

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,

VERIFIED ANSWER

Index No. 1788-14

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 SILVER, 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.

Defendants Cuomo, Skelos, the New York State Senate, Silver, and the New York State Assembly, by their attorney, Eric T. Schneiderman, Attorney General of the State of New York, Adrienne J. Kerwin, Assistant Attorney General, of counsel, answer the complaint as follows:

1. Deny that paragraphs 1 and 2 of the complaint make factual assertions that need be admitted or denied and therefore do not respond to same, but to the extent that same are deemed to make factual assertions, deny that plaintiffs are entitled to any relief herein.

2. As to the allegations contained in paragraph 3 of the complaint, respectfully refer all issues of law to the court.

3. Admit the allegations contained in paragraphs **8, 10 and 13** of the complaint.
4. Deny knowledge or information sufficient to form a basis of belief to admit or deny the assertions in paragraphs **4, 6, 26, 32, 34, 39, 40, 41, 42, 43, 45, 46, 48, 49, 50, 63, 64, 65, 66, 73 and 74** of the complaint.
5. Deny the allegations contained in paragraphs **5, 15, 18, 19, 114, 116, 117, 118, 119, 120, 121, 125 and 126** of the complaint.
6. Deny knowledge or information sufficient to form a basis of belief to admit or deny the assertions in paragraphs **9 and 11** of the complaint, except to respectfully refer the court to the document cited as the best evidence of what is stated and contained therein.
7. As to the allegations contained in paragraphs **14, 17, 27, 31, 35, 36, 37, 47, 54, 58, 59, 68, 69, 75, 115 and 123** of the complaint, respectfully refer the court to the law, document or exhibit cited as the best evidence of what is stated or contained therein, and deny the allegations to the extent that they are inconsistent with said law, document or exhibit.
8. Deny the allegations contained in paragraphs **16, 20, 21, 22, 23, 24, 28, 29, 30, 33, 38, 44, 51, 52, 53, 55, 56, 57, 60, 61, 62, 67, 70, 71, 72, 122 and 124** of the complaint, except to refer the court to the exhibit or document cited as the best evidence of what is stated and contained therein.
9. As to the allegations contained in paragraph **7** of the complaint, admit that Defendant Cuomo is the Governor of the State of New York and deny the remaining allegations except to respectfully refer the court to the documents cited as the best evidence of what is stated and contained therein

10. As to the allegations contained in paragraph **12** of the complaint, admit that Eric T. Schneiderman is the Attorney General of the State of New York and deny the remaining allegations of the paragraph except to respectfully refer the court to the law or document cited as the best evidence of what is stated and contained therein.

11. Deny knowledge or information sufficient to form a basis of belief to admit or deny the assertions in paragraph **25** of the complaint, except to deny that there was no response from Budget Director Megna.

12. As to the allegations contained in paragraphs **76 through 112** of the complaint, no response is required in light of the court's October 9, 2014 Decision and Order. To the extent that a response is deemed required, the allegations are denied.

13. As to the allegations contained in paragraph **113** of the complaint, repeat and restate all previous responses herein.

14. Deny that plaintiffs are entitled to any of the relief sought in the complaint under the heading "Prayer for Relief."

15. Deny each and every allegation of the complaint not specifically responded to above.

DEFENSES

16. A defense is founded upon documentary evidence. CPLR 3211(a)(1).

17. The court lacks subject matter jurisdiction. CPLR 3211(a)(2).

18. Plaintiffs lack standing to challenge the matters that he is attempting to challenge.
CPLR 3211(a)(3).

19. Plaintiffs have raised these same claims in another pending court proceeding. CPLR 3211(a)(4).

20. This proceeding is barred, in whole or in part, by the principles of *res judicata* and collateral estoppel. CPLR 3211(a)(5).

21. Plaintiffs' claims are moot. CPLR 3211(a)(7).

22. The claims that plaintiffs make in this proceeding are not justiciable. CPLR 3211(a)(7).


23. The petition fails to state a cause of action. CPLR 3211(a)(7).

24. The issue raised by the petitioners-plaintiffs is not ripe for judicial review.

WHEREFORE, defendants Cuomo, Skelos, the New York State Senate, Silver, and the New York State Assembly, and respectfully request that the relief requested in the complaint be denied, that the complaint and this proceeding be dismissed and that defendants be awarded costs and disbursements, together with such other relief as may be just.

Dated: Albany, New York
November 5, 2014

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for Defendants Andrew M. Cuomo, Dean
Skelos, New York State Senate, Sheldon
Silver, and New York State Assembly
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By: 
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TO: Elena Ruth Sassower (via U.S. mail)
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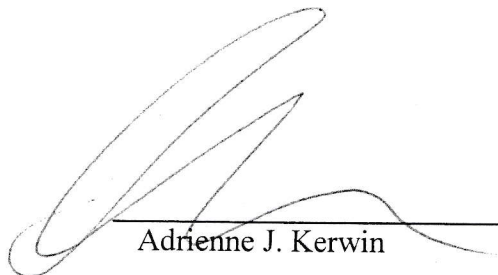
Verification

Adrienne J. Kerwin, an attorney admitted to practice in the State of New York, affirms the following under penalty of perjury pursuant to CPLR 2106:

I am an Assistant Attorney General of counsel in this matter to Eric T. Schneiderman, Attorney General of the State of New York, attorney for Defendants Governor Andrew M. Cuomo, Dean Skelos, the New York State Senate, Sheldon Silver and the New York State Assembly. I have been assigned to defend this action and I am acquainted with the pleadings, papers, and proceedings to date. I have read the foregoing answer. The same is true to my knowledge, except as to those matters alleged upon information and belief, and as to those matters, I believe them to be true.

I make this verification pursuant to CPLR Section 3020(d)(2), because the answering Defendants are officials and entities of the State of New York, and I am acquainted with the facts of this proceeding.

Dated: Albany, New York
November 5, 2014



Adrienne J. Kerwin