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Cuomo Seeks Legal Fees In Suit Against NY AG James

By **Abby Wargo**

Law360 (August 11, 2022, 6:48 PM EDT) -- Former New York Gov. Andrew Cuomo has sued New York State Attorney General Letitia James, challenging her refusal to pick up the tab for his defense of an ongoing federal sex harassment suit and calling her report accusing him of creating a hostile work environment "deeply flawed."

Cuomo **filed a petition** on Wednesday evening asking the court to reverse James' denial in April of his request to have the Empire State cover his defense in a **lawsuit filed against him** in February that accuses him of sexually harassing a state trooper while he was in office.

In his petition, Cuomo said James' refusal to provide him a lawyer or cover private attorney fees is at odds with her decision to pay attorney fees for Cuomo's former secretary Melissa DeRosa, who is named as a defendant in the February suit along with Cuomo and the New York State Police.

The New York Public Officers Law grants public officials the right to attorney fees if they are being sued in relation to a duty of their employment, according to Wednesday's filing.

"Respondent James's denial of Governor Cuomo's request for counsel was arbitrary, capricious, contrary to the plain text of the [NYPOL], biased, personally and politically conflicted, and was in dereliction of Respondent James's duties as the chief legal officer," the petition said.

Cuomo resigned in August 2021 one week after the attorney general released her report concluding that Cuomo sexually harassed several female state employees and cultivated a hostile working environment.

The ex-governor in the Wednesday petition attacked the attorney general's report as riddled with errors and omissions, painting James' rejection of his bid for legal fees as the latest manifestation of a pattern of personal animus toward him.

Cuomo claimed that the state trooper's suit heavily relies on the 2021 report, which is a "one-sided, deeply flawed ambush."

The former governor said that the report accepted allegations that are "highly suspect" and said much of the evidence underpinning the report has never been made public. The AG's office has yet to respond to multiple requests for access to that evidence, the petition said.

The petition also accuses James of using the report as fodder for her re-election campaign, citing a March speech in which James referred to the ex-governor as a "serial sexual harasser" and a "sick, pathetic man." James denied Cuomo's bid for legal fees five weeks later, according to the petition.

Rita Glavin of Glavin PLLC, who is representing Cuomo, said the petition is about ensuring fairness and transparency in enforcing the law.

"Gov. Cuomo did not sexually harass anyone. The AG wants to use her political hit job 'report' to continue to fuel her own ambitions, but she should instead provide Governor Cuomo access to the evidence that she has wrongfully kept hidden from him, the press and the public," Glavin told Law360 Thursday. "Five different district attorneys independently reviewed the allegations and refused to move forward against Gov. Cuomo."

In a statement on Thursday, the attorney general's office said taxpayers should not have to foot the

bill for Cuomo's defense.

"Andrew Cuomo is trying to force New Yorkers to pay his legal bills because he believes sexual harassment was within his 'scope of employment' as governor," a spokesperson for the office said. "Sexually harassing young women who work for you is not part of anyone's job description. Taxpayers should not have to pony up for legal bills that could reach millions of dollars so Mr. Cuomo's lawyer can attack survivors of his abuse."

Cuomo is represented by Rita M. Glavin of Glavin PLLC and Theresa Trzaskoma of Sher Tremonte LLP.

Counsel information for James was not available Thursday.

The case is Andrew M. Cuomo v. Letitia James, in the Supreme Court of the State of New York, New York County. Case number was not available Thursday.

--Editing by Amy Rowe.

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