

**GEORGE SASSOWER**

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December 8, 1987

Chief Judge Wilfred Feinberg  
Circuit Court of Appeals,  
40 Foley Square,  
New York, New York, 10007

Re: Bankruptcy Judge, Howard Schwartzberg  
Rule 0.24 Complaint

Dear Sir:

1a. Ira Postel, Esq., stated on June 19, 1987, in sum and substance, that he, Feltman, Karesh, Major & Farbman, Esqs. and Kreindler & Relkin, P.C. could conduct themselves as they desired, with impunity, in the forum of Bankruptcy Judge Howard Schwartzberg because His Honor has been "fixed".

b. Following such remarks, Mr. Hyman Raffe stated that he paid and continues to pay extortion and blackmail monies to the firm of Feltman, Karesh, Major & Farbman, Esqs. because His Honor "is a crook", and has no reasonable alternative.

c. These public utterances, were, of course, reported by me to Bankruptcy Judge Howard Schwartzberg.

2a. No person, who has read the manifestly perjurious testimony of of Ira Postel, Esq., or know of his conduct, as well as the conduct of his co-conspirators (Exhibit "A"), which includes Jeffrey L. Sapir, Esq., the trustee, in the forum of Bankruptcy Judge Howard Schwartzberg, doubts that Judge Schwartzberg has been "fixed" and "corrupted", as Mr. Postel boasted.

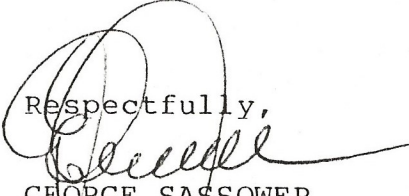
b. No honest judge would have remained mute and actionless, in view of the ministerial mandate contained in 18 U.S.C. §§152 and 3057, as has Judge Schwartzberg.

c. Consistently, for the past eight (8) months, the designee of the United States Trustee, Jeffrey L. Sapir, Esq., has never acted for the benefit of his trust, but rather in concert with those who are indebted to affirmant's estate, and/or contrary to the interests of such estate, his trust.

d. Mr. Sapir would never dare to openly act with such perfidity, unless he had the consent of Bankruptcy Judge Howard Schwartzberg to so act.

e. On Pearly Harbor Day, I believe it particular appropriate to draw this matter to Your Honor's attention, and to make this Rule 0.24 complaint.

Respectfully,



GEORGE SASSOWER

cc: Bankruptcy Judge, Howard Schwartzberg  
Hon. Rudolph W. Giuliani  
Ira Postel, Esq.  
Feltman, Karesh, Major & Farbman, Esqs.  
Kreindler & Relkin, P.C.  
Jeffrey L. Sapir, Esq.

1. On September 8, 1987, affirmant served upon Postel a Notice, which read as follows:

"NOTICE OF HEARING

To: IRA POSTEL, Esq. and A.R. FUELS, INC.

You are hereby notified that the undersigned has set down for a hearing before Hon. HOWARD SCHWARTZBERG, United States Bankruptcy Judge, for September 15, 1987, at 10:00 o'clock in the forenoon of that day, at 101 East Post Road, White Plains, New York, 10601, the date and place IRA POSTEL, Esq., made his motion returnable, to determine the validity vel non of Mr. Postel's quintessential statement in his motion that:

'The claims asserted by A.R. Fuels, Inc. are valid claims arising out of court awarded fees assessed against debtor by Referee Donald Diamond in the Puccini dissolution proceedings pending in the Supreme Court of the State of New York, County of New York.' [emphasis supplied].

Demand is made that you immediately serve the undersigned and JEFFREY L. SAPIR, Esq. at 234 North Central Avenue, Hartsdale, New York, 10530 with (1) all documents supporting such claims, including confirmation proceedings; (2) all documents supporting the assertion that A.R. FUELS, INC., was involved in the Puccini dissolution proceeding at the time such purported awards were made, (3) all documents showing the jurisdiction of Referee Donald Diamond over A.R. FUELS, INC.; and (4) all prior written notices that revealed proceedings before Referee DONALD DIAMOND involving A.R. FUELS, INC., and the undersigned were to take place."

*Exhibit "A"*

2. Consequently, Postel had actual knowledge that he probably would be called upon to testify, on September 15, 1987, in support of his executed Proofs of Claim.

3. In view of the aforesaid, the perjurious nature of Postel's testimony on September 15, 1987 becomes manifestly evident. Such testimony reads as follows:

"Q. Did you at any time make a motion to confirm that \$25,000 [Referee DONALD DIAMOND award].

A. I didn't think it was necessary.

Q. Yes or no.

A. As I advised the court before, no motion was made to confirm.

Q. ... Did you ever send me any documents which showed that \$25,000 was due A.R. Fuels? Yes or no?

A. I think I did. I mean, I've sent you so many documents ---

Q. But did you ----

A. I don't recall what's in every document that I sent to you, Mr. Sassower.

...  
Q. You've been here a number of times and have you heard me refer a number of times to phantom judgments, phantom orders and phantom claims? Have you heard that before?

A. You use that word in your daily lexicon of vocabulary.

Q. ... At any time did you present to the court or to me any substantiation in writing that there exists the \$25,000 award, claim, judgment against me?

A. I believe you were served with copies of every order issued by Referee Diamond.

Q. ... Could you give me a copy of an order issued by anybody against me in favor of A.R. Fuels?

A. I don't have them with me. Mr. Sassower. I did not come here today anticipating that this was an evidentiary hearing.

Q. ... Did you not think it was proper on this claim in view of the fact that there was a contemporaneous motion for summary judgment to come forth with evidence to show His Honor something actually exists? Yes or no?

A. ... The answer is no, I didn't feel I had to bring those with me.

Q. ... Are you saying, Mr. Postel, that you are prepared to show His Honor today or tomorrow something you sent me showing a claim against me by A.R. Fuels for \$25,000?

A. At the next --- at the adjourned date of this hearing, yes, I shall be.

Q. And you didn't bring it today?

A. No, I did not.

Q. Is this document, would you say --shows \$25,000 against me by A.R. Fuels -- is this document filed in the County Clerk's Office? Yes or no?

A. I believe it is. I believe the order of Judge Diamond assessing fees --

Q. Of twenty-five --

A. (Continuing) --- are filed in the Clerk's Office.

Q. Do you, in your file, have a copy of any order --

THE COURT: Clerk's Office; you mean, County Clerk's Office?

MR. Sassower: Right.

THE COURT: Okay.

Q. Do you have in your file a copy of the County Clerk's order which assesses against me \$25,000 in favor of A.R. Fuels? Yes or no?

A. I have copies of all of Judge Diamond's orders.

Q. Filed in the County Clerk's Office?

A. Every order that I think Judge Diamond issued has been filed in the County Clerk's Office.

Q. Do you have an order filed in the County Clerk's Office for \$25,000 against me in favor of A.R. Fuels?

A. I believe I do.

Q. Okay. And you will produce that?

A. I shall.

Q. When was this order rendered in favor of A.R. Fuels against me? Date?

A. To the best of my recollection, it was some time in the spring or summer of 1985. I could be wrong, but that's the best of my recollection. There may have also been one in the fall of '85.

Q. We're talking about \$25,000 and it's the only claim.

A. I think it's cumulative; there's several judgments that add up to \$25,000.

Q. Several --

A. Several assessments.

...

Q. ... were you there when Referee Diamond assessed \$25,000 in favor of A.R. Fuels against me? Where you there?

A. I believe I was.

Q. And who else was there at that time?

A. Referee Diamond.

Q. And who else?

A. Could have been Mr. Gerstein [K&R]; could have been Mr. Schneider [FKM&F], could have been other people from the bank.

Q. Was I there?

A. No, you were not.

Q. Okay.

A. I believe that was the reason for the assessment, because you were not there.

Q. ... Prior to the assessment of \$25,000 -- whether it was a one-lump sum or as a matter of a cumulative amount --- was a motion made to assess me \$25,000 in favor of A.R. Fuels? Yes or no?

A. No.

Q. So that -- was any telephone call made to me and say, we're having a proceeding before Referee Diamond and he's going to assess --- the purpose of that is to assess against me for \$25,000 or any sum of money?

A. You were notified of the hearings: I don't know if you --

Q. When?

A. Prior --

Q. In writing?

A. Prior to the hearings that were being hold before Referee Diamond, Mr. Sassower. You had notice of every one of them. Whether or not you decided to attend was your decision. Nobody else --

Q. Have you got copies of those notices?

A. I'm sure I do.

Q. Fine. Will you produce them?

A. Not here. They're probably in my office. I don't have my files here.

...

THE WITNESS: Your Honor, can I interject? There is an express train at 12:07 which I would like to make which would then get me back into the City at about 12:40 and I can get to my office to make my one o'clock appointment.

...

MR. Sassower: ... what I'm going to suggest ---what I'm going to suggest ... that he send to you a copy of all his documents that I've asked for and that after receiving those documents, Your Honor feels that a further hearing is necessary ---

...

Q. And you will be prepared next time to bring all your papers and all your documentation to support this \$25,000 claim? Yes or no?

A. I will bring all the files that I have.

...

Q. ... were you aware of a complaint by me against A.R. Fuels in 1986 in the Supreme Court, Westchester County? Yes or No? Here's a copy of the complaint. ... Did you receive from me for \$100,000 based on work, labor and services performed by me for A.R. Fuels?

A. I believe I've seen that, yes. ... And I truly forgot the claim of the \$100,000 ...

Q. So that if you were to re-file that proof of claim today, if His Honor gave you permission, you would include as --- you know what a counterclaim or offset is?

A. Yes.

Q. Would you include ---would you say the \$100,000 was omitted from notice of claim inadvertently?

A. Yes.

Q. But you were aware of a claim made by me to A.R. Fuels where A.R. Fuels was to be reimbursed from the insurance company? Generally?

A. Generally, but not specifically as it relates to you.

Q. Okay. But in any event, would you, if you were given permission to re-file that proof of claim, would you have included as a possible offset or counterclaim of that \$20,000.

A. I would have included it as a possible claim that you have.

...  
MR. SASSOWER: Let him send all the proof; Let him send all the proof -- all documentation to Your Honor and to me. After Your Honor looks at the documentation and you feel that a further hearing -- ...

...  
THE COURT: Send in whatever proofs of claim --

MR. SASSOWER: Right.

THE COURT: I'll follow that procedure. Let's see what you have that shows that the orders were entered. Send them in in one file; have it delivered and I will set it/down meanwhile for a hearing --- a continuation of this hearing. So at least give me an opportunity to look over what he's submitting.

THE WITNESS: Fine. I have no objection.

MR. SASSOWER: 10/1, 2:00 p.m. And when will you send this documentation in?

THE WITNESS: I'll try to get it out by the end of the week --

MR. SASSOWER: Okay. ..."

4. Such 'phantom' documentation never came!

5. On October 1, 1987, Mr. Postel announced that he withdrew his claims on behalf of A.R. Fuels, Inc., without ever showing any evidence of such 'phantom' awards by Referee DONALD DIAMOND.

6. K&R and FKM&F, having seen Postel slaughtered, also withdrew their multimillion dollar claims.