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Conference

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELEANOR CAPOGROSSO,

Plaintiff,

v.

08 CV 526 (TPG)

NEW YORK STATE COMMISSION ON  
JUDICIAL CONDUCT, et al.,

Defendants.

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February 15, 2008  
5:20 p.m.

Before:

HON. THOMAS P. GRIESA,

District Judge

APPEARANCES

ELEANOR CAPOGROSSO, PRO SE

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
Attorneys for Defendants

BY: MONICA A. CONNELL, Assistant Attorney General

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1 (In the robing room)

2 MS. CONNELL: Good afternoon, Judge. Would you like  
3 the plaintiff and the defendant in any particular place?

4 THE COURT: I don't care.

5 The reason we're having this conference, I have a new  
6 action -- the plaintiff is acting pro se -- and the action is  
7 against a number of state court judges, as well as the New York  
8 State Commission on Judicial Conduct.

9 And what I wanted to tell you is that the complaint  
10 appears to be without merit; we've reviewed it, and I am not  
11 going to authorize service upon all of these defendants. And  
12 what I would like to do -- are you representing the Attorney  
13 General's office?

14 MS. CONNELL: No, Judge. I'm representing the  
15 Attorney General's Office.

16 THE COURT: Oh.

17 MS. CONNELL: That's okay. It's Monica Connell.

18 THE COURT: All right. Now, look, in situations like  
19 this there's an orderly way to deal with the case which is fair  
20 to both sides.

21 What I would like you to do is to consider what you  
22 believe should be done in response to this, and maybe you  
23 already have done so. But when there are many defendants, such  
24 as state court judges and so forth, there is no -- nothing to  
25 be gained by having lot of people served, not that it's a huge

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1 burden, but, you know, if the Marshals have to do it and so  
2 forth, why I don't want to engage in that.

3 So I would think that there could be an appropriate  
4 motion. But what do you think?

5 MS. CONNELL: Well, Judge, I should inform the Court  
6 that plaintiff pro se, Ms. Capogrosso, has mailed copies of the  
7 complaint with a request to waive personal service to some, if  
8 not all of the defendants. I know some of them have contacted  
9 me already to tell me that they have been served.

10 I think the complaint on its face is patently baseless  
11 and frivolous. I think it's dismissible on a huge number of  
12 grounds, and I think it would be a huge waste of time and  
13 resources for us to answer it and to do a formal motion.

14 But barring that, I'm not sure what else we can do.  
15 We could do a letter motion to dismiss. We could execute those  
16 waivers of service and go ahead and do a letter motion to  
17 dismiss or something, but --

18 THE COURT: No, don't do a letter motion.

19 MS. CONNELL: Okay.

20 THE COURT: I mean, it doesn't -- it is not a lot of  
21 trouble to have a formal notice of motion and a brief  
22 memorandum.

23 But what I would do is, to anybody who communicates  
24 with you about the case, if they have received something by  
25 mail, why you use your judgment as to what you want to advise

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1 them.

2 But the thing is that I have to say that this is not  
3 really the proper way to litigate. You've gone to the  
4 Commission, you've made your complaint and to try to initiate a  
5 large-scale litigation. It's quite apparent this is not  
6 meritorious.

7 But, if after the Attorney General's Office files a  
8 motion, you respond and show merit, why I'm perfectly open  
9 minded to seeing that. But there will be nothing -- no further  
10 steps taken, and I want you to please desist from mailing this  
11 to anybody else.

12 MS. CAPOGROSSO: Yes.

13 THE COURT: And we'll have a motion which you'll serve  
14 on the plaintiff and she has an opportunity to respond, and  
15 that's the way we'll leave it. Thank you very much.

16 MS. CONNELL: Judge, I'm sorry to interrupt.

17 We're going to execute the waivers of service so we  
18 can get down to the motion, but I would like some more time  
19 than that waiver allows to file the motion. Unfortunately, I'm  
20 just back from maternity leave and I have quite a full  
21 calendar.

22 THE COURT: Well, when can you file?

23 MS. CONNELL: Could I have 60 days from the waiver --

24 THE COURT: Sure.

25 MS. CONNELL: -- from the return of the waiver, which

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1 I'll return next week?

2 THE COURT: All right, fine. Thank you very much.

3 Good night.

4 MS. CONNELL: Thank you, Judge.

5 (Adjourned)

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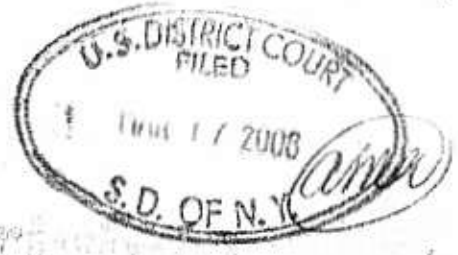
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