

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, April 7, 2017 2:04 PM
To: 'cbass@nycourts.gov'; '3rdJDAdministration@nycourts.gov'
Cc: 'diebel@nycourts.gov'; 'ediebel@nycourts.gov'; 'bdiebel@nycourts.gov'; 'Charles Diamond'
Subject: I look forward to receiving your fact-specific, responsive disposition of my April 5th complaint -- March 29, 2017 transcript/OSC/preliminary injunction with TRO: : Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

Dear Deputy District Executive Bass,

As discussed, if you actually believe that court reporter Affinati conducted herself professionally, please demonstrate it by addressing each of my messages in the below e-mail chain that Ms. Affinati ignored, either wholly, or in part.

Further, since you represented to me that your view is shared by District Executive Diebel – to whom my April 5th complaint was addressed – I request she furnish a signed letter to that effect.

Upon receipt, I will post these on CJA's website, www.judgewatch.org – below the April 5th misconduct complaint, already posted. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/correspondence-3-29-17-osc.htm>. Meantime, that is where I will post this e-mail.

Let the public see for itself how the Judiciary's administrative side operates – including the highest supervisory authorities: Chief Administrative Judge Lawrence Marks and Chief Judge Janet DiFiore to whom, upon receipt of your disposition, confirmed by District Executive Diebel, I will next turn.

Thank you.

Elena Sassower, *unrepresented* plaintiff in citizen-taxpayer action, *CJA v. Cuomo, et al.* (Albany Co. #5122-16).
on behalf of myself, the People of the State of New York, & the Public Interest

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Wednesday, April 5, 2017 1:31 PM
To: '3rdJDAdministration@nycourts.gov' <3rdJDAdministration@nycourts.gov>; 'makullia@nycourts.gov' <makullia@nycourts.gov>
Cc: 'Cindy Affinati' <caffinat@nycourts.gov>; 'Charles Diamond' <cdiamond@nycourts.gov>
Subject: Request for oversight of the unprofessional, prejudicial conduct of court reporter Cindy Affinati -- March 29, 2017 transcript/OSC/preliminary injunction with TRO: : Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

TO: District Executive Beth A. Diebel

Following up my phone conversation with receptionist, Michelle Akullian, earlier today, I am requesting your oversight of the unprofessional, prejudicial conduct of court reporter Cindy Affinati.

Below is the chain of e-mail, spanning from Thursday, March 30th to Tuesday, April 4th, reflecting the written communications between us. Our only phone conversation was at about 11 am on March 30th – when I called to speak with Ms. Affinati because I had received no response to the initial e-mail I had sent her at 7:26 am.

Suffice to say, and as reflected by the below, Ms. Affinati has failed to respond to my requests for reasonably requested information, including the names and contact information of those having supervisory authority over her. I obtained same from Albany Supreme Court/County Court Chief Clerk Charles Diamond.

I required the short transcript of the March 29th oral argument of plaintiffs' order to show cause for a preliminary injunction, with TRO, IMMEDIATELY, as time was of the essence – and I so-stated. It still is.

Thank you.

Elena Sassower,
unrepresented individual plaintiff in *Center for Judicial Accountability v. Cuomo, et al.* (Albany Co. #5122-16, citizen-taxpayer action)
914-421-1200

From: Cindy Affinati [<mailto:caffinat@nycourts.gov>]

Sent: Tuesday, April 4, 2017 3:02 PM

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

Subject: Re: Oversight of your unprofessional, prejudicial conduct -- March 29, 2017 transcript/OSC/preliminary injunction with TRO: : Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

Your transcript is done. As stated, the cost is \$132 and I will email it upon payment of same.

From: Cindy Affinati

Sent: Tuesday, April 4, 2017 8:58:39 AM

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

Subject: Re: Oversight of your unprofessional, prejudicial conduct -- March 29, 2017 transcript/OSC/preliminary injunction with TRO: : Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

As I state below, the day after I receive payment I will email the transcript to you.

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

Sent: Monday, April 3, 2017 5:11:08 PM

To: Cindy Affinati

Cc: Cindy Affinati

Subject: Oversight of your unprofessional, prejudicial conduct -- March 29, 2017 transcript/OSC/preliminary injunction with TRO: : Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

Dear Ms. Affinati,

This is unacceptable. What does the rate represent? There are varying rates, correct? How long do you anticipate it would take you to ready the transcript? Your unprofessional behavior, including by your instant response, is prejudicial – and I have been prejudiced by you.

Please furnish me with the names of your supervisors – and their phone numbers and e-mail addresses -- so they can address the manner in which you have discharged your responsibilities.

Elena Sassower
914-421-1200

From: Cindy Affinati [<mailto:caffinat@nycourts.gov>]
Sent: Monday, April 3, 2017 3:44 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: Re: Confirming transcript order -- RE: Please confirm that transcript of March 29th oral argument of plaintiffs' OSC for preliminary injunction with TRO will be furnished by April 3rd/4th: Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

\$6 per page - 22 pages. The day after I receive payment, I will sit down and do the transcript and email it to you.

I don't work on weekends.

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, April 3, 2017 3:35:41 PM
To: Cindy Affinati
Cc: Charles Diamond

Subject: Confirming transcript order -- RE: Please confirm that transcript of March 29th oral argument of plaintiffs' OSC for preliminary injunction with TRO will be furnished by April 3rd/4th: Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

Dear Ms. Affinati,

Had you called me back on Thursday, as I had requested, or on Friday, as I had requested, or responded to my Saturday morning e-mail, your payment would have already arrived to you. That you wish to now await its receipt, at this juncture, is unfair. Please advise how many pages the transcript is – and the rate you are charging, which you have not done, since last Thursday, when I requested that you call me, which you, inexplicably did not do then or thereafter. As I recollect from my past experience with court reporters, there are 3 different rates.

Respond immediately with the requested information – so that I can have the transcript, which I was ready to order on Thursday, e-mailed me without further delay. Again, you are not transcribing written notes. I can't imagine the transcript will take you much time to prepare – and you have not answered my question on that subject.

Thank you.

Elena Sassower
914-421-1200

From: Cindy Affinati [<mailto:caffinat@nycourts.gov>]

Sent: Monday, April 3, 2017 9:33 AM

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

Subject: Re: Please confirm that transcript of March 29th oral argument of plaintiffs' OSC for preliminary injunction with TRO will be furnished by April 3rd/4th: Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

If you want to order an expedited transcript, the cost is \$132. Upon receipt of payment, the transcript will be emailed to you

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

Sent: Saturday, April 1, 2017 9:30:18 AM

To: Cindy Affinati

Cc: Eric.Schneiderman@ag.ny.gov; Jason.Brown@ag.ny.gov; Janet.Sabel@ag.ny.gov; Kent.Stauffer@ag.ny.gov; 'Meg Levine'; 'Jeffrey Dvorin'; 'Helena Lynch'; 'Adrienne Kerwin'; Hartman Chambers; Joanne Locke; Charles Diamond

Subject: Please confirm that transcript of March 29th oral argument of plaintiffs' OSC for preliminary injunction with TRO will be furnished by April 3rd/4th: Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

Dear Ms. Affinati –

I received no response from you to my below e-mail, sent to you at 4:10 pm yesterday, March 31st, furnishing you with “authority” for your immediately transcribing the short March 29th oral argument on plaintiffs’ order to show cause for a preliminary injunction with TRO.

Please confirm that pursuant to the command of State Finance Law §123c(4) governing citizen-taxpayer actions: “An action under the provisions of this article...shall have preference over all other causes in all courts”, the transcript – which I sought to order from you two days ago, on Thursday, March 30th – will be ready two days from now, on Monday, April 3rd.

Indeed, based upon the written notice I gave two days ago and then again yesterday to supervisory personnel at the Attorney General’s office to review what had taken place at the March 29th oral argument, that office should have additionally contacted you for the transcript.

Absent your response to this e-mail, confirming that you will have the transcript of the March 29th oral argument ready and e-mailed to me by Monday, April 3rd – or, at latest, by Tuesday, April 4th – I will seek a court order from Justice Hartman or from Third Judicial District Administrative Judge Thomas Breslin, pursuant to State Finance Law §123c(4), directing your expedition.

Needless to say, upon your confirming that you will e-mail me the transcript by no later than April 4th, I will promptly mail you payment.

A copy of this e-mail, with its below chain of our prior e-mails, is being furnished to the Attorney General’s office and to Justice Hartman so that they will know why it is that I do not yet have the transcript that I indicated to them I was securing, two days ago. Likewise, I am copying Albany Supreme & County Court Chief Clerk Charles Diamond, with whom I spoke yesterday about this matter.

Finally, and correcting my last e-mail to you, immediately below, the time of my initial e-mail to you on Thursday morning, March 30th, was not at 8:32 am, but, as reflected by the e-mail that is furthest below, at 7:26 am.

Thank you.

Elena Sassower, unrepresented plaintiff
on behalf of herself, the People of the State of New York, & the public interest

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Friday, March 31, 2017 4:10 PM
To: 'Cindy Affinati' <caffinat@nycourts.gov>

Subject: The requested "authority": RE: YET AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Here's requested "authority – the citizen-taxpayer action statute, State Finance Law §123 et seq., whose §c(4) commands: "An action under the provisions of this article...shall have preference over all other causes in all courts."
Do you need more?

I gave you notice, in the courtroom on March 29th, that I would be ordering the transcript and asked you for your card so that I might do so. The next morning, yesterday, I e-mailed you at 8:32 am to make the necessary arrangements, so that I could secure the transcript IMMEDIATELY. How much time do you purport is needed for you to turn around a transcript for the short proceeding. You are not, after all, transcribing from hand-written notes.

Thank you.

Elena Sassower
914-421-1200

From: Cindy Affinati [<mailto:caffinat@nycourts.gov>]
Sent: Friday, March 31, 2017 3:25 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: Re: YET AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

I have been in court and unless you have some authority directing your transcript be prepared ahead of ones already backlogged, the 60 day time frame will stand.

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, March 31, 2017 3:11:23 PM
To: Cindy Affinati

Subject: YET AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Dear Ms. Affinati,

It is now after 3 p.m. – and I have not received a call from you to the below e-mail I sent you at 8:32 a.m. today, nor to the e-mail I sent you at 11:43 a.m. yesterday. This notwithstanding the urgency I noted to you.

If I do not hear back from you by 3:45 p.m. – approximately 35 minutes from now – I will have no choice but to contact supervisory authorities.

TIME IS OF THE ESSENCE. This is a citizen-taxpayer action and I require a transcription of the March 29th oral argument of plaintiffs' order to show cause for a preliminary injunction, with TRO.

Thank you.

Elena Sassower
914-421-1200

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

Sent: Friday, March 31, 2017 8:32 AM

To: 'Cindy Affinati' <caffinat@nycourts.gov>

Subject: AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Dear Cindy,

I received no call-back from you. Please let me hear from you, as soon as possible. As I stated below "It is urgent".

Thank you.

Elena
914-421-1200

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

Sent: Thursday, March 30, 2017 11:43 AM

To: 'Cindy Affinati' <caffinat@nycourts.gov>

Subject: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

It is urgent. Thank you.

Elena
914-421-1200

From: Cindy Affinati [<mailto:caffinat@nycourts.gov>]

Sent: Thursday, March 30, 2017 11:31 AM

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

Subject: Re: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Ms. Sassower,

The cost of the transcript held yesterday before Hon. Denise A. Hartman is \$99.00. I estimate the earliest I can get it to you would be 60 days as I have quite a backlog of transcripts already ordered.

Cindy Affinati

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

Sent: Thursday, March 30, 2017 7:26:51 AM

To: Cindy Affinati

Subject: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Dear Cindy,

Kindly call me as soon as possible, as I wish to IMMEDIATELY order the transcript of yesterday's proceedings.

Thank you.

Elena (Sassower)

914-421-1200