

SUPREME COURT OF THE STATE OF NEW YORK
ALBANY COUNTY

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----- X
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,

**NOTICE OF APPEAL
with pre-calendar statement**

-against-

Index #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.




-----X

PLEASE TAKE NOTICE that plaintiffs hereby appeal to the Appellate Division, Third
Department, Justice Building, 5th Floor, Empire State Plaza, Albany, New York 12223, from each
and every part of the decision and order of Acting Supreme Court Justice Denise A. Hartman, dated
June 26, 2017 and entered in the Albany County Clerk's Office on July 3, 2017 (Exhibit A).

Dated: White Plains, New York
August 5, 2017

Yours, etc.



ELENA RUTH SASSOWER, unrepresented plaintiff,
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

10 Stewart Place, Apartment 2D-E
White Plains, New York 10603
914-421-1200
elena@judgewatch.org

TO: Albany County Clerk
Albany County Court House, Room 128
16 Eagle Street
Albany, New York 12207-1077

Attorney General Eric T. Schneiderman
The Capitol
Albany, New York 12224-0341
ATT: Assistant Attorney General Helena Lynch/of Counsel

PRE-CALENDAR STATEMENT
State of New York
Supreme Court – Appellate Division
Third Judicial Department

Albany County Index #5122-16
RJI #: 01-16-122174
Commencement Date: September 2, 2016

1. Case Title:

*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-

*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
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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.*

2. Parties Involved: Set forth the full names of the original parties and any change in parties:

Party Name	Original Status	Appellate Status
Center for Judicial Accountability, Inc.	Plaintiff	Appellant
Elena Ruth Sassower, individually and as Director	Plaintiff	Appellant
Governor Andrew M. Cuomo	Defendant	Respondent
Temporary Senate President John Flanagan	Defendant	Respondent
New York State Senate	Defendant	Respondent

Assembly Speaker Carl Heastie	Defendant	Respondent
New York State Assembly	Defendant	Respondent
Attorney General Eric T. Schneiderman	Defendant	Respondent
Comptroller Thomas DiNapoli	Defendant	Respondent
Chief Judge Janet DiFiore	Defendant	Respondent

3. Counsel for Appellants:

Set forth the name, address, e-mail address, telephone number and facsimile telephone number of counsel for appellant(s).

Plaintiffs/appellants are without counsel – Acting Supreme Court Justice Denise Hartman having knowingly, deliberately, and repeatedly failed to rule on the threshold issue of their entitlement to representation/intervention by the New York State Attorney General, which they sought pursuant to Executive Law §63.1 and State Finance Law, Article 7-A [§123 *et seq.*], based on their *prima facie*/summary judgment entitlement to declarations, in their favor, on the ten causes of action of their September 2, 2016 verified complaint – and the reiterated ten causes of action of their March 29, 2017 verified supplemental complaint. Plaintiff/appellant Elena Sassower appears herein, unrepresented, 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.

Address: 10 Stewart Place, Apt. 2D-E
White Plains, New York 10603
E-Mail Address: elena@judgewatch.org
Telephone: 914-421-1200
Fax: --

4. Counsel for Respondent(s) and Counsel for Other Parties:

Set forth the name, address, e-mail address, telephone number and facsimile telephone number of counsel for respondent(s) and for each other party.

Name: Attorney General Eric T. Schneiderman
Asst. Attorney General Helena Lynch, of Counsel
Address: The Capitol
Albany, New York 12224-0341
Telephone: 518-776-2580
Fax: 518-915-7738

5. Court, Judge and County:

Identify the court, judge or justice, and the county from which the appeal is taken.

Supreme Court, Acting Supreme Court Justice Denise A. Hartman, Albany County

6. Nature and Object of Action or Proceeding:

Concisely set forth the nature and object of the underlying action or proceeding.

This is a citizen-taxpayer action, pursuant to State Finance Law, Article 7-A [§123, *et seq.*], whose September 2, 2016 verified complaint, brought in the public interest and on behalf of the People of the State of New York, seeks declaratory and injunctive relief with respect to the New York State budget for fiscal year 2016-2017 by reason of its unconstitutionality, unlawfulness, and fraud. Such unconstitutionality, unlawfulness, and fraud were repeated, virtually identically, with respect to the state budget for fiscal year 2017-2018 – and was the subject of a March 29, 2017 verified supplemental complaint, likewise seeking declaratory and injunctive relief, brought on by order to show. Judge Hartman’s denial of that order to show cause, in its entirety, is the subject of the instant appeal.

7. Appellate Issue(s):

Set forth a clear and concise statement of the issue(s) to be raised on the appeal, the grounds for reversal or modification to be advanced and the specific relief sought on the appeal.

Identically to plaintiffs’ June 10, 2017 notice of appeal of the May 5, 2017 decision/order and May 5, 2017 amended decision/order, this appeal from the June 26, 2017 decision/order involves Judge Hartman’s actual bias born of her financial interest and personal and professional relationships with defendants, as to which she made no disclosure, notwithstanding requested to do so. As previously, such actual bias took the form of:

(a) Judge Hartman’s concealment and failure to adjudicate threshold integrity issues involving defense counsel, the New York State Attorney General, for whom she worked for 30 years before being appointed to the bench in 2015 by former Attorney General, now Governor, Andrew Cuomo – the first named defendant, sued for corruption with the other named defendants, Attorney General Eric Schneiderman, among them;

(b) Judge Hartman’s obliteration of all cognizable adjudicative standards to “protect” and save defendants – public officers all – from ten causes of action to which they have no defense and as to which the record establishes plaintiffs’ summary judgment entitlement, *as a matter of law*, with sweeping declaratory and injunctive relief in their

favor, consistent with such definitive caselaw as *Korn v. Gulotta*, 72 NY2d 363 (1988); *New York State Bankers Assn v. Wetzler*, 81 NY2d 98 (1993); *King v. Cuomo*, 81 NY2d 247 (1993); *Pataki v. New York State Assembly, New York State Senate/Silver v. Pataki*, 4 NY3d 75 (2004). All such declaratory judgments, germane to the New York State budget, are being sought on the appeal.

8. Additional Information:

Please set forth any information you deem relevant to the determination of whether the matter is appropriate for a Civil Appeals Settlement Program (CASP) Conference.

State Finance Law §123-c(4) commands that citizen-taxpayer actions be “promptly determined”. The speediest means to resolve the far-reaching, constitution-vindicating issues on this appeal and prevent further dissipation and theft of billions of dollars in taxpayer monies from a state budget that will have to be declared unconstitutional (see above caselaw) is *via* a settlement conference. That defendants/respondents have no defense to the record herein, establishing that Judge Hartman’s appealed-from decisions are criminal acts, flagrantly falsifying the record and obliterating the law, makes the holding of such settlement conference all the more compelled.

9. Other Related Matters:

Indicate if there is another related action or proceeding, identifying and briefly describing same.

The facts giving rise to, and additionally substantiating, this citizen-taxpayer action are chronicled in plaintiffs’ prior citizen-taxpayer action, which the record herein incorporates and whose record, likewise, establishes plaintiffs’ entitlement to summary judgment on all causes of action and declaratory and injunctive relief in their favor:

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-

ANDREW M. CUOMO, in his official capacity as Governor of the State of New York, DEAN SKELOS in his official capacity as Temporary Senate President, THE NEW YORK STATE SENATE, SHELDON SILVER, 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, and THOMAS DiNAPOLI, in his official capacity as Comptroller of the State of New York,

Submitted by:



Signature

Print Name: Elena Ruth Sassower

Date: August 5, 2017

10. Attachments

Check:

- | | |
|--|--|
| 1. Copy of order or judgment appealed from | <input checked="" type="checkbox"/> attached |
| 2. Copy of opinion or decision. | <input checked="" type="checkbox"/> attached |
| | <input type="checkbox"/> does not exist |
| 3. Copy of notice of appeal or order granting leave to appeal. | <input type="checkbox"/> attached |

Attach copies, not originals.

File this original form with attachments when original notice of appeal is filed in the office where the judgment or order of court of original instance is entered.

A copy of this document must be served upon all counsel and *pro se* parties.

The Civil Appeals Settlement Program (CASP) functions independently of the appeals function of the Appellate Division, Third Department with the intent to assist the parties in pragmatically resolving their disputes by agreement. The progress of and communications of matters in CASP are not shared with the Court as part of the appeal and play no role in the Court's resolution of an appeal. The communications and opinions expressed at a CASP conference are considered confidential and may not be communicated to the Court as part of the merits of an appeal. The consideration of an appellate matter by CASP does not excuse compliance with any Appellate Division, Third Department rule concerning the timely perfection of the appeal.

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ALBANY

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
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Plaintiffs,

-against-

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
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officer of the Unified Court System,

Defendants.

Index No. 5122-16
RJI No. 01-16-122174

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APPEARANCES:

ELENA RUTH SASSOWER
Plaintiff pro se
PO Box 8101
White Plains, New York 10602

ERIC T. SCHNEIDERMAN, ATTORNEY
GENERAL OF THE STATE OF NEW YORK
Adrienne J. Kerwin, of Counsel
Attorney for Defendants
The Capitol
Albany, New York 12224-0341

EX A

Hartman, J.

Plaintiff Elena Ruth Sassower, pro se, commenced this action primarily challenging the constitutionality of the Legislature's 2016-2017 budget bills. By Decision and Order dated December 21, 2016, this Court dismissed all but plaintiff's sixth cause of action, in which she additionally challenged the 2015 legislation that created the Commission on Legislative, Judicial & Executive Compensation as unconstitutional. Plaintiff now moves by order to show cause for summary judgment on the sixth cause of action. Because plaintiff has not demonstrated entitlement to summary judgment, her motion is denied.

Plaintiff also moves for leave to file a supplemental complaint and for a declaration that the Legislature's 2017-2018 budget bills are invalid and an order enjoining the Legislature from enacting and disbursing funds pursuant to 2017-2018 Legislative/Judiciary Budget Bill # S.2001/A.3001. The proposed supplemental complaint re-alleges for the 2017-2018 budget year causes of action that have been dismissed or denied for the 2015-2016 and 2016-2017 budget years. Thus, leave to file a supplemental complaint is denied.

Finally, plaintiff has submitted for the Court's signature subpoenas duces tecum for legislative records and an application for preliminary injunctive relief. Denial of the motion for leave to file a supplemental complaint renders moot her requests for subpoenas duces tecum and preliminary relief.

Procedural History and Background

By Decision and Order dated December 21, 2016, the Court dismissed nine of the ten causes of action asserted in the complaint for failure to state a cause of action, but denied defendants' motion to dismiss with respect to the sixth cause of action. By Decision and Order dated May 5, 2017, the Court denied plaintiff's motion to disqualify and to renew and reargue the December 21, 2016 decision. That same day, the Court issued an Amended Decision and Order, which amended the December 21, 2016 decision to add a recitation of the papers considered.

Plaintiff now moves for summary judgment on the sole surviving cause of action. The sixth cause of action alleges that Chapter 60, Part E of the Laws of 2015, which created the Commission on Legislative, Judicial & Executive Compensation (the Commission) violates the New York State Constitution. The Commission is comprised of three members appointed by the Governor, one by the temporary president of the senate, one by the speaker of the assembly, and two by the chief judge (§ 3.1). The statute requires the Commission, every four years, to

“examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for members of the legislature, judges and justices of the state-paid courts of the unified court system, statewide elected officials, and those state officers referred to in section 169 of the executive law”

(§ 2.1). The Commission's recommendations "have the force of law, and shall supersede, where appropriate, inconsistent provisions of article 7-B of the judiciary law, section 169 of the executive law, and sections 5 and 5-a of the legislative law, unless modified or abrogated by statute prior to April first of the year as to which such determination applies to legislative and executive compensation" (§ 7).

Plaintiff's sixth cause of action alleges that the 2015 legislation is unconstitutional in five sub-causes of action. She claims that (A) it unconstitutionally gives the Commission's recommendations the force of law; (B) it unconstitutionally delegates legislative power without proper safeguards; (C) it violates Article XIII § 7 of the New York State Constitution; (D) it was passed in violation of Article VII §§ 2, 3, and 6 of the New York State Constitution; and (E) it was passed as a result of fraud and in violation of due process. Plaintiff asserts that, as of the Court's December 21, 2016 decision, the record contained facts and law entitling her to summary judgment. In addition to plaintiff's moving affidavit and exhibits, the Court has examined the complaint (and the proposed second supplemental complaint from an earlier action that is incorporated therein) to decide this motion.

Motion for Summary Judgment

The party moving for summary judgment bears the burden of submitting evidence in admissible form demonstrating entitlement to judgment as a matter of law. Once the moving party has met its burden, the burden shifts to the party opposing summary judgment to submit evidence in admissible form that establishes that a material issue of fact exists (*Nomura Asset Capital Corp. v Cadwalader, Wickersham & Taft LLP*, 26 NY3d 40, 49 [2015]; *Staunton v Brooks*, 129 AD3d 1371, 1372 [3d Dept 2015]). To succeed in a facial challenge to the constitutionality of a statute, a plaintiff must “surmount the presumption of constitutionality accorded to legislative enactments by proof beyond a reasonable doubt” (*Moran Towing Corp. v Urbach*, 99 NY2d 443, 448 [2003] [internal quotation marks omitted]). To succeed, the plaintiff “must establish that no set of circumstances exists under which the Act would be valid” (*id.* [internal quotation marks omitted]).

Sub-Causes A and B—Separation of Powers Claims

Plaintiffs first two sub-causes allege that the legislation that created the Commission violates separation of powers principles. “Derived from the separation of powers doctrine, the principle that the legislative branch may not delegate all of its lawmaking powers to the executive branch has been applied with the utmost reluctance (*Boreali v Axelrod*, 71 NY2d 1, 9 [1987]). Thus, although “the Legislature cannot pass on its law-making functions to other

bodies[,] there is no constitutional prohibition against the delegation of power, with reasonable safeguards and standards, to an agency or commission to administer the law as enacted by the Legislature” (*id.* at 10; *see Matter of Retired Public Employees Assn. v Cuomo*, 123 AD3d 92, 97 [3d Dept 2014] [rejecting claim that legislature unconstitutionally delegated its legislative powers to the Civil Service Commission]).

Plaintiff argues nonetheless that the Legislature cannot constitutionally give a commission’s findings and regulations the “force of law.” Plaintiff’s reliance on the dissent in *St. Joseph’s Hospital v Novello* (43 AD3d 139 [4th Dept 2007]) is misplaced. There, the majority of the court upheld a statute that created a commission to make and report its recommendations for, among other things, closing healthcare facilities. The commission’s recommendations had the force of law unless the governor declined to approve them, or if each house of the Legislature adopted a resolution rejecting them. The court upheld the delegation of powers, reasoning that “even if the legislative veto provision were unconstitutional, that provision does not invalidate the remainder of the Legislation” because it would be severable (*id.* at 146). The dissent was of the opinion that the legislative veto provision violated the Presentment Clause and separation of powers doctrine and was not severable (*id.* at 151–154).

The legislation at issue here does not provide for a legislative veto. Rather, the Commission’s recommendations will take effect unless the

Legislature and Executive follow the usual constitutional process for enacting a statute. The constitutional infirmity that concerned the dissent in *St. Joseph's Hospital* is not present here. Thus, neither the majority opinion nor the dissent in that case supports plaintiff's contention that the 2015 legislation violates the separation of powers doctrine because it improperly gives Commission recommendations the force of law.

Nor has plaintiff established that the statute otherwise unconstitutionally delegates legislative powers to the Commission. Although the Commission is entitled to make binding recommendations regarding the pay of public officers and officials, plaintiff has not shown that, by granting such power to the Commission, the Legislature has ceded its "fundamental legislative or policymaking authority" (*Med. Socy. v Serio*, 100 NY2d 854, 864 [2003]). The Commission bill provides a specific task and defined guidelines for the Commission to consider in furtherance of that task (L 2015, ch 60, Part E § 3; see *McKinney v Commr. of the N.Y. State Dept. of Health*, 41 AD3d 252, 253 [1st Dept 2007], *lv denied* 9 NY3d 815 [2007]). Accordingly, plaintiff has not established her entitlement to judgment as a matter of law on either of her separation of powers sub-causes of action.

Sub-Cause C—Article XIII, Section 7

Plaintiff alleges that the Commission bill violates Article XIII, Section 7 of the New York State Constitution. The Commission bill specifies that

recommended salary increases for judges would take effect on April 1 of any of the four years after the Commission's establishment (L 2015, ch 60, Part E § 2 [b] [1]). For members of the Legislature and statewide elected officials and officers, a recommended increase would go into effect on "the first of January after the November general election at which members of the state legislature are elected" (L 2015, ch 60, Part E § 2 [b] [2]).

State Constitution Article XIII, Section 7 states that the compensation of State officers named in the Constitution must be fixed by law and "shall not be increased or diminished during the term for which he or she shall have been elected or appointed." And State Constitution Article III, Section 6 provides that legislators' salaries must be fixed by law and may not be "increased or diminished during, and with respect to, the term for which he or she shall have been elected." In contrast, Article VI, Section 25 provides that judicial salaries shall be established by law and "shall not be diminished during the term of office for which he or she was elected or appointed."

Conspicuously absent from Article VI, Section 25 is a prohibition on granting increases to judicial compensation during their terms. Thus plaintiff erroneously relies on Article XIII, Section 7's general prohibition against compensation increases for the State's constitutional officers during the terms for which they were elected or appointed to argue that the State Constitution forbids judicial pay raises during judges' current terms of election or

appointment. And to the extent that plaintiff argues that the 2015 legislation creating the Commission unconstitutionally provides for a pay raise to legislators or the State's constitutional officers during the terms in which they have been elected or appointed, given that no pay raise has been recommended or effected, she has not established that "no set of circumstances exists under which the Act would be valid" (*Moran Towing*, 99 NY2d at 448).

Sub-Cause D—Article VII, Sections 2, 3, and 6

Plaintiff has also failed to satisfy her summary judgment burden with respect to her argument that the budget bills resulting in the enactment of the bill creating the Commission (S4610/A6721 2015) violated New York State Constitution Article VII, Sections 2, 3, and 6. Plaintiff has not established that the violations she claims are justiciable or that she is entitled to any relief. The fact that the State Constitution requires the Governor to submit a budget and budget bill before February 1st does not mean that a citizen has standing to seek a court order invalidating legislation passed in violation of that requirement. Likewise, whether the Commission's enabling legislation represents an expenditure or provides revenue, or "relate[s] specifically to some particular appropriation in the bill" may be political questions and not judiciable in this action (*see Pataki v N.Y. State Assembly*, 4 NY3d 75, 95–97 [2004]).

Sub-Cause E – Fraud and Due Process

The final allegation in plaintiff's sixth cause of action is that the budget bills creating the Commission were enacted fraudulently and in violation of due process. These allegations have already been rejected by the Court in its Amended Decision and Order dated December 21, 2016.

In sum, plaintiff has not demonstrated that she is entitled to judgment as a matter of law on any of the allegations contained in her sixth cause of action. Neither plaintiff's repeated allegations of fraud, deceit, and collusion, nor her refusal to accept prior court decisions on virtually the same issues satisfies her burden on a motion for summary judgment.

Motion for Leave to File Supplemental Complaint

Plaintiff's motion to file a supplemental complaint is denied. "[L]eave to amend a complaint rests within the trial court's discretion and should be freely granted in the absence of prejudice or surprise resulting from the delay except in situations where the proposed amendment is wholly devoid of merit" (*Moon v Clear Channel Communs., Inc.*, 307 AD2d 628, 629 [3d Dept 2003]). All but one cause of action in the proposed supplemental complaint simply restate for budget year 2017–2018 causes of action that the Court has already determined to be devoid of merit. The remaining proposed cause of action merely restates the facial challenge to the 2015 legislation creating the Commission. It

contains no material “additional or subsequent transactions or occurrences” that would warrant a supplemental pleading (CPLR 3025 [b]).

Requests for Preliminary Relief and Subpoenas Duces Tecum

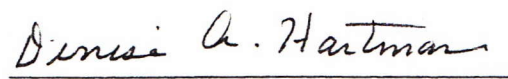
Plaintiff’s requests for preliminary declaratory and injunctive relief and subpoenas duces tecum for State Senate and Assembly records are related to the claims she seeks to assert concerning the 2017–2018 budget. Such requests are rendered moot by the denial of the motion to file a supplemental complaint (*see Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714–715 [1980]).

Accordingly, it is

ORDERED that plaintiff’s motion brought on by order to show cause dated March 29, 2017, is denied in its entirety.

This constitutes the Decision and Order of the Court. The original Decision and Order is being transmitted to defendants’ counsel. All other papers are being transmitted to the County Clerk for filing. The signing of this Decision and Order does not constitute entry or filing under CPLR 2220 and counsel is not relieved from the applicable provisions of that rule respecting filing and service.

Dated: Albany, New York
June 26, 2017


Denise A. Hartman
Acting Supreme Court Justice

Papers Considered

1. Summons and Verified Complaint, with Exhibits A–K
2. Order to Show Cause with Preliminary Injunction & TRO
3. Affidavit in Support of Order to Show Cause, with Exhibits 1–3
4. Verified Supplemental Complaint (Proposed)
5. Affirmation of Helena Lynch, Dated April 21, 2017, with Exhibits 1–10
6. Memorandum of Law in Opposition to Plaintiffs' Application for Partial Summary Judgment, to Supplement the Complaint, and for a Preliminary Injunction and Restraining Order
7. Affidavit in Reply & in Further Support of Plaintiffs' March 29, 2017 Order to Show Cause with Preliminary Injunction & TRO, with Exhibits 4–15
8. Plaintiffs' Memorandum of Law in Reply & in Further Support of Their March 29, 2017 Order to Show Cause with Preliminary Injunction & TRO
9. Judicial Subpoena Duces Tecum to New York State Senate Records Access Officer Secretary of the Senate Francine Patience
10. Judicial Subpoena Duces Tecum to New York State Assembly Records Access Officer Robin Marilla

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

I am the unrepresented individual plaintiff herein, over 18 years of age, and reside in the State of New York.

On August 5, 2017, I served a copy of the attached:

Notice of Appeal & Pre-Calendar Statement

upon: Attorney General Eric T. Schneiderman
The Capitol
Albany, New York 12224-0341

ATT: Assistant Attorney General Helena Lynch
Helena.Lynch@ag.ny.gov

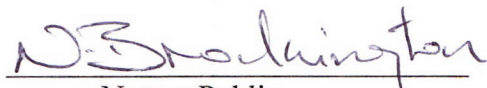
&, additionally, *via* e-mail to:

Attorney General Eric Schneiderman Eric.Schneiderman@ag.ny.gov
Chief Deputy Attorney General Jason Brown Jason.Brown@ag.ny.gov
Chief Deputy Attorney General Janet Sabel Janet.Sabel@ag.ny.gov
Executive Deputy Attorney General for State Counsel Kent Stauffer
Kent.Stauffer@ag.ny.gov
Deputy Attorney General Meg Levine Meg.Levine@ag.ny.gov
Litigation Bureau Chief Jeffrey Dvorin Jeffrey.Dvorin@ag.ny.gov
Assistant Attorney General Adrienne Kerwin adrienne.kerwin@ag.ny.gov

by depositing a true copy in a post-paid, properly-addressed envelope and mailing same at a U.S. post office within the State of New York at the address furnished by AAG Kerwin – and, additionally, *via* e-mail, as indicated above. A copy of the e-mail receipt is annexed.


ELENA RUTH SASSOWER

Sworn to before me this
5th day of August 2017


Notary Public

NOVEL ETTA BROCKINGTON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01BR6293108
Qualified in Westchester County
Commission Expires Nov. 25, 2017

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, August 5, 2017 8:15 AM
To: 'Helena.Lynch@ag.ny.gov'
Cc: 'Eric.Schneiderman@ag.ny.gov'; 'Jason.Brown@ag.ny.gov'; 'Janet.Sabel@ag.ny.gov'; 'Kent.Stauffer@ag.ny.gov'; 'Meg Levine'; 'Jeffrey Dvorin'; 'Adrienne Kerwin'
Subject: Citizen-Taxpayer Action--CJA v. Cuomo, et al. (Albany Co. #5122-16) -- notice of appeal of June 26, 2017 decision/order
Attachments: 8-5-17-notice-of-appeal-with-precalendar-statement.pdf; 8-5-17-ltr-to-clerk.pdf

Attached is plaintiffs' notice of appeal of today's date of Judge Hartman's June 26, 2017 decision/order. It is additionally posted on CJA's website, www.judgewatch.org, on the webpage of the June 26, 2017 decision/order. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/6-26-17-decision-etc.htm>

Also, my letter to the Albany County Clerk is attached.

Hard copies will be sent to you, later today, from the post office.

Thank you.

Elena Sassower, unrepresented plaintiff
on behalf of herself, individually and as director of the Center for Judicial Accountability, Inc.,
and on behalf of the People of the State of New York & the Public Interest
914-421-1200

SUPREME COURT OF THE STATE OF NEW YORK
ALBANY COUNTY

----- X
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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.

PLAINTIFFS' NOTICE OF APPEAL
(August 5, 2017)

ELENA RUTH SASSOWER, unrepresented plaintiff,
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

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White Plains, New York 10603
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