



STATE OF NEW YORK
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October 02, 2020

Ms. Elena Sassower
Center for Judicial Accountability, Inc.
PO Box 8101
White Plains, NY 10602

Re: FOIL Request #2020-0230

Dear Ms. Elena Sassower,

This is in reply to your Freedom of Information Law (FOIL) (Public Officers Law [POL], Article 6) request to the Office of the State Comptroller (OSC) dated April 20, 2020, seeking records pertaining to SAM Party & Michael Volpe v. Cuomo, et al, (SDNY #1:20-cv-00323-JGK), such as contracts, invoices, etc. Attached are responsive records to #5 of such request.

FOIL §87(2)(a) provides that an agency may deny access to records or portions thereof that are exempted from disclosure by state or federal statute (Public Officers Law §87(2)(a)). Civil Practice Law and Rules (CPLR) sets forth two provisions that shield portions of the records you seek from public disclosure. CPLR §3101 and CPLR §4503 contain restrictions of disclosure of information related to attorney work product and attorney client privilege. Therefore, we have withheld records that are subject to these provisions. See generally, Morgan v NYS Dept. of Environmental Conservation, 9 AD3d 586, 779 NYS2d 643 (3rd Dept. 2001); Priest v Hennessy, 51 NY2d 62, 431 NYS2d 511 (1980); Madden v. Creative Servs., 84 NY2d 738, 622 NYS2d 478 (1995).

In the event that you do not agree with our determination, pursuant to FOIL §87(2)(a) to deny access to portions of the records you requested, please be advised that you have the right, within thirty days of the receipt of this letter, to appeal, in writing, to: Camille Jobin-Davis, Records Appeals Officer, Office of the State Comptroller, 110 State Street, 14th Floor, Albany, New York 12236.

Sincerely,

Jane Hall
Records Access Officer