

THE LAW FIRM OF RAVI BATRA, P.C.
Attorneys for plaintiff
142 Lexington Avenue
New York, N.Y. 10016
Ravi Batra (RB4299)
ravi@ravibatralaw.com
212-545-1993; Fax 212-545-1993; Cell: 914-882-6382

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

LAURA LEE JACOBSON,

Plaintiff,

-against-

KINGS COUNTY DEMOCRATIC COUNTY
COMMITTEE; JUDICIAL SCREENING
COMMITTEE FOR THE DEMOCRATIC PARTY IN
AND FOR KINGS COUNTY; FRANK R. SEDDIO
Individually and in His Official and Representative Capacity
as County Chair of the Kings County Democratic County
Committee; MARTIN W. EDELMAN Individually and in
His Official and Representative Capacity as
Chairperson of the Judicial Screening Committee for
the Democratic Party in and for Kings County;
STEVEN R. FINKELSTEIN; STEVE DECKER;
ABAYOMI O. AJAIYEOBA; and, JOHN AND JANE
DOES ## 1-20, so named as their identities are not
yet known, intended to represent persons who had
access to confidential records of and/or confidential
candidate-interview by, the Judicial Screening
Committee for the Democratic Party in and for Kings
County pertaining to plaintiff, who disclosed such
materials outside of the committee to defendant
Seddio, defendant Kings County Democratic County
Committee, defendant Kings County Democratic
County Committee's media consultant George Artz,
members of the public and/or the media,

Defendants.

CIVIL ACTION NO. 16-cv-4809

CIVIL COMPLAINT

JURY TRIAL DEMANDED

PLAINTIFF LAURA LEE JACOBSON, by her attorneys THE LAW FIRM OF RAVI BATRA, P.C., as and for her complaint against the defendants alleges as follows:

Preamble

1. This case seeks to protect and keep alive minimal judicial independence, necessary for the co-equal Third Branch of government to honor its constitutional mandate in our separated powers regime - despite the fact that every judge, be she politically appointed or publically elected, must upon assuming the duties of her office to defend and protect the Constitution, dispense justice independent of her necessary political birth. It is an age-old problem that existed prior to the founding of our Republic. Indeed, in or about 1163, Thomas Becket, a Saxon, appointed Archbishop of Canterbury by King Henry II, barred Henry II's Royal Courts for exercising jurisdiction over priests and church clerks accused of secular misconduct. Becket imposed a separation of powers, preventing political influence from impairing fair and impartial treatment of the church and its people, and a separation of church and state.

2. Present day, every lawyer who engages in politics has a duty, as an "officer of the court," to defend and protect judicial independence from political control that *de facto* chills and/or renders the courthouse to be merely an extension of party politics or a patronage mill - thereby undermining public confidence in the courts.

3. More recently, the Supreme Court of United States, in the full throated decision of *New York State Bd. of Elections v. Lopez Torres*, 552 U.S. 196 (2008), with the clearest voice of the late great Justice Antonin Scalia, essentially saying that the Kings County

Democratic County Committee can play all the politics it wants as it holds judicial conventions to nominate justices of the Supreme Court of the state of New York and pick less qualified persons over more qualified persons - and by doing so - it does not offend the Constitution as there is ballot access. But, it's respectfully alleged that the *Lopez-Torres* Precedent does not permit to occur what has been done to Justice Laura Jacobson by these defendants.

4. Lawyers who serve as judicial screeners, sitting on a judicial screening committee, are still required to honor their permanent and perpetual "officer of the court" status and may not act to undermine the system of justice or dishonor the Constitution without being held to account.

5. The Kings County Democratic County Committee's judicial screening committee chaired by defendant Martin W. Edelman, the so-called Edelman Committee, by the Rules of the Kings County Democratic County Committee, is not an advisory committee, but a necessary legal predicate with binding effect - in that before anybody can be nominated at the judicial convention held by the Kings County Democratic County Committee that individual must have been approved by the Edelman Committee. Hence, the Edelman Committee cannot select the nominees at the judicial convention, but it has the absolute *sole* power to block any individual from becoming a nominee at the judicial nominating convention. It is this awesome power to block a qualified and an exceptional jurist, Justice Laura Jacobson, known by all to be very hard-working and apolitical - who treats the powerful or the weak, White or Black, straight or gay, young or old, the connected or the stranger - the same in her courtroom.

6. Judge Jacobson has distinguished herself as a judge who takes large bags full of legal papers to continue working at home, as there is never enough time to fashion merit-based justice, one case at a time. Her reputation within her colleagues on the bench and her administrative judicial superiors is exemplary such that she has been honored to be repeatedly appointed as the Acting Surrogate for Kings County with a very large caseload. As a Supreme Court justice, she has distinguished herself such that nearly 60% of her docket is to try complicated medical malpractice cases. Her service as a Supreme Court Justice hearing foreclosure cases, honors New York state's strong public policy of dis-incentivizing foreclosures, even before the predatory lending that devastated neighborhoods across the country and evaporated huge amounts of equity theretofore owned by the American family resulted in additional safeguards imposed by statute or regulation in New York.

7. That Judge Jacobson properly issued a Temporary Restraining Order, over politically powerful objection by Frank V. Carone, as attorney for the State University of New York ("SUNY"), or repeatedly reduced the maximum attorney's fee demands of defendant Steven R. Finkelstein, as counsel to the Kings County Public Administrator, when he had done little work, or refused to grant residential foreclosure when the legal and equitable requirements had not been met - is both judicially proper and unworthy of punishment by judicial screeners.

Introduction

5. This lawsuit seeks compensatory and injunctive relief for violations of the plaintiff's federal and state constitutional and common law rights by the defendants, and conspiracy by the defendants amongst themselves, and others, to violate the plaintiff's civil rights.

6. The plaintiff, a sitting New York State Supreme Court Justice sought to be nominated for candidacy for another fourteen year term as a Supreme Court Justice. The defendants, as the Kings County Democratic Party Committee (Kings County Democratic County Committee) and its judicial screening committee (Judicial Screening Committee for the Democratic Party in and for Kings County), acting under color of law, violated their own rules concerning committee participation and confidentiality and deprived the plaintiff of equal protection and due process so as to vindictively harm the plaintiff personally and professionally. This all despite the fact that during plaintiff's most recent judicial screening defendant Steve Decker, who was sitting as a member of the subcommittee which ostensibly "investigated" Judge Jacobson for re-nomination and re-endorsement, and who was appointed by defendant Frank Seddio, who is the County Chair of the Kings County Democratic County Committee, told Judge Jacobson, amongst other things, that she is "probably the smartest judge on the bench."

The Parties

7. Plaintiff Laura Lee Jacobson is currently a resident of Kings County and Queens County, each within the Eastern District of New York, and is presently a Justice of the Supreme Court of the State of New York, in and for Kings County, a judicial position she was elected to in 2002.

8. Judge Jacobson brings this action solely in her individual capacity. This action is *not* brought in Judge Jacobson's judicial capacity. In bringing this action, Judge Jacobson is *not* acting as a jurist or as a representative or agent of any court, judicial body, or administrative agency, including but not limited to the New York State Office of Court Administration.

9. Prior to her election to Supreme Court, Judge Jacobson had been elected as a Judge of the Civil Court of the City of New York, in and for Kings County. Judge Jacobson was initially elected to Civil Court in 1991.

10. Before beginning judicial service, Judge Jacobson practiced law since her admission to practice in 1975, after having graduated from Brooklyn Law School in 1974. Judge Jacobson's legal experience included the private practice of law and service as a Court Attorney to Hon. Elliot Wilk in Manhattan. A true copy of Judge Jacobson's *curriculum vitae* is appended hereto and made a part hereof as **Exhibit 1**.

11. Judge Jacobson has consistently established herself as a hard-working judge, dedicated to determinations made fairly and on the law and merits, without concern for political or social pressure. Speaking to Judge Jacobson's reputation and qualifications, the Hon. Betty Weinberg Ellerin, who had served more than two decades on the Appellate Division of the New York State Supreme Court, First Judicial Department and had been Deputy Chief Administrative Judge of the State of New York for the New York City Courts, issued a sterling endorsement. A true copy of Justice Weinberg Ellerin's letter dated August 3, 2016 is appended hereto and made a part hereof as **Exhibit 2**.

12. Because of Judge Jacobson's laudatory personal and professional attributes, the Office of Court Administration has repeatedly appointed Judge Jacobson as Acting Surrogate in and for Kings County, *in addition to* her duties as a sitting Justice of the Supreme Court in and for Kings County. True copies of previously filed Orders of appointment are appended hereto and made a part hereof as **Exhibit 3**.

13. Judge Jacobson's hard work and dedication are actually evidenced by a photograph published as part of an article in the *New York Post*, the sources of which are subjects of this action. *See*, Rich Calder, Emily Saul and Laura Italiano, *City Judge Deemed Incompetent in 'Unheard Of' Move*, N.Y. Post, July 13, 2016, 11:23pm, available at <http://nypost.com/2016/07/13/city-judge-deemed-incompetent-in-unheard-of-move>, last accessed Aug. 23, 2016. A true copy of this article and photograph are appended hereto and made a part hereof as **Exhibit 4**. Also appended, and made a part hereof, is the print version of the article which appeared on page 9 of the July 14, 2016 edition of the *New York Post*.

Critically, the published photograph depicts Judge Jacobson carrying multiple “big” bags, one of which is slung over her left arm. Clearly visible in that bag on Judge Jacobson’s left arm are motion papers from a pending action. This is because Judge Jacobson regularly takes work home with her and works on cases even when out of the courthouse during her personal time.

14. Much of the content of the July 13, 2016 online/ July 14, 2016 print *New York Post* article (Ex. 4) is false, misleading and damaging to Judge Jacobson. The sources of the false and damaging information are defendants Kings County Democratic County Committee and the Edelman Committee. Such disclosures, and others delineated herein, were made in breach of an agreement of confidentiality.¹ Moreover, such disclosures, and others delineated herein, were made under color of law in vindictive action, in violation of party and committee Rules, to harm Judge Jacobson maliciously and permanently.

15. On July 15, 2016, the *New York Post* published yet another article online, and in print, containing false, misleading and damaging information about Judge Jacobson. Like the prior article (Ex. 4), the sources of the such false and damaging information were again

¹The Rules of defendants Kings County Democratic County Committee and Edelman Committee governing the screening, selecting and nomination of candidates seeking election as Justices of the Supreme Court in New York’s Second Judicial District, enacted under color of law, require candidates to execute a limited waiver of the statutory confidentiality of records maintained by the New York State attorney disciplinary and grievance committees (Judiciary Law § 90(10)) and the New York State Commission (“CJC”) on Judicial Conduct (Judiciary Law § 45). That waiver permits the Edelman Committee to obtain records that they would otherwise be barred, by statutes, from accessing. The defendants’ own confidentiality Rules, provisions and assurances, mandated that they keep and maintain confidential all information, including records of any candidate secured from state agencies. Due to Judge Jacobson’s exemplary professional career, as attorney and as judge, she was never the subject of any reprimand or sanction by any attorney grievance committee or the CJC.

defendants Kings County Democratic County Committee and the Edelman Committee. The content of the July 15, 2016 article is also a subject of the instant action. *See*, Rich Calder, Emily Saul and Laura Italiano, *Brooklyn Judge Blows Off Work Amid Being Deemed “Unqualified”*, N.Y. Post, July 15, 2016, 12:37 a.m., available at <http://nypost.com/2016/07/15/brooklyn-judge-blows-off-work-amid-being-deemed-unqualified>, last accessed Aug. 23, 2016. A true copy of this online article is appended hereto and made a part hereof as **Exhibit 5**. Also appended, and made a part hereof, is the print version of the article which appeared on page 12 of the July 15, 2016 edition of the *New York Post*.

16. While others applied for nominations by the Edelman Committee and endorsement by the Kings County Democratic County Committee, apart from Judge Jacobson, no other applicant had information about their application and the Edelman Committee’s process disclosed to the public and the media.

17. While others incumbent judges applied for nominations by the Edelman Committee and endorsement by the Kings County Democratic County Committee, apart from Judge Jacobson, no other incumbent applicant had information about their application and the Edelman Committee’s process disclosed to the public and the media.

18. Defendant Kings County Democratic County Committee (“KCDCC”) is an unincorporated association serving as the Kings County Committee for the New York State Democratic Committee. Upon information and belief, the Kings County Democratic County Committee maintains its principal place of business within the Eastern District of New York at 16 Court Street, Suite 1207, Brooklyn, NY 11241.

19. The Kings County Democratic County Committee is properly named as a party defendant pursuant to Fed. R. Civ. P. 17(b)(3)(A).

20. At all relevant times, the Kings County Democratic County Committee acted under color of law.

21. At all relevant times, defendant Hon. Frank R. Seddio was the County Chair of the Kings County Democratic County Committee. Upon information and belief, Mr. Seddio resides within the Eastern District of New York at 2333 East 69 Street, Brooklyn, NY 11234.

22. Mr. Seddio is properly named as party defendant in his individual as well as official and representative capacity pursuant to Fed. R. Civ. P. 17(b)(3), (d) C.P.L.R. §§ 1023, 1025, and is sued individually, including as a conspirator in the violation of plaintiff's constitutional rights, and as an official and representative.

23. At all times herein, Mr. Seddio acted under color of law.

24. The Judicial Screening Committee for the Democratic Party in and for Kings County is an unincorporated association serving as the judicial screening panel for defendant Kings County Committee for the New York State Democratic Committee. Upon information and belief, the Judicial Screening Committee for the Democratic Party in and for Kings County maintains its principal place of business at the law offices of its chairperson, Defendant Martin W. Edelman, within the Southern District of New York at 61 Broadway, New York, NY 10006.

25. At all relevant times, the Edelman Committee acted under color of law.

26. At all relevant times, defendant Martin W. Edelman was the Chairperson of the Judicial Screening Committee for the Democratic Party in and for Kings County. Upon information and belief, Mr. Edelman resides within the Southern District of New York within New York County. Mr. Edelman's principal place of business is within the Southern District of New York at 61 Broadway, New York, NY 10006.

27. Mr. Edelman is properly named as party defendant in his individual as well as official and representative capacity pursuant to Fed. R. Civ. P. 17(b)(3), (d) C.P.L.R. §§ 1023, 1025, and is sued individually, including as a conspirator in the violation of plaintiff's constitutional rights, and as an official and representative.

28. At all relevant times, Mr. Edelman acted under color of law.

29. Upon information and belief, based upon publically accessible internet postings of defendant Kings County Democratic County Committee, at all relevant times, the Edelman Committee was comprised of the following individuals:

Ethan Gerber, Esq.
Michael V. Cibella, Esq.
Lisa Schreibersdorf, Esq.
Steven Bamundo, Esq.
Kenneth J. Montgomery, Esq.
Lisa Smith, Esq.
Melissa E. Bonaldes, Esq.
Carmen A. Pacheco, Esq.
Scott Baron, Esq.
Elaine Avery, Esq.
Wayne C. Bodden, Esq.
Gregory Cerchione, Esq.
William T. Bellard, Esq.
Defendant Martin W. Edelman, Esq.
Defendant Steve Decker, Esq.

Mark A. Longo, Esq.
Helene E. Blank, Esq.
Defendant Steven R. Finkelstein, Esq.
E. Paul Stewart, Esq.
Theodore Pavlounis, Esq.
Kendra L. Hutchinson, Esq.
Evan Goldberg, Esq.
Anthony M. Deliso, Esq.
Defendant Abayomi O. Ajaiyeoba, Esq..

See, Brooklyn Democratic Party, Judicial Screening, *available at*, http://www.brooklyn.dems.com/judicial_screening, *last accessed* Aug. 24, 2016.

30. At all relevant times, defendant Steven R. Finkelstein was an attorney admitted to practice law in the state of New York who served as counsel to the Kings County Public Administrator. Simultaneously, Mr. Finkelstein also served as a member of the Edelman Committee. In 2005, after the removal of Surrogate Michael Feinberg, Acting Surrogate Albert Tomei appointed Mr. Finkelstein as counsel to the Public Administrator. In 2006, defendant Seddio, who was then Surrogate, re-appointed Mr. Finkelstein as counsel to the Public Administrator. Mr. Finkelstein is sued individually, including as a conspirator in the violation of plaintiff's constitutional rights.

31. At all relevant times, defendant Steve Decker was an attorney admitted to practice law in the state of New York. Mr. Decker served as a member of the Edelman Committee and was appointed to that position as a representative of defendant Seddio. Mr. Decker was a member of the subcommittee of the Edelman Committee assigned to the judicial screening of Judge Jacobson. Mr. Decker is sued individually, including as a conspirator in the violation of plaintiff's constitutional rights.

32. At all relevant times, defendant Abayomi O. Ajaiyeoba was an attorney admitted to practice law in the state of New York who served as a member of the Edelman Committee. Ms. Ajaiyeoba was a member of the subcommittee of the Edelman Committee assigned to the judicial screening of Judge Jacobson. Ms. Ajaiyeoba is sued individually, including as a conspirator in the violation of plaintiff's constitutional rights.

33. Defendants John and Jane Does ## 1-20 are fictitiously named as their identities are not yet known. These John and Jane Does are intended to represent persons who had access to confidential records and/or the confidential process of defendant Judicial Screening Committee for the Democratic Party in and for Kings County, pertaining to plaintiff, who disclosed such materials outside of the committee to defendant Seddio, defendant Kings County Democratic County Committee, defendant Kings County Democratic County Committee's media consultant George Artz, members of the public and/or the media.

Jurisdiction and Venue

34. The Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), (4), 1367(a), 2201, 2202; 42 U.S.C. §§ 1983, 1985, 1988; Fed. R. Civ. P. 65.

35. Venue of this action is properly in this district, pursuant to 28 U.S.C. § 1391(b)(1), on the grounds that any defendant resides within the Eastern District of New York and all defendants are residents of the State of New York; 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to the claims alleged herein occurred, and will continue to occur, in the Eastern District of New York.

Allegations Pertinent to All Counts

36. The Supreme Court of the State of New York is the court of general original jurisdiction, in law and equity, in the New York court system. NY Const art. VI, § 7(a).

37. The New York State Constitution provides that “justices of the supreme court shall be chosen by the electors of the judicial district in which they are to serve. The terms of justices of the supreme court shall be fourteen years from and including the first day of January next after their election.” NY Const art. VI, § 6(c).

38. New York State is divided into thirteen judicial districts. Judiciary Law § 140.

39. Until in or about 2009, Kings County and Richmond County were collectively the Second Judicial District. By legislative amendment in or about 2007, effective January 1, 2009, the Thirteenth Judicial District was established, which consists of the County of Richmond. Judiciary Law § 140. Kings County is the Second Judicial District. *Id.*

40. New York law provides that there shall be 49 justices of the Supreme Court in the second judicial district. Judiciary Law § 140-a(2).

41. New York law does not provide for primary elections for candidates seeking to be elected justices of the Supreme Court. Instead, delegates are elected from Assembly Districts located within a judicial district. These judicial delegates nominate and vote for candidates to appear on the general election ballot as candidates for justice of the Supreme Court. *See, e.g.*, New York Election Law §§ 6-124, 6-136(3).

42. Pursuant to New York Election Law § 6-106, “Party nominations for the office of justice of the supreme court shall be made by the judicial district convention.”

43. Such nominating conventions are also subject to the provisions of, *inter alia*, New York Election Law §§ 6-124, 6-126.

44. New York state law provides broad and nearly unfettered power to political parties to control who can appear on the ballot for a vacancy on the Supreme Court in any judicial district. By virtue of such authority, when such a political party exercises such statutory power, it is acting under color of law.

45. At all times herein mentioned, from Judge Jacobson's initial application for screening for re-appointment made on February 23, 2016, her May 18, 2016 subcommittee interview, her May 25, 2016 Edelman Committee interview, her June 7, 2016 Edelman Committee appeal, and thereafter, Judge Jacobson was entitled to have her candidacy before defendant Edelman Committee for its recommendation and nomination and endorsement by defendant Kings County Democratic County conducted in accordance with the Rules enacted under color of law governing the screening, selecting and nomination of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District by defendants Kings County Democratic County Committee and Edelman Committee.

46. Defendant Kings County Committee for the New York State Democratic Committee maintains its own rules of government. A true copy of such rules, as reported adopted on September 17, 2014, is appended hereto and made a part hereof as **Exhibit 6**. ("Party Rules").

47. The Party Rules include a Code of Ethics. This Code begins with a “Statement of Principles,” which includes a provision that “It is essential that party leadership not be used for private gain.” *Id.* at p. 19.

48. Effective in or about 2003, defendant Kings County Committee for the New York State Democratic Committee established defendant Judicial Screening Committee for the Democratic Party in and for Kings County.

49. The procedures to be followed by defendant Judicial Screening Committee for the Democratic Party in and for Kings County were instituted by defendant Kings County Committee for the New York State Democratic Committee and Judicial Screening Committee for the Democratic Party in and for Kings County. A true copy of these procedures, as reported amended on December 14, 2011, are appended hereto and made a part hereof as **Exhibit 7**. (“Screening Committee Procedures”).

50. The Screening Committee Procedures provide, in pertinent part:

i. A newly-constituted screening panel shall be established, effective October 1, 2003. The panel shall review and interview all legally qualified candidates for Judicial Office who request such a review. They shall judge each candidate as either ‘Qualified’ or ‘Not Qualified at this time’. The panel may, in its discretion, publish explanatory language in any determination finding a candidate ‘Not Qualified at this time.’ Prior to the publication of any list of Committee findings, candidates shall be permitted to withdraw their candidacies, unequivocally and with prejudice. Of the Qualified Candidates the Panel shall report out a limited pool of recommended candidates based on the total number of vacancies for that judicial office (i.e., civil, supreme). The total pool shall be 5 individuals per vacancy for each type of judicial office. For the purposes of determining the size of the Pool, incumbent's seats shall be included.”

Id. at ¶ 1;

ii. “The panel's determination for each and every person interviewed shall be shared with all members of the [KCDCC] Executive Committee prior to an endorsement vote . . . In the case of Supreme or Surrogates Court, these findings should be published sixty (60) days before the first day to convene the Judicial Convention or as soon as practical and made available to all Delegates and Alternate Delegates attending the Judicial Convention and to all members of the Executive Committee.”

Id. at ¶ 2 (emphasis added);

iii. “The [KCDCC] Executive Committee may not endorse any candidate for Judicial Office that is not recommended by the Screening Panel. The [KCDCC] Executive Committee may not endorse for nomination by the Judicial Convention any candidate for Supreme Court that is not found to be ‘recommended’ by the Screening Panel. Incumbent Judges seeking re-election to the same office shall be deemed Recommended unless seventy-five percent (75%) of the quorum determines that the Judge should not be reported out as Recommended. For the purposes of these rules Judges appointed to fill interim vacancies shall not be deemed Incumbent Judges.”

Id. at ¶ 4 (emphasis added);

iv. “The [screening] panel shall consist of the following: . . . **Three** members selected by the Chairperson of the Executive Committee of the Kings County Democratic Party, one of whom shall serve as the Chairperson of the Panel.”

Id. at ¶ 6[L] (emphasis in original);

v. “Every member of the Screening Panel [who is an attorney] must be an admitted member of the Bar of the State of New York in good standing and all members must maintain a residence or employment/practice in the Second Judicial District and be an enrolled member of the Democratic Party.”

Id. at ¶ 7;

vi. “No candidate or Member of the Executive Committee may communicate with a member of the Screening Committee regarding the candidacy of any individual proposed for screening.”

Id. at ¶ 11;

vii. “Before undertaking any candidate evaluations, the Screening Committee shall adopt formal written criteria, upon which all such evaluations shall be based.”

Id. at ¶ 13;

viii. “The Chairman of the Committee shall be a voting member of the Screening Committee, should be chosen by the Chairman of the Executive Committee and serve for a two-year renewable term. Notwithstanding this, the Chairman shall serve at the pleasure of the Chairman of the Executive Committee and may be dismissed by the Chairman of the Executive Committee at any time.”

Id. at ¶ 16;

ix. A quorum shall consist of at least two-thirds of the current members in good standing. A sixty percent (60%) vote of the quorum should be required for all decisions, except for the case of incumbent judges as stated heretofore **and further excepting that any candidate having been found “Qualified” in any year may only be found “Not Qualified at this time” in the following year upon a majority vote of a quorum. . .**”

Id. at ¶ 19 (**emphasis in original**).

51. The Edelman Committee enacted its own “Committee Rules,” which were reportedly amended January 23, 2012. According to defendant Edelman, despite the printed content of the Rules, they were actually last amended on March 29, 2016. A true copy of these Rules are appended hereto and made a part hereof as **Exhibit 8**. (“Edelman Committee Rules”).

52. The Edelman Committee Rules provide, in pertinent part, that:

i. “The panel shall judge each candidate as either ‘Qualified’ or ‘Not qualified at this time.’ Of the Qualified Candidates the Panel shall report out a limited pool of recommended candidates based on the total number of vacancies for that judicial office (i.e., Civil, Supreme). The total pool shall be five (5) individuals per vacancy for each type of judicial office. For the purposes of determining the size of the pool, incumbent’s seats shall be included.”

Id. at Rule 9;

ii. “A quorum shall consist of at least two-thirds (66 2/3 %) of the current members in good standing. A sixty percent (60%) vote of the quorum is required for all decisions, except for the case of incumbent judges. Incumbent Judges seeking reelection to the same office shall be deemed qualified unless seventy-five (75%) of the quorum determines that the Judge should not be reported out as ‘Recommended.’ For the purposes of these rules Judges appointed to fill interim vacancies shall be deemed incumbent Judges. If a candidate is found qualified in any year, the candidate to be found qualified in any successive year need only be found qualified by a majority vote of the quorum.”

Id. at Rule 10;

iii. “**Except for the Report to the Executive Committee of the Democratic Party, all proceedings before the panel and all investigative reports shall be treated as strictly confidential.** Any inquiries concerning such proceedings or reports shall be referred to the Chair of this Committee. In the event that a member violates this provision, the Chair must discharge that member from any further deliberations of the panel.”

Id. at Rule 13 (emphasis added) (**emphasis in original**);

iv. A questionnaire and standard resume will be prepared for the use of the panel.

Id. at Rule 14;

v. “The report of the panel shall be written, signed by the Chair, and shall name the candidates found to be ‘Qualified’/ ‘Not Qualified at this Time’ as well as those found ‘Recommended’ for the judicial vacancy or vacancies to be filled.”

Id. at Rule 16;

vi. “In investigating the qualifications of a candidate, the Chair shall appoint a subcommittee of one or more members of the Committee (designating one such member as the Reporter for the subcommittee) to conduct the necessary investigation, and submit a pre-screening report and recommendation to the Committee. **The selection of the sub-committee shall be by lottery. The subcommittee shall conduct a personal interview of the candidate.** All pre-screening reports shall be circulated prior to the interview. *The confidentiality of the report is paramount.* Copies of the report shall be returned to the person or persons who conducted the interview after voting has occurred. In the event the candidate is asked to return for a

further interview, the copies of the pre-screening report shall be returned to the person or persons who prepared the pre-screening report and produced at the continuing interview and then returned to the person or persons who prepared the report. After final votes are taken all copies shall be returned to the person or persons who prepared the report. *One copy shall be kept by the Chair and one copy shall be kept by the person or persons who prepared the report. All other copies shall be destroyed. Any committee member who distributes a copy of a pre-screening report without the consent of the Committee shall be immediately suspended from the Committee.*”

Id. at Rule 17 (**emphasis in original**) (*emphasis added*);

vii. *Oral and Written Notice*: “**In the event that the sub-committee determines that there are particular areas of concern, the candidate will be orally apprised either by the Chair or a designated member of the sub-committee prior to being interviewed by the full Committee.** The candidate will be requested to be prepared to address before the full Committee the areas of concern detailed in the written communication. The candidate shall be informed that he or she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues. In the event, the candidate desires to provide additional written materials; the candidate must provide 24 copies of such materials to be distributed to the Committee at the interview of the full Committee.”

Id. at Rule 20 (**emphasis in original**) (*emphasis added*) (*text added*);

viii. “Candidates shall be rated as ‘Qualified’ or ‘Not Qualified at this Time.’ If conditions exist to trigger an evaluation as to whether a qualified candidate is deemed to be recommended, such rating will also be provided. In its rating, the Committee shall consider the candidate's possession of such special qualifications as may be necessary or desirable for the performance of the duties of the office for which he or she is being considered.”

Id. at Rule 22;

ix. “The Committee shall evaluate candidates for judicial office based upon the following criteria:

- a. Judicial demeanor and temperament
- b. Judicial scholarship and knowledge of law
- c. Judicial industriousness and diligence
- d. Judicial experience

- e. Judicial integrity
- f. Judicial fairness”

Id. at Rule 25;

x. “At the end of the deliberative process, all applications of the candidates shall be retrieved by the Chair. The Chair shall make arrangements for the destruction of all copies with the exception of one copy or original to be kept in the possession of the Chair. The application shall remain confidential and shall not be disclosed without a vote of the Committee.”

Id. at Rule 30.

53. In March 2014, the New York City Bar Association Council on Judicial Administration published *Judicial Selection Methods in the State of New York: A Guide to Understanding and Getting Involved in the Selection Process*. A true copy of this publication is appended hereto and made a part hereof as **Exhibit 9**. The City Bar found that “In some counties historically dominated by a single political party (the Democratic Party in all counties except Richmond), the selection of candidates for nomination by that party has been tantamount to election in the general election.” *Id.* at p. 16.

54. As an inducement to candid participation in the judicial screening process by people seeking nomination and endorsement by the Kings County Committee for the New York State Democratic Committee as judicial candidates, the defendants assure such applicants strict confidentiality.

55. As such assurances are made by the defendants as part of the awesome powers they are given by the state of New York to control who appears on the ballot for judgeships, such assurances are made under color of law.

56. The questionnaire that any candidate for screening by the Edelman Committee and endorsement by the Kings County Committee for the New York State Democratic Committee specifically provides “Please be advised that all information provided will be kept strictly confidential.” A true copy of the Edelman Committee “2016 Questionnaire for Justice of the Civil/Supreme Court” is appended hereto and made a part hereof as **Exhibit 10**.

57. The Edelman Committee questionnaire requires that an applicant who is a “sitting Judge” must, as part of the information provided that “will be kept strictly confidential,” “list all decisions which have been reversed or modified by a higher Court.” *Id.* at Q. 43. That inquiry further requires the sitting Judge to provide copies of the appealed orders and the Appellate Court decisions as part of the confidential provision of information. *Id.*

58. Judge Jacobson relied to her detriment on the defendants’ published assurances of confidentiality.

59. The Rules of the Edelman Committee and the Kings County Committee for the New York State Democratic Committee provide that the Democratic party in Brooklyn cannot endorse a candidate for a judgeship who has not been found “Qualified” by the Edelman Committee.

60. At all relevant times, the defendants’ rules and procedures govern which candidates appear on the ballot for Justice of the Supreme Court and Judge of the Civil Court for elections held in Kings County.

61. In order to have any legitimate chance at being elected to the Supreme Court within Kings County, the support and approval of the Kings County Democratic County Committee is necessary.

62. The defendants' judicial screening process is conducted under color of law.

63. As part of the defendants' judicial screening process, all candidates for nomination agree to provide a completed questionnaire and participate in a confidential screening interview.

64. **The Chair of the Screening Committee is Ineligible to Serve.** The entire judicial screening process was tainted as the chairperson of defendant Edelman Committee was not authorized to be on the Committee. The defendants' rules require that, *inter alia*, all members of the Edelman Committee "must maintain a residence or employment/practice in the Second Judicial District. . ." Defendant Edelman resides and maintains his practice in New York County. New York County is the "first judicial district." New York Judiciary Law § 140. Indeed, even the Edelman Committee questionnaire provides contact information for defendants Edelman and the Edelman Committee as: "Martin Edelman, Chairman, Kings County Democratic Party Judicial Screening Committee, 61 Broadway, Suite 2220, New York, New York 10006, 212-943-1200." (Ex. 10, *supra*).

65. Similarly, upon information and belief, defendant Decker who also served as a member of the screening committee and the subcommittee assigned to ostensibly "investigate" Judge Jacobson, also does not reside or maintain his practice in the second judicial district. Rather, defendant Decker maintains his practice in Richmond County as:

Decker & Decker, 3 Kermit Avenue, Staten Island, NY 10305. Richmond County is the “thirteenth judicial district.” New York Judiciary Law § 140. Moreover, upon information and belief, defendant Decker resides in Queens County, which is the “eleventh judicial district.” *Id.*

66. As part of the defendants’ judicial screening process, the defendants agree to maintain the confidentiality of the application and the screening process.

67. Pursuant to applicable Rules of the Edelman Committee, oral and written notice is required:

Except for the Report to the Executive Committee of the Democratic Party, all proceedings before the panel and all investigative reports shall be treated as strictly confidential. Any inquiries concerning such proceedings or reports shall be referred to the Chair of this Committee. In the event that a member violates this provision, the Chair must discharge that member from any further deliberations of the panel.

(Ex. 8 at Rule 13) (**emphasis in original**);

At the end of the deliberative process, all applications of the candidates shall be retrieved by the Chair. The Chair shall make arrangements for the destruction of all copies with the exception of one copy or original to be kept in the possession of the Chair. The application shall remain confidential and shall not be disclosed without a vote of the Committee.

(*Id.* at Rule 30).

68. As part of her application for re-nomination, Judge Jacobson complied with the defendants’ rules, submitted the required questionnaire and supporting materials and participated in the interview process.

69. The subcommittee of the Edelman Committee that was appointed by defendant Edelman to conduct a putative “investigation” of Judge Jacobson consisted of defendants Decker and Ajaiyeoba. Like defendant Edelman, defendant Decker sat on the Edelman Committee by appointment of defendant Seddio.

70. The Edelman Committee Rules, enacted under color of law, require that “The subcommittee shall conduct a personal interview of the candidate.” (*Id.* at Rule 17). Despite this Rule, only one member of the subcommittee, defendant Ajaiyeoba, was present for a complete interview. Defendant Decker arrived very late and thus did not participate in a complete interview.

71. Pursuant to applicable Rules of the Edelman Committee:

In the event that the sub-committee determines that there are particular areas of concern, the candidate will be orally apprised either by the Chair or a designated member of the sub-committee prior to being interviewed by the full Committee. The candidate will be requested to be prepared to address before the full Committee the areas of concern detailed in the written communication. The candidate shall be informed that he or she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues. In the event, the candidate desires to provide additional written materials; the candidate must provide 24 copies of such materials to be distributed to the Committee at the interview of the full Committee.

(*Id.* at Rule 20) (**emphasis in original**).

72. The sub-committee, consisting of defendants Decker and Ajaiyeoba did not inform Judge Jacobson of all “particular areas of concern” as mandated by Edelman Committee Rule 20. Such notice was not given orally nor was it given in writing.

73. Defendant Edelman as chairperson of defendant Edelman Committee did not inform Judge Jacobson of all “particular areas of concern” as mandated by Edelman Committee Rule 20.

74. Judge Jacobson was not “requested to be prepared to address before the full Committee the areas of concern” as mandated by Edelman Committee Rule 20.

75. Judge Jacobson was not provided any “written communication” which “detailed” any “areas of concern” as mandated by Edelman Committee Rule 20.

76. Judge Jacobson was not “informed that [] she bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues” as mandated by Edelman Committee Rule 20.

77. The applicable Rules of the Edelman Committee permitted only two designations for applicants: "Qualified" or "Not qualified at this time." (Ex. 8 at Rule 9). The Rules further provide that 5 candidates found “Qualified” for each judicial office shall be reported on by the Committee. *Id.*

78. As an incumbent, Judge Jacobson was entitled to be deemed “Qualified” unless seventy-five percent of a quorum of the Edelman Committee determined not to report her as “Recommended.” (*Id.* at Rule 10).

79. Unfortunately, Kings County has a sordid history of illegal and corrupt behavior, aided by members of the KCDCC. This misconduct has not abated despite prior legislative and law enforcement investigations, censures, arrests, indictments and convictions.

80. Refusing to permit political or social pressures to impact her decision making, Judge Jacobson always remained staunchly independent in her capacity as a judge.

81. Such judicial independence did not sit well with the Kings County Democratic political machine. Indeed, the *New York Post* in its first article publishing in print and on the internet the defendants' improper disclosures included within its article concerning Judge Jacobson that "She fell out of favor with the powers that be," said one court source. "It's a clubhouse, and she's not a member in good standing." (Ex. 4, *supra*). While that may doom Judge Jacobson's chance of being nominated, it is a badge of honor while she is being screened by honest screeners/lawyers.

82. As "pay back" for Judge Jacobson's refusal to judicially act bending and bowing to the Brooklyn political machine, the defendants, while acting under color of law, broke their own rules and procedures and violated the confidentiality of the judicial screening process with the vindictive and malicious intent of harming Judge Jacobson personally and professionally.

83. The only people who could have valid access to judicial screening materials concerning Judge Jacobson were the members of the Edelman Committee during the deliberative process. (Ex. 8 at Rule 13). Upon completion of the deliberative process, the defendants' rules only permit a single copy of the judicial screening materials to be maintained by the chairperson of the judicial screening committee. *Id.* at Rule 30.

84. Upon information and belief, the Edelman Committee disregarded its own confidentiality rules mandating the collection and destruction of all confidential materials concerning screening candidates, including Judge Jacobson, and instead of only the chairperson

maintaining a single copy, all or many copies were permitted to stay unsecured. (Ex. 8 at Rule 30).

85. At the time that the defendants disclosed confidential materials concerning the judicial screening of Judge Jacobson, under color of law, the “deliberative process” of the Edelman Committee had concluded.

86. In accordance with the rules of the Edelman Committee, the only person who could lawfully have had access to the confidential materials concerning the judicial screening of Judge Jacobson at the time of their improper and unconstitutional disclosure to the *New York Post* was defendant Edelman as chairperson of the Edelman Committee. (*Id.* at Rule 30). However, even defendant Edelman could not disclose confidential material.

87. Pursuant to the defendants’ Rules, the only people who could lawfully ever have access to the determinations of defendant Edelman Committee were the members of that committee, including defendants Edelman, Finkelstein, Decker and Ajaiyeoba. As to the Executive Committee of defendant Kings County Democratic County Committee, including its chairperson defendant Seddio, they were entitled only to a written report of which candidates were found “Qualified,” which were found “Not qualified at this time” and a list of candidates “recommended” for each judicial vacancy. (Ex. 7 at ¶ 2).

88. The rules the Edelman Committee permit only two designations of a prospective judicial nominee: “Qualified” and “Not Qualified at this time.” Of the candidates found “Qualified,” the Edelman Committee is to “recommend” 5 for a vacancy.

89. The rules of the Edelman Committee do not permit a prospective judicial nominee to be deemed “Unqualified.”

90. The defendants falsely told the *New York Post* that Judge Jacobson had been found “Unqualified” by the Edelman Committee - a designation that does not even exist.

91. Based on the information supplied by the defendants, acting under color of law, the *New York Post* reported in print and on the internet that the defendants had found Judge Jacobson “Unqualified.” (Exs. 4, 5, *supra*).

92. The Administrative Judges overseeing the Courts of New York State have relied upon Judge Jacobson’s judicial skills, knowledge and ability, and have therefore repeatedly appointed her as Acting Surrogate.

93. Despite the defendants knowing that as a sitting jurist Judge Jacobson has such clear respect, they falsely informed personnel with the *New York Post* that “She’s not the brightest bulb in the courthouse to begin with” and that she is “disliked,” “has a poor reputation” and is “considered judicially mediocre.”

94. Based on the information supplied by the defendants, acting under color of law, the *New York Post* reported in print and on the internet that Judge Jacobson was “disliked.” (Ex. 4, *supra*).

95. Based on the information supplied by the defendants, acting under color of law, the *New York Post* reported in print and on the internet that Judge Jacobson “has a poor reputation” (Ex. 4, *supra*).

96. Based on the information supplied by the defendants acting under color of law, the *New York Post* reported in print and on the internet that Judge Jacobson was considered “judicially mediocre.” (Ex. 4, *supra*).

97. The defendants, acting under color of law, falsely informed personnel with the *New York Post* that the Edelman Committee “looked at [plaintiff’s] track record, and they found an abnormal percentage of cases were overturned by higher courts.”

98. Based on the information supplied by the defendants acting under color of law, the *New York Post* reported in print and on the internet, referring to the plaintiff, that “they looked at her track record, and they found an abnormal percentage of cases were overturned by higher courts.” (Ex. 4, *supra*).

99. Judge Jacobson did not have an “abnormal percentage of cases [that] were overturned by higher courts.” Nor was Judge Jacobson “reversed on appeal at least 57 times in the past decade.” On the contrary, of the many thousands of orders that Judge Jacobson has issued “in the past decade” (since 2006), in the range of approximately 4000, only an infinitesimal amount were appealed, and only a fraction of those appeals resulted in reversals!

100. Despite Judge Jacobson’s work ethic, that includes taking work home, including reviewing pleadings and motion papers, performing legal research and writing decisions from outside the courthouse on personal time, the defendants falsely informed personnel with the *New York Post* that Judge Jacobson “lacked” a “work ethic.”

101. Based on the information supplied by the defendants, acting under color of law, the *New York Post* reported in print and on the internet that “It’s that kind of work ethic — or lack thereof — that helped convince the county Democratic Party’s Judicial Screening Committee last month that Jacobson is unqualified to run on the party line in November.” (Ex. 5, *supra*).

102. The defendants further falsely informed the *New York Post* that Judge Jacobson failed to come to work on July 14, 2016.

103. Based on the information supplied by the defendants, acting under color of law, the *New York Post* reported in print and on the internet that and that she “only had three cases on her docket for the day but adjourned everything, sending out alerts to all the parties telling them not to bother showing up” (Ex. 5, *supra*).

104. This report was similarly false. Judge Jacobson did come to work on July 14, 2016 and had a single case calendared for that day. *Savane, et. al. v. Osei, et. al.*, Index No. 23894/2006. One of three law firms, that represented parties on the case, did not timely appear in court that day. After Judge Jacobson, and the other attorneys who did appear, waited for the missing attorney and unsuccessfully tried to reach that lawyer by phone, a re-trial date was set with the attorney’s present agreeing to check with the missing attorney if there were any problems with the chosen date. Indeed, in the exercise of compassionate judicial discretion, in the truest desire for justice and resolution of disputes on the merits, Judge Jacobson did not enter judgment against the party whose counsel failed to appear without excuse or explanation, despite being authorized to do so. *See*, 22 NYCRR 202.27.

105. In addition to these false statements, the defendants also divulged confidential information about the Edelman Committee's processes with respect to Judge Jacobson to personnel with the *New York Post*.

106. The defendants assured Judge Jacobson that the contents of and proceedings about the Edelman Committee questionnaire she completed were to remain completely and strictly confidential.

107. Justice Jacobson relied to her detriment on such assurances of confidentiality.

108. Despite their own rules requiring confidentiality in the judicial screening process, the Edelman Committee and its member defendants, including Edelman, Finkelstein, Decker and Ajaiyeoba, acting under color of law, disclosed to other defendants, Seddio and KCDCC, and others that Judge Jacobson had a "lackadaisical attitude in filling out a required questionnaire."

109. The defendants falsely informed personnel with the *New York Post* that Judge Jacobson had a "lackadaisical attitude in filling out a required questionnaire."

110. Judge Jacobson did not have a "lackadaisical attitude in filling out a required questionnaire" and that representation by the defendants to the *New York Post* was false when made - and known to be false - hence fraud upon the *New York Post* to obtain non-attribution for quotes - which releases the *New York Post* from its contract of non-disclosure of source identity.

111. Even if the representation made by the defendants to the *New York Post* were true, which it is not, it is still a breach of the confidentiality of the process that the defendants assured Judge Jacobson and all other candidates for judicial screening.

112. In violation of their own rules, while acting under color of law, the defendants provided confidential information pertaining to the screening of Judge Jacobson to one or more “sources” outside of the Edelman Committee and the Executive Committee of the Kings County Democratic County Committee, including personnel with the *New York Post*.

113. Under color of law, the defendants provided confidential information pertaining to the screening of Judge Jacobson to personnel with the *New York Post* intending that it would be published.

114. Under color of law, the defendants provided confidential information pertaining to the screening of Judge Jacobson to personnel with the *New York Post* with the intention of harming Judge Jacobson, in addition to defalcation of Judge Jacobson’s right to be fairly and lawfully screened..

115. Under color of law, the defendants provided confidential information pertaining to the screening of Judge Jacobson to personnel with the *New York Post* intending that the dissemination of such information would be harmful to Judge Jacobson’s personal and professional reputation.

116. In an effort to cause maximum exposure of the improperly disclosed confidential information and materials concerning Judge Jacobson and her judicial screening, the defendants, acting under color of law, individually and collectively released confidential information to the *New York Post* intending that it be published in print and on the internet.

117. False, misleading and confidential information about Judge Jacobson that was obtained by the defendants under color of law as a result of the judicial screening process, and of which under color of law they assured Judge Jacobson of absolute confidentiality, was disseminated by the defendants to the *New York Post* so that they would publish same in print and on the internet. Such improper disclosures were made by the defendants acting under color of law.

118. The *New York Post* did publish the false, misleading and confidential information about Judge Jacobson that the defendants disclosed to them (Exs. 4, 5, *supra*).

119. The defendants treated Judge Jacobson differently than other similarly situated candidates for screening by the Edelman Committee for the nomination and endorsement of the Kings County Democratic Party Committee.

120. The defendants treated Judge Jacobson differently than other similarly situated incumbent judges being screened by the Edelman Committee for the nomination and endorsement of the Kings County Democratic Party Committee.

121. The defendants treated Judge Jacobson differently than other similarly situated incumbent elected justices of the Supreme Court being screened by the Edelman Committee for the nomination and endorsement of the Kings County Democratic Party Committee.

122. Apart from Judge Jacobson, two other incumbent elected justices of the Supreme Court were being screened by the Edelman Committee for the nomination and endorsement of the Kings County Democratic Party Committee.

123. The two other incumbent elected justices of the Supreme Court being screened by the Edelman Committee for the nomination and endorsement of the Kings County Democratic Party Committee were Hon. Mark Partnow and Hon. Leon Ruchelsman.

124. Judge Jacobson is similarly situated to Hon. Mark Partnow as they have both served as elected Justices of the Supreme Court sitting in the Civil Term of Kings County since 2003 and they have similar experiences prior to serving as elected judges, including service as Court Attorneys to then sitting justices of the Supreme Court.

125. Judge Jacobson is similarly situated to Hon. Leon Ruchelsman as they have both served as elected Justices of the Supreme Court sitting in the Civil Term of Kings County since 2003, they had both been elected to the Civil Court of the City of New York and they have similar experiences prior to serving as elected judges, including service as Court Attorneys to then sitting judges.

126. Despite Judge Jacobson being similarly situated to Judges Partnow and Ruchelsman, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only released confidential information about Judge Jacobson to the public and the media.

127. Despite being similarly situated to Judges Partnow and Ruchelsman, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to inform Judge Jacobson of “particular areas of concern” orally and in writing.

128. Despite being similarly situated to Judges Partnow and Ruchelsman, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to provide Judge Jacobson with “written communication” that “detailed” any “areas of concern.”

129. Despite being similarly situated to Judges Partnow and Ruchelsman, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to provide Judge Jacobson with an opportunity “to be prepared to address before the full Committee the areas of concern.”

130. Despite being similarly situated to Judges Partnow and Ruchelsman, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to “inform” Judge Jacobson that “she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues.”

131. The three Civil Court judges being screened by the Edelman Committee for the nomination and endorsement of the Kings County Democratic Party Committee for positions on the Supreme Court were Hon. Peter P. Sweeney, Hon. Shawndya L. Simpson and Hon. Reginald Boddie. Each of these judges had been appointed as an Acting Justice of the Supreme Court.

132. Judge Jacobson is similarly situated to Hon. Peter P. Sweeney as they have both served on the bench of the Civil Term of the Supreme Court in Kings County, both had served as elected judges of the Civil Court and each of them practiced law privately prior to serving as judges.

133. Judge Jacobson is similarly situated to Hon. Shawndya L. Simpson as they have both served on the bench of the Supreme Court in Kings County and each served as elected judges of the Civil Court.

134. Judge Jacobson is similarly situated to Hon. Reginald Boddie as they have both served on the bench of the Civil Term of the Supreme Court in Kings County, both had served as elected judges of the Civil Court and each of them practiced law privately prior to serving as judges.

135. Despite Judge Jacobson being similarly situated to Judges Sweeney, Simpson and Boddie, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only released confidential information about Judge Jacobson to the public and the media.

136. Despite being similarly situated to Judges Sweeney, Simpson and Boddie, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to inform Judge Jacobson of “particular areas of concern” orally and in writing.

137. Despite being similarly situated to Judges Sweeney, Simpson and Boddie, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to provide Judge Jacobson with “written communication” that “detailed” any “areas of concern.”

138. Despite being similarly situated to Judges Sweeney, Simpson and Boddie, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to provide Judge Jacobson with an opportunity “to be prepared to address before the full Committee the areas of concern.”

139. Despite being similarly situated to Judges Sweeney, Simpson and Boddie, while being screened for the same nominations and endorsements by the Edelman Committee, the defendants only failed to “inform” Judge Jacobson that “she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues.”

- Counsel to the Kings County Public Administrator Who Sits on the Screening Committee and Had His Fee Demands Reduced by Judge Jacobson - Poisoned the Screening Process

140. Amongst her many responsibilities as Acting Surrogate, Judge Jacobson has to review, assess and make determinations about applications for counsel fees associated with matters pending in the Kings County Surrogate’s Court.

141. Included amongst the parties who would apply to the Surrogate's Court for counsel fees was counsel for the Kings County Public Administrator. *See, e.g.*, New York Surrogate's Court Procedure Act Law §§ 1108, 1123(5), 2110, 2301, 2302; New York Estate Powers & Trust Law § 11-1.1; 22 NYCRR 207.45.

142. Steven R. Finkelstein, Esq. serves as counsel to the Kings County Public Administrator and had been re-appointed to that position in 2006 by defendant Seddio who was then Surrogate.

143. Steven R. Finkelstein, Esq. serves on the Edelman Committee as the designated representative of the 42nd, 58th and 60th Assembly Districts.

144. In his capacity as counsel to the Public Administrator, Steven R. Finkelstein, Esq. frequently appeared before Judge Jacobson in her capacity as Acting Surrogate.

145. In his capacity as counsel to the Public Administrator, Steven R. Finkelstein, Esq. proffered counsel fee demands that were determined to be excessive as he often sought the maximum fee when little or no work had been done. True copies of orders issued by Judge Jacobson, in her capacity as Acting Surrogate, wherein she reduced the counsel fees payable to Mr. Finkelstein in his capacity as counsel to the Public Administrator are appended hereto and made a part hereof as **Exhibit 11**. These Orders include a mandate to refund fees collected in advance by former counsel to the Public Administrator, Louis Rosenthal.

146. In retaliatory, malicious and vindictive retribution for Judge Jacobson's proper exercise of judicial discretion and independence in protecting the beneficiaries of decedents, Steven R. Finkelstein, Esq. abused his position on the Edelman Committee and aided, abetted

and conspired with defendants Seddio, Edelman, members of the Kings County Democratic County Committee, members of the Edelman Committee, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants in an effort to deprive Judge Jacobson of equal protection of the law and due process, in an effort to maliciously and vindictively inflict maximum personal and professional retaliatory harm to Judge Jacobson - and chill judicial independence of all other serving judges who don't "obey" political demands or whims.

147. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" attorney's fee applications submitted by Mr. Finkelstein in his capacity as counsel to the Public Administrator, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including KCDCC's media consultant George Artz, agreed to maliciously and vindictively destroy Judge Jacobson personally and professionally. This conspiracy was carried out by performance of overt acts including:

- i. violating the rules of the Kings County Democratic County Committee;
- ii. violating the Rules and procedures of the Edelman Committee; and,
- iii. breaching the confidentiality of the judicial screening process

concerning Judge Jacobson.

148. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" attorney's fee applications submitted by Mr. Finkelstein in his capacity as counsel to the Public Administrator, defendants Seddio, Edelman,

Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including KCDCC media consultant George Artz, did violate the rules of the Kings County Democratic County Committee and the Edelman Committee.

149. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" attorney's fee applications submitted by Mr. Finkelstein in his capacity as counsel to the Public Administrator, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including KCDCC media consultant George Artz, did publically disseminate confidential information obtained from and about Judge Jacobson which information was obtained solely as a result of the judicial screening process.

150. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" attorney's fee applications submitted by Mr. Finkelstein in his capacity as counsel to the Public Administrator, defendants Edelman Committee, Edelman, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, failed to inform Judge Jacobson of "particular areas of concern."

151. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" attorney's fee applications submitted by Mr. Finkelstein in his capacity as counsel to the Public Administrator, defendants Edelman Committee, Edelman, Decker, Ajaiyeoba, John and Jane Does and others not named as

defendants, failed to provide Judge Jacobson with “written communication” that “detailed” any “areas of concern.”

152. Because of Judge Jacobson’s proper exercise of judicial discretion and independence, and refusal to “rubber stamp” attorney’s fee applications submitted by Mr. Finkelstein in his capacity as counsel to the Public Administrator, defendants Edelman Committee, Edelman, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, failed to provide Judge Jacobson with an opportunity “to be prepared to address before the full Committee the areas of concern.”

153. Because of Judge Jacobson’s proper exercise of judicial discretion and independence, and refusal to “rubber stamp” attorney’s fee applications submitted by Mr. Finkelstein in his capacity as counsel to the Public Administrator, defendants Edelman Committee, Edelman, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, failed to “inform” Judge Jacobson that “she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues.”

- Judge Jacobson Failed to Rule in Favor of a Party Represented by Defendant Seddio’s Former Law Partner and Current Counsel to Defendant Seddio as County Chair of the Kings County Democratic County Committee (Long Island College Hospital [“LICH”]; Frank V. Carone, Esq.)

154. On August 27, 2014, Judge Jacobson was assigned to hear emergency applications, Orders to Show Cause and *ex parte* applications in Kings County Supreme Court.

155. One of the matters that was presented to Judge Jacobson was a proposed Order to Show Cause brought by The New York State Nurses Association seeking to, *inter alia*, enjoin the State University of New York (“SUNY”) from taking actions inconsistent with a “Court-ordered Settlement Agreement entered on February 25, 2014.”

156. The underlying matter, captioned as *The New York State Nurses Association, et. al. v. New York State Department of Health, et. al.*, Index No. 5814/2013, involved, *inter alia*, contests to the sale of Long Island College Hospital (“LICH”) and efforts to ensure continued employment of nurses then employed at LICH and the continued provision of emergency medicine services which were being provided by LICH.

157. Appearing for SUNY, in opposition to the relief sought, was Frank V. Carone, Esq. of Abrams, Fensterman, Fensterman, Eiseman, Formato, Ferrara & Wolf, LLP (“Abrams Fensterman”).

158. Mr. Carone was previously the law partner of defendant Seddio in the Professional Service Limited Liability Company Seddio & Carone PLLC. Upon information and belief, based upon the records of the New York State Department of State, Division of Corporations, that law practice was formed on May 30, 2008 and functioned through its dissolution on December 10, 2014. A true copy of a printout of publically accessible records of the New York State Department of State, Division of Corporations is appended hereto and made a part hereof as **Exhibit 12**.

159. Both Mr. Carone and defendant Seddio reportedly took their practices and joined them with partnerships at Abrams Fensterman.

160. Defendant Seddio stopped practicing law with Abrams Fensterman.

161. In addition to his partnership with Abrams Fensterman, Mr. Carone also serves as Counsel to the County Chair of the Kings County Democratic County Committee.

162. Defendant Seddio is the County Chair of the Kings County Democratic County Committee. Accordingly, Mr. Carone is defendant Seddio's counsel.

163. Mr. Carone has also been, and may still be, the chairperson of the "Law Committee" of defendant Kings County Democratic County Committee.

164. After vigorous oral argument before Judge Jacobson on August 27, 2014, wherein Mr. Carone insisted that Judge Jacobson not enjoin SUNY, Judge Jacobson issued an Order With Temporary Restraining Order solely to preserve the *status quo* for the brief period until September 12, 2014. A true copy of this Order, which Mr. Carone agreed to the form, though not the result, is appended hereto and made a part hereof as **Exhibit 13**.

165. Subsequent to argument before Judge Jacobson, The New York State Nurses Association apparently changed its position and sought relief not contemplated by the papers considered by Judge Jacobson on August 27, 2014. Accordingly, on September 29, 2014, Hon. Johnny Lee Baynes, the justice of the Supreme Court assigned to matter, issued an Interim Order denying The New York State Nurses Association's application procedurally and substantively. A true copy of this Interim Order is also appended hereto and made a part hereof as Ex. 13, *supra*. Also included as part of appended Ex. 13, and made a part hereof, are electronic mail communications between Mr. Carone and counsel for The New York State

Nurses Association, which are part of the filings maintained by the Clerk of the Kings County Supreme Court.

166. Retaliatory, Vindictive and Malicious Deprivation of Judge Jacobson's Right to "Equal Protection of Law" and "Due Process"! In retribution for Judge Jacobson's proper exercise of judicial discretion and independence which was inconsistent with the desires of Mr. Carone who is defendant Seddio's counsel and was Seddio's law partner, defendants Edelman and Decker abused their positions on the Edelman Committee and defendant Seddio abused his position as County Chair of the Kings County Democratic County Committee and aided, abetted and conspired with members of the Executive Committee of defendant Kings County Democratic County Committee, members of the Edelman Committee, defendant Ajaiyeoba, defendants John and Jane Does and others not named as defendants, including Mr. Carone, in an effort to deprive Judge Jacobson of "equal protection of the law" and "due process," in an effort to maliciously and vindictively inflict maximum personal and professional harm to Judge Jacobson.

167. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to judicially endorse Mr. Carone's opposition to maintaining the status quo of keeping a hospital emergency department open while keeping a discrete number of nurses employed, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, John and Jane Does, members of the Executive Committee of defendant Kings County Democratic County Committee, members of defendant Edelman Committee and others not named as

defendants agreed to maliciously and vindictively destroy Judge Jacobson personally and professionally. This conspiracy was carried out by performance of overt acts including:

- i. violating the rules of the Kings County Democratic County Committee;
- ii. violating the Rules and procedures of the Edelman Committee; and,
- iii. breaching the confidentiality of the judicial screening process

concerning Judge Jacobson.

168. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to judicially endorse Mr. Carone's opposition to maintaining the *status quo* of keeping a hospital emergency department open while keeping a discrete number of nurses employed, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including defendant KCDCC's media consultant George Artz, did violate the rules of the Kings County Democratic County Committee and the Edelman Committee.

169. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to judicially endorse Mr. Carone's opposition to maintaining the then *status quo* of keeping a hospital emergency department open while keeping a discrete number of nurses employed, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including defendant KCDCC's media consultant George Artz,

did publically disseminate confidential information obtained from and about Judge Jacobson which information was obtained solely as a result of the judicial screening process.

170. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to judicially endorse Mr. Carone's opposition to maintaining the then *status quo* of keeping a hospital emergency department open while keeping a discrete number of nurses employed, defendants Edelman, Edelman Committee, Decker and Ajaiyeoba failed to inform Judge Jacobson of "particular areas of concern."

171. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to judicially endorse Mr. Carone's opposition to maintaining the status quo of keeping a hospital emergency department open while keeping a discrete number of nurses employed, defendants Edelman, Edelman Committee, Decker and Ajaiyeoba failed to provide Judge Jacobson with "written communication" that "detailed" any "areas of concern."

172. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to judicially endorse Mr. Carone's opposition to maintaining the status quo of keeping a hospital emergency department open while keeping a discrete number of nurses employed, defendants Edelman, Edelman Committee, Decker and Ajaiyeoba failed to provide Judge Jacobson with an opportunity "to be prepared to address before the full Committee the areas of concern."

173. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to judicially endorse Mr. Carone's opposition to maintaining the *status quo* of keeping a hospital emergency department open while keeping a discrete number of nurses employed, defendants Edelman, Edelman Committee, Decker and Ajaiyeoba failed to "inform" Judge Jacobson that "she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues."

- Judge Jacobson's Determinations in Foreclosure Actions Did Not Defer To Kings County Democratic Party Supported/Favored Banks and Lenders

174. As part of Judge Jacobson's duties as a Justice of the Supreme Court, she was assigned a docket of residential foreclosure actions.

175. Since the mortgage foreclosure crisis, New York State and its Office of Court Administration have taken affirmative positions trying to keep homeowners within their residences.

176. For example, in 2008, the New York State legislature amended the Civil Practice Law and Rules to include C.P.L.R. Rule 3408, entitled "Mandatory settlement conference in residential foreclosure actions." These Rules require good faith negotiations by the lender and homeowner in residential foreclosure actions with a stated

purpose of holding settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan documents, including, but not limited to determining whether the parties can reach a mutually agreeable resolution to help the defendant avoid losing his or her home, and evaluating the potential for a resolution in which payment schedules or amounts may be

modified or other workout options may be agreed to, and for whatever other purposes the court deems appropriate.

C.P.L.R. Rule 3408(a). *See also*, 22 NYCRR 202.12-a.

177. Additionally, New York State enacted other laws designed to protect homeowners in the mortgage foreclosure process. For instance, the Real Property Actions and Proceedings Law was amended in 2008 to add R.P.A.P.L. § 1404, which, in pertinent part, mandates certain specific notices that must be provided to a homeowner before the lender can take legal action against them. In 2006, the New York State legislature added R.P.A.P.L. § 1403, which, in pertinent part also mandates specific notices be provided to a residential borrower in advance of foreclosure.

178. Notably, as protection of homeowners has become paramount, New York State Appellate Courts have held that strict compliance with R.P.A.P.L. §§ 1403 and 1404 are conditions precedent to a lender bringing a residential foreclosure action.

179. In addition to legislative action, the Rules of the Chief Judge of the state of New York require that attorneys prosecuting residential foreclosure actions file an affirmation as to the accuracy of the documents relied upon. *See, e.g.*, 22 NYCRR 202.12-a(f); Chief Judge Admin. Ord. 584–10 (Oct. 20, 2010).

180. Judge Jacobson's judicial service was always independent and apolitical, and honored the strong public policy against residential foreclosure.

181. Mortgage lenders have provided significant financial support to the Kings County Democratic County Committee and its fundraising.

182. Defendant Seddio has worked for and frequently represented lenders.

183. In or about 2007, prior to forming Seddio & Carone PLLC with Mr. Carone, defendant Seddio was a Vice President at Wall Street Mortgage Bankers, Ltd. d/b/a Power Express.

184. Power Express maintains its principal place of business at 1111 Marcus Avenue, Lake Success, New York - the same building where Abrams Fensterman's main offices are located.

185. Defendant Seddio's counsel, Mr. Carone, is on the Advisory Board of the New York League of Independent Bankers and a member of the Board of Hanover Community Bank.

186. Mr. Carone had also previously founded a mortgage lending bank which provided services in multiple states.

187. Amongst the areas of practice that Abrams Fensterman holds Mr. Carone out as practicing is "Banking & Mortgage Compliance." Moreover, the profile on Mr. Carone published by Abrams Fensterman refers to his membership in "The American Association of Bank Directors." *See*, Abrams Fensterman, Frank V. Carone, Executive Partner, *available at* http://www.abramslaw.com/frank_carone_attorney_profile_id_1012, *last accessed* Aug. 25, 2016.

188. Banks and lenders have significant influence over the Kings County Democratic County Committee - which is directly at odds with New York State public policy enacted as laws or regulations.

189. Based on the facts and law presented to her, some of Judge Jacobson's decisions on residential foreclosure actions have been for the homeowner, procedurally, substantively or both - to the annoyance of the Kings County Democratic Party's favored lenders. Upon information and belief, defendant Seddio has "appointed" one, or more, attorneys who specialized in bringing foreclosure actions by banks and lenders to become "Law Clerk" or "Law Secretary" to Justices of the Supreme Court in Kings County Supreme Court dealing with foreclosure actions.

190. In retribution for Judge Jacobson's proper exercise of judicial discretion and independence which was inconsistent with the desires of Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Edelman and Decker abused their positions on the Edelman Committee and defendant Seddio abused his position as County Chair of the Kings County Democratic County Committee and aided, abetted and conspired with Finkelstein, Ajaiyeoba, John and Jane Does and others not named as defendants, including members of the Executive Committee of defendant Kings County Democratic County Committee, members of the Edelman Committee and Mr. Carone, in an effort to deprive Judge Jacobson of "equal protection of the law" and "due process," in an malicious and vindictive effort to inflict maximum personal and professional harm to Judge Jacobson - so as to chill every other judge serving in Kings County and elsewhere in New York to not exercise judicial independence.

191. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures,

as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including members of the Executive Committee of the KCDCC and members of the Edelman Committee agreed to violate the rules of the Kings County Democratic County Committee.

192. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including members of the Executive Committee of the KCDCC and members of the Edelman Committee agreed to violate the rules of the Edelman Committee.

193. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including members of the Executive Committee of the KCDCC and members of the Edelman Committee agreed to

breach the confidentiality of the judicial screening process concerning Judge Jacobson's application.

194. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including members of the Executive Committee of the KCDCC and members of the Edelman Committee, did violate the rules of the Kings County Democratic County Committee and the Edelman Committee.

195. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Seddio, Edelman, Kings County Democratic County Committee, the Edelman Committee, Finkelstein, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, including members of the Executive Committee of the KCDCC, members of the Edelman Committee and KCDCC media consultant George Artz, did publically disseminate confidential information obtained from and about Judge Jacobson which information was obtained solely as a result of the confidential judicial screening process.

196. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Edelman, Edelman Committee, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, failed to inform Judge Jacobson of "particular areas of concern."

197. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Edelman, Edelman Committee, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, failed to provide Judge Jacobson with "written communication" that "detailed" any "areas of concern."

198. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Edelman, Edelman Committee, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, failed to provide Judge Jacobson with an opportunity "to be prepared to address before the full Committee the areas of concern."

199. Because of Judge Jacobson's proper exercise of judicial discretion and independence, and refusal to "rubber stamp" approvals of residential mortgage foreclosures, as desired by Mr. Seddio, Mr. Carone and mortgage lenders who are favored by and exercise influence over the Kings County Democratic County Committee, defendants Edelman, Edelman Committee, Decker, Ajaiyeoba, John and Jane Does and others not named as defendants, failed to "inform" Judge Jacobson that "she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues."

First Count

Violation of Equal Protection of the Law (Against All Defendants)

200. Plaintiff repeats and re-alleges all of the allegations contained in the preceding paragraphs as though they have been restated in full herein.

201. Plaintiff constituted and constitutes a "class of one" within the meaning of the Equal Protection Clause of the United States Constitution.

202. By releasing confidential information pertaining to the judicial screening process concerning Judge Jacobson, defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, treated Judge Jacobson differently than other similarly situated incumbent elected Justices of the Supreme Court who were simultaneously candidates

for the nomination of and endorsement by defendant Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Mark Partnow;
- ii. Hon. Leon Ruchelsman.

203. No rational person could regard the circumstances of plaintiff to differ from those of Justices Partnow and Ruchelsman to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

204. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Justices Partnow and Ruchelsman, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

205. By releasing confidential information pertaining to the judicial screening process concerning Judge Jacobson, defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, treated Judge Jacobson differently than other similarly situated individuals who were simultaneously candidates for the nomination of and endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Peter P. Sweeney;
- ii. Hon. Shawndya L. Simpson; and,
- iii. Hon. Reginald Boddie.

206. No rational person could regard the circumstances of plaintiff to differ from those of Judges Sweeney, Simpson and Boddie to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

207. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Judges Sweeney, Simpson and Boddie, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

208. The actions of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, individually and collectively, were highly discriminatory, unfair, and improper.

209. The treatment of the plaintiff by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does was outrageous and shocking to the conscience.

210. The conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, violated plaintiff's right to equal protection in violation of 42 U.S.C. §1983 and the Fourteenth Amendment to the United States Constitution.

211. As a proximate result of the conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does and the violation of her constitutional rights, plaintiff has been damaged.

212. The amount of plaintiff's damages is to be determined after trial, and should be in an amount not less than \$5,000,000.00 in compensatory damages, along with nominal damages of not less than \$1.00.

213. The outrageous and malicious conduct by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, specifically intending to harm the plaintiff by a deprivation of her constitutional rights, further justifies an award of punitive damages to the plaintiff in the highest amount constitutionally permissible, as found by a fair, just and impartial jury.

214. Plaintiff is also entitled to recover her attorneys' fees in this proceeding pursuant to 42 U.S.C. §1988.

Second Count

Violation of Equal Protection of the Law (Against All Defendants Except Finkelstein)

215. Plaintiff repeats and re-alleges all of the allegations contained in the preceding paragraphs as though they have been restated in full herein.

216. Plaintiff constituted and constitutes a "class of one" within the meaning of the equal protection clause of the United States Constitution.

217. Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, treated Judge Jacobson differently than other similarly situated incumbent elected Justices of the Supreme Court who were simultaneously candidates for the nomination of and

endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, in selectively violating the Edelman Committee Rules by failing to:

- i. inform Judge Jacobson of “particular areas of concern”;
- ii. provide Judge Jacobson with “written communication” that “detailed” any “areas of concern”;
- iii. provide Judge Jacobson with an opportunity “to be prepared to address before the full Committee the areas of concern”;
- iv. “inform” Judge Jacobson that “she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues.”

218. Judge Jacobson was treated differently by Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, than other similarly situated incumbent elected Justices of the Supreme Court who were simultaneously candidates for the nomination of and endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Mark Partnow;
- ii. Hon. Leon Ruchelsman.

219. No rational person could regard the circumstances of plaintiff to differ from those of Justices Partnow and Ruchelsman to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

220. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Justices Partnow and Ruchelsman, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

221. Judge Jacobson was treated differently by Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, than other similarly situated individuals who were simultaneously candidates for the nomination of and endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Peter P. Sweeney;
- ii. Hon. Shawndya L. Simpson; and,
- iii. Hon. Reginald Boddie.

222. No rational person could regard the circumstances of plaintiff to differ from those of Judges Sweeney, Simpson and Boddie to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

223. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Judges Sweeney, Simpson and Boddie, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

224. The actions of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, individually and collectively, were highly discriminatory, unfair, and improper.

225. The treatment of the plaintiff by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does was outrageous and shocking to the conscience.

226. The conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does violated plaintiff's right to equal protection in violation of 42 U.S.C. §1983 and the Fourteenth Amendment to the United States Constitution.

227. As a proximate result of the conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does and the violation of her constitutional rights, plaintiff has been damaged.

228. The amount of plaintiff's damages is to be determined after trial, and should be in an amount not less than \$5,000,000.00 in compensatory damages, along with nominal damages of not less than \$1.00.

229. The outrageous and malicious conduct by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, specifically intending to harm the plaintiff by a deprivation of her constitutional rights, further justifies an award of punitive damages to the plaintiff in the highest amount constitutionally permissible, as found by a fair, just and impartial jury.

230. Plaintiff is also entitled to recover her attorneys' fees in this proceeding pursuant to 42 U.S.C. §1988.

Third Count

Conspiracy to Violate Plaintiff's Equal Protection Rights

(Against All Defendants Except Kings County Democratic County Committee and Edelman Committee)

231. Plaintiff repeats and re-alleges all of the allegations contained in the preceding paragraphs as though they have been restated in full herein.

232. Plaintiff constituted and constitutes a “class of one” within the meaning of the equal protection clause of the United States Constitution.

233. The Rules enacted by defendants Kings County Democratic County Committee and Edelman Committee governing the screening, selecting and nomination of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District are enacted under color of law.

234. Based upon the Rules enacted, under color of law, by defendants Kings County Democratic County Committee and Edelman Committee governing the screening, selecting and nomination of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District, without the “Qualified” and “Recommended” labels of the Edelman Committee, the Kings County Democratic County Committee cannot nominate or endorse a candidate seeking election as a Justice of the Supreme Court in New York's Second Judicial District.

235. Without the nomination of the Kings County Democratic County Committee, a candidate seeking election as a Justice of the Supreme Court in New York's Second Judicial District cannot appear as a candidate of the Democratic party on a general election ballot.

236. Nomination and endorsement of a candidate seeking election as a Justice of the Supreme Court in New York's Second Judicial District by the Kings County Democratic County Committee is tantamount to being elected to that judgeship.

237. Not being nominated and endorsed by the Kings County Democratic County Committee as a candidate for election as a Justice of the Supreme Court in New York's Second Judicial District is tantamount to not getting on the ballot.

238. Without the nomination and endorsement by the Kings County Democratic County Committee, it is essentially impossible for a candidate to secure election as a Justice of the Supreme Court in New York's Second Judicial District.

239. At all times herein mentioned, Judge Jacobson was entitled to have her candidacy before defendant Edelman Committee for its recommendation and nomination and endorsement by defendant Kings County Democratic County conducted in accordance with the Rules enacted under color of law governing the screening, selecting and nomination of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District by defendants Kings County Democratic County Committee and Edelman Committee.

240. At all times herein mentioned, Judge Jacobson was entitled to have her candidacy before defendant Edelman Committee for its recommendation and nomination and endorsement by defendant Kings County Democratic County conducted without unlawful and arbitrary interference and deprivation from the defendants.

241. In accordance with the Rules enacted by defendants Kings County Democratic County Committee and Edelman Committee governing the screening, selection and nomination

of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District, on or about February 23, 2016, Judge Jacobson submitted her confidential questionnaire in support of her candidacy as an incumbent elected Justice of the Supreme Court.

242. On or about and between February 23, 2016 and Judge Jacobson's May 18, 2016 interview with defendant Ajaiyeoba, later joined by defendant Decker, sitting as a subcommittee of the Edelman Committee, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to deny Judge Jacobson fair consideration for recommendation and re-nomination as an already sitting incumbent elected Justice of the Supreme Court in New York's Second Judicial District.

243. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to act in concert in order to deprive Judge Jacobson of her right to equal protection of the law as guaranteed by the Fourteenth Amendment to the United States Constitution.

244. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among

themselves and with other individuals to treat Judge Jacobson differently than all other similarly situated candidates for upcoming judicial vacancies on the Supreme Court in New York's Second Judicial District.

245. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to treat Judge Jacobson differently than all other similarly situated candidates for upcoming judicial vacancies on the Supreme Court in New York's Second Judicial District.

246. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to violate and disregard the Rules enacted by defendants Kings County Democratic County Committee and Edelman Committee governing the screening, selection and nomination of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District, only with respect to their handling, processing and consideration of the application of Judge Jacobson.

247. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among

themselves and with other individuals to fabricate “particular areas of concern” about Judge Jacobson’s application.

248. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to not inform Judge Jacobson of “particular areas of concern” about her application.

249. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to not provide Judge Jacobson with “written communication” that “detailed” any “areas of concern” about her application.

250. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to not provide Judge Jacobson with an opportunity “to be prepared to address before the full Committee the areas of concern” about her application.

251. On or about and between February 23, 2016 and May 25, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to not “inform” Judge Jacobson that “she may bring to

the interview of the full committee any materials that the candidate believes may be relevant to the issues” of concern about her application.

252. On or about and between February 23, 2016 and July 13, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to release confidential information pertaining to the judicial screening process concerning Judge Jacobson to the public and the media.

253. On or about and between February 23, 2016 and July 13, 2016, defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, along with Mr. Carone, and others whose identities are as yet unknown, agreed among themselves and with other individuals to release confidential information pertaining to the judicial screening process concerning Judge Jacobson to personnel with the *New York Post*.

254. In furtherance of the conspiracy defendants Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba, and John/Jane Does, acting under color of law, engaged in and facilitated numerous overt acts, including, without limitation, the following:

i. On or about and between February 23, 2016 and May 25, 2016, selectively violating the Edelman Committee Rules by failing to inform Judge Jacobson of “particular areas of concern”;

ii. On or about and between February 23, 2016 and May 25, 2016, selectively violating the Edelman Committee Rules by failing to provide Judge Jacobson with “written communication” that “detailed” any “areas of concern”;

iii. On or about and between February 23, 2016 and May 25, 2016, selectively violating the Edelman Committee Rules by failing to provide Judge Jacobson with an opportunity “to be prepared to address before the full Committee the areas of concern”;

iv. On or about and between February 23, 2016 and May 25, 2016, selectively violating the Edelman Committee Rules by failing to “inform” Judge Jacobson that “she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues”;

v. on or about and between June 7, 2016 and July 13, 2016, disclosing confidential information pertaining to the judicial screening process concerning Judge Jacobson to personnel with the *New York Post*.

255. Judge Jacobson was treated differently by Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, than other similarly situated incumbent elected Justices of the Supreme Court who were simultaneously candidates for the nomination of and endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Mark Partnow;
- ii. Hon. Leon Ruchelsman.

256. No rational person could regard the circumstances of plaintiff to differ from those of Justices Partnow and Ruchelsman to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

257. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Justices Partnow and Ruchelsman, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

258. Judge Jacobson was treated differently by Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, than other similarly situated individuals who were simultaneously candidates for the nomination of and endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Peter P. Sweeney;
- ii. Hon. Shawndya L. Simpson; and,
- iii. Hon. Reginald Boddie.

259. No rational person could regard the circumstances of plaintiff to differ from those of Judges Sweeney, Simpson and Boddie to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

260. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Judges Sweeney, Simpson and Boddie, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

261. The actions of defendants Kings County Democratic County Committee Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, individually and collectively, were highly discriminatory, unfair, and improper.

262. The treatment of the plaintiff by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does was outrageous and shocking to the conscience.

263. The agreement to deprive Judge Jacobson of equal protection was for the personal benefit of defendants Seddio, Edelman, Decker and Finkelstein, as well as for the personal benefit of Mr. Carone, his law firm, mortgage lenders supporting and exercising influence over the Kings County Democratic County Committee, and others whose identities are as yet unknown.

264. The agreement to deprive Judge Jacobson of equal protection was intended to maliciously harm Judge Jacobson.

265. The defendants acted in their individual, official and representative capacities when agreeing to deprive Judge Jacobson of equal protection.

266. The defendants acted in their individual, official and representative capacities when depriving Judge Jacobson of equal protection.

267. The conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does violated plaintiff's right to equal protection in violation of 42 U.S.C. §1983 and the Fourteenth Amendment to the United States Constitution.

268. As a proximate result of the agreements and conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, along with Mr. Carone, his law firm, mortgage lenders

supporting and exercising influence over the Kings County Democratic County Committee, members of the Executive Committee of the KCDCC, members of the Edelman Committee and others whose identities are as yet unknown, Judge Jacobson's constitutional rights to equal protection of the laws were violated and she was deprived of same.

269. As a proximate result of the agreements and conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, along with Mr. Carone, his law firm, mortgage lenders supporting and exercising influence over the Kings County Democratic County Committee, and others whose identities are as yet unknown, leading to the violations and deprivations of Judge Jacobson's constitutional rights, plaintiff has been damaged.

270. The amount of plaintiff's damages is to be determined after trial, and should be in an amount not less than \$5,000,000.00 in compensatory damages, along with nominal damages of not less than \$1.00.

271. The outrageous and malicious conduct by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, specifically intending to harm the plaintiff by a deprivation of her constitutional rights, further justifies an award of punitive damages to the plaintiff in the highest amount constitutionally permissible, as found by a fair, just and impartial jury.

272. Plaintiff is also entitled to recover her attorneys' fees in this proceeding pursuant to 42 U.S.C. §1988.

Fourth Count

Injunctive Relief
(Against All Defendants)

273. The Plaintiff repeats, reiterates, and re-alleges each and every allegation stated in the preceding paragraphs as if set forth in full herein.

274. The defendants have and continue to disclose confidential information about the judicial screening of Judge Jacobson, in violation of their own Rules and procedures.

275. The defendants have used and continue to use their disclosure of confidential information concerning the judicial screening of Judge Jacobson to violate and deprive Judge Jacobson of rights afforded to her under the Constitutions of the United States and the State of New York.

276. Additionally, defendant Edelman Committee, by virtue of its essential predicate approval-label nexus with defendant Kings County Democratic County Committee, is empowered by the laws of the state of New York to screen candidates that will be nominated by defendant Kings County Democratic County Committee to be on the general election ballot for election to the Supreme Court of the State of New York for the Second Judicial District.

277. Without the nomination and endorsement of defendant Kings County Democratic County Committee a candidate for Justice of the Supreme Court is essentially unable to get on the ballot for consideration by the voters in the Second Judicial District.

278. Without the nomination and endorsement by the Kings County Democratic County Committee, it is essentially impossible for a candidate to secure election as a Justice of the Supreme Court in New York's Second Judicial District.

279. The defendants' failure to comply with their own stated Rules and procedures thwarted a fair screening of Judge Jacobson.

280. The Edelman Committee includes people that, as a matter of Rule enacted under color of law, may not sit as voting members of the Edelman Committee.

281. Defendant Edelman is not a resident of Kings County, nor is his law practice located in Kings County.

282. Defendant Decker is not a resident of Kings County, nor is his law practice located in Kings County.

283. The Edelman Committee Rules, enacted under color of law, require all members of the Committee to live and/or maintain their business in Kings County.

284. The defendants have shown that they view compliance with their own Rules and regulations arbitrarily.

285. The defendants used their arbitrary disregard of their own Rules and regulations to harm Judge Jacobson.

286. The defendants have and undoubtably will continue to use the arbitrary compliance and enforcement of their own Rules and regulations, enacted under color of law, to deprive candidates their state and federal constitutional rights.

287. This is an ongoing controversy which affects not merely the current plaintiff, but has likely affected third parties in the past, and will undoubtedly affect third parties in the future.

288. As such there is an actual controversy over which this Court possesses jurisdiction.

289. In view of the forgoing, the plaintiff seeks permanent injunctive relief:

i. disbanding the illegally comprised defendant Judicial Screening Committee for the Democratic Party in and for Kings County (“Edelman Committee”);

ii. Enjoining defendants Kings County Democratic County Committee Judicial Screening Committee for the Democratic Party in and for Kings County and County from continuing to carry out the constitutionally infirm practices described herein; and,

iii. For such other and further relief as this court may deem just and proper to prevent unlawful destruction or chilling of necessary judicial independence within our separated powers regime.

State Law Based Counts

Fifth Count

Violation of Equal Protection Under the New York State Constitution (Against All Defendants)

290. The Plaintiff repeats, reiterates, and re-alleges each and every allegation stated in the preceding paragraphs as if set forth in full herein.

291. By releasing confidential information pertaining to the judicial screening process concerning Judge Jacobson, defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, treated Judge Jacobson differently than other similarly situated incumbent elected Justices of the Supreme Court who were simultaneously candidates for the nomination of and endorsement by defendant Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Mark Partnow;
- ii. Hon. Leon Ruchelsman.

292. No rational person could regard the circumstances of plaintiff to differ from those of Justices Partnow and Ruchelsman to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

293. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Justices Partnow and Ruchelsman, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

294. By releasing confidential information pertaining to the judicial screening process concerning Judge Jacobson, defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, treated Judge Jacobson differently than other similarly situated individuals who were simultaneously candidates for the nomination of and

endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Peter P. Sweeney;
- ii. Hon. Shawndya L. Simpson; and,
- iii. Hon. Reginald Boddie.

295. No rational person could regard the circumstances of plaintiff to differ from those of Judges Sweeney, Simpson and Boddie to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

296. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Judges Sweeney, Simpson and Boddie, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

297. The actions of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, individually and collectively, were highly discriminatory, unfair, and improper.

298. The treatment of the plaintiff by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does was outrageous and shocking to the conscience.

299. The conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, deprived Judge Jacobson of equal protection of the law in violation of Article I, § 11 of the New York Constitution, and the defendants are thereby liable to Judge Jacobson.

300. As a proximate result of the conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does and the violation of her constitutional rights, plaintiff has been damaged.

301. The amount of plaintiff's damages is to be determined after trial, and should be in an amount not less than \$5,000,000.00 in compensatory damages, along with nominal damages of not less than \$1.00.

302. The outrageous and malicious conduct by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, specifically intending to harm the plaintiff by a deprivation of her constitutional rights, further justifies an award of punitive damages to the plaintiff in the highest amount constitutionally permissible, as found by a fair, just and impartial jury.

Sixth Count

Violation of Equal Protection Under the New York State Constitution (Against All Defendants Except Finkelstein)

303. The Plaintiff repeats, reiterates, and re-alleges each and every allegation stated in the preceding paragraphs as if set forth in full herein.

304. Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, treated Judge Jacobson differently than other similarly situated incumbent elected Justices of the Supreme Court who were simultaneously candidates for the nomination of and

endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, in selectively violating the Edelman Committee Rules by failing to:

- i. inform Judge Jacobson of “particular areas of concern”;
- ii. provide Judge Jacobson with “written communication” that “detailed” any “areas of concern”;
- iii. provide Judge Jacobson with an opportunity “to be prepared to address before the full Committee the areas of concern”;
- iv. “inform” Judge Jacobson that “she may bring to the interview of the full committee any materials that the candidate believes may be relevant to the issues.”

305. Judge Jacobson was treated differently by Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, than other similarly situated incumbent elected Justices of the Supreme Court who were simultaneously candidates for the nomination of and endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Mark Partnow;
- ii. Hon. Leon Ruchelsman.

306. No rational person could regard the circumstances of plaintiff to differ from those of Justices Partnow and Ruchelsman to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

307. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Justices Partnow and Ruchelsman, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

308. Judge Jacobson was treated differently by Defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, while acting under color of law, than other similarly situated individuals who were simultaneously candidates for the nomination of and endorsement by Kings County Democratic County Committee for Justice of the Supreme Court, namely:

- i. Hon. Peter P. Sweeney;
- ii. Hon. Shawndya L. Simpson; and,
- iii. Hon. Reginald Boddie.

309. No rational person could regard the circumstances of plaintiff to differ from those of Judges Sweeney, Simpson and Boddie to justify the differential treatment of plaintiff on the basis of a legitimate policy exercised under color of law.

310. The similarity in circumstances and difference in treatment among plaintiff, on the one hand, and Judges Sweeney, Simpson and Boddie, on the other hand, are sufficient to exclude the possibility that the defendants acted on the basis of mistake.

311. The actions of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, individually and collectively, were highly discriminatory, unfair, and improper.

312. The treatment of the plaintiff by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does was outrageous and shocking to the conscience.

313. The conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does deprived Judge Jacobson of equal protection of the law in violation of Article I, § 11 of the New York Constitution, and the defendants are thereby liable to Judge Jacobson.

314. As a proximate result of the conduct of defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does and the violation of her constitutional rights, plaintiff has been damaged.

315. The amount of plaintiff's damages is to be determined after trial, and should be in an amount not less than \$5,000,000.00 in compensatory damages, along with nominal damages of not less than \$1.00.

316. The outrageous and malicious conduct by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Decker, Ajaiyeoba and John/Jane Does, specifically intending to harm the plaintiff by a deprivation of her constitutional rights, further justifies an award of punitive damages to the plaintiff in the highest amount constitutionally permissible, as found by a fair, just and impartial jury.

Seventh Count

Breach of Contract/Implied Contract (Against All Defendants)

317. The Plaintiff repeats, reiterates, and re-alleges each and every allegation stated in the preceding paragraphs as if set forth in full herein.

318. The defendants' individually and collectively offered to screen Judge Jacobson for potential recommendation by the Edelman Committee and nomination and endorsement by the Kings County Democratic County Committee.

319. In accordance with the Rules enacted by defendants Kings County Democratic County Committee and Edelman Committee governing the screening, selection and nomination of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District, on or about February 23, 2016, Judge Jacobson submitted her confidential questionnaire in support of her candidacy as an incumbent elected Justice of the Supreme Court.

320. The very first page of the questionnaire specifically provides "Please be advised that all information provided will be kept strictly confidential." (Ex. 10, *supra*) (emphasis in original).

321. The Rules enacted by defendants Kings County Democratic County Committee and Edelman Committee governing the screening, selection and nomination of candidates seeking election as Justices of the Supreme Court in New York's Second Judicial District provide, in pertinent part, that:

i. **“Except for the Report to the Executive Committee of the Democratic Party, all proceedings before the panel and all investigative reports shall be treated as strictly confidential.** Any inquiries concerning such proceedings or reports shall be referred to the Chair of this Committee. In the event that a member violates this provision, the Chair must discharge that member from any further deliberations of the panel.”

Ex. 8 at Rule 13 (**emphasis in original**);

ii. “In investigating the qualifications of a candidate, the Chair shall appoint a subcommittee of one or more members of the Committee (designating one such member as the Reporter for the subcommittee) to conduct the necessary investigation, and submit a pre-screening report and recommendation to the Committee. **The selection of the sub-committee shall be by lottery. The subcommittee shall conduct a personal interview of the candidate.** All pre-screening reports shall be circulated prior to the interview. *The confidentiality of the report is paramount.* Copies of the report shall be returned to the person or persons who conducted the interview after voting has occurred. In the event the candidate is asked to return for a further interview, the copies of the pre-screening report shall be returned to the person or persons who prepared the pre-screening report and produced at the continuing interview and then returned to the person or persons who prepared the report. After final votes are taken all copies shall be returned to the person or persons who prepared the report. *One copy shall be kept by the Chair and one copy shall be kept by the person or persons who prepared the report. All other copies shall be destroyed. Any committee member who distributes a copy of a pre-screening report without the consent of the Committee shall be immediately suspended from the Committee.*”

Id. at Rule 17 (**emphasis in original**) (*emphasis added*);

iii. “At the end of the deliberative process, all applications of the candidates shall be retrieved by the Chair. The Chair shall make arrangements for the destruction of all copies with the exception of one copy or original to be kept in the possession of the Chair. The application shall remain confidential and shall not be disclosed without a vote of the Committee.”

Id. at Rule 30.

322. The defendants assured all candidates for screening for potential recommendation by the Edelman Committee and nomination and endorsement by the Kings County Democratic County Committee, including Judge Jacobson, that all information about their candidacy and the screening process would be kept confidential.

323. Judge Jacobson relied on the defendants' written and regulatory assurances of confidentiality.

324. Judge Jacobson was in compliance with all of the Rules and procedures of the Edelman Committee and Kings County Democratic County Committee as pertained to her as a candidate for screening.

325. The defendants were obligated by their assurances to keep confidential all information they obtained concerning Judge Jacobson's candidacy for potential recommendation by the Edelman Committee and nomination and endorsement by the Kings County Democratic County Committee.

326. The defendants were obligated by the Rules of the Edelman Committee and the Kings County Democratic County Committee to keep confidential all information they obtained concerning the screening of Judge Jacobson.

327. The defendants failed to maintain all information they obtained concerning the screening of Judge Jacobson as confidential.

328. The defendants intentionally disclosed information about the screening of Judge Jacobson that they were obliged to keep confidential.

329. The defendants intentionally disclosed information about the screening of Judge Jacobson that they assured Judge Jacobson would be kept confidential.

330. As a proximate result of the unauthorized disclosure by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Ajaiyeoba, Finkelstein and John/Jane Does of confidential information pertaining to her judicial screening, Judge Jacobson has been damaged.

331. The amount of plaintiff's damages is to be determined after trial, and should be in an amount not less than \$5,000,000.00 in compensatory damages, along with nominal damages of not less than \$1.00.

332. The outrageous and malicious conduct by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, specifically intending to harm the plaintiff by a deprivation of her constitutional rights, further justifies an award of punitive damages to the plaintiff in the highest amount constitutionally permissible, as found by a fair, just and impartial jury.

Eighth Count

Libel and Slander (Against All Defendants)

333. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that Judge Jacobson had been found "Unqualified" by the Edelman Committee - a designation that does not even exist.

334. Based on the statements of the defendants, the *New York Post* reported in print and on the internet that the defendants had found Judge Jacobson “Unqualified.” (Exs. 4, 5, *supra*).

335. The defendants falsely told or conveyed to personnel with the *New York Post* that Judge Jacobson is “not the brightest bulb in the courthouse to begin with.”

336. Based on the statements of the defendants, the *New York Post* reported in print and on the internet, of and concerning Judge Jacobson, that “She’s not the brightest bulb in the courthouse to begin with” (Exs. 4, *supra*).

337. Defendant Decker had personally told Judge Jacobson that she is probably the brightest Judge in the Kings County Supreme Courthouse.

338. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that Judge Jacobson was “disliked.”

339. Based on the statements of the defendants, the *New York Post* reported in print and on the internet that Judge Jacobson was “disliked.” (Exs. 4, *supra*).

340. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that Judge Jacobson “has a poor reputation.”

341. Based on the statements of the defendants, the *New York Post* reported in print and on the internet that Judge Jacobson was “has a poor reputation.” (Exs. 4, *supra*).

342. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that Judge Jacobson “is “considered judicially mediocre.”

343. Based on the statements of the defendants, the *New York Post* reported in print and on the internet that Judge Jacobson was “is “considered judicially mediocre.” (Exs. 4, *supra*).

344. Because of Judge Jacobson’s intellect, legal acumen and judicial abilities, the Administrative Judges overseeing the Courts of New York State have relied upon Judge Jacobson’s judicial skills, knowledge and ability, and have therefore appointed her as Acting Surrogate.

345. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that, of and concerning Judge Jacobson, “an abnormal percentage of cases were overturned by higher courts.”

346. Based on the statements of the defendants, the *New York Post* reported in print and on the internet that , of and concerning Judge Jacobson, “they looked at her track record, and they found an abnormal percentage of cases were overturned by higher courts.” (Ex. 4, *supra*).

347. Judge Jacobson did not have an “abnormal percentage of cases [that] were overturned by higher courts.” On the contrary, of the many thousands of orders that Judge Jacobson has issued” in the past decade” (since 2006), only small amount were even appealed, and only a fraction of those appeals resulted in reversals.

348. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that Judge Jacobson “lacked” a “work ethic.”

349. Based on the statements of the defendants, the *New York Post* reported in print and on the internet that “It’s that kind of work ethic — or lack thereof — that helped convince the county Democratic Party’s Judicial Screening Committee last month that Jacobson is unqualified to run on the party line in November.” (Ex. 5, *supra*).

350. Judge Jacobson’s work ethic is so strong that she takes work home where she, *inter alia*, reviews pleadings and motion papers, performs legal research and writes decisions from outside the courthouse on personal time.

351. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that “Judge Jacobson failed to come to work on July 14, 2016.”

352. Based on the statements of the defendants, the *New York Post* reported in print and on the internet, of and concerning Judge Jacobson, that she “only had three cases on her docket for the day but adjourned everything, sending out alerts to all the parties telling them not to bother showing up.” (Ex. 5, *supra*).

353. Judge Jacobson did come to work on July 14, 2016 and had a single case calendared for that day. *Savane, et. al. v. Osei, et. al.*, Index No. 23894/2006. One of three law firms that represented parties on the case did not appear in court by counsel that day. After Judge Jacobson, and the other attorneys who did appear, waited for the missing attorney and unsuccessfully tried to reach that lawyer by phone, the case was adjourned. Indeed, in the exercise of judicial discretion, in the truest desire for justice and resolution of disputes on the merits, Judge Jacobson did not enter judgment against the party whose counsel failed to appear without excuse or explanation, despite being authorized to do so. *See*, 22 NYCRR 202.27.

354. The defendants falsely told or caused to be conveyed to personnel with the *New York Post* that Judge Jacobson had a “lackadaisical attitude in filling out a required questionnaire.”

355. Based on the statements of the defendants, the *New York Post* reported in print and on the internet that Judge Jacobson had a “lackadaisical attitude in filling out a required questionnaire.” (Ex. 5, *supra*).

356. Judge Jacobson did not have “lackadaisical attitude” about completing the Edelman Committee questionnaire, or about any part of the screening process.

357. Judge Jacobson made efforts to ensure that the information provided to the Edelman Committee was accurate and supplemented her submissions when necessary.

358. The defendants’ statements to the *New York Post*, were individually and collectively false when made and the defendants knew that they were false at the time of their publication to the *New York Post* and re-publication by the *New York Post*.

359. The defendants made these false statements about Judge Jacobson to the *New York Post* intending that they would be published in print and on the internet.

360. The defendants made these false statements about Judge Jacobson to the *New York Post* intending that they would be widely disseminated.

361. The defendants made these false statements about Judge Jacobson to the *New York Post* with the intention of harming Judge Jacobson.

362. The defendants made these false statements about Judge Jacobson to the *New York Post* intending that the dissemination of such information would be harmful to Judge Jacobson's personal and professional reputation.

363. The *New York Post* published and re-published the false, misleading and confidential information about Judge Jacobson that the defendants disclosed to them (Exs. 4, 5, *supra*).

364. The Rules and procedures of defendants Edelman Committee and Kings County Democratic Party Committee even prohibited the disclosure of information of and concerning Judge Jacobson outside of the Edelman Committee.

365. The false statements of and concerning Judge Jacobson that were made by the defendants to the *New York Post* were made with actual malice.

366. The false statements of and concerning Judge Jacobson that were made by the defendants to the *New York Post* were made recklessly

367. The false statements of and concerning Judge Jacobson that were made by the defendants to the *New York Post* were made with gross negligence.

368. The false statements of and concerning Judge Jacobson that were made by the defendants to the *New York Post* were made with negligence.

369. As a result of the false statements published by the defendants, Judge Jacobson's personal reputation has been damaged.

370. As a result of the false statements published by the defendants, Judge Jacobson's professional reputation has been damaged.

371. As a result of the false statements published by the defendants, Judge Jacobson now has fewer job opportunities after completion of her judicial service.

372. As a result of the false statements published by the defendants, Judge Jacobson now has lower income potential after completion of her judicial service.

373. As a proximate result of the false statements made by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Ajaiyeoba, Finkelstein and John/Jane Does to the *New York Post*, of and concerning Judge Jacobson, Judge Jacobson has been damaged.

374. The amount of plaintiff's damages is to be determined after trial, and should be in an amount not less than \$5,000,000.00 in compensatory damages, along with nominal damages of not less than \$1.00.

375. The outrageous and malicious conduct by defendants Kings County Democratic County Committee, Edelman Committee, Seddio, Edelman, Finkelstein, Decker, Ajaiyeoba and John/Jane Does, specifically intending to harm the plaintiff by a deprivation of her constitutional rights, further justifies an award of punitive damages to the plaintiff in the highest amount constitutionally permissible, as found by a fair, just and impartial jury.

Prayer for Relief

WHEREFORE, Plaintiff Laura Jacobson prays for judgment in her favor on each of the counts the following:

- A. a fair and reasonable amount of compensatory damages of not less than \$5,000,000.00;
- B. punitive damages in the maximum amount constitutionally permissible;
- C. permanent injunctive relief ;
- D. attorneys fees as and for prosecuting the instant case;
- E. costs and disbursements;
- F. interest in the greatest amount permitted by governing law; and,
- G. all additional relief as may appear just and proper to the Court to protect judicial independence from being destroyed or chilled, such that the separated powers regime remains operational in fact.

Dated : New York, New York
August 26, 2016

Respectfully submitted,
THE LAW FIRM OF RAVIBATRA, P.C.
Attorneys for Plaintiff Laura Jacobson

Ravi Batra, Esq. (RB 4299)
142 Lexington Avenue
New York, NY 10016
(212) 545-1993
Cell: (914) 882-6382
E-Mail: ravibatralaw@aol.com
ravi@ravibatralaw.com

EXHIBIT 1

HON. LAURA L. JACOBSON
Supreme Court, Kings County
360 Adams Street
Brooklyn, New York 11201

EDUCATION:

June, 1968	Graduated Brooklyn College, City University of New York
June, 1974	Graduated Brooklyn Law School, J .D. Degree
March, 1975	Admitted to the Bar, New York State
1976	Admitted to the Federal Bar - Eastern District
1977	Southern District
2003	Admitted to the Supreme Court, Washington, D.C.

JUDICIAL EXPER/ENCE:

November 1990	Elected to the Bench of the Civil Court of the City of New York, Kings County for a Term of ten years (January, 1991 through December 2000)
November 2000	Re-el ected to the Bench of the Civil Court
November 2002	Elected to the Bench of the Supreme Court of the State of New York, Kings County for a term of 14 years (January 2003 through December 2016)

LEGAL EXPERIENCE:

September 1970 through December 1970	Law Clerk for the Port Authority of New York
1971-1972	Law Clerk for Bedford-Stuyvesant Community Legal Services, 1368 Fulton Street, Brooklyn, New York,

pursuant to an Appellate Division order

- 1972-1977 Law Clerk and, after admission to the Bar, an Associate with the firm of Cammer & Karlsson, 50 Court Street, Brooklyn, New York
- 1974-1975 Staff Attorney with Harlem Assertion of Rights, Legal Services Office, 23 West 125th Street, New York City
- 1977 Senior Attorney with the Public Utility Law Project, Albany, New York
- 1978-1981 Law Assistant for the Hon. Elliott Wilk, Civil Court of the City of New York, New York County
- 1981-1989 Partner in Law Firm, Rinsler & Jacobson, 26 Court Street, Brooklyn, New York
- 1989-1990 Partner in Law Firm, Weiss & Jacobson, 90 John Street, Brooklyn, New York

PROFESSIONAL EXPERIENCE :

- 1977-1982 Adjunct Professor, Marymount Manhattan College, 371 East 78th Street, New York, New York

PROFESSIONAL ASSOCIATIONS:

American Judges Association

Brooklyn Bar Association

Brooklyn Women's Bar Association

Brandeis Society

Columbian Lawyers Association

National Association of Women Judges:
Treasurer of National Branch, Washington, D.C. -2008
Program Co-ordinator of National Branch,
Washington, D.C. - 2009-2010
President, New York State Chapter - 2012

National Lawyers Guild

Community Activities

Summer Justice Academy, Lecturer to High School
Students on Legal Issues. Chaperone to Washington,
D.C. - White House, Congress, Howard University and
George Washington University

Co-Chair of Women in Prison Holiday Activity - Collect
toiletries and sundries and prepare 400 gift bags for
Women in Taconic Prison.

Board of Judges, Kings County Association

Board of Judges, City of New York Association -
Board of Directors

Board of Judges, State of New York

Visiting various schools & community organizations to
talk about the Courts and the choices of legal
occupations .

COURT COMMITTEES:

Employee of the Year Committee - Chairperson
Four times a year, this committee selects and honors a
Court employee who has provided service to the Courts
above and beyond that required.

Board of Judges - Nomination Committee - Chairperson

This committee meets and selects a slate of officers to present to the Board of Judges. This slate is then voted on to fill the executive committee positions of the Board of Judges of Kings County.

Foreclosure Committee - Prepare and submit rules governing the handing of foreclosure cases.

COURT ASSIGNMENTS:

IAS Part - Handle motion calendar of forty plus motions every other Tuesday.

Trial Assignments - Medical Malpractice panel , and general Civil Term trials including car accidents, contract cases, fraud cases, labor law cases, slip and fall cases, infant compromise cases, death compromise cases, foreclosure cases.

Acting Surrogate of Kings County