

08 DEC 1987

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DEC 8 1987 at 9:34 a.m.

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*William J. Petroni*

December 7, 1987

Chief Judge Wilfred Feinberg  
Circuit Court of Appeals,  
40 Foley Square,  
New York, New York, 10007

Re: District Judge William C. Conner  
District Judge Charles S. Haight, Jr.

Dear Sir:

1a. Obedience to Disciplinary Rule 1-103 of the Code of Professional Responsibility mandates that I file this Second Circuit, 0.24 Rule complaint, against District Judge WILLIAM C. CONNER, the "fixor", and District Judge CHARLES S. HAIGHT, JR., the "fixee".

b. Notwithstanding an admitted disqualification, Judge William C. Conner, employed his judicial position to gratuitously render an opinion, on the merits, of a case assigned to Judge Charles S. Haight, Jr., by way of a "Bill to Terry" note, which opinion, Judge Haight adopted, "Charles McCarthy fashion", without ever disclosing the aforementioned ex parte intrusion, and thereby preventing any response thereto.

c. Ante litem motum, I have emphatically and repeatedly stated that I will not permit a disqualified Judge Conner to "crucify justice" on the "Conner Cross of Corruption".

2a. The "Terry" (Judge Charles S. Haight, Jr.) from "Bill" (Judge William C. Conner) note of October 21, 1987, a copy of which I first saw, by happenstance, about two (2) weeks ago, is clearly mirrored and was adopted, obviously without much serious thought, in Judge Haight's Order and Decision of November 18, 1987.

b. Fixors, judicially robed and otherwise, can effectively be eliminated when judges, such as Judge Haight, recognize their duty and obligation to disclose and report (Canon 3B3 of the Code of Judicial Conduct), such "Conner-style improprieties".

3a. While the merits of my federal action, commenced on October 5, 1987, and assigned to Judge Haight, are irrelevant, Judge Haight's absurd opinion, as set forth on November 18, 1987, could not have possibly been reached by any rational jurist, as will herein be shown, except by giving slavish obedience to such "Bill to Terry" intrusion.

b. Instructively, this "Conner fix" was on a subject which was within the jurisdictional bailiwick of "Howie" (Bankruptcy Judge HOWARD SCHWARTZBERG), not "Terry"!

c. The charted course of this latest Conner impropriety was as follows:

4a. Exercising my absolute constitutional and statutory right, I filed a petition in bankruptcy on October 27, 1986, although my assets vastly exceeded my legitimate debts.

b. At no time, has anyone, in or out of the judicial forum, contended that my aforementioned filing, which was assigned to Bankruptcy Judge Howard Schwartzberg, violated any injunction order of Judge Conner or anyone else, even if such judicial power existed, and clearly it did not.

c. During an approximately ten (10) day period in February-March 1987, false and fraudulent Proofs of Claims, totalling about twenty-one million dollars (\$21,000,000), were filed by Feltman, Karesh, Major & Farbman, Esqs. ["FKM&F"], Kreindler & Relkin, P.C. ["K&R"], and Ira Postel, Esq. ["Postel"] -- "the criminals with law degrees".

d. The aforementioned Proofs of Claims included, as part thereof, the "phantom" money judgments and orders of Referee DONALD DIAMOND.

e. It was primarily because of such Referee Diamond "phantom" money judgments and orders that caused me to file my bankruptcy petition, since they were being employed as the basis for repeated orders directing the Sheriff of Westchester County to "break into" my premises, "seize all word processing equipment", and "inventory" my possessions, in addition to seizing my bank deposited assets.

f. Within the bankruptcy proceeding itself, FKM&F, K&R, and Postel, under the aforementioned fraudulent Proofs of Claims, purported to act as creditors of my estate in bankruptcy, when in fact they represented debtor interests.



g. Eventually, compelled to prove the legitimacy of their filed Proofs of Claims, all of them, after the Postel massacre, withdrew same, all twenty-one million dollars (\$21,000,000), which included as part thereof, all of the claims which purportedly originated with Referee Donald Diamond.

h. Annexed hereto (Exhibit "A") is Postel's trial testimony before Hon. Howard Schwartzberg, with some background material, so that an appreciative understanding can be had of the expression "phantom judgment" or "phantom order".

i. The filing of false and fraudulent Proofs of Claims has penal, as well as tortious, implications (18 U.S.C. §152), and imposes upon jurists and trustees the mandatory obligation to direct the U.S. Attorney to investigate, report, and prosecute (18 U.S.C. §3057; Matter of Parr, 13 B.R. 1010, 1020 [EDNY, per Constantino, J.]).

j. The aforementioned post-petition, 1987, events, was the general thrust of my federal action, which was assigned to Judge Haight, and never to any other jurist.

k. In the pre-petition days of 1985, a corrupted Judge Conner issued an out-of-orbit injunction with respect to the affairs of PUCCINI CLOTHES, LTD. ["Puccini"], not my personal affairs insofar as any bankruptcy forum was concerned.

l. Furthermore, no judge, including Judge Conner, can immunize, in 1985, future, 1987, acts of misconduct, and Judge Conner is a buffoon if he believes that he can enjoin the invocation of the United States criminal code in order to protect his "criminal, co-conspiring, patrons" ( 18 U.S.C. §3057).

m. In addition thereto, the filing of a petition in bankruptcy, gives rise to an automatic stay (11 U.S.C. §362), and all questions concerning the application of such pre-petition injunctions are matters within the initial exclusive jurisdiction of the bankruptcy judge, not the district court jurist.

n. Thus, assuming arguendo, that such pre-petition Conner injunction, in favor of private parties (cf. In re Revere Copper, 32 BR 725 [SDNY, per Pollack, J.] was against me, not Puccini, and a question arose as to the viability of such injunction during a post-petition period existed, that would have been a question for decision by Bankruptcy Judge Howard Schwartzberg, not District Judge Charles S. Haight, Jr.

o. In short, "Fixing Bill Conner's" note should have read "Dear Howie", not "Dear Terry".

Chief Judge Wilfred Feinberg

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Dec. 7, 1987

5a. The "Bill, the fixor" to "Terry, the fixee" note reads, in part, as follows:

"[A]pparently Sassower has also violated the injunction by filing the federal action which was assigned to you."

b. In addition to being addressed to the wrong judge, such opinion of injunctive violation is totally absurd, for the reasons aforestated herein.

c. Sua sponte, without hearing opposing arguments, and without informing me that such "fixing note" existed, Judge Haight, in His Honor's Order dated November 18, 1987, stated:

"On the face of it, Judge Conner's injunction appears to enjoin plaintiff from initiating or otherwise participating in any litigation against certain defendants."

d. To repeat, I never addressed the issue before November 18, 1987, for the simply reason that I did not know of the existence of such "Bill to Terry" note, and nothing was said in said Decision of Judge Haight, which revealed its existence.

e. It was only after November 18, 1987, and by happenstance, that I saw same.

6a. My federal filing, which was assigned to Judge Haight was made after extensive research and thought had convinced me that same was proper and violated no law, no injunction, no anything.

b. My above federal filing was made after Bankruptcy Judge Howard Schwartzberg had ruled, on the record, in a related matter, that my filing did not violate any injunction of Judge Conner.

c. It was after such on the record, favorable ruling by Bankruptcy Judge Howard Schwartzberg, that FKM&F solicited the aid of Judge Conner for the purpose of convincing Judge Haight and others of the contrary assertion.

7a. For eons, I have stated that District Judge William C. Conner is a "crook", serves as a "merchant of corruption" for "the criminals with law degrees", and is an imbecile for aiding, abetting, and facilitating their misadventures.



b. My opinions are open, public, and made without fear, while those of the disqualified Judge Conner are confidentially and secretly made.

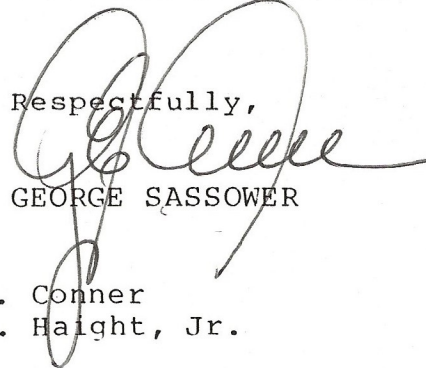
c. Simultaneously with my filing of my petition in bankruptcy, I proclaimed that I was not seeking any discharge of any lawful debt, and indeed filed a waiver of discharge, which was approved by Judge Schwartzberg.

d. If anyone desires to sue me, including the "criminals with law degrees" or Judge Conner, for any statement that I have made, or do make, once again, I invite and solicit such action.

8. May I close by reminding Your Honor of your predecessor's remarks in a speech that I personally heard.

"Of course, it is vital to protect the entire third branch from the others. What may be less apparent, but is no less true, is that it is equally essential to protect the independence of the individual judge, even from incursions by other judges." (Judge Irving R. Kaufman, Chilling Judicial Independence, p. 36).

Respectfully,



GEORGE SASSOWER

cc: District Judge William C. Conner  
District Judge Charles S. Haight, Jr.  
Hon. Charles L. Brieant  
Hon. Gerard L. Goettel  
Hon. Howard Schwartzberg  
Hon. Howard C. Buschman III  
Feltman, Karesh, Major & Farbman, Esqs.  
Kreindler & Relkin, P.C.  
Ira Postel, Esq.  
Jeffrey L. Sapor, Esq.  
Hon. Rudolph W. Giuliani  
Att: Craig A. Stewart, Esq.

1. On September 8, 1987, affirmant served upon Postel a Notice, which read as follows:

"NOTICE OF HEARING

To: IRA POSTEL, Esq. and A.R. FUELS, INC.

You are hereby notified that the undersigned has set down for a hearing before Hon. HOWARD SCHWARTZBERG, United States Bankruptcy Judge, for September 15, 1987, at 10:00 o'clock in the forenoon of that day, at 101 East Post Road, White Plains, New York, 10601, the date and place IRA POSTEL, Esq., made his motion returnable, to determine the validity vel non of Mr. Postel's quintessential statement in his motion that:

'The claims asserted by A.R. Fuels, Inc. are valid claims arising out of court awarded fees assessed against debtor by Referee Donald Diamond in the Puccini dissolution proceedings pending in the Supreme Court of the State of New York, County of New York.' [emphasis supplied].

Demand is made that you immediately serve the undersigned and JEFFREY L. SAPIR, Esq. at 234 North Central Avenue, Hartsdale, New York, 10530 with (1) all documents supporting such claims, including confirmation proceedings; (2) all documents supporting the assertion that A.R. FUELS, INC., was involved in the Puccini dissolution proceeding at the time such purported awards were made, (3) all documents showing the jurisdiction of Referee Donald Diamond over A.R. FUELS, INC.; and (4) all prior written notices that revealed proceedings before Referee DONALD DIAMOND involving A.R. FUELS, INC., and the undersigned were to take place."

Exhibit "A"



2. Consequently, Postel had actual knowledge that he probably would be called upon to testify, on September 15, 1987, in support of his executed Proofs of Claim.

3. In view of the aforesaid, the perjurious nature of Postel's testimony on September 15, 1987 becomes manifestly evident. Such testimony reads as follows:

Q. Did you at any time make a motion to confirm that \$25,000 [Referee DONALD DIAMOND award].

A. I didn't think it was necessary.

Q. Yes or no.

A. As I advised the court before, no motion was made to confirm.

Q. ... Did you ever send me any documents which showed that \$25,000 was due A.R. Fuels? Yes or no?

A. I think I did. I mean, I've sent you so many documents ---

Q. But did you ----

A. I don't recall what's in every document that I sent to you, Mr. Sassower.

...

Q. You've been here a number of times and have you heard me refer a number of times to phantom judgments, phantom orders and phantom claims? Have you heard that before?

A. You use that word in your daily lexicon of vocabulary.

Q. ... At any time did you present to the court or to me any substantiation in writing that there exists the \$25,000 award, claim, judgment against me?

A. I believe you were served with copies of every order issued by Referee Diamond.

Q. ... Could you give me a copy of an order issued by anybody against me in favor of A.R. Fuels?

A. I don't have them with me. Mr. Sassower. I did not come here today anticipating that this was an evidentiary hearing.

Q. ... Did you not think it was proper on this claim in view of the fact that there was a contemporaneous motion for summary judgment to come forth with evidence to show His Honor something actually exists? Yes or no?

A. ... The answer is no, I didn't feel I had to bring those with me.

Q. ... Are you saying, Mr. Postel, that you are prepared to show His Honor today or tomorrow something you sent me showing a claim against me by A.R. Fuels for \$25,000?

A. At the next --- at the adjourned date of this hearing, yes, I shall be.

Q. And you didn't bring it today?

A. No, I did not.

Q. Is this document, would you say --shows \$25,000 against me by A.R. Fuels -- is this document filed in the County Clerk's Office? Yes or no?

A. I believe it is. I believe the order of Judge Diamond assessing fees --

Q. Of twenty-five --

A. (Continuing) --- are filed in the Clerk's Office.

Q. Do you, in your file, have a copy of any order --

THE COURT: Clerk's Office; you mean, County Clerk's Office?

MR. Sassower: Right.

THE COURT: Okay.

Q. Do you have in your file a copy of the County Clerk's order which assesses against me \$25,000 in favor of A.R. Fuels? Yes or no?

A. I have copies of all of Judge Diamond's orders.

Q. Filed in the County Clerk's Office?

A. Every order that I think Judge Diamond issued has been filed in the County Clerk's Office.

Q. Do you have an order filed in the County Clerk's Office for \$25,000 against me in favor of A.R. Fuels?

A. I believe I do.

Q. Okay. And you will produce that?

A. I shall.



Q. When was this order rendered in favor of A.R. Fuels against me? Date?

A. To the best of my recollection, it was some time in the spring or summer of 1985. I could be wrong, but that's the best of my recollection. There may have also been one in the fall of '85.

Q. We're talking about \$25,000 and it's the only claim.

A. I think it's cumulative; there's several judgments that add up to \$25,000.

Q. Several --

A. Several assessments.

...

Q. ... were you there when Referee Diamond assessed \$25,000 in favor of A.R. Fuels against me? Where you there?

A. I believe I was.

Q. And who else was there at that time?

A. Referee Diamond.

Q. And who else?

A. Could have been Mr. Gerstein [K&R]; could have been Mr. Schneider [FKM&F], could have been other people from the bank.

Q. Was I there?

A. No, you were not.

Q. Okay.

A. I believe that was the reason for the assessment, because you were not there.

Q. ... Prior to the assessment of \$25,000 -- whether it was a one-lump sum or as a matter of a cumulative amount --- was a motion made to assess me \$25,000 in favor of A.R. Fuels? Yes or no?

A. No.

Q. So that -- was any telephone call made to me and say, we're having a proceeding before Referee Diamond and he's going to assess --- the purpose of that is to assess against me for \$25,000 or any sum of money?

A. You were notified of the hearings: I don't know if you --

Q. When?

A. Prior --

Q. In writing?

A. Prior to the hearings that were being hold before Referee Diamond, Mr. Sassower. You had notice of every one of them. Whether or not you decided to attend was your decision. Nobody else --

Q. Have you got copies of those notices?

A. I'm sure I do.

Q. Fine. Will you produce them?

A. Not here. They're probably in my office. I don't have my files here.

...  
THE WITNESS: Your Honor, can I interject? There is an express train at 12:07 which I would like to make which would then get me back into the City at about 12:40 and I can get to my office to make my one o'clock appointment.

...  
MR. Sassower: ... what I'm going to suggest ---what I'm going to suggest ... that he send to you a copy of all his documents that I've asked for and that after receiving those documents, Your Honor feels that a further hearing is necessary ---

...  
Q. And you will be prepared next time to bring all your papers and all your documentation to support this \$25,000 claim? Yes or no?

A. I will bring all the files that I have.

...  
Q. ... were you aware of a complaint by me against A.R. Fuels in 1986 in the Supreme Court, Westchester County? Yes or No? Here's a copy of the complaint. ... Did you receive from me for \$100,000 based on work, labor and services performed by me for A.R. Fuels?

A. I believe I've seen that, yes. ... And I truly forgot the claim of the \$100,000 ...

Q. So that if you were to re-file that proof of claim today, if His Honor gave you permission, you would include as --- you know what a counterclaim or offset is?

A. Yes.

Q. Would you include ---would you say the \$100,000 was omitted from notice of claim inadvertently?

A. Yes.

Q. But you were aware of a claim made by me to A.R. Fuels where A.R. Fuels was to be reimbursed from the insurance company? Generally?

A. Generally, but not specifically as it relates to you.



Q. Okay. But in any event, would you, if you were given permission to re-file that proof of claim, would you have included as a possible offset or counterclaim of that \$20,000.

A. I would have included it as a possible claim that you have.

...  
MR. SASSOWER: Let him send all the proof; Let him send all the proof -- all documentation to Your Honor and to me. After Your Honor looks at the documentation and you feel that a further hearing -- ...

...  
THE COURT: Send in whatever proofs of claim --

MR. SASSOWER: Right.

THE COURT: I'll follow that procedure. Let's see what you have that shows that the orders were entered. Send them in in one file; have it delivered and I will set it/down meanwhile for a hearing --- a continuation of this hearing. So at least give me an opportunity to look over what he's submitting.

THE WITNESS: Fine. I have no objection.

MR. SASSOWER: 10/1, 2:00 p.m. And when will you send this documentation in?

THE WITNESS: I'll try to get it out by the end of the week --

MR. SASSOWER: Okay. ..."

4. Such 'phantom' documentation never came!

5. On October 1, 1987, Mr. Postel announced that he withdrew his claims on behalf of A.R. Fuels, Inc., without ever showing any evidence of such 'phantom' awards by Referee DONALD DIAMOND.

6. K&R and FKM&F, having seen Postel slaughtered, also withdrew their multimillion dollar claims.