

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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GEORGE SASSOWER,

Plaintiff,

Docket No.

-against-

WEST PUBLISHING COMPANY; JAMES L. OAKES;
CHARLES L. BRIEANT; GERARD L. GOETTEL;
16 LAKE STREET OWNERS, INC., LAWRENCE
J. GLYNN; KREINDLER & RELKIN, P.C.;
FELTMAN, KARESH, MAJOR & FARBMAN; WILSON,
BAVE, CONBOY & BAVE; and DENIS DILLON,
Defendants.

Trial by Jury
Demanded

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Plaintiff, as and for his complaint, respectfully
sets forth and alleges:

AS AND FOR A FIRST CAUSE OF ACTION
(Declaratory Judgment and Injunction)

1a. Plaintiff brings this action directly under the
Constitution and laws of the United States, with jurisdiction in
the U.S. District Court existing by virtue of 28 U.S.C. §1331,
§1343, §1346, §1361, §2201 and 18 U.S.C. §1964.

b. Article III of the U.S. Constitution guarantees
access to a judicial forum for "all" cases or controversies
arising out the Constitution or Laws of the United States.

c. Presented in this action are cognizable cases or
controversies, within the meaning of Article III of the U.S.
Constitution, wherein resolution on the merits must be made by
this Court.

2a. Plaintiff, a private person, is a born American
citizen, battle-starred veteran of World War II and, except for
military service, has continually resided in the United States.

b. Since about October of 1988, plaintiff has continuously resided at 16 Lake Street, White Plains, New York 10603, Apartment 2C.

c. By reason of the aforementioned residency, occupancy and possession at 16 Lake Street, plaintiff has a constitutionally protected interest in his continued occupancy, entitling him to substantive and procedural due process before his interest could be adversely affected by any branch of government, state or federal.

3a. WEST PUBLISHING COMPANY ["West" and "Westlaw"] is a private publishing corporation, located within the judicial district of this Court, and whose business practices, insofar as this action is concerned, is the subject of judicial notice.

b. West and Westlaw have a symbiotic relationship with the judiciary, and republication of judicial decisions, hard copy ["West"] and electronic ["Westlaw"], can be fairly be attributable to and considered governmental action.

c. West and Westlaw have compiled judicial decisions which have been exclusively composed by the judiciary under "color [pretense] of law", and intended for republication.

4. Chief U.S. Circuit Court Judge JAMES L. OAKES ["Oakes"] of the Second Circuit, Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"] and U.S. District Court Judge GERARD L. GOETTEL ["Goettel"] of the Southern District of New York, are here sued in their personal, non-governmental, individual capacities.

5a(1) Without notice, without due process of any kind or nature, either before or after, on December 10, 1987, Brieant, under "color [pretense] of administrative authority", unlawfully intruded on the independent judicial bailiwick of U.S. District Court Judge CHARLES S. HAIGHT ["Haight"], of the Southern District of New York, and sua sponte dismissed plaintiff's action which was always pending before Judge Haight for adjudication (Sassower v. Sapir et al., Docket No. 87 Civ. 7135 [CSH]).

(2) At all times, from the time that the complaint in Sassower v. Sapir (supra) was filed, to the time this action was dismissed under the non-judicial edict of Brieant [hereinafter "edict #1], said action contained the legend of "CSH" as part of its docket number, revealing the exclusive nisi prius jurisdiction of Judge Haight in the matter.

b(1) The reason advanced by Brieant for this non-judicial, without due process, action was that plaintiff, upon obtaining a copy of a confidential "fixing memorandum" written by U.S. District Judge WILLIAM C. CONNER ["Conner"] to Judge Haight, amended his complaint, as "of course", by adding Conner as a Dennis v. Sparks (449 U.S. 24 [1980]) "fixing" co-defendant.

(2) The aforementioned "fixing memorandum" was solicited, ex parte, from Judge Conner by defendants FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] and KREINDLER & RELKIN, P.C. ["K&R"] who were co-defendants in Sassower v. Sapir (supra).

(3) Although Brieant falsely wrote, in "edict #1" that plaintiff had also added Judge Haight as a co-defendant in Sassower v. Sapir (supra) action, such false assertion was

intentionally concocted, as disclosed by the title itself on "edict #1" itself, which indicates the name of Conner, not Haight, as a co-defendant.

(4) Brieant, with the knowledge and consent of Oakes, keeps and maintains "edict #1" in its false and concocted state, as aforementioned and otherwise, since any correction action would destroy the pre-text for this non-judicial Brieant edict.

(5) Furthermore, Oakes has refused to process or adjudicate plaintiff's 28 U.S.C. §372[c] complaint against Conner (Docket No. 90-8561) because, inter alia, the adverse effect such adjudication might have in destroying the efficacy of the Brieant edicts.

c. In addition to dismissing plaintiff's complaint in Sassower v. Sapir (supra), without prejudice, as part of such edict, Brieant decreed that plaintiff could not file any papers in the U.S. District Court for the Southern District of New York, without first obtaining judicial permission.

d. Such judicial permission, invariably unobtainable, the mandate contained in Article III of the U.S. Constitution notwithstanding, included those instances where plaintiff desired to vacate and/or modify "edict #1", or Brieant's other non-due process edicts, whether by motion and/or independent action.

6a. Thereafter, in and about July of 1989, without notice, without any due process whatsoever, either before or after, without any proceedings by plaintiff pending before any jurist in the Southern District of New York, Brieant, without

even pretended authority, administrative or otherwise, issued an oral edict ["edict #3"] which physically excluded plaintiff from the entire Federal Building and Courthouse in White Plains, New York 10601.

b. Although enforced, neither Brieant, nor anyone else, reduced such oral physical exclusion edict ["edict #3"] to writing until January 23, 1990 when, in communicating with Congresswoman NITA M. LOWEY ["Lowey"], Brieant wrote:

"This letter responds to your inquiry ... concerning George Sassower. ... The prior exclusion order remains in effect, unless and until his physical presence is actually required. ..."

7a. The publication and republication of Sassower v. Sapir (supra), or parts thereof, including its disposition by, inter alia, West and Westlaw, without setting forth the facts alleged herein, including the non-judicial character of the Brieant edict, are injurious falsehoods, have and are continuing to cause plaintiff constitutional injuries for which there is no adequate remedy at law.

b. West and Westlaw have been made aware of some of the infirmities, jurisdictional and constitutional, of "edict #1", including its non-judicial character, but nevertheless have continued to publish and republish same, directly or otherwise, in its false and deceptive state.

8a. There was an action commenced in or about August of 1988 by plaintiff's daughter, ELENA RUTH SASSOWER ["ERS"] and plaintiff's former spouse against 16 LAKE STREET OWNERS, INC. ["Owner(s)"], the owner of the building in which plaintiff was

then temporarily residing with his daughter ["hereinafter "ERS" action].

b. Owner was and is represented by LAWRENCE J. GLYNN, Esq. ["Glynn"] in that action.

9a. At the time, such ERS action was commenced, neither the allegations contained in the complaint, nor the fact that plaintiff was then temporarily residing with his daughter, was of any significant concern to plaintiff. Consequently, plaintiff was not a party in that action, nor did he attempt to intervene in same.

b. Such action was assigned to Judge Goettel who conducts judicial proceedings in the Federal Building and Courthouse in White Plains, the building in which plaintiff was thereafter physically excluded.

c. However, the answer of Owner, a defendant in that action, and by its attorney Glynn, and their subsequent filed papers, together with changed circumstances, including the permanent intention of plaintiff to reside at the aforementioned premises, made plaintiff an essential party to that litigation.

d(1) When Owners and Glynn failed to include plaintiff in such action, in view of their answer and submitted papers, plaintiff timely moved to intervene which, although made as "of right" and ministerially compelled (FRCivP, Rule 24), was denied by Judge Goettel.

(2) Such denial, in substantial part, was caused by the failure of the Clerk of that Court to file plaintiff's legal

papers and forward them to Judge Goettel after they had been tendered to the Clerk for filing.

(3) The failure of the Clerk of the Court to file plaintiff's legal papers and forward them to Judge Goettel after they had been tendered to him by plaintiff, was in accordance with the direction of Judge Brieant, and did not become known to plaintiff until after Judge Goettel's denial of his motion.

e(1) Consequently, such ERS action was prosecuted and tried: (a) without plaintiff as a party, although necessary for subject matter jurisdiction, as everyone was actually aware; (b) without plaintiff being permitted to participate, although necessary for any lawful adjudication; and (3) without plaintiff permitted to even enter such building, rendering the proceedings a constitutional and jurisdictional charade.

(2) Only during the short period when plaintiff was compelled to testify, pursuant to a served subpoena was he ever permitted to be present at the proceedings in the ERS action, notwithstanding plaintiff's constitutional interests being involved in such litigation.

f. By reason of the aforementioned Brieant prohibitions and exclusions, known to all defendants to be unlawful and invalid, but enforced and obeyed without protest, the defendants are estopped from claiming that the ERS action was a judicial proceeding and/or that any publications concerning plaintiff were "pertinent".

10a(1) In the aforementioned ERS action there intentionally and maliciously flowed from Glynn and Judge Goettel

a constant stream of defamatory and/or injurious falsehood material, actually known to them to be false and injurious, constitutionally and otherwise, as exemplified by that contained in the West published opinion of E.R. Sassower v. Field (752 F. Supp. 1182 [SDNY-1991]).

(2) Such false, defamatory and injurious material, and much more, is also included on the stored material of Westlaw for republication and distribution, and on information and belief, republication is continually being made.

b. Included in the aforementioned West published opinion is that portion, which reads as follows (at 1188):

"The defendants have articulated 14 reasons why the Sassowers' application was denied. Rather than attempt to paraphrase them, we quote directly from the Lake Street defendants' submissions: (a) the highly visible and audible arrest of GEORGE SASSOWER in the building and the resultant terror of the other residents in seeing him lurking about the building. (b) the use of the apartment by GEORGE SASSOWER for the apparently illegal practice of law after he had been disbarred."

c(1) From a prior proceeding (Vilella v. Santaqata, 87 Civ. 1450 [GLG]), Judge Goettel had actual knowledge such allegations, except for "lurking" allegation, were false, deceptive and misleading.

(2) Consequently, Judge Goettel, rather than making a direct false statement, adopted, published and excessively published a Glynn statement, which Glynn also knew was false, deceptive, misleading and injurious.

d(1) Annexed is a copy of a Certificate of Good Standing issued on October 26, 1988 -- or eight (8) months after plaintiff was arrested for allegedly practicing law without a

license, which all the defendants knew existed and was a valid document when they maliciously published and excessively published their aforementioned defamation and injurious falsehood.

(2) Indeed by the express judicial direction of Judge Goettel himself, in Vilella v. Santagata (supra), out of which the aforementioned jurisdictionally infirm arrest arose, plaintiff continued in his representation of Vilella.

(3) Consequently, in addition to being jurisdictionally and constitutionally infirm in other respects, plaintiff's arrest was based on a false and fraudulent charge.

e(1) On information and belief, there no evidence tendered by anyone, including Owners and Glynn, that plaintiff was "lurking about the building", or that there was "resultant terror of the other residents" by reason of such "lurking" by plaintiff.

(2) On information and belief, neither Owner or Glynn ever had any credible evidence to support such wholly contrived defamatory allegation.

f. Of the 14 reasons set forth in the Owners' answer, as "hard copy" republished by West, 8 are attributable in whole or in part to plaintiff, and constitute actionable defamation, injurious falsehoods, invasion of privacy, and constitutional deprivations, since these falsehoods were intended for republication and excessive publication.

11a. Assuming, arguendo, under the aforementioned circumstances, the ERS proceedings were "judicial" not legally

"burlesque", Judge Goettel, at the time of the publication of the aforementioned Glynn-Owner allegations, which he incorporated in his opinion, was versed in the law of defamation-injurious falsehoods, and knew that they did not have any absolute privilege and Glynn should have known of that fact, particularly as to one not a party to the action.

b. In Ann-Margret v. High Society (498 F.Supp. 401 [SDNY-1980]), Judge Goettel wrote (at p. 408):

"[T]here is a qualified privilege as to pleadings. This privilege allows any party to litigation to allege any material that is pertinent to that lawsuit. The Savage is Loose Co. v. United Artists Theatre Circuit, Inc. [413 F. Supp. 555, at 560 [SDNY-1976]. It is only when a party maliciously makes false and defamatory charges in a judicial proceeding for the purpose of publicizing them in the press that this immunity is overcome. Williams v. Williams (23 N.Y.2d 473, 298 N.Y.S.2d 473, 246 N.E.2d 333 [1969]) ..."

c(1) With plaintiff physically excluded from the courtroom and court building, not permitted to file papers, although his constitutionally vested interests were involved, the Goettel proceedings were non-judicial in nature and a manifest nullity, particularly as to plaintiff and his legal interests.

(2) In any event, by reason of the aforementioned, the publications by Owner, Glynn and Goettel were not pertinent and do not carry an absolute privilege.

12a. In or about December of 1990 in a non-summary criminal contempt proceeding (George Sassower v. City of New Rochelle (77 Civ. 5728 [LBS])), wherein plaintiff, albeit a party having a cognizable interest in the proceedings, was neither the movant nor accused, the matter was referred to Judge Goettel by

U.S. District Court Judge LEONARD B. SAND ["Sand"] for adjudication.

b. Except for the short period that plaintiff appeared and testified as a subpoenaed witness, he was excluded from this criminal proceedings and the court building, under the Brieant "edict #3", Amendment VI of the U.S. Constitution notwithstanding.

c. A criminal proceeding wherein a party having a cognizable interest in the proceeding, is physically excluded therefrom, without due process by one who under "color [pretense] of law" does not even claim administrative authority for his action is patently void.

13. By reason of the aforementioned, and additional jurisdiction and constitutional infirmities, Sassower v. Sapir (supra), E.R. Sassower v. 16 Lake Street (supra), G. Sassower v. New Rochelle (supra), were not cognizable judicial proceedings, should so be declared, not given full faith, Brieant's actions declared non-judicial, and an affirmative and negative injunction issued as against the defendant West and Westlaw, with respect to their publications and republication, past and prospective.

AS AND FOR A SECOND CAUSE OF ACTION
(Declaratory Judgment and Injunction)

14. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint marked "1" to "13" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

15a. Long prior to the publication of the Goettel diatribe, republished by West at 752 F. Supp. 1182, the defendants knew that plaintiff's arrest was illegal, unlawful and jurisdictionally infirm for a variety of reasons including the violation of the principle set forth in People v. Alejandro (70 N.Y.2d 133, 517 N.Y.S.2d 927, 511 N.E.2d 71 [1987]).

b. However, although there is no dispute regarding the violation of People v. Alejandro (supra) by District Attorney DENIS DILLON ["Dillon"], since plaintiff is denied access to the courts for any relief, he cannot obtain a formal adjudication of same.

c. Nevertheless, since there is no dispute that plaintiff's arrest was unlawful, and know to have been unlawful by Glynn, Goettel, and the other defendants herein, the publication of the arrest as aforementioned, without setting forth that it was jurisdictionally infirm, has placed plaintiff in a false light, and violated his constitutional rights.

16. By reason of the aforementioned, West and Westlaw should be enjoined from further publication anything concerning plaintiff's arrest by Dillon, without further publishing that such arrest was jurisdictionally infirm and thus void.

AS AND FOR A THIRD CAUSE OF ACTION
(Damages)

17. Plaintiff repeats, reiterates and realleges each and every allegation of the complaint marked "1" to "16" inclusive, with the same force and effect as though more fully set forth herein, and further alleges:

18. All the defendants, at the time, or shortly thereafter, actually knew and/or had clear and actual knowledge that the aforementioned proceedings were proceeding were null, void and of no effect, participated in the aforementioned legal charades for the malicious purpose of injuring plaintiff and/or satisfying the perverse and unlawful desires of Oakes, Brieant, Goettel and their criminal entourage, including K&R and FKM&F.

19a. Plaintiff was subpoenaed and testified as a witness in E.R. Sassower v. 16 Lake Street (supra) and G. Sassower v. New Rochelle (supra), which were the only times that plaintiff was in any courtroom in the Federal Building and Courthouse in White Plains, New York, since July of 1989.

b. For such subpoenaed appearances, special arrangements were made by Brieant and/or Goettel with the employees of the DEPARTMENT OF JUSTICE to admit plaintiff.

20a. Explicitly stated by Judge Goettel, plaintiff had no rights during his compelled testimony except to assert a 5th Amendment privilege.

b. Other than his 5th Amendment privilege, plaintiff had to answer all questions posed at him, could not object to any of such questions, or redirect questions at himself.

21. During compelled testimonial examination of plaintiff in the aforementioned proceedings, he was made the subject of derogatory, defamatory and clearly not pertinent questioning by (1) Glynn, (2) trial counsel for WILSON, BAVE, CONBOY & BAVE ["WBC&B"], and (3) Judge Goettel, some of which, on information and belief, was thereafter transmitted to West and

Westlaw, for republication by incorporating same in formal opinions.

a. Thus, for example, in the ERS action, Glynn under the guise of questioning stated and/or clearly implied that plaintiff's use of the library facilities at Pace Law School was unlawful and the result of plaintiff knowing someone associated with that school that permits plaintiff to "sneak" in. The fact is that the Pace Law Library is a federal depository and by statute must permit use by the public.

b. Judge Goettel, as a result of his own ex parte investigation and/or inquiry, had concluded that there was something improper committed by plaintiff leading to his removal from his prior premises. The scuttlebutt employed by Judge Goettel which was the basis of his conclusion and comments was misinformation, turned about 180°.

c(1) Plaintiff's convictions for non-summary criminal contempt, even if lawful were, at best, mere "offenses" (Cheff v. Schnackenberg, 384 U.S. 373 [1966]) and could not be employed to impeach plaintiff's testimony.

(2) The fact was that they were nullities, as everyone was aware, including Glynn, WBC&B, and Goettel, and plaintiff's disbarment based thereon was manifestly unconstitutional (Blanton v. City of No. Las Vegas, 489 U.S. 538 [1989]).

(3) Nevertheless, questioning was permitted on such subjects, albeit patently improper and impertinent.

(4) The aforementioned were also incorporated in the Goettel decisions for republication by West and Westlaw, although

known by Goettel to have been sham and the proceedings before him void.

22. The manifest intent by all the defendants was that by the publication, the republication by West and Westlaw and by others was to defame and degrade plaintiff, compel him to lose credibility, invade his constitutional and legal right of privacy, have in common circulation degrading material, infringe, impair and prejudice plaintiff's basic constitutional rights, including his right to access to the courts, by these injurious falsehoods, and conceal their own derelictions.

23. By reason of the aforementioned, including the enforcement of unconstitutional orders with respect to the above matters, plaintiff has been damaged and continues to be damaged, for which he demands \$20,000,000, together with the costs and disbursements of this action, in addition to the equitable relief sought herein.

Dated: January 8, 1992

GEORGE SASSOWER [GS-0521]
Plaintiff, pro se
16 Lake Street,
White Plains, N.Y. 10603
914-949-2169

CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA

EASTERN DISTRICT OF NEW YORK

)
) SS.
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I, ROBERT C. HEINEMANN, Clerk of the United States
DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

DO HEREBY CERTIFY That

GEORGE SASSOWER was

duly admitted to practice in said Court on

MAY 14th, 19 53

and is in good standing in said Court.

Dated at, BROOKLYN, NEW YORK

on

OCTOBER 26, 19 88.

ROBERT C. HEINEMANN

Clerk

By

Donna Daniel

DONNA DANIEL

Deputy Clerk.

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Exhibit "A"