

STATEMENT PURSUANT TO CPLR §5531

1. The index number of this action in the court below is 5122-16.
2. The full names of the original parties are set forth in the caption. There have been no changes – other than that named defendant-respondent Eric T. Schneiderman is no longer attorney general and has been succeeded by Barbara D. Underwood.
3. The action was commenced in the Supreme Court of the State of New York, County of Albany.
4. This action was commenced by plaintiffs-appellants on September 2, 2016 by a summons and verified complaint [R.85-392], accompanied by an order to show cause with stay and TRO [R.80-84]. Defendants-respondents’ answer is dated January 20, 2017, signed and verified by Assistant Attorney General Adrienne Kerwin [R.548-553]. On March 29, 2017 plaintiffs-appellants presented a verified supplemental complaint by an order to show cause, with preliminary injunction and TRO [R.635-743].
5. This is a citizen-taxpayer action, pursuant to State Finance Law, Article 7-A [§123, *et seq.*], brought by plaintiffs-appellants “on their own behalf and on behalf of the People of the State of New York & the Public Interest”. Its September 2, 2016 verified complaint, with ten causes of action [R.87-392], seeks declaratory and injunctive relief with respect to the state budget for fiscal year 2016-2017 by reason of its unconstitutionality, unlawfulness, and fraud – and additionally requests as “other and further relief”:

“restoring public trust by referring to prosecutorial authorities the evidence particularized by this verified complaint as it establishes, *prima facie*, grand larceny of the public fisc and other corrupt acts, requiring that the culpable public officers and their agents be criminally prosecuted and removed from office, without further delay.” [R.131, at ¶4, underlining added, italics in the original].

The March 29, 2017 verified supplemental complaint, reiterating the ten causes of action with respect to the state budget for fiscal year 2017-2018 [R-671-743], seeks comparable declaratory and injunctive relief based on virtually identical unconstitutionality, unlawfulness, and fraud. Its “other and further relief” comparably requests:

“restoring the public trust by referring to prosecutorial authorities the evidence particularized by this verified supplemental complaint as it establishes, *prima facie*, grand larceny of the public fisc and other corrupt acts, requiring that the culpable public officers and their agents

be criminally prosecuted and removed from office, without further delay.” [R.742, at ¶4, underlining added, italics in the original].

6. This is an appeal from a November 28, 2017 decision and judgment of Court of Claims Judge/Acting Supreme Court Justice Denise A. Hartman, entered in the Albany County Clerk’s Office on December 8, 2017 [R.1, R.31-41].
7. The appeal is on a full reproduced record – and on the original record, brought up from the Albany County Clerk’s Office pursuant to subpoena.