

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, June 16, 2022 8:33 PM

To: 'edavis@cgsh.com'; 'edmurray3@gmail.com'; 'Maria Cilenti'; 'Elizabeth Kocienda'; 'Eric Friedman'; 'bhorner@nypirg.org'; 'jkaehny@reinventalbany.org'; 'info@reinventalbany.org'; 'laura@lwvny.org'; 'slerner@commoncause.org'; 'NYOffice@commoncause.org'; 'bweinberg@citizensunion.org'; 'ericavladimer@gmail.com'; 'gdreeher@maxwell.syr.edu'

Subject: **NOTICE OF CANCELLATION of tomorrow's oral argument on TRO, hopefully to be rescheduled to Wed. June 22nd -- CJA, et al v. JCOPE, et al (Albany Co. #904235-22)**

Attachments: [6-21-22-osc-transfer-tro.pdf](#)

TO: **"JCOPE Must Go" Coalition Members:**
Committee to Reform the State Constitution (a.k.a. Evan Davis, Esq.)
New York City Bar Association/Committee on Ethics & State Affairs
NYPIRG
Reinvent Albany
NYS League of Women Voters
Common Cause-NYS
Citizens Union
Sexual Harassment Working Group
Syracuse University's Campbell Public Affairs Institute,
Maxwell School of Citizenship and Public Affairs

Below, with the above-attached, is my self-explanatory NOTICE OF CANCELLATION to respondents/defendants of tomorrow's oral argument on the TRO, hopefully to be rescheduled to Wednesday, June 22nd -- [CJA, et al v. JCOPE, et al \(Albany Co. #904235-22\)](#).

As yet, I have received no responses from you, individually or collectively, to my [June 9, 2022 e-mail to you](#). Kindly send me your responses by no later than 5 p.m. Tuesday, June 21st, so that I may advise Albany County Acting Supreme Court Justice Richard Platkin and respondents/defendants accordingly.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, June 16, 2022 3:51 PM
To: 'jcope@jcope.ny.gov' <jcope@jcope.ny.gov>; 'Emily.Logue@jcope.ny.gov' <Emily.Logue@jcope.ny.gov>; 'jose.nieveslaw@gmail.com' <jose.nieveslaw@gmail.com>; 'glavine@bhlawpllc.com' <glavine@bhlawpllc.com>; 'sgerstman@magavern.com' <sgerstman@magavern.com>; 'marvin.jacob@retired.weil.com' <marvin.jacob@retired.weil.com>; 'dmcnamara@phillipslytle.com' <dmcnamara@phillipslytle.com>; 'Lisa Reid' <lreid@nysenate.gov>; 'inspector.general@ig.ny.gov' <inspector.general@ig.ny.gov>; 'INTAKEUNIT' <emailreply@ig.ny.gov>; 'records.access@exec.ny.gov' <records.access@exec.ny.gov>; 'josephj@nysenate.gov' <josephj@nysenate.gov>; 'haakb@nyassembly.gov' <haakb@nyassembly.gov>; 'NYAG.Pressoffice@ag.ny.gov' <NYAG.Pressoffice@ag.ny.gov>; 'Aujla, Andy' <Andy.Aujla@ag.ny.gov>; 'mkogut@osc.ny.gov' <mkogut@osc.ny.gov>
Cc: 'blee@alm.com' <blee@alm.com>; 'ccharnosky@alm.com' <ccharnosky@alm.com>

Subject: NOTICE OF CANCELLATION of tomorrow's oral argument on TRO, hopefully to be rescheduled to Wed. June 22nd -- CJA, et al v. JCOPE, et al (Albany Co. #904235-22)

TO: New York State Joint Commission on Public Ethics (JCOPE) –
ATT: Sanford Berland/Executive Director
Emily Logue/Director of Investigations & Enforcement
Chair Jose Nieves
Commissioners: Gary Lavine, Sharon Gerstman, Marvin Jacob, David McNamara
Legislative Ethics Commission (LEC) – ATT: Lisa Reid/Executive Director
New York State Inspector General (NYS-IG) – ATT: Lucy Lang/NYS-IG
Governor Kathy Hochul – ATT: [FOIL officer](#)
Temporary Senate President Andrea Stewart-Cousins & Senate –
ATT: Jellisa Joseph/Counsel to Secretary of the Senate
Assembly Speaker Carl Heastie & Assembly – ATT: Brian Haak/Counsel
Attorney General Letitia James – ATT: [AG-press](#); [Westchester Bureau Chief Andy Aujla](#)
Comptroller Thomas DiNapoli – ATT: Mike Kogut/Associate Counsel

THIS IS TO GIVE NOTICE that oral argument on the TRO that had been scheduled for tomorrow, Friday, June 17th, at 2 p.m. has been [cancelled by Justice Lynch](#), following his receipt of my below e-mail with the above-attached draft of the order to show cause, with TRO, that I will be filing, [via NYCEF](#), on Tuesday, June 21st.

Pursuant to such to-be-filed order to show cause, the new date and time for oral argument on the TRO will, hopefully, be Wednesday, June 22nd, at 2 p.m.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Thursday, June 16, 2022 1:52 PM

To: 'eahopkin@nycourts.gov' <eahopkin@nycourts.gov>

Cc: 'Jaime Montarello' <jmontare@nycourts.gov>; 'Stehle Hetman' <shetman@nycourts.gov>

Subject: Cancellation of tomorrow's oral argument on the TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

TO: Deputy Chief Clerk Mary Grace Sullivan

Following up our phone conversation late this morning (518-285-8989) and then your call-back – for which I thank you – below, as discussed, is my e-mail chain with Justice Lynch’s chambers beginning with my June 10th request for permission to video the June 17th oral argument on the TRO [herein](#), culminating yesterday in my e-mail giving notice to Justice Lynch that the oral argument could not go forward as he is utterly without jurisdiction pursuant to [Judiciary Law §14](#).

So that respondents/defendants do not show up for oral argument that is not taking place, I will e-mail them notice that I will not be there and not be serving upon them the order(s) to show cause that Justice Lynch signed. Likewise, I will e-mail the press and others who I had alerted to the oral argument, such as the 15 law school deans who are the “independent review committee” of the “ethics commission reform act of 2022”.

So that respondents/defendants may be fully prepared for what I hope to be **oral argument on the TRO on Wednesday, June 22nd**, I will additionally e-mail them an advance copy of the order to show cause that I will be [electronically filing, via NYSCEF](#), early in the morning on Tuesday, June 21st, for signature of the Part 1 duty judge, who will then be Acting Supreme Court Justice Richard Platkin.

As the TRO has to be granted, *as a matter of law*, because petitioners/plaintiffs have a 100% likelihood of success on the merits inasmuch as we have an open-and-shut entitlement to summary judgment based on [prima facie documentary evidence and black-letter law](#) – as well as clear irreparable injury that will be suffered if the “ethics commission reform act of 2022” is not stayed because our mandamus relief against JCOPE will be moot, and because ALL the equities are in our favor, I will also e-mail respondents/defendants a [CPLR §2214\(c\) notice](#) to furnish papers to the Court, in conjunction with the oral argument on the TRO. Pursuant to [CPLR §6313\(a\)](#), the Court is required to set a hearing on the preliminary injunction “at the earliest possible time” – and I would be willing for such hearing to be held immediately upon the granting of the TRO, on June 22nd.

My already drafted order to show cause, which I believe to be pretty close, if not identical, to what I will file on Tuesday, is above attached, for informational purposes.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, June 15, 2022 4:56 PM
To: 'Jaime Montarello' <jmontare@nycourts.gov>
Cc: 'Stehle Hetman' <shetman@nycourts.gov>

Subject: RE: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

Dear Ms. Montarello,

Following up my phone conversation with you, from which I was disconnected – and the voice message I immediately left on your line thereafter – the oral argument on the TRO that had been scheduled for Friday, June 17th, must be rescheduled for next week, before another justice – who I understand will be Justice Platkin.

I am still shaking from the discovery – upon doing some internet googling following receipt of your below unacceptable e-mail – that Justice Peter Lynch is not only related to Justice Michael Lynch, but is his twin brother. Pursuant to Judiciary Law 14, Justice Peter Lynch is without jurisdiction to hear this case – and his lack of fairness and impartiality has been evident, from the outset and by the below.

Will set forth more tomorrow, but wanted to give the earliest possible notice that the June 17th argument on the TRO must be put over.

Thank you.

Elena Sassower

From: Jaime Montarello <jmontare@nycourts.gov>
Sent: Wednesday, June 15, 2022 3:19 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Cc: Stehle Hetman <shetman@nycourts.gov>

Subject: RE: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

Ms. Sassower,

The Judge will give everyone the opportunity to be heard on 6/17. You could have the videographer on standby if you wish.

Thank you!

Jaime Montarello

Secretary to the Hon. Peter A. Lynch, J.S.C.
Supreme Court Chambers
16 Eagle Street, Room 411
Albany, New York 12207
Tel No. (518) 285-8919
Fax No. (518) 451-8808

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Wednesday, June 15, 2022 3:02 PM

To: Jaime Montarello <jmontare@nycourts.gov>

Cc: Stehle Hetman <shetman@nycourts.gov>

Subject: FW: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

Dear Ms. Montare,

Following up our just-concluded phone conversation, below is my June 10th e-mail request for permission to video the June 17th oral argument on the TRO.

I would appreciate confirmation that permission has been granted, as I know of no reason why it should not be.

Thank you.

Elena Sassower, individual petitioner/plaintiff *pro se*
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Friday, June 10, 2022 4:27 PM

To: 'shetman@nycourts.gov' <shetman@nycourts.gov>

Subject: VIDEO REQUEST: June 17, 2022 Oral Argument on TRO -- CJA, et al. v. JCOPE, et al (Albany Co. #904235-22)

TO: Albany County Supreme Court Justice Peter Lynch

Following up my telephone conversation with your Principal Law Clerk Stehle Hetman-Mika earlier this afternoon, this is to request permission for a videographer to film the oral argument to be held before you at 2 pm on June 17, 2022 of the TRO petitioners/plaintiffs are seeking to stay the "ethics commission reform act of 2022" from taking effect on July 8, 2022 and to enjoin JCOPE from closing, pending final determination of their June 6, 2022 verified petition/complaint and its accompanying order to show cause.

[The TRO – and the case – are of obvious public importance and interest.](#) A video of the oral argument will enable the public to more directly understand the constitutional and legal issues and how our system of government provides for their resolution through the courts.

The videographer has background in filming court proceedings – and was previously engaged by me three times. Twice, in 2018, it was to film proceedings at the Appellate Division, Third Department in the citizen-taxpayer action, *CJA, et al. v. Cuomo, et al.* (3rd Dept App. Div. Docket #527081) – the first time being the [August 2, 2018 oral argument on a TRO](#). The third time was to film the [January 11, 2019 oral argument for a preliminary injunction](#) in a case in which I was NOT a party, *Delgado, et al. v. NYS, et al.* (Albany Co. #907537-18). After allowing the parties to be heard with respect thereto, permission for the filming was granted by Justice Christina Ryba, the justice assigned to the case.

Anticipating your favorable determination, I thank you.

Respectfully,

Elena Sassower, individual petitioner/plaintiff *pro se*
914-421-1200
elena@judgewatch.org