

**Statement Pursuant to Court Rule 500.23(a)(4)(iii)**

Pursuant to Court Rule 500.23(a)(4)(iii), I herein state that:

- (a) NO “party's counsel contributed content to the brief or participated in the preparation of the brief in any other manner”;
- (b) NO “party or a party’s counsel contributed money that was intended to fund preparation or submission of the brief”; and
- (c) NO “person or entity, other than movant..., contributed money that was intended to fund preparation or submission of the brief..”



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Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc. (CJA),  
acting on her own behalf, on CJA’s behalf,  
& on behalf of the People of the State of New York & the Public Interest

Dated: White Plains, New York  
December 26, 2024

**NEW YORK COURT OF APPEALS**

**APL 2024-76**

***Cuomo v. Commission on Ethics and Lobbying in Government***

**AFFIRMATION OF SERVICE**

ELENA RUTH SASSOWER, affirms the following to be true under penalties of perjury, pursuant to CPLR §2106:

On the 26<sup>th</sup> day of December 2024, I served the within:

Statement Pursuant to Court Rule 500.23(a)(4)(iii)  
for the December 16, 2024 Motion for Leave to File *Amicus Curiae* Brief  
to Prevent Fraud & for Enforcement of Court Rule 500.1(a)

**by e-mail, with consent thereto, upon:**

**Attorney General Letitia James**, attorney for Appellant Commission on Ethics and Lobbying – to Assistant Solicitor General Dustin Brockner  
[Dustin.Brockner@ag.ny.us](mailto:Dustin.Brockner@ag.ny.us)

**Frederick Schaffer, Esq.**, attorney for *Amici* “Good Government” Orgs/New York City Bar Association – [frederick.schaffer@gmail.com](mailto:frederick.schaffer@gmail.com)

On the 27<sup>th</sup> day of December 20024, I served the same

**by mail, as required by:**

**Gregory Dubinsky, Esq. of Holwell Shuster & Goldberg, LLP**, attorney for Respondent Andrew M. Cuomo, at 425 Lexington Avenue, 14<sup>th</sup> Floor, New York, New York 10017 (with additional transmittal by e-mail to [gdubinsky@hsgllp.com](mailto:gdubinsky@hsgllp.com)).

Attached are the transmitting e-mails reflecting same.

  
Elena Ruth Sassower, Movant

Dated: White Plains, New York  
December 27, 2024

**Center for Judicial Accountability, Inc. (CJA)**

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, December 27, 2024 1:25 PM  
**To:** 'Brockner, Dustin'; frederick.schaffer@gmail.com; 'Gregory J. Dubinsky'  
**Subject:** Mailed SERVICE on Attorney Dubinsky -- Further Statement for CJA's Dec 16, 2024 Amicus Curiae Motion Required by Court Rule 500.23(a)(4)(iii) -- Cuomo v. COELIG (APL 2024-0076)  
**Attachments:** further-required-statement.pdf

Having received no response from Attorney Dubinsky to the below e-mail, a hard copy of the required Statement pursuant to Court Rule 500.23(a)(4)(iii) has now been mailed.

Elena Sassower  
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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Thursday, December 26, 2024 3:50 PM  
**To:** 'Brockner, Dustin' <Dustin.Brockner@ag.ny.gov>; 'frederick.schaffer@gmail.com' <frederick.schaffer@gmail.com>; 'Gregory J. Dubinsky' <gdubinsky@hsgllp.com>  
**Subject:** SERVICE -- Further Statement for CJA's Dec 16, 2024 Amicus Curiae Motion Required by Court Rule 500.23(a)(4)(iii) -- Cuomo v. COELIG (APL 2024-0076)

**TO:** Assistant Solicitor General Dustin Brockner  
Frederick P. Schaffer, Esq.  
Gregory Dubinsky, Esq.

Above-attached & herewith served is the further statement required by Court Rule 500.23(a)(4)(iii) for *amicus curiae* motions.

I ask that Attorney Dubinsky advise whether he is also requiring that I serve this upon him, by mail.

Thank you.

Elena Sassower  
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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Monday, December 16, 2024 4:26 PM  
**To:** 'Brockner, Dustin' <Dustin.Brockner@ag.ny.gov>; 'frederick.schaffer@gmail.com' <frederick.schaffer@gmail.com>  
**Cc:** 'Gregory J. Dubinsky' <gdubinsky@hsgllp.com>  
**Subject:** SERVICE -- CJA's Motion for Leave to File Amicus Curiae Brief to Prevent Fraud -- Cuomo v. COELIG (APL 2024-0076)

**TO:** Assistant Solicitor General Dustin Brockner  
Frederick P. Schaffer, Esq.

cc: Gregory Dubinsky, Esq.



Above-attached is CJA's December 16, 2024 notice of motion for leave to file an *amicus curiae* brief to prevent fraud & for enforcement of Court Rule 500.1, with its accompanying proposed *amicus curiae* brief.

So as not to exceed size limits, I will send you the five exhibits to the *amicus curiae* brief by a separate e-mail – perhaps two.

So that Mr. Dubinsky will have a maximum amount of time to respond to the motion, I am cc'ing him. For purposes of effecting service upon him, as he has required, I will be mailing him a copy, from the post office, before it closes at 6 pm.

Thank you.

Elena Sassower  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewidth.org](mailto:elena@judgewidth.org)>

**Sent:** Friday, December 13, 2024 3:28 PM

**To:** 'Gregory J. Dubinsky' <[gdubinsky@hsgllp.com](mailto:gdubinsky@hsgllp.com)>

**Cc:** 'Brockner, Dustin' <[Dustin.Brockner@ag.ny.gov](mailto:Dustin.Brockner@ag.ny.gov)>; 'frederick.schaffer@gmail.com' <[frederick.schaffer@gmail.com](mailto:frederick.schaffer@gmail.com)>

**Subject: To Cuomo Attorney Dubinsky -- Cuomo v. COELIG (APL 2024-0076) -- Motion for Leave to File an Amicus Curiae Brief & Other Relief**

**TO: Cuomo Attorney Dubinsky**

I have re-read your e-mail from 10:47 am, in which you state:

“We oppose any application at this late date for permission to file an amicus brief and, accordingly, will not consent to service by email.” (underlining added).

Perhaps you are unaware that my *amicus curiae* motion is not “late” – as motions to file *amicus curiae* briefs in *Cuomo v. COELIG* are timely if served by December 16<sup>th</sup>, which my motion will be. You can confirm same with Court of Appeals Motion Clerk Rachel MacVean, whose phone number is 518-455-7705.

Do let me know if this prompts reconsideration of your refusal to consent to my request to effect service upon you by email.

Thank you.

Elena Sassower  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewidth.org](mailto:elena@judgewidth.org)>

**Sent:** Friday, December 13, 2024 11:47 AM

**To:** 'Brockner, Dustin' <[Dustin.Brockner@ag.ny.gov](mailto:Dustin.Brockner@ag.ny.gov)>; 'Gregory J. Dubinsky' <[gdubinsky@hsgllp.com](mailto:gdubinsky@hsgllp.com)>;

'frederick.schaffer@gmail.com' <[frederick.schaffer@gmail.com](mailto:frederick.schaffer@gmail.com)>

**Subject: Confirming -- Cuomo v. COELIG (APL 2024-0076) -- Motion for Leave to File an Amicus Curiae Brief & Other Relief**

**TO: Cuomo v. COELIG Attorneys & Attorney for Amici**

ATT: Assistant Solicitor General Dustin Brockner

Gregory Dubinsky, Esq.  
Frederick P. Schaffer, Esq.

This is to confirm my understanding from the e-mails you have sent me in response to mine at 10:18 am, that ASG Brockner, on behalf of COELIG, who responded at 10:59 am, will accept service of the motion by e-mail, as will Attorney Schaeffer, on behalf of the *Amici*, who responded at 10:51 am, but that Attorney Dubinsky, on behalf of former Governor Cuomo, who responded at 10:47 am, will not.

Thank you for your prompt responses. On Monday, I will e-mail the motion to ASG Brockner and Attorney Schaffer – and, absent reconsideration by Attorney Dubinsky, mail him the motion.

Elena Sassower

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, December 13, 2024 10:18 AM  
**To:** [Dustin.Brockner@ag.ny.gov](mailto:Dustin.Brockner@ag.ny.gov); Gregory J. Dubinsky <[gdubinsky@hsgllp.com](mailto:gdubinsky@hsgllp.com)>; [frederick.schaffer@gmail.com](mailto:frederick.schaffer@gmail.com)  
**Subject:** Cuomo v. COELIG (APL 2024-0076) -- Motion for Leave to File an Amicus Curiae Brief & Other Relief

**TO: Cuomo v. COELIG Attorneys & Attorney for Amici**

ATT: Assistant Solicitor General Dustin Brockner  
Gregory Dubinsky, Esq.  
Frederick P. Schaffer, Esq.

On Monday, December 16<sup>th</sup>, I will be serving a motion for leave to file an *amicus curiae* brief and other relief in *Cuomo v. COELIG*, returnable on Monday, December 30<sup>th</sup>. The Court of Appeals Clerk's Office has advised that I may effect service upon you, by e-mail, upon your consent to same.

Will you so-consent? In return I will consent to your e-mail service upon me of your responding papers.

Kindly advise, as soon as possible, so that I may be guided accordingly.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc.  
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914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)