

**INVENTORY OF PLAINTIFF-APPELLANTS' SUBMISSIONS
DOCUMENTING ATTORNEY GENERAL UNDERWOOD'S LITIGATION FRAUD
AT THE APPELLATE DIVISION, THIRD DEPARTMENT
IN *CJA v. CUOMO...SCHNEIDERMAN...DiFIORE***

- **plaintiff-appellants' order to show cause, filed July 25, 2018 and signed August 2, 2018**, whose second branch of relief sought an order:

“directing that Attorney General Barbara D. Underwood identify who has determined ‘the interest of the state’ on this appeal – and plaintiffs-appellants’ entitlement to the Attorney General’s representation/intervention pursuant to Executive Law §63.1 and State Finance Law, §123 *et seq.*, including *via* independent counsel, and how, if at all, she has addressed her own conflicts of interest with respect thereto”

and whose seventh branch sought, as part of its “other and further relief”:

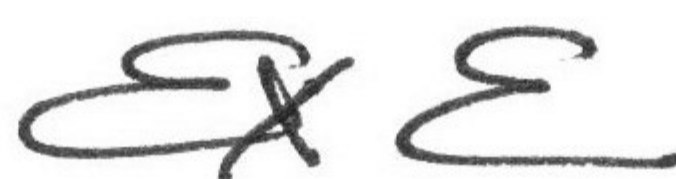
“(a) investigating the handling of plaintiffs-appellants’ September 16, 2017 and October 14, 2016 attorney misconduct complaints, germane to this appeal and this order to show cause, filed with the Third Department Attorney Grievance Committee”;

- **plaintiff-appellants' August 1, 2018 reply affidavit**, demonstrating that Assistant Solicitor General Brodie’s July 23 and 26, 2018 letters urging that their order to show cause not be signed were each “frauds on the court” – and adding, as part of the motion’s “other and further relief”, a request for an order:

“(1) pursuant to 22 NYCRR §130-1.1 *et seq.*, imposing maximum costs and \$10,000 sanctions against Assistant Solicitor General Brodie, as well as against Attorney General Underwood and all complicit supervisory/managerial attorneys under her;

(2) pursuant to Judiciary Law §487(1), assessing penal law penalties against Assistant Solicitor General Brodie, as well as against Attorney General Underwood and all complicit supervisory/managerial attorneys under her, as well as such determination as would afford appellants treble damages against them in a civil action;

(3) pursuant to 22 NYCRR §100.3D(2), referring Assistant Solicitor General Brodie, as well as Attorney General Underwood and all complicit supervisory/managerial attorneys under her to:



(i) the Third Department's Attorney Grievance Committee for their knowing and deliberate violations of New York's Rules of Professional Conduct for Attorneys and, specifically, 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';

(ii) criminal authorities such as Albany County District P. David Soares and the United States Attorney for the Northern District of New York for their penal law violations and for prosecution, including pursuant to Penal Law §496 'Corrupting the government' ['The Public Trust Act'];

(4) pursuant to the Court's inherent power to protect itself, the judicial process, and the public from corruption and fraud, directing Attorney General Underwood – if she has not appeared at the August 2, 2018 oral argument of the TRO – to appear before the Court and/or to immediately furnish the Court with a sworn statement setting forth her answers to each of the five paragraphs of appellant Sassower's July 24, 2018 moving affidavit under the title heading 'Appellants' Entitlement to a TRO and Preliminary Injunction' (¶¶44-49)..."

- **plaintiff-appellants' August 6, 2018 reply affidavit** demonstrating the fraudulence of Assistant Solicitor General Brodie's August 3, 2018 memorandum in opposition to their signed August 2, 2018 order to show cause;
- **plaintiff-appellants' October 4, 2018 reply brief**, demonstrating the fraudulence of Assistant Solicitor General Brodie's September 24, 2018 respondents' brief;
- **plaintiff-appellants' October 9, 2018 reply affidavit**, demonstrating the fraudulence of Assistant Solicitor General Brodie's September 24, 2018 memorandum in opposition to their September 12, 2018 order to show cause to disqualify the appellate panel which decided their August 2, 2018 signed order to show cause;

- **plaintiff-appellants’ October 23, 2018 motion** for an order:
 1. “striking the ‘Brief for Respondents’, signed by Assistant Solicitor General Frederick Brodie, on behalf of Attorney General Barbara Underwood, and bearing the name of Assistant Solicitor General Victor Paladino, as ‘a fraud on the court’, including by its pretense that the attorney general could properly represent respondents;
 2. declaring Attorney General Underwood’s appellate representation of respondents unlawful for lack of any evidence – or even a claim – that it is based on a determination pursuant to Executive Law §63.1 that such is in ‘the interest of the state’, with a further declaration that such taxpayer-paid representation belongs to appellants;
 3. pursuant to 22 NYCRR §130-1.1 et seq., imposing maximum costs and sanctions against Assistant Solicitor General Brodie, Attorney General Underwood, and such other supervisory/managerial attorneys as Assistant Solicitor General Paladino based on their frivolous and fraudulent respondents’ brief;
 4. pursuant to Judiciary Law §487(1), making such determination as would afford appellants treble damages against Assistant Solicitor General Brodie, Attorney General Underwood, and such other supervisory/managerial attorneys as Assistant Solicitor General Paladino in a civil action based on their frivolous and fraudulent respondents’ brief;
 5. pursuant to 22 NYCRR §100.3D(2), referring Assistant Solicitor General Brodie, Attorney General Underwood, and such other supervisory/managerial attorneys as Assistant Solicitor General Paladino to:
 - (a) appropriate disciplinary authorities for their knowing and deliberate violations of New York’s Rules of Professional Conduct for Attorneys and, specifically, 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 §496 ‘corrupting the government’; Penal Law §195 ‘official misconduct’; Penal Law §175.35 ‘offering a false instrument for filing in the first degree’; 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’;

- **plaintiff-appellants’ November 13, 2018 reply affidavit** in further support of their motion to strike the Attorney General’s respondents’ brief as a “fraud on the court”, for a declaration that the Attorney General’s appellate representation is unlawful, & for other relief;
- **plaintiff-appellants’ November 27, 2018 order to show cause, signed on December 2, 2018**, whose third branch sought certification to the Court of Appeals, pursuant to Article VI, §3b(4) of the New York State Constitution, of questions including:

“e. As Executive Law §63.1 predicates the attorney general’s litigation posture on ‘the interest of the state’, does his representation of defendants-respondents by litigation fraud, because he has no legitimate defense, establish that his representation of them is unlawful and that his duty is to be representing plaintiffs-appellants, or intervening on their behalf, in upholding public rights?”

and which, by its fifth branch of “other and further relief”, sought:

“(c) appropriate action”, pursuant to §100.3D(2) of the Chief Administrator’s Rules Governing Judicial Conduct, for the frivolous and fraudulent November 13, 2018 oral argument of Assistant Solicitor General Frederick Brodie, including a show cause order as to why he and supervising and managerial attorneys in the attorney general’s office should not be disciplined (*Cf. Matter of Greenberg*, 15 N.J. 132 (1954));

- **plaintiff-appellants’ December 15, 2018 reply affidavit** demonstrating the fraudulence of Assistant Solicitor General Brodie’s December 10, 2018 memorandum in opposition to their signed December 2, 2018 order to show cause.