SUPREME COURT OF STATE OF NEW YORK
ALBANY COUNTY

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CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
and ELENA RUTH SASSOWER, individually and
as Director of the Center for Judicial Accountability, Inc.,
acting on their own behalf and on behalf of the People
of the State of New York & the Public Interest,

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
DEAN SKELOS in his official capacity
as Temporary Senate President,
THE NEW YORK STATE SENATE,
SHELDON SILVER, in his official capacity
as Assembly Speaker, THE NEW YORK
STATE ASSEMBLY, ERIC T. SCHNEIDERMAN,
in his official capacity as Attorney General of
the State of New York, and THOMAS DiNAPOLI,
in his official capacity as Comptroller of
the State of New York,

Defendants.

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VERIFIED SUPPLEMENTAL COMPLAINT

Index #1788-2014

JURY TRIAL DEMANDED

Plaintiffs, as and for their Verified Supplemental Complaint, respectfully set forth and allege:

127. By this citizen-taxpayer action pursuant to State Finance Law §123, *et seq.* [Article 7-A], plaintiffs additionally seek declaratory judgment as to the unconstitutionality and unlawfulness of the Governor's Budget Bill #S.2001/A.3001. The expenditures of such Budget Bill – embodying the Legislature's proposed budget for fiscal year 2015-2016, the Judiciary's proposed budget for fiscal year 2015-2016, and millions of dollars in uncertified and nonconforming reappropriations – are unconstitutional and unlawful disbursements of state funds and taxpayer monies, which plaintiffs hereby seek to enjoin.

128. Plaintiffs repeat, reallege, and reiterate the entirety of their March 28, 2014 verified complaint, which they incorporate by reference.

129. Virtually all the constitutional, statutory, and rule violations detailed by the verified complaint pertaining to the Governor's Budget Bill #S.6351/A.8551 and the Legislature's and Judiciary's proposed budgets for fiscal year 2014-2015 are replicated by the Governor's Budget Bill #S.2001/A.3001 and the Legislature's and Judiciary's proposed budgets for 2015-2016. It is, as the expression goes, "déjà vu all over again".

130. For the convenience of the Court, a Table of Contents follows:

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FACTUAL ALLEGATIONS

The Legislature's Proposed Budget for Fiscal Year 2015-2016

131. By a one-sentence letter identical, but for the dates, to the one-sentence letter they had addressed to defendant CUOMO on November 27, 2013 (¶¶17-18, *supra*),[1] defendants SKELOS and SILVER addressed a December 1, 2014 letter to defendant CUOMO stating:

> "Attached is a copy of the Legislature's Budget for the 2015-2016 fiscal year pursuant to Article VII, Section I of the New York State Constitution." (Exhibit 1-b)

132. Identical to their November 27, 2013 letter, this December 1, 2014 letter was not sworn to. It was merely signed. It made no claim to be attaching "itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house" – as required by Article VII, §1 of the New York State Constitution.

133. Except for minor changes in its narrative text, the transmitted legislative budget (Exhibit 1-c) was identical to the legislative budget for fiscal year 2014-2015 in its formatting. It consisted of an untitled five-page budget narrative, with a sixth page chart entitled "All Funds Requirements for the Legislature", and a ten-page "Schedule of Appropriations". There was no certification among these 16 pages, nor even a reference to "itemized estimates" of the Legislature's "financial needs" or to Article VII, §1 of the New York State Constitution.

134. Each and every figure in the transmitted legislative budget for fiscal year 2015-2016 was identical to each and every figure of the legislative budget for fiscal year 2014-2015. As such,

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[1] The November 27, 2013 letter and its enclosed 16-page legislative budget is annexed as Exhibit C to Assistant Attorney General Adrienne Kerwin's April 18, 2014 affirmation in support of defendants' dismissal motion.

these figures were also identical to virtually every figure in the legislative budgets for fiscal years 2013-2014, 2012-2013, and 2011-2012.

135. Identically to last year,[2] more than half of the 10-page "Schedule of Appropriations" was devoted to less than 10% of the budget. Most of the 90% balance consisted of lump-sum appropriations: (i) for defendant SENATE's member offices and committees, combined in a single lump sum; (ii) for defendant ASSEMBLY's member offices and committees, combined in a single lump sum; (iii) for defendant SENATE's "senate operations", which was its own lump-sum; and (iv) for defendant ASSEMBLY's "administrative and program support operations", another lump sum.

136. Identically to last year, the transmitted 16-page legislative budget contained no "General State Charges", which were not even mentioned.

137. Identically to last year, the transmitted 16-page legislative budget contained no reappropriations, which were not even mentioned.

138. Identically to last year, neither defendant SENATE nor defendant ASSEMBLY then or thereafter posted the transmittal letter and 16-page legislative budget on their websites.[3]

The Judiciary's Proposed Budget for Fiscal Year 2015-2016

139. By two memoranda, dated December 1, 2014, Chief Administrative Judge A. Gail Prudenti furnished defendants CUOMO, SKELOS, SILVER, other Legislative Leaders, the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee, and the Chairs of the Senate and Assembly Judiciary Committees with a two-part budget

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[2] The reference to "last year" is a shorthand for the budget documents furnished by the Legislature and Judiciary for fiscal year 2014-2015.

[3] Identically to last year, only defendant ASSEMBLY furnished these the transmittal letter and 16-page budget in response to plaintiffs' FOIL request (Exhibit 1-a). There was no response from defendant SENATE.

presentation. In language identical to that used in her two memoranda dated November 29, 2013[4], the Chief Administrative Judge represented these as: "itemized estimates of the annual financial needs of the Judiciary..." for its operating expenses (Exhibit 2-a) and

> "itemized estimates of funding for General State Charges necessary to pay the fringe benefits of judges, justices and nonjudicial employees separately from itemized estimates of the annual operating needs of the Judiciary. This presentation follows the long-standing practice of the Executive and Legislative Branches of separately presenting requests for funding of fringe benefit costs and requests for operating funds. The Judiciary will submit a single budget bill, which includes requests for funding of operating expenses and fringe benefit costs for the 2015-2015 Fiscal Year." (Exhibit 3-a, underlining added)

140. The two parts of the Judiciary's budget presentations each contained a certification by the Chief Judge and approval by the Court of Appeals (Exhibits 2-b; 3-b) identical to those furnished last year. However, identically to last year, no certification appeared to encompass the "single-budget bill" (Exhibit 4).

141. Identically to last year, the Judiciary's two-part budget, including its single "Executive Summary" and statistical tables (Exhibits 2-c; 2d), did not provide a cumulative dollar total for the requested budget. Likewise, the Judiciary's "single budget bill" (Exhibit 4) did not provide a cumulative tally.

142. Identically to last year, the Judiciary's failure to furnish a cumulative dollar total for its two-part budget and to tally the figures in its "single budget bill" enabled it to conceal a discrepancy of tens of millions of dollars between them. This discrepancy was the result of $26,935,000 in reappropriations in the "single budget bill" (Exhibit 4, pp. 12-14) that were not in the Judiciary's two-part budget presentation.

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[4] Assistant Attorney General Kerwin's April 18, 2014 affirmation in support of defendants' dismissal motion annexes only one of these November 29, 2014 memoranda – that transmitting the Judiciary's proposed budget of operating expenses for fiscal year 2014-2015. It is Exhibit D thereto.

143. Identically to last year, the descriptions of these additional $26,935,000 reappropriations in the "single budget bill" (Exhibit 4, pp. 12-14) were pretty barren. Most referred to chapter 51, section 2 of the laws of 2014, 2013, 2012, 2011, 2010 and also chapter 51, section 3 of those laws – which are the enacted budget bills pertaining to the Judiciary for those years, its appropriations and reappropriations, respectively. Yet they were completely devoid of specificity as to their purpose other than a generic "services and expenses, including travel outside the state and the payment of liabilities incurred prior to April 1…"; or "services and expenses as provided by section 94-b of the state finance law– Contractual Services"; or "Contractual Services".

144. As for the itemizations – or the lack thereof – in the Judiciary's two-part budget presentation, it was identical to that of its last year's two-part budget presentation. And much as the Judiciary's two-part budget presentation and "single budget bill" for fiscal year 2014-2015 had entirely concealed the third phase of the judicial salary increase it was seeking to fund, so the Judiciary's two-part budget presentation and "single budget bill" for fiscal year 2015-2016 identically concealed that the now fully-funded three-phase judicial salary increase was imbedded in the budget – and its dollar cost.

The Governor's Budget Bill #S.2001/A.3001

145. Identically to last year, defendant CUOMO combined the Legislature's budget request and the Judiciary's budget request into a combined budget bill – #S.2001/A.3001, introduced on January 21, 2015 (Exhibit 5-b)[5].

[5] Defendant CUOMO's last year's Budget Bill #S.6351/A.8551 – the subject of plaintiffs' Verified Complaint – is annexed as Exhibit E to Assistant Attorney General Kerwin's April 18, 2014 affirmation in support of defendants' dismissal motion. On March 28, 2014 – the same date as the Verified Complaint – Budget Bill #S.6351/A.8551 was amended with respect to the legislative reappropriations only (¶¶223-227, *infra*). Assistant Attorney General Kerwin annexed it as Exhibit F to her April 18, 2014 affirmation.

146. Identically to last year, defendant CUOMO's Budget Bill #S.2001/A.3001 gave no cumulative dollar total for the bill as a whole (pp. 1-49), or for its legislative portion (pp. 1-9; 25-46) or for its judiciary portion (pp. 10-21; pp. 22-24).

147. Identically to last year, defendant CUOMO did not accompany his Budget Bill #S.2001/A.3001 with any fiscal notes, fiscal impact statements, or introducer's memoranda, notwithstanding required by Senate Rule VIII, §7, Senate Rule VII, §1, and Assembly Rule III, §1(f) and §2(a). His only accompaniment was a "Commentary of the Governor on the Judiciary" (Exhibit 5-a), which – identically to last year – furnished no cumulative dollar amount of the Judiciary's proposed budget and, also identically to last year, urged its reduction to meet a 2% cap on increases.

148. Identically to last year, defendant CUOMO included in the judiciary portion of Budget Bill #S.2001/A.3001 (Exhibit 5-b, pp. 22-24) the reappropriations for the Judiciary that were not in its certified two-part budget presentation (Exhibits 2, 3), but only in its seemingly uncertified "single budget bill" (Exhibit 4, pp. 1, 12-14). These were, this year, $26,935,000 in judiciary reappropriations.

149. Identically to last year, defendant CUOMO added to the legislative portion of Budget Bill #S.2001/A.3001 tens of millions of dollars in reappropriations for the Legislature that were not part of the budget transmitted by Defendants SKELOS' and SILVER's December 1, 2014 letter (Exhibit 1-c) and which did not appear to be suitable for that purpose. These "out-of-the-blue" uncertified reappropriations were inserted at the back of Budget Bill #S.3001/A.2001 in an out-of-sequence section spanning 22 pages (Exhibit 5-b, pp. 25-46), behind the judiciary reappropriations (Exhibit 5-b, pp. 22-24).

150. Identically to last year, defendant CUOMO's legislative portion of Budget Bill #S.2001/A.3001, while adding 22 pages of reappropriations for the Legislature that had not been part

of its December 1, 2014 budget (Exhibit 1-c), did not add "General State Charges" for the Legislature, which also had not been part of its December 1, 2014 budget.

The Legislature's Joint Budget Hearings Pursuant to Legislative Law §32-a

151. On January 16, 2015, Senate Finance Committee Chairman John DeFrancisco and Assembly Ways and Means Committee Chairman Herman Farrell, Jr. announced the Joint Legislative Hearing Schedule on the 2015-2016 Executive Budget by an announcement which, except for the dates, was identical to their announcement for the 2014-2015 Executive Budget. In pertinent part, it stated:

> "These hearings, each of which focuses on a programmatic area, are intended to provide the appropriate legislative committee with public input on the executive budget proposal…
>
> …The respective state agency or department heads will begin testimony each day, followed by witnesses who have signed up to testify on that area of the budget…
>
> Time constraints limit the number of witnesses that can be accommodated at any given hearing. As a result, people interested in testifying must contact the appropriate person listed on the schedule no later than the close of business, two business days before the respective hearing…
>
> The agency and the departmental portion of the hearings are provided for in Article 7, Section 3 of the Constitution and Article 2, Section 31 of the Legislative Law. The state Legislature is also soliciting public comment on the proposed budget pursuant to Article 2, Section 32-a of the Legislature Law." (Exhibit 6).

152. Pursuant to the notice, plaintiff SASSOWER requested to testify in opposition to the Legislature's and Judiciary's proposed budgets and defendant CUOMO's Budget Bill #S.2001/A.3001 embodying them. This is recounted by her February 23, 2015 letter to Senate Finance Committee Chairman DeFrancisco and Ranking Member Liz Krueger and Assembly Ways and Means Committee Chairman Farrell and Ranking Member Bob Oaks (Exhibit 8). Entitled:

> "RE: YOUR FEBRUARY 26, 2015 'PUBLIC PROTECTION' BUDGET HEARING: Reconsidering Your Denial of CJA's Request to Testify, Pursuant to Legislative Law §32-a, in Opposition to the

Proposed Judiciary and Legislative Budgets – and the Governor's Budget Bill #S.2001/A.3001",

the letter stated, in full:

"As you know, Legislative Law §32-a requires you to hold public hearings on the budget at which the public will have the opportunity to be heard. Yet by combining those budget hearings with the very different budget hearings of Article VII, §3 of the New York State Constitution and Legislative Law §31, whose purpose is to afford you the testimony of the Governor, Executive branch agency heads, and the like, you effectively subvert Legislative Law §32-a. Your combined budget hearings – which you organize by 'programmatic areas' – are filled with testimony from officials and recipients of budgetary appropriations. The public's testimony is shoved to the end – or, if dispositive of the unlawfulness and unconstitutionality of the budget, shut out entirely on the pretext that the hearing is full.

Exacerbating this subversion of Legislative Law §32-a is your failure to hold the public budget hearings 'regionally', as the statute contemplates, and your assigning the Judiciary's budget to the 'programmatic area' of 'public protection', as if the Judiciary were an Executive branch agency. Apparently you are now also assigning the Legislature's budget to that same Executive branch 'programmatic area' – at least for purposes of denying my request to testify in opposition to it.

On February 2nd, I telephoned Chairman DeFrancisco's office – and spoke with Carol Luther. She did not know whether the Legislature's budget – unlike the Judiciary budget – would be part of the 'public protection' hearing – a clear indication that you had not planned to have Temporary Senate President Skelos and former Assembly Speaker Silver testify in support of their uncertified and contrived proposed Legislative budget – or in support of the uncertified legislative re-appropriations that Governor Cuomo has once again included in an out-of-sequence section of his combined Legislative/Judiciary Budget Bill #S.2001/A.3001.

In response to my request to testify in opposition to the Judiciary's proposed budget, Ms. Luther told me that the budget hearing on 'public protection', rescheduled to February 26th, was already full and that I probably would not be able to testify. I thereupon telephoned Chairman Farrell's office to inquire whether the Legislature's own budget might be in the 'programmatic area' of 'general government'. Clinton Freeman promptly returned my call and told me it was in 'public protection'. I then called Ms. Luther, requesting two slots for

my testimony at the February 26th budget hearing on 'public protection': one slot for my testimony in opposition to the proposed Judiciary budget and one slot for my testimony in opposition to the Legislature's proposed budget – advising her that the grounds of my last year's opposition were essentially the grounds for my opposition this year.

On February 18th, I telephoned Chairman DeFrancisco's office once more. Ms. Luther now repeated, with certainty, that I would not be able to testify at the February 26th 'public protection' budget hearing because it was full. I asked to be on a waiting list – and, in response to Ms. Luther acknowledgment that she had a waiting list, I asked her for the names on it and on waiting lists for your other budget hearings.

Ms. Luther also told me that, in lieu of testifying, I could submit written testimony. This, however, does not satisfy the mandate of Legislative Law §32-a, requiring that you make 'every effort to hear all those who wish to present statements at such public hearings'. What 'effort' have you made to 'hear' statements in opposition to the proposed Legislative and Judiciary budgets – and in opposition to the Governor's Budget Bill #S.2001/A.3001 purportedly based thereon?

The proposed Legislative and Judiciary budgets – and the Governor's Budget Bill #S.2001/A.3001 – are 'slush funds'. They suffer from the same fatal constitutional, statutory and Legislative rule infirmities as I particularized last year with respect to the current Legislative and Judiciary budgets and the Governor's Budget Bill S.6351/A.8551 – as to which, in violation of Legislative Law §32-a, you refused to allow me to testify at the February 5, 2014 'public protection' budget hearing because, as you knew, what I had to say was dispositive. All of the mountain of correspondence I furnished you in connection therewith – and which you willfully and deliberately disregarded – can be recycled now. It is just as applicable and dispositive. The only material difference is that this year no further phase of judicial salary increase is being implemented. Rather, the three-phase judicial salary increase – whose fraudulence, unlawfulness, and unconstitutionality I directly made known to you two years ago in testifying, as the last witness, at your February 6, 2013 'public protection' budget hearing – is now fully submerged within the Judiciary budget as an annually recurring grand larceny of $50 million taxpayer dollars, if not more.

In the interest of economy, I reiterate the objections I particularized for you by my last year's correspondence – and by CJA's citizen-taxpayer action against you based thereon, *Center for Judicial*

Accountability, Inc., et al. v. Governor Andrew Cuomo, et al (Albany Co. #1788-14), whose March 28, 2014 verified complaint summarizes and annexes that correspondence. Such verified complaint is additionally significant as your last year's violations of Legislative Law §32-a are embraced by its fourth cause of action, with that specific violation expressly why the lawsuit is still pending in Supreme Court/Albany County. As stated by the October 9, 2014 decision therein:

> 'Plaintiffs' complaint adequately sets forth a viable cause of action alleging, *inter alia*, that defendants violated Legislative Law §32-a regarding public hearings for New York's Budget. Defendants argue that the cause of action should be dismissed because plaintiffs lack standing to challenge internal legislative rules. The Court has not been persuaded that Legislative Law §32-a constitutes an internal legislative rule. Additionally defendants' submissions did not include any documentary evidence establishing a defense to said cause of action. Accordingly, defendants' motion must be denied as to plaintiffs' fourth cause of action.
>
> ...
>
> **ORDERED** that defendants' motion to dismiss is hereby denied as to plaintiffs' fourth cause of action...' (at pp. 6-7, underlining added, capitalization and bold in the original).

The fourth cause of action is entitled 'Nothing Lawful or Constitutional Can Emerge from a Legislative Process that Violates its Own Statutory & Rules Safeguards'. For your convenience, a copy is enclosed so that you can reconsider your denial of my this year's requests to testify in opposition to the Legislative and Judiciary budgets – and the wisdom of your leading the Senate and Assembly again, like last year and the year before, to willfully disregard the panoply of safeguarding statutory, constitutional, and legislative rule provisions to which the fourth cause of action refers.

The verified complaint's equally meritorious first three causes of action – and the unfolding litigation record in Supreme Court/Albany County – can be found on CJA's website, www.judgewatch.org, accessible *via* two prominent homepage links:

> 'What's Taking You so Long, Preet?: CJA's Three Litigations whose Records are Perfect 'Paper Trails' for Indicting New York's Highest Public Officers for Corruption'; and

> 'CJA's Citizen-Taxpayer Action to End NYS' Corrupt Budget 'Process' and Unconstitutional 'Three Men in a Room' Governance'.
>
> By these links you can not only access the October 9, 2014 decision preserving our verified complaint's fourth cause of action, but our November 17, 2014 notice of appeal seeking summary judgment as to the fourth cause of action and, additionally, as to our first three causes of action, all evidentiarily-established, *as a matter of law*, by the litigation record.
>
> Presently your co-defendant counsel in the lawsuit, Attorney General Schneiderman, is thwarting discovery germane to the fourth cause of action by repetitively invoking the 'the Speech or Debate Clause of the New York State Constitution. See N.Y. Const. art. III, §11' which states:
>
> > 'For any speech or debate in either house of the legislature, the members shall not be questioned in any other place.'
>
> As a public budget hearing pursuant to Legislative Law §32-a is a forum for dialogue to prevent unlawful and larcenous budget appropriations, your refusal to allow me to be heard at such hearing may rightfully preclude you from a 'Speech or Debate Clause' defense.
>
> Meantime, as there does not appear to be a fiscal note or introducer's memorandum for the Governor's Budget Bill #S.2001/A.3001, as required by Senate Rule VIII, §7, Senate Rule VII, §1 and Assembly Rule III, §1(f), please identify what Budget Bill #S.2001/A.3001 does not: the dollar totals of the Legislative and Judiciary portions, including their re-appropriations – and where the Legislature's 'General State Charges' may be found." (Exhibit 8, underlining, italics, capitalization and bold in the original).

153. None of the four Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee responded to plaintiff SASSOWER's February 23, 2015 letter – and, upon plaintiff SASSOWER's calling the office of Senate Finance Committee Chairman DeFrancisco, late in the afternoon on February 25, 2015, to further ascertain whether she might be permitted to testify at the next day's hearing, leaving a message with Ms. Luther, she received no return call.

154. In fact, the Legislature's February 26, 2015 budget hearing on "public protection" did not encompass the Legislature's proposed budget and the legislative portion of defendant CUOMO's Budget Bill #S.2001/A.3001. Identical to last year, the witness list for the "public protection" hearing did not include defendants SKELOS and SILVER testifying in support of their budget request – or anyone else testifying on behalf of the Legislature's budget (Exhibit 9). Nor did it include a single witness testifying in opposition. Indeed, Senate Finance Committee Chairman DeFrancisco's opening words at the February 26, 2015 "public protection" budget hearing made plain that the Legislature's proposed legislative budget was not under consideration:

> "Today's hearing will be limited to a discussion of the Governor's proposed budget for the Office of Court Administration, Division of Homeland Security and Emergency Services, Division of criminal Justice Services, Department of Corrections and Community Supervision, Division of State Police, Commission on Judicial Conduct and the Office of Indigent Legal Services. As I said, it is limited to those topics."

155. Also identical to last year, none of the Legislature's other hearings on the budget included the Legislature's budget, as for instance, the budget hearing on "Local Government Officials/General Government", held on February 25, 2015.

156. The Legislature's budget was also concealed by two of the Legislature's three published analyses of the Governor's Executive Budget:

> (a) the Senate Majority's "White Book" under Senate Finance Committee Chairman DeFrancisco's auspices contained no reference to the Legislature's budget in either "Public Protection" or "General Government". However, in "General State Government", under the heading "General State Charges (GSC), appeared the following as part of a single sentence: "GSC appropriations do not fund fringe benefits for employees of the New York State Legislature, the Judiciary…" (Exhibit 7-b, at pp. 128-129);
>
> (b) the Assembly Majority's "Yellow Book" under Assembly Ways and Means Committee Chairman Farrell's auspices contained a single reference to the Legislature's budget in its section on "State Operations and Workforce". There, under the title "Independent Officials", as part of a single sentence, was stated:

"Spending for the Legislature…is projected to remain essentially flat through SFY 2018-19." (Exhibit 7-d, at p. 134);

(c) the Senate Minority's "Blue Book" under Senate Finance Committee Ranking Member Krueger's auspices did include a section on the Legislature, but it consisted of only a minimal chart, with a replicating three-sentence text (Exhibit 7-c, at p. 171).

157. As for the Legislature's February 26, 2015 "public protection" budget hearing, it was identical to last year's "public protection" hearing, in that:

(a) no witnesses testified in opposition to the Judiciary's budget or the judiciary portion of defendant CUOMO's Budget Bill;

(b) Chief Administrative Judge Prudenti furnished no cumulative dollar total of the Judiciary's two-part budget presentation – or of the judiciary portion of defendant CUOMO's Budget Bill, replicating its "single budget bill";

(c) Defendant SENATE and ASSEMBLY members steered-clear of "number-crunching" as to the Judiciary's two-part budget, its "single budget bill" – and of the judiciary portion of defendant CUOMO's Budget Bill.

158. Identically to last year, the failure of defendant SENATE and ASSSEMBLY members to interrogate Chief Administrative Judge Prudenti about the cumulative dollar total of the Judiciary's proposed budget was in face of the divergence as to the relevant figures and percentages in the synopses that were before them:

A. Chief Administrative Judge Prudenti's one-page December 1, 2014 memorandum transmitting the Judiciary's proposed budget of operating expenses:

> "The 2015-2015 General Fund State Operations budget request totals $1.86 billion, a cash increase of $45.3 million, or 2.5 percent…" (Exhibit 2-a)[6]

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[6] Similarly, the Judiciary's "Executive Summary" to its "2015-2016 Budget Request", contained in the part of its budget for operating expenses:

> "This budget seeks cash funding of $1.86 billion for General Fund State Operations, to support court operations. This request represents an increase of $45.3 million, or 2.5 percent, over available current-year funds." (Exhibit 2-c, p. v).

B. Defendant CUOMO's "Commentary of the Governor on the Judiciary":

> "The Judiciary has requested appropriations of $2.1 billion for court operations, exclusive of the cost of employee benefits. As submitted, disbursements for court operations from the General Fund as projected to grow by $43.3 million or 2.5 percent." (Exhibit 5-a)

C. Defendant CUOMO's Division of the Budget - website:

> "The Judiciary's General Fund Operating Budget requests $1.85 billion, excluding fringe benefits, for Fiscal Year 2015-2016. This represents a cash increase of $36.3 million, or 2.0%. The appropriation request is $1.87 billion, which represents a $48.2 million, or 2.6%, increase.
>
> ...
>
> The Judiciary's All Funds budget request for Fiscal Year 2015-2016, excluding fringe benefits, totals $2.09 billion, an appropriation increase of $51.3 million or 2.5% over the 2014-2015 All Funds budget." (Exhibit 7-a)

D. Senate Majority's "White Book", under Senate Finance Committee Chair DeFrancisco's auspices:

> "The FY 2016 Executive Budget proposes All Funds spending authority of $2.8 billion, an increase of $75.8 million, or 2.8 percent.
>
> ...
>
> Although the Judiciary's proposed budget would increase general fund cash spending by 2.5 percent, they have agreed to work with the Executive to reduce spending growth to two percent. The areas to be redeuced have not yet been specified." (Exhibit 7-b, at p. 97, with a chart, on p. 98 showing the "All Funds" spending more precisely: $2,783,379,000 – this increase being $75,776,000, or 2.8%)"

E. Senate Minority's "Blue Book", under Senate Finance Committee Ranking Member Krueger's auspices:

> "The Judiciary's General Fund Operating Budget request is $1.87 billion. The request is an increase of $48 million, or 2.57% over SFY 2015-16 appropriation. On a cash basis, the requested increase is 2.5% ($45.30 million)." (Exhibit 7-c, at p. 170, with a chart showing a total request of $2,789,576,538 – this increase being $78,434,454, or 2.81%)

F. Assembly Majority's "Yellow Book", under Assembly Ways and Means Committee Chair Farrell's auspices:

> "The Judiciary's proposed budget request, as submitted to the Governor, recommends appropriations of $2.8 billion, which is an increase of $78,43 million or 2.9 percent from the State Fiscal Year (SFY) 2014-15 level." (Exhibit 7-d, at p. 139, with a chart showing the total request as $2,804,570,000 – this increase being $78,430,000, or 2.88%).
>
> "Judiciary spending is projected to increase by 1.7 percent in SFY 2015-16… (Exhibit 7-d, at p. 134).

159. Indeed, at the February 26, 2015 budget hearing, not a single SENATE or ASSEMLY member challenged Chief Administrative Judge Prudenti for her disingenuous representation to them in her written testimony:

> "Consistent with our long-standing commitment to work with the other branches of state government to hold the line on spending growth, we are limiting our request to a two percent increase, the same growth to which the Executive and Legislative Branches have been held to in the state budget over the past few years. We are seeking cash funding of $1.85 billion in General State Operations to support court operations, which represents an increase of 36.3 million, or two percent." (Exhibit 10)

and in her oral testimony:

> "…Therefore the Judiciary is therefore requesting a 2 percent cash increase in its budget which represents an additional $36.3 million. The 2 percent General Fund increase will allow us to…"

160. Even Senate Judiciary Committee Chairman John Bonacic who stated to Chief Administrative Judge Prudenti, at the hearing:

> "In your initial budget you came in with a 2.5% increase and you indicated that you were going to get down to the 2% cap. That would require a reduction of $9 million. Can you tell us, if you can, at this time, what you would cut to get rid of that $9 million?"

did so without any seeming awareness of the disingenuousness of the representations she had already made – and the inconsistency of the answer she then furnished him.

161. So, too, and notwithstanding that Chief Administrative Judge Prudenti's deceits at last year's "public protection" budget hearing were comprehensively detailed by plaintiff SASSOWER's February 21, 2014 letter to defendant Legislators – Exhibit K to the Verified Complaint – those same Legislators heaped upon her complements and accorded her kid-glove treatment, never challenging her comparable and identical deceits at this year's hearing, such as "We've been straightforward with each other and I think our relationship of trust is a good one"; "after five years of essentially flat budgets..."; "...we are very mindful of our role as responsible partners in government..." "We believe that we have been faithful stewards of the public trust."

162. But for the statutorily-violative, fraudulent, and unconstitutional judicial salary increase – whose three phases defendants collusively implemented in fiscal years 2012-13, 2013-2014, and 2014-2015 at a cumulative cost to taxpayers of approximately $120 million and whose further cost to taxpayers for fiscal year 2015-2015 will be approximately $50 million – the Judiciary's budget would have been and would be within the 2% cap.

The Legislature's Joint Budget Conference Committee "Process"

163. Following the Legislature's February 26, 2015 budget hearing on "public protection", no Senate or Assembly committee met to deliberate and vote on the Legislature's proposed budget, on the Judiciary's proposed budget, or on Budget Bill #S.2001/A.3001 – not the Senate Finance Committee, not the Assembly Ways and Means Committee, not the Senate Judiciary Committee, not the Assembly Judiciary Committee, not the Senate Committee on Investigations and Government Operations, not the Assembly Committee on Governmental Operations, not the Assembly Committee on Oversight, Analysis and Investigation. This identically replicated what had taken place last year, when, following the Legislature's February 5, 2014 "public protection" budget

hearing, no committee met to deliberate and vote on the Legislature's proposed budget, on the Judiciary's proposed budget, or on Budget Bill #S.6351/A.8551.

164. Indeed, there was not even an amendment introduced to bring the Judiciary's proposed budget, as embodied by Budget Bill #S.2001/A.3001, within defendant CUOMO's 2% cap.

165. Instead, defendant SKELOS and new Assembly Speaker defendant CARL HEASTIE introduced resolutions to commence the Joint Budget Conference Committee "process". These resolutions identically replicated language of the resolutions introduced last year, except for the dates. This included:

> "WHEREAS, The Senate Finance Committee has conducted an extensive study and review of the Governor's 2015-2016 Executive Budget submission..." (Senate Resolution #950, underlining added).

and

> "WHEREAS, Upon submission, pursuant to Joint Rule III [of the Governor's Executive budget], the Senate finance committee and the Assembly ways and means committee undertake an analysis and public review of all the provisions of such budget; and
>
> WHEREAS, After study and deliberation, each committee makes recommendations in the form of bills and resolutions as to the contents thereof and such other items of appropriation deemed necessary and desirable for the operation of the government in the ensuing fiscal year..." (Assembly Resolution #203, underlining added).

166. Such was false. Neither the Senate Finance Committee nor the Assembly Ways and Means Committee had undertaken any meaningful "analysis" and "study and review" of the Governor's Budget Bill #S.2001/A.3001, as this would have required, *at minimum*, calculating its cumulative dollar total, both its judiciary and legislative portions, each portion inclusive of "General State Charges" – which were missing from the legislative portion – and inclusive of reappropriations, if, in fact, they were properly included. It would also have required calculating the correct

percentage of increase over last year's bill – for which the same set of dollar and other determinations as to Budget Bill #S.6351/A.8551 were necessary.

167. In fact, Senate Resolution #950 did not even list defendant CUOMO's Budget Bill #S.2001 – just as, identically, last year's Senate Resolution #4036 had omitted defendant CUOMO's Senate Budget Bill #S.6351.

168. Likewise, no meaningful "analysis" and "study and review" of Budget Bill #S.2001/A.3001 was undertaken by the Joint Budget Conference Committee. This includes by its "Public Protection" Subcommittee, whose charge – like the "public protection" budget hearing on February 26, 2015 – did not include the Legislature's budget, but, as stated by Co-Chair Assemblyman Joseph Lentol:

> "State Commission of Correction, Department of Corrections and Community of Services, the Division of Criminal Justice Services, the Division of Homeland Security and Emergency Services, Interest on Lawyer Accounts, Judiciary, judicial commissions, Department of Law, Division of Military and Naval Affairs, Office of Indigent Legal Services, Office for the Prevention of Domestic Violence, the Division of State Police, and the Office of Victims Services." (March 16, 2015 meeting).

CAUSES OF ACTION

AS AND FOR A FIFTH CAUSE OF ACTION

The Legislature's Proposed Budget for Fiscal Year 2015-2016, Embodied in Budget Bill #S.2001/A.3001, is Unconstitutional & Unlawful

169. Plaintiffs repeat, reiterate, and reallege ¶¶1-168 with the same force and effect as if more fully set forth herein.

170. The Legislature's proposed budget for fiscal year 2015-2016 is identical to the Legislature's proposed budget for fiscal year 2014-2015. As such, it suffers from all the

unconstitutionality, unlawfulness, and fraudulence as is set forth by the first cause of action of plaintiffs' verified complaint (¶¶76-98).

171. The October 9, 2014 decision and order purporting to dismiss the first cause of action (Exhibit 11-b) does not bar plaintiffs from asserting this fifth cause of action replicating it. *As a matter of law*, dismissal was "not appropriate". In a declaratory judgment action, such as this, the court's duty is to make a declaration as to the rights of the parties – and this was pointed out by plaintiffs' May 16, 2014 memorandum of law in opposition to defendants' dismissal motion and in support of their cross-motion for summary judgment and other relief (at pp. 7-8), citing *Seymour v. Cuomo*, 180 A.D.2d 215, 217-218 (3rd Dept. 1992), and *Donovan v. Cuomo*, 126 A.D.2d 305, 310 (3rd Dept. 1987), and quoting from New York Practice, §440, David D. Siegel (5th ed. 2011):

> "If a plaintiff in an ordinary action loses on the merits, the result is a dismissal of the complaint. In a declaratory action, 'the court should make a declaration, even though the plaintiff is not entitled to the declaration he seeks'.[fn1] A mere dismissal is not appropriate.[fn2] The court must determine the rights of the parties to the dispute involved and, if the defendant prevails, the declaration should simply go the defendant's way.[fn3] If the defendant should move to 'dismiss' the complaint for failure to state a cause of action, under CPLR 3211(a)(7), the motion in the declaratory context should be taken as a motion for a declaration in the defendant's favor and treated accordingly."

172. This the decision did not do, notwithstanding plaintiffs' requested declarations were succinctly laid out by ¶1A of their "PRAYER FOR RELIEF" as follows:

> "A. that the Legislature's proposed budget for fiscal year 2014-2015, embodied in Budget Bill #S.6351/A.8551, is a wrongful expenditure, misappropriation, illegal, and unconstitutional because it is not based on 'itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house', as Article VII, §1 of the State Constitution expressly mandates; is missing 'General State Charges'; and because its budget figures are contrived by the Temporary Senate President and Assembly Speaker to fortify their power and deprive members and committees of the monies they need to discharge their constitutional duties".

173. Instead, the decision states:

> "Plaintiff's first cause of action alleges that the Budget is unconstitutional because it was not adequately certified and does not contain itemized estimates of the financial needs of the legislature. The itemization challenge clearly must be dismissed as it is nonjusticiable (*see*, Urban Justice Center v. Pataki, 38 AD3d 20, 30 [1st Dept. 2006]. As to the certification issue, the Court finds that the documentary evidence submitted by defendants conclusively demonstrates that defendants have complied with the letter and spirit of the constitutional requirement for certification (*see generally*, Matter of Schneider v. Rockefeller, 31 NY2d 420, 434 [1972]). Accordingly, the first cause of action must be dismissed." (at p. 5).

174. As to certification, the decision does not identify "the documentary evidence submitted by defendants [that] conclusively demonstrates that defendants have complied with the letter and spirit of the constitutional requirement of certification". In fact, there is NONE.

175. The one-sentence November 27, 2013 letter to defendant CUOMO, signed by defendants SKELOS and SILVER and transmitting a 16-page legislative budget – which defendants submitted in support of their dismissal motion (fn. 1, *supra*) – "conclusively demonstrate[d]" precisely what ¶¶17-18, 79 of plaintiffs' verified complaint alleged, *to wit*, that the November 27, 2013 letter did not claim to be transmitting "itemized estimates of the financial needs of the legislature" or that same had been "certified by the presiding officer of each house" and that the 16-page budget it transmitted contained no certification, nor even a reference to "itemized estimates" of the Legislature's "financial needs" or to Article VII, §1 of the New York State Constitution. Indeed, as alleged by plaintiffs' verified complaint, no certification was possible, *inter alia*, because the transmitted budget was missing the Legislature's "General State Charges" and because its figures were a palpable contrivance of leadership, being dollar identical to those of the previous four years.

176. As to itemization, the decision does not discuss or analyze *Urban Justice Center v. Pataki*, let alone identify what plaintiffs had to say about it in opposing defendants' dismissal

motion, *to wit*, that *Urban Justice Center v. Pataki* is distinguishable because it did not involve "the fashioning of 'slush-fund' budgets for purposes asserted and shown to be illegitimate, illegal, unconstitutional, and fraudulent…", as asserted and shown by ¶¶87-97 of plaintiffs' first cause of action, whose content the decision entirely omits.

177. Plaintiffs' May 16, 2014 memorandum of law presented dispositive arguments with respect to "certification" (at pp. 17-19) and "itemization" (at pp. 15-17) . NONE are addressed, or even identified, by the October 9, 2014 decision. This, in face of defendants' own failure to address, or even identify, these arguments, which plaintiffs' (June 6, 2014) reply memorandum of law pointed out (at p. 4). Tellingly, the decision's last page listing of "Papers Considered" omits both these memoranda of law – each meticulously chronicling the state of the record before the Court.

178. Plaintiffs have filed a notice of appeal from the October 9, 2014 decision. Their accompanying pre-calendar statement highlights the state of the record on which plaintiffs rely in further support of this fifth cause of action and their entitlement to summary judgment thereon (Exhibit 11-a).

AS AND FOR A SIXTH CAUSE OF ACTION

The Judiciary's Proposed Budget for 2015-2016, Embodied in Budget Bill #S.2001/A.3001, is Unconstitutional & Unlawful

179. Plaintiffs repeat, reiterate, and reallege ¶¶1-178 with the same force and effect as if more fully set forth herein.

180. The Judiciary's proposed budget for fiscal year 2015-2016, embodied by Budget Bill #S.2001/A.3001, is materially identical to the Judiciary's proposed budget for fiscal year 2014-2015, embodied by Budget Bill #S.6351/A.8551. As such, it suffers from the same unconstitutionality,

unlawfulness, and fraudulence as set forth by the second cause of action of plaintiffs' verified complaint (¶¶99-108).

181. The October 9, 2014 decision purporting to dismiss the second cause of action (Exhibit 11-b) does not bar plaintiffs from asserting this sixth cause of action which replicates it. *As a matter of law*, dismissal was "not appropriate", *inter alia*, because in a declaratory judgment action, such as this, the court's duty is to make a declaration as to the rights of the parties (see ¶171, *supra*). This the decision did not do, although plaintiffs' requested declarations were succinctly laid out by ¶1B of their "PRAYER FOR RELIEF" as follows:

> "B. that the Judiciary's proposed budget for fiscal year 2014-2015, embodied in Budget Bill #S.6351/A.8551, is a wrongful expenditure, misappropriation, illegal and unconstitutional because it conceals the third phase of the judicial salary increase, its cost, and the prerogative of the Legislature and Governor to strike it; that this prerogative is a duty based on plaintiffs' October 27, 2011 Opposition Report because the recommendation on which the salary increase is based is statutorily-violative, fraudulent, and unconstitutional; that the Judiciary budget is so incomprehensible that the Governor, Budget Director, and Legislature cannot agree on its cumulative cost and percentage increase; and that its reappropriations are not certified, including as to their suitability for that purpose, and violate State Finance Law §25, Article VII, §7; Article III, §16".

182. Comparison of the October 9, 2014 decision with plaintiffs' second cause of action shows that it plucks a single allegation, ¶101, which it distorts to remove its substantiating evidentiary content– and that it then falsifies the facts and law with respect to that single allegation to dismiss the entire cause of action.

183. The decision states:

> "Plaintiffs' second cause of action principally alleges that the Senate and Assembly are unable to comprehend the Judiciary's proposed budget for 2014-2015 because the cumulative dollar amount and percentage increase over the prior year's budget is not capable of being discerned. The Court finds that the documentary evidence submitted by defendants clearly and conclusively establishes a

> defense to this cause of action. Said information is readily discernible throughout the Judiciary's proposed budget. Accordingly, the second cause of action must be dismissed. Additionally, this cause of action would also appear to fall under the type of itemization argument already found to be nonjusticiable." (at p. 5).

184. ¶101 of plaintiffs' second cause of action asserts that plaintiffs, by their February 21, 2014 letter – Exhibit K to their verified complaint – had made a:

> "*prima facie* showing (at pp. 3-5) that defendants SENATE and ASSEMBLY, as well as defendant CUOMO and his Division of the Budget, are unable to comprehend the Judiciary's budget for fiscal year 2014-2015 on its most basic level: its cumulative dollar amount and its percentage increase over the Judiciary's budget for fiscal year 2013-2014..."

185. The referred-to pages 3-5 of plaintiffs' February 21, 2014 letter furnished the wildly divergent cumulative dollar figures for the Judiciary's proposed budget and for the percentage increase over the previous year's budget, as follows:

From Defendant CUOMO's "Commentary of the Governor on the Judiciary":

> "The Judiciary has requested appropriations of $2.1 billion for court operations, exclusive of the cost of employee benefits. Disbursements for court operations from State Operating Funds are projected to grow by $53 million or 2.7 percent."

From Defendant CUOMO's Division of the Budget webpage for the Judiciary:

> "The Judiciary's General Fund Operating Budget requests $1.81 billion, excluding fringe benefits, for Fiscal Year 2014-2015. This represents a cash increase of $44.2 million, or 2.5%. The associated appropriation request is $1.82 billion, which represents a $63 million, or 3.6% increase. The slightly higher appropriation increase is because of the technical reasons that relate to the use of reappropriation authority to fund the first two years of the judicial pay raise....
>
> The Judiciary's All Funds budget request for Fiscal Year 2014-2015, excluding fringe benefits, totals $2.04 billion, an appropriation increase of $63.8 million, or 3.2% over the 2013-2014 All Funds budget..."

From the Senate Majority's "White Book", under Senate Finance Committee Chairman DeFrancisco' auspices:

> "(at pp. 75, 85): The Judiciary's 'All Funds total" is $2.03 billion', 'an increase of $53 million' or '2.7 percent'. This is followed by a chart entitled 'Public Protection Proposed Disbursements—All Funds' (at p. 86) listing a figure of $2,723,103,000 for the Judiciary, constituting an increase of $76,403,000, identified as 2.89%."

From the Senate Minority's "Blue Book", under Senate Finance Committee Ranking Member Krueger's auspices:

> "(at p. 155) a chart containing a 'Total All Funds' tally of $2,706,142,084, representing a change of $72,245,608, and a percentage change of 2.74%. No elaboration is provided in the brief accompanying text which instead states:
>
> > 'The Judiciary's General Fund Operating Budget request is $1.82 billion. The request is an increase of $63 million over the current fiscal year appropriation, or 3.6%.' On a cash basis, the requested increase is 2.5% ($44.20 million), the difference relating to a prior year reappropriation technicality. When evaluating this budget, it is the 2.5% cash basis request that is primary.'"

From the Assembly Majority's "Yellow Book", under Assembly Ways and Means Chairman Farrell's auspices:

> "(at p. 141): 'The Judiciary's proposed budget request, as submitted to the Governor, recommends appropriations of $2.73 billion, which is an increase of $77.25 million or 2.9 percent from the State Fiscal Year (SFY) 2013-2014 level.'
>
> More precise figures appear in an 'Appropriations' table immediately beneath: '$2,726.14 in millions', representing a dollar change of '$77.25 in millions' and a percentage change of '2.92%'. Also, a 'Disbursements' table, giving the figures: '$2,723.10 in millions', representing a dollar change of '$76.40 in millions', and a percentage change of '2.89%'."

From the Assembly Minority's "Green Book", under Assembly Ways and Means Ranking Member Oaks' auspices:

> "two sets of untotaled figures: The first: '$2 billion for the Judiciary, $53 million more than last year. This represents a $2.7% increase in

> spending.' The second: '$669.1 million in General State Charges...$8.5 million more than last year.'"

186. Defendants' dismissal motion contested none of this – nor ¶103 of plaintiffs' second cause of action asserting that the reason the Judiciary had failed to identify the cumulative dollar amount of its proposed budget was to conceal the reappropriations, which were not contained in their two-part budget presentation, for which there was certification, but only its "single-budget bill", for which there was seemingly no certification.

187. Contrary to the decision, defendants submitted NO "documentary evidence...clearly and conclusively establish[ing] a defense to this cause of action". The unidentified "documentary evidence" that defendants submitted was one part of the Judiciary's proposed budget, that of its operating expenses, which included the "single-budget bill" (fn. 4, *supra*), as well as the Governor's Budget Bill #S.6351/A.8551 (fn. 5, *supra*), whose judiciary portion replicated the "single-budget bill" – NONE containing the cumulative dollar amount of the Judiciary's proposed budget or percentage increase. In other words, here, too, defendants' "documentary evidence" substantiates plaintiffs' verified complaint, *inter alia*, ¶103 of the second cause of action.

188. As to the decision's assertion that "this cause of action would also appear to fall under the type of itemization argument already found to be nonjusticable", the qualifying language – "would also appear" – is insufficient for a declaratory judgment. This, quite apart from the OBVIOUS fact that the cumulative dollar amount of the Judiciary's budget is NOT "itemization".

189. Moreover, the rationale for nonjusticability, not discussed by the decision, is that the Legislature would not pass a budget it did not understand. Such is a judicial fiction, exposed as such by defendants' inability to agree on the relevant figures germane to understanding the Judiciary's budget and its percentage increase – and so-stated by plaintiffs' ¶102 of their second cause of action.

190. Further, the decision entirely conceals that the third phase of the judicial salary increase – which it does not even mention – is not just unitemized, but completely hidden within the Judiciary's proposed budget and Budget Bill S.6351/A.8551. As to it, the issue is not "type of itemization", but, as stated by plaintiffs' May 16, 2014 memorandum of law (at pp. 16-17):

> "the total disregard of 'the constitutional mandate to itemize' – a distinction *Saxton v. Carey* palpably recognizes and *Urban Justice Center v. Pataki* resting thereon."

191. Plaintiffs' arguments with respect to "itemization", presented at pages 15-17 of their May 16, 2014 memorandum of law, are dispositive. NONE are addressed, or even identified, by the October 9, 2014 decision. This, in face of defendants' own failure to address, or even identify, these arguments, which plaintiffs' (June 6, 2014) reply memorandum of law pointed out (at p. 4). Tellingly, the decision's last page listing of "Papers Considered" omits both these memoranda of law – each meticulously chronicling the state of the record before the Court.

192. Suffice to add that the decision's dismissal of this cause of action is also premised on a false prefatory assertion (at p. 4) that it involves "purported violations of Article VII, §1 of New York's Constitution" – implying that it is limited to Article VII, §1. As such, the decision's purported dismissal of the second cause of action does not reach the violations of Article VII, §7 and Article III, §16 of the New York State Constitution and State Finance Law §25, alleged in ¶¶105-107 of the second cause of action pertaining to the reappropriations included in Budget Bill #S.6351/A.8551. Indeed, the decision never mentions the Judiciary's reappropriations, contained in its "single budget bill", but not its two-part budget presentation, including whether they were certified.

193. Plaintiffs have filed a notice of appeal from the October 9, 2014 decision. Their accompanying pre-calendar statement highlights the state of the record on which plaintiffs rely in

further support of this sixth cause of action and their entitlement to summary judgment thereon (Exhibit 11-a).

AS AND FOR A SEVENTH CAUSE OF ACTION

Budget Bill #S.2001/A.3001 is Unconstitutional & Unlawful Over & Beyond the Legislative & Judiciary Budgets it Embodies "Without Revision"

194. Plaintiffs repeat, reiterate, and reallege ¶¶1-193, with the same force and effect as if more fully set forth herein.

195. Defendant CUOMO's Budget Bill #S.2001/A.3001 includes tens of millions of dollars of reappropriations for the Legislature that were never part of the proposed budget for fiscal year 2015-2016 that defendants SKELOS and SILVER transmitted by their December 1, 2014 letter to defendant CUOMO (Exhibit 1-b). This replicates, identically, the inclusion in defendant CUOMO's Budget Bill #S.6351/A.8551 of tens of millions of dollars in reappropriations that were never part of the proposed legislative budget for fiscal year 2014-2015 transmitted by defendants SKELOS' and SILVER's November 27, 2013 letter – the subject of the third cause of action of plaintiffs' verified complaint (¶¶109-112).

196. The October 9, 2014 decision purporting to dismiss the third cause of action (Exhibit 11-b) does not bar plaintiffs from asserting this seventh cause of action replicating it. *As a matter of law*, dismissal was "not appropriate" because, *inter alia*, in a declaratory judgment action, such as this, the court's duty is to make a declaration as to the rights of the parties (see ¶171, *supra*). This, the decision did not do, notwithstanding plaintiffs' requested declarations were succinctly laid out by ¶1C of their "PRAYER FOR RELIEF" as follows:

> "C. that Budget Bill #6351/A.8551 is a wrongful expenditure, misappropriation, illegal and unconstitutional by its inclusion of reappropriations for the Legislature that were not part of its proposed budget and not certified by the Legislature as funds properly designated for reappropriation".

197. The decision states:

> "Plaintiffs' third cause of action alleges that the Legislative Budget transmitted to the Governor by Senator Skelos and Speaker Silver contained no reappropriations. They further contend that the Governor's budget contains nineteen pages of reappropriations. Accordingly, they contend that the reappropriations constitute revisions in violation of New York's Constitution. The Court finds that the documentary evidence submitted by defendants clearly and conclusively establishes a defense to this cause of action. Said submissions clearly establish that the 'reappropriations' at issue do not constitute executive revisions to the proposed Budget. Accordingly, the third cause of action must be dismissed." (at p. 6).

198. Plaintiffs' third cause of action did not contend that "the reappropriations constitute revisions in violation of New York's Constitution" – and this was pointed out at pages 19-20 of plaintiffs' May 16, 2014 memorandum of law in opposition to defendants' pretense that it did.

199. Plaintiffs' third cause of action (¶¶111-112) asserted that absent defendants' response to "basic questions", the legislative reappropriations in Budget Bill #S.6351/A.8551 were unconstitutional and unlawful. The "basic questions" particularized were:

> "where these reappropriations came from, who in the Legislature, if anyone, certified that the monies proposed for reappropriations were suitable for that purpose; their cumulative total; and the cumulative total [of] the monetary allocations for the Legislature in Budget Bill #S.6351/A.8551".

200. Defendants furnished neither "documentary evidence" nor response – and such was pointed out at pages 19-20 of plaintiffs' May 16, 2014 memorandum of law and at page 4 of their (June 6, 2014) reply memorandum of law.

201. This seventh cause of action identically asserts that the 22 pages of legislative reappropriations in Budget Bill #S.2001/A.3001 (Exhibit 5-b) are unconstitutional and unlawful absent defendants' response to the same "basic questions", now pertaining to Budget Bill #S.2001/A.3001.

202. Plaintiffs have filed a notice of appeal from the October 9, 2014 decision. Their accompanying pre-calendar statement highlights the state of the record on which plaintiffs rely in further support of this seventh cause of action and their entitlement to summary judgment thereon (Exhibit 11-a).

AS AND FOR A EIGHTH CAUSE OF ACTION

Nothing Lawful or Constitutional Can Emerge From a Legislative Process that Violates its Own Statutory & Rule Safeguards

203. Plaintiffs repeat, reiterate, and reallege ¶¶1-202, with the same force and effect as if more fully set forth herein.

204. Defendant SENATE and ASSEMBLY's violations of statutory and rule safeguards with respect to Budget Bill #S.2001/A.3001 replicate their violations last year with respect to Budget Bill #S.6351/A.8551 – the subject of the fourth cause of action of plaintiffs' verified complaint (¶¶113-126).

205. This eighth cause of action, therefore, replicates the fourth cause of action so as to apply it to Budget Bill #S.2001/A.3001.

206. As to plaintiffs' fourth cause of action, the October 9, 2014 decision held:

> "Plaintiffs' complaint adequately sets forth a viable cause of action alleging, *inter alia*, that defendants violated Legislative Law §32-a regarding public hearings for New York's Budget. Defendants argue that the cause of action should be dismissed because plaintiffs lack standing to challenge internal legislative rules. The Court has not been persuaded that Legislative Law §32-a constitutes an internal legislative rule. Additionally defendants' submissions did not include any documentary evidence establishing a defense to said cause of action. Accordingly, defendants' motion to dismiss must be denied as to plaintiffs' fourth cause of action." (Exhibit 11-b, at p. 7)

207. Plainly, Legislative Law §32-a is not an "internal legislative rule", but a statute – a fact pointed out by plaintiffs' May 16, 2014 memorandum of law (at p. 13). No persuasion can change its mandatory directive to be other than it is, statutory.

208. Nor does the fourth cause of action "challenge internal legislative rules". Rather, it seeks to prevent violation of legislative rules that are designed to ensure legitimate legislative process and safeguard public monies.

209. Defendants SENATE and ASSEMBLY, being constitutionally enabled to make their own rules, are not free to violate the rules they have made. No caselaw holds they can and plaintiffs' May 16, 2014 memorandum of law not only stated this (at p. 21), but quoted the Appellate Division, Third Department in *Seymour v. Cuomo*, 180 A.D.2d 215, 217 (1992):

> "The rules established by the Senate and Assembly to govern the proceedings in each house (NY Const, art 3, §9) are the functional equivalent of a statute."

210. Senate Rule VII, §6 could not be more explicit that Article VII budget bills are to be deemed "for all legislative purposes, a legislative bill":

> "When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill and upon receipt thereof by the Senate it shall be endorsed 'Budget Bill' and be given a number by the Secretary and shall be referred to the Finance Committee and be printed. ..." (underlining added)

211. Likewise, Assembly Rule III, §2(g):

> "When a bill is submitted or proposed by the Governor by authority of Article VII of the Constitution, it shall become, for all legislative purposes, a legislative bill, and upon receipt thereof by the Assembly it shall be endorsed 'Budget Bill' and be given a number by the Index Clerk, and shall be referred to the Committee on Ways and Means and be printed. ..." (underlining added).

212. Nevertheless, and despite the requirements of fiscal notes, fiscal impact statements, and introducer's memoranda, mandated by Senate Rule VIII, §7, Senate Rule VII, §1, and Assembly Rule III, §1(f) and §2(a) – which, to no avail, plaintiffs repeatedly pointed out to defendants last year with respect to Budget Bill #S.6351/A.8551, culminating in their citizen-taxpayer action – defendants have willfully and deliberately violated same with respect to Budget Bill #S.2001/A.3001.

213. The information that fiscal notes, fiscal impact statements, and introducer's memoranda would necessarily have provided for Budget Bill #S.6351/A.8551 – and now for #S.2001/A.3001 – includes:

(a) the cumulative dollar amount of the bill in its entirety;

(b) the cumulative dollar amount of the legislative portion, inclusive of "General State Charges" and re-appropriations;

(c) the cumulative dollar amount of the judiciary portion, inclusive of "General State Charges" and reappropriations;

(d) the percentage increase of each cumulative dollar amount over the dollar amounts in last year's corresponding Budget Bill #S.6351/A.8551.

214. Defendants' violations of Senate Rule VIII, §7, Senate Rule VII, §1, and Assembly Rule III, §1(f) and §2(a) are compounded by the fact that Budget Bill #S.2001/A.3001, identically to Budget Bill #S.6351/A.8551, contains NO cumulative dollar amount for the bill and for its separate legislative and judiciary portions.

215. Defendant Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee did not respond to Plaintiff SASSOWER's February 23, 2015 letter expressly requesting such information about Budget Bill #S.2001/A.3001 – and there is no justification for their not furnishing what would be readily and publicly available had they complied with the mandate of Senate Rule VIII, §7, Senate Rule VII, §1, and Assembly Rule III,

§1(f) and §2(a) of fiscal notes, fiscal impact statements, and introducer's memoranda, which was their duty to do.

216. As stated by ¶118 of plaintiffs' fourth cause of action with respect to last year's violations of Senate Rule VIII, §7, Senate Rule VII, §1, and Assembly Rule III, §1(f) and §2(a) – and equally true with respect to this year's identical violations:

> "...defendant SENATE and ASSEMBLY have demonstrated their utter unconcern in imposing upon taxpayers the expense of two budgets – the Judiciary and Legislative budgets – whose dollar amount they do not know or will not reveal. Such is utterly unconstitutional."

217. Upon information and belief, the reason the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee made no "effort" to allow plaintiff SASSOWER to testify in opposition to the Legislature's proposed budget, the Judiciary's proposed budget, and Budget Bill #S.2001/A.3001 – in violation of Legislative Law 32-a – was to prevent the public from hearing the dispositive grounds upon which each is unconstitutional, unlawful, and fraudulent – not the least reason being their concealment of relevant dollar costs, both cumulative and by itemizations defying meaningful review.

218. Plaintiff SASSOWER's February 23, 2015 letter to the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee is true and correct in its analysis that these two committees have effectively subverted Legislative Law §32-a by combining the public hearings on the budget required by Legislative Law 32-a with the very different budget hearings of Article VII, §3 of the New York State Constitution and Legislative Law §31 for the testimony of the Governor, Executive branch agency heads, and the like. As stated,

> "Your combined budget hearings – which you organize by 'programmatic areas' – are filled with testimony from officials and recipients of budgetary appropriations. The public's testimony is shoved to the end – or, if dispositive of the unlawfulness and

> unconstitutionality of the budget, shut out entirely on the pretext that the hearing is full.
>
> Exacerbating this subversion of Legislative Law §32-a is your failure to hold the public budget hearings 'regionally', as the statute contemplates, and your assigning the Judiciary's budget to the 'programmatic area' of 'public protection', as if the Judiciary were an Executive branch agency. Apparently you are now also assigning the Legislature's budget to that same Executive branch 'programmatic area' – at least for purposes of denying my request to testify in opposition to it." (Exhibit 8, underlining in the original).

219. In fact, the Chairs and Ranking Members of the Senate Finance Committee and Assembly Ways and Means Committee never intended to examine the Legislature's budget for fiscal year 2015-2016 at the February 26, 2015 budget hearing on "public protection", did not examine it at that budget hearing, and, in violation of Legislative Law §32-a, held no hearing at which plaintiff SASSOWER or any other member of the public could be heard with respect to the Legislature's budget for fiscal year 2015-2016.

220. Underlying this violation of Legislative Law §32-a with respect to holding a hearing on the Legislature's budget – and the budget bill encompassing it – is the Legislature's direct conflict of interest in exposing the constitutional, statutory, and rule violations with respect to its own budget, creating a "slush fund" from which leadership, including its appointed committee chairs and ranking members, monopolize power at the expense of rank-and-file members and functioning committees.

221. The non-function and dysfunction of defendant SENATE and ASSEMBLY committees – and of defendant SENATE and ASSEMBLY as a whole – described and documented by plaintiffs' verified complaint – is manifested, now again, in this budget cycle.

222. Upon the conclusion of the February 26, 2015 "public protection" budget hearing, the course of Budget Bill #S.2001/A.3001 should have followed the procedures for committee action,

including as to hearings and public forums, set forth by Senate Rule VIII, §§3, 4, 5 and Assembly Rule IV, §§2, 4, 6, which mandate open meetings, recorded votes, committee reports.

223. Likewise, Budget Bill #S.2001/A.3001 should have been amended so that, *inter alia*, the Judiciary's budget would be actually limited to the 2% increase misleadingly represented by Chief Administrative Judge Prudenti at the February 26, 2015 "public protection" budget hearing and as to which defendant CUOMO had stated in his "Commentary":

> "For the past four years my Administration and the Legislature have kept spending increases below 2 percent…
>
> I belief, and based on conversations with the Office of Court Administration and its leadership the Judiciary believes, that it can…not breach the 2 percent spending cap to which my Administration and the Legislature have adhered. To that end, I have been assured by the Judiciary that it will work closely with my Administration to find the additional savings that will allow it to fulfil its mission, achieve its goals and still stay within that cap. I urge the Judiciary to continue its discussions with my Administration and the Legislature and thank them for their cooperation." (Exhibit 5-a).

224. The procedures for such amendment are set forth, *inter alia*, by Senate Rule VII, §4(b); and Assembly Rule III, §§1(f) and 6.

225. Based on last year's amending of Budget Bill #S.6351/A.8551 on March 28, 2014, this year's Budget Bill #S.2001/A.3001 may yet be amended the same way: completely anonymously and without compliance with such safeguarding procedural requirements as underscoring new matter and bracketing all matter eliminated; indicating the proposed changes on "detail sheets", including with "page and line numbers"; and furnishing an amended "introducer's memorandum".

226. The result, last year, was to conceal that notwithstanding defendant CUOMO's "Commentary" that the Judiciary's budget increase of 2.7% over the previous year needed to be brought down to 2%, the judiciary portion of Budget Bill #S.6351/A.8551 was <u>not</u> reduced. Rather, last year's amendment to Budget Bill #S.6351/A.8551 was <u>exclusively</u> to reappropriations in the

legislative portion – with approximately 70 reappropriations increased, decreased, or, in at least two instances, added.

227. Such amendment, made without indication of its sponsor and the reason therefor, involved millions of dollars – and further reflected that the inclusion of legislative reappropriations in Budget Bill #S.6351/A.8551 was without their having been certified, either as to their dollar amounts or as to their suitability as reappropriations – the situation replicated with Budget Bill #S.2001/S.3001.

228. Identically to last year, defendants SENATE and ASSEMBLY dispensed with any committee deliberation and vote on Budget Bill #S.2001/A.3001, in favor of resolutions commencing the Joint Budget Conference "process". With words identical to those in last year's Senate Resolution #4036, this year's Senate Resolution #950 states:

> "WHEREAS, It is the intent of the Legislature to engage in the Budget Conference Committee process, which promotes increased participation by the members of the Legislature and the public"

229. Senate Resolution #950 was introduced and adopted on the same day, March 12, 2015, notwithstanding Senate Rule VII, §9. Assembly Resolution #203 was introduced on March 9, 2015 and adopted on March 12, 2105.

230. Identically to last year, and notwithstanding defendants' rhetorical support of "Sunshine Week" – including in Assembly Resolution #203 itself: "WHEREAS, Transparency and sunlight are important to public confidence in the integrity of government" – the public has been shut out from observing any "process" with respect to the Joint Budget Conference Committee – and its subcommittees – as, for instance, deliberations and votes.

231. Upon information and belief, defendants SENATE and ASSEMBLY have perverted the intent behind Legislative Law §54-a. This statute is entitled "Scheduling of legislative consideration of budget bills" and its §1 provides for:

> "establishing a joint budget conference committee or joint budget conference committees within ten days following the submission of the budget by the governor pursuant to article seven of the constitution, to consider and reconcile such budget resolution or budget bills as may be passed by each house..."

232. Obviously, the requirement of establishing one or more joint budget committees "within ten days following the submission of the budget by the governor" is so that they can promptly become operational and do what conference committees are supposed to do: reconcile different versions of bills passed by the two legislative houses.

233. However, because none of the Senate or Assembly committees are deliberating upon, amending, and voting out of committee any of defendant CUOMO's budget bills – which, consequently, are not being brought before defendant SENATE and ASSEMBLY for deliberation, amendment, and votes – the Joint Budget Conference Committee has become part of the legislative window-dressing for non-existent process.

234. Upon information and belief, the reports that the Joint Budget Conference Committee were required to render, pursuant Legislative Law§54-a, 2(d) and Senate and Assembly Joint Rule III, §2, are perfunctory and superficial with respect to the Governor's combined legislative/judiciary budget bills. Both this year and last year, these last-minute reports, to the extent they exist, have not met the schedule promulgated pursuant to Legislative Law §54-a, 2(d) and Senate and Assembly Joint Rule III, §2.

235. Of course, identically to last year, the "real action" is taking place behind closed doors by "three men in a room" deal-making by defendant CUOMO, defendant SKELOS, and defendant HEASTIE – expanded to a fourth man by inclusion of defendant KLEIN.

236. Plaintiffs repeat the last paragraph of their verified complaint, ¶126, altering it only to substitute defendant HEASTIE's name for defendant SILVER:

> "...one need only examine the Constitutional, statutory, and Senate and Assembly rule provisions relating to openness – such as Article III, §10 of New York's Constitution '...The doors of each house shall be kept open...' ; Public Officers Law, Article VI 'The legislature therefore declares that government is the public's business...'; Senate Rule XI, §1 'The doors of the Senate shall be kept open'; Assembly Rule II, §1 'A daily stenographic record of the proceedings of the House shall be made and copies thereof shall be available to the public' – to see that government by behind-closed-doors deal-making, such as employed by defendants CUOMO, SKELOS, HEASTIE, SENATE, and ASSEMBLY, is an utter anathema and unconstitutional – and that a citizen-taxpayer action could successfully be brought against the whole of the Executive budget."

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully pray:

1. **For a declaratory judgment pursuant to State Finance Law §123 *et seq.* – Article 7-A, "Citizen-Taxpayer Actions":**

A. that the Legislature's proposed budget for fiscal year 2015-2016, embodied in Budget Bill #S.2001/A.3001, is a wrongful expenditure, misappropriation, illegal, and unconstitutional because it is not based on "itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house", as Article VII, §1 of the State Constitution expressly mandates; is missing "General State Charges"; and because its budget figures are contrived by the Temporary Senate President and Assembly Speaker to fortify their power and deprive members and committees of the monies they need to discharge their constitutional duties;

B. that the Judiciary's proposed budget for fiscal year 2015-2016, embodied in Budget Bill #S.2001/A.3001, is a wrongful expenditure, misappropriation, illegal and unconstitutional because the Judiciary budget is so incomprehensible that the Governor, Budget Director, and Legislature cannot agree on its cumulative cost and percentage increase; that its reappropriations are not certified, including as to their suitability for that purpose, and violate Article VII, §7 and Article III, §16 of the New York State Constitution and State Finance Law §25, and that both by its reappropriations and appropriations it creates a "slush fund", concealing relevant costs, including of the three-phase judicial salary increase, now fully implemented despite its statutory violations, fraudulence, and unconstitutionality, demonstrated by plaintiffs' October 27, 2011 Opposition Report to the

Commission on Judicial Compensation's August 29, 2011 Report recommending the three-phase judicial salary increase;

C. that Budget Bill #2001/A.3001 is a wrongful expenditure, misappropriation, illegal and unconstitutional by its inclusion of reappropriations for the Legislature that were not part of its proposed budget and not certified by the Legislature as funds properly designated for reappropriation;

D. that Budget Bill #2001/A.3001 is a wrongful expenditure, misappropriation, illegal and unconstitutional because nothing lawful or constitutional can emerge from a legislative process that violates its own statutory & rule safeguards, *inter alia*, Legislative Law §32-a (public hearings); Senate Rule VIII, §7, Senate Rule VII, §1, and Assembly Rule III, §1(f) and §2(a) (fiscal notes, fiscal impact statements, and introducer's memoranda); Senate Rule VII, §4; Assembly Rule III, §§1, 2, 8 (bills); Senate Rule VIII, §§3, 4, 5; Assembly Rule IV (committee meetings, hearings, reports, votes); Senate Rule VII, §9 (resolutions); Legislative Law §54-a ("Scheduling of legislative consideration of budget bills"); Senate and Assembly Joint Rule III, §§1, 2 ("Budget Consideration Schedule"; "Joint Budget Conference Committee"), New York Constitution, Article III, §10 "...The doors of each house shall be kept open..." ; Public Officers Law, Article VI "The legislature therefore declares that government is the public's business..."; Senate Rule XI, §1 "The doors of the Senate shall be kept open"; Assembly Rule II, §1 "A daily stenographic record of the proceedings of the House shall be made and copies thereof shall be available to the public", etc.

2. **Pursuant to State Finance Law §123-e, for entry of a judgment permanently enjoining defendants from taking any action to enact Budget Bill #S.2001/A.3001**, by voting on, signing, and disbursing monies for Budget Bill #S.2001/A.3001, or, at least, for the entirety of the legislative portion, both its appropriations and reappropriations (pp. 1-9; 25-46); and, with respect to the judiciary portion, the reappropriations (at pp. 22-24).

3. **Pursuant to State Finance Law §123-g, for costs and expenses, including attorneys' fees;**

4. **For such other and further relief as may be just and proper**, including referral to appropriate state and federal criminal authorities, such as the Albany County District Attorney and the U.S. Attorney for the Northern District of New York – and, additionally, to U.S. Attorney for the Southern District of New York Preet Bharara, who purports to be the successor to the Commission to Investigate Public Corruption.

ELENA RUTH SASSOWER

Sworn to before me this
31st day of March 2015

Notary Public

PATRICIA D RODRIGUEZ
Notary Public - State of New York
NO. 01RO6199133
Qualified in Westchester County
My Commission Expires _____

VERIFICATION

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

I am the individual plaintiff in the within action and director of the corporate plaintiff, Center for Judicial Accountability, Inc. I have written the annexed verified supplemental complaint and attest that same is true and correct of my own knowledge, information, and belief, and as to matters stated upon information and belief, I believe them to be true.

ELENA RUTH SASSOWER

Sworn to before me this
31st day of March 2015

Notary Public

PATRICIA D RODRIGUEZ
Notary Public - State of New York
NO. 01RO6199133
Qualified in Westchester County
My Commission Expires 01/12/17

TABLE OF EXHIBITS

Exhibit 1-a: Plaintiffs' December 1, 2014 letter to Secretary of Senate and Assembly Records Access Officer – "RE: The Legislature's Certified Itemized Estimates of its Financial Needs for Fiscal Year 2015-2015, as Required by Article VII, §1 of the New York State Constitution

Assembly Records Access Officer's December 8, 2014 acknowledgment

Assembly Records Access Officer's December 12, 2014 response

Exhibit 1-b: Defendants Skelos' and Silver's December 1, 2014 letter to defendant Cuomo

Exhibit 1-c: 16-page legislative budget for fiscal year 2015-2016

Exhibit 2-a: Chief Administrative Judge Prudenti's December 1, 2014 memorandum to defendants Cuomo, Skelos, Silver, Legislative Leaders, Chairs and Ranking Members of Senate Finance Committee and Assembly Ways and Means Committee, and Chairs of Senate and Assembly Judiciary Committees.

Exhibit 2-b: Chief Judge's Certification & Court of Appeals' Approval– "Itemized Estimates of the Financial Needs of the Legislature"

Exhibit 2-c: Judiciary's Executive Summary with Statistical Tables

Exhibit 3-a: Chief Administrative Judge Prudenti's December 1, 2014 memorandum to defendants Cuomo, Skelos, Silver, Legislative Leaders, Chairs and Ranking Members of Senate Finance Committee and Assembly Ways and Means Committee, and Chairs of Senate and Assembly Judiciary Committees.

Exhibit 3-b: Chief Judge's Certification & Court of Appeals' Approval – "Itemized Estimates of the Financial Needs of the Judiciary for General State Charges"

Exhibit 3-c: Judiciary's Statistical Tables

Exhibit 4: Judiciary's "Single Budget Bill

Exhibit 5-a: Defendant Cuomo's "Commentary of the Governor on the Judiciary"

Exhibit 5-b: Defendant Cuomo's Budget Bill #S.2001/A.3001

Exhibit 6: "Legislature Announces Joint Budget Hearing Schedule", January 16, 2015

Exhibit 7-a: Defendant Cuomo's Division of Budget webpage for Judiciary's budget

Exhibit 7-b: Senate Majority's "White Book": pp. 97-98, 128-129

Exhibit 7-c: Senate Minority's "Blue Book": pp. 170-171

Exhibit 7-d: Assembly Majority's "Yellow Book": pp. 139, 134

Exhibit 8: Plaintiffs' February 23, 2015 letter to Chairs & Ranking Members of Senate Finance Committee and Assembly Ways & Means Committee – "RE: YOUR FEBRUARY 26, 2015 'PUBLIC PROTECTION' BUDGET HEARING: Reconsidering Your Denial of CJA's Request to Testify, Pursuant to Legislative Law 32-a, in Opposition to the Proposed Judiciary and Legislative Budgets – and the Governor's Budget Bill #S.2001/A.3001"

Exhibit 9: Legislature's witness list for February 26, 2015 budget hearing on "public protection"

Exhibit 10: Page 3 of Chief Administrative Judge Prudenti's written statement for Legislature's February 26, 2015 budget hearing on "public protection"

Exhibit 11-a: Plaintiffs' November 17, 2014 notice of appeal & pre-calendar statement

Exhibit 11-b: October 9, 2014 decision and order

SUPREME COURT OF STATE OF NEW YORK
ALBANY COUNTY

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CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
and ELENA RUTH SASSOWER, individually and
as Director of the Center for Judicial Accountability, Inc.,
acting on their own behalf and on behalf of the People
of the State of New York & the Public Interest,

Plaintiffs,

Index #1788-14

-against-

Justice McDonough

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
DEAN SKELOS in his official capacity
as Temporary Senate President,
THE NEW YORK STATE SENATE,
SHELDON SILVER, in his official capacity
as Assembly Speaker, THE NEW YORK
STATE ASSEMBLY, ERIC T. SCHNEIDERMAN,
in his official capacity as Attorney General of
the State of New York, and THOMAS DiNAPOLI,
in his official capacity as Comptroller of
the State of New York,

Defendants.

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VERIFIED SUPPLEMENTAL COMPLAINT

ELENA RUTH SASSOWER, Plaintiff *Pro Se*, individually
& as Director of the Center for Judicial Accountability, Inc.,
and on behalf of the People of the State of New York &
the Public Interest

10 Stewart Place, Apartment 2D-E
White Plains, New York 10603
914-421-1200
elena@judgewatch.org

The exhibits annexed to this March 31, 2015 verified complaint were all handed up with the proposed complaint to the Commission on Legislative, Judicial and Executive Compensation at its November 30, 2015 public hearing by Elena Sassower in substantiation of her testimony.

They are accessible from CJA's website, www.judgewatch.org, *via* the prominent homepage link: "NO PAY RAISES FOR NEW YORK's CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!" and the left sidebar panel "Judicial Compensation: State-NY" – each leading to CJA's webpage for the Commission on Legislative, Judicial and Executive Compensation.