

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Wednesday, November 26, 2014 2:38 PM
To: 'mvirtanen@ap.org'; 'dklepper@ap.org'
Subject: Request for AP Coverage: Dec. 3rd Oral Argument of NYS Legislature's Declaratory Judgment Action vs Commission to Investigate Public Corruption -- 60 Centre St. , Manhattan, Room 222
Attachments: 10-2-14-letter-from-court.pdf

Request for Associated Press Coverage: December 3rd Oral Argument of NYS Legislature's Declaratory Judgment Action vs Commission to Investigate Public Corruption -- 60 Centre St., Manhattan

ATT: Michael Virtanen, David Klepper

Have you examined the record in the Legislature's declaratory judgment action against the Commission to Investigate Public Corruption, *NYS Senate et al. v. Rice, et al* (NY Co. #160941/2013)?

I did – and concluded that the reason Governor Cuomo shut down the Commission was because – based on the record – he was going to lose – and especially once the Legislature struck out his funding appropriation for the Commission in the budget for fiscal year 2014-2015. Indeed, I concluded that the Legislature was entitled to summary judgment on the critical constitutional, separation of powers issues, but that a question existed as to whether the Senate and Assembly were actually parties and, further, that Temporary Senate Presidents Skelos and Klein and Assembly Speaker Silver had no standing to assert those causes of action for them based on the true facts about the genesis of the Commission, concealed by their complaint. It was for this reason that, on April 23, 2014, I moved to intervene as a plaintiff, on behalf of the People of the State of New York & the public interest – including for purposes of challenging that the declaratory action was mooted by the Governor's shuttering of the Commission.

New York Supreme Court Justice Alice Schlesinger, who initially dismissed the declaratory judgment action as moot, denying intervention by reason thereof, has calendared oral argument on my June 17, 2014 motion for reargument/vacatur for fraud. It is scheduled for next Wednesday, December 3, 2014, at 3 p.m. in her courtroom, Room 222, at 60 Centre Street in Manhattan. The record of the case is accessible from the Center for Judicial Accountability's website, www.judgewatch.org, by the prominent hyperlink on our homepage entitled: "THE PEOPLE FIGHT BACK: December 3rd Oral Argument – for a Judicial Declaration that the Commission to Investigate Public Corruption was Unconstitutional — & Itself Corrupt". Attached is her letter scheduling the argument.

I would appreciate if you would call me by no later than Monday morning, December 1st to confirm that an AP reporter will be covering the December 3rd oral argument – and so that we can discuss whether you or other AP reporters might do a substantive story. Based on the state of the record, the far-reaching potential of the case is to clean up New York State government, once and for all. You could easily interview constitutional scholars and legal experts for comment. At very least, you could interview them about the absence of ANY Senate and Assembly resolutions authorizing the declaratory judgment action and the absence of any Senate and Assembly contracts with ANY of the law firms for this or other litigations, and no approvals by the Comptroller – whose consequence is that the plaintiffs are not properly plaintiffs and that the untold hundreds of thousands of taxpayer dollars paid to the law firms are illegal, if not unconstitutional, expenditures. These are the explosive threshold issues – detailed and documented by my September 26, 2014 reply affidavit and memorandum of law in further support of my June 17, 2014 reargument/vacatur for fraud motion, directly accessible here: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/6-17-14-reargument.htm>.

Please forward this e-mail to your editors, as this is a MAJOR STORY. I am available to answer your questions and theirs, anytime – and I am reachable by e-mail (elena@judgewatch.org), phone (914-421-1200); cell & text (646-220-7987).

Thank you.

Elena Sassower, Director
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