

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, July 6, 2018 4:25 PM
To: 'Brodie, Frederick'
Cc: 'Paladino, Victor'
Subject: Responding to Stipulation in Lieu of Certification Pursuant to CPLR 5532 -- Record on Appeal: CJA v. Cuomo, et al.
Attachments: stipulation-signed-by-ers.pdf

Dear Assistant Solicitor General Brodie –

I adopt your sound suggestion of a separate stipulation – and attach the pdf of mine.

You are correct, there is “no need to check each page again” of the three-volume record on appeal. It is what we agreed to.

As to your item #4, referencing item #10 of your June 27th e-mail at 10:36 am, I will respond further next week by my affidavit in support of the order to show cause, with preliminary injunction and TRO, which I will e-mail you as soon as it is fully drafted so that you can have maximum time to review it before the anticipated July 17th oral argument.

Thank you.

Elena Sassower, unrepresented plaintiff-appellant
Individually & as Director of the Center for Judicial Accountability, Inc.,
acting on her own behalf and on behalf of the People of the State of New York & the Public Interest.

From: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Sent: Friday, July 6, 2018 3:57 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Cc: Paladino, Victor <Victor.Paladino@ag.ny.gov>
Subject: RE: Stipulation in Lieu of Certification Pursuant to CPLR 5532 -- Record on Appeal: CJA v. Cuomo, et al.

Dear Ms. Sassower,

Thank you for your latest email. As before, I will respond to your points in the order they appear.

1. The three-volume record should reflect the revisions that we have negotiated over the past few days. I assume there is no need to check each page again.
2. I have signed the stipulation and sent it to you by first-class mail. A pdf copy is attached. Before signing, I have crossed off the statement that you are appearing “as Director of the Center for Judicial Accountability, Inc., and on behalf of the People of the State of New York & the Public Interest,” because I do not stipulate to your appearing in those alleged capacities. If you wish, you may sign a separate copy of the stipulation and attach that to mine. That way, both of us will have stipulated to the record and you can maintain (in your copy) that you are entitled to represent persons other than yourself.
3. I will review your brief when it is served on me. I will respond to your brief in accordance with the CPLR and as the Appellate Division may direct and permit.

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,

-against-
Plaintiffs-Appellants,

Albany Co. #5122-16
RJI #01-16-122174

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.

Stipulation in Lieu of Certification Pursuant to CPLR §5532

IT IS HEREBY STIPULATED that the foregoing record contains correct and complete copies of all pertinent papers in this appeal — excepting, in the opinion of the unrepresented plaintiff-appellant, (1) the free-standing exhibits which she brought to the courthouse and filed on March 29, 2017, in support of plaintiffs-appellants' March 29, 2017 order to show cause, with preliminary injunction & TRO; and (2) the record in plaintiffs-appellants' underlying and incorporated citizen-taxpayer action, *Center for Judicial Accountability, Inc. v. Cuomo, et al.* (Albany County #1788-2014).

Dated: July 6, 2018



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

Dated: July 6, 2018

BARBARA D. UNDERWOOD, Attorney General of the State of New York
counsel for defendants-respondents

By: Frederick A. Brodie, Assistant Solicitor General