

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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March 5, 2013

Assistant Attorney General Joshua Pepper
Records Access Officer for NYS Attorney General Eric T. Schneiderman
The Capitol, Albany, New York 12224-0341

RE: FOIL REQUEST: #120532
Records – *Emily Pines, et al. v. State of New York*,
Nassau Co: #10-13518; Appellate Division, 2nd Dept. #2011-2821

Dear Mr. Pepper,

Missing from the compact disk (CD) you sent us pertaining to the record of *Pines v. State of New York*, requested by our August 23, 2012 letter pursuant to FOIL & the Attorney General's Project Sunlight Initiative of his Public Integrity Unit, are the four memoranda of law that Nassau Supreme Court Justice Karen Murphy recites in the Judgment she signed on March 10, 2011. These are:

- (1) defendant's memorandum of law accompanying its August 23, 2010 dismissal motion;
- (2) plaintiffs' memorandum of law accompanying their September 27, 2010 cross-motion;
- (3) defendant's memorandum of law accompanying its October 12, 2010 reply affirmation;
- (4) plaintiffs' November 23, 2010 memorandum of law in reply and in further support of their cross-motion for summary judgment.

For your convenience, the Judgment is enclosed.

Kindly confirm that you will promptly furnish the four memorandum of law to us, as well as any transcript of oral argument on February 4, 2011 when – according to the Judgment – the parties “appeared” before Justice Murphy and were “heard” on defendant's converted summary judgment motion.

Thank you.

Yours for a quality judiciary,



ELENA SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

Enclosure

At IAS Part 15 of the Supreme Court held in and for the County of Nassau at the Courthouse located at 100 Supreme Court Drive, Mineola, New York on the 10 day of March, 2011.

PRESENT: HONORABLE KAREN V. MURPHY
Justice of the Supreme Court

-----X
EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ, STEPHEN FERRADINO, RALPH A. BONIELLO, III, and JOSEPH C. CALABRESE,

Index No. 13518/10

JUDGMENT

Plaintiffs,

-against-

STATE OF NEW YORK,

Defendant.
-----X

Plaintiffs, EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ, STEPHEN FERRADINO, RALPH A. BONIELLO, III, and JOSEPH C. CALABRESE ("Plaintiffs"), having commenced this action for a declaratory judgment declaring that the compensation of the judges and justices of the Unified Court System of the State of New York has been duly increased pursuant to the Laws of 2009, Chapter 51 §3 and that the Defendant State of New York ("Defendant") is obligated to pay the judges and justices of the Unified Court System of the State of New York in accordance therewith, together with appropriate costs and disbursements; and Defendant having moved this Court for an order pursuant to CPLR §3211(a)(7), dismissing the complaint for failure to state a cause of action; and Plaintiffs having cross-moved for an order pursuant to CPLR §3212 granting summary judgment; and the Court, having issued an order dated January 14, 2011, on notice to the parties, converting Defendant's motion to one for summary judgment pursuant to CPLR §3211(c) and adjourning the matter to February 4, 2011; and neither party having submitted any additional evidence subsequent thereto; and said motion having been heard on February 4, 2011, before the

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Honorable Karen V. Murphy; and Plaintiffs having appeared by their attorneys, The Law Offices of Steven Cohn, PC and Defendant having appeared by its attorney, Andrew Cuomo, Attorney General for the State of New York; and the motion having regularly come on to be heard, and this Court having handed down a short form order dated February 9, 2011 granting summary judgment in favor of Plaintiffs and, in effect, denying Defendant's motion for summary judgment, and directing settlement of the judgment;

NOW, upon reading and filing the notice of motion to dismiss dated August 23, 2010, the supporting affirmation of Ralph Pernick, Esq., duly affirmed on August 23, 2010, together with the exhibits annexed thereto and the accompanying memorandum of law; ^{dated August 23, 2010} the notice of cross-motion ^{affirmed September 27, 2010} dated September 27, 2010, the affirmation of Steven Cohn, Esq., together with the exhibits annexed thereto, and the accompanying memorandum ^{in opposition}; the reply affirmation of Ralph Pernick, Esq., dated October 12, 2010, together with the exhibits annexed thereto, and the accompanying memorandum of law; and Plaintiffs' memorandum of law submitted in reply and in further support of Plaintiff's cross-motion for summary judgment, ^{dated November 23, 2010} and due deliberation having been had thereon, it is:

ORDERED and ADJUDGED that Defendant's motion for summary judgment is denied; and it is further

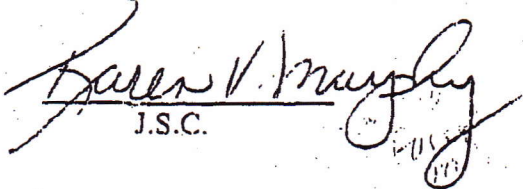
ORDERED and ADJUDGED that Plaintiffs' cross-motion for summary judgment is granted; and it is further

ADJUDGED and DECLARED that the compensation of the judges and justices of the Unified Court System was increased pursuant to the Laws of 2009, Chapter 51, §3 and, accordingly, Defendant is hereby directed to pay the judges and justices of the Unified Court System of the State

of New York in accordance therewith, retroactive to April 1, 2009, together with the costs and disbursements as taxed by the Clerk of the County of Nassau; and it is further

ORDERED, that Defendant shall cause the sum of Fifty One Million Six Thousand Seven Hundred Fifty Nine (\$51,006,759) Dollars, for the 2009-2010 appropriation adjusting the compensation of the judges and justices of the Unified Court System, to be allocated and forthwith paid in accordance with the direction of the Office of Court Administration for the immediate distribution of such funds to all the judges and justice of the Unified Court System in judicial service during all or part of the 2009-2010 fiscal year pursuant to the formula set forth in the Executive Summary submitted by the Unified Court System with the 2009-2010 Judiciary Budget

ENTER:


J.S.C.

ENTERED
MAR 16 2011
NASSAU COUNTY
COUNTY CLERK'S OFFICE