

# United States Bankruptcy Court

SOUTHERN District of NEW YORK

In re

GEORGE SASSOUK

Bankruptcy Case No.

90-B-1355

Debtor

GEORGE SASSOUK

Plaintiff

Doris Dilnot, et al.

Defendant

Adversary Proceeding No.

90-B-1355

## SUMMONS AND NOTICE OF TRIAL IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Address of Clerk

U.S. BANKRUPTCY COURT  
1 Bowling Green  
New York, N.Y. 10004

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney

GEORGE SASSOUK  
16 KANE STREET  
WHITE PLAINS, N.Y. 10623

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that a trial of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address

U.S. Bankruptcy Court  
1 Bowling Green  
New York, N.Y. 10004

Room 623

Date and Time

12/19/90

@ 10:00 AM

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

**NOV 13 1990**

Date

Clerk of the Bankruptcy Court

By:

Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
In re;

GEORGE SASSOWER,

Debtor.

Docket No.  
90-B-13505  
[BRL]

-----x  
GEORGE SASSOWER, Chapter 13 Debtor,  
Plaintiff,

-against-

DENIS DILLON, J. KENNETH LITTMAN,  
MATTHEW SANSVERIE, KENNETH M. COZZA,  
and JACOB JABLONSKY,  
Defendants.

Docket No.

90-6655A.

Trial by Jury

-----x  
Plaintiff, the Chapter 13 debtor, as and for his  
adversarial complaint, respectfully sets forth and alleges:

1. On October 26, 1990 plaintiff commenced a case by  
filing a voluntary petition for relief under Chapter 13 of Title  
11, United States Code ["case filing"].

AS AND FOR A FIRST CAUSE OF COMPLAINT.

2. Plaintiff-debtor repeats, reiterates, and  
realleges each and every allegation of this complaint numbered  
"1" with the same force and effect as though more fully set forth  
herein, and further alleges.

3a. That at all times hereinafter mentioned the  
defendant, DENIS DILLON ["Dillon"] was and is the District  
Attorney of Nassau County.

b. That at all times hereinafter mentioned the  
defendant, J. KENNETH LITTMAN ["Littman"], was and is an  
Assistant District Attorney in the Dillon Office.

c. That at all times hereinafter mentioned the  
defendant, MATTHEW SANSVERIE ["Sansverie"], was and is an  
Assistant District Attorney in the Dillon Office.

d. That at all times hereinafter mentioned the defendant, KENNETH M. COZZA ["Cozza"], was and is a Detective-Investigator in the Dillon Office.

e. That at all times hereinafter mentioned the defendant, JACOB JABLONSKY ["Jablonsky"], is presently the Sheriff of Nassau County.

4a. In and about February of 1988, the validity of an arrest warrant based upon a misdemeanor "Information" was controlled by People v. Alejandro (70 N.Y.2d 133, 517 N.Y.S.2d 927, 511 N.E.2d 71 [1987]).

b. People v. Alejandro (supra) holds:

"The information was insufficient on its face because it lacked the necessary nonhearsay allegations which would establish, 'if true, every element of the offense charged and the defendant's commission thereof' (citing statutes). We hold that this omission constituted a jurisdictional defect which was not waived by defendant's failure to raise the issue until after completion of the trial (at 134-135, 928, 72). The reason for requiring the additional showing of a prima facie case for an information lies in the unique function that an information serves under the statutory scheme established by the Criminal Procedure Law. An information is often the instrument upon which the defendant is prosecuted for a misdemeanor or a petty offense. Unlike a felony complaint it is not followed by a preliminary hearing and a Grand Jury proceeding. Thus, the People need not, at any time prior to trial, present actual evidence demonstrating a prima facie case as with an indictment following a felony complaint (at 137-138, 930, 73-74). ... Our conclusion that the showing of a prima facie case for informations was intended to be of jurisdictional import is supported also by the mandatory nature of the language ... which underscores in unequivocal terms that ... for facial sufficiency of an information every element of the offense charged and the defendant's commission thereof must be supported by nonhearsay allegations' " (at p. 139, 931, 74) [emphasis in original].



5a. In February of 1988, the defendants, Dillon, Littman, and Sansverie had actual knowledge of the People v. Alejandro (supra) holding.

b. In February of 1988, the defendant Cozza had actual knowledge, or should have known, of the holding in People v. Alejandro (supra).

6a. On February 22, 1988 Cozza, at Sansverie's request, executed a misdemeanor "Information" wherein the plaintiff was the defendant on a matter in which Cozza had no personal knowledge.

b. The "Information" executed by Cozza did not disclose that he had no personal knowledge of the essential elements of same.

7a. Dillon and Littman had actual knowledge that plaintiff, in July and August of 1988, was lawfully practicing law on behalf of clients, including DENNIS F. VILELLA ["Vilella"] in the federal forums.

b. Sansverie and Cozza, from papers which were recited in the Cozza-executed "Information" and otherwise, knew or should have known that plaintiff was lawfully practicing law on behalf of clients, including Vilella, in the federal forums.

8a. In the papers submitted in support of the Arrest Warrant against plaintiff the defendants, Dillon, Littman, Sansverie, and Cozza knew they did not comply with the mandate of People v. Alejandro (supra) in that:

"for facial sufficiency of an information every element of the offense charged and the defendant's commission thereof must be supported by nonhearsay allegations".

b. Furthermore, in the papers submitted in support of the Arrest Warrant against plaintiff the defendants, Dillon, Littman, Sansverie, and Cozza concealed that plaintiff was lawfully practicing law in the federal forums and as a pro se litigant.

9a. To avoid any judicial inquiry as to the jurisdictional validity of the Cozza "Information", or the need, vel non, for the issuance of a Warrant of Arrest Cozza, on February 22, 1988, gave the "Information", the supporting papers, and the Warrant of Arrest to a clerk of the District Court of Nassau, with a request that the Warrant be signed by a jurist.

b. Without making a judicial inquiry of any kind or nature from Dillon or anyone of his office, Hon. JONAS H. BERNSTEIN ["Bernstein"] of the District Court of Nassau, signed such Arrest Warrant and returned same to a clerk of the Court, who in turn thereafter gave same to Cozza.

10. As a result of such jurisdictionally invalid Arrest Warrant plaintiff, or those acting on his behalf, were unlawfully compelled to deposit the sum of forty-five hundred dollars (\$4,500) with the Sheriff of Nassau County, which office is now held by the defendant, Jablonsky.

11. By reason of the aforementioned, the plaintiff is entitled to recover from the defendants the sum of forty-five hundred dollars (\$4,500) together with interest.

AS AND FOR A SECOND CAUSE OF COMPLAINT.

12. Plaintiff-debtor repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "11" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

13. On the evening of plaintiff's arrest and bailed release on February 23, 1988, Sansverie and Cozza went to the home of Hon. ALLAN L. WINICK ["Winick"] for the purpose of having a general search warrant signed.

14a. Sansverie and Cozza concealed from Judge Winick, in the search warrant application, that the Informations were essentially hearsay in nature and thereby jurisdictionally defective.

b. In addition to patently false statements made in the Cozza search warrant affidavit, Sansverie and Cozza concealed from Judge Winick, inter alia, the following:

(1) Plaintiff was lawfully engaged in litigation in the federal courts on his own behalf and on behalf of others, and such search warrant implicated the reading of attorney-client and work product material involving the federal forums.

(2) Prior to February 23, 1987, plaintiff had actively practiced in the state courts and he still was lawfully in possession of confidential attorney-client material from that period.

(3) Included in the state and federal attorney-client and work product material was privileged material related to and by Vilella.

(4) Plaintiff, at the time, was heavily involved in disclosures to the media and other public authorities concerning judicial and prosecutorial misconduct, including that of the Dillon Office.

(5) Deliberately concealed was the true purpose of such search warrant, which was to seize plaintiff's material, particularly his 'data discs', and thereby frustrate plaintiff's ability to litigate, communicate with the media and other public bodies.

(6) Also deliberately concealed was the interest of FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["KM&F"] in such seizure, particularly plaintiff's word processor discs and that the language mirrored the seizure order of Referee DONALD DIAMOND ["Diamond"], which the SHERIFF OF WESTCHESTER COUNTY ["Sheriff/West"] had refused to obey.

15. The Search Warrant pre-prepared and obtained by the Dillon office reads:

"YOU ARE THEREFORE COMMANDED ... to make an immediate search of the premises located at 16 Lake Street, White Plains, New York which is used by GEORGE SASSOWER as an office, for correspondence, notes documents, legal books, files, telephone and office equipment and computer software being used in and for the practice of law by GEORGE SASSOWER. If you find such property or evidence, or any part thereof, to bring it before me in the County Court, County of Nassau, State of New York."

16. As against the plaintiff who (a) was lawfully practicing law in federal courts on behalf of himself and others, (b) who was practicing law on a pro se basis in the state courts, (c) who still had in his possession the confidential and privilege papers of clients, (d) was communicating with disciplinary authorities, the media and the public, Cozza and others from the Dillon Office returned to White Plains in the morning of February 24, 1988 and among the material they read and/or seized were:

(1) The file which plaintiff began to prepare for the instant criminal proceeding brought by Dillon against him. Along with confidential material, which they never returned, the 'Dillon Gang' seized plaintiff's copy of the "Information" against him and his bailed receipt issued by the Sheriff of Nassau County.



(2) The pre-state disbarment confidential and work product papers of Vilella in the possession of plaintiff.

(3) The federal post-state-disbarment confidential and work product papers of Vilella which were lawfully in the possession of plaintiff.

(4) Plaintiff's communications to the media and 'watchdog' authorities. Where multiple copies existed, all copies were seized.

(5) Private and personal correspondence of plaintiff.

(6) More than fifty (50) data ['hardware'] discs, containing approximately 10,000 pages of material from 1986 (prior to plaintiff's state disbarment) to date, including work in progress. Data discs are 'hardware' not 'software', and not included in the search warrant order.

17. All seized property, including duplicates and print-outs, must be returned to plaintiff, reserving to plaintiff all right for damages as a result thereof.

AS AND FOR A THIRD CAUSE OF COMPLAINT.

18. Plaintiff-debtor repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "17" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

19. On February 24, 1988, as Cozza was aware before his seizure of plaintiff's property, such property was vested in the U.S. District Court of New Jersey (28 U.S.C. §1334[d]) and such seizure was made without the permission or consent of any federal authority.

20. All seized property, including duplicates and print-outs, must be returned to plaintiff, reserving to plaintiff all right for damages as a result thereof.



AS AND FOR A FOURTH CAUSE OF COMPLAINT.

21. Plaintiff-debtor repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "20" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

22. On March 16, 1988, U.S. Bankruptcy Judge DANIEL J. MOORE ["Moore"] issued an Order that Dillon should return plaintiff's property to him, or duplicates thereof, within five (5) days, which Dillon and his office chose to deliberately ignore.

23. When Dillon and his office chose to ignore the Order of Judge Moore, a similar directive was issued by Nassau District Judge THOMAS W. DWYER ["Dwyer"], which Dillon and his office only partially complied with, and in bad faith.

24. The aforementioned Order and directive must be complied with, reserving to plaintiff all right for damages as a result thereof.

AS AND FOR A FIFTH CAUSE OF COMPLAINT.

25. Plaintiff-debtor repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "24" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

26. On and about March 18, 1988 there was pending in the U.S. District Court for the Eastern District for New York an action by plaintiff on behalf of, inter alia, Vilella.

27. With the intent of interfering with the attorney-client relationship between plaintiff Sansverie, on behalf of

himself and the other defendants herein, solicited the services of ROBERT RIVERS, Esq. ["Rivers"] for such purpose.

28. For the aforementioned purpose Sansverie caused Exhibit "A" to be sent to Rivers.

29. Rivers gave obedience to such request by communicating with the spouse of Vilella.

30. By reason of the interference with the attorney-client relationship that existed by and between plaintiff and Vilella, the plaintiff has been damaged thereby, for which he is entitled to monetary compensation from defendants.

WHEREFORE, plaintiff demands damages from the defendants in the sum of \$100,000,000, reserving his rights against defendants on his other causes of action not pleaded herein.

Dated: November 13, 1990

Yours, etc.,

GEORGE SASSOWER  
Plaintiff-Debtor, pro se.  
16 Lake Street,  
White Plains, New York 10603  
(914) 949-2169  
GS-0512

GEORGE SASSOWER, affirms under penalty of perjury that he has read the foregoing complaint, knows the contents thereof, and the same is true to his own knowledge.

Dated: November 13, 1990

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GEORGE SASSOWER