

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

## BY PRIORITY MAIL

December 31, 2019\*

New York Court of Appeals  
Clerk's Office  
20 Eagle Street  
Albany, New York 12207-1095

ATT: Chief Clerk/Legal Counsel to the Court John P. Asiello, Esq.

RE: NOW A FOURTH TIME – Aiding the Court in Protecting Itself & Appellants from the Litigation Fraud of the New York State Attorney General, NOW by its December 10, 2019 Memorandum in Opposition to Appellants' November 25, 2019 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 Center for Judicial Accountability v. Cuomo, ...DiFiore – Citizen-Taxpayer Action

Dear Chief Clerk/Counsel Asiello:

This letter is again to aid the Court in protecting itself and appellants from now the fourth instance of fraud upon it by Attorney General Letitia James, this time by her December 10, 2019 "Memorandum in Opposition to Appellants' Motion to Vacate and for Other Relief".

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\* The December 31, 2019 date of this letter is four years to the day of my hand-delivery to defendant DiFiore's Westchester district attorney office, of my December 31, 2015 letter to her, transmitting EVIDENTIARY PROOF that the August 29, 2011 report of the Commission of Judicial Compensation and the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation were each "false instruments", violative of a succession of penal laws. The December 31, 2015 letter is Exhibit G to appellants' May 31, 2019 motion for reargument and other relief – and her non-response to the letter and to the corruption of the judicial process it recounted and which, by her non-feasance she perpetuated, gave rise to this citizen-taxpayer action. This is more fully summarized by my November 25, 2019 letter to Chief Administrative Judge Marks, annexed as Exhibit F to appellants' November 25, 2019 motion.

By previous letters<sup>1</sup>, each also expressly to aid the Court in protecting itself and appellants, I alerted you to the three prior instances of the Attorney General's litigation fraud – then, as now, by Assistant Solicitor General Frederick Brodie:

- (1) my 16-page April 11, 2019 letter to you, detailing the fraudulence of Mr. Brodie's March 26, 2019 letter in opposition to appellants' appeal of right – thereafter annexed as Exhibit C to appellants' August 8, 2019 motion to strike, to disqualify the Attorney General, & for other relief;
- (2) my 4-page August 9, 2019 letter to you, enclosing a 37-page “legal autopsy”/analysis detailing the fraudulence of Mr. Brodie's June 27, 2019 memorandum in opposition to appellants' May 31, 2019 motion for reargument of their appeal of right and June 6, 2019 motion for leave to appeal – such “legal autopsy”/analysis constituting the centerpiece of appellants' August 8, 2019 motion to strike, to disqualify the Attorney General, & for other relief, to which it was annexed as Exhibit B;
- (3) my 19-page August 28, 2019 letter to you, detailing the fraudulence of the Mr. Brodie's August 19, 2019 memorandum in opposition and opposing affirmation to appellants' August 8, 2019 motion to strike, to disqualify the Attorney General, & for other relief.

This fourth instance of litigation fraud by Mr. Brodie is the direct consequence of the “green light” the Court has given by its four Orders herein. All conceal any issue of fraud or disqualification relating to the Attorney General – including the Court's October 24, 2019 Order on “Mo. No. 2019-799”, denying, *without reasons*, appellants' August 8, 2019 motion “to strike respondents' memorandum of law &c.”. This has emboldened Mr. Brodie to rest his December 10, 2019 opposition memorandum almost totally on his totally fraudulent June 27, 2019 memorandum in opposition to appellants' May 31, 2019 and June 6, 2019 motions and on his totally fraudulent August 19, 2019 memorandum and affirmation opposing appellants' August 8, 2019 motion. Thus,

**in his Section B entitled “Appellants' jurisdictional argument is incorrect and self-defeating” (at p. 3)**, opposing the first branch of appellants' November 25, 2019 motion, Mr. Brodie states: “As we previously pointed out (6/27/19 Mem. in Opp. at 15)...”;

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<sup>1</sup> For the Court's convenient, these previous letters, dated April 11, 2019, August 9, 2019, and August 28, 2019, are posted on CJA's webpage for this letter, accessible from CJA's homepage, [www.judgewatch.org](http://www.judgewatch.org), via the prominent center link: “CJA's Citizen-Taxpayer Actions to End NYS' Corrupt Budget 'Process' and Unconstitutional 'Three-Men-in-a-Room' Governance”. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/ct-appeals/12-31-19-ltr-to-ct-appeals.htm>.



**in his Section C entitled “Section 100.3(F) of the Judicial Conduct Rules does not apply” (at p. 4)**, opposing the second branch of appellants’ November 25, 2019 motion, Mr. Brodie states: “As we explained then (6/27/19 Mem. in Opp. at 17)...”;

**in his Section D entitled “The Court’s rulings against appellants do not show ‘actual bias’” (at pp. 4-5)**, opposing the third branch of appellants’ November 25, 2019 motion, Mr. Brodie states: “As we explained previously...(See 6/27/19 Mem. in Opp. at 13.)”

**in his Section E entitled “The Attorney General has not committed fraud, misrepresentation, or other misconduct” (at p. 5)**, opposing the fourth branch of appellants’ November 25, 2019 motion, Mr. Brodie states:

“Defendants previously explained why appellants’ repeated allegations of ‘litigation fraud’ are legally baseless. (6/27/19 Mem. in Opp. at 18-19.)...

As explained previously...(8/19/19 Brodie Aff. in Opp. to Mtn. to Strike ¶¶5-18.)...”

**in his Section F entitled “The Attorney General has not committed fraud, misrepresentation, or other misconduct” (at p. 6)**, opposing the fifth branch of appellants’ November 25, 2019 motion, Mr. Brodie states:

“...respondents respectfully refer to their opposition memoranda dated June 27, 2019 and August 19, 2019 for responsive arguments.”

Altogether concealed by Mr. Brodie is that his June 27, 2019 and August 19, 2019 submissions – on which he would have the Court rely – are frauds, so-demonstrated, with near line-by-line precision, by my “legal autopsy”/analysis of the former, annexed as Exhibit B to appellants’ August 8, 2019 motion to strike, and, with respect to the latter, by my August 28, 2019 letter in further support of the August 8, 2019 motion – the accuracy of which he did not then, and does not now, deny or dispute in any respect.

Similarly, Mr. Brodie would have the Court rely on its four Orders to deny appellants’ November 25, 2019 motion. Thus,

**in his Section A entitled “The motion must be dismissed as to CJA” (at p. 2)**, the Mr. Brodie states:

“In its May 2 order, this Court dismissed CJA’s purported appeal [because it was not represented by an attorney]...Further...all three of this Court’s October 24, 2019 orders dismissed appellants’ motion as to CJA ‘upon the ground that Sassower is not Center for Judicial Accountability, Inc.’s authorized legal representative.’ ...

The Court should not countenance appellants' willful disregard of...the courts' orders."

**in his Section B: "Appellants' jurisdictional argument is incorrect and self-defeating" (at p. 3)**, opposing the first branch of appellants' November 25, 2019 motion, Mr. Brodie states:

"...This Court denied their motion, necessarily rejecting the claim."

"...That is exactly what the Court did on May 2, 2019."

**in his Section C: "Section 100.3(F) of the Judicial Conduct Rules does not apply" (at p. 4)**, opposing the second branch of appellant' November 25, 2019 motion, Mr. Brodie states:

"...section 100.3(F) applies only after a judge has been disqualified under 22 N.Y.C.R.R. §100.3(E), which did not happen here."

**in his Section D: "The Court's rulings against appellants do not show 'actual bias'" (at p. 4)**, opposing the third branch of appellants' November 25, 2019 motion, Mr. Brodie states:

"...By denying and dismissing appellants' motion, the Court necessarily rejected their argument."

**in his Section E: "The Attorney General has not committed fraud, misrepresentation, or other misconduct" (at p. 5)**, opposing the fourth branch of appellants' November 25, 2019 motion, Mr. Brodie states:

"...By denying and dismissing appellants' motion, the Court necessarily rejected appellants' contrary argument."

**in his Section F: "The Attorney General has not committed fraud, misrepresentation, or other misconduct" (at p. 5)**, opposing the fifth branch of appellants' November 25, 2019 motion, Mr. Brodie states:

"In our view, the Court did not overlook appellants' arguments, but instead rejected them."

Here, too, Mr. Brodie does not reveal that all four of the Court's Orders rejecting appellants' requested relief are indefensible – demonstrated as such by my November 25, 2019 moving affidavit, to which his December 10, 2019 opposing memorandum never once cites and whose particulars, specified at ¶¶2, 4-15 of the moving affidavit, he conceals totally.



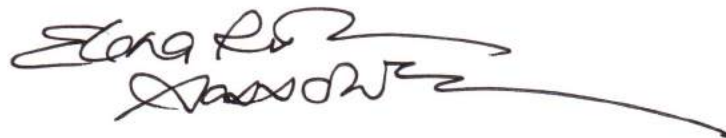
Indeed, it is only in his Sections G, H, I (at pp. 6-7) – opposing the sixth branch of appellants’ November 25, 2019 motion – and in his Section J (at pp. 7-8), opposing the transfer to federal court sought by the first, third, and fourth branches of appellants’ motion – that Mr. Brodie does not rely on either his June 27, 2019 and August 19, 2019 submissions or the Court’s four Orders.

Consequently, the Court’s duty with respect to the first five branches of appellants’ November 25, 2019 motion is to make such findings of facts and conclusions of law as its four prior Orders did NOT make with respect to the Attorney General’s complained-about litigation fraud and disqualification. The Court can reasonably begin with its October 24, 2019 Order on “Mo. No. 2019-799”, denying, without reasons, appellants’ August 8, 2019 motion “to strike respondents’ memorandum of law &c.”, as it is dispositive of the findings of fact and conclusions of law that were incumbent upon the Court to make by its other three Orders.

To further assist the Court – including for purposes of establishing appellants’ entitlement to a fourth imposition of costs and maximum \$10,000 sanctions pursuant to 22 NYCRR §130-1.1 against Assistant Solicitor General Brodie and those at whose behest he has operated: Attorney General James, as well as his direct supervisor, Senior Assistant Solicitor Victor Paladino, whose name is on the December 10, 2019 opposing memorandum, and his higher supervisor, Solicitor General Barbara Underwood, who remains culpable despite the unexplained omission of her name<sup>2</sup> – a more particularized “legal autopsy”/analysis of the December 10, 2019 opposing memorandum is annexed hereto (Exhibit A).

Finally, with respect to ¶15 of my moving affidavit which stated that I would furnish the Court with further facts, not then known, with respect to the sixth branch of appellants’ November 25, 2019 motion for renewal, such facts, as currently known, will be separately furnished.

To further assist the Court, including for purposes of referring Assistant Solicitor General Brodie, Attorney General James, Senior Assistant Solicitor Paladino, and Solicitor General Underwood to disciplinary and criminal authorities for their fraud, I hereby swear that this letter to you – as well as my prior April 11, 2019, August 9, 2019, and August 28, 2019 letters to you – and all their exhibits – are true under penalties of perjury.



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<sup>2</sup> Solicitor General Underwood’s name was also omitted from Mr. Brodie’s August 19, 2019 opposing memorandum – and my August 28, 2019 letter to you so-noted, stating, *inter alia*:

“Nor does the absence of Solicitor General Underwood’s name relieve her of her supervisory responsibilities with respect to this case, pursuant to Rule 5.1 of New York’s Rules of Professional Conduct ‘Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers’ [R-1287], or reduce the willful and deliberate violations thereof for which she is liable...”

Enclosure: Exhibit A – “legal autopsy”/analysis of  
Attorney General James’ December 10, 2019 opposing memorandum

cc: Assistant Solicitor General Frederick Brodie  
Attorney General Letitia James  
Senior Solicitor General Victor Paladino  
Solicitor General Barbara Underwood