

At the Appellate Division, Third Department of the State of New York, located at the Robert Abrams Building for Law and Justice on State Street, Albany, New York 12223, on the 12<sup>th</sup> day of September, 2018.

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION, THIRD DEPARTMENT**

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**CENTER FOR JUDICIAL ACCOUNTABILITY, INC.  
and ELENA RUTH SASSOWER, individually and  
as Director of the Center for Judicial Accountability, Inc.,  
acting on their own behalf and on behalf of the People  
of the State of New York & the Public Interest,**

**Plaintiffs-Appellants,**

**ORDER TO SHOW CAUSE  
to Disqualify the Court  
for Demonstrated Actual Bias  
& Other Relief**

**-against-**

**App. Div. 3<sup>rd</sup> Dept. Docket #527081  
Albany Co. Index #5122-16**

**ANDREW M. CUOMO, in his official capacity as Governor  
of the State of New York, JOHN J. FLANAGAN in his official  
capacity as Temporary Senate President, THE NEW YORK  
STATE SENATE, CARL E. HEASTIE, in his official capacity  
as Assembly Speaker, THE NEW YORK STATE ASSEMBLY,  
ERIC T. SCHNEIDERMAN, in his official capacity as Attorney  
General of the State of New York, THOMAS P. DiNAPOLI,  
in his official capacity as Comptroller of the State of New York,  
and JANET M. DiFIORE, in her official capacity as Chief Judge of the  
State of New York and chief judicial officer of the Unified Court System,**

**Defendants-Respondents.**  
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**Upon the annexed affidavit of the unrepresented individual plaintiff-appellant ELENA  
RUTH SASSOWER, sworn to on September 10, 2018, the exhibits annexed thereto, plaintiffs-  
appellants' perfected appeal, and upon all the papers and proceedings heretofore had,**

*SO I-1*

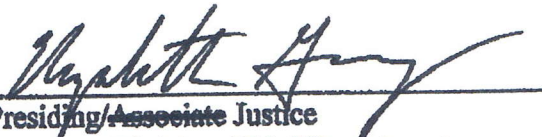
LET defendants-respondents show cause before this Court at the Robert Abrams Building for Law and Justice on State Street, Albany, New York 12223, on the 27<sup>th</sup> day of September 2018 at 10:00 a.m. or as soon thereafter as the parties or their counsel may be heard, why an order should not issue:

1. disqualifying this Court for demonstrated actual bias, as manifested by its August 7, 2018 decision and order on motion;
2. vacating the August 7, 2018 decision and order on motion by reason of the Court's disqualification for actual bias; or, upon the granting of reargument and renewal, pursuant to CPLR §2221; or upon the granting of vacatur, pursuant to CPLR §5015(a)(3) "fraud, misrepresentation, or other misconduct of an adverse party", or pursuant to CPLR §5015(a)(4) for "lack of jurisdiction" by reason of the financial interest of its justices;
3. transferring plaintiffs-appellants' perfected appeal to another judicial department or, alternatively, transferring it to the New York Court of Appeals for purposes of determining the constitutional issues directly involved, beginning with the constitutionality of adjudication by an actually-biased tribunal whose judges have *sub silentio* repudiated their mandatory disqualification/disclosure obligations pursuant to §§100.3E and F of the Chief Administrator's Rules Governing Judicial Conduct;
4. granting such other and further relief as may be just and proper, including: (a) if the foregoing is denied, disclosure, pursuant to §100.3F of the Chief Administrator's Rules Governing Judicial Conduct, of the financial and other interests of the justices, as well as of their personal and professional relationships, impacting on their fair and impartial judgment; (b) \$100 motion costs pursuant to CPLR §8202.

LET SERVICE of this order to show cause, together with the papers on which it is based, be made on or before the 13<sup>th</sup> day of September 2018 upon counsel for the defendants-respondents herein, by e-mail and first-class mail, be deemed good and sufficient service.

ANSWERING PAPERS, if any, are to be served by defendants-respondents, *via* e-mail and first-class mail, at least 2 days prior to the return date of this order to show cause, *to wit*, September 25, 2018.

AND IT IS FURTHER ORDERED that the motion brought on by this order to show cause shall not be orally argued unless counsel and the unrepresented plaintiffs-appellants are notified to the contrary by the Clerk of the Court.

  
Presiding/Associate Justice  
Appellate Division, Third Department