

1 SUPREME COURT OF THE STATE OF NEW YORK

2 APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

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4 In the Matter of GEORGE SASSOWER, :
an attorney and counselor-at-law, :

5 GRIEVANCE COMMITTEE FOR THE SECOND :
6 AND ELEVENTH JUDICIAL DISTRICTS, :

7 Petitioner, :

8 GEORGE SASSOWER, :

9 Respondent :

10 -----x

11 Brooklyn, New York

12 April 17, 1986

13
14 B e f o r e :

15 HON. M. MICHAEL POTOKER,
16 Referee

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19 A p p e a r a n c e s :

20 ROBERT H. STRAUS, ESQ.
Chief Counsel, Grievance Committee

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24 ARTHUR BLAUSTEIN
25 Certified Shorthand Reporter

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2 MR. STRAUS: Your Honor, my office received
3 a telephone call about 9:15 this morning from
4 a person identifying herself as Elena Sassower.

5 She said she was in transit with her father,
6 George Sassower, but that traffic was very bad,
7 and although they had started out at 7:30 this
8 morning, they were going to be late.

9 She couldn't imagine being here before 11.

10 That's the message that was conveyed to
11 my office.

12 With your permission, I thought, again, we
13 had this happen last time, that I might just go
14 across the street to my office, and I'll be on
15 phone notice, as soon as Mr. Sassower arrives.

16 THE REFEREE: All right.

17 (Recess ensues)

18 THE REFEREE: Are you ready, Mr. Sassower?

19 MR. SASSOWER: Good morning, your Honor.
20 May the record reflect that I had a conversation
21 with your Honor yesterday by telephone.

22 I called Mr. Straus and then I called the
23 Court.

24 I think I spoke to an Officer Jacobs, who, I
25 think, she told me she was only temporary there,

1
2 and she would try to communicate with your Honor,
3 with a message, and, presumably she did it, and
4 did it successfully.

5 There are a number of problems that have
6 arisen, and it is my understanding that we only
7 have a morning session, and, by the way, your
8 Honor --

9 MR. STRAUS: We have a morning session today?
10 I understood we had a full session today.

11 THE REFEREE: What is your schedule?

12 MR. SASSOWER: My schedule is -- first of all,
13 I want to state that my schedule is not of my
14 doing.

15 It's because of other matters related to this
16 case, which is not my fault.

17 First of all, I have to be at the Appellate
18 Division, Second Department at 1:30.

19 MR. STRAUS: For what purpose?

20 MR. SASSOWER: Please, I'll try to be as
21 breif --

22 MR. STRAUS: It's after 11 o'clock. This is
23 the fourth consecutive session that we have started
24 late as a result of Mr. Sassower.
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2 MR. SASSOWER: Excuse me, not because
3 of Mr. Sassower.

4 Mr. Sassower goes to court at nine o'clock
5 the morning.

6 This morning, I left at 7:30 sharp.

7 How I even got here at this time, I don't know.

8 THE REFEREE: What is your business with the,
9 what is your business at the Appellate Division,
10 Second Department?

11 MR. SASSOWER: Judge Gammernan issued an
12 order holding me in criminal and civil contempt.

13 THE REFEREE: When?

14 MR. SASSOWER: March 11th. It was finally
15 filed --

16 THE REFEREE: March 11, '86?

17 MR. SASSOWER: Yes, '86. It was filed --

18 THE REFEREE: That's not a subject of this
19 proceeding.

20 MR. SASSOWER: Yes, it is.

21 MR. STRAUS: No, it is not.

22 THE REFEREE: No, it is not, sir.

23 MR. SASSOWER: Judge, will you please let
24 me finish?

25 THE REFEREE: Go ahead.

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2 MR. SASSOWER: I said it's related to this
3 proceeding.

4 THE REFEREE: In any event, Judge Gammerman
5 sits in the First Department, not in the Second
6 Department.

7 MR. SASSOWER: I realize that, your Honor.
8 Okay.

9 THE REFEREE: Yes.

10 MR. SASSOWER: If you want me to tell you
11 everything --

12 I'm trying to be brief.

13 THE REFEREE: I want to know why this hearing
14 has to be --

15 MR. SASSOWER: If you'll let me finish, I
16 shall try to be concise.

17 THE REFEREE: I tried to, sir, but --

18 MR. SASSOWER: You interrupt me.

19 THE REFEREE: Go ahead, sir.

20 MR. SASSOWER: That order was entered
21 April 7.

22 So, before it was entered, I could not pro-
23 ceed. That order which has no basis whatsoever.

24 And, I'll just be brief.

25 I had been found not guilty, as your Honor

1
2 knows, by two orders that were filed on January
3 27. As soon as I was vindicated -- I served one,
4 with notice of entry and within two business
5 days, I got four more criminal and civil contempts.

6 Those look like they were going to be un-
7 successful, so, Judge Gammerman, without any
8 motion, without any papers, without anything,
9 without even a warning, signed an order holding
10 me in civil and criminal contempt, and not
11 only doing that, but he dragooned --

12 MR. STRAUS: Your Honor, I object to these
13 recitations.

14 He's giving you an entire case history of
15 another case.

16 MR. SASSOWER: I served with a writ of pro-
17 hibition and I am asking for an interim stay be-
18 cause two judges in Westchester County don't know
19 what to do, and one judge in Nassau County doesn't
20 know what to do.

21 I'm not going into all the relevance it
22 has to this case.

23 THE REFEREE: Do you have any other matter
24 on the agenda, Second Department, today?

25 MR. SASSOWER: Yes. I sent out two letters

two days ago for 1:30.

MR. STRAUS: If your Honor please, I checked with the Appellate Division, Second Department yesterday, in the clerk's office --

MR. SASSOWER: How would then --

MR. STRAUS: Let me. The clerk's office informed me that there was nothing on their calendar for today involving Mr. Sassower.

I also checked with Donald Schneider, who was supposed to be the adversary in these various contempt proceedings, and Mr. Schneider also informed me that he had nothing on any calendar in any court, in anything relating to Mr. Sassower.

After checking his diary. Furthermore, if Mr. Sassower --

MR. SASSOWER: Let me finish --

THE REFEREE: Mr. Straus --

MR. SASSOWER: Let me finish my thing.

THE REFEREE: Mr. Straus has the floor.

MR. STRAUS: If Mr. Sassower wishes to institute actions in the Appellate Divisions or to go to the Appellate Divisions, he can do it on days other than this disciplinary proceeding.

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2 We are now down to one day a week and he
3 wants to limit it to a morning and he wants to
4 limit the morning to --

5 First he's here at eleven and not finished
6 with his statements until 11:30, which leaves us
7 fully an hour a day to deal with this proceeding.

8 MR. SASSOWER: Do you want me to answer
9 all the questions?

10 THE REFEREE: Yes.

11 MR. SASSOWER: Here's a letter that I sent
12 out, and I'll tell you why it was made today.

13 Here is -- you don't make appointments
14 with the Appellate Division, Second Department,
15 as far as stays.

16 Here's the writ of prohibition.

17 THE REFEREE: The order to show cause will
18 be presented today so you won't have a hearing
19 today.

20 MR. SASSOWER: Well, you sometimes go up
21 to see it, Judge.

22 I made it at 1:30. Let me finish, and I'll
23 tell you why today.

24 THE REFEREE: Do you want to look at that?

25 MR. STRAUS: Yes, I would, thank you.

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2 THE REFEREE: It's dated the 15th, return-
3 able the 17th.

4 MR. SASSOWER: I had to make it fast.

5 MR. STRAUS: It specifically says, "This
6 letter dated April 15" that I ask, that it be
7 marked as a Referee's Exhibit, it says, "That
8 the matter will be presented to the Appellate
9 Division, Second Department on this date at 1:30."

10 MR. SASSOWER: Right.

11 MR. STRAUS: This being the only day this
12 week that Mr. Sassower is on trial at his own
13 disciplinary proceeding, that's the day he selects.

14 MR. SASSOWER: Maybe I was enjoined otherwise,
15 and couldn't make it --

16 MR. STRAUS: I'm noting for the record that
17 he chose today.

18 He could have chosen today, tomorrow, Tuesday
19 and Wednesday.

20 He could have chosen Friday of last week.

21 MR. SASSOWER: How could I choose last week?
22 I got it on Saturday.

23 THE REFEREE: Wait. Let's mark that for
24 identification.

25 MR. SASSOWER: On the back, please.

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2 THE REFEREE: It will be a Court Exhibit.

3 MR. STRAUS: Referee's Exhibit 6, your Honor.

4 THE REFEREE: As soon as I get my records.
5 Referee's Exhibit 6.

6 MR. SASSOWER: I'll bring another copy.
7 Could it be deemed because I'm going to give this
8 to the Appellate Division?

9 MR. STRAUS: It can be marked on the back.

10 MR. SASSOWER: I'll give it to them.
11 It will be a filed paper.

12 I'll bring another copy. All right.

13 MR. STRAUS: If your Honor pleases, I think
14 this should be marked since we have discussed it.

15 MR. SASSOWER: I don't want to give them a
16 marked copy.

17 THE REFEREE: I'll read the entire letter
18 into the record, and we'll deem it marked.

19 Dated April 15, '86, letterhead of George
20 Sassower.

21 "Honorable Robert Abrams, Attorney-General,
22 Two World Trade Center, New York, New York, '10047.

23 Re: Sassower versus Horwood.

24 Honorable Sir, the within order to show cause
25 will be presented to the Appellate Division,

Second Department, on Thursday, April 17, 1986, at 1:30 P.M. Your presence by one of your assistants will be appreciated. Respectfully, George Sassower." Copies mailed to Honorable Stanley Horwood, who is a justice of the Appellate Division, Nassau County.

MR. SASSOWER: No, Supreme Court.

THE REFEREE: Justice of the Supreme Court, Nassau County, Honorable Lawrence M. Martin, Jr., Honorable Alda A. Nastaldi, Kreindler and Relkin, Public Corporation, Feltman, Karesh, Major and Farbman, Esquires, Nachamie, Kirschener, Levine, Spitz and Goldberg, P.C., and Ira Postel, Esquire.

(Deemed marked)

MR. STRAUS: This was addressed --

MR. SASSOWER: This was addressed to Robert Abrams, Attorney-General.

THE REFEREE: Yes, I so read.

MR. SASSOWER: There are three judges who don't know what to do until this thing, and it came in on Saturday, with notice of entry, and a fourth four-page petition was knocked out over the weekend.

THE REFEREE: You won't have a hearing on this today.

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2 MR. SASSOWER: I'll get a stay so they
3 can proceed with the other cases.

4 THE REFEREE: You don't need the whole
5 afternoon off.

6 MR. SASSOWER: Let me finish.

7 THE REFEREE: Let's finish it in a hurry.
8 It's --

9 M.. SASSOWER: If you don't want to take my
10 word for it --

11 An appeal was filed by Feltman, Karesh and
12 Major.

13 That was on for the May term. It's one of
14 the charges in this case.

15 I immediately looked at the record on appeal.
16 and, I noticed my notice of cross-motion was
17 missing.

18 I sent them a stipulation on March 7.
19 I didn't get it back until April 4 or 5.

20 During that time or just recently, with
21 checking the papers, his certification not only
22 left out my notice of cross-appeal, but left out
23 that I could find it-- there's probably more --

24 MR. STRAUS: Your Honor, will you direct
25 Mr. Sassower to get to the point.

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2 MR. SASSOWER: Although there is a
3 certification that's complete, it's not complete.
4 Everything favorable to me was left out.

5 THE REFEREE: So that --

6 MR. SASSOWER: So that since it's on for
7 argument for May 14, in the Appellate Division,
8 First Department on charges relating to this case,
9 I didn't want it adjourned.

10 I didn't want it stricken from the record.

11 So, I have been trying to work out matters
12 with Mr. McGuire, and pretty much, this is the last
13 day that I have to try to put a record together,
14 which was falsely certified by Mr. Schneider.
15 Okay.

16 THE REFEREE: You have to file a document?

17 MR. SASSOWER: No, I have to make ten
18 copies. I have to strip records or make a new
19 record.

20 I have to work out a whole --

21 THE REFEREE: That doesn't have to be done
22 today.

23 MR. SASSOWER: Yes, because it's pre-read.
24 It's on for May 14. He's been nice enough to
25 extend my time.

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2 Now, I only hope, today or tomorrow, I
3 only hope that Mr. Schneider sends Mr. McGuire,
4 which he said he was going to do, the necessary
5 consent.

6 This is something --

7 MR. STRAUS: If your Honor pleases, Mr.
8 Sassower just said he could do it tomorrow, so
9 can we allow him to do it tomorrow and get on
10 with this hearing today?

11 This is absurd to constantly adjourn this
12 proceeding and delay it so that he can go running
13 around serving what he wants to serve.

14 MR. SASSOWER: This is not my problem or my
15 fault.

16 THE REFEREE: Mr. Sassower --

17 MR. SASSOWER: Let me go one step further.

18 THE REFEREE: There's nothing to go. You
19 haven't indicated to the Court that your order
20 had to be at the Appellate Division, first Depart-
21 ment today.

22 MR. SASSOWER: I have to get my appeal in.

23 THE REFEREE: You can do that tomorrow. You
24 can go over to the Appellate Division, Second
25 Department from 1:30 to 2:15 and be back here in

time for the continued hearing at 2:30. All right.
Let's go.

MR. SASSOWER: May I continue? I haven't finished.

THE REFEREE: That's it.

MR. SASSOWER: You won't let me finish?

THE REFEREE: No.

MR. SASSOWER: Mr. Straus can go on a social function with the Committee --

May I have a drink of water?

MR. STRAUS: Would you direct Mr. Sassower to take the stand?

MR. SASSOWER: May I have a drink of water?

MR. STRAUS: We shouldn't have a recess.
Will you direct Mr. Sassower to take the stand?

THE REFEREE: Take one minute.

(Recess ensues)

THE REFEREE: Let's proceed. I think we're at the tail end of the proceeding.

MR. SASSOWER: No, we're not, your Honor.

THE REFEREE: We should conclude the entire proceeding at the end of the day.

MR. SASSOWER: No, your Honor. I'm proceeding on cross-examination, and I'm proceeding the way

your Honor wants to proceed, and not presenting my documents the way I want to.

THE REFEREE: You're still under oath, Mr. Sassower.

MR. SASSOWER: Thank you.

THE REFEREE: May I have Exhibit 58, please?

(Mr. Sassower resumes the stand)

MR. STRAUS: Your Honor, my recollection is that we're up to the motions, Exhibit 61 at this point, is that right?

MR. SASSOWER: We're up to the way your Honor wants me to proceed, which is like cross-examination.

Then I'd like to proceed with my case, the way I think it should be presented, so, it's understandable.

MR. STRAUS: If your Honor pleases, pursuant to my request, because Mr. Sassower was testifying in narrative form, and it was impossible to make timely objection, he's been going through the charges point by point, which is an orderly systematic way to proceed.

He hasn't been foreclosed from pursuing any area at all.

He's only been directed to do it in an orderly manner.

MR. SASSOWER: No, that's your manner which is cockeyed.

THE REFEREE: We're up to date of motion filed 2-29-84.

MR. SASSOWER: Before we do that, your Honor --

THE REFEREE: No, not before.

MR. SASSOWER: I want to introduce some documents which I think will make it more comprehensible and save some time.

I know my case, your Honor.

THE REFEREE: Sir --

MR. SASSOWER: May I show your Honor some documents?

THE REFEREE: We have a few more?

MR. SASSOWER: No, we don't, your Honor.

THE REFEREE: I have.

MR. SASSOWER: Some of it is incomprehensible unless you see certain documents.

THE REFEREE: Now, 58 in evieence.

MR. SASSOWER: May I present my case on direct, the way I want as a direct examination.

THE REFEREE: Sir, you tried that. It didn't

work.

MR. SASSOWER: You never allowed me to do it.

THE REFEREE: Please don't yell.

MR. SASSOWER: I want to present my case the way I want to.

I'll do it any way you want do in an orderly fashion.

THE REFEREE: If you are going to do it any way I want to, then let's testify.

The next item is notice of motion filed by you on February 9, 1984.

MR. SASSOWER: May I have certain documents marked into evidence first or for identification?

MR. STRAUS: Do they relate to this charge?

MR. SASSOWER: Yes, they relate to the whole thing.

MR. STRAUS: Do they relate to this charge?

MR. SASSOWER: Don't ask me any questions. This is direct, okay, this is direct.

THE REFEREE: Mr. Sassower --

MR. SASSOWER: It's imcomprehensible.

THE REFEREE: Mr. Sassower, I can't stand the noise, and I'm sure the other persons in

the courtroom can't.

MR. SASSOWER: I'd like to present the case on direct, your Honor, okay?

THE REFEREE: Sir, first we'll continue with 2-9-84, and when we get through with Petitioner's Exhibit 58, then I'll entertain your application. Go ahead.

MR. SASSOWER: What's that?

THE REFEREE: Notice of motion filed by you on February 19, 1984, which was 1816, 1980, and it was denied by Justice Schwartz on March 21, 1984.

MR. SASSOWER: That was not denied. This is a distortion. It's an absolute distortion.

MR. STRAUS: Your Honor, this is Exhibit 58.

MR. SASSOWER: They said it was premature.

He said, "Wait until the accountant's report comes in."

MR. STRAUS: Is this Exhibit 58, your Honor?

THE REFEREE: Yes, 58.

MR. STRAUS: The exhibit is -- has the caption "Raffe's motions to remove receiver and or appoint himself receiver."

Is that the one?

MR. SASSOWER: That was not denied.

The judge said it was premature.

MR. STRAUS: Mr. Sassower, I think we're just directing your attention to the exhibit.

No one is testifying with respect to anything.

MR. SASSOWER: You have cockeyed schedules which are distorted, which are lying, which are misleading.

THE REFEREE: Mr. Sassower --

MR. SASSOWER: Okay.

THE REFEREE: -- if you continue this way, I'm warning you for the last time, this proceeding will be terminated, the hearing will be concluded.

MR. SASSOWER: You want the truth, or, do you want what was written down there? Contrived. I'm trying to get a copy of my schedules

The schedules say "Reargue," when it should be renewal.

It says denied, when it's premature. "Wait for the accountant's report" and the accountant's report shows that the whole thing was a fraud.

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Which number are you up to, sir?

THE REFEREE: Notice of motion, 2-9-84.

MR.SASSOWER: That was not denied.

THE REFEREE: Did you file that notice of motion?

MR. SASSOWER: I don't remember, but I probably had some hand in it.

THE REFEREE: What do you mean you had some hand in it?

MR. SASSOWER: The work product. The building is mine.

THE REFEREE: Did you prepare the motion?

Did you file the motion?

MR. SASSOWER: When you say, "file," do you mean physically file it?

THE REFEREE: Did you have it filed at your direction?

MR. SASSOWER: Probably, I probably was part of it.

THE REFEREE: It's your notice of motion, is that right?

MR. SASSOWER: I don't know, your Honor. I haven't seen the papers.

I would think not, your Honor.

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2 MR. STRAUS: Your Honor, I'm somewhat
3 at a loss only for this reason.

4 Did we cover most of this, and you are
5 picking it up in the middle?

6 THE REFEREE: Yes. We covered it all the
7 way up.

8 MR. STRAUS: I'm sorry.

9 MR. SASSOWER: The question cannot be
10 answered the way your Honor is putting it. Okay?

11 That's the only way I can answer your Honor's
12 question.

13 There is a complete lack of understanding of
14 the underpinnings.

15 So, whatever answer I give you, is part
16 true and part false.

17 There is no way of answering those questions.

18 That goes for all the questions your Honor has
19 placed.

20 THE REFEREE: Mr. Straus, will you or
21 your associate, see if you can find the notice of
22 motion dated 2-9-84?

23 MR. STRAUS: I think it's attached to the
24 decision and order of Judge Seymour Schwartz. It
25 should be attached.

1
2 THE REFEREE: All right. Thank you, very
3 much.

4 MR. SASSOWER: That question cannot be answer-
5 ed, your Honor, as most of the other questions.

6 THE REFEREE: Sir, I show you a notice of
7 motion, or what appears to be a notice of motion --

8 MR. SASSOWER: I cannot answer yes or no,
9 because --

10 THE REFEREE: I'm showing you the papers.

11 MR. SASSOWER: I see the papers, your Honor.

12 THE REFEREE: And your answer is?

13 MR. SASSOWER: It cannot be answered.

14 THE REFEREE: All right; it can't be answered.

15 MR. SASSOWER: It's a half-truth.

16 THE REFEREE: Okay.

17 MR. SASSOWER: If your Honor would let me ex-
18 plain, I would tell you why.

19 THE REFEREE: Go ahead, I'm waiting.

20 MR. SASSOWER: On many of these motions,
21 as the papers themselves indicate, the motion
22 was made and it says so in the body; pursuant to
23 understanding with Referee Diamond's attorney,
24 David C. Cook, who is the attorney-general, or
25 pursuant to a stipulation or paper filed in the

Appellate Division.

I just pulled out one. If I may read it.
It's from an affidavit of Hyman Raffé, dated
October 4, 1984.

MR. STRAUS: Object to the reading from
something, unless it's offered in evidence.

MR. SASSOWER: It is in evidence.

MR. STRAUS: Then I have no objection.

MR. SASSOWER: I don't know what number it
is on yours.

MR. STRAUS: These are all part of Exhibit
58, Mr. Sassower, in evidence.

MR. SASSOWER: Well, this expresses what
appears in many cases --

THE REFEREE: No, you testify.

MR. SASSOWER: -- that's how it reads in here.
Okay?

Expressly --

I'll read the whole two paragraphs. Anything
said anywhere to the contrary?

MR. STRAUS: Objection, your Honor.

I object to Mr. Sassower reading the documents.
He can testify.

If he says it has some significance, it's in

evidence. He can testify to what its significance is.

THE REFEREE: Go ahead, sir.

MR.SASSOWER: Anything and anywhere to the contrary notwithstanding, your deponent followed the quote, "Diamond rules" on this motion with absolute precision both in letter and spirit as revealed by a portion of the transcript of July 26, 1984. Paragraph.

Expressly, David S. Cook, Esq., has stated in his opinion as the attorney for Honorable Donald Diamond as well as other members of the judiciary, this motion was in complete compliance with the Diamond rules and made as of right.

You will find this or similar statements in many other documents where there was a problem.

THE REFEREE: Where?

MR. SASSOWER: Where there was a problem, I would either consult David Cook who was the attorney for all the respondents or make a motion in the Appellate Division where an affidavit would be put in saying that it's okay.

So, too, now, here's a letter, your Honor -- by the way -- David Cook is on vacation.

Here's a letter, February 11, 1984.

May I?

Written to Honorable Robert Abrams.

MR. STRAUS: Is Mr. Sassower proposing to offer this in evidence?

MR. SASSOWER: Yes.

MR. STRAUS: May I see it?

MR. SASSOWER: Yes.

MR. STRAUS: Objection, your Honor.
This is a letter drafted by Mr. Sassower to the Attorney-General's Office.

It, in no way, relates -- it doesn't even have an answer from Mr. Cook which would not be admissible in any event, unless it were part of the file that was received in evidence.

MR. SASSOWER: It is.

MR. STRAUS: I object to this letter being received in evidence.

It's a letter dated February 11, 1984.
It hasn't even been marked for identification, nor should it be.

MR. SASSOWER: May it be marked for identification?

THE REFEREE: This will be Respondent's

Exhibit EEEE for identification.

MR. STRAUS: I think we're up to Quadruple B.

We don't have any record of B,C, and D, your Honor.

THE REFEREE: I'm sorry.

(Marked BBBB for identification)

MR. SASSOWER: It's all relevant, but look at Paragraph Two and there was an affidavit filed by Mr. Cook subsequent to that, to this, which states the same thing.

I served, I sent the subpoena to him.

He said he'll mail me a copy of that affidavit.

I met him in White Plains. I still haven't received it.

MR. STRAUS: Which is why I'm objecting.

If he wanted to put the affidavit in, he's free to do it.

MR. SASSOWER: I'll subpoena David Cook.

MR. STRAUS: Supposedly, according to Mr. Sassower, Mr. Cook is a cooperative witness, who will support Mr. Sassower's account.

THE REFEREE: All right. It's for identification.

MR. STRAUS: It's a self-serving document.

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MR. SASSOWER: I'm telling you --

THE REFEREE: this is dated February 11, 1984, and you had no response from Mr. Cook's office.

MR. SASSOWER: Sure, I did. He put in an affidavit saying, and he said it before Judge Sullivan, he said the numerous times that, as far as the Gammernan order is concerned, no matter what it showed --

MR. STRAUS: Objection. It's hearsay. He's testifying to what Mr. Cook said. It's hearsay.

THE REFEREE: For identification only.

MR. SASSOWER: I want it marked in evidence, your Honor.

MR. STRAUS: Objection.

THE REFEREE: Denied. Objection sustained.

MR. SASSOWER: On what grounds, your Honor.

THE REFEREE: Let's go.

MR. SASSOWER: Does that show wilful disregard of an order?

THE REFEREE: Let's go. February 13, 1984. Did you file a notice of motion or is your answer the same with respect to all of them, February 13,

May 1, December 5, December 12?

MR. SASSOWER: No, no. I'm just saying, your Honor, the papers will show --

THE REFEREE: Sir, the question I have -- whether or not you were justified -- that's something you will say.

All I want to know --

MR. SASSOWER: I don't know.

THE REFEREE: If you don't know, just say you don't know.

MR. SASSOWER: I don't know what papers you are talking about.

If I could see the papers, I'll tell you I probably had a good portion of the input.

There were a lot of times that Harry Katz did it.

THE REFEREE: Now, 58 in evidence is notice of motion allegedly filed by you.

MR. SASSOWER: No, in some cases they were filed by Harry Katz.

THE REFEREE: We're up to February 13, '84, with the disposition attached thereto.

MR. STRAUS: If your Honor pleases, it is our position and has been our position, that these,

as the caption reads, these are Raffe's motions, to remove receiver.

We rely on the testimony of Mr. Raffe that Mr. Sassower prepared them and that Mr. Raffe signed documents pro se on the instructions of Mr. Sassower, who prepared them, and that's all that we rely on.

Mr. Sassower is asked whether he prepared them or filed them and he can't answer it.

MR. SASSOWER: I didnt' say that. I said I was not the only one.

Let me say something else, because it all bears on the same issue, what Mr. Straus says I was disqualified for.

I appeared before Judge Sinclair.

I appeared before Judge Sinclair. His Honor did not believe that I was disqualified.

MR. STRAUS: Objection.

MR. SASSOWER: There's one more thing your Honor asked me, which I didn't answer completely, and that was my mistake.

Judge Sinclair was hospitalized and ill from the day after Labor Day, '84, until about May of '85. He's no longer on the bench.

He's no longer on active duty. He's no longer on the bench.

So that when your Honor asked me the question, well, "Why don't you go back to Judge Sinclair as Judge Evans indicated I should,"

He said, "You're not violating the spirit of the order. You are not violating the intent of the order."

And, Judge Danzig said the same thing.

MR. STRAUS: If your Honor pleases, I object on the grounds that it's repetitious and not relevant, because, according to the evidence offered on this charge, there was no application made to Judge Sinclair after February 11, 1982.

We're already up to 1984.

Now he's going back to 1982.

There is no allegation that anything with respect to this exhibit was submitted.

MR. SASSOWER: Of course there was.

MR. STRAUS: Or decided by Judge Sinclair after 1982.

MR. SASSOWER: The exhibit is wrong. Here's an exhibit, I'll show it to you --

THE REFEREE: Go ahead, sir.

1
2 MR. SASSOWER: It's wrong. An application
3 was made.

4 An order to show cause was signed by Judge
5 Parness.

6 It went back to Judge Sinclair.

7 MR. STRAUS: This is the reason for the
8 objection; it's not relevant.

9 We're confined to what the petition
10 says, not to other motions.

11 THE REFEREE: Sir, did you file a motion
12 on behalf of Mr. Raffe on February 13, 1984, yes
13 or no?

14 MR. SASSOWER: Let me see the motion, and,
15 I'll tell you. I don't know.

16 Your Honor asked me a question why I didn't
17 go back to Judge Sinclair.

18 Judge Sinclair is not around anymore. Okay?

19 Your schedule is wrong.

20 We did go back to Judge Sinclair.

21 MR. STRAUS: Sir, the only allegations,
22 that you are asked to respond to are those that
23 have been put in evidence.

24 MR. SASSOWER: You make statements without
25 taking the stand. He makes statements without

1
2 taking the stand, which are absolutely false.

3 THE REFEREE: They are not in evidence.

4 MR. SASSOWER: It doesn't matter. You hear
5 them. You repeat them.

6 THE REFEREE: Mr. Sassower --

7 MR. SASSOWER: He does not know that as an
8 attorney he should not give testimony.

9 He hides his witnesses, and he hides their
10 records.

11 THE REFEREE: Mr. Sassower, did you file a
12 notice of motion on February 13, 1984, on behalf of
13 Mr. Raffe, yes or no.

14 MR. SASSOWER: I don't know.

15 I have to see the papers.

16 THE REFEREE: Do not know?

17 MR. SASSOWER: Read me the papers.

18 MR. STRAUS: He has them all there, your
19 Honor.

20 MR. SASSOWER: Where?

21 MR. STRAUS: Those are the exhibits.
22 We have been showing him these exhibits from the
23 time he took the stand.

24 MR. SASSOWER: His Honor has the exhibits. I
25 don't have them. Can't you even tell the truth?

1
2 MR. STRAUS: It's right in front of you, Mr.
3 Sassower.

4 THE REFEREE: It --

5 MR. SASSOWER: The Judge has it. I don't have
6 it.

7 Why is he telling me it's right in front
8 of me?

9 THE REFEREE: Will you cut the noise out?
10 I can't stand the noise anymore from you.

11 MR. SASSOWER: Fine.

12 MR. STRAUS: May the record reflect that I
13 have handed Mr. Sassower a copy of the notice of
14 motion papers; it's part of Exhibit 58 in evidence.

15 THE REFEREE: Yes, and Mr. Sassower had every
16 opportunity to look at every exhibit before it was
17 received in evidence.

18 MR. SASSOWER: When?

19 MR. STRAUS: We've --

20 MR. SASSOWER: Judge Potoker can't even call up
21 the other judge to work out a schedule with him
22 so I'm not on three trials at one time. I didn't
23 have the opportunity.

24 MR. STRAUS: You have never attempted to
25 arrange an appointment to come to our office to look

at it.

MR. SASSOWER: Don't you think I have something else to do?

MR. STRAUS: That's your problem. Don't attribute it to us.

THE REFEREE: Mr. Sassower, you have the copy of the notice of motion in front of you.

Did you file that notice of motion on February 13, 1984 on behalf of Mr. Raffe, yes or no?

MR. SASSOWER: Sir, I'm trying to recall when Katz died.

THE REFEREE: You don't know whether or not you prepared this?

MR. SASSOWER: I said, on everything, your Honor, I was the man with the information, I was the man with the information, I was the person who people used to come to, to find that information about Puccini.

So, whether I physically prepared it or I didn't physically prepare it or whether I filed it or didn't file it, I knew what was going on and it was absolutely acceptable to everybody, period, and no judge has found that I violated any order

if I did do this, and this has been repeatedly charged and repeatedly vindicated.

THE REFEREE: Is that your position with respect to all the remaining documents, in Petitioner's Exhibit 58?

Feburyar 13, '84, you say you do not know. May 1, '84, is your response the same?

MR. SASSOWER: Let me look at it.

MR. STRAUS: Let me have that one document, because that's a copy.

MR. SASSOWER: As far as I'm concerned, and as far as the petition is concerned --

THE REFEREE: I didn't ask you anything.

MR. SASSOWER: This is direct examination. This is an absolutely, perfect, proceeding.

THE REFEREE: I didn't ask you whether it was good, bad or indifferent.

Did you file --

MR. SASSOWER: I'm a party to it.

THE REFEREE: Your answer is, "Yes."

MR. SASSOWER: But, I'm a party to it.

THE REFEREE: Then your answer is, "Yes."

MR. SASSOWER: No. This is direct or is it cross?

1
2 THE REFEREE: Sir --

3 MR. SASSOWER: No.

4 THE REFEREE: I lived a long time without any
5 defect in hearing.

6 I do not expect to leave this hearing with a
7 defect in hearing.

8 MR. SASSOWER: This is a phony charge.

9 THE REFEREE: Okay. It's a phony charge.

10 MR. SASSOWER: I'm a party.

11 THE REFEREE: Let me have it back.
12 This is a phony charge.

13 MR. SASSOWER: Let me go one step further.
14 Do you want me to go one step further on that?

15 THE REFEREE: No.

16 MR. SASSOWER: I want to. This is direct.
17 A stipulation was signed in that case.

18 MR. STRAUS: Your Honor, would you ask Mr.
19 Sassower to lower his voice somewhat, please?

20 THE REFEREE: I know, but apparently he
21 doesn't understand.

22 MR. SASSOWER: Apparently you don't want to
23 listen, and possibly --

24 MR. STRAUS: Screaming doesn't change it, Mr.
25 Sassower. Would you please lower --

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MR. SASSOWER: If you had drawn up --

MR. STRAUS: Would you please lower your voice?

THE REFEREE: Every time you talk to him, he'll scream louder.

Mr. Sassower, the Court Reporter cannot take down what you are saying if you are yelling.

MR. SASSOWER: Let me tell you on direct.

THE REFEREE: No. You have already answered.

MR. SASSOWER: The answer is not only was it --

THE REFEREE: You said it was a phony charge.

MR. SASSOWER: I didn't say that, your Honor, and don't put the words in my mouth.

If you want to testify, take the stand.

If you want to listen to testimony, listen to me.

THE REFEREE: The Court Reporter will read it back.

Do you want to read back, in which he said that he was a party to it and it's a phony charge?

MR. SASSOWER: Should you, when there is a charge made against your Honor and Mr. Straus in the Appellate Division for misconduct, then you

haven't got a word to say, it goes by default, accusation unanswered, if an accusation like that was made.

THE REFEREE: Do you want the Court Reporter to read it back?

MR. SASSOWER: No, I want to make a statement. I understand on the motion in the Appellate Division --

MR. STRAUS: Objection. Can Mr. Sassower confine his remarks to testimony?

MR. SASSOWER: Fine, I will. On that particular charge, I made a --

THE REFEREE: Mr. Sassower, I'm ready to conclude the hearing.

MR. SASSOWER: Do whatever your Honor wants, but, listen to my testimony and don't give me testimony.

THE REFEREE: I can't get any testimony from you.

I ask you specific questions and --

MR. SASSOWER: This is direct. What do you mean you're asking me questions?

Let me put through my direct, then you will give me cross.

Sassower

2212.

THE REFEREE: This is direct.

MR. SASSOWER: This is not direct.

THE REFEREE: This is direct.

MR. SASSOWER: That's not direct.

THE REFEREE: I won't permit you, as you attempted to do time and time again, to narrate about everything under the sun.

MR. SASSOWER: No, I'm not. I'll go right down the line.

THE REFEREE: We're up to December 5, '84. Did you file a notice of motion on behalf of Mr. Raffe?

MR. SASSOWER: Is this direct or cross-examination?

I want to do direct.

THE REFEREE: This is the way we're going to do it.

MR. SASSOWER: This is cross-examination. I can't answer it that way.

MR. STRAUS: I believe it's appropriate.

THE REFEREE: How about 12?

MR. SASSOWER: I'll tell you why I can't answer it.

Because I filed a notice of motion on my

own behalf where I am the attorney and Mr. Raffe happens to have been my client in that proceeding.

The record is about -- as it went up on appeal, at least one foot thick and no place in that one foot thick record, is there an assertion by anybody that it was improper in any respect.

In fact, I made a motion to vacate a stipulation signed by Mr. Raffe without my knowledge, and that has been unopposed.

Again, I'll bring in at least a five pound record.

You can't find a word in there saying anything was improper, because where anything was of dubious impropriety, I either would get, bring a proceeding, get a statement from the--

MR. STRAUS: Your Honor, I object to the comment.

It's repetitious. He's said it over and over again, and he doesn't respond to your question.

MR. SASSOWER: The question is, did I file on behalf of Mr. Raffe. No, I filed it on my own behalf.

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2 THE REFEREE: You told me that.

3 MR. SASSOWER: That's the answer. That's
4 why I can't answer your Honor.

5 THE REFEREE: You did answer that. That's
6 the answer.

7 MR. SASSOWER: In cross-examination, you
8 say, yes or no.

9 That's why I say I couldn't answer it.

10 THE REFEREE: Now, 12-5-84.

11 MR. SASSOWER: Let me see the notice of mot-
12 ion.

13 THE REFEREE: All right.

14 MR. SASSOWER: Well, 12-5-84 -- Judge,
15 he has other documents attached to it which
16 don't belong to it.

17 THE REFEREE: Forget that. Just look --
18 don't pull it apart.

19 MR. SASSOWER: It's two different things.

20 MR. STRAUS: It's all in evidence, Mr.
21 Sassower.

22 MR. SASSOWER: They're two different things.
23 I can't answer it.

24 THE REFEREE: You can't answer it. All
25 right.

1
2 MR. SASSOWER: Because it's two different
3 things.

4 THE REFEREE: Sir, I only asked one ques-
5 tion.

6 MR. SASSOWER: Take that back. Okay?

7 THE REFEREE: December 5, 1984. Did you
8 file a notice of motion on behalf of Mr. Raffe,
9 yes or no.

10 MR. SASSOWER: Then --

11 THE REFEREE: You can explain why.

12 MR. SASSOWER: This is not the notice of
13 motion. It's all cockeyed.

14 There's a page stuck in here that doesn't
15 belong here; it's all different, your Honor.
16 I'm telling you it's cockeyed. It's not even a
17 correct copy of the papers, your Honor.

18 This is what I'm telling you, your Honor.

19 This second page doesn't belong with the
20 notice of motion.

21 THE REFEREE: Sir, the exhibit --

22 MR. SASSOWER: The exhibit -- this doesn't
23 belong.

24 THE REFEREE: The exhibit includes notice of
25 motion and a decision of the court.

MR. SASSOWER: It's the wrong decision.

THE REFEREE: Forget the decision right now.

All I want to know if you filed that notice of motion.

MR. SASSOWER: That paper? No.

THE REFEREE: All right, that's it.

MR. SASSOWER: The answer is, "No."

THE REFEREE: The answer is, "No."

MR. SASSOWER: With a qualification.

THE REFEREE: What's the qualification?

MR. SASSOWER: I see the second page. I would never file a notice of motion with the second page like that, okay?

THE REFEREE: December 12, 1984.

MR. SASSOWER: May I see it?

THE REFEREE: Yes; it's part of the exhibit, Petitioner's Exhibit 58.

MR. SASSOWER: This is cross-examination, your Honor.

THE REFEREE: I'm asking you --

MR. SASSOWER: How about direct examination?

THE REFEREE: Yes. You tell us in your direct examination whether or not the contention

of the Grievance Committee is correct or incorrect?

MR. SASSOWER: Judge, from Day One on, this motion, from Day One on this motion, from Day One, to this day without the interruption of one second, not one second, I have been acknowledged to be the attorney of record; nobody questions that.

MR. STRAUS: Your Honor, objection.

THE REFEREE: You're taking that position that to this day you are Mr. Raffe's attorney?

MR. SASSOWER: Yes.

THE REFEREE: We have your position. You made that crystal clear.

MR. SASSOWER: Judge, I want to say this, this is why I would like --

These are loaded --

Judge --

THE REFEREE: You were about to say that was a loaded question.

MR. SASSOWER: Yes. It's implied that I did something improper.

THE REFEREE: Listen to me, nobody is saying you did anything improper.

MR. SASSOWER: But --

THE REFEREE: Wait.

MR. SASSOWER: -- you're right this time.

THE REFEREE: -- by answering my question of whether or not you filed it, that's all I wanted to know, whether or not you filed it.

I'll make my mind up whether or not you did so correctly, legally, or illegally.

MR. SASSOWER: No. I'll tell you why, your Honor.

I don't give you that. If you want to make up your mind and overrule other judges, including the Appellate Division and then bring the whole file here; you're not just going to give me this sheet. You're going to make your mind up?

Who gave you the right?

MR. STRAUS: Will you please stop shouting?

MR. SASSOWER: Who gave your Honor the right now on a piece of paper, nothing, no facts to make your mind up?

THE REFEREE: Did you fine that motion, notice of motion?

MR. SASSOWER: That's a loaded question.

THE REFEREE: On December 12, '84?

MR. SASSOWER: I did every piece of work connected with that case in every respect.

THE REFEREE: Okay.

MR. SASSOWER: Okay? In every respect and proud of every piece of work.

THE REFEREE: March 5, '85.

MR. SASSOWER: Does that answer your question?

THE REFEREE: Yes, you did.

March 4, 1985. There are two. This is the first one.

MR. SASSOWER: This the one that -- could I see the Ascione decision, please?

MR. STRAUS: This is a decision by Judge Stetcher.

MR. SASSOWER: At least, according to the schedule, this is 1816 of 1980, denied by Judge Stetcher on May 9, 1985.

At -- at least that's the allegations, and, this is the notice of motion received in evidence with respect to that.

It says, the copy that I have, sworn to on March 5, 1985, George Sassower. It's permission for me to intervene. It's permission for me to

1
2 intervene. Okay. And the word "denied," just
3 by itself does not say anything. Okay? Now --

4 THE REFEREE: You say that's a --
5 For you to intervene, you filed a notice of
6 motion.

7 MR. SASSOWER: Of course.

8 THE REFEREE: That's all.

9 MR. SASSOWER: Nothing wrong with it.

10 THE REFEREE: I didn't say there was any-
11 thing wrong with it.

12 MR. SASSOWER: Again, I don't want to repeat
13 myself.

14 Let me give you an idea.

15 Since this is direct, let me have leeway
16 of one thing.

17 MR. STRAUS: Your Honor --

18 THE REFEREE: The record will reflect that
19 you have had considerable leeway, every day you
20 appeared before me.

21 MR. SASSOWER: Did your Honor look at
22 the Judge Riccobono order or directive?

23 MR. STRAUS: If your Honor pleases, can we
24 stick to this charge?

25 MR. SASSOWER: Your Honor read it, right?

1
2 THE REFEREE: I read as many of the
3 documents that were offered in evidence.

4 MR. SASSOWER: You look at Judge Ricco-
5 bono--

6 THE REFEREE: Yes.

7 MR. STRAUS: This is the order appointing
8 Donald Diamond.

9 If your Honor pleases, may --

10 THE REFEREE: Let him continue.

11 MR. STRAUS: I don't know how it relates to
12 this charge.

13 MR. SASSOWER: I'll show you. The -- first
14 of all, it gives the duty to Referee Diamond,
15 it lists five cases.

16 Since your Honor says he's read it and
17 I assume your Honor read it five times, the
18 five cases he's listed, that were pending,
19 how many do you think were brought by us or
20 Mr. Raffe or anybody?

21 I'm not going to hold you to it.

22 THE REFEREE: I don't know.

23 MR. SASSOWER: Four of these five cases --
24 you get the impression that these cases were
25 brought by me or Mr. Raffe.

No. Four of the five were brought by the other side, not by us.

The one that was brought by us is still pending. Okay?

Now, the --

MR. STRAUS: If your Honor pleases, I'm objecting because it's --

MR. SASSOWER: It's the same thing with the schedule.

MR. STRAUS: It's impossible to control Mr. Sassower.

He'll digress and talk about whatever he wants.

THE REFEREE: Let's hear it.

MR. SASSOWER: This is -- may I mark this, please?

I'll show you, your Honor --

THE REFEREE: Mr. Sassower, Mr. Sassower, you're doing it your way.

MR. SASSOWER: Could you please mark this notice of appeal?

THE REFEREE: That will be Respondent's CCCC for identification.

(So marked)

MR. SASSOWER: This is a notice of appeal filed with -- filed by the Kreindler firm for Judge Schwartz' order, Hilda Schwartz' order.

THE REFEREE: Which prompted you to do what?

MR. SASSOWER: I'm just saying -- four thousand times I have heard that -- about a violation of Judge Schwartz' order.

I never violated it.

MR. STRAUS: If your Honor please, I object.

MR. SASSOWER: It's put into the petition.

MR. STRAUS: He's digressing.

MR. SASSOWER: I'll show your Honor a letter from the Nachamie firm --

MR. STRAUS: Here we go.

MR. SASSOWER: -- they have the books and records.

MR. STRAUS: I'm sorry. I realize you are giving him great leeway, but he's going on to an unrelated subject.

MR. SASSOWER: Please mark this.

THE REFEREE: That will be DDDD for identification.

(So marked)

MR. SASSOWER: I offer it in evidence.

MR. STRAUS: May I see it?

MR. SASSOWER: Sure.

MR. STRAUS: If your Honor pleases, I object to it's receipt in evidence.

I object to this line of testimony, because in order to have some orderly presentation of testimony by a witness who is not being questioned by someone, and who is not responding to these questions, it was necessary for your Honor, to at least guide the witness into the areas that he testified to.

He refused to stay within the bounds of those areas, and, I don't think we're anywhere near the end, because I think Mr. Sassower has an inexhaustable ability to go on into any areas that he wants to.

THE REFEREE: We're at the end.

MR. STRAUS: This has nothing to do with the exhibit that we're discussing.

He's offering in evidence a letter from the Nachamie firm and notice of cross-appeal by Kreindler and Relkin.

It has nothing to do with whether or not

1
2 Mr. Sassower made or filed these notices of
3 motions, which is the question that has to be de-
4 cided now.

5 If he's going to testify in any kind of
6 an orderly way, and you can't permit Mr. Sassow-
7 er to go into another area, because he never
8 leaves it.

9 MR. SASSOWER: No, this is direct or
10 supposedly, and I want to hit dead, first of all,
11 that no matter how few or how many motions I
12 filed, none of them, none of them could possibly
13 have violated Judge Schwartz' order, and I'm
14 sick and tired of reading in your petition that
15 I violated Judge Schwartz' order.

16 You never looked at it.

17 MR. STRAUS: This is not direct examination,
18 directed to Judge Schwartz' order. This is a
19 charge.

20 He's supposed to be testifying about
21 something else.

22 MR. SASSOWER: This is supposed to be
23 direct.

24 Why don't you give me an opportunity to do
25 it directly? Your Honor might understand it.

THE REFEREE: Objection sustained. Let's go.

MR. SASSOWER: I can't have those marked in evidence?

THE REFEREE: Second --

MR. SASSOWER: I can't have those marked in evidence?

THE REFEREE: They are marked for identification.

MR. SASSOWER: Aren't they relevant? I don't have the books and records.

THE REFEREE: Second notice of motion dated March 5, '85.

MR. SASSOWER: Judge, I want to do it -- this cross or direct?

THE REFEREE: Look at this document.

MR. SASSOWER: Is this cross or direct?

THE REFEREE: You know what it is.

MR. SASSOWER: What is it?

THE REFEREE: It's direct examination.

MR. SASSOWER: Then I'll ask myself questions.

THE REFEREE: No. We went through that.

MR. SASSOWER: No, you never did. You told me to do it this way.

1
2 I tried to follow your Honor's suggestion.
3 It didn't work.

4 THE REFEREE: You're doing it my way now.

5 MR. SASSOWER: I want direct first.

6 THE REFEREE: You'll do it my way, sir.
7 I preside here and not you.

8 MR. SASSOWER: Then let the record show
9 that's cross-examination.

10 THE REFEREE: Sir, the record will speak for
11 it self.

12 MR. SASSOWER: It doesn't speak for itself.
13 Let it be identified clearly.

14 THE REFEREE: The record will reflect that
15 Mr. Sassower contends that this is cross-exami-
16 nation and not direct examination.

17 MR. SASSOWER: Fine. I'll ask myself
18 question.

19 This is the most beautiful motion. This
20 is a motion made by me.

21 THE REFEREE: The answer is, yes or no.

22 MR. SASSOWER: That's not the answer.

23 THE REFEREE: I want --

24 MR. SASSOWER: I can't answer yes or no.

25 THE REFEREE: Did you file that on behalf

of Mr. Raffe?

MR. SASSOWER: No.

THE REFEREE: The answer is, "no."

MR. SASSOWER: Wait a second. I want to explain it.

I filed this as the papers state.

MR. STRAUS: You said you didn't file it.

MR. SASSOWER: Will you listen?

Judge Potoker said, "Did I file it on behalf of Mr. Raffe?" and the answer is, "No."

THE REFEREE: That's all.

MR. SASSOWER: No, it isn't all, no. It isn't all.

The answer is, "I filed it on my own behalf" and if you would only read it, which Mr. Straus does not want to do, but only wants to create a false impression, and, his Honor, and it says here, "George Sassower" -- this is intended to be an offer that cannot be refused. In 45 days -- let me finish.

I gratuitously will increase Puccini's assets by \$300,000 without risk or cost, no obligation.

THE REFEREE: Don't tear the exhibit.

1
2 MR.SASSOWER: I'm not tearing the exhibit.
3 Who did I file it?

4 I filed it on my own behalf, not that
5 loaded question that your Honor puts, like all
6 your loaded questions, because you have to come
7 to a conclusion.

8 He gives you schedules that are false and
9 misleading, and, your Honor has just ate it up,
10 and accepted it before we even started the trial.

11 Your Honor doesn't care about the truth.

12 THE REFEREE: This document indicates
13 that you filed it on your own behalf, right?

14 MR. SASSOWER: Yes.

15 THE REFEREE: And next to it --

16 MR. SASSOWER: He consents to it.

17 THE REFEREE: -- annexed to it is an affidavit
18 of Mr. Raffe.

19 MR. SASSOWER: Right.

20 THE REFEREE: Stating that he has read the
21 affidavit of Mr. Sassower and believes it is
22 feasible and joins in the request made.

23 MR. SASSOWER: Right. It's my application.

24 THE REFEREE: All right. Next is January 18,
25 1986.

MR. SASSOWER: Very interesting. It's my affidavit.

I did it on my own behalf.

It's my affidavit.

THE REFEREE: All right.

MR. SASSOWER: What the heck, is wrong with it? I did it myself.

I'm allowed to appear for myself, aren't I?

THE REFEREE: This exhibit indicates --

MR. SASSOWER: It speaks for itself. I don't want your Honor paraphrasing it.

I made an application.

THE REFEREE: Sir --

MR. SASSOWER: You didn't even read it before.

In two seconds, you are going to summarize it?

THE REFEREE: I'm not summarizing anything.

I want the record to reflect that the exhibit reflects your position.

It was your affidavit. You don't want me to say so.

MR. SASSOWER: Fine. It speaks for itself. It's my affidavit.

Again, nobody saw anything wrong with it, until Mr. Straus came along with his contrived assertions.

MR. STRAUS: Will you direct Mr. Sassower to keep his remarks to himself?

THE REFEREE: Sir --

MR. SASSOWER: If he would prove -- he just throws in a whole stack of stuff, a whole stack of orders that could not be violated if I stood on my head and he labels it violation of court orders.

By the way --

THE REFEREE: Let's get to the next charge.

MR. SASSOWER: I'd like to make a request, your Honor?

I'd like to have from Mr. Straus his application to the Appellate Division dated May 13, 1985.

MR. STRAUS: I don't have to respond. He's renewing an application that you denied previously.

(Recess ensues)

MR. SASSOWER: What's your next question, your Honor, on cross-examination?

1
2 To save time, any time my name appears on
3 an affidavit, I prepared it, and I read it, and
4 I checked it, and I stand by what I say.

5 I don't make phony charges like Mr. Straus
6 does.

7 When I put my name or have somebody else put
8 their name to it, it's right, absolutely right.

9 MR. STRAUS: Would your Honor direct Mr.
10 Sassower to proceed with his testimony?

11 MR. SASSOWER: I'm asking for a question.

12 MR. STRAUS: We have finished with
13 Exhibit 58.

14 MR. SASSOWER: I want to say one thing, if
15 I may, that maybe helpful.

16 THE REFEREE: Go ahead, sir.

17 MR. SASSOWER: I'm trying to find it; 4317B,
18 because we talk about violation of Diamond's
19 rules.

20 Yes, 4317B gives the powers of the Referee.

21 MR. STRAUS: Objection, your Honor.
22 We're not in any way dealing with powers of the
23 Referee with respect to the testimony, which is
24 now supposedly the subject of Mr. Sassower's
25 testimony.

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2 MR. SASSOWER: Your Honor asked me if I
3 violated certain things.

4 MR. STRAUS: That wasn't the question, sir.
5 We were going in order.

6 MR. SASSOWER: No. I can go in order.

7 MR. STRAUS: But you are not doing that.
8 That's why I'm objecting.

9 MR. SASSOWER: I'm asking questions. Your
10 order?

11 What Schneider and Gerstein gave you?

12 You put your little back on it. Nothing
13 else.

14 Ex-parte Straus they call him, or at least
15 I call him now.

16 He's ex-parte Chief Counsel of the Grievance
17 Committee.

18 MR. STRAUS: Will your Honor direct Mr.
19 Sassower, please?

20 MR. SASSOWER: Why? Don't you want to hear
21 it?

22 MR. STRAUS: Mr. Sassower, what you say has
23 no effect.

24 THE REFEREE: Do you want to talk to yourself?

25 MR. SASSOWER: No. I'm waiting for a question.

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THE REFEREE: We'll wait.

MR. SASSOWER: In the meantime --

THE REFEREE: Wait.

MR. SASSOWER: I won't waste time.

THE REFEREE: You won't waste time?

MR. SASSOWER: I'm waiting for your questions,
your Honor.

Nothing was violated, and certainly not
wilfully.

You can't find one motion or one action --

THE REFEREE: Have we concluded?

MR. STRAUS: We have concluded 58. As far
as I know, we have 62, which we haven't had any
testimony from Mr. Sassower, with respect to
that, 60 and 62, I believe are the only two.

MR. SASSOWER: That's what I love about
this kangaroo court, not only don't you get
subpoenas, not only are you not allowed to cross-
examine, but, on the defendant's case, you only
get cross-examination.

Who made Straus the dictator to determine
what procedure we follow?

THE REFEREE: Mr. Sassower --

MR. SASSOWER: Where did you ever see this?

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2 Did you ever see anything like this in your
3 life?

4 THE REFEREE: Never.

5 MR. SASSOWER: Never. In the thirty-five
6 years I've never seen such a stacked, engineer-
7 ed --

8 THE REFEREE: Are you all through with the
9 hearing?

10 MR. SASSOWER: No. I want to answer your
11 questions.

12 THE REFEREE: Well, then wait without opening
13 your mouth.

14 MR. SASSOWER: Okay, if that's a direction,
15 I can obey that direction.

16 THE REFEREE: There were twelve motions
17 to remove -- the attorneys --

18 MR. STRAUS: To disqualify Kreindler and
19 Relkin. That's the caption.

20 To remove the attorneys for Kaufman.
21 That's Exhibit 60.

22 MR. SASSOWER: That's a deceptive remark.

23 THE REFEREE: All I want are the exhibits,
24 sir.

25 Now, we have the exhibits.

1
2 MR. SASSOWER: Fine. Why don't you
3 bring Diamond down here?

4 I don't understand why you can't bring
5 Diamond down here?

6 MR. STRAUS: Mr. Sassower is just repeating
7 himself.

8 MR. SASSOWER: I thought a man had a
9 constitutional right to subpoena witnesses?

10 What a farce this is.

11 THE REFEREE: I show you this part of
12 Petitioner's Exhibit 60 in evidence, and ask you
13 if you filed this motion, this notice of motion?

14 MR. SASSOWER: 21208, absolutely, anything
15 in 21208, you can save your time and trouble
16 and effort, I did everything in 21208. Okay?

17 Nobody ever said anything was ever wrong
18 with it.

19 Nobody ever implied something was wrong
20 with it.

21 THE REFEREE: That also applies to April 21,
22 1980.

23 MR. SASSOWER: Of course, there are two,
24 because there are two motions doesn't mean that
25 it was wrong or repetitious. It doesn't mean

anything.

THE REFEREE: You filed it.

MR. SASSOWER: This is cross-examination.

I want the record to reveal that.

This is cross-examination before direct.

This is a new procedure.

When did you invent this one, Judge?

I don't know if it's a motion to disqualify.

That's the only question. Did I file this motion? Do you want a better answer to that question?

Included in the Raffe motion was a motion to disqualify Barr and Barr, and, more particularly, Jerome H. Barr who was the scrivener of the stockholders' agreements, and who they said was an associate of the Kreindler and Kreindler.

But, it was part of a motion for summary judgment, which was partially successful.

In fact, I would say from a pragmatic point of view, it was totally successful.

So, I don't know why the complaint is against me.

I did a great job for my clients.

THE REFEREE: I show you a notice of motion

dated 2-14-80, index number 1816, 1980.

MR. SASSOWER: I was the attorney of record here, and it's a difficult proceeding, and, if you'll look at the record as to what happened afterward, you'll see that perjury was committed here again.

This is the first time that I know that a person was precluded for being successful in finding crooks in the judicial system.

I have something, your Honor -- may I have a moment?

I have something for Mr. Straus.

MR. STRAUS: You're not serving me with papers at this point, Mr. Sassower.

MR. SASSOWER: I'm not serving you with papers.

I'm giving you a present.

MR. STRAUS: Thanks. I don't need any gifts from you, Mr. Sassower.

Your Honor, will you instruct Mr. Sassower to resume the witness stand?

He stepped down from the witness stand for some purpose.

MR. SASSOWER: I want to get papers to be

marked, Judge.

If my name appears as the attorney, or as the petitioner, or, anything of that nature, you can bet your bottom buck that I read it. I saw to it. I affirmed it.

THE REFEREE: I show you --

MR. SASSOWER: You don't have to ask me.

THE REFEREE: I show you this motion, dated April 21, 1980.

MR. SASSOWER: Of course, if my name is on it, 21208, absolutely, reargue was granted, and the fact is that what I said in there, the Judge said I was right later on, Judge -- wait a second.

This goes under -- wait a second.

This is how deceptive the thing is.

This goes under the heading of motions to disqualify.

This is not a motion to disqualify. Where is it shown as a motion to disqualify?

It's not a motion to disqualify.

THE REFEREE: That's your response?

MR. SASSOWER: They're deceptive and misleading.

What is it?

It's ridiculous.

THE REFEREE: I show you --

MR. SASSOWER: This is what happens when you have a guy like Mr. Straus who is counsel for the Grievance Committee.

It takes him a year and a half to draw up charges, and he can't --

THE REFEREE: I show you a motion dated May 20, 1980, and filed by you.

MR. SASSOWER: This is not for disqualification, of counsel, Judge.

I make a motion once. Okay? I make a motion once. Period. All cases. If the judge is right, if I think he's right -- I'm sorry -- if I think he's wrong and he misapprehended something, I draw it to his attention, if I'm going to take an appeal.

THE REFEREE: Did you file that notice of motion?

MR. SASSOWER: It has nothing to do with this.

THE REFEREE: I know.

MR. SASSOWER: But, you said, no, Mr. Straus gave you a folder and says --

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2 THE REFEREE: Mr. Straus --

3 MR. SASSOWER: There are twelve motions
4 to disqualify, so, out of four, two have nothing
5 to do with it. Okay? But, you'll say twelve
6 tomorrow.

7 THE REFEREE: No. What is your response
8 to this one?

9 MR. SASSOWER: It's not a motion to dis-
10 qualify.

11 THE REFEREE: Did you file -- is this your
12 notice of motion?

13 MR. SASSOWER: Let's see.

14 THE REFEREE: You just looked at it a
15 half a dozen times.

16 MR. SASSOWER: I'm looking to see if it's a
17 motion to disqualify.

18 THE REFEREE: I didn't ask you whether it
19 was a motion to disqualify.

20 I said, did you file this notice of motion
21 dated May 20, 1980?

22 MR. SASSOWER: I was the attorney of record.
23 Of course, I did.

24 THE REFEREE: Yes? All right.

25 MR. SASSOWER: Absolutely.

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2 THE REFEREE: It's not a motion to dis-
3 qualify, and you are the attorney of record.

4 MR. SASSOWER: I'm the attorney of record.
5 If anybody did it on my behalf, it would have
6 been improper.

7 THE REFEREE: I show you the notice of
8 motion, dated --

9 MR. SASSOWER: This is nonsense.

10 THE REFEREE: -- June 1, 1982, bearing the
11 name of Hyman Raffe, attorney for third-party
12 plaintiff, pro se, June 1, '82.

13 Did you prepare that motion?

14 MR. SASSOWER: There are two parts to this.

15 THE REFEREE: Yes.

16 MR. SASSOWER: The first part is Mr. --

17 THE REFEREE: Who --

18 MR. SASSOWER: Let me --

19 THE REFEREE: Who -- don't pull the papers
20 apart.

21 MR. SASSOWER: There are three parts to
22 this.

23 One, Mr. Straus made a complaint some
24 sessions ago, because I didn't have a copy of
25 Judge Stecher's order, or was in the car, and I

1
2 said I would bring it the next time.

3 I did bring it, but, here's a copy of
4 Judge Stecher's order, which was very, very
5 relevant to another issue.

6 If you'll look at Judge Stecher's order,
7 the whole disqualification motion is down the
8 drain.

9 This order rendered after Judge Sinclair's
10 order -- if you read it -- knocks out the
11 disqualification order, and, the best evidence
12 of that is that Judge Sinclair, himself, permitted
13 me the last time I was before him, to act as
14 attorney in this case.

15 Here's Judge Stecher's order.

16 THE REFEREE: Is that part of the exhibit
17 or are you culling that from someplace else?

18 MR. STRAUS: That is part of the exhibit.
19 Mr. Sassower has separated the papers from the
20 order.

21 MR. SASSOWER: No. Now, let's see what
22 the order and what the exhibit is.

23 This is not a motion. This is a cross-motion.

24 You see, you have incomplete papers here,
25 and, if you would look at the cross-motion,

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2 the paper itself, your Honor would see that
3 when we say in here, and Judge Stecher agrees
4 with us, is that I could not possibly have a
5 position -- impossible to have a position which
6 was contrary to Puccini, Dann or Sorrentino,
7 because as I said to him many times, "Your
8 Honor will remember who Charlie Wilson was,
9 who made that famous remark -- 'What's good
10 for him, is good for America.'"

11 I kept saying, "What's good for Raffé is
12 good for Dann, Sorrentino and Puccini."

13 And Judge Stecher agreed with me. Okay?

14 And Judge Danzig even wrote it in her
15 decision.

16 THE REFEREE: Mr. Sassower, did you prepare
17 this notice of motion for Mr. Raffé?

18 MR. SASSOWER: This is 1982?

19 THE REFEREE: June 1, 1982.

20 MR. SASSOWER: I'm not giving too much
21 thought to the answer only because it violates
22 nothing, so, '82, it's four years ago. I'm
23 trying to picture when Harry Katz came in, and
24 how much his input was.

25 And, although I think I have said before,

1
2 I was the one that was knowledgeable on the
3 Puccini matter, and I would say that even if
4 Harry Katz prepared it, he would not prepare
5 it as far as I know, without asking me what I
6 thought, my desires on the point, or what I
7 would do or anything else of that nature.

8 THE REFEREE: All right.

9 MR. SASSOWER: Nobody ever said there was
10 anything wrong with it.

11 Judge Evans said it was right.

12 So, I'm not, I'm not paying that much at-
13 tention as to who prepared it, because there was
14 nothing wrong with it.

15 By the way, is this to disqualify also?
16 I don't know.

17 This is to disqualify. There are ten items
18 of relief here, your Honor, and the last one
19 is to disqualify Barr, not Kreindler and Relkin,
20 Judge, except that he is an associate of Kreindler
21 and Relkin. That's what they said.

22 This was not even passed on by Juddge Stecher.
23 Yes, it was. He said, "Denied."

24 But, Judge, I'll show you in 1985, that I
25 was right. This is one big fraud.

1
2 THE REFEREE: June 1, June 1, '81.

3 MR. SASSOWER: Did I prepare it? Probably.
4 Nothing wrong with it.

5 THE REFEREE: Look at it.

6 MR. SASSOWER: June 1. Judge, first of
7 all, let me say this, there is nothing wrong
8 with it.

9 If you want me to explain, I'll show you why.

10 THE REFEREE: Answer it first. Did you file
11 it?

12 MR. SASSOWER: Again, we're talking about
13 '81, '82.

14 THE REFEREE: Yes.

15 MR. SASSOWER: I can't tell you. I would
16 say, "Yes." Okay?

17 But, the only time I would really think
18 and look at it, and comment, is if there is
19 anything wrong with it, but there is nothing
20 wrong with it.

21 If your Honor looks, it talks about 21208
22 which I was not the attorney of record all the
23 time, where the position of the parties were
24 the same, and it talks about the relationship
25 between one and the other, and, I don't recall

anybody ever saying anything was wrong with it.

Again, so, it doesn't matter.

Now, assuming, your Honor, let's --

THE REFEREE: You say there is nothing wrong with it.

MR. SASSOWER: Let's talk intelligently. Assuming this is now, that something is wrong with it, certainly it's nothing wilful.

The charge is not that I did something wrong, but I did something wilful.

I didn't do anything wilful.

Everything I did was right. I was proven right. I didn't steal money, Judge.

I didn't help felons escape arrest, which is a crime in itself, Mr. Straus.

THE REFEREE: March 10, 1983, signed by Mr. Raffe.

MR. SASSOWER: This, I would say, Judge, okay, now with the same qualification, that I said before, this was probably more or as much of the work product of Harry Katz as it is of mine.

THE REFEREE: Was that motion written by you, sir?

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2 MR. SASSOWER: No, by Harry Katz. Without
3 prejudice.

4 Do you want me to tell you why it was without
5 prejudice?

6 It will take me five minutes to tell you.
7 It was withdrawn without prejudice. It was
8 a technical matter and Harry Katz decided --

9 THE REFEREE: Was Harry Katz representing
10 Mr. Raffe?

11 MR. SASSOWER: Yes.

12 THE REFEREE: So you had nothing to do
13 with this, you say.

14 MR. SASSOWER: No, no, Judge, I'll tell you
15 exactly what happened.

16 I remember it very well.

17 We were in Judge Grossman's robing room,
18 and without going into it, or lot of the details,
19 Judge Grossman wanted, or thought it should be
20 withdrawn, and Harry Katz looked to me and I
21 said, "Harry, you make the decision," and he made
22 the decision to withdraw it, period. That's his
23 decision.

24 THE REFEREE: To withdraw it.

25 MR. SASSOWER: Yes.

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2 THE REFEREE: Whose decision was it to
3 file the motion?

4 MR. SASSOWER: More his, as much as mine.
5 He was the lawyer. Okay? He was the lawyer
6 at that time.

7 In fact, I don't understand why his
8 name doesn't appear here, because he definitely
9 was acting, did go before Judge Grossman as
10 the lawyer for Hyman Raffé.

11 By the way, you understand that Harry Katz
12 was inside the office there, in '83, as a full-
13 time employee?

14 Judge, can I say a word?

15 THE REFEREE: Yes.

16 MR. SASSOWER: The fact is --

17 THE REFEREE: With reference to the March 10,
18 '83 notice of motion.

19 MR. SASSOWER: The fact is, Gerstein did
20 take the stand; he did testify.

21 He deceived the Appellate Division. He
22 deceived this Court.

23 Relkin took the stand and testified.

24 All these persons who -- either I or Mr.
25 Katz or Mr. Raffé moved to disqualify on the

1
2 grounds that they were witnesses, and their
3 credibility was an issue, they denied it.
4 And, they took the stand, and without question,
5 your Honor, there is so much -- it was proven
6 perjurious.

7 So, the fact that it was denied does not
8 mean that there was anything improper.

9 THE REFEREE: You testified it was withdrawn.

10 MR. SASSOWER: Katz withdrew it.

11 There was something technical about it, which
12 Judge Grossman, if you want me to tell you the
13 technicality involved here, I can go into it.

14 THE REFEREE: I show you this notice of
15 motion dated February 6, 1984, filed by Mr. Raffé,
16 and ask you if you filed this on behalf of Mr.
17 Raffé?

18 Did you prepare it for Mr. Raffé?

19 MR. SASSOWER: First of all, let me state
20 this, absolutely nothing wrong with this,
21 absolutely nothing wrong with it, because this,
22 you have to read in tandem with the proceeding
23 in the Appellate Division.

24 Now, let me explain, you see, it's a very
25 hard thing to be brief about it, but I'll try,

and I hope your Honor just doesn't take words out of context.

Raffe had a judgment in Puccini and a claim in Puccini. No question about it. He was permitted to intervene. No question about it.

Judge Schwartz's order gave him permission to intervene.

Raffe was interested in the welfare of Puccini not so much because he was a twenty-five percent stockholder, but Puccini was indemnifying him --

MR. STRAUS: Your Honor, object only on the grounds that he has repeated this at least eight or ten times.

THE REFEREE: That's all right. Overruled. Go ahead.

MR. SASSOWER: Thereafter, I also became a judgment-creditor of Puccini. I also had another claim against Puccini, so we were both interested in the welfare of Puccini.

So, to direct the receiver to file an amended Business Corporation Law 1207 is nothing wrong from anybody's point of view.

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2 THE REFEREE: But, included in that notice
3 of motion was a motion again to disqualify
4 Kreindler and Relkin, is that right, sir?

5 MR. SASSOWER: You'll have to understand
6 that there are three different actions and pro-
7 ceedings pending at that time.

8 So, if there was a motion to disqualify,
9 it may have been for the same grounds, and I'm
10 not saying it was the same grounds, but there
11 had to be a motion made in one, two and three.

12 In fact, I think there were four actions
13 pending.

14 So, it's not a matter of repetition.

15 It's a matter of unconsolidated cases
16 where, for the same relief, you had to move in
17 four different cases.

18 Does that explain it, your Honor?

19 THE REFEREE: Did you have anything to do
20 with the preparing of notice of motion for Mr.
21 Raffe?

22 MR. SASSOWER: I would say, "Yes."

23 THE REFEREE: All right. With the explanation
24 that you gave.

25 MR. SASSOWER: There is nothing wrong with

it, and, Judge --

THE REFEREE: Sir, I never said anything --

MR. SASSOWER: You have to understand one thing.

THE REFEREE: You said there were three or four actions pending.

MR. SASSOWER: Your Honor, let me --

THE REFEREE: And they were unconsolidated and it may have been for different grounds, so, you had to renew your motion to disqualify because of that, is that correct?

MR. SASSOWER: Not renew; original motions.

THE REFEREE: Original. All right.

MR. SASSOWER: The reason I said, I said probably prepared it, because I have this letter, which is -- the problem is, your Honor, your Honor doesn't see the other papers which show there was nothing wrong with it.

May I offer this in evidence as part of this? Look at it.

When I didn't receive an answer to that --

THE REFEREE: This will be marked Respondent's EEEE for identification.

(So marked)

1
2 THE REFEREE: Show it to Mr. Straus,
3 please.

4 MR. STRAUS: I have no objection, your
5 Honor.

6 THE REFEREE: All right, it will be received
7 in evidence as Respondent's EEEE in evidence.

8 (So marked)

9 THE REFEREE: Next. Continuing with
10 the exhibit, Petitioner's 60 in evidence.

11 I show you this document dated April 23rd,
12 1984, bearing your name.

13 MR. SASSOWER: What does this have to do
14 with disqualification?

15 This has nothing to do with disqualification,
16 Judge.

17 First of all, it's my motion, my name,
18 and I'm very happy I was shown this. Okay? I'm
19 very happy.

20 Judge Riccobono -- may I have a minute or
21 two?

22 THE REFEREE: Go ahead, I didn't stop you,
23 sir.

24 MR. SASSOWER: On November 7, 1983, I got
25 the first hard evidence that monies had been taken

out from Puccini.

In the beginning of March, March 5, it came out in a report. Tremendous. It's in evidence, as part of an exhibit.

On April 3rd, without notice --

Read the order of Judge Riccobono. That some kind of motion was made or that we were given an opportunity to be heard. Nothing was there. Nothing of this happened. This was essentially an ex-parte affair.

I met a judge just before I first visited Diamond, and certain information was insinuated.

When I walked into Referee Diamond's office, it's a closed place -- I think it was April 4, 1984 -- he made certain statements that didn't sit right.

I knew 4317b. I knew the limitations of an arbitrator.

We had two motions that were pending in Judge Danzig's part, one set forth the fraud, the perjury, the larceny as part of the exhibit; the return date of that was April 11, one week after I got the Riccobono ukase. Kreindler and Relkin were in default.

We wanted to vacate the judgment by the plaintiff against Raffee and also vacate Raffee's judgment against Puccini, Dann and Sorrentino.

When that motion was not supported by the Nachamie firm or by the Puccini -- or by the receiver, everybody knew that they were working in cahoots.

MR. STRAUS: Objection.

MR. SASSOWER: Okay. All right.

THE REFEREE: All right. Let's --

MR. SASSOWER: A month later --

MR. STRAUS: Object to what everybody knew.

MR. SASSOWER: A month later --

THE REFEREE: Did you file that notice of motion?

MR. SASSOWER: No, no.

THE REFEREE: You said it had nothing to do with disqualification, but did you file the motion?

MR. SASSOWER: Yes. My name is on it. It's George Sassower.

But, I want to explain something else.

THE REFEREE: Yes.

MR. SASSOWER: So, we moved or I moved to

set aside the order of Riccobono.

THE REFEREE: In this motion, that you have in your hands?

MR. SASSOWER: Right, on the grounds that he has no authority to give a referee more powers than 4713b provides.

The next thing I know, I find that -- Diamond is denying these motions for all kinds of reasons, which he doesn't have the power --

THE REFEREE: This is one of the motions that he denied.

MR. SASSOWER: So I went to court.

THE REFEREE: Is that right, sir?

MR. SASSOWER: Yes, not on the merits.

THE REFEREE: It was denied.

MR. SASSOWER: Because I didn't ask for a pre-motion conference, so, I said, "Wait a second." I had been in contact with Cook at that point.

Cook had been making certain representations to the Appellate Division.

We both had the same cases, because I gave him the cases, and when he found a case, he gave it to me.

1
2 So, I made a motion, and these rules
3 were changing. No matter what you did, they
4 changed.

5 THE REFEREE: This motion was made before
6 he denied it.

7 MR. SASSOWER: He denied it.

8 THE REFEREE: And the only question that I
9 had again --

10 MR. SASSOWER: Of course, it's mine.
11 What's wrong?

12 THE REFEREE: And, you said --

13 MR. SASSOWER: I want you to understand, your
14 Honor --

15 THE REFEREE: It has nothing to do with
16 disqualification.

17 MR. SASSOWER: When Mr. Straus said
18 twelve motions to disqualify, you know, I make
19 a motion once, and I make it well, and I put all
20 the facts in that I know.

21 Very seldom do I make a motion for reargue
22 unless there is something really wrong. Renewal.

23 You have an absolute right to do, particu-
24 larly where it's fraud.

25 THE REFEREE: Was this a motion to renew?

MR. SASSOWER: No, it was an original motion made as a matter of right.

THE REFEREE: It has nothing to do with this disqualification?

MR. SASSOWER: No. I want to show how deceptive this thing is.

He was appointed --

Judge, listen -- he was appointed, so-called, March 26. It came in an envelope on April 3rd; twenty days later what I had been told was confirmed.

I made a motion to vacate the order. What's wrong with it?

It's perfectly right, but you know, you throw enough -- but, this is what they do in Supreme Court all the time, and when you get seven months to hold you in contempt for violating and they start with Greenfield, the first impression that -- he must be doing something wrong.

MR. STRAUS: Objection.

MR. SASSOWER: That I think is relevant.

You look at it and say, "You did something wrong. There are seventeen orders." So? Baloney.

Nothing wrong with it.

1
2 THE REFEREE: I show you a notice of motion
3 again, dated April 23rd, 1984, signed by Mr.
4 Raffe, and --

5 MR.SASSOWER: The problem that you have
6 here in presenting it the way you want to is,
7 that motions are interrelated with Article 78
8 proceedings, so, if I went --

9 You take this one, for example.

10 THE REFEREE: Did you prepare it for Mr.
11 Raffe or on his behalf?

12 MR. SASSOWER: I don't remember.

13 THE REFEREE: Were you his attorney on
14 April --

15 MR. SASSOWER: Yes and no. Look what it
16 says here.

17 THE REFEREE: I know.

18 MR. SASSOWER: Look what it says here.

19 THE REFEREE: First answer whether you have
20 any recollection as to whether or not you prepared
21 those papers, that notice of motion, on behalf
22 of Mr. Raffe.

23 MR. SASSOWER: This is part of a complete
24 set.

25 Let me give you an idea.

THE REFEREE: Sir, it's a simple question.

MR. SASSOWER: It can't be answered.

THE REFEREE: All right.

MR. SASSOWER: If you want me to tell you why it can't be answered, I'll be very brief.

THE REFEREE: Go ahead, be brief.

MR. SASSOWER: There was a lot of information that I had about the relationship between Judge Saxe and the Feltman firm.

There came a point where the Attorney-General came in on the case.

I wrote them a letter, and Cook responded.

I started an Article 78 proceeding as the attorney for Raffae and Puccini, absolutely valid. Nobody said it was invalid. Nobody said it was wrong at the time, except, possibly Mr. Straus.

Nobody says it's wrong now.

When we went to the Appellate Division, the Attorney-General, after receiving express permission by the Office of Court Administration, made a certain representation to the Appellate Division in writing.

Now, we came back to Supreme Court. The

1 representation was made to me, as the attorney,
2 so what this affidavit says, in effect, this
3 is the representation made to my attorney, George
4 Sassower, nobody questions it, in the Appellate
5 Division, and, if I may have a moment, your
6 Honor, I'll show you the papers in the Appellate
7 Division where the representation was made in
8 writing by the Attorney-General, after receiving
9 copies and permission from the Office of Court
10 Administration, so, of course, when this thing
11 came up in Supreme Court, as the affidavit says,
12 here is the representation made to George
13 Sassower, and it's in writing, and I'll show you
14 the writing, if I may have a moment, your Honor.

15 Can I?

16 THE REFEREE: Go ahead.

17 MR. STRAUS: If your Honor pleases, before
18 we go off into another area, I don't know
19 what Mr. Sassower intends to testify about.

20 THE REFEREE: He has one document.

21 MR. STRAUS: We restricted the charges to
22 the fact that these were repetitive, frivolous
23 motions. That's all, that's alleged with respect
24 to this charge. That's all that's involved,
25

1
2 and Mr. Sassower keeps going back to why motions
3 were proper and why they didn't violate orders,
4 but, with respect to the charge about which he's
5 testifying now, and specifically with respect to
6 this exhibit, there is no position one way or the
7 other, other than the fact that these are frivo-
8 lous and repetitious.

9 The violation of orders is in a different
10 charge.

11 MR. SASSOWER: I'll accept that. Now let me
12 answer that.

13 There is nothing repetitive, here, nothing.
14 It affected things. What you don't see here --
15 your Honor, is the opposing papers where they
16 swore that they would not testify, and I said,
17 in effect, it's not possible for them to present
18 the case without them testifying. They swore
19 they were not disqualified.

20 I'll bring the brief in next time.

21 They took the stand right after that.

22 They deceived the Appellate Division.

23 They deceived the Supreme Court.

24 Was it repetitive? No.

25 THE REFEREE: I show you a notice of motion,

also dated April 23rd --

MR. STRAUS: I think the last one was April 23rd.

THE REFEREE: Now, we're up to --

MR. STRAUS: Ethel Danzig's is December 22nd, 1984, your Honor.

THE REFEREE: December 22, 1984; this is signed by Samuel Polur, attorney for the defendant.

MR. SASSOWER: In December of 1984 --

THE REFEREE: Who was Samuel Polur, was he the attorney for Mr. Raffae at that time?

MR. SASSOWER: Yes.

THE REFEREE: Was he working together with you?

You were working in association with him?

MR. SASSOWER: No. We're big enemies now. Not big enemies, but I knew everything about Puccini, so, he would ask me.

Sometimes he would agree with me. Sometimes he would disagree with me, but he always asked me.

THE REFEREE: Were those papers prepared--

MR. SASSOWER: In conjunction, conjunction,

1
2 but the point is, this is not repetitive, because
3 this is before trial and what you don't see here,
4 what Samuel Polur puts in his affidavit, it's
5 impossible for them to present the case without
6 putting their credibility into evidence and they
7 said they are not going to testify, they swore.

8 You don't see their papers and, after this
9 motion was denied, they went ahead and they
10 testified.

11 In 1982, your Honor, it was perceived, or
12 '81, it was perceived by me that they would have
13 to testify, and they were putting their credi-
14 bility -- 1984, there was no question about it,
15 they denied it and they lied about it.

16 THE REFEREE: I show you also part of the
17 same exhibit and -- Appellate Division, First
18 Department, and ask you, if you are familiar
19 with the decision of the Appellate Division,
20 rendered on February 4, 1985, with respect to
21 an order appealed from Judge Danzig.

22 MR. SASSOWER: Right. This decision --
23 two things I have to say about the decision.

24 May I, your Honor?

25 THE REFEREE: Go ahead.

1
2 MR. SASSOWER: Kreindler and Relkin
3 had no opposition to this motion, except for
4 one thing.

5 It did not comply with the Diamond rules.
6 This is their great thing. The Diamond rules.

7 Diamond is a crook. He's a thief.
8 There's no question about it.

9 You'll read about it sometime in the news-
10 paper, shortly.

11 They said, they had opposition to this on
12 the merits.

13 THE REFEREE: Sir -- is this --

14 MR. SASSOWER: You have to read the decision.

15 THE REFEREE: Is this the decision of the
16 Appellate Division?

17 MR. SASSOWER: It was a fraud, the whole thing
18 was a fraud.

19 Now let me tell you why --

20 MR. STRAUS: Objection, your Honor.
21 First of all, it's repetitious.

22 THE REFEREE: You recognize this, this decision?

23 MR. SASSOWER: It is not a decision. It is
24 an order. The decision is quite different.

25 THE REFEREE: Is this an order of the

Appellate Division, First Department?

MR. SASSOWER: Judge, you know what an order looks like.

Do you want my professional advice?

Yes, but that's not what the decision says.

Do you remember that decision, Judge?

It says there was no disqualification, so where is the repetition? Where is the repetition?

By the way, that last thing you showed me, what does that have to do with the disqualification of Kreindler and Relkin?

THE REFEREE: The Appellate Division in that order denied or affirmed the decision of Judge Danzig which denied or dismissed your motion for a disqualification of Kreindler and Relkin.

MR. SASSOWER: No, I don't think so.

MR. STRAUS: That's what it says.

MR. SASSOWER: Okay. Terrific. First of all, wait a second -- first of all, this motion was made by Polur.

Secondly, they lied about it because the fact is they did testify, and they did put their credibility in issue. There's no question

about it, so, the fact that they lied about it,
they lied to the Appellate Division.

THE REFEREE: We'll recess until 2:30.

Be back at 2:30.

MR. SASSOWER: Judge, if I'm not back,
call the Appellate Division.

THE REFEREE: You tell the Appellate Division
that you are due back here.

MR. SASSOWER: I can't tell them.

THE REFEREE: You can.

MR. SASSOWER: I can? Maybe you can, I
can't.

(Luncheon recess ensues)

(Afternoon session)

MR. SASSOWER: Will you please pull out --
is that the \$300,000 that I made?

THE REFEREE: Any time that you're ready,
Mr. Sassower.

MR. SASSOWER: I didn't have lunch, but, it's
all right.

May I have that \$300,000 motion, Mr. Straus?

MR. STRAUS: I don't know what you're talk-
ing about.

MR. SASSOWER: That motion where I asked --

MR. STRAUS: Is it an exhibit?

MR. SASSOWER: Yes.

MR. STRAUS: Do you have a number for it?

MR. SASSOWER: I don't know what the number is.

We had it before, where I offered to increase Puccini's assets by \$300,000 without risk or cost within 45 days, which I'm charged with violating some Gammerman order, I assume.

MR. STRAUS: Sir, at this point, Judge Potok-er, I think that as to the violation of orders, that's a different charge.

I think we're still on Charge Four with respect to --

MR. SASSOWER: It was just given to me just before lunchtime.

I just want to show his Honor --

MR. STRAUS: I don't know what you're talking about, Mr. Sassower.

THE REFEREE: Your notes will indicate which motion it was.

MR. SASSOWER: There's a motion where I offered gratuitously to increase Puccini's assets

1
2 by \$300,000 within 45 days. Okay? Free of
3 charge.

4 MR. STRAUS: I have no idea what you are
5 referring to, if it's not of the motions con-
6 tained in Exhibit 60.

7 THE REFEREE: In which you said you were
8 a judgment-creditor?

9 MR. SASSOWER: I'm a judgment-creditor
10 in all these things.

11 I'd like to introduce into evidence the
12 minutes of February 20, 1985, before Judge
13 Gammernan where both Judge Gammernan and Mr.
14 Schneider said that motion didn't violate any
15 orders, so, how I could be charged with that
16 motion violating --

17 THE REFEREE: Which motion? The --

18 MR. SASSOWER: Here it is.

19 THE REFEREE: You tell me.

20 MR. SASSOWER: Can I see the motions,
21 please?

22 MR. STRAUS: Which motions, Mr. Sassower?

23 THE REFEREE: What motions?

24 MR. SASSOWER: 1816 of 1980, the motion
25 I had this morning.

1
2 MR. STRAUS: The motions that you had
3 this morning are in various exhibits.

4 If you can specify which one it is that
5 you are interested in, I can help you.

6 THE REFEREE: They run up to December 22nd,
7 1984.

8 That's the last one.

9 MR. STRAUS: That's my understanding as
10 well, your Honor.

11 I don't know what Mr. Sassower is referring
12 to.

13 MR. SASSOWER: You gave it to me this morning.

14 MR. STRAUS: This is Exhibit 60, the last
15 one on there is December 24, 19 --

16 MR. SASSOWER: No.

17 MR. STRAUS: Mr. Sassower, I have no idea
18 what you're talking about.

19 If your Honor pleases, the only motion
20 with respect to Charge 4 which has not been tes-
21 tified to by Mr. Sassower, is Exhibit 62.

22 I don't know what he's looking at now.

23 He has the exhibits in his hand.

24 THE REFEREE: Mr. Sassower, January 18,
25 '86, is that --

MR. SASSOWER: No, it was '85. The minutes were February 20, '85.

You asked me if it violated anything, and I said, "No," and I want to bring you the minute to show that even Judge Gammerman -- right after that --

THE REFEREE: March 5, 1985.

MR. SASSOWER: That probably was it.

THE REFEREE: That's Petitioner's Exhibit 58.

MR. STRAUS: Your Honor, I would object to the minutes as to what anybody said about it.

That's not appropriate evidence.

MR. SASSOWER: What is evidence? Give me a subpoena and I'll bring these people here.

MR. STRAUS: Mr. Sassower, please stop shouting.

MR. SASSOWER: It's certified records, certified minutes.

MR. STRAUS: What is it? I have Exhibit 58. What is it Mr. Sassower wants?

MR. SASSOWER: I'd like you to keep quiet and get my papers.

THE REFEREE: You want him to keep quiet? All right. Don't do anything, Mr. Straus.

1
2 MR. STRAUS: I'll pull the exhibit away
3 and Mr. Sassower can testify instead of making
4 his remarks.

5 Your Honor, may the record show that it
6 is now twenty minutes to three and Mr. Sassower
7 has yet to offer --

8 THE REFEREE: He's looking through his re-
9 cords to find a document.

10 MR. SASSOWER: I happen to work about twenty
11 hours a day, Mr. Straus, and I'm not on the
12 government dole.

13 MR. STRAUS: Mr. Sassower, so long as you
14 testify during the full session, I don't really
15 care what you do on your own time.

16 It's of no concern to me.

17 MR. SASSOWER: I was supposed to have this
18 afternoon to take care of other matters.

19 MR. STRAUS: Only in your mind.

20 MR. SASSOWER: Only when the Judge speaks
21 to you and follows you, okay?

22 The motion is March 5.

23 THE REFEREE: It's already in evidence.

24 MR. SASSOWER: Right.

25 THE REFEREE: What is your --

1
2 MR. SASSOWER: I asked permission to make
3 that motion.

4 THE REFEREE: Was that the first of the two
5 motions of March 5, 1985, or is that the second
6 one?

7 One was for permission for you to intervene.
8 Is this the one, or is that the second one?

9 MR. SASSOWER: That's the second one.

10 THE REFEREE: To which you testified and
11 you said, "Yes, that this was on your own behalf
12 you filed this motion and Mr. Raffe's affidavit
13 appended thereto was in support of your motion."

14 MR. SASSOWER: Right. Now, it went before
15 Judge Gammernan.

16 THE REFEREE: This is all part of
17 Petitioner's Exhibit 58 in evidence, 3-5-85,
18 number two.

19 MR. SASSOWER: On Page 10 of the minutes
20 of February 20, 1985, and I'll have them all
21 marked for identification -- on Page 10 --
22 "The Court: Have I stayed Mr. Sassower in those
23 proceedings" -- speaking about the Puccini matter --
24 Mr. Schneider --

25 MR. STRAUS: Objection, your Honor.

1
2 You have ruled on several occasion that the
3 prior proceeding's transcript minutes cannot be
4 used to displace or to, or in disregard of the
5 decision which Judge Gammerman ultimately reached.

6 MR. SASSOWER: There is no decision.

7 MR. STRAUS: Then what's the relevance of
8 it?

9 MR. SASSOWER: Listen, Mr. Schneider --
10 "No, you have not."

11 THE REFEREE: Wait until I rule. Overruled.
12 Go ahead.

13 MR. SASSOWER: "The Court: Have I stayed
14 Mr." -- "The Court: Have I stayed Mr. Sassower
15 in those proceedings?"

16 "Mr. Schneider; No, you have not.

17 "The Court: Then submit them to the judge
18 in Special Term part" -- I'm sorry -- "In
19 Special 2, Mr. Sassower." That's on Page 11.

20 Do you want to mark this, your Honor?

21 MR. STRAUS: What does it relate to,
22 your Honor, what charge does it relate to?

23 MR. SASSOWER: The charge that I violated
24 something in this proceeding, and Judge Gammerman
25 and Mr. Schneider say, "No."

1
2 MR. STRAUS: If your Honor please,
3 Exhibit 58, again for the umpteenth time was
4 offered to outline vexatious litigation, repetit-
5 ive litigation, litigation which has been
6 brought time and again.

7 This was headed "Motions to remove receiver
8 and appoint himself as receiver."

9 It has nothing to do with the stay.

10 It has absolutely nothing to do with what
11 Mr. Sassower is talking about.

12 There are sixteen motions listed, indicating
13 that they were repetitious in nature.

14 MR. SASSOWER: I offered \$300,000 once.
15 They didn't want to take the \$300,000.

16 I never offered it again.

17 MR. STRAUS: If there is no evidence in the
18 motion, in the exhibit, which indicates that the
19 motion was to remove the receiver or to appoint
20 a new receiver, then the proof fails. It's very
21 simple.

22 This has nothing to do with the exhibit.

23 MR. SASSOWER: Let me tell you what happened
24 on this motion.

25 MR. STRAUS: I have objected to that being

received in evidence.

MR. SASSOWER: I want to offer this in evidence.

MR. STRAUS: I know, and I've objected, and we're waiting for Judge Potoker's ruling.

MR. SASSOWER: It will take ten seconds, but I think it's important.

THE REFEREE: Mr. Sassower --

MR. SASSOWER: Fifteen seconds. I want an offer of proof on this motion.

When I offered \$300,000 --

THE REFEREE: I have the motion in front of me, and, there is nothing in there about removing --

MR. SASSOWER: All right.

THE REFEREE: That's all you need.

MR. SASSOWER: It's pertinent to another charge. Okay?

MR. STRAUS: If your Honor pleases, if he is going to testify with respect to another charge, can we do it in an orderly manner so that we know --

MR. SASSOWER: I am.

MR. STRAUS: No, you're not. We don't know

what charge you're talking about.

MR. SASSOWER: You have charged me with vexatious litigation.

I only made this offer once and one of the reasons I only made it once is because I went to Special 2 as Judge Gemmerman told me I could, and in Special 2, they told me that Referee Diamond said I have to make an appointment with him.

I made an appointment with Referee Diamond.

I came in there, presented the application, and as Judge Gammerman said I could, and Referee Diamond directed Mr. Schneider to submit an affidavit so he can enter judgment against me for \$196,000, just like this, \$196,000 for offering it.

THE REFEREE: Sir, you have already made your point. Next.

MR. SASSOWER: They put in charges that has nothing to do with it.

You are looking at schedules that are misleading and deceptive. They are false. They are outright lies. Here --

MR. STRAUS: Don't throw it, Mr. Sassower.

1
2 MR. SASSOWER: With all the assistants
3 that he has, he doesn't do it by himself, and he
4 doesn't have one assistant that checks the
5 charges.

6 Then your Honor wants me to answer questions.
7 Questions don't make sense because it's a non-
8 existent charge.

9 MR. STRAUS: I think the next one or the one
10 remaining under Charge Four is Exhibit 62, if
11 we're going to continue to proceed in this fashion.

12 THE REFEREE: Exhibit 62, then, please.
13 They are motions returnable in five different
14 parts of the Supreme Court.

15 MR. SASSOWER: Right.

16 MR. STRAUS: I think six parts.

17 MR. SASSOWER: Right. That's when I spoke
18 to Dave Cook and he said, "I don't know."

19 So, I said, "Should I make it returnable
20 in all these parts?"

21 He said, "What can you lose? What else can
22 we do?"

23 We spoke to Sol Sommers, who was the
24 Chief Clerk of the Appellate Division, under Mr.
25 Lucchi, L-U-C-C-H-I, Joseph Lucchi, and in my

1
2 affidavit, when I made that motion, I set forth
3 the cases -- I set forth the agreement of Mr.
4 Cook, that he couldn't get from Diamond where
5 I make it and everything else --

6 THE REFEREE: These are all dated the same
7 day, is that right, Mr. Sassower?

8 August 30, 1984?

9 MR. SASSOWER: Yes. The supporting papers,
10 the only thing that was different was the notice
11 of motion, and the last page after the notice of
12 motion, I would say same papers as on the other
13 motions. It was exactly the same thing, to all
14 parts and I set forth -- everybody knew what was
15 going on, Judge.

16 Danzig was nobody's fool.

17 Judge Sinclair was nobody's fool.

18 Judge Evans was nobody's fool.

19 MR. STRAUS: Objection, your Honor.

20 THE REFEREE: The question is, whether you
21 filed the motions, index number 16792.

22 MR. SASSOWER: No. I filed one motion in a
23 number of different places. All right. After
24 consultation with Mr. Cook, who was -- in fact,
25 the minutes show it -- I have the minutes that we

1
2 spoke to Sol Sommers before Diamond and this was
3 constantly going on.

4 THE REFEREE: Who did you consult with?

5 MR. SASSOWER: Sol Sommers of the Appellate
6 Division.

7 It's in the minutes that we consulted with
8 Sol Sommers and Diamond said, "The heck with Sol
9 Sommers," he said, "I disregard what Sol Sommers
10 said. He's not the Chief Clerk of the Appellate
11 Division."

12 THE REFEREE: You consulted with him?

13 MR. SASSOWER: Right. It's in the papers.
14 And, I said, "But your attorney made a represent-
15 ation." These are on the minutes.

16 "But, your attorney made representations to
17 the Appellate Division."

18 He said, "I don't listen to my attorney."
19 He says, "If I didn't have to take the Attorney-
20 General, I wouldn't take him." And this was part
21 of the problem.

22 The Attorney-General, whether it be Cook,
23 Wagner or anybody else would make a representat-
24 ion to the Appellate Division on behalf of Diamond,
25 and when we come back, he would disobey it, on

the record, no question about it.

I'll show you in the minutes, your Honor.

I wish you would have allowed me to subpoena Cook.

THE REFEREE: Sir, I gave you a subpoena for Cook and you keep talking about it now for ten consecutive sessions, "How about subpoenaing Diamond?"

MR. STRAUS: Your Honor, we've been all through this.

MR. SASSOWER: I know. You don't want to hear the truth.

MR. STRAUS: Mr. Sassower, if it was the truth, having heard it twenty times, won't change it.

MR. SASSOWER: Why don't you make good charges?

THE REFEREE: Anything else on this petitioner's exhibit?

MR. SASSOWER: I'll take my direct in the right order.

THE REFEREE: You have already stated that you made the same motion in different parts after consultation with Mr. Sol Sommers, the Chief

Clerk of the Appellate Division, First Department.

MR. SASSOWER: Sol Sommers came before that.

Sol Sommers said, and, it's on the record --

MR. STRAUS: Objection.

MR. SASSOWER: It's on the record.

MR. STRAUS: Objection.

THE REFEREE: Overuled.

MR. SASSOWER: Sol Sommers said that if you have --

I'll give you the cases also --

"If you have a motion made as of right, because of newly discovered evidence or fraud, if the judge refuses to sign an order to show cause, you have a right to make it by motion so that, it results in an appealable order."

On top of that, there was a case in 91 A.D. 2nd by Judge Gammerman, where he was told -- Russel against Bruxton, B-R-U-X-T-O-N, where he was pretty much told the same thing by the Appellate Division, where he denied renewal to an attorney and the attorney went up on appeal and the Appellate Division said he was wrong.

I'll give you the case in my memorandum.

First Department, Second Department, Court of Appeals.

MR. STRAUS: Objection. It has nothing to do with the charge.

The charge is that he brought the same motion in six different parts on the same day.

It has nothing to do with the merits of the motion.

MR. SASSOWER: May I read three paragraphs? It starts off, "This motion is made as of right" --

THE REFEREE: Who said that?

MR. SASSOWER: Me.

MR. STRAUS: Your Honor, it's in evidence. If he wants to point to something, I have no objection.

MR. SASSOWER: Let me finish.

MR. STRAUS: I object to you reading the entire record.

MR. SASSOWER: "Needing and" --

THE REFEREE: Objection overruled.

MR. SASSOWER: "Needing and requiring the permission of no one for a decision on the merits, which is all that the deponent requests.

1
2 the prior motions were made by order to show
3 cause to satisfy the complaints of senior
4 Assistant Attorney-General David S. Cook, Esquire,
5 to wit, Honorable Xavier C. Riccobono, Honorable
6 Ethel Danzig and Honorable Sinclair and
7 Diamond; since he, even as the draftsman of
8 Diamond rules, does not know where this motion
9 made of right, should be made returnable, it is
10 being made returnable in every possible forum."

11 This is about the six motions.

12 MR. STRAUS: If your Honor pleases --

13 MR. SASSOWER: "All denied --

14 MR. STRAUS: He said, he would read three.
15 He's on the fourth.

16 MR. SASSOWER: -- "without reaching the
17 merit because everyone has a different conception
18 concerning Diamond's rules which is understandable,
19 since they change hourly."

20 Okay. Now, the affidavit by Donald Diamond,
21 when I brought a proceeding against Donald Diamond,
22 and said, "Whatever rules he makes, he knows he
23 doesn't have the right to make rules under 4317.
24 Put them in writing. They can't change every
25 minute."

They were.

Cook finally put them in an affidavit and he said, among Diamond's rules --

MR. STRAUS: Objection.

MR. SASSOWER: And he says, "Sassower doesn't understand them. Schneider doesn't understand them. Nobody understood them."

So, he submitted the affidavit.

Two or three hours later, I went up to him with an application which complied with one of his rules; within two or three hours, he changed the rule.

Now, if you will look, your Honor, at this exhibit, it has a full set of papers.

THE REFEREE: That's part of Petitioner's Exhibit 62.

MR. SASSOWER: Right.

THE REFEREE: All right. Dated August 30, '84.

MR. SASSOWER: Right.

THE REFEREE: Go ahead.

MR. SASSOWER: Now, the second motion was just a notice of motion with a different part and it's the same pages as the next motion, returnable

in Special 1. The next one, notice of motion, all returnable the same date.

THE REFEREE: That's what you're charged with.

MR. SASSOWER: Same papers. You want me to tell you something?

THE REFEREE: Yes.

MR. SASSOWER: You can ask Judge Danzig, Judge Sinclair, you can ask David Cook, ask anybody, o ay?

Donald Diamond was doing his schtik, and he was changing his rules so that in two years, we were never able to get access to the court.

So, it's the same motion.

THE REFEREE: Any other exhibits?

MR. SASSOWER: I renew my request to have David Cook here.

MR. STRAUS: Mr. Sassower, has testified to my recollection with respect to every part of Charge Four, which leaves Charges Six and Seven, on which he has not testified yet.

MR. SASSOWER: May I offer these minutes in evidence or for indentification, whatever your Honor wants?

I'd like to have them in evidence.

THE REFEREE: What minutes?

MR. SASSOWER: The minutes before Judge Gammernan on February 20.

He says I'm not disqualified.

THE REFEREE: We'll mark it for identification. That's Number 1.

That's Exhibit FFFF.

MR. STRAUS: Your Honor, what charge does Mr. Sassower say, that's relevant to?

It's a simple -- it's a simple question.

I would ask you to --

MR. SASSOWER: That I was disqualified since he says I'm not disqualified.

Two, that I made frivolous motions.

There, it's the first motion I ever made on the thing, because, I'll say this, if Judge Potoker only looks at that notice of motion, he could very easily conclude that I was disqualified there, and could not make that motion, and there are the minutes where Judge Gammernan and Schneider admit that I could make the motion, or was not disqualified.

MR. STRAUS: If your Honor pleases, I would

object only because --

THE REFEREE: I want the date. February 20,
1985?

MR. SASSOWER: Right. That was a month
after he signed his order.

It's much easier to comply than not to comply,
even though you think the judge is wrong, so, I
complied.

MR. STRAUS: Your Honor, if you believe
that they may be relevant to this proceeding, I
would have no objection to it being received, so
that we might move on to something else.

THE REFEREE: What do you wish to point
out to me?

I read the whole document, the minutes;
it's a motion to reargue.

MR. SASSOWER: No. You see that motion
there?

THE REFEREE: I read it, and then --

MR. SASSOWER: Forget about that.

THE REFEREE: -- Judge Gammerman said, Yes,
this is a personal injunction from permitting you
to do anything with respect to Judge--"

MR. SASSOWER: I didn't do anything.

He said, "It's not Referee Diamond's rules, it's the rules of the Court."

So, I didn't do anything, but, with respect to that motion --

THE REFEREE: To what motion?

MR. SASSOWER: The motion on Puccini.

"Have I stayed Mr. Sassower in those proceedings? No, I have not."

MR. STRAUS: Does it indicate what the proceedings are?

MR. SASSOWER: I'll swear to it.

MR. STRAUS: I would object again. I think, your Honor, that these same minutes were offered previously.

MR. SASSOWER: It's all in the County Clerk's file.

MR. STRAUS: I believe these minutes were offered previously and you ruled that they were not to be received in evidence.

MR. SASSOWER: No. I just dug them out last night.

MR. STRAUS: I don't know which they are, because I haven't seen them, but I don't see how they could be relevant, on the basis of what they

apparently say.

MR. SASSOWER: I see. You don't see why they could be relevant? You did some investigation here.

MR. STRAUS: May I see them?

THE REFEREE: Yes. That will be FFFF for identification, deemed marked.

MR. STRAUS: Judge, I have no objection. Can we have this marked in evidence and then move on?

THE REFEREE: It will be received in evidence, FFFF.

MR. STRAUS: Do you want it marked?

THE REFEREE: Yes.

(So marked)

MR. SASSOWER: I have one paragraph to read. February 21, 1986. Judge Gammernan. I was there. I heard it.

MR. STRAUS: What are you reading from, Mr. Sassower?

MR. SASSOWER: The transcript of the minutes, but I heard it.

MR. STRAUS: Which one, the transcript that you just offered in evidence?

MR. SASSOWER: No, the one of February 21, 1986.

MR. STRAUS: Is that in evidence?

MR. SASSOWER: I'll mark it in evidence.

MR. STRAUS: You'll offer it in evidence, Mr. Sassower.

You don't mark things in evidence.

You don't receive things in evidence.

You offer it in evidence.

MR. SASSOWER: I want only one paragraph.

MR. STRAUS: Mr. Sassower, make your offer.

THE REFEREE: Let me see the document, sir.

MR. SASSOWER: Okay. Just that one paragraph.

"Where did you get it from? From the minutes of February 21, 1986, just a month ago."

"Judge Gammerman-" --

MR. STRAUS: Judge, at this point, I must object on the grounds of relevance.

This is several months after this petition was served, even the amended schedule was served.

What relevance does a statement in February, February 21st, 1986 have to this charge?

MR. SASSOWER: Why don't you read it?

1
2 MR. STRAUS: I don't have to read it, Mr.
3 Sassower, because, usually it doesn't --

4 MR. SASSOWER: Whatever I say is the truth.
5 You're the only one that lies here, Mr. Straus,
6 with your phony charges.

7 MR. STRAUS: Will you please direct Mr.
8 Sassower to sit down and stop shouting?

9 MR. SASSOWER: He is the only one that lies
10 here with these phony charges.

11 I wish he gets on the stand.

12 THE REFEREE: Mr. Sassower, I cannot accept
13 an incomplete document.

14 MR. SASSOWER: Fine, then the whole thing.
15 I'll -- then mark the whole thing in evidence.

16 THE REFEREE: To what effect? What are you
17 trying to prove by it?

18 MR. SASSOWER: Judge Gammerman -- Judge
19 Gammerman said about his order of --

20 THE REFEREE: Which order?

21 MR. SASSOWER: January 23rd, 1985.

22 "The Court:" That's Judge Gammerman.

23 MR. STRAUS: Judge, I'll object.

24 MR. SASSOWER: This is what Judge Gammerman
25 said.

1
2 MR. STRAUS: What he said about his order,
3 you have ruled time and again, the order speaks
4 for itself.

5 If it was violated, it was violated.

6 We can't take the statements of other people
7 as to what their opinion is.

8 MR. SASSOWER: This is Judge Gammerman, Mr.
9 Straus.

10 MR. STRAUS: Stop shouting, Mr. Sassower.
11 please.

12 MR. SASSOWER: This is Judge Gammerman.
13 Let him bring him here and let's see what he
14 says.

15 If you'll look at the minutes of December 19,
16 you'll see that he was right.

17 MR. STRAUS: The minutes of December 19 are
18 in evidence.

19 They don't say anything remotely resembling
20 this though.

21 MR. SASSOWER: They don't?

22 MR. STRAUS: They said you were stayed from
23 the time of Judge Hughes' order.

24 MR. SASSOWER: Read it yourself, or go back
25 to school, because you're a God-damn liar.

1
2 MR. STRAUS: Will you please lower your
3 voice?

4 MR. SASSOWER: He's a God-damn liar. He's
5 a liar.

6 Let him read it right now.

7 MR. STRAUS: I have read it.

8 MR. SASSOWER: You did?

9 MR. STRAUS: So did the Referee, I believe.

10 MR. SASSOWER: Then you're a liar.

11 THE REFEREE: Mr. Sassower --

12 MR. SASSOWER: May I put this on the record?
13 I'll offer the one paragraph.

14 MR. STRAUS: Objection.

15 THE REFEREE: I'm not going to take one
16 paragraph.

17 MR. SASSOWER: I'll offer the whole thing.

18 THE REFEREE: I won't take it out of context.

19 MR. SASSOWER: Where do you want me to start,
20 and where do you want me to end?

21 THE REFEREE: I don't know; it's your docu-
22 ment.

23 MR. SASSOWER: I offer it in evidence.

24 MR. STRAUS: Objection.

25 THE REFEREE: For what purpose?

MR. SASSOWER: To show --

THE REFEREE: First, it will be Respondent's
GGGG --

MR. SASSOWER: To show that three actions --

THE REFEREE: -- for identification.

MR. SASSOWER: -- that the three actions
started in the early part of January, did not
violate any restraining notice by Judge Hughes or
Judge Gammernan or by anybody else.

Mr. Straus, ex-parte Straus, not only engages
in ex-parte conversations, he doesn't know how
to read.

He doesn't want to know how to read.

MR. STRAUS: Judge, do I have to take that
abuse from this creature?

THE REFEREE: All you do is keep insulting
everybody.

MR. SASSOWER: I'll insult people that don't
listen.

THE REFEREE: You have insulted everybody up
to this time, and nobody listens.

You only listen to yourself.

MR. SASSOWER: I want to tell you something --

THE REFEREE: Don't tell me anything.

1
2 MR. SASSOWER: I went through three weeks
3 in the Grievance Committe and nobody raised their
4 voices.

5 We had a fine judge and fine prosecutor and
6 nobody raised their voice.

7 THE REFEREE: How come you're raising your
8 voice now?

9 MR. SASSOWER: Because this is not a court-
10 room.

11 THE REFEREE: What is it?

12 MR. SASSOWER: It's a mockery of justice. No
13 subpoenas, no cross-examination.

14 MR. STRAUS: Judge, do we have to hear
15 this again and again?

16 MR. SASSOWER: You have been a Judge for
17 twenty-one years.

18 You have probably been a lawyer for forty
19 years.

20 Did you ever see anything like that?
21 This is a sewer the way you're conducting this.

22 THE REFEREE: Are you all through?

23 MR. SASSOWER: I want to offer this in evi-
24 dence.

25 MR. STRAUS: Objection.

1
2 THE REFEREE: Show me what you want to
3 offer in evidence.

4 MR. SASSOWER: The one paragraph.

5 THE REFEREE: I'm not going to take one
6 piece of paper.

7 MR. SASSOWER: The whole transcript. Here
8 it is.

9 MR. STRAUS: If your Honor pleases, that
10 contempt order -- it was held on several occas-
11 ions that Mr. Sassower violated the contempt order.
12 the order of Judge Gammerman, he was held in con-
13 tempt; that's the law of the case.

14 You cannot attack the order by subsequent
15 statements, if they were true, which, I doubt.
16 I doubt that Mr. Sassower's representations are
17 accurate, but, in any event --

18 MR. SASSOWER: Did you ever hear me lie?
19 You?

20 MR. STRAUS: Judge, I don't have to listen
21 to this.

22 MR. SASSOWER: Only you lie.

23 MR. STRAUS: You lie, daily minute by minute.

24 MR. SASSOWER: You show me one place.

25 MR. STRAUS: You suffer from some disability,

1
2 sir.

3 MR. SASSOWER: You moral leper.

4 THE REFEREE: Mr. Sassower, keep quiet.

5 MR. SASSOWER: Let him take the stand.

6 THE REFEREE: I said keep quiet. Why are
7 you offering this document?

8 MR. SASSOWER: To show that three orders
9 violating nothing, because Judge Gammerman, he
10 says there, what the order says, okay?

11 On Page 21 and 22 --

12 MR. STRAUS: And, if your Honor pleases --

13 MR. SASSOWER: One paragraph.

14 MR. STRAUS: Will you please allow me to
15 finish, sir?

16 MR. SASSOWER: You didn't even see it.

17 MR. STRAUS: Will you please, sir?
18 This is not a contest of shouting.

19 If your Honor pleases, we have maintained,
20 we have offered in evidence the contempt con-
21 victions.

22 They establish the validity of the order
23 of Judge Gammerman, and they --

24 MR. SASSOWER: This has nothing to do with
25 that.

1
2 THE REFEREE: Mr. Sassower, I'm reading
3 the minutes of this, and your conduct now
4 is the same as it was before.

5 MR. SASSOWER: Right, you're just like him.
6 You're like brothers. You're just like brothers.

7 You don't know anything about due process.

8 THE REFEREE: You're the one that's offering
9 this document.

10 MR. SASSOWER: You walk in there on a confer-
11 ence --

12 MR. STRAUS: Objection.

13 MR. SASSOWER: -- and, before you walk out --

14 MR. STRAUS: Objection.

15 THE REFEREE: Mr. Sassower, here's what the
16 Judge said about this.

17 "The problem is that Mr. Sassower seems
18 to institute litigation against any judge who
19 seems to touch this case."

20 MR. SASSOWER: He's absolutely wrong.

21 THE REFEREE: "Against any judge who seems
22 to touch this case. I was faced with a similar
23 situation."

24 MR. SASSOWER: I know, that's Judge Gammerman.
25 He talks --

1 THE REFEREE: You're offering this?

2 MR. STRAUS: I'll withdraw my objection.

3 Receive it in evidence.

4 THE REFEREE: The whole document is received
5 in evidence.

6 MR. SASSOWER: Fine. Terrific.

7 Now, --

8 THE REFEREE: Wait a minute.

9 MR. SASSOWER: I want --

10 THE REFEREE: Wait a minute.

11 (So marked, GGGG in evidence)

12 MR. SASSOWER: The one paragraph --

13 MR. STRAUS: Objection. It's in evidence.

14 THE REFEREE: You offered it in evidence.

15 MR. STRAUS: It's received.

16 THE REFEREE: It's in evidence, so?

17 MR. SASSOWER: One paragraph.

18 THE REFEREE: The entire document.

19 MR. SASSOWER: I don't want you to read the
20 whole thing.

21 I want to call attention to --

22 THE REFEREE: I'll read the entire document.

23 MR. SASSOWER: You're not going to read all
24 these documents. It will take you a year and a
25

1
2 half. I already read part of it and pointed
3 out to you what Judge Gammernan said, Judge.
4 I think it's wonderful. Judge Gammernan, I
5 happen to like. He says he likes me.

6 THE REFEREE: Don't like me. I like him.

7 MR. SASSOWER: I like a judge who's fair,
8 who is not ex-parte, who calls --

9 MR. STRAUS: Do we have to listen to this?
10 This has nothing to do with testimony.

11 MR. SASSOWER: -- who doesn't taking marching
12 orders. Those were judges. There are a lot of
13 good ones and I got the prize.

14 MR. STRAUS: Who are you referring to, Mr.
15 Sassower?

16 MR. SASSOWER: It's obvious.

17 THE REFEREE: Are you all through?

18 MR. SASSOWER: I'm testifying.

19 THE REFEREE: Let's -- let's go. Charge Six.

20 MR. SASSOWER: Continuing cross-examination.

21 THE REFEREE: Continued direct examination.

22 MR. SASSOWER: This is cross-examination.
23 You're asking questions.

24 THE REFEREE: "Has been guilty of failing
25 to seek the lawful objectives of a client and

of prejudicing and damaging a client as follows."

MR. STRAUS: Your Honor, he has the petition in front of him.

THE REFEREE: I'm not reading the rest of it. He has the petition, so take out your --

MR. SASSOWER: I know what it says. Ask me questions.

You were going to ask me questions.

THE REFEREE: Do you want to testify with respect to it?

MR. SASSOWER: No.

THE REFEREE: Do you wish to testify with respect to Charge Six?

MR. SASSOWER: On direct, I'll testify.

THE REFEREE: Sir, --

MR. SASSOWER: This is cross-examination.

THE REFEREE: Do you wish to testify, yes or no?

MR. SASSOWER: Of course. I have a lot of things to testify to.

THE REFEREE: You haven't said a word.

MR. SASSOWER: This is cross-examination.

THE REFEREE: All right. I assume --

MR. SASSOWER: No. I'll -- do you want me

1
2 to, do you want to change the rules now? I'll
3 testify, like Judge Gammernan.

4 THE REFEREE: You said Judge Diamond changes
5 rules.

6 MR. SASSOWER: Diamond also.
7 If you want me to --

8 THE REFEREE: Sir, I haven't set any rules with
9 you, sir.

10 MR. SASSOWER: No. Okay.
11 You want me to testify on direct on this?

12 THE REFEREE: Yes.

13 MR. SASSOWER: Okay.

14 As far as the first paragraph, they ought to --

15 THE REFEREE: Mr. --

16 MR. SASSOWER: -- who has --

17 THE REFEREE: Mr. Sassower --

18 MR. SASSOWER: -- what's the lawful objectives
19 of a client?

20 THE REFEREE: Continue.

21 MR. SASSOWER: What is the lawful objective?

22 THE REFEREE: Continue. One --

23 MR. SASSOWER: How about the first paragraph?

24 THE REFEREE: That's a preamble, sir.

25 MR. SASSOWER: Then out, out.

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THE REFEREE: Denied.

MR. SASSOWER: I move to strike.

THE REFEREE: You deny it.

MR. SASSOWER: If you say it's a preamble,
if it's only hot steam, like Old Faithful in
Yellowstone National Park, out, I move to strike
it.

MR. STRAUS: Is Mr. Sassower like Old Faith-
ful?

THE REFEREE: Go ahead. You deny it?

MR. SASSOWER: I was very close to my client.
I want to give testimony.

I was very close to my client --

THE REFEREE: Sir, we're getting nowhere.
You'll have to do it my way.

In or about 1979, were you retained by
Hyman Raffe to represent him with respect to
Puccini's dissolution proceedings?

MR. SASSOWER: If you read the answer -

THE REFEREE: Sir --

MR. SASSOWER: No.

THE REFEREE: You were not retained by him?

MR. SASSOWER: You asked the question.
Look at what the answer says.

I was retained in 1980. Okay.

THE REFEREE: Retained in 1980?

MR. SASSOWER: Right.

THE REFEREE: In or about January '85,
were you instructed by Mr. Raffe to commence no
further litigation with respect to Puccini?

MR. SASSOWER: Absolutely not.

THE REFEREE: You have already stated that.

MR. SASSOWER: I want to prove it.

THE REFEREE: You said, "No." Okay.

MR. SASSOWER: You want me to prove it or
is this cross-examination again? Okay.

No. You want evidence? I'll give you evi-
dence.

THE REFEREE: You say, "No."

Do you want to prove it? Go ahead.

MR. SASSOWER: First of all, Mr. Straus has
produced documents, and they are in evidence
after January 1985, which bear the signature
of Hyman Raffe. That's the first thing.

Second thing is, Mr. Raffe, I compelled him
pretty much to read everything that I send out in
his case. That's not only Raffe. I do this
with almost every client.

1
2 They get a copy of what I sent out so they
3 can't bitch later.

4 Thirdly, Mr. Raffe and I were discussing
5 this case almost on a daily basis for five or six
6 years.

7 Besides this case, Mr. Raffe and I really
8 don't have that much in common.

9 We like each other, but don't have that much
10 in common.

11 So, this case was always, this case was
12 always a subject of conversation, not only between
13 Raffe and myself, Allen Chasin, Silverman, his
14 nephews, everything.

15 THE REFEREE: The fact that you discussed
16 it is one thing.

17 Did he tell you, in January of '85, not to
18 institute --

19 MR. SASSOWER: No, that's what I'm saying.
20 Not only that --

21 Let me explain, Judge.

22 Not only did he sign the documents, but he
23 used to get my mail when it came in and if it
24 related to Puccini --

25 THE REFEREE: Did he open your mail?

MR. SASSOWER: If it related to Puccini,
yes.

I told him to. He opened my mail every day
for at least six or seven months, eight months.

THE REFEREE: From when to when?

MR. SASSOWER: I think it was not too long
after his son died, he became a very changed man
for a while, and, it happened gradually --

THE REFEREE: From when to when?

MR. SASSOWER: When did it start?

THE REFEREE: When did it start, and, when
did it end?

MR. SASSOWER: I would say the latter part
of 1984, until the end.

THE REFEREE: What do you mean by the end?

MR. SASSOWER: Until I left the place.

THE REFEREE: When?

MR. SASSOWER: October. It was Columbus Day
weekend.

THE REFEREE: '85?

MR. SASSOWER: '85.

THE REFEREE: Go ahead.

MR. SASSOWER: So, he would get everything.
He would make photostatic copies of everything,

1
2 if not him, one of his two secretaries, who
3 make photostatic copies of everything. Particu-
4 lary, they would make photostatic copies on a
5 Friday, if he didn't come in, so that he would
6 have it Monday, because if I took it, I, sometimes,
7 forgot what I got on Friday, and sometimes I
8 would be out, so they always made photostatic
9 copies.

10 The only thing that he did not have duplicate
11 copies of were a pro forma letter in the case.
12 Other than that, everything, indeed, my stuff,
13 some of my stuff that I didn't have room for, I
14 stored in his elevator. He had a private elevator.

15 To go one step further, his photo machine was
16 used, his word processor was used. It was his
17 postage meter that was used.

18 In fact, as late as, and I'm trying to think
19 of the month, it was around July or August of
20 1985, I had drawn up a brief to appeal to the
21 Court of Appeals, the Appellate Division had in
22 1985 changed the requirement from twenty copies
23 to ten copies.

24 MR. STRAUS: With all due respect, your
25 Honor, is this responsive to the charges, how

many copies were filed?

THE REFEREE: He's showing that Mr. Raffé continued to rely upon him.

MR. SASSOWER: I didn't want to do twenty copies if we only needed ten.

THE REFEREE: Let's go on.

MR. SASSOWER: So, I made ten copies and I called up the next day, because I think it was about the last day to file or it may be the last day to file, so, I called up and he called up Albany, I think he called up Albany to find out if there had been a change in the rules in the Court of Appeals as there was in the Appellate Division, and, he found out, no, so I told him to run off another ten copies. Wait a second. They sent it off by express mail. They made three packages or four packages of it, because they couldn't fit it into the envelope, and, they sent it up to Albany. He paid for it. All the expenses came out of the petty cash. When we went to Judge Brownstein, I went in his car. When I went to Judge Lowe, L-O-W-E, it was in his car. When we used to go before Danzig, every time that she went -- that he went, I went

1
2 along in his car. I was in chambers with
3 Judge Danzig and Mr. Raffe each and every
4 time without exception.

5 Did I advise him what was happening?
6 More than that. He had the papers. We talked
7 about it.

8 We discussed it ad infinitum. There's no
9 question.

10 The only thing, the only two instructions
11 that I can recall receiving from Mr. Raffe is
12 for an order to show cause contending that he had
13 served his time under the erroneous release doc-
14 trine.

15 It was the erroneous release doctrine that
16 got me out of jail, I think, one or two days ahead
17 of time.

18 I saved a weekend.

19 And, actually, I did it, not so much for
20 the one day it saved for me, but it was my con-
21 tention that having been arrested without incarcer-
22 ation, the time ran from the time of his arrest,
23 and the fact that he was not released, does not
24 change the matter.

25 THE REFEREE: Mr. Sassower, you are going

around and around.

MR. SASSOWER: Now, the other one was when he was getting these restraining notices on his account.

You must understand they were sending out in one case, they sent out two hundred restraining notices based on a purported judgment, taking up four hundred times the amount of judgment, the same as they are doing with me.

I can show you money was taken. They don't care.

So, Judge Saxe threw me in jail for ten days for contending that statute was unconstitutional.

When I came out, and he had more restraining notices against him, based on no judgment. He was making payments, where there were no judgments and no orders. There was no nothing. Absolutely void.

So, I said to him, "Look, Hy, I don't want you to sign any papers anymore."

THE REFEREE: When was this?

MR. SASSOWER: This was around August.

THE REFEREE: Of '85?

MR. SASSOWER: '85. We both knew the score

at that point.

THE REFEREE: He testified that in addition to the oral notice given to you in January, he notified you by mail.

MR. SASSOWER: No.

THE REFEREE: On July 31, 1985.

MR. SASSOWER: I'll come to that.

THE REFEREE: That you were no longer to represent him.

MR. SASSOWER: It doesn't say that, Judge.

It really doesn't say that. Okay, but, I can tell you, your Honor, that I never received it until I got it from Mr. Straus and I remember very -- and I remember very well what happened.

I said to him, that this is unconstitutional. In fact, we did do it in another case; In Supreme, Kings County, there was a reported case, and I'll bring you the decision, by your Honor, but, in any event, I said, "Hy, I'll go jail any time for this kind of nonsense." He says, "No, don't do it."

That's the only thing. You have to understand, Raffae and I, I don't think we ever had a fight in thirty years.

THE REFEREE: All right, let's go on.

MR. SASSOWER: Let me tell you about July 31st.
July 31st I was incarcerated.

I got out and I think somebody said it was
a Wednesday.

I call my mother every Sunday, and, I have a
standing arrangement, that if I'm in a hospital
or anything like that, that they should call
or should, if I can't call my mother on Sunday,
that somehow, they should call my mother and give
her a phony excuse, I'm away for the weekend,
something, okay, so she shouldn't worry.

I wasn't supposed to be released. I was
supposed to be released on a Friday and I got out
on Friday.

And, Raffie, most of the time, does not come
in on Friday. He goes to Atlantic City, or
sometimes he just doesn't come in.

Was it July 31st? Is that what you're look-
ing up?

Mr. Postel said it was a Wednesday.

THE REFEREE: It was a Wednesday and you got
out of jail when? August 2nd?

MR. SASSOWER: August 2nd, whatever the Friday

1
2 was and I was interested in, and I just assumed
3 that he was't in on that Friday.

4 When I came back, which was about -- with
5 my daughter, about three, three-thirty, it was
6 late in the afternoon, and I walked in the back,
7 and, as I walked in, somehow, I heard, someone
8 told me that Hy is in.

9 Now, if he does come in on Friday, he leaves
10 early, especially during the summer time when there's
11 traffic.

12 I remember grabbing the mail, going upstairs
13 and seeing him and we had a lot of fun, a lot of
14 jokes as to what happened.

15 There were a few things that were very funny.
16 Okay.

17 And, as I'm in his office, I get a call
18 from the Appellate Division on a decision. I
19 remember it very well, and they told me that they
20 called the jail, and they found out that I was
21 out, and they called me, and as I was on the
22 phone, on his desk, I was looking through my
23 mail and opening any mail that looked, you know,
24 interesting.

25 While they were reading the decision to me,

1
2 and my daughter -- it's a very, very big office,
3 and I was listening to the decision, opening the
4 mail, my daughter was on the other phone taking
5 down shorthand notes as to what the decision was,
6 that July 31st letter was not there, but, okay,
7 it was not there. Never knew about it.

8 THE REFEREE: All right.

9 MR. SASSOWER: I want to say one thing further.
10

11 That letter was not intended for my consumption.
12

13 THE REFEREE: Which letter?

14 MR. SASSOWER: That July 31st.

15 THE REFEREE: It's addressed to you.

16 MR. SASSOWER: It was not for my consumption.
17 It was completely fabricated by Postel for some-
18 thing else, for another purpose, and, if you will
19 look at the Diamond minutes, you will find that
20 all these contrived allegations that he demanded
21 a stipulation from me, never did -- they all
22 testify they never did -- this is all false.
23 This is all phony, completely fabricated.

24 I'm not putting a brief for anybody.

25 I got the agreement signed by Raffae, signed

1
2 by Feltman, which says in sum and substance,
3 and I'll put it into evidence, as long as Raffé
4 does what the Feltman firm tells him to do, he
5 will not be fined and he'll not go to jail.

6 One further point, do you see Diamond's
7 report? About sixty-three counts of contempt?
8 He made out two reports. One for sixty-three.

9 MR. STRAUS: Your Honor, may we -- may we
10 restrict this to Charge Six?

11 MR. SASSOWER: He made out two reports against
12 me for sixty-three counts of contempt and against
13 Raffé for about seventy counts, and he recommended
14 that he go to jail for like life, and a lot of
15 fines also.

16 Raffé got scared. My motion was made to
17 confirm, because I would not give into this tactics.
18 The extortion tactics.

19 Raffé agreed. I'll bring in the agreement.
20 Agreed and, there was no motion made to confirm.

21 The agreement says, your Honor, that no motion
22 will be made to confirm as long as Raffé complies
23 with Feltman's demands.

24 Furthermore, this \$196,000 fine imposed upon
25 me -- if I offered somebody \$300,000 free of charge,

1
2 I would expect them to kiss me or thank me. He
3 imposes a fine against me for \$197,000.

4 This fine he also imposed against Raffe,
5 along with other fines.

6 Once Raffe succumbs, or agreed to succumb,
7 no more fine, it's out the window. The fine
8 only continues against me.

9 Now, to give you an example, Judge, the
10 Kreindler firm --

11 MR. STRAUS: Objection. This is way beyond
12 the scope of Charge 6.

13 MR. SASSOWER: I'm going to show you --

14 MR. STRAUS: This is supposition and
15 speculation by Mr. Sassower.

16 THE REFEREE: Go ahead.

17 MR. SASSOWER: Judge, we have a very good
18 cause of action.

19 THE REFEREE: Go ahead, sir.

20 MR. SASSOWER: Judge Wright denied the
21 Kreindler motion to dismiss based upon the
22 Gammernan order and the Diamond rules.

23 As soon as Judge Wright denied their motion,
24 I served them with a notice of EBT.

25 MR. STRAUS: Your Honor, please --

MR. SASSOWER: Wait a second.

MR. STRAUS: I object. This is not relevant to --

The charge is that Mr. Sassower proceeded in disregard of Mr. Raffe's instructions. He's way beyond that now.

He's going into the history of litigation.

THE REFEREE: Part of Charge Six is that he was instructed by Raffe to commence no further litigation.

He is now testifying that that's not so.

MR. STRAUS: What does this have to do with that testimony, that he was not authorized?

MR. SASSOWER: I'll show you.

THE REFEREE: Go ahead.

MR. SASSOWER: This is an action where he has to recover a lot of money.

I served them with a notice of EBT, sent a copy to Raffe.

By this time, I was out of his premises.

Kreindler and Relkin go ex-parte to Referee Diamond and ex-parte imposes a fine upon me for \$25,000. I don't know what for. Ex-parte. The point is on the Arutt firm, Judge Cohen gave us

1
2 a decision, which is practically like summary
3 judgment in Raffe's name. I sent notices out,
4 notices of EBT, notice for document

5 Raffe has copies. If I could subpoena
6 Postel's four boxes, you will see in them
7 Raffe's copy, because I know, I can tell if
8 a document passes through Raffe's hands. Okay.
9 I don't know if anybody else can notice, and I
10 don't want to say how, but I can tell. He does
11 something to his documents.

12 THE REFEREE: Let's go on.

13 MR. SASSOWER: Postel's files --

14 THE REFEREE: Let's go on.

15 MR. SASSOWER: So, whatever I did, I did for
16 Raffe.

17 THE REFEREE: And with his approval and his
18 knowledge.

19 MR. SASSOWER: Absolutely.

20 THE REFEREE: All right, let's go on.

21 MR. SASSOWER: Absolutely, absolutely.

22 THE REFEREE: So that your behavior was not
23 unauthorized?

24 That's what number --D -- four of Six,
25 rather.

1
2 MR. SASSOWER: Then why is he underwriting
3 expenses if it's unauthorized?

4 These expenses were paid by him. I got a
5 check like every month.

6 Besides my petty expenses, if it's unauthoriz-
7 ed.

8 THE REFEREE: You were representing him
9 with respect to collections in his oil business,
10 isn't that right?

11 MR. SASSOWER: Yes, and no. Collections
12 I don't take care of.

13 The only thing I see are the judgments
14 that are filed.

15 I sign them and look through the papers,
16 if there are motions, anything out of the ordinary
17 but the ordinary collections stuff is handled by
18 the girl. Okay.

19 I see the papers. But really don't pay too
20 much attention to it. When it comes to a judgment,
21 then I really look. I make sure there are
22 documents to support it, to make sure that an
23 erroneous judgment is not entered, but for example,
24 many stipulations discontinuing a case or a
25 satisfaction of judgment, I have nothing to do with

1
2 it.

3 I don't look at it. If I sign it, I don't
4 look at it, because if they want to satisfy a
5 judgment, that's their business, but when it comes
6 to entering a judgment, I check the figures
7 and make sure that there is a tape attached to it
8 so insofar as handling the collections is
9 concerned, there is nothing to handle there; it's
10 a matter of a few minute's work, making sure
11 that the documents are there, once a week. It
12 takes me five minutes to go through with the judg-
13 ments and sign them so if a customer would call
14 me up about their account, which is not very usual,
15 I always give them to the girl who handles the
16 account; I know nothing about it. I don't settle.

17 I handled the collections only insofar as
18 my name is on it. Okay.

19 THE REFEREE: You're saying that he gave you
20 fees also for continuing to represent him in
21 Puccini dissolution.

22 MR. SASSOWER: Well, I get a certain retainer
23 for each month. I've been getting it for thirty
24 years, different amounts and I get other expenses,
25 but as far as petty expenses, he paid for it.

1
2 I don't say that I always got reimbursement
3 because I would forget about certain fees. I'd
4 overlook them, but I got a lot of fringe benefits
5 there.

6 But Raffe was a very close friend of mine.
7 I helped Raffe out when he was in very great trouble.
8 Not trouble.

9 And he helped me out. There's nothing I
10 wouldn't do for him.

11 THE REFEREE: Let's go on to Point 4 of
12 Charge Six.

13 As a direct result of Respondent's behavior
14 Raffe was assessed costs, attorney's fees, fines,
15 and penalties and was held to be in contempt of
16 court.

17 MR. SASSOWER: No.

18 THE REFEREE: Does that go to the entire
19 charge?

20 MR. SASSOWER: Yes. I'll tell you. You want
21 me to answer it without a "No"?

22 THE REFEREE: That's the -- when I ask you a
23 question, I hope you will answer it.

24 MR. SASSOWER: Give me a minute, and let me
25 try to think of how to make it short.

1 THE REFEREE: Let me help you. First of
2 all, you said your behavior was authorized.
3

4 MR. SASSOWER: No question.

5 THE REFEREE: At no time, did he tell you,
6 you were out, is that right?

7 MR. SASSOWER: Right.

8 We didn't talk to each other like that.

9 THE REFEREE: Was he assessed costs, attorn-
10 eys' fees, fines or penalties?

11 MR. SASSOWER: Not because of me.

12 THE REFEREE: Was he?

13 MR. SASSOWER: Yes, in various places, yes.
14 The case is not over yet, by the way.

15 THE REFEREE: And was he held to be guilty
16 of civil or criminal contempt of court?

17 MR. SASSOWER: It's nonsense, it's absolute
18 nonsense.

19 THE REFEREE: Pardon?

20 MR. SASSOWER: It's absolutely nonsense.

21 THE REFEREE: It's yes or no.

22 MR. SASSOWER: The document speaks for itself,
23 but the Constitution of the United States speaks
24 for itself, and you want to get Judge Kupferman
25 here, you want to get Judge Kassal here or Judge

Sullivan.

They'll tell you it's a phony.

THE REFEREE: Was he held, whether or not it's phony; was he held in contempt?

MR. SASSOWER: Yes.

THE REFEREE: Yes, but not because of your behavior.

MR. SASSOWER: Absolutely not.

THE REFEREE: Okay.

MR. SASSOWER: Not because of my faulty behavior, Judge.

I'd like to offer into evidence, to give you an idea of his approval.

THE REFEREE: Let's go to Charge Six.

MR. SASSOWER: I'd like to offer this for identification.

I'll tell you what that is.

I'd like to offer it in evidence.

THE REFEREE: It will be HHHH for identification.

MR. SASSOWER: This is Hy Raffe's handwriting.

MR. STRAUS: I would object. If these are supposed to be Mr. Raffe's notes, Mr. Raffe was a

witness.

MR. SASSOWER: He did -- he testified.

MR. STRAUS: Then they're in evidence.

MR. SASSOWER: No, they are marked for identification.

MR. STRAUS: Then I would object, because Mr. Raffe hasn't identified --

THE REFEREE: What's the relevance of this?

MR. SASSOWER: Let me explain this to you.

THE REFEREE: He could have identified them.

MR. SASSOWER: He said that's his handwriting.

THE REFEREE: Pardon?

MR. SASSOWER: He said that's his handwriting.

THE REFEREE: What --

MR. SASSOWER: I'll tell you what the relevance is.

THE REFEREE: Go ahead.

MR. SASSOWER: Let me get a minute.

THE REFEREE: That was originally DDD for identification, so we need not identify it as Exhibit HHHH.

We're back to DDDD for identification. DDD for identification.

1
2 MR. SASSOWER: It's three sheets of
3 paper, dated 3-20-86.

4 THE REFEREE: And, you claim it was written
5 by Mr. Raffe?

6 MR. SASSOWER: He admitted it.

7 THE REFEREE: And, you're offering this
8 just in support of your contention that that's
9 his handwriting as compared to what?

10 MR. SASSOWER: No, no, no.
11 First of all, I saw him write it.

12 I came in at the beginning and I saw the
13 end of it.

14 THE REFEREE: What's the purpose of it?

15 MR. SASSOWER: To show that it was done
16 with his authority.

17 THE REFEREE: What was done?

18 MR. SASSOWER: The legal work.

19 THE REFEREE: This is part of the legal work?

20 MR. SASSOWER: Yes. I'll tell you the
21 foundation.

22 MR. STRAUS: May I see it?

23 THE REFEREE: Carting and Truckers, UPS,
24 SBC Transit, Pan American Airlines, ITT, et cetera.

25 MR. SASSOWER: I'll tell you what it means.

THE REFEREE: And all the names.

MR. STRAUS: Mr. Raffe -- I'd like to look at it, but based on your recitation, Mr. Raffe was a witness in this case.

Mr. Sassower, could, when Mr. Raffe was on the stand --

I have to object.

This is like laundry lists.

We don't have Mr. Raffe.

He had an opportunity to show this to Mr. Raffe and ask him what these things meant.

MR. SASSOWER: I did.

MR. STRAUS: Then you have exhausted your opportunity.

You could have offered it in evidence.

MR. SASSOWER: I remember --

MR. STRAUS: You offered it in evidence, and the Judge rules it was inadmissible.

MR. SASSOWER: He said it was his handwriting. He said it looked like people who worked for Puccini.

Now, let me tell you --

MR. STRAUS: If your Honor please, objection. It's a laundry list.

THE REFEREE: Go ahead.

MR. SASSOWER: He had gotten, not me, he had gotten from his bank, at my request, copies of the check statements from Puccini after June 4, 1980. Okay?

THE REFEREE: What's the relevance of this?

MR. SASSOWER: Let me explain.

MR. STRAUS: Your Honor, he can go on for hours. Can he point to something on this document, which is relevant?

MR. SASSOWER: Yes.

MR. STRAUS: Why don't you do so?

MR. SASSOWER: Why don't you keep quiet?

MR. STRAUS: Because you're filibustering, sir.

THE REFEREE: Go ahead, Mr. Sassower.

MR. SASSOWER: He got these photostatic copies, LLL for identification, showing all the checks that were withdrawn.

When we got the report, which was in evidence --

THE REFEREE: What report?

MR. SASSOWER: Of March 5, 1984.

THE REFEREE: From whom?

1
2 MR. SASSOWER: Rashba and Pokart; it's in
3 evidence.

4 It shows about four million dollars worth
5 of disbursements.

6 It also shows that all the inventory was
7 disposed of.

8 THE REFEREE: What's the point of it?

9 MR. SASSOWER: The said gross income, gross
10 income -- gross income for seven months -- we're
11 talking about \$512.

12 So, we were laughing.

13 MR. STRAUS: Judge, with all due respect,
14 how long does this recitation have to go on?

15 We have a three-page document which has
16 names and initials.

17 MR. SASSOWER: He wrote down -- we were
18 laughing how anybody can be so stupid as to believe
19 this kind of nonsense, when the postal --

20 THE REFEREE: What's the purpose of the offer,
21 sir?

22 MR. SASSOWER: To show that he knew, and,
23 he knew what was going on.

24 THE REFEREE: All right. Objection is sus-
25 tained.

MR. SASSOWER: Wait a second. So, I --

MR. STRAUS: Would you give this back to
Mr. Sassower, please?

MR. SASSOWER: Let me finish.

THE REFEREE: Objection is sustained.

MR. SASSOWER: Let me finish.

The question was to show liquidation of inventory,
gross income, \$512.

We had names on the list --

MR. STRAUS: If your Honor please, you have
already ruled.

Will you please direct Mr. Sassower to
end this recitation?

THE REFEREE: Let's go on.

MR. SASSOWER: I want to make an offer.

THE REFEREE: Let's go on.

MR. SASSOWER: We drew papers on the basis
of it.

THE REFEREE: You already said that you
always spoke with him every day and you continued
to represent him.

MR. SASSOWER: Almost every day.

THE REFEREE: And to this day, you are still
his lawyer?

You said that time and time again.

MR. SASSOWER: I'll just answer the charge.

THE REFEREE: Let's go on to Charge Seven.

MR. SASSOWER: And I also say --

THE REFEREE: Failure to cooperate with
the Grievance Committee.

MR. SASSOWER: I also say that if given
subpoena power, I could subpoena people and
documents that would support this.

Now, furthermore, I want to go back --

MR. STRAUS: I object. He's made this
recitation at least two or three dozen times.

MR. SASSOWER: I have other stuff.

THE REFEREE: We're on Charge Seven.

MR. SASSOWER: Could I go back to Six?

THE REFEREE: For what limited purpose?

MR. SASSOWER: Well -

THE REFEREE: You have already made your
position clear.

MR. SASSOWER: That other -- we had other --
there were other objectives that we had.

THE REFEREE: You continued to represent
him.

MR. SASSOWER: Judge, will you listen?

1 THE REFEREE: With his permission.

2 MR. SASSOWER: Not only with his permission,
3 we spoke about this constantly.
4

5 THE REFEREE: You spoke about it almost every
6 day and you handed him documents, and he signed
7 during the period --

8 MR. SASSOWER: No, I don't hand people docu-
9 ments.

10 There were times, that things had to go out
11 that day, where he didn't have a chance.

12 THE REFEREE: He drafted the documents
13 himself?

14 You tell me --

15 MR. SASSOWER: I'll tell you, your Honor.
16 I would say that in thirty-five percent of
17 the cases, I would give him a draft of the docu-
18 ment.

19 He had a yellow marker and he would correct
20 it.

21 He would correct my papers.

22 THE REFEREE: But the legal language was
23 yours?

24 MR. SASSOWER: Yes.

25 THE REFEREE: Factual matters --

MR. SASSOWER: No, factual matters were both --

THE REFEREE: What did he correct?

MR. SASSOWER: Sometimes I would have a double word or sometimes --

THE REFEREE: He edited your copy?

MR. SASSOWER: Yes. I don't proofread.

THE REFEREE: Very well. Charge Seven.

MR. SASSOWER: There were many times when I would tell him where we had a couple of days, I would say, "Hy, do me a favor, proof read this."

Believe me, he must have proofread at least a hundred of my documents.

THE REFEREE: Now, we get to Charge Seven, failure to cooperate with the Grievance Committee.

I think it is my recollection that you had already testified, although I'll not limit your testimony to that.

As a matter of fact, you did not cooperate with the Grievance Committee, because you were under court direction.

MR. SASSOWER: No.

THE REFEREE: Not to discuss or write about

1
2 this case with anybody; is that right?

3 MR. SASSOWER: That's not really true.

4 THE REFEREE: It's not true?

5 MR. SASSOWER: No.

6 THE REFEREE: So now, you tell me what is
7 true.

8 MR. SASSOWER: That's a half-truth.

9 THE REFEREE: All right.

10 MR. SASSOWER: I didn't testify to that. I
11 didn't testify.

12 Could I have that last letter, please?
13 This is what you call a real fabricated charge,
14 when they ought to disbar the lawyer who drafted
15 it.

16 This is the only charge that he drafted.

17 Look at this.

18 THE REFEREE: This is in evidence.

19 MR. SASSOWER: Look at what I say.

20 THE REFEREE: This is Petitioner's Exhibit 55
21 in evidence.

22 A letter from Mr. Straus to Mr. Sassower.

23 And, there's a note from Mr. Sassower on
24 the same piece of paper.

25 MR. SASSOWER: Same day I got it.

THE REFEREE: January 30, '85.

MR. SASSOWER: There's no way of me to properly respond without violating the order mentioned.

If wisdom is the ability to find alternatives, I suggest that you ask the complainant for the information you request.

THE REFEREE: This was in response to a letter from Mr. Straus, Chief Counsel for the Grievance Committee, for the Second and Eleventh Judicial Districts in which he stated, "In your letter of January 28, 1985, you appeared to indicate in your opinion that you are not permitted to respond to the allegations contained in this complaint. You have provided what purports to be an excerpt of that order which you contend is a bar. As the document which you submitted is neither complete nor signed, you are requested to immediately provide a true copy of the order upon which you rely. You are again reminded that an unexecuted failure to reply to the complaint, constitutes professional misconduct, independent of the merits of the complaint and will be treated accordingly by the Committee."

1
2 And, your responsive I've already read
3 into the record.

4 Go ahead.

5 MR. SASSOWER: Okay. First of all, the
6 reason why your remark is wrong, misleading --

7 THE REFEREE: It's not my remark.

8 MR. SASSOWER: The way you refreshed your
9 recollection.

10 If this document was only in my possession
11 and if Mr. Straus could only get it from me,
12 that would be one story, but why, if this document
13 was in court could he not send down one of his
14 lackeys to get a copy?

15 Why couldn't he write to Mr. Schneider?

16 Why does he want me to run the gauntlet?

17 Okay? So, this is failure to cooperate.

18 There are other ways that he could get it
19 without me taking a chance.

20 Secondly, about that time, you must under-
21 stand that my letter of January 22nd, 1985, and
22 my application to the court thereafter, I caught
23 the Kreindler firm and the Feltman firm red-
24 handed on this January 23rd order. Okay?

25 How they got it, all the fraud involved in
it.

1
2 I put that in court papers. They were
3 looking --

4 There was no question in this period of
5 time that we had the evidence of larceny.

6 MR. STAAUS: Your Honor, objection.
7 Again, will you ask Mr. Sassower to direct his
8 testimony to the Charge?

9 The Charge is a failure to cooperate for
10 failing to respond to the allegations.

11 MR. SASSOWER: I said, in effect,
12 in that letter, "Get it from the Schneider firm."

13 I mean, if you can get it from the Schneider
14 firm, don't ask me for it.

15 About three weeks later, I don't remember
16 if it was three weeks later or four weeks later,
17 or two weeks later --

18 THE REFEREE: Get what from Schneider's
19 firm?

20 MR. SASSOWER: A copy of the order.

21 THE REFEREE: Which order?

22 MR. SASSOWER: Gammerman's order.

23 THE REFEREE: That's the one --

24 MR. SASSOWER: That enjoined me from communi-
25 cating with the Grievance Committee.

1
2 THE REFEREE: That's in evidence. Let's look
3 at it.

4 Can we have Judge Gammerman's order?

5 MR. SASSOWER: They were looking for any kind
6 of protection.

7 THE REFEREE: Wait --

8 MR. SASSOWER: I want to tell you about the
9 conversation.

10 THE REFEREE: Wait, here's Judge Gammerman's
11 order, Petitioner's Exhibit 8.

12 You're on the wrong side of the courtroom.

13 MR. SASSOWER: I want to get more papers
14 for your Honor.

15 Did you find them, your Honor?

16 THE REFEREE: I have the exhibit.

17 MR. SASSOWER: It's about two pages or three
18 pages, where I'm enjoined from -- very broad
19 language.

20 THE REFEREE: Sir, you point to it.
21 Here is Petitioner's 8.

22 MR. SASSOWER: Could I have the three pages
23 that I sent you?

24 THE REFEREE: Sir, this is Petitioner's 8.

25 MR. SASSOWER: I sent them three pages.

1
2 he wanted the whole thing and I said
3 "Get it from Schneider" and he got it from
4 Schneider.

5 THE REFEREE: Which three pages?

6 MR. SASSOWER: This was not pursuant to
7 a request.

8 This was a voluntary sending, nine, ten and
9 eleven.

10 I voluntarily sent this to him.

11 THE REFEREE: What?

12 MR. SASSOWER: Three pages. He didn't request
13 it.

14 THE REFEREE: Petitioner's 54.

15 MR. SASSOWER: I sent them three pages with
16 a letter.

17 They didn't ask me for it.

18 THE REFEREE: This was at the request
19 of one of your daughters.

20 MR. SASSOWER: Right.

21 MR. STRAUS: Also, if your Honor please,
22 there seems to be some --

23 THE REFEREE: Under the terms of the order,
24 you cannot respond to the Grievance Committee
25 without violating the order?

MR. SASSOWER: Right.

THE REFEREE: I ask you, sir, to point up to me, where in Judge Gammerman's order he prevented you or precluded you from communicating with the Grievance Committee?

MR. STRAUS: Your Honor, also, there seems to be some misapprehension on the part of Mr. Sassower, and, if he is going to testify, he might as well testify fully.

The orders, I understand, were signed January 23rd, '85.

The responses from Mr. Sassower pre-date that by more than a month, by approximately six weeks.

MR. SASSOWER: You want to testify? Do you want to testify? Take the stand.

MR. STRAUS: I've already testified. Don't shout at me.

MR. SASSOWER: Your Honor, this man is a damn liar. Not only that --

MR. STRAUS: I don't have to listen to this.

MR. SASSOWER: Let him take the stand. Why don't you take the stand?

MR. STRAUS: I did.

MR. SASSOWER: And you believe --

THE REFEREE: Mr. Sassower --

MR. SASSOWER: You think I believe any lawyer never takes a note of lying? You're a God-damn lair.

You've got notes and I know --

MR. STRAUS: May the record indicate that Mr. Sassower was shouting those remarks.

THE REFEREE: Everything you say is on the record.

MR. SASSOWER: Do you know who started this whole nonsense?

I know by getting the stenographer in.

MR. STRAUS: I'd like the record to show that Mr. Sassower was standing up in the witness box, shouting and gesticulating while he was insulting me.

MR. SASSOWER: Why don't you take the stand and say that?

MR. STRAUS: He's doing it right now.

MR. SASSOWER: Why don't you take the stand?

THE REFEREE: Mr. --

MR. SASSOWER: Why don't you take the stand when you make the lies?

MR. STRAUS: Will you please instruct him to lower his voice?

MR. SASSOWER: He lies.

THE REFEREE: Who are you kidding by yelling?

MR. SASSOWER: Let me explain this.

THE REFEREE: It's in evidence.

MR. SASSOWER: You said I should show you --

THE REFEREE: You went into a diatribe against Mr. Straus.

MR. SASSOWER: Okay. Now, you want to read the whole thing?

THE REFEREE: It's in evidence and I've read the whole thing, and I asked you before to point out to me where, in that order, you are precluded from communicating with the Grievance Committee.

MR. SASSOWER: No. Any communication with the Grievance Committee to explain some of the things I have to talk about, the larceny and the perjury, and the corruption, and if I talk about that, then I am violating the order. Okay?

THE REFEREE: Can I have the other, Petitioner's 8?

MR. SASSOWER: I'm violating the order and they are looking to grab me.

I can write him a Christmas letter,
send him a Christmas card, but, if they want me
to communicate and tell them, I have to tell them
what's going on here, about his friends, the
honest guys.

THE REFEREE: Go ahead, sir. Are you all
through?

MR. SASSOWER: So, I sent him three pages.
Okay?

So, he says, "Send me the whole thing."

So, I said, "Get it from Schneider."

Two or three weeks later, we had a conversat-
ion.

The conversation was -- I'll tell you what
the conversation was.

I was surprised that their organization
did not --

We had more than one conversation.

I said it's the obligation of your committee
to go in and attack the order and to set it aside.

He says, "Why don't you do it?"

I said, "I'm doing it in my way" and I
brought a proceeding against this order, which
was Judge Stecher's proceeding, and I said until

1
2 until I get a determination, because he wanted
3 something else in the order -- and, I said
4 "Look, I have started a proceeding. In fact,
5 I started a proceeding February 1st or March
6 1st." I think it was February 1st. "To set
7 aside the Gammernan order, as based upon fraud
8 and et cetera."

9 I told Mr. Straus in sum and substance,
10 that I felt it was his job or the Grievance
11 Committee's job to go in and set it aside,
12 because, no judge, lower court judge, nissi prius,
13 can interfere with anybody making a complaint to
14 the Grievance Committee.

15 First of all, it's an arm of the Appellate
16 Division.

17 And, secondly, I gave him the California case
18 which said it is part of your First Amendment
19 right, the right to petition government.

20 THE REFEREE: When, for the first time, did
21 the Grievance Committee communicate with you?

22 MR. SASSOWER: October, I think, September
23 or October, the year before, and I answered right
24 away.

25 I was very happy to answer.

1
2 THE REFEREE: What did you say in your
3 response at that time?

4 MR. SASSOWER: I gave them all the facts.
5 Could I have the first letter?

6 MR. STRAUS: Why don't you give Mr. Sassower
7 all the exhibits pertaining to Charge Seven?

8 MR. SASSOWER: Good, you reminded me of it.

9 MR. STRAUS: May the record indicate that
10 Mr. Sassower is being handed Exhibits 49 through
11 55 which relate to Charge Seven?

12 MR. SASSOWER: I got a letter of complaint
13 in December. Shortly after December 5, 1984.

14 THE REFEREE: Not October of '84?

15 MR. SASSOWER: No, but let me tell you what
16 happened in October, because it's very relevant.

17 THE REFEREE: When was the first time that
18 you heard from the Grievance Committee?

19 MR. SASSOWER: Short -- shortly after Decem-
20 ber 5, and, I said, "I truly welcome to the
21 receipt of a copy of the complaint."

22 Now, let me tell you why I was glad to
23 receive it.

24 MR. STRAUS: Objection, your Honor. Object
25 as to why.

1
2 MR. SASSOWER: It's in the letter.

3 MR. STRAUS: Let me speak, sir.

4 Object to why he was happy to receive it.
5 The only question is why didn't he respond to it.

6 MR. SASSOWER: I did respond to it.

7 THE REFEREE: He testified just now that he
8 responded to it.

9 When did you respond to it?

10 MR. SASSOWER: A few days later.

11 THE REFEREE: By mail or --

12 MR. SASSOWER: Decemger 14. Let's say I got
13 it, December 7. I don't know what day.

14 THE REFEREE: Is his response in evidence?

15 MR. STRAUS: Yes, it is.

16 THE REFEREE: What number?

17 MR. SASSOWER: It's 50.

18 THE REFEREE: Petitioner's Exhibit 50.
19 It's a letter dated 12-14-84 from Sassower to
20 Straus relative to Charge Seven, Two and Three.

21 MR. SASSOWER: I mailed it about a week.
22 In fact, it was less than a week that I received
23 the complaint.

24 THE REFEREE: Exhibits 49,50, 51,53, 54 and
25 55, all relate to the Grievance Committee and
Mr. Sassower.

1
2 MR. SASSOWER: Okay.

3 MR. STRAUS: That's correct, your Honor.

4 MR. SASSOWER: So, I got it. Now, I knew I
5 was going to get it.

6 Why? Because Schneider went around the
7 courtroom telling everybody openly that there are
8 charges against me before the Grievance Committee.

9 THE REFEREE: Did you learn that Schneider
10 filed the complaint?

11 MR. SASSOWER: Yes.

12 THE REFEREE: On whose behalf?

13 MR. SASSOWER: On his own, the law firm.

14 THE REFEREE: Feltman?

15 MR. SASSOWER: Right.

16 So, there was one particular instance where
17 he said "I have been instructed by the Grievance
18 Committee to have a stenographer present when I'm
19 with Judge Danzig."

20 Judge Danzig called us in and she says,
21 "What's this all about?"

22 And he says what it's all about, so that
23 this happened, I think about a month or two before
24 I even got the complaints, so, before I got
25 the complaint, I knew what it was about. Okay?

1
2 Just from listening to what he says to
3 Judge Danzig and Judge Danzig says, "This is
4 nonsense." Okay?

5 And, I'll go into what she said tomorrow.

6 MR. STRAUS: Objection.

7 MR. SASSOWER: You don't want to hear it?
8 Fine.

9 She said it's absolute nonsense.

10 THE REFEREE: Who said it's nonsense.

11 MR. SASSOWER: I said she said to to Schneider
12 it was absolutely nonsense. All right?

13 When I got this complaint, and the remarks
14 were made --

15 THE REFEREE: You got the complaint. What
16 did you do?

17 MR. SASSOWER: When I got the complaint,
18 all I had to do is open up the envelope, you know.
19 I had seen this, you know, I just had to flip it.

20 I had seen this a hundred times before.
21 I violated Judge Hilda Schwartz' order. I violated
22 Judge Greenfield's order. I violated Judge Sin-
23 clair's order. I violated this order. Baloney.

24 I can show this is on a word processor that
25 this is stock tape. Okay? I can show you

1
2 five or six affidavits. The only thing is
3 a change from double line to single line.

4 THE REFEREE: What did you do?

5 MR. SASSOWER: So, I took an affidavit where
6 he had made the same charges and I put it into
7 my -- I put it --

8 Are you familiar with how a word processor
9 works, your Honor?

10 THE REFEREE: Yes, I'm quite familiar with
11 it.

12 MR. SASSOWER: I duplicated it.
13 Then, of course, I changed the pronouns, and every-
14 thing else, and, essentially what I said in
15 that affidavit, in response to these charges,
16 which had been made so many times before --

17 THE REFEREE: What did you do vis-a-vis the
18 Grievance Committee?

19 MR. SASSOWER: Right, I typed up the letter.

20 THE REFEREE: Did you send it to the Griev-
21 ance Committee?

22 MR. SASSOWER: No. I gave it -- there is one
23 guy that used to work there at night, Pat Gomez,
24 and also Frank Silverman.

25 MR. STRAUS: Where is this?

1
2 MR. SASSOWER: A&R Fuels. I giave -- on
3 one occasion during this one week period, I
4 gave the complaint to Pat Gomez to read. He was
5 very familiar with this case.

6 He read it and even he said --

7 THE REFEREE: What did you do after you spoke
8 to several people?

9 MR.SASSOWER: Wait a second.
10 I gave them my answer that I was prepared to send
11 to the Grievance Committee and I said to them,
12 "Does my answer respond to the complaint?"

13 And they said, "Very well."

14 And I sent it off. That's all. At no point,
15 at no point, has anybody ever said that my answer
16 did not respond to the complaint properly, not
17 even Mr. Straus, but he says, he assumes, and
18 that's why he says, you didn't read it, so, I
19 said, in my third letter to him, I said, "Just
20 because I said I didn't read it, it doesn't mean
21 to mean, don't assume that I don't know what is in
22 it."

23 THE REFEREE: Anything else on this matter?

24 MR. SASSOWER: And, I -- this is the same
25 baloney.

THE REFEREE: No, no.

1
2 MR. SASSOWER: I want to tell you something.
3 It's baloney.

4 "You didn't cooperate, you didn't cooperate."

5 THE REFEREE: You just testified that you did.

6 MR. SASSOWER: Why does he bring this baloney
7 charge for?

8 Hasn't he got anything of substance?

9 THE REFEREE: Sir, next, that's the end of
10 all the charges.

11 MR. SASSOWER: In fact, wait a second --
12 in fact, I told him his letter of complaint is
13 deceptive, and he said, "Why?"

14 THE REFEREE: Take the exhibits back, sir.

15 MR. SASSOWER: I said you should warn
16 an attorney, Spivack against Klein and about his
17 constitutional rights, and things of that nature.

18 THE REFEREE: That completes the charges,
19 Mr. Straus.

20 M.. STRAUS: He's testified with respect to
21 each of the charges, your Honor.

22 MR. SASSOWER: I have a lot of testimony my-
23 self.

24 THE REFEREE: Pardon?

25 MR. SASSOWER: I have testimony of my own.

MR. STRAUS: What is your testimony about?

THE REFEREE: In what respect?

MR. SASSOWER: This has been cross-examination.

I have a lot of documents.

I have hundreds of documents that are relevant.

THE REFEREE: For what purpose?

MR. STRAUS: If your Honor please, I request that he make his offer now so you can rule on it, since he's obviously, completed his testimony.

MR. SASSOWER: I completed cross-examination. Don't you want to cross?

MR. STRAUS: When you have completed your direct testimony, sir, I'll make a decision.

Have you completed your direct testimony?

MR. SASSOWER: No. This is cross-examination.

MR. STRAUS: Your Honor, in view of his remarks, I move that you terminate the direct examination.

THE REFEREE: Do you have any more testimony to give on it, or that's it?

MR. SASSOWER: I have plenty of testimony.

THE REFEREE: On what?

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MR. SASSOWER: On the charges.

THE REFEREE: We went through all the charges.

MR. SASSOWER: You went through it. I didn't go through it.

I have --

THE REFEREE: Direct examination is complete.

MR. SASSOWER: Direct? I didn't have a direct. You must be kidding.

You really must be kidding.

THE REFEREE: All right. Any cross-examination, sir?

MR. STRAUS: No cross-examination, your Honor.

THE REFEREE: All right. Do parties wish to be heard or wish to submit?

MR. STRAUS: Wish to submit, your Honor, upon receipt of the transcript.

May I ask the Reporter when he might expect the transcript to be completed?

May we go off the record now?

MR. SASSOWER: Put everything on the record.

MR. STRAUS: We'll put it back on the record, because the Reporter can't respond if he's taking the minutes, and then we can put his response back

on the record.

May we be off the record? Off the record.

(Off record ensues)

MR. STRAUS: If your Honor pleases, we had an off-the-record conversation, in which the stenographer indicated that it would be three weeks for the delivery of the transcript.

I would request two weeks after that for the submission of post-hearing memoranda.

THE REFEREE: How much time do you wish, Mr. Sassower?

MR. SASSOWER: I'd like to bring up certain subjects right now which prevent me from terminating this hearing, which -- I have some very important documents which may affect your Honor's decision on this matter.

Would you care to listen to me for a moment, sir?

THE REFEREE: Sir, I asked you, and I received no response.

MR. SASSOWER: I want to put certain things on the record.

THE REFEREE: What do you want to put on the record?

1
2 MR. SASSOWER: There is a proceeding pending
3 in Supreme Court, New York County, Raffé against
4 Abrams, which, in one cause of action, meant as
5 for mandamus against the Attorney-General under
6 14 -- either 1216 or 1416.

7 "The Attorney-general is compelled to demand
8 an accounting after eighteen months."

9 Now, it's almost seventy-two months.

10 Are you listening?

11 THE REFEREE: Yes.

12 MR. SASSOWER: It's four times eighteen
13 months.

14 They can't account for all the money that
15 was taken and there is also, a part of that same
16 proceeding, a motion to cancel a stipulation
17 of discontinuance signed by Mr. Raffé without my
18 knowledge or consent, on the basis that it was
19 without my knowledge or consent.

20 That motion, your Honor, has been submitted
21 to Judge Shorter. No opposition by the Attorney-
22 General. Okay.

23 MR. STRAUS: Your Honor, I object to this
24 recitation.

25 It can't possibly be relevant to these
charges. It's all after the fact.

1
2 MR. SASSOWER: You charge me with bringing
3 a proceeding that was unauthorized and here the
4 Judge is going to vacate a stipulation on the
5 grounds that I was not part of it, and, you tell
6 me --

7 MR. STRAUS: Object to the recitation, your
8 Honor.

9 MR. SASSOWER: There's also -- by the way --
10 here's a copy of the notice of petition and pe-
11 tition.

12 Can I have it marked?

13 MR. STRAUS: In that case, objection, your
14 Honor.

15 THE REFEREE: Mark it for identification,
16 Exhibit HHHH for identification.

17 (So marked)

18 MR. SASSOWER: I offer it into evidence.

19 MR. STRAUS: Objection.

20 THE REFEREE: Sustained.

21 MR. SASSOWER: May the record show, your
22 Honor, that you are preventing me from subpoenaing
23 these people?

24 THE REFEREE: We went through that, sir.

25 MR. SASSOWER: Okay. There is also a

proceeding pending in Supreme Court, New York County, entitled Sassower against Wachtler and Bellacosa.

MR. STRAUS: If your Honor pleases, if this is the vien in which Mr. Sassower intends to proceed --

MR. SASSOWER: Why don't you keep quiet?

MR. STRAUS: Get away and don't raise your voice or your hand.

THE REFEREE: Mr. Sassower, don't point any fingers, and don't tell him to keep quiet.

MR. SASSOWER: Can I finish a sentence?

THE REFEREE: Apparently you can. You go on and on and on.

MR. SASSOWER: Would you read my statement going on and on and on?

MR. STRAUS: If your Honor pleases, may I be heard?

THE REFEREE: Let him finish.

MR. STRAUS: He's going to make a recitation of motions.

He has literally dozens of motions pending in courts all over the State of New York.

If he's going to make a recitation of those,

and then allege that he should be allowed to introduce evidence pertaining to those, it is clearly inappropriate, irrelevant and immaterial.

THE REFEREE: Let me hear, Mr. Sassower, go ahead.

MR. SASSOWER: There is a motion pending.

THE REFEREE: You have a motion pending against Judge Bellacosa.

MR. SASSOWER: Yes.

THE REFEREE: What is the relevance to this proceeding?

MR. SASSOWER: One of the grounds for relief is to compel Referee Diamond to file all the papers that he keeps on files and to justify the missing papers.

Now, I'll show you, your Honor --

MR. STRAUS: Judge, that should be enough.

MR. SASSOWER: Wait a second.

THE REFEREE: Go ahead.

MR. STRAUS: Judge, that should be enough.

THE REFEREE: Go ahead.

MR. SASSOWER: I have here a proceeding that was started, a motion that was made before Judge Richard Wallach.

1
2 THE REFEREE: You started in with Diamond.
3 Finish one at a time.

4 MR. SASSOWER: I'm telling you.

5 THE REFEREE: It's to compel Judge Diamond
6 to do what?

7 MR. SASSOWER: First of all, he's a referee.

8 THE REFEREE: To compel him to do what?

9 MR. SASSOWER: To file papers that go
10 through his office.

11 THE REFEREE: Nothing to do with this pro-
12 ceeding.

13 MR. SASSOWER: I have evidence.

14 THE REFEREE: Next.

15 MR. SASSOWER: How do you know, your Honor?

16 THE REFEREE: Because I so rule.

17 MR. SASSOWER: You so rule?

18 THE REFEREE: Yes.

19 MR. SASSOWER: There is also, for example --

20 THE REFEREE: Not for example.

21 MR. SASSOWER: For example, if you don't want
22 to give me everything --

23 THE REFEREE: Sir, how many motions do you
24 have outstanding?

25 MR. SASSOWER: Two.

1 THE REFEREE: One against Bellacosa.

2 MR. SASSOWER: It's a proceeding --

3 THE REFEREE: The other one is before Judge
4 Shorter.

5 MR. SASSOWER: They are both unopposed
6 before Judge Shorter.

7 Both unopposed.

8 I'd like to offer those proceedings and mark
9 them for identification or I'd like to mark them
10 in evidence.

11 THE REFEREE: For identification.

12 MR. SASSOWER: You haven't seen them.

13 THE REFEREE: I've listened to your statement.

14 MR. SASSOWER: Maybe you will look at the
15 papers, maybe you might think it's relevant
16 or that it's impossible?

17 THE REFEREE: It's impossible based on what
18 you stated.

19 MR. SASSOWER: Why don't you look at the
20 papers?

21 THE REFEREE: No, no. You are making the
22 request.

23 MR. SASSOWER: Okay. I'll give you the
24 paper and you will --
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MR. STRAUS: Your Honor, I object.

He's going to go through the futile exercise
of --

THE REFEREE: There are only two.

MR. STRAUS: He has a whole stack and
motions and proceedings instituted all over.

THE REFEREE: He said there are only two
motions.

MR. SASSOWER: Proceedings. They are before
Judge Shorter.

THE REFEREE: Proceedings?

MR. SASSOWER: Yes. That's what I call them.

THE REFEREE: By the way --

MR. SASSOWER: I didn't testify to these
things yet, Judge.

THE REFEREE: To what things?

MR. SASSOWER: Item Eleven. "Lawsuits
commenced in violation of court order."

MR. STRAUS: You testified for three days
with respect to that.

MR. SASSOWER: Why don't you keep quiet?

MR. STRAUS: I don't have to keep quiet.
Do you think I have to listen to your insults and
misstatements of fact?

MR. SASSOWER: You don't know what I'm showing his Honor.

THE REFEREE: Please.

MR. SASSOWER: You have contrived this.

MR. STRAUS: Give it a rest, give it a rest, sir.

MR. SASSOWER: If I drew up papers like that, I'd become a plumber.

MR. STRAUS: Which is an occupation you probably should have taken.

THE REFEREE: This won't get us anywhere.

MR. SASSOWER: Twelve motions. He doesn't even look at the papers that he draws up.

Ex-parte Straus we're going to call him.

MR. STRAUS: It seems that the rest of the day will be spent in insulting me.

He's insulted every other target, so, I guess we'll sit here and listen to his insults.

Apparently, it's a substitute for testimony.

MR. SASSOWER: I have some more documents. I want to testify, your Honor doesn't want to let me testify. Only cross-examination.

THE REFEREE: You have already testified.

1
2 Nobody contends that you violated Judge
3 Gammerman's order.

4 Nobody ever accused you of violating it.

5 MR. SASSOWER: Except for those two orders
6 of conviction. No, no, no.

7 Did you ever look -- how much of an idiot
8 can you be?

9 Every lawyer, every law student says, "What
10 an idiot."

11 THE REFEREE: This should have been taped.

12 MR. SASSOWER: Right.

13 THE REFEREE: On videotape. Keep away from
14 me.

15 MR. SASSOWER: You don't know.

16 THE REFEREE: Keep away from me.

17 MR. SASSOWER: You ought to know, you can't
18 convict anybody for criminal contempt.

19 I offer this in evidence.

20 MR. STRAUS: What is it?

21 MR. SASSOWER: A docket sheet.

22 MR. STRAUS: Judge, I'm sure Mr. Sassower
23 has marched back to the witness stand armed
24 with literally dozens of documents.

25 Apparently, none of them will be relevant

to this proceeding.

MR. SASSOWER: How do you know?

MR. STRAUS: Because you're offering them.

THE REFEREE: Mr. Sassower, how much time do you want to respond?

MR. SASSOWER: I want to offer documents into evidence.

THE REFEREE: Denied. How much time do you wish?

The Grievance Committee needs two weeks after the three weeks.

MR. STRAUS: I would suggest --

THE REFEREE: We're into about May.

MR. STRAUS: End of May. How about May 29.

MR. SASSOWER: I want --

MR. STRAUS: Both sides submit, May 29.

MR. SASSOWER: I want a month, your Honor.

THE REFEREE: You want a month, okay. Everything should be in, no later than June 23rd.

MR. SASSOWER: I'd also like --

MR. STRAUS: June 23rd.

THE REFEREE: He wanted a month.

MR. SASSOWER: Wherever I go, it's a month. I want a month.

1
2 MR. STRAUS: I would request that
3 submissions should be simultaneous and replies
4 should be simultaneous.

5 MR. SASSOWER: You have made the charge --

6 MR. STRAUS: The request is before Judge
7 Potoker.

8 THE REFEREE: Mr. Sassower, June 23rd is
9 your cutoff date.

10 MR. STRAUS: Both sides will submit by
11 June 23rd.

12 MR. SASSOWER: No, no, no, don't change it.

13 MR. STRAUS: Is that correct, your Honor?
14 Mine is May 29.

15 THE REFEREE: May 28 for you.

16 MR. STRAUS: His is June 23rd; and, how much
17 time do I have to reply, if necessary?

18 THE REFEREE: Then, we'll give you two
19 weeks time to reply to him, if you wish.

20 MR. STRAUS: Thank you, very much, your Honor.

21 THE REFEREE: The hearing is concluded.

22 oOo
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EXHIBITS

RESPONDENT

BBBB id 2199

CCCC id 2222

DDDD id 2223

DEEE id 2254
evid. 2254

FFFF id 2289
evid. 2291

GGG id 2296
evid. 2301