The below reprints the Court of Appeals' Preliminary Appeal Statement, answering its relevant questions. Its live hyperlinks are accessible from the pdf that is part of appellants' Notice of Appeal, electronically filed on October 21, 2024, Albany County Index #904235-22, NYSCEF #134.

NEW YORK STATE
COURT OF APPEALS

Preliminary Appeal Statement
Pursuant to section 500.9 of the Rules of the Court of Appeals

1. Caption of Case (as the parties should be denominated in the Court of Appeals)**:**

STATE OF NEW YORK COURT OF APPEALS

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,

Petitioners-Appellants,

-against-

NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS,
LEGISLATIVE ETHICS COMMISSION,
NEW YORK STATE INSPECTOR GENERAL,

KATHY HOCHUL, in her official capacity as
GOVERNOR OF THE STATE OF NEW YORK,

ANDREA STEWART-COUSINS, in her official capacity as
TEMPORARY SENATE PRESIDENT, & the NEW YORK STATE SENATE,

CARL HEASTIE, in his official capacity as
ASSEMBLY SPEAKER, & the NEW YORK STATE ASSEMBLY,

LETITIA JAMES, in her official capacity as
ATTORNEY GENERAL OF THE STATE OF NEW YORK,

THOMAS DiNAPOLI, in his official capacity as
COMPTROLLER OF THE STATE OF NEW YORK,

Respondents-Respondents.

2. Name of court or tribunal where case originated, including county, if applicable:

Supreme Court/Albany County

3. Civil index number…assigned to the matter in the court or tribunal of original instance:

Index #904235-22

4. Docket number assigned to the matter at the Appellate Division or other intermediate appellate court:

CV-23-0115 (Appellate Division, Third Department)

5. Jurisdictional basis for this appeal:

CPLR 5601(b)(1): constitutional ground (Appellate Division order)
* NOTE: New York State Constitution, Article VI, §3(b)(1)

6. How this appeal was taken to the Court of Appeals (CPLR 5515[1])**:**

NOTICE OF APPEAL Date filed: October 21, 2024
Clerk's office where filed: Albany County

7. Demonstration of timeliness of appeal in civil case (CPLR 5513, 5514)**:**

Was appellant served by its adversary with a copy of the order, judgment or determination appealed from and notice of its entry? No

If yes, date on which appellant was served (if known, or discernible from the papers served): NA
If yes, method by which appellant was served: NA

Did the Appellate Division grant or deny a motion for leave to appeal to this Court in this case? Yes

If yes, fill in the following information:

a. date appellant served the motion for leave to appeal made at the Appellate Division: July 4, 2024

b. date on which appellant was served with the Appellate Division order granting or denying such motion with notice of the order's entry NA: and

c. method by which appellant was served with the Appellate Division order granting or denying such motion NA:

8. Party Information:

No.	Party Name	Original Status	Court of Appeal Status
1.	Center for Judicial Accountability, Inc.	Petitioner/Plaintiff	Appellant
2.	Elena Ruth Sassower, individually and as Director	Petitioner/Plaintiff	Appellant
3.	New York State Joint Commission on Public Ethics	Respondent/Defendant	Respondent
4.	Legislative Ethics Commission	Respondent/Defendant	Respondent
5.	New York State Inspector General	Respondent/Defendant	Respondent
6.	Governor Kathy Hochul	Respondent/Defendant	Respondent
7.	Temporary Senate President Andrea Stewart-Cousins	Respondent/Defendant	Respondent
8.	Senate	Respondent/Defendant	Respondent
9.	Assembly Speaker Carl Heastie	Respondent/Defendant	Respondent
10.	New York State Assembly	Respondent/Defendant	Respondent
11.	Attorney General Letitia James	Respondent/Defendant	Respondent
12.	Comptroller Thomas DiNapoli	Respondent/Defendant	Respondent

9. Attorney Information:

> ***NOTE:** Parties Nos. 3-12 above – the ten respondents/defendants in this hybrid Article 78 proceeding/declaratory judgment action/citizen-taxpayer action – are here, as below, all represented by the New York State Attorney General James, herself a respondent/defendant – and the lawfulness and constitutionality of that representation, on multiple grounds, is here, as below, contested and is threshold before the Court, including on constitutional grounds.

For Parties Nos. 3-12 above:

Law Firm Name: Attorney General of the State of New York Letitia James
Responsible Attorney: Solicitor General Barbara D. Underwood
Assistant Solicitor General Beezly Kiernan

Deputy Solicitor General Andrea Oser

Street Address: The Capitol
City: Albany State: New York Zip: 12224
Telephone: 518-776-2023
E-Mail: Beezly.Kiernan@ag.ny.gov

10. Self-Represented Litigant Information:

***NOTE:** Parties Nos. 1-2 above – the two petitioners/plaintiffs in this hybrid Article 78 proceeding/declaratory judgment action/citizen-taxpayer action, expressly acting "on behalf of the People of the State of New York & the Public Interest" – are here, as below, unrepresented litigants and, as below, are seeking a threshold determination of their entitlement to the Attorney General's representation/intervention, pursuant to Executive Law §63.1 and State Finance Law, Article 7-A [§123-a(3); §123-c-(3); §123-d; §123-e(2)] based on their *prima facie* summary judgment entitlement to declarations, in their favor, on the ten causes of action of their June 6, 2022 verified petition/complaint – and September 1, 2022 verified supplement.

For Party No. 1 above:
Party's Name: Center for Judicial Accountability, Inc.
Street Address: (c/o Sassower) 10 Stewart Place, Apt. 2D-E
City: White Plains State: New York Zip: 10603
Telephone No.: 914-421-1200

For Party No. 2 above:
Party's Name: Elena Ruth Sassower
Street Address: 10 Stewart Place, Apt. 2D-E
City: White Plains State: New York Zip: 10603
Telephone No.: 914-421-1200
E-Mail: elena@judgewatch.org

11. Related motions and applications:

Does any party to the appeal have any motions or applications related to this appeal pending in the Court of Appeals? No

Does any party to the appeal have any motions or applications in this case currently pending in the court from which the appeal is taken? No

Are there any other pending motions or ongoing proceedings in this case? No

12. Set forth, in point-heading form, issues proposed to be raised on appeal (this is a nonbinding designation, for preliminary issue identification purposes only)**:**

POINT I:

The appealed-from September 10, 2024 Decision and Order on Motion and June 20, 2024 Memorandum and Order are "so totally devoid of evidentiary support as to render [them] unconstitutional under the Due Process Clause" of the United States Constitution, *Garner v. State of Louisiana*, 368 U.S. 157, 163 (1961), *Thompson v. City of Louisville*, 362 U.S. 199 (1960), and, comparably, under Article I, §6 of the New York State Constitution, "No person shall be deprived of life, liberty or property without due process of law",[1] manifesting the pervasive actual bias of the judges below who concealed their financial and other interests and that they were divested of jurisdiction by reason thereof pursuant to Judiciary Law §14, precluding invocation of the judge-made "rule of necessity", which, moreover, was inapplicable because of the existence of a federal forum pursuant to Article IV, §4 of the United States Constitution "The United States shall guarantee to every State in the Union a Republican Form of Government".

A. The appealed-from September 10, 2024 Decision and Order on Motion (NYSCEF #62), denying petitioners' July 4, 2024 motion for reargument, leave to appeal, and vacatur for "lack of jurisdiction" and "fraud, misrepresentation, or other misconduct of an adverse party" (NYSCEF #52), is without decision, without facts, and without law – because no decision, facts and law can justify it, as the record on that motion readily reveals;

B. The appealed-from June 20, 2024 Memorandum and Order (NYSCEF #51) "falsify[ies] the record, *in toto*, and upend[s] ALL ethical, adjudicative, and evidentiary standards" – and was so-demonstrated by appellants' July 4, 2024 motion whose Exhibit A (NYSCEF #54) is their "legal autopsy"/analysis of it.

POINT II

Appellants' have a *prima facie* entitlement to summary judgment on each of their ten causes of action of their June 6, 2022 verified petition/complaint (S.Ct/NYSCEF #1) and September 1, 2022 verified amendment (S.Ct/NYSCEF #84)– five of which, *on their face*, identify the unconstitutionality for which they sought declarations – which is why the appealed-from June 20, 2024 Memorandum and Order makes no declarations and conceals that appellants sought summary judgment in Supreme Court and on appeal. These five causes of action are:

THE SIXTH CAUSE OF ACTION (¶¶78-85)

"Declaring Unconstitutional, Unlawful, and Void Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the 'ethics commission reform act of 2022' – Enacted in Violation of

[1] Such entitles appellants to an appeal of right, *Valz v. Sheepshead Bay*, 249 N.Y. 122 (1923): "Where the question of whether a judgment is the result of due process is the decisive question upon an appeal, the appeal lies to this court as a matter of right." (at p. 131).

Mandatory Provisions of the New York State Constitution, Statutes, Legislative Rules, and Caselaw";

THE SEVENTH CAUSE OF ACTION (¶¶86-90)

"Declaring Unconstitutional, Unlawful, and Void the FY2022-23 State Budget, Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, Legislative Rules, and Caselaw";

THE EIGHTH CAUSE OF ACTION (¶¶91-96)

"Declaring Unconstitutional, Unlawful, Larcenous, and Void Legislative/Judiciary Budget Bill S.8001-A/A.9001-A, Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, and Legislative Rules, and Caselaw";

THE NINTH CAUSE OF ACTION (¶¶97-105)

"Declaring Unconstitutional, Larcenous, and Void the FY2022-23 Appropriations for the New York State Commission on Judicial Conduct, the New York State Inspector General, the Appellate Division Attorney Grievance Committees, and the Unified Court System's Inspector General – Based on the Evidence of their Flagrant Corruption in Handling Complaints, Furnished by Petitioners at the Legislature's January 25, 2022 'Public Protection' Budget Hearing and Again by their March 25, 2022 E-Mail";

TENTH CAUSE OF ACTION (¶¶106-114)

"Declaring Unconstitutional, *as Written* and *as Applied*, Public Officers Law §108.2(b), Flagrantly Violating Article III, §10 of the New York State Constitution and Legislative Rules Consistent Therewith by Exempting the Legislature from the Open Meetings Law to Enable it to Discuss 'Public Business' in Closed-Door Party Conferences – Rather than Openly in Committees and on the Senate and Assembly Floor"

POINT III

Appellants' entitlement to summary judgment on their sixth cause of action for a declaration that "the ethics commission reform act of 2022" is unconstitutional, *by its enactment*, moots the constitutional challenge to the statute, *as written* – the sole issue before the Court in *Cuomo v. COELIG* (APL-2024-00076) – absent invocation of exceptions to mootness – which is why the Appellate Division denied, without decision, facts, or law, appellants' unopposed January 12, 2024 motions in *CJA v. JCOPE, et al.* (NYSCEF #26) and in *Cuomo v. COELIG* (CV-23-1778/NYSCEF #31) for the appeals to be heard together and to prevent fraud – and then denied, without decision, facts, or law, appellants' July 4, 2024 motion for leave to appeal whose three specifically requested certified questions were (NYSCEF #52):

- "Whether, *as a matter of law*, appellants were entitled to summary judgment on their verified petition's sixth cause of action to void the 'ethics commission reform act of 2022' as 'enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw'?";

- "Whether, *as a matter of law*, this sixth cause of action moots *Cuomo v. COELIG*, absent invocation of exceptions to mootness?"; and

- "Whether, *as a matter of law*, the Court 'err[ed]' by its two February 1, 2024 orders herein and in *Cuomo v. COELIG*, denying, without decision, without facts, and without law, appellants' unopposed January 12, 2024 motions to have the appeals heard together and to prevent fraud?"

13. Does appellant request that this appeal be considered for resolution pursuant to section 500.11 of the Rules of the Court of Appeals (Alternative Procedure for Selected Appeals)**?**

No

14. Notice to the Attorney General.

Is any party to the appeal asserting that a statute is unconstitutional? Yes

If yes, has appellant met the requirement of notice to the Attorney General in section 500.9(b) of the Rules of the Court of Appeals? Yes*

* NOTE: The Attorney General is a respondent-defendant herein, representing herself and her fellow respondents-defendants – and has corrupted the judicial process with litigation fraud to thwart the declarations of unconstitutionality mandated by the New York State Constitution.

15. ITEMS REQUIRED TO BE ATTACHED TO EACH COPY OF THIS STATEMENT:

A. A copy of the filed notice of appeal to the Court of Appeals (with proof of service)

A copy of the notice of appeal is herewith attached

B. A copy of the signed order, judgment or determination appealed from to this Court

Annexed as Exhibit A to the notice of appeal

C. A signed copy of any order, judgment or determination which is the subject of the order appealed from, or which is otherwise brought up for review

Annexed as Exhibits B to the notice of appeal

D. Copies of all decisions or opinions relating to the orders set forth in subsections B and C above

The Appellate Division, Third Department's appealed-from October 10, 2024 Decision and Order on Motion and June 20, 2024 Memorandum and Order bring up for review its:

> December 28, 2023 Decision and Order on Motion (NYSCEF #22), denying without decision, without facts, and without law, appellants' November 25, 2024 motion to strike Attorney General James' Respondents' Brief as a "fraud on the court", etc. (NYSCEF #13);
>
> February 1, 2024 Decision and Order on Motion (NYSCEF #39), denying without decision, without facts, and without law, appellants' January 12, 2024 motion for a preference so that the appeal herein could be heard together with the appeal in *Cuomo v. COELIG*, both pertaining to the constitutionality of "the ethics reform act of 2022" and to prevent fraud (NYSCEF #26);
>
> June 3, 2024 Decision and Order on Motion (NYSCEF #50) denying without decision, without facts, and without law, appellants' May 1, 2024 motion in further support of their April 22, 2024 oral argument (NYSCEF #41).

Date: October 21, 2024

Signature on next page
to preserve above hyperlinking

Submitted by: _____

Elena Ruth Sassower, unrepresented petitioner-appellant,
individually and as Director of the Center for Judicial Accountability, Inc.,
acting on her own behalf and on behalf of the People of the State of New York & the Public Interest