, Program Bill #3, had he availed himself of legitimate legislative process, rather than, as he did, engaging in behind-closed-doors dealing-making governance with plaintiffs Skelos, Klein, and Silver. Likewise, there is no evidence that he could not have secured passage of key components of the other program bills that were part of his ‘clean-up Albany package’ through legitimate legislative process. Sassower’s August 21, 2013 letter to the Governor sets this forth convincingly, and without contradiction from the Governor. Such only reinforces the unconstitutionality of Executive Order #106, *as written*, encroaching as it did upon the Legislature without just cause.

108. Had Executive Order #106 been constitutionally-drafted, it would have had to additionally direct the Commission’s investigation and recommendations with respect to the Legislature’s purported ‘fail[ure] to act’.

109. That such direction is further requisite for Executive Order #106 to be constitutional, *as written*, is reinforced by the fact that the Commission was so insensitive and disrespectful of separation of powers concerns as to not have independently recognized its duty, in the first instance, to have examined why the Legislature ‘failed to act’ so as to evaluate the facts and circumstances and whether there might be some reasonable justification.

110. Had the Commission examined the Governor’s verbally-stated reason for establishing the Commission, it would have ascertained the same true facts as Sassower had – and that the Governor’s actual separation of powers violation was his colluding with plaintiffs Skelos, Klein, and Silver to deprive the Senate and Assembly’s ‘democratically-elected members’ of their constitutionally-ordained legislative function, altogether preventing them from exercising their ‘functional

Exhibit 4

responsibility to consider and vote on legislation’, such that each ‘legislator and the thousands of New Yorkers he or she represents [were] unlawfully precluded from participating in the governmental process’, *Silver v. Pataki*, 96 N.Y.2d 532, 537 (2001).

111. The Commission would also have confirmed that the overriding cause of public corruption, including corruption in the Legislature, is this kind of ‘three men in a room’, behind-closed-doors governance, enabled by Senate and Assembly rules vesting the Temporary Senate President and Assembly Speaker with autocratic powers, emasculating committees and rank-and-file members and reducing the Legislature to a rubber-stamp, such that neither house remotely discharges its oversight and lawmaking functions (Exhibit G-2, pp. 3-6).

112. Indeed, the Commission would have discovered that so many of the varied proposals that its Preliminary Report would be putting forward – for example, closing the LLC ‘loophole’ – in addition to public campaign financing, etc. – had, year, after year, after year, again and again, failed to result in any legislative enactment solely because of the stranglehold of leadership, cutting off legitimate legislative process. And it would have discovered that so emasculated are committees and rank-and-file members that the Temporary Senate President and Assembly Speaker have been able to seize control of the legislative budget – unauthorized by legislative rules and violative of the state Constitution – and craft for themselves a slush-fund of countless millions of taxpayer dollars with which to exponentially fortify their power: ‘rewarding the faithful and punishing the dissident’ (Exhibit T-2, p. 6).

113. Senate and Assembly rules that foster such blatant unconstitutionality by conferring autocratic powers in the Temporary Senate President and Assembly Speaker – and do so not just here, but as a *modus operandi* of governance – are themselves unconstitutional.

AS AND FOR A SECOND CAUSE OF ACTION

For a Declaration that the Governor’s Still-Live Executive Order #106 Establishing the Commission to Investigate Public Corruption is, As Applied, an Unconstitutional Violation of Separation of Powers

114. Sassower repeats, realleges, and reiterates ¶¶1-113 with the same force and effect as if more fully set forth herein.

115. Even were the Governor’s Executive Order #106 not unconstitutional, *as written*, it is unconstitutional, *as applied*, by reason of the Commission’s non-compliance with its terms.

116. Sassower’s intervention affidavit highlights the many safeguarding

Exhibit 4

provisions of Executive Order #106 that would have prevented the Commission from invidiously and selectively targeting the Legislature to coerce its passage of legislation in accordance with the Governor's agenda and objectives of 'good government' groups, with whom the Governor was materially aligned. All were wilfully violated by the Commission in furtherance of that targeting. These are:

Executive Order #106, ¶II(c): requiring the Commission to investigate and make recommendations with respect to 'weaknesses in existing laws, regulations and procedures relating to addressing public corruption, conflicts of interest, and ethics in State Government'. (intervention affidavit, ¶43);

Executive Order 106, ¶IV: vesting the investigative powers of Executive Law §§6 and 68.3 on 'the Commissioners', not on the three Co-Chairs who appear to have usurped this critical power, enabling the Governor and Attorney General to more easily influence the Commission's investigative course (intervention affidavit, ¶¶18-20, 43);

Executive Order #106, ¶VI: requiring the Commission to 'promptly' communicate 'evidence of a violation of existing laws' obtained 'in the course of its inquiry...to the Office of the Attorney General and other appropriate enforcement authorities...and take steps to facilitate jurisdictional referrals.' (intervention affidavit, ¶¶45, 47, 54-57);

Executive Order #106, ¶VIII: requiring that after the Commission's 'preliminary policy report on or before December 1, 2013', that it 'further issue an additional report or reports on or before January 1, 2015, or on or before a date to be determined.' (intervention affidavit, ¶¶43, 69);

Executive Order #106, ¶IX: requiring the Commission to 'conduct public hearings around the State to provide opportunities for members of the public and interested parties to comment on the issues within the scope of its work.' (intervention affidavit, ¶¶44-46, 48-52).

117. The Commission's wilful and deliberate violation of these safeguarding provisions of Executive Order #106 to target the Legislature was a manifestation of its actual bias and interest, on which it knowingly acted in flagrant defiance of the most basic conflict of interest rules and obligations of disclosure and disqualification.

AS AND FOR A THIRD CAUSE OF ACTION

For a Declaration that the Commission's Refusal to Disclose its 'Procedures and Rules' for Conflicts of Interest and to Respond to Complaints Raising Disqualification on Grounds of Interest, Vitiates, if not Voids, the Recommendations of its December 2, 2013 Preliminary Report, as a Matter of Law, with a Further Declaration that the Commission's Preliminary Report Manifests Actual Bias and Interest, Endangering the Public in Material Respects

118. Sassower repeats, realleges, and reiterates ¶¶1-117 with the same force and effect as if more fully set forth herein.

119. The Commission's wilful and deliberate refusal to disclose its 'procedures and rules' with respect to conflict of interest and to respond to complaints raising issues of disqualification by reason of conflicts of interest, suffice to vitiate, if not void, the recommendations of its December 2, 2013 Preliminary Report, *as a matter of law*.

120. The Commission lives on by its December 2, 2013 Preliminary Report on which the public is being detrimentally led to rely.

121. As demonstrated herein and by Sassower's accompanying intervention affidavit, the Commission, collectively and by its members, special advisors, and staff, acted wilfully and deliberately in furtherance of its self-interests and bias with respect to the 'tips', 'comments', testimony, and evidence it received.

122. The December 2, 2013 Preliminary Report manifests the Commission's interest and actual bias. It is materially false and deceitful – and ¶¶58-68 of Sassower's accompanying intervention affidavit furnishes illustrative particulars.

123. A declaration is required to protect the public from such a Preliminary Report, whose most endangering aspect is its praise of 'Federal prosecutors like United States Attorneys Preet Bharara and Loretta Lynch' as 'root[ing] out and punish[ing] illegal conduct by our public officials' (p. 87) and of district attorneys as 'up to the job' (p. 86) – when the very opposite was attested to, again, and again, and again, by the ordinary citizens who managed to testify in the last 1-1/2 hours of the Commission's September 17, 2013 Manhattan hearing and, with respect to district attorneys, by former assistant district attorney Marc Sacha at the Commission's September 24, 2013 Albany hearing – and evidentially-proven by Sassower's July 19, 2013 corruption complaint.

124. To date, Albany County District Attorney Soares has been 'sitting on' Sassower's July 19, 2013 corruption complaint (Exhibit B-1). Likewise, all other

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investigative, supervisory, and prosecutorial authorities have been ‘sitting on’ the corruption complaints that Sassower filed with them (Exhibits B), including three federal prosecutors: U.S. Attorneys, Bharara, Lynch, and Hartunian (Exhibits B-2, B-3, B-4).

125. The Governor’s forceful, unequivocal directive to the Commission at his July 2, 2013 press conference was:

‘...Your mission is to put a system in place that says, A. we’re going to punish the wrongdoers and to the extent that people have violated the public trust they will be punished. Two, there is a system in place so that the public should feel confident that if there is wrongdoing going on, there’s a system in place that will catch those people and make sure it doesn’t happen again.

...
there is no substitute for enforcement. ...there is no substitute for effective enforcement. And any system, and any set of laws are only as good as the enforcement mechanism behind them.’ (Exhibit A-2).

126. The Commission – filled with district attorneys; former assistant district attorneys, former federal prosecutors, assistant and deputy attorneys general, all having personal and political relationships with Governor Cuomo, himself a former state Attorney General, and with its current occupant, Attorney General Schneiderman – were duty bound to investigate and report on the efficacy of those offices with respect to public corruption complaints. Instead, and to cover-up the nonfeasance, misfeasance, and actual corruption of those primary ‘enforcement mechanisms’ in their handling of public corruption complaints – to which the September 17, 2013 hearing witnesses gave voice – they put their names to a Preliminary Report that misled the public as to what it most needed to know, betraying not only their trust, but well-being.”

Mr. Garcia did not deny or dispute the accuracy of any aspect of my April 23, 2014 order to show cause with TRO and my accompanying proposed verified complaint. Rather, he engaged in sharp-practice with the Attorney General and his two fellow plaintiffs’ counsel. This included their filing, on April 24, 2014, of a stipulation of discontinuance, which they sought to have so-ordered by the assigned judge, Supreme Court Justice Alice Schlesinger – while before her was my April 23, 2014 order to show cause with TRO. Without explanation, he then absented himself from the oral argument before her, on April 28, 2014, sending no attorney to appear on behalf of the Senate and Temporary Senate President Skelos.

I detailed this further misconduct by Mr. Garcia, his fellow counsel, and the Attorney General by my June 17, 2014 motion to vacate the five-sentence April 30, 2014 decision of Justice Schlesinger that had accepted their stipulation, without addressing ANY of the facts, law, or legal argument I had presented either at oral argument or by my order to show cause, and by falsely making it appear that

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the filing of their stipulation had preceded my order to show cause. Additionally, the motion sought to vacate the stipulation for “fraud, misrepresentation, or other misconduct of an adverse party”, pursuant to CPLR §5015(a)(3), and to refer the parties and their counsel “to disciplinary and criminal authorities for investigation and prosecution of their litigation fraud and conflict of interest”, pursuant to §100.3D(2) of the Chief Administrator’s Rules Governing Judicial Conduct.

To substantiate all this relief, my moving affidavit furnished a 12-page analysis demonstrating that Justice Schlesinger’s decision was “insupportable, factually and legally, substantively and procedurally – and that no fair and impartial tribunal could have rendered it” (at ¶7). Similarly, her lack of impartiality was demonstrated by her cover-up of the attorney misconduct before her, as to which my affidavit stated:

“10. Certainly, any fair and impartial tribunal reading my order to show cause would have reacted, strongly, to its particularized showing that counsel for both plaintiffs and defendants had materially deceived the Court by their unsworn court submissions in a manner ‘prejudicial to proper determination of the important separation of powers constitutional issues’ (moving affidavit, ¶2) – and raising threshold issues as to the propriety of Michael Garcia, Esq., of Kirkland & Ellis, LLP, to be representing both plaintiffs Senate and Temporary Senate President Skelos and Marc Kasowitz, Esq., of Kasowitz, Benson, Torres & Friedman, LLP, to be representing both plaintiffs Assembly and Assembly Speaker Silver because of the divergent interests of their individual and collective clients on the constitutional, separation of powers issues – and mootness (moving affidavit, ¶3).

11. Yet, at the oral argument the Court did not comment, let alone condemn, the litigation fraud of counsel for plaintiffs and defendants, laid out by nearly the entirety of my 41-page moving affidavit in support of my order to show cause. Nor did the Court make the slightest inquiry whether ‘all the parties’ were represented and about counsel’s conflicts of interest – even as the appearances and non-appearances of counsel before it offered dramatic substantiation of the questions I had raised as to the parties and their counsel (Exhibit 14, pp. 3, 6-7, 16). Instead, the Court chastised me for ‘impugn[ing] the motives of the attorneys’, asserting they were ‘doing their job’ and that it held them in ‘respect’ and ‘regard’. (Exhibit 14, p. 34). No fair and impartial tribunal could do this – and fail to recognize that no stipulation of discontinuance could be ‘accept[ed]’ where ‘[c]ounsel for all the parties’ had not, in fact, signed it or where signing counsel suffered from disqualifying conflicts of interest, including as to the mootness of the constitutional, separation of powers issues. Such now, additionally, constitutes grounds for vacatur of the so-ordered stipulation of discontinuance, pursuant to CPLR §5015(a)(3) for ‘fraud, misrepresentation, or other misconduct of an adverse party’.^{fn} In this regard, it must also be recognized that the Attorney General is more than defense counsel. He is, in fact, part of the defendant Commission, which was empowered and operated through his office.”

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Mr. Garcia's sole response to this comprehensive motion was a flimsy three-page memorandum of law, which he submitted jointly with Temporary Senate President Klein's counsel. Under a title heading "NO GROUNDS EXIST TO REFER THE PARTIES OR THEIR ATTORNEYS TO DISCIPLINARY OR CRIMINAL AUTHORITIES", they baldly purported that my request for this relief was "meritless" and that I "[did] not and cannot offer any support...[and] No grounds exist to support [my] request, which should be denied." All the while, his joint memorandum – just as the responses of the Kasowitz firm and the Attorney General – concealed virtually the entire content of my June 17, 2014 motion, including my 12-page analysis of Justice Schlesinger's decision and my threshold question as to whether the Senate and Assembly were, in fact, plaintiffs and the propriety of Kirkland & Ellis' supposed dual representation of the Senate and Temporary Senate President Skelos and the Kasowitz firm's supposed dual representation of the Assembly and Assembly Speaker Silver.

My reply, consisting of a 26-page memorandum of law and 18-page affidavit, demonstrated my entitlement to all the relief sought by my June 17, 2014 motion, *as a matter of law*. Indeed, my reply affidavit annexed the results of extensive FOIL/records requests to the Senate, to the Assembly, to the Attorney General, and to the Comptroller, establishing that counsel for the so-called plaintiffs had no authorization to bring the declaratory judgment action. The single contract that had been produced – for the Kasowitz firm representing the Assembly – did not cover litigation. As for the not-produced contracts for Kirkland & Ellis and Loeb & Loeb, I surmised that either they had not been submitted for approval to the Attorney General and Comptroller, as required – or, if submitted, were not approved:

“because the Legislature had no reason to retain more than a single special counsel inasmuch as the positions of the Senate and Assembly are perfectly aligned, with the consequence that the Kasowitz firm could represent both chambers without conflict of interest. So, too, the same special counsel as was representing Temporary Senate President Skelos – Kirkland & Ellis – could, without conflict, represent Temporary Senate President Klein, without need of a further counsel, Loeb & Loeb.” (my September 26, 2014 reply affidavit, at ¶31).

I noted (at ¶32) that the Senate's April 1, 2008 contract with the law firm Lewis & Fiore, Esqs. for representation in the judicial compensation lawsuit brought by then Chief Judge Kaye asserted, at its very outset, as if in resolution form, “WHEREAS, the Senate in defense of said action has different legal positions, defenses and arguments than the Assembly and the Governor” – and that it annexed the proposal of Lewis & Fiore, Esqs., expressly stating:

“The Senate has an objective separate from the other defendants. Unlike the Assembly and the Governor, the Senate in the closing days of last year's session passed a bill providing for exactly what the suit seeks to compel. To that end, our interest and our position in this litigation is in conflict with the Assembly which failed to adopt the Senate bill, and the Governor who, of course, was not then the Governor and had no power to act institutionally without the Assembly passing the pay raise bill.” (at p. 3, underlining added).

I pointed out:

“33. At bar...there is conflict of interest. However, it is not between the Senate and Assembly, but between Skelos, Klein, and Silver, on the one hand, and the Senate and Assembly, on the other – and involves the very gravamen of the declaratory judgment action, namely, the facts giving rise to the establishment of the Commission and the Legislature’s function and prerogatives, here impinged not only by the Governor, as purported by plaintiff’s complaint, but by Skelos, Klein, and Silver, in collusion with him, as demonstrated by my April 23, 2014 order to show cause (moving affidavit: ¶¶3-4, 21-31) and verified complaint: ¶¶45-48, 106-111).”

The absence of any retainers was featured in my reply memorandum of law, under the title heading:

“Counsel Conceals that Hundreds of Thousands of Unlawfully-Obtained Taxpayer Dollars were Used to Commence and Prosecute this Declaratory Judgment Action – and that, Pursuant to CPLR §3217(b), by Appropriate ‘Terms and Conditions’, the Proposed Intervening Plaintiff Can Secure for the Taxpayers and People of the State of New York the Summary Judgment for Which They Paid and to Which They Are Entitled”.

It stated:

“The threshold issue on this motion, as it was on [my] order to show cause, is whether Kirkland & Ellis and the Kasowitz firm are entitled to represent the Senate and Assembly, let alone those bodies’ individual members. This issue is concealed by counsel’s submissions. Likewise, they conceal the further threshold issue as to whether the divergent interests of the Legislature and its leaders, Temporary Senate Presidents Skelos and Klein and Assembly Speaker Silver, on the very separation of powers questions as are the subject of the declaratory judgment action make the dual representation of the Senate and Temporary President Skelos by Kirkland & Ellis and the dual representation of the Assembly and Assembly Speaker Silver by the Kasowitz firm improper.

Plainly, if the law firms are not authorized to represent the plaintiffs, their opposition submissions are entitled to no consideration.

As shown by the FOIL/records requests, summarized at ¶¶7-33 of the accompanying reply affidavit, the proposed intervening plaintiff has uncovered a situation far more lawless and improper than previously presented. Not only are there no resolutions by the Senate and Assembly authorizing this declaratory judgment action – or any of the other litigation commenced and engaged in by Kirkland & Ellis, the Kasowitz firm, and by Loeb & Loeb, representing Temporary Senate President Klein – but there are no contracts with these three firms retaining

Exhibit 4

them for these litigations, let alone contracts approved by the Comptroller. The consequence is that these three law firms have had no authorization for these litigations, for which they have been illegally paid with hundreds of thousands of taxpayer dollars.

In *Silver v. Pataki*, 96 N.Y.2d 532, 538 (2001), cited at ¶4 of [my] April 23, 2014 order to show cause and, thereafter, by [my] analysis [of the April 30, 2014 decision] (Exhibit 17, p. 4), the Court of Appeals stated:

‘The Constitution [] does not give the Speaker representative authority for the body over which he presides. Nor has the Assembly passed a resolution expressing its will that the Speaker engage in this litigation.’

The Assembly Speaker is nominally a constitutional officer (NY Const, art III, §9), but his express statutory powers are circumscribed (*see, e.g.*, Legislative Law §§7, 12 [appointment of employees and expenditure authorizations]). Other duties are merely administrative, and include preserving order and decorum, appointing committee members and chairpersons, allocating staff, administering internal rules, and promulgating a budget adoption schedule (*see*, Rules of Assembly of State of NY, 1997-1988, rule I). None of these specific responsibilities are broad enough to confer on the Speaker any special implied authority to seek judicial review on behalf of the interests of the Assembly in general. Accordingly, as Speaker, plaintiff has no special authority to maintain this action.’ (at p. 538, underlining added).

As for Senate Rule III, §5, authorizing the Temporary Senate President to:

‘represent the Senate, or engage legal representation on behalf of the Senate, in any legal action or proceeding involving the interpretation or effect of any law of the federal, state or local government or the constitutionality thereof or with regard to the enforcement or defense of any right, privilege or prerogative of the Senate’,

it does not necessarily dispense with the necessity of a Senate resolution where, as here, a legal action is commenced in the Senate’s own name. Especially is this so when the Senate’s interests diverge from those of its Temporary Senate President. Counsel does not dispute such divergence and that it pertains to the very constitutional, separation of powers issues as gave rise to the Commission’s establishment and this declaratory judgment action.

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Certainly, too, when the engagement of ‘legal representation’ is outside counsel, as at bar, such must conform with legal requirements and established procedures for retention. As stated in the Appellate Division, First Department’s decision in *Silver v. Pataki*, 274 A.D.2d 57, 62 (2000):

‘...the legislative power to financially obligate the State is limited to those ‘claims...audited and allowed according to law’ (NY Const, art III, §19). In furtherance of this clearly defined grant of legislative fiscal authority, Legislative Law §21 commands that ‘[n]either house shall, without the consent of the other...incur any expense whatever except as provided by this chapter.’ There is no authorization contained in the Constitution or the Legislative Law for a legislator, even one of the chosen leaders of either house, to unilaterally initiate and conduct litigation or even authorize a debt for attorneys’ fees when backed by a resolution of one house (*Carr v. State of New York*, 231 NY 164).

Yet, neither the Senate nor Assembly appear to have followed any of the requisite procedures for authorizing this and other litigations against the Commission, including in contracting for the services of outside counsel. As such, the Senate and Assembly are not lawfully plaintiffs – and if Temporary Senate Presidents Skelos and Klein and Assembly Speaker Silver are lawfully plaintiffs, they are not being lawfully represented by law firms having contracts with the state entitling them to compensation.

Having had no authorization to commence this declaratory judgment action, the law firms are without authorization to seek to discontinue it. Nor can plaintiffs, who may not be plaintiffs – and who unlawfully used hundreds of thousands of taxpayer dollars in bringing and prosecuting this action – seek to discontinue it when the proposed intervening plaintiff, acting on her own behalf and on behalf of the People of the State of New York, is ready to step in and secure for the taxpayers the summary judgment resolution of the declaratory judgment issues to which they are entitled and for which they paid. ...” (at pp. 4-6)

On December 3, 2014, Justice Schlesinger held oral argument on my June 17, 2014 motion. This time, Mr. Garcia appeared. However, his brief presentation offered no facts and law in support of his conclusory statements that my motion be denied. I argued extensively as to the state of the record and the law pertaining thereto. I also reiterated the requests presented by both my June 17, 2014 motion and reply papers as to Justice Schlesinger’s obligation to disqualify herself and absent that, to make disclosure based on her demonstrated actual bias and interest, including of her \$40,000 financial interest in covering up the corruption of the Commission to Investigate Public Corruption, arising from the issue I had presented to it of the collusion of the three government branches in the fraudulent, statutorily-violative, and unconstitutional judicial salary increases recommended by the

Exhibit 4

Commission on Judicial Compensation.³ My summation was as follows:

“I will conclude by saying what I said when I testified before the Commission to Investigate Public Corruption on September 17, 2013. I said ‘cases are perfect papers trails. So it’s easy to document judicial corruption.’ Your Honor, I rest on the record here. I was actually quite astonished that you calendared this motion for oral argument, because the record before the Court on this motion, left you nowhere to go, *as a matter of law*. Your duty, your duty, based upon the record before you on the motion, which apparently you are not familiar with, was not only to have vacated your decision, but also, as to the further relief that was being sought, to refer counsel to disciplinary and criminal authorities for their fraud, misconduct, both in connection with the underlying litigation and in opposing this intervention and reargument motion. (audio clip, at 5:50 minutes)⁴

By decision dated December 23, 2014, Justice Schlesinger again – as she had by her April 30, 2014 decision – rendered a fraudulent decision demonstrating her actual bias. Once again, her decision identified NONE of the facts, law or legal argument I had presented. She denied the motion “in its entirety”, not even identifying what that “entirety” consisted of, *to wit*, not only reargument and renewal pursuant to CPLR §2221, but my relief against counsel for their demonstrated fraud, misconduct, and misrepresentation, entitlement to which I had established by a mountain of particularized evidence, all uncontested by Mr. Garcia and his fellow counsel and the Attorney General.

The record of my intervention and reargument motions documentarily establishes the combination of judicial misconduct and attorney misconduct that completely eviscerated any cognizable judicial process, robbing the People of the State of New York of hundreds of thousands of their taxpayer dollars paid to Mr. Garcia and other lawyers who had no lawful, approved contracts for what they were doing and who were defrauding them of the declarations to which they were entitled and for which they paid – declarations that would have given rise to a tsunami of real reforms to restore the kind of functioning, responsible, and accountable government that we do not have, remotely.

Mr. Garcia – the predecessor U.S. Attorney for the Southern District of New York to Preet Bharara, who ironically is coming to Albany today for a full day of speaking about ethics and fighting government corruption – could have easily been a hero to the People simply by acting with the honesty and integrity that New York’s Rules of Professional Conduct require of every attorney. This, even without blowing the whistle on the strangling mass of government corruption of which

³ See, my June 17, 2014 moving affidavit, ¶¶6-13, as well as ¶¶14-18 under the title heading “Disclosure of the Court’s Interest & Relationships”; my September 26, 2014 reply affidavit: ¶¶38-44, under the title heading “The Further Evidence of this Court’s Demonstrated Actual Bias”, and my reply memorandum of law, pp. 21-25 under the title heading “This Court’s Duty to Disqualify Itself for Actual Bias and Interest & to Vacate its April 30, 2014 Decision by Reason Thereof – and, if Denied, to Confront the Particularized Facts, Law, & Argument Presented by the Motion and to Make Disclosure”.

⁴ The audio clip is posted on CJA’s website, on the webpage pertaining to the oral argument.

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the proposed verified complaint furnished him with the most breathtaking evidentiary proof – which New York’s Rules of Professional Conduct also required him to do.

Can a lawyer who so violated his professional duties, not to mention a multitude of provisions of New York’s penal law pertaining to corruption, fraud, larceny, conspiracy – to the profound injury of the People of the State of New York – be seated on the state’s highest court? In New York, where, thanks to him, the Legislature continues its abandonment of all respect for evidence and rules of procedure, substituting a “rubber stamp” for its “advice and consent”, he sure can.

NEW YORK COURT OF APPEALS

APL 2024-150 – Appeal of Right
CJA, et al. v. Joint Commission on Public Ethics, et al.

APL 2024-149 & APL 2024-175 -- Direct Appeal of Right
CJA, et al. v. Commission on Legislative, Judicial and Executive Compensation...
Wilson, Zayas, et al....

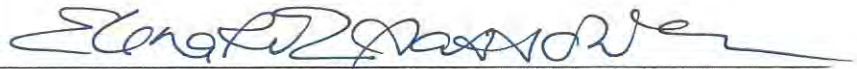
AFFIRMATION OF SERVICE

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

On the 17th day of April 2025, I served:

Appellants' April 17, 2025 motion for reargument & other relief

upon respondents, by their attorney, Respondent Attorney General Letitia James, by e-mail to Assistant Solicitor General Beezly Kiernan, who had consented to service by e-mail. The transmitting e-mail, whose e-mail chain beneath it reflects his consent, is attached.

A handwritten signature in black ink, appearing to read 'Elena Ruth Sassower', written over a horizontal line.

Elena Ruth Sassower, unrepresented appellant

Dated: April 17, 2025
White Plains, New York

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, April 17, 2025 9:05 PM
To: 'Kiernan, Beezly'
Subject: **Appellants' April 17, 2025 Reargument Motion (as single pdf): March 18, 2025 Order --CJA v. JCOPE (APL 2024-150) & CJA v Compensation Commission (APL 2024-149/175)**
Attachments: april17-2025-motion.pdf

TO: Assistant Solicitor General Kiernan

Above attached is Appellants' April 17, 2025 Reargument Motion, as a single pdf, with bookmarking – the same as e-mailed by the below, plus attached affirmation of service.

Thank you.

Elena Sassower

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, April 17, 2025 4:52 PM
To: 'Kiernan, Beezly' <Beezly.Kiernan@ag.ny.gov>

Subject: Appellants' April 17, 2025 Reargument Motion: March 18, 2025 Order --CJA v. JCOPE (APL 2024-150) & CJA v Compensation Commission (APL 2024-149/175)

TO: Assistant Solicitor General Kiernan

Above attached is appellants' April 17, 2025 reargument motion, consisting of a notice of motion, affirmation, plus Exhibits A & B, with Exhibits 1-4 being exhibits to B. I will resend later tonight or tomorrow as a single pdf, with my affirmation of service.

Thank you.

Elena Sassower

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, April 14, 2025 10:00 AM
To: 'Kiernan, Beezly' <Beezly.Kiernan@ag.ny.gov>
Subject: Thank you -- RE: Reargument Motion: Ct of Appeals March 18, 2025 Order --CJA v. JCOPE (APL 2024-150); CJA v Compensation Commission (APL 2024-149/175)

Thank you.

Will e-mail reargument motion on April 17th. Return date May 5th.

From: Kiernan, Beezly <Beezly.Kiernan@ag.ny.gov>

Sent: Monday, April 14, 2025 9:40 AM

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

Subject: RE: Reargument Motion: Ct of Appeals March 18, 2025 Order --CJA v. JCOPE (APL 2024-150);
CJA v Compensation Commission (APL 2024-149/175)

Ms. Sassower,

Yes, I consent to email service.

Beezly J. Kiernan | Assistant Solicitor General
Office of the New York State Attorney General
Division of Appeals & Opinions
The Capitol
Albany, NY 12224-0341
(518) 776-2023

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

Sent: Monday, April 14, 2025 9:16 AM

To: Kiernan, Beezly <Beezly.Kiernan@ag.ny.gov>

Subject: Reargument Motion: Ct of Appeals March 18, 2025 Order --CJA v. JCOPE (APL 2024-150); CJA v
Compensation Commission (APL 2024-149/175)

TO: Assistant Solicitor General Kiernan

On Thursday, April 17th – the 30th day since the [Court of Appeals' March 18th Order](#) – I will be serving you with appellants' motion for reargument. Once again, I have been advised by the Clerk's Office that service upon you by e-mail is acceptable, with your consent. Please confirm that your previous consent to service by e-mail still stands. I, likewise, confirm consent to your continued service upon me by e-mail.

Thank you.

Elena Sassower, unrepresented individual petitioner-appellant,
acting on her own behalf and on behalf of the People of the State of New York & the Public Interest

APL 2024-150
APL 2024-149/175
Mo. No. 2025-25

NEW YORK COURT OF APPEALS

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)

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)

**APPELLANTS' MOTION
FOR REARGUMENT/TRANSFER-CERTIFICATION
(April 17, 2025)**

Elena Ruth Sassower, unrepresented individual appellant,
acting on her own behalf, on CJA's behalf, &
on behalf of the People of the State of New York
& the Public Interest

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