

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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February 4, 2015

Acting Supreme Court Justice Roger D. McDonough  
Albany County Supreme Court  
16 Eagle Street  
Albany, New York 12207

RE: Request for Court Conference: Friday, February 27, 2015 11:15 a.m.  
Center for Judicial Accountability, Inc. and Elena Sassower...acting on their  
own behalf and on behalf of the People of the State of New York & the Public  
Interest v. Cuomo, et al., #1788-14

Dear Justice McDonough:

Pursuant to this Court's October 9, 2014 Decision and Order, Assistant Attorney General Adrienne Kerwin and I furnished the Court with a litigation schedule by letter dated November 24, 2014, which the Court so-ordered on December 11, 2014. A copy is attached for the Court's convenience.

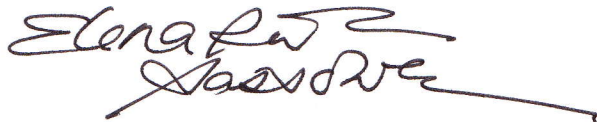
The schedule provides for service of interrogatories and document demands by December 8, 2014 and responses thereto by January 16, 2015. Ms. Kerwin and I agreed that depositions would thereafter be held – which is why discovery was not to close until more than two months later, on March 20, 2015.

It now appears that depositions would be futile as Ms. Kerwin's January 14, 2015 Response to plaintiffs' December 8, 2014 Interrogatory Questions and Document Demand repetitively invokes "the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11" and, additionally, that the requested information and documents are "no longer at issue in this case pursuant to the court's October 9, 2014 Decision and Order".

I telephoned Ms. Kerwin to discuss this on Monday, February 2, 2015 – and she conceded that she would be asserting both of these defenses at depositions. Consequently, we agreed that we require a court ruling before proceeding to depositions – and that it would be useful to request a court conference. We also agreed that prior to the conference we would exchange research on "the Speech or Debate Clause", whose assertion by Ms. Kerwin was without any caselaw.

Ms. Kerwin stated she would be available for a court conference on Friday, February 27, 2015, and your secretary, Erin Golan, with whom I spoke this morning, stated you have a single time-slot open on that date, 11:15 a.m. I have confirmed with Ms. Kerwin that this would work for her – and it would work for me, as well.

Thank you.



cc: Assistant Attorney General Adrienne Kerwin  
[adrienne.kerwin@ag.ny.gov](mailto:adrienne.kerwin@ag.ny.gov)



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

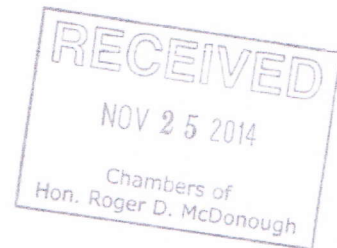
ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer Direct: (518) 474-3340

November 24, 2014

Hon. Roger D. McDonough  
Acting Supreme Court Justice  
Albany County Courthouse  
16 Eagle Street, Room 219  
Albany, New York 12207




Re: *Center for Judicial Accountability, Inc. et al v. Cuomo, et al*  
Supreme Court, Albany County  
Index No. 1788-14 RJI No. 01-14-113240

Dear Judge McDonough:

The parties in the above-referenced action propose the following litigation schedule:

Service of Interrogatories and Document Demands by December 8, 2014;  
Responses to Interrogatories and Document Demands by January 16, 2015;  
Close of Discovery on March 20, 2015; and  
Service and Filing of Dispositive Motions, if any, by May 22, 2015.

If this schedule is acceptable, the parties respectfully request that the court So Order this letter.

  
Elena Ruth Sassower  
Plaintiff Pro Se

Respectfully yours,

  
Adrienne J. Kerwin  
Assistant Attorney General

*SO ORDERED*  
*R.D. M2*  
*12/11/14*