

Center for Judicial Accountability, Inc. (CJA)

From: Andrew Meier [Andrew.Meier@ag.ny.gov]
Sent: Friday, April 20, 2012 9:27 AM
To: 'Inc. (CJA) Center for Judicial Accountability'
Subject: RE: CJA v. Cuomo: transcription of the April 16th court proceeding, etc.

Dear Ms. Sassower,

I think that I will wait and see whether or not we will need the transcript, at this point it is unclear what the next phase of this litigation will be. As for the rates that the AG's office pays for transcriptions, I'm afraid that I don't know the answer to your question.

Yours, etc.,

Andrew Meier.

From: Inc. (CJA) Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Friday, April 20, 2012 8:49 AM
To: Andrew Meier
Subject: CJA v. Cuomo: transcription of the April 16th court proceeding, etc.

Dear Mr. Meier,

You stated in your below April 17th e-mail that you were "planning on ordering" the transcript of the April 16th court proceeding. If you are not planning to do so, please advise immediately so that we are not delayed in going forward with our own order.

Also, you have not responded to the question in my below April 18th e-mail as to the rates the AG's office pays for transcriptions or the date on which the AG's office placed its order for transcription of the March 30th court proceeding. Please do so.

Thank you.

Elena Sassower

From: Andrew Meier [mailto:Andrew.Meier@ag.ny.gov]
Sent: Wednesday, April 18, 2012 12:08 PM
To: 'Inc. (CJA) Center for Judicial Accountability'
Subject: RE: CJA v. Cuomo: Transcription Costs Being Borne by NYS Taxpayers, including Plaintiffs

Dear Ms. Sassower,

I have not yet decided whether or not I will purchase the transcript of the April 16, 2012 proceeding. If I do, I may consider your offer to pay for half the cost.

Yours, etc.,

Andrew Meier.

From: Inc. (CJA) Center for Judicial Accountability [mailto:elena@judgewidth.org]
Sent: Wednesday, April 18, 2012 10:38 AM
To: Andrew Meier
Subject: CJA v. Cuomo: Transcription Costs Being Borne by NYS Taxpayers, including Plaintiffs

Dear Mr. Meier,

I do not consider your response appropriate.

Transcripts ordered by the AG's office are paid for by New York State taxpayers – including plaintiffs, just as it is state taxpayers who pay defendant Schneiderman's salary – and that of his entire law department.

I told you on April 16th, before the oral argument, that it is normal and customary practice for adversaries in litigation to split transcription costs – and that plaintiffs would be willing to split the cost with the AG's office of the court transcripts it orders, at reduced rates, so as not to be burdened with having to separately order the transcripts at full price. Please advise as to what the AG's office would be paying for the April 16th transcript and I will remit a check to the AG for half that amount.

If a FOIL request is necessary to obtain the rates the AG's office pays for transcriptions, which I believe you may have stated to me on April 16th, please advise. Likewise, please advise as to the date on which the AG's office placed its order for transcription of the March 30th court proceeding. As you know, when you telephoned me on April 5th, I stated to you that we had ordered the transcript of the March 30th court proceeding & that, as soon as it was received, we would be posting it on our website so that it would be available to you, who was taking over for Assistant Attorney General Arz.

Thank you.

Elena Sassower

From: Andrew Meier [mailto:Andrew.Meier@ag.ny.gov]
Sent: Tuesday, April 17, 2012 12:32 PM
To: 'Inc. (CJA) Center for Judicial Accountability'
Subject: RE: CJA v. Cuomo: The reasonable question as to whether Justice Brigantti-Hughes is a fair & impartial judge

Dear Ms. Sassower,

If you would like to provide us with a copy of the transcript I would be happy to accept it, otherwise I was planning on ordering one.

Yours, etc.,

Andrew Meier.

From: Inc. (CJA) Center for Judicial Accountability [mailto:elena@judgewidth.org]
Sent: Monday, April 16, 2012 5:49 PM

To: Andrew Meier

Subject: CJA v. Cuomo: The reasonable question as to whether Justice Brigantti-Hughes is a fair & impartial judge

Dear Mr. Meier,

Please be advised that based upon what took place at today's proceeding before Justice Mary Ann Brigantti-Hughes, I have lost confidence that she is a fair and impartial judge, able to put aside her direct financial interest in the outcome of plaintiffs' lawsuit – or withstand the pressures of other interested parties.

Among other things, I do not believe a fair and impartial judge would have declined my request to submit a further affidavit &/or memorandum of law so that she is not misled by the fraudulence of your memorandum of law, which you e-mailed me at 4:36 pm on Friday afternoon with your cross-motion and affidavit. Nor do I believe that a fair and impartial judge would have refused, as she did, to accept the case file record of my Article 78 proceeding against the Commission on Judicial Conduct – physically incorporating my mother's Article 78 proceeding against the Commission on Judicial Conduct and Michael Mantell's Article 78 proceeding against the Commission on Judicial Conduct – so that she could verify, *beyond all doubt*, that Justice Wetzel's January 31, 2000 decision & the Appellate Division's December 18, 2001 affirmance are judicial frauds and that there is not the slightest basis in fact or law for the filing injunction upon which you would have her rely to bar me and CJA from bringing the instant action on the judicial pay raise issue. Only after great insistence on my part, including a request that she supply legal authority for not permitting me to make such dispositive case file part of the record was I allowed to leave same – though not with her, but, rather, filed in the Clerk's Office

Frankly, I believe ANY fair and impartial judge, who read the Verified Complaint and incorporated October 27, 2011 Opposition Report (& perused my October 24, 2002 leave to appeal motion in my Article 78 proceeding against the Commission on Judicial Conduct)—which at this point Justice Brigantti-Hughes may be presumed to have done -- would have “thrown the book” at you for the flagrantly unconscionable and false representations you made in court and in your papers pertaining to my prior Article 78 proceeding and this lawsuit.

I called Justice Brigantti-Hughes' chamber about an hour ago and related the foregoing to her law clerk, Scott Krompinger, because – as I stated to him – I felt nauseous and physically sick – and it was not merely because I had been up all night working on my affidavit in opposition and reply to your despicable papers.

I asked Mr. Krompinger to communicate to Justice Brigantti-Hughes my serious concerns that she lacked the requisite neutrality for a case in which she had a direct financial interest and doubtless considerable pressure from interested parties so that she might reflect upon same and, if she deemed it appropriate, recuse herself, *sua sponte*. I stated that within the next several days I would make a letter application for such relief – and would e-mail you now as to the foregoing.

I am in process of ordering the transcript. Please advise whether you have – or will be – ordering same.

Thank you.

Elena Sassower