UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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In the Matter of

GEORGE SASSOWER,

An Attorney.

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M-2-238
[VLB]
Notice of Motion
#2

S I R:

PLEASE TAKE NOTICE, that upon the annexed affirmation of GEORGE SASSOWER, Esq., dated May 17, 1987, and all the pleadings and proceedings had herein, the undersigned will move this Court before Hon. VINCENT L. BRODERICK, held at the Courthouse thereof, 40 Center Street, Foley Square, New York, New York, 10007, held at the Courthouse thereof, on the 1st day of June, 1987, at 9:30 o'clock in the forenoon of that day or as soon thereafter as Counsel may be heard for an Order to (1) summarily dismissing this proceedings by reason of the failure to provide the demanded "final accounting"; (2) together with such other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served and filed in accordance with the Rules of this Court.

Dated: May 17, 1987

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for respondent,
pro se.
51 Davis Avenue,
White Plains, N.Y. 10605
914-949-2169

cc: GEORGE G. GALLANTZ, Esq.
U.S. Magistrate JAMES C. FRANCIS IV (courtesy copy)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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In the Matter of

GEORGE SASSOWER,

An Attorney.

-------------------------------------x

M-2-238
[VLB]
Supporting Affirmation
Motion #2

1a. This affirmation is made in support of respondent's motion for summary judgment (#2), dismissing this proceeding by reason of the failure to provide respondent with the "final accounting" of PUCCINI CLOTHES, LTD. ["Puccini"] (United States v. Agurs, 427 U.S. 97), after repeated demands, and motions.

b. United States v. Agurs (supra) is one of the siblings of (Brady v. Maryland, 373 U.S. 83), in the evolution of constitutional "due process".

2a. While affirmant expressly disclaims any sinister intentions on the part of U.S. Magistrate JAMES C. FRANCIS IV, the Magistrate has imposed a formidable, and almost impossible, task upon affirmant by requesting that respondent (Order May 15, 1987):

> "shall set forth all respects, whether constitutional or otherwise, in which he considers the state disciplinary proceedings to have been defective." [emphasis supplied]

b. Were affirmant to comply with same, in summarily fashion, which is probably all that respondent need constitutionally do (Sandstrom v. Montana, 442 U.S. 510), it would only be semi-intelligible to the Hon. VINCENT L. BRODERICK, U.S. Magistrate JAMES C. FRANCIS IV, and GEORGE G. GALLANTZ, Esq.

c. On the other hand, were affirmant to supply details to such list of defects, it would be a herculian, and probably needless, imposition upon everyone concerned.

d. Assuming, arguendo, His Honor and the U.S. Magistrate concluded that the claimed defects #1, #2, and/or #3 were decisive, is there any reason for affirmant to set forth defects #100, #101, and #102?

e. Thus, in an attempt to cut the Gordian Knot, and the comply with the spirit, but unexpressed intention, of the U.S. Magistrate, affirmant by a series of summary judgment motions, on an almost daily basis, will make such motions, placing emphasis, in the initial stages, on those claimed defects which can be set forth relatively briefly, where the facts are uncontroverted, and which affirmant, in good faith, believes decisive.

f. Counter-suggestions and/or directions are specifically invited, since affirmant verily believes, the U.S. Magistrate did not fully appreciate, and understandably so, the volume of defects claimed by your affirmant.

3a. The heart of the Report of Referee M. Michael Potoker, dated August 18, 1987, is the following:

> "During the entire period to six years respondent became obsessed with what he believed to be larceny of judicial trust assets by the receiver and the other attorneys involved aided and abetted by the courts. They were all referred to as 'criminals with law degrees,' He was like the man who had a tiger by the tail and couldn't let go. In respondent's case he refused to let go. His actions throughout the lengthy hearings bordered on the irrational. If you disagreed with him or overruled him you were accused of being part of a cabal to cover up the larceny and corruption. Even a jail sentence for contempt of court did not suffice and as a result three more periods of incarceration followed for violations of court orders." [emphasis supplied]

b. If, in fact, such larceny of judicial trust assets took place or there was a rational basis for such assertion, then all the disciplinary charges against affirmant must fall, or, at least, not have federal respect.

c. Thus this motion is made to summarily dismiss this proceeding because of the failure to respond to respondent's (United States v. Agurs, supra) demand:

d. In United States v. Agurs (supra), the Court stated:

> "When the prosecutor receives a specific and relevant request, the failure to make any response is seldom, if ever, excusable" (at 106).

4a. Puccini was involuntarily dissolved by the Supreme Court, New York County on June 4, 1980, or three (3) days short of a full seven (7) full years on the return date of this motion.

b. Bus. Corp. Law §1216[a] provides;

> Final accounting; notice: duty of attorney-general" (a) Within one year after qualifying, the receiver shall apply to the court for a final settlement of his accounts and for an order for distribution, or, upon notice to the attorney-general, for an extension of time, setting for the reasons therefore. If the receiver has not so applied for a settlement of his accounts or for such extension of time, the attorney-general or any creditor or shareholder may apply for an order that the receiver show cause why an accounting and distribution should not be had, and after the expiration of eighteen months from the time the receiver qualified, it shall be the duty of the attorney-general to apply for such order on notice to the receiver. (b) Before presenting a final account, the receiver shall give notice of his intention to file it by publication, under subparagraph (a)(1) of section 1207 (Duties of receiver upon appointment), setting forth the time and place of filing and presentation to the court. The receiver shall also give not less than eight days's written notice to the sureties on his official bond. (c) Upon presentation of such account, the court shall hear the allegations, objections and proofs of all the parties interested and allow or disallow such account, in whole or in part, and make a final order. The court may refer the account and the hearing, in whole or in part, to a referee who shall report thereon to the court".

b. 22 NYCRR §202.52(e) "Deposit of funds by receivers and assignees". "Receivers shall file with the court an accounting at least once each year. An application by a receiver for final settlement of his or her account or by an assignee for leave to sell assets shall include a county clerk's certificate stating the date that the bond of the applicant was filed, that it is still on file and that no order has been entered cancelling the bond or discharging the surety thereon."

c. 22 NYCRR §202.53. "Trust accountings; procedure" (a) Applications by trustees for interlocutory or final judgments or final orders in trust accountings or to terminate trusts shall be by notice of petition or order to show cause after the account has been filed in the county clerk's office."

d. In September 1986, it was more than six (6) years after Puccini was involuntarily dissolved, its assets and affairs becoming custodia legis under color of law. It was almost four and one-half (4 1/2) years after LEE FELTMAN, Esq. ["Feltman"] had become receiver, without any filed accounting. It was also when two (2) advertisements were printed in the New York Law Journal (Exhibit "A), and two (2) in the New York Times, which stated, in legal notices, dated September 10, 1986, that such accounting was to be settled on October 30, 1986.

e. Clearly such "final accounting", if truly rendered, would reveal whether Puccini's trust had been made the subject of larceny, as affirmant had repeatedly stated, and which had been the basis for the adverse disciplinary report!

4a. Such accounting, should have been filed with the County Clerk, were the published legal notices correct, but none was to be found in his records, nor did affirmant receive a copy of same.

b. Consequently, the following appears:

5a. A letter to Hon. MILTON MOLLEN, Presiding Justice of the Appellate Division, Second Judicial Department, dated October 19, 1986, with a copy to ROBERT H. STRAUS, Esq. ["Straus"], the prosecuting attorney, and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], the firm where Feltman is senior partner.

> "Honorable Sir:
>
> 1a. I respectfully request that Your Honor direct Feltman, Karesh, Major & Farbman, Esqs., to serve and file a copy of their final accounting, with respect to the above matter.
>
> b. That firm has made application to intervene herein.
>
> 2a. Although I was advised my that firm that a copy was mailed to me more than two (2) weeks ago, I have not received same, and given their track record for false statements, I do not believe it was ever sent.
>
> b. Such accounting, made for the first time, six and one-half (6 1/2) years after Puccini Clothes, Ltd. was involuntarily dissolved is central in this matter.
>
> c. A formal motion would only needlessly delay my opposing papers to the motion to confirm, and trust a letter request will suffice.
>
> Respectfully,
>
> GEORGE SASSOWER"

b. On October 22, 1986, a another letter was mailed to Presiding Justice MILTON MOLLEN, with copies to Straus and FKM&F, reading as follows:

"Honorable Sir:

1a. I respectfully demand that pursuant to (United States v. Agurs, 427 U.S. 97), all all cases and statutes pursuant thereto, that the accounting to be filed by Lee Feltman, Esq., of Feltman, Karesh, Major & Farbman, Esqs. on October 30, 1986, be expeditiously served upon me, with a copy filed with Your Honor's Court.

b. It is now about three (3) weeks since it was purportedly mailed to me according to a statement by Donald F. Schneider, Esq. of the Feltman firm, a statement which I do not believe, and only made after I, by happenstance, was advised about the published legal notice concerning same.

c. My several requests for same, in Your Honor's forum, as well as in other forums, are all being ignored by the Feltman firm, who desire to intervene, as well as by Mr. Straus, the prosecuting attorney.

2a. I draw my adversaries attention to a statement in United States v. Agurs (supra), which I believe dispositive of the matter:

> 'When the prosecutor receives a specific and relevant request, the failure to make any response is seldom, if ever, excusable' (at 106).

b. I believe at a minimum I am entitled to a positive statement from Mr. Straus, an appointee of Your Honor's Court, as to his position and intentions with respect to such request, so that I might be guided accordingly.

Respectfully,

GEORGE SASSOWER"

c. On October 28, 1986, to the same parties, went the following:

"Honorable Sir:

1. I desire the record to clearly reveal that all my requests to Robert H. Straus, Esq., the appointee of Your Honor's Court; Feltman, Karesh, Major & Farbman, Esqs., the firm that desires to intervene in the above matter; and this Court; that all my requests and demands for a copy of the 'accounting' to be settled in the non-public courtroom of Referee Donald Diamond on October 30, 1986, are being ignored!

2a. I again reiterate that the firms of Kreindler & Relkin, P.C. and Feltman, Karesh, Major & Farbman, Esqs. were, and are, engaged in the larceny of the judicial trust funds of Puccini Clothes, Ltd., perjury, criminal extortion, blackmail, and judicial and official corruption!

b. These law firms, as I have repeatedly described them, are 'criminals with law degrees' and 'merchants of judicial corruption'!

c. The Feltman and Kreindler firm 'corrupt' and improperly influence judges and courts, nisi prius and appellate, federal and state, by the boatload!

3a. It is also clear that Robert H. Straus, Esq. was and is transactionally involved with these 'legal lepers'!

b. Nevertheless, I was and am entitled to a copy of such accounting report (United States v. Agurs 427 U.S. 97, 106), and expect the law be obeyed, by the robed and unrobed, and also by their appointees, by the Second Department, as well as the First!

4a. Since the press is now involved in this Grievance Committee matter, not at my initiative, I will, and do, assert that the judiciary is clearly and involved in such criminal conduct, and am ready to prove my assertions, by documents!

b. I also contend that any accounting will prove my accusations, even if it was prepared by Rashba & Pokart.

c. A full disclosure is also desired of the relationship between the Rashba firm, and the 'criminals with law degrees', which includes the firm of Nachamie, Kirschner, Levine, Spizz & Goldberg, P.C.

5a. Is Your Honor and his Court afraid to see such accounting report? It is supposed to be a public record!

b. Sooner or later, I will obtain a copy of same, that is certain!

c. Whatever attempts are made to conceal such larceny, and the past perjurious denials thereof, I am certain that the larceny was sufficiently massive, so that it cannot possibly be concealed by anyone!

6a. The aid given by Mr. Straus, and others, will all be for naught!

b. I respectfully suggest the game be played fair, and accordingly to the rules.

Respectfully,

GEORGE SASSOWER"

d. On October 29, 1986, to the same parties, and Ms. Jane Fritsch of Newsday, went the following:

"Honorable Sir:

1. I have today confirmed the fact that Robert H. Straus, Esq., spoke to Ms. Jane Fritsch of Newsday, and from what I could gather he gave a totally misleading, if not false, resume.

2. Mr. Straus is aware of, and has copies of some of my documentary evidence of the massive larceny of judicial trust assets, the perjury, and corruption, which he did not reveal, and which I exposed.

3. Nor did Mr. Straus reveal his own transactional involvement in such criminal corruption.

4. Mr. Straus, the Feltman firm, and Kreindler & Relkin, P.C. are concealing both the 'accounting' supposed to be settled in the 'non-public courtroom' of Referee Donald Diamond, where I and everyone else opposed to his corrupt activities are excluded.

5a. I demand that Mr. Straus, the Feltman firm, not only serve me with a copy of the accounting, but also Ms. Jane Fritsch of Newsday, and also make full disclosure of the relationships between Rashba & Pokart, the accountants, with those who have been caught engaged in such larceny and perjury!

b. Although such accounting is being kept from me, larceny was sufficiently brazen and arrogant, that no one can conceal it, not even Rashba & Pokart!

c. To investigate my accusation that Kreindler & Relkin, P.C., despite their vigorous sworn denials, was engaged in the larceny of judicial trust assets, with Arutt, Nachamie, Benjamin, & Lipkin, P.C., Lee Feltman, Esq., had the Court appoint Rashba & Pokart!

d. Kreindler & Relkin, P.C. was the client of the Rashba accounting firm.

The Arutt firm unlawfully took $10,000 from judicial trust assets, 'laundered' $6,200 and gave it to Rashba (copy enclosed) in payment of an invoice to the Kreindler firm, keeping for itself the sum of $3,800 as a 'laundering fee'!

e. Mr. Straus did not tell this and other facts involving judicial corruption, which I will now reveal!

f. I intend to give Ms. Fritsch the 'hard evidence' not the fabricated nonsense of the 'trio of judicial fixers' at 60 Center Street.

6. Perhaps, the judiciary will thrown Ms. Fritsch in jail, without benefit of trial, or assess against her some herculian costs, so that the Court can graphically demonstrate how the judiciary tries to conceal judicial corruption and misconduct!

Respectfully,

GEORGE SASSOWER"

e. When there was no response, on November 1, 1986, returnable November 14, 1986, affirmant moved the Appellate Division, Second Department for an Order:

> "dismissing the petition herein by reason of the Court's failure, as well as that of the petitioner and intervenor, to produce or demand the production of the accounting of Lee Feltman, Esq., as demanded, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises"

f. The body of the moving supporting affirmation is as follows:

> "Respondent makes this affirmation in support of a motion to dismiss the petition for the failure by the Court, the petitioner, and the intervenor to produce the accounting of Lee Feltman, Esq., which was supposed to be settled on October 30, 1986 in the non-public courtroom of Referee Donald Diamond.
>
> This is supposed to be a public document, but instead is being concealed as it was the 'Manhattan Project'!
>
> Respondent asserts that the firms of Kreindler & Relkin, P.C. and Feltman, Karesh, Major & Farbman, Esqs., are 'criminals with law degrees' who apparently have the power to corrupt and/or improperly influence judges and courts by the boatloads!

Numerous demands have been made, not only on the petitioner and intervenor, but the Presiding Justice himself for such document!

Respondent is entitled to such document as completely exculpatory, a fact which no one has or does deny (United States v. Agurs 427 U.S. 97, 106).

WHEREFORE, it is respectfully prayed that the petition herein be dismissed, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

g. On November 5, 1986, affirmant sent the following:

"Honorable Sir:

1a. Several letters to Your Honor, Robert H. Straus, Esq., and Feltman, Karesh, Major & Farbman, Esqs. for a single exculpatory document, to wit., the accounting purportedly presented for settlement in the 'non-public courtroom of Referee Donald Diamond', supposedly a public document, did not even receive a courtesy negative response from anyone, including Your Honor!

b. I have therefore moved Your Honor's Court, by motion returnable November 14, 1986, for the appropriate relief.

c. The aforementioned notwithstanding, I intend, within the next few days, to request intervention by the federal courts based on a significantly instructive course of conduct by the state judiciary in this matter (Middlesex County Ethics v. Garden State, 457 U.S. 423).

2a. Interestingly, Newsday, on November 2, 1986, printed my photograph in front of the 'guarded entrance' to the courtroom of Referee Donald Diamond, where everyone opposed to his corrupt conduct, including myself, are excluded!

b. I enclose a copy of such photograph, with the sign 'ALL VISITORS MUST BE ANNOUNCED'.

3a. The irresistible conclusion from the lack of response by Your Honor and His Honor's Court as to my several demands for a copy of such accounting, is that Your Honor and his Court are <u>actually aware</u> that such accounting reveals that larceny of judicial trust assets took place, and I intend to so contend to such other forums!

b. Such contention will not only be made in the federal forum, but also the media.

c. There is no question that Mr. Straus, Mr. Professional Ethics, knew such criminality to be a fact, almost from the very beginning, which should all prove very interesting reading.

4a. My adversaries are not only 'criminals with law degrees', but have the ability to corrupt jurists by the boatload. They are truly 'merchants of corruption'!

b. I have never known a 'fixer' who had sufficient influence to convict and incarcerate his adversary, without benefit of trial. Indeed, none of the several reporters I have spoken to in the past week, believe it is legally possible. They happen to be right, as Your Honor and every American jurist knows!

5a. I suggest that the Feltman firm advise the Court how much money was paid by Mr. Raffe to them, in order not to go to jail, as a result of his conviction, also without benefit of trial, pursuant to the same order!

b. One order, three (3) are convicted, sentenced, and incarcerated, without benefit of trial. Two go to jail, the third pays money and does not!

b. Obviously, the judiciary is engaged in criminal extortion and blackmail, at least that is what those who do not still believe in the 'tooth fairy' have concluded!

c. Everyone, including the courts, are wasting their time, monies, and energies, in believing that I can be compelled to tolerate such a situation. As quoted in Newsday, it reads:

> 'Regarding the disciplinary proceedings, he said: 'I don't care. I'd rather be honest and have them take my license. I can't tolerate out-and-out corruption' '

Think about it!

Respectfully,

GEORGE SASSOWER"

h. On November 13, 1986, affirmant executed and submitted on the pending motion the following affirmation:

> "1a. This affirmation is made with respect to affirmant's motion dated November 1, 1986, returnable November 14, 1986, to dismiss the petition based upon the refusal of the petitioner, and the proposed intervenor, FELTMAN, KARESH, MAJOR, & FARBMAN, Esqs. ['FKM&F'], to serve and file a copy of the accounting, which was to be settled in the 'non-public courtroom' of Referee DONALD DIAMOND on October 30, 1986.
>
> b. Affirmant's claim is that such supposedly public document is exculpatory, if not entirely, vindicating.
>
> c. Today, one (1) day prior to the return date, although overdue, affirmant has not been served with such 'accounting', nor with any opposing papers.
>
> d. Indeed, neither ROBERT H. STRAUS, Esq., Counsel for the Grievance Committee, nor FKM&F have served their usual, <u>pro forma</u> affidavits, asserting that affirmant's motion is 'frivolous'.
>
> e. Nor has affirmant received any response from <u>anybody</u>, with respect to the several letters written to Presiding Justice, MILTON MOLLEN, on behalf of this Court, on the same subject.

2a. Affirmant has asserted, and does assert, that the firms of FKM&F and KREINDLER & RELKIN, P.C. ['K&R'] are nothing better than 'criminals with law degrees' and 'merchants of judicial and official corruption'!

b. These leper law firms, and their clients, including CITIBANK, N.A. ['Citibank'], have been engaged in the larceny of judicial trust assets, perjury, criminal extortion, and corruption on a wholesale basis, as such accounting should partially reveal, albeit probably prepared by the accounting firm of RASHBA & POKART.

c. More egregious, the 'criminals with law degrees' and Citibank, have the ability, directly and/or indirectly, to corrupt jurists and courts, state and federal, by the boatloads, to the extent that they can cause the repeated conviction, sentencing, and incarceration of your affirmant, without benefit of trial!

3a. Reference is made to the Report of Mr. Justice M. MICHAEL POTOKER, dated August 18, 1986, which states (p. 3):

> "During the entire period to six years respondent became <u>obsessed</u> with what he believed to be larceny <u>of judicial</u> trust assets by the receiver and the other attorneys involved aided and abetted by the courts. They were all referred to as 'criminals with law degrees,' He was like the man who had a tiger by the tail and couldn't let go. In respondent's case <u>he refused to let go</u>. His actions <u>throughout</u> the lengthy hearings <u>bordered on the irrational</u>. If you disagreed <u>with him or overruled him</u> you were accused of being part of a cabal to cover up the larceny and corruption. Even a jail sentence for contempt of court did not suffice and as a result three more periods of incarceration followed for violations of court orders." [emphasis supplied]

b. Affirmant will not belabor what every American, and about everyone else knows, to wit., as a matter of ministerial compulsion, absent a plea of guilty, before anyone, no matter how irresistible the conclusion of guilt, a person is entitled to have a trial before he is convicted and incarcerated.

c. Those convictions are legally worthless, and no judge, even those who convicted your affirmant or Judge Potoker, is willing to assert their validity under oath, even without being made the subject of cross-examination!

4a. A final accounting and distribution should be made within one (1) year and it becomes the 'duty' of the Attorney General to make application for such accounting, if not made within eighteen (18) months (<u>Business Corporation Law</u> §1216).

b. It is now almost seven (7) years since PUCCINI CLOTHES, LTD., was involuntarily dissolved!

c. These 'barbarians with law degrees' have now accounted only because they recognized that no matter how many times they had affirmant incarcerated, without benefit of trial, nor how many herculian monetary assessments are made, affirmant simply will not succumb!

d. Even if affirmant has 'the tiger [only] by the tail', without it, the tiger cannot move!

5a. Affirmant will obtain a copy of such accounting, as misleading and fraudulent as it may be, even if it takes another seven (7) years!

b. This Court must understand that he has in his possession, not only the documentary evidence of such larceny, but in addition thereto, the effective confessions from all of the culprits involved.

c. Since the hearings before Judge Potoker, affirmant came into possession of an affidavit of LEE FELTMAN, Esq. ['Feltman'], the receiver, dated March 5, 1986, when the 'thieves' had a temporary falling out, which states (p. 6):

> "[T]hey [Kreindler & Relkin, P.C.] have substantially delayed the dissolution proceeding by impeding discovery sought by the Receiver concerning (i) the amounts that the Kaufman Estate received from Puccini after the Dissolution Order was issued enjoining such payments, and (ii) the books and records of Puccini that appear to be missing. For example, the Kaufman Estate refused to comply with a Subpoena Duces Tecum for eighteen months and remains in default in providing certain discovery despite judicial directives. Moreover, in an effort to block a lawsuit by me as Receiver against the Kaufman Estate to recover for the insolvent Puccini Estate the payments received and retained by the Kaufman Estate in violation of the Dissolution Order in this proceeding, they have adopted the position that my law firm has a conflict of interest and I should retain another firm to prosecute such suit, threatening to delay such required lawsuit by a disqualification motion [emphasis in original].".

d. 'If in the valley of the blind, the one-eyed man is king', one only needed and needs one eye to recognize the obvious. Inundating the judicial forum with perjurious affidavits denying the larceny, including by Citibank, cannot overcome the documents themselves, and the effective confessions!

e. Once affirmant had exposed the larceny, its arrogance and brazeness, and the events that followed, clearly revealed judicial involvement in such criminal misadventure.

6a. Since Mr. Straus, who is nothing less than a lap-dog for FKM&F and K&R, has resorted to the media, affirmant has no problem making the media a supplementary, if not the primary, forum.

b. The photograph of your affirmant (Exhibit "A") in front of the 'guarded' entrance to the Courtroom of Referee DONALD DIAMOND, reads: 'ALL VISITORS MUST BE ANNOUNCED', is patently unconstitutional and illegal!

c. The exclusion of your affirmant, his daughter, and all those opposed to the corruption of Referee DONALD DIAMOND, must be declared null, void, and of no effect!

d. No longer will documents or motions which do not meet with the fancy of Referee DONALD DIAMOND, be blithely destroyed in his 'paper crematorium'!

e. Judicial proceedings, even those which are corrupt, are public events!

7a. Newsday (November 2, 1986), correctly quoted your affirmant when it wrote:

> "I don't care. I'd rather be honest and have them take my license. I can't tolerate out-and-out corruption."

b. The failure and apparent refusal to submit such accounting to this Court, or even to respond to affirmant's motion, is further evidence, that Mr. Straus is actually aware of such criminal larceny, and has jettisoned his professional prosecutorial obligation (Berger v. U.S. 295 U.S. 78; United States v. Agurs 427 U.S. 97, 106) in an attempt to conceal same.

8a. More than one hundred fifty (150) years ago:

> "... James Buchanan [thereafter President of the United States] brought in a bill which became the Act of March 2, 1831. He had charge of the prosecution of Judge Peck and during the trial had told the Senate: 'I will venture to predict, that whatever may be the decision of the Senate upon this impeachment, Judge Peck has been the last man in the United States to exercise this power, and Mr. Lawless has been its last victim.' " (Nye v. United States, 313 U.S. 33, 46).

b. Clearly, Mr. Lawless, an attorney, who was sentenced to be, and was, incarcerated for twenty-four (24) hours, for non-summary criminal contempt, was not 'the last victim', since affirmant has been so convicted, sentenced, and incarcerated five (5) times, without benefit of trial!

c. Mr. Straus and this Court must recognize that affirmant has now become media material by reason of the aforementioned!

d. Consequently, Mr. Straus will, within seven (7) days from date hereof, forward to Ms. Jane Fritsch of Newsday, all the evidence he has in hand of the larceny of Puccini's trust assets, the perjury, and the corruption, in addition to the accounting, or else, it will be more extensively and dramatically published by your affirmant.

e. Affirmant will leave it to the media, not the courts, to determine the validity of his 'irrational obsession' vel non!

WHEREFORE, it is respectfully prayed that this motion be granted, with costs."

i. On November 26, 1986, affirmant submitted the following affirmation:

"1a. This affirmation is made with respect to respondent's motion dated November 1, 1986, returnable November 14, 1986, which was submitted without opposition.

b. Four (4) days after the return date of said motion, without even attempting to proffer an excuse, the petitioner's attorney, ROBERT H. STRAUS, Esq., submitted an opposing affirmation, which refused to comply with affirmant's United States v. Agurs (427 U.S. 97) demand.

2a. Presiding Justice MILTON MOLLEN, petitioner's counsel, and the proposed intervenor, totally ignored all of affirmant's letter demands for such accounting.

b. They all totally ignored affirmant's motion wherein such demand was again made.

c. Now, four (4) days after the return date, the only response received was that of Mr. Straus, who still refuses to comply with affirmant's demand.

3. In United States v. Agurs (supra at 106), the Court stated:

> "When the prosecutor receives a specific and relevant request, the failure to make any response is seldom, if ever, excusable"

4a. As a matter of statutory mandate, such final accounting and distribution is due within one (1) year, and the Attorney General must, as a 'duty' make application for such accounting after eighteen (18) months (Business Corporation Law §1216).

b. It took six one one-half (6 1/2) years to obtain such accounting, and affirmant contends that it confirms his assertions that larceny, perjury, and corruption that took place with respect to judicial trust assets.

c. Such conclusion is irresistibly compelling by reason of the studied attempt to suppress the open disclosure of such accounting by both the Feltman firm and Mr. Straus.

5a. Since the relief requested herein will be augmented by requests of federal intervention, the intervention of the media, and criminal prosecuting authorities, no further comment is necessary.

b. Of course the Referee did not rely on such accounting, as asserted by Mr. Straus, instead he relied on the perjurious assertions made by Mr. Straus that there was no evidence of larceny of judicial trust assets, perjury, or corruption.

c. The petition should be dismissed, unless such accounting is filed forthwith.

WHEREFORE, it is respectfully prayed, that the petition be granted in all respects, with costs."

6. To add commentary to this factual recitation would be supererogatory.

7. The above is set forth under penalty of perjury.

WHEREFORE, it is respectfully prayed that this motion be granted in all respects.

Dated: May 17, 1987

GEORGE SASSOWER

STATE OF NEW YORK,
County of New York, } *ss:*

Nicholas Di Tomasso
[redacted] being duly sworn, says that he is the PRINCIPAL CLERK of the Publisher of THE NEW YORK LAW JOURNAL, a Daily Newspaper printed and published in the County of New York; that the Advertisement hereto annexed has been regularly published in the said THE NEW YORK LAW JOURNAL once in each of two successive weeks commencing on the 17th day of September 1986

SUPREME COURT OF THE STATE OF NEW YORK – COUNTY OF NEW YORK – Index No 01816-80 – NOTICE OF INTENTION BY RECEIVER TO FILE ACCOUNTS FOR FINAL SETTLEMENT – In the Matter of the Application of Jerome H Barr and Citibank, N A, as Executors of the Will of Milton Kaufman, Holders of One-Quarter of All Outstanding Shares of Puccini Clothes, Ltd Entitled to Vote in an Election of Directors, For the Dissolution of Puccini Clothes, Ltd. -and- ALL OTHER ACTIONS AND PROCEEDINGS IN ANY COURT CONCERNING OR RELATING TO PUCCINI CLOTHES, LTD, ITS RECEIVER OR SHAREHOLDERS OR THEIR ATTORNEYS.

NOTICE is hereby given by the undersigned as Receiver of Puccini Clothes, Ltd that an account of his proceedings as Receiver of the above-named corporation, under oath, will be presented to the Supreme Court of the State of New York, County of New York, before the Honorable Donald Diamond, Special Referee, at Room 538 of the Courthouse, 60 Centre Street, New York, New York, on October 30, 1986, at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, and an application will then and there be made returnable that the same be allowed and be decreed to be final and conclusive upon all persons, including those indebted to said corporation, all persons having in their possession any property of said corporation, all persons with whom said corporation has unfulfilled contracts and upon all creditors, claimants and shareholders of the corporation, and that said Receiver be authorized to make a final distribution and upon the payment thereof, that he be discharged and his bond vacated and for such other, further and/or different relief as to the Court may seem just and proper.

Dated New York, New York
September 10, 1986

LEE FELTMAN, ESQ.,
as Receiver for
Puccini Clothes, Ltd
s17-W s24

SWORN TO BEFORE ME, this 24th day
of September, 1986

DOUGLAS P. NUCCITELLI
Notary Public, State of New York
No. 452818
Qualified in Nassau County

Exhibit "A"

GEORGE SASSOWER, Esq., affirms the following to be true under the penalty of perjury.

On May 17, 1987, I served a copy of the within Notice of Motion and Affirmation upon GEORGE G. GALLANTZ, Esq., by mailing a copy of same by enclosing it in a post-paid wrapper addressed to him at his last known address.

Dated: May 17, 1987

GEORGE SASSOWER