

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

United States Courthouse
40 Foley Square - Room 1702
New York, New York 10007

November 17, 2000

RE: Judicial Conduct Complaint
Docket No. 00-8547

Dear Mr. Madsen:

This is in regard to our phone conversation and your correspondence of November 13, 2000. I trust you will pass this letter to Chief Judge Winter as a follow-up of the complaint above.

The latest proceedings in the case Chertkova v. Connecticut Specialty, ORION Corporation, docket # 3:97CV2708 (AVC) further demonstrate that Honorable Judge Covello is "unable to discharge all the duties of office".

It was stated in the above mentioned complaint filed in July, 2000, that Judge Covello either does not read important documents or can not comprehend the issues discussed in them. On August 25, 2000, plaintiff filed motion to recuse and motion to stay based on the fact that the submitted complaint is an "extrajudicial source" and warranted at least the stay of the proceedings until the resolution of the matters brought up in the complaint.

On November 3, 2000 Judge Covello denied both motions on the basis that he does not know what the complaint is about and therefore can not determine whether it is indeed of "extrajudicial source" or not: "While she [plaintiff] states that a complaint of judicial misconduct is pending, she has not provided the court with a copy of the document, nor has she described the facts supporting the complaint in her motion. She argues that the complaint is an "extrajudicial source": however, if her reasons arise from something occurring within the proceedings in the instant matter (or previous matters before the undersigned), then she may not circumvent the extrajudicial source doctrine merely by placing those reasons in a complaint of judicial misconduct." (See Ruling)

As indicated in your letter of November 13, 2000, a copy of the complaint was served to Honorable Judge Covello on August 3, 2000 - as is required by Rule 3 (a) (1). It should be clear from the complaint that its point -- that Judge Covello is "unable to discharge all the duties of office" - is an issue that transcends the merits of any specific case, and, therefore is "extrajudicial source". Yet, Judge Covello's ruling neither acknowledges the receipt of a copy of the complaint, nor its content.

This latest confusion is another proof of the difficulties experienced by Honorable Judge Covello in discharging the duties of office. If his confusion is based on the complaint envelop being possibly marked as "Complaint of Disability" rather than "Complaint of Misconduct", it would further illustrate the extent of the problem.

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PHONE NO. :

Oct. 20 1999 10:42AM PA

Sincerely,

Stella Ch

Stella Chertkova
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