UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In the Matter of
GEORGE SASSOWER,
An Attorney.

Docket No.
87 Misc. 0107 [ILG]

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In the Matter of a

GRAND JURY APPLICATION.

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S I R S:

PLEASE TAKE NOTICE, that upon the annexed affirmation of GEORGE SASSOWER, Esq., dated August 4, 1988, and upon all pleadings and proceedings had herein the undersigned will move this Court before Hon. I. LEO GLASSER, on the 19th day of August, 1988, at 9:30 in the forenoon of that day or as soon thereafter as Counsel may be heard, at the Courthouse thereof. 225 Cadman Plaza East, Brooklyn, New York, 11201, for an Order (1) to compel LEE FELTMAN, Esq. to serve and file an accounting with respect to the judicial trust assets of PUCCINI CLOTHES, LTD.; (2) for summary judgment, declaring null, void, and of no effect, the trialess criminal contempt Order of United States District Judge EUGENE H. NICKERSON, dated June 7, 1985; (3) for summary judgment, declaring null, void, and of no effect, the trialess criminal contempt Orders of Acting Supreme Court Justice DAVID B. SAXE and Mr. Supreme Court Justice ALVIN F. KLEIN, both dated June 26, 1985; (4) for summary judgment, declaring null, void, and of no effect the trialess criminal contempt Order which was the subject of Sassower v. Sheriff (824 F2d 184 [2d Cir.]);

(5) to declare null, void, and of no effect all Orders and Judgments of United States District Judge EUGENE H. NICKERSON, in the action entitled "HYMAN RAFFE, individually and on behalf of PUCCINI CLOTHES, LTD. against CITIBANK, N.A., et el", Docket No. 84 Civ. 0305 [EHN]; (6) for restitution; (7) for intervention by the Attorney General of the United States, including especially those United States Assistant Attorney Generals in charge of the protection of civil rights, the maintenance of proper professional responsibility, and criminal prosecutions; (8) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

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

Dated: August 4, 1988

Yours, etc.

GEORGE SASSOWER, Esq.
Attorney for plaintiffs
16 Lake Street,
White Plains, New York, 10603
914-949-2169

To: Feltman, Karesh, Major & Farbman, Esqs.
Kreindler & Relkin, P.C.
Robert Abrams, Esq.
Schneck & Weltman, Esqs.
D'Amato & Lynch, Esqs.
U.S. Attorney, Andrew J. Maloney
U.S. Attorney, Rudolph W. Giuliani
U.S. Attorney, Samuel A. Altio, Jr.
United States Attorney General
Assistant Attorney Gen. William Bradford Reynolds
Assistant Attorney Gen. Michael E. Shaheen, Jr.
Assistant Attorney Gen. John C. Keeney

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The affirmation is in support of a motion (1) to compel LEE FELTMAN, Esq. ["Feltman"] to serve and file an accounting with respect to the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"]; (2) for summary judgment, declaring null, void, and of no effect, the trialess criminal contempt Order of United States District Judge EUGENE H. NICKERSON, dated June 7, 1985; (3) for summary judgment, declaring null, void, and of no effect, the trialess criminal contempt Orders of Acting Supreme Court Justice DAVID B. SAXE and Mr. Supreme Court Justice ALVIN F. KLEIN, both dated June 26, 1985; (4) for summary judgment, declaring null, void, and of no effect the trialess criminal contempt Order which was the subject of Sassower v. Sheriff (824 F2d 184 [2d Cir.]); (5) to declare null, void, and of no effect all Orders and Judgments of United States District Judge EUGENE H. NICKERSON, in the action entitled "HYMAN RAFFE, individually and on behalf of PUCCINI CLOTHES, LTD. against CITIBANK, N.A., et el", Docket No. 84 Civ. 0305 [EHN]; (6) for restitution; (7) for intervention by the Attorney General of the United States, including especially those United States Assistant Attorney Generals in charge of the protection of civil rights, the maintenance of proper professional responsibility, and criminal prosecutions; (8) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

1a. Pending sub judice for some months, before His Honor, is affirmant's unopposed application which seeks, inter alia, a writ of mandamus compelling a grand jury presentation by United States Attorney ANDREW J. MALONEY, pursuant to 18 U.S.C. §3332, concerning criminal racketeering activities, with judicial involvement (In re Grand Jury, 617 F. Supp. 199 [SDNY]).

b. Also extant is affirmant's unacknowledged request that U.S. Attorney ANDREW J. MALONEY convey to the Grand Jury affirmant's desire to appear before that body, pursuant to 18 U.S.C. §1504 (Exhibit "A").

c. Returnable simultaneously with this motion is affirmant's related 18 U.S.C. §1504 motion, dated July 29, 1988, seeking other relief in addition thereto.

2a. Puccini, a solvent corporation, was involuntarily dissolved by Order of the Supreme Court New York County on June 4, 1980, its assets and affairs becoming custodia legis, held under "color of law".

b. Notwithstanding its dissolved status it remains a "person" within the meaning of the XIV Amendment of the Constitution of the United States,

c. Those judicial trust assets became the subject of massive larceny engineered by KREINDLER & RELKIN, P.C. ["K&R"] and its clients.

d. In exchange for not exposing such larceny, or making any attempt at recovery, K&R entered into a corrupt agreement with Feltman, Puccini's court appointed receiver, to transfer its remaining assets to his law firm, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"].

e. Participating and a recipient of some of such larcenous proceeds, was the firm of NACHAMIE, KIRSCHNER, LEVINE & SPIZZ, P.C. ["NKL&S"], who betrayed its clients, EUGENE DANN and ROBERT SORRENTINO, in the process.

f. Also participating in such criminal adventure was the accounting firm of RASHBA & POKART ["R&P"], appointed by the Supreme Court, New York County, in April 1983, as investigatory accountants in order to investigate the allegations against K&R and NKL&S.

Concealed in Feltman's application for such appointment was the fact that R&P were the accountants for K&R, and that NKL&S had unlawfully taken $10,000 from Puccini's trust assets, laundered same, giving $6,200 of such laundered monies to R&P in payment of an invoice due by K&R, keeping for itself the sum of $3,800 as a laundering fee.

Thus R&P were appointed at Puccini's expense, to investigate K&R, its own client, and NKL&S, the firm that previously gave such accounting firm laundered monies that had been stolen from Puccini.

3a. By legislative statute and judicial rule the receiver must account within one (1) year, and must account, at least, once a year, and each and every year (Bus. Corp. Law §1216[a]; 22 NYCRR 202.52).

b. Additionally, imposed upon ROBERT ABRAMS, the Attorney General of the State of New York, Puccini's statutory fiduciary, is the ministerial obligation to make application for an accounting, if not voluntarily rendered within eighteen (18) months (Bus. Corp. Law §1216[a]).

c. More than eight (8) years have now expired and not a single accounting has been rendered -- not one!

d. During such ninety-eight (98) month period, not a single application has been made by the Attorney General for such accounting, despite statutory ministerial mandate.

e. Additionally, the Attorney General, and members of his office, have had, since January of 1984, documentary evidence, of a conclusive nature, of such massive larceny of Puccini's judicial trust assets, of which they are the statutory fiduciaries, and instead of taking any measures to protect the interests of those who are legitimately interested in same (cf. Bus. Corp. Law §1214[a]), they have chosen to simultaneously represent those who have aided, abetted, and benefitted from such larceny and plundering of such judicial trust assets.

4a. Unable to account for Puccini's judicial trust assets, without exposing the massive larceny, plundering, perjury, and judicial and official corruption involved therein, K&R, FKM&F, and their co-conspirators, including members of the judiciary, plagued HYMAN RAFFE ["Raffe"], SAM POLUR, Esq. ["Polur"], and affirmant with an unprecedented "reign of terror", in order to compel them to succumb, under a desired code of silence.

b. Included in such "reign of terror" were repeated accusations of contempt, initiated and prosecuted by these private "criminals with law degrees".

c. Although, in an approximate period of one (1) year, about twenty-five (25) contempt proceedings resulted in decisions other than guilty, each triggering constitutional or statutory "double jeopardy", corrupt jurists, state and federal, ignoring such double jeopardy concepts, and other constitutional and statutory obstacles, rendered four (4) Orders of convictions, each one trialess and manifestly unconstitutional.

5a. Under such "reign of terror", Raffe was compelled to succumb, and Polur forced to flee the scene.

b. Unquestionably, the federal trialess Order of Judge EUGENE H. NICKERSON, for non-summary criminal court, was beyond the power of the Court to render, is a nullity (Nye v. United States, 313 U.S. 33), and should be so summarily declared.

c. Similarly, the state trialess Orders of Judge DAVID B. SAXE and Mr. Justice ALVIN F. KLEIN, for non-summary criminal contempt, are constitutional nullities (Bloom v. Illinois, 391 U.S. 194), and should be so summarily declared.

6a. The trialess conviction which was the subject of Sassower v. Sheriff (supra), was also without an opportunity for a trial or hearing.

b. The statements of the Circuit Court of Appeals to the contrary are false, contrived and fabricated (cf. 18 U.S.C. §1001) and are without support in the Record.

c. Indeed, before United States Magistrate NINA GERSHON, FKM&F admitted that there is no such evidence in the Record.

d. Furthermore presently, before Mr. Justice MARTIN EVANS, Justice of the Supreme Court, New York County, FKM&F cannot produce any evidence in the Record to support such false statements by the Circuit Court of Appeals.

e. The Circuit Court of Appeals simply followed the scenario of Chief Judge MARTIN T. MANTON in Art Metal v. Abraham & Straus (70 F2d 641) in contriving evidence to support a reversal.

Thereafter, during the criminal proceedings against the Chief Judge, it was learned that the following day there was paid by Alfred F. Reilly to Judge Manton's "bag-man", the balance due for "selling justice" in the Second Circuit.

7a. Unlike, affirmant who was incarcerated under the trialess Order of Mr. Justice ALVIN F. KLEIN, and incarcerated under the Report of Referee DONALD DIAMOND, which was the subject of Sassower v. Sheriff (supra), Raffe was not!

b. Raffe paid millions of dollars, and is still paying substantial extortion monies to K&R, FKM&F, and their clients; has executed releases to "these merchants of corruption", in favor of the Justices of the Supreme Court, the Judges of the Southern and Eastern District of New York, and given other considerations, in exchange for which he was not incarcerated under the Order of Mr. Justice Klein, nor the mirrored Report of Referee DONALD DIAMOND moved for confirmation.

c. As long as Raffe gives obedience to the desires of FKM&F, the written agreement provides, which includes the continuous payments of substantial extortion monies, he will not be incarcerated under the trialess conviction of Mr. Justice Klein, nor will the trialess Order of Referee DONALD DIAMOND be moved for confirmation.

d. In the words of Raffe he is being "bled to death", but keeps paying because he has been informed and convinced that "all judges are crooks"!

8a. Based upon a false, uncorroborated, assertion by DONALD F. SCHNEIDER, Esq. ["Schneider"] of FKM&F, Polur was incarcerated under the trialess Order of Mr. Justice Klein, as was affirmant.

b. Even when it was not denied that the Schneider assertion against Polur was false (Brady v. Maryland, 373 U.S. 83), Mr. Justice Klein refused to release Polur from incarceration.

c. When Polur was threatened with disbarment, under such trialess criminal conviction, he left the scene.

9a. Affirmant refused to succumb to such, and other "judicial terror", or be silenced with respect thereto, and unlike Polur was disbarred (Grievance Committee v. G. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.]).

b. In such disciplinary proceedings, affirmant was not permitted to controvert the conclusiveness of such trialess convictions.

c. Whatever the outcome of this proceeding, or any other proceeding, judicial or otherwise, and no matter what the personal consequences may be, affirmant will never submit to a code of omerta (conspiracy of silence), and betray constitutional and civilized values.

10. Instructively, the fines imposed by Judge EUGENE H. NICKERSON, payable "to the [federal] court", went into the private pockets of K&R, a matter which His Honor and the Court of Appeals knows, and have known, for a long time.

11a. From almost the first moment that Raffe v. Citibank (supra) was assigned to Judge EUGENE H. NICKERSON, MICHAEL J. GERSTEIN, Esq. ["Gerstein"] of K&R and Schneider, were openly boasting that they "controlled" the actions of Judge EUGENE H. NICKERSON.

b. These arrogant boasts were made even in the public halls at 225 Cadman Plaza East, where, at times, Assistant United States Attorneys were as numerous as roaches in a slum apartment.

c. Indeed, as time progressed such open boasts by K&R and FKM&F expanded themselves to include all judges, state and federal, nisi prius and appellate.

12a. Numerous examples can be cited, in addition to the aforementioned contempt Order and the open boasts of corruption, to substantiate the nullity of the proceedings before Judge EUGENE H. NICKERSON.

b. Such corrupt proceedings, including the extrinsic fraud involved, mandates the nullification thereof, a matter which may be made the subject of collateral attack (Universal v. Root, 328 U.S. 575; Hazel-Atlas v. Hartford, 322 U.S. 238; U.S. v. Throckmorton, 98 U.S. 61; Weisman v. Chas. Smith, 829 F2d 511 [4th Cir]; Averbach v. Rival, 809 F2d 1016 [3d Cir.], cert. den. U.S. , 108 S.Ct. 83; Securities & Exchange Comm. v. ESM, 835 F2d 270 [7th Cir]; Ritter v. Smith, 811 F2d 1398, 1404 [11th Cir.]).

13a. Puccini was a plaintiff in the proceedings before Judge EUGENE H. NICKERSON, and on its behalf it moved to have returned to it the assets which were made the subject of larceny by K&R, which motion was not supported by Feltman, its receiver, nor Senior Attorney DAVID S. COOK, Esq. ["Cook"], the individual in the Office of ROBERT ABRAMS assigned to protect Puccini's trust assets, nor R&P, the investigatory accountants, appointed on behalf of Puccini, who knew the extent of the larceny.

b. Nor was such motion supported by NKL&S, who also had the information, and if disclosed would have benefitted its clients, Dann and Sorrentino, substantial stockholders in Puccini.

c. The motion was not supported by anyone, and thus denied.

d. Thereafter, when the "Kreindler-Feltman thieves" had a temporary falling out, Feltman executed an affidavit dated March 5, 1986, which stated (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. Thus, this information of the larceny of Puccini's judicial trust assets, although available prior to the dismissal by Judge EUGENE H. NICKERSON, was concealed by Feltman, its receiver, as well as his numerous co-conspirators, who also had a fiduciary duty to Puccini.

14a. Puccini, as a helpless "person" is entitled to judicial protection against its perfidious receiver, attorneys, and other fiduciaries, and as a judicial administrative obligation, it is entitled to independent judicial protection to rectify this mockery of justice (Strickland v. Washington, 466 U.S. 668; Johnson v. Zerbst, 304 U.S. 458; United States v. Wight, 176 F.2d 376 [2d Cir.]; Diggs v. Welch, 148 F.2d 667 [D.C. Cir.]).

b. Feltman, who holds Puccini's assets, held under "color of law" must be made to account.

15. The conduct of United States Attorneys ANDREW J. MALONEY, RUDOLPH W. GIULIANI, and SAMUEL A. ALITO, JR., is also a disgrace to the Department of Justice and the United States of America, with criminal implications, a matter detailed on another day.

16. The aforementioned is stated to be true under penalty of perjury.

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

Dated: August 4, 1988

GEORGE SASSOWER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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To: The Foreperson of the Grand Jury:

In accordance with 18 U.S.C. §1504, I respectfully request an opportunity to appear before the Grand Jury for the purpose of presenting evidence of criminal conduct in your district, including that by organized crime, and in addition thereto, "noncriminal, misconduct, and misfeasance in office" of U.S. Attorney Andrew J. Maloney, Assistant U.S. Attorney, Suzzane M. Skinner, and others, and for the additional purpose "for a recommendation of removal or disciplinary action", as provided in 18 U.S.C. §3333.

Upon request, I will, beforehand, deposit with your body, my documentary evidence in support of the aforementioned.

Dated: July 29, 1988

Yours, etc.,

GEORGE SASSOWER, Esq.
16 Lake Street,
White Plains, N.Y., 10603
914-949-2169

To: U.S. Attorney Andrew J. Maloney

Exhibit "A"