

COURT OF APPEALS
STATE OF NEW YORK

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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,

November 25, 2019

Plaintiffs-Appellants,

**NOTICE OF MOTION
pursuant to CPLR §5015
& §2221, this Court's Rule
500.24, §100.3 of the Chief
Administrator's Rules
Governing Judicial Conduct,
& the Court's Inherent
Power**

-against-

ANDREW M. CUOMO, in his official capacity as Governor
of the State of New York, JOHN J. FLANAGAN in his official
capacity as Temporary Senate President, THE NEW YORK
STATE SENATE, CARL E. HEASTIE, in his official capacity
as Assembly Speaker, THE NEW YORK STATE ASSEMBLY,
ERIC T. SCHNEIDERMAN, in his official capacity as Attorney
General of the State of New York, THOMAS P. DiNAPOLI,
in his official capacity as Comptroller of the State of New York,
and JANET M. DiFIORE, in her official capacity as Chief Judge of the
State of New York and chief judicial officer of the Unified Court System,

Defendants-Respondents.

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Upon the annexed affidavit of the unrepresented individual plaintiff-appellant
Elena Ruth Sassower, sworn to on November 25, 2019, the exhibits annexed thereto,
and upon all the papers and proceedings heretofore had, the unrepresented plaintiff-
appellants will move this Court at 20 Eagle Street, Albany, New York 12207 on

Monday, January 6, 2020 or as soon thereafter as defendant-respondents can be heard

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;
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.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR §2214(b), answering papers, if any, are to be served on plaintiff-appellants seven days before the return date by e-mail and regular mail, *to wit*, December 30, 2019.

ELENA RUTH SASSOWER, unrepresented plaintiff-appellant,
individually & as Director of the Center for Judicial
Accountability, Inc., and on behalf of the People of the State of
New York & the Public Interest

Dated: White Plains, New York
November 25, 2019

TO: New York State Attorney General Letitia James
The Capitol
Albany, New York 12224-0341

ATT: Solicitor General Barbara Underwood
Assistant Solicitor General Victor Paladino
Assistant Solicitor General Frederick Brodie