

Center for Judicial Accountability, Inc. (CJA)

From: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Sent: Tuesday, June 19, 2018 1:54 PM
To: Center for Judicial Accountability, Inc. (CJA)
Cc: Paladino, Victor
Subject: Record on Appeal -- Citizen-Taxpayer Action: CJA v. Cuomo, et al (Albany Co. #5122-16)
Attachments: Example of Cross-Reference Page.pdf

Dear Ms. Sassower,

Thank you for your follow-up email. Let me respond to your points in the order in which they appear:

1. I agree that Exhibits 6-a, 6-b, and 5 to the May 15, 2017 reply affidavit are pertinent to the appeal and may be included in the record.
2. I agree that the 4-25-17 letter from Justice Hartman and the 5-23-17 letter from AAG Kerwin are pertinent to the appeal and should be included in the record.
3. I have the 5-5-17 amended decision and order.
4. If the "free-standing evidence" is being excluded from the record, then it should not be included in the Table of Contents.
5. I do not consent to your omitting any of defendants' exhibits, unless they are reproduced fully elsewhere in the record. If an exhibit is reproduced fully elsewhere in the record, then at the particular page where the exhibit is shown in the table of contents, you should insert a page identifying the exhibit and stating where in the record a full copy may be found. (See attached example from a record I have filed in another case in the Third Department.)
6. It is not necessary for me to join you in subpoenaing the record from Index #5122-16. I do not object to your subpoenaing that record.
7. I do not think it is necessary or appropriate to subpoena the record from any action other than Index #5122-16. I notice that, in the papers filed in Supreme Court under Index #5122-16, from time to time documents from other actions were attached as exhibits. As a result, those documents became part of the record in this case. I do not consent to expanding the record in this case beyond what has already been filed under Index #5122-16.
8. I understand from your notice that you plan to file your brief on June 28 and will seek to bring on an emergency motion at that time. The period from June 28 through July 10 is not convenient for me due to another work commitment. Additionally, after receiving your motion, I will require some time to review the lengthy record compiled in this case in order to respond. Therefore, if you proceed on the schedule indicated, I will likely request an extension of the time in which to respond. As to the merits of any motion you might bring (and of the underlying appeal), I do not consent to service by email or website. I will address any legal filings in this matter after they have been served in accordance with the CPLR.

Very truly yours,

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