

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Tuesday, September 11, 2018 4:26 PM  
**To:** 'Brodie, Frederick'  
**Cc:** 'Paladino, Victor'  
**Subject:** CJA v. Cuomo, No. 527081: your request for consent to an appendix of excerpts from the 1st citizen-taxpayer action (Albany Co. #1788-2014)

Dear Assistant Solicitor General Brodie –

Responding to your yesterday morning's request – which I had not seen and which you brought to my attention this morning -- I have NO objection to your reproducing, in full, the record of the prior citizen-taxpayer action (Albany Co. #1788-2014) – and would welcome your doing so, so that the Appellate Division has the full picture – and ALL THE EVIDENCE -- of what took place. Indeed, as you know, I have sought to have the Appellate Division subpoena the original record of that citizen-taxpayer action from the Albany County Clerk's Office – and such is the fourth branch of appellants' July 2018 order to show cause.

As for your request for my consent to an appendix of excerpts from the prior citizen-taxpayer action, I have no objection, in principle. However, as I do not wish to be burdened with the effort and expense of a responding appendix, if I believe yours to have been improperly selective, I request – before giving my consent to same – that you e-mail me your list of excerpts when you have compiled it. I will promptly review the list you send, so that you may then have my consent, either immediately or upon resolution between us of any additional excerpts as I believe warranted based upon yours.

I think that is the fair and proper way to proceed.

Thank you.

Elena Sassower  
914-421-1200

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**From:** elena <elena@judgewatch.org>  
**Sent:** Tuesday, September 11, 2018 12:11 PM  
**To:** Brodie, Frederick <Frederick.Brodie@ag.ny.gov>  
**Cc:** Paladino, Victor <Victor.Paladino@ag.ny.gov>  
**Subject:** RE: CJA v. Cuomo, #527081: appellants' order to show cause to disqualify the Appellate Division, 3rd Dept for demonstrated actual bias & other relief

Dear Asst. Solicitor General Brodie,

Am away from my desk. I did not see your yesterday morning's email, as I was hard at work on the order to show cause. Will respond when I am back at my desk later in the day.

Thank you.

Elena Sassower

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

----- Original message -----

From: "Brodie, Frederick" <[Frederick.Brodie@ag.ny.gov](mailto:Frederick.Brodie@ag.ny.gov)>

Date: 9/11/18 10:48 AM (GMT-05:00)

To: "Center for Judicial Accountability, Inc. (CJA)" <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

Cc: "Paladino, Victor" <[Victor.Paladino@ag.ny.gov](mailto:Victor.Paladino@ag.ny.gov)>

**Subject: RE: CJA v. Cuomo, #527081: appellants' order to show cause to disqualify the Appellate Division, 3rd Dept for demonstrated actual bias & other relief**

Dear Ms. Sassower,

I will respond to your order to show cause if and when it is signed, in accordance with the Court's instructions.

Meanwhile, I sent you an email yesterday at 10:19 a.m., with a request. Could you please respond? The request was as follows:

QUOTE

Dear Ms. Sassower,

I write with a request concerning the above appeal.

As you'll recall, the parties' stipulation indicates that the record in *Center for Judicial Accountability, Inc. v. Cuomo*, No. 1788-2014, is also part of the record in the present appeal. (See R1387-1388.) That record, however, was not reproduced.

In the defendant-respondents' brief, to be filed Sept. 21, I plan to cite some materials excerpted from the record in the prior action. To bring those materials conveniently before the Court, I would like to file a supplemental appendix containing the excerpts I cite. (I don't yet know exactly what those materials will be at this point, but they will all be part of the record in the prior action.)

Would you consent to my filing a supplemental appendix containing excerpts from the record in the prior action? Please let me know, so that I can indicate in the motion whether the opposing side has consented.

To the extent you feel it is necessary to add further material after reading our brief, I will reciprocally consent to your filing a supplemental appendix, with your reply brief, containing excerpts from the prior record.

Thank you in advance for your courtesy.

END QUOTE

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](mailto:Frederick.Brodie@ag.ny.gov)

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, September 11, 2018 10:22 AM  
**To:** Brodie, Frederick <[Frederick.Brodie@ag.ny.gov](mailto:Frederick.Brodie@ag.ny.gov)>; Underwood, Barbara <[Barbara.Underwood@ag.ny.gov](mailto:Barbara.Underwood@ag.ny.gov)>; Paladino, Victor <[Victor.Paladino@ag.ny.gov](mailto:Victor.Paladino@ag.ny.gov)>; Sabel, Janet <[Janet.Sabel@ag.ny.gov](mailto:Janet.Sabel@ag.ny.gov)>; Stauffer, Kent <[Kent.Stauffer@ag.ny.gov](mailto:Kent.Stauffer@ag.ny.gov)>; Levine, Meg <[Meg.Levine@ag.ny.gov](mailto:Meg.Levine@ag.ny.gov)>; Dvorin, Jeffrey <[Jeffrey.Dvorin@ag.ny.gov](mailto:Jeffrey.Dvorin@ag.ny.gov)>; Kerwin, Adrienne <[Adrienne.Kerwin@ag.ny.gov](mailto:Adrienne.Kerwin@ag.ny.gov)>; Lynch, Helena <[Helena.Lynch@ag.ny.gov](mailto:Helena.Lynch@ag.ny.gov)>; Mahanna, Brian <[Brian.Mahanna@ag.ny.gov](mailto:Brian.Mahanna@ag.ny.gov)>; Bragg, Alvin <[Alvin.Bragg@ag.ny.gov](mailto:Alvin.Bragg@ag.ny.gov)>; Mack, Marty <[Marty.Mack@ag.ny.gov](mailto:Marty.Mack@ag.ny.gov)>; Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; Garnett, Margaret <[Margaret.Garnett@ag.ny.gov](mailto:Margaret.Garnett@ag.ny.gov)>; Sheth, Manisha <[Manisha.Sheth@ag.ny.gov](mailto:Manisha.Sheth@ag.ny.gov)>  
**Cc:** [ecarey@nycourts.gov](mailto:ecarey@nycourts.gov); 'Jane Landes' <[jlandes@nycourts.gov](mailto:jlandes@nycourts.gov)>; [ad3clerksoffice@nycourts.gov](mailto:ad3clerksoffice@nycourts.gov)  
**Subject:** CJA v. Cuomo, #527081: appellants' order to show cause to disqualify the Appellate Division, 3rd Dept for demonstrated actual bias & other relief

**TO: Assistant Solicitor General Brodie -- & Attorney General Underwood & Other Supervisory/Managerial Attorneys in the Office of the Attorney General**

Attached is appellants' unsigned order to show cause, with my September 10<sup>th</sup> moving affidavit and exhibits, that I express-mailed yesterday to the Appellate Division, Third Department – and mailed to you, as well – to disqualify the Court for demonstrated actual bias and other relief. It is posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org) – and the direct link to the webpage for it is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/9-10-18-osc.htm>.

As for the below, these are my August 6<sup>th</sup> and August 7<sup>th</sup> e-mails, furnishing you with my attached August 6<sup>th</sup> reply affidavit – the same as is referred-to by my September 10<sup>th</sup> moving affidavit (at ¶11) as furnishing “a road-map of the state of the record before the Court on ‘the papers’ before it”.

**Is there anything you deny or dispute with respect to either affidavit? If so, set it forth by a sworn statement – and from Attorney General Underwood.**

Thank you.

Elena Sassower, unrepresented plaintiff-appellant  
On her own behalf individually & as Director of the Center for Judicial Accountability, Inc.  
& on behalf of the People of the State of New York & the Public Interest  
914-421-1200

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, August 7, 2018 1:07 PM  
**To:** 'ecarey@nycourts.gov' <[ecarey@nycourts.gov](mailto:ecarey@nycourts.gov)>; 'Jane Landes' <[jlandes@nycourts.gov](mailto:jlandes@nycourts.gov)>; 'ad3clerksoffice@nycourts.gov' <[ad3clerksoffice@nycourts.gov](mailto:ad3clerksoffice@nycourts.gov)>  
**Cc:** 'Brodie, Frederick' <[Frederick.Brodie@ag.ny.gov](mailto:Frederick.Brodie@ag.ny.gov)>; 'Barbara.Underwood@ag.ny.gov' <[Barbara.Underwood@ag.ny.gov](mailto:Barbara.Underwood@ag.ny.gov)>; 'Paladino, Victor' <[Victor.Paladino@ag.ny.gov](mailto:Victor.Paladino@ag.ny.gov)>; 'Janet.Sabel@ag.ny.gov' <[Janet.Sabel@ag.ny.gov](mailto:Janet.Sabel@ag.ny.gov)>; 'Kent.Stauffer@ag.ny.gov' <[Kent.Stauffer@ag.ny.gov](mailto:Kent.Stauffer@ag.ny.gov)>; 'Meg.Levine@ag.ny.gov' <[Meg.Levine@ag.ny.gov](mailto:Meg.Levine@ag.ny.gov)>; 'Jeffrey Dvorin' <[Jeffrey.Dvorin@ag.ny.gov](mailto:Jeffrey.Dvorin@ag.ny.gov)>; 'Adrienne Kerwin' <[Adrienne.Kerwin@ag.ny.gov](mailto:Adrienne.Kerwin@ag.ny.gov)>; 'Helena.Lynch@ag.ny.gov' <[Helena.Lynch@ag.ny.gov](mailto:Helena.Lynch@ag.ny.gov)>; 'Brian.Mahanna@ag.ny.gov' <[Brian.Mahanna@ag.ny.gov](mailto:Brian.Mahanna@ag.ny.gov)>; 'Alvin.Bragg@ag.ny.gov' <[Alvin.Bragg@ag.ny.gov](mailto:Alvin.Bragg@ag.ny.gov)>; 'marty.mack@ag.ny.gov' <[marty.mack@ag.ny.gov](mailto:marty.mack@ag.ny.gov)>; 'Matthew.Colangelo@ag.ny.gov' <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; 'Margaret.Garnett@ag.ny.gov' <[Margaret.Garnett@ag.ny.gov](mailto:Margaret.Garnett@ag.ny.gov)>; 'manisha.sheth@ag.ny.gov'

<[manisha.sheth@ag.ny.gov](mailto:manisha.sheth@ag.ny.gov)>; 'jeffrey.Lang@ag.ny.gov' <[jeffrey.Lang@ag.ny.gov](mailto:jeffrey.Lang@ag.ny.gov)>

**Subject: CJA v. Cuomo, No. 527081: Notarized Signature Page/Appellants' Reply Affidavit -- PLUS LETTER**

**TO: Chief Motion Attorney Edward Carey**

Following up my below e-mail at 4:50 pm yesterday and my two phone calls to the Clerk's Office earlier today, attached is my self-explanatory letter of today's date, addressed to you, and its indicated two enclosures.

Thank you.

Elena Sassower, unrepresented plaintiff-appellant

On her own behalf individually & as Director of the Center for Judicial Accountability, Inc.

& on behalf of the People of the State of New York & the Public Interest

914-421-1200

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Monday, August 6, 2018 4:50 PM

**To:** 'ecarey@nycourts.gov' <[ecarey@nycourts.gov](mailto:ecarey@nycourts.gov)>; 'Jane Landes' <[jlandes@nycourts.gov](mailto:jlandes@nycourts.gov)>; 'ad3clerksoffice@nycourts.gov' <[ad3clerksoffice@nycourts.gov](mailto:ad3clerksoffice@nycourts.gov)>

**Cc:** 'Brodie, Frederick' <[Frederick.Brodie@ag.ny.gov](mailto:Frederick.Brodie@ag.ny.gov)>; 'Barbara.Underwood@ag.ny.gov' <[Barbara.Underwood@ag.ny.gov](mailto:Barbara.Underwood@ag.ny.gov)>; 'Paladino, Victor' <[Victor.Paladino@ag.ny.gov](mailto:Victor.Paladino@ag.ny.gov)>; 'Janet.Sabel@ag.ny.gov' <[Janet.Sabel@ag.ny.gov](mailto:Janet.Sabel@ag.ny.gov)>; 'Kent.Stauffer@ag.ny.gov' <[Kent.Stauffer@ag.ny.gov](mailto:Kent.Stauffer@ag.ny.gov)>; 'Meg.Levine@ag.ny.gov' <[Meg.Levine@ag.ny.gov](mailto:Meg.Levine@ag.ny.gov)>; 'Jeffrey Dvorin' <[Jeffrey.Dvorin@ag.ny.gov](mailto:Jeffrey.Dvorin@ag.ny.gov)>; 'Adrienne Kerwin' <[Adrienne.Kerwin@ag.ny.gov](mailto:Adrienne.Kerwin@ag.ny.gov)>; 'Helena.Lynch@ag.ny.gov' <[Helena.Lynch@ag.ny.gov](mailto:Helena.Lynch@ag.ny.gov)>; 'Brian.Mahanna@ag.ny.gov' <[Brian.Mahanna@ag.ny.gov](mailto:Brian.Mahanna@ag.ny.gov)>; 'Alvin.Bragg@ag.ny.gov' <[Alvin.Bragg@ag.ny.gov](mailto:Alvin.Bragg@ag.ny.gov)>; 'marty.mack@ag.ny.gov' <[marty.mack@ag.ny.gov](mailto:marty.mack@ag.ny.gov)>; 'Matthew.Colangelo@ag.ny.gov' <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>; 'Margaret.Garnett@ag.ny.gov' <[Margaret.Garnett@ag.ny.gov](mailto:Margaret.Garnett@ag.ny.gov)>; 'manisha.sheth@ag.ny.gov' <[manisha.sheth@ag.ny.gov](mailto:manisha.sheth@ag.ny.gov)>

**Subject: CJA v. Cuomo, No. 527081: Appellants' Reply Affidavit with Exhibits**

Dear Mr. Carey and Ms. Landes –

Pursuant to the order to show cause signed by Justice Devine on August 2, 2018, attached is my signed reply affidavit with its attached exhibits. The link to the video of the August 2<sup>nd</sup> hearing on the TRO is here:

<http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/8-2-18-oral-argument.htm>

By copy of this email, service is being made on respondents in compliance with the order to show cause.

I will e-mail a notarized affidavit tomorrow morning – and mail hard copies to the Court and AG.

Thank you,

Elena Sassower, unrepresented plaintiff-appellant

On her own behalf individually & as Director of the Center for Judicial Accountability, Inc.

& on behalf of the People of the State of New York & the Public Interest

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