

## Center for Judicial Accountability

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**Sent:** Thursday, November 27, 2014 12:33 PM  
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**Subject:** Request for City & State Coverage: Dec. 3rd Oral Argument of 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 City & State Coverage: December 3rd Oral Argument of the Legislature's Declaratory Judgment Action vs Commission to Investigate Public Corruption -- 60 Centre St., Manhattan

ATT: Tom Allon, Andrew Holt, Morgan Pehme, Jon Lentz, Wilder Fleming, Ashley Hupfl

On Wednesday, December 3<sup>rd</sup>, at 3 p.m., New York Supreme Court Justice Alice Schlesinger will be holding oral argument in the declaratory judgment action brought by the Legislature against the Commission to Investigate Public Corruption, in her courtroom, Room 222, Supreme Court, 60 Centre Street, Manhattan. Her decision will have the potential to clean up New York's corrupt government, once and for all.

Has City & State ever analyzed the record of the case?

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 the separation of powers causes of action for the Senate and Assembly based on the true facts about the genesis of the Commission, concealed by their complaint. That is why, 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.

Initially, Justice Schlesinger dismissed the declaratory judgment action as moot, denying intervention for that reason. However, on June 17, 2014, I made a motion for reargument/renewal and vacatur for fraud. It is this dynamite motion that Justice Schlesinger had the courage to schedule oral argument. Attached is her letter.

The record of the case is accessible from the Center for Judicial Accountability's website, [www.judgewatch.org](http://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".

I would appreciate if you would confirm, by Monday morning, December 1<sup>st</sup>, that City & State will be covering the December 3rd oral argument – and that it will develop a substantive story on the state of the record in this far-reaching case. Why doesn't City & State call upon constitutional scholars and legal experts, including those who are its columnists, to assist in examining the record – including as to 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 – the consequence of which 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 City & State columnists and other writers, 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](mailto:elena@judgewatch.org)), phone (914-421-1200); cell & text (646-220-7987).

Thank you.

Elena Sassower, Director  
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