

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: ALICE SCHLESINGER
Justice

PART ~~IA~~ PART 16

Index Number : 160941/2013
NEW YORK STATE SENATE
vs.
RICE, KATHLEEN
SEQUENCE NUMBER : 003
RENEW/REARGUE

INDEX NO. _____
MOTION DATE _____
MOTION SEQ. NO. _____

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____	No(s). _____
Answering Affidavits — Exhibits _____	No(s). _____
Replying Affidavits _____	No(s). _____

Upon the foregoing papers, it is ordered that this motion is *denied in accordance with the accompanying memorandum decision.*

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: DEC 23 2014

Alice Schlesinger, J.S.C.
ALICE SCHLESINGER

- | | | |
|---|---|--|
| 1. CHECK ONE: | <input checked="" type="checkbox"/> CASE DISPOSED | <input type="checkbox"/> NON-FINAL DISPOSITION |
| 2. CHECK AS APPROPRIATE: MOTION IS: | <input type="checkbox"/> GRANTED | <input checked="" type="checkbox"/> DENIED |
| | <input type="checkbox"/> GRANTED IN PART | <input type="checkbox"/> OTHER |
| 3. CHECK IF APPROPRIATE: | <input type="checkbox"/> SETTLE ORDER | <input type="checkbox"/> SUBMIT ORDER |
| | <input type="checkbox"/> DO NOT POST | <input type="checkbox"/> FIDUCIARY APPOINTMENT |
| | <input type="checkbox"/> REFERENCE | |

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
NEW YORK STATE SENATE, NEW YORK STATE
ASSEMBLY, DEAN G. SKELOS, et al.,

Plaintiffs,

Index No. 160941/13
Motion Seq. 003

-against-

KATHLEEN RICE, WILLIAM J. FITZPATRICK, and
MILTON L. WILLIAMS, JR., et al.,

Defendants.

-----X
SCHLESINGER, J.:

This litigation relates to a Commission formed by Governor Andrew M. Cuomo in July 2013 to investigate various issues relating to government ethics, conflicts of interest, and campaign finance. As part of that investigation, the Commission issued subpoenas to certain law firms and businesses that employ New York legislators. In response, some of the subpoenaed entities commenced litigation to quash the subpoenas.

While that litigation was pending, Governor Cuomo announced that he was ending the Commission's investigation and disbanding the Commission. The parties agreed that the Governor's decision rendered the pending litigation moot and further agreed to discontinue the litigation. This Court "So Ordered" various Stipulations to that effect under the various index numbers for the cases on April 30, 2014.

Shortly before that date, Elena Sassower, representing herself, filed an Order to Show Cause to intervene in the proceedings. The Court heard argument on the proposed Order to Show Cause on April 28, 2014. On April 30, 2014, the same date that this Court approved the Stipulations of Discontinuance, the Court issued a decision and order declining to sign the Order to Show Cause, reasoning that no viable action remained in which Ms. Sassower could intervene. That decision was served with Notice of Entry on or about May 13, 2014.

Before the Court at this time is a motion by Ms. Sassower to renew and reargue this Court's decision dated April 30, 2014 declining to sign her proposed Order to Show

Cause.. Various parties to this action have opposed the motion. After hearing extensive oral argument in open court on December 3, 2014, this Court denies the motion in its entirety.

Motions to renew and reargue are governed by CPLR §2221. A motion to renew "shall be based upon new facts not offered on the prior motion that would change the prior determination or shall demonstrate that there has been a change in the law that would change the prior determination." CPLR §2221(e). A motion to reargue "shall be based upon matters of fact or law allegedly overlooked or misapprehended by the court in determining the prior motion ...". CPLR §2221(d).

After reviewing the papers and carefully considering the arguments presented orally and in writing, this Court finds that Ms. Sassower has failed to satisfy either standard in CPLR §2221. Thus, no basis exists for this Court to reconsider or change the April 30, 2014 order.

Accordingly, it is hereby

ORDERED that the motion by the proposed intervenor Elena Sassower to renew and reargue is in all respects denied.

Dated: December 23, 2014

DEC 23 2014



J.S.C.
ALICE SCHLESINGER