

OFFICE

11/12/88

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPT.

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In the Matter of GEORGE SASSOWER, an
attorney and counselor-at-law, GRIEVANCE
COMMITTEE FOR THE SECOND AND ELEVENTH
JUDICIAL DISTRICTS,

Petitioner,
-against-
GEORGE SASSOWER,
Respondent.

-----x
S I R S:

PLEASE TAKE NOTICE that upon the annexed affidavit
of GEORGE SASSOWER, Esq., duly sworn to on the 12th day of
November, 1988, and upon all the pleadings and proceedings had
heretofore herein, the undersigned will move this Court at a
Stated Term, held at the Courthouse thereof, 45 Monroe Place,
Borough of Brooklyn, City and State of New York, on the 25th day
of November, 1988, at 10:30 o'clock in the forenoon of that day or
as soon thereafter as Counsel may be heard for an Order vacating
the Order of this Court dated February 23, 1987, and declaring
same null, void, and of no effect, nunc pro tunc, 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 opposing papers,
if any, are to be served and filed in accordance with the rules
of this Court.

Dated: November 12, 1988

Yours, etc.,

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

To: Robert H. Straus, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
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In the Matter of GEORGE SASSOWER, an
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-----x
STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

GEORGE SASSOWER, Esq., first being duly sworn,
deposes, and says:

This affidavit is made in support of a motion to
vacate the Order of February 23, 1987 (Grievance Comm. v. Geo.
Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.]) bottomed
upon (1) lack of jurisdiction; (2) fraud and misconduct; (3)
together with any other, further, and/or different relief as to
this Court may seem just and proper.

1a. The jurisdictional limitation of power of this
Court is bounded by, inter alia, the Acts of Congress (Art. VI[2]
of the U.S. Constitution).

b. 11 U.S.C. §525 prohibits any retaliatory action by
reason of the filing of a petition in bankruptcy.

c. One month ago, on October 11, 1988, before Bankruptcy Judge HOWARD C. BUSCHMAN III, DONALD F. SCHNEIDER, Esq. ["Schneider"], a partner FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], clearly stated, in sum and substance, but in no uncertain terms, that deponent's filing of a petition in bankruptcy on October 27, 1986, which vested title to deponent's property in the United States District Court (28 U.S.C. §1334(c)), had aborted the settlement of the final accounting of PUCCINI CLOTHES, LTD. ["Puccini"] intended for October 30, 1986.

d. There were no hearing held, or opportunity for same, between October 27, 1986, when deponent's filed his petition in the bankruptcy court, and February 23, 1987, when this Court entered its Order of Disbarment.

e. In any event, a composite of all post-disbarment statements and actions reveals, beyond any doubt, that the action of this Court on February 23, 1987 was, in very substantial part, in unlawful retaliation for such bankruptcy filing (11 U.S.C. §525), and its effect on the sham proceedings scheduled for October 30, 1988.

2a. The Order of February 23, 1987, was based in substantial part upon the trialess, manifestly unconstitutional, convictions of your deponent, which he was not permitted to controvert, in fact or law (cf. Gilberg v. Barbieri, 53 N.Y.2d 285, 441 N.Y.S.2d 49).

b. The attempt to nullify such state convictions through a writ of habeas corpus, was stonewalled by a stay for costs on November 25, 1986 by Order of the Appellate Division, First Department (Exhibit "A").

c. The writ of habeas corpus may not be suspended, except for "rebellion, invasion, or public safety" (Art. 1, §9[2] U.S. Constitution; Art. 1, §4 of the N.Y. State Constitution), and certainly not for the payment of costs or poverty.

d. Clearly, staying any legal remedy based on the failure to pay prepetition obligations violates 11 U.S.C. §362[a].

3. The Order of February 23, 1988, as the evidence now reveals, clearly was violative of federal law, and must be so adjudicated.

4a. Between October of 1986 and February 23, 1987, deponent literally inundated this Court, counsel for the Grievance Committee, the Grievance Committee, FKM&G, and others, for a copy of the alleged "final account", as was published in the New York Times and New York Law Journal.

b. Where there was response, which did not include this Court or its affiliates, the response was that there was no "final accounting" or "any accounting" -- it was sham and a fraud.

c. Unquestionably, Presiding Justice MILTON MOLLEN, as well as others associated with this Court, including Grievance Committee counsel, actually knew that there was no accounting and knew that Puccini's assets had been made the subject of larceny and plundering.

d. Where judicial trust assets are involved, a publicly filed accounting is mandated, in all jurisdictions, including New York.

e. The public is entitled to know how the judiciary handles and disposes of judicial trust assets.

Certainly if the judiciary and its cronies are involved in the larceny and plundering of judicial trust assets, as is the case at bar, the public is entitled to know such fact.

f. Deponent has vested, constitutionally protected interests, in Puccini, and clearly has a right to know the disposition of same.

5a. Aided by media involvement, sufficient pressure was exerted compelling the public disclosure of some of the papers, privately held, by Referee DONALD DIAMOND, in his non-public courtroom.

b. By Order dated October 26, 1988, entered on November 2, 1988, Referee DONALD DIAMOND issued an Order which approved of a 1986 "Final account", although he had no authority for same (CPLR §4317(b)).

c. There is no accounting in the County Clerk's file, and the Order of February 23, 1987 was simply an attempt to advance a criminal adventure wherein Presiding Justice FRANCIS T. MURPHY and Administrator XAVIER C. RICCOBONO are directly involved as active participants.

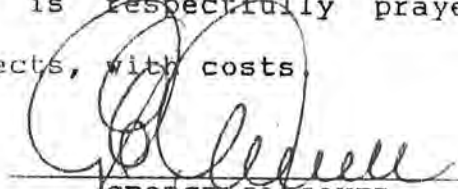
6a. Deponent will not have any part of any criminal, unethical, and/or unprofessional, activity, and the power of this Court to punish deponent for such refusal is beyond the power of this, or any American tribunal (Hazel-Atlas v. Hartford, 322 U.S. 238; Averbach v. Rival, 809 F2d 1016 [3rd Cir.]; cert. den.

U.S. , 108 S.Ct. 83; Tamimi v. Tamimi, 38 A.D.2d 197, 328 N.Y.S.2d 477 [2d Dept.]).

b. For such added reasons, the Order of February 23, 1987 must be vacated, nunc pro tunc.

c. This is a public matter, and deponent intends to make it very public!

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


GEORGE SASSOWER

Sworn to before me this
12th day of November, 1988


ZENNIE S. JOHNSON
NOTARY PUBLIC, State of New York
No. 60-1988095
Qualified in Westchester County
Term Expires Oct. 31, 1989

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

PEOPLE OF THE STATE OF NEW YORK, ex rel. : Appeal No. 4
PUCCINI CLOTHES, LTD., a helpless :
judicial ward, GEORGE SASSOWER, : New York County
individually and on behalf of HYMAN : Index No. 19311/85
RAPPE, a judicial hostage, :

Petitioners-Appellants. :

For the Appointment of a Special :
Prosecutor. :

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

GEORGE SASSOWER, Esq., ELENA RUTH : Appeal No. 5
SASSOWER, on behalf of :

Petitioner-Appellant, :

Bronx County
Index No. 15408/85

-against- :

JOHN CURRINGHAM, WARDEN, Bronx House :
of Detention, :

Respondent, :

-and- :

FELTMAN, KARESH & MAJOR, :

Respondent-Respondent. :

Exhibit "A"

Held in open Court for the First Judicial Department in the County of
New York, on November 23, 1986

Present--Hon. Theodore R. Kupferman, Justice Presiding
Leonard H. Sandler
David Ross
John Carro
Bentley Kassal, Justices

-----X
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.,

Appeal No. 1

-and-

ALL OTHER ACTIONS AND PROCEEDINGS IN
ANY COURT CONCERNING OR RELATING TO
PUCCINI CLOTHES, LTD., ITS RECEIVER
OR SHAREHOLDERS OR THEIR ATTORNEYS.

-----X
SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT
-----X

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,

Petitioners-Respondents,

For the Dissolution of Puccini
Clothes, Ltd.

Appellants.
-----X

M-4656
M-4842
M-4874

Appeal No. 2

Lee Feltman, Esq., individually and as the court-appointed Receiver for Puccini Clothes, Ltd., Donald F. Schneider, Esq., Edward Weissman, Esq., and Feltman, Karash, Major & Farbman, pro se, having moved this Court for an order, inter alia, dismissing appeals numbered 2 (on behalf of appellant Hyman Raffe only), 4 (on behalf of Appellant Raffe only), 6, 7 (on behalf of appellant Raffe only), 8 and 9, and for other relief,

And Jerome H. Barr and Citibank, N.A., individually and as Executors of the Last Will of Milton Kaufman, and Kreindler & Reikin, P.C., pro se, having cross-moved for similar relief,

And George Sassower, Esq., having cross-moved for an order, inter alia, transferring the motion, together with the underlying appeals, to another department,

Now, upon reading and filing the papers with respect to said motion and cross-motions; and due deliberation having been had thereon,

It is ordered that Motion M-4656 and Cross-Motion M-4842 be and the same are hereby granted only insofar as to stay further appeals by George Sassower until prior court costs have been paid,

And it is further ordered that Cross-Motion M-4874 to transfer the motion for a stay and the underlying appeals to another Department and for other relief, be and the same hereby is denied.

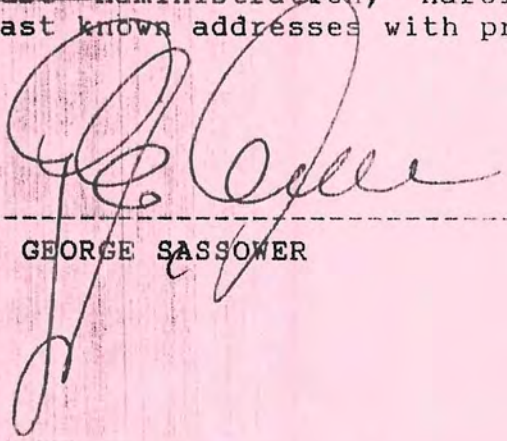
ENTER:

HAROLD J. REYNOLDS
Clerk.

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

On November 12, 1988 he served a copy of the within Notice of Motion, Affidavit, and Exhibit -- Demand by mailing true copies thereof in a sealed envelopes addressed to Robert H. Straus, Esq. (Certified Mail P 977 501 882); ~~Lee Feltman, Esq.; Feltman, Karesh, Major & Farbman, Esqs.; Hon. Robert Abrams; Sen. Attorney David S. Cook; Rashba & Pokart; Mr. Samuel Younger, c/o Office of Court Administration; Harold J. Reynolds, Esq. etc.~~ at their last known addresses with proper postage affixed thereon.

Dated: November 12, 1988



GEORGE SASSOWER

P 977 501 882

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

See Reverse	
Sent to	Robert H. Straus
Street	1100 3rd St
P.O. State and Zip	21000 Baltimore Md.
Postage	1.00
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985