UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK [WP]

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DENNIS F. VILELLA, et el.,
Plaintiffs,
-against-
Hon. MARIE G. SANTAGATA; et el.,
Defendants.

---x

File #87 Civ 1450
Judicial Notice

S I R S:

PLEASE TAKE NOTICE, that the Professional Misconduct Complaint lodged against *Wilfred Feinberg, Rudolph W. Giuliani & Robert W. Gaffey*, a true copy being annexed, in every respect, being *undenied & uncontroverted* and supported by the *undisputed* evidence in the Record of this action; and the

Robert P. Guido, Esq., as Special Counsel for Grievance Matters for the New York State Appellate Division, Second Judicial Department having on May 24, 2012, having held that it "fails to state a complaint of professional misconduct against attorney".

Absent articulated written objection, served & filed by June 8, 2012, the Appellate Division of the Second Judicial Department and all its subordinate agencies & employees are *judicially estopped* from entertaining or processing any disciplinary complaint against any attorney, unless the misconduct alleged exceeds that of *Wilfred Feinberg, Rudolph W. Giuliani & Robert W. Gaffey* as here alleged.

Dated: White Plains, NY
May 29, 2012

Yours, etc.,

GEORGE SASSOWER
Attorney for plaintiffs, pro se
10 Stewart :Place
White Plains, N.Y. 10603
914-681-7196

Certificate of Service

George Sassower, Esq., affirms that on May 30 2012, he caused to be mailed in properly addressed stamped envelopes the foregoing Notice to: Presiding Justice *William F. Mastro*, 45 Monroe Place, Brooklyn, New York 11201; *Robert P. Guido*, Esq. 30 East Hoffman Avenue, Lindenhurst, New York 11757-5001; *Gary L. Casella*, Esq., Grievance Committee, Ninth Judicial District, 399 Knollwod, Road, White Plains, NY 1003; *Wilfred Feinberg*, c/o U.S. Circuit Court of Appeals, Foley Square, New York, N.Y. 10007; *Rudolph W. Giuliani*, Esq., Bracewell & Giuliani, 1251 Avenue of the Americas, New York, NY 10020-1104; *Robert W. Gaffey*, Esq., Jones Day, Esqs., 222 E 41st Street, New York, NY 10017-6739; U.S. Attorney General *Eric Holder*, Attorney General of the U.S., Department of Justice, 10th & Constitution Ave., Washington, D.C. 20530; U.S. Attorney *Preet Bharara*, U.S. Attorney's Office, 1 Saint Andrews Plaza, New York, NY 10007-1701; NY State Attorney General *Eric T. Schneiderman*, 120 Broadway, New York, NY 10271-0332; *Kreindler & Relkin, P.C.*, Phillips, Nizer, Esqs., 666 5th Avenue, 10103; Feltman, Karesh, Major & Farbman, Esqs., c/o Martin S. Major, Esqs., 211 East 28th St. 10016; *NY State Bar Association*, 1 Elk Street, Albany, New York 12207 and Prof. *Roy Simon*, 121 Hofstra University, Hempstead, New York 11549-1210.

Dated: White Plains, NY
May 30, 2012

____
GEORGE SASSOWER

GEORGE SASSOWER
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10 Stewart Place
White Plains, NY 10603-3856
(914) 681-7196

Grievance Committee
Ninth Judicial District
399 Knollwood Road
White Plains, New York 10603-1937

May 7, 2012

Re: Wilfred Feinberg #1204312
Rudolph W. Giuliani #1080498
Robert W. Gaffey #1862234

"However much money may be in the Treasury at any one time, not a dollar of it can be used in the payment of any thing not thus previously authorized by Congress" (*Reeside v. Walker, Secy of Treasury of the U.S.*, 52 U.S. 272, 291 [1851]).

Sirs:

1. For more than twenty-five (25) years, in all federal money damage tort actions revolving around the "***The Citibank Bribes for Total Immunity Criminal Enterprise***" ["***The Enterprise***"], commencing with *Vilella v. Santagata* (87 Civ. 1450 [SDNY-GLG]), the ***prototype*** action, which was filed in the U.S. District Court in White Plains, New York on March 3, 1987, Article III federal judges have been *defrauding* the United States by dragooning federal attorneys to defend them in their "*personal capacities*", at *unauthorized* federal cost & expense (Count I).

Since the expenditures of monies & services was *unauthorized*, federal books & records had to be "cooked" by the U.S. Attorney, the U.S. Department of Justice & the Attorney General of the United States (Count II).

Compounding this fraud, these federal attorneys always conducted themselves as served the interests of the "*The Enterprise*", although invariably adverse to the legitimate interests of their client, the United States, financially & otherwise (Count III).

2. "***The Citibank Bribes for Total Immunity Criminal Agreement***" ["***The Agreement***"] was only one, of several, "*bribe*" agreements made by *Citibank, N.A.* arising out of the engineered larceny of the judicial trust assets of *Puccini Clothes, Ltd.* - "***The Judicial Fortune Cookie***" which, in essence, provided that for a "*bribe*" payment of $5,000,000 it, its "estate chasing attorneys" *Kreindler & Relkin, P.C.* ["K&R"] and their entourage would receive total civil, criminal & disciplinary immunity.

The "*bribe*" payment of $4,200,000 from the assets of *Citibank, N.A.*, was expressly conditioned on the "*bribe*" payment from the remaining cash assets of $800,000 in *Puccini Clothes, Ltd.*, an involuntary dissolved corporation, to judges!

The initial "hard print publication" of "*The Agreement*" was in *Raffe v. Doe* (619 F. Supp. 891 [SDNY-1985]).

Count I

1. The five (5) Article III federal jurists defended in *Vilella v. Santagata* (*supra*), in their "*personal capacities*, included ***Wilfred Feinberg***, a resident of Westchester County, who was then Chief U.S. Circuit Court of Appeals Judge for the Second Circuit.

2. Federal judges, such as the five (5) Article III jurists in *Vilella v. Santagata* (*supra*), could not & still cannot be *sued* in tort for money damages in their "*official capacities*" since they had & still have "*sovereign immunity*"!

In *Perez v. United States* (218 F. Supp. 571 [SDNY-1963]), U.S. District Court Judge *Wilfred Feinberg* held that in those instances where the United States waived "sovereign immunity", it waived it for itself, *not* for its judges, officials and employees, acting in their "*official capacities*".

Perez v. United States (*supra*) has been followed by every judge & court, federal & state, which have been confronted by the same issue.

Indeed, where the United States has waived "sovereign immunity", the statute provides that the *Federal Tort Claims Act* ["*FTCA*"] is the "exclusive" remedy, and that the United States is the "*exclusive*" defendant (28 *U.S.C.* §2679).

3. The receipt or expenditure of *unauthorized* federal monies and/or services is a "*felony*", punishable by a fine and a term of incarceration (31 *U.S.C.* §§1341, 1342 & 1350).

Since *Wilfred Feinberg*, during the past more than twenty-five (25) years, has been repeatedly been defended in his "*personal capacity*" by federal attorneys at *unauthorized* federal cost & expense, he may be correctly be described as a "*serial felon*"!

4. In *Myers v. United States Postal Service* (527 F.2d 1252 [2nd Cir.-1975]), wherein *Wilfred Feinberg*, was a panel member, the U.S. Circuit Court of Appeals, held that the *unauthorized* federal defense representation resulted in a "*subject matter jurisdictional*" lethal infirmity, rendering the merit dispositions made to be "*null* and *void*".

In *Myers v. United States Postal Service* (*supra*), *in haec verba*, the Court stated [emphasis suppled]:

> "We should first note that suit under the *Federal Tort Claims Act* ["FTCA"] lies here, if at all, *only* against the United States. Neither the Postal Service nor the Postal Inspection Service, named as defendants, may be sued ... The district court also *lacks jurisdiction* in respect to the two individual Postal Service employees named as defendants in this action. *Only* claims `against the United States' are included within the Federal Tort Claims Act jurisdiction. ... *Accordingly, as to all defendants except the United States, the dismissal of the complaint must be affirmed for lack of subject matter jurisdiction*."

By 1987, the year that *Vilella v. Santagata* (*supra*) was instituted & determined, the aforementioned principle was so clearly established that a federal Court imposed *FRCivP*, Rule 11 sanctions on the plaintiff's attorneys for including a "*federal agency*" and "*federal persons*" as money damage tort defendants in a money damage tort action (*K.W. Thompson v. United States*, 656 F. Supp 1077 [NH-1987]).

In all actions in the past twenty-five (25) years, wherein *Wilfred Feinberg*, was a money damage tort defendant sued in his "*personal capacity*" and defended by federal attorneys, the United States was *not* a party. Consequently, the federal attorneys in these actions had no "standing"!

5. In 1966, Congress amended 28 *U.S.C.* §2675 by making the provisions therein mandatory.

Thus, after 1966, in a money damage tort action, federal attorneys could not defend *anyone*, not even the United States, unless a "notice of claim" had been filed and its administrative requirements exhausted (*McNeil v. U.S.* (508 U.S. 106 [1993]).

The 28 *U.S.C.* §2675 requirements are "jurisdictional".

Since there were no 28 *U.S.C.* §2675 "notice of claim" filed in any money damage tort action revolving around "*The Enterprise*", the merit dispositions made in *all* these actions are "*null & void*"!

Where "jurisdiction" is absent, as to the merits, the Court and/or judge, can proceed no further, even in good faith (*Simpkins v. District of Columbia*, 108 F.3d 366 [CDC-1997]).

The Bottom Line: In *all* federal money damage actions revolving around "*The Enterprise*", including all those in which *Wilfred Feinberg* was a defendant, the federal attorneys did not have "*standing*" to defend these federal defendants, and the federal courts & judges did not have "*jurisdiction*" or "*power*" to adjudicate the merits.

Count II

1. In *Vilella v. Santagata* (*supra*), the initial, "*legally impossible*", federal submission, concluded as follows:

"Dated: New York, New York
April 9, 1987
Respectfully submitted,
RUDOLPH W. GIULIANI
United States Attorney for the
Southern District of New York
Attorney for Defendants
Feinberg, Kaufman, Meskill,
Conner and Nickerson
ROBERT W. GAFFEY
Assistant United States Attorney
101 East Post Road
White Plains, New York 10601
Telephone: (914) 683-9579"

The aforementioned was "*legally impossible*" because Congress did not authorize these judges to be defended by federal attorneys, when sued in tort for money damages at federal cost & expense!

2. In every instance where a response has been received from a *Freedom of Information Act*, ["FOIA"] request regarding a money damage tort action revolving around "*The Enterprise*", such response has been that there is no record of the litigation in the local office of the U.S. attorney or at the U.S. Department of Justice in Washington, D.C.

The "cooking of federal books", as existed in each instance that a response has been received, is also a felony (18 *U.S.C.* §1001).

Obviously, these U.S. attorneys would not be "cooking" their books, if the expenditures were authorized & lawful!

3A. Thus, the same five (5) Article III federal jurists defended by U.S. Attorney *Rudolph W. Giuliani* & Assistant U.S. Attorney *Robert W. Gaffey* in *Vilella v. Santagata* (*supra*) and others were defended by U.S. *Samuel A. Alito* in the District of New Jersey (*Geo. Sassower v. Abrams/Feltman*, 88 Civ. 1012/1562 [D NJ-NHP]), and although the *unlawful* federal expenditures were "*staggering*" (*New Jersey Law Journal*, July 13, 1989), there is no record of these federal expenditures at the offices of the U.S. Attorney in New Jersey or at the Department of Justice in Washington, D.C. (FOIA #96-2976).

Thus, presently sitting on the Supreme Court of the United States is a "*felon*", who is indebted to the United States for a "staggering" sum of monies in "*reimbursement*" for the *unauthorized* expenditures made by him as a U.S. Attorney!

B. In *Geo. Sassower v. Mahoney* (88 Civ. O563 [NDNY-CGC]), U.S. Attorney *Frederick J. Scullin, Jr.*, now U.S. District Court Judge, at *unauthorized* federal cost & expense, defended *Wilfred Feinberg, William C. Conner & Eugene H. Nickerson*, who were being "*sued*" in tort, for money damages, in their "*personal capacities*" and where there were no 28 *U.S.C.* §2675 "notices of claim".

Since the defense representations & expenditures made were *unauthorized*, U.S. Attorney *Frederick J. Scullin, Jr.* and the U.S. Department of Justice "cooked" their books, as a response to a FOIA request confirms [FOIA #96-2365].

C. While there have been several FOIA requests regarding the *unauthorized* defense by *Giuliani-Gaffey* in *Vilella v. Santagata* (*supra*) none have been received!

3. *Every* Attorney General of the United States had to and has to be "*fixed*" so as to disregard & ignore 31 *U.S.C.* §1351 ("Reports on Violations") which provides [emphasis supplied] :

'If an officer or employee of an executive agency or an officer or employee of the District of Columbia government violates section 1341(a) or 1342 of this title, the head of the agency or the Mayor of the District of Columbia, as the case may be, shall report ***immediately*** to the President and Congress all relevant facts and a statement of actions taken. A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress."

Count III

1. In *every* instance, without a single exception, where the option existed (the legal, not physical, power) between serving the interests of "*The Enterprise*" or *betraying* the United States, the federal attorneys representing *Wilfred Feinberg* and other federal judges, *always* opted to defraud the United States.

2. One, of many decisive examples, follows:

All monies payable "to the [federal] court", pursuant to the Order of June 7, 1985 by U.S. District Court Judge *Eugene H. Nickerson* (*Raffe v. Citibank,* 84 Civ 0305 [EDNY-EHN]) were, with his knowledge & consent, "*diverted*" to *Citibank, N.A.* and its "estate chasing attorneys, *Kreindler & Relkin, P.C.* ["*K&R*"], leaving *nothing* for the federal court or the United States.

In 1987, while *Vilella v. Santagata* (*supra*) was pending, the *Federal Bureau of Information*, confirmed this diversion of Federal monies to *Citibank-K&R*!

These "*diverted*" federal monies included my monies, affording me "standing" to move to recapture these monies in favor of the *United States*.

When I moved to recapture these "*diverted*" federal monies from *Citibank-K&R* in favor of the United States, it was not supported by *Giuliani-Gaffey*, and they never articulated any justification for their perfidious, treacherous & treasonous conduct.

Judicially & administratively, such "*diversion*" of federal funds and obstructing its recapture, *always* had the cooperation of Chief U.S. Circuit Court Judge *Wilfred Feinberg*!

3. No American attorney has the "power", legally or ethically, to betray his client, as did *Giuliani-Gaffey*, and such conduct, without more, renders the proceeding to be "null & void" (*U.S. v, Throckmorton*, 98 U.S. 61 [1878]) and compels their disbarment.

Dated: White Plains, New York
May 7. 2012

Respectfully,

GEORGE SASSOWER

cc: U.S. Circuit Court Judge Wilfred Feinberg
Rudolph W. Giuliani, Esq.
Robert W. Gaffey, Esq.
Eugene H. Nickerson, & Gerard L. Goettel [deceased]

. . . . The Worst Is Still To Come!