

SUPREME COURT OF STATE OF NEW YORK  
COUNTY OF ALBANY

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CENTER FOR JUDICIAL ACCOUNTABILITY, INC.  
and ELENA RUTH SASSOWER, individually and  
as Director of the Center for Judicial Accountability, Inc,  
acting on their own behalf and on behalf of the People  
of the State of New York & the Public Interest,

Index #: 904235-22

Petitioners/Plaintiffs

**ORDER TO SHOW CAUSE  
FOR TRANSFER/REMOVAL  
TO FEDERAL COURT, FOR A  
PRELIMINARY INJUNCTION,  
MANDAMUS, DECLARATORY &  
OTHER RELIEF – & A TRO**

-against-

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

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

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

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

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

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

Respondents/Defendants.

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Upon the annexed affidavit of the *pro se* individual petitioner/plaintiff Elena Ruth Sassower,  
sworn to on June 21, 2022, the accompanying verified petition/complaint, its exhibits and links, and  
upon all the papers and proceedings heretofore had

LET respondents/defendants show cause before this Court at the Albany County Courthouse, Room 102, 16 Eagle Street, Albany, New York 12207, on the 22<sup>nd</sup> day of June 2022 at 2:00 p.m. or as soon thereafter as the parties may be heard, why an order should not issue:

(1) transferring/removing this case to federal court, including pursuant to Article IV, §4 of the United States Constitution: “The United States shall guarantee every State in this Union a Republican Form of Government”, inasmuch as the justices and acting justices of the Supreme Court of Albany County – and of the 61 other counties of New York State – are divested of jurisdiction to hear the case pursuant to Judiciary Law §14 and “rule of necessity” cannot be invoked by reason thereof;

(2) for a preliminary injunction staying Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the “ethics commission reform act of 2022” – from taking effect on July 8, 2022 which, pursuant to its §19, is “the ninetieth day after it shall have become a law”, pending final determination of this order to show cause and the verified petition/complaint, and enjoining respondent/defendant New York State Joint Commission on Public Ethics from closing;

(3) directing that the New York State Joint Commission on Public Ethics comply with Executive Law §§94.13(a) and (b) with respect to petitioners’ seven complaints – starting with the ministerial act of 15-day letters;

(4) directing that the New York State Joint Commission on Public Ethics comply with Executive Law §94.9(1)(i) mandating that its annual reports contain “a listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint” – starting with its upcoming annual report for 2021 and such annual report as it will be rendering for 2022;

(5) directing that Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie comply with Legislative Law §80.1 and §80.4 mandating their joint appointment of the Legislative Ethics Commission’s ninth member – this being the non-legislative member that makes non-legislators its majority;

(6) directing that the Legislative Ethics Commission comply with Legislative Law §80.7(1) pertaining to its annual reports – starting with rendering annual reports for 2020 and 2021;

(7) directing that the New York State Inspector General comply with the mandates of Executive Law Article 4-A and its own Policy and Procedure Manual, violated by its handling of petitioners’ November 2, 2021 complaint – and declaring the provision of the Policy and Procedure Manual that allows the Inspector General

to take “no action” on complaints involving “covered agencies” to be violative of Executive Law §53.1 and void;

(8) 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;

(9) declaring unconstitutional, unlawful, and void the FY2022-23 New York state budget, enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw;

(10) 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, legislative rules, and caselaw;

(11) 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;

(12) declaring unconstitutional, *as written* and *as applied*, Public Officers Law §108.2(b), 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;

(13) such other and further relief as may be just and proper and, specifically:

(a) an order directing respondent/defendant Attorney General James to identify:

(i) that a determination has been made, pursuant to Executive Law §63.1 as to the “interest of the state” herein; and

(ii) that a determination has been made that she can ethically, lawfully, and constitutionally represent her fellow respondents/defendants herein, where she is a party with direct financial and other interests, as in the

March 5, 2021 complaint filed with JCOPE against her (Exhibit D to the verified petition/complaint);

- (b) an order – in the event the Court denies transfer/removal to federal court – certifying the issue to the Appellate Division, Third Department and/or the Court of Appeals for determination;
- (c) an order referring respondents/defendants to the Public Integrity Section of the U.S. Department of Justice’s Criminal Division for investigation and prosecution of their public corruption, obliterating constitutional, lawful governance and stealing taxpayer monies, documentarily-established by petitioners’ interrelated complaints to the New York State Joint Commission on Public Ethics, to the Legislative Ethics Commission, to the New York State Inspector General, to the New York State Commission on Judicial Conduct, to the Appellate Division attorney grievance committees, and to the Unified Court System’s Inspector General, among other ethics oversight and enforcement entities;
- (d) \$100 motion costs to petitioners/plaintiffs pursuant to CPLR §8202.

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

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

ANSWERING PAPERS, if any, are to be served *via* NYSCEF, at least \_\_\_\_\_ days prior to the return date of this order to show cause, *to wit*, June \_\_\_\_\_, 2022, with reply papers from petitioners/plaintiffs, also served *via* NYSCEF, by \_\_\_\_\_.

ORAL ARGUMENT SHALL BE HAD ON THE RETURN DATE OF THIS MOTION, with the parties ready to proceed to a hearing on the preliminary injunction pursuant to CPLR §6313(a).

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Justice, Albany County Supreme Court

Dated: June 21, 2022  
Albany, New York