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MEMO ENDORSED

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

Writer's Direct Dial
(212) 416-8548

JUNE DUFFY
Assistant Attorney General in Charge

April 30, 2010

By Facsimile

The Honorable Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street, Chambers 533
White Plains, NY 10601

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: _____

Re: Shereen Bobrowsky v. The Yonkers Courthouse, et al.
Docket No.: 10-Cv-1846 (KMK)

Dear Judge Karas:

This Office represents the Hon. Michael A. Martinelli and the Hon. Alan D. Scheinkman, Chief Judge of the Yonkers City Court and District Administrative Judge for the 9th Judicial District, respectively, defendants in the above-referenced action. We write pursuant to your Honor's Order of April 21, 2010 asking the defendants to respond to the contents of *pro se* plaintiff's April 20, 2010 letter.

Judge Martinelli is the Chief Judge of the City Court of Yonkers and has the authority to issue a memorandum to court personnel as to who may enter the building. Whether or not the communication to the court personnel, signed by the Chief Judge and on court stationery, is in the form of an order or memorandum does not alter the effect of what is stated—namely that Ms. Bobrowsky is to be given the same access as any other public citizen entering the building.

As stated in defendants' April 19, 2010 letter to the Court, plaintiff's CPL Section 440 motion has been decided by the City Court, Yonkers, and plaintiff has several remedies available to her under state law if she is not satisfied with that judicial determination.

Plaintiff's criminal court case arising from the incident on December 4, 2009 in the Yonkers courthouse is pending in the White Plains City Court (09-4725) and currently has a return date of May 10, 2010. It is also my understanding that plaintiff is represented by counsel on that matter.

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Finally, plaintiff's real estate lawsuit (06-20537) against her mother, brother, a title company, an attorney and others, concerning her home at 88 Fanshaw Avenue in Yonkers, is still pending in the Supreme Court, Westchester County, with the next scheduled date of May 19, 2010. Although it is unclear if all Westchester Supreme Court justices have recused themselves from this case, the Administrative Judge can utilize judges within the entire 9th Judicial District (Westchester, Rockland, Orange, Putnam and Dutchess Counties) to assign judges to a particular case. See 22 NYCRR §§ 80.2(d), 202.3(c)(5).

Plaintiff also suggests that the Office of the Attorney General, which represents these City Court judges pursuant to the Public Officer's Law, § 17, cannot represent these judges in this action because she has filed a complaint with the Office of the Attorney General's Criminal Division. Based on a conversation between the section chiefs of the Litigation Bureau and the Criminal Bureau, it is clear that the defendant judges are not implicated in plaintiff's allegations. Neither the defendant judges nor their respective determinations are the subject of any investigation by the Attorney General. See March 10, 2008 Decision by Scheindlin, J. in the case, *Eliot J. Bernstein, et al., v. Appellate Division First Department Disciplinary Committee, et al.*, 07-Civ-11196 (SAS)(Doc. #7) in the Southern District of New York.

Contrary to plaintiff's representations in her April 20, 2010 letter, defense counsel had no knowledge when we were in Court on April 15, 2010 that Judge Hansbury had been served with papers in this case. As of today we can represent to the Court that Judge Hansbury has now been served with the instant complaint and Order to Show Cause, which appear to be identical to the documents served on Judges Martinelli and Schemkman. Accordingly, we will be filing a Notice of Appearance on behalf of Judge Hansbury and respectfully request permission to include Judge Hansbury in Defendants' Motion to Dismiss.

It appears that a number of issues raised by plaintiff in her April 20th letter refer to matters not raised as causes of action in the instant federal complaint. Plaintiff seems to believe that every interaction she has had with any state or city court in a variety of her ongoing court proceedings are all legitimate issues to be included in her federal lawsuits, of which this is the third that defense counsel is aware. By referencing every conceivable interaction plaintiff has had with court personnel and others, plaintiff does not present a cogent issue to be addressed by this Court, but a moving target that prevents defendants from responding in a definitive fashion to any issue. Notwithstanding defendants' concern that many of the issues raised by plaintiff in her letter have nothing to do with the named defendant judges, defendants have responded accordingly. Plaintiff should address her issues within the state court actions and proceedings and not seek federal court oversight and review of all her state court matters.

Defendants continue to believe that plaintiff has available state remedies for any alleged actions arising out of incidents concerning her real property at 88 Fanshaw Avenue in Yonkers and thus the

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instant federal complaint should be dismissed. Defendants look forward to identifying the legal basis for this conclusion when they submit their motion to dismiss the complaint due to be filed in two weeks.

Respectfully submitted,
Susan Anspach
Susan Anspach (SA 6968)
Assistant Attorney General

cc: Dr. Shereen Bobrowsky (by facsimile and first class mail)
Plaintiff pro se
88 Fanshaw Avenue
Yonkers, NY 10705

The clerk of the Court is respectfully requested to docket this letter.

So ordered.
KMK
5/3/10