

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

November 13, 2019

New York State Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

ATT: Chief Clerk & Legal Counsel John P. Asiello

RE: Records Request Pursuant to §124 of the Chief Administrator's Rules
(1) where is the exemption of the Court of Appeals from §124 of the Chief Administrator's Rules?;
(2) confirmation that you disqualified yourself from *Center for Judicial Accountability, et al. v. Cuomo, et al.* – and the reason;
(3) the Court's rules, regulations, and procedures governing disqualification of its staff;
(4) your August 30, 2019 jurisdictional inquiry – and the letter-responses thereto – in *Delgado v. State of New York*

Dear Chief Clerk/Legal Counsel Asiello:

This follows my phone conversation earlier today with Motion Clerk Rachel MacVean, Esq., discussing the November 7, 2019 letter I had received from Deputy Clerk Heather Davis, Esq., responding to my November 1, 2019 records request letter to you.

Ms. Davis' letter states: "Part 124 of the Rules of the Chief Administrator does not apply to records possessed by this Court". This repeats the identical representation in her June 4, 2019 letter to me, responding to my May 31, 2019 records request letter to you – and which Ms. MacVean also repeated in our previous phone conversation on October 30, 2019.

I told Ms. MacVean that I had reviewed Part 124 of the Chief Administrator's Rules and saw nothing exempting the Court of Appeals from its purview.

I also told Ms. MacVean that Ms. Davis' November 7th letter had not responded to my request that you confirm that you had disqualified yourself from *CJA v. Cuomo, et al.* and identify the reason – or, alternatively, that you furnish:

"all records reflecting same – and a copy of the Court's rules, regulations, and procedures governing disqualification of its staff for financial and other interests, relationships, and other bias."

Ms. MacVean suggested that I write to you a further letter for clarification of the foregoing – which is what I hereby do.

Ms. MacVean also suggested that I put in writing my request for a copy of the August 30, 2019 jurisdictional inquiry letter you signed in *Delgado v. State of New York* concerning the direct appeal of right taken by the plaintiffs-appellants therein – and for a copy of the September 9, 2019 letters of both the plaintiffs-appellants and attorney general responding thereto, as well as the attorney general’s earlier September 3, 2019 letter. This is also what I now do – adding a request that you furnish these to me, in advance of my payment of necessary charges. Upon receipt of the requested records, I will promptly remit payment to you.

Your expeditious response – by e-mail to elena@judgewatch.org – would be greatly appreciated – as the foregoing are germane to the motion I am drafting addressed to the Court’s three October 24, 2019 orders, signed by Ms. Davis, which I hope to serve on November 21, 2019.

Thank you.