

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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,

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official capacity as Governor of the State of New York, DEAN SKELOS in his official capacity as Temporary Senate President, THE NEW YORK STATE SENATE, SHELDON, in his official capacity as Assembly Speaker, THE NEW YORK STATE ASSEMBLY, ERIC T. SCHNEIDERMAN, in his official capacity as Attorney General of the State of New York, and THOMAS DINAPOLI, in his official capacity as Comptroller of the State of New York,

Defendants.

**RESPONSE TO
DISCOVERY DEMAND**

Index No. 1788-14

Defendants Andrew M. Cuomo, Dean Skelos, NYS Senate, Sheldon Silver, and NYS Assembly, for their response to plaintiffs' Interrogatories and Document Demands dated December 8, 2014 state:

1. [Statute omitted]

- a. What was the span of days between the Governor's submission of the executive budget for fiscal year 2014-15 and its enactment by the Legislature?

Response: Object to form. Notwithstanding, and without waiving, said objection, January 21, 2014 to March 31, 2014.

- b. What dates were announced by the Chairs of the Senate Finance Committee and Ways and Means Committee as the schedule for the public hearings to be held pursuant to Legislative Law 32-a for the executive budget for fiscal year 2014-15[?]

Response: Object to form. Notwithstanding, and without waiving, said objection, see **Exhibit A**.

- c. Were the Senate Finance Committee's other 36 members and the Assembly Ways and Means Committee's other 34 members consulted, and did they vote upon, the schedule announced by their Chairs? Was there no objection – or questioning by them – about combining the fiscal committees' public hearings for members of the public to testify, pursuant to Legislative Law 32-a, with the public hearings for agency and department heads to testify, pursuant to Article VII, 2 of the New York State Constitution and Legislative Law 31 – with the public's testimony relegated to the end?

Response: Object to the form. Further, this question is argumentative and prohibited by the Speech and Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

- d. Why were no public hearings scheduled to be “conducted regionally”? Have the fiscal committees ever scheduled regional public hearings pursuant to Legislative Law 32-a?

Response: Object to the form. Further, this question is overbroad and prohibited by the Speech and Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

- e. Why was no hearing separately scheduled for the Judiciary and Legislature's proposed budgets, consistent with the status of the Judiciary and Legislature as separate government branches whose budgeting is differentiated from the Executive branch by Article VII, 1 and 4 of the New York State Constitution?

Response: Object to the form. Further, this question is argumentative and prohibited by the Speech and Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

- f. Why was the hearing on the Judiciary's proposed budget placed within the hearing on “Public Protection”, rather than “Local Government Officials/General Government”?

Response: Object to the form. Further, this question is prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

- g. Would a hearing for the Legislature's proposed budget have also been in "Public Protection" inasmuch as the Legislature's lawmaking and oversight functions are "public protection" equal to the "public protection" of a functioning Judiciary branch?

Response: Object to the form. Further, this question is argumentative, speculative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

- h. Why did the fiscal committees hold no hearing on the Legislature's proposed budget? Have they ever held a hearing on the Legislature's proposed budget? Shouldn't the presiding officers of each house of the Legislature appear before the Legislature's fiscal committees to publicly justify the "itemized estimates of the financial needs" that Article VII, 1 of the New York State Constitution charges them with certifying – just as the Chief Administrative Judge appears before the fiscal committees in support of the Judiciary's "itemized estimates of . . . financial needs", approved by the Court of Appeals and certified by its chief judge, pursuant to Article VII, 1?

Response: Object to the form. Further, this question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Notwithstanding, and without waiving, said objection, see **Exhibit A**.

- i. At what hearing did the fiscal committees believe the Governor's Executive budget appropriations for the Commission to Investigate Public Corruption should be heard? Would it be part of the hearing on "public protection"?

Response: Response: Object to the form. Further, this question is overbroad and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

2. Explain how the Chair of the Senate Finance Committee and Chair of the Assembly Ways and Means Committee complied with Legislative Law 32-a in ignoring, without response, plaintiffs' requests to testify in opposition to the Legislature's proposed budget and the Governor's Legislative/Judiciary Budget Bill #S.6351/A.8551 embodying and expanding it. What was the basis for the denial? Supply all corroborative documents.

Response: Object to the form. Further, the question is overbroad, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

3. Explain how the Chair of the Senate Finance Committee and Chair of the Assembly Ways and Means Committee complied with Legislative Law 32-a in ignoring, without response, plaintiffs' requests to testify in opposition to the Legislature's proposed budget and the Governor's Legislative/Judiciary Budget Bill #S.6351/A.8551 embodying and expanding it. What was the basis for their doing so? Supply all corroborative documents.

Response: Object to the form. Further, the question is overbroad, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

4. Explain how the Chair of the Senate Finance Committee and Chair of the Assembly Ways and Means Committee complied with Legislative Law 32-a in ignoring, without response, plaintiffs' requests to testify in opposition to the Governor's appropriations for the Commission to Investigate Public Corruption. Embedded in his Executive budget. What was the basis for their doing so? Supply all corroborative documents.

Response: Object to the form. Further, the question is overbroad, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

5. How many requests did the Senate Finance Committee and Assembly Ways and Means Committee receive from members of the public requesting to testify:

(a) in opposition to the Judiciary's proposed budget and the Governor's Legislative/Judiciary Budget Bill #S.6351/A.8551?;

(b) in opposition to the Legislature's proposed budget and the Governor's Legislative/Judiciary Budget Bill #S.6351/A.8551?; and

(c) in opposition to the Governor's appropriations for the Commission to Investigate Public Corruption, embedded in his Executive budget?

How many members of the public were granted permission to testify? What was the criteria? Supply all corroborative documents.

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

6. How many requests did the Senate Finance Committee and Assembly Ways and Means Committee receive from members of the public to testify?
 - (a) in support of the Judiciary's proposed budget and the Governor's Legislative/Judiciary Budget Bill #S.6351/A.8551?;
 - (b) in support of the Legislature's proposed budget and the Governor's Legislative/Judiciary Budget Bill #S.6351/A.8551?; and
 - (c) in support of the Governor's appropriations for the Commission to Investigate Public Corruption, embedded in his Executive budget?

How many were granted permission to testify. What was the criteria? Supply all relevant documents.

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

7. What was the criteria for the Senate Finance Committee posting "Miscellaneous Testimonies" on its website [footnote omitted], including written statements of the New York County Lawyers' Association and the New York State Bar Association in support of the proposed Judiciary budget and Budget Bill #S.6351/A.8551, while providing no opportunity to plaintiffs for the posting of any written statement of opposition? Having deprived plaintiffs of their right under Legislative Law 32-ato give live testimony at the February 5, 2014 "public protection" hearing, why did the Chairs and Ranking Members of the fiscal committees ignore plaintiffs' February 28, 2014 e-mail (Exhibit L) for the posting of their February 21, 2014 letter of opposition, with its five substantiating enclosures?

Response: Object to the form. Further, the question is overbroad, unduly burdensome, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

8. Plaintiffs' February 21, 2014 letter (Exhibit K-1) [footnote omitted], addressed to the Chairs and Ranking Members of the Senate Finance Committee and the Assembly Ways and Means Committee, was entitled:

“Restoring Value to Your Sham and Rigged February 5, 2014 ‘Public Protection’ Budget Hearing on the Judiciary’s Proposed Budget by Appropriate Questioning of Chief Administrative Judge Prudenti”.

What did the Chairs and Ranking members do with the “Questions for Chief Administrative Judge Prudenti” (Exhibit K-2)? – the most important of the letter’s five enclosures. Did they disagree with the letter’s assertion that “the state’s taxpayers are entitled to answers from Chief Administrative Judge Prudenti” and that her repetitively-stated readiness, at the February 5, 2014 “public protection” hearing, to answer questions and furnish information and her assertion “I want to be straightforward and honest with you at all times”, left them with “no excuse for not securing her answers?”

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

9. Did the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee forward the “Questions for Chief Administrative Judge Prudenti” to Chief Administrative Prudenti for response?, as plaintiffs’ February 21, 2014 letter requested. And if not, why not?

Response: Object to the form. Further, the question is repetitive, overbroad, unduly burdensome, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

10. And what about the rank and file members of the Senate Finance Committee and Assembly Ways and Means Committee, all indicated recipients of the February 21, 2014 letter (Exhibit K-1, p. 12) – to whom plaintiffs e-mailed the letter (twice) under the subject heading:

“(Again,) HEADS UP! – What’s Been Happening with the Judiciary & Legislative Budgets -- & Appropriations for the Commission to Investigate Public Corruption?” (Exhibit K-4)

Did they read the February 21, 2014 letter, alerting them to “willful misfeasance and nonfeasance” of their fiscal committee Chairs and Ranking Members with respect to plaintiffs’ requests to testify pursuant to Legislative Law 32-a -- and stating that if their fiscal committee Chairs and Ranking Members did not forward the “Questions for Chief Administrative Judge Prudenti” to Chief Administrative Judge Prudenti, we would ask them to do so? And did they not further see that their fiscal committee Chairs and Ranking Members had not responded to our requests for the fiscal notes and introducer’s memoranda for Legislative/Judiciary Budget Bill #S.631/A.8551, required by Senate Rule VII, 7, Senate Rule VII, 1, and Assembly Rule III, 1(f) – the absence of which

would prevent them from voting the bill out of committee. Did the rank and file members believe there was nothing they needed to do? If so, why was that?

Response: Object to the form. Further, the question is overbroad, unduly burdensome, argumentative, harassing and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

11. What about the Chairs and Ranking Members of the other “appropriate committees” of the Senate and Assembly having oversight over the Judiciary and government integrity:

- the Chair and Ranking Members of the Senate Judiciary Committee;
- the Chair and Ranking Member of the Assembly Judiciary Committee;
- the Chairs and Ranking Member of the Senate Committee on Investigations and Government Operations;
- the Assembly Committee on Governmental Operations;
- the Assembly Committee on Oversight, Analysis and Investigation?

To each of them plaintiffs addressed a March 4, 2014 letter (Exhibit M-1), enclosing the February 21, 2014 letter (Exhibit K-1) and its “Questions for Chief Administrative Judge Prudenti” (Exhibit K-2), and expressly stating:

“As will be immediately obvious upon your reading our enclosed ‘Questions for Chief Administrative Judge Prudenti’, these are the very types of questions any competent, unconflicted legislative committee with oversight over the Judiciary Committee and its budget would require Chief Administrative Judge Prudenti to answer. If you will not schedule committee hearings to get her live answers, what is your excuse for not forwarding her the questions for her written answers?”

By this letter, we request that individually, if not collectively, you promptly forward our ‘Questions for Chief Administrative Judge Prudenti’ to her for response so that, by the time our committees next meet, you will have her written answers for your rank and file committee members to review and discuss.”
(Exhibit M-1, p. 2. underlining in the original).

Did these Chairs and Ranking Members of five additional “appropriate committees” of the Legislature forward the “Questions for Chief Administrative Judge Prudenti” (Exhibit K-2) to her for response. If not, why not?

Response: Object to the form. Further, the question is overbroad, unduly burdensome, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

12. And what did these Chairs and Ranking Members do with the “Questions for Temporary Senate President Skelos & Assembly Speaker Silver” (Exhibit M-2), which plaintiffs’ March 4, 2014 letter enclosed for them to forward to Senate President Skelos and Assembly Speaker Silver for response? Did they forward them to Temporary Senate Skelos and Assembly Speaker Silver? And, if not, why not?

Response: Object to the form. Further, the question is overbroad, unduly burdensome, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

13. How about the indicated recipients of the March 4, 2014 letter (Exhibit M-1, p. 6): the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee, the Senate and Assembly Leadership, these being, in addition to Temporary Senate President Skelos and Assembly Speaker Silver, Temporary Senate President Klein, Senate Minority Leader Stewart-Cousins, and Minority Leader Kolb, as well as plaintiffs’ own Senator George Latimer (37th Senate District) and Assemblyman David Buchwald (93rd Assembly District)? Did none of them believe that the duties of their office required action on their part - -the most minimal of which was that answers be furnished to the two sets of “Questions” enclosed with the March 4, 2014 letter?

Response: Object to the form. Further, the question is overbroad, unduly burdensome, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11.

14. Plaintiffs’ 23 “Questions for Temporary Senate President Skelos & Assembly Speaker Silver” (Exhibit M-2) are attached and herein incorporated by reference as Interrogatory Question #14 for response by Temporary Senate President Skelos and Assembly Speaker Silver.

Response: Object to the form. Further, this question, and those incorporated by reference, are argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question, and those incorporated by reference, are no longer at issue in this case pursuant to the court’s October 9, 2014 Decision and Order.

15. Plaintiffs’ 32 “Questions for Chief Administrative Judge Prudenti” (Exhibit K-2) are attached and herein incorporated by reference as Interrogatory Question #15. If none of the defendant legislators saw fit to forward them to Chief Administrative Judge

Prudenti for response – and to ensure that her response was forthcoming – they may be presumed capable of answering the Questions themselves. These should be answered, in the first instance, by the Chairs and Ranking members of the Senate Finance Committee and Assembly Ways and Means Committee, to whom they were first furnished.

Response: Object to the form. Further, this question, and those incorporated by reference, are overbroad, unduly burdensome, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question, and those incorporated by reference, are no longer at issue in this case pursuant to the court’s October 9, 2014 Decision and Order.

Part II

16. On or about November 27, 2013, defendants Temporary Senate President Skelos and Assembly Speaker Silver transmitted a proposed Legislative budget for fiscal for 2014-15 to defendant Governor Cuomo. What did defendant Governor Cuomo do, upon receipt thereof, to ensure proper review and analysis, consistent with his/her constitutional, statutory, and rule responsibilities?

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court’s October 9, 2014 Decision and Order.

17. On or about November 29, 2013, Chief Administrative Judge Gail A. Prudenti transmitted the Judiciary’s two-part proposed budget for fiscal year 2014-15 to 12 defendants herein: “Honorable Andrew M. Cuomo”; “Honorable Sheldon Silver”; “Honorable Dean G. Skelos”; “Honorable Jeffrey D. Klein”; “Honorable Andrea Stewart-Cousins”; “Honorable Brian M. Kolb”; “Honorable John DeFrancisco”; “Honorable Herman D. Farrell, Jr.”; “Honorable Liz Krueger”; “Honorable Robert C. Oaks”; “Honorable John J. Bonacic”; and “Honorable Helene E. Weinstien”. What did defendant Governor and each of these 11 defendant legislators do, upon receipt of the Judiciary’s proposed budget, to ensure proper review and analysis, consistent with his/her constitutional, statutory, and rule responsibilities?

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court’s October 9, 2014 Decision and Order.

18. Furnish a copy of the Senate's "White Book" and "Blue Book" and the Assembly's "Yellow Book" and "Green Book" pertaining to the Executive Budget for fiscal year 2014-15.

Response: Defendants object to this demand as it related to claims no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order. Notwithstanding, and without waiving, this objection, a copy of the Yellow Book is annexed hereto at **Exhibit B**. Annexed hereto at **Exhibits C** and **D** are copies of the White Book and Blue Book, respectively. No Green Book was published for fiscal year 2014-15.

PART III

[Senate rules omitted]

19. Explain how Legislative/Judiciary Budget Bill #S.6351/A.8551, which was not accompanied by fiscal notes, fiscal impact statements, and introducer's memoranda, complied with those requirements, set forth by Senate Rule VII, 7, Senate Rule VII, 1, and Assembly Rule III, 1(f). [Parenthetical omitted]

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

20. Explain how Legislative/Judiciary Budget Bill #S.6351/A.8551, whose unidentified and unitemized funding of the third-phase of the judiciary salary increase modified Judiciary Law, Article 7-B, without identifying that fact, complied with the requirement that such be so-stated, set forth in Senate Rule VII, 4 "Title and body of bill" and in Assembly Rule III, 1 "Contents".

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

21. Explain how Legislative/Judiciary Budget Bill #S.6351/A.8551, which, on March 28, 2014, morphed into #S.6351-A/A.8551-A, complied with the requirements that an amended bill identify what the amendment consists of, set forth in Senate Rule, VII, 4(b), and Assembly Rule III, 6, and Assembly Rule IV, 6(f).

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

22. Identify by whom and how Legislative/Judiciary Budget Bill #S.6551/A.8551 was amended and the nature of the amendment [inter alia, Senate Rule IX, 6].

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

23. Explain when and in what fashion Legislative/Judiciary Budget Bill #S.6351/A.8551 complained with Senate Rule VIII, 3, 4, 5 and Assembly Rule IV, 2, 4, 6 regarding committee meetings, committee hearings, committee votes, and committee reports.

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

24. Explain how introduction and passage of Senate Resolution #4306 and Assembly Resolution #914 complied with pertinent Senate and Assembly Rules [parenthetical omitted].

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

25. Explain how the Legislature complied with Rule III of the Permanent Joint Rules of the Senate and Assembly, and, most specifically as to the votes, and reports of the Joint Budget Conference Committee and its Joint Subcommittee on "Public Protection".

Response: Object to the form. Further, the question is argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information

relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

PART IV
INTERROGATORY QUESTIONS & DOCUMENT DEMANDS BASED ON
DEFENDANTS' VERIFIED ANSWER TO PLAINTIFFS' VERIFIED COMPLAINT

26. [Extraneous commentary and argument omitted]

. . . (1)whether he/she responded to the letters; and (2) whether the letters are “true and correct in all material respects”. These are now Interrogatory Question #26 - - which plaintiffs direct to each such defendant with respect to the letters annexed to the Complaint as exhibits and referred-to by the cited paragraphs, to wit:

- plaintiffs' December 30, 2013 letter -- and its single enclosure – their August 21, 2013 letter to defendant Cuomo [parenthetical omitted]
- plaintiffs' December 11, 2013 letter [parenthetical omitted]
- plaintiffs' January 7, 2014 letters [parenthetical omitted]
- plaintiffs' January 14, 2014 letter [parenthetical omitted]
- plaintiffs' January 29, 2014 letter [parenthetical omitted]
- plaintiffs' February 3, 2014 e-mail [parenthetical omitted]
- plaintiffs' February 21, 2014 letter – and its five enclosures, including plaintiffs' “Questions for Chief Administrative Judge Prudenti” and “Analysis” and plaintiffs' two February 11, 2014 letters [parenthetical omitted]
- plaintiffs' February 28, 2014 e-mail [parenthetical omitted]
- plaintiffs' March 4, 2014 letter – and its two enclosures, including its “Questions for Senate President Skelos & Assembly Speaker Silver” [parenthetical omitted]

Additionally, all defendants answering the above pertaining to 26, 32, 34, 39, 40, 43, 45, 46, 48, 49, 50, 63, 64, 65, 66, 73, 74 of the Complaint, are requested to substantiate their answers:

- (a) by specifying and furnishing evidence of their response to plaintiffs' letters, if they responded, and

(b) by explaining why, if they did not respond, they failed to do so; and

(c) by specifying the respects in which they deny or dispute that each letter is “true and correct in all material respects”, if they do.

Response: Object to the form. Further, the question is overbroad, unduly burdensome, harassing, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court’s October 9, 2014 Decision and Order.

27. [No question stated]

Response: Object to form. No response is required, since no question is stated, or demand made. Defendants reserve the right to further object to this paragraph if the court deems a question or demand is stated.

28. [Extraneous commentary and argument omitted]

As to ¶114: furnish facts demonstrating that defendant legislators did not willfully and deliberately violate express statutory and rule provisions with respect to defendant Governor’s Legislative/Judiciary Budget Bill #S.6351.A.8551;

As to ¶¶116-117: furnish facts demonstrating that defendant legislators did not violate Legislative Law §32-a by ignoring, without response, plaintiff Sassower’s repeated phone calls and written requests to testify – “with full knowledge that her testimony was not only serious and substantial, but dispositive”, violating both plaintiffs’ right to be heard and the public’s right to hear with respect to the Judiciary and Legislative budgets and the Commission to Investigate Public Corruption;

As to ¶118: furnish facts demonstrating that defendant legislators did not willfully and deliberately violate their own rules, as for instance, pertaining to fiscal notes and introducer’s memoranda [citations omitted], so as to unconstitutionally conceal from taxpayers the dollar amounts of Judiciary and Legislative budgets they do not know or will not reveal;

As to ¶119: furnish facts demonstrating that defendant legislators did not violate such rules as Senate Rule VII, §4 “Title and body of bill”, which, if complied with, would have prevented Budget Bill #S.6351/A.8551 into resolutions commencing the joint budget conference “process”;

As to ¶¶121-123: furnish facts demonstrating that defendant legislators did not conceal their violations of legitimate legislative process and the public’s rights by

false declarations in introducing and fashioning their joint budget conference resolutions;

As to ¶¶124-125: furnish facts demonstrating that defendant legislators' joint budget conference "process" was not a sham and violative of legitimate legislative process;

As to 126: furnish facts demonstrating that "behind-closed-door deal-making" by defendant Governor and legislative leaders does not violate Constitutional, statutory and Senate and Assembly rule provisions relating to openness, such as Article III, §10 of New York's Constitution; Public Officers Law, article VI; Senate Rule XI, §1; Assembly Rule II, §1.

Response: Object to the form. Further, the question is overbroad, unduly burdensome, harassing, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

29. [No question stated]

Response: Object to form. No response is required, since no question is stated, or demand made. Defendants reserve the right to further object to this paragraph if the court deems a question or demand is stated.

30. [Extraneous commentary and argument omitted]

Consequently, this Interrogatory Question #30 seeks, as to each defendant that they identify as to each of the 16 cited paragraphs of the Complaint, whether they are denying them as "inconsistent with said law, document, or exhibit" and, if so, the specific respects in which each paragraph is "inconsistent."

Response: Object to the form. Further, the question is overbroad, unduly burdensome, harassing, argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

31. [Extraneous commentary and argument omitted]

Consequently, this Interrogatory Question #31 seeks, as to each defendant who was a recipient of the letters, that they substantiate their conclusory denials by identifying

the specific respects in which they deny that the content of those letters is accurately recited by the Complaint's paragraphs.

[Extraneous commentary and argument omitted]

Response: Object to the form. Further, this question is harassing and argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

32. [Extraneous commentary and argument omitted]

As defendants, beginning with the Governor, are equally, if not better, able than the Court to assess this "best evidence of what is stated and contained" in the five subparagraphs of the Complaint's 7, this Interrogatory Question #32 calls upon them to do so.

Response: Object to the form. Further, this question is harassing and argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

33. [Extraneous commentary and argument omitted]

As defendant are equally, if not better, able than the Court of [sic] access this "best evidence of what is stated and contained" in the three subparagraphs, this Interrogatory Question #32 calls upon them to do so.

Response: Object to the form. Further, this question is harassing and argumentative and prohibited by the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11. Defendants further object because information relating to this question is no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order.

34. [Extraneous commentary and argument omitted]

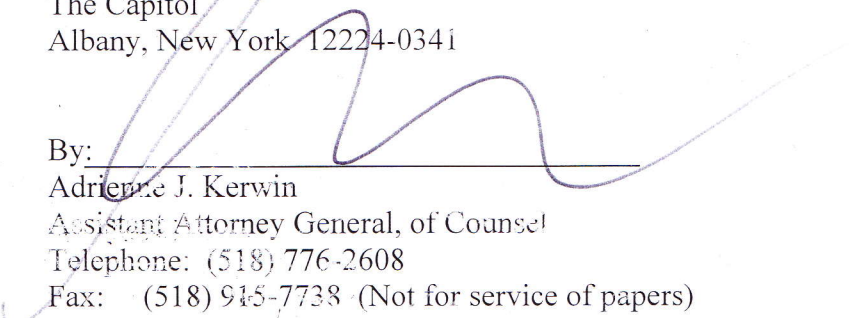
. . . Such is here requested by this Interrogatory Question #34, as likewise the particulars of Budget Director Megna's supposed response, including documentary proof of what it consisted of.

Response: Object to form. No response is required, since no question is stated, or demand made. Defendants reserve the right to further object to this paragraph if the court deems a question or demand is stated.

To the extent that **Exhibits “M-2”** and **“K-2”** annexed to Plaintiffs’ Interrogatories and Document Demands are deemed questions to be answered by the defendants, defendants object to the form of all questions contain therein. Further, said questions are argumentative and relate to issues no longer in this case pursuant to the Court’ s October 9, 2014 Decision and Order.

Dated: Albany, New York
January 14, 2014⁵

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