

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY E-MAIL: ad3clerksoffice@nycourts.gov

October 3, 2018

Appellate Division, Third Department Clerk Robert Mayberger
Albany, New York
Tel: 518-471-4777

RE: Leave to File Oversized Reply Brief
Center for Judicial Accountability, et al. v. Cuomo, et al.
Appellate Division, Third Dept. #527081

Dear Clerk Mayberger,

I am the unrepresented individual plaintiff-appellant in the above citizen-taxpayer action appeal, in which appellants' reply brief is due on Friday, October 5, 2018.

I submit this letter pursuant to §1250.9(h) of this Court's new Practice Rules of the Appellate Division, for leave to file an oversized reply brief.

Enclosed is a pdf of appellants' reply brief, not yet finalized, which is 12,248 words – and, as such, 5,248 words beyond the 7,000 words set for reply briefs (§1250.8(2)). In order for the finalized reply brief to be received by the Court on the October 5th due date, I will have to express mail six copies and an original by tomorrow afternoon. To accommodate the addition of further record references and possible additional text, appellants request to be permitted to submit a reply brief of no more than 6,000 words in excess, *to wit*, a maximum of 13,000 words.

This request is necessary because the respondents' brief, interposed by Assistant Solicitor General Brodie, on behalf of Attorney General Underwood, is, from beginning to end, “a fraud on the court” – thereby burdening appellants with having to expose its mountain of deceits, as Mr. Brodie has refused to withdraw it.

Enclosed is my September 21, 2018 e-mail notice to Mr. Brodie and all supervisory/managerial attorneys over him, including Attorney General Underwood, of their duty to withdraw the respondents' brief, identifying that I would otherwise “furnish the Court with a particularized analysis..., setting forth its multitudinous deceits and falsehoods, in support of relief against all of [them], pursuant to 22 NYCRR §130-1.1, Judiciary Law §487, and §100.3D(2) of the Chief Administrator's Rules Governing Judicial Conduct.” Mr. Brodie's September 21, 2018 e-mail response – which he simultaneously furnished to Attorney General Underwood and other supervisory/managerial attorneys – is also enclosed, stating:

“I stand by the arguments in respondents’ brief, and do not withdraw them.”

Appellants’ reply brief is the “analysis” promised by my September 21st e-mail – and, based thereon, appellants will be expeditiously moving, by order to show cause, to have the respondents’ brief stricken by reason of its fraud, and for such other and further relief as is appropriate under the circumstances.

Thank you.

A handwritten signature in black ink, appearing to read 'Elena Ruth Sassower', with a long horizontal flourish extending to the right.

ELENA RUTH SASSOWER, unrepresented individual plaintiff-appellant,
individually and as Director of the Center for Judicial Accountability, Inc.,
acting on her own behalf, on behalf of the People of the State of New York &
the Public Interest

Enclosures

cc: Assistant Solicitor General Frederick Brodie
& supervisory/managerial attorneys, including Attorney General Underwood

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, September 21, 2018 5:30 PM
To: 'Brodie, Frederick'
Cc: 'Barbara.Underwood@ag.ny.gov'; 'Paladino, Victor'; 'Janet.Sabel@ag.ny.gov';
'Kent.Stauffer@ag.ny.gov'; 'Meg.Levine@ag.ny.gov'; 'Jeffrey Dvorin';
'Brian.Mahanna@ag.ny.gov'; 'Alvin.Bragg@ag.ny.gov'; 'marty.mack@ag.ny.gov';
'Matthew.Colangelo@ag.ny.gov'; 'Margaret.Garnett@ag.ny.gov';
'manisha.sheth@ag.ny.gov'; 'Adrienne Kerwin'; 'Helena.Lynch@ag.ny.gov'
Subject: NOTICE: Your duty to withdraw your respondents' brief, as it is "a fraud on the court" --
CJA v. Cuomo, No. 527081/citizen-taxpayer action
Attachments: 9-21 Filing - CJA v. Cuomo.zip

TO: Assistant Solicitor General Frederick Brodie –

Thank you for the "courtesy" of e-mailing me your respondents' brief. However, your duty was to have informed Attorney General Underwood – and the supervisory/managerial attorneys beneath her and over you – of the truth of what I repeatedly advised: that there was NO legitimate defense to the appeal. This, you have now PROVEN by your respondents' brief which, from beginning to end, is "a fraud on the court", readily verifiable as such from comparison with appellants' brief and the three-volume record on appeal substantiating it: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/7-4-18-appellants-brief.htm>.

By this e-mail, I hereby give NOTICE to you and to all supervisory/managerial attorneys over you, none more important than Attorney General Underwood herself, that your duty and theirs is to withdraw the respondents' brief. If this is not done, I will furnish the Court with a particularized analysis of your respondents' brief, setting forth its multitudinous deceptions and falsehoods, in support of relief against all of you, pursuant to 22 NYCRR §130-1.1, Judiciary Law §487, and §100.3D(2) of the Chief Administrator's Rules Governing Judicial Conduct.

Please confirm that supervisory oversight will be undertaken, forthwith.

Thank you.

Elena Sassower, unrepresented plaintiff-appellant

On her own behalf, on behalf of the Center for Judicial Accountability, Inc., and on behalf of the People of the State of New York and the Public Interest.

From: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Sent: Friday, September 21, 2018 12:22 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Subject: CJA v. Cuomo, No. 527081

Dear Ms. Sassower,

The attached papers are being served and filed today. Since service is being made by regular mail, I am sending you electronic copies today as a courtesy.

Very truly yours,

Center for Judicial Accountability, Inc. (CJA)

From: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Sent: Friday, September 21, 2018 5:43 PM
To: Center for Judicial Accountability, Inc. (CJA)
Cc: Underwood, Barbara; Paladino, Victor; Sabel, Janet; Stauffer, Kent; Levine, Meg; Dvorin, Jeffrey; Mahanna, Brian; Bragg, Alvin; Mack, Marty; Colangelo, Matthew; Garnett, Margaret; Sheth, Manisha; Kerwin, Adrienne; Lynch, Helena
Subject: RE: NOTICE: Your duty to withdraw your respondents' brief, as it is a "fraud on the court" -- CJA v. Cuomo, No. 527081/citizen-taxpayer action
Attachments: Brief for Respondents.pdf

Dear Ms. Sassower,

I stand by the arguments in respondents' brief, and do not withdraw them.

You are entitled to file a reply brief in the form required under 22 N.Y.C.R.R. sec. 1250.8(d), within the time frame set by the Appellate Division's August 7, 2018 order.

Very truly yours,

Frederick A. Brodie
Assistant Solicitor General
New York State Office of the Attorney General
Appeals & Opinions Bureau
The Capitol
Albany, NY 12224-0341
(518) 776-2317
Frederick.Brodie@ag.ny.gov

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Friday, September 21, 2018 5:26 PM
To: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Cc: Underwood, Barbara <Barbara.Underwood@ag.ny.gov>; Paladino, Victor <Victor.Paladino@ag.ny.gov>; Sabel, Janet <Janet.Sabel@ag.ny.gov>; Stauffer, Kent <Kent.Stauffer@ag.ny.gov>; Levine, Meg <Meg.Levine@ag.ny.gov>; Dvorin, Jeffrey <Jeffrey.Dvorin@ag.ny.gov>; Mahanna, Brian <Brian.Mahanna@ag.ny.gov>; Bragg, Alvin <Alvin.Bragg@ag.ny.gov>; Mack, Marty <Marty.Mack@ag.ny.gov>; Colangelo, Matthew <Matthew.Colangelo@ag.ny.gov>; Garnett, Margaret <Margaret.Garnett@ag.ny.gov>; Sheth, Manisha <Manisha.Sheth@ag.ny.gov>; Kerwin, Adrienne <Adrienne.Kerwin@ag.ny.gov>; Lynch, Helena <Helena.Lynch@ag.ny.gov>
Subject: NOTICE: Your duty to withdraw your respondents' brief, as it is a "fraud on the court" -- CJA v. Cuomo, No. 527081/citizen-taxpayer action

TO: Assistant Attorney General Brodie –

Thank you for the "courtesy" of e-mailing me your respondents' brief. However, your duty was to have informed Attorney General Underwood – and the supervisory/managerial attorneys beneath her and over you – of the truth of what I repeatedly advised: that there was NO legitimate defense to the appeal. This, you have now PROVEN by your respondents' brief which, from beginning to end, is "a fraud on the court", readily verifiable as such from comparison