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June 3, 2025

By email

Martin E. Connor, Esq.
61 Pierrepont Street, #71
Brooklyn, NY 11201

Re: Cuomo Cease-and-Desist Demand

Dear Mr. Connor:

On behalf of Local 1180 of the Communications Workers of America, AFL-CIO (“Local 1180” or the “Union”), I am responding to your May 26, 2025, letter to Gloria Middleton, President of the Union. In your letter, you claim that a “mailer” from Local 1180 “contains numerous false statements about Andrew Cuomo,” is “violative of the laws and rules surrounding New York City’s electoral process,” and includes “false and defamatory claims about Andrew Cuomo,” and you demand that the Union “cease and desist from continuing to publish” them.

When I reviewed your letter, your basis for writing it was unclear to me. It does not evidence any apparent connection you have to Mr. Cuomo or to his mayoral campaign committee. You did not sign as counsel to either, nor did you even say that you were writing on behalf of either of them. However, I am informed by [an article in Politico yesterday](#) that you are, in fact, candidate Cuomo’s “campaign attorney.” Therefore, I explain below why your characterization of the document as unlawful and defamatory is incorrect.

The Flyer Does Not Violate New York State or New York City Law.

You are surely aware that even if your assertions that the “mailer” contains “false statements” and is “false and defamatory” were true, it would not violate New York City or New York State election laws. Neither the State Board of Elections, the New York City Board of Elections, nor the Office of the Attorney General has jurisdiction over the substantive content of

public communications about candidates for public office (save for reporting and self-identification of legally defined “independent expenditures”). Your empty threat to seek “all available remedies” against Local 1180 through these authorities can only be viewed as an attempt to intimidate the Union from exercising its First Amendment rights.

Moreover, the “mailer” was not a mailer; rather, Local 1180 distributed it as a flyer at a meeting of its membership, sent it to its membership list electronically, and posted it on the Union’s website. These means of circulation are exempt from regulation under the State and City election laws, including those concerning independent expenditures.

The Flyer Does Not Defame Former Governor Cuomo.

With respect to your conclusory allegation that the flyer is “defamatory,” your failure to explain how it does so is unsurprising given the actual law of defamation. A public figure such as Mr. Cuomo must prove both falsehood and “actual malice” – either knowledge that statements were false or reckless disregard for whether or not they were false. *See Huggins v. Moore*, 94 N.Y.2d 296, 301(1999); *accord, New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964). Mere mistakes, misinterpretations, political hyperbole, and substantially true statements are not defamatory. Additionally, Mr. Cuomo would have to show that the flyer actually resulted in calculable damage to his reputation. It is very difficult to see how this flyer, privately circulated by hand and passively posted on a local union website – and utterly dwarfed by the millions of dollars of advertising and endless social media messaging that are critical of Mr. Cuomo – could elicit such a result or warrant a mayoral campaign’s loud attention, but that attention has only brought on [the Streisand Effect](#), including the *Politico* story.

Additionally, if Mr. Cuomo brought a defamation suit against Local 1180 for circulating its (only) flyer on the New York City mayoral election - “an issue of public interest” – there is a substantial likelihood not only that the Union would prevail, but also, due to New York’s “anti-SLAPP” law, that the court would order him to reimburse the Union for its attorneys’ fees and other costs of defending the action. *See* Civil Rights Law, art. 7, §§ 70a, 76-a.

The flyer, created after the Union’s careful research, contained 10 distinct statements explaining why the Union opposes Mr. Cuomo’s election. Of these 10 statements, meant to fairly and succinctly reflect the research, you object to five of them and say nothing about the others, which the Union takes as a concession of their accuracy.

Of the five you highlight, two concern millionaires: that Mr. Cuomo “is the friend of millionaires not workers” (Local 1180’s protected opinion) and that, as Governor, Mr. Cuomo “let the millionaire tax expire” (Local 1180’s protected substantial truth). A third statement, that Mr. Cuomo “[h]as never been a resident of New York City until recently” is obvious political hyperbole – protected speech in the context of an election campaign and, even if incorrect, is not *defamatory*. A fourth, that Mr. Cuomo “covered up nursing home deaths during the COVID-19 pandemic,” is fair commentary in light of both state and federal reports.¹

¹ *See* [Nursing Home Response to COVID Pandemic](#), New York State Office of the Atty. Gen. at p. 36-37 (rev. Jan. 31, 2021); *see also* U.S. House of Representatives Select Subcommittee on the Coronavirus Pandemic [Staff Memo](#).

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Finally, in the event that Local 1180 publishes additional statements about its position on the mayoral election, the Union will adjust the fifth statement at issue by replacing:

“Settled with the federal government acknowledging he subjected at least 13 female employees of New York state to a sexually hostile work environment as NYS governor”

with:

“While Governor, ‘repeatedly subjected [at least thirteen] female employees to unwelcome, non-consensual sexual contact; ogling; unwelcome sexual comments; gender-based nicknames; comments on their physical appearances; and/or preferential treatment based on their physical appearances.’”²

I trust this concludes the matter.

Sincerely,



Jessica Robinson
Counsel for CWA Local 1180

cc: Gloria Middleton,
President, CWA Local 1180

[re: Findings from the Select Subcommittee’s Investigation into the Cuomo Administration’s March 25 Directive admitting COVID-positive patients into Nursing Homes](#), at p. 31-47 (Sept. 9, 2024).

² [Agreement Between the United States and the State of New York Executive Chamber Regarding Workplace Reform](#), at § II, para. 4 (Jan. 26, 2024).