

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, April 1, 2017 9:30 AM
To: 'Cindy Affinati'
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'; 'Helena Lynch'; 'Adrienne Kerwin'; 'Hartman Chambers'; 'Joanne Locke'; 'Charles Diamond'
Subject: Please confirm that transcript of March 29th oral argument of plaintiffs' OSC for preliminary injunction with TRO will be furnished by April 3rd/4th: Citizen-Taxpayer Action, CJA v. Cuomo, et al. (#5122-16)

Dear Ms. Affinati –

I received no response from you to my below e-mail, sent to you at 4:10 pm yesterday, March 31st, furnishing you with “authority” for your immediately transcribing the short March 29th oral argument on plaintiffs’ order to show cause for a preliminary injunction with TRO.

Please confirm that pursuant to the command of State Finance Law §123c(4) governing citizen-taxpayer actions: “An action under the provisions of this article...shall have preference over all other causes in all courts.”

the transcript – which I sought to order from you two days ago, on Thursday, March 30th – will be ready two days from now, on Monday, April 3rd.

Indeed, based upon the written notice I gave two days ago and then again yesterday to supervisory personnel at the Attorney General’s office to review what had taken place at the March 29th oral argument, that office should have additionally contacted you for the transcript.

Absent your response to this e-mail, confirming that you will have the transcript of the March 29th oral argument ready and e-mailed to me by Monday, April 3rd – or, at latest, by Tuesday, April 4th – I will seek a court order from Justice Hartman or from Third Judicial District Administrative Judge Thomas Breslin, pursuant to State Finance Law §123c(4), directing your expedition.

Needless to say, upon your confirming that you will e-mail me the transcript by no later than April 4th, I will promptly mail you payment.

A copy of this e-mail, with its below chain of our prior e-mails, is being furnished to the Attorney General’s office and to Justice Hartman so that they will know why it is that I do not yet have the transcript that I indicated to them I was securing, two days ago. Likewise, I am copying Albany Supreme & County Court Chief Clerk Charles Diamond, with whom I spoke yesterday about this matter.

Finally, and correcting my last e-mail to you, immediately below, the time of my initial e-mail to you on Thursday morning, March 30th, was not at 8:32 am, but, as reflected by the e-mail that is furthest below, at 7:26 am.

Thank you.

Elena Sassower, unrepresented plaintiff
on behalf of herself, the People of the State of New York, & the public interest

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

Sent: Friday, March 31, 2017 4:10 PM

To: 'Cindy Affinati' <caffinat@nycourts.gov>

Subject: The requested "authority": RE: YET AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Here's requested "authority – the citizen-taxpayer action statute, State Finance Law §123 et seq., whose §c(4) commands:

"An action under the provisions of this article...shall have preference over all other causes in all courts."

Do you need more?

I gave you notice, in the courtroom on March 29th, that I would be ordering the transcript and asked you for your card so that I might do so. The next morning, yesterday, I e-mailed you at 8:32 am to make the necessary arrangements, so that I could secure the transcript IMMEDIATELY. How much time do you purport is needed for you to turn around a transcript for the short proceeding. You are not, after all, transcribing from hand-written notes.

Thank you.

Elena Sassower
914-421-1200

From: Cindy Affinati [<mailto:caffinat@nycourts.gov>]

Sent: Friday, March 31, 2017 3:25 PM

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

Subject: Re: YET AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

I have been in court and unless you have some authority directing your transcript be prepared ahead of ones already backlogged, the 60 day time frame will stand.

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

Sent: Friday, March 31, 2017 3:11:23 PM

To: Cindy Affinati

Subject: YET AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) - 3/29/17 OSC before Justice Hartman

Dear Ms. Affinati,

It is now after 3 p.m. – and I have not received a call from you to the below e-mail I sent you at 8:32 a.m. today, nor to the e-mail I sent you at 11:43 a.m. yesterday. This notwithstanding the urgency I noted to you.

If I do not hear back from you by 3:45 p.m. – approximately 35 minutes from now – I will have no choice but to contact supervisory authorities.

TIME IS OF THE ESSENCE. This is a citizen-taxpayer action and I require a transcription of the March 29th oral argument of plaintiffs' order to show cause for a preliminary injunction, with TRO.

Thank you.

Elena Sassower
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Friday, March 31, 2017 8:32 AM
To: 'Cindy Affinati' <caffinat@nycourts.gov>
Subject: AGAIN: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Dear Cindy,

I received no call-back from you. Please let me hear from you, as soon as possible. As I stated below "It is urgent".

Thank you.

Elena
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Thursday, March 30, 2017 11:43 AM
To: 'Cindy Affinati' <caffinat@nycourts.gov>
Subject: Please call me at 914-421-1200 -- RE: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

It is urgent. Thank you.

Elena
914-421-1200

From: Cindy Affinati [<mailto:caffinat@nycourts.gov>]
Sent: Thursday, March 30, 2017 11:31 AM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Subject: Re: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Ms. Sassower,

The cost of the transcript held yesterday before Hon. Denise A. Hartman is \$99.00. I estimate the earliest I can get

it to you would be 60 days as I have quite a backlog of transcripts already ordered.

Cindy Affinati

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

Sent: Thursday, March 30, 2017 7:26:51 AM

To: Cindy Affinati

Subject: Transcript: Citizen-Taxpayer Action, CJA v. Cuomo (#5122-16) -- 3/29/17 OSC before Justice Hartman

Dear Cindy,

Kindly call me as soon as possible, as I wish to IMMEDIATELY order the transcript of yesterday's proceedings.

Thank you.

Elena (Sassower)

914-421-1200