

ELI VIGLIANO

Attorney at Law

G-3(b)

July 5, 1991

Donald Sheraw, Esq.  
Clerk of the Court of Appeals  
20 Eagle Street  
Albany, New York 12207-1095

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Castracan v. Colavita  
Index No. 6056/90  
3rd Dept. Appeal # 62134

Dear Mr. Sheraw:

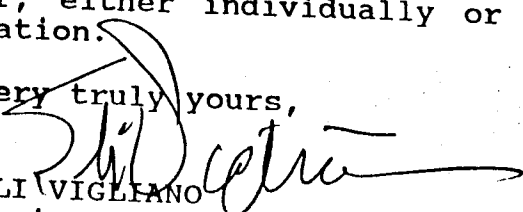
I have reviewed Mr. Hashmall's letter inquiry dated June 28, 1991 and respectfully take issue with the suggestion that the Notice of Appeal filed in the above matter by the professional corporation known as Doris L. Sassower, P.C. is "a nullity" by reason of the suspension of Doris L. Sassower.

Mr. Hashmall cites no legal authority for the proposition, nor have I found any, that such Notice of Appeal, otherwise valid, becomes a nullity under the given circumstance.

It is my view that absent a suspension of the corporation--which does not exist here--the corporation can legally continue to represent the Petitioners in this pro bono case. Ms. Sassower did not prepare or file the Notice of Appeal, nor was it contemplated that she would participate further in the appeal until the suspension is lifted. An Order to Show Cause seeking vacatur of the suspension nunc pro tunc was signed by the Appellate Division on July 20, 1991--still undecided.

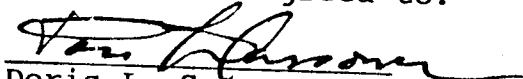
As Mr. Hashmall knows, I appeared as co-counsel with Ms. Sassower in the lower Courts. I was planning to appear of counsel to Doris L. Sassower, P.C. on all future filings. However, to avoid any possible objection by Mr. Hashmall or any of the other respondents, I am filing another Notice of Appeal, without reference to Doris L. Sassower, either individually or in the name of her professional corporation.

Very truly yours,

  
ELI VIGLIANO  
Chairman, Ninth Judicial Committee

EV/hd  
cc: All Counsel

Approved and Agreed to:

  
Doris L. Sassower  
*Individually & on behalf of*  
Doris L. Sassower, P.C.