

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DORIS L. SASSOWER, :

Plaintiff, :

-against- :

AFFIDAVIT

Hon. GUY MANGANO, PRESIDING JUSTICE :  
OF THE APPELLATE DIVISION, SECOND :  
DEPARTMENT OF THE SUPREME COURT OF :  
THE STATE OF NEW YORK, and the :  
ASSOCIATE JUSTICES THEREOF, GARY :  
CASELLA and EDWARD SUMBER, Chief :  
Counsel and Chairman, respectively, :  
of the GRIEVANCE COMMITTEE FOR THE :  
NINTH JUDICIAL DISTRICT, GRIEVANCE :  
COMMITTEE FOR NINTH JUDICIAL DISTRICT, :  
Does 1-20, being present members :  
thereof, MAX GALFUNT, being a Special :  
Referee, and G. OLIVER KOPPELL, :  
Attorney General of the State of New :  
York, all in their official and :  
personal capacities, :

94 Civ. 4514  
(JES)  
Pro Se

Defendants. :  
-----X

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

GARY L. CASELLA, being duly sworn, deposes and states:

1. I am a defendant in the above-captioned action and Chief Counsel for the Grievance Committee, Ninth Judicial District. I am fully familiar with the facts set forth below.

2. By Order of the Appellate Division, Second Department, dated December 14, 1989, I was appointed as attorney for the Grievance Committee for the Ninth Judicial District to prosecute a disciplinary proceeding against the plaintiff, Doris Sassower.

3. I am familiar with the motion of the Grievance Committee, brought by Order to Show Cause, signed May 8, 1990, to suspend plaintiff from the practice of law based on her incapacity and direct that she be examined by a qualified medical expert. I directed that plaintiff be served with the signed Order to Show Cause.

4. On May 14, 1990, plaintiff was served with the Order to Show Cause, signed May 8, 1990. See Affidavit of Service, sworn to on May 14, 1990, defendants' Exh.A.

5. By Order of defendant Justices, dated October 18, 1990, I was directed to arrange that plaintiff be examined by a qualified medical expert. See Order of defendant Justices, dated October 18, 1990, defendants Exh.B.

6. To this date, plaintiff has refused and failed to submit to an exam by a qualified medical expert.

7. I am familiar with the motion of the Grievance Committee, brought by Order to Show Cause, signed January 25, 1991, to suspend plaintiff from the practice of law based on her failure to comply with the Order of the Appellate Division, dated October 18, 1990. I directed that plaintiff be served with the signed Order to Show Cause.

8. On January 30, 1991, plaintiff was served with the signed Order to Show Cause. See, Receipt of Service, dated January 30, 1991, defendants' Exh.C.

Gary L. Casella  
GARY L. CASELLA

Sworn to before me this  
6<sup>th</sup> day of October, 1995

Gloria A. Bunze  
Notary Public

**GLORIA A. BUNZE**  
Notary Public, State of New York  
No. 5001193  
Qualified in Westchester County  
Commission Expires August 31, 1996

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : SECOND DEPARTMENT

-----X  
In the Matter of DORIS L. SASSOWER, X  
an Attorney and Counsellor-at-Law. X

GRIEVANCE COMMITTEE FOR THE X  
NINTH JUDICIAL DISTRICT, X

Petitioner, X

against X

DORIS L. SASSOWER, X

Respondent. X  
-----X

AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER )

ss.:

I, Joseph J. Fonseca, being duly sworn, deposes and says: Deponent is not a party to this action, he is over the age of 18 years and resides in Carmel, New York.

On May 14, 1990, at approximately 11:50 A.M., deponent made contact with a person of suitable age and discretion at respondent's residence located at 283 Soundview Avenue, White Plains, New York, wherein deponent served the annexed Order To Show Cause upon her by handing her a true copy of same.

Deponent knew the person so served to be the respondent's daughter, Elena Ruth Sassower, as deponent had contacted her on a previous occassion in the company of respondent, and that the person served accepted service of the annexed Order To Show Cause on behalf of respondent, who was, upon information and belief, at the premises but was purportedly unavailable to receive service. The person so served acknowledged receipt of service of the annexed Order To Show Cause by affixing her signature in the acknowledgement of service portion of the blueback for the Order To Show Cause.

On May 14, 1990, deponent also served the annexed Order To Show Cause by depositing a true copy thereof in a post-paid wrapper in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State addressed to respondent at her residence at 283 Soundview Avenue, White Plains, New York.

  
Joseph J. Fonseca

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Sworn to before me this  
14th day of May, 1990.

Notary Public, State of New York

EX "A"

JOHN A. GEOGHEGAN  
CHAIRMAN

State of New York  
Grievance Committee for the  
Ninth Judicial District

CROSEWEST OFFICE CENTER  
399 KNOLLWOOD ROAD - SUITE 200  
WHITE PLAINS, N. Y. 10603  
914-949-4540

GARY L. CASELLA  
CHIEF COUNSEL  
ETTA M. BILOON  
DEPUTY COUNSEL  
GARY D. EGERMAN  
MARYANN YANARELLA  
SONDRA S. HOLT  
ASSOCIATE COUNSEL

May 15, 1990

CONFIDENTIAL

Martin Brownstein, Esq.  
Clerk of the Court  
Appellate Division  
Second Department  
45 Monroe Place  
Brooklyn, New York 11201

Re: Doris L. Sassower

Dear Mr. Brownstein:

Enclosed please find an Order to Show Cause with supporting  
Affirmation. Acknowledgment of service is included on the  
blueback and the affidavit of service is attached.

Thank you.

Very truly yours,



Gary L. Casella  
Chief Counsel

GLC:kdi  
Enclosures

An Attorney at Law

FIFTH JUDICIAL DISTRICT

DORIS E. MASSOWER

Respondent

SNOW CAUSE  
CERTIFICATION

GARY J. SKILL

Service of a copy of this writ

Date: 5/17/98

Notice of Motion

Noted on the return of the writ

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

0597T  
B/nl

(NOT TO BE PUBLISHED)

GUY JAMES MANGANO, P.J.  
WILLIAM C. THOMPSON  
LAWRENCE J. BRACKEN  
RICHARD A. BROWN  
THOMAS R. SULLIVAN, JJ.

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90-00315 Atty.

DECISION & ORDER ON MOTION

In the Matter of Doris L. Sassower,  
an attorney and counselor at law.

Grievance Committee for the Ninth  
Judicial District, petitioner;

Doris L. Sassower, respondent.

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Motion by petitioner to suspend respondent from the practice of law for an indefinite period and until the further order of this court based upon respondent's incapacity and for an order directing that respondent be examined by a qualified medical expert to determine whether respondent is incapacitated from continuing to practice law pursuant to § 691.13(b)(1) of the Rules of this Court [22 NYCRR § 691.13(b)(1)].

Respondent cross-moves for an order dismissing the disciplinary proceeding authorized against respondent by order of this court dated December 6, 1989, by reason, *inter alia*, of lack of personal jurisdiction.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the respondent is directed to be examined by a qualified medical expert, to be arranged for by Chief Counsel for the Grievance Committee for the Ninth Judicial District, to determine whether the respondent is incapacitated from continuing to practice law pursuant to § 691.13(b)(1) of the Rules of this Court [22 NYCRR § 691.13(b)(1)]; and it is further,

October 18, 1990

MATTER OF SASSOWER, DORIS L.

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EX "B"

ORDERED that petitioner's motion to suspend respondent is held in abeyance, and upon receipt of and consideration of the report of the medical expert, the court will determine whether to suspend respondent from the practice of law based upon her incapacity; and it is further,

ORDERED that respondent's cross-motion to dismiss the underlying disciplinary proceeding based upon, *inter alia*, lack of personal jurisdiction is denied.

MANGANO, P.J., THOMPSON, BRACKEN, BROWN and SULLIVAN, JJ., concur.

SUPREME COURT, STATE OF NEW YORK  
APPELLATE DIVISION, SECOND DEPT.

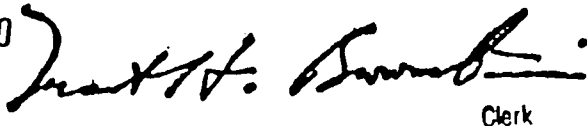
MARTIN H. BROWNSTEIN, Acting Clerk of the Appellate Division of the Supreme Court, Second Judicial Department, do hereby certify that I have compared this copy with the original filed in my office on OCT 10 1990 and that this copy is a correct transcription of said original.

ENTER:

MARTIN H. BROWNSTEIN

Martin H. Brownstein  
Clerk

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on OCT 18 1990

  
Clerk



In the Matter of Doris L. Sassower;  
An attorney and counselor at law.

GRIEVANCE COMMITTEE FOR THE  
NINTH JUDICIAL DISTRICT,

Petitioner,

against

DORIS L. SASSOWER,  
Admitted Under the Name of DORIS LIPSON SASSOWER

Respondent.

ORDER TO SHOW CAUSE  
WITH SUPPORTING AFFIRMATION

Gary L. Tusek,  
Attorney for Petitioner  
Office and Post Office Address, Telephone  
STATE OF NEW YORK  
GRIEVANCE COMMITTEE  
NINTH JUDICIAL DISTRICT  
CROSSWEST OFFICE CENTER  
399 KNOLLWOOD ROAD - SUITE 200  
WHITE PLAINS, NEW YORK 10603  
(914) 438-4240

To

Attorney(s) for

Service of a copy of the within *ORDER TO Show Cause* is hereby admitted

Dated, *January 30, 1991*  
*420 p.m.*

Attorney(s) for

*W. J. ...*  
*W. J. ...*

Sir:— Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for  
settlement to the HON. one of the judges

of the within named court, at  
on 19 at M.

Dated,

Yours, etc.

Attorney for

To

Office and Post Office Address, Telephone  
STATE OF NEW YORK  
GRIEVANCE COMMITTEE  
NINTH JUDICIAL DISTRICT  
CROSSWEST OFFICE CENTER  
399 KNOLLWOOD ROAD - SUITE 200

Attorney(s) for

*EX "C"*