

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

BY FAX: 212-374-8396 (7 pages)

September 4, 2014

Supreme Court Justice Alice Schlesinger  
60 Centre Street, Courtroom 212  
New York, New York

RE: Declaratory Judgment Action – NYS Senate, et al. v. Rice, et al., #160941/2013  
CLARIFICATION: Consented-to Three-Week Adjournment of September 5, 2014  
Return Date of Proposed Intervening Plaintiff's June 17, 2014 Motion for  
Reargument/Renewal, Vacatur & Other Relief

Dear Justice Schlesinger,

I was most astonished by the two e-mails I received from your law clerk, Rose Ann Magaldi, within minutes of my yesterday's e-mail to her, attaching my already-faxed letter to the Court – to which counsel were indicated recipients.

Aside from telling me not to send her "further e-mails", for which she gave no explanation, Ms. Magaldi's second e-mail stated:

"Justice Schlesinger has asked me to respond to your letter, sent by fax on September 3.

Judges do not, unless requested by the motion clerks, rule on adjournments on motions. Rather, court procedures require that you make your application for any adjournment to the clerk in the Motions Submission Part on the return date of the motion and present any reasons for your request at that time. If the other side(s) offers no objection, these requests are usually granted. But the judge has no role until the motion has been submitted to her or a request for a ruling is made by the clerk."

This morning I telephoned your Part Clerk, David Goldstein, and the Clerk's Office to inquire about the referred-to "court procedures". Each told me what I had been told back in July, which is that when the adjournment is beyond 60 days of the original return date, as at bar, it is by court order.

EX 29-c

Upon learning this, I called your chambers before 10:00 this morning, but only got a voice mail on which I recited what I had been told. I also advised that I had e-mailed counsel to let me know if they had any objection to the adjournment, absent which I would assume they were agreeable to same.

I have received no e-mail of objection from any counsel and – as reflected by my yesterday’s letter – Assistant Solicitor General Vale had already given her consent.

Under the circumstances, I respectfully request that the court advise whether I must make a time-consuming, costly trip from Westchester to appear at the calendar call, tomorrow, to request an adjournment that is unopposed by counsel – especially when the record herein shows that counsel in this declaratory judgment action and in the other related litigations repeatedly secured the Court’s so-ordering of stipulations for adjournments, without the necessity of any court appearance.

In connection with this request, enclosed are Ms. Magaldi’s two-emails to me yesterday, responding to mine, as well as my e-mail today to counsel pertaining thereto. I am also furnishing, again, my proposed order adjourning the return date of my reargument/renewal/vacatur motion for three weeks with a direction to the Clerk’s Office that it:

“appropriately e-docket the *pro se* proposed intervening plaintiff’s June 17, 2014 motion and her underlying April 23, 2014 order to show cause – and, as to the latter, to verify the whereabouts of the original.”

Thank you.



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

Enclosures

cc: Assistant Solicitor General Judith Vale  
Michael Garcia, Esq. (Kirland & Ellis, LLP)  
Marc Kasowitz, Esq. (Kasowitz, Benson, Torres, & Friedman, LLP)  
Jay Musoff, Esq. (Loeb & Loeb, LLP)  
Jeffrey Carucci, Statewide Coordinator for Electronic Filing/Unified Court System  
c/o Ronnie Schmachtenberg

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Wednesday, September 03, 2014 4:28 PM  
**To:** Rose Ann Magaldi (rmagaldi@courts.state.ny.us)  
**Cc:** judith.vale@ag.ny.gov; michael.garcia@kirkland.com; mkasowitz@kasowitz.com;  
jmusoff@loeb.com; vschmach@nycourts.gov  
**Subject:** Declaratory Judgment Action: NYS Senate v. Rice et. al. -- Three-Week Adjournment to  
Sept 26, 2014: reargument/renewal/vacatur motion  
**Attachments:** 9-3-14-ltr-to-justice-schlesinger.pdf

Attached is my letter of today's date, already faxed to the Court, with enclosed proposed order, adjourning the return date of my June 17, 2014 reargument/renewal/vacatur motion, presently returnable on September 5, 2014, to September 26, 2014.

(ATT: Ronnie Schmachtenberg – please forward to Mr. Carucci.)

Thank you.

Elena Sassower, *Pro Se* Proposed Intervening Plaintiff  
914-421-1200

## Center for Judicial Accountability

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**From:** Rose Ann Magaldi <[rmagaldi@nycourts.gov](mailto:rmagaldi@nycourts.gov)>  
**Sent:** Wednesday, September 03, 2014 4:34 PM  
**To:** Center for Judicial Accountability  
**Cc:** [judith.vale@ag.ny.gov](mailto:judith.vale@ag.ny.gov); [michael.garcia@kirkland.com](mailto:michael.garcia@kirkland.com); [mkasowitz@kasowitz.com](mailto:mkasowitz@kasowitz.com); [jmusoff@loeb.com](mailto:jmusoff@loeb.com); Veronica Schmachtenberg  
**Subject:** RE: Declaratory Judgment Action: NYS Senate v. Rice et. al. -- Three-Week Adjournment to Sept 26, 2014: reargument/renewal/vacatur motion

Please do not send any further e-mails to me. Thank you.

Rose Ann Magaldi  
Principal Law Clerk to Justice Alice Schlesinger  
Supreme Court, NY County  
60 Centre Street, Room 525  
New York, NY 10007  
Tel: 646 386-3253  
Fax: 212 374-8396  
[rmagaldi@nycourts.gov](mailto:rmagaldi@nycourts.gov)

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Thank you.

Elena Sassower, *Pro Se* Proposed Intervening Plaintiff  
914-421-1200

## Center for Judicial Accountability

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**From:** Rose Ann Magaldi <[rmagaldi@nycourts.gov](mailto:rmagaldi@nycourts.gov)>  
**Sent:** Wednesday, September 03, 2014 4:44 PM  
**To:** Center for Judicial Accountability  
**Cc:** [judith.vale@ag.ny.gov](mailto:judith.vale@ag.ny.gov); [michael.garcia@kirkland.com](mailto:michael.garcia@kirkland.com); [mkasowitz@kasowitz.com](mailto:mkasowitz@kasowitz.com); [jmusoff@loeb.com](mailto:jmusoff@loeb.com); Veronica Schmachtenberg  
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Please refrain from sending me any further e-mails. Thank you.

Rose Ann Magaldi  
Principal Law Clerk to Justice Alice Schlesinger  
Supreme Court, NY County  
60 Centre Street, Room 525  
New York, NY 10007  
Tel: 646 386-3253  
Fax: 212 374-8396  
[rmagaldi@nycourts.gov](mailto:rmagaldi@nycourts.gov)

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Elena Sassower, *Pro Se* Proposed Intervening Plaintiff  
914-421-1200

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Thursday, September 04, 2014 9:01 AM  
**To:** mkasowitz@kasowitz.com; mgarcia@kirkland.com; jmusoff@loeb.com  
**Cc:** judith.vale@ag.ny.gov; vschmach@nycourts.gov  
**Subject:** Declaratory Judgment Action: NYS Senate v. Rice et. al. -- Responding to Magaldi's e-mail -- RE: Adjournment to Sept 26, 2014: reargument/renewal/vacatur motion  
**Attachments:** 9-3-14-ltr-to-justice-schlesinger.pdf

Dear Messrs. Kasowitz, Garcia, and Musoff:

Before responding to Ms. Magaldi's below e-mail, please advise if you object to my yesterday's adjournment request (again attached). Absent your response, I will assume you have none.

Thank you.

Elena Sassower, *Pro Se* Proposed Intervening Plaintiff  
914-421-1200

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