

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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Elena Ruth Sassower, Director
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August 30, 2012

TO: Assistant Attorney General Andrew H. Meier

FROM: Elena Ruth Sassower

RE: *Center for Judicial Accountability, Inc. v. Cuomo* (Bronx Co. #302951-2012):
Transfer to Supreme Court/New York County

This follows up my phone call to you earlier today, apprising you that I had just discovered from the Bronx County Clerk's Office website that on April 16, 2012, Justice Mary Ann Brigantti-Hughes had granted your cross-motion to transfer *CJA v. Cuomo* to Supreme Court/New York County. Upon returning the call, you claimed to have known of the decision, but acknowledged that you had not sent it to me, with notice of entry.

As you stated to me that you had been unable to find the case in Supreme Court/New York County, I told you what I had learned from New York County Deputy Clerk James Rossetti (646-386-5956) with whom I spoke shortly after discovering Justice Brigantti-Hughes' April 16, 2012 decision, namely, that such decision is NOT self-executing and that to effect the transfer you needed to bring a copy of the decision to the Bronx County Clerk's Office, requisition the record, and pay the fees for transfer (which, assuredly, are waived for the Attorney General). The case would then be transferred to the New York County Clerk's Office and assigned a new index number.

As discussed, please be sure that when you go to the Bronx County Clerk's Office to arrange the transfer of *CJA v. Cuomo* that the Clerk includes the five boxes and one redweld that I filed with the 2nd floor Clerk's Office at the direction of Justice Brigantti-Hughes, following the April 16, 2012 oral argument. These consist of the original record of *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*, identified by ¶¶43-46 of my April 16, 2012 affidavit in opposition to your transfer cross-motion as filed by me with the Court of Appeals on May 1, 2002, and a copy of all Court of Appeals submissions.

Because NO judge in Supreme Court/New York County has familiarity with the record of *E.R. Sassower v Commission* – and Judge Wetzel's filing injunction which was the basis of your transfer

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

cross-motion – it would be in the interest of judicial economy if *CJA v. Cuomo* were assigned to a judge familiar with the judicial compensation issues that are the gravamen of *CJA v. Cuomo*. Justice Richard Braun is such a judge, having before him not only:

HON. SUSAN LARABEE, HON. MICHAEL NENNO, HON. PATRICIA NUNEZ, and HON. GEOFFREY WRIGHT v. ELIOT SPITZER, as Governor of the State of New York, NEW YORK STATE SENATE, NEW YORK STATE ASSEMBLY, and STATE OF NEW YORK (NY Co. #112301-2007),

referred to at ¶¶44, 51, 68, 122, 127 & the “WHEREFORE” clause (p. 76) of the verified complaint, but:

ARLENE R. SILVERMAN, Acting Justice, New York State Supreme Court v. SHELDON SILVER, in his official capacity as Speaker of the New York State Assembly, THE NEW YORK STATE ASSEMBLY, DEAN G. SKELOS, in his official capacity as Temporary President of the New York State Senate, THE NEW YORK STATE SENATE, DAVID A. PATERSON, in his official capacity as Governor of the State of New York, THOMAS P. DiNAPOLI, in his official capacity as Comptroller of the State of New York, and THE STATE OF NEW YORK (NY Co. #117058-2008).

Justice Braun was assigned *Silverman v. Silver* after four randomly-assigned Supreme Court/New York County justices (Scarpulla, Kenney, Mendez, and James) recused themselves, presumably because they felt they could not be fair and impartial. Based on this – and the fact that five randomly-assigned Supreme Court/New York County justices recused themselves from *E.R. Sassower v. Commission* before it was assigned to Judge Wetzel – it would not surprise me if a succession of justices were to recuse themselves from *CJA v. Cuomo*, upon being randomly-assigned to it.

I, therefore, waive plaintiffs’ right to random assignment, in favor of Justice Braun. As I stated to you, I do this NOT because I believe Justice Braun is a fair and impartial judge. Quite the opposite, based on what I saw of his performance at the March 15, 2012 oral argument in the *Larabee* case – unrecorded by the court stenographer. Rather, I do this because *CJA v. Cuomo* is the State’s best, indeed impregnable, defense to the hundreds of millions of dollars that the judges are seeking against the State in the *Larabee* and *Silverman* cases – as, likewise, in *EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ, STEPHEN FERRADINO, RALPH A. BONIELLO, III v. STATE OF NEW YORK* (Nassau Co. #13518-2010), pending before the Appellate Division, Second Department on the Attorney General’s appeal – and which a self-interested judiciary will award them.

Finally, please note that I have moved from the Bronx, where I had lived for almost a year. My new address is 10 Stewart Place, Apartment 2D-E, White Plains, New York 10603. Kindly change your records accordingly and send all mail to me at this new address.

Thank you.

A handwritten signature in black ink, appearing to read "Elena R. Silverman", with a long, sweeping horizontal line extending to the right.