

SUPREME COURT OF STATE OF NEW YORK  
NEW YORK COUNTY

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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,

NY Co. #401988-2012

Plaintiffs,

-against-

**MISSING DOCUMENTS:**

Affidavit in support of  
misconduct complaint against  
Chief Deputy County Clerk  
James A. Rossetti, Chief  
Clerk Joseph F. Antonelli, &  
the uniformed officer who  
refused to furnish his name or  
badge number

ANDREW M. CUOMO, in his official capacity  
as Governor of the State of New York,  
ERIC T. SCHNEIDERMAN, in his 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,  
DEAN SKELOS, in his official capacity  
as Temporary President of the New York State  
Senate, THE NEW YORK STATE SENATE,  
SHELDON SILVER, in his official capacity  
as Speaker of the New York State Assembly,  
THE NEW YORK STATE ASSEMBLY,  
JONATHAN LIPPMAN, in his official capacity  
as Chief Judge of the State of New York,  
the UNIFIED COURT SYSTEM, and  
THE STATE OF NEW YORK,

Defendants.

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STATE OF NEW YORK )  
WESTCHESTER COUNTY ) ss.:

ELENA RUTH SASSOWER, being duly sworn deposes and says:

1. I am the above-named *pro se* individual plaintiff, fully familiar with all the facts, papers, and proceedings heretofore had and submit this affidavit in support of a formal complaint against New York County Chief Deputy County Clerk James A. Rossetti and New York County Chief Clerk Joseph F. Antonelli for official misconduct<sup>1</sup> and obstruction of justice<sup>2</sup> in aiding and abetting record tampering<sup>3</sup> in connection with the above-captioned lawsuit, transferred from

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<sup>1</sup> Penal Law §195.00: "Official misconduct":

"A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit:

1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

2. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a class A misdemeanor."

<sup>2</sup> Penal Law §195.05: "Obstructing governmental administration in the second degree":

"A person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act.

Obstructing governmental administration is a class A misdemeanor."

<sup>3</sup> Penal Law §175.20: "Tampering with public records in the second degree:

"A person is guilty of tampering with public records in the second degree when, knowing that he does not have the authority of anyone entitled to grant it, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant.

Tampering with public records in the second degree is a Class A misdemeanor."

Penal Law §175.25: "Tampering with public records in the first degree":

"A person is guilty of tampering with public records in the first degree when, knowing that he does not have the authority of anyone entitled to grant it, and with intent to defraud, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant.

Tampering with public records in the first degree is a class D felony."

Bronx County on September 10, 2012.<sup>4</sup> Additionally, this affidavit is submitted in support of a formal complaint of official misconduct against the uniformed officer, who, on October 19, 2012, acting at the behest of Mr. Rossetti and without basis in fact or law, ordered me to leave the courthouse at 60 Centre Street and refused my requests for reasons, legal authority, his name, or even his badge number. Upon information and belief, such officer is a “major”, occupying the highest-ranking security position at the courthouse.

2. I have no doubt that the misconduct of Messrs. Rossetti and Antonelli is motivated by the fact that Chief Judge Jonathan Lippman and the Unified Court System are named defendants in *Center for Judicial Accountability, Inc. v. Cuomo* [hereinafter “*CJA v. Cuomo*”], which seeks to void the judicial pay raises recommended by the Special Commission on Judicial Compensation.

3. Mr. Rossetti was appointed approximately 27 years ago by New York County Clerk Norman Goodman to be his deputy – and presumably hopes to succeed his 88-year old boss in the near future, which cannot happen unless the Appellate Division, First Department appoints him to be New York County Clerk.<sup>5</sup> He is thus directly dependent on the judiciary, including for the salary he will receive in that position, which is also keyed to judicial salary.<sup>6</sup> As such, Mr. Rossetti shares the judiciary’s direct financial interest in the lawsuit’s demise – an

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<sup>4</sup> All the documents that should be in the New York County case file are posted on CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), accessible via the top panel “Latest News”, whose first section contains a hyperlink entitled “The People’s Lawsuit vs NY’s...Highest Constitutional Officers to Void the Judicial Pay Raises – & Secure Judicial Accountability”.

<sup>5</sup> “...The clerk of each county in the city of New York shall be appointed, and be subject to removal, by the appellate division of the supreme court in the judicial department in which the county is located. ...”, New York State Constitution, Article XIII, §13(a).

outcome that cannot be achieved without obliterating the very document on which the lawsuit rests: plaintiffs' October 27, 2011 Opposition Report to the Special Commission on Judicial Compensation's August 29, 2011 "Final Report" recommending judicial pay raises. That document and its summarizing Executive Summary (Exhibit A) are missing from the lawsuit file.

4. As particularized by another missing document – plaintiffs' March 30, 2012 order to show cause for a preliminary injunction and temporary restraining order – the October 27, 2011 Opposition Report is DISPOSITIVE in establishing:

- that defendants have NO merits defense to the lawsuit;
- that plaintiffs are entitled to summary judgment, *as a matter of law*, and a preliminary injunction by reason thereof; and
- that the Attorney General's representation of defendants, of which he is one, is improper and violates Executive Law §63.1.

5. Indeed, plaintiffs' October 27, 2011 Opposition Report also reinforces what is obvious from the verified complaint in *CJA v. Cuomo*, namely, that the Attorney General's April 13, 2012 cross-motion in Bronx Supreme Court to transfer the case to New York County is a flagrant fraud, as likewise the April 16, 2012 order of Bronx Supreme Court Justice Mary Ann Brigantte-Hughes granting it – there being no basis in fact or law for the pretense that the constitutional and statutory challenge to judicial pay raises in *CJA v. Cuomo* might be barred by the January 31, 2000 filing injunction of then Acting New York County Supreme Court Justice William Wetzel in *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York, NY Co. #108551/99* [hereinafter "the *Commission* case"], even were there any basis in fact or law for

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<sup>6</sup> See N.Y. Cnt. Law §526 (NY Code §526), "Deputy county clerk", and N.Y. Cnt. Law §908 (NY Code §908), "Appointment and salary of county clerks", quoted at footnotes 2 and 3 of my accompanying letter to



the injunction, which there is none.

6. So that there is no doubt as to the sheer volume of the hundreds of pages of documents missing from the record, measuring five inches high – and whose whereabouts Messrs. Rossetti and Antonelli would leave uninvestigated – photos are annexed (Exhibit B).

### **BACKGROUND FACTS**

7. My first contact with Chief Deputy County Clerk Rossetti was on Monday, August 30, 2012. That was the day I discovered, from the website of the Bronx County Clerk's Office (Exhibit C), that Bronx Supreme Court Justice Mary Ann Brigante-Hughes had issued an April 16, 2012 order, transferring *CJA v. Cuomo* (Bronx Co. #302951-2012) to New York County – the sole relief sought by the Attorney General's April 13, 2012 cross-motion, by Assistant Attorney General Andrew Meier. Unable to find any information about the case on the website of the New York County Clerk's Office, I telephoned the New York County Clerk's Office and was eventually routed to Mr. Rossetti, who explained to me that a court order of transfer is not self-executing: that one of the parties in *CJA v. Cuomo* would have had to bring the April 16, 2012 order to the Bronx County Clerk's Office, requisition the record, and pay necessary fees to transfer the case to New York County. Mr. Rossetti further stated that upon being transferred, the case would automatically be assigned a new index number – and placed on a shelf until one of the parties filed an RJI.

8. I thereupon telephoned Mr. Meier, who had never served me with Justice Brigante-Hughes' April 16, 2012 order, nor taken steps to effectuate the transfer, and related to him what Mr. Rossetti had told me (Exhibit D). Mr. Meier then served me, on that very day, with the order, with notice of entry.

9. My second contact with Mr. Rossetti was on Thursday, September 6, 2012, when I phoned to advise him that I had just spoken with Mr. Meier and confirmed with him that the Attorney General's office had taken steps to effectuate the transfer and was, additionally, agreeable to my proposal, relating to the filing of an RJI, that plaintiffs would waive having *CJA v Cuomo* randomly assigned in favor of having it assigned to New York County Supreme Court Justice Richard Braun, then presiding over two lawsuits by judges, suing for judicial pay increases and damages: *Larabee v. Governor* (NY Co. #112301-2007) and *Silverman v. Silver* (#117058-2008) (Exhibit D).

10. My third contact with Mr. Rossetti was on Wednesday, September 12, 2012, when I met him, in person, in Room 161, the County Clerk's Office, where I had gone to find out whether *CJA v. Cuomo* had arrived from Bronx County. It had – and I told this to Mr. Rossetti, who has his office there and gave me his card.

11. I then proceeded to Room 141B, the basement Clerk's Office where the file had been sent for processing. This was then being done by Brenda, who had the file on her desk and beside it – and I examined it there, in her presence. Immediately apparent to me was that most of the record – indeed, its most essential portions – were not there: plaintiffs' original summons and verified complaint, ALL the exhibits to the verified complaint, and plaintiffs' order to show cause for a preliminary injunction and TRO were missing. It further appeared that Brenda was going to be disassembling the contents of five boxes and a redweld, and throwing out the boxes and redweld, without any recognition that they and their contents were original documents pertaining to the record of the separate *Commission* case – which I had filed in substantiation of my April 16, 2012 affidavit opposing the Attorney General's transfer cross-motion (see ¶¶43-46 thereof).

12. Such was how I came into contact with Chief Clerk Antonelli, as he was Brenda's superior. After waiting to speak with him, I told him that I believed he had helped me twelve years earlier in connection with the *Commission* case. I related to him that based upon what I had seen at Brenda's desk, the most important documents in *CJA v. Cuomo* were missing. I asked that he verify this, as well as ensure that the Clerk's Office preserve the original documents from the *Commission* case, including the boxes and redweld. He assured me he would attend to it when he finished with other matters with which he was dealing and gave me his card.

13. Either that day or the next, I telephoned Mr. Meier to report the situation – and what had transpired at the September 12, 2012 oral argument before Justice Braun in *Silverman v. Silver*. Mr. Meier then assisted by sending me the name of the transfer clerk in Bronx County, Victor Martinez (Exhibit E). I followed up with him and, thereafter, with Bronx County Records Management Officer Mark Nusenbaum. I also telephoned Justice Brigantte-Hughes' law secretary, Scott Krompinger, as well as court stenographer JoAnn DiDonato who had transcribed the March 30, 2012 and April 16, 2012 court proceedings before Justice Brigantte-Hughes.

14. On Friday, September 14, 2012, I telephoned Mr. Antonelli to find out what he had determined with respect to the file and to impart to him what I had learned. As I recollect, the call was routed to him upstairs in Room 161. I believe he stated he had not yet gotten to it, as he assured me that he would personally supervise the intake of the case. Later that day, I sent him an e-mail memorializing our conversation and itemizing the documents I believed to be missing from the file.

15. Entitled "Missing Records...", my September 14, 2012 e-mail to Mr. Antonelli – with a copy to Mr. Rossetti – read:

“Following up our phone conversation earlier today in which you assured me that you would personally supervise the Clerk’s Office’s intake of the lawsuit *Center for Judicial Accountability, Inc. v. Cuomo, et al*, transferred from Bronx County (Index #302951/2012) on Monday, September 10<sup>th</sup> (NY log #0114) this is to reiterate my belief that the five boxes of materials, four decorated in red-white-and-blue, stars and stripes wrapping, and all five bearing motion labels from the New York Court of Appeals should not be taken apart, as they are ORIGINAL RECORDS, delivered by me to the Court of Appeals, in those very boxes, on May 1, 2002. The three large boxes contain a FULL COPY OF THE LOWER COURT RECORD in the separate case *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York*. The two smaller boxes contain additional documents submitted to the Court of Appeals in the *Commission* case in support of my May 1, 2002 motion to disqualify its judges.

I also believe that the motion papers before the Court of Appeals in the *Commission* case – contained in a redweld which I did not see and which may be among the missing documents – should also not be taken apart, as such redweld and motion papers are also ORIGINAL documents.

The aforesaid five boxes of the *Commission* case is the bulk of what was shipped to New York County by Bronx County. What was not shipped, apparently, is MOST of the record of *Center for Judicial Accountability, Inc. v. Cuomo* -- the case purported to be transferred and to which NY Co. index #401988/2012 was assigned. The following I also did not see – and may be missing:

- (1) the original Summons and Verified Complaint, dated March 30, 2012 – as opposed to the photocopy I saw;
- (2) ALL the exhibits to the Verified Complaint, *to wit*:
  - A. Exhibits A-Q, constituting a Compendium of Exhibits to the Verified Complaint;
  - B. Chapter 567 of the Laws of 2010;
  - C. The ‘Final Report of the Special Commission on Judicial Compensation’, August 29, 2011
  - D. Plaintiffs’ October 27, 2011 ‘Opposition Report to the ‘Final Report of the Special Commission on Judicial Compensation’, with its two-volume Compendium of Exhibits
  - E. The two final motions in *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York*, (a) October 15, 2002 motion for reargument, vacatur for fraud, lack of jurisdiction, disclosure & other relief; and (2) October 24, 2002 motion for leave to appeal[] – with the Court of Appeals’ December 17, 2002 decision/orders thereon;

- (3) plaintiffs' March 30, 2012 order to show cause for a preliminary injunction with TRO;
- (4) my April 16, 2012 affidavit in opposition to the Attorney General's April 13, 2012 cross-motion for transfer to NY County and in further support of plaintiffs' order to show cause;
- (5) the two stenographic transcripts of the proceedings before Justice Mary Ann Brigante-Hughes on March 30, 2012 and April 16, 2012.

Please advise, at your earliest convenience, if you see any of the aforesaid documents that I believe to be missing, so that I can communicate same to the Bronx County Clerk's Office so that it does not waste time searching for them. Bronx Co. Transfer Clerk Victor Martinez has been endeavoring to hunt them down (718-618-3323) and has enlisted Records Management Officer Mark Nusenbaum (718-618-3377).

Thank you." (Exhibit F, at pp. 2-4, underlining and capitalization in original).

16. Six days later, on September 20, 2012, I sent Mr. Antonelli a second e-mail, also with a copy to Mr. Rossetti. Entitled "STATUS: Missing Records...", it read:

"Dear Mr. Antonelli,

As I have received no response from you to my below e-mail, kindly advise as to whether you have made any progress in locating the indicated missing records in the transmittal of *Center for Judicial Accountability, Inc. v. Cuomo* (NY Co. #401988/2012) from Bronx County.

Thank you." (Exhibit F, at p. 2).

17. Eight days later, on September 28, 2012, I sent Mr. Antonelli a third e-mail, again with a copy to Mr. Rossetti. Entitled "WHAT IS THE STATUS? Missing Records...", it read:

"Dear Mr. Antonelli,

I have received no response from you to the below two e-mails, sent on September 14<sup>th</sup> and September 20<sup>th</sup>. If you have not responded, please do so as soon as possible, so that I may know the status of the record of *Center for Judicial Accountability, Inc. v. Cuomo*.

Thank you." (Exhibit F, at p. 2).

18. Twelve days later, on Wednesday, October 10, 2012, having not received any response from Mr. Antonelli to my e-mails, I telephoned to speak with him. Simultaneously, I memorialized what was happening on the phone in an e-mail to Mr. Antonelli, with a copy to Mr. Rossetti. Entitled “I HAVE BEEN WAITING ON THE LINE: WHAT IS THE STATUS? Missing Records...”, it read:

“Dear Mr. Antonelli,

I telephoned to speak with you at approximately 9:05 a.m. this morning, as I have received no response from you to the below three [e-mails], sent on September 14<sup>th</sup>, September 20<sup>th</sup>, and September 28<sup>th</sup>, inquiring as to the status of the record of *Center for Judicial Accountability, Inc. v. Cuomo*. I believe your assistant, Kathy Griffith, picked up. After I identified who I was and what I was inquiring about, she put me on hold – following which a woman from “notary” came on the phone, saying you were not available. I asked if it was Ms. Griffith who I had been speaking with previously and the woman confirmed that it was. I asked if I might wait to speak with her again and the woman said yes. It is now more than 20 minutes that I have been waiting.

I will now hang up the phone. Please call me without delay – and no later than the end of the day – so that I may [k]now the status of the record of the case.

Thank you.” (Exhibit F, at pp. 1-2).

19. Once again, I received no response from Mr. Antonelli.

20. The following day, Thursday, October 11, 2012, I put in a call to Mr. Rossetti, thereupon sending one last e-mail to Mr. Antonelli, with a copy to Mr. Rossetti. Entitled “Call to Chief Deputy Clerk Rossetti: WHAT IS THE STATUS? Missing Records...”, it stated:

“Dear Mr. Antonelli,

Having not heard from you, in response to my yesterday’s e-mail (below, correcting typos), I have just now left a phone message for Mr. Rossetti (646-386-5956), who, apparently, is not in his office today, but will be there tomorrow.

Please advise as to the status of the record of *Center for Judicial Accountability, Inc. v. Cuomo*, as it is now nearly a month that I have been waiting to hear from you about it.

Thank you.” (Exhibit F, at p. 1, underlining in the original).

21. Again, I received no response from Mr. Antonelli – and the next day, Friday, October 12, 2012, I telephoned Mr. Rossetti. To my recollection, Mr. Rossetti expressed no disapproval of Mr. Antonelli’s failure to respond to my e-mails or to otherwise apprise me of what he had determined as to the state of the record of *CJA v. Cuomo* and how it was to be processed. Indeed, Mr. Rossetti was so unconcerned about original documents that were missing or undertaking any investigation of what might have happened to them that he asked me if I had copies of such documents as I believed were missing so that they could be replaced if, in fact, they were missing. As for the determination as to whether they were missing, Mr. Rossetti instructed me to come to the courthouse and review the file.

22. Consequently, on Friday, October 19, 2012, I came to the courthouse and went to Room 141B. I was informed that Mr. Antonelli was not in. However, I did speak with Brenda, who told me I could requisition the file from the record room, which is what I did.

23. The file of *CJA v. Cuomo* that was initially brought out to me consisted of a relatively slim envelope – too slim to even contain the exhibits to plaintiffs’ verified complaint, all of which were missing. While I examined the documents in the envelope, the records room employee who had brought it out searched for the five boxes constituting the record of the *Commission* case, which I told him were part of the record of *CJA v. Cuomo*.

24. So as to be able to discuss with Mr. Rossetti the results of my review, I jotted down the documents in the envelope – virtually none file-stamped by Bronx County. In rough chronological order these documents, all file-stamped by New York County, consisted of the following:

- (a) plaintiffs' March 30, 2012 RJI (2 pages);
- (b) 83 unstapled pages under a bulldog clip, consisting of a copy of plaintiffs' March 30, 2012 summons and verified complaints, on whose first page was a handwritten notation in yellow marker "COPY", without any exhibits
- (c) Justice Brigantte-Hughes' March 30, 2012 order
- (d) plaintiffs' April 5, 2012 letter/affidavit of service for summons, verified complaint
- (e) three originals of the Attorney General's April 13, 2012 notice of cross-motion, memorandum of law, & Assistant Attorney General Meier's affirmation with exhibits:
  - One marked "ORIGINAL", with original stapled binding
  - One marked "COURTESY COPY", with original stapled binding
  - One unstapled, whose notice of cross-motion contained on the reverse side of its first page multiple stamps, dated 4/13/12 (Bronx S.Ct/Civil Division: 10 am; Bronx Co. Clerk's Office: 2:45 pm; No Fee/Clerk's Office) and whose exhibits to Assistant Attorney General Meier's affirmation were separate and unstapled;
- (f) an unstapled original of plaintiff Elena Sassower's April 16, 2012 affidavit in opposition to cross-motion – and, separately, the unstapled exhibits
- (g) Justice Brigantte-Hughes' April 16, 2012 transfer order;
- (h) the Attorney General's August 30, 2012 notice of entry for Justice Brigantte-Hughes' April 16, 2012 order, stapled under a back containing, in addition, an August 31, 2012 letter requesting transfer;
- (i) Bronx Co. Clerk Administrative System: certification stamp-Bronx 9/10/12; NY Co. stamped 9/11/12;
- (j) application for index number pursuant to CPLR 8018/transfer from Bronx.

25. By the time I finished reviewing the contents of the envelope, the records room employee had found the boxes consisting of the original record in the *Commission* case, which he had stacked on a wagon. Rather than lug them to the patron tables, I asked if I might review them behind the counter – and was told that I could. I then quickly went through the boxes, marveling aloud that each and every document had been file stamped by the New York County



Clerk's Office, yet maintained in the original folders, boxes, and redweld, carefully inserted in new, sturdier boxes.

26. I thereupon went to thank Brenda for the superlative job she had done in preserving the original record of the *Commission* case – leaving a message for her with her colleagues, as she was not then at her desk. I then continued upstairs to Room 161 to see Mr. Rossetti. I told him that I had reviewed the file, that mostly all the documents that I had not seen on September 12, 2012 and which my September 14, 2012 e-mail to Mr. Antonelli had itemized (Exhibit F, at pp. 3-4) were missing.<sup>7</sup> Mr. Rossetti responded that Mr. Antonelli was “out of the equation” and asked me whether I had printed out the minutes from the Clerk's Office, which I said I had not. He then went to a computer terminal in the next room, asking me to supply him the index number, which I did. He then saw that there were no minutes.

27. We went downstairs to the record room. Mr. Rossetti went in back of the counter and took the envelop from court personnel, inquiring of them whether they had allowed me to take it to the tables to examine, as if I should not be accorded the same privilege as everyone else who fills out a requisition slip. Without explanation, he refused to examine the contents of the envelope with me, which I implored him to do so that I could show him what I had found. Instead, he announced that he was going to bar me from accessing the file in the future, implicitly accusing me – without any basis whatever – of having tampered with it – a charge he appeared to back away from when, upon inquiring of the records room personnel whether I had also taken the accompanying boxes to the table, he was told I had not. He repeated to me that any

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<sup>7</sup> The documents that I found – and which were not missing – were: (1) my April 16, 2012 affidavit in opposition to the Attorney General's April 13, 2012 cross-motion and in further support of plaintiffs' order to show cause for a preliminary injunction – whose unstapled pages were between the unstapled pages of Mr.

documents I believed to be missing could be replaced with duplicates – and that no investigation of the matter would be undertaken. Upon my protest that removing original documents from a court record was a crime and that it was the duty of the Clerk’s Office to ensure the integrity of original record documents by investigation and, if warranted, by securing criminal prosecutions of those responsible for tampering, he threatened that if I did not immediately leave he would call officers to remove me. Upon my asking him the basis upon which he was requiring me to leave, he stated it was because I was “argumentative”.

28. There was nothing “argumentative” in anything I said. Nor, for that matter, was there anything accusatory. Indeed, I explicitly told Mr. Rossetti that I was not accusing New York County of having removed original documents from the file. I was simply asking that its Clerk’s Office verify that original documents which should have been in the transferred file were not and that it take investigatory steps, beginning with a request to the Bronx County Clerk’s Office that it undertake an official search and investigation. Mr. Rossetti’s response was to continue to demand that I leave, which I stated I would do by going upstairs to Room 161 to report his behavior to New York County Clerk Norman Goodman, who I mistakenly called “Mr. Brownstein”. I additionally stated my intention to file complaints with the Unified Court System’s Inspector General and the Manhattan District Attorney’s Office.

29. I thereupon went to Room 161, the Office of New York County Clerk Goodman. In the absence of Mr. Goodman, I spoke with his counsel, Phyllis M. Mingione, summarizing Mr. Rossetti’s belligerent and abusive conduct toward me just moments before – and the background facts pertaining to the file, spanning the preceding month. As I was doing so, Mr.

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Meier’s April 13, 2012 affirmation and the unstapled exhibits to that affirmation; and (2) the redweld containing the Court of Appeals submissions and decisions in the *Commission* case.

Rossetti walked in and bellowed at me to leave, threatening to have officers remove me, and thereupon exiting. I remained speaking with Ms. Mingione for another minute or two, following which, upon leaving and entering the ground floor rotunda, I encountered Mr. Rossetti with two, or possibly three, uniformed officers.

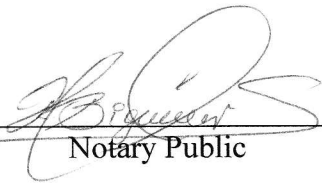
30. In Mr. Rossetti's presence, the head officer, wearing a uniform that bore the words "major", demanded that I leave the building. He refused my requests for an explanation or legal authority, as likewise, he refused my requests for his name or even his badge number. I was bodily escorted out, by one officer alongside me and at least another behind.

31. I thereupon immediately telephoned Mr. Meier – an indicated recipient to all my e-mails to Mr. Antonelli (Exhibit F), giving him Ms. Mingione's telephone number, which he requested, and recounting what had taken place. I told him that I would be putting something in writing in support of complaints to be filed with appropriate authorities.



ELENA RUTH SASSOWER

Sworn to before me this  
26<sup>th</sup> day of October 2012



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Notary Public

**MERECLEA BIGUEUR SANTIAGO**  
Notary Public, State of New York  
No. 01BI6259638  
Qualified in Westchester County  
Commission Expires April 16, 2016

## TABLE OF EXHIBITS

- Exhibit A: photos of documents missing from the file of *Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.*, NY Co. #401988-2012  
2 photos of 5-inch volume of missing documents  
1 photo of missing exhibits to Verified Complaint  
2 photos of missing October 27, 2011 Opposition Report  
& missing 2-volume Compendium of Exhibits
- Exhibit B: Executive Summary to CJA’s October 27, 2011 Opposition Report to the August 29, 2011 “Final Report” of the Special Commission on Judicial Compensation
- Exhibit C: Bronx County Clerk Office’s website: Case File Summary for *Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.*, Bronx Co. #302951-2012  
(1) August 30, 2012 print-out  
(2) October 25, 2012 print-out
- Exhibit D: Elena Sassower’s August 30, 2012 letter to Assistant Attorney General Andrew Meier
- Exhibit E: Assistant Attorney General Andrew Meier’s September 12, 2012 and September 13, 2012 e-mails
- Exhibit F: Elena Sassower’s unresponded-to e-mails to Chief Clerk Joseph F. Antonelli, with cc’s to Chief Deputy County Clerk James A. Rossetti, Assistant Attorney General Andrew Meier, & Bronx Co. Records Management Officer Mark Nusenbaum
- (1) October 11, 2012 e-mail:  
“Call to Chief Deputy Clerk Rossetti: WHAT IS THE STATUS? Missing Records...”
  - (2) October 10, 2012 e-mail:  
“I HAVE BEEN WAITING ON THE LINE: WHAT IS THE STATUS? Missing Records...”
  - (3) September 28, 2012 e-mail:  
“WHAT IS THE STATUS? Missing Records...”
  - (4) September 20, 2012 e-mail:  
“STATUS: Missing Records...”
  - (5) September 14, 2012 e-mail:  
“Missing Records...”