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As of: June 11, 2026 6:50 PM Z

Raffe v. Citibank, N.A.

United States District Court for the Eastern District of New York

March 16, 1989, Decided

No. 84 CV 0305

Reporter

1989 U.S. Dist. LEXIS 2901 *; 1989 WL 27474

HYMAN RAFFE, individually and on behalf of PUCCINI CLOTHES, LTD., Plaintiffs, v. CITIBANK, N.A., and JEROME H. BARR, individually, and as executors of the estate of MILTON KAUFMAN; KREINDLER & RELKIN, P.C.; LEE FELTMAN; FELTMAN, KARESH & MAJOR; ARUTT, NACHAMIE, BENJAMINE, LIPKIN & KIRCHNER, P.C.; RASHBA & POKART, P.C.; EUGENE DANN; ROBERT SORRENTINO; ROBERT ABRAMS, as Attorney General of the State of New York; JOHN V. LINDSAY; and SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK, Defendants

Core Terms

motions, injunction, vacation, disqualification, disbarment, intervene, recusal

Case Summary

Procedural Posture

An attorney filed motions to vacate a contempt order, to intervene personally and on behalf of plaintiff, and for the recusal and disqualification of all judges in the Second Circuit.

Overview

As an initial matter, the court ruled that the attorney's conclusory allegations about corruption of judges in the Second Circuit were insufficient to warrant disqualification under [28 U.S.C.S. § 144](#). The court declined the request for recusal based on a belief that it could be fair and impartial in deciding these motions. The court then found that the attorney had been disbarred from practicing before the court and that he had violated the order of disbarment by filing these motions. In addition, the court found that by filing the motions, the attorney clearly violated a permanent injunction that restrained him from filing, serving, or

attempting to intervene in an action related to the named parties to this matter. Therefore, the motions were denied and the court ordered the clerk not to accept any filing from the attorney, without first obtaining leave in writing from a judge or magistrate who had examined the filing to assure that it was not in violation of the disbarment order or permanent injunction.

Outcome

The court declined to recuse itself and dismissed all of the attorney's motions. The court also ordered the clerk not to accept any paper or proceeding or motion or new case of any kind presented by the attorney, or naming him as plaintiff or petitioner, without leave from a judge or magistrate.

LexisNexis® Headnotes

Civil Procedure > ... > Inability to Proceed > Disqualification & Recusal > Federal Judges

Governments > Courts > Judges

Civil Procedure > Judicial Officers > Judges > Discretionary Powers

Civil Procedure > ... > Disqualification & Recusal > Grounds for Disqualification & Recusal > Personal Bias

Criminal Law & Procedure > Preliminary Proceedings > Pretrial Motions & Procedures > Disqualification & Recusal

[HN1](#) **Disqualification & Recusal, Federal Judges**

Conclusory allegations about corruption of judges are

insufficient to warrant disqualification. [28 U.S.C.S. § 144 \(1982\)](#).

Opinion by: [*1] McLAUGHLIN

Opinion

AMENDED MEMORANDUM AND ORDER *

JOSEPH M. McLAUGHLIN, UNITED STATES DISTRICT JUDGE

Mr. George Sassower moves this Court in two separate motions to vacate the Honorable Eugene H. Nickerson's June 7, 1985 Contempt Order. The first motion, returnable on September 30, 1988, also makes an application to treat the long closed civil action, 84 CV 305, as a criminal proceeding. In the November 25, 1988 motion, Mr. Sassower seeks to intervene personally and on behalf of Puccini Clothes, Ltd. This motion also seeks the recusal and disqualification of all federal judges in the Second Circuit and the vacation of all orders, judgments and awards of Judge Nickerson and the Second Circuit in this matter.

As an initial matter, Mr. Sassower's motion that this judge disqualify himself presumably for bias or prejudice is [*2] denied. Sassower's [HN1](#)^[↑] conclusory allegations about corruption of judges in the Second Circuit are insufficient to warrant disqualification. [28 U.S.C. § 144 \(1982\)](#). See [Hodgson v. Liquor Salesman's Union Local No. 2, 444 F.2d 1344 \(2d Cir. 1971\)](#). In addition, I believe that I can be fair and impartial in deciding these motions and, therefore, I will not recuse myself from this matter.

Based on the fact that Mr. Sassower is engaging in the practice of law by filing these motions, he has violated the order of United States District Judge Glasser disbaring Mr. Sassower from practicing before this Court. See [In re Sassower, 700 F. Supp. 100 \(E.D.N.Y. 1988\)](#). Also by filing these motions, Mr. Sassower clearly has violated a permanent injunction issued by United States District Judge Conner enjoining Mr.

Sassower from filing, serving, or attempting to intervene in an action relating to the named parties to this matter. See [Raffe v. John Doe, 619 F. Supp. 891, 898 \(S.D.N.Y. 1985\)](#). In order to enforce Judge Glasser's order and Judge Conner's injunction, the motions are hereby dismissed.

Finally, because Mr. Sassower, a trained attorney, continually seeks the vacation of Judge Nickerson's [*3] Contempt Order, in these and past motions, despite his knowing that the order was affirmed on two occasions by the Second Circuit, see 84-7737 (2d Cir. May 1, 1987) and [755 F.2d 914 \(2d Cir. 1985\)](#), I find that Mr. Sassower's motions are frivolous and only strain this Court's limited judicial resources. Therefore, I hereby order the Clerk of the Court not to accept for filing any paper or proceeding or motion or new case of any kind presented by Mr. George Sassower, or naming him as a party plaintiff or petitioner, without the leave in writing first obtained from a judge or magistrate of this Court who shall have examined such paper to assure that it is not in violation of the 1988 disbarment order or the 1985 injunction.

SO ORDERED.

Dated: Brooklyn, New York

March 16, 1989

End of Document

*The order dated March 6, 1989 discussed a third motion returnable February 21, 1989. This third motion was not filed with the Clerk of the Court. Because the motion was not properly presented to the Court, it should not have been considered. Accordingly, the Order dated March 6, 1989, is hereby revoked and this Amended Memorandum and Order is substituted therefor.