

SUPREME COURT OF STATE OF NEW YORK
ALBANY COUNTY

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CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
and ELENA RUTH SASSOWER, individually and
as Director of the Center for Judicial Accountability, Inc.,
acting on their own behalf and on behalf of the People
of the State of New York & the Public Interest,

Index # 1788-14

Plaintiffs,

**NOTICE TO FURNISH
PAPERS TO THE COURT
PURSUANT TO CPLR
§2214(c)**

-against-

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
DEAN SKELOS in his official capacity
as Temporary Senate President,
THE NEW YORK STATE SENATE,
SHELDON SILVER, in his official capacity
as Assembly Speaker, THE NEW YORK
STATE ASSEMBLY, ERIC T. SCHNEIDERMAN,
in his official capacity as Attorney General of
the State of New York, and THOMAS DiNAPOLI,
in his official capacity as Comptroller of
the State of New York,

Defendants.

-----X
S I R S:

PLEASE TAKE NOTICE that on March 27, 2014, upon the hearing of plaintiffs' Order to Show Cause for a Preliminary Injunction, with TRO, in the above-entitled citizen-taxpayer action (State Finance Law, Article 7-A: §123, *et seq.*), you are required, pursuant to CPLR §2214(c), to produce the original or copies of:

- (1) the Legislature's proposed budget for fiscal year 2014-2015, as transmitted by the November 27, 2013 letter signed by Temporary Senate President Dean Skelos and Assembly Speaker Sheldon Silver;

(2) the Judiciary's proposed budget for fiscal year 2014-2015, as transmitted by the two November 29, 2013 memoranda of Chief Administrative Judge A. Gail Prudenti, as well as its "single budget bill";

(3) the Governor's Budget Bill #S.6351/A.8551, dated January 21, 2014, "making appropriations for the support of government (LEGISLATURE AND JUDICIARY BUDGET)"; and his "recommendations" with respect thereto ("Commentary");

(4) the Legislature's "White Book"; "Blue Book"; "Yellow Book" and "Green Book" with respect thereto;

(5) Senate and Assembly amendments, if any, to the Governor's Budget Bill #S.6351/A.8551;

(6) Records establishing legitimate legislative process with respect to the foregoing, including:

- (a) legislative budget hearings, pursuant to Legislative Law §32-a;
- (b) fiscal impact statements and introducer's memoranda, pursuant to Senate Rule VIII, §7, Senate Rule VII, §1, and Assembly Rule III, §1(f);
- (c) compliance with requirements as to "Title and body of bill", pursuant to Senate Rule VII, §4; and "Contents", "Amendments"; and "Revision and engrossing", pursuant to Assembly Rule III, §§1, 6, 8;
- (d) action by "the appropriate committees of the legislature", including committee hearings, committee meetings, committee votes, committee reports, pursuant to Senate Rule VIII, §§3, 4, 5 and Assembly Rule IV;
- (e) records pertaining to introduction and passage of Senate Resolution #4036 (2014), including compliance with Senate Rule VII, §9;
- (f) records pertaining to introduction and passage of Assembly Resolution #914 (2014);
- (g) records pertaining to introduction and passage, in "the appropriate committees" and each house, of the amended budget bills to which Senate Resolution #4036 and Assembly Resolution #914 refer;

- (h) action by the Legislature pursuant to Rule III of the Permanent Joint Rules of the Senate and Assembly, and, most specifically as to the proceedings, votes, and reports of the Joint Budget Conference Committee and its Joint Subcommittee on “Public Protection”.

PLEASE TAKE FURTHER NOTICE that plaintiffs demand production of the documents handed up by Plaintiff ELENA RUTH SASSOWER at the Legislature’s February 6, 2013 joint budget hearing on “public protection” in substantiation of her oral testimony on that date in opposition to the Judiciary’s proposed budget and the judicial salary increases recommended by the August 29, 2011 Report of the Special Commission on Judicial Compensation.¹ Such documents were inventoried by plaintiffs’ April 2, 2013 Notice to the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee, entitled:

“GIVING NOTICE:

- (1)The Mandatory Statutory Duty of the Legislature’s Fiscal Committees to Preserve Evidence, Pursuant to Legislative Law §67;
- (2)CJA’s Request to Testify in Opposition at Next Year’s Legislative Hearings on the Budget for Fiscal Year 2014-2015, Pursuant to Legislative Law §32-a”.

A copy is annexed.

PLEASE ADDITIONALLY TAKE NOTICE that your failure to make such production – and to certify same as originals or true and correct copies – may result in the summary granting of the relief sought by plaintiffs’ Order to Show Cause for Preliminary Injunction, with TRO, as well as sanctions against you.

Dated: March 26, 2014
White Plains, New York

¹ As reflected by Exhibit C-1 (at fn.3) to Plaintiffs’ verified complaint, these documents may be in the possession of the Senate Judiciary Committee.

Yours, etc.

ELENA RUTH SASSOWER, plaintiff *pro se*
individually & as Director of the Center for
Judicial Accountability, Inc., and on behalf of
the People of the State of New York & the
Public Interest

10 Stewart Place, Apt. 2D-E
White Plains, New York 10603
914-455-4373

elena@judgewatch.org

TO: Andrew M. Cuomo, Governor of the State of New York
Dean Skelos, Temporary Senate President
New York State Senate
Sheldon Silver, Assembly Speaker
New York State Assembly
Eric T. Schneiderman, Attorney General of the State of New York
Thomas DiNapoli, Comptroller of the State of New York

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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Website: www.judgewatch.org

April 2, 2013

TO: Senate Finance Committee
Chairman John A. DeFrancisco
Ranking Member Liz Krueger
Assembly Ways and Means Committee
Chairman Herman D. Farrell, Jr.
Ranking Member Robert Oaks

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: GIVING NOTICE:

- (1) The Mandatory Statutory Duty of the Legislature's Fiscal Committees to Preserve Evidence, Pursuant to Legislative Law §67;
- (2) CJA's Request to Testify in Opposition at Next Year's Legislative Hearings on the Budget for Fiscal Year 2014-2015, Pursuant to Legislative Law §32-a

In view of the willful and deliberate violation of the New York State Constitution, statutory law, and the Legislature's own rules by Senate and Assembly passage, last week, of budget bill S.2601-A/A.3001-A, appropriating monies for the Judiciary and Legislature, this is to put you on notice of your mandatory statutory duty under Legislative Law §67.

Entitled "Data for financial committees to be preserved", Legislative Law §67 states:

"All books, papers, transcripts of records, pamphlets, statements, reports, documents, data, memoranda and written or printed matter used by or submitted to the finance committee of the senate and ways and means committee of the assembly during any session of the legislature shall be preserved until the adjournment of the next ensuing annual session of the legislature, in the senate finance committee room. All such matters and things in the committee room of the ways and means committee of the assembly at the close of an annual session of the legislature shall be transferred to the committee room of the senate finance committee. The duty of caring for such matters and things, and keeping them intact, between sessions of the legislature shall devolve on the superintendent of public buildings."

* **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

Please confirm that the documentary materials I handed up at the Legislature's February 6, 2013 budget hearing on "public protection" to substantiate my testimony in opposition to the Judiciary's budget and the judicial salary increases recommended by the Commission on Judiciary Compensation, will be, as Legislative Law §67 requires, preserved and kept "intact". The volume of these materials can be visibly seen on the video of my testimony. They consist of:

- (1) CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Report, with our Executive Summary thereof;
- (2) the March 30, 2012 verified complaint and exhibits in CJA's People's lawsuit against New York's highest constitutional officers and three government branches for collusion against the People in connection with the judicial salary increases, *Center for Judicial Accountability, Inc., et al. v. Andrew M. Cuomo, in his official capacity as Governor of the State of New York, et al.*;
- (3) CJA's correspondence with our highest constitutional officers in our three government branches in the week and a half preceding the February 6, 2013 budget hearing on "public protection" – such being:

to the Legislative branch: (i) CJA's January 30, 2013 letter to Temporary Senate President Skelos and Assembly Speaker Silver; (ii) CJA's January 30, 2013 letter to the Chairs & Ranking Members of the Senate Finance Committee, Assembly Ways & Means Committee, and Senate and Assembly Judiciary Committees;

to the Judicial branch: (i) CJA's January 29, 2013 letter to Chief Administrative Judge Prudenti, with a copy to Chief Judge Lippman; (ii) CJA's February 2, 2013 e-mail to the Office of Court Administration; (iii) CJA's February 4, 2013 e-mail to the Office of Court Administration;

to the Executive branch: (i) CJA's February 1, 2013 letter to Governor Cuomo; (ii) CJA's February 1, 2013 letter to Attorney General Schneiderman & Comptroller DiNapoli; (iii) CJA's February 5, 2012 e-mail to the Governor's Division of the Budget.

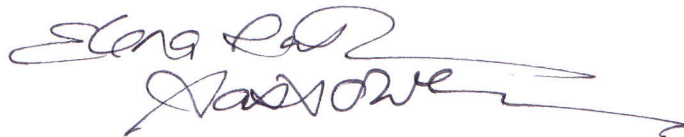
- (4) pages 103-107 of the transcript of the Legislature's January 31, 2012 budget hearing on "public protection", containing colloquy as to the cost to the state of the increases in district attorney salaries resulting from the judicial salary increases, to which they are statutorily tied.

Please further confirm that CJA's extensive subsequent correspondence based thereon, spanning from February 26, 2013 to March 28, 2013, all of which I sent you electronically, by e-mail, will further be preserved and kept "intact".

Apart from the evidentiary significance of the foregoing documentary materials in establishing the Legislature's "grand larceny of the public fisc" by its funding, through S.2601-A/A.3001-A, of unidentified and unitemized taxpayer monies for the second phase of the judicial salary increase recommended by the Commission on Judicial Compensation's statutorily-violative, fraudulent, and unconstitutional August 29, 2011 Report – justifying criminal, disciplinary, and impeachment proceedings against ALL involved – such materials will be required, next year, in conjunction with CJA's opposition to the Judiciary's request for funding of the third phase of the judicial salary increase recommended by the Commission's August 29, 2011 Report.

Indeed, by this letter, CJA hereby gives notice of its request to testify in opposition to the budgets of all three government branches at next year's hearings to be held pursuant to Legislative Law §32-a.¹

Thank you.

A handwritten signature in dark ink, appearing to read "Elana R. D. Nassone". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

cc: Superintendent of Public Buildings, referred to by Legislative Law §67
The Public & The Press

¹ Legislative Law 32-a "Budget: public hearings":

"After submission and prior to enactment of the executive budget, the senate finance committee and the assembly ways and means committee jointly or separately shall conduct public hearings on the budget. Such hearings may be conducted regionally to provide individuals and organizations throughout the state with an opportunity to comment on the budget. The committees shall make every effort to hear all those who wish to present statements at such public hearings. The chairs of the committees jointly or separately shall publish a schedule of hearings."