

Anthony Zappin

244 Fifth Avenue, Suite F-200 • New York, NY 10001 • Phone: (304) 654-6195 • Fax: (646) 365-3424
E-Mail: anthony.zappin@gmail.com

Date: July 15, 2016

BY E-MAIL (cjc@cjc.ny.gov)

New York State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, NY 10006

Re: Complaint against Justice Matthew F. Cooper (Supreme Court New York County)

Dear Sir or Madam:

I write to supplement my formal complaint against Justice Matthew F. Cooper (“Justice Cooper”) filed with the Commission on June 25, 2016.

Enclosed is a corrected order dated June 27, 2016 signed by Justice Cooper. This corrected order corroborates my concerns and allegations that Justice Cooper knowingly and intentionally misrepresented the facts – which were outlined in my June 25, 2016 complaint – in *Zappin v. Comfort* in his June 24, 2016 order. The corrected order was only issued after Justice Cooper became aware of the June 25, 2016 complaint filed against him by me with the Commission.

This is not the first instance that Justice Cooper has knowingly misrepresented the facts of the proceeding. On another occasion, Justice Cooper issued two (2) corrected orders in connection with Mot. Seq. 28 in *Zappin v. Comfort* after he deliberately and intentionally misrepresented a third party’s request for relief. In making the misrepresentation, Justice Cooper attempted to inaccurately portray me as “intimidate[ing] and harass[ing] Ms. Doe by threatening to release photographs of her.” Ms. Doe did not allege that I ever threatened to release photographs of her and simply requested an order preventing me from “filing, publishing or disseminating any photographs of Jane Doe” in connection with the proceeding as she was noticed as a witness. The photographs were relevant evidence as part of her testimony in the proceeding. I was forced to expend time and energy on drafting and filing motions to obtain a properly rendered and corrected order from Justice Cooper. His November 6, 2016 second corrected order is tantamount to an admission of misrepresenting the facts in connection with Mot. Seq. 28. The relevant papers are attached hereto.

Although the June 24, 2016 incorrect order and Jane Doe Mot. Seq. 28 incidents are minor in comparison to other inappropriate and unlawful activities engaged in by Justice Cooper, it reveals a persistent pattern of improper behavior in violation of the Judicial Canons illustrating that he has a penchant for distorting and altering the factual record in cases. Knowingly misrepresenting facts and allegations in a proceeding is not a part of the judicial decision-making process and plainly constitutes judicial misconduct.

This letter serves to update the Commission as to Justice Cooper's misconduct. However, I intend to make additional submissions to the Commission in the coming days conclusively demonstrating that Justice Cooper has engaged in a widespread pattern of misconduct and behavior inconsistent with his duties as a judicial officer. Put simply, there are serious questions as to whether Justice Cooper possesses the temperament and acumen to sit on the bench.

Should the Commission need anything further, I remain available to answer any questions and provide any additional requested information. I sincerely appreciate the Commission's courtesy and attention to this matter.

Respectfully,

/s/ Anthony Zappin
Anthony Zappin

Enclosures

cc: Hon. Matthew F. Cooper
Robert Wallack