

**INVENTORY OF PLAINTIFF-APPELLANTS' SUBMISSIONS
DOCUMENTING ATTORNEY GENERAL JAMES' LITIGATION FRAUD
AT THE COURT OF APPEALS
IN *CJA v. CUOMO...SCHNEIDERMAN...DiFIORE***

- **plaintiff-appellants' April 11, 2019 letter** entitled "Aiding the Court in Protecting Itself & Appellants' Appeal of Right from the Litigation Fraud of the New York State Attorney General", detailing the fraudulence of Assistant Solicitor General Brodie's March 26, 2019 letter urging the Court's *sua sponte* dismissal of the appeal of right;
- **plaintiff-appellants' May 31, 2019 reargument/renewal/vacatur/disclosure /disqualification motion**, addressed to the Court's May 2, 2019 order dismissing their appeal of right and seeking, as part of its second branch, determination or certification to the U.S. Supreme Court of the threshold issues that the order had concealed, without determination, including:

“d) Whether the Attorney General can lawfully and constitutionally represent defendant-respondents before this Court where she has financial and other interests in the outcome of the appeal? - and manifested same by a fraudulent submission opposing plaintiff-appellants' appeal of right, because she had NO legitimate grounds for opposition;

e) Whether, pursuant to Executive Law §63.1 and State Finance Law Article 7-A, the unrepresented plaintiff-appellants are entitled to the Attorney General's representation and/or intervention before this Court - including by appointment of special counsel? - because it is they who are upholding the 'interest of the state' and the Attorney General has NO legitimate opposition to their appeal of right, nor defense of the course of the proceedings below, obliterating all semblance of the Rule of Law”

and, by its sixth branch:

“Pursuant to §100.3D(2) of the Chief Administrators Rules Governing Judicial Conduct, issuing a show cause order requiring Attorney General Letitia James, Solicitor General Barbara Underwood, Assistant Solicitor General Victor Paladino, and Assistant Solicitor General Frederick Brodie to respond to appellants' April 11, 2019 letter, as expressly sought in its concluding paragraph:

‘if the Attorney General [did] not promptly withdraw her fraudulent March 26, 2019 letter [urging the Court’s *sua sponte* dismissal of the appeal of right] and take steps to secure independent counsel ‘to represent the interest of the state’ pursuant to Executive Law §63.1 and to disqualify herself based on her direct financial and other interests in the appeal’. (at pp. 15-16, underlining in the original).”

- **plaintiff-appellants’ August 8, 2019 motion**, addressed to Assistant Solicitor General Brodie’s July 27, 2019 combined opposition to plaintiff-appellants’ May 31, 2019 reargument/renewal/vacatur/disclosure/disqualification motion and June 6, 2018 motion for leave to appeal, seeking an order:

“1. consistent with this Court’s decision in *CDR Creances S.A.S. v. Cohen, et al*, 23 NY3d 307 (2014), striking, as ‘fraud on the court’, the Attorney General’s June 27, 2019 ‘Memorandum in Opposition to Motions for (i) Leave to Appeal; and (ii) Reargument/Renewal and Other Relief’ and, additionally, the Attorney General’s March 26, 2019 letter opposing appellants’ appeal of right, both signed by Assistant Solicitor General Frederick Brodie on behalf of Attorney General Letitia James and bearing the names of Solicitor General Barbara Underwood and Assistant Solicitor General Victor Paladino;

2. consistent with this Court’s decision in *Matter of Rowe*, 80 NY2d 336, 340 (1992), and *Greene v. Greene*, 47 NY2d 447, 451 (1979), disqualifying the Attorney General from representing her fellow respondents herein – with declarations that such representation is UNCONSTITUTIONAL, in addition to being unlawful, with a further declaration that the Attorney General’s taxpayer-paid representation belongs to appellants, pursuant to Executive Law §63.1 and State Finance Law Article 7-A;

3. pursuant to Court-promulgated 22 NYCRR §130-1.1, et. seq., and consistent with this Court’s decision in *Matter of AG Ship Maintenance Corp v. Lezak*, 69 NY2d 1 (1986), imposing maximum costs and sanctions against Attorney General James and her culpable attorney-staff based on their June 27, 2019 Memorandum in Opposition and March 26, 2019 letter;

4. pursuant to Judiciary Law §487(1) and this Court’s decision in *Amalfitano v. Rosenberg*, 12 NY3d 8, 14 (2009), making such determination as would afford appellants treble damages in a civil action

against Attorney General James and her culpable attorney-staff based on their June 27, 2019 Memorandum in Opposition and March 26, 2019 letter;

5. pursuant to Court-promulgated 22 NYCRR §100.3D(2) (Rules Governing Judicial Conduct) and the law review article ‘The Judge’s Role in the Enforcement of Ethics – Fear and Learning in the Profession’, St. Clara Law Review, Vol. 22 (1982), referring Attorney General James and her culpable attorney-staff for investigation and prosecution by:

(a) appropriate disciplinary authorities for their knowing and deliberate violations of Court-promulgated 22 NYCRR Part 1200 (Rules of Professional Conduct) and, specifically,
Rule 1.7 ‘Conflict of Interest: Current Clients’;
Rule 3.1 ‘Non-Meritorious Claims and Contentions’;
Rule 3.3 ‘Conduct Before A Tribunal’;
Rule 8.4 ‘Misconduct’;
Rule 5.1 ‘Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers’; and
Rule 5.2 ‘Responsibilities of a Subordinate Lawyer’;

(b) appropriate criminal authorities for their knowing and deliberate violations of penal laws, including,
Penal Law §175.35 ‘offering a false instrument for filing in the first degree’;
Penal Law §195 ‘official misconduct’;
Penal Law §496 ‘corrupting the government in the first degree’/’public corruption’ [PUBLIC TRUST ACT];
Penal Law §195.20 ‘defrauding the government’;
Penal Law §190.65 ‘scheme to defraud in the first degree’; Penal Law §155.42 ‘grand larceny in the first degree’; Penal Law §105.15 ‘conspiracy in the second degree’;
Penal Law §20 ‘criminal liability for conduct of another’;

6. pursuant to Article XIII, §5 of the New York State Constitution, taking the steps proscribed ‘by law for the removal for misconduct or malversation in office’ of Attorney General James;

7. granting such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.”

- **plaintiff-appellants’ August 9, 2019 letter** entitled “AGAIN – Aiding the Court in Protecting Itself & Appellants...from the Litigation Fraud of the New York State Attorney General, NOW by its Memorandum in Opposition to Appellants’ May 31, 2019 and June 6, 2019 Motions.... -- & FURTHER NOTICE TO ATTORNEY GENERAL LETITIA JAMES”, specifically as to her duty to furnish the Court with a status report as to the four lawsuits challenging the ‘force of law’ statute which established the Committee on Legislative and Executive Compensation and its December 10, 2018 report and the two lawsuits challenging the ‘force of law’ statute establishing the Public Campaign Financing and Election Commission (at pp. 2-4);
- **plaintiff-appellants’ August 28, 2019 letter** entitled “NOW A THIRD TIME – Aiding the Court in Protecting Itself & Appellants, NOW by its August 19, 2019 opposition to Appellants’ August 8, 2019 Motion to Strike, to Disqualify the Attorney General, & for Other Relief”;
- **plaintiff-appellants’ November 25, 2019 motion**, addressed to the Court’s three October 24, 2019 orders dismissing/denying their May 31, 2019, June 6, 2019, and August 8, 2018 motions, as well as to the Court’s May 2, 2019 order dismissing their appeal of right, whose fourth branch, pursuant to CPLR §5015(a)(3), was to vacate all four 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’;
- **plaintiff-appellants’ December 31, 2019 letter** entitled “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”;
- **plaintiff-appellants’ January 9, 2020 letter** entitled “Sixth branch of appellants’ November 25, 2019 motion: Renewal pursuant to CPLR §2221(e) based on new facts that could not be presented previously...”, with those ‘new facts’ including Assistant Solicitor General Paladino’s litigation fraud before the Court of Appeals in opposition to the direct appeal of right taken by the plaintiffs in *Delgado, et al. v. State of New York, et al.* (at pp. 3-10).