

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DORIS L. SASSOWER,	:	Statement in
	:	Opposition to
Plaintiff,	:	Plaintiff's
	:	Rule 3(g)
-against-	:	Statement
Hon. GUY MANGANO, PRESIDING JUSTICE	:	94 Civ. 4514
OF THE APPELLATE DIVISION, SECOND	:	(JES)
DEPARTMENT OF THE SUPREME COURT OF	:	<u>Pro Se</u>
THE STATE OF NEW YORK, and the	:	
ASSOCIATE JUSTICES THEREOF, GARY	:	
CASELLA and EDWARD SUMBER, Chief	:	
Counsel and Chairman, respectively,	:	
of the GRIEVANCE COMMITTEE FOR THE	:	
NINTH JUDICIAL DISTRICT, GRIEVANCE	:	
COMMITTEE FOR NINTH JUDICIAL DISTRICT,	:	
Does 1-20, being present members	:	
thereof, MAX GALFUNT, being a Special	:	
Referee, and G. OLIVER KOPPELL,	:	
Attorney General of the State of New	:	
York, all in their official and	:	
personal capacities,	:	
	:	
Defendants.	:	

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In compliance with FRCP 56 and Rule 3(g) of the local rules of this Court, defendants submit this statement and supporting affidavit. While defendants' motion on the pleadings is dispositive, if the Court denies the motion, then defendants reserve their right to move for summary judgment at a future time. Defendants, as and for their Statement in Opposition to plaintiff's Rule 3(g) Statement, respectfully sets forth as follows:

1. Deny the allegations contained in paragraphs "1", "2", "3", "4(a)" and "4(b)" of plaintiff's Rule 3(g) Statement.
2. Admit the allegations contained in paragraphs "4(c)" and "4(d)" of plaintiff's Rule 3(g) Statement.
3. Deny the allegations contained in paragraphs

"4(e)", "4(f)" and "4(g)" of plaintiff's Rule 3(g) Statement.

4. Deny the allegations contained in paragraph "4(h)" of plaintiff's Rule 3(g) Statement, except admit that prior to the Order of defendant Justices, dated October 18, 1990, plaintiff, by cross-motion, sought dismissal of defendant Grievance Committee's motion to suspend her based on her incapacity.

5. Deny the allegations contained in paragraphs "4(i)", "4(j)", "4(k)(1)", "4(k)(2)", "4(k)(3)", "4(k)(4)", "4(k)(5)", "4(k)(6)" and "4(k)(7)" of plaintiff's Rule 3(g) Statement.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of plaintiff's Rule 3(g) Statement.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of plaintiff's 3(g) Statement, except admit that the effect of the Order of defendant Justices, dated June 14, 1991, suspended plaintiff from the practice of law in the State of New York.

8. Defendant Grievance Committee brought disciplinary petitions against plaintiff, dated February 6, 1990, January 28, 1993 and March 25, 1993. See Compl., ¶¶ 59, 151 and 162.

9. Prior to the Order of defendant Justices, dated October 18, 1990, plaintiff was given notice of the motion to suspend her from the practice of law and direct that she be examined by a qualified medical expert by service of an Order to Show Cause, signed May 8, 1990. See Casella affidavit, sworn to on October 6, 1995; Affidavit of Service, sworn to on May 14, 1990,

defendants' Exh.A.

10. By Order of defendant Justices, dated October 18, 1990, after an opportunity to be heard was given, "upon the papers filed in support of the motion and the papers filed in opposition thereto . . .," defendant Justices directed that plaintiff be examined by a qualified medical expert, to be arranged for by Chief Counsel for the Grievance Committee for the Ninth Judicial District, to determine whether plaintiff is incapacitated from continuing to practice law and held in abeyance defendant Grievance Committee's motion to suspend plaintiff upon receipt and consideration of the report of the medical expert. See Order of defendant Justices, dated October 18, 1990, defendants' Exh. B.

11. To this date, plaintiff has refused and failed to submit to an exam by a qualified medical expert as ordered by defendant Justices. See Casella Affidavit, sworn to on October 6, 1995.

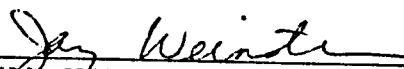
12. Prior to the Order of defendant Justices, dated June 14, 1991, plaintiff was given notice of the motion to suspend her based on her failure to comply with the Order of defendant Justices, dated October 18, 1990, by service of an Order to Show Cause, signed January 25, 1991. Id.; Receipt of Service, dated January 30, 1991, defendants' Exh.C.

13. By Order of defendant Justices, dated June 14, 1991, after opportunity to be heard was given, "upon the papers filed in support of the motion and the papers filed in opposition thereto," defendant Justices suspended plaintiff from the practice of law in

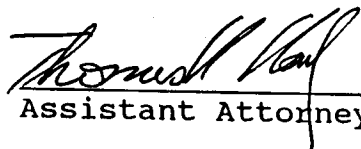
the State of New York. See Order of defendant Justices, dated June 14, 1991, Compl., plaintiff's Exh.A.

14. Thereafter, plaintiff has made repeated, unsuccessful challenges to the Order of defendant Justices, dated June 14, 1991. See, Compl., passim; Casella Affidavit, sworn to on October 6, 1995.

Dated: New York, New York  
October 6, 1995

  
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JAY WEINSTEIN (JW-3193)  
Assistant Attorney General

Sworn to before me this  
6<sup>th</sup> day of October, 1995

  
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Assistant Attorney General