

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, June 17, 2022 10:53 AM
To: 'Grandeau Compliance'
Cc: 'cbragg@timesunion.com'; 'BLyons@TimesUnion.com';
'RKarlin@TimesUnion.com'; 'cseiler@timesunion.com';
'jjochnowitz@timesunion.com'; 'cchurchill@timesunion.com';
'anorder@timesunion.com'; 'ttyler@timesunion.com';
'rgavin@timesunion.com'; 'Joshua.Solomon@TimesUnion.com';
'ghearst@timesunion.com'
Subject: **UPDATE: Lawsuit vs JCOPE/cancellation of today's oral argument on TRO -- plus REQUEST FOR INFO, including to enable the Times Union's "watchdog"/prize-winning journalism**
Attachments: [6-21-22-osc-transfer-tro.pdf](#)

TO: David Grandeau, Esq.

Notwithstanding I have not heard back from you, including in response to [my June 9th e-mail](#) – and your obvious interface with the Albany Times Union, presumably thereafter, resulting in Chris Bragg’s June 12th article "[In lobbying probe, ethics commission critic faces \\$4M threat](#)" – I did not want you to be inconvenienced by a wasted trip to Albany Supreme Court, if you were intending to attend today’s oral argument on the TRO, to which my June 9th e-mail had alerted you.

Below is my yesterday’s e-mail about the cancellation of the oral argument, sent, *inter alia*, to the Times Union, which, for years, has knowingly and deliberately suppressed any report of what the public has MOST needed to know about JCOPE. This includes suppressing ANY report of ANY of CJA’s seven complaints to JCOPE against NY’s highest public officers, including for their “false filings” pertaining to the state budget and their pay raises.

I trust that in light of Mr. Bragg’s June 12th Times Union article about JCOPE’s actions against you for alleged “false filings” – and your reputation as a very public, in-your-face JCOPE “critic” -- you have no objection that I have now posted my June 9th e-mail to you on CJA’s webpage of “Intervention, *Amicus Curiae* Requests...”, which I did, just this morning, so as to be able to link it to this e-mail. The direct link to the webpage, where I will also post this e-mail, is [here](#).

By the way, two days ago, I sent a [June 15th e-mail to the Times Union](#) pertaining to Brendan Lyons’ then just-published article "[Law school deans unveil New York’s new ethics system](#)", reporting that New York Law School Dean Anthony Crowell is the “chair” of the “independent review committee” for the Commission on Ethics and Lobbying in Government. One of the questions on my list to ask you was about your interface with the JCOPE/LEC Review Commission, of which Dean Crowell was a member.

In a September 20, 2015 Times Union article "[Will review of ethics watchdog have bite?](#)", Mr. Bragg wrote about your interaction with JCOPE/LEC Review Commission member Patricia Salkin, as follows:

“[David Grandeau](#), the state's former top ethics official and now a lobbying compliance lawyer, first raised some of these issues on his ethics and lobbying blog on Tuesday.

Grandeau, a strident JCOPE critic, posted an email he had received Tuesday morning from Salkin, in which she asked for Grandeau's input on the JCOPE review, and invited him to testify at the October public hearing.

Grandeau responded by asking Salkin to provide him with a list of investigations opened by JCOPE, files for concluded cases, minutes of executive sessions and transcripts of interviews of past and present JCOPE commissioners and staff.

'If you have these items I would be happy to review them prior to my appearance before your review commission so as to provide meaningful input on (JCOPE's) 'activities and performance,'" Grandeau wrote, adding later that 'if you haven't requested or reviewed those items nothing else you do will have any value or worth.'

Salkin did not provide Grandeau such documents in a follow-up email, as they apparently have not been requested by the review panel during its four-and-a-half month existence.

Salkin told the Times Union Tuesday, "I received David's suggestion this morning; the commission as a whole has not seen it yet. It will be shared with everyone."

What thereafter happened? The October Albany hearing was cancelled – and you did not testify at the October Manhattan hearing, held – conveniently for Dean Crowell – at New York Law School.

And what interaction, if any, did you have, in 2013-2014 with the Commission to Investigate Public Corruption about JCOPE – and then or thereafter with U.S. Attorney Preet Bharara, who, at the end of April 2014, was reported by the press – including by [Times Union reporter Rick Karlin](#) – to have subpoenaed complaints filed with JCOPE.

I would appreciate your furnishing me with that information – and also the [Times Union](#), so that, belatedly, it can begin reporting, honestly, about what has gone on all these years – and who is responsible. For that reason, I am cc'ing Mr. Bragg, Mr. Lyons, Mr. Karlin – and the others at the [Times Union](#) responsible for its “watchdog” reporting and editorializing, for which it has won prizes.

Thank you.

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

Sent: Thursday, June 16, 2022 4:25 PM

To: 'susan.arbetter@charter.com' <susan.arbetter@charter.com>; 'grace.ashford@nytimes.com' <grace.ashford@nytimes.com>; 'cbragg@timesunion.com' <cbragg@timesunion.com>; 'jcampbell@nypublicradio.org' <jcampbell@nypublicradio.org>; 'DanClarkReports@Gmail.com' <DanClarkReports@Gmail.com>; 'kclukey@bloomberglaw.com' <kclukey@bloomberglaw.com>; 'gwen@adirondackexplorer.org' <gwen@adirondackexplorer.org>; 'Michelle.DelRey@hearst.com' <Michelle.DelRey@hearst.com>; 'jdeline@news10.com' <jdeline@news10.com>; 'kdewitt@wxxi.org' <kdewitt@wxxi.org>; 'luis.ferre@nytimes.com' <luis.ferre@nytimes.com>; 'zack.fink@charter.com'

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Subject: NOTICE OF CANCELLATION of tomorrow's oral argument on TRO, hopefully to be rescheduled to Wed. June 22nd -- CJA, et al v. JCOPE, et al (Albany Co. #904235-22)

TO: Legislative Correspondents Association Reporters, etc.

Below, with the above-attached, is the self-explanatory NOTICE OF CANCELLATION of tomorrow's oral argument on the TRO, hopefully to be rescheduled to Wednesday, June 22nd -- [CJA, et al v. JCOPE, et al \(Albany Co. #904235-22\)](#).

I am available to assist you in discharging your First Amendment duties to the public by your investigative reporting of this ethics-enforcing, corruption-abating case, clearly relevant to this year's electoral races for statewide officers, state legislators, would-be congress members, district attorneys, and judges.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)

www.judgewatch.org

914-421-1200

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

Sent: Thursday, June 16, 2022 3:51 PM

To: 'jcope@jcope.ny.gov' <jcope@jcope.ny.gov>; 'Emily.Logue@jcope.ny.gov' <Emily.Logue@jcope.ny.gov>; 'jose.nieveslaw@gmail.com' <jose.nieveslaw@gmail.com>; 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>; 'sgerstman@magavern.com' <sgerstman@magavern.com>; 'marvin.jacob@retired.weil.com' <marvin.jacob@retired.weil.com>; 'dmcnamara@phillipslytle.com' <dmcnamara@phillipslytle.com>; 'Lisa Reid' <lreid@nysenate.gov>; 'inspector.general@ig.ny.gov' <inspector.general@ig.ny.gov>; 'INTAKEUNIT' <emailreply@ig.ny.gov>; 'records.access@exec.ny.gov' <records.access@exec.ny.gov>; 'josephj@nysenate.gov' <josephj@nysenate.gov>; 'haakb@nyassembly.gov' <haakb@nyassembly.gov>; 'NYAG.Pressoffice@ag.ny.gov' <NYAG.Pressoffice@ag.ny.gov>; 'Aujla, Andy' <Andy.Aujla@ag.ny.gov>; 'mkogut@osc.ny.gov' <mkogut@osc.ny.gov>

Cc: 'blee@alm.com' <blee@alm.com>; 'ccharnosky@alm.com' <ccharnosky@alm.com>

Subject: NOTICE OF CANCELLATION of tomorrow's oral argument on TRO, hopefully to be rescheduled to Wed. June 22nd -- CJA, et al v. JCOPE, et al (Albany Co. #904235-22)

TO: New York State Joint Commission on Public Ethics (JCOPE) –

ATT: Sanford Berland/Executive Director
Emily Logue/Director of Investigations & Enforcement
Chair Jose Nieves
Commissioners: Gary Lavine, Sharon Gerstman, Marvin Jacob, David McNamara

Legislative Ethics Commission (LEC) – ATT: Lisa Reid/Executive Director

New York State Inspector General (NYS-IG) – ATT: Lucy Lang/NYS-IG

Governor Kathy Hochul – ATT: [FOIL officer](#)

Temporary Senate President Andrea Stewart-Cousins & Senate –

ATT: Jellisa Joseph/Counsel to Secretary of the Senate

Assembly Speaker Carl Heastie & Assembly – ATT: Brian Haak/Counsel

Attorney General Letitia James – ATT: [AG-press](#); [Westchester Bureau Chief Andy Aujla](#)

Comptroller Thomas DiNapoli – ATT: Mike Kogut/Associate Counsel

THIS IS TO GIVE NOTICE that oral argument on the TRO that had been scheduled for tomorrow, Friday, June 17th, at 2 p.m. has been [cancelled by Justice Lynch](#), following his receipt of my below e-mail with the above-attached draft of the order to show cause, with TRO, that I will be filing, [via NYCEF](#), on Tuesday, June 21st.

Pursuant to such to-be-filed order to show cause, the new date and time for oral argument on the TRO will, hopefully, be Wednesday, June 22nd, at 2 p.m.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, June 16, 2022 1:52 PM
To: 'eahopkin@nycourts.gov' <eahopkin@nycourts.gov>
Cc: 'Jaime Montarello' <jmontare@nycourts.gov>; 'Stehle Hetman' <shetman@nycourts.gov>

Subject: Cancellation of tomorrow's oral argument on the TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

TO: Deputy Chief Clerk Mary Grace Sullivan

Following up our phone conversation late this morning (518-285-8989) and then your call-back – for which I thank you – below, as discussed, is my e-mail chain with Justice Lynch’s chambers beginning with my June 10th request for permission to video the June 17th oral argument on the TRO [herein](#), culminating yesterday in my e-mail giving notice to Justice Lynch that the oral argument could not go forward as he is utterly without jurisdiction pursuant to [Judiciary Law §14](#).

So that respondents/defendants do not show up for oral argument that is not taking place, I will e-mail them notice that I will not be there and not be serving upon them the order(s) to show cause that Justice Lynch signed. Likewise, I will e-mail the press and others who I had alerted to the oral argument, such as the 15 law school deans who are the “independent review committee” of the “ethics commission reform act of 2022”.

So that respondents/defendants may be fully prepared for what I hope to be **oral argument on the TRO on Wednesday, June 22nd**, I will additionally e-mail them an advance copy of the order to show cause that I will be [electronically filing, via NYSCEF](#), early in the morning on Tuesday, June 21st, for signature of the Part 1 duty judge, who will then be Acting Supreme Court Justice Richard Platkin.

As the TRO has to be granted, *as a matter of law*, because petitioners/plaintiffs have a 100% likelihood of success on the merits inasmuch as we have an open-and-shut entitlement to summary judgment based on [prima facie documentary evidence and black-letter law](#) – as well as clear irreparable injury that will be suffered if the “ethics commission reform act of 2022” is not stayed because our mandamus relief against JCOPE will be moot, and because ALL the equities are in our favor, I will also e-mail respondents/defendants a [CPLR §2214\(c\) notice](#) to furnish papers to the Court, in conjunction with the oral argument on the TRO. Pursuant to [CPLR §6313\(a\)](#), the Court is required to set a hearing on the preliminary injunction “at the earliest possible time” – and I would be willing for such hearing to be held [immediately](#) upon the granting of the TRO, on June 22nd.

My already drafted order to show cause, which I believe to be pretty close, if not identical, to what I will file on Tuesday, is above attached, for informational purposes.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
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elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, June 15, 2022 4:56 PM
To: 'Jaime Montarello' <jmontare@nycourts.gov>
Cc: 'Stehle Hetman' <shetman@nycourts.gov>

Subject: RE: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

Dear Ms. Montarello,

Following up my phone conversation with you, from which I was disconnected – and the voice message I immediately left on your line thereafter – the oral argument on the TRO that had been scheduled for Friday, June 17th, must be rescheduled for next week, before another justice – who I understand will be Justice Platkin.

I am still shaking from the discovery – upon doing some internet googling following receipt of your below unacceptable e-mail – that Justice Peter Lynch is not only related to Justice Michael Lynch, but is his twin brother. Pursuant to Judiciary Law 14, Justice Peter Lynch is without jurisdiction to hear this case – and his lack of fairness and impartiality has been evident, from the outset and by the below.

Will set forth more tomorrow, but wanted to give the earliest possible notice that the June 17th argument on the TRO must be put over.

Thank you.

Elena Sassower

From: Jaime Montarello <jmontare@nycourts.gov>
Sent: Wednesday, June 15, 2022 3:19 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Cc: Stehle Hetman <shetman@nycourts.gov>

Subject: RE: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

Ms. Sassower,

The Judge will give everyone the opportunity to be heard on 6/17. You could have the videographer on standby if you wish.

Thank you!

Jaime Montarello
Secretary to the Hon. Peter A. Lynch, J.S.C.
Supreme Court Chambers
16 Eagle Street, Room 411
Albany, New York 12207
Tel No. (518) 285-8919
Fax No. (518) 451-8808

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

Sent: Wednesday, June 15, 2022 3:02 PM

To: Jaime Montarello <jmontare@nycourts.gov>

Cc: Stehle Hetman <shetman@nycourts.gov>

Subject: FW: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

Dear Ms. Montare,

Following up our just-concluded phone conversation, below is my June 10th e-mail request for permission to video the June 17th oral argument on the TRO.

I would appreciate confirmation that permission has been granted, as I know of no reason why it should not be.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Friday, June 10, 2022 4:27 PM

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

Subject: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

TO: Albany County Supreme Court Justice Peter Lynch

Following up my telephone conversation with your Principal Law Clerk Stehle Hetman-Mika earlier this afternoon, this is to request permission for a videographer to film the oral argument to be held before you at 2 pm on June 17, 2022 of the TRO petitioners/plaintiffs are seeking to stay the “ethics commission reform act of 2022” from taking effect on July 8, 2022 and to enjoin JCOPE from closing, pending final determination of their June 6, 2022 verified petition/complaint and its accompanying order to show cause.

[The TRO – and the case – are of obvious public importance and interest.](#) A video of the oral argument will enable the public to more directly understand the constitutional and legal issues and how our system of government provides for their resolution through the courts.

The videographer has background in filming court proceedings – and was previously engaged by me three times. Twice, in 2018, it was to film proceedings at the Appellate Division, Third Department in the citizen-taxpayer action, *CJA, et al. v. Cuomo, et al.* (3rd Dept App. Div. Docket #527081) – the first time being the [August 2, 2018 oral argument on a TRO](#). The third time was to film the [January 11, 2019 oral argument for a preliminary injunction](#) in a case in which I was NOT a party, *Delgado, et al. v. NYS, et al.* (Albany Co. #907537-18). After allowing the parties to be heard with respect thereto, permission for the filming was granted by Justice Christina Ryba, the justice assigned to the case.

Anticipating your favorable determination, I thank you.

Respectfully,

Elena Sassower, individual petitioner/plaintiff *pro se*
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