

SUPREME COURT OF STATE OF NEW YORK
ALBANY COUNTY

----- X
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' Interrogatories
& Document Demand**

Plaintiffs,

Index #1788-14

-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.

-----X
INTERROGATORY QUESTIONS & DOCUMENT DEMAND

Plaintiffs' within Interrogatory Questions & Document Demand consists of four parts, as follows:

PART I

1. Legislative Law §32-a states:

“Budget; public hearings. After submission and prior to enactment of the executive budget, the senate finance committee and the assembly ways and means committee jointly or separately shall conduct public hearings on the budget. Such hearings may be conducted regionally to provide individuals and organizations throughout the state with an opportunity to comment on the budget. The committees shall make every effort to hear all those who wish to present statements at such public hearings. The chairs of the committees jointly or separately shall publish a schedule of hearings.”

- a. What was the span of days between the Governor's submission of the executive budget for fiscal year 2014-2015 and its enactment by the Legislature?
- b. What dates were announced by the Chairs of the Senate Finance Committee and Assembly 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 2014-2015.
- 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?
- 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?
- 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?
- 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”?
- 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?
- 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 budgets? 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?
- 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”?

2. Explain how the Chair of the Senate Finance Committee complied with Legislative Law §32-a in denying plaintiffs' requests to testify in opposition to the Judiciary'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.

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.

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.

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.

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 opposition to 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.

7. What was the criteria for the Senate Finance Committee posting “Miscellaneous Testimonies” on its website,¹ 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-a to 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?

8. Plaintiffs’ February 21, 2014 letter (Exhibit K-1)², 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”?

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 Judge Prudenti for response?, as plaintiffs’ February 21, 2014 letter requested. And if not, why not?

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

¹ <http://www.nysenate.gov/testimony/joint-legislative-public-hearing-2014-2015-executive-budget-proposal-miscellaneous-testimo>.

² Exhibits referred-to herein are annexed to plaintiffs’ Verified Complaint.

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.6351/A.8551, required by Senate Rule VIII, §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?

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 Member of the Senate Judiciary Committee;
- the Chair and Ranking Member of the Assembly Judiciary Committee;
- the Chair 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 your 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?

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 President Skelos and Assembly Speaker Silver? And, if not, why not?

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?

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.

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.

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 year 2014-2015 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?

17. On or about November 29, 2013, Chief Administrative Judge A. Gail Prudential transmitted the Judiciary's two-part proposed budget for fiscal year 2014-2015 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. Weinstein”. 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?

18. Furnish a copy of the 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 2014-2015.

PART III

Senate Rule VII, §6 expressly states:

“When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill and upon receipt thereof by the Senate it shall be endorsed ‘Budget Bill’ and be given a number by the Secretary and shall be referred to the Finance Committee and be printed. ...”

Assembly Rule III, §2(g) expressly states:

“When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill, and upon receipt thereof by the Assembly it shall be endorsed ‘Budget Bill’ and be given a number by the Index Clerk, and shall be referred to the Committee on Ways and Means and be printed. ...”

* * *

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 VIII, §7, Senate Rule VII, §1, and Assembly Rule III, §1(f). [*cf.* Permanent Joint Rule I of the Senate and Assembly].
20. Explain how Legislative/Judiciary Budget Bill #S.6351/A.8551, whose unidentified and unitemized funding of the third-phase of the judicial 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”.
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).
22. Identify by whom and how Legislative/Judiciary Budget Bill #S.6351/A.8551 was amended and the nature of the amendment [*inter alia*, Senate Rule IX, §4, Assembly Rule III, §6].
23. Explain when and in what fashion Legislative/Judiciary Budget Bill #S.6351/A.8551 complied with Senate Rule VIII, §§3, 4, 5 and Assembly Rule IV, §§2, 4, 6 regarding committee meetings, committee hearings, committee votes, and committee reports.
24. Explain how introduction and passage of Senate Resolution #4036 and Assembly Resolution #914 complied with pertinent Senate and Assembly Rules [*inter alia*, Senate Rule VII, §9, Senate Rule IX, §6].

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”.

PART IV

INTERROGATORY QUESTIONS & DOCUMENT DEMANDS BASED ON DEFENDANTS’ VERIFIED ANSWER TO PLAINTIFFS’ VERIFIED COMPLAINT

26. Defendants’ Answer, by its ¶4, states that defendants:

“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.”

Of these 21 paragraphs of the Complaint, 17 of them, ¶¶26, 32, 34, 39, 40, 43, 45, 46, 48, 49, 50, 63, 64, 65, 66, 73 and 74, pertain to plaintiffs’ letters to defendants – and assert that the defendants to whom the letters were addressed or who were their indicated recipients did not respond to them and that each such letter is “true and correct in all material respects”.

Defendants’ ¶4 is sham. Each defendant to whom the letters were addressed, or who was an indicated recipient thereof, or who subsequently received them, has “knowledge and information” as to: (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 [Complaint: ¶26, Exhibits D, B]
- plaintiffs’ December 11, 2013 letter [Complaint: ¶32, Exhibit C]
- plaintiffs’ January 7, 2014 letters [Complaint: ¶34, Exhibits E-1, E-2]
- plaintiffs’ January 14, 2014 letter [Complaint, ¶40, 43, Exhibit F]
- plaintiffs’ January 29, 2014 letter [Complaint, ¶¶45-46, Exhibit G];
- plaintiffs’ February 3, 2014 e-mail [Complaint, ¶¶48-50, Exhibit H];
- 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 [Complaint, ¶¶63-64, Exhibit K]
- plaintiffs’ February 28, 2014 e-mail [Complaint: ¶¶65-66, Exhibit L]

- plaintiffs’ March 4, 2014 letter – and its two enclosures, including its “Questions for Senate President Skelos & Assembly Speaker Silver” [Complaint: ¶¶73-74, Exhibit M)

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.

27. ¶4 of defendants’ Answer states they have no “knowledge or information sufficient to form a basis of belief...” as to the Complaint’s ¶¶41, 42. This also is sham. These two cited paragraphs of the Complaint pertain to the Governor’s Legislative/Judiciary Budget Bill #S.6351/A.8551 and his recommendations with respect thereto – and each defendant, the Governor, certainly, and the other defendants, all legislators, have “knowledge or information” to answer ¶¶41, 42.

28. Defendants’ Answer, by its ¶5, states that defendants:

“Deny the allegations contained in paragraphs 5, 15, 18, 19, 114, 116, 117, 118, 119, 120, 121, 125, 126.”

This bald denial is sham and would not enable defendants to move for summary judgment, as it does not meet the particularized allegations of the 13 paragraphs of the Complaint it purports to deny – 9 of which are within the Complaint’s Fourth Cause of Action: “Nothing Lawful or Constitutional Can Emerge From a Legislative Process that Violates its Own Statutory & Rule Safeguards” (¶¶114-126). Consequently, this Interrogatory Question #28 calls upon defendants to substantiate their bald and provably false denials of these 13 paragraphs, as follows:

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 (Senate Rule VIII, §7, Senate Rule VII, §1 and Assembly Rule III, §1(f), 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 from funding the third phase of the judicial salary increase and superseding Judiciary Law Article 7-B without identifying such fact;

As to ¶120: furnish facts demonstrating that defendant legislators did not violate all substantive and procedural Senate and Assembly rules designed to ensure legitimate legislative process, as for instance, committee votes (Senate Rule VIII, §5), in tossing Legislative/Judiciary 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 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.

29. Defendants' Answer, by its ¶6, states that defendants:

"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."

This is sham. ¶¶9 and 11 pertain to what the Senate and Assembly are, the number of their members, their largest committees, and their own budget narrative for fiscal year 2014-2015. All defendants – and certainly the legislative defendants – have "knowledge or information" to answer these two paragraphs.

30. Defendants' Answer, by its ¶7, states:

"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 they are inconsistent with said law, document or exhibit.”

This is sham. It denies the allegations of 16 paragraphs of the Complaint only “to the extent they are inconsistent with [the cited] law, document or exhibits”, without contending they are inconsistent.

Defendants, all of whom are the highest constitutional officers of New York’s Executive and Legislative branches, many of whom are attorneys, are as capable as any court, if not more so, of furnishing “the best evidence of what is stated or contained” in the paragraphs of the Complaint” and asserting inconsistencies with the cited “law, document, or exhibit”.

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”.

31. Defendants’ Answer, by its ¶8, states that defendants:

“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.”

This is sham. Virtually all of the cited 27 paragraphs of the Complaint merely summarize and quote the content of plaintiffs’ letters to defendants.

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.

The paragraphs of the Complaint to be addressed:

¶¶20-24 of the Complaint –
summarizing and quoting from plaintiffs’ December 30, 2013 letter (Exhibit D);

¶¶28-30 of the Complaint –
summarizing and quoting from plaintiffs’ December 11, 2013 letter (Exhibit C);

¶33 of the Complaint –
summarizing and quoting from plaintiffs’ January 7, 2014 letters (Exhibit E);

¶38 of the Complaint –
summarizing and quoting from plaintiffs’ January 14, 2014 letter (Exhibit F-1);

¶44 of the Complaint –

summarizing and quoting from plaintiffs’ January 29, 2014 letter (Exhibit G);

¶¶51-53, 55-57, 60-62 of the Complaint –

summarizing and quoting from plaintiffs’ February 21, 2014 letter and its enclosures (Exhibits K, J-1, J-8);

¶¶67, 70-72 of the Complaint – summarizing and quoting from plaintiffs’ March 4, 2014 letter (Exhibit M).

Certainly, too, as to ¶¶122 and 124 of the Complaint, the defendant legislators are easily able to admit to the accuracy of the quotes from their own Assembly Resolution #914 and the statements made by Senators on the floor of the Senate “in the wee hours of March 14, 2014” in response to Senate Resolution #4036.

32. Defendants’ Answer, by its ¶9, states:

“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.”

This is sham. The Complaint’s ¶7 has five subparagraphs. Their accuracy of those subparagraphs, belying defendants’ conclusory denial, is established by the Governor’s July 2, 2013 Executive Order #106, his words at the July 2, 2013 press conference, and plaintiffs’ August 21, 2013 letter to him – all referenced by the subparagraphs.

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.

33. Defendants’ Answer, by its ¶10, states:

“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 except to respectfully refer the court to the law or document cited as the best evidence of what is stated and contained therein.”

This is sham. The Complaint’s ¶12 has three subparagraphs. The accuracy of those subparagraphs, belying defendants’ bald denials, is established by the Governor’s Executive Order #106, the Attorney General’s words at the July 2, 2013 press conference, and Executive Law §63.8 – all referenced by the subparagraphs. As defendants are equally, if not better, able than the Court of assess this “best evidence of what is stated and contained” in the three subparagraphs, this Interrogatory Question #33 calls upon them to do so.


34. Defendants' Answer, by its ¶11, states that defendants:

“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.

The Complaint's ¶34 pertains to plaintiffs' December 30, 2013 letter (Exhibit D). It states:

“25. Defendants SKELOS and SILVER never responded. Nor was there any response from defendant CUOMO. Likewise, there was no response from Budget Director Megna or from the Chairs and Ranking Members of the many “appropriate committees of the legislature”, all indicated recipients.”

All defendant-recipients of the December 30, 2013 letter have “knowledge or information” as to whether they responded. 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.



ELENA RUTH SASSOWER, Plaintiff Pro Se, *individually*
& as Director of the Center for Judicial Accountability, Inc.,
and on behalf of the People of the State of New York &
the Public Interest

10 Stewart Place, Apartment 2D-E
White Plains, New York 10603
914-421-1200
elena@judgewatch.org

Dated: White Plains, New York
December 8, 2014