This second Doris Sassower Affidavit also states an alternative should the Court entertain the Attorney General's newly-raised technical objection of Petitioner's standing, notwithstanding: (1) it completely disregards Doris Sassower's originally-submitted Affidavit that CJA was knowledgeable of and made no objection to this individually-filed lawsuit; (2) it is inconsistent with the Attorney General's own reliance on the prior Article 78 proceeding for purposes of *res judicata*/collateral estoppel, as well as with Respondent's own practice of recognizing the complaint as belonging to its signator, and not his organizational affiliation, and; (3) it rewards Respondent for its refusal to provide reasonably-requested information concerning review procedures. In such circumstances, on notice of such intention by the Court, CJA would be willing to join as a party to this proceeding so as to preserve its rights relating to the October 6, 1998 and February 3, 1999 complaints that it sought to confer on Petitioner. However, Petitioner and the public interest she represents have a right to expect this Court to declare that *basic* information relative to review procedures MUST be provided by Respondent, just as any agency, as a matter of constitutional due process and equal protection rights.

Finally, the Attorney General's frivolous, bad-faith invocation of a "standing" defense in his Reply-Opposition, as likewise in his dismissal motion, is manifest upon reading the commentary on the subject of standing in Siegel, New York Practice, §136 (1999 ed., pp. 223-5). Such commentary quotes and discusses *Dairylea Cooperative, Inc. v. Walkley*, 38 N.Y.2d 6 (1975), a case cited in the Attorney General's dismissal motion (at p. 25), *without* interpretive discussion. According to the

commentary:

> "Although a question of 'standing' is not common in New York, its infrequent appearance is likely to be where administrative action is involved. A good example is *Dairylea Cooperative, Inc. v. Walkley*... The court said that '[o]nly where there is a clear legislative intent negating review... or lack of injury in fact will standing be denied.' The test today is a liberal one, according to *Dairylea*, and the right to challenge administrative action, articulated under the 'standing' caption, is an expanding one.
> ... With the taxpayer suit having been expressly adopted in New York, and with the Court of Appeals having acknowledged that in general 'standing' is to be measured generously, the occasion for closing the court's doors to a plaintiff by finding that his interest is not even sufficient to let him address the merits, which is what a 'standing' dismissal means, should be infrequent. Ordinarily only the most officious interloper should be ousted for want of standing."

As to the Reply-Opposition's misleading claim (at p. 11) that Petitioner's request for sanctions in connection with the Attorney General's *res judicata*/collateral estoppel defense is "because she is suing as an 'individual,' and not as the Coordinator of CJA" (at p. 11), this is a gross deceit upon the Court as to the principal basis for Petitioner's request for sanctions relating to the Attorney General's *res judicata*/collateral estoppel defense in Point II of his moving Memorandum. Such may be seen by Petitioner's opposition to that Point in her Memorandum (at pp. 62-67), wherein she identifies "several wilful and deliberate material misrepresentations", the first of which she expressly identifies as follows:

> "None is more egregious... and so dispositively vitiates a defense founded on *res judicata* and collateral estoppel, than the Attorney General's characterization that Petitioner's allegations concerning the 'false' and 'fraudulent' nature of Justice Cahn's decision dismissing the prior Article 78 proceeding is a 'conclusory claim. (at p. 13)."