

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Friday, November 2, 2018 3:17 PM
To: 'ad3clerksoffice@nycourts.gov'
Cc: 'Edward Carey'; 'Jane Landes'
Subject: CJA v. Cuomo Citizen-Taxpayer Action Appeal: #527081 -- November 13, 2018 oral argument
Attachments: 10-23-18-motion-with-exhibits-back.pdf; 10-23-18-notice-of-motion-with-back.pdf; 10-23-18-aff-service.pdf

TO: Appellate Division, Third Department Managing Attorney Erica Putnam Little

Following up my phone conversation with Regina, at about 1:45 this afternoon, pertaining to appellants' appeal, currently scheduled for oral argument on November 13th, kindly call me, at your earliest convenience -- if not today, then on Monday, November 5th, regarding the three questions I discussed with her:

- (1) the identity of the justices, constituting the appellate panel – or, if their identities are not available until November 5th, as Chief Motion Attorney Carey advised me on October 23rd, the time on November 5th when that information will be available;
- (2) permission for a videographer to video the November 13th oral argument – this being the same videographer as videoed the August 2nd oral argument, before Justice Devine, of the TRO sought by appellants' July 25th order to show cause;
- (3) the procedure for adjourning the November 13th oral argument, so as to enable the appellate panel to adjudicate the threshold issue of appellants' entitlement to an order striking the attorney general's respondents' brief and declaring the attorney general's appellate representation of respondents unlawful – which I sought to have expeditiously addressed by an order to show cause that Justice Aarons declined to sign on October 22nd, thereby necessitating that I proceed by notice of motion, returnable on November 13th. Attached is the full motion, as well as notice of motion, transmitted to both the attorney general and the Court by my below October 23rd e-mail. Also attached is my affidavit of service attesting to my mailed service on the attorney general on October 23rd, as well. As discussed with Julianne, with whom I spoke before speaking with Regina, I will now mail the original affidavit of service to the Court, along with the original notice of motion – which I had planned to send up with the reply papers I will be preparing to the attorney general's answering papers, due on November 6th.

As I have written this, I have just received, by e-mail, the attorney general's answering papers, by Assistant Solicitor General Brodie, which I have not yet read. I will do so expeditiously – and will presumably have completed same by the time we speak.

Thank you.

Elena Sassower, unrepresented plaintiff-appellant

On her own behalf, on behalf of the Center for Judicial Accountability, Inc.,
and on behalf of the People of the State of New York and the Public Interest

914-421-1200

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

Sent: Tuesday, October 23, 2018 2:12 PM

To: 'Barbara.Underwood@ag.ny.gov' <Barbara.Underwood@ag.ny.gov>; 'Brodie, Frederick' <Frederick.Brodie@ag.ny.gov>; 'Paladino, Victor' <Victor.Paladino@ag.ny.gov>

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Subject: CJA v. Cuomo Citizen-Taxpayer Action Appeal: #527081 -- Notice of Motion to Strike Respondents' Brief, to Declare the Attorney General's Representation of Respondents Unlawful, & for Other Relief

TO: Attorney General Barbara Underwood/ Assistant Solicitor General Frederick Brodie/ Assistant Solicitor General Victor Paladino

As Associate Justice Sharon A.M. Aarons has, without reasons, declined to sign appellants' October 18, 2018 order to show cause to strike your respondents' brief, to declare your representation of respondents unlawful, and for other relief – and it is not possible to submit it to another judge -- I have informed Chief Motion Attorney Ed Carey that appellants will proceed by notice of motion.

The full motion is attached. Also attached, if more convenient for you, is just the 3-page notice of motion with its annexed 3-page declined osc – and a new back. Everything is posted on CJA's website here:

<http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/appeal/10-23-18-motion.htm>.

I will be mailing you a hard copy of the notice of motion, with declined osc – and the new back. You already have the moving affidavit and exhibits.

Thank you.

Elena Sassower, unrepresented plaintiff-appellant

On her own behalf, on behalf of the Center for Judicial Accountability, Inc.,

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

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