

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Sunday, April 2, 2017 11:16 AM
To: 'Eric.Schneiderman@ag.ny.gov'
Cc: 'Jason.Brown@ag.ny.gov'; 'Janet.Sabel@ag.ny.gov'; 'Kent.Stauffer@ag.ny.gov'; 'Meg Levine'; 'Jeffrey Dvorin'; 'Helena Lynch'; 'Adrienne Kerwin'; 'Hartman Chambers'; 'Joanne Locke'
Subject: NYS BUDGET & THE AG's DUTY TO IMMEDIATELY SECURE A TRO, etc.: Citizen-Taxpayer Action: CJA v. Cuomo, et al. #5122-16
Attachments: 3-31-17-email-to-ag-schneiderman-etc.pdf; 3-30-17-email-to-hartman.pdf; 3-30-17-email-to-levine.pdf; 3-30-17-email-to-lynch.pdf

TO: Attorney General Eric Schneiderman

How long does it take you to read Article III, §10 and Article VII, §§4, 5, 6 of the New York State Constitution and recognize your duty to protect the People of the State of New York from the brazen repudiation of these safeguarding constitutional provisions by the “three men in a room”, aided and abetted by all other legislative leaders and rank-and-file, in their enacting of the state budget for fiscal year 2017-2018?

And how long does it take you to read the Court of Appeals’ consolidated decision in *Pataki v. Assembly & Senate* and in *Silver v. Pataki*, 4 NY3d 75 (2004), interpreting Article VII, 4? Are you not familiar with that decision from your years in the Legislature, including in 2004, when it was rendered? How about the Court of Appeals’ decision in *New York State Bankers Association v. Wetzler*, 81 NY2d 98 (1993), also interpreting Article VII, §4. Have you not read it? Is there anything unclear about what it says?

By this e-mail, demand is made, again, that you IMMEDIATELY enforce Article III, §10 and Article VII, §§4, 5, 6 of the New York State Constitution – and secure the TRO sought by plaintiffs’ March 29th order to show cause, whether before Justice Hartman or before a fair and impartial judge, which she is not.

Additionally, demand is made that you IMMEDIATELY put your “three men in a room” clients on notice that should they print their behind-closed-doors budget bills, “amending” the Senate and Assembly “amended” budget bills, such would be, in the words of the citizen-taxpayer action statute, “a wrongful expenditure, misappropriation, misapplication, ... illegal or unconstitutional disbursement of state funds or state property” (State Finance Law §123-b) – and they will be held personally liable for the costs of printing, distribution, and all consequential damages resulting therefrom.

Suffice to here note – and its applicability extends to all defendants in plaintiffs’ citizen-taxpayer action, including yourself, that “intentional wrongdoing”, as at bar, is not shielded from accountability (See Public Officers Law §17, entitled “Defense and indemnification of state officers and employees”, subdivisions 3(a) and (c).

I have yet to hear from you – or from your high-ranking staff – as to the outcome of your personal review of the record of plaintiffs’ citizen-taxpayer action, beginning with the March 29th oral argument of plaintiffs’ order to show cause for a preliminary injunction, with TRO – and plaintiffs’ *sub judice* February 15th order to show cause to disqualify Justice Hartman for actual bias, with its Exhibit U analysis of her December 21, 2016 decision. As you know, the record is conveniently posted on CJA’s website, www.judgewatch.org, accessible from the prominent homepage link “CJA’s Citizen-Taxpayer Actions to End NYS’ Corrupt Budget ‘Process’ and Unconstitutional ‘Three Men in a Room’ Governance”. The direct link to CJA’s webpage for the March 29th order to show cause for preliminary injunction, with TRO, is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/3-29-17-osc.htm>. For your further convenience, my March 31st e-mail to you and your high-ranking staff,

entitled "IMMEDIATE OVERSIGHT & ACTION REQUIRED", to which I am awaiting response, is below, as well as attached hereto – notwithstanding it is accessible from that webpage. Likewise, attached are my March 30th e-mails to Justice Hartman, to Deputy Attorney General Meg Levine, and to Assistant Attorney General Lynch, to which, also, I am awaiting response.

Needless to say, if you – New York State's highest law enforcement officer -- are unwilling to rise above your multitudinous conflicts of interest and enforce the New York State Constitution against those who are openly and brazenly violating it, demand is made, again, that you take IMMEDIATE steps for appointment of independent counsel for such purpose.

Thank you.

Elena Sassower, unrepresented plaintiff
on her own behalf & on behalf of the People of the State of New York & the Public Interest
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Friday, March 31, 2017 3:02 PM

To: 'Eric.Schneiderman@ag.ny.gov' <Eric.Schneiderman@ag.ny.gov>; 'Jason.Brown@ag.ny.gov' <Jason.Brown@ag.ny.gov>; 'Janet.Sabel@ag.ny.gov' <Janet.Sabel@ag.ny.gov>; 'Kent.Stauffer@ag.ny.gov' <Kent.Stauffer@ag.ny.gov>

Cc: 'Meg Levine' <Meg.Levine@ag.ny.gov>; 'Jeffrey Dvorin' <Jeffrey.Dvorin@ag.ny.gov>; 'Helena Lynch' <Helena.Lynch@ag.ny.gov>; 'Adrienne Kerwin' <Adrienne.Kerwin@ag.ny.gov>; 'Hartman Chambers' <hartmanchambers@nycourts.gov>; 'Joanne Locke' <jlocke@nycourts.gov>

Subject: IMMEDIATE OVERSIGHT & ACTION REQUIRED: Citizen-Taxpayer Action: CJA v. Cuomo, et al. #5122-16

TO: Attorney General Eric Schneiderman
Chief Deputy Attorney General Jason Brown
Chief Deputy Attorney General Janet Sabel
Executive Deputy Attorney General for State Counsel Kent Stauffer

This follows up two voice mail messages I left this morning for Executive Deputy Attorney General for State Counsel Stauffer -- and the message I left with Yolanda, a secretary in the Attorney General's executive offices, for Chief Deputy Attorneys General Sabel and Brown -- and for Attorney General Schneiderman.

Attached is my self-explanatory e-mail, sent yesterday afternoon, to Deputy Attorney General Meg Levine – to which, like my predecessor March 28th e-mail to her, I have received NO response. It pertains to the citizen-taxpayer action, *CJA v. Cuomo, et al.* (Albany Co. #5122-16), in which Attorney General Schneiderman is a named defendant, sued for corruption with respect to the state budget for fiscal year 2016-2017. The lawsuit, the successor of a prior citizen-taxpayer action, *CJA v. Cuomo, et al.* (Albany Co. #1788-14), pertaining to the state budgets for fiscal years 2014-2015 and 2015-2016, to which Attorney General Schneiderman was also a named defendant, is in Supreme Court/Albany County, before Acting Supreme Court Justice Denise Hartman. Presumably, you know Justice Hartman, as for 30 years, until May 2015, she had worked in the Attorney General's office -- in other words, under then Attorney-General Cuomo and thereafter, under Attorney General Schneiderman.

The subject line to my yesterday's e-mail to Deputy Attorney General Levine read:

"Request that the AG rise above his conflicts of interest & do his duty to secure the TRO to which plaintiffs were entitled yesterday, as a matter of law".

The referred-to "yesterday" was Wednesday March 29th -- and the referred-to TRO was to enjoin defendants from taking further budget action based on the legislative defendants' "amended" budget bills for fiscal year 2017-2018, which were not "amended" in fact -- and which not only procedurally violate Article III, §10 of the New York State Constitution, but substantively violate Article VII, §§4, 5, and 6. In pertinent part, my yesterday's e-mail to Deputy Attorney General Levine requested that you:

"personally review the record of these citizen-taxpayer actions, beginning with what took place [on March 29th at the oral argument before Justice Hartman], so that the Attorney General -- notwithstanding he is a defendant -- can rise above his conflicts-of-interest and do his duty to secure the TRO which plaintiffs sought, and were entitled to [on March 29th]-- thwarted by the misconduct of the Attorney General's Office, in tandem with its former colleague, the now Acting Justice Hartman."

For your convenience, the Center for Judicial Accountability's website, www.judgewatch.org, posts the record of both citizen-taxpayer actions, accessible *via* the prominent homepage link: "CJA's Citizen-Taxpayer Actions to END NYS' Corrupt Budget 'Process' and Unconstitutional 'Three Men in a Room' Governance". Here's the direct link to the webpage for plaintiffs' March 29th order to show cause for a preliminary injunction, with TRO: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/9-2-16-osc-complaint/3-29-17-osc.htm>. To further assist you, I have posted on that webpage a link to a webpage of correspondence pertaining to the order to show cause -- from which you can read the entire e-mail exchange on which my yesterday's e-mail to Deputy Attorney General Levine rests, as well as such subsequent correspondence as Assistant Attorney General Helena Lynch's yesterday's letter to Justice Hartman, retracting her false statement at the March 29th oral argument that the legislative defendants' "amended" bills were "internal documents". In that connection, attached is my yesterday's e-mail response to AAG Lynch's retraction, as it summarizes her other deceits at the March 29th oral argument for which retraction is in order -- giving rise to the Attorney General's duty to secure the issuance of a TRO, immediately.

That enactment of the state budget by the legislative defendants and defendant Cuomo openly and flagrantly violates Article III, §10 and Article VII, §§4, 5, 6 of New York's Constitution is reflected by yesterday's article in the Gotham Gazette "*The 'Three Men in a Room' and Millions Outside*" <http://www.gothamgazette.com/state/6842-the-three-men-in-a-room-and-millions-outside>. This abomination will NOT change unless forced *via* judicial declarations of unconstitutionality and this is what plaintiffs' March 29th order to show cause with a preliminary injunction and TRO is designed to most efficiently accomplish.

The Attorney General has not only an historic opportunity to intervene in plaintiffs' monumental citizen-taxpayer action -- but the obligation to do so. As TIME IS OF THE ESSENCE, please let me hear from you, as soon as possible, as to the results of your review of the record. I am available throughout the weekend.

Thank you.

Elena Sassower, unrepresented plaintiff
on behalf of herself, the State of New York, and the Public Interest.
914-421-1200