

INVENTORY OF FILE:

Doris L. Sassower v. Commission on Judicial Conduct of the State of New York

Index # 95-109141

1. DLS' Article 78 Petition, with Notice of Petition and Notice of Right to Seek Intervention
2. DLS' Order to Show Cause for Preliminary Injunction, Default
3. A.G. Affidavit in Opposition to Preliminary Injunction
4. A.G. Dismissal Motion
5. DLS' Affidavit in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions
6. DLS' Memorandum of Law in Opposition to Dismissal Motion and in Further Support of Verified Petition, Motion for Injunction and Default, and for Sanctions
7. DLS' Notice to Furnish Record to the Court Pursuant to CPLR §§409, 7804(e), and 2214(c)
8. DLS' Affidavit in Support of Proposed Intervenors
9. Supreme Court Memorandum Decision, per Herman Cahn

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Ex "C-2"

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DORIS L. SASSOWER,

Petitioner,

Index No.
95-109141

-against-

NOTICE OF RIGHT
TO SEEK INTERVENTION

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF NEW YORK,

Respondent.
-----X

S I R S:

PLEASE TAKE NOTICE that upon the annexed Notice of Petition and Verified Petition of DORIS L. SASSOWER, sworn to on the 10th day of April 1995, the exhibits annexed hereto, and upon all the papers and proceedings heretofore had, you are entitled, as a person or agency charged with the duty to protect the public interest, which will or may be affected by the outcome of the above-entitled proceeding, raising constitutional issues of magnitude, to seek intervention therein, pursuant to CPLR §§1012 and 1013.

Dated: April 10, 1995
White Plains, New York

Yours, etc.

DORIS L. SASSOWER
Petitioner Pro Se
283 Soundview Avenue
White Plains, New York 10606
(914) 997-1677

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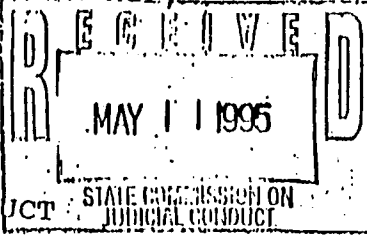
U.S. ATTORNEY SDNY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

DORIS L. SASSOWER,

Petitioner

-against-



COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF NEW YORK,

Respondent:

S I R :

Upon the Affidavit of DORIS L. SASSOWER, sworn to on the the 11th day of May 1995, the exhibits annexed thereto, Petitioner's oral application in support of the stay relief herein requested, and upon the record of Petitioner's complaints filed with Respondent,

LET RESPONDENT SHOW CAUSE before the Honorable Herman Cahn at his courtroom located at 60 Centre Street, New York, New York, on May 23, 1995 at 2:30 P.M. or as soon thereafter as Respondent can be heard for an order, pursuant to CPLR §7805:

(a) enjoining Respondent from summarily dismissing complaints of judicial misconduct, pursuant to 22 NYCRR §7000.3, without a prior determination that such complaints on their face lack merit, until such time as this Court adjudicates the subject Petition, challenging the constitutionality and legality of the aforesaid commission rule; and

(b) imposing upon Respondent such other and further conditions as the Court sees fit.

Room 351

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U.S. ATTORNEY SDNY

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NEW YORK COUNTY OFFICE
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Bar 8080
Presented to the Supreme Court of the State of New York, held in and for the county of New York, at the County Court House, on the 11 day of May 19 95
ORDER TO SHOW CAUSE FOR STAY WITH TRO
INDEX NO. 16914/95
Hon. CAHN

13-15
NO. 95-141
HANDLED
NO LACK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DORIS L. SASSOWER,

Petitioner,

-against-

COMMISSION ON JUDICIAL CONDUCT OF THE
STATE OF NEW YORK,

Respondent.
-----X

AFFIRMATION IN
OPPOSITION TO
APPLICATION FOR
PRELIMINARY
INJUNCTION

Index No. 95-141

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U.S. ATTORNEY SDNY

OLIVER W. WILLIAMS, an attorney at law, duly admitted to practice in the courts of the State of New York, affirms under penalties of perjury:

1. I am an Assistant Attorney General in the office of DENNIS C. VACCO, Attorney General of the State of New York, attorney for respondent, Commission On Judicial Conduct of the State of New York. I make this affirmation in opposition to petitioner's application for a preliminary injunction, because petitioner has failed to satisfy the elements needed for the issuance of a preliminary injunction.

2. According to the petition, Respondent violated Art. VI, § 22.a of the New York State Constitution as well as § 44.1 of the New York State Judiciary Law. Specifically, petitioner maintains that respondent's rule 22 NYCRR, § 7000.3 is unconstitutional as written and applied in that it permits Respondent to summarily dismiss complaints without an investigation. Complaint ("Compl."), ¶¶ 10, 13, 14 and 18.

3. Petitioner maintains Respondent summarily dismissed eight complaints she filed with it from 1989 through December of

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DORIS L. SASSOWER,

Petitioner,

- against -

COMMISSION ON JUDICIAL CONDUCT OF
THE STATE OF NEW YORK,

Respondents.
-----X

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NOTICE OF MOTION
TO DISMISS

Index No. 95-109141

PLEASE TAKE NOTICE that upon the complaint and affirma-
tion of OLIVER W. WILLIAMS, dated May 30, 1995, the undersigned,
on behalf of respondent, Commission on Judicial Conduct of the
State of New York, will move this Court at the Motion Support
Office, Room 130, 60 Centre Street, New York, New York, on June 12,
1995 at 9:30 a.m., or as soon thereafter as counsel can be heard,
for an order pursuant to CPLR 7804(f) and 3211(a)(7) dismissing the
complaint for failure to state a cause of action cognizable under
Article 78 of the CPLR and for such other relief as this Court
deems just and proper.

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U.S. ATTORNEY SDNY

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MAY 06 1999

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
-----x

DORIS L. SASSOWER,

Petitioner,

Index No. U.S. ATTORNEY SDNY
95-109141

-against-

Affidavit in Opposition
to Respondent's
Dismissal Motion and in
Further Support of
Petitioner's Verified
Petition, Motion for
Injunction and Default,
for Sanctions and Other
Relief

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF NEW YORK,

ORAL ARGUMENT REQUESTED

Respondent.

-----x

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

DORIS L. SASSOWER, being duly sworn, deposes and says:

1. I am the Petitioner in the above-entitled Article 78 proceeding, fully familiar with all the facts, papers, and proceedings heretofore had herein.

2. This Affidavit is submitted in opposition to Respondent's May 30, 1995 motion for dismissal under CPLR §§7804(f) and 3212(a)(7) for "failure to state a cause of action", without prejudice to my position that Respondent's default in either filing and serving an answer or moving to dismiss "at least five days before" the original May 3, 1995 return date of my Verified Petition, as required by CPLR §7804(c), deprives this Court of jurisdiction to entertain this motion.

3. On such default, the Court's power is expressly

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U.S. ATTORNEY SDNY

SUPREME COURT
STATE OF N.Y.
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I.A.S. MOTION
SUPPORT OFFICE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
DORIS L. SASSOWER,

Petitioner,

Index No.
95-109141

-against-

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF NEW YORK,

Respondent.
-----X

**PETITIONER'S MEMORANDUM OF LAW IN OPPOSITION TO
RESPONDENT'S DISMISSAL MOTION AND IN FURTHER SUPPORT OF
HER VERIFIED PETITION, MOTION FOR INJUNCTION AND
DEFAULT JUDGMENT, FOR SANCTIONS AND OTHER RELIEF**

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U.S. DEPARTMENT OF LAW
NEW YORK CITY OFFICE
95 JUN 9 PM 2:44

Doris L. Sassower
Petitioner Pro Se
283 Soundview Avenue
White Plains, New York 10606
(914) 997-1677

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MAY 06 1995

SUPREME COURT
STATE OF NEW YORK
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JUN 9 1995
A.S. MOTION
SUPPORT OFFICE
Index No
95-109141

DORIS L. SASSOWER,

U.S. ATTORNEY SDNY

-against-

Petitioner,

NOTICE TO FURNISH
RECORD TO THE COURT
PURSUANT TO CPLR
§§409, 7804(e), AND
2214(c)

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF NEW YORK,

Respondent.

S I R :

PLEASE TAKE NOTICE that on the return date of Respondent's dismissal motion, to wit, on June 12, 1995, you are required, pursuant to CPLR §§409, 7804(e) and 2214(c), to furnish the full and complete record before Respondent as to all complaints filed by Petitioner, together with all of the documentation submitted by her in support thereof and to certify same as the true and complete record.

Please be further advised that your failure to do so in accordance with this request may result in the dismissal of Respondent's motion and other sanctions.

Dated: White Plains, New York
June 9, 1995

Yours, etc.

DORIS L. SASSOWER
Petitioner Pro Se
283 Soundview Avenue
White Plains, New York 10606
(914) 997-1677

Attorney General of the State of New York
Attorney for Respondent
120 Broadway
New York, New York 10271

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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NEW YORK CITY OFFICE

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-----X
DORIS L. SASSOWER,

Petitioner,

Index No.
95-109141

-against-

Affidavit in Support of
Proposed Intervenors

COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF NEW YORK,

Respondent.

ORAL ARGUMENT **COPY RECEIVED**

-----X
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

MAY 06 1999

U.S. ATTORNEY SDNY

DORIS L. SASSOWER, duly sworn, deposes and says:

1. This Affidavit is submitted in support of any and all applications by members of the public to intervene in this action.

2. In view of the complete failure of agencies of government charged with the duty to protect the public interest to intervene, although served with my Notice of Right to Seek Intervention, and the fraudulent and oppressive conduct of the Attorney General of this State, as more fully detailed in my June 8, 1995 Affidavit and Memorandum of Law, it is quite plain that the public must rely on itself to defend its clear interest in this transcendingly important litigation involving its constitutional rights.

3. It is difficult, if not impossible, for me alone to continue to prosecute and defend this Article 78 proceeding, which is not only for myself, but pro bono publico, against the

SUPREME COURT
STATE OF NEW YORK
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JUN 2 1995
I.A.S. MOTION
SUPPORT OFFICE

B-9

PRESENT: Hon. HERMAN CAHN

PART 19

Justice

Sassower, D.L.
Commissioner Judicial
Conduct, etc.

INDEX NO. 109149/95
MOTION DATE 6/12/95
MOTION SEQ. NO. 00/
MOTION CAL. NO. 195

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause - Affidavits - Exhibits _____
Answering Affidavits - Exhibits _____
Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: Yes No

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Upon the foregoing papers, it is ordered that this motion

MAY 06 1999

U.S. ATTORNEY SDNY

MOTION IS DECIDED IN ACCORDANCE WITH ACCOMPANYING MEMORANDUM DECISION IN MOTION SEQUENCE

Dated: 7/13/95

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

J.S.C.