

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

SAL F. ALBANESE, CURTIS SLIWA, and :
FRANK MORANO, as residents of and :
taxpayers in the City of New York and on :
behalf of all residents of and taxpayers in :
the City of New York, :

INDEX NO.:

SUMMONS

Plaintiffs, :

-vs.- :

BILL DE BLASIO, EMMA WOLFE, ROSS :
OFFINGER, JOSH GOLD, SCOTT :
STRINGER, as Comptroller of the City of :
New York, THE CITY OF NEW YORK, :
JOHN DOES 1-10, said names :
representing potential defendants unknown :
at this time, THE BOARD OF ELECTIONS :
IN THE CITY OF NEW YORK, and THE :
NEW YORK CITY CAMPAIGN FINANCE :
BOARD, :

Defendants. :

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on Plaintiffs attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is the presence of the offices of several defendants in New York County.

DATED: Staten Island, New York
August 5, 2017

Respectfully submitted,
THE LUTHMANN LAW FIRM, PLLC



By: _____

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TO: BILL DE BLASIO
Gracie Mansion
E 88th St & East End Ave
New York, NY 10028

EMMA WOLFE
City Hall, 2nd Floor
New York, NY 10007

JOSH GOLD
636 W. 28th Street, 3rd Floor
New York, NY, 11101

ROSS OFFINGER
141 Lafayette Ave
Brooklyn NY 11238-1395

SCOTT STRINGER
Office of the New York City Comptroller
1 Centre Street, Room 1225
New York, NY 10007

THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK
32 Broadway, 7th Floor
New York, NY 10004

THE NEW YORK CITY CAMPAIGN FINANCE BOARD
100 Church St.
New York, NY 10007

THE CITY OF NEW YORK
c/o Corporation Counsel
100 Church Street
New York, NY 10007

SUPREME COURT OF THE STATE OF NEW YORK
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SAL F. ALBANESE, CURTIS SLIWA, and
FRANK MORANO, as residents of and
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INDEX NO.:

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs, by and through their undersigned attorneys, the Luthmann Law Firm,
PLLC, for their complaint against the above-named Defendants hereby allege as follows:

PRELIMINARY STATEMENT

1. When Bill and Hillary Clinton left the White House in 2000, they were broke.

Hillary Clinton opened up about it on Good Morning America in 2014:

“For me, it’s just a reality. What we faced when he got out of
the White House meant that we had to just keep working really
hard” – Hillary Clinton to Robin Roberts, June 10, 2014

“*Hillary Clinton clarifies wealth comments, says she ‘fully appreciates’ middle class
struggles*”, The Washington Post, June 10, 2014. See **EXHIBIT “A”**.

2. Hillary Clinton readily admitted that the former First Couple had \$2 million in assets and \$10 million in debts just after leaving the White House, much of which was due to LEGAL BILLS.

3. The Clintons recognized that public taxpayer funds could not be used to cover litigation surrounding non-government activity such as Whitewater or the Monica Lewinsky scandal.

4. New York City Mayor, Defendant BILL DE BLASIO (“DE BLASIO”) is being sued in his individual capacity.

5. A long-time supporter of the Clintons, DE BLASIO has evidently learned little from Bill and Hillary and their appreciation for middle class struggles.

6. DE BLASIO was recently awarded over \$2 million in additional “matching funds” from the taxpayer’s pockets despite the repeated violations of law and rule perpetrated by DE BLASIO and those around him, particularly whereby over \$13.6 million in LEGAL BILLS were improperly, illegally, and unethically paid for by THE CITY OF NEW YORK and its taxpayers.

7. In a quiet statement made on the Friday “getaway day” before this year’s Fourth of July weekend, DE BLASIO confirmed that THE CITY OF NEW YORK, and thus, the taxpayers, would be footing the bill for legal fees tied to the non-employment-related activities of DE BLASIO and his underlings including Defendants EMMA WOLFE, ROSS OFFINGER, and JOSH GOLD (hereinafter called the “UNDERLINGS”). *“De Blasio to make taxpayers pay for his campaign probe’s legal fees”*, The New York Post, June 30, 2017. See **EXHIBIT “B”**.

8. On June 30, 2017, with respect to the over \$13.6 million legal tab racked up shielding DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators_who

came under investigation for a variety of activities, including allegations of pay to play and possible violations of campaign fund-raising rules, Hizzoner DEBLASIO said:

“[A]fter giving this a great deal of thought, it has become increasingly clear that the most appropriate course of action is to let the City cover the costs for legal work”

– Bill de Blasio, June 30, 2017

Id.

9. DE BLASIO’s June 30, 2017, statements directly contradict the promise DE BLASIO made in February:

“No taxpayer dollars will be used to fund the Mayor’s individual compliance with these reviews.”

– City Hall, February, 2017

Id.

10. This case is being brought by three plaintiffs who would seek to keep DE BLASIO honest to the voters of New York City with respect to the 2017 Election, Campaign Finance law, and the LEGAL FEES related DE BLASIO’s multiple “Pay To Play” investigations, to wit:

a. SAL F. ALBANESE is a candidate for Mayor of the City of New York for both the Democratic Party and the New York State Reform Party, a former Member of the New York City Council, and a New York City resident and taxpayer.

b. CURTIS SLIWA is an American anti-crime activist, founder and CEO of the Guardian Angels, radio talk show host, media personality, State Chair of the New York State Reform Party¹, and a New York City resident and taxpayer.

¹ The New York State Reform Party operates under the legally-incorporated domestic not-for-profit corporate name of NEW YORK STATE REFORM PARTY, INC., and has no affiliation with the national “Reform Party” or the “Reform Party of New York Corp.”, also a legally-incorporated domestic not-for-profit entity.

c. FRANK MORANO, is Staten Island's favorite son and brings the wisdom of a common sense New Yorker, coupled with an encyclopedic knowledge of local politics as a radio talk show host, media personality, Chair of the Interim County Organization of the New York State Reform Party for Richmond County, and a New York City resident and taxpayer.

SUMMARY OF THE FACTS

11. Up to and including into March, 2017, Manhattan District Attorney Cyrus Vance and then-US Attorney Preet Bharara conducted investigations into suspicions DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators engaged in "pay-to-play" practices with campaign contributors and donors to his nonprofit. *Id.*

12. Last year, DE BLASIO shuttered the organization, the Campaign for One New York, following the filing of formal complaints by the good-government group Common Cause New York, which said DE BLASIO's solicitation of "dark money" had "spawned a shadow government." *Id.*

13. This case is about the "ethically challenged" DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators engaged in "pay-to-play" practices with campaign contributors and donors to his nonprofit and the over \$13.6 million legal tab that Hizzoner DE BLASIO is trying to stick to New York City's taxpayers.

14. DE BLASIO claims he barely knows Jona Rechnitz and Jeremy Reichberg, however e-mails released to the New York Post on Friday, August 4, 2017 (the "NY POST EMAILS"), show that these two major campaign donors were given the run of City Hall by DE BLASIO. See **EXHIBIT "C"** ("Explosive emails show 'corrupt' de Blasio donors had run of City Hall", New York Post, August 4, 2017).

15. Jona Rechnitz, who pleaded guilty in March to making contributions to extract favorable treatment from government officials, wrote DE BLASIO directly on April 28, 2014, asking to serve “on your committee for [sic] ‘combat police corruption.’ ”

16. Hizzoner DE BLASIO forwarded the request to top aide Avi Fink (“FINK”), who sent it on to other officials, including City Hall’s director of appointments at the time.

17. It’s not clear what DE BLASIO or FINK wrote in their e-mails, because their comments were redacted by City Hall lawyers. Plaintiffs will seek unredacted copies of these NY POST EMAILS as part of this litigation.

18. Jeremy Reichberg, asked City Hall to intervene to lower a \$650,000 water bill on a building in Borough Park, Brooklyn, with the matter addressed directly to the first deputy mayor’s chief of staff.

19. DE BLASIO spokesman Eric Phillips said on Friday, August 4, 2017, that the bill was lowered to \$125,304 because of a meter defect, adding that action was normal “in such situations.”

20. The NY POST EMAILS contradict DE BLASIO’s repeated assertions that campaign donors don’t get special access.

21. The NY POST EMAILS also call into question DE BLASIO’s claim that DE BLASIO barely knew the two tainted donors.

22. “It’s not a particularly close relationship,” DE BLASIO told NBC’s “Meet the Press” in April 2016. “I met them first around the time of the general election. I hadn’t known them previously, really haven’t seen them in the last year or more. They supported the effort.” See **EXHIBIT “D”** (“*De Blasio plays dumb on feds’ probe into fundraising*”, NY Post, April 10, 2016.)

23. The NY POST EMAILS tell a different story.

24. The NY POST EMAILS show Rechnitz contacted DE BLASIO directly on matters large and small — inviting him to Rechnitz's son's bris, seeking to exchange thoughts on a controversial production at the Metropolitan Opera, and asking to pop by City Hall to have a Holocaust survivor present Hizzoner DE BLASIO with a book.

25. On April 1, 2014, three months into the administration, Rechnitz forwarded a friend's application for the job of buildings commissioner. Hizzoner DE BLASIO eagerly accepted:

"I'm all ears, Jona. We've actually been looking for additional candidates. I've cc'ed my chief of staff laura santucci. Pls send the info to her as well. Thanks,"

DE BLASIO responded little more than hour later. **See EXHIBIT "C"**.

26. In November 2014, Rechnitz asked DE BLASIO's Office for help with violations on a building Rechnitz owned that was accused of being an illegal hotel.

27. In response to Rechnitz's request, a top DE BLASIO aide arranged a meeting at City Hall before the details of the violation were known.

28. The NY POST EMAILS show DE BLASIO caused THE CITY OF NEW YORK and DE BLASIO's government staff to show special treatment for Rechnitz after Rechnitz opened his checkbook and donated \$50,000 to DE BLASIO's now-shuttered Campaign for One New York non-profit

29. The NY POST EMAILS show DE BLASIO caused THE CITY OF NEW YORK and DE BLASIO's government staff to show special treatment for Rechnitz after Rechnitz his wife contributed \$9,900 for DE BLASIO's 2013 Mayoral Campaign, the maximum allowed under CFB Rules.

30. Rechnitz paid \$102,300 toward a failed effort, spearheaded by the DE BLASIO, to help Democrats win control of the New York State Senate in 2014.

31. Rechnitz's communications with DE BLASIO, his UNDERLINGS, and DE BLASIO's City Hall Staff suggest Rechnitz expected that financial support to be rewarded.

32. According to the NY POST EMAILS, when an event manager told Rechnitz he couldn't bring a guest to an August 2014 barbecue at Gracie Mansion, the donor included Defendant ROSS OFFINGER — lead fund-raiser for DE BLASIO's 2013 Mayoral campaign and the Campaign for One New York — on his reply: "Then count me out."

33. Reichberg donated the maximum \$4,950 to DE BLASIO's 2013 Mayoral campaign and bundled another \$41,650.

34. In his dealings with City Hall, Reichberg also contacted then-DE BLASIO aide Hayley Prim in October 2014 about problems getting THE CITY OF NEW YORK's approval for a tax break on one of Reichberg's buildings, saying Reichberg was "directed to" address her.

35. The NY POST EMAILS are not the first evidence that has emerged that DE BLASIO donors have gotten white-glove treatment from the administration.

36. Last month, a former deputy commissioner alleged that he was fired for refusing to work out a sweetheart deal for restaurant owner and DE BLASIO campaign donor Harendra Singh, who owed \$1.7 million in rent and penalties on his lease of land owned by THE CITY OF NEW YORK.

37. Hillary Clinton apparently understands the value of hard work and "middle-class struggles", but evidently DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators do not, as DE BLASIO regularly arrives late to work and events and leaves early, always ensuring that his motorcade gets him to his Park Slope gym on time, in his Boston Red Sox hat.

38. Real New Yorkers are dealing with the transit nightmare that is the “Summer From Hell” on the subways, buses, bridges, and tunnels.

39. Hillary Clinton would have sent DE BLASIO packing from Gracie Mansion if she would have run to become the Mayor of the City of New York this year. *“Hillary Clinton Would Crush Bill de Blasio in NYC Mayor Race: Poll”*, NBC4NEWYORK.com, January 18, 2017. See **EXHIBIT “E”**.

40. Fortunately for New Yorkers who are sick and tired of getting stuck with “THE BILL” (no pun intended) for corrupt politicians and their cronies who engage in “pay-to-play”, there is relief in sight. One Plaintiff in this lawsuit is former NYC City Council Member, SAL F. ALBANESE, is a candidate for Mayor of the City of New York and the chief opponent of Hizzoner DE BLASIO in the Democratic Party Primary on September 12, and expects to be on the General Election ballot lines for the Democratic Party and the New York State Reform Party on November 7, 2017.

41. SAL F. ALBANESE has tirelessly sought to protect the rights of all New Yorkers, most recently through seeking to hold DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators responsible through the Freedom of Information Law (FOIL).

42. On April 4, 2017, SAL F. ALBANESE sent a FOIL Request to SCOTT STRINGER, the Comptroller of the City of New York entitled “Indemnification of Legal Fees in De Blasio Aides' Corruption Probes”. See **EXHIBIT “F”**.

43. On April 6, 2017, SAL F. ALBANESE received a response confirming receipt of the FOIL Letter entitled “Indemnification of Legal Fees in De Blasio Aides' Corruption Probes”. See **EXHIBIT “G”**.

44. On April 19, 2017, SAL F. ALBANESE received a response to the FOIL Request. See **EXHIBIT "H"**. As of that date, THE CITY OF NEW YORK had paid out a grand total of \$10,120,667.85 to nine (9) law firms² defending DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators (with one law firm listed as "BLANK" that had been paid \$255,360.65 to date) (the "LEGAL FEES"), to wit:

- a. CARTER LEDYARD & MILBURN,LLP
- b. CUNNINGHAM LEVY LLP
- c. DEBEVOISE AND PLIMPTON
- d. DECHERT LLP
- e. LANKIER, SIFFERT & WOHL LLP
- f. MORVILLO LLP
- g. PAUL B BERGMAN PC
- h. WALDEN MACHT AND HARAN LLP
- i. "BLANK"

45. The April 19, 2017 Letter further states, confirming THE CITY OF NEW YORK's possession of "smoking gun" evidence:

With respect to that portion of your FOIL request seeking "law firm legal invoices," please note the Comptroller's Office does not receive legal invoices from law firms retained by other City agencies. Accordingly, if you seek to obtain these invoices, we suggest that you contact the New York City Law Department.

46. The Plaintiffs bring this lawsuit because the taxpayers of the City of New York have a right to know: (1) what legal work was done for DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators that was paid for by the taxpayers

² The April 19, 2017 Letter states that the law firm of Petrillo Klein & Boxer LLP is not included in the spreadsheet because no payments have been made yet under its contract.

of the City of New York; (2) whether said legal work that was done for DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators relates to criminal and/or unethical activity, and/or political activity, and/or activity that is otherwise outside of the scope of public employment and thus should not be covered by THE CITY OF NEW YORK; and (3) to the extent that the legal fees for non-public employment-related activities were covered by THE CITY OF NEW YORK: (i) who were the persons responsible for said erroneous decision; (ii) what was the review process that produced said erroneous decision; (iii) was there any fraud, misrepresentation, unethical, and/or otherwise dishonest actors involved in said process; (iv) what the remedial action by THE CITY OF NEW YORK has been (if any) to remedy this situation; and (v) to allow the Supreme Court of the State of New York to assert its broad jurisdiction over this justiciable case or controversy to achieve a result for the Plaintiffs and the taxpayers of the City of New York.

47. The Plaintiffs allege *de facto* violations of, including but not limited to, the Executive Law, the Election Law, the Charter of the City of New York (and in particular §1052), Title 3, Chapter 7 of the New York City Administrative Code (and in particular §3-706), the General Obligations law, and other applicable law (the “Violated Laws, Rules, and Regulations”).

STANDING, PARTIES AND JURISDICTION

48. CPLR § 103 states:

(a) One form of action. There is only one form of civil action. The distinctions between actions at law and suits in equity, and the forms of those actions and suits, have been abolished.

(b) Action or special proceeding. All civil judicial proceedings shall be prosecuted in the form of an action, except where prosecution in the form of a special proceeding is authorized. Except where otherwise prescribed by law, procedure in

special proceedings shall be the same as in actions, and the provisions of the civil practice law and rules applicable to actions shall be applicable to special proceedings.

(c) Improper form. If a court has obtained jurisdiction over the parties, a civil judicial proceeding shall not be dismissed solely because it is not brought in the proper form, but the court shall make whatever order is required for its proper prosecution. If the court finds it appropriate in the interests of justice, it may convert a motion into a special proceeding, or vice-versa, upon such terms as may be just, including the payment of fees and costs.

49. To the extent that the injuries in fact asserted by the Plaintiffs herein are cognizable under numerous provisions of law including but not limited to the Executive Law, the Election Law, the Charter of the City of New York (and in particular § 1052), Title 3, Chapter 7 of the New York City Administrative Code (and in particular § 3-706), the General Obligations law, and other applicable law, it is respectfully requested that the form of this action be re-cast to so as to afford the Plaintiffs the opportunity to meaningfully prosecute said action and have an opportunity to be heard on the stated and/or cognizable relief requested herein.

50. Plaintiff, SAL F. ALBANESE, is aggrieved as a resident and taxpayer in the City of New York.

51. Plaintiff, SAL F. ALBANESE, is further aggrieved as a candidate of both the Democratic Party and the New York State Reform Party for Mayor of the City of New York in the Primary Elections to be held on September 12, 2017, and is seeking to hold DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators responsible and avoid having NYC taxpayers get slapped with legal bills that Hizzoner DE BLASIO should pay himself personally and/or from funds reportable to the New York City Campaign Finance Board and which have not, as of yet, been reported or factored into any

determination of available matching funds, thus improperly, illegally, and harmfully affecting SAL F. ALBANESE's Mayoral candidacy for Mayor of the City of New York, as confirmed by the vote of the Commissioners of the BOARD OF ELECTIONS IN THE CITY OF NEW YORK at their hearings on designating petitions for City-wide office decided on August 1, 2017.

52. Plaintiff, CURTIS SLIWA, is aggrieved as a resident and taxpayer in the City of New York.

53. Plaintiff, CURTIS SLIWA, is further aggrieved as the New York State Reform Party's State Chair, whereby said Party, under its Party Rules and pursuant to § 6-120 of the Election law, duly authorized SAL F. ALBANESE as its candidate for the Public Office of the Mayor of the City of New York in the Primary Elections to be held on September 12, 2017 pursuant to § 6-120 of the Election law, and is seeking to hold DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators responsible and avoid having NYC taxpayers get slapped with legal bills that Hizzoner DE BLASIO should pay himself personally and/or from funds reportable to the New York City Campaign Finance Board and which have not, as of yet, been reported or factored into any determination of available matching funds, thus improperly, illegally, and harmfully affecting SAL F. ALBANESE's Mayoral candidacy for Mayor of the City of New York, as confirmed by the vote of the Commissioners of the BOARD OF ELECTIONS IN THE CITY OF NEW YORK at their hearings on designating petitions for City-wide office decided on August 1, 2017.

54. Plaintiff, FRANK MORANO, is aggrieved as a resident and taxpayer in the City of New York.

55. Plaintiff, FRANK MORANO, is further aggrieved as the New York State Reform Party's Chair of the Interim County Organization of Richmond County, the sole County Organization of the five (5) counties comprising the City of New York for the New York State Reform Party, whereby said Party, under its Party Rules and pursuant to § 6-120 of the Election law, duly authorized SAL F. ALBANESE as its candidate for the Public Office of the Mayor of the City of New York in the Primary Elections to be held on September 12, 2017 pursuant to § 6-120 of the Election law, and is seeking to hold DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators responsible and avoid having NYC taxpayers get slapped with legal bills that Hizzoner DE BLASIO should pay himself personally and/or from funds reportable to the New York City Campaign Finance Board and which have not, as of yet, been reported or factored into any determination of available matching funds, thus improperly, illegally, and harmfully affecting SAL F. ALBANESE's Mayoral candidacy for Mayor of the City of New York, as confirmed by the vote of the Commissioners of the BOARD OF ELECTIONS IN THE CITY OF NEW YORK at their hearings on designating petitions for City-wide office decided on August 1, 2017.

56. Together SAL F. ALBANESE, CURTIS SLIWA, and FRANK MORANO (the "Plaintiffs") have alleged in-fact injury that falls within the "zone of interests," or concerns, sought to be promoted or protected by the several legal and statutory provision under which the several Defendants have acted and thus have standing above and beyond simply that of a mere taxpayer in the City of New York.

57. Defendant, BILL DE BLASIO ("DE BLASIO"), is the current Mayor of the City of New York, who nominally resides in Gracie Mansion in New York County and who has two brownstones from which he receives substantial rental income in Kings County.

DE BLASIO, who is ethically challenged individual, came under investigation for a variety of activities, including allegations of pay to play and possible violations of campaign fund-raising rules, and has sought to have the related LEGAL FEES paid by THE CITY OF NEW YORK in violation of the Violated Laws, Rules, and Regulations.

58. DE BLASIO has a history of evading personal service and having the police arrest those who would lawfully attempt to serve him with process. See **EXHIBIT "I"** (*"Curtis Sliwa arrested outside Gracie Mansion"*, New York Post, July 25, 2017).

59. Defendant, EMMA WOLFE is one of DE BLASIO's UNDERLINGS, is the current Intergovernmental Affairs Director, was formerly the Deputy Campaign Manager and Political Director for Bill de Blasio's mayoral campaign, and came under investigation for a variety of activities, including allegations of pay to play and possible violations of campaign fund-raising rules, and has sought to have the related LEGAL FEES paid by THE CITY OF NEW YORK in violation of the Violated Laws, Rules, and Regulations.

60. Defendant, ROSS OFFINGER, is one of DE BLASIO's UNDERLINGS, was a Campaign for One New York nonprofit executive, and came under investigation for a variety of activities, including allegations of pay to play and possible violations of campaign fund-raising rules, and has sought to have the related LEGAL FEES paid by THE CITY OF NEW YORK in violation of the Violated Laws, Rules, and Regulations. See **EXHIBIT "J"** (*"Campaign for One NY head aggressively targeted donors with business before city; Now-defunct nonprofit eyed developers looking for cozy relationship with City Hall"* The Real Deal, December 12, 2016).

61. Defendant, JOSH GOLD, is one of DE BLASIO's UNDERLINGS, was a Campaign for One New York nonprofit manager, and came under investigation for a variety of activities, including allegations of pay to play and possible violations of

campaign fund-raising rules, and has sought to have the related LEGAL FEES paid by THE CITY OF NEW YORK in violation of the Violated Laws, Rules, and Regulations. See **EXHIBIT "K"** ("*City Hall emails with former de Blasio nonprofit boss Josh Gold being kept from public*", New York Daily News, November 25, 2016.

62. Defendants, JOHN DOES 1-10, said names representing potential defendants unknown at this time, are as of yet unknown co-conspirators with DEBLASIO and the UNDERLINGS and are related in a material way to the LEGAL FEES paid by THE CITY OF NEW YORK in violation of the Violated Laws, Rules, and Regulations.

63. SCOTT STRINGER, as Comptroller of the City of New York, paid the legal fees at issue in the instant matter and his office has, in numerous other ways failed to comply with their statutory obligations under the Violated Laws, Rules, and Regulations, including but not limited to the Executive Law and the Freedom of Information Law (FOIL).

64. THE CITY OF NEW YORK, is responsible for the payment of the LEGAL FEES and has, in numerous other ways failed to comply with their statutory obligations under the Violated Laws, Rules, and Regulations.

65. THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK, has certified the candidacy of BILL DE BLASIO for Mayor of the City of New York, despite DE BLASIO's numerous violations under the Violated Laws, Rules, and Regulations and has, in numerous other ways failed to comply with their statutory obligations under the Violated Laws, Rules, and Regulations, including but not limited to Article 14 of the Election law.

66. THE NEW YORK CITY CAMPAIGN FINANCE BOARD, has awarded the political campaign of BILL DE BLASIO for re-election as Mayor of the City of New York more than \$2 million in additional city funds, despite DE BLASIO's numerous violations under the Violated Laws, Rules, and Regulations and has, in numerous other ways failed

to comply with their statutory obligations under the Violated Laws, Rules, and Regulations. See **EXHIBIT "L"** (*Mayor de Blasio, Receiving Maximum City Funds, Agrees to Debate*”, The New York Times, August 3, 2017”).

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFFS

(DECLARATORY JUDGMENT)

67. Plaintiffs repeat and re-allege their prior statements as if fully set forth herein and further allege as follows.

68. A bona fide justiciable and substantial controversy exists as between Plaintiffs and Defendants.

69. Plaintiffs and Defendants have adverse legal interests as to present and/or prospective obligations.

70. A judgment would serve a useful purpose in clarifying or settling the legal issues.

71. A judgment would finalize the controversy and offer relief from uncertainty.

WHEREFORE, Plaintiffs demand declaratory judgment against Defendants and for the Court to grant an Order:

a. Declaring that legal work was done for DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators that was paid for by the taxpayers of the City of New York; and

b. Declaring that the cost of said legal work that was done for DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators relates to criminal and/or unethical activity, and/or political activity, and/or activity that is otherwise outside of the scope of public employment and thus should not be covered by THE CITY OF NEW YORK; and

c. Declaring that the cost of said legal work was improperly covered by THE CITY OF NEW YORK and the Office of the New York City Comptroller; and

d. Declaring that, based on the repeated violations of law and rule perpetrated by DE BLASIO, his UNDERLINGS, and as of yet unknown co-conspirators, whereby over \$13.6 million in LEGAL BILLS were improperly, illegally, and unethically paid for by THE CITY OF NEW YORK and its taxpayers, that DE BLASIO, his UNDERLINGS, and as yet unknown co-conspirators should be jointly, severally, and personally liable to replace said funds properly belonging to the Plaintiffs and THE CITY OF NEW YORK.

e. Declaring the Defendants have violated the Executive Law; and

f. Declaring the Defendants have violated the Freedom of Information Law;

and

g. Declaring that the Defendants have violated the Election Law; and

h. Declaring that the Defendants have violated Article 14 of the Election Law;

and

i. Declaring that the Defendants have violated the Charter of the City of New York; and

j. Declaring that the Defendants have violated §1052 of the Charter of the City of New York and in particular; and

k. Declaring that the Defendants have violated the New York City Administrative Code; and

l. Declaring that the Defendants have violated Title 3, Chapter 7 of the New York City Administrative Code; and

m. Declaring that the Defendants have violated §3-706 of the New York City Administrative Code; and

- n. Declaring that the Defendants have violated the General Obligations law;
- o. Declaring such other and further legal issues as the Court may deem just and equitable.

AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFFS

(CIVIL CONSPIRACY)

72. Plaintiffs repeat and re-allege their prior statements as if fully set forth herein and further allege as follows.

73. That Defendants, and each of them, have engaged in and pursued, knowingly and/or recklessly, a common plan and agreement to harm the interests of Plaintiffs.

74. That Defendants, and each of them, have engaged in and pursued an overt act in furtherance of the agreement.

75. That Defendants, and each of them, have intentionally participated in the furtherance of the plan or purpose.

76. That Defendants have caused resulting damage and/or injury to Plaintiffs.

WHEREFORE, Plaintiffs demand judgment against defendants, jointly and severally, for compensatory damages of at least THIRTEEN MILLION SIX HUNDRED THOUSAND (\$13.6 million) DOLLARS, punitive damages, consequential damages, interest, costs of suit, attorney's fees and such other and further relief that the Court deems just and equitable.

AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF PLAINTIFFS

(CONVERSION)

77. Plaintiffs repeat and re-allege their prior statements as if fully set forth herein and further allege as follows.

78. That Plaintiffs possessory right or interest in the \$13.6 million in LEGAL BILLS were improperly, illegally, and unethically paid for by THE CITY OF NEW YORK and its taxpayers for the benefit of DE BLASIO, his UNDERLINGS, and as yet unknown co-conspirators.

79. That the Defendants improper interference with the \$13.6 million in LEGAL BILLS were improperly, illegally, and unethically paid for by THE CITY OF NEW YORK and its taxpayers for the benefit of DE BLASIO, his UNDERLINGS, and as yet unknown co-conspirators, in derogation of the Plaintiffs' rights.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, for compensatory damages of at least THIRTEEN MILLION SIX HUNDRED THOUSAND (\$13.6 million) DOLLARS, punitive damages, consequential damages, interest, costs of suit, attorney's fees and such other and further relief that the Court deems just and equitable.

AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF PLAINTIFFS

(UNJUST ENRICHMENT)

80. Plaintiffs repeat and re-allege their prior statements as if fully set forth herein and further allege as follows.

81. That Defendant benefitted to the extent that \$13.6 million in LEGAL BILLS were improperly, illegally, and unethically paid for by THE CITY OF NEW YORK and its taxpayers for the benefit of DE BLASIO, his UNDERLINGS, and as yet unknown co-conspirators.

82. That \$13.6 million in LEGAL BILLS were improperly, illegally, and unethically paid at the Plaintiffs expense.

83. Equity and good conscience require restitution DE BLASIO, his UNDERLINGS, and as yet unknown co-conspirators, jointly, severally, and personally.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, for compensatory damages of at least THIRTEEN MILLION SIX HUNDRED THOUSAND (\$13.6 million) DOLLARS, punitive damages, consequential damages, interest, costs of suit, attorney's fees and such other and further relief that the Court deems just and equitable.

JURY TRIAL DEMAND

Plaintiffs demands a trial by jury on all issues so triable.

DATED: Staten Island, New York
August 5, 2017

Respectfully submitted,

THE LUTHMANN LAW FIRM, PLLC



By: _____
Richard A. Luthmann

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VERIFICATION

State of New York

County of Richmond ss.:

SAL F. ALBANESE, being duly sworn, deposes and says: I am the Petitioner in this matter and I am the Candidate of the New York State Reform Party for the Public Office of Mayor of the City of New York. I have read the foregoing pleadings to be submitted to the Court and know the contents to be true to my own knowledge, except for those matters alleged to be on information and belief, and as to those matters, I believe them to be true.


SAL F. ALBANESE

Sworn to before me this 5th day
of August, 2017.


NOTARY PUBLIC

RICHARD A LUTHMANN
NOTARY PUBLIC
STATE OF NEW YORK
REG. NO: 02LU6235872
COMM. EXP: FEB. 14, 2019