

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

June 27, 2014

Supreme Court Justice Alice Schlesinger
60 Centre Street
New York, New York

RE: Declaratory Judgment Action – NYS Senate, et al. v. Rice, et al., #160941/2013
Plaintiffs' requested adjournment of Proposed Intervening Plaintiff's June 17, 2014
Reargument/Renewal/Vacatur Motion

Dear Justice Schlesinger:

At 3:38 p.m. yesterday afternoon, Kasowitz, Benson, Torres & Friedman, LLP, sent me an e-mail stating:

“Please see the attached correspondence and proposed order which were faxed to the court this morning. A copy of the attached papers will also be sent by overnight mail.”

The attached correspondence consisted of a June 26, 2014 letter to you, on a letterhead of the Kasowitz firm, signed by the three counsel to the purported plaintiffs – to which I was not an indicated recipient, notwithstanding the letter requested a three-week adjournment of my June 17, 2014 motion for reargument/renewal, vacatur & other relief and enclosed a proposed order for your signature granting same.

I have no objection to the requested adjournment of my motion's return date from July 8, 2014 to July 29, 2014. I do object, however, that all three plaintiffs' counsel failed to follow what they surely know to be normal and customary procedure for adjourning motions, namely, to telephone the movant and ask consent.

Had any of the three seasoned counsel telephoned me to ask whether I would consent to the requested adjournment, I would have given my consent readily, signing a stipulation, if such were necessary – and obviating any imposition on the Court.

After writing the foregoing, I called this Court's Part Clerk, David Goldstein, who told me that he had received a telephone call the other day from one of plaintiffs' counsel, stating I could not be reached. I do not know why counsel would have had difficulty reaching me, as I am currently reachable by three phone numbers (914-455-4373; 914-421-1200; 646-220-7987) and by e-mail (elena@judgewatch.org), all of which counsel have. Tellingly, counsel's June 26th letter, in addition

Ex 27-a

to not indicating me as a recipient, does not recite any attempt to have reached me for my consent.



Elena Ruth Sassower, *Pro Se*
Proposed Intervening Plaintiff,
Acting on her own behalf & on behalf
of the People of the State of New York
& the Public Interest

Enclosure: Kasowitz firm's June 26, 2014 e-mail (3:38 p.m.)

cc: Michael Garcia, Esq. (Kirland & Ellis, LLP)
Marc Kasowitz, Esq. (Kasowitz, Benson, Torres, & Friedman, LLP)
Jay Musoff, Esq. (Loeb & Loeb, LLP)
Assistant Solicitor General Judith Vale

Center for Judicial Accountability

From: Lauren Tabaksblat <LTabaksblat@kasowitz.com>
Sent: Thursday, June 26, 2014 3:38 PM
To: elena@judgewatch.org
Cc: Jennifer S. Recine; michael.garcia@kirkland.com; Abramowicz, David; jmusoff@loeb.com; judith.vale@ag.ny.gov
Subject: New York State Senate et al. v. Rice et al., Index No. 160941/2013
Attachments: Letter to Court.pdf; Proposed Order.pdf

Ms. Sassower,

Please see the attached correspondence and proposed order which were faxed to the court this morning. A copy of the attached papers will also be sent by overnight mail.

Lauren Tabaksblat
Kasowitz, Benson, Torres & Friedman LLP
1633 Broadway
New York, New York 10019
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June 26, 2014

Honorable Alice R. Schlesinger
Supreme Court of the State of New York
New York County Courthouse
60 Centre Street, Room 222
New York, NY 10007

Re: *New York State Senate, et al. v. Rice, et al.*, Index # 160941/2013

Dear Justice Schlesinger:

We represent the New York State Senate, the New York State Assembly, Jeffrey D. Klein and Dean Skelos, as members and leaders of the New York State Senate, and Sheldon Silver, as a member and as Speaker of the New York State Assembly (“Petitioners”) in the above-referenced matter. We write to request that the Court adjourn the return date on the motion for reargument/renewal of TRO and vacatur of the April 24, 2014 stipulation of discontinuance, filed by *pro se* proposed intervener, Elena Sassower, until July 29, 2014.

Pursuant to the notice filed by Ms. Sassower on June 17, 2014, the motion is currently returnable on July 8, 2014. However, there are several procedural deficiencies related to Ms. Sassower’s filing. First, Ms. Sassower erred by designating her motion returnable to Your Honor’s courtroom, rather than to the Motion Support Office Courtroom, Room 130. Accordingly, Ms. Sassower’s motion has not been entered on the Court’s calendar. Moreover, Ms. Sassower has failed to properly serve Petitioners pursuant to CPLR Rule 2103.

Notwithstanding the foregoing procedural defects, Petitioners agree to waive service and respond to Ms. Sassower’s motion. However, given the procedural defects in the filing and service of Ms. Sassower’s papers, we respectfully request that Your Honor sign the proposed order submitted herewith granting Petitioners a brief adjournment of time to respond.

Respectfully submitted,

<p><u>/s/ Marc E. Kasowitz</u></p> <p>Marc E. Kasowitz Kasowitz, Benson, Torres & Friedman 1633 Broadway New York, New York 10019</p> <p><i>Attorneys for Petitioners New York State Assembly and Sheldon Silver, as Speaker and Member</i></p>	<p><u>/s/ Michael J. Garcia</u></p> <p>Michael J. Garcia Kirkland & Ellis, LLP 601 Lexington Avenue New York, New York 10022 (212) 446-4810</p> <p><i>Attorneys for Petitioners New York State Senate and Dean Skelos as Temporary President of the New York Senate and Member</i></p>
<p><u>/s/ Jay K. Musoff</u></p> <p>Jay K. Musoff Loeb & Loeb LLP 345 Park Avenue New York, New York 10154 (212) 407-4212</p> <p><i>Attorneys for Petitioner Jeffrey D. Klein as Temporary President of the New York Senate and Member</i></p>	

cc: All Counsel of Record (by e-mail)

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

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NEW YORK STATE SENATE, NEW YORK
STATE ASSEMBLY, DEAN G. SKELOS and
JEFFREY D. KLEIN, as members and as Temporary
Presidents of the New York State Senate, and
SHELDON SILVER, as member and as Speaker of
the New York State Assembly,

Plaintiffs,

- against -

KATHLEEN RICE, WILLIAM J. FITZPATRICK
and MILTON L. WILLIAMS, Jr. in their official
capacities as Co-Chairs of the Moreland Commission
on Public Corruption, and THE MORELAND
COMMISSION TO INVESTIGATE PUBLIC
CORRUPTION.

Defendants.

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: Index No. 160941/2013
: I.A.S. Part: 16
: Justice Alice Schlesinger

PROPOSED ORDER

WHEREAS, proposed intervener, Elena R. Sassower, filed a motion for reargument/renewal of TRO and vacatur of the April 24, 2014 stipulation of discontinuance, which is currently returnable on July 8, 2014; and

WHEREAS, petitioners seek a first time extension of time to submit an opposition to proposed intervener's motion.

NOW, THEREFORE, IT IS HEREBY ORDERED, that proposed intervener's motion for reargument and other relief be adjourned until July 29, 2014 in the Motion Support Office Courtroom, Room 130, with opposition papers due July 22, 2014 and reply papers due July 28, 2014.

SO ORDERED:

Hon. Alice R. Schlesinger