

RECEIVED

FEB 17 2017

Chambers of
Hon. Denise A. Hartman

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Albany at the Courthouse, located at 16 Eagle Street, New York, New York on the 21st day of February, 2017.

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,

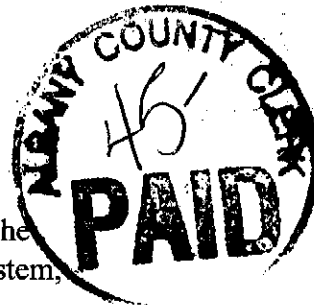
Plaintiffs,

ORDER TO SHOW CAUSE

-against-

Index # 5122-16
RJI #01-16-122174

ANDREW M. CUOMO, in his official capacity as Governor of the State of New York, JOHN J. FLANAGAN in his official capacity as Temporary Senate President, THE NEW YORK STATE SENATE, CARL E. HEASTIE, 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, THOMAS P. DiNAPOLI, in his official capacity as Comptroller of the State of New York, and JANET M. DiFIORE, in her official capacity as Chief Judge of the State of New York and chief judicial officer of the Unified Court System,



Defendants.
----- x

Upon the annexed affidavit of the unrepresented individual plaintiff ELENA RUTH SASSOWER, sworn to on February 15, 2017, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had herein and in the predecessor citizen-taxpayer action, *Center for Judicial Accountability, et al. v. Cuomo, et al.* (Albany Co. #1788-2014),

LET defendants show cause before Acting Supreme Court Justice Denise Hartman at 16 Eagle Street, Albany, New York 12207 on the 24th day of ~~February~~ ^{March} 2017 at 9:30 a.m. or as soon thereafter as the parties or their counsel may be heard, * why an order should not issue in this citizen-taxpayer action pursuant to State Finance Law Article 7-A (§123 *et seq.*):

1. disqualifying Acting Supreme Court Justice Denise Hartman for demonstrated actual bias and interest, pursuant to §100.3E of the Chief Administrator's Rules Governing Judicial Conduct and Judiciary Law §14, and vacating her December 21, 2016 decision & order by reason thereof for fraud and lack of jurisdiction; and, if denied, disclosure, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, of facts bearing upon her fairness and impartiality;
2. granting reargument and renewal, pursuant to CPLR §2221, of Justice Hartman's December 21, 2016 decision & order and, upon the granting of same, vacating it for fraud and lack of jurisdiction;
3. vacating the December 21, 2016 decision & order, pursuant to CPLR §5015(a)(4) for "lack of jurisdiction", by reason of Justice Hartman's disqualification for interest;
4. granting such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

LET SERVICE of this order to show cause, together with the papers on which it is based, be made upon defendants by e-mail and regular mail on or before the 24th day of February 2017 be deemed good and sufficient service.

Answering papers, if any, are to be served by defendants, *via* e-mail and regular mail, at least two days prior to the return date of this order to show cause, *to wit*, ~~February~~ ^{March} 22, 2017.

(DH)

* No personal appearances are required.

Denise A. Hartman
Acting Supreme Court Justice