

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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ELENA RUTH SASSOWER, Coordinator  
of the Center for Judicial Accountability, Inc.,  
acting *pro bono publico*,

Petitioner-Appellant,

**NOTICE OF MOTION**

S.Ct/NY Co. #108551/99

-against-

COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF NEW YORK,

Respondent-Respondent.  
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PLEASE TAKE NOTICE that upon the annexed Affidavit of Petitioner-Appellant *Pro Se* ELENA RUTH SASSOWER, sworn to on August 17, 2001, the exhibits annexed thereto, and upon all the papers and proceedings heretofor had, ELENA RUTH SASSOWER will move this Court at 27 Madison Avenue, New York, New York 10010 on Monday, September 10, 2001 at 10:00 a.m., or as soon thereafter as Respondent-Respondent and its counsel can be heard for an order:

1. Specially assigning this appeal to a panel of "retired or retiring judge[s], willing to disavow future political and/or judicial appointment" in light of the disqualification of this Court's justices, pursuant to Judiciary Law §14 and §100.3E of the Chief Administrator's Rules Governing Judicial Conduct, for self-interest and bias, both actual and apparent, and, if that is denied, for transfer of this appeal to the Appellate Division, Fourth Department. In either event, or if neither is granted, for the justices assigned to this appeal to make disclosure, pursuant to §100.3F of the

Chief Administrator's Rules, of the facts pertaining to their personal and professional relationships with, and dependencies on, the persons and entities whose misconduct is the subject of this lawsuit or exposed thereby, as well as permission for a record to be made of the oral argument of this appeal, either by a court stenographer, and/or by audio or video recording.

2. Striking Respondent's Brief, filed by the New York State Attorney General, on behalf of Respondent-Respondent, New York State Commission on Judicial Conduct, based on a finding that it is a "fraud on the court", violative of 22 NYCRR §130-1.1 and 22 NYCRR §1200 *et seq.*, specifically, §§1200.3(a)(4), (5); and §1200.33(a)(5), with a further finding that the Attorney General and Commission are "guilty" of "deceit or collusion" "with intent to deceive the court or any party" under Judiciary Law §487, and, based thereon, for an order: (a) imposing maximum monetary sanctions and costs on the Attorney General's office and Commission, pursuant to 22 NYCRR §130-1.1, including against Attorney General Eliot Spitzer and Solicitor General Preeta D. Bansal, *personally*; (b) referring the Attorney General and Commission for disciplinary and criminal investigation and prosecution, along with culpable staff members, consistent with this Court's mandatory "Disciplinary Responsibilities" under §100.3D(2) of the Chief Administrator's Rules Governing Judicial Conduct; and (c) disqualifying the Attorney General from representing the Commission for violation of Executive Law §63.1 and conflict of interest rules.

3. Granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on or before August 27, 2001.

August 17, 2001

Yours, etc.



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TO: ATTORNEY GENERAL OF THE STATE OF NEW YORK  
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