

Center for Judicial Accountability, Inc. (CJA)

From: Brodie, Frederick <Frederick.Brodie@ag.ny.gov>
Sent: Wednesday, September 12, 2018 4:39 PM
To: Center for Judicial Accountability, Inc. (CJA)
Cc: Paladino, Victor
Subject: RE: 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 Ms. Sassower,

I spoke this morning with the clerk's office at the Third Department. They advised me that, under the rules that will be in effect on September 21, a Supplemental Record on Appeal can be filed without a motion for leave. As a result, there will be no need for me to obtain your agreement on the submission's content. If you feel it is necessary to submit additional papers from the prior action with your reply brief, I will not object.

Very truly yours,

Frederick A. Brodie
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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 <Frederick.Brodie@ag.ny.gov>
Cc: Paladino, Victor <Victor.Paladino@ag.ny.gov>
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.