

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

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DORIS L. SASSOWER,

Plaintiff-Appellant,

-against-

Docket #96-7805

4/29/97 Motion Calendar

SUPPLEMENTAL AFFIDAVIT

Hon. GUY MANGANO, et al.,

Defendants-Appellees.

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STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

DORIS L. SASSOWER, being duly sworn, deposes and says:

1. This Supplemental Affidavit is submitted as an aid to the Court to make known facts of which I only became aware subsequent to submission of my April 23, 1997 Reply Affidavit. These facts relate to: (a) the disqualification of the presiding judge of the panel hearing this motion; (b) recent decisions of district courts of this Circuit strongly critical of the Attorney General's office for far lesser misconduct than is documented by my April 1, 1997 motion; and (c) the continuing burden upon me and this Court by reason of the misconduct of Assistant Attorney General Weinstein and the Attorney General's office -- by their bad-faith and oppressive refusal to entertain reasonable and legally mandated stipulations proposed at the November 8, 1996 Pre-Argument Conference.

A. THE DISQUALIFICATION OF PRESIDING JUDGE AMALYA KEARSE

2. This Circuit does not disclose the identity of its motion panels until the noon hours of the Thursday prior to the motion date -- or so I have been told by the Clerk's office. On Friday morning, April 25, 1997, my daughter telephoned the Clerk's Office and learned from Richard

Alcantara that the panel hearing my April 1, 1997 motion would consist of Judge Amalya Kearse, as Presiding Judge, Judge Guido Calabresi, and a District Court Judge from the District of Columbia, Louis Oberdorfer.

3. My daughter's immediate response to Mr. Alcantara was to tell him that Presiding Judge Kearse was disqualified from hearing this motion. Her official misconduct in wilfully covering up the retaliatory decision in Sassower v. Field, 973 F.2d 75 (1992), authored by now Chief Judge Jon Newman, is presented therein as partial basis for my seeking this Circuit's sua sponte disqualification from adjudicating this case. Judge Kearse not only participated in this Circuit's denial of my Petition for Rehearing En Banc of Judge Newman's factually-fabricated, legally insupportable and facially-aberrant decision in Sassower v. Field, but she herself authored the factually-fabricated and legally insupportable decision dismissing my §372(c) misconduct complaint against Judge Newman based thereon, #96-8511. The facts relating to Judge Kearse's misconduct are summarized at ¶8 of my motion (p. 4), as well as footnote 6 of my Reply Affidavit (p. 6).

4. As set forth in my daughter's November 28, 1995 testimony before the Second Circuit's Task Force on Gender, Racial, and Ethnic Fairness in the Courts (Exhibit "A", pp. 8-9) -- which accompanied my own testimony on that date [R-890-900] -- 28 U.S.C. §372(c) does not mandate the confidentiality of judicial misconduct complaints. The Court is, therefore, respectfully referred to my extensive Petition for Review of Judge Kearse's dismissal of my §372(c) complaint, particularizing Judge Kearse's deliberate disregard for fact and law in her fraudulent decision. In addition to the Court's file of my §372(c) complaint -- presumably accessible to Judge Kearse and who, by the §372(c) statute, is not barred

from disclosing it -- a duplicate of the file was provided to the Second Circuit's Task Force on Gender, Racial, and Ethnic Fairness. A copy of the letter transmitting the file to the Task Force is annexed hereto (Exhibit "B"). For the convenience of this panel, I will request the Task Force to make such file of my §372(c) complaint available to this Court -- and the Attorney General's office -- upon request. This includes my cert papers to the U.S. Supreme Court for review under its "power of supervision" of Judge Newman's decision in Sassower v. Field.

5. As expressly stated at ¶7 of my motion (p. 4), should this Court not recuse itself sua sponte based on the facts therein set forth and those pertaining to George Sassower, of which it has superior knowledge¹, I will make a formal motion, annexing the pertinent documentation.

B. RECENT COURT DECISIONS FURTHER SUPPORT MY ENTITLEMENT TO A SHOW CAUSE ORDER AGAINST THE ATTORNEY GENERAL'S OFFICE FOR CONTEMPT AND SANCTIONS

6. On April 24, 1997, a front-page article in the New York Law Journal (Exhibit "C") described the recent report of Southern District Magistrate Judge Theodore H. Katz in McClain v. Lord, 95 Civ. 4918, who found an Assistant Attorney General's conduct in repeatedly missing filing deadlines and violating court orders so professionally unacceptable that he recommended that a \$150,000 default judgment be entered against the state -- which was accepted by Judge Leisure. The Law Journal also noted that Judge Katz' report had cited decisions by other judges criticizing the

¹ As set forth in my Petition for Review of Judge Kearse's dismissal of my §372(c) complaint against Judge Newman, Judge Kearse participated in In re Sassower, 20 F.3d 42 (2d Cir. 1994).