

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, May 24, 2021 9:26 AM
To: 'marillar@nyassembly.gov'
Cc: 'Theresa Klein-Franke'
Subject: AGAIN -- FOIL APPEAL: Assembly's May 13, 2021 response to CJA's March 22, 2021 FOIL request for records pertaining to the retention of Davis Polk & Wardwell LLP for the Assembly's impeachment investigation of Gov. Cuomo
Attachments: 5-13-21-assembly-response.pdf; Fully Executed Copy of Davis Polk Contract (1).pdf; aug2013-justification-of-contract.pdf

TO: Assembly Records Access Officer Robin Marilla

I have received no acknowledgment or response to my below May 13, 2021 FOIL appeal, with its three above attachments.

Kindly furnish me with the name of the Assembly FOIL appeals officer and his/her contact information so that I may follow-up on this.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, May 14, 2021 10:46 AM
To: 'Robin Marilla' <marillar@nyassembly.gov>
Cc: 'Theresa Klein-Franke' <kleinfranket@nyassembly.gov>
Subject: FOIL APPEAL: Assembly's May 13, 2021 response to CJA's March 22, 2021 FOIL request for records pertaining to the retention of Davis Polk & Wardwell LLP for the Assembly's impeachment investigation of Gov. Cuomo

TO: Assembly Records Access Officer Robin Marilla

I hereby appeal your above-attached May 13, 2021 letter, enclosing a pdf entitled "Fully Executed Copy of Davis Polk Contract (1)", in response to my below March 22, 2021 FOIL/records request.

Entirely missing are any "(1) records establishing the 'vigorous search for a top-flight firm to assist with the investigation' undertaken by Chair Lavine". Presumably, the Comptroller required such records BEFORE approving the contract – on May 12, 2021 – putting his imprimatur on compensation rates of \$600 per hour for partners and associates and \$250 per hour for paralegals (paragraph A.2) – for a maximum \$250,000 payment under the contract for a year period spanning from March 17, 2021 to March 16, 2022 (paragraphs A.3; A.1).

At very least, isn't there a "Justification for Contract"? Illustrative is the above-attached "Justification for Contract between the New York State Assembly and Kasowitz Benson Torres Friedman LLP", stating, *inter alia*, with respect to a contract (#C111945) signed in August 2013: