

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, March 30, 2017 1:35 PM
To: 'Meg Levine'
Cc: 'Helena Lynch'; 'Jeffrey Dvorin'; 'Adrienne Kerwin'; 'Hartman Chambers'; 'Joanne Locke'
Subject: Request that the AG rise above his conflicts of interest & do his duty to secure the TRO to which plaintiffs were entitled yesterday, as a matter of law -- Citizen-Taxpayer Action: CJA v. Cuomo, et al. (#5122-16)
Attachments: 3-29-17-signed-osc.pdf

Dear Deputy Attorney General Levine,

I have received no response to my below March 28th e-mail, sent at 10:38 am on Tuesday -- and so advised AAG Helena Lynch yesterday, either before or after her conclusory, fraudulent 30-second oral argument wherein she purported that your legislative clients' "amended" budget bills -- copies of which I had brought to the court -- are "internal documents" and that plaintiffs' had demonstrated no likelihood of success on the merits, etc.

Did you respond? If not, please advise why -- and confirm that notwithstanding you did not respond even to the limited extent of providing me with the requested contact information for your superiors: (1) Executive Deputy Attorney General for State Counsel Kent Stauffer; (2) Chief Deputy Attorney General Janet Sabel; (3) Chief Deputy Attorney General Jason Brown; and, at the top, (4) Attorney General Schneiderman, you nonetheless furnished EACH with my below e-mail.

State Finance Law §123 et seq. expressly contemplates that the Attorney General will bring/intervene in meritorious citizen-taxpayer actions (State Finance Law §§123-a(3); 123-c(3); 123-d; 123-e(2)), such as CJA's. I, therefore, reiterate my repeated requests for the Attorney General's representation/intervention -- requests you should be personally familiar as you ignored them in May and June 2014, when I reached out to you for that reason and to get some supervisory oversight of AAG Kerwin's litigation fraud in plaintiffs' first-citizen-taxpayer action.

Without further delay, please furnish me with the e-mail and phone numbers for Deputy Attorneys General Stauffer, Sabel, and Brown -- and for AAG Schneiderman. They must personally review the record of these citizen-taxpayer actions, beginning with what took place yesterday, so that the Attorney General -- notwithstanding he is a defendant -- can rise above his conflicts-of-interest and do his duty to secure the TRO which plaintiffs sought, and were entitled to, yesterday -- thwarted by the misconduct of the Attorney General's Office, in tandem with its former colleague, the now Acting Justice Hartman.

By the way, I left in Justice Hartman's chambers, for the Attorney General's pick-up, the voluminous Senate "amended" bills, Assembly "amended" bills, and the Senate and Assembly March 15th budget resolutions and their accompanying report/summary of proposed changes. I had brought this for the Attorney General, in expectation of an evidentiary hearing -- and AAG Lynch left before I could give them to her. Justice Hartman's law secretary, Mr. Liberati-Conant agreed that if the Attorney General did not pick them up, by Monday, they could be discarded.

It was not until 5 p.m. yesterday that I finally left the courthouse -- as, before then, I was busy filing in the Clerk's Office not only the original order to show cause that Justice Hartman had signed, but a complete set of budget bills -- the Governor's original bills, his 30-day amended bills, and the Senate and Assembly "amended" bills -- and the resolutions, which I had brought for the expected evidentiary hearing and, at Justice Hartman's request, left in chambers during the argument. I thereupon went to the Attorney General's Office in the Capitol to serve a copy of Justice Hartman's signed order to show cause -- as it required personal service on the Attorney General by March 31st. Jihoon Kim, Deputy

Director of Legislative Affairs, was kind enough to take it from me and said he would pass it on to you. Here it is, again, attached by this e-mail

Thank you.

Elena Sassower, unrepresented plaintiff
on her own behalf and on behalf of the People of the State of New York and the Public Interest

-----Original Message-----

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]

Sent: Tuesday, March 28, 2017 10:38 AM

To: 'Meg Levine' <Meg.Levine@ag.ny.gov>

Cc: 'Jeffrey Dvorin' <Jeffrey.Dvorin@ag.ny.gov>; 'Helena Lynch'

<Helena.Lynch@ag.ny.gov>; 'Adrienne Kerwin' <Adrienne.Kerwin@ag.ny.gov>

Subject: GOING UP THE SUPERVISORY LADDER -- INCLUDING TO AG SCHNEIDERMAN -- Citizen-Taxpayer Action: CJA v. Cuomo, et al. #5122-16

Dear Deputy Attorney General Levine,

Your below e-mail does not answer the questions I asked you. Have you read Exhibit U to plaintiffs' Feb 15th order to show cause – and plaintiffs'

September 30, 2016 memorandum of law. Did Litigation Bureau Chief Dvorin?

And who are the unnamed individuals with whom you have "discussed

internally" my request supervisory oversight? Have they read Exhibit U to

plaintiffs' Feb 15th order to show cause – and plaintiffs' September 30,

2016 memorandum of law?

In addition to answering these questions, please immediately furnish me with the e-mail addresses, if not phone numbers, of all above you who have supervisory responsibilities over you and over those you are charged with supervising. Specifically, please provide contact information for: (1) Executive Deputy Attorney General for State Counsel Kent Stauffer; (2) Chief Deputy Attorney General Janet Sabel; (3) Chief Deputy Attorney General Jason Brown; and, at the top, (4) Attorney General Schneiderman -- a named defendant in the case and direct beneficiary of AAG Kerwin's fraudulent March 22nd opposition to plaintiffs' Feb. 15th order to show cause.

Thank you.

Elena Sassower

914-421-1200

-----Original Message-----

From: Meg Levine [mailto:Meg.Levine@ag.ny.gov]

Sent: Tuesday, March 28, 2017 10:13 AM

To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Cc: Jeffrey Dvorin <Jeffrey.Dvorin@ag.ny.gov>; Helena Lynch <Helena.Lynch@ag.ny.gov>; Adrienne Kerwin

<Adrienne.Kerwin@ag.ny.gov>

Subject: Re: YOUR SUPERVISORY OVERSIGHT IS URGENTLY REQUIRED -- Citizen-Taxpayer Action: CJA v. Cuomo, et al. #5122-16

Ms. Sassower, I have reviewed your request and discussed internally. We believe we have handled your concerns appropriately and are prepared to discuss your concerns in the context of any papers you present to the court. We have nothing further to add outside of the litigation context. Regards, Meg Levine

Sent from my iPhone

> On Mar 27, 2017, at 3:07 PM, Center for Judicial Accountability, Inc.
(CJA) <elena@judgewatch.org> wrote:

>

> Dear Ms. Levine,

>

> Your supervisory oversight is urgently and immediately required.

Litigation Bureau Chief Dvorin is apparently refusing to identify whether he has read Exhibit U to plaintiffs' Feb 15th order to show cause – and

plaintiffs' September 30, 2016 memorandum of law. Has he? Have you?

>

> Please call me upon your review. AAG Kerwin's fraudulent opposition

> to

the Feb 15th order to show cause must be withdrawn – and steps taken by the Attorney General's office to intervene on behalf of plaintiffs or furnish representation to us in this mammoth, utterly ground-breaking citizen-taxpayer action in which we have SUMMARY JUDGMENT over and over again – including on the issues to be presented tomorrow pertaining to the fiscal year 2017-2018 budget bills.

>

> The budget has been DRIVEN OFF THE CONSTITUTIONAL RAILS BY YOUR CLIENTS!

>

> Here's the webpage of my testimony before the Legislature on January

> 30th

and 31st on the subject:

<http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm> .

>

> Thank you.

>

> Elena Sassower

> 914-421-1200

>

>

> From: Jeffrey Dvorin [mailto:Jeffrey.Dvorin@ag.ny.gov]

> Sent: Monday, March 27, 2017 2:51 PM

> To: 'Center for Judicial Accountability, Inc. (CJA)'

<elena@judgewatch.org>

> Subject: RE: "handled appropriately in all respects by this office"? --RE:

CJA v. Cuomo, et al.

>

> I suggest that you first contact Meg Levine via email.

>

> Jeffrey Dvorin

> Bureau Chief

> Litigation Bureau

> Office of the Attorney General

> The Capitol

> Albany, NY 12224-0341

>

> Phone (518) 776-2601 (NEW #)

> FAX (518) 915-7738 (NEW #)

>
> From: Center for Judicial Accountability, Inc. (CJA)
[mailto:elena@judgewatch.org]
> Sent: Monday, March 27, 2017 2:43 PM
> To: Jeffrey Dvorin
<Jeffrey.Dvorin@ag.ny.gov<<mailto:Jeffrey.Dvorin@ag.ny.gov>>>
> Cc: Meg Levine <Meg.Levine@ag.ny.gov<<mailto:Meg.Levine@ag.ny.gov>>>;
> Helena
Lynch <Helena.Lynch@ag.ny.gov<<mailto:Helena.Lynch@ag.ny.gov>>>; Adrienne Kerwin
<Adrienne.Kerwin@ag.ny.gov<<mailto:Adrienne.Kerwin@ag.ny.gov>>>
> Subject: "handled appropriately in all respects by this office"? --RE:
> CJA
v. Cuomo, et al.

>
> What are you talking about? What has your review consisted of? Have
> you
read Exhibit U to plaintiffs' Feb 15th order to show cause? Have you read plaintiffs' September 30, 2016 memorandum
of law?

>
> Please furnish me with the contact telephone numbers for your
> superiors,
including Attorney General Schneiderman's executive offices, IMMEDIATELY.

>
> Thank you.

>
> Elena Sassower
> 914-421-1200

>
> From: Jeffrey Dvorin [mailto:Jeffrey.Dvorin@ag.ny.gov]
> Sent: Monday, March 27, 2017 2:38 PM
> To: 'Center for Judicial Accountability, Inc. (CJA)'
<elena@judgewatch.org<<mailto:elena@judgewatch.org>>>
> Subject: CJA v. Cuomo, et al.

>
> Dear Ms. Sassower,

>
> This is in response to the voicemail that you left today. In my view,
this matter has been handled appropriately in all respects by this office.
Should you wish to provide information – or the appropriate notice – regarding any application that you plan to make
tomorrow, please contact Helena Lynch, the AAG who would appear for any such application, at
helena.lynch@ag.ny.gov<<mailto:helena.lynch@ag.ny.gov>>. You expressed an interest in speaking with my superiors. In
this regard, you may contact Deputy Attorney General Meg Levine at
meg.levine@ag.ny.gov<<mailto:meg.levine@ag.ny.gov>>. Very truly yours,

>
> Jeffrey Dvorin
> Bureau Chief
> Litigation Bureau
> Office of the Attorney General
> The Capitol
> Albany, NY 12224-0341
>
> Phone (518) 776-2601 (NEW #)

> FAX (518) 915-7738 (NEW #)

>

>

> IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

> <3-24-17-ltr-to-hartman.pdf>