

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Friday, July 8, 2022 3:26 PM  
**To:** 'Gandin Chambers'; 'mcollado@nycourts.gov'  
**Cc:** 'gregory.rodriquez@ag.ny.gov'; 'stacey.hamilton@ag.ny.gov'  
**Subject:** **Yesterday's oral argument -- OSC for determination of petitioners' matter of law entitlement to TRO/preliminary injunction -- CJA., et al. v. JCOPE, et al. (Albany Co. #904235-22)**

Dear Law Clerk Collado,

Following up our brief phone conversation at about 9:40 this morning, this is to reiterate my assertion that what took place yesterday was unacceptable – and that I believe the ONLY reason for my being burdened with the effort and expense of having to travel up to Kingston for an appearance before Judge Gandin on my OSC for determination of petitioners' *matter of law* entitlement to a TRO/preliminary injunction was so that Judge Gandin could AVOID having to write a decision – which he would not be able to justify.

I am in process of ordering the transcript. Without it, I have only my recollection – and it is my recollection that Judge Gandin gave absolutely NO explanation for wilfully violating the controlling legal standard of [CPLR §§6312\(a\) & \(c\)](#), which I so strenuously brought to his attention – and that his denial of the TRO/preliminary injunction was utterly conclusory, laced with falsehood as to the issue and the record before him.

Upon returning to White Plains, shortly before 5 p.m. yesterday, sickened by what had taken place, I immediately telephoned to clarify with you Judge Gandin's ruling with respect to [petitioners' June 28<sup>th</sup> amended notice of petition](#), annexed as Exhibit A to [my June 28<sup>th</sup> affidavit in opposition to Assistant Attorney General Rodriguez' June 27<sup>th</sup> dismissal motion and in further support of petitioners' June 23<sup>rd</sup> notice of petition](#). Here, too, it was my recollection that, without reasons, Judge Gandin denied my request that the first branch of the June 28<sup>th</sup> amended notice for the Attorney General's disqualification, be substituted for the mooted first two branches of the June 23<sup>rd</sup> notice pertaining to the OSC/preliminary injunction.

Suffice to say, and I did say it yesterday, vigorously, that Assistant Attorney General Hamilton's oral argument was, with virtually every word she spoke, fraud, just as [Assistant Attorney General Rodriguez's June 27<sup>th</sup> dismissal motion](#) had been fraud – mandating that Judge Gandin inquire as to who had determined the “interest of the state” pursuant to [Executive Law §63.1](#) and to disqualify Attorney General James, a respondent representing all respondents, for the direct interest obvious from [Exhibit D-1](#) to the petition, with its included [D-2](#) and [D-3](#).

No litigant should have to suffer, as I did yesterday, such brazen misconduct by adverse counsel, let alone by the office of the Attorney General – or a judge who tolerates and abets it, as Judge Gandin did, including, at the end of the proceeding by his falsehood that unspecified “law” required the Attorney General to represent respondents, when the pertinent “law” is, as I stated, Executive Law §63.1, predicating the Attorney General's litigation posture, either defending or prosecuting, on the “interest of the state”. If Judge Gandin is refusing to address that threshold issue – as he did yesterday, ignoring

my entreaty on the subject even before Ms. Hamilton spoke – he should so-state in an appealable order – and I here so-request.

Thank you.

Elena Sassower, unrepresented individual petitioner/plaintiff  
& “on behalf of the People of the State of New York & the Public Interest”  
914-421-1200