

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, September 7, 2016 9:25 AM
To: 'zcarter@law.nyc.gov'; 'dennis.brown@suffolkcountyny.gov'; 'Foskey, Carnell'; 'rmeehan@westchestergov.com'; 'michael.siragusa@erie.gov'; 'law@monroecounty.gov'; 'robertdurr@ongov.net'; 'lchapman@orangecountygov.com'; 'humbacht@co.rockland.ny.us'; 'daniel.lynch@albanycountyny.gov'; 'Fedorchak, James'; 'prayhill@ocgov.net'; 'sdorsey@saratogacountyny.gov'; 'claude.joerg@niagaracounty.com'; 'rbehnke@co.broome.ny.us'; 'bhav@co.ulster.ny.us'; 'spechenik@renesco.com'; 'chris.gardner@schenectadycounty.com'; 'abdellas@co.chautauqua.ny.us'; 'rich@oswegocounty.com'; 'kimberlys@co.jefferson.ny.us'; 'sbutton@stlawco.org'; 'gary.curtiss@co.ontario.ny.us'; 'jwood@tompkins-co.org'; 'jennifer.bumgarner@putnamcountyny.gov'; 'alanr@co.steuben.ny.us'; 'dconnors@co.wayne.ny.us'; 'bmaggs@co.chemung.ny.us'; 'jcoffey12901@gmail.com'; 'fwestphal@cayugacounty.us'; 'mmhowden@cattco.org'; 'cheryl.mccausland@co.sullivan.ny.us'; 'john.campanie@madisoncounty.ny.gov'; 'Reichenbach, Brian'; 'dmorris@co.livingston.ny.us'; 'jmsergeant@herkimercounty.org'; 'countyattorney@co.washington.ny.us'; 'rob.fitzsimmons@columbiacountyny.com'; 'hogand@otsegocounty.com'; 'Charles.zambito@co.genesee.ny.us'; 'kyaddaw@brottlaw.com'; 'jmillerlaw@verizon.net'; 'quigleyj@co.tioga.ny.us'; 'mmanion@co.montgomery.ny.us'; 'ccatty@frontiernet.net'; 'klhowe@cortland-co.org'; 'County Attorney'; 'minerta@alleganyco.com'; 'porter.kirkwood@dfa.state.ny.us'; 'David.Schubel@orleansny.com'; 'Izymowski@daddandnelson.com'; 'dmanning@co.essex.ny.us'; 'ffisher@co.seneca.ny.us'; 'sal@midtel.net'; 'joanmcnichol@lewiscounty.ny.gov'; 'Scott Falvey'; 'sgetman@co.schuyler.ny.us'; 'cgetty@gettylaw.com'; 'cherryb@co.schoharie.ny.us'; 'sacquario@nysac.org'; 'slouis@law.nyc.gov'
Subject: Notice of Right to Seek Intervention -- Citizen-Taxpayer Action to Void D.A. Salary Increases & State Reimbursement to the Counties
Attachments: 9-7-16-notice-intervention-counties.pdf; 9-2-16-signed-osc-with-affidavit.pdf

**TO: The 62 Counties of New York State – c/o The County Attorneys
New York State Association of Counties
County Attorneys' Association of the State of New York**

This follows up the Center for Judicial Accountability's July 8, 2016 letter to the counties entitled:

"GIVING NOTICE: Your duty to repudiate & challenge the state-imposed district attorney salary increases based on your own district attorney's findings of fact and conclusions of law with respect to rock-solid, *prima facie* evidence establishing them to be based on judicial salary increases that are statutorily-violative, fraudulent – & unconstitutional".

CJA's website, www.judgewatch.org, posts that July 8, 2016 letter – and our July 14, 2016 and August 8, 2016 FOIL requests to the counties, designed to further assist you in evaluating the situation, including with respect to state reimbursement for district attorney salaries. These are accessible from a menu webpage entitled "HOW MANY D.A.s DOES IT TAKE TO CONFRONT EVIDENCE & ABIDE BY ETHICAL RULES?". The direct link is

here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/how-many-das-menu.htm>.

Where are your district attorneys' findings of fact and conclusions of law with respect to the evidence furnished? How about the findings of fact and conclusions of law of each county attorney? Have these been furnished to each county's legislative board? To the county executive officers? To the county treasurer/controller? Has the July 8, 2016 letter been placed on the agenda of your county's legislative board meetings for discussion and vote? And what about your organizational and lobbying entities – the New York State Association of Counties and the County Attorneys' Association of the State of New York? What kind of leadership have they been providing?

Please be advised that in the absence of any substantive response from you to the July 8, 2016 letter, CJA has had no choice but to continue to proceed alone on behalf of the People of the State of New York and the public interest. On Friday, September 2, 2016, we commenced a new citizen-taxpayer action in Supreme Court/Albany County (#5122-16) pertaining to the state budget for fiscal year 2016-2017. In addition to embodying ALL the evidence that CJA's July 8, 2016 letter furnished you to establish the counties' duty to take steps to void the district attorney salary increases arising from the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation and the August 29, 2011 report of the Commission on Judicial Compensation, it presents a tenth cause of action (§§85-110) to void the "grants to counties for district attorney salaries" in this year's Aid to Localities Budget Bill #S.6403-d/A.9003-d.

As the counties are directly affected by the tenth cause of action, this is to give you notice of your right to seek intervention as to that cause, in particular – and, additionally, as to the sixth, seventh, and eighth causes of action to void the December 24, 2015 and August 29, 2011 reports (§§59-80). Attached is plaintiffs' formal notice of today's date of your right to seek intervention. Plaintiffs' order to show cause for a preliminary injunction to enjoin the state from disbursing monies to the counties for district attorney salaries, signed on September 2, 2016, is returnable in Supreme Court/Albany County on Friday, September 16, 2016. It, too, is attached. These documents – as, likewise, the September 2, 2016 verified complaint and the transcript of the September 2, 2016 oral argument – are all accessible from CJA's menu page for this second citizen-taxpayer action: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/menu-2nd-citizen-taxpayer-action.htm>.

Feel free to call with any questions. I am available to assist you, to the max, in discharging your duty to your counties' taxpayers.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

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,

Plaintiffs,

NOTICE OF RIGHT
TO SEEK INTERVENTION

-against-

Index # 5122-16

ANDREW M. CUOMO, in his official capacity as Governor
of the State of New York, JOHN J. FLANAGAN in his official
capacity as Temporary Senate President, THE NEW YORK
STATE SENATE, CARL E. HEASTIE, 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, THOMAS P. DiNAPOLI,
in his official capacity as Comptroller of the State of New York,
and JANET M. DiFIORE, in her official capacity as Chief Judge of the
State of New York and chief judicial officer of the Unified Court System,

Defendants.

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S I R S:

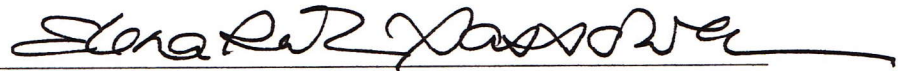
PLEASE TAKE NOTICE that upon plaintiffs' verified complaint in the above-entitled citizen-taxpayer action, sworn to on the 2nd day of September 2016, the exhibits annexed thereto, and upon all the papers and proceedings heretofore had herein and in the predecessor citizen-taxpayer action, *Center for Judicial Accountability, et al. v. Cuomo, et al.* (Albany Co. #1788-14), raising constitutional and statutory issues of magnitude, you have an interest that will be affected, entitling you to seek to intervene, pursuant to CPLR §1012 and §1013.

PLEASE TAKE FURTHER NOTICE that the record of this citizen-taxpayer action, as likewise the record of the predecessor citizen-taxpayer action, is posted on plaintiff CENTER FOR JUDICIAL ACCOUNTABILITY's website, www.judgewatch.org, accessible via the prominent

homepage link: "CJA's Citizen-Taxpayer Actions to End NYS' Corrupt Budget 'Process' & Unconstitutional 'Three Men in a Room' Governance".

DATED: September 7, 2016
White Plains, New York

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, Apartment 2D-E
White Plains, New York 10603
914-421-1200
elena@judgewatch.org

TO: THE 62 COUNTIES OF THE STATE OF NEW YORK

1. COUNTIES OF NEW YORK CITY –
ATT: NYC Corporation Counsel Zachary Carter

KINGS COUNTY
QUEENS COUNTY
NEW YORK COUNTY
BRONX COUNTY
RICHMOND COUNTY

2. COUNTIES WITH POPULATIONS OVER 500,000

SUFFOLK COUNTY – ATT: County Attorney Dennis Brown
NASSAU COUNTY – ATT: County Attorney Carnell Foskey
WESTCHESTER COUNTY – ATT: County Attorney Robert Meehan
ERIE COUNTY – ATT: County Attorney Michael Siragusa
MONROE COUNTY – ATT: County Attorney Michael Davis

3. COUNTIES WITH POPULATIONS OVER 100,000

ONONDAGA COUNTY – ATT: County Attorney Robert Durr
ORANGE COUNTY – ATT: County Attorney Langdon Chapman
ROCKLAND COUNTY – ATT: County Attorney Thomas Humbach
ALBANY COUNTY – ATT: County Attorney Daniel Lynch
DUTCHESS COUNTY – ATT: County Attorney James Fedorchak
ONEIDA COUNTY – ATT: County Attorney Peter Rayhill
SARATOGA COUNTY – ATT: County Attorney Stephen Dorsey
NIAGARA COUNTY – ATT: County Attorney Claude Joerg
BROOME COUNTY – ATT: County Attorney Robert Behnke
ULSTER COUNTY – ATT: County Attorney Beatrice Havranek
RENSSELAER COUNTY – ATT: County Attorney Stephen Pechenik
SCHENECTADY COUNTY – ATT: County Attorney Christopher Gardner
CHAUTAUQUA COUNTY – ATT: County Attorney Stephen Abdella
OSWEGO COUNTY – ATT: County Attorney Richard Mitchell
JEFFERSON COUNTY – ATT: County Attorney David Paulsen
SAINT LAWRENCE COUNTY – ATT: County Attorney Stephen Button
ONTARIO COUNTY – ATT: County Attorney Gary Curtiss
TOMPKINS COUNTY – ATT: County Attorney Jonathan Wood

4. COUNTIES WITH POPULATIONS BETWEEN 40,000 & 100,000

PUTNAM COUNTY – ATT: County Attorney Jennifer Burngarner
STEUBEN COUNTY – ATT: County Attorney Alan Reed
WAYNE COUNTY – ATT: County Attorney Daniel Connors
CHEMUNG COUNTY – ATT: County Attorney Bryan Maggs
CLINTON COUNTY – ATT: County Attorney James Coffey
CAYUGA COUNTY – ATT: County Attorney Fred Westphal
CATTARAUGUS COUNTY – ATT: County Attorney Mark Howden
SULLIVAN COUNTY – ATT: County Attorney Cheryl McCausland
MADISON COUNTY – ATT: County Attorney S. John Campanie
WARREN COUNTY – ATT: County Attorney Brian Reichenbach
LIVINGSTON COUNTY – ATT: County Attorney David Morris
HERKIMER COUNTY – ATT: County Attorney Robert Malone
WASHINGTON COUNTY – ATT: County Attorney Roger Wickes
COLUMBIA COUNTY – ATT: County Attorney Robert Fitzsimmons
OTSEGO COUNTY – ATT: County Attorney Ellen Cocomma
GENESEE COUNTY – ATT: County Attorney Charles Zambito
FULTON COUNTY – ATT: County Attorney Jason Brott
FRANKLIN COUNTY – ATT: County Attorney Jonathan Miller
TIOGA COUNTY – ATT: County Attorney Judith Quigley
MONTGOMERY COUNTY – ATT: County Attorney Meghan Manion
CHENANGO COUNTY – ATT: County Attorney Alan Gordon
CORTLAND COUNTY – ATT: County Attorney Karen Howe

GREENE COUNTY – ATT: County Attorney Edward Kaplan
ALLEGANY COUNTY – ATT: County Attorney Thomas Miner
DELAWARE COUNTY – ATT: County Attorney Porter Kirkwood
ORLEANS COUNTY – ATT: County Attorney David Schubel
WYOMING COUNTY – ATT: County Attorney James Wujcik

5. COUNTIES WITH POPULATIONS OF LESS THAN 40,000

ESSEX COUNTY – ATT: County Attorney Daniel Manning
SENECA COUNTY – ATT: County Attorney Frank Fisher
SCHOHARIE COUNTY – ATT: County Attorney Michael West
LEWIS COUNTY – ATT: County Attorney Joan McNichol
YATES COUNTY – ATT: County Attorney Scott Falvey
SCHUYLER COUNTY – ATT: County Attorney Steven Getman
HAMILTON COUNTY – ATT: County Attorney Charles Getty

NEW YORK STATE ASSOCIATION OF COUNTIES

ATT: President/Schoharie County Treasurer William Cherry
Executive Director Steven J. Acquario

COUNTY ATTORNEYS' ASSOCIATION OF THE STATE OF NEW YORK

ATT: President/Livingston County Attorney David J. Morris

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 #5122-16

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official capacity as Governor
of the State of New York, JOHN J. FLANAGAN in his official
capacity as Temporary Senate President, THE NEW YORK
STATE SENATE, CARL E. HEASTIE, 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, THOMAS P. DiNAPOLI,
in his official capacity as Comptroller of the State of New York,
and JANET M. DiFIORE, in her official capacity as Chief Judge of the
State of New York and chief judicial officer of the Unified Court System,

Defendants.

**NOTICE OF RIGHT TO SEEK INTERVENTION
(TO THE 62 COUNTIES OF THE STATE OF NEW YORK)**

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

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